VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

PLANNING BOARD
WORK SESSION

Third Street Firehouse
Greenport, New York
October 29, 2015
5:05 p.m.

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

JOHN DICIOCCIO - VILLAGE ATTORNEY
GLYNIS BERRY - PLANNING BOARD CONSULTANT
PAUL PALLAS - VILLAGE ADMINISTRATORCHAIRMAN
CHAIRMAN McMAHON: All right. We're going to begin the meeting.

This is the Village of Greenport Planning Board Work Session, October 29, 2015.

I imagine some of you are here for two items that were actually taken off the agenda.

The discussion with the two proposed subdivisions on Fifth Avenue, I was told this application was incomplete, so it was taken off the agenda.

If they complete the applications, they can submit the additional documents that are required, it can be on the next -- a future meeting. It wouldn't be next, it would be at a future work session, not at a regular meeting.

So with that, I'll start with item number 1, pre-submission conference for Dan Pennessi. Dan Pennessi represents owner Mayland Shannon, LLC and is before the Board to discuss proposed uses and development of the site located at the corner of Front and
Work Session – 10-29-15

Third Streets.

The pre-submission package contains a preliminary site plan and elevations 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.

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

You are the applicant.

MR. PENNESSI: Dan Pennessi, that's P-E-N-N-E-S-S-I.

CHAIRMAN McMAHON: Did you want to start with some comments?

MR. PENNESSI: Sure.

My name is Dan Pennessi. Good afternoon, Chairman and members of the Planning Board.

I'm here on behalf of the contract vendee for the property which is SAKD Holdings, LLC. We received authorization from the property owner Mayland Shannon, LLC.
to present this application.

We have submitted a preliminary work session proposal for the property. What we're proposing is at grade retail and restaurant use and then two floors above, having eight hotel rooms in each floor for a total of sixteen hotel rooms.

The structure will be focused on the corner of Front and Third Streets and there is also proposed to have twelve surface parking spaces to the south.

We did submit in the package some renderings for the building, and also a site plan.

On the site plan, we've made an attempt, you know, understanding that this will be a work session and we look forward to working with the Planning Board and certainly the ZBA because some variances are required.

We thought that this would be a good start and as the plan develops with the input from the municipality, we can certainly develop the plans with more
CHAIRMAN McMAHON: Okay.

MR. PENNESSI: I also have here with me the architect of record, Tom Pedrazzi to answer any questions you may have.

CHAIRMAN McMAHON: Thank you.

As you noted, this project would require a number of variances.

The first one that stands out to me is obviously the lack of parking. You have twelve spots allotted. With the multiple uses of the property -- this is the second -- I think this is the second or third time I've seen this site come before us and every time we run into the same issue where just a simple lack of parking and the difficulty of egress and access to the street, considering you are on, you have a State road there, you have a number of throughways. There are a number of issues there that come in with accessing that and developing it.

MR. PENNESSI: Absolutely.

CHAIRMAN McMAHON: I think you seem to
be aware of that, so I think we should acknowledge that it would likely be denied by us initially, and then it would go to the ZBA, they would have their say. I imagine because of the potential impact on the environment and the surrounding areas that I mentioned, there will be a public hearing. I would expect the Village Board of Trustees to weigh in as well, so there would be -- this is the correct first stop, but there would be a number of other people who would be involved.

MR. PENNESSI: Absolutely, and we have identified, understanding we have done quite a bit of diligence on the minutes of the Boards with respect to this property both back in April and prior several years ago to figure out, at least from the minutes, what was important to the Planning Board and the ZBA.

You know, we'll certainly go through the calculations with the Board if they would like to, or with the consultant, to identify that we have, we believe,
complied with the coverage ratio, we're within the forty percent. On the height, we're within the requisite height of thirty-five feet, but we are seeking three floors instead of two and there is some precedent in the Village for granting that type of variance.

Then on the parking, we're currently calculating thirty-six spaces. We've provided twelve and we would be open to discussing the payment in lieu if that's an option that the Planning Board would entertain leaving about four spaces for a variance and, you know, we can work with the ZBA if that's not something they would like to do, but we would like to, we'd like to keep the uses generally what they're looking like in the size to make them really viable economic entities.

CHAIRMAN McMAHON: Any first impressions from any of the Board members, questions, concerns, anything?

MR. BURNS: I just hope together we can pull this off. There are some real
questions about certain aspects of it, but that lot has been sitting there bare and needs something like what you have proposed, so we'll see.

MR. JAUQUET: I don't see any other way to handle the parking on this because you can't -- you can't go -- you can't put it in any other position on that site and take -- you take away so much from the rest of the building that it wouldn't be viable.

CHAIRMAN McMAHON: Yes. What we found in the past is that most uses for the property just accommodating parking would take up the entire lot, there would be no room for any building on there, so I do recognize the difficulties building in that location.

I think if I'm -- I can only speak for myself really. I am certainly amenable to work with you and doing whatever I can in finding a viable solution that works for the Village as a whole.

There are going to be a lot of people that want to have their voices heard
on this.

MR. PENNESSI: Absolutely.

CHAIRMAN McMAHON: A lot of members of, you know, the community are going to want to have their say, so I would just say, being a pre-submission conference, be prepared for that.

MR. PENNESSI: Absolutely.

CHAIRMAN McMAHON: There is going to be a lot of different voices that want to have their say in this.

MR. PENNESSI: I can tell you, we are looking forward to that input and again in reviewing at least the minutes, we spent a lot of time trying to figure out how to accommodate the parking, understanding that it was important to certain members of the community, but at the same time, developing the street scape.

It seems from walking through the Village, it's so important the keep it alive there, and, you know, while this may not be the optimal design, at least it does accommodate some surface parking. You know,
we had looked to try to develop Third Street a little bit more and maybe put the parking behind, but it just got more complicated.

MR. JAUQUET: I mean, I think the overarching theme of this is to complete that street wall as much as possible on both Third and on Front to close that gap and make that -- which is the second hundred percent (inaudible) in the Village and it should have what you have here in my opinion.

MR. PENNESSI: Great.

MR. JAUQUET: That's just how I've always felt about that block. You know, at some point, the one across the street is probably going to come before us too, and it's going to be the same thing.

MS. MUNDUS: At the same time, that's a real problem street because of the very intensive use.

MR. JAUQUET: Yes. That one thing -- I don't -- who has -- who has, you know, who is going to have precedence on the conflict of the traffic there.
CHAIRMAN McMAHON: Yes, actually, and --

MR. JAUQUET: I mean, I don't know, there is a lot of traffic going in and out of Harborfront Hotel. You know, that's as busy, if not more busy, and they're -- you know, no one is complaining now, but, you know.

MS. MUNDUS: They don't have to back out into traffic.

MR. JAUQUET: That's true.

MS. MUNDUS: The parking that you have on your site plan is really small, and anybody who pulls in there with a pickup truck, for example, or large classic car is going to have to back out.

MR. JAUQUET: Into the driveway you mean?

MS. MUNDUS: Yes, getting out of the parking lot.

MR. JAUQUET: That you wouldn't have to back onto the apron.

MS. MUNDUS: If everything, if everything is -- hypothetically, if all
those parking spaces are filled, I mean, unless you do --

MR. PENNESSI: We can certainly look into that, and I can have Tom comment. I think what we've designed are standard parking stalls with the fifteen feet in between, but we can certainly look at it in more detail to make sure that we have at least some ability for most cars, maybe compact cars, but most cars to make that turn so they don't have to back out.

MS. MUNDUS: There is a standard in Greenport for parking space size.

MR. PEDRAZZI: And that's what we're using here.

MS. MUNDUS: On this one?

MR. PEDRAZZI: With this one, yes.

MS. MUNDUS: I have a question about the roof.

MR. PENNESSI: Yes.

MS. MUNDUS: What was your intention for the roof? It's just, the whole roof is just for that one little pergola up there with seating.
MR. PENNESSI: So the roof, in order to comply with the lot coverage, we have decided to put the mechanicals up on the roof and have them shielded from view from the street, but there is some leftover space to do it.

Based on the current design of where the elevator shaft and where the stairwells would have to come up, it requires a little bit more focus, but we're considering that it would be about a 1300-foot roof deck up there.

MR. JAUQUET: So the white space up there is --

MR. PENNESSI: The white space will be --

MR. JAUQUET: -- fenced off with condensers?

MR. PENNESSI: Yes, exactly.

MR. JAUQUET: I was going to ask you if there is a view amenity once you're up there with your wedding party.

MR. PENNESSI: Well, you know, we have been looking at how to deal with that second
staircase and the New York State law on how big the roof deck can be with only one means of egress. I think it's only about 500 feet, so if you go over it, you got to have two means of egress, but we are looking at alternatives for that southern staircase.

CHAIRMAN McMAHON: Is the roof deck right now designed to be for the use of the --

MR. PENNESSI: It is currently. We would be open to speaking to the ZBA about it because if it does get open to the public or even to a restaurant tenant and their customers, we would need to accommodate parking for that space and we currently don't, so it's gonna be a question of how flexible we can be with this parking.

MR. JAUQUET: Like a small bar situation up there?

MR. PENNESSI: Yes.

MR. JAUQUET: Is there a view; have you calculated whether there is a view or not over the roofs to the east over the theater?

MR. PENNESSI: Not over the theater

Flynn Stenography & Transcription Service
(631) 727-1107
because the theater, I think is at forty-three feet or forty-five feet.

MR. PEDRAZZI: But it does ziggurat down to a lower elevation off the back.

MR. JAUQUET: Right.

Do you see over the VFW?

MR. PENNESSI: Yes.

MR. JAUQUET: You do.

MR. PENNESSI: Yes.

The third floor -- in fact, the second floor hotel rooms will not have an unrestricted view of the harbor, but the third floor and roof deck should.

MR. JAUQUET: Oh, right.

Do you have a name?

MR. PENNESSI: Not yet. There are a couple under consideration but not yet.

CHAIRMAN McMAHON: One thing I would say with -- it's not just the number of parking spaces that are a concern, it's the location. Even if this were entirely a parking lot, it would still be a difficult location because what happens is where the proposed entrance to the parking lot is --
Work Session - 10-29-15

MR. PENNESSI: Um-hum.

CHAIRMAN McMAHON: -- when the ferry lets out, you get a line of cars that back up to that stoplight there.

MR. PENNESSI: Okay.

CHAIRMAN McMAHON: You would then not be able to exit until all of those cars cleared, as well as anyone who wants to enter the parking lot would then be waiting with a left-turn signal and that would then back up traffic into the -- cross into the four-way intersection there, so that is when it really could become an issue, where if you have a lot of traffic going in and out, then it can be very difficult, it could be very problematic.

MR. PENNESSI: Sure.

CHAIRMAN McMAHON: That's one of the issues that's been raised a number of times.

MR. PEDRAZZI: We might need to talk about, you know, some sort of way of having somebody sort of even manage that sort of situation, maybe not a police --

MR. JAUQUET: Or manage the striping on
the street.

   MR. PEDRAZZI: Manage the striping on
the street --

   MR. JAUQUET: They do that in lots of
places.

   MR. PEDRAZZI: We're doing that over at
the Baron's Cove Hotel where they have
people actually kind of like making sure
that --

   MR. JAUQUET: Right. Where?

   MR. PEDRAZZI: Baron's Cove. I did the
Baron's Cove renovation project.

   CHAIRMAN McMAHON: In Sag Harbor?

   MR. PEDRAZZI: In Sag Harbor, and we
had a lot of problems with that sort of
tight driveway getting in there with
pedestrians dropping off, so there is always
a person on staff who is just watching that,
getting the luggage out, you know, sort of a
concierge-in-the-parking-lot person.

That's on weekends, Friday,
Saturdays and Sundays when it really gets,
you know, heated.

   MR. PENNESSI: There was also, one of
Work Session - 10-29-15

the prior applications, we had FOILed a traffic study that was performed then, and we do plan on having an updated traffic study, so we can certainly see what that means for the property, the impact of the ferry.

CHAIRMAN McMAHON: I should mention too, our last meeting, we discussed -- we had a number of concerns about traffic and parking throughout the Village, and we started to put together a list of the items that we want to bring forth, so be aware of that. It is actually going to be on -- we're going to be sending a letter to the Board of Trustees with recommendations or at least a list of items that we feel should kick-start the conversation.

You're going to want to be a part of that conversation and be aware of what's going on because that absolutely will have an impact on whether or not this is seen as a viable use of property.

MR. JAUQUET: Is a traffic study required for this to be done?
Work Session - 10-29-15

CHAIRMAN McMAHON: I don't know. I can't speak for that.

MR. JAUQUET: I guess we could request one, a professional study, recommendation solution kind of thing.

CHAIRMAN McMAHON: Yes. I would not be surprised if that were a requirement of this, simply because of the -- it really could become a very large problem for the whole section, that four-way intersection, particularly with the traffic going to the ferry, which is also another issue.

There is now -- the past summer, there was traffic, there was an attendant from the ferry who was out there directing traffic in the mornings. The Village needs to address that as well, you know, that's obviously going to play into this as well, so I would suggest being part of those conversations.

MR. PENNESSI: Absolutely.

CHAIRMAN McMAHON: Because you don't want them to come up with a solution that works now that would then be upended by this
project, so I would suggest being involved in those as much as possible early on, getting as much community involvement as possible.

MR. PENNESSI: Will do, absolutely.

MS. BERRY: I just wanted to support what Pat said, parking is usually for one-way operation, not two-way, and I think you're -- it could be a dangerous situation if cars were backing over the sidewalk because there is a lot of traffic coming from the ferry over there.

MR. PENNESSI: Okay.

MS. BERRY: If you can try and get perpendicular parking, I think it would be a much safer situation.

MR. PENNESSI: Okay.

MS. BERRY: This is minor, but you have got a handicapped ramp there but you don't have a connection to the sidewalk, so if you could make sure you go through your planning strip and connect the whole circulation.

Usually a handicapped ramp is supposed to go to the main entry, but I know
you do have a difficult situation where
because you've got another storefront there,
you know, so it's something that --

MR. PEDRAZZI: We're really trying to
create, you know, not really the prime area,
really I want to create two entrances to the
first floor, so the rhyme or reason is you
shouldn't have the handicapped people have
to go to the back door.

CHAIRMAN McMAHON: I'm sorry, sir, can
you speak up a little bit, I'm sorry, or if
you don't mind taking the podium so we can
make it clear for everybody and everybody
can hear what's going on.

MR. PEDRAZZI: (Moved to podium.)

My thought was to make two front
doors instead of just one so that even with
the pedestrian flow, there are stairs for
this back door, so it's just not a ramp,
there are, you know, there is a staircase
that's adjacent to the ramp, so I just
didn't want to create one main entrance.
This is truly a two-entrance building. Even
the connection from the lobby to the parking
is very nice, it's very wide. It goes past
the elevator, it's not a back -- what I'm
saying is, it's not a back hallway.

MS. BERRY: I have to compliment you.
I think you have been very responsive to the
issues on the site, and I know it's a
difficult one, and even changes that you
have made since the first round have all
been in the right direction.

MR. PEDRAZZI: Thank you.

MS. BERRY: I know it's not easy.

MR. PEDRAZZI: Thank you.

MS. MUNDUS: This is also petty but in
your application, I see you answer no, that
you're not in the hundred-year flood plane,
but right next door, the American Legion,
they took water inside during Hurricane
Sandy and I'm wondering if you're aware of
that.

MR. PEDRAZZI: That's a FEMA
regulation, we're in an X zone, so, you
know, that means that, basically, we're not
required to do any elevation, we're not
required to do, you know, a FEMA elevation.
Work Session - 10-29-15

There is no FEMA elevation that --

MS. MUNDUS: No. I know you probably used the data, but I'm just saying are you aware that you took water inside the building immediately next door because your ground floor is at ground level?

MR. PEDRAZZI: No. Our ground floor is about two feet off of the ground.

MS. MUNDUS: Oh. Maybe I read your diagram wrong.

MR. PEDRAZZI: There are three steps --

MS. MUNDUS: I'm sorry, one foot, nine inches, sorry.

MR. PEDRAZZI: Also, the dining on Front Street is also raised up, so, you know, we're really trying to create, you know, a continuation of this sort of engaging energized street facade, which is a little bit broken, you know, when you get to the theater on the street level, so I thought that that was a nice amenity, the trellis and we were going back and forth with, you know, really what that's going to be like, and if it's seasonal it can be very
nice because, you know, we could really pull, you know, the restaurant out and it's a very nice amenity to have to be able to sort of come out to the sidewalk and be a little bit above the sidewalk.

MR. JAUQUET: Right.

CHAIRMAN McMAHON: Any other questions, concerns?

Do you have any questions for us?

MR. PENNESSI: Not at the moment, and we would just like to say again, we look forward to working with the Planning Board. We know this is the first step in a very long process, very important piece in downtown, so we look forward to the input and, you know, where we can, we'll certainly accommodate the comments to bring them in, we did make every effort to be responsive to the initial comments that we received and trying to fit this project into the property with its constraints, and, of course, there are still some that we haven't been able to accommodate, but again, we're looking forward to working with you guys to make it
Work Session - 10-29-15

work. We're very excited about it.

CHAIRMAN McMAHON: Thank you.

Anyone else, comments, questions?

Thank you.

MR. PENNESSI: Thank you.

CHAIRMAN McMAHON: I'm going to make a motion to move on to the second item.

Do I have a second on that?

MR. JAQUET: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAQUET: Aye.

MR. BURNS: Aye.

MS. MUNDUS: Aye.

MR. DOWLING: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 2 is motion to accept use evaluation application for David Akcay, the owner of the property at 126 South Street. David has proposed the installation of a bakery in the east storefront of the property.

The property is located in the CR Commercial Retail District.
Work Session – 10-29-15

I don't see Dave here. I don't see Julie either.

This application actually is incomplete as it was submitted. There are no drawings of the second floor, it needs more detailed plans. There are a number of issues to the property, so we actually can't even accept the application at this time as it is incomplete, but I did also want to note that there is pending legal action with regards to use, and before anything -- we can't even accept it at this time, but we wouldn't be able to approve it until that was resolved.

So without the applicants here, we can't -- I don't know if it's really beneficial to even highlight the items that are deficient from that application.

MS. MUNDUS: Well, it's kind of a hodgepodge of work that's been done and without permits and things that are on here are not there and things that are there are not on here and --

CHAIRMAN McMahan: There really isn't,
you know, I would have pointed out some of the deficiencies in the application, and there are a number of issues, but if the applicant isn't here, I don't know what we can really do at this time. I'm not sure if it's really -- we should probably just move on.

MR. JAUQUET: If we accept them, we're on a timeline to approve, aren't we?

CHAIRMAN McMAHON: Yes. To make an --

MR. JAUQUET: Yes, so --

CHAIRMAN McMAHON: Without the applicant here to discuss the issues, I'm just going to make a motion to move on to the next item.

Do I have a second?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: Aye.

MR. BURNS: Aye.

MS. MUNDUS: Aye.

MR. DOWLING: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.
Item number 3, motion to accept the sign application for Susan DePaola, representing a change of ownership in the restaurant located at 45 Front Street.

Susan DePaola was approved for use in July, and her signage application has been outstanding. The awning sign was submitted first within the Village Code regulations.

The reason sign application is here is, there was a little confusion on this, whether or not it should be a simple sign application that went through the Building Department or whether it was something, part of a site plan because of the awning. We made a determination that it needed, it was part of the site plan, so it needed to be approved here. I believe we have the drawings and everything that was required.

Unless there are some comments or questions.

MS. MUNDUS: Am I missing a page? I have industry standards and Tony's Asian
Fusion, but I don't have hers. That's it?

MS. BERRY: My understanding is she's putting it in exactly the same location.

MS. MUNDUS: So in other words, she's just changing the lettering on Tony's Asian Fusion to her rendering?

CHAIRMAN McMAHON: Is that correct?
Are you Susan?

MS. DePAOLA: Yes, I'm Susan DePaola. Yes, that's correct.

CHAIRMAN McMAHON: Okay.
Any question or concerns from the Board?

MS. MUNDUS: So you're -- the name of your restaurant is going to be exactly in the same style, same letters as Tony's Asian Fusion?

MS. DePAOLA: Exactly, yes.

MR. JAUQUET: Do you have a rendering of that?

MR. VILLANTI: We submitted the -- My name is Bryan Villanti.

MS. MUNDUS: Hi.

MR. VILLANTI: Good evening. I went --
Work Session - 10-29-15

MR. JAUQUET: Do you have it with you?

MR. VILLANTI: I have a copy of the
minutes and it said, after everything was
approved last time, just to go file an
application to get a sign permit.

We have been trying to do that
since October 8th and, you know, next thing
we know, we're on this hearing tonight. I
didn't understand the confusion on that,
everything was approved, it was just a
separate issue to get the sign permit.

MS. MUNDUS: Okay.

So it's Tony's Asian Confusion?

(Laughter.)

MS. MUNDUS: I think we need something
that, if we're going to approve it, we can't
just --

CHAIRMAN McMAHON: This is the
dimensions and the drawing.

MR. JAUQUET: So the name of the
restaurant is Northfork Brew and --

MR. VILLANTI: That's the business
name, the trade name is going to be Industry
Standard.
At one point, you know, Eileen said, even though I'm a little busy, I can't give you sign permit today, you can go and put it up. There has been definitely confusion in regards to that because I paid $300 in cancelation fees every time the sign guy is gonna come from Riverhead to make that change and then at the last minute, you get called and you can't get it done.

CHAIRMAN McMAHON: As far as I can tell, it's a completed sign application, we could except it, except being a work session, we can't vote on it this evening, it's the next session because that's just the way the system works, so it would be the next meeting that it would be approved.

MR. VILLANTI: Are we able to get a conditional permit that we can open the doors and be in business?

CHAIRMAN McMAHON: Well, the site plan was approved. The site plan for the restaurant was approved quite some time ago --

MR. VILLANTI: Yes. Back on June 25th.
CHAIRMAN McMAHON: Yes, I believed you are free to open. It was just a matter of the awning going up and having a completed application, completed sign permit application, which it looks like we have here. Applications are accepted at a work session, they voted on at a regular meeting, it's just how all of the applications are processed, so we can vote to accept it this evening and then it would be voted on at the next meeting.

MR. VILLANTI: The next day?

CHAIRMAN McMAHON: No, next week, next Thursday.

MR. VILLANTI: Okay. Because when you read the minutes here, Eileen gave us these, on the minutes, it says the only thing you need to do at this point is to get -- apply for a sign permit.

We have been trying to do that and it doesn't seem like we're getting a straight answer. When you go down two or three times a day for twenty days and get different answers, it's a little frustrating
to say the least, and at the last minute, we
found out that we were on this hearing or
this hearing and we didn't apply for that.

MS. MUNDUS: This is a work session, so
we don't vote on anything at a work session.

MS. BERRY: This is the process for a
sign permit, so you don't just get it from
the building inspector, it goes through the
Planning Board and back, so that's probably
the confusion. You don't just apply and
receive it.

MR. VILLANTI: But the confusion is
this, I don't understand when the building
inspector tells you, yes, you can apply, all
you need is a sign permit and then you're
told something three days later and it keeps
going back and forth. That's definitely the
confusion.

CHAIRMAN McMAHON: I apologize for the
confusion, but, you know, I can only work
with, you know, what my responsibilities are
and what I'm asked to do here, and my
understanding is that we can accept your
sign permit tonight and we can vote on it at
our regular meeting next week.

MR. VILLANTI: The only reason I'm a little insistent is because we have been told that this is the process and then this is already three weeks ago that we said, all right, we're gonna start the process and then we would be told something different tonight, that's pretty disappointing and I don't think that, you know, we can open up a restaurant without having a name on there. I think that's pertinent, and, you know, it's a financial burden and it's only getting worse, it's not getting better.

MR. JAUQUET: Have you ordered the awning?

MR. VILLANTI: Yes. It's the actual same awning. It's the exact same one, it's just gonna be relabeled.

MR. JAUQUET: With the same helvetica.

MR. VILLANTI: I'm sorry?

MR. JAUQUET: With the helvetica typeface?

MR. VILLANTI: I want to call it --

MR. JAUQUET: Somewhat of a script.
MR. VILLANTI: No, it's a standard print.

MS. BERRY: This is the same print, right?

MR. VILLANTI: Yeah, that's the identical print.

MR. DOWLING: Do you have another -- do you have another restaurant in town?

MR. VILLANTI: Yes.

MR. DOWLING: I remember it's Vino n Vittles, right?

MR. VILLANTI: Correct.

MR. DOWLING: You went through the same process when you opened that, you had to come in front of us, it's just because you didn't have a sign application then, this time, when you first got approved, that's why it's been delayed for you. You went through the same process when you opened up Vino n Vittles.

MR. VILLANTI: I think it's changed since then because you didn't have to file for a sign permit.

MR. DOWLING: Yes, you did.
MR. VILLANTI: Well --

MR. DOWLING: And you did, you did file for a sign permit to be approved because we approved it then.

MR. VILLANTI: Well, I don't remember it that way. I apologize if I'm incorrect.

CHAIRMAN McMAHON: I apologize for the confusion if it wasn't clear to you. There has been many discussions in the Village about cleaning up the process and making things simpler and more transparent perhaps, but I apologize for any confusion, but my hands are essentially tied right now. We can accept the application tonight and we vote on it at the meeting next Thursday.

MR. VILLANTI: Okay.

Is there anything else that is incomplete at this point?

CHAIRMAN McMAHON: No, it looks like a complete application to me. I believe the fee has been paid and I think you're all set to go.

MR. VILLANTI: I don't think that we did pay the fee yet because the application
Work Session - 10-29-15

has been rescinded many times.

CHAIRMAN McMAHON: You didn't pay the fee?

MR. VILLANTI: No. I told Eileen the initial time we went to the Building Department, and then we weren't allowed to have the permit and then, it's a little frustrating when somebody says you can hang the sign up and don't worry about it.

MR. DOWLING: If you haven't paid for the sign permit, I would make sure you pay for it before the next meeting.

MR. JAUQUET: I would too.

MR. VILLANTI: After all this confusion, have we paid, I'm not sure now. Okay, can I ask you one more question? Is this approved as of next Thursday and we can hang the sign the following day?

All in favor?

(Laughter.)

CHAIRMAN McMAHON: I'm going to make a motion that we accept the sign application.

Do I have a second?
MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in favor?

MS. MUNDUS: Aye.

MR. JAUQUET: Aye.

MR. DOWLING: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

We will vote on that at the next meeting.

MS. MUNDUS: We only meet every two weeks, it was just the cycle that you got in because we only meet every two weeks except this time.

MR. VILLANTI: So it will be next week, right?

MS. MUNDUS: Yes.

CHAIRMAN McMAHON: Item number 4, continued discussion of current sign regulations.

So at our last meeting, I think was discussed the -- the Code Committee had asked the Planning Board for our input on the section of the Village code that deals
with signage, it's section -- it's Chapter 150-15 of the Greenport Village Code.

We discussed some of the items at the last meeting and I drafted up, collected some of the bullet points, some of the items that we wanted the Code Committee to consider. I drafted up some of those concerns and one or two items here, so I'm going to read through them briefly.

We can discuss them if you would like to make any changes or reject it outright, that's fine. If at all possible, I would like to have this committee approve these so we can send it over to the Code Committee for their next meeting, which is on Monday. I'm just going to start, we'll go item by item here.

Number one, current regulations do not seem to address any limitations on the size or number of signs permitted in windows. There are specific regulations on permissible size and quantity of other types of signs, overhead, temporary, directional, but limitations for signs displayed directly
behind windows or affixed window decals are not addressed as far as I can tell.

As it stands, each individual property listing displayed in the window of a real estate office would qualify as a sign, and would therefore require a sign application, sign fee and issuance of a sign permit.

I don't believe that's the intention of the code. It does seem onerous, but I think if we're going to have consistency in the way regulations are applied, there should be a specific code, if the code wants to allow real estate agencies to continue the way they do, it should be specifically addressed in the code so that nobody is in violation and not being, you know, if we're going to have regulations, they should be enforced. If we don't want something to be an onerous regulation, we should change it. I think that's the purpose of the Code Committee, they're looking for any issues that we have come across.
Does anyone else have a different interpretation of --

MR. JAUQUET: Are they trying to address, like, a real estate agency's a little --

CHAIRMAN McMAHON: No. I think --

MR. JAUQUET: Well, you know, the real estate agencies have framed pictures of their listings and sometimes they hang them together or they put them along the windowsill on the inside, but other, you know, restaurants are now putting flashing signs in there and neon and there is a big difference between those two, and in the meantime --

CHAIRMAN McMAHON: Well, that's actually, those are already explicitly not permitted --

MR. JAUQUET: They're not allowed.

CHAIRMAN McMAHON: Those are not allowed, and at the same time, the -- what I see in many -- I made one, they're just a front display that had a rotating cycle of all the listings. It's an illuminated
display that under the current code, actually is not allowed, so if the Village wants to allow it, they should, I think they should change the code or enforce the code saying you can't have it, but I think it's something that needs to be addressed because my reading of it, and please correct me if anyone has a different interpretation of the code, my understanding is that each listing sheet that goes up would qualify as a sign, perhaps you can consider the bulk of them as one sign, but then if you're changing what is in there, every time you changed it, you would need to go get a new, submit an application for a sign permit and five-dollar fee and it just seems really onerous.

MS. MUNDUS: Really, each listing that they have in the frame illuminated or not is a product that they sell, so what is the difference between those products or those that are used for furniture?

MR. JAUQUET: The new --

CHAIRMAN McMAHON: Well, there is -- it
does specifically say in the code, you know, it makes reference to things with wording on them, with lettering as opposed to actual products, you know, there is very specific mention of, you know, language on advertisements.

MR. JAQUET: Well, the other one, you know, the decals tend to be ugly and slapped on and not neat, and they fade and they're usually, you know, lot's of times they're like beer and stuff, and they tend to be sort of a lower brow kind of product, and they're ugly when they're stuck to a window, but I don't know, you know, but a lot of stores have small decals, you know, saying something symbolically.

CHAIRMAN McMAHON: And, you know, there are, as far as I can tell, just what I understood reading through the Chapter 157-15 of the Village Code sign regulations, if you're going to put a decal on a window, that can just be done with a five-dollar fee and an application permit from the building inspector, that doesn't have to come before
the Board. A number of signs that can be put up without coming before the Board. I think overhead signs are the ones that are primarily addressed by this board or if it is part of a site plan, then it's required to come before us, but otherwise it's at the discretion of the Building Department. It's not even necessarily at their discretion, sort of if everything is in order, they will issue a permit.

MR. JAUQUET: How about those flags, could we address those flags?

CHAIRMAN McMahon: Flags, I think cloth banners are actually prohibited.

MR. DOWLING: Yes, banners.

CHAIRMAN McMahon: Banners are prohibited from -- so, I mean, there are a number of things that are --

MR. JAUQUET: I guess, does that -- were you going to get to the sandwich boards?

CHAIRMAN McMahon: Yes, we'll get to that.

MS. MUNDUS: Chris, what's your take as
MR. DOWLING: I was, you know, looking at that because I have products in the window that have the name of the product, but it comes in here that it's -- they call it a sign as in any advertising structure, display board screen, structure, shadowbox, poster, banner, pennant, cloth, bill, bulletin, printing, balloon or other device or object or part thereof used to announce, identify, declare, demonstrate, display or in any manner advertise or attract attention of the words, letters, figures, colors, illumination or iridescence, yadda, yadda, yadda.

MS. MUNDUS: That's pretty much everything.

MR. DOWLING: Everything except for the product. It doesn't say anything about the product, so you can have your product in your window, you can't have a sign telling about a product, apparently.

So with that, like, I guess a real
estate office with the framed picture, the way it is written here, is a sign of the product, you can't put a house in the window.

MS. MUNDUS: How about a restaurant then who puts their menu up?

CHAIRMAN McMAHON: Again, I mean that's -- again, I'm not opposed to a restaurant putting up a menu, nor am I opposed to a real estate, but the code should address it one way or another.

MR. DOWLING: Right.

CHAIRMAN McMAHON: It should be clear for any applicant that comes in and is opening a business, they should be able to look at it and say, okay, I have a real estate office, I'm allowed to do this or I'm not.

MR. DOWLING: And maybe request not a whole window, maybe request it's a realty office that it, you know, only takes up thirty percent of the window --

CHAIRMAN McMAHON: Yes. I don't see anything --
MR. DOWLING: Look like a billboard or something. I don't know.

It's hard to, you know, coming from retail background, it's, you know, you have -- your window is what gets people in the door. If you don't have anything in your window, no one is going to walk in, so it's hard to tell somebody, this is what you can put in your window if we don't know anything about their business.

MS. MUNDUS: Plus it's not enforceable. Who is going to walk around and enforce every single store window?

MR. DOWLING: Well, no one ever enforces anything as it is anyway --

MS. MUNDUS: Right, that's what I'm saying.

MR. DOWLING: So it's kind of hard to say, so it's, you know, to tell somebody what they can and can't, I think it's a fine line, and I think this should be addressed because maybe the wording in those regulations isn't exact, like this -- I think it would be nice to have, you know, if
I have something that's, you know, I have dry suits available right at this time of the year, it would be nice to have a little sign saying, I have dry suits available in the window without a permit, but if I have to every time I want to put a little sign in the window, I have to pay five dollars, go to Village Hall for a five-dollar sign, get a permit and everything for a little piece of cardboard I put up --

MS. MUNDUS: That you're going to use for two weeks.

MR. DOWLING: Right. Again, in two weeks, the thing, we have to ask permission, it's like before, you know, before I put a little sign in the window, you know, will someone just say, I'll wait for Ed to come by and write me a summons, it's only got to be here so long, and how is someone going to come along and say, this window has changed this week or this sign wasn't approved. It's a lot.

MS. MUNDUS: And a lot of people do go out shopping at night when the store is not
open and they do window shop and they do
need a little help when you're outside
looking in after hours.

MR. JAUQUET: You know, East Hampton
makes people decorate their window displays
even if they're vacant all winter long. I
mean, you can take it to an extreme, you
know, it makes the street wall a continuous
shopping pedestrian experience and that's
what this Village has become, is an
entertainment district.

I don't like the details on the
inside of the windows that take up the whole
window and door, and then if they're all
faded and it's beer, you know, but they have
a door that is just sort of out there in the
middle of a wall, so instead of looking into
the store, into like a shelf display or
someone shopping, you know, they put the
faded decal on the door and people put full
length Santa Clauses on the inside of their
doors during Christmastime and stuff like
that, so I don't --

CHAIRMAN McMAHON: Yes, I mean --
MR. JAUQUET: Some of it looks okay, some of it looks ugly.

MS. MUNDUS: But you can't legislate taste.

MR. JAUQUET: I know.

CHAIRMAN McMAHON: Here's the thing, I mean, the way the code is written now, it doesn't seem as if there -- most sign permits would not come before the Board, most of them would just go through the Building Department unless it's part of a site plan application, but if someone wants to change their signs, they -- you know, if someone wants to put a full-size decal on the size of the front window, there are not, as I read it, any restrictions on the size of the decals that are there, types of items that are there. If there is no building permit being issued, there's, going into item number 2, there's no historic preservation, there's no review for that. The only thing that triggers historic review is issuance of a building permit.

We don't need to come to a -- we
don't need to fix this tonight. We don't need to come up with a solution for it. We were asked by the Code Committee to, you know, take a look at it and mention some of the issues that we collectively found that needed some clarification.

There was also a number of signs --

MS. BERRY: Basically also from the window decal, I think if it intends to be the permanent sign announcing the building, it needs to be considered as a sign and fit the dimensions and the restrictions of any other, so I think maybe that's part of it, the differential between something that's part of the use of the structure and the formal presentation of the name.

The other thing I wanted to add as another point because I probably wasn't clear before is when we were dealing with the signs, Eileen and I interpreted part of the code differently, so I think they need to clarify it and that's how many signs are allowed by a tenant on a wall.
When I was reading 150-9A, it says not more than one such sign shall be permitted per each tenant on the premises on each wall fronting on the street. So to me they were limited to one sign, but another portion talks about multiple signs, but I didn't know if it's multiple signs for the same tenant or all the signs that are on the wall, that type of thing, so I think --

CHAIRMAN McMAHON: What section was that?

MS. BERRY: 150-9A.

CHAIRMAN McMAHON: So that's L9, I don't -- 150 --

MS. MUNDUS: In the past, we have been limiting businesses to one sign, you know, we've ruled that way.

MR. DOWLING: That's overhanging sign.

MS. MUNDUS: Overhanging signs.

MR. DOWLING: Like I know with mine, I have the overhead signs and I also have the name on the face of the building.

CHAIRMAN McMAHON: Overhanging signs --

MR. DOWLING: And another sign
overhands the sidewalk.

CHAIRMAN McMAHON: Those are a -- we'll get to that at the end, that's a separate issue because there are insurance requirements for that, there's a number of --

MS. BERRY: Right.

And they're not considered on the wall. Like this says on the wall.

CHAIRMAN McMAHON: Yes, I mean, there is a distinction between signs that are affixed to the wall that are on windows, that are behind the window, illuminated sign, behind the window, there's overhead signs, there are marquees, there are a number of different classifications for signs.

MS. MUNDUS: But if it's affixed to the wall, we allow one sign, because we have ruled that way the last couple of years several times.

Liam (phonetic), remember, we had to have him remove one of his signs because he had two facing the street, and then when
the bakery, our previous application we just discussed, they had signs on the front and on the side and on the -- they had three signs on the building, we asked them to take them down.

MS. BERRY: Even on the one we saw today with the awning, there is a name on the front, but then there is the other sign on the top of the awning. You know, if it were me, I would have the one, but so I'm not clear on how many signs are allowed.

MR. JAUQUET: Maybe there is a square footage of the window that can be covered.

CHAIRMAN McMAHON: That's the thing, I mean, there is a formula for perimeters --

MR. JAUQUET: There is.

CHAIRMAN McMAHON: -- not for window signs, but for every other form of sign. I mean it's five-and-a-half feet per one horizontal foot for large over -- I can't remember the terminology.

MS. MUNDUS: But I think it's left undescribed for a reason because it's just so cumbersome, such a jellyfish. You can't
even articulate it, so that's why it's left that way.

CHAIRMAN McMAHON: The thing is, right now, if you are looking, you know, going by the code as it is right now, every one of those real estate listings needs a separate, you know, that's based on the way the code is written right now.

Right now, essentially, I think we're choosing not to enforce that particular section. I would rather change the code than not enforce code that is on the books, you know.

MS. MUNDUS: Right.

CHAIRMAN McMAHON: Or enforce it, whatever the decision may be, but be consistent, you know, have a clear understanding of all parties involved so everyone is on the same page and everyone can move forward in the same way.

MR. DOWLING: I think Glynis mentioned on 150-9, that is also the permitted accessories only one sign, it's not --

In the customary and acceptable
uses, off-street and loading for only one
sign, yadda, yadda, yadda. So it's like a
storefront, that's not commercial retail, a
store is a permitted use, so you don't
have -- it doesn't fall under that.

MS. BERRY: This is where --

MR. DOWLING: Accessories.

MS. BERRY: No. This is where I think
your point is absolutely right because part
of the misconception that we're having is,
to me, this reads like a sign is an
accessory use, not a sign on an accessory
use, so I think that's part of the
difference too, so maybe we need
clarification on that.

CHAIRMAN McMAHON: I can add that to
the list, modify this to include
clarification for total number of signs,
window and wall and overhead and if is there
is a maximum number of signs or different
varieties --

MS. BERRY: And maybe clarification, in
this part, does it mean that a sign is an
accessory use or does it mean something
else?

MR. DOWLING: No, because it's listed under accessories, it's a subset of one of the customary accessory uses including, it's a subset of that.

MS. BERRY: Right.

MR. DOWLING: So it's not part of the permitted uses, it's a total separate section. If you read down, it's part of section C.

MS. BERRY: To me, we're getting different readings, so I think it needs clarification.

CHAIRMAN McMAHON: So that was 150-9.


MR. DOWLING: Paragraph C1A.

MS. BERRY: So the accessory uses are being discussed relative to the tenants or are they being discussed relative to the use of the sign?

CHAIRMAN McMAHON: So sign for accessory use or sign as accessory use is the distention?

MS. BERRY: Right.
MR. PALLAS: Maybe an idea would be just to remove it from that section altogether and clarify that in the sign section. Right now that's out, that's not even in the sign section.

CHAIRMAN McMAHON: Which is why I didn't even see when I looked in sign regulations.

MR. DOWLING: I think that if you really read through it, it's really stating that, I think what it's saying is, like if you have, say, a back door where you have a parking area, you can have a sign there, stating who is actually inside that door.

I mean, if you really read it, it says customer accessories uses include off-street parking and loading facility subject to 150-16 and sign subject to 150-15 and the following conditions.

So, basically, if you read through it, it looks like you can have a sign on your back door basically for who is inside that building.

MS. BERRY: It also talks about each
Wall fronting on the street too, so I think it should be part of the sign and taken out. I agree, and then the whole thing is clear.

MR. PALLAS: That would be the simplest, I think, way to approach it, and whatever you all want, you know, for that, that's fine, but it should be removed from that section and keep signs all together.

CHAIRMAN McMAHON: Okay.

MR. PALLAS: Just a suggestion.

CHAIRMAN McMAHON: Again, it does need to be clarified.

All right.

Item number 2 here was the Historic Preservation Commission is not mentioned in Village Code Chapter 150-15, Sign Regulations. There is no mechanism in the existing code that allows for HPC review of signage in instances where a building permit is not required.

So when we have site plan applications coming in, we have someone opening new business and they are not making any significant changes to the property but
they do want to put up new signs or a number
of different things, particularly signs in
window that would not require, or signs that
are not overhead signs that would not
require a building permit, there is no
toggle to have appropriateness issued on
the Historic Preservation Commission. So
whether or not, I don't know if anybody
wants to have that or not, but as I read it
now, the trigger to have HPC review signage
is the issuance of a building permit. I
don't see any other mechanism for that to
happen, but we regularly have, pretty much
every time an application comes here, as
long I have been here, I've seen it
recommended, if the building is within the
Historic Preservation.

MS. MUNDUS: It's already in check on
the application, but that doesn't --

CHAIRMAN McMAHON: But that doesn't
trigger a review, it's acknowledging, you're
acknowledging on the application that it is
in the Historic District, but then it's
never going before the Historic Preservation
MR. JAUQUET: I would think that we want to review a new sign.

MR. DOWLING: I think that, you know, some consensus with us that we say should be addressed by the Code Committee when they're --

MS. MUNDUS: It should be.

MR. JAUQUET: It should be.

CHAIRMAN McMAHON: Third item was sandwich board signs are prevalent throughout the Village. They are not expressly permitted by any section of the code and as a result, are not allowed. These signs should be specifically addressed if the Village wants to allow their continued use or else existing regulations should be enforced.

I don't know if anyone has a strong preference --

MS. MUNDUS: You're sure that a sandwich board doesn't come in under section D, display board, sign as any advertising structure display board, screen --
CHAIRMAN McMAHON: These --

MS. MUNDUS: Because it says double sided.

CHAIRMAN McMAHON: Well, there is the issue or whether or not it's on their property or whether it's in front of their property on the sidewalk.

MR. DOWLING: I think once it's on the sidewalk, it's not on their property, it's technically not allowed because you're putting it on Village property.

MR. JAUQUET: That's right.

MR. DOWLING: Anytime there is a flag or if there's tables with merchandise on them, not during Maritime Festival, once it's on Village property, you know, it's off their property.

MS. MUNDUS: Correct.

CHAIRMAN McMAHON: Yes, but then someone will also have slightly recessed properties where they have, it looks as if it's part of the sidewalk but they actually do own the section of the sidewalk.

MS. MUNDUS: A lot of people that are
the biggest perpetrators are the ones who
don't have sidewalk frontage, so they put
something out to get people to walk down the
alley.

The Fireboat is the biggest,
they're out on the corner of Front and Third
Street, which is a quarter of a mile away
from their attraction.

MR. JAUQUET: What do you do if someone
like the Fireboat wants to do that because
they're so far away from -- they have to,
they should get a permit for that or not be
allowed.

MS. MUNDUS: We already have those
little charming signs that are up, like, you
know, saying --

MR. JAUQUET: Yes, I know.

MS. MUNDUS: Which is, like you said,
you can't legislate taste, and the
hand-painted sandwich boards are pretty
trashy, especially everywhere.

MR. JAUQUET: I think it's a matter of
enforcing it, and if you want to give a
special permit to someone like the Fireboat
or someone else, that should be --

CHAIRMAN McMAHON: There are -- there

were some exemptions for things in public
interest, that is addressed, I'm not sure
what section it is.

MR. JAUQUET: But the ones that are out
there that are on Village property along
Front Street in the thick of things are
really in the way, and there is a few of
them and the flags that go across the
sidewalk.

MS. MUNDUS: You're talking about --

MR. JAUQUET: -- item F.

MS. MUNDUS: Temporary signs for

benefit, educational, religious and

charitable uses.

CHAIRMAN McMAHON: Yes.

And also, the beginning of section

E, permits for signs. No person, firm or
corporation shall erect, post, affix or
maintain any sign in the Village of
Greenport except as specifically permitted
by this chapter, unless a permit therefore
has been granted in writing and signed by
the mayor.

So there is another exemption. I just think there needs to be some clarification on that.

The reason this is included in the bullet points is that, in our conversation last time, we had a number of people from the public commenting as well, it was just asked that if we're going to talk about signage, it should be addressed in our comments to the Code Committee because either it should be addressed specifically in here and allowed with specific restrictions or it should be a recommendations that it would just be enforced, so again we don't have to make that determination tonight, but it's something that we think there's discussion --

MR. JAUQUET: Some improvement.

MS. BERRY: You brought up a good point but I don't think it's also addressed in the code, is there any allowance for a property having a sign where the tenant isn't on that
property?

CHAIRMAN McMAHON: You're talking about a direction sign on private property to another property?

MS. BERRY: Right.

Is that allowed or is that forbidden because reading this, it sounds like you can only have signs for the tenants, but is that allowed and is that done?

CHAIRMAN McMAHON: I don't know.

For the companion business or a friend of -- you know, I don't know that that's specifically addressed.

MS. BERRY: I think it's an issue.

MR. DOWLING: There is a thing about commercial signs, basically, commercial signs facing public streets only shall be permitted only in districts zoned for retail commercial, general commercial and waterfront commercial uses and shall advertise only the business conducted on the premises upon which the same shall be placed or maintained.
Work Session - 10-29-15

MS. BERRY: Which section was that?

MR. DOWLING: That would be 150-15 H.

MS. BERRY: So I guess they don't allow it.

CHAIRMAN McMAHON: There was -- so do you want to add anything to number 3 there, anything else?

Number 4, additional clarification is needed for overhead signs.

What are the regulations on overhead signs that do not hang above Village sidewalks, but are instead affixed above a recessed entranceway? Do they have the same insurance requirements?

Right now, if anyone has an overhead hanging sign that goes over the sidewalk, we require the applicant to -- it needs to come before the Planning Board, it needs to be approved by the Planning Board, and they need to show proof that they have retained general liability insurance in case the sign falls and someone is injured.

We recently had an application where this came up where there was an
overhead sign, but it was not over Village property, it was over a recessed entranceway, so the question became, do they have -- it was to us anyway, it was not clear as to service whether or not they would be required to have the same insurance requirements.

I believe it poses the same risk because if it is, you know, wind coming in and it rips the sign off, it certainly could fall onto the sidewalk, but I think it does need some clarification.

MS. MUNDUS: The code doesn't say Village property, it says over the sidewalk and only where a sidewalk exists.

MR. JAUQUET: Village property ought to be added to the language there, because that's really what the crux of the problem is or on some of these sign uses.

MS. MUNDUS: The one that had the most problems was in bump-out window where the sign was an overhead sign but it was hanging on the property, between the bump-outs of the window and technically not over the
sidewalk.

CHAIRMAN McMAHON: That's what I'm referring to.

MS. MUNDUS: It was on the landing of the business.

CHAIRMAN McMAHON: Also related to that, I don't see anywhere in here where there are minimum safety standards addressed for how these signs are physically attached to the building. You're going to -- the purpose of requiring insurance, having a Planning Board review is to ensure safety, and I think there should be some minimum standards as to how they are affixed, whether it's simply putting one screw into --

MR. JAUQUET: Yes.

CHAIRMAN McMAHON: The point is safety, it's a matter of public safety, it should be clear for anyone, you know, what is appropriate and what is not.

MS. MUNDUS: That's where all the public criticism came from because we were trying to get something that was safe and
not a liability when there were no standards to hold people to. Remember we asked her, one person to come back with a diagram of the kind of hinges she was using, what type of S hooks and, you know --

CHAIRMAN McMAHON: And we are not experts in that area, and we shouldn't be making that determination ourselves.

MS. MUNDUS: Right.

CHAIRMAN McMAHON: That should be something that -- a qualified engineer should be making that determination as to what's going to be sufficient.

MS. MUNDUS: Right.

CHAIRMAN McMAHON: Okay.

Are there, in the entirety of this, going back to one I'm going to add some mention of clarification for the total number of signs specifically talking about section, Chapter 150-15, so section 9C subsection 1A.

We also wanted to -- that would be total number of signs including window signs, overhead signs, awning lettering,
anything that is there, any restriction on that, if you're only permitted one, is it one or the other, some clarification on that.

We want to know, 150-59 C1A was different between sign for an accessory use and sign as accessory use; is that correct?

MS. BERRY: Yes. That's what he also suggested, just moving it.

CHAIRMAN McMAHON: Moving it out of there.

MS. BERRY: Which makes a lot of sense.

CHAIRMAN McMAHON: The Historic Preservation Commission, do you guys have thoughts on that; do you want to -- do we feel it's appropriate that if it's in the Historic District, there should be some mechanism for the Historic Board to have a review of items that don't have a building permit because right now the only trigger for the Historic Preservation Commission to look at any signage in the Historic District is if there is a building permit issued. If there is a change of use or someone just
wants to put up a sign that doesn't fit the
color of the Historic District, there is
no mechanism for review right now, as I
understand it.

Do you think that's something that
the Code Committee should look at?

MS. MUNDUS: Yes. I don't understand
why you have a checkbox on the application
if there is no purpose to it.

MR. JAUQUET: Yes.

CHAIRMAN McMAHON: I think the -- well,
I'm not going to speculate.

All right, so item number -- is
there any changes you guys want to make to
item number 1 or 2 so far?

MS. MUNDUS: Nope.

CHAIRMAN McMAHON: Other than what we
have already mentioned.

MS. MUNDUS: No.

CHAIRMAN McMAHON: Number 3, sandwich
boards, that discussion, if you want to
say -- again we're basically saying they are
in existence throughout the Village now,
they are not permitted by the section of the
code, they're not allowed right now, if the
Village wants to allow them to stay in
place, they should address that in the code,
if not, the code should be enforced.

Are we all in agreement on that?

MS. MUNDUS: Um-hum.

MR. JAUQUET: Um-hum.

CHAIRMAN McMAHON: For additional
clarification for overhead signs, any
changes you guys want to make to that, or
want to add to that, number 4?

Okay.

So the Code Committee is meeting
on Monday, I believe. You guys, is this --
I imagine it's on the agenda. I know it was
on the agenda last time, but other issues
took precedence.

MR. PALLAS: Yes, it's still on the
agenda, yes.

CHAIRMAN McMAHON: Okay.

MR. JAUQUET: When on Monday?

CHAIRMAN McMAHON: I think it's 4
o'clock. If you want to go, because I can't
make it so --
MR. JAUQUET: I can make it.

CHAIRMAN McMAHON: If all of these issues are amenable or acceptable to all of you, I'll just make these couple of changes to the first item and I'll send these over to Jeanmarie, and she can have these delivered to the Code Committee.

If we have any additional thoughts or concerns, we can certainly, you know, send another, we can pass a resolution, ask the Board of Trustees or the Code Committee, this doesn't have to be our last word on this but they are looking for input, so if this is okay with everyone, we'll take a vote on this with the changes that we mentioned. I would draft it and move on.

Does that seem reasonable?

MS. MUNDUS: Um-hum.

AUDIENCE MEMBER: Excuse me, Mr. Chairman, can I make a correction?

CHAIRMAN McMAHON: Yes, please.

AUDIENCE MEMBER: The Code Committee is the 9th according to the agenda.

CHAIRMAN McMAHON: Oh, the 9th?
Work Session - 10-29-15

AUDIENCE MEMBER: So that's two Mondays down the road.

AUDIENCE MEMBER 2: November 9th is the Code Committee meeting.

CHAIRMAN McMAHON: I thought it was the first Monday, it's not.

AUDIENCE MEMBER: Well, that's what it is on the agenda that Mr. Saldino just pulled out.

MR. JAUQUET: Okay. Thanks.

CHAIRMAN McMAHON: So, I'll have these for the next Code Committee meeting, whenever they are next meeting. Thank you for that.

So I'm going to make a motion that we accept these comments as the Board's recommendations to the Code Committee.

Do I have a second?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MS. MUNDUS: Aye.

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MR. DOWLING: Aye.
Work Session - 10-29-15

CHAIRMAN McMAHON: Aye.

Motion carries.

MS. McENTEE: Excuse me.

CHAIRMAN McMAHON: Yes.

MS. McENTEE: Before you got on --

CHAIRMAN McMAHON: Can you come to the
podium, please?

MS. McENTEE: Absolutely.

JoAnne McEntee, 242 Fifth Avenue.

I just had -- I understand that property has
been taken off the agenda tonight. Can you
tell me, is it definitely -- it hasn't been
withdrawn?

CHAIRMAN McMAHON: I don't know. I
don't know the specifics of it. I spoke
with Joe Prokop earlier and he said it was
taken off because of what I explained
erlier, the application was found to be
incomplete. I don't know.

Can you shed any light on that?

MR. PALLAS: I don't believe it's been
withdrawn, we're just asking for additional
(inaudible).

MS. McENTEE: So what I'm not

Flynn Stenography & Transcription Service
(631) 727-1107
understanding is that we had 126 South
Street that was on the agenda tonight and so
why wasn't that taken off if the other two
properties at 238 and 221 Fifth Avenue were
taken off? I'm kind of a bit confused about
that.

CHAIRMAN McMAHON: I don't know why
those were taken off, other than what I said
before.

MS. McENTEE: Why wouldn't all three be
taken off?

CHAIRMAN McMAHON: I made a
determination that the application for 126
was incomplete, that was my -- I looked at
it and I said --

MS. McENTEE: Okay.

CHAIRMAN McMAHON: That was my
decision, and I was going to address it with
them if they were here because there are a
number of other issues with it that we could
address this evening because there is the
use that was at 126 that was not allowed and
there is litigation with that so it's a
slightly different situation. The reason
Work Session - 10-29-15

126, I didn't ask for it to be removed is because I was reviewing material earlier today and I don't see any drawings for it because there is an apartment above.

MS. McENTEE: And we knew there was litigation as well, going on as well, right?

CHAIRMAN McMAHON: Yes.

MS. McENTEE: That's why I would expect it not to have been on the agenda and have been removed before that.

CHAIRMAN McMAHON: It was just a matter of -- it was -- this is actually not -- my agenda still has everything on there.

MS. McENTEE: I completely understand.

CHAIRMAN McMAHON: I was informed today that the subdivisions were no longer on there.

MS. McENTEE: Now, do we know what the current issues are with 238, what their reasons are, why the applications were pulled back?

MR. PALLAS: It was procedural.

MS. McENTEE: What does procedural mean?
MR. PALLAS: They didn't -- I think it was public notice provision that wasn't followed correctly.

MS. McENTEE: Okay. Is that the same with 221 Fifth Avenue?

MR. PALLAS: Correct.

MS. McENTEE: Both of them went through the same -- didn't go through the correct process?

MR. PALLAS: Correct.

MS. McENTEE: It is my understanding that these applications were submitted under the Village Code 150 as they are subdivisions. Why are they not being put through the code, the subdivision code 118?

MR. PALLAS: You're catching me a little bit off guard because it was pulled off the agenda. Do you want me to answer?

CHAIRMAN McMAHON: If you can shed some light on it --

MS. McENTEE: Because my feeling is that it shouldn't be against, you know, it shouldn't be here at the Planning Board first. I would assume it would go to the
Work Session - 10-29-15

Zoning Board first.

MR. DICIOCCIO: Right now, there is no, there's nothing before this board tonight.

MS. McENTEE: Right.

MR. DICIOCCIO: In the future, you know, whatever route they choose, it's going to be placed back on the agenda and you're free to attend that meeting and if you have concerns then, that's probably the best place to address them. Not now, not tonight.

MS. McENTEE: That's fine.

I just was curious to know because I did get the opinion, I did FOIL the opinion and I did see that it said 115, so I'm just curious to know why it wasn't under the code, section 118.

So therefore, all the neighbors will be notified; is that correct, via certified mail?

MR. PALLAS: That's the process that is supposed to be followed, yes.

MS. McENTEE: So we also -- Robert Kiel (phonetic) has not had the address change.
Two years ago, we had the same issue with these same two lots. I believe the same two lots, but especially 221, but Robert Kiel is listed as 237 Fifth Avenue and that is not his mailing address. He used to live there many years ago, and his mailing address is 242 Fifth Avenue. Eileen Wingate has said, stated to us that she would have had that changed. I'm still looking at the records and it's still not changed, so if there is something that is going out in the mail, certified, I would expect that it goes to Robert Kiel at 242 Fifth Avenue.

MR. PALLAS: For my education, what record are you talking about?

MS. McENTEE: Well, we had this subdivision, Mr. Erling applied for a subdivision a few years back, I believe it was 2013, he's redoing it again at 221 Fifth Avenue. We are having -- we're going through the same thing again, and he did not receive his mail.

MR. PALLAS: I understand. Are you saying it wasn't changed in the record,
where, what record?

MS. McENTEE: I did see it on the Town assessor's, that was 237, I don't know if the Village has changed it here, so we want to make sure that that has been changed. We'll certainly send a letter, if you would like.

MR. DICIOCCIO: Again, the best time for you to address all these issues is when there is an actual application before the Board. Tonight there is -- I mean, if you have problems with the notice and whether or not the public notice requirements were complied with, the best time to address that is when the application is actually before the Board. There is nothing before the Board tonight.

MS. McENTEE: The applications will go out and then the notices go out, so that's what I'm trying to find out.

MR. DICIOCCIO: Typically you apply and then -- go ahead.

MR. PALLAS: A notice has to be made of the applicant -- of the application being
submitted. It's actually been two different notices.

MS. McENTEE: Correct.

MR. PALLAS: So this is just the first notice for review of the survey drawing, that's what the first notice is for. The second notice is for the formal hearing for the subdivision. It's two different notices that will go out.

MS. McENTEE: Okay.

Thank you. I appreciate you listening.

CHAIRMAN McMAHON: Thank you.

We do need to schedule the next meeting. We are normally the last Thursday of the month, but that, I believe, is Thanksgiving, correct?

So we're scheduled -- normally, we would have a meeting on the 29th and then again on the 5th, the 29th -- that's this month, sorry.

Next month. The 26th is when we normally would have had a meeting but that is Thanksgiving, and then the 3rd we would
have the follow-up meeting.

I would suggest we have the work session on the 19th, if that's workable for everyone and then the regular session on the 3rd, that way we're not -- otherwise we're pushing back the meeting another month and I'd rather keep the regular meeting date. I would rather change the work session than the regular meeting.

MR. JAQUET: Is there too much to combine them on one day?

CHAIRMAN McMAHON: There could be. You know, if we do have, if we have these subdivisions come back, if we have the 126 South Street, those could be -- it can be a long meeting.

MR. JAQUET: It could be too long. It could be a lot, so I would suggest that we, if it's workable for everyone, we have the work session on the 19th of November and the regular meeting on the 3rd of December.

Is there any objection to that, any issues with that?

MR. PALLAS: On the calendar, the 19th
is the same as the Village Board work session, just so you're aware.

CHAIRMAN McMAHON: Do you know what time that is?

MR. PALLAS: It's at 7:00.

CHAIRMAN McMAHON: We should be able to.

MR. PALLAS: We've done it before.

CHAIRMAN McMAHON: That should be fine.

I'm going to make a motion that we schedule the next work session for November 19th at 5:00 p.m. and the next regular meeting for December 3rd at 5:00 p.m., both to be held here.

Do I have a second for that?

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor?

MR. DOWLING: Aye.

MS. MUNDUS: Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

MR. DOWLING: The next work session is...
Work Session - 10-29-15

scheduled for Christmas Eve.

CHAIRMAN McMAHON: We'll schedule that
the next time.

MR. DOWLING: Do you want to do it now
while we're here?

CHAIRMAN McMAHON: I mean, the next one
would be December 31st, the next work
session, the next regular meeting -- I don't
want to have a meeting on, I work, but no, I
--

MR. JAUQUET: Do you want to do like
19th, the 17th?

CHAIRMAN McMAHON: The 17th and then
the 7th, yes, I guess that is probably the
best because we don't want to have it, you
know, move it to a Wednesday or something
like that and people are traveling for the
holidays. I think we'd be better off
bookending the holidays.

So I make a motion that we
schedule the next work session, excuse me,
after we schedule the December work session
for December 17th at 5:00 p.m. and the
subsequent regular meeting for January 7th
Work Session - 10-29-15

at 5:00 p.m. and both will be held here.

Do I have a second for that?

MR. DOWLING: Second.

CHAIRMAN McMAHON: All in favor?

MS. MUNDUS: Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

MR. DOWLING: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 5, motion to approve Planning Board minutes for August 27, 2015.

All in favor?

MS. MUNDUS: Aye.

MR. JAUQUET: Aye.

MR. DOWLING: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number 6, motion to accept the minutes of September 3, 2015; September 24, 2015; and October 1, 2015 meetings.

Do I have a second?

MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in favor?

Flynn Stenography & Transcription Service
(631) 727-1107
MR. DOWLING: Aye.

MS. MUNDUS: Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 7, motion to adjourn.

Do I have a second?

MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in favor?

MR. DOWLING: Aye.

MS. MUNDUS: Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Meeting adjourned.

Thank you very much.

(Time noted: 6:25 p.m.)
CERTIFICATE

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 October 29, 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 29th day of October, 2015.

___________________________
STEPHANIE O'KEEFFE

Flynn Stenography & Transcription Service
(631) 727-1107
1001-5-4-5 [1] 3/12
115 [1] 80/16
118 [2] 79/6 18/0 18
126 [6] 25/20 77/2 77/14 77/23 78/2 84/15
1300-foot [1] 13/3
150 [3] 52/15 57/16 79/14
150-16 [1] 58/19
150-59 [1] 71/6
157-15 [1] 43/3
16 [1] 58/19
170 [3] 86/13 86/14 86/24
19b [5] 84/4 84/21 84/25 85/13 86/13

2013 [1] 81/20
2015 [8] 1/8 2/6 87/13 87/21 87/22 87/22 89/7 89/13
221 [4] 77/5 79/6 81/4 81/20
237 [2] 81/5 82/4
238 [1] 77/5 78/20
24 [1] 87/22
242 [3] 76/10 81/8 81/14
25th [1] 31/25
26th [1] 83/23
27 [1] 87/13
29 [3] 1/8 2/6 89/7
29th [3] 83/20 83/21 89/13

31st [1] 86/8
3rd [4] 83/25 84/6 84/22 85/14

4 [1] 28/5

500 [1] 14/4
59 [1] 71/6
5:00 [4] 85/13 85/14 86/24 87/2
5:05 [1] 1/9
5th [1] 83/21

6 [25] [1] 88/18

7 [0] 1/8 5/6
7th [2] 86/15 86/25

8 [1] 30/8

9C [1] 70/21
9th [3] 74/24 74/25 75/4

ability [1] 12/10
able [7] 16/8 24/4 24/23 26/14 31/18 46/16