VILLAGE OF GREENPORT

PLANNING BOARD

WORK SESSION

&

REGULAR SESSION

March 26, 2015

5:00 p.m.

Meeting held at the Greenport Firehouse
236 Third Street, Greenport, New York 11944

Appearances:
Chris Dowling - Acting Chairman
Ben Burns
Devin McMahon

Joseph Prokop, Village Attorney
Eileen Wingate, Village Building Inspector
Glynis Berry, Planning Board Consultant

Work and Regular Session 3/26/15
VGPPPlanning032615.txt
(Whereupon, the meeting was called to order at
5:06 p.m.)

ACTING CHAIRMAN DOWLING: This is the Village
of Greenport Planning Board, March 26, 2015, Third
Street Firehouse, at 5 p.m. This is the work session
and regular meeting agenda.

Item 1, we have the continued discussion and
possible motion on a site plan approval for a new
home to be constructed at 216 North Street. The
applicants are Thomas Spurge and Steven Sommer. The
property is currently a vacant lot. Amended plans
have been submitted as requested. This is Suffolk
County Tax Map #1001, Section 2, Block 6, Lot 8.

Has everybody received the new plans for the
house?

MR. MC MAHON: Yes.

MR. PROKOP: Can I just ask the Planner, we
received comments from you this afternoon, were these
comments based on the new plan?

MS. BERRY: Yes.

MR. PROKOP: You had the new plan when you made
comments?

MS. BERRY: Yes.

MR. PROKOP: Okay.

MR. BURNS: Yeah, it had to be.

Work and Regular Session 3/26/15

1

ACTING CHAIRMAN DOWLING: Glynis, would you
like to read your comments for the record or --

MS. BERRY: Sure. Basically, that --

MS. WARD: Excuse me. Can you identify
Page 2
youself? I don't know who you are.

MR. PROKOP: I'm sorry. Do you want to get the
person that just interrupted?

MS. BRAATEN: Can you identify yourself?


MS. BRAATEN: Thank you.

MR. PROKOP: Thank you.

MS. BERRY: Glynis Berry.

MS. WARD: Thank you.

MS. BERRY: Basically, they separated the
laundry and utility rooms, so that's how they dealt
with that. They moved the living room upstairs by
removing the bedroom upstairs. They provided the
screening on the balcony. And they removed one of
the parking spaces. They installed a dry well for
drainage, and had calculations. And they showed
water and sewer connections, which -- did they submit
the amended --

MS. WINGATE: Yeah, you have that.

MS. BERRY: Okay. And they now have the proper

Work and Regular Session 3/26/15

separation, so we recommend approval.

MR. BURNS: And one bedroom was removed from
upstairs.

MS. BERRY: Yes.

ACTING CHAIRMAN DOWLING: Well, we have
received additional letters, one from Decia Fates,
and from Bruce Robertson and Lynne VanAuken. The
letters -- reading the letters will be pretty long.

I'd like to recommend that we --

MR. PROKOP: If it's okay with the Board, the
letters will become part of the record verbatim. The
stenographer will take a copy of the record and
then -- excuse me, a copy of the letters and actually
make them part of the record. So every word that's
in the letter will actually become part of the
record. The record is available online. It will
online in about 10 days or two weeks.

ACTING CHAIRMAN DOWLING: And just for the
record, so, essentially, the applicant has met our --
is the applicant here?

MS. WINGATE: No.

ACTING CHAIRMAN DOWLING: He's not, okay. He's
met our requests, though, at the last meeting to
eliminate the utilities, the second -- the additional
utilities on the second floor. He removed a parking

Work and Regular Session 3/26/15

spot, removed a bedroom, provided screening on the
balcony, provided a drainage plan, and showed the
sewer and water connections. Essentially -- and I
know there's a lot of concern in the neighborhood
about this application. For us, he's pretty much met
everything to code, so there's -- unless anybody has
any other comment.

MR. MC MAHON: I think everyone shares concern
about what the actual use of the property is going to
be, and whether or not it's going to be a one-family
home as intended, or a two-family home, as it was
originally presented. The changes have been made to
make it a one-family home. It does have -- there is
concern. I still have concerns. I know many of the
neighbors still have concerns about how we're going
to ensure that this property is actually used for
what it's intended. I'm not sure where we can go
from there. I'm not sure what we do about that,
because he purchased the property. The building
record is intact, and he has a right to build a home.
I think many of the neighbors, of course, have seen
that he's entitled to build a home of some sort. We
want to make sure it fits within the neighborhood,
and it's used as it's intended to be.

I don't feel we can deny the application simply

because there's potential for misuse. I think some
of the changes we've asked for have mitigated some of
the possibilities for that, and removing the second
kitchen from the home. It's a tough decision, but
I'm not sure what else we can do. He has complied
with the requests we've made to amend the plans. I
don't know if there's any comment or concern.

MR. BURNS: That's pretty much the way I feel.
The house conforms. There's a building on my street
that I would not like, that I would rather see
differently, but the owner had a perfect right to
build what he built. There's some wonderful people
that live in it, and that's probably true all through
the Village. There are places that we just wish
weren't there next door.

I have a neighbor across the street who -- with whom the neighbor is about 18 inches away. That's an old -- an old dwelling, of course. My own house is a small house. I'm seven feet from one side and nine feet from the other, and it's a two-story building, and can look -- we could look at each other's windows very easily. That goes all through the neighborhood. So here's a building which conforms to the code, and he has done everything we've asked to ensure that it not be a two-family or a boarding house, as some have suggested, and so I don't see any reason not to approve it.

ACTING CHAIRMAN DOWLING: Can we attach to this acceptance, if we do accept it, some sort of an inspection six and twelve months from now, to make sure that he hasn't altered the floor plan from what he submitted to make sure he does not change it? Is there any way we can do that?

MR. PROKOP: You know, you can impose any requirements that are reasonable and connect it to the -- and have a connection to the use of the building. Normally, you could -- the use -- I don't know that you could look at the floor plan, but you could look at the use, ask that the use be reviewed, since there has been a question of the use. I think that that's possible, yes.

So what I would recommend you do is to -- if there's a condition on the use that you'd like to
have, because of the public input that came out, I think that you might consider approving it subject to that condition, and then ask -- and then ask that be reviewed every year.

ACTING CHAIRMAN DOWLING: Okay.

MR. PROKOP: Yes. So, if the condition is that, you know, whatever the condition was, that it be used in accordance with the legal -- legal restrictions of -- as represented, single-family residence, I think that would be fine.

ACTING CHAIRMAN DOWLING: Okay. Yes.

MS. HELLER: So what would happen --

ACTING CHAIRMAN DOWLING: Come up, please.

MS. HELLER: Ann Heller, Third Street. So what would happen if upon one of these inspections the use had changed to a multi-family, then what happens?

MR. PROKOP: It would become an enforcement. There would be an enforcement act -- referral.

MS. HELLER: And what does that mean?

MR. PROKOP: It would be referred to -- we have a Code Enforcement Department now. Actually, we have an officer, and then he works closely with me in Southold Court, so it would be referred to for review by him, by that person.

MS. HELLER: But my question is, so, I mean, does that means that the owners would just get a fine and this use would continue, or --

MR. PROKOP: Well, no. There's a number --
MS. HELLER: -- how would you stop this use?

MR. PROKOP: Okay. So I don't want to talk specifically about this property, but I can tell you in general. If there's an illegal use, the options that are available to the Village are -- include things like revoking a Certificate of Occupancy, and it includes seeking injunctive relief in the courts. I mean, we have instances like that that have been approved by the Trustees. So there's a number of avenues that are available to the Village, just speaking in general, not speaking in particular about this application. But those are the kinds of things that would be available.

MS. WARD: Jill Ward, 220 North Street. All of you gentlemen received a letter from me this week regarding Chapter 150-30 of the Greenport Zoning Code, which describes the Planning Board's function. Under that, it denotes your purview to be a denial of a use application for a proposed single-family dwelling on the basis of the safety, the welfare and the comfort of the neighborhood, the immediate neighborhood. I can tell you both the safety, the welfare and the comfort of this immediate neighborhood represented by everybody there is at stake here. You have the authority to deny it. I was told by one of the Planning Board members eight days ago that you plan to deny it. I'm furious. I feel that you are caving, you're absolutely caving in to whatever pressures. You're
not representing the neighborhood, you're not representing the Village, and you're not fulfilling your duty. It's a total abnegation of responsibility.

And as I included in that letter, a perfect example of a one-family structure is the one that was built on the back ends of the Hugh Prestwood, Judy Ahrens lot that was split off on Second Street last year. It's a two bedroom, two bath. It's on a larger lot than 216 North Street. It's outrageous. You all know, you've all discussed, even with me, that you know what is going to happen at that house on 216 North Street. It will not remain a single family.

And as far as enforcement goes, the previous Planning Board Chair, on October of 2014, said that it's high time the Planning Board stopped approving things when they think it's going to be used for one thing and then it comes back and bites us, and we all know enforcement is a problem. Well, you betcha, enforcement will be a huge problem. I really urge you, defeat this. Make him come back, make him make a true single-family.

And, Glynis Berry, for you, as an architect, to call this plan a single-family, you should be ashamed.
of yourself. It is totally set out to run that
accessory staircase up to the balcony and it will be
a multi-family. That you could put your signature on
it and approve it and sponsor it, you should hang
your head in shame. Thank you.

MR. BURNS: Thank you for your opinion.

MS. MATTSON: My name is Norma --

ACTING CHAIRMAN DOWLING: Come up to the
podium, please.

MS. MATTSON: My name is Norma Fraser Mattson.

My address is 512 Third Street. And my question to
the gentleman there, Mr. Burns, you said that in your
neighborhood, there's a house there that you do not
like. So, if you don't like that situation, why are
you still letting stuff like that happen in the
neighborhood?

MR. BURNS: The answer is simple. The person
who built the house on Central Avenue had a perfect
right to do it and he did it according to code, he
did it according to the rules. I had no basis for
coming to him and saying, "You're not following the
rules." He was.

MS. MATTSON: But with so many of you here, do
something about it, do something to change it. This
is our -- this is where we live. This is where our

Work and Regular Session 3/26/15

grandchildren will come around on weekends and see
all -- see what's going on. Do something, please.

Thank you.

MS. BERRY: May I say something?
ACTING CHAIRMAN DOWLING: Yes.

MS. BERRY: I just wanted to say that, to address this kind of issue, you can't do it on an individual basis. But what you can do is if you're like having this problem continuously, to go back and look at the code and to see if any changes need to be made to the code, and then evaluate it and make recommendations. But we have to apply the regulations evenly. We can't, you know, say this one we want to impose this, and this we want to impose something different.

MS. MATTSON: But you have to start someplace.

MS. BERRY: Right. So I'm saying the place to start is, if this is an issue, you know, as a collective Board --

MS. MATTSON: Well, this is a start.

MS. BERRY: -- to look at that.

MS. MATTSON: This is a start. Start right here.

MR. BURNS: By the way, I am perfectly happy with the way the house that I'm mentioning has been used; wonderful families, wonderful people, wonderful neighbors.

MS. HELLER: Well, that's not the situation here.

MR. BURNS: You don't know that, you don't.

MS. MATTSON: Yes, we know.

MR. BURNS: You don't know that.
MS. MATTSON: We can see the potential. It's all around us.

MS. DECKER: Lynn Decker, Third Street. I just want to say I think we're setting a very, very bad precedent. And, as Jill said, there are rules on the books where you have the right, if you feel that something is amiss you have the right as a Board to not support this. And I think if you do support it, you're setting a very bad precedent for the Village for people who have invested in good faith that the lot next door will have an appropriate building put next to it, if that be the case. And I just think you're setting a really poor precedent, and you have the ability to not have this go through. It's just so inappropriate.

Have you looked at the size of the lot over there? Even if it ends up being a one-family building, it's massive for that little piece of property. It's not appropriate for the neighborhood. And I think it should start now, as far as fixing this situation.

ACTING CHAIRMAN DOWLING: I understand everybody's concerns. And, personally, I would wish this house didn't happen either, it was a different house. Unfortunately, we do have to go with the current code. We can't deny him his right as the code. I would prefer it was a nice two-bedroom little family house that sort of fit in, and maybe even smaller than the houses currently on the street,
but we can't tell him that. We can't authorize and
tell him, "You have to build smaller." We can tell
him he can't build bigger, and he's -- basically,
when you look at the plans he submitted, the first
plans we looked at, it was pretty sketchy looking.
But what he's resubmitted, he's followed what we've
asked him to do and we can't deny him for what he's
submitted to us. I mean, on paper and per the code,
it's a single-family home and it fits inside the
guidelines. And the only thing that I can think to
do to try to help is put this enforcement, attach it
to the acceptance. But, you know --

MS. HELLER: Did you ask him to do -- change
the plans enough so that there would be no

possibility that this would be a multi-family?

MR. MC MAHON: Any property could be abused.
Any property, if it's not used the way that the plans
are presented, then, I mean, that's a possibility for
any property.

ACTING CHAIRMAN DOWLING: Yup.

MR. MC MAHON: One of the tools we have would
be making a conditional approval, whereas every year
it's inspected and it's -- we're able to see whether
or not it is the actual use he applied for. A year
from completion, if the property is approved, they go
in and they say, "No, this is effectively a
two-family house," then there are -- there's
injunctive relief, there's not -- excuse me,
repealing or revoking the Certificate of Occupancy.

Those are some of the tools that we have. We
do have to find some sort of a balance between a
property owner's right to build on their property and
the effect in the neighborhood. Now, they're --

nobody's -- already, there's no way everyone's going
to be happy, there's no possible way, the homeowner,
the neighborhood. It's -- what I'm trying to do, I
could only speak for myself, is find some sort of a
balance, what is within the letter of the law, what's

best for the character of the neighborhood, and how

Work and Regular Session 3/26/15

do we go about this in a civil sort of way.

I hear your concerns. I share your concerns.

I am in a position where I need to do whatever I can
to allow people to use their properties in a
responsible manner, and ensure that they continue to
do so. I can't deny an application because there's
potential for abuse, because there is always
potential for abuse. What we can do is mitigate the
potential for abuse, not allowing a second kitchen,
asking that they have fewer bedrooms. There are some
steps we can take, but there is a balancing act here.

ACTING CHAIRPERSON DOWLING: We removed a
parking spot. That helps kind of keep -- you know,
with a multi-family house, it's pretty easy to tell
when there's 10 cars in the driveway and it's a
single-family house. So things like what we're
doing, like removing a parking space, removing a
bedroom. You know, it kind of makes it pretty
obvious if there's 10 cars in the driveway that this
might be the duck you were talking about, so.

But, I mean, we're all -- enforcement, now that
we finally have a Code Enforcement Officer in the
village, hopefully, a lot of the problems we've been
seeing for years in the village, hopefully, will
start stemming them, and, hopefully, enforcement will
increase as well.

MS. DICKEY: I'm Julie Dickey and I live at 220
North.

I'm wondering about the balcony. The balcony
was originally part of the two-family plan, and it
was presumably for the family that was living on the
second floor to be able to get some fresh air. But
now, if it's just one family, why do we even need a
balcony? I don't know.

MS. WARD: It's for a staircase, that's why.

MR. PROKOP: We're going to deal -- I'm going
to recommend to the Board that they deal with that in
a condition.

MS. DICKEY: Like remove it?

MR. PROKOP: I don't know that we could require
the removal of it, but we can restrict it so it
doesn't become another egress to the building.

MS. DICKEY: Okay. But that does impact the
comfort of our neighborhood big time, because, you
know, it just wipes out privacy in all our backyards.
So it definitely has a --
MR. PROKOP: What was the size of the balcony?

ACTING CHAIRMAN DOWLING: Well, we did put screening up so that he's not going to be able to look into your backyard, so.

MS. DICKEY: Screening? Screening is going to block out more sky from our backyard. You know, it's -- it's just not great for anybody here. And then I was wondering about, if you write in like -- if the house changes owners, would you still have that stipulation, that it would be like inspected every year?

MR. PROKOP: It will be on the Certificate of Occupancy for the property, so yes.

MS. DICKEY: Okay. And the other thing is their staircase from the front porch is still like running right into the driveway on the plan. I presume they would change that.

ACTING CHAIRMAN DOWLING: Yeah, that's something that --

MR. PROKOP: How big is it?

MS. WINGATE: Eight feet wide by 23 feet deep

MR. PROKOP: Eight feet by 23 feet? So the second floor balcony -- I don't review the plans, but if the second floor balcony is 8 feet by 23 feet, I don't consider that to be a balcony, I consider it to be a deck. My recommendation is that you consider it --

MS. WARD: Would you speak into the mic, please? With the rain, it's hard to hear.
MR. PROKOP: I wouldn't consider that to be -- I have concern regarding the size of the balcony. I don't believe an 8-by-23 -- 8 foot by 23 foot structure I would generally consider to be a deck, not a balcony. And I would -- I would think that a second floor deck might be something that you want -- thank you for bringing that up. Is it in the Planner's notes?

ACTING CHAIRMAN DOWLING: No, it's not.

MS. BERRY: No.

ACTING CHAIRMAN DOWLING: Just that we asked for screening on it.

MR. PROKOP: See, normally, if somebody calls something a balcony, it's -- a balcony is considered to be the room for -- basically, room for standing or for a chair is basically a balcony. When you get to the size of 20 feet by 8 feet, I think that that's actually a second floor deck, and which I think is a whole other world. You know, I think that that's moving into territory that could have an impact on the neighborhood. I think a second floor deck is generally considered to be something that has an impact on neighboring residences.

So, if we talk in terms of we have little discretion in terms of allowing this person to build
a one-family house, I think that you do have
discretion with regard to the -- this deck.

And the other thing that I was going recommend
was that there be a restriction that there not be a
stairway to the deck, to whatever we end up with this
thing. And then the second -- so I think the deck
has -- I think the deck definitely has to be
considered to be -- have an impact on the
neighborhood, and that's something that needs to be
adjusted.

My recommendation for restrictions was going to
be that there not be permitted to be a staircase to
this structure, that the applicant not be permitted
to break the house -- divide the house into two
dwelling units, and there not be any separation of
any portion of the interior space from the other
portion of the interior space. And I think that was
it.

And then the inspection that we spoke about --
and then there was, definitely was a discussion about
the stairway coming into the driveway. That was
supposed to be mitigated, so I'm not -- I'm not sure
why that's still around.

MS. WINGATE: It wasn't on the list.

ACTING CHAIRMAN DOWLING: It didn't make the

Work and Regular Session 3/26/15

list?

MS. WINGATE: It did not. It was not on the
list.

MR. PROKOP: But I think there was public
comment about it.

      ACTING CHAIRMAN DOWLING: There was, yup.
      MS. WARD: Definitely.
      MR. PROKOP: We just got the minutes to this last night, I'm sorry, so there's -- we're trying to catch up. The meetings were only two weeks apart, so we're trying to catch up.
      MS. WARD: I just was going to address that, and I'll be more constrained this time, because you're making me feel better, sir.
      Jill Ward again. One of the points I pointed out at the March 12th meeting was that staircase off the front porch. Initially, when they had applied for a two-family house before the ZBA, that front porch staircase ran directly off the front porch toward North Street. When they changed it to this supposed single-family that you discussed on March 12th, the staircase had suddenly turned to the east and was footing right in the driveway. The driveway is 11-and-a-half feet wide and the footing for the staircase would take up three feet of that.

And I pointed out in my comments two weeks ago that children playing on that porch, playing tag, one of them runs down that staircase, someone's trying to come up the driveway in a car, and you're going to have a tragedy on your hands.

I would be really happy if they would just swing it 90 degrees again and bring it straight out
towards the sidewalk. I don't know why it was ever changed. It makes no sense. And I think that should also be a stipulation, because I think it's really, really dangerous.

MR. PROKOP: But I think what I --

ACTING CHAIRMAN DOWLING: I agree, yeah.

MR. PROKOP: What I might recommend to the Chairman is if we have a regular meeting next week --

ACTING CHAIRMAN DOWLING: Yup.

MR. PROKOP: -- you might -- I might suggest that you adjourn this until next week, so we could formulate the decision --

ACTING CHAIRMAN DOWLING: Yup.

MR. PROKOP: -- to include -- you know, digest and include some of the things that were discussed tonight.

ACTING CHAIRMAN DOWLING: Yup. And, hopefully, the applicant will be there for that, too.

Work and Regular Session 3/26/15

MR. MATTSON: John Mattson. I have live at 512 Third Street. Our property borders the north side of 216 North.

I'm wondering, if they do build this deck, and they do put a staircase in, is it legal for me to photograph the staircase? And where would I bring that photograph in order to have the code enforced?

ACTING CHAIRMAN DOWLING: I don't think you'd even need a photograph. I think you could just go straight to the Building Department, to the Code Enforcement Officer and say, "They've got a
staircase." I don't think you'd even have to
piece it, you'd just have to call and report it
to the Building Department, I guess.

MR. MATTSON: The Building Department?

ACTING CHAIRMAN DOWLING: Yup. Don't waste the
megapixels.

MR. MATTSON: What's your number?

MS. WINGATE: Extension 210, 477-1217. Just
call and ask for either Ed Ward or myself, and we'll
goto out and do an inspection.

MR. MATTSON: All right.

MS. WARD: Would that hold up if the
property was --

ACTING CHAIRMAN DOWLING: Yeah. I think we

said before, we'd stipulate that would -- you know,
that would be attached to the C0.

MS. WARD: Okay.

MS. HELLER: But that should be a nonissue,
because there's going to be a balcony there, right,
and not a deck?

MR. PROKOP: We're going to work on that.

Thank you for bringing that up, the person that
brought that up, thank you.

MS. MATTSON: If the balcony is such an issue,
why not just remove it?

MR. MATTSON: What I see as the worst case
scenario with the balcony is like lots of people out
there are drinking beers and peeing off the balcony.
worse yet than day-laborers living there would be if
that's a summer rental and you have 20-year-olds in
there partying all night and the same routine. The
balcony is a nasty structure. It reminds me of
Chicago with all those row houses with the balconies
on them.

MR. PROKOP: Thank you.

ACTING CHAIRMAN DOWLING: Thanks.

MR. PROKOP: So just a motion to adjourn this
until the next meeting, if you agree.

ACTING CHAIRMAN DOWLING: Yeah, I definitely
agree.

MR. BURNS: I so move.

MS. WINGATE: We're working on time limitations
again.

ACTING CHAIRMAN DOWLING: Can we get in contact
with him before the next meeting? Because,
unfortunately, he's not even here to listen to the --

MS. WARD: It expires tonight. The 62 days he
agreed to expires tonight. Thanks, Eileen.

MR. PROKOP: Then deny?

MR. MC MAHON: Yeah. I mean, if he's not here
to agree to an extension, then we have to make an
action --

MS. WINGATE: Should I call?

MR. MC MAHON: -- as it is. See if we can get
him to degree to an extension.

MS. WINGATE: Is that --

MR. MC MAHON: Can he do that over the phone?
MR. PROKOP: Sure.
MS. WINGATE: Let's see if I have his number.
MR. BURNS: Our choice would be to deny it
with --
ACTING CHAIRMAN DOWLING: Have him resubmit it
for the next meeting
MR. BURNS: Resubmit.

Work and Regular Session 3/26/15

MS. WARD: Well, if they're taking the comfort
from the neighborhood, it's within your purview,
150-30. Is Ms. Wingate trying to call him?
ACTING CHAIRMAN DOWLING: Yes.
MR. BURNS: We could move to Item 2.
MR. MC MAHON: Well, I think we have to close
out the other one.
ACTING CHAIRMAN DOWLING: Yeah, we'll have to
close Item 1 first.
MR. BURNS: Okay.
ACTING CHAIRMAN DOWLING: Play the Jeopardy
music right now.
MR. PROKOP: So my recommendation is that we
hold that open so we could deal with a couple of
other issues.
So on Item #2, it's a motion to table
discussion of a site plan. We have the -- we have
the Building -- the Building Inspector has left.
Just to note on the record, the Building Inspector
has left the room to try to contact Mr. Spurge.
There are certain issues regarding the timing of the
application and restrictions that the Board may have.
So it's the -- it's my recommendation, as the
Attorney, that we move on to Item #2, which is a
motion to table discussion of site plan for Osprey

Work and Regular Session 3/26/15

Zone Marina.

MR. BURNS: I move to table.

MR. MC MAHON: I second that.

ACTING CHAIRMAN DOWLING: All in favor?

MR. BURNS: Aye.

MR. MCMAHON: Aye.

ACTING CHAIRMAN DOWLING: Aye.

MR. PROKOP: We have one other item on the
agenda I'd like to deal with at this time, with the
permission of the Chairperson -- the Chairman, excuse me.

Item #6, we have a -- under the Nuisance

Chapter of the Village Code, the Village served -- we
had a tragedy in the Village where a house was
destroyed by fire. And the owner -- the owner's bank
and the Village are working to try to clean up the
property and remove the debris for the safety of
everybody and the benefit of everybody. In order to
initiate that process, the Village served -- the way
that we had to do that was to serve a Notice of
Nuisance under our -- under our Nuisance Code, and
that triggered a process where the bank was going to
cooperate with the owner and the Village to remove
the debris.

When we served that notice, we gave the owner
five days to remove the debris, and the owner
questioned that and said that she should have been
given 21 days, and she filed an appeal. So there's
presently an appeal that's pending regarding that
notice.

Now, appeals of Nuisance Notices are required
to appear on the agenda of the next Planning Board
regular meeting. So what we did was we scheduled
tonight as a regular meeting to try to deal with
this, because there is an imminent safety issue
that's involved.

The owner has provided -- the owner has
questioned that, and complained, basically, that
tonight wasn't really a regular meeting, and that she
didn't have sufficient notice. And she's asked us to
put this over for our April 2nd meeting, and has
promised or represented to us that she will be here
on April 2nd to deal with this appeal and our notice.

So it's my recommendation that we adjourn this,
then, until April 2nd, since the applicant has
represented that she will be here that day, and then
there's no question that that's a regular meeting.

MR. BURNS: So moved.

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

ACTING CHAIRMAN DOWLING: I'll second that
motion.
MR. PROKOP: Okay. So we have comment from the Planner.

ACTING CHAIRMAN DOWLING: Okay.

MS. BERRY: I was just going to question, I mean, the 21 days would have expired April 1st, and it's from the date of notice. So, basically, by putting it off, you're accepting that the 21 days is acceptable. So, by doing that, you're actually making a determination in some ways.

ACTING CHAIRMAN DOWLING: I believe that due to the fact that it's no longer a fire hazard, that by the code, I think 21 days would be the time allowed, correct?

MR. PROKOP: Well, no. We have our determination that it's a safety hazard.

ACTING CHAIRMAN DOWLING: Oh, okay.

MR. PROKOP: So it would be the five days. But, you know, she said, basically, that -- she represented to the bank that she was trying to get time to work things out. You know, there were certain things that would happen to her benefit if she was able to get additional time.

We wanted -- unfortunately, we have this appeal to deal with. Whether it's, you know, five days, or 21 days, or 22 days, we have the appeal now that we have to deal with. So I think that that -- we don't have a choice, is what I think.

MS. BERRY: Can I ask one other question, too?

What about the liability for the adjoining
properties, in case something's happen between now
and then?

MR. PROKOP: Okay. So I think that because
there's an appeal, that we're acting within our code,
so we -- I don't think that the Village would have
additional liability for waiting the week. I don't
think our liability will change by waiting a week. I
don't think that we have any liability tonight, and I
don't think we have any liability next week either.
So the motion would be to adjourn this until
April 2nd.

MR. BURNS: So moved.

MR. PROKOP: Oh, there was a motion already.
I'm sorry.

ACTING CHAIRMAN DOWLING: Yes.

MR. MC MAHON: There was a motion and I
seconded it.

ACTING CHAIRMAN DOWLING: All in favor?

MR. BURNS: Aye.

MR. MCMAHON: Aye.

ACTING CHAIRMAN DOWLING: Aye.

Work and Regular Session 3/26/15

MR. MC MAHON: Okay. And were you able to get
in touch with --

MS. WINGATE: I would like to speak with Joe.

MR. MC MAHON: Okay.

MR. PROKOP: Okay. Excuse me.

(whereupon, Mr. Prokop and Ms. Wingate left the
room and returned.)
MR. PROKOP: Can I talk to you and Glynis? You know what we could do, is my recommendation is we vote to go into Executive Session due to potential litigation, and it will just take a minute. We can step in the back and it will just take a second.

ACTING CHAIRMAN DOWLING: Okay.

MR. PROKOP: So it would be a motion to go into Executive Session to discuss a matter involving potential litigation.

MR. BURNS: So moved.

MR. MC MAHON: Second.

ACTING CHAIRMAN DOWLING: All in favor?

MR. BURNS: Aye.

MR. MC MAHON: Aye.

ACTING CHAIRMAN DOWLING: Aye.

(whereupon, an Executive Session was held.)

MR. PROKOP: On Item #1, I'd like to introduce a motion for SEQRA for the Board. The motion would be for the Board to adopt Lead Agency status for purposes of SEQRA, for the Board to determine that the approval -- the approval or denial on the action on this application is an unlisted action for purposes of SEQRA, and that with certain conditions imposed, that the application will not have a significant negative impact on the environment, provided those conditions are complied with. And, therefore, what's called a Conditional Negative Declaration would be issued, if you agree.

MR. BURNS: And I so move.
ACTING CHAIRMAN DOWLING: All in favor?

MR. BURNS: Aye.

MR. MC MAHON: Aye.

CHAIRMAN DOWLING: Aye.

ACTING CHAIRMAN DOWLING: Do you want to explain SEQRA to the public?

MR. PROKOP: Under the New York State Code, we're required to make a determination regarding the environment. What the Board just determined is that given -- with certain conditions, as long as they're complied with, there will not be a significant negative impact on the environment.

MS. WARD: Can you tell us what those conditions are?

MR. PROKOP: We're going to work our way through them.

MS. WARD: I beg your pardon?

MR. PROKOP: If everybody stops -- excuse me. I'm sorry, I apologize. We're going to try to work our way through them.

So the conditions that I understand as they would be, would be that the width of the structure on the second floor will be reduced -- new plans will be submitted indicating width of the structure on the second floor of only five feet. Five feet is the exterior dimension of that structure, not the interior dimension of the structure.

That there will not be a stairway built at any
time, an exterior stairway to the second floor structure. The second floor structure I'm referring to is either a balcony, indicated balcony deck on the plans. So, again, that would be limited to a width of five feet. There will not at any time be an exterior stairway built to that structure.

The front access to the property will have a cement slab, a three-foot cement slab before the steps start. And the --

MS. WARD: The steps will be swiveled towards the street, and not --

WORK AND REGULAR SESSION 3/26/15

1

ACTING CHAIRMAN DOWLING: Correct.

2

MS. WINGATE: No.

3

MS. WARD: No.

4

ACTING CHAIRMAN DOWLING: No?

5

MR. PROKOP: No. There will be three-foot --

6

ACTING CHAIRMAN DOWLING: Oh.

7

MS. WINGATE: We didn't get that far.

8

MR. KEHL: I have one question on that. You said there would never be set of stairs put to that deck or balcony. Couldn't you just make it there would never be an exterior set of stairs to that building as a whole? That way they can't enter anywhere else, you would never -- you know what I'm saying? That would cover everything.

9

MS. BERRY: That's fine

10

MR. PROKOP: The Planner is saying yes. So that will be a -- and, also, there will not be a second -- an accessory -- excuse me, exterior stairs
to the second floor of the building constructed.

There'll be no interior division of the
interior space so as to divide it into two dwelling
units or two different living units. And no second
kitchen will be constructed within the interior of
the premises, there will be one kitchen only.

The Planning Board has the right to request

annual inspections of the property to determine
compliance with these conditions and the Village
code. And these conditions shall be -- every one --
each and every one of these conditions shall be made
part of the building permit, and shall be made part
of the Certificate of Occupancy that's issued for the
property for a one-family residence only.

MS. WARD: Sir, that's going to leave an
eight-foot-wide driveway. It doesn't remedy the
danger to anybody exiting that front porch stair into
the driveway. You put a three-foot slab into what is
now an 11-foot-wide driveway --

MS. EDWARDS: No, on the grass.

MS. WARD: There's no grass, I mean, it's the
driveway.

MS. BRAATEN: I'm sorry. I'm sorry. You have
to just say who are. I don't know.

MS. WARD: Jill Ward, Carol Edwards.

MS. EDWARDS: Carol Edwards.

MS. WARD: If you look at the -- do you have
the plans? I have the plans, if you don't have the
plans.

MS. WINGATE: Everybody has the plans. The
stairs will be --

MS. WINGATE: Thank you, Eileen.

Ms. WINGATE: The stairs will be interior to
the deck, not on the driveway side, on the deck side.

MS. WARD: What deck?

MS. WINGATE: The front porch. The stairs will
be interior.

MS. WARD: They're interior now, but they foot
at the edge of the driveway.

MS. WINGATE: They will shift further.

MS. WARD: That wasn't made clear by the
stipulation. As long as that three-foot slab doesn't
go into the 11-foot-wide driveway, reducing the width
of it to eight feet, I have no objection. Otherwise,
you're going to have a kid killed.

MR. PROKOP: The stairway access cannot
limit -- the front door access cannot limit the width
of the driveway.

MS. WINGATE: Say that again.

MR. PROKOP: Is it an 8-foot driveway or is it
an 11-foot driveway?

ACTING CHAIRMAN DOWLING: Eleven foot wide.

MR. PROKOP: Is it 11 foot wide?

ACTING CHAIRMAN DOWLING: Yeah.

MS. WINGATE: It will interfere with the access
to the front door. I believe that the building
envelope that he was given was 13 feet to the front
property line, and he moved his house to 15 feet. The two feet doesn't allow him the ability to have the steps without going for a front yard zoning variance.

MS. WARD: What if you move the steps and swing them off to the west?

MR. PROKOP: So why didn't tell -- why didn't we know that? So we should -- we have to deny this and refer it to the -- do we have to refer this to the Zoning --

MS. WINGATE: No. You could -- he -- would you, please, sit down? Thank you.

MS. WARD: I wish someone would look at the plans. You put a three-foot slab --

MR. PROKOP: I'm sorry. We're trying get some information from the Building Inspector, if you'll let her speak.

MS. WARD: I'm sorry, I'll let her speak.

MS. WINGATE: He needs three steps to the grade and a slab before the driveway. A 10-foot driveway is generally all you need. If you -- if you very carefully calculate the size of your driveway and leave enough to accommodate some kind of a landing, it should all be able to work.

MR. PROKOP: So we have a comment from the
public that what he did was he has an 11-foot
driveway and it's blocked -- three feet of which is
blocked by the exit.

MS. WINGATE: That's only because everybody's
insisting that he have --

MS. WARD: The plans show five steps to the
grade, not three.

MS. WINGATE: Go to -- no, let's go here.

MS. BERRY: I mean, he would just have to move
the front door over.

MS. WINGATE: He's got his steps, interior.
Then he'll have to redo the front deck and make it
work within -- that's fine.

MR. PROKOP: Why is the public --

MS. BERRY: There is room for him to move the
door.

MS. BRAATEN: I'm sorry. I'm sorry, Ms. Berry,
say that again.

MS. BERRY: There is room for him to shift the
doors, so he'll have to find a solution.

MS. WINGATE: It's generally not for the public
to decide what his front door looks like. It's never
been --

MR. PROKOP: But that's the only place where
we're getting these comments. I mean, it's unusual

Work and Regular Session 3/26/15

1

to have a stairway go right into the middle of the
driveway, isn't it?

MS. WINGATE: We have lots of that, Joe.

Doesn't -- there's room to slide the stairs back

Page 34
enough to get a landing. If he chooses to redesign
his porch, he has two feet. He could put the stairs
interior there.

MR. PROKOP: So then I guess the last condition
would be redesign -- a submission of a redesign of
the front deck, pulling -- excuse me -- the front
access, pulling back the stairway, to the approval of
the Board.

MR. BURNS: Sounds good to me.

MR. PROKOP: So the final, the final condition
would be the applicant -- the applicant is required
to submit plans redesigning the access to the front
of the house to limit -- to mitigate the interference
with the driveway, and pull back the steps enough so
that there would be some type of landing space at the
bottom step, between the bottom step and the
driveway.

So that would -- that's the motion. So the
motion would be to approve with those conditions that
we just read. And if anybody has any other
conditions or questions, now's the time.

Work and Regular Session 3/26/15

MR. BURNS: I so move.

ACTING CHAIRMAN DOWLING: Yeah.

MR. MC MAHON: That was -- I'm sorry. That was
with the -- for inspection to --

MR. PROKOP: Annual inspection.

MR. MC MAHON: -- ensure compliance with the --

MR. PROKOP: So the condition is there will be
annual inspections of the use of the property.

MR. MC MAHON: Thank you.

ACTING CHAIRMAN DOWLING: I move to approve the application with the conditions read by the Attorney. Is there a second?

MR. BURNS: Second.

ACTING CHAIRMAN DOWLING: All in favor?

MR. BURNS: Aye.

MR. MC MAHON: Aye.

ACTING CHAIRMAN DOWLING: Aye.

MS. WARD: May I ask a question? So the SEQRA review, if the State denies it, then what happens to those conditions?

MR. PROKOP: If the State denies it?

MS. WARD: I don't know. Who does the SEQRA review?

MR. PROKOP: We just did, we did it.

MS. WARD: Oh, you just did it. Okay, thank you. I don't know the terminology, I'm confused.

MR. BURNS: We're done.

ACTING CHAIRMAN DOWLING: So we have a couple of things that we have -- but I think -- yes.

MR. MC MAHON: Yeah. We had an issue with Item #5 as to whether or not the boarding was --

ACTING CHAIRMAN DOWLING: We've got read -- you've got to read --

MR. MC MAHON: But that was changed.

MR. PROKOP: Are you okay with everything else?

ACTING CHAIRMAN DOWLING: I believe so.
MR. PROKOP: Okay.

ACTING CHAIRMAN DOWLING: Okay.

MR. PROKOP: I appreciate it.

ACTING CHAIRMAN DOWLING: Thank you.

MR. PROKOP: Everybody did a really good job.

ACTING CHAIRMAN DOWLING: I think the neighbors -- the neighborhood thanks you for your help tonight.

MR. PROKOP: Okay. Good job.

ACTING CHAIRMAN DOWLING: Thanks.

MR. PROKOP: I would like to say thank you for -- the only reason we were able to deal with that application, the transcriptionist helped us out a lot. The stenographer helped us out a lot --

ACTING CHAIRMAN DOWLING: Yeah.

MR. PROKOP: -- you know, with the minutes, because this is -- we had the meeting times compressed, and I'd like to thank her.

MS. WARD: Is that all settled? That item is all settled?

ACTING CHAIRMAN DOWLING: That one is all settled.

MS. WARD: Thank you.

ACTING CHAIRMAN DOWLING: Thank you, everybody. Okay. Next, Item 3 on the agenda, review the submitted amended plans for exterior use at 477 Main Street. The use evaluation was approved at the March 12th, 2015 Planning Board meeting. That's Suffolk
County Tax Map #1001, Block 4 -- I'm sorry, Section 4, Block 7, Lot 21.

The applicant has submitted a revised site plan showing the tables on the exterior that we requested.

MR. MC MAHON: Now there was certain --

ACTING CHAIRMAN DOWLING: No one for the applicant's here, right?

MR. MC MAHON: We have requested they -- if they intend to -- did they actually submit an amended application --

ACTING CHAIRMAN DOWLING: We, I think --

Work and Regular Session 3/26/15 43

MR. MC MAHON: -- or just provided us with the plans showing that they were --

MS. WINGATE: I'm sorry, I was lost. Where are you now?

MR. MC MAHON: We're talking about the sushi place, 477 Main Street.

MS. WINGATE: The sushi place gave you just the plan.

ACTING CHAIRMAN DOWLING: Yeah. So my notes say that we accept his application, though, pending the exterior site plan before we approve it.

MR. MC MAHON: Well, I think we -- I think we told them that we were going to approve it without the outdoor seating, and if they wanted to have outdoor seating, that they would need to submit --

ACTING CHAIRMAN DOWLING: And he did.

MR. MC MAHON: But also a change of use application, no?
MR. BURNS: We did that, didn't we?

ACTING CHAIRMAN DOWLING: We didn't have to do a change of use, did we. It's part of the -- it's part of the site plan for the application, I believe.

MR. MC MAHON: So we're amending the original application to include the outdoor seating, is that --

MS. BERRY: Yeah.

ACTING CHAIRMAN DOWLING: Glynis, I don't think -- you didn't have issues with this, I don't believe, right?

MR. MC MAHON: No, there wasn't. I don't believe there's any objection to it. It was just a matter -- I'm just thinking --

ACTING CHAIRMAN DOWLING: Right.

MR. MC MAHON: -- procedure.

MS. BERRY: There is one thing I might add as a condition, is to ensure proper clearance at the head of the handicapped ramp, because it doesn't show on the plan, but I went to the site and checked it. So I would just -- they have plenty of room, so they can rearrange.

ACTING CHAIRMAN DOWLING: Okay.

MS. BERRY: So I'm not worried about enough room, but I would just --

MR. MC MAHON: Okay. What about the increased capacity, is that --

MS. BERRY: That's fine
MR. MC MAHON: It's fine? That's all settled?

MS. BERRY: (Nodded yes.)

MR. MC MAHON: Okay.

ACTING CHAIRMAN DOWLING: Any public comment on Work and Regular Session 3/26/15

this application at all?

MR. BURNS: I move we put it on the agenda for approval.

ACTING CHAIRMAN DOWLING: But we can -- it's a regular meeting. We can actually approve it tonight, if you'd like.

MR. BURNS: Tonight?

ACTING CHAIRMAN DOWLING: It would be nice, so the guy can get on his way to open business.

So, for Item #3, review the submitted plans for exterior, I think we're going to approve the application for Suffolk County Tax Map 1001.

MR. MC MAHON: I'll make that motion.

MR. BURNS: Second.

ACTING CHAIRMAN DOWLING: All in favor?

MR. BURNS: Aye.

MR. MCMAHON: Aye.

ACTING CHAIRMAN DOWLING: Aye.

MS. WINGATE: I think we also should write a resolution. Do you want to limit his terrace to the 25 seats, 20, 25 seats?

ACTING CHAIRMAN DOWLING: His site plan calls for 20 seats

MS. WINGATE: Twenty seats. Do you want to limit it to the 20 seats in writing?
ACTING CHAIRMAN DOWLING: Well --
MS. WINGATE: On the CO.
MR. BURNS: Yes.
ACTING CHAIRMAN DOWLING: Yes.
MR. MC MAHON: Yes.
MS. WINGATE: Okay.
ACTING CHAIRMAN DOWLING: Yes. I mean, if he's applied for 20 seats, then that's what he gets.
MS. WINGATE: Okay.
ACTING CHAIRMAN DOWLING: No more.
Okay. Item #4, continued discussion and possible motion on an application for a use evaluation for a new single family house to be located on a vacant lot at 101 Sterling Street. The applicant is John Cronin. Applicant has submitted four plans as requested.
Glynis, did you have any -- you had comments about the application, I believe.
MS. BERRY: Yeah, just with the condition that only one curb cut be provided, which he seemed to accept.
ACTING CHAIRMAN DOWLING: Yeah.
MR. MC MAHON: We don't have anyone? No? The applicant's not here?
(No response.)
MR. BURNS: I move we approve it.

MR. MC MAHON: I'll second that.

ACTING CHAIRMAN DOWLING: So a motion to approve the application for use evaluation for a single new family house to be located on a vacant lot at 101 Sterling Street. The applicant is John Cronin. Applicant has submitted floor plans as requested; Suffolk County Tax Map #1001, Section 3, Block 4, Lot 31.3, with the stipulation that he -- which he agreed to, that there would only be one curb cut. All in favor -- or second?

MR. BURNS: Second.

ACTING CHAIRMAN DOWLING: All in favor?

MR. BURNS: Aye.

MR. MCMAHON: Aye.

ACTING CHAIRMAN DOWLING: Aye.

Approved, so carried.

And #5, continued discussion and possible motion on application use evaluation for 120 Main Street. The applicant, Kim Loper, intends to locate a pet store with dog grooming in this vacant store space. Amended plans have been submitted upon request. This is Suffolk County Tax Map 1001, Section 5, Block 3, Lot 14. Kim, you're here.

MR. MC MAHON: I think our -- one of our primary concerns was whether or not there would be boarding, but then I believe the plans were revised that there will not be boarding, at this time anyway.

MS. LOPER: Yes.
MR. MC MAHON: Okay.

ACTING CHAIRMAN DOWLING: Okay.

MR. MC MAHON: There were a few items we had asked to be noted on the application.

MS. BERRY: Yeah, just conditional upon provision of exterior waste storage on the site. There's no reason to not approve.

ACTING CHAIRMAN DOWLING: Right. And you can -- are you allowed to have a dumpster or garbage facility storage outside the -- outside your space?

MS. LOPER: Can you say that again? I'm sorry.

ACTING CHAIRMAN DOWLING: Are you allowed to have garbage outside, you know, the building?

MS. LOPER: Am I allowed?

ACTING CHAIRMAN DOWLING: Yes, by your landlord. I mean, I think that's --

MS. LOPER: Yes, yes, absolutely.

ACTING CHAIRMAN DOWLING: Okay. So that's really the only really condition that we have ourselves, that just to, you know, have your waste outside --

MS. LOPER: Okay.

ACTING CHAIRMAN DOWLING: -- since you will have, obviously, dogs there, you know.

MS. LOPER: Not a problem.

MR. MC MAHON: But there is room on the site to --

ACTING CHAIRMAN DOWLING: Yeah.
MR. MC MAHON: For a dumpster on the property?

ACTING CHAIRMAN DOWLING: Yeah.

MS. LOPER: Yes.

ACTING CHAIRMAN DOWLING: So there's a Lucharito's spot there. There's seems to be quite a bit there.

MR. MC MAHON: Well, the Lucharito's spots are not their spots.

ACTING CHAIRMAN DOWLING: No.

MR. MC MAHON: That's property owned by Claudio's.

ACTING CHAIRMAN DOWLING: No, no, no. Lucharito's dumpsters are going to be maintained on that property as well.

MR. MC MAHON: Oh, okay. Oh, yeah. For a second, I thought you were -- I was thinking the other side of the street. Oh, that's not going to happen.

MS. BERRY: I just want her to claim her space before it gets --

MS. LOPER: So do I. So do I.

ACTING CHAIRMAN DOWLING: Yeah. He's got everybody there. So any -- everybody fine here? So I make a motion to approve the application for use of a -- Kim Loper intends to locate a pet store with dog grooming in this vacant store space. Amended plans have been submitted as requested; Suffolk County Tax Map 1001, Section 5, Block 3, Lot 14.

MR. BURNS: Second.
ACTING CHAIRMAN DOWLING: All in favor?

MR. BURNS: Aye.

MR. MCMAHON: Aye.

ACTING CHAIRMAN DOWLING: Aye.

So carried and approved.

MS. LOPER: Thank you.

ACTING CHAIRMAN DOWLING: Thank you.

MR. MC MAHON: Good luck.

ACTING CHAIRMAN DOWLING: Get to work.

MS. LOPER: Thank you.

ACTING CHAIRMAN DOWLING: Okay. And then

Item 7 -- we already went through Item 6.

Item 7, motion to schedule the next regular

meeting for April 2nd, 2015, and the work session

meeting for April 30th, 2015.

MR. MC MAHON: Second.

ACTING CHAIRMAN DOWLING: All in favor?

MR. BURNS: Aye.

MR. MCMAHON: Aye.

ACTING CHAIRMAN DOWLING: Aye.

So carried, approved.

Item #8, motion to adjourn.

MR. MC MAHON: I second.

MR. BURNS: Thank you. Thank you, Chris.

ACTING CHAIRMAN DOWLING: All in favor?

MR. BURNS: Aye.

MR. MCMAHON: Aye.

ACTING CHAIRMAN DOWLING: Aye.
So carried.

(Whereupon, the meeting was adjourned at 6:12 p.m.)

CERTIFICATION

STATE OF NEW YORK

COUNTY OF SUFFOLK

I, LUCIA BRAATEN, a Court Reporter and Notary Public for and within the State of New York, do hereby certify:

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on March 26, 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 10th day of April, 2015.