

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

VILLAGE OF GREENPORT  
PLANNING BOARD  
REGULAR SESSION  
April 2, 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

1           (Whereupon, the meeting was called to order at  
2           5:05 p.m.)

3           ACTING CHAIRMAN DOWLING: This is the Village  
4 of Greenport Planning Board, April 2nd, 2015, Third  
5 Street Firehouse, at 5 p.m., the regular meeting  
6 agenda.

7           Item #1, motion to hear appeal for time  
8 extension of the Notice of Public Nuisance issued to  
9 Margaret Richards for 415 Kaplan Avenue. The notice  
10 was posted and personally served on March 11, 2015,  
11 and directed the property owner to abate the public  
12 nuisance by completing the demolition and removal of  
13 the structure and remaining portions of the structure  
14 of the property, remove all remaining debris,  
15 properly grade and restore the property to be in  
16 harmony and conformity with the maintenance standards  
17 of adjacent property. This is for property, Suffolk  
18 County Tax Map 1001, Section 4, Block 1, Lot 6.

19           MS. RICHARDS: Hi. Margaret Richards for 415  
20 Kaplan Avenue, currently living at 437B 5th Street.

21           MR. PROKOP: What's the address again? I'm  
22 sorry.

23           MS. RICHARDS: Which one, the new one?

24           MR. PROKOP: Yes, please.

25           MS. RICHARDS: 437B 5th. I also have a Post

1 Office Box; do you want that?

2 MR. PROKOP: Sure.

3 MS. RICHARDS: P.O. 812.

4 MR. PROKOP: Thanks. If we needed to send you  
5 mail, can we use the --

6 MS. RICHARDS: Post Office Box would be the  
7 best.

8 MR. PROKOP: Okay. Thank you very much.

9 MS. RICHARDS: Okay. The main reason that I  
10 put this appeal in is, well, first of all, the code  
11 calls for a five-day notice if you are a fire hazard.  
12 And since the building has basically burned down and  
13 there's no gas, and there's no electric, I was a  
14 little stunned when I was served with a five-day  
15 notice. The code calls for a 21-day notice when it's  
16 simply, you know, a collapse issue, which it is, I'm  
17 not going to say it's not.

18 I need a little help because of money issues.  
19 And I am waiting for -- Jo Watkins Johnson was  
20 supposed to have an anonymous donor that was going to  
21 do the demolition for me. I need to get in touch  
22 with her to find out if that's going to happen, and  
23 if it's not, the bank will do it. But I don't know  
24 how quickly the bank can get in there. I do not want  
25 the Village to do it. I don't need this on a tax

1       lien, and neither does the bank. So I'm just asking  
2       you for as much time as you feel comfortable giving  
3       me, and that's it.

4               I was -- you know, I also wanted to point out  
5       that every time I deal with the Village, it pushes  
6       the limits of the code against me, which I think is  
7       really screwy, since I am a whistle-blower and that's  
8       a terrible thing to do. But serving me with a  
9       five-day was ridiculous, especially when it was  
10      nearly a month after the fire, so I don't think they  
11      were worried about it collapsing. So that's where I  
12      stand.

13             MR. BURNS: You agree, that it needs to be  
14      taken care of immediately?

15             MS. RICHARDS: Yes. It's going to come down.  
16      It's just a matter of I've got to see if Jo can have  
17      it done for me, where it won't cost me, it won't cost  
18      me much, or the bank will come in and do it and add  
19      it to the little bit of mortgage I'm going to still  
20      owe. So it will get done. Again, I don't know how  
21      much time the bank needs. I've never done anything  
22      like this before. So I'm looking for a comfortable  
23      margin, and it's definitely going to get done. I  
24      mean, I don't want to -- I feel bad for my neighbors.  
25      You know, I'm not trying to mess with anybody.

1           MR. MC MAHON: Okay. I understand, you've been  
2 through a terrible situation, and I feel for you in  
3 that regard. I am concerned that right now, the  
4 property does pose a danger.

5           MS. RICHARDS: Uh-huh.

6           MR. MC MAHON: There are kids that walk by  
7 there every day to and from school. It's an  
8 attractive nuisance. If, God forbid, a child goes  
9 there and something happens, it poses an imminent  
10 danger now, and it needs to be dealt with now. And I  
11 want to -- I want to work with you, but it's been  
12 almost two months since, you know, it's --

13           MS. RICHARDS: Month-and-a-half. But, you  
14 know, I mean, I didn't have homeowners. But, if I  
15 did have homeowners, I'd still be fighting this,  
16 because I know it wouldn't have come through by now.  
17 I know insurance takes forever to get through the --  
18 all of this stuff, so --

19           MR. MC MAHON: But even --

20           MS. RICHARDS: But the first thing we did was  
21 put up a security fence. That's another cost that's  
22 going to go -- take a little bit of the insurance out  
23 and it will be more I still will owe the bank. And  
24 I -- like I said, I didn't have homeowners, so  
25 everything here is an expense to me.

1 MR. MC MAHON: I understand, but, you know, we  
2 have a -- I think everybody here wants to do whatever  
3 we can, but, at the same time, we have a  
4 responsibility to -- I don't know why this comes  
5 before the Planning Board, it becomes our  
6 responsibility.

7 MS. RICHARDS: I know, it's the code.

8 ACTING CHAIRMAN DOWLING: Yeah.

9 MR. MC MAHON: You know, that's the way the  
10 code is, so we have a responsibility to -- there's an  
11 unsafe structure right now, and I can't in good  
12 conscience not act on that.

13 ACTING CHAIRMAN DOWLING: Yeah.

14 MR. MC MAHON: You know, I think  
15 you understand. I mean --

16 MS. RICHARDS: Okay. But I can also point out  
17 a lot of other unsafe structures that have been up  
18 for years and years. So I still feel I am kind of  
19 being put on the spot, as usual.

20 MR. MC MAHON: I understand that, but this is  
21 the -- this is the only one that's before us right  
22 now.

23 MS. RICHARDS: I know.

24 ACTING CHAIRMAN DOWLING: Yeah. I think -- you  
25 know, I think all of us, you know, definitely feel

1       sorry for you. You know, losing a home is a terrible  
2       thing. I've never experienced it and I'd hate to  
3       experience it. And I understand, you're going  
4       through a lot of stress from it.

5               MS. RICHARDS: I don't need pity, I just need  
6       cooperation.

7               ACTING CHAIRMAN DOWLING: For us, you know,  
8       going by the code, you know, I understand that you  
9       are -- you know, they had served you within five  
10      days, but since there wasn't a fire hazard, the code  
11      says you have 21 days from serving to take care of  
12      it. Unfortunately, the 21 days is up.

13              MS. RICHARDS: Well, that's tolled when I  
14      appeal.

15              ACTING CHAIRMAN DOWLING: Huh?

16              MS. RICHARDS: It's tolled when I appeal.

17              MR. MC MAHON: I'm sorry?

18              MS. RICHARDS: Tolled. T-O-L-L-E-D, tolled,  
19      stayed.

20              ACTING CHAIRMAN DOWLING: But the second thing  
21      is, on the -- we have a report from the engineering  
22      firm that says that, you know, it could be a danger  
23      to the structure next door, which brings into --  
24      under the Village Code, you know, 90-5, Section E,  
25      "Whenever a public nuisance exists which constitutes

1 an emergency, presenting imminent danger to life or  
2 serious injury to persons or property." And it does  
3 say in their report that the property next door is in  
4 danger of damage if a wall collapses. It says that,  
5 you know --

6 MS. RICHARDS: Yeah, a lace wall is going to  
7 damage a brick building. I'm sorry, it's just crap.

8 MR. MC MAHON: I mean, we have -- we have a  
9 report from the Fire Marshal and an engineer that are  
10 both telling us -- you know, I'm not an expert in  
11 structural engineering, but I have a report from an  
12 expert who's tell me that it's in implement danger of  
13 collapse, and the Fire Marshal as well.

14 MS. RICHARDS: Yeah, dated March 2nd, right?

15 MR. MC MAHON: Yes, dated March 2nd, and the  
16 other one dated February 20th, I believe, from the --

17 MS. RICHARDS: Which no one bothered to tell me  
18 until March 11th.

19 MR. MC MAHON: Okay. But it's still -- I mean,  
20 that's --

21 MS. RICHARDS: None of those papers. I never  
22 saw any of those papers until March 11th.

23 MR. MC MAHON: Okay. That's still three weeks  
24 ago. Again, I understand, this is a terrible  
25 situation you're in. You know, I don't want to be

1 the one in this position, but --

2 MS. RICHARDS: Do what you guys got to do.  
3 Tell me how much time I have.

4 MR. MC MAHON: The time's already past, in  
5 my -- that's just based on -- there's an imminent  
6 danger right now. I can't in good conscience not act  
7 on it.

8 MS. RICHARDS: You still have to give me a time  
9 frame, because I have to get someone in there to do  
10 it, the bank, if necessary.

11 MR. MC MAHON: I mean, the time frame is, I  
12 mean --

13 MS. RICHARDS: What do you want me to do, go  
14 there with a sledgehammer?

15 MR. MC MAHON: The problem is if you're not  
16 able to take care of it in a timely fashion, which I  
17 believe the time has already sort of transpired, then  
18 it's our responsibility to ask the Village to act.

19 MS. RICHARDS: Joe, doesn't it toll when I  
20 appeal?

21 MR. PROKOP: I think the -- our choice is -- we  
22 don't really set a time period. Our choices are to  
23 either grant or deny the appeal. So I think that's  
24 really the choice that we have, and then if we deny  
25 the appeal, then she goes into a period where there's

1 a -- it could be considered by the Trustees.

2 MR. MC MAHON: And what would the Trustees then  
3 consider? What would their --

4 MR. PROKOP: Well, I guess what she's talking  
5 to us about. And, basically, if I've understood the  
6 appeal correctly, she said that she was supposed to  
7 get 21 days, she was supposed to have 21 days to take  
8 it down instead of five days, and we were -- the bank  
9 -- the bank appealed to the Village to ask us to work  
10 with them to give time to the homeowner to work with  
11 -- you know, deal with the situation, which, since  
12 the appeal was simultaneously filed, we agreed to do.  
13 And we've been trying to work with them, and  
14 actually -- we've actually completed a demolition  
15 permit that's waiting at the Village Hall to be  
16 signed.

17 So, in terms of tonight, the Board's -- this  
18 Board's jurisdiction really is to either vote yes or  
19 no on the appeal, and then a no on the appeal  
20 would --

21 ACTING CHAIRMAN DOWLING: That goes to the  
22 Village Trustees. You could appeal our decision, and  
23 then it goes next to the next -- to the Trustees at  
24 their next regular meeting, correct?

25 MR. PROKOP: Yes.

1           ACTING CHAIRMAN DOWLING: When is the next  
2 regular meeting of the Village Board?

3           MS. WINGATE: It's changing to Thursdays. Is  
4 that for this month? Give me a second.

5           ACTING CHAIRMAN DOWLING: Well, just, you know,  
6 if we deny her appeal, basically, then, basically,  
7 she can appeal, appeal our decision, and that goes to  
8 the Trustees at the next regular meeting, and that  
9 would basically, you know, be your time.

10          MR. MC MAHON: Would that be helpful?

11          MS. RICHARDS: Yes.

12          MR. PROKOP: The other thing is that I want to  
13 say to the Board publicly, because this has been --  
14 you know, this really hasn't been a public discussion  
15 until now, is that, you know, the Village probably  
16 could have acted right away or -- we chose this  
17 process because it has a notice provision to the  
18 homeowner. And we thought that it was the most fair  
19 way to deal with the homeowner and also the bank.  
20 While all of this was going on, in the background, we  
21 were working with the bank, and trying to -- trying  
22 to reach a resolution that would be best for  
23 everybody, really, the homeowner and -- the  
24 homeowner, and the neighbors, and the bank. And  
25 that's basically how this situation arose.

1           MR. MC MAHON: Okay. Is there productive talks  
2 with the bank, and there's a demolition permit ready  
3 to go? That would go along way in allaying my  
4 concerns. But it does need to -- we need to know  
5 that something's -- you know, that the property is  
6 going to be dealt with as quickly as possible. And,  
7 you know -- because it does pose a danger right now,  
8 and that's -- I just --

9           MS. RICHARDS: I have no issue with that.

10          ACTING CHAIRMAN DOWLING: Do you know when the  
11 next meeting is?

12          MS. WINGATE: I don't know if it's the 16th and  
13 the 23rd, the 16th and the 23rd, or the 23rd and the  
14 30th.

15          ACTING CHAIRMAN DOWLING: Okay.

16          MS. WINGATE: I think it could be the 23rd and  
17 the 30th.

18          ACTING CHAIRMAN DOWLING: Okay. But my feeling  
19 is to not accept this, not accept an extension, but  
20 then you can appeal our decision and you can -- I  
21 mean, that gives you time, but, I mean, I think all  
22 of us here --

23          MS. RICHARDS: I agree. I will get it done as  
24 soon as I can.

25          ACTING CHAIRMAN DOWLING: All of us here feel

1 the structure is unsafe and it needs to come down.

2 MS. RICHARDS: I'm not trying to harm anybody.

3 MR. MC MAHON: I mean, if you're amenable to  
4 that -- I mean, do you have any concerns?

5 MS. RICHARDS: Like I said, I've got to make  
6 two phone calls. I've got to find out if Jo can have  
7 it done, and if she can't have it done, I call the  
8 bank and they do it. It will be done.

9 MR. PROKOP: But what if they -- then what  
10 is -- what was waiting? I mean, why was -- if that's  
11 -- see, the whole point of this was the bank asked us  
12 to give you time to give you the opportunity to take  
13 it down; that was three weeks ago. So what is -- if  
14 you just have to make two phone calls, I don't  
15 understand why --

16 MS. RICHARDS: I haven't been able to get a  
17 hold of Jo, and I have been unwell, and I've been a  
18 little busy. I've had a lot of things going on. And  
19 when I wasn't busy, I wasn't well. And I just  
20 haven't gotten hold of Jo to find out what she's  
21 doing. If she could do it for free, of course,  
22 that's what I want. If she can't, I call the bank.

23 MR. PROKOP: Is this the person that you've  
24 been working with all along?

25 MS. RICHARDS: I don't know what you mean.

1 MR. PROKOP: Because there was a person --  
2 wasn't there a person that said they were going to  
3 help you, and then they backed out or something?

4 MS. RICHARDS: If she backed out, she didn't  
5 tell me.

6 MS. BERRY: I have a couple of questions. Are  
7 there any propane tanks or gas tanks?

8 MS. RICHARDS: No, no.

9 MS. BERRY: What kind of --

10 MS. RICHARDS: It was empty. It was empty and,  
11 I wasn't using the stove.

12 MS. BERRY: Pardon?

13 MS. RICHARDS: The propane tanks were empty and  
14 I wasn't using the stove.

15 MS. BERRY: And do you have -- who did the  
16 propane tanks belong to?

17 MS. RICHARDS: VanDuzer.

18 MS. BERRY: Pardon?

19 MS. RICHARDS: VanDuzer.

20 MS. BERRY: VanDuzer. And are there any oil  
21 tanks?

22 MS. RICHARDS: Yes, underground in the front of  
23 the house.

24 MS. BERRY: And is the person who's  
25 volunteering to take down your house licensed?

1 MS. RICHARDS: I have no idea, it's anonymous.

2 MS. BERRY: No, I --

3 MS. RICHARDS: I would assume.

4 MS. BERRY: I don't mean who's paying for it,  
5 but the person actually doing the demo.

6 MS. RICHARDS: I have no idea, it's anonymous.

7 MS. BERRY: Okay.

8 MS. RICHARDS: It's one of the reasons I  
9 couldn't fill out a demo permit. I have to find out  
10 if this person's going to fill out a demo permit or  
11 not. I have an inkling who it is, and I think  
12 that -- 90% sure I could say yes to your question,  
13 but not formally. But, again, if it can't be done,  
14 the bank will do it, it's just going to cost me.

15 ACTING CHAIRMAN DOWLING: You mind if I make a  
16 motion?

17 (No response.)

18 ACTING CHAIRMAN DOWLING: Okay. I make a  
19 motion to not give a time extension of the Notice of  
20 Public Nuisance issued to Margaret Richards of 415  
21 Kaplan Avenue. The notice was posted and personally  
22 served on March 11th, 2015, and directed the property  
23 owner to abate the public nuisance by completing the  
24 demolition and removal of the structure and remaining  
25 portions of the structure of the property, remove all

1 remaining debris, properly grade, and restore the  
2 property to be in harmony and conformity with  
3 maintenance standards of adjacent property; Suffolk  
4 County Tax Map 1001, Section 4, Block 1, Lot 6. Do I  
5 have a second?

6 MR. BURNS: Second.

7 ACTING CHAIRMAN DOWLING: All in favor?

8 MR. BURNS: Aye.

9 MR. MC MAHON: Aye.

10 ACTING CHAIRMAN DOWLING: Aye.

11 So carried. Thank you.

12 Item #2, motion to hear appeal for adjournment  
13 of the review of the site plan application submitted  
14 for a new structure to be located at the Sterling  
15 Street Osprey Zone Marina; Suffolk County Tax Map  
16 1001, Section 3, Block 4, Lot 42.

17 MS. SIEGEL: Hi. Good evening. Jane Siegel,  
18 from the firm of Gleich, Siegel & Farkas, 36 South  
19 Station Plaza, Great Neck, New York, here on behalf  
20 of the owner.

21 I'd like to have an opportunity to extend the  
22 date for -- to the next --

23 MR. BROWN: June 4th.

24 MS. SIEGEL: Yeah, the June 4th hearing in  
25 order to have an opportunity. We just got the

1 minutes from the last meeting, they were just  
2 released last week, as a matter of fact. And we  
3 still have yet to receive and would like to obtain a  
4 copy of the Consultant's report that's referred to in  
5 the minutes. And, as a matter of fact, we would like  
6 to have that report to become part of the record  
7 itself, as well as the letter that I had sent to the  
8 Board, dated February 10th, which we had asked to  
9 have read into the minutes and become part of the  
10 record. So I don't know if you want to just say that  
11 it's going to become part of the record, or if you'd  
12 like me to read it in. How would you like to handle  
13 that?

14 MR. PROKOP: What is -- who it from, again?

15 MS. SIEGEL: It's from me.

16 MR. PROKOP: Oh, it's from you?

17 MS. SIEGEL: Yeah. You know, in the past, you  
18 have read into the record letters that were submitted  
19 by various residents. And I did submit this in a  
20 timely fashion, and I was surprised that it wasn't  
21 part of the transcript, which I don't -- it  
22 doesn't --

23 MR. PROKOP: When did you submit it?

24 MS. SIEGEL: You know, as long as I know that  
25 it's part of the record, that's fine. But I also

1 want to have the Consultant's report and to have that  
2 as part of the record as well.

3 MR. PROKOP: What is the date of your letter?

4 MS. SIEGEL: March 10th. Would you like me to  
5 read it into the record? I'll be happy to do that.

6 This is a letter dated March 10th, 2015, to the  
7 Village of Greenport Planning Board. Re: The  
8 Application for Site Plan Approval, Osprey Zone  
9 Marina, 123 Sterling Street; SCTM #1001-3-4-42.

10 "Dear Planning Board, this firm represents Paul  
11 Henry, the principal of Osprey Zone, Inc., the owner  
12 of the above-referenced premises. Reference is  
13 hereby made to Item #5 on the March 12th, 2015  
14 Village of Greenport Planning Board agenda. We  
15 request that this letter be read into the minutes of  
16 the meeting.

17 On January 29th, 2015, a motion was made and  
18 accepted for the Board to accept the Osprey Zone  
19 Marina site plan application in accordance with  
20 Section 150-30 of the Village Code. The site plan  
21 application is currently pending before this Board  
22 for approval.

23 At the February 5th, 2015 Village of Greenport  
24 Planning Board work session, many members of the  
25 community were present in person. The pre-submission

1 conferences on this matter were well attended.

2 Mr. Henry has been very responsive to the concerns of  
3 his neighbors, and as a result of the pre-submission  
4 conference comments, he reduced the project from a  
5 two-story structure to a one-story structure with a  
6 roof deck. In addition, the applicant has updated  
7 the site plan to address issues that were raised at  
8 the February 5th, 2015 work session.

9 As a reminder to the Planning Board, this is an  
10 application for site plan approval where the  
11 underlying building permit is for an as-of-right  
12 permitted use structure. Please be advised that the  
13 owner objects to any delay in the process, and  
14 requests that the Village of Greenport Planning Board  
15 approve the site plan application forthwith.

16 Thank you for your consideration. Very truly  
17 yours, Gleich, Siegel and Farkas, LLP, by Jane Cohen  
18 Siegel."

19 Now, at the last meeting, there was a  
20 consultant's report that was referred to, and in the  
21 minutes, it was -- it wasn't read in, it was just  
22 kind of loosely referred to, and we haven't had the  
23 benefit of seeing that report yet. We would like the  
24 adjournment for purposes of addressing the issues  
25 that are raised in that report so that we can have a

1 full and fair hearing on this.

2 The date we're requesting, after speaking with  
3 Eileen, and understanding what the submission process  
4 would be to get you any revisions that would be  
5 required to incorporate these issues raised, it's  
6 recommended that the June 4th date, that this be  
7 adjourned to that next calendar meeting.

8 MS. WINGATE: I have a question. Rob, you  
9 filed that request. Did you get it? Because I know  
10 I turned it over, the engineer -- the Planner's  
11 report.

12 MR. BROWN: Robert Brown, Architect. What I  
13 got was the report that was done after that meeting,  
14 not the report that was done for that meeting.

15 MS. SIEGEL: It was like a summary that was  
16 delivered.

17 MS. WINGATE: That's what --

18 ACTING CHAIRMAN DOWLING: That was it.

19 MS. WINGATE: That's it.

20 MR. PROKOP: That's all we got.

21 ACTING CHAIRMAN DOWLING: That's it.

22 MR. PROKOP: That's all we got.

23 MS. WINGATE: That's it.

24 MS. BERRY: That's it.

25 MS. SIEGEL: Okay. Well, this is not a

1 Consultant's report.

2 MR. PROKOP: And we get it the same time you do.

3 MS. SIEGEL: I -- this is the whole  
4 Consultant's report? I thought you obtained an  
5 expert in connection with this and that they rendered  
6 a report.

7 MR. PROKOP: We're not cross-examining our  
8 report today.

9 MS. SIEGEL: No, I know, but I'm just asking,  
10 because this doesn't --

11 ACTING CHAIRMAN DOWLING: That is -- that is  
12 our report, yes.

13 MS. SIEGEL: This is it?

14 ACTING CHAIRMAN DOWLING: Yeah.

15 MS. SIEGEL: There's no additional report in  
16 the file from -- I don't even know who the expert is.  
17 Who's the expert? Who's the author?

18 ACTING CHAIRMAN DOWLING: Meet Glynis.

19 MS. BERRY: Hi.

20 MS. SIEGEL: Hi. What's your name?

21 MS. BERRY: My name is Glynis Berry, and I've  
22 been retained to go over all of the items in the  
23 agenda. It's not like doing an -- you know, I'm not  
24 hired to look at your single one, it's for the group.  
25 I'm going over some of the issues that may come up.

1 MS. SIEGEL: Okay. So this is in the regular  
2 course you do this?

3 MS. BERRY: Yes. It's a recent --

4 MR. BROWN: The confusion that I had when I  
5 received it was that this document stipulates a  
6 recommendation to be held over to tonight's  
7 meeting --

8 MS. BERRY: Right.

9 MR. BROWN: -- which implies to me that this  
10 was a report done after that hearing.

11 MS. BERRY: Oh.

12 MS. SIEGEL: It looks like it, it reads that  
13 way. Can I show it to you? You might not be aware  
14 of what we're looking at.

15 MS. BERRY: Right. There might be a slight  
16 variation.

17 MS. SIEGEL: Yeah. I mean, I think you  
18 might -- you might have prepared something slightly  
19 different that you submitted. This is a summary.

20 MS. BERRY: Yeah. So --

21 MS. SIEGEL: So maybe you had something here  
22 prior to.

23 MS. BERRY: Right, but it's basically the same  
24 thing.

25 MS. SIEGEL: Can I then see? There would have

1       been one that was prepared for the meeting before  
2       that that may be --

3               MS. BERRY: Yeah, it's very similar.

4               MS. SIEGEL: Okay. So I would need to get a  
5       copy of those reports --

6               MS. BERRY: Okay.

7               MS. SIEGEL: -- so that we can review them and  
8       see the issues.

9               MS. BERRY: If you'd like, I can go over these  
10      now, if you want me to.

11              ACTING CHAIRMAN DOWLING: Please.

12              MS. BERRY: So, basically, there were three  
13      major issues. One, the building and the site design  
14      did not comply with accessibility requirements, and  
15      this was checked with the State by the Building  
16      Department.

17              MR. BROWN: Understood.

18              MS. SIEGEL: Can I just say one thing? We are  
19      going to want to have an opportunity to respond, not  
20      here on the spot tonight, but I want to do a little  
21      research. I just got this now. So that's why I'm  
22      first starting and I'd like to -- and I'd be happy to  
23      go over things. I want to know that we have an  
24      adjournment until the next -- the date requested. Is  
25      there a problem with that?

1 MS. BERRY: Let me go through my comments, and  
2 then they'll decide whether, you know --

3 MS. SIEGEL: Okay.

4 MS. BERRY: Another was the provision of  
5 adequate parking, that's another issue. What was  
6 proposed was three spots for the building, but it  
7 failed to identify the number of parking spaces  
8 needed for the marina.

9 And I looked at the code and 150-16(A)(7)  
10 combined spaces. "When any lot contains two or more  
11 uses having different parking requirements, the  
12 parking requirements for each use shall apply to the  
13 extent of that use." So, basically, you've got up to  
14 10 slips, so what -- when I looked at what's required  
15 for a marina, the closest was the club, and it's --  
16 as a Yacht Club, and it's one for every two members.  
17 So I assumed one member per slip, which was generous.  
18 And that's where I came up where you're lacking  
19 parking. And if you compare this to other towns,  
20 that's lenient, because they require one parking spot  
21 per slip.

22 Another question, is the Yacht Club limited to  
23 slip owners or will the membership be larger?  
24 Because it does say a private and public Yacht Club.

25 Will the use of the roof deck be limited to

1 those renting the slips? If not, the intensity of  
2 use is even greater.

3 And you have to remember that this lot is only  
4 1,616 square feet. It's like 1/25th of an acre, of a  
5 nominal acre, it's really small.

6 So -- and also with the parking, no space was  
7 designated as handicapped accessible.

8 Another major issue was occupancy and usage  
9 issues. And yes, the proposed use is accepted in  
10 zoning, but on your plans, you're calling for use as  
11 a private/public Yacht Club and marina, boat sales,  
12 rental, service, repair and storage, and a studio,  
13 okay?

14 MS. SIEGEL: Those are all permitted uses  
15 within the code.

16 MS. BERRY: They're all permitted uses, but  
17 there's no provision for those uses. Like there's a  
18 conflict. The cleaning of boats below the water line  
19 is prohibited in the waters of Stirling Harbor.  
20 Sandblasting, power sanding and painting of vessels  
21 anchored, moored or docked in the waters is  
22 prohibited.

23 MS. SIEGEL: There's no intention of performing  
24 any of those activities.

25 MR. PROKOP: Do you want cross-examine her, or

1 do you want to listen to the -- sorry.

2 MS. BERRY: So no space is provided for --

3 MR. PROKOP: Can we just hold off? Can we just  
4 stop for a second?

5 MS. BERRY: Okay.

6 MR. PROKOP: And I'll try not to get you  
7 interrupted again, but if I could ask a question.

8 MS. BERRY: Sure.

9 MR. PROKOP: How many rooms are going to be in  
10 this building? This is now a one-floor building,  
11 right?

12 MS. BERRY: Right. It's an office area that  
13 requires three parking spaces.

14 MR. PROKOP: So how can one room --

15 MS. BERRY: And a roof deck.

16 MR. PROKOP: How can one room have multiple  
17 uses?

18 MS. BERRY: No it's not -- it's the marina  
19 itself that has a use requirement.

20 MR. PROKOP: But I just -- I'm not talking  
21 about the use, I'm talking about -- I just heard a  
22 list of legal uses that this building will supposedly  
23 be used as.

24 MS. BERRY: Right.

25 MR. PROKOP: How can one room have multiple

1 uses? Doesn't a room have to be associated with a  
2 use and that's it? How can you just say this space  
3 is going to be everything that's permissible under --  
4 in this district?

5 MS. BERRY: I mean, to me, some aspects didn't  
6 have the space needed. And I don't know what a  
7 studio is that they want, you know, because that  
8 seems like a conflict with the office.

9 MR. PROKOP: Well, what is the studio? What  
10 type of studio? What type of studio are you talking  
11 about?

12 MS. SIEGEL: Basically, like a writer's studio.  
13 So, I mean, he's sitting at his desk, he's writing,  
14 and you can call that a studio, you know.

15 MS. BERRY: So it sounds like he could rent  
16 that office space to someone.

17 MS. SIEGEL: No, there's no intention to rent  
18 anything here, absolutely no intention to rent  
19 anything.

20 MS. BERRY: But a studio is put in there, so it  
21 makes you wonder. You know, it says "office," which  
22 we can understand to support the marina, but --

23 MS. SIEGEL: I mean, we would -- if we need to  
24 have a limitation -- at this point in time, it was to  
25 put up the permitted uses that were available.

1 MS. BERRY: Right.

2 MS. SIEGEL: But we can, you know, tighten that up.

3 MS. BERRY: And the other thing is --

4 MR. PROKOP: Wait a second. I'm sorry, excuse  
5 me. Could you -- I'm sorry. Just for my benefit, I  
6 think we need to pin down what the use is. I don't  
7 think that somebody can put an application in and  
8 just list all these many uses. We're not talking  
9 about an eight-room --

10 MS. BERRY: Right.

11 MR. PROKOP: We're talking about a room, right?  
12 I mean, unless you disagree. I mean, I'm not the  
13 Planner, but my recommendation to the Board is that a  
14 use is approved, not a list of uses.

15 MS. BERRY: I can agree. And I think the roof  
16 deck calls into play how that space is going to be  
17 actually used, in fact.

18 MS. SIEGEL: It's going to be used by the  
19 owner. I think that perhaps we can address all of  
20 these things when we do our final submission with  
21 you. But I will say that all of these things have  
22 been on the plan, and we went through a very, very  
23 extensive preliminary conference hearing, and all --  
24 these issues that you're raising now, none of these  
25 issues were, interestingly enough, raised previously.

1 And it's just, you know, we really tried before we  
2 even got to this stage to address issues, and I would  
3 think that many of these should have been raised  
4 then, but we're happy to address them.

5 MR. PROKOP: But the application has a  
6 fundamental problem that requires its denial, and you  
7 were given until tonight to correct that. So what is  
8 your -- what is your plan of action for correcting it?

9 MS. SIEGEL: What was the fundamental -- the  
10 denial was based upon?

11 MS. BERRY: Accessibility.

12 MS. SIEGEL: Is that the sole basis?

13 MR. PROKOP: I thought it was a technical --

14 ACTING CHAIRMAN DOWLING: And use.

15 MS. BERRY: It doesn't meet our building code.

16 MS. SIEGEL: So we're still trying to design  
17 something that was going to accommodate that, but we  
18 need time to figure -- to plan it.

19 MR. PROKOP: Wasn't it the type of parking, the  
20 surface of the parking lot?

21 ACTING CHAIRMAN DOWLING: There's that as well.

22 MS. BERRY: I think it's got three major  
23 issues.

24 MR. PROKOP: What are the three? So it's  
25 accessibility, the surface of the parking lot, and

1 what was the other issue?

2 MS. BERRY: Okay. The big one was the  
3 accessibility. The parking, there's not enough  
4 parking for the proposed uses. The occupancy uses as  
5 they're described don't -- are too intense for this  
6 space, and you're not providing the space for some of  
7 those things. If you're really going to be servicing  
8 or doing repair, there's no storage at all. So it --  
9 the uses, I agree, need to be more carefully  
10 described.

11 MR. PROKOP: You weren't here last time, but  
12 the Board was ready -- the Board was proceeding to  
13 deny the application because of the -- it was pointed  
14 out to us that there's problems with the application  
15 that requires denial. At Mr. Brown's request and my  
16 suggestion, we adjourned it until tonight to give you  
17 time to address those points. So they were very  
18 clear. They were in the Planner's report, but they  
19 were also discussed individually, they were very  
20 clear. So do you have any -- do you have any plan  
21 tonight to correct those?

22 MS. SIEGEL: We would like to address those  
23 issues. And, frankly, we need additional time in  
24 order to do that in an intelligent fashion. We did  
25 not have the benefit of the minutes or the report. I

1 expected that there was a full-blown consultant's  
2 report, and, you know, we just received this summary,  
3 this summary, and we are -- we want to have the  
4 opportunity to address those issues. So that's why  
5 we're requesting the extension of time, so that we  
6 can do that. There's no harm done to the Village by  
7 granting an extension of time, as long as we're  
8 consenting to it and we're asking for it.

9 To be honest with you, when I called for the  
10 agenda earlier today, we weren't even on the agenda,  
11 and they said it's posted. I looked on the internet,  
12 and, as a matter of fact, I had my secretary look  
13 just 20 minutes ago and our item was still not even  
14 posted. So I would hope that there would be no  
15 reason why you wouldn't grant this adjournment.

16 ACTING CHAIRMAN DOWLING: Well, I'm sorry that  
17 you weren't here for the last meeting, but the  
18 applicant was here, so.

19 MR. BROWN: At the last meeting, I was here.

20 ACTING CHAIRMAN DOWLING: Yes. I think it  
21 sounds like, from the issues that are on here, that  
22 this building has -- there's got to be a lot of  
23 rethinking done to this building.

24 MS. SIEGEL: This is very resolvable.

25 ACTING CHAIRMAN DOWLING: And the owner of the

1 property probably is going to want to be here to look  
2 at some of these drawings that Architect's going to  
3 come up with, especially with the accessibility  
4 issues. I think to get -- for you guys to come up  
5 with a new structure that's going to, you know, fit  
6 within the zoning and the requirements, I think it's  
7 going take a long time. And I think by the -- if  
8 you -- you know, if we get something on June 4th,  
9 we're not going to have enough time to really review it.

10 MS. SIEGEL: Well, actually, we're going to  
11 have to get it to you -- as discussed with the  
12 Building Department, was that we would have to get  
13 you the drawings by May 13th, and that we would then  
14 be on for the work session for May 28th, which is a  
15 timeline we can work with and are requesting. And  
16 there is really -- there's no prejudice to the  
17 Village by granting that adjournment.

18 The applicant has a lot of time invested in  
19 this project and wants to see it through. If you  
20 object to that adjournment, which is perfectly  
21 reasonable, it would seem like it would be arbitrary  
22 and capricious. If you're not satisfied with what's  
23 submitted at that time, obviously, the Village will  
24 at that time make their decision.

25 MR. PROKOP: But, you know, the problem is it's

1 not -- it's not something that we have discretion  
2 over. It doesn't -- it's not legal, what you're --

3 MS. SIEGEL: You're allowed to consent to an  
4 extension of time if the parties consent together.  
5 There's nothing illegal about that.

6 MR. PROKOP: Your application does not comply  
7 with law. That was -- that's not the discretion --  
8 the Board doesn't have the discretion to consider or  
9 adjourn an application that does not comply with law.  
10 We pointed that out to you the last time. It was my  
11 suggestion that the Board give you additional time  
12 until tonight.

13 The Board was ready to deny your application,  
14 because it does not comply with law, and we had hoped  
15 that you would have been able to present something.  
16 And it's not -- we're not talking about moving a site  
17 plan around, we're talking about problems with your  
18 application that do not comply with law, as we've  
19 been advised.

20 MS. SIEGEL: Well, I would like to say that,  
21 actually, in reviewing the minutes, there was a  
22 suggestion at that time that 60 days be given. And  
23 Mr. Brown was in a quandary as to how long to go for  
24 the adjournment, okay. As to the extension, he had  
25 consented to 30 days, but that just was not ample

1 time.

2 There really is no hardship here to the Village  
3 to extend it. And, as I said, we had all those  
4 preliminary conferences, and they were numerous, and  
5 none of these issues came out at that point in time.  
6 You're raising them now. We want to address them.  
7 We need the time to do so, and we're requesting that  
8 the matter be adjourned, that it be put on the  
9 Planning Board calendar for June 4th, that we -- and  
10 that we be on the 5/28 work session calendar.

11 ACTING CHAIRMAN DOWLING: For me, I think it  
12 would be cleaner for everybody if we denied your  
13 application, let you go back, regroup, and come out  
14 with a proper plan that fits within the law, within  
15 the code, the zoning and State laws, and come up with  
16 a proper structure that works for this site.

17 MR. PROKOP: Or withdraw it.

18 MS. SIEGEL: Excuse me?

19 MR. PROKOP: Or withdraw it. Just come up --

20 MS. SIEGEL: We're not looking to withdraw it.  
21 We want to extend the date in order to be responsive  
22 to the things that were just raised at the last  
23 issue. We didn't just come on to the scene here with  
24 this application. So to find out about these things  
25 at the midnight hour, and then the -- requesting

1 reasonably for an extension so that we could deal  
2 with them accordingly, to being told to shut us down  
3 that way is really arbitrary and capricious and not  
4 right. So we don't want to withdraw our application.  
5 We want to be responsive and we need the time to do it.

6 This is an as-of-right project. You might say  
7 it's a small piece of property, but by the same  
8 token, it's a property that my client has rights in,  
9 and he has the right to develop something in  
10 accordance with the law, and that's what he's  
11 attempting to do. We've been going through the  
12 process in accordance therewith and we want to  
13 continue, so we're requesting the extension of time  
14 to be responsive.

15 MS. BERRY: But part of the problem is we're  
16 not seeing a plan that's compliant.

17 MS. SIEGEL: Well, that's what we're going to  
18 try and help you with for the -- we're trying to help  
19 ourselves, and we're trying to work with the Village,  
20 and we've been trying to do at that all along, so  
21 we're working toward that goal together. We thank  
22 you for your corporation.

23 MR. PROKOP: The project's not as-of-right, it  
24 doesn't comply with the code. I don't know -- you  
25 may have an as-of-right to build something there.

1 I'm not sure if you do or not, if that's what you're  
2 claiming, but that the project that you propose does  
3 not comply with the code. I don't know what you  
4 expect us to do.

5 MS. SIEGEL: Well, you know something, I  
6 think --

7 MR. PROKOP: It really should never have come  
8 to this Board. It shouldn't be here, it doesn't  
9 comply with the code.

10 MS. SIEGEL: We got -- we went through very  
11 extensive preliminary conferences. I'm not really  
12 sure that your expert -- can you spell your last  
13 name, because I didn't really get it.

14 MS. BERRY: Berry, B-E-R-R-Y.

15 MS. SIEGEL: B-E-R-R-Y? Thank you. I'm not  
16 sure that I agree with your expert's opinion and I  
17 did need to do a little bit of research on that. But  
18 if, in fact, it requires the handicapped access,  
19 which is what they're saying, then we will provide it.

20 MS. BERRY: That came from the State.

21 MS. SIEGEL: Okay. We will provide it, if  
22 that's what it requires, so that's what we need a  
23 little bit of time to do.

24 MS. WINGATE: That was two months ago.

25 MS. BERRY: Yeah, and that was two months ago

1 and we did give you another month, so --

2 MS. SIEGEL: Two months ago?

3 MS. BERRY: Yes.

4 MS. SIEGEL: It wasn't two months ago. Your  
5 minutes from the last meeting, when this first came  
6 up the first time, was March 12th. Where is two  
7 months?

8 MS. WINGATE: I think it was -- Rob and I had  
9 talked about handicapped access.

10 MS. SIEGEL: No. This is the first time it's  
11 been on the record.

12 MS. WINGATE: Rob and I have talked about it.

13 MR. BROWN: And as I stated, I misunderstood  
14 what you were telling me. I did not realize that  
15 that was a definitive decision. I did not know that  
16 the State had made a ruling on that, and I was  
17 proceeding, waiting to find out if that was the case  
18 or not.

19 MS. SIEGEL: It wasn't part of the prior  
20 minutes.

21 MR. BROWN: All I'm asking for is a little bit  
22 of additional time to remedy the situation. I  
23 understand what the remedies are, and I just need a  
24 little time to be able to prepare a drawing that I  
25 can present to Mr. Henry for his approval. He was

1 not available until recently, and I just need a  
2 little time to prepare -- to respond to the issues  
3 that were raised at the last meeting.

4 ACTING CHAIRMAN DOWLING: Are there any other  
5 public comments at all on this?

6 MR. CORWIN: My name is David Corwin. I'm a  
7 member of the Conservation Advisory Council of the  
8 Village of Greenport. And I'll ask the Attorney, I'm  
9 also a member of the Zoning Board of Appeals, and  
10 there's a chance that some variation of this comes  
11 before the Zoning Board of Appeals. I don't want to  
12 speak on any of the things you've discussed. I would  
13 like to speak on something that's been left out.  
14 Should I go ahead and do that?

15 MR. PROKOP: Well, you can express -- the thing  
16 is you can -- you shouldn't express an opinion on  
17 anything that could potentially come before the  
18 Zoning Board of Appeals. Right now, there's no part  
19 of this application which is proposed to come before  
20 that. But I think that if you did do that, that you  
21 would have to then -- and it came before the Board of  
22 Appeals, you may have to recuse yourself. So, if it  
23 was a procedural issue that was not substantive  
24 coming before the Zoning Board of Appeals, it might  
25 be okay. But anything such as a preconceived opinion

1 about the project you shouldn't express.

2 MR. CORWIN: Well, I want to make clear to the  
3 Planning Board that the Conservation Advisory Council  
4 recommended a pumpout facility for the marina. And I  
5 had asked the Chairman of the Planning Board not to  
6 accept the application until a pumpout facility was  
7 installed.

8 The pumpout facility was part of a wetlands  
9 permit the Village issued, but it was never built.  
10 So I'm just saying, why are you even talking about  
11 this when the applicant never finished the wetlands  
12 permit properly? Thank you.

13 ACTING CHAIRMAN DOWLING: Thanks.

14 MR. PROKOP: So one of the -- it looks like you  
15 have a couple of --

16 MS. SIEGEL: In connection with that --

17 MR. PROKOP: It looks like you have a couple of  
18 options here, I think. I think one of the things you  
19 might -- I don't know what Glynis thinks about this,  
20 but one of the things that you might consider doing  
21 is just tabling the application indefinitely with no  
22 date. I mean, I would rather not. You know, rather  
23 than give a date. You know, I think it's of no use  
24 to give -- to adjourn to a specific date, because  
25 we've done that so many times that I don't think that

1 anything is going to happen. I mean, it doesn't seem  
2 like there's anything that's going happen. So that  
3 would just be a suggestion I have.

4 MS. BERRY: I have a question, though. If we  
5 just adjourn it, isn't that like no action?

6 MR. PROKOP: Yes.

7 MS. BERRY: And then they could do it  
8 as-of-right, then, because we didn't come to a --

9 MR. PROKOP: Well, it would have to be with  
10 their permission, right.

11 MS. BERRY: Yeah, because we wouldn't have come  
12 to a conclusion.

13 MR. PROKOP: Right.

14 MS. BERRY: So I think it's clear. I agree  
15 about the issue with the dates, but if it's just  
16 left, I wonder if it could be understood that no  
17 position was made, and, therefore, it's allowed.

18 MR. PROKOP: Yeah. I mean, I'm just wondering  
19 if there's something we could do other than an  
20 official withdraw or denial, if there's something in  
21 between. Because the problem is if we do a denial,  
22 then it creates -- it puts them in a position where  
23 they have -- then they have choices, you know, to  
24 preserve their rights, and I'd rather not have to  
25 have that process started. So, if there's something

1 else that is -- would essentially be a withdrawal,  
2 but not officially withdrawal, you know, send it --  
3 refer it back to the Building Department for review,  
4 something like that, is something like that possible?

5 MS. SIEGEL: Sounds like --

6 MS. BERRY: I would do the date and put it back  
7 on the agenda, because then you have the agreement  
8 and it's clear. I'm just afraid that if we don't  
9 have a clear ending to this, some of the issues don't  
10 get resolved.

11 MS. SIEGEL: I would like to say, with regard  
12 to the gentleman who just spoke previously, that we  
13 were attempting to remedy all of that, and there had  
14 been an agreement for an extension on that, and we're  
15 -- went and took out an application for a direct  
16 hookup to the sewer system in order to take care of  
17 the pumpout station in connection with the  
18 construction of this building.

19 And, of course, I am -- I do request that the  
20 matter be adjourned to the date that was requested of  
21 June 4th, and I do not consent to the tabling of the  
22 matter.

23 MR. PROKOP: So just so you don't come back on  
24 June 4th and claim that you're confused again, you  
25 know that the pumpout station is an issue, right?

1 MS. SIEGEL: Well, I know that we are  
2 addressing it in connection with this application and  
3 are seeking to resolve it together, and that was what  
4 was discussed when we were getting site plan approval  
5 as well. We took out a permit so that we can have a  
6 direct sewer hookup. We needed that hookup in order  
7 to do a pumpout. So we're trying to resolve  
8 everything yet together.

9 MR. PROKOP: So you know it's an issue?

10 MS. SIEGEL: Well, it's something we addressed  
11 in this project and we actually have it provided for,  
12 yes.

13 MS. WINGATE: I believe that if you're first  
14 submitting the set of plans to be reviewed again for  
15 June, that the marina will have been up and running  
16 for a full 30, 40, 50 days by then. Spring is now,  
17 the ground is unfrozen, and I think that, put in good  
18 faith, the work for the RPZ valve and the pumpout  
19 station should start immediately.

20 MS. SIEGEL: Well, in good faith, we put in the  
21 application based on your recommendation. There were  
22 questions with regard to this, so, you know --

23 MS. WINGATE: It's an application with a \$50  
24 fee. I think we need a little more than that.

25 MS. SIEGEL: Well, I am not completely aware.

1 MS. WINGATE: Because the marina is up and  
2 running, and by June, it will be way up and running  
3 and you still don't have a pumpout facility.

4 MS. SIEGEL: Right. And there is a pumpout  
5 boat that comes around and that all of the boats in  
6 this marina use that.

7 MR. PROKOP: Wait. They don't control the  
8 process. We control the process, they don't control  
9 the process, so what is -- what do they need to do  
10 specifically?

11 MS. WINGATE: They need a pumpout facility.  
12 And I know that they want to tie it into the sewer,  
13 but one is -- it's not exclusive, you could do both  
14 simultaneously.

15 MS. SIEGEL: But that's what we've been  
16 discussing all along, is doing it simultaneously.

17 MS. WINGATE: I don't think that you should --  
18 if you're still in site plan in June and you don't  
19 even start construction until October, you've gone  
20 another season without a pumpout.

21 MS. SIEGEL: But all of our boats also use the  
22 pumpout boat, so it's really -- you know, the fact  
23 that they even put that in as a condition --

24 MS. WINGATE: It's our rules and regulations.  
25 They put it in as a condition because it's part of

1 our Local Law.

2 MS. SIEGEL: I think it was put in because it  
3 was a recommendation and it was just adopted.

4 ACTING CHAIRMAN DOWLING: Because it's part of  
5 the Local Law as well.

6 MS. SIEGEL: Well, then we'll address that, no  
7 problem.

8 MS. BERRY: It shouldn't be tied to the  
9 building permit at all. It's a separate -- it's a  
10 separate permit and obligation, so I think that's the  
11 point. You're trying to tie it. I mean, we saw it  
12 in the plans, so we didn't comment on it.

13 MS. SIEGEL: So we understand that it's an  
14 issue. I'll have to discuss it with Mr. Henry and so  
15 that we can seek to resolve it. There had been an  
16 extension given on it as well, so.

17 MS. BERRY: Until when?

18 MS. WINGATE: In the dead of winter until  
19 spring.

20 MS. SIEGEL: It wasn't -- there was no date on  
21 it at the time.

22 MR. PROKOP: The requirement for the pumpout  
23 station exists now.

24 ACTING CHAIRMAN DOWLING: Correct.

25 MR. PROKOP: It has nothing -- the requirement

1 for the pumpout --

2 ACTING CHAIRMAN DOWLING: Had nothing to do  
3 with this application. It was part of a previous  
4 site plan that they got approved on.

5 MR. PROKOP: So it's really --

6 MS. WINGATE: No, part of a previous wetlands  
7 permit application.

8 ACTING CHAIRMAN DOWLING: Wetlands permit, yes.

9 MR. PROKOP: And you're -- and so it's an  
10 enforcement issue that exists now, right?

11 MS. WINGATE: Yes.

12 MR. PROKOP: Okay. So that -- so we can refer  
13 that -- it's on the record now that there's obviously  
14 an enforcement problem that you have -- you are all  
15 related to the Enforcement Division, right?

16 MS. WINGATE: (Nodded yes.)

17 MR. PROKOP: So we're here. So that's -- you  
18 know, we can work on that in the meantime and --

19 MS. WINGATE: Letters have gone out, meetings  
20 have been made. We have noncompliance.

21 MR. PROKOP: Okay.

22 MS. SIEGEL: And we've been talking about  
23 complying with this project, but, you know, you have  
24 -- that is a separate issue and you can handle  
25 separately.

1 MR. PROKOP: Well, is there an application  
2 pending to do that?

3 MS. WINGATE: There is a sewer application  
4 pending, but it's sitting in Village Hall waiting for  
5 the spring, I guess. But we don't have a building,  
6 so we can't do a sewer hookup. So move past that and  
7 then do the pumpout in preparation for the building.  
8 One is not dependent on the other.

9 MR. PROKOP: We don't -- isn't the pumpout part  
10 of the site plan?

11 ACTING CHAIRMAN DOWLING: It is.

12 MS. WINGATE: It is.

13 MR. PROKOP: So how can we tell them they have  
14 to do the site -- the pumpout immediately if the site  
15 plan is going to be adjourned again?

16 ACTING CHAIRMAN DOWLING: Well, the pumpout was  
17 part of a previous --

18 MR. PROKOP: Oh, it has to be there now?

19 ACTING CHAIRMAN DOWLING: Which they never --  
20 they never did, and now they're putting it on this  
21 application to do it.

22 MS. SIEGEL: There were extensions that were  
23 granted by the gentleman who was -- apparently a  
24 letter had gone out to all of the resident  
25 dock-holders and it is being addressed. So I don't

1 think that that should hold up our adjournment on  
2 this site plan approval.

3 MR. PROKOP: Well, what is being done to  
4 address it?

5 MS. SIEGEL: Well, initially, and maybe this --  
6 right before this Board, they said let's at least  
7 take care of this by taking out the permit and doing  
8 it together, and that's what we were doing. Now I'm  
9 hearing tonight that they want us to handle it  
10 differently, so we'll have to seek to address that.

11 MR. PROKOP: Can the site plan for the pumpout  
12 station proceed? Can that proceed without the other  
13 site plan?

14 MS. WINGATE: Yes.

15 ACTING CHAIRMAN DOWLING: I think, before this  
16 application came to us, that was already something  
17 that they had agreed to do and been told they had to  
18 do. Having it attached to this is basically asking  
19 for forgiveness to the previous ruling.

20 MR. PROKOP: Okay. So why don't we -- if we're  
21 even thinking about another extension, as compared to  
22 denying it, why don't we -- why wouldn't we -- I  
23 would recommend that your adjournment, if that's what  
24 you want -- decide to do, is conditional on the  
25 pumpout station being completed in the meantime.

1 That's a condition of an adjournment until June 4th,  
2 if it's not completed by -- what's the submission  
3 date for the documents, May 13th?

4 MS. WINGATE: May 13th.

5 MR. PROKOP: Thirteenth? So if it's not  
6 completed by May 13th, then it will be -- as a matter  
7 of fact, we have a work session.

8 MS. WINGATE: Wait, wait, wait.

9 MS. SIEGEL: I think that -- I think that you  
10 have two separate issues here, if I might say. And  
11 if you're complying -- if you're --

12 MR. PROKOP: Just let us deal with it without  
13 your interruption, please, for a second, and then  
14 you'll have time. Let us just --

15 MS. WINGATE: May 13th I need all -- I need the  
16 package to go, so that we have two weeks until the  
17 28th for the work session, and then the regular  
18 session is June 4th.

19 MR. PROKOP: Okay. So why don't we -- just to  
20 bring the pumpout station to a head, because it  
21 doesn't -- I've asked her several times to tell us  
22 what she's been doing and there's nothing that's  
23 being offered, other than discussions or thinking.

24 MS. WINGATE: I think having the pumpout system  
25 up and running before the Memorial Day weekend is a

1 huge benefit.

2 ACTING CHAIRMAN DOWLING: And before boats come  
3 in that actually need it.

4 MR. PROKOP: Okay. So why don't we do that,  
5 because that would actually be something good for the  
6 Board, constructive, I think, for the Board to do  
7 tonight. So maybe grant the adjournment, an  
8 adjournment conditioned on the pumpout station being  
9 functional by Memorial --

10 MS. SIEGEL: I don't really know if that's a  
11 possibility.

12 MR. PROKOP: By the Friday of Memorial Day  
13 weekend.

14 MS. SIEGEL: And the truth is, is that the  
15 compliance issue, that's something that your  
16 Compliance Department can issue and it doesn't have  
17 to be tied to this application. To be honest with  
18 you, we put in for the sewer application based on  
19 this Board's recommendation, "Please put in for the  
20 sewer application so that we can take care of this  
21 all at once." Now you're asking me to put in a date  
22 certain to have it done by in order to get an  
23 extension of time, and I think that that is arbitrary  
24 and capricious and wrong.

25 MR. PROKOP: No. Actually, you were given a

1 date certain to do this several years ago, I think.  
2 I think -- I think you're on your like third or  
3 fourth date certain.

4 MS. SIEGEL: No, I disagree with you on that.  
5 Thank you.

6 MS. WINGATE: No. I --

7 MR. PROKOP: And I gave you the opportunity --

8 ACTING CHAIRMAN DOWLING: Please, yes, you're  
9 wrong.

10 MR. PROKOP: I gave you the opportunity to tell  
11 us what you're doing about it, and all you just said  
12 was discussing and thinking and incorporating.

13 MS. SIEGEL: Well, we were incorporating it  
14 into this building plan, which was the plan, that we  
15 were going to resolve it in connection with the  
16 construction of this building --

17 MR. PROKOP: So that would be my recommendation  
18 to the Board.

19 MS. SIEGEL: -- because we didn't have a sewer  
20 hookup in order to do this before. So it was going  
21 to be done on the site plan in the right place that  
22 would work with the building and this site plan  
23 approval.

24 MS. WINGATE: I don't think anybody expected  
25 this to go this long. If things were on target, you

1 would be starting construction for the spring.  
2 Nobody's going to want to start construction by the  
3 time you get through site plan. I know how that  
4 works. They're going take the summer off, and then  
5 that parcel will be without a pumpout facility for  
6 the season. That's not adequate. They need to move  
7 on it. It's spring, the ground is thawed. It's time  
8 for a pumpout system.

9 He was -- I sat in the meeting with Paul Henry  
10 last June, he said he would do it then. We argued  
11 plenty back and forth, and he said he would do it, so  
12 it's time.

13 MR. PROKOP: So the motion would be to grant  
14 the final adjournment of the application until June  
15 4th, 2000 -- to be heard at the June 4th, 2015  
16 meeting. Any further submissions by the applicant  
17 has -- it's conditional on the -- this final  
18 adjournment is conditional on any further submissions  
19 by the applicant being received by the Village by May  
20 13th?

21 MS. WINGATE: May 13th.

22 MR. PROKOP: May 13th, 2015. And, further, on  
23 the condition that a working pumpout station using a  
24 sewer connection is installed and operating by the  
25 Friday of Memorial Day weekend of 2015.

1 MS. SIEGEL: I don't know if that's possible.

2 MS. WINGATE: Why would it not be possible?

3 MS. SIEGEL: I have not -- you know, I'm not  
4 familiar with the construction.

5 MR. PROKOP: Excuse me. There's a -- please  
6 don't. So that's -- I just wanted to verbalize --  
7 that's for discussion, unless somebody wants to make  
8 that motion. You know, you could change it or --

9 ACTING CHAIRMAN DOWLING: Okay. Do we have a  
10 second for that motion?

11 MR. BURNS: Second.

12 ACTING CHAIRMAN DOWLING: All in favor?

13 MR. BURNS: Aye.

14 MR. MC MAHON: Aye.

15 ACTING CHAIRMAN DOWLING: Aye. It's carried.

16 MS. SIEGEL: Thank you.

17 ACTING CHAIRMAN DOWLING: Item #3, I'd like to  
18 make a motion --

19 MR. PROKOP: No, sorry.

20 ACTING CHAIRMAN DOWLING: Item #3, motion to  
21 adjourn the meeting.

22 MR. BURNS: So moved.

23 MR. MC MAHON: Second.

24 ACTING CHAIRMAN DOWLING: All in favor?

25 MR. BURNS: Aye.

1 MR. MC MAHON: Aye.

2 ACTING CHAIRMAN DOWLING: Aye. Meeting

3 adjourned.

4 (Whereupon, the meeting was adjourned at 6:05 p.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

