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

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WHEREUPON, the meeting was called to order at 5:05 p.m.)

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

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

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

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

MS. RICHARDS: Which one, the new one?

MR. PROKOP: Yes, please.

MS. RICHARDS: 437B 5th. I also have a Post...
Office Box; do you want that?

MR. PROKOP: Sure.

MS. RICHARDS: P.O. 812.

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

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

MR. PROKOP: Okay. Thank you very much.

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

I need a little help because of money issues. And I am waiting for -- Jo Watkins Johnson was supposed to have an anonymous donor that was going to do the demolition for me. I need to get in touch with her to find out if that's going to happen, and if it's not, the bank will do it. But I don't know how quickly the bank can get in there. I do not want the Village to do it. I don't need this on a tax
lien, and neither does the bank. So I'm just asking you for as much time as you feel comfortable giving me, and that's it.

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

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

MS. RICHARDS: Yes. It's going to come down. It's just a matter of I've got to see if Jo can have it done for me, where it won't cost me, it won't cost me much, or the bank will come in and do it and add it to the little bit of mortgage I'm going to still owe. So it will get done. Again, I don't know how much time the bank needs. I've never done anything like this before. So I'm looking for a comfortable margin, and it's definitely going to get done. I mean, I don't want to -- I feel bad for my neighbors. You know, I'm not trying to mess with anybody.
MR. MC MAHON: Okay. I understand, you've been through a terrible situation, and I feel for you in that regard. I am concerned that right now, the property does pose a danger.

MS. RICHARDS: Uh-huh.

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

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

MR. MC MAHON: But even --

MS. RICHARDS: But the first thing we did was put up a security fence. That's another cost that's going to go -- take a little bit of the insurance out and it will be more I still will owe the bank. And I -- like I said, I didn't have homeowners, so everything here is an expense to me.
MR. MC MAHON: I understand, but, you know, we have a -- I think everybody here wants to do whatever we can, but, at the same time, we have a responsibility to -- I don't know why this comes before the Planning Board, it becomes our responsibility.

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

ACTING CHAIRMAN DOWLING: Yeah.

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

ACTING CHAIRMAN DOWLING: Yeah.

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

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

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

MS. RICHARDS: I know.

ACTING CHAIRMAN DOWLING: Yeah. I think -- you know, I think all of us, you know, definitely feel
sorry for you. You know, losing a home is a terrible thing. I've never experienced it and I'd hate to experience it. And I understand, you're going through a lot of stress from it.

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

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

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

ACTING CHAIRMAN DOWLING: Huh?

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

MR. MC MAHON: I'm sorry?


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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. PROKOP: I think the -- our choice is -- we don't really set a time period. Our choices are to either grant or deny the appeal. So I think that's really the choice that we have, and then if we deny the appeal, then she goes into a period where there's
MR. MC MAHON: And what would the Trustees then consider? What would their --

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

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

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

MR. PROKOP: Yes.
ACTING CHAIRMAN DOWLING: When is the next regular meeting of the Village Board?

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

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

MR. MC MAHON: Would that be helpful?

MS. RICHARDS: Yes.

MR. PROKOP: The other thing is that I want to say to the Board publicly, because this has been -- you know, this really hasn't been a public discussion until now, is that, you know, the Village probably could have acted right away or -- we chose this process because it has a notice provision to the homeowner. And we thought that it was the most fair way to deal with the homeowner and also the bank. While all of this was going on, in the background, we were working with the bank, and trying to -- trying to reach a resolution that would be best for everybody, really, the homeowner and -- the homeowner, and the neighbors, and the bank. And that's basically how this situation arose.
MR. MC MAHON: Okay. Is there productive talks
with the bank, and there's a demolition permit ready
to go? That would go along way in allaying my
concerns. But it does need to -- we need to know
that something's -- you know, that the property is
going to be dealt with as quickly as possible. And,
you know -- because it does pose a danger right now,
and that's -- I just --

MS. RICHARDS: I have no issue with that.

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

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

ACTING CHAIRMAN DOWLING: Okay.

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

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

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

ACTING CHAIRMAN DOWLING: All of us here feel

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the structure is unsafe and it needs to come down.

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

MR. MC MAHON: I mean, if you're amenable to

that -- I mean, do you have any concerns?

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

MR. PROKOP: But what if they -- then what

is -- what was waiting? I mean, why was -- if that's

-- see, the whole point of this was the bank asked us
to give you time to give you the opportunity to take

it down; that was three weeks ago. So what is -- if

you just have to make two phone calls, I don't

understand why --

MS. RICHARDS: I haven't been able to get a

hold of Jo, and I have been unwell, and I've been a
little busy. I've had a lot of things going on. And

when I wasn't busy, I wasn't well. And I just

haven't gotten hold of Jo to find out what she's
doing. If she could do it for free, of course,

that's what I want. If she can't, I call the bank.

MR. PROKOP: Is this the person that you've

been working with all along?

MS. RICHARDS: I don't know what you mean.
MR. PROKOP: Because there was a person -- wasn't there a person that said they were going to help you, and then they backed out or something?

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

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

MS. RICHARDS: No, no.

MS. BERRY: What kind of --

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

MS. BERRY: Pardon?

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

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

MS. RICHARDS: VanDuzer.

MS. BERRY: Pardon?

MS. RICHARDS: VanDuzer.

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

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

MS. BERRY: And is the person who's volunteering to take down your house licensed?
MS. RICHARDS: I have no idea, it's anonymous.

MS. BERRY: No, I --

MS. RICHARDS: I would assume.

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

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

MS. BERRY: Okay.

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

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

(No response.)

ACTING CHAIRMAN DOWLING: Okay. I make a motion to not give a time extension of the Notice of Public Nuisance issued to Margaret Richards of 415 Kaplan Avenue. The notice was posted and personally served on March 11th, 2015, and directed the property owner to abate the public nuisance by completing the demolition and removal of the structure and remaining portions of the structure of the property, remove all
remaining debris, properly grade, and restore the
property to be in harmony and conformity with
maintenance standards of adjacent property; Suffolk
County Tax Map 1001, Section 4, Block 1, Lot 6. Do I
have a second?

MR. BURNS: Second.

ACTING CHAIRMAN DOWLING: All in favor?

MR. BURNS: Aye.

MR. MC MAHON: Aye.

ACTING CHAIRMAN DOWLING: Aye.

So carried. Thank you.

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

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

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

MR. BROWN: June 4th.

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

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

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

MS. SIEGEL: It's from me.

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

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

MR. PROKOP: When did you submit it?

MS. SIEGEL: You know, as long as I know that it's part of the record, that's fine. But I also
want to have the Consultant's report and to have that as part of the record as well.

Mr. Prokop: What is the date of your letter?

Ms. Siegel: March 10th. Would you like me to read it into the record? I'll be happy to do that.

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

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

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

At the February 5th, 2015 Village of Greenport Planning Board work session, many members of the community were present in person. The pre-submission
conferences on this matter were well attended.

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

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

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

Now, at the last meeting, there was a consultant's report that was referred to, and in the minutes, it was -- it wasn't read in, it was just kind of loosely referred to, and we haven't had the benefit of seeing that report yet. We would like the adjournment for purposes of addressing the issues that are raised in that report so that we can have a
full and fair hearing on this.
The date we're requesting, after speaking with
Eileen, and understanding what the submission process
would be to get you any revisions that would be
required to incorporate these issues raised, it's
recommended that the June 4th date, that this be
adjourned to that next calendar meeting.

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

got was the report that was done after that meeting,
not the report that was done for that meeting.

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

MS. WINGATE: That's what --

ACTING CHAIRMAN DOWLING: That was it.

MS. WINGATE: That's it.

MR. PROKOP: That's all we got.

ACTING CHAIRMAN DOWLING: That's it.

MR. PROKOP: That's all we got.

MS. WINGATE: That's it.

MS. BERRY: That's it.

MS. SIEGEL: Okay. Well, this is not a
Consultant's report.

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

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

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

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

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

MS. SIEGEL: This is it?

ACTING CHAIRMAN DOWLING: Yeah.

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

ACTING CHAIRMAN DOWLING: Meet Glynis.

MS. BERRY: Hi.

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

MS. BERRY: My name is Glynis Berry, and I've been retained to go over all of the items in the agenda. It's not like doing an -- you know, I'm not hired to look at your single one, it's for the group. I'm going over some of the issues that may come up.
MS. SIEGEL: Okay. So this is in the regular
course you do this?

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

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

MS. BERRY: Right.

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

MS. BERRY: Oh.

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

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

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

MS. BERRY: Yeah. So --

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

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

MS. SIEGEL: Can I then see? There would have
been one that was prepared for the meeting before
that may be --

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

MS. SIEGEL: Okay. So I would need to get a

MS. BERRY: Okay.

MS. SIEGEL: -- so that we can review them and

see the issues.

MS. BERRY: If you'd like, I can go over these

now, if you want me to.

ACTING CHAIRMAN DOWLING: Please.

MS. BERRY: So, basically, there were three

major issues. One, the building and the site design
did not comply with accessibility requirements, and
this was checked with the State by the Building
Department.

MR. BROWN: Understood.

MS. SIEGEL: Can I just say one thing? We are
going to want to have an opportunity to respond, not
here on the spot tonight, but I want to do a little
research. I just got this now. So that's why I'm
first starting and I'd like to -- and I'd be happy to
go over things. I want to know that we have an
adjournment until the next -- the date requested. Is
there a problem with that?
MS. BERRY: Let me go through my comments, and then they'll decide whether, you know --

MS. SIEGEL: Okay.

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

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

Another question, is the Yacht Club limited to slip owners or will the membership be larger? Because it does say a private and public Yacht Club.
those renting the slips? If not, the intensity of
use is even greater.

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

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

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

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

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

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

MR. PROKOP: Do you want cross-examine her, or
do you want to listen to the -- sorry.
MS. BERRY: So no space is provided for --
MR. PROKOP: Can we just hold off? Can we just
stop for a second?
MS. BERRY: Okay.
MR. PROKOP: And I'll try not to get you
interrupted again, but if I could ask a question.
MS. BERRY: Sure.
MR. PROKOP: How many rooms are going to be in
this building? This is now a one-floor building,
right?
MS. BERRY: Right. It's an office area that
requires three parking spaces.
MR. PROKOP: So how can one room --
MS. BERRY: And a roof deck.
MR. PROKOP: How can one room have multiple
uses?
MS. BERRY: No it's not -- it's the marina
itself that has a use requirement.
MR. PROKOP: But I just -- I'm not talking
about the use, I'm talking about -- I just heard a
list of legal uses that this building will supposedly
be used as.
MS. BERRY: Right.
MR. PROKOP: How can one room have multiple
uses? Doesn't a room have to be associated with a use and that's it? How can you just say this space is going to be everything that's permissible under -- in this district?

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

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

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

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

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

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

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

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

MS. BERRY: And the other thing is --

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

MS. BERRY: Right.

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

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

MS. SIEGEL: It's going to be used by the owner. I think that perhaps we can address all of these things when we do our final submission with you. But I will say that all of these things have been on the plan, and we went through a very, very extensive preliminary conference hearing, and all -- these issues that you're raising now, none of these issues were, interestingly enough, raised previously.
And it's just, you know, we really tried before we even got to this stage to address issues, and I would think that many of these should have been raised then, but we're happy to address them.

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

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

MS. BERRY: Accessibility.

MS. SIEGEL: Is that the sole basis?

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

ACTING CHAIRMAN DOWLING: And use.

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

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

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

ACTING CHAIRMAN DOWLING: There's that as well.

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

MR. PROKOP: What are the three? So it's accessibility, the surface of the parking lot, and
what was the other issue?

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

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

MS. SIEGEL: We would like to address those issues. And, frankly, we need additional time in order to do that in an intelligent fashion. We did not have the benefit of the minutes or the report. I
expected that there was a full-blown consultant's report, and, you know, we just received this summary, this summary, and we are -- we want to have the opportunity to address those issues. So that's why we're requesting the extension of time, so that we can do that. There's no harm done to the Village by granting an extension of time, as long as we're consenting to it and we're asking for it.

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

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

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

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

MS. SIEGEL: This is very resolvable.

ACTING CHAIRMAN DOWLING: And the owner of the

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

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

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

MR. PROKOP: But, you know, the problem is it's
not -- it's not something that we have discretion
over. It doesn't -- it's not legal, what you're --

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

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

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

MS. SIEGEL: Well, I would like to say that,
actually, in reviewing the minutes, there was a
suggestion at that time that 60 days be given. And
Mr. Brown was in a quandary as to how long to go for
the adjournment, okay. As to the extension, he had
consented to 30 days, but that just was not ample
There really is no hardship here to the Village to extend it. And, as I said, we had all those preliminary conferences, and they were numerous, and none of these issues came out at that point in time. You're raising them now. We want to address them. We need the time to do so, and we're requesting that the matter be adjourned, that it be put on the Planning Board calendar for June 4th, that we -- and that we be on the 5/28 work session calendar.

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

MR. PROKOP: Or withdraw it.

MS. SIEGEL: Excuse me?

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

MS. SIEGEL: We're not looking to withdraw it. We want to extend the date in order to be responsive to the things that were just raised at the last issue. We didn't just come on to the scene here with this application. So to find out about these things at the midnight hour, and then the -- requesting
reasonably for an extension so that we could deal
with them accordingly, to being told to shut us down
that way is really arbitrary and capricious and not
right. So we don't want to withdraw our application.
We want to be responsive and we need the time to do it.

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

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

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

MR. PROKOP: The project's not as-of-right, it
doesn't comply with the code. I don't know -- you
may have an as-of-right to build something there.
I'm not sure if you do or not, if that's what you're claiming, but that the project that you propose does not comply with the code. I don't know what you expect us to do.

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

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

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

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

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

MS. BERRY: That came from the State.

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

MS. WINGATE: That was two months ago.

MS. BERRY: Yeah, and that was two months ago.
and we did give you another month, so --

MS. SIEGEL: Two months ago?

MS. BERRY: Yes.

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

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

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

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

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

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

MR. BROWN: All I'm asking for is a little bit of additional time to remedy the situation. I understand what the remedies are, and I just need a little time to be able to prepare a drawing that I can present to Mr. Henry for his approval. He was...
not available until recently, and I just need a
little time to prepare -- to respond to the issues
that were raised at the last meeting.

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

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

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

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

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

ACTING CHAIRMAN DOWLING: Thanks.

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

MS. SIEGEL: In connection with that - -

MR. PROKOP: It looks like you have a couple of options here, I think. I think one of the things you might - - I don't know what Glynis thinks about this, but one of the things that you might consider doing is just tabling the application indefinitely with no date. I mean, I would rather not. You know, rather than give a date. You know, I think it's of no use to give - - to adjourn to a specific date, because we've done that so many times that I don't think that
anything is going to happen. I mean, it doesn't seem like there's anything that's going happen. So that would just be a suggestion I have.

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

MR. PROKOP: Yes.

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

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

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

MR. PROKOP: Right.

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

MR. PROKOP: Yeah. I mean, I'm just wondering if there's something we could do other than an official withdraw or denial, if there's something in between. Because the problem is if we do a denial, then it creates -- it puts them in a position where they have -- then they have choices, you know, to preserve their rights, and I'd rather not have to have that process started. So, if there's something
else that is -- would essentially be a withdrawal, but not officially withdrawal, you know, send it -- refer it back to the Building Department for review, something like that, is something like that possible?

MS. SIEGEL: Sounds like --

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

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

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

MR. PROKOP: So just so you don't come back on June 4th and claim that you're confused again, you know that the pumpout station is an issue, right?
MS. SIEGEL: Well, I know that we are addressing it in connection with this application and are seeking to resolve it together, and that was what was discussed when we were getting site plan approval as well. We took out a permit so that we can have a direct sewer hookup. We needed that hookup in order to do a pumpout. So we're trying to resolve everything yet together.

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

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

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

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

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

MS. SIEGEL: Well, I am not completely aware.
MS. WINGATE: Because the marina is up and running, and by June, it will be way up and running and you still don't have a pumpout facility.

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

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

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

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

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

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

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

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our Local Law.

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

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

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

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

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

MS. BERRY: Until when?

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

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

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

ACTING CHAIRMAN DOWLING: Correct.

MR. PROKOP: It has nothing -- the requirement
for the pumpout --

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

   MR. PROKOP: So it's really --

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

   ACTING CHAIRMAN DOWLING: Wetlands permit, yes.

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

   MS. WINGATE: Yes.

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

   MS. WINGATE: (Nodded yes.)

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

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

   MR. PROKOP: Okay.

   MS. SIEGEL: And we've been talking about complying with this project, but, you know, you have -- that is a separate issue and you can handle separately.
MR. PROKOP: Well, is there an application pending to do that?

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

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

ACTING CHAIRMAN DOWLING: It is.

MS. WINGATE: It is.

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

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

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

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

MS. SIEGEL: There were extensions that were granted by the gentleman who was -- apparently a letter had gone out to all of the resident dock-holders and it is being addressed. So I don't
think that that should hold up our adjournment on
this site plan approval.

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

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

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

MS. WINGATE: Yes.

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

MR. PROKOP: Okay. So why don't we -- if we're
even thinking about another extension, as compared to
denying it, why don't we -- why wouldn't we -- I
would recommend that your adjournment, if that's what
you want -- decide to do, is conditional on the
pumpout station being completed in the meantime.
That's a condition of an adjournment until June 4th, if it's not completed by -- what's the submission date for the documents, May 13th?

MS. WINGATE: May 13th.

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

MS. WINGATE: Wait, wait, wait.

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

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

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

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

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

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

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

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

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

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

MR. PROKOP: No. Actually, you were given a
date certain to do this several years ago, I think.
I think -- I think you're on your like third or
fourth date certain.

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

MS. WINGATE: No. I --

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

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

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

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

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

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

MS. WINGATE: I don't think anybody expected
this to go this long. If things were on target, you
would be starting construction for the spring. Nobody's going to want to start construction by the time you get through site plan. I know how that works. They're going take the summer off, and then that parcel will be without a pumpout facility for the season. That's not adequate. They need to move on it. It's spring, the ground is thawed. It's time for a pumpout system.

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

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

MS. WINGATE: May 13th.

MR. PROKOP: May 13th, 2015. And, further, on the condition that a working pumpout station using a sewer connection is installed and operating by the Friday of Memorial Day weekend of 2015.
MS. SIEGEL: I don't know if that's possible.
MS. WINGATE: Why would it not be possible?
MS. SIEGEL: I have not -- you know, I'm not familiar with the construction.
MR. PROKOP: Excuse me. There's a -- please don't. So that's -- I just wanted to verbalize -- that's for discussion, unless somebody wants to make that motion. You know, you could change it or --
ACTING CHAIRMAN DOWLING: Okay. Do we have a second for that motion?
MR. BURNS: Second.
ACTING CHAIRMAN DOWLING: All in favor?
MR. BURNS: Aye.
MR. MC MAHON: Aye.
ACTING CHAIRMAN DOWLING: Aye. It's carried.
MS. SIEGEL: Thank you.
ACTING CHAIRMAN DOWLING: Item #3, I'd like to make a motion --
MR. PROKOP: No, sorry.
ACTING CHAIRMAN DOWLING: Item #3, motion to adjourn the meeting.
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. Meeting adjourned.

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

STATE OF NEW YORK

) SS:
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 April 2, 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 15th day of April, 2015.

________________________________________
Lucia Braaten

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