VILLAGE OF GREENPORT

PLANNING BOARD

REGULAR SESSION

October 2, 2014

5:00 p.m.

Meeting held at the Greenport Firehouse

236 Third Street, Greenport, New York 11944

Appearances:

Peter Jauquet – Chairman
Chris Dowling
Bradley Burns
Devin McMahon
Pat Mundus

Joseph Prokop, Village Attorney
Eileen Wingate, Village Building Inspector
Whereupon, the meeting was called to order at 5:18 p.m.)

CHAIRMAN JAUQUET: This is the October 2nd, 2014, Third Street Firehouse Planning Board meeting. This is a regular session. And Item #1 is -- our regular session is one where we vote on things, but tonight we're not sure we're going to do that, because we're going to still have discussion on some of the issues that are before the Board.

So Item #1 is a discussion and possible motion on an application for a use evaluation approval. The applicant, Jim Olinkiewicz, has proposed to remodel a nonconforming multi-unit dwelling building into a mixed use residential-professional use building. It's located at 211 Carpenter Street. It's zoned CR,
Commercial/Retail, and it's Section 4, Block 10, Lot 11.

And we're going to start by asking anybody if they want to continue any discussion at the podium on this.

MR. OLINKIEWICZ: Good evening. I'm James Olinkiewicz, the owner of 211 Carpenter Street, the property that we're discussing. 211 Carpenter Street has a long history in the Village. For many, many years, it was a boarding house, a single-person boarding house that was owned -- I don't know prior to when North Fork Housing Alliance had it, what it was used for, but it's my understanding that it was a boarding house for a long period of time. It's in the Commercial/Retail District of the zoning for the Village. And I've applied to make the downstairs part of the house to be commercial for a professional use.

CHAIRMAN JAQUET: So you're going to do an office?
MR. OLINKIEWICZ: Office, yes.

CHAIRMAN JAUQUET: Okay.

MR. OLINKIEWICZ: For either an architect, or an attorney, or an artist, something like that. And also in the plan it has for the second floor to become a two-bedroom apartment.

It was brought up at the work session about the potential parking issues that have to deal with the property as it is. I mean, the property has been there since the 1890s, so those problems are not caused by me, they've been there forever. And I put a package into the Board Members. I only put it in yesterday, so I don't know if everybody got a chance to see it, but I highlighted in Section 150-12, Item C, the use, adaptation or change of use of any building within the CR and WC Districts in existence before January 1st, 1991, shall be totally, entirely exempt from any off-street parking requirements.

So I understand that parking can be an
issue. There are many, many, many other retail or professional buildings down there that use the municipal lots, that use the off-street -- the on-street parking that's existing. I understand that a couple of my neighbors that get deliveries across my property are a little concerned about their use of the right-of-way on the driveway. They have their purveyors or providers just stop in the middle of the road and unload and block traffic for everybody. There is a driveway there that they can back into and use that's provided on my property that they're more than welcome to use that we don't even park in yet, or I won't allow anybody to park in.

CHAIRMAN JAUQUET: Well, the parking, parking trucks in the middle of the street is common on Front and Main anyway.

MR. OLINKIEWICZ: Right. Well --

CHAIRMAN JAUQUET: Throughout the day.

MR. OLINKIEWICZ: But that was an issue brought up at the last --
CHAIRMAN JAUQUET: Yeah, okay.

MR. OLINKIEWICZ: -- at the last meeting, that there may be more people there, so -- but the parking, the off-street parking requirements are not to be used on this, I guess, the Village's Code, the Village's Code or zoning code, because this was prior to 1991 this building was built.

And then it was also discussed, because of the apartment upstairs, the potential of parking for the tenants. So I, again, printed Section 150-9 of the Village Code that talks about accessory apartment dwellings over retail stores and businesses, professional and government offices existing as of July 1st, 2002, and accessory buildings, therefore, also existing on July 1st, 2002 are subject to the following standards:

One of the standards is apartments shall not be located on the first floor, which I do not have in my plan, of the principal building and
residential units in accessory buildings. We
don't have accessory buildings, so that is
nonapplicable to us. But Item C says
notwithstanding anything in Chapter 150 to the
contrary, accessory apartment dwelling units are
permitted by this subsection, and shall not be
subject to any site plan approval.

So, in the Village Code, you're allowed to
have apartments above the area, and that it's not
a site plan issue for the Board to even have to
consider.

So, really, the consideration that all I'm
asking for is the use to be able to put an office
downstairs in an existing building that's been
there prior to 1991, and the apartment upstairs,
and the people that rent from me will have to use
municipal parking or street parking, if
available.

The issue of the truck for the deliveries,
I mean, we can -- I can talk to the other people
that use my driveway about getting their trucks
to back in there, but I really have no control
over their deliveries, and that really shouldn't
do.
CHAIRMAN JAUQUET: So you -- are you ready to put in the leases of your tenants that they are to park, specifically park in the municipal lot and not to park --

MR. OLINKIEWICZ: In the driveway.

CHAIRMAN JAUQUET: Yeah.

MR. OLINKIEWICZ: Yes.

CHAIRMAN JAUQUET: And that they can't park on that street?

MR. OLINKIEWICZ: I'll be more than willing to put that, sure. I mean, across the street from my driveway, there's three parking spots, and then there's the fire hydrant, then there's one more parking spot, and then the access to the boat basin or the boat shipyard, so --

CHAIRMAN JAUQUET: But those aren't street parking.

MR. OLINKIEWICZ: What was that?

CHAIRMAN JAUQUET: Are those on the street?

CHAIRMAN JAUQUET: Those are three or four street parkings. And the workers for the --

CHAIRMAN JAUQUET: STIDD?
MR. OLINKIEWICZ: STIDD manufacturer, right, they usually park there when they come in in the morning. Okay? That's mostly the people that park there. They have their own parking spots in front of their building, but they park there because it's easier in and out, I guess.

CHAIRMAN JAQUET: Were those -- are those to the --

MR. OLINKIEWICZ: There's --

CHAIRMAN JAQUET: Toward Clark's or towards north of you.

MR. OLINKIEWICZ: If you go straight out my -- if you go straight out the driveway, there's two to the north and two to the south.

CHAIRMAN JAQUET: On which side of the street?

MR. OLINKIEWICZ: On the opposite side.

CHAIRMAN JAQUET: East.

MR. OLINKIEWICZ: Yes.

MR. DOWLING: Directly across, there's maybe one, and then you've got STIDD's building
right there. Yeah, there's actually a parking
spot.

MR. OLINKIEWICZ: I was -- I should have
taken a picture today of the four cars that were
there.

CHAIRMAN JAQUET: The parking is legal
along that, except for the --

MR. OLINKIEWICZ: On that side of the
street, yes.

MR. DOWLING: Except for the firehouse.

CHAIRMAN JAQUET: Okay.

MR. OLINKIEWICZ: And they can go down the
block past the Capital One Bank municipal lot
that the brewery uses for all their workers and
all their visitors.

CHAIRMAN JAQUET: So what happens right
now is those -- are those street -- are they used
much? You say that STIDD's uses them. Do they
get used up when there's a festival in town and
stuff on the weekend?

MR. OLINKIEWICZ: Do people park there?
CHAIRMAN JAUQUET: Yeah.

MR. OLINKIEWICZ: I would imagine that people do. I mean, I wasn't there for the Maritime Festival this year, I was away.

CHAIRMAN JAUQUET: But STIDD's uses them.

MR. OLINKIEWICZ: Right. They --

CHAIRMAN JAUQUET: So it's common that there are cars there narrowing --

MR. OLINKIEWICZ: Yes, yes.

CHAIRMAN JAUQUET: -- the street itself already.

MR. OLINKIEWICZ: And what happens, when the delivery truck stops to delivery, rather than park -- backing into the parking on the driveway --

CHAIRMAN JAUQUET: They can't.

MR. OLINKIEWICZ: -- they need to pull over and then they block traffic.

CHAIRMAN JAUQUET: Yeah, because they don't have enough turn-around space there, probably.

MR. OLINKIEWICZ: Right. They probably --
CHAIRMAN JAUQUET: With a car there.

MR. OLINKIEWICZ: Right. Probably if they made those spots opposite my driveway no parking, then trucks would be able to back in very easily. But it's when that driveway goes down 10 or 12 feet --

CHAIRMAN JAUQUET: Is that an issue for the other owner? Does the owner -- have they brought that up? Who uses the -- whose trucks are they? Is it the D'Latte delivery?

MR. OLINKIEWICZ: D'Latte, yes. Yup, D'Latte for that.

CHAIRMAN JAUQUET: Is he here?

MR. OLINKIEWICZ: No. He wrote a letter last week about -- just his concerns about the traffic and the use of the property.

CHAIRMAN JAUQUET: It sounds like there's already uses and traffic there already.

MR. OLINKIEWICZ: Right.

CHAIRMAN JAUQUET: According to your report.
MR. OLINKIEWICZ: Right. The only thing is, is that my tenants and whoever rents it and -- or rents the apartments would have to use the municipal lots, the same as that -- now that Stirling Square is sold and all of those buildings are going to have to come up for use evaluations, all the people that work there are going to have to park in the municipal lot. It's the same aspect as my property at Stirling Square.

CHAIRMAN JAUQUET: Well, it's the same as any mixed use on Front Street.

MR. OLINKIEWICZ: Right. And that's why the code was written this way for the Village and for the Commercial/Retail or Retail/Commercial.

CHAIRMAN JAUQUET: So -- go ahead.

MR. DOWLING: And your point there, though, Section 18, about not needing site plan approval, you said that anything -- structures that were existing as of July 1st, 2002.

MR. OLINKIEWICZ: Correct.
MR. DOWLING: That's if there was a retail store, business, professional or government office. This was a housing unit until 2005, per your application.

MR. OLINKIEWICZ: Right, right. That's --

MR. DOWLING: So it was -- so you do have to have site plan approval for that.

MR. OLINKIEWICZ: Even if the building was prior to -- because --

MR. DOWLING: It wasn't -- you was not zoned --

MR. OLINKIEWICZ: Oh, I'm not talking about site plan approval for the office, I'm talking about site plan approval for the apartment upstairs.

MR. DOWLING: Right. But it says here that units over retail stores and businesses, professional and government offices existing as of July 1st, 2002, and this was not any of those.

MR. PROKOP: I agree with that. I was going to bring that up. That was the question I was waiting -- that was the question I was going to ask.
I think the existing -- the existing
applies to the accessory apartment dwelling unit,
not the building, basically, so that's the
question I was going to ask him.

There was a prior application two months
ago where we looked at this clause and there was
a question about what was existing or
preexisting, and we said that -- but in that
case, the building was new, so it wasn't -- you
know, there was no question that it didn't exist.
In this case --

MR. DOWLING: Right.

MR. PROKOP: In this case, it's a
preexisting building, but the apartment didn't
exist. And then reading this language, there's
no mention in Paragraph 18 about the building.
The description is whether or not the accessory
apartment dwelling unit over the retail store
existed as of that time.

The interpretation of the Village -- I
advised the Board, but the interpretation really
comes from either the Building Inspector or the
ZBA, the Zoning Board of Appeals. But that was
MR. OLINKIEWICZ: So would the individual rental units that were the rooms that were rented by the North Fork Housing Alliance as individual rooms, wouldn't that categorize it as a rental, because they rented rooms on the second floor and rented individual rooms up there through the Housing Alliance?

MR. DOWLING: But they weren't over retail stores, businesses and professional or government offices, as written in the code.

MR. OLINKIEWICZ: Okay. I'm not sure on that one, but that's --

MR. PROKOP: I think the intention was to -- the intention was to promote mixed use buildings to -- but you had to have a mixed use building to begin with, I think is what we're talking about, is the way that it's written. I mean, whether it was written correctly or not, I don't know. That was before my time, that
language, but that's the way -- that's the way it reads.

MR. OLINKIEWICZ: Okay. So, well, I'm applying to put a commercial downstairs and then an apartment upstairs.

CHAIRMAN JAUQUET: So how do you see the easement working?

MR. OLINKIEWICZ: How do I see the easement working? Well, I spoke to Frank at D'Latte, I said, "I have no intentions of having anybody park in your easement." He has a ten-foot easement running through there. So that, you know, we're at a moot point on people going to be able to park there.

So he has his garbage truck come, they roll the dumpsters out through there and dump it, and then they get rolled back. And, I mean, we'll have our garbage behind the back of the building also, and so that will have to be another garbage truck either backing in or stopping. But it's the same as if you have a sidewalk right next to
your property, it just can't be used.

CHAIRMAN JAUQUET: Right. So in the end, you're going to -- you would work that out?

MR. OLINKIEWICZ: Correct.

CHAIRMAN JAUQUET: You have to.

MR. OLINKIEWICZ: Right, we have to.

CHAIRMAN JAUQUET: The two people, the two --

MR. OLINKIEWICZ: Right, exactly.

CHAIRMAN JAUQUET: There's only two owners

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1 that --

2 MR. OLINKIEWICZ: Right.

3 CHAIRMAN JAUQUET: -- control that.

4 MR. OLINKIEWICZ: Just the same as like

5 Frank and I talked about him not parking back

6 there unless he goes all the way back on the

7 property. I'm not going to have everybody that

8 lives in my apartment or that works there park in

9 the driveway. You know, his parking in the

10 driveway shouldn't happen either, so -- because

11 we need ingress and egress to the apartment and
to our garbage cans, and he was all amenable to that.

CHAIRMAN JAUQUET: Oh, so you're in agreement with --

MR. OLINKIEWICZ: We talked about that, that he can park all the way in the back, if he wants to and stuff. I mean, he's concerned about traffic, and he's concerned -- there was a letter last week that came in that was read to the Board. And I understand there's a couple of businesses that are concerned, because there's going to be more people and more business there.

CHAIRMAN JAUQUET: I thought that's what we wanted, more business.

MR. OLINKIEWICZ: Right, well. So that's --

CHAIRMAN JAUQUET: What about --

MR. BURNS: As I recall, the intention of that multiple-use apartment above a business was intended to increase the available apartments in the Village. So it makes sense to me to have
what Mr. Olinkiewicz wants, since I voted for that at the time.

MR. OLINKIEWICZ: I don't know if anybody else wants to speak.

CHAIRMAN JAUQUET: Yeah, okay, let's try that.


I do have issues, obviously. One of the issues is that we do not know what type of professional or artist business is going to be in the bottom half of the home. Therefore, we can't -- we don't know how much traffic or how many cars are going to be coming and going in the course of a day. If a physician's office is there and they have 10 minutes, every 15 minutes, maybe every half hour, they're going to have people coming up and down that road.

So I think it's very important that we all find out what type of business that he does have on that first floor. It's different if you put
an artist there. Sure, you're not going to have
as much traffic there, and that will cut down
some of the parking issues.

Secondly, I'd like to find out where the --
how far is the nearest public -- how many feet
away is the nearest public parking, being as
there is no parking at this home, retail,
Commercial/Retail home? Does anybody know? Is
it the bank? Because the bank --

CHAIRMAN JAUQUET: Well, that bank isn't
public.

MS. MC ENTEE: Right, exactly. How far --
CHAIRMAN JAUQUET: Well, there -- we noted
that there's public parking right across the
street, there's about four spaces.

MS. MC ENTEE: Four spaces that are used by
other people. So where do we fit in? In the
wintertime, where --

CHAIRMAN JAUQUET: Well, it's used -- it's
available to the tenants at the potential
Olinkiewicz facility.

MS. MC ENTEE: And so in the wintertime,
where do they park? Because they're not supposed
to be parking on the road when we do have the
snow.

Let me just bring a small example, and this
is back to what Mr. Olinkiewicz has stated in his
previous homes. I have -- on Fifth Avenue, there
was 221 Fifth Avenue, and he had brought in
people there, tenants. And when Ms. Wingate went
to inspect, there were five people living in this
two-family. I understand I'm talking two-family
at this moment, but I'm talking about character
at this time. And what happens is that when he's
gone and these tenants are in there, there
becomes seven, eight cars in the driveway. This
is a normal thing for his -- all of his, or a
good majority of his properties. So when
Mr. Olinkiewicz comes up here to tell you that
there's only going to be one family upstairs and
it's going to be a two-bedroom, it's -- I don't
believe everything of what he says, because I see
what he has done.

When we had a parking issue over on -- we
had a right-of-way on Madison to the Kaplan
Market, and when Kaplan Market came along, they
gave him a temporary CO, which I just totally was

taken aback by. So the tenants moved in and the
tenants decided not to move and to use the
right-of-way; they decided to park on Kaplan
Avenue. So now, when we go to a meeting, a Board
meeting, excuse me, there is -- we were told that
we -- there's nothing that can be done. So it
needs to be done and fixed beforehand, because
Mr. Olinkiewicz even said himself, and so did the
Board say they have no control over what and
where people park. So if there's no control
after someone has moved in, then where do we go
from here?

I do believe that parking is a very
important issue at that home. If he has to take
part of the home down, make some parking spaces
there -- he's the one that chose to actually buy
this home.

You don't also have to approve that he has
to have an upstairs apartment. Being as we know
there's going to be a professional or some type
of business downstairs, it doesn't have to go through. You don't have to approve it. The Zoning Board does not have to approve the upstairs apartment.

When Mr. Olinkiewicz says and states that he has a family moving in, it's more than just that few people that are moving in. We witnessed it quite a bit in our Village.

I believe that's just about all I have to say. But, please, take it into consideration. Thank you.

CHAIRMAN JAUQUET: Thank you. Is there anyone else that wants to speak on this matter?

(No response.)

CHAIRMAN JAUQUET: Okay.

MR. DOWLING: The Attorney, he had mentioned something last week about looking into the possible -- some litigation that's at the property.

MR. PROKOP: Yes, there was litigation on this property. And as far as I could tell, what
the litigation was, is that the Village Building Inspector at the time issued a Certificate of Existing Use for a boarding house. And another person in the Village challenged to first the ZBA, and then to Supreme Court, and I believe that the Certificate of Existing Use was upheld, so -- but it was -- it was a Certificate of Existing Use as a prior nonconforming use as a boarding house. If that prior nonconforming use has terminated for more than one year, then the -- it's not a valid use of the property anymore, and the use of the property would revert back to the permitted uses under the Commercial/Retail District; the CR District.

MR. BURNS: And the CR District allows what Mr. Olinkiewicz is asking?

MR. PROkop: I don't -- I can't tell -- see, the problem is the paragraph says accessory apartment dwelling units over retail stores and businesses, professional and governmental uses, or governmental offices. It should have -- and I
don't doubt it's important what you're saying, because you were there at the time and voted, but it would say then, "In buildings existing as of July 1st, 2002," because it then continues to say "in accessory buildings thereof." So, in the first half of the sentence, it refers to the uses; in the second half, it refers to the building, so it's just not clear. But it's significant that you're mentioning that. And, as I said before, in the end, I think it's really up to either the Building Inspector or the ZBA if there's a question about it.

CHAIRMAN JAUQUET: Right. It's up to us to interpret that vagueness, if you call it that.

MR. PROKOP: Pardon me?

CHAIRMAN JAUQUET: It's up to us to interpret that.

MR. PROKOP: No. I think it's up to the Building Inspector or the Zoning Board of Appeals.

CHAIRMAN JAUQUET: Okay. So that's not us.
MR. DOWLING: Correct.

MR. PROKOP: Right. I think that you -- you wouldn't issue a determination. A determination would come from either the Building Inspector or the Zoning Board of Appeals.

MR. BURNS: So this should go before the ZBA?

MR. PROKOP: That's one of the options you have, if that's what you think. You could also ask the -- do a -- not relevant to this application, but you could also do a referral to the Code Committee, you know, to ask them to look at this, and possibly, you know, resolve this for the future, so this isn't a continuing question.

MR. BURNS: I suggest we do both.

CHAIRMAN JAUQUET: Well, we were going to table this anyway for further discussion, so

let's have that be the main inquiry, you know, before we put this back on the agenda for the vote. And I think that -- so we're going to table this until next time, and we're going to
probably have a statement from the ZBA, and then
we'll -- does that sound okay with you?

MR. DOWLING: Yeah, definitely.

CHAIRMAN JAUQUET: Okay. Any other
discussion on this?

(No response.)

CHAIRMAN JAUQUET: Okay. Item #2 on the
agenda is discussion and possible --

MR. PROKOP: Did you vote on that? I'm
sorry, I apologize.

CHAIRMAN JAUQUET: What's that.

MR. PROKOP: I would vote on that, unless
you just --

MS. MUNDUS: Vote to table it.

CHAIRMAN JAUQUET: We have to vote to table
it?

MR. PROKOP: You vote -- or you could also
refer it to the ZBA, so you have to vote.

MR. BURNS: I move we refer it to the ZBA
and to the Code Committee, and table it.

CHAIRMAN JAUQUET: Okay. I'll second that
motion. All in favor?
Okay. Item #2 is a discussion and possible motion on an application for a use evaluation approval. Applicant, Phillip Karlin, has proposed to reconfigure an existing store to accommodate a new business. The proposed use is a smoked fish wholesale production, processing and packaging facility. The property is located at 414 First Street; Section 4, Block 7, Lot 5.

And we'll start this with anybody in the room who would like to get up and talk about it. This is continued discussion.

MS. PHILLIPS: Good evening. My name is Mary Bess Phillips, 210 Atlantic Avenue, Greenport, New York.

I tried very hard not to be here tonight, but our Attorney, Charles Cuddy, was unable to attend, and Phillip Karlin is not here, he was unable to, so I'm here.

First, I need to disclose that I am a
25 Village Trustee in the Village of Greenport.

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1 At the last work session -- first of all, I would like to say thank you, because in reviewing all of our paperwork, there is not just the issue of the tax map number, there is an issue of some properties that were exchanged between the other property owners that has not been recorded with Suffolk County, so we will be in the next couple of months straightening that out. But we, as the corporation, K & M Properties, would hope that you would approve his application, Phillip Karlin's application, without -- as I said, he's the tenant. We discovered quite a few errors. The deed was not correctly recorded with the County of Suffolk.

15 Some of our exchanges that Yvonne Jones (phonetic) had done over the years that are included in our deed that are not on the Suffolk County map, and I need to ensure that all the right-of-ways are recorded. Even though we have the paperwork and it was done legally, Suffolk
County has not been given that information. So, at this point, you will be hearing from our Attorney, Mr. Cuddy, over the next couple of months upon correcting this with the tax map numbers, along with making sure that is clear.

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It's an old property. It's been in existence for long year — many years. I will have to say I'm disappointed that when we closed in 1997, I wasn't involved in the closing. So our previous partners and my husband went. So I will be correcting it over the next couple of months.

MS. MUNDUS: Great.
CHAIRMAN JAQUET: Okay.
MS. PHILLIPS: Okay? Thank you. I just needed to have that recorded for Mr. Cuddy. Thanks.
MS. MUNDUS: Thank you.
CHAIRMAN JAQUET: All right
MR. MC MAHON: Now those issues she mentioned pertain to Lot 13, which is not
actually the lot that's relevant here anyway, so --

MS. MUNDUS: Lot -- and Lot 5.

MR. MC MAHON: Well, the issues she was referring to about the exchange were not on -- were not adjacent to Lot 5.

MS. MUNDUS: Well --

CHAIRMAN JAUQUET: Lot 5 contains the smoked, the smoked fish operation; is that right?

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MR. MC MAHON: Yes.

CHAIRMAN JAUQUET: Okay.

MR. MC MAHON: That, the ice house, and parking lot in between, that's all Lot 5.

CHAIRMAN JAUQUET: Right, okay. So that's what we're concerned with here.

MR. MC MAHON: Yeah.

CHAIRMAN JAUQUET: Did any of the Board members have anything they'd like to, you know, start off with, or comment from last time?

(No response.)

CHAIRMAN JAUQUET: My concern, I have two.
I wasn't here last week, but my concern with the approval process is that the -- I believe the application is in order as best as possible. And what we're requesting is that the Building Inspector walk through the property to be able to know what's in there, like we've done with all the other properties that we've come before the Board while we've been here.

And secondly, the -- we'd like the parking lot and the premises cleaned up, as we have done with other applicants in the past. It was just in the past that we've been on board.

And, you know, there's a huge pothole as you first drive in from First Street, and you see that from First Street. And if that were fixed up, that would go a long way, I think, in keeping -- getting this property up to the standards, or at least getting it cleaned up like some of the other ones have been, as the applications for new uses have come through.

Those are my comments. I don't know if
anybody else has --

MS. MUNDUS: That's what we pretty much said at the work session.

CHAIRMAN JAQUET: Is that what you did?

MS. MUNDUS: Uh-huh.

CHAIRMAN JAQUET: Okay.

MR. BURNS: I don't know very much about a commercial smoke house, and I've seen, you know --

CHAIRMAN JAQUET: Are they actually smoking fish and selling it, and the whole operation is going? I mean, how is it going with your tenant?

MR. BURNS: I'm just wondering if maybe the Fire Department ought to walk through.

CHAIRMAN JAQUET: Well, I mean, that's what the Building Inspector --

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MS. PHILLIPS: Okay. First of all, this application has been here for a couple of months because there was no Planning Board meeting one or two months.
Eileen had mentioned to me that she wanted to go through the building. Mr. Karlin has been around for quite a while, so I'm not quite sure what communication took place between the two of them. As far as the smoking --

CHAIRMAN JAQUET: Do you have his phone number?

MS. WINGATE: I do.

CHAIRMAN JAQUET: Okay.

MS. WINGATE: I was waiting until you're through.

CHAIRMAN JAQUET: Okay. She's waiting, I guess, for us. Okay, anyway.

MS. PHILLIPS: As far as the smoking operation, number one, it's all electric. There is no -- smoking is not done in the traditional way that some of the old-timers did it here, where it was actually fire-based. These are all electric smokers. Inside is --

CHAIRMAN JAQUET: How many smokers?

MS. PHILLIPS: There's only two smokers.
CHAIRMAN JAUQUET: Two units? Okay.

MS. PHILLIPS: Two units. They're not very big. They're about --

CHAIRMAN JAUQUET: And how many days a week does he --

MS. PHILLIPS: They're about like this (indicating).

CHAIRMAN JAUQUET: Yeah. Yeah, I know.

MS. PHILLIPS: He smokes seven days a week.

CHAIRMAN JAUQUET: Oh.

MS. PHILLIPS: We did a couple of test runs, because that property in years past, I have had major complaints from the previous tenants.

CHAIRMAN JAUQUET: From -- excuse me, from what?

MS. PHILLIPS: The previous --

CHAIRMAN JAUQUET: Factors were under complaint?

MS. PHILLIPS: No, the neighbors were under complaint. I received plenty of complaints from the previous tenant that was there for the odors that were emanating out from the --

CHAIRMAN JAUQUET: Odors. Odors, okay.

MS. PHILLIPS: The odors. No one even knows that they're there. This is a wholesale
operation.

CHAIRMAN JAUQUET: Right.

MS. PHILLIPS: The corporation decided to deal with the tenant, that they wanted someone that was low --

CHAIRMAN JAUQUET: Impact.

MS. PHILLIPS: Low key impact, very low traffic. The other part of it is that in the next couple of months, once I straighten out the property boundary lines and whatever, the original intent was to come in and we were going to apply to widen First Street, so that the trucks can back in and go back out onto First Street again.

CHAIRMAN JAUQUET: Widen what street?

MS. PHILLIPS: First Street. Trying to go out onto South Street with --

CHAIRMAN JAUQUET: You're going to widen your apron?

MS. PHILLIPS: We're going to widen -- we're going to widen -- yes, we're going to widen
CHAIRMAN JAUQUET: The driveway apron.

MS. PHILLIPS: -- so that people can go back in and come back out onto First Street. So that was the plan --

CHAIRMAN JAUQUET: Oh, okay.

MS. PHILLIPS: -- for the next couple of months. So I have to straighten out the --

CHAIRMAN JAUQUET: Oh, so that's coming.

MS. PHILLIPS: It will be coming. I have to -- Mr. Cuddy and I have to straighten out the boundary lines before we do anything. We've had some issues in the past where we had to go back and get things straightened out. I discovered that. So even though we have it recorded and everybody knows what's going on, it's not recorded in Suffolk County Tax Map, so I have to straighten that out first, okay?

CHAIRMAN JAUQUET: So where does he get the fish?

MS. PHILLIPS: He purchases the fish from us.
CHAIRMAN JAUQUET: You?

MS. PHILLIPS: He purchases —

CHAIRMAN JAUQUET: And what kind does he smoke?

MS. PHILLIPS: He smokes bluefish, black sea bass. You know, he has a wholesale business that he does.

CHAIRMAN JAUQUET: And to the restaurant trade or the supermarket?

MS. PHILLIPS: No. Actually, it's more to grocery stores and to fish markets, yeah.

CHAIRMAN JAUQUET: And where do they travel to, Long Island, or they go to the City, too?

MS. PHILLIPS: His smoked fish has been going all over Long Island. He's also involved with some new marketing that will be taken outside of Long Island.

CHAIRMAN JAUQUET: Right.

MS. PHILLIPS: But right now, he's concentrating on Long Island. He also does a fair amount of green markets. But there is —
his use of that building is only dealing with smoked fish.

CHAIRMAN JAUQUET: Okay. Does he have a brand?

MS. PHILLIPS: It's North Fork Smoked Fish.

CHAIRMAN JAUQUET: Okay.

MS. PHILLIPS: But, as I said, the plan has been for a while, but Mr. Cuddy slowed me up once I discovered at the last meeting that the tax map numbers are confusing, okay?

CHAIRMAN JAUQUET: Okay.

MS. PHILLIPS: Any other questions while I'm here?

MS. MUNDUS: I have a question. Did you see what we were talking about with the garbage in the back? And, I mean, because it is in Commercial/Retail District, people do walk by there and we have been asking everybody to clean up their back door.

MS. PHILLIPS: Okay. There's two things.

MS. MUNDUS: Yeah.
MS. PHILLIPS: There's two things. First of all, I discovered — when I mentioned Hommel's, that they had an issue with some of the apartment houses around there with people putting garbage into their dumpster, I assume that they're going to be locking it. ClearingHouse at times puts stuff out waiting for the garbage man to come to take it. They don't know what to do about that at the moment, we're working on it.

MS. MUNDUS: Okay.

MS. PHILLIPS: The fishing nets have been removed, because we had to move 25 years of my husband's fishing gear from Atlantic Avenue. So there is storage bins on the inside, but it's a matter of having to have forklifts and some other equipment to lift that stuff. It just can't be done manually anymore.

MS. MUNDUS: Okay. It's --

MS. PHILLIPS: The other issue --

MS. MUNDUS: Commercial waterfront property is the appropriate place for that kind of gear.
Commercial/Retail is not the place for a giant pile of fishing gear and stuff that's been warehoused outside. That's what --

MS. PHILLIPS: But that was Corby Jones and Jones Marine, which was all fishing gear, okay?

MS. MUNDUS: It's Commercial/Retail, and storing fishing gear in the middle of the Commercial/Retail District just doesn't make sense in this day and age.

MS. PHILLIPS: Okay. At this point --

MS. MUNDUS: Okay.

MS. PHILLIPS: -- I'm a little confused, because I was under the impression it was General Commercial. So I will have to take a look at that, okay?

MS. MUNDUS: Okay. It's Commercial/Retail, yeah.

MS. PHILLIPS: Well, I ask because previous Village Administrators told me it was General Commercial, okay? So we're --

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MS. MUNDUS: Okay. Well, it's really great
that this is all coming to light now, because the worms are falling out of the bottom of the flower pot. And it's really great that it's all going to be worked out and resolved, and legally, you know, made right, so.

MS. PHILLIPS: But, as I said, it was a net company and an ice company before, so I'm not quite sure where Commercial/Retail is coming from, but that is something that I'll have Mr. Cuddy look into.

MS. MUNDUS: Thank you.

MS. PHILLIPS: Any other questions about the smoke facility?

MS. MUNDUS: What about the drainage and how it drops right straight onto the sidewalk there from the --

MS. PHILLIPS: Well, that's not on our building.

MS. MUNDUS: Well, I know that you said that when you bought the building, it sort of came that way, that you dropped it onto Joe's building, but --

MS. PHILLIPS: I said that I didn't know how it got there, and I have been asking
everybody. I'm not sure how -- where those
gutters came from. I'm not sure why they're
going into that particular gutter --

  MS. MUNDUS: Right.

  MS. PHILLIPS: -- on the house -- on the
building next door.

  MS. MUNDUS: Yeah.

  MS. PHILLIPS: I have not caught up with
Joe Henry to find out, but that --

  MS. MUNDUS: Because it -- I'm just
wondering if it is a possibility that you could
put a dry well back there, so that -- I mean, the
whole purpose of these reviews is so that it gets
bettered as the process moves along and --

  MS. PHILLIPS: Then I will have to talk to
Joe Henry about taking the fence down and the
trees that are along there, if he would be
willing to any fencing.

  MS. MUNDUS: Well, the corner that's
inboard where the dumpster and the shed is in the
back, all the gutter has to do is pitch that way
instead of this way (indicating) on your building
and a dry well could go back there, right?

MS. PHILLIPS: Okay. The property lines there are tight, okay, that's why I'm saying.

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I'm not -- I can't do anything until I clear up all of the property numbers, property numbers on --

CHAIRMAN JAUQUET: But that's the process that we want you to take, a clean --

MS. PHILLIPS: That's what we're doing.

CHAIRMAN JAUQUET: -- presentable park lot, and, you know, the drainage. And that's really what our role is. And with the change of use, those things start kicking in, you know.

MS. PHILLIPS: I know it does.

CHAIRMAN JAUQUET: So that's the process.

MS. PHILLIPS: As I said, there are plans to do things, it's just that we have --

CHAIRMAN JAUQUET: Right.

MS. PHILLIPS: There are items that have to have certain persons to put into it, and that has to be when he can get home, because it has to be
lifted with some of his gear that he has that I
don't have.

CHAIRMAN JAUQUET: I understand.

MS. PHILLIPS: But, in the meantime, there
has been plans on doing things, but it's just a
matter of now I need to get this straightened
out.

MS. MUNDUS: Okay.

MS. PHILLIPS: Because I'll be -- I have
the neighbors who are on First Street that are
going down towards the library, they have
completely encroached upon all of my property, so
I need to deal with that also, okay?

MS. MUNDUS: Okay. Well, just so that
we're fair, evenly asking everyone to bear the
same burden, we've been consistently asking every
applicant who comes before the Planning Board to
clean up the garbage that's stored around,
because there's a general disgrace amongst the
Village retail places with a lot of old pallets,
and weedy junk piles all over; that one by one,
if every applicant cleaned up that stuff, it
wouldn't just be a matter of time before they all
got cleaned up.

    MS. PHILLIPS: As I said, I talked to
Hommen about the pallets.

    MS. MUNDUS: Okay.

    MS. PHILLIPS: That he will be dealing with
stuff.

    MS. MUNDUS: Okay.

    MS. PHILLIPS: There are issues with
parking, because everyone feels that that's a

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...
thank you very much.

MS. PHILLIPS: Pat, there was never any intention on not, it's just that the confusion over the tax map numbers has had everybody up in arms, okay?

MS. MUNDUS: Okay. Thank you.

MR. BURNS: Thank you, Mary Bess.

MS. PHILLIPS: You're welcome.

CHAIRMAN JAUQUET: So this one is going to be discussed further.

MR. PROKOP: I just have one comment.

CHAIRMAN JAUQUET: Okay.

MR. PROKOP: Before us is CR -- mine says CR, Commercial/Residential. I meant to say Commercial/Retail. I don't know which I said. I would guess it will be in the minutes, but anyway, so we're at Retail/Commercial.

So my comment is on some of these applications, I think it's important that we know that this -- the permitted uses in this section, and there's about 18 or 20 different uses, and I
think it's important that we know which of the
uses are going -- is the one that's selected for
the new use.

In this application, it seems it could be
either business or manufacturing, and they have
different requirements. I think under the New
York State Law, the New York State Code, it might
be considered processing or manufacturing. But
under our code, it might be considered business,
which I think is #4.

So I just think we need to clarify the use
on this application, you know, moving forward for
future Boards. And I think, in general, probably
we should do that, instead of -- on these
applications, there's a line where you check off
the zoning district that it's in. But if it's in
CR, Retail/Commercial District, I think the
applicant should specify which of the uses it is,
you know, because --

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CHAIRMAN JAUQUET: From one to 18, take
it --
MS. MUNDUS: Well, he did say during the work session that he was just going to have himself and maybe his son, so it would be two employees or less, that's what he said.

MR. PROKOP: Right, okay.

MR. BURNS: Does this need to go before the ZBA?

MR. PROKOP: I don't think so, not for that reason.

CHAIRMAN JAUQUET: So you're suggesting --

MR. DOWLING: So what he's saying is Commercial District, the permitted uses.

MS. MUNDUS: That was my question, too.

MR. PROKOP: Yeah, it's only common -- I mean, it becomes more apparent in this application. But I think in the future, you know, we're talking about uses, and changes in uses, and things like that. I think the applicant or, you know, the Building Department, after reviewing the application, should just note which of the sections it is or what the use is.

MR. BURNS: So, before we take action --

CHAIRMAN JAUQUET: So we should add that to
MR. PROKOP: I think you should figure that out, we should figure that out.

CHAIRMAN JAQUET: Which one is it, then?

We'd select one number.

MS. MUNDUS: Well, he has to select it.

CHAIRMAN JAQUET: Yeah, who --

MS. MUNDUS: He has to, the applicant has to tell us what exactly --

CHAIRMAN JAQUET: Have you seen this, Mary?

MS. WINGATE: Well, he has.

MS. PHILLIPS: He has.

CHAIRMAN JAQUET: Oh, he has, okay.

MS. PHILLIPS: He has. He's only -- he's only doing wholesale.

MR. DOWLING: Wholesale smoked fish.

CHAIRMAN JAQUET: But he wants the code number --

MS. MUNDUS: I have it right here.

CHAIRMAN JAQUET: -- noted, which would be --

MR. BURNS: Can't be retail, because he
said it's not.

MS. PHILLIPS: It's not retail, he's wholesale.

MR. PROKOP: So it says -- we have a letter from Phillip Karlin saying it's a wholesale production. It's a production, wholesale facility.

MS. MUNDUS: And he says he will not participate in retail sales.

MR. PROKOP: Not participate in retail sales, yeah.

MS. PHILLIPS: That's part of his lease agreement.

MR. PROKOP: I mean, it looks like four is sort of a catchall, it's just business, you know, business and other offices.

CHAIRMAN JAUQUET: Four? We have letters here. Oh, four.

MR. PROKOP: Business, professional or government offices.

CHAIRMAN JAUQUET: Yeah, four. Yeah, I
MR. PROKOP: So maybe that's supposed to be an office. It's a business.

CHAIRMAN JAQUET: Yeah, it's a business, because the other one on 9 --

MR. DOWLING: For manufacturing.

MS. MUNDUS: It's not, it's not manufacturing.

CHAIRMAN JAQUET: Specifically on --

MS. MUNDUS: It's not manufacturing.

MR. DOWLING: Well, it says manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products where goods so produced or processed, but that's -- but it tends to be a retail spot, so.

CHAIRMAN JAQUET: It's sold at retail on the premises, so that gets away from -- so it's just simply business.

MR. PROKOP: Yeah, well it's not what --

CHAIRMAN JAQUET: Excuse me?

MR. PROKOP: It's not what's proposed.
What's proposed is wholesale to be --

CHAIRMAN JAUQUET: Yeah, but it's a wholesale business.

MR. PROKOP: Processing to be sold wholesale.

MR. DOWLING: So 4.

CHAIRMAN JAUQUET: So we'll just use 4 for now?

MR. PROKOP: Yeah, that's --

CHAIRMAN JAUQUET: Yeah, like you said,

okay. So are we going to -- I think we should table this and just vote on it at the next meeting, I mean, with -- you know, we've got the -- your assurances that you're going to gradually work out the problems with the site condition and --

MS. PHILLIPS: That's always been the plan, Peter.

CHAIRMAN JAUQUET: Yeah. And then Eileen, we're going to request that Eileen walks through there. Now that was the next thing you wanted to
ask. That's what we want to happen before we do the approvals. And, you know, conditionally, we'll do the cleanup, but we're going to revisit it, you know, in so many months down the road to make sure it's been started, or that some things have been done, okay?

MS. PHILLIPS: Are you trying -- okay.

CHAIRMAN JAUQUET: But then before we vote on it, we'd like Eileen to go through it, go through and see the operation, someone -- we want someone to see the operation. So if that can be done, and then we can be -- get that report, then we can go ahead with the conditional approval, just so that he has a conditional approval,

because he's already started his business there.

Is that --

MS. WINGATE: Sure.

MS. MUNDUS: Do you need to speak, Mary Bess?

MS. PHILLIPS: Peter, part of the confusion is that Yvonne Jones separated off that small
building from the other lot, the fish --

CHAIRMAN JAUQUET: Well, then --

MS. PHILLIPS: Okay. Let me finish, okay?

CHAIRMAN JAUQUET: Okay.

MS. PHILLIPS: So part of the confusion is
the tax map -- I mean, deeds have got numbers
reversed that I have to straighten out.

CHAIRMAN JAUQUET: Right.

MS. PHILLIPS: I -- Phil Karlin is a good
tenant. He has fixed that building up from the
damage from the previous tenant. There is going
to be continuous work going on, but there are
one, two -- there's one -- there's one, two,
three other buildings that are on that property
that I'm not going to get all cleaned up in order
-- in a matter of a month or two, if that's what
you're asking.

CHAIRMAN JAUQUET: Well, you know I'm not

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1 really -- you know, just speaking for myself, I'm
not really suggesting that everything get done in
three months. What I'm suggesting is that Eileen
goes through the building to see what's inside,
and then --

MS. PHILLIPS: She's more than welcome to.

CHAIRMAN JAUQUET: And then -- you know,
because we always have that kind of walk.

MS. PHILLIPS: That's fine.

CHAIRMAN JAUQUET: And then we give you --
the idea is to give you a conditional approval
with -- and then work with you during whatever
time frame you need to at least get what -- you
know, fix the pothole in the front, and then, you
know, some of the garbage. If you're refusing to
clean up the site that doesn't include the
building that the smoke house is in, then, you
know, that, I guess, is another issue. But we'd
like to get the thing approved and then the
conditional agreements to come afterwards.

MS. PHILLIPS: First of all, I'm not
fighting on getting it done, okay? I've been --
we've been working on it for the last eight
months, not that anybody would recognize it, but
in the last eight months, okay? `
CHAIRMAN JAUQUET: Well, okay.

MS. PHILLIPS: But my concern is I do not want Mr. Karlin held up because of the other tenants issues that I have to straighten out.

CHAIRMAN JAUQUET: Well, Karlin is the smoke guy.

MS. PHILLIPS: Correct.

CHAIRMAN JAUQUET: Isn't he already --

MS. PHILLIPS: I have ClearingHouse, I have Hommel's.

CHAIRMAN JAUQUET: But he's already operating, isn't he?

MS. PHILLIPS: Hommel's is in two separate spots on the property.

MR. PROKOP: How would he be held up? I don't understand. Is any --

MS. PHILLIPS: No. I'm just -- I'm asking that -- you know, I just want to make sure that he's not going to get held up.

MR. PROKOP: No. But isn't he there operating already?

MS. PHILLIPS: Who, Phil?

MR. PROKOP: Yes.

MS. PHILLIPS: Well, he -- when he first
came in and started cleaning things out, he
called up and he didn't need permits for many of
the things, for whatever he was doing. He
cleaned up and used what was existing there, so
he was under the impression -- until I came back
from Virginia is when I discovered that he needed
to have the use evaluation, okay? That was part
of the problem, okay, which that's a glitch that
I think other people run into and that's
something with my other hat, not this hat, okay?
CHAIRMAN JAUQUET: Yeah. So then what did
he do, did he start working there?
MS. PHILLIPS: Well, what he did is he
started cleaning up there, okay? So he --
CHAIRMAN JAUQUET: So is there smoked fish
operation going in that building right now or no?
MS. PHILLIPS: There has been.
CHAIRMAN JAUQUET: Okay. Is it now?
MS. PHILLIPS: That's where the
confusion -- yeah. That's where the confusion
came in, is that he was, in his discussions with
whoever he discussed stuff at Village Hall, I'm not sure, can't answer, can't verify, don't know, he started cleaning things out. And when he was looking at the code himself, he didn't think he needed anything else, other than to make sure that things were cleaned up, and broken pipes fixed, leaks coming through the ceiling that was from a broken water pipe that hasn't been repaired from the previous tenant. There was --

CHAIRMAN JAQUET: What we want to do is we want to approve his operation, but we want to see it first.

MS. PHILLIPS: Oh, okay.

CHAIRMAN JAQUET: And get him going, I mean, get him --

MS. PHILLIPS: Okay. I'm sorry. I misunderstood you.

CHAIRMAN JAQUET: No. Get him on board with -- I mean, other people have done this, too, and we've -- you know, we've admonished them for opening before they had our approval.
MS. PHILLIPS: No, I don't --

CHAIRMAN JAUQUET: And even though he did that, you know, we still want to do the -- get the paperwork right and get him going. You know, we're not going to shut him down. We need to get the walk-through, and that will give us --

MS. PHILLIPS: Okay, misunderstood.

CHAIRMAN JAUQUET: -- the confidence to approve it with the conditions that you --

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MS. PHILLIPS: Okay, misunderstood.

MR. DOWLING: And you, as a landlord, did you know that a change of use should have to come in front of us?

MS. PHILLIPS: Chris, in all honesty, I've been trying to not be involved in it because I'm a Village Trustee, and I --

MR. DOWLING: But you're the landlord, so you are involved.

MS. PHILLIPS: I'm part of a corporation that's the landlord. There are other people that are involved in this corporation. I took a step
back from it because I'm a Village Trustee. So when I discovered it, I did go in to Mr. Pallas and Ms. Wingate and I had a meeting, which is where I said that there was some things I needed to get involved in, even though I was trying not to, okay? We had other people involved in that property just other than us, okay?

CHAIRMAN JAQUET: And that's one of the changes that we have, as this Board, this new assembly of Board Members, is to get landlords involved, so --

MS. PHILLIPS: Okay, but --

CHAIRMAN JAQUET: That's new, too, for you, and who's to know? And, you know, a lot --

MS. PHILLIPS: What I'm trying to say is --

CHAIRMAN JAQUET: A lot of people have opened their stores up in the past without the paperwork and now we want the paperwork. And you're coming at a time when we're trying to edify tenants and landlords, and not everybody is, and so that's all this is. It's not your
fault, it's not your tenant's fault, but, you
know, we're going to -- you know, we're going to
know about this stuff. And Eileen is, and the
Building Department is, going to ask the tenants,
and that's how this stuff gets before the Board.

MS. PHILLIPS: Peter, I don't -- okay.

CHAIRMAN JAUQUET: That's all it amounts to.

MS. PHILLIPS: All I'm trying -- to answer
Chris, is that I have been trying very
desperately to -- on this corporation and other
corporations that my family are involved in, I
have been trying to have other people come and
represent. As I stated earlier before, I didn't
want to be here tonight, I really wanted
Mr. Cuddy or Phil to be here, okay?

CHAIRMAN JAUQUET: Yeah, all right. Maybe
you should --

MS. PHILLIPS: But I felt that they should
-- there should be some representation for them
here tonight, okay?

CHAIRMAN JAUQUET: How come he's not doing
retail?

MS. PHILLIPS: Because that's the landlord/tenant agreement.

CHAIRMAN JAUQUET: Oh. All right. Do you smoke fish yourself?

MS. PHILLIPS: No, but that building will not be a fish market unless we move into it to be a fish market.

CHAIRMAN JAUQUET: Oh, I see.

MS. PHILLIPS: Okay? I don't know how else to bluntly put that.

CHAIRMAN JAUQUET: Yeah, no. The only reason I ask is because, you know, a Greenport, North Fork branded fish is an artisanal food and, you know, that's sort of what the North Fork places are all about these days.

MS. PHILLIPS: We have certain agreements between --

CHAIRMAN JAUQUET: I see, okay. Okay.

MS. PHILLIPS: -- North Fork Smoked Fish and us.
MR. BURNS: Mr. Chairman, may I float a motion that we approve his request provisionally, until we get a report from the Building Department?

CHAIRMAN JAUQUET: We could do that. I mean, how long do you think it would take for you to go through that? I mean, I think we should wait until someone goes through there. No one's been in that building from the Village for ages.

MR. BURNS: Then you want to stop his business?

CHAIRMAN JAUQUET: No, I don't want to stop his business. I mean --

MS. MUNDUS: I'm happy that he's here applying for a permit, because he's been operating for a month-and-a-half or two months anyway, right? I mean, he's doing the right thing by coming to the Planning Board and getting the proper permit.

MS. PHILLIPS: As said, when I was able to oversee what was going on, I discovered that there was a glitch. I don't know how else to put that, okay?

MS. MUNDUS: Yeah.

CHAIRMAN JAUQUET: I don't know. What do
you think?

    MS. MUNDUS: I think it should be conditional on the Building Inspector, because of the -- primarily because of its absolute close proximity to the building right next door, if there was some kind of a hazard, particularly a fire hazard of some sort. It should be straightened out now.

    CHAIRMAN JAQUET: Yeah.

    MS. MUNDUS: And his operation should be conditional upon the building being properly inspected, and so that we know that's it's up to code. Otherwise, we're going to give approval for something that may or may not even be real, because we don't know.

    MS. PHILLIPS: As I said, you know, Eileen was invited to come through it back when I spoke to her and Mr. Pallas.

    CHAIRMAN JAQUET: So you guys feel that we should approve it conditionally, and I'm thinking we should at least wait another week before a
legal action, just to get someone in there.

MR. BURNS: You want to call a special meeting?

CHAIRMAN JAUQUET: No, I just -- you know,

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it's only -- when's the next meeting?

MS. WINGATE: The 30th.

CHAIRMAN JAUQUET: He's already operating, I mean.

MS. WINGATE: Today is the 2nd.

CHAIRMAN JAUQUET: It's not like we're going to -- I don't want to stop. I don't want to stop.

MR. BURNS: By this motion, I'm just allowing this Board to observe that that's going on, and that we really can't approve it until we --

CHAIRMAN JAUQUET: Okay.

MS. MUNDUS: Right.

CHAIRMAN JAUQUET: That I'm more comfortable with.

MS. MUNDUS: Because what we said we were doing is we're giving a measurable platform of
expectations that we can compare their
performance to, so.

MR. MC MAHON: I'm not going to give
approval to anything blind. I mean, if we're not

CHAIRMAN JAUQUET: I know, because that's
not really approving anything, it's approving a
concept.

MR. MC MAHON: We're not approving -- we're

not stopping it. I don't want to --

MR. PROKOP: You have a --

CHAIRMAN JAUQUET: I mean, the question is,
do we have an obligation to have some sort of
legal statement about this operation that doesn't
have an approved plan at this point, or do we
just let it slide?

MR. PROKOP: You have 60 days. You have 60
days from last week when you accepted the
application, you have 60 days to do anything.

What I was going to say is that --

CHAIRMAN JAUQUET: What day are we on?

MR. PROKOP: Seven days.
MS. MUNDUS: We have six.
CHAIRMAN JAUQUET: Only six days are used up?
MS. MUNDUS: It was only last week.
MS. WINGATE: Sixty days, 6-0.
MS. MUNDUS: We accepted his application at the work session last week.
CHAIRMAN JAUQUET: Okay. So we're only into it for 10 days.
MR. PROKOP: I'm not commenting on the motion, but I just wanted to encourage you that there's a number of issues that have come up that you've spoken about. So if you're going to do something, whether you do it today or, you know, two or three months from now, all of those issues have to be addressed. It's not just a matter of the Building Inspector going through the premises, there's other issues that you spoke about, you know, that I heard that are -- that should be incorporated in whatever you do. And my suggestion is going to be that -- apparently, the property was split with the building next --
I don't have any idea if this is the case or not, but if the property was split with the building next door, that ended up with the drainage from this building going into the building next door, there has to be some kind of agreement in place for that to continue. And the other things that you mentioned have to be addressed as conditions, that's all.

MR. BURNS: I would expect that would all come from Eileen's report, you know, in Eileen's report.

CHAIRMAN JAUQUET: Yeah, and that's why I think we should wait for Eileen to have her report, and then we can do the conditions based on that.

MR. MC MAHON: I believe there might be

some other people who want to add something else as well. Anyone else? I see a lot of --

CHAIRMAN JAUQUET: Is there anybody else in the audience that wants to talk about this?

(No response.)
CHAIRMAN JAUQUET: Thanks, Mary Bess.

MS. PHILLIPS: You're welcome. Thank you.

CHAIRMAN JAUQUET: Okay. So that one we're just going to wait.

MS. MUNDUS: So we're going to table it until we get --

CHAIRMAN JAUQUET: That one's tabled.

MS. MUNDUS: -- the report from the Building Inspector.

CHAIRMAN JAUQUET: Okay. Make a motion to table, then.

MR. McMAHON: I think he would like to --

CHAIRMAN JAUQUET: Okay.

MR. REED: Mike Reed, 430 Front Street. I just have a couple of questions, Mary Bess.

Yes or no, does he need to have Health Code for that?

MS. PHILLIPS: It's Department of Ag and Markets.

MR. REED: All right. So that's done.

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MS. PHILLIPS: That's already done.
MR. REED: My other thing is, is that I know what I went through when you were on the Board when I bought my place, you had to have steps A, B, C. If you didn't do that, you shouldn't be opening. No disrespect, but you're working there without, you know, approval. You have steps to meet your qualifications to be opened up. If you're not in compliance, you're not in compliance. You know, that's your job and Mr. Prokop's, but make sure he puts A, B, C in place, and then it's yes, he may be complying. But right now, he's working in noncompliance without a CO, correct?

MR. BURNS: Thanks, Mike, because that's one of the issues that we --

MR. REED: That's what we know.

MR. BURNS: -- continually come back.

CHAIRMAN JAUQUET: What business is yours?

MR. REED: I sold mine.

CHAIRMAN JAUQUET: Oh. Which one was it?

MR. REED: It was Reed's Automotive.

Israel bought it.

CHAIRMAN JAUQUET: Oh.

MR. REED: Right across from the pizzeria.
CHAIRMAN JAUQUET: Oh, that one, yeah.

Okay. So do we have to have a motion to table this?

MR. PROKOP: Well, we're going to be putting it over with instructions. If what you're talking about is putting it over -- you're talking about putting it over to the next meeting?

CHAIRMAN JAUQUET: Yeah.

MR. PROKOP: So you're putting it over with instructions, so that would be part -- I would do that in the same motion. It's not a simple table motion, it's -- it would be a motion to put it over until the next meeting with requesting a report from the Building Inspector, you know, whatever else you want.

CHAIRMAN JAUQUET: Okay. So I'm going to make a motion to put this over to the next meeting.

MR. MC MAHON: That 60-day window you talked about, so some action needs to be taken within that 60-day window.
MR. PROKOP: Yes. I'm not saying there's a break. I think there's a motion and a second now, so that has to be dealt with. There was a motion by Mr. Burns, and it was more or less seconded, so --

CHAIRMAN JAUQUET: So we have to rescind that.

MR. PROKOP: So it either has to be voted on or it has to be rescinded.

MR. BURNS: I just floated it out --

CHAIRMAN JAUQUET: Right. Well --

MR. BURNS: -- to get something moving.

CHAIRMAN JAUQUET: Okay. So we're going to rescind. What, do we have to have a motion to rescind it?

MS. MUNDUS: No one seconded it. No one seconded it.

MR. BURNS: No one seconded it.

MR. PROKOP: Okay.

MS. MUNDUS: No one seconded it.

CHAIRMAN JAUQUET: Okay. All right. So
I'm going to motion to forward this discussion to the next meeting, and at that point we can -- because we're going to be looking at a building inspection report.

MS. MUNDUS: And we're also requesting a report from the Building Inspector.

CHAIRMAN JAQUET: Okay.

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MS. MUNDUS: Complete report.

CHAIRMAN JAQUET: Along with the Building Inspector's report. And do I have a second on that?

MR. BURNS: Second.

CHAIRMAN JAQUET: All in favor?

MR. BURNS: Aye.

MR. DOWLING: Aye.

MR. MC MAHON: Aye.

MS. MUNDUS: Aye.

CHAIRMAN JAQUET: Aye.

All right. Number 3, we have a general discussion on enforcement of site plan and use evaluation approvals. Does anybody want to speak
about that? Do you want to say anything?

MR. SALADINO: Can I say something about that?

CHAIRMAN JAUQUET: Sure.

MR. SALADINO: About the general discussion about site plan.

MR. DOWLING: Absolutely.

CHAIRMAN JAUQUET: Sure, sure. I mean, I have something to say, but go ahead.

MR. SALADINO: John Saladino, Sixth Street. There's a general perception in the Village of selective enforcement, and from what I just saw just now, this was a prime example of it. You want to discuss use evaluation, and the truth of the matter is there is no -- use evaluation seems to be after the fact with this Board. I'm not sure I understand. Shouldn't --

CHAIRMAN JAUQUET: Well, let me tell you. Wait. Yeah, okay

MR. SALADINO: Shouldn't you decide if it's an appropriate use before?
MR. BURNS: Here–here.

CHAIRMAN JAUQUET: Yeah, I agree with you.

MR. BURNS: That's our problem. These things get started and then we --

MS. MUNDUS: We're talking about enforcement. We have no control over whether someone comes before us or not comes before us. This has happened over and over and over again.

MR. SALADINO: No, I understand that.

CHAIRMAN JAUQUET: And that's why --

MR. SALADINO: It's just that you have no enforcement power.

CHAIRMAN JAUQUET: Yeah. Well, that was the --

MR. SALADINO: What you do is --

CHAIRMAN JAUQUET: That's the idea. Now, about three months ago, Amy Martin got up here and suggested that the Planning Board go petition the Trustees for enforcement powers, and that's pretty much where we are, you know. And I don't know what that entails, but we -- you know,
there's --

MR. SALADINO: I was out of that loop, so I don't know about that.

CHAIRMAN JAUQUET: Well, she came up, you know, as a former --

MR. SALADINO: But I do know I just heard just now this Board say, "Well, we'll let him keep operating, we don't want to shut him down, we don't want to do this."

CHAIRMAN JAUQUET: Yeah, true.

MR. SALADINO: I'm not sure I understand that. I'm not sure I understand that concept.

CHAIRMAN JAUQUET: Well, that's what we did. That's what we did. We did not shut him down. You know, should we have?

MR. BURNS: We don't have the enforcement powers that you're suggesting we ought to have.

MR. SALADINO: I'm not suggesting anything, I'm suggesting that there's a perception in town that some people are required to abide by the code and some people don't.
CHAIRMAN JAUQUET: Right.

MR. SALADINO: I'm suggesting that sometimes by listening to these Boards, and I'm not sure if guys you know me, you know --

CHAIRMAN JAUQUET: I know you. I know you, but the thing with this one is that we could -- you know, we could have chose to shut him down, I guess, but, you know, we've never done that. There's been a couple of incidents over the summer where people have opened up before we've approved them, like a week before and two weeks before.

MR. SALADINO: And what happened?

CHAIRMAN JAUQUET: And we called them on the carpet about it. Now that's where we are in the stage of the kind of enforcement steps.

MR. SALADINO: I have to ask you guys. I would appreciate an honest answer. Is there anybody in this room, is there anybody in this room that didn't know that business was up and running before it came to this Board?

MR. MC MAHON: I didn't, I had no idea.

CHAIRMAN JAUQUET: I didn't either.
MR. REED: That's been a common -- I've lived here my whole life. My family has been here over 200 years, owned Jaeger's Department. Mr. Burns used to be a client of mine. The biggest thing was do it and then beg for forgiveness afterwards. It's been going on way too long. People should do their job.

CHAIRMAN JAUQUET: Yeah, I know.

MR. SALADINO: The business -- if you drove by that -- and I don't want to single out that business. Mary Bess and I, we have a special relationship, okay?

(Laughter)

MR. SALADINO: So I don't want to single out that business and make it sound like it's about Mary Bess Phillips, it's not, it's not. But that business --

CHAIRMAN JAUQUET: Of course not.

MR. SALADINO: But that business opened. There was hours of service on the door. Anybody who went to the IGA, anybody who walked past that business knew that business was open for business if you looked at it, if you looked at it. If you
never drove down Front Street and you never
walked past the business, then perhaps you didn't

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know. But the overwhelming majority of the
people in this room, I would say, knew that
business was open. And the five members of this
Board had to know, if that business was open,
there was no application in front of them.

There's a question about lot lines, if it's
even -- if it's even a legal piece of property.
There's questions about tax map numbers, there's
questions about lot lines. I don't understand.
I just don't understand how after that just
happened with that application, that -- I don't
even understand how it's allowed to go forward,
how there's not a whole new process.

Everything that could be wrong with that
application seemed like there was something wrong
with it, and now -- and I wasn't going to say
anything, because I didn't want to sound like I
was -- because of Trustee Phillips and myself, I
didn't want to make it sound like I was starting
with her. But just now, you said, "Well, we're
21 going to talk about use evaluation." Well, if
22 you're allowed to open up and do what you want,
23 what's to talk about?
24 MS. MUNDUS: Well, that's not our job. Our
25 job is to deal with things when they come before

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the Board. Our job is not to be Joe Citizen and
1 walk down the street and say, "Oh, that didn't
2 come" --
3 MR. SALADINO: I'm not saying you should do
4 that, but you are a resident of the Village. By
5 statutory law, you're required to be a resident.
6 And I assume that where we live, in a one square
7 mile Village --
8 MS. MUNDUS: Well, we had this whole
9 lengthy discussion during the work session last
10 week. So it may appear that we're not discussing
11 it now, but we discussed it at great length last
12 week.
13 MR. MC MAHON: We did.
14 MS. MUNDUS: And we asked Mary Bess
Phillips to explain a lot of the lot line
problems. And, you know, we knew then that it
was fraught with issues.

MR. SALADINO: But the bottom line is the
business is up and running, is in operation.

MR. BURNS: We stopped somebody. We
stopped somebody from operating after they had
started a month ago, two months ago.

CHAIRMAN JAUQUET: The surf shop we
stopped.

MR. WINKLER: How come you stopped him and
not this guy?

MR. BURNS: We'd like to do that.

CHAIRMAN JAUQUET: Yeah, I know, you're
right.

MR. SALADINO: So isn't there like
selective enforcement here?

MR. BURNS: We'd like to do what you're
talking about.

MS. WINGATE: I could say that it is my job
to stop people and get them in here and --
MR. REED: So why aren't you doing anything?

MS. WINGATE: Well, she's here now, isn't she? There is no confusion for me reading the application about lot lines. I have documents from Suffolk County. That's what we're working with until some magic survey shows up, okay?

MR. PROKOP: I don't think that -- we started discussion about use evaluation process, and when you -- when the Chairman asked if there was any comments specific to this application, there were none. And then we started a different discussion, and now we're going back to specific comments on that application.

MR. SALADINO: I apologize.

MR. PROKOP: And I -- No, no, I'm not criticizing you. I'm just saying that in fairness to the applicant, I think that if we're going to start a specific -- continue --

MR. SALADINO: Then I'll change it, Joe. Then I'll change it. I'll change my opinion
about the process for use evaluation by the Planning Board, forget that applicant. How does an application progress to this point without -- how does it progress? How does a merchant open up a business circumventing this process?

MR. DOWLING: So we just got this application the last meeting, and I knew about this place being open. I kept going to the Building Department and saying, "Have we gotten an application from this person yet? Have we gotten an application from the bakery on South Street right over here? Have we got an application here?" And we haven't. But that's why we're having a discussion.

MR. SALADINO: I don't have with any individual business, I have a problem with the process.

MR. DOWLING: No, no. But why I asked for

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	his to be put on the agenda was because, you know, I know about these things. We know about these things being open, but this is the power
that we have. We have no power. That's why we want to know what is our enforcement. What can we do to stop this stuff? And we asked Eileen, and she asks them, and they don't do anything, so -- and then so that's it. We have no -- that's what we want to know, what can we do about that after they say, "Eh."

MS. WINGATE: And I go to a business that hasn't done their paperwork and say, "Here's a copy of your application. Please fill it out and bring it to the Building Department." You do it once, you do it twice, you write letters, and eventually you get to the point that you get some cooperation.

MR. REED: After 10 days, you shut them down.

MR. SALADINO: I kind of think you guys know the point I'm trying to make. I'm sure Eileen knows the point I'm trying to make.

MR. DOWLING: But, no. As I said, we have when this happens, we're sitting here tied. We just sit here. And as far as the way the code is
written, we basically just have to sit here until we get that application. And we'd like to know if we could do something else so we can actually make sure we get that application, or it doesn't, we can do something about it.

MS. MUNDUS: And what we have been doing is we've been giving conditional approvals, so that if somebody comes -- if they do come in front of us and we know that they're not up to snuff, we ask them to improve, and if they don't improve, they lose their approval in 60 days, or in six months. We've done different approval levels for different people. We have no enforcement powers at all, no matter how we feel about it, that's the problem.

MR. SALADINO: Well, I don't feel one way or the other about it. I feel there's a perception that some businesses are allowed to operate and some businesses aren't. And from what I heard here tonight, you guys promulgate that by saying, "Well, we don't really want him to close. It's okay, he doesn't have to close."
And again, we're getting back to a specific application. I'd rather not do that, because I
don't want to be the guy that -- I don't want to be that guy. If it was a different applicant, maybe, but I don't want to be that guy with that particular applicant.

So I hear, "Well, fix a pothole, clean up the garbage." And how about the whole process? How about the process that the business opened illegally?

MR. PROKOP: So the Village has a Code Enforcement Officer now, and we -- I mean, there should be -- the process isn't really -- it's really we're talking -- we're not the enforcement mechanism for the Village. However, we could make referrals to the Building -- to the Code Enforcement Officer, now that there's one present. So there could be a communication from the Board to refer -- to do a referral for -- you know, to the Building Department, to the Code Enforcement Official. I mean, from my standpoint, I mean, I'm also the Village Prosecutor, we never had -- I mean, once or twice
in 10 years we've had a ticket for something like
that. The tickets should be written all the
time. I mean, it's my -- and I'm not talking
about any particular application. I mean, I'm
just -- you know, we should have the Code

Enforcement -- I don't want -- excuse me. I
don't want to get into procedure, because it's
not my -- I'm not a Supervisor, but there's no
reason why a violation could not be issued. And
there's also no reason why we couldn't do a
referral from this Board, you know, just a
one-sentence memo saying -- you know, referring
it to the Village -- the Mayor or Village
Administrator, the Building Inspector and the
Code Enforcement Officer, "We've been made aware
of this situation and we want to refer it to you
for review and possible enforcement," just that.

MS. MUNDUS: Well, since we have a new Code
Enforcement Officer and a brand new Village
Administrator, I think that this Board should
have a meeting with those two individuals, so
that we can clarify what the policy is and we
know what the expectations are. That's what I'd
like to see happen.

MR. MC MAHON: Wasn't he going to be coming
tonight?

MS. WINGATE: He couldn't tonight, but he
could be there on the 30th for your next work
session.

MR. PROKOP: Yeah, that would be a good

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idea, requesting they come to the meeting and
discuss that.

MS. MUNDUS: Yeah.

MR. DOWLING: Absolutely.

MR. PROKOP: You can put that first on the
agenda so they can --

MS. MUNDUS: Because I don't like the idea
that the public has a perception that we're
willingly being lenient with some people and not
enforcing others, because that's not the way --
believe me, bringing Greenport up together,
equally enforcing all these things for everybody,
we've struggled really hard with that. But when a landlord, or landlady in this case, comes up and says, "Hey, I can't do anything about that because I have," blah, blah, that's completely a separate issue from the poor applicant who wants to come in and do the right thing. So where do we enforce that part? You know, that's the struggle that we have.

MR. REED: The applicant didn't do that. He opened up prior, and nonconforming. Like I said, no disrespect.

MS. MUNDUS: But when he was here last week, he said he didn't know that he had to have a change of use permit, so --

MR. REED: Stick to the letter.

MS. MUNDUS: Yeah.

MR. REED: Find out. You guys are almost like figureheads, a mouth with no teeth and no bite. I don't begrudge any of you. Thank God you guys are doing this, but your hands are tied, you're frustrated. You know what, somebody's got
to be accountable. Somebody's job should be on the line to do the right thing, not there you go, because too many times I've seen this over and over and over again, you do it, and like I said before, they beg forgiveness afterwards. It's not how the letter of the law is written, correct, Mr. Prokop?

MR. PROKOP: Yes.

MR. REED: Right. So --

MS. MUNDUS: Well, and it's about the way --

MR. REED: To be fair to you guys, you're between a rock and a hard place.

MS. MUNDUS: Yeah.

MR. REED: Because you'd like to do, but there's no sanctions or anything from --

MS. MUNDUS: Well, the key word is planning. So an applicant can come before us and say, "I'm going to do this," and "I'm going to do that," and then walk out and do the other thing, and there's nothing that we can do about it,
because the key wording is planning. That's what they plan to do and we try to encourage that.

MR. SALADINO: I have a question for the Planning Board. Again, I apologize. I have a question for the Planning Board. If you make a recommendation, which is what you do, right, is make recommendations, if the Planning Board was to make a — I'm on the CAC and we make recommendations all the time, and we word them as such where somebody in authority -- we have no enforcement power either. We word them in such a way that someone in authority has to make a decision, a yes or no decision. No compromise, yes or no. Are you going to allow it, if you do this, if you do this. I'm not sure why this Board doesn't have that same power to say, "We'll allow you to open if you do this."

MS. MUNDUS: Well, that's what we have been doing with the conditional approval, so that we have something to measure their performance against. And if they don't do what they said

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they were going to do in their planning process, we pull the approval, and then they are out and they can't operate.

MR. SALADINO: So to open without your approval is okay, and you can't do anything about that, but if they open with -- after they're open and you give them conditional approval, and among the two or 60 days, like the Attorney said, down the road, they don't follow your approval, and you have no enforcement power, they continue to operate anyway?

CHAIRMAN JAUQUET: Well, we don't know about that.

MS. MUNDUS: We don't know about that. What -- this is what we're struggling for.

CHAIRMAN JAUQUET: We shut one guy down.

MR. PROKOP: You know what I recommend you do, is -- you know what I recommend you do, is there's a protocol that most municipalities have as far as existing, like -- I'm sorry. People that build additions and decks, and things like that, without approvals, and you feel like you want a deck in the backyard, so you put it on, and then 20 years later, when you sell the house, you get the building permit and you see -- well,
what you can do with this is if somebody -- right now your fee for a use evaluation application is $150. So what I would recommend you do is that you request that the Board change that, and if somebody starts the use with -- prior to getting the approval, make it $2,500, you know, something, $1,000, $2,500.

CHAIRMAN JAUQUET: Yeah. I mean, it's a fine.

MR. PROKOP: Yeah. So that way it's something, and then they could come in we'd just say, "Well, I'm sorry, but we're not going to process your application until you pay that fine." Excuse me, that fee.

CHAIRMAN JAUQUET: And then can't we get that power from the Board of Trustees of the Village?

MR. PROKOP: They have to change the code. They could do that --

MS. MUNDUS: Yeah, this is the problem, it's a code issue.
CHAIRMAN JAQUET: That's what I'm suggesting.

MS. MUNDUS: It's just exactly like when we complain that the skateboarders are running over pedestrians on the boardwalk. Well, we know it's wrong, but the cops can't do anything about it because there is no explicit code that says no skateboarding. So it has to be there before we can work within it, and that's why we need to have a set procedure, and it's going to involve the Board of Trustees changing the code, so --

MS. MC ENTEE: And you can have the landlords who are working on homes, that there -- they just recently purchased to have rentals in and make them two-family homes and they don't have building permits. And what is the difference? I mean, they're still --

CHAIRMAN JAQUET: There is no difference.

MS. MC ENTEE: They're still making -- they're going against the law and it is illegal. But when we make complaints, complaints don't
follow through in the Village, and they will go for a couple of weeks, when I have made many complaints, and it has to do with the Building Department. So, if those things aren't followed through, then how come those people are not being fined? And I've had several issues with that.

MS. MUNDUS: Well, that's not a question for the Planning Board.

MS. MC ENTEE: But it is along the same line, because if you're going to fine someone for these issues, it also ultimately goes down to the Building Department to fine those people as well. It all trickles down. I believe what you're intent to do as the Planning Board, what they have -- what you have to do, I get that, but it all trickles down to one person.

MR. BURNS: That may be the problem, it all goes down to one person.

MS. MC ENTEE: Right.

MR. BURNS: Who has really no -- nothing but two hands and fingers.
MS. MC ENTEE: But it's not fair to us.

MR. BURNS: I'd say, you know, address the Village Board.

MR. KEHL: Address the Village Board to --

MS. MUNDUS: Could you come to the microphone so that your comments are in the record? I don't think she can hear who you are. Excuse me.

MR. KEHL: Robert Kehl, 242 Fifth Avenue.

MS. MUNDUS: Thank you.

MR. KEHL: Like you just said, is you don't have the power to have to change a thing, change the code. Can't you put a request into the Village Trustees to change the code?

MS. MUNDUS: Uh-huh.

CHAIRMAN JAUQUET: Well, that's what we're saying.

MR. PROKOP: It goes to the Code Committee. So the Code Committee meets next week, in a week-and-a-half.

MS. MUNDUS: And that's what we just did in
one of our previous things, we put it in -- we made a motion that it would go to the Code Committee.

MR. KEHL: Okay.

MS. MUNDUS: So we are already doing that.

MR. KEHL: Okay. So once they made the change, then you'd be all set, right?

MS. MUNDUS: Right. It's a process here we're talking about.

MR. BURNS: We really appreciate --

MS. MUNDUS: Yeah, yeah.

MR. BURNS: We really appreciate your input, because this is exactly the thing that we've been struggling with recently and trying to figure out, well, what do we do, where do we go.

MR. KEHL: Okay. Thank you.

CHAIRMAN JAQUET: Thanks.

MS. MUNDUS: Thank you.

CHAIRMAN JAQUET: So, to take -- to take the necessary steps, what do you suggest we do first, as the Planning Board looking for
enforcement, an enforcement tool; meet with the enforcement person as a thing to get some facts, and then meet with the Trustees to outline a proposed code?

MS. WINGATE: It's always smart to start with investigation.

CHAIRMAN JAQUET: Okay.

MS. WINGATE: Because much of what you hear is not always the fact.

CHAIRMAN JAQUET: Right.

MS. WINGATE: So investigation is where you start a report, and --

CHAIRMAN JAQUET: I see, okay. All right.

Let's see. We're going to --

MS. MUNDUS: I'd just like to reiterate what I said before, that I would like to have a meeting with the new Code Enforcement Officer and the new Village Administrator, so that we can have this joint discussion together, so that it's not taken out of context, and so that we all have a common goal that we're all hopefully traveling
towards together.

And I really think that it's important that the code enforcement is shared by more than one person, because if code enforcement is -- comes from one person in the Village, that is a potential for -- you know, for a problem. But to take the load and spread it more equally among other agencies I think spreads the fairness, rather than coming from one person, and that is the change that we're trying to effect here. I mean, it may not look like it, but we really are trying to, you know, do the right thing for the Village.

MR. BURNS: Who do we ask to set up this meeting?

MS. WINGATE: I'll be glad to take notes. You want our new Code Enforcement Officer, Paul Pallas, the whole Board? So you want to do it at a Planning Board work session?

MS. MUNDUS: At the work session.

MR. BURNS: Yes.

MS. WINGATE: Okay.

MS. MUNDUS: That would be the appropriate public forum for us all to meet together, so that
our discussion is a public discussion and there's complete transparency.

MR. HOLLID: May I approach?

MS. MUNDUS: Uh-huh.

MR. HOLLID: Good evening. Joe Hollid, 415 South Street.

When the person that started the wholesale business over here, did he have to know that he had to do an application? And why didn't he know?

MR. PROKOP: It's in the code. It's in the code and it's a law, so everybody is deemed -- everybody is deemed to have notice. Nobody can say that they didn't know, it's in a public law.

MR. HOLLID: Well, why did the landlord allow him to do that without even having an application in, or starting a business in the first place? She's --

MS. MUNDUS: Yeah, that's what we're saying, is that the landlord has culpability here also. And you heard her say at the podium that she has some kind of deal with -- about fish
marketing and fish market and --

MR. HOLLID: Right.

MS. MUNDUS: We have no idea what that is.

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MR. HOLLID: So who's culpable if it's --
if there is an accident or a fire? Is the
owner --

MS. MUNDUS: Well, that's why -- that's why
we just demanded that the Building Inspector have
access there. At the work session they said they
didn't have to have anyone come in and inspect,
because they already got their permit from the Ag
permit, and that -- you know, that did not fly at
all either.

MR. HOLLID: I hear you, yeah. And also,
if you have no cohesion as far as with the
Village Board itself, the Mayor or anybody, who
answers, and how do you go about associating with
the Mayor? Does any -- since you're the primary
on the Planning Board, do you report or have
anything to do with the Mayor or the Trustees?

MR. BURNS: I think that's the kind of
question that needs to come up with this --

MR. HOLLID: Well, I thought we were --

that's what kind of came up during the process.

MR. BURNS: What's the process, how do we

move, whatever.

MR. HOLLID: Yeah. It doesn't seem like

there's any cohesion between the Planning Board

and the Village itself. The primaries in the

Village should -- you got to have some kind of

association, be it meetings, meetings or somebody

has to report to someone and say, "Hey, this is

what's going on, and that's what's going on?"

And if there's --

MS. WINGATE: There's a lot of reporting

that goes on. I am the representative for the

Village at this meeting, Joe, as well. We take

all this information with the minutes, the

minutes are distributed to all the Board members.

I report to my supervisor. Everybody is in the

loop on these meetings. They don't have to be

here to read minutes and know what's -- they read
agendas, they read minutes. I would say all the way up the food chain, people do read this stuff.

MR. HOLLID: All right. Well, how come the Planning Board has a problem not knowing what's going on? Or that's what it seems to me.

MS. WINGATE: I didn't sense that.

MR. HOLLID: And as far as different -- there should be some meetings interconnecting here with the different people in the Village, not only people. And how do you figure out if the commercial property is -- I had thought here, I lost it.

MR. SALADINO: Join the club.

MS. MUNDUS: Well, we have a new Village Administrator. And I don't know if you have been coming to these meetings for a long time, but the previous Village Administrator used to attend this meeting, and it is a new change that the present Village Administrator does not.

MR. HOLLID: I understand.

MS. MUNDUS: And I would like for him at
least to come to the -- to the public hearings, anyway, not maybe the work sessions, but at least, you know, the regular meeting.

MR. HOLLID: Yeah. Last time we went to -- we came to the Planning Board for a working session, there were only three people there. And I think you did a very good job on that issue with the -- and my thought came back as far as business. When it's a -- let's see. When it's a working business, how do you go about figuring out wholesale and retail as far as the gentleman has come into the business, come in with no application, but he starts working on the end where he wants to put in -- instead of the place that was there, he changes the venue of the business. Now that should be something -- again, it's probably the initial part, where you set the code, has to be there, and people should know the code. But how do we get those people to recognize that? Is that something that should be done initially, where everybody that's a landlord
has to know? Like the landlady didn't seem know
that that was a prerequisite as far as having an
application.

CHAIRMAN JAUQUET: Well, that's one of
the -- that has come up before where the landlord
might be a weak link in informing their tenant
that they need to do this, and this, and this,
but they're just not thinking that way.

MR. HOLLID: Well, maybe there has to be a
letter that has to go out to these landlords --

CHAIRMAN JAUQUET: Right, you got to do
this to open up.

MR. HOLLID: -- and it has to be known.

CHAIRMAN JAUQUET: And we're thinking that
maybe it should be contingent upon signing the
lease, so that it's done at the same time.

MR. HOLLID: There you go.

CHAIRMAN JAUQUET: To write it into the
lease.

MR. HOLLID: Definitely.

MS. MUNDUS: And there was a gray area with
that building, because they had brown paper over all the windows. So we didn't -- I mean, I walk by there all the time, but was he operating, was it in business, was it construction, was it -- you know, no one -- I didn't know, so --

MR. HOLLID: Again, with the issue of the garbage and stuff, that drives me crazy, because, like you said -- and she said that she had to wait for her husband to come back from sea to make a decision on what he should keep and what he had to throw out.

MS. MUNDUS: Yeah, yeah.

MR. HOLLID: And there should be some kind of -- again, code enforcement has to be involved.

MS. MUNDUS: Exactly.

CHAIRMAN JAUQUET: But if there were --

MR. HOLLID: And that should have been done at the last meeting that you guys had.

CHAIRMAN JAUQUET: And all the other villages in town, South Fork especially, they've got someone going up and down the sidewalks on a weekly or daily basis looking for -- looking specifically for violations, and putting fines in
MR. HOLLID: We don't have that here?

CHAIRMAN JAUQUET: And, you know, that hasn't been done here, but, you know, we've been struggling with that, using baby steps over the past summer, especially in June, May, April, when new businesses were turning over on Main Street. So, you know, it's a -- basically it's a work in progress.

MR. HOLLID: Right.

CHAIRMAN JAUQUET: But, you know, the meeting with the Board, enforcement, a code change to get a fine put in place retroactively, or you shut down, you know, if those are going to be our new marching rules, you know, we're going to try to get those going.

MR. DOWLING: Yeah, we're trying to be proactive to make --

CHAIRMAN JAUQUET: Clear up.

MR. HOLLID: I know you guys are volunteers, and I appreciate you doing what you do. And I'm new to the Village. I've lived in Southold for many, many years before this.
MR. HOLLID: And it's a different situation.

MS. MUNDUS: Well, I don't think it's fair to compare Southold with Greenport, because Greenport is extremely underresourced compared to Southold.

MR. HOLLID: Truly.

MS. MUNDUS: And I think what we're seeing, this is a very important time to have this dialogue, that we're seeing Greenport growing faster than the resources are actually able to cope with it, and it's far greater than a group of well-meaning resident volunteers.

MR. HOLLID: I think that's true.

MS. MUNDUS: Yes.

MR. HOLLID: Eileen, I have a question with you. Are you the person that the Code Enforcement Officer reports to?

MS. WINGATE: No. He actually -- I'm a
Code Enforcement Officer as well, but he reports — well, we work together.

MR. HOLLID: Does he have qualifications like the Building Department, like you have?

MS. WINGATE: No.

MR. HOLLID: No? He's just of the -- kind of off the street?

MS. WINGATE: He's a retired police officer, so he has his own set of skills.

MR. HOLLID: They don't relate to code enforcement as far as the Village goes? I don't know, maybe he does, maybe he knows his stuff.

MS. WINGATE: He's really pretty good, you know. He's been on the job a month. He's planning.

MR. HOLLID: And he's only part-time, so how much —

MS. WINGATE: He's only part-time. He is planning to get all of his certifications in order as they offer them. They only offer certifications once a year. Well, for -- the
State offers certification training once a year.

MR. HOLLID: Okay. So he has the State training.

MS. WINGATE: It's in front of him.

MR. HOLLID: Or because he's police officer, a retired police officer.

MS. WINGATE: Yeah.

MR. HOLLID: Okay.

MS. MUNDUS: And I think that to be fair to the Building Department, the entire structure of

the Building Department is this one person here.

MR. HOLLID: Exactly.

MS. MUNDUS: She has no clerk, no filer, nobody to make Xerox copies, no one to do research. It's a one-woman band, and there's only so much that one person can accomplish.

MS. WINGATE: Can I record that?

MS. MUNDUS: And I think, you know, to be very fair about it, I think she does an amazing job with the resources that she has.

MR. BURNS: Here–here.
MS. MUNDUS: You know, we're still in the oak cubbyhole sort of level of technology over there, and her office is in a trailer. We're talking about doing a huge job with a small amount of resources. So we have to be fair in -- you know, that's why we're trying to get enforcement on a greater level than just one person.

MR. HOLLID: Okay.

MS. MUNDUS: It's very difficult.

MR. HOLLID: The only -- okay. It has nothing to do with you, it has to do with the fact that have illegals all over the place.

MS. MUNDUS: We have what?

MR. HOLLID: I know illegal people --

MS. MUNDUS: Oh, yeah.

MR. HOLLID: -- living in apartments, houses, etcetera, and we have no control, seemingly, over that, because Eileen is bogged down. Code Enforcement Officer is only a short-timer, as far as time goes, during the
week. We're -- we don't know how many people are
living in the houses, what kind of safety issues
are there or not. And then that has nothing to
do with it, so I'm babbling where I shouldn't.

MS. MUNDUS: Well, no. We really
appreciate it.

MR. HOLLID: I'm still concerned.

MS. MUNDUS: But your comments really
should go to the Board of Trustees, because --

MR. HOLLID: Your right, you're right.

MS. MUNDUS: -- we're all trying to work
within a framework, and that they're going to
change it, not us.

MR. HOLLID: And also, the one thing with
the fishing nets, now if it's in commercial -- I
know it doesn't look good, fishing nets in the
back. This guy's got huge nets being a trawler.
Now he's got them out of there now, from

what Mary Bess said?

MS. MUNDUS: Well, it wasn't just the
fishing nets that we were complaining about.
There's like outboard motors, and just general junk, appliances, pallets. It's trash, there's no --

MR. HOLLID: Well, with the fishing nets, I mean, were they -- this is like a huge roll.

MR. BURNS: We did what you're asking us to do.

MR. HOLLID: What?

MR. BURNS: In that case, we did what you're asking us to do.

While I've also got the microphone, I think it's worth injecting here that a gentleman who opened a business, now maybe three, four months ago, but has the same business in other locations, complained that he never had so much trouble getting his business going as he did here. We were -- we were on him much more than Southampton and other places, apparently, so we're doing better.

MR. HOLLID: I understand.

MR. BURNS: And we want to do better.

MR. SALADINO: He worked out of his garage.

MR. HOLLID: Okay.

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MR. SALADINO: He didn't open a business in Southold. He didn't open up a storefront, a brick and mortar store, he worked out of his garage.

MR. BURNS: No, no.

MR. SALADINO: I mean, it's not like he --

MR. BURNS: No, no. This is a person who opened a business here in Greenport in one of the stores. He said he had no --

MR. SALADINO: I'm sorry. I thought you were talking about smoked fish.

MS. MUNDUS: No.

MR. DOWLING: We're going all over.

MR. BURNS: He said he had no --

CHAIRMAN JAUQUET: Okay. Let me -- does anybody have anything else to say about another subject?

(No response.)

CHAIRMAN JAUQUET: Okay. I'm going to close out the meeting, then, with #4, a motion to approve the minutes for the following:

The August 7th, 2014 regular meeting. Is that the right date on that, or should it be the --
MS. WINGATE:  Oh, did I make a mistake?

CHAIRMAN JAUQUET:  It should be the --

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1

MS. WINGATE:  Where are you?

2

MR. BURNS:  Number 4.

3

CHAIRMAN JAUQUET:  It should be the --

4

MR. DOWLING:  Number 4.

5

CHAIRMAN JAUQUET:  Number 4. A motion to approve the minutes from the --

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MS. WINGATE:  No, that's correct.

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CHAIRMAN JAUQUET:  Oh, okay, yeah. Okay, I gotcha. From the August --

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MS. WINGATE:  You accepted the minutes, now you're approving them.

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CHAIRMAN JAUQUET:  Okay. I understand that. August 7th, 2014. Anybody second that motion?

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MR. DOWLING:  Second,

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MS. MUNDUS:  I second.

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CHAIRMAN JAUQUET:  All in favor?

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MR. BURNS:  Aye.

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MR. DOWLING:  Aye.
Okay. And #5, a motion to schedule the next work session for October 30th, 2014, and to schedule the next regular session for November 6th, 2014.

Motion to adjourn.

CHAIRMAN JAUQUET: Any seconds?
MS. MUNDUS: I second that.
CHAIRMAN JAUQUET: All in favor?
MR. BURNS: Aye.
MR. DOWLING: Aye.
MS. MUNDUS: Aye.

CHAIRMAN JAUQUET: Aye.

(Whereupon, the meeting was adjourned at
6:56 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 October 2, 2014.

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 17th day of October, 2014.

__________________________
Lucia Braaten