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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

PLANNING BOARD

WORK SESSION

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Third Street Firehouse
Greenport, New York

April 28, 2016
5:12 p.m.

B E F O R E :

DEVIN McMAHON - CHAIRMAN

BRADLEY BURNS - MEMBER

PETER JAUQUET - MEMBER

LUCY CLARK -- MEMBER

JOSEPH PROKOP - VILLAGE ATTORNEY

PAUL PALLAS - VILLAGE ADMINISTRATOR

GLYNIS BERRY - PLANNING BOARD CONSULTANT

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

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1
2 CHAIRMAN McMAHON: We're going to
3 begin the meeting.

4 This is the Village of Greenport
5 Planning Board Work Session for April
6 28, 2016.

7 Item number one, 110 Front Street,
8 continued discussion on a Use
9 Evaluation application from Susan
10 DePaula, President of Vino and Vittles.

11 The applicant proposes to open a
12 new restaurant/bar at 110 Front Street.
13 The property is located in the CR
14 Commercial Retail District and the use
15 as a restaurant is a permitted use.
16 The property is not located in the
17 Village Historic District.

18 Suffolk County Tax Map number
19 1001-4-9-28.2.

20 Did we get this resolved as to the
21 difference between ownership and --

22 ATTORNEY PROKOP: Is she here?

23 MS. DePAULA: Hi. I'm Susan
24 DePaula.

25 CHAIRMAN McMAHON: Hi.

1
2 There was an issue, I believe
3 there was a discrepancy between listed
4 owner on the application and then the
5 final -- did everything get --

6 MS. DePAULA: I believe I
7 straightened all that out.

8 CHAIRMAN McMAHON: That was all
9 straightened out.

10 Do we have everything we need?

11 ATTORNEY PROKOP: Yes.

12 CHAIRMAN McMAHON: So we can vote
13 on that at the next meeting.

14 ATTORNEY PROKOP: Yes.

15 CHAIRMAN McMAHON: All right. So
16 you should be all set at the next
17 meeting. We have already discussed it
18 at length and everyone was fine with
19 it, it was just a matter of clearing up
20 the paperwork.

21 MR. VILANTE: Can I just speak?

22 CHAIRMAN McMAHON: Sure.

23 MR. VILANTE: My name is Brian
24 Vilante.

25 It's still the same restaurant.

1
2 The only thing we wanted to do is
3 change the name on the awning, and
4 regarding the owner, it was put in the
5 wrong spot.

6 CHAIRMAN McMAHON: We got
7 everything we need.

8 MR. VILANTE: It was just a matter
9 of changing the name.

10 CHAIRMAN McMAHON: We'll vote on
11 it at the next meeting.

12 I make a motion we move on to item
13 number 2.

14 Do I have a second for that?

15 MR. BURNS: Second.

16 CHAIRMAN McMAHON: All in favor?

17 MR. BURNS: Aye.

18 MR. JAUQUET: Aye.

19 MS. CLARK: Aye.

20 CHAIRMAN McMAHON: Motion carries.

21 Item number 2, 817 Main Street.

22 Application for an amendment to an
23 approved site plan; dated April 20,
24 1992. The Planning Board at that time
25 approved the use as a bed and breakfast

1
2 subject to continued compliance with
3 the restrictions and conditions set
4 forth in Article 3, Section 85-6,
5 Subsection B of the Village Code and
6 said resolution.

7 Applicant 817 Main Street LLC,
8 represented by Sarah Latham has
9 requested an amendment to her site plan
10 to allow for the addition of one rental
11 room and the addition of one parking
12 space to the existing parking area.
13 The proposed use is conditional and
14 will require an application to the
15 Zoning Board of Appeals for exceeding
16 the limit of three bedrooms and six
17 transient roomers. Section 150-7,
18 Subsection 7 C & D. The property is
19 located in the Village Historic
20 District in the R1 One-Family
21 Residential Zone.

22 Suffolk County Tax Map number
23 1001-2-1-25.

24 I'll just briefly read through
25 some of the notes here.

1
2 There is question to the
3 environmental impacts statement. It
4 says it's not listed as a historic
5 place, but it is within the Historical
6 District.

7 We're sure of that, yes?

8 So then we possibly would need
9 to -- I guess, there isn't any change
10 to the outside of the structure. Is
11 there any reason to go before the
12 Historic Board? If there's no --

13 MS. WINGATE: There is no physical
14 change to the outside --

15 CHAIRMAN McMAHON: There's no
16 physical changes to the outside, so I
17 didn't see any reason why they would be
18 involved, so I think it's -- so we'd
19 want to note it on the EIS that is
20 within the Historic District. Do you
21 want to just change on the
22 environmental impact statement, just
23 correct it that it is in the Historic
24 District, but it won't need review by
25 that Board.

1
2 MS. BERRY: Do you want to talk
3 about the SEQRA?

4 ATTORNEY PROKOP: You can go
5 ahead.

6 MS. BERRY: Okay.

7 Unfortunately though, there are
8 two aspects to this. One, because it
9 still needs a variance because my
10 understanding is that the change had
11 not been approved. Now, when you do
12 that, it becomes an Unlisted issue
13 relative to SEQRA but because it's in a
14 historic district, it then goes to a
15 coordinated review, so even though it's
16 a simple thing --

17 CHAIRMAN McMAHON: Would a public
18 hearing be required then?

19 MS. BERRY: Yes, because it
20 becomes Type 1.

21 CHAIRMAN McMAHON: Okay.

22 So we could begin the SEQRA
23 review. I don't know if we could
24 because --

25 ATTORNEY PROKOP: I think we could

1 just to keep it moving along. What I
2 recommend the Board does is we
3 initially adopt lead agency status and
4 start the coordinated review process,
5 and we could send out the -- unless,
6 you know, as long as Glynis is on board
7 with this, we can send out the notice
8 and, therefore, start the process and
9 keep it moving along.
10

11 CHAIRMAN McMAHON: We could do
12 that essentially concurrently with the
13 ZBA review?

14 ATTORNEY PROKOP: Yes. We could
15 vote tonight to actually do that, but
16 we couldn't accept the application. We
17 would have to deny, which gives her the
18 right to -- which gives you the right
19 to go to the next step, which is the
20 ABA.

21 MS. LATHAM: And then by the time
22 it came back to you --

23 ATTORNEY PROKOP: And then we'll
24 be ready when --

25 MS. LATHAM: Can you explain to me

1
2 what SEQRA means?

3 CHAIRMAN McMAHON: SEQRA is the
4 State Environmental Quality Review.
5 Every application has to have it done.
6 It's generally, one agency will
7 determine, list themselves as the lead
8 agency in the review. Depending on, it
9 can be one of three, classified one of
10 three ways. It can be a Type 1 action,
11 a Type 2 action and an Unlisted action.
12 Each one of those has varying degrees
13 of impact on the environment and
14 surrounding areas, varying degrees of
15 scale. Depending on how it's
16 classified, there are then steps that
17 have to be taken.

18 You filled out, I think, a short
19 form EIS. There is a short form and
20 there are -- I don't know what the
21 other one is.

22 ATTORNEY PROKOP: It's a long form
23 and a short form.

24 MS. LATHAM: And you said this
25 would be -- I can't remember -- a Type

1
2 1 or an Unlisted?

3 MS. BERRY: Normally, it would be
4 Unlisted but because it's in the
5 Historic District, an Unlisted -- yes,
6 it's a Type 1.

7 MS. LATHAM: And the Historic
8 District is just the geographic zone or
9 what is it? Is it a geographic zone?

10 CHAIRMAN McMAHON: Yes, and when
11 it becomes, when it's a Type 1 action
12 for the purposes of SEQRA, it's
13 required that we send notice to all
14 involved agencies, which would be other
15 agencies that might have some
16 jurisdiction, so it would, in this
17 case, it would be the Historic Board,
18 and the Board of Trustees, and I think
19 we would -- do we do DEC? I don't know
20 who else would be involved.

21 ATTORNEY PROKOP: It's the DEC.
22 We have a list of about ten agencies.
23 It's all the Village Boards and a few
24 agencies just to see if anybody has a
25 comment.

1
2 MS. LATHAM: Is that something I
3 am to do?

4 ATTORNEY PROKOP: No. We take
5 care of that.

6 CHAIRMAN McMAHON: The reason we
7 want to get that started as soon as
8 possible is because it does require a
9 public hearing, and you have to give, I
10 think, at least ten days notice. It
11 has to be noticed in the papers and the
12 public has an opportunity to speak on
13 it.

14 The reason that can become
15 problematic and make things go long is
16 that our meetings are seven days apart
17 and it's a ten-day window, so you can't
18 go from one to the next. It has to go,
19 carry over to the next month.

20 So we want to get that started now
21 so that it's not an ongoing issue. We
22 can do that as soon as possible.

23 MS. LATHAM: Okay. It's
24 frustrating.

25 ATTORNEY PROKOP: After tonight

1
2 you should go to the ZBA, and you
3 should do that as quickly as possible.

4 You should contact --

5 MS. WINGATE: Her application is
6 in.

7 ATTORNEY PROKOP: It's in already.
8 Good.

9 CHAIRMAN McMAHON: So there was
10 notes.

11 This application should be
12 considered incomplete. The site plan
13 has hand notations with nominal
14 dimensions, but the parking spot P1
15 appears to intrude into the circulation
16 driveway. The width of spaces P5 and
17 P6 should also be measured from the
18 narrow end. The current parking layout
19 seems problematic, but there appears to
20 be space to adequately accommodate the
21 parking needs if reconfigured or
22 verified on the scale with critical
23 dimensions indicated. So it looks like
24 you have enough room, but you might
25 have to just shift it slightly on the

1
2 drawings, but we can show you what
3 we're talking about specifically.

4 Then the current owner's bedroom
5 will be re-purposed as a rental
6 bedroom, with the owner moving into a
7 basement room. The plans of the floor
8 in question and the basement with
9 target owner bedroom should be drawn to
10 scale. The emergency clearance of the
11 basement window should also be
12 indicated to ensure safety egress.

13 The project is in line with the
14 considered expansion of the number of
15 bedrooms rented in B&Bs. It will need
16 a variance, but I think you're aware of
17 that.

18 MS. LATHAM: Can I ask Eileen a
19 question?

20 Is there something filed for
21 the -- because the basement was
22 converted before my time.

23 MS. WINGATE: There is a building
24 permit and a certificate of occupancy
25 in place confirming that the basement

1
2 meets all egress and New York State
3 codes.

4 CHAIRMAN McMAHON: So you just
5 need to add --

6 MS. WINGATE: I would like to
7 schedule a walk-through just to make
8 sure that no other changes have been
9 made.

10 CHAIRMAN McMAHON: Okay.

11 MS. LATHAM: Yes. What I was
12 going to say is, if it helps, I know I
13 had added a ton -- the parking --
14 again, I'm not making any changes to
15 the exterior, property, anything, so
16 if -- I've tried to do my best with
17 parking, and I can definitely correct
18 it so that it is more clear, but if the
19 Planning Board members or anybody would
20 like to come to the property and see it
21 for themselves, that would be, I would
22 be more than willing to host that.

23 CHAIRMAN McMAHON: All right.

24 Does anyone else have any
25 questions or concerns with this?

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(No response.)

No.

Okay.

Can we begin the SEQRA tonight or do we have to wait until next week?

ATTORNEY PROKOP: Yes. I recommend you do it tonight. You can do it tonight.

So there will be two motions. The first one is for this Board to adopt lead agency status and circulate a coordinated review notice.

CHAIRMAN McMAHON: Okay.

And the second is?

ATTORNEY PROKOP: And the second is you need to adopt a resolution on the application because it requires a variance.

CHAIRMAN McMAHON: We don't have to wait until the next session?

ATTORNEY PROKOP: For denial, I don't think you do.

CHAIRMAN McMAHON: Okay.

So I'm going to make a motion that

1
2 for purposes of SEQRA, we adopt lead
3 agency status and initiate a
4 coordinated review for the property.

5 MR. BURNS: Second.

6 CHAIRMAN McMAHON: All in favor?

7 MR. JAUQUET: Aye.

8 MS. CLARK: Aye.

9 MR. BURNS: Aye.

10 CHAIRMAN McMAHON: Aye.

11 Motion carries.

12 So we are going to then make a
13 motion to deny the application for
14 reasons already stated. You will have
15 the option to go to the ZBA to grant a
16 variance, apply for variance.

17 MS. LATHAM: Then when I go to the
18 ZBA and SEQRA will be happening at the
19 same time, when I come back to the
20 Planning Board, I should have more
21 appropriate site plan and the
22 information on the basement room.

23 CHAIRMAN McMAHON: Yes.

24 Do I have a second for that
25 motion?

1 MS. CLARK: Yes, I second.

2 CHAIRMAN McMAHON: All in favor?

3 MR. JAUQUET: Aye.

4 MR. BURNS: Aye.

5 MS. CLARK: Aye.

6 CHAIRMAN McMAHON: Aye.

7 Motion carries.

8 Item Number 3, 131 Third Street.

9 Pre-submission conference and
10 continued discussion on the application
11 for site plan review at 131 Third
12 Street formerly Meson Ole. Applicant
13 at 131 Third Street Greenport Inc.,
14 represented by Jim Olinkiewicz proposes
15 to reconstruct and create new uses for
16 the existing building located at 131
17 Third Street, in the CR Commercial
18 Retail District.

19 The proposed renovation includes
20 the division of the first floor into
21 two restaurants and the addition of
22 three residential units on the second
23 and third floors. All proposed uses
24 are permitted with the CR District.
25

1
2 The property is not located in the
3 Village Historic District.

4 Suffolk County Tax Map number
5 1001-6-2-23.2.

6 Okay. We discussed several of the
7 issues last time. There was another
8 issue I'd like to get into right away.

9 The housing in the building needs
10 to be classified in some way. It is
11 not single-family, it's not two-family,
12 it's multifamily, but it's not
13 multifamily new construction somewhere
14 else.

15 The code doesn't seem to be
16 clearly written and doesn't address
17 this in the proper way. There are a
18 number of buildings in the Village that
19 have multiple dwellings above
20 commercial properties, and they have
21 apartments on the third floor, but
22 those are both not, we didn't require
23 variances in order to go forward, so we
24 need to ask for an interpretation from
25 the ZBA or clarification on how this is

1
2 supposed to properly be classified
3 because it has to be classified in some
4 way, and if it's classified as multiple
5 dwelling, then the third-floor
6 apartment, which I know is key, isn't a
7 permitted use, so we have got to get
8 some clarification on that to figure
9 out exactly how that's supposed to be
10 addressed because it's not, I don't
11 think, clearly, there seems to be some
12 conflict in the code to how it's
13 addressed. It doesn't specifically say
14 how we would do multiple-family above
15 commercial.

16 MR. OLINKIEWICZ: But the Board,
17 well, the Planning Board and the Zoning
18 Board, I believe with Sterlington
19 Commons right next door to me, allowed
20 six apartments to go in over those
21 buildings in the last five or seven
22 years; so why now? The Millers'
23 building was able to put apartments
24 above it, Cavalries was able to put
25 apartments above it, Sterlington

1
2 Commons was allowed to do it; now all
3 of a sudden I'm standing here and now
4 all of a sudden it's an issue and we
5 have to figure out why.

6 I'm just wondering how come it's
7 now, how come every time I come up
8 before the Board, there's always
9 another issue or another roadblock,
10 another curve ball thrown in.

11 CHAIRMAN McMAHON: The only thing
12 I can say is that I wasn't on any of
13 those other boards. I know that's got
14 to be really frustrating to hear, but
15 the idea is we're trying to do
16 everything consistently and clearly to
17 the best of our ability, and I can't --
18 if someone else, if there was oversight
19 and someone else --

20 MR. OLINKIEWICZ: So you want to
21 say that there was oversights for the
22 last twenty years on these three or
23 four different properties?

24 I'm just asking because all of a
25 sudden now it's coming up. It was okay

1
2 for four other properties beforehand,
3 now it's an oversight. An oversight
4 was not seen for four different times?

5 CHAIRMAN McMAHON: I'm not
6 saying -- I'm saying there is not
7 clarity in the code as it's written, as
8 I'm looking at this application right
9 now, I'm trying to figure that out to
10 the best of my ability.

11 MR. OLINKIEWICZ: But the code
12 says that in a commercial residential,
13 you're allowed to have apartment units.
14 It says, accessory-apartment dwelling
15 units, it doesn't say unit. Right, it
16 says units are allowed subject to the
17 standards and requirements and then it
18 says that accessory-apartment dwelling
19 unit as permitted in subsection are not
20 subject to site plan approval, so I
21 don't know how that comes into effect
22 that -- I'm here for --

23 CHAIRMAN McMAHON: The first
24 sentence that ends with not subject to
25 Planning Board approval is

1
2 notwithstanding any other conditions in
3 the code that could require a review,
4 you could have --

5 MR. KAPELL: Can I offer some
6 history?

7 CHAIRMAN McMAHON: Please.

8 MR. KAPELL: My name is David
9 Kapell, 400 Front Street, Greenport.

10 First of all, I want to state I
11 have absolutely no interest whatsoever
12 or connection with the project. I
13 present myself tonight as a citizen of
14 the Village, and someone who was
15 directly involved in the development of
16 the zoning amending in 2002 that
17 provided the opportunity for this
18 application to come forward.

19 I thought it would be useful --
20 I've been following this in the paper
21 so I've kind of prepared myself a
22 little bit, but I thought that it would
23 be useful to review the history of the
24 Village and specifically the zoning.

25 The multifamily provision that you

1
2 are referring to was included in the
3 zoning that was adopted in 1971 when
4 the Village first put zoning into play.
5 There are people in the room that
6 remember the condition of the Village
7 at that time. This place was described
8 as perhaps the most distressed place on
9 Long Island. The Suffolk County Health
10 Department described the housing
11 conditions in the Village as the worst
12 slum conditions in Suffolk County. I
13 offer that only to provide context for
14 what the Village Board was looking at
15 at the time that the zoning was
16 adopted. This was a severely depressed
17 place, there were slum conditions
18 throughout. You had burned out wrecks,
19 abandoned houses and very poor
20 conditions, so there was a defensive
21 context, if you will, on the whole
22 housing question at the time; and there
23 was a lot of vacancy, so they put this
24 provision in, extremely restrictive
25 with respect to the development of any

1
2 type of multifamily housing.

3 Fast forward to 2002, the seat
4 change and the condition of the
5 Village -- Ben, you probably -- you
6 were on the Board at the time.

7 MR. BURNS: Yes.

8 MR. KAPPELL: So what gave rise to
9 the decision of the Village Board in
10 2002 to amend the zoning was our
11 observation of a trend whereby
12 two-family houses in the Village that
13 historically provided rental housing
14 opportunities were being converted back
15 to one-family by operation of a
16 second-home market. People were coming
17 out here, and this is a trend that
18 actually has accelerated over the last
19 fourteen years. People buy two-family
20 houses, and for good reason, I'm not
21 criticizing it, but the fact that
22 people want to restore their houses to
23 their original condition, and so there
24 was actually a reduction in the housing
25 stock by operation of this trend,

1
2 market trend.

3 The Board decided how to respond.
4 We don't, you know, we don't want to
5 lose housing because that means that
6 working families in the Village are
7 going to be forced out, gentrification
8 then would overtake the Village, you
9 know, if this isn't responded to in
10 some fashion, so the Board in its
11 wisdom concluded that there were a
12 couple of ways we could respond to the
13 problem without changing anything.

14 One way was to make it easier to
15 convert one-families to two-families.
16 There were some requirements in the old
17 zoning for bulk area requirements, for
18 example, you had to provide 1,000
19 square feet for the unit, the lot had
20 to be 10,000 square feet. There were
21 some onerous requirements that made it
22 virtually impossible to convert a
23 one-family to a two-family dwelling.
24 We took those out, and we made it easy
25 for people to convert a one-family to a

1
2 two-family, and that has worked for a
3 number of places throughout the
4 Village. Mr. Olinkiewicz has done some
5 of them to his credit and done them
6 well, and there have been a number of
7 other instances where people have taken
8 advantage of this opportunity and that
9 counters the other trend.

10 The other thing we did was said,
11 look, we've got all these buildings in
12 the Business District, Commercial
13 District with second and third floors,
14 many of which were empty and still are,
15 wasted space. You got property owners
16 that are burdened with buildings that
17 they've got to maintain without
18 generating any income. Why not allow
19 them to be used the way they were
20 intended to be used when they were
21 built? I mean, that's the irony of
22 this conversation. This Village was
23 built with mixed-use buildings, all
24 these building had stores downstairs
25 and in many cases, the storeowners

1
2 lived above the store.

3 So prior to 2002, you couldn't
4 have an apartment in the Business
5 District, again, this was a function of
6 the defensive posture of the Village
7 Board in response to severely depressed
8 conditions for almost fifty years. We
9 made it possible and we enacted this
10 zoning amendment that Mr. Olinkiewicz
11 just cited.

12 I would say, first of all, common
13 sense would inform this Board that the
14 Village, in doing that in 2002, looked
15 at the multifamily requirement that was
16 enacted in 1971, thirty-one years
17 earlier and said, it's obsolete for
18 this purpose.

19 So you should be guided by the
20 Board's decision in 2002 to amend the
21 zoning. It would really be a, you
22 know, almost a corruption of the
23 Village Board's intent to interpret it
24 any other way. We wanted to make it
25 easier, not harder. We wanted to make

1
2 it easy for somebody to do what he
3 wants to do.

4 Let me talk about the benefits of
5 doing it. First of all, let's talk
6 about the Sterlington. The
7 Sterlington, when I came out here in
8 1979, had a bar downstairs and there
9 was a room house upstairs. People
10 rented individual rooms up there which
11 provided a very important form of
12 housing that's no longer available in
13 the Village, and that's one of the
14 reasons why you have a lot of
15 overcrowding because that type of
16 housing we had the Mannington House
17 (phonetic), the Sterlington, we had
18 Tommy Santicruis' (phonetic) diagonally
19 across from the Sterlington, we had
20 Fred Neeten's (phonetic) house over by
21 the school on Oak Street. These are
22 all rooming houses where people who
23 couldn't afford or for whatever reason
24 didn't want to maintain a full
25 apartment could rent a room and the

1
2 Sterlington was one of them, so there
3 is a long history of use within the
4 Sterlington.

5 But getting to the Business
6 District at large, let's think about
7 it. You have got existing buildings.
8 There is no change. Allowing somebody
9 to have an apartment above a store
10 doesn't change anything, the building
11 is already there, so there is no
12 physical change to the Village. You
13 create a new stock of housing without
14 any change. You allow for property
15 owners to generate additional income in
16 order to properly maintain their
17 buildings and pay taxes on them. The
18 improvements are taxable, so if you
19 increase the tax base of the Village by
20 facilitating this process and I think
21 most importantly, the best thing for
22 Downtown Greenport is to have people
23 living there. You have people at
24 night, they'll watch over the Village.
25 It improves public safety. A vibrant

1
2 village like Greenport always had these
3 apartments over stores, it should, they
4 should have apartments over stores, and
5 I submit that this Board should make it
6 easy for that process to happen.

7 CHAIRMAN McMAHON: Okay.

8 I'd agree in large part with the
9 vast majority of what you just said.

10 When I'm looking at the code, I
11 was not part of the Board as you were
12 at the time, so it's difficult for me
13 to gauge intent in the similar way that
14 you can, so if there is something that
15 is unclear to this Board, it would then
16 be the responsibility of the ZBA to
17 provide that clarification. This Board
18 is -- the Board of Trustees, as you
19 well know, are the people who write the
20 code, establish the code, we process
21 applications as they come, applying the
22 code to the best of our ability and if
23 there is an issue where we feel
24 something doesn't seem quite right,
25 then we refer to the ZBA.

1 I think this plan could work well.

2
3 I think the apartments would be great
4 there. The way I'm looking at the
5 code, it seems like there is a
6 discrepancy there. There is something
7 that's just not quite right, so either
8 there needs to be an effort to fix the
9 code or amend it slightly so that it's
10 clear and you can allow this or the ZBA
11 needs to be involved in granting the
12 variance or providing interpretation --

13 MR. KAPPELL: If I can just respond
14 to you.

15 First of all, if you look at the
16 definition of a multifamily in the
17 code, it says any dwelling house
18 designed to accommodate or
19 accommodating three or more families
20 and shall include, but not limited to,
21 an apartment house, a garden apartment
22 house, cooperative apartment house,
23 apartment hotel and condominium.

24 Nowhere in there does it talk about a
25 mixed-use building such as we are

1 talking about in the Business District.

2 I submit that it's clearly -- let me
3 finish because I thought about this a
4 lot.
5

6 It's clearly intended for
7 residential use, for residential
8 zoning, this was not intended to apply
9 to the Commercial Zoning.

10 Secondly, you have chronology
11 available to you for the interpretation
12 which is that the Board, when they
13 adopted this zoning in 2002, did so
14 thirty-one years later after the first,
15 so it was clearly the Board's intent,
16 otherwise it wouldn't have done it.

17 Lastly, is that a lot of other
18 properties have taken advantage of this
19 provision since we did it.

20 So you have an established
21 pattern, you have a chronology, and I
22 think you have the law on your side, so
23 at this point I'll leave it to you to
24 sort it out, but I wanted to give you
25 the history.

1 CHAIRMAN McMAHON: Thank you.

2 MR. KAPELL: Thank you.

3 MR. SALADINO: Can I offer an
4 alternative point of view?

5 John Saladino, Sixth Street.

6 I don't think anybody disputes the
7 interpretation that this Board asked
8 the ZBA for, 150-9-18, residential
9 properties, residential units, dwelling
10 units above commercial space is the
11 rule of law in Greenport. The
12 definition for multifamily dwelling is
13 clear, three units or above.

14 In the Board's wisdom in 2002 when
15 they put that into the code, they never
16 addressed the difference between
17 residential and commercial space,
18 either by accident or intentionally.
19 Mr. Kapell was on the Board at that
20 time, but it was never documented what
21 the intention was. All they said was
22 that residential units were, in fact,
23 allowed above commercial space.

24 This Board asked the ZBA for an

1
2 interpretation, they got it; it was
3 confirmed residential units are above
4 -- that doesn't address the multifamily
5 portion of it. In this state, New York
6 State Building Code, multifamily
7 dwellings above commercial space is
8 defined as three apartments or above.
9 In this Village, it's a little unclear.

10 I don't see what the problem is to
11 go to the ZBA, ask for an
12 interpretation, legitimize the
13 contention and move forward from there.
14 To have ambiguity, to have a question
15 is never good. What happened the
16 past -- my dad used to say, what was
17 then was then; this is now. You know
18 what happened then, this Board wasn't
19 there, ZBA wasn't there, nobody knows
20 what happened then. You have to move
21 forward from here, so because it says
22 house -- there is no definition of
23 house in the Village code, so when it
24 says rooming house, apartment house,
25 there is no definition of house. My

1
2 contention is you have to get a clear
3 definition of what a multifamily
4 dwelling is. It makes no mention.
5 There is no exemption for commercial as
6 opposed to residential in the code.
7 The building inspector and I have had
8 this debate, friendly debate back and
9 forth. She has one point of view, I
10 have another. It's just an opinion.
11 If there was a differentiation between
12 commercial and residential, we wouldn't
13 be having this conversation. There
14 isn't. I think it would behoove this
15 Board to send it to the ZBA, get their
16 interpretation. It think it's a good
17 project. Get the interpretation,
18 legitimize whatever is happening. If
19 it is that it's for both residential
20 and commercial, then you move forward
21 from there. If it's not, you take it
22 on a case-by-case basis. It's a
23 variance for each particular building
24 that wants to do this or each
25 particular owner that wants to do it,

1
2 you take it on a case-by-case basis. I
3 don't think there is any harm in doing
4 that.

5 Mr. Kapell has light years more
6 knowledge on this subject than I do,
7 but I was here in the '70s. I kind of
8 remember it, and I remember their
9 motivation in 2002 to do that, and I
10 think because there is an S after unit,
11 it doesn't necessarily make it mean
12 three. Two can be plural also, and
13 right now, that's what it means in this
14 Village to me.

15 Going forward, it's great to have
16 people downtown, it's great to utilize
17 that space. I'm not sure if everybody
18 that utilizes that space will have my
19 intention or Mr. Kapell's intention, it
20 might become rental space for part-time
21 users. The other thing you have to
22 remember is the potential is there to
23 turn every commercial building, the
24 Mills building, the Arcade building
25 into an apartment house above

1 commercial space, and that might not be
2 bad, but there is a flip side to that,
3 the big question, aside from affordable
4 housing and Airbnb in Greenport right
5 now, the second question is parking.
6 You put an extra fifty, sixty, seventy
7 families in the Business District, have
8 to deal with an extra seventy, eighty,
9 150 cars, so the only thing I'm asking
10 here now from this Board is to get an
11 interpretation, find out one way or the
12 other, it's going to happen in my mind
13 one way or the other whether it's on a
14 case-by-case basis or as of right now.

15
16 Thank you.

17 MS. PRINGLE: I just want to say
18 one thing, and ask a question.

19 I was on the Planning Board in
20 2002, and the thing about Greenport is,
21 it was about housing period. We need
22 the housing out here, and the reason
23 why I'm here is because if he is trying
24 to do something positive, you know, why
25 shut it down? It's been there forever.

1
2 It was always apartments there, and for
3 the code -- what Kapell was talking
4 about, all this short-term whatever, we
5 do need the housing first of all.

6 Young people all over are moving out of
7 here, and if we don't have young people
8 here, what are we going to have? We
9 need the young people to stay, and
10 right now if it's going to be
11 workforce, people working in the
12 Village, we need housing. Never mind
13 the parking right now, we'll walk, but
14 we need housing.

15 Me and my sisters, we're here for
16 the housing. Positive. I don't know
17 him from Adam, but I know what I've
18 been reading about the fighting over
19 what he should do. This man ain't
20 doing nothing but positive, just what
21 we wanted here. We don't need it to
22 stop, we need it to keep on going,
23 whoever else got some privilege to buy
24 and build houses here, let them do it.
25 Positive.

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We need family members to stay.
All our families want to stay here. My kids moved away. They're not here because they can't live here. There is no housing, and it's a shame that you arguing and fighting over that little bit of code and it's already there. Just do what we have to do.

Explain to me what the code means.
Why, why is it being changed?

CHAIRMAN McMAHON: The code isn't being changed.

MS. PRINGLE: All right. What's going on?

CHAIRMAN McMAHON: The way the code is written right now, it doesn't specifically address how it's supposed to be handled.

MS. PRINGLE: Okay.

CHAIRMAN McMAHON: So we get a lot of complaints from people -- you were on the Planning Board, I'm sure you got the same number of complaints about inconsistency in codes and it seems

1
2 like we've come across one particular
3 item in the code that needs to be
4 addressed. It needs to be explicit in
5 what is allowed and what isn't.

6 Like I said before, I like the
7 plan. I want more housing. I believe
8 there is a severe lack of housing. I
9 went to school with --

10 MS. PRINGLE: Okay. So who is
11 against it?

12 CHAIRMAN McMAHON: It's not about
13 being against it, it's a matter of the
14 code. You know, we are not the ones,
15 on the Planning Board, as you know, we
16 don't make the rules.

17 MS. PRINGLE: Okay.

18 CHAIRMAN McMAHON: We don't
19 interpret the rules. We only apply
20 them to the applications that come
21 before us, so if there is an issue
22 where something that -- whether we want
23 it to go forward or not, does not seem
24 to be allowed by the code, then we need
25 to push it to the Zoning Board so they

1
2 can either come back to us and say, no,
3 we believe that this is how it should
4 be interpreted and going forward, this
5 is how you should look at it; or they
6 can say, yes, this isn't allowed but
7 we'll grant a variance because it's
8 what's best for that.

9 If we start essentially granting
10 variances as the Planning Board, we're
11 overstepping our bounds and it becomes
12 an inconsistency --

13 MS. PRINGLE: Well, if something
14 was existing already, how can you, you
15 know, go by that now, if it's already
16 existing? It was apartments there for
17 life, all the time.

18 ATTORNEY PROKOP: There are two
19 things that are happening here tonight
20 that haven't been properly explained.
21 I think we need to explain them.

22 The first is that tonight is
23 what's called a pre-submission meeting,
24 and what this process is, is that the
25 applicant comes in and basically tells

1
2 us the concept that they would like to
3 do, and the Planning and Building
4 Department and then this Board go
5 through the application and make
6 suggestions about things they would
7 like to see, changes they would like to
8 make in the outside layout, the access
9 to the building, things like that and
10 the last meeting the fire safety was
11 mentioned, you know, things like that,
12 so we're not voting yes or no on the
13 application, that's not happening.
14 What this is, is, as I said, a
15 pre-submission conference where the
16 applicant has come in and shown us his
17 plans and the Board is going to make
18 comments based on those plans.

19 The other thing is that if this
20 space is determined to be multifamily
21 space rather than some other
22 definition, that doesn't mean that it
23 can't happen. It doesn't mean it's a
24 no to the application. Nobody is
25 looking to say no on this application.

1
2 MS. PRINGLE: Okay.

3 ATTORNEY PROKOP: What it does is,
4 there are provisions in the code for
5 multifamily buildings and those
6 provisions require certain things
7 basically for the safety of the
8 residents. It's things like access,
9 how the apartments are going to be
10 accessed, what room is going to be left
11 around the exterior of the building,
12 things like that, so that's really what
13 we're talking about, if it's
14 multifamily compared to not
15 multifamily, it doesn't mean no
16 compared to yes. It doesn't mean that,
17 it just means that there are certain
18 things that have to be provided for the
19 families that are going to be living
20 there, like I said, the access and
21 things like that. Some of the things
22 we spoke about at the last meeting was
23 the handicap access to the restaurants
24 and, you know, things like that, things
25 that are important. Those are the

1 things we're discussing. We're not
2 discussing yes or no, and we're not
3 discussing no to multifamily housing.
4

5 MS. PRINGLE: Okay. If people
6 were living up there before, how was it
7 handicap accessory then, how was they
8 getting in and out of there then?

9 ATTORNEY PROKOP: The handicap
10 accessory is for the restaurants, and
11 it's claimed that there was a
12 restaurant on the second floor and
13 that's one of the things that we're
14 dealing with.

15 MS. PRINGLE: There was a
16 restaurant on the second floor.

17 ATTORNEY PROKOP: I don't know
18 this. I think there was an approval
19 for a second-floor restaurant, but it
20 was never --

21 AUDIENCE MEMBER: There was a bar
22 up there for sure.

23 CHAIRMAN McMAHON: If you can make
24 sure that anything you say can be --

25 MR. OLINKIEWICZ: We don't have

1
2 four apartments upstairs, all the
3 apartments upstairs don't have to meet
4 handicap accessibility. Three or less
5 can be approved without handicap
6 accessibility, if you go to four
7 apartments, you have to have handicap
8 accessibility and an elevator and
9 everything else.

10 MS. PRINGLE: Okay.

11 MR. OLINKIEWICZ: But for the
12 commercial downstairs, you have to have
13 handicap accessibility to the
14 restaurant, so that was what we were
15 discussing last meeting.

16 ATTORNEY PROKOP: The meeting
17 tonight is not about saying no to
18 housing on the second and third floor,
19 it's not about that; it's about the
20 kinds of things that Mr. Olinkiewicz
21 just mentioned.

22 MS. PRINGLE: Okay. Still, we
23 still need housing here in Greenport.

24 MR. OLINKIEWICZ: Right, it just
25 delays it another four months or five

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months is what it does.

MS. PRINGLE: Please don't do that.

MR. OLINKIEWICZ: That's what it does. Just letting you know, that's what it does.

CHAIRMAN McMAHON: Can you tell her your name.

MS. PRINGLE: Theresa Pringle, 617 Second Street, Greenport.

CHAIRMAN McMAHON: Thank you.

MR. OLINKIEWICZ: Okay. I'm James Olinkiewicz.

So, well, I guess we can go over the site plan review for the rest of the property. I totally disagree with having to go to the Zoning Board for a determination. I will ask the Board though to, since my site plan is done and since the interior work has no effect on the exterior of the building or the site plan, I would ask that this Board accept my site plan for the property and the restaurants; and while

1
2 we're waiting for the ZBA
3 determination, I could at least get
4 started on fixing the building
5 downstairs and the beams that are
6 having problems in the center that we
7 have temporarily shored up and a few
8 other things. I'd like to finish with
9 the window replacement, and I'd like to
10 finish with getting the exterior
11 lighting on and cleaning up the whole
12 outside of the building for the
13 Village, so it doesn't look like it's
14 falling apart like it has been.

15 And then it will become the
16 discussion with the ZBA after that
17 whether I have two apartments, one a
18 six-bedroom and one three-bedroom or
19 three three-bedroom apartments because
20 if I do two apartments, I don't have to
21 go to the ZBA. So I mean, we're
22 cutting, you know, hairs here; so I
23 disagree with having to go for the ZBA
24 determination, but I'm asking humbly if
25 you send me there, that you would give

1
2 me site plan approval on the two
3 restaurants and the exterior of the
4 building, the interior of the building
5 because actually the interior of the
6 building doesn't come under your
7 jurisdiction for site plan review, I
8 mean, I can understand, I don't
9 understand why you're asking me to go
10 there for multifamily, but I would hate
11 to hold the whole project up for
12 another three or four months while we
13 go to the ZBA and they get asked for
14 their interpretation, then it gets
15 delayed, then it goes to having to have
16 a public hearing, then it goes another
17 month until it gets voted on, so you're
18 kicking the can three or four months
19 down the road for me on this project,
20 you know. And not allowing me to get
21 the restaurants and the site going is
22 starting to put a hindrance on my
23 repair and getting this together.

24 ATTORNEY PROKOP: Like I said, I
25 think it's a pre-submission conference.

1
2 And the first thing is there were
3 many comments at the last meeting and
4 then subsequent to the last meeting
5 have they been addressed?

6 MR. OLINKIEWICZ: I brought some
7 photos also to pass out. I took a
8 couple of pictures of a pergola example
9 which is going to show the pergola that
10 I want to build in the back; and then
11 there is -- I wanted to show a platform
12 going into the one restaurant that's
13 existing, that from Sterlington
14 Commons, there's actually a handicap
15 ramp that comes up to this platform but
16 because now we're separate property
17 owners, I'm going to use that platform
18 and bring a ramp up. That's on the
19 south restaurant (handing).

20 And then I have pictures of the
21 door area where we're going to go in
22 for handicap accessibility into the
23 north restaurant that shows that the
24 concrete area is at grade. We don't
25 need to build a platform there.

1
2 I wanted to give you a couple of
3 examples. That's the pergola that we
4 want to build in the back (hanging).
5 That's photos of, this is ground level
6 on the north side and that's the south
7 side, these are pictures of the
8 platform so that we have that for
9 accessibility for the handicap.

10 So and then other than -- we took
11 care of everything on the plan that
12 were at the pre-submission conference
13 for handicap areas and slope and we --
14 even though I'm not required to put
15 parking in, I've allowed for three
16 handicap parking spots in the back so
17 that it would be easier to facilitate
18 for anybody who is incapacitated to get
19 into the restaurants. It's on the
20 first page of the site plan, of the
21 plan, so we took care of that.

22 We have our drywells going in
23 which people asked for. We have the
24 volume for the drywell for the parking
25 area done.

1
2 We decided to bury the gas tank in
3 the little peninsula that sticks out
4 and put the dumpsters facing to the
5 loading bay area where deliveries will
6 come.

7 We put the side door into the
8 south restaurant so they exit right out
9 to collect deliveries right there and
10 are easy to get to the dump spot.

11 We enlarged the bathrooms for
12 handicap accessibility. We have one
13 issue we're trying to research and find
14 out which we will have by the meeting
15 next Thursday, is on the south
16 restaurant, we have, there is a
17 stipulation about handicap, how many
18 bathrooms have to be handicap based on
19 the amount of capacity, but my
20 architect believes that because outside
21 dining is considered a different rate
22 than inside dining, we don't have to
23 have two, but we have plenty of space
24 to move a wall between the two
25 bathrooms and make two handicap

1
2 bathrooms in there. It's a matter of
3 moving a wall one foot, and there's
4 enough space there so if we have to,
5 we'll make both bathrooms in that
6 restaurant handicap accessible, if
7 that's the case. On the north
8 restaurant, we only have to have one
9 handicap accessible bathroom based off
10 the seating, so I mean, that's a fine
11 line, but that's really not that
12 difficult to do.

13 I showed you pictures of the
14 pergola. We put all the outside
15 lighting on that was requested by the
16 Board, and we put in bike racks. We
17 put one on each end of the front deck,
18 so there's lights on each end of the
19 front deck and we put an additional
20 bike rack in the rear north side of the
21 property by the single handicap space
22 to take bikes for tenants, so we have
23 bicycles there for tenants and we have
24 the racks in the front for tenants or
25 for guests to the restaurant.

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Did I miss anything?

CHAIRMAN McMAHON: Okay.

MS. BERRY: You did a great job, actually. Of course I have a couple minor things.

MR. OLINKIEWICZ: Okay.

MS. BERRY: Thank you for being so responsive to all the comments.

Basically just two, well three. On the handicap ramps you need a landing at the door, and you also want to make sure there is enough width to that, so people can maneuver, so that needs to be shown on the drawings.

MR. OLINKIEWICZ: Okay. I just showed pictures of the landing, so you want the actual measurements of the landings that are there?

MS. BERRY: Yes, because the way they're drawn, they don't look like there is a landing.

MR. OLINKIEWICZ: Okay.

MS. BERRY: And it looks like you're under the slope, so you don't

1
2 need the hand railing; is my
3 interpretation correct?

4 MR. OLINKIEWICZ: Correct.

5 MS. BERRY: Okay.

6 The other thing is there is still
7 a door that opens over a step, the one
8 from the kitchen to the patio, it looks
9 like the door swings open over the
10 steps, so you either need a landing or
11 --

12 MR. OLINKIEWICZ: Is that on the
13 back of the building?

14 MS. BERRY: Yes. From the
15 kitchen.

16 MR. OLINKIEWICZ: I don't know
17 that there is a step there. I can get
18 you photos. I don't believe there is a
19 step. I think that door is at ground
20 level right there.

21 MS. BERRY: Okay. So there is a
22 step inside there?

23 MR. OLINKIEWICZ: The step is like
24 around the corner in the building when
25 you're halfway through the kitchen

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area.

MS. BERRY: Okay.

MR. OLINKIEWICZ: So it brings it down to that rear door that exits out onto the pergola area.

MS. BERRY: Okay.

MR. OLINKIEWICZ: That's at ground level.

MS. BERRY: Then that solves that problem.

Then the only other thing is to show us where you are putting the lighting and, if up, pictures of the fixtures. That's it.

MR. JAUQUET: What did you say, pictures of what?

MS. BERRY: Pictures of the lighting.

MR. OLINKIEWICZ: Pictures of the fixtures.

MS. BERRY: Dark sky is usually preferred.

MR. OLINKIEWICZ: For the rear?

MS. BERRY: Wherever you're going

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to -- just so --

MR. OLINKIEWICZ: We took down the original fixtures and we saved them to go back up, so do you want us to -- what do you want to do with that?

MS. BERRY: Just indicate where they go, and if you have a picture of it, give us the picture.

MR. OLINKIEWICZ: They were pre-existing, they're still there.

MS. BERRY: That's okay.

Are you adding any lights at all?

MR. OLINKIEWICZ: Not to the front of the building, there is more than it has to be. We have on the building where we were putting some lighting for -- we have some lighting for underneath of the pergola area, which was a string light that's located there, and then on the rear, there was a couple of lights that were going to go on.

May I ask a question? So it's going to cost me another month to bring

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a picture of a light in and continue or is that, I mean I'm just wondering if I bring some pictures of the lighting, if we can push this along.

ATTORNEY PROKOP: What's happening with the drainage?

MR. OLINKIEWICZ: It's on here.

ATTORNEY PROKOP: Did you already install one of the --

MR. OLINKIEWICZ: We haven't installed anything. There's an original drywell that was on the property in the back in the parking area, and we need to expand that and add another ring to be able to get capacity for the parking area because when it was originally done, that capacity would flow down onto Sterlington Commons, so that's how it was all done when we added the Commons to the same property so there is drywell there, one in the back or through, this is one in the back rear parking area that's the catch basin

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2 right now, and we have to add to that
3 catch basin and then we have to put in
4 two drywells to get gutter runoff.

5 MR. JAUQUET: Those are all on
6 here.

7 MR. OLINKIEWICZ: Yes, they're all
8 on here. They're in the rear of the
9 building because there is no room to
10 put them in the front because it drains
11 right onto the road, so we have to take
12 it all the way around back and put it
13 into the rear of the building.

14 MR. JAUQUET: I'm for getting this
15 thing going.

16 I'd like to know exactly what
17 we're going to ask the ZBA to get over
18 the ambiguity of the code.

19 CHAIRMAN McMAHON: We would be
20 asking for --

21 MR. JAUQUET: Are we asking for a
22 definition of a mixed-use building?

23 CHAIRMAN McMAHON: An
24 interpretation of what applies and how
25 that housing was to be in compliance.

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MR. JAUQUET: So what are --

CHAIRMAN McMAHON: It would have to be defined in some way.

MR. JAUQUET: What are we asking them to define?

ATTORNEY PROKOP: I think we should, my recommendation would be that we ask the Zoning Board for an interpretation as to whether or not this is a multifamily dwelling.

MR. JAUQUET: Aren't we asking for the definition of a mixed-use building? It's never been in the code. If we keep asking for a multidwelling analysis, you know, we're still in an ambiguous place.

ATTORNEY PROKOP: It can be done in the same --

MR. JAUQUET: So what are they going to ask them?

ATTORNEY PROKOP: You're right. Just in reference to this application, it can be done -- this is not -- if we accept it tonight, it's just accepting

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2 it. It still has to go to another
3 meeting to be approved and the ZBA
4 meetings in the meantime. I just
5 wanted to remind you that it could go
6 on simultaneous tracks at the same
7 time.

8 MR. JAUQUET: That's what I think
9 should be done because he's in a
10 position where we're now asking for new
11 definitions of things we have already
12 done in the past, over the past twenty
13 years that Kapell mentioned, and I
14 think, you know, to be fair to him,
15 this should be done at least in a
16 parallel --

17 CHAIRMAN McMAHON: The issue is it
18 still doesn't specifically address it
19 in the code, and that needs, whether
20 it's --

21 MR. JAUQUET: I know. It never
22 has.

23 CHAIRMAN McMAHON: So it needs
24 to --

25 MR. JAUQUET: I agree, so we

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2 should do that, I think in a parallel
3 fashion except what he needs to be
4 accepted so at least he can take
5 further steps with his project.

6 MR. OLINKIEWICZ: At least I can
7 get started on the restaurant.

8 MR. JAUQUET: And then let the --

9 ATTORNEY PROKOP: There's already
10 been significant work done on the
11 premises --

12 MR. JAUQUET: I know there has.

13 ATTORNEY PROKOP: -- and dealing
14 with the pre-submission conference
15 tonight doesn't do anything as far as
16 allowing him to start working, so we
17 can't -- anything we do tonight doesn't
18 mean he can go out tomorrow and start
19 working.

20 MR. JAUQUET: I know.

21 MR. OLINKIEWICZ: You understand
22 that it's, like, what we did was
23 emergency repairs that was approved for
24 the previous owner prior to myself. I
25 mean, painting is my right to do,

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2 repairing my roof is my right to do
3 without having to go and get building
4 permits for it. It's in the Village
5 code.

6 Our repairing of all the rotted
7 handrails and the posts that were going
8 to collapse that the previous owner had
9 gotten a permit to do, we took on and
10 we finished, so as for any more
11 construction, the only application for
12 construction that I asked for which I
13 received was the ability to finish
14 gutting the building which the previous
15 owner had started without a permit, so
16 we have -- oh, and we put a temporary
17 wall up in the basement to make sure
18 that the twisted girder doesn't
19 collapse until we got approval to do
20 our work, so all I'm asking is that if,
21 again I disagree with having to go the
22 ZBA for an interpretation, but if you
23 chose that has to go that route, to
24 next month or next meeting, accept my
25 application so that I can then file for

1
2 a building permit to construct the
3 restaurants, repair the beams in the
4 basement, finish fixing the siding;
5 change some windows because it's all,
6 that's going to happen whether I have
7 two apartments upstairs or three
8 apartments upstairs. All of that needs
9 to be done, and it's just, it's
10 hogtying me to go from board to board
11 to board to board with stuff that is
12 going to be approved anyway.

13 I want to move those two fire
14 escapes to the rear yard. I have to
15 have fire escapes. I need your
16 approval for my site plan to move the
17 fire escapes so I can get rid of those
18 ugly fire escapes in the front and
19 patch the roofs and the ceilings there,
20 make the whole front of the building
21 look nice, but I can't do anything
22 until you approve my site plan so I can
23 build the fire escape in the back and
24 the building needs a fire escape
25 whether I have apartments there or not,

1
2 the second and third story need to have
3 a fire escape by code whether there is
4 anybody in there or not, so it's not
5 like we're affecting going to the ABA.

6 ATTORNEY PROKOP: I didn't know
7 whether there is something that I'm not
8 saying or maybe I'm not explaining this
9 correctly, but there is nothing before
10 the Board tonight that would allow the
11 applicant to start --

12 MR. OLINKIEWICZ: That would be
13 the next meeting if they accepted this
14 application.

15 ATTORNEY PROKOP: It might be the
16 next meeting, it might not be.

17 MR. OLINKIEWICZ: Or it might be
18 two meetings, I understand, but it's
19 not going to be kicked down six or
20 eight months down the road while we're
21 waiting for the ZBA to come to a
22 determination, 200 people come in and
23 argue the points and it gets --

24 ATTORNEY PROKOP: I think the
25 request to the ZBA should come from

1
2 this board. I don't think that it
3 should necessarily, it doesn't have to
4 come from the applicant. I think that
5 we may make it. We can ask for the
6 interpretation so it goes on record
7 that we're asking for it tonight and it
8 could come up hopefully at their next
9 meeting.

10 CHAIRMAN McMAHON: When is the
11 next meeting?

12 MR. BURNS: Can we put it on the
13 next meeting so he can move forward?

14 MS. WINGATE: May 17th.

15 MR. OLINKIEWICZ: So they will
16 accept that and then they'll do a
17 public hearing which will be a month
18 later, then they might not vote on it
19 then, so it will be another month. All
20 I'm asking for is the approval of the
21 site plan at your next meeting so I can
22 work on the restaurants.

23 CHAIRMAN McMAHON: Is it possible
24 to bifurcate the two separate issues?

25 ATTORNEY PROKOP: No, because it

1
2 requires outside -- everything that he
3 is talking about, even without the ZBA
4 involvement or without the multifamily
5 requires outside exterior changes. The
6 only thing is if it is determined to be
7 multifamily, there will be additional
8 exterior changes. There are certain
9 limitations that come in with a
10 multifamily.

11 MR. OLINKIEWICZ: There are no
12 extra limitations that have to be done,
13 I have to bring the building up to New
14 York State code, so there is no extra
15 whether there can be two apartments or
16 three apartments on the exterior.

17 ATTORNEY PROKOP: Okay.

18 I think it's just a question
19 tonight, if you feel that he's
20 addressed the comments, I think it's
21 just a question of what meeting this is
22 going to go to.

23 CHAIRMAN McMAHON: What do you
24 mean?

25 ATTORNEY PROKOP: If you --

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MR. JAUQUET: To accept the plan.

ATTORNEY PROKOP: Yes, to accept the plan.

MR. JAUQUET: Accept the application. That should be done at the next meeting.

CHAIRMAN McMAHON: As opposed to a month from now.

MR. JAUQUET: As opposed to having two definitions in place before we accept it.

ATTORNEY PROKOP: I think start the process, you know, it doesn't mean we're going to act on it, we can start the process.

MR. JAUQUET: Yes. We can start the process, the process needs to be started.

CHAIRMAN McMAHON: So with regards to the issue that we brought up last time, the changes by Glynis, the two issues she brought up, I'm satisfied with all of those, the issues that we previously raised.

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MR. JAUQUET: I am too.

MR. BURNS: I am too.

CHAIRMAN McMAHON: Do you have anything else?

MR. JAUQUET: And, you know, if, you know, there is always going to be little things that come up as we go along, but I'm satisfied with the discussion last time and the responses provided and this time.

CHAIRMAN McMAHON: Okay.

So then we can -- all right, so we will --

ATTORNEY PROKOP: If you think you want to move ahead.

CHAIRMAN McMAHON: Yes.

ATTORNEY PROKOP: I think what you might do is a resolution which would accept the site development plan and set it for a meeting and at the same time request an interpretation from the Zoning Board of Appeals.

CHAIRMAN McMAHON: I thought we couldn't accept it.

1
2 ATTORNEY PROKOP: Put it on for
3 the next.

4 CHAIRMAN McMAHON: Put it on to
5 accept the application at next week's,
6 and then at the same time in that
7 meeting when we accept it, we can also
8 put in the request to the ZBA, if
9 that's what we choose to do.

10 ATTORNEY PROKOP: You could do
11 that, you could --

12 CHAIRMAN McMAHON: Either way, the
13 ZBA is not coming up before the next
14 meeting either way. It doesn't matter
15 to me, there's is no material
16 difference to me.

17 ATTORNEY PROKOP: We'll vote to
18 accept it at the next meeting, accept
19 meaning we're accepting the application
20 for decision.

21 CHAIRMAN McMAHON: Now, to again,
22 accepting it in the process, as you
23 know, it gets accepted and then it
24 would be, the approval comes subsequent
25 to that.

1
2 Are there any other questions or
3 concerns with this before we move on?

4 (No response.)

5 I'm going to make a motion that
6 we'll put this on the agenda for the
7 next meeting, a week from tonight, a
8 motion to accept the application as
9 submitted and we will determine what
10 involvement the ZBA do or do not need
11 at that time.

12 So I'm going to make that motion.

13 Do I have a second for that?

14 MR. BURNS: Second.

15 CHAIRMAN McMAHON: All in favor?

16 MR. JAUQUET: Aye.

17 MR. BURNS: Aye.

18 MS. CLARK: Aye.

19 CHAIRMAN McMAHON: Motion carries.

20 MR. OLINKIEWICZ: Thank you.

21 One more question, lighting
22 fixtures and pictures of the outside
23 lights and --

24 MS. BERRY: The tops of the ramps.

25 MR. OLINKIEWICZ: Oh, the tops of

1
2 the ramps.

3 Thank you.

4 CHAIRMAN McMAHON: Item number 4,
5 300-308 Main Street.

6 Pre-submission conference for
7 amendment to the site plan as approved
8 on November 4, 2015. The applicant
9 Robert I. Brown, architect, is
10 representing Stirling Square LLC, Brent
11 Pelton.

12 The applicant has proposed to
13 renovate Suite 308C, a ground floor
14 space, into a lobby for the inn
15 incorporating a new glass facade and
16 interior and new exterior dining
17 seating and a water feature.

18 The proposal includes additional
19 bluestone hardscape for easier handicap
20 accessibility. The proposal has
21 specified a retractable awning over
22 cedar trellis which covers the dining
23 patio. The property is located in the
24 Historic District.

25 The Historic Preservation

1
2 Commission reviewed the proposal at the
3 April 4th meeting and approved the
4 change in facade but asked the
5 applicant to explore other options for
6 the dining patio. The HPC has asked
7 that the project remain on the agenda
8 for the May meeting.

9 Suffolk County Tax Map number
10 1001-4-7-29.1.

11 Okay.

12 In addition we just received a
13 letter from the applicant: Planning
14 Board members, this is to confirm that
15 the application currently before the
16 Planning Board approves proposed use of
17 the existing apartments in the Stirling
18 Square complex as hotel units as
19 indicated on the plans submitted.

20 Right off the bat, I don't think
21 that's permitted. Those apartments
22 hold kitchen units and those are not
23 allowed as hotel units. I think. Let
24 me check on that.

25 Yeah. The definition of motel in

1
2 the beginning of the definitions in the
3 code, any unit -- under motel it
4 specifically disallows individual units
5 that have kitchen and cooking
6 facilities or laundry facilities as
7 well, so if any of those units have
8 that, that would not be allowed, you
9 would have to get a variance for that.

10 MR. PELTON: We're submitting an
11 overall modification of the site plan.
12 I think it has many very positive
13 attributes. I was required -- it's
14 nice to see everybody again, and I do
15 see a new face. I spent quite a bit of
16 time getting to know the SEQRA process
17 here last year, and I have to say, I
18 was required to put handicap
19 accessibility into the American Beech
20 Restaurant space, and I'm so happy that
21 I did, it makes a huge difference.
22 There are many more people who
23 benefited from it than what I would
24 have imagined, and we would like to
25 carry that bluestone throughout the

1 rest of the square. This site plan
2 shows handicap accessible ramps going
3 to each of the units and provides
4 greater access throughout the entire
5 square.
6

7 If you turn to the second page of
8 the, I guess, the first page shows the
9 overall Stirling Square complex with
10 the bluestone area. We're seeking to
11 change the use of the yoga studio space
12 to hotel reception in that space, so
13 that's really what prompted me to be
14 here tonight, but since I was going to
15 be here, we decided to put everything
16 down.

17 If you go to the second page, you
18 see the apartments being converted into
19 hotel. If you go to the third page,
20 you see the yoga studio space converted
21 over to the reception and lobby area
22 that we did. You would note that there
23 is a handicap accessible bathroom, as
24 well as a second bathroom in that
25 space.

1
2 We have been before the Historic
3 Board and I received blessings with
4 respect to the conversion of the yoga
5 studio space. We're also seeking to
6 put a retractible awning over the
7 outdoor dining space of American Beech
8 and --

9 ATTORNEY PROKOP: You mean the
10 pergola.

11 MR. PELTON: The pergola.

12 ATTORNEY PROKOP: So in the
13 original application when you told us
14 there was not going to be an awning
15 over the pergola, now you want to put
16 an awning on the pergola?

17 MR. PELTON: A retractable awning,
18 yes.

19 MS. CLARK: Wasn't there an issue
20 that there was a certain amount that
21 wasn't retractable at that HPC?

22 MR. PELTON: Unfortunately, I
23 think it's twenty-two feet --

24 MS. CLARK: We didn't approve
25 that.

1
2 MR. PELTON: It's twenty-two feet,
3 and the longest span we have been able
4 to find is sixteen, so we're still
5 trying to figure out --

6 MS. CLARK: Right. So you weren't
7 given approval for that.

8 MR. PELTON: Right.

9 MR. JAUQUET: So that's what's in
10 the application?

11 MR. PELTON: Right. We're still
12 trying to figure out an awning that
13 would work.

14 MR. BROWN: Robert Brown,
15 architect.

16 The original application, we
17 specifically were not asking for a
18 permanent cover over the pergola. In
19 this case, we're asking for a
20 retractable.

21 ATTORNEY PROKOP: Is there any
22 reason you're not calling the yoga
23 studio an expansion of the restaurant
24 instead of a expansion of the inn
25 because the only function from the

1
2 exterior space that I saw was dining
3 and bar?

4 MR. BROWN: There is no dining
5 intended in the reception area. It is,
6 there is seating. There is a beverage
7 counter, and there is a reception desk.

8 One of the issues that has
9 presented itself in Mr. Pelton's
10 operation of the hotel is the lack of a
11 central lobby, check-in place. This is
12 primarily to accommodate the ability to
13 direct people and welcome them.

14 CHAIRMAN McMAHON: What is your
15 intended or anticipated use for the
16 beverage counter; is there going to be
17 a bartender full-time there?

18 MR. PELTON: I would anticipate
19 coffee service in the morning and at
20 some point switch over to a bartender.

21 CHAIRMAN McMAHON: Is that only
22 for guests of the inn or is that open
23 to the public?

24 MR. PELTON: That's to be
25 determined.

1
2 CHAIRMAN McMAHON: That would need
3 to be clarified.

4 Did you provide drawings for the
5 apartments?

6 MR. BROWN: There is a
7 second-floor site plan that shows --
8 the second drawing is --

9 MS. WINGATE: Page 2.

10 CHAIRMAN McMAHON: Okay.

11 I was referring to something
12 more -- I can't make it out, it's small
13 scale, I can't read what's in there.

14 Are there -- I can't see the
15 writing on there. Are there kitchen
16 units in all of these?

17 MR. BROWN: There are existing
18 kitchenettes.

19 MR. PELTON: Kitchen facilities.

20 CHAIRMAN McMAHON: I don't think
21 those units right now are permitted to
22 use hotel units, I don't think that the
23 code is written, that that would be a
24 permitted use at this time.

25 Are they currently being used that

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way?

MR. PELTON: There are two of them that are Airbnb.

CHAIRMAN McMAHON: We are not, certainly not enforcement of existing code. I would say, my interpretation, I don't think that's allowed, so I would encourage you to check to see whether or not that would be -- I don't think any of those units are allowed to be rented on anything less than a year-round basis, so I would encourage you to look into that before renting them.

MR. PELTON: My understanding was that it was as of right. When I purchased the property, my understanding was it was permitted as of right, and there's other --

CHAIRMAN McMAHON: The apartments are, but they, provided with the stipulation that they be used as year-round rentals, that is part of the condition. The accessory apartments

1
2 above commercial space, one of the
3 conditions is that it's not transient
4 use.

5 MR. PELTON: I didn't know if it's
6 that clear in the code.

7 CHAIRMAN McMAHON: I think it is.

8 MS. WINGATE: It is.

9 CHAIRMAN McMAHON: I can find the
10 section for you here.

11 MS. BERRY: It's in the
12 definitions.

13 CHAIRMAN McMAHON: It's in first
14 definitions, 15-2, definitions under
15 motel, that's where -- that addresses
16 the issue of kitchen equipment
17 facilities and laundry not being
18 allowed in a hotel, and then going to
19 section 159-9-A, Subsection 18 --

20 MR. PELTON: I'd certainly be
21 happy to omit any sort of kitchen
22 facility from those apartments.

23 CHAIRMAN McMAHON: The other issue
24 would be Section 150-9-A, Subsection
25 18, Subsection D with regard to

1
2 accessory apartment dwelling units over
3 retail stores and businesses.

4 The property owner shall provide
5 proof to the satisfaction of the
6 Village Building Inspector that the
7 apartment will be occupied year-round
8 and not on a seasonal basis.

9 MR. PELTON: But it would be
10 occupied year-round. It doesn't say
11 that that has to be by one person.
12 It's being occupied year-round. We've
13 had people in November, December,
14 January, it's certainly being occupied
15 year-round. I believe there are other
16 commercial buildings that are being
17 advertised for sale in the Village
18 stating that it's appropriate for
19 Airbnb as of right. I can show you an
20 example of that.

21 CHAIRMAN McMAHON: There has been
22 a great deal of debate on that.

23 MR. PELTON: Anyway, I would like
24 to remove myself from that and I would
25 like to get this over to hotel use and

1
2 I'd be happy to remove the kitchen
3 facilities. That would be better for
4 the restaurant anyway.

5 CHAIRMAN McMAHON: So I think
6 we're probably going to need to look at
7 the entirety of the complex. If you
8 have one building serving functions of
9 another building, they would all need
10 to be reviewed together, so right now
11 this would be a somewhat incomplete
12 application with regards to that
13 because it would need to go into some
14 detail on all of those things. We'll
15 have to discuss as to whether or not,
16 you know, what is permitted and what is
17 not. It would need to change, if these
18 would be an expansion of the existing
19 inn and that business, it would all
20 need to be looked at together, so
21 everything would --

22 MR. BROWN: I would argue that it
23 is all there. There are floor plans,
24 one showing the landscape of the first
25 floor, and the use would be reception

1
2 area and the second plan showing all
3 the second-floor units.

4 MR. JAUQUET: It's on one tax lot
5 too, isn't it?

6 MR. BROWN: Yes, correct.

7 Obviously we would amend the
8 second floor plans to eliminate the
9 kitchens from those areas.

10 MR. JAUQUET: Does the code say
11 anything about kitchenettes in motel
12 rooms?

13 MR. BROWN: It does not make a
14 distinction.

15 MR. JAUQUET: They don't make a
16 distinction, without a stove and just a
17 small motel-type refrigerator.

18 MR. PELTON: It may make sense to
19 go to the Zoning Board.

20 MR. JAUQUET: If you want a
21 kitchenette, motel-type kitchenette
22 facilities that are sort of standard in
23 those that have them instead of having
24 none.

25 MR. PELTON: Yeah.

1
2 CHAIRMAN McMAHON: As of now, we
3 would not be able to accept these at
4 the next meeting.

5 So those would need to be
6 addressed, the apartments and their
7 use.

8 MR. JAUQUET: If they eliminate
9 the kitchens, does that increase the --
10 free up square footage to increase the
11 number of rental rooms, motel rooms?

12 MR. BROWN: I can attest that
13 those kitchens are very small.

14 MR. JAUQUET: Very small.

15 ATTORNEY PROKOP: We can't do it
16 on the fly, we have to get -- we can't
17 accept these plans.

18 CHAIRMAN McMAHON: It is a
19 conversion for residential space to
20 commercial operation if those
21 apartments are created as residential
22 space.

23 You would be eliminating all the
24 mixed-use in the square; is that what
25 you're proposing?

1
2 MR. BROWN: Yes. It would, as a
3 hotel, it would be commercial space
4 upstairs.

5 CHAIRMAN McMAHON: All right.

6 Let me go to a couple of other
7 items here.

8 Under handicap accessibility, the
9 plan proposes providing access to the
10 area of the operations. Since the
11 courtyard is being totally revamped,
12 accessibility to all commercial units
13 should be proposed at the same time as
14 proposed uses of the courtyard may
15 impact the ability to address the
16 accessibility of the commercial uses
17 that have not yet been brought up to
18 code.

19 MR. PELTON: This plan does not
20 include 1943 Pizza.

21 CHAIRMAN McMAHON: There is
22 question about the plan, in site
23 circulation, five feet is required,
24 some of the design changes reduce the
25 width of the passage. A minimum width

1 of five feet is required. This width
2 should be clear of expected use areas.
3 For instance, the design of the water
4 feature looks as though people will sit
5 on the lip, so extra clearance may be
6 needed. In addition, total occupancy
7 including standing room at bars and
8 outside uses should be evaluated to
9 calculate whether or not the five-foot
10 widths address all egress needs.
11

12 So if you have any outdoor area
13 where people are milling about, how is
14 that going to impact egress throughout?
15 Make sure that that five-foot path
16 remains at the bar in the entrance or
17 throughout the uses in the other
18 sections of the square. The seating
19 for the existing restaurant should be
20 shown on the plans. They impede on the
21 main walkway. The textural changes
22 could be problematic for the bar
23 chairs. Clear passages between tables
24 as per restaurant layout should be
25 documented. The seating by the

1
2 American Beech Restaurant is a safer
3 configuration as the seating is
4 perpendicular to the passage.

5 MR. PELTON: I'm sorry, I didn't
6 hear that.

7 CHAIRMAN McMAHON: It says --
8 there was a comment, the seating layout
9 of the American Beech Restaurant is a
10 safer configuration as the seating is
11 perpendicular to the passage.

12 MR. BROWN: I would state that in
13 the plan there is no standing or
14 seating at any bar facility or anything
15 like that that would impede the
16 five-foot minimum passage.

17 CHAIRMAN McMAHON: Okay.

18 The gravel border narrows the
19 accessible walking surface at the top
20 of the stair, just where people access
21 the hand railing. We suggest adjusting
22 the design to avoid this condition.
23 Relative plan walk thing receives the
24 to that, the existing planters should
25 be distanced from the stairway, as they

1
2 hinder access to the railing.

3 We have a couple of pictures here.
4 At the Main Street access, the planters
5 are right at the handrails, so they
6 should be pushed to the side so you
7 have clear path to walk through, so you
8 have the ability to walk straight
9 through.

10 MS. CLARK: Devin, you left off
11 the last sentence after perpendicular
12 to the passage.

13 CHAIRMAN McMAHON: I don't have
14 that.

15 MS. CLARK: The proposed seating
16 in the lobby slash bar blocks access to
17 second-floor apartment.

18 MR. BROWN: Would it be possible
19 to get a copy of these comments to
20 respond to?

21 CHAIRMAN McMAHON: So there are a
22 number of things that would need to be
23 changed on these plans, so we're not
24 likely going to be able to accept it at
25 the next meeting because there are a

1 lot of things that need to be included.

2 We can get you a copy of the
3 comments and the particulars that we're
4 looking at now.

5 Does anyone have any questions or
6 comments or concerns?

7 MR. BURNS: Just things that need
8 to be clarified.

9 CHAIRMAN McMAHON: Are you clear
10 on what our concerns are?

11 MR. BROWN: No.

12 CHAIRMAN McMAHON: What are --

13 MR. BROWN: It would be helpful if
14 I had a copy of those comments.

15 MS. WINGATE: (Handing.)

16 MR. BROWN: Thank you.

17 CHAIRMAN McMAHON: So you will be
18 back next week to discuss it further, I
19 imagine?

20 MR. BROWN: Of course.

21 CHAIRMAN McMAHON: Do you have any
22 questions for the moment?

23 MR. BROWN: Procedurally, we get
24 these issues addressed and submitted to

1
2 you by when in order to be on next
3 week's agenda?

4 CHAIRMAN McMAHON: It may be too
5 late for that.

6 ATTORNEY PROKOP: It's too late
7 for next week's agenda.

8 CHAIRMAN McMAHON: Unfortunately,
9 it's just not enough time for you to
10 prepare them and submit them, it's
11 probably going to be pushed to the next
12 Work Session.

13 MR. BROWN: Why would we be here
14 next week?

15 CHAIRMAN McMAHON: If you wanted
16 to provide --

17 MR. BROWN: I would love to be
18 here and discuss these issues, but --

19 CHAIRMAN McMAHON: It would need
20 significant --

21 MR. BROWN: -- submit between now
22 and then, the question is, will we be
23 able to discuss this?

24 CHAIRMAN McMAHON: We could
25 discuss it, but we wouldn't be able to

1
2 accept the application. We can discuss
3 it further if you would like, but we
4 wouldn't be able to accept the
5 application. We wouldn't have enough
6 time to review it prior to -- once we
7 formally accept an application, the
8 clock starts ticking, so we need to
9 have an ample opportunity to review the
10 application beforehand. Right now it
11 appears to be incomplete, so we can't
12 accept it, we won't be able to accept
13 it next week.

14 MR. BROWN: Okay.

15 CHAIRMAN McMAHON: All right. Any
16 questions at this time?

17 MR. BROWN: Are there any of the
18 things on the site plan that would be
19 allowable to apply for the building
20 permit for, for example, the paving,
21 the replacement doors for the reception
22 area?

23 CHAIRMAN McMAHON: I don't think
24 so.

25 ATTORNEY PROKOP: It's going to

1
2 have a SEQRA review. There has to be a
3 SEQRA review.

4 CHAIRMAN McMAHON: At this time,
5 no.

6 MR. PELTON: Thank you very much.

7 MR. BROWN: Thank you.

8 CHAIRMAN McMAHON: Thank you.

9 I'm going to make a motion to move
10 on to the next item.

11 Do I have a second?

12 MS. CLARK: Second.

13 CHAIRMAN McMAHON: All in favor?

14 MR. JAUQUET: Aye.

15 MR. BURNS: Aye.

16 MS. CLARK: Aye.

17 CHAIRMAN McMAHON: Motion carries.

18 Item number 5, pre-submission
19 conference for applicant David Kapell,
20 representing Old Shipyard LLC, located
21 at 211 Carpenter Street. The applicant
22 has proposed to convert an existing
23 two-story building into a first-floor
24 tasting room and one second-floor
25 apartment. The property is in the CR

1
2 Commercial Retail District. Both uses
3 are permitted in the CR zone. The
4 property has been vacant for some time.
5 All mixed-use buildings are required to
6 have a fire suppression system by NY
7 State Fire Prevention and Building
8 Code. The property is located in the
9 Village Historic District and will be
10 subject to coordinated review.

11 Suffolk County Tax Map number
12 1001-4-10-11.

13 This project needs to go before
14 the Greenport Historic Preservation
15 Committee for approval.

16 Windows, it is not clear which
17 windows are being replaced. Details on
18 the proposed window design should be
19 included and approved by the GHPC.

20 The bedroom on the second floor
21 needs to have one window that meets the
22 clear opening requirements. Please
23 confirm the dimensions and square
24 footage of clear openings for egress.

25 As per 304.1, the installation or

1 replacement of glass shall be as
2 required for new installations.

3
4 Windows on the north elevation are
5 one-and-a-half feet from the boundary
6 line, but the existing openings are
7 allowed, but will need opening
8 protectives.

9 Change of Occupancy, New York
10 State Existing Building Code for all
11 but one attribute, the tasting room
12 occupancy is considered more hazardous
13 than a residential use.

14 There was a question of egress and
15 occupancy of tasting rooms, there is a
16 potential occupancy of 134.
17 Calculations of the occupancy for the
18 tasting room need to be documented on
19 the plans. Proper egress to be
20 evaluated.

21 MR. KAPPELL: Can I ask you to read
22 that again a little bit more slowly?

23 ATTORNEY PROKOP: We'll get you a
24 copy.

25 MR. KAPPELL: It says proper egress

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needs to be evaluated.

What does that mean?

MS. BERRY: Basically the plans show no tables and chairs, so it looks like it can be standing room only so if you take a calculation, you get -- I did it roughly and I don't even, you know, just very quickly, you can have as many as 134 people in there.

MR. KAPPELL: So you would want to see how it is going to be laid out inside?

MS. BERRY: So if it's standing room only, you have to have proper egress. You'll need two exits going in the right direction. You need to make sure it's safe. You have to check the structure. You are introducing a use that is more hazardous than the building was built for, and when you change the use to a more hazardous one, you need to meet current code or there are exceptions, so you need to look at the building carefully to make sure

1
2 that it can handle the intensity of use
3 that can occur in this building, so
4 egress and structure are the two main
5 ones that you need to look at.

6 MR. KAPELL: Is there something
7 about the -- because the plan was
8 prepared by an architect, is there
9 something about the plan that doesn't
10 comply?

11 MS. BERRY: Yes.

12 The second exit at the front of
13 the building opens into the apartment
14 entry, and there is no separation on
15 the top floor.

16 MS. WINGATE: There is a door.

17 MS. BERRY: Where?

18 MS. WINGATE: On the second floor.

19 MS. BERRY: No, there isn't.

20 MS. WINGATE: I saw one.

21 MS. BERRY: It's not on my plan.

22 You can't exit through another
23 person's property.

24 MR. KAPELL: There needs to be
25 separation between the two uses.

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MS. BERRY: Right.

And you really should have the door going in the other direction because you've got more than fifty people, so the door swing should be out, and just -- maybe I'm stepping over my boundary, but in a qualitative way, it seems you should have a front door on the street so there should be presence and you should know how to get in, I think, but that is qualitative.

MR. KAPELL: It's a business matter too.

MS. BERRY: The other issue I have is the handicap ramp, the access to it is in the driveway, so it's exposed. Also the drainage of the building goes right on that path, so it doesn't look like a protected route.

MR. KAPELL: For handicap purposes.

MS. BERRY: Yes, and for access.

You should show the dumpster and screening, personally -- if you want to

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take over.

ATTORNEY PROKOP: Keep going.

MS. BERRY: The curb cut where it is, it is against the building if, you know, the walkway, it might be safer to shift the curb cut, and also that's dark there.

MR. KAPELL: What are you referring to?

MS. BERRY: The curb cut that goes into the driveway, I would look at that and look at making it safer and better.

MR. KAPELL: Any suggestions?

MS. BERRY: And it would help to have elevations on both first-floor elevations and site elevation so we can see what kind of distance you're talking about.

MR. KAPELL: Grade elevations.

MS. BERRY: Yes, grade elevations.

Fire suppression will be needed throughout the building.

I guess that's it.

MR. KAPELL: We'll make those

1 changes and get it back to you.

2 MS. BERRY: Thank you.

3 CHAIRMAN McMAHON: Thank you.

4 I'm going to make a motion to move
5 on to the next item on the agenda.

6 Do I have a second?

7 MR. JAUQUET: Second.

8 CHAIRMAN McMAHON: All in favor?

9 MR. JAUQUET: Aye.

10 MR. BURNS: Aye.

11 MS. CLARK: Aye.

12 CHAIRMAN McMAHON: Motion carries.

13 Item number 6, motion to approve
14 the Planning Board minutes of the
15 January 7, 2016 meeting.

16 Do I have a second?

17 MR. JAUQUET: Second.

18 CHAIRMAN McMAHON: All in favor?

19 MR. BURNS: Aye.

20 MS. CLARK: Aye.

21 MR. JAUQUET: Aye.

22 CHAIRMAN McMAHON: Motion carries.

23 Item number 7, motion to schedule
24 the regular session meeting for May 5,

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2016 and the work session meeting for
May 26, 2016.

Do I have a second?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: Aye.

MR. BURNS: Aye.

MS. CLARK: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number 8, motion to adjourn.

Do I have a second?

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MS. CLARK: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Motion carried.

(Time noted: 6:48 p.m.)

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C E R T I F I C A T E

I, STEPHANIE O'KEEFFE, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That the within statements are a true and accurate record of the stenographic notes taken by me.

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.

STEPHANIE O'KEEFFE

ATTORNEY

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AUDIENCE

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CHAIRMAN

McMAHON: [109]

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