VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

PLANNING BOARD
REGULAR MEETING

Third Street Firehouse
Greenport, New York

June 4, 2015
5:00 P.M.

BEFORE:

DEVIN MCMAHON - CHAIRMAN
BEN BURNS - MEMBER
PETER JAUQUET - MEMBER
PAT MUNDUS - MEMBER
JOSEPH PROKOP - VILLAGE ATTORNEY
GLYNIS BERRY - PLANNING BOARD COORDINATOR
CHAIRMAN MCMAHON: This is the Village of Greenport Planning Board, June 4, 2015 Regular Meeting. Item No. 1
Motion to act on Use Evaluation Application for Wayne Turrett. The property is located at 746 Main Street.
The proposed one-family house is a permitted use in the R-1 (One Family Residential) District. It is also located in the Historic District. We had a public hearing on it. At the last work session. This is SCTM #1001-2-3-8.02. I believe we resolved most of the issues for this. I didn't see any thing else. Does anyone else have any comments or concerns?

MR. PROKOP: Do we have a SEQRA Resolution on this?

CHAIRMAN MCMAHON: No, we didn't do a SEQRA resolution on this.

MR. PROKOP: (In Audible).

CHAIRMAN MCMAHON: Sure. Absolutely. I am glad that you brought that up. It was a Type I because of the Historic District. We didn't find any --

MR. PROKOP: We have to coordinate
this with Southold and get their input on this. So we may have to put this over for one meeting, unless we did that internally. I don't know who would do that internally?

CHAIRMAN MCMAHON: Do they want to coordinate on the determination --

MR. PROKOP: We have to give them additional time, I think, that they have to respond. I don't know if we ever let them know. Unless you did?

MS. BERRY: I didn't, but I believe Eileen might have. Can you do a conditional?

MR. PROKOP: No, we have to complete the SEQRA before we approve it. He is not here tonight. Is he?

CHAIRMAN MCMAHON: No.

MR. PROKOP: So that is an issue that we have with this.

CHAIRMAN MCMAHON: If any other agency --

MR. PROKOP: We have to send out a coordinator review notice on this. I don't know if we have done that.
CHAIRMAN MCMAHON: We didn't do that. Do we have to do that for every Type I action then?

MR. PROKOP: For every Type I.

CHAIRMAN MCMAHON: All right. I am not certain what to do then. I believe we are ready to move forward with the approval other than the SEQRA determination. We have made our SEQRA determination that it was not going to pose an issues.

MR. PROKOP: Well, we need to do that on the record. We have to have what is called a coordinated review in the file. And I am just not sure if we have done it or not.

CHAIRMAN MCMAHON: Okay.

MEMBER MUNDUS: Joe, why this house and not others?

MR. PROKOP: Because it’s in the Historic District.

CHAIRMAN MCMAHON: I would just suggest that we move forward then. Do we have to put it off?

MR. PROKOP: I think it should go to
the work session and then we will resolve
it then. I think we can resolve it at the
work session but I think it has to be put
off till then.

CHAIRMAN MCMAHON: Okay.

MEMBER JAUQUET: Is there a deadline
to accept the application?

CHAIRMAN MCMAHON: Yes. We accepted
the application last time. We are 62 days
from the time that we accept the
application, I believe.

MR. PROKOP: That’s correct.

CHAIRMAN MCMAHON: We would be well
within it.

MR. PROKOP: I will make sure that
it’s in the file.

CHAIRMAN MCMAHON: Okay. So
unfortunately, we will have to --

AUDIENCE MEMBER: (In Audible).

MR. PROKOP: Yes, we would change it
but I don't think there is a reason to.
You have already determined it’s a Type I.

CHAIRMAN MCMAHON: So I am going to
make a motion that we move this item to
the next work session, which is the -- I
don't know the date on it.

Does anyone know the date off hand?


CHAIRMAN MCMAHON:  So I will make a

motion that we move this item to the 6/25

work session so that we can have the

findings from the coordinated

determination for purposes of SEQRA.

MEMBER JAUQUET:  Second.

CHAIRMAN MCMAHON:  All in favor?

MEMBER BURNS:  Aye.

MEMBER JAUQUET:  Aye.

MEMBER MUNDUS:  Aye.

CHAIRMAN MCMAHON:  Aye.

Item No. 2, motion to act on the

site plan application for North Fork

Smoked Fish.  Philip Karlin has been

granted a variance from the Zoning Board

of Appeals for additional 519 square feet

of manufacturing floor space.  This

provides a total of 743 square feet of

manufacturing and 640 square feet of

retail space.  The facility is located at

414 First Street.  SCTM# 1001-4-7-5.

There were a few items that we discussed
last time. We did have additional
material submitted from the applicant.
The additional materials includes a
completed short environmental assessment
form, additional location for the 3 foot
wide two-ring drywall for the roof water
runoff on the property. Addition of
screening to be added by the business
owner to enclose the area behind the
building, with stockade fencing between
the building and the shed and the length
of the stockade to screen the dumpster as
requested. Measurements of the existing
proposed signage as applied for with the
building permit that was provided to at
the work session. Okay. Does anyone have
any comments on this?

MEMBER JAUQUET: Is there a
requirement as to a timeline for adding
drainage or do we just let that go?

CHAIRMAN MCMAHON: I just think that
we would make it a condition. I don't
know that we have a set window of time.
Do you have any thoughts on that as to the
timeframe?
MS. BERRY: (In Audible).

CHAIRMAN MCMAHON: Okay.

MEMBER MUNDUS: We only accepted this last week. So I think that we are fine.

CHAIRMAN MCMAHON: I think what Peter is asking is the amount of time to do the drainage work because it’s not completed now. Just make it conditional.

MS. BERRY: Just make it conditional.

CHAIRMAN MCMAHON: Although Glynis noted that the -- I believe where they're indicating where the drywells are going to go now, there is a fuel tank. So we need to find another location.

MR. KARLIN: That fuel tank is disconnected.

CHAIRMAN MCMAHON: It’s disconnected and going to be removed. Okay.

MEMBER JAUQUET: The only other quotes that I had is why is it going to be North Fork Smoked Fish House and (In Audible) was that the whole idea?

MR. KARLIN: The (In Audible)
because it will -- two-fold -- (In Audible) Village, who don't have a vehicle. To buy smoked fish. And we do work closely together. Hand and hand.

MEMBER JAUQUET: I was just wondering.

CHAIRMAN MCMAHON: Okay. So what Glynis was saying is that we would need the plans for the drywell, calculations for the runoff on plans, on sign, stamped plans from an engineer; correct?

MS. BERRY: Or a designer.

CHAIRMAN MCMAHON: Or a designer. Okay. And also getting building permits for all of those or any changes that have to be made. Building permits if you are going to be doing outside changes to the building.

AUDIENCE MEMBER: There is no changes to the outside of the building. We don't need a permit to change the gutter direction or anything, down spouts. We do have a permit for the signs. We do have a permit for the railings. Both of those are on file. Do we need a permit
for the drywell?

CHAIRMAN MCMAHON: I don't know.

AUDIENCE MEMBER: Whatever we need, we will do. I mean, I am not aware that we need a permit for the drywell. It's a 50 year old problem.

CHAIRMAN MCMAHON: Okay. Our resident expert is not here tonight.

MS. BERRY: (In Audible) calculations.

AUDIENCE MEMBER: (In Audible) shown on the plan.

CHAIRMAN MCMAHON: Are there any other issues or concerns that the Board has?

MS. BERRY: The screening that is proposed and also the occupancy.

CHAIRMAN MCMAHON: Yes, the occupancy as well. There were a few different ideas about what the proposed occupancy should be and what it will be. I don't have a plan.

MEMBER MUNDUS: That was from the last work session.

CHAIRMAN MCMAHON: Yes, I believe we
need to keep it under 49, under the fire
code. Just wanted it to state in there
somewhere. So then if there are no other
issues, I am going to make a motion that
we grant a conditional approval --

MR. PROKOP: I just have a comment.
I don't know why I am the person that
always brings this stuff up, but you had a
comment from the planner that the plan has
to be stamped by a professional. How can
you make a motion? I am just pointing out
to you. I don't want to get involved --

MEMBER MUNDUS: It’s not fair to
hold up the tenant while we are dealing
with the land lady.

CHAIRMAN MCMAHON: Okay. So then
the motion would be to approve the
application conditional upon receipt of a
stamped signed plans with calculation for
the drainage. The fencing around the back
area of the property as well as occupancy,
signs showing less than 49 persons. I
believe that was it. Do I have a second
for the motion?

MEMBER MUNDUS: Second.
CHAIRMAN MCMAHON: All in favor?
MEMBER BURNS: Aye.
MEMBER JAUQUET: Aye.
MEMBER MUNDUS: Aye.
CHAIRMAN MCMAHON: Aye.
AUDIENCE MEMBER: How soon (In Audible).
MR. PROKOP: It’s up to the Board.
CHAIRMAN MCMAHON: You have to talk to Eileen. As a Board, I think we would like to draft a letter to the owner of the property with regards to the condition of the parking lot. They don't have a C of O for one of the other buildings, a storage building. So we will have to work on that. Maybe we can address that at a future meeting. That is something that we need to address.

Item No. 3. Motion to act on use evaluation bar application from Carolyn Rusin for the use of 314 Main Street as a bar and restaurant and second floor apartment. SCTM#1001-4-7-27.

At the work session, we discussed -- there was some discussion with the
handrail and the handicapped access being brought up to code. We were asked to make sure that they get a building permit if there were going to be any changes that were made there. The occupancy, if they adhered to the previous CO. So they would be able to go forward. That would include the occupancy of 50 inside and 50 outside as opposed to the plan that they came in with, which had 56 outside, I believe, which would have required a new C of O.

Are there any issues that you wanted to bring up?

MEMBER MUNDUS: No, it looks beautiful.

MS. BERRY: Just if they have any signage or (In Audible) they have to submit (In Audible).

CHAIRMAN McMAHON: Yes. They're in the Historic District. If they make any changes, they will need to go before the Historic Preservation Committee. Any signage would need to be approved by them.

MEMBER MUNDUS: Did she say she had any ideas about signage?
AUDIENCE MEMBER: (In Audible) it will be something like Gallery's restaurant --

MEMBER MUNDUS: She is the same owner as both?

AUDIENCE MEMBER: (In Audible).

MEMBER MUNDUS: Excellent.

AUDIENCE MEMBER: And she also said that you would ask about her hours of operation. She is not sure about that. (In Audible) and occasionally (In Audible) most of the time it would be 10 to 10. There will be times when she has parties and all music will be done inside. It will all be acoustic. Nothing will be amplified. She wants to have a very inviting casual place.

CHAIRMAN MCMAHON: We are going to need set hours. I believe we require that of any other restaurant in the area.

AUDIENCE MEMBER: The latest would be midnight. I would not say that it’s going to be every day.

MEMBER MUNDUS: It’s a bar also?

AUDIENCE MEMBER: Yes.
MEMBER MUNDUS: So the bar is also going to close at midnight?

AUDIENCE MEMBER: Yes.

MEMBER JAQUET: You sure she doesn't want to make it wider range so she has the option?

AUDIENCE MEMBER: I will go on the recommendation --

MEMBER MUNDUS: We are not advocating.

MR. PROKOP: I would like to make a recommendation.

CHAIRMAN MCMAHON: Yes.

MR. PROKOP: If you are going to approve this, that you do 10 to 12 and have it for review. You make it as a condition that you can review it. I just want to let the Board know that I raised a legal question about the use and whether it’s in a district where there is no second floor residential use allowed for a first floor commercial. There was a Certificate of Occupancy issued for a prior -- under a prior zoning code. Not the existing one. However, I believe that it
may have preexisting nonconforming use.
If the use of the first floor were
discontinued then the code would change.
I have a question that I raised to the
building department about the use of the
commercial first floor and second floor
residential use --

MEMBER MUNDUS: Why is it
nonconforming?

MR. PROKOP: Because under this
zoning you can't have a second floor
residential with a commercial first floor.

MEMBER JAUQUET: Wingate pointed out
that owner occupancy was allowed on the
second floor only.

MR. PROKOP: Okay.

MEMBER JAUQUET: Last week.

MR. PROKOP: I just wanted to say
that comment on the record. If she had an
explanation --

CHAIRMAN McMAHON: That was my
understanding as well, as long as it was
owner occupied.

MS. BERRY: (In Audible). So that
use doesn't change.
CHAIRMAN MCMAHON: I am more concerned on whether it’s an allowed use and whether or not it’s appropriate that we grant that use at all.

MEMBER MUNDUS: It’s perfectly logical if the owner wants to assume (In Audible) apartment such as an intensified use as a restaurant, that’s fine. But if it’s tenant, that’s a whole different safety issue.

CHAIRMAN MCMAHON: So Joe --

MR. PROKOP: Ne second. This is the one that was over retail stores that existed as of 2002. And it doesn't say anything about owner occupancy.

MEMBER MUNDUS: I thought it was a preexisting situation.

MR. PROKOP: This is what we had on Carpenter Street where we asked the ZBA for an interpretation.

MEMBER MUNDUS: I think what we were asking them whether the use existing or the building existed prior to 2002. It was a semantics problem.

MR. PROKOP: Okay. I believe the
interpretation was the building.

CHAIRMAN MCMAHON: Okay.

MR. PROKOP: I think that what I would do is, if you are going to approve it, approve on the condition of the zoning Board of Appeals regarding residential use in a commercial retail building. And also on the condition that it's also used by the owner. It's owner occupied only.

MS. BERRY: (In Audible) annual inspection (In Audible).

MEMBER MUNDUS: Didn't we also approve owner occupancy above the Times building also.

CHAIRMAN MCMAHON: I don't know.

MEMBER MUNDUS: I thought we had worked that out at the work session.

MR. PROKOP: Just so you know, I objected at that hearing. I said the Planning Board did not have the ability to approve that application because it was being reported (In Audible) representing the applicant and the Board approved it over my objection. The owner had previously submitted on the C of O it said
that the apartments were for artists only. The C of O that was issued for that building.

CHAIRMAN MCMAHON: Or which building?

MR. PROKOP: 477 Main Street, which is Rick Tecon (phonetic).

CHAIRMAN MCMAHON: It's the corner of Center and Main Street. So in your opinion, the owner occupancy --

MR. PROKOP: I mean, if for some reason you feel the need to approve it, make it conditional on the use of the second floor in accordance with the Zoning Board of Appeals interpretation regarding second floor residential use of commercial retail buildings. That is No. 1. No. 2, that it be owner occupied. No. 3, that the inspector is able to conduct an inspection per compliance at least once per -- annually.

CHAIRMAN MCMAHON: Okay.

MR. PROKOP: And then the final thing is, the hours of operation – based on the representation of the owners representative, the bar will not have
amplified music and the hours will be limited to 10:00 a.m. to 12:00 midnight, subject to further review of the Planning Board.

MEMBER MUNDUS: And they also need a building permit that the handicapped platform exist to the correct size.

CHAIRMAN MCMAHON: Okay. So that would be a total of five conditions so far. The first would be conditional upon the Board accepted the ZBA interpretation --

MR. PROKOP: The use of the second floor would be in conformance --

CHAIRMAN MCMAHON: Conformance --

MR. PROKOP: The ZBA interpretation regarding second floor use of commercial retail zoning space. And then No. 2, is that the second floor residential space will be owner occupied.

CHAIRMAN MCMAHON: Okay. What was the third condition?

MEMBER BURNS: Hours.

CHAIRMAN MCMAHON: That was four.

MR. PROKOP: Three was inspection on
notice at least once a year.

   CHAIRMAN MCMAHON:  4, was the amplified music. Five was the hours 10 to 12 midnight and review from the Board.

   MEMBER MUNDUS:  And then the handicapped landing is the correct size.

   CHAIRMAN MCMAHON:  Okay. So one more time. Conformance with ZBA interpretation of second floor residence over a commercial retail space. Two, is that the retail space or second floor residential space would be owner occupied. Three, is the inspector on notice. Once per annually. Four. Is the no amplified music. Hours of operation, 10:00 a.m. to 12:00 midnight subject to continuing review by the Board. No. 5 is they must have building permits for the handicapped access and make sure there is conformity. No. 6 is they must adhere to the original C of O with occupancy inside and outside, 50 each. Are there any other items?

   MEMBER MUNDUS:  No.

   MEMBER BURNS:  I have a question about amplified music. What if she wants
to play it inside?

       CHAIRMAN MCMAHON: Inside is fine.

       MR. PROKOP: She didn't say that.

Excuse me, I think she meant no amplified live music.

       CHAIRMAN MCMAHON: So no amplified music of any kind outside.

       AUDIENCE MEMBER: Right.

       CHAIRMAN MCMAHON: So no amplified music of any kind outside. Amplified music is permitted inside as long as it's not of any live band. It would have to be acoustic. Okay. Is there any other discussion or issues with this application?

       (No Response.)

       CHAIRMAN MCMAHON: I am going to make a motion that we give conditional approval to this application with the following conditions; 1, the second floor - that the property is in conformance with the ZBA interpretation of second floor residence over a commercial retail space. That the second floor residential space is owner or manager occupied. That there is
an inspection on notice, one per annum or
the Village has the right for inspection
on notice once per annum. No. 4. No
amplified music of any kind outside.
Amplified music is permitted inside but no
amplified live music. The hours of
operation would be permitted 10 to 12
midnight, subject to continuing review by
the Board. No. 5 is building permit is to
be obtained for the handicapped access and
landings and the original C of O, the
tenant must adhere to the original C of O
with regards to the limited inside and
outside, limited to 50 each.

Is there a second to that motion?

MEMBER MUNDUS: Second.

MR. PROKOP: I'm sorry, the motion
would also include lead agency status for
purposes of SEQRA and that this is a
non-listed action and would not have a
significant impact of those conditions.

CHAIRMAN MCMAHON: Yes. The motion
would include that as well. And also any
signage or changes to the building, would
be subject to approval by the Historic
Preservation Committee.

Do I have a second?

MEMBER MUNDUS: Second.

CHAIRMAN MCMAHON: All in favor?

MEMBER BURNS: Aye.

MEMBER JAQUET: Aye.

MEMBER MUNDUS: Aye.

CHAIRMAN MCMAHON: Aye.

Item No. 4 motion to approve the findings and determinations for the following projects:

Application for Rick Takemoto for restaurant use at 477 Main Street.

Application for Joann Brancato for the approval of a use evaluation as a vintage furniture and jewelry shop.

Application of John Cronin for new house construction at 101 Sterling Street.

Application of Kimberly Loper for use evaluation at 120 Main Street for a pet boutique.

Application of Tom Spurge for construction of a new house at 216 North Street.

Application of Margaret Richards for
time extension for nuisance violation at
415 Kaplan Avenue.

MR. PROKOP: Can I make a
recommendation that this motion includes
every one but Tom Spurge and you have a
separate motion for Tom Spurge?

CHAIRMAN MCMAHON: Yes. So I will
make a motion that we approval all the
items except for the Tom Spurge and we
will discuss that.

MEMBER BURNS: Second.

CHAIRMAN MCMAHON: All in favor?

MEMBER BURNS: Aye.

MEMBER JAUQUET: Aye.

MEMBER MUNDUS: Aye.

CHAIRMAN MCMAHON: Aye.

What is the issue?

MR. PROKOP: There is no issue. I
think it’s better to have a separate
motion.

CHAIRMAN MCMAHON: Okay. I need to
review that one also before I sign it.
Okay. So I will make a motion to accept --

MS. WARD: Can I state something (In
Audible).
CHAIRMAN MCMAHON: I am not going to read through all of this.

MS. WARD: (In Audible).

CHAIRMAN MCMAHON: All of the items that were approved --

MS. WARD: There was a SEQRA at the last meeting.

MR. PROKOP: We adopted SEQRA at the last meeting. That is correct.

MS. WARD: There was quite a list of petitions that were being proposed on the plans that were being submitted. I wanted to make sure those were all in front of you tonight. So that nothing was being left off accidentally. That the motion would be impaired.

MR. PROKOP: I think (In Audible) conditions that were reflected in the minutes of the meeting. If you want, I can paraphrase them for the Board.

CHAIRMAN MCMAHON: Sure.

MR. PROKOP: So the Board’s -- this is what was determined. These are the conditions. The second floor deck is limited to 5 feet deck. So it can only be
five feet of deck. No exterior stairwell.

CHAIRMAN MCMAHON: Depth. Not width.

MR. PROKOP: The next would be no exterior stairway can be built at any time including to this deck. The entry way to the house needs to be redesigned to make sure that there is at least 3 feet level at the bottom of the stairs. Excuse me, that at least 3 feet of surface at the bottom of the stairs to separate the main approach from the house from any vehicle or driveway. So at least three feet of space from the bottom of the driveway. That there were (In Audible) two dwelling units and the structure cannot be converted to a two family home. It will remain as a one family home. No second kitchen will be constructed. And the Village Planning Board has the right to an annual inspection.

MS. WARD: (In Audible) C of O.

MR. PROKOP: Okay.

MS. WARD: (In Audible).

CHAIRMAN MCMAHON: I don't have the
plans in front of me. I don't recall. It would be limited to 5 feet and --

AUDIENCE MEMBER: (In Audible) whole back of the house.

CHAIRMAN MCMAHON: I recall the issue being the depth. Not the width. I can tell you that I certainly had no intention of restricting the width. So that there would not be large parties --

MS. WARD: My understanding was the width and the depth (In Audible) balcony.

CHAIRMAN MCMAHON: No, I believe it was the 5 feet depth that was the demarkation.

MEMBER BURNS: I heard no discussion of the width.

MS. BERRY: The word width was used in the discussion. I think people were referring to the depth in the way that it was being used.

MR. PROKOP: Can I make a suggestion that the motion is to approve the written determination and request that the Village Attorney review the minutes --

CHAIRMAN MCMAHON: Yes. I certainly
know the intention was not limited --

MS. BERRY: I think she is right.

The word was used. I think the Board was referring to depth and not width. No one was talking about limiting.

MR. PROKOP: That is my suggestion.

CHAIRMAN MCMAHON: Can we put this off? I am going to make a motion to table this until the work session so that it would give me and the attorney and opportunity to discuss this. To make sure that we are accurately representing what we decided --

MEMBER MUNDUS: We don't have a stenographer tonight. Can you repeat your name.

MS. WARD: Jill Ward, W-A-R-D.

MEMBER MUNDUS: Thank you.

CHAIRMAN MCMAHON: Do I have a second?

MEMBER MUNDUS: Second.

CHAIRMAN MCMAHON: All in favor?

MEMBER BURNS: Aye.

MEMBER JAUQUET: Aye.

MEMBER MUNDUS: Aye.
Chairman McMahon: Aye.

Motion to approve the minutes from May 7, 2015 meeting.

Member Mundus: Second.

Chairman McMahon: All in favor?

Member Burns: Aye.

Member Jauquet: Aye.

Member Mundus: Aye.

Chairman McMahon: Aye.

Item No. 6 motion to adjourn.

Member Mundus: Second.

Chairman McMahon: All in favor?

Member Burns: Aye.

Member Jauquet: Aye.

Member Mundus: Aye.

Chairman McMahon: Aye.

(whereupon, the meeting concluded.)
CERTIFICATION

I, Jessica DiLallo, certify that the foregoing transcript of tape recorded meeting was prepared using required electronic transcription equipment and is a true and accurate record of the meeting.

Signature:_______________________

Jessica DiLallo

Date: June 28, 2015