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VILLAGE OF GREENPORT

COUNTY OF SUFFOLK : STATE OF NEW YORK

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PLANNING BOARD

WORK SESSION and REGULAR MEETING

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March 30, 2023

4:00 p.m. - Station One Firehouse

236 3rd Street

Greenport, New York 11944

Before:

PATRICK BRENNAN - Chairman

PATRICIA HAMMES - Member

SHAWN BUCHANAN - Member

LILY DOUGHERTY-JOHNSON - Member

DANIEL CREEDON - Member

JOSEPH PROKOP - Village Attorney

ROBERT CONNELLY - Planning Board Attorney

MICHAEL NOONE - Clerk of the Board

1 (*The meeting was called to order at 4:01 p.m.*)

2 CHAIRMAN BRENNAN: Okay, welcome. Let's get
3 started. This is the Village of Greenport Planning
4 Board worksession and regular meeting. It's March
5 30th, 2023, 4:00 PM.

6 Before we get into Item No. 1, I want to make
7 a comment on unpermitted work. And what I'm talking
8 about here is work that is done deliberately in
9 violation of Greenport Village Code.

10 So I have been advised by our Planning Board
11 counsel that when an application comes before the
12 Board where unpermitted work has been completed, the
13 Board can take notice of the violations but it must
14 review the applications as if the improvements have
15 not been undertaken and evaluated accordingly.

16 So I have no doubt that our Board can and
17 will evaluate such applications accordingly.

18 With that said, I'm dismayed when a member of
19 our community, a resident, property owner or
20 business owner, willfully and knowingly violates our
21 local ordinances by proceeding with site
22 improvements, building modifications or change of
23 use without first securing the appropriate Village
24 permits and approvals.

25 Such behavior does not engender feelings of

1 good will amongst neighbors, residents, Village
2 employees and Village officials.

3 We are a small village and we are resource
4 constrained. These type of actions waste Village
5 resources, time, energy and money, and these actions
6 show a significant disregard for the rights of
7 others to peacefully enjoy their private property
8 and public spaces.

9 Okay, Item No. 1. This is a motion to accept
10 and approve the Minutes of February 22nd, 2023,
11 Planning Board worksession.

12 MEMBER HAMMES: Second.

13 CHAIRMAN BRENNAN: Any discussion?

14 (Negative response).

15 All in favor?

16 MEMBER CREEDON: Just to say, I was out of
17 town so I'm going to abstain.

18 CHAIRMAN BRENNAN: Okay, so we'll note that.

19 All in favor?

20 (Chairman Brennan, aye. Member Hammes,
21 aye. Member Dougherty-Johnson, aye.
22 Member Buchanan, aye. Member Creedon,
23 abstain).

24 CHAIRMAN BRENNAN: Motion is approved.

25 Item No. 2 is motion to schedule the next

1 Planning Board worksession and regular meeting for
2 4:00 PM on April 27th, 2023.

3 MEMBER HAMMES: Can I have a discussion for a
4 moment on this?

5 CHAIRMAN BRENNAN: Yes.

6 MEMBER HAMMES: I think it might be prudent to
7 also schedule a separate worksession or public
8 meeting session for the first week of May. I know we
9 had talked about going back to two meetings a month.
10 It just seems like there are enough things here and
11 other things that may come up that it might make
12 sense to have that on the schedule so it can be
13 public noticed as well, unless, I guess the other
14 two members of the Board that would still be on the
15 Board at that point have a problem with this.

16 CHAIRMAN BRENNAN: Are we talking May 4th or
17 May 11th?

18 MEMBER HAMMES: I think May 4th. We usually
19 do the first week.

20 MEMBER CREEDON: For worksession or regular
21 meeting?

22 MEMBER HAMMES: I don't even know anymore. It
23 doesn't necessarily really matter. We'll just call
24 it both as well. I mean, if we ended up not needing
25 it, we can always cancel, right? But wouldn't it be

1 better to have it public noticed?

2 CHAIRMAN BRENNAN: Yes.

3 MEMBER CREEDON: Is that a Thursday also?

4 MEMBER HAMMES: Yes.

5 CHAIRMAN BRENNAN: Okay, so why don't I change
6 the motion. I'm going to retract that.

7 Let's make a motion to schedule the next two
8 Planning Board worksessions and regular meetings for
9 4:00 PM, the first one being on April 27th, 2023,
10 and the subsequent one being on May 4th, 2023.

11 MEMBER HAMMES: Second.

12 CHAIRMAN BRENNAN: All in favor?

13 (ALL AYES).

14 CHAIR BRENNAN: The motion is approved.

15 Item No. 3, 19 Front Street. We are going to
16 skip over this item because the findings and
17 determinations are not yet prepared. But this Board
18 will follow-up with the Village as soon as those
19 documents are ready, and I think we can approve
20 those outside of this meeting.

21 MR. CONNELLY: Yes, outside, right after this
22 meeting.

23 CHAIRMAN BRENNAN: Okay, we'll take care of
24 that right after the meeting.

25 Item No 4, 307 Flint Street.

1 Okay, so this is a pre-submission conference
2 regarding the application of Michael Osinski. The
3 applicant proposes a subdivision of one lot into
4 three lots, located on the southeast corner of Flint
5 Street and Fourth Street.

6 The property is located in the R-2 one and
7 two-family Residential District and is not located
8 in the Historic District. It has Suffolk County tax
9 map numbers 1001-6-8-1.2, 1.3 and 1.4.

10 So this is a pre-submission conference and
11 the application says we are to certify a subdivision
12 circa 1987.

13 So I just need to be clear that this Board
14 can't go back in time. We can only deal with the
15 here and now.

16 And I just want to clarify that this is
17 exempt from our moratorium because this is in the
18 R-2 District and it's not in the Waterfront
19 Commercial C-R or G-C Districts.

20 I don't believe there has been any SEQRA
21 determination yet.

22 MR. CONNELLY: No.

23 CHAIRMAN BRENNAN: I assume that those will be
24 a Type II.

25 MR. CONNELLY: It would be a Type II. It's a

1 minor subdivision.

2 CHAIRMAN BRENNAN: Okay, so SEQRA
3 determination to follow.

4 Is there someone, is the applicant here, who
5 would like to speak?

6 MR. OSINSKI: Yes. May I speak?

7 CHAIRMAN BRENNAN: Yes. Please come to the
8 stand and give your name and address.

9 MR. OSINSKI: Michael and Isabel Osinski, 307
10 Flint Street.

11 Just, you mentioned SEQRA. I was told that
12 SEQRA would not be needed on this, that simply
13 drawing a line has no affect on any natural
14 phenomenon at all.

15 CHAIRMAN BRENNAN: So we have to make a SEQRA
16 determination. I imagine it will likely be a Type
17 II, meaning there is no further SEQRA evaluation
18 needed.

19 MR. OSINSKI: Okay.

20 CHAIRMAN BRENNAN: If that's the case.

21 MR. OSINSKI: All right. I'm not familiar
22 with the -- I've never been to the Planning Board so
23 I'm unfamiliar with what goes on here. So I'm not
24 even familiar with the formatting. Am I supposed to
25 give a little talk?

1 CHAIRMAN BRENNAN: You are welcome to
2 introduce --

3 MR. OSINSKI: Okay. Well, the first thing I
4 want to note, as you can see, the Village, we in the
5 Village disagree about that property. Those
6 properties. Even in the notice, the Village is
7 confused. The Village contradicts itself in the
8 agenda, right. One lot into three, yet it names
9 three lots. There is already, you can look on the
10 plan. You can look at the Village map and you can
11 see clearly that the lots have already been
12 subdivided, and for over three decades we have been
13 getting three tax bills that we pay. And for, you
14 know, every one, every month we get, we have
15 multiple water hydrants on two different lots. We
16 get multiple bills for these different. So every
17 month the Village gives us multiple bills for these
18 multiple hydrants for water hydrants or hook up
19 water meters.

20 And that, you know, every year, despite the
21 Village's contention that the subdivision in 1987,
22 we know nothing about what happened in 1987, I don't
23 think anybody here does. The Village has no records
24 and they decided it was an illegal subdivision. We
25 don't know, right? We were not here and no one was

1 here.

2 But every year, even after deciding that the
3 subdivision was illegal, the Village gives us a tax
4 bill for three different lots. So it can't be, it's
5 got to be consistent every way. It can't be illegal
6 for me to get a building permit but legal for the
7 Village to make me pay taxes on three different
8 lots.

9 We are expecting the Board to, we are
10 expecting from the Village and from this Board some
11 consistency here. The Village seems to want things
12 two ways. You know, it's unequal treatment.

13 So I wanted to just introduce ourselves to
14 the Board. My wife and I, 20 years ago, we bought
15 the property 24 years ago. It was quite some time.
16 22 years ago we began at that site, the Widows Hole
17 Oyster Farm. We believed in Greenport's long
18 history as New York's oyster capital. We raised two
19 kids on the oyster farm. One graduated from Cornell
20 three years ago, is working in aquaculture research
21 at a University in Rhode Island. And the other
22 graduated from Yale in May, and he's engineering
23 John Deere's transition to electric farm vehicle
24 equipment as we speak.

25 The working waterfront has been an integral

1 part of our life for over 20 years, and there is not
2 a person, a man nor woman, anywhere in the State of
3 New York, anywhere, that has spent more time in
4 Greenport harbor than my wife. Nowhere. You can't
5 find a fisherman, a dock builder, a boat builder.
6 No one has spent more time in the last two decades
7 than my wife has spent in the water in Greenport.

8 So the kids moved on and they are working.
9 Now that we don't get any more of that free child
10 labor, right, we have run into the problem that
11 befuddles Greenport everywhere. A lack of workforce
12 housing.

13 So two years ago we proposed to the Village
14 to build a studio above our garage for some type of
15 housing there, to get a worker. But we were told
16 both by the Building Inspector and by the Village
17 Administrator, both of them suggested that we build
18 on our lots, build a house on our lots, that it
19 would be much better, much easier.

20 So we enthusiastically began the project,
21 designing a two-family home on the southeast corner
22 of Flint and Fourth Street.

23 Then, when we started on that project, you
24 know, because it took some time, we were making
25 drawings and everything, you know, we went to ask

1 for what do we need for a building permit.

2 We were then told that the lots, we were told
3 incorrectly, actually, that the lots were sub-sized
4 and we couldn't build on them. I said, well, that's
5 not right. And, then I met with the Village
6 Administrator and, you know, gave them the copy of
7 the survey that you have there. And he did a quick
8 computation, oh, I'm sorry, that's not right.

9 So both of those lots on, you know, there are
10 three lots that we are bordering on Flint Street and
11 two smaller ones are both above the mainland sites.
12 So that was resolved.

13 Then out of the blue, okay, then the next
14 thing you know, out of the blue, we were informed
15 that we could not get a building permit because the
16 lots were incorrectly subdivided five decades ago.
17 I never heard of such a thing. You know, you can
18 imagine how shocked we were to be told that, after
19 paying taxes for close to three decades, that, you
20 know, that the lots were not subdivided, by the same
21 people that are forcing you to pay taxes, right.

22 So we began doing some research and went to
23 the Town to find out when the subdivision occurred
24 exactly what had gone on, because the Village had no
25 records of anything. No records. The Village has

1 made all these decisions without having any records
2 of anything. And lack of records are rampant in the
3 Village. I think everyone knows that. But somehow
4 from the lack of records, they have gone on to
5 theorize that things were done wrong.

6 And maybe I don't know what is going on in
7 this Village, and perhaps, is this an unusual
8 circumstance for the Board? Has the Board ever
9 encountered this circumstance?

10 MEMBER DOUGHERTY-JOHNSON: Not the
11 subdivision, but we have encountered records not
12 existing.

13 MR. OSINSKI: Yes, but has anybody ever come
14 here to re-subdivide something that was subdivided
15 50 years ago?

16 MEMBER HAMMES: We have not had a subdivision
17 on this Board as long as I have been on it.

18 MR. OSINSKI: Well, our neighbors nearby
19 within the last five years did. But I would like to
20 clarify, does this ever occur for anybody else that
21 some error was made 50 years ago and you got to go
22 through, you know, spend all these thousands of
23 dollars going through this? The answer I guess is
24 no, that we are unique in that regard.

25 Okay, so -- and we went around to all our

1 neighbors, and everyone was dumbfounded.

2 Scott Russell was very helpful. He said he
3 doesn't know what goes on in the Village, but this
4 is ridiculous.

5 So we talked to our neighbor, immediate
6 neighbor to the south of us, JB Mills, who was on
7 the Planning Board in the 1980s, and he said this is
8 ridiculous. That in the 1980s, he was on the
9 Village Planning Board, and the Village lawyers, I
10 guess one of these guys is a lawyer, I don't know,
11 will agree that in the 1980s the Village had no law
12 regarding subdivisions. That that law was added
13 later. And so that the Planning Board officials,
14 all the Planning Board, in the 80s, when someone
15 came to them with a subdivision, they told them we
16 don't do subdivisions, you go to the county and
17 file. Make sure the lots are the right size and
18 that's what you do. That's what the Village Board
19 was telling people in the 1980s.

20 And now somebody is saying, some lawyer, I
21 don't know who it is, whether it's Mr. Prokop or
22 somebody else, is saying that was illegal. But it
23 was what the Board was doing.

24 Okay, so you know, we are just again totally
25 shocked by what is going on. But, you know, we live

1 in this community, we want to respect the will of
2 the community. We feel like, you know, we built
3 this oyster farm out of nothing. And we don't, we
4 are not intrusive in any way.

5 People would, as a matter of fact, ten years
6 ago, we built a dock, and we had to sue the Village
7 Board to build it. The Board tried to, you know,
8 limit our right to farm, which is illegal in the
9 State of New York. And, of course we won that suit,
10 but it was very expensive to do.

11 But in that suit, what were we trying to do?
12 We were trying to move the operation, we owned a
13 third lot, a fourth lot, actually, underwater lot,
14 that is Waterfront Commercial. We spent half a
15 million dollars to move the entire operation away
16 from our neighbors so it would not be obtrusive in
17 any way.

18 And oddly enough, just last year, I was
19 picking up garbage on the west side of, stuff that
20 blew in on the west side of Widows Hole, and one of
21 the neighbors who complained about our dock said,
22 hey, I haven't seen you in a long time. Are you
23 still in oyster farming business? I said, yeah,
24 we've had our best year ever. But they don't know,
25 because we spent so much time, money and effort to

1 move stuff away from our neighbors, to be
2 unobtrusive. So there is no noise, no activity that
3 anybody can see. And we liked it that way. You
4 know.

5 So, as I said, every month we get the bills
6 for multiple water and sewer bills, for multiple
7 lots. Every year, despite Mr. Prokop's assertion
8 that the lots are illegal, we continue to get three
9 tax bills.

10 So is the Village committing illegal acts by
11 taxing us on an illegal property? Is that what is
12 going on here? Can somebody give me a legal opinion
13 on that?

14 MR. CONNELLY: No.

15 MR. OSINSKI: What do you mean no? You can't
16 give your opinion?

17 MR. CONNELLY: You have three lots here,
18 right?

19 MR. OSINSKI: Yes.

20 MR. CONNELLY: There are no records in the
21 Village of how they became subdivided. It looks
22 like deeds were probably filed some time in the 80s
23 with the Suffolk County Clerk.

24 MR. OSINSKI: Probably. Probably. But you
25 don't know.

1 MR. CONNELLY: Well, that's the only way that
2 you can get three separate tax map numbers, because
3 the county assigns tax map numbers.

4 MR. OSINSKI: But there is no other record in
5 the Village of what transpired. I don't know
6 either. I wasn't here in the 80's. So there is no
7 record. So the assumption is something illegal
8 happened?

9 MR. CONNELLY: Nobody is saying anything
10 illegal happened.

11 MR. OSINSKI: Yes, but Mr. Prokop -- excuse
12 me, but that's not correct. And I'll read from Mr.
13 Prokop's letter.

14 MR. CONNELLY: Mr. Prokop will be here in
15 about ten minutes, so.

16 MR. OSINSKI: Here is his letter saying that
17 there -- and indeed it was an illegal action, you
18 know, did not cause or result in a legal -- in an
19 illegal subdivision of the property. That's his
20 words.

21 So is the Village committing an illegal act
22 by taxing me on illegal property?

23 CHAIRMAN BRENNAN: I can't answer that, Mr.
24 Osinski. I can't advise you on that. I'm not an
25 attorney. But I do appreciate all the background

1 and I do think I have a good understanding of your
2 situation.

3 MR. OSINSKI: Okay.

4 CHAIRMAN BRENNAN: This Board has a process
5 and if you are willing to work with us, we'll work
6 through this process and perhaps you'll be
7 satisfied.

8 MR. OSINSKI: I hope to be. I'm willing, I
9 paid the fees. I mean, it's a non-trivial fee. And
10 it could be more. It could be thousands more, for
11 me to get a building permit on a property I've been
12 paying taxes on for decades.

13 So what we've gone, my wife and I, and
14 family, have gone from happily designing a house for
15 our waterfront workforce, to an Alice-In-Wonderland
16 saga of what happened 50 years ago. You know?

17 The only thing illegal that we see on our
18 property along Fifth Street is the Village of
19 Greenport's illegal storm water culvert. If you
20 look closely on the map, in the middle of Flint
21 Street, there is a culvert on our property that
22 dumps storm water on our property. It drains on the
23 private property without an easement. That is
24 illegal. The Village Attorney agrees that's --
25 every time it rains, the Village commits a criminal

1 trespass against us.

2 Not only that, but they also violate state
3 law by having untreated storm water, because our
4 property drains, if you look closely, it goes right
5 into Widows Hole. So the Village is committing two
6 criminal acts every time it rains. It's putting
7 illegal, it's an illegal trespass because they have
8 no right, they have no easement on our property to
9 dump that storm water, and when they dump it on our
10 property, illegally, it then goes into the state,
11 into the water, into the bay, illegally, in
12 violation of state law.

13 MEMBER CREEDON: Are you talking about the one
14 at the end of Brown Street?

15 MR. OSINSKI: No, I'm talking about the one in
16 the middle of Flint Street that goes onto our
17 property. Look on the drawings. It's right there.

18 Okay, so, the Village doesn't care about laws
19 that are being broken today against us, but it
20 cares, it supposedly cares about something that
21 probably or maybe happened illegally 50 years ago.
22 So that's the case, right?

23 I pointed it out to Mr. Prokop. If you look
24 closely, again, at that drawing, one of our
25 neighbors has a garage that is 18 inches from the

1 boundary. Now, how did that happen? Well, guess
2 what happened after I pointed that out? I made a
3 complaint. Guess what happened? Mr. Prokop gave
4 them a C of O. How do you like that?

5 So something that happens 50, 60 years ago,
6 to my detriment, totally ignored. No problem, give
7 the guy a C of O. But me and my wife and my family,
8 we've got to spend thousands of dollars. I mean,
9 and I talked to Mr. -- the Chair of this committee,
10 am I making a mistake for not getting a hearing.
11 Because I don't want to go through this process. I
12 don't want to spend ten -- that's what a lawyer
13 wants, \$10,000. And I think that is a more
14 egregious, you know, payment that we have to make.
15 For what? Right? For what?

16 The Village violates, commits an illegal act
17 against us and the State of New York every time it
18 rains. The neighbor builds something 18 inches
19 away, and that thing burned down, that garage burned
20 down about the same month I bought the property, in
21 1999. And the Village allowed it to be rebuilt. 18
22 inches from the property line.

23 The guy built a shower. His kids were
24 showering on our property. When I asked him about
25 it, oh, I must have accidentally dug up a boundary

1 marker. Come on. Accidentally.

2 So come on. We are just asking, as good
3 neighbors, that we feel like we have been good
4 citizens of Greenport. There was nobody growing
5 oyster here 20 years ago. Now you can't drive down
6 the street without seeing oysters for sale. All the
7 way from here to Riverhead. Not on the south fork.

8 We are the working waterfront. We want to
9 build workforce housing. I have heard so many
10 people stand up and say I'm for the working
11 waterfront. I'm for workforce housing. But at the
12 same time, the Village is denying us this, what we
13 consider our right.

14 We are not asking for grants. We are not
15 asking for any public money. We are asking for our
16 own right to build on property that we own and pay
17 taxes on. And have worked hard to maintain.

18 We maintain that in a beautiful fashion.
19 People, sometimes we go up to those empty lots, and
20 there's people in there and they say, oh, we thought
21 these were public gardens. We built gardens and
22 orchards in there. Now it's time for us, we need,
23 you know, we need workers, we need people to work on
24 the farm. And we need to use that property. And we
25 feel that we have that right.

1 So we are asking this Board to look at our
2 side of this position, not just what the Village
3 lawyer tells you. He only gives you advice. You
4 can see what the Village lawyer's advice did to this
5 last election. It turned it, you don't have to
6 listen to -- they don't make decisions. The Board
7 makes the decision. The lawyers give advice and
8 they gave some egregiously bad advice about this
9 last election. Turned this Village into a laughing
10 stock. It's up to you as members of the Board to
11 look at all the facts here.

12 And we want to work together and be in
13 harmony with our neighbors. And we think we have
14 been, for many years.

15 CHAIRMAN BRENNAN: Okay. Thank you, Mr.
16 Osinski. So let us do our work and --

17 MR. OSINSKI: Thank you, very much.

18 CHAIR BRENNAN: Would you mind staying there
19 for just a moment.

20 MR. OSINSKI: Sure.

21 CHAIR BRENNAN: Would anyone on the Board like
22 to ask the applicant any questions while they are
23 still at the podium?

24 MEMBER HAMMES: I don't know if it's a
25 question. It may be that I need Rob to weigh in

1 here. I hear everything you said, and I, you know,
2 I have sympathy for you. Um, but I also as a
3 Planning Board member have to comply with provisions
4 of the Code, right, relating to what the Planning
5 Board can and cannot do.

6 So it's not a question of what Prokop tells
7 us to do or not do. It's a question of we have
8 Code, if it's something that is referred to us, we
9 have to comply with the Code. That's what we have
10 to do. Including a whole chapter on subdivisions.

11 So I read this, the subdivision, without
12 having had the background, and I looked at what you
13 submitted, and I did this because I didn't have a
14 background and I wanted to figure out, kind of this
15 was the first subdivision that's come before the
16 Board since I've been on the Board, what was the
17 process for a subdivision, as opposed to what we
18 normally do, which is site plan or conditional use
19 reviews.

20 And, you know, some of the stuff is somewhat
21 technical in that there is a process laid out that
22 requires versus sketch plan and a preliminary plot
23 and a final plot, and I guess with times built in
24 for all those.

25 And I guess partly a question for our

1 attorney, but I assume, if the Village is basically
2 taking the position that there is no current
3 subdivision, this has to go through the subdivision
4 process, then it has to go in accordance with the
5 terms of the Code.

6 And then the question becomes, you know, it's
7 supposed to start with a sketch plan. Is this the
8 sketch plan. And some of this is technical
9 requirements and maybe the Planning consultant could
10 look at this and tell us if this satisfies the
11 requirements or not.

12 MR. CONNELLY: Right. I think we definitely
13 need the Planning consultant to opine on it.
14 Whether or not it meets the requirement of a sketch
15 plan. I don't know, I have not seen the survey.

16 MEMBER HAMMES: I mean, I agree with Chairman
17 Brennan that we would like to work with you and
18 resolve this as quickly as possible. But I also
19 don't, and obviously would be interested in my other
20 Board members' views, but I don't see how we do that
21 outside of the confines of Chapter 118.

22 MR. OSINSKI: So you say there's a sketch
23 plan and then there is what after that?

24 MEMBER HAMMES: A preliminary plat and then a
25 final plat.

1 MR. OSINSKI: Well, aren't we at the final
2 plat stage, since it's already been surveyed and --
3 can't we skip those two?

4 I mean, you are looking at, it's on the
5 Village, go to the Village website. It's there.
6 You are already there. Okay? We are at the end
7 stage of all that.

8 You can, you know, mince about details, but
9 not only are we there, but --

10 MEMBER HAMMES: We can't get the preliminary
11 plat plans. That requires a public hearing with
12 public notice.

13 MR. OSINSKI: Well, I'm just saying that
14 drawing that you have suffices for all three of
15 these things.

16 CHAIRMAN BRENNAN: It may very well.

17 MR. OSINSKI: And I'm already paying taxes on
18 this as we speak.

19 CHAIRMAN BRENNAN: Understood.

20 MR. OSINSKI: The tax process has not stopped.
21 You may be wondering about, I mean, does anybody
22 wonder about why I'm already paying taxes on it as
23 we speak? Is that a question?

24 MEMBER HAMMES: I don't believe you are the
25 only property in the Village that is in that

1 position.

2 MR. OSINSKI: Is there others?

3 MEMBER HAMMES: My understanding is there may
4 be at least one other property.

5 MR. OSINSKI: And that's why I'm here.

6 MEMBER HAMMES: No, I don't think so. The
7 Village has made the determination at a level, at
8 the Building Inspector level, I mean the
9 administration level, that there is not a
10 subdivision in place.

11 MR. OSINSKI: Well, that was, these are the
12 same, the Building Inspector and the Village
13 Administrator told me to build there. And then they
14 told me that it was not the right size, which was
15 erroneous, and now they are telling me it was not
16 subdivided 50 years ago.

17 (Audience member is making comments).

18 CHAIRMAN BRENNAN: This is not a public
19 hearing.

20 (Audience member is making comments).

21 MS. OSINSKI: Can I speak?

22 CHAIRMAN BRENNAN: Yes, you may.

23 MS. OSINSKI: My name is Isabel Osinski, I'm a
24 partner on the oyster farm. 307 Flint Street.

25 As you can see, it's very befuddling, you

1 know, this dilemma of why are we taxed, why is it
2 not one property. How are you supposed to subdivide
3 three properties? I mean, we can't even subdivide.
4 There is three legal, there's three properties with
5 three tax IDs, you can't subdivide property one into
6 three, and you can't, it's, and the whole time we
7 are paying taxes. Are we going to get a refund on
8 our taxes that for 20 years we paid taxes? Because
9 now we are going to make it legal? Are you going to
10 make it whole now?

11 I mean, as you can see, it's extremely
12 frustrating. Because all we want to do is build
13 workforce housing and support working waterfront. I
14 mean, we are working waterfront.

15 You know, working waterfront is, you know, we
16 see a lot of people growing oysters and oysters in
17 Greenport, and that was not there 25 years ago
18 before we started.

19 In fact, people were like what are you doing,
20 you know. So we have really worked hard to prove
21 that the model works, that oysters are viable, that
22 we can create world-class oysters that are desirable
23 in New York City. And we had to sue for the right
24 to farm. And it's very frustrating and I'm really
25 confused as to how you can look at a map that has

1 three parcels in it and say there are not three
2 parcels there. And then I look at my tax thing and
3 there are three parcels there, and they are
4 buildable.

5 And when we bought the house, you know, the
6 former guy, he was not trying to do anything wrong,
7 he said they are buildable lots. Anyway, that's,
8 thank you. I hope that you can resolve this
9 because, you know, maybe you can give us the money
10 back, too, for our taxes.

11 CHAIRMAN BRENNAN: Thank you, for your
12 comments. So, again, I appreciate your frustration.
13 This Board does have a process, and if you are
14 willing to work with us, we'll work through this
15 process.

16 I have looked at your survey. It strikes me
17 as a fairly straightforward subdivision in terms of
18 the lot sizes, the lot areas, the required frontage.
19 But nevertheless, um, you have to be willing to work
20 with this process. We'll go through the steps and
21 hopefully you'll have an outcome that satisfies you.

22 MR. OSINSKI: I hope so.

23 CHAIRMAN BRENNAN: Thank you. Would other
24 members like to discuss this?

25 MEMBER DOUGHERTY-JOHNSON: I just have one

1 thought on this. Are there county and/or newspaper
2 records on this that would be helpful? The county
3 should have a record, correct?

4 Or that wouldn't make a difference because
5 the Village is just saying --

6 MR. CONNELLY: The County probably just has
7 the deeds that transfers the one property into
8 three.

9 MEMBER DOUGHERTY-JOHNSON: Okay.

10 CHAIRMAN BRENNAN: My feeling is that our time
11 would be best spent on working through the
12 subdivision process that we have, working with the
13 applicant, and completing this process rather than
14 trying to go back and litigate what happened in the
15 past.

16 MR. OSINSKI: Can I ask a question about the
17 subdivision process. I would like to ask a
18 question. Is there a, because I went and got this
19 form, but there used to be a subdivision form. Is
20 there a subdivision form?

21 CHAIR BRENNAN: I'm not familiar with the
22 form, myself. I don't know.

23 MR. OSINSKI: Okay, because I don't, on this,
24 where the, your public notice says there is one lot.
25 And on your agenda. But there is not one lot. And

1 we all agree it's not one lot. So your notice is in
2 error.

3 There is no one lot. There is no magic big
4 one lot except in the mind of the Village lawyer.
5 There is no such thing. It doesn't exist legally.
6 It doesn't exist when I pay taxes. And it doesn't
7 exist when I pay my water bills. It doesn't exist
8 when I pay my sewer bills every month. It only
9 exists in the imagination of the lawyer.

10 So there is no one lot to subdivide. I think
11 you need to grasp that question when you talk about
12 subdivisions. That one lot doesn't give -- as a
13 matter of fact, on the notice where it says, on the
14 agenda here, where you say one lot, you then proceed
15 to give three lots. You don't give one lot. The
16 reason why you don't give one lot is because there
17 is not one legal lot. That doesn't exist.

18 So you have to really look at this and see
19 the inconsistencies in your own public, your own
20 agenda that is right in front of you. That one
21 paragraph in and of itself is inconsistent. This is
22 not a trivial matter.

23 CHAIRMAN BRENNAN: I don't think it is at all.
24 I understand that you would like to use your
25 property the way you would like to, maybe you would

1 like to develop it, and you need to tell us if you
2 want to work through this process.

3 MR. OSINSKI: I have no choice, I'm not going
4 to sue -- you know, I have no plan on suing the
5 Village. None. I have been down that road, I won,
6 and it cost me a hundred-thousand dollars. You know,
7 so what is that.

8 By the way, that one lot that I want to build
9 a house, it already gets water from the Village.
10 It's got its own water meter already.

11 The Village -- oh, the permits, that's
12 another thing. So over the 20 years that I've lived
13 here, I've got at least a dozen permits from the
14 Village of Greenport for these subdivided parcels.
15 I've gone to the Village Board, all the farming, all
16 the docks that I've built, and they all note the
17 subdivided parcels. Not one of them says, oh, this
18 is really one lot. No, no, no. And the fence that
19 goes around the parcel notes all three of them. And
20 I even have a shed on the second property there, it
21 used to have a building permit in the Village Hall.
22 That disappeared, by the way. Very cleverly
23 disappeared when I first heard about this process.
24 It was there, you know, two years ago, now it's not
25 in my folder anymore.

1 So, you know, there is a lot of stuff here
2 that just doesn't make sense. And I hope that you
3 guys can expedite this and certify that these lots
4 are legal, that they are, the Village is constantly
5 paying tax and at the same time, you know, we are
6 all talking, you have a procedure, you have laws,
7 but you are blatantly, the Village, not you, but the
8 Village blatantly ignores my private property and
9 they illegal, every time it rains the Village
10 creates a criminal act of trespass and they violate
11 state law. But nobody cares about that. Nobody
12 cares about that. That's fine. Something is wrong
13 here.

14 Nobody cares in the Village about how
15 somebody was allowed to build 18 inches from the
16 property line. Oh, we'll just give him a C of O.
17 Right, Mr. Prokop? You gave him a C of O, didn't
18 you? After I lodged a complaint. Mr. Prokop? I'm
19 talking.

20 Did the Village give my neighbor a C of O on
21 that garage that is eighteen inches away?
22 Retroactively. 50 years?

23 (Mr. Prokop and Mr. Osinski are talking
24 over each other).

25 MR. PROKOP: First of all, I can't answer that

1 question, it's a matter that you have asked the
2 Village to review for some time, and the Village has
3 reviewed it. I can't answer that question.

4 MR. OSINSKI: What was the outcome of the
5 review?

6 MR. PROKOP: I don't recall. I have to go
7 back and look at the file.

8 MR. OSINSKI: You told me over the phone that
9 the Village was going to give him a C of O. To the
10 detriment -- you even allowed someone to build a
11 buildings eighteen inches, give him a retroactive C
12 of O from 70 years ago, from a structure 70 years
13 ago, to the detriment of our property. That's what
14 you told me. Now all of a sudden you can't
15 remember?

16 CHAIRMAN BRENNAN: Mr. Osinski --

17 MR. OSINSKI: I'm sorry, I don't want to be
18 irritating. We want to work with our neighbors. We
19 feel that we've always worked with our neighbors,
20 and we are petitioning the Board as our neighbor to
21 see the full extent of this situation here and to
22 act in what you think is the most common-sensical in
23 the best interest of everyone.

24 CHAIRMAN BRENNAN: Thank you.

25 MR. OSINSKI: Thank you.

1 CHAIRMAN BRENNAN: What I suggest that we do
2 is review the provisions for the subdivision, and I
3 understand that there will be a public hearing
4 involved at some point, and we can move this on to a
5 public hearing, provided that we are satisfied. Do
6 you mind if I look at this? (Perusing). Provided
7 that we are, that the documents submitted to date
8 satisfy those requirements.

9 So I would like to look at this outside of
10 this meeting and then we can move on to a, schedule
11 a public hearing that is required.

12 So the notice requirements for the next
13 public hearing, what would be deadline for meeting
14 the April 27th meeting?

15 MR. NOONE: The 27th meeting, I would have to
16 get, it would have to be in the Suffolk Times by the
17 13th. So I would have to get it, the deadline would
18 be to get it into the Suffolk Times -- no, it would
19 be the 6th would be the -- the 6th to get into the
20 Suffolk Times on the 13th. So the 6th would be the
21 deadline it would have to go --

22 CHAIR BRENNAN: April 6th.

23 MR. NOONE: Yes.

24 CHAIRMAN BRENNAN: That's next Thursday.

25 MR. OSINSKI: I'm sorry, I'm not trying to be.

1 But, I'll ask the lawyer. In this public notice,
2 what lot are you going to say needs to be
3 subdivided? How are you going to phrase that? I
4 would like to hear that.

5 MR. CONNELLY: To ratify a subdivision.

6 MR. OSINSKI: There you go. That's what I
7 want. Exactly. That's what I want. That's what we
8 want is to ratify an existing. Because there is no
9 lot to subdivide, right? We all agree on that.
10 Okay. Good.

11 CHAIR BRENNAN: So let me just ask my fellow
12 Board members. Do you feel like between now and the
13 6th that we could resolve this process and get the
14 applicant's project up for public hearing?

15 MEMBER HAMMES: As long as we can confirm that
16 this satisfies the requirements of 118-5, it would
17 be, from my perspective, it would be fine to move
18 ahead with scheduling a public hearing and hopefully
19 making a decision at that time. Based on that
20 document.

21 But based on, the question, whether the
22 consultant can get back to us in time. Hopefully
23 they could.

24 MEMBER CREEDON: It seems to me we need to
25 alter the language in this motion, right? Because,

1 I mean, from everything I've heard, the lots are
2 already three lots.

3 MEMBER HAMMES: Well, there are three tax
4 lots.

5 CHAIRMAN BRENNAN: Okay, we are not making it
6 a motion. This is just a pre-submission conference.
7 So if there is a public notice, the language of the
8 notice will have to be correct.

9 MEMBER CREEDON: And that made more sense
10 ratifying the present condition, which I think is
11 what Mr. Osinski is looking for, rather than
12 subdividing. That was troubling me the whole time.
13 Am I not correct?

14 CHAIRMAN BRENNAN: Are you correct? I don't
15 know.

16 MEMBER CREEDON: Okay.

17 CHAIRMAN BRENNAN: So I think I would like to
18 consult with our Planning Consultant, and like I
19 said, I think this Board is prepared to try and move
20 this forward the next few days so that we can keep
21 on schedule. So, to keep the process moving
22 forward.

23 Are there any other comments or questions?

24 MS. OSINSKI: Does a ratification need a
25 public hearing?

1 CHAIRMAN BRENNAN: I think I need to answer
2 that question, and I don't know the answer right
3 now. This is, this is not something we come across
4 every day. It's not a lot of subdivisions.

5 MS. OSINSKI: Well, fortunately for everybody
6 else.

7 CHAIRMAN BRENNAN: So I need a little time to
8 dig into this a little bit more and get the right
9 answers.

10 MS. OSINSKI: Okay. And I'm glad this lawyer
11 come up with the word "ratification," because that
12 is what it is.

13 CHAIRMAN BRENNAN: Thank you.

14 I would like to move on to the next item.
15 All right, we are at Item No. 5, 123 Main Street.

16 This is a pre-submission conference regarding
17 the application of Anthony "Buddy" DeMarco.

18 The applicant proposes to open a clothing
19 store, "Saltwater Long Island," in the space vacated
20 by the former clothing store Creations by Lisa. No
21 structural changes are planned.

22 This property is located in the C-R Retail
23 Commercial, and is also located in the Historic
24 District. This is Suffolk County tax map
25 1001-5-4-33.1.

1 This is a pre-submission conference. This
2 has been determined to be exempt from the
3 moratorium. Even though it's in the Waterfront
4 Commercial District, this meets the exception as no
5 change of use.

6 So the past use and the proposed use are more
7 or less the same. And this project has been deemed
8 to be allowed to move into the planning process.

9 As far as I know there is no SEQRA
10 determination at this point. Is the applicant here?
11 Would you like to speak?

12 MR. J. DEMARCO: Joe DeMarco. So we have been
13 coming here. So we have two stores in Long Island,
14 we want to open a third here in Greenport. We have
15 been going to the maritime festival for the past two
16 years and it seems like the community always loved
17 when we are here. And then when 123 Main Street
18 became available it seemed like the best next spot
19 for us to continue to grow our family business.

20 MEMBER HAMMES: Could you give us a little bit
21 more description of what you are going to be
22 selling? It says in the application retail sales
23 goods and clothing used in connection with boating
24 and fishing.

25 MR. J. DEMARCO: Yes. So five years ago we

1 started this brand and we've made clothing from the
2 fabric itself to the final garment, so it has kind
3 of a nautical/boating/fishing kind of feel to it.
4 So a lot of the stuff are used for like, you know,
5 sun protection and going on the boat, having a great
6 time, kind of vacation, resort-type wear.

7 MEMBER HAMMES: I mean, one of the reasons I'm
8 asking is that one of the permit uses in W-C is for
9 retail sales of equipment, goods, supplies,
10 materials for workers, tools and parts used in
11 connection with boating and fishing. And based on
12 their application, if what they are doing is they
13 are selling things and goods, clothing-related to
14 boating and fishing, I would question whether this
15 is even a conditional use and doesn't fall within
16 the permitted use which would not require any
17 approval by this Board.

18 MR. J. DEMARCO: What does that mean?

19 CHAIRMAN BRENNAN: So if it goes from the
20 current use, which is a conditional use, to a
21 permitted use, you are saying it would be exempt
22 from the moratorium?

23 MEMBER HAMMES: I don't think a permitted use
24 requires any approval, is what I'm saying.

25 MEMBER DOUGHERTY-JOHNSON: It would be exempt

1 from having a public hearing, I think, is what she's
2 saying.

3 MEMBER HAMMES: Which is why I asked the
4 question about what they're selling. I mean, the
5 prudent thing might be, I mean this is going to be a
6 call for you at the end of the day, for you to be
7 comfortable. If you think that what you are selling
8 doesn't fall strictly within what the language I
9 just read, then you would want to continue this
10 process and get your conditional-use approval.

11 But if what you are selling falls within the
12 retail sale of equipment, goods, supplies,
13 materials, tools, parts used in connection with
14 boating and fishing, it would be a permitted use and
15 you would not need any approval under the code.

16 MR. J. DEMARCO: Gotcha.

17 MR. CONNELLY: Right.

18 MEMBER CREEDON: I have a question about that.
19 If they were to do go that way and forego Planning
20 Board approval, would that limit them being able to
21 expand their --

22 MEMBER HAMMES: They would only be able to
23 sell things within that category. That's why I'm
24 saying it's kind of their call if you wanted to
25 review the process.

1 MR. J. DEMARCO: Right.

2 CHAIRMAN BRENNAN: Right. So I discussed this
3 at length with the Village Administrator and our
4 Planning Board secretary, because -- I didn't
5 discuss it with the applicant. But I believe the
6 Administrator's feeling at the time was hat this
7 would be more of a clothing store and less of a
8 boating-goods type thing. We wanted to make sure
9 that the applicant is applying for exactly what they
10 want to do.

11 So if they want to sell clothing and they
12 also secondarily have kind of a boating aspect to
13 it, hats or sun protection, something like that,
14 that's all fine. And I think the conclusion that we
15 came to at the time was that this is more like a
16 clothing store as was Creations by Lisa, I believe,
17 and so it would be changing from a conditional use
18 to a conditional use and that's what we have with
19 the application here.

20 So I initially thought the same thing, as
21 you, that we can could go from a conditional use to
22 a permitted use. I just didn't want to box the
23 applicant into a sales strategy that was not exactly
24 what they are trying to do.

25 MEMBER HAMMES: I don't disagree with you. I

1 mean, I'm just trying to explain. I mean, the
2 process, if you want to continue with the process,
3 we'll have to schedule a public hearing, which would
4 be next month, then we can presumably, most likely,
5 make a decision at that time.

6 If you took the position that you wanted to
7 stick with the permitted use, as defined, then you
8 would not need to go forward. But if you sold
9 something, if it fell outside of that, it would be
10 in violation of the code.

11 MR. J. DEMARCO: I don't know. It's a gray
12 area there, so I really don't know.

13 MEMBER HAMMES: I think what Patrick is saying
14 is based on the advice of the Village and counsel of
15 this Board, the view is it would be safer for you to
16 proceed with this process, which is why you put it
17 on the agenda.

18 MR. A. DEMARCO: Buddy DeMarco. Anthony. We
19 want to do the right thing for the Town. We want
20 people to accept this and like this. So if we sell
21 a pair of underwear at Christmas time, would that be
22 an issue. UV underwear? So maybe it makes it -- so
23 we want to be in line with the Town. We don't want
24 a knock at the door six months later or three months
25 later. Except for the fact do we open up sooner and

1 go for the change of use in the next meeting, so we
2 could open up sooner? You know, I mean, that's just
3 a thought.

4 MEMBER HAMMES: Well, I mean, I guess the
5 answer is you would be taking the risk somebody
6 would come in if you opened up tomorrow saying you
7 are applying for a conditional use, why are you
8 doing that if you are really a permitted use.

9 MR. A. DEMARCO: I mean, for example, this
10 jacket that I have on, this vest that I have on, is
11 water repellent. Can it be worn, you know, I'm a
12 boater, my life growing up on the water was me, my
13 dad, you know, together we would boat out to
14 Greenport, and this stuff I would wear, 50 years
15 ago, it was probably a wind breaker. Probably called
16 it something else.

17 So the idea behind the brand is that coastal
18 comfort wear and stuff. We're not selling ropes,
19 we're not selling tackle, we're just selling coastal
20 comfort clothing. Our shorts are water resistant.
21 Quick drying. So the brand is definitely built
22 around that coastal comfort clothing.

23 So define that for me, if it's something, I
24 don't know the answer. We want to do the right
25 thing by the Town.

1 MEMBER HAMMES: The safest thing would be --

2 MR. NOONE: You'll have to go to Historical
3 Preservation for the sign for the store on the 20th
4 and we meet on the 27th. So either way. It's
5 probably safer to.

6 MR. A. DEMARCO: Okay, we appreciate that.

7 CHAIR BRENNAN: Yes, we are not trying to make
8 it a difficult process for you. I really just want
9 to make sure you understand with the store that
10 suits your, what you are trying to do and sell.

11 It may take a little bit of time. But we do
12 have to schedule a public hearing. I don't see this
13 as a complicated application, I'm not.

14 MEMBER HAMMES: There is no reason not to
15 schedule it for April 27th.

16 CHAIRMAN BRENNAN: We can put it on the next
17 calendar month. So I would suggest you go that
18 route.

19 MR. A. DEMARCO: Perfect. We want you guys to
20 all be our customers, so.

21 CHAIRMAN BRENNAN: Okay, does anyone else have
22 any questions for the applicant while he's before
23 us?

24 (Negative response).

25 CHAIR BRENNAN: Thank you.

1 MR. A. DEMARCO: Thank you, for your time.

2 MEMBER HAMMES: Welcome to the community.

3 MR. A. DEMCARCO: I appreciate that.

4 CHAIR BRENNAN: Any other discussion on this
5 applicant?

6 (No response).

7 CHAIRMAN BRENNAN: Okay, so the next step
8 would be to put this on the agenda for public
9 hearing.

10 MEMBER HAMMES: Do we need to have a motion to
11 bring these for public hearing?

12 MR. CONNELLY: You should.

13 MEMBER HAMMES: Just this one or the other
14 one, too?

15 CHAIRMAN BRENNAN: We didn't decide that.

16 MEMBER HAMMES: That's right. This one we did.
17 This one we can schedule, right?

18 CHAIRMAN BRENNAN: Yes.

19 MEMBER HAMMES: Okay.

20 CHAIRMAN BRENNAN: Go ahead.

21 MEMBER HAMMES: So I'll put forth a motion to
22 schedule a public hearing on April 27th in respect
23 to the application for 123 Main Street for Saltwater
24 Long Island. Do I have a second?

25 CHAIRMAN BRENNAN: Second.

1 MEMBER HAMMES: All those in favor?

2 (ALL AYES).

3 CHAIRMAN BRENNAN: Motion is approved.

4 MEMBER DOUGHERTY-JOHNSON: Is this C-R retail?

5 MEMBER HAMMES: Saltwater Long Island?

6 MEMBER DOUGHERTY-JOHNSON: Yes. On the agenda
7 it says located in the C-R Retail Commercial.

8 CHAIRMAN BRENNAN: I think it's W-C. We want
9 to make sure we correct that for the public notice.

10 MEMBER HAMMES: It is W-C.

11 CHAIRMAN BRENNAN: Mike, do you see that?

12 MR. NOONE: Yes.

13 CHAIRMAN BRENNAN: It doesn't change anything,
14 our discussion. But thank you, it's a good point.

15 All right, we are on to Item No. 6, 308 Front
16 Street. This is a public hearing regarding the
17 application of Sophia and Michael Antoniadis on
18 behalf of On Front Street LLC.

19 The applicant proposes to alter the interior
20 of the property to create separate yoga, Pilates,
21 private treatment rooms, bathrooms and office
22 spaces, and possible storage areas in both the
23 basement and attic.

24 The property is located in the C-R Retail
25 Commercial District and is not located within the

1 Historic District. This is Suffolk County tax map
2 number 1001-4-8-34.2.

3 All right this is a public hearing. This is
4 exempt from our moratorium because it is my
5 understanding that the Village Board approved a
6 hardship exemption on March 23rd, 2023.

7 Mr. Connelly, is that correct?

8 MR. CONNELLY: That's correct.

9 CHAIRMAN BRENNAN: This has been determined to
10 be a Type II action for the purpose SEQRA, so no
11 further SEQRA review is required.

12 We have comments from our consulting planner
13 LKMA that date back to November 17th, 2022. But I
14 would like to read those into the record now,
15 because I don't think we did that in the past.

16 Okay, I'm going to be reading from a planning
17 memo prepared by LK McLean Associates.

18 I have the response. This is a dated
19 November 17, 2022.

20 Project Description: Applicant seeks to
21 change of use to yoga and Pilates studio with
22 interior alterations.

23 The prior use of the building was a
24 para-psychology foundation and library. There is a
25 basement proposed for use for storage.

1 The survey of the existing building provides
2 it indicates it occupies the entirety of a lot of
3 3,778 square feet. There is no onsite parking area,
4 nor is one required pursuant to Village Code. There
5 are no landscaped or other exterior areas.

6 Comments and Recommendations: The standards
7 of site plan development consideration and approval
8 are contained within Section 150-30 of the Village
9 Code, which requires that the Planning Board take
10 into consideration public health, safety and welfare
11 and the comfort and convenience of the public in
12 general and the residents of the immediate
13 neighborhood in particular.

14 The following analysis is offered so that the
15 Planning Board can better understand the potential
16 impacts on the neighborhood and the Village.

17 Number one. Use: The use is permitted
18 pursuant to Zoning Code as either a personal service
19 establishment or a studio. In order to clarify any
20 potential impacts to the surrounding neighborhood,
21 it is recommended that the Board inquire as to the
22 following:

23 A. The types of services offered.

24 B. How many instructors and/or staff will be
25 operating out of the building.

1 C. What will be the use of the private
2 treatment rooms noted as "private room" on the floor
3 plan.

4 D. What will be the days and hours of
5 operation.

6 E. How many clients would be serviced
7 simultaneously.

8 F. Does the building have an accessible
9 entrance.

10 Should the Building Department determine that
11 one is necessary, would the applicant be able to
12 locate this fully on their own property.

13 Number 2. Site Plan Development: As there
14 are no exterior areas not covered by the Building,
15 no comments are offered at this time regarding
16 exterior improvements.

17 Should the Planning Board identify exterior
18 concerns and/or should any prior conditions of
19 approval or easements impact use of this site or
20 adjacent sites, future comments may be offered.

21 State Environmental Quality Review
22 requirements: This is a Type II action pursuant to
23 6 NYCRR 617.5, which means no further SEQRA review
24 is required.

25 Other Agencies Of Jurisdiction. Subject to

1 review and approval by the Village Building
2 Department.

3 The application is located on New York state
4 roadway, and as such if it met certain criteria
5 would be referred to the Suffolk County Planning
6 Commission. Since however the proposal is a change
7 of use that does not increase the parking
8 requirements, has less than 5,000 square feet of
9 renovation and no land disturbance, the matter is
10 deemed to be much local determination.

11 All right, I would like to read the
12 applicant's response to that memorandum.

13 The applicant provided a response that is
14 dated December 6th, 2022. This is from On Front
15 Street LLC.

16 Dear Members of the Greenport Planning Board,
17 pursuant to the Planning memo dated November 17th,
18 2022, and prepared by LK McLean Associates PC, I am
19 responding in writing to the inquiry in Section One:
20 Use.

21 A. What will be the different types of
22 services offered: Yoga and Pilates exercise studio.

23 B. How many instructors and/or staff will be
24 operating out of the building:

25 One instructor for Pilates, one instructor

1 for yoga and possibly one staff.

2 C. What will be the use of the private
3 treatment rooms noted as "private room" on the floor
4 plan: Private Pilates instruction and yoga lessons.

5 D. What will be the days and hours of
6 operation: Typical of all yoga and Pilates studio
7 hours, we anticipate from 6:00 AM to 7:00 PM every
8 day.

9 E. How many clients would be served
10 simultaneously: Maximum of 12 clients for Pilates
11 as that is the number of the reformer equipment. 18
12 clients for yoga, although we anticipate eight to
13 ten as typical.

14 F. Does the building have an accessible
15 entrance:

16 Should the Building Department determine that
17 one is necessary, would the applicant be able to
18 locate this fully on their own property.

19 The answer is one can be provided on our own
20 property or from our deeded side easement. Should
21 you have any other concerns, please feel free to
22 contact me and we hope the answers are sufficient
23 for a favorable review. Respectfully, Sofia
24 Antoniadis.

25 Okay, we've received several letters in

1 connection where this application. I'm not going to
2 read them all right now, but the audience should
3 know that we have reviewed all of the letters, with
4 a few exceptions, and I'll explain them.

5 We received a letter from Andrew J. McGowan
6 III on December 27th, 2022, expressing concern about
7 the application. We received a letter from Kathy
8 LoFrese -- I hope I'm saying that correctly -- dated
9 March 14th, 2023, expressing concern about the
10 application. We received another letter from Kathy
11 LoFrese dated March 22nd, 2023, expressing
12 additional concern about the application. We
13 received a letter from Michael D. Solomon of Solomon
14 Herrera McCormick PLLC representing Kathleen
15 LoFrese, dated March 24th, 2023, expressing concern
16 about the application. We received a letter from
17 Ruth Schenck (sic) dated March 29th, 2023,
18 expressing support for the application. We received
19 a letter from Walter Foote, dated March 29th, 2023,
20 expressing support for the application. We received
21 a letter from Dr. Joseph Pagano, dated March 29th,
22 2023, expressing support for the application. We
23 received a letter from Rita Rooney, dated March
24 28th, 2023, expressing support for the application.
25 We received a letter from Stacy Krugenacher (sic),

1 dated March 30, 2023, expressing support, and the
2 Planning Board secretary Mr. Noone has brought to my
3 attention that we received three more letters this
4 afternoon, which I have not reviewed as there was no
5 time for that.

6 Okay, so before we get into public comment, I
7 think it's important that the public understand that
8 this body, the Planning Board, cannot adjudicate lot
9 line and easement disputes. And this is not the
10 forum for litigating property disputes.

11 Now that said, is the applicant here and
12 would they like to speak about their project?

13 MS. ANTONIADIS: Greetings, Planning Board.
14 My name is Sofia Antoniadis, 12500 Main Road, East
15 Marion, New York.

16 I understand all the letters that you've read
17 and everything you've put into the record. And I
18 agree with you that this is a Planning Board meeting
19 and my husband and I are committed to opening up a
20 yoga and Pilates studio that is fully supported by
21 the residents of Greenport.

22 We are unaware of any disputes that are
23 potentially out there, and, um, hope that you can
24 give us a favorable approval on our Pilates studio
25 and yoga studio.

1 CHAIRMAN BRENNAN: Thank you. Are there other
2 members of the public that would like to speak in
3 connection with this application?

4 Name and address, please.

5 MS. LOFRESE: Kathy LoFrese, 310 Front
6 Street. I'm here today to express my concern with
7 the development of the building partially attached
8 to mine, 308 Front Street.

9 These two buildings were once owned by one
10 person and were then subdivided. Deeded easements
11 were put into place to satisfy the requirements that
12 the Village deemed necessary to allow the parcels to
13 be separated.

14 Let me start by making it perfectly clear: I
15 am not opposed to a yoga and Pilates studio. What I
16 am opposed to is someone coming in, ignoring
17 easements that were put in place almost 30 years
18 ago, and doing work that directly impacts my
19 building without my permission.

20 I do have a deeded utility easement with
21 deeded access to the adjoined basement. For almost
22 30 years these two buildings peacefully cohabitated
23 because the owners respected each other, each
24 other's property and the easements in place.

25 Only one week after the new owner bought 308

1 Front Street, he informed me he was cutting my main
2 electric conduit from my meter. The meter the
3 Village installed at that location, from my
4 building, almost 30 years ago. He started by
5 cutting a wire to my lights in the basement. He
6 marked out with spray painted wood and string lines
7 where he said he was putting up a wall dividing the
8 basement. This would prevent me access to all my
9 utilities. This would also cut off my steps to the
10 basement and prevent me and my tenant from getting
11 to our utilities in case of an emergency.

12 I reminded him of the easement but he
13 laughed. This left me no choice but to hire an
14 attorney who sent a cease and desist letter.

15 I find it funny that the easements are
16 important and should be followed only when it
17 benefits them. They were quick to point out in
18 their first hearing that they have an access
19 easement through my yard. I have respected their
20 easement through all of this, because if I didn't, I
21 would be no better than them.

22 Consequently, from all this research into the
23 easements, it is become apparent to my attorney that
24 their access easement is no longer valid as there is
25 no longer a garage there, which is specifically what

1 the easement gives them access to and from.

2 The recorded shared certificate of occupancy
3 for the buildings, number 969, issued by the Village
4 on February 8th, 1991, reads:

5 The occupancy for which this certificate is
6 issued is 308 Front Street, attached vacant
7 commercial space with attached garage. Without this
8 easement they will not have access to my fenced-in
9 yard or to Front Street.

10 I bought my building knowing and educating
11 myself on these easements with the intent to respect
12 them. It seems they bought their building knowing
13 and educating themselves on the easements with no
14 intent of following them.

15 The plans they submitted to the Building
16 Department illegally encroach on my property and
17 conveniently misrepresent what they own.

18 Because my building is mixed use, it has a
19 legal apartment upstairs. At Village meetings there
20 is the constant theme that there is a lack of
21 housing in the Village because of short-term
22 rentals. I could have made a lot of money
23 Airbnb'ing my apartment, but I made a conscious
24 decision to rent the apartment year-round to someone
25 local.

1 So Members of the Board, what about my
2 tenant's rights in all this? The owners next door
3 don't live in their building and I don't live in
4 mine, but this is my tenant's home.

5 The threats of cutting the power, the waste
6 line, and now removing the chimney making our boiler
7 non-functioning is affecting his quality of life.
8 This wall would also prevent access to the washer
9 and dryer in our basement that he uses, and to the
10 emergency cutoff switches to the boiler and water
11 main.

12 According to New York state attorney general,
13 tenants are entitled to a liveable, safe and
14 sanitary home. Unfortunately the previous and
15 planned actions of the owners of 308 Front Street
16 deny him this fundamental right, which he alludes to
17 in the letter he wrote to this Board.

18 During the recent Village elections,
19 candidates reiterated they didn't want people coming
20 in, buying up property and doing whatever they want
21 in the Village. Well, I can't think of a more
22 perfect exempt of that than this.

23 The owners of 308 Front Street have shown no
24 regard for my property and do not think they have to
25 abide by the deeded easements that are in place

1 unless it suits them.

2 If the Building Department had not issued a
3 stop work order, the wall would have been put up
4 already, damaging my property and creating an unsafe
5 condition for my tenant and myself.

6 I think I have a nice store. I work very
7 hard there by myself. I have a wonderful tenant who
8 has become my friend. I try to give back to the
9 community by donating 5% of each bike tour to the
10 Historical Society.

11 Most importantly, I try to treat everyone the
12 way I want to be treated. I have invested so much
13 into this and will do what I have to do to protect
14 my rights and my tenants.

15 I am here today to ask that this application
16 be put on hold until these issues can be resolved.
17 I feel it's the only way that the owners of 308
18 Front Street will cooperate and try to work this
19 out.

20 The Village has been notified of the
21 situation and has been given a copy of the deeded
22 easements. I hope they will uphold them as it was
23 at their behest they were put into place to begin
24 with. Thank you.

25 CHAIRMAN BRENNAN: Thank you, Ms. LoFrese, and

1 I apologize if I was mispronouncing your name
2 earlier.

3 MS LOFRESE: That's okay.

4 CHAIRMAN BRENNAN: Does anyone have any
5 questions for Ms. LoFrese?

6 (No response).

7 CHAIRMAN BRENNAN: Okay, thank you. Are there
8 other members of the public that want to speak about
9 this?

10 MS. ANTONIADIS: Sofia Antoniadis, 12500 Main
11 Road, East Marion, New York.

12 I have been a member of the Southold
13 community since 1963. My family has a stellar
14 reputation and my husband and I are respected among
15 the Greenport Village residents. You will see that
16 as evidence in the letters that we've received,
17 because some of the letters are not only for support
18 for the yoga and Pilates studio but are in full
19 support and testimonials to my husband and I our
20 ethics and our work and everything we have done for
21 the community.

22 Ms. LoFrese is the owner of the property next
23 door and she has been the owner for approximately 18
24 months, not for 22 years. We are very respectable
25 people. We are very religious people. We would

1 never steal an inch of anything, not a cucumber, not
2 a dollar from anyone.

3 If there is any dispute, we will work it out.
4 It has to be in an amicable way. But please, do not
5 believe what Kathy has said because she had drawn
6 the first sword, and we have not drawn anything.

7 We are here because of complaints by Ms.
8 LoFrese. We are working to try to get our yoga and
9 Pilates studio approved and moved forward. We have
10 not threatened her with any disruption of services.
11 We would not do that. And we would like to amicably
12 separate some of the services that happen to be
13 shared.

14 That, though, in no way should affect the
15 Planning Board's decision on approving the Pilates
16 and yoga studio because this subdivision was
17 approved in 1990 -- I believe 1994.

18 I am opening a yoga and Pilates studio.
19 There is nothing more evident of harmony, peace and
20 spiritualness. What other environment aside from a
21 church or synagogue could represent that?

22 I appeal to you, Planning Board, please
23 approve my plans. Our plans are, will be provided
24 by a licensed architect, and the surveys that are
25 certified by the licensed surveyors will be

1 approved.

2 Secondly, the easement is for a garage door.
3 We have a garage door that will not be removed or
4 dismantled. And the easement that Ms. LoFrese is
5 referring to, that is no longer in use. That is
6 erroneous, because the door is there. And as long
7 as that door is there, we have that legal easement
8 through the driveway. Thank you.

9 CHAIRMAN BRENNAN: Thank you. I just need to
10 make one correction. The reason we are all here
11 today is that this is a required public hearing.
12 This project, this application, needs to go through
13 this process. We are not here today for a dispute.
14 This is just a process in accordance with the
15 Village Code.

16 Okay, so we need to discuss this project. Do
17 we want to close the public hearing and continue the
18 public hearing? Or do we want to keep it open? Do
19 you have a feeling, do you have of a recommendation
20 on that?

21 MEMBER HAMMES: I'm fine with closing the
22 public hearing. I think my biggest question really
23 is to this last point about the easement and to the
24 garage access. And that's going to be partly a
25 legal question.

1 MEMBER CREEDON: I couldn't hear you.

2 MEMBER HAMMES: I said my biggest question,
3 which I don't think we need to leave the public
4 hearing open for, is on this easement issue and if
5 the easement did fall away, whether or not the plans
6 could stand, because I believe there is an entrance
7 that they are counting on that goes out to that
8 easement.

9 CHAIRMAN BRENNAN: Okay, well, I think we
10 could get into that. The question is do we need to
11 keep the public hearing open.

12 MEMBER HAMMES: I don't believe we need to
13 keep the public hearing open for that purpose.

14 CHAIRMAN BRENNAN: Okay, I'm going to make a
15 motion to close the public hearing.

16 MEMBER CREEDON: Second.

17 CHAIRMAN BRENNAN: All in favor?

18 (ALL AYES).

19 CHAIRMAN BRENNAN: Motion approved.

20 So we can continue, right, with your point,
21 if you would like.

22 MEMBER HAMMES: Yes. I would like, without
23 taking a position on whether the easement is still
24 in place or not, if it ultimately got litigated and
25 the easement fell away, I guess my question becomes

1 if they lost the easement and if there was a
2 determination on that that was made, they, I believe
3 they need this access, which they would no longer
4 have access to, correct?

5 CHAIRMAN BRENNAN: You are talking about the
6 trespass easement on 310?

7 MEMBER HAMMES: Yes.

8 MEMBER CREEDON: Is that an exit door?

9 MEMBER HAMMES: Well, the easement runs down
10 the driveway here. I believe there is a driveway to
11 a parking lot in the back, and this must be where
12 the garage door is, that they have the access to. I
13 haven't walked the property but I believe you
14 have --

15 CHAIRMAN BRENNAN: I have.

16 MEMBER HAMMES: (Continuing) but my
17 understanding is that the main entrance is in the
18 front, which is presumably not affected at all by
19 whether that easement is in place or not.

20 But that there is another entrance here,
21 which if they lost that easement would be kind of
22 rendered meaningless, right?

23 CHAIRMAN BRENNAN: Okay, so your concern is if
24 the trespass easement is extinguished then there
25 would be a problem with our site plan approval

1 because this pedestrian access in the back west-side
2 of the building would not be --

3 MS. ANTONIADIS: I have a copy of the
4 easement.

5 CHAIRMAN BRENNAN: I have it, thank you. The
6 public hearing is closed and just bear with me. It's
7 important that the Board discuss this. It's a
8 little bit complicated because the two lots have an
9 unusual property line and there are three easements
10 in place. So I just want to continue.

11 So your concern is that if the trespass
12 easement is over lot 310 were to be extinguished,
13 that the pedestrian access as currently shown on the
14 proposed plans would no longer be viable, right?

15 MEMBER HAMMES: Right, yes.

16 CHAIRMAN BRENNAN: Okay, so my understanding
17 of the way the language of the easement is written
18 is that if the garage door is removed, the access to
19 the garage door, the vehicular access goes away, but
20 the pedestrian access remains.

21 MEMBER HAMMES: Well, then that would answer
22 the question.

23 CHAIRMAN BRENNAN: Okay, so Mr. Connelly, did
24 you read that?

25 MR. CONNELLY: I read it but I think the

1 easement question is really between the two property
2 owners. I don't think the Board should really get
3 involved in --

4 MEMBER HAMMES: No, I don't want to get
5 involved in -- I'm not trying to litigate the
6 easement. My point was if the easement did fall
7 away, because the garage was no longer a garage, but
8 it sounds like that would not be the case. Whether
9 or not there is a problem with the site plan is.
10 But we could address that through the approval, and
11 basically the approval is contingent as long as the
12 easement is in place.

13 CHAIRMAN BRENNAN: I don't think it's actually
14 relevant. So there is a no parking requirement for
15 this application. So there is no need, our approval
16 of this application does not require that we
17 consider parking. So the vehicular access is
18 neither here nor there, in my mind.

19 The pedestrian access, um, I think that's a
20 Building Department issue about how, is there a
21 required second point of egress out of this property
22 and where that can be placed in a way that is
23 compliant and viable.

24 MEMBER CREEDON: Is that a Zoning requirement
25 of buildings generally?

1 CHAIRMAN BRENNAN: Zoning requirement?

2 MEMBER HAMMES: It would be a question of the
3 Building code.

4 CHAIRMAN BRENNAN: That's a New York state
5 building code matter.

6 MEMBER CREEDON: Should we, are we able to
7 disregard that? Is that something that is required
8 before we can proceed?

9 MEMBER HAMMES: Everything has to all be in
10 accordance with the Building code, right.

11 CHAIRMAN BRENNAN: So we are looking at the
12 site plan, and so if there is a -- the site plan
13 indicates that there is an exit on to private
14 property or in the alley or something like that, we
15 should consider how that works.

16 The actual requirement for the second form of
17 egress is a New York state building code matter,
18 which is not our purview. So that would be handled
19 through the Building Department. So that would be
20 the quantity of exits, the size of the exit. I don't
21 know the answer. But we don't need to know the
22 answer to that.

23 MEMBER CREEDON: Just that it's an exit. But
24 we don't need to consider --

25 CHAIRMAN BRENNAN: No, we need to consider the

1 exit because the exit is shown, exiting one piece of
2 private property on to another property.

3 Now my understanding is that there is an
4 easement in place that allows pedestrian access
5 through the back of 310, and that that pedestrian
6 access remains in effect whether or not the garage
7 door is still present.

8 Do you agree with that, Mr. Connelly?

9 MR. CONNELLY: Yes.

10 CHAIRMAN BRENNAN: Do other people understand
11 that?

12 (The Board responds in the affirmative).

13 CHAIRMAN BRENNAN: Does anyone disagree on
14 that?

15 (The Board responds in the negative).

16 CHAIRMAN BRENNAN: Does anyone have a
17 different view on that?

18 There are two other easements in effect that
19 allow each parcel to have access easement over the
20 other property for the purpose of maintaining
21 utilities, boilers, access to sewer lines, water
22 lines. I don't think that is a matter for this
23 Board.

24 MEMBER HAMMES: I would disagree.

25 CHAIRMAN BRENNAN: I would hope that the

1 applicant and the neighbor could resolve to come up
2 with a solution that is sensible for both
3 properties, but again, as my preface to this
4 application, that is not our position here. That is
5 something that would, I gather would be handled
6 either in the Building Department or it's of a civil
7 nature.

8 Mr. Connelly, do you have an opinion on that?

9 MR. CONNELLY: I agree with you, it would be a
10 dispute between the two owners and they can litigate
11 all the way to Supreme Court, it's an action they
12 could litigate.

13 CHAIRMAN BRENNAN: Right. I think the
14 question for this Board is whether or not we can
15 continue to consider this application and possibly
16 approve this application outside of these easement
17 issues and outside of the concerns about the wall,
18 the expense, the electric service.

19 Now, we do have to give consideration to the
20 resident who lives upstairs. My understanding of
21 the hardship that the resident claims to be
22 suffering is related to construction matters. I
23 don't see how the use of this, the proposed use of
24 this property as a Pilates and yoga studio would
25 have a negative impact on the neighbors or the

1 neighbor. The particular neighbor. But I'm happy
2 to discuss that with all of you.

3 MEMBER CREEDON: Well, the owner of 310 said
4 as much. She was not opposed to the use of, the
5 owner's use as a Pilates studio.

6 CHAIRMAN BRENNAN: Yes, correct. Anyone else?

7 MEMBER DOUGHERTY-JOHNSON: Maybe, I don't have
8 it in front of me, but the latest site plan, does
9 that include the basement, or does it need to? Or
10 are we not considering the basement?

11 MEMBER HAMMES: It's not on the site plan.

12 MEMBER DOUGHERTY-JOHNSON: Okay, that's what I
13 thought. Maybe that's a question for Rob.

14 MR. CONNELLY: I guess we can just consider
15 does the applicant want us to consider, or the Board
16 to consider, the historic area of the basement or
17 are they just asking for us to consider the yoga and
18 Pilates area.

19 CHAIRMAN BRENNAN: Okay, so I think in the, I
20 believe in the written response that the applicant
21 provided to our consulting planner's questions, it
22 was silent on basement and attic. It seems to be
23 limited to talking about the ground floor, which is
24 the Pilates and yoga area.

25 MEMBER HAMMES: Their application refers to

1 possible storage area.

2 CHAIRMAN BRENNAN: The application does
3 itself.

4 MR. DIBIASE: Is it okay if I elaborate on
5 that? I'm Ray DiBiase, President of LK McLean
6 Associates. I'm subbing for Laura today, who could
7 not be here.

8 CHAIRMAN BRENNAN: Thank you.

9 MR. DIBIASE: She did have a follow-up e-mail
10 in January, on January 4th, responding to the
11 applicant's response and asking a couple of
12 questions. One of her concerns was the easements
13 and the exterior, any exterior modifications to this
14 site. So I think you have already covered that.

15 But I just want to point out she had two
16 comments on, one on the occupancy of the building,
17 and the applicant's response, if you added up all of
18 the attendees and also the staff, you could have up
19 to 33 people using the site at the same time, which
20 would appear to be a dramatic increase over the past
21 usage of the building.

22 And the other comment was that on the site
23 plan, the use of the private room, it's just like a
24 private room, should be elaborated on, and in terms
25 of its actual proposed use. So that in the future

1 if the private room is used for something else it
2 might change the occupancy of the building.

3 CHAIRMAN BRENNAN: Thank you, for sharing
4 that. So I have not seen that e-mail. Were there
5 responses? Did the applicant respond to those?

6 MR. DIBIASE: No, I have not seen a response.
7 She just put it in an e-mail because she didn't know
8 if she should actually put it in a formal memo. But
9 she did send it over.

10 CHAIRMAN BRENNAN: Okay. So just to clarify.
11 There was a comment about the use of the private
12 rooms and there was a comment about suggesting there
13 was an intensification of the use, if you considered
14 all the occupants at one time.

15 MR. DIBIASE: If you added up the estimates of
16 all the occupants, it was difficult to see, there
17 was a range of people I think for the private room,
18 but if you added up the maximum number, you could
19 have 33 people in the facility at the same time, if
20 both of the exercise options are going on at the
21 same time. And the private room thing was just on
22 the site plan to indicate the use of the private
23 room specified so that it doesn't turn into
24 something else in the future.

25 CHAIRMAN BRENNAN: Okay. Thanks, for sharing

1 that. Thanks for stepping up. I didn't realize you
2 were here. Thank you.

3 So I think that the comments about the
4 private room, I think we could resolve that by
5 asking the applicant to respond to that question.

6 MEMBER HAMMES: We could just put it in as a
7 condition that it can only be used for private
8 Pilates.

9 CHAIRMAN BRENNAN: Okay, we could do that.
10 And then the comment about intensification of use,
11 the way I understand that is the planner is
12 suggesting that in a case where all the occupants,
13 all the students, all the clients, were at the yoga
14 studio, that could be deemed to be more intense than
15 the prior use, which was a library.

16 While this Board does consider things like
17 intensification of use, I'm not sure comparing a
18 yoga studio use to the prior use makes a whole lot
19 of sense. I think a library, kind of a specialized
20 library that that was, would naturally have a fairly
21 low intensity use.

22 MEMBER CREEDON: Wouldn't a CO address that
23 issue?

24 CHAIRMAN BRENNAN: The CO would address
25 maximum occupancy, but this Board would look at

1 intensification of use in terms of how that might
2 impact the neighborhood, whether it's noise,
3 disturbance, could be anything. Traffic. So I
4 guess with all due respect to the planner's
5 comments, I don't see how the intensification of
6 use, I don't think we'll need to consider in term of
7 the old use and the new use. I think we just need
8 to look at the use as proposed and decide whether we
9 think it's an appropriate use and whether there is
10 any conditions, like Board Member Hammes just
11 suggested, maybe some conditions we could put in and
12 approve -- if we determine there was an impact, we
13 could mitigate that impact. Or our staff could
14 mitigate that impact. Or our staff could mitigate
15 that.

16 Tricia, I see you are studying something
17 there. Is there something you are thinking about?

18 MEMBER HAMMES: I was thinking about Lily's
19 point about the basement. I was looking at what is
20 the required use submitted, and, I mean, I would
21 have thought that the changes in the basement should
22 have been a part of this submission. And frankly,
23 reading 150-30, it even talks about, which I believe
24 that you have, but I don't know whether -- I didn't
25 come across the paper that I received on this. But

1 they were supposed to have also submitted with the
2 original application the location with the purpose
3 of all the existing uses and setbacks in the areas
4 on the property.

5 CHAIRMAN BRENNAN: Yes, so, I agree --

6 MEMBER HAMMES: And I agree with you on the
7 other point about the intensification of use.

8 CHAIRMAN BRENNAN: Right. So your comment now
9 is about whether the application was sufficiently
10 complete for us to evaluate.

11 MEMBER HAMMES: Yes.

12 CHAIRMAN BRENNAN: So I was a little dismayed
13 that we didn't have a clearer survey. So the survey
14 that I had in my possession is a much photocopied --
15 actually, I'm thinking the survey shows both lots.

16 MEMBER HAMMES: I don't have that.

17 MEMBER DOUGHERTY-JOHNSON: (Handing).

18 CHAIRMAN BRENNAN: This one. Actually, this
19 is pretty clear. I can clearly see the lot line and
20 the different, the lengths and positions of the lot
21 line.

22 So, what I would have liked to have seen is
23 an overlay on the survey that explained the access
24 easements, so that we are not just relying on a
25 meets and bounds description. It's very difficult

1 to reconstruct. Meets and bounds. I think that is
2 something we would not be asked to do.

3 So what do you recommend that we might do
4 about this absence of information about the
5 basement?

6 MEMBER HAMMES: Well, I mean implicitly, we
7 could site plan approval because we are approving
8 whatever is going on in that basement. But I don't
9 know what's going on. So I think the application
10 has to be amended before we could approve it.

11 MEMBER DOUGHERTY-JOHNSON: Yes, I guess that
12 is my thought.

13 MEMBER HAMMES: I mean if there are changes
14 taking place in the basement, it has to be part of
15 that, I mean --

16 MR. CONNELLY: If you want to, you could
17 reopen the public hearing on a unanimous vote and
18 ask that more, additional information be provided
19 there.

20 MEMBER HAMMES: Be provided, and hold it open
21 'til April.

22 MR. CONNELLY: Yes.

23 MEMBER HAMMES: Unfortunately, I mean, I think
24 we need to have the information on the basement. I
25 personally won't vote in favor of this proposal

1 without that information.

2 CHAIRMAN BRENNAN: I had not noticed that
3 there was a discussion about something on the attic.
4 I had not seen that earlier. But that's also in the
5 application.

6 MEMBER DOUGHERTY-JOHNSON: I mean, usually we
7 don't have like basements and attics. They are so
8 interesting and full of things. So maybe we don't
9 always have them, but it does seem like, we usually
10 do like a whole site plan with review and so those
11 are included.

12 CHAIRMAN BRENNAN: You would like to see
13 information?

14 MEMBER DOUGHERTY-JOHNSON: Yes. I mean, I
15 guess it's just like them, we are only approving a
16 partial part of the site. I don't exactly know the
17 legality of it, but it seems like -- yeah. It seems
18 like it shouldn't be the whole thing.

19 CHAIRMAN BRENNAN: Okay, so I think the
20 question here is that the application discusses
21 something about the basement but the application
22 materials are lacking with respect to the basement,
23 and the attic; is your feeling?

24 MEMBER HAMMES: Yes. I mean I think they need
25 to provide us with a similar plan for each floor. I

1 don't think it would otherwise meet the requirements
2 of 150-30, right?

3 CHAIRMAN BRENNAN: Okay. So we could reopen
4 the public hearing. We can ask the applicant to
5 provide additional information.

6 MR. CONNELLY: Correct.

7 CHAIRMAN BRENNAN: And if that information
8 were to be satisfactory at the next meeting, we
9 could close the public hearing at that time and
10 decide if we want to vote on it.

11 MEMBER HAMMES: It's that or you can hold a
12 vote today. But as I said, I'll vote against it.

13 CHAIRMAN BRENNAN: Okay, I'm going to make a
14 motion we reopen the public hearing because we are
15 just concerned about inadequate information. Is
16 there a second for that?

17 MEMBER HAMMES: Second.

18 CHAIRMAN BRENNAN: All in favor to reopen the
19 public hearing?

20 (ALL AYES).

21 CHAIRMAN BRENNAN: Is that unanimous?

22 MEMBER CREEDON: Yes.

23 MR. NOONE: Mr. Chairman, we have a site
24 visit?

25 CHAIRMAN BRENNAN: Yes.

1 MEMBER HAMMES: I think that would be helpful
2 as well.

3 MR. NOONE: You can choose the time.

4 CHAIRMAN BRENNAN: Choose a time now?

5 MR. NOONE: You can choose a time now if you
6 are going to go together.

7 MEMBER HAMMES: I don't think we can all go
8 together. We've been through this before.

9 MR. CONNELLY: Only if it gets noticed. I
10 mean, you can notice it. If you go two at a time
11 then you don't need to notice it.

12 CHAIRMAN BRENNAN: I do not need to make a
13 site visit again. I already have.

14 MEMBER HAMMES: You are the only one that
15 won't be on the Board on the 27th.

16 MR. NOONE: The rest of the Board can contact
17 me and I can work with --

18 MEMBER HAMMES: Okay. But I think for
19 purposes of the meeting, before the 27th, we need to
20 have the drawings for the proposed layout of the
21 basement and the attic as well.

22 MR. NOONE: Prior to the site visit.

23 (Audience members are speaking
24 simultaneously).

25 CHAIRMAN BRENNAN: I don't think so.

1 MEMBER HAMMES: All I have is the drawing of
2 the first floor, and the survey.

3 CHAIRMAN BRENNAN: I think that's all we have
4 in our application materials.

5 MS. ANTONIADIS: That was submitted to the
6 Building Department, both sets, I mean, seven months
7 ago.

8 MEMBER DOUGHERTY-JOHNSON: Well then we can
9 get it pretty quickly. Well, I mean, not that we can
10 look at them right now. The Building Department has
11 them.

12 MS. ANTONIADIS: They showed the basement.

13 MR. NOONE: They were not submitted as part of
14 the application for the Planning Board.

15 MS. ANTONIADIS: I understand. But we are
16 working on this since October.

17 MR. NOONE: I understand that. But if you
18 submitted to the Building Department, you have to
19 submit six copies of those plans, one for everybody
20 on the Board, and the file to get one.

21 CHAIRMAN BRENNAN: Would anyone be interested
22 in hearing from the applicant about what they intend
23 to do with the basement and the attic?

24 MEMBER BUCHANAN: I would.

25 CHAIRMAN BRENNAN: Would the applicant come to

1 the podium.

2 MS. ANTONIADIS: Would you like to use this
3 opportunity to clarify what your intentions are for
4 the basement and the attic areas?

5 MS. ANTONIADIS: The basement would hold
6 storage of pillows, Pilate mats, just accessories
7 that you would use in the gym. We do not intend on
8 finishing the basement, but just use it as storage.

9 The attic was used as storage for the auto
10 shop and we are just going to use that as storage
11 and possibly a small office space.

12 MEMBER HAMMES: Are you making alterations to
13 those spaces?

14 MS. ANTONIADIS: The attic, yes. To the
15 basement, no.

16 CHAIRMAN BRENNAN: While we have you here,
17 would you like to address the Planning consultant's
18 comment about questioning the use of what the
19 private room is? I think you've spoken on this
20 already, but maybe just reiterate.

21 MS. ANTONIADIS: So when the private rooms
22 were initially, were put there, for anyone who feels
23 apprehensive about doing exercise in front of other
24 people, and to have privacy with an instructor, a
25 one-on-one instructor.

1 We did not intend on using it for any other
2 purpose.

3 CHAIRMAN BRENNAN: Okay.

4 MEMBER HAMMES: Would you be amenable to that
5 being a restriction in the use?

6 MS. ANTONIADIS: Oh, yes. Absolutely.

7 MEMBER HAMMES: And similarly restrictions
8 with the basement and attic, it would remain an
9 unfinished basement used solely for storage except
10 for a defined area for an office upstairs?

11 MS. ANTONIADIS: Sure. Defined area for the
12 office upstairs.

13 MEMBER HAMMES: It's in the drawing submitted
14 to the Building Department?

15 MS. ANTONIADIS: Yes, it is. And the basement
16 unfinished. That's fine.

17 (Audience member makes a comment).

18 CHAIRMAN BRENNAN: If you want to speak, the
19 public hearing is open, so when the applicant is
20 finished speaking.

21 Do you have anything else you would like to
22 add?

23 MEMBER HAMMES: What percentage of the attic
24 is being used for the office space, would you say?

25 MS. ANTONIADIS: The front portion of the

1 building is Pilates. It's the front portion of the
2 building. So possibly a third of the front, I'm not
3 sure, or a quarter of the front. And I will ask
4 about the wall.

5 CHAIRMAN BRENNAN: So, just so you understand,
6 we don't have all of the necessary materials before
7 us that we need to consider for this approval. So
8 that is the concern that you are hearing from the
9 Board members.

10 And I think, it would be my recommendation
11 that we keep this public hearing open and you
12 provide the information, rather than closing the
13 hearing and having us vote on this at this point. I
14 don't think that is your best path forward.

15 MS. ANTONIADIS: I understand, Mr. Brennan,
16 but we went through several months for hardship.
17 The hardship is a financial hardship and postponing
18 it over another month or two is more of a problem
19 for us. I have drawings. You can put it in the
20 record that the basement will not be finished. It
21 will be just storage of just random equipment, step
22 ladder, cleaning supplies, cleaning, natural
23 cleaning supplies. And then the attic would be a
24 portion in the front that would be useable for a
25 small office. And the rear would not be used, it

1 would be unfinished attic. You can put that in the
2 record.

3 Then if we divert from that, we will come
4 back. Because we would like to, you know, to work.

5 CHAIRMAN BRENNAN: Okay, thank you.

6 MS. LOFRESE: So I also have a copy of their
7 plans, which is what created me writing that second
8 letter, because before I just looked at the sketch,
9 but then when I looked at the plans, I nearly passed
10 out. But in their plans it specifically says
11 replace existing garage door with new aluminum
12 storefront exterior folding door. I mean, it says
13 it right in the plans. But, okay.

14 The other thing is the attic, once again, we
15 have a party wall, and I own a portion of their
16 building in the attic, on the first floor, and in
17 the basement. It is this wall in the basement that
18 is wreaking havoc on my tenant. Because the wall
19 prevents us from getting into the basement, and also
20 prevents him from getting to the washer and dryer
21 that he just bought.

22 So I don't understand like that these things
23 are not relevant to this. They are. Because, I
24 mean, how could they not be? I don't get it. So.
25 I don't know what else to say.

1 CHAIRMAN BRENNAN: Thank you.

2 MS. ANTONIADIS: We are not creating any new
3 walls, we are not disturbing any of the utilities or
4 function of the building. There is situations that
5 the owner of 310 and I have to take care of. First
6 of all, the portion of the building that the
7 neighbor is saying is theirs, the tax card shows
8 that we are paying taxes on it. So these are things
9 that have to be dealt with amicably.

10 We do not intend on building a wall. We do
11 not restrict the tenant from coming downstairs. He
12 has his own section from her building. Her building
13 has a stairs that comes down to the basement. We
14 have not built a wall. We are not building a wall.
15 We just want to build a Pilates studio right now.
16 The basement is going to stay pretty much the way it
17 is, except with storage. And there is a property
18 line drawn in the basement. It goes by the
19 surveyor's marks, and when we come to an agreement,
20 we will have a wall, but not right now.

21 CHAIRMAN BRENNAN: Thank you. Is there anyone
22 else who has not spoken from the public that would
23 like to speak on this matter?

24 MR. LOFRESE: Ronald LoFrese, also 310 Front
25 Street.

1 The only thing I want to say is about the
2 easement and access in the back with the door, as my
3 mother mentioned. The door removed the vehicular
4 access, but the removal of the garage, which is
5 stated in the easement, removes the whole easement.
6 So I think we might be misconstruing the way it's
7 written. The door being removed says you can't park
8 a car back there. The garage being removed, which it
9 certainly is -- it certainly is in their plans --
10 means the easement is no longer valid. That's the
11 way we are interpreting this.

12 They also represented that we only owned the
13 building for 18 months, but my parents lived out
14 here since the '90's, so just because they are
15 finally trying to open a business to retire out here
16 full-time, I would not represent them as only living
17 out here like a certain amount of, a short amount of
18 time. They have been residents of the north fork
19 for a very long time.

20 The other point I would make, like they said,
21 they 100% delineated where they are building a wall
22 in the basement. I have been down there. It says
23 here is where this wall is going to be.

24 As mentioned, you know, in their plans, you
25 can see in the basement, they've removed things like

1 where our boiler is, where our utilities are. So I
2 don't understand, maybe that's what we see and has
3 not been submitted, so. And I mean, they just
4 mentioned that once they decide where the line is,
5 they are building a wall. So they clearly are doing
6 work in the basement for just they are going to do
7 it after they get approval, essentially, is what it
8 seems like to me. I just want to put that into the
9 record as well.

10 CHAIRMAN BRENNAN: Thank you.

11 MS. ANTONIADIS: I'd like to put into the
12 record the language specific about the easement of
13 the garage so that way it is clear.

14 For the purpose of vehicular and pedestrian
15 access to and from Front Street, and the two-car
16 garage located at the dominant estate, together with
17 the one automobile parking space in front of the
18 garage, upon removal of the garage door, the
19 availability of the parking space and vehicular
20 traffic will terminate. And the easement shall be
21 limited solely to pedestrian traffic. It says
22 "garage door," and if in error our architect
23 indicated a sliding door, we will put the garage
24 door on the drawings in an amendment.

25 I appeal to you to please approve, we will

1 not use the basement, except for storage, and only
2 the partial attic. You can make any restrictions
3 you would like. This is a hardship for us to carry
4 this load. Thank you.

5 CHAIRMAN BRENNAN: Thank you. Okay, so the
6 public hearing is still open. I understand some of
7 the members would like to receive more information
8 about the configuration of the basement and the
9 attic; is that correct?

10 (Board members nod in the affirmative).

11 CHAIRMAN BRENNAN: Is there other information
12 you feel you require to evaluate --

13 MEMBER BUCHANAN: I'm sorry. I think also the
14 site visit will be helpful.

15 CHAIRMAN BRENNAN: The site visit?

16 MEMBER DOUGHERTY-JOHNSON: I think we have the
17 easement from the other but they should be part of
18 the application; is that the --

19 MEMBER HAMMES: Yes.

20 MEMBER DOUGHERTY-JOHNSON: I mean, I know they
21 seem like minor things and I understand you wanting
22 to get started but I also -- we don't want to
23 approve something without doing it the correct way.

24 MR. NOONE: Do you want the applicant to
25 submit a full set of building plans for each Board

1 member?

2 CHAIRMAN BRENNAN: So, when plans are
3 submitted to this Board, it's not necessary that
4 they show compliance with Building code. They need
5 to show information that is relevant to what this
6 Board is reviewing.

7 So when you say full set of plans, no, the
8 answer is no.

9 MR. NOONE: That's fine.

10 CHAIRMAN BRENNAN: But what we need to see is
11 comprehensive plans that illustrate the use, the
12 intentions, the layout, enough dimensional
13 information that we can understand the plan. But we
14 are not looking for, it's not appropriate or not
15 necessary to send full architectural plans.

16 Now, if those are the only plans that the
17 applicant has prepared, they can be submitted.

18 MR. NOONE: Okay, so a layout of the attic and
19 the basement.

20 MEMBER HAMMES: Everything that is part of the
21 site, should be provided.

22 MR. NOONE: All right, I just want to make
23 sure I'm getting it right.

24 CHAIRMAN BRENNAN: Was my answer clear?

25 MR. NOONE: Yes, as long as the applicant --

1 is it clear to the applicant?

2 MS. ANTONIADIS: So you want me to submit the
3 plans.

4 MR. NOONE: Mr. Chairman, I don't know if you
5 want to to the applicant. Or I'll re-explain. Just a
6 layout of the attic and the basement and what you
7 intend, if you are going to be doing anything to the
8 attic and basement, how it's going to look. Just
9 very similar to the layout you have for the first
10 floor you submitted in your original application.

11 MS. ANTONIADIS: May I submit it now.

12 CHAIRMAN BRENNAN: You may submit it now but
13 we are not going to review it right now. We have
14 other agenda items and it's not -- it's not an easy
15 time for the applicant to review materials as
16 pertaining to the Board.

17 I appreciate your willingness to do that, but
18 no, the answer is no. Okay, so --

19 MEMBER HAMMES: We'll leave the public hearing
20 open. Anybody that, of the three of us that wants
21 to visit the site will reach out to you and schedule
22 a site visit, and we'll respectfully request that
23 the applicant provide drawings of the other floors
24 of the property, with the intended uses, and any
25 other changes that are taking place as well as a

1 description of the easements as an official part of
2 the record.

3 MEMBER CREEDON: And just to include, it's not
4 for us to try to resolve these differences between
5 them.

6 CHAIRMAN BRENNAN: I don't think so. Unless
7 counsel says otherwise, I don't think that's our
8 place here.

9 MR. CONNELLY: No, that's not within your
10 purview.

11 MS. ANTONIADIS: Thank you.

12 CHAIRMAN BRENNAN: Okay, we'll move on to the
13 next item. We don't need to have a motion, you just
14 described what you would like to see. Thank you.

15 MEMBER HAMMES: And ideally to receive those
16 layouts as soon as possible.

17 CHAIRMAN BRENNAN: Okay, so Item No. 7,
18 discussion and possible motion on 308 Front Street
19 is moot. We are going to move on the Item No. 8, 111
20 Main Street.

21 This is a pre-submission conference regarding
22 the application of Brian C. Doyle, Esq., on behalf
23 of PWIB, Claudio Real Estate LLC.

24 The applicant proposes to extend the existing
25 canopy over the "waterfront" wharf. The property is

1 located in the W-C Waterfront Commercial District
2 and is also located in the Historic District.

3 This property is identified as SCTM No.
4 1001-5.-4-25,38.1,39.

5 So, my understanding of the reason why this
6 Board is reviewing this application, even though we
7 are in a moratorium is that this has been so ordered
8 by a court.

9 Is that correct, Mr. Connelly?

10 MR. CONNELLY: That is my understanding. Joe,
11 do you want to speak to that?

12 MR. PROKOP: Yes, that's correct. There was a
13 stipulation entered before the moratorium went into
14 effect, and the judge ordered that stipulation. So
15 there is a court order regarding the application.

16 CHAIRMAN BRENNAN: And in your view that
17 allows the applicant to move into Planning Board, or
18 to continue in Planning Board?

19 MR. PROKOP: Yes.

20 CHAIRMAN BRENNAN: Okay, is everybody clear on
21 that?

22 MR. PROKOP: On the awning.

23 CHAIRMAN BRENNAN: On the awning. Right.
24 Okay, so there is a court --

25 MEMBER HAMMES: Can I ask Joe a question?

1 CHAIRMAN BRENNAN: Yes, you may.

2 MEMBER HAMMES: So the court order is
3 overriding the moratorium with respect to the
4 determination on the awning, but the last that this
5 was before this Board, we had some concerns about
6 the overall site plan was not really in accordance
7 with the last site plan that had been approved, and
8 to the extent that this Board, um, doesn't feel it
9 can cherry pick between those things, does that mean
10 that we have the right to review all of this, as a
11 carve out to the moratorium, or do we have to
12 restrict it to just that piece of the proposal?

13 MR. PROKOP: Do you have a copy of the
14 stipulation in the file?

15 MR. NOONE: Yes.

16 CHAIRMAN BRENNAN: I have it.

17 MR. PROKOP: Just one second, please.
18 (Perusing). So the specific provision is that the
19 applicant shall apply for or obtain site plan
20 approval and building permit for awning extension.
21 So I don't -- I mean, it would be subject to, your
22 counsel would have to, um, your counsel would have
23 to give the opinion on that, whether the site plan
24 for the awning can be separated from the other, from
25 the other elements of the site plan, if that's what

1 you are asking me.

2 I think that there was, I think that there
3 was an expectation that there would be a site plan,
4 that the application would be filed as it is, as it
5 has been done, and processed, but then I think your
6 Board, I don't know that your Board is compelled to
7 consider a partial site plan.

8 But that is something that probably I would
9 have to discuss with Mr. Connelly.

10 CHAIRMAN BRENNAN: Do you have a view on that,
11 Mr. Connelly?

12 MR. CONNELLY: I think the stipulation, of the
13 language, speaks for itself. The applicant is here
14 for or is compelled to be here for the extension, to
15 be approved or disapproved. I think that's the only
16 portion of this project right now that is before the
17 Board.

18 CHAIRMAN BRENNAN: Does that answer your
19 question?

20 MEMBER HAMMES: I understand it would be
21 before this Board, to be a clear previously we would
22 not consider that by itself.

23 MR. PROKOP: There's other elements of the
24 premises that are part of the awning and awning
25 review, so you would need, there's things like

1 access and, you know, whatever else, whatever else
2 would be, it would be difficult to separate just
3 that structure from other things that are going on
4 on the site.

5 So I just would mention that, but I think the
6 expectation was that the Board would process the
7 application for the awning.

8 MR. CONNELLY: Generally speaking, you are not
9 supposed to bifurcate site plan applications, but
10 here where there is a court order, I don't think
11 there is really much of an option.

12 Three three: So in theory we could approve
13 or disapprove just the awning but we would not be
14 approving or disapproving the entire site plan.

15 MR. CONNELLY: Right.

16 MR. PROKOP: If I could speak, Rob. One of
17 the reasons for that is because the awning is there.
18 The awning is there without an application or
19 approval from the Village. So I think it was --

20 MEMBER HAMMES: Well, I think it was put up
21 after the application was filed but before the
22 approval had been granted.

23 CHAIRMAN BRENNAN: Okay. I'm going to
24 continue. So we have a document here that is from
25 Justice Court, Town of Southold. I'm just going to

1 read from this.

2 It says: PWIB Claudio's Real Estate LLC, the
3 Defendant, on November 30th, 2022, you were
4 convicted in this court of a violation of Greenport
5 Village Code 150-3, site development, failure to
6 obtain site plan approval. And it goes on to cite
7 several other areas.

8 So with that violation, the Court has imposed
9 several other conditions. Six.

10 The first one is that the Defendant agrees to
11 and shall make application for building permits and
12 site plan approval, variances and/or historic
13 preservation approvals for the site within 60 days
14 of the date of this conditional discharge. Any site
15 improvements or changes not included in the site
16 plan, not approved, shall be removed within 30 days
17 of final decision by the Planning Board or other
18 Board or final judgment or appeal by a court if
19 appealed to the Supreme Court of the State of New
20 York.

21 Number two, defendant to diligently pursue
22 applications including provide in any applications
23 documents or materials reasonably required in
24 connection with those applications.

25 Number three, defendant shall obtain

1 professional design for sound buffering structures
2 along bar area facing marina so as to buffer and
3 protect marina area from noise from the bars to the
4 satisfaction of and obtain approval of Planning
5 Board in conjunction with the above site plan
6 application. And shall install design sound
7 buffering within 30 days of obtaining Planning Board
8 approval.

9 Number four, defendant shall make no further
10 changes to the site without first obtaining required
11 Village of Greenport approvals.

12 Number five, defendant shall devise and
13 submit for approval in conjunction with the site
14 plan approval required above, a plan to provide
15 parking for customers of the businesses located on
16 the site and to mitigate the impacts of the business
17 on parking in the Village and shall obtain approval
18 for that parking plan.

19 Number six, file for and obtain site plan
20 approval and building permit for awning extension --
21 I think it says awning extension beam.

22 Okay, the SEQRA status of this project is yet
23 to be determined. I believe the planner or counsel
24 is waiting for more information.

25 We have comments from our consultant LKMA

1 dated February 27th, 2023. I want to read those
2 comments into the record.

3 This is a planning memo from L.K. McLean
4 Associates PC, dated February 27th, 2023.

5 Project description: Applicant proposes the
6 following. To extend the existing canopy with the
7 addition of 30x38 additional canopy over Claudio's
8 waterfront located on the western of the two piers
9 that are part of Claudio's existing restaurant
10 complex.

11 The existing restaurant most recently
12 received Planning Board approval on July 30th, 2020.
13 This approval included a total of 227 new seats
14 provided in several different areas on site.

15 The restaurant is located within FEMA special
16 flood hazard area zone VE, base flood elevation of
17 nine feet.

18 It is the jurisdiction of the Village
19 Building Department to ensure the proposed
20 construction complies with associated FEMA flood
21 codes and construction standards, however, the
22 Planning Board may exercise general discretion in
23 regard to the public safety impacts that may result
24 from intensification of uses within the flood zone.

25 The restaurant is adjacent to the Greenport

1 harbor and New York State DEC tidal wetlands, but it
2 is in an area behind the bulkhead and not subject to
3 further permitting at this time.

4 Comments and Recommendations: The standard
5 of site plan development consideration and approval
6 are contained within section 150-30 of the Village
7 Code, which requires that the Planning Board take
8 into consideration the public health, safety and
9 welfare and the comfort and convenience of the
10 public in general and of the residents of the
11 immediate neighborhood in particular.

12 The following information is needed so that
13 the Planning Board can better understand the
14 potential impacts on the neighborhood and the
15 Village from the proposed use.

16 The Planning Board has previously requested
17 an updated existing conditions plan, depicting only
18 features actually constructed. To date this plan
19 has not been provided. The applicant is further
20 reminded that they have not provided the site plans
21 required by the 7/30/2020 Planning Board decision
22 conditions of approval. This was originally brought
23 to the applicant's attention on March 30th, 2022.

24 Planning Board Memo: Number one. Use. (a),
25 an outdoor beer garden is shown on the site plan.

1 The Village does not have a record of a prior
2 planning approval for this use. Please remove this
3 at this time, and specify the use for this area as
4 approved on 7/30/2020.

5 (b), canopy extension. The applicant shall
6 submit a written statement clarifying the following
7 regarding this proposal.

8 One, what are the current hours and days of
9 operations.

10 Two, is this area as proposed to utilize
11 outdoor heaters.

12 Three, will this application expand the
13 number of seats in the restaurant.

14 Four, what will this enclosed area be
15 utilized for.

16 Five, what are the designated hours/days of
17 live music.

18 The applicant is reminded that Section
19 150-11(e) (2) of the Village Code prohibits outdoor
20 public address or music systems which are audible
21 beyond the limits of the site.

22 Five, pursuant to section 150-11(e) (5), is
23 outdoor lighting contained on site.

24 Two, parking traffic circulation. No
25 comments at this time.

1 Three, site plan development. The applicant
2 is reminded that relevant elements described within
3 150-30(d) must be addressed on the site plan
4 submitted.

5 At this time, preliminary comments to be
6 addressed include, one, the applicant is reminded of
7 the conditions of approval concerning site plan
8 development from the 7/30/2020 Planning Board
9 decision. And it appears that these conditions were
10 intended to apply to the proposed plan for that
11 decision and that these plans were not prepared. As
12 such, the information shall be incorporated into a
13 revised site plan submission.

14 (A), site plan shall include a sufficient
15 description of information to define precisely the
16 boundaries of the property. All distances shall be
17 in feet and tenths of a foot. All angles should be
18 given to the nearest ten seconds or closer. The
19 errors of closure shall not exceed one in
20 ten-thousand.

21 (B), the site plan shall include exterior
22 contours at intervals of five feet or less, referred
23 to a diagram satisfactory to the Board.

24 (C), the site plan shall include approximate
25 boundaries of any area subject to flooding or storm

1 water overflows.

2 (D), the site plan shall include the location
3 of uses and outlines of structures drawn to scale on
4 the lot and within one-hundred feet of the lot line.

5 (E), the site plan shall include the
6 location, dimensions, grades and flow direction of
7 existing sewers, culverts and water lines, as well
8 as other underground and aboveground utilities
9 within and adjacent to the property.

10 (F), the site plan shall include other
11 existing development, including fences, landscaping
12 and screening which shall be reviewed by the Village
13 of Greenport Planning Board.

14 (G), the site plan shall include the time and
15 use of any proposed outdoor lighting and public
16 address systems, and the applicant shall come before
17 this Board for approval of the outdoor lighting plan
18 and shall strictly conform to the noise mitigation
19 practices outlined in the report prepared by
20 applicant's acoustic engineer Sound Sense, dated
21 April 2nd, 2020.

22 (H), the site plan shall include profiles
23 indicating grading, cross-sections depicting the
24 width of roadways, location of width of sidewalks
25 and the location of water and sewer lines.

1 (I), the applicant shall submit a drainage
2 plan which demonstrates the containment of surface
3 water runoff on the site during and after
4 construction to ensure that surface water runoff
5 does not discharge into surface water bodies or
6 wetlands or cause flooding.

7 Number 2, the applicant indicated in
8 correspondence to the Planning Board dated
9 11/29/2022 that the following items from the
10 7/30/2022 site plan have not been completed.

11 The applicant shall review the status of each
12 of these with the Planning Board and incorporate
13 them as per the Board's direction in a revised
14 submission.

15 (A), provide landscaping in former dumpster
16 area.

17 (B), bathrooms in new waterfront prep kitchen
18 area were renovated instead of removed.

19 (C), arrangement of freestanding
20 refrigeration units at the center building has been
21 altered as compared to the site plan layout.

22 (D), landscaping and lighting throughout the
23 parking lot has not been installed to date.

24 (E), security station at Crabby Jerry's has
25 not been installed to date.

1 (F), removal of parking spaces directly south
2 of Claudio's restaurant has not been done.

3 (G), marking pedestrian walkways in parking
4 lot have not been done.

5 State Environmental Quality Review
6 requirements: A short environmental assessment form
7 has been received. At this time the applicant
8 should be aware that at a minimum, questions 3b and
9 4 have not been answered in accordance with the
10 application presented.

11 Once the applicant however provides all of
12 the requested information detailed throughout this
13 memo, further SEQRA analysis will be completed.
14 Comprehensive comments of SEQRA forms will be
15 offered at that time.

16 Other agencies of jurisdiction: The
17 applicant, especially the waterfront canopy's
18 technical specifications and any outdoor heaters are
19 subject to review and approval by the Village
20 Building Department. Any increase to the
21 restaurants originally approved numbers of seats
22 would be subject to approval by the Suffolk County
23 Department of Health Services and Village Sewer
24 District.

25 Okay, we have received an applicant's

1 response authored by Brian C. Doyle of Greenberg
2 Traurig, dated March 29th, 2023. So this was
3 yesterday. I'm going to read that response into the
4 record.

5 Members of the Planning Board. Sorry, this
6 is dated March 29th, 2023. It's from Greenberg
7 Traurig.

8 Members of the Planning Board, this office
9 represents PWIB, Claudio's Real Estate LLC, in
10 relation to its property located at 111 Main Street,
11 Greenport, New York, (the premises).

12 We are in receipt of your consulting
13 engineer's letter dated February 27th, 2023, and
14 write to respond in writing to the issues raised
15 therein.

16 First, enclosed with this correspondence is
17 an updated existing conditions plan. Please find
18 the site plan required by the January 30th, 2020
19 Planning Board decision conditions of approval.

20 Our architect believes that these plans have
21 been previously submitted to the Village and comply
22 with the conditions of approval dated July 30th,
23 2020.

24 Second, enclosed please also find plans
25 removing the open-air beer garden. This area is to

1 remain open and surrounded by the required landscape
2 planters until the parking area is removed and
3 resurfaced to install the outdoor lighting required
4 by the July 30th, 2020, site plan approval.

5 In the event that the applicant installs the
6 artificial turf and sand subsurface once the paving
7 road is completed, this area will not be used to
8 serve food and drinks.

9 Presently, the applicant is waiting for the
10 Village of Greenport to approve the applicant's
11 electrical service update plans, which contemplate
12 the installation of electric services and lighting
13 pursuant to the July 30th, 2020, site plan approval.
14 These plans were delivered to Mr. Pallas, the
15 Village Administrator, in hand, on January 26th,
16 2023, for his review.

17 Regarding the proposed canopy extension, the
18 business hours of the restaurant and bar are from
19 11:30 AM to 2:00 AM.

20 The proposed area covered by the extended
21 canopy will not include heaters.

22 The applicant will not expand the number of
23 seats in the restaurant.

24 The proposed canopy enclosure is designed
25 only to provide patrons with relief from the sun and

1 other elements.

2 Live music is generally scheduled for Friday
3 and Saturday, 8:30 PM to 1:30 AM, and Sunday, from
4 1:00 PM to 5:00 PM.

5 The applicant is cognizant of the Village
6 Code requirements relative to audible noise and has
7 provided to the Village in association with the July
8 30th, 2020, site plan approval and subsequent plans,
9 the opinion of its sound engineer indicating that
10 the existing canopy and proposed canopy minimize
11 ambient noise in such a way as to satisfy the
12 Village Code. And exterior lighting to the extent
13 it exists in relation to the proposed canopy
14 extension will be contained on site.

15 Regarding the other items raised in your
16 engineer's letter, our responses are below.

17 The applicant will install the required
18 planters/landscaping in the former dumpster area.

19 The bathrooms in the preparation area have
20 been renovated, not removed, but are used only by
21 the applicant's staff.

22 The refrigeration area differs in
23 configuration but not materially.

24 Landscaping and lighting in the parking lot
25 have not been installed because the applicant is

1 waiting for the Village to review the submitted
2 electrical service upgraded plans and then install
3 the permitted electrical upgrade and repave the
4 parking lot.

5 The security station at Crabby Jerry's is
6 removable and is reinstalled in its required
7 location every season. It is not a permanent
8 structure.

9 The removal of the parking spaces south of
10 Claudio's has not been done because the applicant is
11 waiting for the Village to review the submitted
12 electrical service upgrade plans.

13 If the Village would like the spaces removed
14 now, that can be accommodated. And marking of
15 pedestrian walkways in the parking lot has not been
16 done because the applicant is waiting for the
17 Village to review the submitted electrical service
18 upgrade plans before it removes and repaves the
19 parking lot.

20 Please contact me if this correspondence or
21 its enclosures present any questions or concerns.
22 Very truly yours, Brian C. Doyle.

23 We also have a letter from the engineer of
24 record, dated September 2nd, 2022. This is the
25 engineer of the canopy extension framing. Letters

1 from NJ Mazzaferro, PE, dated September 22nd, 2022.

2 The engineer of record attests that the steel
3 framing system is in compliance with the design
4 plans and applicable Village codes.

5 Now, I'm not sure if the engineer meant to
6 say it was in compliance with Village codes because
7 the Court later determined that it was not. Perhaps
8 he meant to say it was in accordance with New York
9 state building codes. I don't know.

10 Then there is another matter that I would
11 like to discuss today, which is Section 150-11 of
12 our ordinance, which is the waterfront commercial
13 district, paragraph C-1(c)(1)(d), which stipulates
14 that area shall not cover more than 50% of
15 over-the-water deck areas.

16 Okay, so we are in pre-submission. Would the
17 applicant's representative like to speak?

18 MR. DOYLE: May I?

19 CHAIRMAN BRENNAN: You may.

20 MR. DOYLE: Thank you. Mr. Chairman, Members
21 of the board, good evening, and thank you for
22 allowing us to present this evening.

23 My name is Brian Doyle, I'm an attorney with
24 Greenberg Traurig and I represent PWIB Claudio Real
25 Estate.

1 We are here this evening because my client
2 has a July 30th, 2020 Planning Board approval. We
3 are here also because Justice Powers required us to
4 be here. Justice Powers did not address
5 specifically the issue that you just raised, which
6 she made no finding that any beam was illegal.

7 She made findings that we, or our client, was
8 guilty of having food trucks on the premises. She
9 also made findings that several of the charges that
10 were brought against my client were not provable,
11 and were dismissed.

12 Interestingly, that criminal matter that was
13 pending, was pending for over a year, was adjourned
14 multiple times at the Village's request, not ours.
15 We showed up every time in court prepared to resolve
16 the matter. The Village asked for time. And we
17 accommodated the Village.

18 We ultimately pled guilty under Justice
19 Powers' supervision when she brought us and the
20 Village Attorney, Mr. Pallas, into chambers and
21 spoke to the Village in candor, and said the matter
22 should be settled. Okay?

23 LK McLean's letters dated February 27th, you
24 made reference that we responded to it on March
25 29th. We only received the letter last week, right,

1 so it was in the Village's possession for I don't
2 know how long. We got it. We responded right away.

3 Several of the issues that you referenced
4 when you spoke before, about the site plan, we can't
5 address right now, under the 2020 site plan, because
6 Mr. Pallas has electrical service upgrade plans we
7 need him to review. Once he reviews them and tells
8 us that we can install the electric, then we are
9 ready to go.

10 You know, we can tear up the parking lot and
11 do all these things; put the curbing and landscaping
12 in that is required, but we can't do it until Mr.
13 Pallas reviews the plans.

14 We gave him plans from H2M, not exactly a
15 crummy engineering service, and we are waiting for
16 comment for two months.

17 MEMBER HAMMES: You took two-and-a-half years
18 to get them to him.

19 MR. DOYLE: No, that's not accurate. They
20 were in process, they were being worked on and they
21 were going back and forth with Mr. Pallas.

22 Mr. Pallas indicated several different points
23 that he needed to order generators, during COVID,
24 and as I understand it, we were waiting for his
25 comment on what generators he needed, or if he

1 needed generators. All right?

2 So I want to go through references we made
3 tonight about an administrative moratorium with
4 written to the Village. You understand it's our
5 position and we've submitted those letters, and I'll
6 submit them again tonight, there is no such thing as
7 an administrative moratorium. There is no
8 moratorium over this Board restraining it from
9 reviewing this application.

10 The moratorium was, part of the reason why
11 when we tried to make application under the court
12 order. I appeared with plans and tried to submit
13 them, relative to this canopy, I believe on January
14 25th, January 26th. I was told by the Village Clerk
15 and Village Attorney Mr. Pallas, that they would not
16 process our application despite having a court order
17 in place.

18 On January 26th I met with Mr. Prokop and Mr.
19 Pallas and Mr. Connelly, and it was agreed that the
20 plans would be accepted on the 27th and processed,
21 in relation to the canopy.

22 The canopy is a 1,000 square foot addition of
23 space to a property, I think that's a little bit
24 over two acres. We proposed no additional seats.
25 We proposed no additional speakers, no additional

1 heat or air-conditioning. It is simply there to
2 keep people out of the weather.

3 The client will tell me, and I have spoken to
4 my client about it, that they have permission to put
5 the beam up. They were told to come to the Village
6 Hall to retrieve the building permit. When they got
7 there, Mr. Pallas, according to my client, said I
8 can't give you the permit.

9 I don't know where the truth lies there. I
10 wish my client had a building permit when they put
11 it up, but this Board knows you can't deny the
12 application because a permit was not in possession.

13 The other things that you raised about
14 landscaping, those are items we can take care of
15 right now. All right?

16 The Board made reference earlier, too, about,
17 that we have not submitted plans in relation to --
18 and we'll go through the LK McLean letter. In
19 relation to drainage, in relation to sewer lines,
20 we've done that now. I'll submit the plans to the
21 Board. Mr. Brown did them today.

22 Again, those are things that we are waiting
23 on plans from Mr. Pallas to tell us where we are
24 going to be putting electrical services.

25 Notably, my understanding is the Village

1 sewer system drains through our property and into
2 the bay. The sewer system from the Village drains
3 onto our land, and there are sewer lines through our
4 land that belong to the Village.

5 MEMBER CREEDON: Are you talk about storm
6 runoff?

7 MR. DOYLE: Storm runoff, and there are sewer
8 lines that belonging to the Village that run through
9 our property.

10 I don't know if the Village has easements for
11 those to be there. I don't know. I see them there
12 on the map today. But that has to be worked out.

13 I want to go through the LK McLean letter and
14 some of the issues it raised.

15 We answered what the hours of operation are.
16 We answered whether or not there will be heaters.
17 We don't want any additional seats. We answered
18 what the area will be enclosed for. We answered
19 what the designated hours and days of live music
20 are.

21 Our 2020 site plan approval already has
22 permission for outdoor lighting in it, which we
23 can't install yet because we are waiting for the
24 Village. Once we have the Village's update, we'll
25 install it.

1 Other conditions that LK McLean raised is the
2 site plan shall include a sufficient description of
3 information defining precisely the boundaries of the
4 property. The meets and bounds description are
5 shown on the plan. I don't know that we can
6 describe it any more precisely.

7 The site plan shall include exterior contours
8 at intervals of five feet. We are in a VE zone. I
9 don't know what contours there are. We are on a
10 pier; a flat pier that extends over water. There
11 are not many contours. If they want us to put
12 contours of zero over the entire map, we can do
13 that.

14 Site plan shall include location of uses and
15 outlines of structures drawn to scale. It has that.

16 Dimensions, grades of flow. Directing
17 existing sewage culvert and waterlines, as well as
18 other underground and aboveground utilities within
19 the adjacent property. You've been given that now.
20 Some of that is in our electrical service upgrade
21 plans which Mr. Pallas has.

22 Fencing/landscaping/screening. You have
23 that, in the July 2020 approval, which you approved.
24 The site plan shall include the time and use for any
25 proposed outdoor lighting and public address

1 systems. You have that. You've granted that
2 approval in July 2020.

3 In the charges that the Chairman references
4 there was not a single noise violation alleged. Not
5 one. Not one proven, not one alleged.

6 The applicant shall submit a drainage plan
7 which demonstrates the containment of surface water
8 runoff.

9 Again, we are here in a VE zone. I'm happy
10 for Mr. Brown or our engineer to talk to LK McLean,
11 and talk about what kind of drainage drainage plan
12 they need on a pier. I'm not an engineer, I can't
13 speak to it, but it strikes me that it's
14 unnecessary.

15 Provide landscaping in the former dumpster
16 area. That's the area that was shown as a beer
17 garden. They are not going to install a beer
18 garden. The landscaping that was there consisted of
19 planters surrounding the beer garden. They'll
20 install that.

21 The bathrooms in the waterfront prep kitchen
22 were renovated instead of removed. That is
23 accurate. So if you want them removed, I can speak
24 to the client about that.

25 These are kitchens adjacent to the piers used

1 for staff only. I'm not sure why the Planning Board
2 would want staff walking across the parking lot to
3 use the restroom. It's used only for servers. They
4 were pre-existing. There was no permitted work done
5 in there. It's tile work and renovation work only.

6 Refrigeration units at the center building,
7 it's my understanding there is a fence around the
8 refrigeration units and the electrician wanted the
9 refrigeration units set up in a different way.

10 Again, I don't think Code Enforcement has had
11 any issue with it. It's on the plan and it can be an
12 amendment to the 2020 site plan.

13 The security station at Crabby Jerry's is not
14 a permanent structure. It's replaced every year in
15 the same spot.

16 If you want the removable and parking spots
17 in front of Claudio's, that can be accommodated.
18 Those spots are left open for Village patrons to
19 use. We don't restrict that parking.

20 My understanding the Village has difficulty
21 with parking. We don't restrict it. So anybody who
22 wants to park there is welcome to.

23 If you want us to remove those spots, we'll
24 do that right now. We can put planters around them
25 and do something to further limit parking.

1 Marking of pedestrian walkways has not been
2 done because, again, we have to rip up this parking
3 lot. And once we do that, we can mark out these
4 walkways. Some of the landscaping that LK McLean is
5 complaining that we have not installed is located
6 within concrete curb cuts. We can build those curb
7 cuts once we know where we are putting electric and
8 power lines.

9 SEQRA. LK McLean says we have not properly
10 answered the questions. We answered those questions
11 in exactly the same way that was approved in the
12 2020 approval.

13 So I just want clarification on what differs
14 now as opposed to then.

15 So, you know, this, to me, over a two acre
16 site, is a de minimis change. It's 1,000 square
17 feet. We are not asking for any additional seating.
18 There is no further traffic. There is no heating,
19 no electric elements in there, no air conditioning
20 in there, no further speakers in there.

21 We have asked the Village and I have asked
22 Mr. Pallas more than once. He's made anecdotal
23 comments to me that the restaurant is too loud. I
24 have never received any non-hearsay allegation, I've
25 never received anything that, other than anecdotal,

1 that the restaurant is too loud. There has never
2 been a charge. There has never been anything alleged
3 that the restaurant is too loud. Nothing provable.
4 Nothing alleged in court.

5 So, you know, we can't, you know, we have a
6 sound engineer, would present it to the Board. The
7 sound engineer says the same awnings that have been
8 satisfactory to contain noise so are are going to be
9 installed on this canopy. And so I have to assume
10 it's going go do the same job. There will be no
11 further amplification of noise, so I can only assume
12 it's going to happen.

13 I want to point out, too, and I know the
14 Board has received it, in relation to the
15 moratorium, the Board also received the comments of
16 the Suffolk County Planning Commission, which I
17 think agrees with the applicant relative to the
18 moratorium. And the Suffolk County Planning
19 Commission said that a moratorium is the most
20 drastic kind of the land use measure or action that
21 a municipality can take. And particularly it stated
22 it should never be used to delay an application.

23 And in this circumstance, given the use on
24 this property, which I think everyone in this room
25 agrees, benefits the Village greatly, a 1,000 square

1 foot addition to enclose a canopy is something that
2 is worthwhile to the Village.

3 I'm open to hearing from any member of the
4 Board, or counsel, or Mr. Bolanos about issues that
5 go on down on the property. I think since I have
6 been involved there have been a lot fewer issues,
7 and I think the Board would acknowledge that. Mr.
8 Bolanos has my cellphone, he calls me if there is
9 ever a problem. We handle everything right away.

10 So, you know, there will be no additional
11 seats here, no intensification of any use. I can't
12 imagine it is going to be any louder or any more
13 unpleasant, being there has never been any brought.
14 So I ask the Board to consider the application with
15 an open mind.

16 CHAIRMAN BRENNAN: Thank you, Mr. Doyle. Do
17 Board members have questions for Mr. Doyle while he
18 is at the podium?

19 (Negative response).

20 CHAIRMAN BRENNAN: I'll jump in. I have a
21 question. In the application materials for the
22 awning, it depicts the side curtains being used for
23 inclement weather. I believe the curtains were part
24 of the noise mitigation measures. Are you familiar
25 with that?

1 MR. DOYLE: Yes.

2 CHAIRMAN BRENNAN: So are they used for
3 inclement weather or for --

4 MR. DOYLE: They can be put down at all times.
5 If the desire is to have them down when music is
6 playing, whether it be through, you know, a speaker
7 or a live band, that is something that the applicant
8 will consider.

9 CHAIRMAN BRENNAN: I think the issue there is
10 that it's, putting the curtains up and down is like
11 an operational function that someone has decided on
12 site at moment, and if those curtains are part of
13 the noise mitigation efforts and they are not being
14 closed, I think that may have happened in the past,
15 and certainly Mr. Pallas has conveyed that to me.

16 So I think we need to be clear about that.

17 MR. DOYLE: That can be made a condition of
18 approval. And that is something the applicant will
19 have to consider, right? If it's going to be too
20 warm in there because those things are done, then,
21 you know, that is something the applicant will have
22 to consider.

23 If the Board wants to put something in the
24 determination that if at any time there is an
25 amplified music or a band playing that those items

1 have to be down. That is something we'll consider.
2 But the Village also has a noise ordinance too,
3 right, that I have said to Mr. Pallas, and I know
4 I've said to members of the board, I can only defend
5 the client when I have an actual allegation made.

6 Mr. Pallas has told me about these anecdotal
7 stories that he raises and others have said, at
8 night when I'm in my backyard and it's loud, I know
9 it's from Claudio's.

10 You know, I can't defend that. But if it is
11 something that is operational, we are here to
12 cooperate. We are not here to make our neighbors
13 miserable. And I mean that. And, you know, we are
14 here to run a business and be a good neighbor.

15 If it's the intention of the Board and, you
16 know, you can tell me that the music is too loud and
17 those things, when they're up, it drives everyone
18 crazy, that is something I will take to the
19 applicant.

20 CHAIRMAN BRENNAN: Thank you. I think there is
21 a little bit of a Catch-22 in my mind in that the
22 awning and tent structure cannot have permanent
23 walls. And I believe part of the requirement in the
24 code is that that is like a semi-permanent -- I
25 don't remember the language exactly.

1 So, like this time of year, the curtains are
2 raised, maybe the roof is retracted. I don't
3 remember. And that's in compliance, I would
4 imagine, with the code.

5 But then if we were to implement any sound
6 mitigation measures that are permanent, like walls
7 or things, I think that would no longer satisfy the
8 code. As far as the temporary nature.

9 So, I think you understand, what we need is
10 a -- there is definitely a concern about noise,
11 there is a concern about noise disrupting the people
12 that rent the slips in the municipal marina. And,
13 again, it's anecdotal, that's what I've heard. It's
14 a Village-run operation there, and it's been
15 suggested that the noise is impacting the Village's
16 ability to rent those slips. Again, it's just what
17 I've heard. I don't know.

18 MR. DOYLE: I heard that from Mr. Pallas as
19 well, and I said to Mr. Pallas, I said to Mr. Prokop
20 and Mr. Connelly, I'm happy to reach an
21 accommodation. I've said to my client, you have to
22 be considerate. Right? You live in the Village and
23 you are relying on the Village government to assist
24 you on certain items. Try to be complaint.

25 So if we can come to a resolution, I'm happy

1 to be fair about it.

2 It is very difficult as a lawyer, and Tricia
3 knows this, it's very hard when you hear stories,
4 and I go to the client and they say what should we
5 do. I said I don't know who the story is coming
6 from, I don't know who is accusing you.

7 But I recognize also, we are next door to
8 people trying to sleep on their boat. I don't think
9 the people who sleep on those boats are quietly
10 reading all of the time either. I think some of
11 them like to have fun down there as well.

12 But that notwithstanding, we will cooperate
13 to try to accommodate the Board and the Village.

14 So I'm happy to listen to any reasonable
15 solution that is offered.

16 CHAIRMAN BRENNAN: I appreciate that. This
17 Board, you know, it's not a court. We are not
18 lawyers, with the exception of Ms. Hammes, which she
19 is not acting in her capacity as a lawyer. We are
20 entitled to rely on public feedback, and we are
21 required to take the public's concerns if they are
22 being impacted. We do have to --

23 MR. DOYLE: Yes, in the form of evidence,
24 right? If somebody were to come here and speak
25 publicly, but we have also been in business for how

1 many years and we have not violated your noise
2 statute. So that's evidence, too. And all I'm
3 saying to you is I recognize your position, and I
4 will be fair about it, and so will my client. I
5 understand sleeping next to Claudio's might be
6 difficult. I have spoken to Mr. Pallas about it,
7 multiple times, and I have expressed to him that we
8 will be fair and I will cooperate.

9 I don't know what else to do. I have a sound
10 engineer who has provided proof relative to the July
11 2020 approval that said the mitigation measures we
12 take are satisfactory. That's the evidence I have
13 have in front of me.

14 MEMBER DOUGHERTY-JOHNSON: Just to clarify,
15 there has never been a noise violation at Claudio's
16 or just since the new owners have taken --

17 MR. DOYLE: I have never defended, in the two
18 years that I've defended Claudio's, a noise
19 violation. I don't believe Mr. Bolanos has ever
20 cited one.

21 MEMBER DOUGHERTY-JOHNSON: Okay. I'm going
22 back.

23 MR. DOYLE: None were part of the case that we
24 resolved that Mr. Brennan brought up.

25 MEMBER DOUGHERTY-JOHNSON: Understood.

1 CHAIRMAN BRENNAN: Go ahead.

2 MEMBER HAMMES: So the noise thing is
3 definitely part of this. But as I stated when this
4 was before the Board, I don't know, two years ago, I
5 had a kind of different concern, which is counter to
6 the noise issue, and it's a balancing thing, which
7 was I was more concerned about by extending this
8 back further third of the pier, or whatever it is,
9 we've effectively gotten rid of this as a pier.
10 There is no appearance of it being a pier at that
11 point.

12 And I was also concerned about any impact it
13 might have on safety issues in terms of extending
14 further obstruction for boaters coming in and out of
15 that area.

16 So I recognize that that is -- my point being
17 that I don't know that I support it for those
18 reasons.

19 I also don't really understand, I mean I hear
20 you say you are not going to put seats in there and
21 it doesn't change the occupancy, but if that's not
22 the case, I'm not quite sure why you need to extend
23 it.

24 It seems de facto to me by putting it there
25 in inclement weather you are de facto increasing the

1 number of people that will be in that area, because
2 they would not be there if it was inclement weather
3 and you wouldn't need it.

4 MR. DOYLE: We can't permit -- by virtue of
5 the fire code, we are not permitted to have anybody
6 in excess of capacity enter that building, right?

7 MEMBER HAMMES: I understand.

8 MR. DOYLE: So there is a bar there. There is
9 an area for a band to play there. If it's middle of
10 August, right, it's nice to be covered in that area,
11 if you can be, for the sun; or if it's pouring rain,
12 it's nice to be covered. You know, that's really an
13 enforcement issue.

14 I mean, if Claudio starts letting way too
15 many people into that premise, that's something for
16 Mr. Bolanos for for the Liquor Authority to handle.

17 I don't think that's properly something that
18 is the subject of this hearing.

19 CHAIRMAN BRENNAN: I disagree on that, but --

20 MEMBER HAMMES: I do have, and I stated this
21 the last time we had a hearing on this, I had
22 concerns about this from an environmental kind of
23 standpoint, getting that done. The appearance of a
24 pier and it being a maritime area and being a marina
25 and a pier as well as the additional obstruction

1 further down the pier, for further boat traffic.

2 I understand that that is counter to our
3 concerns about addressing the sound ordinance. It's
4 a balancing act. I just wanted to state that those
5 continue to be issues that I am considering as we go
6 through this process.

7 CHAIRMAN BRENNAN: Is there a section of the
8 ordinance that specifically speaks to the view at
9 the end of the pier? Are you familiar with that?

10 MEMBER HAMMES: Well, I mean the conditional
11 use section has the 50% that you referenced, and it
12 also says that, um, basically you want it to be as
13 upland as possible, in the structure.

14 I think the point I'm making is more of a
15 general criteria that we have to take into account.
16 You know, the characteristics of the area, and the
17 environmental nature of it. And so it's more that
18 generality that I would get, but I also do have
19 concerns about these, the water provisions and the
20 WC section, and whether or not it seems to be there
21 is an issue over 50% which that was approved at some
22 point. I don't know how that works as a matter
23 of --

24 CHAIRMAN BRENNAN: Are you familiar with what
25 we are talking about, the provision that limits

1 construction over the deck, on decks over water, to
2 50% of the area of the deck over water?

3 MR. DOYLE: Yes. I'm not in a position to
4 speak to it now. I'll talk to Mr. Brown and to our
5 engineer. And I'm not sure, you know, I'm not sure
6 of the exact provision Ms. Hammes is referencing.

7 MEMBER HAMMES: It's 150-11. You mentioned
8 before, C(1)(C).

9 MR. DOYLE: I don't know if our use is
10 pre-existing. I don't know if what we have, that
11 exists, pre-exists the code. I don't know if it's
12 CO'd in. I'll look.

13 MEMBER HAMMES: If it was, I wouldn't say the
14 addition you are proposing, we wouldn't -- this
15 would require a variance.

16 CHAIR BRENNAN: That's where I'm going. We
17 can't approve something that doesn't, that is not in
18 compliance with the code. In which case -- if this
19 was applicable, you would need to get a variance to
20 increase the degree of non-conformity. Say you are
21 already over the 50% mark and you want to build
22 more, I believe you are going to need a variance for
23 that.

24 MR. DOYLE: Okay. We can take a look at it.

25 CHAIRMAN BRENNAN: Which, you know, I don't

1 know, maybe that's achievable.

2 MEMBER CREEDON: Would he also have to go to
3 Historic Commission? It's in the historic district.

4 MR. DOYLE: Mr. Brown is indicating that it
5 already has, but we'll take a look.

6 CHAIRMAN BRENNAN: Okay.

7 MEMBER CREEDON: Can I ask a question?

8 CHAIRMAN BRENNAN: You may.

9 MEMBER CREEDON: This is just a small
10 question. But you mentioned a couple of times, you
11 have no intention of putting seats there. Did you
12 anticipate high tops without seats?

13 MR. DOYLE: No. On the existing 2020 site
14 plan, that area shows as to be left open, I believe.

15 MEMBER HAMMES: I believe there were seats
16 there at some point in the last three years.

17 MR. DOYLE: I understand that, and I spoke to
18 Mr. Pallas about that. I've visited the site, and I
19 think the next day those seats were removed. And
20 again, what I would say to you with respect to that,
21 that is a code enforcement issue. I'm not here to,
22 you know, to say that that is acceptable. You know,
23 when I went to the property and saw it, I spoke to
24 Alex and to Mr. Pallas the next morning, and those
25 items, as I understand it, were removed. Just as

1 were the benches and the other items in that area
2 that showed as a beer garden.

3 I think the client understands that it's got
4 to follow the July 30th site plan approval, but just
5 as the Village is asking us to comply with its code,
6 I just ask that the Village review those electrical
7 service upgrade plans. I understand there were
8 delays during COVID. Some of that could potentially
9 be our fault, okay? But they have been in the
10 Village's hands for two months now. The sooner we
11 get an understanding of whether the Village needs
12 generators, the other items in the LK McLean letter
13 we can address. We can't really address them right
14 now. We are still subject to the 2020 site plan.
15 We are never going to escape that. So when LK
16 McLean goes through a list of things that they are
17 dissatisfied with, we still have to comply with
18 that.

19 MEMBER CREEDON: Is the end of that pier
20 there, the place where boats tie up and land
21 passengers?

22 MR. DOYLE: I don't think so. I mean, you can
23 tie up on either side, Robert, but not at the end.
24 I mean, you could conceivably tie up there. But I've
25 never seen anybody tie up there. They don't

1 encourage anybody to tie up there.

2 Robert says not long ago.

3 CHAIRMAN BRENNAN: That area, see, I was
4 operating under the belief that that was, had seats
5 and these kind of couch-like seating on the east
6 side of that pier. And there is a little bit of a
7 raised platform for loud music. So what is going to
8 happen -- so I think the drawings indicate that that
9 platform is being removed.

10 What is your intention for live music? Is it
11 going to be there? Is it moving somewhere else?

12 MR. DOYLE: In 2020 my recollection is that
13 the music -- Ms. Hammes and I had spoken -- was
14 supposed to toward the restaurant part and back. And
15 if that's the situation, I can speak to the
16 applicant about that.

17 Again, if that's the problem for the marina,
18 you know, we'll address that. But as I, you know,
19 this area of the pier is going to be left open. It
20 has to be. There can't be any additional seats or
21 anything in there.

22 CHAIRMAN BRENNAN: Okay, thank you. I'm not,
23 I was not here at the time and I don't recall the
24 conversation about the music. Just curious.

25 MEMBER HAMMES: There was a back and forth

1 about where the band was. I know where it used to
2 be. I'm old, so I don't go out that late at night.
3 But I know where it used to be and where it's being
4 described is different from where it used to be. So.

5 CHAIRMAN BRENNAN: Okay. Are there are other
6 questions for Mr. Doyle?

7 MEMBER BUCHANAN: I guess from my perspective,
8 we've gotten a lot of plans over the last few days.
9 And it seems on some there is seating and on some
10 there's -- it would be nice if they could be, if we
11 could get them sort of all either with seating or
12 without seating. Because speaking about places at
13 the end of Crabby Jerry's, and you can find this on
14 Crabby Jerry's Instagram, last year there was a
15 pergola that was added, and then there was
16 additional seating and additional, you know, lounge
17 section and whatnot.

18 And at one point the dock house was at the
19 southeast corner, and now it seems to be the parking
20 lot. It's hard to sort of follow all the changes.

21 I would also say, there is a shirt shack now
22 that was built, I saw it being built. I have a
23 picture from April 30th of 2022. It's not on here.

24 MR. DOYLE: I don't understand the term you
25 used.

1 MEMBER BUCHANAN: It's a shirt shack. That's
2 the sign. That's there now.

3 MR. DOYLE: It shouldn't be there, if it's
4 not approved.

5 MEMBER BUCHANAN: I don't know. It's just
6 really hard because things sort of come and go, and,
7 you know, to the point of where does it say it's
8 being moved. So it would just be really helpful to
9 have this be as comprehensive, so that we can see
10 how many seats are where. We can see where there is
11 going to be bathrooms or not bathrooms. Sometimes
12 they're there, sometimes they're not there. It
13 would be a lot, for consistency.

14 MR. DOYLE: I understand. We'll do it.

15 MEMBER BUCHANAN: Thank you.

16 CHAIRMAN BRENNAN: Other questions for Mr.
17 Doyle?

18 (No response).

19 I think there is a lot going on here, and as
20 Mr. Buchanan was just describing, when I look at the
21 plans, I wish the information that was being
22 provided on the plans for Planning Board purposes,
23 including information that was relevant and germane
24 to our discussions. So there is a lot of different
25 things going on there. There's notations how high

1 gloss varnish on railings, and then there are other
2 notifications saying pilings may or may not be
3 removed or replaced. Those are things that are of
4 greatly different magnitude. I don't really need to
5 know what color paint or what gloss the railing is.
6 But I would like to know some clarity about if there
7 are structural changes or something like that
8 happening. Those just seem to be more important.

9 MR. DOYLE: I understand.

10 CHAIRMAN BRENNAN: So I guess I would
11 encourage the architect to try to, as they move
12 forward, to try to edit these drawings in a way that
13 presents the information as clearly as possible to
14 the Board. Certainly it would be helpful. It's a
15 big site and a lot of changes going on.

16 MR. DOYLE: And I would just ask the Board,
17 relative to this application, and I understand what
18 you are saying, Mr. Brennan, is if you could focus
19 on the awning for now.

20 I think it's, time is a little bit of the
21 essence, to the extent we don't need a variance,
22 right? The season is upon us, and we would like to
23 try to get the thing installed, if we can. I
24 understand that that is not the Board's concern.
25 But we are hear to amend the 2020 site plan to

1 permit the canopy.

2 So I'll ask Mr. Brown to update those plans
3 as you've requested. I'll ask our engineer to
4 update the plans to address the LK McLean issues, to
5 do that, too. But I think a lot of issues have been
6 addressed, but some of those extraneous things we
7 need to be further addressed.

8 CHAIRMAN BRENNAN: I appreciate that. I just
9 want to correct you. This Board is concerned about
10 timing. We are not, that's not unimportant to us.
11 I think you were sitting here, there were other
12 applications before us, and in every case we are
13 trying to help the applicant to choose a path
14 forward that is ultimately going to be in their
15 interest. And we don't ignore that. It's not --

16 MR. DOYLE: I understand. I want you to
17 understand that our client has tried to do the right
18 thing. I know there is frustration on your side of
19 the table, but, you know, we did go to court for a
20 year, prepared, repeatedly -- and, no criticism of
21 Mr. Prokop - to try to get rid of these matters, and
22 get these applications in, and to try to comply with
23 the code, and do what the 2020 site plan requires of
24 us.

25 We had multiple meetings, and we provided

1 plans and plans and plans to try to do it. So we
2 are committed to try and be good neighbors and
3 comply with the code.

4 And I just want you to know that because
5 there is frustration on our side of the table, too.
6 And so I want to be fair about, I don't think my
7 client would want me to leave tonight and not have
8 said, you know, please, we need to get the canopy up
9 to the extent you are going to permit it. Because
10 the season is upon us.

11 CHAIRMAN BRENNAN: Understood, understood.
12 Okay, any other questions for Mr. Doyle?

13 (Negative response).

14 I would like to -- yes?

15 MR. PROKOP: I'm sorry, I have one thing, two
16 things to say, germane to the comments that were
17 made, and then I would, with Mr. Connelly's
18 permission, I consulted with Mr. Connelly about
19 this, but I would like to be involved with the
20 discussion with Mr. Connelly before the Board in
21 executive session, since some of these things
22 involve, excuse me, I think there are matters that
23 involve proper executive session subjects just
24 briefly at the end of this meeting.

25 The first thing is that the, is very specific

1 at the request of Claudio's counsel, the stipulation
2 provided for an application for a beam. And, you
3 know, I didn't see the site before that, before I
4 entered into the stimulation, but at the request of
5 counsel, the application, that language was
6 specific. So I'm not sure where that fits into this
7 application.

8 I have not seen the application before but I
9 just wanted to mention that.

10 And secondly, this whole notion that the
11 Village was not, counsel appeared every time and the
12 Village was not ready for a year and it is just not
13 a correct representation of these proceedings, which
14 actually dated back to 2020. Some of these matters
15 on the stipulation that was made part of the
16 application.

17 I don't really want to get, I have the
18 highest respect for Mr. Doyle and I don't want to
19 get into a back and forth with him, but he was only
20 counsel for Claudio's for the tail end of these
21 proceedings, and we cooperated together to try to
22 bring them to a resolution.

23 CHAIRMAN BRENNAN: Okay. Thank you.

24 MR. DOYLE: I agree with that. Right. Mr.
25 Prokop is a gentleman the entire time I was

1 involved. The case was handled fine. The matters
2 were adjourned, and they ultimately concluded, but,
3 you know, we were bickering over fines for a while,
4 okay, and once we came to that conclusion and Judge
5 Powers directed us to do what we did, the matter
6 ended.

7 I'm just saying that we are at the conclusion
8 of that, we are under court order to try to resolve
9 everything at this point.

10 The Board has not lost jurisdiction over the
11 2030 site plan. So we have to comply with that.
12 The only thing before you today is the amendment
13 relative to the beam. And the canopy. Excuse me.

14 CHAIRMAN BRENNAN: Okay, so both of your
15 comments are noted. I do have a question on your
16 first point. Did you say a beam?

17 MR. PROKOP: I think the language of the
18 stipulation says there is going to be an application
19 for approval of a beam. It's very specific.

20 CHAIRMAN BRENNAN: Okay, I read that before.
21 I assumed that means, the beam is referring to the
22 structure, and in any case, this Board has already
23 been directed to look at this as if the improvement
24 as not made and we are really considering this as a
25 new application for an awning.

1 MR. DOYLE: The language says file form obtain
2 site plan approval and building permit for awning
3 extension beam. Awning extension beam.

4 CHAIRMAN BRENNAN: Yes. Well, do you want us
5 to do that?

6 MR. DOYLE: Yes. I'm not asking for you to
7 approve just a beam. I'm asking for you to approve
8 an awning and the beam.

9 CHAIRMAN BRENNAN: Absolutely. That's what we
10 are working on.

11 MR. DOYLE: Thank you.

12 CHAIRMAN BRENNAN: Is that fair?

13 MR. PROKOP: Yes. I wanted to point that out
14 to you.

15 CHAIRMAN BRENNAN: I saw that. I think this
16 Board is more interested in the entire awning and
17 that's what we are going to be working on.

18 MR. DOYLE: Thank you.

19 CHAIRMAN BRENNAN: Could I ask our
20 representative of LKMA to come forward, please.

21 CHAIRMAN BRENNAN: I just wanted to give you
22 an opportunity.

23 Did you have any response to Mr. Doyle's
24 comments about things that were submitted or not
25 submitted, or any of these questions about, did you

1 want to comment on the criteria for contours,
2 anything like that?

3 MR. DIBIASE: No. I think we would like to
4 review what he submitted in writing and respond to
5 it. It sounds like they've addressed most of the
6 comments, or they've had the intention of addressing
7 most of the comments, so we look forward to looking
8 at that.

9 CHAIRMAN BRENNAN: Okay, does anyone have any
10 questions for the engineer?

11 (Negative response).

12 CHAIRMAN BRENNAN: Okay, thank you. Okay, so
13 I think the matter before us is whether or not this
14 Board is willing to, I think Mr. Connelly said
15 bifurcate the application and consider the awning on
16 its own, or do we want to continue to evaluate the
17 awning in the context of the entire site plan.

18 MEMBER HAMMES: There is no public hearing on
19 this right now.

20 CHAIRMAN BRENNAN: This is not a public
21 hearing.

22 MEMBER HAMMES: I would be okay bifurcating it
23 at this point, although I think we have to make it
24 clear, in any approval, submitting approval, we
25 need, that we were not blessing anything that is off

1 code on the existing plan

2 CHAIRMAN BRENNAN: Yes. Mr. Creedon, what do
3 you think?

4 MEMBER CREEDON: I think the same. I think we
5 are instructed to evaluate this on its own, correct?

6 CHAIRMAN BRENNAN: You were not instructed to,
7 but our counsel indicated we may do that.

8 MEMBER CREEDON: I thought he said should.

9 CHAIRMAN BRENNAN: I took it to be "may." In
10 any case, are you agreeable to doing that?

11 MEMBER CREEDON: Yes.

12 CHAIRMAN BRENNAN: How about you, Ms. Johnson?

13 MEMBER DOUGHERTY-JOHNSON: Yes, I'm agreeable.

14 CHAIRMAN BRENNAN: Mr. Buchanan?

15 MEMBER BUCHANAN: Yes.

16 CHAIRMAN BRENNAN: Why don't we do this. So
17 let's focus our discussion on the awning, and we'll
18 need one significant caveat at some point that we
19 are not foregoing the opportunity to continue to
20 have jurisdiction over the site plan, what is it,
21 the 2020 site plan.

22 Does that make sense to you, Mr. Connelly?
23 Can we do that?

24 MR. CONNELLY: Yes, you can.

25 CHAIRMAN BRENNAN: Mr. Prokop?

1 MR. PROKOP: Yes, I would just like to have
2 that opportunity to talk to Mr. Connelly.

3 CHAIRMAN BRENNAN: Yes, I know you are asking
4 for executive session with the Board.

5 MR. PROKOP: Yes, regarding the few matters
6 that have to do with the proper subject of executive
7 session.

8 CHAIRMAN BRENNAN: Okay, we'll be sure to do
9 that at the end of this meeting when the public
10 leaves.

11 Okay, so -- all right, now. Are we ready to
12 talk about this awning? Any further discussion?

13 MEMBER DOUGHERTY-JOHNSON: I don't have much
14 more to say, but I do agree with Tricia's
15 reservations about the general look, and safety.

16 MEMBER HAMMES: I think the first
17 determination that has to be made is whether a
18 variance is required. Because normally a variance
19 is required, we would require that be taken in the
20 first step. I mean, I continue to have concerns to
21 playing with the sound issue, but we have to hold a
22 public hearing on it anyway, right?

23 CHAIRMAN BRENNAN: Right.

24 MEMBER HAMMES: So I don't really know if I
25 have anymore to say about it at this point until we

1 have a public hearing.

2 MEMBER CREEDON: I think the same
3 consideration should be discussed. They say that it
4 was approved already and I have no reason to doubt
5 that.

6 CHAIRMAN BRENNAN: Okay, so you would like to
7 make sure the referral to HPC is done at this point.

8 MEMBER CREEDON: Or has been, yes.

9 CHAIRMAN BRENNAN: Tricia, do you know if it
10 has been?

11 MEMBER HAMMES: I honestly don't recall. If
12 they say it was, it probably was, because we knew
13 they needed it at this point, and we normally refer
14 it and ask them to get those approvals before we go
15 on to the next step.

16 CHAIRMAN BRENNAN: Ok. Mr. Pallas is not here
17 so I don't know if one of you gentleman has the
18 answer to that. Has this already been referred to
19 HPC?

20 MR. PROKOP: I don't believe so.

21 MR. CONNELLY: The only portion of the project
22 that is in the historic district, I don't know if
23 the portion where the awning is, is in it.

24 CHAIRMAN BRENNAN: I don't think it is.

25 MR. PROKOP: My understanding is that it needs

1 to be reviewed, but I have not seen enough. We just
2 got the plans yesterday. I would have to advise HPC
3 review those plans, that submission, and advise HPC.
4 I don't know what is involved in it.

5 CHAIRMAN BRENNAN: Okay.

6 MR. BROWN: If I may.

7 MEMBER BUCHANAN: I have similar concerns to,
8 I think more of the safety than anything. My only
9 other question I would have is, I don't remember
10 seeing this from the sound engineer. Do we have a,
11 what difference in sound is when the sides and the
12 top are down and versus open. Is that something
13 that is -- because I mean, I don't know if I just
14 have not seen that.

15 MR. DOYLE: I think the engineering plans
16 assume the sides would be down and recommended and
17 came to the conclusion it was satisfactory to meet
18 the Village Code. But I can ask the engineer to
19 give you some kind of -- I suspect it doesn't.

20 MEMBER CREEDON: I understand it could be hot
21 under there. But the one side opens up on the
22 shipyard, and if that side is open on the side
23 facing the marina is closed, maybe it would not be
24 so loud.

25 MR. DOYLE: We are happy to do that if that is

1 something satisfactory, so I can ask the engineer
2 what he or she thinks.

3 MEMBER CREEDON: Thank you.

4 MR. DOYLE: Thank you.

5 MR. BROWN: If I may. Robert Brown,
6 architect, 205 Bay Avenue, Greenport.

7 Much to my dismay, I was advised when I
8 started this project, that even though the
9 restaurant building is the only part of the property
10 that falls within the historic district, I had to
11 consider the entire property to be in the historic
12 district.

13 CHAIRMAN BRENNAN: Okay.

14 MR. BROWN: And we have gotten historic
15 approval every step of the way.

16 CHAIRMAN BRENNAN: Okay, thank you, for
17 clarifying that.

18 MR. BROWN: Thank you.

19 MR. PROKOP: Can I say one thing?

20 CHAIRMAN BRENNAN: Yes, you may.

21 MR. PROKOP: The subject of the noise, there
22 is information that is available in the Village that
23 is related to that, the subject of the noise and the
24 complaints. It's not only hearsay or not or what
25 was described. But that being said, the the subject

1 of the noise buffering or protection was the subject
2 of a prior Planning Board decision, as I understand
3 it, which approved the buffering system, pursuant to
4 a prior court order resolving the noise issues at
5 that time. We are now talking about probably three
6 years ago or so.

7 So there is a prior court stipulation that
8 whereby, it's my understanding is that, my
9 recollection is that Claudio's was required to
10 provide a proposed buffering system to the Planning
11 Board that was designed by a consultant at that
12 time. That buffering system was approved by the
13 Planning Board and installed and was then removed.
14 As I understand. And that's my understanding based
15 on inspection of the site and not on my personal
16 observation.

17 But it's that prior approval by this Board
18 and the Court condition that would have to be dealt
19 with in terms -- there is a sort of a logical
20 extension or, you know, to get from there, which was
21 a binding decision of this Board, based on a court
22 condition to get to now discussing here whether the
23 awning, if it is down, will buffer noise.

24 CHAIRMAN BRENNAN: Your point being we have to
25 consider that sound buffer system.

1 MR. PROKOP: Yes, from your prior approval and
2 the prior court agreement.

3 CHAIRMAN BRENNAN: Okay. So I believe -- so
4 we need to revisit the sound buffering system. We
5 need to clarify whether HPC has already been
6 submitted. Mr. Brown is saying that it has.

7 I have a question for you, Mr. Brown. Have
8 you been HPC for this particular awning?

9 MR. BROWN: It was a long time ago. I believe
10 we did, but I have to check my records.

11 CHAIRMAN BRENNAN. So we need to clarify
12 that. We'll need to know.

13 MR. NOONE: I'll check to see if a certificate
14 of appropriateness was issued.

15 CHAIRMAN BRENNAN: Okay. And back to this
16 issue with the zoning board and section 150-11. The
17 applicant and our consulting planner are going to
18 have to determine whether or not this 50% coverage
19 rule applies to this project. We need to have it
20 resolved whether or not this is going to require a
21 variance. I'm not saying it has to. I don't know
22 all the information about it.

23 CHAIRMAN BRENNAN: Okay, so we'll continue
24 this pre-submission conference. I want information
25 on the sound buffering system, the status of HPC,

1 and I want a determination from our consultant
2 planner about whether or not section 150-11 is
3 applicable to this project.

4 Any other discussion? Questions? Okay, I
5 would like to move on. Thank you, all.

6 All right. Item nine, any other business. Is
7 there any other business you would like to bring
8 forward?

9 (Negative response).

10 MEMBER HAMMES: I would just like to thank you
11 also for your service to this Board. Leaving the
12 Planning Board, you'll be sorely missed. I look
13 forward to seeing all the wonderful things you do.

14 CHAIRMAN BRENNAN: Thank you, I enjoy being
15 here and working with all of you, and working with
16 counsel.

17 MR. CONNELLY: And Mr. Noone, thank you.
18 Before we -- so we are not going to Item 10.

19 Motion to adjourn. We are going to, we'll
20 have a motion go into executive session.

21 MEMBER HAMMES: Second.

22 CHAIRMAN BRENNAN: All in favor?

23 (ALL AYES).

24 So moved.

25 CHAIRMAN BRENNAN: If the public would not

1 mind leaving.

2 (Whereupon at 7:00 pm, this public meeting is
3 adjourned and the Board moves to Executive Session).

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C E R T I F I C A T I O N

STATE OF NEW YORK)

) SS:

COUNTY OF SUFFOLK)

I, WAYNE GALANTE, a Notary Public in
and for the State of New York, do hereby certify:

THAT the within transcript is a true
record of the proceedings taken on March 30, 2023.

I further certify that I am not
related either by blood or marriage, to any of the
parties in this action; and

THAT I am in no way interested in the
outcome of this matter.

Wayne Galante

WAYNE GALANTE