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VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK

-----x

PLANNING BOARD

REGULAR SESSION

-----x

Third Street Firehouse  
Greenport, New York

March 2, 2017  
5:14 p.m.

B E F O R E :

DEVIN McMAHON - CHAIRMAN BRADLEY

BURNS - MEMBER (absent)

NOAH THOMAS - MEMBER

LUCY CLARK -- MEMBER

JOHN COTUNGO -- MEMBER (absent)

JOSEPH PROKOP - VILLAGE ATTORNEY

GLYNIS BERRY - PLANNING BOARD CONSULTANT

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

KRISTINA LINGG - BUILDING CLERK

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1 PROCEEDINGS - 3-2-2017

2 CHAIRMAN McMAHON: All right,  
3 we're going to begin the meeting. I  
4 apologize for the delay.

5 This is the Village of Greenport  
6 Planning Board Regular Session for  
7 March 2, 2017.

8 First item on the agenda is the  
9 Continued Public Hearing for the  
10 application of Dan Pennessi, President  
11 of SAKD LLC, located on the southeast  
12 corner of Front and Third Streets. The  
13 property is located in the WC,  
14 Waterfront Commercial District.

15 The applicant proposes to  
16 construct a hotel, restaurant and  
17 retail space. The proposed uses are  
18 conditional.

19 This is Suffolk County Tax Map  
20 number 1001-5-4-5.

21 Would anyone like to speak to  
22 this? Anyone who takes the podium,  
23 please give

24 your name and address.

25 MR. SWISKEY: Name and address,  
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PROCEEDINGS - 3-2-2017

1  
2 yes. William Swiskey, 184 Fifth  
3 Street.

4 Has this applicant submitted any  
5 kind of traffic plan because this is  
6 going to be a real disaster with the  
7 Mason Ole and the two restaurants and  
8 everything else and the ferry,  
9 increased traffic. I mean it's -- I  
10 mean it's always nice, like the ZBA  
11 member said, well, parking is a Village  
12 problem. Well, lack of parking, yeah,  
13 is a Village problem, but you just  
14 can't -- they granted the variance  
15 anyway, so.

16 Is any consideration given to  
17 maybe scaling this back because this is  
18 not gonna be good?

19 CHAIRMAN McMAHON: That's a  
20 question for the applicant to answer.

21 As far as -- I have raised many  
22 times my concerns about the parking and  
23 the intensity of use.

24 We're here to accept comments from  
25 the public.

PROCEEDINGS - 3-2-2017

1  
2 MR. SWISKEY: Yeah, but it's  
3 pretty hard for this board to deny an  
4 application once it's got the variances  
5 which was, when he got the variance for  
6 20 cars was very shocking. I mean, I  
7 guess you could use the excuse that  
8 basically it's too much for the area,  
9 if the -- what are the parameters that  
10 the Planning Board uses to determine an  
11 application like this; I'm not quite  
12 sure?

13 CHAIRMAN McMAHON: In what  
14 respect?

15 MR. SWISKEY: Well, most Planning  
16 Boards, most Villages have a plan, a  
17 master plan, the Village probably  
18 doesn't have one, I don't believe. But  
19 the master plan states what they want  
20 the areas to look like. I mean so  
21 since the Village don't have one, what  
22 is your judgment on this? I just don't  
23 know.

24 CHAIRMAN McMAHON: This is still  
25 an open hearing from the public,  
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1 accepting comments from everybody who  
2 has an interest.

3  
4 I'm not -- I've raised my concerns  
5 many times. Anyone else on the Board  
6 is free to speak.

7 MR. SWISKEY: I'll ask one other  
8 question. Could you turn this  
9 application down?

10 CHAIRMAN McMAHON: I believe we  
11 still have the authority to have an up  
12 or down vote on this, yes.

13 MR. SWISKEY: Thank you.

14 MR. HARRIS: My name is Peter  
15 Harris, I live at 212 Knapp Place,  
16 Greenport. Just for the record, I'm  
17 two blocks out of the Village, but I'm  
18 a lifelong resident of Greenport, and  
19 46 years volunteer fire department.

20 And I just have to say, I'm not  
21 against -- I'm not against anyone  
22 wanting to go into business and build  
23 structures or whatever to make a  
24 living; however, the location down on  
25 the corner of Front and Third, I just,  
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PROCEEDINGS - 3-2-2017

1  
2 from a logistics standpoint, I just  
3 can't, I can't see how this can work.

4 The fact that you build, you went  
5 to build a retailer is one thing, but  
6 then -- I mean we've already got  
7 restaurants in the area that take up  
8 parking and we want to build a  
9 restaurant and we want to build a  
10 hotel, and it's probably, other than  
11 the corner of Front and Main, it's the  
12 second busiest intersection because of  
13 the fact that you're dealing with the  
14 Shelter Island Ferry.

15 And if you have a restaurant or  
16 retail or even a hotel, you have to  
17 have deliveries. Where are you gonna  
18 have deliveries? You got a turning  
19 lane, you got your main travel lane,  
20 and I just -- I'm just -- I just see it  
21 as a logistical nightmare down there.

22 Again, I'm not against people, you  
23 know, wanting to build a business or  
24 structures or what have you, but I just  
25 -- I mean, as a little boy, I can

PROCEEDINGS - 3-2-2017

1 remember that property being, it was  
2 the Sinclair gas station there, a  
3 gentleman by the name of Willard  
4 Creaton (phonetic) was the proprietor.  
5

6 But I just, in this day and age, I  
7 just can't see, see a hotel,  
8 restaurant, retail with no parking to  
9 be able to -- and again, deliveries, I  
10 mean everybody, when you go into  
11 retail, restaurant, you have to have  
12 deliveries, and I have absolutely no  
13 clue where they're gonna deliver.

14 Thank you.

15 CHAIRMAN McMAHON: Thank you.

16 MS. CLARK: Thank you.

17 MR. SALADINO: John Saladino,  
18 Sixth Street. In the interest of full  
19 disclosure, I'm a  
20 member of the Zoning Board of  
21 Appeals, but I'm not here speaking for  
22 the Zoning Board.

23 Myself, I'm in favor of this  
24 project. If you give me a few minutes,  
25 I'd like to address some of the  
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PROCEEDINGS - 3-2-2017

1  
2 concerns that I've heard.

3 I've heard concerns about  
4 disrupting the ferry line with the  
5 hotel's parking lot. I don't think the  
6 growth and development of the Village  
7 of Greenport should take into  
8 consideration a mild inconvenience to a  
9 corporation that's outside the Village,  
10 and for customers that are mostly  
11 outside the Village. I think the  
12 Village of Greenport should take into  
13 consideration the growth, development  
14 and the wellbeing of the Village, not  
15 so much the customers of the ferry  
16 company.

17 Also I've heard concerns about the  
18 safety going in and out of the parking  
19 lot for the hotel. We have all pulled  
20 into parking lots and pulled out of  
21 parking lots, we don't go in them at

22 miles an hour or 25 miles an hour;  
23 we go in cautiously and we come out  
24 cautiously. And if there's someone in  
25 your way, we've all entered and exited

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1 parking lots that had cars in front of  
2 us. And if there is a guy in front of  
3 you, you wait till he passes and you  
4 look at the guy behind him and you come  
5 out.  
6

7 I just heard about where  
8 deliveries, they have a loading zone  
9 that's approved by code so -- I've  
10 heard concerns from the Legion Hall  
11 next door, I'm not sure I understand  
12 them. They don't have a parking lot  
13 that the hotel customers would take up  
14 space in their parking lot. I'm just  
15 not sure I understand the detriment to  
16 Legion Hall.

17 I heard on the videotape last week  
18 about the corporation across the  
19 street, the concern that the hotel  
20 customers would park in that parking  
21 lot, and that might be a concern. But  
22 it might be a concern for him for any  
23 customer to park there. There is a  
24 proposed 180-seat restaurant, two  
25 restaurants adjacent to the property

PROCEEDINGS - 3-2-2017

1  
2 that if it had to abide by the same  
3 code would need 35 parking spaces and  
4 doesn't provide any.

5 There is a new restaurant opening  
6 up across from that property; I'm not  
7 sure of the amount of seats, 140 or so,  
8 provides no parking either, which those  
9 customers might, in fact, park in that  
10 parking lot.

11 Plus also, it enhances a foul  
12 corner, it enhances a corner that has  
13 been foul for 10 years, 12 years. It's  
14 the gateway to Greenport. Right now we  
15 have an institution chain-link fence  
16 there. We have the opportunity to  
17 dress that corner to make it a little  
18 more presentable to the people that  
19 visit.

20 There is a financial issue. I'm  
21 sure the project is gonna be more than  
22 a couple of bucks. It would increase  
23 the tax base here. I'm only guessing,  
24 20, \$30,000 in Village tax. I'm not  
25 sure how much in school tax.

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1  
2 I'm just finding it hard to  
3 understand. The ZBA granted a variance  
4 of 20 parking spaces in their wisdom,  
5 they thought it was reasonable.

6 For the record, I voted against  
7 it, and it might seem hard for some  
8 people to understand now how a guy that  
9 voted against the project as a member  
10 of the ZBA and is advocating for it as  
11 a private citizen, and it's just that;  
12 one is my professional opinion,  
13 professional, one is my volunteer  
14 position opinion and one is my opinion  
15 as the resident. I'm a hardliner, I  
16 admit that. I believe in the code, to  
17 me it wasn't reasonable relief, I voted  
18 no, but now as a private citizen, from  
19 my one-year experience on the ZBA being  
20 intimately familiar with this project,  
21 I'm just not sure I see the level of  
22 concern that some people are expressing  
23 about this.

24 The other variances, you know, it  
25 was said that you's granted six  
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PROCEEDINGS - 3-2-2017

1  
2 variances, the reality is, the one  
3 important variance was parking, the  
4 other stuff, you know, one percent lot  
5 coverage and four for height were  
6 really kinda minutiae, and I was okay  
7 with them. I voted against the parking  
8 variances.

9 But now they have parking. They  
10 have their relief from providing those  
11 spaces, now it should be about the  
12 project itself. It should be about the  
13 building, and it should be about the  
14 benefit to the Village.

15 That's just my opinion. Thank  
16 you. Thanks for listening.

17 MS. ALLEN: Chatty Allen, Third  
18 Street. This has been going on for at  
19 least a

20 year-and-a-half and from day one,  
21 I have been against this project for a  
22 lot of the reasons that were being  
23 said.

24 I know what the traffic is like at  
25 that corner. Some that do not know,  
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PROCEEDINGS - 3-2-2017

1 I'm a school bus driver and twice a  
2 day, in the morning and in the  
3 afternoon, I have to use that  
4 intersection in the big bus. I see how  
5 traffic is.  
6

7 The project is beautiful, and at  
8 one of the meetings about a year ago, I  
9 did say, anywhere but that, what I  
10 said, that tiny little lot there. This  
11 is a beautiful project. He has scaled  
12 back on what the original was.

13 To answer Mr. Swiskey's question,  
14 he did have a transportation or traffic  
15 study done.

16 I think I have been at every  
17 single meeting that has been held about  
18 this project. To be honest, I've  
19 gotten to the point where, you know, it  
20 seems almost like a done deal, have to  
21 get used to it, and now personally this  
22 project will affect me because I  
23 literally will be living across the  
24 street from it.

25 Like it was already stated, the  
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1 fact that they have been given every  
2 single variance, now it's just a matter  
3 of voting on the project as a whole;  
4 and at this point, like I said, I'm  
5 resigning myself that I think it should  
6 just go ahead and go in there.  
7

8 Like it was stated, you have more  
9 going up across the street, the clam  
10 bar -- I'm sorry, I'm dating myself --  
11 Blue Canoe is, you know, applying to  
12 reopen again, the Legion doesn't have  
13 parking. I don't feel at this point,  
14 you need to penalize this project with  
15 the parking, I think that should now  
16 come out. He does have a loading zone  
17 which is to code, he has the spaces,  
18 not as much as you want, but most  
19 places in town don't.

20 Like I said, I have been, up until  
21 recently, dead set against this, but  
22 meeting after meeting and seeing the  
23 different changes, seeing what he's  
24 doing, I'm now actually in favor of  
25 this.

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1 Thank you.

2 CHAIRMAN McMAHON: Thank you.

3 MR. OLINKIEWICZ: Good evening.

4 James Olinkiewicz, 131 Third Street. I  
5 have the old Mason Ole property across  
6 the street.  
7

8 Just I'm all for the project.

9 It's going to impact us all, it's gonna  
10 be a busy intersection. My only  
11 comment I would think is that maybe we  
12 could or the boards could think about  
13 implementing maybe a one- or two-hour  
14 parking on each side of that area of  
15 Third Street just to keep the flow  
16 moving so people just don't park there  
17 all day in front of either my  
18 restaurant or the Salt, new restaurant  
19 or this project, just keep things --  
20 area moving.

21 I don't know if the Village likes  
22 to do that or have anybody to enforce  
23 that for a parking regulation, but give  
24 it a little bit of movement, so  
25 somebody doesn't sit there. Even one  
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1 of my tenants upstairs at Mason Ole  
2 doesn't park out in front of the  
3 building and clog up that whole, all  
4 that parking for all day or all night  
5 -- should have to park down the block  
6 or wherever they can find it, a little  
7 bit further away to try to keep that  
8 traffic area moving.  
9

10 That would be my only comment, but  
11 I think it would be a great add to the  
12 Village and on the entrance coming in.

13 Thank you.

14 CHAIRMAN McMAHON: I do think  
15 parking, street parking would be the  
16 purview of the Village Board, not the  
17 Planning Board; but I do think your  
18 comments -- that would have to be an  
19 effort with, I believe, with the  
20 Village Board. Joe?

21 ATTORNEY PROKOP: It would make  
22 the recommendation.

23 CHAIRMAN McMAHON: Any other  
24 comments? Anyone?

25 (No response.)

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1 MR. PALLAS: You all have a copy  
2 of the letter that's dated today from  
3 the applicant. It's brief. You may  
4 want to read that into the record.  
5

6 CHAIRMAN McMAHON: The e-mail?

7 MR. PALLAS: You should have a  
8 letter as well.

9 CHAIRMAN McMAHON: Okay. From the  
10 applicant, dated today via e-mail

11 with regard to the application  
12 discussion, "Dear Chairman and members  
13 of the Planning Board, the applicant  
14 hereby requests the Planning Board  
15 close the public hearing on conditional  
16 uses. I note we're incorporating the  
17 Village's planner's comments in the  
18 drawings with the exception of a second  
19 ADA accessible parking space. Very  
20 truly yours, SAKD Holdings, Dan  
21 Pennessi, President."

22 MR. PALLAS: One more comment on  
23 that letter with the comment in the  
24 letter about second ADA parking space.  
25 I have discussed that with our planning  
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PROCEEDINGS - 3-2-2017

1 consultant, and we're comfortable with  
2 the single ADA spot.

3  
4 CHAIRMAN McMAHON: You believe  
5 that's appropriate?

6 MR. PALLAS: Yes, we do.

7 CHAIRMAN McMAHON: Is anyone here  
8 for the applicant?

9 (No response.) No, they're not  
10 here. Joe, do we have -- do you know  
11 of the

12 timeframe, how many days this --

13 ATTORNEY PROKOP: I think from the  
14 time we close it, we have 62 days, if  
15 I'm not mistaken, to make the decision.

16 CHAIRMAN McMAHON: Okay.

17 ATTORNEY PROKOP: What I would do  
18 is, my recommendation might be that you  
19 close it on the condition that the  
20 applicant accepts a decision by the  
21 week following the meeting in April, so  
22 I think our April meeting is --  
23 actually we wouldn't need that. If you  
24 want to close it, we could just close  
25 it. We wouldn't need a condition.

PROCEEDINGS - 3-2-2017

1  
2 CHAIRMAN McMAHON: I would so  
3 motion we close the public hearing on  
4 this, unless anyone else has comments  
5 they'd like read into the record.

6 Do I have a second for that?

7 (No response.) Noah? You would  
8 like to keep the hearing  
9 open?

10 MR. THOMAS: Yes.

11 CHAIRMAN McMAHON: Okay. Is there  
12 someone in particular you would like to  
13 hear from or -- I mean, we're not  
14 voting up or down on the application,  
15 it's just closing the public hearing  
16 and moving forward.

17 MR. THOMAS: Okay. Yeah.

18 CHAIRMAN McMAHON: So I will once  
19 again make a motion that we close the  
20 public hearing.

21 Do I have a second for that?

22 MR. THOMAS: Second.

23 CHAIRMAN McMAHON: All in favor?

24 MS. CLARK: Aye.

25 MR. THOMAS: Aye.

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1 CHAIRMAN McMAHON: Aye. Motion  
2 carries. All right, on to item number  
3 1 for the  
4 regular meeting. It's the same  
5 applicant. If anyone has any further  
6 discussion on this.  
7

8 Without the applicant here, if  
9 everyone has already said their piece,  
10 we'll move on to the next item on the  
11 agenda.

12 I will so motion we move on to  
13 item number 2.

14 Do I have a second for that?

15 MS. CLARK: Second.

16 MR. THOMAS: Second.

17 CHAIRMAN McMAHON: All in favor?

18 MS. CLARK: Aye.

19 MR. THOMAS: Aye.

20 CHAIRMAN McMAHON: Motion carries.  
21 Item number 2, 625 First Street.  
22 Consideration of the sketch plan  
23 requirement of Chapter 118,  
24 Section 4 of the Code of the Village of  
25 Greenport for the subdivision

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PROCEEDINGS - 3-2-2017

1 application of James Olinkiewicz, new  
2 owner of the property located at 625  
3 First Street, formerly the Methodist  
4 church.  
5

6 The application proposes to  
7 subdivide the property into three  
8 conforming residential lots, convert  
9 the church sanctuary into a  
10 single-family residence, create a  
11 conforming lot on First Street and  
12 rehabilitate the parsonage.

13 The property is located in the  
14 R-2, One- and Two-Family Zone and the  
15 Historic District.

16 The proposed uses are permitted.  
17 Suffolk County Tax Map number

18 1001-2-6-49.1. Does anyone have  
19 any comment? I believe we

20 received the sketch. We have  
21 received the preliminary plat and now  
22 we have the sketch plan; is that right?

23 MR. PALLAS: I believe the  
24 preliminary sketch plan is first --

25 CHAIRMAN McMAHON: And then the  
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1 preliminary --

2  
3 MR. PALLAS: Yes. The purpose of  
4 this step in the process is  
5 for you to provide the applicant  
6 with any comments that you have on the  
7 sketch plan that would be incorporated  
8 into the preliminary plat.

9 CHAIRMAN McMAHON: And all our  
10 comments, I believe have already been  
11 expressed and addressed and the revised  
12 plans have been received.

13 I have no further comments at this  
14 time. Does anyone else have any  
15 comment on this? We've already held a  
16 -- it's been publically noticed, and we  
17 had that at the last meeting.

18 Does anyone have any comments,  
19 questions?

20 MS. POLLACK: Karen Pollack, 630  
21 First Street.

22 Is this the public hearing?

23 CHAIRMAN McMAHON: No. There was  
24 a public hearing for the application at  
25 the corner of Front and Third Streets.

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1 I believe notice was delivered or was  
2 at least mailed out, certified letters,  
3 receipts of certified letters were  
4 provided to us, and I believe that the  
5 public, it's not technically a public  
6 hearing --

7  
8 MR. PALLAS: It's not, this is not  
9 a public hearing. When a preliminary  
10 plat gets submitted, that's when a  
11 public hearing would be scheduled.

12 MS. POLLACK: Okay. Because I was  
13 noticed that this --

14 MR. PALLAS: There's a  
15 requirement, there's a code requirement  
16 when the Board, the Planning Board  
17 considers a sketch plan, there's a  
18 requirement to notice the neighbors.

19 MS. POLLACK: Okay. So would I  
20 have another opportunity to make  
21 comments on this issue?

22 MR. PALLAS: There will be a  
23 public hearing, yes.

24 MS. POLLACK: All right. Thank  
25 you.



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1  
2 MR. DOWLING: Chris Dowling from  
3 617 First Street. I have the property  
4 directly across the street from the  
5 church parking lot there.

6 My questions are, I haven't seen  
7 any drawings or anything like that or  
8 any idea of the lines for where the  
9 property lines are gonna be drawn on  
10 the property. In the notice that I  
11 received in the mail the other day, it  
12 said there is going to be three  
13 single-family properties; is that  
14 correct?

15 ATTORNEY PROKOP: Three  
16 single-family.

17 MR. DOWLING: Three separate lots,  
18 each single-family.

19 ATTORNEY PROKOP: That's correct.

20 MR. DOWLING: Not two-family?

21 ATTORNEY PROKOP: Yes, that's  
22 correct.

23 MR. DOWLING: Okay. Our main  
24 concern really with this property is  
25 that whatever new building is built  
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1  
2 there, that it's, you know, conforming  
3 with the Greenport architecture. You  
4 know, First Street is an old street, a  
5 lot of old houses. Our house was built  
6 in 1846, many of the houses on the  
7 street are, you know, classic Greenport  
8 houses; and we just hope that whatever  
9 house is built there in that empty lot  
10 kind of conforms with the like and look  
11 and the community really.

12 CHAIRMAN McMAHON: It is within  
13 the Historic Board, so anything would  
14 need to be approved by the Historic  
15 Board.

16 MR. DOWLING: Cool. Okay.  
17 Thanks. Is there presently COs for the  
18 property

19 because I know it was a church and  
20 now it's --

21 MS. WINGATE: I think it's -- the  
22 certificate of occupancy is for a  
23 church, and parsonage, and a garage.

24 MR. DOWLING: Okay. So people can  
25 live there and everything like that  
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PROCEEDINGS - 3-2-2017

1 before everything is applied for and  
2 stuff now.

3  
4 MS. WINGATE: The CO will change  
5 pending whatever construction  
6 accomplished.

7 MR. DOWLING: Okay. We're  
8 noticing there is work starting to  
9 happen and stuff like that and people  
10 there, there are lights on, so we're  
11 wondering what's happening before  
12 anything gets approved.

13 MS. WINGATE: What I know about it  
14 at this point in time, it's not  
15 construction. There is cleanup,  
16 there's removal, there's preparation to  
17 move forward, but there is no  
18 construction.

19 MR. DOWLING: Okay. Thanks.

20 ATTORNEY PROKOP: There is a  
21 public hearing, there is a public  
22 hearing on Monday night before the HPC  
23 at 5 o'clock regarding a major  
24 alteration to the church building.

25 MR. OLINKIEWICZ: James

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1  
2 Olinkiewicz, 625 First Street, the old  
3 Methodist church property.

4 Just so everybody knows, the  
5 application was for a three-lot  
6 subdivision. The church was going to  
7 become a one-family residence, the  
8 parsonage was gonna stay a one-family  
9 residence and the new lot, depending on  
10 what I want to do, would either be a  
11 one- or two-family residence. It has  
12 to be built in the Historic District,  
13 so everything has to be cleared by the  
14 Historic Board.

15 The COs on the property right now  
16 have a church sanctuary, a four-bedroom  
17 house. It has a CO for that. There is  
18 a CO on the church and there is a CO on  
19 the garage.

20 The repairs that have been done  
21 is, there was the hot water heater in  
22 the basement of the parsonage for the  
23 family that moved in. There was the  
24 furnace had to be repaired and we're in  
25 the process of emptying out any of the  
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1  
2 superfluous not needed items that were  
3 left behind by the church into a  
4 dumpster that's there.

5 We're going in front of the HPC on  
6 Monday for discussion about what we're  
7 going to do with the church to save --  
8 we're gonna save the existing  
9 sanctuary. We have applied to tear the  
10 back additions off, that one was in  
11 1912 or '13, we haven't gotten a  
12 definitive date, and there was another  
13 in the 1950s, '60s that have created  
14 that property, the building to be over  
15 7,000 square feet, so we're taking it  
16 back and we're gonna just take the  
17 sanctuary to about 2,400 square feet  
18 and convert that into a single-family  
19 residence.

20 That's the idea of the project  
21 right now. Everything is in  
22 conformance with the Village lot size,  
23 road frontage, everything else, so I'm  
24 here to answer any questions that  
25 anybody might have.

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1  
2 CHAIRMAN McMAHON: I don't have  
3 any questions.

4 Does anyone have any comments or  
5 questions?

6 MR. OLINKIEWICZ: This was the  
7 notification for the sketch plan,  
8 correct, and then after this, then we  
9 re-notify everybody for the public  
10 hearing?

11 MR. PALLAS: You have to submit  
12 the preliminary plat in accordance with  
13 code.

14 MR. OLINKIEWICZ: Right.

15 MR. PALLAS: Once we receive that,  
16 the following meeting from receipt of  
17 that, the Planning Board could schedule  
18 the public hearing.

19 MR. OLINKIEWICZ: The original  
20 paperwork that we modified and changed  
21 and did, which was the preliminary plat  
22 that we finished before we came here,  
23 do you want me to resubmit a whole new  
24 package of everything the same that  
25 they already have?

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1  
2 MS. WINGATE: I suggest you read  
3 the code because the code refers to  
4 paper size, the title on it, there are  
5 some very specific requirements.

6 MR. OLINKIEWICZ: Okay. No  
7 problem. We'll take care of that.

8 Thank you.

9 CHAIRMAN McMAHON: Thank you. If  
10 there's no further discussion on this,  
11 I

12 believe, I guess we should make a  
13 motion indicating that our comments in  
14 this application have already been  
15 addressed with the previous meetings  
16 previous to this meeting.

17 We are supposed to provide  
18 commentary for the sketch plan?

19 MR. PALLAS: Correct.

20 CHAIRMAN McMAHON: I believe  
21 everything was addressed previously and  
22 it was originally four subdivisions, we  
23 ask there be three. We received the  
24 comments from HPC with regard to the,  
25 all the renovations being in line with  
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PROCEEDINGS - 3-2-2017

1  
2 their requirements.

3 I have no further conditions or  
4 comments with regard to this  
5 application. I don't know if anybody  
6 else on the Board has any comments.

7 Lucy, is there anything else you  
8 feel should be --

9 MS. CLARK: No, but you held the  
10 public hearing open last week for the  
11 other project because our full board  
12 wasn't present; are you going to give  
13 that consideration to this as well?

14 CHAIRMAN McMAHON: This isn't a  
15 public hearing. There was public  
16 notice, this is separate -- it's a  
17 separate process for a subdivision as  
18 for applications.

19 MS. CLARK: Um-hum. Okay.

20 CHAIRMAN McMAHON: So there isn't  
21 actually public hearing right now in  
22 effect.

23 MS. CLARK: Right.

24 CHAIRMAN McMAHON: So we should --  
25 I guess I will make the motion that we  
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1 will close the discussion on the  
2 consideration of the sketch plan with  
3 comments that we have already addressed  
4 all of our concerns with the applicant.  
5 We have no further comment at this  
6 time.  
7

8 Do I have a second for that?

9 MS. CLARK: Second.

10 CHAIRMAN McMAHON: All in favor?

11 MS. CLARK: Aye.

12 MR. THOMAS: Aye.

13 CHAIRMAN McMAHON: Aye. Motion  
14 carries. Moving on to item number 3,  
15 631 Sixth

16 Street. Continued discussion and  
17 possible motion to

18 approve the site plan application  
19 of Hilary Gulley and James Taylor for  
20 the construction of a single-family  
21 house.

22 The site is located at 631 Sixth  
23 Street and in the R2, One- and  
24 Two-Family District and not located in  
25 the Historic District.

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Suffolk County Tax Map number  
1001-6-3-1. Did we receive --

MS. WINGATE: It's folded in half.

CHAIRMAN McMAHON: I saw this  
earlier, so we do have the loft space  
shown here. There were no rooms or  
anything.

We did discuss this at the last  
meeting, it seems like a fairly  
straightforward application. There are  
no variances required.

I have no issues. Does anyone  
have any comments or questions with  
regard to this?

There's just a quick question. On  
the plan, it indicates study as opposed  
to bedroom number one, I believe two  
bedrooms, is just -- I believe that the  
room that's labeled in the application  
is bedroom number one, there's bedroom  
number two, it is in totality a  
two-bedroom home with a loft. We can  
ask for some clarification on that, but  
otherwise there is no reason for us to  
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1 hold this over as far as I'm concerned.  
2  
3 Everything meets code, there are no  
4 variances required anywhere on the  
5 project.

6 ATTORNEY PROKOP: Code require  
7 parking, is there adequate parking?

8 MS. WINGATE: Yes.

9 ATTORNEY PROKOP: Are they using  
10 the existing curb cut?

11 MS. WINGATE: Existing curb cut,  
12 yes.

13 ATTORNEY PROKOP: The curb cut was  
14 actually on the property line; is that  
15 correct?

16 MS. WINGATE: Yes. It's north of  
17 the property line, just by a little.

18 CHAIRMAN McMAHON: Is that  
19 acceptable with regard to --

20 MS. WINGATE: It's nice to use  
21 what's there already.

22 CHAIRMAN McMAHON: The driveway is  
23 fully accessible?

24 MS. WINGATE: Oh, yeah.

25 CHAIRMAN McMAHON: Okay. So we  
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1 would ask that the plans be -- I'm  
2 going to make a motion that we  
3 approve the application as submitted  
4 with the one condition that we ask  
5 applicant to update this plan to have  
6 the bedrooms properly labeled. Other  
7 than that, I have no issues with this.

8 Do I have a second for the  
9 application to be submitted?  
10

11 MS. CLARK: Second.

12 MR. THOMAS: Second.

13 CHAIRMAN McMAHON: All in favor?

14 MS. CLARK: Aye.

15 MR. THOMAS: Aye.

16 CHAIRMAN McMAHON: Aye. Motion  
17 carries.

18 MS. WINGATE: What is wrong with  
19 the labeling?

20 CHAIRMAN McMAHON: It only  
21 indicated, it says bedroom number two  
22 but it doesn't indicate bedroom number  
23 one. That's all, I believe the study  
24 is, on the original plans that were  
25 submitted, it was labeled as study.

1 PROCEEDINGS - 3-2-2017

2 MS. WINGATE: No problem.

3 CHAIRMAN McMAHON: Moving on to  
4 item number 4, 104 Third Street.

5 Continued discussion and possible  
6 motion on the site plan application for  
7 Keith and Alison Bavaro. The  
8 applicants are proposing to reopen the  
9 former Blue Canoe Restaurant, located  
10 at 104 Third Street.

11 Zoned in the WC, Waterfront  
12 Commercial District, this property has  
13 been granted a conditional use permit  
14 previously and is not located in the  
15 Historic District.

16 Suffolk County Tax Map number  
17 1001-5-4-3. Is there anybody that  
18 would like to speak

19 on this application?

20 MR. BRESSLER: Eric J. Bressler,  
21 Wickham, Bressler & Geasa, Main Road,  
22 Mattituck, New York 11952 on behalf of  
23 Norfolk Ventures, the owners of the  
24 property.

25 We are here seeking one thing and  
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1  
2 only one thing; and that is the  
3 approval of this Board for a minor,  
4 that is to say cosmetic amendment to  
5 the over-sidewalk sign. That is why we  
6 are here.

7 Now, I understand that an  
8 application was made and a review of  
9 that application reveals that the  
10 requirements of the Village Code have  
11 not been fully met with respect to  
12 required submissions that the code  
13 requires; so in that respect, what I  
14 would like to do is to meet those  
15 requirements, and in meeting those  
16 requirements, I'm handing up -- I have  
17 just handed to the Board Chairman a  
18 certificate of liability insurance in  
19 the amount specified by the code, it's  
20 commercial general liability insurance  
21 policy in the amount exceeding  
22 \$500,000, the Village is named as  
23 additional insured.

24 I have handed up eight full-color  
25 prints in the scale specified by the  
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1  
2 code which reflects what would appear  
3 on the front and back of the currently  
4 existing sign such that it would appear  
5 as depicted in what's been handed out  
6 to the Board. It consists of four  
7 letters, P-O-R-T, and immediately  
8 superimposed above each letter is a  
9 marine flag representing that letter.  
10 That is what is proposed to be put on  
11 the sign.

12 By way of background, this matter  
13 came on before this Board, came on  
14 before the Zoning Board of Appeals on  
15 the prior application for a sign  
16 involving the Blue Canoe, and the Board  
17 may be aware of the fact that at that  
18 time, the Zoning Board of Appeals  
19 granted a variance which, of course,  
20 travels with the property for the  
21 over-sidewalk sign, it's not changing  
22 but for what you see in front of you.

23 At that time, a site plan was  
24 approved by this Board and a  
25 certificate of occupancy was issued  
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1 with respect thereto. The site plan  
2 was extremely detailed, the certificate  
3 of occupancy was extremely detailed.  
4 What is proposed to be operated varies  
5 not one bit from what was previously  
6 approved by the Zoning Board of Appeals  
7 except for the lettering on the sign  
8 and this Board and the certificate of  
9 occupancy, nothing else is being  
10 changed.  
11

12 Also, I think it's worth noting at  
13 the time that the owners of the  
14 property in 2011 and '12, also, at the  
15 request of the Village, put in  
16 additional sewage facilities. That's  
17 right, that is important. They put in  
18 additional sewage facilities in excess  
19 of \$50,000 was required, was requested  
20 and they did that; thus, the  
21 certificate of occupancy was issued.

22 So we're here today seeking very  
23 simple relief. You have what the sign  
24 looks like, I understand that the fee  
25 has been paid. You have the



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1 certificate of insurance. I know that  
2 there has been some discussion about  
3 certain other issues. We don't believe  
4 any other issues are of any moment for  
5 this Board since there is no change  
6 with respect to the site plan that was  
7 approved, the certificate of occupancy  
8 that was approved and the  
9 over-the-sidewalk hanging fixture which  
10 has already been approved.  
11

12 If the Board has questions, we  
13 have here two representatives of the  
14 owner, we have here two representatives  
15 of the operator as was mentioned  
16 earlier in another application, they do  
17 run a well-known restaurant, Salt, over  
18 on Shelter Island, a very successful  
19 operation. They'd like to simulate  
20 that here, maybe even do a little bit  
21 better.

22 We have also, in case the Board  
23 needs any historical perspective, we  
24 have David Kapel who walked that  
25 initial application through in 2012 and  
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1  
2 was instrumental in obtaining the site  
3 plan and the certificate of occupancy  
4 and the variances which approved the  
5 sign.

6 So if there are any questions,  
7 I'll entertain them or I'll hand them  
8 off to the person who can best answer  
9 them, but it's a simple application,  
10 it's now into March, and we need to get  
11 open so that the tenant can make its  
12 rent-roll and open up.

13 CHAIRMAN McMAHON: Does anyone  
14 have any questions or comments at this  
15 time?

16 (No response.) So we actually --  
17 do we have the actual  
18 sign application?

19 MS. WINGATE: No.

20 MR. PALLAS: I don't believe  
21 that's been received.

22 CHAIRMAN McMAHON: We don't  
23 actually have the sign application, but  
24 that's --

25 MR. BRESSLER: What is it -- I'm  
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1  
2 sorry, what is it you are missing?

3 CHAIRMAN McMAHON: The actual sign  
4 application, it's separate from the use  
5 evaluation application.

6 MR. BRESSLER: You don't have it?  
7 I have one in my file which is a copy  
8 of

9 one that was submitted so --

10 MS. WINGATE: I -- we have never  
11 received a sign application.

12 AUDIENCE MEMBER: I have it here;  
13 I filled it out with you.

14 MS. WINGATE: I haven't seen it,  
15 and I was waiting for the graphics.  
16 I've never seen the graphics, I still  
17 can't see them, they're over there.

18 MR. PALLAS: As a minimum, I don't  
19 -- we can verify with the application,  
20 but we certainly don't have the  
21 renderings.

22 MR. BRESSLER: Well, you have  
23 eight full copies, and they're being  
24 handed up here if you don't mind me  
25 walking over there.

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1 ATTORNEY PROKOP: Is that dated?

2  
3 CHAIRMAN McMAHON: The sign, I  
4 didn't see that being any sort of an  
5 issue at all. The sign is existing,  
6 it's being replaced with another sign,  
7 I don't see any issue there.

8 The only holdup that we had was,  
9 there was discussion of whether or not  
10 --

11 ATTORNEY PROKOP: Can I --

12 CHAIRMAN McMAHON: Sure.

13 ATTORNEY PROKOP: I appreciate you  
14 bringing this -- I'm not sure what this  
15 is because it has to go in through the  
16 Building Department, but I didn't think  
17 the proper way to submit an actual  
18 application is to the Board. It should  
19 go through the Building Department.

20 AUDIENCE MEMBER: I submitted that  
21 with the original application.

22 MR. BRESSLER: It's our  
23 understanding that was submitted with  
24 the original application, and that's  
25 just another one if you don't have it,  
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1 we'll walk another one over.

2  
3 MR. PALLAS: Either way, whether  
4 we have the application or not, we did  
5 not have this.

6 MS. WINGATE: I wouldn't have  
7 accepted the application without the  
8 graphics attached. This is the first  
9 I'm seeing them.

10 MR. BRESSLER: All I can tell you  
11 is, they handed it in, there is another  
12 one, here are the graphics. If there  
13 are any questions or problems with  
14 them, we have them here and we'll  
15 answer, we're happy to answer your  
16 questions.

17 I don't think that -- with all due  
18 respect, I don't think there should be  
19 very many with respect to the graphics,  
20 since they're gonna fit in the same  
21 square.

22 MS. WINGATE: It's just  
23 procedural, I'm sure you understand  
24 that.

25 CHAIRMAN McMAHON: The sign is not  
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1  
2 the issue. That's not -- we can work  
3 past the sign, it's not going to be --  
4 the concern we had at the last meeting  
5 was whether or not the building, after  
6 having been unoccupied for a period of  
7 over a year was required to become ADA  
8 compliant with regard to the bathrooms  
9 and the number of people seated in the  
10 restaurant. That was my only question.

11 I didn't have a definitive answer on --

12 MR. BRESSLER: I'll answer that  
13 question. No.

14 CHAIRMAN McMAHON: -- that was --  
15 we discussed that and the Village  
16 Administrator and the Village Attorney  
17 said they were going to discuss it and  
18 give us opinions as to whether or not  
19 the code reflected that, and that's my  
20 only concern. That's really the only  
21 thing that I have any concern with here  
22 is whether or not the building as a  
23 requirement be ADA accessible and if it  
24 is. That's the only thing. I have no  
25 question about the use as far as it

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1  
2 being a restaurant, the occupancy,  
3 where it's been, continuing that,  
4 great, I have no issue with any of  
5 that. The sign is straight forward,  
6 not a problem. The certificate of  
7 occupancy, there's an overhanging sign  
8 section in the code, it seems to be --  
9 I'll have to double check with regard  
10 to size, but it looks like it's  
11 compliant, there's already an  
12 overhanging sign.

13 I don't see anything -- the only  
14 question I have is ADA compliance and  
15 whether or not there is a requirement  
16 of this Board to enforce that.

17 MR. BRESSLER: Well, let me --  
18 that's fair enough. Let me speak to  
19 that.

20 You'll, of course, be guided by  
21 Mr. Prokop, but as far as the ADA is  
22 concerned, I think the answer to your  
23 question is no. If you read the ADA  
24 and you look at the regulations, you  
25 see that in order for something to have  
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1  
2 to happen with respect to ADA, given  
3 the fact that everything was fine in  
4 2012, there has to occur a triggering  
5 act; and a trigger under the ADA and  
6 the regulations is that type of act  
7 which would impact in any particular  
8 area the accessibility aspects of that  
9 particular area.

10 Since nothing is changing between  
11 then and now, there is no triggering  
12 act, there is nothing in the ADA that  
13 says the passage of time, and, you  
14 know, whether it be a year, a month,  
15 you know, whatever it is, there is no  
16 temporal measurement, there is  
17 functional measurement; that is, did  
18 you screw around with the width of the  
19 hallways, did you raise a floor level,  
20 did you do something that would create  
21 an additional barrier to someone with a  
22 disability that would require you then  
23 to become ADA compliant.

24 That's my understanding of how the  
25 ADA works and, of course, you'll have  
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1  
2 to be guided by counsel, but having  
3 represented large clients over the  
4 years who had ADA problems, that's how  
5 we have typically dealt with them, and  
6 we don't see the triggering act.

7 I understand your question, and I  
8 think that that's, I think that's the  
9 answer, at least from our point of  
10 view.

11 ATTORNEY PROKOP: We have comments  
12 from -- we have two sets of comments  
13 from the planning consultant that works  
14 for the Village, Glynis, and Glynis had  
15 issued comments last week. Did you see  
16 them?

17 MR. BRESSLER: Yes, I did.

18 ATTORNEY PROKOP: We received  
19 other comments last night or this  
20 morning.

21 Do you have them?

22 MR. PALLAS: We have extra sets.

23 ATTORNEY PROKOP: The other issue  
24 was the ADA. The ADA was a comment  
25 that she had, and it's now in the  
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1 Village file, Village records, but the  
2 other comment was compliance with New  
3 York State plumbing code; if I'm not  
4 mistaken.  
5

6 MR. BRESSLER: Nothing, again,  
7 nothing has changed, and we have  
8 Planning Board approval and we have a  
9 certificate of occupancy so nothing,  
10 nothing has changed.

11 If there were to be a triggering  
12 event under the applicable code, then I  
13 think I'd have to have a talk with you  
14 about what we were going to do about  
15 that, but again, I don't see the  
16 triggering event here, so that's my  
17 response to those comments; and it may  
18 very well be that in the future, we'll  
19 be talking to you about those aspects  
20 because there will be an application  
21 for a change that will trigger an  
22 upgrade to the level of compliance that  
23 current code or indeed the ADA would  
24 require for people with disability; but  
25 I don't think they're implicated by

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1 this particular application, and I  
2 don't think it is appropriate to  
3 revisit them at this particular time.  
4 Although we do appreciate the input and  
5 we are aware of what would have to be  
6 done would there be a triggering event,  
7 we're not denying that things would  
8 occur and would be required if there  
9 were such events, it's just that they  
10 haven't occurred now.

11  
12 ATTORNEY PROKOP: I'm not the code  
13 official of the Village. We have a  
14 Building Inspector and also we have a  
15 consultant who is code trained and they  
16 have raised the objection regarding the  
17 plumbing code, and I understand that  
18 could discuss the triggering event with  
19 regard to the ADA requirement, but I  
20 think the triggering event might have  
21 been, I think the triggering event  
22 might have already occurred with the  
23 prior application, but I think that the  
24 plumbing code doesn't have the same  
25 requirement that you're talking about.

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1  
2 The plumbing code is an occupancy  
3 limitation, as I understand it; and  
4 there was a discussion, although we're  
5 talking about, you're mentioning the  
6 site plan that was approved in 2012,  
7 but it's my understanding also at that  
8 time, there was a discussion about the  
9 construction of two additional  
10 bathrooms that actually were going to  
11 be, if I'm correct, made available for  
12 public use also on the premises, and I  
13 think that that might have been part of  
14 the understanding of that application,  
15 although we're still reviewing that.

16 MR. BRESSLER: Well, I think it's  
17 fair to say, the concept of additional  
18 and/or different facilities is under  
19 discussion, but I think it's equally  
20 fair to say that at no time was any  
21 approval conditioned upon that and  
22 there is nothing in documentation. If  
23 you would like to have a discussion  
24 with my client about those aspects, my  
25 client has indicated they are more than  
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1  
2 amenable to having or continuing  
3 whatever discussions you may want to  
4 have, so we are certainly not closing  
5 the door on those discussions, but that  
6 would be another project of significant  
7 complexity and magnitude and any  
8 discussion of that would necessarily be  
9 on the extended basis and would  
10 preclude effectively our friends from  
11 Salt from operating their business at  
12 the approved location in terms of site  
13 plan and certificate of occupancy, and  
14 we think they have a right to do that,  
15 but again, we're not foreclosing  
16 discussion and if you want to have  
17 them, we're more than happy to do that  
18 with you, absolutely.

19 MS. BERRY: I have a number of  
20 things I want to raise.

21 First, the use was discontinued  
22 for a year, and if you look at the  
23 code, it says in this district once a  
24 conditional use is stopped, it can be  
25 reconsidered; so that's one factor.

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1  
2 And I don't think anybody is  
3 objecting to use as a restaurant, so  
4 don't -- it's just a notation and a  
5 pause.

6 I looked at the historic records,  
7 and there seems to be some issues when  
8 the certificate of occupancy was last  
9 produced; and one is the number of  
10 seats, there is a discrepancy between  
11 the C of O and the approved plan so --

12 MR. BRESSLER: Well, if you would  
13 like, we'll put more seating in, but we  
14 have gone with a more conservative  
15 number.

16 MS. BERRY: No. It's the  
17 opposite, I'm afraid, so it's tens seat  
18 more.

19 MR. BRESSLER: No, it's --

20 MS. BERRY: Yes.

21 MR. BRESSLER: Our seating does  
22 not exceed what is in the certificate  
23 of occupancy.

24 MS. BERRY: I'll go through it, I  
25 can take a little --

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2 MR. BRESSLER: Let me state that  
3 for the record, our number of seats  
4 does not exceed the number set forth in  
5 the certificate of occupancy.

6 MS. BERRY: It actually does.  
7 Your C of O is 188 persons and you  
8 submitted 193, I believe.

9 AUDIENCE MEMBER: So it's less.

10 MR. BRESSLER: That's less, we  
11 have 188.

12 MS. BERRY: No. The C of O is 188

13 --

14 MR. BRESSLER: That's what we  
15 have.

16 MS. BERRY: -- but the plan you  
17 submitted said 193.

18 AUDIENCE MEMBER: That's because

19 --

20 MR. BRESSLER: Wait, wait, wait.

21 CHAIRMAN McMAHON: If anyone is  
22 gonna -- anyone would like to take the  
23 podium, place your -- please, for the  
24 sake of the record, if you do want  
25 speak, identify yourself.

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1 MR. BRESSLER: What we have is  
2  
3 188.

4 MS. BERRY: Okay. That's not what  
5 the plans show.

6 MR. BRESSLER: Whether or not the  
7 plan shows it, we are in compliance  
8 with the certificate of occupancy.

9 MS. BERRY: Well, the plan needs  
10 to reflect the 188, so that's the first  
11 thing.

12 MR. BRESSLER: But that has  
13 nothing to do with why we're here today  
14 because --

15 MS. BERRY: It does actually.

16 ATTORNEY PROKOP: We spent a lot  
17 of time between last week and this week  
18 trying to keep this positive and moving  
19 along, so if we can frame the  
20 discussion tonight to do that, so we  
21 can stay constructive because that's  
22 the attitude of the Board --

23 MR. BRESSLER: My point is we're  
24 in compliance with the certificate of  
25 occupancy and if there is something on  
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1  
2 the plan which exceeds the certificate  
3 of occupancy and that needs to be  
4 changed, that can certainly be changed,  
5 but that should not hold up this  
6 application in any way.

7 MS. BERRY: Okay, but can you let  
8 me go through the issues without --  
9 there is a discrepancy between the C of  
10 O that was issued and the approved plan  
11 in terms of the outdoor seating. They  
12 had ten fewer seats, so there was a  
13 discrepancy there so the approved plan  
14 had ten seats less than the C of O, so  
15 it looks like there is a discrepancy  
16 there.

17 The other thing is in the  
18 application for that C of O which was  
19 significant event and increased the  
20 number of seats, there were discussions  
21 of toilets. The thing is in the  
22 architect's submittal, they separated  
23 the need for toilets for outside and  
24 inside, but only the inside ones were  
25 provided; so part of the issue is the  
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1  
2 number of fixtures if there were 150  
3 seats, then only two, one male and one  
4 female would be needed. When you go  
5 over 150, you need two of each, so that  
6 was kind of missed because you are  
7 supposed to include the number of  
8 outdoor seats when you are considering  
9 the toilet fixtures. It's not just the  
10 inside, so that was one issue that  
11 popped up.

12 MR. BRESSLER: With all due  
13 respect, I don't think anything is  
14 missed because I reviewed the file in  
15 detail and I reviewed the submittals,  
16 and all those numbers were laid out by  
17 the applicant to the Village and --

18 MS. BERRY: Why were only two  
19 toilets provided?

20 MR. BRESSLER: What was issued? I  
21 mean, to say that somehow the applicant  
22 did not disclose or somehow misled the  
23 Village is not an accurate statement.

24 MS. BERRY: No. I'm not saying  
25 they misled it, but they didn't include  
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PROCEEDINGS - 3-2-2017

1 those toilets and they separated those  
2 pumps.  
3

4 MR. BRESSLER: The site plan  
5 didn't call for those toilets and that  
6 site plan was approved. Are you saying  
7 that --

8 MS. BERRY: I'm saying it  
9 shouldn't have been approved for that  
10 number of seats, okay, so that's what  
11 I'm saying. It didn't have the proper  
12 fixture number for the number of seats.  
13 Okay, so yes, it was approved, but  
14 there was an issue there.

15 Then the last issue is that there  
16 is no handicap accessibility, and I did  
17 talk to the Americans with Disabilities  
18 at their office today, and you're right  
19 that a physical event should trigger  
20 this, the physical event in 2012 should  
21 have triggered this, and somehow it  
22 didn't. If there is no change in the  
23 number of seats and no alterations, the  
24 only changes that are sort of required  
25 is that you make changes appropriate

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1 that are readily achievable like  
2 shifting apticians and (inaudible)  
3 trying to make it as close to  
4 compatible as you can, but you're  
5 expected to spend 20 percent of any  
6 costs of renovation to rectify the  
7 situation for a lack of accessible  
8 facilities, and you should put a plan  
9 in place to provide the appropriate  
10 facilities in the future. So yes,  
11 you're not going, most likely you won't  
12 be required to put the accessible  
13 toilets as they should have been at the  
14 event that should have triggered this,  
15 but what you should do is put a plan  
16 together for the future.

18 MR. BRESSLER: We have stated, and  
19 I will reiterate that my client is  
20 willing to have discussions with the  
21 appropriate people in conjunction with  
22 future plans for the property about  
23 these issues. I don't think that I can  
24 be any clearer than that.

25 MS. BERRY: I think there should  
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1  
2 be a timeline and a serious discussion  
3 about this and not just sometime in the  
4 future. Sometime in the future could  
5 be ten years from now.

6 MR. BRESSLER: I'm going to state  
7 it one more time. Our clients are  
8 willing to have discussions with the  
9 appropriate people in the context of  
10 improvements that are contemplated with  
11 respect to this project. It is not  
12 simple, it is not short in duration,  
13 any triggering event, and I disagree  
14 with you that a triggering event  
15 occurred, but were there to be a  
16 triggering event, which our clients are  
17 considering, the manner in dealing with  
18 that triggering event would be time  
19 consuming, complex and difficult to  
20 work through, but they're willing to do  
21 that. More than that, I can't tell  
22 you, but I think that that addresses  
23 your concerns.

24 If you want me to say the word  
25 serious, I'll say the word serious,  
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PROCEEDINGS - 3-2-2017

1  
2 it's deadly serious when you're talking  
3 about spending money and putting in ADA  
4 compliant restrooms and all the things  
5 that go with it. That's a lot of money  
6 and that can put a small business out  
7 of business, so while we are willing to  
8 enter into those discussions and they  
9 are serious discussions, they're going  
10 to have to be finely tuned and they're  
11 going to have to be done in such a  
12 manner that the business can survive as  
13 both the statute and regulation provide  
14 and what may be reasonable to someone  
15 sitting on one side of the table may  
16 not be reasonable to someone sitting on  
17 the other side because as you are well  
18 aware, at least two of the measures in  
19 the statute and the regulations are the  
20 financial abilities on our side of the  
21 table.

22 MS. BERRY: And that's why the  
23 code is written this way.

24 MR. BRESSLER: No.

25 MS. BERRY: To be sensitive to  
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1  
2 that.

3 MR. BRESSLER: That's right, and  
4 those are things that you don't have  
5 knowledge of right now, but we're  
6 willing to discuss with you, so that's  
7 our offer, we're willing to discuss  
8 with you, and I ask this Board to  
9 approve the sign, let this tenant get  
10 in there or we're not going to have any  
11 money and this is going to be a moot  
12 conversation. We need to get a rent  
13 stream going in there, so we can even  
14 consider making some of the changes  
15 that you believe ought to be made  
16 because that's how you get to make  
17 them. So that's what we are willing to  
18 do, and that's what we'd like the Board  
19 to do tonight, so that we can get up  
20 and get going and try to meet your  
21 requests.

22 MS. BERRY: It would be my  
23 recommendation to limit the seating to  
24 150 because then at least the number of  
25 fixtures is compliant with code, and,  
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PROCEEDINGS - 3-2-2017

1  
2 you know, encourage discussion of how  
3 to improve accessibility with you.

4 MR. BRESSLER: We're happy to have  
5 discussions with you, but we need the  
6 sign permit to get open and generate  
7 money so that we can consider improving  
8 the project.

9 Thank you. If there are any other  
10 questions from the

11 Board or anyone, I'm happy to take  
12 them.

13 CHAIRMAN McMAHON: Thank you.

14 MR. BRESSLER: And I'm more than  
15 happy to continue the conversation with  
16 counsel at his convenience.

17 ATTORNEY PROKOP: This piece of  
18 paper needs to come in through the  
19 Building Department, and I'm happy to  
20 meet with you anytime.

21 MR. BRESSLER: Good.

22 ATTORNEY PROKOP: As early as  
23 tomorrow, it's up to you.

24 MR. PALLAS: With regard to the  
25 sign, we just received this so we would  
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1  
2 need to take a look at it. I believe  
3 if it meets all the requirements, and  
4 we make sure we have the application  
5 and the fee, we can, you know, with  
6 your okay, we can go ahead and approve  
7 that after we have had an opportunity  
8 to review it.

9 You have seen the rendering, if  
10 you're comfortable with that and we  
11 verify that it does, in fact, meet the  
12 requirements, the sign that's there now  
13 did have a variance, we just have to  
14 verify that that variance is, in fact,  
15 still in place, all those things, we  
16 can do that if you want to give us the  
17 authority to approve that pending all  
18 of that.

19 CHAIRMAN McMAHON: I have no issue  
20 with the sign. That's the least of my  
21 concerns. If that helps move us  
22 forward in a meaningful way, I'm fine  
23 with that. I have no issue with that.

24 With regard to the -- yeah,  
25 granted, I did just see the  
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1 application, we did not see that  
2 beforehand, there was some  
3 miscommunication as to what -- I don't  
4 know.  
5

6 Do any of the members of the --

7 MR. PALLAS: Mr. Chairman, if I  
8 may, going back to the sign issue, is  
9 this the only sign, just this  
10 overhanging sign?

11 MR. BRESSLER: No. We're going to  
12 change the labeling consistent with  
13 that and we have renderings, we  
14 understand that since it's not an  
15 over-the-sidewalk sign, the process is  
16 different.

17 MR. PALLAS: We need to see that  
18 as well with your application.

19 MR. BRESSLER: Consider yourself  
20 in the position of the views (handing).

21 I'll state for the record, we have  
22 handed up eight copies of a rolled long  
23 sign which is going to be the subject  
24 of an application under the different  
25 sections of the code since it's not an  
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1 over-the-sidewalk sign, it is the same  
2 type of labeling, it is the same type  
3 of flags, and I've given you the, one  
4 of the four renderings full color, roll  
5 it out and when you're done with it,  
6 you can roll it back up.  
7

8 CHAIRMAN McMAHON: Would anyone  
9 else like to speak?

10 If you have anything else, please.  
11 We are going to take a brief recess so  
12 the

13 Village Attorney and the Village  
14 Administrator can discuss something  
15 amongst themselves.

16 (Whereupon, a recess was taken at  
17 this time.)

18 CHAIRMAN McMAHON: So my  
19 understanding is that, correct me if  
20 I'm wrong here, if there is an issue of  
21 noncompliance with ADA, the law is  
22 written in a way that is meant to allow  
23 people to do this over time and make  
24 appropriate changes as planned. I  
25 think it's in the best interest of the  
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1  
2 Village and the applicant if we can  
3 work together and come up with a plan  
4 for addressing the handicap issues  
5 within the building and bring the  
6 building up to code. There is a  
7 separate issue of the total, as the  
8 building right now, there is a New York  
9 State Building Code issue of a  
10 requirement of, I believe, four  
11 bathrooms if you go over occupancy of  
12 150. Right now there are two bathrooms  
13 available, so totally separate from ADA  
14 compliance, anything in that regard,  
15 the occupancy would have to be in the  
16 short term limited to 150 with the two  
17 bathrooms that are there. It's my  
18 understanding, please correct me if I'm  
19 wrong, but I believe that is simply  
20 they would be able to grant the C of O  
21 under those conditions.

22 I would like to, I believe  
23 everyone on the Board wants to see this  
24 project go forward, we want the  
25 restaurant to open as soon as possible.  
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## PROCEEDINGS - 3-2-2017

1  
2 I understand it's a season and that's  
3 how you make your money, you need to  
4 get in there as quickly as possible.  
5 My personal feeling is that we could  
6 accept the application this evening,  
7 and then over the next couple of weeks  
8 yourself or the applicants can work  
9 with Village Administrator, Village  
10 Attorney, the planning consultant to  
11 come up with a plan that will address  
12 the ADA issues and any accessibility  
13 requirements. That would at least  
14 allow us to move forward and we can,  
15 again, try to get you guys on track to  
16 open as soon as possible. That would  
17 also allow us to make sure that  
18 everything is compliant with State code  
19 as well as ADA compliance.

20 I don't know if anyone has any  
21 thoughts or comments with regard to  
22 that course of action, but that's how I  
23 foresee the best way for us to move  
24 forward at this time. I don't know if  
25 that's amenable to you or your clients.

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1  
2 MR. BRESSLER: Well, does that  
3 mean you are going to approve the sign?

4 CHAIRMAN McMAHON: The sign.

5 MR. BRESSLER: That's the only  
6 thing that is before you.

7 MS. BERRY: No, it isn't.

8 CHAIRMAN McMAHON: That actually  
9 is the thing that's not before us.  
10 That's the only thing we don't have.

11 MR. BRESSLER: We are not seeking  
12 site plan review and to the extent that  
13 you think we are, we are not. We want  
14 the approval pursuant to the code of  
15 this sign. We are more than willing to  
16 enter into discussions with the  
17 relevant people about what problems  
18 they think exist with respect to the  
19 Village approvals that were issued by  
20 this Board and were issued by the  
21 Building Inspector. That is a separate  
22 issue, and we're certainly willing to  
23 discuss that, but as it stands now, we  
24 have a certificate of occupancy, we  
25 have a site plan and we need approval

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1  
2 from this Board of a sign.

3 ATTORNEY PROKOP: The problem is  
4 -- first off, the agenda -- I know that  
5 you may have come into this today when  
6 you called me, I'm not sure when you  
7 came into it, but the agenda has been  
8 published, and actually the agenda  
9 doesn't mention the sign. We didn't  
10 have an application for a sign before  
11 you tried to pass it up.

12 MR. BRESSLER: Well, Joe --

13 ATTORNEY PROKOP: I just want to  
14 point out to you though that according  
15 to the agenda, we are here for a use  
16 evaluation.

17 One of the things about the  
18 existing use is that it's a conditional  
19 use at the property, and conditional  
20 use of an eating establishment was  
21 approved previously separate from the C  
22 of O; however, the use was discontinued  
23 and under the Village code, what that  
24 requires us to do is basically  
25 reapprove it or renew the approval, so

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1  
2 that's really what we're here for is  
3 the consideration of the approval of  
4 that conditional use. Unless somebody  
5 disagrees.

6 MR. BRESSLER: My understanding  
7 with staffs comments are that nothing  
8 has changed and, therefore, if that's  
9 what you believe is before the Board,  
10 we ask that you approve that because  
11 that depends on factors that are  
12 completely unrelated to the things that  
13 we have been discussing, they relate to  
14 views and other things by my reading of  
15 the code. I don't think there is any  
16 issue with respect to that, and I  
17 didn't think staff does either.

18 ATTORNEY PROKOP: Actually, what I  
19 would think about that is probably one  
20 of the -- since we're approving the use  
21 of the premises, one of the threshold  
22 considerations would be the legal use  
23 under the State code because we're  
24 approving the use at the premises, so  
25 if we are going to approve the use of  
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1 the premises, it would be with the  
2 limitations of the State code, and one  
3 of the limitations is the plumbing  
4 code.  
5

6 The other thing that I wanted to  
7 mention is that because, not to lose  
8 sight of this, again, we have code  
9 officials here, I'm not a code  
10 official, but it's my understanding  
11 that the plumbing code limitation is a  
12 limitation on occupancy, not on  
13 seating, so I just want to make sure,  
14 of that.

15 Are we in agreement on that? Am I  
16 speaking correctly?

17 MR. PALLAS: Yes.

18 ATTORNEY PROKOP: That's one of  
19 the things we are dealing with with the  
20 application.

21 MR. BRESSLER: We respectfully  
22 disagree with that application of the  
23 code. We do believe that you have an  
24 application for sign permit. The  
25 language was dictated to us by the  
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1 Building Inspector, the letter was  
2 submitted.  
3

4 MS. WINGATE: The letter --

5 MR. BRESSLER: The application was  
6 submitted and now you have the  
7 graphics, and you have the insurance,  
8 that's all I can say about that.

9 And we need to get open, as I  
10 said, I'm willing to sit with you, Mr.  
11 Prokop, anytime to try to move the law  
12 forward on the other things but that  
13 just can't be a condition to opening up  
14 because that means we're out the season  
15 and we're done for, and I think  
16 everybody understands that.

17 I'm not sure everybody understands  
18 what the implications of that are, but  
19 I think everybody understands that is  
20 what is going to occur.

21 Is the Board going to make a  
22 resolution of any kind or not?

23 MS. ALLEN: Chatty Allen, Third  
24 Street. I've been coming to these  
25 meetings for a couple of years now.

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1  
2 The agendas are set, you can go online  
3 prior to the meeting, you can see  
4 what's on the agenda. Item number 4,  
5 continued discussion and possible  
6 motion on site plan application.  
7 Nothing whatsoever about the approval  
8 of a new sign. We have been going  
9 around and around for at least an hour  
10 now, and personally I feel this lawyer  
11 is threatening the Board by saying  
12 approve this sign so we can open,  
13 instead of listening to what's being  
14 said. This is not an application this  
15 evening for a sign. It was out of  
16 order, out of context, whatever the  
17 legal terminology is to hand things to  
18 the Building Inspector tonight and say,  
19 here, this is what the sign looks like,  
20 approve it tonight. I think the Board  
21 should listen to what the Village  
22 Attorney is saying, they want this  
23 restaurant opened, these are the  
24 conditions, 150 seats, sign gets  
25 approved, 150 seats, they can open for  
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1  
2 the season.

3 I don't like seeing any board  
4 being treated the way I have been  
5 watching this board be treated this  
6 evening on one application.

7 Thank you.

8 CHAIRMAN McMAHON: Thank you.

9 MR. KAPEL: I just want to speak  
10 briefly, and I'm not employed by the  
11 applicant this time. Mr. Bressler  
12 represents them, but I'm a Village  
13 resident, I'm a Village businessperson,  
14 and I have to express my dismay at the  
15 fact that you have an established use,  
16 putting aside whatever technical  
17 objections might, in fact, exist, I'm  
18 not going to argue those points, but  
19 you have the established use,  
20 successfully established five years ago  
21 and ran for five years, is proposed to  
22 be reopened to the benefit of the  
23 Village in exactly the same way that  
24 it's been run for five years.

25 You're at a very sensitive time of  
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1  
2 year with respect to viability of a  
3 business in Greenport, not to be  
4 figuring out how to help these people  
5 open up really exposes the Village, I  
6 think, to criticism.

7 CHAIRMAN McMAHON: I think we are  
8 looking for a way to help them move  
9 forward. I've said that and I believe  
10 that is what we want to do. We want  
11 them to be able to open as soon as  
12 possible. I have no issue with the use  
13 as it is; however, the only things  
14 that, my only concerns from the  
15 beginning have been ADA compliance and  
16 whether or not that was an issue. What  
17 was raised was a New York State  
18 Building Code issue where there may not  
19 be adequate bathrooms for an occupancy  
20 of 188 people. Those are the only --  
21 that's --

22 MR. KAPEL: Again, I just want to  
23 restate that whatever that condition is  
24 has been there since the place was  
25 originally opened five years ago and on  
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1 top of that, you have an applicant  
2 that's telling you that they're willing  
3 to work with you to resolve that issue.  
4

5 Why isn't that sufficient? I  
6 mean, this is a small town.

7 CHAIRMAN McMAHON: That's where  
8 we're going, that's what we're trying  
9 to resolve.

10 MR. KAPEL: You have a credible  
11 applicant that's made a multimillion  
12 dollar investment in the Village, it's  
13 paying taxes in the Village, they have  
14 a credible operator, you know,  
15 well-known established operator that  
16 wants to open. Let them open and then  
17 work it out.

18 CHAIRMAN McMAHON: I don't think

19 --

20 ATTORNEY PROKOP: One of the  
21 things I've said before, we're trying  
22 to work constructively with the  
23 applicant, but one of the things I'd  
24 like to note is that we, with the  
25 season approaching and professionals

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1  
2 being retained by the applicant, we  
3 just got the application tonight, the  
4 application that they're demanding we  
5 approve tonight, we just got tonight;  
6 however, we do have -- does the Board  
7 have discussion -- would you like to  
8 consider something with regard to the  
9 --

10 CHAIRMAN McMAHON: We found there  
11 was part of the application, the sign  
12 application was included, but not the  
13 graphics, it was an incomplete  
14 application. I don't have an issue  
15 with approving the sign, that's not a  
16 question.

17 Now, if there is question as to  
18 whether or not there is even a site  
19 plan application before us this  
20 evening, that's a much larger question  
21 and if you don't feel there is one,  
22 then we won't be accepting anything,  
23 but in order for this to move forward  
24 as far as I understand, there is a site  
25 plan application before us this evening  
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1 and I thought we would accept that  
2 application, continue discussions  
3 between Village Administrator, Village  
4 Attorney and the applicant to come to a  
5 resolution that's acceptable for  
6 everyone, allow the application to move  
7 forward and open up for the season. If  
8 we're not, if you're telling me that's  
9 withdrawn or something, that's a very  
10 different conversation, but as far as I  
11 know, we have a site plan application,  
12 I thought we would be accepting it this  
13 evening and moving forward. Since we  
14 finally got the last piece of the sign  
15 application this evening, that's now a  
16 complete application, I don't have an  
17 issue voting on that particular piece.

18  
19 ATTORNEY PROKOP: What is the  
20 application that got it on the agenda  
21 tonight?

22 MR. PALLAS: It was a use  
23 evaluation and application, it's the  
24 same documents, it says site plan on  
25 the top. For this particular case,  
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1  
2 it's a use evaluation, I think it  
3 stated it's a conditional use that  
4 requires this Board's approval.

5 CHAIRMAN McMAHON: Okay.

6 MR. INGRILLI: My name is John  
7 Ingrilli and I'm one of the owners of  
8 the property. I just want to clarify a  
9 few things.

10 The business has not been closed  
11 for over a year. That's incorrect. We  
12 have revenues in -- the tenant had  
13 revenues in 2016 for being opened in  
14 the early part of year. That company  
15 is still not dissolved, but there is an  
16 agreement to dissolve that restaurant  
17 company, I believe that went into place  
18 in May, May 4th or May 6th, it's all  
19 documented with legal documentation.

20 The other comment, and it's a  
21 question because I'm certainly not an  
22 attorney, but from a code perspective,  
23 it was stated that if a business, what  
24 was that, ceases to -- I just want some  
25 clarity on that --

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1 MR. PALLAS: Ceases --

2 MR. INGRILLI: I'd like to know  
3 what it is, so that --

4 MR. PALLAS: If it's a cease of  
5 the, if it's discontinued, if the uses  
6 are discontinued.

7 MR. INGRILLI: So I would say two  
8 things. I'm not sure that the building  
9 as a restaurant ceased to exist. There  
10 has never been another tenant and it is  
11 -- there wasn't something that went in  
12 and made it something other than a  
13 restaurant and then came in and made it  
14 a restaurant.

15 The other thing I would say is, if  
16 you actually look at that code for me,  
17 I'd like to also know just, it's a  
18 simple question, I think that that  
19 applies if you're in the Waterfront  
20 District and you abut the water, that's  
21 the way it reads. If I can read it, I  
22 think the code says that you are in the  
23 Waterfront District, which we are  
24 commercial and then there's two parts

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1 to it; one of them applies if you abut  
2 the water, the other applies if you  
3 don't. I'm not saying I'm an attorney,  
4 but I'd like you to read it because I  
5 had about 20 attorneys read it and they  
6 all indisputably said that's what it  
7 says, so I'd just like clarification if  
8 I'm mistaken and I'm reading the code  
9 incorrectly, and if I am, that can be  
10 on the record. I just would like to  
11 know what the actual code says.  
12

13 Thank you. I'd leave the rest to  
14 my attorney.

15 MR. BRESSLER: Actually, my client  
16 makes a good point, the discontinuance  
17 is not an issue here. You'll see that  
18 applies to the waterfront and does not  
19 apply to things that are not on the  
20 waterfront. I think that's pretty  
21 plain in the code, but I don't need to  
22 school you on what the code says, it  
23 says what it says and that's not an  
24 issue here, and I don't think the Board  
25 needs to be sidetracked by that.

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1  
2 So without prolonging this any  
3 further, what is the Board inclined to  
4 do tonight?

5 CHAIRMAN McMAHON: My inclination  
6 is, if the other members are amenable,  
7 to approve the sign application because  
8 we have the final piece which was  
9 missing. I have no issue with that;  
10 and accept the application, the use  
11 evaluation application with the  
12 encouragement to the applicant and to  
13 the Village Administrator and Village  
14 Attorney and planning consultant to get  
15 together over the next couple weeks and  
16 come up with a plan to make whatever  
17 changes are feasible and reasonable to  
18 the property to address ADA compliance.

19 That's my personal feeling. I  
20 don't know how everyone else here  
21 feels, but that's where I would like to  
22 take this.

23 ATTORNEY PROKOP: I think if we do  
24 that, we could have it on the March  
25 work session for decision, if that's  
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1  
2 amenable to the Board.

3 CHAIRMAN McMAHON: That's fine.

4 ATTORNEY PROKOP: We can make a  
5 report to the Board after we meet and  
6 then hopefully have a decision at the  
7 work session.

8 CHAIRMAN McMAHON: Or maybe we  
9 might need discussion that week, but if  
10 not, yes.

11 I'm going to make a motion that we  
12 accept and approve the sign application  
13 for this evening as submitted, given  
14 the graphic that was included this  
15 evening --

16 ATTORNEY PROKOP: Which one, the  
17 eight-and-a-half-by-eleven --

18 CHAIRMAN McMAHON: The overhead  
19 sign.

20 MS. WINGATE: Overhanging sign.  
21 Okay.

22 CHAIRMAN McMAHON: I think that  
23 was the only one indicated in the  
24 application?

25 ATTORNEY PROKOP: Yes.

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1  
2 CHAIRMAN McMAHON: That's what's  
3 indicated in the application, so that's  
4 what we can approve.

5 MS. WINGATE: One question about  
6 the sign.

7 CHAIRMAN McMAHON: Sure.

8 MS. WINGATE: Is the canoe going  
9 away, I mean, we have graphics, but  
10 it's a three dimensional sign and is  
11 the canoe going away?

12 CHAIRMAN McMAHON: Can someone  
13 from the applicant address that?

14 AUDIENCE MEMBER: (Inaudible.)

15 CHAIRMAN McMAHON: Okay,  
16 conditional upon removal of the canoe.

17 I will so motion. Do I have a  
18 second for that?

19 MS. CLARK: Second.

20 CHAIRMAN McMAHON: All in favor?

21 MS. CLARK: Aye.

22 MR. THOMAS: Aye.

23 CHAIRMAN McMAHON: Aye. Motion  
24 carries. Separately from that, I'm  
25 going to make a

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1 motion that we accept the use  
2 evaluation application as submitted,  
3 accept that with the encouragement that  
4 the applicant, the attorney and Village  
5 Administrator consult and get together  
6 to pursue the aforementioned changes  
7 with regard to ADA accessibility.

8 ATTORNEY PROKOP: And the plumbing  
9 code.

10 CHAIRMAN McMAHON: And the  
11 plumbing code and that will need to be  
12 addressed for the next meeting.

13 Do I have a second for that?

14 MR. THOMAS: Second.

15 CHAIRMAN McMAHON: All in favor?

16 MS. CLARK: Aye.

17 MR. THOMAS: Aye.

18 CHAIRMAN McMAHON: Aye. Motion  
19 carries.

20 MR. BURGER: Eugene Burger,  
21 Cutchogue. Just to get to the  
22 plumbing, Jack Nailer

23 (phonetic), are you familiar with  
24 him, sir, are you familiar with him?

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2 MR. PALLAS: I am.

3 MR. BRESSLER: He was the engineer  
4 for the Village, right.

5 MR. PALLAS: Right.

6 MR. BURGER: He was the one that  
7 made us put the grease trap and the eco  
8 one sewer ejector system, it cost us  
9 almost \$70,000, hence that's how we got  
10 to the 194, and you're just like  
11 blowing it off, not taking it into  
12 consideration; it's not right.

13 CHAIRMAN McMAHON: I can't speak  
14 to that, I don't know anything about  
15 that.

16 MR. BRESSLER: Nor do we expect  
17 you to.

18 ATTORNEY PROKOP: Can I just ask  
19 you something? That seems to be  
20 information that you wanted the Board  
21 to consider; would you like to present  
22 it to the Board?

23 MR. BURGER: You have all the  
24 records, it's all submitted, engineered  
25 plans, \$70,000 worth of work. You have  
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1  
2 it.

3 MR. BRESSLER: All of that  
4 information is part of the 2012 file.  
5 It's all in there, I alluded to it in  
6 my initial presentation. I think  
7 understated by some of my client's  
8 dollars how much it was, but everybody  
9 on the Village side knows what was done  
10 at that time, everybody knows about the  
11 golden grease trap and all of those  
12 documents are in the Village's  
13 possession.

14 MR. BURGER: I'd like to say one  
15 more thing too.

16 After all that work we did, there  
17 is a problem with the sewer main in the  
18 street, and how many nights did we have  
19 to shut the restaurant down because it  
20 has never been fixed.

21 MR. BRESSLER: Would you like to  
22 know --

23 MR. BURGER: There's a swale in  
24 the pipe in the street.

25 ATTORNEY PROKOP: -- the point of  
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1 communication, what is the problem?

2 MR. BURGER: I just told you,  
3 there's a swale in the pipe in the  
4 street --

5 MR. BRESSLER: And everybody knew  
6 it.

7 MR. BURGER: It get's clogged up  
8 --

9 MR. BRESSLER: Did not everybody  
10 know that?

11 MR. BURGER: Yeah, these guys know  
12 it, right?

13 CHAIRMAN McMAHON: Okay. With all  
14 this -- gentlemen, gentlemen --

15 MR. BURGER: I mean, you're  
16 busting our chops about how many  
17 bathrooms, you can't even get it out of  
18 the building.

19 CHAIRMAN McMAHON: Okay. With all  
20 due respect, we are just the  
21 Planning Board.

22 MR. BURGER: I get it, but these  
23 guys, she knows, he knows.

24 ATTORNEY PROKOP: I'm available  
25 Flynn Stenography & Transcription Service  
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1  
2 for a meeting anytime you --

3 MR. BRESSLER: I'll set it up with  
4 you.

5 ATTORNEY PROKOP: Anytime you want  
6 --

7 MR. BURGER: -- and you have all  
8 the plans, so take a few minutes and  
9 look at all the plans --

10 ATTORNEY PROKOP: -- an hour ago,  
11 I offered as early as tomorrow morning  
12 to --

13 MR. BRESSLER: We'll set it up  
14 with you --

15 ATTORNEY PROKOP: -- all these  
16 things, we like to sit with you and --

17 MR. BURGER: Thank you.

18 ATTORNEY PROKOP: -- and we'll  
19 make ourselves available.

20 CHAIRMAN McMAHON: Moving on to  
21 item number 5, 211 Front Street.

22 Continued discussion and possible  
23 motion to approve the use evaluation  
24 for Marie Eiffel LLC. The cafe is  
25 located at 211 Front Street, within the  
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PROCEEDINGS - 3-2-2017

1  
2 Greenport Movie Theater. Located in  
3 the WC, Waterfront Commercial District.  
4 This property was previously granted a  
5 conditional use permit, and is not  
6 located in the Historic District.

7 The applicant has resubmitted  
8 floor plans as requested by the Board.

9 Suffolk County Tax Map number  
10 1001-5-4-6. We previously discussed  
11 this at the last

12 meeting. The only significant  
13 change was a reduction of seats from 22  
14 to 21. We have a letter from the  
15 applicant indicating that reduction,  
16 and also acknowledging that outdoor  
17 seating is not permitted.

18 Those were the only issues I was  
19 aware of with this application. Does  
20 anyone else have any questions or  
21 comments?

22 (No response.) I'm going to --  
23 this was just a use  
24 evaluation application, so.

25 ATTORNEY PROKOP: The Board adopts  
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1  
2 lead agency status and determines that  
3 the consideration of this application  
4 is a Type II application for purposes  
5 of SEQRA and, therefore, no further  
6 SEQRA review is required.

7 CHAIRMAN McMAHON: I will so  
8 motion. Do I have a second for that?

9 MR. THOMAS: Second.

10 CHAIRMAN McMAHON: All in favor?

11 MR. THOMAS: Aye.

12 MS. CLARK: Aye.

13 CHAIRMAN McMAHON: Aye. Motion  
14 carries. I will make a motion that we  
15 approve the

16 use evaluation application as  
17 submitted with a copy of the formally  
18 mentioned restriction of seats to 21  
19 and the understanding that no outside  
20 seating is permitted.

21 Do I have a second for that?

22 MS. CLARK: Second.

23 CHAIRMAN McMAHON: All in favor?

24 MS. CLARK: Aye.

25 MR. THOMAS: Aye.

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1 CHAIRMAN McMAHON: Aye. Motion  
2 carries. Item number 6, motion to  
3 approve the  
4 minutes of the January 26, 2017  
5 meeting.  
6

7 Do I have a second for that?

8 MS. CLARK: Second.

9 CHAIRMAN McMAHON: All in favor?

10 MS. CLARK: Aye.

11 MR. THOMAS: Aye.

12 CHAIRMAN McMAHON: Aye. Motion  
13 carries. Item number 7, motion to  
14 adjourn.

15 Do I have a second for that?

16 MS. CLARK: Second.

17 CHAIRMAN McMAHON: All in favor?

18 MS. CLARK: Aye.

19 MR. THOMAS: Aye.

20 CHAIRMAN McMAHON: Aye. Motion  
21 carries. Thank you very much.

22 (Time noted: 7:02 p.m.)  
23  
24  
25

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C E R T I F I C A T E

STATE OF NEW YORK )  
 ) Ss:  
COUNTY OF SUFFOLK )

I, STEPHANIE O'KEEFFE, a Reporter and Notary Public Within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on March 2, 2017.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of March, 2017.

*Stephanie O'Keefe*

STEPHANIE O'KEEFFE

**ATTORNEY****PROKOP: [39]**

17/20 19/12 19/16  
25/14 25/18 25/20  
27/19 35/5 35/8  
35/12 43/25 44/10  
44/12 49/10 49/17  
49/22 51/11 56/15  
64/16 64/21 71/2  
71/12 72/17 73/17  
78/19 80/18 84/22  
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91/14 91/17 92/24

**AUDIENCE****MEMBER: [5]** 43/11

44/19 55/8 55/17  
86/13

**CHAIRMAN****McMAHON: [88]**

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6/9 8/14 16/2 17/13  
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**MR. BRESSLER:**

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**MR. BURGER: [12]**

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**MR. DOWLING: [8]**

24/25 25/16 25/19  
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27/6 27/18

**MR. HARRIS: [1]**  
6/13**MR. INGRILLI: [3]**

81/5 82/2 82/7

**MR. KAPEL: [3]**

76/8 77/21 78/9

**MR. OLINKIEWICZ:**  
**[6]** 16/3 27/24 30/5

30/13 30/18 31/5

**MR. PALLAS: [25]**

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**MR. SALADINO: [1]**  
8/16**MR. SWISKEY: [5]**  
3/24 4/25 5/14 6/6  
6/12**MR. THOMAS: [17]**

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**MS. ALLEN: [2]**

13/16 74/22

**MS. BERRY: [19]**

53/18 54/15 54/19



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<b>MS. POLLACK:</b> [4] 23/19 24/11 24/18 24/23	<b>118</b> [1] 21/23 <b>11952</b> [1] 37/22 <b>12</b> [1] 11/13 <b>131</b> [1] 16/5 <b>140</b> [1] 11/7 <b>150</b> [7] 58/2 58/5 63/24 68/12 68/16 75/24 75/25	<b>3</b> <b>33</b> [1] 2/9 <b>35</b> [1] 11/3 <b>37</b> [1] 2/10
<b>MS. WINGATE:</b> [21] 26/20 27/3 27/12 30/25 34/3 35/7 35/10 35/15 35/19 35/23 36/17 36/25 42/18 43/9 43/13 45/5 45/21 74/3 85/19 86/4 86/7	<b>180-seat</b> [1] 10/24 <b>184</b> [1] 4/2 <b>1846</b> [1] 26/6 <b>188</b> [6] 55/7 55/11 55/12 56/3 56/10 77/20 <b>1912</b> [1] 29/11 <b>193</b> [2] 55/8 55/17 <b>194</b> [1] 88/10 <b>1950s</b> [1] 29/13	<b>4</b> <b>46</b> [1] 6/19 <b>49.1</b> [1] 22/18 <b>4th</b> [1] 81/18
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**6**  
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