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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD

WORK SESSION

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Third Street Firehouse
Greenport, New York

September 24, 2015
5:06 p.m.

B E F O R E :

DEVIN McMAHON - CHAIRMAN

BRADLEY BURNS - MEMBER

PETER JAUQUET - MEMBER

PAT MUNDUS -- MEMBER

JOSEPH PROKOP - VILLAGE ATTORNEY

GLYNIS BERRY - PLANNING BOARD CONSULTANT

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

1
2 CHAIRMAN McMAHON: This is the Village
3 of Greenport Planning Board Work Session for
4 September 24, 2015.

5 First item on the agenda is a public
6 hearing for the site plan application for
7 Sterling Square LLC, Brent Pelton, owner.

8 The Planning Board has determined that
9 for purposes of SEQRA this is a Type I
10 action requiring a public hearing.

11 The property is located at 300-308 Main
12 Street. It is located within the Historic
13 District and in the CR, Commercial Retail,
14 zone.

15 Suffolk County Tax Map number
16 1001-4-7-29.1.

17 We are still waiting for comment from
18 the Village Board. They requested the
19 opportunity to weigh in on this.

20 I have no further new business with
21 regards to this.

22 Does anyone else have any comments or
23 question?

24 MR. PROKOP: We did get a comment from
25 one trustee, Trustee Phillips, on behalf of

1
2 herself, but we need to formulate those as
3 comments on behalf of the board, so it will
4 probably take an additional day or two to do
5 this.

6 If we could please put it on the agenda
7 for the October 1st meeting.

8 CHAIRMAN McMAHON: Yes. That's --

9 MR. PROKOP: I think we'll try to get
10 the comments from the board as a whole.

11 CHAIRMAN McMAHON: Yes. I believe
12 they're meeting tonight, so hopefully they
13 will --

14 MR. SWISKEY: Peter is here.

15 MR. BROWN: Hi. Robert Brown,
16 architect representing Mr. Pelton.

17 I am just here to answer any question
18 that might come up.

19 CHAIRMAN McMAHON: Okay. Thank you.

20 MR. BROWN: We have, I think, all the
21 comments on the record.

22 CHAIRMAN McMAHON: Are there any
23 questions or comments?

24 MR. SWISKEY: Yeah, I have a question.

25 William Swiskey, 184 5th Street.

1
2 I understand that he's not required to
3 provide any parking, all right, we all agree
4 on that because it's in the code.

5 In other words, in -- there's really --
6 in other words, there is no avenue for this
7 board to require him to have parking is
8 there?

9 CHAIRMAN McMAHON: I believe that under
10 the State Environmental Quality Review Act,
11 we could require parking if we chose to.

12 MR. SWISKEY: I was at the meeting when
13 it was discussed, that was last Thursday,
14 and --

15 CHAIRMAN McMAHON: What meeting?

16 MR. SWISKEY: The Village Work Session.
17 Mr. Prokop was there, I believe a couple
18 other people were there.

19 I believe it was discussed that
20 that's -- you can't require that under the
21 SEQRA. The SEQRA is more about, oh, gosh, I
22 would just say basically things that -- I
23 don't know what it is, but that wasn't one
24 of them that can be required.

25 Is that my understanding there, Mr.

1
2 Prokop -- Mr. Prokop, if I remember? Joe,
3 you were at the meeting.

4 MR. PROKOP: Are you talking to me?

5 MR. SWISKEY: Yeah.

6 MR. PROKOP: I'm sorry.

7 I don't know what you're talking about.

8 There was a couple of things said at
9 the meeting. One of the things which I said
10 is that in a SEQRA review reasonable
11 conditions can be imposed in order to
12 mitigate impacts that are found. If any
13 impacts are found, reasonable conditions
14 could be imposed to mitigate those impacts.

15 MR. SWISKEY: So then this board can
16 actually require him to provide parking
17 because it's really -- have you been down
18 there lately? It's a mess. In the evening
19 it's like -- and today --

20 CHAIRMAN McMAHON: I believe it would
21 be an unreasonable imposition to try to put
22 parking spaces in that property.

23 MR. BURNS: I do too.

24 MR. SWISKEY: Well, yeah, but then if
25 you can't meet the conditions, then you

1
2 can't have the business. That's the way it
3 usually works.

4 CHAIRMAN McMAHON: No. I don't believe
5 that the negative impact of not providing
6 parking space would be justification for
7 denial of this application.

8 MR. SWISKEY: I mean, you -- that's --
9 and this board is not even going to consider
10 parking.

11 CHAIRMAN McMAHON: We did consider
12 parking. It was discussed.

13 MR. SWISKEY: And you came to the
14 conclusion that the Village Code said you
15 didn't need parking.

16 CHAIRMAN McMAHON: Yes.

17 MR. SWISKEY: If I am remembering
18 right.

19 Except now that your attorney tells you
20 that you can require parking, so I think
21 it's --

22 MR. PROKOP: No, I didn't say that. I
23 said that if the board finds an impact -- if
24 the board determines it will be a negative
25 impact, legally they could impose a

1
2 reasonable condition that may vindicate that
3 impact. That's what the law is.

4 MR. SWISKEY: Um-hum because there is a
5 lot of double talk going on around here.
6 There's double talking going on between this
7 project and the previous project that I
8 happened to review today. I just -- and,
9 Mr. Prokop, you put about twenty conditions
10 on that little project, the one that was
11 discussed in June at three fourteen, yet
12 this one, which is going to have a bigger
13 impact is flying through, so my whole
14 problem with this Village government, with
15 the Planning Board and everything else is
16 there is no consistency in code enforcement,
17 it's selective, and I'll say that for the
18 record.

19 Now, I think that this board, if you
20 can impose, and from what I'm listening to
21 Mr. Prokop, if you can impose conditions,
22 you're obligated to.

23 That's a mess down there, nobody can
24 park. Every weekend the side streets are
25 packed. Ben was down there. The side

1
2 streets are packed full.

3 Today there were two delivery trucks
4 parked, you couldn't transit the street.
5 That's just a matter of fact.

6 You can at least set a condition on it
7 that those delivery trucks have to maintain
8 to one side of the street, and if they got
9 to use a hand truck, they got to use a hand
10 truck.

11 One was parked right on the corner.
12 There's no way -- and I believe Trustee
13 Phillips brought this up. There's no way a
14 fire truck can get down that road, and these
15 people are just parking where they want.

16 You're actually endangering people.
17 You may not realize it. You know we had a
18 house blow up on that street one time. You
19 remember that, Ben, don't you?

20 CHAIRMAN McMAHON: I used to live in
21 that house.

22 MR. SWISKEY: Yeah.

23 I think it's incumbent on this board
24 not to just pass this on because you like
25 this idea. I think it's time that these

1
2 boards in the Village started taking some
3 proactive action to protect the people of
4 the Village.

5 Thank you.

6 MS. MUNDUS: Can I ask you a question?

7 MR. SWISKEY: Yeah, you can ask me a
8 question.

9 MS. MUNDUS: I'm curious from your
10 point of view, what is the difference
11 between this restaurant and Main Street
12 Restaurant or whatever it was called last
13 year and Bay & Main the year before and
14 Cinnamon Tree before that; what is your --

15 MR. SWISKEY: No. What is the -- no,
16 that wasn't my point --

17 MS. MUNDUS: No. I'm asking you a
18 question. I think I got your point, but
19 this is a different question.

20 MR. SWISKEY: Because the previous
21 restaurant, whether it was Jacob's Ladder, I
22 believe it started out, Cinnamon Tree or the
23 whole nine yards, they didn't have five
24 apartments upstairs. That's a big
25 difference.

1
2 MS. MUNDUS: Well, that a difficult
3 test right now because if I'm correct --

4 MR. SWISKEY: These people are --

5 MS. MUNDUS: -- the five apartments are
6 not open yet, so therefore, there is no
7 extra traffic caused by the five -- they're
8 not apartments, they're hotel rooms.

9 MR. SWISKEY: Are you really saying
10 that?

11 MS. MUNDUS: Yes.

12 MR. SWISKEY: That's silly. The man
13 has applied for it.

14 MS. MUNDUS: Yes, but they're not open.

15 MR. SWISKEY: Is there going to be five
16 rooms above this restaurant or not?

17 CHAIRMAN McMAHON: Yes.

18 MR. SWISKEY: So that statement that
19 she made is kind of silly.

20 MS. MUNDUS: No, no, no. Let me
21 clarify so that you get my point.

22 The five hotel rooms, they are not
23 apartments, they're hotel rooms. They are
24 not open, so therefore, they are not
25 producing the very traffic that you are

1
2 trying to point out. It's the restaurant
3 traffic.

4 MR. SWISKEY: I've never heard such
5 double -- I'm serious, I've never heard such
6 double talk.

7 There are going to be five inn rooms
8 above it. That's a fact. When this is
9 approved, there is going to be five rooms,
10 five hotel rooms. To say that they're not a
11 problem now because they don't exist now,
12 well, when this board sends -- and the
13 chairman and Mr. Prokop said they want to
14 vote on this next week, so that's when
15 they're going to be there.

16 MS. MUNDUS: Um-hum.

17 MR. SWISKEY: So how can you sit on
18 that board and make such a silly statement?

19 MS. MUNDUS: What I said was the very
20 traffic that you're citing right now is not
21 because of hotel rooms because they are not
22 open.

23 MR. SWISKEY: So we add extra traffic
24 to an already congested area.

25 MS. MUNDUS: Which is the very same

1
2 traffic that was there for all of the other
3 restaurants.

4 MR. SWISKEY: But they didn't have five
5 rooms and five -- do you think these people
6 --

7 CHAIRMAN McMAHON: Excuse me.

8 MR. SWISKEY: I mean, that's a silly
9 statement.

10 CHAIRMAN McMAHON: Okay.

11 Regardless of whether or not there are
12 currently any additional traffic
13 considerations from the rooms as of right
14 now, this board made a determination that it
15 would be -- that under the Village Code,
16 there is no requirement for parking spaces.
17 There is a possibility under SEQRA that if
18 we found there would be a significant
19 imposition on the environment we could
20 impose reasonable conditions.

21 MR. SWISKEY: And you chose not to?

22 CHAIRMAN McMAHON: We chose not to,
23 that was the decision.

24 I understand if you disagree with that,
25 but that's the decision we made.

1
2 MR. SWISKEY: That's the decision you
3 made, all right. I can understand that
4 decision, but what I'm seeing here from the
5 Village, from these boards is each decision
6 is made differently. There has to be -- if
7 you're going to decide one way for one
8 person, there has to be consistency, and
9 there isn't.

10 I mean, what I've seen.

11 CHAIRMAN McMAHON: Again, but you're
12 primarily talking about an inconsistency
13 between two different boards that --

14 MR. SWISKEY: Well, they were both the
15 Planning Board.

16 CHAIRMAN McMAHON: Yes, but comprised
17 of -- none of the members of this board were
18 members of that board.

19 MR. SWISKEY: The same attorney, same
20 building inspector.

21 CHAIRMAN McMAHON: They don't actually
22 make the decisions, we make the decision.

23 MR. SWISKEY: But they advise.

24 CHAIRMAN McMAHON: They advise, yes.

25 MR. SWISKEY: Okay.

1
2 CHAIRMAN McMAHON: But we make the
3 determinations.

4 MR. SWISKEY: Anyway, well, I would
5 think, because everybody knows what a mess
6 it is downtown in the summer, that this
7 board would think about imposing some
8 condition. If the building can't be used
9 for an inn, it can't be used, it never was.

10 In other words, there has to be a point
11 where somebody says stop or everybody's just
12 gonna do what they want, and it's a mess
13 downtown.

14 I'm a lifelong resident, I've never
15 seen it as bad as it is. In other words,
16 local businesses like the IGA every week in
17 the summer lose business because nobody goes
18 downtown anymore because there's no parking,
19 and you're gonna bring in all these extra --
20 the IG -- the owner of the IGA is screaming,
21 you realize that, he loses money, he loses a
22 lot of money because, you know -- and it's
23 this -- that board -- this should be
24 considering that.

25 CHAIRMAN McMAHON: The burden of the

1
2 Village-wide parking problem can't be placed
3 on a single business at a time.

4 MR. SWISKEY: It has to start
5 someplace.

6 CHAIRMAN McMAHON: Well, the code was
7 written back in 1991, it was amended to say
8 there is already a parking problem.

9 We recognize that the existing
10 buildings in the Village cannot sustain,
11 cannot provide the parking requirement.
12 None of the businesses on Main or Front
13 Street would be able to open if they all had
14 to provide parking. None of those
15 restaurants could provide it, none of the
16 new stores, any new -- you know if it was
17 required -- the Harborfront Hotel was
18 required to provide parking because it was a
19 new construction. It's a different
20 imposition than existing --

21 MR. SWISKEY: I know, I was here for
22 the Harborfront. Yeah, I remember.

23 What I'm saying is there comes a time
24 when the Village agency has to start to act
25 in the best interest, and if you got to shut

1
2 down a project, that's the way it --
3 otherwise it will snowball and snowball to a
4 point -- there's gonna reach a point with
5 some board, maybe not this board, but some
6 board down the road is gonna say, this can't
7 happen anymore, it just can't --

8 CHAIRMAN McMAHON: I believe we did act
9 in the best interest of the Village, and I'm
10 comfortable with the decision we made.

11 MR. SWISKEY: I understand you're
12 comfortable with the decision you made. The
13 trouble is, the decisions are not
14 consistent. I mean, you put that Flyboard
15 guy through a nightmare. I mean, it was --
16 to me, it was like that was silly.

17 CHAIRMAN McMAHON: Okay.

18 Can we please just stick to this
19 particular application because the Flyboard
20 is not on the agenda.

21 MR. SWISKEY: So you don't feel that
22 this guy, this parking is gonna cause a
23 problem.

24 CHAIRMAN McMAHON: I don't believe that
25 there is a reasonable accommodation that can

1
2 be made on this property to alleviate the
3 parking --

4 MR. SWISKEY: Okay. I'm going to give
5 you a suggestion and some people don't like
6 it because they say this is a good fit. I
7 would like to see that person there.

8 If I want to build in my backyard, all
9 right, and because this is basically what
10 you're saying. If I want to build a
11 three-story apartment, in other words,
12 you're saying, well, you know, it will just
13 happen, it's like --

14 CHAIRMAN McMAHON: No. It would be new
15 construction and it would be required to --

16 MR. SWISKEY: I have a garage; I'm
17 expanding the garage. The garage was always
18 used for a certain purpose.

19 It's like, it's time for this board to
20 either, you know -- you sit there at this
21 table and you smile and you tell -- there's
22 no way you should tell an applicant, oh,
23 this is a good fit for there or I like this
24 or I can't wait to eat there. You're here
25 to interpret the law.

1
2 CHAIRMAN McMAHON: I believe we did so
3 correctly.

4 MR. BURNS: I do too.

5 And Bill, we're talking about two
6 different boards and --

7 MR. SWISKEY: Same Village Code, Ben.

8 MR. BURNS: -- and we're talking about
9 two different locations --

10 MR. SWISKEY: Same Village Code.

11 MR. BURNS: -- so they considered that
12 when something was being changed on the main
13 drag, that parking should have been
14 provided, but this is not on the main drag
15 --

16 MR. SWISKEY: That ain't what the
17 Village Code says, Ben.

18 MR. BURNS: -- and we looked at it, and
19 we felt that this was not appropriate to
20 require parking, and we considered that.
21 Bullying us isn't going to help, that isn't
22 going to make us change.

23 MR. SWISKEY: No, I know it isn't gonna
24 change, but nobody is bullying you --

25 MR. BURNS: You are.

1
2 MR. SWISKEY: I'm asking for
3 consistency.

4 No, Ben, I'm asking for consistency
5 from this board. You can't rule one thing
6 and then another and then say, wow, these
7 rules aren't affecting us yet because
8 they're not here --

9 CHAIRMAN McMAHON: These are different
10 applications.

11 MR. PROKOP: The public hearing is not
12 really to have an argument with the board.
13 It's --

14 MR. SWISKEY: We know what a public
15 hearing -- I expect an answer tonight. The
16 mayor promised me an answer on this tonight,
17 Mr. Prokop, at tonight's meeting.

18 CHAIRMAN McMAHON: Well, that's a
19 different meeting.

20 MR. SWISKEY: Have a good day.

21 CHAIRMAN McMAHON: Thank you for your
22 comments.

23 Are there any other comments or
24 questions?

25 MR. CORWIN: My name is David Corwin.

1
2 I had sent you a letter with some
3 objections I had to this, what's going on
4 down there.

5 One of my objections is that the
6 Village Code says all rainwater has to be
7 retained on the property. It's not being
8 retained on the property. It looks to me
9 like the dumpster, air-conditioning
10 compressor, receiving area is pitched to
11 Carpenter Street.

12 In the last two days, I've driven by
13 there and there is a puddle of what looks
14 like wash water, where somebody did the
15 floor, dumped it on the concrete, and it
16 went down to Carpenter Street. Now, I don't
17 know that that's what happened, but there
18 has been a puddle there for two days, I will
19 ask you enforce the rainwater on the
20 property and do something about that pitch
21 of the concrete ramp because to me that's a
22 problem. It stinks down there, no offense
23 to anybody, but restaurants stink, and if
24 they're going to throw their wash water out
25 the back door and it ends up on Carpenter

1
2 Street, it's not fair to the people on
3 Carpenter Street.

4 I went through this file that's
5 available in the clerk's office yesterday,
6 and there is a temporary CO for this
7 structure. It was issued by the building
8 inspector. My interpretation of the code is
9 that only the Zoning Board of Appeals can
10 issue a temporary CO.

11 As I was going through the file, there
12 is a sprinkler system designed by an
13 engineer, fire sprinkler system. In a fire
14 it sprinkles water to control the fire,
15 which is a wonderful thing, particularly in
16 a building like that.

17 What I looked for also was a fire
18 suppression system for the stoves because
19 you can look from Carpenter Street and you
20 can see two great big vent hoods. There
21 must be a lot of stoves in there, I don't
22 know, but I didn't see any fire suppression
23 system, so I'm wondering what's going on
24 with that.

25 And if they're going to have rooms,

1
2 hotel rooms on the second floor, I would
3 think you would want to have a fire
4 suppression system in the kitchen. That
5 would be very important, one that is
6 approved by an -- designed by an engineer
7 and inspected and improved in a fire
8 suppression system as well as the code,
9 sometimes Ansul system, the manufacturer and
10 if you read the reports from the Building
11 Department, it's like every month, the Ansul
12 system, so I don't know what's going on down
13 there, but I think it would behoove someone
14 to look and make sure there is a fire
15 suppression system.

16 Thank you.

17 CHAIRMAN McMAHON: Thank you for your
18 comments.

19 MR. McDERMOTT: Dennis McDermott. I
20 think you all know who I am, general manager
21 right now of the American Beech Restaurant.

22 I appreciate your concern for
23 cleanliness of the restaurant. I think my
24 track record has proven that the two
25 restaurants I've had in this town already, I

1
2 try to keep a very clean restaurant.

3 The water discharge you see in the back
4 is due to cleaning of our mats at the end of
5 the night.

6 To answer your question about the Ansul
7 system, it is in place. It's standardized,
8 installed by the system that does Ansul
9 systems and we wouldn't be able to get a C
10 of O without that being there.

11 So there was another question?

12 MR. CORWIN: Those were my points. I
13 don't think you have answered them.

14 MR. McDERMOTT: There is an Ansul
15 system, and there is residual water from
16 cleaning mats. We don't dump our soapy
17 water into the street; we have a mop sink
18 for that.

19 MS. MUNDUS: You do have a dry well
20 installed, right?

21 MR. McDERMOTT: Yes. We installed a
22 dry well to take care of the rain water,
23 there are actually two dry wells that we
24 installed to take care of the rainwater
25 coming off the building.

1
2 MS. MUNDUS: Is there any way that you
3 could -- the mats have to be cleaned out the
4 back door because I think Dave is right.

5 MR. McDERMOTT: Well, we actually
6 installed that concrete pad to make sure
7 that we had the facility to keep the
8 restaurant as clean as possible.

9 MS. MUNDUS: Right.

10 MR. McDERMOTT: We will be hosing out
11 the dumpsters, and where was that water
12 going to go?

13 MS. MUNDUS: Well, maybe you need
14 another dry well back there because he's
15 right, I mean, dumping it right across, into
16 the road does affect Ruth right across the
17 street. And, you know, I'm not saying --
18 I'm just saying that it could be a more
19 neighborly way to approach the problem than
20 just hosing them out in the street.

21 MR. McDERMOTT: If that's what you need
22 us to do, I'm sure we will be more than
23 happy to comply to that.

24 MS. MUNDUS: What would be entailed to
25 put another dry well back there; would you

1
2 have to bust up the concrete in the back?

3 MR. McDERMOTT: Well, we do have a
4 grease trap, which is basically a dry well
5 that gets pumped out twice a year; it's like
6 the cesspool tank, they come empty it out.

7 MR. BURNS: Right.

8 MR. McDERMOTT: And that does then
9 drain out, so we could probably do some type
10 of accommodation there.

11 MS. MUNDUS: Okay.

12 MR. McDERMOTT: Located right --

13 MS. MUNDUS: The mats are heavy,
14 they've got to be on the ground so you can
15 hose them off, right?

16 MR. McDERMOTT: Yes.

17 CHAIRMAN McMAHON: Thank you.

18 MR. McDERMOTT: You're welcome.

19 CHAIRMAN McMAHON: Were there any other
20 comments?

21 MR. BROWN: Robert Brown.

22 With regard to the parking, obviously I
23 wholeheartedly agree with your
24 interpretation of the code.

25 I would also like to point out, I have

1
2 recently seen a 2009 MTA traffic study for
3 Greenport which described downtown Greenport
4 as being a residential downtown and arguing
5 that requiring off-site parking for
6 businesses in the downtown area of Greenport
7 is ill-advised.

8 I can send you a copy of that if you
9 would like.

10 CHAIRMAN McMAHON: Thank you.

11 MR. CORWIN: Could you say that again,
12 please? I missed it.

13 MR. BROWN: 2009 MTA traffic study for
14 the Village of Greenport which described the
15 downtown area as a pedestrian downtown and
16 advised against requiring off-street parking
17 for businesses in the downtown area of
18 Greenport.

19 MR. CORWIN: And the MTA is?

20 MR. BROWN: Metropolitan Transit
21 Authority, I believe.

22 CHAIRMAN McMAHON: Thank you.

23 MR. SALADINO: John Saladino, 6th
24 Street.

25 I wasn't going to comment today until I

1
2 heard what David said about the temporary CO
3 and the ZBA being the only one that has --
4 is that, in fact, true? Is that, in fact,
5 true?

6 CHAIRMAN McMAHON: I'm not aware of
7 that.

8 MR. PROKOP: There is a provision of
9 the code that the ZBA can issue a temporary
10 certificate of occupancy. I don't think
11 that that is meant to be exclusive.

12 I'm not a hundred percent sure because
13 I didn't know this question was going to
14 come up and I'm hesitant to give a legal
15 opinion like this off the cuff without
16 having the opportunity to research it.

17 But it's my understanding that that
18 provision for the ZBA is not meant to be
19 exclusive, it's meant to be a power that is
20 given to the ZBA, and I don't even know if
21 that power is itself legitimate. I don't
22 know that a ZBA can issue a certificate of
23 occupancy.

24 But I will say that the use that is
25 referred to in the temporary C of O is the

1
2 use that was approved by this board and it's
3 this board that approves the uses --

4 CHAIRMAN McMAHON: But it's not this
5 board that can issue the CO.

6 MR. PROKOP: No, but I think in the
7 resolution, they authorized the building
8 inspector to issue a C of O that was limited
9 to that use, which is the restaurant use.

10 MR. SALADINO: So is it possible that,
11 in fact, the restaurant, perhaps is
12 operating without a C of O?

13 MR. PROKOP: I don't even think --
14 pardon me?

15 CHAIRMAN McMAHON: We expressly
16 permitted the operation of the restaurant
17 because that was a continued use, it was the
18 same use it had been before; so I know that
19 we expressly approved the restaurant
20 portion.

21 MR. SALADINO: I understand that, and
22 I'm not trying to be obtuse, but this is --
23 a C of O is not within your purview to
24 issue.

25 CHAIRMAN McMAHON: Again, I can't

1
2 really speak to it because I don't issue C
3 of O's.

4 MR. PROKOP: They don't issue C of O's,
5 they approve uses and the C of O is issued
6 based on our approval.

7 There was an approval granted for the
8 restaurant use by this board, and it was
9 decided that it would be, the application
10 and the determination would be bifurcated,
11 there would be an approval initially for the
12 restaurant and that a C of O could be issued
13 for that use and that's how that came to be.

14 MR. SALADINO: David's question was,
15 who has the authority to issue the temporary
16 C of O? If nobody here right now has that
17 authority, then, in effect, there is no C of
18 O.

19 MS. WINGATE: New York State gives me
20 the authority to issue a temporary CO when
21 the project is substantially completed.

22 The restaurant has been a restaurant
23 for clearly over twenty years. There are
24 many COs for the restaurant use.

25 Because of the renovation and

1
2 structural changes to the building, this
3 board thought a fresh certificate was step
4 one for the entire building, so we re-issued
5 a temporary CO for the use of the first
6 floor.

7 MR. PROKOP: The we is not -- we didn't
8 issue the C of O.

9 CHAIRMAN McMAHON: That's the Building
10 Department.

11 MS. WINGATE: The Building Department
12 issued a temporary certificate of occupancy
13 with an expiration date.

14 As for the Ansul system, the Ansul
15 system is --

16 MR. SALADINO: That was not my
17 question. I don't care about that.

18 MS. WINGATE: Okay.

19 MR. SALADINO: I was just wondering
20 about the C of O.

21 Thank you.

22 CHAIRMAN McMAHON: Thank you.

23 Are there any other comments?

24 MR. ROBERTS: Doug Roberts, 33 6th
25 Street, Village Trustee here on my own as a

1 trustee, not representing the board.

2
3 First of all, thank you all for your
4 service. This is a hard job, I know you put
5 in a lot of time. I appreciate it. I know
6 the other board members and the mayor
7 appreciate it. Thank you.

8 I know you have to get yelled at
9 sometimes, and it's -- so do I, but I got
10 elected, you didn't, anyway, I appreciate
11 it.

12 I'm sorry I was a little late. Did
13 somebody at least read Trustee Phillips'
14 comments into the record or are you in
15 receipt --

16 CHAIRMAN McMAHON: I haven't received
17 them yet.

18 MR. PROKOP: They are about to be read
19 into the record.

20 MR. ROBERTS: Great.

21 Well, then I will, in advance, I would
22 like to just sort of say --

23 MR. PROKOP: They were mentioned, I'm
24 sorry, they were mentioned but a couple
25 times I tried, I was interrupted, I decided

1
2 just to wait until the end.

3 MR. ROBERTS: Okay.

4 I just want to put my support behind
5 Trustee Phillips' recommendations to you
6 that you refer back to the Village Board
7 that we do something about the parking and
8 traffic flow.

9 Mr. Brown, I believe the 2009 parking
10 study may be the one that the Village
11 commissioned. I'm not sure if it was MTA.

12 MR. BROWN: I believe so.

13 MR. ROBERTS: That's the one I have
14 read a couple times and brought to a meeting
15 and said we have got to do something about
16 this parking thing.

17 I could use your help in trying to make
18 that case because we haven't really made a
19 move on it, but we got now a long winter we
20 can go through and figure this out.

21 But I think this case sort of brings up
22 the necessity for us to review that because
23 the traffic over there is not great, and
24 it's a much bigger problem than just this
25 one business.

1
2 This board is supposed to interpret the
3 code and if there is a code problem, I
4 assume you would bring that to us, but I
5 don't know what a previous Planning Board
6 did, but I think you're getting it right
7 with the parking thing, so, you know, I --
8 if only everybody was so vigilant about
9 every new development in town, you know,
10 having the eyes on it is good, it's good to
11 have the public kind of paying attention.

12 A suggestion that might help people
13 feel less concerned about it, have an open
14 house. I don't know if that's procedure or
15 not, but --

16 AUDIENCE MEMBER: We did just before we
17 opened.

18 MR. ROBERTS: But maybe now since all
19 these conditions have been brought up,
20 invite people. I know I'd like to see it,
21 and maybe folks in the audience would like
22 to as well. You can sort of show us the --
23 I don't know what an Ansul system is, but
24 I'd like to see what it is, and I'll read
25 about it between now and then.

1
2 Anyway, thank you. Thank you.

3 MR. JAUQUET: Let me ask you a
4 question.

5 MR. ROBERTS: Sure.

6 MR. JAUQUET: As a Village Board
7 member, Mr. Swiskey brought up the fire
8 hazard caused by cars on Carpenter, and it's
9 not just next to the hotel, but it's all up
10 Carpenter Street, I would imagine.

11 MR. ROBERTS: Um-hum.

12 MR. JAUQUET: You know, it's a street
13 that is naturally looked at as a parking
14 problem, especially this weekend, you know,
15 people coming in on the weekends. Has the
16 Village Board looked at that, to do
17 something about less parking or signage or
18 something on Carpenter Street?

19 MR. BURNS: It's the delivery trucks.

20 MR. JAUQUET: I'm just saying, you
21 know, whatever it is, just in terms of a
22 fire because that would be a disaster.

23 MR. ROBERTS: We discussed it.

24 MR. JAUQUET: I mean there's lots of
25 streets maybe that apply just as equally as

1
2 Carpenter and maybe there is nothing that
3 can be done.

4 MR. ROBERTS: It's all over the
5 Village. My personal perspective is that it
6 takes effort. We have discussed it. I
7 think there is momentum building for us to
8 really deal with this, and I would love your
9 help with that.

10 CHAIRMAN McMAHON: Thank you.

11 MR. ROBERTS: Thank you.

12 Mr. Prokop, do you have the comments
13 from Trustee Phillips?

14 MR. PROKOP: Yes, I do. I'm sorry that
15 I have to read them.

16 Please enter my comments as an
17 individual with the acknowledgment I am
18 currently a Village Trustee to the public
19 record for two 300 to 308 Main Street that
20 is before the Planning Board on September
21 24, 2015.

22 The property is under one tax map
23 number with the site plan that currently has
24 three restaurants, a deli, an inn, retail
25 shops and upstairs apartments. Please take

1
2 into consideration in your Planning Board
3 review the overall activity of the
4 deliveries and other services blocking
5 Carpenter Street and Bay Avenue to emergency
6 vehicles.

7 The property faces Main Street as well
8 as Bay Avenue. We all have observed over
9 the summer season traffic and parking issues
10 creating an unsafe situation in the section
11 of our Village streets.

12 It is not the applicant's
13 responsibility to create a solution, only to
14 either limit delivery times or create a
15 space for deliveries only for business
16 ventures on the site. It is the Village
17 government's charge to maintain safe
18 conditions for our community.

19 The Planning Board has the ability to
20 recommend to the mayor and the Village Board
21 that the traffic flow and parking be
22 reviewed on Main Street between Bay Avenue
23 and Central Avenue.

24 Please take time to review these two
25 suggestions in creating your final

1
2 determination on this application.

3 Thank you for the opportunity to enter
4 my comments into the record. Trustee Mary
5 Bess Phillips.

6 CHAIRMAN McMAHON: Thank you.

7 MR. PROKOP: I have one comment about
8 that.

9 I learned just recently that actually
10 this -- because this has not been
11 mentioned -- that actually this building is
12 part of a site which includes several other
13 buildings and uses.

14 What we have done with this board is
15 we've assessed the impact of individual
16 buildings and uses, when I think that the
17 site should have been taken into
18 consideration as a whole and I'm not sure
19 what the result would be with this
20 application, may not be any, but I just want
21 to say that with respect to this application
22 and other applications in the future, as we
23 have done in the past, if there is
24 particular review that is underway for one
25 use on the property that includes other

1
2 buildings and/or other uses, we have to do
3 an assessment of the entire site, not just a
4 particular use that we're looking at.

5 CHAIRMAN McMAHON: Okay. Thank you.

6 MS. MUNDUS: I would like to -- I live
7 not too far from there and I'm on Carpenter
8 Street several times a day on a bicycle,
9 which might be the solution, and the problem
10 is not just this restaurant, it's Bruce's,
11 it D'Latte, it's any of the other services
12 that have to have things delivered, and
13 maybe the solution might be for the Village
14 Board to consider holding zone, a loading
15 zone because every one of those delivery
16 trucks, including the garbage truck, which I
17 think is the biggest offender, stops on
18 Carpenter Street because that's the easiest
19 place. They can't do it on Main Street and
20 they get chased off all the others. The
21 parking enforcement, it's delivery trucks
22 that are the problem, not hotel guests, not
23 residential, not restaurant goers. It's
24 delivery trucks in my opinion.

25 Maybe that's the way to go. Have a

1 loading zone for those guys because they
2 don't know that we have a problem, they're
3 just trying to do their job.

4
5 MR. SWISKEY: Can I say some -- there's
6 no parking --

7 CHAIRMAN McMAHON: Just take the
8 podium.

9 MR. SWISKEY: I haven't had -- William
10 Swiskey, 184 5th Street.

11 I happened to go down to Carpenter
12 Street today. There's no parking signs in
13 that whole area. In other words, these
14 delivery trucks can see um, I don't care if
15 you're driving a taxi, a private car or a
16 delivery truck, you shouldn't be parking in
17 a no-parking zone.

18 Now, these people with this complex,
19 and Mr. Prokop's got it right, none of these
20 boards have considered this and it's become
21 a mess. There is gonna have to be a loading
22 zone established for these establishments
23 and you're probably gonna lose two parking
24 places on Bay Avenue, but that's the only
25 solution you got to keep these delivery

1
2 trucks from blocking Carpenter Street unless
3 you're willing to ticket them every day, so
4 that might be one of your recommendations to
5 the Village Board, take two spaces on
6 Carpenter Street -- not Carpenter Street,
7 Bay Avenue, and make them a loading zone.
8 You could make them a loading zone from 9:00
9 in the morning till 6:00 at night and then
10 after that you still have parking, but it's
11 one of the things you have to consider.

12 Thank you.

13 CHAIRMAN McMAHON: Thank you.

14 MS. MUNDUS: I'd like to bring up one
15 more thing from the past, and that is the
16 neighbors who live right behind, right next
17 door to D'Latte, came to the Planning Board
18 several times complaining that they couldn't
19 even get in and out of their driveway. They
20 happen to be in California dealing with a
21 sick relative right now, so they're not here
22 to voice their complaints, but you're not
23 the only one, Bill, who has brought this up.
24 Thank you for brining it up, but it's not
25 for the Planning Board to, you know, we can

1
2 make recommendations. We've been making the
3 same recommendations about Carpenter Street
4 for years, and, you know, I think -- I hate
5 to admit this, but I do agree with you
6 wholeheartedly that we need a loading zone
7 for Carpenter Street.

8 Thank you.

9 CHAIRMAN McMAHON: Are there any other
10 comments?

11 MS. BERRY: Do you want me to wait for
12 a discussion?

13 CHAIRMAN McMAHON: If you have -- go
14 right ahead.

15 MS. BERRY: A couple of things relative
16 to deliveries.

17 Another way of handling it, or maybe
18 you do both, is to limit the time of day
19 when deliveries can occur; and I believe
20 that in some other projects that has been a
21 condition that you request that the
22 deliveries be before a certain hour when
23 there is less traffic.

24 So that and the loading zone are a
25 couple of ideas for dealing with the bigger

1
2 issue of parking.

3 Also, I agree that there is a need to
4 look at the parking issue from a bigger
5 perspective because you're getting a lot of
6 pressures as Greenport is becoming more
7 popular.

8 For instance, rooms. Are we treating
9 different venues equally? Is there a reason
10 why some are grandfathered and not and why?
11 And the nature of the parking is different,
12 it's more long term when it's overnight, you
13 know, people are going to hold on to that
14 spot for hours, rather than turn over in an
15 hour. So I do think there is a need to kind
16 of relook at the parking, but it needs to be
17 done cohesively and in as much of an ethical
18 manner as possible recognizing the limited
19 conditions that a historic village has. You
20 don't want to destroy that character of the
21 densely built environment either, so I think
22 the suggestion of trying to look at it
23 comprehensively, not just picking here and
24 there is a really good one and maybe we
25 could work with the board to look at the

1
2 issue jointly.

3 CHAIRMAN McMAHON: Thank you.

4 MR. SWISKEY: One more thing. William
5 Swiskey, 184 5th Street.

6 This isn't about tenants and parking.
7 This is about inconsistent application of
8 our code. This guy gets this, this guy
9 doesn't. It's -- you can't have that. It
10 leaves a bad taste in citizens' mouths.

11 Thank you.

12 CHAIRMAN McMAHON: Thank you.

13 Anyone else have any comments?

14 We are still waiting for formal input
15 from the Village Board. I believe they're
16 meeting this evening, so hold this over
17 until our next meeting, which is next
18 Thursday. At that time, hopefully we'll
19 have a cohesive statement from the Village
20 Board, maybe not.

21 MR. ROBERTS: I don't think so.

22 MR. SWISKEY: I'll ask tonight if
23 they're gonna make --

24 MR. ROBERTS: I asked two days ago,
25 Bill. I didn't get an answer and I'm a

1 trustee.

2 MR. SWISKEY: Yeah.

3 CHAIRMAN McMAHON: Well, we cannot
4 finish this without input from the Board,
5 they want to have input on this, so we
6 cannot close this out.
7

8 I make the motion that we move on to
9 the next item on the agenda because I don't
10 believe there is anything else we can do at
11 this time.

12 Yes, Mr. Brown.

13 MR. BROWN: Can I just ask a question?

14 Is there a time limit established with
15 the trustees to make a determination?

16 MR. PROKOP: It's -- there was a time
17 limit to respond, and they responded within
18 that time limit. What my recommendation to
19 the board would be is to put it on the
20 October 1st agenda, and see if there is
21 anything that happens between now and then.

22 MR. BROWN: But they did respond?

23 MR. PROKOP: Yes. The time limit,
24 there was a thirty-day time limit and they
25 responded, the Board of Trustees responded

1
2 within the thirty-day time limit that
3 comments would be forthcoming and they
4 requested additional time to provide them,
5 and that's where we're at.

6 MR. BROWN: They can do that, I
7 presume?

8 MR. PROKOP: Yes. Within reason. I
9 mean, everything is within reason.

10 CHAIRMAN McMAHON: So I'm going to make
11 a motion to move this to our next meeting
12 next Thursday.

13 Do I have a second?

14 MR. BURNS: Second.

15 CHAIRMAN McMAHON: All in favor?

16 (All Said Aye)

17 CHAIRMAN McMAHON: Motion carries.

18 Item number two, discussion of current
19 sign regulations.

20 The Village Board passed a resolution
21 requesting that the Planning Board submit
22 comments to the Code Committee regarding
23 current signage regulations.

24 I provided copies of the current sign
25 regulations to each member of the board. I

1
2 know each of you have not had a chance to
3 review it yet. The Code Committee did
4 request that we provide them with any
5 comments we have on the regulations.

6 I was not at meetings when these
7 were -- when the request was made, so I
8 don't know if there is a particular scope.

9 Mr. Prokop, having been at the
10 meetings, do you recall the regulations they
11 were addressing?

12 MR. PROKOP: No, nothing in particular.
13 I'm sorry.

14 CHAIRMAN McMAHON: So we will take a
15 look at this individually and if there are
16 any items on here where we think code can be
17 improved, we'll discuss it at the next
18 meeting.

19 I'll make a motion to move on from item
20 number two.

21 Do I have a second?

22 MR. BURNS: Second.

23 CHAIRMAN McMAHON: All in favor?

24 (All Said Aye)

25 CHAIRMAN McMAHON: Motion carries.

1
2 Item number three, motion to schedule
3 the Work Session meeting for October 29th
4 and the Work Session for November 5, 2015.

5 Do I have a second?

6 MS. MUNDUS: Second.

7 CHAIRMAN McMAHON: All in favor?

8 (All Said Aye)

9 CHAIRMAN McMAHON: Motion carries.

10 Item number four, motion to accept
11 Planning Board minutes for August 6, 2015.

12 Do I have a second?

13 MR. JAUQUET: Second.

14 CHAIRMAN McMAHON: All in favor?

15 (All Said Aye)

16 CHAIRMAN McMAHON: Motion carries.

17 Item number five, motion to adjourn.

18 Do I have a second?

19 MR. BURNS: Second.

20 CHAIRMAN McMAHON: All in favor?

21 (All Said Aye)

22 CHAIRMAN McMAHON: Motion carries.

23 Thank you very much.

24 (Time noted: 5:50 p.m.)
25

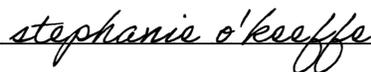
C E R T I F I C A T E

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

That the within proceedings is a true and accurate record of the stenographic notes taken by me.

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

IN WITNESS WHEREOF, I have hereunto set my hand to this 24th day of September, 2015.



STEPHANIE O'KEEFFE