

1 VILLAGE OF GREENPORT
2 PLANNING BOARD
3 REGULAR SESSION
4 February 6, 2014
5 5:00 p.m.

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8 Meeting held at the Greenport Firehouse
9 236 Third Street, Greenport, New York 11944

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- 12 Appearances:
13 Peter Jauquet - Chairman
14 Pat Mundus
15 Ben Burns
16 Chris Dowling
17 Devin McMahon (Not Present)
18
19 Joseph Prokop - Village Attorney
20 David Abatelli - Village Administrator

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1 (Whereupon, the meeting was called to order
2 at 5:12 p.m.)

3 CHAIRMAN JAUQUET: Okay. We're going to
4 call the meeting to order. Does that have to be
5 a motion?

6 MR. PROKOP: No.

7 CHAIRMAN JAUQUET: Okay. And let's see.

8 Item #1, I'm just going to read that off.
9 Discussion and possible motion on an application
10 submitted by James Olinkiewicz, owner of 510
11 Madison Avenue and 407 Kaplan Avenue, Kaplan
12 Market, to provide a shared driveway on 510
13 Madison Avenue for access to three parking lots
14 on 407 Kaplan Avenue for the 407 Kaplan Avenue
15 residents. A final survey has been submitted for
16 review, and --

17 MR. PROKOP: I think that's what we're
18 waiting for. I think that we looked at this once
19 before and gave them sort of the general
20 go-ahead.

21 CHAIRMAN JAUQUET: We did, yeah.

22 MR. PROKOP: Yeah. And I think we were
23 just waiting for the final survey, just so we
24 could close the file, basically.

25 CHAIRMAN JAUQUET: Okay.

3

1 MR. PROKOP: And so, if the survey is okay
2 if it shows everything that you think is okay,
3 you know, in the way that you thought --

4 CHAIRMAN JAUQUET: I have one concern.

5 MS. MUNDUS: Well, last week, you weren't
6 here last week either.

7 MR. PROKOP: I'm sorry.

8 MS. MUNDUS: We did have somebody from the
9 community send photographs of the driveway to us,
10 which prompted a discussion.

11 MR. PROKOP: Oh, okay.

12 MS. MUNDUS: And he came, he spoke. And

13 the question was, you know, with all the Planning
14 Board input, and Mr. Olinkiewicz changed the site
15 plan several times to put these three parking
16 places in the back, these people are still
17 parking on the grass in the front yard, which the
18 neighbors said was rightfully offensive.

19 And, also, if this easement goes through
20 for Kaplan, then if anybody, again, doesn't park
21 where they're supposed to, this easement gets
22 blocked.

23 So the question is, other than constantly
24 somebody having to report it, which turns it into
25 an enforcement issue, and then Jim has to come

4

1 over here, or his lawyer, and talk to the tenants
2 to get it straightened out, is there any way that
3 we could prevent that from happening? That's
4 what happened last week at the work session.

5 MR. PROKOP: Okay. So the way that -- to
6 handle this is, you know, it would be -- an
7 enforcement issue would be a violation of site

8 plan that we could keep issuing tickets. The
9 other way -- the way for your Board to handle it
10 would be to -- to make it a -- make the use be,
11 the property use be a condition of the approval,
12 basically, the approval that you gave.

13 So what we did was we modified, we went
14 back and modified the approval that we had given
15 to 510 Madison Avenue, and so we would -- if
16 you're concerned about this, then modify it with
17 a condition that the parking spaces be actually
18 used for parking by the residents of 407 Kaplan
19 Avenue.

20 CHAIRMAN JAUQUET: Could we ask them to put
21 anything physically there so that it can't
22 possibly be used otherwise, so that they can't go
23 from the --

24 MR. PROKOP: Sure.

25 MR. DOWLING: Yeah.

5

1 CHAIRMAN JAUQUET: We were thinking like a
2 low fence or a --

3 MR. DOWLING: So used for a one-car only,

4 instead of two, the way it's been all week.

5 CHAIRMAN JAUQUET: Can we ask him to put a
6 low fence up there, so that it can't be --

7 MR. PROKOP: Yes.

8 CHAIRMAN JAUQUET: That the lawn can't be
9 driven upon?

10 MR. PROKOP: Yes.

11 CHAIRMAN JAUQUET: And maybe use that as a
12 precedent for other places around town that --
13 you know, because this happens everywhere.

14 MR. PROKOP: Yeah, I think that's
15 important. Yes, you could do that.

16 CHAIRMAN JAUQUET: We could? Okay. Let's
17 do that, then.

18 MS. MUNDUS: It just seems very cumbersome
19 to have to go through the whole process of
20 creating a violation that -- calling the
21 landlord, and the landlord or the lawyer going
22 over, because that's what happened last week.
23 And then now, today, just a little while ago, one
24 of the cars was parked right diagonally on here.
25 I mean, he probably thought -- I know it's

1 snowing, everybody does weird things when it's
2 snowing, but people did complain.

3 MS. MC ENTEE: Is this closed to the
4 public? This is an open session, right?

5 CHAIRMAN JAUQUET: Sure, it is.

6 MS. MC ENTEE: Because, I mean, there is
7 public input.

8 CHAIRMAN JAUQUET: Go ahead. Does somebody
9 want to speak?

10 MS. MC ENTEE: Absolutely.

11 CHAIRMAN JAUQUET: Go ahead. Is this on
12 this issue?

13 MS. MC ENTEE: Yes.

14 CHAIRMAN JAUQUET: Okay.

15 MS. MC ENTEE: Hi. My name is Joanne
16 McEntee, 242 Fifth Avenue.

17 A temporary CO, from what I understand, had
18 been issued to the 407 Kaplan and people have
19 been living there since December. One of my
20 questions are, what is a temporary CO? I've
21 never heard of a temporary CO, so can you, one,

22 explain that to me? That means residents are
23 living in a home with a temporary CO. Someone
24 should know what that means.

25 MS. MUNDUS: Okay. This is the Planning

7

1 Board, so --

2 MS. MC ENTEE: Right, I do get that, but
3 there's all --

4 MS. MUNDUS: A code violation like that
5 doesn't --

6 MS. MC ENTEE: There's all kinds of --

7 CHAIRMAN JAUQUET: Sure, we'll get into
8 that. Let's go on to the -- Dave.

9 MS. MC ENTEE: Thank you.

10 MR. ABATELLI: Yeah. I mean, quite simply,
11 it means that the building is habitable, but
12 there are still issues, usually site issues in
13 most cases, that would prevent us from giving a
14 final CO. So a temporary CO is issued with a
15 three-month or six-month time period that allows
16 the house to be occupied while any variety of
17 different things, not necessarily related to the

18 safety of the occupants, is being dealt with,
19 such as this, this is a good example.

20 MS. MC ENTEE: So parking would not be a
21 safety issue, is that what you're saying?
22 Because parking on the road is --

23 MR. ABATELLI: Well, there is the parking.
24 I mean, it's -- well, I'm not going to debate it,
25 but that's what a temporary CO is for. There is

8

1 parking there. The fact that it may not being
2 used is a -- that's the issue we're talking
3 about.

4 MS. MC ENTEE: Okay. So they are still
5 currently with a temporary CO and they do not
6 have the final CO yet?

7 MR. ABATELLI: That's correct,

8 MS. MC ENTEE: The final CO is after all
9 this is said and done?

10 MR. ABATELLI: When they meet all of the
11 requirements.

12 MS. MC ENTEE: Okay. So then I do want to

13 go further here.

14 Mr. Olinkiewicz' attorney stated, at the
15 ZBA minutes on 11/20, and I'm so sorry that
16 they're not here today, or even Mrs. -- Miss --

17 MR. PROKOP: Rea.

18 MS. MC ENTEE: Excuse me?

19 MR. PROKOP: Ms. Rea.

20 MS. MC ENTEE: No, not Ms. Rea. Well,
21 she -- whether it's her or not, Eileen Wingate.

22 But on Page 32 and 33, in reference -- that
23 it was stated by her attorney that the easement
24 at the 510 Madison has been, quote, unquote --
25 I'm a little nervous, so --

9

1 CHAIRMAN JAUQUET: It's all right.

2 MS. MC ENTEE: Contemplated as part of the
3 407 Kaplan project, that an easement would be
4 granted from the -- would be granted from the
5 property behind the Kaplan Market property. In
6 fact, it was -- again still her quote, it has
7 been in the works for a very long time, end
8 quote, yet the application just -- was just

9 prepared and submitted to the Board, the ZBA, on
10 11/20.

11 So Eileen Wingate stated again on 11/20,
12 per the ZBA minutes, Page 23, quote, unquote, as
13 far as the easement goes, we have -- we have,
14 again, have preliminary paperwork filed with the
15 County for easements for parking for two cars.
16 The last I knew is that the copy of a filed
17 document showing proof should be on file with the
18 Village in order to make this type of statement
19 and not going by someone else's word, and this is
20 what I felt that happened.

21 And I also verbally spoke with Eileen
22 Wingate weeks prior and she verbally told me that
23 Mr. Olinkiewicz had an easement already on
24 Madison. So, yet, no documents in the file,
25 because that was verified, and that's also in the

10

1 minutes. So why wasn't the application submitted
2 to the County when the permit was filed with the
3 Village for 407 on July 15th, or when the second

4 permit was issued on 5 -- September 5th?

5 Stories are changing. Someone is not
6 telling the truth. Who is fooling who? The work
7 is -- and who is abusing our system, and where is
8 the real truth?

9 The Village continues to overlook what some
10 people do in the -- what some people do in the
11 Village, which is -- which, in turn, gets away
12 with things within our Village and should not.
13 So I'm feeling that there's something going on
14 that should not be, and there's too much of this
15 going on that we're seeing throughout the
16 Village. We have a beautiful Village and we
17 should really keep it that way.

18 With 410 Madison, what would be the
19 variances or the setbacks due -- or, if any, due
20 to placing an easement on this lot, had the
21 easement been submitted to the Board when the
22 Board had been -- had received the original
23 building site plan? Would there have been a
24 change due to the easement that they're putting
25 in now?

1 MS. MUNDUS: Okay. There's a lot of
2 questions and response built in. It's hard for
3 us to take them all at the same time, but --

4 MS. MC ENTEE: I do have more, though.

5 MS. MUNDUS: Okay.

6 MS. MC ENTEE: If you'd like me to read
7 more, and then if you want to respond, I can --

8 MS. MUNDUS: Let's just work through it a
9 little bit at a time --

10 MS. MC ENTEE: Sure.

11 MS. MUNDUS: -- because this is the copy of
12 the easement that was filed with the County. I
13 mean, it's signed and sealed and delivered
14 already.

15 MS. MC ENTEE: And the date is?

16 MS. MUNDUS: It's dated November 26th of
17 last year.

18 MS. MC ENTEE: Okay. So we had a ZBA on
19 the 20th, November 20th.

20 CHAIRMAN JAUQUET: Why don't you finish?
21 Why don't you finish your comments?

22 MS. MC ENTEE: Sure. I recommend, and this

23 is my true recommendation, that the filed
24 recorded deed copy, should this go through, be
25 placed on file with the Village of Greenport

12

1 before any final approvals, including a final CO
2 on 407, and whatever is necessary, or any
3 approvals on 510 before anything is given.

4 I don't see why we would still have a final
5 or a temporary CO at that point. It doesn't make
6 any sense to me. I don't see why we have one
7 now. It was told because it was of a need, and I
8 don't believe, with as many homes as
9 Mr. Olinkiewicz now owns in this Village, which,
10 if I'm about correct, it's about nearly 14. One
11 is coming up, which is next to my house, so I
12 will be back. And until then, I would ask that
13 all the cars, and you spoke about this before,
14 that all the cars be parked on the front -- that
15 are parked on the front lawn at 510, which I've
16 seen four at a time many times -- I have pictures
17 myself. I've seen two cars in the back parking

18 lot. I've seen cars parked on Kaplan Avenue,
19 which they are -- should not be there. There's a
20 residence in the front, there's a residence in
21 the back.

22 So I'm going to also say that I am with --
23 there are 75, I've said this at the ZBA meeting,
24 that there are 75 to 80%, per Eileen Wingate, of
25 properties in the Village with an R-2 zoning.

13

1 This is far too many. I don't know how it got
2 this far. It's way too far for our Village, too
3 many, way out of proportion, and I don't think
4 it's a fantastic ratio. We will be back to 1997
5 if we continue going this route. Thank you.

6 So, if you'd like to respond to anything I
7 had to say, I'd appreciate it.

8 MR. PROKOP: Well, your question about the
9 variance, there was no variance. It was
10 determined by the Building Department that there
11 was no variance necessary for the shared
12 driveway, and I think that that's correct, there
13 probably was no variance required for the shared

14 driveway.

15 But the issue before this Board was that we
16 received an application for site plan approval
17 for 510 Madison Avenue, and then at the -- at a
18 hearing regarding 407 Kaplan -- excuse me. And
19 at the site plan application for 510 Madison,
20 there was no shared driveway indicated. Then
21 what happened was at the Public Hearing on an
22 application for 407 Kaplan, Mr. Olinkiewicz was
23 asked where the parking was going to be, and he
24 said that there was going to be a shared -- he
25 had -- he was in the process of recording an

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1 easement across 510 Madison Avenue. I advised
2 the Village that that was not in conformance with
3 the site plan that had been approved for 510
4 Madison, and that if he was going to do that, the
5 Planning Board had to revisit the site plan for
6 510 Madison.

7 And that's how the whole thing came before
8 the Planning Board again, because, basically, it

9 was a revision, the shared driveway is a revision
10 of a site plan that we approved for 510 Madison.
11 Now, at what stage he was discussing that with
12 the Village, I don't know. You know, there's
13 many things that are discussed with the Village.
14 I wasn't part of the discussion. I'm sure
15 that --

16 MS. MC ENTEE: Way longer than him
17 submitting for an actual application to the
18 County.

19 MR. PROKOP: So, you know, I'm not sure --
20 I'm not sure -- you know, I'm sure that he
21 discussed -- I'm not sure when it was submitted.
22 Excuse me. I'm not sure when it was discussed,
23 but I am sure that there were many things that
24 were discussed, and that probably was just one of
25 them. And that's how we came back to this Board,

15

1 just because it affected the site plan that we
2 had approved.

3 MS. MC ENTEE: Okay. Eileen Wingate, also
4 way back, and I'm -- weeks before we came to the

5 Planning Board, she also knew and said that he
6 had this easement. So, if she knew something,
7 why wasn't that -- why wasn't she abreast of it?
8 Why wasn't she taking charge of it? Why did this
9 not follow through until the filing date of
10 11/26, which I was told tonight?

11 MR. PROKOP: The other thing is your
12 question about R-2 zoning, and this has come up a
13 lot, you know, a number of times at different
14 meetings, so that's really before -- that's
15 something you should mention to the Trustees,
16 because this Board really can't -- we can only
17 deal with what the zoning is --

18 MS. MC ENTEE: I get that.

19 MR. PROKOP: -- you know, and deal with
20 planning on that basis. But if you have a
21 concern as a resident of a particular type of
22 zoning, that concern really should go to the
23 Mayor or the Board of Trustees.

24 MS. MC ENTEE: I do believe in R-2 zoning.
25 I do believe it's excessive, and I do believe the

1 ratio is way out of proportion. That is my
2 opinion, I will tell that to every Board. And I
3 appreciate you listening to me.

4 CHAIRMAN JAUQUET: Okay.

5 MS. MUNDUS: Thank you very much.

6 CHAIRMAN JAUQUET: We appreciate your
7 comments. Go ahead.

8 MS. RICHARDS: My name is Margaret
9 Richards. I live at 415 Kaplan Avenue, next door
10 to Kaplan's Market.

11 Some of my neighbor's points are well
12 taken. And I also saw cars parked both in the
13 front yard and the backyard. And that's a fairly
14 small lot, 510 Madison. And the way I read the
15 code, it should never have been two families,
16 because the code says the only way you can waive
17 dimensional requirements is if there's already a
18 single-family dwelling on the lot. There was no
19 single-family dwelling on the lot, it was vacant
20 for years, so it should have never been given a
21 two-family status to begin with. So now you have
22 an overburdened property, and you're further

23 overburdening it with an easement to allow
24 another overburdened property to park.

25 I also have knowledge and I -- if somebody

17

1 wants to see the proof, you'd have to give me an
2 email address and I'll send it to you, that
3 Mr. Olinkiewicz has told the people in the front
4 that they're not allowed to park in the back. So
5 that kind of defeats the purpose of 407 Kaplan
6 being allowed to be a two-family residence,
7 because it has three offsite parking spaces.

8 The woman parks in front of the building,
9 which I understand. All her guests come through
10 the front door and park along Kaplan Avenue. And
11 even in the snow they're parked in front of the
12 building, which kind of is a problem for me,
13 because when the plow goes around them, it leaves
14 the snow in front of my driveway. So I think
15 that both of those properties are overburdened,
16 and that is a provision of the Planning Board.

17 I'm trying to think if there's anything
18 else. I think she said a lot of what I was going

19 to say.

20 My biggest issue is -- and because she
21 brought up the fact that there's too many
22 two-families. That would be fine if the
23 properties were big enough, but too many
24 two-family dwellings being allowed on substandard
25 properties, many of which Mr. Olinkiewicz owns,

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1 like the one right over here. He was given a
2 subdivision and he ended up with four units on
3 the two lots, and I don't believe that should
4 have --

5 MS. MUNDUS: Which one are you talking
6 about?

7 MS. RICHARDS: 314, 306 Center, right here.

8 MS. MUNDUS: Okay.

9 MS. RICHARDS: So, if not now and if not
10 for this property, I think in the future we
11 should think a little harder about allowing
12 two-family residences on substandard properties,
13 unless they meet the criteria of the law, which

14 has an allowance for people who already have a
15 home.

16 CHAIRMAN JAUQUET: For -- what was that
17 last phrase?

18 MS. RICHARDS: It has an allowance for
19 people who already have a substandard property
20 with a home on it, that they can have the second
21 apartment. But if you're talking about a
22 substandard property that's vacant and you're now
23 allowing people to put two-family homes on it,
24 that's overburdening the Village terribly.

25 Thank you.

19

1 MS. MUNDUS: Thank you.

2 CHAIRMAN JAUQUET: Thank you.

3 MR. DOWLING: Thanks.

4 CHAIRMAN JAUQUET: It seems to me that, you
5 know, in this particular case, the Zoning Board
6 has approved four parking places, and we seem to
7 be faced with trying to regulate or put another
8 overlay on how that front space is used, and to
9 try and regulate how that is set up physically so

10 that it's used properly.

11 Can we go ahead and make a motion
12 to require him to do what we want to do
13 conditionally on this?

14 MR. PROKOP: I think so, because he owns --
15 because he owns both properties, I think that you
16 can do that, yes. Normally you wouldn't be able
17 to, because they're really two separate
18 properties. But I think in this case, because
19 he's the owner of the two properties, and it's
20 this easement on 510 that's satisfying his
21 requirement on 407, because of that, I think that
22 you could --

23 CHAIRMAN JAUQUET: Yeah.

24 MR. PROKOP: I think that you could do that
25 conditionally, yes.

20

1 CHAIRMAN JAUQUET: Well, what about those
2 three spaces in the back that he's got approval
3 for from the Zoning Board with the same sort of
4 requirement as in the front, that no more than

5 three cars can be there, and they have to be
6 parked in their spaces and not excess cars on the
7 yard, can we do that, too?

8 MR. PROKOP: Yeah, that's the requirement,
9 that there wouldn't be any parking on the front --

10 CHAIRMAN JAUQUET: I mean, that would
11 partially address who brought that up, I mean,
12 because I'm --

13 MS. RICHARDS: Both, I think.

14 CHAIRMAN JAUQUET: You know, my druthers,
15 as a Planning person, would be to make sure that
16 these, you know, highly -- that these densely
17 populated properties use the rest of the site
18 properly.

19 MS. MUNDUS: Well, there's seven --
20 according to the plan that we approved, there are
21 seven parking places appropriated. There's three
22 behind Kaplan Market and there's four for the 510
23 Madison property. The issue is how do people use
24 them or not.

25 CHAIRMAN JAUQUET: I know. Can you

1 regulate that?

2 MS. MUNDUS: And if you say that he gave
3 them instructions not to use those parking
4 places, well, that's -- this is the dilemma for
5 the Planning Board. And then the people come
6 before us, we approve a plan, which is basically
7 a promise, because there's nothing -- we have no
8 enforcement, we have nothing. Once it leaves
9 here, there's no way to -- other than impose --

10 CHAIRMAN JAUQUET: Well, that's what we're
11 saying.

12 MS. MUNDUS: Like you said, build a
13 structure or something.

14 CHAIRMAN JAUQUET: I mean, I think we have
15 to impose, and I think that would be a good
16 precedent for others that present a similar --

17 MS. RICHARDS: 510 Madison definitely has
18 at least six vehicles.

19 MR. ABATELLI: You really shouldn't just
20 speak, you know, just for the --

21 MR. DOWLING: Can we --

22 CHAIRMAN JAUQUET: Why don't we -- hang on.

23 MR. DOWLING: Can we table this and ask him

24 to come back with a better plan on the front
25 parking?

22

1 MS. MUNDUS: Well, they've already been
2 approved.

3 CHAIRMAN JAUQUET: Well, I think we have to
4 tell him what to do.

5 MR. DOWLING: Okay.

6 MS. MUNDUS: Yeah.

7 MR. ABATELLI: I mean, they really actually
8 should have been here. I mean, it's kind of a
9 problem now.

10 CHAIRMAN JAUQUET: Well, then let's table
11 it and tell him what we want, and let him respond
12 with an idea of physical -- of a physical
13 construction, and how we feel about the way the
14 ones in -- the three in the back are used, and
15 the yard not used for cars.

16 MR. PROKOP: That's a good idea.

17 CHAIRMAN JAUQUET: You know? I mean,
18 something like that --

19 MS. MUNDUS: I mean, there was a lot of
20 dialogue, and he went through a lot of trouble to
21 please us --

22 CHAIRMAN JAUQUET: I know, but there's --

23 MS. MUNDUS: -- by putting these in the
24 back, and now he's telling them not to use it?
25 It's crazy

23

1 CHAIRMAN JAUQUET: Well, I guess we could
2 bring -- we could ask him about that, because --

3 MR. DOWLING: I think until we see a real
4 plan of how this will properly be utilized, we
5 can't --

6 CHAIRMAN JAUQUET: Okay. So I'm going to
7 make --

8 MS. MUNDUS: Yeah, one second. Yeah, let
9 her go.

10 CHAIRMAN JAUQUET: Oh, wait. Let's hear
11 her talk.

12 MS. MC ENTEE: I do have another issue,
13 though. There -- how are they going to get fire
14 trucks all the way into the back? How are they

15 going to -- if there is an emergency and a fire
16 truck needs to get back there, this needs to be
17 addressed, so it's a big issue. If there's a
18 fire, you're going to let it burn, or can they
19 actually physically get their trucks all the way
20 in the back?

21 MS. MUNDUS: Well, they don't have to get
22 the truck to where the fire is, they have to get
23 the hose to where the fire is.

24 MS. MC ENTEE: Can they get down -- can get
25 they get down the easement?

24

1 MR. DOWLING: According to the site plan
2 that was submitted, yes.

3 MS. MC ENTEE: So they can get down o the
4 easement with the -- all the trees that are there
5 and everything?

6 CHAIRMAN JAUQUET: That's part -- I think
7 that issue was covered in the original zoning
8 approval of the site.

9 MS. MC ENTEE: In the original matter of

10 510 Madison?

11 CHAIRMAN JAUQUET: No. I'm assuming that
12 the Fire Department regulations are part of
13 zoning.

14 MS. MC ENTEE: Yeah, but this is now an
15 easement, so --

16 CHAIRMAN JAUQUET: Same thing.

17 MR. ABATELLI: There's a 10-foot, you know,
18 requirement for the driveway for that space and a
19 fire truck can go down there. Usually, the
20 fire -- in most -- I'm not a fireman, but,
21 generally, a fire truck would not try to get that
22 close to a fire, especially right next to a
23 building, they'd stay in the street --

24 MS. MC ENTEE: Fair enough.

25 MR. ABATELLI: -- and run in.

25

1 MS. MC ENTEE: Fair enough.

2 MR. ABATELLI: You know, they tend not to
3 go down driveways in any fire situation.

4 MS. MC ENTEE: If you feel it's -- if you
5 feel it should be fine, then that's okay.

6 MR. ABATELLI: I think that's -- I mean,
7 again, I'm not a fireman, but they tend not to
8 pull into driveways.

9 MS. MC ENTEE: Okay.

10 MR. PROKOP: When you discuss the -- when
11 you discuss with Mr. Olinkiewicz whatever you
12 want for the front of 407, we could also discuss
13 with him that we don't want the 510 driveway ever
14 blocked. You know, that could be the other part
15 of the requirement.

16 CHAIRMAN JAUQUET: Okay, okay. So I'm
17 going to -- I'll make a motion that we table. Is
18 that the word?

19 MR. PROKOP: Yes.

20 CHAIRMAN JAUQUET: To table this until the
21 next work session, so that we can discuss with
22 Mr. Olinkiewicz our concerns about the front
23 parking, and our new requirement that the front
24 space be physically set up so that yard parking
25 in the front cannot happen, vis-a-vis some sort

1 of barrier that they can't move, that a car can't
2 go through.

3 MR. ABATELLI: And how he would intend to
4 always keep that clear.

5 CHAIRMAN JAUQUET: And how he would intend
6 to satisfy our requirement for that. So does
7 somebody want to second that?

8 MS. MUNDUS: I second it.

9 CHAIRMAN JAUQUET: All in favor?

10 MR. BURNS: Aye.

11 MR. DOWLING: Aye.

12 MS. MUNDUS: Aye.

13 CHAIRMAN JAUQUET: Aye.

14 Okay. All right. Item 2 is a discussion
15 and possible motion on an application submitted
16 by Imran Qasim Khan, owner of Layyah Corporation,
17 requesting and evaluation for the addition of a
18 car service office/operation into the existing
19 convenience store office. This store is located
20 at 331 Front Street.

21 What did you guys do with this last time?

22 MS. MUNDUS: We discussed signage, lights.

23 MR. BURNS: It came down to --

24 MS. MUNDUS: Parking.

25 MR. BURNS: It seemed like the only issue

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1 was the signage.

2 MS. MUNDUS: And here's the sign.

3 MR. DOWLING: Yeah. We felt that it was an
4 appropriate use for the Village.

5 MS. MUNDUS: Would you like -- would you
6 like to speak?

7 CHAIRMAN JAUQUET: Do they have a special
8 new office inside there?

9 MS. MUNDUS: It's within the existing
10 building.

11 CHAIRMAN JAUQUET: I'm just coming up to
12 speed with this, because I wasn't here last year
13 -- last time.

14 MR. BURNS: Is this the same one?

15 MR. DOWLING: That's separate.

16 MS. MUNDUS: No, that's separate.

17 CHAIRMAN JAUQUET: That's something else.

18 MS. MUNDUS: That's separate.

19 CHAIRMAN JAUQUET: Is this it?

20 MS. MUNDUS: Yeah, this is the sign.

21 CHAIRMAN JAUQUET: Okay.

22 MS. MUNDUS: This is his intended use, and
23 this is where the office is. There's no change
24 at all to the fence, to the building, or
25 anything.

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1 CHAIRMAN JAUQUET: So this is Front Street
2 and this is Third?

3 MS. MUNDUS: Right.

4 CHAIRMAN JAUQUET: So what's in there? Did
5 you -- were you told?

6 MS. MUNDUS: I'm sorry that our Chairman
7 wasn't here last week, so if you could just --

8 CHAIRMAN JAUQUET: Are you going to -- what
9 are you going to do? What are you going to --
10 well, go ahead and say what you were going to
11 say.

12 MR. KHAN: Imran Qasim Khan. I was wanting
13 to use my office as a car service office. I was
14 starting to -- trying to start up a new business,

15 like a taxi service in Greenport. It's basically
16 for the Town of Southold, and that's why I came
17 here last week for them. I provided the signage,
18 and I showed that I have enough parking space in
19 the back, back of the building.

20 MR. PROKOP: I have a comment on -- it's
21 sort of -- I'm just mentioning -- I'm just
22 interrupting because I have sort of a threshold
23 comment just at the beginning.

24 I asked the -- I asked Dave Abatelli what
25 the zoning is and he said it's Commercial/Retail,

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1 CR-Commercial/Retail. So in Commercial/Retail
2 you're allowed to have a business office, so this
3 would probably -- I mean, the Building Department
4 didn't mention that there's a problem with the
5 use, you know. So I'm just asking the question
6 now. He's probably allowed to have a business
7 office, but like a car service or something is
8 not one of the uses that's --

9 CHAIRMAN JAUQUET: That's what I was
10 wondering.

11 MR. PROKOP: -- yeah, that's allowed, so --

12 CHAIRMAN JAUQUET: This didn't have to go
13 past the Zoning Board already? This application
14 is coming directly to us?

15 MR. ABATELLI: Right. We were looking at
16 it as a use evaluation. We didn't --

17 CHAIRMAN JAUQUET: A what evaluation?

18 MR. ABATELLI: A use evaluation.

19 CHAIRMAN JAUQUET: Use evaluation, okay.

20 MR. PROKOP: So, probably, if he wanted to
21 have -- I mean, this is really the interpretation
22 of your Board and also the Building Inspector,
23 but just, you know, legally, looking at this, you
24 could probably have the office there, because it
25 is a business office, but, you know, if he wanted

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1 to start parking, you know, the cars that are
2 actually coming and going, they would probably
3 have to be somewhere -- I would think that they
4 would probably have to be somewhere else.

5 CHAIRMAN JAUQUET: That's what I was

6 wondering.

7 MR. PROKOP: Yeah. But the office --

8 CHAIRMAN JAUQUET: Thinking like, okay,
9 could be a business office for dispatching and,
10 you know, doing the telecommunications, but not
11 adding those cars and that activity to the
12 site --

13 MR. PROKOP: Right.

14 CHAIRMAN JAUQUET: -- without a special
15 permit or something, because it's -- so it's your
16 job to tell us that the code goes so far in terms
17 of the use. It's a business office --

18 MR. PROKOP: Yeah.

19 CHAIRMAN JAUQUET: -- but taxi services
20 aren't specifically noted, they're not in there.

21 MR. PROKOP: Right. There's 18 uses that
22 are allowed, and this isn't one of them.

23 CHAIRMAN JAUQUET: So there's some specific
24 uses and this isn't one of them. Okay.

25 So who told you that there's enough parking

1 there to add those cars?

2 MR. KHAN: I have enough parking in the
3 back to just park the car. Basically, the cars
4 would be moving around, they're not going to be
5 stopping in one spot. You're not going to see
6 it.

7 CHAIRMAN JAUQUET: Yeah, but that's where
8 you're going to store them at night when there's
9 nobody there.

10 MR. KHAN: If there's more -- I mean, if
11 it's --

12 CHAIRMAN JAUQUET: That's what you're
13 thinking?

14 MR. KHAN: If it's not operation time. If
15 it's not operation, not calls, and they are
16 returning, and we have nothing to do, we can
17 leave the car, we can leave the car in the back.

18 CHAIRMAN JAUQUET: Where in the back?

19 MR. KHAN: In the back.

20 MR. DOWLING: So this is -- we're saying
21 through here.

22 MS. MUNDUS: Yeah.

23 MR. DOWLING: Where there's a dumpster or
24 something.

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CHAIRMAN JAUQUET: Oh, where the dumpster

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1 is.

2 MR. DOWLING: So it's not in front.

3 CHAIRMAN JAUQUET: Okay. I'm not sure
4 that -- but there's a dumpster there, not a car.

5 MR. DOWLING: Correct.

6 CHAIRMAN JAUQUET: Or a car or both.

7 MR. KHAN: Even after the dumpster. I
8 already have to park the car over there and
9 there's still enough space for the one more car.

10 CHAIRMAN JAUQUET: Yeah, yeah.

11 MR. BURNS: You're suggesting that he would
12 need a variance?

13 MR. PROKOP: I think so. I think the --

14 CHAIRMAN JAUQUET: That's what I was
15 thinking. And what were you thinking?

16 MS. MUNDUS: You said two cars, right?

17 MR. KHAN: Two cars.

18 CHAIRMAN JAUQUET: Two cars?

19 MR. KHAN: Most of the business is going to

20 be over the phone, and there's basically not a
21 requirement. Just for the paperwork, I'm going
22 to use the same office as the a paperwork. I can
23 do it. And some people, they work right from the
24 house, and if you see the ones from the Town of
25 Southold there, they've never been through it,

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1 because there is no law in the Town of Southold,
2 not even the Village of Greenport, no requirement
3 for anything. I'm just putting the sign board,
4 that's why I come here to the Village of
5 Greenport, for approval of the office as a taxi
6 office. Other than that, there is no
7 requirement, no law for nothing. All they are
8 just operating from the house and they are just
9 using the cell phone or the house telephone
10 number.

11 MS. MUNDUS: Right.

12 MR. KHAN: The Cindy Taxi, they've never
13 been -- went through the Town of Southold, or
14 the Hometown, or the Flying Cow, and a few other
15 names.

16 CHAIRMAN JAUQUET: Have you looked into
17 putting the cars somewhere else, rather than at
18 that location, in that area of the town; putting
19 the car actually, you know, somewhere else and
20 then just doing the dispatching from that office,
21 as the code would allow? Adding the cars is
22 another layer of use that, you know, isn't
23 necessarily, you know, your right to do right
24 away, I mean, without any, you know, approvals.
25 Have you looked into putting the cars somewhere

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1 else? I mean, can I --

2 MR. ABATELLI: Let me just -- I think what
3 the problem is is that it's not listed, it's not
4 listed d as a prohibited use or as a permitted
5 use. So there's technically no place to put the
6 cars.

7 CHAIRMAN JAUQUET: Say that last again.

8 MR. ABATELLI: There's actually no, place
9 because I don't think any place --

10 CHAIRMAN JAUQUET: Oh.

11 MR. ABATELLI: You know, we don't have --
12 unless you had like a used car lot.

13 MS. MUNDUS: Livery service.

14 CHAIRMAN JAUQUET: Right.

15 MS. MUNDUS: Livery.

16 MR. ABATELLI: But I don't think -- I think
17 that's what the problem is, it's not listed one
18 way or the other.

19 CHAIRMAN JAUQUET: Right.

20 MR. ABATELLI: We have some things that are
21 prohibited and some things that are permitted,
22 it's just not one of the things on the list one
23 way or the other.

24 CHAIRMAN JAUQUET: Right, right.

25 MR. ABATELLI: But maybe it should have an

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1 interpretation or something from the Zoning
2 Board.

3 CHAIRMAN JAUQUET: Do we need a plan that
4 shows there's enough places near the dumpster to
5 put two cars permanently?

6 MR. ABATELLI: Well, for what it's worth, I

7 think two cars would fit there. I mean, it's 20
8 feet wide. The dumpster is maybe five foot wide.

9 CHAIRMAN JAUQUET: Okay.

10 MR. ABATELLI: I mean, there's enough room
11 for the two cars to sit there, but -- though the
12 Attorney is correct. I mean, there's nothing
13 that says you can do it. You know, I think, from
14 a Building Department standpoint, it just didn't
15 seem, you know, that the other cars are either
16 parked there, or they're out driving around, you
17 know, stay, you know, by the railroad station.

18 I know one of the Hometown Taxi things used
19 to just sit at Mitchell Park Marina all day, you
20 know, just waiting for somebody who wanted a taxi
21 ride. You know, they can park anywhere that it's
22 legal to park, you know, the ones that have been
23 around in the past.

24 MR. PROKOP: Well, I would ask either the
25 Building Inspector or the Zoning Board if this is

1 -- if this is a use, permitted use in the CR

2 District.

3 CHAIRMAN JAUQUET: All right. Let's do
4 that, then.

5 MR. PROKOP: You know, because you really
6 can't -- I mean, to me, I mean, I don't think it
7 is, but I'm not the person who makes that call.
8 It's really up to the Building Inspector or the
9 ZBA. It's only my job to point out to you that
10 there's some kind of an issue here that you need
11 to address.

12 CHAIRMAN JAUQUET: Yeah. And what about
13 public hearings on it, haven't we done that
14 already, or is this it?

15 MR. PROKOP: No, because this type of --

16 CHAIRMAN JAUQUET: Is tonight the public --
17 is there --

18 MR. PROKOP: Excuse me.

19 CHAIRMAN JAUQUET: Go ahead.

20 MR. PROKOP: A use evaluation wouldn't
21 normally have a public hearing.

22 CHAIRMAN JAUQUET: You wouldn't?

23 MR. PROKOP: No.

24 CHAIRMAN JAUQUET: Okay.

25 MR. PROKOP: It's just a discussion. But

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1 the purpose of the use evaluation is to sort of
2 flush out things -- flush out things like this,
3 you know, that come up.

4 CHAIRMAN JAUQUET: I mean, I'd like someone
5 else's opinion on it, aside from our --

6 MR. ABATELLI: Yeah. I mean, that's
7 what -- that is exactly what the Attorney just
8 said.

9 CHAIRMAN JAUQUET: Right. So who do we --

10 MR. ABATELLI: Part of the purpose -- in
11 the bad old days, this might have just gotten a
12 permit right out of the box, or even worse,
13 someone would have just opened it.

14 CHAIRMAN JAUQUET: All right. I know, I
15 know, I know.

16 MR. ABATELLI: They don't put up a sign
17 that says "taxi," you know, and parked a car
18 there or two cars. So what we should be -- what
19 you were talking about last week is worrying
20 about that there's not five cars.

21 MS. MUNDUS: Right.

22 CHAIRMAN JAUQUET: Right. Oh, yeah. Well,
23 that's still to come.

24 MR. ABATELLI: And they happen to be like,
25 okay, it's two cars.

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1 CHAIRMAN JAUQUET: Right.

2 MR. ABATELLI: And that's how many cars,
3 you know, but we may not be at that point yet.

4 MS. MUNDUS: The Southold Town has
5 different laws than the Village of Greenport,
6 also, because the Village of Greenport's an
7 incorporated village and it's very densely
8 populated. So that's why it's hard to compare
9 the other two taxi companies with what you're
10 trying to do.

11 MR. KHAN: First, I went to the Town of --
12 Village of Greenport and Mr. Dave was already
13 there that day, and they said there is no law,
14 there is no requirements, and because I thought I
15 was going to put the board and it's going to be

16 like official there.

17 CHAIRMAN JAUQUET: To start right then and
18 there, yeah.

19 MR. KHAN: There's an office and I'm
20 running -- and the addition of my car, and start
21 operation myself, and I think there is not going
22 to be any problem to start up any business or
23 the -- that's why I was going to put an office,
24 make it like official. There is a space where
25 they can come and they can see that somebody's

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1 there, they can find a taxi there. That's why I
2 came to the Village and get approval for the
3 office.

4 MS. MUNDUS: Right.

5 MR. KHAN: The cars, I already have the
6 five, and one handicapped and five spaces for the
7 office -- I mean, for the store use, too, and
8 that's why --

9 CHAIRMAN JAUQUET: What kind of -- what
10 kind of cars were you going to do this with, the
11 new used cars or --

12 MR. KHAN: It's going to be the used cars.

13 CHAIRMAN JAUQUET: The used cars?

14 MR. KHAN: Yeah, it's going to be the
15 minivans.

16 CHAIRMAN JAUQUET: Oh, a minivan.

17 MR. KHAN: Minivans.

18 MR. BURNS: I find it interesting that cars
19 are parked all over the Village overnight, and
20 here's a guy who wants to park two of them on his
21 own property. I don't see any objection. I
22 don't see how there could be an objection.

23 MR. DOWLING: Yeah. I mean, I think it's
24 -- I think what he wants to do is good for the
25 Village, but I think we have to make sure we go

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1 ahead and approve it properly and legally.

2 CHAIRMAN JAUQUET: I do, too. And are you
3 saying that we need Wingate or someone from the
4 Zoning Board here to add their comment?

5 MR. ABATELLI: Well --

6 CHAIRMAN JAUQUET: I mean, I'd like to do

7 that. I mean, I don't know.

8 MR. ABATELLI: From a Building Department
9 standpoint, I think our -- as he was just saying,
10 our feeling was that it's not prohibited.

11 CHAIRMAN JAUQUET: Right.

12 MR. ABATELLI: You know, but we don't have
13 any rules specifically for it, so that's why we
14 felt --

15 CHAIRMAN JAUQUET: And who in the Village
16 would --

17 MR. ABATELLI: Well, I think the --

18 CHAIRMAN JAUQUET: -- provide more input
19 for us?

20 MR. ABATELLI: I think what's happening is
21 what's supposed to happen. We felt that the
22 Building Department -- well, at a minimum, you've
23 got to come for a use evaluation to have this
24 group look at it, as opposed to Eileen and I
25 either saying, "No, you can't do it, go away," or

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1 saying, "Go ahead, go ahead and just do it," you
2 know. So we have this step.

3 CHAIRMAN JAUQUET: Okay.

4 MR. ABATELLI: This step is bringing up
5 this discussion where you're wondering about it.
6 So the the next -- as we're talking about it,
7 probably the next thing could be if you -- you
8 know, I don't know. Would be the Zoning Board as
9 an interpretation, perhaps. I'm not sure it
10 would be a variance, because I'm not positive
11 what the variance would be, because there's not
12 like a violation of anything. He just is not --

13 MS. MUNDUS: I'd like to have a little more
14 time to look into this.

15 CHAIRMAN JAUQUET: Who on the Zoning Board
16 can we invite here to make some comments.

17 MR. ABATELLI: Well, no. I think they
18 would have to discuss it, because it's not
19 listed. You know, it's -- there's a part of the
20 code that deals with if there's just nothing, you
21 know, it's just empty. You know, it's --

22 CHAIRMAN JAUQUET: Yeah, okay.

23 MR. BURNS: I think this Board's authority
24 extends to how many cars and where they are
25 parked.

1 MR. ABATELLI: I mean, again, I don't want
2 to -- I'm saying too much here, I think. I mean,
3 if the four of you felt this is a great thing, we
4 ought to do it, you know, why not, it's great,
5 then I don't know.

6 CHAIRMAN JAUQUET: I don't think we're
7 there, though.

8 MR. ABATELLI: I guess that would work, but
9 I really --

10 MR. PROKOP: I think that that's gotten us
11 into a lot of trouble in the past. That
12 statement that was just made has been the -- an
13 ongoing dilemma. And when the Trustees, prior
14 Trustees adopted the zoning code, the way you
15 adopt the zoning code is you identify the
16 districts and then you come up with the permitted
17 uses in each district, and if it's not listed as
18 a permitted use, it can't be done. Otherwise,
19 you know, there's --

20 CHAIRMAN JAUQUET: Otherwise there's

21 nothing.

22 MR. PROKOP: There's hundreds of things
23 that people could come here and say, "Well, we
24 could do it because of the use."

25 CHAIRMAN JAUQUET: Right.

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1 MR. PROKOP: So I would just ask -- suggest
2 you do the more cautious thing and refer it back
3 to the Building Inspector. I would suggest the
4 Building Inspector, and then if feels she needs
5 this, she could send it to the ZBA on her own, or
6 you could send it directly to the ZBA, whatever
7 you want to do.

8 MS. MUNDUS: Well, I think -- I also think
9 it's something that Greenport needs. And I agree
10 that it's a preexisting -- an office in a
11 preexisting building, it's another phone line.
12 And two cars parked behind the fence, as long as
13 it is only two and it doesn't grow to five or
14 seven, I think it's a good thing. And I'd like
15 to just have a little more time to figure out
16 what is the right and best thing to do.

17 CHAIRMAN JAUQUET: And that's what I want
18 to do.

19 MR. DOWLING: Yeah.

20 CHAIRMAN JAUQUET: Okay. So I'm going to
21 make a motion to have further discussion and have
22 an opinion or some comment from the ZBA on this
23 before we go ahead with what our recommendations
24 are going to be. And I think we're going to have
25 some need for maybe a little bit more a graphic

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1 situation as to where cars are going to actually
2 be, and the spaces between the fence and the
3 cars.

4 So does anybody want to second that motion?

5 MS. MUNDUS: Sure, I'll second it.

6 CHAIRMAN JAUQUET: Okay. All in favor?

7 MR. BURNS: Aye.

8 MR. DOWLING: Aye.

9 MS. MUNDUS: Aye.

10 CHAIRMAN JAUQUET: Aye.

11 Okay. Let me ask you, what made you come

12 up with the idea of doing the taxi service? You
13 just saw the competition around the Town and
14 decided that there was probably some --

15 MR. KHAN: There's no competition. There's
16 nothing in the Town.

17 CHAIRMAN JAUQUET: We don't have it? We
18 don't have a taxi service?

19 MR. KHAN: We don't have anything, not in
20 the Town of Southold.

21 CHAIRMAN JAUQUET: Right.

22 MR. KHAN: Not from -- according to that,
23 there is nothing.

24 CHAIRMAN JAUQUET: Right. And the people
25 are going from --

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1 MR. KHAN: They're operating from the Town
2 of Southampton. They are operating there. They
3 come all the way to Greenport and they are doing
4 basically business right now.

5 CHAIRMAN JAUQUET: They have drivers that
6 are located to go --

7 MR. KHAN: Yeah, they come from there and

8 they are doing it, because nothing is available
9 in the Town.

10 CHAIRMAN JAUQUET: Where are are -- I don't
11 know if this -- where are your drivers going to
12 be located, here?

13 MR. KHAN: Right here.

14 CHAIRMAN JAUQUET: There's people already
15 in Greenport?

16 MR. KHAN: Yeah. That's why I come, I'm
17 going to make my office right here in Greenport.

18 CHAIRMAN JAUQUET: I mean, the drivers
19 themselves are going to be on tap to --

20 MR. KHAN: Yeah, they're going to be local.

21 CHAIRMAN JAUQUET: Maybe have the cars at
22 their houses or something? I mean, sometimes,
23 that's way they do that.

24 MR. KHAN: It depends if they want to take
25 it over there. But the more the cars are going

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1 to be in operation, they're not going to be
2 standing in one spot.

3 CHAIRMAN JAUQUET: Right, yeah, I
4 understand that.

5 MR. KHAN: And that's why I suggest that I
6 can park in case if I need it, I can park in the
7 back of the building. Other than that, they're
8 going to be moving around here.

9 CHAIRMAN JAUQUET: What's your role in the
10 business, are you behind the counter, or are you
11 going to drive yourself?

12 MR. KHAN: No, I'm going to be behind the
13 counter. I'm going to manage.

14 CHAIRMAN JAUQUET: Manage both businesses
15 from that, yeah.

16 MR. BURNS: Am I wrong, if this gentleman
17 wanted to go ahead, he'd just advertised his
18 telephone, which is already in his store, and he
19 parked his taxis where everybody parks, on the
20 road, or on the street, or in one of the parking
21 lots, he can go ahead and do it?

22 MR. PROKOP: He's really not supposed to
23 change the use of the store. I mean, if it
24 was -- I mean, if he was running from a cell
25 phone and he was walking around, you know, inside

1 the store, just talking to people on the cell
2 phone, I mean, we could never control that, I
3 don't think. But, you know, once he sets aside a
4 part of his store that this is now the taxi
5 business and starts bringing cars, you know --

6 MR. BURNS: Then he could go ahead and do
7 the taxi business out of his cell phone.

8 MR. PROKOP: Yeah, we wouldn't be able to
9 control that, but he just can't allocate space in
10 the store for that.

11 You know, and I think it's -- you know, one
12 of the things is -- I mean, I'm not a Planning
13 Board member, I'm the Attorney, but, you know,
14 this is -- the allocation of space would also
15 include an allocation of the parking lot, you
16 know, for the minivans, or whatever.

17 MS. MUNDUS: Is livery service mentioned
18 anywhere else?

19 MR. PROKOP: I didn't see it. No, I didn't
20 see it.

21 MS. MUNDUS: I'd like to look for it.

22 Okay. So we'll table it.

23 CHAIRMAN JAUQUET: So what's the timing on
24 -- you know, just so that we know.

25 MR. ABATELLI: You have to -- probably

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1 should try to come in tomorrow, because you could
2 get on -- you could get on the agenda for the
3 Zoning Board as a starting spot. I mean, that's
4 going to take a while, though. The Zoning Board
5 is going to take probably two months.

6 CHAIRMAN JAUQUET: Do you have your cars
7 already?

8 MR. KHAN: If I just run my company on the
9 phone, just going to be on the telephone, and if
10 my car's going to be around like other cars, I
11 think there's not going to be a problem. The
12 thing is that I am trying to do this with my
13 office. I'm just trying to put the sign board.
14 Even if I don't put the sign board, it's not
15 going to be problem either --

16 CHAIRMAN JAUQUET: Probably not.

17 MR. KHAN: -- if I have a couple of cars
18 over there, and I think it's not going to be
19 hurting anybody.

20 CHAIRMAN JAUQUET: I mean, you know, you
21 could run that off your internet instead of the
22 side of your building.

23 MR. KHAN: The only thing I was doing it --

24 CHAIRMAN JAUQUET: For now.

25 MR. KHAN: -- because sometimes I do the

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1 paperwork, I'm in once or twice a week in the
2 office, and basically the office is empty, not
3 doing anything.

4 CHAIRMAN JAUQUET: Yeah, I know.

5 MR. KHAN: And doing this kind of business
6 is going to be over the phone.

7 CHAIRMAN JAUQUET: I know.

8 MR. KHAN: Probably I'm sitting here, even
9 in the city, and taking the calls --

10 CHAIRMAN JAUQUET: I know.

11 MR. KHAN: -- and doing dispatch and
12 everything. It's not going to hurt. The only

13 thing, I was trying to put the sign board on the
14 office. That's why I came to the Village for it.
15 And I went already to the TLC Commission and to
16 the Department of Motor Vehicle. They asked me
17 you can do this any time you want to, there's no
18 requirements.

19 CHAIRMAN JAUQUET: Is that who approves all
20 the vehicular permits?

21 MR. KHAN: Everything is approved. There's
22 no commission, no it TLC Commission in Suffolk
23 County.

24 CHAIRMAN JAUQUET: Right.

25 MR. KHAN: And I can operate from anywhere

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1 I want to and I can do it.

2 CHAIRMAN JAUQUET: Yeah.

3 MR. KHAN: The only thing I can't have,
4 just for the use of the office as a taxi office.
5 Other than that, I can start my cars tomorrow. I
6 already bought one of them and I could start it
7 from tomorrow, it's not going to be a problem.

8 CHAIRMAN JAUQUET: What about that? A sign
9 is -- I mean, that's really -- the sign says the
10 use. I think we have to --

11 MR. ABATELLI: I really don't know. All I
12 can say is I know --

13 CHAIRMAN JAUQUET: Look, we already made
14 our -- we made our motion, and I think you're
15 going to have to wait for the ZBA to -- you know,
16 I think you're going to have to go to the ZBA.

17 MR. KHAN: Just for the signage?

18 CHAIRMAN JAUQUET: Just for the sign.

19 MR. KHAN: I can start up operation --

20 MR. DOWLING: No.

21 MR. PROKOP: We don't regulate that.

22 CHAIRMAN JAUQUET: We don't regulate that,
23 but the sign we do regulate.

24 MR. KHAN: Yes. This means I can start my
25 business tomorrow with the cars, and I'll only

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1 only for the sign.

2 CHAIRMAN JAUQUET: Right. You can't put
3 the sign up.

4 MR. DOWLING: And we can't tell you -- we
5 can't tell you that --

6 CHAIRMAN JAUQUET: We can't tell you what
7 else to do, so that's fine. I mean, we can't
8 tell you what to do, but the sign is an issue.

9 MR. KHAN: Just for the sign and I have to
10 come back for the ZBA?

11 CHAIRMAN JAUQUET: Yeah

12 MR. DOWLING: Well, we can't tell you that
13 you can use it as a taxi office either.

14 MR. PROKOP: No. See, this is the same
15 problem as the last application, where we -- at
16 one time, we had a site plan here, and a site
17 plan laid out the parking lot in relation to that
18 store. So now, if you decide that you're going
19 to use -- and whether there's parking spaces
20 available or not, I mean, that's something that
21 you could tell us about at later application, but
22 the problem is we design the parking lot based on
23 the use of that store. So, if you decide that,
24 you know, you're going to start allocating some
25 of it for a different business, that's something

1 that you need to get approved. That is something
2 you get -- you need to get approved by us. You
3 can't just say that, "There's a couple of spaces
4 there all the time, so I'm going to start using
5 them," you know, or park the things around the
6 back. I mean, that is something that has to be
7 discussed by this Board.

8 So, if you have cabs running around town, I
9 mean, there's nothing we can -- this Village
10 doesn't regulate taxis, that I found. I'm sure
11 I'll read on a blog tonight that it does. But,
12 as far as I could see --

13 (Laughter)

14 MR. PROKOP: As far as I could see, and
15 maybe Mr. Abatelli could correct me, but we don't
16 give out permits to cab companies.

17 MR. ABATELLI: You know, because, as I said
18 before, they just park in the summer. During the
19 summer on weekends, you'll see the Four Ones
20 Taxi. You know, the Four Ones is one company.
21 Hampton Bays, actually, they send a car over here

22 and people might call there, and the car are
23 already parked here at the train station or just
24 parked. You know, that is -- but they're not --
25 they're in operation here, you know, just the

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1 cars here, you know. And so, when someone calls
2 Hampton Bays, at least for Four Ones, I know
3 about that company, and there's also like
4 Hometown, they just send a car.

5 CHAIRMAN JAUQUET: You know, and no one
6 knows there's a taxi service, but everybody that
7 needs a taxi knows where to look that up, usually
8 on their device. So, anyway --

9 MR. KHAN: Even if I don't get approval,
10 I'm still going to use -- I mean, taxis are going
11 to be allowed in the Town. It doesn't affect
12 anybody. I mean, it's just like putting the
13 board is not going to hurt anybody.

14 CHAIRMAN JAUQUET: Well, the sign -- the
15 sign is in our jurisdiction. The sign is an
16 issue.

17 MR. DOWLING: I think the major thing is

18 that we have not approved anything, right now
19 yet, so --

20 CHAIRMAN JAUQUET: Yeah, the sign -- you
21 know, what you do in the office as a business is
22 a business. But, you know, the physical
23 reflection of a new use, which the sign is, is
24 something that we're now -- we just made a motion
25 that you have to go to the ZBA to get an opinion

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1 from them so that we have more information.
2 Okay? Is that okay? I mean, is that --

3 MR. PROKOP: So talk to the Building
4 Department. Stay in touch with them. That's
5 perfect.

6 CHAIRMAN JAUQUET: Okay.

7 MR. ABATELLI: Come into the Building
8 Department.

9 MR. KHAN: It's going to be tomorrow?

10 MR. ABATELLI: Just come to the Building
11 Department and Eileen can explain the process.
12 We'll explain the process on what to do next.

13 MR. KHAN: Sure.

14 CHAIRMAN JAUQUET: Okay.

15 MR. KHAN: Thank you.

16 CHAIRMAN JAUQUET: You're welcome. Thank
17 you.

18 CHAIRMAN JAUQUET: Okay. So are we going
19 to go on to #3? We're going to go on to the
20 third? We're going to keep on going, even though
21 it's 6 o'clock?

22 MR. PROKOP: (Nodded yes.)

23 CHAIRMAN JAUQUET: Okay. Item #3 is a
24 discussion and possible motion on an application
25 submitted by Mariana Solano requesting a use

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1 evaluation. She has proposed the installation of
2 a hair salon at 120-122 Front Street. The
3 building is zoned as CR - Commercial/Retail, and
4 the proposed use is a permitted use.

5 Did you guys talk about this last week?

6 MS. MUNDUS: We did.

7 CHAIRMAN JAUQUET: Yeah.

8 MS. MUNDUS: She was here.

9 CHAIRMAN JAUQUET: Yeah. And what sort
10 of --

11 MR. ABATELLI: I think you wanted sign
12 information.

13 MR. DOWLING: Yeah.

14 CHAIRMAN JAUQUET: Sign? Okay.

15 MS. MUNDUS: Yes.

16 MR. DOWLING: But as far as everything
17 else, we're happy with it.

18 MR. ABATELLI: Which has to be submitted,
19 but I think --

20 MS. SOLANO: Hello. I have a little
21 proposed sign. This is number one, this is
22 number two and number three.

23 MS. MUNDUS: Okay.

24 CHAIRMAN JAUQUET: Just say that again into
25 the microphone.

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1 MS. SOLANO: I have one proposal for the
2 signs. It's three little little signs. Number
3 one is that one, it explains it here.

4 MS. MUNDUS: Okay.

5 MS. SOLANO: And number two is that one,
6 the front door. And three is in the -- okay.
7 That window is up in here.

8 MR. DOWLING: Okay, which I don't believe
9 these are -- these are what they call sandwich
10 signs?

11 MS. MUNDUS: Yeah.

12 MR. DOWLING: Sandwich board? Those are --
13 I believe are allowed in there.

14 MR. ABATELLI: They would be on her own
15 property.

16 MR. DOWLING: It's got to be on -- a sign
17 like this has to be on your own property in the
18 Village, so it can't be out on the sidewalk or in
19 the planter here, which is not your property.

20 MS. SOLANO: No, but this is my property.
21 I would only want to put it here or over here,
22 but only see people -- it's open outside of my
23 store, you don't see it's open across.

24 MS. MUNDUS: Okay. So, for the record,
25 Proposal #1 says, "Nice Haircuts Unisex."

1 MS. SOLANO: Yes.

2 MS. MUNDUS: It's 7 inches by 17 inches.

3 MS. SOLANO: Yeah.

4 MS. MUNDUS: And it would go inside the
5 front window of her store on the corner.

6 MR. DOWLING: Her store's back here, but I
7 think there's other signs here already.

8 MS. SOLANO: Yeah, this is all the signs
9 that would be --

10 CHAIRMAN JAUQUET: There's a directory.

11 MS. SOLANO: Yeah, yeah, directory.

12 MS. MUNDUS: Oh, I'm sorry, it's not a
13 window, it's a sign board.

14 MR. DOWLING: Right.

15 MS. MUNDUS: Sorry.

16 MS. SOLANO: Yeah.

17 MS. MUNDUS: Sorry.

18 MR. DOWLING: This is the previous use.

19 MS. MUNDUS: Okay.

20 MS. SOLANO: My store is here. Go back.

21 MS. MUNDUS: Okay. And then Option #2 is
22 an old-fashioned swinging sign on a bracket that

23 sticks out very close to the front door, which
24 is -- the bracket itself is 10 inches high by a
25 little over 20 -- it looks like 26 inches long,

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1 and the sign itself is 16-by-24 that also says,
2 "Nice Haircuts Unisex."

3 And then the third option that she proposes
4 is not legal, and that's a sandwich board out on
5 the curb on the other side of the sidewalk. So
6 you understand that, right?

7 MS. SOLANO: Yes, I know.

8 MS. MUNDUS: Okay.

9 MS. SOLANO: I know.

10 CHAIRMAN JAUQUET: Okay. Could I see the
11 picture, the photo that she gave?

12 MR. DOWLING: Yes.

13 CHAIRMAN JAUQUET: Where is her shop going
14 to be?

15 MR. DOWLING: Back there.

16 MS. MUNDUS: In the tea shop. In the tea
17 shop.

18 CHAIRMAN JAUQUET: Okay, yeah. That's what
19 I thought. So the hanging sign is --

20 MR. DOWLING: She has a drawing right here
21 where the hanging sign is going to be.

22 CHAIRMAN JAUQUET: Yeah, so you see it from
23 the street, if you looked out.

24 MS. MUNDUS: It's a very nice drawing.

25 CHAIRMAN JAUQUET: Oh, yeah, that's a nice

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1 drawing.

2 (Laughter)

3 MS. MUNDUS: Everybody should submit
4 drawings like that.

5 CHAIRMAN JAUQUET: To scale.

6 MS. MUNDUS: Yeah.

7 MR. DOWLING: Now, for the hanging signs,
8 for the -- I know there's a requirement. If it's
9 over public space, does it have to be a certain
10 size?

11 MR. ABATELLI: Yeah. So those are put all
12 in a private -- whatever that is, that you call
13 it.

14 MR. DOWLING: So there's no restriction.

15 CHAIRMAN JAUQUET: Yeah, a little private
16 courtyard.

17 MR. DOWLING: Right.

18 MR. ABATELLI: It's on a courtyard, that's
19 it.

20 MR. DOWLING: Yup.

21 MS. MUNDUS: Well, it also -- it matches
22 the one right across the street.

23 MR. DOWLING: Yeah.

24 MS. MUNDUS: Across the courtyard.

25 MR. ABATELLI: Yeah. It would be a size

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1 requirement.

2 MR. DOWLING: And also matches what you see
3 all over town.

4 CHAIRMAN JAUQUET: So do we know what the
5 size requirement is?

6 MR. ABATELLI: Yeah. Ideally --

7 CHAIRMAN JAUQUET: Is the bracket there
8 already?

9 MR. ABATELLI: Ideally, they were supposed
10 to bring this in to the Building Department, not
11 here.

12 CHAIRMAN JAUQUET: Oh, okay.

13 MR. ABATELLI: But, I mean, we can go
14 forward. But if you guys, let's say, approve the
15 basic layout, then the Building Department can
16 verify the signs and so forth.

17 CHAIRMAN JAUQUET: The signs, okay, fine.
18 Okay.

19 MR. ABATELLI: It looks -- they're not -- I
20 would think they'll probably be okay.

21 MR. DOWLING: Yeah, they look fine to me.

22 MS. MUNDUS: Can she have them both?

23 CHAIRMAN JAUQUET: Yeah, everybody gets a
24 directory.

25 MR. ABATELLI: Yeah, a directory.

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1 MS. MUNDUS: Every -- that's the directory.

2 CHAIRMAN JAUQUET: Yeah.

3 MS. MUNDUS: And then this one.

4 CHAIRMAN JAUQUET: And then the other.

5 MR. ABATELLI: It's similar like the way
6 Stirling Square was.

7 CHAIRMAN JAUQUET: Sure.

8 MR. DOWLING: And other businesses back
9 there have the same thing.

10 CHAIRMAN JAUQUET: Right.

11 MR. ABATELLI: Yeah. So this -- the only
12 thing is that that should be there, on their
13 property.

14 CHAIRMAN JAUQUET: Oh, these are -- oh,
15 okay.

16 MR. ABATELLI: It should be on their own
17 property.

18 CHAIRMAN JAUQUET: Oh, okay.

19 MS. MUNDUS: So she could have this, as
20 long as it's on the other side of the sidewalk.

21 MR. ABATELLI: Right, and she'd bring it in
22 and out every day, like during the opening.

23 CHAIRMAN JAUQUET: Do you understand that?

24 MS. SOLANO: And that's the thing for every
25 day. Every day, take it off and put inside and

1 up.

2 MR. DOWLING: Yes. As long as it's not on
3 public property, it's okay.

4 MS. SOLANO: Yes.

5 CHAIRMAN JAUQUET: It has to be in here.

6 MS. SOLANO: I'm sorry?

7 MS. MUNDUS: On the courtyard property.

8 CHAIRMAN JAUQUET: This is public, just,
9 you know -- I don't want to write on it.

10 MR. ABATELLI: I know you might see other
11 ones that are out there.

12 CHAIRMAN JAUQUET: Yeah.

13 MR. ABATELLI: It's a constant battle with
14 them, so --

15 CHAIRMAN JAUQUET: So we won't approve it
16 here, but we'll -- you know, it's up -- it's your
17 business if it's here.

18 Okay. Did you want to say something?

19 MR. SOLANO: No, that's fine.

20 CHAIRMAN JAUQUET: All right. So can we --
21 okay. So what's your --

22 MR. BURNS: It's not our business to tell

23 her what she wants --

24 CHAIRMAN JAUQUET: That is true.

25 MR. BURNS: -- or what she needs --

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1 CHAIRMAN JAUQUET: Yeah.

2 MR. BURNS: -- so much as it is to approve
3 what she recommends. She's recommended several
4 of these. I like this one.

5 MR. DOWLING: Well, I think she requested
6 those two there.

7 MS. MUNDUS: Yeah.

8 MR. DOWLING: She requested all three, but
9 I think the one and two definitely fit.

10 MS. MUNDUS: The sandwich board, where she
11 has it on her diagram, is not legal.

12 MR. BURNS: No, no.

13 MS. MUNDUS: But it would be legal if she
14 put it on the courtyard side.

15 CHAIRMAN JAUQUET: So we're just -- our
16 motion is --

17 MS. MUNDUS: To approve.

18 CHAIRMAN JAUQUET: -- to approve the

19 directory sign and the hanging sign over shop, so
20 that's all.

21 MS. MUNDUS: And the other sign, as long as
22 it goes -- it comes in and out when the business
23 is open, and it's on the courtyard property.

24 CHAIRMAN JAUQUET: Yeah, but he's saying
25 that that's none of our business, because we're

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1 only going to approve the two signs.

2 MR. DOWLING: Yeah. I think the two that
3 are actually affixed to the building we can
4 approve.

5 CHAIRMAN JAUQUET: The other one is
6 superfluous, even though she's got it on there.
7 We're not approving her drawing, right?

8 MR. BURNS: Well, it has to go to the
9 Building Department.

10 MR. DOWLING: Right.

11 MR. ABATELLI: Right, and the Building
12 Department has to --

13 CHAIRMAN JAUQUET: And then -- and with the

14 Building Department's final approval of --

15 MR. ABATELLI: Right.

16 CHAIRMAN JAUQUET: -- size and --

17 MR. ABATELLI: Size and details.

18 CHAIRMAN JAUQUET: Size and --

19 MR. DOWLING: Detail.

20 MR. BURNS: Can we do something and then

21 say --

22 CHAIRMAN JAUQUET: Yeah.

23 MR. BURNS: -- whatever the Building

24 Department approves?

25 MR. ABATELLI: Yeah, subject to the -- even

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1 to the sign, the details of the sign, or the
2 specifics of the sign.

3 CHAIRMAN JAUQUET: Okay. So --

4 MR. ABATELLI: The sign is actually pretty
5 clear. I don't think that's going to be a
6 problem.

7 MR. BURNS: How about we accept her designs
8 as the signs that she wants on her shop, with the
9 provision that they be approved by the Building

10 Department?

11 MS. MUNDUS: I second.

12 CHAIRMAN JAUQUET: I second -- I mean, all
13 in favor?

14 MR. BURNS: Aye.

15 MR. DOWLING: Aye.

16 MS. MUNDUS: Aye.

17 CHAIRMAN JAUQUET: Aye.

18 MS. SOLANO: Thank you.

19 CHAIRMAN JAUQUET: You're welcome.

20 Okay. Number 4 is a motion to schedule the
21 February 2014 work session for February 27th, and
22 the March 2014 regular session for March 6th.

23 MR. BURNS: So moved.

24 MR. DOWLING: I will be out of town for the
25 27th, but you can have it. I don't mind you

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1 having it without me.

2 CHAIRMAN JAUQUET: You know what, when I --
3 I got an email from one of the Village residents,
4 Dave Corwin, asking why do we have to have two

5 meetings a month, and why do we have to have a
6 work session. I think in previous times, they
7 used to not have work sessions that's scheduled,
8 but it seems -- but, anyway, so what's the --

9 MR. PROKOP: It's up to you. I mean, you
10 don't have to have it.

11 CHAIRMAN JAUQUET: Yeah.

12 MR. PROKOP: There's no requirement.

13 CHAIRMAN JAUQUET: Okay. Anyway --

14 MR. PROKOP: You know, it's just -- the
15 initial idea was that we would get at the work
16 session -- sort of discuss the application, and
17 then at the next meeting, you know, to act on it,
18 so it's up to you. I mean --

19 CHAIRMAN JAUQUET: Yeah, I'm not going to
20 make any -- I don't want to make any decisions.
21 I like the way it's going.

22 MS. MUNDUS: I appreciate the work
23 sessions.

24 CHAIRMAN JAUQUET: I do, too.

25 MR. DOWLING: Yeah.

1 CHAIRMAN JAUQUET: I like the way it's
2 going so far.

3 MS. MUNDUS: I really like the interaction
4 with the --

5 CHAIRMAN JAUQUET: Yeah, I do, too. I do,
6 too.

7 MS. MUNDUS: -- applicants and explaining
8 and, you know.

9 MR. DOWLING: And if we didn't have the
10 work session, this would have taken her two
11 months to get this approved, instead of a week.

12 CHAIRMAN JAUQUET: That's right, yeah.
13 Okay.

14 MR. BURNS: So let's just deal with it.

15 CHAIRMAN JAUQUET: Anyway. So you motioned
16 to accept the --

17 MR. BURNS: Accept that.

18 CHAIRMAN JAUQUET: -- item #4, I'll second.
19 All in favor?

20 MR. BURNS: Aye.

21 MR. DOWLING: Aye.

22 MS. MUNDUS: Aye.

23 CHAIRMAN JAUQUET: Aye.

24 MS. MUNDUS: I will not be here on March 6th.

25 CHAIRMAN JAUQUET: Okay. We'll just go

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1 with that as we go along with --

2 MS. MUNDUS: Okay.

3 CHAIRMAN JAUQUET: -- the absences, I mean,
4 and okay.

5 So Item #5 is a motion to accept the
6 minutes for August 1st, 2013, regular session.

7 MR. DOWLING: I never saw them, so I --

8 CHAIRMAN JAUQUET: Me neither, but I guess
9 we'll accept them.

10 MR. ABATELLI: Yeah, I think you accept --
11 I know it's been -- I was actually surprised,
12 too, when we are looking at that, but I know it's
13 been a long time since --

14 CHAIRMAN JAUQUET: Okay.

15 MR. ABATELLI: That we're behind on
16 minutes.

17 CHAIRMAN JAUQUET: Okay.

18 MR. PROKOP: If you didn't -- if you don't

19 have them, you shouldn't move to accept them, you
20 should just wait until you have them.

21 CHAIRMAN JAUQUET: Okay, let's not.

22 MR. ABATELLI: Or we should send them to
23 you again, because even if maybe you got them
24 four months ago.

25 CHAIRMAN JAUQUET: Do we have to -- do we

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1 have to vote on accepting them at a later --

2 MR. ABATELLI: You probably could just --

3 MR. PROKOP: No, just --

4 MR. DOWLING: I'll make a motion to table
5 them until we receive them.

6 CHAIRMAN JAUQUET: Let's make a motion to
7 table Item #5.

8 MR. ABATELLI: We'll send you whatever
9 minutes we have --

10 CHAIRMAN JAUQUET: Okay, fine.

11 MR. ABATELLI: -- and then we'll put them
12 on the next agenda.

13 CHAIRMAN JAUQUET: Motion to adjourn.

14 MR. BURNS: Second.

15 CHAIRMAN JAUQUET: All in favor?
16 MR. BURNS: Aye.
17 MR. DOWLING: Aye.
18 MS. MUNDUS: Aye.
19 CHAIRMAN JAUQUET: Aye. Okay.
20 MR. BURNS: Thank you all.
21 (Whereupon, the meeting was adjourned at
22 6:12 p.m.)
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1 C E R T I F I C A T I O N

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3 STATE OF NEW YORK)

4) SS:

5 COUNTY OF SUFFOLK)

6

7 I, LUCIA BRAATEN, a Court Reporter and
8 Notary Public for and within the State of New
9 York, do hereby certify:

10 THAT, the above and foregoing contains a
11 true and correct transcription of the
12 proceedings taken on February 6, 2014.

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

17 IN WITNESS WHEREOF, I have hereunto
18 set my hand this 15th day of February, 2014.

19

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22

Lucia Braaten

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