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VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD

REGULAR SESSION

-----x

Third Street Firehouse  
Greenport, New York

May 5, 2016  
5:08 p.m.

B E F O R E :

DEVIN McMAHON - CHAIRMAN

BRADLEY BURNS - MEMBER

PETER JAUQUET - MEMBER

LUCY CLARK - MEMBER

GLYNIS BERRY - PLANNING BOARD CONSULTANT

PAUL PALLAS - VILLAGE ADMINISTRATOR

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1  
2 CHAIRMAN McMAHON: We're going to  
3 begin the meeting. This is the Village  
4 of Greenport Planning Board Regular  
5 Session for May 5, 2016.

6 Item Number 1, 110 Front Street.

7 Motion to approve Use Evaluation  
8 application from Susan DePaula,  
9 President of Vino and Vittles. The  
10 applicant proposes to open a new  
11 restaurant bar at 110 Front Street.

12 The property is located in the CR  
13 Commercial Retail District, and the use  
14 as a restaurant is a permitted use.

15 The property is not located in the  
16 Village Historic District.

17 Suffolk County Tax map number  
18 1001-4-9-28-2.

19 We have discussed this previously.  
20 There was no issue with it. There was  
21 just a name that was incorrect on one  
22 of the applications, that has been  
23 rectified.

24 I make a motion to accept the  
25 application as submitted.

1 Can I have a second for that?

2 MR. JAUQUET: Second.

3 CHAIRMAN McMAHON: All in favor?

4 MS. CLARK: Aye.

5 MR. JAUQUET: Aye.

6 MR. BURNS: Aye.

7 CHAIRMAN McMAHON: Motion  
8 approved.

9 Item number 2, 817 Main Street.

10 Motion to accept the application  
11 to amend an approved site plan; dated  
12 April 20, 1992. The Planning Board, at  
13 that time, approved the use as a Bed &  
14 Breakfast subject to continued  
15 compliance with the restrictions and  
16 conditions set forth in Article 2,  
17 Section 85-6(B) of the Village Code and  
18 said resolution.

19 Applicant 817 Main Street LLC,  
20 represented by Sarah Latham has  
21 requested an amendment to her site plan  
22 to allow for the addition of one rental  
23 room and the addition of one parking  
24 space to the existing parking area.  
25

1                   The proposed use is conditional  
2  
3                   and will require an application to the  
4                   Zoning Board of Appeals for exceeding  
5                   the limit of three rooms and six  
6                   transient roomers.

7                   That's section 150-7 Subsection 7  
8                   C & D.

9                   The property is located in the  
10                  Village Historic District in the R1  
11                  One-Family Residential zone.

12                  Suffolk County Tax map number  
13                  1001-2-1-25.

14                  We had spoken with the applicant  
15                  at the last meeting with regards to the  
16                  parking on the property. It appears as  
17                  if some of the proposed parking would  
18                  create an obstruction to the right of  
19                  way. It did appear that there would be  
20                  room to do that, and they're going to  
21                  amend that, but they knew that we would  
22                  be denying it.

23                  They were going to provide  
24                  drawings for a basement dwelling, which  
25                  I believe Eileen had indicated are

1  
2 already on file with the Village from a  
3 previous owner, so those we're going to  
4 be added to the application, but we are  
5 going to be denying the application  
6 because it does require a variance for  
7 the additional room.

8 I would like to note in our denial  
9 that this Board, within the past year,  
10 made recommendations to the Village  
11 Board of Trustees that the current  
12 limit of three bedrooms for a bed and  
13 breakfast should be increased to five.

14 With that, I'll make a motion to  
15 deny the application, so it can go to  
16 the ZBA for a variance.

17 Do I have a second for that?

18 MR. JAUQUET: Second.

19 CHAIRMAN McMAHON: All in favor?

20 MR. BURNS: Aye.

21 MR. JAUQUET: Aye.

22 MS. CLARK: Aye.

23 Motion carries.

24 Item number 3, 131 Third Street.

25 Continued discussion and possible

1 motion to accept the application for  
2 site plan review at 131 Third Street,  
3 formerly Meson Ole.  
4

5 Applicant 131 Third Street  
6 Greenport Inc., represented by Jim  
7 Olinkiewicz proposes to reconstruct and  
8 create new uses for the existing  
9 building located at 131 Third Street,  
10 in the CR Commercial Retail District.

11 The proposed renovation includes  
12 the division of the first floor into  
13 two restaurants and the addition of  
14 three residential units on the second  
15 and third floors.

16 All proposed uses are permitted  
17 with the CR District. The property is  
18 not located in the Village Historic  
19 District.

20 Suffolk County Tax Map number  
21 1001-6-2-23-2.

22 As we discussed last time, there  
23 was discussion about the housing use as  
24 it pertains to the second and third  
25 floor. There was a question of what

1  
2 was permitted as accessory use and how  
3 it was classified for the housing. I  
4 think there was no question as to  
5 whether or not it was allowed, it  
6 certainly is.

7 In thinking about this between the  
8 two meetings, I asked Eileen to look  
9 into prior uses and whether or not any  
10 housing has been on the second and  
11 third floors previously. There was a  
12 boarding house at one point, I believe.  
13 I think there was some other paperwork  
14 indicating that there may have been an  
15 approved apartment use on the second  
16 and third floors, but I'm not certain  
17 of that at this point. If there was,  
18 than our request for an interpretation  
19 would be somewhat moot because it would  
20 have been allowed by the adoption of  
21 the code in 2002. It would have been a  
22 prior use.

23 I don't have an answer to that at  
24 the moment because that was something  
25 we were looking into today; I don't



1  
2 have a definitive answer on that. I  
3 believe that we're going to be  
4 accepting the application tonight  
5 either way.

6 MR. BURNS: I see no problem with  
7 that.

8 CHAIRMAN McMAHON: I don't think  
9 anybody has a problem with that; I  
10 think it's going to be classified as to  
11 what --

12 MR. BURNS: I don't think there is  
13 any question about that, it's not a  
14 multi --

15 MR. JAUQUET: How are the mixed  
16 uses classified in the Village,  
17 wouldn't that be your answer?

18 CHAIRMAN McMAHON: That's the  
19 question because there are some other  
20 accessory apartments that are  
21 single-family units, but it is not  
22 entirely clear in the code how a  
23 multi-family would be identified.

24 MR. JAUQUET: So maybe they'll  
25 look at stores with the apartments

1  
2 above and use that as a classification  
3 if they want to keep things consistent.

4 CHAIRMAN McMAHON: Yeah. I think  
5 that's what we're asking for; we're not  
6 asking for --

7 MR. JAUQUET: Who is asking for  
8 it?

9 CHAIRMAN McMAHON: I am, for one.  
10 I mean, it was also Joe's  
11 recommendation that we get a  
12 recommendation from the Zoning Board.  
13 We're not asking for a binding  
14 determination from the Zoning Board.

15 MR. BURNS: I don't think --

16 MR. JAUQUET: That sounds more  
17 like --

18 MR. BURNS: -- Zoning Board. It  
19 was a very clear definition of --

20 MR. JAUQUET: Yeah, the --

21 MR. BURNS: -- housing units and  
22 what they include is, this is a multi  
23 unit, I forgotten the name, multi-unit  
24 rather than multi-family. Multi-family  
25 requires a lot more space, a lot

1  
2 more -- a whole different feel.

3 Accessory apartments are not only  
4 important to the Village but they're  
5 clearly something that we want  
6 downtown.

7 CHAIRMAN McMAHON: Absolutely. I  
8 agree.

9 MR. BURNS: I don't see any  
10 argument or reason to go the ZBA.

11 MR. JAUQUET: It sounds to me more  
12 like a code issue for the Board of  
13 Trustees rather than us and the Zoning  
14 Board.

15 CHAIRMAN McMAHON: Yes. I mean, I  
16 was thinking tonight that we -- I was  
17 thinking that we would ask for two, one  
18 a resolution just for interpretation  
19 from the ZBA, how they see it and the  
20 other asking the Board of Trustees to  
21 clarify that there is no -- there's  
22 very little in the code right now that  
23 addresses, like, if there were a new  
24 building and someone wanted to build a  
25 three-story building to have housing on

1  
2 the third story, there isn't an  
3 apparatus for that.

4 The building was existing, so it  
5 may be a moot point with regards to  
6 this application, but it needs further  
7 clarification.

8 MR. JAUQUET: You think the  
9 clarification is just to clarify in  
10 general of the code?

11 CHAIRMAN McMAHON: I'm looking for  
12 an in-general code.

13 MR. JAUQUET: Not to be attached  
14 to this property?

15 CHAIRMAN McMAHON: Not  
16 specifically attached to that but how  
17 it would be classified --

18 MR. JAUQUET: These kinds of  
19 projects --

20 CHAIRMAN McMAHON: -- discuss it  
21 with regards to this project, I  
22 wouldn't have opposition, I wouldn't  
23 ask an interpretation from the ZBA, I  
24 would just --

25 MR. BURNS: I think we're wasting

1  
2 the ZBA's time.

3 CHAIRMAN McMAHON: Okay.

4 MR. KAPPELL: Dave Kapell, 400  
5 Front Street in Greenport.

6 Thank you for hearing me. Just, I  
7 played a role in this, that's why I'd  
8 like to speak.

9 The multi-family provision, the  
10 first requirement is for a  
11 48,000-square-foot lot, not one lot in  
12 Business District meets that test;  
13 there literally isn't one. It can't  
14 possibly be applicable to the Business  
15 District. It was clearly a provision  
16 that was put in the zoning in the early  
17 days to protect against certain types  
18 of development within the residential  
19 Districts.

20 When the Village Board amended,  
21 and Ben and I were both on the Board at  
22 the time, when we amended the zoning in  
23 2002, we would have had to have been  
24 off our rockers to go through all that,  
25 if we had intended for that

1  
2 48,000-square foot to apply because it  
3 simply can't. I mean, it's impossible.

4 I think I would suggest that  
5 common sense shows that the 2002 zoning  
6 amendment applies to any application  
7 like this where you are talking about  
8 existing space in existing buildings on  
9 the upper stories. It doesn't apply  
10 clearly to new construction because the  
11 code is explicit on that. It says it's  
12 only for existing codes as of the date  
13 of the amendment. This really -- what  
14 you're talking about is very broad  
15 issue for the Village, this is a broad  
16 policy issue of the type that really  
17 belongs before the Village Board. It's  
18 not the type of issue that belonged  
19 before the Zoning Board of Appeals  
20 which has a very narrow function in  
21 terms of making determinations on very  
22 specific aspects of the code. This is  
23 an issue, if you were going to refer it  
24 to anybody, it would be to the Village  
25 Board. In it's wisdom, if the Village

1  
2 Board choses to revise the zoning or  
3 rescind the zoning, that's one thing;  
4 but this is, you know, you're talking  
5 about the character of Business  
6 District, the very character of it; and  
7 really that zoning was enacted to  
8 preserve the existing historic  
9 character.

10 It was always mixed-use buildings.  
11 I own them. I'm on Front Street, I've  
12 got two stores downstairs and I have  
13 seven apartments in the building, and  
14 it's a credit to the Village, we need  
15 more of them. It's a good way to  
16 provide housing. It's a good way to  
17 encourage people to live downtown,  
18 which is good for public safety and for  
19 vitality and it also increases revenue  
20 for the property, so that they can pay  
21 taxes and increased revenue in a  
22 commercial building raises it's  
23 assessment.

24 These are all issues that the  
25 Board considered when we adopted that

1  
2 change in 2002, and I ask this Board to  
3 respect it. I think it's important,  
4 you're going to set a very dangerous  
5 precedent in my mind referring an issue  
6 of this consequence to the Zoning Board  
7 of Appeals. If you have a question,  
8 pose it to the Village Board, and there  
9 is no provision in zoning for an  
10 informal opinion from the Zoning Board  
11 of Appeals; that's a formal process. an  
12 interpretation from the Zoning Board is  
13 a very formal thing and specific in the  
14 code, it's a binding act.

15 CHAIRMAN McMAHON: Anybody else?

16 MR. SALADINO: Can I respond to  
17 that?

18 MR. KAPPELL: You could prejudice  
19 yourself, the application is in front  
20 of the Zoning Board.

21 MR. SALADINO: Can I just respond?

22 Since the application is in front  
23 of the Zoning Board, I chose not to  
24 make any comments about this  
25 application.



John Saladino, Sixth Street.

It would be inappropriate for me to make comments about this application.

Just to dispute what the former mayor said, it's totally appropriate for this question to be in front of the ZBA. Any Village agency has the right to ask for an interpretation of the Village Code. The ZBA is charged as part of their mandate with making interpretations of the Village code. This is not a question about Mr. Olinkiewicz's project, this is a question about the wording of the code, so to say it's inappropriate for the ZBA to have an opinion about this, to make an interpretation about that, as learned as Mr. Kapell is and I truly respect him, he is wrong on that issue.

I'm not going to make any comments about this application.

Thank you.

MR. BURNS: I think it's

1  
2 inappropriate to send it to the ZBA.  
3 It has no jurisdiction there, it would  
4 be a group of people saying, I believe  
5 one way or the other. The code is  
6 clear. We don't need an  
7 interpretation.

8 MR. JAUQUET: I'm not going to  
9 vote for an interpretation, a motion to  
10 be sent to the ZBA for this.

11 CHAIRMAN McMAHON: Okay.

12 MS. CLARK: I'm not clear.

13 MR. JAUQUET: About what?

14 MS. CLARK: I don't have any --  
15 you can show me what Mr. Kapell is  
16 saying or show me what John is saying.  
17 I need clarification, I can't just make  
18 a decision based on someone's word. I  
19 need --

20 I'm new and respect that, please.

21 Thank you.

22 CHAIRMAN McMAHON: Okay.

23 MR. BURNS: What are we going to  
24 do?

25 CHAIRMAN McMAHON: For one, bear

1  
2 with me a moment, I'll refer to the  
3 actual code.

4 MS. CLARK: Are you clear?

5 MR. BURNS: 150-18.

6 CHAIRMAN McMAHON: I've read that  
7 15 times today.

8 MS. CLARK: Devin, are you clear?

9 CHAIRMAN McMAHON: I think that it  
10 may be --

11 MR. JAUQUET: I think it's clear  
12 to the 2002 amendment to the code that  
13 apartments are allowed over stores.

14 CHAIRMAN McMAHON: Certainly.  
15 Absolutely.

16 MS. CLARK: That's my question.

17 MR. JAUQUET: That's what the  
18 question is.

19 MS. CLARK: Is that what the  
20 question is, Devin?

21 MR. JAUQUET: The definition --

22 MS. CLARK: Excuse me.

23 Is that the question, apartments  
24 are allowed over stores; is it that  
25 simple?

1 CHAIRMAN McMAHON: No.

2 MR. BURNS: Yes.

3 CHAIRMAN McMAHON: That's not my  
4 question. My question is --

5 MR. JAUQUET: In terms of this  
6 application, that's --

7 MS. CLARK: I'm addressing Devin.  
8 Thank you.

9 MR. OLINKIEWICZ: I'd like to read  
10 a couple of things.

11 CHAIRMAN McMAHON: Sure.

12 MR. OLINKIEWICZ: James  
13 Olinkiewicz.

14 I want to call to the Board's  
15 attention three on-line posts in  
16 response to my plans reported by the  
17 SouthholdLOCAL and Suffolk Times  
18 newspaper.

19 On 2/9/2016, the Village Mayor  
20 George Hubbard spoke that it's great  
21 that he is not going to tear this down.  
22 I haven't seen his plans, but for a  
23 restaurant and shops with apartments  
24 above, it all sounds like the same

1  
2 thing that was there, so he would just  
3 need to go and get a use evaluation  
4 permit from the Planning Board.

5 Doug Moore, the ZBA Chair pointed  
6 out that the code regarding this issue  
7 of the upper floors for residential  
8 use, the code indicates the work is  
9 under the Building Inspector's  
10 oversight and not subject to site plan  
11 review. No apartments above Commercial  
12 District are subject to site plan  
13 review. There may be some additional  
14 chapter of 150 requirements, note the  
15 second-floor apartments over businesses  
16 are not to be used for short-term  
17 seasonal rentals.

18 The third is from a Village ex, I  
19 believe ZBA member or trustee, Mr.  
20 Swiskey, this was before I purchased it  
21 but his statement as: A working  
22 sprinkler system was required when the  
23 building was last updated as a working  
24 restaurant and a hotel. It is now a  
25 vacant building, the hotel never opened

1 and the restaurant closed.

2  
3 As for the three-stories, we have  
4 other three-story buildings fully  
5 occupied with apartments in the  
6 Village. I fail to comprehend what's  
7 going on here besides someone in  
8 village government being out of control  
9 and on a power trip. I would urge  
10 everyone to read the code enforcement  
11 officer's report and ask why a certain  
12 building on First Street is not  
13 included.

14 I just wanted to read that part so  
15 I didn't cut his statement short.

16 At the last Planning work session  
17 on the 28th the former mayor David  
18 Kapell, who happened to be in the  
19 audience got up and spoke about, in  
20 essence, that you are misinterpreting  
21 the intent of the code that was written  
22 by the Board in 2002.

23 We have the acting ZBA Chair  
24 getting up petitioning for this to go  
25 in front of his Board, so I'm not sure

1  
2 of the legality of that, but I kind of  
3 find it offensive that he is bringing  
4 it up and trying to say you have to  
5 bring it to me, you have to bring it to  
6 me.

7 At the monthly meeting on  
8 Wednesday, 2/2/2015, the Village  
9 Administrator Paul Pallas, this was  
10 when the Board needed to remedy the  
11 emergency hazardous conditions, there  
12 was a number of critical issues that  
13 needed to be addressed, the leaking  
14 roof, the fire suppression system. In  
15 addition, the Village wanted to verify  
16 if the alarm system is working, the  
17 front porch is not in good shape.  
18 While we haven't had a chance to  
19 inspect the work, my hope is that we  
20 won't have to do any of this ourselves.  
21 Deputy Mayor George Hubbard and Village  
22 Attorney Joe Prokop would back off if  
23 the work was done. The prior owner --

24 The reason I'm bringing this up is  
25 because you've spoken that I've done

1  
2 work without permits, and that my  
3 intention is totally against what I  
4 wanted to do. The prior owner had  
5 taken out Emergency Repair Permits  
6 which were transferred to me upon  
7 purchase. I applied to receive and  
8 received a Demolition Permit as well.  
9 All the other work that was done is  
10 under my right as a property owner in  
11 the Village is a matter of right and  
12 without a permit. On top of that, I'm  
13 doing the work that the Village said  
14 needed to be done to remedy the  
15 emergency hazardous conditions, so now  
16 I'm back to the point of three  
17 apartments, so now I finally come, I  
18 got the building stabilized, the  
19 Village is all happy and now it seems  
20 like all I run into a brick wall, brick  
21 wall, brick wall on what I want to do.

22 This Board decides to send it to  
23 the ZBA for an interpretation then that  
24 holds me up for another three or four  
25 months for the interpretation, then if



1  
2 the interpretation comes back and Mr.  
3 Saladino gets in front of the Board and  
4 it comes back with a negative vote,  
5 then it becomes an issue that I have to  
6 go for a variance or I have to Article  
7 78; and I have to throw all of this up  
8 in the courts. It will cost me months  
9 and months and months of time on a code  
10 that was already written to allow me to  
11 do this.

12 It was allowed on three different  
13 occasion after the code was written in  
14 2002, the Mills Building, the Galleria  
15 and the Sterlington Commons right next  
16 door to my building, so why me, why now  
17 and why all of a sudden is this an  
18 issue?

19 The code is never explicit, the  
20 multi-family code was written that you  
21 needed 48,000-square feet of property,  
22 as Mr. Kapell spoke about today. There  
23 is not one piece in the Commercial  
24 District for that, so how would they  
25 expect you to have to even come to

1  
2 that.

3 At the April 28, 2016 meeting, the  
4 ex-mayor Mr. Kapell told us that it  
5 took a tremendous amount of time to  
6 write this code. They used the term  
7 apartment units, there was no  
8 restriction of the amount of units  
9 written into the code that ex-mayor  
10 Kapell had indicated.

11 It was not written in the code.  
12 They spent a tremendous amount of time  
13 working on this, now we're trying to  
14 manipulate it over, you know, one  
15 person called to the Village Attorney  
16 to the Village Administrator, to then  
17 go and find out a definition and this  
18 grows and snowballs and snowballs and  
19 snowballs and it becomes -- and I'm on  
20 the other side of the handle sitting  
21 there, sitting there, sitting there,  
22 sitting there back and forth in front  
23 of Board, Board, Board, Board on a code  
24 that was written that it's allowable,  
25 you know, and they're begging somebody

1  
2 to fix this building and now all of a  
3 sudden, it's like, no, you can't do  
4 that; so I repeat one it's a permitted  
5 use in a Commercial Zone.

6 Two we are only here for a site  
7 plan review of the restaurants and the  
8 exterior of the building. There is no  
9 authority on apartments as written in  
10 the Village Code. For the Planning  
11 Board to even bring that up, it's not  
12 in their authority.

13 CHAIRMAN McMAHON: I will say,  
14 this --

15 MR. OLINKIEWICZ: Four more items  
16 to go through and then we can --

17 CHAIRMAN McMAHON: Sure.

18 MR. OLINKIEWICZ: The legality of  
19 the Acting ZBA Chair bringing this  
20 issue up to request an interpretation,  
21 ex-mayor Kapell personally spoke about  
22 the intentions of the code, you know,  
23 it seems like there is prejudicial  
24 behavior or something coming up, this  
25 is -- you have to understand from my

1 spot as this the coming down upon me.  
2 All right you know there are three  
3 other mixed-use commercial buildings  
4 that were allowed with multi-family  
5 apartments, three or more apartments  
6 since the code was written in 2002  
7 without having to go to the ZBA. They  
8 followed the code. Why me? Why now?

9  
10 CHAIRMAN McMAHON: First off, I  
11 would like to say, I outright object to  
12 any idea that this is prejudicial from  
13 my position towards you or any other  
14 applicant. Every application that  
15 comes before, I do my absolute best to  
16 give a fair and impartial hearing.

17 As has already been indicated,  
18 there are not enough votes to even ask  
19 the ZBA for interpretation. A  
20 non-binding interpretation is what I  
21 was requesting. We don't have the  
22 votes to do that.

23 Apart from that, if that's not  
24 going to happen, and we don't have the  
25 votes to do that, so the only other

1  
2 thing we were going to do was accept  
3 the application then the application  
4 goes to the next step, which is review  
5 at the next work session.

6 I hear what you're saying, but the  
7 project is moving forward, so I don't  
8 --

9 MR. OLINKIEWICZ: It's just scarry  
10 when all of a sudden it's talked about  
11 having to kick it to the ZBA and it's  
12 going to be a zoning issue and  
13 everything else when this was --

14 CHAIRMAN McMAHON: I understand  
15 that, but the application has not been  
16 rejected and sent to the ZBA; that was  
17 never part of this conversation.

18 MR. OLINKIEWICZ: One quick  
19 question. If you do say, you say  
20 you're going to -- you could possibly  
21 ask for an interpretation of the code,  
22 whether it's to the Village Board or  
23 the ZBA or whatever, what does that do  
24 to my project that next meeting when  
25 hopefully we approve my site plans and

1 I can go get a building permit.

2  
3 CHAIRMAN McMAHON: Changes to the  
4 code aren't made retroactively, so if  
5 an application has already been  
6 submitted, if something is underway,  
7 the Board, I don't believe the Village  
8 Board of Trustees would have any  
9 authority to go back and change  
10 something that's in the middle of the  
11 process.

12 I think it's something that could  
13 be improved upon in the code. I think  
14 that a provision to clearly specify how  
15 someone could build a new building with  
16 third-floor housing in the Village  
17 would be. I think it's to the benefit  
18 of the Village. I think housing on the  
19 second and third floors throughout the  
20 Village Commercial Retail District is  
21 appropriate and the best use of the  
22 space there. I do feel that there is  
23 room for improvement in the code  
24 whereas it could be more specific with  
25 regard to multi-family, multi-unit

1 dwellings above commercial spaces.

2  
3 Again, with regards to anything  
4 else, I am not -- I can't speak for  
5 anyone else. I know I am, I have  
6 nothing against you personally. I have  
7 nothing against any applicant that  
8 comes in here. It's offensive when  
9 people come in and say that we are  
10 being prejudicial or that we are  
11 attempting to target anybody because I  
12 know from myself that it is simply not  
13 the case. I understand it's a  
14 frustrating process and it's a process  
15 that has a lot of room for improvement,  
16 but again this project is moving  
17 forward, it's not going to the ZBA  
18 because there aren't any votes for an  
19 interpretation. I still think that we  
20 should be asking Board of Trustees for  
21 an expansion of the code or  
22 clarification of the code on  
23 multi-dwelling, multi-unit dwellings in  
24 the Village as accessory apartments. I  
25 think there is room for improvement in

1  
2 that, but other than that, I don't know  
3 what else, where else we go this  
4 evening on --

5 MR. OLINKIEWICZ: Prejudicial  
6 might have been the wrong term; it  
7 might have been just that I'm  
8 frustrated with the whole process.

9 CHAIRMAN McMAHON: Understood.

10 MR. BURNS: Our task is to accept  
11 the application.

12 CHAIRMAN McMAHON: Yes.

13 MR. OLINKIEWICZ: And I do give an  
14 apology to John Saladino, he may have  
15 brought it up, but --

16 MR. SALADINO: I didn't bring it  
17 up.

18 MS. CLARK: Devin did.

19 CHAIRMAN McMAHON: It's just a  
20 question of the code and --

21 MR. OLINKIEWICZ: Than I owe you  
22 an apology, I'm sorry about that.

23 CHAIRMAN McMAHON: That was a  
24 discussion Glenys and I had about how  
25 it should be classified. That was a



1  
2 discussion between the Board Chair our  
3 consultant and the Village Attorney as  
4 to how should this be interpreted and  
5 in what way should this be classified.  
6 It was never a question of whether or  
7 not it was going to be allowed or  
8 denied; it simply a question of how is  
9 it supposed to be classified. That's  
10 it.

11 MR. OLINKIEWICZ: You can  
12 understand from my part when we had 211  
13 Carpenter Street, I was paused for an  
14 interpretation from the ZBA for whether  
15 I was allowed to have an apartment  
16 prior to 2002 by this Board. I had to  
17 take three more months in front of the  
18 ZBA to make that happen, so I was only  
19 revisiting what had happened to me  
20 before.

21 CHAIRMAN McMAHON: I understand it  
22 can be a very long-and-drawn-out  
23 process. For example, the proposed  
24 building across the street from you, I  
25 believe has been with the ZBA for

1  
2 several months. I don't know what's  
3 happening there. I don't know if it's  
4 coming back to us or not. I don't know  
5 where it is, but they can be very long  
6 and drawn out. I understand that, I  
7 understand your frustration.

8 Nobody on this Board has any  
9 vested interest in -- there is no  
10 conspiracy, there is nothing to that  
11 effect. It's simply a group of  
12 volunteers who have been asked to come  
13 in and spend the time.

14 The reason we can't even have an  
15 up or down vote that would have any  
16 effect is because we're a Board member  
17 short because we can't get enough  
18 people who want to come in and dedicate  
19 the time and sit here, understandably.  
20 It's not fun to come in and be told, or  
21 to tell people we need an  
22 interpretation or you can't do this or  
23 you can't do that and then to go  
24 frequent these restaurants and places  
25 in town.

1  
2 We live in the Village, these are  
3 our neighbors, we're just trying to do  
4 the most accurate thing we can do. We  
5 constantly have complaints that things  
6 are done differently from board to  
7 board to board and there's different  
8 interpretations and I feel that it's --

9 MR. BURNS: Can I float a motion  
10 saying we accept the application?

11 CHAIRMAN McMAHON: Absolutely.

12 MR. JAUQUET: I'll second.

13 CHAIRMAN McMAHON: All in favor?

14 MR. BURNS: Aye.

15 MR. JAUQUET: Aye.

16 MS. CLARK: Aye.

17 CHAIRMAN McMAHON: Motion carries.

18 MR. OLINKIEWICZ: Thank you.

19 CHAIRMAN McMAHON: I would like  
20 the revisit the idea of talking about  
21 the code further, but we can do that  
22 another time.

23 MR. KAPELL: Mr. Chairman, I want  
24 to endorse your thought about referring  
25 the larger question to the Village

1 Board about whether you want to  
2 encourage this type of use in new  
3 buildings. I think that's a very good  
4 point.  
5

6 CHAIRMAN McMAHON: Thank you.

7 Item number 4, 300-308 Main  
8 Street.

9 Continued discussion on  
10 pre-submission conference to amend the  
11 site plan as approved on November 4,  
12 2015. The applicant Robert I. Brown,  
13 Architect is representing Stirling  
14 Square LLC, Brent Pelton.

15 The applicant has proposed to  
16 renovate suite 308C, a ground-floor  
17 space, into a lobby for the Inn,  
18 incorporating a new glass facade and  
19 interior and new exterior dining  
20 seating and a water feature.

21 The proposal includes additional  
22 bluestone hardscape for easier handicap  
23 accessibility. The proposal has  
24 specified a retractable awning over  
25 cedar trellis which covers the dining

1 patio. The property is located in the  
2 Historic District.

3  
4 The applicant was advised to  
5 delineate the seating plan for 1943  
6 restaurant and provide information on  
7 the conversion of the existing  
8 apartments to transient inn rooms to  
9 comply with the Greenport Village Code.

10 The applicant was also advised to  
11 modify the site plan to improve  
12 handicap accessibility to all  
13 commercial units, and submit an  
14 application for any changes, additions  
15 to the approved American Beech Inn  
16 signage permit. A more encompassing  
17 site plan was requested.

18 The Historic Preservation  
19 Commission reviewed the proposal at the  
20 April 4, meeting and approved the  
21 change in facade, but asked the  
22 applicant to explore other options for  
23 the American Beech dining patio. The  
24 HPC has asked that the project remain  
25 on the agenda for the May meeting.

Suffolk County Tax Map

1001-4-7-29.1.

Is there anybody here to speak on this?

(No response.)

There were a number of issues that we addressed with them last time, principal of which was the fact that they were proposing transient housing where there are currently accessory apartments. That's expressly prohibited by the code.

If anybody has any comment --

MR. PALLAS: Just as information, Mr. Chairman, the staff met with the applicant today to review a lot of these comments.

They had made some changes to the site plan and to the layout of the apartments which are still proposing to put into hotel rooms. They still have to do some revision and they will be resubmitting those at some point.

CHAIRMAN McMAHON: Okay.

1  
2 Is there any comments or questions  
3 with regards to this?

4 MR. JAUQUET: None from me.

5 MS. CLARK: Nor I.

6 CHAIRMAN McMAHON: Okay.

7 I'm going to propose that we move  
8 on from item number 4.

9 Do I have a second for that  
10 motion?

11 MR. BURNS: Yes.

12 CHAIRMAN McMAHON: All in favor?

13 MR. BURNS: Aye.

14 MR. JAUQUET: Aye.

15 MS. CLARK: Aye.

16 CHAIRMAN McMAHON: Motion carries.

17 Item number 5, motion to accept  
18 application from David Kapell,  
19 representing Old Shipyard LLC located  
20 at 211 Carpenter Street.

21 The applicant has proposed to  
22 convert an existing two-story building  
23 into a first-floor tasting room and one  
24 second-floor apartment.

25 The property is in the CR

1 Commercial Retail District. Both uses  
2 are permitted in the CR Zone.  
3

4 The property has been vacant for  
5 some time. All mixed-use buildings are  
6 required to have a fire suppression  
7 system by New York State Fire  
8 Prevention and Building Code. The  
9 property is located in the Village  
10 Historic District, and will be subject  
11 to coordinated review.

12 Applicant was advised to provide  
13 further information on the seating for  
14 the tasting room and to provide finish  
15 floor elevations to confirm  
16 calculations on improvements for  
17 handicap access.

18 Suffolk County Tax Map  
19 1001-4-10-11.

20 So we received revised plans today  
21 with regards to this applicant. There  
22 was --

23 MR. BURNS: Maybe Mr. Kapell could  
24 go over this with us.

25 CHAIRMAN McMAHON: If you would



1  
2 like to speak.

3 There were a couple of items that  
4 had been pointed out. It appears as if  
5 we may still be missing the drainage  
6 drawings and calculations, those would  
7 need to be added.

8 It appears as if the door swing  
9 with the new entry may need to be  
10 reversed, as I believe there was  
11 capacity requiring it, if it was over  
12 49 persons, you have to have  
13 outward-swinging doors, and then there  
14 was the issue of the RPZ and ramp being  
15 in conflict.

16 MR. KAPPELL: If I could respond.

17 With respect to the direction of  
18 the door swing and the RPZ, if I could  
19 ask you to act on those and not hold up  
20 the application tonight. Those were  
21 building permit issues.

22 CHAIRMAN McMAHON: I think it's  
23 likely that we'll be able to accept the  
24 application tonight.

25 MR. KAPPELL: With respect to the

1 drainage issue, we did provide drainage  
2 calculations per the inspector's  
3 request earlier, but we cannot provide  
4 drainage containment on the site, it's  
5 just not feasible.  
6

7 CHAIRMAN McMAHON: Okay.

8 MR. KAPPELL: The only area that  
9 could conceivable be available is the  
10 existing right of way. There are two  
11 water lines that serve the two  
12 buildings on the street that run right  
13 down the middle of that right of way so  
14 they would be in the way.

15 And secondly, it doesn't meet, we  
16 can't meet the code requirement for  
17 separation for drainage from the  
18 adjacent building within the  
19 twelve-foot right of way. It's just  
20 not possible.

21 Two issues I'd like to put before  
22 the Board in terms of equity. Number  
23 one is that we're not proposing any  
24 change whatsoever to the property that  
25 would increase the degree of drainage

1  
2 issue that's existed there for a  
3 hundred year. This is an existing  
4 circumstance, and we're not going to  
5 aggravate the drainage problem.

6 Secondly is that this Board in its  
7 wisdom a year ago gave Mr. Olinkiewicz,  
8 ironically, site plan approval for a  
9 different use of the same building,  
10 same configuration with no requirement  
11 for drainage.

12 CHAIRMAN McMAHON: We always ask  
13 for it, but if it was ever challenged,  
14 it actually wouldn't be required  
15 because it's a pre-existing  
16 non-conformance.

17 MR. KAPPELL: It's not in the code.

18 CHAIRMAN McMAHON: It's a  
19 pre-existing non-conformance, so we  
20 don't actually have the authority to  
21 require it, but we do ask for it in  
22 hopes that the applicant will provide  
23 it.

24 MR. KAPPELL: I understand, it's  
25 jut not feasible for us in this

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instance.

Thank you.

MS. BERRY: Relative to the drainage, I think the most critical part is that you have got a leader coming off the room, going right, discharging right where you are walking to the handicap ramp, so I think you need --

MR. KAPELL: We will fix the leader.

MS. BERRY: Yes.

MR. KAPELL: We'll do that.

MS. BERRY: And do something, you know, I'm sure you can find a solution where it's a little less hazardous than it is right now.

MR. KAPELL: We'll take care of that.

Thank you.

MS. BERRY: The other thing is the RPZ is blocking that same route to the handicap ramp, so it needs to be relocated.

1                   MR. KAPELL: So if I could ask  
2  
3 that those be make conditions of your  
4 approval.

5                   MS. BERRY: One more question.

6                   It looks like you agreed to put  
7 the concrete on the apron, but it  
8 doesn't look as though you shifted it.  
9 You're keeping it where it is, you're  
10 not shifting it slightly?

11                  MR. KAPELL: The what?

12                  MS. BERRY: The curb cut.

13                  MR. KAPELL: You've asked it to be  
14 shifted in which direction?

15                  MS. BERRY: To the south.

16                  The only thing is the conflict  
17 between people going --

18                  MR. KAPELL: The congestion.

19                  MS. BERRY: Yeah.

20                  MR. KAPELL: We'll take care of  
21 that also.

22                  MS. BERRY: Thank you.

23                  MR. KAPELL: Thank you very much.

24                  CHAIRMAN McMAHON: Is there any  
25 other discussion or questions with

1  
2 regards to this application?

3 MR. JAUQUET: None from me.

4 MS. CLARK: No.

5 CHAIRMAN McMAHON: I'm going to --  
6 with the aforementioned modifications,  
7 I'm going to make a motion that we  
8 accept the application and ask the  
9 applicant to make the modifications  
10 that were just discussed.

11 Do I have a second to accept the  
12 application?

13 MS. CLARK: Second.

14 CHAIRMAN McMAHON: All in favor?

15 MR. BURNS: Aye.

16 MR. JAUQUET: Aye.

17 MS. CLARK: Aye.

18 CHAIRMAN McMAHON: Motion carries.

19 MR. KAPPELL: Thank you.

20 CHAIRMAN McMAHON: Item No. 6  
21 Motion to accept the Planning Board  
22 minutes of the April 7, 2016 meeting.

23 Do I have a second for that?

24 MR. JAUQUET: Second.

25 CHAIRMAN McMAHON: All in favor.

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MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. CLARK: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number 7, Motion to schedule the regular session meeting for May 5, 2016 and the work session meeting for May 26, 2016.

MS. CLARK: Wait.

Really, we're here already; do you mean June?

CHAIRMAN McMAHON: Excuse me, I apologize.

That would be the work session would be May 26th and the regular session would be June 2nd.

Do I have a second for that?

MS. CLARK: Yes.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MS. CLARK: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number 8, motion to adjourn.

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Do I have a second?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. CLARK: Aye.

CHAIRMAN McMAHON: Thank you.

(Time noted: 5:45 p.m.)





**CHAIRMAN**  
**McMAHON:** [60]  
**MR. BURNS:** [24]  
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**OLINKIEWICZ:**  
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**Y**

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