

VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD

WORK SESSION

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Third Street Firehouse
Greenport, New York

December 17, 2015
5:11 p.m.

B E F O R E:

DEVIN McMAHON - CHAIRMAN

BRADLEY BURNS - MEMBER

PETER JAUQUET - MEMBER

GLYNIS BERRY - PLANNING BOARD CONSULTANT

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

PAUL PALLAS - VILLAGE ADMINISTRATOR

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CHAIRMAN McMAHON: All right.

We're going to begin the meeting. This is the Village of Greenport Planning Board Work Session for December 17, 2015.

Item number 1 is consideration of the sketch plan submitted by 238 Fifth Ave. Greenport Inc., by James Olinkiewicz, as representative in accordance with Greenport Village Code Section 118-4.

238 Fifth Ave. Greenport Inc. has applied to subdivide the property at 238 Fifth Avenue. Proposed subdivision would divide the existing 9,418-square-foot lot into Parcel 1. Parcel 1 proposed with lot area of 5,392 square feet, and Parcel 1 to include the existing two-family house, and Parcel 2 to have a proposed lot area 4,026 square feet. Parcel 2 to have a proposed 800-square-foot one-family home.

Proposed subdivision would create

two substandard lots and other non-conformities requiring Zoning Board of Appeals variance approval. The house proposed for Parcel 2 would also require variances.

Suffolk County Tax Map number 1001-4-8-3.

This is different than what we normally do. Generally, we have use evaluation application. For site plans for properties being processed for a subdivision is slightly different from what you're probably familiar with if you've been to other meetings.

Generally what will happen is an applicant will submit a sketch plan. The neighbors will be notified and a public meeting, which is taking place now, will take place. The Board gives thoughts and comments back to the applicant, then a preliminary plat is submitted. Again, another public hearing, another notice to all the neighbors will go out, then approval or

1 denial, and then a final plat, if it
2 was approved, will go out and then
3 there would be a review of that to see
4 if there is any significant changes
5 between the final plat and the
6 preliminary plat, then there would be a
7 final approval or denial.
8

9 So we are going to begin with 238
10 Fifth Avenue.

11 My initial inclination is that we
12 would not be able to go forward with
13 this application because there are, as
14 noted earlier, there are a number of
15 variances that would be required, this
16 would be the nonconforming lot. It
17 would require approval from the Zoning
18 Board of Appeals for setbacks before we
19 would be able to move forward with
20 this.

21 I'm going to point out a couple of
22 the specifics on that. There are a
23 number of other quality of life
24 concerns and impacts to the
25 neighborhood. Those concerns, I will

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2 briefly touch on, but at that point, I
3 think we don't really need to go too in
4 depth into those this evening because
5 right now it's still there would be the
6 issue of Zoning Board of Appeals having
7 their input into whether or not there
8 will be any variances granted for the
9 setbacks.

10 So first off, 238 Fifth Avenue.
11 The proposal is to subdivide the
12 existing lot into two lots. Existing
13 lot is irregularly shaped, with only
14 fifty feet of road frontage. The total
15 parcel size is 9,418 square feet.

16 As per Chapter 150, Zoning Code of
17 the Village of Greenport, Article V
18 District Bulk and Parking Regulations,
19 the schedule of regulations 150-12, the
20 existing lot size complies with current
21 code, but is noncompliant with side and
22 front setbacks. It also has a
23 noncompliant lot width.

24 The proposed subdivision would
25 increase the level of compliance, by

making both lots nonconforming to the minimum lot size of 7,500 square feet. Lot 1 would be 5,392 square feet, a variance of 28.1 percent. Lot 2 would be 4,026 square feet, variance of 46.3 percent.

The interior lot would also have noncompliant front and rear yards.

The sketch plan that I saw I do not believe has the required storm water drainage. The applicant needs to show adequate retention of all storm water on-site on both plots. Calculations, slopes and capacities for the drainage plans served need to be included in the submittal.

All right. I was asked to note there was some concern that some people felt that the public notice was not given properly, so I'm going to read off briefly the people that are, of the neighbors that were sent them. There is a discrepancy, some people said they were not notified. In at least one

instance, there was a New York City address and I believe you had to go to Southold --

Paul, is that correct, you have to go to Southold Town to change --

MR. PALLAS: Correct. We can't change it here.

CHAIRMAN McMAHON: So if anybody is concerned that they did not receive notice, and they felt they should have, that would be the venue to file to make sure you're notified for future hearings.

So we have Lukasz Strzesak, 212 Fifth Avenue; Roberta Garris at 229 Fifth Avenue; Stuart Kogelschatz, 502 Front Street; Robert Peterson, 220 Sixth Avenue; Carolyn Tamin, 307 Fifth Avenue; James Olinkiewicz, 5 Dickerson Drive; Carol Wilder, PO Box 7, Greenport; Joseph Walters, 232 Sixth Avenue; Richard Suess, Jr., 226 Fifth Avenue; James Olinkiewicz, 5 Dickerson Drive; Donna Zaengle, 226 Sixth Avenue.

If anyone did not receive notification, it would be up to you to go through the town.

AUDIENCE MEMBER: I'm sorry, but I was not notified either.

CHAIRMAN McMAHON: If anyone has anything to say or would like to say, please come to the podium to do so, and when you do so, please sign in, print your full name. We need to have everything on the record.

MS. RAE: Mr. Chairman, I'm Kimberlea Rae, Westervelt & Rae, Shelter Island on behalf of 238 Fifth Avenue Inc. and James Olinkiewicz, the sole shareholder.

My office effected notice to all the parties that I believe we were supposed to notice, so if there is -- there is a lady in the audience who said she didn't receive notice.

CHAIRMAN McMAHON: Yes.

AUDIENCE MEMBER: I didn't receive notice on 238 either. I received

notice on 221, but not 238.

MS. RAE: The notices that were sent were based upon the tax maps and the identified names and addresses, so if anybody didn't receive notice, if I have the names and addresses, we'll make certain that they get it next time.

It's my understanding that we did notice all the adjacent property owners, adjacent under the municipal ordinance it is next to, so I have that; but I'd be glad to provide notice to anyone else.

In any case, they appear to be here, so we certainly want to capture everyone for next time.

If you would like any explanation of this sketch plan, I'd be glad to go over it with you, but we certainly recognize that there are variances that need to be addressed by the Zoning Board of Appeals, and so we'd ask that you refer it to the Board tonight.

CHAIRMAN McMAHON: Yes. My inclination here is to -- the Village attorney is not here at the moment, I spoke with him earlier today. My -- after reviewing this, I felt it could not go forward without Zoning Board of Appeals' approval --

AUDIENCE MEMBER: Right.

CHAIRMAN McMAHON: -- so I believe that would be the next step. This is a work session, so we don't actually make approvals at this meeting, we don't vote on motions this evening, we would do it at the next, two weeks from now at our regular session.

Essentially, that was the only -- and I know there are a lot of people who would like to speak tonight. There are a lot of people who have very strong opinions on this, not only this particular application but the larger use of subdivision, affordable housing in the Village. I don't think that it's necessarily the appropriate forum

1 this evening to go in depth on those
2 issues because we're not at that stage
3 in this application, and we don't have
4 that authority to make those decisions.

5 I know there are some people
6 asking for a moratorium on all
7 subdivisions, again, that wouldn't
8 really be a decision that we would
9 make, that would be something that the
10 Village Board of Trustees would decide,
11 so essentially, I wanted to point out
12 some of the specific reasons.

13 Like I said before, it would be --
14 the process for subdivisions as written
15 out in our Village code, a sketch plan
16 was submitted, there is the public
17 meeting that's taking place now, the
18 Board will provide comments.

19 Essentially our comments, I
20 believe, are going to be to the
21 specific items that I already pointed
22 out already, the specific variances
23 that would be required, the items that
24 are nonconformance or would be a
25

1 nonconformance with this plan going
2 forward and then there would be a whole
3 other preliminary plat submitted,
4 another public notice and another
5 public hearing.
6

7 Essentially I've said -- this is
8 what I'm going to say about this first
9 application. I don't know if there are
10 any other comments, again with the
11 understanding that, I understand why
12 people want to voice their opinions on
13 the larger issues, but I would ask that
14 if you can to restrict your comments to
15 the specifics of this application and
16 what we've discussed for this evening.

17 Does any of the Board have
18 comments?

19 MR. BURNS: I have a strong
20 feeling that the boards ought to
21 consider a moratorium on subdivisions,
22 but I don't know whether we have the
23 feeling that that should take place.
24 We should combine the recommendations
25 of the Board. I would certainly feel

MR. JAUQUET: My comments are, would be similar to Ben Burns' comments. I'm not in favor of more nonconformity, and I would look at recommending a moratorium if it moves in that direction, but, you know, as far as this application is concerned, I'm against increasing nonconformity, and I'm very concerned about the effects that have already occurred on Fifth Avenue.

CHAIRMAN McMAHON: Again, I will open it up to comments. If anyone would like to take the podium, again, please, with the understanding that there is a limited scope meeting this evening.

MS. RAE: I will be glad to address anything that I can to amplify what the applicant's answers to the

concerns that the neighbors and residents may be voicing, but we would ask that this be referred to the Zoning Board of Appeals this evening.

CHAIRMAN McMAHON: Okay.

MS. McENTEE: Good evening. My name is JoAnne McEntee and I'm at 242 Fifth Avenue.

I know I do have a lot to say. I've had a lot to say over the past few years. We do live -- I do live next door to 238 Fifth Avenue.

I understand your process. It is a long process, now it says consideration, so is this not a pre-submission or is this just a consideration?

CHAIRMAN McMAHON: It's a different process. No, it's a different process than what you're used to with the use evaluation applications that come in. Those are reviews of site plans for a property, this is -- and that's covered in Section 150 of

the Village code, it's the Zoning code.

This is covered under Section 118 of the Village code which is subdivisions, which is a different process. There isn't a pre-submission conference for subdivision application.

The first step in a subdivision application is submission of a sketch plan, which is what we received and then what is considered at a public meeting, which is taking place now. We provide comments back to the applicant. That's essentially it.

MS. McENTEE: So after all this is said and done, we go through all of this, then next pre-submission would go and then --

CHAIRMAN McMAHON: There is no --

MS. McENTEE: Then there is --

CHAIRMAN McMAHON: The term pre-submission, there isn't a pre-submission conference for a sub-division application.

MS. McENTEE: Okay.

1
2 Then after that, they submit the
3 application and then we go through the
4 process again of going to the Planning
5 Board and ZBA again?

6 CHAIRMAN McMAHON: No.

7 MS. McENTEE: Okay.

8 CHAIRMAN McMAHON: I don't believe
9 so. I believe the order of operations
10 here would be the sketch plan, the
11 public meeting, comments from the
12 Planning Board back to the applicant
13 with the issues that have been raised
14 or we see initially, then submission of
15 a preliminary plat which is different
16 than a site plan, I believe, then
17 scheduling another public hearing and
18 then approval or denial by the Board.
19 If it's disapproved then I believe it's
20 done, perhaps, it could then go to ZBA
21 again, I'm not certain about that. I
22 don't want to -- if it were approved,
23 then there would be a final plat that
24 would be submitted and then that would
25 be reviewed to see whether or not it

was in conformance with the preliminary plat, any recommendations that were made and then there would be final --

MS. McENTEE: We're talking months here, aren't we?

CHAIRMAN McMAHON: Yes, probably.

MS. McENTEE: I'm sure you want to see me that long, but who performs and completes the SEQRA, who actually does that; is it the owner?

CHAIRMAN McMAHON: SEQRA can be a -- no.

MS. McENTEE: Okay.

CHAIRMAN McMAHON: SEQRA review is taken on by, I believe it's the first agency that has to make a yes-or-no decision on an application. That can be a variety of different boards can take, under different circumstances. I could be -- generally, it's Planning Board because we often are the first ones to see it. I believe once the process begins, it can then, depending on what the initial determination is,

1 if it's determined that other boards
2 are required, other people should be
3 notified, sometimes if it goes to a
4 Type I action, then it would be
5 typically, it would be the Village
6 Board of Trustees, the Zoning Board of
7 Appeals, Suffolk County Planning
8 Commission, there is number of agencies
9 that are notified for a coordinated
10 review of SEQRA, it could be a
11 number --
12

13 MR. PALLAS: It's not, there is no
14 one agency, it's any interested board.

15 CHAIRMAN McMAHON: One of those
16 agencies would, at least one of those
17 agencies would have to be named as lead
18 agency, they would take on the
19 responsibility of conducting the
20 review, or coordinating a coordinated
21 review if a number of agencies are
22 involved. They would then, and
23 depending on, if there was a dispute,
24 one agency was taking lead agency
25 status, and thought they shouldn't have

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2 lead agency status, I believe they
3 should be lead agency status, I
4 believe, they would appeal to the DEC
5 and they would make a determination on
6 who the appropriate board was.

7 Again, this is my understanding,
8 don't take it --

9 MS. McENTEE: Good enough.

10 So let me move on here.

11 So Mr. Olinkiewicz is creating his
12 own problems at 238 Fifth Avenue. He
13 would be creating a subdivision,
14 subdivision lots by taking a
15 9,418-square-foot lot and dividing into
16 two, creating a 4024-square-foot lot
17 and a 5,392-square-foot lot and code
18 requirement is 7,500 square feet per
19 lot in the R2 District. These lots
20 will now be substandard and
21 nonconforming as you basically stated.

22 The dynamics of the properties are
23 changing, then both lots should conform
24 with the current codes, including all
25 newly created setbacks. His proposal

will not be met to code; therefore,
should be denied by the building, by
the Planning Board tonight.

Our code reads, 150.1 reads that
the Village code is gradually
eliminating nonconforming uses. The
code needs to be followed by all the
laws within our Village, as you stated
before, the New York State code,
obviously going to the ZBA, and doing
all those proper, proper channels.

When reviewing the planning
opinions, I noticed that the variance
percentages were taken right from Mr.
Olinkiewicz's letters, but doesn't the
Building Department figure out these
variances? That kind of seemed a
little confusing. It was exact and it
just doesn't make sense to me. If
somebody could look into that, that
really would be -- I would think that
we would have somebody on staff to
really focus in on that.

The front, back and side variances

1 are excessive. How much smaller can
2 the Village make a lot and build on it?
3 Southold Village would never allow such
4 small lots to build on, we're talking
5 4,000 square feet opposed to 7,500
6 square feet for a lot; and to put two
7 families on there because that's what
8 Mr. Olinkiewicz will be doing in the
9 future, and I can almost guarantee
10 that.
11

12 For the record, I would like to
13 mention that the apartment above the
14 garage that, I believe, is gonna be
15 demolished because it will be in the
16 right of way has not been livable for
17 many, many years. As (inaudible) can
18 tell you, Eileen Wingate, who usually
19 drafts over there, she draws on her,
20 when she's here in the meetings, Ms.
21 Eileen Wingate evicted the tenants and
22 was supposed to be condemned. When I
23 reviewed the file two years ago, this
24 information was not in any of the
25 folders, it mysteriously went missing.

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2 Make no mistake, Mr. Olinkiewicz
3 will make his proposal for a
4 one-family, a one-family floor plan
5 home into a two-family home. The floor
6 layout that's on your plan there, your
7 site plan that you have says it's 800
8 square feet. The Villae code, 150-12
9 livable -- a livable floor area
10 requires a minimum of 1,000 square
11 feet, therefore, already creating a
12 two-story home which is not too
13 difficult to change later on, so that's
14 minimum, so is he really putting there?
15 Let's take that into consideration.

16 Please refer back to the notes of
17 8/27/2015 minutes, Mr. Olinkiewicz's
18 subdivision proposed at 412 Third
19 Street. Mr. Olinkiewicz states that,
20 that he is leaving the one-family and a
21 family, but not -- leaving a one-family
22 a one-family, but later it's mentioned
23 by Chairman McMahon pertaining to the
24 schedule that he is allowed to put a
25 two-family dwelling on both properties

1 and those properties were not
2 conforming. Again I'll state, those
3 are in the 8/27 minutes. Now, that's
4 no longer a three-family, it's a
5 four-family, which is what he's
6 proposing for our lot that's next door
7 to me.
8

9 Mr. Olinkiewicz's record reflects
10 a past of making one-family homes into
11 a -- into a two-family and has created
12 accessory-use apartments and more. As
13 I know that he has nearly, or if not
14 more, thirty lots in our village,
15 within our village. These would be
16 adding more vehicles, traffic, sewer,
17 which we have a problem with the sewer,
18 we have clay lines on our road, and I
19 hope you really take into consideration
20 of what, besides the traffic and the
21 water, the sewer lines are not terrific
22 on our road.

23 Excess garbage and noise to the
24 neighbors. Mr. Olinkiewicz's tenants
25 have an excessive amount of overflowing

garbage, I do have many pictures of them, as I do live next door, and I'd be happy to submit them to you. This is another sign of overcrowding in the rental homes within our village.

I do not feel that the subdivision should be granted, but would like to mention that in the event that the lots are sold, what would happen to the flag lot right of way. The right of way needs to be reported, filed with the Suffolk County Clerk's office along with both deeds and then forwarded to the Village Clerk. There is only an eight-foot proposed -- there's only eight-foot proposed for a right of way, when there should be a fifteen-foot width to get to the back lot. If the current tenants continuously drive into the home, and that has happened, I have seen it my own self, and have hit the fence, and I'd like one day to get you to drive by and see the fence, as I witness all of this. I would only

1 believe that more traffic it would --
2 if more traffic it would continue. How
3 would a fire truck obtain access if a
4 car can't even get through it?

5
6 Currently the existing house is
7 supposed to be a two-family rental. It
8 is my understanding that there were at
9 least three families there, if not
10 more. I have witnessed between
11 fourteen and seventeen people living at
12 this home in one single time, several
13 come and go.

14 We have a noise ordinance in our
15 village, yet every morning at 6:00,
16 6:15, a horn is beeped five times for a
17 tenant to come out for his ride. At
18 6:45, 7 o'clock, a loud car arrives and
19 he's sitting out in front of the house
20 or across the street trying to pick up
21 two others, waiting ten, maybe
22 sometimes fifteen minutes, sometimes
23 shorter.

24 Currently in our neighborhood, we
25 are witnessing a high volume of daily

1 drug dealings on the street of Fifth
2 Avenue, Kaplan Avenue and South Street.
3 I'm sure this is not news.
4

5 Snow, being an absentee landlord,
6 he and his tenants park on the street
7 all year long, even during a snowstorm.
8 Last year the tenants picked their
9 vehicles -- parked their vehicles in
10 the road during snowstorms. Many times
11 I've asked them to park in the
12 driveway, they refused. Then when I
13 call the police, they were asked and
14 they did not comply. When I called and
15 sent pictures to the Village code
16 enforcer, I was told that he had to see
17 for himself, and he could not issue a
18 violation, even when I sent him
19 pictures. The plow trucks would go
20 around the vehicles, leaving
21 approximately nine feet wide to sixteen
22 feet in front of -- in lane of excess
23 snow that had to be shoveled and right
24 in front of our driveway, so at one
25 time, I did ask the tenant because they

caused the issue, they need to do it,
need to clean out in front of our
driveway in the road, they refused.

Tom Spurge, who owns a lot at 213,
excuse me, 216 North Street proposed
putting in a two-family home in the R2
Zone, sadly that Mr. Prokop is not here
tonight because I feel that he has some
input to some of these issues.

Village Attorney Joe Prokop asked
at the -- stated at the 3/12/2015
Planning Board meeting that a
two-family home was not allowed under
code, so why would Mr. Olinkiewicz be
allowed to have a two-family on a
substandard lot or even a one-family on
a substandard lot?

Please refer back to the proposed
subdivision complaints, 221 Fifth
Avenue 2013, owner Mr. Olinkiewicz.
All the same issues and complaints are
similar to this proposed, to the
proposed subdivision on 238 Fifth
Avenue. This is just one subdivision

Let's refer to the section, as you stated before, of the code, 150-1, privacy. The provision for privacy for families, the prevention and reduction of traffic congestion so as to promote effective and the safe circulation of

1 vehicle and pedestrians. The maximum
2 protection of residential areas, the
3 gradual elimination of nonconforming
4 uses. In the subdivision code, it
5 is -- now that was the Zoning, so in
6 the subdivision code, 118-1 is to
7 provide comfort, convenience, safety
8 and health and welfare of the residents
9 and property owners of the Village and
10 their families and guests. 118-7, the
11 Village Board, excuse me, the Planning
12 Board shall consider the impact of the
13 subdivision on the public health,
14 safety and welfare, the impact on the
15 neighborhood community, neighborhood's
16 community and adjacent properties, the
17 traffic, views and other environmental
18 considerations, the preservation of the
19 aesthetics of the assets of the Village
20 and the impact on utilities and
21 emergency and other services that are
22 provided by the Village.

24 With this said, I strongly
25 disagree with this subdivision and any

1 other proposed subdivision in the
2 Village of Greenport, and I would ask
3 that this subdivision be denied
4 tonight.
5

6 Take a look here tonight, there is
7 a lot of people here from our
8 neighborhood or people that do care and
9 are concerned and they care about the
10 Village of Greenport. You really need
11 to take into consideration these
12 people, they all have a voice.

13 I would now like to say that I do
14 believe that you received a letter from
15 Brian Merrins (phonetic), I would hope
16 that you read that tonight, via e-mail.
17 I also did receive a letter from
18 Carolyn J. Tamin (phonetic), she's at
19 307 Fifth Avenue who is here tonight,
20 and I'm -- we had this meeting and she
21 was -- and we had issues and we did not
22 speak at the meeting, so -- and I did
23 have this at the time, but it was not
24 necessary to speak or to read it, so I
25 am -- here is what she states: I am

Enough is enough and
Mr. Olinkiewicz needs to take his money
and go elsewhere. This subdivision,
excuse me, the subdivisions are not
welcome, not every piece of property
needs to be jammed with houses.

Again, that's signed by Carolyn J. Tamin, and I will submit a copy of that.

I also -- my printer went down this evening, I will submit what looks like snow, not at 238 but at 221 Fifth Avenue. I do have lots more pictures for you to review.

Thank you.

CHAIRMAN McMAHON: Thank you.

MR. REED: Good evening. I just have a question.

Would there be a sewer impact study and traffic study because we have problems? We have been -- my family has been there forever on Fifth Avenue. Three times, four times a year we have to have it, because everything's backing up, so would there be an impact study for either traffic or sewage, should there be?

CHAIRMAN McMAHON: One of the things I did note that was missing was on the plans it needs to show accurate

1 retention of all storm water on site
2 for both plots. I believe there is a
3 provision in the subdivision code for
4 costs associated with the studies that
5 are required for applications. I'm not
6 familiar with --

8 MR. REED: That okay. I just want
9 to --

10 CHAIRMAN McMAHON: This is
11 actually the first subdivision I've
12 overseen, so I'm not certain how costs
13 associated with the study would be --
14 I'd have to -- I can certainly get an
15 answer for you on that, but I don't
16 have it.

17 MR. REED: Well, you guys, thank
18 you very much. I know it's hard, we're
19 a pain in the ass on Fifth Avenue, but
20 we love our community.

21 Thank you very much.

22 CHAIRMAN McMAHON: Thank you.

23 MR. WEISCOTT: Hello. I'm Jack
24 Weiscott, 229 Fifth Avenue. I'm
25 adjacent to the 221 Fifth Avenue

1 subdivision, but we all live on the
2 same street; we all live on Fifth
3 Avenue and we're all experiencing the
4 same traffic and congestion and noise
5 issues throughout the whole street.
6

7 Since this is more or less a quick
8 meeting just to enter these submissions
9 and you're not going to really be
10 deciding anything now, I'm just going
11 to -- we had a petition a couple of
12 months ago, which we didn't have copies
13 of, I'd like to give you guys a copy at
14 this time.

15 CHAIRMAN McMAHON: Sure.

16 MR. WEISCOTT: Can you make sure
17 they get to Chris Dowling as well?

18 CHAIRMAN McMAHON: Yes.

19 MR. WEISCOTT: And I'm just gonna
20 reiterate a little bit of what JoAnne
21 said, the amount of traffic on our
22 street has gotten way beyond the point
23 of toleration. It's -- you really
24 cannot drive down our street without --
25 person has to let someone else pass

every time you come down the street.

Secondly, the maintenance on these buildings is barely adequate. In the wintertime, the sidewalks in front of his houses are not shoveled. They're shoveled maybe once a winter. You got to walk -- I have a dog, we walk our dog. If I go down that way, I have to walk in the street where there is snow and it's icy and where cars are coming back and forth. That's a little dangerous, but the only shoveling that takes place is between the front door and the sidewalk, not the side or the sidewalk on any of his properties except occasionally; and it's not consistent.

It's just -- it's distressing that we've already got three houses of his on our street. There's another one on Front Street, there's one on Kaplan, there's one on Madison, that's six houses within a stone's throw of each other, and they're experiencing the

1 same overcrowding. There's -- on the
2 plan for 221 that you have there, he's
3 got three parking spaces. That
4 wouldn't be adequate for what's there
5 now, there are six cars there right
6 now. One's parked in the street
7 because the woman is handicapped and
8 it's the closest exit, but there are
9 five in the driveway. I've lived with
10 a commercial wood chipper in the side
11 yard all year, it just got moved just
12 prior to this submission. There was
13 also a cherry picker in the backyard.
14 There is a shed there that has no
15 permit and never has had a permit for
16 the last three years, and it's just too
17 much already for us.

18 Over the winter, there is seven or
19 eight cars. There was a police
20 incident there this summer and two of
21 the cars are gone and never to be
22 returned because the police couldn't
23 find those guys, but now there's six
24 cars and the six cars at a house
25

1 diagonally across from me which is also
2 his house, there's three in the
3 driveway and three in the street at all
4 times and JoAnne can tell you how many
5 cars there are at the other houses, and
6 those are just the people who own cars
7 because there are people who have
8 bicycles and people get picked up for
9 work. It's just crazy to think that
10 there would be more houses on this
11 street.
12

13 That's all I have to say right
14 now.

15 CHAIRMAN McMAHON: Thank you.

16 MR. WEISCOTT: Thank you very much
17 for your patience, and it's not your
18 fault.

19 CHAIRMAN McMAHON: Thank you.

20 MS. JAEGER: Hi, my name is Mary
21 Ann Jaeger, 430 Front Street which is
22 on the corner of Fifth Avenue and
23 Front, and I have to tell you, what
24 Jack said is true. There's more cars
25 there, and when this all first started,

1 when Mr. Olinkiewicz bought that home,
2 we complained about it then, and he
3 said they're all family. They're not
4 all family. And he was gonna take care
5 of it, and Ms. Wingate, I guess you're
6 Ms. Wingate or whoever Ms. Wingate was
7 there. It's you. You were there, and
8 you were boasting his praises and
9 stuff. It's not what you claimed it to
10 be. There's more people living there
11 than is legal, and they are related,
12 and you're not gonna convince any of us
13 that all these people down that block
14 are related.

16 The town is looking filthy from
17 everything. I have beer bottles and
18 everything else, where they all come
19 drunk down my highway, and I'm getting
20 sick and tired of having my yard
21 cleaned up, garbage coming down the
22 road and, as my son said, the sewer
23 backed up enough times. I've had the
24 odor in my house. I've had stuff
25 checked to make sure it wasn't my

house, and it wasn't, and I'm getting tired of it.

When am I getting stuff for my tax dollars? Now, Bob, when he built his home, tried to get a garage in the back. Oh, no, he can't put it, he don't have enough property. Next door, putting it very nicely, is a shit-hole in distress, and nobody's done a darn thing about it. You let these people come waltzing in and buying stuff. I don't see Mr. Olinkiewicz buying property over Shelter Island and destroying property where he lives and cluttering up the area, and I don't think it's fair to the people on Fifth Avenue to have to deal with this garbage, and it's about time you people started listening to the residents and not the people that are coming and buying. They come here, they love the place, and all of a sudden, they're changing everything. We're not here to supply the whole darn neighborhood with

new apartments and stuff like that, go
look like everybody else how to do it.
I'm sick of it, start listening to the
people that pay your taxes.

Please don't take a picture of me.
I don't want to see that picture
anywhere either. You have no right to
take a picture unless you ask.

CHAIRMAN McMAHON: This is a
public meeting.

MS. WINGATE: That's not true.

MS. JAEGER: I don't care.

MS. POLLACK: Good evening,
everybody. My name is Karen Pollack, I
live on -- I don't live on Fifth
Avenue, 630 1st Street in Greenport.

I'm here tonight because although
I'm not a neighbor of these two
properties, I'm still a resident and
taxpayer in Greenport and I just wanted
to voice that I strongly object to both
of these Fifth Avenue subdivisions.
When you look over the particulars for
number 1, you're seeing that the

proposed Parcel 1 will be more than
2,000 square feet short of a minimum
lot.

The seconds proposed lot will be
almost 3,500 square feet short. It
might be different if these
subdivisions require a substandard
factor of a few feet but thousands,
thousands of feet, square footage for
these lots. The key word here is
substandard. Our codes provide us with
standards and I feel that it's time for
Greenport to start obeying its own
rules, its own laws for the wellbeing
of all the taxpaying residents here.

That's all I have to say. Thank
you very much.

CHAIRMAN McMAHON: Thank you.

MS. PETERSON: Good afternoon.

I'm Diane Peterson. I live at 228
Sixth Avenue, I'm adjacent to item
number 2 which you have not gotten to
on the agenda yet, 221 Fifth Avenue.
Thank you for listening to all our

concerns.

I think we have to go back to, and I believe it was Mr. Burns who suggested, as well as you, Mr. McMahon, that this go back, one to the Zoning Board but mostly to the Village Board of Trustees and putting a moratorium on any substandard building within the Village. This is more than just these two particular properties. I think we have to look at the Village overall to make sure that we are not urbanizing our village, that we are looking at the issue of overcrowding. Yes, we do need workforce housing, but I don't think we have to be the only place in Southold Town that's offering this. We have to be smart about how we do it in the Village so we don't lose the character of our village, we don't overtax our village with utilities or the sewer or the water, that's all part of it, as well as bring down the quality of the Village and the people that have lived

1 here all these years. You also have to
2 tie it into the issue with the Airbnb,
3 these are simply overall what we have
4 to be concerned with, and starting with
5 a moratorium so that these substandard
6 provisions are looked at and not
7 allowed, we go to the code that's on
8 and we try and figure out where our
9 village is going. I think making it
10 Queens is not what any of us want to
11 see happen.
12

13 Thank you again for listening to
14 our concerns.

15 CHAIRMAN McMAHON: Thank you.

16 MS. RAE: Mr. Chairman. Kimberlea
17 Rae.

18 I just wanted to correct two
19 inaccurate statements that have been
20 made here tonight with respect to the
21 application itself.

22 There is a twelve-foot right of
23 way that's proposed. Part of the
24 porch, the side porch will be taken
25 down, so it would be twelve-foot, not

six feet.

AUDIENCE MEMBER: No.

CHAIRMAN McMAHON: Excuse me,
ma'am, please let her speak.

MS. RAE: Furthermore, the
application clearly states that the
proposed house, 800-square-foot house
is a one-family house, so that's what
is before this board right now.

I'd also like to say that with
respect to maintenance, my client has
in every instance in the Village of
Greenport rehabilitated old buildings
and brought them up to code. Many of
these were dilapidated, disheveled,
unlivable buildings.

At 238 Fifth, he took a 19th
Century building, a very beautiful old
building, but that really needed
renovation, did it and did it
beautifully; so I don't ever hear that,
but I would like to make it clear that
his intent is to create housing that is
code compliant and he will do that.

Thank you.

CHAIRMAN McMAHON: Thank you.

There are a few things here.

Number one, there is some confusion on my decision on moratorium on subdivisions. I don't believe there should be a moratorium on all subdivisions. I believe some are appropriate and some are not.

In this instance, we, as I indicated in the beginning of the meeting, the Board's comments to the applicant would be that these are substandard lots and the code is written now, we would have to deny it because they are substandard lots. The way for the applicant to move forward would be to go to the Zoning Board of Appeals and they would make the decision as to whether or not to allow the setbacks that would be required for the subdivision to go forward.

I didn't think a moratorium on all subdivisions would be appropriate

1 because there are some lots that could
2 be subdivided that are not under
3 discussion this evening.
4

5 Again, as I said before, I know
6 there are a number of other issues that
7 are of concern to, not only the people
8 here, but everyone in the Village, they
9 all need to be addressed, need to be
10 addressed at the appropriate time and
11 the appropriate venue.

12 I always encourage everyone to
13 speak their minds at these meetings, to
14 say as much as they like and the
15 meetings go on as long as they can
16 because I think that's in the best
17 interest of the Village, but it doesn't
18 necessarily make for an efficient
19 meeting because essentially all of the
20 comments made tonight were in agreement
21 with what, I believe, our ultimate
22 actions are going to be this evening,
23 which is to take no further action on
24 this other than to make a comment to
25 the applicant with regards to their

1 application, that it would require
2 variances to go any further, and that's
3 sort of where we're at.

4 MS. RAE: We actually acknowledged
5 that, and that's why we would like to
6 go forward with the Zoning Board of
7 Appeals. We certainly acknowledge that
8 those need to be addressed, absolutely.

9 CHAIRMAN McMAHON: We have in
10 theory only been talking about item
11 number 1 on the agenda, obviously this
12 conversation has encapsulated number 1
13 and 2, which is item number 1 being 238
14 Fifth Avenue, 221 Fifth Avenue being
15 the second item on the agenda.

16 At this time, I'm going to --
17 again this is a work session so we
18 generally don't take any formal actions
19 at a work session, we reserve those for
20 regular sessions. The next one will be
21 two weeks from tonight.

22 I'm going to make a motion to the
23 Board that we table this item until our
24 next meeting, we take no further action

other than to say that we will come up with a resolution of some formal comments, highlighting the items I mentioned earlier with the specific setbacks that will be required to specific items that are in nonconformance with this application.

Let me start over with that. I'm going to make a motion that we table this discussion until our next meeting at which time, we will make a formal, pass a formal resolution with regards to comments for the subdivision application for 238 Fifth Avenue.

Do I have a second for that motion?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

I'm going to make a similar motion for item number 2 on the agenda, 221

Fifth Avenue.

MS. WICKHAM: Mr. Chairman.

CHAIRMAN McMAHON: Yes, ma'am.

MS. WICKHAM: Excuse me. May I
address the Board on that application?

CHAIRMAN McMAHON: Yes,
absolutely.

I apologize.

MS. WICKHAM: Good evening. My
name is Gail Wickham of Wickham,
Bressler & Geasa, Mattituck New York.
I'm here representing Roberta Garris
and Jack Weiscott who are at 229 and
they are directly north of the proposed
lot 2, plot 1 on this 221 subdivision.

I'll be very brief because I
understand this is not a public hearing
and that you are not going to take
detailed testimony, but I do want to
point out a couple of things in terms
of your comments that I think should be
made to the applicant.

The first is that the parking, as
far as a planning issue goes, is a

major consideration as Mr. Weiscott mentioned, I want to make sure we're very clear on that. There are three parking spaces shown on proposal 2 and two parking spaces shown on proposed lot. At this particular time, there are at least six cars at any one time parking off the street on premises on the two lots or the single house that is on plot 2, so the parking shown, I think if this matter does come to you, is going to have to be strongly addressed and that's something I'll raise with the ZBA.

Further, I think there is a significant question as to whether a large variance, and these are large variances, should be granted solely to enable a subdivision to be granted. Many municipalities don't condone that, and as I do the math, we have 13.8 percent deficiency on lot 1 lot 25.5 percent deficiency on the front yard width of lot 1 and almost forty percent

deficiency on the site on lot 2.

Again, those are ZBA issues, but we want you to be aware of that.

The other issue that we would like you to address to the extent you have any comments for the applicant is that there is a very mature evergreen screen border on the north side of the plot, proposed plot 1 that shields the Garris/Weiscott house and we would like to be sure that if any further action is taken on this map that that be protected.

I don't have anything further at this time, but I look forward to seeing you again.

Thank you.

CHAIRMAN McMAHON: Thank you.

Are there any other comments with regard to item number 2, 221 Fifth Avenue?

Okay.

I'm going to make a motion that we table discussion of this item until our

regular session meeting in two weeks,
at which time, we'll make a formal
resolution of our comments of the
specific items that we, that are in
nonconformance and will require
variances.

Do I have a second for that one?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 3, continued

discussion -- I believe this is
continued discussion on a
pre-submission conference with Dan
Pennessi. Dan Pennessi represents the
prospective buyers, SAKD Holdings, LLC
and is before the Planning Board to
discuss proposed uses and development
of the site located at the corner of
Front and Third Streets. The
pre-submission package contains a

preliminary site plan and elevations of the proposed building. The project as proposed will require variances and the proposed uses are not approved for the WC Waterfront Commercial District, but are listed as conditional uses.

Suffolk County Tax Map number 1001-5-4-5.

MR. PENNESSI: Good evening, members of the Board. Nice to see you again.

We were here based on a pre-submission for this property that was submitted in October. I thought we had a good meeting, and I'm sorry I missed the November meeting, I didn't realize it was on for continued discussion.

In the interim, we have revised the plans a bit in response to some of the preliminary comments that were made at that time. They included putting some dimensions on the parking spaces to show that they are, in fact, in

compliance with Village code.

We've also since received the denial letter for the building permit that we applied for which will enable us to move forward with Zoning Board of Appeals. We are working on the contents of that denial letter. I think we're gonna have it narrowed down to about four to six variances, including the height, parking and there's one setback variance that will be required.

I did want to just -- I read the minutes from the last work session, I did want to clarify a couple of things. Again, I am Dan Pennessi here for SAKD Holdings LLC. It is the contract venue for the property. The property is currently owned by Mayland Shannon LLC.

Our application will include a request to the Planning Board under Section 150-29 of the Village code for those conditional uses which include hotel and restaurant uses. The retail

1 uses are as of right, and I did see
2 some discussion for a little bit of
3 feedback on which board would take the
4 lead agency role, and I say that only
5 because of these conditional uses, we
6 are requesting which are kind of a
7 prerequisite of or maybe a simultaneous
8 approval with the variances we'll be
9 seeking from the ZBA, but also because
10 we have, it's kind of a chicken or the
11 egg issue on the parking. We're
12 currently required to have thirty-six
13 parking spaces on the property based on
14 the uses, based on the size of the
15 uses, and there is room for twelve
16 parking spaces, so that means that
17 we're out about twenty-four spaces.
18 Under Section 150-16G of the Village
19 code, the Planning Board has the
20 jurisdiction to allow a payment in lieu
21 of parking, and that will dictate how
22 many parking spaces we seek a variance
23 for, it will either be twenty-four or
24 four spaces.
25

1 Again, I just wanted to be
2 available if there were any questions
3 from the Board or the public. We're
4 very much looking forward to this
5 project, and working with the
6 municipality and the residents to
7 hopefully get it right. I know this
8 project, this particular property has
9 been subject to a number of
10 applications in the past, and it is a
11 very important parcel in the Village,
12 so we look forward to lively
13 discussion.

14
15 CHAIRMAN McMAHON: I can briefly
16 address the parking and the variances
17 required. We do need, actually, some
18 clarification on exactly how that's
19 supposed to work because if, in theory
20 you went before the Zoning Board and
21 got a variance and then came to us, you
22 wouldn't need to pay anything because
23 you had the variance for it, and if
24 there were to be some payment in lieu,
25 that could then be -- you know, those

monies could then be applied to providing some park elsewhere in the Village. That does need to be ironed out. I'm going to assess that further with the Village attorney and try to get you a clearer answer on how that's exactly supposed to play out, discuss that with the ZBA as well.

I mean, there are a lot of moving parts and I totally understand you do need to -- I believe, initially the setback certainly is ZBA only, I believe, the variance for that. The uses, I believe, I'm gonna have to check on this. I wasn't prepared, I didn't know what your questions were going to be, so I'll have to check on that, but I believe the Planning Board does have some discretion as to use variances.

Is that correct?

MR. PALLAS: It's not a variance --

CHAIRMAN McMAHON: It's a

1 conditional use. Not a use variance
2 but a -- I believe everything proposed
3 are approved conditional uses that
4 could be approved by the Board, I will
5 have to -- I'm going to -- bear with me
6 just a second.

7
8 That 16G, the section with the
9 parking --

10 MR. PENNESSI: 150-16G and
11 conditional uses are 150-29.

12 CHAIRMAN McMAHON: I will speak
13 with the Village attorney and try to
14 get you an answer as to who is going to
15 be granting or denying, depending on,
16 you know, the hearings, who would be
17 making the determination as to which
18 variances or approval of conditional
19 uses would be by which boards. I'll
20 try to get you a clearer picture of how
21 it's supposed -- how you're supposed to
22 go from A to Z.

23 MR. PENNESSI: That would be
24 great. I think that the, at least in
25 my opinion, the variances are going --

1 we're trying to limit them and work
2 with what the code provides for this
3 property and understandably, it is a
4 very tough shoe to fit into, so there
5 are going to be a handful of variances
6 that we're going to look for, and we
7 would anticipate that conditional use
8 slash site plan review by the Planning
9 Board will be the more intensive review
10 of the building that's being proposed,
11 and I guess depending on how the Board
12 and the ZBA and the Village decides
13 will dictate which board takes the
14 lead.
15

16 CHAIRMAN McMAHON: When you say
17 lead agency, there's two separate
18 issues. Lead agency used as an
19 informal term for this project and lead
20 agency status for SEQRA determination.
21 Likely, this board will probably be
22 both. I would guess probably we would
23 be both, but, you know, there would be
24 other involved agencies and they would
25 have their say, if they chose to make

1 the case for their status as lead
2 agency, we would certainly figure it
3 out and go from there, but I would
4 expect that it would probably be
5 predominantly done here. Yes,
6 probably.

7
8 MR. PENNESSI: Thank you. I
9 didn't have any other questions, unless
10 you do.

11 MS. BERRY: I have a question.

12 Earlier, you said the roof was a
13 bit ambiguous; have you honed in on
14 what you're proposing it to be used in
15 some way?

16 MR. PENNESSI: Sure.

17 What's currently proposed is a
18 1,300-square-foot roof deck. It's
19 being -- it's planned to be for hotel
20 use occupants only. If we were to open
21 that roof deck up to the other uses or
22 to the public, it would have a much
23 more significant parking impact on the
24 property.

25 MS. BERRY: Exactly.

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2 MR. PENNESSI: It would dictate
3 the scope of the variance that we're
4 seeking, and we would like to limit the
5 variances and understanding a bit about
6 how the traffic and the parking are an
7 issue, we certainly don't want to
8 overburden it, but if it's, you know,
9 we are certainly open to speaking about
10 and perhaps submitting the variance
11 application to the ZBA inclusive of a
12 variance of a more significant parking
13 number if that roof deck, if the
14 Village is opened to having that used
15 by more people than simply the hotel
16 occupants.

17 CHAIRMAN McMAHON: I don't,
18 certainly don't want to speak for the
19 ZBA, I -- my expectation is that as
20 they hear your case, they would
21 probably consult with the Board and
22 perhaps the Board of Trustees as well
23 with regards to if there were going to
24 be some -- a variance with parking
25 spots, I would guess it would probably

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2 come to the -- you know, I really
3 shouldn't speculate on how someone else
4 is going to make a decision.

5 MR. PENNESSI: I guess what we can
6 do is, we are underway with the ZBA
7 application which we hope to submit
8 before the end of the year. Certainly
9 in time for the January meeting, as
10 well as our formal site plan
11 application to the Planning Board for
12 the meeting at the end of January. At
13 that time, I guess we could be asking
14 for the most parking spaces and as we
15 get the response, we can narrow it
16 down.

17 There is another issue with the
18 roof deck, which is the height. In
19 order to comply with ADA requirements,
20 the elevator would have to go up all
21 the way to the roof which results in
22 the elevator being about forty-four
23 feet high which is beyond the height
24 allowed in the current code, so, you
25 know, certainly it's kind of hand in

1 hand. It either exists with more uses
2 which require more parking or it
3 doesn't at all because we can't change
4 the height variances.
5

6 CHAIRMAN McMAHON: Yes.

7 So like I said, I understand there
8 are, there is a lot of putting the cart
9 before the horse and eggs in the
10 baskets. I will try to speak with the
11 Village attorney and the ZBA and try to
12 get you a clearer picture on how the
13 process will move forward, who will be
14 addressing what issues.

15 MR. PENNESSI: We'll submit the
16 application as soon as possible.

17 Thank you.

18 CHAIRMAN McMAHON: Thank you.

19 MR. SALADINO: John Saladino,
20 Sixth Street.

21 The agent for the property said
22 that the hotel is a conditional use,
23 which we all know, and that the retail
24 was as of right.

25 It's my understanding in

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2 Waterfront Commercial, and we had
3 talked about this at the last meeting,
4 and it's my understanding in Waterfront
5 Commercial, you could have a
6 conditional use only if you have a
7 permitted use on the property.

8 CHAIRMAN McMAHON: I don't believe
9 so. I think the, for example, a number
10 of restaurants on --

11 MR. SALADINO: I just read the
12 code, and I'm willing to stand by my
13 statement if anybody wants to look at
14 the code.

15 CHAIRMAN McMAHON: If you could --
16 what section specifically?

17 MR. SALADINO: 150 -- I want to
18 say --

19 CHAIRMAN McMAHON: If you want to
20 give it to me now or you can get back
21 to me at a later time.

22 MR. SALADINO: But I might have it
23 right here.

24 In the portion of the code about
25 Waterfront Commercial permitted uses in

Waterfront Commercial, the only retail that's allowed is if it -- oh, residential --

CHAIRMAN McMAHON: There is, I believe, a distinction between properties that are adjacent to water and --

MR. SALADINO: That true. That's true.

If a property abuts the water, there is no question about what the permitted use is.

CHAIRMAN McMAHON: It's required to --

MR. SALADINO: But if you read further down for properties that don't abut the water, the only addition to the requirements is the view from the water should be regulated. It doesn't relieve the applicant from complying with the permitted uses on the property. If, in fact, the permitted uses are gonna sell maritime related goods, then there's not a question, but

1 just to say that retail, that retail is
2 as of right, it's not; so, you know,
3 perhaps if we could address that.
4

5 CHAIRMAN McMAHON: If you can -- I
6 will look, we did discuss this at the
7 last one, and I believe Mr. Prokop and
8 I were in agreement in our
9 interpretation, but obviously, I will
10 go back and take a look again.

11 MR. SALADINO: Mr. Moore last
12 time, my friend, Doug Moore was nice
13 enough to provide me with what the code
14 said last time, but we didn't go far
15 enough. We only read up to the portion
16 where it said -- he only read up to the
17 portion where it said where the
18 property abuts the water. If you
19 continue reading, and I apologize, I
20 just had it up too on my phone and I
21 lost it, that the only additional
22 restriction would be it would have to
23 comply with all the conditions of
24 property that abuts the water but also
25 it would have to provide a

consideration for review from the water
if it didn't about the water, so it's
something I'm fairly sure of that
should be addressed.

CHAIRMAN McMAHON: Okay.

I am also fairly sure, but I
absolutely will take another look at
the section of the code and review it
again, so we can, this can be the last
time we'll be discussing this.

MR. SALADINO: Thank you.

CHAIRMAN McMAHON: Any other
discussion on item 3?

I'm going to make a motion that we
move on to item number 4 then. Do I
have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 4, 211 East Front
Street, motion to approve the findings

1 and determinations for the -- should be
2 so we don't approve anything -- it
3 should be a motion to accept the
4 findings and determinations for the use
5 evaluation application from Doug
6 Roberts, president of Educational
7 Solutions Consulting. The applicant
8 proposes to open an office at 211 East
9 Front Street. The property is located
10 in the CR Commercial Retail District
11 and the use as an office is a permitted
12 use.
13

14 Suffolk County Tax Map number
15 1001-5-3-18.

16 This application was already voted
17 on and closed out. As many of you
18 know, the findings and determinations
19 is simply a summary of what was agreed
20 upon. It was an application of what
21 was decided. So we'll accept it for
22 review and then we vote on it at the
23 regular session in two weeks.

24 I will make a motion to accept the
25 findings and determinations.

Do I have a second?

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 5, motion to accept
the Planning Board minutes for October
29th, November 5th and November 19,
2015.

Do I have a second?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 6, motion to adjourn.

Do I have a second?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

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Thank you very much.

(Time noted: 6:25 p.m.)

C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my
hand to this 17th day of December, 2015.

A handwritten signature in cursive script, reading "Stephanie O'Keeffe", is written over a horizontal line.

STEPHANIE O'KEEFFE

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