

1 VILLAGE OF GREENPORT
2 PLANNING BOARD
3 REGULAR SESSION
4 August 7, 2014
5 5:00 p.m.

6
7

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

10
11

- 12 Appearances:
13 Pat Mundus – Acting Chairperson
14 Ben Burns
15 Chris Dowling
16 Devin McMahon
17
18 Joseph Prokop – Village Attorney
19 Eileen Wingate – Village Building Inspector

20
21

22
23
24
25

Planning Board Regular Session 8/7/14

2

1 (Whereupon, the meeting was called to order
2 at 5:09 p.m.)

3 MS. MUNDUS: Okay. This is the August 7th
4 meeting of the Greenport Village Planning Board.
5 I am standing in for our Chairperson today.

6 And Item #1 is the continued discussion and
7 possible motion on the revised site plan
8 submitted by Imran Qasim Khan, owner of Layyah
9 Corporation, requesting a use evaluation for the
10 addition of a car service office/operation into
11 the existing convenience store office. The store
12 is located at 331 Front Street; Suffolk County
13 Tax Map #1001-6.-2-17.

14 Would you like to speak to us anymore about
15 any further progress that you've made on your
16 application?

17 MR. KHAN: I think I have done everything,

18 whatever was required.

19 MS. MUNDUS: Could you come to the podium
20 so that you could speak into the microphone,
21 please.

22 MR. KHAN: Imran Qasim Khan. I think I
23 have done everything which was required by the
24 Greenport Building Department.

25 MS. MUNDUS: Okay.

Planning Board Regular Session 8/7/14

3

1 MR. KHAN: I did get the list of that. I
2 think we've done everything.

3 MS. MUNDUS: Okay. Just so that the
4 minutes reflect this, at the work session we had
5 a discussion about Mr. Imran Khan was unable to
6 get permission from his landlord to provide
7 specific designated parking places for his taxis.
8 So he's pretty much done everything that we asked
9 him to do, except he's unable to get designated
10 parking for the taxis. So we asked him to reduce
11 the number of taxis to one taxi, and park behind
12 the building, which is -- serves to not take away
13 any of the other parking places for the

14 handicapped or for the customers, and it doesn't
15 interrupt the traffic flow, which is what the
16 neighbors were complaining about, people not
17 using the enter and exit signs properly.

18 MR. KHAN: Yes.

19 MS. MUNDUS: So when we -- when we approve
20 this, we're going to approve a motion that says
21 you're allowed to have a taxi, one taxi --

22 MR. KHAN: One taxi.

23 MS. MUNDUS: -- on the property, not two.
24 You're not allowed to have any signs that promote
25 your taxi service, because you did a very nice

Planning Board Regular Session 8/7/14

4

1 job of removing all those.

2 MR. KHAN: Okay.

3 MS. MUNDUS: And the picnic table, which
4 was not legal.

5 MR. KHAN: Yeah, which is gone.

6 MS. MUNDUS: But we expect you to park the
7 taxi behind the fence.

8 MR. KAHN: Behind the fence, yes.

9 MS. MUNDUS: And in the last two weeks, I

10 don't think there's anyone here that saw that
11 happening. So we're asking you to keep your end
12 of the bargain and park the taxi behind the
13 building.

14 MR. KAHN: Behind the building, yes.

15 MS. MUNDUS: Not in the handicapped parking
16 place, and not in the regular parking places.

17 MR. KHAN: No.

18 MS. MUNDUS: So does anybody have any kind
19 of input they'd like to add at this point, or ask
20 any questions?

21 MR. DOWLING: Are we doing it -- this is a
22 temporary, right, that we're doing?

23 MS. MUNDUS: Right.

24 MR. DOWLING: Right.

25 MS. MUNDUS: For the minutes also, we had

Planning Board Regular Session 8/7/14

5

1 said that we were going to give a temporary
2 permit so that we could measure the performance
3 of this requirement.

4 MR. KHAN: Sure.

5 MS. MUNDUS: Since there are no designated

6 parking places for the taxi, you have to keep
7 your word that you're going to keep it behind the
8 building.

9 MR. KAHN: Sure.

10 MS. MUNDUS: And if you do not, then we
11 will not extend your permit after it runs out.
12 Okay?

13 MR. KHAN: Yes.

14 MS. MUNDUS: Just so that -- I just want to
15 make sure you understand that.

16 MR. KHAN: Sure.

17 MR. DOWLING: Just a question. Now that we
18 have a Code Enforcement Officer, if someone does
19 not comply with the site plan, is that subject
20 to, you know, fines and whatnot?

21 MR. PROKOP: Yes. It's a violation of the
22 site plan, a site plan approval, would be a
23 violation. He would be issued fines and then you
24 could call -- you could actually call the
25 applicant back before this Board.

Planning Board Regular Session 8/7/14

6

1 MR. DOWLING: Okay.

2 MR. PROKOP: So just to make sure for the
3 decision, that I have the -- I have the
4 conditions correct. The first is that there'll
5 only be one taxi parked on the property and that
6 will be parked along the side of the building?

7 MS. MUNDUS: That's correct. The side of
8 the building refers to the back of the building
9 behind the fence.

10 MR. DOWLING: South side.

11 MS. MUNDUS: The south side of the
12 building.

13 MR. PROKOP: Okay. The second one is that
14 there'll be no picnic table.

15 MS. MUNDUS: Correct.

16 MR. PROKOP: The picnic table will be
17 removed and it will not be replaced. There will
18 be no picnic table on the property.

19 MR. DOWLING: It's gone now, yeah.

20 MS. MUNDUS: Correct.

21 MR. PROKOP: Okay. The third thing is that
22 we're going to give -- we're going to give site
23 plan approval, but it's going -- only going to be
24 for one year, to have another hearing one year
25 from now for compliance.

1 MR. DOWLING: Six months.

2 MS. MUNDUS: Did we say six months?

3 MR. DOWLING: Six months.

4 MS. MUNDUS: Six months.

5 MR. PROKOP: Six months? Okay.

6 MS. MUNDUS: Six months.

7 MR. PROKOP: Okay. And then I would
8 recommend that we have one other condition, which
9 is all of the conditions of the original site
10 plan approval for the property should be met;
11 that would be a condition of this.

12 MS. MUNDUS: Do you understand that?

13 MR. KHAN: Yes.

14 MS. MUNDUS: Okay.

15 MR. PROKOP: And I don't have anything
16 else.

17 MS. MUNDUS: Okay. Well, then --

18 MR. PROKOP: The only thing we need to do
19 is we need to do a brief SEQRA resolution. The
20 Board would adopt Lead Agency status, determine
21 that the adoption of this -- the approval of this
22 application is an unlisted action for the

23 purposes of SEQRA, and that the approval will not
24 have a significant negative impact on one or more
25 aspects of the environment. So, if you agree

Planning Board Regular Session 8/7/14

8

1 with that, then one of you can make a motion and
2 second, and you can have a vote.

3 MR. BURNS: I move so -- so move.

4 MS. MUNDUS: I second. Okay. The motion
5 passes.

6 MR. PROKOP: Okay. So then we've done
7 SEQRA and you can vote on the application.

8 MS. MUNDUS: Okay. So the motion is going
9 to be you have one taxi. There is going to be a
10 taxi designated place behind the building.

11 MR. KHAN: Behind the building, yes.

12 MS. MUNDUS: That all other conditions of
13 your prior site plan approval have to be met,
14 which means you have to make sure that the signs
15 are clear for the enter and exit, and that the
16 picnic table does not return to the property.

17 MR. KHAN: It's not. It's still in the
18 back of the building on the other side.

19 MS. MUNDUS: Okay. Would anybody like to
20 second that motion?

21 MR. MC MAHON: I'll second that.

22 MS. MUNDUS: And a vote on it?

23 MR. BURNS: Aye.

24 MR. DOWLING: Aye.

25 MR. MC MAHON: Aye.

Planning Board Regular Session 8/7/14

9

1 MS. MUNDUS: Aye.

2 Okay, it passes.

3 MR. KHAN: Thank you.

4 MS. MUNDUS: Good luck to you.

5 MR. KHAN: Thank you.

6 MS. MUNDUS: Okay. So Item #2 is the
7 continued discussion and possible motion for an
8 enlargement of the curb cut at 402 Front Street.
9 Property owner, Dave Kapell, is requesting an
10 additional seven-foot curb cut. This property is
11 zoned CR-Commercial/Retail; Suffolk County Tax
12 Map 1001-4.8-14.

13 And I think that we have pretty much gone
14 over all the details at the work session. And

15 it's my belief, unless I hear anything other,
16 that we're ready to vote on this motion.

17 MR. BURNS: I move we approve it.

18 MS. MUNDUS: Okay.

19 MR. MC MAHON: Second.

20 MR. PROKOP: I just have a question of
21 clarification. It says -- the first part of it
22 says that it's enlargement of the curb cut, and
23 then the second part says it's an additional
24 seven feet, seven-foot curb cut. Is the
25 enlargement seven feet, or there a second --

Planning Board Regular Session 8/7/14

10

1 MR. MC MAHON: Enlargement.

2 MR. PROKOP: Enlargement seven feet?

3 MS. MUNDUS: Enlargement seven feet.

4 MR. PROKOP: Okay.

5 MS. MUNDUS: And we went over the site plan
6 and we had a lot of discussion about it at the
7 work session, and I think we all unanimously felt
8 that it was an improvement to the property and to
9 the street in Greenport, and it helps the
10 intersection quite a bit, and the snow plow

11 particularly, right?

12 MR. KAPELL: Thank you.

13 MS. MUNDUS: Okay. So we -- I move, then,
14 that we just approve the enlargement of the curb
15 cut at 402 Front Street for an additional
16 seven-foot curb cut. Anyone second?

17 MR. MC MAHON: I second the motion.

18 MS. MUNDUS: And we vote on it.

19 MR. BURNS: Yes.

20 MR. DOWLING: Aye.

21 MR. MC MAHON: Aye.

22 MS. MUNDUS: Aye.

23 Motion passes.

24 MR. KAPELL: Thank you very much.

25 MS. MUNDUS: Thank you. Item #3, continued

Planning Board Regular Session 8/7/14

11

1 discussion and possible motion on the application
2 for site plan approval. Applicant, Ken Ludacer,
3 has proposed to construct a single-family home on
4 the vacant lot between 131 and 133 Sixth Street;
5 Suffolk County Tax Map #1001-7.-1-15.2.

6 We last week -- last meeting we had a long

7 discussion about the property and about the
8 construction. It's a prefab home on concrete
9 piles. And we had asked for a diagram, an
10 architect's plan that showed the reorientation of
11 the front entry stairs from the street side of
12 the building to the south side of the building.
13 And we have a great drawing of it, and it shows
14 in proportion what the house will look like on
15 the pilings. Thank you very much for that.

16 MR. LUDACER: Oh, thanks.

17 MS. MUNDUS: Okay.

18 MR. LUDACER: Yeah. Around just a couple
19 of hours ago, a little bell went off in my head.
20 You might recall that initially I had -- was
21 proposing the stairs in the front of the house as
22 opposed to the side. And it dawned on me, again
23 a couple of hours ago, that I did have a good
24 reason for that, I just forgot what that reason
25 was, and getting bogged down with lesser

Planning Board Regular Session 8/7/14

12

1 concerns, and that was that I do intend to have
2 porch furniture. And with the design with the

3 stairs on the side, I'm kind of consigning a good
4 third of the porch to a walkway to the front
5 door. And, as such, I wanted to humbly offer
6 this kind of -- this view as to -- I'd like to
7 now move these steps from the side of the house,
8 the same size steps.

9 MS. MUNDUS: So this is now the street
10 elevation? This is what --

11 MR. LUDACER: Yeah.

12 MS. MUNDUS: -- we would see from -- if we
13 could see through your hedge?

14 MR. LUDACER: Yes.

15 MS. MUNDUS: This is what it would look
16 like. So there is no change to what we
17 discussed, then, in your initial site plan two
18 weeks ago at the work session, right? This is
19 the way it was in the plan and then we discussed
20 moving it, and now we're back to where it was in
21 the beginning?

22 MR. LUDACER: Well, I mean, I think at the
23 beginning of the last site plan, the plan had
24 been to -- or last meeting, was to have the
25 stairs on the side, and I did have that. But,

1 yeah, now, I -- in remembering why I had it in
2 the front to begin with, yeah, this would be the
3 -- I would want the steps in the front.

4 MS. MUNDUS: Okay. I guess I'm just
5 searching for clarity, so that when we vote, we
6 know exactly what we're voting on.

7 MR. LUDACER: Yeah.

8 MS. MUNDUS: And --

9 MR. LUDACER: Excuse me. Everything's the
10 same, but the front steps, instead of being on
11 the side of the house, would be along the front,
12 as pictured.

13 MS. MUNDUS: So this drawing matches the
14 front elevation on your architect's plans, with
15 your personal rendering of what the stairs are
16 going to look like?

17 MR. LUDACER: Yes, yes. Again, it's just
18 like within the last hour that -- and, again, my
19 reasons being that with the stairs in the side, I
20 realized I'd be bumping or squeezing past patio
21 or porch furniture --

22 MS. MUNDUS: Right.

23 MR. LUDACER: -- any number of times.

24 MS. MUNDUS: Yeah. I think the logic is
25 correct. And I think aesthetically, personally,

Planning Board Regular Session 8/7/14

14

1 I like this one better than the ones on the side.

2 MR. DOWLING: Yeah.

3 MS. MUNDUS: The difference is on what you
4 had submitted two weeks ago at the work session,
5 on the survey, the rise of the stairs is to the
6 south, and on this one, the rise of the stairs is
7 to the north.

8 MS. WINGATE: That's correct.

9 MS. MUNDUS: So when we go to vote on this,
10 we should be explicit about that, and we need
11 your advice on -- can we an approve it, because
12 what was submitted initially is now different?

13 MR. PROKOP: Well, I think you can approve
14 it, but you need to -- do you want this?

15 MS. WINGATE: Go ahead.

16 MR. PROKOP: I'm sorry. You can approve
17 it, if you wanted -- the two things to do is,
18 one, to require him to come back with an amended
19 plan. The second thing that you could do is you

20 can approve it subject --

21 MS. MUNDUS: Excuse me, I didn't hear the
22 first thing.

23 MR. PROKOP: The first thing you can do is
24 to require him to come back with an amended plan
25 and adjourn it until the work session. The

Planning Board Regular Session 8/7/14

15

1 second thing that you can do, if you'd like, is
2 you can approve it subject to the -- I'm thinking
3 the defendant, I'm sorry.

4 (Laughter)

5 MR. PROKOP: I'm sorry, I apologize.
6 Approve it subject to the applicant coming --
7 submitting amended plans, you know, indicating
8 the change that was made prior to the issuance of
9 a building permit.

10 MS. MUNDUS: Okay. I think that unless you
11 have any other changes, speak now, or forever
12 hold your peace.

13 MR. LUDACER: No. I mean, my recollection
14 was on everything that was submitted, did I --
15 did I have -- did I have drawings at that point?

16 MR. DOWLING: Yeah.

17 MS. MUNDUS: Yes.

18 MR. DOWLING: So your drawings that you
19 submitted here, it shows the stairs coming up to
20 almost like the middle of the house right here.
21 Right there.

22 MS. MUNDUS: Ken, maybe it's to your
23 advantage to adjourn.

24 MR. DOWLING: And then this picture right
25 here shows the fence going --

Planning Board Regular Session 8/7/14

16

1 MR. LUDACER: Yeah.

2 MR. DOWLING: Your railing going here, so
3 it's faced there for the door.

4 MR. LUDACER: Yeah, which is sort of
5 what --

6 MR. DOWLING: Yeah, what you have on here,
7 but this part is different.

8 MR. LUDACER: Yeah. I mean, I know that --
9 yeah, that I need to speak to the architect to
10 have him --

11 MR. DOWLING: Draw that in?

12 MR. LUDACER: Yeah.

13 MS. MUNDUS: Do you need more time to do
14 that, because --

15 MR. LUDACER: I really don't.

16 MS. MUNDUS: Would you rather us approve
17 contingent on --

18 MR. LUDACER: Yeah, I would.

19 MS. MUNDUS: -- submitting your plans to
20 the Building Department?

21 MR. LUDACER: Yeah, with the caveat.

22 MS. MUNDUS: Because nothing else has
23 changed.

24 MR. LUDACER: No, nothing else.

25 MS. MUNDUS: I mean, basically, the stairs

Planning Board Regular Session 8/7/14

17

1 rise one direction instead of the other. It's
2 really --

3 MR. LUDACER: Yeah.

4 MS. MUNDUS: -- not a significant detail.

5 MR. BURNS: I would be glad to make that
6 motion, then.

7 MS. MUNDUS: And it looks to me like that

8 should have been thought out on your original
9 application, because the steps wouldn't lead to
10 the front door.

11 MR. LUDACER: Yeah. Again, the steps were
12 the last thing that I was kind of rushing to put
13 together --

14 MS. MUNDUS: Right.

15 MR. LUDACER: -- at the work session. And
16 in consideration of too many things, I lost the
17 woods from the trees, so to speak.

18 MS. MUNDUS: Okay. So let's think about
19 the --

20 MR. DOWLING: Actually, I prefer the stairs
21 on the front, personally, because the viewpoint
22 is it kind of blocks the sort of openness. It
23 sort of looks a little better on the house, too.

24 MS. MUNDUS: Yeah, I like the symmetry of it.
25 Okay. So the motion will be to approve the

Planning Board Regular Session 8/7/14

18

1 site plan that was submitted, and the building
2 plans, the elevations, with the exception of the
3 stairs that will rise to the -- towards the north

4 of the house, instead of to the south of the
5 house. And that would be for Ken Ludacer,
6 proposal to construct a single-family home on the
7 vacant lot between 131 and 133 Sixth Street.

8 Does anyone want to second that motion?

9 MR. DOWLING: I'll second that.

10 MS. MUNDUS: Shall we vote on it?

11 Everybody approve?

12 MR. BURNS: Aye.

13 MR. DOWLING: Aye.

14 MR. MC MAHON: Aye.

15 MS. MUNDUS: Aye.

16 You have the details, Joe?

17 MR. PROKOP: Yes, I got it.

18 MS. MUNDUS: Okay.

19 MR. PROKOP: Thank you very much.

20 MS. MUNDUS: Okay. Moving on to Item #4,
21 continued discussion and possible motion on
22 application for site plan approval. Applicant,
23 Joseph Henry, has submitted a plan for the
24 construction of a new mixed use building with
25 commercial space on the first floor, and a second

1 floor artist dwelling unit. The proposed
2 construction is located at 421 First Street;
3 Suffolk County Tax Map #1001-4.-6-36.

4 So the application that we discussed during
5 the work session two weeks ago has since been
6 modified to include, rather than a residential
7 dwelling upstairs above the pet store, to an
8 artist dwelling, because that's what the code
9 allows. And everything else is -- are there
10 anymore changes in your application or --

11 MR. HENRY: No.

12 MS. MUNDUS: Okay. Let me just check my
13 notes here to make sure that we have the right --

14 MR. DOWLING: Eileen, under artist
15 dwelling, does that fall under the Arts District
16 in the code?

17 MS. WINGATE: No, it falls under R-2.
18 Joe's on it.

19 MR. PROKOP: This isn't R-2.

20 MS. WINGATE: Oh, it falls -- sorry, CR.
21 I'm sorry.

22 MS. MUNDUS: Okay. That would be, for the
23 record, Section 150-9(a) --

24 MS. WINGATE: Thank you.

25 MS. MUNDUS: -- 18. Prohibits the use

Planning Board Regular Session 8/7/14

20

1 accessory apartment dwelling in new construction.

2 MR. PROKOP: No.

3 MS. MUNDUS: Section 150-9(c)(2) permits an
4 artist dwelling. So Joe Henry will be correcting
5 his application to reflect the fact that he is
6 meeting Section 150-9(c)(2), which would allow
7 for an artist dwelling.

8 So nothing else changes about it, except
9 the way it's legally classified; is that correct?

10 MR. HENRY: Correct.

11 MS. MUNDUS: Is there -- are there any
12 other requirements, Joe, that we need to discuss
13 for an artist dwelling, rather than for a
14 residential dwelling? Are there any specifics
15 that we -- from an enforcement point of view that
16 we need to be aware of? How do we -- how does
17 the Planning Department know that it's actually
18 going to be an artist living there, for example?

19 MR. PROKOP: Well, that would be a
20 condition of the approval, you know, that the use

21 is -- the use is restricted to the use as an
22 artist dwelling only.

23 MS. MUNDUS: And an artist has a legal
24 evidence of his or her profession as an artist?
25 That means that when you go to rent this

Planning Board Regular Session 8/7/14

21

1 apartment, this dwelling, it's incumbent upon you
2 to make sure that it really is an artist.

3 MR. PROKOP: It's really supposed to be --
4 I think it's supposed to be somebody -- it's
5 defined as somebody that is supposed to be doing
6 work actually in the unit, you know, as part of
7 their profession, sort of like what we think of
8 as a loft --

9 MS. MUNDUS: Right.

10 MR. PROKOP: -- type setup.

11 MS. MUNDUS: Right. Well, that's why I was
12 asking whether there were any changes to the
13 dwelling, because studio space requires a slop
14 sink, I mean, unless it's a writer, I suppose. I
15 suppose -- I really don't know. I'm not well
16 versed enough in the art field to know what an

17 artist dwelling is, as opposed to a residential
18 dwelling. I assume it's studio space. Does
19 anybody else have any feelings about this?

20 MR. DOWLING: In the code, under an Arts
21 District, it basically says a building or a
22 portion of a building used as an accessory
23 residence to a studio or gallery by the resident
24 artist.

25 MS. MUNDUS: Can you repeat that?

Planning Board Regular Session 8/7/14

22

1 MR. DOWLING: It says an artist dwelling is
2 a building or portion of a building used as an
3 accessory residence to a studio or gallery by the
4 resident artist. It doesn't --

5 MS. WINGATE: What section of the code is
6 that, Chris?

7 MR. DOWLING: This is under 42, under Arts
8 District. So I don't know if this part of the
9 Village is part of the Arts District.

10 MR. BURNS: That really doesn't need to go
11 into our motion, does it?

12 MS. WINGATE: As a condition?

13 MR. BURNS: No, not that.

14 MS. MUNDUS: Well, we need to make sure
15 that what we're approving is actually the intent
16 in the letter of the law.

17 MR. DOWLING: It's under 42. There's
18 supposed to be an application for a permit to
19 have an artist dwelling. It's filed, I guess, by
20 the occupant, or is it the landlord?

21 MR. BURNS: I just mean the detail of what
22 an artist dwelling is.

23 MR. PROKOP: So I think that we should
24 require that -- thank you, Chris. I think that
25 we should require that the -- there's conformance

Planning Board Regular Session 8/7/14

23

1 with Chapter 42 of the code, that the use -- as
2 part of the approval. You know, if you do
3 approve this, that that is a condition of the
4 approval, that the use of those two units
5 complies with Chapter 44 of the Village Code.

6 MR. DOWLING: Forty-two.

7 MR. PROKOP: I'm sorry, I apologize. Thank
8 you. Forty-two, which would include obtaining

9 this permit. And, you know, it's going to have
10 to be accessory to a gallery or studio, and I
11 don't --

12 MS. WINGATE: It doesn't say that.

13 MR. PROKOP: Is it accessory?

14 MR. DOWLING: Yeah. It says for accessory
15 use, it does say that you're allowed to use
16 artist dwelling. Gallery, studio, artist
17 dwelling. Oh, sorry. I was just saying that
18 artist dwelling as part of the accessory use is
19 allowed.

20 MR. PROKOP: So, I mean, you know,
21 otherwise, I think we're going to have kind of a
22 problem, because he'll be able to get a -- he'll
23 be able to get a building permit and build out
24 the units, and then sort of after the fact we're
25 going to have to be making sure that there's

Planning Board Regular Session 8/7/14

24

1 compliance with this Chapter 42.

2 MR. DOWLING: Right.

3 MR. PROKOP: But, you know, we'll just have
4 to work our way through it. I don't know what

5 else to do. But it does say that an artist
6 dwelling, as you pointed out, is a residence
7 that's accessory to a studio or gallery.

8 MR. MC MAHON: I'd like to find a way to
9 make this work, but I don't want them to run into
10 a problem after they've already built, you know,
11 they've already put in time and built the space
12 and then there's going to be an issue, a
13 work-around for it, and that's essentially what
14 this -- I think declaring it as an artist
15 dwelling is a work-around to not being allowed to
16 have a residential space in commercial property.
17 But if that's actually not going to work all the
18 way through, then we need to address that now,
19 rather than approve it and then have you run
20 into, you know, a problem getting a C of O.

21 MR. DOWLING: I guess probably the biggest
22 issue for you would be finding an artist to rent
23 the spot, really.

24 MR. HENRY: Well, I was under the
25 impression like even if you were in a band,

1 musical instrument, that would be considered an
2 artist, not just --

3 MS. MUNDUS: Yeah, I would think that it's
4 a semantics issue in the code. I mean, an artist
5 could be somebody who writes novels.

6 MR. DOWLING: It's in the code, actually.

7 MS. MUNDUS: That's an artist as well.

8 MS. HENRY: Photograph, photographer.

9 MR. DOWLING: In the code, under the
10 definition of -- you know, it goes into fine
11 arts, painting, sculpture, performing or creative
12 arts, including, but not limited to, writing,
13 choreography, photography, video and film-making,
14 or in composition and/or performance of music on
15 a professional basis, and is so certified by the
16 Board of Trustees of the Village of Greenport,
17 so --

18 MS. MUNDUS: And 90% of those things do not
19 have a gallery or studio.

20 MR. DOWLING: Yeah.

21 MS. MUNDUS: So it's an issue in the way
22 the law was written.

23 MR. DOWLING: But, I mean, professional
24 artist is the most important thing.

25 MS. MUNDUS: Professional artist.

1 MR. DOWLING: So they're going to sell one
2 piece.

3 MS. MUNDUS: So I guess it's our -- unless
4 I hear differently, it's our impression that the
5 law was written to support the creative portion
6 of the population in Greenport, but not
7 necessarily to just limit it to a painter who
8 needs a studio or a gallery. So if that is -- if
9 we all agreed that that is the way the law was
10 written and that was the intent of the law, as
11 long as you're willing, as landlord, to get this
12 permit, it's going to be incumbent upon you to
13 review that person's credentials and make sure
14 that they can prove that they are a professional
15 artist.

16 MR. HENRY: Correct. I believe there's an
17 application that the Village has to file for
18 that.

19 MR. PROKOP: Okay. So subject to that, you
20 know, that would be the condition, then, there's
21 compliance with Chapter 42, then it's okay.

22 MS. MUNDUS: Okay.

23 MR. MC MAHON: And I would encourage you to
24 make sure that you're going to be in compliance
25 with that before going ahead. I mean, we'll or I

Planning Board Regular Session 8/7/14

27

1 certainly would approve it on that ground, but
2 make sure that you are going to get that approval
3 before you begin. And if not, then try to find
4 another way to make it happen. But, certainly, I
5 want to make sure that that's going to work
6 before you go ahead with anything.

7 MS. MUNDUS: Can he do that, can he get the
8 artist permit before he gets -- goes ahead and
9 starts with construction, or no?

10 MS. WINGATE: He's supposed to locate a
11 tenant --

12 MR. DOWLING: Yeah, I think that's going to
13 be --

14 MS. WINGATE: -- before he has the space to
15 rent.

16 MS. MUNDUS: So there's no way for him to
17 do that, then.

18 MR. DOWLING: No.

19 MR. BURNS: We could revisit it.

20 MS. WINGATE: You could revisit it.

21 MR. PROKOP: Well, then he would go to the
22 Zoning Board of Appeals. I mean, if he comes
23 in -- I mean, there is an avenue that he can do
24 it. If he tries for a month or two and he can't
25 rent it to an artist, for whatever reason, or he

Planning Board Regular Session 8/7/14

28

1 can't rent one of these to an artist, then he
2 could go to the Zoning Board of Appeals for a
3 variance. He would just be getting the approval
4 from a different Board, that's all.

5 MS. MUNDUS: Okay. So he would be safe.
6 Okay. Are we having anymore discussion on this?
7 Do we feel that we're ready?

8 (No response.)

9 MS. MUNDUS: At the work session, we agreed
10 that we were going to approve this, and if
11 there's nothing different or more discussion
12 about it, we can make the motion to approve.
13 Anybody have anything to add?

14 MR. BURNS: I move approval.

15 MS. MUNDUS: Okay. So the motion would be
16 to approve the application site plan of Joseph
17 Henry for the construction of the new mixed use
18 building with commercial space on the first
19 floor, and the second floor artist dwelling unit,
20 as long as the conditions of Section 42 of the
21 Town Code are met that are apropos to an artist
22 dwelling at 421 First Street, and Suffolk County
23 Tax Map #1001-4.-6-36. Anyone second?

24 MR. BURNS: Second.

25 MS. MUNDUS: And shall we vote?

Planning Board Regular Session 8/7/14

29

1 MR. BURNS: Aye.

2 MR. DOWLING: Aye.

3 MR. MCMAHON: Aye.

4 MS. MUNDUS: Aye.

5 The motion is approved.

6 MR. HENRY: Thank you.

7 MS. MUNDUS: Okay --

8 MR. PROKOP: On this one, I just want to --
9 I know we're doing it after the fact. I'm sorry,

10 I apologize, I should have caught it. I would
11 like to do a SEQRA resolution just so we have it
12 for the record.

13 MS. MUNDUS: Okay.

14 MR. PROKOP: Because this is a fairly
15 complicated application.

16 MS. MUNDUS: Okay.

17 MR. PROKOP: So we would just -- I'd like
18 to have a motion to -- for the Board to adopt
19 Lead Agency status to determine that the approval
20 of this application is an unlisted action for
21 purposes of SEQRA, and that the approval of the
22 application will not have a significant or
23 negative impact on one or more aspects of the
24 environment.

25 And we pretty much talked through the

Planning Board Regular Session 8/7/14

30

1 potential impacts at the last meeting and there
2 wasn't found to be any.

3 MS. MUNDUS: Right.

4 MR. PROKOP: So, if you're in agreement,
5 then if we could just have a first, you know,

6 motion and a second, and then approval, please.

7 MS. MUNDUS: Okay. I'd make that motion.

8 MR. BURNS: And I second it. And that's --

9 MS. MUNDUS: Okay. And we vote on it.

10 MR. BURNS: Aye.

11 MR. DOWLING: Aye.

12 MR. MC MAHON: Aye.

13 MS. MUNDUS: Aye.

14 MR. PROKOP: Okay. Thank you.

15 MS. MUNDUS: Okay. Thank you.

16 So Item #5 is the motion to schedule the
17 next work session on 8/28/14, and the next
18 regular session for September 4th, 2014. Anyone
19 second?

20 MR. BURNS: Second.

21 MS. MUNDUS: And we vote.

22 MR. BURNS: Aye.

23 MR. DOWLING: Aye.

24 MR. MC MAHON: Aye.

25 MS. MUNDUS: Aye.

Planning Board Regular Session 8/7/14

31

1 Okay. And Item #6 is motion to adjourn.

2 Anyone second?

3 MR. BURNS: Second.

4 MS. MUNDUS: Vote?

5 MR. BURNS: Aye.

6 MR. DOWLING: Aye.

7 MR. MC MAHON: Aye.

8 MS. MUNDUS: Aye.

9 Thank you very much.

10 (Whereupon, the meeting was adjourned at

11 5:40 p.m.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 C E R T I F I C A T I O N

2

3 STATE OF NEW YORK)

4) SS:

5 COUNTY OF SUFFOLK)

6

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

10 THAT, the above and foregoing contains a
11 true and correct transcription of the
12 proceedings taken on August 7, 2014.

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

17 IN WITNESS WHEREOF, I have hereunto
18 set my hand this 19th day of August, 2014.

19

20

21

22

Lucia Braaten

23

24

25