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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD
REGULAR SESSION

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Third Street Firehouse
Greenport, New York

September 7, 2017
4:00 p.m.

Before:

DEVIN McMAHON - CHAIR (Absent)

MARY GIVEN - ACTING CHAIRWOMAN

NOAH THOMAS - MEMBER

JOHN COTUGNO - MEMBER

BRADLEY BURNS - MEMBER

ROBERT CONNELLY - ATTORNEY

KRISTINA LINGG: BUILDING CLERK

GLYNIS BERRY: PLANNING BOARD CONSULTANT

2 ACTING CHAIRWOMAN GIVEN: We are
3 going to commence the Village Planning
4 Board September 7th Meeting at 4:00.

5 Item No. 1 - 102 Main Street.

6 Discussion and possible motion on
7 the use evaluation application and
8 signage application of Evan Hoffman. The
9 applicant is proposing to open a Jet Ski
10 Tour business at Preston's Marina,
11 located at 102 Main Street. This
12 property is located in the Waterfront
13 Commercial District. This property is
14 also located in the Historic District.

15 Suffolk County Tax Map number
16 1001-5-3-12.1.

17 Does anyone wish to speak -- sure
18 take the podium. State your name and
19 address for the record, please. Thank
20 you.

21 MR. BERSON: My name is David
22 Berson. 508 Sterling Place, Greenport,
23 New York 11944.

24 Since 1999 I have been operating
25 Glory at Preston's Dock. The only solar

2 charged electric power boat certified by
3 the Coast Guard of America. You all know
4 who I am.

5 I wrote an opinion piece in
6 today's Suffolk Times, that I suggest you
7 all read, where I marshalled some
8 arguments to why I am against this.

9 It is a very complex issue for
10 me. Firstly, I want to take off the
11 table is that I am not against it because
12 I am worried about the competition.
13 Glory has its own niche and always had it
14 own niche because it is environmentally
15 friendly.

16 It is a complicated project for
17 me as well because my partner is Andrew
18 Rowson, who is also my landlord. And it
19 creates a lot of stress for me to even be
20 here and try to ameliorate all the
21 conflicts with my friendships and my
22 business relationships. But I feel
23 strongly enough about this to want to
24 engage this.

25 The arguments I marshalled in the

2 Suffolk Times have to do strictly with
3 pollution and noise. Whether it is
4 pollution in the water or whether it is
5 noise pollution. And also the fact that
6 an eco tour on a jet ski is the ultimate
7 oxymoron. Because any time you are going
8 to be taking a jet ski into places where
9 birds and mammals and creatures have been
10 living a very solitary life, you are
11 interrupting all of that and that is
12 important. Not to talk about the
13 copepods and the plankton and the impact
14 that it will have and does have.

15 It is all written information
16 available anywhere. On the small
17 plankton and algae that sustain our
18 oyster businesses now in the bay as well
19 as making Peconic Bay considered by the
20 Nature Conservancy one of the ten most
21 beautiful places in the world.

22 I want to refer the
23 committee here to the LWRP, if I can,
24 Chapter 139. Now I know the LWRP has not
25 been assigned on but I also know that the

2 Planning Board uses it as a guidelines
3 for adjudicating and/or referencing how
4 to proceed with the waterfront. On
5 coastal area in Section K is something
6 here that is written -- Section K says,
7 protect surfaces and groundwater from
8 direct and indirect discharge of
9 pollutants.

10 So my experience is, knowing that
11 corner over there and knowing what is
12 recommended for filling up jet skis, IE,
13 that they are placed on the hard or on
14 the land before they are filled up. My
15 experience with watching previous people
16 that have been in that corner is that
17 nobody does and that unless there is a
18 plan in place to prevent oil or gas
19 spill, which is inevitable given the rush
20 of the current and bouncing around.
21 Which all of you know about and if you
22 don't all you have to do is walk down
23 there on a calm day and see what
24 transpires down there that we are facing
25 more potential end yet more gas and oil

2 in the water.

3 Now, that's fine if that is what
4 we want. But I think before we allow
5 that or before we allow anybody to come
6 in with a plan like this, if this is the
7 way they are going to fill up their
8 boats, IEEEE: in the water, that we need
9 to have a plan in effect so that there is
10 a boom there and a plan that will
11 remediate any gas spill that happens in
12 the water. Now, if we don't care
13 about the gas in the water, then that is
14 fine. I accept that completely. But if
15 we do care about it then we should have a
16 remediation plan in effect. We should
17 also be able to consult the DEC and the
18 EPA about their position about
19 remediation and what it is they may
20 require for this kind of thing.

21 I know the previous businesses
22 were there and I have lived through two
23 other previous businesses. I have had no
24 objection to them. When there was the
25 kite boarding there. He was very, very

2 careful. Joe, who is here, and when the
3 jet boot guy was there I wasn't paying as
4 much attention as I should have been, but
5 now I am paying attention. Because
6 everybody wants in the front door and --
7 let me get to this that in a minute.

8 What we want to do, according to
9 Section K, is protect the surface and
10 ground water from direct and indirect
11 discharge and pollutants. Okay. Section
12 M is eliminate non-water dependant
13 handling of petroleum hazardous materials
14 from the waterfront. This is very
15 clearly written in the LWRP which was
16 written and put out by you folks. So
17 all I am doing is just repeating what is
18 already in the record about what it is
19 that we want.

20 Some people have already said to
21 me, well what are you trying to shut down
22 an entrepreneur? No. I am an
23 entrepreneur myself. I came out here and
24 started this small business. It is not
25 about that. It is about following the

2 rules that the Planning Board themselves
3 have established.

4 I also want to get into the fact
5 that this gentleman is from East Hampton.
6 I have no problem with East Hampton but
7 the reason that he can't run this
8 operation in East Hampton -- where we all
9 know there is more discretionary money
10 and more people, is because in 2004
11 Governor Pataki signed into law saying
12 that every municipality in New York State
13 can ban jet skis within 1500 feet of the
14 shore line. Now this is a law passed by
15 a republican government in 2004. East
16 Hampton is not welcoming to him, nor is
17 Sag Harbor nor Shelter Island.

18 The fact Greenport is at the
19 bottom of the list just urks me to no
20 end. We are not the last place where
21 people can come and run businesses that
22 are not allowed anyplace else.

23 Now, I'm business friendly. I
24 have my own personal business. I am a
25 small business man. So this is not about

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2 people's right to run businesses, but we
3 need to run businesses responsibly. And
4 we need to look at the reasoning as to
5 why other communities will not allow this
6 business to be there.

7 The further thing is that this
8 allows us to have a conversation finally
9 -- not just in Greenport, but
10 specifically in Greenport for the harbor.
11 Since we can have the right I think we
12 should bring in the Village Board and
13 have a discussion about what it is we see
14 as the stewards of Peconic Bay. Do we
15 want to let Peconic Bay, which is already
16 under siege, turn into another sewer? Do
17 we want Peconic Bay to be preserved for
18 our children and grandchildren? Do we
19 want Peconic Bay to be our legacy for
20 eastern Long Island now that people are
21 growing more oysters out here. Now that
22 there is more Peconic Bay scallops. Now
23 that the blue claws are coming back.
24 Now that the fishermen are increasing.
25 Do we want to jeopardize this so one

2 person who can't run his business
3 anywhere else on eastern Long Island that
4 says that it is his right that he be
5 allowed to run his business here?

6 Now let him run his business at
7 the dock. That is fine. I want to make
8 sure that all of us are very conscious of
9 the choice that we are making if you
10 allow that to happen. Either we accept
11 our responsibility as being stewards of
12 Peconic Bay or we say, you know what,
13 business trumps all and the heck with
14 Peconic Bay. It has survived for so long
15 it will survive for another hundred or a
16 thousand years.

17 So my point is: This is a bad
18 idea. This is a bad place for it. And
19 we should definitely not allow this to
20 happen unless this gentleman here is able
21 to follow the rules that are prescribed
22 by your own committee and make sure that
23 a sufficient amount of remediation is in
24 place. Not after the fact, but prior to
25 the fact. And that includes the kind of

2 dock facility that he is going to build
3 that will allow this to happen. That is
4 all I'm saying. I am asking you to
5 follow the rules that you yourselves
6 enforce. Okay? So I thank you very much
7 for your time. I appreciate it.

8 MR. HOFFMAN: Can I go up to
9 answer his questions?

10 ACTING CHAIRWOMAN GIVENS: Yes.
11 Please state your name and address for
12 the record.

13 MR. HOFFMAN: Hi. How are you
14 doing? My name is Evan Hoffman.
15 Business of Sea Breeze Jet Skis Tourism,
16 LLC.

17 I want to go on what he said
18 about that law. It was not passed on
19 that date. The law was passed in 1988 by
20 Governor Pataki. The reason why was
21 because stand up jet skis started coming
22 out at that time and people were not able
23 to stand up at a slower speed than idol
24 and they started falling over. So
25 Governor Pataki passed a law because

2 going in idol in a stand up jet ski was
3 -- you were dragging yourself in the
4 water and people were falling over. So
5 you had to go faster miles an hour than
6 five miles an hour. And when everybody
7 kept falling over that's when he passed
8 the law.

9 Also regard fueling up, I am not
10 fueling -- if he was at the last meeting.
11 I am not fueling up at -- anything with
12 gas containers or using a launch and to
13 haul them out of the water by trailer.
14 They are being driven over to a gas dock
15 at Shelter Island were other jet skis and
16 other vessels are and they are also
17 registered as a boat of New York State.

18 And there is no pollution. They
19 are running cleaner now than any other
20 boats that are out there on the market.
21 There is three mufflers and there is a
22 catalyst that has to be changed every ten
23 hours. That is a \$125 part.

24 They are allowed on every
25 national lake in the United States now

2 because they are four stroke and they are
3 ultra low emissions. So they burn
4 cleaner than any other boat that is out
5 there. They are not two stroke any more.
6 They are all four stroke. There is no
7 fumes. There is no clouds of smoke
8 coming out of them. And they are whisper
9 quite.

10 Anybody that has done any
11 research or that has written anything
12 that is new, that is 2017 knows that you
13 barely could hear -- you can't even hear
14 it run. They are whisper quite. There
15 is no fumes coming out of them.

16 The 1500 foot rule is you have to
17 stay 1500 feet off the shore when you are
18 operating a PWC. You can't ride 500
19 feet along the shore line where there is
20 a swimming area. So the law states,
21 Albany's law of New York State is 1500
22 feet you have to stay off the shoreline.
23 So that means you have to stay in the
24 channel when going around Shelter Island.
25 Also, I am not going to any coves or

2 anywhere there is any egress birds or any
3 type of animals that are endangered
4 wildlife. I am also -- on very calm
5 days, on special days I will be going out
6 to Gardiners Island and keeping 1500 feet
7 off of Gardiners Island and also keeping
8 off of the ruins 1500 feet off that
9 island. Also you are not -- around here
10 the ruins are old.

11 I have seen pictures also on the
12 Internet of other companies that are out
13 here going very close to the ruins. It
14 is against the law. And I will be
15 following the law by staying 1500 feet
16 off of the ruins and Gardiners Island and
17 every other area.

18 We will be leaving Preston's dock
19 going in idol to the light buoys. And
20 then when the ferries that have parked on
21 both sides that are letting cars out that
22 is when we are going to leave. And they
23 follow me in a single file line. They
24 stay 500 feet away from the instructor.
25 That's me. And keep the same distance

2 between each other so there is no
3 accidents. And also there is a fifteen
4 minute safety course. And also when we
5 get to the next ferry that is on the
6 other side between Shelter Island and Sag
7 Harbor I will also explain that I will be
8 putting my hands up and letting them know
9 to go to idol and that is at four miles
10 an hour off the throttle and they have to
11 wait until both ferries are parked on
12 both sides. And then we will proceed
13 through the channel and we are staying in
14 the channel markers.

15 And also jet skis that are the
16 PWC are allowed in Sag Harbor. There is
17 no ban in Sag Harbor. There is no ban in
18 Greenport. The only ban is in Montauk.
19 Okay. And Three Mile Harbor and
20 Aquaponic. And the law is if you power,
21 you tow out by a boat -- that is what
22 Uihlein's Marina does in Montauk. They
23 tow all their jet skis out of Montauk
24 Harbor and they bring them out of the
25 harbor and they bring them outside the

2 harbor and they anchor their boats with
3 their jet skis to let people bring their
4 Wave Runners out. They go from buoy to
5 buoy and they stay within a certain
6 distance.

7 I am doing tours only. They are
8 staying with me in a group so nobody can
9 get lost, loses their bearing. Nobody
10 breaks down. They are always going to be
11 -- I am always going to be checking on
12 them and turning around looking behind me
13 and making sure that everybody is still
14 okay and still keeping up.

15 But that is the rule. You can
16 paddle -- be towed out. I talked to Ed
17 Michaels from East Hampton Town. If that
18 was an issue I would be ticketed,
19 multiple tickets. I have been jet skiing
20 for fifteen years now. And I have been
21 launching and I have been paddling out of
22 Clearwater Beach. That is where I am
23 from. I have not received one ticket.

24 I met with Ed Michaels. I had a
25 meeting with him. He says he has no

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2 problem with me using the marina at
3 Clearwater or using the facilities and
4 leaving out of the harbor. Ed Michaels
5 is fine with it 100%. I also talked with
6 your Harbor Master that is in the grey
7 building over in Mitchell Park. I talked
8 to him. He said he was going to send an
9 e-mail to the Board and explain to them
10 that he is fine with everything. I had a
11 20 minute meeting with him and he said he
12 will talk to everybody that he needs to
13 and get a hold of -- and let them know
14 that he is fine with everything.

15 And the town attorney just wanted
16 to make sure that I have on the bottom of
17 the insurance certificate that he is
18 co-insured. That the Town of Greenport
19 is co-insured at the bottom of my
20 insurance certificate. And also I have
21 Preston's Dock co-insured at the bottom
22 of my insurance certificate. So if there
23 is -- if someone trips Preston's is not
24 liable. It goes under my insurance.

25 The gentleman from The Glory

2 should do some research, Google regarding
3 the ultra low emissions and they are
4 allowed in every national park and lake.
5 And if that was the case regarding
6 pollution they would not allow them in
7 every national park and lake in the
8 United States now.

9 Thank you. And if anybody else
10 needs to come up I'll answer any more
11 questions.

12 MR. BERSON: Yes. I would like
13 to respond to that.

14 First of all, I am glad that you
15 clarified that it was 1988 that Governor
16 Pataki passed the law. You see, I didn't
17 know that it was that long ago. So as
18 early as 1988 the government gave
19 municipalities permission. It is true
20 what the gentleman says about the two
21 strokes versus four strokes, but I have
22 done my research and here is the reality:
23 The two strokes would give on 10 gallons
24 of gasoline and oil, mixed together, they
25 would lose about three gallons, 33 and

2 1/2% into the water for each trip. It is
3 true because of the lobbying for places
4 like the Nature Conservancy that two
5 strokes were finally outlawed and that
6 mission controls were finally instituted.
7 It is also true that now four stroke jet
8 skis only drop of gallon and a quarter
9 for a ten gallon trip. And I have done
10 my research.

11 Also let's talk about noise.
12 Noise travels -- or sound I should say
13 four time faster in the water than it
14 does in the air. So what we are talking
15 about is mitigating the noise in the air.
16 But let's think about the fish. Let's
17 think about the economic well being of
18 Peconic bay. Fish have already been
19 shown -- and why do we care about fish?
20 Ask the commercial fisherman. Ask the
21 fly fisherman out here. All of whom are
22 against this by the way. Why do we care
23 about the fish? Because the fish
24 hemorrhage when they get exposed to large
25 sound, loud sounds in the water. Also

2 because sound travels four times faster
3 in the water. It also travels four times
4 a greater distance.

5 Every argument this gentleman
6 makes leads me to only one question:
7 Why? If you are from East Hampton why
8 are you not operating out of East
9 Hampton? Why, if Sag Harbor allows you
10 to do this, you are not operating out of
11 Sag Harbor?

12 And who, by the way, is the
13 Harbor Master of Greenport? I know of
14 no person who is the Harbor Master. I
15 know of people who work in Mitchell Park.
16 But could you give me the name of the
17 Harbor Master?

18 MR. HOFFMAN: I spoke to the
19 Harbor Master.

20 MR. BERSON: Who and what is his
21 or her name?

22 MR. HOFFMAN: He has e-mailed the
23 Board.

24 MR. BERSON: Can anybody on the
25 Board give me the name of Harbor Master,

2 who at one time was Jeff Rubeau, but no
3 longer is? Is there a Harbor Master in
4 the Village? I don't mean to sound
5 pretentious. But given the fact that I
6 make my living on the water I should
7 know. If I don't know there is a Harbor
8 Master then I am not doing my job making
9 my living on the water. I feel very bad
10 that I don't know that there is a Harbor
11 Master. Please correct me.

12 ACTING CHAIRWOMAN GIVEN: No, I
13 believe we do not have a Harbor Master.

14 MR. BERSON: So the idea, right
15 away, saying that he spoke to a Harbor
16 Master leads me to believe that anything
17 else this gentleman is saying is suspect
18 for the voracity of what he is saying.

19 That is all I am saying. I have
20 no beef with this guy. I don't know who
21 he is. Although I will say -- I'll say
22 no more about that.

23 But I will say is the following:
24 That we need to figure out what our
25 responsibility is to the community of

2 Greenport and not to individual
3 businesses that come here with their
4 ideas. This was not the first choice,
5 trust me. This was not the first choice.

6 It was my first choice because
7 this is where I live. This is not his
8 first choice. That is what I am saying.
9 Whatever decision the Planning Board
10 comes to is fine. As long as you
11 understand what it is that you are
12 deciding on. Okay?

13 And I do suggest that we bring
14 this up at the Village Board meeting. I
15 am dead set against this completely and
16 there are many people who care about the
17 waterfront and the Peconic Bay who are
18 dead set against it. If you want to have
19 the Harbor Master of Sag Harbor or Three
20 Mile Harbor come here and vouch for you
21 that is great. Evan, if you want to have
22 the Harbor Master of Greenport come here
23 and vouch for you, I would like to know
24 who he is. I would like to know who the
25 Harbor Master is.

2 MR. HOFFMAN: I was on the video
3 yesterday walking into the building, so.

4 MR. BERSON: So your story is
5 immediately changing. There is no Harbor
6 Master. Is there a man wearing a tag --
7 I don't want to get into that. This is
8 not a personal argument. I am --

9 ACTING CHAIRWOMAN GIVEN: There
10 is no cross talking.

11 MR. BERSON: That's right. This
12 is the point to -- if I can't believe one
13 thing you say why should I believe
14 anything you say? There is no Harbor
15 Master. For you to come up before this
16 Planning Board and say that you got the
17 Harbor Master --

18 ACTING CHAIRWOMAN GIVEN: We
19 established that.

20 MR. BERSON: Pardon me?

21 ACTING CHAIRWOMAN GIVEN: We
22 established that. We established that
23 there is not a Harbor Master.

24 MR. BERSON: So that is all I
25 have to say in response. I suggest --

2 and it is true what Evan says, there is
3 an incredible amount of information on
4 the Internet. And all you have to do is
5 Google it. I am not clear at all on what
6 he says about the national parks, which
7 had outlawed jet skis, have rescinded
8 that. So if you want to do your job, you
9 should find out this information or I
10 will find it out for you and present it
11 at the next meeting. Thank you.

12 ACTING CHAIRWOMAN GIVEN: Thank
13 you, David.

14 Yes. Please state your name and
15 address for the record. Thank you.

16 MR. FLOTTERON: My name is Joe
17 Flotteron. I live at 619 Carpenter
18 Street here in the Village.

19 I came here only to listen but
20 because it is heating up I have a lot of
21 information that I feel is probably
22 important to all of you.

23 I have a company out here called
24 Peconic Water Sports. We all live out in
25 the Village. We have one in Southold, in

2 Sag Harbor and one in Southampton. We
3 run two jet ski and tour operations, a
4 fleet of the nine charger boats.

5 I actually started out renting
6 the dock space in question five years
7 ago, right next to Captain Dave. I didn't
8 catch any resistance from Captain Dave.
9 I ran one of two charter boats that
10 season before moving out of that dock
11 space.

12 I got, you know, fifty e-mails,
13 calls messages, texts or whatever after
14 the Suffolk Times article came out about
15 this last week. So I came down to check
16 it out and see what is going on. I don't
17 think there is anybody on Long Island
18 that has as much information about this
19 as me. Not only from running this
20 business but from running it from this
21 specific space in question.

22 The biggest issue I have with
23 this -- and I spoke to the police about
24 this. Not because that I reached out to
25 them but one of the them reached out to

2 me this earlier this week -- is safety.
3 This plan is riddled with holes. It is a
4 bad idea.

5 Is there a part of me that is
6 trying to protect my business and worried
7 about competition? Of course. It is a
8 small town. It is a short season. I
9 know the numbers on my business. I know
10 it doesn't work if I split it, you know,
11 if I split it in two. Even if I broke
12 off 20% I know it stops working. So
13 there is an element of that but there is
14 also an element that running these types
15 of businesses in New York State is very
16 difficult. There is a lot you have to do
17 in terms of operational security,
18 insurance, liability. Making sure that
19 everything is run right.

20 And it is not about building a
21 system of tasks that can be done safely
22 once. Can you ride a jet ski from East
23 Hampton to Greenport, fuel up your jet
24 skis on Shelter Island? I don't know if
25 you are allowed to go into the harbor

2 with jet skis or not. My understanding
3 always was we are not. So our skis stay
4 out of the harbors in Shelter Island. I
5 didn't want to bring that up as fact, but
6 it is one more thing to consider. But
7 can you repeat that process? Put fuel in
8 the jet skis, take people out on tours
9 and get away with it once, a dozen times,
10 dozens and dozens of time? Yes. It can
11 be done a thousand times safely without
12 an error. I don't think so.

13 I lived on that dock in a 25 foot
14 boat the first season. I lived in a 25
15 foot Regal. I didn't have a place to
16 live. That is how I got the company
17 started. I moved off of that dock after
18 the first year because as soon as we
19 started to grow it is not safe to run
20 this type of business there. I was
21 captain and, you know, had captains
22 running our boats and it was already not
23 safe.

24 When you put a person who rented
25 a jet ski on the jet ski, that first five

1 minutes in the water where they are
2 figuring it out -- you are next to a dock
3 where you have every single boat that
4 goes through the harbor sending rollers
5 in there. I am not talking about fishing
6 boats. I am talking about 80 foot
7 Perishing that throw nine feet of water
8 going 50 miles an hour. Real rollers and
9 it is reflecting off the wall. I don't
10 see how you can possibly be putting
11 customers in the water there. And that
12 is my major concern. You have people
13 there, there is rollers bouncing around
14 and as soon as this guy hurts or kills
15 somebody that impacts my business. That
16 impact my ability to get insurance in
17 Suffolk County. That impacts the
18 reputation of these type of businesses
19 that we got here first that we built and
20 built it safely and we did it right.

21
22 And, you know everything about
23 this plan from waking up in the morning
24 and riding across in any and all
25 conditions. There is 20 flat days of

2 summer. There is 20 okay days and there
3 is 20 horrifically bad days. And going
4 across to fill these skis with fuel.
5 That is going to take an hour and a half
6 each time. What happens when it is busy
7 or the sun is setting. Do you go out
8 with low fuel? You have to start making
9 hard choices. What happens when somebody
10 breaks down? I have nine charter boats
11 to pull off of all of the east end of
12 Long Island to pull people back. We send
13 people to the ruins, to Gardiners Island.
14 When somebody goes out there I have to be
15 available to go out there and get them.

16 Having a guide out there doesn't
17 help. Are you going to anchor the jet
18 ski? Jet skis can't carry anchors. It
19 is going to rattle around the engine
20 compartment and go through the
21 fiberglass. So do you abandon the jet
22 ski that broke down? Are you going to
23 tow it back? When you tow a jet ski you
24 can't go faster than five miles an hour
25 or you will sink it. So are you going

2 tow it all the way back from the other
3 side of Shelter Island without a boat?

4 All of these contingencies need
5 to be in place. And I haven't even
6 started to get into what happens when you
7 hurt somebody in a place like that, not
8 just the jet ski breaking down.

9 Dave's concerns about pollution
10 kind of intersect with my well being but
11 he missed on some major points. When you
12 are busy you have to change the oil on
13 these jet skis. Where are these jet skis
14 getting serviced? Gas is bad in the
15 water. We do our best to avoid it. You
16 know you fill it on the water gas station
17 where we are based. It is not like what
18 Dave is talking about.

19 What is way worse for the water
20 is used motor oil. Those jet skis, if
21 they are busy, are going to need oil
22 changes once a week. Where are they
23 going to get changed? Are they going to
24 get changed on the dock? What if it is
25 busy? What if it is blowing from the

2 south and it is blowing straight into the
3 marina and the jet ski is rocking? How
4 do you do an oil change without spilling
5 in those circumstances? You can't.

6 Even our first season at the end
7 of the season -- I crossed paths with
8 Dave and probably the only time had him
9 mad at me was because I had the same
10 fueling issues that he had. And I
11 started fueling with fuel cans on the
12 dock because I didn't have a choice and I
13 wanted to stay in business. It is not
14 legal. It is not what I should have been
15 doing. And that is why after the first
16 year I moved.

17 So all of these issues that come
18 up I have faced and I have dealt with
19 first hand. All of those issues lead me
20 to leave that dock after the first year
21 and seek out a marina space that allows
22 growing safely. That really is why I am
23 adamantly opposed to this being here.
24 Because I don't need this. My business
25 is a mile and a half down the road. It

2 is not like this is providing a new
3 service that is going to revitalize
4 Greenport. I have already been here five
5 years. It doesn't change anything for
6 the Village as far as putting it on the
7 map or anything like that. All it does
8 is it put a risky liability operation on
9 my doorstep. And whatever mistakes or
10 success he has -- if he screws up that
11 comes back on me. That impacts me. It
12 impacts my family that work with me. It
13 impacts the people that work for me.

14 We all live here. We are in the
15 Village. We pay taxes. We are part of
16 this community. We are not coming in
17 from somewhere else.

18 I don't know if I need to say
19 anything else. I don't know if you guys
20 have any questions you want to ask me ab
21 out any of this stuff and how it works.
22 Hopefully the concerns I am raising makes
23 sense to you guys. And you understand
24 that there is a reason why, you know --
25 we are successful. We have done very

2 well. We have three of them now. It is
3 going good. There is a reason why we
4 left that spot and there is a reason why
5 there has been nobody else there. There
6 is a reason why the last guy there, who
7 was there -- and very nice guy, very
8 friendly. Really wanted the best for him
9 and worked with him and sent him business
10 as best we can. Again, didn't work out
11 in that spot. There were major issues
12 for the fly board guy getting people in
13 and out of that spot. You are dealing
14 with the rolls. You are dealing with the
15 boat traffic. Dealing with 50 cigarette
16 boats coming in and out of Claudio's.
17 And putting people on a jet ski and
18 catering to people that don't know what
19 they are doing having them coming in and
20 out of there is never going to work in
21 the long run. It is going to be
22 dangerous and, you know --

23 Do you have insurance? I don't
24 know who is underwriting him. There are
25 only two companies left that underwrite

2 in New York State. I would watch out for
3 what the liability limits are. And I
4 would make sure you are looking for more
5 than 2 million for everything. And I
6 would be concerned about every piece of
7 property that Greenport owns. You may be
8 listed as additionally insured but as
9 soon as somebody hits one of your docks
10 and breaks their leg or whatever happens
11 it is going to be your problem.

12 So all that stuff you should
13 think about as everybody makes their
14 decision.

15 Does anybody have any questions?

16 ACTING CHAIRWOMAN GIVEN: Does
17 anybody have any questions for this young
18 man? No?

19 Thank you.

20 MR. HOFFMAN: May I go back up?

21 ACTING CHAIRWOMAN GIVEN: You
22 may.

23 MR. HOFFMAN: To answer the
24 question about sound, I mean that is a
25 very ridiculous thing to say because we

2 have loud race boats leaving Greenport
3 constantly all the time. New jet skis
4 don't make any noise. Like I said, they
5 are whisper quite.

6 MR. BERSON: Saying --

7 ACTING CHAIRWOMAN GIVEN: Sir.

8 MR. HOFFMAN: They are 2017s.

9 They are brand new.

10 Also I don't have -- I have
11 Seatow that is a certified company for
12 towing. If anybody breaks down, Seatow
13 is there out of Montauk or out of another
14 area. Wherever they are at the time. I
15 have Three Mile Harbor, if I have an
16 issue with a break down on a brand new
17 machine -- anything can happen, new or
18 old. But I have Seatow coverage on all
19 the jet skis that is a certified towing
20 company. And I can't see any more of a
21 safer person coming to tow one of the jet
22 skis and take them.

23 Also, I have been in the Coast
24 Guard Auxiliary for 11 years. I am crew
25 qualified. I have all of the

2 certifications, CPR. I have done
3 survival training, survival testing,
4 survival swim. I have a lot of
5 certifications.

6 If you were at the least meeting
7 you would have heard about gas up and
8 other questions like that. You missed
9 the last meeting. So you missed a lot of
10 the questions that I was asked by the
11 Board and I don't want to go back and
12 answer all of those questions again.

13 So people fill up over at Shelter
14 Island all the time. There is no ban on
15 Shelter Island for PWCs that are
16 registered as boats. So there is no
17 problem with that.

18 It almost sounds like you are
19 just worried about a little competition.
20 We have multiple restaurants around
21 Greenport and I don't see as much -- I
22 have never been to a meeting like this on
23 someone trying to put another restaurant
24 but if we compare, you know, your
25 business compared to mine that has a very

2 small group of people. It is more of a
3 privately, you know, run thing. It is
4 very small. I am not opening a large
5 restaurant and taking -- putting one
6 restaurant next to another restaurant and
7 taking away business from somebody else.

8 Like I said, everybody is going
9 to be, you know, getting a fifteen minute
10 tutorial on safety and we also have the
11 Breathalyzer because you are on a dock
12 where people drink. If somebody seems
13 impaired or anything wrong with them,
14 they will be given the Breathalyzer.
15 Everybody is going through the
16 Breathalyzer to make sure everybody is
17 not under the influence of alcohol. And
18 I think that is the most safest thing you
19 can do.

20 That is pretty much it with the
21 questions. But Seatow is my company.
22 They are going to tow in any emergency,
23 in any break down of the jet ski.

24 To answer your question about oil
25 changes. The jet skis will be pulled

2 down by trailer and they will be brought
3 over to Ron at East End Jet Ski over at
4 Mariners Cove. And the oil changes can
5 be done in one day, on Sunday. I know
6 them very well for the last 18 years. He
7 works on Sunday. He can do oil changes
8 on Sunday or Monday or a day that has bad
9 weather and have them back in the water
10 the next day.

11 The newer skis don't need oil
12 changes like the older skis do. The new
13 synthetic oil, that is 10W40, they go up
14 to 50 hours on one oil change now, on the
15 2017 Ultras Kawasaki.

16 ACTING CHAIRWOMAN GIVEN: Anybody
17 else?

18 MR. BERSON: Yeah. I got to have
19 the last word. I don't know what it is
20 like to be in the Coast Guard Auxiliary.
21 I have a 200 ton captain's license, Evan.
22 As far as I am concerned I don't know
23 anything about you. I know that 15
24 minutes is what Andy Warhol says is what
25 we all get for our time in fame. But I

2 certainly don't know how 15 minutes is
3 going to make it easy for your
4 passengers, your quarry, your customers
5 to get out of that dock. And we haven't
6 even gone into what the physical
7 structure will look like there.

8 Again, all I need to say is I
9 appeal to the Planning Board that this is
10 an opportunity for us to have a
11 conversation about how we want to protect
12 Peconic Bay. And I thank you.

13 ACTING CHAIRWOMAN GIVEN: Thank
14 you. Okay.

15 MS. ALLEN: Chatty Allen, Third
16 Street.

17 Sitting here listening to a lot
18 of stuff that is being said. I have had
19 50 people e-mail me and text me about
20 this. Where are they? No one showed up
21 to speak about this. There are three
22 people here that I see speaking.

23 I am for this. There is a lot of
24 the things that are being raised. To me,
25 you can go and rent a jet ski. You don't

1 September 7, 2017 Regular Session 41
2 get any instructions. Me, who has -- I
3 mean I was a life boat life guard. I
4 know I can handle myself in the water. I
5 can go and rent a jet ski. And I can
6 take it and go anywhere. I don't know
7 what I'm doing. I don't understand why
8 there is such a backlash against someone
9 who is going to be with people. There is
10 more damage being done in the waters by
11 inexperienced people on the water by
12 themselves. How many boating accident do
13 you we have because people have been
14 drinking?

15 To say that it is going to be
16 ruining the bays and the wildlife and
17 everything else. You are singling out
18 one person. Because the other gentleman
19 says he rents jet skis. Well, what are
20 those jet skis doing to the same water?
21 What are all these boats that come in all
22 summer long. What are they doing? Where
23 are they going? So to say no because it
24 going to hurt this, it is going to hurt
25 that. To me that not logical. That you

2 cannot say, you know, he can't have jet
3 skis because it might hurt things but
4 somebody who has no idea what they are
5 doing can go rent a jet ski and go
6 anyplace. That might not know what areas
7 they are not allowed to go into.

8 I haven't taken boating safety
9 since I since a little kid. I don't know
10 what is protected or what is not
11 protected on the water. So I would never
12 think to go out on my own on the water
13 unless I am with someone that knows what
14 they are doing.

15 So basically what I have been
16 hearing today is: No, we don't want him
17 doing it. First off, they are basically
18 calling him a liar. Saying that his
19 credentials are not right and his
20 information is not correct. I don't
21 agree with that. I don't like when that
22 is put on other people. You give someone
23 the benefit of the doubt, you know.
24 Don't call people out like that. But it
25 basically to me they don't want them

2 going out of there. There was a lot of
3 back and forth online about this. Like I
4 said, if there is such an uproar that
5 nobody in Greenport wants this, where are
6 the people speaking out against it? You
7 have two people that have spoken out
8 against this this evening. So I think
9 you need to take personal out of it.
10 Take your Village part of it out and look
11 at all of the facts. You can't say --
12 they are saying there is a ban on jet
13 skis. There is not. People are out
14 there on jet skis all the time. People
15 are going in areas they are not supposed
16 to be going in.

17 This is someone with two jet skis
18 that at the last meeting that I was at
19 addressed every single question you put
20 to him. And he followed up with what he
21 was supposed to do. That's how the
22 decision should be made not because -- I
23 understand that if they are saying on one
24 hand -- but to me all of it is not valid.
25 Some of it, yes is valid and maybe should

2 be addressed. Basically what I heard
3 while sitting there was, no, they are too
4 noisy. They are going to spill fuel and
5 oil. They are going to get oil in the
6 water. They are going to be doing this
7 and doing that. That was already
8 addressed. That is not how it is being
9 done. That comes of out of the equation.
10 You are not talking fuel and oil that is
11 going to be spilled working on the docks.

12 As far as going into the places
13 where they shouldn't. That is not where
14 the tour is going. Maybe he came in one
15 weekend. Maybe he has been coming out
16 here. I don't know. I don't know who he
17 is. Never seen him before last week's
18 meeting. A lot of people come to
19 Greenport and fall in love with it. They
20 want to do what they love to do. This is
21 just another person who found something
22 they love. There is a lot of things that
23 go on in Greenport that I object to. One
24 of them is --

25 ACTING CHAIRWOMAN GIVEN: Let's

2 stick to this.

3 MS. ALLEN: Well, I am saying.

4 That is how I stick with it.

5 There is things that people don't
6 like --

7 ACTING CHAIRWOMAN GIVEN: This is
8 what --

9 MS. ALLEN: You have to use --

10 ACTING CHAIRWOMAN GIVEN: This is
11 what we are addressing right now.

12 MS. ALLEN: This is how I stick
13 with it. That there are things that get
14 approved or get denied and this is just
15 another one of those things.

16 ACTING CHAIRWOMAN GIVEN: I think
17 we are supposed to speak on this
18 application. We are supposed to just
19 address this application. Am I right?

20 MR. PALLAS: Yes.

21 MS. ALLEN: That is what I am
22 addressing, this application. To me
23 this is being singled out because of what
24 they want to do.

25 ACTING CHAIRWOMAN GIVEN: Thank

2 you.

3 MS. ALLEN: You know, that is the
4 bottom line. I can see a lot. And I'm
5 really disappointed.

6 MR. BERSON: Can I say something?

7 ACTING CHAIRWOMAN GIVEN: Yes.

8 MR. BERSON: Chatty and I are
9 friends on Facebook. Chatty, I will tell
10 you something to be honest with you. I
11 didn't know there was a meeting today,
12 Chatty, until this afternoon.

13 MS. ALLEN: They are publicized.

14 MR. BERSON: And then -- but
15 Chatty, those of us who work six days a
16 week don't always read things.

17 Second of all, I thought the
18 meeting was at 7:00 at night. So I can
19 understand the 4:00 meeting for working
20 people 4:00 have difficulty to get to. I
21 had difficulty to get to this.

22 You are absolutely right, Chatty.
23 I should have never made it personal.
24 You are absolutely right when you said
25 that some --

2 ACTING CHAIRWOMAN GIVEN: You
3 have to address the issue. Now you are
4 addressing Chatty.

5 MR. BERSON: Okay.

6 MR. GRAY: I was at the last
7 meeting and you guys said there was a
8 Harbor Master and you guys said his name
9 was Kent.

10 ACTING CHAIRWOMAN GIVEN: That is
11 not true.

12 MR. CONNOLLY: The Village Code
13 says --

14 MR. GRAY: You said it was Kent
15 something.

16 ACTING CHAIRWOMAN GIVEN: No.
17 This gentleman said it was Kent. He
18 named Kent McCarthy, I believe. I did
19 not -- we did not. He brought that name
20 up.

21 MR. GRAY: You said the two
22 things that you guys would need was to
23 talk to the Harbor Master and for the --
24 you guys said to the Village Attorney.
25 We did that. We went pretty much

2 everyone around here and talked to a guy
3 that said he was going to e-mail the
4 Board to have it approved.

5 ACTING CHAIRWOMAN GIVEN: Which
6 did not happen. Am I correct? Did
7 anyone get an e-mail from the Harbor
8 Master?

9 MR. PALLAS: If I may, we don't
10 have a designated Harbor Master. I
11 believe who I spoke with was the
12 supervisor of the dock hands. That is
13 not a Harbor Master.

14 ACTING CHAIRWOMAN GIVEN: Right.
15 Did you receive an e-mail in regards to
16 this application from this so-called
17 person?

18 MR. PALLAS: I did but it was not
19 -- it was just advising me that they
20 stopped in. It was not -- he is not in a
21 position to recommend or not recommend.

22 ACTING CHAIRWOMAN GIVEN: Okay.

23 MR. PALLAS: That is it.

24 ACTING CHAIRWOMAN GIVEN: Okay.

25 Thank you.

2 MR. GRAY: So we have done all
3 that. Also because he said that he
4 fueled up and dropped gas I don't think
5 that should be -- I mean he has been
6 looking into this for the last three
7 years. This is not an -- oh, we are just
8 going to try and start this up.

9 ACTING CHAIRWOMAN GIVEN: Who is
10 he?

11 MR. GRAY: Evan. When he came to
12 Greenport three years ago he fell in love
13 with it. He has a business out east that
14 has done well. But this is his passion.
15 This is not something he is trying to do
16 to build a fleet. This is something that
17 he would love for people to experience.
18 Not just for himself but for the
19 community. This is not just for money,
20 money, money. This is a passion that
21 this man has. He has gone far and beyond
22 to do research on every little last
23 thing. I just hope you don't take their
24 mistakes from what he is trying to do.

25 ACTING CHAIRWOMAN GIVEN: Did he

2 state his name? You need to state your
3 full name and address, please.

4 MR. GRAY: David Gray.
5 Charleston, South Carolina.

6 ACTING CHAIRWOMAN GIVEN: Anyone
7 else that wishes to speak on this
8 application?

9 MR. HOFFMAN: I just wanted to go
10 up one more time.

11 ACTING CHAIRWOMAN GIVEN: Sure.

12 MR. HOFFMAN: So I was hoping it
13 was going to be approved today so I can
14 be in the water for this weekend. We
15 only have three weeks left. It might not
16 be that much business but the community
17 might be able to see what is going on for
18 next year and have an idea. It is going
19 to cost money for insurance and dockage.
20 And if I don't make it back, I don't make
21 it back. But to be seen for the last
22 three weeks until the end of September
23 and then be back in early April and be
24 here for the rest of the season.

25 I am really just trying to be

2 here for the last three weeks of the
3 season, whatever we have left of it. I
4 know it is very quiet today. Everyone
5 works and I am sure Saturday and Sunday
6 are going to be the two days that --
7 whoever hasn't finished pulling their
8 boat out at the end of the season, Labor
9 Day, is going to show up this weekend. I
10 am trying to get the last out of the
11 summer.

12 ACTING CHAIRWOMAN GIVEN: You
13 said that already.

14 MR. HOFFMAN: I did get insurance
15 for everything and all approval. Just
16 trying to get seen for the last three
17 weeks and wrap it up.

18 ACTING CHAIRWOMAN GIVEN: You
19 said that last week.

20 MR. HOFFMAN: Go down to Florida
21 for the winter and come back early April.

22 ACTING CHAIRWOMAN GIVEN: You
23 said that.

24 MR. HOFFMAN: And that -- just
25 you know, enjoy life. Thank you.

2 ACTING CHAIRWOMAN GIVEN: Thank
3 you.

4 MEMBER BURNS: There is a lot of
5 information we have received today and I
6 just simply feel that I want it to rest
7 with me and think about it. And maybe
8 take with people about it before I make a
9 decision.

10 ACTING CHAIRWOMAN GIVEN: I feel
11 that way as well.

12 MEMBER COTUGNO: Yes.

13 MEMBER BURNS: If we need to
14 table it.

15 ACTING CHAIRWOMAN GIVEN: I am on
16 board with that. I make a motion to
17 table discussion on 102 Main Street until
18 September 28, 2017, Planning Board
19 meeting.

20 Do I have a second?

21 MEMBER BURNS: Second.

22 ACTING CHAIRWOMAN GIVEN: All in
23 favor?

24 MEMBER THOMAS: Aye.

25 MEMBER COTUGNO: Aye.

2 MEMBER BURNS: Aye.

3 ACTING CHAIRWOMAN GIVEN: Motion
4 passed. We have tabled it until the end
5 of September.

6 MR. HOFFMAN: Okay. Not a
7 problem.

8 ACTING CHAIRWOMAN GIVEN: Thank
9 you all for being here.

10 We are going to move on to item
11 number 2.

12 Discussion and possible motion on
13 a formal recommendation to the ZBA for
14 the application of 222 Manor Place, LLC
15 regarding a request for a parking
16 variance.

17 Suffolk County Tax Map number:
18 1001-2-241.

19 I do not believe there is anyone
20 here to speak on this application.

21 MR. CONNOLLY: I spoke with the
22 Village Attorney and he said the same
23 thing as I have. That really the parking
24 issue that is before the Zoning Board is
25 not really right to be before the Zoning

2 Board. It is really solely within the
3 purview of the Planning Board. And the
4 Village Code provides a solution for the
5 issue and that is the payment in lieu.
6 So that really should be in the site plan
7 application, not in front of the Zoning
8 Board for a variance.

9 Mr. Prokop and myself were
10 talking before and that is the opinion
11 that we both came to. That the parking
12 issue should be dealt with on this Board.
13 Not the Zoning Board. If this Board
14 should somehow see fit they should apply
15 for a variance then we at that point
16 would send the parking variance to the
17 Zoning Board.

18 Right now I believe the Zoning
19 Board has the application for the
20 pre-existing non-conforming use and the
21 parking variance. If you feel the
22 parking issue --

23 ACTING CHAIRWOMAN GIVEN: That is
24 our domain.

25 MR. CONNOLLY: Right. That is

2 correct.

3 MEMBER BURNS: That is what this
4 document said.

5 MR. CONNOLLY: That is in
6 reference to the --

7 ACTING CHAIRWOMAN GIVEN: So
8 which of these --

9 MR. CONNOLLY: Well it is for the
10 Board to decide.

11 ACTING CHAIRWOMAN GIVEN: I
12 understand that. Can you give us clarity
13 on that?

14 MR. CONNOLLY: Okay. I prepared
15 a memo for this Planning Board's which --

16 ACTING CHAIRWOMAN GIVEN: Okay.

17 MR. CONNOLLY: So that is to be
18 sent to the Zoning Board if you are not
19 comfortable in passing a resolution
20 today. That would require of the -- yeah
21 -- paying a fee.

22 ACTING CHAIRWOMAN GIVEN: So that
23 would prevent them granting the variance
24 for parking?

25 MR. CONNOLLY: The resolution

2 would, yes.

3 ACTING CHAIRWOMAN GIVEN: The
4 resolution would?

5 MR. CONNOLLY: Yes. That would
6 take the issue away from the Zoning
7 Board.

8 ACTING CHAIRWOMAN GIVEN: But this
9 won't?

10 MR. CONNOLLY: Right.

11 ACTING CHAIRWOMAN GIVEN: Okay.
12 This document does not deem that we
13 approve the site plan.

14 MR. CONNOLLY: Right.

15 ACTING CHAIRWOMAN GIVEN: Right.

16 MR. CONNOLLY: I will need to add
17 a provision in.

18 ACTING CHAIRWOMAN GIVEN: Okay.
19 So you are making a motion that we adopt
20 it?

21 MEMBER BURNS: To the ZBA.

22 ACTING CHAIRWOMAN GIVEN: I make
23 a motion --

24 MR. PALLAS: Before you vote be
25 very clear on what you are voting to

2 approve. There are two options. There
3 is the letter or the -- or the final
4 determinations.

5 ACTING CHAIRWOMAN GIVEN: Yes.

6 MR. PALLAS: If you are only
7 doing the letter.

8 ACTING CHAIRWOMAN GIVEN: You
9 mean the memo?

10 MR. PALLAS: The memo. You want
11 to make sure --

12 My determination takes -- it is
13 delineated. Takes the variance for
14 parking off the table entirely. They
15 will no longer be requesting a variance
16 of the Zoning Board at that point.

17 MEMBER COTUGNO: Right. And if
18 they go before the Zoning Board they --

19 ACTING CHAIRWOMAN GIVEN: They
20 can approve the variance.

21 MEMBER COTUGNO: They can approve
22 the variance and then we don't get the
23 money.

24 MR. PALLAS: That is a
25 possibility. If you don't do the final

2 determination that is a possibility.

3 ACTING CHAIRWOMAN GIVEN: Even
4 thought the parking lot remains.

5 MR. CONNOLLY: It is within the
6 Zoning Code. So anything within the
7 Zoning Code can be appealed to the Zoning
8 Board of Appeals.

9 ACTING CHAIRWOMAN GIVEN: Okay.
10 So then you made a motion to
11 approve the fine and the final
12 determination is second to that. Right?

13 MEMBER COTUGNO: Yeah.

14 ACTING CHAIRWOMAN GIVEN: And then
15 we are taking the vote. With the part
16 that you are going to put a paragraph in
17 that it doesn't deem that we approved the
18 final condition.

19 MR. CONNOLLY: Right.

20 ACTING CHAIRWOMAN GIVEN: Right?
21 That is where we are?

22 MEMBER COTUGNO: Yes.

23 ACTING CHAIRWOMAN GIVEN: Okay.
24 So again, all in favor?

25 MEMBER THOMAS: Aye.

2 MEMBER COTUGNO: Aye.

3 MEMBER BURNS: Aye.

4 ACTING CHAIRWOMAN GIVEN: Motion
5 passed.

6 AUDIENCE MEMBER: Excuse me. Is
7 there some reason that those findings and
8 determinations are not made public by
9 before you decide this?

10 MR. CONNOLLY: It is a resolution
11 like any other resolution. It doesn't
12 need to be read into the record. It is
13 going to be on file with the Village
14 Clerk.

15 AUDIENCE MEMBER: Carry on then.

16 ACTING CHAIRWOMAN GIVEN: Would
17 you like me to read this?

18 AUDIENCE MEMBER: It is too late
19 now.

20 ACTING CHAIRWOMAN GIVEN: I
21 didn't say motion passed, did I? In any
22 event, would you like to hear it?

23 AUDIENCE MEMBER: Not now.

24 ACTING CHAIRWOMAN GIVEN: Item
25 number three: Motion to adjourn at

1 September 7, 2017 Regular Session 60
2 4:55.
3 MEMBER COTUGNO: Second.
4 ACTING CHAIRWOMAN GIVEN: All in
5 favor?
6 MEMBER THOMAS: Aye.
7 MEMBER COTUGNO: Aye.
8 MEMBER BURNS: Aye.
9 ACTING CHAIRWOMAN GIVEN: Motion
10 passed.
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C E R T I F I C A T I O N

STATE OF NEW YORK
COUNTY OF SUFFOLK

I, Barbara D. Schultz, a 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 not in any way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have here
unto set my hand.



Barbara D. Schultz