VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

PLANNING BOARD
REGULAR MEETING

Third Street Firehouse
Greenport, New York

June 2, 2015
5:00 p.m.

BEFORE:

DEVIN McMAHON - CHAIRMAN
BRADLEY BURNS - MEMBER
PETER JAUQUET - MEMBER
PAT MUNDUS - MEMBER

JOSEPH PROKOP - VILLAGE ATTORNEY
GLYNIS BERRY -- PLANNING BOARD COORDINATOR
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CHAIRMAN McMAHON: This is the July 2 Regular Session of the Village of Greenport Planning Board.

Item number one, the first item is a public hearing.

This wording is actually a little different than what I had put forward, so I'm not sure if I entirely agree with it, but I will read it off and discuss it.

Public Hearing to accept public comments on the application submitted by Brian Sean Carrick, on behalf of Shaka Flyboarding, which was conditionally approved by the Planning Board. The Planning Board for the purposes of SEQRA has not determined that the operation of a Flyboard rental is a Type II Action based on the location the property within the Village of Greenport Waterfront Commercial District.

I believe the Planning board did make a determination that is was a Type
We're revisiting to address items that weren't previously considered.

The Southold Town Planning Department raised concerns about the environmental impact of this application that were not specifically addressed during the Planning Board's initial review of the proposal. Input from the general public as well as the previously submitted materials from the Town Planning Board will be considered with respect to the Planning Board's classification of this action as a Type II Action for purposes of SEQRA.

The property from which the proposed use will be run is located at 102 Main Street and is further identified on the Suffolk County Tax Map as 1001-5.-3-8. 12.1.

I'm going to briefly go over some of the items that were submitted.

We received -- at the same time that we discussed and initially
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approved the application, there were a couple items that were sent to us from the Town Planning Board or a member of the Town Planning Board.

There were several articles that were linked to how other municipalities have handled these applications.

In many other places their concerns about safety and environmental effects. Those were the primary items that were issues to contend with. Many of them including Riverhead had their concerns about activity in the Peconic River.

It is an important distinction that many of these municipalities were considering this activity in shallow water which does pose a number of concerns to the environment, particularly sediment being pushed up, which is not a issue in a deep-water harbor like Greenport.

I have -- there was an article provided to us from Newsday discussing
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how Riverhead was handling their concerns, also how it was handled in Maryland.

I did some research on my own and I found places in Hawaii that there was concern that it might effect the coral reef growth. Again, not a concern here.

There were -- we did have a letter that we previously read into the record from the Harbor Master, basically stating, if you stayed within the area that was designated three hundred feet or more away from the shoreline and from the docks and swimming area and does not interfere with other vessels navigating or fishing in a harbor.

He was waiting for an answer from the Coast Guard as to interpretation of inland rules for vessels restricted in its ability to maneuver and whether or not a vessels of is required to show day shape.

MR. JAUQUET: Show what shapes?
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CHAIRMAN McMAHON: Day shapes.

MR. JAUQUET: What's that?

MS. MUNDUS: They are canvas with shapes that huge ships show to say whether they're anchored, or they're not manned or -- it's not appropriate for a jet ski in my opinion.

MR. JAUQUET: Day shapes.

CHAIRMAN McMAHON: Since that was written, and this is actually the first time I've seen it, we did receive some clarification from the Coast Guard, their opinion, their concerns about water-jet devices.

I'm not going to read the entire thing word-for-word because I think it's going to be lost on many people, just it's not -- we'll go item by items in here and address a few of the concerns that were brought up.

The first would be "As a Coast Guard MMC is required when a passenger for hire --"

They do classify this as a
passenger for hire situation when you have a person, you have an operator and another person in the -- I don't know what you call it.

MS. MUNDUS: Personal watercraft.

CHAIRMAN McMAHON: Yeah, it's a personal watercraft but --

MS. MUNDUS: Don't forget a jet ski is power. You know, the higher courts went through this for many years and it was determined that a jet ski is a personal watercraft and has the same rights and privileges and burdens as any other powerboat.

CHAIRMAN McMAHON: Yes.

In this, they do specify --

Again, I apologize, I saw this for the first time ten minute ago, so I haven't had a chance thoroughly look it over.

"As a Coast Guard MMC is required when a passenger for hire situation exists, at a minimum the following three endorsements may be acceptable
depending upon the location and type of operation: OUPV, OUPV Limited and OUPV Restricted. The local Coast Guard Officer in Charge, Marine Inspection (OCMI) determines which of the three licenses are appropriate for the particular operation in question --"

MS. MUNDUS: That stands for operator uninspected passenger, so somebody has to be licensed.

MR. JAUQUET: What do they say about, is there some sort of distinction about for-hire --

CHAIRMAN McMAHON: Yes, there is a distinction.

MR. JAUQUET: -- for a personal water craft?

But their not making any point, they're just defining it but they're not saying --

CHAIRMAN McMAHON: You know what, maybe I will just read the rest.

MR. JAUQUET: Well, I don't know.

MS. MUNDUS: They're already
passing the classification. For all of those things, they are already preexisting, already in place.

What they are trying to do is tell the inquirer what category this particular operation falls under, and if it's a passenger-for-hire, they need they need a licensed captain for an uninspected passenger that's all.

MR. JAQUET: That's a decent point.

MS. MUNDUS: And the owner's jet ski a personal water craft, he has his license.

MR. JAQUET: So what else is in there?

MS. MUNDUS: Do you have jackets and all that stuff?

CHAIRMAN McMAHON: They do also --

MS. MUNDUS: At Waterbury work sessions, there was a gentleman who stood up, I don't remember what his name was, but basically he said that the Planning Board has absolutely no
jurisdiction over anything that happens three hundred feet off the beach.

MR. JAUQUET: We need to hear what the Coast Guard has to say --

MS. MUNDUS: Yeah.

MR. JAUQUET: -- coast Guard classifications.

Let's let Devon get through this. Because you do have your license, you're a captain, so --

MR. CARRICK: Yes.

CHAIRMAN McMAHON: All right. Let me just read it off the bulletin.

MR. JAUQUET: Yeah.

CHAIRMAN McMAHON: All right. Let me just read off this.

"It is recommended that safety procedures and training for both the operators and passengers should be developed to address circumstances unique to these operations that are not addressed in special operating requirements for Uninspected Passenger Vessels."
Specific procedures should include but are not limited to items such as:

1. Emergency procedures for injuries, drowning, loss of vessel control, retrieval of conscious persons in the water, inadvertent dragging of passengers, and subsequent notifications to the company office, family members, and Coast Guard.

2. Assessment of adequate gear quick release(s), power shut offs, and other disengagement Mechanisms.

3. A safety briefing is provided to the passenger by the vessel operator or crew explaining communications, WJD passenger operated controls, permitted and prohibited operations and how to use safety equipment.

5. Adequate communications including a clear two-way communication arrangement between the vessel operator and passenger when a WJD vessel utilizes a two-person operation.

6. Establishment of safe
environmental operating conditions such as weather, sea state, and operating area (e.g. surrounding vessel traffic, obstructions above and below the water, water depth, etc.)

7. Assessment of the need for an additional person(s) and/or a chase boat to provide assistance and maintain situational awareness of the WJD operation and surrounding/oncoming traffic particularly in congested areas.

8. Assessment of PFD flotation adequacy, particularly when any equipment worn could overcome the PFD’s buoyancy.

WJD backpacks are designed with built in positive.

Operators of WJD vessels are reminded that they must comply with the Navigation Rules at all times."

Again, having just gotten this today, I'm not really prepared to speak about it in depth.
MS. MUNDUS: That's one of the jobs of the operator is to conduct a safety, initial dialogue with his passengers.

I'm just assuming that you have quick releases and all that industry standards that you should have.

MR. CARRICK: Yes.

MS. MUNDUS: Depth of water in the harbor where you are is sixty-five feet or so.

MR. CARRICK: Yes.

MS. MUNDUS: Does you gear pass floatation?

MR. CARRICK: Everything floats.

CHAIRMAN McMAHON: Brian, would you mind coming to the podium, so you can answer questions and have them on record, and so the court reporter knows --

MR. MOORE: William Moore, the attorney for Mr. Carrick.

I'm going to say a couple of things which I do not intend to insult
you, but I'm troubled that we're called for a public hearing and revisiting things at least ostensibly for SEQRA review.

I made a pitch back a month, month and half ago suggesting that it was a Type II Action.

My understanding of the activity of this Board was that you all disagreed and respectfully you did and that's fine.

You declared it an Unlisted Action and gave it a negative declaration under SEQRA.

You have been going through a number of environmental issues and raising those and dismissing them appropriately, the turbidity and shallow waters appropriately, we're talking about forty to sixty feet of water, but the Planning Board of Southold is not here to discuss the environment. They're throwing all kinds of things at you.
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The Coast Guard licensing things are not before you, it's on-water activity; so I'm not quite sure what the need was for a public hearing.

If Greenport were to pass legislation addressing watercraft issues in bathing areas, water skiing areas, and other types of activities, they are free to do that within their authority under the law, village law.

For the time being, we have navigation law and directs the Coast Guard activities, which we are in compliance with.

We have even spoken with the bay constable and the chief of police to make sure that, you know, his operation fits within existing law and that's where we're at right now.

Why we're back here and subjecting him to this, I'm not quite certain.

CHAIRMAN McMAHON: The reason for the Public Hearing is that these particular issues that are brought up
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by another agency were not specifically addressed in our meeting, and in the interest of just having everything out in the open and fair, just putting it all out there.

I happen to agree with you about a number of the things you said.

MR. MOORE: Thank you.

CHAIRMAN McMAHON: But the idea is everything should be out in the open.

The reason for the public hearing is simply to put it all out there and explain why it should be a Type II Action.

I actually agree that it should be a Type II Action. I thought that was --

MR. MOORE: That was the pitch that I made in my paperwork to you and the resolution that you all passed was Unlisted negative declaration.

I'm okay with that, we get to the same place, we're not talking about a full-blown environmental review of this
I'm just troubled that when we give some people approval, even conditional approval, it dangles here, you can't find that in the village law to leave someone holding because people take action depending upon the approvals that are given to them. Money the spent, advertising is done, and people go on their way depending on things.

To leave them open to, you know, public comments, somebody comes in from the planning board or someone from the planning board of Southold --

MR. JAUQUET: I think --

MR. MOORE: I'm troubled that we're back here defending ourselves, and if that's a procedural issue, I'm concerned about that, so I'm letting my concern or my objection be reflected in your hearing minutes in the record, but Brian is here to help you with information.
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Thank you.

CHAIRMAN McMAHON: As I was saying before, I do believe this should be a Type II Action.

I have the specific reasons why, but I did want to address all of the information that's been brought to us and all for the concerns so that we have fairly addressed all of them.

I don't believe -- as Type II Action it not a coordinated determination, so there isn't any input from the Southold Town Board officially, I just want to have all that out here so we can be prepared to say why we are doing this, this and this, and why we permitted this.

MR. MOORE: Understood.

Thank you.

MS. MUNDUS: These things from Southold came in after it was approved -- I'm a little confused.

CHAIRMAN McMAHON: We have to make SEQRA determination for applications,
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It's State Environmental Quality Review Act.

It can be Type I Action, Type II Action or an Unlisted Action.

A Type II Action requires a determination that has no significant adverse effect on the environment.

I believe it's the appropriate classification for that, I believe the relevant subsections are the --

MS. MUNDUS: The resolution has already passed making that determination, I mean, it has already been voted on.

CHAIRMAN McMAHON: Yes. I thought we determined it was a Type II Action.

I didn't they it was a --

MR. MOORE: Unlisted with a negative declaration, that's what I heard.

By the way --

MR. JAQUET: I thought we had left open the door for Southold to bring their comments.
If this is -- depends, if it's a Type II Action, and we are lead agency, we make -- we're lead agency, we make the determination it's a Type II Action, the issue is done. It's dead. That's it, there is no more SEQRA, there is no more other agencies, there is there no more involving anybody else.

MR. JAUQUET: I thought so too.

CHAIRMAN McMAHON: The specific reasons why are --

MS. MUNDUS: I guess my question is --

I'm sorry. I wasn't here and I apologize for not being informed, but I'm just wondering what the Board found initially on that date, whenever that was several months ago.

CHAIRMAN McMAHON: Yeah.

I was under the impression we made a Type II Action determination. If that's not the case then that's not the
For the SEQRA determination, what I believe the relevant sections were --

MS. MUNDUS: This public hearing is just for the fairness, right, for full transparency?

CHAIRMAN McMAHON: For transparency more than anything else.

MS. MUNDUS: Because it's already been voted on which determination it would be classified.

CHAIRMAN McMAHON: If there were materials that were presented by another board that would make us change our determination from a Type II Action to a Type I Action, then we would need to revisit it, and then it would be a coordinated review.

MR. PROKOP: What happened with this application was, the application was conditionally approved and the Board said it would come up a monthly meeting to be revisited in case there was any public input or other things
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that had been being considered by the Board.

We found out the day after the Board meeting that a significant amount of materials had been forwarded to the Village by the Town of Southold that was directly relevant to the application and not provided to Planning Board.

For that reason, the applicant was notified. It was either the day following the meeting or within a day or two after the meeting that this had happened, and we said the material should be provided to the Board, which it was, and the Board then at a review -- at a subsequent meeting pursuant to the original approval, conditional, decided to have a public hearing to see if there was anybody from the public that wanted to be heard to consider the material that had been forwarded by the Town Planning Board and also to revisit the approval, you
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know, pursuant to it's original conditional approval.

I'd like to hear any comments about the SEQRA determination.

My understanding was that we did determine that it was an Unlisted Action and adopted a negative declaration for purposes of SEQRA, meaning that we did not think that it had a significant negative impact on the environment.

However, that is based on the information that we had at the hearing which did not include the material that was forwarded to the Village from the Town, so, you know, it's subject to review.

If somebody thinks strongly that it should be a Type II Action, I'd like to hear -- you know, be involved in that discussion and help you with it.

CHAIRMAN McMAHON: ******Under Type II Actions, subsection C, item number fifteen, there's no permanent
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impact on the environment. *****

The actual application itself or
the landside of this application has no
longterm impact.

Subsection thirty-one interpreting
existing codes, rules and regulations,
seaside activities, boating
instructions is a permitted use in
waterfront commercial. To me it like a
Type II Action. It should have been a
Type II Action.

MS. BERRY: *****I think also one
of the things was the classification
because it was boating. That it was a
Type II, the question was if it was
approved --*****

CHAIRMAN McMAHON: I believe the
Board previously made a determination
that it was boating instruction, it
qualifies as boating instruction.

MS. BERRY: They did.

So you might want to consider
approval condition --

MR. JAUQUET: Can't hear you.
MS. BERRY: Can you hear me now?

AUDIENCE MEMBER: Yes.

MS. BERRY: So I think one of the first things to do, at least in my mind, that was the main issue than as the discussion goes ahead, you know, that gets clarified.

So if it were me, I would make the conditional upon the recommendation of the Coast Guard and the Harbor Master.

CHAIRMAN McMAHON: Well, all of these classifications are contingent upon following existing laws.

MS. BERRY: Right.

But for this use, the Coast Guard recommended a the few extra steps, specifically.

MS. MUNDUS: Well, now I think you should come and address the Board.

MR. JAUQUET: Yes.

Have you seen this?

MS. MUNDUS: Give the Board comments that you think we should be aware of.
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MR. JAUQUET: Are you aware of this document, this Coast Guard document because it looks like there is a section under there --

MR. CARRICK: My name is Brian Carrick.

The Coast Guard bulletin --

MR. JAUQUET: Are you a familiar with that?

MR. CARRICK: Yes.

MR. JAUQUET: Okay. That's good.

MR. CARRICK: I have my OUPV Six Pack license.

MR. JAUQUET: Right.

This is just an excerpt our of manual for all kinds of classifications.

MR. CARRICK: Yes.

It's the new list for waterjet devices, and in there they're classifying waterjet devices and the personal watercraft as one vessel.

MR. JAUQUET: And so we can depend upon you to adhere to this document --
MR. CARRICK: I'm already adhering to it.

MR. JAUQUET: -- and the rest of your qualifications as a captain?

MR. CARRICK: Yes.

I'm already adhering to the Bulletin?

MR. JAUQUET: What were you going to say?

MR. CARRICK: I said that I'm already adhering --

MS. MUNDUS: He just said that he is already, as captain and an operator of the vehicle that you're describing, that he was already adhering. That's what a captain does, is carry out the letter of the law.

MR. CARRICK: And I also said that according to the bulletin -- she brought up waterskiing, but according the Coast Guard bulletin, they classify waterjet devices and the personal watercraft as one vessel which eliminates the waterskiing
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classification.

MS. MUNDUS: Thank you.

MR. JAQUET: Is there anything else you wanted to make us --

MR. CARRICK: Make you what?

MR. JAQUET: I guess, become more comfortable with it. I guess we are comfortable.

MR. CARRICK: I thought we were comfortable from if beginning so.

I would like the conditional approval to be a complete approval, so I don't have to come back here.

MR. JAQUET: What is the hang up for conditional at this point?

CHAIRMAN McMAHON: Well, I think it was, for one, when we first approved it, there was consideration that there may other agencies that perhaps had jurisdiction, that was part of it.

I think the pure novelty of it, the fact of the newness of it was part of the reason that --

MR. JAQUET: So we wanted to
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leave the door open for additional --

CHAIRMAN McMAHON: The original conditional approval, I think was, in large part put in place because we had not yet.

MR. JAUQUET: We didn't have all of the --

CHAIRMAN McMAHON: We had not heard back from the Harbor Master.

MR. JAUQUET: We wanted to weigh in on things that aren't necessarily Planning Board issues.

MS. MUNDUS: But there is nothing in there that those other agencies said would be an inadequate.

MR. JAUQUET: That's true.

MS. MUNDUS: The Harbor Master said it was fine. The Coast Guard said it was fine. The Bay Constable said it was fine, and it seems to me --

MR. JAUQUET: Brian is clearly --

MS. MUNDUS: -- legally, how can you discriminate against this jet skiing which is considered legally one
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unit, you just read in the pamphlet, when there are three hundred other jet skis zipping around out there doing the same exact thing.

You can't discriminate against one vehicle, "his." If we allow jet skis, we allow jet skis, that what the law say, that's what the law says.

MR. PROKOP: Can I see the Coast Guard circular, please?

MR. JAUQUET: So, Devin, are you saying that the conditional approval should still be there because there could still be something else out there?

CHAIRMAN McMAHON: My thoughts were this has, as I stated, I thought this had been approved as a Type II Action previously, it had been a Type II Action previously. I believe it is a Type II Action. I believe that's the appropriate classification for it.

If that's the case, the SEQRA process would be done. We would be
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finished with that and then we would move on.

Then it would come down to whether or not it's approved use, and the planning Board use evaluation application side of things; and that was classified boating instruction and boating instruction, boating instruction is an approved use in our waterfront commercial district and it's fine.

It was -- the original application was, I think, for only until September; is that correct?

MR. CARRICK: End of September.

MR. PROKOP: So what is the license that you have?

MR. CARRICK: OUPV Six Pack Limited.

MR. PROKOP: Limited.

So does that include OUPV Restricted or --

MR. CARRICK: It's a Six Pack. I can take up to six passengers.
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MR. PROKOP: The circular says that you need to have either OUPV, OUPV limited or OUPV Restricted; do you have any of those?

MR. CARRICK: Yes. I have --

CHAIRMAN McMAHON: He has a six pack.

MR. CARRICK: Right.

It's the, I believe it's the limited, OUPV limited or restricted or whatever the word is.

MR. PROKOP: We have to make a determination, and it can't be "whatever the word is," it has to be --

So, I'm asking you specifically --

MR. CARRICK: It's a OUPV restricted six pack captain's license with towing endorsement.

MR. PROKOP: Okay.

The other thing is that the circular requires certain consideration to be made, some of which we mentioned before, so the emergency procedures, assessment of adequate gear, safety
briefing, adequate communications.

What is the communications that you have?

MS. WARD: In what sense, with my passengers?

MR. PROKOP: Yes.

MR. CARRICK: I go over the whole process.

MR. PROKOP: No. While you're operating you're suppose to have adequate two-way communication?

MR. CARRICK: I speak to them.

MR. PROKOP: No. While you're operating.

MR. CARRICK: I speak to them.

MR. JAUQUET: They are so close physically, that it can be done verbally, it doesn't need electronics.

MR. PROKOP: Thank you.

Establishment of a safe environmental operating conditions.

MR. CARRICK: Say that again.

MR. PROKOP: Establish -- have you ever seen this?
MR. CARRICK: Yes. I didn't hear you.

MR. PROKOP: So why do I have to explain it to you?

Did you have --

MR. CARRICK: I don't have two pages memorized. I'm sorry.

MS. MUNDUS: And really the Coast Guard is the agency that makes sure all of this is done properly. This is not really the business of the Planning Board. That's what we have a Coast Guard for. That's why he has a license. That's why they have the Baby Constable and the marine police.

MR. JAUQUET: The Coast Guard can take care of it, it's not us. I mean --

MS. MUNDUS: I really think that this is not the area of the Planning Board; why are we spending forty-five minutes on it?

MR. JAUQUET: I agree.

CHAIRMAN McMAHON: Yeah, it's --
MR. PROKOP: I was hoping to have some kind of considered review of the application.

Has Coast Guard reviewed this? Has the Coast Guard reviewed this particular use at Greenport Harbor.

MR. CARRICK: At Greenport specifically, no; but they sent up this bulletin for water-jet devices, so I assume they reviewed the use.

MR. PROKOP: The other thing that I wanted to mention is that in our boats and boating law in forty-eight seven B, the speed limit at Greenport Harbor -- and I don't know where Greenport Harbor begins and ends, I'm sure you know a lot better than I do or most of you do, but Greenport Harbor is supposed to have a speed limit of five miles per hour.

MR. CARRICK: I'm standing still. I can operate Standing still.

MR. PROKOP: Standing still.

MR. CARRICK: I can operate
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without engine.

MR. PROKOP: Okay. Thank you.

CHAIRMAN McMAHON: Do you think it should have a classification of Type II Action.

MR. PROKOP: I think it's an Unlisted Action, but if you want to discuss it.

I think the problem is that under the section that you were mentioning about limited use on land, this isn't just limited use on land, it's a limited on land plus water, so I think that doesn't apply.

CHAIRMAN McMAHON: What about item thirty-one, interpretation of existing codes and regulations.

MR. PROKOP: Let me see what it says.

Thirty-one is interpreted in existing codes rules and regulations, is that what you're talking about?

MS. MUNDUS: Actually, these are federal navigation laws that we're
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talking about, not existing --

CHAIRMAN McMAHON: Waterskiing in this specific --

MS. MUNDUS: It's federal law.

MR. CARRICK: -- this particular record, we're talking about a SEQRA classification.

MS. MUNDUS: The Coast Guard circular is federal law, state law.

So we have no choice but to assume that he is operating legally and licensed and insured properly, that he's carrying out the letter of the federal law. I really don't think is Planning Board needs to --

CHAIRMAN McMAHON: The reason for the Planning Board public hearing, the reason for doing this, having the public hearing was to address primarily the items the we were not previously provide by the Town Planning Board, to determine whether or not we needed to make a change to the SEQRA determination.
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I was under the impression it was a Type II Action. I believe, I'm hearing that we initially assigned it an Unlisted Action with a condition negative.

MR. PROKOP: This subsection thirty-one you're talking about, is really for Board interpretation, you did ask for an approval on interpretation, so I don't know if that applies.

CHAIRMAN McMAHON: In the end, I haven't seen anything so far that has been presented that would make us have to consider this as the Type 1 action.

I don't know if anyone has any input. That's really the only thing I would change, the eventual result here. If is there anybody that would like the speak to that.

MR. JAUQUET: Anyone want to get up and talk about this?

MR. BURNS: I want to say something.
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As I member of the Community Board, it's obvious that we look a lot of things which we have no responsibility, but we do have responsibility for the protection of Greenport and if there is any likelihood that Greenport could become in some way indemnified -- is that the right word?

MR. JAUQUET: Liable.

MR. BURNS: Liable, then I would have to vote no.

MR. CARRICK: I just interrupt right there for one second?

I was asked to include Greenport on my insurance and I and I provided the paperwork to Eileen, so all liability is under my insurance.

MR. JAUQUET: You took the policy in the amount of how much again?

MR. CARRICK: One million aggregate, two million total, just like what was requested.

MR. JAUQUET: Is the main item on
there bodily injury and death.

MR. CARRICK: I have never heard of any bodily injury from fly boarding to date.

MR. JAUQUET: Well, I mean is that's your policy?

MR. CARRICK: Yeah. My policy is for bodily injury, so I was asked for two million aggregate, $1 million per occurrence and that's what I have.

MR. BURNS: You would provide us with a copy of that?

MR. CARRICK: I already have.

MR. JAUQUET: We ask for that the very first time it came up.

MR. BURNS: I'm elderly, I forget.

MR. JAUQUET: I didn't mean it that way. We, the Board, all thought of that at the beginning.

CHAIRMAN McMAHON: Again, the primary purpose of this public hearing was to determine whether or not we need to make a changes to the SEQRA determination. I think regardless of
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whether it's a Type II Action or it's Unlisted Action condition negative, determination, it's going to have the same effect.

With regards to the classification of boating activity, it's permitted use in the waterfront commercial district.

I don't see any reason to rescind any approval. I don't know if you have any thoughts.

MR. PROKOP: No.

The only thing I would do, I would keep it as an agenda item, you know, because of the original approval, that's my recommendation to the Board, you can take up whatever you like.

The only other consideration would be to ask another Board for comment like the Board of Trustees.

The Board of Trustees in the end is responsible for waterways from the shoreline to fifteen hundred feet, fifteen hundred feet from the shoreline, but that's up to the Board.
CHAIRMAN McMAHON: With regards to that, I think if the Board, the Village Board or the Town Board or any other agency wants to make some -- if they want to pass a resolution outlawing fly boarding, that's their business. That's not our responsibility.

MR. JAUQUET: I think your absolutely correct in making that -- if the police want the come in and shut them down, the governor, whatever they want to do.

CHAIRMAN McMAHON: I think so far as we're concerned, the primary things we need to be concerned with are the SEQRA determination which if we have already made a determination as an Unlisted Action, condition negative.

Did you submit the EIF Environmental Assessment Form?

MR. MOORE: I don't know. I may have. The short form may have been --

I don't recall right now if it was part of the packet.
CHAIRMAN McMAHON: I think that the difference between the two classifications, the Type II Action, and an Unlisted Action, condition negative, any Unlisted Action would require the completion of the EIF, short form EIF.

MR. PROKOP: You can submit it and --

MR. MOORE: What was that?

MR. PROKOP: We did ask that -- I thought that one was submitted --

MR. MOORE: I don't have --

MR. PROKOP: -- but if it hasn't been, you can make sure it comes in by our next meeting. We can accept it at the next meeting. We need a long form --

MR. CARRICK: Long form or short form?

MR. PROKOP: The problem is the condition of negative declaration, so we can start with a short form.

If the Board does not think it's
going to have a significant negative impact on the environment, they can accept the short form, short EIF. If they think that there is any possibility that would have significant negative effect on the environment, then you require the long form.

MS. BERRY: I don't see a short EIF in the file so.

MR. PROKOP: Devin, how does the Board feel about that? Does the Board think there's a possibility of a negative impact on the environment?

CHAIRMAN McMAHON: Personally, no.

MR. JAQUET: I don't that either.

MR. PROKOP: Than the applicant would be required to have a short-form EIF.

CHAIRMAN McMAHON: Short-form EIF.

MR. PROKOP: They can submit at least two weeks prior to the next work session.

CHAIRMAN McMAHON: Is that workable?
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MR. MOORE: That fine.

CHAIRMAN McMAHON: Given that.

Is there any comment from the public or any concerns?

MR. K. CARRICK: My name is Kevin Carrick, I'm Brian's dad.

I've watched Brian do this thing right from the beginning. He was very proactive in doing the right thing, trying to satisfy your needs of what the Board has asked and everybody else, to be honest with you.

It seems to me that people are trying to find things -- and I'm not talking about all of yous -- to rain on his parade here. He's got a lot of money, hard-earned money that he worked for. He's got a lot of time and effort into this and he's tried to do the right thing, and he's trying to build a business. He's not trying to sit down on, you know, the street corner and be a bum. He's trying to do something with his life and trying to do the
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right thing by what the Town asks and what the police department and the Coast Guard and everybody else.

I'm asking you to let common sense prevail and do the right thing. He needs to get on with this and start, maybe, recouping some of his money before the summer is over.

So keep that in mind. Thank you.

CHAIRMAN McMAHON: Thank you.

MS. MUNDUS: Thank you.

CHAIRMAN McMAHON: Any other comments from the public any concerns?

Anything from the Board; any other concern or thoughts? Okay.

So we're going to ask then that before the next meeting for the short-form EIF.

We will keep this -- I would like to keep this on the agenda for next session, so we can see the EIF.

Other than that, I would like to move on unless there are any other comments or concern.
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MR. JAUQUET: No.

Let's move on.

CHAIRMAN McMAHON: With that, I would conclude the public hearing.

MR. PROKOP: We need to make a motion to close the public hearing.

CHAIRMAN McMAHON: Excuse me.

I make a motion that we close the public hearing. Do I have a second?

MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: Aye.

MS. MUNDUS: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Okay.

Item number one Item, motion to table the application submitted by Wayne Turrett. The Planning Board has issued a thirty-day notice of coordinated review for purposes of SEQRA and the comments of the coordinated review notice will be complete for the July 30 work session.

The property is located at 746
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Main Street. The proposed one-family house is a permitted use with in the R-1 (One-Family Residential) district. Is also located within the Historic District. SCTM #1001-2.3-8.02.

We are waiting for the conclusion of the thirty-day notice of coordinated review, I make a motion to table it at this time.

Do I have a second?

MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: Aye.

MS. MUNDUS: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carried.

Item number two --

AUDIENCE MEMBER: Sir, is your mic turned on? It's hard to hear you.

CHAIRMAN McMAHON: Item number two, motion to act on the use evaluation application submitted by Linda Kessler. Linda Kessler represents LKessie, Inc., has leased
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the store front at 25 Front Street --

MS. BERRY: There was a motion to move that to the end.

CHAIRMAN McMAHON: She is here.

MS. BERRY: Oh, sorry.

CHAIRMAN McMAHON: -- has relocated her existing business from its existing location at 10 Front Street to 25 Front Street. The property is located in the WC - Waterfront Commercial District. SCTM# 1001-5.-4-28.

I believe we did receive additional material on this.

MS. BERRY: Yes.

CHAIRMAN McMAHON: We are waiting on, I believe, just the signage; is that correct?

MS. MUNDUS: ****We needed a letter the owner of saying she had permission to put it up?****

CHAIRMAN McMAHON: Eileen indicated she had received that. We should have received that. Do you have
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a copy of that?

MS. BERRY: Yes.

CHAIRMAN McMAHON: Yes.

So was that a separate sign application you submitted?

MS. KESSLER: Yes.

CHAIRMAN McMAHON: If we look at the original application we have, she submitted a sign application with the dimensions on it.

Do you have any issue with that sign?

MS. MUNDUS: It's the same sign you had before, right?

MS. KESSLER: Yes.

CHAIRMAN McMAHON: Also, what were the hours of operation?

MS. KESSLER: From 10:00 until whenever closing is.

CHAIRMAN McMAHON: It's different?

MS. KESSLER: Yeah, it depends --

MR. JAUQUET: What does it depend on?

CHAIRMAN McMAHON: Can you narrow
it down?

    MS. KESSLER: Well, because some

evenings are busier, so not being like
Bloomingdale and I'm closing my doors
exactly at 6:00 --

    MS. MUNDUS: What would be the

latest time for the paperwork you think
it would be?

    MS. KESSLER: 10 o'clock.

    MR. JAUQUET: 10:00 to 10:00.

    MS. KESSLER: Yes.

    CHAIRMAN McMAHON: Would you mind,
just so it's on the record, can you
identify yourself?

    MS. KESSLER: Sure.

Linda Kessler from, LKessie, Inc.

25 Front Street.

    CHAIRMAN McMAHON: So it would be
open 10:00 and 10:00?

    MS. KESSLER: Yes.

That's on the weekend. During the
week, it would probably be 10:00 to
7:00 or 8:00.

    CHAIRMAN McMAHON: Did you
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indicated you would be taking all your trash of the premises with you?

MS. KESSLER: No.

It's going into dumpster behind.

CHAIRMAN McMAHON: Oh, sorry that was another application.

MS. BERRY: Did you ever get a chance to look at the sign?

MS. MUNDUS: Yes.

MS. KESSLER: Excuse me, but it was on the card on the Frisky (phonetic) postcard.

MS. MUNDUS: I saw it when we came in.

MS. KESSLER: There it is.

MS. MUNDUS: Yes.

It's a memo saying she had permission to use the dumpster.

CHAIRMAN McMAHON: Any issues, comments or concerns?

MS. MUNDUS: No, not at all.

MR. JAUQUET: No.

CHAIRMAN McMAHON: I'm going to make a motion that we approve the
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application.

Actually, we need to make a SEQRA determination.

I think that is a Type II Action. The planning Board has determined for the purposes of SEQRA that this application its a Type II Action, it has no adverse effect on the environment, and I make a motion that we approve the application.

Do we have a second?

MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: Aye.

MS. MUNDUS: Aye.

MR. BURNS: Aye.

MS. KESSLER: Thank you.

CHAIRMAN McMAHON: Thank you.

Item number three, Motion to act on the use evaluation application submitted by Malgorzata Rojek.

Malgorzata Rojek represents Gosia Rojek Interiors, LLC. and has leased the store front at 10 Front Street. The
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property is located in the CR -
Commercial Retail District. A sign
application has also been completed
with the additional requirement of
providing the dimensions and method of
hanging the sign, as well as a
certification by a design professional
addressing the safety of the sign, if
the applicant chooses to hang the sign
in the entry alcove. SCTM #
1001-4-10-24.

***I believe we do have copies of
the --

We do have a letter from Design
Professional indicating that the sign
is securely fastened.

That there was the issue of
whether or not this qualifies as an
overhang issue, the signage not over
the sidewalk, it's overhanging just the
of it's on private property.

We have to make a determination of
whether or not this qualifies street
overhang, regulations two by two or it
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qualifies as sign that's on private
property and would be subject to the
same restriction.*****

MS. MUNDUS: I think during the
work session, we did not have a copy of
the survey; so we couldn't tell exactly
where the property line is, but on your
architectural drawing, it shows clearly
an indent here on her property and the
sign hangs over her property, in my
opinion. Even though we don't have a
survey showing that.

CHAIRMAN McMAHON: This isn't --
Do we have the sign application
separate from the use evaluation
application?

MS. MARLAND: Yes.

You told me to get the application
after our last meeting.

CHAIRMAN McMAHON: Do we have the
--

MS. BERRY: We have -- this was
given to us right at the beginning of
today.
CHAIRMAN McMAHON: I'm not familiar with the actual sign application you submitted; do we have it completed?

MS. BERRY: I don't see it.

MS. MARLAND: I filled one out at the Town Hall in the Village of Greenport.

CHAIRMAN McMAHON: You filled out the sign application?

MS. MARLAND: Right. And paid a fee.

CHAIRMAN McMAHON: Eileen, she did it, Eileen?

MS. MARLAND: I met with Eileen.

CHAIRMAN McMAHON: Since we don't have that in front of us --

MS. MUNDUS: Nobody has that?

CHAIRMAN McMAHON: I don't have the actual application. I don't know why I don't have that.

MS. MARLAND: There isn't a whole lot to it, it's just a short application with less information on
CHAIRMAN McMHAON: We do have --

All right, so we do have the material
we need to make a determination on the
sign application. I would say that
perhaps we could act on the use
evaluation application and if the sign
application has been submitted and she
has paid, we can make an application
for the sign application as a separate
issue, but she will be able to --

MR. PROKOP: I just wanted to make
one comment specifically about the
overhead sign issue.

There was -- at the last meeting,
I was asked to provide comment on the
regulations as they apply to this sign
because it's new.

The first thing is that, you know,
I do believe it's a sign, the fact that
it's no permanently attached to the
building, I do believe it's a sign. It
is attached, but not attached to the
base of the building. However, I would
of like to say that I think that it is
an overhead sign.

What the code actually provides,
the code has a section on overhead
signs, and there is subsection that has
to do with overhead signs that are over
a sidewalk.

So obviously -- and I don't think
that this is a overhead sign that is
over a sidewalk; however, I do think
that it's an overhead sign that has to
comply with the other overhead sign
regulations.

I don't think that prevents the
sign, I would just think that there are
things it has to comply with. For
instance, I think that it cannot be
more than two square feet. I don't
know if it is or not.

CHAIRMAN McMAHON: It is.

MR. PROKOP: So subsection -- in
the overhead sign section, there is a
subsection that says an overhead sign
shall be limited to an area of two
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square feet.

So I think that it's an overhead sign, it's just not an overhead sign over the sidewalk because the one subsection which is subsection one that deals with overhead signs over the sidewalk specifically says overhead signs over sidewalks and the title of this section is overhead signs, not overhead sign over sidewalks, so I think --

CHAIRMAN McMAHON: You think it still applies.

MR. PROKOP: It still applies. It's an overhead sign, it's just not an overhead sign over the sidewalk.

CHAIRMAN McMAHON: That unfortunately would present a problem because it's larger than is allowed for an overhead sign.

MS. MARLAND: That's really surprising to me because I'm having a hard time thinking about any overhead sign in the town of Greenport that is
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smaller than two feet.

You're saying that my sign is too large?

CHAIRMAN McMAHON: I'm saying it would code --

MR. JAUQUET: Do you know what the size is?

CHAIRMAN McMAHON: -- I personally don't think so.

MR. JAUQUET: Where does it say what the size is.

MS. MUNDUS: It's forty-six by seventeen, which is seven hundred eighty square inches, and a two by two sign is twenty-four times twenty-four inches which is five hundred seventy-six square inches.

MR. JAUQUET: So it's a little large.

MS. MARLAND: I'm having trouble finding where it says -- I have the guidelines, where does it say that it has to be that size because I don't see that?
MR. PROKOP: It's section one fifty dash fifteen if I'm not mistaken.

MS. MARLAND: Oh, you mean, like something I never got from the Planning Board or from the --

MS. MUNDUS: It's online.

MS. MARLAND: Because I went in there and I asked for the information and I got a lot of information. There is nothing that say that it has to be under two feet. This is a --

MS. MUNDUS: Maybe she needed to give you the over-the-sidewalk section; am I right?

MS. WARD: I don't think they had any. They considered it within that realm, but that left me in limbo, so I tried to follow everything that was on here, but this two feet thing is totally new to me.

MR. JAUQUET: It's in the codes. It's -- you know, Eileen should have told you or someone at the building department.
MS. MARLAND: Yeah, she knew exactly the size of the sign because I told her that when I was in her office, it never came up.

MS. BERRY: It came up at the last meeting.

MS. MARLAND: About --

MS. BERRY: It was at our last --

MS. MARLAND: I do not recall it coming up at our last meeting.

MS. MUNDUS: I think the overhead sidewalk two by two restriction is for, if this is a building, it's a sign that hangs on a bracket like this (indicating) above the sidewalk. That's why --

MR. JAUQUET: Which is Village property.

MS. MUNDUS: -- there are limits, and it also limit it to different size. Her's is parallel and within the structure or shape of her building, so it doesn't -- it's not a ninety-degree angle and it doesn't present the same
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structure but hazard.

MS. BERRY: When it's talking about the larger signs, it sits on the wall.

MR. JAUQUET: On the wall?

MS. BERRY: And, you know, you don't have any wiggle when it's on the wall, you know, you're just dealing with the load of the sign, basically, so it's a different animal when something is flapping in the wind or something is attached to the wall.

MR. JAUQUET: What do we have -- what is her sign? Is her sign a flapping in the wind or attached to the wall?

MS. MUNDUS: I have the plans right here. It's recessed, so it's hard for the wind to get behind it.

MR. JAUQUET: Is there something -- does the code differentiate between signs that hang within the property line, private property lin and those that hang onto
the building.

MS. BERRY: If it's over the sidewalk, I think that is the implication.

MR. JAUQUET: But the sidewalk could be private or it could be code.

MS. MUNDUS: It's not the sidewalk, it's her foyer.

MR. JAUQUET: I know, that's my point.

MS. MUNDUS: The door is recessed --

MR. JAUQUET: Into her property.

MS. MUNDUS: -- inside the property line.

MR. JAUQUET: So what is the code there?

CHAIRMAN McMAHON: In term of would the.

MR. PROKOP: She has a --

MS. MARLAND: I would also like to point out that that sign pre-existed. It was the sign that Goldy and Mac had, that was there for you years, they used
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the same exact sign --

CHAIRMAN McMAHON: If they weren't supposed to have something, but they did --

MS. MARLAND: So I thought maybe this has all been settled before.

MS. BERRY: There is another question.

You have to bear with me because I'm reading this code. Under the permitted accessory uses, under signs, it says "not more than one such sign shall be permitted for each tenant on the premises on each wall fronting on a street," and what just came in was a proposal to put another wording in the window, so that means there two signs.

Now, I've seen two signs, you know, so how do you refer to that because to me, there only allowed one sign for a tenant?

MS. MARLAND: I believe from Eileen, that came under a totally different heading because an applique
in the window the window is different
than the hanging sign, she took a
measurement of the building and it was
in proportion to the building that we
could have a certain number, a certain
amount of signage, and we were well
within that according to her.

MS. BERRY: I understand --

MS. MARLAND: Even with the this
other --

MS. BERRY: I understand you're
under the permitted on the wall, but my
interpretation of this says each tenant
is only allowed one sign.

Now, is that a proper
interpretation from other people?

MR. PROKOP: I think it's only one
sign.

Can I ask you who did the sign
belong to before this.

MS. MARLAND: Goldy and Mac, the
store that was there for years.

MR. PROKOP: And how long was it
there?
MS. MARLAND: Huh?

MR. PROKOP: How long has it been there?

MS. MARLAND: Years. I'm not sure.

AUDIENCE MEMBER: It was three plus years. It was almost four years.

MR. PROKOP: How long was it for, do you know, like, was it four years or six years.

AUDIENCE MEMBER: Well, I was in the store next door to her for three year and they moved out after this last season, so they were there for just four years. They ran their three-year lease and took on additional lease.

MR. PROKOP: Okay.

You know, one of the things which you could do is find out if they had approval for that sign and fine out when the approval was granted because it most likely was granted before 2011, then you might have some good fortune here.
The other thing is that you might ask the Zoning Board of Appeals for an interpretation of an overhead sign. I was asked to do it and I did if for the Planning Board, but the Zoning Board of Appeals also gives out, also is responsible for interpretations that's another avenue for you to consider.

But in the meantime, that would be my comment.

MR. JAUQUET: Is that sign hanging now?

MS. MARLAND: No.

I left here last week and I took it down, but it is a problem with business to not have a way of identifying yourself, and I, frankly, thought that there was some formality -- No one had ever told us that we needed a permit for the sign, so when I was here last week it came up and so I --

MS. MUNDUS: But the decal on the window.
MR. JAUQUET: Do you have signage?

MS. MARLAND: I was told by Eileen -- the decal in the window is not there. We just did a mockup of it.

MS. MUNDUS: I'm sorry.

MS. MARLAND: Yeah.

Because I was told by Eileen Wingate that we should apply for all signage at once, and it seemed like that would be another way of identifying ourselves because there a little something underneath it that says what kind of store we are, it's a home goods store, to avoid confusion about that.

We have a sign like that in another store if Brooklyn, so we photo-shopped it and put on the window here, but I was on the window here, but I was hoping --

MS. MUNDUS: This is on the sign application, right? You did put this decal on the sign application and send it into Eileen?
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MS. BERRY: They just did.

MS. MUNDUS: At the --

MS. BERRY: Right now.

MS. MARLAND: At the same time because I was told to do all signage at one time.

MS. MUNDUS: I mean, it's really for a weekend, she's paying rent in that store, she needs to get --

MS. BERRY: Can I make a suggestion.

MR. JAUQUET: Yeah.

MS. BERRY: This sign flies straight, so why not just approve this sign --

MS. MUNDUS: Right, that's what I was just going to say.

MS. BERRY: -- and then the other one can be --

MR. JAUQUET: Is that fair?

MS. BERRY: -- variance or whatever, but I, you know --

MS. MARLAND: Of course I would rather have some sign than no sign. I
don't have that sign to put on my window right now, and there is a, you know, a festival. I haven't had that made up yet.

I'm frankly shocked and surprised that the other sign is not being approved. I didn't see that happening.

MR. JAUQUET: That's the one you had made up, the hanging one?

MS. MARLAND: Huh?

The one that we actually have that we could put out tonight for the festival, I'm really shocked.

MR. JAUQUET: Is the hanging one.

MS. MARLAND: It's the hanging one because we have that, you know, we own that. We could put that out tonight, so are we sure that we can't, this can't be --

CHAIRMAN McMAHON: Yeah.

MS. MARLAND: Can I get a permit to hang that sign and then do adjustments before the actual license for the sign; is there some area here?
CHAIRMAN McMAHON: There possibly putting that sign in the window the window, so that would be over the weekend.

MS. MARLAND: Just to put the hanging sign inside the window.

CHAIRMAN McMAHON: In the window so you have something there. I don't know if anyone has any -- I don't believe there are any issues really with the actual use evaluation application. If it is an overhead, perhaps there's a possibility you were grandfathered in it was there for a period of time.

MS. MARLAND: That is my responsibility to figure that out?

CHAIRMAN McMAHON: I'd be happy to help if I can.

MS. MARLAND: Yes. Absolutely, who is the Zoning Board of Appeals, where is that?

CHAIRMAN McMAHON: Okay.

MS. MUNDUS: They meet here on a
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different night.

MS. MARLAND: Is it the same people?

MS. MUNDUS: ****You have to go back the Eileen and file --

CHAIRMAN McMAHON: -- the actual use evaluation application for her.

****

MR. BURNS: Did we approve that?

CHAIRMAN McMAHON: We accepted it, we didn't approve it.

Were you indicating you were going to take your trash home at night?

MS. MARLAND: Yes, I'm the one that takes the trash home. That's me.

CHAIRMAN McMAHON: Your hours of operation are going to be roughly 10:00 to 10:00?

MS. MARLAND: Yep, seven days a week.

CHAIRMAN McMAHON: Aside from the sign, are there any other issues anyone has with this particular application?

MR. JAUQUET: No.
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CHAIRMAN McMAHON: Any concerns?

MS. MUNDUS: We did ask last work session how is it fastened, what's the hardware, how much does it weigh, what does it look like, what are the dimensions, and this is an excellent answer to what every detail of what we asked for, provided almost in 3D, so it's a shame. I mean, it's forth of July weekend.

MR. JAUQUET: Why can't we let her put it up and then take it down or something to that -- the way she wants for July the 4th?

CHAIRMAN McMAHON: Because if it's not -- If I didn't write did the sign limitations, but I would imagine overhead sign, the reason you're limited in size is weight, concerns about it could fall --

MR. JAUQUET: Yeah.

MS. MARLAND: But we've addressed that.

CHAIRMAN McMAHON: I understand,
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but it's still actually outside of what the size of the sign, so anything outside of what is allowed in the code, so we can't just vote against the code.

If there is a possibility it was grandfathered in, it could be approved but if someone -- we can't vote against something that's in the code, if it's disallowed in the code, we can't vote for it.

MS. MARLAND: What about the idea of a permit, like, if you could give me a permit to function for now with the ideas that to have a license later in the future certain things have to be adjusted, whether it be the size with the Zoning Board, giving me leeway to fix these questions?

MS. BERRY: You have -- this complies and we could approve that.

MS. MARLAND: I'm very happy that you like that.

MS. BERRY: This is perfectly
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compliant, so if you really want a sign and you agree to it, I think this would be accepted. Right.

CHAIRMAN McMAHON: Yes. The overhead sign is still a separate issue. There's a liability issue, so we can't just approve that and come back and adjust it later, so just because of the liability issue of an overhead sign, I'm going to suggest that we approve the use evaluation application with the window sign.

If you want to put the overhead sign, I know you don't have that decal on --

MS. MARLAND: Right, we don't have that decal yet --

CHAIRMAN McMAHON: In the meantime, put the overhead sign in the window there.

MR. JAUQUET: Devin, I think your absolutely right, that is the way we should go.

CHAIRMAN McMAHON: I'm going to
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make a motion that we approve --

Excuse me, we also have to make
the SEQRA determination for this. It's
a Type II Action, it has no adverse
impact to the environment.

I'm going to make a motion that we
approve the use evaluation application
too.

The Planning Boarding has
determined for the purposes of SEQRA
that this is a Type II Action. It has
no adverse impact on the environment.

I'm going to make a motion that we
approve the use evaluation application
with an understanding the overhead sign
should remain down until that is ironed
out and we will look to see whether or
not it's possibly grandfathered in.

In the meantime, we grant approval
for the overhead sign to be used in the
window similar to what was presented in
your sign application and the detail
will be approved whenever that is put
up.
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Do I have a second?

MR. JAQUET: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAQUET: Aye.

MS. MUNDUS: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carried.

MS. MARLAND: Thank you.

CHAIRMAN McMAHON: Item No. 4

Motion to act on the use evaluation application submitted by Susan DePaola.

Susan DePaola represents North Fork Brew and Bites.

North Fork Brew and Bites has leased 45 Front Street (formerly Tony's Asian Fusion), and proposes to use the existing restaurant with the same use that was approved by the Planning Board on 3/7/2013, as a 38-seat restaurant, with minor changes. The restaurant is located in the WC - Waterfront Commercial District.

SCTTM # 1001-5-.4-20

Is there a representative here?
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No.

I don't believe we had any issues other than the hours of operation which were previously submitted to be 11:30 to 11:30, and the plan had indicated thirty-eight seats, the lease said forty, but the plan actually shows thirty-eight seats.

Were there any other issues that we had?

MS. MUNDUS: She was supposed to get a sign permit because her name was on the awning.

CHAIRMAN McMAHON: Okay.

The sign, I believe is going the be a separate application.

MS. BERRY: It is.

We didn't receive anything yet.

CHAIRMAN McMAHON: We didn't receive it. All right.

Does anyone have any issues with this, other than the sign? The seating?

I believe the conditional use for
the business continuous, they're still allowed to have that sign.

MR. PROKOP: Yeah, because that's an improvement continues, that's conditional use.

I just wanted to make sure. I asked this question last time, and I didn't get a chance to look it up, but I just wonder, were there any conditions on the prior residents, on the Asian Fusion restaurant?

MS. BERRY: I don't think there were any that apply here.

MS. MUNDUS: On what?

MR. PROKOP: All right, so --

CHAIRMAN McMAHON: Conditions on --

MR. PROKOP: Whether we had any previously restrictions imposed on the prior approval because I would just want them to continue.

CHAIRMAN McMAHON: We can note any prior conditions will carry on?

Planning Board is going to make a
SEQRA determination listing it as a Type II Action.

If there are no other issues. I make a motion to move forward with this, noting that the sign application is separate issue, again any conditions on the previous conditional approval will be carried over as well. Thought, concerns?

MR. JAQUET: No.

CHAIRMAN McMAHON: The Planning Board has determined for the purposes of SEQRA this is a Type II Action, it has no significant adverse effect on environment.

We recommend that we approve the use evaluation application noting that the sign application would be a separate application. The hours of operation will 11:30 to 11:30 and any conditions that were previously granted for the previous conditional use will carry over to this use as well.

Do I have a second on that motion?
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MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: Aye.

MS. MUNDUS: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carried.

Item No. 5 Motion to table the pre-submission conference for Eric Urban. Attorney Patricia Moore represents owner Eric Urban and is before the Board to discuss a proposed subdivision of an existing 13,500 square foot lot, creating two (2) non-conforming lots, increasing the nonconformity of the existing house substantially. The property is located at 440 First Street, and is in the R-2; One and Two Family District; As well as in the Historic District.

SCTM #1001-4.-7-1.

The motion was because we did not have a representative at the last meeting.

Do we have one today? I don't
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believe so.

I'm going to make a motion that we
table that item to the next meeting.

Do I have a second?

MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: Aye.

MS. MUNDUS: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carried.

Item No. 6 Continued review and
discussion on the use evaluation
conditionally granted for Brian
Carrick. The applicant proposed the
operation as instructional and rental
Flyboard facility located on the
Preston's dock. The property is located
at 102 Main Street; it is located in
the WC (Waterfront Commercial
District). SCTM #1001-5.4-12.1.

MR. PROKOP: I think we took care
of to this.

CHAIRMAN McMAHON: Yeah, we
addressed that.
MS. BERRY: We didn't actually vote on it, we just discussed it and it was a public hearing.

CHAIRMAN McMAHON: I don't know what we would do.
We didn't make any determination.

MS. BERRY: We're just holding it over.

MR. JAQUET: A vote to hold it over?

CHAIRMAN McMAHON: I guess I'll just make a motion to keep it on the agenda --

MR. JAQUET: Yeah, that's it.

CHAIRMAN McMAHON: For next time we'll keep it on the agenda to accept the short-form EIF.

I make a motion that we table this item to the next meeting which we will accept the short-form EIF.

Do I have a second on that?

MR. JAQUET: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAQUET: Aye.
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MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carried.

Item number seven, Motion to approve the Findings and Determinations for the following project:

Application of Tom Spurge for construction of a new house at 216 North Street.

I have reviewed the findings and determinations, I believe they accurately reflect what was agreed upon and voted upon by the Board at the meeting.

Ms. Ward (phonetic), I'm imagine you have something to say.

MS. WARD: We too have reviewed the minutes going back to 3/26 meeting. Ms. Dickey (phonetic) over there brought up the question of the balcony any and Mr. Prokop asked what size it was, and Eileen Wingate spoke up and said "it's eight feet wide by twenty-three feet deep."

Now, Eileen was misspeaking
because as we all know, the lot is forty-five feet wide, the house is twenty-four feet wide and balcony is twenty-four feet wide, not twenty-four feet deep.

It was also raining and I said, "would you please speak into the mic, it's hard to hear," and Mr. Prokop said. "Eight feet by twenty-three feet, the second-floor balcony, I don't review the plans, but if it is eight by twenty-three, I don't consider that to be a balcony, I consider it to be a deck. I would generally consider that a deck, not a balcony and I would think that a second-floor deck maybe something that you want. Thank you for bringing that up," He said. "Is it in the planners notes?" Chairman Dowling said, "No, it's not." Ms. Berry said, "No." He said, "See normally, if someone calls something a balcony, it's basically room for standing or for a chair. That's basically a balcony."
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When you get to the size of twenty feet by eight feet, I think that's actually a second-floor deck." And he goes on to field that issue.

So then there was an executive session called because we were running out of the sixty-day rule time, Tom Spurge was called. He threatened litigation and you did a SEQRA. You came out the SEQRA and the word width was used four subsequent times.

CHAIRMAN McMAHON: As you noted before, Ms. Wingate --

MS. WARD: I beg your pardon, I can't hear you.

CHAIRMAN McMAHON: As you noted before, Ms. Wingate had misspoken when she --

MS. WARD: Yes, she did.

CHAIRMAN McMAHON: Referred to that. Everyone participating in the conversation had an understanding that we were referring from eight feet down the five feet with the depth, that was
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the understanding --

MS. WARD: Although, although,
she referred to that as the width.

CHAIRMAN McMAHON: Yes. But there
were also gestures that are not --
there was --

MS. WARD: I didn't notice the
gestures.

Let me just finish, okay, Chairman
McMahon.

When you come out of the SEQRA, Mr.
Prokop said that the second-floor
structure I'm referring to is either a
balcony, it indicated balcony or deck
on the plan, so again that would be
limited to width of five feet. He uses
the term width four times in describing
it.

Now, let me say that in the next
meeting, according to Ms. Berry, she
felt everybody was on board, that --
how should I say it, that the width
really was the depth. That whenever
the words width used incorrectly, it
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was really meaning depth.

However, all of us at that meeting and there was many more of the neighborhood, they were harder to round up this week because of travel plans, vacations and people have guests and so on, but we had quite a bunch of people here really concerned about that, the real width of the deck, not so much the eight-foot depth. But when Mr. Prokop said that he construed the term balcony to mean something where somebody could stand or have a chair and then he came back with the SEQRA and said a five-foot width, we all walked out of here elated thinking this eight by twenty-four foot balcony is now being reduced in size to five feet wide and eight feet deep.

It wasn't until the last meeting that we found out it's being reduced in size from eight by twenty-four to five by twenty-four.

I feel like we have been
bamboozled by misinformation, by poor use of terminology and by the fact that that balcony is still a deck and it can hold a heck of a lot more than a person standing or a chair. It can hold sixteen people standing and sixteen chairs.

I feel steamrolled and I know my neighbors do too. We are immediately to the west of that balcony. Carol Edwards over there is immediately to the east of that balcony. It extends across the whole width of that build to rear on the second floor. It overlooks our yards. We have no privacy, and I thought that it was going to be more fairly remedied.

If it could be pulled back a bit on each end --

CHAIRMAN McMAHON: At this point at this point, this is not, this issue is no longer up for discussion. This is findings and determinations. It's --
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MS. WARD: It should be because a mistake was made by terminology, you know.

If it's no longer up for discussion --

CHAIRMAN McMAHON: There was --

MS. WARD: -- then let's go with the terminology used in the SEQRA in which the width is reduced to five feet. That's what was described --

CHAIRMAN McMAHON: The --

MS. WARD: I have it in front of me too.

You know, it's like up, it's down --

CHAIRMAN McMAHON: There were three --

MS. WARD: -- the depth is width.

CHAIRMAN McMAHON: There were three --

Will you please?

MS. WARD: Yes. Go ahead.

CHAIRMAN McMAHON: There were three members who voted at that
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meeting, two were absent, Ben, myself and Chris. Chris is not here this evening.

I know what my intention was. I can't speak for Ben. I can't speak for Chris since he is not here. I believed that this accurately reflects the intention of what we voted on.

Now, I don't know if how --

Do you have an opinion on the intention --

MR. PROKOP: I think it's clear that that --

MS. BERRY: Can I mention that usually a balcony runs along the building face, it doesn't stick out like here. So if you had the configurations --

CHAIRMAN McMAHON: I had not considered, it was clear to me --

MR. BURNS: And to me.

CHAIRMAN McMAHON: -- and it was clear to Ben and to everyone that was discussing it on the Board side anyway,
what we were talking about.

We were talking about reducing the depth from eight to five feet now somebody said --

MS. WARD: But every time that --

CHAIRMAN McMAHON: -- somebody said --

MS. WARD: -- every time you used the word --

CHAIRMAN McMAHON: -- looking at the side of the deck --

MS. WARD: I understand --

CHAIRMAN McMAHON: If you're looking at it here, it's a width and if you're looking at the face of the building then this is the width --

MS. WARD: You can't change -- you can't change the terms. You know, the width of the lot, width of the house, width of the balcony. I understand --

CHAIRMAN McMAHON: What was --

MS. WARD: -- that you thought, but you were using the wrong terms and therefore, we didn't understand that.
CHAIRMAN McMAHON: What would you like to happen this evening?

MS. WARD: Can you appreciate that?

CHAIRMAN McMAHON: What would you like to happen this evening?

MS. WARD: If it cannot be reduced in width -- it's three-feet eight inches inside dimension, twenty-four feet exterior dimension, if it cannot be reduced in width to pull back from the east and west properties, which it overlooks by just a few feet since the house is much deeper, the balcony then hangs off the house, our houses end here, so we lost all privacy in our yards. If that can't be reduced a few feet on each end to bring it back then go back to the initial suggestion of screening the west end and the east end of the balcony.

CHAIRMAN McMAHON: This is --

MS. WARD: To give us some privacy.
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CHAIRMAN McMAHON: This application has already been voted on and closed out and we can't go back now and make those changes.

MS. WARD: Well, I feel that's really unfair, given the fact that four times coming out that SEQRA finding, the finding was it would reduce the width when indeed you said the death.

It seems the me the error is on your shoulders. We feel totally mislead by this.

CHAIRMAN McMAHON: I'm sorry you feel that way, but I believe that this is an accurate --

MS. WARD: I don't know what this is.

CHAIRMAN McMAHON: Determination of what we intended at the SEQRA meeting.

MR. JAUQUET: What is is the -- what is that -- what are you saying you voted on?

CHAIRMAN McMAHON: The.
MR. JAUQUET: Twenty-three by five?

MS. MUNDUS: I wasn't here but they --

MR. JAUQUET: So they walked away without privacy.

MS. MUNDUS: -- twenty-thee, how could you mistake twenty-three feet and only fit -- Can't be twenty-three feet --

MS. WARD: I'm sorry, I --

MS. MUNDUS: Twenty-three feet, that number has been used all through the whole discussion, twenty-three feet --

MR. JAUQUET: It was not used through the whole discussion because they walked away with a five by eight --

MS. WARD: Exactly.

MR. JAUQUET: -- with a five by eight determination on our part and it fact, because of the, because of the --

CHAIRMAN McMAHON: I can't imagine
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a five by eight balcony --

MS. WARD: Well, actually --

Chairman McMahon, there is a five by eight balcony on a house directly across the street from me. Harvey Stranger's (phonetic house. White house on the corner of Third and North, they had a little balcony off the second floor with no accessory staircase to it, never uses it, but it's there, five by eight.

CHAIRMAN McMAHON: Again, I don't --

MS. WARD: And again that, that, that allows for --

CHAIRMAN McMAHON: I'm not --

MS. WARD: For a person to stand --

CHAIRMAN McMAHON: Ma'am, you're going to have to allow me to speak. You can't keep continue to speak over me. Okay. We have to have a --

MS. WARD: I was still speaking.

CHAIRMAN McMAHON: -- discussion
or we can't -- we're just going to
close the issue --

MS. WARD: I was still speaking

too.

CHAIRMAN McMAHON: -- this has
already been voted on --

MS. WARD: Go ahead.

CHAIRMAN McMAHON: -- this has
been closed out.

MS. WARD: Right, well, this --

CHAIRMAN McMAHON: This is a
summery of what has already been
discussed and determined.

It's not now open to re-design
this man's house.

MR. PROKOP: I'd like to -- what
is being suggested that we would
consider something that was -- instead
of being eight feet away -- extending
eight feet away from the house, and
twenty-three feet along the house would
be extent eight feet from the house and
be five feet along the house. Which I
couldn't imagine that's anything that
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we could ever be -- that's not compliant.

CHAIRMAN McMAHON: It's not -- in the course of the discussion there were and you have the meeting minutes, there were also the drawings that we were looking at and discussion and making reference to.

MR. PROKOP: The only thing that she said, she said that it's a few feet from the property, do we know if that is correct?

MS. WARD: It would be eleven feet from Carol's property and it's ten from mine.

MR. PROKOP: It would have had to have met the -- it would have had to have met the zoning requirements so.

MR. JAUQUET: But the zoning didn't address the balcony.

CHAIRMAN McMAHON: But this is, this is, again, unless I'm misinterpreting this, the zoning was already being voted on.
MR. PROKOP: Yes.

MR. BURNS: That my understanding.

MR. PROKOP: It's something that was approved. It becomes permanent once it is --

MS. BERRY: A number of people went back and looked at it and everybody had the same determination.

MS. WARD: I'm sorry. I can't hear you. You said a number of people went back and looked at it and what --

MS. BERRY: Yeah. A number of people went back and looked at the minutes and they had the same interpretation?

MS. WARD: You know, I went back and looked at the minutes, I printed them out, I marked it, they're here in front of me.

All I can say is that all of the neighbors left feeling you were putting in a five-foot wide and eight-foot deep balcony like the one across the street from me on Harvey Stranger's house,
which is eight by five, that you were not putting in a twenty-three or twenty-four foot wide balcony by five foot deep, and when we found this out last week at the June 4 meeting, two weeks ago, whatever it was four weeks ago, that's when you went back to the minutes, but if you read the minutes, you can see that Mr. Prokop used depth extensively with the SEQRA and that's why we walked out thinking this, so we're upset. It was the biggest issue on our minds other than the no ability to have a staircase to the second floor.

Perhaps if you don't feel you can change what was voted on, the balcony that should only hold someone standing and perhaps a chair but will hold many, more, if you can't change the dimensions, perhaps you can go back to what was originally proposed by you folks, which is to screen each end of it, the east and the west to give us
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privacy.

CHAIRMAN McMAHON: At this point, I can't make changes to what was already voted on by the Board.

MR. JAUQUET: Well, I believe --

CHAIRMAN McMAHON: I can't go back and make that change.

MR. JAUQUET: Didn't we -- we didn't specifically address the screen.

CHAIRMAN McMAHON: We did.

MS. WARD: It was brought addressed prior to you going into executive session. It had been brought up.

MR. JAUQUET: I thought it was. I know I remember --

MS. WARD: I have that here too.

MR. JAUQUET: See, why don't --

MS. WARD: Acting Chairman Dowling says, "We did put screening up so that he is not going to be able to look into your backyards, so."

MS. BERRY: Also you then complained that you didn't want
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screening.

MS. WARD: I didn't, personally, someone did.

MS. BERRY: Someone complained, then it got dropped --

MS. WARD: So then it got taken out?

MS. BERRY: Yes.

MS. WARD: Well, I feel that given the mis-terminology, misuse of terms by Wingate which totally confused the issue and through us off, we the neighbors that we're owed something.

MR. JAQUET: I agree with you.

MS. WARD: Thank you.

MR. JAQUET: That is my opinion.

Because there is confusion, they walked away confused despite the Boards mistake or the Board's interpretation.

MS. WARD: So what are you --

MR. JAQUET: There's a problem and I think the screening is not a lot to add.

CHAIRMAN McMAHON: I think don't
think we're -- I don't think we can now ask for additional conditions on something we have already voted on. This is a done deal.

MR. JAUQUET: What about them walking away last time.

CHAIRMAN McMAHON: They didn't vote.

MR. JAUQUET: Yeah, but --

CHAIRMAN McMAHON: I understand their concern and I -- it frustrates me that there was any confusion and I hate to make any mistake.

MS. WARD: It was a mistake, not confusion.

CHAIRMAN McMAHON: I just said mistake, but if you want to talk over me again, you --

MS. WARD: I will be happy to correct you when needed.

MR. BURNS: Those of us who voted, those of us who were here, there are two of us who did --

MS. WARD: Yes.
MR. BURNS: -- understood what is in the minutes which in the document. That's all I can say. Now if there is a way that you can persuade the owners to put a, some kind of a fence there or gate or --

MS. WARD: You expect us to approach the owner. This has been a battle for months now. He would laugh at us.

Let me say this. At the March 26 meeting, after you came out of SEQRA and Attorney Prokop read off the issues including the width and dept of the balcony, all those terms weren't used. It was then stated, "Okay. Does anybody have any other concern? If not this is closed, we're voting on it."

We didn't bring up any more concerns because we thought we were getting five by eight balcony and now you're saying it can't be dealt with because it was voted on, but it was voted on erroneously --
CHAIRMAN McMAHON: No. It was voted on --

MS. WARD: -- using the wrong terms.

CHAIRMAN McMAHON: -- the people who voted understood what they were voting on.

MS. WARD: You certainly didn't communicate it to the concerned citizens.

CHAIRMAN McMAHON: I apologize for the miscommunication.

MS. WARD: Thank you for the apology.

I would like to have Mr. Jauquet's view prevailed here where some simple screening on each end would be a simple resolution.

CHAIRMAN McMAHON: It's my disposition it's already been voted on by the --

MS. WARD: You were just talking over me, sir, and I couldn't hear you.

CHAIRMAN McMAHON: Yes, because
that's where we've gotten.

MS. WARD: What did you say?

CHAIRMAN McMAHON: That's where we've gotten. That's what it's evolved to --

MS. WARD: No. I'm trying try to find out what you said when you were talking over me.

CHAIRMAN McMAHON: We need to refocus and move forward on this issue in a positive or at least reasonable way.

This is a summery of what was already determined. I understand where you're coming from. I understand where your neighbors are coming from and your concerns.

I apologize for the miscommunication. It wasn't conveyed to you in a manner that was clear and gave you an accurate representation of what was going on. I believe that me and the other members of the Board voted in the manner that the effective
of what we were trying to do was trying to reduce it from eight to the five to make it in line with the balcony. The balcony that extends the length of the property, but a balcony. That was our understanding.

I believe this is an accurate representation of what was already voted on by the Board, and I don't believe the Board has the authority to make any changes to, any material changes to the plan that was voted on by several members of the Board.

MS. WARD: There seems to be some -- Mr. Jauquet feels that --

MR. JAQUET: Well, my opinion is this. This is the Planning Board. I know we have made, you know we voted on some determinations already, but in the long view, this the Planning Board, that's a sensitive block, this is a quality-of-life board, it's not all rules and regulations in the code because when it comes to quality of
life, there's like to past sentences in the planning part of the code that allows to give these sensitive blocks, you know, protect them from too much activity and all these other lots that are undersize except et cetera, et cetera. If we made a mistake not to put in the screening on the sides, which to me is a minimal addition to that construction project that doesn't, you know, that has a big impact on all of the neighbors on three sides.

So to me, I have no problem going back and adding that to his sight plan, his building plan?

MS. BERRY: Can I -- apologize because --

MR. JAUQUET: And we already discussed that in first meeting when we saw his plan for the, what everybody called, the rooming house and it got, you know, as far as I'm concerned, even though I was not at some of these meetings, somehow the screening got
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dropped in all the other mish mash about the sizing.

MS. BERRY: The reason the screening was dropped is some people at the hearing did not like the screening because it blocked their view.

MS. WARD: One person.

MR. JAUQUET: Who are they?

MS. BERRY: I don't know, I have to go back in the minutes, but somebody objected to the screening and said --

MR. JAUQUET: A neighbor.

MS. BERRY: Yes.

MS. WARD: It was Julie Dickey, my partner who lives next door. I think she would retract that at this point.

MS. BERRY: So the compromise was we made it smaller and we gave up the screening.

So it wasn't a mistake, it was because, you know, it's a valid thing. It blocks people's view. Otherwise they could see over it, so it was a valid issue.
MS. WARD: But of course we felt that you were making it much much smaller.

MR. JAUQUET: Yeah, you still have.

MS. WARD: We thought it we were getting five by eight and didn't need screening.

MR. JAUQUET: They've got, you know, more space then they thought they had and now they've got all the space plus no screening.

I don't see why -- I would think that spurge would want the screening because they are way to, you know, they're gonna see the neighbors down there just as much as the neighbors are gonna see them up there.

I think Planning Board should decide on that whether we like the screening, whether we think the screening is a positive to quality of life or a negative. Even though we've already approved his plans, period.
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It's still a problem. These blocks in the town are overloaded already.

MR. BURNS: I suggest we ask our attorney if we can do that.

MR. PROKOP: I think it would have to be voted on --

MR. JAUQUET: You know, is Tom Spurge going to sue the Village because of screens?

CHAIRMAN McMAHON: I don't know. My understanding --

MR. JAUQUET: If it comes to a motion right now, there's only three of us and I'm going to say nay.

CHAIRMAN McMAHON: My opinion is that this is an accurate reflection of the meeting. Whether or not the result of the meeting is the one that you wanted or Mr. Spurge wanted, I'm sure it's not what he wanted --

MR. JAUQUET: You know, we should find out -- I'm sorry.

CHAIRMAN McMAHON: I'm believe
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that we don't have the authority to go back and make, and change his plan at this point.

Do you have an opinion on that?

MR. PROKOP: I think you could. I think you have, there would have to be a new hearing.

CHAIRMAN McMAHON: There would have to be a new hearing, a rehearing.

MR. PROKOP: Honestly, I have a lot to say, but I'm limited to what I can say because I'm fairly certain that this application is going to be litigated and I don't want to -- there's a lot of things that I can say that would probably make the speaker -- I don't want to say feel better but this was --

MS. WARD: Go ahead.

MR. PROKOP: This application was really hashed over over a long time, but I'm limited in what I can say publically because of I'm sure -- I'm concerned that we're going to get --
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there's going to be litigation public.

CHAIRMAN McMAHON: Okay.

My comments will be, so --

MS. WARD: I beg your pardon?

CHAIRMAN McMAHON: I said my

comments will be, so I'm free to speak.

I believe that this is accurate

representation of what was discussed in

the meeting and that's actually the

only reason this is on the agenda as to

whether or not this is an accurate

representation of what was discussed at

the meeting.

MS. WARD: I understand that, sir.

CHAIRMAN McMAHON: I believe it

was.

MS. WARD: I believe it wasn't.

MR. PROKOP: *****If no vote on

the decision, I think what you could do

is consider doing is taking it again

with the full board?*****

MR. JAUQUET: Can we table it and

get Spurge to agree to screens?

CHAIRMAN McMAHON: That not
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likely.

MR. JAUQUET: Not even screens?

CHAIRMAN McMAHON: I don't know. I really --

MR. JAUQUET: I mean, I'm not -- I just --

CHAIRMAN McMAHON: If you think something should be heard with a full board --

MR. PROKOP: I think the full board should vote on it.

CHAIRMAN McMAHON: All right. I make a motion we table that discussion to the next meeting so we can have the full Board here.

Do I have a second.

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carried.

(Pat Mundus left before vote was taken on this matter.)

MS. WARD: Thank you.
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CHAIRMAN McMAHON: Item number eight Table discussion on 300-308 Main Street to the July 30, 2015 work session after comments by the Historic Preservation Commission. The 300-308 Main Street Sterling Square Project is to be reviewed by the Historic Preservation Commission on July 6, 2015.

Do I have a second for that?

MR. JAQUET: Second.

CHAIRMAN McMAHON: All in favor.

MR. JAQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carried.

Item number nine, Discussion of the Bed and Breakfast code of the Village of Greenport, regarding the number of permitted rooms and number of lodgers.

Section 150-78 (7c) limits the renting of room to three rooms for lodging and serving of breakfast.

Section 150-78 (7d) limits the
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number of occupants to not more than
two individuals for a maximum total of
six casual and transient roomers.

We are asked to review this item
by the Board of Trustees. We will
submit a report to them within
forty-five days from today our
recommendations regarding change to the
zoning.

I believe we do have
representatives from at least one the
bed and breakfasts. If any of you
would like to make any comment.

What I want to do is accept some
comments form the people involved so we
have them on record, and we can have
them to consider as we review it at the
next session where we would make our
recommendation.

So if Doug or anyone else wants to
speak to this.

MR. ROBERTS: My name is Doug
Roberts 133 6th Street, Village
Trustee. I'm here not as a
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representative of the Board but as an individual trustee.

The -- I'm -- one of the things that concerns me most about what our Board has to consider over the next year is short-term-rental problem or situation or issue or it depends on how you look at it; but it's a problem for me as a trustee. We have to figure out how to do this either regulated or not but whatever we do has to be fair, has to be consistent, has to be in the interest of the year-round residents and making sure the people can still afford to live here.

We have no shortage of demand for rooms in this village and so if we allow these folks, these good folks who run our local B&Bs to expand the way they could if they went across to 7th Street or up north of Bridge Street, we allow them to expand within the confines of the code, so they have to have enough parking spaces, they have
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to not be a nuisance to their neighbors
if they're gonna have five rooms
instead of three rooms.

It's not gonna solve the
short-term-rental problem but it's
going to make a dent, it's going to
create more supply, reduce the demand
and then gives us a little more leeway
when it comes time to think abut how to
deal with the short-term-rental
problem.

Not to mention, these are pillars
of the community, a lot of these are
historical buildings. They're allowing
people to come visit and spend money
here.

It seems like everywhere else has
a New York State Code or Town Code,
everyone else seems to allow five rooms
and if the owner of the B&B has the
space and has the room for parking, you
know, like I said that's six rooms
because they have to be owner occupied,
I see no reason why we shouldn't do
this. It's just one of these common
sense things and I'm sure if we all
went through the code, we could fine
other things we need to fix but this
one is particularly timely because we
have a real, we have a demand problem,
over demand for rooms in this village.
Go talk to our hotel owners too. I
hope you'll come back to the Board with
that sort of common-sense
recommendation.

Thank you.

CHAIRMAN McMAHON: Thank you.

MR. JAQUET: What was discussed
in the last meeting, Planning Board
meeting in terms of this?

CHAIRMAN McMAHON: On this issue,
it wasn't. This the first time we are
addressing it.

MR. JAQUET: Oh, we didn't.

CHAIRMAN McMAHON: Sir.

MR. SAWYER: Hi. I'm Clay Sawyer,
I own the Stirling House Bed and
Breakfast on Bay Avenue, 104 Bay
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Avenue. I'm a fifteen year resident and I started the business fifteen years ago.

I'm a full-time resident. Stirling House is my primary means of support which means I need to inn to be successful, so I can live in the house and pay my mortgage.

The climate of lodging has recently changed and has severely hurt my fellow B&B innkeeper's inns by way of bookings going down, plummeting actually, because of these short-term rentals.

Southold township and almost everywhere else has a five-room max and if I were able to add a room or two at my guest inventory, it would make a huge difference to my business surviving in these trying times.

We have always followed the law. We are viewed as a positive by the neighbors.

I'm a firm believer of healthy
competition, but I think there needs to be a more even playing field. We collect taxes, both sales and hospitality and pay hefty B&B insurance each year, and so with an extra room -- and honestly, the way things are now, a lot of people are just asking for weekends because they're looking these Airbnb, I'm gonna say it, and they're kind of killing the weekday business, so the ones that are calling for a lot where it's off the hook is the weekends.

If we could have some more rooms in our inns for the weekends, it would help us survive.

MR. JAUQUET: Even with Airbnb?

MR. SAWYER: Airbnb needs to be regulated. I mean it's --

MR. JAUQUET: Yeah, I know, I know.

MR. SAWYER: -- it's out of control. We all know that.

MR. JAUQUET: If you had another
room the big Airbnb competition
wouldn't -- I mean you would have that extra income.

MR. SAWYER: Exactly.

And I know that they are thinking about other things, like putting limitations on, you know, minimum of one week limit, which to me would work fine because technically we don't usually rent more than a week.

MR. JAUQUET: For non-regulated?

MR. SAWYER: Yeah.

MR. JAUQUET: It's really the non-regulated-lodging market is what Airbnb and VBRO are, right, it's the non-regulated market.

MR. SAWYER: Right.

But unfortunately, it's definitely having a major impact on all the -- I run the LIBNB for the North Fork, and I started a group eight years ago --

MR. JAUQUET: With other owners?

MR. SAWYER: With twelve other B&B Inns on the North Fork, several right
here in Greenport and we're all feeling it, you know, so if we can have the extra rooms just to match our own friends who are also competitors --

MR. JAUQUET: Yeah.

MR. SAWYER: -- you know, in Southold and Mattituck and Cutchogue with five or four, that would be a tremendous help to us.

MR. JAUQUET: What do you think we should do about -- what are we going to do --

CHAIRMAN McMAHON: We're just addressing bed and breakfasts.

MR. SAWYER: Right, just the number of rooms.

Basically, that's all I have.

Thank you very much.

CHAIRMAN McMAHON: Thank you.

MS. WILHELM: I'm Renate Wilhelm of the Morning Gory B&B.

Adding the extra rooms would definitely add to the prosperity of the Village in all areas of the business.
Currently because of our room limitations, we have to turn so many people away who will not be able to experience and contribute to our local economy.

Our guests love exploring out quaint little seaside village with its many shops and wonderful eateries.

With adding more rooms and more exposure to our area, the local economy will grow and prosper.

We are all very active and hard-working merchants who have a living to sustain and with our success in our village, we feel our village will be rich in spirit and bounty.

That's it.

CHAIRMAN McMAHON: Thank you very much.

MR. JAUQUET: Which is your bed and breakfast?

MS. WILHELM: The Morning Glory on Main Street.

MR. JAUQUET: Oh, the one with all
the roses?

    MS. WILHELM: Right, on Main and Bridge.

    Yes. With the roses.

    CHAIRMAN McMAHON: Thank you very much.

    MS. LATHAM: Hi. I'm Sarah Latham, 817 Main Street, Greenport.

    First I'd like to read on behalf of Donna Gruber who is unable to be here. She is the owner of Ruby's Cove on Bay Avenue and she forwarded this E-mail to me:

    "Good afternoon and thank you so much for your consideration on this very important matter.

    This is Donna Gruber from Ruby's Cove. I am unable to attend the meeting this afternoon.

    I would, however, like to express the need for my and other Greenport establishments to increase the number of rooms from three.

    The reason for requesting the
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increase in the number of rooms is in order to insure the profitability of the business as the current number is resulting in a business model that is not feasible, especially due to the season-bound nature of the hospitality industry in Greenport.

The result is only a few months of occupancy which is not enough to sustain the business over the year.

Having been part of the Greenport community for the past six years, I would like to continue this association and to grow my business in this wonderful and friendly environment.

I hope you all have a blessed and good weekend. Donna."

I am here tonight in support of the requested resolutions raise the code -- I'm not gonna read that, he already did -- both the State of New York and Town of Southold limit bed and breakfast to a maximum of five room. I encourage Greenport to join them and
allow bed and breakfast owners in the Village to grow their businesses.

These businesses provide safe, regulated rooms for visitors to Greenport. Owners reside on the premises and parking is provided for each room.

I am a graduate of Greenport High School and I have returned to the North Fort in hopes of raising a family here. For me, two more rooms is the difference between simply covering my mortgage and overhead and being able to make enough to provide for a simple living that would allow me to do this full time while raising that family.

As we look toward the more arduous task of addressing short-term rentals that are currently offered on sites such as Airbnb and VRBO, I believe that allowing Greenport's bed and breakfast to go from three to five rooms immediately provides more inventory for those interested in staying in the
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village with the security that this inventory is already subject to existing regulations that are proven to be safe and acceptable for both visitors and residents alike.

I just want to go off for a minute and encourage the Board to do this as timely as they can. I understand there is a forty-five day allowance and for us that's forever because I assume it's going to go back the Board of Trustees and then potentially to a public hearing and then to the code committee, and it's 2016 before we can even hope to benefit on Memorial Day weekend 2016. So just any expediency you can provide is truly appreciated.

MR. JAUQUET: Do you belong to the organization that he started --

MS. LATHAM: I do.

MR. JAUQUET: -- and your friend on the e-mail on your iPhone?

MS. LATHAM: We're all, almost all of us are --
MR. JAUQUET: Do you all have, do you have, like, extra rooms already in your house that are going to be --

MR. SAWYER: I could --

MR. JAUQUET: Does it include new construction?

MR. SAWYER: What's that?

MR. JAUQUET: Does it include new construction, additional, you know adding onto your house?

MS. LATHAM: I can't answer for everyone, but I would say the majority would not require new construction --

MR. JAUQUET: Yeah. I didn't think so, a lot of you guys have big houses already.

MS. LATHAM: -- we have big houses already.

Thank you very much for your time.

CHAIRMAN McMAHON: Thank you.

AUDIENCE MEMBER: Can I just add one thing to what she just said to you?

CHAIRMAN McMAHON: Sure. Just --

MR. SAWYER: The part of the
expediency that would help us is that
the money we make now is what helps pay
our mortgage for January and February
when we do not have anybody except for
a few Saturdays, so we really depend on
this money now to get us through the
full year.

MR. JAUQUET: This whole bed and
breakfast discussion, is all reactive
to VBRO and all these unregulated room
rentals, short-term one-day room
renting.

CHAIRMAN McMAHON: It certainly
puts pressure on them.

MR. JAUQUET: I mean it really
is -- isn't the Town -- the Town is
going after VBRO first and not their
bed and breakfast law.

CHAIRMAN McMAHON: I think the
issue here is that Greenport has a more
restrictive bed and breakfast law than
--

MR. JAUQUET: Yeah, it does and I
can see why they're coming for the
extra rooms. It makes perfect sense.

When do you start talking about
the VBRO pressure and the non-regulated
and insurance and liabilities and all
that?

Is that, is the Board of Trustees
in Greenport or in the Town of the Town
of Southold?

I know the Town of Southold is
looking at the whole thing from the
VBRO thing.

CHAIRMAN McMAHON: What do you
mean?

MR. JAUQUET: I mean the Town of
Southold is looking at the whole thing
from the VBRO thing.

AUDIENCE MEMBER: If I may, the
Town yesterday rejected their law and
they're going to go back and --

MR. JAUQUET: Rejected what law?

AUDIENCE MEMBER: They were --
they had a public hearing and they
rejected it at the public hearing
yesterday.
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MR. JAUQUET: On what?

CHAIRMAN McMAHON: On short-term rentals.

AUDIENCE MEMBER: For us, it's now in code committee.

MS. LATHAM: If I --

MR. JAUQUET: This is like a parallel idea, VBRO is one thing but at the same time you want to get the extra rooms in the B& Bs, so that's --

Why does the Planning Board get involved in this because they want the Planning Board's opinion on this?

CHAIRMAN McMAHON: That Board of Trustees passed a resolution that they wanted, the resolution was that they requested a report from us on this section of the code, we should do this as quickly as possible.

MR. JAUQUET: It's potential set up for next year.

CHAIRMAN McMAHON: Are you really aiming for something this year or is it --
MS. LATHAM: Of course, everybody wants everything done today. I just --

MR. JAUQUET: It would bring in business.

CHAIRMAN McMAHON: What's that?

MS. LATHAM: What I just want to sort of reiterate or really make a point of is that I believe all of us will be here again when we address, when we, whoever, whichever branch or whatever you say, addresses the issue of the short-term rentals.

I'd really like to keep this a separate issue because I think it can be a separate issue --

MR. JAUQUET: I just wanted to say --

MS. LATHAM: -- I don't want it to get tied to that and tabled until that is addressed because I think that is going to be a huge thing.

That's all I wanted to say.

CHAIRMAN McMAHON: I going to review just this section of the code as
we were requested to do. We don't write short-term rental law, so it's not really up to us.

We were asked to give an opinion on the section in the existing codes, and we will consider all of your comments and encourage any of the other members of your group of bed and breakfast owners. They may submit anything you would like read into the record, anything to be addressed to the Board. We will consider all of those.

We're not going to -- we can't draft a resolution tonight to send to the Board. I would like to put this on the agenda for your next the work session. We welcome any other bed and breakfast owner, member of the community for or against to discuss it.

MR. JAQUET: How many potential extra rooms would that be?

I mean, if there is fifteen B&Bs in town --

CHAIRMAN McMAHON: They proposed
three to five, so I know how many are
---

MR. JAUQUET: You know, they’re
clearly adding --

How many rooms would be added
potentially?

AUDIENCE MEMBER: Sixteen to
twenty.

MR. JAUQUET: And the parking
thing, do you think that that’s an
issue?

AUDIENCE MEMBER: No.

MS. BERRY: I think it is.

CHAIRMAN McMAHON: Yes. Parking
is an issue.

MR. JAUQUET: Well any -- it is an
issue, yeah.

CHAIRMAN McMAHON: So every bed
and breakfast would potentially be
coming before the Planning Board with a
parking problem.

MS. BERRY: Yes.

CHAIRMAN McMAHON: Anyone who
wants to change their site plan if they
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go from three to five, they would have
to change the site plan --

MR. JAUQUET: Or there would be --

CHAIRMAN McMAHON: They would
subject an application and they would
be subject to whatever parking
regulations, you know, I mean all
regulations --

MR. JAUQUET: You know, you could
institute some sort of streamlining of
the since it's a new law.

CHAIRMAN McMAHON: Well, yeah,
that's all up for discussion. If
there's, I think --

We encourage others to submit
their comments, we'll view them at --

MR. JAUQUET: The max is five, can
some have more if they have more if
they have more room?

MS. LATHAM: That changes your --
If I understand correctly, it changes
your designation with the State and so
then you would just have to do more
things with your kitchen and all that.
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CHAIRMAN McMAHON: I would like to
aim to discuss this more at length at
our next work session and hopefully we
could draft a recommendation by the
regular session.

MR. JAUQUET: So you need a
second?

CHAIRMAN McMAHON: Yes, I guess
that's the motion.

Do I have a second?

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: Aye.

MR. BURNS: Aye.

MR. JAUQUET: 

CHAIRMAN McMAHON: Item number ten
Motion to schedule the July, 2015 work
session meeting for July 30, 2015 and
the August, 2015 regular meeting for
August 6, 2015.

Do I have a second.

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor.

MR. JAUQUET: Aye.
MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carried.

Item number eleven, motion to adjourn. Second.

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Adjourned.
CERTIFICATION

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

THAT the witness whose testimony is herein before set forth, was duly sworn by me; and.

THAT the within transcript is a true record of the testimony given by said witness.

I further certify that I am not related, either by blood or marriage, to any of the parties to this action; and

THAT I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of July, 2015.

__________________________
STEPHANIE O'KEEFFE