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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD
REGULAR MEETING

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Third Street Firehouse
Greenport, New York

June 2, 2015
5:00 p.m.

B E F O R E :

DEVIN McMAHON -CHAIRMAN

BRADLEY BURNS - MEMBER

PETER JAUQUET - MEMBER

PAT MUNDUS - MEMBER

JOSEPH PROKOP - VILLAGE ATTORNEY

GLYNIS BERRY -- PLANNING BOARD COORDINATOR

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

1 II, action.

2 We're revisiting to address items
3 that weren't previously considered.

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

16 The property from which the
17 proposed use will be run is located At
18 102 Main Street and is further
19 identified on the Suffolk County Tax
20 Map as 1001-5.-3-8. 12.1.

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

23 We received -- at the same time
24 that we discussed and initially
25

1 approved the application, there were a
2 couple items that were sent to us from
3 the Town Planning Board or a member of
4 the Town Planning Board.
5

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

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

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

24 I have -- there was an article
25 provided to us from Newsday discussing

1 July 2, 2015 Regular Meeting
2 how Riverhead was handling their
3 concerns, also how it was handled in
4 Maryland.

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

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

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

25 MR. JAUQUET: Show what shapes?

1
2 CHAIRMAN McMAHON: Day shapes.

3 MR. JAUQUET: What's that?

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

9 MR. JAUQUET: Day shapes.

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

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

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

25 They do classify this as a

1 passenger for hire situation when you
2 have a person, you have an operator and
3 another person in the -- I don't know
4 what you call it.

5 MS. MUNDUS: Personal watercraft.

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

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

15 CHAIRMAN McMAHON: Yes.

16 In this, they do specify --

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

21 "As a Coast Guard MMC is required
22 when a passenger for hire situation
23 exists, at a minimum the following
24 three endorsements may be acceptable
25

1 July 2, 2015 Regular Meeting
2 depending upon the location and type of
3 operation: OUPV, OUPV Limited and OUPV
4 Restricted. The local Coast Guard
5 Officer in Charge, Marine Inspection
6 (OCMI) determines which of the three
7 licenses are appropriate for the
8 particular operation in question --"

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

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

15 CHAIRMAN McMAHON: Yes, there is a
16 distinction.

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

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

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

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

25 MS. MUNDUS: They're already

1 July 2, 2015 Regular Meeting
2 passing the classification. For all of
3 those things, they are already
4 preexisting, already in place.

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

11 MR. JAUQUET: That's a decent
12 point.

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

16 MR. JAUQUET: So what else is in
17 there?

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

20 CHAIRMAN McMAHON: They do also --

21 MS. MUNDUS: At Waterbury work
22 sessions, there was a gentleman who
23 stood up, I don't remember what his
24 name was, but basically he said that
25 the Planning Board has absolutely no

1 jurisdiction over anything that happens
2 three hundred feet off the beach.

3
4 MR. JAUQUET: We need to hear what
5 the Coast Guard has to say --

6 MS. MUNDUS: Yeah.

7 MR. JAUQUET: -- coast Guard
8 classifications.

9 Let's let Devon get through this.

10 Because you do have your license,
11 you're a captain, so --

12 MR. CARRICK: Yes.

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

15 MR. JAUQUET: Yeah.

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

18 "It is recommended that safety
19 procedures and training for both the
20 operators and passengers should be
21 developed to address circumstances
22 unique to these operations that are not
23 addressed in special operating
24 requirements for Uninspected Passenger
25 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

1 environmental operating conditions such
2 as weather, sea state, and operating
3 area (e.g. surrounding vessel traffic,
4 obstructions above and below the water,
5 water depth, etc.)

6
7 7. Assessment of the need for an
8 additional person(s) and/or a chase
9 boat to provide assistance and maintain
10 situational awareness of the WJD
11 operation and surrounding/oncoming
12 traffic particularly in congested
13 areas.

14 8. Assessment of PFD flotation
15 adequacy, particularly when any
16 equipment worn could overcome the PFD's
17 buoyancy.

18 WJD backpacks are designed with
19 built in positive.

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

23 Again, having just gotten this
24 today, I'm not really prepared to speak
25 about it in depth.

1 MS. MUNDUS: That's one of the
2 jobs of the operator is to conduct a
3 safety, initial dialogue with his
4 passengers.
5

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

9 MR. CARRICK: Yes.

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

13 MR. CARRICK: Yes.

14 MS. MUNDUS: Does your gear pass
15 floatation?

16 MR. CARRICK: Everything floats.

17 CHAIRMAN McMAHON: Brian, would
18 you mind coming to the podium, so you
19 can answer questions and have them on
20 record, and so the court reporter knows
21 --

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

24 I'm going to say a couple of
25 things which I do not intend to insult

1 you, but I'm troubled that we're called
2 for a public hearing and revisiting
3 things at least ostensibly for SEQRA
4 review.
5

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

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

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

16 You have been going through a
17 number of environmental issues and
18 raising those and dismissing them
19 appropriately, the turbidity and
20 shallow waters appropriately, we're
21 talking about forty to sixty feet of
22 water, but the Planning Board of
23 Southold is not here to discuss the
24 environment. They're throwing all
25 kinds of things at you.

1 July 2, 2015 Regular Meeting
2 The Coast Guard licensing things
3 are not before you, it's on-water
4 activity; so I'm not quite sure what
5 the need was for a public hearing.

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

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

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

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

23 CHAIRMAN McMAHON: The reason for
24 the Public Hearing is that these
25 particular issues that are brought up

1 by another agency were not specifically
2 addressed in our meeting, and in the
3 interest of just having everything out
4 in the open and fair, just putting it
5 all out there.
6

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

9 MR. MOORE: Thank you.

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

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

16 I actually agree that it should be
17 a Type II Action. I thought that was
18 --

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

23 I'm okay with that, we get to the
24 same place, we're not talking about a
25 full-blown environmental review of this

1
2 thing.

3 I'm just troubled that when we
4 give some people approval, even
5 conditional approval, it dangles here,
6 you can't find that in the village law
7 to leave someone holding because people
8 take action depending upon the
9 approvals that are given to them.
10 Money the spent, advertising is done,
11 and people go on their way depending on
12 things.

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

17 MR. JAUQUET: I think --

18 MR. MOORE: I'm troubled that
19 we're back here defending ourselves,
20 and if that's a procedural issue, I'm
21 concerned about that, so I'm letting my
22 concern or my objection be reflected in
23 your hearing minutes in the record, but
24 Brian is here to help you with
25 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,

1 it's State Environmental Quality Review
2 Act.
3

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

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

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

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

16 CHAIRMAN McMAHON: Yes. I thought
17 we determined it was a Type II Action.
18 I didn't they it was a --

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

22 By the way --

23 MR. JAUQUET: I thought we had
24 left open the door for Southold to
25 bring their comments.

1
2 CHAIRMAN McMAHON: No.

3 If this is -- depends, if it's a
4 Type II Action, and we are lead agency,
5 we make -- we're lead agency, we make
6 the determination it's a Type II
7 Action, the issue is done. It's dead.
8 That's it, there is no more SEQRA,
9 there is no more other agencies, there
10 is there no more involving anybody
11 else.

12 MR. JAUQUET: I thought so too.

13 CHAIRMAN McMAHON: The specific
14 reasons why are --

15 MS. MUNDUS: I guess my question
16 is --

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

22 CHAIRMAN McMAHON: Yeah.

23 I was under the impression we made
24 a Type II Action determination. If
25 that's not the case then that's not the

1 case.

2
3 For the SEQRA determination, what
4 I believe the relevant sections were --

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

8 CHAIRMAN McMAHON: For
9 transparency more than anything else.

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

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

20 MR. PROKOP: What happened with
21 this application was, the application
22 was conditionally approved and the
23 Board said it would come up a monthly
24 meeting to be revisited in case there
25 was any public input or other things

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2 that had been being considered by the
3 Board.

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

11 For that reason, the applicant was
12 notified. It was either the day
13 following the meeting or within a day
14 or two after the meeting that this had
15 happened, and we said the material
16 should be provided to the Board, which
17 it was, and the Board then at a
18 review -- at a subsequent meeting
19 pursuant to the original approval,
20 conditional, decided to have a public
21 hearing to see if there was anybody
22 from the public that wanted to be heard
23 to consider the material that had been
24 forwarded by the Town Planning Board
25 and also to revisit the approval, you

1 know, pursuant to it's original
2 conditional approval.

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

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

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

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

22 CHAIRMAN McMAHON: *****Under
23 Type II Actions, subsection C, item
24 number fifteen, there's no permanent
25

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2 impact on the environment. *****

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

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

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

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

22 MS. BERRY: They did.

23 So you might want to consider
24 approval condition --

25 MR. JAUQUET: Can't hear you.

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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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2 MR. JAUQUET: Are you aware of
3 this document, this Coast Guard
4 document because it looks like there is
5 a section under there --

6 MR. CARRICK: My name is Brian
7 Carrick.

8 The Coast Guard bulletin --

9 MR. JAUQUET: Are you a familiar
10 with that?

11 MR. CARRICK: Yes.

12 MR. JAUQUET: Okay. That's good.

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

15 MR. JAUQUET: Right.

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

19 MR. CARRICK: Yes.

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

24 MR. JAUQUET: And so we can depend
25 upon you to adhere to this document --

1 MR. CARRICK: I'm already adhering
2
3 to it.

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

6 MR. CARRICK: Yes.

7 I'm already adhering to the
8 Bulletin?

9 MR. JAUQUET: What were you going
10 to say?

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

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

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

1 classification.

2 MS. MUNDUS: Thank you.

3 MR. JAUQUET: Is there anything
4 else you wanted to make us --

5 MR. CARRICK: Make you what?

6 MR. JAUQUET: I guess, become more
7 comfortable with it. I guess we are
8 comfortable.

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

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

14 MR. JAUQUET: What is the hang up
15 for conditional at this point?

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

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

24 MR. JAUQUET: So we wanted to
25

1 leave the door open for additional --

2
3 CHAIRMAN McMAHON: The original
4 conditional approval, I think was, in
5 large part put in place because we had
6 not yet.

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

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

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

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

17 MR. JAUQUET: That's true.

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

22 MR. JAUQUET: Brian is clearly --

23 MS. MUNDUS: -- legally, how can
24 you discriminate against this jet
25 skiing which is considered legally one

1 unit, you just read in the pamphlet,
2 when there are three hundred other jet
3 skis zipping around out there doing the
4 same exact thing.

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

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

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

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

23 If that's the case, the SEQRA
24 process would be done. We would be
25

1 finished with that and then we would
2 move on.

3
4 Then it would come down to whether
5 or not it's approved use, and the
6 planning Board use evaluation
7 application side of things; and that
8 was classified boating instruction and
9 boating instruction, boating
10 instruction is an approved use in our
11 waterfront commercial district and it's
12 fine.

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

16 MR. CARRICK: End of September.

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

19 MR. CARRICK: OUPV Six Pack
20 Limited.

21 MR. PROKOP: Limited.

22 So does that include OUPV
23 Restricted or --

24 MR. CARRICK: It's a Six Pack. I
25 can take up to six passengers.

1 MR. PROKOP: The circular says
2
3 that you need to have either OUPV, OUPV
4 limited or OUPV Restricted; do you have
5 any of those?

6 MR. CARRICK: Yes. I have --

7 CHAIRMAN McMAHON: He has a six
8 pack.

9 MR. CARRICK: Right.

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

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

16 So, I'm asking you specifically --

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

20 MR. PROKOP: Okay.

21 The other thing is that the
22 circular requires certain consideration
23 to be made, some of which we mentioned
24 before, so the emergency procedures,
25 assessment of adequate gear, safety

1 briefing, adequate communications.

2 What is the communications that
3 you have?
4

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

7 MR. PROKOP: Yes.

8 MR. CARRICK: I go over the whole
9 process.

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

13 MR. CARRICK: I speak to them.

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

16 MR. CARRICK: I speak to them.

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

20 MR. PROKOP: Thank you.

21 Establishment of a safe
22 environmental operating conditions.

23 MR. CARRICK: Say that again.

24 MR. PROKOP: Establish -- have you
25 ever seen this?

1 July 2, 2015 Regular Meeting 34
2 MR. CARRICK: Yes. I didn't hear
3 you.

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

6 Did you have --

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

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

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

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

24 MR. JAUQUET: I agree.

25 CHAIRMAN McMAHON: Yeah, it's --

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2 MR. PROKOP: I was hoping to have
3 some kind of considered review of the
4 application.

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

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

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

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

24 MR. PROKOP: Standing still.

25 MR. CARRICK: I can operate

1 without engine.

2 MR. PROKOP: Okay. Thank you.

3 CHAIRMAN McMAHON: Do you think it
4 should have a classification of Type II
5 Action.
6

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

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

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

19 MR. PROKOP: Let me see what it
20 says.

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

24 MS. MUNDUS: Actually, these are
25 federal navigation laws that we're

1 talking about, not existing --

2 CHAIRMAN McMAHON: Waterskiing in
3 this specific --

4 MS. MUNDUS: It's federal law.

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

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

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

16 CHAIRMAN McMAHON: The reason for
17 the Planning Board public hearing, the
18 reason for doing this, having the
19 public hearing was to address primarily
20 the items the we were not previously
21 provide by the Town Planning Board, to
22 determine whether or not we needed to
23 make a change to the SEQRA
24 determination.
25

1
2 I was under the impression it was
3 a Type II Action. I believe, I'm
4 hearing that we initially assigned it
5 an Unlisted Action with a condition
6 negative.

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

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

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

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

24 MR. BURNS: I want to say
25 something.

1 July 2, 2015 Regular Meeting
2 As I member of the Community
3 Board, it's obvious that we look a lot
4 of things which we have no
5 responsibility, but we do have
6 responsibility for the protection of
7 Greenport and if there is any
8 likelihood that Greenport could become
9 in some way indemnified -- is that the
10 right word?

11 MR. JAUQUET: Liable.

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

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

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

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

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

25 MR. JAUQUET: Is the main item on

1 there bodily injury and death.

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

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

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

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

13 MR. CARRICK: I already have.

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

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

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

20 CHAIRMAN McMAHON: Again, the
21 primary purpose of this public hearing
22 was to determine whether or not we need
23 to make a changes to the SEQRA
24 determination. I think regardless of
25

1 July 2, 2015 Regular Meeting
2 whether it's a Type II Action or it's
3 Unlisted Action condition negative,
4 determination, it's going to have the
5 same effect.

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

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

12 MR. PROKOP: No.

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

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

21 The Board of Trustees in the end
22 is responsible for waterways from the
23 shoreline to fifteen hundred feet,
24 fifteen hundred feet from the
25 shoreline, but that's up to the Board.

1
2 CHAIRMAN McMAHON: With regards to
3 that, I think if the Board, the Village
4 Board or the Town Board or any other
5 agency wants to make some -- if they
6 want to pass a resolution outlawing fly
7 boarding, that's their business.
8 That's not our responsibility.

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

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

20 Did you submit the EIF
21 Environmental Assessment Form?

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

24 I don't recall right now if it was
25 part of the packet.

1
2 CHAIRMAN McMAHON: I think that
3 the difference between the two
4 classifications, the Type II Action,
5 and an Unlisted Action, condition
6 negative, any Unlisted Action would
7 require the completion of the EIF,
8 short form EIF.

9 MR. PROKOP: You can submit it
10 and --

11 MR. MOORE: What was that?

12 MR. PROKOP: We did ask that -- i
13 thought that one was submitted --

14 MR. MOORE: I don't have --

15 MR. PROKOP: -- but if it hasn't
16 been, you can make sure it comes in by
17 our next meeting. We can accept it at
18 the next meeting. We need a long form
19 --

20 MR. CARRICK: Long form or short
21 form?

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

25 If the Board does not think it's

1 July 2, 2015 Regular Meeting
2 going to have a significant negative
3 impact on the environment, they can
4 accept the short form, short EIF. If
5 they think that there is any
6 possibility that would have significant
7 negative effect on the environment,
8 then you require the long form.

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

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

15 CHAIRMAN McMAHON: Personally, no.

16 MR. JAUQUET: I don't that either.

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

20 CHAIRMAN McMAHON: Short-form EIF.

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

24 CHAIRMAN McMAHON: Is that
25 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 you -- 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

1 right thing by what the Town asks and
2 what the police department and the
3 Coast Guard and everybody else.

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

9 So keep that in mind. Thank you.

10 CHAIRMAN McMAHON: Thank you.

11 MS. MUNDUS: Thank you.

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

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

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

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

22 Other than that, I would like to
23 move on unless there are any other
24 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

1 July 2, 2015 Regular Meeting
2 Main Street. The proposed one-family
3 house is a permitted use with in the
4 R-1 (One-Family Residential) district.
5 Is also located within the Historic
6 District. SCTM #1001-2.-3-8.02.

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

11 Do I have a second?

12 MS. MUNDUS: Second.

13 CHAIRMAN McMAHON: All in favor?

14 MR. JAUQUET: Aye.

15 MS. MUNDUS: Aye.

16 MR. BURNS: Aye.

17 CHAIRMAN McMAHON: Motion carried.

18 Item number two --

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

21 CHAIRMAN McMAHON: Item number
22 two, motion to act on the use
23 evaluation application submitted by
24 Linda Kessler. Linda Kessler
25 represents LKessie, Inc., has leased

1 the store front at 25 Front Street --

2 MS. BERRY: There was a motion to
3 move that to the end.
4

5 CHAIRMAN McMAHON: She is here.

6 MS. BERRY: Oh, sorry.

7 CHAIRMAN McMAHON: -- has
8 relocated her existing business from
9 its existing location at 10 Front
10 Street to 25 Front Street. The
11 property is located in the WC -
12 Waterfront Commercial District. SCTM#
13 1001-5.-4-28.

14 I believe we did receive
15 additional material on this.

16 MS. BERRY: Yes.

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

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

23 CHAIRMAN McMAHON: Eileen
24 indicated she had received that. We
25 should have received that. Do you have

1 a copy of that?

2 MS. BERRY: Yes.

3 CHAIRMAN McMAHON: Yes.

4 So was that a separate sign
5 application you submitted?

6 MS. KESSLER: Yes.

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

11 Do you have any issue with that
12 sign?

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

15 MS. KESSLER: Yes.

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

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

20 CHAIRMAN McMAHON: It's different?

21 MS. KESSLER: Yeah, it depends --

22 MR. JAUQUET: What does it depend
23 on?

24 CHAIRMAN McMAHON: Can you narrow
25

1
2 it down?

3 MS. KESSLER: Well, because some
4 evenings are busier, so not being like
5 Bloomingdale and I'm closing my doors
6 exactly at 6:00 --

7 MS. MUNDUS: What would be the
8 latest time for the paperwork you think
9 it would be?

10 MS. KESSLER: 10 o'clock.

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

12 MS. KESSLER: Yes.

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

16 MS. KESSLER: Sure.

17 Linda Kessler from, LKessie, Inc.
18 25 Front Street.

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

21 MS. KESSLER: Yes.

22 That's on the weekend. During the
23 week, it would probably be 10:00 to
24 7:00 or 8:00.

25 CHAIRMAN McMAHON: Did you

1 indicated you would be taking all your
2 trash of the premises with you?

3 MS. KESSLER: No.

4 It's going into dumpster behind.

5 CHAIRMAN McMAHON: Oh, sorry that
6 was another application.

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

9 MS. MUNDUS: Yes.

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

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

15 MS. KESSLER: There it is.

16 MS. MUNDUS: Yes.

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

19 CHAIRMAN McMAHON: Any issues,
20 comments or concerns?

21 MS. MUNDUS: No, not at all.

22 MR. JAUQUET: No.

23 CHAIRMAN McMAHON: I'm going to
24 make a motion that we approve the
25

1 application.

2
3 Actually, we need to make a SEQRA
4 determination.

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

12 Do we have a second?

13 MS. MUNDUS: Second.

14 CHAIRMAN McMAHON: All in favor?

15 MR. JAUQUET: Aye.

16 MS. MUNDUS: Aye.

17 MR. BURNS: Aye.

18 MS. KESSLER: Thank you.

19 CHAIRMAN McMAHON: Thank you.

20 Item number three, Motion to act
21 on the use evaluation application
22 submitted by Malgorzata Rojek.
23 Malgorzata Rojek represents Gosia Rojek
24 Interiors, LLC. and has leased the
25 store front at 10 Front Street. The

1 property is located in the CR -
2 Commercial Retail District. A sign
3 application has also been completed
4 with the additional requirement of
5 providing the dimensions and method of
6 hanging the sign, as well as a
7 certification by a design professional
8 addressing the safety of the sign, if
9 the applicant chooses to hang the sign
10 in the entry alcove. SCTM #
11 1001-4-10-24.
12

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

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

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

23 We have to make a determination of
24 whether or not this qualifies street
25 overhang, regulations two by two or it

1 July 2, 2015 Regular Meeting
2 qualifies as sign that's on private
3 property and would be subject to the
4 same restriction.*****

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

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

18 MS. MARLAND: Yes.

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

21 CHAIRMAN McMAHON: Do we have the
22 --

23 MS. BERRY: We have -- this was
24 given to us right at the beginning of
25 today.

1 CHAIRMAN McMAHON: I'm not
2 familiar with the actual sign
3 application you submitted; do we have
4 it completed?

5 MS. BERRY: I don't see it.

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

9 CHAIRMAN McMAHON: You filled out
10 the sign application?

11 MS. MARLAND: Right. And paid a
12 fee.

13 CHAIRMAN McMAHON: Eileen, she did
14 it, Eileen?

15 MS. MARLAND: I met with Eileen.

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

18 MS. MUNDUS: Nobody has that?

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

22 MS. MARLAND: There isn't a whole
23 lot to it, it's just a short
24 application with less information on
25

1
2 it.

3 CHAIRMAN McMAHON: We do have --
4 All right, so we do have the material
5 we need to make a determination on the
6 sign application. I would say that
7 perhaps we could act on the use
8 evaluation application and if the sign
9 application has been submitted and she
10 has paid, we can make an application
11 for the sign application as a separate
12 issue, but she will be able to --

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

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

20 The first thing is that, you know,
21 I do believe it's a sign, the fact that
22 it's no permanently attached to the
23 building, I do believe it's a sign. It
24 is attached, but not attached to the
25 base of the building. However, I would

1 of like to say that I think that it is
2 an overhead sign.
3

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

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

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

21 CHAIRMAN McMAHON: It is.

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

1 square feet.

2
3 So I think that it's an overhead
4 sign, it's just not an overhead sign
5 over the sidewalk because the one
6 subsection which is subsection one that
7 deals with overhead signs over the
8 sidewalk specifically says overhead
9 signs over sidewalks and the title of
10 this section is overhead signs, not
11 overhead sign over sidewalks, so I
12 think --

13 CHAIRMAN McMAHON: You think it
14 still applies.

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

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

22 MS. MARLAND: That's really
23 surprising to me because I'm having a
24 hard time thinking about any overhead
25 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?

1 MR. PROKOP: It's section one
2
3 fifty dash fifteen if I'm not mistaken.

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

7 MS. MUNDUS: It's online.

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

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

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

22 MR. JAUQUET: It's in the codes.
23 It's -- you know, Eileen should have
24 told you or someone at the building
25 department.

1 MS. MARLAND: Yeah, she knew
2 exactly the size of the sign because I
3 told her that when I was in her office,
4 it never came up.

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

7 MS. MARLAND: About --

8 MS. BERRY: It was at our last --

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

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

16 That's why --

17 MR. JAUQUET: Which is Village
18 property.

19 MS. MUNDUS: -- there are limits,
20 and it also limit it to different size.

21 Her's is parallel and within the
22 structure or shape of her building, so
23 it doesn't -- it's not a ninety-degree
24 angle and it doesn't present the same
25

1 structure but hazard.

2 MS. BERRY: When it's talking
3 about the larger signs, it sits on the
4 wall.
5

6 MR. JAUQUET: On the wall?

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

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

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

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

1 the building.

2 MS. BERRY: If it's over the
3 sidewalk, I think that is the
4 implication.
5

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

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

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

12 MS. MUNDUS: The door is recessed

13 --

14 MR. JAUQUET: Into her property.

15 MS. MUNDUS: -- inside the
16 property line.

17 MR. JAUQUET: So what is the code
18 there?

19 CHAIRMAN McMAHON: In term of
20 would the.

21 MR. PROKOP: She has a --

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

1 the same exact sign --

2
3 CHAIRMAN McMAHON: If they weren't
4 supposed to have something, but they
5 did --

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

8 MS. BERRY: There is another
9 question.

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

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

23 MS. MARLAND: I believe from
24 Eileen, that came under a totally
25 different heading because an applique

1 in the window the window is different
2 than the hanging sign, she took a
3 measurement of the building and it was
4 in proportion to the building that we
5 could have a certain number, a certain
6 amount of signage, and we were well
7 within that according to her.

8 MS. BERRY: I understand --

9 MS. MARLAND: Even with the this
10 other --

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

15 Now, is that a proper
16 interpretation from other people?

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

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

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

23 MR. PROKOP: And how long was it
24 there?
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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.

1 July 2, 2015 Regular Meeting 68
2 The other thing is that you might
3 ask the Zoning Board of Appeals for an
4 interpretation of an overhead sign. I
5 was asked to do it and I did if for the
6 Planning Board, but the Zoning Board of
7 Appeals also gives out, also is
8 responsible for interpretations that's
9 another avenue for you to consider.

10 But in the meantime, that would be
11 my comment.

12 MR. JAUQUET: Is that sign hanging
13 now?

14 MS. MARLAND: No.

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

24 MS. MUNDUS: But the decal on the
25 window.

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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 in 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 to 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

1 don't have that sign to put on my
2 window right now, and there is a, you
3 know, a festival. I haven't had that
4 made up yet.

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

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

10 MS. MARLAND: Huh?

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

14 MR. JAUQUET: Is the hanging one.

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

20 CHAIRMAN McMAHON: Yeah.

21 MS. MARLAND: Can I get a permit
22 to hang that sign and then do
23 adjustments before the actual license
24 for the sign; is there some area here?
25

1
2 CHAIRMAN McMAHON: There possibly
3 putting that sign in the window the
4 window, so that would be over the
5 weekend.

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

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

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

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

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

24 CHAIRMAN McMAHON: Okay.

25 MS. MUNDUS: They meet here on a

1 different night.

2 MS. MARLAND: Is it the same
3 people?

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

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

8 *****

9 MR. BURNS: Did we approve that?

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

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

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

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

19 MS. MARLAND: Yep, seven days a
20 week.

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

24 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,

1 but it's still actually outside of what
2 the size of the sign, so anything
3 outside of what is allowed in the code,
4 sow we can't just vote against the
5 code.
6

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

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

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

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

25 MS. BERRY: This is perfectly

1 compliant, so if you really want a sign
2 and you agree to it, I think this would
3 be accepted. Right.
4

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

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

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

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

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

25 CHAIRMAN McMAHON: I'm going to

1 July 2, 2015 Regular Meeting
2 make a motion that we approve --

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

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

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

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

20 In the meantime, we grant approval
21 for the overhead sign to be used in the
22 window similar to what was presented in
23 your sign application and the detail
24 will be approved whenever that is put
25 up.

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Do I have a second?

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: 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 to 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

1 the business continuous, they're still
2 allowed to have that sign.

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

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

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

14 MS. MUNDUS: On what?

15 MR. PROKOP: All right, so --

16 CHAIRMAN McMAHON: Conditions
17 on --

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

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

24 Planning Board is going to make a
25

1 July 2, 2015 Regular Meeting
2 SEQRA determination listing it as a
3 Type II Action.

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

11 MR. JAUQUET: No.

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

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

25 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

1 believe so.

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

4 Do I have a second?

5 MS. MUNDUS: Second.

6 CHAIRMAN McMAHON: All in favor?

7 MR. JAUQUET: Aye.

8 MS. MUNDUS: Aye.

9 MR. BURNS: Aye.

10 CHAIRMAN McMAHON: Motion carried.

11 Item No. 6 Continued review and
12 discussion on the use evaluation
13 conditionally granted for Brian
14 Carrick. The applicant proposed the
15 operation as instructional and rental
16 Flyboard facility located on the
17 Preston's dock. The property is located
18 at 102 Main Street; it is located in
19 the WC (Waterfront Commercial
20 District). SCTM #1001-5.-4-12.1.

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

23 CHAIRMAN McMAHON: Yeah, we
24 addressed that.
25

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2 MS. BERRY: We didn't actually
3 vote on it, we just discussed it and it
4 was a public hearing.

5 CHAIRMAN McMAHON: I don't know
6 what we would do.

7 We didn't make any determination.

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

10 MR. JAUQUET: A vote to hold it
11 over?

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

15 MR. JAUQUET: Yeah, that's it.

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

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

22 Do I have a second on that?

23 MR. JAUQUET: Second.

24 CHAIRMAN McMAHON: All in favor?

25 MR. JAUQUET: Aye.

1 MR. BURNS: Aye.

2 CHAIRMAN McMAHON: Motion carried.

3 Item number seven, Motion to
4 approve the Findings and Determinations
5 for the following project:
6

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

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

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

17 MS. WARD: We too have reviewed
18 the minutes going back to 3/26 meeting.

19 Ms. Dickey (phonetic) over there
20 brought up the question of the balcony
21 any and Mr. Prokop asked what size it
22 was, and Eileen Wingate spoke up and
23 said "it's eight feet wide by
24 twenty-three feet deep."

25 Now, Eileen was misspeaking

1 July 2, 2015 Regular Meeting
2 because as we all know, the lot is
3 forty-five feet wide, the house is
4 twenty-four feet wide and balcony is
5 twenty-four feet wide, not twenty-four
6 feet deep.

7 It was also raining and I said,
8 "would you please speak into the mic,
9 it's hard to hear," and Mr. Prokop
10 said. "Eight feet by twenty-three
11 feet, the second-floor balcony, I don't
12 review the plans, but if it is eight by
13 twenty-three, I don't consider that to
14 be a balcony, I consider it to be a
15 deck. I would generally consider that
16 a deck, not a balcony and I would think
17 that a second-floor deck maybe
18 something that you want. Thank you for
19 bringing that up," He said. "Is it in
20 the planners notes?" Chairman Dowling
21 said, "No, it's not." Ms. Berry said,
22 "No." He said, "See normally, if
23 someone calls something a balcony, it's
24 basically room for standing or for a
25 chair. That's basically a balcony.

1 July 2, 2015 Regular Meeting
2 the understanding --

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

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

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

10 Let me just finish, okay, Chairman
11 McMahon.

12 When you com out of the SEQRA, mr.
13 Prokop said that the second-floor
14 structure I'm referring to is either a
15 balcony, it indicated balcony or deck
16 on the plan, so again that would be
17 limited to width of five feet. He uses
18 the term width four times in describing
19 it.

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

1 July 2, 2015 Regular Meeting
2 was really meaning depth.

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

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

25 I feel like we have been

1 bamboozled by misinformation, by poor
2 use of terminology and by the fact that
3 that balcony is still a deck and it can
4 hold a heck of a lot more the a person
5 standing or a chair. It can hold
6 sixteen people standing and sixteen
7 chairs.

8
9 I feel steamrolled and I know my
10 neighbors do too. We are immediately
11 to the west of that balcony. Carol
12 Edwards over there is immediately to
13 the east of that balcony. It extends
14 across the whole width of that build to
15 rear on the second floor. It overlooks
16 our yards. We have no privacy, and I
17 thought that it was going to be more
18 fairly remedied.

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

21 CHAIRMAN McMAHON: At this point
22 at this point, this is not, this issue
23 is no longer up for discussion. This
24 is findings and determinations. It's --
25

1 MS. WARD: It should be because a
2 mistake was made by terminology, you
3 know.
4

5 If it's no longer up for
6 discussion --

7 CHAIRMAN McMAHON: There was --

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

12 CHAIRMAN McMAHON: The --

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

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

17 CHAIRMAN McMAHON: There were
18 three --

19 MS. WARD: -- the depth is width.

20 CHAIRMAN McMAHON: There were
21 three --

22 Will you please?

23 MS. WARD: Yes. Go ahead.

24 CHAIRMAN McMAHON: There were
25 three members who voted at that

1 meeting, two were absent, Ben, myself
2 and Chris. Chris is not here this
3 evening.
4

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

10 Now, I don't know if how --

11 Do you have an opinion on the
12 intention --

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

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

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

22 MR. BURNS: And to me.

23 CHAIRMAN McMAHON: -- and it was
24 clear to Ben and to everyone that was
25 discussing it on the Board side anyway,

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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.

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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.

1 CHAIRMAN McMAHON: This
2
3 application has already been voted on
4 and closed out and we can't go back now
5 and make those changes.

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

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

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

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

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

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

25 CHAIRMAN McMAHON: The.

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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-three, 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

1 a five by eight balcony --

2 MS. WARD: Well, actually --
3 Chairman McMahon, there is a five by
4 eight balcony on a house directly
5 across the street from me. Harvey
6 Stranger's (phonetic house. White
7 house on the corner of Third and North,
8 they had a little balcony off the
9 second floor with no accessory
10 staircase to it, never uses it, but
11 it's there, five by eight.
12

13 CHAIRMAN McMAHON: Again, I
14 don't --

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

17 CHAIRMAN McMAHON: I'm not --

18 MS. WARD: For a person to
19 stand --

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

24 MS. WARD: I was still speaking.

25 CHAIRMAN McMAHON: -- discussion

1 July 2, 2015 Regular Meeting
2 or we can't -- we're just going to
3 close the issue --

4 MS. WARD: I was still speaking
5 too.

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

8 MS. WARD: Go ahead.

9 CHAIRMAN McMAHON: -- this has
10 been closed out.

11 MS. WARD: Right, well, this --

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

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

17 MR. PROKOP: I'd like to -- what
18 is being suggested that we would
19 consider something that was -- instead
20 of being eight feet away -- extending
21 eight feet away from the house, and
22 twenty-three feet along the house would
23 be extent eight feet from the house and
24 be five feet along the house. Which I
25 couldn't imagine that's anything that

1 July 2, 2015 Regular Meeting
2 we could ever be -- that's not
3 compliant.

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

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

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

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

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

22 CHAIRMAN McMAHON: But this is,
23 this is, again, unless I'm
24 misinterpreting this, the zoning was
25 already being voted on.

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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,

1 which is eight by five, that you were
2 not putting in a twenty-three or
3 twenty-four foot wide balcony by five
4 foot deep, and when we found this out
5 last week at the June 4 meeting, two
6 weeks ago, whatever it was four weeks
7 ago, that's when you went back to the
8 minutes, but if you read the minutes,
9 you can see that Mr. Prokop used depth
10 extensively with the SEQRA and that's
11 why we walked out thinking this, so
12 we're upset. It was the biggest issue
13 on our minds other than the no ability
14 to have a staircase to the second
15 floor.

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

1
2 privacy.

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

6 MR. JAUQUET: Well, I believe --

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

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

11 CHAIRMAN McMAHON: We did.

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

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

18 MS. WARD: I have that here too.

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

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

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

1 screening.

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

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

6 MS. WARD: So then it got taken
7 out?

8 MS. BERRY: Yes.

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

14 MR. JAUQUET: I agree with you.

15 MS. WARD: Thank you.

16 MR. JAUQUET: That is my opinion.

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

20 MS. WARD: So what are you --

21 MR. JAUQUET: There's a problem
22 and I think the screening is not a lot
23 to add.

24 CHAIRMAN McMAHON: I think don't
25

1 think we're -- I don't think we can now
2 ask for additional conditions on
3 something we have already voted on.
4 This is a done deal.
5

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

8 CHAIRMAN McMAHON: They didn't
9 vote.

10 MR. JAUQUET: Yeah, but --

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

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

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

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

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

25 MS. WARD: Yes.

1
2 MR. BURNS: -- understood what is
3 in the minutes which in the document.

4 That's all I can say.

5 Now if there is a way that you can
6 persuade the owners to put a, some kind
7 of a fence there or gate or --

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

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

20 We didn't bring up any more
21 concerns because we thought we were
22 getting five by eight balcony and now
23 you're saying it can't be dealt with
24 because it was voted on, but it was
25 voted on erroneously --

1 CHAIRMAN McMAHON: No. It was
2
3 voted on --

4 MS. WARD: -- using the wrong
5 terms.

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

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

12 CHAIRMAN McMAHON: I apologize for
13 the miscommunication.

14 MS. WARD: Thank you for the
15 apology.

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

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

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

25 CHAIRMAN McMAHON: Yes, because

1 that's where we've gotten.

2 MS. WARD: What did you say?

3 CHAIRMAN McMAHON: That's where
4 we've gotten. That's what it's evolved
5 to --
6

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

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

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

19 I apologize for the
20 miscommunication. It wasn't conveyed
21 to you in a manner that was clear and
22 gave you an accurate representation of
23 what was going on. I believe that me
24 and the other members of the Board
25 voted in the manner that the effective

1 of what we were trying to do was trying
2 to reduce it from eight to the five to
3 make it in line with the balcony. The
4 balcony that extends the length of the
5 property, but a balcony. That was our
6 understanding.
7

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

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

17 MR. JAUQUET: Well, my opinion is
18 this. This is the Planning Board. I
19 know we have made, you know we voted on
20 some determinations already, but in the
21 long view, this the Planning Board,
22 that's a sensitive block, this is a
23 quality-of-life board, it's not all
24 rules and regulations in the code
25 because when it comes to quality of

1 life, there's like to past sentences in
2 the planning part of the code that
3 allows to give these sensitive blocks,
4 you know, protect them from too much
5 activity and all these other lots that
6 are undersize except et cetera, et
7 cetera. If we made a mistake not to
8 put in the screening on the sides,
9 which to me is a minimal addition to
10 that construction project that doesn't,
11 you know, that has a big impact on all
12 of the neighbors on three sides.

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

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

19 MR. JAUQUET: And we already
20 discussed that in first meeting when we
21 saw his plan for the, what everybody
22 called, the rooming house and it got,
23 you know, as far as I'm concerned, even
24 though I was not at some of these
25 meetings, somehow the screening got

1 July 2, 2015 Regular Meeting
2 dropped in all the other mish mash
3 about the sizing.

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

8 MS. WARD: One person.

9 MR. JAUQUET: Who are they?

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

13 MR. JAUQUET: A neighbor.

14 MS. BERRY: Yes.

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

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

21 So it wasn't a mistake, it was
22 because, you know, it's a valid thing.
23 It blocks people's view. Otherwise
24 they could see over it, so it was a
25 valid issue.

1 MS. WARD: But of course we felt
2 that you were making it much much
3 smaller.
4

5 MR. JAUQUET: Yeah, you still
6 have.

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

10 MR. JAUQUET: They've got, you
11 know, more space than they thought they
12 had and now they've got all the space
13 plus no screening.

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

20 I think Planning Board should
21 decide on that whether we like the
22 screening, whether we think the
23 screening is a positive to quality of
24 life or a negative. Even though we've
25 already approved his plans, period.

1 July 2, 2015 Regular Meeting
2 It's still a problem. These
3 blocks in the town are overloaded
4 already.

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

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

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

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

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

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

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

25 CHAIRMAN McMAHON: I'm believe

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2 that we don't have the authority to go
3 back and make, and change his plan at
4 this point.

5 Do you have an opinion on that?

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

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

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

20 MS. WARD: Go ahead.

21 MR. PROKOP: This application was
22 really hashed over over a long time,
23 but I'm limited in what I can say
24 publically because of I'm sure -- I'm
25 concerned that we're going to get --

1 there's going to be litigation public.

2 CHAIRMAN McMAHON: Okay.

3 My comments will be, so --

4 MS. WARD: I beg your pardon?

5 CHAIRMAN McMAHON: I said my
6 comments will be, so I'm free to speak.

7 I believe that this is accurate
8 representation of what was discussed in
9 the meeting and that's actually the
10 only reason this is on the agenda as to
11 whether or not this is an accurate
12 representation of what was discussed at
13 the meeting.

14 MS. WARD: I understand that, sir.

15 CHAIRMAN McMAHON: I believe it
16 was.

17 MS. WARD: I believe it wasn't.

18 MR. PROKOP: *****If no vote on
19 the decision, I think what you could do
20 is consider doing is taking it again
21 with the full board?*****

22 MR. JAUQUET: Can we table it and
23 get Spurge to agree to screens?

24 CHAIRMAN McMAHON: That not
25

1
2 likely.

3 MR. JAUQUET: Not even screens?

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

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

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

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

13 CHAIRMAN McMAHON: All right. i
14 make a motion we table that discussion
15 to the next meeting so we can have the
16 full Board here.

17 Do I have a second.

18 MR. BURNS: Second.

19 CHAIRMAN McMAHON: All in favor.

20 MR. JAUQUET: Aye.

21 MR. BURNS: Aye.

22 CHAIRMAN McMAHON: Motion carried.

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

25 MS. WARD: Thank you.

1
2 CHAIRMAN McMAHON: Item number
3 eight Table discussion on 300-308 Main
4 Street to the July 30, 2015 work
5 session after comments by the Historic
6 Preservation Commission. The 300-308
7 Main Street Sterling Square Project is
8 to be reviewed by the Historic
9 Preservation Commission on July 6,
10 2015.

11 Do I have a second for that?

12 MR. JAUQUET: Second.

13 CHAIRMAN McMAHON: All in favor.

14 MR. JAUQUET: Aye.

15 MR. BURNS: Aye.

16 CHAIRMAN McMAHON: Motion carried.

17 Item number nine, Discussion of
18 the Bed and Breakfast code of the
19 Village of Greenport, regarding the
20 number of permitted rooms and number of
21 lodgers.

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

25 Section 150-78 (7d) limits the

1 July 2, 2015 Regular Meeting 117
2 number of occupants to not more than
3 two individuals for a maximum total of
4 six casual and transient roomers.

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

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

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

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

23 MR. ROBERTS: My name is Doug
24 Roberts 133 6th Street, Village
25 Trustee. I'm here not as a

1 July 2, 2015 Regular Meeting 118
2 representative of the Board but as a an
3 individual trustee.

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

17 We have no shortage of demand for
18 rooms in this village and so if we
19 allow these folks, these good folks who
20 run our local B&Bs to expand the way
21 they could if they went across to 7th
22 Street or up north of Bridge Street, we
23 allow them to expand within the
24 confines of the code, so they have to
25 have enough parking spaces, they have

1 July 2, 2015 Regular Meeting 119
2 to not be a nuisance to their neighbors
3 if they're gonna have five rooms
4 instead of three rooms.

5 It's not gonna solve the
6 short-term-rental problem but it's
7 going to make a dent, it's going to
8 create more supply, reduce the demand
9 and then gives us a little more leeway
10 when it comes time to think about how to
11 deal with the short-term-rental
12 problem.

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

18 It seems like everywhere else has
19 a New York State Code or Town Code,
20 everyone else seems to allow five rooms
21 and if the owner of the B&B has the
22 space and has the room for parking, you
23 know, like I said that's six rooms
24 because they have to be owner occupied,
25 I see no reason why we shouldn't do

1 July 2, 2015 Regular Meeting
2 this. It's just one of these common
3 sense things and I'm sure if we all
4 went through the code, we could fine
5 other things we need to fix but this
6 one is particularly timely because we
7 have a real, we have a demand problem,
8 over demand for rooms in this village.
9 Go talk to our hotel owners too. I
10 hope you'll come back to the Board with
11 that sort of common-sense
12 recommendation.

13 Thank you.

14 CHAIRMAN McMAHON: Thank you.

15 MR. JAUQUET: What was discussed
16 in the last meeting, Planning Board
17 meeting in terms of this?

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

21 MR. JAUQUET: Oh, we didn't.

22 CHAIRMAN McMAHON: Sir.

23 MR. SAWYER: Hi. I'm Clay Sawyer,
24 I own the Stirling House Bed and
25 Breakfast on Bay Avenue, 104 Bay

1 Avenue. I'm a fifteen year resident
2 and I started the business fifteen
3 years ago.
4

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

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

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

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

25 I'm a firm believer of healthy

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

14
15 If we could have some more rooms
16 in our inns for the weekends, it would
17 help us survive.

18 MR. JAUQUET: Even with Airbnb?

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

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

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

25 MR. JAUQUET: If you had another

1 room the big Airbnb competition
2 wouldn't -- I mean you would have that
3 extra income.
4

5 MR. SAWYER: Exactly.

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

12 MR. JAUQUET: For non-regulated?

13 MR. SAWYER: Yeah.

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

18 MR. SAWYER: Right.

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

23 MR. JAUQUET: With other owners?

24 MR. SAWYER: With twelve other B&B
25 Inns on the North Fork, several right

1 here in Greenport and we're all feeling
2 it, you know, so if we can have the
3 extra rooms just to match our own
4 friends who are also competitors --

5 MR. JAUQUET: Yeah.

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

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

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

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

17 Basically, that's all I have.

18 Thank you very much.

19 CHAIRMAN McMAHON: Thank you.

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

22 Adding the extra rooms would
23 definitely add to the prosperity of the
24 Village in all areas of the business.
25

1
2 Currently because of our room
3 limitations, we have to turn so many
4 people away who will not be able to
5 experience and contribute to our local
6 economy.

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

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

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

18 That's it.

19 CHAIRMAN McMAHON: Thank you very
20 much.

21 MR. JAUQUET: Which is your bed
22 and breakfast?

23 MS. WILHELM: The Morning Glory on
24 Main Street.

25 MR. JAUQUET: Oh, the one with all

1 the roses?

2
3 MS. WILHELM: Right, on Main and
4 Bridge.

5 Yes. With the roses.

6 CHAIRMAN McMAHON: Thank you very
7 much.

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

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

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

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

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

25 The reason for requesting the

1
2 increase in the number of rooms is in
3 order to insure the profitability of
4 the business as the current number is
5 resulting in a business model that is
6 not feasible, especially due to the
7 season-bound nature of the hospitality
8 industry in Greenport.

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

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

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

19 I am here tonight in support of
20 the requested resolutions raise the
21 code -- I'm not gonna read that, he
22 already did -- both the State of New
23 York and Town of Southold limit bed and
24 breakfast to a maximum of five room. I
25 encourage Greenport to join them and

1 allow bed and breakfast owners in the
2 Village to grow their businesses.

3
4 These businesses provide safe,
5 regulated rooms for visitors to
6 Greenport. Owners reside on the
7 premises and parking is provided for
8 each room.

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

18 As we look toward the more arduous
19 task of addressing short-term rentals
20 that are currently offered on sites
21 such as Airbnb and VRBO, I believe that
22 allowing Greenport's bed and breakfast
23 to go from three to five rooms
24 immediately provides more inventory for
25 those interested in staying in the

1 village with the security that this
2 inventory is already subject to
3 existing regulations that are proven to
4 be safe and acceptable for both
5 visitors and residents alike.
6

7 I just want to go off for a minute
8 and encourage the Board to do this as
9 timely as they can. I understand there
10 is a forty-five day allowance and for
11 us that's forever because I assume it's
12 going to go back the Board of Trustees
13 and then potentially to a public
14 hearing and then to the code committee,
15 and it's 2016 before we can even hope
16 to benefit on Memorial Day weekend
17 2016. So just any expediency you can
18 provide is truly appreciated.

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

21 MS. LATHAM: I do.

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

24 MS. LATHAM: We're all, almost all
25 of us are --

1
2 MR. JAUQUET: Do you all have, do
3 you have, like, extra rooms already in
4 your house that are going to be --

5 MR. SAWYER: I could --

6 MR. JAUQUET: Does it include new
7 construction?

8 MR. SAWYER: What's that?

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

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

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

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

20 Thank you very much for your time.

21 CHAIRMAN McMAHON: Thank you.

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

24 CHAIRMAN McMAHON: Sure. Just --

25 MR. SAWYER: The part of the

1 July 2, 2015 Regular Meeting 131
2 expediency that would help us is that
3 the money we make now is what helps pay
4 our mortgage for January and February
5 when we do not have anybody except for
6 a few Saturdays, so we really depend on
7 this money now to get us through the
8 full year.

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

14 CHAIRMAN McMAHON: It certainly
15 puts pressure on them.

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

20 CHAIRMAN McMAHON: I think the
21 issue here is that Greenport has a more
22 restrictive bed and breakfast law than
23 --

24 MR. JAUQUET: Yeah, it does and I
25 can see why they're coming for the

1 July 2, 2015 Regular Meeting 132
2 extra rooms. It makes perfect sense.

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

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

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

13 CHAIRMAN McMAHON: What do you
14 mean?

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

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

21 MR. JAUQUET: Rejected what law?

22 AUDIENCE MEMBER: They were --
23 they had a public hearing and they
24 rejected it at the public hearing
25 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 --

1 MS. LATHAM: Of course, everybody
2 wants everything done today. I just --

3 MR. JAUQUET: It would bring in
4 business.

5 CHAIRMAN McMAHON: What's that?

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

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

16 MR. JAUQUET: I just wanted to
17 say --

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

22 That's all I wanted to say.

23 CHAIRMAN McMAHON: I going to
24 review just this section of the code as
25

1 we were requested to do. We don't
2 write short-term rental law, so it's
3 not really up to us.
4

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

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

21 MR. JAUQUET: How many potential
22 extra rooms would that be?

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

25 CHAIRMAN McMAHON: They proposed

1 three to five, so I know how many are

2 --

3
4 MR. JAUQUET: You know, they're
5 clearly adding --

6 How many rooms would be added
7 potentially?

8 AUDIENCE MEMBER: Sixteen to
9 twenty.

10 MR. JAUQUET: And the parking
11 thing, do you think that that's an
12 issue?

13 AUDIENCE MEMBER: No.

14 MS. BERRY: I think it is.

15 CHAIRMAN McMAHON: Yes. Parking
16 is an issue.

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

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

23 MS. BERRY: Yes.

24 CHAIRMAN McMAHON: Anyone who
25 wants to change their site plan if they

1 go from three to five, they would have
2 to change the site plan --

3 MR. JAUQUET: Or there would be --

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

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

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

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

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

20 MS. LATHAM: That changes your --
21 If I understand correctly, it changes
22 your designation with the State and so
23 then you would just have to do more
24 things with your kitchen and all that.
25

1
2 CHAIRMAN McMAHON: I would like to
3 aim to discuss this more at length at
4 our next work session and hopefully we
5 could draft a recommendation by the
6 regular session.

7 MR. JAUQUET: So you need a
8 second?

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

11 Do I have a second?

12 MR. JAUQUET: Second.

13 CHAIRMAN McMAHON: All in favor?

14 MR. JAUQUET: Aye.

15 MR. BURNS: Aye.

16 MR. JAUQUET:

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

22 Do I have a second.

23 MR. JAUQUET: Second.

24 CHAIRMAN McMAHON: All in favor.

25 MR. JAUQUET: Aye.

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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.

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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