Regular Meeting 5/7/2015

VILLAGE OF GREENPORT PLANNING BOARD

Regular Meeting

May 7, 2015
5:00 p.m.

Meeting Held at the Greenport Firehouse
236 Third Street, Greenport, NY

MINUTES

Donna L. Ritzmann
Court Reporter
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(Whereupon, the Meeting was called to order at 5:06 p.m.)

MR. McMAHON: Okay. We are going to begin the meeting. This is the Village of Greenport Planning Board, May 7th, 2015
meeting, regular meeting.

Item Number one, Table use evaluation application for Wayne Turret. The Planning Board has determined that for the purposes of SEQRA this is a Type I Action requiring a Public Hearing. The Hearing has been scheduled for May 28th, 2015. Property is located at 746 Main Street. It is located within the Historic District and in the R-1 (One-Family Residential) District, Suffolk County Tax Map number 1001-2.-3-8.02.

I will make that motion, do I have a second?

MR. DOWLING: I second.

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MR. BURNS: Second.

MS. WINGATE: I have a question, would you like to do a site visit before the Public Hearing?

MR. McMAHON: With the board?

MS. WINGATE: With your board.

MR. McMAHON: I've
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certainly been there myself. I
don't know if we want to all go
together, if there's particular
issues that you think you'd like
to point out? Anything? No.
We'll do a formal site
visit together or -

MS. WINGATE: Ask Joe. I
just didn't know -

MR. PROKOP: You can do it
together, we just need to notice.

MR. McMAHON: You do need
to make a notice of it?

MR. PROKOP: It would be

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part of the notice, yes, it's
fine. You can reserve the time.

MR. McMAHON: Okay. We can
set the time --

MR. PROKOP: Yes. And if
you decide not to do it, it's
better that you reserve the time.

MR. McMAHON: Okay. So
then we'll amend that to include
the note that we will be making a
site visit some time prior to the
Public Hearing on May 28th.

MS. WINGATE: 4:30. Thank
you.

MR. McMAHON: Okay.
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MR. BURNS: Do we get overtime?

MS. WINGATE: Sure.

MS. BERRY: Triple overtime.

MR. McMAHON: So if that's the motion do I have a second for that motion?

MR. BURNS: Second.

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MR. McMAHON: All in favor?

MR. DOWLING: Aye.

MR. JAUQUET: Aye.

MR. McMAHON: Aye.

MR. BURNS: Aye.

MR. McMAHON: Motion passed.

Item number two, Motion to approve the use evaluation application from Heidi Kelso. Heidi Kelso represents Lido LLC and has leased the storefront at 132 Main Street. Heidi has added a request for a window decal. The sign is less than one square foot and meets all signage regulations. The property is located in the Commercial Retail District and within the Historic District,
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it's literally this big
(Indicating), it's the same size
as the zoning.

MR. MCMAHON: It's Lido LLC --

AGENT FOR APPLICANT: It's Lido, there's a bunch of them, but it's literally like it's very minimal. We're not putting any signs actually even on the front of the building, it's just where the building and side glass and there's the door, we need all the glass space we have.

MR. MCMAHON: And you've had that approved by the Historic District?

AGENT OF APPLICANT: To the best of my knowledge, I think.

MS. WINGATE: I think they looked at that, yes.

MR. MCMAHON: They did look at that, okay.

AGENT OF APPLICANT: Yeah,
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then well be painting, it will be
hand painted just will be the same
shield --

MR. McMAHON: The one you
gave?

AGENT FOR APPLICANT: It's
four foot by two foot and that's
it, pretty easy, pretty simple.

MR. McMAHON: Any other
discussion? Comments? Questions?

MR. BURNS: Not with me.

MR. McMAHON: So I will
make that motion then to approve
the use evaluation application.

And second?

MR. DOWLING: Second.

MR. McMAHON: All in favor?

MR. DOWLING: Aye.

MR. JAQUET: Aye.

MR. McMAHON: Aye.

MR. BURNS: Aye.

MR. McMAHON: Motion
carried.

Item number three,

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Continued discussion on the use
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evaluation application from Brian Currick. The applicant proposes
to operate an instructional and
rental Flyboard facility on the
Preston's dock. The property is
located at 102 Main Street. It is
located in the Waterfront
Commercial District, Suffolk
County Tax Map number
1001-5.4-12.1.

Last week we asked -- Joe
is going to take a look and
determine whether or not he felt
there were any other agencies or
boards that have jurisdiction or
need to weigh in on this.

MR. PROKOP: I did look
into that. And I believe it's up
to the village. I think that we
should have a review by the
Harbormaster. 'Cause now he's the
marina manager.

MR. MCMAHON: Okay.

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MR. PROKOP: But I don't
think that that should -- was he
contacted?

MS. WINGATE: He was
contacted and he needed some more
time to write something down. He
wasn't able to get it together to have a formal comment for you.

MR. McMAHON: Okay. Did he make any indication as to any concerns that he mentioned?

MS. WINGATE: I don't want to speak for him.

MR. McMAHON: Okay. Fair enough.

MR. PROKOP: So my only suggestion was that because of the congestive use of the harbor in that area we have conflict -- we have other uses that are not before this board, you know, there is the ferry, there's other, you know, private docks. What you might consider doing, if you

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decided to move ahead on this, is have a short-term, issuing a short-term approval where this is reviewed, you know, this first season, maybe monthly even --

MR. McMAHON: Yeah.

MR. PROKOP: (Continuing) Just keep having it on your agenda so if there's anything that we need to deal with with the project
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we can deal with it at one of our meetings.

MR. McMAHON: Yeah, I mean at this time just because of the unique nature of this business, I don't want to speak for anyone else, the Harbormaster or anyone else, but I would like to be able to see the project go forward. So if any other members of the board are okay with that, I would much prefer to have a conditional approval of the application and then keep it on the agenda and...

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re-visit if there's any issue that comes up after speaking with the Harbormaster and any other agencies that we need to speak with.

MR. PROKOP: Can we note on these use evaluations can we just note that unless somebody has a different opinion that the motion also includes an adoption lead agency status by the board and a determination that the action is an unlisted action for purposes of SEQRA and will not have a significant negative effect on the
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environment, so we can include
that in the resolution if that's
okay with you guys?

MR. McMAHON: Absolutely.

MR. PROKOP: And so the
regular meeting would be, as you
stated, I believe, to
conditionally approve this, but to
keep it on the monthly agendas,

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you know, subject to monthly
review.

MR. McMAHON: And you're
planning on going 'til September;
is that correct?

MR. CURRICK: Yes.

MR. McMAHON: When are you
going to start?

MR. CURRICK: As soon as
the weather warms up.

MR. McMAHON: Just let the
record reflect the applicant whose
speaking right now?

MR. CURRICK: My name is
Brian Currick.

MS. WINGATE: Currick,
C-U-R-R-I-C-K.

MR. CURRICK: The goal is
Memorial Day weekend.
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MR. CURRICK: The way it looks, because of coming here I put a lot of stuff on hold, so maybe the weekend after.

MR. McMAHON: Okay. And then you'd want to continue until Labor Day, September?

MR. CURRICK: Mid September --

MR. McMAHON: Mid September.

MR. CURRICK: -- I figure. What I put on the sheet --

MR. McMAHON: Okay.

MR. CURRICK: (Continuing) I think it was September 15th, I think, mid September.

MR. McMAHON: Okay. Are there any other instructions from the board?

MR. PROKOP: Do you have a plan? Do you have anything that you submitted that shows exactly where you're going to be
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operating?

MS. WINGATE: Yes.

MR. CURRICK: I submitted three formats.

MR. MCMAHON: Yes.

MR. PROKOP: No, I mean on land, where you will be on the dock?

MR. CURRICK: Yes, I submitted, yeah.

MR. PROKOP: So that will be what we include in the approval then.

MR. MCMAHON: Okay. Okay.

So --

MR. JAUQUET: We are gonna have all the documentation of your insurance and the rest of the liability aspects of this? I mean we are the lead agency and the village has to be completely free of any liability.

MR. CURRICK: Yeah, I have the insurance quote, I just
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MR. MCMAHON: If you could,
could he provide a Certificate of
Insurance.

MR. CURRICK: Okay.

MR. MCMAHON: (Continuing)
That we just ask that --

MR. DOWLING: That the
village be additionally insured.

MR. PROKOP: I think that
that's a good idea.

MR. DOWLING: I think how
it is in the mortgage field when
you have a pre-arranged mortgage
from the village here, you have to
include the village in your policy
as an additional insured.

MR. PROKOP: Right. So
let's start off with that.

MR. CURRICK: Just act as a
second?

MR. DOWLING: The mortgage
is with Sterling Harbor.

MR. MCMAHON: So ask your

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agent for a Certificate of
Insurance showing the Village of
Greenport as a certificate holder
with additional insured status,
general liability of million
dollars or I don't know if we
have --

MR. PROKOP: That's fine.

MR. JAUQUET: 'Cause your area of operation is within the village's --

MR. CURRICK: Waters.

MR. JAUQUET: (Continuing)

Water boundary.

MR. CURRICK: Yes.

MR. PROKOP: You will need to -- we still need the sign-off from the marina manager, so that will be coming up at the next meeting.

MR. CURRICK: Okay.

MR. PROKOP: So you should speak to him.

MR. CURRICK: Okay.

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MR. PROKOP: You can go down to the marina and find him.

MR. CURRICK: And this is the marina --

MR. MCMAHON: The Harbormaster, his name is Jeff Goubeaud.

MR. JAUQUET: Jeff Goubeaud, right.

MR. PROKOP: Right. Just
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let him know what you plan on
doing.

MR. CURRICK: All right.
AUDIENCE MEMBER: Do you
have his name?

MR. CURRICK: Jeff
Goubeaud. I got it.

MR. McMAHON: All right.

Are there any other grounds
issues, concerns for this
application?

MR. DOWLING: No.

MR. McMAHON: No. Okay.

Then I'm going to make a motion

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that we approve the application
conditionally and keep it on the
agenda pending input from the
Harbormaster and also the SEQRA
statement that Joe read before
plus unlisted action.

Do I have a second for that
motion?

MR. DOWLING: Second.

MR. BURNS: Second.

MR. McMAHON: All in favor?

MR. DOWLING: Aye.

MR. JAQUET: Aye.

MR. McMAHON: Aye.

MR. BURNS: Aye.
MR. McMAHON: Motion's approved.

Item number four, Motion to approve use evaluation application from Beth Pike. Beth Pike represents Finns LLC doing business as Deepwater Bar and Grille. Beth Pike has leased 47 Front Street, formerly Barbeque

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Bill's, and proposes to re-open the existing restaurant, the new name will be Deepwater Bar and Grille. The restaurant is located in the Waterfront Commercial Marine District, Suffolk County Tax Map number 1001-5-.4-19.

She's here.

BETH PIKE: Hi.

MR. McMAHON: Last time we discussed the status of the zoning as a separate issue to handle; is that correct, I mean a determination?

MR. PROKOP: Not approving, we are not approving the awnings. I don't think they're before the board right now.

MR. McMAHON: Yeah, they're
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not an issue, that's what I meant.

MS. BERRY: It might be for
her. Wait a second.

MR. JAQUET: Do you have
anything else to add from last

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week, anything new?

MR. DOWLING: I think we
talked about the sign application.

BETH PIKE: Yeah, I was
told to --

MR. McMAHON: That was the
only item I think we had
outstanding, everything else
was --

BETH PIKE: Yeah, it was
the awning, the awnings with the
name on it. And I had to go down
and -- I didn't realize I had to
apply for the sign application, so
I went down and applied.

MS. BERRY: The only other
issue is keeping a 60-inch circle
at the top of the handicap lane.

MR. McMAHON: Yes.

MR. DOWLING: We talked
about the 60-inch circle, that's
access for the ramp?

MS. BERRY: At the top of
the entry ramp.

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MR. MCMAHON: Sixty inches
of clearance space.

BETH PIKE: Yes, I haven't
done anything there yet.

MS. BERRY: Right.

BETH PIKE: If I did I
would make sure I'm under -- I
can't do everything --

MS. BERRY: Right.

BETH PIKE: (Continuing) So
when I do I will come back in
and --

MS. BERRY: I mean they can
just approve it conditional upon
that, it's just appearing in the
plans.

MR. MCMAHON: Yeah, you
have -- you're indicating a --

BETH PIKE: Screen.

MR. MCMAHON: Yeah, a
screen there to separate the bar
area from the --

BETH PIKE: I haven't done
that.

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MR. MCMAHON: Yeah, so if

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that's going to go in, it has to
make sure that there's five feet
of clearance.

BETH PIKE: Five feet

clearance.

MR. MCMAHON: From the
entrance in a circle.

BETH PIKE: Right. And I
took down the speakers that you
requested.

MR. DOWLING: Yes.

MR. PROKOP: Thank you.

BETH PIKE: And I thought
that's all I had to do. Speakers
down, sign permit.

MR. DOWLING: Yup.

MR. MCMAHON: And the
entranceway, make sure keeping the
entranceway is clear.

BETH PIKE: Make sure it's
five feet. If I do anything, make
sure it's five feet, okay, that
wasn't done.

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MR. MCMAHON: Okay.

BETH PIKE: Okay.

MR. MCMAHON: Okay. So if
there are no other issues,
concerns?

MR. BURNS: No.
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MR. McMAHON: I am making a
motion that we conditionally
approve --
MR. PRÒKOP: This is a --
I'm sorry to interrupt again. But
in this resolution we have to
again first determine that we're
adopting lead agency status for
purposes of SEQRA, that we're
determining that the action, the
approval would be an unlisted
action and that it will not have a
significant negative impact on the
environment. And that will be
part of the approval resolution.
MR. McMAHON: Yes. Okay.
So make the motion with the
SEQRA determination and condition

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that the entranceway does have the
five-feet necessary clearance for
the handicap access as we just
discussed, I believe that's it.
MR. DOWLING: Yeah.
MR. McMAHON: Do I have a
second on that?
MR. BURNS: Second.
MR. McMAHON: All in favor?
MR. DOWLING: Aye.
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MR. JAUQUET: Aye.

MR. BURNS: Aye.

MR. McMAHON: Aye.

Motion carries.

MS. WINGATE: I have something to add. Beth did give me a photograph of an awning that is being -- will be produced by Jamie Mills, it had six-inch letters and it was simply the name of the restaurant. I didn't -- I got it through e-mail and I didn't print it out, so.

MR. McMAHON: Okay.

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MS. WINGATE: So is it possible that you could consider that?

MR. PROKOP: How would we consider it if we don't have it?

MS. WINGATE: Right. I'm sorry. I apologize. It was my -- I didn't print it up. It came to my personal e-mail. It didn't come to my business, so it's just --

MR. McMAHON: Okay. Well, again, we can't --

MS. WINGATE: Right. Okay.

MR. PROKOP: Do you have a
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picture with you?

MS. WINGATE: Do you have the picture?

BETH PIKE: In my phone.

MS. WINGATE: Yeah.

MR. DOWLING: Let's see it.

MS. WINGATE: 'Cause we did it phone to phone, it was one of those stupid moments.

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Then say, no, Joe. I'm sorry I brought it up.

MR. PROKOP: It's not up to me.

MR. JAUQUET: So when they have signs on their awnings, how does that correspond or work with signs that are on windows and the other, you know, the two-foot sign maximum?

MS. WINGATE: Overhanging signs -- signs -- overhanging sidewalks signs --

MR. JAUQUET: Two foot by three foot would be an overhanging sign, okay.

MS. WINGATE: The only jurisdiction of the Planning Board is when they're over the public.
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BETH PIKE: (Showing photograph).

MR. McMATHON: And then upstairs.

BETH PIKE: That's the awning one.

MR. JAQUET: Awning signs are --

MS. WINGATE: Awning signs are classified as signs and they need to meet the calculations of the code.

BETH PIKE: I did it the way everyone else had it, like the guy next door has this (Indicating), it's just simple --

MR. McMATHON: Okay. The actual, the frames for the awnings are in place, correct?

BETH PIKE: Everything was there.

MR. McMATHON: And you're gonna use the same awnings that were in place, everything --
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BETH PIKE: Yeah, but he had the big pig up there.

MR. McMAHON: (Continuing) Prior.

BETH PIKE: I got rid of the big pig.

MR. DOWLING: Thank you.

MR. JAUQUET: So there's some awning sign running along the whole awning?

BETH PIKE: No, it's just the awning comes like this, then there's six inches and it goes there (Indicating).

MS. WINGATE: Right.

MR. McMAHON: Okay. If the framework is the same as it was it's already approved.

BETH PIKE: Exactly.

MR. McMAHON: Then I'm personally not concerned with the aesthetics, if you can come back and just conclude that, we can do a conditional approval subject to
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file --

MR. DOWLING: Submit it to
the Building Department.

MR. McMAHON: (Continuing)
What the actual awnings are going
to look like so we have that as
part of the application.

BETH PIKE: Okay. So
explain that, I'm so confused.

MR. PROKOP: For the next
meeting we'll give you another
vote on it.

MS. WINGATE: On the
awnings?

MR. PROKOP: You can go
ahead --

MR. McMAHON: You can do
what you're doing, just at the
next meeting we would have -- we
would include the application for
the particular awning.

MR. DOWLING: Yeah.

MR. McMAHON: It wouldn't

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hold you up.

BETH PIKE: Okay. So come
back with?

MR. DOWLING: Submit those
on the record to Eileen so then at
the next meeting we'll just
approve the awnings.

MR. McMAHON: If you can just e-mail those pictures to Eileen we'll include it.

MS. WINGATE: Wait. That's how I got in trouble. Let's not send me the pictures. Why don't you print them up and bring them to me.

BETH PIKE: Okay.

MR. DOWLING: Okay.

MS. BERRY: Can I take a look?

BETH PIKE: Yes. It's the simplest sign in the world (Indicating).

MR. McMAHON: You know, we approved it, so it's --

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MR. DOWLING: It can always be an addition to the next week's meeting.

MR. McMAHON: Yes, we already proposed that.

MR. DOWLING: Yes.

MS. BERRY: So are you allowing her to install the awnings in the meantime?

MR. PROKOP: It would be
subject to the board's approval at
the next meeting when she gives us
the actual pictures.

MR. McMAHON: Yes. So yes,
because it's subject to if
they're -- if they go up, there's
an issue, it will be addressed at
the next meeting. Okay.

Item number five, Continued
discussion and possible
recommendations to the Zoning
Board of Appeals --

MR. PROKOP: Did we vote on
that?

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MR. McMAHON: Yeah, we did.
We voted.

Item number five, Continued
discussion and possible
recommendations to the Zoning
Board of Appeals on pre-submission
conference for Robert Brown,
Architect. Robert Brown
represents owner, Mayland Shannon
LLC. The site is located at the
corner of Front and Third Streets.
The project, as proposed, will
require several variances and is
scheduled to start review with the
Zoning Board of Appeals. They're
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not here.

MR. JAUQUET: So do you want to talk about this anymore?

MR. MCMAHON: We did talk about it at the last one. I don't know, my thought on this was I don't really want to give specific recommendations for a plan that hasn't been finalized yet. We

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don't have a formal application.
He was asking for some input about the issues that would be relevant, I think parking is the primary concern. There's the issue if you're gonna have use of property that requires, I believe the calculation was 47 spots, even then if the code allows a payment of $2,500 in lieu of providing spots for up to a maximum of 20 spots, they still have to provide 27 spots on the lot, which is basically impossible, I don't think you can fit 27 parking spaces on that property. Also, it's consideration that if you do have a large number of people parking there with the one curb
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cut that exists on Third Street,
you can end up backing up traffic
into the four-way cross there
because anyone trying to make a --
anyone heading south making a left

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turn would have to wait for any
ferry traffic that's backed up
that could then backup into the --
it's a difficult --

MR. JAUQUET: Glynis'

comment on this, whatever we do
there in terms of variances will
set a precedence for all the
other.

MR. McMAYON: Yes.

MR. JAUQUET: So I mean
that's suggests that we're
supposed to look at, you know, the
rest of the downtown sort of
globally when it comes to this
site.

MR. McMAYON: Yeah, I think
we should always have in mind
precedence setting with any
decision we make. But with this
one in particular I'm also curious
to hear what the Zoning Board has
to say.

MR. DOWLING: Right. I
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think the next step to see really
what they come back at with us, we
sent them back with what basically
they have to work with and we'll
see what their next submission
looks like.

MR. JAUQUET: What did you
think of the three building design
that they had?

MR. McMAHON: It's
intensive for the space, but I
don't -- I mean that is sort of a
community-wide consideration as to
how we're all going to handle the
lack of parking throughout the
village, I mean any new
development there are. It's
difficult for any property
particularly on Front Street, too,
there is no parking there.

MS. BERRY: I have a
question though. Don't you have
to make what your recommendation
is to the Zoning Board?

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MS. WINGATE: Yeah, can you
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frame this so that it's a
recommendation that can go
forward?

MR. JAUQUET: Yeah.

MR. McMAHON: I don't know
that we want to make a specific
recommendation to the Zoning Board
at this time because we don't
have --

MS. WINGATE: Excuse me,
Joe, what -- please tell me --

MR. McMAHON: What?

MR. PROKOP: I don't
understand what you're talking
about, sorry. Why at this
point --

MR. JAUQUET: We don't have
any site plan to work with to make
a recommendation.

MS. BERRY: Don't they come
here first and then if we say it's
not acceptable, then they have to
go to the Zoning Board of Appeals?

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MR. McMAHON: If they were
having for a specific -- if they
needed -- if we were denying an
application for a specific reason,
but we're not -- this is just my
interpretation.
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MS. BERRY: Okay. I'm sorry. I'm just new to this process, but in some circumstances what happens is they get submitted and denied and then it goes to the Zoning Board, are they allowed in Greenport to go directly to the Zoning Board of Appeals?

MR. PROKOP: No, they have to come to the Planning Board. I think what the board is trying to explain to you and Eileen is we don't have anything before us. There was somebody that came with a concept last week that really isn't -- and I'm not -- this is isn't my determination, this is what I'm hearing from this side.

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going to this side (Indicating).

MR. BURNS: That's what they came before --

MR. McMAHON: My understanding is that he came not for a formal pre-submission conference, but for a pre-pre-submission conference, that was the way it was framed from Robert, that was my understanding of what
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they were --

MR. JAUQUET: 'Cause he
started off asking us for our
opinion on sort of generally, you
know. And we -- then I asked him
to generalize about it. He did
have a piece of paper with just
three buildings on the site asking
for some 5,000 square feet of
F-A-R, which was significantly
more than, you know, the zoning
technical output of like 3,000
feet, but all the parking was
still a problem. So I don't know

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really what he was asking for, a
5,000 square foot building with a
little bit of parking, three
buildings with a storybook walkway
between them, I don't know.

MS. BERRY: Right.

MR. JAUQUET: Two stories
with some very small retail on the
second floor and basically a
restaurant, but, you know.

MS. BERRY: But he -- then
he submitted a revised site plan.

MR. PROKOP: Where is it?

MR. JAUQUET: Not to us.

MR. McMAHON: Not to us.
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MS. BERRY: He submitted it with the --

MS. WINGATE: He submitted it with the Zoning Board application.

MS. BERRY: So the question is --

MR. McMAHON: But again --

MR. JAQUET: Where is it?

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We haven't seen it.

MR. McMAHON: I can't make a recommendation on a plan then.

MR. BERRY: Right. So I guess the question --

MR. DOWLING: If he submitted something to the Zoning Board and he didn't submit it to us and we didn't see anything.

MS. BERRY: Right. But should the process be us first and then the Zoning Board?

MR. JAQUET: Well, is that the process?

MR. PROKOP: Yeah. He needs to get a denial to go -- to go to the Zoning Board he needs to get denial from either us or the Building Inspector.
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Ms. Wingate: Yeah. And the other issue that I didn't raise last week but then looking at the plan and even seeing it after he revised it, I really think that passage is problematic on Third Street because if you look at the plan --

Mr. Jauquet: What do you mean by, "Passage," car traffic or --

Ms. Wingate: Pedestrians.

Ms. Berry: Pedestrian.

Mr. Jauquet: Pedestrian.

Ms. Berry: Because it's not an alleyway that's filled with shops, it actually has the back wall of the restaurant with a service door, you see a fence that's, you know, got machinery behind it and it actually creates a sight issue for people walking by and a lot of people walk by
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there late at night going to the
ferry, so I could see that as
potential public safety issue, you
know, 'cause it's kind of a hidden
corner and it's almost like having
two service entrances now 'cause
you've got the driveway with the
dumpsters and then you've got the
other passage where you see a
fence and equipment and you see a
service door, so.

MR. JAQUET: The whole
plan really wasn't fleshed out.

MR. McMAHON: Yeah, again,
that's --

MS. BERRY: But he
resubmitted it with those
characteristics.

MR. DOWLING: We can't
comment on something we haven't
seen.

MS. BERRY: Okay.

MR. DOWLING: I'm not going
to comment on something I haven't

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  MS. BERRY: All right. But
  I think then they should make a
  resolution for what they have
  seen, right?
  MR. PROKOP: I don't know
  what you're talking about. I was
  at the meeting last week where I
  got these plans --
  MS. BERRY: Right.
  MR. PROKOP: (Continuing)
  And he said he was sorry it was
  rushed, but he needed -- he wanted
  a quick determination because they
  needed something with their
  contractor something and he was
gonna work on it. And what I have
now is -- this is the April 15th
plan, this is what was submitted
(Referring); is that what we are
talking about?
  MS. WINGATE: Yes.
  MR. PROKOP: What do you
want this board to say, I don't

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  understand?
  MS. BERRY: Well, I'm
  concerned for two things; one, I
  think you have to, you know, make
  a recommendation or determination
  before it goes to the Zoning
Board; and two, I think you should
go on the record because if you
don't, there's an implication of
approval without any kind of
statement. So I think --

MR. JAUQUET: So you want
us to act on last week's --

MS. BERRY: So I think you
either table it until you can
figure --

MR. PROKOP: That's what we
were trying to do, you keep
telling us you need a
determination.

MS. BERRY: Well --

MR. DOWLING: I don't know
how we can have an approval or
half approval if we didn't accept

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anything to begin with? We never
accepted anything. We had a pre-
submission conference. We never
accepted any formal application.

MS. BERRY: Right.

MS. WINGATE:

Pre-submission conference.

MR. DOWLING: Really

basically what they did is they
brought something for us to look
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at without asking us to make any
official --

MS. WINGATE: After your
last meeting they came forward
with a Zoning Board application --
MR. DOWLING: Right.

MS. WINGATE: (Continuing)
A building permit, a disapproval
and according to the agenda, I was
expecting the board to come up
with something for the other board
to be considering.

MR. DOWLING: Okay. We
can't comment on his new

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applications 'cause we haven't
seen it.

MS. WINGATE: Okay.

MR. DOWLING: Yeah, we can
comment on what he's originally
submitted --

MS. WINGATE: Well, that's
what I assumed you would comment
on since you didn't see the other
drawings.

MR. PROKOP: So the
April 15th, just to get this
straight, the April 15th drawing
that we had the last time is not,
is not the current drawing?
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   MS. WINGATE: There's been
   a new one submitted with the
   Planning Board application, yes.
   
   MR. PROKOP: You mean with
   the ZBA application?
   
   MR. WINGATE: With the ZBA
   application.
   
   MR. PROKOP: So I think
   that we need to have that -- this

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   board needs that, to have that to
   look at.
   
   MS. WINGATE: To make
   recommendations.
   
   MR. MCMAHON: Yeah.
   
   MR. PROKOP: Yeah.
   
   MR. DOWLING: I think we
   should table this until we get --
   
   MR. JAQUET: We are not
   really on a timeline, so we --
   
   MS. WINGATE: No, because
   there is no application.
   
   MR. JAQUET: Right.
   
   MR. MCMAHON: Yeah, I
   just -- I don't want to make a
   formal recommendation to another
   board about a theoretical plan.
   
   You know, I understand he has now
   submitted a revised plan, but we
haven't considered that. And I mean the general conversation and the way it was framed when he came in was it wasn't even a formal pre-submission conference, it was

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just sort of feeling out, general, asking for general input of the people on the board.

MS. WINGATE: Okay.

MR. McMAHON: And that was the way I --

MR. BURNS: Yeah.

MR. JAUQUET: Is there some provision that prevents us as a board to ask the Zoning Board for a recommendation?

MR. DOWLING: We can, but we can't comment on something we haven't seen yet, so we can't comment on something that is submitted to the Zoning Board that we have not seen. I think all we can really do is table this until we can get copy of that, review it and then make a comment.

MS. WINGATE: Okay.

MS. BERRY: So does that mean it's, it can't be submitted or accepted by the Zoning Board
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until the Planning Board makes a
determination?

MR. McMAHON: I mean I'm
not sure, is it even proper to
have a pre-pre-submission? I mean
can someone come in here and ask
for recommendations prior -- or
concerns prior to an application
being submitted?

MR. PROKOP: Okay. So
there's two different ways that it
comes to us; one is a use
evaluation. Use evaluations are
generally for an existing
building, not for a new building,
so the use evaluation will be part
of what's called the site
development review. Site
development review, which is
based, which is on our agenda
today it's called site plan, but
under the code new buildings come
before us for site development
review, so what would happen is it
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development review and we would be
required to deny it because it
had -- there's certain things that
are not legal that it seeks to do
and then, and then it would go to
the ZBA. So it would first come
to -- it would go to the Building
Inspector and us for -- it would
go to the Building Inspector for,
excuse me -- it would actually
come to us for site development
review. And we would deny it
because the Building Inspector has
indicated that there are several
things that do not comply with the
code. And if they wanted to
proceed, then they would have to
go to the ZBA.

MR. McMATHON: Okay.

MR. PROKOP: But they would
have to come here first and get a
denial, that's what I believe is
the case.

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MR. JAUQUET: But they have
to have a formal use evaluation
application before us in order for
us to deny something?

MR. PROKOP: Right, that
would be a combined use
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evaluation --

MR. DOWLING: You need to submit something to us so we have something to deny.

MR. JAUQUET: Something to get the legal process going.

MR. PROKOP: Yes. That's it.

MR. JAUQUET: If we do that that means we're on a timeline to approve it, is that true? So we've got to decide if we want that, 'cause we don't really.

MR. PROKOP: No, we would be denying it.

MR. DOWLING: Deny it, the timeline is gone, once we deny it then it's done.

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MR. JAUQUET: Then it's done, so we know once we accept something we are on a timeline temporarily.

MR. PROKOP: Right. So we can work with it, we just need to get something, whatever this plan that was submitted, we just need to get that before this board.

MR. JAUQUET: That's what
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they want, right? I mean they
want us to start acting on it.

MR. DOWLING: So I guess if
they want to -- if they want to
give us something to deny to get
to ZBA, they need to file an
application with planning first.

MR. PROKOP: Yes.

MR. JAUQUET: So that will
happen next time, that will be on
the agenda next time.

MR. McMAHON: Well, it
would be for the next work
session.

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MR. JAUQUET: Did she say
what their time is, the contract
they want to sign and the whole,
you know, he was in such a rush,
rush last time.

MS. WINGATE: It was a big
rush, I don't know.

MR. BURNS: We don't really
have anything before us.

MR. JAUQUET: It could die
if they're not --

MS. WINGATE: It could die.

MR. JAUQUET: It could die
between now and then.

MS. WINGATE: Right.
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17  MR. MCMAHON: All right.
18  In the end if we don't have
19    that --
20  MR. JAUQUET: We don't have
21    it.
22  MR. McMAHON: (Continuing)
23  We don't have anything to deny.
24  MR. PROKOP: I mean, you
25    know, awnings are okay, but we

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can't look at a -- consider
something that's not before us
'cause we don't have the plans.

5  MR. McMAHON: Okay. Then
6  I'm going to motion that we table
7  this until the work session.
8  MR. DOWLING: Hold on a
9  second. I think this is just
10  continued discussions so we don't
11  have to table it, just close it
12  out I think, right?
13  MR. BURNS: We don't have
14  anything before us.
15  MR. JAUQUET: Well, there's
16  nothing before us, so.
17  MR. McMAHON: Yeah, if they
18  come back.
19  MR. JAUQUET: And make the
20  discussion, we don't have to --
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MR. McMATH: Yeah. If
they submit an application, you
know, all right, so I don't --

MR. JAUQUET: End of
discussion.

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MR. McMATH: All right.

Item number six, Motion to
accept, for review, the Findings
and Determinations for the
following projects: Application
for Joann Brancato for retail use
at 300B Main Street. Application
to Butta'cakes Inc. for restaurant
expansion at 119 Main Street.
Application of Rita Winkler for
retail and specialty food shop use
at 110 Front Street. Application
for David Kapell as agent for
Moonstar LLC for restaurant use at
120-122 Front Street.

Now, do these need to be
signed by me?

MR. PROKOP: They're signed
in each case by the Chairman.

MR. BURNS: We're accepting
these -- this was just summations
of everything that we had
previously discussed with regards
to these issues, just a formal
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statement of that?

MR. PROKOP: Yes.

Glynis did a real good job
putting it together and I want to
thank her. It's a really great
service that she provided to us
now. They went back and forth
between Glynis and Eileen.

MR. MCMAHON: Okay.

MR. PROKOP: They should
be --

MR. MCMAHON: Yeah, I went
through them, they seem to reflect
everything that went on in the
meetings, these are new to me. We
haven't had these before for any
other --

MR. BURNS: It's great to
see this upgrade of what we're
doing.

MR. MCMAHON: So these
items will be entered into the
record as part of this meeting or
the prior meetings?

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MR. PROKOP: This meeting.
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MR. MCMAHON: This meeting.

MR. PROKOP: And they go in the file so 10 years from now somebody will be able to look back and see exactly happened.

MR. MCMAHON: Okay.

MS. WINGATE: Do I have to give a copy to the transcriptionist? Do you want them part of? 'Cause I should put them in the file. Do you want it as part of the minutes?

MR. MCMAHON: Yes.

MS. WINGATE: Okay.

MR. PROKOP: 'Cause then they go on-line, that's good.

Thank you. After he signs them.

MR. MCMAHON: Motion to accept, do I have a second?

MR. DOWLING: Second.

MR. MCMAHON: All in favor?

MR. DOWLING: Aye.

MR. BURNS: Aye.

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MR. MCMAHON: Aye.

MR. JAUQUET: Aye.

MR. MCMAHON: Item number 7, Motion to approve the minutes of March 12, March 26 and April 2, second?
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8  MR. BURNS:  Second.
9  MR. McMAHON:  All in favor.
10  MR. DOWLING:  Aye.
11  MR. BURNS:  Aye.
12  MR. McMAHON:  Aye.
13  MR. JAUQUET:  Aye.
14  MR. McMAHON:  Motion
15  carries.
16  Item number 8, Motion to
17  schedule the Work Session for
18  May 28th, 2015, and the Regular
19  Session for June 4th, 2015. Do I
20  have a second?
21  MR. BURNS:  Second.
22  MR. McMAHON:  All in favor?
23  MR. DOWLING:  Aye.
24  MR. JAUQUET:  Aye.
25  MR. McMAHON:  Aye.

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1  MR. BURNS:  Aye.
2  MR. McMAHON:  Motion
3  carries.
4  Item number 9, motion to
5  adjourn.  Second?
6  MR. BURNS:  Second.
7  MR. McMAHON:  All in favor?
8  MR. DOWLING:  Aye.
9  MR. JAUQUET:  Aye.
10  MR. McMAHON:  Aye.
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MR. BURNS: Aye.

MR. McMAHON: All right.

All set. Thank you very much.

(Whereupon, the Meeting was
adjourned at 5:42 p.m.)

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CERTIFICATION

I, DONNA L. RITZMANN, a Notary Public
in and for the State of New York, do hereby
certify:

THAT the foregoing is a true and
accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of May, 2015.

DONNA L. RITZMANN