

1 VILLAGE OF GREENPORT
2 PLANNING BOARD
3 WORK SESSION
4 February 5, 2015
5 5:00 p.m.

6
7

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

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12 Appearances:

13 Peter Jauquet – Chairman

14 Chris Dowling

15 Devin McMahon

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17 Joseph Prokop, Village Attorney

18 Eileen Wingate, Village Building Inspector

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1 (Whereupon, the meeting was called to order
2 at 5:12 p.m.)

3 CHAIRMAN JAUQUET: This is the February
4 5th, 2015 Third Street Firehouse location meeting
5 of the regular session of the Planning Board.

6 Item One is a motion to approve a site plan
7 for a new home on a vacant lot on Bridge Street.
8 The owner/applicant is Edward V. Werthner. The
9 project is a single-family house of approximately
10 1,575 square feet, and a zoning variance was at
11 issue.

12 Is there anymore discussion on that among us?

13 I don't think so. All right. Is there
14 any --

15 MS. SCHNEPEL: Could you speak up, please?

16 CHAIRMAN JAUQUET: This is a motion to
17 approve a site plan for a new home at -- on a

18 vacant lot on Bridge Street. Is that heard -- is
19 that enough? Who wants higher volume?

20 MS. SCHNEPEL: That's fine.

21 CHAIRMAN JAUQUET: Okay. So this is a
22 motion to approve the site plan for this new home
23 on Bridge Street. Do I have a second?

24 MR. MC MAHON: I'll second it.

25 CHAIRMAN JAUQUET: All in favor?

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1 MR. DOWLING: Aye.

2 MR. MC MAHON: Aye.

3 CHAIRMAN JAUQUET: Aye.

4 Motion approved.

5 Item #2 is a motion to -- in this case,
6 we're tabling a site plan for a new one-family to
7 be constructed at 216 North Street. The
8 applicants are Thomas Spurge and Steven Sommer.
9 It's a -- the property is currently a vacant lot
10 at Section 2, Block 6, Lot 8.

11 Motion to -- do I have a second?

12 MR. DOWLING: Second.

13 CHAIRMAN JAUQUET: All in favor?

14 MR. DOWLING: Aye.
15 MR. MC MAHON: Aye.
16 CHAIRMAN JAUQUET: Aye.
17 MS. WINGATE: To table it.
18 CHAIRMAN JAUQUET: To table it. Do I have
19 I have to say why?
20 MR. PROKOP: No.
21 CHAIRMAN JAUQUET: We're going to discuss
22 it at the next meeting.
23 Number 3 is a motion to table an
24 application for a site plan review pending
25 further discussion and revised plans regarding

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1 the construction of a 48-seat restaurant in an
2 existing store(s) space located 120-122 Front
3 Street; Section 4, Block 9, Lot 28.3.

4 And what was the -- why -- we're tabling
5 this because we don't have the --

6 MS. WINGATE: Well, they did send you a new
7 plan. It's not as complete as you asked for.

8 MR. DOWLING: We just got it.

9 CHAIRMAN JAUQUET: Right.

10 MR. PROKOP: What's the name?
11 MS. WINGATE: Moon Star, Moon Star
12 Restaurant.
13 MR. PROKOP: I think the problem is, you
14 know, we got -- we just got it last night.
15 CHAIRMAN JAUQUET: We just got it last
16 night.
17 MS. WINGATE: This morning.
18 MR. PROKOP: This morning, right.
19 CHAIRMAN JAUQUET: I haven't had a chance
20 to look at it. Okay. So --
21 MS. WINGATE: And you asked for the
22 elevations and the dimensions.
23 CHAIRMAN JAUQUET: Right, okay. So do I
24 have a second on that motion?
25 MR. DOWLING: Second.

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1 MR. MC MAHON: Second.
2 CHAIRMAN JAUQUET: All in favor?
3 MR. DOWLING: Aye.
4 MR. MC MAHON: Aye.
5 CHAIRMAN JAUQUET: Aye.

6 So moved.

7 Item 4 is continued discussion and possible
8 motion to approve a site plan for 300-308 Main
9 Street. The project consists of the
10 rehabilitation and renovation of a restaurant
11 located within Sterling Square, and a renovation
12 of the second floor to a five-unit inn; Section
13 4, Block 7, Lot 29.1.

14 Do we have anything else to say about that?

15 MR. DOWLING: Let's see if they have
16 anything for us.

17 CHAIRMAN JAUQUET: Is anybody here for
18 that? Okay. Do you want to --

19 MR. BROWN: I'm really just here to --

20 CHAIRMAN JAUQUET: Just to listen to what
21 we -- do you have more to add?

22 MR. BROWN: No, not really. Robert Brown,
23 Architect. I'm really just here to answer any
24 questions you might have --

25 MR. DOWLING: Okay.

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1 MR. BROWN: -- to help move this along.

2 CHAIRMAN JAUQUET: I think we're okay on
3 that.

4 MR. DOWLING: Brent just wanted to work on
5 moving forward, I think, with the plans.

6 MR. BROWN: Yes.

7 MR. DOWLING: So I guess when you get more
8 for us, then -- right?

9 CHAIRMAN JAUQUET: Well, we're approving
10 the site plan.

11 MR. BROWN: Yes.

12 CHAIRMAN JAUQUET: That's the idea --

13 MR. DOWLING: Okay.

14 CHAIRMAN JAUQUET: -- on this one.

15 MR. BROWN: Yes. We're looking for
16 approval of the site plan so we can finish the --
17 move with the drawings.

18 MR. DOWLING: We don't have complete
19 drawings.

20 CHAIRMAN JAUQUET: We did. Well, I think
21 we have enough to work --

22 MR. DOWLING: Okay.

23 CHAIRMAN JAUQUET: To work with. I mean,
24 all we were doing last time was asking them --

25 MR. DOWLING: Right.

1 CHAIRMAN JAUQUET: -- about facade
2 treatments and landscaping.

3 MR. DOWLING: Okay.

4 CHAIRMAN JAUQUET: He's taking away the
5 awning and, you know --

6 MR. DOWLING: Right. Okay. I'm good.

7 CHAIRMAN JAUQUET: So okay. So do I have a
8 second on that? Well, this is --

9 MR. PROKOP: Second on what?

10 CHAIRMAN JAUQUET: Well, I'm rephrasing it
11 for the record. This is a motion to approve the
12 site plan for 300-308 Main Street, consisting of
13 a rehabilitation and renovation of a restaurant
14 located at Sterling Square, with a second floor
15 to be a five-unit inn. Do I have a second?

16 MR. MC MAHON: Second.

17 CHAIRMAN JAUQUET: All in favor?

18 MR. DOWLING: Aye.

19 MR. MCMAHON: Aye.

20 CHAIRMAN JAUQUET: Aye.

21 MR. BROWN: Thank you.

22 CHAIRMAN JAUQUET: Number 5 is the tabling

23 of a discussion to the next Planning Board work
24 session, a use evaluation for a store space
25 located at 110 Front Street. The applicant, Rita

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1 Winker, intends to relocate her business, Vines &
2 Branches, to this location, at Section 4, Block
3 9, Lot 28.2. Is Rita here?

4 MS. WINGATE: No, she is not.

5 CHAIRMAN JAUQUET: Okay. So we'll just
6 continue to table this until --

7 MS. WINGATE: Sure.

8 CHAIRMAN JAUQUET: I think that's what
9 we'll do. Has she asked you for any further
10 action?

11 MS. WINGATE: She called this morning and I
12 told her that her application was tabled, and the
13 next meeting would be at the end of February and
14 she'll be there.

15 CHAIRMAN JAUQUET: Okay. Thank you. Do we
16 have to make a motion to table this?

17 MR. PROKOP: I would do that, yes.

18 CHAIRMAN JAUQUET: Excuse me?

19 MR. PROKOP: Yes, I would do that.

20 CHAIRMAN JAUQUET: Okay. So this is a
21 motion to table the discussion until the next
22 Planning Board for the store at 110 Front Street.
23 Rita Winkler is the applicant, and Vines &
24 Branches is the name of her project. Do I have a
25 second?

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1 MR. MC MAHON: Second the motion.

2 CHAIRMAN JAUQUET: All in favor?

3 MR. DOWLING: Aye.

4 MR. MCMAHON: Aye.

5 CHAIRMAN JAUQUET: Aye.

6 Number 6 is a motion to schedule a public
7 hearing on a site plan for 119 Main Street. The
8 property is located in the Water Front Commercial
9 District Zone. Eating and drinking
10 establishments are conditional uses, and,
11 therefore, subject to a public hearing. The
12 property owner/applicant, Mark Lameana
13 (phonetic) --

14 MR. MC MAHON: LaMaina.

15 CHAIRMAN JAUQUET: LaMaina, excuse me,
16 proposes to connect Lucharito's, the existing
17 restaurant, to the adjacent store space in the
18 same building, adding 40 seats, among other
19 improvements, at Section 5, Block 4, Lot 34. And
20 do I have a second?

21 MR. MC MAHON: When is it scheduled for?

22 CHAIRMAN JAUQUET: Oh, we have to schedule
23 it. Okay.

24 MS. WINGATE: February 27th.

25 CHAIRMAN JAUQUET: Okay. Thank you.

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1 MR. MC MAHON: I have February 26th,
2 though.

3 MR. PROKOP: It's the 26th.

4 MS. WINGATE: Well, then we need to change
#9.

5 CHAIRMAN JAUQUET: That's the 27th -- I
6 mean, the 26th.

7 MR. PROKOP: It's the 26th.

8 CHAIRMAN JAUQUET: Yeah. Okay. So this is
9 a motion to schedule a public hearing for the
10 site plan at 119 Main Street on -- at the

11 February 26th meeting of the Planning Board. Do
12 I have a second on that motion?

13 MR. DOWLING: Second.

14 CHAIRMAN JAUQUET: All in favor?

15 MR. DOWLING: Aye.

16 MR. MCMAHON: Aye.

17 CHAIRMAN JAUQUET: Aye.

18 Number 7 is continued discussion on the
19 application for a new structure located at
20 Sterling Street Osprey Zone Marina. This is
21 continued discussion and public comment.

22 And what's the procedure here, now that
23 we've got partial -- some public -- we've got
24 letters here that we want to read before we start
25 and --

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1 MR. PROKOP: Well, one of the things you
2 could do is you could accept those letters for
3 the record. And since we're starting to get
4 public comment on this application, one of the
5 things you could do is to set it for a public
6 session at one of the next meetings, and, you

7 know, maybe notice it, if that's what you'd like
8 to do.

9 CHAIRMAN JAUQUET: What does that mean,
10 notice it?

11 MR. PROKOP: Just notice that we'll be
12 conducting either -- well, I think it's a matter
13 of --

14 CHAIRMAN JAUQUET: Is that published?

15 MR. PROKOP: Yes.

16 CHAIRMAN JAUQUET: Where?

17 MR. PROKOP: It would be in the paper, you
18 know, if you decide to do that. You're not
19 required to do it, but you could make that
20 decision to do it.

21 CHAIRMAN JAUQUET: Okay.

22 MS. SCHNEPEL: Can I raise an issue about
23 that?

24 CHAIRMAN JAUQUET: Well, you have to get up
25 here and raise the issue when it's your turn.

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1 MS. SCHNEPEL: Okay.

2 CHAIRMAN JAUQUET: So we're going to start

3 this item, continued -- #7, continued discussion,
4 with these two letters that we got from people
5 that are out of town and have not seen the most
6 recent architectural plans and elevations for the
7 site. I'll read -- you want to read this one?
8 And I'll start with --

9 MR. PROKOP: Well, the transcription -- I'm
10 sorry.

11 CHAIRMAN JAUQUET: What?

12 MR. PROKOP: She could type it into the
13 record, if you want, or read it. I'm sorry, I
14 apologize, it's at your discretion.

15 CHAIRMAN JAUQUET: Well, you know, there's
16 people here.

17 MR. MC MAHON: There's one longer one that
18 I think we might want to just enter in.

19 CHAIRMAN JAUQUET: Which is that?

20 MR. MC MAHON: The last one. It's quite
21 lengthy.

22 MR. DOWLING: The two-page one with a lot
23 of detail in it.

24 MR. MC MAHON: The one from Doug and Mary
25 Moore.

1 CHAIRMAN JAUQUET: Where is it?

2 MR. DOWLING: This one right here.

3 CHAIRMAN JAUQUET: Well, what do you want
4 to do, have them typed in or --

5 MR. DOWLING: Your call on that one.

6 CHAIRMAN JAUQUET: Let's see. I'm going to
7 read this. I'm going to read the two short ones
8 to start with.

9 This is from -- wait. Who?

10 MR. DOWLING: It's from Robert Feger and
11 Theresa Taylor.

12 CHAIRMAN JAUQUET: Okay. This is from
13 Robert Feger and Theresa Taylor on February 4th,
14 2015. The subject is "Our comments regarding
15 Osprey Zone."

16 "This has been an ongoing process in which
17 the attorney for Osprey Zone publicly attempted
18 to limit neighborhood input regarding their
19 application. We find the timing of the current
20 application somewhat disconcerting. There are at
21 least three neighbors who are away for the winter
22 and will be" -- "they will not be able to attend
23 meetings regarding this application. And true or

24 not, the appearance is that Osprey Zone is once
25 again trying to limit public input regarding

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1 their application.

2 Osprey Zone representatives have repeatedly
3 stated they're interested in getting neighborhood
4 input, but the timing of this recent action
5 clearly indicates otherwise. From where we sit,
6 this is a clear case of overbuilding on a very
7 small lot, and a very significant change from the
8 character of our neighborhood. Sincerely, Robert
9 Feger and Theresa Taylor, 126 Sterling Avenue."

10 This second shorter one is from Steve
11 Weiss, sent on February 4th this year, regarding
12 Osprey Zone application, and it was CC'd to the
13 Village Building personnel.

14 This one says, "It has been brought to our
15 attention that a formal application has been
16 submitted to the Planning Board for development
17 of the Osprey Zone property on Sterling Street.
18 Overdevelopment of this property will impact not
19 only the surrounding homeowners, but everyone in

20 the Village, as well as tourists. From our
21 vantage point, less than 200 feet from the
22 subject property, we see dog-walkers, bikers,
23 walkers, joggers and baby-carriage-pushing
24 families enjoying the vistas of Stirling Harbor.
25 Sterling Street waterfront is everyone's

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1 backyard, and it would be a shame to see these
2 views obstructed by a seasonal building" --
3 "seasonal use building.

4 A public hearing on a matter of this
5 importance should be scheduled so the voices of
6 as many people as possible can be heard. We, as
7 many residents of Greenport, travel this time of
8 year, so we ask that a hearing not be scheduled
9 in the dark of winter, when the population of the
10 Village is at its lowest. Respectfully, Kathleen
11 and Stephen Weiss, 117 Sterling Street,
12 Greenport, New York."

13 This one I'm not going to read, unless you
14 want to. Why don't you read it? I'll read part
15 of it.

16 MR. DOWLING: Go for it.

17 MR. SALADINO: I'll read it.

18 CHAIRMAN JAUQUET: Okay. I'll start. This
19 is from Doug and Mary Moore at 145 Sterling
20 Street, February 4th, 2015.

21 "We are away from Greenport, and,
22 incidentally, found out a site plan for Osprey
23 Zone has been submitted and accepted last week by
24 the Planning Board. We only heard of this action
25 on Monday, February 2nd, and we have just

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1 received some information on the site plan. We
2 offer some comments below, but would request the
3 Planning Board to take no action until we can
4 thoroughly review the plans. Several other
5 neighbors are also -- are also away and should be
6 given the opportunity to review and comment.

7 Our main objections to the construction of
8 the proposed structure on this tiny waterfront
9 lot are scale and height. The original plan was
10 for a modest 300-square-foot building at or close
11 to the grade level, which would have supplied a

12 bathroom, shower and storage space. The current
13 proposal has escalated to a building over 610
14 square feet, elevated seven feet above grade on
15 open pilings, with an overall height of 21 feet.
16 The required FEMA elevation is set at one foot
17 above current grade, not the proposed seven feet.
18 If the building's base were elevated three feet
19 above grade, there would a sufficient safety
20 margin above the required FEMA flood elevation.

21 Justification for the seven-foot elevation
22 is stated to preserve six parking spaces, when
23 the plans state only three are required. If the
24 building were lower, there would be space
25 available in front of the building for two

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1 parallel parking spaces in the six-foot setback
2 and the unpaved apron in the Village
3 right-of-way. This layout would provide a total
4 of five parking spaces, and also allow
5 landscaping and architectural screening at the
6 base of the building. Lowering the elevation
7 would also allow a ramp to replace the long run

8 of stairs, making the building handicapped
9 accessible.

10 Section 150-16(C)(2) of the Village of
11 Greenport Code requires a commercial site parking
12 area with no more than five parking spaces across
13 from residential properties to be screened from
14 view with shrubs or fences. This property is
15 unusual as its entire frontage consists of a curb
16 cut, enabling parking on the entire length of the
17 property. Screening this parking format is not
18 possible, contrary to Village Code" -- "screening
19 this parking lot format is not possible, contrary
20 to Village Code. If the building height were
21 lower, architectural screening added, and if
22 parking were arranged as suggested above, this
23 would at least reduce the impact of the three" --
24 "of the remaining three on-lot parking spaces.
25 In fact, the reduced number of parking spaces on

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1 the lot would eliminate the screening requirement
2 in front of the parking area.

3 The problems are missing items from the

4 site plan drawings and site plan application.
5 One, it's stated that no handicapped access to
6 the proposed structure is required, but provision
7 of a handicapped accessible bathroom is depicted.
8 Section 1105.1 of the New York State Code
9 requires handicapped access to the entry of a
10 main level of any new structure, regardless of
11 size of building.

12 The section cited on the site plan drawing,
13 Section 1104.4, Exception 1, applies to
14 requirements for elevators in the interior space
15 of buildings regarding access to levels above and
16 below main level. This code is referred to as
17 the Elevator Rule and allows exemptions for
18 elevators of aggregate square footage of floor
19 space above and below the main level, if less
20 than 3,000 square feet. The Elevator Rule
21 exemption would only apply to access to the sun
22 deck from the main level of the building. Thus,
23 the proposed structure is not exempt from a
24 provision of handicapped access pad to the first
25 floor of the building.

1 The proposed elevation of the structure
2 prevents a handicapped ramp, which otherwise
3 would be possible if the building were located at
4 a lower elevation.

5 Two, the application and drawings show no
6 plans for a RPZ backflow prevention device on the
7 potable water supply, as required by the code.
8 The supplied municipal water to docks, bulkheads
9 and vessels is considered a high risk connection.

10 Three, no plans are shown for placement of
11 trash receptacles and for screening them from
12 view.

13 Placement on dock space over the water
14 should not likely be permitted by the NYS DEC,
15 for no detailed lighting plan is provided.
16 Reference is made to attaching a lighting fixture
17 to a Village-owned utility pole on Village
18 property. This is likely prohibited.

19 No landscape or screening plan is provided.

20 No storage areas are depicted at grade
21 level, nor within the proposed structure. This
22 was one of the original needs expressed for
23 construction of the current grade level shed and
24 the earlier proposals for smaller buildings on

25 the site.

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1 Number 7, no description or depiction of
2 placement of any heating HVAC equipment is
3 provided.

4 No description or placement of fuel tanks
5 for any heating system is provided.

6 No placement is shown for the current ice
7 machine or any refrigerator associated with the
8 proposed structure.

9 Ten, no sizes, nor design details, are
10 provided for signage, as required for proper
11 review.

12 Eleven, will proposed structure have a
13 kitchenette area, counter sink, under-counter
14 refrigerator, as shown in the earlier drawings?
15 Nothing is currently depicted.

16 Is there a secondary emergency egress
17 identified for the occupied portion of the
18 structure?

19 Is there any engineering issue by placing
20 the structure directly at the bulkhead line

21 regarding stability of foundation elements of the
22 structure?

23 Fourteen, does the Greenport CAC need to
24 review the plans and make recommendations because
25 of its water-adjacent location and its impact on

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1 Greenport's waterfront environment?

2 Fifteen, there is an inconsistency in the
3 stated dimensions for the building. The drawings
4 show a building 38 feet by 6 inches -- 38 feet 6
5 inches by 15 feet 10 inches, but the written plan
6 describes a building 38 feet 6 inches by 20 feet
7 10 inches. The size of the building must be
8 stated correctly.

9 In summary, we feel current plans are
10 inappropriate, as the seven-foot elevation of the
11 building is unnecessary for parking, creates a
12 detrimental streetscape due to its overall
13 height, and makes the required handicapped access
14 impossible. While we would prefer no new
15 structure be built at the site, the needs
16 expressed could be met by lowering the building

17 and making it smaller as well.

18 All of the deficiencies identified above
19 show the current plan to be incomplete and
20 incorrect. We request the plan be returned to
21 the applicant for completion and correction.
22 After revision, the application should be
23 resubmitted to the Planning Board.

24 Respectfully submitted, Doug and Mary
25 Moore."

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1 So what do we want to do? Anyway, you
2 know, this is further discussion.

3 MR. BROWN: Yeah.

4 CHAIRMAN JAUQUET: So I don't know. You
5 might want to take his letter and rebut that, I
6 mean, you know.

7 MR. BROWN: Yeah. There are several issues
8 that I would like to respond to. But, if I may,
9 Robert Brown, Architect. I would just like to
10 make some specific technical responses to the
11 various comments.

12 In terms of it being overbuilt, I would

13 point out that it is within the allotted 40% lot
14 coverage, as stipulated by the code.

15 Reference was made to the FEMA base flood
16 elevation being one foot above grade. I would
17 point out that the State Building Code requires
18 the floor to be two feet above that. So we're
19 talking about a higher building is being
20 suggested.

21 In terms of two parking spaces in front of
22 the building, I would point out that there is a
23 utility pole, which was referenced elsewhere,
24 which blocks at least one of those parking
25 spaces.

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1 CHAIRMAN JAUQUET: Those are the ones that
2 are open spaces?

3 MR. BROWN: It was suggested that there
4 would be two parallel parking spaces in front of
5 the building, if the building was lower, and at
6 least one of them would be eliminated by the
7 existing utility pole.

8 CHAIRMAN JAUQUET: Okay.

9 MR. BROWN: And the light fixture that's
10 referenced as being mounted on the pole, or
11 proposed to be mounted on the pole, is, in fact,
12 an existing light fixture. So we're not
13 proposing to mount one there, we're just
14 suggesting that the one that's there would
15 remain.

16 CHAIRMAN JAUQUET: Okay.

17 MR. BROWN: You know, I don't want to spend
18 a lot of time going through all those comments
19 until I've had a chance to review them, but I
20 wanted to point out those specific technical
21 issues.

22 CHAIRMAN JAUQUET: Yeah. On the parking,
23 how many parking does he actually really need, as
24 many as he can get?

25 MR. BROWN: Yes. You know, whatever

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1 parking spaces he doesn't provide are going to be
2 parking elsewhere in the street.

3 CHAIRMAN JAUQUET: So what would happen if
4 you lowered the whole thing to two feet and moved

5 the parking to the three that are on the side
6 there, and then use, you know, like three more
7 parking --

8 MR. BROWN: I can't speak for Mr. Henry.

9 CHAIRMAN JAUQUET: I know. We're just
10 discussing that. So that makes, if there was
11 six --

12 MR. BROWN: You would have one, you would
13 have one parallel space in front of the building,
14 not two, because of the utility pole. So you'd
15 have --

16 CHAIRMAN JAUQUET: And then three on the
17 side?

18 MR. BROWN: And so you'd have a total of
19 four.

20 CHAIRMAN JAUQUET: So if you had -- a total
21 of what?

22 MR. BROWN: You'd have a total of four.

23 CHAIRMAN JAUQUET: And then, so if there
24 was six now, you'd lose two, and that would make
25 two street parking?

1 MR. BROWN: Yes.

2 CHAIRMAN JAUQUET: Anything else that pops
3 out?

4 MR. BROWN: Well, those renovations --

5 CHAIRMAN JAUQUET: What would happen if you
6 just lowered the whole thing? I mean, we should
7 think about that. That's their big gripe.

8 MR. BROWN: Yeah. From my conversations
9 with --

10 CHAIRMAN JAUQUET: You know, it's pretty
11 ugly having it on stilts. I don't know if they
12 started building the house down at the end of
13 Sixth Street, but, you know, that's another one
14 of these FEMA-required stilt-erected structures,
15 which I don't know if they're going to start
16 proliferating around town, but they could very
17 well.

18 MR. BROWN: Well, it's got to be raised.
19 The floor has to be three feet, a minimum of
20 three feet above grade to comply with FEMA
21 regulations, as they currently exist. So it's
22 going to be up in the air anyway. It's a
23 question of how much.

24 CHAIRMAN JAUQUET: You know, I guess the
25 things about, you know, the landscaping -- the

1 lighting scheme at night, what is it going to
2 look like?

3 MR. BROWN: Well, again, there is an
4 existing light on the utility pole.

5 CHAIRMAN JAUQUET: I mean on the building,
6 attached to the building itself?

7 MR. BROWN: Around the building?

8 CHAIRMAN JAUQUET: I mean, when I read
9 that, I thought, oh, they're not -- they can't
10 possibly do what they're doing at the Maritime
11 Museum.

12 MR. BROWN: No.

13 CHAIRMAN JAUQUET: You know, nothing
14 decorative.

15 MR. BROWN: There is a required light at
16 any entrance to the building.

17 CHAIRMAN JAUQUET: Yeah.

18 MR. BROWN: But that would be, you know, a
19 building mounted, probably down light --

20 CHAIRMAN JAUQUET: Right

21 MR. BROWN: -- in a soffit that, you know,

22 any building would have.

23 CHAIRMAN JAUQUET: Right. I guess he wants
24 -- you know, they want know what that's going to
25 look like, you know.

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1 MR. BROWN: From my discussions with him,
2 there is no suggestion of lighting the building
3 or anything like that.

4 CHAIRMAN JAUQUET: Right, I know, I know,
5 but he brings up the --

6 MR. BROWN: Yeah.

7 MR. DOWLING: So, presently, on the
8 property, on the north border there, there's some
9 storage sheds built there.

10 MR. BROWN: Yes.

11 MR. DOWLING: I assume that's for boat
12 stuff.

13 MR. BROWN: Yes.

14 MR. DOWLING: There's no proposed one here,
15 anything for storage.

16 MR. BROWN: Well, that's what the building
17 would be for.

18 MR. DOWLING: Huh?

19 MR. BROWN: That's what the building would
20 be for.

21 MR. DOWLING: So all that stuff is going to
22 move into the office of the building, then?

23 MR. BROWN: Yeah, essentially. I mean,
24 obviously, he's going to have storage bins or
25 something inside the building.

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1 MR. DOWLING: Because, I mean, I know what
2 I keep in my storage sheds for my boat and I
3 wouldn't want it inside my office of my house or
4 my building there.

5 MR. BROWN: This is no luxury office suite
6 or anything like that, it's just a basic
7 structure.

8 MR. DOWLING: Okay. And what about
9 garbage?

10 MR. BROWN: I don't have an answer to that
11 right now.

12 CHAIRMAN JAUQUET: And like exterior air
13 conditioning condensers? Are they going to see

14 any of that, I mean, the neighbors? I mean he's
15 -- Moore is suggesting that garbage containers,
16 air conditioning condensers --

17 MR. BROWN: Well, there'd be no more
18 garbage than there is now from boats.

19 MR. DOWLING: But there's nothing on the
20 site plan saying this is where the garbage is
21 going to be, and there's no screening for
22 anything, hiding anything like that, so that's --

23 CHAIRMAN JAUQUET: Yeah.

24 MR. BROWN: Yeah.

25 MR. DOWLING: I mean, there's a lot of

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1 storage right now on the ground now, so,
2 obviously, that stuff is going to have to go
3 somewhere.

4 MR. BROWN: I don't have an answer right
5 now --

6 MR. DOWLING: Okay.

7 MR. BROWN: -- without talking to Mr. Henry
8 about it.

9 CHAIRMAN JAUQUET: Yeah. But I guess the

10 idea is to place those on the site so that we can
11 see if they're going to be -- where they're going
12 to be, and if they're going to be in view of the
13 neighbors, because --

14 MR. BROWN: Yeah.

15 CHAIRMAN JAUQUET: Just so we know yes or
16 no on it, because, you know, I don't know what
17 the law -- you know, what the real laws are, but
18 the -- you know, the -- they're asking for that
19 view, you know, the view --

20 MR. BROWN: Yeah.

21 CHAIRMAN JAUQUET: -- of the items.

22 MR. BROWN: They're asking for the view.
23 From my perspective, they're asking for the view,
24 but they want to lower the building to be at eye
25 level.

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1 CHAIRMAN JAUQUET: Oh, I was thinking a
2 view of the building, not the view from their
3 house. I know what they want.

4 MR. BROWN: Yeah.

5 CHAIRMAN JAUQUET: What about the -- when

6 he says this inconsistency in the size of the
7 building, in the dimensions?

8 MS. MARTIN: Yes.

9 MR. BROWN: I suspect that the application
10 was carried over from the initial iteration of
11 the building, which, as I mentioned last meeting,
12 has been scaled down. So that needs to be
13 revised appropriately.

14 CHAIRMAN JAUQUET: Right. It's a
15 38.6-by-15.10, right?

16 MR. BROWN: Either that, or it was a
17 typographical error.

18 MR. DOWLING: That's on the site plan.

19 MR. BROWN: To my mind, that's a clerical
20 issue.

21 CHAIRMAN JAUQUET: Yeah, that's on the site
22 plan.

23 MR. BROWN: To my mind, that's a clerical
24 issue.

25 MS. MARTIN: And just one other thing, if I

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1 may. Amy Martin, also for the applicant. The

2 reference to the need for the CAC, I believe that
3 happens when we go to the Trustees, which is the
4 next step once we have approval. So that will
5 become part of the process, but it's not
6 something that would have been done at this
7 point.

8 CHAIRMAN JAUQUET: I mean, I don't know if
9 you want to -- what about the RPZ backflow
10 prevention device?

11 MS. MARTIN: Is that in place on that?

12 MR. DOWLING: It is not. There's not one
13 at the site. And that's pretty crowded above
14 ground, so that should be included on the site
15 plan.

16 MR. BROWN: Certainly.

17 MR. DOWLING: The other thing is, I think I
18 mentioned at the last meeting, is I'm still kind
19 of concerned about rainwater runoff and any
20 rainwater runoff off the building going into the
21 bay. I wondered if you could talk to Mr. Henry,
22 maybe have some sort of dry wells on the land
23 side of the building to try to catch the
24 rainwater, so as to keep the rainwater from going
25 off into the water, if that's possible.

1 MR. BROWN: I can look into it. I can tell
2 you we only have six feet between the property
3 line and the front of the building.

4 MR. DOWLING: It's better than it just
5 going right off the building into the bay.

6 MR. BROWN: Well, I don't disagree.

7 MR. DOWLING: Yeah. I mean, if that's
8 something that could be addressed, that would
9 be -- that would be something I'd be interested
10 in seeing on this plan.

11 CHAIRMAN JAUQUET: There's six feet between
12 the building and street?

13 MR. DOWLING: Between the front of the
14 building and the street.

15 MR. BROWN: It's set back six feet.

16 MR. DOWLING: Yeah.

17 CHAIRMAN JAUQUET: The street.

18 MR. DOWLING: I don't think you -- I don't
19 think you can drain directly into the bay anyway,
20 so you have to make sure all the gutters are
21 street side.

22 MR. BROWN: Yes, everything would have to

23 come street side.

24 CHAIRMAN JAUQUET: There is no kitchen in
25 this?

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1 MR. BROWN: No kitchen, no.

2 CHAIRMAN JAUQUET: And so, I mean, the
3 potential outdoor things, trash, AC condensers,
4 ice machine, and, you know, any other thing --

5 MR. DOWLING: Storage.

6 CHAIRMAN JAUQUET: -- that would be like a
7 storage thing, I guess that should be on the plan
8 to show --

9 MR. BROWN: Certainly.

10 CHAIRMAN JAUQUET: -- if you're going to
11 have it screened, or if it's going to be out of
12 view on the water side of the building.

13 MR. BROWN: You're absolutely right, that
14 should be in here.

15 CHAIRMAN JAUQUET: Fuel tanks?

16 MR. BROWN: No fuel.

17 CHAIRMAN JAUQUET: He's not going to sell
18 fuel?

19 MR. BROWN: No, it's going to be electric.

20 CHAIRMAN JAUQUET: And he's not going to
21 have a gas tank for the use of gas for any
22 appliance on that, so is he?

23 MR. BROWN: Not to my knowledge.

24 CHAIRMAN JAUQUET: You should ask him if he
is.

25 MR. BROWN: The HVAC system would be

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1 electric, so --

2 CHAIRMAN JAUQUET: Yeah. That's what
3 you're planning?

4 MR. BROWN: Yes.

5 CHAIRMAN JAUQUET: This is an electric
6 powered --

7 MR. BROWN: Yes.

8 CHAIRMAN JAUQUET: Yeah. Well that
9 would -- yeah. Heat, and what's the heating
10 system?

11 MR. BROWN: Those split systems, Mitsubishi
12 wall-mounted split systems.

13 CHAIRMAN JAUQUET: Oh, they're electric,

14 sure.

15 MR. BROWN: They're electric. They provide
16 heat and air conditioning.

17 CHAIRMAN JAUQUET: Heat, gotcha.

18 MR. BROWN: We're not talking about -- you
19 know, in real terms, we're not talking about a
20 large space, so a system like that could easily
21 handle it.

22 CHAIRMAN JAUQUET: Yeah. Eileen, has the
23 -- have the people that have requested copies of
24 these plans, these people, have they seen the
25 latest plan that we're working with right now,

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1 that ended up with this sort of lower slung
2 design?

3 MS. WINGATE: The plans were forwarded to
4 the FOIL Officer and I don't know if they --

5 CHAIRMAN JAUQUET: Oh, I see, they have to
6 request them, then. Okay. So that's up to them.

7 MS. WINGATE: They were requested, they
8 were submitted. I don't know if they were
9 distributed.

10 CHAIRMAN JAUQUET: Okay.

11 MS. SCHNEPEL: I can speak to that. I live
12 at 165 Sterling Street. My name is Ellen
13 Schnepel.

14 As far as I know, the neighbors who are
15 concerned with this don't have access to the new
16 site plans, they were not sent any of the site
17 plans. So it's through word of mouth that
18 they're finding out about the details, which goes
19 back to the --

20 CHAIRMAN JAUQUET: Okay. Well, that's
21 we're having the --

22 MS. SCHNEPEL: -- the timing of these
23 meetings when they're coming for more public
24 input.

25 CHAIRMAN JAUQUET: Right. Well, that's why

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1 we're having this discussion. Eileen has scanned
2 them and now they're available through the
3 Village as an email, just like this on your
4 computer. So if they're somewhere -- so you can
5 let them know, Village Hall, just sign up on a

6 Freedom of Information thing, and you will get --

7 MS. SCHNEPEL: Yeah, I have it.

8 CHAIRMAN JAUQUET: You have it, okay, fine.

9 MS. SCHNEPEL: But the other parties
10 concerned are not aware of this.

11 CHAIRMAN JAUQUET: Okay. Is it up to us to
12 make them aware, or do they have to be aware --

13 MR. PROKOP: Well, we could post them on
14 the website.

15 CHAIRMAN JAUQUET: Huh?

16 MR. PROKOP: There's no reason why we can't
17 post them on the website, you know, something
18 like that, if that answers your question. You
19 asked me if we can make them available?

20 CHAIRMAN JAUQUET: Yeah. I mean, if
21 they're sitting there not knowing that they're
22 there, then they're only going find out by word
23 of mouth that they're there to go get them.

24 MS. SCHNEPEL: What Doug Moore said in his
25 letter, and I can verify this, because I didn't

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1 find out about this until Monday of this week, so

2 that most people who have been following this
3 when meetings were planned in the summer, spring
4 or summer months, were not aware that this
5 meeting was taking place, so they wouldn't have
6 gotten the plans. I know Doug Moore does have
7 the plans.

8 CHAIRMAN JAUQUET: Okay.

9 MS. SCHNEPEL: And that facilitated his
10 writing the letter --

11 CHAIRMAN JAUQUET: Oh, good, okay.

12 MS. SCHNEPEL: -- with his 15 concerns.

13 CHAIRMAN JAUQUET: Right. All right. So
14 this -- is there anything else?

15 MR. BROWN: I'm only here to answer
16 questions.

17 CHAIRMAN JAUQUET: Anybody else?

18 MR. DOWLING: Anybody else have any
19 questions? Step up to the --

20 MS. SCHNEPEL: I'd like to make a
21 statement, if I may.

22 MR. DOWLING: Step up to the podium.

23 CHAIRMAN JAUQUET: Just go up there and
24 make a statement.

25 MS. SCHNEPEL: Thank you.

1 MR. PROKOP: There's no record. We were
2 thinking about making a public hearing, but
3 there's no record.

4 MR. MC MAHON: Are we planning on having a
5 formal public hearing on this?

6 CHAIRMAN JAUQUET: I think we should, yeah.

7 MR. MC MAHON: Then we should do that.

8 CHAIRMAN JAUQUET: You know, people are
9 saying that they want something like this.

10 MR. MC MAHON: I understand there are a lot
11 of people out --

12 MR. PROKOP: If we have a public hearing,
13 are you able to come back and make a statement,
14 so that there will other people to hear it?

15 MS. SCHNEPEL: You know, it all depends on
16 the timing of it.

17 MR. PROKOP: Okay. I'm sorry.

18 CHAIRMAN JAUQUET: Yeah, make your
19 statement.

20 MS. SCHNEPEL: I think more people from the
21 community would like to be here. I happened to
22 have rearranged my --

23 MR. PROKOP: That's what we were just
24 offering you, if you didn't want to answer --
25 MS. SCHNEPEL: Well, I'm answering the

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1 question.

2 MR. PROKOP: So more people could hear your
3 statement, would you be able to come back and
4 make it at a public hearing?

5 MS. SCHNEPEL: Well, it depends on what
6 time it is, because I work and I'm going
7 overseas. So I think, with so many people in the
8 community of Sterling Street, it depends upon
9 when these meetings are. That's why the majority
10 of the people would prefer that the meetings be
11 placed when people are around, and effectively,
12 that's, you know, after March, or whatever,
13 because a lot of people are traveling in the
14 winter. I'm the only one around, and I'm not in
15 Greenport on a, you know --

16 CHAIRMAN JAUQUET: Right.

17 MS. SCHNEPEL: -- full-time basis. I had
18 to rearrange my schedule to get out here.

19 CHAIRMAN JAUQUET: Right. Well, tell us
20 what you want us to hear now. Tell us what you
21 want us to hear, so it's in the public record.

22 MS. SCHNEPEL: Okay, okay. Well, the
23 first -- my first point was concerning the timing
24 of the meeting, and I think most of the
25 residents, full-time or part-time, with whom I've

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1 been speaking, wanted it to be scheduled so that
2 there is time for public discussion, and I
3 believe some of that is related to the fact that
4 they haven't felt that the parties involved have
5 been open enough to allow this public discussion
6 to take case -- to take place. There's been sort
7 of a little bit of muzzling of individuals who
8 would like to express their concerns.

9 I also wanted to state that the issue is
10 not just related to Sterling Street and Sterling
11 Avenue, and I think Steve Weiss' letter brought
12 that up and I would second that; that this is an
13 area that is used by the whole community of
14 Greenport in the sense that a lot of people go

15 down the street, bikers, baby-strollers,
16 dog-walkers and everything. So this is what I
17 consider a valuable, natural, and also economic
18 resource for Greenport, and I think a lot of
19 people would hate to see that the vista, and the
20 harbor, and the waterfront be vulnerable to
21 applications and buildings of this size and
22 magnitude on a small lot.

23 I do have questions about the environmental
24 impact and the possible degradation of the area.
25 I do know that during Super Storm Sandy -- if

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1 this building is going to feed into the local
2 sewer system, sewer pipes, that with Super Storm
3 Sandy, it could not accommodate already the
4 residents on the street, and there was backup
5 that went into a number of residents' basements
6 at that time.

7 CHAIRMAN JAUQUET: From the sewer system?

8 MS. SCHNEPEL: From the sewer system. And
9 I'm not entirely sure how that works, but there
10 is sort of a central spot on Sterling Avenue,

11 Sterling Place that affects that. Someone in
12 Utilities would know more about that than I do.

13 I also wanted to talk about two things, one
14 is the domino effect, and the other is the
15 precedent that we are setting. And by domino
16 effect, I've been a resident of this street for
17 close to 20 years now, and there have been a
18 number of development projects or plans to change
19 people's residences and the docks that have met
20 with strong concern by the residents and
21 neighbors on the street, and I'm just going to
22 point out a couple.

23 At one point, and I don't know the number
24 of the street, Art Strom had proposed expanding
25 his dock into an L shape that actually went out

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1 into the water that wasn't part of his property.
2 That was scaled back. We had meetings about
3 that. The neighbors were concerned, but that
4 didn't preclude the fact that all the neighbors,
5 then, who had docks on the waterfront wanted to
6 increase their docks and make them just as far

7 out into the water as Art Strom's.

8 Now, a similar thing happened with Steve
9 Weiss and his fence on his lot by the waterfront.
10 He pushed the fence back three feet. I remember
11 coming out one weekend and his fence had been
12 changed. I believe there was no public permit
13 for that. And the next week, all the fences on
14 his -- on that side were pushed back to
15 accommodate it, so now they're all parallel.

16 So what I'm saying is that there's this
17 domino theory or domino practice on the street,
18 that whatever somebody does, the next person has
19 to do or better it. And I'm very fearful of that
20 and any kind of construction on these waterfront
21 lots that are very small.

22 The thing that concerns me is that probably
23 the domino effect wouldn't happen in this case,
24 because the people who are affected have houses
25 behind it, or on the other side of the street.

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1 Mr. Henry is not a resident on the street,
2 he lives on Main Road. So, therefore, he's not

3 invested in this lot, other than for himself and
4 for the running of his marina. So, effectively,
5 his relationship to this land is very different
6 from the relationship of the residents, and the
7 neighbors, and the homeowners and other people in
8 that area.

9 And I guess with that notion of the
10 domino -- the domino effect is that I think this
11 sets -- the size and the scope of this project
12 sets a bad precedent for waterfront in general in
13 Greenport, as well as waterfront property on
14 Sterling Street. I do realize that this is zoned
15 for Waterfront Commercial, but it's also -- on
16 the street, we have Waterfront Commercial as well
17 as Residential. There's sort of a mixed use on
18 the street.

19 I agree with Doug Moore's statements. I
20 think he has perhaps a better reading of things
21 because he comes from a background in building
22 and zoning and understands -- and as an engineer
23 and chemist, and so forth, who used to work on
24 Plum Island, he's now retired, I believe he
25 understands a lot of these things related to

1 waste, and size, and elevation with FEMA.

2 And although we recognize that -- I believe
3 the structures that are there in place for
4 garbage, and whatever, will be taken out. As
5 we've talked a little bit before, we don't
6 know -- there's no indication of where these
7 structures will be.

8 And I agree with Chris, that if -- you
9 know, if there's going to be parking below and
10 then most of the first floor there, main floor
11 they're calling it, when I think it's the second
12 floor, is going to be used for, whether it's
13 kitchen stuff, or stuff related to the marina, I
14 hardly think that's going to be the case. I
15 don't think boaters will want to climb up a
16 staircase and have everything on the top there.

17 So I think there's concern that there's
18 going to be an overflow into the property itself,
19 which would compromise the 40%, the 40%
20 allotment.

21 I could go on. I think I'm just stating
22 some of the things the neighbors, and homeowners,
23 and people in the community are concerned about

24 this project. And I would suggest and second
25 that there be a public hearing where -- where the

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1 people who are concerned can come to it, and that
2 it be publicly announced. This one was, you
3 know, much too quick. I think people felt this
4 was going to be a working meeting, and there was
5 some concern that there wouldn't be -- that we
6 wouldn't be able to publicly discuss some of our
7 reservations, and concerns, and issues with it.
8 So I thank you for your time.

9 CHAIRMAN JAUQUET: Okay.

10 MR. DOWLING: Thanks.

11 CHAIRMAN JAUQUET: Thank you.

12 MR. BROWN: May I just respond?

13 CHAIRMAN JAUQUET: Sure.

14 MR. BROWN: I just wanted to make two quick
15 points. One is, considering the size and use of
16 the building relative to how the property is
17 used, I can't really agree that there's any
18 increase in the intensity of use of the sewer
19 system or the property. It's obviously a

20 seasonal building having to do with the boats in
21 the marina. There's no more people coming than
22 there were before.

23 And in terms of the use of the property,
24 you have before you a classic battle between an
25 individual's property, property owner's rights

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1 and the rights of the community. He does own the
2 building, it is zoned Waterfront Commercial, and
3 that is what he has asked us to address.

4 CHAIRMAN JAUQUET: Could you do a drawing
5 that puts the building only two feet above the --
6 and get rid of the parking underneath, just to
7 see what that looks like.

8 MR. BROWN: Yeah, I can do it easily
9 enough.

10 CHAIRMAN JAUQUET: I mean, if it's --

11 MR. BROWN: And the floor would have to be
12 three feet above grade.

13 CHAIRMAN JAUQUET: Well, three.

14 MR. BROWN: It has to be two feet -- the
15 floor has to be two feet above the FEMA base

16 flood elevation.

17 MR. SALADINO: The finished flood.

18 MR. BROWN: Yeah. Yeah, I could do that
19 for you.

20 MS. SCHNEPEL: All the more reason to have
21 the owner here as well, and he's off in the --

22 CHAIRMAN JAUQUET: Well, he's not here,
23 but, you know --

24 MS. SCHNEPEL: No, he's off for the winter,
25 traveling like everybody else.

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1 MR. SWISKEY: I'm not.

2 CHAIRMAN JAUQUET: I mean, I don't know.

3 MR. BROWN: That's all.

4 MS. SCHNEPEL: Are you involved in this?

5 MR. SWISKEY: It doesn't matter, I mean.

6 MR. MC MAHON: I would suggest we do have a
7 public hearing on this, but we do have to make
8 some sort of balance between doing this in a
9 reasonable time period. You know, we can't wait
10 until June for a public hearing when everyone's
11 out here. We need to move along on this. So, if

12 we can find some sort of middle ground there,
13 where we can have formal public notice, everyone
14 in the community can have their say, I think that
15 would be --

16 CHAIRMAN JAUQUET: And if people are away,
17 we're happy to read their comments, in lieu of
18 them being here personally.

19 MS. SCHNEPEL: Yes. No -- and I thank you
20 very much for reading their comments,
21 particularly Doug's letter --

22 CHAIRMAN JAUQUET: Yeah.

23 MS. SCHNEPEL: -- which was rather long, I
24 appreciate that. It's just I understand the
25 dilemma with the timing, because this is a

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1 community that's first and second homeowners and
2 retirees, and so forth, that travel. But I think
3 in order to make the residents and homeowners,
4 and so forth, on Sterling Street, Sterling Avenue
5 feel that this is not a strategy of the applicant
6 to muzzle public reaction to it, I think it
7 behooves the Planning Board to make an effort to

8 schedule a meeting when more people can come to
9 it, because I think all of us have had -- at
10 least I've had experience with a situation like
11 this on Martha's Vineyard, where the public
12 hearing -- the public hearings or meetings were
13 scheduled all in the late fall, early winter.
14 You know, so access, there was little access to
15 it by the people it concerned.

16 And I think for the credibility and
17 legitimacy of the applicant, and his or their
18 plans, I think it would behoove the Planning
19 Board to take that into consideration and have an
20 open meeting when more of a quorum from the
21 community can participate.

22 MR. MC MAHON: What's the earliest you
23 think most of the people in the neighborhood
24 there would be able to attend?

25 MS. SCHNEPEL: I think most people are away

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1 through March, three months after the holiday
2 season.

3 MS. MARTIN: I don't think they're going to

4 appreciate whatever structure in the middle of
5 the summer.

6 CHAIRMAN JAUQUET: I mean, the thing about
7 the planning -- the thing about the construction
8 cycle is that, you know, people are not doing it
9 so much in the -- they're getting their plans
10 ready for, you know, summertime construction a
11 lot of the time. It's not -- I know that the
12 lawyer was saying -- you know, one of the times
13 she got up and she didn't want anybody to speak
14 and that turned a lot of people off, because none
15 of these meetings are exempt from an exchange, as
16 far as I'm concerned.

17 But the building cycle, you know, sort of
18 -- you know, there's not a lot of action just
19 from anyplace during the fall so much, and things
20 start getting active as people anticipate the
21 summer, because there's a lot of store
22 applications, because the landlords are getting
23 tenants lined up from vacancies. And, you know,
24 this kind of thing is going to be constructed in
25 the summer months more than the winter. It's

1 just the way the cycle is.

2 And I don't -- I'm not so sure I want to
3 wait for a public hearing until, you know, people
4 are back from vacation so much. That's just my
5 initial reaction.

6 MS. SCHNEPEL: I understand your quandary,
7 but also --

8 CHAIRMAN JAUQUET: But I think these kind
9 of letters are effective, and, you know, they are
10 getting the -- these letters for me are getting
11 the point across from your -- from what people
12 want. And if they want to add, you know, their
13 emotional input, too, you know, I can understand
14 that. But, anyway --

15 MS. SCHNEPEL: But I think you're also
16 assuming that this will be built, you know,
17 momentarily.

18 CHAIRMAN JAUQUET: Well, wait. I think
19 you've either got to get in line here or you have
20 to say these things at the --

21 MR. SALADINO: I just want to make one
22 quick point. John Saladino, Sixth Street.

23 There is a precedence to waiting for people
24 to get back in town. There's two recent

25 precedences, just as a point of information, one

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1 with the Airbnb thing. They postponed a public
2 hearing for 90 days, and then sent it to the Code
3 Committee for further discussion before it even
4 came to a public hearing, and also the park use.

5 So as -- just as a point of reference, it's
6 not unheard of --

7 CHAIRMAN JAUQUET: I know that.

8 MR. SALADINO: -- to postpone these things
9 until -- so to ask to wait until March or -- I
10 don't think we should wait until June. I don't
11 think anybody out there should have to wait until
12 June, that's crazy, but to wait until March I
13 don't think is unreasonable, especially in the
14 light of the past two Village Board decisions
15 about waiting until more people came to town to
16 discuss in what in their mind are two important
17 issues. Thank you.

18 MR. DOWLING: Thank you. But if you want
19 to, just that way we --

20 CHAIRMAN JAUQUET: Yeah, go ahead.

21 MS. SCHNEPEL: Just a continuation on that
22 point. Thank you very much.

23 In terms of having the structure built
24 before the high season in summer, so that we're
25 not hearing all the hammering, and so forth and

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1 so on, assumes that this is going to be accepted
2 very quickly. And I think what we're trying to
3 point out in our comments and our letters is that
4 there are concerns we have that haven't been met
5 in terms of the height and size of the structure.
6 And I think with these public hearings, that will
7 be hammered out. And I don't think that this
8 plan is going to be -- cannot be steamrolled
9 without some of these points being considered,
10 and that's why I think -- you know, I think it's
11 premature to feel that this is going to be up and
12 ready for season 20 -- summer season 2015, I
13 think just from the natural course of how long
14 things take.

15 CHAIRMAN JAUQUET: Sure.

16 MS. SCHNEPEL: And I believe this

17 application maybe started three years ago, as
18 soon as the place was bought. But I think we all
19 have to realize that with a Planning Board and
20 Zoning Board and how the Village functions, that
21 these things all take time. And I think they
22 need to take time if you're going to get a
23 definite input from the community who is impacted
24 by this. Thank you.

25 MR. MC MAHON: I would suggest that we

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1 table discussion until the next meeting, at which
2 point we can --

3 MR. SWISKEY: I'd like to say something, if
4 I could, since people can speak. William
5 Swiskey, 184 Fifth Street.

6 From what I can tell, they haven't
7 submitted a complete set of drawings of what this
8 building is going to be. Usually, a complete set
9 of drawings says this is where the -- how we're
10 going to heat this building, this is where the
11 sewer goes, this is where the electric is going
12 to go, it's going to need an electric service

13 that is going to be overhead or underground, does
14 it require a bigger transformer? I don't think
15 you have enough -- you know, I don't want to hold
16 the guy up on the building, you know, maybe the
17 people there, it's not in my backyard, but the
18 basic fact is you don't have enough information
19 yet to act on this to schedule a public hearing.

20 I would ask for a complete set of
21 documents, how this building is going to be, how
22 we're going to heat it. Where are the
23 compressors for these wall-mounted units going to
24 go? Where is the electric service? I think you
25 got to step back and -- you know, I don't whether

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1 I agree with the lady here.

2 CHAIRMAN JAUQUET: No. We were talking
3 about that, we had Doug Moore's thing, so okay.

4 MR. SWISKEY: Yeah. And so I would tell
5 them to bring a complete set of drawings to the
6 meeting so we can look at it, and then you can
7 schedule a public hearing.

8 CHAIRMAN JAUQUET: So Item -- yeah. So

9 we're going to have a motion to continue the
10 public discussion on the Osprey Zone Marina. Do
11 I have a second?

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

13 CHAIRMAN JAUQUET: All in favor?

14 MR. DOWLING: Aye.

15 MR. MCMAHON: Aye.

16 CHAIRMAN JAUQUET: Aye.

17 And #8 is a motion to deny the
18 application --

19 MR. DOWLING: Continued discussion on an
20 application.

21 CHAIRMAN JAUQUET: No, we're going to --

22 MR. DOWLING: You have to read that first.

23 CHAIRMAN JAUQUET: Well, #8 on the agenda
24 is continued discussion on an application for a
25 use evaluation at 414 First Street.

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1 The Board is going to deny the application
2 because it doesn't meet code requirements, the
3 newest application does not meet the code
4 requirements. So this is a motion to deny the

5 application for the use evaluation at 414 First
6 Street due to the code requirements not being
7 met. Do I have a second?

8 MR. DOWLING: Second.

9 CHAIRMAN JAUQUET: All in favor?

10 MR. DOWLING: Aye.

11 MR. MCMAHON: Aye.

12 CHAIRMAN JAUQUET: Aye.

13 Okay. Motion passes.

14 CHAIRMAN JAUQUET: We're going to -- as a
15 part of Item #8 on 414 First Street, we're going
16 to make a motion to have Code Enforcement enforce
17 the code at the activity that's happening at 414
18 First Street.

19 MS. MARTIN: You're shutting him down?

20 MR. SWISKEY: Basically, yeah.

21 MR. DOWLING: Yeah. He has no approvals to
22 be there, and he doesn't fit into the code to be
23 in that spot.

24 MS. MARTIN: This isn't how you spoke about
25 it the other night.

1 CHAIRMAN JAUQUET: I know it isn't.

2 MS. MARTIN: This isn't what was discussed
3 the other night. They were trying to work with
4 us to make sure that we could get through the
5 process.

6 CHAIRMAN JAUQUET: Well, the Village
7 Attorney said that a new application came in this
8 week that doesn't meet -- that doesn't have -- so
9 we're -- it doesn't meet the requirements of the
10 code, so we're back at square one.

11 MS. MARTIN: So until we can get through
12 Zoning, he cannot --

13 CHAIRMAN JAUQUET: Well, you want to go
14 through Zoning, and get through Zoning and get
15 through Planning with an application that --
16 where they're already in business without any
17 approvals, then, you know, this is the same thing
18 that's been happening since day one. You know,
19 if the use is -- meets the code before they take
20 occupancy, or at the time they take occupancy --

21 MS. MARTIN: Oh, I understand the concept.

22 CHAIRMAN JAUQUET: Okay. Then what do you
23 want us to do?

24 MS. MARTIN: I understand the hard position
25 you've been put in.

1 CHAIRMAN JAUQUET: Right.

2 MS. MARTIN: But when we spoke -- when I
3 was here at the meeting for other people last
4 week for the work session, you had been trying to
5 work with the applicant --

6 CHAIRMAN JAUQUET: That is right.

7 MS. MARTIN: -- to allow him to get
8 everything in order, and we have submitted the
9 proper application. And we -- you know, you have
10 just, you know, refused it, so we now go to
11 Zoning for the approval for the area variance.

12 MR. DOWLING: Right. So since he has no
13 approval, technically, he's not supposed to be
14 open. That type of operation is not supposed to
15 be open in that zoned building. He can't have
16 only wholesale, only manufacturing in that
17 building, wholesale. It's got to be -- it's
18 Commercial Retail. So his doors are not supposed
19 to be open for business unless it's mostly
20 retail, which it's not.

21 MS. MARTIN: Which is what we're applying
for.

22 MR. DOWLING: Right, but have not been
23 approved for.

24 MS. MARTIN: Okay.

25 MR. KARLIN: Can I?

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1 CHAIRMAN JAUQUET: Yes.

2 MR. KARLIN: When I first started working
3 on that building, cleaning it up and stuff,
4 everyone from the Mayor down knew I was moving in
5 there. It would have been very easy for somebody
6 to come and tell me what I had to do. I didn't
7 realize I had to fill out a use proposal
8 application. When I found out that I had to,
9 through my landlord, I went down and immediately
10 did. Never heard anything about it until two
11 months later, we had a hearing here, the Planning
12 Board hearing, right? And from what I
13 understood, since the Planning Board took more
14 than 60 days to hear my application, that the
15 application is considered approved. I don't know
16 if that's true or not, but that's what I was
17 told. I'm just telling you what I was told,

18 because I don't -- I don't know, I'm not -- I'm
19 not from Greenport.

20 CHAIRMAN JAUQUET: Right.

21 MR. KARLIN: The last time I was here and
22 spoke to you guys, last week, Peter, you told me
23 that you were going to give us some time to get
24 this straightened out, and then -- and so we did.
25 We showed up here tonight with a new application

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1 and a drawing -- and drawings for you to show you
2 what we have planned. And we understand that it
3 has -- that it would have to go to Zoning still,
4 because it doesn't quite meet the criteria. But
5 I think that shutting me down right now so that I
6 can't even operate at all, I mean, this is how I
7 make a living.

8 CHAIRMAN JAUQUET: Right, Right, yeah, I
9 know.

10 MR. DOWLING: We have to -- part of the
11 problem here, and I wish she was here, is that
12 your landlord is -- not only she's a -- you know,
13 she's a Trustee in the Village, she's also prior

14 on the Planning Board, so she knows the zoning
15 requirements. The fact that she rented you a
16 place that she should have known you shouldn't
17 have operated in is unfortunate for you, because
18 she should have known the requirements for what
19 has to go in her spot. And, you know,
20 unfortunately, you know, you rented a spot that
21 you thought you could be in. And, you know,
22 right now, the way the zoning is, you don't fit
23 the zoning requirements for that spot.

24 MR. KARLIN: I understand that, but we are
25 on track to rectify that as quickly as possible.

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1 And Mr. -- I don't know how to pronounce your
2 last, sorry, Peter. How do you say it?

3 CHAIRMAN JAUQUET: Right, I know. Jauquet.

4 MR. KARLIN: Jauquet, suggested at the last
5 meeting that we didn't want to string this along,
6 and that we could work towards a resolution.

7 CHAIRMAN JAUQUET: Right.

8 MR. KARLIN: And shutting the business down
9 didn't seem like that's what we were aiming for

10 the last Planning Board meeting last week. That
11 wasn't the tone I thought that I left with.

12 MR. DOWLING: But I think we were hoping
13 that you'd have something for this meeting --

14 MR. KARLIN: We do.

15 MR. DOWLING: -- that we could approve.

16 MR. KARLIN: We do have something.

17 MR. DOWLING: But you don't, because you --
18 again, you don't fit into the zoning requirements
19 yet. So now it's got to go to the ZBA, right?

20 CHAIRMAN JAUQUET: Wait, wait. Amy is
21 saying that it has to go to Zoning as part of
22 this ongoing process that last week we sort of
23 said you -- we were going to let you slide --

24 MR. KARLIN: Right.

25 CHAIRMAN JAUQUET: -- essentially,

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1 because -- didn't we?

2 MR. DOWLING: I didn't say we could let
3 them. I specifically said that he's not allowed
4 to be open right now.

5 CHAIRMAN JAUQUET: But we did -- you know,

6 we did ask him for this.

7 MS. MARTIN: Amy Martin, Fairweather and
8 Brown. I'm representing North Fork Smoked Fish.

9 It is impossible to meet Village Code and
10 create anything in the 100 square feet that 50%
11 of the building being used as retail creates.
12 The code is antiquated. And I was on the
13 Planning Board, I know that the code is
14 antiquated. We've fought with it many times. It
15 was done when you were allowed to do newspaper
16 manufacturing, because a newspaper lived in town.
17 You were allowed to do this and that, because
18 those owners were on the Boards and created the
19 rules.

20 To have a fish industry that could operate
21 in the Waterfront Commercial without any question
22 whatsoever, and the fact that we've presented now
23 a plan to show that he -- by spring, he will have
24 50% of the space as retail space, and that will
25 still require a 40% more variance to give him the

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1 300 square feet that he needs for manufacturing

2 shows that we are in due diligence to get this up
3 to code.

4 I believe in Phil's last visit with the
5 Zoning Board, where they suggested that he come
6 back with an area variance, rather than a change
7 of use variance, that they realized that the --
8 enforcing the -- the way this Commercial Retail
9 is set up is very inhospitable to the kind of
10 industry that we should encourage. We have a
11 brewery in town in the Waterfront Commercial that
12 obviously is -- had to have a variance to be
13 there. We have several restaurants in Waterfront
14 Commercial.

15 We're just trying to have an industry that
16 really belongs here with our heritage, and who
17 has a good product that has been well received to
18 continue. And I just ask your patience through
19 the process, that we are -- we have submitted
20 this plan and we are asking for proper approval,
21 and, you know.

22 CHAIRMAN JAUQUET: Didn't we -- we asked
23 for this last time.

24 MR. DOWLING: Well, we asked for something
25 that said -- we asked them to have something that

1 fits in the -- and pay attention to the zoning so
2 that it fits into the zoning.

3 CHAIRMAN JAUQUET: But still --

4 MS. MARTIN: There's no way he could have a
5 building there. The building is too small to
6 have enough for retail, to have --

7 CHAIRMAN JAUQUET: Just a second. Just a
8 second. Excuse me, Amy, just a second. Just,
9 you know, we have this plan and --

10 MR. DOWLING: But it's not something we can
11 approve by following the zoning.

12 CHAIRMAN JAUQUET: Yeah, but --

13 MR. DOWLING: I understand. I mean, I
14 don't want to shut a business down.

15 CHAIRMAN JAUQUET: But just a minute. You
16 know, we've got the drawing, and within a week,
17 they can't possibly have this drawing approved by
18 -- this has to go to Zoning for their approval,
19 and in a week, they can't possibly do that. So,
20 to me, I think we need to, you know, take it the
21 next step. And, you know, I don't know. I don't
22 feel comfortable. You know, it's inconsistent

23 with what we want to do, but I don't feel
24 comfortable shutting the business down this time,
25 when it's already -- when it started at the point

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1 in time when we just began doing this, the
2 Planning Board activities. I mean, you know, the
3 next time it happens -- I mean, I don't know.
4 What do you think?

5 MR. DOWLING: Well, the problem is we were
6 sworn in to follow the code.

7 CHAIRMAN JAUQUET: I see, okay.

8 MR. DOWLING: And it's not --

9 CHAIRMAN JAUQUET: So these plans could
10 happen whether the code --

11 MR. DOWLING: Yeah.

12 CHAIRMAN JAUQUET: All right.

13 MR. DOWLING: I mean, I -- if we follow the
14 code, he shouldn't be open right now. And, you
15 know, I don't wish any ill harm on you. I don't
16 want to -- I know it's your business, it's your
17 sole, you know, livelihood.

18 MS. MARTIN: If he was a restaurant --

19 MR. DOWLING: But if we followed what we're
20 supposed to do, he's not supposed to be open.

21 MS. MARTIN: If he was a restaurant, he
22 could be there.

23 MR. DOWLING: Huh?

24 MS. MARTIN: If he was a restaurant, he
25 could be there.

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1 MR. DOWLING: If he'd been approved before
2 he opened.

3 MS. MARTIN: If he were selling other
4 people's crap, he could be there. I mean, you
5 know, the reason why Rita can move from there to
6 there is because she brings in everything from
7 out of state and it can move from Richard's
8 building to someplace on Front Street, because
9 she's not making anything. I mean, that's just
10 crazy in this day and age. Chris, you know that.

11 CHAIRMAN JAUQUET: I mean, I agree with
12 you, that --

13 MR. DOWLING: I agree. I'm just saying if
14 we -- if our job is to follow the code, that's --

15 and I understand.

16 CHAIRMAN JAUQUET: It's the best thing for
17 downtown.

18 MR. DOWLING: And I understand.

19 MS. MARTIN: I have a gallery in town, and
20 if I made 50% of the frames I sold, I wasn't
21 legally allowed to be there?

22 MR. DOWLING: It's not that it's -- you
23 have to have -- what they say, 20% of the space
24 can only be devoted to -- or 80% goes to the
25 retail --

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1 MS. MARTIN: If I had a real frame shop, I
2 could not be there, because I would have -- I
3 mean, there was -- Wild Things had -- 50% of
4 their space was creating frames, and so they
5 shouldn't have been legal, because their retail
6 space wasn't -- it was more than 10%, 20% of
7 their retail space. I mean, anyway, I --

8 MR. KARLIN: Realistically, I just would
9 ask for a little bit of leniency, so that I could
10 just keep my business going before we have a

11 Zoning Board hearing, so that we can see if we
12 could get this thing straightened out. I mean,
13 Joe told me crank it up a notch last meeting and,
14 obviously, I have. I mean, I'm really trying to
15 get this thing to where it should be, so that we
16 could put this behind us and we can all just quit
17 talking about it.

18 MR. DOWLING: In my heart, I'd like to have
19 him stay open, but by following what we're
20 supposed to follow, the code, I know what we're
21 supposed to do. And we need a more complete site
22 plan, too, with parking and everything on there.

23 MS. WINGATE: It's all there.

24 MR. DOWLING: There's a lot -- huh? The
25 parking spaces are drawn on there?

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1 MS. MARTIN: Yes, they are.

2 MR. DOWLING: Okay.

3 MS. MARTIN: We've provided four parking
4 spaces where two are required.

5 MR. DOWLING: Okay. Oh, I see. So you put
6 the parking spaces against the other building.

7 MS. MARTIN: All of that property is for
8 all of those --

9 MR. DOWLING: Yup.

10 MS. MARTIN: -- tenants in that -- we've
11 designated the first four.

12 MR. DOWLING: Is the lot going to be
13 cleaned up?

14 MR. KARLIN: It's not my lot, I don't know.

15 MR. DOWLING: Because that's something the
16 landlord -- I mean, because there's big potholes
17 and everything, and that's something that we sort
18 of asked her to address at previous meetings, so.

19 MS. MARTIN: You can make it a condition.
20 They do plan to change the apron and the curb.
21 There isn't a curb cut there. There is a large
22 area that is open. The apron will be changed and
23 cleaned up, and the access to the parking lot is
24 to be widened away from the building that Phil is
25 renting, so that the tractor trailers that go

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1 through to supply the plumbing company's back
2 door don't have the problem negotiating getting

3 out to First Street. But, yes, they do plan on
4 changing the apron.

5 MR. MC MAHON: Do we have the new
6 application?

7 MS. WINGATE: Yes. There's a new
8 application, there's a floor plan, there's a site
9 plan.

10 MR. MC MAHON: Okay, and the original.

11 MR. DOWLING: So we've already approved it.
12 We've already voted, the application is denied,
13 so he gets sent to ZBA, right?

14 MR. MC MAHON: The original application was
15 denied.

16 MR. DOWLING: Huh?

17 MR. MC MAHON: The original application was
18 denied, not the one that was amended to --

19 MR. DOWLING: So that is the second one.

20 CHAIRMAN JAUQUET: Is there an actual
21 amended application on this?

22 MS. MARTIN: Yes.

23 MR. DOWLING: New application.

24 MS. WINGATE: Yes.

25 CHAIRMAN JAUQUET: There is?

1 MS. WINGATE: (Nodded yes.)

2 MR. MC MAHON: The new application?

3 CHAIRMAN JAUQUET: When did that happen?

4 MS. WINGATE: Yesterday. You passed this
5 week --

6 CHAIRMAN JAUQUET: Well, okay. So then I'm
7 going to motion that the original application is
8 denied.

9 MR. DOWLING: We did that.

10 CHAIRMAN JAUQUET: And -- okay. And that
11 we take up and accept for site plan review the
12 new application at 414 First Street.

13 And I'm going to add that the reason I do
14 not feel right in shutting this down, even though
15 it's a confused, and, you know, by the book, it's
16 an illegal operation based on the code, my
17 feeling on this project is that the -- it's a
18 really good business, and it's the kind of
19 business that should have been in downtown
20 Greenport all along. And, you know, I don't --
21 you know, I think in terms of planning, it's the
22 kind of business that needs to be in the
23 downtown. And I'm not -- and I don't feel

24 comfortable hanging this project up just because
25 of all the technical difficulties and

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1 technicalities that would shut it down.

2 And, you know, it's going to take a while
3 on this new application that's based on these
4 drawings to -- and we're getting into the same,
5 you know, basically illegal operation, because
6 you're still there working in an unapproved space
7 for this new go-around. And the only reason I
8 like it is because, you know, this backwards sort
9 of Village needs to get up and step up to the
10 plate and have a downtown that works, with a fish
11 store in a fish town.

12 MR. SWISKEY: How about enforcing the code?
13 You're writing violations.

14 CHAIRMAN JAUQUET: You know, I just made my
15 point.

16 MR. SWISKEY: No.

17 CHAIRMAN JAUQUET: I just made my point
18 about enforcing the code.

19 MR. SWISKEY: Enforce the code.

20 CHAIRMAN JAUQUET: And people are always
21 moving into their spaces without legal -- without
22 legally doing it.

23 MR. SWISKEY: Then you shut them down. You
24 shut the surf shop down.

25 CHAIRMAN JAUQUET: Yeah, we did.

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1 MR. SWISKEY: What's going on here?

2 CHAIRMAN JAUQUET: Well, I don't know.

3 MR. SWISKEY: I have no clue.

4 CHAIRMAN JAUQUET: Do you agree or not
5 agree? Maybe we should --

6 MR. SWISKEY: If it's illegal, you shut it
7 down.

8 MR. DOWLING: I agree with you, that this
9 is the kind of store, you know, this is the kind
10 of business the Village needs and should have,
11 but --

12 CHAIRMAN JAUQUET: Is that enough to --

13 MR. DOWLING: We're here to uphold the
14 code, that's my view here. And if it doesn't
15 comply, you know, it shouldn't be operating. I

16 really wished he complied.

17 CHAIRMAN JAUQUET: Right.

18 MR. DOWLING: And, you know, we're going to
19 kick it to the curb right now and send it to the
20 ZBA, and if they say no, then he's got to close,
21 then he's done. But, you know, sooner or later,
22 it's either someone's going to -- ZBA says no,
23 then we're just done. I don't know how much
24 longer we're going to keep kicking this
25 application and keep having it be there. It's

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1 just, you know, I wish it fit into the zoning,
2 but it doesn't. You know, I mean no ill harm on
3 you, I think you have a great business. It's
4 just, in my eyes, we have to stick to the code
5 and that's why we're here.

6 MR. KARLIN: No, I understand.

7 MR. DOWLING: And I apologize, because I
8 think -- I haven't heard anything bad about your
9 product whatsoever, everybody's raves about it,
10 and I think it's great, and I think it fits in
11 the Village. Unfortunately, the code doesn't

12 allow for where it is.

13 MR. KARLIN: I would just ask for a little
14 more time to see if the Zoning Board will approve
15 an area variance for us, and I'd love to be in
16 compliance with the code.

17 CHAIRMAN JAUQUET: So might as well make a
18 motion.

19 MR. MC MAHON: The original application was
20 denied. If there's a new application, we have 60
21 days to act on that.

22 MR. BROWN: May I ask a question?
23 Procedurally speaking, is it possible to table
24 the application pending the Zoning Board?

25 MR. MC MAHON: That's what I was just about

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1 -- that's what I was discussing, is that we have
2 received the original application, we acted on
3 that. We've now received a new application that
4 came in yesterday. We have 60 days to act.

5 MR. DOWLING: We can't accept it, because
6 it doesn't fit, so that's why it sent to ZBA.

7 MR. MC MAHON: Yeah.

8 MR. DOWLING: So we're not -- we can't
9 table it. We can't accept it, because it doesn't
10 comply.

11 MS. MARTIN: Can you deny the current
12 application so that we can go --

13 MR. DOWLING: We did.

14 MS. MARTIN: -- immediately to ZBA?

15 MR. DOWLING: We did that.

16 MS. MARTIN: But --

17 MR. DOWLING: We denied the original
18 application, the one that we received, the latest
19 one. We can't accept it, because it doesn't fit
20 into the code. So that's got to be sent to ZBA
21 so they can give him an area variance. And if
22 they say yes, he could do it, then it can come to
23 us, we can accept the application and move
24 forward.

25 MS. MARTIN: Right, right. But you have to

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1 deny the current application --

2 MR. DOWLING: We did.

3 MS. MARTIN: -- so we can go to ZBA.

4 MR. DOWLING: We did.

5 MS. MARTIN: Not the original.

6 MR. DOWLING: Huh?

7 MS. MARTIN: You have to deny the current
8 application, not the original, so we can go to
9 the ZBA, because what we're applying for now is
10 different than what was originally denied.

11 MR. DOWLING: So we have to deny the new
12 application so they can --

13 MR. MC MAHON: Okay, deny. I make a
14 motion, to ZBA.

15 CHAIRMAN JAUQUET: So what are we doing?
16 Make a motion to --

17 MR. DOWLING: Deny the current application,
18 the new application for the use evaluation.

19 MS. MARTIN: We were asked last week to
20 bring in a better plan and we did that. And so
21 we're asking you to deny what we --

22 MR. DOWLING: This is on the new
23 application.

24 CHAIRMAN JAUQUET: I know, I know.

25 MS. MARTIN: So we can get on the quickest

1 ZBA --

2 MR. MC MAHON: So you're asking us to deny
3 the application that was submitted yesterday. So
4 deny that with the recommendation that it go to
5 the Zoning Board.

6 MS. MARTIN: Yes. We know we need an area
7 variance, and we want to be able to do that as
8 quickly as possible.

9 MR. MC MAHON: Okay. I'm fine with that.
10 We deny the current application and recommend it
11 goes to the ZBA. The ZBA meets next week, is
12 that correct?

13 MS. WINGATE: 18th.

14 MR. MC MAHON: The 18th? The ZBA would be
15 able to -- I don't know if they -- how quickly
16 they'd be able to make a decision on that.

17 MS. WINGATE: We'll schedule a public
18 hearing for March 18th.

19 MR. MC MAHON: March 18th.

20 MS. WINGATE: At which time it's open for
21 discussion.

22 MR. MC MAHON: So the earliest we'd be able
23 to --

24 MR. SWISKEY: Can't even notice the public

25 hearing in that short a time.

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1 MR. DOWLING: March 18th is the next
2 meeting it would come before us, if they gave
3 them their variance.

4 MS. WINGATE: March 18th.

5 MR. DOWLING: Well, our next meeting would
6 be -- after that, would be the March 26th.

7 MS. WINGATE: Right.

8 CHAIRMAN JAUQUET: Okay. So make that
9 motion.

10 MR. DOWLING: What motion?

11 CHAIRMAN JAUQUET: To deny the --

12 MR. DOWLING: Devin did.

13 CHAIRMAN JAUQUET: Okay. And I'm going
14 to --

15 MR. MC MAHON: With their wishes, we will
16 deny the current application with the
17 recommendation that it go to the Zoning Board so
18 they can get a variance, and then we can act on
19 it once they've made their decision.

20 CHAIRMAN JAUQUET: Okay.

21 MR. MC MAHON: Second?

22 CHAIRMAN JAUQUET: I'll second it. All in
23 favor?

24 MR. DOWLING: Aye.

25 MR. MCMAHON: Aye.

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1 CHAIRMAN JAUQUET: Aye.

2 Is that it? Is that it?

3 MR. DOWLING: Are we going to -- is the
4 Board going to allow him to stay open? That's
5 the only thing left on the table, then.

6 MR. MC MAHON: Why? It's not in our hands.

7 CHAIRMAN JAUQUET: Why do we have to decide
8 that?

9 MR. MC MAHON: That's Code Enforcement,
10 that's not our decision to make.

11 CHAIRMAN JAUQUET: I'm going to motion to
12 schedule the next work session for February 26th,
13 2015. Do I have a second? Do I have a second?

14 MR. DOWLING: Aye.

15 CHAIRMAN JAUQUET: And a motion to adjourn.
16 Do I have a second?

17 MR. MC MAHON: Second
18 CHAIRMAN JAUQUET: All in favor?
19 MR. DOWLING: Aye.
20 MR. MCMAHON: Aye.
21 CHAIRMAN JAUQUET: Aye.
22 (Whereupon, the meeting was adjourned at
23 6:34 p.m.)
24
25

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

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3 STATE OF NEW YORK)

4) SS:

5 COUNTY OF SUFFOLK)

6

7 I, LUCIA BRAATEN, a Court Reporter and

8 Notary Public for and within the State of New

9 York, do hereby certify:

10 THAT, the above and foregoing contains a
11 true and correct transcription of the proceedings
12 taken on February 5, 2015.

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

17 IN WITNESS WHEREOF, I have hereunto
18 set my hand this 23 day of February, 2015.

19

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21

22

Lucia Braaten

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