VILLAGE OF GREENPORT

PLANNING BOARD

WORK SESSION

February 5, 2015

5:00 p.m.

Meeting held at the Greenport Firehouse

236 Third Street, Greenport, New York 11944

Appearances:

Peter Jauquet – Chairman
Chris Dowling
Devin McMahon

Joseph Prokop, Village Attorney
Eileen Wingate, Village Building Inspector
Whereupon, the meeting was called to order at 5:12 p.m.)

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

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

Is there anymore discussion on that among us? I don't think so. All right. Is there any --

MS. SCHNEPEL: Could you speak up, please?

CHAIRMAN JAUQUET: This is a motion to approve a site plan for a new home at -- on a
vacant lot on Bridge Street. Is that heard -- is that enough? Who wants higher volume?

MS. SCHNEPEL: That's fine.

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

MR. MC MAHON: I'll second it.

CHAIRMAN JAUQUET: All in favor?

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MR. DOWLING: Aye.

MR. MC MAHON: Aye.

CHAIRMAN JAUQUET: Aye.

Motion approved.

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

Motion to -- do I have a second?

MR. DOWLING: Second.

CHAIRMAN JAUQUET: All in favor?
MR. DOWLING: Aye.

MR. MC MAHON: Aye.

CHAIRMAN JAUQUET: Aye.

MS. WINGATE: To table it.

CHAIRMAN JAUQUET: To table it. Do I have I have to say why?

MR. PROKOP: No.

CHAIRMAN JAUQUET: We're going to discuss it at the next meeting.

Number 3 is a motion to table an application for a site plan review pending further discussion and revised plans regarding

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

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

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

MR. DOWLING: We just got it.

CHAIRMAN JAUQUET: Right.
MR. PROKOP: What's the name?

MS. WINGATE: Moon Star, Moon Star Restaurant.

MR. PROKOP: I think the problem is, you know, we got -- we just got it last night.

CHAIRMAN JAUQUET: We just got it last night.

MS. WINGATE: This morning.

MR. PROKOP: This morning, right.

CHAIRMAN JAUQUET: I haven't had a chance to look at it. Okay. So --

MS. WINGATE: And you asked for the elevations and the dimensions.

CHAIRMAN JAUQUET: Right, okay. So do I have a second on that motion?

MR. DOWLING: Second.

MR. MC MAHON: Second.

CHAIRMAN JAUQUET: All in favor?

MR. DOWLING: Aye.

MR. MC MAHON: Aye.

CHAIRMAN JAUQUET: Aye.
So moved.

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

Do we have anything else to say about that?

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

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

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

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

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

MR. DOWLING: Okay.

MR. BROWN: -- to help move this along.
CHAIRMAN JAUQUET: I think we're okay on that.

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

MR. BROWN: Yes.

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

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

MR. BROWN: Yes.

CHAIRMAN JAUQUET: That's the idea --

MR. DOWLING: Okay.

CHAIRMAN JAUQUET: -- on this one.

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

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

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

MR. DOWLING: Okay.

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

MR. DOWLING: Right.
CHAIRMAN JAUQUET: -- about facade treatments and landscaping.

MR. DOWLING: Okay.

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

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

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

MR. PROKOP: Second on what?

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

MR. MC MAHON: Second.

CHAIRMAN JAUQUET: All in favor?

MR. DOWLING: Aye.

MR. MCMAHON: Aye.

CHAIRMAN JAUQUET: Aye.

MR. BROWN: Thank you.

CHAIRMAN JAUQUET: Number 5 is the tabling
of a discussion to the next Planning Board work
session, a use evaluation for a store space
located at 110 Front Street. The applicant, Rita

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

MS. WINGATE: No, she is not.

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

MS. WINGATE: Sure.

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

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

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

MR. PROKOP: I would do that, yes.

CHAIRMAN JAUQUET: Excuse me?
MR. PROKOP: Yes, I would do that.

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

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MR. MC MAHON: Second the motion.

CHAIRMAN JAUQUET: All in favor?

MR. DOWLING: Aye.

MR. MCMAHON: Aye.

CHAIRMAN JAUQUET: Aye.

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

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

MR. MC MAHON: When is it scheduled for?

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

MS. WINGATE: February 27th.

CHAIRMAN JAUQUET: Okay. Thank you.

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

MR. PROKOP: It's the 26th.

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

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

MR. PROKOP: It's the 26th.

CHAIRMAN JAUQUET: Yeah. Okay. So this is a motion to schedule a public hearing for the site plan at 119 Main Street on -- at the
February 26th meeting of the Planning Board. Do I have a second on that motion?

MR. DOWLING: Second.

CHAIRMAN JAUQUET: All in favor?

MR. DOWLING: Aye.

MR. MCMAHON: Aye.

CHAIRMAN JAUQUET: Aye.

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

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

MR. PROKOP: Well, one of the things you could do is you could accept those letters for the record. And since we're starting to get public comment on this application, one of the things you could do is to set it for a public session at one of the next meetings, and, you
know, maybe notice it, if that's what you'd like
to do.

CHAIRMN JAUQUET: What does that mean,
notice it?

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

CHAIRMN JAUQUET: Is that published?

MR. PROKOP: Yes.

CHAIRMN JAUQUET: Where?

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

CHAIRMN JAUQUET: Okay.

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

CHAIRMN JAUQUET: Well, you have to get up
here and raise the issue when it's your turn.
this item, continued -- #7, continued discussion, with these two letters that we got from people that are out of town and have not seen the most recent architectural plans and elevations for the site. I'll read -- you want to read this one?
And I'll start with --

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

CHAIRMAN JAUQUET: What?
MR. PROKOP: She could type it into the record, if you want, or read it. I'm sorry, I apologize, it's at your discretion. 

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

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

CHAIRMAN JAUQUET: Which is that?
MR. MC MAHON: The last one. It's quite lengthy. 

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

MR. MC MAHON: The one from Doug and Mary Moore.
CHAIRMAN JAUQUET: Where is it?

MR. DOWLING: This one right here.

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

MR. DOWLING: Your call on that one.

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

This is from -- wait. Who?

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

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

"This has been an ongoing process in which the attorney for Osprey Zone publicly attempted to limit neighborhood input regarding their application. We find the timing of the current application somewhat disconcerting. There are at least three neighbors who are away for the winter and will be" -- "they will not be able to attend meetings regarding this application. And true or
not, the appearance is that Osprey Zone is once again trying to limit public input regarding their application.

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

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

This one says, "It has been brought to our attention that a formal application has been submitted to the Planning Board for development of the Osprey Zone property on Sterling Street. Overdevelopment of this property will impact not only the surrounding homeowners, but everyone in
the Village, as well as tourists. From our vantage point, less than 200 feet from the subject property, we see dog-walkers, bikers, walkers, joggers and baby-carriage-pushing families enjoying the vistas of Stirling Harbor. Sterling Street waterfront is everyone's backyard, and it would be a shame to see these views obstructed by a seasonal building" -- "seasonal use building.

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

This one I'm not going to read, unless you want to. Why don't you read it? I'll read part of it.
MR. DOWLING: Go for it.

MR. SALADINO: I'll read it.

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

"We are away from Greenport, and, incidentally, found out a site plan for Osprey Zone has been submitted and accepted last week by the Planning Board. We only heard of this action on Monday, February 2nd, and we have just received some information on the site plan. We offer some comments below, but would request the Planning Board to take no action until we can thoroughly review the plans. Several other neighbors are also -- are also away and should be given the opportunity to review and comment.

Our main objections to the construction of the proposed structure on this tiny waterfront lot are scale and height. The original plan was for a modest 300-square-foot building at or close to the grade level, which would have supplied a
bathroom, shower and storage space. The current proposal has escalated to a building over 610 square feet, elevated seven feet above grade on open pilings, with an overall height of 21 feet. The required FEMA elevation is set at one foot above current grade, not the proposed seven feet. If the building's base were elevated three feet above grade, there would a sufficient safety margin above the required FEMA flood elevation.

Justification for the seven-foot elevation is stated to preserve six parking spaces, when the plans state only three are required. If the building were lower, there would be space available in front of the building for two parallel parking spaces in the six-foot setback and the unpaved apron in the Village right-of-way. This layout would provide a total of five parking spaces, and also allow landscaping and architectural screening at the base of the building. Lowering the elevation would also allow a ramp to replace the long run
of stairs, making the building handicapped accessible.

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

The problems are missing items from the
site plan drawings and site plan application.

One, it's stated that no handicapped access to
the proposed structure is required, but provision
of a handicapped accessible bathroom is depicted.

Section 1105.1 of the New York State Code
requires handicapped access to the entry of a
main level of any new structure, regardless of
size of building.

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

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

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

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

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

No landscape or screening plan is provided.

No storage areas are depicted at grade level, nor within the proposed structure. This was one of the original needs expressed for construction of the current grade level shed and the earlier proposals for smaller buildings on
Number 7, no description or depiction of placement of any heating HVAC equipment is provided.

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

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

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

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

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

Is there any engineering issue by placing the structure directly at the bulkhead line
regarding stability of foundation elements of the structure?

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

Greenport's waterfront environment?

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

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

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

   Respectfully submitted, Doug and Mary 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
point out that it is within the allotted 40% lot coverage, as stipulated by the code.

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

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

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

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

CHAIRMAN JAUQUET: Okay.
MR. BROWN: And the light fixture that's referenced as being mounted on the pole, or proposed to be mounted on the pole, is, in fact, an existing light fixture. So we're not proposing to mount one there, we're just suggesting that the one that's there would remain.

CHAIRMAN JAUQUET: Okay.

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

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

MR. BROWN: Yes. You know, whatever parking spaces he doesn't provide are going to be parking elsewhere in the street.

CHAIRMAN JAUQUET: So what would happen if you lowered the whole thing to two feet and moved
the parking to the three that are on the side
there, and then use, you know, like three more	parking --

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

CHAIRMAN JAQUET:  I know.  We're just
discussing that.  So that makes, if there was
six --

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

CHAIRMAN JAQUET:  And then three on the
side?

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

CHAIRMAN JAQUET:  So if you had -- a total
of what?

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

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

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MR. BROWN: Yes.

CHAIRMAN JAUQUET: Anything else that pops out?

MR. BROWN: Well, those renovations --

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

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

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

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

CHAIRMAN JAUQUET: You know, I guess the things about, you know, the landscaping -- the
lighting scheme at night, what is it going to look like?

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

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

MR. BROWN: Around the building?

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

MR. BROWN: No.

CHAIRMAN JAUQUET: You know, nothing decorative.

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

CHAIRMAN JAUQUET: Yeah.

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

CHAIRMAN JAUQUET: Right

MR. BROWN: -- in a soffit that, you know,
any building would have.

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

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

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

MR. BROWN: Yeah.

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

MR. BROWN: Yes.

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

MR. BROWN: Yes.

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

MR. BROWN: Well, that's what the building would be for.
MR. DOWLING: Huh?

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

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

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

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

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

MR. DOWLING: Okay. And what about garbage?

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

CHAIRMAN JAUQUET: And like exterior air conditioning condensers? Are they going to see
any of that, I mean, the neighbors? I mean he's
-- Moore is suggesting that garbage containers,
air conditioning condensers --

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

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

CHAIRMAN JAUQUET: Yeah.

MR. BROWN: Yeah.

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

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

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

MR. DOWLING: Okay.

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

CHAIRMAN JAUQUET: Yeah. But I guess the
idea is to place those on the site so that we can see if they're going to be -- where they're going to be, and if they're going to be in view of the neighbors, because --

MR. BROWN: Yeah.

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

MR. BROWN: Yeah.

CHAIRMAN JAUQUET: -- of the items.

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

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

MR. BROWN: Yeah.

CHAIRMAN JAUQUET: What about the -- when
he says this inconsistency in the size of the
building, in the dimensions?

MS. MARTIN: Yes.

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

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

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

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

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

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

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

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

may. Amy Martin, also for the applicant. The
reference to the need for the CAC, I believe that happens when we go to the Trustees, which is the next step once we have approval. So that will become part of the process, but it's not something that would have been done at this point.

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

MS. MARTIN: Is that in place on that?

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

MR. BROWN: Certainly.

MR. DOWLING: The other thing is, I think I mentioned at the last meeting, is I'm still kind of concerned about rainwater runoff and any rainwater runoff off the building going into the bay. I wondered if you could talk to Mr. Henry, maybe have some sort of dry wells on the land side of the building to try to catch the rainwater, so as to keep the rainwater from going off into the water, if that's possible.
MR. BROWN: I can look into it. I can tell you we only have six feet between the property line and the front of the building.

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

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

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

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

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

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

MR. DOWLING: Yeah.

CHAIRMAN JAUQUET: The street.

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

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

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

MR. BROWN: Not to my knowledge.

CHAIRMAN JAUQUET: You should ask him if he is.

MR. BROWN: The HVAC system would be electric, so --

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

MR. BROWN: Yes.

CHAIRMAN JAUQUET: This is an electric powered --

MR. BROWN: Yes.

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

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

CHAIRMAN JAUQUET: Oh, they're electric,
MR. BROWN: They're electric. They provide heat and air conditioning.

CHAIRMAN JAUQUET: Heat, gotcha.

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

CHAIRMAN JAUQUET: Yeah. Eileen, has the -- have the people that have requested copies of these plans, these people, have they seen the latest plan that we're working with right now, that ended up with this sort of lower slung design?

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

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

MS. WINGATE: They were requested, they were submitted. I don't know if they were distributed.
CHAIRMAN JAUQUET: Okay.

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

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

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

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

CHAIRMAN JAUQUET: Right. Well, that's why we're having this discussion. Eileen has scanned them and now they're available through the Village as an email, just like this on your computer. So if they're somewhere -- so you can let them know, Village Hall, just sign up on a
Freedom of Information thing, and you will get --

MS. SCHNEPEL:  Yeah, I have it.

CHAIRMAN JAQUET:  You have it, okay, fine.

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

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

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

CHAIRMAN JAQUET:  Huh?

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

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

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

find out about this until Monday of this week, so
that most people who have been following this
when meetings were planned in the summer, spring
or summer months, were not aware that this
meeting was taking place, so they wouldn't have
gotten the plans. I know Doug Moore does have
the plans.

CHAIRMAN JAUQUET: Okay.

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

CHAIRMAN JAUQUET: Oh, good, okay.

MS. SCHNEPEL: -- with his 15 concerns.

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

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

CHAIRMAN JAUQUET: Anybody else?

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

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

MR. DOWLING: Step up to the podium.

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

MS. SCHNEPEL: Thank you.
MR. PROKOP: There's no record. We were thinking about making a public hearing, but there's no record.

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

CHAIRMAN JAUQUET: I think we should, yeah.

MR. MC MAHON: Then we should do that.

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

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

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

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

MR. PROKOP: Okay. I'm sorry.

CHAIRMAN JAUQUET: Yeah, make your statement.

MS. SCHNEPEL: I think more people from the community would like to be here. I happened to have rearranged my --
MR. PROKOP: That's what we were just offering you, if you didn't want to answer --

MS. SCHNEPEL: Well, I'm answering the question.

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

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

CHAIRMAN JAUQUET: Right.

MS. SCHNEPEL: -- full-time basis. I had to rearrange my schedule to get out here.
CHAIRMAN JAUQUET: Right. Well, tell us what you want us to hear now. Tell us what you want us to hear, so it's in the public record.

MS. SCHNEPEL: Okay, okay. Well, the first -- my first point was concerning the timing of the meeting, and I think most of the residents, full-time or part-time, with whom I've been speaking, wanted it to be scheduled so that there is time for public discussion, and I believe some of that is related to the fact that they haven't felt that the parties involved have been open enough to allow this public discussion to take case -- to take place. There's been sort of a little bit of muzzling of individuals who would like to express their concerns.

I also wanted to state that the issue is not just related to Sterling Street and Sterling Avenue, and I think Steve Weiss' letter brought that up and I would second that; that this is an area that is used by the whole community of Greenport in the sense that a lot of people go...
down the street, bikers, baby-strollers, dog-walkers and everything. So this is what I consider a valuable, natural, and also economic resource for Greenport, and I think a lot of people would hate to see that the vista, and the harbor, and the waterfront be vulnerable to applications and buildings of this size and magnitude on a small lot.

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

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

CHAIRMAN JAUQUET: From the sewer system?

MS. SCHNEPEL: From the sewer system. And I'm not entirely sure how that works, but there is sort of a central spot on Sterling Avenue,
Sterling Place that affects that. Someone in Utilities would know more about that than I do.

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

At one point, and I don't know the number of the street, Art Strom had proposed expanding his dock into an L shape that actually went out into the water that wasn't part of his property. That was scaled back. We had meetings about that. The neighbors were concerned, but that didn't preclude the fact that all the neighbors, then, who had docks on the waterfront wanted to increase their docks and make them just as far
out into the water as Art Strom's.

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

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

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

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Mr. Henry is not a resident on the street, he lives on Main Road. So, therefore, he's not
invested in this lot, other than for himself and for the running of his marina. So, effectively, his relationship to this land is very different from the relationship of the residents, and the neighbors, and the homeowners and other people in that area.

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

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

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

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

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

I could go on. I think I'm just stating some of the things the neighbors, and homeowners, and people in the community are concerned about
this project. And I would suggest and second
that there be a public hearing where -- where the

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

CHAIRMAN JAUQUET: Okay.
MR. DOWLING: Thanks.
CHAIRMAN JAUQUET: Thank you.
MR. BROWN: May I just respond?
CHAIRMAN JAUQUET: Sure.
MR. BROWN: I just wanted to make two quick
points. One is, considering the size and use of
the building relative to how the property is
used, I can't really agree that there's any
increase in the intensity of use of the sewer
system or the property. It's obviously a
seasonal building having to do with the boats in the marina. There's no more people coming than there were before.

And in terms of the use of the property, you have before you a classic battle between an individual's property, property owner's rights and the rights of the community. He does own the building, it is zoned Waterfront Commercial, and that is what he has asked us to address.

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

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

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

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

CHAIRMAN JAUQUET: Well, three.

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

MR. SALADINO: The finished flood.

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

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

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

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

MR. SWISKEY: I'm not.

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

MR. BROWN: That's all.

MS. SCHNEPEL: Are you involved in this?

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

MR. MC MAHON: I would suggest we do have a public hearing on this, but we do have to make some sort of balance between doing this in a reasonable time period. You know, we can't wait until June for a public hearing when everyone's out here. We need to move along on this. So, if
we can find some sort of middle ground there, where we can have formal public notice, everyone in the community can have their say, I think that would be --

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

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

CHAIRMAN JAUQUET: Yeah.

MS. SCHNEPEL: -- which was rather long, I appreciate that. It's just I understand the dilemma with the timing, because this is a community that's first and second homeowners and retirees, and so forth, that travel. But I think in order to make the residents and homeowners, and so forth, on Sterling Street, Sterling Avenue feel that this is not a strategy of the applicant to muzzle public reaction to it, I think it behooves the Planning Board to make an effort to
schedule a meeting when more people can come to it, because I think all of us have had -- at least I've had experience with a situation like this on Martha's Vineyard, where the public hearing -- the public hearings or meetings were scheduled all in the late fall, early winter. You know, so access, there was little access to it by the people it concerned.

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

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

MS. SCHNEPEL: I think most people are away through March, three months after the holiday season.

MS. MARTIN: I don't think they're going to
appreciate whatever structure in the middle of the summer.

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

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

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

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

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

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

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

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

There is a precedence to waiting for people
to get back in town. There's two recent
with the Airbnb thing. They postponed a public hearing for 90 days, and then sent it to the Code Committee for further discussion before it even came to a public hearing, and also the park use.

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

CHAIRMAN JAQUET: I know that.

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

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

CHAIRMAN JAQUET: Yeah, go ahead.
MS. SCHNEPEL: Just a continuation on that point. Thank you very much.

In terms of having the structure built before the high season in summer, so that we're not hearing all the hammering, and so forth and so on, assumes that this is going to be accepted very quickly. And I think what we're trying to point out in our comments and our letters is that there are concerns we have that haven't been met in terms of the height and size of the structure. And I think with these public hearings, that will be hammered out. And I don't think that this plan is going to be -- cannot be steamrolled without some of these points being considered, and that's why I think -- you know, I think it's premature to feel that this is going to be up and ready for season 20 -- summer season 2015, I think just from the natural course of how long things take.

CHAIRMAN JAQUET: Sure.

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

MR. MC MAHON: I would suggest that we table discussion until the next meeting, at which point we can --

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

From what I can tell, they haven't submitted a complete set of drawings of what this building is going to be. Usually, a complete set of drawings says this is where the -- how we're going to heat this building, this is where the sewer goes, this is where the electric is going to go, it's going to need an electric service
that is going to be overhead or underground, does it require a bigger transformer? I don't think you have enough -- you know, I don't want to hold the guy up on the building, you know, maybe the people there, it's not in my backyard, but the basic fact is you don't have enough information yet to act on this to schedule a public hearing.

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

I agree with the lady here.

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

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

CHAIRMAN JAUQUET: So Item -- yeah. So
we're going to have a motion to continue the
public discussion on the Osprey Zone Marina. Do
I have a second?

MR. MC MAHON: I'll second that.
CHAIRMAN JAUQUET: All in favor?
MR. DOWLING: Aye.
MR. MCMANON: Aye.
CHAIRMAN JAUQUET: Aye.
And #8 is a motion to deny the
application --
MR. DOWLING: Continued discussion on an
application.
CHAIRMAN JAUQUET: No, we're going to --
MR. DOWLING: You have to read that first.
CHAIRMAN JAUQUET: Well, #8 on the agenda
is continued discussion on an application for a
use evaluation at 414 First Street.

The Board is going to deny the application
because it doesn't meet code requirements, the
newest application does not meet the code
requirements. So this is a motion to deny the
application for the use evaluation at 414 First Street due to the code requirements not being met. Do I have a second?

MR. DOWLING: Second.

CHAIRMAN JAUQUET: All in favor?

MR. DOWLING: Aye.

MR. McMAHON: Aye.

CHAIRMAN JAUQUET: Aye.

Okay. Motion passes.

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

MS. MARTIN: You're shutting him down?

MR. SWISKEY: Basically, yeah.

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

MS. MARTIN: This isn't how you spoke about it the other night.
CHAIRMAN JAUQUET: I know it isn't.

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

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

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

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

MS. MARTIN: Oh, I understand the concept.

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

MS. MARTIN: I understand the hard position you've been put in.
CHAIRMAN JAUQUET: Right.

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

CHAIRMAN JAUQUET: That is right.

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

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

MS. MARTIN: Which is what we're applying for.
MR. DOWLING: Right, but have not been approved for.

MS. MARTIN: Okay.

MR. KARLIN: Can I?

CHAIRMAN JAUQUET: Yes.

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

CHAIRMAN JAUQUET: Right.

MR. KARLIN: The last time I was here and spoke to you guys, last week, Peter, you told me that you were going to give us some time to get this straightened out, and then -- and so we did. We showed up here tonight with a new application and a drawing -- and drawings for you to show you what we have planned. And we understand that it has -- that it would have to go to Zoning still, because it doesn't quite meet the criteria. But I think that shutting me down right now so that I can't even operate at all, I mean, this is how I make a living.

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

MR. DOWLING: We have to -- part of the problem here, and I wish she was here, is that your landlord is -- not only she's a -- you know, she's a Trustee in the Village, she's also prior
on the Planning Board, so she knows the zoning requirements. The fact that she rented you a place that she should have known you shouldn't have operated in is unfortunate for you, because she should have known the requirements for what has to go in her spot. And, you know, unfortunately, you know, you rented a spot that you thought you could be in. And, you know, right now, the way the zoning is, you don't fit the zoning requirements for that spot.

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

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

CHAIRMAN JAQUET: Right, I know. Jauquet.

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

CHAIRMAN JAQUET: Right.

MR. KARLIN: And shutting the business down didn't seem like that's what we were aiming for
the last Planning Board meeting last week. That wasn't the tone I thought that I left with.

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

MR. KARLIN: We do.

MR. DOWLING: -- that we could approve.

MR. KARLIN: We do have something.

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

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

MR. KARLIN: Right.

CHAIRMAN JAUQUET: -- essentially,

because -- didn't we?

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

CHAIRMAN JAUQUET: But we did -- you know,
we did ask him for this.

MS. MARTIN: Amy Martin, Fairweather and Brown. I'm representing North Fork Smoked Fish. It is impossible to meet Village Code and create anything in the 100 square feet that 50% of the building being used as retail creates. The code is antiquated. And I was on the Planning Board, I know that the code is antiquated. We've fought with it many times. It was done when you were allowed to do newspaper manufacturing, because a newspaper lived in town. You were allowed to do this and that, because those owners were on the Boards and created the rules.

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

300 square feet that he needs for manufacturing
shows that we are in due diligence to get this up to code.

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

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

CHAIRMAN JAQUET: Didn't we -- we asked for this last time.

MR. DOWLING: Well, we asked for something that said -- we asked them to have something that
fits in the -- and pay attention to the zoning so
that it fits into the zoning.

CHAIRMAN JAUQUET: But still --

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

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

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

CHAIRMAN JAUQUET: Yeah, but --

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

CHAIRMAN JAUQUET: But just a minute. You
know, we've got the drawing, and within a week,
they can't possibly have this drawing approved by
-- this has to go to Zoning for their approval,
and in a week, they can't possibly do that. So,
to me, I think we need to, you know, take it the
next step. And, you know, I don't know. I don't
feel comfortable. You know, it's inconsistent
with what we want to do, but I don't feel comfortable shutting the business down this time, when it's already -- when it started at the point

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

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

CHAIRMAN JAUQUET: I see, okay.

MR. DOWLING: And it's not --

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

MR. DOWLING: Yeah.

CHAIRMAN JAUQUET: All right.

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

MS. MARTIN: If he was a restaurant --
MR. DOWLING: But if we followed what we're supposed to do, he's not supposed to be open.

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

MR. DOWLING: Huh?

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

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

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

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

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

CHAIRMAN JAQUET: It's the best thing for downtown.

MR. DOWLING: And I understand.

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

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

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

MR. KARLIN: Realistically, I just would ask for a little bit of leniency, so that I could just keep my business going before we have a
Zoning Board hearing, so that we can see if we could get this thing straightened out. I mean, Joe told me crank it up a notch last meeting and, obviously, I have. I mean, I'm really trying to get this thing to where it should be, so that we could put this behind us and we can all just quit talking about it.

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

MS. WINGATE: It's all there.

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

MS. MARTIN: Yes, they are.

MR. DOWLING: Okay.

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

MR. DOWLING: Okay. Oh, I see. So you put the parking spaces against the other building.
MS. MARTIN: All of that property is for all of those --
MR. DOWLING: Yup.
MS. MARTIN: -- tenants in that -- we've designated the first four.
MR. DOWLING: Is the lot going to be cleaned up?
MR. KARLIN: It's not my lot, I don't know.
MR. DOWLING: Because that's something the landlord -- I mean, because there's big potholes and everything, and that's something that we sort of asked her to address at previous meetings, so.
MS. MARTIN: You can make it a condition. They do plan to change the apron and the curb. There isn't a curb cut there. There is a large area that is open. The apron will be changed and cleaned up, and the access to the parking lot is to be widened away from the building that Phil is renting, so that the tractor trailers that go through to supply the plumbing company's back door don't have the problem negotiating getting
out to First Street. But, yes, they do plan on changing the apron.

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

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

MR. MC MAHON: Okay, and the original.

MR. DOWLING: So we've already approved it.

We've already voted, the application is denied, so he gets sent to ZBA, right?

MR. MC MAHON: The original application was denied.

MR. DOWLING: Huh?

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

MR. DOWLING: So that is the second one.

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

MS. MARTIN: Yes.

MR. DOWLING: New application.

MS. WINGATE: Yes.

CHAIRMAN JAUQUET: There is?
MS. WINGATE: (Nodded yes.)

MR. MC MAHON: The new application?

CHAIRMAN JAUQUET: When did that happen?

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

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

MR. DOWLING: We did that.

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

And I'm going to add that the reason I do not feel right in shutting this down, even though it's a confused, and, you know, by the book, it's an illegal operation based on the code, my feeling on this project is that the -- it's a really good business, and it's the kind of business that should have been in downtown Greenport all along. And, you know, I don't -- you know, I think in terms of planning, it's the kind of business that needs to be in the downtown. And I'm not -- and I don't feel
comfortable hanging this project up just because of all the technical difficulties and technicalities that would shut it down.

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

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

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

MR. SWISKEY: No.

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

MR. SWISKEY: Enforce the code.
CHAIRMAN JAUQUET: And people are always moving into their spaces without legal — without legally doing it.

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

CHAIRMAN JAUQUET: Yeah, we did.

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MR. SWISKEY: What's going on here?

CHAIRMAN JAUQUET: Well, I don't know.

MR. SWISKEY: I have no clue.

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

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

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

CHAIRMAN JAUQUET: Is that enough to --

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

CHAIRMAN JAUQUET: Right.

MR. DOWLING: And, you know, we're going to kick it to the curb right now and send it to the ZBA, and if they say no, then he's got to close, then he's done. But, you know, sooner or later, it's either someone's going to -- ZBA says no, then we're just done. I don't know how much longer we're going to keep kicking this application and keep having it be there. It's just, you know, I wish it fit into the zoning, but it doesn't. You know, I mean no ill harm on you, I think you have a great business. It's just, in my eyes, we have to stick to the code and that's why we're here.

MR. KARLIN: No, I understand.

MR. DOWLING: And I apologize, because I think -- I haven't heard anything bad about your product whatsoever, everybody's raves about it, and I think it's great, and I think it fits in the Village. Unfortunately, the code doesn't
allow for where it is.

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

CHAIRMAN JAUQUET: So might as well make a motion.

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

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

MR. MC MAHON: That's what I was just about -- that's what I was discussing, is that we have received the original application, we acted on that. We've now received a new application that came in yesterday. We have 60 days to act.

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

MR. MC MAHON: Yeah.
MR. DOWLING: So we're not -- we can't table it. We can't accept it, because it doesn't comply.

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

MR. DOWLING: We did.

MS. MARTIN: -- immediately to ZBA?

MR. DOWLING: We did that.

MS. MARTIN: But --

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

MS. MARTIN: Right, right. But you have to deny the current application --

MR. DOWLING: We did.

MS. MARTIN: -- so we can go to ZBA.
MR. DOWLING: We did.

MS. MARTIN: Not the original.

MR. DOWLING: Huh?

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

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

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

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

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

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

MR. DOWLING: This is on the new application.

CHAIRMAN JAUQUET: I know, I know.

MS. MARTIN: So we can get on the quickest
ZBA --

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

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

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

MS. WINGATE: 18th.

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

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

MR. MC MAHON: March 18th.

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

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

MR. SWISKEY: Can't even notice the public
MR. DOWLING: March 18th is the next meeting it would come before us, if they gave them their variance.

MS. WINGATE: March 18th.

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

MS. WINGATE: Right.

CHAIRMAN JAUQUET: Okay. So make that motion.

MR. DOWLING: What motion?

CHAIRMAN JAUQUET: To deny the --

MR. DOWLING: Devin did.

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

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

CHAIRMAN JAUQUET: Okay.
MR. MC MAHON: Second?

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

MR. DOWLING: Aye.

MR. MCMAHON: Aye.

CHAIRMAN JAUQUET: Aye.

Is that it? Is that it?

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

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

CHAIRMAN JAUQUET: Why do we have to decide that?

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

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

MR. DOWLING: Aye.

CHAIRMAN JAUQUET: And a motion to adjourn. Do I have a second?
MR. MC MAHON: Second

CHAIRMAN JAQUET: All in favor?

MR. DOWLING: Aye.

MR. MCMAHON: Aye.

CHAIRMAN JAQUET: Aye.

(Whereupon, the meeting was adjourned at 6:34 p.m.)

CERTIFICATION

STATE OF NEW YORK )

) SS:

COUNTY OF SUFFOLK )

I, LUCIA BRAATEN, a Court Reporter and Notary Public for and within the State of New York, do hereby certify:

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on February 5, 2015.
I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

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

__________________________
Lucia Braaten