VILLAGE OF GREENPORT

PLANNING BOARD

WORK SESSION

April 30, 2015

5:00 p.m.

Meeting held at the Greenport Firehouse

236 Third Street, Greenport, New York 11944

Appearances:

Devin McMahon - Chairman

Ben Burns - Member

Chris Dowling - Member

Peter Jauquet - Member

Joseph Prokop, Village Attorney

Eileen Wingate, Village Building Inspector

Glynis Berry, Planning Board Consultant
(Whereupon, the meeting was called to order at 5:06 p.m.)

CHAIRMAN MC MAHON: This is the April 30th Village of Greenport Planning Board work session.

The first item, Item #1, motion to accept the use evaluation application from Wayne Turrett. Applicant proposes to build a new single-family house. The property is located at 746 Main Street and is located in R-1, One Family Residential District; Suffolk County Tax Map 1001-2-3-8.02.

Okay. I think we're going to begin.

We have some comments from, or some input from our advisor, Glynis, so I'm just going to go over a couple of the points and then we can move forward from there.

With regards to the SEQRA recommendation, whether it's a Type I or II choice will determine whether a hearing is required. Type I is work in an Historic District, 617.4, Type I, Action is B, Section 9, Subsection 9.

Any unlisted action, unless the action is designed for the preservation of the facility or site occurring wholly or partially within or substantially contiguous to any historic building, structure, facility, site or district or prehistoric site that
is listed in the National Register for Historic Places, what has been proposed by New York State Board.

Or it could be Type II, Section C, Subsection 9, Construction of single family on an improved lot, and Section 19, official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on applicant's compliance or noncompliance with the relevant local building or preservation codes.

Basically, it's a question as to whether or not this needs to go before the Historic Preservation Committee. Any thought? Is this -- does it fall within the Historic District

MS. WINGATE: (Nodded yes.)

MS. BERRY: (Nodded yes.)

CHAIRMAN MC MAHON: This property does? In the past, generally, what's the precedent? How do we normally address any new construction in an Historic District?

MS. WINGATE: After the site plan review, it naturally goes before the Board maybe once a month, and they're reviewing the nature of the structure.
CHAIRMAN MC MAHON: Okay. My thought is we should try to stick with how it's been handled in the past. Does anyone have any other thoughts?

MR. JAUQUET: Yeah. You know, if they get their building plans and elevations, and whatnot, then I would think that the Historic would look at that and make their judgment, right?

CHAIRMAN MC MAHON: I think so.

MR. JAUQUET: Yeah.

MS. BERRY: The other issue is whether you need a hearing or not.

CHAIRMAN MC MAHON: Whether there's a public hearing on it?

MS. BERRY: Right. For I, you need a hearing; for II, you don't.

CHAIRMAN MC MAHON: A hearing here or before the Historic Preservation Commission?

MS. WINGATE: They don't do hearings.

CHAIRMAN MC MAHON: They don't do any hearings?

MS. WINGATE: They do them here.

CHAIRMAN MC MAHON: Okay.

MR. JAUQUET: So which choice do you want?

CHAIRMAN MC MAHON: That would be the one where they review, normally would be a public hearing? Yes?
MR. PROKOP: Yeah. The thing that has happened now is, you know, we have a Planner going over these applications, and that's the difference, really, and she's identified this as a potential Type I application -- action for the Board. And now that we have that in front of us, do you think that this includes Historic Districts that are not on the National Registry, a Type I Action, or Historic Districts that are on the National Registry?

MS. BERRY: Well, it says National Registry.

MR. PROKOP: Okay. Is this one on the National Registry?

MS. WINGATE: Yes.

MR. PROKOP: It is.

CHAIRMAN MC MAHON: Okay.

MR. PROKOP: It's a Type I Action.

CHAIRMAN MC MAHON: Okay.

MR. PROKOP: We don't have a choice.

CHAIRMAN MC MAHON: Okay. So that will be a Type I Action, which would have a public hearing. Do we schedule that now, or do we have to wait until we have the --

MS. WINGATE: You can schedule it now.

MR. PROKOP: Yeah. I think that the other thing that we should do is now that we have the
application in front of us as preliminary, vote to do
what's called a coordinated review.

Chairman Mc Mahon: Okay.

Mr. Prokop: And for purposes of SEQRA, and
we'll -- so the motion is to initiate a coordinated
review, and to preliminarily determine that the
approval of this will be a Type I, the consideration
of this application will be a Type I Action for
purposes of SEQRA. And it would be my
recommendation, although it has to be reviewed by
Glynis, that it would be a -- not have a significant
negative impact on the environment. It's anticipated
that it would not.

Ms. Berry: Yeah, I agree.

Mr. Prokop: But we need to vote to start that
process.

Chairman Mc Mahon: I'll make the motion. Is
there a second?

Mr. Burns: Second.

Chairman Mc Mahon: All in favor?

Mr. Burns: Aye.

Mr. Dowling: Aye.

Mr. Jauquet: Aye.

Chairman Mc Mahon: Aye.

Motion passes. Okay.
MR. BURNS: DO we want to hear from Mr. Turrett and find out just what they're doing?

CHAIRMAN MC MAHON: Sure, we can do that. And if there are --- maybe we can just quickly bring up some of the issues that Glynis noted and we can address those, and maybe we can have a chance to address them.

New York State DEC regulations apply. The applicant needs New York State Department of Environmental Conservation permit or Letter of Nonjurisdiction before a permit can be issued.

While the lot is more than 10,000 square feet, complying with the Village minimum lot size, it does not comply minimum lot size of square 20,000 square feet that New York State Department of Environmental Conservation requires in the tidal wetlands. Land Use Regulations Part 661.6, Section A, Subsection 5, Subsection (i), if the division -- subdivision was approved after 1977. The lot was created in 2011.

The second item, under DEC Part 661.6, Subsection A, Subsection 4, not more than 20% of the lot can be covered by structures or impervious services unless the coverage area is less than 3,000 square feet, or less than the adjacent area on any individual lot lawfully existing on 8/20/1977.

Flynn Stenography & Transcription Service
(631) 727-1107
And there are a few other items we'd need for the -- to complete the application. New York State Department -- New York State Department of Environmental Conservation permit for the proposed construction, permit for the existing dock. The file does not contain DEC permit for the floating dock and piles, but the file indicates that a wetlands permit application and permit, dated 12/2/2002, were approved by the Greenport Village Board of Trustees on 11/21/02, the construction of the platform, stairway, catwalk, floating dock and piles. Also permits construction of riprap wall.

Plans need to include sewer and water lines, show how all stormwater runoff will be retained on-site, including calculations, building site coverage, building square foot coverage, square foot -- square footage of impervious cover. If partially pervious, indicate level. Square footage of dirt driveway. Please note, the design does not have any component to counter-compaction. The level of imperviousness may be significant.

Okay. Would you like to take the podium, please?

MR. TURRETT: Sure. Do you want me explain the --
CHAIRMAN MC MAHON: Could you just introduce yourself and --

MR. TURRETT: Sorry. The name is Wayne Turrett, the owner and the applicant as the Architect for 746 Main Street.

The desire is to build a single family house, a modest one, about 2000 square feet. I think that it falls short of the 20% that you mentioned in terms of site coverage. It's smaller than that.

And as far as the impact to the environment, there will not be any cellar or crawl space below grade, it will all be sitting above grade.

I included some elevations, preliminary elevations at this point for you to look at. And you could see the way it's sited.

As far as Historic District goes, it is a lot behind another lot, so it's very -- it's not very visible from the street, let's put it that way. It actually faces the hospital. It's the last -- it's right next to Townsend Manor and that's where it's located.

MR. JAUQUET: And so the other side is the grounds of the hospital?

MR. TURRETT: Across the creek.

MR. JAUQUET: On the north, the northbound?
MR. TURRETT: Right. Actually --

MR. JAUQUET: So what's there? What do they have, privacy architecture, privacy landscaping, or is it parking lot, or what's there?

MR. TURRETT: There's nothing, really. I have a dock going down to the creek, and then if you were to jump off the dock and swim, you'd be at the hospital.

MR. JAUQUET: Oh, I see.

MR. TURRETT: That's where it is.

MS. WINGATE: It's the very last property.

MR. JAUQUET: I see now. It's sort of like a -- yeah, crooked.

MR. TURRETT: I had done a FOIL request with DEC, and so I have all the paperwork from -- was it 2002?

CHAIRMAN MC MAHON: Okay.

MR. TURRETT: So I have all those approvals that were done then. I'm not doing anything to the dock, I really am just trying to build a house.

MS. BERRY: You still need a permit from DEC for the house, though.

MR. TURRETT: Yes, I understand. I need a Certificate of No Effect; is that what that's called?

MS. WINGATE: Nonjurisdiction.
MR. TURRETT: Nonjurisdiction. And that, I am in the process of filing that. I have spoken with DEC a number of times, and you can never say that there won't be any problems, but there doesn't seem like there's a particularly high hurdle here.

MS. BERRY: And I agree, I think the house has practically no impact on the Historic District, it's just that it's formally in the District.

MR. TURRETT: Yes, I understand.

MR. JAUQUET: Was there a house there?

MR. TURRETT: There is not a house there.

MR. JAUQUET: Was there ever a house there?

MR. TURRETT: Not at this particular lot. It was divided. It was a house that had the property all the way to the water. And I think that in order to sell the house, they divided the house from the back of the lot.

MR. JAUQUET: Sort of maximized it.

MR. TURRETT: Right.

MR. JAUQUET: Which they should do. So is this a stick-built, or is it going to be modular and trucked in?

MR. TURRETT: No. I was originally thinking modular, but I'm not going to do modular. It's going to be more of a passive house design.
MR. JAUQUET: Because it looks -- yeah, it 
looks like it.

MR. TURRETT: I don't know if that's a 
compliment or not, but --

MR. JAUQUET: No, I don't know. I mean, you 
know, if you look at it, it looked like it was made 
not in a high volume manufacturing situation, trucked 
to the site kind of modular, but one that --

MR. TURRETT: Yeah.

MR. JAUQUET: You know, one of those with, you 
know, energy efficiencies built in, a little more 
expensive. Is there solar?

MR. TURRETT: I was looking at that.

MR. JAUQUET: You were looking at it, yeah.

MR. TURRETT: I was looking at a modular.

MR. JAUQUET: And are there solar panels on 
this thing?

MR. TURRETT: I'm looking into that now in 
terms of a passive house or a zero net energy house. 
I will need solar, but I don't know if I can actually 
afford it at this time.

MR. JAUQUET: Does the Village have solar 
panel --

MS. WINGATE: The Village does --

MR. JAUQUET: Solar panel, you know --

Flynn Stenography & Transcription Service 
(631) 727-1107
MS. WINGATE: The Village does not have net metering.

MR. JAUQUET: No, not that, but just the solar panel --

MR. BURNS: Rules, laws?

MR. JAUQUET: You know, they exist there, people see them, and it's like -- you know, it's there for --

MS. WINGATE: No.

MR. JAUQUET: You know, for the aesthetic, or whatever.

MS. WINGATE: We have nothing on the books.

MR. JAUQUET: Okay. The Village doesn't have this. We don't have a tie-in to electric refunding and that --

MS. WINGATE: No net metering.

MR. DOWLING: No, nothing, so you don't get any of the credits at all for --

MS. WINGATE: So there are -- right, there are no incentives.

MR. TURRETT: Unless you have batteries --

MS. WINGATE: Unless --

MR. TURRETT: -- so you could store it.

MS. WINGATE: Right.

MR. JAUQUET: Yeah, right. Well, that's
what -- yeah, or go to like a 24-volt house.

    MR. TURRETT: Right.

    MR. JAUQUET: Okay.

    MR. TURRETT: And as far as DEC is concerned, the property is above, 10 feet above the flood plain, so it falls out of jurisdiction for that reason alone.

    MR. JAUQUET: You have a statement from them on that? Because that's what I was wondering.

    MR. TURRETT: I'm getting one, but I have a survey. You can see the survey, it's an elevation survey.

    MR. JAUQUET: Does the fact that you're up three steps in your picture, does that -- is that part of the 10 feet?

    MR. TURRETT: No, no. You could see, there's another page of just a survey, I think.

    MR. JAUQUET: Yeah.

    MR. TURRETT: That shows all the elevations. By the water, it's 12 feet, and it gradually goes down.

    MR. JAUQUET: Thank goodness.

    MR. TURRETT: I'm not raising it particularly for the flood issues, I'm raising it so I could get a better view to the harbor.
MR. JAUQUET: Yeah, just wondering.

MR. TURRETT: It's also kind of an upside down house, the living room is upstairs.

MR. JAUQUET: I saw that, yeah. Yeah. So is it a rental, for sale, or you're going to live there, or what's happening?

MR. TURRETT: Presently, I own a house at 522 Bailey Avenue, and that would be -- either I would sell that one or rent that one, but I would move into this one. This is for me. I own a sailboat, and this was a dream and I'm trying to make it work.

CHAIRMAN MC MAHON: Okay.

MR. JAUQUET: So do we get another -- so there's probably going to be another set of elevations when your plans --

MR. TURRETT: Yeah, they're not -- those aren't final.

MR. JAUQUET: Yeah. So there's more of an architectural elevation --

MR. TURRETT: Right.

MR. JAUQUET: -- instead of artists drawing.

MR. TURRETT: Yeah, straight-on elevations, plans, stuff like that.

MR. JAUQUET: And you get to it from Main Street, then, along that easement, I guess.
MR. TURRETT: There's an easement. There's a driveway that's shared by the front house with that property.

MR. JAUQUET: Yeah. So they're -- have letters been sent out to the neighbors yet?

MR. TURRETT: For?

MR. JAUQUET: Do they send out letters to neighbors on these things?

MS. WINGATE: DEC --

MR. JAUQUET: Not -- the Village.

MS. WINGATE: No.

MR. JAUQUET: They don't have to? The neighbors don't get a comment period on these things, do they?

MS. WINGATE: Well, if there's a public hearing, then --

MR. JAUQUET: And there isn't for this?

CHAIRMAN MC MAHON: There will be.

MR. JAUQUET: There will be.

CHAIRMAN MC MAHON: There will be. Yeah, there will be for this.

MR. JAUQUET: Has anybody said anything to you yet, neighbor-wise?

MR. TURRETT: No. I did speak with the neighbor. I spoke to Scott Gonzales and Townsend
Manor, right, he's one neighbor. I know the other
neighbor at the street and I've spoken to them, and I
know the next neighbor to the north.

MR. JAUQUET: They're all friendly so far?
MR. TURRETT: What's that?
MR. JAUQUET: Are they friendly toward you?
MR. TURRETT: They're all -- they're all
friendly, yeah. It's all working okay so far.

MR. JAUQUET: Good, good.

MR. PROKOP: There's a number of -- there's a
number of things that were indicated, 3 through 8 on
Page 2 --

CHAIRMAN MC MAHON: Yes.

MR. PROKOP: -- that are -- have to be shown on
the plans. So the Board needs to decide if you want
to accept the application with those.

CHAIRMAN MC MAHON: Well, I think we should
wait to accept the application, and then once we have
the application, schedule the public hearing. Are
you clear on what else you need to provide to
complete the plans?

MR. TURRETT: Well, based on these things, I am
clear, yes.

CHAIRMAN MC MAHON: Okay.

MR. TURRETT: I don't think there would be an
issue with supplying that information.

    CHAIRMAN MC MAHON: Okay.

    MR. PROKOP: So I would table this until the
next meeting, and then if he provides these things,
then we could accept it.

    CHAIRMAN MC MAHON: Yeah.

    MR. TURRETT: Would you like me to provide them
before your next meeting and --

    CHAIRMAN MC MAHON: Yeah, we would -- well, we
have the -- it won't be on the --

    MS. WINGATE: It won't be until May.

    CHAIRMAN MC MAHON: Yeah, it won't be until May 28th.

    MR. TURRETT: My question would be, is it
possible to provide them, get a provisional approval
for this? I think this is pre-planning, right, right
now?

    MR. DOWLING: Yeah.

    MR. TURRETT: So is it possible to get
provisional approval for what I'm doing and provide
you the information?

    CHAIRMAN MC MAHON: Well, we would need
complete -- a complete plan before we can -- I mean,
if it were one small item, it could be a conditional
approval, but we -- you know, we haven't actually

*Flynn Stenography & Transcription Service*
*(631) 727-1107*
even accepted the application yet.

MR. TURRETT: I see.

CHAIRMAN MC MAHON: And so we need a complete application to accept, and then we can make -- then we can act on it. Then we can --

MR. TURRETT: You're not talking about the building application, or you are? Because I'm a little confused about what the pre-planning is and what the actual application to build the house is.

CHAIRMAN MC MAHON: Well, this is the site plan application. A site plan application is different from the building permit.

MS. WINGATE: Building permit application.

MR. TURRETT: Right.

MS. WINGATE: We don't need to start on a building permit application until you're through here.

MR. TURRETT: I see.

MS. WINGATE: It doesn't mean that you can't -- the day that they approve it, doesn't mean the following day you can't give me a full set of plans for the building permit.

MR. TURRETT: Okay. Okay.

MR. PROKOP: But we're looking for the plan that has -- you know, the paperwork from the DEC.
So, if you have that, you should provide it to us as soon as possible.

And then the other thing is the Numbers 3 through 8 that the Planner has told us. It's a location of the sewer and water lines, things like that. You know, if you could, they have to be indicated on a plan.

So, basically, the pre-plan that you're talking about is basically what the Board, as the Chairman said, what we consider before accepting the application. And then once you get through that process, then we accept the application and you move on and, in this case, to actually a hearing, but we need to have a complete application first.

MR. TURRETT: Got it. Got it. All the services are brought to the -- back into the site already.

CHAIRMAN MC MAHON: Okay.

MR. PROKOP: Good.

MR. TURRETT: And I guess I'll just show where they're connected to the house, right?

CHAIRMAN MC MAHON: Uh-huh.

MR. TURRETT: Okay. Any other questions?

MS. WINGATE: I have a question. Are you going to want to schedule the public hearing for the June
regular session, or the June work session, or the --

CHAIRMAN MC MAHON: The May work -- no.

MS. WINGATE: The May regular session? I don't think we have enough time for that. So we --

CHAIRMAN MC MAHON: The May work session?

MS. WINGATE: May work session?

CHAIRMAN MC MAHON: May work session would be --

MS. WINGATE: Okay.

CHAIRMAN MC MAHON: That's five weeks out.

MS. WINGATE: Is that all right, Joe?

MR. PROKOP: Either the May work session or the June regular meeting, either one. So we could --

MR. DOWLING: Do May, give him -- extend it to May, so that wouldn't give him too long.

CHAIRMAN MC MAHON: Yeah. So let's plan on May, and if we have to postpone it for a little, then we can. But I'd rather try to get it done sooner, rather than later.

MR. DOWLING: Yeah, don't drag it out.

MR. TURRETT: If the DEC Letter of Nonjurisdiction doesn't come in time, is that okay? Is that something that could come later?

MR. PROKOP: Well, then it will be adjourned. We may open it, it will be up to the Board, but it
will be adjourned. It won't be closed without the
DEC information. And then, also, you have to, you
know, clear up the plans. There's a number of --
like I said --
MR. TURRETT: Oh, those things will all be --
I'll take care of all that.
MR. PROKOP: Please.
MR. TURRETT: That's easy for me to do, but the
DEC I have no control over when I get that letter.
MR. PROKOP: Right, okay.
CHAIRMAN MC MAHON: Okay. I'm going to make a
motion that we table this until the -- I guess the
next meeting, if he has the information then, or the
next work session.
MS. WINGATE: The next work session.
CHAIRMAN MC MAHON: Next work session.
MR. PROKOP: Or we could -- we just talked
about -- okay. We just talked about having the
hearing at the --
MS. BERRY: Work session.
MR. PROKOP: The May work session.
CHAIRMAN MC MAHON: The next work session.
Okay. So we'll table it until then.
MR. PROKOP: So we have to set the public
hearing. We have to vote to set the public hearing.
So I think that the vote --

CHAIRMAN MC MAHON: Okay.

MR. PROKOP: Excuse me. The vote would be -- I would recommend that you schedule -- that the public hearing be scheduled for the May work session.

CHAIRMAN MC MAHON: May 20 -- does anyone have the date on it?

MR. TURRETT: Is that a Thursday again?

CHAIRMAN MC MAHON: Yeah. It's the last Thursday of the month, so that would be the 28th.

MS. WINGATE: May 28th.

CHAIRMAN MC MAHON: All right. So I make a motion that we have a public hearing on this for the Historic Preservation -- or considerations to be held on May 28th, the next -- the May work session. Do I have a second?

MR. DOWLING: Second.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.

MR. DOWLING: Aye.

MR. JAQUET: Aye.

CHAIRMAN MC MAHON: Aye.

Okay. And I'm going to make a motion that we table this discussion until that meeting. Do I have a second?
MR. DOWLING: Second.
CHAIRMAN MC MAHON: All in favor?
MR. BURNS: Aye.
MR. DOWLING: Aye.
MR. JAUQUET: Aye.
CHAIRMAN MC MAHON: Aye.
The motion passes. Okay. Thank you very much.
MR. TURRETT: Thank you very much.
MR. BURNS: Good luck.
CHAIRMAN MC MAHON: The second item on the agenda, motion to accept a use evaluation application from Heidi Kelso. Heidi Kelso represents Lido, LLC, and has leased the store front at 132 Main Street. The property is located at 132 Main Street and located in the Commercial Retail District. It is located in the R-1, One Family Residential, District; Suffolk County 1001-2-3-8.02.
Okay. I'm going off the notes we have from Glynis. The SEQRA recommendation is a Type II. The use is permitted use. Work in premises is cosmetic. The applicant is also applying for a sign permit. Proposed activity in the Historic District and would require a full submission of both building and window signs to the Historic Preservation Commission. Note that the placement of the sign is not
consistent with adjacent establishments in the same building. Some coordination might be encouraged.

Also of note, the applicant intends to open May 1st. The applicant cannot start activities until approvals are in place. Penalties may be applied. That is not for us to decide, but is the applicant here?

MS. KELSO: Hi. Do you want me to stand up or sit here?

CHAIRMAN MC MAHON: Does anyone have any comment on the -- if you had -- if there's anything you'd like to say, feel free. Otherwise --

MS. KELSO: Oh, no, I don't think so.

MS. WINGATE: (Nodded yes.)


(Laughter)

No. I think I was -- my possible location was 119 Main Street, so --

MS. WINGATE: Can you state your name?

MS. KELSO: I'm sorry. My name is Heidi Kelso.

CHAIRMAN MC MAHON: Thanks.

MS. KELSO: So I was across the street at 119 Main Street in the old Lucharito second space that they're expanding into. So I'm not sure if you're familiar with the business, but, essentially, I want...
to do the same thing, which is a retail store. We sell clothes, resort wear clothing, that type of clothing, accessories, home furnishings and jewelry. So it's a very similar business. We're just moving across the street to the old Cookery Dock at 132 Main Street.

CHAIRMAN MC MAHON: Okay.

MR. JAUQUET: You're going to have your store open more than it was the Cookery Dock, right?

MS. KELSO: Yes, definitely.

MR. JAUQUET: Okay.

MS. KELSO: Seven days a week.

MR. JAUQUET: Oh, wow.

MS. KELSO: Probably after Memorial weekend.

MR. JAUQUET: Right.

CHAIRMAN MC MAHON: Okay. So, with regards to the signs, you don't have any hanging signs, correct?

MS. KELSO: No. What we thought might be a nice organic look was to do something similar, actually, to what's adjacent to us on the left, which is in the crescent. I guess it's sort of an archway. Just do a hand-painted -- our logo is simple black and white. I'm not sure, can you see it there? I think it's written on one, yeah. So we would just do something in black and white, the logo name and the
shield, probably painted very simple, and that's it.
You know, I think the dimensions, I don't remember them offhand. We wrote them on there, so --

MR. DOWLING: Four-by-two.

MS. KELSO: What's that, Chris?

MR. DOWLING: Four-by-two.

MS. KELSO: Yeah. So it would just fit within that, you know, framework.

CHAIRMAN MC MAHON: Okay.

MR. DOWLING: Have you put in an application of the HPC for a sign?

MS. KELSO: Yes. And I understand in an email I was told it was approved.

CHAIRMAN MC MAHON: Okay.

MR. PROKOP: What was approved?

MS. KELSO: I was told the signage was approved. I received an email.

MS. WINGATE: Historic.

MR. PROKOP: Okay.

CHAIRMAN MC MAHON: Okay. Does anyone have any issues?

MR. DOWLING: No. Should we accept the application?

CHAIRMAN MC MAHON: Any concerns?

MR. JAUQUET: No.
MR. BURNS: Okay.

CHAIRMAN MC MAHON: Okay. I'll make a motion to accept the application. Do I have a second?

MR. BURNS: Second.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.

MR. DOWLING: Aye.

MR. JAUQUET: Aye.

CHAIRMAN MC MAHON: Aye.

The motion passes. And then I guess we'll vote on this at the regular session next week.

MS. WINGATE: (Nodded yes.)

CHAIRMAN MC MAHON: Okay. So we'll vote. I don't see any problems, but we would approve it next week at the regular session, okay?

MS. KELSO: Thank you very much.

CHAIRMAN MC MAHON: Thank you.

MS. KELSO: Thank you.

CHAIRMAN MC MAHON: Okay. Item #3, motion to accept the use evaluation application from Brian Currick. The applicant proposes to operate an instructional and rental flyboard facility in Preston's dock. The property is located at 102 Main Street. It's located in the Waterfront Commercial District; Suffolk County Tax Map 1001-5-4-12.1.
Flyboard application, I'm going to begin with our notes from Glynis. Let me see.

Use Evaluation: The applicant is seeking approval for a seasonal Flyboard rental operation using dock space presented as a Boat Instruction School, a permitted use in the Waterfront Commercial Zoning District Code: 150-11, Subsection, Subsection 12.

The proposed operation is from May 16th to September 27th, Friday to Sunday, 8:30 a.m. to 7 p.m.

Since flyboarding is a new use type for the Board's consideration, there needs to be consideration as to whether or not this is an accepted use under this category.

It certainly is a unique venture.

Okay. SEQRA Recommendation: Type I action, requiring coordinated review and a public hearing, long form EAS, as an interpretation/addition to permitted uses.

Additional submission materials: In order to properly evaluate this proposal, the following materials/input would help inform the decision:

Navigational chart and site plan of docks, Showing operation, location of any structures/storage, even if temporary.

Public right-of-way clearances, 8 foot required
for conditional uses as per 150-11, Subsection C; 1, Subsection c, [1] [g] - recommend using the same clearance.

Show limits of operation on open water, including 300-foot buffer to mean high water -- buffer to mean high water, access sea routes to docks and launches, main sea traffic lanes.

Show water depths in areas of operation.

Two: Additional information on physical aspect of operation:

Provide guidance on when the tent will be removed due to environmental conditions.

Which toilet facilities will be used?

Where will people who are waiting for their turn be accommodated?

How will garbage be handled?

Three, Letter of approval from any owner whose property faces any part of the operation.

Letter of approval from any water use jurisdiction.

More information on the operation: Speed of jet ski, wake expected, which I don't know if it really applies here. It is a unique operation.

Pollution types and extent, oil, air.

Noise levels and type.
Impact on marine life - vegetation, shellfish and finfish.

Impact on water quality, could actually help increase dissolved oxygen.

When would operations be limited by environmental issues? Weather, water quality, etc?

Item #6: Which organization will oversee the safety operation? Please cite the regulations that would apply to the operation.

What is the accident history of this activity? A lot of warnings on what not to do.

Extent of injury?

Why was this location chosen? Other options considered? Could this be operated on the LI Sound?

If the Board decides this is not a permitted use, the applicant would need to go to the Zoning Board of Appeals.

The applicant was proposing three signs. This proposed activity is in a Historic District and would require a full submission to the Historic Preservation Commission.

Suggested outreach in addition to any required notifications: The Harbor Master, Bay Constable, Bay keeper; Town of Southold - Trustees; County - shellfish leasing/other water oversight; New York
State Department of Environmental Conservation.

Request review from Cornell Marine Services and CAC.

Item #12, Impact Assessment Considerations:

Intensity of use. The proposed use is located in an area with a great deal of activity on both land and sea. Of issue is safety, not just to the client, but also to the other users of the dock and our waters. Is the activity boating or swimming? Is this an area suitable for swimming? The waters are near the mouth of Sterling Basin and adjacent to a boat yard. Is the water quality one suitable for personal contact? Is this an area where the chances of conflict/collision are higher, especially as controls are not fully coordinated? Would another location be more appropriate for this use?

Will the proposed action impact on the environmental characteristics that caused the establishment of a Critical Environmental Area? The applicant claims not, but will marine life be affected? Drawn into the water flow, etcetera?

Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

Thirteen: Suggest a demonstration is in order, maybe
just before a public hearing, since we are unfamiliar
with this type of operation. Those were the notes
from Glynis.

I don't know if any of you have any comments,
or if you'd like to speak to any of that or all of
that, preferably. If you could please introduce
yourself for the record.

MR. CURRICK: Yes. My name is Brian Currick.
I ask you for your patience and to keep an open mind
during this.

Before I get into what flyboarding is, I'd like
to tell you a little bit about who I am and who is
going to bring flyboarding to Greenport. I'm 27
years old. I work at Peconic Bay Medical Center as a
Radiologic Technologist, and before that, I worked
for my father's tree business since I was 13. I am a
certified skydiver, scuba diver, motorcyclist, and
now flyboarder. I volunteer for Long Island Today
Breast Cancer with the hospital. I went to Australia
and volunteered for environmental conservation. And
I am licensed in boating with the New York State
Parks and New York State Power Squadron with a jet
ski endorsement.

I am fluent in Spanish, and now I'm a certified
Master Flyboard Instructor.

Flynn Stenography & Transcription Service
(631) 727-1107
Before I explain what flyboarding is, I'd like to show you with a short video, because words don't always get portrayed.

MR. JAUQUET: Wasn't this on the national news recently?

MR. CURRICK: It was in the local news. National, I don't know.

MR. JAUQUET: I don't know. I saw it.

MR. CURRICK: So I'll leave it here, and you guys can pass it down.

MR. JAUQUET: Okay.

MR. CURRICK: Press play.

MR. DOWLING: I've seen it. If you guys want to --

CHAIRMAN MC MAHON: Yeah, I'm familiar with it.

MR. DOWLING: Are you familiar with it?

MR. CURRICK: You're all familiar?

MR. JAUQUET: I am not.

CHAIRMAN MC MAHON: I think Peter and Ben may --

MR. JAUQUET: We're not familiar. What do you press?

(Whereupon, a video presentation was played.)

MR. JAUQUET: This one's hands-free.

MR. CURRICK: Essentially.
CHAIRMAN MC MAHON: So this is -- the power is controlled by you?

MR. CURRICK: Yes.

CHAIRMAN MC MAHON: And the person on the board controls their movement?

MR. CURRICK: Yes.

CHAIRMAN MC MAHON: Okay.

MR. JAUQUET: Moving their legs like that?

CHAIRMAN MC MAHON: By balancing?

MR. JAUQUET: I thought there was a hand-held --

MR. CURRICK: They come with a --

MR. JAUQUET: -- apparatus.

MR. CURRICK: They come with a hand-held attachment, but you don't need those.

MR. JAUQUET: Yes.

MR. CURRICK: So the way it works is the Board hooks into a four-inch hose that hooks into the rear of the jet ski, where the water is -- exits the jet. So the jet -- the hose redirects the water through the hose to the Board. The jet ski loses its power steering, so the jet ski essentially sits still and the person on the board controls everything, where they go.

MR. JAUQUET: So the jet ski gets dragged
along a little bit, doesn't it?

MR. CURRICK: A little bit, but you're staying in the same area.

MR. JAUQUET: Yeah.

MR. CURRICK: So flyboarding was invented four years ago, so it's a fairly new sport.

MR. JAUQUET: Did you see this all?

MR. BURNS: Yeah.

MR. JAUQUET: Did you see this well enough?

MR. BURNS: Yeah.

MR. PROKOP: I did.

MR. BURNS: You want it?

MR. PROKOP: No thanks.

MR. JAUQUET: Sorry to interrupt you.

MR. CURRICK: I don't know how much you guys read of my information. I don't want to --

MR. JAUQUET: Yeah, I read it.

CHAIRMAN MC MAHON: Yeah, I think everyone read the background.

MR. CURRICK: Yeah, I don't want to read through it.

MR. JAUQUET: Yeah, you don't have to.

CHAIRMAN MC MAHON: No, just more of the --

MR. JAUQUET: Unless you want to highlight something.
CHAIRMAN MC MAHON: No. Just the issues that were brought up in the segment I just read.

MR. CURRICK: Right.

CHAIRMAN MC MAHON: If you're going to bring light, shed some light on any of those issues.

MR. CURRICK: Okay. I added to the packet when I got here with a lot of the answers to them. So you want to go one by one?

CHAIRMAN MC MAHON: Okay. This was --

MR. CURRICK: I added maps.

CHAIRMAN MC MAHON: These are the items that were just done?

MR. CURRICK: I added surveys of Preston's Dock to show where I would be set up on the dock and I highlighted them.

CHAIRMAN MC MAHON: Okay.

MR. CURRICK: According to the survey and Andrew Rowsom, that side of the building is completely owned by Preston's, and the dock space is 16 feet wide. So I won't take up more than eight feet on the dock. It's just going to be a small table and a small portable changing room. So the public right-of-way is still maintained.

I have maps showing the water depth. I will be operating in anywhere from 35 to 80 feet of water
where I propose to operate out in the open water.

    CHAIRMAN MC MAHON: Okay.

    MR. CURRICK: Which, being with water that
depth, any shellfish or any fish, service then is
really not there, because the water is so deep. The
service is really on the surface.

And I'll maintain -- according to the Bay
Constable, I need to remain 300 feet off of any hard
surface, which I mapped out on three different maps
that you have.

They also said that they could not supply me
with the Letter of Approval, that is the Village's
job to approve it, that they can just give my word
that they will allow me to operate in the water.

    MR. JAUQUET: Who's "they"?

    MR. CURRICK: The Bay Constable. As long as I
follow the navigational rules, which are 300 feet
off, no wake.

    MR. DOWLING: How far out do the -- because
there is a no-wake zone as well in the harbor.

    MR. CURRICK: Yes, 500 feet for boats. The
boat traffic has to remain 500 feet off any hard
surface for traveling through the channel.

    MR. JAUQUET: So what is the square footage of
your operating area there, is it the hash lines,
then?

MR. CURRICK: It's the hash lines and --
MR. JAUQUET: What do you expect the square
footage of your operating area to be?
MR. DOWLING: You mean, on the water?
MR. JAUQUET: Yeah, on the water, once you get
out 300 feet. Is it a circular --
MR. CURRICK: I don't need more than --
MR. JAUQUET: Circular area?
MR. CURRICK: Yeah.
MR. JAUQUET: Of how much diameter?
MR. CURRICK: Thirty-foot radius, so it's 60
foot diameter, which is the length of my hose.
MR. JAUQUET: Well, that limits the --
MR. CURRICK: Right.
MR. JAUQUET: You know, that limits the
coverage, so to speak.
MR. CURRICK: Right. I can't go anywhere. I
need to --
MR. JAUQUET: Right.
MR. CURRICK: You know, my hose is only 60
feet, so.
MR. JAUQUET: And what did the Bay Constable
say about boat traffic avoiding your location? Is it
buoyed? You know, do you have like, you know, lime
green buoys around where you are so boats don't go through there?

MR. CURRICK: No, because --

MR. JAUQUET: I mean, I don't know how they --

MR. CURRICK: For each person, I'm not going to go to the exact same spot, I'm going to be in the general area. And because boats have to remain 500 feet off the dock space, and I only have to remain 300 feet off, there shouldn't be an issue with anything.

MR. JAUQUET: Well, because, I mean, you know, the way its is --

MR. DOWLING: Boats are allowed to transverse in there.

MR. CURRICK: Right, yes.

MR. DOWLING: So there'd be a wake some -- in 500 feet of the shoreline.

MR. CURRICK: Yeah.

MR. DOWLING: That's New York State.

MR. CURRICK: And me being on the jet ski, I'm not going to have someone operate it if I see a boat coming towards me. I mean, everything is operated at five miles an hour or less, so --

MR. JAUQUET: Because, I mean, that area is all full of boats going to Claudio's, and going this
way and that way.

MR. CURRICK: Yes.

MR. JAUQUET: And there's plenty of jet skis going around there, too.

MR. CURRICK: Right, of course.

MR. JAUQUET: Yours has a -- has a person that's attached to it.

MR. BURNS: I had a question. Why is this appearing before us? Shouldn't it go before the Village Trustees?

MS. WINGATE: I didn't think of that, Ben. Joe?

MR. PROKOP: Well, it's --

MR. JAUQUET: Why do you ask that, Ben? I'm just asking.

MR. BURNS: Well, it's not -- it's not a building, it's not a --

MR. JAUQUET: Because it's a weird -- it's unusual.

MR. BURNS: -- structure, it's not what we normally deal with.

MR. JAUQUET: Right.

MR. BURNS: Or is the sewer line and all sorts of stuff.

MR. JAUQUET: Right.
MR. BURNS: It's an activity.

MR. JAUQUET: Yeah.

MR. DOWLING: And the shore side of it definitely would come in front of us for the site plan.

MR. MOORE: If I could address that. My name is Bill Moore. I'm an attorney for Brian. I told him I'd come down and give him a hand and help answer questions. He's doing a great job. I see --

MR. JAUQUET: Have you tried this before?

MR. MOORE: Pardon?

MR. JAUQUET: Have you tried this yet?

MR. MOORE: Not yet.

MR. CURRICK: Can't wait to, though.

MR. MOORE: Well, I like all kinds of cool things, so it looks really exciting.

You have in your packet the authorization approval from Andrew down at Preston's, and he can use the spot. In an ideal world, having presented what is described here as nothing -- it's really a summer pop-up business operating on the weekends only during the season. It's not going to lead to the issuance of a building permit. So, to answer your question, in an ideal world, we'd be asking you for a waiver of site plan and a blessing.
It was identified at the top of Glynis' comments, at least in her opinion, not to speak for her, but that this is a permitted use within your zoning, Sub-category 12.

MR. BURNS: As far as the dock is concerned?
MR. MOORE: Pardon?
MR. BURNS: As far as the dock is concerned?
MR. MOORE: As far as the dock is concerned, the zoning of that WC Zone District where it's located. So it's permitted that he could do like an instructional type boating school thing.

MR. JAUQUET: Yeah.

MR. MOORE: It's not an awful lot different than the cruise operator down there, I don't believe, that he's been there for 17 or 18 years.

MR. JAUQUET: The what?
MR. MOORE: The cruise line where you have --
MR. CURRICK: Glory Tours
MR. MOORE: Glory Tours. You know, same kind of seasonal operation. I guess his season is longer. But I don't know that that required any kind of site plan. So we're actually really seeking a waiver.

MR. JAUQUET: What does he have to operate, do you know?
MR. MOORE: Pardon?
MR. JAUQUET: What does he have to operate?

MR. MOORE: I have not looked to see. I don't want to open his can of worms, but --

MS. WINGATE: It predates me, I don't know.

MR. JAUQUET: What?

CHAIRMAN MC MAHON: It predates her.

MR. MOORE: Not wanting to be operating and come Monday, someone screaming and shouting, saying, "What's going on down off of Preston's?"

MR. JAUQUET: Yeah.

MR. MOORE: Brian came before the Village and said, Hey, this is what I want to do, what do I do?" That's why we're here, but I don't know if we need to go through a full site plan.

MR. BURNS: Yeah.

MR. JAUQUET: Yeah.

MR. MOORE: The Village Attorney can help navigate that, if that's within the Board's wishes. But, certainly, that would be our desire. To address all these points raised in that memo would have us back here next year.

Brian has done a good job of significant response to a lot of points, but we are talking a relatively -- it's a new action, and we're not familiar with it, but it's not unlike other water
activities, whether it's jet skiing, or wakeboarding, are other types of things. It may be new to us, but it's not triggering the kind of review that I think --

CHAIRMAN MC MAHON: Okay.

MS. BERRY: I think the main issue is whether it's considered boating, or more in line with swimming or some activity where the human body is going in the water.

MR. DOWLING: It's boating.

MS. BERRY: It's definitely --

MR. DOWLING: Yeah, you're navigating --

MS. BERRY: Well, it's --

MR. DOWLING: You're navigating on the water and you're strapped into a mechanical device. That's considered boating, otherwise staffed, so --

MS. BERRY: I mean, it's up to you guys to determine that, and I think that is the big question, is whether you consider that boating or not.

MR. JAUQUET: And the -- don't we have stand-up paddle board vending that -- where they use the bay for that without --

MR. DOWLING: There's no business in the -- in the Village that actually rents them out on using the water, I mean, like launching from the shore.
MR. JAUQUET: Right. The vendee selects their own put-in place after they rent the board on --

MR. DOWLING: Right.

MR. JAUQUET: Right, okay. And the next closest thing --

MR. DOWLING: And there's really no place -- the only place to put in a paddle board and say -- really, is the beach by the ferry dock, which is not a safe place, so.

MR. JAUQUET: Yeah, yeah.

MR. BURNS: My only -- if you brought that to me 30 years ago, I would be happy. But right now --

(Laughter)

MR. CURRICK: You could still come and try it May 16th.

MR. BURNS: I don't know.

MR. CURRICK: It's never too late.

MR. BURNS: But safety is the big thing of mine.

MR. CURRICK: Yes.

MR. JAUQUET: Right, that's --

MR. BURNS: Not just for the participant, but for the numbers of boats that are in that water --

MR. CURRICK: Of course.

MR. BURNS: -- on a Sunday afternoon or a

Flynn Stenography & Transcription Service
(631) 727-1107
Sunday morning --

MR. CURRICK: Of course

MR. BURNS: -- or a Saturday. It's filled with boats and people on paddle boards, and all kinds of things.

MR. CURRICK: And coming from my background, safety is not only second nature, but a priority to me.

MR. BURNS: I understand that, but the person I would turn to would be the Harbor Master and anybody that has a business there. What about the guys who have the sail boats that go out on days, and that sort of -- those are the people that I would be concerned about.

MR. CURRICK: Right

MR. BURNS: And Claudio's especially.

MR. CURRICK: Claudio's was --

MR. JAUQUET: What did they say?

MR. CURRICK: Claudio's was going to host me, like Preston's. The only issue with them is that their restaurant is for sale, so they didn't want to commit anything with that.

MR. JAUQUET: Are they going to be -- they're going to be operating in the summer, Claudio's?

MR. CURRICK: Yes, but they didn't want to tell me yes and have me, you know, commit to their dock
space, and everything, and their restaurant is for
sale.

MR. JAUQUET: Well, what did they say about
the activity itself off from their business? Not
that they own that water, but, you know --

MR. CURRICK: As in if they would like to have
it or --

MR. JAUQUET: Yeah. Well, yeah, maybe I
shouldn't be asking that question.

MR. MOORE: Well, no. My understanding was
actually -- but for their rumors to sell, they
actually contemplated hosting.

MR. CURRICK: Right.

MR. MOORE: So that wouldn't be --

MR. JAUQUET: Because I would think that it
would be a terrific entertainment to anybody sitting
there.

MR. CURRICK: Which is the reason I wanted to
come to Greenport, one of many reasons, but just for
being there and adding to the diversity and the value
to Greenport.

MR. JAUQUET: Yeah, I know. I mean, in
Glynis' comments here, they all seem to me to be
with -- you know, concerned with safety.

MR. DOWLING: Yeah.
MR. JAUQUET: You know, the thing about the marine life, there's so many boats in there already, that I'm not sure one more surface --

MS. BERRY: It actually could do some good if it makes suction.

MR. JAUQUET: Disturbing it. Yeah, you'd be aerating the water. So maybe you should put a filter on there, like an oyster.

MR. DOWLING: My -- I think my first concern when I heard about it was where you're going to be doing it. And I think you have on your map there, you have that Operating Area 1 and Operating Area 2.

MR. JAUQUET: Operating Area 2?

MR. DOWLING: It's on another map.

MR. CURRICK: It's on the bigger, the bigger map.

MR. DOWLING: And I think just from personally, from having -- spending a lot of time in the water, I think Area 2 is going to be a better area for you, because you're more -- you're off of the shipyard and STIDD, where there is far less boat traffic.

MR. CURRICK: Right.

MR. DOWLING: But it's almost out of the line to the end of the jetty to Claudio's dock where boats --
MR. CURRICK: Right.

MR. DOWLING: -- go back and forth. So I think that would be a -- and it's a lot less traffic there, because most people are either coming -- turn to the jetty, going straight into Stirling Harbor, or they're continuing on.

CHAIRMAN MC MAHON: So there is a lot of traffic coming in and out of Stirling Basin.

MR. JAUQUET: There is, yeah. But right --

CHAIRMAN MC MAHON: There's a lot of --

MS. BERRY: It's constant.

MR. JAUQUET: But, right, Area 2, if you -- the west side of Area 2 would have the least, because you're right off from Steve's place.

MR. DOWLING: Yeah. This area is much better, because it's very -- not a lot of people are traversing right there.

MR. CURRICK: And the good thing about what I want to do is I can choose where I go, so -- and which is why I chose two operating areas. If I see traffic is heavy at one moment at one, I go to Number 2 and operate it and I just avoid it.

MR. JAUQUET: Right. Well, then --

MR. DOWLING: I think if you've ever been out there on a Sunday at 4 o'clock, you're probably going
to say, "I'm not operating after 4 o'clock, because that's when you have the parade leaving Claudio's and you don't want to be there.

MR. JAUQUET: And what is the amount of time that a client gets in --

MR. CURRICK: We can do --

MR. JAUQUET: Beginning to end.

MR. CURRICK: -- 20 minute slots, 40 minute slots.

MR. JAUQUET: And that's how you charge, on a time basis?

MR. CURRICK: Yes.

MR. JAUQUET: Once you leave the dock, I guess, or sign them up?

MR. CURRICK: Flight time. Flight time. I won't -- I'm not --

MR. JAUQUET: How many? How long is flight time?

MR. CURRICK: Twenty minutes, 40 minutes, hour.

MR. JAUQUET: Because they got to get out and they fall down --

MR. CURRICK: Right.

MR. JAUQUET: -- and they get up. Okay.

MR. BURNS: I still can't let loose of my first question, because you're operating in Village

Flynn Stenography & Transcription Service
(631) 727-1107
property, that is the water there belongs to the Village.

MR. CURRICK: Yes.

MR. BURNS: Not to this Board. So the Board of Trustees really are responsible for that area, not us.

MR. PROKOP: Well, I think that, you know, the other thing is that we need to have this reviewed for -- since we don't have a Harbor Management Plan that I'm aware of in the LWRP, what we need to do is to have -- to have a recommendation as to whether or not it's consistent with the LWRP, I believe, if I'm not mistaken; do you agree with that? I mean, there has to be some kind of consistency, since all the waterfront is supposed to be regulated by the LWRP. I think that's --

MS. BERRY: I didn't do that search, so.

MR. PROKOP: Yeah.

MR. BURNS: I should think because it's boating.

MS. BERRY: Right, that's a good point.

MR. BURNS: It has as much right there as --

MR. JAUQUET: Yeah, I think so, too.

MR. BURNS: As a --

MR. JAUQUET: And limited operation times.

MR. PROKOP: I think that one of, if you --
just to move ahead, it's here for accepting the
application.

MR. JAQUET: Yeah.

MR. PROKOP: So I think you might consider
accepting the application, but then provide the
applicant with a list of things that he needs to give
us by the next meeting.

CHAIRMAN MC MAHON: Yeah.

MR. PROKOP: And just in general terms.

CHAIRMAN MC MAHON: Okay.

MR. JAQUET: Can you put like a -- like a
100-foot diameter buoy around your operation once you
get out there?

MR. CURRICK: I can put a buoy.

MR. JAQUET: Would that be dangerous?

MR. CURRICK: I could put a buoy, but --

MR. JAQUET: I mean, like a --

MR. DOWLING: Well, at that point, then you
have to -- you have to get permission from the Coast
Guard to do that, and that's --

MR. CURRICK: Right.

MR. DOWLING: That's really nuts, I think.

CHAIRMAN MC MAHON: Yeah. I mean, I think that
would present more of a hazard.

MR. JAQUET: How long is the tether line from

Flynn Stenography & Transcription Service
(631) 727-1107
the ski-doo?

MR. DOWLING: Thirty feet of hose.

MR. CURRICK: The hose, so it's --

MR. JAUQUET: So it's 30 feet.

MR. CURRICK: It's a 60-foot hose.

MR. JAUQUET: Sixty feet.

MR. CURRICK: But the first eight feet to 10 feet is under the jet ski --

MR. JAUQUET: Okay.

MR. CURRICK: -- and close to the front of the jet ski, so it's really 50 feet of free hose.

MR. JAUQUET: And then when it starts going up, it's --

MR. CURRICK: You lose that, you loose the horizontal.

MR. JAUQUET: You lose the diameter.

MR. CURRICK: Right.

MR. JAUQUET: Right.

MR. CURRICK: So I'm really operating in a small area.

MR. JAUQUET: How many do you think -- how many clients a day on a Saturday and a Sunday do you think you'd have? And what are your times of operation?

MR. CURRICK: 8:30 a.m. to 7 p.m.
MR. JAUQUET: Eight to 7?
MR. CURRICK: Well, 8:30 for me, because I have to get there and set everything up.
MR. JAUQUET: Yeah. What's your client turnover?
MR. CURRICK: I wouldn't be in the water until 9:30.
MR. JAUQUET: 9:30 to?
MR. CURRICK: 9:30, 10 to 6.
MR. JAUQUET: To 6.
CHAIRMAN MC MAHON: Also, if you're out there and then you drift outside of the Village waters, is it Southold Town that would then need to get involved with that or --
MR. CURRICK: Which is the Southold Bay Constable.
MR. BURNS: Outside of Village water, I think it's County water.
CHAIRMAN MC MAHON: Is it County water?
MR. PROKOP: We regulate to 1500 feet.
CHAIRMAN MC MAHON: Fifteen hundred feet?
MR. CURRICK: Right, and then it's Shelter Island Bay Constable; Southold Bay Constable and Shelter Island Bay Constable.
MR. DOWLING: I don't believe we actually
regulate the business that happens on the water, unless it's interstate traveler, the ferries, things like that. I don't think the Village can regulate things like that. Like, otherwise, every boat that comes in on a charter we'd have to regulate. I don't believe we do that.

MR. PROKOP: Well, we regulate surface water use, so we can determine what the uses are in the surface water. It's under the New York State Navigation Law. We regulate surface water out to 1500 feet, and there's a constant dialogue between the Towns, the two Towns over where exactly the boundary is. Generally, it's halfway, considered to be. And I guess parts of it might be -- even be the Village of Dering Harbor might be involved.

CHAIRMAN MC MAHON: Okay. So --

MS. BERRY: And it's kind of similar to when you have a beach. You know, to me --

MR. JAUQUET: Say that again.

MS. BERRY: It's sort of similar to when you have a beach and you decide swimming is allowed here, surfing is allowed here, boating is allowed there. To me, it's like this graduation of going from swimming to boating, and you're kind of like right in the middle there for me. So people do regulate where
you're allowed to do which kind of activity, in fact.

MR. JAQUET: Then why did you choose --

MR. DOWLING: But we allow boating and boating instruction in the waters.

MS. BERRY: Pardon?

MR. DOWLING: We allow boating and boating instruction, right, because that's in the code?

MS. BERRY: Well, that's why I'm saying.

MR. JAQUET: Yeah, it is sort of like that.

MS. BERRY: I think the key to this is whether you think this is boating or not. To me, that's the crux of the issue.

I do have one question about safety. Somebody sent in an article, and in Maryland they introduced regulations for it, and they did talk about having a neck brace in that and requiring that. Do you know anything about that?

MR. CURRICK: I haven't heard that, unless it's a recent thing. But I have everything required by the insurance company, and I want to be as safe as possible, so I will do what's necessary and what is required. So I have the life jackets that are approved by the Coast Guard, the boards float. I have wet suits so everyone will be covered, all their open skin is covered, and I have a helmet, and I
require all that.

MR. JAUQUET: Did you ever consider operating this off a beach area? Like, you know, Glynis was suggesting swimming, boarding and then this. I mean, I don't know.

MR. DOWLING: I would assume that since it is a -- you know, he can't operate in shallow water, because --

MR. JAUQUET: Well, you drive out.

MR. DOWLING: And also, it's a jet ski, so it's a water pump, basically. So you're in shallow water, you suck up a lot of sediment, and it's not good for the jet ski, either. So you need to be in deep water with these things.

MR. MOORE: And we're also in the business, as opposed to using someone privately. I asked if there was a hotel or somebody he could link up with, and could easily blend this into a recreational accessory summer --

MR. JAUQUET: Adjunct.

MR. MOORE: -- activities to the hotel, but it wasn't -- that wasn't suitable, and he already worked out with Andrew the dock location. And it really is in one sense very similar to a sailing school or a cruise that goes out there, so this is one more type
of water use out there.

And as Brian said, there are differences in the distances for activities, jet ski at 300 feet and boating 500. You're right, boats transverse, but at a very low speed.

If there's information that you'd like from us, LWRP consistency, we can work on getting that to you. But we're hoping at some point --

(Firehouse Siren Sounded)

MR. PROKOP: You know, the Harbor Master is the main piece.

CHAIRMAN MC MAHON: Yeah.

MR. MOORE: Okay.

MS. WINGATE: Joe, we don't have a Harbor Master.

MR. PROKOP: Or Marina Manager.

MS. WINGATE: Okay.

CHAIRMAN MC MAHON: Okay. Yeah. I mean, this is something a bit out of our depth the way it is. So perhaps we can try to move this along by --

MR. JAUQUET: What else -- who else would weigh in on this, then?

CHAIRMAN MC MAHON: Yeah, I think we should get a list here of who we need to confer with. If we don't have a Harbor Master, then --
MR. PROKOP: Well, no, it would be the Marina -- well, then it would be the Trustees. But what about the CAC, can we --

MS. WINGATE: We could ask them.

MR. PROKOP: I would ask the CAC, get a recommendation from the CAC.

CHAIRMAN MC MAHON: Okay. Coming from us or coming from the applicant?

MR. PROKOP: Well, they go to CAC.

MR. DOWLING: Can we ask right now?

MS. WINGATE: They're here.

MR. JAUQUET: I mean, when do we give our recommendation? I mean, we have an opinion as a Board.

CHAIRMAN MC MAHON: Yeah.

MR. DOWLING: Just wondering if the CAC has any opinion on this. We know you got opinions.

MR. SALADINO: You're looking for an elaborate solution to a nonexistent problem. Can you really -- we would have to discuss it, David and I and the rest of the CAC members.

MR. JAUQUET: Yeah.

MR. SALADINO: But we don't know if you -- if once he goes out onto the water, if he's fishing, if he's flyboarding, if he's just sightseeing.
MR. JAUQUET: I know.

MR. SALADINO: Aside from what's happening on Preston's dock, I'm not sure if you guys should even be involved.

CHAIRMAN MC MAHON: Yeah, I mean, I sort of agree. I'm trying to determine that, because it is a different sort of an operation.

MR. SALADINO: Well, we're not privileged to what's happening on the docks, so we don't know. You know, he said a small building and we --


MR. MOORE: A pop-up.

MR. JAUQUET: I mean, are you suggesting some --

MR. MOORE: The closest thing I have as an example for you is out of -- I believe it's out of Goldsmith's, operates a water sports -- couple of guys where they take -- teach them how to wakeboard and surf, waterski and things like that. So, obviously, the boat comes into the marina, ties up, operates their business there, and is advertising, come learn how to wakeboard, come learn how to waterski from the marina.

MR. DOWLING: Operate out of Preston's dock.

MR. MOORE: Right.
MR. JAUQUET: But are you -- just in your
comments so far, are you suggesting that someone else
should be weighing in on this and not us?

MR. DOWLING: I think they're saying nobody
should.

MR. JAUQUET: Nobody should, okay. I just --
MR. SALADINO: I don't think there should be a
lot of weighing.


MR. MOORE: That's why I'm back to we're
showing you the very limited -- I can't call it site
improvements. It's a pop-up vendor's tent, and a
dock box, and a portable shower, or changing room,
rather.

MR. JAUQUET: And when are you trying to
start?

MR. CURRICK: In two weeks.

MS. BERRY: Could I make a recommendation? I
think you need to decide if that's an accepted use or
not, because then it would be a permitted use.

MR. JAUQUET: Right.

MS. BERRY: You know, to me, that's the crux of
the matter.

MR. JAUQUET: Right.

MS. BERRY: So that would totally change how
you deal with the application, and then it's up to you whether you want to hear it or not, depending on what that decision is, and which coordination you want.

MR. JAUQUET: Does the Village have liability on a thing like this if someone gets killed. Huh?

MR. PROKOP: I wouldn't say that at a public meeting.

(Laughter)

MR. DOWLING: He carries all the insurance.

MR. JAUQUET: I know, but it's --

MR. PROKOP: If you want to, call me tomorrow, I'll tell you.

(Laughter)

So what, do we accept the --

MR. DOWLING: So as far as the, I mean --

MS. BERRY: Boating school -- I'm sorry.

MR. DOWLING: Are we in agreement, that it's a boating instruction school? Do we all think --

MR. JAUQUET: Yeah.

CHAIRMAN MC MAHON: I think it's boating instruction, that's my --

MR. DOWLING: So do I. I mean, you're connected to a boat and getting lessons.

MR. JAUQUET: Yeah. I mean, it's a --
CHAIRMAN MC MAHON: Boating instruction.

MR. JAUQUET: It's a waterfront use.

CHAIRMAN MC MAHON: Whether or not there are any concerns with the Harbor Master or any of that other stuff is not --

MR. DOWLING: Did the Coast Guard consider -- I mean, must consider the fly board be part of that vessel, the jet ski, right?

MR. CURRICK: Yes.

MR. DOWLING: So it's a boat.

CHAIRMAN MC MAHON: Well, I would consider boating instruction is a permitted under the --

MR. JAUQUET: Yeah.

MS. BERRY: Okay. So that changes the whole tenor --

MR. JAUQUET: Yeah, right.

MS. BERRY: -- of the application.

MR. JAUQUET: Or it would at least establish the gray area as not a gray area anymore.

CHAIRMAN MC MAHON: All right. Well, if it's a permitted use, then where we --

MR. JAUQUET: Do we have to vote on that?

MR. DOWLING: I think we could accept the application.

MS. BERRY: Accept the application.
CHAIRMAN MC MAHON: Well, I guess.

MR. JAUQUET: By accepting the application, we accept it as a permitted use?

MS. BERRY: No. Well, I think you determine which SEQRA category, because that will determine -- and then you have to determine if you want a hearing or not, right?

MR. PROKOP: Yes.

CHAIRMAN MC MAHON: Okay.

MS. BERRY: So I would just take it step by step. If you consider it a permitted use, then what kind of action do we want to take? And then you have the option of -- depending on what your answer is, you have an option of if you want a hearing or not. I would just take it one by one and go down.

MR. BURNS: I just get a feeling we're getting more complicated than we really need to be, more --

MS. BERRY: If you say it's a permitted use, it makes it much simpler.

MR. JAUQUET: Yeah, it makes it much simpler.

MR. PROKOP: The problem is there's a piece of this that is not before the Board and we need somebody else's --

MR. JAUQUET: What?

MR. PROKOP: We need somebody else's
recommendation on it. I just --

MR. JAUQUET: On what? A recommendation, what other --

MR. PROKOP: On the water use. It's a component of the application, and we don't -- I think I would be hesitant to take action on the dock piece without having somebody look at the water piece.

MR. DOWLING: We just got to figure out who would we have look at it? I mean, we don't have a Harbor Master.

CHAIRMAN MC MAHON: So it would be the Trustees?

MR. DOWLING: The CAC has an unofficial shrug at us.

MR. JAUQUET: Well, they have an opinion.

MR. DOWLING: Yeah, but --

MR. JAUQUET: And, you know, I think that's a good place to go.

MR. PROKOP: You know, I think what we should do is accept the application --

MR. JAUQUET: Yeah.

MR. PROKOP: -- and put it on for the next meeting, and then we'll make a -- if I think that -- I have to review it and I'll make a recommendation if I think that there's anything else involved.
MR. DOWLING: Okay.

MR. JAUQUET: So we can't --

MR. PROKOP: We're not going to solve that problem tonight.

MR. DOWLING: Okay.

MR. PROKOP: Excuse me, that question.

MR. JAUQUET: What about accepting?

CHAIRMAN MC MAHON: Okay. Is there anything else that we would like to --

MR. JAUQUET: I don't have anymore questions.

CHAIRMAN MC MAHON: -- have the applicant provide to us with, or is everything else going to be after us, you know, get a recommendation from Joe and whether or not we have to have approval from another agency, or someone else that has jurisdiction here? Is there anything else in addition to that? That seems to be the main sticking point --

MR. DOWLING: Not me.

CHAIRMAN MC MAHON: -- to whether or not we need the involvement of another jurisdiction; anyone?

MR. JAUQUET: I don't think we do. I don't think we, you know -- so what are we going to do next time?

CHAIRMAN MC MAHON: So, if we see it as a permitted use, then we're going to accept the
application and we'll get a recommendation from the Attorney with regards to whether or not we need to have -- you know, have a recommendation from any other jurisdiction. If there's -- if they have any input, we'll -- we can address it at the next meeting.

MR. PROKOP: It would go on our agenda for next week.

CHAIRMAN MC MAHON: Yeah. Okay. So I'm going to motion that we accept the application. We are going to get a recommendation from the Village Attorney as to whether or not we need to involve any other jurisdiction, and we will discuss it again at the next meeting, which is next Thursday.

MR. CURRICK: Next Thursday.

MR. MOORE: Very good.

CHAIRMAN MC MAHON: Okay?

MR. MOORE: Thank you.

MR. CURRICK: Thank you.

CHAIRMAN MC MAHON: All right. Well, actually, I made the motion. Do I have a second?

MR. BURNS: Second.

CHAIRMAN MC MAHON: Second. All in favor?

MR. BURNS: Aye.

MR. DOWLING: Aye.
MR. JAUQUET: Aye.
MR. CURRICK: Thank you.
MR. MOORE: Thank you very much.
CHAIRMAN MC MAHON: Thank you. Item #4, motion to accept the use evaluation application from Beth Pike. Beth Pike represents Finns, LLC, doing business as Deep Water Bar and Grille. Beth Pike has leased 47 Front Street, formerly BBQ Bill's, and proposes to use the existing restaurant as it was approved by the Zoning Board of Appeals per the approval dated 9/28/2005, and the Planning Board per the approval dated 10/6/2005, and amended on 5/13/2009. The restaurant is located in the Waterfront Commercial District; Suffolk County Tax Map 1001-5-.4-19.

MR. DOWLING: Hello.
MS. PIKE: Hello.
MR. DOWLING: Hey there.
MS. PIKE: Hi, hi, hi. I'm Beth Pike. I applied for the opening of the restaurant, which was formerly BBQ Bill's. I didn't know what to expect today, so I'll try to do the best I can.
I was unsure of the proper procedure, and when I went into the Town, I was advised on, you know,
this process, and that I had to come in front of the Board. I didn't know that it was necessary, because it had been a restaurant. So I did not purchase that business. This is a new business separate from what it was. I plan on opening, you know, as soon as I can with all the situations that are going on.

And a little bit about me: I have been in the business for a very long time, 39 years. I formerly worked in Claudio's for 18 years as a bartender. I have left there, I retired last year, and this kind of came about.

I am a nurse, I run a home care agency, and I'm also a realtor in the area. I'm leaving nursing, 22 years, and I am doing this full time. So it is my goal, it's my dream to do this. I, you know, needed the guidance and direction, because I don't know the process. So I'm here to seek the approval to open up as soon as possible and have you tell me what I need to do.

CHAIRMAN MC MAHON: Okay. I'm going to go through just some of the recommendations from Glynis, our Consultant, and then we can -- if there's anything you can add onto, some of it we'll need to discuss amongst ourselves.

Use Evaluation: The applicant is seeking
approval for use as a restaurant. The use is a conditional use. Of issue is whether or not this is considered a conforming use, as a permit was already issued for a restaurant for this property.

The site's use as a restaurant has already been approved for the prior tenant. 150-29(D) reads, "Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted."

A restaurant is a conditional use, but since a conditional use permit has already been issued, is the use for this building considered conforming, and therefore not required to have a hearing, unless the Board stimulates it?

An increase in intensity or square footage is not proposed. So the issue is: Is this a conditional use normally yes, or just a use evaluation? Must the use be continuous for the conformance to apply?

As per 150-29(D), the Planning Board has the right to require renewal of the permit.

SEQRA Recommendation is Unlisted Action.

Flynn Stenography & Transcription Service
(631) 727-1107
Sign: No sign application has been made at this time. Before the installation of any signs, the applicant needs to apply to the Historic Preservation Commission.

Site Plan: While the application indicates intent to renovate the property entirely, the extent of the renovation does not appear to vary much from the existing establishment and should be clarified. If the renovation costs are more than 50% of the property value, the building must meet the new fire code, existing building code, and accessibility requirements.

Plan change: If the renovations were minor, which appears to be the case, a clear space of 60 inches in diameter sphere is needed at the top of the entry ramp. I believe that's at the front door. This may preclude use of the screen. I believe that's at the hostess station.

MS. PIKE: Right.

CHAIRMAN MC MAHON: If the renovations were extensive, full compliance with accessibility codes is required.

So the first issue would be the conforming use and whether or not the prior approval for the use still applies, because it was a different site plan,
it was a different business. Any thoughts?

    MR. BURNS: How much are you going to change
the interior, how much renovation?

    MS. PIKE: The interior? No, it's the same
exact layout. The way it was was the way it can only
be due to -- it's like a narrow lot home. It's a
narrow structure, so you really can't do much to it.

    MR. JAUQUET: What are going to do to it,
then?

    MS. PIKE: It's skinny

    MR. JAUQUET: You're going to -- it's just the
finishes you're going to renovate?

    MS. PIKE: Oh, yeah, yeah.

    MR. JAUQUET: What does that consist of?

    MS. PIKE: Painting.

    MR. JAUQUET: The walls?

    MS. PIKE: Right, painting.

    MR. JAUQUET: Ceiling? Well, the ceiling is
probably acoustic tile.

    MS. PIKE: No, the ceiling is sheetrock.

    MR. JAUQUET: Sheetrock?

    MS. PIKE: Yeah. A lot of painting, a lot of
repairing, and, you know, new --

    MR. DOWLING: So cosmetic mainly?

    MS. PIKE: Cosmetics.
MR. DOWLING: Any construction at all or --
MS. PIKE: I'm adding a -- two of these.
MR. DOWLING: Hostess.
MS. PIKE: Two hostess stands. I'm just -- 
there was also one upstairs that didn't look like it
had been on the original application or the original
survey, or whatever, but it was there. It was eight
feet. I just -- like a service station --
MR. JAUQUET: Oh, right.
MS. PIKE: -- at the top of the stairs. That's
all, you know. Like I sanded the floors, I stained
the floors, things like that, and I'm putting in only
like a small one, like a four-foot one on --
MR. JAUQUET: Oh, so you're removing the one
that's there and putting a smaller one in?
MS. PIKE: The one that -- the whole -- that
one was sold. He had like an auction.
MR. JAUQUET: Oh, I see, it's a restaurant
equipment piece.
MR. DOWLING: So what are -- are you going to
have built-ins, or they're just something --
MS. PIKE: No.
MR. DOWLING: Okay.
MS. PIKE: It's movable.
MR. JAUQUET: It's like restaurant equipment.
MS. PIKE: It's a kitchen island.

MR. JAUQUET: Yeah, yeah.

MS. PIKE: That's what I'll put there.

MR. JAUQUET: Commercial.

MS. PIKE: With a stainless steel top, just to house --

MR. JAUQUET: The plumbing, the plumbing is all there?

MS. PIKE: No plumbing.

MR. JAUQUET: Oh, there's no plumbing there?

MS. PIKE: No, no. It's just to house like the silverware, the plates, the napkins, those --

MR. DOWLING: So, basically, you're not altering the building. This just building a little cart. But you're not altering the building.

MS. PIKE: I haven't changed the floor plan at all.

MR. JAUQUET: Yeah.

MR. DOWLING: The one thing I know that is -- was a problem with this place, under the front awning, there are speakers mounted outside. Those have to go --

MS. PIKE: Oh.

MR. DOWLING: -- because you're not allowed to have outside music.
MS. PIKE: Oh.

MR. DOWLING: Those have to be removed. They kind of tried to hide them, but had them on, so those have to --

MR. JAUQUET: We're trying to get rid of -- we're trying to get rid of this music piped into the street from the stores on Front Street.

MS. PIKE: I have no problem with that.

MR. JAUQUET: Okay, good.

MR. PROKOP: Well, that's what the last person said and we've listened to them for 10 years.

MS. PIKE: No, I'm not the last person there.

MR. DOWLING: But they're literally hidden under the canvas, so they're there.

MS. PIKE: I'm the new person, and I don't, you know --

MR. JAUQUET: So no piped music, no outdoor speakers.

MS. PIKE: No bands.

MR. JAUQUET: Well, no outdoor speakers, because it was very annoying and no one took them out.

MS. PIKE: I have no problem with that. If you have driven by, all the, I'm going to say, red awnings are gone, and I'm not -- I'm only putting

Flynn Stenography & Transcription Service
(631) 727-1107
three back. There's not -- with all that writing and all that stuff, that's all gone.

MR. JAUQUET: And there was outdoor seating along the west wall, wasn't there, in the parking -- was there seating there?

MR. DOWLING: No.

MS. PIKE: That's only permitted with the two times the street are closed, that's what I was told, and I have to go for a permit to do that.

MR. JAUQUET: Oh, that's when I've seen it, okay.

MS. PIKE: Yeah, that's July 4th and Maritime Fest.

MR. JAUQUET: You can put outdoor seating along --

MS. PIKE: That's what it says.

MR. JAUQUET: Along the alley. Okay.

MS. PIKE: Yeah.

MR. JAUQUET: I was asking to see how things were going to operate.

MS. PIKE: No. That's where the motorcycles park.

MR. PROKOP: Have you looked at the approval that the last person got?

MS. PIKE: Did I look at what?
MR. PROKOP: The approval that the last person received.

MS. PIKE: Did I look at it?

MR. PROKOP: Yeah.

MS. PIKE: I saw the information of -- that I got from the Town.

MR. PROKOP: Okay, because there's a couple of things about that, so --

MS. PIKE: Or the Village.

MR. PROKOP: I think the second floor, if I'm mistaken, and please correct me if I am, I think the second floor is supposed to be only used as a waiting area for the first floor.

MS. WINGATE: (Shook head no.)

MR. PROKOP: No? The second thing is I think there was an issue with the railing for the stairway, where it had to be cut back in order to meet the fire code, if I'm not mistaken. So I would just be careful about -- with these things, these stations you're talking about. Where the stairway comes down into the first floor, that had to be cut back in order to provide the access that's required by the Fire Code, if I'm not mistaken. And so just be careful, don't put another structure there. I know there's a little bit of room now, but it's meant to
be there for the Fire Code, so just be careful about that.

MR. JAUQUET: So maybe that's why one is not there, because there's nothing there now. Is there up at the top of the stairs? Oh, there is. They're taking one out.

MS. PIKE: When you come up, you kind of walk up, and you hit a wall, and you go this way, and you go this way, and you go out.

MS. WINGATE: Okay, I got that.

MS. PIKE: And it was -- it was --

MR. JAUQUET: They had it there. They had an eight-foot one there, and now you're putting a four-foot one there.

MS. PIKE: Movable --

MR. JAUQUET: Moveable.

MS. PIKE: -- four-foot one, a kitchen island.

MR. JAUQUET: And Joe was saying that that may not be possible.

MS. WINGATE: No. We're talking about two different areas of the restaurant. Joe is right, that we had -- they had increased their reach on the bar area, and it intruded onto the egress, so we made them cut it back. But that was at the head of the stairs, in the outside stairs.
MS. PIKE: Oh.

MS. WINGATE: You're talking about the top of the stairs and the interior stairs.

MS. PIKE: Right, correct.

MS. WINGATE: So we're talking about two different places. But you're not changing your bar, because the way your bar is --

MS. PIKE: Nothing is changed.

MS. WINGATE: Okay.

MS. PIKE: Everything is exact. And I did not know what was the previous issues. I only know that when I went in and met with the Village --

MS. WINGATE: We went over the old stuff pretty thoroughly.

MS. PIKE: I did very -- yes, but I didn't know the original issues.

MS. WINGATE: Right.

MS. PIKE: I only knew the current issues.

MS. WINGATE: Right.

CHAIRMAN MC MAHON: Okay.

MR. DOWLING: Where's garbage stored?

MS. PIKE: Okay. The garbage, I hired Mattituck Environmental now, and they're going to come twice a week, and three times a week when we have excessive weeks. It is stored in that alcove.
out back, which is on the Village -- on the private property of -- that's part of the leased property, and it's got the metal fence.

MS. WINGATE: It's got a chain link gate.

MR. JAUQUET: Yeah.

MS. PIKE: Gate. And I did also -- there was an issue there that I noticed, was when I took over the property, that the birds -- okay. So there's a garbage issue, as everyone around has in the very busy times, but what I did is I added netting up top also because of --

MR. DOWLING: Seagulls?

MS. PIKE: The birds were going in there and they were creating an issue with that, and I couldn't -- so all I did was add fishing netting, so that it didn't change the structure at all, but I did add that, so that the netting prevents the birds from going in and out. And it's only like an inch, and it's black and you can't see it. And the other part has the same white slats in the fence, so you can't see is the garbage cans.

MR. DOWLING: Okay. And is there outdoor lighting as well on the structure?

MS. PIKE: There is outdoor lighting, yes. What do I -- the same exact lights that were there,
that came around the building, that were -- most of them were broken, have been replaced, but not moved. Just one taken off, new one put back exactly the same. And out back, there's an exterior flood light that I noticed. There's no other -- there's no other lights, just the lights on the building and one exterior floodlight.

MS. WINGATE: The floodlight was for security, when late at night people -- it was good to have a light in the circle for people getting to their cars. The other exterior lighting, I could look into it, but I believe it was on the final site plan that was approved.

MR. DOWLING: Okay.

MS. WINGATE: Keep the light bulb numbers down.

MS. PIKE: I used energy efficient bulbs, and I didn't change -- like I didn't add anything, I just made it clean and pretty and new, you know.

And my kids bought me a banner, and I didn't know until today, when I read an email, about the sign permit. For some reason, I thought that was today that I was applying for it. But they hung a banner last Saturday when they were there, so I'm -- I don't know if I need to take that down now. Is a banner a sign? I don't know.
MS. WINGATE: A banner is a sign. Is it a permanent banner?

MS. PIKE: No, it's a flop -- you know, it's just --

MR. JAUQUET: What does it say?

MS. PIKE: It ties on.

MS. WINGATE: What does it say?

MS. PIKE: It says, "Coming Soon".

MS. WINGATE: Okay. So when you're there, you'll take it down, right?

MS. PIKE: Yes.

MS. WINGATE: So you could be coming soon for 30 days, how's that?

(Laughter)

MS. PIKE: Maybe take me more than 30 days to open. No, it better not.

MS. WINGATE: I think that is the way the code reads.

MS. PIKE: Okay.

MS. WINGATE: If there's a temporary sign, grand opening.

MS. PIKE: I didn't know until today, though, and then I'm thinking, oh, my goodness, I did add the banner. They put it up last Saturday, and I was like, is that -- did I make a mistake? Is a sign
separate? Because I'm -- like I said, I'm new at this. Is a sign separate from the awning with the name on it? Is the name on it, that's the sign?

CHAIRMAN MC MAHON: That's part of the sign, yeah.

MR. DOWLING: Part of the sign, yeah.

MS. PIKE: That's part of the sign?

MR. DOWLING: So that's the signage, yeah.

CHAIRMAN MC MAHON: Yeah, especially if it comes out over the sidewalk.

MS. PIKE: Yes.

CHAIRMAN MC MAHON: You need to have -- show us exactly what that's going to look like. That needs to be part of the application, the dimensions of it, and a mock-up of what it would look like. So for the awnings, you know, any of the lettering on the awnings, and if you're going to have additional signs that are outside.

MS. PIKE: No.

CHAIRMAN MC MAHON: No? Okay.

MR. BURNS: And it also has to go before the Historic Preservation.

MS. WINGATE: Actually, that's a -- that's a mistake. That does not, unless you guys want it to.

MR. DOWLING: It's not Historic District?
MS. WINGATE: No, it's not Historic District.
MS. BERRY: Sorry.
MS. WINGATE: It's you guys, but Beth could come back with her sign package when she -- when I sat down with Beth, she didn't really -- wasn't focused on the signage.
MR. DOWLING: Right.
MR. JAUQUET: Right.
MS. WINGATE: It was about -- you were still cleaning.
MS. PIKE: A lot of other things. But, so the awnings that -- I didn't realize that was a sign as well. The awnings that I ordered -- the awnings that are currently gone, I ordered the front lower, the upper and the side, that was it. I ordered it. And I came today and the one in the back is up. So I called Mills and I said I'm going to this -- I think I made a mistake, because I didn't realize the process. Do I -- because the awnings were there already, do I have to go for a permit to replace the dirty awnings?
CHAIRMAN MC MAHON: Well, you wouldn't be getting a permit to do that. It's part of the site plan, is any of the signage that's included. So it's the -- the aesthetics of the building is part of the
site plan. So it will be part of your application. It's not a separate issue, it's not something else, it's just -- it's part of the packet that needs to be looked at.

MR. DOWLING: When you ordered from Mills, did they give you a little mock-up of what it's going to look like at all?

MS. PIKE: It's on my phone.

MR. DOWLING: Okay. Well, if you could just get a copy of that, that's got to be part of the application, showing what it's going to look like.

MS. PIKE: Okay.

MR. JAUQUET: Yeah, from the front and the west side.

MS. PIKE: It's just basically that awning, and there's a bottom, and there's a name.

MR. DOWLING: Great. So just a mock-up or a picture of it, have it part of the application. Get it to Eileen --

MS. PIKE: Okay.

MR. DOWLING: -- as soon as you can, and that way it's part of the application.

MR. PROKOP: I think it's a separate application.

MR. DOWLING: Is it? Eileen, would that be?
CHAIRMAN MC MAHON: For what?

MR. PROKOP: The sign.

MS. BERRY: It doesn't need to hold up her site plan.

MR. PROKOP: That's what I'm saying, it should be a separate application.

MR. DOWLING: Okay.

CHAIRMAN MC MAHON: All right. The one other issue that we didn't resolve is whether or not -- if this is Waterfront Commercial, and this is a conditional use that was approved prior, we would then need to -- if it needs to be -- the renewal of the conditional use permit would need to be renewed for this site plan. Generally, I believe any conditional use in the Waterfront Commercial District requires a public hearing. There was one on the prior property, so we just need to make a determination, I think among us, or if Joe has any legal --

MR. PROKOP: How long have they been out of there?

CHAIRMAN MC MAHON: -- counsel?

MR. PROKOP: Excuse me. How long have they been out of there?

MS. PIKE: February 28th.
MR. PROKOP: Of this year?
MS. PIKE: Uh-huh.
MR. PROKOP: Okay. And there's no change in
the use, you're not going to change it at all?
MS. PIKE: No.
MR. PROKOP: So I think it's probably okay to
let it go without a hearing.
CHAIRMAN MC MAHON: Without the hearing. So it
is the same use, no increase in intensive use or
anything else. In all intents and purposes, other
than the name, the same use that was approved prior,
correct?
MR. PROKOP: Right.
CHAIRMAN MC MAHON: Okay. All right. So then
do we have to make a motion to approve the
conditional use tonight?
MR. PROKOP: No. It's a motion to accept and
we'll have it on the agenda for next week, and then
we would consider it for approval.
CHAIRMAN MC MAHON: Okay. So are we missing --
what else? Are we missing anything else from the
site plan here? We need indications of -- there is
the sheet seating chart. Do we have a -- anything
that's indicating where the garbage is going to be
stored on the plans?
MS. BERRY: Yeah, that's on the plans.
CHAIRMAN MC MAHON: It's on the plans?
MS. BERRY: Yes.
CHAIRMAN MC MAHON: Okay.
MS. BERRY: I think the only thing is in your entry, you were proposing that screen.
MS. PIKE: Yes.
MS. BERRY: And I think you would need to make sure you allow 60 inches.
MS. PIKE: Right, and I was aware of that.
MS. BERRY: Okay.
MS. PIKE: And I haven't done that yet.
MS. BERRY: Okay.
MS. PIKE: I haven't done anything yet.
MS. BERRY: That's the only thing I could see.
MS. PIKE: That's adding the podiums and --
MS. BERRY: Okay.
MR. PROKOP: I think she should show us where these two -- whatever she was talking about, islands or service stations, or whatever.
MR. DOWLING: It's on the site plan.
MR. PROKOP: It's on there?
MR. DOWLING: Yeah.
MR. PROKOP: Okay. I'm sorry. I don't have any other comments.
CHAIRMAN MC MAHON: Does anyone else have any comments or questions?

MR. DOWLING: No

CHAIRMAN MC MAHON: Okay. I'm going to make a motion that we accept the site -- accept the application, and we'll put it on the agenda for next week.

MR. BURNS: Second.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.

CHAIRMAN MC MAHON: Aye. Yes, no?

MR. DOWLING: Aye.

MR. JAUQUET: Yeah, aye.

CHAIRMAN MC MAHON: All right. The motion is -- so we'll see you next week.

MS. PIKE: Okay. So I have to come back here next week?

MR. DOWLING: Yeah, because we just accepted the application and next week we can approve it.

MS. PIKE: Okay. Is it the same time and same day?

CHAIRMAN MC MAHON: Yup.

MS. PIKE: Okay.

CHAIRMAN MC MAHON: That works.

MS. PIKE: I'm sorry. Thank you.
Work Session 4/30/15

CHAIRMAN MC MAHON: Thank you.

MR. DOWLING: You just need to follow up with Eileen about the sign application.

MS. WINGATE: Or just stop in --

MS. PIKE: I'll stop in tomorrow.

MS. WINGATE: -- for the sign.

CHAIRMAN MC MAHON: Okay, great. Okay.

Item #5, Pre-submission conference for Robert Brown, Architect. Robert Brown represents owner, Mayland Shannon, LLC, and is before the Board to discuss proposed uses and development of the site located at the corner of Front and Third Streets. The pre-submission package contains a preliminary site plan and elevations of the proposed building. The project as proposed will require several variance and the proposed uses are not approved for the Waterfront Commercial District, but are listed as conditional uses.

We don't have the tax map number. This is the empty lot at the corner of Front and Third Street.


CHAIRMAN MC MAHON: Hello.

MR. BROWN: For Ralph, and Carmela and Chris Constantino.

Flynn Stenography & Transcription Service
(631) 727-1107
First of all, I want to thank you all for giving us the opportunity to talk to you about this in this really sort of a pre-pre-submission hearing. And let me explain a little bit of the background to the situation here.

The Constantinos are in contract to buy the property, have not closed on it. And the reason we have asked to come before you, we are proposing a conditional use, and at this point, just are looking for a sense of the Board to see whether this project is worth pursuing for the Constantinos. We know that we have to go to the Zoning Board, there are a number of issues. The site plan that was submitted is very preliminary. It's really a matter tonight, I hope, of discussion -- discussing the use, the property itself, and whether or not this is viable from the Planning Board's point of view.

CHAIRMAN MC MAHON: Okay.

MR. BROWN: We're looking for accommodation of retail and restaurant assembly space. Right now, it's intended as three distinct structures on the property with walkways through them, not dissimilar from Stirling Square in concept. And really beyond that, if you have any questions, we'd like to -- we're hoping for a sense of whether or not you feel
this could be viable.

CHAIRMAN MC MAHON: Okay. Unless anyone has any comments to start, I'm going to start with the comments from Glynis, the issues she raises here.

Preliminary consultation for use evaluation: Conditional use and site plan review. The applicant is seeking approval for three new structures on the proposed lot, including a restaurant and four retail establishments, all of which are two-story facilities.

SEQRA recommendation: Type I, with hearing required.

Site variance is requested. Lot coverage -- lot coverage allowed, lot area, 8,834.24 square feet, at 40%, Article V, 150-12, Subsection B, comes to 3,533.7 square feet. Lot coverage proposed, 7,998 square feet, which represents 226% increase over code.

Note, the lot coverage proposed should be increased by other structures shown on the plan, such as garbage area, HVAC systems, etcetera, as stipulated in the definition of a building, 150-2.

Parking: Off-street parking is required to be provided, as the building is new. After 1991, Article V, 150-12, Section C, need restaurant, 26.

Flynn Stenography & Transcription Service
(631) 727-1107
spaces; retail, 20.3 spaces, for a total of 47, an underestimate.

Note: This evaluation does not include calculations for the seating areas and the open spaces, ground level, which is considerable, and also does not appear to include the seats on the outdoor deck on the second floor. These need to be incorporated. Dimensions would be helpful.

Only one parking space is provided. Only about 10 feet of clearance is provided for access to the dumpster, which is tight.

Two accessible parking spaces are required, but not provided.

Note, the applicant will also need to make an application to the Zoning Board of Appeals. There may be other variances required.

Exterior passage is a courtyard. The exterior passage seems to be only 12 feet in width and is used for restaurant seating. The use classification of this space needs to be considered, and clear accessible paths maintained.

In the Village Zoning Code 150-14, Section B, exterior courts need a minimum dimension of 20 feet, and its depth shall not exceed its width. The use and dimension of this exterior space seems...
problematic.

Historic District: Proposed new construction lies within an Historic District. Design will need to be submitted to the Historic Preservation Commission for review.

There is no indication on the plans where signage will be located.

Energy use: The building configuration maximizes energy consumption as exterior wall to floor area ratio.

Utility issues: Only one dumpster is provided for restaurant in all four retail spaces. The restaurant is not adjacent to the dumpsters.

There appears to be no storage area in the restaurant.

What is the heating system, location? The plan needs to show water and sewer connections. The plan needs to show how storm water drainage will be retained on site. Accessibility ramps need to be shown with the curb cut.

Other building code issues: Service sinks to be provided in each tenant space. It appears that egress requirements for the occupancies proposed are not met in the plan.

The stair width appears to be only 36 inches,
while a minimum of 44 inches is required if occupant
load is 50 or more. Spaces with 50 or more occupants
need two exits.

Fire separation requirements, NYSBC 602, 704.3,
704.5 and 704.8. Need more detail in the
calculations.

Now I know that's quite a lot, and the plans
are very preliminary at this stage, so I --

MR. BROWN: Obviously, a majority of these
issues would be addressed if we were to proceed with
an actual application.

There were a couple of questions that I had.
I'd really like an opportunity to talk with you about
the lot coverage calculation and what constitutes a
building or not, because I had a very different take
on that, obviously.

MS. BERRY: Yeah. I was just only going by the
definition of the building, which lists --

MR. BROWN: As was I. And we obviously have
different takes on --

MS. BERRY: Okay.

MR. BROWN: -- on the definition. So I'd like
an opportunity to talk to you about it.

MS. BERRY: Absolutely. I'm learning and I
make mistakes.
MR. BROWN: As we're always all -- we're all always learning.

MR. JAQUET: Before you get into that, Bob, were you going to get into some more historical background about the site as part of your comments?

MR. BROWN: Well, I wasn't planning to, but, obviously --

MR. JAQUET: I mean, you said something about when you introduced yourself.

MR. BROWN: Well, it's one of the most prominent locations --

MR. JAQUET: About the site. Say that again. I'm sorry.

MR. BROWN: One of the most prominent locations in the Village.

MR. JAQUET: Right.

MR. BROWN: And for far too long has been a vacant lot with a chain link fence. And the Constantinos have put a great deal of thought and consideration into how to make it a commercially viable property. Obviously, it's Waterfront Commercial, but it's not waterfront, so they're looking to make it a commercial property.

MR. JAQUET: Did you have more comments, you know, from your professional point of view on the lot
and its -- you know, this long period of vacancy, and anything more on that as a space that can contribute to the Village's viability and the downtown street wall, and the rest of it, as a walk-around Village?

MR. BROWN: You know --

MR. JAUQUET: I think we need to -- I think we need to --

MR. BROWN: You're doing a great job for me.

MR. JAUQUET: Well, I think we need to hear about that.

MR. BROWN: Yes, absolutely. When the Constantinos approached me about doing something like this with that property, I was ecstatic. It's been vacant for far too long. It's a crossroads, the crossroads of the Village, as far as I'm concerned. It's where downtown starts. It's the gateway to the Village. It's an anchor, you know. As in a shopping mall, you know, they have anchors that make the rest of the area viable, and this is an anchor, and --

MR. JAUQUET: What about the traffic?

MR. BROWN: Well --

MR. JAUQUET: You know, as a topic of discussion.

MR. BROWN: Well, you know, that's one of the issues that I wanted to get into.
MR. JAUQUET: I mean, there's good issues about that, and, I mean, there's positive and negative on that, you know.

MR. BROWN: Of course, of course. And that ties intimately with the parking issue in terms of its location, people coming off, you know, Shelter Island, off the ferry, or off the bus, or the train. It's the first major piece of property that they see, you know, coming down the street. There's Sterlington Commons, there's the restaurant, the Blue Canoe, I think, the Legion Hall, and then this magnificent corner that's a vacant lot with a chain link fence right now. It could be a real focal point for those people, and coming in on the main road. You know, it's where Front Street really starts in terms of how you perceive the Village. It's a significant piece of property and needs to be treated with a great deal of respect.

In terms of, you know, the downside of traffic, and this is where the parking issue comes into, which I hope to address to the Zoning Board in a similar sort of setting in the near future, is, you know, we're not showing parking one space. And, obviously, that needs to be finessed. You know, there's no question about it, this is not a finessed final site
plan. But you're talking about two streets, Front Street, which is a State road, which would -- I don't believe that there's any portion of the property that is far enough away from the intersection to comply with State DOT requirements for a curb cut.

On Third Street, it is, especially in season, one of the most heavily trafficked roads in Greenport, with traffic coming off the ferry. And to provide -- there is a curb cut along there, which we hope to use, at least part of. But to have any significant amount of parking there becomes a significant parking issue, because it is, you know, so close to the -- to the intersection, and right across from the Sterlington Square parking. It's problematic. There are a lot of reasons to consider parking as much a detriment as a positive on a piece of property like this.

MR. BURNS: It seems to me, Bob, you've come up with a creative --

MR. BROWN: Thank you. We try.

MR. BURNS: -- use of that lot. It's been sitting there, you're right. We used to park our cars there when we were going to the theater. I attended a wedding in Cincinnati and we were in a place where years ago a woman had purchased a
large amount of farmland and then hired an architect to plan the Village. Well, we can't do that, and we have to take what's there and try to make something of it.

MR. BROWN: Exactly. And from my point of view, this is a tremendous opportunity to do something positive for the Village.

MR. BURNS: I agree. I think we should do all we can to help further make whatever changes need to be made and move ahead with something as positive as this. Thank you.

MR. BROWN: Appreciate that.

MR. JAUQUET: I totally agree. I have a lot of ideas, but, you know, they run smack into zoning, and parking, all of the things that has kept this lot vacant, you know.

MR. BROWN: And, you know, we intentionally, the Constantinos intentionally want to keep the density of use to a reasonable minimal level, something that they feel they can make commercially viable, but, at the same time, isn't going to overwhelm that corner, as some previous applications.

MR. JAUQUET: And that's sort of your job, to make those.

MR. BROWN: Yes.
MR. JAUQUET: Make the mass look smaller, or whatever.

MS. BERRY: Do you have any ideas on how to handle the parking?

MR. BROWN: Well, the position that I'm taking on it is it is ideally located just about halfway between the municipal lot along the railroad tracks and the municipal lot on Adams Street. You know, it's -- in many respects, that part of the Village is a pedestrian area. I can't think of any other properties on Front Street within a reasonable distance that provide any parking whatsoever. And, you know, we want to make this a part of the pedestrian downtown area, and not, you know, a sort of free-standing shopping mall kind of feel.

Everybody walks in the Village, everybody complains about the parking, and parking is an issue, but it is reasonably close to two municipal lots.

MS. BERRY: Right, but you're not thinking of providing any additional parking in some other location outside of this, then?

MR. BROWN: I don't know that that's -- that we can, if that's viable. It's certainly something I can discuss with the Constantinos.

MR. BURNS: Tell us where.
MR. DOWLING: What I see in the code here, it's under 150-16(G), we can give you basically an allowance or basically a waiver almost for up to 20 parking spaces, but you have to pay $2,500 per parking space; so am I right? I mean, that's what I'm -- that's what I'm reading here.

MR. BROWN: Is that still part of the code?

MR. DOWLING: It's in the code that's published right now online. So, I mean, by Glynis' -- I mean, you're required to have 47 spaces. I mean, you'd have to make 27 spaces.

MR. BROWN: You know, there are a number of factors involved in that count.

MR. DOWLING: Right, but -- so what I'm saying, if you could make it work so you figure out exactly how many you do need, subtract 20, and try to make those fit.

MR. BROWN: So the variance is much smaller. I understand what you're saying.

MR. DOWLING: And we definitely -- I mean, I hate seeing that empty lot there. It looks -- it's an eyesore, having a chain link fence. It looks like that's where we hold our prisoners, you know, before we could take them to jail, beside the basketball court there. So it would be --
MR. JAUQUET: Or an outdoor market.

MR. DOWLING: Yeah. But -- so it's something that has to be done with that. I think we'd all appreciate something nice there. So, I mean, if -- I mean, if you -- I mean, this looks really nice, but if you could make it work so that, you know, you're lacking only 20 spaces that's required, then we could help you out there by the code.

MR. BROWN: Yeah. There's, as I said, a lot of finessing --

MR. DOWLING: Yeah.

MR. BROWN: -- that needs to be done, and some discussion about what constitutes the lot coverage and how the calculations are made. And, you know, I cherish the opportunity to pursue that, but, you know --

MR. JAUQUET: I think that line of thinking, I mean, we're going --

MR. DOWLING: Yeah.

MR. JAUQUET: I think your line of thinking is, you know, we should go through that and get to the dollars and cents associated with that --

MR. DOWLING: Yeah.

MR. JAUQUET: -- so that we know where that is.

MR. DOWLING: So we can kind of -- you know, we
could help you out with 20 spaces. You're going to look at it, it's going to cost you an additional $50,000 to do that, but maybe you can make it work somehow with the, you know, creative use of the building. Maybe that southern building can be made a little narrower and you can put parking spaces there or something. It leaves a little bit of retail space, of course, takes away some of your income, but --

MR. JAUQUET: Well, I think, you know, that analysis is a good analysis. We should have that on paper as a fact about the site and zoning. And then, you know, basically have that as we still go back to the drawing board and look at -- you know, just at how this is going to work in the -- to the Village going forward, whether we dump it in favor of taking something else away, or dump it completely, because it's a walk-around Village and we probably maybe don't even need that parking.

CHAIRMAN MC MAHON: I would say one thing. Any new construction, I would want to see reasonable accommodations for handicapped parking. I think that would be one thing. I wouldn't really want to see any -- I mean, I think there does need to be some -- for me, personally, that needs to be a consideration
for any new construction.

MR. BROWN: I sincerely hope for an opportunity to explore these issues.

MR. JAQUET: And here's a global idea. You know, if there's -- is there -- where does the parking end as you get to Third -- as you get to Front Street on Third, the park side?

MR. DOWLING: The parking on that side.

MR. JAQUET: It's like -- what is it, about 50 feet from the corner where parking ends because of the --

MS. MARTIN: Yes, yes.

MR. BROWN: I honestly don't know.

MR. JAQUET: It ends somewhere there.

MS. MARTIN: There's a turning lane there, so the parking spaces stop.

MR. JAQUET: Stop right at -- maybe right at the -- where the site begins.

MS. MARTIN: Kind of.

MS. WINGATE: Yes.

MR. JAQUET: Right, okay.

MS. WINGATE: You can park --

MR. JAQUET: Well, you know, a global idea, what about -- you know, this is going to be a give and take between all of the agencies involved --
MR. BROWN: Yes.

MR. JAQUET: -- you know, to get to the right place, I think. And just since we're talking generally, you know, an idea might be to take some of the site along the west side and make that -- make that parking off of the -- you know, make that a place to park along on the site and in --

MR. DOWLING: But you can't get back on the street over there.

MR. BROWN: I understand what you're going for. You know, I'm hoping to --

MR. JAQUET: I don't know. And then -- I mean, that's an idea. And then you're, you know, forgiving some parking there. You get more --

MR. BROWN: No. I understand where you're coming from. I don't want to create a situation where cars are separating pedestrians from the building.

MR. JAQUET: I thought that would be good, to create some quietness between the buildings and where the traffic is going by.

MR. BROWN: Except that getting in and out of those spaces on Third Street is problematic.

MR. JAQUET: Right.

MR. BROWN: There are, you know, certainly
options to explore. The real question that I have for this Board is, is it worth pursuing?

CHAIRMAN MC MAHON: The problem is it's difficult to comment on a theoretical application.

MR. BROWN: Yeah.

CHAIRMAN MC MAHON: You know, I understand you'd like to get a sense for where we are and I'm sure --

MR. BROWN: That's all we're asking for.

CHAIRMAN MC MAHON: But it's difficult, because then, you know, I don't want to say, oh, well, you know, we'd be open to this, or we'd be, you know, not really open to this without -- you know, the details matter, essentially, you know, the entire picture.

MR. BROWN: Well, I appreciate that. We're under the circumstances far from --

CHAIRMAN MC MAHON: Understood.

MR. BROWN: -- even starting to make an application.

MR. JAUQUET: Well, my feeling is --

MR. BROWN: The real question that I have for this Board is this is a conditional use. Obviously, we need some variances that would have to be approved by this Board and the Zoning Board. But given the density and the types of use that are being proposed
here, does this Board have a sense that it's a viable
approach? That's really I think the question that
I'm asking.

MR. JAUQUET: When you say "approach", you're
meaning the approach in terms of getting the
variances for greater density and not as much
parking, those kind of issues?

MR. BROWN: Yes, and the conditional use,
because it is Waterfront Commercial and we --

MR. JAUQUET: Right, the restaurants and the --

MR. BROWN: -- do need to get commercial use --
a conditional use for retail and restaurant.

MR. JAUQUET: Well, my feeling, my feeling is,
you know, you really do have to have conditional --
what are the alternative uses if they're not
conditional, what are they?

MR. BROWN: Well, the approved uses are
flyboarding, I guess.

MR. JAUQUET: You know, that one we like.

MR. BROWN: No. But, seriously --

MR. JAUQUET: What are they, though, I mean,
office or --

MR. BROWN: No. It's all -- it's all marine
related.

MR. DOWLING: Yeah, unfortunately --
MR. JAUQUET: Yeah, okay.

MR. DOWLING: You know, that whole side of Front Street is all Marine Commercial, where, really, most of it is not waterfront property and really should be rezoned. So everything pretty much on that side, maybe the post office, are conditional use.

MR. JAUQUET: Right. So --

MR. DOWLING: They don't deliver the mail by boat.

MR. JAUQUET: I'm all for conditional use.

MR. BURNS: It seems to me there's another issue, but you almost have to eliminate the parking as an issue, or just leave the place as it is.

MS. MARTIN: Right.

MR. JAUQUET: I know, and my feeling is that --

MR. BURNS: If you want to put anything there, you can.

MR. JAUQUET: Yeah. I think --

MR. BURNS: No place for parking. And if you try to put parking there, you confuse and mess up the whole traffic.

MR. JAUQUET: That's right, yeah.

MR. BURNS: The second issue to me is what goes on the second floors? Maybe limiting to one floor is going to be better.
MR. BROWN: Yeah. Actually, part of the conversation we've been having between myself and the Constantinos is the second floors of those retail spaces, maybe they're just mezzanines. Maybe they just take up a small percentage of square footage of the footprint. That's certainly going to reduce the number of parking spaces, things like that. You know, getting down to documenting how many outdoor tables there might be, those are all issues that are going to have an impact on the parking. And, obviously, we're going to work to reduce the number of parking spaces required.

I like the idea. Personally, I can't speak for the Constantinos of, you know, the 20 dollar -- the 20-space payment in lieu, and reducing it to a point where we're asking for a fairly nominal variance for the parking. That's certainly an approach I would want to take.

MS. BERRY: One of the things that might help is part of your variances and the intensity, if you compared that to what would be allowable by code, you know, because you might have more second floor --

MR. BROWN: Sure. Well --

MS. BERRY: And then if you compare that, the numbers will look different, and I think there's more
of a trade-off in how you approach it, and how you use like the roof, or there might be ways of -- if you're just looking for a reconfiguration that creates the variance versus just an intense use, that it --

MR. BROWN: Well, yeah.

MS. BERRY: You get what I mean, right?

MR. BROWN: Yes, absolutely. And, in fact, I would take it a step farther, because part of what the application would provide, the full application would provide, would be a comparison of the density and intensity of use compared to what the code allows, and also compared to all of the adjacent properties on Front Street.

MS. BERRY: Yeah.

MR. BROWN: And, you know, because a lot of the -- a lot of the properties, most of the neighbors down Front Street that are commercial are, you know, 85% lot coverage and above and zero parking.

MS. BERRY: But, at the same time, a lot of the newer lots have provided parking. So I would be --

MR. JAUQUET: Which are the newer ones you're talking about.

MS. BERRY: Right.

MR. BROWN: But it's a balance of the two
MS. WINGATE: You have two newer constructions on Front Street, and that would be the Harbor Front Hotel, which was mandated to have parking spaces, and then you have the Galleria building closer to Main Street, that's a --

MR. JAUQUET: Which is that one?

MS. WINGATE: -- 2002 construction. The one with the four retail shops and four apartments above.

MR. JAUQUET: Where is their parking?

MS. WINGATE: In -- behind their building. So the two new constructions --

MR. JAUQUET: In the IGA lot?

MS. WINGATE: No.

CHAIRMAN MC MAHON: No. Calypso and --

MS. BERRY: No, on the water side.

MR. BROWN: It's actually off the Claudio's lot.

MS. MARTIN: Next to the old Mills building.

MS. WINGATE: Right.

MR. DOWLING: Oh, is that where --

CHAIRMAN MC MAHON: It's the white building, Calypso.

MS. MARTIN: Where all the expensive boutiques are.
MS. WINGATE: Yes.

MR. JAUQUET: Oh, they have parking in the back there?

MS. WINGATE: Yes

MR. JAUQUET: And that's only used by whom?

MS. WINGATE: The residents and the shopkeepers.

MR. JAUQUET: Oh, because they have the residents, and so it's like just for the -- so it's really minimal

MS. WINGATE: So it's not for clients, customers, but it is for the residents and the shopkeepers.

CHAIRMAN MC MAHON: They needed then some concession on the number of parking spaces, even with the parking they provided, correct, because they didn't provide any parking for customers and there's new construction?

MS. WINGATE: I'd have to go read the file.

CHAIRMAN MC MAHON: Okay.

MR. JAUQUET: Do you remember if there was a concession on -- if parking was a big issue for that?

MS. WINGATE: I was --

MR. JAUQUET: Somebody insisted on parking there. I mean, you had --
MS. WINGATE: It was before my time, and I had read the file before. It's -- yeah, it was a long process.

MR. JAUQUET: Yeah. Were you involved in the plan that -- the plan that was for this site that got --

MS. WINGATE: Galleria, were you --

MR. JAUQUET: No, this one, this one that's --

MR. BROWN: This one previously? No.

MR. JAUQUET: Previous.

MR. BROWN: This is my first shot at this property.

MR. JAUQUET: And you weren't here for that either, right?

MR. BROWN: No, but I do recall.

MR. JAUQUET: You were.

MS. MARTIN: I mean, that was really intense --

MR. JAUQUET: I know.

MS. MARTIN: -- use of this property.

MR. BROWN: And that was --

MR. JAUQUET: And that was what, retail on the bottom?

MR. BROWN: -- complete solid retail on the bottom and --

MS. MARTIN: And three stories.
MR. BROWN: And two stories and apartments above, 12 apartments all together.

MR. JAUQUET: What was the -- what was the reason for that one getting shot down?

MS. MARTIN: They ran out of money and time, I think.

MS. WINGATE: No, because we -- it was --

MR. BROWN: I think there was a lot of opposition to the density of the property.

MR. JAUQUET: Why was there opposition to the density?

MR. DOWLING: Parking.

MS. BERRY: They did provide quite a bit of parking.

MR. BROWN: They provided six spaces, as I recall.

MS. WINGATE: No, there was way more than that. They were turned down because Waterfront District doesn't allow for residential use.

MR. JAUQUET: Is that still a hot issue --

MS. WINGATE: That is --

MR. JAUQUET: -- no residential for new construction?

MR. DOWLING: New construction.

MS. WINGATE: New construction.
MR. JAUQUET: See, you know what I think should go there, I think a four-story higher end type one bedroom apartment complex with an elevator, and doorman, and a little bit of parking for 55 and over to create more people downtown Greenport.

MR. DOWLING: You're 54.

(Laughter)

MR. BROWN: Only if we're allowed to -- a hotel.

MR. JAUQUET: And make it as dense as possible, and have a rooftop overlook the harbor.

MR. BROWN: With a restaurant on the rooftop.

(Laughter)

MR. JAUQUET: I don't know what you put up there, but that's what should go there.

MR. BROWN: Okay.

MR. JAUQUET: You know, that's what Riverhead did. Riverhead has a four FAR on its downtown core for that very purpose, to make businesses viable, and that's the shortcoming of the Village's zoning code, I believe, right now.

MR. BROWN: I don't disagree

MR. JAUQUET: And it should start, you know -- I mean, that's just my point, but that's just how I feel about it. I feel as is dense as this thing can
get, the better, and I think that -- and the
handicapped parking, you know, there maybe should be
some spaces for that, because, you know, that's --

CHAIRMAN MC MAHON: Are there any particulars
you'd like us to address? I mean, because if -- I
know you're looking for a general sense, and we could
sit here and talk for the next four hours about what
an appropriate use for the property would be.

MR. BROWN: Of course, everybody has their own
thoughts about what should be on that property. No.
The issues I think are very straightforward. It's
retail and restaurant on a very important -- one of
the most important pieces of property, in my opinion,
in the Village, and doing what's right for the
Village in that location, and making it commercially
viable. Those are the two issues that we are
wrestling with.

CHAIRMAN MC MAHON: Okay. The parking I think
is going to be one of your --

MR. BROWN: The other issue is we're hoping to
be making an application to the Zoning Board to be on
their -- at their next meeting.

CHAIRMAN MC MAHON: Is that for lot use?

MR. BROWN: The lot coverage.

CHAIRMAN MC MAHON: Lot coverage?
MR. BROWN: And the parking.
CHAIRMAN MC MAHON: And the parking, okay.
MS. MARTIN: Do we have to be approved or something before that?
MS. WINGATE: I haven't received --
MR. BROWN: I was under the impression I was waiting for a disapproval.
MS. WINGATE: Based on the site plan that you gave me?
MR. BROWN: Yes.
MS. WINGATE: I will work on it tomorrow, but I don't think it's complete enough for the Zoning Board.
MR. BROWN: In terms of? Well, we can discuss that tomorrow, hopefully.
CHAIRMAN MC MAHON: So you're looking for a denial so you can go to the Zoning Board?
MR. BROWN: Well, I'm asking if we need a denial from you to go to the Zoning Board. I know we need one from the Building Department.
MR. PROKOP: Well, any relief that you're -- any relief that you're looking for us to approve, you would have to come here first to get -- if we can't approve it because you need a variance, you need to get the denial first and then go to the ZBA.
MR. BROWN: No, I understand, and I'm trying to track both of them, coincidentally, so that the Constantinos can get a sense of whether or not to pursue the project further. So, you know, in a sense, it's a preliminary application to the Zoning Board, but we'll do everything we can to make it as complete as possible so that we can talk to them.

CHAIRMAN MC MAHON: Okay. Well, I would suggest a further fleshing out of the -- of the parking, of your arguments as to whether or not it's, you know --

MR. BROWN: Sure.

CHAIRMAN MC MAHON: -- serviced by the municipal lots, whether or not the fees for the number of lots that you would perhaps be looking to have waived, just more detail on that. I would suggest that would certainly further the process.

MR. BROWN: And I appreciate the fact that you took the time to talk to us with as preliminary presentation as we have. Part of the issue here is that the Constantinos are on a very tight contractual deadline by which they have to decide whether to pursue the purchase or not, and that's an impending deadline that's coming very, very rapidly. So we really appreciate your taking the time to talk to us.
on such a preliminary presentation.

CHAIRMAN MC MAHON: Okay. Is there anything else you'd like to address with us now?

MR. BROWN: I think that the --

MR. PROKOP: Can I just ask you a question?

MR. BROWN: Sure.

MR. PROKOP: Something just doesn't make sense to me here. Earlier tonight, you said this is all basically conceptual and you want to get feedback from us, and -- but how can you be -- have a plan before the Zoning Board of appeals at their next meeting and still be conceptual with the Planning Board? I don't understand how that works.

MR. BROWN: Well, I guess my definition of conceptual is loose. There are some very real aspects to what I hope to be the final plan incorporated in this, in what I've presented to you now. Obviously, it needs fine-tuning. You know, I continue to work on the project and to -- with your input, I can pursue that that much further.

MR. PROKOP: Okay. I just wondered, that's all.

MR. BROWN: Yeah.

MR. PROKOP: Okay.

MR. BROWN: Yeah, it's not just -- you know, it's not just strand of spaghetti thrown against the
wall to see if it sticks, it's what we intend to pursue, as long as we don't feel like we're hitting a brick wall.

CHAIRMAN MC MAHON: Okay. Well, like I said before, it is difficult to comment on a plan --

MR. BROWN: Of course.

CHAIRMAN MC MAHON: -- without seeing the specifics, because the specifics are really what's going to determine whether or not it's a viable plan.

If there isn't anything further, I think we're going to move on for now, if -- unless there's some other particular issues you'd like to raise now.

Just --

MR. BROWN: No.

CHAIRMAN MC MAHON: Just like I said, we could talk --

MR. BROWN: For hours.

CHAIRMAN MC MAHON: -- for hours.

MR. BROWN: Truly. No. Just, again, I thank you for taking the time to discuss this with us. It's greatly appreciated.

MS. MARTIN: We also do need clarification on how the lot coverage is being allowed here.

MR. BROWN: Well, that will --

MS. MARTIN: Right.
MR. BROWN: But, hopefully -- are you available some time maybe tomorrow or the beginning of next week?

MS. BERRY: Sure.

MS. WINGATE: My deadline for ZBA for the month of May is Tuesday.

MR. BROWN: I was told the 6th. I think that's Thursday.

MS. WINGATE: No, because it's a Wednesday meeting.

MR. DOWLING: The 6th is Wednesday.

MS. WINGATE: And it's the day before the week, a week before the day, or however you want to say it, it's Tuesday.

MR. BROWN: So I know what I'm doing this weekend.

MS. WINGATE: Okay. Well, that --

MR. BROWN: Can we meet on Friday?

MS. WINGATE: You're putting me in a place where I have to produce a Notice of Disapproval on a very complicated project. That's not fair, Rob.

MR. BROWN: I had been -- I'm sorry, I don't mean to be unfair. I had gotten the impression from our conversation that you were about to write that denial.
MS. WINGATE: But I don't even have a building permit application. All I -- we'll work on this.

MR. BROWN: Are you in tomorrow?

MS. WINGATE: Yes, Rob.

MR. BROWN: Can we talk?

MS. WINGATE: Yes, we can talk.

MR. BROWN: Thank you.

CHAIRMAN MC MAHON: Okay, then. So, if there's no other comments from the Board and comments from anyone else, then we'll move on from this and go to Item #6. Anything else?

MR. BROWN: Thank you.

MR. BURNS: Thank you.

CHAIRMAN MC MAHON: Thank you.

MR. PROKOP: Item #6, on that item, we had to hoped to get some decisions ready for the Board to approve tonight and they're really just not ready.

CHAIRMAN MC MAHON: Okay. So we're going to table that until --

MR. PROKOP: Yes.

CHAIRMAN MC MAHON: Until the work session or until the next --

MR. PROKOP: Glynis has done a -- Glynis has done a good job trying to get a number of decisions ready. She had to wait for -- we went through a
process where we were going back and forth with
comments and we need just a little more time.

CHAIRMAN MC MAHON: Okay. So we're just going
to table that until further notice, then. I'm going
to make a motion to table that until --

MS. WINGATE: Next Thursday?

MS. BERRY: (Nodded yes.)

MS. WINGATE: Yes? Okay.

CHAIRMAN MC MAHON: If you need more -- okay.

So I'm going to make a motion that we table that
until the regular meeting next week. Do I have a
second?

MR. DOWLING: Second.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.

MR. DOWLING: Aye.

MR. JAUQUET: Aye.

CHAIRMAN MC MAHON: Aye.

Okay. The motion passes.

We're going to Item #7, motion to accept the
minutes of March 12th, 2015, March 26th, 2015, April
2nd, 2015 meetings. Do I have a second?

MR. BURNS: Second.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.
MR. DOWLING: Aye.

MR. JAUQUET: Aye.

CHAIRMAN MC MAHON: Aye.

Motion is approved.

Motion to schedule the regular session for May 7th, 2015, and the work session for May 28th, 2015. Do I have a second?

MR. BURNS: Second.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.

MR. DOWLING: Aye.

MR. JAUQUET: Aye.

CHAIRMAN MC MAHON: Aye.

It passes. Motion to adjourn. Second?

MR. BURNS: Aye.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.

MR. DOWLING: Aye.

MR. JAUQUET: Aye.

CHAIRMAN MC MAHON: Aye.

(Whereupon, the meeting was adjourned at 7:07 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 April 30, 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 15th day of May, 2015.

_____________________________________  
Lucia Braaten

Flynn Stenography & Transcription Service  
(631) 727-1107