VILLAGE OF GREENPORT

PLANNING BOARD

WORK SESSION

May 28, 2015

5:00 p.m.

Meeting held at the Old Schoolhouse
Front Street, Greenport, New York 11944

Appearances:
Devin McMahon - Chairman
Ben Burns - Member
Chris Dowling - Member
Peter Jauquet - Member
Pat Mundus - Member

Joseph Prokop, Village Attorney
Eileen Wingate, Village Building Inspector
Glynis Berry, Planning Board Consultant

Flynn Stenography & Transcription Service
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(Whereupon, the meeting was called to order at
5:15 p.m.)

CHAIRMAN MC MAHON: This is the May 28th, 2015
Village of Greenport Planning Board work session.

First item on the agenda is a public hearing
for the use evaluation application for Wayne Turrett.
The Planning Board has determined that for purposes
of SEQRA, this is a Type I Action requiring a public
hearing. Property is located at 746 Main Street. It
is located within the Historic District and in the
R-1 (One Family Residential) District; Suffolk County
Tax Map #1001-2-3-8.02.

The owner, or anyone who would like to start,
do you have any comments, or if you'd just like to --
you don't have to.

MR. TURRETT: I'd be glad to. Do you want me
to stand anywhere?

CHAIRMAN MC MAHON: If you want to just pretend
there's a podium, I guess.

MR. TURRETT: The podium is here. So we're
just requesting a Planning approval for where we're
going to put the house, to have a house there. We
staked out the house, and some members of the
Planning Board were out there. It's a simple house,
it's less than 2000 square feet. It's characterized
as a -- you know, a modern interpretation of a barn. And I'm open to questions, if anyone has any.

CHAIRMAN MC MAHON: Anyone from the public have any questions, concerns, issues they'd like to raise about the property?

(No response)

Anyone on the board?

MR. JAUQUET: No not me.

MR. DOWLING: This is going to be a tough one.

(Laughter)

CHAIRMAN MC MAHON: Well, it's not even the approval of the application, it's just accepting the application at this point. There's a --

MR. TURRETT: Say that again.

CHAIRMAN MC MAHON: This is just -- this would be the motion -- well, when it comes up, it would will be a motion to accept the application, not to approve the application.

MR. TURRETT: And what is the significance of that? I know I have to go in front of the Historic Review, right?

CHAIRMAN MC MAHON: Yeah. Generally, the way we work is we would accept an application here, we would review it, and then if we had more issues, at the regular work session we would either approve it,
or if it was deficient in some capacity or there were
things we felt needed to be modified, then we would
either take another 30 days to review it, do whatever
needs to be done, whatever corrections would need to
be made, and then it would come back and hopefully
approve it or deny it based on -- based on that.
But, generally, it's an acceptance of an application,
review, and then a vote yes or no.

MR. TURRETT: Okay.

MS. MUNDUS: I just wanted to say thank you
very much for laying it all out, labeling everything,
giving us a tour. That was super helpful. Thank you
very much.

MR. TURRETT: Actually, it was helpful for me,
too.

MS. MUNDUS: Yeah.

MR. TURRETT: Thanks.

CHAIRMAN MC MAHON: So if there's any public
comment for the public hearing, anyone has anything
they'd like to add. No?

(No response.)

Okay. Then we'll move on to the first item of
the agenda.

Item No. 1, discussion on the use evaluation
application for Wayne Turrett. The Planning Board
has determined that for purposes of SEQRA this is a Type 1 Action requiring a public hearing. I just went through all this. So the motion would be to accept the application. I will make that motion. Do I have a second?

MS. MUNDUS: Second.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.

MR. DOWLING: Aye.

MR. JAUQUET: Aye.

MS. MUNDUS: Aye.

CHAIRMAN MC MAHON: Aye.

Okay. First item passes.

Item No. 2, continued review and discussion on the use evaluation conditionally granted for Brian Currick, and motion to schedule a public hearing.

The applicant proposed the operation as instructional and rental Flyboard facility located on the Preston's Dock. The property is located at 102 Main Street, it is located in the Waterfront Commercial District; Suffolk County Tax Map 1001-5.-4-12.1.

This item was -- the flyboard operation was conditionally approved pending any discovery of or input from other agencies that may have jurisdiction.

We classified this as an unlisted action for...
purposes of SEQRA, which did not require a formal
review. We're opened up to if there is the Village
Planning Board -- excuse me the Town Planning Board,
or Town Board, or Village Board, or any other
agencies feel they have jurisdiction, they could do a
coordinating determination for purposes of SEQRA,
which would determine whether or not there are any
environmental issues, or some public -- threat to
public safety that we have not addressed or has not
been brought up.

We would schedule the public hearing for our
next work session, which is, I believe, June, 25th;
is that correct? Does anyone know offhand?
(No Response)

It would be the last Thursday of next month.
Would anyone like to speak on the issue?

MR. HILBRAND: I was just curious. What is a
flyboard operation?

160 Sterling Street.

CHAIRMAN MC MAHON: Flyboard is a device that
connects to a waterski, a jet ski. It uses the
propulsion that -- same propulsion that the jet ski
does. It travels through about a four-inch tube that
travels up to the base of a board. It looks like a
wakeboard or boogie board. The person stands on it and the propulsion lifts them up into the air. It's -- the power is controlled by the operator of the jet ski, and the person on the board balances.

MR. HILDBRAND: Seems a strange name for the operation, a flyboard.

CHAIRMAN MC MAHON: It's a -- flyboard is the name. Technology is only about six years old, I think, it is fairly new. It's very popular down in Florida boating areas, a lot of areas where there are a lot of water sports.

MR. HILBRAND: Historical, have there been any accidents in the operation of such a --

CHAIRMAN MC MAHON: There's always boating accidents, yeah. As far -- I mean, there's accidents in everything. I haven't heard of any -- I wasn't -- nothing was brought to my attention that made it seem particularly dangerous to me anymore so than any jet skiing. That is why we noted in the last meeting at the approval that it is an approved use for the space. It's boating instruction, which is very rare that we actually get anyone coming here for waterfront commercial that actually has a waterfront commercial use, so in that regards, it seemed to fit.

Again, we noted, when we approved it, it was a
conditional use that we do not have the necessary 
background to make a determination as to whether or 
not it's appropriate for a harbor with a lot of 
traffic. That's not something we are qualified to 
make a determination on. We asked for input from the 
Harbor Master, or we don't have a Harbor Master at 
the moment, so we have the Harbor Manager, who did 
provide us with a letter with regards to it that I 
will read into the record. He is also seeking 
guidance from the Coast Guard as well.

MR. HILBRAND: Is the present terminology 
Waterfront Commercial? When we go back, Waterfront 
Commercial used to mean fisheries and related. Today 
does it then encompass all those types of things, as 
long as money is made on it?

CHAIRMAN MC MAHON: Boating instruction is how 
we chose to classify it, how I believe it should be 
classified. It is an instructional boating 
operation, and that is an approved use for Waterfront 
Commercial.

MS. TAYLOR: Has it been tested in that 
location? Oh, I'm sorry, Theresa Taylor, 126 
Sterling Avenue.

CHAIRMAN MC MAHON: Actually, before, I would 
just like to quickly read the letter from -- it says,
"To: Devin McMahon, Village of Planning Board.

From: Jeff" -- I don't know how to pronounce this last name.

MS. MUNDUS: Goubeaud.

CHAIRMAN MC MAHON: "Goubeaud, Mitchell Park Marina Manager, Greenport Village Harbor Manager

Devin, I was asked by Paul Pallas to look into this business as it pertains to Greenport Harbor.

After reviewing the Shaka Flyboarding, LTD. Proposal and after reviewing Chapter 48 of the Greenport Village code, Boats and Boating, I have some thoughts on the issue.

Since I see this as a similar device as a boat towing water skiers, they should abide by all rules and regulations that govern the tow boat. Basically the operator has to stay 300 feet or more away from the shoreline and other shore structures unless approaching or departing perpendicularly to the shoreline solely for the purpose of commencing or ending the ride.

I've been waiting for an answer from the Coast Guard as to an interpretation on inland rules for a vessel restricted in its ability to maneuver and whether or not a vessel of this size is required to show day shapes. As of today, they have not gotten
back to me."

MR. JAUQUET: What's a day shape?

MS. MUNDUS: It's a visual signal that tells other people what operation they're conducting.

CHAIRMAN MC MAHON: "So as long as the operator stays 300 feet away from the docks and swim areas and does not interfere with other vessels navigating or fishing in a harbor, there should be no problem if it's operated within these parameters. By Direction, Jeff Goubeaud, Greenport Village Harbor Manager, Mitchell Park Marina Manager."

Do you have a question?

MS. TAYLOR: My question was whether it has been tested in the location that it will be used?

MS. MUNDUS: Yes, they did it during Maritime Festival last year.

MR. DOWLING: That was a different business that they did, though.

MS. MUNDUS: But the operation has been tested, right?

MR. DOWLING: Yeah.

MS. TAYLOR: So you saw it in action, or somebody did?

MS. MUNDUS: Yeah

MR. DOWLING: It's not something that's very
new. I mean, it's something that's been done all
over the country and all over the world, really. So
it's not something that just came out last week, you
know.

MR. FEGER: It's going to be a new Olympic
sport.

(Laughter)

CHAIRMAN MC MAHON: Mr. Moore.

MR. MOORE: Yeah, Doug Moore, 145 Sterling
Street.

I just had a question about the operational
areas. I've seen a map depiction online. I don't
know if that has anything to do with submitted
information. It showed Area 1, and then it showed an
arrow pointing off the map to Area 2, and doesn't
show where Area 2 is. Can you explain?

CHAIRMAN MC MAHON: That was provided to us. I
don't know what's online, I haven't seen that, but,
yes, the two areas were mapped out and shown in
detail where they were. It was, I believe, northeast
of the first location, close to the end of Central
Avenue where the turnaround is there, off the dock
there. Again, 300 feet away from the shore, but out
in that area, in between the causeway, in between the
entrance to Stirling Basin, and where --
MR. FEGER: Sandy Beach?

CHAIRMAN MC MAHON: Yeah.

MR. MOORE: Is that anywhere close to the traffic area that --

CHAIRMAN MC MAHON: What's that?

MR. MOORE: He was just wondering if that operational area is anywhere near the traffic area. There's a lot of traffic in and out of Stirling Harbor.

MR. DOWLING: So he mapped out his use area basically where he's clear of the traffic lane coming out of Stirling Harbor and also clear of the line of the end of the breakwater to Claudio's, which is really the main traffic on the weekend especially. So he's in that triangle out of the way there. It's the smartest place to do it. And I think also, he was planning, if there's going to be -- typically, in the afternoons, we get a strong southwester, so if it's too choppy in there, to go around the other side of the breakwater, you know, so it's flat water again out of the commercial boat traffic and pleasure boat traffic.

MR. MOORE: So my only comment would be that's not necessarily a channel for the boat passage, but it is an operational area for many boats, especially
sailboats.

MR. JAQUET: What did he say is --

MR. DOWLING: And jet skis.

MR. MOORE: Setting sails and dropping sails, many times you have to push up into that area and, that's exactly where they're operating.

MR. DOWLING: Well, he's also not operating all the time, and he doesn't take up a lot of space. He's not like he's blasting around in, you know, a lot of space. It's only 60 foot between the end of the flyboard and the jet ski, and when the flyboard's in the air, it's even tighter. And they don't travel very fast either.

MS. MUNDUS: And they don't move forward, it just goes up and down. It's not like they're zipping around in a different --

MR. DOWLING: Yeah. It actually -- they'll only probably travels like around five knots maximum when it's in use.

MR. SALADINO: John Saladino, Sixth Street. Could I ask the Attorney through the Board the logic behind the public hearing? If the Board considered it an approved -- an appropriate use or an appropriate activity and it hasn't gotten to the Village Board yet, why the public hearing? Does this
rise to the level of a public hearing?

MR. PROKOP: Because the approval that was granted was -- the SEQRA review that was done and the approval that was granted was conditional, subject to receiving public comment. And at the time there was -- there had not been any public comment, other than I think a few people came and spoke in favor of it that were related to the business.

In the meantime, there has been some comments that have come in. We now have the letter that we were looking for from the Marina Manager. And, unfortunately, virtually simultaneously with the meeting that we had, there was information coming in from the Town of Southold that couldn't get to our record to be considered. I'm not -- I don't know if it's relevant or not relevant. I haven't assessed it, the Board can assess it, but it is something that should -- that should be made part of the record. So for that reason, to do a SEQRA assessment with this information, and also to give the public a chance to comment, you know, now that we have had some public comment come in, I believe the Board's going to decide to have a public hearing on it.

MR. SALADINO: Is it the -- from what I read about Southold's comments, it was -- actually, it was
only in the newspaper and they were speculating, nobody actually made a determination, it was just speculation, maybe they will need approval, maybe they won't.

CHAIRMAN MC MAHON: There were items that were sent to us almost the -- very close to when we had the last meeting from the Town Planning Board. There was links in there that we didn't realize there was another layer of things that they were trying to push us towards. So there were items that they had presented to us, but we didn't realize that it hadn't been considered, it hadn't been publicly acknowledged or spoken about, so we wanted to bring it back.

Now, when we make a SEQRA determination as to whether or not an operation is going to have a negative impact on the environment, we took Lead Agency status, because we were the first ones who received the application. If there are other agencies that feel that they want to do their own review, or they have jurisdiction in there, we'd have to allow for them to make -- you know, we classified it as an Unlisted Action that doesn't require a review, a formal environment -- EFA, I think, EAF.

MR. SALADINO: So doesn't that negate the need for a public hearing, the fact that he -- you know,
doesn't have a negative impact on it?

CHAIRMAN MC MAHON: No. It would actually require it, once -- as soon as -- if it is opening it up, if it is then determined, if another agency determines that it's not an Unlisted Action, and it is then -- they may determine it's a Type I Action that requires -- it's a requirement that there is then a public hearing.

MR. SALADINO: I accept that, obviously, I'm forced to accept that.

(Laughter)

But the reason I mention it is I see so many things that are more detrimental to the Village that don't rise to the level of a public hearing, financially, whatever, that doesn't rise to the level of a public hearing, and here, it's a Planning Board application that--

CHAIRMAN MC MAHON: Well, we can only operate within the scope of the Planning Board.

MR. SALADINO: No, I understand.

CHAIRMAN MC MAHON: And so whatever -- you know, and that's the only thing. There are other issues that I think are more pressing and deserve more attention, but within -- with regards to what's coming before us, and trying to keep everyone in an
open and fair process, that's sort of where we're at, and that's why this particular issue and for these very particular nuanced reasons with regards to SEQRA determinations and different things.

MR. SALADINO: And what you've heard here tonight, say the letter from Jeff Goubeaud and perhaps from the public, does that affect your decision to have a public hearing or not? I have no dog in this fight, by the way. I don't own the flyboarding company.

MR. PROKOP: No.

MR. SALADINO: I'm just interested.

MR. PROKOP: I don't think it does.

CHAIRMAN MC MAHON: No. I mean, it's part of what will be presented at the public hearing. It's the type of information that we're looking for. It's agencies with jurisdiction and people with -- with a dog in the fight, people who have say, who have experience, who have the -- who can round out the issue in the way that we acknowledge last time we cannot and don't have the expertise to do so. So I think it allows us to move forward in the most responsible way.

MR. HILBRAND: I assume that the Planning Board only has to do with the location of this operation,
or that the State or Federal, this type of operation
has been approved with certain rules or regulations
attached to it, correct?

CHAIRMAN MC MAHON: Yes. He's a certified
flyboard operator with the Coast Guard.

MR. HILBRAND: Okay. And as such, you probably
have to follow rules and regulations that the State
and, again, the Federal Government implies upon you,
certain distances, and ages, and proximity to
everything; am I correct in that?

MR. DOWLING: He has to follow the rules of the
road just like any other vessel on the water does.

MR. HILBRAND: Right. And the rules that this
operation deals with, are they State or where?

MR. DOWLING: Both.

MR. HILBRAND: Both?

MR. DOWLING: He's on -- you know, he's in
State waters, but he also has to follow Federal
regulations as well.

MR. HILBRAND: Would the ski, waterski
operation fall under the same type of regulations?

Well, I used to be a trick skier, so I know the
dangers of these things.

MR. DOWLING: Any vessel on the water has to
follow the rules of the road of safe regulations for
waterfront -- for water use as well.

MR. HILBRAND: Could somebody in the future operate a ski, waterski operation, instruction and pleasure from more or less the same location?

CHAIRMAN MC MAHON: I don't -- I don't know. I'd have to look at that application when it came in, and I'd have to defer to people who are more familiar.

MS. MUNDUS: It's too bumpy out there anyway, nobody would ever do that.

MR. HILBRAND: Not always.

MS. MUNDUS: First thing in the morning, maybe.

MR. HILBRAND: My point is here, are we -- is anybody opening a nest here, because, you know, if one operation is going to be there, how many more are going to follow? I'm all for it, but I'm just curious as to where you come in.

MR. PROKOP: The application came to the Planning Board because it has an upland component. There's a portion of the application that involved activity in the upland, and that's why it came to the Planning Board originally. The water use, the surface water use is regulated by the Board of Trustees through legislation and the Bay Constable.

(Whereupon, Mr. Dowling exited the meeting.)
MR. PROKOP: So I would -- if you're going to
have a motion to --

CHAIRMAN MC MAHON: Yeah.

MR. PROKOP: -- have a public hearing, what I
would make part of that motion is that in the
meantime, the applicant is directed to comply with
the May 18, 2015 letter of Jeff Goubeaud.

CHAIRMAN MC MAHON: Yes, which actually is in
line with what his application stated his operations
are within.

MR. PROKOP: Yes, and that his -- the location
of the activity is consistent with Mr. Goubeaud's
comments and the designation -- the area designated.
I think it's the Area 1, or the closer area to --

CHAIRMAN MC MAHON: Area 1, yeah. Yeah, they
both had the 300-foot restriction on it.

MR. PROKOP: Yeah, for the time being.

MR. ROBERTS: Doug Roberts, 133 Sixth Street.
Area 1 is inside the area that the Village Board --
it's in the surface water that the Village Board
regulates, right?

MR. PROKOP: Yeah, within 1500 feet. Anything
within 1500 feet of the shoreline is regulated by the
Village Board.

MR. ROBERTS: Okay. The map that's

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circulating, can -- before your public hearing, can
you publish it somewhere?

    CHAIRMAN MC MAHON: Yeah, I believe it --
    MR. ROBERTS: Online?
    CHAIRMAN MC MAHON: I thought it was already.
    MS. MUNDUS: Mary Bess already put it on
    Facebook.
    MR. ROBERTS: That's on her personal --
    MS. MUNDUS: Oh, all right.
    MR. ROBERTS: -- that she moderates.
    MR. PROKOP: We'll get it on the -- we'll get
    it on the Village website.
    MR. ROBERTS: Yeah, for the public.
    MR. PROKOP: Thank you.
    MR. ROBERTS: And another question. The public
hearing, if the public were to come with pitchforks
and torches and tell you to get rid of this thing, is
that the only thing that would make you change your
determination, or are you looking -- what criteria
are you looking for to potentially make a change in
your conditional approval?
    CHAIRMAN MC MAHON: Effects to the environment,
safety, detriment to -- you know, an undue burden on
other boaters and other people in the area, as well
be relevant, as well be issues we want to --
MR. ROBERTS: Sorry, last question. Could a condition that you apply be that you can be on the dock, but you have to go to Area 2, which we still don't know where that is, but we think it's toward Bug Light; that's possible?

MR. PROKOP: If there's a rationale for it.

CHAIRMAN MC MAHON: Yeah, if there's a compelling reason why it should be moved from one location to another, sure.

MR. ROBERTS: But then it's the State, or Coast Guard, or someone else's problem, essentially.

CHAIRMAN MC MAHON: Well, essentially, 1500 feet I think actually still -- you know, Area 2 is still within that. It would -- if you're looking for it to be somebody else's problem, then it would -- it would have to be a new location.

MS. MUNDUS: I'm not sure that's Village of Greenport property around the other side of the jetty. So it would not be part of the Village of Greenport's business if it's on the other side, if it's on the north side of the jetty. That's what I understand.

MR. PROKOP: Yeah.

MR. JAUQUET: Isn't that right, Number 2 --

MR. ROBERTS: Thank you.
MR. JAUQUET: -- is Southold and Number 1 is Greenport?

CHAIRMAN MC MAHON: No. I believe Number 2 is Greenport Village, yeah. Yes, sir?

MR. TASKER: Arthur Tasker. I live at 17 Beach Street in Greenport.

Specifically, with reference to Ms. Mundus' question, the Village of Greenport does extend over almost to the foot of the breakwater. So the 1500-foot line from that part can certainly include area behind the breakwater for the Village to regulate.

I think it's very important to -- that Mr. Prokop clarify the fact of the jurisdictional aspects of this Board, vis-a-vis the Board of Trustees. This Board only has jurisdiction over the land-based portion of this operation. It has no jurisdiction over what it does out on the water, and for that reason, it's -- I don't see why they are taking into consideration anything to do with the water-based portion of it, whether it's safety or interference with navigation. That kind of regulation is the function of the Village -- of the Village Board, which has jurisdiction, as Mr. Prokop said, 1500 feet from Village -- from Village property
to regulate all kinds of water-based activities under Section 46 of the Navigation Law of the State of New York. So anything that's going on on the water has nothing to do with the jurisdiction of the Planning Board.

CHAIRMAN MC MAHON: Which is why we approved the use and deferred to other agencies who would have jurisdiction over that.

MR. TASKER: Well, I have a further question. Where did the 300 feet come from? Did that come -- that would be very interesting to find out, vis-a-vis the 1500-foot regulation that the Village has limits on.

CHAIRMAN MC MAHON: The 300-foot -- I believe the 300-foot requirement was a Coast Guard regulation.

MR. PROKOP: So I just wanted to clarify our understanding of what -- where we're at with this application right now. The operator was given a conditional approval to run from meeting to meeting based on any further input coming in before the Board that could be part of a consideration. That's as I understand it. Is that, Mr. McMahon, correct?

CHAIRMAN MC MAHON: Yeah.

MR. PROKOP: And so now we're going through this process where we're assessing new information
that has come in.

MR. TASKER: Next question: Conditional approval to do what? To base on Preston's dock or to conduct the operation in the Village waters, which this Board does not have any authority to permit?

CHAIRMAN MC MAHON: Or deny.

MR. TASKER: Or deny.

MR. PROKOP: I would just take it to a motion for public hearing.

CHAIRMAN MC MAHON: Yeah.

MR. PROKOP: So it's a motion for a public hearing in the --

CHAIRMAN MC MAHON: We're going to -- I'm sorry, go ahead.

MR. PROKOP: No, go ahead. I'm sorry.

CHAIRMAN MC MAHON: So we will -- I will make a motion to schedule a public hearing for -- unless anyone has any other comments. Is it the 25th, I believe?

MR. BURNS: 25th.

CHAIRMAN MC MAHON: Okay. For June 25th at 5:00, we will have a public hearing with regards to this application. We would ask that in the meantime, the applicant adhere to the direction of the Harbor Manager, Jeff Goubeaud, stay 300 feet away from the

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shoreline and other shore structures, unless
approaching or departing perpendicularly to the
shoreline solely for the purpose of commencing or
ending the ride.

That's it. Does anyone have --

MR. JAUQUET: Do you want a second?

CHAIRMAN MC MAHON: Yeah. Do I have a second?

MS. MUNDUS: Could I add something first?

CHAIRMAN MC MAHON: Sure.

MS. MUNDUS: Do you think that it's important
that we communicate this jurisdictional point to the
Village Board Trustees?

MR. PROKOP: It's going to be communicated.

MS. MUNDUS: It is already, okay.

MR. PROKOP: Well, I think that -- excuse me.

Maybe we could make it part of the formal motion,
then. Amend the motion to direct the Board, the
Board will notify the Village Board.

CHAIRMAN MC MAHON: Other interested parties?

MR. PROKOP: The Board of Trustees, the
Southold Bay Constable, and the Marina Manager of the
public hearing.

CHAIRMAN MC MAHON: Is that for joint
determination for SEQRA?

MR. PROKOP: We're going to do that anyway for
SEQRA, but we'll do it more formally.

CHAIRMAN MC MAHON: Okay.

MR. PROKOP: To see if they want to -- would like to comment.

CHAIRMAN MC MAHON: Okay. So we are going to -- we will provide the Town Board, the Town Planning Board, the Village Board of Trustees, the Bay Constable. And is there anyone else that I'm missing?

MR. PROKOP: I think that's it.

CHAIRMAN MC MAHON: We will provide them with copies of the application, ask for their input with regards to this issue. If they can provide those comments or be at the public hearing we would like to schedule for June 25th, that would be great. Do I have a second?

MR. JAUQUET: Second.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. MUNDUS: Aye.

CHAIRMAN MC MAHON: Aye.

The motion passes. We will have the public hearing on June 25th at 5 p.m.

Item No. 3, motion to accept the Site Plan

Flynn Stenography & Transcription Service
(631) 727-1107
Application for North Fork Smoked Fish. Applicant, Phillip Karlin, has been granted a variance from the Zoning Board of Appeals for an additional 519 square feet of manufacturing floor space. This provides a total of 743 square feet of manufacturing and 640 square feet of retail space. The facility is located at 414 First Street; SCTM #1001-4.-7-5.

Now we actually -- I got some information last minute on this one. I'm going to briefly go through -- there were a number of issues raised by Glynis, our Consultant. I am going to briefly run through some of those, and then I will open it up for discussion.

Okay. The applicant is seeking a use evaluation and site plan approval for use as a retail and wholesale production of Smoked Fished products, retail sales of fresh fish, website sales, packing and shipping of smoked fish products.

SEQRA recommendation is Unlisted.

Application dated 2/2/15, revised, received ZBA variance hearing and approval on April 22nd, 2015. Resubmitted to the Planning Board Hearing April 24th, 2015, 84% variance, 643 square feet manufacturing and 619 retail space.

Information still needed: Short Environmental
Assessment Form and signage application.

Direct Site Plan issues: Terrace. A terrace is proposed with four tables and a linear counter of 32 feet. The clear space for the terrace is roughly 28' x 14', 392 square feet. This could equate to 21 at the counter and 16 at the tables, for a total of 37 people. If 15 square feet for unconcentrated tables and chairs. Occupancy is 26. If standing, 78 (people). Only one exit, so need to limit occupancy to 49 and below, and include on C of 0. Oh, there's a Fire Department -- it's a fire safety issue, I believe.

The wood retaining structure of the terrace is leaning outward. It's viability as structure needs inspection.

The step from the terrace to the walkway is rather steep and the receiving surface is angled. At a minimum, a hand hold should be available, or preferably a redesign of the building approach, including accessibility issues noted below.

Accessibility: The current building is not handicapped accessible. There are two codes that apply: New York State Building Code/ANSI and 2010 ADA Standards for Accessible Design.

You know, there is an exemption that we need to
determine whether or not it applies.

The New York State Existing Building Code allows for an exemption that needs -- excuse me.

New York State Existing Building Code: 308.7, alterations affecting an area containing a primary function. Where an alteration affects the accessibility to, or contains an area of, primary function, the route to the primary function area shall be accessible.

The accessible route to the primary function area shall include toilet facilities or drinking fountains serving the area of primary function.

Exceptions to that: The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.

This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems and abatement of hazardous materials.

We could address that.

And 2010 ADA Standards for Accessible Design, Department of Justice:

If date of last application for a new building
permit or start of alteration is on or after March 15, 2012, then new construction or alterations must comply with 2010 Standards. If before then, 1991 or 2010 standards apply.

Okay. If we could briefly address the accessibility on this, whether or not this exception applies in this case.

The renovations that were done to the building, I don't know how extensive they were. Is the applicant here?

MR. PROKOP: Yes.

MS. MARTIN: Amy Martin, as agent for the applicant.

There are no renovations to the interior of the building, other than changing how -- the service area. The display case is from the previous owner, it's the same. The only thing that is being done is all of the -- we have applied for the existing sharpshooters fence and all of that to be removed, to put in a nautical type wire and post railing all around the existing patio. They have asked for a -- sort of a table-top railing, because they'd like for the people with takeout to be able to stand there and just enjoy their -- it's not a mass restaurant. There will be no table service.
They are totally renovating the exterior patio because it's in very bad condition. They're trying to make it really attractive. The building is being painted. The prior business did not require handicapped accessibility. This is a very old building. The steps -- I'm sure the railings will be put in place when we're allowed to get our permits to do the railings.

And we have applied for signage. I have copies of that here. I have copies of the railing application. And I have copies of the revised site plan showing where the actual parking is, because when we submitted the original parking plan for the four spaces, there were four -- there was four feet of snow out there. And the designer did not see that the other area was strictly loading zone for the business on the end. So the proposed spaces are to the right of the first railing, and there are seven spaces to be shared between the existing Clearinghouse building and this property, this retail operation.

CHAIRMAN MC MAHON: Okay. So there will be a total of seven spaces for both operations?

MS. MARTIN: For both operations, as if by doing the recommended 10-by-20 parking space. And
this is an unlined parking area at this point. They are doing renovations to -- they have started repair work to the parking lot. They're planning on doing that, getting that done, fixing the -- the ramp that comes in is in bad shape and they're going to clean that up also. It's going to be done with some sort of a -- the owner of the property feels that it needs to be somewhat porous, because the road runoff, the way the property is pitched, it would cause. So it will be a combination of -- right now, they're filling it with stone, and then they're going to put something on top that stays. It's not -- it will be --

CHAIRMAN MC MAHON: Okay.

MR. JAUQUET: So it's not going to be marked out? It's not going marked out?

MS. MARTIN: She doesn't want it to have -- be totally blacktop, because she feels then we'll have -- then you'll be asking for it to be -- you know, that there's road runoff coming onto the street because the storm drain is right there.

MR. JAUQUET: So then it won't be striped either, then?

MS. MARTIN: I do not believe so. But there -- you know, from --
MR. JAUQUET: They can use a barrier for each car. You know, they can --

MS. MARTIN: There could be a marking on the building or something that shows that. This is the site plan revision.

MS. BERRY: Could I ask her? Basically, saying gravel is porous is not correct. What we need to do is a drainage plan for the whole site. I'm recommending that you consider a drainage plan for the whole site, for both the runoff from the buildings and how it's handled from the surface.

MS. MARTIN: We're here for -- we're here for the -- to get this --

MS. BERRY: Okay.

MS. MARTIN: -- this retail operation open --

MS. BERRY: Right.

MS. MARTIN: -- because the current person conducting business there is getting in trouble for not opening yet.

MS. BERRY: Yes. No, I understand that, but if we're talking about the whole site, one of the issues is storm water runoff. And saying that it's gravel doesn't do anything, because it gets compacted and it's almost as solid as anything else. So there are ways of evaluating different surfaces and given
co-efficient factors and, you know, doing a proper

drainage plan.

And the other thing is also the code does call

for a dustless surface in a commercial area.

MS. MARTIN: She had planned on a dustless

surface, as far as I understand it. It would be --

they're doing -- there's a tremendous -- as we all

know, there's a tremendous amount of damage to the

parking lot. They have gotten stone delivered to

fill and level, and then they plan on putting

something on top. I'm not sure what it is, but it

will be similar to probably what was taken off the

State roads, that on a hot day, after it's down, will

adhere and stay, but I'm not -- I'm not a, you know,

mason supply -- I mean, a stone supply person or

driveway installer.

These are the signage. We have applied for the

sign permits. There will be a similar sign on this

window.

CHAIRMAN MC MAHON: Could you just pass those
down here?

MS. MARTIN: Sure. I think I had three of

them.

MS. MUNDUS: Before we move on to the signage,
could we keep talking a little bit more about the
drainage there? Because the Village code says that
the water runoff must be retained on-site. So
planning the surface to help it drain away is not the
idea of the law.

And I was there this afternoon and I didn't see
any dry wells or anything, and the material that was
delivered was like a -- I don't know what it's
called, but it was kind of a tarry mash-up of gravel
and tar. So it seems like that's the cart before the
horse. If the water was supposed to be retained
on-site and the dry wells are not installed, but
they're already installed the surfacing, I wonder
where we're at with that.

MS. MARTIN: We were here before you the last
time. The concern that we were given about the roof
runoff from this building went onto the adjoining
building and came back and then went out into the
street. The owner of the business, not the landlord,
has arranged to have a dry well put in the back of
the building and redirect all of the rainwater from
his building into that

MS. MUNDUS: Okay.

MS. MARTIN: So he is taking care of --

CHAIRMAN MC MAHON: Is that included in the
most recent plans that were submitted?
MS. MARTIN: I do not believe so.

MS. MUNDUS: What about the parking area?

MS. MARTIN: I just gave you the site plan for the parking area.

MS. MUNDUS: Okay. But I don't see any dry wells on the parking plan either. That's why I asked you about it.

MS. MARTIN: Well, that is -- I can't speak for the owner.

MR. JAUQUET: So right now, aside from the plan for the resurfacing, there is no drain plan?

MS. MARTIN: For the major --

MR. JAUQUET: For the main part of the lot.

MS. MARTIN: For the large -- for the whole property, no, there is not.

MR. JAUQUET: Right, right. But there is a --

MS. MARTIN: But there is a plan for -- there will be a dry well installed behind this building --

MR. JAUQUET: So there's a verbal plan.

MS. MARTIN: -- so that all of the water that historically for the last 50 years has run down onto the street. Originally, the owner of the business had suggested that -- there's a planter here. He was going to have that created into sort of a trench drain, and he was told no, because somewhere back

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here, this gutter goes across onto the owner -- the
other person's property.

MS. MUNDUS: Yeah, this roof drops onto this
roof.

MS. MARTIN: Yeah. And so, instead, all of the
rainwater will be directed to here.

MS. MUNDUS: Perfect.

CHAIRMAN MC MAHON: But the parking lot does
become an issue, because if you have multiple uses on
one site, all uses need to provide parking for all of
those uses on top of one. You can't have any
overlapping accommodations for parking. So if the
consignment shop or the store that's there now has
seven spots and they need -- you know, they were
required to have however many spots, additional spots
would be required for any other use.

MS. MARTIN: I don't know if the consignment
shop ever was told how many spots they needed. They
have -- I don't believe they were ever before you or
anyone else for that. What we are proposing is the
building that we have. Originally, we proposed four
spaces to be dedicated to this building.

MR. JAUQUET: Of the seven?

MS. MARTIN: For the Fish.

MR. JAUQUET: With some sort of sign that says
fish and consignment?

MS. MARTIN: I don't expect that the previous restaurant, caterer, or whatever, who was in there was ever told that -- and I realize, I was a member of the Planning Board previously, and I know it's your job to try to get these things squared away when you have a chance, and I appreciate that. But we are in a place where there is -- the owners themselves will not be parking in these spaces or their employees, they will be parking behind their building, so they will not be taking up any of those spaces. I don't know how many spaces that the consignment shop requires, but by our square footage, we really only require two. And then we added the seating onto the porch, and there will not be 78 people there at a time. This is a takeout establishment. It would be very similar to what was there before. There will be a couple of tables and there'll be a standing rail to stand, and, you know, if you get some smoked fish and you want to eat it before you get home, you get to stand there and eat it. It's not a restaurant, we're not applying for a restaurant. This is an ag market.

MR. JAUQUET: Where's the standing rail? Would that be out on the patio?
MS. MARTIN: It's on that?

MS. MUNDUS: Right there.

MR. JAUQUET: Did I see that?

Oh, it's there. Oh, okay. It's overlooking the sidewalk?

MS. MARTIN: It's overlooking -- it's on two sides of the --

MR. JAUQUET: Like here and here?

MS. MUNDUS: It's kind of like a clam bar thing.

MR. JAUQUET: Yeah.

MS. MARTIN: Yeah. It's just going to be --

MR. JAUQUET: Oh, okay, I gotcha -- I just wanted to -- I gotcha.

MS. MARTIN: -- you know, a regular bar height.

MR. JAUQUET: Yeah, I gotcha.

MS. MARTIN: And so that if you want to put a package down --

MR. JAUQUET: Sure, makes a lot of sense.

MS. MARTIN: -- or you want to have a little snack. It's a simple application.

You know, we -- so, originally, we showed four parking spaces and we required two. You know, there's going to be a couple of more that are up for -- I mean, it's across the street from the IGA, it's...
in a walking village. I know you want parking, but there's limitations to every piece of property in the Village as to what it can accommodate. I would say more people are going to park to go to the Consignment Shop than are going to for the fish, to the fish market.

CHAIRMAN MC MAHON: Okay.

MS. MARTIN: I don't know if I've addressed all of the concerns.

CHAIRMAN MC MAHON: There are others.

MS. MARTIN: I will submit before the next meeting, if you accept this application, I will submit the location of the drainage in the back of the -- you know, where the dry well will go. So I wasn't -- I know it's been arranged, but I did not see the location. I will draw it on the site plan.

MS. MUNDUS: Well, since the same owner owns both properties and is responsible for the whole parking lot, it seems like rather than slicing the sausage, there should be one uniform parking drainage plan for the whole property. I realize that the applicant is not the owner of the property and he just wants to get open for the season, we understand that, but that -- you know, we still would like to -- I would like to see an overall plan for the whole
thing, the drainage particularly, and the parking for
the whole property.

MS. MARTIN: Interestingly enough, since we
were here last time and we went to the Zoning Board,
and the Zoning Board meeting was delayed for
whatever, and we are a month behind, the interesting
thing that has happened is because we were approved
by the Zoning Board, the business owner has been
served twice for not looking like he was getting
ready to be open.

Now, I had told him, as a former member of the
Planning Board, that if he went ahead and pretended
that nothing else had to go through process, that he
would be in more trouble, because we're not going to
do something more without the right things in place.
So it's very strange that all of these things have
happened when we're trying to do due diligence and
make up for the past, you know, mistakes, which are
history now, and we're -- and it's a combination of a
retail operation trying to get open for the season
and some longstanding issues with the site. And I
just ask your consideration of accepting this
application, and that this business owner has done
more than the average leaseholder to try to get the
place to be, and will -- it will be a really nice
addition to the Village when it gets done. It's
going to have -- the top of the building will be in
his colors. It's -- you could start to see this will
be a blue border here. This is going to be clean
white. It's going to look a little --

MR. JAUQUET: Lights get retained?

MS. MARTIN: I believe so. I mean, he's trying
not to -- you know, it's going to have a nautical
kind of rail.

MR. JAUQUET: Yeah, right, right.

MS. MARTIN: It's going to be an asset.

MS. MUNDUS: But I think everybody is totally
in favor of the business, and it's exactly the kind
of business, especially now that they're going to
sell fish there, and the retail component to the
public, which is what made it illegal before, is
present.

But my question is it's a little complicated,
because, you know, we want the smoked fish operation
to start up right away, but what is then the
incentive for the landowner to do the correct thing
for the greater good of Greenport and the property in
general, if we give him the permit and everything
starts up there? You know, I mean, we need a plan.
I think there should be an overall plan. Maybe it
may not affect the fish market, but -- because that's how this building got rented in the first place, for an inappropriate use, because the landowner was not exactly forthcoming in the proper legal use of the property. So that's my opinion, and I'm sorry.

MS. MARTIN: All I could say is that everything that is being done by the current business owner is a very positive step for the property. And he wants it to be a really inviting place, and I know he will do his utmost to encourage the landowner to do their utmost.

MS. MUNDUS: My problem is not with the business owner, it's with the landowner, because that's the landowner's property.

MS. MARTIN: Understood. Understood. And I do know that things are being done, and if there has to be some sort of -- something that is said that shows that more ongoing improvements will be made to the drainage, then I understand that. But, in the meantime, I'd really like to legally have the business open.

MS. MUNDUS: Sure, right.

CHAIRMAN MC MAHON: I understand you'd like to get it open as soon as possible, and I'm with you on that. But it's just right now, you know, I have a
problem even accepting the application now because it
is incomplete. It doesn't have -- you know, it
doesn't show the drainage. You know, it's not a
complete application as it is right now. There is no
parking plan clearly defined with regards to shared
space between all of the people on the property.
Right now, the drainage is still -- you know, we
don't have plans for any of that. We do need time to
see it, to review it, to, you know -- I mean, do
you --

MS. MARTIN: I understand it to an extent, but,
I mean, if I were to say the first four parking
spaces or the first three parking spaces are for
that, and we put a sign up that says that, I can't
guarantee that only those people are going to park
there.

CHAIRMAN MC MAHON: No, you can't. I mean, if
we require someone to have extra parking spaces, you
know, have a driveway on the property, we can't force
them to then not park in the street. They can still
choose to park wherever they want, but we have to
require --

MS. MARTIN: Where is the parking for the
restaurant across the street? You know, it's --

CHAIRMAN MC MAHON: I wasn't there. I
wasn't --

MS. MARTIN: I may have been, but, you know, this -- we have a parking problem here, and there's no way that we can delineate spaces that don't exist for this application. We're trying to be honest and show you that there are seven possible spaces there, and maybe if the loading zone can be reduced, we can get another space there. These parking spaces are -- it's a private property, it's not for general parking. It's only for the customers of those businesses, so there will be a sign that says that, and there will be a sign on the bulkhead that says "For North Fork Smoked Fish and Clearinghouse."

CHAIRMAN MC MAHON: Okay. Even --

MS. BERRY: Can I add something?

CHAIRMAN MC MAHON: Sure.

MS. BERRY: If I can remember. Is the date '91?

MS. WINGATE: (Nodded yes.)

MS. BERRY: The structure was built before the date where parking is allowed. Whatever the number they provide, it's not required to have marked. So I think the number of parking spaces isn't a problem, just conflict with any other use and that kind of thing.
MR. JAUQUET: What? You think the parking is what?

MS. BERRY: Grandfathered.

MR. JAUQUET: Grandfathered, okay.

MS. BERRY: So I don't think the number of parking spaces is an issue. I think it's more, you know, having a clear plan of where the parking is. The site, the drainage, that kind of thing I think is probably more important.

There are two questions I have that do affect the business owner. There's no screening for the back. And I know everybody's saying, well, the dumpster's just in the back of the building, but the way the site is configured, the public is going the length of the lot. So I was wondering if consideration was given to screening the service area.

And then just a minor thing, is there's plywood in one of the windows. Is that being removed and replaced with glass?

MS. MARTIN: I believe everything was cleared. You know, I mean, there was a limit to how much, you know, the lessee was interested in expending --

MS. BERRY: Right.

MS. MARTIN: -- before approval, because, you
know, he's put a lot of money into getting the other
operation up. He wants the retail. He wants to meet
the zoning approval, and he's very anxious to do so.
But when he was told not to look to do anything until
he had --

MS. BERRY: Sure.

MS. MARTIN: -- Planning Board approval, the --

MS. BERRY: But is he planning on doing any
screening of the back service area?

MS. MARTIN: I believe there's a fence around
something in the back.

MS. BERRY: No.

MS. MARTIN: There's a --

MS. BERRY: Is this on the site?

MR. KARLIN: What kind of fencing do they want?

For the dumpster, you mean?

MS. BERRY: Yeah, to screen -- the service area
should be screened.

MR. KARLIN: What service area? My service
area is all screened. There's a storage shed, my
dumpster, which the lids are shut and locked all the
time, and a parking spot for my pickup. That's not a
service area. Everything is done inside, in the back
area.

MS. BERRY: No, no. But it's where you're
storing your garbage, where you're --

MR. KARLIN: Where I'm storing my garbage is in
the dumpster.

MS. BERRY: I know, but dumpsters are supposed
to be screened from the public.

MS. MARTIN: But it's not seen from the street,
it's in the back.

MR. KARLIN: So what do you want me to do, put
a fence around the dumpster?

MS. BERRY: I'm not giving you the solution. I
just --

MR. KARLIN: Oh, I don't know.

MS. BERRY: I'm just raising it.

MR. KARLIN: It's the first time I'm hearing
it, but --

MR. PROKOP: You know, we're just debating
this. I think we should -- I think we should -- the
Board should come up with a motion listing the things
that you feel that are required, working with Glynis.
Put that in the form of a motion, rather than --
maybe for the next meeting.

MR. JAUQUET: I mean, I think the -- I think
the things that are needed are rather simple. I
mean, they're rather straightforward, aren't they? I
mean, if we're talking about --
MS. MARTIN: If you were to give me a list today of the things that you want on there before next week, I will have them to you tomorrow.

MR. JAUQUET: So, I mean, what are we talking about?

MS. BERRY: But you could give a conditional acceptance.

MR. JAUQUET: Right, yeah.

CHAIRMAN MC MAHON: Yeah, yes, yes.

MR. JAUQUET: I mean, we're just talking about parking, screening, that drain in the back.

MR. KARLIN: Also, that area where the plywood is in the window, I do plan on fixing that.

MS. BERRY: I figured, but I just wanted to ask.

MR. KARLIN: I hate it, too, trust me.

(Laughter)

MR. JAUQUET: Is the idea for this, for the front sign to be -- take up this whole one window, is that what the plan is?

MR. KARLIN: Yes.

MS. MARTIN: This sign is the way it is, that is there.

MR. KARLIN: Right, except the production facility will be taken off, taken off there.
MR. JAUQUET: That's there.
MS. MARTIN: That's there. This sign will be in that window.
MR. JAUQUET: Oh, I see. Okay.
MS. MARTIN: So -- and it's within -- it's below what's allowed --
MR. JAUQUET: Okay, okay.
MS. MARTIN: -- on the frontage of the building.
MR. JAUQUET: And are these -- are these pipes here awning?
MR. KARLIN: Yes.
MS. MARTIN: It's an awning.
MR. JAUQUET: Are you going to use those, or just --
MR. KARLIN: I would like -- yeah, I would like to. I would like to lift the awnings up so that they don't cover the windows, because there's plenty of clearance there.
MR. JAUQUET: Right.
MR. KARLIN: And then put some nice blue awnings up there. Yeah, it would make it look very nice.
MR. JAUQUET: Do we have to -- do we have to have that in the plan?
MS. MARTIN: There will be no lettering on -- there will be no lettering on the awnings, so that's not signage.

MR. KARLIN: Right, there won't be extra signage at all.

CHAIRMAN MC MAHON: Do any of the awnings -- none of the awnings go over the street, they're all set back on the property?

MR. KARLIN: Right, they're all set back.

MR. JAUQUET: Do we need to know that before we --

MS. WINGATE: It's their own private property.

MR. JAUQUET: Okay. So we -- okay.

MS. MARTIN: It's when they overlap the sidewalk that it's a problem.

MR. JAUQUET: I see, I see.

MS. MUNDUS: Would you like to hear the wording in the code about screening the garbage area?

MR. KARLIN: Sure.

MS. MUNDUS: It's from Section 112-16A, "Receptacles for Commercial Premises. Any garbage, refuse or rubbish placed outside commercial premises, visible to the public, shall be contained in a covered container sufficiently secure so as to prevent animals from gaining access to the contents
thereof and shall be screened from public view with a solid enclosure or enclosure of dense vegetation on at least three (3) sides to a height of the height of the container or containers. Waste fluids must be properly contained, treated or regularly picked up so as not to cause a health hazard or odorous problem."

MR. KARLIN: I've been cutting fish there, smoking fish there, I've never had one complaint about any smell.

MS. MUNDUS: No, I don't think it's a smell.

MR. KARLIN: No. But what I'm saying is also my container -- my dumpster, I always keep the lid closed and locked. Everything that's inside of it, inside of it, any like boxes folded down and laid down. They're cleaned before we put them out there. We don't want rodents either.

MS. MUNDUS: No.

MR. KARLIN: So --

MS. MUNDUS: I think it's the visual element, because it's a weird property where people can go all the way around it, practically, and see everything. It's the --

MR. KARLIN: Right. Well, no. You're right about that.

MS. MUNDUS: -- shrubs or a hurricane, stockade

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fence or something just to --

CHAIRMAN MC MAHON: Okay. So if he --

MR. KARLIN: I'd be happy to do that. I mean, that's --

MS. MUNDUS: Yeah, that's what the code is asking.

MR. KARLIN: I'd like to put a -- I'd like to put a fence around that whole back area, you know, that whole slab, just so -- you know, because it is -- you know, we are operating back there, as far as in and out. And it would even prevent, you know, anybody from walking through our operation --

MS. MUNDUS: Right.

MR. KARLIN: -- which happens from time to time.

MS. MUNDUS: Right. I just want to let you know that it is part of the code, and little by little, the intent is to make Greenport less --

MR. KARLIN: Absolutely.

MS. MUNDUS: -- pardon the pun, trashy for everyone.

MR. KARLIN: Absolutely. And I wouldn't be -- I would not be opposed --

MS. MUNDUS: So every dumpster that gets fixed is going to be a good thing.
MR. KARLIN: I would not be opposed to that at all.
CHAIRMAN MC MAHON: Okay. I'd like to move on, so he's waiting for a comment.

MR. FEGER: Robert Feger --

MR. KARLIN: As a matter of fact -- I'm sorry, I didn't mean to interrupt. Just back on the screening thing. I mean, I would like to go from the corner of the back of the building, back along the shed and over.

MS. BERRY: That would be perfect.

MR. KARLIN: You know, that would be ideal for me.

CHAIRMAN MC MAHON: Then we're going to put together a list of a few items we'd like to see by the next meeting. But quickly, if we can, yes, sir.

MR. FEGER: Just quickly. The Planning Board has a history of granting conditional approvals. It seems to me this guy's been jumping through hoops for months now trying to do the right thing and trying to get his business open. How about doing another conditional approval, rather than make him wait another month to start his business?

CHAIRMAN MC MAHON: That's what we're -- we're trying to get there.

MR. FEGER: Great.

CHAIRMAN MC MAHON: Is there something else you
want to say, sir?

MR. TASKER: Excuse me, yes. Arthur Tasker, 17
Beach Street in Greenport.

I know you're considering very seriously all of
the dimensions of the site, the site plan, drainage,
and all that kind of thing. But I wonder if it is in
the purview of this Board to consider in your
consideration what the proposed use is to be, because
as I read the permitted uses in the various districts
in the Village of Greenport, I don't believe that
what they are planning to do is a permitted use in
the CR District. It is -- they are permitted uses in
the WC District, and I'll tell you specifically.
150-11, Waterfront Commercial District permits 17
water or waterfront related uses. Relative to this
application are two: Number 8, fish and shellfish
processing plants, and Number 10, retail and
wholesale of seafood products. In no other district
in the Village of Greenport are those uses permitted
to be conducted.

Now someone's likely to say, "Well, it doesn't
say they can't do it in the CR District, so probably
they can." No, that's not the way the Village Code
works. The Village Code is a permissive code. What
you're permitted to do in one district means that you
are not permitted to do it in another district. And I'm concerned that this should be a consideration in the Planning Board's consideration of this business at all. Thank you.

CHAIRMAN MC MAHON: I believe that's why it was rejected in the first place and went to the ZBA.

MR. PROKOP: We'll take a look at that. Thank you.

CHAIRMAN MC MAHON: Okay. So the items that we'd like to have addressed by the next meeting: Signage with dimensions, we have that. Dumpster screening shown on the site plan, and the drainage plans for what's going to happen with the building, in fact, the dry well, because as now, we can't prove drainage going onto the neighbor's property.

MR. KARLIN: Yeah. If you'd like me to explain that just a little bit what I discussed with the Building Inspector.

CHAIRMAN MC MAHON: No, it's fine. I mean, if we can have it on the plan for the next meeting, that would be great. So I'm going to make a motion that we --

MS. BERRY: Can I add something? I think you also have to put a limit on the outside occupancy. It's just a sign. And it's going to be more than...
they're ever going to use, so it's not a big deal, but I think it needs to be part of the C of O eventually.

CHAIRMAN MC MAHON: Okay. So a determination as to the total occupancy, what the use is, and what -- okay. So specifications for what the use is and what the -- what you feel the required occupancy is.

MR. JAUQUET: So four things.

CHAIRMAN MC MAHON: Those four items. So that would be signage with clear dimensions, dumpster screening, drainage, and occupant capacity. So we could have those four items.

MS. MUNDUS: And that includes the drainage in the parking lot, or just the building, the gutters?

CHAIRMAN MC MAHON: No. This is for the building, their issues. The larger site plan is another issue entirely.

MS. MARTIN: You do have the signage dimensions.

MR. PROKOP: No, we don't.

MS. MARTIN: I just handed it to everyone.

MR. PROKOP: It's not on here.

MR. JAUQUET: It's on here. It says 13.125 square feet, and then Alice's is going to be the same.
MS. MARTIN: Right. It's 42 inches, 45 inches tall by 42 inches wide.

MR. JAUQUET: Okay. The other one is the same?

MS. MARTIN: They're both the same. In fact, this may be smaller --

MR. JAUQUET: A little smaller.

MS. MARTIN: -- because of the logo.

MR. JAUQUET: All right.

CHAIRMAN MC MAHON: Okay. So I will make a motion that we conditionally accept this application pending the receipt of signage with dimensions, the dumpster screening, the drainage, and the occupancy all detailed on the site plan. Do I have a second?

MR. JAUQUET: Second.

CHAIRMAN MC MAHON: All in favor?

MR. JAUQUET: Aye.

MS. MUNDUS: Aye.

CHAIRMAN MC MAHON: Aye.

MR. BURNS: Conditionally accept, or conditionally approve?

MR. PROKOP: It's accept.

CHAIRMAN MC MAHON: Accept.

MR. JAUQUET: Accept.

CHAIRMAN MC MAHON: I'm sorry if I misspoke.

MR. BURNS: That's okay. Approve.
CHAIRMAN MC MAHON: Okay.

MS. MARTIN: Thank you.

MR. KARLIN: Thank you very much.

MS. BERRY: Before we leave this, should we consider a letter to the owner of the property for some issues?

CHAIRMAN MC MAHON: Yeah. Perhaps we can draft a letter and we'll discuss it at the next meeting.

MS. BERRY: Okay.

CHAIRMAN MC MAHON: Okay. Item No. 4, motion to deny the application for Osprey Zone Site Plan Application. On April 2nd, 2015, the Planning Board adjourned the site plan application with a resubmission deadline of May 13th. No further plans or information have been submitted. The Osprey Zone Marina site is located on Sterling Avenue; SCTM #1001-3.-4-42.

We were looking for an amended application. We have not received any additional information, so we have to act. So we'll -- I will make a motion that we deny the application, because we haven't received the additional information. Do I have a second?

MS. MUNDUS: Second.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.
MR. JAUQUET: Aye.

MS. MUNDUS: Aye.

CHAIRMAN MC MAHON: Aye.

MR. HILBRAND: Could you correct that street, Sterling Street?

CHAIRMAN MC MAHON: Oh, yes, yes.

MS. TAYLOR: Yeah, Sterling Street

CHAIRMAN MC MAHON: Hopefully we have the Tax Map number right.

MR. HILBRAND: Yes.

CHAIRMAN MC MAHON: Okay. Item No. 5, Motion to accept the use evaluation application from Carolyn Rusin for the use of 314 Main Street as a bar, restaurant and second floor apartment.

MR. PROKOP: I just have a comment about this.

CHAIRMAN MC MAHON: Sure.

MR. PROKOP: My -- there's a legal comment that I made to the Planner, Glynis, and I just wanted to mention it to the Board.

I don't know if I've resolved this in my own mind yet, but there's -- what happened with this, the building has a C of O for these two uses, but the C of O predated our code, the current code and the use, the restaurant use was discontinued for a significant period of time.
So I think that they're both legal uses, independently legal uses, but the problem is that the you can't -- in the Retail Commercial District under the code that now exists, you cannot have a residential -- unless I'm mistaken, you cannot have a residential use over a commercial use.

So I think that the comment that Glynis made, which I think is correct, is that the two uses independently are legal uses, but I think when you combine them in one building where you have a residential use over a commercial use, I think that that -- the two of them together are not --

MR. JAUQUET: So it's not grandfathered anymore, is what you're saying.

MS. BERRY: No.

CHAIRMAN MC MAHON: We had the same issue with the pet store.

MR. PROKOP: Well, let's wait and see what she has. I mean, this is a discussion we've been having the last up couple of days, so you know, I'm respectful of whatever she has to say. I just wanted to mention this as a comment.

CHAIRMAN MC MAHON: Okay.

MS. BERRY: Basically, you can have it, but it's -- you know, if it meets building code. But
this is a preexisting C of O, and as long as they do
not change the C of O, if -- that's why I'm
recommending that you keep 50 outside seats. Then I
don't see any reason for going further with this and
allowing it, but --

MR. JAUQUET: Wait, say that again.

MS. BERRY: If she keeps to the existing C of O
and doesn't increase the usage, I think it's fine,
because I don't see anything about a C of O expiring,
so I think it's fine. But I would not increase any
use. So you have more seats proposed for outside, so
I would limit it to the original C of O.

If the C of O changes, and you want to do
something else with the property, then it triggers
other building code issues that would have to be done
to the building, okay? So if you want to avoid being
forced to do something more to the -- build more
intensely to the building, which is difficult with an
historic building, I think just making sure you limit
your use to what the existing C of O is.

MS. RUSIN: I plan to do that. I'm Carolyn
Rusin.

MS. MUNDUS: Hi.

MS. RUSIN: I'm here to present my use
evaluation application for the property at 314 Main
Flynn Street, the bar, and restaurant and second floor apartment, as it was before, the restaurant and bar for dining and drinks with indoor and outdoor seating. The property has parking in the rear. The property is being enhanced to become a clean and comfortable attractive space for the Village of Greenport.

The landscaping plan is being completed now for the exterior front surrounding areas of the property, so that now when residents and visitors of the area walk by the property, it will be an impressive maintained vision.

Thank you for this opportunity to present this new and improved space for Greenport.

MS. MUNDUS: Your landscaping looks great. I was there today.

MS. RUSIN: Thank you very much. A lot of hard work, and a sprinkler system. It will be upscale, elegant.

MR. JAUQUET: What's the idea, full-scale meal service, chef and all that, or like a limited menu?

MS. RUSIN: It will probably be small plates and drinks, kind of like Noah's with the tables outside; attractive, clean, well maintained, inviting. Good food for sure, good food.
MR. JAQUET: Is it a theme, so Italian or something else?

MS. RUSIN: I'm not sure yet.

MR. JAQUET: Spanish?

MS. MARTIN: And just to clarify also, I'm here with her. This is -- the apartment is owner-occupied. She will be living there, and it will be just her space. It's not going to be used by employees, or whatever. It will be her and her family when they visit, and that's it. It's not, you know, a dormitory for help.

MS. RUSIN: Not rented out, it's only for me.

MR. JAQUET: But you could.

MS. RUSIN: Sorry?

MR. JAQUET: You could. Couldn't --

MS. BERRY: No.

MS. WINGATE: No.

MR. JAQUET: You can't?

CHAIRMAN MC MAHON: It has to be under our code.

MS. BERRY: Not under the existing C of O.

MR. JAQUET: Oh, I see. Okay. I didn't realize that. Okay, thank you.

So there's 114 seats here now? How many seats are here?
MS. RUSIN: I think it's 50 in and 50 out.

MS. BERRY: Forty-eight.

MS. RUSIN: Forty-eight and 50 out.

MR. JAUQUET: And 50 out?

MS. BERRY: Forty-eight and 56 or 8 out. So I would limit.

CHAIRMAN MC MAHON: The C of O is --

MS. BERRY: Just make sure you comply with the existing C of O.

MS. RUSIN: Yes, absolutely.

MS. MUNDUS: And also, there's no garage or barn area marked.

MS. WINGATE: (Shook head no.)

MS. MUNDUS: It mentions one.

MS. WINGATE: Yes. It was removed --

MS. MUNDUS: Okay.

MS. WINGATE: -- to pick up parking spaces.

MR. JAUQUET: Do you have to come out?

CHAIRMAN MC MAHON: Oh, no, I didn't didn't add that right. Fifty-six.

MR. JAUQUET: Fifty-six.

CHAIRMAN MC MAHON: I apologize.

MR. JAUQUET: Oh, 56.

CHAIRMAN MC MAHON: Yes?

MS. MUNDUS: Why is the difference of the

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interior seats? This plan says 44, that one says 48.

MS. WINGATE: One is an old plan, one is a new plan.

MS. MUNDUS: Oh.

MS. WINGATE: I -- yeah.

MS. MUNDUS: So this came with the application?

MS. WINGATE: Yeah.

MS. MUNDUS: And then this is newer?

MR. JAUQUET: This says May 13th, this here. What's that?

MS. BERRY: For a site plan, they used -- it confused me, too. They used an old site plan.

MS. MUNDUS: I have 5/11.

MR. JAUQUET: I see. So this says 56. Is the number actually outside to be 50 seats?

MS. BERRY: Fifty.

MR. JAUQUET: Okay. So you have to take a table-and-a-half away.

(Laughter)

MS. RUSIN: Two chairs, maybe, two chairs.

MR. JAUQUET: Two chairs. Okay.

CHAIRMAN MC MAHON: Okay. There were a couple of items that Glynis did mention.

There is intent to provide accessibility, but the following items need to be verified:
Code-compliant handrailings for all ramps/elevation changes - both sides. That's Code, ANSI 505.2.

Properly sized landing at the accessible entry door. So one of the options -- I'm sorry, your notes here on this?

MS. BERRY: Okay. Basically, they're minor things, but the existing -- she has a ramp, but it doesn't actually meet all the code requirements. And also the steps going down to Main Street don't have a proper hand railing. So it's almost accessible, but she needs to make a few modifications to make it fully accessible according to the code.

MS. MUNDUS: What's wrong with the ramp?

MS. BERRY: It doesn't have a hand railing, and also the landing at the door isn't big enough.

MS. RUSIN: I agree with everything she said. I discussed it with the contractor. He's ready to go to work on that immediately, just on this list.

CHAIRMAN MC MAHON: Okay. So everything is brought up?

MS. RUSIN: Absolutely, everything that -- to comply with that.

CHAIRMAN MC MAHON: Okay. If there are any other -- excuse me. Yes, ma'am.
MS. SHANK: Yes. Ruth Shank, 320 Carpenter Street.

I was wondering what your hours of operation will be, if you know. Is it lunch and dinner or dinner only?

MS. RUSIN: That would be nice, some breakfast out on the terrace, under an umbrella, nice table, flowers. Breakfast would be nice, lunch and dinner. I haven't really decided that, but I will be like the other restaurants.

CHAIRMAN MC MAHON: The hours of operation would need to be included in the site plan.

MS. RUSIN: Okay. I can give you that in a few days.

MS. SHANK: And what about entertainment, are you planning on having entertainment?

MR. JAUQUET: And music bands?

MS. WINGATE: No outside music.

MR. PROKOP: There's no outside music.

MS. RUSIN: No, no outside music.

MR. JAUQUET: No speakers.

CHAIRMAN MC MAHON: No -- yeah, no speakers piped outside.

MS. RUSIN: No. Upscale, elegant, happy people, very nice.
MR. JAUQUET: Because there are other restaurants that have their speakers outside that still have them, and others that we require them to not -- to take them away with a change of use, with a change of -- with a new owner, and we're trying to --

MS. RUSIN: And I understand that, with everybody walking around.

MR. JAUQUET: We're trying to completely get rid of them.

MS. RUSIN: No, no, no speakers outside.

MS. MUNDUS: So leave it like the dumpsters, one at a time.

(Laughter)

Are you going to plan to have any kind of awning over the patios or anything, or just going to use umbrellas?

MS. RUSIN: I don't plan on an awning, but I guess umbrellas on the tables would be very pretty.

CHAIRMAN MC MAHON: Okay. If there are any other issues --

MS. BERRY: When you end up -- well, you're just accepting it?

CHAIRMAN MC MAHON: Yes.

MS. BERRY: Okay.

CHAIRMAN MC MAHON: Okay. If there's no other
issues at the moment, I make a motion that we accept
the application. Do I have a second on that?

MR. JAUQUET: Second.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. MUNDUS: Aye.

CHAIRMAN MC MAHON: Aye.

Motion passes.

MS. WINGATE: I have one thing to say.

Whatever signage comes down the pike will have to go
through Historic.

CHAIRMAN MC MAHON: Yeah, okay.

MS. RUSIN: Thank you very much.

MS. MUNDUS: Thank you.

MS. RUSIN: I appreciate it.

MR. JAUQUET: Thank you.

CHAIRMAN MC MAHON: And Item No. 6, motion to
approve the Findings and Determinations for the
following projects:

Application of Butta'Cakes Inc. for restaurant
expansion at 119 Main Street.

Application of Rita Winkler for retail and
specialty food shop use at 110 Front Street.

Application for David Kapell as agent for
4 Moonstar LLC as Restaurant -- for Restaurant use at 120-122 Front Street.

I have those items. I will -- well, I will sign those and we'll put those into the record.

MS. WINGATE: I have those for you to sign.

CHAIRMAN MC MAHON: I believe we have to make a motion to accept them. Do I have a second on that?

These are summaries of the last -- of previous decisions we've made.

MS. MUNDUS: Could I have a copy?

MR. JAUQUET: I'll second that.

CHAIRMAN MC MAHON: These -- actually, those are the copies they're going to keep, but --

MS. MUNDUS: Oh. Because I wasn't here, I'd like to just --

CHAIRMAN MC MAHON: We can -- well, those are going to be put in the record.

MR. BURNS: I'll second the motion to sign it.

CHAIRMAN MC MAHON: Okay. All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. MUNDUS: Aye.

CHAIRMAN MC MAHON: Aye.

Motion passes.

Item No. 7, Motion to accept for review the
Findings and Determinations for the following projects:

- Application of Rick Takemoto for restaurant use of 477 Main Street.
- Application of Joann Brancato for the approval of a use evaluation as a vintage furniture and jewelry shop.
- Application of John Cronin for new house construction at 101 Sterling Street.
- Application of Kimberly Loper for use evaluation at 120 Main Street for a pet boutique.
- Application of Tom Spurge for construction of a new house at 216 North Street.
- Application of Margaret Richards for time extension for nuisance violation at 415 Kaplan Avenue.

Do I have a second on that?

MR. JAUQUET: Second.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. MUNDUS: Aye.

CHAIRMAN MC MAHON: Aye.

I will review those and enter them at the next meeting.
Motion to approve the minutes of March 12th, March 26th and April 2nd. Do I have a second?

MS. MUNDUS: Second.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. MUNDUS: Aye.

CHAIRMAN MC MAHON: Aye.

Approved.

Item No. 9, motion to accept the minutes for May 7th, 2015. I don't know why that was separate, but do I have a second?

MR. BURNS: Second.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. MUNDUS: Aye.

CHAIRMAN MC MAHON: Aye.

Approved.

No. 10, motion to schedule the regular session for June 4th. I believe that's June -- that should be June 5th, 2015, and the work session for June 25th, 2015.

MS. MUNDUS: June 4th is Thursday.

CHAIRMAN MC MAHON: Oh, excuse me, I have it
backwards, yes. Sorry. Regular session for June 4th, 2015, works session for June 25th, 2015. Do I have a second?

MR. JAUQUET: Second.

CHAIRMAN MC MAHON: Yes, sorry.

MS. KESSLER: That's okay. I know this is a little unusual. Linda Kessler from Kessie, Front Street.

I just signed a lease and I didn't make the two-week, you know, statute, but I'm already working with the Village. I'm moving across to Kim Loper's old spot in where Harbor Pet is.

CHAIRMAN MC MAHON: Okay.

MS. KESSLER: And so -- and I have to be out of my space. So I just wanted to present now. I don't know what would happen, you know, but I'm going -- I have this here. I mean, just I know you can't make a decision, no, but I just wanted to --

CHAIRMAN MC MAHON: We can't really do anything with it now, because we need time to review it beforehand to do that.

MS. KESSLER: Yeah, yeah.

CHAIRMAN MC MAHON: Did you submit -- you do have your application?

MS. KESSLER: Well, it's there. I have it with
my --

CHAIRMAN MC MAHON: Oh, so this is your actual --

MS. KESSLER: It's just -- I just wanted to --

CHAIRMAN MC MAHON: Move it along. You want to --

MS. KESSLER: Move it along, yeah.

MS. MUNDUS: So it's a change of use, right?

CHAIRMAN MC MAHON: Oh, so tell you to move --

MS. KESSLER: Yeah.

CHAIRMAN MC MAHON: Okay. So can we --

MS. WINGATE: No.

CHAIRMAN MC MAHON: What do we do?

MS. WINGATE: Give it back.

MS. KESSLER: I'll get a -- yeah. She sent me home before to do what I had to do.

MS. WINGATE: No. Twice today.

(Laughter)

MS. KESSLER: But I just wanted to let you know that it's happening.

MS. MUNDUS: Okay.

CHAIRMAN MC MAHON: Okay.

MS. WINGATE: It's not a change of use, it's retail to retail.

MS. KESSLER: Yeah, retail to retail.

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MS. WINGATE: We talked about classifications.

MS. KESSLER: Okay. Thanks.

CHAIRMAN MC MAHON: We will get you through as quickly as we can.

Okay. Item No. 11, motion to adjourn. Is there a second?

MR. JAUQUET: Second.

MR. BURNS: Second.

CHAIRMAN MC MAHON: All in favor?

MR. BURNS: Aye.

MS. MUNDUS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN MC MAHON: Aye.

(Whereupon, the meeting was adjourned at 6:32 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 May 28, 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 24th day of June, 2015.

_________________________________
Lucia Braaten

Flynn Stenography & Transcription Service
(631) 727-1107