

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

1 (Whereupon, the meeting was called to order at  
2 5:15 p.m.)

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

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

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

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

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

20 MR. TURRETT: The podium is here. So we're  
21 just requesting a Planning approval for where we're  
22 going to put the house, to have a house there. We  
23 staked out the house, and some members of the  
24 Planning Board were out there. It's a simple house,  
25 it's less than 2000 square feet. It's characterized

1 as a -- you know, a modern interpretation of a barn.  
2 And I'm open to questions, if anyone has any.

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

6 (No response)

7 Anyone on the board?

8 MR. JAUQUET: No not me.

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

10 (Laughter)

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

14 MR. TURRETT: Say that again.

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

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

22 CHAIRMAN MC MAHON: Yeah. Generally, the way  
23 we work is we would accept an application here, we  
24 would review it, and then if we had more issues, at  
25 the regular work session we would either approve it,

1 or if it was deficient in some capacity or there were  
2 things we felt needed to be modified, then we would  
3 either take another 30 days to review it, do whatever  
4 needs to be done, whatever corrections would need to  
5 be made, and then it would come back and hopefully  
6 approve it or deny it based on -- based on that.  
7 But, generally, it's an acceptance of an application,  
8 review, and then a vote yes or no.

9 MR. TURRETT: Okay.

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

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

16 MS. MUNDUS: Yeah.

17 MR. TURRETT: Thanks.

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

21 (No response.)

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

24 Item No. 1, discussion on the use evaluation  
25 application for Wayne Turrett. The Planning Board

1 has determined that for purposes of SEQRA this is a  
2 Type 1 Action requiring a public hearing. I just  
3 went through all this. So the motion would be to  
4 accept the application. I will make that motion. Do  
5 I have a second?

6 MS. MUNDUS: Second.

7 CHAIRMAN MC MAHON: All in favor?

8 MR. BURNS: Aye.

9 MR. DOWLING: Aye.

10 MR. JAUQUET: Aye.

11 MS. MUNDUS: Aye.

12 CHAIRMAN MC MAHON: Aye.

13 Okay. First item passes.

14 Item No. 2, continued review and discussion on  
15 the use evaluation conditionally granted for Brian  
16 Currick, and motion to schedule a public hearing.  
17 The applicant proposed the operation as instructional  
18 and rental Flyboard facility located on the Preston's  
19 Dock. The property is located at 102 Main Street, it  
20 is located in the Waterfront Commercial District;  
21 Suffolk County Tax Map 1001-5.-4-12.1.

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

25 We classified this as an unlisted action for

1 purposes of SEQRA, which did not require a formal  
2 review. We're opened up to if there is the Village  
3 Planning Board -- excuse me the Town Planning Board,  
4 or Town Board, or Village Board, or any other  
5 agencies feel they have jurisdiction, they could do a  
6 coordinating determination for purposes of SEQRA,  
7 which would determine whether or not there are any  
8 environmental issues, or some public -- threat to  
9 public safety that we have not addressed or has not  
10 been brought up.

11 We would schedule the public hearing for our  
12 next work session, which is, I believe, June, 25th;  
13 is that correct? Does anyone know offhand?

14 (No Response)

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

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

19 Hilbrand. J-A-A-P, Hilbrand, H-I-L-B-R-A-N-D,  
20 160 Sterling Street.

21 CHAIRMAN MC MAHON: Flyboard is a device that  
22 connects to a waterski, a jet ski. It uses the  
23 propulsion that -- same propulsion that the jet ski  
24 does. It travels through about a four-inch tube that  
25 travels up to the base of a board. It looks like a

1 wakeboard or boogie board. The person stands on it  
2 and the propulsion lifts them up into the air.  
3 It's -- the power is controlled by the operator of  
4 the jet ski, and the person on the board balances.

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

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

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

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

25 Again, we noted, when we approved it, it was a

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

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

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

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

24 CHAIRMAN MC MAHON: Actually, before, I would  
25 just like to quickly read the letter from -- it says,

1 "To: Devin McMahon, Village of Planning Board.  
2 From: Jeff" -- I don't know how to pronounce this  
3 last name.

4 MS. MUNDUS: Goubeaud.

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

7 Devin, I was asked by Paul Pallas to look into  
8 this business as it pertains to Greenport Harbor.  
9 After reviewing the Shaka Flyboarding, LTD. Proposal  
10 and after reviewing Chapter 48 of the Greenport  
11 Village code, Boats and Boating, I have some thoughts  
12 on the issue.

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

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

1 back to me."

2 MR. JAUQUET: What's a day shape?

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

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

12 Do you have a question?

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

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

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

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

21 MR. DOWLING: Yeah.

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

24 MS. MUNDUS: Yeah

25 MR. DOWLING: It's not something that's very

1 new. I mean, it's something that's been done all  
2 over the country and all over the world, really. So  
3 it's not something that just came out last week, you  
4 know.

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

7 (Laughter)

8 CHAIRMAN MC MAHON: Mr. Moore.

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

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

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

1 MR. FEGER: Sandy Beach?

2 CHAIRMAN MC MAHON: Yeah.

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

5 CHAIRMAN MC MAHON: What's that?

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

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

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

1 sailboats.

2 MR. JAUQUET: What did he say is --

3 MR. DOWLING: And jet skis.

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

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

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

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

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

1 rise to the level of a public hearing?

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

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

24 MR. SALADINO: Is it the -- from what I read  
25 about Southold's comments, it was -- actually, it was

1 only in the newspaper and they were speculating,  
2 nobody actually made a determination, it was just  
3 speculation, maybe they will need approval, maybe  
4 they won't.

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

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

24 MR. SALADINO: So doesn't that negate the need  
25 for a public hearing, the fact that he -- you know,

1 doesn't have a negative impact on it?

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

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

11 (Laughter)

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

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

20 MR. SALADINO: No, I understand.

21 CHAIRMAN MC MAHON: And so whatever -- you  
22 know, and that's the only thing. There are other  
23 issues that I think are more pressing and deserve  
24 more attention, but within -- with regards to what's  
25 coming before us, and trying to keep everyone in an

1 open and fair process, that's sort of where we're at,  
2 and that's why this particular issue and for these  
3 very particular nuanced reasons with regards to SEQRA  
4 determinations and different things.

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

11 MR. PROKOP: No.

12 MR. SALADINO: I'm just interested.

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

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

24 MR. HILBRAND: I assume that the Planning Board  
25 only has to do with the location of this operation,

1 or that the State or Federal, this type of operation  
2 has been approved with certain rules or regulations  
3 attached to it, correct?

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

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

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

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

15 MR. DOWLING: Both.

16 MR. HILBRAND: Both?

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

20 MR. HILBRAND: Would the ski, waterski  
21 operation fall under the same type of regulations?  
22 Well, I used to be a trick skier, so I know the  
23 dangers of these things.

24 MR. DOWLING: Any vessel on the water has to  
25 follow the rules of the road of safe regulations for

1 waterfront -- for water use as well.

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

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

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

11 MR. HILBRAND: Not always.

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

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

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

25 (Whereupon, Mr. Dowling exited the meeting.)

1 MR. PROKOP: So I would -- if you're going to  
2 have a motion to --

3 CHAIRMAN MC MAHON: Yeah.

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

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

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

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

17 MR. PROKOP: Yeah, for the time being.

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

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

25 MR. ROBERTS: Okay. The map that's

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

3 CHAIRMAN MC MAHON: Yeah, I believe it --

4 MR. ROBERTS: Online?

5 CHAIRMAN MC MAHON: I thought it was already.

6 MS. MUNDUS: Mary Bess already put it on  
7 Facebook.

8 MR. ROBERTS: That's on her personal --

9 MS. MUNDUS: Oh, all right.

10 MR. ROBERTS: -- that she moderates.

11 MR. PROKOP: We'll get it on the -- we'll get  
12 it on the Village website.

13 MR. ROBERTS: Yeah, for the public.

14 MR. PROKOP: Thank you.

15 MR. ROBERTS: And another question. The public  
16 hearing, if the public were to come with pitchforks  
17 and torches and tell you to get rid of this thing, is  
18 that the only thing that would make you change your  
19 determination, or are you looking -- what criteria  
20 are you looking for to potentially make a change in  
21 your conditional approval?

22 CHAIRMAN MC MAHON: Effects to the environment,  
23 safety, detriment to -- you know, an undue burden on  
24 other boaters and other people in the area, as well  
25 be relevant, as well be issues we want to --

1           MR. ROBERTS: Sorry, last question. Could a  
2 condition that you apply be that you can be on the  
3 dock, but you have to go to Area 2, which we still  
4 don't know where that is, but we think it's toward  
5 Bug Light; that's possible?

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

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

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

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

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

23          MR. PROKOP: Yeah.

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

25          MR. ROBERTS: Thank you.

1 MR. JAUQUET: -- is Southold and Number 1 is  
2 Greenport?

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

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

7 Specifically, with reference to Ms. Mundus'  
8 question, the Village of Greenport does extend over  
9 almost to the foot of the breakwater. So the  
10 1500-foot line from that part can certainly include  
11 area behind the breakwater for the Village to  
12 regulate.

13 I think it's very important to -- that  
14 Mr. Prokop clarify the fact of the jurisdictional  
15 aspects of this Board, vis-a-vis the Board of  
16 Trustees. This Board only has jurisdiction over the  
17 land-based portion of this operation. It has no  
18 jurisdiction over what it does out on the water, and  
19 for that reason, it's -- I don't see why they are  
20 taking into consideration anything to do with the  
21 water-based portion of it, whether it's safety or  
22 interference with navigation. That kind of  
23 regulation is the function of the Village -- of the  
24 Village Board, which has jurisdiction, as Mr. Prokop  
25 said, 1500 feet from Village -- from Village property

1 to regulate all kinds of water-based activities under  
2 Section 46 of the Navigation Law of the State of New  
3 York. So anything that's going on on the water has  
4 nothing to do with the jurisdiction of the Planning  
5 Board.

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

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

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

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

23 CHAIRMAN MC MAHON: Yeah.

24 MR. PROKOP: And so now we're going through  
25 this process where we're assessing new information

1 that has come in.

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

6 CHAIRMAN MC MAHON: Or deny.

7 MR. TASKER: Or deny.

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

10 CHAIRMAN MC MAHON: Yeah.

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

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

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

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

20 MR. BURNS: 25th.

21 CHAIRMAN MC MAHON: Okay. For June 25th at  
22 5:00, we will have a public hearing with regards to  
23 this application. We would ask that in the meantime,  
24 the applicant adhere to the direction of the Harbor  
25 Manager, Jeff Goubeaud, stay 300 feet away from the

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

5 That's it. Does anyone have --

6 MR. JAUQUET: Do you want a second?

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

8 MS. MUNDUS: Could I add something first?

9 CHAIRMAN MC MAHON: Sure.

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

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

14 MS. MUNDUS: It is already, okay.

15 MR. PROKOP: Well, I think that -- excuse me.  
16 Maybe we could make it part of the formal motion,  
17 then. Amend the motion to direct the Board, the  
18 Board will notify the Village Board.

19 CHAIRMAN MC MAHON: Other interested parties?

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

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

25 MR. PROKOP: We're going to do that anyway for

1 SEQRA, but we'll do it more formally.

2 CHAIRMAN MC MAHON: Okay.

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

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

10 MR. PROKOP: I think that's it.

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

17 MR. JAUQUET: Second.

18 CHAIRMAN MC MAHON: All in favor?

19 MR. BURNS: Aye.

20 MR. JAUQUET: Aye.

21 MS. MUNDUS: Aye.

22 CHAIRMAN MC MAHON: Aye.

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

25 Item No. 3, motion to accept the Site Plan

1 Application for North Fork Smoked Fish. Applicant,  
2 Phillip Karlin, has been granted a variance from the  
3 Zoning Board of Appeals for an additional 519 square  
4 feet of manufacturing floor space. This provides a  
5 total of 743 square feet of manufacturing and 640  
6 square feet of retail space. The facility is located  
7 at 414 First Street; SCTM #1001-4.-7-5.

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

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

19 SEQRA recommendation is Unlisted.

20 Application dated 2/2/15, revised, received ZBA  
21 variance hearing and approval on April 22nd, 2015.  
22 Resubmitted to the Planning Board Hearing April 24th,  
23 2015, 84% variance, 643 square feet manufacturing and  
24 619 retail space.

25 Information still needed: Short Environmental

1 Assessment Form and signage application.

2 Direct Site Plan issues: Terrace. A terrace  
3 is proposed with four tables and a linear counter of  
4 32 feet. The clear space for the terrace is roughly  
5 28' x 14', 392 square feet. This could equate to 21  
6 at the counter and 16 at the tables, for a total of  
7 37 people. If 15 square feet for unconcentrated  
8 tables and chairs. Occupancy is 26. If standing, 78  
9 (people). Only one exit, so need to limit occupancy  
10 to 49 and below, and include on C of 0. Oh, there's  
11 a Fire Department -- it's a fire safety issue, I  
12 believe.

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

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

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

25 You know, there is an exemption that we need to

1 determine whether or not it applies.

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

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

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

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

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

22 We could address that.

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

25 If date of last application for a new building

1 permit or start of alteration is on or after March  
2 15, 2012, then new construction or alterations must  
3 comply with 2010 Standards. If before then, 1991 or  
4 2010 standards apply.

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

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

11 MR. PROKOP: Yes.

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

14 There are no renovations to the interior of the  
15 building, other than changing how -- the service  
16 area. The display case is from the previous owner,  
17 it's the same. The only thing that is being done is  
18 all of the -- we have applied for the existing  
19 sharpshooters fence and all of that to be removed, to  
20 put in a nautical type wire and post railing all  
21 around the existing patio. They have asked for a --  
22 sort of a table-top railing, because they'd like for  
23 the people with takeout to be able to stand there and  
24 just enjoy their -- it's not a mass restaurant.  
25 There will be no table service.

1           They are totally renovating the exterior patio  
2 because it's in very bad condition. They're trying  
3 to make it really attractive. The building is being  
4 painted. The prior business did not require  
5 handicapped accessibility. This is a very old  
6 building. The steps -- I'm sure the railings will be  
7 put in place when we're allowed to get our permits to  
8 do the railings.

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

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

24           MS. MARTIN: For both operations, as if by  
25 doing the recommended 10-by-20 parking space. And

1 this is an unlined parking area at this point. They  
2 are doing renovations to -- they have started repair  
3 work to the parking lot. They're planning on doing  
4 that, getting that done, fixing the -- the ramp that  
5 comes in is in bad shape and they're going to clean  
6 that up also. It's going to be done with some sort  
7 of a -- the owner of the property feels that it needs  
8 to be somewhat porous, because the road runoff, the  
9 way the property is pitched, it would cause. So it  
10 will be a combination of -- right now, they're  
11 filling it with stone, and then they're going to put  
12 something on top that stays. It's not -- it will  
13 be --

14 CHAIRMAN MC MAHON: Okay.

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

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

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

24 MS. MARTIN: I do not believe so. But there --  
25 you know, from --

1 MR. JAUQUET: They can use a barrier for each  
2 car. You know, they can --

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

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

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

14 MS. BERRY: Okay.

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

16 MS. BERRY: Right.

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

20 MS. BERRY: Yes. No, I understand that, but if  
21 we're talking about the whole site, one of the issues  
22 is storm water runoff. And saying that it's gravel  
23 doesn't do anything, because it gets compacted and  
24 it's almost as solid as anything else. So there are  
25 ways of evaluating different surfaces and given

1 co-efficient factors and, you know, doing a proper  
2 drainage plan.

3 And the other thing is also the code does call  
4 for a dustless surface in a commercial area.

5 MS. MARTIN: She had planned on a dustless  
6 surface, as far as I understand it. It would be --  
7 they're doing -- there's a tremendous -- as we all  
8 know, there's a tremendous amount of damage to the  
9 parking lot. They have gotten stone delivered to  
10 fill and level, and then they plan on putting  
11 something on top. I'm not sure what it is, but it  
12 will be similar to probably what was taken off the  
13 State roads, that on a hot day, after it's down, will  
14 adhere and stay, but I'm not -- I'm not a, you know,  
15 mason supply -- I mean, a stone supply person or  
16 driveway installer.

17 These are the signage. We have applied for the  
18 sign permits. There will be a similar sign on this  
19 window.

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

22 MS. MARTIN: Sure. I think I had three of  
23 them.

24 MS. MUNDUS: Before we move on to the signage,  
25 could we keep talking a little bit more about the

1 drainage there? Because the Village code says that  
2 the water runoff must be retained on-site. So  
3 planning the surface to help it drain away is not the  
4 idea of the law.

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

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

22 MS. MUNDUS: Okay.

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

24 CHAIRMAN MC MAHON: Is that included in the  
25 most recent plans that were submitted?

1 MS. MARTIN: I do not believe so.

2 MS. MUNDUS: What about the parking area?

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

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

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

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

12 MS. MARTIN: For the major --

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

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

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

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

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

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

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

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

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

7 MS. MUNDUS: Perfect.

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

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

23 MR. JAUQUET: Of the seven?

24 MS. MARTIN: For the Fish.

25 MR. JAUQUET: With some sort of sign that says

1 fish and consignment?

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

24 MR. JAUQUET: Where's the standing rail? Would  
25 that be out on the patio?

1 MS. MARTIN: It's on that?

2 MS. MUNDUS: Right there.

3 MR. JAUQUET: Did I see that?

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

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

8 MR. JAUQUET: Like here and here?

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

11 MR. JAUQUET: Yeah.

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

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

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

16 MR. JAUQUET: Yeah, I gotcha.

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

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

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

22 You know, we -- so, originally, we showed four  
23 parking spaces and we required two. You know,  
24 there's going to be a couple of more that are up for  
25 -- I mean, it's across the street from the IGA, it's

1 in a walking village. I know you want parking, but  
2 there's limitations to every piece of property in the  
3 Village as to what it can accommodate. I would say  
4 more people are going to park to go to the  
5 Consignment Shop than are going to for the fish, to  
6 the fish market.

7 CHAIRMAN MC MAHON: Okay.

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

10 CHAIRMAN MC MAHON: There are others.

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

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

1 thing, the drainage particularly, and the parking for  
2 the whole property.

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

11 Now, I had told him, as a former member of the  
12 Planning Board, that if he went ahead and pretended  
13 that nothing else had to go through process, that he  
14 would be in more trouble, because we're not going to  
15 do something more without the right things in place.  
16 So it's very strange that all of these things have  
17 happened when we're trying to do due diligence and  
18 make up for the past, you know, mistakes, which are  
19 history now, and we're -- and it's a combination of a  
20 retail operation trying to get open for the season  
21 and some longstanding issues with the site. And I  
22 just ask your consideration of accepting this  
23 application, and that this business owner has done  
24 more than the average leaseholder to try to get the  
25 place to be, and will -- it will be a really nice

1 addition to the Village when it gets done. It's  
2 going to have -- the top of the building will be in  
3 his colors. It's -- you could start to see this will  
4 be a blue border here. This is going to be clean  
5 white. It's going to look a little --

6 MR. JAUQUET: Lights get retained?

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

10 MR. JAUQUET: Yeah, right, right.

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

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

18 But my question is it's a little complicated,  
19 because, you know, we want the smoked fish operation  
20 to start up right away, but what is then the  
21 incentive for the landowner to do the correct thing  
22 for the greater good of Greenport and the property in  
23 general, if we give him the permit and everything  
24 starts up there? You know, I mean, we need a plan.  
25 I think there should be an overall plan. Maybe it

1       may not affect the fish market, but -- because that's  
2       how this building got rented in the first place, for  
3       an inappropriate use, because the landowner was not  
4       exactly forthcoming in the proper legal use of the  
5       property. So that's my opinion, and I'm sorry.

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

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

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

22             MS. MUNDUS: Sure, right.

23             CHAIRMAN MC MAHON: I understand you'd like to  
24      get it open as soon as possible, and I'm with you on  
25      that. But it's just right now, you know, I have a

1 problem even accepting the application now because it  
2 is incomplete. It doesn't have -- you know, it  
3 doesn't show the drainage. You know, it's not a  
4 complete application as it is right now. There is no  
5 parking plan clearly defined with regards to shared  
6 space between all of the people on the property.  
7 Right now, the drainage is still -- you know, we  
8 don't have plans for any of that. We do need time to  
9 see it, to review it, to, you know -- I mean, do  
10 you --

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

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

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

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

1 wasn't --

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

14 CHAIRMAN MC MAHON: Okay. Even --

15 MS. BERRY: Can I add something?

16 CHAIRMAN MC MAHON: Sure.

17 MS. BERRY: If I can remember. Is the date  
18 '91?

19 MS. WINGATE: (Nodded yes.)

20 MS. BERRY: The structure was built before the  
21 date where parking is allowed. Whatever the number  
22 they provide, it's not required to have marked. So I  
23 think the number of parking spaces isn't a problem,  
24 just conflict with any other use and that kind of  
25 thing.

1 MR. JAUQUET: What? You think the parking is  
2 what?

3 MS. BERRY: Grandfathered.

4 MR. JAUQUET: Grandfathered, okay.

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

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

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

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

24 MS. BERRY: Right.

25 MS. MARTIN: -- before approval, because, you

1 know, he's put a lot of money into getting the other  
2 operation up. He wants the retail. He wants to meet  
3 the zoning approval, and he's very anxious to do so.  
4 But when he was told not to look to do anything until  
5 he had --

6 MS. BERRY: Sure.

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

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

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

12 MS. BERRY: No.

13 MS. MARTIN: There's a --

14 MS. BERRY: Is this on the site?

15 MR. KARLIN: What kind of fencing do they want?  
16 For the dumpster, you mean?

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

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

25 MS. BERRY: No, no. But it's where you're

1 storing your garbage, where you're --

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

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

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

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

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

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

13 MS. BERRY: I'm just raising it.

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

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

22 MR. JAUQUET: I mean, I think the -- I think  
23 the things that are needed are rather simple. I  
24 mean, they're rather straightforward, aren't they? I  
25 mean, if we're talking about --

1 MS. MARTIN: If you were to give me a list  
2 today of the things that you want on there before  
3 next week, I will have them to you tomorrow.

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

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

8 MR. JAUQUET: Right, yeah.

9 CHAIRMAN MC MAHON: Yeah, yes, yes.

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

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

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

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

17 (Laughter)

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

21 MR. KARLIN: Yes.

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

24 MR. KARLIN: Right, except the production  
25 facility will be taken off, taken off there.

1 MR. JAUQUET: That's there.

2 MS. MARTIN: That's there. This sign will be  
3 in that window.

4 MR. JAUQUET: Oh, I see. Okay.

5 MS. MARTIN: So -- and it's within -- it's  
6 below what's allowed --

7 MR. JAUQUET: Okay, okay.

8 MS. MARTIN: -- on the frontage of the  
9 building.

10 MR. JAUQUET: And are these -- are these pipes  
11 here awning?

12 MR. KARLIN: Yes.

13 MS. MARTIN: It's an awning.

14 MR. JAUQUET: Are you going to use those, or  
15 just --

16 MR. KARLIN: I would like -- yeah, I would like  
17 to. I would like to lift the awnings up so that they  
18 don't cover the windows, because there's plenty of  
19 clearance there.

20 MR. JAUQUET: Right.

21 MR. KARLIN: And then put some nice blue  
22 awnings up there. Yeah, it would make it look very  
23 nice.

24 MR. JAUQUET: Do we have to -- do we have to  
25 have that in the plan?

1 MS. MARTIN: There will be no lettering on --  
2 there will be no lettering on the awnings, so that's  
3 not signage.

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

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

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

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

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

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

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

16 MR. JAUQUET: I see, I see.

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

19 MR. KARLIN: Sure.

20 MS. MUNDUS: It's from Section 112-16A,  
21 "Receptacles for Commercial Premises. Any garbage,  
22 refuse or rubbish placed outside commercial premises,  
23 visible to the public, shall be contained in a  
24 covered container sufficiently secure so as to  
25 prevent animals from gaining access to the contents

1       thereof and shall be screened from public view with a  
2       solid enclosure or enclosure of dense vegetation on  
3       at least three (3) sides to a height of the height of  
4       the container or containers. Waste fluids must be  
5       properly contained, treated or regularly picked up so  
6       as not to cause a health hazard or odorous problem."

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

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

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

17              MS. MUNDUS: No.

18              MR. KARLIN: So --

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

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

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

1 fence or something just to --

2 CHAIRMAN MC MAHON: Okay. So if he --

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

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

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

13 MS. MUNDUS: Right.

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

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

19 MR. KARLIN: Absolutely.

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

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

24 MS. MUNDUS: So every dumpster that gets fixed  
25 is going to be a good thing.

1 MR. KARLIN: I would not be opposed to that at all.

2 CHAIRMAN MC MAHON: Okay. I'd like to move on,  
3 so he's waiting for a comment.

4 MR. FEGER: Robert Feger --

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

10 MS. BERRY: That would be perfect.

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

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

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

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

24 MR. FEGER: Great.

25 CHAIRMAN MC MAHON: Is there something else you

1 want to say, sir?

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

4 I know you're considering very seriously all of  
5 the dimensions of the site, the site plan, drainage,  
6 and all that kind of thing. But I wonder if it is in  
7 the purview of this Board to consider in your  
8 consideration what the proposed use is to be, because  
9 as I read the permitted uses in the various districts  
10 in the Village of Greenport, I don't believe that  
11 what they are planning to do is a permitted use in  
12 the CR District. It is -- they are permitted uses in  
13 the WC District, and I'll tell you specifically.  
14 150-11, Waterfront Commercial District permits 17  
15 water or waterfront related uses. Relative to this  
16 application are two: Number 8, fish and shellfish  
17 processing plants, and Number 10, retail and  
18 wholesale of seafood products. In no other district  
19 in the Village of Greenport are those uses permitted  
20 to be conducted.

21 Now someone's likely to say, "Well, it doesn't  
22 say they can't do it in the CR District, so probably  
23 they can." No, that's not the way the Village Code  
24 works. The Village Code is a permissive code. What  
25 you're permitted to do in one district means that you

1 are not permitted to do it in another district. And  
2 I'm concerned that this should be a consideration in  
3 the Planning Board's consideration of this business  
4 at all. Thank you.

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

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

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

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

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

23 MS. BERRY: Can I add something? I think you  
24 also have to put a limit on the outside occupancy.  
25 It's just a sign. And it's going to be more than

1 they're ever going to use, so it's not a big deal,  
2 but I think it needs to be part of the C of O  
3 eventually.

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

8 MR. JAUQUET: So four things.

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

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

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

18 MS. MARTIN: You do have the signage  
19 dimensions.

20 MR. PROKOP: No, we don't.

21 MS. MARTIN: I just handed it to everyone.

22 MR. PROKOP: It's not on here.

23 MR. JAUQUET: It's on here. It says 13.125  
24 square feet, and then Alice's is going to be the  
25 same.

1 MS. MARTIN: Right. It's 42 inches, 45 inches  
2 tall by 42 inches wide.

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

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

6 MR. JAUQUET: A little smaller.

7 MS. MARTIN: -- because of the logo.

8 MR. JAUQUET: All right.

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

14 MR. JAUQUET: Second.

15 CHAIRMAN MC MAHON: All in favor?

16 MR. JAUQUET: Aye.

17 MS. MUNDUS: Aye.

18 CHAIRMAN MC MAHON: Aye.

19 MR. BURNS: Conditionally accept, or  
20 conditionally approve?

21 MR. PROKOP: It's accept.

22 CHAIRMAN MC MAHON: Accept.

23 MR. JAUQUET: Accept.

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

25 MR. BURNS: That's okay. Approve.

1 CHAIRMAN MC MAHON: Okay.

2 MS. MARTIN: Thank you.

3 MR. KARLIN: Thank you very much.

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

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

9 MS. BERRY: Okay.

10 CHAIRMAN MC MAHON: Okay. Item No. 4, motion  
11 to deny the application for Osprey Zone Site Plan  
12 Application. On April 2nd, 2015, the Planning Board  
13 adjourned the site plan application with a  
14 resubmission deadline of May 13th. No further plans  
15 or information have been submitted. The Osprey Zone  
16 Marina site is located on Sterling Avenue; SCTM  
17 #1001-3.-4-42.

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

23 MS. MUNDUS: Second.

24 CHAIRMAN MC MAHON: All in favor?

25 MR. BURNS: Aye.

1 MR. JAUQUET: Aye.

2 MS. MUNDUS: Aye.

3 CHAIRMAN MC MAHON: Aye.

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

6 CHAIRMAN MC MAHON: Oh, yes, yes.

7 MS. TAYLOR: Yeah, Sterling Street

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

10 MR. HILBRAND: Yes.

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

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

16 CHAIRMAN MC MAHON: Sure.

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

20 I don't know if I've resolved this in my own  
21 mind yet, but there's -- what happened with this, the  
22 building has a C of O for these two uses, but the  
23 C of O predated our code, the current code and the  
24 use, the restaurant use was discontinued for a  
25 significant period of time.

1           So I think that they're both legal uses,  
2 independently legal uses, but the problem is that the  
3 you can't -- in the Retail Commercial District under  
4 the code that now exists, you cannot have a  
5 residential -- unless I'm mistaken, you cannot have a  
6 residential use over a commercial use.

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

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

15           MS. BERRY: No.

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

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

23           CHAIRMAN MC MAHON: Okay.

24           MS. BERRY: Basically, you can have it, but  
25 it's -- you know, if it meets building code. But

1 this is a preexisting C of 0, and as long as they do  
2 not change the C of 0, if -- that's why I'm  
3 recommending that you keep 50 outside seats. Then I  
4 don't see any reason for going further with this and  
5 allowing it, but --

6 MR. JAUQUET: Wait, say that again.

7 MS. BERRY: If she keeps to the existing C of 0  
8 and doesn't increase the usage, I think it's fine,  
9 because I don't see anything about a C of 0 expiring,  
10 so I think it's fine. But I would not increase any  
11 use. So you have more seats proposed for outside, so  
12 I would limit it to the original C of 0.

13 If the C of 0 changes, and you want to do  
14 something else with the property, then it triggers  
15 other building code issues that would have to be done  
16 to the building, okay? So if you want to avoid being  
17 forced to do something more to the -- build more  
18 intensely to the building, which is difficult with an  
19 historic building, I think just making sure you limit  
20 your use to what the existing C of 0 is.

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

23 MS. MUNDUS: Hi.

24 MS. RUSIN: I'm here to present my use  
25 evaluation application for the property at 314 Main

1 Street, the bar, and restaurant and second floor  
2 apartment, as it was before, the restaurant and bar  
3 for dining and drinks with indoor and outdoor  
4 seating. The property has parking in the rear. The  
5 property is being enhanced to become a clean and  
6 comfortable attractive space for the Village of  
7 Greenport.

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

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

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

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

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

22 MS. RUSIN: It will probably be small plates  
23 and drinks, kind of like Noah's with the tables  
24 outside; attractive, clean, well maintained,  
25 inviting. Good food for sure, good food.

1 MR. JAUQUET: Is it a theme, so Italian or  
2 something else?

3 MS. RUSIN: I'm not sure yet.

4 MR. JAUQUET: Spanish?

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

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

13 MR. JAUQUET: But you could.

14 MS. RUSIN: Sorry?

15 MR. JAUQUET: You could. Couldn't --

16 MS. BERRY: No.

17 MS. WINGATE: No.

18 MR. JAUQUET: You can't?

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

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

22 MR. JAUQUET: Oh, I see. Okay. I didn't  
23 realize that. Okay, thank you.

24 So there's 114 seats here now? How many seats  
25 are here?

1 MS. RUSIN: I think it's 50 in and 50 out.

2 MS. BERRY: Forty-eight.

3 MS. RUSIN: Forty-eight and 50 out.

4 MR. JAUQUET: And 50 out?

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

7 CHAIRMAN MC MAHON: The C of O is --

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

10 MS. RUSIN: Yes, absolutely.

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

13 MS. WINGATE: (Shook head no.)

14 MS. MUNDUS: It mentions one.

15 MS. WINGATE: Yes. It was removed --

16 MS. MUNDUS: Okay.

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

18 MR. JAUQUET: Do you have to come out?

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

21 MR. JAUQUET: Fifty-six.

22 CHAIRMAN MC MAHON: I apologize.

23 MR. JAUQUET: Oh, 56.

24 CHAIRMAN MC MAHON: Yes?

25 MS. MUNDUS: Why is the difference of the

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

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

4 MS. MUNDUS: Oh.

5 MS. WINGATE: I -- yeah.

6 MS. MUNDUS: So this came with the application?

7 MS. WINGATE: Yeah.

8 MS. MUNDUS: And then this is newer?

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

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

13 MS. MUNDUS: I have 5/11.

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

16 MS. BERRY: Fifty.

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

19 (Laughter)

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

21 MR. JAUQUET: Two chairs. Okay.

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

24 There is intent to provide accessibility, but  
25 the following items need to be verified:

1 Code-compliant handrailings for all  
2 ramps/elevation changes - both sides. That's Code,  
3 ANSI 505.2.

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

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

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

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

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

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

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

24 CHAIRMAN MC MAHON: Okay. If there are any  
25 other -- excuse me. Yes, ma'am.

1 MS. SHANK: Yes. Ruth Shank, 320 Carpenter  
2 Street.

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

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

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

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

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

17 MR. JAUQUET: And music bands?

18 MS. WINGATE: No outside music.

19 MR. PROKOP: There's no outside music.

20 MS. RUSIN: No, no outside music.

21 MR. JAUQUET: No speakers.

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

24 MS. RUSIN: No. Upscale, elegant, happy  
25 people, very nice.

1 MR. JAUQUET: Because there are other  
2 restaurants that have their speakers outside that  
3 still have them, and others that we require them to  
4 not -- to take them away with a change of use, with a  
5 change of -- with a new owner, and we're trying to --

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

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

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

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

13 (Laughter)

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

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

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

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

23 CHAIRMAN MC MAHON: Yes.

24 MS. BERRY: Okay.

25 CHAIRMAN MC MAHON: Okay. If there's no other

1 issues at the moment, I make a motion that we accept  
2 the application. Do I have a second on that?

3 MR. JAUQUET: Second.

4 CHAIRMAN MC MAHON: All in favor?

5 MR. BURNS: Aye.

6 MR. JAUQUET: Aye.

7 MS. MUNDUS: Aye.

8 CHAIRMAN MC MAHON: Aye.

9 Motion passes.

10 MS. WINGATE: I have one thing to say.  
11 Whatever signage comes down the pike will have to go  
12 through Historic.

13 CHAIRMAN MC MAHON: Yeah, okay.

14 MS. RUSIN: Thank you very much.

15 MS. MUNDUS: Thank you.

16 MS. RUSIN: I appreciate it.

17 MR. JAUQUET: Thank you.

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

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

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

25 Application for David Kapell as agent for

1 4 Moonstar LLC as Restaurant -- for Restaurant use at  
2 120-122 Front Street.

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

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

6 CHAIRMAN MC MAHON: I believe we have to make a  
7 motion to accept them. Do I have a second on that?  
8 These are summaries of the last -- of previous  
9 decisions we've made.

10 MS. MUNDUS: Could I have a copy?

11 MR. JAUQUET: I'll second that.

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

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

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

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

19 CHAIRMAN MC MAHON: Okay. All in favor?

20 MR. BURNS: Aye.

21 MR. JAUQUET: Aye.

22 MS. MUNDUS: Aye.

23 CHAIRMAN MC MAHON: Aye.

24 Motion passes.

25 Item No. 7, Motion to accept for review the

1 Findings and Determinations for the following  
2 projects:

3 Application of Rick Takemoto for restaurant use  
4 of 477 Main Street.

5 Application of Joann Brancato for the approval  
6 of a use evaluation as a vintage furniture and  
7 jewelry shop.

8 Application of John Cronin for new house  
9 construction at 101 Sterling Street.

10 Application of Kimberly Loper for use  
11 evaluation at 120 Main Street for a pet boutique.

12 Application of Tom Spurge for construction of a  
13 new house at 216 North Street.

14 Application of Margaret Richards for time  
15 extension for nuisance violation at 415 Kaplan  
16 Avenue.

17 Do I have a second on that?

18 MR. JAUQUET: Second.

19 CHAIRMAN MC MAHON: All in favor?

20 MR. BURNS: Aye.

21 MR. JAUQUET: Aye.

22 MS. MUNDUS: Aye.

23 CHAIRMAN MC MAHON: Aye.

24 I will review those and enter them at the next  
25 meeting.

1 Motion to approve the minutes of March 12th,  
2 March 26th and April 2nd. Do I have a second?

3 MS. MUNDUS: Second.

4 CHAIRMAN MC MAHON: All in favor?

5 MR. BURNS: Aye.

6 MR. JAUQUET: Aye.

7 MS. MUNDUS: Aye.

8 CHAIRMAN MC MAHON: Aye.

9 Approved.

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

13 MR. BURNS: Second.

14 CHAIRMAN MC MAHON: All in favor?

15 MR. BURNS: Aye.

16 MR. JAUQUET: Aye.

17 MS. MUNDUS: Aye.

18 CHAIRMAN MC MAHON: Aye.

19 Approved.

20 No. 10, motion to schedule the regular session  
21 for June 4th. I believe that's June -- that should  
22 be June 5th, 2015, and the work session for June  
23 25th, 2015.

24 MS. MUNDUS: June 4th is Thursday.

25 CHAIRMAN MC MAHON: Oh, excuse me, I have it

1 backwards, yes. Sorry. Regular session for June  
2 4th, 2015, works session for June 25th, 2015. Do I  
3 have a second?

4 MR. JAUQUET: Second.

5 CHAIRMAN MC MAHON: Yes, sorry.

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

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

13 CHAIRMAN MC MAHON: Okay.

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

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

22 MS. KESSLER: Yeah, yeah.

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

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

1 my --

2 CHAIRMAN MC MAHON: Oh, so this is your

3 actual --

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

5 CHAIRMAN MC MAHON: Move it along. You want

6 to --

7 MS. KESSLER: Move it along, yeah.

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

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

10 MS. KESSLER: Yeah.

11 CHAIRMAN MC MAHON: Okay. So can we --

12 MS. WINGATE: No.

13 CHAIRMAN MC MAHON: What do we do?

14 MS. WINGATE: Give it back.

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

17 MS. WINGATE: No. Twice today.

18 (Laughter)

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

21 MS. MUNDUS: Okay.

22 CHAIRMAN MC MAHON: Okay.

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

25 MS. KESSLER: Yeah, retail to retail.

1 MS. WINGATE: We talked about classifications.

2 MS. KESSLER: Okay. Thanks.

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

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

7 MR. JAUQUET: Second.

8 MR. BURNS: Second.

9 CHAIRMAN MC MAHON: All in favor?

10 MR. BURNS: Aye.

11 MS. MUNDUS: Aye.

12 MR. JAUQUET: Aye.

13 CHAIRMAN MC MAHON: Aye.

14 (Whereupon, the meeting was adjourned at 6:32 p.m.)

15

16

17

18

19

20

21

22

23

24

25

