VILLAGE OF GREENPORT

PLANNING BOARD

REGULAR SESSION

November 6, 2014

5:00 p.m.

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

Appearances:

Peter Jauquet – Chairman
Bradley Burns
Chris Dowling
Pat Mundus

Joseph Prokop, Village Attorney
Eileen Wingate, Village Building Inspector
(Whereupon, the meeting was called to order at 5:15 p.m.)

CHAIRMAN JAUQUET: Okay. This is the official start of the November 6th, 2014 Village of Greenport Planning Board meeting. This is a regular session.

And Item #1 is a possible further discussion and a motion to approve an application for a new restaurant in a space located at 110 Front Street. The applicant, Carlos Gomez Gonzalez, proposes to open a prepared Spanish food restaurant for consumption on and off the premises. This facility was formerly used as a restaurant type space. This is at Section 4, Block 9, Lot 28.2.

And maybe Mr. Gonzalez is here.

MR. GONZALEZ: Yes.
CHAIRMAN JAUQUET: Okay. Hi.

MR. GONZALEZ: Hi.

MS. GIRÓN: Hi. How are you?

CHAIRMAN JAUQUET: Hi. I'm good. Thank you. Maybe you should just -- maybe you should get up and just tell us what you're going to do, and then we can ask a few questions.

MR. GONZALEZ: Okay.

CHAIRMAN JAUQUET: You need to get up on the podium, and just -- go ahead, and just give us one or two sentences on what you --

MR. GONZALEZ: Yes. My name is Carlos Gonzalez. I just -- we missed the last meeting, which was last --

CHAIRMAN JAUQUET: Thursday.

MR. GONZALEZ: Thursday. And the reason we're here, try to apply to open a restaurant for here, 110, pretty much like Spanish food and, you know, fast food here.

CHAIRMAN JAUQUET: Okay.

MR. GONZALEZ: Legal.
CHAIRMAN JAUQUET: This is a restaurant, this is already a restaurant space, so there's really not a lot of discussion on it, except the one thing that you would usually get with these is a -- there is a layout here. There is a layout here of what is there. Now what was your question?

MR. DOWLING: There was no plan for tables or chairs. Are there going to be like tables or chairs here? Your floor plan that you sent out, your site plan is basically just a blank slate. You got tables and chairs, or, you know, food preparation counters, or anything like that?

MR. GONZALEZ: Yeah. I think we're going to put some tables right there, just some people who want to sit right there. Pretty much like going to be like takeout food and serve myself right there, you know, like --

CHAIRMAN JAUQUET: I guess what he's driving at is, usually, when we get these, the number of -- the tables and chairs are usually
drawn in, or at least the number of tables. And do we need a seating capacity or --

MR. PROKOP: Yes.

CHAIRMAN JAUQUET: How does -- you know, we're on the right track on this, asking for that on the plan?

MS. WINGATE: Because, though -- because the storefront has two means of egress, he has the ability to have a lot of seats. It's a big store and it's got two means of egress, so it's a function of square footage at that point.

CHAIRMAN JAUQUET: Okay.

MR. DOWLING: Okay.

MR. PROKOP: But is there a number?

CHAIRMAN JAUQUET: Is there a capacity?

MS. WINGATE: I don't know it off the top of my head.

CHAIRMAN JAUQUET: Is there a -- is there a number of tables rule just for stuff in the way of getting out?

MS. WINGATE: Yeah, it's 15 square feet per
seat, but I don't know the square footage of this space.

CHAIRMAN JAUQUET: Okay. Can he work off 15?

MS. WINGATE: The last two restaurants didn't reach the capacity.

CHAIRMAN JAUQUET: Okay.

MR. DOWLING: I think what we're trying to say is you're allowed to have a certain amount of seats for the amount of space that you have. So we just want to make sure that, you know, how many seats you're putting in, make sure you're not over the capacity you're supposed to have.

MR. GONZALEZ: I think we've got to find out what's the square foot going to be, or what's the maximum we got to apply for in the Health Department.

CHAIRMAN JAUQUET: Okay.

MR. GONZALEZ: That's going to be -- depends what the size.

CHAIRMAN JAUQUET: Right.

MR. GONZALEZ: So we end up about permits
or the contract we're going to have with the people, we're going to have plans, or, you know, the -- okay.

MS. GIRON: Excuse me.

CHAIRMAN JAUQUET: So should he talk to --

MS. GIRON: But, so far, we -- my name is Gelyn Giron, I'm his stepdaughter.

We are just planning to have 49 seats. If that's good, or approval, then that's --

CHAIRMAN JAUQUET: Forty-nine seats?

MS. GIRON: Yes.

CHAIRMAN JAUQUET: And how many tables would that be in there, do you think?

MS. GIRON: I think about 10 or 12; 10 tables, I think.

CHAIRMAN JAUQUET: Can they have -- they can have more than that, though, can't they?

MS. WINGATE: (Nodded yes.)

CHAIRMAN JAUQUET: You should probably ask for more and use less.

MS. GIRON: Okay.

CHAIRMAN JAUQUET: You know, don't you think? I mean, I don't know. I mean, I want to -- go ahead. What are your thoughts?
MR. DOWLING: I think with the site plan, the floor plan you submitted, you have to put on there how many tables you're going to have, how many chairs you're going to have to submit to us, so we can approve how many tables and chairs you have. It would have to fit into the guidelines set forth.

MS. GIRON: Okay.

MR. DOWLING: It's by the Health Department.

MS. WINGATE: Yeah. I was going to say, have you been talking with the Health Department?

MS. GIRON: Yes. There is a lady, her name is Pamela. Pamela.

CHAIRMAN JAUQUET: Okay.

MS. GIRON: And she's helping us with the application with the Health Department. And so far, she told us the minimum we're supposed to put there it's 49 seats.

CHAIRMAN JAUQUET: Minimum?

MS. GIRON: Yes. Well, just --

MR. BURNS: Maximum.
MS. GIRON: Yeah, the maximum, yes. That's how we're getting.

CHAIRMAN JAUQUET: Okay. So what do they need to do?

MR. DOWLING: Well, we need to have a proper site plan to show how it's going to be arranged in there --

CHAIRMAN JAUQUET: So this --

MR. DOWLING: -- so to make it safe, and make sure it's --

CHAIRMAN JAUQUET: Right. And what other -- what about signage and that kind of thing?

MR. DOWLING: Yeah, there's nothing.

CHAIRMAN JAUQUET: We will need to have some sort of idea of what you plan on putting on as signage on the exterior of the building. That has to be within the Village Code requirements, too, for size. And some of these other storefronts in that same complex have exterior tables and chairs. If you plan on doing that,
you need that also.

MR. DOWLING: If there's space.

CHAIRMAN JAUQUET: If there's space. And you'd have to talk to the Building Department about whether that -- whether there's enough space there.

MS. GIRON: Okay.

CHAIRMAN JAUQUET: And then what you need to do, between now and the next meeting, if you have your -- if you finalize things with the -- with the Health Department, is you should -- you need to take this diagram that you gave us with the application, draw those tables in, and if it's more than what you need and they fit, you know, you may want to draw a few more extras in just in case, because what you put here is what we will regulate later.

MS. GIRON: Okay.

CHAIRMAN JAUQUET: So the seating, the sign, and those outdoor tables, if there's one, or two, or none. If there's none, then that's
it, okay?

MR. GONZALEZ: When you say Building
Department, okay --

CHAIRMAN JAUQUET: The Building Department
at the Village.

MR. GONZALEZ: Okay.

CHAIRMAN JAUQUET: So that's all we need,
is that drawing on the inside of where those
tables are going to be.

MR. GONZALEZ: Okay.

CHAIRMAN JAUQUET: And we don't need --

that's it, right, for the interior? We don't
need to see -- I mean, what else is in here? The
bathrooms.

MR. DOWLING: Storage.

CHAIRMAN JAUQUET: Storage and --

MS. MUNDUS: Dumpster.

MR. DOWLING: Dumpster, garbage.

CHAIRMAN JAUQUET: Where is the dumpster?

MR. DOWLING: Your garbage, is that handled
out back? Is there a dumpster out back?
It's in the back, yes, in the back of the building.

Yeah. The previous place did, too, I think.

Do we need that on here? You want to show the dumpster on here? We haven't -- you know, put the dumpster on here, too.

Okay.

The dumpster is in their lease.

Okay. So maybe that's overkill.

The building has three dumpsters in the back.

Okay.

Well, then you can confine your drawings to the interior. Where is the kitchen in this thing? Where's the --

Did you hear the question? He was asking where the kitchen is, where the food
preparation is going to be on your plan.

MR. GONZALEZ: What you have on the plan, inside.

CHAIRMAN JAUQUET: Yeah.

MR. GONZALEZ: Everything is inside there. Nothing shown for people, just inside.

MS. MUNDUS: But we don't have much to go on because the plan is just an empty store.

MS. GIRON: Yeah. It already have two bathrooms with handicapped for men's and women's. They are both handicapped. We already have a grease trap, and the hood is already in there. We just have to put the tables in, and stove in, and the refrigerator.

MR. DOWLING: That has to be on the site plan.

CHAIRMAN JAUQUET: Could you show that on your -- add that to your list of things to do on the interior. Just draw it in as much to scale as you can get it.

MS. GIRON: Okay.
CHAIRMAN JAUQUET: Where it is on this plan. So that's the kitchen equipment.

MR. GONZALEZ: We have to -- we have to do that with the architect, or whoever we're going to work with. But we have to know how -- what percent we can rent that place to do like we're looking for to do. You know, from that, we got to work on the inside to start working to see what we're going to do, where the tables go, where the kitchen got to be.

CHAIRMAN JAUQUET: Right. Okay, well, then do it.

MR. GONZALEZ: So we have to make sure we are the right way --

CHAIRMAN JAUQUET: Yeah.

MR. GONZALEZ: -- to get that place. We're not going to sign any contract to the end, we're not -- we got stuck, you know.

CHAIRMAN JAUQUET: Right.

MR. GONZALEZ: Like that's why we're here to see what's the possibility to be --

CHAIRMAN JAUQUET: Have you signed the lease yet?
MR. GONZALEZ: No, we don't have it.

CHAIRMAN JAQUET: Okay.

MS. GIRON: No, we haven't tried.

MR. GONZALEZ: They tried to call us to hurry, but we say just cool off for now.

CHAIRMAN JAQUET: If you do, what's your timing for opening?

MR. GONZALEZ: What's that?

CHAIRMAN JAQUET: What's your timing for opening, ideally?

MS. GIRON: We are --

CHAIRMAN JAQUET: In the Spring or --

MS. GIRON: No. We are just trying to open as soon as we can.

CHAIRMAN JAQUET: As soon as possible.

MS. GIRON: Yes, as soon as possible, yeah.

CHAIRMAN JAQUET: All right. I just want to get an idea.

MS. GIRON: And the place is -- she said it's ready, so we can -- she's just waiting for us to sign the lease, and then like start working inside, because she won't let us start working unless we sign the --
CHAIRMAN JAUQUET: Well, sure, yeah. Okay.
MS. GIRON: -- the lease.

CHAIRMAN JAUQUET: So we'll need our --
MS. GIRON: Yeah.
CHAIRMAN JAUQUET: -- our information, too, before then. So all right. So we'll talk to you at the next -- at the next meeting, or how do you want to work this?
MR. DOWLING: Yeah.
CHAIRMAN JAUQUET: Yeah. We'll discuss it further, and maybe you'll have your drawing that we need by the next meeting.
MR. GONZALEZ: So what we can bring next time, or what's the meeting, how long is it going to be?
CHAIRMAN JAUQUET: Well, the next meeting is going to be on the twenty --
MR. BURNS: The 20th
CHAIRMAN JAUQUET: Twentieth of this month. And, you know, if you have this stuff ready that we're asking for at that point --
MR. GONZALEZ: We could try to plan --

CHAIRMAN JAUQUET: And we can approve.

You'll have our --

MR. GONZALEZ: We're trying to plan it to get that place, sign the contract soon. But how -- you know, like I don't know what I'm doing right or wrong.

MS. MUNDUS: Right. If you go to the Building Department, they'll -- the Building Department will help make sure that you have everything you need to bring to the next Planning Board, and if it's complete, then we can vote on it then.

MR. GONZALEZ: Okay.

MS. MUNDUS: If there are un -- if the package is not complete and there are still questions or -- that could make a delay.

MR. GONZALEZ: Okay.

MS. MUNDUS: Try to have the package complete so there are no missing elements, and then it will be approved, probably.
MS. GIRON: Okay. Thank you.

MR. GONZALEZ: Okay. Thank you very much.

CHAIRMAN JAUQUET: Okay, thanks.

MS. MUNDUS: I'd like to make a motion to accept the packet?

CHAIRMAN JAUQUET: Didn't we last time?

MR. DOWLING: We did.

CHAIRMAN JAUQUET: We accepted it last time.

MS. MUNDUS: We did?

CHAIRMAN JAUQUET: I think.

MS. MUNDUS: Further discussion and motion to approve?

CHAIRMAN JAUQUET: Oh.

MS. MUNDUS: Why does it say that on the agenda?

CHAIRMAN JAUQUET: Yeah, I don't know.

Let's -- I'll second that motion, then. I don't know what we --

MR. DOWLING: Did we accept the application?
MS. WINGATE: (Nodded yes.)

MR. DOWLING: Yes, so we already accepted it.

CHAIRMAN JAUQUET: Okay. So this is just for discussion.

MR. DOWLING: Yeah.

MS. WINGATE: So you have seating, signage, and tables.

CHAIRMAN JAUQUET: Yeah.

MR. DOWLING: And kitchen equipment.

MS. WINGATE: And kitchen equipment. Thank you.

CHAIRMAN JAUQUET: Okay. Item #2 on the agenda is further discussion on an application for a use evaluation of North Fork Smoked Fish facility at 414 First Street. The Planning Board has sent a letter to a representative, the owner, asking to mutually agree with the Planning Board to extend the deadline for approval of the application from 60 days from 11/6/2014. This action is being taken to give the ZBA time to consider a variance with regard to the new use.
So did you get the letter that I sent?

MR. DOWLING: Yeah.

CHAIRMAN JAUQUET: I sent everyone the letter at the same time that I sent it to the Smoked Fish House. I guess we should enter it into the official -- you want to read the letter?

MR. DOWLING: You can.

CHAIRMAN JAUQUET: Okay. So I'll just -- I sent -- the letter was sent to K & M Properties, who is the applicant, and the --

MR. DOWLING: Owner of the property.

CHAIRMAN JAUQUET: The principals in the organization are Mary Bess Phillips and Mark Phillips. And we asked -- we told -- I wrote to Ms. Phillips in care of the organization that the 60-day time frame for the Planning Board's approval of the use evaluation at 414 First Street will expire November 30th. That's 60 days from the acceptance of the application on -- from 9/25/2014.

"Section 150–30 of the Village Code
regulates the time frame in which the Planning Board must act to approve or disapprove any site development. Since this application was paused to allow time to apply for a use variance, it is necessary to extend the time frame for our review. This is accomplished by a mutual agreement of you and the Planning Board. It must be accomplished before the 60-day time limit. The 60-day time period began 9/25/2014, the day of acceptance of the application by the Board. The date of expiration is 11/30/2014. Agreeing to the extension of time will take — will place the application back on the Planning Board agenda for the January work session, or as soon as resolved by the ZBA. The Village Code also stipulates that to not agree with this extension may result in the disapproval of the site development as applied for.

Please sign this letter and return to Peter Jauquet, the Planning Board Chairperson, at Village Hall before the 11/6/2014 or the 11/20/2014 5 p.m. meeting at the firehouse."
This letter is going to be signed by one of the principals, and I have it as Mark Phillips for K & M Properties. And, in the meantime, Mary Bess sent me a response to my email, saying thanks for the letter of extension.

"Please accept this email as agreement to the extension. After discussion with the President of K & M Properties, who is at sea today, the application for the use evaluation is in the name of North Smoked Fish House -- North Fork Smoked Fish House Company, located at 414 First Street.

K & M Properties has taken the lead on the Planning Board process as the property owners. The legal address for K & M Properties is 210 Atlantic Avenue, Greenport, New York.

Please ask Village Hall to complete the changes, as I have an interest in the property, but not the sole owner. For disclosure, as a Village Trustee, this document needs to be signed by another officer of K & M Properties. Mark Phillips will be available to sign the document within the time frame you have expressed in your email. I am requesting that the corrections be
completed as soon as possible, so he'll be able to sign it before he leaves port."

So I've sent the letter. They said they'd sign it for the extension. She's also acknowledging this email response, that she's agreeing to this, to the extension, and signing the letter.

So I motion to accept, you know, these two documents as part of the Planning Board's agenda paperwork on the -- on the Fish House application. Do I have a second?

MS. MUNDUS: Second.

MR. BURNS: Second.

CHAIRMAN JAUQUET: All in favor?

MR. BURNS: Aye.

MR. DOWLING: Aye.

MS. MUNDUS: Aye.

CHAIRMAN JAUQUET: Aye.

Okay. Is anybody here from that?

MR. DOWLING: So we'll have a -- so, basically, we'll have a signature before the next
meeting, which is November 20th, which is before the expiration anyway.

CHAIRMAN JAUQUET: Right.

MR. DOWLING: So that's great.

CHAIRMAN JAUQUET: So we'll just have to get them.

Okay. Item #3 on the agenda tonight is a continued discussion on the application to repair/reconstruct the front facade of the building located at 27 Front Street, currently operating as Frisky Oyster Restaurant. The building owner is Eugene Avella. The applicant, Mark Schwartz, proposes to relocate the main entry of the -- main entry door of the building to the east side of the building. The remaining 12 feet -- front feet of facade to the west of the main door is proposed to open and close to the street with a set of ceiling-height three-panel fold-away glass doors. This is the site located at Section 5, Block 4, Lot 27. So do you want to start by having more
I'm here for 27 Front Street; as you already mentioned, Mark Schwartz, Robby Beaver, the proprietor of the Frisky Oyster. I believe it would be better if each of us can answer your questions in your newly revised plans that we did this week.

MS. MUNDUS: So these new stationary windows are awning windows that hinge on top, open towards the bottom, or are they fixed?

MR. AVELLA: The one on the bottom facing -- no, they're stationary, they do not move, the glass.

MS. MUNDUS: So they're fixed?

MR. AVELLA: Fixed glass, correct. And we took out the door that opens from left to right, or right to left. Now it's just a bifold door.

CHAIRMAN JAUQUET: I thought they were
always bifold.

MR. AVELLA: Yes, they are.

CHAIRMAN JAUQUET: Bifold, meaning they sandwich together on one side.

MR. AVELLA: Yes, correct.

CHAIRMAN JAUQUET: So they accordion?

MR. AVELLA: Yes.

CHAIRMAN JAUQUET: So your new plan is a two-foot-six-inch --

MR. BURNS: Stationary.

CHAIRMAN JAUQUET: -- stationary knee wall made of glass, I guess.

MR. AVELLA: Yes.

CHAIRMAN JAUQUET: Is that glass, or is it going to be solid, solid, nontransparent.

MR. AVELLA: I believe it's -- Mark?

MR. SCHWARTZ: Hi. Mark Schwartz, Architect for the project.

CHAIRMAN JAUQUET: Hi.

MR. SCHWARTZ: Right now, they're glass, stationary glass.
CHAIRMAN JAUQUET: See-through, see-through glass? See-through glass?

MR. SCHWARTZ: Yes, yes.

CHAIRMAN JAUQUET: Clear glass.

How much -- my big concern is that the -- as I said the last time, the activity between where the -- your property starts and where your bar is is not very long, and there's a lot of action at that location in the restaurant. And I'm concerned about the distance between your building and the sidewalk, and the amount of space that people have walking by to either be disturbed or not as they walk by all that activity at night.

MR. SCHWARTZ: Well, it's just dining. It's dining, dining --

MR. AVELLA: A dining restaurant.

MR. SCHWARTZ: You know, I don't believe that's there's any intention --

CHAIRMAN JAUQUET: Let me just back -- let me back up just a second. Why do you want to do
this in the first place?

      MR. BURNS: They have to.

      MR. AVELLA: The construction of the --

      CHAIRMAN JAUQUET: No. Why do you want that design? I know you need to -- I know it needs to be repaired, but why do you want this design? I just want to know what your feeling is. Commercially merchandizing, you know, a presence on --

      MR. AVELLA: I think it adds beauty.

      CHAIRMAN JAUQUET: I know. So what's your idea about that? Why do you want to do this?

      MR. AVELLA: Well, originally -- it always has been and will be for the safety and wellbeing of the employees, as well as the patrons, that are on the property. And I think it does have a beauty upon itself by -- you know, it's a structural front, storefront, which is -- what can I say?

      MR. SCHWARTZ: Well, it's an old store front that needs improvement. And I think just
opening it up to the street is a nice thing. It kind of, you know, communicates with the street line. It's not -- it's dining, so I don't see that there's any noise issue from the building to the street. I mean, there's cars and trucks that go by, people walking back and forth. I don't think there's any intention to have music in the restaurant. That's not the way it was used in the past. So it's just casual dining, opened up to the street, which a nice view of it. So I think it's just a nice concept.

MS. MUNDUS: How is that going to affect your air conditioning in the rest of the restaurant if you have that giant 12-foot-by-six-foot opening?

MR. SCHWARTZ: I suppose if -- I suppose if it's really hot, they probably won't open it.

MS. MUNDUS: So I guess that's what we were talking about last week. I mean, do they plan to be open? I mean, is it a daytime thing, nighttime, fair weather? What's your --

MR. AVELLA: I think Robby would be best to address it.

CHAIRMAN JAUQUET: Let me ask one question. Let me ask before you -- before you start. The
geometric shapes you have drawn in here between
the bar seating and the exterior wall to the
sidewalk, what are those?

MR. BEAVER: That's just lounge, lounge
waiting area, sort of.

CHAIRMAN JAUQUET: But are they seats or --
are they all seats, or are they -- some tables,
some seats? The round ones are seats?

MR. BEAVER: The round ones are like
stumps, wood stumps --

CHAIRMAN JAUQUET: Okay.

MR. BEAVER: -- at the present time.

CHAIRMAN JAUQUET: And the squares are?

MR. BEAVER: The squares are lounge-style
chairs.

CHAIRMAN JAUQUET: Like square ottoman type
things?

MR. BEAVER: No. It's a low-back chair,
and then the rectangles are -- right now, there's
two low sort of coffee table style tables in
there.
MS. MUNDUS: So these just represent what's already there, just in different locations?

MR. BEAVER: Yeah.

MS. MUNDUS: Okay.

MR. BEAVER: At the last meeting it was brought up that we had nothing shown on the plans.

MS. MUNDUS: Right.

CHAIRMAN JAQUET: Right.

MR. BEAVER: And if it was approved and we put things there, it would be against code. So we just wanted to show that something is there. It may not be the exact same layout, but it just acts as a waiting area for patrons that are waiting for their reservations.

CHAIRMAN JAQUET: All right. As it is now, that's how it is, right?

MR. BEAVER: Right.

CHAIRMAN JAQUET: That space functions that way right now?

MR. BEAVER: Right.
MR. DOWLING: Yeah. So I think that -- I think you're probably concerned for people standing around with drinks in their hands, basically hanging out of to the sidewalk. Seating probably clears that up.

CHAIRMAN JAUQUET: Well, see, my concern is that the width of the sidewalk is not very wide, plus people don't walk on the cobblestone. So that makes it less -- and, you know, my big concern is that if your activity is spilling out onto the sidewalk, or is -- your activity with the windows open has to enter into the public space. You know, noise, and there's a view, and activity, that gets noticeable, as opposed to having it the way it is now, or other stores, with all the various different storefronts.

And, you know, my main concern is you can't really walk by there at night without, you know, being interrupted, or your attention turning toward your store on an active summer weeknight, you know, July, August, probably.
MR. BEAVER: Right.

CHAIRMAN JAQUET: And the other concern I have is that if you do it and five other stores want to do it over the next few years, you know, it's going to -- that kind of thing, that type of precedent and that type of change in the street facade is going to make a big difference about how the Village atmosphere is. And, you know, there's already a lot of -- enough bars to go around on Main and Front. To have other people do that in the future is going to markedly change how the downtown experience is. That's my big concern.

Right now, it's already uncomfortable walking by the people eating at Rhumbline. I mean, you can reach in. You can definitely hear what they're saying. You can reach in and, you know, shake their hand, it's so close to the street.

MR. SCHWARTZ: Well, why is that uncomfortable? I think that's kind of neat
myself.

CHAIRMAN JAUQUET: Well, my opinion, that it's not --

MR. SCHWARTZ: It's a nice atmosphere.

CHAIRMAN JAUQUET: It's not comfortable.

It's not comfortable walking by Whiskey Wind with their door open for the three o'clock, you know, drinking, or whatever they do. Their door opens up with, you know, their music blasting through every day at 3:30, or so, when the workers stop working, at least that's what I think. But the door definitely opens up.

You know, my concern is, you know, is that the direction the Village wants to take? In some places, you know, it can be tasteful. But, you know, Bobby Van's in Bridgehampton is off --

there's two or three stores off on one side. You know, the main walk-around is on the other side. And I know that the barbecue place, you know, has two double doors, but they're set back two feet on the property line, so there's a little bit of
a buffer, and it's tables there, not the bar.

MR. DOWLING: Well, there are tables, too, though.

CHAIRMAN JAUQUET: Yeah, but they're at least two or three feet farther away from you than you are at the Rhumbline.

MS. MUNDUS: Well, there's no dining there, this is a lounge area here.

MR. AVELLA: True.

MS. MUNDUS: And --

CHAIRMAN JAUQUET: Yeah, I know, but, you know, that can be noisier than the -- when people are standing, you know --

MS. MUNDUS: I mean, to me, it's like Las Olas in Fort Lauderdale. I like it, and I --

CHAIRMAN JAUQUET: You know, when you walk in, it's a nice scene when you walk in. It's upbeat, everyone's happy, they're having a drink while they're waiting.

MR. DOWLING: That's terrible.

CHAIRMAN JAUQUET: I know it's nice. All
bars are -- you know, all good bars, like in Soho, are like that when you walk in, there's a great scene right there when you start.

MS. MUNDUS: It's a big improvement to the layout that there's now.

CHAIRMAN JAUQUET: Yeah, I think it looks okay.

MR. DOWLING: I actually am for it.

CHAIRMAN JAUQUET: Anyway --

MR. DOWLING: I actually like it. I think it's -- there's two things. The flow of traffic beforehand, if you walk by there at night, there's always people spilling out the doors just trying to get into the hostess stand to get a table. With this, they're clear of that whole milling about.

CHAIRMAN JAUQUET: I don't see how that's going to change, because they're still going to have -- this is still going to be full as it is now, people still --

MR. DOWLING: Yeah. Well, at least these people are off -- there's a proper alley. Before that, they'd go mill through all the people that are hanging out at the bar.
MS. MUNDUS: Yeah, exactly.

CHAIRMAN JAUQUET: Oh, okay. Yeah, that's true.

MR. DOWLING: Now they're off to the side, right back to the doorway through.

CHAIRMAN JAUQUET: There's probably more room.

MR. DOWLING: So I think it's going to clean up the flow for them and make it cleaner.
I kind of like the open air thing. My only concern is when it gets later at night, you know, like with all the other places, there are doors and windows open, that it's not just too loud. So I think the main thing is -- my concern is just to make sure you comply with the noise ordinances. And if it gets -- starts getting loud at night, which it can be, please close them.

CHAIRMAN JAUQUET: That's the next thing. I thought, you know, when we started this new Board, at some point we were going to put our foot down on noise or change --
MR. DOWLING: Yeah.

CHAIRMAN JAUQUET: -- the rules about no speakers outside. And, you know, Whiskey Wind maybe closing its door instead of opening it up with the music. I don't know. I mean, you know, are we going to --

MR. DOWLING: Well, I think we're all --

CHAIRMAN JAUQUET: I don't think we can do anything about Claudio's, but I think we can do something about keeping the experience on Front and Main quieter, because there's already five or six people that have outdoor speakers.

MR. BURNS: Even with the Frisky Oyster, I've never heard any loud noise from there. Maybe I'm not there at the right time.

CHAIRMAN JAUQUET: No, you don't, you don't hear that at Frisky Oyster.

MR. BURNS: So why would that change?

CHAIRMAN JAUQUET: If you walked into Frisky Oyster on a great night, it's a happening scene in there. And now, you know, that
happening stuff is going to -- that's just how I --

MS. MUNDUS: Well, it's a lot more stylish, and it's a good type of happening --

CHAIRMAN JAUQUET: It is.

MS. MUNDUS: -- rather than, you know, some droolers at a sleaze bar, or even little kids crowding around, making a screaming thing in an ice cream store.

CHAIRMAN JAUQUET: Yeah.

MS. MUNDUS: And this is -- you know, it's good looking, it's stylish, and, you know, it's, I think, a -- I understand what you're saying about the noise possibility of coming through that big opening, but probably that window -- those windows are going to be closed a lot of the time. Otherwise, the air conditioning in the rest of the restaurant, they're going to be stifling back here in order to have these windows open here. So I think that --

CHAIRMAN JAUQUET: But it's -- you know, the air conditioning at night, not necessarily as
needed on a summer night as it is during the actual day, but, you know --

MS. MUNDUS: Yeah. Well, there's a lot of seating there.

CHAIRMAN JAUQUET: Yeah. Anyway --

MR. PROKOP: So I'm going -- I need to ask your permission if I can leave in a few minutes. But I wanted -- two things I wanted to suggest to the Board maybe is that -- the first, that you consider a -- you know, if you were going to act on this, you consider some kind of restriction, so that, you know, music not -- you know, the inside music basically doesn't become the outside music. We've been careful with outside music at other places. We've, you know, eliminated or restricted outside music. So maybe you could require -- you know, put that as a condition. And then the other thing is that you have a short review period. You know, normally we let these things go for a year or so, or six months, but, you know, you might consider a review in the
middle of the summer, or something, just to see what -- if you're concerned about these things.

CHAIRMAN JAUQUET: All right. Yeah, reserve to be able to come back to it --

MR. PROKOP: Right.

CHAIRMAN JAUQUET: -- based on those concerns? How do you feel about that?

MS. MUNDUS: I think that's a great idea.

MR. DOWLING: Yeah.

MS. MUNDUS: Because it protects -- in the worst case scenario, some tragic thing happens in your life, and it is no longer your business, Frisky Oyster, but, yet, the building remains with this giant new architectural change, it's going to be utilized by the next business. So we're not --

CHAIRMAN JAUQUET: Yeah, that's true.

MS. MUNDUS: We can't really just approve it based on -- I mean, we all love Frisky Oyster, but we're approving the building itself. So what's to say that the next occupant would not
abuse that 12-foot opening.

MR. BEAVER: Right.

MS. MUNDUS: That's was I think --

CHAIRMAN JAQUET: I know. Well, I was thinking that, too. I'm glad you brought it up, because the next tenant could do something, you know.

MR. BURNS: I think this is an improvement over what is there.

MR. DOWLING: Yes.

CHAIRMAN JAQUET: I like the vestibule entry, the old time vestibule entry, only because it helps keep the downtown row scene, you know, a little bit, you know, quote, unquote, historic looking. You know, it keeps some interest, although, you know, the modern thing is nice, too.

MR. SCHWARTZ: You know, we still have the recessed --

MR. BEAVER: It still has the recessed vestibule entryway. It's just set to one side,
rather than in the middle.

CHAIRMAN JAUQUET: Oh, right, that is true, yeah. I didn't notice that, no.

MR. BEAVER: It's just that rather than the two windows be separated, two windows, the two bay windows --

CHAIRMAN JAUQUET: Why did you do that? Why did you recess it? Did you have to?

MR. SCHWARTZ: Yeah, we did, yes.

MR. BEAVER: For code, we did.

CHAIRMAN JAUQUET: Oh, yeah?

MS. WINGATE: The door has to open out.

CHAIRMAN JAUQUET: Oh, and it can't open, I see.

MR. BEAVER: And it can't open out onto the sidewalk.

CHAIRMAN JAUQUET: All right. So what are we going to do?

MS. MUNDUS: Well, I'm satisfied, because my objection last time was the -- you know, the ability to remove that barrier, which was temporary, and now there is more control over the traffic flow with those stationary windows.
On your diagram here, it still has a guardrail printed in here between the sidewalk and the windows. Is that an opening?

MR. SCHWARTZ: That's a mistake.

MS. MUNDUS: That's a mistake.

MR. SCHWARTZ: That's a mistake, that should be off.

MS. MUNDUS: That carried over from the last meeting?

MR. SCHWARTZ: Yeah.

MR. DOWLING: I'm fine with approving it. We'll come back to look at it.

MR. SCHWARTZ: Yeah. We'll revise that to show the solid half wall.

CHAIRMAN JAUQUET: Okay. I was going to not, but is there enough to overrule me? I think there is.

MR. DOWLING: Yeah.

MS. MUNDUS: Well, I think those conditions that Joe mentioned is the way to handle the problem, because your objection was the bar being outside, because it's such a big opening. And if there's a condition on the -- you know, the
amount of -- no live music, you know --

MR. DOWLING: No exterior music.

CHAIRMAN JAUQUET: So how do you want to word that?

MS. MUNDUS: I mean, you don't want to set up a band in that area.

MR. BEAVER: Well, I can't anyway.

MS. MUNDUS: That usually --

MR. BEAVER: I can only play music through speakers. I don't have --

MR. SCHWARTZ: You have no space there.

MR. BEAVER: -- the proper ordinance for a live band.

MS. MUNDUS: Right.

MR. BEAVER: So it's just music through speakers.

MR. BURNS: I think if we adopt the things that our Lawyer suggested, including a short time of review --

MR. PROKOP: I would say it comes back at the June work session, just to see how --
CHAIRMAN JAUQUET: Well, we should really
let it go through --

MR. DOWLING: I would say July. It's
starting to get into the season.

CHAIRMAN JAUQUET: It has to be September,
late August, to give them a chance to --

MR. PROKOP: I mean, you know, music, any
music that's played, you know, provided in such a
way that it's not -- doesn't become a nuisance,
an exterior nuisance.

MR. DOWLING: Right. So no exterior music
source, no speakers outside.

CHAIRMAN JAUQUET: Well, don't the other --
isn't there like a thing where if you have music
and your doors are -- and, you know, window wall
is open like that, that the speaker -- if you
want, you know --

MR. DOWLING: Well, it's in the Village
Code, the sound that could be projected off your
property.

CHAIRMAN JAUQUET: Is it?
MR. DOWLING: Yeah.

CHAIRMAN JAUQUET: Oh, okay. Like a decibel thing?

MR. DOWLING: Yup.

CHAIRMAN JAUQUET: Is there a thing about the distance speakers have to be from the exterior wall?

MR. PROKOP: I don't think so.

CHAIRMAN JAUQUET: On the inside?

MR. DOWLING: It's really just the volume itself that's actually coming off the building on the property.

CHAIRMAN JAUQUET: Okay.

MR. PROKOP: I think on this one, I'll do a written resolution for the -- I mean, you could deal with it tonight, if you want to vote on it, but I'll do a written resolution also that we can adopt. Whatever you come up with tonight, I'll put it in writing for the next meeting, for the 20th, just so we have something in writing for the file.
CHAIRMAN JAUQUET: Okay.

MR. BURNS: Good. Thank you, Joe.

MR. PROKOP: Thanks.

CHAIRMAN JAUQUET: So I'm going to vote against it. You three are going to vote for it, so it should carry, right?

MS. MUNDUS: I believe so.

MR. DOWLING: Yeah.

CHAIRMAN JAUQUET: So, okay. I'll make a motion to approve -- wait. Now are we going to approve this with the conditions that we're going to write up?

MR. DOWLING: Yeah.

CHAIRMAN JAUQUET: Do we need to specify what it is right now?

MR. DOWLING: Yeah, if we're going to approve it.

CHAIRMAN JAUQUET: So what are we going to -- what is our condition going to be? Is it going to be --

MS. MUNDUS: Well, it's going to be a
conditional approval with a year, a one-year
monitoring, is what we said, right through the
busy season next season, and --

CHAIRMAN JAUQUET: So -- okay.

MS. MUNDUS: There should be some sort of
control over the amount of, you know, noise that
you objected to coming through that opening,
right? Is that the two conditions?

CHAIRMAN JAUQUET: So, I mean, the noise
has to be -- is there a Village -- is there a
Village Code about --

MR. DOWLING: There is a Village Code, yes.

CHAIRMAN JAUQUET: Okay. So it has to be
within the Village Code for noise. But the other
thing is just that it works, you know, with --
because it's noise and activity at the sidewalk
level. But we're really concerned about the
noise.

MS. MUNDUS: Yeah.

CHAIRMAN JAUQUET: Okay.

MS. MUNDUS: I mean, it's a restaurant
district. So, you know, being --

CHAIRMAN JAUQUET: But it's noise based on
the code, plus --

MS. MUNDUS: Objecting to a restaurant,
showing theirself to the sidewalk doesn't make
any sense, really.

CHAIRMAN JAUQUET: Yeah, we're not going
to -- we're not going to say anything.

MR. DOWLING: This is Chapter 88 in the
Village Code that talks about the noise.

CHAIRMAN JAUQUET: And it has to be, I
guess, reasonable within the code. I mean --

MR. DOWLING: Yeah, absolutely, yes.

CHAIRMAN JAUQUET: Not just decibels.

MS. MUNDUS: Right.

CHAIRMAN JAUQUET: We have to -- we have to
like what's going --

MS. MUNDUS: That's fine, yeah.

CHAIRMAN JAUQUET: But they can't -- you
know, I guess, we air any complaints that, you
know --

MS. MUNDUS: Well, that would be part of it.
CHAIRMAN JAUQUET: -- that might come in because of it.

MS. MUNDUS: The monitoring period, and then conditional approvals.

CHAIRMAN JAUQUET: Okay. So, if we say conditional approval with regard to noise levels related to the new window wall.

MS. MUNDUS: Yeah. Or, well, disruption to the public. I mean --

CHAIRMAN JAUQUET: Oh, well, that's what I mean. Disruption to the public is something other than --

MS. MUNDUS: -- all it takes one flying Martini glass at that window and it's going to end it. That's, you know --

CHAIRMAN JAUQUET: Disruptive activity?

MS. MUNDUS: What Peter is saying is that he's worried that the bar is physically going to carry over onto the sidewalk.

MR. BEAVER: Right.

MS. MUNDUS: Hopefully, your patrons are not glass-flingers, but if happens, it's going to affect your conditional approval. Right; is that what you're saying, Peter?
CHAIRMAN JAUQUET: Yeah, that would be --

that would be -- so noise and --

MS. MUNDUS: Disruption.

CHAIRMAN JAUQUET: -- disruptive -- just
say a disruptive condition related to the
activity at the window wall, something on that
order?

MS. MUNDUS: Because using -- using
architecture --

MR. SALADINO: I'm sorry for interrupting.

How do you even define that? How do you even
define that?

CHAIRMAN JAUQUET: Well, how do you define
it? You've heard our discussion. How would you
define it?

MR. SALADINO: I think throwing a martini
glass --

MS. MUNDUS: I'm sorry, John, but we can't
have a back and forth --

MR. SALADINO: I'm sorry.

MS. MUNDUS: -- between every guy who
stands up in the audience.

MR. SALADINO: I'm sorry. I'm sorry.

MS. MUNDUS: Right now, we're having
dialogue.

CHAIRMAN JAUQUET: Well, you could get up

and --

MR. SALADINO: I apologize, I apologize.

MS. MUNDUS: So, I guess what Peter's
concern is, the way I understand his concern --

CHAIRMAN JAUQUET: Yeah, that would be it,
the --

MS. MUNDUS: -- is that normally you -- an
architect uses the structure of architect to
control the use of the space, and the people, and
the occupants, and with a 12-foot opening, there
is no control. And I'm satisfied personally that
the small knee wall formed by those stationary
windows does help the flow of people. But how do
we -- that's a good point. How do we control,
you know, what comes flying out of a 12-foot
opening onto the sidewalk? So that's the
struggle right there.

CHAIRMAN JAUQUET: And we're going to call that disruptive activity, period?

MS. MUNDUS: Well, that's -- we'd have to be a little more objective about quantifying it, because "disruptive" could mean --

CHAIRMAN JAUQUET: Yeah, I know, could mean anything.

MS. MUNDUS: -- one thing to one person and another thing to another person. For example, when the Brewery had their place in the park, there were a bunch of people that came forward and said they didn't like it, it was distasteful, that alcohol was served before their children in the park. That's subjective. In their mind, it was -- it was disruptive.

CHAIRMAN JAUQUET: It is subjective.

MS. MUNDUS: I mean, this is a bar and it's -- I don't know what to say. But it's too bad that Joe had to leave, because we could use his help right now in wording that.
MR. BURNS: Why can't we move to accept it?
MR. DOWLING: A resolution?
MR. BURNS: And review it on the 20th with Joe's --
CHAIRMAN JAUQUET: Pending a resolution with regard to these issues?
MR. DOWLING: Yes.
MS. MUNDUS: Yeah, that would --
CHAIRMAN JAUQUET: Okay? All right.
MS. MUNDUS: Yes. We could hash and rehash, but we won't be able to come up with the right wording that's going to meet the letter of the law.

MR. DOWLING: Let the guy we pay do it.
MS. MUNDUS: Right.
MR. BURNS: I'll move that, if that's acceptable.
MS. MUNDUS: But I think, you know, in general, I think it's good looking, it's stylish, and I think it's going to be a great addition to Greenport. That's what we're here for, is to
weigh the greater good of Greenport against every individual application. I think it's an asset.

CHAIRMAN JAUQUET: Okay. So I'm going to start that motion over. So this is a motion to accept the --

MR. DOWLING: To approve.

CHAIRMAN JAUQUET: To approve the application to repair and construct the front of 27 Front Street with the plan with the folding walls, the two-and-a-half foot permanent knee wall, with a conditional upon the -- what are we calling it?

MR. DOWLING: Just mention the -- just talk about the resolution.

CHAIRMAN JAUQUET: Conditional upon the resolution with regard to revisiting the facility in nine months to a year with regard to our concern about noise and any -- any possibility of disruptive activity that could result from the opening of the wall. And we're going to -- do I have a second on that motion?
MR. BURNS: Second.

CHAIRMAN JAUQUET: All in favor?

MR. BURNS: Aye.

MR. DOWLING: Aye.

MS. MUNDUS: Aye.

CHAIRMAN JAUQUET: And I'm going to say nay on that one. And so it's carried.

MR. BURNS: Carried.

CHAIRMAN JAUQUET: Okay.

MR. SCHWARTZ: All right. Thank you.

MR. BURNS: Thank you, gentlemen.

MR. BEAVER: Thank you very much.

MR. AVELLA: You won't be disappointed, I assure you.

CHAIRMAN JAUQUET: Good luck. All right. You guys want to --

MR. SALADINO: I do.

CHAIRMAN JAUQUET: Okay.

MR. SALADINO: You're going to let the public speak? John Saladino, Sixth Street.

I'm a little confused about the process
that just went on here now. I'm not sure. I'm not sure -- I'm not sure if the Board didn't overstep its bounds, I mean, to single out a single business, when the majority, the overwhelming majority of the other businesses in town that are in the same service business do the same thing.

The Chairman was concerned about reaching into a restaurant and taking food off of somebody's plate. I eat out every day, I have yet to see that. I don't know your experience, but I have yet to see that.

How do you reconcile the fact that the restaurants, the three restaurants down the street have outdoor seating, where people are in closer proximity to somebody's food than they are reaching over a barrier into the Rhumbline? And the people that choose to sit at those tables, it's their choice to sit there, and run the unlikely risk that somebody's going to take food off their plate.

I think you're being a little bit arbitrary. I think you're -- I think with anyplace that serves liquor, you run the risk of a broken glass. I think to say "disruptive
behavior," I've been disruptive my entire life and I still haven't put a definition on that.

What's disruptive to you might be routine to Mr. Burns. I don't know. How can you even say that? I don't understand how you could put those limitations on the business, plus the Village Code decides what's right and what's wrong. If the music is too loud, it's up to the Building Inspector or the Code Enforcement Officer to say, "Well, no, this is too loud." In my experience, you can decide if there's music loud outside, you can say yes or you could say no. As far as the music coming from inside, because the door is open or a door is closed --

(Firehouse Siren Sounded)

I think that's -- I don't see any consistency to the process here. I see -- I see restaurants with outdoor music, with outdoor tables. I'm not sure you're saying we're starting fresh today. Is this it, today's the day we're drawing the line and nothing is
crossing that line over today?  If you're not
saying that, then how do you allow any of the
other stuff that's going on in the Village?
I understand you're not in the enforcement

end of the deal, I understand that.  I understand
that.  But, by not enforcing what's going on
already, how do you put unreasonable restrictions
on prospective businesses?  I don't understand.

MS. MUNDUS:  Is that a question for a
response, or a statement?
MR. SALADINO:  That was kind of rhetorical.
I don't understand a lot of stuff, so that was
rhetorical.

MR. DOWLING:  So if I -- you know, your
question -- your statement about the sound of
music, so since I've been on the Board, because
there are places that do have outside music that
aren't supposed to, because it's in Village Code,
you cannot have outside music sources.  So
everybody's that come in front of us, since I've
been on the Board, we've said -- we basically try
to make them understand that it's in the code, you can't have it, because -- so anybody new coming in front of us, we're saying you can't have it. Anybody old, we're trying to get them to stop doing that.

MR. SALADINO: Well, I dispute that. I dispute that, because just now, as well-intentioned as the application that came before you for 110 Front Street, and I have no opinion about that application, but I listened, your concern was floor plan and signage. You made no mention of music, no mention of a lot of things that I've seen other applicants be --

MS. MUNDUS: There's a big difference. We were -- but we were earlier in discussion on whether or not to accept his application, which all of those questions will come when he comes before us. Frisky Oyster had already been an accepted application, and we were discussing whether or not we were going to approve it or not. He's in the development stage, this was in
the approval stage. And I don't think there's anything unhealthy at all about having discussion. In fact, three people voted for it, one person voted against it.

MR. SALADINO: You're preaching to the choir.

MS. MUNDUS: So, right.

MR. SALADINO: I'm all for discussion, but --

MS. MUNDUS: And we all learn from each other, and we also learn from the community. And the purpose of the Planning Board is to weigh the greater good of the community against each individual applicant.

MR. SALADINO: That's true, but you can't have preconceived notions that, you know, you have to weigh -- you have to put your emotions aside and do what's right for the community.

MS. MUNDUS: Right.

MR. SALADINO: And sometimes my observation is that doesn't happen, and I'm not saying that
individual, and that's as far as the Frisky Oyster. I think it would be crazy not to approve their application. I think they're a big asset to the Village.

MS. MUNDUS: Right.

MR. SALADINO: I don't think -- I don't think there's many Martini glasses getting thrown around in the Frisky Oyster. You know, people, they pay too much for a Martini to be throwing it around.

So -- and the other thing I would like to say is I'm a little concerned. I have never seen in the middle of a process an extension given to a use evaluation to even decide if it deserves a use evaluation or not, you know, with one of the applications. I don't understand how you stop the process, as opposed to just -- and then continue it. I don't understand that. I haven't seen that before.

MS. WINGATE: It's written in the code exactly that way. That's why we did it exactly
that way.

MR. SALADINO: Have we ever had a -- am I allowed to talk to, Eileen?

MR. DOWLING: Sure.

CHAIRMAN JAUQUET: Yeah, you can.

MR. SALADINO: Have we ever had a situation where that happened before?

MS. WINGATE: No, but we wanted to follow --

MR. SALADINO: That's what I thought.

MS. WINGATE: We wanted to follow the process, and that's what the code book says and that's what we've done.

MR. SALADINO: Well, actually, the code book says she never should have opened without a use evaluation.

As long as we're talking about the code, as long as -- Eileen, you brought it up. As long as we're talking about the code, she should have never opened before she had a use evaluation, if it was an approved operation for that zoning.
And she never should have opened if that manufacturing operation isn't zoned for that. So, if we're talking about the code, let's talk about the code. If we're talking about what's right and what's happened in the past, let's talk about that.

MS. MUNDUS: Well, we're talking about the Planning Board, we're not talking about enforcement, that's another whole issue. And enforcement is through another --

MR. SALADINO: I didn't start that conversation.

MS. MUNDUS: Right. We are doing exactly what the code says we should do, because it's out of our scope. There's nothing for us to even talk about, because it needs a variance. So that's why there's a time hold on it. That's what the rules say, and that's what we thought, we were doing the right thing.

MR. BURNS: We are the Planning Board and we deal with what comes before us.

MR. SALADINO: I certainly understand.

MR. BURNS: We don't want it around the community, like some people do and --
MR. SALADINO: And you don't think, as the Planning Board -- and this is not rhetorical. You don't think, as the Planning Board, the opinion of the Planning Board about business, and how it goes about the process of being a business, and going into business, and how that affects the community? Because I've got to be honest with you, I'm not going to open a business. My wife owns a business in town, but that's her business. If I was going to open a business, I wouldn't even bother coming in front of you guys, I have to be honest with you. I would just do it and drag it out for the next two years, and if I had a good business plan, then I would come. And then --

MS. MUNDUS: Yeah, except now we have a Code Enforcement Officer and before we didn't. So you may find yourself in a different --

MR. SALADINO: Well, actually, we had a Code Enforcement Officer, and then we had one before the prior Code Enforcement Officer. We did, we did. If we're going to be honest, let's
be honest, and I'll name them if you want to.

We've had this Code Enforcement Officer for the last two-and-a-half months or three months.

MR. BURNS: I think you're talking to the wrong Board. You need to talk with somebody who has code enforcement.

CHAIRMAN JAQUET: Well, you're trying to get us to a better place, right?

MS. MUNDUS: You don't understand.

MR. SALADINO: No, I --

MS. MUNDUS: It's a catch 22, John.

MR. SALADINO: No, I do understand.

MS. MUNDUS: We don't have any influence at all unless they come before us.

MR. SALADINO: I do understand.

MS. MUNDUS: When they come before us, then you have --

MR. SALADINO: But I also see, from my own experience here -- and I truly appreciate you guys listening to me, because it's not my experience that we get listened to a lot. I do
know that this Board and prior Boards, previous
Boards, have no problem offering their opinion.
I just thought this was an important thing that a
Board might offer their opinion about. I have no
problem offering my opinion. I'm on a statutory
Board and I offer my opinion all the time to the
Village Board and stuff. If I think something's

wrong -- I'm standing in front of you now
because --

MS. MUNDUS: Have you been to all the other
meetings where this was in a dialogue? Because
this was the third one, is that right, for North
Fork Fish -- Smoked Fish?
MR. SALADINO: I have.
MS. MUNDUS: So you cannot say that we have
not talked about enforcement and violation ad
nauseam for all of those.
MR. SALADINO: I just don't understand. I
just don't understand why there's no conversation
between this Board --
MS. MUNDUS: There was no platform for
discussion, because there was nothing for us to even do tonight.

MR. SALADINO: -- and the Board that authorizes enforcement. I just don't understand why there's no conversation. It's almost like you're absolving yourself from that response -- from that --

MR. SWISKEY: I know nothing.

CHAIRMAN JAUQUET: You know, we could -- we could talk to the Code Enforcement Officer, now that we have one.

60

MR. SALADINO: Again, I thank you for listening to me, and someone else wants to talk.

CHAIRMAN JAUQUET: You know, we're getting our sea legs, so to speak, as the Board, and, you know, maybe we should --

MR. SALADINO: There's no doubt in my mind that it bothers you guys as much as it bothers me. There's absolutely no doubt in my mind that you, as a Board, are upset about the process as I am. If I'm wrong, I apologize, but that's my
observation. And the fact that it continues --

CHAIRMAN JAUQUET: Well, let me ask you this.

MR. SALADINO: -- I'm almost insulted by it.

CHAIRMAN JAUQUET: Let me ask you this.

MR. SALADINO: Yes.

CHAIRMAN JAUQUET: Would it be satisfactory -- it appears to me that it would be satisfactory to you, in your way of thinking, and maybe the way the law -- the way these Boards are run and the way the law should be put down, is that, you know, the Fish House should be shut down.

MR. SWISKEY: Basically, yeah.

CHAIRMAN JAUQUET: And anybody else who's in violation should also be shut down.

MR. SALADINO: Or cited.

CHAIRMAN JAUQUET: I don't know who else is out there that's --

MR. SALADINO: Chairman, I'm a Boy Scout.

CHAIRMAN JAUQUET: But, you know --

MR. SALADINO: I played baseball my whole
life. I play by the rules.

CHAIRMAN JAUQUET: No, but what do you --

MR. SALADINO: You can't play without the rules.

CHAIRMAN JAUQUET: Yeah, but you're agreeing --

MR. SALADINO: So, if this is the rule --

CHAIRMAN JAUQUET: But you're agreeing with the statement I made.

MR. SALADINO: Absolutely.

CHAIRMAN JAUQUET: Yeah.

MR. SALADINO: Absolutely

CHAIRMAN JAUQUET: So --

MR. SALADINO: Without rules, it --

CHAIRMAN JAUQUET: I mean, what do you do? The Code Enforcement Officer puts a padlock on the door, and we're the ones that asked them to do that, is that more or less --

MS. MUNDUS: That's not the scope of the Planning Board, that's the whole point.

CHAIRMAN JAUQUET: Isn't it?
MS. MUNDUS: That is not the scope of the Planning Board.

CHAIRMAN JAUQUET: Well, John is saying that it is and --

MR. SALADINO: No, I'm not saying that. I'm saying that you should be as disappointed in -- statutory Boards, whether it be Zoning, HPC, Planning, whether it's a Council, the CAC, whatever it is, you offer recommendations, you follow the code, you offer personal opinions, personal opinions always go into what happens. But if nobody listens and nothing is accomplished by what you're doing, or the rules are circumvented or ignored by the powers that be, all we are are paper tigers then. Why are we even showing up? Why?

CHAIRMAN JAUQUET: Yeah.

MR. SALADINO: You know, if I'm oversimplifying that, if I'm, you know -- but, to me, I understand there's rules. I understand there's a mandate for your Board, there's a mandate for the ZBA, there's a mandate for the HPC.

MR. BURNS: May I ask, instead of talking
in generalities, why don't you tell us what
you're troubled with, about, what specific?

MR. SALADINO: I thought I did.

CHAIRMAN JAUQUET: He did.

MR. SALADINO: I thought I did. I
thought I -- for the last seven-and-a-half years,
I thought I told everybody that was willing to
listen.

MR. BURNS: What specific instance? What
specific --

MR. SALADINO: Tonight?

MR. BURNS: Yeah.

MR. SALADINO: One issue?

MR. BURNS: Not just tonight.

MR. SALADINO: Well, I could give you one
issue tonight. You have a business that opened
up. I even had a conversation with the Attorney
in front of you people, this Board. I don't want
to say you people, this Board, and I asked, and
not specific to one applicant. If a business
came to town, rented a store front, opened up,
conducted business without a use evaluation, I
asked the Attorney his opinion, he said that
24 would be illegal.
25 MR. BURNS: Which one are you talking about?

1 MR. SALADINO: Well, the application that I had the talk with the Attorney about was a fictitious business, because we agreed, him and I agreed not to talk about a specific application. If you want a specific application, there was one tonight, the Fish House. The landlord has full knowledge of the Village Code, is a sitting Trustee. She rented her building to an applicant who opened up and conducted business without a use evaluation in violation of the Village Code. Should I go on?

13 MR. BURNS: Once again, I have to say, that really is not something we can do anything about immediately. We've done what we could about it, the extent of our authority.

17 MR. SALADINO: Well, Mr. Burns, then that brings us back to, if you're okay, if this Board as a Board --
MR. BURNS: I didn't say that.

MR. SALADINO: If this Board --

MR. BURNS: I didn't say that.

MR. SALADINO: If this Board is okay with that and willing to let that perpetuate, willing to let that go on, then I'm going to sit down.

What I had said was, was that perhaps this Board should voice it. The prior Board did.

CHAIRMAN JAUQUET: Did they --

MR. SALADINO: Well, you guys can work that out. I don't know.

CHAIRMAN JAUQUET: Did they ever shut anybody down after they opened up. Did the old Board ever shut anybody down?

MR. SALADINO: I'm not going to -- I'm not going talk about that for the record. If you want to talk to me after the meeting about the record, I'll explain it to you. Off the record, I'll explain to you what I meant by that, but --

CHAIRMAN JAUQUET: I'm just asking. You know, we want to do the right thing, and, you
know, we're slowly, I think, getting there.

MR. SALADINO: I'm on the CAC. We make recommendations and they're voted on by the Village Board, and they're passed by resolution. When an applicant doesn't do what's in that resolution, doesn't fulfill the requirements of his permit, I personally make a complaint.

MS. MUNDUS: But that's the job of a Citizens Advisory Committee, is to advise. The job of the Planning Board is not. We review the ones that come in front of us and --

MR. SALADINO: I didn't make --

MS. MUNDUS: Nobody here is happy with this. There's three or four businesses that are ongoing here that have not come before the Planning Board for approval, but that's just, you know --

MS. WINGATE: Two.

MR. DOWLING: Two.

MS. WINGATE: Two.

CHAIRMAN JAUQUET: There's was only two.
MS. MUNDUS:  Two.

MR. SALADINO:  I would normally at this point ask you a question, but I don't want to put it on the record. I don't want to put it on the record. I don't want embarrass anybody. But, normally, I would ask a question at this time. But if that's your mandate and you want to adhere to it, the letter of the law, I know personally, me, if I'm unhappy with something that me, as a committee member, recommended or something, I'd make a complaint.

MS. MUNDUS: Did you notice that the Code Enforcement Officer came to the meeting last week, and he was here, and we voiced our concerns directly to the Code Enforcement Officer last week? So for you to say that we're just sitting here doing absolutely nothing is crazy.

CHAIRMAN JAUQUET: Well, he's suggesting --

MR. SALADINO: Have you guys ever attended a Village Board meeting? I stood up at the Village Board -- I apologize for raising my
voice. I stood up at a Village Board meeting and voiced this opinion, and was told that it's the culture of the Village. I was told that this is -- has been the culture of the Village for the last God knows how long, and now that we have a Code Enforcement Officer, it's going to change. We've had a Code Enforcement Officer for the last three months.

If there was somebody from the Building Department here that was willing to answer, I would ask how many violations were written, or is there a learning -- is there a -- is there an introduction curve? Because I know people that had a conversation with the Code Enforcement Officer and he says, "Well, we really don't want to write any summonses." So am I in favor of violations? Absolutely not. I hate it when I get a ticket, I hate it, but that just motivates me to follow the law.

I apologize. I've taken up enough of your time. I'm going to sit down.
MS. WINGATE: John, Ed Ward has been doing an outstanding job.

MR. SALADINO: There's no doubt in my mind. There's no doubt in my mind.

MS. WINGATE: And I invite you tomorrow to come and view the stack of violations that he has been --

MR. SALADINO: Then how come they're not on the report? I read your report every month. How come they're not on that report?

MS. WINGATE: Because he's writing his own report.

MR. SALADINO: Well, how come his report is not in the work session?

MS. WINGATE: It was. It was.

MR. SALADINO: Well, not the report that's online. And by law, any report that's delivered at a work session should be provided to the public.

MS. WINGATE: I know that he did a report. Last month, we had a learning curve on how his report and my report were going to start to
blend. And I think that November's report should be very clear, and we've worked out some of the details. Ed's been -- Ed's been really doing a lot. There's all kinds of --

MR. SALADINO: There's no -- there's no doubt. I'm not here to cast aspersions on him, there's no doubt in my mind. But, also, I have mentioned, there's not a person in this room right now, and there's not a person in this Village that doesn't know that everybody who's not represented, whether it be a Department Head, or a Code Enforcement Officer, or -- doesn't take their cue from the Mayor and Village Board. Everybody knows that, and I've said that for the record. So, you know, I'm not saying anything out of turn here. So, if somebody's not doing their job, it's because of one or two scenarios. One, they have their own agenda, or second, it's the Village Board's agenda.

I know this has nothing do with you, I'm just responding to Eileen. Again, I apologize for taking a lot of your time. Thank you for listening.

MR. BURNS: Thank you.
MR. SWISKEY: I'd like to say something.

William Swiskey, 184 Fifth Street.

And just as an aside to Eileen first, I asked the Mayor, I asked Mr. Pallas at the last regular meeting, which was what, a Monday ago or so, how many violations have been written. They couldn't tell us. And as far as violations showing up on work session reports, they're just not there. In other words, the Mayor said they were, but they weren't.

MS. WINGATE: I don't know that, Bill. I will go --

MR. SWISKEY: I read the report, Eileen.

MS. WINGATE: I will go home tonight and look for it.

MR. SWISKEY: Look for it online, it's not there.

MS. WINGATE: I know that last month we had a difficult time blending -- blending Code Enforcement with Code Enforcement. Look at this
month's and I bet you'll be pleasantly surprised.

MR. SWISKEY: You're talking about November? That won't even be available for three weeks.

MS. WINGATE: We're writing it as we speak.

I can't answer for what was there last month. I know what I handed in.

MR. SWISKEY: I know what was there, because I read it, it's an official record.

But, anyway, to get back to the Planning Board. You know how you do this, Ms. Mundus, you do it the same way I do it. If you see a violation you feel is a Village Code violation, and I did this to the Trustee, and I'll say that, when she was sandblasting her building or power washing, you go down and you put your name on an official complaint and then they have to investigate. And this Board can tonight vote for a resolution from this Board to the Building Inspector that we think there's a code violation down here, this is an official complaint, please
investigate. That's how you get action.

You've been washing around it. You either do it or don't. If you don't want to do it, just sit there and just play dumb, because that's what you've been doing. You have the power to basically tell her to do her job. If she doesn't, then you send a letter to the Village Board, she's not doing her job, and then they have to deal with it. And if they don't want to deal with it, well then there's nothing you can do with it. But you have an option, so don't tell me you don't have an option, Mr. Jauquet, because you do. And when I sat here and I listened to that, like that's wishy-washy, and I hate wishy-washy.

And you did shut down that surf shop, didn't you, Mr. Dowling? We did shout down that one surf shop, didn't we? So we can't shut down a Trustee who's in clear violation? Give me a break.

And what I saw what went on with the Frisky
Oyster tonight, if the music's too loud, that's a code violation. If they're breaking any State, Village ordinance, that's already in the ordinance. So I don't know what kind of special circumstance you're trying to add to that, but it made no sense at all. Thank you.

MR. HOLLID: Good evening. I'll make this pretty quick. Joe Hollid, 415 South Street.

I don't care about the Code Enforcement now, because you're the Planning Board. This is what it comes to. The Planning Board decides what they have to decide, or make issues with what they have issues with.

As far as the Frisky Oyster, I think it's going to change the look of the Village, it's going to start changing. There's not enough room there for -- the people are going to be congregating outside that open area and then people are going to have to go around them to get past, in the summer especially. Everybody's going to be waiting to get on line, or whatever,
to get in there. I don't think it's -- I don't think it's a good idea to have that. And I agree with you, Peter, I don't think it -- it just changes the look.

I don't want to be like Southampton or even Fort Lauderdale. I don't like that look. I think even Rhumbline looks -- I think it looks much better. Rhumbline looks better that way. They had it where -- when they had the Maritime, they had it open, they had -- when they had the drinks coming out. Again, I don't know that that's a good idea either, because people are out there and they're congregating right outside where they're getting drinks. So, again, this changes the whole look of the Village, to me anyway, the way it's looking now.

I haven't lived here long, but I lived in Southold a long time, and I came here because I needed to really -- my kids, my one son has a business in Greenport here, and I'm just -- I'm just kind of -- it's just unusual that you have
no say really in code enforcement, which, again, I don't like to bring it up. But there doesn't seem to be any cohesion with the Village Board, and you, and the ZBA. Maybe they do have -- maybe they do have meetings with the Mayor. I think that should happen, because then it would -- seems to me it would be better, a better thing, a better thing all the way around for the Village. And I don't know whether the Mayor has the final word, but I'm sure he does.

And I'm just -- I don't like to say I don't understand, because I understand what's going on, and I just -- I just don't agree with some things that I hear. And when I hear all this going back and forth with the Frisky Oyster and those bifold doors, is the outside part of that bifold when that's open, is that inside the building front itself?

CHAIRMAN JAUQUET: (Nodded yes.)

MR. BURNS: (Nodded yes.)

MR. HOLLID: It is, okay. Well, that's one
thing that's not too bad. But just very
disappointed in the fact also with the --
with the Smoked Fish House, how that could -- how
that could stay open with the violations that are
there, then. That should not be open at this
point and shouldn't have been. So it should be
-- it should not be even now.

So that's pretty much -- I just want to get
that off my chest. And I like to come to the
meetings, because I like to see things, progress
being done, and I think there was progress,
whether -- I just don't like the idea of that
folding door deal, that's all. Thank you for
listening.

MS. MUNDUS: Thank you.
CHAIRMAN JAQUET: Thanks.
MR. BURNS: Thank you.
CHAIRMAN JAQUET: All right. Item #4 is
the next work and regular session is scheduled
for November 20th, 2014. We're going to have a
motion to schedule that meeting for 11/20/14. Do
I have a second?

MR. DOWLING: Second.
CHAIRMAN JAQUET: All in favor?
MR. BURNS: Aye.
Number 5 is a motion to schedule the next work session for December 19th, 2014. All in favor?

And #6, a motion to adjourn. All in favor?

(Whereupon, the meeting was adjourned at 6:26 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 November 6, 2014.

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 21st day of November, 2014.

_____________________
Lucia Braaten