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Regular Meeting 5/7/2015

VILLAGE OF GREENPORT PLANNING BOARD

Regular Meeting

May 7, 2015  
5:00 p.m.

Meeting Held at the Greenport Firehouse  
236 Third Street, Greenport, NY

MINUTES

Donna L. Ritzmann  
Court Reporter

♀

Regular Meeting 5/7/2015

A P P E A R A N C E S:

5-7 VGPPLANNING

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DEVIN MCMAHON, Planning Board Member  
CHRIS DOWLING, Planning Board Member  
BRAD BURNS, Planning Board Member  
PETER JAUQUET, Planning Board Member  
JOSEPH PROKOP, Village Attorney  
GLYNIS BERRY, Planning Board Consultant  
EILEEN WINGATE, Village Building Inspector

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Regular Meeting 5/7/2015  
(Whereupon, the Meeting was  
called to order at 5:06 p.m.)  
MR. MCMAHON: Okay. We are  
going to begin the meeting. This  
is the Village of Greenport  
Planning Board, May 7th, 2015  
Page 2

5-7 VGPPLANNING

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meeting, regular meeting.

Item Number one, Table use evaluation application for wayne Turrett. The Planning Board has determined that for the purposes of SEQRA this is a Type I Action requiring a Public Hearing. The Hearing has been scheduled for May 28th, 2015. Property is located at 746 Main Street. It is located within the Historic District and in the R-1 (One-Family Residential) District, Suffolk County Tax Map number 1001-2.-3-8.02.

I will make that motion, do I have a second?

MR. DOWLING: I second.

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Regular Meeting 5/7/2015

MR. BURNS: Second.

MS. WINGATE: I have a question, would you like to do a site visit before the Public Hearing?

MR. MCMAHON: With the board?

MS. WINGATE: With your board.

MR. MCMAHON: I've

12 5-7 VGPPLANNING  
13 certainly been there myself. I  
14 don't know if we want to all go  
15 together, if there's particular  
16 issues that you think you'd like  
17 to point out? Anything? No.

18 We'll do a formal site  
19 visit together or -

20 MS. WINGATE: Ask Joe. I  
21 just didn't know -

22 MR. PROKOP: You can do it  
23 together, we just need to notice.

24 MR. MCMAHON: You do need  
25 to make a notice of it?

MR. PROKOP: It would be

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1 Regular Meeting 5/7/2015

2 part of the notice, yes, it's  
3 fine. You can reserve the time.

4 MR. MCMAHON: Okay. We can  
5 set the time --

6 MR. PROKOP: Yes. And if  
7 you decide not to do it, it's  
8 better that you reserve the time.

9 MR. MCMAHON: Okay. So  
10 then we'll amend that to include  
11 the note that we will be making a  
12 site visit some time prior to the  
13 Public Hearing on May 28th.

14 MS. WINGATE: 4:30. Thank  
15 you.

16 MR. MCMAHON: Okay.  
Page 4

5-7 VGPPLANNING

17 MR. BURNS: Do we get  
18 overtime?

19 MS. WINGATE: Sure.

20 MS. BERRY: Triple  
21 overtime.

22 MR. MCMAHON: So if that's  
23 the motion do I have a second for  
24 that motion?

25 MR. BURNS: Second.

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1 Regular Meeting 5/7/2015

2 MR. MCMAHON: All in favor?

3 MR. DOWLING: Aye.

4 MR. JAUQUET: Aye.

5 MR. MCMAHON: Aye.

6 MR. BURNS: Aye.

7 MR. MCMAHON: Motion

8 passed.

9 Item number two, Motion to  
10 approve the use evaluation  
11 application from Heidi Kelso.  
12 Heidi Kelso represents Lido LLC  
13 and has leased the storefront at  
14 132 Main Street. Heidi has added  
15 a request for a window decal. The  
16 sign is less than one square foot  
17 and meets all signage regulations.  
18 The property is located in the  
19 Commercial Retail District and  
20 within the Historic District,

21 5-7 VGPPLANNING  
Suffolk County Tax Map number  
22 1001-2.-3-8.02.

23 MR. DOWLING: Is that the  
24 size?

25 AGENT FOR APPLICANT: Yeah,

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1 Regular Meeting 5/7/2015  
2 it's literally this big  
3 (Indicating), it's the same size  
4 as the zoning.

5 MR. MCMAHON: It's Lido  
6 LLC --

7 AGENT FOR APPLICANT: It's  
8 Lido, there's a bunch of them,  
9 but it's literally like it's very  
10 minimal. We're not putting any  
11 signs actually even on the front  
12 of the building, it's just where  
13 the building and side glass and  
14 there's the door, we need all the  
15 glass space we have.

16 MR. MCMAHON: And you've  
17 had that approved by the Historic  
18 District?

19 AGENT OF APPLICANT: To the  
20 best of my knowledge, I think.

21 MS. WINGATE: I think they  
22 looked at that, yes.

23 MR. MCMAHON: They did look  
24 at that, okay.

25 AGENT OF APPLICANT: Yeah,  
Page 6

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8

1 Regular Meeting 5/7/2015  
2 then well be painting, it will be  
3 hand painted just will be the same  
4 shield --  
5 MR. McMAHON: The one you  
6 gave?  
7 AGENT FOR APPLICANT: It's  
8 four foot by two foot and that's  
9 it, pretty easy, pretty simple.  
10 MR. McMAHON: Any other  
11 discussion? Comments? Questions?  
12 MR. BURNS: Not with me.  
13 MR. McMAHON: So I will  
14 make that motion then to approve  
15 the use evaluation application.  
16 And second?  
17 MR. DOWLING: Second.  
18 MR. McMAHON: All in favor?  
19 MR. DOWLING: Aye.  
20 MR. JAUQUET: Aye.  
21 MR. McMAHON: Aye.  
22 MR. BURNS: Aye.  
23 MR. McMAHON: Motion  
24 carried.  
25 Item number three,

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1 Regular Meeting 5/7/2015  
2 Continued discussion on the use

3 5-7 VGPPLANNING  
4 evaluation application from Brian  
5 Currick. The applicant proposes  
6 to operate an instructional and  
7 rental Flyboard facility on the  
8 Preston's dock. The property is  
9 located at 102 Main Street. It is  
10 located in the Waterfront  
11 Commercial District, Suffolk  
12 County Tax Map number  
13 1001-5.4-12.1.

14 Last week we asked -- Joe  
15 is going to take a look and  
16 determine whether or not he felt  
17 there were any other agencies or  
18 boards that have jurisdiction or  
19 need to weigh in on this.

20 MR. PROKOP: I did look  
21 into that. And I believe it's up  
22 to the village. I think that we  
23 should have a review by the  
24 Harbormaster. 'Cause now he's the  
25 marina manager.

MR. MCMAHON: Okay.

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1 Regular Meeting 5/7/2015

2 MR. PROKOP: But I don't  
3 think that that should -- was he  
4 contacted?

5 MS. WINGATE: He was  
6 contacted and he needed some more  
7 time to write something down. He



5-7 VGPPLANNING

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wasn't able to get it together to  
have a formal comment for you.  
MR. MCMAHON: Okay. Did he  
make any indication as to any  
concerns that he mentioned?  
MS. WINGATE: I don't want  
to speak for him.  
MR. MCMAHON: Okay. Fair  
enough.  
MR. PROKOP: So my only  
suggestion was that because of the  
congestive use of the harbor in  
that area we have conflict -- we  
have other uses that are not  
before this board, you know, there  
is the ferry, there's other, you  
know, private docks. What you  
might consider doing, if you

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Regular Meeting 5/7/2015  
decided to move ahead on this, is  
have a short-term, issuing a  
short-term approval where this is  
reviewed, you know, this first  
season, maybe monthly even --  
MR. MCMAHON: Yeah.  
MR. PROKOP: (Continuing)  
Just keep having it on your agenda  
so if there's anything that we  
need to deal with with the project

12 5-7 VGPPLANNING  
13 we can deal with it at one of our  
14 meetings.

15 MR. MCMAHON: Yeah, I mean  
16 at this time just because of the  
17 unique nature of this business, I  
18 don't want to speak for anyone  
19 else, the Harbormaster or anyone  
20 else, but I would like to be able  
21 to see the project go forward. So  
22 if any other members of the board  
23 are okay with that, I would much  
24 prefer to have a conditional  
25 approval of the application and  
then keep it on the agenda and

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1 Regular Meeting 5/7/2015  
2 re-visit if there's any issue that  
3 comes up after speaking with the  
4 Harbormaster and any other  
5 agencies that we need to speak  
6 with.

7 MR. PROKOP: Can we note on  
8 these use evaluations can we just  
9 note that unless somebody has a  
10 different opinion that the motion  
11 also includes an adoption lead  
12 agency status by the board and a  
13 determination that the action is  
14 an unlisted action for purposes of  
15 SEQRA and will not have a  
16 significant negative effect on the

5-7 VGPPLANNING

17 environment, so we can include  
18 that in the resolution if that's  
19 okay with you guys?

20 MR. MCMAHON: Absolutely.

21 MR. PROKOP: And so the  
22 regular meeting would be, as you  
23 stated, I believe, to  
24 conditionally approve this, but to  
25 keep it on the monthly agendas,

13

1 Regular Meeting 5/7/2015

2 you know, subject to monthly  
3 review.

4 MR. MCMAHON: And you're  
5 planning on going 'til September;  
6 is that correct?

7 MR. CURRICK: Yes.

8 MR. MCMAHON: When are you  
9 going to start?

10 MR. CURRICK: As soon as  
11 the weather warms up.

12 MR. MCMAHON: Just let the  
13 record reflect the applicant whose  
14 speaking right now?

15 MR. CURRICK: My name is  
16 Brian Currick.

17 MS. WINGATE: Currick,  
18 C-U-R-R-I-C-K.

19 MR. CURRICK: The goal is  
20 Memorial Day weekend.

5-7 VGPPLANNING

21 MR. MCMAHON: Memorial Day  
22 weekend. You'd like to be out by  
23 Memorial Day weekend?

24 MR. CURRICK: Yeah.

25 MR. MCMAHON: Through?

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1 Regular Meeting 5/7/2015

2 MR. CURRICK: The way it  
3 looks, because of coming here I  
4 put a lot of stuff on hold, so  
5 maybe the weekend after.

6 MR. MCMAHON: Okay. And  
7 then you'd want to continue until  
8 Labor Day, September?

9 MR. CURRICK: Mid  
10 September --

11 MR. MCMAHON: Mid  
12 September.

13 MR. CURRICK: -- I figure.  
14 What I put on the sheet --

15 MR. MCMAHON: Okay.

16 MR. CURRICK: (Continuing) I  
17 think it was September 15th, I  
18 think, mid September.

19 MR. MCMAHON: Okay. Are  
20 there any other instructions from  
21 the board?

22 MR. PROKOP: Do you have a  
23 plan? Do you have anything that  
24 you submitted that shows exactly  
25 where you're going to be

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1 Regular Meeting 5/7/2015  
2 operating?  
3 MS. WINGATE: Yes.  
4 MR. CURRICK: I submitted  
5 three formats.  
6 MR. MCMAHON: Yes.  
7 MR. PROKOP: No, I mean on  
8 land, where you will be on the  
9 dock?  
10 MR. CURRICK: Yes, I  
11 submitted, yeah.  
12 MR. PROKOP: So that will  
13 be what we include in the approval  
14 then.  
15 MR. MCMAHON: Okay. Okay.  
16 So --  
17 MR. JAUQUET: We are gonna  
18 have all the documentation of your  
19 insurance and the rest of the  
20 liability aspects of this? I  
21 mean we are the lead agency and  
22 the village has to be completely  
23 free of any liability.  
24 MR. CURRICK: Yeah, I have  
25 the insurance quote, I just

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1 Regular Meeting 5/7/2015  
2 received it yesterday.

5-7 VGPPLANNING

3 MR. MCMAHON: If you could,  
4 could he provide a Certificate of  
5 Insurance.

6 MR. CURRICK: Okay.

7 MR. MCMAHON: (Continuing)  
8 That we just ask that --

9 MR. DOWLING: That the  
10 village be additionally insured.

11 MR. PROKOP: I think that  
12 that's a good idea.

13 MR. DOWLING: I think how  
14 it is in the mortgage field when  
15 you have a pre-arranged mortgage  
16 from the village here, you have to  
17 include the village in your policy  
18 as an additional insured.

19 MR. PROKOP: Right. So  
20 let's start off with that.

21 MR. CURRICK: Just act as a  
22 second?

23 MR. DOWLING: The mortgage  
24 is with Sterling Harbor.

25 MR. MCMAHON: So ask your

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1 Regular Meeting 5/7/2015  
2 agent for a Certificate of  
3 Insurance showing the Village of  
4 Greenport as a certificate holder  
5 with additional insured status,  
6 general liability of million  
7 dollars or I don't know if we

5-7 VGPPLANNING

8 have --  
9 MR. PROKOP: That's fine.  
10 MR. JAUQUET: 'Cause your  
11 area of operation is within the  
12 village's --  
13 MR. CURRICK: Waters.  
14 MR. JAUQUET: (Continuing)  
15 water boundary.  
16 MR. CURRICK: Yes.  
17 MR. PROKOP: You will need  
18 to -- we still need the sign-off  
19 from the marina manager, so that  
20 will be coming up at the next  
21 meeting.  
22 MR. CURRICK: Okay.  
23 MR. PROKOP: So you should  
24 speak to him.  
25 MR. CURRICK: Okay.

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1 Regular Meeting 5/7/2015  
2 MR. PROKOP: You can go  
3 down to the marina and find him.  
4 MR. CURRICK: And this is  
5 the marina --  
6 MR. MCMAHON: The  
7 Harbormaster, his name is Jeff  
8 Goubeaud.  
9 MR. JAUQUET: Jeff  
10 Goubeaud, right.  
11 MR. PROKOP: Right. Just

12 5-7 VGPPLANNING  
Let him know what you plan on  
13 doing.  
14 MR. CURRICK: All right.  
15 AUDIENCE MEMBER: Do you  
16 have his name?  
17 MR. CURRICK: Jeff  
18 Goubeaud. I got it.  
19 MR. MCMAHON: All right.  
20 Are there any other grounds  
21 issues, concerns for this  
22 application?  
23 MR. DOWLING: No.  
24 MR. MCMAHON: No. Okay.  
25 Then I'm going to make a motion

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1 Regular Meeting 5/7/2015  
2 that we approve the application  
3 conditionally and keep it on the  
4 agenda pending input from the  
5 Harbormaster and also the SEQRA  
6 statement that Joe read before  
7 plus unlisted action.  
8 Do I have a second for that  
9 motion?  
10 MR. DOWLING: Second.  
11 MR. BURNS: Second.  
12 MR. MCMAHON: All in favor?  
13 MR. DOWLING: Aye.  
14 MR. JAUQUET: Aye.  
15 MR. MCMAHON: Aye.  
16 MR. BURNS: Aye.  
Page 16



5-7 VGPPLANNING

17 MR. MCMAHON: Motion's  
18 approved.

19 Item number four, Motion to  
20 approve use evaluation application  
21 from Beth Pike. Beth Pike  
22 represents Finns LLC doing  
23 business as Deepwater Bar and  
24 Grille. Beth Pike has leased  
25 47 Front Street, formerly Barbeque

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1 Regular Meeting 5/7/2015  
2 Bill's, and proposes to re-open  
3 the existing restaurant, the new  
4 name will be Deepwater Bar and  
5 Grille. The restaurant is located  
6 in the waterfront Commercial  
7 Marine District, Suffolk County  
8 Tax Map number 1001-5-.4-19.

9 She's here.

10 BETH PIKE: Hi.

11 MR. MCMAHON: Last time we  
12 discussed the status of the zoning  
13 as a separate issue to handle; is  
14 that correct, I mean a  
15 determination?

16 MR. PROKOP: Not approving,  
17 we are not approving the awnings.  
18 I don't think they're before the  
19 board right now.

20 MR. MCMAHON: Yeah, they're

21 5-7 VGPPLANNING  
not an issue, that's what I meant.

22 MS. BERRY: It might be for  
23 her. Wait a second.

24 MR. JAUQUET: Do you have  
25 anything else to add from last

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1 Regular Meeting 5/7/2015

2 week, anything new?

3 MR. DOWLING: I think we  
4 talked about the sign application.

5 BETH PIKE: Yeah, I was  
6 told to --

7 MR. MCMAHON: That was the  
8 only item I think we had  
9 outstanding, everything else  
10 was --

11 BETH PIKE: Yeah, it was  
12 the awning, the awnings with the  
13 name on it. And I had to go down  
14 and -- I didn't realize I had to  
15 apply for the sign application, so  
16 I went down and applied.

17 MS. BERRY: The only other  
18 issue is keeping a 60-inch circle  
19 at the top of the handicap lane.

20 MR. MCMAHON: Yes.

21 MR. DOWLING: We talked  
22 about the 60-inch circle, that's  
23 access for the ramp?

24 MS. BERRY: At the top of  
25 the entry ramp.

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Regular Meeting 5/7/2015

MR. MCMAHON: Sixty inches  
of clearance space.

BETH PIKE: Yes, I haven't  
done anything there yet.

MS. BERRY: Right.

BETH PIKE: If I did I  
would make sure I'm under -- I  
can't do everything --

MS. BERRY: Right.

BETH PIKE: (Continuing) So  
when I do I will come back in  
and --

MS. BERRY: I mean they can  
just approve it conditional upon  
that, it's just appearing in the  
plans.

MR. MCMAHON: Yeah, you  
have -- you're indicating a --

BETH PIKE: Screen.

MR. MCMAHON: Yeah, a  
screen there to separate the bar  
area from the --

BETH PIKE: I haven't done  
that.

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Regular Meeting 5/7/2015

MR. MCMAHON: Yeah, so if

3                   5-7 VGPPLANNING  
4                   that's going to go in, it has to  
5                   make sure that there's five feet  
6                   of clearance.  
7                   BETH PIKE: Five feet  
8                   clearance.  
9                   MR. MCMAHON: From the  
10                  entrance in a circle.  
11                  BETH PIKE: Right. And I  
12                  took down the speakers that you  
13                  requested.  
14                  MR. DOWLING: Yes.  
15                  MR. PROKOP: Thank you.  
16                  BETH PIKE: And I thought  
17                  that's all I had to do. Speakers  
18                  down, sign permit.  
19                  MR. DOWLING: Yup.  
20                  MR. MCMAHON: And the  
21                  entranceway, make sure keeping the  
22                  entranceway is clear.  
23                  BETH PIKE: Make sure it's  
24                  five feet. If I do anything, make  
25                  sure it's five feet, okay, that  
                  wasn't done.

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1                   Regular Meeting 5/7/2015  
2                   MR. MCMAHON: Okay.  
3                   BETH PIKE: Okay.  
4                   MR. MCMAHON: Okay. So if  
5                   there are no other issues,  
6                   concerns?  
7                   MR. BURNS: No.  
                  Page 20

5-7 VGPPLANNING

8 MR. MCMAHON: I am making a  
9 motion that we conditionally  
10 approve --

11 MR. PROKOP: This is a --  
12 I'm sorry to interrupt again. But  
13 in this resolution we have to  
14 again first determine that we're  
15 adopting lead agency status for  
16 purposes of SEQRA, that we're  
17 determining that the action, the  
18 approval would be an unlisted  
19 action and that it will not have a  
20 significant negative impact on the  
21 environment. And that will be  
22 part of the approval resolution.

23 MR. MCMAHON: Yes. Okay.  
24 So make the motion with the  
25 SEQRA determination and condition

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1 Regular Meeting 5/7/2015  
2 that the entranceway does have the  
3 five-foot necessary clearance for  
4 the handicap access as we just  
5 discussed, I believe that's it.

6 MR. DOWLING: Yeah.

7 MR. MCMAHON: Do I have a  
8 second on that?

9 MR. BURNS: Second.

10 MR. MCMAHON: All in favor?

11 MR. DOWLING: Aye.

5-7 VGPPLANNING

12 MR. JAUQUET: Aye.

13 MR. BURNS: Aye.

14 MR. MCMAHON: Aye.

15 Motion carries.

16 MS. WINGATE: I have  
17 something to add. Beth did give  
18 me a photograph of an awning that  
19 is being -- will be produced by  
20 Jamie Mills, it had six-inch  
21 letters and it was simply the name  
22 of the restaurant. I didn't -- I  
23 got it through e-mail and I didn't  
24 print it out, so.

25 MR. MCMAHON: Okay.

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1 Regular Meeting 5/7/2015

2 MS. WINGATE: So is it  
3 possible that you could consider  
4 that?

5 MR. PROKOP: How would we  
6 consider it if we don't have it?

7 MS. WINGATE: Right. I'm  
8 sorry. I apologize. It was my --  
9 I didn't print it up. It came to  
10 my personal e-mail. It didn't  
11 come to my business, so it's just  
12 --

13 MR. MCMAHON: Okay. Well,  
14 again, we can't --

15 MS. WINGATE: Right. Okay.

16 MR. PROKOP: Do you have a  
Page 22

5-7 VGPPLANNING

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picture with you?

MS. WINGATE: Do you have  
the picture?

BETH PIKE: In my phone.

MS. WINGATE: Yeah.

MR. DOWLING: Let's see it.

MS. WINGATE: 'Cause we did  
it phone to phone, it was one of  
those stupid moments.

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Regular Meeting 5/7/2015

Then say, no, Joe. I'm  
sorry I brought it up.

MR. PROKOP: It's not up to  
me.

MR. JAUQUET: So when they  
have signs on their awnings, how  
does that correspond or work with  
signs that are on windows and the  
other, you know, the two-foot sign  
maximum?

MS. WINGATE: Overhanging  
signs -- signs -- overhanging  
sidewalks signs --

MR. JAUQUET: Two foot by  
three foot would be an overhanging  
sign, okay.

MS. WINGATE: The only  
jurisdiction of the Planning Board  
is when they're over the public

21 5-7 VGPPLANNING  
sidewalk. If the building is  
22 setback and the area between the  
23 building and the sidewalk is  
24 private, then they don't need  
25 permission.

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1 Regular Meeting 5/7/2015  
2 BETH PIKE: (Showing  
3 photograph).  
4 MR. MCMAHON: And then  
5 upstairs.  
6 BETH PIKE: That's the  
7 awning one.  
8 MR. JAUQUET: Awning  
9 signs are --  
10 MS. WINGATE: Awning signs  
11 are classified as signs and they  
12 need to meet the calculations of  
13 the code.  
14 BETH PIKE: I did it the  
15 way everyone else had it, like the  
16 guy next door has this  
17 (Indicating), it's just simple --  
18 MR. MCMAHON: Okay. The  
19 actual, the frames for the awnings  
20 are in place, correct?  
21 BETH PIKE: Everything was  
22 there.  
23 MR. MCMAHON: And you're  
24 gonna use the same awnings that  
25 were in place, everything --  
Page 24



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Regular Meeting 5/7/2015

BETH PIKE: Yeah, but he had the big pig up there.

MR. MCMAHON: (Continuing) Prior.

BETH PIKE: I got rid of the big pig.

MR. DOWLING: Thank you.

MR. JAUQUET: So there's some awning sign running along the whole awning?

BETH PIKE: No, it's just the awning comes like this, then there's six inches and it goes there (Indicating).

MS. WINGATE: Right.

MR. MCMAHON: Okay. If the framework is the same as it was it's already approved.

BETH PIKE: Exactly.

MR. MCMAHON: Then I'm personally not concerned with the aesthetics, if you can come back and just conclude that, we can do a conditional approval subject to

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Regular Meeting 5/7/2015

you layered -- just so we have on

3 5-7 VGPPLANNING  
file --

4 MR. DOWLING: Submit it to  
5 the Building Department.

6 MR. MCMAHON: (Continuing)  
7 what the actual awnings are going  
8 to look like so we have that as  
9 part of the application.

10 BETH PIKE: Okay. So  
11 explain that, I'm so confused.

12 MR. PROKOP: For the next  
13 meeting we'll give you another  
14 vote on it.

15 MS. WINGATE: On the  
16 awnings?

17 MR. PROKOP: You can go  
18 ahead --

19 MR. MCMAHON: You can do  
20 what you're doing, just at the  
21 next meeting we would have -- we  
22 would include the application for  
23 the particular awning.

24 MR. DOWLING: Yeah.

25 MR. MCMAHON: It wouldn't

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31

1 Regular Meeting 5/7/2015  
2 hold you up.

3 BETH PIKE: Okay. So come  
4 back with?

5 MR. DOWLING: Submit those  
6 on the record to Eileen so then at  
7 the next meeting we'll just

Page 26

5-7 VGPPLANNING

8 approve the awnings.

9 MR. MCMAHON: If you can  
10 just e-mail those pictures to  
11 Eileen we'll include it.

12 MS. WINGATE: Wait. That's  
13 how I got in trouble. Let's not  
14 send me the pictures. Why don't  
15 you print them up and bring them  
16 to me.

17 BETH PIKE: Okay.

18 MR. DOWLING: Okay.

19 MS. BERRY: Can I take a  
20 look?

21 BETH PIKE: Yes. It's the  
22 simplest sign in the world  
23 (Indicating).

24 MR. MCMAHON: You know, we  
25 approved it, so it's --

‡

32

1 Regular Meeting 5/7/2015

2 MR. DOWLING: It can always  
3 be an addition to the next week's  
4 meeting.

5 MR. MCMAHON: Yes, we  
6 already proposed that.

7 MR. DOWLING: Yes.

8 MS. BERRY: So are you  
9 allowing her to install the  
10 awnings in the meantime?

11 MR. PROKOP: It would be

12 5-7 VGPPLANNING  
13 subject to the board's approval at  
14 the next meeting when she gives us  
15 the actual pictures.

16 MR. MCMAHON: Yes. So yes,  
17 because it's subject to if  
18 they're -- if they go up, there's  
19 an issue, it will be addressed at  
20 the next meeting. Okay.

21 Item number five, Continued  
22 discussion and possible  
23 recommendations to the Zoning  
24 Board of Appeals --

25 MR. PROKOP: Did we vote on  
that?

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33

1 Regular Meeting 5/7/2015

2 MR. MCMAHON: Yeah, we did.  
3 We voted.

4 Item number five, Continued  
5 discussion and possible  
6 recommendations to the Zoning  
7 Board of Appeals on pre-submission  
8 conference for Robert Brown,  
9 Architect. Robert Brown  
10 represents owner, Mayland Shannon  
11 LLC. The site is located at the  
12 corner of Front and Third Streets.  
13 The project, as proposed, will  
14 require several variances and is  
15 scheduled to start review with the  
16 Zoning Board of Appeals. They're

5-7 VGPPLANNING

17 not here.

18 MR. JAUQUET: So do you  
19 want to talk about this anymore?

20 MR. MCMAHON: we did talk  
21 about it at the last one. I don't  
22 know, my thought on this was I  
23 don't really want to give specific  
24 recommendations for a plan that  
25 hasn't been finalized yet. we

♀

34

1 Regular Meeting 5/7/2015  
2 don't have a formal application.  
3 He was asking for some input about  
4 the issues that would be relevant,  
5 I think parking is the primary  
6 concern. There's the issue if  
7 you're gonna have use of property  
8 that requires, I believe the  
9 calculation was 47 spots, even  
10 then if the code allows a payment  
11 of \$2,500 in lieu of providing  
12 spots for up to a maximum of 20  
13 spots, they still have to provide  
14 27 spots on the lot, which is  
15 basically impossible, I don't  
16 think you can fit 27 parking  
17 spaces on that property. Also,  
18 it's consideration that if you do  
19 have a large number of people  
20 parking there with the one curb

21 5-7 VGPPLANNING  
22 cut that exists on Third Street,  
23 you can end up backing up traffic  
24 into the four-way cross there  
25 because anyone trying to make a --  
anyone heading south making a left

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35

1 Regular Meeting 5/7/2015  
2 turn would have to wait for any  
3 ferry traffic that's backed up  
4 that could then backup into the --  
5 it's a difficult --

6 MR. JAUQUET: Glynis'  
7 comment on this, whatever we do  
8 there in terms of variances will  
9 set a precedence for all the  
10 other.

11 MR. MCMAHON: Yes.

12 MR. JAUQUET: So I mean  
13 that's suggests that we're  
14 supposed to look at, you know, the  
15 rest of the downtown sort of  
16 globally when it comes to this  
17 site.

18 MR. MCMAHON: Yeah, I think  
19 we should always have in mind  
20 precedence setting with any  
21 decision we make. But with this  
22 one in particular I'm also curious  
23 to hear what the Zoning Board has  
24 to say.

25 MR. DOWLING: Right. I

♀

36

1 Regular Meeting 5/7/2015

2 think the next step to see really  
3 what they come back at with us, we  
4 sent them back with what basically  
5 they have to work with and we'll  
6 see what their next submission  
7 looks like.

8 MR. JAUQUET: what did you  
9 think of the three building design  
10 that they had?

11 MR. MCMAHON: It's  
12 intensive for the space, but I  
13 don't -- I mean that is sort of a  
14 community-wide consideration as to  
15 how we're all going to handle the  
16 lack of parking throughout the  
17 village, I mean any new  
18 development there are. It's  
19 difficult for any property  
20 particularly on Front Street, too,  
21 there is no parking there.

22 MS. BERRY: I have a  
23 question though. Don't you have  
24 to make what your recommendation  
25 is to the Zoning Board?

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37

1 Regular Meeting 5/7/2015

2 MS. WINGATE: Yeah, can you

3 5-7 VGPPLANNING  
4 frame this so that it's a  
5 recommendation that can go  
6 forward?  
7 MR. JAUQUET: Yeah.  
8 MR. MCMAHON: I don't know  
9 that we want to make a specific  
10 recommendation to the Zoning Board  
11 at this time because we don't  
12 have --  
13 MS. WINGATE: Excuse me,  
14 Joe, what -- please tell me --  
15 MR. MCMAHON: what?  
16 MR. PROKOP: I don't  
17 understand what you're talking  
18 about, sorry. Why at this  
19 point --  
20 MR. JAUQUET: We don't have  
21 any site plan to work with to make  
22 a recommendation.  
23 MS. BERRY: Don't they come  
24 here first and then if we say it's  
25 not acceptable, then they have to  
go to the Zoning Board of Appeals?

‡

38

1 Regular Meeting 5/7/2015  
2 MR. MCMAHON: If they were  
3 having for a specific -- if they  
4 needed -- if we were denying an  
5 application for a specific reason,  
6 but we're not -- this is just my  
7 interpretation.



5-7 VGPPLANNING

8 MS. BERRY: Okay. I'm  
9 sorry. I'm just new to this  
10 process, but in some circumstances  
11 what happens is they get submitted  
12 and denied and then it goes to the  
13 Zoning Board, are they allowed in  
14 Greenport to go directly to the  
15 Zoning Board of Appeals?

16 MR. PROKOP: No, they have  
17 to come to the Planning Board. I  
18 think what the board is trying to  
19 explain to you and Eileen is we  
20 don't have anything before us.  
21 There was somebody that came with  
22 a concept last week that really  
23 isn't -- and I'm not -- this is  
24 isn't my determination, this is  
25 what I'm hearing from this side

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39

1 Regular Meeting 5/7/2015  
2 going to this side (Indicating).  
3 MR. BURNS: That's what  
4 they came before --  
5 MR. MCMAHON: My  
6 understanding is that he came not  
7 for a formal pre-submission  
8 conference, but for a pre-pre-  
9 submission conference, that was  
10 the way it was framed from Robert,  
11 that was my understanding of what

12                                   5-7 VGPPLANNING  
they were --  
13                                   MR. JAUQUET: 'Cause he  
14                                   started off asking us for our  
15                                   opinion on sort of generally, you  
16                                   know. And we -- then I asked him  
17                                   to generalize about it. He did  
18                                   have a piece of paper with just  
19                                   three buildings on the site asking  
20                                   for some 5,000 square feet of  
21                                   F-A-R, which was significantly  
22                                   more than, you know, the zoning  
23                                   technical output of like 3,000  
24                                   feet, but all the parking was  
25                                   still a problem. So I don't know

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1                                   Regular Meeting 5/7/2015  
2                                   really what he was asking for, a  
3                                   5,000 square foot building with a  
4                                   little bit of parking, three  
5                                   buildings with a storybook walkway  
6                                   between them, I don't know.  
7                                   MS. BERRY: Right.  
8                                   MR. JAUQUET: Two stories  
9                                   with some very small retail on the  
10                                   second floor and basically a  
11                                   restaurant, but, you know.  
12                                   MS. BERRY: But he -- then  
13                                   he submitted a revised site plan.  
14                                   MR. PROKOP: Where is it?  
15                                   MR. JAUQUET: Not to us.  
16                                   MR. MCMAHON: Not to us.

5-7 VGPPLANNING

17 MS. BERRY: He submitted it  
18 with the --

19 MS. WINGATE: He submitted  
20 it with the Zoning Board  
21 application.

22 MS. BERRY: So the question  
23 is --

24 MR. MCMAHON: But again --

25 MR. JAUQUET: Where is it?

♀

41

1 Regular Meeting 5/7/2015

2 We haven't seen it.

3 MR. MCMAHON: I can't make  
4 a recommendation on a plan then.

5 MR. BERRY: Right. So I  
6 guess the question --

7 MR. DOWLING: If he  
8 submitted something to the Zoning  
9 Board and he didn't submit it to  
10 us and we didn't see anything.

11 MS. BERRY: Right. But  
12 should the process be us first and  
13 then the Zoning Board?

14 MR. JAUQUET: Well, is that  
15 the process?

16 MR. PROKOP: Yeah. He  
17 needs to get a denial to go -- to  
18 go to the Zoning Board he needs to  
19 get denial from either us or the  
20 Building Inspector.

5-7 VGPPLANNING

21 MS. BERRY: Okay. So --

22 MR. JAUQUET: What do you  
23 have there, do you have that?

24 MS. BERRY: No, I don't  
25 have it. I saw it on -- do you

♀

42

1 Regular Meeting 5/7/2015

2 have it with you?

3 MS. WINGATE: Yeah. And  
4 the other issue that I didn't  
5 raise last week but then looking  
6 at the plan and even seeing it  
7 after he revised it, I really  
8 think that passage is problematic  
9 on Third Street because if you  
10 look at the plan --

11 MR. JAUQUET: What do you  
12 mean by, "Passage," car traffic  
13 or --

14 MS. WINGATE: Pedestrians.

15 MS. BERRY: Pedestrian.

16 MR. JAUQUET: Pedestrian.

17 MS. BERRY: Because it's  
18 not an alleyway that's filled with  
19 shops, it actually has the back  
20 wall of the restaurant with a  
21 service door, you see a fence  
22 that's, you know, got machinery  
23 behind it and it actually creates  
24 a sight issue for people walking  
25 by and a lot of people walk by

♀

43

1 Regular Meeting 5/7/2015  
2 there late at night going to the  
3 ferry, so I could see that as  
4 potential public safety issue, you  
5 know, 'cause it's kind of a hidden  
6 corner and it's almost like having  
7 two service entrances now 'cause  
8 you've got the driveway with the  
9 dumpsters and then you've got the  
10 other passage where you see a  
11 fence and equipment and you see a  
12 service door, so.

13 MR. JAUQUET: The whole  
14 plan really wasn't fleshed out.

15 MR. McMAHON: Yeah, again,  
16 that's --

17 MS. BERRY: But he  
18 resubmitted it with those  
19 characteristics.

20 MR. DOWLING: We can't  
21 comment on something we haven't  
22 seen.

23 MS. BERRY: Okay.

24 MR. DOWLING: I'm not going  
25 to comment on something I haven't

♀

44

1 Regular Meeting 5/7/2015  
2 seen.

5-7 VGPPLANNING

3 MS. BERRY: All right. But  
4 I think then they should make a  
5 resolution for what they have  
6 seen, right?

7 MR. PROKOP: I don't know  
8 what you're talking about. I was  
9 at the meeting last week where I  
10 got these plans --

11 MS. BERRY: Right.

12 MR. PROKOP: (Continuing)  
13 And he said he was sorry it was  
14 rushed, but he needed -- he wanted  
15 a quick determination because they  
16 needed something with their  
17 contractor something and he was  
18 gonna work on it. And what I have  
19 now is -- this is the April 15th  
20 plan, this is what was submitted  
21 (Referring); is that what we are  
22 talking about?

23 MS. WINGATE: Yes.

24 MR. PROKOP: What do you  
25 want this board to say, I don't

‡

45

1 Regular Meeting 5/7/2015

2 understand?

3 MS. BERRY: Well, I'm  
4 concerned for two things; one, I  
5 think you have to, you know, make  
6 a recommendation or determination  
7 before it goes to the Zoning

5-7 VGPPLANNING

8 Board; and two, I think you should  
9 go on the record because if you  
10 don't, there's an implication of  
11 approval without any kind of  
12 statement. So I think --

13 MR. JAUQUET: So you want  
14 us to act on last week's --

15 MS. BERRY: So I think you  
16 either table it until you can  
17 figure --

18 MR. PROKOP: That's what we  
19 were trying to do, you keep  
20 telling us you need a  
21 determination.

22 MS. BERRY: Well --

23 MR. DOWLING: I don't know  
24 how we can have an approval or  
25 half approval if we didn't accept

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46

1 Regular Meeting 5/7/2015  
2 anything to begin with? We never  
3 accepted anything. We had a pre-  
4 submission conference. We never  
5 accepted any formal application.

6 MS. BERRY: Right.

7 MS. WINGATE:  
8 Pre-submission conference.

9 MR. DOWLING: Really  
10 basically what they did is they  
11 brought something for us to look

12 5-7 VGPPLANNING  
13 at without asking us to make any  
14 official --

15 MS. WINGATE: After your  
16 last meeting they came forward  
17 with a Zoning Board application --

18 MR. DOWLING: Right.

19 MS. WINGATE: (Continuing)  
20 A building permit, a disapproval  
21 and according to the agenda, I was  
22 expecting the board to come up  
23 with something for the other board  
24 to be considering.

25 MR. DOWLING: Okay. We  
can't comment on his new

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47

1 Regular Meeting 5/7/2015  
2 applications 'cause we haven't  
3 seen it.

4 MS. WINGATE: Okay.

5 MR. DOWLING: Yeah, we can  
6 comment on what he's originally  
7 submitted --

8 MS. WINGATE: Well, that's  
9 what I assumed you would comment  
10 on since you didn't see the other  
11 drawings.

12 MR. PROKOP: So the  
13 April 15th, just to get this  
14 straight, the April 15th drawing  
15 that we had the last time is not,  
16 is not the current drawing?



5-7 VGPPLANNING

17 MS. WINGATE: There's been  
18 a new one submitted with the  
19 Planning Board application, yes.

20 MR. PROKOP: You mean with  
21 the ZBA application?

22 MR. WINGATE: With the ZBA  
23 application.

24 MR. PROKOP: So I think  
25 that we need to have that -- this

♀

48

1 Regular Meeting 5/7/2015  
2 board needs that, to have that to  
3 look at.

4 MS. WINGATE: To make  
5 recommendations.

6 MR. McMAHON: Yeah.

7 MR. PROKOP: Yeah.

8 MR. DOWLING: I think we  
9 should table this until we get --

10 MR. JAUQUET: We are not  
11 really on a timeline, so we --

12 MS. WINGATE: No, because  
13 there is no application.

14 MR. JAUQUET: Right.

15 MR. McMAHON: Yeah, I  
16 just -- I don't want to make a  
17 formal recommendation to another  
18 board about a theoretical plan.  
19 You know, I understand he has now  
20 submitted a revised plan, but we

21 5-7 VGPPLANNING  
haven't considered that. And I  
22 mean the general conversation and  
23 the way it was framed when he came  
24 in was it wasn't even a formal  
25 pre-submission conference, it was

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49

1 Regular Meeting 5/7/2015  
2 just sort of feeling out, general,  
3 asking for general input of the  
4 people on the board.

5 MS. WINGATE: Okay.

6 MR. MCMAHON: And that was  
7 the way I --

8 MR. BURNS: Yeah.

9 MR. JAUQUET: Is there some  
10 provision that prevents us as a  
11 board to ask the Zoning Board for  
12 a recommendation?

13 MR. DOWLING: We can, but  
14 we can't comment on something we  
15 haven't seen yet, so we can't  
16 comment on something that is  
17 submitted to the Zoning Board that  
18 we have not seen. I think all we  
19 can really do is table this until  
20 we can get copy of that, review it  
21 and then make a comment.

22 MS. WINGATE: Okay.

23 MS. BERRY: So does that  
24 mean it's, it can't be submitted  
25 or accepted by the Zoning Board

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1 Regular Meeting 5/7/2015  
2 until the Planning Board makes a  
3 determination?  
4 MR. MCMAHON: I mean I'm  
5 not sure, is it even proper to  
6 have a pre-pre-submission? I mean  
7 can someone come in here and ask  
8 for recommendations prior -- or  
9 concerns prior to an application  
10 being submitted?  
11 MR. PROKOP: Okay. So  
12 there's two different ways that it  
13 comes to us; one is a use  
14 evaluation. Use evaluations are  
15 generally for an existing  
16 building, not for a new building,  
17 so the use evaluation will be part  
18 of what's called the site  
19 development review. Site  
20 development review, which is  
21 based, which is on our agenda  
22 today it's called site plan, but  
23 under the code new buildings come  
24 before us for site development  
25 review, so what would happen is it

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51

1 Regular Meeting 5/7/2015  
2 would come to us for site

5-7 VGPPPLANNING

3 development review and we would be  
4 required to deny it because it  
5 had -- there's certain things that  
6 are not legal that it seeks to do  
7 and then, and then it would go to  
8 the ZBA. So it would first come  
9 to -- it would go to the Building  
10 Inspector and us for -- it would  
11 go to the Building Inspector for,  
12 excuse me -- it would actually  
13 come to us for site development  
14 review. And we would deny it  
15 because the Building Inspector has  
16 indicated that there are several  
17 things that do not comply with the  
18 code. And if they wanted to  
19 proceed, then they would have to  
20 go to the ZBA.

21 MR. MCMAHON: Okay.

22 MR. PROKOP: But they would  
23 have to come here first and get a  
24 denial, that's what I believe is  
25 the case.

‡

52

1 Regular Meeting 5/7/2015

2 MR. JAUQUET: But they have  
3 to have a formal use evaluation  
4 application before us in order for  
5 us to deny something?

6 MR. PROKOP: Right, that  
7 would be a combined use

5-7 VGPPLANNING

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evaluation --

MR. DOWLING: You need to submit something to us so we have something to deny.

MR. JAUQUET: Something to get the legal process going.

MR. PROKOP: Yes. That's it.

MR. JAUQUET: If we do that that means we're on a timeline to approve it, is that true? So we've got to decide if we want that, 'cause we don't really.

MR. PROKOP: No, we would be denying it.

MR. DOWLING: Deny it, the timeline is gone, once we deny it then it's done.

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Regular Meeting 5/7/2015

MR. JAUQUET: Then it's done, so we know once we accept something we are on a timeline temporarily.

MR. PROKOP: Right. So we can work with it, we just need to get something, whatever this plan that was submitted, we just need to get that before this board.

MR. JAUQUET: That's what

12                   5-7 VGPPLANNING  
13                   they want, right? I mean they  
14                   want us to start acting on it.  
15                   MR. DOWLING: So I guess if  
16                   they want to -- if they want to  
17                   give us something to deny to get  
18                   to ZBA, they need to file an  
19                   application with planning first.  
20                   MR. PROKOP: Yes.  
21                   MR. JAUQUET: So that will  
22                   happen next time, that will be on  
23                   the agenda next time.  
24                   MR. MCMAHON: Well, it  
25                   would be for the next work  
                    session.

♀

54

1                   Regular Meeting 5/7/2015  
2                   MR. JAUQUET: Did she say  
3                   what their time is, the contract  
4                   they want to sign and the whole,  
5                   you know, he was in such a rush,  
6                   rush last time.  
7                   MS. WINGATE: It was a big  
8                   rush, I don't know.  
9                   MR. BURNS: We don't really  
10                  have anything before us.  
11                  MR. JAUQUET: It could die  
12                  if they're not --  
13                  MS. WINGATE: It could die.  
14                  MR. JAUQUET: It could die  
15                  between now and then.  
16                  MS. WINGATE: Right.

5-7 VGPPLANNING

17 MR. MCMAHON: All right.  
18 In the end if we don't have  
19 that --  
20 MR. JAUQUET: We don't have  
21 it.  
22 MR. MCMAHON: (Continuing)  
23 we don't have anything to deny.  
24 MR. PROKOP: I mean, you  
25 know, awnings are okay, but we

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55

1 Regular Meeting 5/7/2015  
2 can't look at a -- consider  
3 something that's not before us  
4 'cause we don't have the plans.  
5 MR. MCMAHON: Okay. Then  
6 I'm going to motion that we table  
7 this until the work session.  
8 MR. DOWLING: Hold on a  
9 second. I think this is just  
10 continued discussions so we don't  
11 have to table it, just close it  
12 out I think, right?  
13 MR. BURNS: We don't have  
14 anything before us.  
15 MR. JAUQUET: Well, there's  
16 nothing before us, so.  
17 MR. MCMAHON: Yeah, if they  
18 come back.  
19 MR. JAUQUET: And make the  
20 discussion, we don't have to --

5-7 VGPPLANNING

21 MR. MCMAHON: Yeah. If  
22 they submit an application, you  
23 know, all right, so I don't --  
24 MR. JAUQUET: End of  
25 discussion.

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56

1 Regular Meeting 5/7/2015  
2 MR. MCMAHON: All right.  
3 Item number six, Motion to  
4 accept, for review, the Findings  
5 and Determinations for the  
6 following projects: Application  
7 for Joann Brancato for retail use  
8 at 300B Main Street. Application  
9 to Butta'Cakes Inc. for restaurant  
10 expansion at 119 Main Street.  
11 Application of Rita Winkler for  
12 retail and specialty food shop use  
13 at 110 Front Street. Application  
14 for David Kapell as agent for  
15 Moonstar LLC for restaurant use at  
16 120-122 Front Street.  
17 Now, do these need to be  
18 signed by me?  
19 MR. PROKOP: They're signed  
20 in each case by the Chairman.  
21 MR. BURNS: We're accepting  
22 these -- this was just summations  
23 of everything that we had  
24 previously discussed with regards  
25 to these issues, just a formal



♀

57

1 Regular Meeting 5/7/2015  
2 statement of that?  
3 MR. PROKOP: Yes.  
4 Glynis did a real good job  
5 putting it together and I want to  
6 thank her. It's a really great  
7 service that she provided to us  
8 now. They went back and forth  
9 between Glynis and Eileen.  
10 MR. MCMAHON: Okay.  
11 MR. PROKOP: They should  
12 be --  
13 MR. MCMAHON: Yeah, I went  
14 through them, they seem to reflect  
15 everything that went on in the  
16 meetings, these are new to me. We  
17 haven't had these before for any  
18 other --  
19 MR. BURNS: It's great to  
20 see this upgrade of what we're  
21 doing.  
22 MR. MCMAHON: So these  
23 items will be entered into the  
24 record as part of this meeting or  
25 the prior meetings?

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58

1 Regular Meeting 5/7/2015  
2 MR. PROKOP: This meeting.

5-7 VGPPLANNING

3 MR. MCMAHON: This meeting.

4 MR. PROKOP: And they go in  
5 the file so 10 years from now  
6 somebody will be able to look back  
7 and see exactly happened.

8 MR. MCMAHON: Okay.

9 MS. WINGATE: Do I have to  
10 give a copy to the  
11 transcriptionist? Do you want  
12 them part of? 'Cause I should put  
13 them in the file. Do you want it  
14 as part of the minutes?

15 MR. MCMAHON: Yes.

16 MS. WINGATE: Okay.

17 MR. PROKOP: 'Cause then  
18 they go on-line, that's good.  
19 Thank you. After he signs them.

20 MR. MCMAHON: Motion to  
21 accept, do I have a second?

22 MR. DOWLING: Second.

23 MR. MCMAHON: All in favor?

24 MR. DOWLING: Aye.

25 MR. BURNS: Aye.

‡

59

1 Regular Meeting 5/7/2015

2 MR. MCMAHON: Aye.

3 MR. JAUQUET: Aye.

4 MR. MCMAHON: Item number  
5 7, Motion to approve the minutes  
6 of March 12, March 26 and April 2,  
7 second?

5-7 VGPPLANNING

8 MR. BURNS: Second.  
9 MR. McMAHON: All in favor.  
10 MR. DOWLING: Aye.  
11 MR. BURNS: Aye.  
12 MR. McMAHON: Aye.  
13 MR. JAUQUET: Aye.  
14 MR. McMAHON: Motion  
15 carries.  
16 Item number 8, Motion to  
17 schedule the work session for  
18 May 28th, 2015, and the Regular  
19 Session for June 4th, 2015. Do I  
20 have a second?  
21 MR. BURNS: Second.  
22 MR. McMAHON: All in favor?  
23 MR. DOWLING: Aye.  
24 MR. JAUQUET: Aye.  
25 MR. McMAHON: Aye.

‡

60

1 Regular Meeting 5/7/2015  
2 MR. BURNS: Aye.  
3 MR. McMAHON: Motion  
4 carries.  
5 Item number 9, motion to  
6 adjourn. Second?  
7 MR. BURNS: Second.  
8 MR. McMAHON: All in favor?  
9 MR. DOWLING: Aye.  
10 MR. JAUQUET: Aye.  
11 MR. McMAHON: Aye.

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5-7 VGPPLANNING  
MR. BURNS: Aye.

MR. MCMAHON: All right.

All set. Thank you very much.

(Whereupon, the Meeting was  
adjourned at 5:42 p.m.)

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Regular Meeting 5/7/2015

CERTIFICATION

I, DONNA L. RITZMANN, a Notary Public  
in and for the State of New York, do hereby  
certify:

THAT the foregoing is a true and  
accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 13th day of May, 2015.

\_\_\_\_\_  
DONNA L. RITZMANN

5-7 VGPPLANNING

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