

VILLAGE OF GREENPORT
COUNTY OF SUFFOLK: STATE OF NEW YORK

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PLANNING BOARD

WORK SESSION AND REGULAR MEETING

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January 28, 2021
4:00 p.m.

Via Video Conference

B E F O R E:

WALTER FOOTE - CHAIRMAN (Absent)

JOHN COTUNGO - MEMBER (Absent)

REED KYRK - MEMBER

LILY DOUGHERTY-JOHNSON - MEMBER

PATRICIA HAMMES - ACTING CHAIR

ALSO PRESENT:

PAUL J. PALLAS - VILLAGE ADMINISTRATOR

ROBERT CONNELLY - PLANNING BOARD ATTORNEY

AMANDA AURICHIO - SECRETARY TO THE BOARD

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2 (The Meeting was called to order
3 at 4:00 p.m.)

4 ACTING CHAIR HAMMES: Good
5 afternoon. This is the Village of
6 Greenport Planning Board Work Session and
7 Regular Meeting Agenda scheduled for
8 January 28th, 2021 at 4:00 p.m. being held
9 via GoToMeeting.

10 I'm Patricia Hammes. I'm acting
11 as Chair today, as Walter Foote was not
12 available to attend this meeting. And so,
13 with that, I think we'll -- we'll just go
14 ahead and dive into things.

15 The first item on the Agenda is
16 Item No. 1, which is a Motion to accept
17 and approve the Minutes of the December
18 28th, 2020 Planning Board Work Session and
19 Regular Meeting.

20 Do I have a second?

21 MEMBER KYRK: Second.

22 MEMBER DOUGHERTY-JOHNSON: Second.

23 ACTING CHAIR HAMMES: All those in
24 favor?

25 MEMBER DOUGHERTY-JOHNSON: Aye.

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2 ACTING CHAIR HAMMES: So that
3 passes.

4 Item No. 2: Motion to schedule a
5 combined Planning Board Work Session and
6 Regular Meeting for 4:00 p.m. on February
7 25th, 2021.

8 Do I have a second?

9 (No Response)

10 ACTING CHAIR HAMMES: Reed or
11 Lily?

12 MEMBER DOUGHERTY-JOHNSON: Second.

13 ACTING CHAIR HAMMES: All those in
14 favor?

15 MEMBER KYRK: Aye.

16 MEMBER DOUGHERTY-JOHNSON: Aye.

17 ACTING CHAIR HAMMES: Item No. 2
18 passes.

19 Item No. 3: Relating to 15 Front
20 Street is a Motion to accept the Findings
21 and Determinations for 15 Front Street.
22 This property is located in the W-C
23 (Waterfront Commercial) District and is
24 not located in the Historic District.
25 It's Suffolk County Tax Map No.

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2 1001-5.-4.-31.1.

3 Do I have a second?

4 MEMBER DOUGHERTY-JOHNSON: Second.

5 MEMBER KYRK: Second.

6 ACTING CHAIR HAMMES: All those in
7 favor?

8 MEMBER KYRK: Aye.

9 MEMBER DOUGHERTY-JOHNSON: Aye.

10 ACTING CHAIR HAMMES: Motion
11 passes.

12 We now move on to the Public
13 Hearing section of the Meeting. And the
14 first Public Hearing relates to Item No.
15 4, which is 151 Bay Avenue. This is a
16 Public Hearing regarding the site plan
17 application of Robin Mueller. Applicant
18 Robin Mueller is the new owner of the bed
19 and breakfast located at 151 Bay Avenue,
20 formerly known as "Ruby's Cove Bed and
21 Breakfast," and he wishes to open a new
22 bed and breakfast known as "Whaler's Guest
23 House". This property is located in the
24 R-2 (One and Two-Family) District and is
25 located in the Historic District. It is

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2 Suffolk County Tax Map No. 1001-5.-3-5.

3 So I open up the Public Hearing,
4 although it doesn't look like we have a
5 tremendous number of people on the -- on
6 the -- at the meeting from the public.

7 I guess, first off, I guess,
8 Christoph, you're -- you're repre- --
9 you're here representing the applicant; is
10 that correct?

11 MR. MUELLER: Yes.

12 ACTING CHAIR HAMMES: Okay. I --
13 I don't know if Reed or Lily have any
14 questions. I mean, you guys gave us an
15 overview last week on this as -- I mean,
16 last month on this. As I understand it,
17 there's no changes intended from the way
18 that this has been operated in the past or
19 any kind of modifications to the site
20 plan, other than changing the name.

21 That's correct, right?

22 MR. MUELLER: Right. And --

23 ACTING CHAIR HAMMES: And --

24 MR. MUELLER: Well, he's a guy who
25 personally moved there and live in

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2 Greenport as soon as we finish with the
3 minor renovations, painting, basically,
4 that we're doing. And then we intend to
5 continue it as a bed and breakfast on a
6 very small basis, yeah.

7 ACTING CHAIR HAMMES: And you will
8 be occu- -- you will be occupying the
9 premises, Christoph?

10 MR. MUELLER: Correct, yes.

11 (At this time, the Stenographer
12 asked Mr. Mueller for his last name.)

13 MR. MUELLER: I'm Christoph
14 Mueller, M-U-E-L-L-E-R.

15 ACTING CHAIR HAMMES: I should
16 have asked him to state that first.

17 Reed or Lily, do you guys have any
18 questions or clarifications that you want
19 to ask?

20 MEMBER KYRK: I do not. I was
21 merely asking clarification about the fact
22 that he's gonna live there.

23 ACTING CHAIR HAMMES: Are there
24 any members from the public that are on
25 the meeting that want to ask any questions

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2 or have any comments?

3 ADMINISTRATOR PALLAS: Madame

4 Chair, if this is the appropriate time, I
5 can talk about the file review that staff
6 has done?

7 ACTING CHAIR HAMMES: That would

8 be great, Paul, if you want to go ahead
9 and do that.

10 ADMINISTRATOR PALLAS: Sure. We

11 did review the entire file for this
12 property. It did receive approval,
13 original approval, as a bed and breakfast.
14 And, Amanda, check my time, my day, was it
15 2001?

16 MS. AURICHIO: Yes, it was 2001.

17 ADMINISTRATOR PALLAS: 2001 I

18 received approval. It went through both
19 Planning Board and Zoning Board. There
20 was a variance request for an undersized
21 lot. Lot is normally for bed and
22 breakfast is required to be, rather,
23 10,000. This is less than that. So it
24 did receive a Zoning Board variance
25 approval which runs with the -- with the

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2 property. That variance is still in
3 place.

4 The layout of the building is
5 virtually identical to the drawing that
6 was provided by Mr. Mueller. We do not --
7 did not see any changes to the structure
8 from that time period to today.

9 ACTING CHAIR HAMMES: Okay.

10 That's helpful, Paul, to know.

11 Reed or Lily, any thoughts,
12 comments, views?

13 MEMBER DOUGHERTY-JOHNSON: I just
14 had a question. I guess I'm assuming the
15 parking is up to code even if it's not.
16 Like, I notice that people have to park
17 behind each other. They can't all get
18 out, but that's -- that's okay, according
19 to whatever rules there are?

20 ADMINISTRATOR PALLAS: That --
21 that issue was actually a topic of
22 discussion back in 2001. And the parking
23 arrangements that were provided then,
24 which appear to be the same as today, were
25 accepted by both Zoning and Planning back

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2 in 2001.

3 MEMBER DOUGHERTY-JOHNSON: Okay.

4 It's tricky from a, like, how -- for your
5 guests, but I feel like that's sort of,
6 like, the problem you guys have to deal
7 with. So it doesn't -- I don't -- I don't
8 think that's a problem for me. I was just
9 curious.

10 ACTING CHAIR HAMMES: Reed,

11 anything on your side?

12 ADMINISTRATOR PALLAS: We view

13 that as, as -- you know, we recognize
14 that. The code requires parking on site.
15 If there are any subsequent complaints,
16 are parking on the street, we would --
17 they -- we would deal with that, you know,
18 through the normal channels that would be
19 through Code Enforcement.

20 MEMBER KYRK: Yes. And I, I don't

21 have any further questions. Parking is
22 always my concern, and this addresses it.

23 ACTING CHAIR HAMMES: Okay. I

24 guess, unless anybody sees any reason to
25 keep the Public Hearing open, we can go

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2 ahead and close the Public Hearing. Rob,
3 that's fine, right? We have a quorum
4 today, so.

5 MR. CONNELLY: Yes.

6 ACTING CHAIR HAMMES: So I move --
7 I move to close the Public Hearing.

8 Do I have a second?

9 MEMBER KYRK: Second.

10 ACTING CHAIR HAMMES: All those in
11 favor?

12 MEMBER KYRK: Aye.

13 MEMBER DOUGHERTY-JOHNSON: Aye.

14 ACTING CHAIR HAMMES: Okay. So I
15 guess then we have to -- we need to have a
16 motion to approve the site plan. Is that
17 the next step, Rob?

18 MR. CONNELLY: Yes.

19 ACTING CHAIR HAMMES: So I propose
20 that we -- I propose a motion that we
21 approve the site plan for 151 Bay Avenue.

22 Do I have a second?

23 MEMBER KYRK: Second.

24 ACTING CHAIR HAMMES: All those in
25 favor? Aye.

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2 MEMBER KYRK: Aye.

3 MEMBER DOUGHERTY-JOHNSON: Aye.

4 ACTING CHAIR HAMMES: So that
5 passes.

6 So you're -- you're good to go,
7 obviously, subject to complying with the
8 bed and breakfast requirements of owner
9 occupation and the parking on site.

10 MR. MUELLER: Thank you very much.

11 ACTING CHAIR HAMMES: Thank you.

12 MR. MUELLER: Thank you.

13 ACTING CHAIR HAMMES: So I think
14 with that, we move on to Item No. 5, which
15 is for a Public Hearing for 1410 Manhasset
16 Avenue. This is a Public Hearing
17 regarding the site plan application of
18 Porto Bello Restaurant Corp., represented
19 by AMP Architecture. The applicant
20 proposes to construct a roof deck over the
21 dining room for alternative seating, which
22 is a change and expansion of a conditional
23 use in the Waterfront Commercial District.
24 This property is located in the W-C
25 (Waterfront Commercial) District and is

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2 not located in the Historic District. It
3 is Suffolk County Tax Map No. 1001-3.-1-1.

4 So who do we have -- whoever's
5 here to speak on behalf of the applicant,
6 just announce your name and your
7 addresses, please.

8 MR. PORTILLO: Sure. Anthony
9 Portillo, AMP Architecture, 1075
10 Franklinville Road in Laurel, New York.

11 ACTING CHAIR HAMMES: I guess -- I
12 think the main point we had discussed at
13 the last meeting about this had focused on
14 the occupancy and the aggregate limit, I
15 guess, of the inside with -- with the
16 addition. Has there been any change from
17 the applicant's viewpoint on this?

18 MR. PORTILLO: No. So we're
19 proposing to keep it at 89 occupants and
20 mainly for having the space for the tables
21 on the inside and then having the outside
22 space so that they can, you know, keep the
23 tables at certain distances from each
24 other mainly due to Covid.

25 The idea here is that if in the

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2 future the -- my clients would like to,
3 you know, have the right to obviously go
4 to the Health Department, increase the
5 occupancy once maybe some of the Covid
6 restrictions are gone. But, furthermore,
7 I mean, even if the restrictions are
8 alleviated, I think that for restaurants,
9 they want to probably not be so close to
10 each other even in the future. I think
11 it's probably just gonna be the way that,
12 you know, future restaurants are gonna be
13 laid out due to what's happened this past
14 year.

15 So, I mean, in the future,
16 there -- there could be a possibility that
17 they would go and request for more seating
18 and do the proper -- through the proper
19 channels at the Health Department and get
20 the occupancy increased. But for now, the
21 occupancy would stay the same.

22 Now, with that said, obviously the
23 roof deck would be for seasonal seating.
24 So if they wanted to -- if the roof deck
25 closed, they wanted to still be allowed to

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2 utilize the inside seating at the same
3 occupancy, it wouldn't be more occupants
4 because the seasonal seating would be
5 closed at that time, so, in maybe the
6 fall, late fall season and maybe early
7 spring seasons where it's kind of cold out
8 still.

9 ACTING CHAIR HAMMES: Reed or
10 Lily, any questions, concerns?

11 MEMBER DOUGHERTY-JOHNSON: I
12 just -- I know we got a new site plan.
13 Could you just remind me what's different
14 from the --

15 MR. PORTILLO: We just changed
16 the --

17 MEMBER DOUGHERTY-JOHNSON: -- old
18 site plan?

19 MR. PORTILLO: Sure. We just
20 changed the stair design of -- I -- slight
21 mistake on my end. There were too many
22 risers for code, so we added in a landing.
23 So now we basically have a right-turn
24 staircase. But nothing else has changed
25 in regards to the seating arrangements.

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2 We changed the seating arrangement a
3 little bit because of how the stair
4 changed, but the count is the same.

5 ACTING CHAIR HAMMES: Paul, is
6 the -- is the changes in the stair now
7 compliant with code?

8 ADMINISTRATOR PALLAS: I -- I
9 believe so. If the landings were put in,
10 that was something that was found by --
11 you know, we had mentioned that to the
12 architect and, from what I can understand,
13 he complied with our request.

14 ACTING CHAIR HAMMES: Okay.

15 ADMINISTRATOR PALLAS: I do -- I
16 do have a question, however, if it's
17 appropriate.

18 ACTING CHAIR HAMMES: Somebody --
19 somebody has -- okay, thank you.

20 Go ahead, Paul.

21 ADMINISTRATOR PALLAS: Just on
22 the -- on the request to make this
23 seasonal, that becomes, you know, from an
24 enforcement standpoint, a little bit
25 problematic as long as it's truly seasonal

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2 and not, you know, July and it rains and
3 suddenly we're all inside. I -- I think
4 it would -- from a staff perspective, it
5 would be simpler if there were, like, a
6 date certain when the -- when it changes
7 from inside to outside, assuming that's
8 even appropriate. I would defer to
9 counsel on whether that's the right
10 approach. I think leaving it open-ended
11 without a date certain would be difficult
12 for us.

13 ACTING CHAIR HAMMES: Although,
14 Paul, I just -- my -- my question --
15 sorry, my question on that or my follow
16 related point, and, Rob, obviously, you
17 should then weigh in, if the -- the way I
18 had understood this was that we were going
19 to approve it subject to current occupancy
20 limit, which would be 89, and how they
21 wanted to allocate that. Obviously,
22 subject to any other limitations that
23 apply because of Covid would be at their
24 discretion. Is that not in line with what
25 we had previously -- 'cause I -- I thought

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2 I understand it right now without putting
3 the rooftop deck on and if Covid was not
4 here, they would be able to have 89 people
5 inside.

6 MR. PORTILLO: That's correct.
7 That's -- that's the current occupancy.

8 ACTING CHAIR HAMMES: So,
9 obviously, under Covid it's half that
10 amount, but that's -- that's a Covid
11 restriction, right?

12 MR. PORTILLO: Correct.

13 ACTING CHAIR HAMMES: So, Paul, I
14 mean, your -- your concern that they move
15 it back and forth, at least at the last
16 meeting, we had talked about the fact that
17 that was a flexibility that they might
18 have. Now, I don't know that we're
19 willing to let them automatically go and
20 change the occupancy limit without coming
21 back to us 'cause we're approving this on
22 the basis of 89 people. But that was
23 my -- that was my understanding, Reed. I
24 don't know if you and Lily were -- I don't
25 know if either of you were at the last

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2 meeting. That's my understanding of the
3 discussion we had at the last meeting.

4 MR. PORTILLO: Just to be clear,
5 we -- we understand that if the -- if we
6 were to -- if we were to increase the
7 occupancy, we would go through the proper
8 channels, one being the Planning Board at
9 Greenport Village, the other being,
10 obviously, Food and Health Department. So
11 we would -- we understand that that would
12 be required by us if we wanted to increase
13 the occupancy down the road.

14 ACTING CHAIR HAMMES: So, Paul,
15 I'm sorry, I didn't mean to totally hijack
16 the conversation, but I didn't really
17 think that the point -- I didn't
18 understand that we were making this kind
19 of contingent on X number were only
20 allowed upstairs and X number were allowed
21 inside. And I don't think it's -- it was
22 presented to us in that fashion, so.

23 ADMINISTRATOR PALLAS: Well, I
24 mean, I guess, I mean, it would only
25 depend on when those Covid restrictions

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2 are lifted, right. So the -- if what
3 you're saying is that as long as the total
4 is 89 -- I mean, I guess we -- yeah, I
5 mean, I guess -- I guess you're right. I
6 guess we could -- we -- I think it would
7 be okay, what you had suggested, Madame
8 Chair. I think that would be -- we could
9 work with that.

10 ACTING CHAIR HAMMES: Unless Lily
11 or Reed have anything else, I guess I
12 would open it up to anybody from the
13 public that's on that wants to venture a
14 comment.

15 MEMBER KYRK: I -- I do have a
16 question. Maybe I'm just not following
17 this. So basically, is there any
18 requirement for the rooftop to have its
19 own capacity limits?

20 ADMINISTRATOR PALLAS: Are you
21 asking me?

22 MEMBER KYRK: I'm basically --
23 because it -- it seems fine. It's
24 consistent --

25 ADMINISTRATOR PALLAS: Hold on one

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2 second. John, could you mute your
3 microphone, please? Thank you.

4 MEMBER KYRK: Yeah. I mean, the
5 argument we heard last time was it was 89
6 is the occupancy after Covid, post Covid,
7 split between the two -- the two floors.
8 It's fine and acceptable to me. I'm just
9 wondering why discussion is going on. Is
10 there a particular reason? Do we have to,
11 say, limit the roof occupancy to only so
12 many people or is it acceptable just to
13 have a total occupancy for both spaces of
14 89? 'Cause that's -- that latter is what
15 I remember as the roof last week.

16 ADMINISTRATOR PALLAS: I mean, I'm
17 assuming the architect would agree that
18 there is a limit, you know, a code limit
19 in each of the spaces, regardless. So
20 whatever those code limits are would need
21 to be adhered to in each of the spaces.
22 So already we have an absolute code limit
23 of -- of, I think it's 89 inside. Well,
24 that's where -- and that's the code limit
25 and also subject of a CO. So that's --

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2 that's the limit. The roof deck would
3 have the forty- -- whatever number is on
4 the -- to be approved. That would then
5 become the limit, the total limit of the
6 89. Is that responsive?

7 MEMBER KYRK: Yes.

8 MR. PORTILLO: Yeah. I mean --

9 ACTING CHAIR HAMMES: I'm trying
10 to find the number, but that's in line
11 with what I recall from last week's --

12 MR. PORTILLO: Right. It's -- 89
13 is correct. We're proposing currently 44
14 on the roof, on the roof deck, and 45 in
15 the restaurant area.

16 To Paul's point, obviously the
17 space would allow for more seating and the
18 square footage does allow for that size
19 assembly. But due to the fact that
20 they're really doing this in response to
21 Covid at this time and they don't really
22 want to even -- even maybe after the
23 restrictions are lifted, in my
24 conversations with the owners currently,
25 they're probably gonna want to keep the

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2 inside sort of limited so that people feel
3 comfortable.

4 So in the future, though, if
5 things sort of get back to normal and
6 everyone's feeling less concerned, they
7 might consider, obviously, going for the
8 more occupants. But we would go -- we
9 would come back to the Board and we would
10 go to the Health Department.

11 MEMBER KYRK: Yeah. Okay.

12 ACTING CHAIR HAMMES: So just --
13 just to reiterate then, the ask is for
14 approval subject to an aggregate 89 limit
15 between the two spaces and --

16 MR. PORTILLO: Yes, ma'am.

17 ACTING CHAIR HAMMES: -- 44 on the
18 rooftop.

19 MR. PORTILLO: Yes, ma'am, that's
20 correct.

21 MEMBER KYRK: Thank you. That --
22 that --

23 ACTING CHAIR HAMMES: All right.
24 I think -- it looks like Mr. Saladino has
25 a comment from -- from the public. John?

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2 MR. SALADINO: Is it time for the
3 public?

4 ACTING CHAIR HAMMES: Go right
5 ahead.

6 MR. SALADINO: My concern is not
7 with the project. I think it's a great
8 project. I think it's a perfect location
9 for a rooftop deck. I think it's --
10 it's -- it's one of the better locations
11 in Greenport to have this type of thing.

12 My concern is, I'm fam- -- I'm
13 intimately familiar with the property.
14 The occupancy is 89 for indoor seating,
15 but that particular property has
16 additional seating outside. That
17 particular property doesn't have access to
18 the waste- -- to the wastewater treatment
19 plant.

20 So any additional seating that
21 they have -- so if -- if -- if the outside
22 seating expands, like it did last year
23 with excess tables, with outside tables
24 and stuff, it puts a burden on their
25 ability to get rid of sanitary waste until

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2 the Village and Safe Harbor come to an
3 agreement that -- that alleviates that
4 problem. I have a concern about sanitary
5 waste.

6 Again, being intimately familiar
7 with that property, there's been times
8 that -- that their sanitary wells have
9 overflowed into the parking lot. They
10 have 185 boats in that marina, plus two
11 bathrooms, three bathrooms, plus the
12 restaurant.

13 So if -- if the property was
14 limited to the -- to the current 89
15 spaces, I think my concerns, they wouldn't
16 be moot because I think there's an ongoing
17 problem there. But I think -- I think I
18 wouldn't have an argument under the
19 current situation.

20 But -- but to expand -- but to say
21 you're limited to 89 spaces inside, makes
22 no mention of the seating outside. The
23 people that would -- that would patroni-
24 -- that would -- that would use that space
25 would be expected to use both of their --

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2 their -- their bathrooms, and that would
3 add to the burden of an already
4 overburdened sanitary system at Safe
5 Harbor.

6 So, again, I'm not opposed to this
7 project. I think it's -- I think it's
8 the -- it's a great location for a rooftop
9 deck. I'm just concerned about --
10 about -- about the sanitary waste that --
11 that the outdoor seating, in addition to
12 the 89 seats inside, would generate. And,
13 and I'm not sure who I'm kind of, like,
14 addressing this to, but --

15 ACTING CHAIR HAMMES: Well, first
16 of all, just to back up, can you just --
17 can -- I don't know if you said your full
18 name and address, just so --

19 MR. SALADINO: Oh, I'm sorry.
20 John Saladino. I live at 314 Sixth
21 Street.

22 ACTING CHAIR HAMMES: Yeah, yeah.

23 So, obviously, Paul, Rob and
24 Anthony, my recollection, again, going
25 back to last month's meeting, was that

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2 there is a separate occupancy, a limit
3 that applies to the outside that's already
4 in effect that's not being changed. I
5 hear what you're saying, but I don't -- my
6 understanding -- and it may very well be
7 an ongoing issue, but my understanding is,
8 is that we're not, in effect, with this
9 approval, would not be changing the
10 aggregate amount of people that they are
11 currently allowed to have on the property
12 absent Covid restrictions.

13 MR. PORTILLO: Correct.

14 MR. SALADINO: I'm not -- I'm
15 not con- -- I'm sorry, I don't want to
16 step on anyone.

17 ACTING CHAIR HAMMES: Go ahead.

18 MR. SALADINO: I'm not concerned
19 about Covid restrictions. I'm not con- --
20 I'm not concerned about -- about -- about
21 social distancing. Again, being -- being
22 familiar with the property, sometimes the
23 outdoor space becomes -- becomes --
24 sometimes the 89 seats that are allowed
25 indoors expands to more because of the

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2 additional seating that was placed
3 outside. And, again, I don't have a
4 problem with that if -- if that particular
5 restaurant was -- was connected to the
6 Village wastewater treatment plant, but
7 it's not.

8 So any additional person that uses
9 that restaurant, that patronizes that
10 restaurant or that -- that facility would
11 normally expect to use their restroom
12 facilities. You know, if you're sitting,
13 eating outside, inside, in the area, you
14 would expect to use their facility. That
15 facility's wastewater containment system
16 is overburdened now. To add one
17 additional person would -- would -- I -- I
18 guess --

19 ACTING CHAIR HAMMES: My point
20 is --

21 MR. SALADINO: I guess what --

22 ACTING CHAIR HAMMES: -- I don't
23 think we are. As I understand it, we
24 aren't adding more additional person.
25 They're allowed 89 people inside. And

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2 there is a separate limit. I don't know
3 what the number is. I don't know if Paul
4 or Amanda has it at their hands, but
5 there's a separate limit that applies
6 outside. Now, it may be that they have
7 more people than that, than they're
8 supposed to, and that's a Code Enforcement
9 issue. But my under- -- at least my
10 understanding, unless I misunderstand, is
11 they're not asking to add anything to what
12 they're currently allowed to have under
13 the existing site plan in terms of the
14 aggregate number. It's just an allocation
15 of the number of people that are allowed
16 inside, between inside and the roof. And
17 the outside has its own separate
18 limitation that already applies and is not
19 being changed.

20 Which, again, I under- -- I hear
21 what you're saying, John. I -- I -- I
22 prob- -- I'm sure you're right, that
23 there's a wastewater issue, but I'm not
24 sure that this is -- that what we're doing
25 here is going to change that.

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2 MR. SALADINO: It's my
3 understanding that the Department of
4 Health, the Suffolk County Department of
5 Health Services doesn't take outside
6 occupancy into consideration when it
7 computes indoor limits for wastewater
8 treatment. So if you say, well, we're
9 allowed 30 people outside or 40 people
10 outside, the Suffolk County Department of
11 Health Services doesn't take that into
12 consideration. They take occupancy inside
13 into consideration.

14 So if -- if somebody adds --
15 listen, we saw it -- we -- we've seen it
16 this year because of Covid, that people
17 were adding space any place they could,
18 and rightfully so. Everybody want --
19 should be entitled to make a living.
20 Nobody should go out of business because
21 of some pandemic. And, and -- but what we
22 also should take into consideration is, is
23 that the sanitary wells -- I'm sorry?
24 What we also should take into
25 consideration is, is that the sanitary

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2 wells were designed for X amount of
3 gallons per day and, and it's -- it's --
4 and, again, from my experience, that's
5 being exceeded.

6 So all I'm saying is, all I'm
7 saying is, is that we should keep in mind
8 that -- that sometimes more people than
9 expected show up to perhaps use sanitary
10 facilities and the burden becomes the
11 Village's because it's -- it's the creek
12 that suffers from excess sanitary waste.

13 I understand that if -- if -- I
14 understand that if somebody makes an
15 observation and 90 people instead of --
16 which is ridiculous, 90 people instead of
17 89 show up, you should call Code
18 Enforcement and, and perhaps Greg Morris
19 should show up and count the people and
20 issue a -- but that's not the reality of
21 the situation. The reality of the
22 situation is, is that the sanitary system
23 in that particular area is overburdened.
24 And, and perhaps the Planning Board should
25 just maybe give that a thought before we,

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2 we just --

3 (CROSSTALK)

4 MR. SALADINO: Not opposed to this
5 project. I really, really like this
6 project.

7 MR. PORTILLO: If you don't -- if
8 you don't mind, I just -- just to give you
9 my two cents on this, John. Nice to meet
10 you, by the way.

11 MR. SALADINO: Sure.

12 MR. PORTILLO: If we were to
13 increase the occupancy, the things you're
14 discussing right now, what -- we would
15 have to go through that and prove that the
16 sanitary could handle the increase in
17 occupancy.

18 So I think at this time, at least
19 my opinion is, at this time, that since
20 we're not requesting that, we don't have
21 to go through those channels. But
22 obviously, in the -- if we did request
23 that, we would have to go through those
24 channels. We'd have to get those
25 approvals. And that would be something

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2 that we would bring to the Board and to
3 the Village if that's what we were
4 planning on doing.

5 MR. SALADINO: Well, my response
6 to that is, again, being intimately
7 familiar with that property from other
8 projects, I'm also intimately familiar
9 with the sanitary maps of that project. I
10 know the capacity there. I know that the
11 capacity that's being generated there.
12 And any additional capacity, whether it be
13 one, two, five, ten, whatever it is, would
14 be in excess, that that's allowed or,
15 or -- so, again, I -- I really don't want
16 to stop this project.

17 All I want to do is prevent --
18 until the Village and Safe Harbor come to
19 an agreement about some kind of -- of --
20 of -- of -- of horizontal directional
21 drilling under the creek to get that
22 wastewater to our wastewater treatment
23 plant, I think it should be -- I think
24 it -- I think that should be foremost on
25 our minds. I think that should be the

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2 frontline that the Planning Board should
3 be considering.

4 Any -- any -- any -- any
5 possible -- let's face it, on a Saturday
6 afternoon in the summertime, on a sunny
7 afternoon on the water, sometimes people
8 just lose track of how many people are
9 there, how many people are using the
10 facilities, how many tables, perhaps, are
11 outside.

12 We understand that the -- the --
13 that the current owners want to maximize
14 profit, and I applaud that. I think
15 that's a great idea, being a capitalist.
16 I think that's a great idea. But
17 sometimes we have to look at the other
18 side of the coin, also. I think that
19 the -- that the more people that you put
20 in a particular area and expect to use
21 those kind of facilities puts a burden on
22 the Village.

23 And, and the Village, I mean --
24 again, if this was -- if this was a
25 property that was hooked up to the -- to

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2 the -- to the Village of Greenport
3 wastewater treatment plant, I would be
4 first in line to occupy that rooftop deck.
5 But right now, you know, I -- I have
6 concerns about the health of the creek.
7 So I would just ask you to take that into
8 consideration when you -- when you
9 deliberate and you make your
10 determination.

11 So, having said that, thank you.
12 Thanks for listening.

13 ACTING CHAIR HAMMES: Thank you.

14 Paul, did you have something you
15 wanted to say?

16 ADMINISTRATOR PALLAS: Just, I
17 guess, I mean, I know it's been said a
18 couple times, and the -- we will do --
19 staff will do everything we can to ensure
20 that the total occupancy limits -- the
21 combination of the roof and the interior
22 will be maintained. You know, we'll do
23 everything we can to ensure that so that
24 there is no net change to the way it has
25 been. And I'm -- you know, your -- your

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2 findings, I'm assuming, will -- will
3 reflect that and the Certificate of
4 Occupancy will reflect that so that -- so
5 that it's clear that we will have the
6 enforcement authority should we find any
7 evidence that that number has been
8 exceeded or even attempted to be exceeded.

9 MR. HARBES: Just to fill in a
10 couple of the unknowns that are being
11 discussed at the moment and to perhaps
12 answer some of Mr. Saladino's questions,
13 is --

14 ACTING CHAIR HAMMES: Can
15 you first -- could you please first state
16 your name, for the record, and your
17 address, please?

18 MR. HARBES: Peter Harbes, 3550
19 Bay Shore Road, Greenport, New York 11944.

20 ACTING CHAIR HAMMES: Thank you.

21 MR. HARBES: The total occupancy
22 on the property, from my understanding,
23 after talking to multiple officers at the
24 Health Department, is a total of 129. So
25 I just wanted to have that number out

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2 there, 'cause it's the 89 inside plus an
3 approved 49 outside.

4 MR. GARRITANO: Also, it is our
5 obligation to maintain that septic system
6 that is there. That is our
7 responsibility, not the Village's. So if
8 that septic system overflows, it's our job
9 to maintain it.

10 MR. PORTILLO: You know, and Peter
11 and Bruce, just to make claim to this on
12 the record, I mean --

13 MR. SALADINO: I'm sorry, that's
14 not true.

15 MR. PORTILLO: You guys -- you
16 guys are looking at the occupancy and
17 making sure that you're not exceeding it.
18 Just --

19 MR. HARBES: Correct.

20 MR. SALADINO: If I could. Again,
21 John Saladino.

22 I'm not sure where -- where --
23 where Bruce gets the idea that it's his
24 obligation to maintain that septic system.
25 It's not his property. He's the contract

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2 vendee. He's the leaser. The property
3 belongs to Safe Harbor. The sanitary
4 wells belong to Safe Harbor. What's
5 generated into those sanitary wells -- you
6 know, I -- I -- I -- I don't know if Bruce
7 has -- has a -- has a meter on his -- on
8 his -- on his bathrooms or -- or whatever
9 to say that. I know, from personal
10 experience, from -- from -- from -- from
11 other projects on that property.

12 And in the interest of full
13 disclosure, I'm the member -- I'm a member
14 of the Conservation Advisory Council.
15 We've had numerous applications for that
16 particular property. So we're -- we're --
17 me, personally, I'm intimately familiar
18 with the sanitary maps, the sanitary wells
19 on that property and stuff and -- and we
20 know they're overburdened.

21 So to say that, that you're
22 responsible for the sanitary system on
23 that property is just not accurate. You
24 might be responsible for what happens
25 inside your restaurant. But once it

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2 leaves your restaurant and it -- and it
3 goes to that force main and goes to the
4 wells, is outside your -- your domain.
5 And if anybody that had gone to that
6 property recently would see that those
7 wells have overflowed into the parking lot
8 and stuff.

9 So, so the amount of people that
10 occupy that particular establishment, in
11 addition to the marina. I'm -- I'm not
12 holding the burden on these guys. I --
13 again, I don't want to make it sound like
14 I'm opposed to this project. I really
15 like this project. But in addition to the
16 marina, the restaurant also has to take
17 responsibility of what goes on on that
18 property. And when sanitary waste leaches
19 into the creek, it becomes their
20 responsibility, whether it's the boats in
21 the marina, whether it's the restaurant in
22 the marina. It becomes a
23 property-specific problem.

24 So all I -- all I would like the
25 Planning Board to do is, is to think

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2 about -- is to think about -- and, again,
3 89 people inside, 37 people outside, if
4 that's the number. My experience is, I
5 saw additional tables set up outside. I
6 saw additional people outside. I saw
7 people just milling about outside. And
8 again, I'm -- I'm okay with that. I
9 just -- I'm just saying that that -- I'm
10 not sure of the exact number. What'd you
11 say, 124? 124 total people is static. I
12 believe that's fluid. And, and all I
13 would ask the Planning Board to do is to
14 take that into consideration when it comes
15 to the generation of wastewater.

16 If and when tomorrow Safe Harbor
17 talks with Mr. Pallas and they -- they get
18 their permit to connect to the Village of
19 Greenport or wastewater treatment plant, I
20 think that would make it even better. I
21 think it's -- it's good. But right now,
22 those are my concerns.

23 Thank you, again. Thanks for
24 listening.

25 ACTING CHAIR HAMMES: Thank you,

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2 John.

3 I don't believe that there are any
4 other members of the public on.

5 Lily, Reed, thoughts? Concerns?

6 MEMBER KYRK: No. I mean,
7 we're -- what -- you know, I mean, the
8 only thing is that if it's an 89
9 occupancy, it's an 89 occupancy. If -- if
10 it has been or may be or will be in
11 violation of an occupancy, I'm -- I'm not
12 sure how that gives us any -- you know, by
13 the book, it looks right. So I -- I have
14 no problem looking at it as, you know,
15 let's go ahead with it, especially during
16 Covid. If there's an issue in exceeding
17 the 89 occupancy at some time, well, I
18 just don't know how we're gonna get it --
19 in this meeting with the -- with the
20 things that we have in our disposal. And
21 maybe I'm being naive or not very
22 insightful, guilty as charged, on
23 occasion, but I don't see how we mitigate
24 the violation of the Health Department
25 rule, the possible violation of a Health

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2 Department rule in the future. Those are
3 my thoughts. I mean, it seems like a good
4 idea to me, as well.

5 MEMBER DOUGHERTY-JOHNSON: Yeah, I
6 mean, I basically agree. It's definitely
7 concerning. And maybe there's things that
8 the restaurant could do to, like -- I
9 mean, I don't -- I don't know if we can --
10 like, we could maybe encourage, like,
11 low-flush toilets or, you know, not using
12 as much water as restaurants tend to do,
13 things like that, or -- I don't know if
14 there's ways to fix the septic system
15 without, you know, the -- joining the
16 Green- -- the Village's. But if the
17 occupancy is staying the same, it does
18 seem like it's -- I mean, it would hap- --
19 it could be happening, anyway, if all the
20 Covid stuff wasn't happening. Or if it
21 went away tomorrow, it would still be the
22 same occupancy, so.

23 ACTING CHAIR HAMMES: Yeah. I
24 mean, I guess I appreciate John bringing
25 this to our attention. But I am of the

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2 view that we're not increasing the
3 occupancy. And it's a concern, but I
4 don't -- I don't see how turning down the
5 proposal before us, frankly, mitigates
6 that concern. I guess absent Covid, it
7 might. I mean, you can say, well, if we
8 don't give them the rooftop, they're gonna
9 have less people just the fact because of
10 Covid. But I try not to make the
11 decisions on this Board based on Covid
12 since, hopefully, some day we'll be living
13 without those restrictions.

14 So I -- I -- you know, it's
15 obviously something that, that we need to
16 be conscious of going forward. And if the
17 applicants ever came back and asked for an
18 increase in occupancy for sure, I think it
19 would be something that we would want to
20 highlight and make sure that we addressed.
21 But I don't see in the context of this
22 particular application really being able
23 to do anything to specifically mitigate
24 it. And it doesn't seem, to me, to be a
25 justification for turning down this

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2 application at this time.

3 MEMBER KYRK: Right. And just,
4 yeah, now I'm alerted to the fact that we
5 need to be especially vigilant there. But
6 I don't see what we can do, reasonably do
7 at this point in time for this
8 application. I guess I'm just rephrasing
9 what he said, but --

10 ACTING CHAIR HAMMES: Well, I make
11 a motion to close the Public Hearing at
12 this time.

13 Do I have a second?

14 MEMBER KYRK: Second.

15 ACTING CHAIR HAMMES: All those in
16 favor? Aye.

17 MEMBER KYRK: Aye.

18 MEMBER DOUGHERTY-JOHNSON: Aye.

19 ACTING CHAIR HAMMES: And then I
20 make a motion to approve the site plan
21 application of Porto Bella Restaurant,
22 Corp. subject to including in that
23 approval the -- the current occupancy
24 limits so it's clear that there's no more
25 than 89 between the inside and the roof

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2 deck and the -- and subject to --
3 what's -- Anthony, I'm sorry, what's the
4 number on the roof deck again? Was it 44?

5 MR. PORTILLO: That's correct. 44
6 on the roof deck.

7 ACTING CHAIR HAMMES: And no more
8 than -- in any event, no more than 44
9 people on the roof deck. I would want to
10 see those both incorporated. And
11 obviously, then any other future increase
12 in occupancy would require a revisit by
13 the Planning Board at the time.

14 So subject to those conditions,
15 unless Reed or Lily, you have anything
16 else you want to add, I would make a
17 motion to approve this subject to those
18 conditions.

19 Do I have a second?

20 MEMBER KYRK: Aye.

21 ACTING CHAIR HAMMES: All those in
22 favor?

23 MEMBER DOUGHERTY-JOHNSON: Second.

24 MEMBER KYRK: Aye.

25 MEMBER DOUGHERTY-JOHNSON: Aye.

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2 ACTING CHAIR HAMMES: So, so it's
3 -- that -- that motion passes then.

4 And then the final motion -- I
5 mean, the final item on the Agenda is --

6 MR. PORTILLO: Thank you Board,
7 Planning Board.

8 ACTING CHAIR HAMMES: You're
9 welcome.

10 The final is a motion to adjourn.

11 Do I have a second?

12 MEMBER KYRK: Second.

13 MEMBER DOUGHERTY-JOHNSON: Second.

14 ACTING CHAIR HAMMES: All those in
15 favor? Aye.

16 MEMBER DOUGHERTY-JOHNSON: Aye.

17 MEMBER KYRK: Aye.

18 ACTING CHAIR HAMMES: Thank you
19 all for your help. And thank you to the
20 applicants, and good luck with your future
21 plans.

22 (Whereupon, the Meeting concluded
23 at 4:45 p.m.)

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C E R T I F I C A T I O N

I, Agata Davis, 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 4th day of
February, 2021.

Agata Davis

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