VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

PLANNING BOARD
REGULAR SESSION

Third Street Firehouse
Greenport, New York
August 4, 2016
5:06 p.m.

BEFORE:
DEVIN McMAHON - CHAIRMAN
BRADLEY BURNS - MEMBER
JOHN COTUNGO - MEMBER
LUCY CLARKE - MEMBER

PAUL PALLAS - VILLAGE ADMINISTRATOR
JOSEPH PROKOP - VILLAGE ATTORNEY
GLYNIS BERRY - PLANNING BOARD CONSULTANT
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CHAIRMAN McMAHON: All right, we’re going to begin the meeting. This is the August 4, 2016 Village of Greenport Planning Board Regular Session.

Item number 1, 211 Carpenter Street.

Continued discussion and possible action on the site plan. David Kapell representing Old Shipyard LLC, located at 211 Carpenter Street has proposed to convert an existing two-story building into a first-floor tasting room and one second-floor apartment.

The property is in the CR, Commercial Retail District. Both uses are permitted in the CR Zone.

The property has been vacant for some time. The property is located in the Village Historic District and is subject to coordinated review which was issued on June 16, 2016.

Suffolk County Tax Map number 1001-4-10-11.
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Have we received any positive or negative declaration from any of the interested parties that were contacted?

MR. PALLAS: I don't believe we have.

CHAIRMAN McMAHON: Okay.

Does anyone here, just with respond to SEQRA, have any concerns that were not addressed previously?

(No response.)

I'm going to make a motion that we issue a -- I believe it is a negative declaration?

ATTORNEY PROKOP: Yes.

We already adopted lead agency status and typed it, so at this point we're adopting a negative declaration and determining that there will not be a significant negative impact on the environment.

CHAIRMAN McMAHON: Yes.

I so motion.

Do I have a second for that?

MR. BURNS: Second.
CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. COTUNGO: Aye.

MS. CLARKE: Aye.

CHAIRMAN McMAHON: We did have concerns about the site plan. We received an updated site plan on July 10th that addressed the front landing, as well as the leader for the drainage being directed to flow away from the handicap railing or handicap access.

I believe those were the only outstanding issues. Was there anything else? Does anyone have any questions or concerns?

MS. BERRY: I might have missed the first part, did you say about the walkable surface too?

CHAIRMAN McMAHON: Yes, the landing in the front.

MS. BERRY: Okay.

CHAIRMAN McMAHON: So are there any questions or concerns with regard
to this application?

MR. BURNS: No.

MR. COTUNGO: No.

CHAIRMAN McMAHON: I'm going to make a motion that we approve the site plan that was submitted including the updated site plan that was submitted on July 10th adding revisions that were requested by the Board.

Do I have a second for that motion?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MS. CLARKE: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number 2, Stirling Square, 300-308 Main Street.

Continued discussion on the application for site plan review, an amendment to the previous site plan approved on November 4, 2015 is required. The applicant, Robert I.
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Brown, Architect is representing Stirling Square LLC, Brent Pelton.

The applicant has proposed to remodel four existing apartment units into five inn units, and one handicap accessible unit on the ground floor for a total of six additional inn units bringing the total of inn units for American Beech Inn to 11 inn units.

The proposal includes a renovation of Suite 308C, a ground-floor space, into a lobby for the inn, incorporating a new glass facade with interior and new exterior seating and a water feature in the courtyard.

The proposal includes additional bluestone hardscape for easier handicap accessibility and several ramps providing accessibility to each of the commercial units.

The proposal for cover over the existing cedar pergola which covers the dining patio at the American Beech Restaurant, and the extension of the

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wood pergola to the north has been eliminated.

The property is located in the Historic District. The Historic Preservation Commission will be reviewing the exterior installation of the ductwork for the kitchen exhaust at the August meeting.

Suffolk County Tax Map number 1001-4-78-29-1.

I believe the HPC meeting was held the other day, but I haven't heard anything from them.

ATTORNEY PROKOP: The meeting was adjourned until September.

CHAIRMAN McMAHON: Adjourned until September.

ATTORNEY PROKOP: Yes.

CHAIRMAN McMAHON: Okay.

So we are still waiting for input from the HPC.

Would either of you like to speak again?

MR. BROWN: Well, I just have some
additional information to address, two of the questions that were raised at the work session, if I may.

CHAIRMAN McMAHON: Okay.

(Whereupon, Mr. Brown handed documents to Board members.)

MR. BROWN: This is a description of use and this, this is -- there was a question raised about the exit for the lobby based on occupancy.

In terms of the exiting, if we were to calculate a worst case of a stand-up cocktail party in the space, we would be required to have two exits, so the folding glass wall would have an exit door at each end. Under any other circumstances, it would not require them, but as a worst case, that's what we will be providing.

CHAIRMAN McMAHON: That's for what, I'm sorry?

MR. BROWN: In case of a stand-up cocktail party, in a situation of assembly where everybody would be
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standing without tables and chairs.

The calculations as you see before you of five square feet per person is based on the code requirement for that sort of intensity which is unlikely; but, nonetheless, we had to calculate for it as a worst case.

CHAIRMAN McMAHON: Is this just inside the reception lobby?

MR. BROWN: Yeah. Correct.

CHAIRMAN McMAHON: This does not include out into the square?

MR. BROWN: No, the exit requirement is the number of exits required to leave the built space.

MR. COTUNGO: You're saying you would need two legal exits, two exits?

MR. BROWN: Based on the worst-case scenario which is unlikely, yes; so we have the folding glass wall, if the wall is closed, there would be two doors in that glass wall.

MR. COTUNGO: I'm not sure if that counts because the code says they have
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to be remotely located.

MR. BROWN: One at each end.

It's a 16-foot-wide glass wall.
It's about as far away as we get them
in a space that small.

MR. COTUNGO: I'm not a hundred
percent sure, but I think the idea is
not to have it on the same side because
if there is fire there then you have
nowhere to go.

MR. PELTON: Any other exit would
be into the adjoining property through
the side of the building.

CHAIRMAN McMAHON: I'm not sure I
get what you're saying.

So with regard to the reception
lobby, one exit would be the folding
glass wall; is that correct?

MR. BROWN: No. There would be,
if you assume, again worst case, if the
folding glass wall was closed and
everybody is standing up, we are
required two exist; so with the folding
glass wall closed, at each end of the
folding glass wall would be an exit door.

CHAIRMAN McMAHON: Okay.

MR. BROWN: We can't go out on either side because it's occupied space; and we can't go out the back because it's not ours, it's a different property.

CHAIRMAN McMAHON: Um-hum.

I can't speak to the fire code requirements and whether or not that would be acceptable. I personally would have to differ to --

MR. BROWN: I don't believe there is anything specific in the code that says it can't be on the same wall.

ATTORNEY PROKOP: Has the Department of State ever issued one of those information bulletins about this where they said the two doors can't be on the same wall?

MR. COTUNGO: It doesn't say the same wall, it says remotely located.

ATTORNEY PROKOP: So then, it just
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sounds kind of unusual that they be the same -- I'm not a certified code official, but it just sounds unusual that they would be on the same wall. I don't have -- I'm saying that not looking at the plans.

MR. BURNS: Well, to my mind, it's highly unusual that a space this small would require two exits in the first place. It is a small space.

MS. BERRY: There is a formula for the separation distance as proportioned to the room size and it can be on the same side, so he just has to, in his building application, verify that he meets those requirements and make sure it complies with the rest.

CHAIRMAN McMAHON: Would the seating that is in there, I see seven seats available in there now, I think that would have to be taken into consideration with the calculations as well, I mean it's standing room it's 69 people, but if there are --
MR. BROWN: The calculation for that number of people assumes that there is no furniture in there except for the beverage counter itself.

CHAIRMAN McMAHON: So you're saying remove the furniture entirely if you were just --

MR. BROWN: Assuming, again, assuming the worst case that the only furniture in the room is the beverage counter and taking up every square inch of space in this room, aside from that leads to the calculation in front of you.

CHAIRMAN McMAHON: Okay.

MR. BROWN: And quite honestly, seven more space wouldn't make any difference in the calculation in terms of the number of exits.

ATTORNEY PROKOP: Do you have -- there's improvements in this space, right? Isn't there a counter and things like that?

MR. BROWN: That's what I said,
yes.

  ATTORNEY PROKOP:  I'm sorry, but you're not counting the square footage of the improvements in the square footage of the calculation, are you?

  MR. BROWN:  (No response.)

  ATTORNEY PROKOP:  The 343 square feet, is the that the box of the room --

  MR. BROWN:  No.

  ATTORNEY PROKOP:  -- or did you net out the improvements?

  MR. BROWN:  That's the net occupiable space.

  ATTORNEY PROKOP:  Occupiable space. Okay, thanks.

  There is a question I have been asked several times which is: The use of the inn as it is now, do you think that you are required to have a handicapped room, handicap-accessible room? Without these improvements, if you went ahead without these improvements, do you feel that now you
are required to have a handicap-accessible room?

MR. BROWN: Do you mean on the previous project?

ATTORNEY PROKOP: Yes.

MR. BROWN: No.

ATTORNEY PROKOP: So the inn as it is does not require a --

MR. BROWN: As it is, no.

ATTORNEY PROKOP: And that's because it's pre-existing?

MR. BROWN: That's correct.

MR. PELTON: That being said, I think that it's the appropriate thing to offer and the right thing to offer.

ATTORNEY PROKOP: I wasn't looking to avoid having the new one, I think that that's a good idea. It's, I'm being asked whether one should have been required.

MR. BROWN: Previously --

MR. PELTON: Our understanding is no.

CHAIRMAN McMAHON: Okay.
Moving on for a moment from the lobby to the general, to what's being described as the event space.

I think we would need some more detail on, I don't know if that was included in the notes that were here, but we would need, we will need more information on the event space and exactly how that will be utilized. Whether or not there will be drinking out there, whether or not -- the proposed number of people that might be in there. I think we would need some sort of occupancy measurements for that as well. If you are going to have a space in the open courtyard, perhaps people from an event would be going out there, there would need to be a definite limit on the number of people, whatever it may be; and that would have to be incorporated, I think, into the plans for the space at large.

If you're going to have, say, is there going to be ten or fifteen people
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in the middle of the day or is it going
to be 40 or 50 people until midnight or
1:00 in the morning, they are very
different proposals.

I think that if we're going to go
forward, you're going to need to flesh
out some of the details of what
exactly, what sort of events you're
planning on, whether it's a rehearsal
dinner or party or whatever it is, the
timeframe of when it's going to be
done, if liquor is going to be served,
if food is gonna be served out there.

At the beverage counter now, I
don't know, there was some back and
forth as to whether it was just going
to be coffee and tea, things like that
in the morning for hotel guests or if
it would be a full-scale bar. If it is
going to be a bar, I don't see on the
plans a three-wash sink or a hand sink
or any of the things that would be
required to have, you know, any sort of
restaurant use or bar use for the area.
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So if that's your intention, that's all going to have to be included in the plans.

MR. BROWN: Certainly that would be on the architectural plans.

CHAIRMAN McMAHON: You're not planning on doing alcohol there?

MR. PELTON: Yes.

We would anticipate that there would be alcohol there. A rehearsal dinner would be obviously food, and there would be people. I don't know what the exact occupancy would be, I'm shocked by the number that is on this for a standing-room event, it seems quite high. I don't think that we would come anywhere near that, I think that we're talking 20-ish people in there.

And again, I just think that this is going to be a much-improved space, and we first submitted these plans back in March and we have done everything we could to provide information. I don't
necessarily know that we needed to submit full architectural drawings?

MR. BROWN: That is not my understanding.

MR. PELTON: We are happy to give you any other information that you would be interested in, but we also wanted to get moving on this.

CHAIRMAN McMAHON: I understand, but the plans have been evolving over time, and it's, you know, as things progress over time, we need to be able to see the final. I know you submitted the initial plan back in March, but in order for us to make an intelligent decision and make evaluations with regard to my concerns, possibly in the SEQRA component of this where whether or not it would have an impact on the environment because we're talking about an outdoor space with drinking and partying going on until whenever, and that could have an impact on the neighbors across the street, it could
be a noise concern.

I know there is outdoor dining and drinking going on now, but it's significantly set back from the property, and it was, you know, particularly with the American Beech Inn, that has been going on for 20 or 30-plus years, it's clearly established as a use for the space. I do think it's a significant increase in intensity of use for the space to allow it to just open up as a general-event space, so I think that if we're going to, again to discuss intelligently and to provide you feedback that you need and the neighbors deserve, we need to have a fully fleshed out idea of what you're proposing to do with the space. I appreciate the detail you have included in this and you have been very responsive to all of our questions, but I do think there is some detail that still remains to be included. Do you --
MR. PELTON: What?

CHAIRMAN McMAHON: Particularly what hours of operation are; if you're going to have an event, where is it going to be confined to; is this actually purely, is the bluestone paving purely access in and out to the restaurants in the back or is that somewhere where people will be milling around; you know, those become concerns if there is a fire or something else somewhere in the space, and then you have, essentially you're going through the middle of the party for access points as opposed to walking through a designated walking area.

Do you understand?

MR. PELTON: Yeah. Several months ago we had a meeting with Glynis and Paul Pallas and Eileen and we sat down and one thing we were instructed, that the bluestone would be labeled for access use only.

MR. BROWN: That was labeled
MR. PELTON: That was updated.

CHAIRMAN McMAHON: Okay. So --

ATTORNEY PROKOP: As far as the use, I'm glad you brought up those questions. Thank you.

As far as the use, I'm going back between the, I think it's called the Point of Sale Application from the State Liquor Authority, you're identifying this space as a point of sale and then you're telling us that it's going to be used for events. If it was going to be used for events, wouldn't you be covered under an event permit on the application for the main restaurant, main bar?

MR. PELTON: I'm not sure about that. I'm not a liquor license guy, my understanding is that we applied for a new permit and extended the location of the existing liquor license into that space.

ATTORNEY PROKOP: I mean, it seems
like I ask this question every time we get together about this application. Is this just going to be a new bar; is that what this is?

MR. PELTON: That's not the anticipation of the use, so no, it's not going to be a new bar.

I don't remember you ever asking me that.

ATTORNEY PROKOP: I think it came up when you weren't here, I apologize. I remember the application.

MR. BROWN: Last week, I believe the question came up, and I believe I stated that it's not intended as a freestanding open-to-the-public bar, but specifically for use for any possible event or for guests of the hotel. Is that correct?

MR. PELTON: Correct.

ATTORNEY PROKOP: So if I come by, I'm just -- there is nothing wrong with any of the things that you're saying, I'm now questioning that, I just think
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the Board is entitled to know what the use is going to be. I'm not saying that's it's not as you say, but does that mean if I'm walking down Main Street and I see something going on there and I'm not a guest of the inn, and I go in there for a drink, will I be served or will I be told that it's for guests of the inn?

MR. PELTON: It seems as -- my understanding is the Board is wanting me to say, it's for guests of the inn only --

ATTORNEY PROKOP: No.

MR. PELTON: -- which seems as though it would be an exclusive, which I don't want to do. I want to have American Beech Inn as tied to the fabric of Greenport as possible. I don't want to have to say, no, you can't be here, but that's what I'm getting from the Board, and if that's what you want, absolutely we'll agree to that. We'll say, I'm sorry, but
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this is for hotel guests only and
reserved for private events, and if
that's the desire, absolutely, we'll do
that, but I want to be as open as
possible to the community.

CHAIRMAN McMAHON: My concern is,
I just don't know what you're planning
on doing. That's the only --

MS. CLARKE: I just think we want
clarification, transparency, exactly
what you're -- depict exactly what it's
going to be for. We're not telling you
what to make it for, but we're asking
you to tell us what you plan to do.

MR. COTUNGO: Last week I remember
you said it's still evolving, and I
think I said, well, that really puts us
in a bad position.

MS. CLARKE: Right.

MR. COTUNGO: It's like giving you
a blank, so the evolving, it has to
settle down, and we can vote for it or
against it, so tell us what it is.

MR. BURNS: Is it the Board's
feeling that this should not be another
open bar?

CHAIRMAN McMAHON: My concern is
if it doesn't see to -- generally when
you're going to have drinking on
premises, it should be contained
somehow, and it seems to me as if
you're going to have drinking from
several establishments sort of mingling
together in the square and that can be
problematic because then you have
capacity for one restaurant that's sort
of being lent to another, it just
doesn't -- I think it needs to be an
understanding of how each of these
individual restaurants are operating,
what the, where they're going to be
operating, and what each one is going
to be doing because if someone's buying
drinks at American Beech and then
walking down the stone path that's
supposed to be for access only and
mingling with someone 1943 and then
stopping and taking a seat here, then
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it becomes a safety issue because there is supposed to be access for each of these things and if there is a handicap access that's going through the space but now people are standing in it, it's no longer access, it's now a separate area.

That's my concern. It's just I don't know exactly what you're proposing clearly with regard to each of these spaces and how they interact. That's my concern.

I'm not telling you do or don't do this, restrict this or don't restrict this, I just don't understand exactly how each of these spaces are going to be used and whether or not, what exactly it is you're proposing.

MR. PELTON: What do you mean "each of these spaces?"

CHAIRMAN McMAHON: Just as I said, if the reception lobby, someone saying they're a guest of American Beech Inn and they want to go grab a drink in the
reception lobby, so they're going to be then taking the drink through the path and they're going to hang out in front or they're going to go over to -- it just doesn't seem to be clear where the boundaries of each of these individual businesses are, and if there is, you know, if your knew stone paving for access only is written on something, then it needs to be new stone paving for handicap access only, I mean, that's what I'm getting at.

MR. BROWN: There are designated outdoor seating areas that are labeled as such, and I don't know that we can control what people do, even on the sidewalk in terms of standing and milling around, but we are showing specific seating areas for that specific use.

MS. BERRY: Can I -- maybe I'm assuming something that isn't true, but my impression of the conversation so far is that American Beech would serve...
liquor to seating areas in the plaza
that aren't particularly attached to
the properties of the other tenants; is
that correct?

MR. PELTON: Correct.

MS. BERRY: I think that's the
intended use of the area.

ATTORNEY PROKOP: I think that
last year in the first application, the
initial approval was for exploration
for -- you wanted -- you told us that
you needed to go inside to test for
rotting in one of the beams, and there
was a building permit issued for that,
and then we ended up with the inn.

Then this application came in as a
lobby for the hotel, and I just
happened by chance to ask at one of the
meetings because I saw a counter there
whether or not there was going to be
alcohol served and the answer was yes;
and now one or two meetings later, it's
now an event space.

We need -- it's not fair to us
that this happens or to the Village or to the residents that live in that area. We need to pin down exactly, excuse me, you need to pin, very respectfully, we need to know exactly what the story is, you know, what you intend, what the story is going to be.

MR. PELTON: The primary use is lobby and associated use, we would like to be able to have events there. We have a number of requests where people would like to have a dinner or some sort of event, and we could not accommodate them at the restaurant, but we would like to say yes, so we would like to be able to say yes, you can have it here.

We have a number of people who are interested in booking all of our rooms because they're having an event and we would like to be able to have a space for them which would be a hotel reception and lounge.

So I feel as though in our mind we
have been open and transparent from the beginning, and I don't feel as though we're changing the story on our end, so this has always been the same use.

ATTORNEY PROKOP: In your mind, it is; but you were here a couple of months ago and you said it's an inn lobby, now you're saying a hotel lounge, it's completely different things, and I'm not denying that in hotels that I go to all the time, there is a place in the lobby that you can get a drink, I mean, that's clear; but this is separate space and I think, you know, whatever it is, just let us know whatever your plans are.

MR. PELTON: I think that the primary purpose is hotel reception.

MR. COTUNGO: I thought last week we spoke about changing the name because we realize that this name really isn't accurate for how you're going to use it; do you remember speaking about that last week?
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MS. CLARKE: Yes.

MR. COTUNGO: You agreed to change the name just so it's clear. It's not really a reception lobby, it's really an event space, so we all said, call it an event space, but it still hasn't been changed for whatever reason.

MR. BROWN: Again, as Mr. Pelton said, the primary use is as a reception room for the hotel, the event space, the event use is secondary.

CHAIRMAN McMAHON: So would you --

ATTORNEY PROKOP: Can we have a request for what they need before they come back for the next meeting?

CHAIRMAN McMAHON: I don't think we've itemized it.

ATTORNEY PROKOP: I hope I didn't cut off your train of thought, I'm sorry.

CHAIRMAN McMAHON: No. It's just --

MS. BERRY: Can I just add something?
Usually with a lot of the uses, we ask for a specification of the hours, so maybe also for these spaces, you indicate the hours of operation that you would see for some of the uses.

CHAIRMAN McMAHON: One of my biggest concerns here is, it seems as if it's turning from several different individual businesses into one large incorporated party space throughout, from the entire stone walkway all the way from Bossos to American Beech past 1943 to the new proposed event space; and I think that it seems just sort of endless and unclear as to what exactly, you know, where are people allowed to drink; where are they going to be; is there any sort of barrier to keep people from going into the streets; is there going to be any stopping, you know, if this is now an outdoor -- you know, you have restaurants here with clearly delineated spaces where drinking is on-premises and it's
permitted in the seating area here, there’s a bouncer there if there’s something going on. Particularly in this front space on Main Street, there’s just a grass area there where, is that going to be an area where there is a lot of -- is there going to be outdoor drinking and partying until, you know, as late as American Beech is open? Is it going to be later if there’s a space for the reception, and I think we need specifics on that because there is a potential for impact on the neighbors. I think the noise late at night could be an issue that needs to be addressed. That’s what I'm asking for, more specification on that, that specifically for me is what I'm referring to, just clearly spelling out where people are going to be drinking and eating, the hours of operation, whether or not -- we restricted every other restaurant in town from having any outdoor music being played. If you
MR. PELTON: I have a question about that.

Claudios has a permit for --

CHAIRMAN McMAHON: Claudios has been doing that since --

MR. BROWN: How on earth is that allowed?

CHAIRMAN McMAHON: I would say it's probably because they have been doing it for 50 years and --

MR. PELTON: Is it legal?

CHAIRMAN McMAHON: -- the code --

ATTORNEY PROKOP: What I can tell you is that we have enforced it at other premises.

MR. PELTON: What's that?

ATTORNEY PROKOP: When had enforced it in other establishments.

MR. PELTON: But Claudios?

ATTORNEY PROKOP: I can't -- with all due respect, I wouldn't comment about one particular, the same way if they came in here questioning you, it's

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the same.

MR. PELTON: Sure.

ATTORNEY PROKOP: But I can assure you that we have enforced it and prosecuted that particular violation at other premises.

MR. BROWN: In terms of where things will happen, the outdoor seating areas are specific and shown, I'm getting the sense that really it comes down to the hours; is that correct?

CHAIRMAN McMAHON: That's a big part of it, yes, and whether or not it's going to be contained. I mean, I know this is not a problem unique to American Beech, but I do see it when I walk by, and I frequent all of the bars and restaurants in the Village. I work as a bartender myself, so I pay attention to glasses and presentation that everyone is using, I see the American Beech glasses on the sidewalk when I'm walking to work regularly.

Now, that's, again, something that
happens at every restaurant, patrons steal things, people sneak drinks out, you're not going to give them a to-go cup, they're going to take their drink anyway.

My concern is that if you have an open space like this without any sort of barrier or any sort of entryway, that it's going to just be worse. It's just going to exacerbate an existing problem that every restaurant has to contend with.

Again, that's one of the concerns, but yes, as you asked, hours of operation are a big concern, yes, that is a big part of it as to whether or not it's going to be going on, you know, as late as the restaurant is open, later than the restaurant.

Again, when we asked the question, is it a reception lobby or is it an event space, or are you serving alcohol there, these are all questions we ask every applicant that comes in, and is
food going to be served and if it is
going to be, again, it doesn't appear
as if any of the things you would need
to have a functioning bar are in it,
like a three-wash sink or hand-wash
sink.

MR. BROWN: Again, those would be
shown on the architectural plans, not
necessarily on the site plan.

CHAIRMAN McMAHON: Okay.

So can I ask, are they on the
architectural plans?

MR. BROWN: The architectural
plans are not going to be done until we
get approval from Planning Board.

MR. COTUNGO: I think some of that
stuff should be shown, you spoke about
the sink last week, I think you should
show it; it's no big deal to draw a
little box.

And what I would ask is if you do
that code analysis, there is a formula
that says how far the exits have to be,
just write that right on here and show
the distance, show a dimension between the two doors, and if there are folded
doors, I think they have to be a special pop-out kind because if this place is used in the winter and the doors are closed, you know what I'm saying?

MR. BROWN: They are designed so that you can incorporate operable doors in the folding glass wall.

MR. COTUNGO: Again, I know these aren't architectural plans, but it would be nice to see that, nice to see that it works with the code.

MR. PELTON: My concern is it's gonna be a year of this back and forth, and as much as I enjoy standing here, I don't want to waste all of our time, and I don't know what there is that can allow us to move forward with at least some of this.

ATTORNEY PROKOP: Well, I think we have to come to that point where -- every meeting is a new discovery about
what you're doing, so I think you need
to come to the point where you define
exactly what you're going to be doing
inside and outside and then let us
know, and then that will bring this to
a close.

MR. COTUNGO: We couldn't vote on
it tonight anyway because we're waiting
for Historic. Why are we waiting for
Historic?

MS. CLARKE: Right.

MR. COTUNGO: Because you
installed ductwork without approval.
Before that it was a Plexiglass roof
over the bar.

We didn't do that.

MS. CLARKE: You know, we're
volunteers, and we're busy too.

MR. PELTON: Yeah.

MS. CLARKE: With all due respect,
I lead a really busy life, you know,
and I don't need to sit here and go
over the same thing time and time and
time again at every meeting either.
You know, I don't know if you guys are hearing it, you know. It keeps changing, like Joe said, there is a new proposed use and, like I said last meeting, when it started it was a reception lobby area. There was never the term event room.

Just maybe someone came to you and asked, can I hold an event here, and that triggered something for you; I'm not sure how it came to be, but it came to be later.

MR. PELTON: I appreciate your service on this Board. I am amazed at the level of commitment by the volunteers who serve on this and the other Boards, and I feel as though we've done a good job, but we will re-double our efforts to make sure that the uses are as clearly set forth as possible on this, so I guess we'll see you at the next one.

MR. PALLAS: Mr. Chairman, if I may, there's two -- I don't know if you
were going to conclude at this point, but again at the risk of adding fuel, just one note. I think you all have a copy of an e-mail that described some of the uses, one use that actually hasn't been discussed is retail sales. I assumed that meant inside the hotel; now after I re-read it, it looks like it's for the reception area that's going to be retail sales in there as well.

MR. PELTON: I mean, I would imagine that that would be somewhat of an incidental use of a hotel reception area, and I wanted to be as inclusive as possible so that all the potential uses have been set forth because the last thing I want to do is, you know, get this and build it and, you know, have some retail sales of incidental items, and then have people come and say that was not on the site plan.

MR. PALLAS: Understood, I just don't think the Board was fully
cognizant of that item in the note, I think they have a copy of it, but I just wanted to make sure that that was included in for whatever requirements, information requirements they want from you.

Mr. Chairman, one other item I just want to point out, I believe at the last meeting, you requested from the applicant and voted on an extension of time for the approval. I'm guessing that that clock runs out at the September meeting or maybe prior, so you may want to consider requesting another extension.

CHAIRMAN McMAHON: I believe we have another 60 days from today.

MR. PALLAS: Yes.

CHAIRMAN McMAHON: I don't recall the wording or specifics. It's an extension from today from the expiration of the existing window.

MR. PALLAS: I would assume the resolution would be worded from the
expansion of prior extension.

ATTORNEY PROKOP: I think that's from the prior extension.

CHAIRMAN McMAHON: That would bring us to October.

MR. PALLAS: The ability to.

CHAIRMAN McMAHON: So I think -- we would have to address that. I don't think we would have to address it this evening.

MR. PALLAS: You may want to, I don't know without looking, going back to the actual calendar to see the actual wording and see when it falls.

CHAIRMAN McMAHON: Okay.

MR. PALLAS: So you don't get caught between meetings.

MR. BURNS: I wonder if there is a way to split these two things. That is, it is obvious that you need a lobby; it's not obvious that you need a party room.

MR. PELTON: Correct.

Can I do a lobby and have retail
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sales? My boyfriend is a clothing
designer, if he puts racks in there and
we can go forward with hotel use, we
can go forward with reception lobby,
and we can do some incidental sales of
clothing items, and maybe that would
make the Board feel better, and it
would allow us to move forward.

I don't want to be
confrontational. I don't think any of
us enjoy this process, but I want to
move forward with this.

And he would be thrilled because
he would have a space that he could
sell clothing items.

ATTORNEY PROKOP: What I would
recommend is that in about two weeks
you give the Board a full statement of
your intended use for the space.
Something you're committing yourself
to. Is that -- I don't mean like a
sentence, I mean like a full
description.

CHAIRMAN McMAHON: I mean, so some
of the things that --

ATTORNEY PROKOP: Including all
the space in between, you know all this
outside space.

CHAIRMAN McMAHON: Yeah, I mean,
if it's going to be -- I know you want
to open the rooms, you want to have a
reception lobby, if those are your
priority, I would anticipate we would
have to have, because of the SEQRA
considerations and the -- just based on
the plan being somewhat unclear as it
is with regard to hours of operation
for outdoor seating and drinking,
where, you know, we don't have clarity
on who is serving liquor, who is
allowed to serve it, you know,
especially if someone takes something
from 1943 and then walks over to one of
these outdoor spaces, they're violating
their liquor license by taking alcohol
off premises. They're essentially
doing the same thing with American
Beech right now as well, someone takes
a drink from American Beech and goes
off that parcel, walks over to one of
these seating areas, they're taking
liquor off premises because it's a
different site plan, even though you
own the entire square, they're
different businesses and there's
different areas, so I think that does
complicate things quite a bit.

If you're interested in just doing
the reception to move forward, doing
incidental, doing some reception lobby
with some retail sales in there, and
you want to move forward with your
hotel rooms, I think that's a much
simpler application. If you were
interested in bifurcating your
application, you can probably do that.

I mean, it's up to you where you
want to go, but I think it becomes much
more complicated when you're talking
about serving alcohol outside in
between several restaurants, that makes
things much more --
MR. COTUNGO: Too close to Main Street.

CHAIRMAN McMAHON: Yeah. Then it becomes, if you have essentially one large party space, then it could be an issue on another noise concern and a quality-of-life concern for the neighbors who are across the street. I know it is Main Street, so it is busy.

MR. PELTON: We have eleven rooms, that's our priority, and we would need to self-regulate because of that.

CHAIRMAN McMAHON: I'm sorry, I couldn't hear you.

MR. PELTON: We would need to self-regulate because of that.

CHAIRMAN McMAHON: Yeah. You know, we have a responsibility to take as much of your self-regulation away as possible and make sure that it's a comprehensive plan that isn't just sort of open ended, and I feel like what we are looking at now, again, we have made many revisions, it's been a long
process, but because the plans have, there have been new things that have come up, I think -- again, I don't want to be here, I don't particularly enjoy this. I was asked to volunteer for this Board, and I'm here because it's -- I think many of us are in the same position, it's just we have a responsibility to look at your plans critically, and it's nothing against either of you. I frequent your restaurant, I like what you have done there, you did a great job with the rooms, it's just a matter of we have to be thorough, and there's nothing beyond that and that's where all of our concerns are.

So if we're talking about the entire space and the event space, the outdoor seating, we need clarification on hours of operation, clarity on who exactly is serving liquor and where --

MR. COTUNGO: If you're going to have a cash register there, you might
as well put that in that description or if you're not gonna put a cash register.

CHAIRMAN McMAHON: Again, so something like, you do need to include, even if it's incidental sales for reception, you know, for a hotel, if you're having retail sales there, that needs to be included in the site plan for the approval of the space, some retail component does need to be noted in there.

Again, a lot of these things seem to be sort of incidental or it's a reception lobby, but we'd like to have events there, all of that needs to be clear. I don't know where you want to go from here moving forward as quickly as possible, but those are my thoughts.

I don't know if anyone has comments or questions.

MS. CLARKE: I spoke my piece, you know where I stand.

CHAIRMAN McMAHON: No other
MR. BURNS: I think the event business may not be something we could approve, but the rest of it you need and it makes sense.

CHAIRMAN McMAHON: Yeah, I mean, there's a pretty clear designation and a fairly significant difference between a reception lobby for a hotel and an expansion of the hotel and essentially turning the entire courtyard into an outdoor event space. Those are fairly significantly different proposals, so however you want to move forward, I think the reception lobby and expansion of the hotel is fairly straightforward with regard to it's allowed in the code from what we have reviewed so far. The event space, it really needs to be very thoroughly fleshed out if you're going to move forward with that.

MR. PELTON: If there is an event space component, would the Board be interested in telling me what sort of
hours you see would be something that
you would think could be appropriate?

CHAIRMAN McMAHON: I am hesitant
to say specifically what hours would
work. Again, I think for an event
space that's an outdoor event space
serving liquor into the evening,
holding parties, directly on Main
Street, it would probably require,
there would be a SEQRA hearing, a
public hearing and that would take more
time and again, that's how I expect it
would go forward if that were the
proposed use that you want to move
forward with because it would, and that
would then be based on comments from
the public, any other Boards, that
would be the determination. I can't
intelligently tell you what an
acceptable timeframe would be right
now. It's sort of beyond me to make
that call.

I know this isn't what you were
hoping to hear this evening, but do you
have any additional question for us at this time?

MR. PELTON: I received what I perceive to be a criticism of having the plans change and I admit the plans have changed because we have come to you and listened to your feedback and we’ve modified and fleshed out and provided you with as much information as possible, and I guess if we do update the plans again, I don't want to be hearing back, oh, you changed the plans again.

But does that change the -- does that start the clock again?

CHAIRMAN McMAHON: That was actually the last issue to discuss, the timeframe.

ATTORNEY PROKOP: We need the applicant to agree to a 60-day extension and then we need to vote to accept it.

CHAIRMAN McMAHON: We would need to, again, we have to mutually agree to
extend the timeframe.

MR. PELTON: Because I would say no, and you would most likely say no.

CHAIRMAN McMAHON: All right.

So I'm going to make a motion that we extend for another 60 days to allow us to move forward with this.

Do I have a second for that?

MS. CLARKE: Second.

CHAIRMAN McMAHON: Actually, excuse me.

Do you agree to that?

MR. PELTON: Yes.

CHAIRMAN McMAHON: Okay.

I move to make a motion that we extend the timeframe for the application for another 60 days from the current expiration date.

Do I have a second for that?

MS. CLARKE: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. COTUNGO: Aye.

MS. CLARKE: Aye.
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CHAIRMAN McMAHON: Motion carries.

Okay. Is there anything else anyone would like to discuss about this at this time?

MR. BURNS: Make sure that they're clear on what they're coming back with.

CHAIRMAN McMAHON: Okay, so I think that is essentially up to you whether you're going to follow Ben's suggestion and focus on getting the reception lobby, incidental merchandise sales, and the rooms going forward, you would want to move forward with that and not going forward with the event space at this time, maybe make that a separate application or amended application sometime in the future, it's up to you what you want to do with regard to that.

So it is essentially up to you if you're going to come back with the event space, you want to do all of that, included in that we would need a more fleshed out plan with regard to
the items we discussed, particularly my
biggest concern as far as liquor
licenses, where is it being served,
where is it going to, is it all
inclusive and, you know, how do you
plan on delineating the different
spaces, that's my, one of my biggest
concerns.

MR. BURNS: Have you the feeling
that if we limit the hours that would
be the answer that would take care of a
whole bunch of things?

MR. PELTON: If you told me the
hours I could probably work with it,
but I don't feel like that's what
you're saying. There's only so much
that we can put down in the plan,
there's only so much that we can say
about what we are saying. I just want
to get moving with something.

ATTORNEY PROKOP: One of the
things about this, you know, the other
ting about the space, it is in the
Historic District, I mean, I know it's
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a space that you think you'd be successful in, but it's not related, the criteria, you know, it's a co-invented Historic District, it's on the National Registry for Historic Places, and we have to be cognizant of that.

CHAIRMAN McMAHON: Do we have any other questions or comments right now?

MR. PELTON: I don't know what it would be, if we do, we will be in touch with Glynis, and if I'm not able to communicate with you outside of these processes, which makes it, which probably makes it frustrating for both of us because there is a lot that we could accomplish if we could sit down and have a talk about solutions as opposed to --

CHAIRMAN McMAHON: A lot of what this Board does would be handled administratively in a larger community and we would be out of it, so we have to have these meetings twice a month.
and it is a longer process than you
would deal with in a lot of places, but
unfortunately that's the process we
have.

MR. PELTON: I'm sorry to make you
go through it, and we are trying to get
a plan in place that works for
everybody and we'll look forward to
working with you on it.

MR. BURNS: We are too.

MR. PELTON: Thank you.

CHAIRMAN McMAHON: Item number 3,
vacant lot east of 217 Monsell Place.

Continued discussion of the
pre-submission conference for Bryan
Nicholson. The applicant proposes to
develop the vacant parcel which he is
currently under contract to purchase.

Bryan Nicholson is before the
Board to discuss the proposed
construction of a one-family house on
the property located east of 217
Monsell Place.

The pre-submission package
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includes a site plan, floor plans, and elevations. The project as proposed will require one variance. It is scheduled to be on the ZBA agenda for the July meeting.

A revised site plan will be submitted for consideration upon the completion of the Zoning Board appeal process.

The property is located in the R-1, One-Family Residential District of the Village of Greenport. The property is not located in the Greenport Village Historic District.

Suffolk County Tax Map number 1001-2-2-29.

It says this was on the agenda for the July ZBA meeting.

Do we know if this was resolved?

ATTORNEY PROKOP: I don't think so.

CHAIRMAN McMAHON: Is it still held over from the --

MS. BERRY: It was tabled because
the applicant wasn't there.

CHAIRMAN McMAHON: So it was not addressed at the ZBA meeting.

MS. BERRY: Oh, the ZBA, I'm sorry.

MR. SALADINO: We scheduled a public hearing for August. We accepted the application and scheduled a public hearing.

CHAIRMAN McMAHON: Okay.

So we're going to have to -- you're free to comment on it.

MR. NICHOLSON: So a couple of comments.

At the ZBA meeting, I was told that the variance was unnecessary. I hadn't understood that I did not need a variance for this property; however, I am still pursuing the variance since it is a better location for the house and it would be much better for my neighbors.

In any case, I would like to continue to flesh out any issues with
the site plan because if the variance is denied, I will move the house over five feet and keep everything else the same.

CHAIRMAN McMAHON: Okay.

Anyone have any question or comments?

MR. COTUNGO: For both houses, I still feel that there is too much bedroom space, not enough living space given the size of the lot, size of the driveway, and the configuration of the house.

Both houses, the same comment.

CHAIRMAN McMAHON: Okay.

I do understand his concern. I'm sort of of the mind that perhaps if it's allowed by the code in the Village, it's essentially not, you know, it's out of our hands at that point.

I think Ben feels similarly, and you agree with Peter and John, so it seems as if three of the Board members
feel that one of the rooms should be
converted to some sort of mutual living
space, two of us do not.

We can't vote on it this evening,
it is still before the ZBA. I'm not
really sure what to say beyond that.

MR. NICHOLSON: Okay.

ATTORNEY PROKOP: We need to think
about when he comes back if he is
successful with the ZBA or he's not and
he changes something he'll be back
anyway.

CHAIRMAN McMAHON: Otherwise, I
mean we already have to wait for the
ZBA to act on that.

So I am going to make a motion
that we table the discussion for that
until our next meeting.

Do I have a second?

MS. CLARKE: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. COTUNGO: Aye.

MS. CLARKE: Aye.
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CHAIRMAN McMAHON: Motion carries.

Item number 4, vacant lot south of 525 Second Street.

Continued discussion of the pre-submission conference for Bryan Nicholson. The applicant proposes to develop the vacant parcel which he is currently under contract to purchase.

Bryan Nicholson is before the Board to discuss the proposed construction of a one-family house on the property located south of 525 Second Street.

The pre-submission package includes a site plan, floor plans, and elevations.

The property is located in the R-2, One- and Two-Family Residential District of the Village of Greenport and is not located in the Greenport Village Historic District.

Suffolk County Tax Map number 1001-2-6-14-2.

Again, very similar plan to the
other one. I believe John's concern and Lucy's concerns are the same with regard to that, I believe me and Ben are not troubled by it.

I don't know how we can -- it appears if we would have a split vote, so I don't know that we could just take a vote, have a split vote, we would need a deciding vote.

At this time -- Peter indicated at the last meeting, I believe that he would not vote to approve it.

MS. BERRY: Could we have an executive session?

CHAIRMAN McMAHON: Can we have an executive session?

ATTORNEY PROKOP: Yes, you're allowed to have a quick meeting to seek advice from the attorney.

CHAIRMAN McMAHON: Okay.

I'm going to make a motion that we adjourn for a moment to speak with our attorney.

Do I have a second for that
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motion?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MS. CLARKE: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

(Whereupon, the Board retires to an executive session.)

CHAIRMAN McMAHON: Okay. We're going to resume the meeting.

ATTORNEY PROKOP: I think he might want to ask a question.

MR. NICHOLSON: I mean, you know, I know, I've been made aware that a split vote is obviously a no vote and I'd be back to square one.

If it will appease the Board, I can change one of the upstairs bedrooms to a den.

MR. COTUNGO: Change one of the --

MR. NICHOLSON: -- upstairs bedrooms to a den.

MR. COTUNGO: Just by changing the

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name?

MR. NICHOLSON: Yes.

ATTORNEY PROKOP: But that can't be used for sleeping purposes.

MR. NICHOLSON: Okay. Understood.

ATTORNEY PROKOP: Under the State Code.

Would you want to see new plans?

MR. COTUNGO: It would have to be almost like -- I do a lot of work with septic tanks and people often do that, they really want it as a bedroom, but they call it a den so they don't have to increase the septic, so it has to be like completely open and it can't just have a two-foot-six doorway.

MR. NICHOLSON: Understood, but the Village of Greenport is on sewer system so it does not --

MR. COTUNGO: I'm just giving that as an analogy.

MR. NICHOLSON: Okay. I understand.

MR. COTUNGO: So that's my answer,
it would have to look like a den, it
would have to be wide open, not just
with a two-foot-six door.

CHAIRMAN McMAHON: First we should
probably take a vote on the application
as it was submitted. If we have a
split vote, we have a split vote.

I'm going to make a motion that we
approve the application as submitted.

Do I have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

CHAIRMAN McMAHON: Aye.

All opposed?

MS. CLARKE: Aye.

MR. COTUNGO: Opposed.

CHAIRMAN McMAHON: We have a split
vote, so you now have the option, the
applicant has proposed converting one
of the upstairs bedrooms to a den.
That could be a covenant of the
approval.

I don't know if that would change
your mind or if it would change anything at all.

Are you saying it still wouldn't work for you.

MR. COTUNGO: Not by just changing the name.

MS. CLARKE: No, me either.

CHAIRMAN McMAHON: Then it appears right now we have a split vote, we can't move forward. We will have a full board at the next meeting. I don't know if we can do anything else.

Right now we have, when did we -- do you know when we accepted this application; was that at the last meeting or was it the previous meeting?

MS. BERRY: Previous meeting.

CHAIRMAN McMAHON: It was the previous meeting.

ATTORNEY PROKOP: That was the vote, there's nothing to extend.

CHAIRMAN McMAHON: What's that?

ATTORNEY PROKOP: You just denied the application, there is nothing to
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extend.

CHAIRMAN McMAHON: I was not aware of that. So where do we go from here?

ATTORNEY PROKOP: He can come in --

CHAIRMAN McMAHON: I mean it would have been, whether Peter was here or not, that would have been the vote.

ATTORNEY PROKOP: The same thing that he would have had to do, come back next month with a new plan.

Get it in fairly quick.

MR. NICHOLSON: Can I ask a question?

Is there a way where I can find the articles of this board, so I can fully understand the scope?


If you're looking specifically for Planning Board --

MR. NICHOLSON: In there, is there anything that I have not met?
CHAIRMAN McMAHON: I can't speak to that.

MR. NICHOLSON: Because as far as I'm aware, I'm following all the code for New York State and for the Village of Greenport.

It just seems more of a personal vendetta at this point.

CHAIRMAN McMAHON: I don't know. I mean I think the plan fits the code and I voted to approve this. I don't really know. I can't speak to that.

MR. NICHOLSON: Okay.

ATTORNEY PROKOP: You could request a conference with -- Paul, he could request a conference with the staff. We do offer, it's possible that you could request a staff conference with the staff of the Village and we'd be happy to talk to you about what the requirements are.

MR. NICHOLSON: Okay.

I was just wondering if it was denied because there was something I
ATTORNEY PROKOP: It's not a personal vendetta.

MR. NICHOLSON: I understand that. I hate using a word like that. I just, you know, if I'm meeting all code and I'm meeting everything and it meets every, you know, set forth code and plan and rule that's out there, I don't understand why it's not approved.

ATTORNEY PROKOP: Are you available during the week?

MR. NICHOLSON: Absolutely. Anytime you want.

ATTORNEY PROKOP: Okay. Let us know and we'll pick a date during the week, anytime that's convenient for you.

MR. NICHOLSON: Great. That would be awesome.

ATTORNEY PROKOP: Do it soon, like the middle of next week, something like that.
MR. NICHOLSON: Sure, no problem.

Thank you.

CHAIRMAN McMAHON: Item number 5, 117 Main Street, Suffolk County Tax Map number 1001-5-4-23-1.

Application was withdrawn.

Item number 6, motion to approve the Planning Board minutes of the June 2, 2016 and June 30, 2016 meetings.

Do I have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MS. CLARKE: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number 7, motion to adjourn.

Do I have a second for that?

MS. CLARKE: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARKE: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.
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(Time noted:  6:24 p.m.)
CERTIFICATE
STATE OF NEW YORK )
COUNTY OF SUFFOLK ) Ss:

I, STEPHANIE O'KEEFFE, a Reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on August 4, 2016.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter. IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of August, 2016.

______________________
STEPHANIE O'KEEFFE

STEPHANIE O'KEEFFE