VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK
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PLANNING BOARD

REGULAR SESSION

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Third Street Firehouse
Greenport, New York

May 2, 2019
4:00 p.m.

B E F O R E:

WALTER FOOTE - CHAIRMAN

JOHN COTUGNO - MEMBER

REED KYRK - MEMBER

LILY DOUGHERTY-JOHNSON - MEMBER

PATRICIA HAMMES - MEMBER

PAUL PALLAS - VILLAGE ADMINISTRATOR

ROBERT CONNOLLY - PLANNING BOARD ATTORNEY

KRISTINA LINGG - CLERK TO THE BOARD
CHAIRMAN FOOTE: Good afternoon.

This is the Village of Greenport Planning Board. It's a regular session meeting.

Please be quiet out there.

It's May 2, Thursday, 2019. It's a little after 4:00 p.m.

Item Number 1 on the agenda, I'm gonna move to last.

We're going to go to Item Number 2 which is 47 Front Street. A public hearing for site plan approval for ASCM Property LLC, Deep Water Grill represented by architect, Robert I. Brown.

The applicant is proposing minor interior renovations as well as awning replacement.

The property is located in the Waterfront Commercial District. This property is not located in the Historic District. 1001-4-10-32.

We received a sample of the
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awning. Can you confirm this is what is being proposed, color.

MR. BROWN: Yes.

MS. HAMMES: The building is currently a yellowey [sic] mustard color, as I recall.

MR. BROWN: I believe so.

Sort of beige in my opinion.

CHAIRMAN FOOTE: So this the, we are at the public hearing stage of this application.

Is there anything you wanted to add?


Really, I think we have been discussing this a bit already. If there are any questions, I can respond to it, I'd be happy to.

CHAIRMAN FOOTE: Is there anybody on the Board with any questions?

MR. COTUGNO: Is there a flame spread rating for this material?

MR. BROWN: I believe there is.
Flame spread rating?

MR. MUELLER: Yes.

MR. BROWN: Yes.

MR. COTUGNO: What is it?

MR. MUELLER: Christoph Mueller, I'm the owner of the building.

Mills, local manufacturer of these awnings, he sends these somewhere down south to have them flame retarded. That's all I know.

I don't know what the specific rating is, but he does all the awnings in town, so I would assume --

MR. COTUGNO: I guess documentation should be submitted to the Village so it's on file and so that it meets the ratings that's required.

MR. PALLAS: Mr. Chairman, we always require, for awnings, we always require that documentation. There is a certificate that we issue for awnings.

CHAIRMAN FOOTE: Okay, and that's compliant to the code?

MR. PALLAS: We haven't gotten
it. We wouldn't give them permission to put it up without it.

CHAIRMAN FOOTE: Okay.

Any other questions regarding the awning?

MS. HAMMES: Just to confirm, the awning is not going to say anything on it or it is gonna say something on it?

MR. MUELLER: There is -- for the awning over the back parking that's not gonna say anything on it; and on the front, we have an awning we would like to say the name on it in white, Anker, that's all.

CHAIRMAN FOOTE: Thank you for answering that question.

Anybody in the public want to speak at the time concerning this application?

MR. HOVEY: Thank you.

I'm Bob Hovey (phonetic), and I don't live in Greenport. I live in Southold, and I'm aware, having attended cultural and musical performances --
CHAIRMAN FOOTE: Excuse me.

This particular application does not involve any musical performances.

That's gonna be later on in today's meeting.

MR. HOVEY: Nevermind.

CHAIRMAN FOOTE: Anybody else at this time have any questions or comments?

(No response.)

Anybody from the Board have anything else?

(No response.)

At this time, I move to close the public hearing.

Do I have a second?

MR. COTUGNO: Second.

CHAIRMAN FOOTE: All in favor?

MR. COTUGNO: Aye.

MR. KYRK: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

MS. HAMMES: Aye.

CHAIRMAN FOOTE: I further move to take the vote on this application at...
this time.

Do I have a second?

MR. COTUGNO: Aye.

CHAIRMAN FOOTE: All those in favor?

MR. COTUGNO: Aye.

MS. HAMMES: Aye.

MR. KYRK: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

CHAIRMAN FOOTE: This motion is passed.

The application is approved.

MR. BROWN: Thank you very much.

CHAIRMAN FOOTE: Okay. The next item is 136 Main Street, discussion and possible approval of a request for temporary certificate of occupancy for HARG, LLC. Represented by Architect Robert Brown.

The applicant is proposing interior renovations to accommodate the use of retail establishment.

The property is located in the Commercial Retail District. This
property is also located in the Historic District.

It's Suffolk County Tax Map 1001-5-3-17.

Hi, Robert, how are you?


CHAIRMAN FOOTE: Long time no see.

Is there anything you want to add at this time?

MR. BROWN: I just to point out that the entire building was upgraded to comply as much as possible with current code in terms of separation and so forth.

And it was retail space, it was Goldsmiths, I'm sure everybody on the Board is familiar with it; and is now intended to be a retail clothing establishment run by a longstanding company.

It would -- we're asking for the temporary CO because really the only
thing that's being done is lighting fixtures and some finishes, and it would be a shame to hold up opening a business establishment in the very well-traveled part of the Village.

CHAIRMAN FOOTE: Okay.

Now, it's my understanding and discussing it with the Building Department, that the condition to issue the temporary certificate of occupancy is there will be an internal ramp within --

MR. BROWN: It has been built.

CHAIRMAN FOOTE: It is been built already, okay.

Does anybody else on the Board have any questions at the time on this application?

(No response.)

Okay. I move at this time to take a vote on this application.

All those in favor? Can I have a second on that, please.

MR. COTUGNO: Second.
CHAIRMAN FOOTE: All those in favor of approving this temporary certificate of occupancy, say aye.

MR. COTUGNO: Aye.

MS. HAMMES: Aye.

MR. KYRK: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

CHAIRMAN FOOTE: Aye.

Motion carried unanimously.

Thank you very much, Rob.

MR. BROWN: Thank you.

CHAIRMAN FOOTE: We now move to 326 Front Street. It's a continued pre-submission conference regarding the site plan approval for ANVK Holdings Trust, otherwise known as the Greenporter Hotel. Represented by architects Hideaki Ariizumi and Glynis Berry.

The applicant is proposing to amend the site plan with an addition to accommodate a new lobby and third floor.

The property is located in the Commercial Retail District. The
property is not located in the Historic District.

Suffolk County Tax Map number 1001-4-8-29, 30, 31.

MS. BERRY: Glynis Berry, Studio A/B Architects.

We submitted some additional information, and I have some comments in response to some of the comments received both from the Board and from the consultant that we received, so I'd like to go thorough our responses to some of those.

SEQRA determination. The Board suggested that the project be listed as a Type 1 action, which has expected impacts and the consultant listed it as a Type 2 action which has no impacts. The project is definitely not a Type 1 and I'll go through why. And we suggest that it be listed as an unlisted category for SEQRA.

The reason being, the site plan lot coverage has increased by
2,052-square feet for the lobby and stairs; and the total percentage of lot coverage is roughly 38.13 percent which is still below code, so it's compliant with existing code including different interpretations for the zone, and it's well below the 10 acres listed as a Type 1 action, it's like 0.03 acres that we're touching, so it's quite small.

The plan adds 9,823-square feet of interior space and 2,365 of decks and bridges, and that's well below the 50,000-square feet which is the minimum for Type 1 action for an expansion of existing facility for a town or village with a population of 150,000 or less, so I don't see any criteria that pushes this into Type 1.

The proposed expansion is greater than 4,000-square feet which is referenced for Type 2, and I've included the language at the bottom of the letter that was submitted.

The second thing is the planning
comments, the consultant's comments mention requirements and egress escape plan, egress opening requirements, reflective ceiling fans, a fire suppression plan, these are all normally part of the building permit application and not usually part of a planning submittal. We do plan to submit those as part of the building permit application.

The two main egress paths which are required for this project will be through the lobby and through the space between the two wings in the north and out north setback. We have every intention of being fully compliant with code and we do not see any issue with that. So I ask that there be any clarification, if there are extra materials that you require as a planning board that are usually submitted in the building permit. We already submitted one of those relative to square footage for building type, but if there is
anything that you think we require, please let me know specifically what it is.

Height verification. The height information on the plans is given in two formats. One is by actual elevation, and then on the first detail in the elevation, we also gave the relative heights as measured to the crown of the road which is how the Town determines, so both are given. If you want us to repeat that, you know, continuously throughout the plans, we're happy to do that; but the information is there.

Also, the definition of height is to the highest point of the roof, so in your documentation we also submitted what the elevation would be for the hand railing if you decide that that handrail is part of the roof. That's in your packet, and if you count the handrailing, it would be above the 35 and we're saying 37 feet to allow a little room for any variation, so we're
talking two feet higher for railing; but the roof itself is below the 35.

CHAIRMAN FOOTE: Excuse me.

You mentioned also that solar panels may exceed the height, but you're saying those are exempt from the --

MS. BERRY: They should be. I mean, when I was looking at some of the documentation, I forgot -- I think when I was looking at some of the SEQRA information, I thought I saw something about exemption for solar.

It's not part of the structure and we were trying to keep it low. We can't imagine that it will be higher than the railing height, but until we have the vendor and know how the attachment, we won't have that exact number.

CHAIRMAN FOOTE: Okay.

MS. HAMMES: I'm sorry.

Just to clarify on that point, reading what you have here on this point, the railing though will exceed
the 35 feet.

MS. BERRY: Right.

MS. HAMMES: The railing is there to protect the solar panels, so if you're --

MS. BERRY: No. The railing is there to protect any people who are going to the garden, and it's set back from the front facade, so it's not right on the edge of the building facade, it's actually set back, so you probably won't even see it.

MS. HAMMES: Just so, again, I'm just trying to understand. The position of the applicant is the 36 and a half feet with the railing doesn't exceed, wouldn't require a variance.

MS. BERRY: If I read the definition of height in your code, it says the building height is to the highest point of the roof, so if you count it to the roof, it's compliant. If you decide that you think the railing is considered the roof, which our
interpretation is that it's not, but if you decide that it, then we would need a variance to get those couple extra feet.

MS. HAMMES: The question becomes is the railing part of the roof?

MS. BERRY: Exactly.

MR. CONNOLLY: That's a question for the building department.

MR. PALLAS: Ultimately, we would make a determination whether a variance is required and if one is required, it would be referred to Zoning Board.

MS. BERRY: Right.

And the impact should be very minimal, so hopefully if we had to go for a variance, it shouldn't be a big issue.

Now, one of the things that complicated the last meeting was that this parcel is basically three parcels, and because you have a code that doesn't allow the merging of parcels, how you take a look at that is one of the issues.
And also the boundary, zone boundary line goes through the smallest of the parcels, so Section 155(d) indicates that where a district boundary divides a lot, one ownership and more than 50 percent of the area of such lot lines is the less restricted district. The regulations prescribed by this chapter for the less restrictive district shall apply to such portion of the more restrictive portion of said lot as lies within 30 feet of such district boundary.

So we looked back at old surveys and we enclosed one that we found. It is missing the internal metes and bounds, so we did an evaluation that needs to be refined once we can get copies of the actual metes and bounds of each individual property which we might have to go to the County records to get that, but graphically applying it and then looking at this, we drew it on your zoning analysis map, and it looks like
for that small lot, it's literally on the 50 percent, you know, depending on the angle of the line, it could 1 percent over or 1 percent less; it's literally on the 50 percent. So that means that all the lot would be considered CR and not R-2.

Section 155(e) states that in all cases where district boundary line if located not further than 15 feet away from a lot line of record, such boundary line shall be construed to coincide with such lot line. Of course to make things complicated, this is an angled line, so part of line is within the 15 feet and part of it is outside the 15 feet, and the definition doesn't quite describe that. So whether the portion that is within 15 feet is okay or whether it's -- so hopefully applies and then you don't have to worry about that, but then you would need an interpretation about how you look at that line.

I should say that we are not
expanding the footprint in this lot, it's just going up on existing structure, so we're not -- in that lot, that small lot, the only renovation is going up, it's not expanding horizontally.

CHAIRMAN FOOTE: And it's your position that a variance is not required for constructing a third level, per se?

MS. BERRY: It's a gray area. That's why I would have like the metes the bounds because, like I said, it's right on the border of the 50/50. If you can consider the 50 or under, then we're exempt, so we don't need to get a variance.

CHAIRMAN FOOTE: You're exempt based on what?

MS. BERRY: 155(d) so if that internal metes and bounds kicks it slightly, you know, right at the 50 percent, so until I get those actual measurement, if I'm under 50, we don't need a variance, if I'm over 50, you
Chairman Foote: What is the position of the Building Department?

Mr. Pallas: We got this information today, so we haven't really digested it all, but just on the reviews we have done so far, we believe there will be at least one variance without question for the third story, it's a code, it says limited to two, so at least that variance.

As of the other variances, the height variance, we're still analyzing that, and parking, potential parking variance.

Again, that will take a little bit of time at your hearing. It covers three lots, one of which is in two different zones, part of the building is on one lot, part of it is on another, so it's a significant amount of work that needs to be done to analyze this from a zoning perspective.
CHAIRMAN FOOTE: So you do intend to refer this the Zoning Board?

MR. PALLAS: Yes. I mean ultimately, again, it would be at least one variance.

MS. BERRY: Can I -- you mentioned that the one variance you have happening is that it's three stories instead of two.

MR. PALLAS: Yes.

MS. BERRY: But if you read the code, it says two stories or thirty-five feet. It doesn't say and thirty-five feet.

MR. PALLAS: I understand, but that's the -- I'm telling you what is going to happen. Other properties have been referred for that purpose and they're, they have not been interpreted to mean anything other than what it says in the code that two stories is the limit.

MR. ARIIZUMI: Hideaki Ariizumi, from Studio A/B Architect.
The codes does not say only two stories, code says two story or 35 feet.

MR. PALLAS: This --

MR. ARIIZUMI: So how you can read that?

MR. PALLAS: This is Planning Board, it's not the venue for that.

Ultimately, the Building Department will issue either nothing or a Notice of Disapproval and you're free to ask for an interpretation of the Zoning Board, that would be your choice at that point.

MS. BERRY: Okay. Also, we have a number of hotels are already three stories in the district so.

Now, the lot coverage, if I take the portion of that small lot that's in R-2 and analyze it for lot coverage, I'm still compliant; so we analyzed the square footage that way, and it's still compliant with the maximum width code. Also, the same with the setback of
10 feet, it still complies with that.

While the code restricts the merging of lots, all the lots were owned by the original hotel owner. In the past, including after the adoption of this code, three lots have been treated as one parcel in terms of use and setbacks. If the lots are treated individually, this affects the interpretation of the amount of parking that is allowed under the exemption for a site developed as of 1/1/1991 as stated in B 150-12(c).

So, I took another look at the parking, analyzing the worst-case scenario to see how we came up; and the existing parking demand is 54 parking spaces or 51 if you give credit for three of them being used by staff or owner. The proposed demand is 55 parking spaces, which is going to be four more than what the existing demand is now. So I'm using that as the basis.

We confirmed with the owner that
the maximum staff is five, and when I have been there, it's been evident that's that, so the consultant mentioned ten, but we did --

MS. DOUGHERTY-JOHNSON: Will that be true with an increased --

MS. BERRY: I believe so from looking at what's going on. That's a good question for the owner. She is planning to be here, but she's on the bus, she'll be here at 4:45.

The 75-seat restaurant which operated as an independent restaurant open to the general public is proposed as a resource limited to guests for breakfast and meetings.

MS. HAMMES: I have a question on that, or maybe I just want clarification, and this may be something you need Debra for.

But my understanding, and maybe I'm wrong because this is more word of mouth, is that in the past, that space may have been used when a guest is
having a wedding and some people were
staying there, maybe not all people
staying there, there might have a
cocktail party or brunch, and that might
have included non-guest participants,
and so I guess I'd like to understand
whether the intention would be ever or
to the extent that breakfast is being
served or if she is reserving the right
to hold special events for guests on the
property, which I would assume she might
want to do even though the application
is not specific on that, whether or not
there is any possibility that that would
include participants that were not
actual guests at the hotel at the time
and because they are somehow associated.

MS. BERRY: If they were, I
imagine, it would be rather small.

MS. HAMMES: It's a question, and
I think something we'll want to take
into account.

MS. BERRY: We'll ask her that.

The previously-approved plan had
34 parking spot plus drop off and
loading for a total of 35, and another
plan that we saw in the file had 29.
The current count is more than that,
it's 35, plus one loading and drop off
and two valet rental parking spots for a
total of 39. The way it's set up, it's
more appropriate for valet parking, and
it doesn't meet the code. So we
actually went back and looked at an
alternative plan that we submitted.

The project is exempt from park
requirements as per B 150-12(c) for a
site developed as of 1/1/1991. If the
lots are consider essentially one, which
the Greenporter owned all the lots at
the time, the number of parking spaces
is not provided is not relevant, just
the layout. But the current owner
purchased the three lots from original
owner, so, in fact, the three lots were
functioning as one whole facility even
though the building was built only on
one of these lots; but if the lots are
considered, the two lots that weren't developed, you want to have us assess the parking and not apply the exemption, we looked at that and then just the B wing would be applicable and as the east wing was previously developed and with the proposed expansion, the west wing has a parking need of 30 spots, and the need accommodated by both existing and the proposed plans, so we believe that we have answered the parking need even if those two lots, if that parking need needs to be identified.

Accessible parking, while the existing plan shows one accessible spot, in fact it does not meet fully-accessible requirements in terms of paving and ramps. The attach revised plan incorporates two accessible parking spots with a depressed curb by the front entry.

I should note that they tried to provide it, it was decided that they didn't back then because of drainage
issue and whatnot, but we came up with something we thought might be considered appropriate.

One pot does overlap the loading area. Since deliveries to the property are very infrequent, only three to four deliveries a month, the overlap can be handled easily, and any potential conflicts can be handled with valet service. She literally only gets two to three deliveries per month, and the garbage is in the back, so not they're not even in the front.

To keep the full width of the entry drive, the concrete paving for the accessible path is planed for just a one-inch change in elevation, this way the pavement can mounted when needed. In the revised plan that was included, 34 spots are proposed, two of which are accessible and two of which are for valet or rental use.

The regular spaces are 9 feet in width which matches the
previously-accepted plans, so that is another item that we're actually better than the existing, but it doesn't meet the 10 that's in the current code.

Then there was an issue raised about, what about traffic, so we looked at expected trips and for existing conditions, the hotel and restaurant combined has 511 trips per day and there is a peak p.m. of 49.

MS. HAMMES: To be clear, that restaurant hasn't been opened for two years, right?

MS. BERRY: That doesn't matter.

MS. HAMMES: I understand they have a right, I don't really understand where the numbers are coming and how you can estimate that when there's no oncoming traffic.

MS. BERRY: I looked at traffic studies and different guidance and came up with those numbers.

MS. HAMMES: Okay.

MS. BERRY: I understand that
right now the restaurant is not being used as a restaurant, but it has a C of O and has the right to be one.

MS. HAMMES: I understand that.

MS. BERRY: After the proposal, taking the restaurant out of the equation, the trips actually 34 less per day and the peak a.m. is higher with 11, so essentially, there is change in traffic, in fact, it's beneficial.

On top of that, the hotel is located just west of the Village, anybody coming is stopping before they enter the Village, so they're not going to have an impact on, you know, the intersections of Third and whatnot.

CHAIRMAN FOOTE: That depends on which direction they come from. They can come down First Street from Main, you're assuming they're coming from the Main Road from Southold direction.

MS. BERRY: Yeah.

MS. HAMMES: They could come in on the North Road.
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MS. BERRY: If they do, they're probably coming Moors Lane, you know, so if you use Google, it would probably send you there.

And then on top of that, a lot of their guests come by bus and rail. I really don't think the traffic impacts are significant at all.

We filled out the full environmental form as requested, and again it's evident that the project has very little impact. The amount of disturbance is minimal, we calculated the water by health standards and production differences, only 338 gallons per day, which is basically the equivalent of a house, also they're going to be using water conserving fixtures, so the usage could be even lower.

It's located near the bay and parks for enjoyment, but not close enough to cause any impairment.

And then quality, I'd like to
add, in addition to the above calculations, there is a quality to this project that should not be ignored. The proprietor will incorporate environmentally-beneficial attributes such as the solar panel and water-conserving fixtures. She told me she uses environmentally-friendly soaps and laundry detergent. She does the laundry on site, so you don't have the trips for that. The staff is treated as family and youth mentored as evidenced just last month with one staffer being an activist for clean water in remote countries.

In addition, she has established a nonprofit that promotes awareness of agricultural and food production best practices and promotes agritourism that helps visitors appreciate sources of their food. She also supports other businesses with maps and references lacking from other sources. This is a human, personally-run business that is
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an attribute to the community and should be supported.

If you have any questions, I'll be happy to answer them.

CHAIRMAN FOOTE: We just got this modification today, so we have not had the opportunity to review it. We do appreciate your presentation. It was helpful, but at this time, I don't think it's -- unless other members want to raise specific, I think it's in everybody's best interest to adjourn this pre-submission conference to the next available time, and we can continue with discussion on it after we have had the opportunity the review what you just submitted to us.

MS. BERRY: Okay.

I would appreciate it, if you had any issues or questions, if I could get them ahead of time, so we can prepare.

CHAIRMAN FOOTE: Before I complete that suggestion, if there is anybody who wants --
MS. HAMMES: I just would say, I think it's gonna be helpful in term of next steps to understand where the Building Department comes out on the need for any variance, and their views on a number of these points. I, in particular, am interested in the question of, you know, currently there is an argument that it's two separate buildings and this is now going to be converted into one building, and does that trigger anything in terms of it being a pre-existing structure or not. I raised this at the last meeting, that's obviously a code interpretation and ultimately may be a zoning board interpretation, but I suspect we as a Board are gonna want to know what the state of play is with the zoning we proceed to the next step on this.

CHAIRMAN FOOTE: Right.

MS. HAMMES: The other question that I have, I walked by there today to kind of get an idea of it, you know.
It's gonna be a very big structure when it's done. Because right now there's an opening in the front where there are some trees and things. I'd be interested, and I don't know if it's possible to do or not, but to understand, there are some trees behind the property that are visible from the street, and I'd be interested to know whether they would be completely blocked by the third floor, just out of curiosity as a kind of visual situation for the impact on the Village.

MS. BERRY: Ask.

Also relative to the two versus one building, we did look at, it does comply with State building code as to the size of the building. We also looked at, Paul mentioned, fire access, and it does comply with, you know, the maximum distance from the access point and we seem the comply with best guidance on that.

So I think the only weird thing
is Greenport has this unusual code that doesn't allow people to merge lots and yet properties are considered as one, then they are developed and I believe that's happened in other locations, and that's true for this one because -- and it's true for the history of this project as well so.

CHAIRMAN FOOTE: Actually, I have one other question and that is, that in the materials we received, including the elevations, I don't really get a strong sense of the look of the project, and I'd appreciate if we could get a better rendering of what it's going to look like, particularly, an elevation from the street point of view, and frankly the others as well, but to me that's the most important at the moment, just to see what it's going to look like. There was one rendering, to me it because it wasn't in color and it was just maybe too small, just didn't have enough detail. I couldn't get a sense of what
MS. HAMMES: It's an unusual project in that, and again, standing across the street looking at it today, it doesn't look like a big structure right now because of the split in the front of it and the trees, but I do, you know, that was one of the reasons why I'm asking about the trees and things because I do think, understanding it's a density matter, it's not what it will look like in the front because there's going to be a huge courtyard in the middle of it, but from the outside looking at it, I think it's going to look like a very large structure, so I think that it's going to be important for us to really get an idea of what it's gonna look like from the street level.

MS. DOUGHERTY-JOHNSON: I would add from the neighbors, like have renderings of what -- because I know
it's gonna affect backyards like a few doors down if that's possible.

MS. BERRY: Okay. Just one of the things is because Greenport's becoming more of a year-round location, the hotel really sort of lacks indoor space for guests; so a lot of this project is to also incorporate indoor lobby, so people don't have to go out and in again to go to the breakfast room to create an indoor room and things like that.

CHAIRMAN FOOTE: Do the current drawings, I can't remember, include proposed landscaping in front of the hotel?

MS. BERRY: Not really because we didn't change much. We haven't focused on that.

CHAIRMAN FOOTE: It might be something that might help the application if you could incorporate a proposed landscaping plan.

MS. HAMMES: And to go back to
what I mentioned earlier, also at the next meeting get some idea of what the use of that breakfast room space is contemplated to be in terms of whether it's really just restricted to breakfast and meals for people that are onsite or if she is looking to retain the ability to do other special events related to things that may be going on.

MS. BERRY: Okay.

CHAIRMAN FOOTE: Thank you.

Okay.

The next and last item --

MR. PALLAS: Mr. Chairman, if I may, before you move on to the next item.

CHAIRMAN FOOTE: Yes.

MR. PALLAS: In terms of putting this on an agenda, the next work session is June 6th, is that your intention to put it on as a work session, not at the regular meeting, at the work session, correct?

CHAIRMAN FOOTE: Yes.
MR. COTUGNO: You will have the zoning analysis by then?

MR. PALLAS: We'll do everything we can to get it by then and the additional comments from the planning consultant as well.

MR. COTUGNO: Yeah, also --

MS. HAMMES: I guess it would be helpful if we can all have it, if possible, a couple days beforehand so we can get a --

MR. PALLAS: We'll have it to you no less than a week in advance is our goal.

MR. COTUGNO: Type 1, is that still on the table?

MR. CONNOLLY: I think Glynis did a good job of evaluating the --

MR. COTUGNO: But that has to be done by, it should be done by June 6th.

MR. PALLAS: Yes.

CHAIRMAN FOOTE: The next item is 48 Front Street.

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approval 48 Front Street, LLC, know as
Greenhill Kitchen. Represented by

The applicant is proposing to
amend the site plant to accommodate an
additional use of live performance space
on the second floor.

The property is located in the
Commercial Retail District. This
property is not located in the Historic
District.

It's Suffolk County Tax Map
number 1001-4-10-32.

MR. BROWN: Robert Brown again.
We're not making any changes to
the building in this application. It's
a building that's been in existence for
several years now.

In terms of the use, I would like
to point out that in terms of occupancy
as defined by New York State code, the
restaurant use which is what it has
been, is defined as A2 assembly space,
and the live entertainment is also A2
assembly; so what we're asking for is an
opportunity to use the second floor for
live musical entertainment. I believe
you probably have received some
documentation from the owner,
Mr. Mueller, regarding hours of
operation and compliance with noise
codes.

MS. HAMMES: I'm sorry, while
she's looking at that because I don't
know that I've seen that, when you say
82 occupants, is --

MR. BROWN: A2 is the --

MS. HAMMES: -- full
establishment or the second floor?

MR. BROWN: Both.

MS. HAMMES: Is there an
occupancy limited if you're applying
just for the second floor?

MR. BROWN: No.

What I'm saying is, the entire
building was A2 restaurant use.

MS. HAMMES: Oh.

MR. BROWN: A as in apple, 2, and
the changing from an eating establishment to a live music venue is still under A2.

MS. HAMMES: A2, I'm sorry.

CHAIRMAN FOOTE: Sir, are you pointing that out for any particular reason other than there is not technically a change of use --

MR. BROWN: It's just as a point of information.

CHAIRMAN FOOTE: Okay.

MS. HAMMES: I wasn't on the Planning Board for the pre-submission hearing, but I was here and I also watched it on videotape; but I thought at that meeting there was some statement made to the effect that you intended also to continue serving food up there. So it would be food and performance?

MR. BROWN: Yes.

MS. HAMMES: Or is it the intention to just have it be a performance space?

MR. BROWN: No, it will be food
and drink.

CHAIRMAN FOOTE: My understanding at that meeting was they wanted to maintain some flexibility depending upon the size of the anticipated audience for music versus food, just flexibility so long as the seating requirements were, the head count was --

MR. BROWN: And also on evenings where there might not be live entertainment.

CHAIRMAN FOOTE: I'm sorry.

MR. BROWN: Also to use the space on evenings when there might not be live entertainment.

CHAIRMAN FOOTE: Right.

Now, I'm gonna raise this with the Building Department.

What is the standard here, the determining whether or not we have, it has to concern itself with installation of a sprinkler system; what would trigger that requirement?

My understanding is this building
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currently does not have one.

MR. PALLAS: Typically, when a building permit is applied for, they would have to bring the building up to current code. There is not a building permit required for this space, there is not change we would require for the space.

CHAIRMAN FOOTE: But the necessity for a building permit is typically what triggers our review as a planning board, so what is triggering our review as a planning board even though there is no building permit being issued?

MR. PALLAS: It's the use of the space in this case as a music venue.

CHAIRMAN FOOTE: Okay.

But is the fact that the use is now changing, at least generically, if not legally, does that require us to consider frankly, not only the Planning Board but the building department to consider, you know, under the theory
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that it's a use that would involve
greater density of participation of
occupancy, is that not something that
should be factored in to determine
whether or not something like a
sprinkler system should be reconsidered?

MR. PALLAS: Just to be clear,
there are two different processes in
play. One is the Planning Board process
which is merely the approval of the use
of the space. The Building Department's
review would include things like you're
bringing up; but the fact that there is
no building permit applied for
occupancy, I mean, occupancy of the
space that is legal as proposed because
it does have two means of egress
currently, it does meet all of the
egress codes currently. There is no
reason for us to do any further review,
review stops at that point.

CHAIRMAN FOOTE: If this were a
new space being built under these
circumstances, would we require a
sprinkler system?

MR. PALLAS: I honestly don't know. I have to investigate. I think so, but I'm not a hundred percent certain on that.

CHAIRMAN FOOTE: Anybody else want to weigh in on this?

MR. COTUGNO: There is a State official assigned to Suffolk County, I believe his name is Rick Smith, and I believe he should be called in for --

MR. PALLAS: We do contact him on a variety of topics. We will continue to investigate this, again, that's a separate process from the Planning Board's process.

CHAIRMAN FOOTE: Okay. Thank you, Paul.

MR. COTUGNO: If you were forced to put in a sprinkler system, would your client still want to go ahead with this project?

MR. BROWN: Yes.

MS. HAMMES: Were there any --
when the Harborfront was built, the
previous building, I remember when it
was built, were there any restrictions
on the upstairs? Because somebody once
mentioned to me they thought there might
be some limitation on the use, maybe it
was just the outside part. I don't
know.

MR. BROWN: If I may, I was the
architect for that building many years
ago. There were no restrictions to my
knowledge.

MS. HAMMES: Okay.

MR. PALLAS: And a review of the
file supports that.

MS. HAMMES: Okay. I wanted to
be clear.

MS. DOUGHERTY-JOHNSON: Did we
get clarification if there are other
live music permits besides Claudio's.

MS. HAMMES: My understanding, I
talked to the code enforcement guy this
morning and he told me the only
establishment in town that has approval
for live music is Claudio's. And I further understand from that conversation, although this is again a legal interpretation question, because I raised the point that I know there is some other music that occurs from time to time in town, that to the extent that it is not the kind of principal focus or advertised as such, that that doesn't require a use, a separate use, but in this case in particular because of what happened last year with them using Sofar and others that that's what has kind of triggered the need, since they are advertising it as a musical establishment, they need a specific use permit.

CHAIRMAN FOOTE: You mentioned there had been the letter submitted in terms of the hours of proposed operation.

MR. BROWN: I believe that is true.

CHAIRMAN FOOTE: I didn't get it.
MR. PALLAS: Just took a quick look in the file and I don't see it and I don't actually recall --

MR. BROWN: If that's not the case we'll get it to you.

MR. PALLAS: I apologize if it was sent in and misplaced. It might be on us, but I don't see it in the file.

MS. HAMMES: We're not going to be able to close this public hearing without knowing that, so --

MR. BROWN: Would you allow Mr. Mueller to stipulate to that personally?

MS. HAMMES: I'd be fine with that.

MR. BROWN: Christoph.

MR. MUELLER: Christoph Mueller. I am the own of the building of the restaurant.

I did submit the letter to the Village stating our operating hours which I hand delivered to you.

MR. PALLAS: Again, with
apologies, I don't recall, but I'm not disputing you.

MR. MUELLER: The letter said, this is in reference to our permit to have live music upstairs at 48 Front Street.

The question was raised at the last meeting what the hours of operation would be for the music venue. As a general guideline, we envision to offer music as follows: Predominantly we will feature local artist of the music genres blues, jazz, country, folk, and Latin Monday through Thursday 7:00 p.m. to 11:00 p.m., Friday and Saturday 7:00 p.m. to 2:00 a.m., holidays and weekend Sundays 7:00 p.m. to 2:00 a.m.

Please note that besides music, we also plan to show comedy, theater, and film performances again featuring local productions.

MS. DOUGHERTY-JOHNSON: I'm sorry, can you repeat Saturday and Sunday, the hours, Friday, Saturday and
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Sunday.

MR. MUELLER: Saturday and Sunday, on regular Friday and Saturday 7:00 p.m. to 2:00 a.m.

MS. DOUGHERTY-JOHNSON: Sunday was --

MR. MUELLER: Sunday was for holiday.

MS. DOUGHERTY-JOHNSON: I got yah. So then other Sundays, no music ever.

MS. HAMMES: I think it would be --

MR. MUELLER: Sunday would be --
CHAIRMAN FOOTE: 7:00 to 11:00.
MR. MUELLER: 7:00 to 11:00.

And it was April 10th, I submitted that letter.

MS. HAMMES: It's my understanding that the code itself has noise decibel limitations, that's the only real thing that's in the code?

MR. PALLAS: Correct.

MS. HAMMES: That's not
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stipulated on the time basis or is it?
Like the same decibel level for all
times?

MR. PALLAS: It does change.

MS. DOUGHERTY-JOHNSON: I think
you --

MR. PALLAS: Also refers to
distance to a residential area, a lot of
things in there as well.

CHAIRMAN FOOTE: I think you may
have already answered this question, I
apologize if you did. Is the intent
particularly in the summer months to
have the windows opened upstairs?

The reason I ask that obviously
is, the noise to the street is going to
be affected depending upon whether the
windows are closed or not, and if the
intent is to open them, which I would
understand, is the decibel level going
to be measured with that assumption that
the windows would be open I think that's
something to take into account.

MR. PALLAS: We would only
measure it on a complaint anyway. If someone says it's too loud, we would then investigate that complaint.

CHAIRMAN FOOTE: Are we giving them any guidance in advance of what the decibel level is?

MR. PALLAS: It's stated in the code, so they would have to comply with the code, whatever it is.

MR. COTUGNO: Who checks the decibel level?

MR. PALLAS: It would be up to the Village to do that.

MR. COTUGNO: I would think if we approve it, it should be on the onus of the applicant to provide documentation of what decibel levels it's reaching.

CHAIRMAN FOOTE: The other thing I'd like to raise is, given the unique -- well first of all, let me say that conceptually, I think it's, what you're proposing is a potential very interesting benefit for the community, and I think it's something that if you
work with the right guidelines, for me, personally, it would be welcome, so I want to make that clear. We want to be careful too that the community is being served and, you know, we're doing this with public safety in mind as well.

And one of the things that we would probably like to consider doing is making it -- if we do, obviously, after the public hearing is over and were we to decide to go forward, we may decide to go forward on kind of a test-case basis and we would like to have the ability the revisit it at the end of the season just to see how it worked out and how the community responded and make whatever necessary adjustments.

MR. MUELLER: That would be totally fine with us. I mean, we want to make a contribution to the community and to disrupt the community -- we love Greenport and we have been very nicely welcomed here in town and we want to give something back, so we have no
intention, you know, profit at the expense of safety or disrupting this very nice town.

It's just, for us it's so difficult to operate when, for example, we cannot advertise. Like last year, we couldn't really advertise our music because it would look like we had a music event and we would face steep fines. We'd like to be able to advertise and we want to find a modus operandi that is good for us and good for the town, so a test phase would be acceptable to us.

CHAIRMAN FOOTE: Thank you.

Would anybody else at this time like to speak regarding this application?

MS. ALLEN: Chatty Allen, Third Street.

In some ways, this one really puzzles me because it is an acceptable use. This application has been before the Planning Board for six months and I
kind of feel bad that we're approaching Memorial Day weekend and now they still may not have an answer to something that is allowed and acceptable in the Business District.

A lot of the questions being raised tonight are not concerns of the Planning Board. They're for other statutory boards to approve or not approve. So I'm confused why they have to get permission to have live music when every other business is allowed to have live music.

And from what I just was hearing from the beginning of this, it sounds like this is going to get pushed yet another month waiting for answers, so now you're pushing them into the middle of the summer to be able to get any kind of approval. I'm not sure what the holdup is, why they're not being approved. If they don't stay within the code, they will be fined. So that shouldn't be, oh, well, now they have to
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tell us what the decibel will be, they
have the file -- they know they are the
follow the code, and I would like to see
this be moved forward and make this
applicant -- and it's not --

Most of you up here have not, you
just came on and I am so grateful to see
a full board sitting here, but we have
had month after month after month after
month of not having a full board so
nothing's been done, and I don't feel
that it's fair to the applicant that now
it seems like they're gonna get pushed
yet another month before they get any
decision.

Personally, I feel it should be
approved. If they don't keep within the
code, They get heavily fined.

MS. HAMMES: I would just note
that my understanding is, if they were
just doing music that's incidental to
serving food like some of the other
business in town, they wouldn't need the
use permit, but because they want to
advertise and hold it out as, you know performing space, that's what's triggering our review. I understand your point about timing, I don't think, as you noted a number of the board are new and --

        MS. ALLEN: Well, I mean the Clambar, Port, other places advertise as well so that's.

        MS. DOUGHERTY-JOHNSON: -- has a permit, Claudio's has a live music venue, which is --

        MS. HAMMES: -- understand your --

        MS. ALLEN: -- and they know they have to stay within, if they're having live music, they have to stay within their CO, they can go over their CO, you know.

        I would just like to see something be done and get this application approved.

        Thank you.

        (Applause.)
MR. BENGOLIA: My name is Alberto Bengolia and I'm a professional musician. I've been a professional musician all my life and I have a letter here stating some facts that are very boring, but can leave it with the Board?

CHAIRMAN FOOTE: Sure.

MR. BROWN: So I'll synthesize it.

Basically, based upon my personal observations, I have no doubt that the only motivation the Greenhill Kitchen owner may have in placing today's petition is the improvement of Greenport and the artistic and cultural growth of the community.

Like I was saying, I have been a musician all my life and I started playing solo guitar in the North Fork like three, four years ago, and I've been trying to propose to owners of the different places and vineyards and restaurants that I was playing at, I was trying to sell the idea of the jazz day
or jazz jam day like they have in Southold, and it's been very successful for ten or fifteen years so far; so everybody is relatively interested, but it didn't go anywhere, I've been trying to push this idea for two years.

Now, on this all the detail and dates I have stated here with the Greenhill Kitchen, I came in and in five days from being hired to play a solo little act there to developing a jazz jam day that was repeated weekly, you know, it took only five days, the whole thing and no -- I mean, he was very enthusiastic about pushing the artistic, you know, musical scenario in Greenport. I came in on Friday, on Monday they had this poster created, and they repeated the poster each and every week, you know, for two or three months until the end of December.

The details regarding the rest of stuff is here. There a lot of people that want to talk, so thank you very
(Applause.)

MR. REEVE: My name is Linsey Reeve (phonetic). Thank you, Board, for letting me speak.

My family lives in Riverhead, but we started out in Greenport. That ornate horse truck behind Arcade was dedicated after my three or four time great grandfather, so we've got a little history in the Village and I love this village.

I had a business on Main Street in Riverhead called Eastenders Coffee House for seven years, and from day 1, I wished I had it in Greenport, once I started because back then Riverhead wasn't -- by the time we closed in seven years, I was the 28th business to close on Main Street in that seven-year period. I really wish I were here, but I'll never get my wife to do that again, so it's over.

I'm also a professional musician,
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I'm a booking agent. I've booked and played up and down the east northeast coast for years, and I have been business wise involved with many establishments I would like to say similar to theirs, but there aren't any similar to theirs, and the main reason for that is, nobody is Christoph and his son Robin, they're -- you're lucky to have them in this Village, that's all there is to it. You're luck to have them in this Village, they are a class act. They're respectful, the food's awesome. There's a lot of good food, the food is really good. They're just really good people, and any Village that get them are very fortunate to have them in my opinion. I've been up against a lot of types in my travel with what I do and they should all be like these guys. You're in really good stead if you had them.

I would love to see the application go through. Again, I kind
agree with here, I don't really see what issue could possibly be. If you had ever been there, like when Al Burner (phonetic) was playing, you would have a better understanding of why it's one of the nicest spots in Greenport, and I'd love to see it stay that way and even be enhanced with more music, and for them to be able to advertise and all that it's very important.

If I could have afforded to advertise in Riverhead, maybe I'd still be there.

Thank you for your time.

They're the best thing you got in my opinion.

CHAIRMAN FOOTE: Thank you.

MR. PISTICADO: Steve Pisticado (phonetic), I've been booking the music at Claudio's for a lot of years, 30 years, so I started when I was six years old.

I just think the idea of the different types of music, I want to say
real quick gives a great, a new flavor
of music to the Greenport. It would be
very important for the Village and the
whole North Fork the bring different
people in to hear the different flavors
of music because pretty much right, our
music is pretty standard, so I think it
would be great, the different types of
music, jazz, blues all that.

And I am an ex-musician so, or
still a musician so I just saying really
quickly, I think that would be really
nice and cool.

Thank you.

CHAIRMAN FOOTE: Thank you.

(Applause.)

MR. HOVEY: Pardon my former
enthusiasm, I just want to add my voice
to --

CHAIRMAN FOOTE: I'm sorry, would
you just give us your name, please.

MR. HOVEY: Bob Hovey, Southold
resident, but obviously, I'm in
Greenport frequently.
I just wanted to add my support to the project and express my belief in the importance of what Christoph is doing at Greenhill. I think they have provided a venue for very important music that you don't hear every day, so I hope it's approved.

Thank you.

CHAIRMAN FOOTE: Thank you.

MR. KONTOKOSTA: My name is Michael Kontokosta, I own a business here in the Village and another business just outside of the Village, and I just want to lend my support to Christoph and Robin, I think they are, as the other gentlemen said, true assets to this Village and we are lucky to have them.

I would also encourage you to foster this as much as you can, and Greenport has a long history with live music. I can remember being ten-years old in North Fork bank parking lot and, you know, my and my dad and my two aunts brought their folding chairs -- I don't
know if anybody remembers this, right, the Greenport --

(Audience members speak simultaneously.)

-- doing it in Mitchell Park, so this is something that, and in Mitchell Park it's encouraged and it's great and from the hotel, we can hear the dance nights and all of our guests absolutely love it, we have never heard a complaint, and sometimes that music goes 10:30, 11 o'clock at night, we could get into a situation where sometimes get right, complaints, and we don't, right for, for years, and this is 35 people in a hotel paying whatever they're paying a night, and they love it too.

I encourage you to take this opportunity to make this happen and make it happen tonight if that's possible, so that we can welcome them with a big Memorial Day concert, not too big, medium Memorial Day concert, just to the occupancy of the restaurant.
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(Applause.)

MR. WRITE: My name is Stanley Write (phonetic). I have lived here on Long Island quite a long time, over 40 years, played in Greenport, Suffolk County probably the past 35 years or so.

I'd like to say that Greenport doesn't seem to be the way it used to be 25 years ago. It seems like musically, it was busier; but Christoph, his organization, the club is really bringing a lot to the town, everybody -- I perform there myself and like the other musicians said, they are a class act, and I think they're gonna bring a lot to this.

In the short time they were opened, I was one of the first performers to play there, after about three weeks or so, everybody that came there was excited, all the customers were excited, and I just think it's a great idea. Like they were saying, I think they should get these permits or
whenever tonight if you can get it.

But that's about it, it's a great place. They're gonna do your community right, they're gonna do the right thing. And like the other musicians said, they are a class act.

Thank you.

(Applause.)

CHAIRMAN FOOTE: Thank you.

MS. HENDRICKSON: Hello, my name is Sandy Hendrickson. I was born in Greenport Hospital, I've lived all my life on the North Fork. I've grown up in Cutchogue. I was a fine arts major with a minor in education, and I have taught in the Mattituck Cutchogue School District for 30 years. I have done 29 plays, I put small children on the stage, and I have had music in my classroom every day, and I want to support the Greenhill Kitchen especially for the kids too and people of all ages, some of us older folks, we put our instruments away in the closet and we
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don't use them, but here is an
opportunity for kids, teenagers, adults,
seniors to enjoy music and perform.

Thank you. Please support it.

(Applause.)

MR. TARGIS: Hello. My name is
Eric Targis (phonetic) and I recently
founded a local not for profit called
the East End Music Alliance, and I
personally have been overwhelmed with
all the support that we have been
getting. We are a very strong musical
community as you obviously see by all
the people here just in support of the
Greenhill Kitchen.

I think it would be a real shame
if they did not get their music
permitted or whatever we want to call it
right now because a lot of people are
getting, not only just a really great
time being there, but it's a great thing
for the community in every respect. I
have a list here of 64 or 65 people who
would like to have been here today but
could not have been here, so I'd like to leave that with you.

Thank you.

(Applause.)

CHAIRMAN FOOTE: Would anybody else like to speak at this public hearing?

MR. RUSS: Hi. My name is Richard Russ. I'm a resident of Southold, and I'd like to say a few words from the heart.

I think the Mueller family has provided a very true uniquely beautiful experience for individual North Fork that are very talented. The community has come together from them providing this opportunity, and I think it's just a great beautiful thing and I know you have a lot of concerns and things to consider in terms of giving them this permit, but I trust both the Mueller family and the Board in terms of making the right decision and in terms of doing the right thing, so thank you very much.
(Applause.)

CHAIRMAN FOOTE: Thank you.

Anybody else?

(No response.)

Anybody on the Board have anything to say at this time?

MS. HAMMES: I just want to thank everybody for showing up, and I go to various meetings in the Village and I'm on the Planning Board, and I don't always see this good of a turnout, so thank you all. I think involvement is really important. I think there were some valid points made that we should consider.

CHAIRMAN FOOTE: I'd like to ask the Building Department at this time whether or not we can close public hearing and move to take a vote on this application.

MR. CONNOLLY: You can move to close it.

CHAIRMAN FOOTE: Can we take a vote?
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MR. CONNOLLY: Yes.

MR. COTUGNO: The conditions.

CHAIRMAN FOOTE: We can discuss the conditions, do we want to discuss them now?

MR. COTUGNO: Yeah.

CHAIRMAN FOOTE: Okay, I'll tell you a couple that I would like the incorporate.

First of all, in terms of the hours of activity, I felt those were very reasonable and fair, and I would support those hours of operation.

As far as, I defer to the Building Department's determination as to whether or not this building requires some of the things we brought up like the sprinkler system, that's in your domain as far as what we're presenting tonight, it will be subject to whatever you determine is necessary for that.

I'm not sure, are there any other conditions you would like?

MR. COTUGNO: I thought we were
going to reexamine this at the end of the season.

CHAIRMAN FOOTE: Thank you. Yes.

The final condition would be, we have the ability to reexamine the permit being issued and see whether or not we want to make any changes to it after the season is complete.

MR. COTUGNO: They would have to come back for this?

CHAIRMAN FOOTE: Yes, if we wanted to --

MS. HAMMES: Couldn't we have it that in October, we review it and make a determination?

MR. CONNOLLY: That's a condition.

CHAIRMAN FOOTE: We would bring it up for review at some meeting in October. I assume the season is gonna run through September, so I would just say let's just pick a day in October, the middle of October is fine.

MR. PALLAS: Suggestion, the work
session would be appropriate for that.

CHAIRMAN FOOTE: The work
sessions are at the beginning of the
month.

MS. LINGG: October 3rd?

CHAIRMAN FOOTE: That's fine.

I move to close the public
hearing.

Do I have a second?

MR. COTUGNO: Second.

CHAIRMAN FOOTE: All in favor?

MR. COTUGNO: Aye.

MS. HAMMES: Aye.

MR. KYRK: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

CHAIRMAN FOOTE: I now at this
time move to take a vote on this
application with the condition that we
articulated.

Do I have a second for this
motion?

MR. COTUGNO: Second.

CHAIRMAN FOOTE: All those in
favor?
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MS. HAMMES: Aye.

MR. KYRK: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

MR. COTUGNO: Aye.

CHAIRMAN FOOTE: Motion carries.

The application is approved.

(Applause.)

Item number 56, motion to adjourn.

(Time noted: 5:23 p.m.)
CERTIFICATE

STATE OF NEW YORK )
COUNTY OF SUFFOLK )

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 May 2, 2019.

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 2nd day of May, 2019.

______________________

STEPHANIE O'KEEFFE