

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

-----x

PLANNING BOARD
REGULAR SESSION

-----x

Third Street Firehouse
Greenport, New York

MAY 3, 2018
4:04 p.m.

- B E F O R E:
- MARY GIVEN - CHAIRWOMAN
 - BRADLEY BURNS - MEMBER (absent)
 - NOAH THOMAS - MEMBER
 - WALTER FOOTE - MEMBER
 - JOHN COTUNGO - MEMBER
 - ROBERT CONNOLLY - VILLAGE ATTORNEY
 - KRISTINA LINGG - BUILDING CLERK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

PUBLIC HEARINGS		PAGE
411 First Street		5
ITEM	DESCRIPTION	PAGE
1	Schedule public hearing	
	409 Main Street	3
2	Schedule public hearing	
	449 Main Street	4

1 REGULAR SESSION - 5-3-2018

2 CHAIRWOMAN GIVEN: We're going
3 commence the Village of Greenport
4 Planning Board regular Work Session at
5 4:05.

6 Item Number 1 is 409 Main Street.

7 Motion to schedule a public
8 hearing for the site plan review of
9 J & J Impact Hospitality LLC.,
10 represented by Brooke Epperson.

11 The application is for the
12 approval of a conversion from a vacant
13 commercial space to a restaurant for
14 the property located at 409 Main
15 Street.

16 The property is located in the
17 Commercial Retail District as well as
18 the Historic District.

19 Designated Suffolk County Tax Map
20 number 1001-4-7-12.

21 Do I have a motion to schedule a
22 public hearing?

23 MR. COTUGNO: Yes.

24 CHAIRWOMAN GIVEN: Do I have
25 second to the motion?

1 REGULAR SESSION - 5-3-2018

2 MR. THOMAS: Second.

3 CHAIRWOMAN GIVEN: All those in
4 favor?

5 MR. FOOTE: Aye.

6 MR. THOMAS: Aye.

7 MR. COTUGNO: Aye.

8 CHAIRWOMAN GIVEN: Motion carried.

9 Item Number 2, 449 Main Street.

10 Motion to schedule a public
11 hearing for the site plan review of
12 North Fork Health & Wellness Boutique,
13 represented by Patricia Liantonio.

14 The application is for the
15 approval of an additional use of a
16 treatment room to the current retail
17 use, for the property located at 449
18 Main Street.

19 The property is located in the
20 Commercial Retail District as well as
21 the Historic District.

22 And it's designated Suffolk County
23 Tax Map number 1001-4-7-18.

24 I make a motion to schedule the
25 public hearing for June 7 for this

REGULAR SESSION - 5-3-2018

1 application.

2 Do I have a second?

3 MR. COTUGNO: Second.

4 CHAIRWOMAN GIVEN: All those in
5 favor?

6 MR. FOOTE: Aye.

7 MR. THOMAS: Aye.

8 MR. COTUGNO: Aye.

9 CHAIRWOMAN GIVEN: Motion carried.

10 Item Number 3, 411 First Street.

11 A public hearing for the site plan
12 review of Kirk Services, LLC.,
13 represented by David Murray.

14 The application is for the
15 approval of a conversion from a
16 residential use to a permitted
17 commercial use for the property located
18 at 411 First Street.

19 The property is located in the
20 Commercial Retail District.

21 It's designated Suffolk County Tax
22 Map number 1001-4-6-35.

23 We'll open the public hearing on
24 this application.

1 REGULAR SESSION - 5-3-2018

2 MR. PALLAS: For the record, I
3 know there were two letters that were
4 received very recently. I just wanted
5 to note that, please.

6 CHAIRWOMAN GIVEN: I have one.

7 MR. THOMAS: There's two.

8 CHAIRWOMAN GIVEN: I got that one.

9 Okay, so I make a note of that?

10 MR. PALLAS: I don't know if they
11 need to be read into the record.

12 MR. CONNOLLY: It's up to you,
13 they're part of the public record, but
14 you should hear their comments first
15 before --

16 CHAIRWOMAN GIVEN: Right.

17 MR. MURRAY: I was going to
18 address them.

19 CHAIRWOMAN GIVEN: Okay, state
20 your name.

21 MR. MURRAY: Good afternoon,
22 members of the Board. My name is David
23 Murray. I reside at 332 Fifth Avenue
24 in Greenport. I'm also the owner of
25 Murray Design Build, our office is at
Flynn Stenography & Transcription Service
(631) 727-1107

1 REGULAR SESSION - 5-3-2018

2 449 Main Street, Greenport, New York.

3 I'm here representing Kirk LLC on
4 the house that they purchased that
5 they're going to convert to wine
6 tasting.

7 I showed up last meeting to just
8 initially put this on the table, and I
9 came back with a lot of answers that
10 the Board asked me to.

11 Since last meeting, notices of the
12 hearing were sent out April 23. The
13 notice of public hearing sign was also
14 put out April 23. The building, some
15 of the questions that we talked about
16 were occupancy, light planning,
17 landscaping and signage, which I
18 submitted to the Board a package that
19 covers the light planning that shows --
20 we'll talk about that first.

21 The plan shows all down lights,
22 wall sconces. We labeled them A,B, C,
23 D and E; and we also have pictures of
24 each light.

25 It's on the that

1 REGULAR SESSION - 5-3-2018

2 (indicating, correct.

3 CHAIRWOMAN GIVEN: Unfortunately,
4 we just received this.

5 MR. MURRAY: No, I know that, but
6 I'm just kind of announcing it for the
7 public hearing.

8 CHAIRWOMAN GIVEN: Thank you.

9 MR. MURRAY: The landscaping that
10 was talked about was the back buffer;
11 and arborvitaes are going to be a
12 selection made for Sparkling Pointe for
13 that buffer line.

14 There's also a page on signage
15 that we -- the building is right next
16 to First and South, so we took some of
17 the ideas from First and South with how
18 they have their signage on the front
19 underneath their porch and they also
20 have a flag sign, so we kind of took
21 the same look of the signs and you'll
22 see in the -- we kind of duplicated,
23 not really duplicated, but kind of went
24 the same fashion as they did.

25 One of the items that was

1 REGULAR SESSION - 5-3-2018

2 mentioned last week was bathrooms. We
3 made both of the bathrooms handicap
4 accessible, so there will be a male and
5 a female handicap accessible bathroom
6 for the space.

7 One of the letters that came in
8 was from the neighbor to the north, Joe
9 Henry and his wife. One of the
10 concerns is the back entrance door.
11 The back entrance door is for the
12 second stairwell for upstairs
13 apartment. It says it comes in
14 six-and-a-half feet from the property
15 line, which it does, but the current
16 house, the bay window is only about two
17 feet from the property line. This is a
18 commercial space, so there are no -- if
19 I'm correct, Paul, that is complies to
20 --

21 MR. PALLAS: Yes. It's within
22 required setbacks for the zone.

23 MR. MURRAY: It's not gonna be the
24 main entrance for the apartment. That
25 was one of his questions. The main

1 REGULAR SESSION - 5-3-2018

2 entrance for the apartment is gonna be
3 from the front deck. This is for the
4 second egress stairwell, which Joe
5 Henry was asking about.

6 The other letter stated, regarding
7 parking. This building is under, it
8 was our understanding that off-street
9 parking is not required for it in the
10 district that they are in.

11 Am I right, Paul?

12 MR. PALLAS: I'm sorry.

13 MR. MURRAY: Regarding the
14 parking.

15 MR. PALLAS: There is no parking
16 requirements that predate whatever year
17 the code is.

18 MR. MURRAY: That was what Eileen
19 Henry's question was; it was regarding
20 parking.

21 CHAIRWOMAN GIVEN: Elaine, yes,
22 and music.

23 MR. MURRAY: Elaine.

24 CHAIRWOMAN GIVEN: Noise, music.
25 That was in hers and Joe Henry's

1 REGULAR SESSION - 5-3-2018

2 statement that it was a concern on
3 hours, if there is going to be music.

4 MR. MURRAY: Is there going to be
5 music?

6 It is a commercial establishment
7 for -- you know, am I gonna say there's
8 no music? Absolutely not. They're
9 gonna plan bands, you know, this is a
10 tasting establishment. We're not --
11 We're going to want some of the same
12 rules that apply to First and South
13 where we could have music in the back.
14 Their hours of operation are not going
15 to be bar hours. Right now --

16 CHAIRWOMAN GIVEN: Meaning 'til 4
17 o'clock in the morning; I assume that's
18 what you call bar hours.

19 MR. MURRAY: Yeah. Hours of
20 operation Sunday through Thursday
21 11:00 a.m. 8:00 p.m., Friday, Saturday
22 11:00 a.m. to 10:00 p.m. We're gonna
23 want to do an exception in case they
24 have a party that rents out the area
25 'til 11:00, but those are gonna be

1 REGULAR SESSION - 5-3-2018

2 advertised as the main hours of
3 operation.

4 MR. THOMAS: What are they going
5 to do with the apartment; are they
6 gonna Airbnb it?

7 MR. MURRAY: No.

8 Code says it needs to be a
9 year-round rental if it's a rental.

10 They want to have this housing for
11 possibly one of their family members.
12 They're not planning on renting it out,
13 but they want to have the ability to
14 rent it year-round. It has to be a
15 year-round rental; that's what I was
16 told last time. Should they rent it
17 out, they would comply to the
18 year-round rental.

19 MR. THOMAS: Other than that, it
20 will be a family member?

21 MR. COTUGNO: My package doesn't
22 have a picture of the light fixture A,
23 it starts with B.

24 MR. MURRAY: I'm sorry A's are
25 just high hats in the ceiling of the

1 REGULAR SESSION - 5-3-2018

2 porch. They really don't have a
3 picture, they're just --

4 MR. COTUGNO: The B's are hanging
5 off the columns, it seems like.

6 MR. MURRAY: That's correct.

7 MR. COTUGNO: Seems like a lot of
8 lighting.

9 MR. MURRAY: No, not really. Not
10 really. They're not big lights;
11 they're real small. If you go by First
12 and South at night, they have them on
13 all the posts; there's not a lot of
14 lights.

15 MR. COTUGNO: The same type of
16 light fixture?

17 MR. MURRAY: Um-hum. It's gonna
18 be kind of the same type of light
19 fixture on the post.

20 MR. FOOTE: Will there be serving
21 of alcohol in the outside, backyard?

22 MR. MURRAY: Yes, and that was on
23 the plans last time. I have an extra
24 copy right here for you, the colored.
25 (Handing). Do you have one of these?

1 REGULAR SESSION - 5-3-2018

2 MR. FOOTE: No.

3 Thank you.

4 MR. MURRAY: The colored site plan
5 shows a back service area with tables
6 in the back, and that green perimeter
7 is the arborvitae barrier I was
8 speaking about.

9 MR. COTUGNO: Does it say anywhere
10 how tall the arborvitaes are gonna be
11 planted at? I know they grow fast.

12 MR. MURRAY: Usually, you plant an
13 arborvitae between four and six feet.

14 MR. COTUGNO: It should probably
15 state how close or apart they're gonna
16 be, like five feet on center.

17 MR. MURRAY: No. I wouldn't
18 put -- I usually plant arborvitaes --
19 can't remember, whatever a landscaper
20 would recommend to make that fill in
21 nicely. I mean that's --

22 MR. COTUGNO: It should probably
23 be on the plans.

24 MR. MURRAY: I don't -- it's gonna
25 be a wall of arborvitaes. I don't

1 REGULAR SESSION - 5-3-2018

2 think, you know -- because if I specify
3 three feet and my landscaper says, no
4 they need to be -- you know, depending
5 on the size of the ball would depend on
6 the size of the tree we put in. You
7 know, a lot has to do with it. It will
8 be a wall of arborvitaes. I think it's
9 specifying that pretty well.

10 MR. COTUGNO: What's specified?

11 There's no --

12 MR. MURRAY: A wall of
13 arborvitaes, yes, I think in the
14 landscaping plan.

15 MR. COTUGNO: It says landscape
16 buffer. You're saying it says a wall
17 of arborvitaes? All I see is landscape
18 buffer. That could mean anything.

19 MR. MURRAY: Last meeting, you
20 asked me what type of tree, and I said,
21 I would come back with the type of tree
22 that we plan on putting there, that's
23 why this time I'm telling you it's an
24 arborvitae.

25 MR. COTUGNO: In my opinion, it

1 REGULAR SESSION - 5-3-2018

2 should be more specific as to height
3 and space. You can speak to your
4 landscaper in between.

5 MR. MURRAY: Okay.

6 MR. FOOTE: Is this governed by
7 the Historic Board as well?

8 MR. MURRAY: Yes.

9 MR. FOOTE: Have you been in front
10 of that Board?

11 MR. MURRAY: No. I have to get
12 through you first.

13 MR. FOOTE: Okay.

14 MR. MURRAY: No. I plan on going
15 there first part of --

16 Am I on for next --

17 MS. LINGG: First Monday of June.

18 MR. MURRAY: First Monday of June.

19 MR. FOOTE: Right now, I think
20 it's like a vinyl siding; what is the
21 plan for the siding?

22 MR. MURRAY: The plan on the
23 siding is to -- on the plans that you
24 have, it's going to be clapboard
25 siding; it's not gonna to be vinyl.

1 REGULAR SESSION - 5-3-2018

2 MR. FOOTE: Is it new clapboard or
3 is it the original --

4 MR. MURRAY: No. It's gonna be
5 all new. It's gonna be new windows.
6 New windows are going in, new siding.

7 MR. FOOTE: Wooden clapboard?

8 MR. MURRAY: That has not been
9 specified yet. The Historic Board
10 allows for James Hardie, so that could
11 be a product that --

12 MR. FOOTE: It won't be vinyl?

13 MR. MURRAY: No, it's not gonna
14 be. It's gonna be all Versatex trim,
15 nice Andersen Windows, everything's
16 gonna comply with --

17 MR. FOOTE: What's the exposure;
18 have you determined that yet?

19 MR. MURRAY: Probably five inches,
20 four-and-a-half to five.

21 MR. FOOTE: And the windows, are
22 you replacing the windows.

23 MR. MURRAY: Yes, we'll get all
24 new windows, all new roof, whole new
25 exterior facelift?

1 REGULAR SESSION - 5-3-2018

2 MR. FOOTE: What is the
3 anticipated amount of patronage for
4 this place?

5 MR. MURRAY: Well, with the square
6 footage for downstairs retail space, I
7 came up with 115 for occupancy, for max
8 occupancy with two handicap bathrooms.

9 MR. FOOTE: That's interior; how
10 about exterior?

11 MR. MURRAY: Exterior 72.

12 MR. FOOTE: Okay.

13 And they're serving food there as
14 well?

15 MR. MURRAY: Only cheese and
16 crackers. We're not going to have a
17 cooking kitchen; it's just gonna be --
18 and on the plans, it states
19 refrigeration, sinks, but no cooking
20 kitchen.

21 CHAIRWOMAN GIVEN: You had said --
22 you didn't use the term special event,
23 but you used the term if someone wanted
24 to use the space for some reason.

25 MR. MURRAY: Like, say a

1 REGULAR SESSION - 5-3-2018

2 bridesmaid shower comes in.

3 CHAIRWOMAN GIVEN: That wouldn't
4 change that fact that there's no food
5 onsite?

6 MR. MURRAY: No, that won't change
7 the fat, they just might come in and
8 have their bridal shower; they not
9 gonna cook anything there. Should they
10 use a catering service to bring
11 something in on the special occasion,
12 but it wouldn't be cooked onsite,
13 nothing would be cooked there.

14 MR. FOOTE: Some wine tasting
15 venues have prohibitions against
16 limousines.

17 Are you planning on having one for
18 that?

19 MR. MURRAY: I have the general
20 manager with me that I might invite to
21 come up and answer a couple of those
22 questions because I don't want to put
23 my foot in my mouth.

24 This is Michael Falsetta, he's the
25 general manager of Sparkling Pointe and
 Flynn Stenography & Transcription Service
 (631) 727-1107

1 REGULAR SESSION - 5-3-2018

2 the liaison to this project.

3 MR. FALSETTA: Hello, everybody.
4 I'm Mike Falsetta. I'm the GM at
5 Sparkling Pointe. I'm happy to answer
6 any questions. I appreciate your time
7 here today.

8 MR. FOOTE: Can you answer that
9 question, Mike?

10 MR. FALSETTA: So what I implore
11 you to do is look at sort of how we
12 handle reservations at our current
13 location. We have probably one of the
14 hardest and strictest reservation
15 policies here on the North Fork. We
16 take buses, limos, groups, if we do
17 take them, by appointment only. They
18 have to fill out a reservation form.
19 They have to tell us what the nature of
20 their visit is. They have to tell us a
21 lot of information before we would
22 accept a group.

23 If there is no rules against a
24 limousine driving through the town, we
25 may have a limousine dropoff. I don't

1 REGULAR SESSION - 5-3-2018

2 know the answer to that question until
3 I get approached by it, but if there's
4 not an issue with a limousine driving
5 through the town and dropping them off
6 at First and South or dropping them off
7 at Noah's, I don't see any difference
8 in the dropoff. I mean if somebody's
9 coming into the Village --

10 MR. FOOTE: Where would the
11 limousine be parked while it's waiting;
12 is it just, it takes off and comes back
13 later on?

14 MR. FALSETTA: Yes.

15 MR. FOOTE: So in venues that ban
16 limousines, what's usually the
17 rationale for that?

18 MR. FALSETTA: I think a lot of
19 that sometimes, it's business practice,
20 it's kind of what everybody wants to
21 do. I mean every individual business
22 has their own rules. Ours was an
23 evolution into knowing that people do
24 take limousines to get to and from
25 different locations, we hope safely.

1 REGULAR SESSION - 5-3-2018

2 We know that they're not driving in
3 that case, but every business has their
4 own rules. I can only speak for my own
5 where I currently am. We do take limos
6 and buses or reservations but by
7 appointment only.

8 MR. FOOTE: So the clientele that
9 you anticipate getting, is it similar
10 to the clientele that most of these
11 other tasting rooms get which is by and
12 large drive-by traffic, you know, from
13 anywhere, all different points, you
14 know; or is it intended to draw more
15 local resident people who are either
16 visiting the area or live in the area?
17 Because this is unique in as much as
18 most of these places are not in the
19 middle of a Village.

20 MR. FALSETTA: But there's
21 restaurants in the middle of the
22 Village.

23 MR. FOOTE: No, tasting rooms.

24 MR. FALSETTA: What's the
25 difference between a bar or a tasting

1 REGULAR SESSION - 5-3-2018

2 room or a restaurant that's serving
3 alcohol at that point?

4 MR. FOOTE: It's a different
5 experience.

6 MR. FALSETTA: Why?

7 MR. FOOTE: It's different, I
8 mean, it's pure drinking, it's not
9 eating and drinking.

10 MR. FALSETTA: No, that's not the
11 case.

12 This is the one style of business
13 that needs to survive off of
14 off-premise consumption. The goal of
15 our business is to have people come in
16 and taste wine and buy wine to go home.
17 Our business does not succeed and does
18 not have any form of longevity if
19 people are not buying our wines to take
20 home. On-premise consumption is not
21 our goal. You can look at our goals on
22 what we have done at our current
23 tasting room. We've put many, many
24 things in place to try to discourage
25 drinking on-premise and encourage

1 REGULAR SESSION - 5-3-2018

2 people to do tasting of wines and to
3 buy wines to take home.

4 MR. FOOTE: What are some of those
5 rules?

6 MR. FALSETTA: So we place a
7 charge and have made it more expensive
8 to drink wine on the premise at
9 Sparkling Pointe currently.

10 Many occasions, we encourage
11 people to do tastings and than we will
12 waive the fee for the tasting if they
13 buy wine to go home. Again, that's our
14 goal. If we are not depleting the wine
15 that we're making, we run into an
16 inventory issue. Depletion of wine
17 through on-premise consumption is not
18 the type of depletions that a winery
19 needs; we need people to buy our wine
20 by the case and take it home.

21 MR. FOOTE: Which is not the
22 purpose when you have a limousine show
23 up with --

24 MR. FALSETTA: Why is that the
25 case?

1 REGULAR SESSION - 5-3-2018

2 MR. FOOTE: In a limousine I guess
3 I'm thinking in particular, for
4 example, a bridal party; they're not
5 there going to buy cases of wine,
6 right?

7 MR. FALSETTA: Says who?

8 MR. FOOTE: Well, says me.
9 Generally speaking.

10 MR. FALSETTA: Do you run a
11 tasting room or a winery?

12 MR. FOOTE: No, I don't.
13 Enlighten me, please.

14 MR. FALSETTA: Our goal, again, in
15 everything that we do is to sell wine
16 to people to take home.

17 CHAIRWOMAN GIVEN: I think your
18 goal is that, that may be true; but his
19 point of a bridal party going there for
20 a bridal shower, the goal is to go
21 there for brunch, not to walk away with
22 cases of wine.

23 MR. FALSETTA: It's our goal to do
24 tastings with them and to try to
25 encourage them to buy wine; I can't

1 REGULAR SESSION - 5-3-2018

2 force people to buy wine to take home.

3 CHAIRWOMAN GIVEN: No one's
4 insinuating --

5 MR. FALSETTA: But our goal --

6 CHAIRWOMAN GIVEN: He's just
7 raising a concern.

8 MR. FALSETTA: No, I understand.

9 I mean, that's kind of just taking
10 a brush and painting it and saying no
11 bridal parties buy wine, I sell a lot
12 of wine to bridal parties.

13 MR. COTUGNO: Bachelorette
14 parties?

15 MR. FALSETTA: To anybody that's
16 coming in, yeah.

17 MR. COTUGNO: I see the kids going
18 to these bachelorette parties, they
19 don't buy wine, they go get plastered,
20 that's what they go there for.

21 MR. FALSETTA: Again, I'm sorry to
22 phrase it like this, but I just have to
23 ask, what tasting room have you run,
24 what winery have you run?

25 MR. COTUGNO: I walked out of

1 REGULAR SESSION - 5-3-2018

2 Sparkling Pointe because there was a
3 million cackling girls there, yelling
4 and screaming, ahhh; I walked out.

5 MR. FALSETTA: Totally understood,
6 but again I cannot refuse somebody to
7 be able the come onto the premise and
8 to do a wine tasting. If they become a
9 problem -- listen, I don't want problem
10 guests on my property either; I want to
11 run a tasting room, I don't want to --

12 MR. COTUGNO: There are other
13 tasting rooms on the North Fork that
14 say no limos allowed, no buses allowed,
15 an those are the ones I go to.

16 MR. FALSETTA: I understand.

17 MR. FOOTE: There is also -- I'm
18 sorry, finish.

19 MR. FALSETTA: No. Please.

20 MR. FOOTE: There is a slight
21 difference too because as you may know,
22 this location is on the fringe of the
23 Commercial District and until, you
24 know, most recently, it was a
25 residential structure, it was used

1 REGULAR SESSION - 5-3-2018

2 residential even though it's in a
3 commercial zone, so there is gonna be
4 more sensitivity to these types of
5 issues, and you have to understand
6 that.

7 MR. FALSETTA: No, I'm just a
8 little bit sensitive to sort of the
9 broad stoke that's given to the
10 assumption that --

11 MR. FOOTE: Well, it's a pretty
12 reasonable assumption, isn't it, that a
13 stretch limousine for a bridal shower,
14 the primary purpose is not for the
15 participants to go out and get this
16 year's estate wine?

17 MR. CONNOLLY: I think the Board
18 needs to know, this is a permitted use
19 and they have to comply with the
20 regulations with the SRA.

21 MR. FALSETTA: And the TTV.

22 MR. CONNOLLY: This is a site plan
23 review.

24 MR. FALSETTA: Thank you.

25 We have come into this project

1 REGULAR SESSION - 5-3-2018

2 from the beginning of wanting to fit
3 into the town, wanting to be good
4 neighbors, wanting to do all of these
5 things. If there is a limousine that
6 pulls into town and drops off people in
7 front the fire house, and those people
8 walk to my establishment, am I supposed
9 to -- what is my recourse if it was --
10 it seems like you'd like me to ban
11 limos and buses; but I think the only
12 way to ban limos or buses is to totally
13 ban them from coming into the Village.

14 MR. FOOTE: That's a good point.

15 MR. FALSETTA: That's the issue
16 that I see at hand. I think a lot of
17 businesses have people bring them into
18 the Village for dinner and they're out
19 on the North Fork in limousines and
20 buses and short of putting up police
21 posts at the entrances to the Village
22 and stopping them from coming in, I
23 don't have a way to ban that. I mean,
24 do I need to interview every guest that
25 comes in and say, how did you arrive

1 REGULAR SESSION - 5-3-2018

2 here, what is your -- I don't think
3 that any other business is forced to do
4 that.

5 Again, we have come into this
6 project from the very beginning, and I
7 have said to Dave from the beginning,
8 he said, how do you want it to look? I
9 said, what does the town want; what
10 does the Village want? He said, what
11 kind of siding do you want? I said,
12 whatever is acceptable to the town.
13 What kind of lights do you want?
14 Whatever is acceptable to the Village.
15 We want to fit into this village and be
16 neighborly. This is not a project to
17 blow the doors off and blow the walls
18 off, it's not something that, it's not
19 how we run our business currently.

20 I know that you came to a busier
21 tasting room and the noise is not
22 appealing to you, but again with the
23 big space and tall ceilings when
24 there's a lot of people inside, I have
25 an occupancy that I fit within, for me

1 REGULAR SESSION - 5-3-2018

2 to control the volume at which somebody
3 is speaking at is a little bit of a
4 difficulty on my end. I try to manage
5 it as much as I can. We probably
6 refuse service to more people than a
7 lot of places.

8 CHAIRWOMAN GIVEN: Any other
9 comments, questions, concerns?

10 MR. FOOTE: No.

11 CHAIRWOMAN GIVEN: Noah?

12 MR. THOMAS: No.

13 CHAIRWOMAN GIVEN: John?

14 MR. COTUGNO: At some point, these
15 drawings are going to be turned into
16 like real construction drawings that
17 show, I believe there has to be a
18 sprinkler system between the apartment
19 and --

20 MR. MURRAY: That's all part of
21 the building permit to comply to the
22 building codes. This is not the
23 building permit; But yes these are
24 almost in construction sets, but they
25 have every detail that -- I mean for

1 REGULAR SESSION - 5-3-2018

2 your building permit, you have to
3 comply to the building code, so there
4 will be sprinklers in there everywhere,
5 everything will be code compliant.

6 MR. FALSETTA: I just do want to
7 add one other thing, on something that
8 often gets overlooked in this is
9 Sparkling Pointe manages over fifty
10 acres with over forty aches under vine,
11 another eight acres of vineyard going
12 into the ground this up coming year. I
13 just paid \$30,000 worth of pinot noir
14 plants.

15 We're dedicated to the North Fork.
16 We're dedicated the agriculture, and in
17 order to sustain and allow us to
18 continue to buy more farms and plant
19 more vineyards, we do need to have an
20 outlet to be able to sell our product.

21 CHAIRWOMAN GIVEN: Does anyone in
22 the audience wish the speak?

23 MS. PHILLIPS: Good afternoon,
24 Planning Board members. My name is
25 Mary Bess Phillips. I live at 210

Flynn Stenography & Transcription Service
(631) 727-1107

1 REGULAR SESSION - 5-3-2018

2 Atlantic Avenue. For full disclosure,
3 as I'm sure you're all aware, I am a
4 Village trustee in the Village of
5 Greenport.

6 Tonight, I am here for two
7 reasons. First of all, I cannot,
8 because I have always chosen to take
9 the high road as a Village trustee not
10 to comment on particular projects that
11 affect our family business in the area,
12 but I'm not able to get a family member
13 to come tonight, so the reason that I
14 am here is to just perhaps have an
15 educational part on parking.

16 I believe that the gentleman from
17 Sparkling Pointe, as I am a former Farm
18 Bureau Board member, and I'm very
19 familiar with the wine industry that is
20 in the end of Suffolk County, I can
21 fully appreciate the rules and
22 regulations that these wineries do go
23 through in their tasting rooms, okay.
24 The only thing I do want to make you
25 aware of is, I'll probably have to hire

Flynn Stenography & Transcription Service
(631) 727-1107

1 REGULAR SESSION - 5-3-2018

2 a guard to protect my parking lot
3 across the street because I do have
4 issues at First Street, at 414 First
5 Street. I do have issues with everyone
6 assuming that, number 1, that's a
7 roadway going through, which it isn't,
8 it's private property. And the other
9 thing is, we try to discourage people
10 from parking there because that's my
11 liability and we, many times during
12 summer time go down and have several
13 visits of asking people to leave.

14 Parking in the Village of
15 Greenport is a popular topic that
16 disturbs everyone. It gets tempers up.
17 It gets people smiling. We had the
18 discussion of meters. But what I'd
19 like to bring to your attention as a
20 planning board is that Village law 7718
21 authorizes the Village to establish a
22 planning board. Okay. A planning
23 board is authorized, our Planning Board
24 is authorized in our code to do
25 specific things; but what I don't think

1 REGULAR SESSION - 5-3-2018

2 that anybody has explained or has
3 carried on or maybe you haven't gotten
4 to that point in your education as
5 Planning Board members through the
6 classes that you take that you also are
7 an advisory board to the Village Board.
8 If you see issue, ie, parking which we
9 do know that in 1990 when the Village
10 of Greenport was reinventing itself to
11 become what is today, they waived the
12 parking fees for any buildings that
13 were in existence before January of
14 1991. If you as the Planning Board,
15 and you have had very many applications
16 come before you dealing with parking
17 issues. If you feel as a group, you
18 would like to discuss that, ask the
19 Village Board to look at the code, work
20 with the Village Board to make some
21 ideas upon which to throw out. That is
22 within your purview as a Planning
23 Board. Okay.

24 So that the reason I'm here. I
25 believe the gentleman is probably doing
Flynn Stenography & Transcription Service
(631) 727-1107

1 REGULAR SESSION - 5-3-2018

2 the best he can. I understand where
3 he's coming from, agritourism needs to
4 expand it's venues to sell it's
5 product; I don't have a problem with
6 that. I do have a problem with
7 difficulty in dealing with limousines,
8 buses and the traffic that's going to
9 be vehicle traffic on First Street as I
10 also have four potential tenants who
11 may be going into the First Street
12 property, and I need the parking for
13 them and not for everybody else that is
14 in the commercial district, so that's
15 the reason I'm here today.

16 I wish the gentleman luck. You
17 all have a very difficult decision to
18 deal with and some things to discuss,
19 but that's why I'm here. Thank you for
20 listening to me. Have a good evening
21 everybody.

22 MR. CORWIN: David Corwin,
23 C-O-R-W-I-N.

24 I don't want to speak for or
25 against this particular application,

Flynn Stenography & Transcription Service
(631) 727-1107

1 REGULAR SESSION - 5-3-2018

2 but I do want to note some
3 complications.

4 I sure don't want it a hundred
5 feet away from my house; and it's gonna
6 be a hundred feet away from some
7 residences.

8 There's gonna be music. It always
9 starts out with a guy with a guitar and
10 ends up with amplified music. If you
11 want to see some amplified music, go
12 down to Port and look at the speakers
13 they put up there. I don't know if
14 they were taken down or not because
15 they put it up three weeks ago.

16 This particular application is
17 unique in that when the Village Board
18 said, you don't need parking for a
19 building in the commercial district, an
20 existing building, they weren't
21 thinking about something like this.

22 They weren't thinking about buses and
23 limousines. If that had come up, they
24 might have had a little different idea
25 of parking, so that leads to buses and

1 REGULAR SESSION - 5-3-2018

2 limousine; and if you don't know how it
3 works, I'll tell you.

4 Buses, and I assume, I don't go to
5 wineries and drink, but buses come up
6 and they drop of the patrons and the
7 bus has got to go someplace. Where do
8 they go? They go to Broad Street, and
9 then they sit there on Broad Street
10 with the engines running for an hour or
11 two or three because they want to keep
12 the air conditioning on.

13 New York State Department of
14 Environmental Conservation Code says
15 you cannot idle a bus for more than
16 five minutes. Well, call up the DEC
17 and try to get an officer out there on
18 a Saturday or Sunday, and he'll show up
19 four hours later and the bus will be
20 gone. The Village of Greenport code
21 says you can't idle a bus for more than
22 five minutes, so call up Southold Town
23 Police, they're the only ones that can
24 enforce it, possibly the Village code
25 encodement officer can, you say to the

Flynn Stenography & Transcription Service
(631) 727-1107

REGULAR SESSION - 5-3-2018

1 Southold Town cop, hey, "he's idling
2 his bus, he's only suppose d to be
3 parked for five minutes," and he says,
4 "Is that in the Village code?" Then
5 you got to hand him a piece of paper
6 and show him. Once in a while the bus
7 driver is nice and he gets it and he
8 shuts his engine off. You don't want
9 to have to go out there every time a
10 bus pulls up and say, hey, you can't
11 idle your bus; and then, of course,
12 what is a limousine but just a little
13 smaller version of a bus. And we've
14 seen some very tragic, one very tragic
15 accident with a limousine. Personally,
16 I don't think those things should be on
17 the road, but they are. So what are
18 they gonna do? They're gonna come to
19 Broad Street and sit and idle their
20 engine for a couple of hours. There's
21 nothing to stop them from sitting there
22 and idling.

24 That would be my major concern
25 with this application. Thank you.

1 REGULAR SESSION - 5-3-2018

2 CHAIRWOMAN GIVEN: Thank you.

3 MR. SALADINO: John Saladino,
4 Sixth Street.

5 In the interest of full
6 disclosure, I'm a member of the Zoning
7 Board of Appeals. I'm not opposed to
8 this project. I have a couple of
9 questions for the applicant that I'll
10 ask through the Board.

11 I was curious how -- I don't have
12 access to the -- I didn't look at the
13 application, so I don't know the floor
14 plan for the wine tasting area on the
15 first floor. I'm curious how David
16 came to 115; so that would be one of my
17 questions. Also for the 72 on the
18 outside, I'm curious about that. If
19 there's tables and chairs, and, you
20 know, just free-standing people
21 standing around, I don't have access
22 right now to the International Fire and
23 Building Code, Glenys is not here, so I
24 can't ask her; but I'm curious about
25 that.

1 REGULAR SESSION - 5-3-2018

2 I don't have a problem with
3 limousines. Usually it's six, eight
4 people, ten people in the limousine.

5 I do have a problem with a bus.
6 We have all experienced driving down
7 First Street when First and South is
8 getting a food delivery, takes ten,
9 twelve minutes, fifteen minutes, the
10 street is blocked. A bus forty people,
11 forty-five people, I imagine, it will
12 be the same amount of time double
13 parked to unload or load that the
14 street would be blocked.

15 I think it's unfair to make a
16 comparison to First and South Street to
17 the primary business area that's in the
18 middle of a farm field in Southold. To
19 compare that business venue to this
20 business venue, I think it's unfair to
21 say, well, we do fine over there, we
22 should do fine over here. I don't
23 think we should look at it the same way
24 as the general manager.

25 As far as parking, I certainly

1 REGULAR SESSION - 5-3-2018

2 understand what the code says; I'm
3 intimately familiar with that portion
4 of the code.

5 I'm going to expand on a little
6 bit of what Mary Bess said. It's my
7 personal opinion that when it comes to
8 the health, welfare and safety of the
9 Village, the Planning Board does, in
10 fact, have the right to question
11 whether two-hundred people can show up
12 at a venue with a change in -- a venue
13 that's changing, basically changing
14 use, two-hundred people can show up to
15 what was previously in the commercial
16 retail but a residential property and
17 is now becoming a commercial venue as
18 opposed to a residential venue,
19 two-hundred additional people show up.
20 I think the Planning Board -- I see
21 Mr. Connolly looking at me. I think
22 the Planning Board is well within their
23 right to question where are these
24 people going to be, where are they
25 going to park. So as far as --

REGULAR SESSION - 5-3-2018

1
2 And the other question I might
3 have that I'll ask through the Board is
4 I'm confused by: It's not gonna be a
5 longterm rental, but we might rent it.
6 I'm not sure I understand that. Is it
7 just going to be vacant space and when
8 family shows up, they have a place to
9 sleep; or is it going to be friends of
10 family? Is it gonna be staff? Is it
11 gonna be -- I have a different concept
12 of longterm rental as opposed to just
13 rental, you know. So the fact that
14 somebody doesn't advertise on Airbnb,
15 doesn't necessarily preclude it from
16 being a short-term rental is kind of
17 like what I'm thinking.

18 Those are my thoughts.

19 Limousines, I mean discharge in a
20 hurry and they park someplace. We all
21 would like to see people that go
22 someplace to have a cocktail take a
23 limousine home or have someone show up
24 without a limousine, but at least take
25 a limousine home. Buses, I have a

1 REGULAR SESSION - 5-3-2018

2 different issue with. There is no
3 parking.

4 And then as far as signage, you
5 know, we heard a couple of references
6 to First and South, I'm not sure
7 exactly what's permitted at First and
8 South. You know, David keeps
9 mentioning, well, it's gonna be the
10 same as First and South, it's gonna be
11 the same as First and South. Every day
12 that I walk by First and South, I see
13 something different; and being on the
14 Zoning Board and having access to
15 conversations with the Building
16 Department, I don't see a lot of
17 applications on First and South, so I
18 would ask you guys to consider that.

19 Thank you for listening.

20 CHAIRWOMAN GIVEN: Thank you,
21 john.

22 Would you care to respond?

23 MR. MURRAY: To answer some of
24 these questions, Mary Bess' point about
25 her parking lot across the street.

1 REGULAR SESSION - 5-3-2018

2 (Whereupon, fire siren went off
3 and Mr. Murray paused.)

4 I think the Planning Board should
5 have the ability to put a different
6 siren up.

7 Regarding the parking issue -- for
8 disclosure, I used to be a Village
9 trustee -- it's an issue that comes
10 every party, every time somebody opens
11 up a business. The parking issue is
12 not Sparkling Pointe's; all right, it's
13 the Village, it's a Village problem.
14 Any restaurant that gets opened up,
15 they don't have to talk about the
16 parking in the Village on Main Street
17 and Front Street. Parking should, you
18 know, sorry, Mary Bess, but you're
19 gonna have to police your parking lot
20 because people are gonna go in it.
21 It's not Sparkling Pointe's fault
22 either. It's every business in the
23 Village's problem. You can't put it
24 all on Sparkling Pointe that they're
25 gonna come into your establishment,

1 REGULAR SESSION - 5-3-2018

2 when industry standard, customers all
3 the way down to Frisky Oyster, they're
4 all using your parking, so you can't
5 blame it on the guy across the street.

6 We tried for meters as Village
7 trustees, that didn't get very far. We
8 ran parties here for the tall ships
9 that had 30, 40,000 people in here. We
10 didn't do anything additionally for
11 parking. There's plenty of places for
12 people to park; they just have to walk
13 a little further.

14 As far as the music goes, their
15 hours of operation are not late, this
16 is not Claudios. They do have -- they
17 are allowed to do this, guys. This
18 building is in a Commercial District,
19 they bought it because of that reason.
20 We're not trying to convert a house out
21 of Commercial District and put it into
22 it and create a business. This is a --
23 they have the ability to convert this
24 into a business, so that's not -- that
25 should not be an issue here.

1 REGULAR SESSION - 5-3-2018

2 The idling of cars, Dave, I agree;
3 that's a town-wide problem. I don't
4 think we need to discuss that again on
5 this use variance for Sparkling Pointe.

6 The floor plan, the occupancy we
7 created of 115 for square footage of
8 the downstairs retail, hallway,
9 bathrooms and came up with a formula
10 for that. There are no tables inside
11 on the floor plan, this is retail.

12 Outside we have -- that's the
13 outside plan (indicating). That's
14 where the 72 comes from, the tables
15 outside.

16 As far as the signs go; I didn't
17 say we're copying. I used the same
18 square footage as what you're allowed
19 to do for the signs. You're allowed a
20 certain amount of square feet, and
21 that's where we came up with signs.
22 Signs I'm gonna have to go to Historic
23 Board anyways for approval; it's not a
24 Planning Board issue, so signage really
25 shouldn't even be talked about here.

1 REGULAR SESSION - 5-3-2018

2 MR. SALADINO: It's the Planning
3 Board.

4 MR. MURRAY: Signs is Historic,
5 but you have -- when you're in a
6 Historic, you have to get approval by
7 them by what's it made of, how big it
8 is, the whole bit.

9 MR. SALADINO: I'm sorry.

10 I'm gonna differ to the chair.
11 I'm sorry for interrupting, the
12 Planning Board, in my opinion is in
13 charge of signs.

14 MR. PALLAS: It's Historic, the
15 signs are Historic.

16 MR. MURRAY: When you're in the
17 Historic zone?

18 CHAIRWOMAN GIVEN: Really, then
19 how come we dealt with other sign
20 applications that were in the Historic
21 District?

22 MR. PALLAS: If it's not Historic
23 District, typically the signage is part
24 of the site plan review; but if it's in
25 the Historic, it's been, the code

1 REGULAR SESSION - 5-3-2018

2 requires that you go to Historic for
3 the approval of the sign specifically.

4 CHAIRWOMAN GIVEN: I understand
5 that the Historic Board has a certain
6 input about colors and different -- I
7 was on it, and I can tell you we had a
8 certain -- but I don't understand how
9 being in Historic District would
10 override Planning Board being part of
11 the approval process of the sign.

12 MR. PALLAS: I'm trying to find
13 the specific reference.

14 MR. CONNOLLY: I think Planning --
15 (Whereupon, several people spoke
16 simultaneously.)

17 MR. COTUGNO: -- restaurant on
18 Front Street.

19 CHAIRWOMAN GIVEN: So we do have
20 it?

21 MR. CONNOLLY: Yes, for placement
22 and location.

23 MR. MURRAY: For placement. I
24 think for placement and all that, but
25 for actually the type of sign and

1 REGULAR SESSION - 5-3-2018

2 stuff, that goes to Historic; as far as
3 the square inch, square feet,
4 locations, you do; but the sign itself
5 will get approved through Historic, I
6 believe.

7 Is that right, Mary Bess?

8 TRUSTEE PHILLIPS: That was my
9 understanding when I was on Historic.

10 CHAIRWOMAN GIVEN: Did he
11 answer --

12 MR. MURRAY: As far as the rental
13 goes, it is a one-bedroom apartment
14 upstairs. We're not classified as a
15 rental. We're not doing anything as
16 far as -- if it's going to be rented,
17 it has to be a year-round rental, not a
18 short term; that's the code. They may
19 not rent it out. It might be for, you
20 know, the general manager; he might be
21 there full-time. It's not set up as a
22 rental. I'm not coming in here for
23 approval for this to become a rental.
24 It's a one-bedroom apartment.

25 CHAIRWOMAN GIVEN: Did he answer

1 REGULAR SESSION - 5-3-2018

2 all your questions, John?

3 MR. SALADINO: No.

4 MR. MURRAY: Which one, I'm sorry?

5 Signs, rental, parking, floor
6 plan, occupancy.

7 Now, that may be incorrect and
8 that's what the Planning Board, as for
9 as occupancy, all right. I came up
10 with a formula, but that's what gets
11 discussed as far as --

12 CHAIRWOMAN GIVEN: That will have
13 to be verified.

14 MR. MURRAY: Yeah, that has to be
15 verified for the square footage and the
16 use.

17 CHAIRWOMAN GIVEN: Right. We're
18 not just taking that as the numbers.

19 MR. SALADINO: Do you want me to
20 respond from here; or do you want me to
21 respond from there?

22 CHAIRWOMAN GIVEN: From the
23 podium.

24 MR. PALLAS: If I may, now that we
25 have a little more detailed plans,

1 REGULAR SESSION - 5-3-2018

2 we're going to ask the fire marshal to
3 give a detailed survey; and when you
4 have your discussion, I'll have that
5 answer for you next month. The end of
6 this month, rather.

7 CHAIRWOMAN GIVEN: Thank you.

8 MR. SALADINO: David was nice
9 enough to give me the outside floor
10 plan. The outside tables, I count
11 seventeen tables, and if you use a
12 mathematical equation, it comes out to
13 sixty-eight outside, assuming they're
14 four tops.

15 MR. MURRAY: Two-people service I
16 think, that's how I came up with four,
17 four servers; that's how I came up with
18 seventy-two.

19 MR. SALADINO: I don't know,
20 David; I'm not sure what you're saying.
21 I just counted the tables, assuming
22 they are four tops, with me, it comes
23 out to sixty-eight. I'm not concerned
24 about outside.

25 Inside, I'm just curious how we

1 REGULAR SESSION - 5-3-2018

2 decided 115, especially since you can't
3 have occupancy, and I apologize, I
4 can't see this, you can't have
5 occupancy in this service area, you
6 can't have occupancy in this service
7 area, you can't have occupancy in the
8 hallways, and you can't have occupancy
9 in bathrooms; so I'm curious how this
10 first floor of this building, you come
11 up with 115 people that would be
12 allowed to be in this building, when
13 outside, that's double the space, you
14 only come up with sixty-eight. So
15 that's my question about that.

16 MR. MURRAY: Because there's no
17 tables in there, so that's how the
18 formula works.

19 MR. FALSETTA: Dave.

20 MR. MURRAY: Actually, Michael
21 might be able to --

22 MR. FALSETTA: Correct me if I'm
23 wrong here, but it's not 115 people
24 inside. I think that the calculation
25 is wrong on your end.

1 REGULAR SESSION - 5-3-2018

2 MR. SALADINO: I'll go with that,
3 okay.

4 MR. MURRAY: That's why the
5 Planning Board is to give me my number.

6 MR. SALADINO: This is my
7 curiosity.

8 MR. PALLAS: Again, if I may, the
9 fire marshal will define the, has the
10 final word on occupancy of the space.

11 MR. MURRAY: Right.

12 MR. PALLAS: We'll provide that
13 information to the Planning Boar for
14 their discussion.

15 MR. FALSETTA: That was how I
16 thought that the process went, but Dave
17 had come back to me, I guess at the
18 request of some of the town to say
19 there was a lot of questions as to how
20 many tables, how many this, how many
21 that. I said, Dave, find out what code
22 is and find out what fits because at
23 the same point, I need to be able to
24 service that area as well and service
25 it in a good way. So we'll get back to

1 REGULAR SESSION - 5-3-2018

2 you on that, but -- I was trying to
3 flag you down -- you can't put the 115
4 people in there, that was never the
5 intention. I think that that is sort
6 of wrong.

7 The idea and the basis of the
8 indoor space was to have handful of
9 standup tables where people -- I'm not
10 trying to make it so conducive,
11 especially in such a small place, I
12 don't want to make it conducive to a
13 very, very long visit.

14 MR. COTUGNO: You guys should get
15 together the show tables on the plans.

16 MR. MURRAY: We're not putting
17 tables, we have the plans, we have the
18 tables --

19 MR. COTUGNO: He just said they're
20 gonna have stand up --

21 MR. FOOTE: Is there like a small
22 bar outside?

23 MR. MURRAY: There is a service
24 area on the plans, yes.

25 (Whereupon, several people spoke

1 REGULAR SESSION - 5-3-2018

2 simultaneously.)

3 MR. COTUGNO: -- shows the
4 occupancy, how many toilets you need,
5 there's formulas, it's called building
6 code analysis.

7 MR. SALADINO: If I could just
8 interrupt since I was up here. This is
9 a public hearing, the information
10 should be available for the public, the
11 correct information and all the
12 information should be available for the
13 public to comment. If it was a
14 pre-submission conference, if it was
15 your discussion, that's a different
16 story, but we're at a public hearing,
17 so for you to say I don't know how many
18 people are gonna be in there, to me in
19 my mind is, I don't want to say -- this
20 is our chance to comment, and again I'm
21 not opposed to this project, I kind of
22 like this project, but I want to know
23 the answer.

24 MR. MURRAY: Well, that's what the
25 fire marshal is gonna give us for the

1 REGULAR SESSION - 5-3-2018

2 interior occupancy, that's the way that
3 works, John.

4 MR. SALADINO: With all due
5 respect to you and all due respect to
6 the Village, this is the information,
7 perhaps you should have had the
8 conversation with the fire marshal
9 before you expect the public to comment
10 on this project. That's all I'm
11 saying. I mean, how many times -- as a
12 former trustee, how many times has
13 information been incomplete, been
14 mistake, erroneous, given with --

15 CHAIRWOMAN GIVEN: Excuse me,
16 might I?

17 This public hearing will remain
18 open until the next public hearing date
19 of June 7.

20 MR. SALADINO: Lucy, there was no
21 doubt in my mind that you were gonna do
22 that, absolutely no doubt in my mind.

23 All I'm saying is --

24 CHAIRWOMAN GIVEN: And they have
25 to have everything back and available

1 REGULAR SESSION - 5-3-2018

2 for review a week prior to that
3 hearing.

4 MR. SALADINO: Thank you, and I
5 understand that.

6 The only point I was trying to
7 make is, for someone like me or Trustee
8 Phillips or David, this guy, to come
9 here and comment, we should be able to
10 comment on the facts, not on, in my
11 mind, probably, when Dave says well we
12 probably won't do this, probably won't
13 do that, it's been my experience that
14 probably never makes --

15 MR. MURRAY: Where did I say
16 probably? Where did I say probably?

17 MR. SALADINO: Perhaps it was me
18 that said probably, I don't believe I
19 did but --

20 CHAIRWOMAN GIVEN: I'm gonna stop
21 this now.

22 MR. SALADINO: -- but also
23 probably never made a good plan; so I
24 always thought --

25 CHAIRWOMAN GIVEN: John, do you

REGULAR SESSION - 5-3-2018

1 have any comments on the application?

2
3 MR. SALADINO: I'm good. Thank
4 you.

5 MR. MURRAY: Let me end this.

6 MS. PHILLIPS: I want to make one
7 clarifying point.

8 Mr. Murray, I was not equating to
9 the fact that this particular
10 application that Sparkling Pointe
11 needed to deal with parking. The code
12 is the way it is.

13 What I'm saying is because I feel
14 that I cannot comment on the
15 application being a Village trustee
16 that I'm bringing up the fact that as
17 an educational point, the Planning
18 Board, after they get through their
19 decision on Sparkling Pointe can
20 actually think among themselves how
21 many applications that they have had to
22 deal with this particular section of
23 the code. Do they still want to keep
24 it left the way it is or would they
25 like to discuss it with the Village

1 REGULAR SESSION - 5-3-2018

2 Board to see if there are any
3 possibilities or throw some ideas out,
4 yes we have -- we've gone through the
5 parking meters, we've gone through the
6 discussion of parking garages.

7 But no, that does not fall on
8 Sparkling Pointe's application because
9 at the moment, the code exempts it.
10 Mr. Saladino has a different version,
11 that's also something that should be
12 discussed. There are systems and
13 procedures within the Village code to
14 do that.

15 That is my purpose for being here
16 tonight. I understand where the
17 gentleman, the manager, I'm sorry --

18 MR. FALSETTA: Mike.

19 MS. PHILLIPS: Mike is talking
20 about. I have dealt with it with Farm
21 Bureau listening through the years,
22 with many of them having difficulty
23 trying to stay in business on the east
24 end of Long Island, but the point is,
25 they're dealing with vast amounts of

1 REGULAR SESSION - 5-3-2018

2 land, and we're not dealing with that.
3 We're dealing in a different
4 environment and that's the only reason
5 that I am here tonight is to just put
6 the idea in your head as a planning
7 board, you do have the advisory
8 opportunity to say how you feel. Okay.
9 That's why I'm here.

10 CHAIRWOMAN GIVEN: Thank you.

11 MR. FOOTE: I have a question just
12 on that parking issues. So I have a
13 question for our attorney. Have we
14 looked at whether or not the exemption
15 applies in a situation where the
16 building was put into a nonconforming
17 use and then reapplies? Do we know
18 whether a non-conforming use trumps the
19 exemption because it was actually used
20 residentially?

21 MR. CONNOLLY: Right, but that's
22 the nonconforming use for the District,
23 the residential, so now it's going to a
24 permitted use.

25 MS. PHILLIPS: But when did the

1 REGULAR SESSION - 5-3-2018

2 nonconforming start?

3 MR. FOOTE: Does the nonconforming
4 use kind of have any impact on the
5 exemption?

6 MR. CONNOLLY: Does the
7 nonconforming use have any impact on
8 the exemption?

9 MR. FOOTE: In other words, it was
10 used residentially. When it was used
11 residentially, did it get a permit or
12 CO so it could be used residentially?

13 MR. COTUGNO: I'm sure the CO says
14 it's for a single-family residence.

15 MR. FOOTE: Okay. So it had a
16 valid CO as a residential structure.

17 My question is: Because of that
18 fact, does that have any impact on the
19 exemption and is that something that
20 you might want to take a look at?

21 MR. MURRAY: No, that wouldn't --

22 MR. FOOTE: I'm asking him, not
23 you.

24 MR. MURRAY: I know, but I know
25 how the Commercial District works and

1 REGULAR SESSION - 5-3-2018

2 you can't --

3 MR. CONNOLLY: It's a commercial
4 district, the structure is going to be
5 put to a conforming use, so I don't see
6 how that would --

7 MR. FOOTE: So does the
8 commercial -- okay.

9 So it's the Commercial District,
10 where does the Commercial District end;
11 is it this structure, one structure
12 further down?

13 MR. MURRAY: It's further north.

14 MR. FOOTE: How much further?

15 MR. MURRAY: Well, the next two
16 properties are Commercial District.

17 MR. FOOTE: So does the permitted
18 parking or the exemption, it applies
19 parking anywhere including residential
20 areas, it doesn't have any, doesn't
21 matter, it's just we all --

22 MR. CONNOLLY: Structures prior to
23 1991 in the Commercial District.

24 MR. FOOTE: So they have free
25 reign to park anywhere within the

1 REGULAR SESSION - 5-3-2018

2 Commercial District; is that correct?

3 MR. CONNOLLY: Yeah, just like
4 everybody else does.

5 MR. FOOTE: But not the
6 residential district?

7 MS. PHILLIPS: No, they have to --
8 they can park anywhere.

9 MR. FOOTE: I mean, that's -- it's
10 more sensitive here because it's right
11 on the edge and this is not --

12 MR. MURRAY: It's not right on the
13 edge; it's inside the --

14 MR. FOOTE: It's nearly on the
15 edge. Listen, I --

16 MR. MURRAY: But it's still a --
17 this is a permitted use for this.
18 We're actually gonna be conforming now,
19 where residential, they were
20 nonconforming. Right, am I right in
21 saying it like that? They were
22 nonconforming prior, now the structure
23 is going to be conforming.

24 MR. FOOTE: I understand that.
25 I'm saying, does the fact that it had

1 REGULAR SESSION - 5-3-2018

2 been COd for a nonconforming use have
3 any impact? And maybe it doesn't,
4 maybe you're right, maybe he's right, I
5 just needed to ask the question.

6 MR. MURRAY: I understand.

7 CHAIRWOMAN GIVEN: Any other
8 comments?

9 MR. MURRAY: Any other comments,
10 questions?

11 (No response.)

12 So for the next time, we'll have
13 the occupancy from the fire marshal.

14 MR. PALLAS: Yes. We'll get to
15 you hopefully within a week.

16 MR. MURRAY: All right.

17 So we'll have that number so John
18 Saladino will be happy.

19 CHAIRWOMAN GIVEN: I don't know
20 about that.

21 MR. SALADINO: What is that?

22 CHAIRWOMAN GIVEN: Proper process,
23 I understand, John; don't take it
24 personally.

25 MR. MURRAY: And I will have

1 REGULAR SESSION - 5-3-2018

2 engineer stamp within a couple weeks
3 with the construction drawings too for
4 the building permit to be submitted.

5 I can still go ahead and get my
6 building permit for this?

7 MR. PALLAS: Not without site plan
8 approval.

9 MR. MURRAY: Okay.

10 So that is what I'm asking form
11 the Board is site plan approval so we
12 can get to the construction. The
13 business, the house is gutted, it's
14 gonna take -- it would not be open 'til
15 the best, beginning of next year, the
16 best; so it's not, we're not trying to
17 rush for this year; but we do want to
18 get it under construction.

19 Any other questions? Any other
20 things you want me to bring?

21 MR. COTUGNO: I asked for the
22 table layout, and the building code
23 analysis.

24 MR. MURRAY: Well, that would be
25 what the fire marshal has to provide.

1 REGULAR SESSION - 5-3-2018

2 MR. COTUGNO: Well, if you go into
3 the building code, based upon the
4 number of occupants, you know, travel
5 distance, number of toilets, whatever
6 is required.

7 Any architect or engineer will
8 know what a building code analysis is.

9 MR. MURRAY: You keep insulting
10 our architect and that's the third time
11 you did it, so please don't do that.

12 I'll get those things. Okay.

13 MR. CONNOLLY: Just for
14 clarification on parking, this is from
15 the Village code: Use adaptation or
16 change of use of any building within
17 the CR or WC Districts in existence as
18 of the January 1, 1991 shall be
19 entirely exempt from any off-street
20 parking requirements as provided in
21 this or any other article. This
22 exemption shall apply thenceforth to
23 improved parcels only and shall not
24 apply to unimproved parcels,
25 notwithstanding the provisions to the

REGULAR SESSION - 5-3-2018

1
2 contrary. So if it's an approved
3 parcel, the parking exemption applies.

4 MR. MURRAY: Yep.

5 MR. FALSETTA: I just have one
6 last thing to add.

7 I apologize for any
8 oversensitivity with the project.

9 The lady had mentioned Farm
10 Bureau, I'm a board member of Farm
11 Bureau. I'm a board member of the Long
12 Island Wine Counsel. Too much of my
13 time and my life goes into the constant
14 defense and certain members of our
15 industry being painted with a broad
16 brush because of a handful of bad
17 offenders; so that's something that's
18 really difficult for me and it quite
19 frankly takes up a lot, a lot, a lot of
20 my time, energy and effort that should
21 be going into bettering our business,
22 bettering our organization, bettering
23 our communities; so I apologize for
24 some sensitivities with that, that I
25 may have come across a little bit

1 REGULAR SESSION - 5-3-2018

2 strong with that, but it is something
3 that we are an uphill battle against.
4 I think it would be nice to sort of
5 judge some of the locations
6 individually rather than just painting
7 them with a broad brush. Every town,
8 including Greenport has had bad
9 offenders of, had bad bars that have
10 been problems, the wine industry is no
11 different, there are some offenders,
12 but that's all. I just wanted to add
13 that in. I will give everybody my
14 card. I am free, open, available, come
15 visit me, ask questions, I'm happy to
16 do it.

17 That was it. I thank you all for
18 your time.

19 MR. FOOTE: I have one last
20 question.

21 MR. FALSETTA: Yes.

22 MR. FOOTE: Are you, you will only
23 be serving your product, right, you
24 won't be serving other brands of
25 alcohol?

1 REGULAR SESSION - 5-3-2018

2 MR. FALSETTA: So that will be
3 determined by what our liquor license
4 allows us to do.

5 MR. FOOTE: So you leave open that
6 option to be able to, if your liquor
7 license permits it, you'll be able to
8 serve hard liquor like vodka and other
9 hard liquor?

10 MR. MURRAY: The New York State's
11 Farm Winery Permit does allow for other
12 New York State produced products to be
13 sold on premise under certain rules;
14 and I encourage you to check out
15 whatever the rules and the regulations
16 are for a New York State Farm Winery
17 Permit. This will be considered what
18 is a branch office for our liquor
19 license.

20 MR. FOOTE: That's inconsistent
21 with what you were saying earlier which
22 is the whole point is to sell your own
23 product.

24 MR. FALSETTA: Yeah. Listen,
25 understand, we want to sell our own

1 REGULAR SESSION - 5-3-2018

2 product, but if we want to make a
3 sparkling wine cocktail, for example,
4 and buy berry juice or buy something
5 else that blends in there, that is
6 within the rights of our permit to do.
7 That's from the SLA. Our goal is to
8 sell our product, yes, but, again,
9 there may be some ancillary things that
10 we need to do in order to sustain a
11 business.

12 MR. THOMAS: Do you serve
13 Greenport brewed Beers?

14 MR. FALSETTA: We don't serve it.

15 MR. FOOTE: You don't serve beer?

16 MR. FALSETTA: In our tasting
17 room, no.

18 We serve it once on Fathers' Day,
19 once a year.

20 MR. FOOTE: The reason I --

21 MR. FALSETTA: We do not serve
22 beer at our tasting room.

23 MR. THOMAS: I had it there.

24 MR. FALSETTA: When were you there
25 that you had beer?

1 REGULAR SESSION - 5-3-2018

2 MR. THOMAS: It might have been
3 Fathers' Day, but I have had beer at
4 your place.

5 MR. FALSETTA: We have had beer at
6 our premise one time per year for the
7 past five years.

8 MR. FOOTE: Okay.

9 AUDIENCE MEMBER: As the
10 production wine maker, I can tell you,
11 if we served there, I'd probably quit.

12 MR. FOOTE: The reason I go down
13 this line of thinking is it really
14 effects the overall impression of, you
15 know, what is it being presented here?
16 Is it a, you keep calling it a tasting
17 room, but the more you talk about, or
18 the more I learn about it, it sounds
19 more like it's really a bar. You know,
20 there's a qualitative difference
21 between the two, and maybe I'm just
22 totally just exaggerating that angle of
23 it and that you really intend to, it's
24 really 99-percent a tasting room. This
25 is really just like if I went to any

1 REGULAR SESSION - 5-3-2018

2 other tasting room, you know, at
3 Sparkling Pointe or anywhere else, I
4 know what that experience is like.
5 It's different than the experience at
6 First and South, right?

7 MR. FALSETTA: Yeah.

8 MR. FOOTE: And I'm trying to
9 understand, how do you foresee your
10 identity; is it gonna be one, the other
11 or kind of a blend of the two?

12 MR. FALSETTA: The goal is to be a
13 tasting room and that's what we want to
14 do. We want to sell tastings of our
15 product.

16 I'll give you a perfect example.
17 We have -- somebody comes in, people
18 want to do a tasting flight; I only
19 have dry wines in my tasting flight; if
20 somebody wants a glass of sweet wine,
21 am I not supposed to serve them a glass
22 of wine, instead of just doing a
23 tasting?

24 MR. FOOTE: No. That's not what
25 I'm asking. I'm saying is it, if

1 REGULAR SESSION - 5-3-2018

2 somebody says, well, you know, what
3 kind of malt liquor do you have, will
4 you say, you know what, you don't want
5 wine? No, I would like a glass of malt
6 liquor. That's what a bar does. Are
7 you just focused on wine or other
8 things? I'm just trying to get an
9 understanding of what your identity is.

10 MR. FALSETTA: The primary focus
11 is going to be wine because that is the
12 product that we make; yes, the primary
13 focus will be wine. But our liquor
14 license, the purpose of that license,
15 and it's a very specialized license
16 that we have, is to promote and sell
17 New York State products.

18 MR. FOOTE: And that's the same
19 liquor license that you have at the
20 other Sparkling Pointe?

21 MR. FALSETTA: Exactly the same.
22 It is what is called a branch office
23 permit or satellite tasting room, so
24 what we hold is a New York State Farm
25 Winery License and our license and

1 REGULAR SESSION - 5-3-2018

2 restrictions are exorbitantly more
3 restrictive that what is a traditional
4 liquor license that you would have at a
5 bar.

6 MR. CONNOLLY: It's defined in the
7 Agricultural Markets Law what a tasting
8 room --

9 MR. FALSETTA: When you asked
10 about food in the Ag. market's law, it
11 is required, it is required that we
12 have some sort of food available on
13 premise for people to be able to have
14 with their thing, so a very similar
15 model to what we do at the winery, all
16 of our cheese, all of the things that
17 we sell are pre-packaged. We are not
18 doing any cooking. We have no
19 applications for ovens and ancillary
20 systems and stovetops and different
21 things like that. In our, we'll call
22 it, what we call at the winery, our
23 prep space or kitchen space is an ice
24 machine, there's a three-bin sink to do
25 dishes, refrigeration and unfortunately

1 REGULAR SESSION - 5-3-2018

2 for us because it's very expensive, a
3 whole lot of refrigeration because our
4 products all have to be served chilled.

5 Thank you all.

6 CHAIRWOMAN GIVEN: Thank you.

7 Anyone else?

8 (No response.)

9 I make a motion that we hold the
10 public hearing open until June 7th.

11 Do I have a second?

12 MR. CONNOLLY: The materials that
13 you requested.

14 CHAIRWOMAN GIVEN: Right.

15 Materials discussed and asked for are
16 to be submitted one week prior to that
17 date for review.

18 Do I have a second?

19 MR. COTUGNO: Second.

20 CHAIRWOMAN GIVEN: All those in
21 favor?

22 MR. THOMAS: Aye.

23 MR. COTUGNO: Aye.

24 MR. FOOTE: Aye.

25 CHAIRWOMAN GIVEN: Motion carried.

1 REGULAR SESSION - 5-3-2018

2 Motion to adjourn at 5:16.

3 Do I have the second?

4 MR. COTUGNO: Second.

5 CHAIRWOMAN GIVEN: All those in
6 favor?

7 MR. FOOTE: Aye.

8 MR. THOMAS: Aye.

9 MR. COTUGNO: Aye.

10 CHAIRWOMAN GIVEN: Motion carried.

11 Adjourned.

12 (Time noted: 5:16 p.m.)

13
14
15
16
17
18
19
20
21
22
23
24
25

