VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK
---------------------------------------------x
PLANNING BOARD
REGULAR SESSION
---------------------------------------------x
Third Street Firehouse
Greenport, New York
July 5, 2018
4:05 p.m.

BEFORE:
MARY GIVEN - CHAIRWOMAN
BRADLEY BURNS - MEMBER
NOAH THOMAS - MEMBER
WALTER FOOTE - MEMBER
JOHN COTUNGO - MEMBER

PAUL PALLAS - VILLAGE ADMINISTRATOR
ROBERT CONNOLLY - VILLAGE ATTORNEY
KRISTINA LINGG - BUILDING CLERK
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CHAIRWOMAN GIVEN: We're going to commence the July 5, 2018 Planning Board Regular Session at 4:05.

Item number 1, 411 First Street.

Discussion and possible motion on the site plan review of Kirk Services, LLC, represented by David Murray.

The application for the approval of a conversion from a residential use to a permitted commercial use for property located at 411 First Street.

The property is located in the Commercial Retail District, and it's designated Suffolk County tax map number 1001-4-6-35.

And I open it up for the Board to discuss it. Does anybody have any comments, suggestions, discussions?

MR. FOOTE: I want to add to the record, it's been brought up a couple of times on the application, but my one concern is parking and particularly the larger vehicles that typically come into these types of locations, such as
limousines and/or buses and that any
approval or any plan that's submitted,
I think, if it's to be approved by me,
I would want it to expressly provide
for regulation of that activity; and it
may be as simple as requiring that
those vehicles not idle on local
streets, but be required to go to a
designated area outside of the Village
to park until the they're ready to
return.

The applicant itself proposed
having a similar requirement posted on
their website, which is a good start,
but I think it's important that
whatever application that we vote on
also expressly be qualified with
similar language.

CHAIRWOMAN GIVEN: Okay.

Noah, do you have anything you
want to say?

MR. THOMAS: I agree with that.

Moores Lane or somewhere, not clogging
the streets.
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CHAIRWOMAN GIVEN: Did you have any other --

MR. THOMAS: No.

CHAIRWOMAN GIVEN: You're satisfied with them not putting a stipulation on the hours of operation?

MR. THOMAS: I think the hours are fine.

MR. COTUNGO: I know there was a question about how the apartment is going to be utilized, but I can't remember the answer.

Does anybody remember the answer, how the apartment may be used?

CHAIRWOMAN GIVEN: I don't think we received a real crystal clear answer on that. It was kind of left open. If it was to be rented, it would be rented year round.

Was that --

MR. PALLAS: I wasn't sure what the question was.

CHAIRWOMAN GIVEN: The question is, what came to be about the
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apartment?

MR. PALLAS: I don't know specifically.

MR. CONNOLLY: I thought that they said they would use it for year round, not on a seasonal basis.

CHAIRWOMAN GIVEN: Right. That is my understanding as well.

MR. COTUNGO: I also forgot if they were going to sell other alcohol and beverages other than wine.

CHAIRWOMAN GIVEN: I believe they were.

MR. CONNOLLY: But that's permitted under the New York Agricultural and Markets Law for the type of license that they have. They don't just have to sell wine, they have to sell spirits that are grown locally or local to the region. So we can't, you know, preempt State law.

CHAIRWOMAN GIVEN: And?

MR. COTUNGO: I received a letter about the shrubs and arborvitaes,
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four-and-a-half feet apart staggered.
We should just note the height that we should require for that. I know arborvitaes grow pretty fast, but they should start at six feet tall.

CHAIRWOMAN GIVEN: Okay. You want their landscaping plan to designate that they will start at least six feet tall?

MR. COTUNGO: I believe that's the minimum.

CHAIRWOMAN GIVEN: Ben?

MR. BURNS: I think this is an illustration of the kind of problem that we are running into as legitimate commercial ventures get closer to residents and their parking and their place. I'm not sure, maybe that's a good answer for this, have the trucks go someplace else.

Do we have the --

CHAIRWOMAN GIVEN: The authority.

MR. BURNS: Thank you.

I just came back from a five-day
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wedding.

CHAIRWOMAN GIVEN: Wow, that was a hell of a wedding.

MR. BURNS: It seems to me that parking and trucks and so forth is a community issue. We need to work with the Board, finding out some answers about maybe parking the trucks somewhere else is the answer. Where is another problem.

CHAIRWOMAN GIVEN: When you say trucks, what are you referring to?

MR. BURNS: Well --

CHAIRWOMAN GIVEN: He's strictly referring to limousines and buses, he's referring to larger vehicles that are going to be transporting patrons to the establishment. I'm hearing truck from you and I'm wondering if you mean, quote/unquote, delivery trucks.

MR. BURNS: It's a commercial venture, there's gonna be deliveries, so what do they do? Will they come a certain time? Can we limit it? Can we
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arbitrarily do something? I don't know, but it's a question.

CHAIRWOMAN GIVEN: Right. I understand.

MR. BURNS: It needs to go to the Board. We need to work it out with the community, agreed?

CHAIRWOMAN GIVEN: Agreed.

MR. BURNS: I also think we need to have a clear idea of what's going to happen there. How long they're going to -- how long a day is it going to be.

CHAIRWOMAN GIVEN: Hours of operation; is that your point?

MR. BURNS: Yes.

CHAIRWOMAN GIVEN: Okay.

Are you asking for any specific clearcut answer for the apartment?

MR. BURNS: No. An apartment is an apartment and that's it.

CHAIRWOMAN GIVEN: Just the business portion of this venture?

MR. BURNS: Yes.

CHAIRWOMAN GIVEN: Okay.

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With those questions needing answers --

MR. FOOTE: We talked about hours of operation at our prior meeting and I --

CHAIRWOMAN GIVEN: Okay, do you remember what --

MR. FOOTE: Yeah. My memory is that we discussed comparing what they're intending to do here versus where you would typically have a wine tasting place outside of the Village, and those places typically close at 5:00 or 6:00. There was a strong indication on their part that they would like to stay open later and, you know, if you look at the restaurants that serve, like, for example, First and South right next door, I'm sure they serve liquor beyond 11 o'clock at night; and I believe that their proposed hours -- to me, actually in the context of being a place in the Village, that seemed reasonable to me.
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If they were not going to be open -- I think it's Monday or Sunday through Thursday, I believe till 10:00 and then Friday and Saturday till 11:00, as I recall; that, to me, struck me as in the context of being in the Village, that's a reasonable request. They could have tried to say, hey, we'd like to stay open to 2:00 in the morning just like Whiskey Wind and I would have a problem with that. I thought that they came up with a, what struck me as a reasonable proposal.

MR. CONNOLLY: It's also important to remember that this is a permitted use, it's not a pre-existing nonconforming use coming into a residential neighborhood, so your actions on hours of operation are severely limited. That's a legislative action that would have to be addressed by the Village Board to deal with limiting hours of operation.

MR. FOOTE: Are you saying that we
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can never qualify an approval based
upon hours of operation?

MR. CONNOLLY: Not if it's not
voluntarily given by the applicant;
that's something that needs to be
addressed at the Village Board level.

MR. FOOTE: Understood, but if a
Board member didn't like what was being
voluntarily offered, he can say no. If
I don't like the hours, I can say no,
so it's not like --

MR. CONNOLLY: The case law says
that planning boards don't have the
power to regulate hours of operation
when it's a permitted use and there's
no Village code ordinance or anything
like that.

MR. FOOTE: But they have the
right to say no if they think it's --

CHAIRWOMAN GIVEN: They --

MR. FOOTE: -- the circumstances
are excessive. It's kind of a -- we're
talking sort of hypothetically because
based upon what that proposes, I
personally think those hours are fine, but I take your point. Thank you for clarifying that.

MR. BURNS: That's why I recommended the Board having some input in this kind of, maybe not this one, but hours of operation and the details as opposed to having an open kind of thing. This is a commercial zone, anything goes, and we don't have the authority to say you can't, but the Board can.

CHAIRWOMAN GIVEN: With these new things that we've brought out to the light now, do we want to proceed with the vote tonight; do I have a motion to move forward or how do we want to proceed?

Are you looking at me?

MR. CONNOLLY: Well, I think, you know, you have all the information, the public hearing has been closed, you have all the information that you're gonna have. I think at this point, you
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have to take the vote.

CHAIRWOMAN GIVEN: Okay. We can make the condition of what about the delivery -- what about the vans and Walter's point of not having them parked and idle on.

MR. COTUNGO: I think from what I heard, whatever, whether you're going to approve this, it's on the condition on the six-foot tall arborvitae and --

CHAIRWOMAN GIVEN: Right, at least, yes.

MR. CONNOLLY: You might want to condition it on requiring a sign to inform the limos and buses that if they're going to visit the premises, they have to do it by appointment prior to visiting the location.

CHAIRWOMAN GIVEN: I'm sorry?

MR. CONNOLLY: Have them have a sign on the premises that buses and limos have to make an appointment to drop off.

CHAIRWOMAN GIVEN: Okay.
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That's all well and good.

Now his point of them not parking and idling on Village streets to have them --

MR. CONNOLLY: Idling is handled in the New York State Vehicle and Traffic Law as well as in the Environmental Conservation Law which prohibits engines from idling for five minutes or longer. We can obviously put it in the decision and reference those two provisions of the code as well as it's also addressed in the Villae code already.

CHAIRWOMAN GIVEN: It is.

MR. FOOTE: Can we also put into it that they should give them advisement on where they should be parking and not be parking?

MR. CONNOLLY: We can do that, but --

MR. FOOTE: I would like that in there.

CHAIRWOMAN GIVEN: Okay.
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Would you like to make a motion?

MR. FOOTE: I move that we vote on it.

CHAIRWOMAN GIVEN: I understand that.

Do you want to make the motion as to what exactly we'll be voting on?

MR. FOOTE: Voting on this application.

CHAIRWOMAN GIVEN: Uh-huh. And do you want to -- that's right. I'm trying to get you involved.

Do you want to set your conditions on that motion?

MR. FOOTE: Yeah.

I motion that the application include a provision for off-site parking, that be part of the application.

CHAIRWOMAN GIVEN: Thank you.

Should I make that motion? He made the motion on the table; how do I amend it?

MR. CONNOLLY: Does anybody else
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have any conditions?

CHAIRWOMAN GIVEN: Yes. His condition, the arborvitaes be at least a minimum of six feet tall at the onset of planting.

Anyone else have a condition?

MR. COTUNGO: He said you can say the thing about the parking, the sign.

CHAIRWOMAN GIVEN: Have a sign that anyone transporting limos, buses have to do so by appointment. And the sign has to be posted on the property stating such and hopefully their website as well.

So that's our motion for approval based on those conditions.

Do I have a second to the motion?

MR. BURNS: We don't have the authority to say buses and limos must have previous appointments.

MR. CONNOLLY: That's what the sign is gonna indicate.

MR. BURNS: If they take care of it, that's fine.
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CHAIRWOMAN GIVEN: Do I have a second?

MR. BURNS: Second.

CHAIRWOMAN GIVEN: All those in favor of the application and the conditions for approval for this application, say aye.

MR. FOOTE: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

MR. THOMAS: Aye.

CHAIRWOMAN GIVEN: Motion carried.

Okay. Next up is item number 2, 409 Main Street.

Discussion and possible motion on the site plan review of J&J Impact Hospitality LLC represented by Brooke Epperson.

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

The property is located in the

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

Suffolk County tax map number 1001-4-7-12.

I don't see Brooke here, right?

AUDIENCE MEMBER: Yeah. She couldn't make it.

CHAIRWOMAN GIVEN: Any discussion, ideas, thoughts, conditions?

I don't know if you all received the e-mail Jessica -- Jessica was here last time. She talked about the hours of the kitchen, the dining room, and since then an e-mail has come through that states the hours for the kitchen closure is 1:15 and the dining room is 2:00. I didn't know. That's somewhat different than what she had verbally discussed with us. It's a little later than we were previously hearing. I don't know how your thoughts are.

MR. COTUNGO: Is that Village ordinance to close at that time?
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CHAIRWOMAN GIVEN: No, I don't think it is. Is it, Paul?

MR. PALLAS: There's no specific time.

CHAIRWOMAN GIVEN: There is none.

MR. FOOTE: Well, it struck me as kind of late to --

CHAIRWOMAN GIVEN: Right.

MR. FOOTE: -- have a kitchen open and a dining room and I understand the proprietor's idea. I think she's interested in being a place for a lot of staff workers who are finished working their own hours, not getting out until 11:00 at night and be able to serve therm. That's kind of an interesting and smart and even noble kind of a thing, but my concern is the residence above you, in the building there a residential apartment above it, and I'm just wondering if those hours are a little bit too aggressive.

I mean, in Greenport on a weekend night in the summer, there are people.
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walking around and it's loud, so I
don't want to be naive about it either.

I'm kind of talking to myself
right now. Sorry about that.

You know, I was a little
disappointed to see it that late. I
think you should cut it back. I would
say midnight is even kind of late, but
I feel more comfortable saying midnight
personally.

CHAIRWOMAN GIVEN: Again, are we
authorized to say --

MR. CONNOLLY: I thought at the
last meeting they offered hours that
were not as late as --

CHAIRWOMAN GIVEN: Yes, I remember
that. That's why I'm saying it's
different than when she verbally spoke
to us about it.

MR. FOOTE: I mean, even if you
were able to serve until midnight --
I'm sorry, Lucy, did I interrupt?

CHAIRWOMAN GIVEN: That's okay.

MR. FOOTE: Even if you were able

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to serve until midnight, you'd still be
able to capture that business, not
quite as much, but you'd still have an
hour or two.

CHAIRWOMAN GIVEN: But that
theory, that's -- I've been a waitress
and you always get a shift meal where
work -- so I really don't see people
that are working at other restaurants
going out to pay for a meal. That's
what my --

MR. COTUNGO: They usually go out
to drink.

CHAIRWOMAN GIVEN: Absolutely a
drink. My God, yes.

MR. COTUNGO: I worked in --

CHAIRWOMAN GIVEN: But the shift
meal was free, you know, and we didn't
go out to eat; we ate where we worked.

AUDIENCE MEMBER: That's usually
in the beginning of the evening.

CHAIRWOMAN GIVEN: I'm sorry?

AUDIENCE MEMBER: That's usually
in the beginning of the evening.
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CHAIRWOMAN GIVEN: No, you get it after your shift is over, that's all I'm saying. I'm just, I mean -- would you like to respond to us?

Can she respond?

MR. CONNOLLY: No. The public hearing is closed.

CHAIRWOMAN GIVEN: Okay, so we're just gonna talk about it.

MR. FOOTE: Yeah, we're talking about it.

CHAIRWOMAN GIVEN: Yeah.

The fact that -- I agree because when Jessica spoke to us, I remember clearly, I don't want to be at the restaurant until 2 o'clock in the morning.

Do you remember, you know, you were concerned about it going --

AUDIENCE MEMBER: (Inaudible.) He brought up 4 o'clock and she said no. He said, we'll start there and go back.

And then we did, we actually went to close the kitchen at 1:15 and then
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hopefully the diners finish by 2:00.

CHAIRWOMAN GIVEN: I don't have the minutes in front of me. I just know that it's later than what she planned.

Thank you.

Paul, just to address this administrative issue that you were going to deal with.

MR. PALLAS: There's actually three, there's two issues I brought up last week, one had to do with handicap access and the other was the handling of garbage. Both of those issues were adequately addressed. This current site plan you all received covers both of those issues adequately as far as I'm concerned.

The one issue that, I apologize, I did not do anything about, was the short form EAF that was submitted, and it can be, it's a minor error which I will correct with the applicant. The issue is not enough for me to say you
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shouldn't approve it.

CHAIRWOMAN GIVEN: We received the letter from the architect, I think the architect, about the garbage.

MR. PALLAS: Yes. This combined with the site plan notes covers the issue we were concerned about.

CHAIRWOMAN GIVEN: Okay, but you wanted it stamped.

MR. PALLAS: Again, we will get it stamped for the file. We will follow up on this administratively.

CHAIRWOMAN GIVEN: Okay.

Ben?

MR. BURNS: I'm cool with it.

CHAIRWOMAN GIVEN: You're good.

John?

MR. COTUNGO: I assume somehow they reviewed the handicap access, I know my job is not the building inspector, but I still don't think it complies with handicap, both the ramp and the toilet. The ramp, you have to have five feet, at least five feet of...
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level ground or more, you just can't
ramp right to the door. You have to
have level ground, then door. They're
showing a ramp right to the door, that
doesn't meet code, it's not safe.

MR. PALLAS: We will review it and
make sure it meets code.

MR. COTUNGO: That's fine.

MR. FOOTE: Okay.

I noticed in the plans, you
included the fire suppression system
and it's my understanding it's at
building code issued to make sure it's
in compliance, but, you know, the fact
that there is residential units above
it, all the more reason it's got to be
really good, you know. At least as
good as code or maybe even better, just
to protect yourself. That's not really
more than just an advisement just to
please be very sensitive to that.

CHAIRWOMAN GIVEN: Anyone want to
make a motion on this application?

MR. COTUNGO: Yes.
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I want to make a motion to approve the application assuming that it meets the New York State Building Code and fire suppression, sprinkler, Board of Health, all the requirements.

CHAIRWOMAN GIVEN: And the stamped letter from the architect about the garbage disposal.

Do I have a second to the motion on the table?

MR. FOOTE: Second.

CHAIRWOMAN GIVEN: All those in favor?

MR. FOOTE: Aye.

MR. BURNS: Aye.

MR. THOMAS: Aye.

MR. COTUNGO: Aye.

CHAIRWOMAN GIVEN: Motion carried.

Item number 3, at 4:30, we adjourn to executive session.

MR. COTUNGO: Just make a motion to go into executive session.

CHAIRWOMAN GIVEN: I make a motion to adjourn to executive session.
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Do I have a second?

MR. THOMAS: Second.

CHAIRWOMAN GIVEN: Okay, executive session.

(Whereupon, the Board adjourned for executive session from 4:30 p.m. until 4:40 p.m.)

(Time noted: 4:40 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 July 5, 2018.

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 5th day of July, 2018.

______________________

STEPHANIE O'KEEFFE

CHAIRWOMAN GIVEN: [63]


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