VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD
WORK SESSION

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Third Street Firehouse
Greenport, New York

April 25, 2019
4:00 p.m.

BEFORE:
WALTER FOOTE - CHAIRMAN
JOHN COTUGNO - MEMBER
REED KYRK - MEMBER (unsworn)
LILY DOUGHERTY-JOHNSON - MEMBER
PATRICIA HAMMES - MEMBER

PAUL PALLAS - VILLAGE ADMINISTRATOR
ROBERT CONNOLLY - PLANNING BOARD ATTORNEY
KRISTINA LINGG - CLERK TO THE BOARD
CHAIRMAN FOOTE: We're going to commence the April 25, 2019 Village of Greenport Regular Session. It is 4 o'clock.

Item Number 1 is a motion to accept and approve the minutes of the March 28, 2019 and April 4, 2019 Planning Board meetings.

I move to accept and approve. Do I have a second?

MR. COTUGNO: Second.

CHAIRMAN FOOTE: All those in favor?

MS. DOUGHERTY-JOHNSON: Aye.

MS. HAMMES: Aye.

MR. COTUGNO: Aye.

CHAIRMAN FOOTE: Motion carries.

Item Number 2, motion to approve the minutes of the February 28, 2019 and March 7, 2019 Planning Board meetings.

Motion to approve. Do I have a second?

MR. COTUGNO: Second.
CHAIRMAN FOOTE: All those in favor?

MR. COTUGNO: Aye.

MS. HAMMES: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

CHAIRMAN FOOTE: Motion carries.

Item Number 3, motion to schedule the Planning Board Regular Session meeting for 4:00 p.m. on May 30, 2019.

Does anybody second the motion?

MR. COTUGNO: Second.

Work session.

CHAIRMAN FOOTE: We're going make it a regular session.

All those in favor?

MR. COTUGNO: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

MS. HAMMES: Aye.

CHAIRMAN FOOTE: Motion carried.

Item Number 4, motion to schedule the Planning Board Work Session meeting for 4:00 p.m. June 6, 2019.

MR. COTUGNO: Second.

CHAIRMAN FOOTE: All in favor?
Village of Greenport Regular Session -- 4/25/19

MR. COTUGNO: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

MS. HAMMES: Aye.

CHAIRMAN FOOTE: Motion carries.

Item number 5 is 8 Front Street.

Review of a sign application for Vines & Branchs, LLC. Represented by owner Rita Winkler.

The applicant proposes an overhead sign.

The property is located at 8 Front Street. The property is in the Commercial Retail District. The property is not located in the Village of Greenport Historic District.

The Suffolk County Tax Map number is 1001-6-10-24.

Can we have the applicant address it, please?

MS. WINKLER: Rita Winkler, Vines & Branches currently located at 110 Front Street, moving to 8 Front Street.

CHAIRMAN FOOTE: Thank you.

Can you just briefly describe
what you propose to do?

MS. WINKLER: Yes. Basically, we are planning on applying signage that we currently have at 110 to the new location at 8 Front.

CHAIRMAN FOOTE: Have the board members had a chance to review signage and do you have any questions for Rita?

MR. COTUGNO: No.

CHAIRMAN FOOTE: I have one question, Rita. Do you happen to know what the clearance is underneath the sign from the sidewalk?

MS. WINKLER: Yes. It's six foot, nine inches.

CHAIRMAN FOOTE: And that complies with the building code?

MR. PALLAS: Yes.

CHAIRMAN FOOTE: Okay. If nobody else has any questions --

MS. DOUGHERTY-JOHNSON: I do have one question.
The door next door, is that the door of an apartment.

MS. WINKLER: The one to the left.

MS. DOUGHERTY-JOHNSON: Yes. The sign is here and there's a door (indicating).

MS. WINKLER: To the left of the sign; yes, that is an apartment.

MS. DOUGHERTY-JOHNSON: It is. If I was walking out of the door, the sign would be over my head.

MS. WINKLER: No. It would be the sixty-nine inches from the ground -- or six foot, nine inches.

CHAIRMAN FOOTE: Anybody else have any questions?

MS. HAMMES: Just to be clear, the flagpole things coming out and the --

MS. WINKLER: The flagpole has been removed, correct, and it's going higher than that.

MS. HAMMES: I don't have
anything else.

CHAIRMAN FOOTE: At this time, I like to make a motion for a vote on the sign.

Do I have a second?

MR. COTUGNO: Second.

CHAIRMAN FOOTE: All those in favor?

MR. COTUGNO: Aye.

MS. HAMMES: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

CHAIRMAN FOOTE: Motion carries.

Thank you very much.

MS. WINKLER: Thank you very much.

CHAIRMAN FOOTE: Item number 6, 10 Front Street.

Review of sign application for Revel North Fork, represented by owner Jennifer DiVello.

The applicant proposes an overhead sign.

The property is located at 10 Front Street. The property is in the
Commercial Retail District. The property is not located in the Village of Greenport Historic District. Suffolk County Tax map 1001-6-10-24.

Hello, good afternoon.

Please state your name and address.

MS. DiVELLO: Jennifer DiVello, 10 Front Street, Greenport, Revel North Fork.

CHAIRMAN FOOTE: Can you briefly describe what you propose to do, Jennifer?

MS. DiVELLO: Hang an overhead sign in front of our store.

CHAIRMAN FOOTE: Has everybody have a chance to review it, and have any questions about her sign?

(No response.)

Are we ready take a vote on this?

MS. DOUGHERTY-JOHNSON: Yes.

CHAIRMAN FOOTE: I motion to approve the sign application to Revel North Fork.
Do I have a second?

MR. COTUGNO: Second.

CHAIRMAN FOOTE: All in favor?

MR. COTUGNO: Aye.

MS. HAMMES: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

Motion carries.

Thank you very much.

MS. DiVELLO: Thank you very much.

CHAIRMAN FOOTE: Item Number 7, 136 Main Street.

A pre-submission conference regarding a site plan approval for HARG LLC, represented by Architect Robert Brown.

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

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

It's located at Suffolk County
Good afternoon.


CHAIRMAN FOOTE: Could you briefly describe it to us?

MR. BROWN: There was commercial retail space, it was Goldsmiths, and it has now becoming Fatface, a fashion retail, and the front was approved by Historic, the Historic Preservation Commission previously, and it's a very simple retail to retail.

CHAIRMAN FOOTE: Okay.

Does anybody have any questions?

MR. COTUGNO: One of the questions was, it doesn't pertain to you, but the examiner of the architect wrote it's a change of use. Why is that?

MR. PALLAS: He wrote change of occupancy, not change of use. He wrote, in one spot --

MS. LINGG: Up top.
Village of Greenport Regular Session -- 4/25/19

MR. PALLAS: -- in the body of the notes, he wrote change of occupancy. This is only a change of occupancy, not a change of use.

MR. COTUGNO: I think a lot of his comments refer to what would have been required if it were a change of use.

Did you see this, Robert?

MR. BROWN: No.

MR. PALLAS: Yes, we got them relatively late, and I reviewed with the planner prior to this meeting and he concurs with what you said.

MR. COTUGNO: Not the change of use?

MR. PALLAS: Correct.

MR. BROWN: No. It was Goldsmiths Toy & Electronics Shop, now a clothing store.

MR. COTUGNO: Your work, I don't understand at all what's happening in the back with the staircase, and did you --
MR. BROWN: The staircase is egress for upstairs and it was closed off from downstairs. There is a separate egress door at the back of the building.

MR. COTUGNO: -- egress door from the rear to the side?

MR. BROWN: The egress door was technically on the side. It is now in the rear.

MR. COTUGNO: What is that -- you didn't label some of the rooms. It says storage, but the other room it doesn't say what they are, two rooms don't say what they are.

MR. BROWN: I'm not sure which rooms you're referring to. They may be changing areas.

MR. COTUGNO: Everything should be labeled. There's not too much labeled on here. One says fitting room. The other one says fitting room. I guess they have curtains.

I don't know what's in front of
Village of Greenport Regular Session -- 4/25/19

the fitting where you would go out. Is that part of the sales area --

MR. BROWN: Yes.

MR. COTUGNO: -- where there is a step going up?

MR. BROWN: Yes.

MR. COTUGNO: What's behind the door as you're going toward the back, toward where that stairway is? What is that?

MR. BROWN: It's all storage in the back.

MR. COTUGNO: It's just not labeled. One room does say storage, the other room doesn't say anything.

MR. BROWN: That's storage.

MR. COTUGNO: Did you provide a section A, you made an indentation section A, but I don't see section A.

MR. BROWN: There was the full set of construction drawings provided to the Village.

MR. COTUGNO: Not to us?

MR. BROWN: It doesn't seem, it's
not relevant --

MR. COTUGNO: Okay.

MR. BROWN: -- to the change of occupancy.

CHAIRMAN FOOTE: Rob, I have a question.

There is a category 2 in terms of --

MR. CONNOLLY: It's located in the Historic District, it would be an unlisted action.

CHAIRMAN FOOTE: Unlisted action. Does an unlisted action require long forms.

MR. CONNOLLY: No. Short form.

You can require a long form, if you need to but.

CHAIRMAN FOOTE: But we can accept it on short form?

MR. CONNOLLY: Yes.

CHAIRMAN FOOTE: Actually, I had -- were you done?

MR. COTUGNO: Yes.

CHAIRMAN FOOTE: Item 9 on your
questionnaire you filled out, it said, the question is, does the proposed action meet or achieve the State energy code requirements? You answered no.

Is that, did you intend to answer, yes, or it does not -- meet or exceed energy requirements, I think you probably meant to answer yes?

MR. BROWN: Yes.

CHAIRMAN FOOTE: Can you correct that for us?

MR. BROWN: Yes.

CHAIRMAN FOOTE: Thanks.

I have another question. In term of the comments we got from the planner, are we supposed to read that into the record or is that something technically does not have to be?

MR. CONNOLLY: You can read them into the record. The applicant should be furnished with a copy of that.

CHAIRMAN FOOTE: We received comments from the planner which you'll get a copy of.
I might as well read it into the record. They're not very long.

Plan reviewed, the above address, 136 Main Street located on Main Street, north of Front Street.

The building is an existing two-story building. The applicant is requesting to change the use, it says use, but I think that's that supposed to mean occupancy, of the first floor to retail. The plan review comments are as follows.

Proposed floor plan does not show emergency devices at doors. New rear door shows exit sign. New exit sign should be provided at the front door.

The handicap bathroom provided requires patrons to go up one riser to access the bathroom. The handicap bathroom is acceptable, but a ramp should be provided to access the bathroom. The front entry is raised and ramp is not provided. Applicant should provide handicap access in the rear of building,
it should be described in the application. Per the international existing building codes, section 1012.8.1 partial change of occupancy, applicant should provide design that complies with the IBC codes Sections 705, 806, and 906.

In summary, the plans should be revised to meet all requirements for partial change of occupancy. Applicant to provide proper handicap access variance free design. SEQRA determination, 136 Main Street is in the Historic District, but work is not exceeding 25 percent threshold established under Section 617.4. The determination of this project is type 2. Then the DEC U.S. Army Corps of Engineers, this project does not require DEC or U.S. Army Corps of Engineers approval, it is fronting a waterway or wetland area.

MR. BROWN: If I may.

CHAIRMAN FOOTE: Sure.
MR. BROWN: I have not seen that, but I respectfully take exception to just about everything in that, it is a, simple things first, it is a change of occupancy, not a change of use. It is, as I understand, south of Front Street, the questions about the sign exit signage, I believe are the purview of the Building Department, not the Planning Board.

In terms of accessibility, as I recall, the code states that we're feasible, and it is absolutely not able to provide access to the building.

CHAIRMAN FOOTE: What makes it not feasible?

MR. BROWN: It's three steps up and any device or ramp for accessibility would be on Village property, it's zero lot line.

CHAIRMAN FOOTE: That includes analysis of the back entry?

MR. BROWN: Yes.

It would be on somebody else's
Village of Greenport Regular Session -- 4/25/19

property.

MR. PALLAS: We had reviewed this for those issues already, and I discussed that with architect. We do concur that the exterior aspects are infeasible.

One thing that was brought to light was an interior issue for accessibility, which we will discuss with the architect. It is a -- the Building Department will make the ultimate determination whether that interior one step up to the bathroom can be changed to allow access.

CHAIRMAN FOOTE: Okay. You also almost want to ask the question, why do that if you can't have access inside the space, what is the point of doing that?

MR. BROWN: That was my point.

MR. PALLAS: I understand.

MR. COTUGNO: It does come up that somebody can get you into the store, but once you're in the store, you should be accessible. Somebody can
carry you in.

But I'm not sure if any of that applies here because you're going retail to retail. I believe this is an alteration level 2 and I believe only 20 percent of construction costs should be allocated toward upgrading handicap accessibility.

I'm just not sure what you're doing in back. I still go back to that stairway --

MR. BROWN: I'd gladly write in and initial storage on that for you.

MR. COTUGNO: No.

The work that you're doing in back, what does that have to do with this retail establishment?

MR. BROWN: The work in the back?

MR. COTUGNO: The staircase.

MR. BROWN: The staircase was always there, that was egress for -- it was replaced, we replaced --

MR. COTUGNO: Upstairs.

MR. BROWN: -- a faulty staircase
MR. COTUGNO: But that's not related to this retail --

MR. BROWN: Unrelated, absolutely.

MR. COTUGNO: There was never a way to get out of the door in the back, there's not a way now?

MR. BROWN: There was an opening to that landing at the bottom of the staircase, but in order to separate the uses more fully, we closed that off and provided an egress door in the back of the building.

MR. COTUGNO: Not for this retail store?

MR. BROWN: For the retail store, there is an egress door in back of the building.

CHAIRMAN FOOTE: I have another question.

The propane tanks and the oil tanks, are those items that were already there.
Village of Greenport Regular Session -- 4/25/19

MR. BROWN: Yes.

CHAIRMAN FOOTE: What's on the second floor? Is it residential?

MR. BROWN: Second floor is residential.

CHAIRMAN FOOTE: How about the attic space?

MR. BROWN: Attic storage for the tenant upstairs.

CHAIRMAN FOOTE: The second floor tenants?

MR. BROWN: Yes.

CHAIRMAN FOOTE: Are we doing anything that impairs the second floor tenants from having exit access?

MR. BROWN: Absolutely not.

CHAIRMAN FOOTE: There's nothing in terms of usage that creates a fire hazard or --

MR. BROWN: That was all brought up to code, fire separation was brought up to code, which it was not to code previously.

CHAIRMAN FOOTE: Between the
first floor and the second floor?

MR. BROWN: Between the first floor and the second floor.

MS. HAMMES: Is the door for the retail -- then this thing the says frame, move door and window to match the landing.

MR. BROWN: Is that in the rear of the building?

MS. HAMMES: Yes.

MR. BROWN: Yes, that's the egress door.

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

(No response.)

I'm new to this, I apologize. I'm going to ask my counsel. Is the next step to schedule a public hearing?

MR. CONNOLLY: Correct.

CHAIRMAN FOOTE: At this time I'd like to schedule a public hearing.

What is the next available date?

MS. LINGG: That would be
Village of Greenport Regular Session -- 4/25/19

May 30th.

CHAIRMAN FOOTE: We'd like to schedule a public hearing for May 30th.

So moved.

Do I have a second?

MR. COTUGNO: Second.

CHAIRMAN FOOTE: All those in favor?

MR. COTUGNO: Aye.

MS. HAMMES: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

CHAIRMAN FOOTE: Very good.

Motion carried.

Thank you very much.

MR. BROWN: Thank you very much.

CHAIRMAN FOOTE: Next item is Item Number 8, 15 Front Street.

Pre-submission conference regarding the site plan approval for Ray New York represented by owner Michael Aron, A-R-O-N.

The applicant is proposing the use of a retail establishment.

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

It's located at Suffolk County Tax Map 1001-5-4-31.1.

MR. ARON: Good afternoon. I'm Michael Aron. My shop is currently at 213 East Front Street.

CHAIRMAN FOOTE: Very Good.

Michael, would you give us a description of what you propose to do?

MR. ARON: I'm moving my shop from its current in its entirety to its new location.

It's a retail home decor shop.

CHAIRMAN FOOTE: Okay.

And are there any structural changes going on in it at all?

MR. ARON: No, nothing. I'm not touching a thing. Currently it's set up as a similar retail establishment, and I'm just moving in.

CHAIRMAN FOOTE: Just curious, is there a Building Permit required?
MR. PALLAS: No building permit required. It's before this Board because it's conditional use in the WC, by code you're required to review conditional use on change of tenancy.

CHAIRMAN FOOTE: Thank you.

MS. HAMMES: Do we have to have public hearing for that?

MR. PALLAS: Yes.

CHAIRMAN FOOTE: Does anybody have any questions for the applicant at this time?

(No response.)

CHAIRMAN FOOTE: No requirement for environmental assessment form to be filled out because I didn't see one.

MR. CONNOLLY: There should be one in there.

CHAIRMAN FOOTE: I didn't get it in my material.

MS. DOUGHERTY-JOHNSON: I didn't get one.

MS. HAMMES: Did you fill out an environmental assessment form?
Village of Greenport Regular Session -- 4/25/19

MR. ARON: I did not. I didn't know it was required.

MR. CONNOLLY: You can fill one out and submit it prior to the public hearing.

CHAIRMAN FOOTE: I can help direct you which one to fill out.

MR. ARON: Okay.

CHAIRMAN FOOTE: Does anybody else have any questions at this time? Are we ready to move on?

MR. PALLAS: If I may, Mr. Chairman.

We didn't send this to the planner, but there is really no planning comments on this. We reviewed the plan comments from the prior tenant which was only about two years ago, if that. The only issue for you would be a recommendation for a type 2, I believe.

CHAIRMAN FOOTE: Okay.

MR. PALLAS: SEQRA.

CHAIRMAN FOOTE: Shall we propose that here, make a motion for type 2?
MR. CONNOLLY: No, after the public hearing.

CHAIRMAN FOOTE: Very good. At this time, I'd like to move for a public hearing, May 30th.

Do I have a second on that?

MR. COTUGNO: Second.

CHAIRMAN FOOTE: All those in favor?

MR. COTUGNO: Aye.

MS. HAMMES: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

CHAIRMAN FOOTE: Motion carries. Thank you very much.

MR. ARON: Thank you.

CHAIRMAN FOOTE: Okay. On the existing agenda is Item Number 9, 326 Front Street. We're going to move that to follow the next two items.

So at this time, we're going to bump up and take on Item Number 10, new number 9, 300 Main Street. Discussion and possible motion regarding the site
plan approval for Stirling Square, LLC
south building represented by Architect
Robert Brown.

The applicant is proposing to
change the use from retail to assembly.
The property is located in the
Commercial Retail District. The
property is also located in the Historic
District.

Located at Suffolk County Tax Map
1001-4-7-29.1.

We closed the public hearing in
this matter I believe, and unless the
Board wants to have a further discussion
at this time. Does anybody have any
further comments to talk about or are we
ready to take it to a vote?

Actually, do we take it to a vote
and then read the proposed resolutions?

MR. CONNOLLY: You should take it
to a vote first.

CHAIRMAN FOOTE: If nobody else
has anything, I'm gonna move to take
this to a vote.
Village of Greenport Regular Session -- 4/25/19

Do I have a second on that?

MR. COTUGNO: Second.

CHAIRMAN FOOTE: So all those in favor of approving the site plan proposal for Stirling Square located at 300 Main Street, we'll have a vote on that.

MR. COTUGNO: Aye.

MS. HAMMES: Aye.

CHAIRMAN FOOTE: Aye.

MS. DOUGHERTY-JOHNSON: I'm gonna abstain.

CHAIRMAN FOOTE: Motion carried. We have three votes. I'd like to -- is it okay to read in the resolution now or should we hold off?

MR. CONNOLLY: Whatever your preference is.

CHAIRMAN FOOTE: This is the actual resolution adopting our approval of this application.

Whereas, a pre-submission conference for the amended Site Plan
Application entitled Front & Third LLC was held by the Village of Greenport Planning Board at its March 7, 2019.

MS. HAMMES: You're reading the wrong one.

CHAIRMAN FOOTE: I am? Sorry about that.

Whereas, a pre-submission conference for the Site Plan Application entitled Stirling Square LLC was held by the Village of Greenport Planning Board at its February 28, 2019 and March 7, 2019 regularly-scheduled meetings.

Whereas, said application contemplates the conversion of a retail use space formerly occupied by "Open Space," to an assembly use with respect to the south building of the property located at 300 Main Street, more commonly referred to as Stirling Square and identified on the Suffolk County Tax Map as parcel number 1001-4-7-29.1.

Whereas, pursuant to SEQRA the Village of Greenport Planning Board is
the proper agency for lead agency in this action, and that the granting of this application will not result in a significant negative impact on one or more aspects of the environment.

Whereas, the Village of Greenport Planning Board pursuant to Article 8 State Environmental Quality Review Act - SEQRA, of the Environmental Conservation Law and 6 NYCRR Part 617, the Village Zoning Board of Appeals as the Lead Agency determined that this is an Unlisted action for purposes of SEQRA.

Whereas, said property is located in the Historic District and the Commercial Retail Zoning District where the contemplated use is permitted by the Greenport Village Code.

Whereas, said application was scheduled for a public hearing to be held on April 4, 2019.

Whereas, the Village of Greenport Planning Board at its April 4, 2019 regularly-scheduled session held a
Village of Greenport Regular Session -- 4/25/19

public hearing where evidence and
testimony was received from the
Applicant.

Whereas, the Applicant informed
the Board that the instant application
merely contemplates the conversion of a
now-vacant retail space to an assembly
use that will be utilized in conjunction
with American Beech Hotel.

Whereas, the Applicant is not
intending upon making any exterior
alterations to the building.

Whereas, the Applicant indicated
to the Board that the intention of the
instant application is to accommodate
overflow seating from the main
restaurant located at the American Beech
Hotel and for meetings on occasion.

Whereas, the Applicant told the
Board that no food preparation shall
occur in the space contemplated by the
instant application.

Whereas, no community members
appeared at the public hearing to speak
in favor or against said application.

Whereas, at the conclusion of the presentation on April 4, 2019, the Board voted to close the public hearing and table the application to its April 25, 2019 regularly-scheduled work session for discussion and possible vote.

Whereas, the Board discussed the application of Stirling Square LLC at length.

Whereas, the Board found it to be in the best interest of the Village of Greenport to condition any approval of the application upon the Applicant agreeing that no food preparation shall take place or occur in the converted space that is the subject of the instant application.

Whereas, the Village of Greenport Planning Board has reviewed said application with regard to the site plan criteria under 150-30 of the Village Code and finds that the application is in compliance therewith; now, therefore.
Be it resolved, the Village of Greenport Planning Board hereby approves the Site Plan application of Stirling Square LLC to convert a retail use to an assembly use with respect to the property located at 300 Main Street and identified on the Suffolk County Tax Map as parcel number 1001-4-7-029.1 with the following conditions.

1. General Conditions.
   A. No food preparation shall take place or occur in the converted space that is the subject of the instant application; and
   B. Obtain any and all required approvals from any involved or interested departments or agencies.

2. Items to be submitted and completed as a condition of approval:
   A. The landowner shall file a notarized affidavit indicating compliance with the conditions of site plan approval, as set forth herein, and any deviation shall require review and
Village of Greenport Regular Session -- 4/25/19

approval by the Village of Greenport Planning Board; and

B. Six complete sets of all plans shall be submitted for Planning Board signature with the conditions of approval affixed to each sheet of the plans, the standard statement agreeing to complete said work and signed by the Applicant; said plans must be submitted and the required statement signed within ninety days of the date of the aforementioned resolution, otherwise said resolution shall be deemed null and void.

Shall we take a vote now on this?

All those in favor?

MR. COTUGNO: Aye.

MS. HAMMES: Aye.

CHAIRMAN FOOTE: Aye.

All those abstaining?

MS. DOUGHERTY-JOHNSON: Abstain.

CHAIRMAN FOOTE: Motion carried, three votes to one abstention.

MR. BROWN: Thank you very much.
CHAIRMAN FOOTE: Next item is 207 Front Street, discussion and possible motion regarding the site plan approval for Front & Third LLC, represented by owner Daniel Pennessi.

The applicant is proposing seasonal outdoor seating.

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

Suffolk County Tax Map 1001-5-5-5.

This matter was closed for public hearing. Am I correct on that?

MR. PALLAS: Yes.

CHAIRMAN FOOTE: At this time, does the Board have anything they want to discuss further on this applicant?

MS. HAMMES: I would just note that it's relevant that they agree to offset seven to twelve seats by twelve seats, I think that's relevant in my perspective.
CHAIRMAN FOOTE: And, John, I know that the last time this came up for review, we expressed concern about looking at what barrier --

MR. COTUGNO: He submitted something.

CHAIRMAN FOOTE: Are you comfortable?

MR. COTUGNO: I'm okay.

CHAIRMAN FOOTE: I have a question.

What color is the barrier, do you know?

MR. PENNESSI: Dan Pennessi for the record.

It's currently proposed to be black.

CHAIRMAN FOOTE: Okay.

Seems fine to me.

MR. PENNESSI: It's consistent with the black facade of the building, so it will blend in hopefully.

CHAIRMAN FOOTE: Does anybody else have anything at this time; are we
ready to take a vote on this?

(No response.)

At this time, I move to take a vote on this application.

Do you have a seconds on that?

MR. COTUGNO: Second.

CHAIRMAN FOOTE: All those in favor?

MR. COTUGNO: Aye.

MS. HAMMES: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

CHAIRMAN FOOTE: Aye.

Motion carries, four to nothing.

Did you prepare a resolution for this application? That was the one I misread?

At this time we're going to formally adopt the resolution approving this matter, so you can either wait or sit down, it takes a while for me to read it in.

Thank you very much.

Whereas, a pre-submission conference for the amended Site Plan
Application entitled Front & Third LLC was held by the Village of Greenport Planning Board at its March 7, 2019 and regularly-scheduled meeting.

Whereas, said application contemplates the installation of twelve temporary seasonal seating on Front Street for use by patrons of the Applicant's restaurant, located at 207 Front Street, more commonly referred to as The Menhaden Hotel and identified on the Suffolk County Tax Map as parcel number 1001-5-5.5.

Whereas, pursuant to SEQRA the Village of Greenport Planning Board is the proper agency for lead agency in this action, and that the granting of this application will not result in a significant negative impact on one or more aspects of the environment.

Whereas, the Village of Greenport Planning Board pursuant to Article 8 State Environmental Quality Review Act - SEQRA of the Environmental Conservation
Village of Greenport Regular Session -- 4/25/19

Law and 6 NYCRR Part 617, the Village Zoning Board of Appeals as the Lead Agency determined that this is an Unlisted action for purposes of SEQRA.

Whereas, said property is located in the Commercial Retail Zoning District where the contemplated use is a conditional use pursuant to the Greenport Village Code.

Whereas, said application was scheduled for a public hearing to be held on April 4, 2019.

Whereas, the Village of Greenport Planning Board at its April 4, 2019 regularly-scheduled session held a public hearing where evidence and testimony was received from the Applicant.

Whereas, the Applicant informed the Board that no structural alterations or renovations were necessary as a result of the instant application.

Whereas, the Applicant further informed the Board that the proposed
seasonal outdoor seating will not be located in the public right-of-way and will be contained wholly on the property owned by the Applicant.

Whereas, the Applicant indicated to the Board that in order to accommodate the twelve outdoor seats and to comply with the occupancy limits, twelve seats will be eliminated from the interior dining room when the outdoor seating is utilized.

Whereas, the Planning Board asked for public comment, and only one community member appeared to speak in favor of said application.

Whereas, at the conclusion of the presentation on April 4, 2019, the Board voted to close the public hearing and table the application to its April 25, 2019 regularly-scheduled work session for discussion and possible vote.

Whereas, the Board discussed the application of Front & Third LLC at length.
Village of Greenport Regular Session -- 4/25/19

Whereas, the Board found it to be

in the best interest of the Village of

Greenport to condition any approval of

the application upon the Applicant

agreeing to eliminate twelve seats from

the interior dining room when the

seasonal outdoor seating is utilized,

and agree that none of said outdoor

seating extend past the Property owned

by the Applicant; and

Whereas, the Village of Greenport

Planning Board has reviewed said

application with regard to the site plan

criteria under 150-30 of the Village

Code and finds that the application is

in compliance therewith; now, therefore.

Be it resolved, the Village of

Greenport Planning Board hereby approves

the Site Plan application of Front &

Third LLC to allow for the installation

of twelve temporary seasonal seating on

Front Street for use by patrons of the

Applicant's restaurant, located at

207 Front Street, more commonly referred
Village of Greenport Regular Session -- 4/25/19

to as The Menhaden Hotel and identified on the Suffolk County Tax Map as parcel number 1001-5-5-5.

With the following conditions:

1. General Conditions:

   A. Applicant shall eliminate twelve seats from the interior dining room of the restaurant when the twelve temporary seasonal outdoor seats are in use.

   B. No portion of the twelve temporary seasonal outdoor seats shall extend into the public right-of-way; and

   C. Obtain any and all required approvals from any involved or interested departments or agencies.

2. Items to be submitted and completed as a condition of approval:

   A. The landowner shall file a notarized affidavit indicating compliance with the conditions of site plan approval, as set forth herein, and any deviation shall require review and approval by the Village of Greenport.
Village of Greenport Regular Session -- 4/25/19

Planning Board; and.

B. Six complete sets of all plans shall be submitted for Planning Board signature with the conditions of approval affixed to each sheet of the plans, the standard statement agreeing to complete said work and signed by the Applicant; said plans must be submitted and the required statement signed within ninety days of the date of the aforementioned resolution, otherwise said resolution shall be deemed null and void.

At this time, I'd like to request the Board vote on this matter.

All those in favor, say aye.

MR. COTUGNO: Aye.

MS. HAMMES: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

CHAIRMAN FOOTE: Aye.

All those against?

(No response.)

The resolution passes four to nothing.
Finally, we have, there is the last item, 326 Front Street, a pre-submission conference regarding the site plan approval for ANVK Holdings Trust, which is otherwise known as the Greenporter Hotel, represented by Architect, forgive my pronunciation, Hideaki Ariizumi and Glenys Berry.

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

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

It is located at Suffolk County Tax Map 1001-4-8-29, 30, 31.

At this time, can somebody on behalf of the applicant come up?

MS. RIVERA-PITTORINO: My name is Deborah Rivera-Pittorino, and I'm representing the Greenporter Hotel. I'm here with my architect, so I'm going to
present, sort of, the general concepts of what the project is. Then you can direct any technical question to them.

So twenty years ago, my husband and I bought the Greenporter Hotel and we built additional rooms and added a restaurant, and we've been there ever since.

I recently lost my husband after a four-year battle with pancreatic cancer, and during his battle, I opted to close the restaurant because we ran that together and it was very difficult to run without him; so this massive change in my life has forced me to change the direction of my business and focus more on new things instead of trying to live a life I can't have anymore with him.

So we decided to focus more on the lodging part of the business. And I think that what we're going to be asking for is to build an additional third floor which will give us an additional
between twenty and twenty-two rooms and to have a new lobby, so we can combine the two buildings for energy efficiency reasons, and also improve the curb appeal.

In terms of these additional rooms, you know, who are they for. Our demographic is, we know a lot about our demographic, most of them live in Manhattan or Brooklyn, they're between the ages of twenty-eight and fifty-five, and many of the them don't have cars, so a lot of the appeal of Village of Greenport and the Greenporter Hotel is they can come in on the Hampton Jitney, or the Long Island Railroad, or they cab to us, and then they walk into the Village, and if they need to go a vineyard or something like that, they can call a local taxi service or call an Uber, so that makes the property very appealing to them, we want to be able to continue serving this clientele.

This clientele has -- we have a
lot of young families that don't have a
of -- I mean, they're, you know,
they're -- they earn well, but they live
in Manhattan and Brooklyn where you
can't afford to have a nice home and own
a car, so we offer a price point that's
also very accessible to them and we take
children. I know some other properties
don't accept children.

So the Greenporter is open 365
days a year, and I find now without the
revenue from the restaurant, it's become
very difficult to sustain that, and we
really need to be able to maximize the
sale of our rooms in high season and
also be able to offer more rooms to
companies.

The last couple of years, we have
done a lot of business with corporations
that bring their employees out to
Greenport because, like the rest of our
demographic, they're very interested in
nature and the environment and they want
be closer to their food sources, they
want to go to the vineyards, they want
to go to organic farms so we organize
off-sites on behalf of these
corporations whereby we'll arrange for a
van or bus to pick them up in Brooklyn
or Manhattan, bring them to Greenport,
and they have their meeting in or
restaurant, and we provide breakfast for
them, but other than that, we send them
downtown for all their other meals. We
organize lunches downtown, we organize
dinners downtown. We organize events at
local vineyards, at local breweries,
they shop downtown, and this is very
good clientele for the Village because
they come year-round, off season mid
week, so you're not clogging, you know,
the town when we don't need the
business.

Another part of what this project
will do is, it will help us to lower our
carbon footprint. Right now when you
check into the hotel, you open the doors
and check in, then you have to walk out,
open the door again, walk out and walk across the way in rain or winter or whatever to then walk into the breakfast room, open the doors again, and our heating bills are onerous, so we want to join, we want to create, like, one big lobby where you don't have to open and close doors in order to get in and out of the space, so that should cut down on our energy usage.

Also with the third floor, we're going to have a, we would like to have solar panels and a permaculture room that also captures runoff water, so we can also reduce the impact on our environment as well.

So we really think this is a good thing for the Village, and it's the only way for us to run a sustainable business and continue contributing to the community like we do by our internship training program, we have several kids every year, a lot of times we're their first professional job right out of
college, and we keep the long-standing relationships with them, and watch them get married, and watch them have children, and they're still very much a part of our lives twenty years later.

We hope you'll consider the project, and if you have any technical questions, you can direct them to the architects.

Thank you very much.

CHAIRMAN FOOTE: Thank you.

Does anybody have any question for the applicant or do you want to talk to the architect?

(No response.)

I think as a preliminary matter, I think this should be addressed to the architects, we need a long form, assessment form given the property type, given the project type, so that's one of the things we're gonna be requesting is for the long form assessment form to be completed for this project.

MS. BERRY: Can you explain the
reason?

CHAIRMAN FOOTE: Yes.

It's the type of application that

is -- Paul, is it type 1 or is it --

MR. CONNOLLY: Type 1, it's an

expansion of the hotel adding

twenty-three guest rooms.

CHAIRMAN FOOTE: Because you're

expanding.

This is very preliminary, but

just, you know, my first impressions

are, I think it's ambitious, it looks

like it could be a big improvement

esthetically and otherwise and, on the

other hand because of the expansion

involved, you know, there will be

certain things that we have to, you

know, take in account on behalf of the

community. We may consider, for

example, doing a traffic impact study.

I'm not sure if the scope of this is

something that would require it, but may

not be a bad idea. I guess I want to

get a better handle of how many
additional -- you said you were adding
twenty to twenty-two rooms.

MS. BERRY: Twenty.

CHAIRMAN FOOTE: How many rooms
are there currently?

MS. RIVERA-PITTORINO: Thirty.

CHAIRMAN FOOTE: It's, you
know --

MS. BERRY: There are thirty-four
units currently.

CHAIRMAN FOOTE: Okay.

So it's a significant increase in
size.

Has there been a review of this
in terms of the number of parking
spaces, whether it complies with that?

MR. PALLAS: We have just begun
that part of it. We are waiting for the
planner's comments. The planner
comments, I realize we just got them
today, and I apologize for the delay on
that, but it does appear there will be
variance required for a few things, park
is one of them and height, it will need
at least those two variances, it may be others.

CHAIRMAN FOOTE: It's going to need a variance for the third floor?

MR. PALLAS: Correct, a height variance.

MS. RIVERA-PITTORINO: Even though it's thirty-five feet or less?

MR. COTUGNO: Two stories is the maximum.

MR. PALLAS: Three story and the profile section said it was forty-five feet.

MS. RIVERA-PITTORINO: I want to say one more thing before she talks.

In terms of, I think that instead of doing a traffic study, we could use whatever traffic study was used for the Menhaden perhaps, and because I want to remind all of you that we have more parking than Menhaden and the Harborfront put together, and then I used to operate a restaurant with seventy seats and we never had a parking
issue even with the hotel full and the
restaurant full, we never had a parking
problem on the property. I think a lot
of it has to do with the type of
clientele we attract.

    CHAIRMAN FOOTE: Are you planning
on restoring and reoperating the
restaurant?

    MS. RIVERA-PITTORINO: No,
definitely not. I think I mentioned
earlier, that's something I did with my
husband, and I just emotionally won't be
able to -- I need to do something new.

    CHAIRMAN FOOTE: What's happening
with the restaurant space?

    A. I will continue to be meeting
space, so when these companies come, they meet
in the space, and we'll also serve breakfast
for the guests of the hotel.

    Is there a traffic study from the
Menhaden we could use?

    CHAIRMAN FOOTE: I don't know.

    MS. BERRY: Could I address two
of the issues, please?
Village of Greenport Regular Session -- 4/25/19

Glynis Berry with Studio a/b

First relative to the height, under CR it's says, two stories or thirty-five feet. Then when you look at the definition of the height, it's to the highest point of the roof. So right now, the roof is thirty-three feet. There is a guardrail on the section where there is access to the garden, and there are proposed solar panels; so we don't think those should considered building height, but if you do, then that's an extra two-and-a-half feet for a guardrail; but it's not on the edge of the building's, actually. So, technically if you read the definition in your code, I think we don't need a variance for the height. If you interpret it different, but if you read you code, it doesn't see like we need a variance.

The other thing is the parking, and I'm citing Section 150-12 C, if a
project was developed before January 1, 1991, it does not need to provide parking. And you have many examples of that throughout the Village but Sparkling Point, Frank's project, that's the distillery, none of those are providing any parking, or one or two, so that's another where I don't think we're required to provide parking, and also, I should note that the differential, yes, it may be twenty more rooms, what's the amount twenty rooms, additional rooms, but the parking needs is only five more because you take the restaurant out of the equation, they have former approval for restaurant, and if you do the table count, that was the equivalent of fifteen parking spaces, but now that it's only for use for people who are guests, differential between the fifteen and twenty is only five.

CHAIRMAN FOOTE: How you going to regulate that though? You're saying only people who are guests of the hotel
are allowed to eat in the breakfast room?

MS. BERRY: Yeah.

CHAIRMAN FOOTE: It's not going to be open to the public.

MS. RIVERA-PITTORINO: This is continental -- if you stay at Hampton Inn, they give you free breakfast, you can't walk in off the street and have the free breakfast. It's for guests of the hotel. We can ask for their room number and name.

MS. BERRY: So we think that we're actually compliant with all your zoning codes.

MS. RIVERA-PITTORINO: One thing I want to clarify. So thirty-four guest rooms, we only rent thirty, one is for myself, one is for resident manager and the other two are being used for storage currently, those extra -- other than my room, the extra three rooms above the restaurant, we're gonna make like a library so people can, like in the
wintertime when there's nothing to do,
you can't sit outside by the pool, there
would be a room with books and, you
know, somewhere you can hang out with
your children. So it's not thirty-four
plus twenty, it's actually thirty plus
twenty.

CHAIRMAN FOOTE: How do we decide
who makes the decision on whether or not
they require a variance; that's done by
the Building Department?

MR. PALLAS: As I mentioned, the
comments from the planner are
preliminary at this stage. We're still
reviewing it.

On complicating factor is this
buildings actually sit on three separate
parcels, three distinct parcels. The
western, as I understand it, the west
building was developed after that date
of code, so again, this all has to still
go under some detailed review. This is
going to take a little time to decide if
variances are, in fact, needed or not,
Village of Greenport Regular Session -- 4/25/19

and what they would be.

CHAIRMAN FOOTE: Okay.

MS. BERRY: Also, historically, the evaluation looked at the three, not as three separate parcels, I mean, all the whole historic evaluation, looked at them as a combined parcel.

MS. HAMMES: I know the Zoning Board recently was considering not this identical fact pattern something similar on your street where there is a proposal, where there's two lots and one building. I don't know what they ever did about that. That maybe something we want to look back on.

MR. PALLAS: I'm not familiar with that case.

MS. HAMMES: Weren't they being asked to interpret whether or not -- it's kind of a similar fact pattern, whether or not it was exempt under the 1991 --

MR. PALLAS: The difference there was, the building itself was there.
This building wasn't, on the one parcel where the west building was built was vacant prior, whereas the other one, the building shifted as to --

MS. HAMMES: Do we know when the west building was approved; do we have those records?

MR. PALLAS: That will be part of the review.

MS. HAMMES: That, I think, would be helpful for all us to have to understand as well.

MR. PALLAS: We can get copies of all those determinations to the Board.

CHAIRMAN FOOTE: Is that to help us determine whether it's grandfathered on the parking issue?

MR. PALLAS: That question, if the building department determines that a variance is needed, that would be the Zoning Board to decide at that point.

We'll certainly advise you if we're sending it there.

CHAIRMAN FOOTE: Does anybody
Village of Greenport Regular Session -- 4/25/19

else have anything they want the discuss at this time?

MR. COTUGNO: It's good to get it started. I think without all this information and the long form, this is as far as we can go at this point.

MS. BERRY: Okay. So basically, I'm hearing you need the long form which is the first time I'm hearing and we submitted a couple months ago.

MS. RIVERA-PITTOINO: Why do we need the long form again, I'm sorry?

MS. HAMMES: The type of action.

MS. RIVERA-PITTOINO: So have have other similar projects needed this long form? I mean we have precedence, we have two other hotels downtown, did they need the long form?

MS. HAMMES: I guess --

MR. CONNOLLY: This is a new application, separate application, a separate application, so the Board decides what the Board wants.

I don't see how this wouldn't be
a type 1 action given the expansion of
the hotel.

MS. RIVERA-PITTORINO: Last but
not least, I was discussing this with a
neighbor regarding the duration of
construction, so we built that new wing,
it was built by a manufacturer in
Pennsylvania and delivered in boxes
already constructed, and we worked with
the Village of Greenport to have it
delivered in the middle of the night,
and they just placed the boxes, and then
we woke up in the morning and it was
there and it was business as usual, so
it had very little impact on the
Village, not like there's going to be a
big mess in front of our hotel. I just
wanted you to know that.

CHAIRMAN FOOTE: Okay.

MS. BERRY: I would also like
clarification on why you consider it a
type 1, because if we look at the State
description of type 1, it looks like
it's not in my mind, but if you can
explain why in more detail, and I'll
look at the regulations and check that.
I wasn't prepared because I didn't
receive that comment ahead of time.

CHAIRMAN FOOTE: We can talk
about that and explain that.

MS. RIVERA-PITTORINO: Isn't
there a definition?

CHAIRMAN FOOTE: We're relying on
our counsel to advise us as to what is
the appropriate form, and our counsel
has advised us it's a type 1.

MR. CONNOLLY: We need to hear
more comments from the planner before
they make a final determination if it's
a type 1 action or unlisted action.

But just looking at it, you're
proposing to expand by twenty-three
guest rooms, I can't see how that
wouldn't --

MS. BERRY: Twenty guest rooms.

MR. CONNOLLY: How that wouldn't
have an impact, a potential impact on
the environment.
Village of Greenport Regular Session -- 4/25/19

MS. BERRY: Right, but type 1 has specific --

MR. CONNOLLY: Right, increase in occupancy is one.

MS. BERRY: And there are limits, and I don't think we're close to that, but I will go back and check, but I question whether it's really a type 1 or not, but that's to be determined. I will be happy to comply if that's the verdict, but I question if that's the right calling.

CHAIRMAN FOOTE: Okay.

Thank you.

Unless there is anything else at this time, I think we're gonna have to adjourn this to our next session to talk about it further.

MS. BERRY: If I could get copies of the planner's notes.

MR. PALLAS: We will do that.

CHAIRMAN FOOTE: Thank you.

Well, I think that's the last item on the docket, so with nothing
else, motion to adjourn this meeting.

Do I have a second?

MR. COTUGNO: Second.

CHAIRMAN FOOTE: All those in favor?

MR. COTUGNO: Aye.

MS. HAMMES: Aye.

MS. DOUGHERTY-JOHNSON: Aye.

(Time noted: 5:03 p.m.)
CERTIFICATE

STATE OF NEW YORK } 
COUNTY OF SUFFOLK } Ss:

I, STEPHANIE O'KEEFFE, a Reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on April 25, 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 25th day of April, 2019.

______________________
STEPHANIE O'KEEFFE