VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

---------------------------------------------------
PLANNING BOARD
WORK SESSION

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Third Street Firehouse
Greenport, New York
January 25, 2018
4:05 p.m.

BEFORE:
DEVIN McMAHON - CHAIRMAN - absent
MARY GIVEN - ACTING CHAIRWOMAN
BRADLEY BURNS - MEMBER
NOAH THOMAS - MEMBER
JOHN COTUNGO - MEMBER

ROBERT CONNOLLY - VILLAGE ATTORNEY
PAUL PALLAS - VILLAGE ADMINISTRATOR
GLYNIS BERRY - PLANNING BOARD CONSULTANT
KRISTINA LINGG - BUILDING CLERK
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ACTING CHAIRWOMAN GIVEN: Good evening, it is 4:05 and the item number 1 on the agenda is for 15 Front Street. A public hearing for the conditional use application of applicant Kara Hoblin.

The applicant is proposing to open a studio/retail space at 15 Front Street.

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

It is designated as Suffolk County Tax Map number 1005-5-4-31.1.

Okay. When anyone takes the podium, we ask that you state your name and address and sign on the sign-in sheet, please.

So there is no confusion, this looks like it may take a while tonight, there is a meeting after this, so we're going to have to cut this meeting off at 6:00. If need be, we will hold the
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public hearing open and we will come
back and take up where we left off at
next week's meeting.

Okay. Thank you.

MR. SOLOMON: Good evening. My
name is Michael Solomon, I'm the
attorney for the applicant, Northfork
Cooperative. I also want to state that
I'm a Village resident, I've lived in
Greenport for fifteen years, so I'm
fully familiar with our village, the
perception of our village, the future
of our village. I'm not naive to it
coming in from the outside.

As it relates to the applicant,
what I wanted to present to the Board
is that the Northfork Art Collective is
basically a group of seven partners who
are seeking to use the location that
we're discussing tonight for the
purpose of having a studio, for the
purpose of having effectively a
gallery. We have photographers in the
group. We have draftswomen in the
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group. We have mixed media in the
group. We have print illustrators in
the group. We have chalk illustrators
in the group, and their basic theme is
nautical themes, which is nice for the
Village because as we all know, we're
historically a nautical village.

I will say to you, having just
been retained last week, that I think
the application could have been handled
a little differently by my client
because I can go back and review what
waterfront provisions are and a
permitted use in the waterfront is a
gallery, a permitted use in the
Waterfront Commercial District is also
a studio.

Now, where the client got a little
bit confused is this concept of, we'll
be selling our art, and for some reason
denoted on the application retail
sales. I would suggest to you that a
gallery where art is put on walls sells
art. We're not a museum, a gallery

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sells art, so to the extent the
application is here, I'm suggesting
that we are permitted even though for
conditional use, but I am going to
recognize what I see as some of the
concerns, public concerns by virtue and
that I've noted through the planning
consultant's notes, that this issue
about this concert and events, event
has somehow --

ACTING CHAIRWOMAN GIVEN: That has
no concern here this evening, sir.
That's totally a separate matter,
please. Thank you.

MR. SOLOMON: In her notes, the
planning notes, there was a comment
made, the applicant claims the space
will be used for both studio and
display, which I'm saying would be
studio and gallery, as well as for
events. What I want the Board to
understand, the type of events that the
client's talking about, as I said
living here, we have gallery walks how
many times during the course of the year. That's the thrill of the Village, we bring people into the Village for gallery walks to walk through the galleries and those are the days, I assume there would tend to be more people in the building than would normally be in the building. Potentially, if they're going to have an artist show on a particular night there may be theoretically some more people visiting, but historically the galleries in Greenport, and I'm here fifteen years, they don't have groups of fifty, sixty, a hundred, it's just not there, these are small intimate groups.

What their plan is, while they'll have seven artists in the facility for the purpose of using it as a studio, the odds of all seven ever being there producing product -- because that's what they do in the studio, they make their product, they design it, they
frame it, they hang it, they'll do it
in the facility, there will never be
more than two or three people; I mean,
if it's a miracle then all seven would
be there. So I don't think there is
any occupancy concerns here.

And I know there has been a little
bit of some issues running through the
Village regarding this application and
I'm more than happy to take questions
from the Board of any issues that you
have that you believe need to be
addressed.

I have with me, standing next to
me is Madison Fender. She is one of
the members of the group. I figure if
we have her here too, if there are any
questions that the Board has because
I'm sort of looking at this like it
really should have just been filed as a
gallery and a studio and there wouldn't
have been a requirement for a
conditional use, but as long as we are
here, I think we should have this

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discussion and if there's anything the
Board really needs for us to answer,
we'll be more than happy to answer.

ACTING CHAIRWOMAN GIVEN: Great.

Glynis, would you like to-- Paul.

MR. PALLAS: Let me start.

First, the primary concern that we
have has to do with the bathroom
accessibility. First, I'm going to let
Glynis go into more of the details, but
because of the type of occupancy that
it is, whether it's a gallery or
mercantile, quite frankly, it needs a
bathroom that's accessible to the
public by State code, not Village code.
The Village is no -- it's not in the
Village, it's in State building code.

If it's a gallery, it would
require two bathrooms; if it's
mercantile retail strictly, it would
require one, but in either case, it has
to be accessible to the public, that's
State building code.

MR. SOLOMON: But just so I'm on
the same page with everybody here,
assuming -- I'll have that discussion
as to the necessity of it, but assuming
that is required, that would be the
building -- if it's a permitted use, a
building permit is going to go in, a
building permit is only going to be
issued if the appropriate building code
requirements are met.

MR. PALLAS: That's correct.

MR. SOLOMON: I'm just -- I'm not
trying to usurp anybody's authority
here, but I think as it relates to the
application tonight, if we're making
the application as we're a gallery and
we're a studio, and I'm letting you
know we have gallery walk events and
whether somebody wants to consider
maybe that could somehow fall into a
conditional use and for that limited
purpose, I would want the approval. As
we get down to issues regarding whether
a bathroom is needed, I think that
would be more appropriate between the,
theoretically, the landlord and the builder and the architect and building inspector to determine if it is required because I don't think we should belabor this issue tonight.

The building code is extremely complicated on this issue. I found provisions as long as we're under fifteen people, under fifteen people, we wouldn't require more than one bathroom, but I don't think it's necessary to have that argument today because I think that's more appropriate to deal with the building inspector.

MS. BERRY: I agree with you that it's a Building Department issue, but it's entwined with the use and the occupancy that the applicant is trying to claim, and it's been like confused in fact.

So I think the applicant needs to understand the repercussions of which occupancy type she's going to, you know, propose. I think a little bit of
a conversation so there's an understanding of what's involved may be appropriate, but I totally agree, and we can approve something even if the plan, the internal plan, with the stipulation it has to be to code for that condition, so I'm agreeing with you, but I think there's been a misunderstanding on what the applicant wants to do, so I think understanding that --

MR. SOLOMON: I mean, I've had sessions with the applicant, I mean as far as with the studio use and the gallery use, you know, that's -- plus I said any events that theoretically would run together with a gallery which would be some artist showing or the gallery walk. I mean that's what the current intention is, that's what the current members are currently doing. Of course they've got to be cognizant if there should be a change in what they're doing, that's going to be a
different requirement to be met.

MS. BERRY: Right.

And the other is the actual occupancy amount.

MR. SOLOMON: Excuse me?

MS. BERRY: The total occupancy for the space which can also be figured different ways, so the Planning Board often associates a limit on the occupancy as well.

So I think there is a little leeway for some conversation, but I agree with you, the essence is, is it a gallery, is it permitted and I think that's fine.

ACTING CHAIRWOMAN GIVEN: So you're not -- so you're saying we can act with the stipulation.

ATTORNEY CONNOLLY: Right. You can approve the use conditioned upon when they apply for their building permit to get their certificate of occupancy, that they meet all the Village, County and State codes, which
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is what the Building Department is supposed to do anyway.

ACTING CHAIRWOMAN GIVEN: Right.

MR. SOLOMON: That's all I can request. I mean, I think we're all on the same page. I can't request you to override the building code.

ATTORNEY CONNOLLY: I agree with you too. I think the gallery is a permitted use in the Waterfront District and the sale of the artwork is an accessory use to a permitted use. I don't think it's necessarily a separate -- I don't think the retail use is necessarily separate and apart from the --

MR. SOLOMON: For that matter, the special events are also accessory, if we have one, it's also accessory to the use.

MS. BERRY: There is another aspect to that too. If we see a plan submitted --

MR. SOLOMON: I'm having a hard
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time hearing you, I'm sorry.

MS. BERRY: If we see a plan submitted that we have the suspicion it may not meet the code, we can also raise that too.

MR. SOLOMON: Okay.

ACTING CHAIRWOMAN GIVEN: So what's the use that we would be approving? I mean this application in front of me --

MR. PALLAS: The application as I recall is gallery slash --

ACTING CHAIRWOMAN GIVEN: Retail apparel -- oh, that's Crinoline.

MR. PALLAS: I think this application said gallery/retail.

MR. COTUNGO: Studio/retail.

MR. PALLAS: Studio/retail. You know, it's, right now what's before you, unless the applicant is changing that application, I think that you can do that here.

Robert?

ATTORNEY CONNOLLY: Yes.
MR. PALLAS: And if you want to say that it's gonna be a gallery for the record, that's fine.

MR. SOLOMON: I think I've said that to the extent that I'm permitted to make that amendment as of today to the application, I'll make that amendment on behalf of the applicant. That's the advice I would have provided out of the gate. The is a studio and a gallery, you have gallery sales and you have accessory events, any other issues relating to the Building Department, we're going to have to deal with the Building Department.

ACTING CHAIRWOMAN GIVEN: So the use --

MS. FENDER: We are not a gallery. We are not, I just want to make that clear.

MR. SOLOMON: You're going to be hanging your art, it makes you a gallery.

MS. BERRY: That's the confusion.
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MR. SOLOMON: To sell your items, you're hanging stuff off the walls, you're a gallery.

MS. FENDER: We are a working studio space. We happen to make -- we make work and we hang it on the wall. If customers want to come in and see what we're working on and purchase something --

MR. SOLOMON: That would be a gallery.

MS. FENDER: But we don't identify as a gallery.

MR. SOLOMON: You don't have to identify, it's what the use is.

MS. FENDER: That's not what we were approved for in the first place.

MS. BERRY: So this is part of the issue.

ACTING CHAIRWOMAN GIVEN: Yes. Right.

MS. FENDER: Okay. Can I say what I have to say?

MR. SOLOMON: I understand what
you're saying you're doing, but you are a gallery use, that's what you're doing.

MS. FENDER: Okay.

MR. SOLOMON: What is confusing the client is that when the client came in here, there was a hearing back in, let me find it, the approval was actually granted, it was on July 27th, the applicant is proposing to open a retail cooperative art studio, that's the language that was used when it was three stores down, and that's the language that was approved at that point in time.

ATTORNEY CONNOLLY: I think the clearest or the closest definition of what we're -- making sure the definition of cooperative gallery would be gallery in the Village code.

MR. SOLOMON: Yeah, cooperative gallery.

ATTORNEY CONNOLLY: There's not always going to be a perfect definition.
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with a Village code or Town code or State code.

MS. FENDER: Right.

ATTORNEY CONNOLLY: But what you're actually planning on doing --

MS. FENDER: But it's a little finicky because you guys --

ATTORNEY CONNOLLY: I have it under control.

MS. FENDER: Because you're saying that gallery space is required two bathrooms, right? And a regular retail space only needs one bathroom.

MS. BERRY: Makes sense.

MS. FENDER: So there's the difference there.

MR. PALLAS: I just want to be clear, the Village code doesn't state that, State, New York State Building Code that we're required to follow, as are you.

MS. FENDER: Right. Of course, we're not arguing that.

MR. PALLAS: They would classify
the space a gallery space as assembly
which requires two bathrooms.

MR. SOLOMON: Well, I guess -- I
assume the issue is, okay, are we a
studio that sells art?

MS. FENDER: Yeah, that's what we
are, we're a working studio.

MR. SOLOMON: So maybe the answer
is to not use the word gallery, we're a
studio that uses, sells -- I mean,
that's what -- we're getting caught up
in language here, and by the way our
code doesn't even define, as I recall,
gallery or studio, it's not even
defined. I think it just uses the
words studio and gallery without
putting a definition. I don't think
there's a prohibition of selling art
out of a studio or there is a
prohibition of selling art out of a
gallery. The difference is in the
studio, you're producing the art and
maybe in some galleries, it's just a
gallery of artists hung off the wall.
I guess my client's concern is, and this is the issue that she's trying to raise, we have seven young artists who really don't have the financial ability to get this cooperative further off the ground if they're going to be mandated by virtue of what we call it, and I appreciate the input, what we call it and go ahead and get this operation going, and it's been a real plus to the community, a lot of people like this gallery, so the question is if we call it a studio with retail sales.

MS. FENDER: Yeah, that's what we are.

MR. SOLOMON: Which falls back to what's in the application, so I pull back my amendment and that's what the application is going to be for and then I would suggest that's what was previously approved.

MS. BERRY: Can I address the previously approved?
MR. SOLOMON: Yes.

MR. PALLAS: It's irrelevant in this case.

MR. SOLOMON: I have the minutes if you would like to see them.

MS. BERRY: Okay. I guess let me talk about the activities that happen if it's just a studio.

MS. FENDER: Okay.

MS. BERRY: Or if it's a gallery.

MS. FENDER: Okay.

MS. BERRY: If it's a studio, it's a place where people work, and yes, there might be things on the wall.

MS. FENDER: Yes.

MS. BERRY: But if you're going to have events, you're going to have openings, if there is a more intense use where you're gathering people, then it's functioning as a gallery, and from our evidence of the use and from the comments that have been made, there is a real intention to be a resource and have events and have gatherings, and
we're not against that. We are really not against that, it would be great. It's a great addition to the community, but there are certain code issues that that triggers and you kind of want it both ways, and I think that's the issue that we're trying to say. So you either have to sort of operate the way you're saying or you have to obey the codes.

MR. SOLOMON: That means you couldn't have any events.

MR. BURNS: Excuse me, is the difference here whether we have two bathrooms or one?

MR. PALLAS: Correct.

MR. BURNS: I spent fifty years in the church and we had arguments like this continually which hinged on nothing.

(Applause.)

What you want to do depends on whether you have one bathroom or two.

MS. FENDER: Yeah, I know. So
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We're a studio retail space.

Mr. Burns: But we want to help you do what you want to do.

Mr. Solomon: And we don't want to become a code enforcement nightmare, that's what we're seeking to avoid. We don't have to have an issue with the Village.

Mr. Pallas: Thank you.

Mr. Burns: So if you have two bathrooms, you can do just about anything you want.

Ms. Berry: Exactly.

Mr. Cotungo: -- question about the number of bathrooms?

Ms. Berry: They can control that if they keep the occupancy under forty-nine, they're fine. If they go over then they have to make sure that -- that triggers other aspects, which they could meet if they really wanted to, but it's a matter of the willingness of the client and how far they want to go to meet the code, and...
there are different levels and it's your choice. We're happy to go with what you want, but if you're going to act a certain way, you need to meet those codes.

MR. SOLOMON: If I may, we have the owner of the property here who has done a lot of studying on this bathroom issue. If you wouldn't mind, I think bringing him up at this point in time would be very advantageous to the discussion we're having. If that's okay.

MR. LOEBS: Steve Loeb, Flying Point Road, Southampton, as Michael said, I'm the building owner.

Yeah, it does seem like we're getting stuck a little bit on semantics here. Let me put on the table something I think works as a solution and that I think is credible and that I think can work under the code for your consideration and for you guys too, okay.
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Let's say that the primary use of the space is really retail, okay, because how these guys make their living is, and this is my perception, Madison may cut me off and say I've got it wrong, but, you know, they're selling art there, and in terms of the hours of operation, in terms of the staffing, in terms of the revenues, that's by far, at least as far as I can perceive it, the preponderant use of the space, okay.

So let's start with that premise. If that's the case, then the primary occupancy is retail group M. Okay, to the extent that they also use the space as a studio or as a working space, I guess the closest occupancy classification or use classification for that would be office, you know, they're sitting down and doing stuff like people do in an office.

The third thing, as far as the assembly is concerned, there is a
carve-out in the code for small assembly space and there are two aspects to it. The first is, even for a single-use building, to the extent that the occupancy is less than forty-nine people, then automatically that occupancy is not assembly, it becomes group B business, okay, that's for single-use structures.

There is also a carve-out for small assemblies in multiple-use structures, where there is a primary use and an accessory or subordinate use and that says that if the space has an occupancy of less than fifty or if it's less than 750 square feet, that occupancy can be considered either a group B or the primary occupancy. And in the comment to the code that the code publisher puts out, you know, they say that in that case, it would go to the primary occupancy.

Okay, so if that's the case, then this becomes the group M primary
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occupancy with an accessory use as an assembly space and then the code requirements flip over to mercantile, in which case, it would only require one bathroom for the space.

Now, as far as an assembly of forty-nine people is concerned, this building, this space is equipped to handle that in terms of exits, there are already two exits, it's fully sprinklered, the paths to egress are half of what's required by the code, so from a safety standpoint, you know, I think it can easily accommodate, and again, this would be up to the fire marshal, I guess, but I think forty-nine people is very easy.

As far as the bathroom is concerned, if they have one event a month for two hours and let's say their normal business hours of operation are five days a week, eight hours a day, it might be more or less depending on the season and what day of the week you're
talking about, but you're talking about
an assembly use that's about one
percent of the use of the space, and to
me it doesn't seem to make sense to
have that tail wag the entire dog of
how we configure the space.

Further, there's also a provision
in the code that says that the code
official can waive requirements of the
code if it's found that that
requirement is impractical provided
that it doesn't affect the safety or
the health of the building.

And I'm sure Glynis has reactions
to all of that.

ACTING CHAIRWOMAN GIVEN: Thank
you.

MS. BERRY: I appreciate what
you're doing, just one warning, you
probably don't want to go into the
business area because the requirements
are worse than assembly for -- so just
keeping it between mercantile and
assembly is enough. I don't think you
should introduce that because it doesn't help you.

I agree that the space can handle a much higher occupancy rate with the right configuration and the right signage and stuff, so I don't think it's an issue that the space can't accommodate.

I appreciate, you sent me the note with a lot of this argument, so I shared them with State to see if they would buy that, if I could go along with that, and they said no. They said it's an assembly space and you need two handicapped accessible toilets, but if you think you have the hardship or you think you have a good argument for getting out of the requirement for the two, you can apply to the State for an exemption and they would consider it.

So I think that's the, if you want a gallery space and you want to function that way, you want to be able to have, you know, a higher occupancy
at times and you are adamant about not wanting two accessible bathrooms that are both accessible for the public to use, which is important whether it's mercantile or assembly, the public has access to those bathrooms and two accessible to handicap. If you think you've got a good argument for being exempt from that, I suggest you write a letter to the State Code official and have them review it.

MR. LOEBS: Okay, I guess that's not going to work.

MS. BERRY: I tried, I thought it was a good effort.

MR. LOEBS: Yeah. Okay. Thank you.

MR. SOLOMON: I guess the fallback has to be exactly what the last application was which was approved by the same Planning Board, I'm not saying the same members, I don't know at that time, but it was approved back on July 27th for a retail cooperative art.
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studio and that was four doors down, so
now we're going to amend again to make
the application, and I think this will
make my client happy, that this be
considered a retail cooperative art
studio, and it's not being defined as a
gallery. The retail part is in there
and it falls into the actual
conditional use because now we fall
into the retail category, and that fact
that incidental use may be a studio, it
would be incidental and that would be
permitted anyway.

ACTING CHAIRWOMAN GIVEN: Okay.

MR. SOLOMON: The neighborhood
problem, the community problem that we
have which is sort of overriding this,
and I think we all see a grand
opportunity to bring this youth into
Greenport. I think we all, especially
those of us who live here, we feel this
is a great thing for the Village, and
the Village for the last thirty years,
even before I moved in, I know there's
been a movement in this Village going back thirty years, let's bring the artists in, let's make -- we actually amended the code many years ago, about thirty, twenty-five years ago to basically talk about bringing in artists, artist apartments, you know, having facilities for artists and now we have it on our plate and to lose it over bathrooms, to me is a sad event.

So what I'm suggesting, it's a retail cooperative art studio, we're going to submit our application as a retail art studio with the plans and I assume the building inspector, based upon what we do and how we build it out, is either going to say yea or nay at that point, but at least we have now gone beyond the Planning Board. I believe, Counsel, I think that would be permissive, we're leaving it to the Building Department at that point.

ATTORNEY CONNOLLY: I agree with that.
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ACTING CHAIRWOMAN GIVEN: So I make a motion to accept --

ATTORNEY CONNOLLY: We've got to ask for public comment first.

ACTING CHAIRWOMAN GIVEN: Excuse me.

Does anyone -- I'm afraid to ask this question. Does anyone wish to speak?

MR. SOLOMON: Any other questions for us?

ACTING CHAIRWOMAN GIVEN: Not at the moment.

I just want to just, before we go forward (inaudible).

ATTORNEY CONNOLLY: Technically, if you're changing it to permitted use now, there's no need for the public comment.

MR. SOLOMON: Because we're back to retail sales, we're in a --

ATTORNEY CONNOLLY: Exactly.

MR. SOLOMON: There's got to be public hearing, you have to hear them.
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ACTING CHAIRWOMAN GIVEN: I understand that, but can I make a statement that may not make them feel they have to get up and tell us that this is a great idea for Greenport because we agree as a Board, and I've just spoken to my members.

MR. COTUNGO: We're all ready to approve it, in other words, so you don't have to talk if you don't want to.

ATTORNEY CONNOLLY: But you have to ask if there is somebody here that's opposed.

ACTING CHAIRWOMAN GIVEN: If anyone is opposed, then certainly we would need to listen to you, but if you're for it, we are as well, so I believe we can save each other time and energy and allow us to -- yes, Randy.

MS. WADE: I'm sorry, it's just a little question.

Randy Wade, Sixth Street.

Since this is something that we
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all want to help and support, I'm wondering if you can explore using the public restrooms to provide the second bathroom requirements for this occasion and in the case it happens again, maybe they pay a little fee just if they're gonna have events where it might require two bathrooms, that we do have a public restroom in the park and if it's not open at that time, you know, that some arrangement be made that we approach it creatively that way. You don't have to decide right now or say anything right now. I just hope you'll take that back and think about it.

Thanks.

ACTING CHAIRWOMAN GIVEN: That would be a Board of Trustees issue.

Thank you, Randy.

Are you looking to speak, Chatty?

MS. ALLEN: Chatty Allen, Third Street.

I'm not opposed to this at all, and I got to watch firsthand one of
these artists do a chalk rendition of George Costello that literally brought me to my knees and in tears. Amazing work and I'm thankful they're gonna keep it permanently in the legion.

I do have a question though because I don't think it's ever been brought up. This is a newer building; are they required to have parking for this building if it's --

MR. PALLAS: What was the question?

ACTING CHAIRWOMAN GIVEN: Are they required to have parking for this building, it's a new building?

MS. ALLEN: If they're having events there, are they required to have parking?

MR. PALLAS: The existing buildings are, there's no parking requirements on existing buildings.

MS. ALLEN: Okay. I knew it was after a, up to a certain year they weren't required, but I know these are
newer buildings.

Okay, that was brought up to me. I don’t have a problem with the assemblies, but like everyone here has said, you have to follow what the CO is, you know, and that’s my only, you know, you guys are working with them on that, I think it’s great. I think it is a great thing for this community, you know, but everyone still has to follow the same rules.

And I disagree about if they have an event to have them use, open up bathrooms, I don’t think that should be acceptable.

Thank you.

ACTING CHAIRWOMAN GIVEN: Thank you, Chatty.

Anyone else, otherwise, I’m going to make a motion.

MR. WILE: Hi. Ian Wile, 234 Fifth Avenue and Little Creek Oysters downtown.

I appreciate that the Board is
enthusiastic and trying to figure out how to find a spot and it is positive, so I'll try and not upend that.

Everybody knows that every time there is Waterfront Commercial application before this Board, I usually come up to make sure that we defend what is a permitted use in that list and so this being a Waterfront Commercial space, I feel compelled to be up.

I was excited because this does fall into a permitted use, and I was surprised that it was punted to a public hearing; but I think it's, in fact, it's good that it was.

But one of my thoughts on that is that we have, you know, essentially seen every other application for retail space in the Waterfront Commercial get a pretty quick green light without any trauma and I think one of the reasons why studio and gallery was added to the permitted use was to simplify the, sort
of a noncommercial group of people to find a way into a commercial space. If, in fact, they're willing to think about themselves and go through the process of being a retail organization, you know, I think that really, you know, that my assessment is mercantile category satisfies everything from assembly to the bathroom reduction, everything that the owner has said shows in my research of both State code and Village code.

And then the other thing I would mention to the planners and to Paul is that local law supercedes some of these State code rules and, in fact, if you look in East Hampton, they define artist studios and galleries as not only not requiring bathrooms, studios in East Hampton are not allowed to have bathrooms to prevent people from moving into studios, so we have a tremendous amount of leeway on the local law standpoint to work around both capacity...
and especially the idea of existing buildings and the restrooms required to execute what is somewhat, I think the group is perceiving as a commonsense application.

I think the applicant is trying to figure out where they are in the world, but that's different than where you need to put them into a code, and that's where that semantics piece gets caught up.

I've seen enough applications in front of this Board lately that get shut down based on bathroom use and I think it's important to note that existing buildings get a certain pass, local law allows us to override at our discretion without State permission and to create a pathway to sensible occupation for these spaces.

And if we want to look at some of our neighboring towns, we can see how they've done that if we're not sure how to do that. Certainly I go back to
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East Hampton which has been at this a lot longer. They have figured out how to make galleries and studios exempt from the bathroom laws, and they have different sort of categories and if this whole thing is hung up on public use of bathrooms, I think that's a little ambiguous.

And the State bathroom requirements for retail are very flexible and do allow retail spaces, mercantile spaces to disallow public access unless there's both emergency or preexisting medical condition.

ATTORNEY CONNOLLY: Just with respect to East Hampton and how they use our studio, what you're referring to are artist studios on residential properties. They're not permitted to have bathrooms in those art studios because they don't want to have two residences on one --

MR. WILE: Right, I --

ATTORNEY CONNOLLY: It's not
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commercial space, it's residential use
of the property.

MR. WILE: To an aforementioned,
somebody had mentioned before, I cannot
find and I know other people have tried
to find a Village definition, so one of
the reasons why people may have a hard
time classifying things when they're in
front of this Board is that there is no
definition in our code for what a
gallery is or what a studio is, and I
think they were there to enable artists
to show up without feeling they had to
have a whole business plan and what,
you know, if I take a whole bunch of
posters and stick them on the wall and
I have a poster store, we would all
understand that that's a retail
environment. If I made those posters,
is it a retail environment or is it a
gallery? I think that's, you know,
that's not important to how the
Planning Board has to think about it,
it's only important if we want to skip
a public hearing. If somebody's willing to come to a public hearing and address this Board, then you're at conditional use, so it can be mercantile, it could be anything because it's -- you're already trying to think through it as a conditional use. Conditional uses have a huge leeway in terms of the code.

I'm just confused how a number of other retail applications have gone through without these bathroom conversations and without a hearing like this. They have all been rubber stamped.

ACTING CHAIRWOMAN GIVEN: Thank you.

MR. ROBERTS: Good evening. Doug Roberts, 133 Sixth Street. I'm on the Board of Trustees, I'm not here as a trustee.

I just want to say thank you to this Board. Thanks for all your -- I mean, you put the time and volunteer,
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we all appreciate it, it's a great service to the Village. I was really glad as a citizen tonight to hear you all say, you know, to sort of take the mantle, this is our decision to make, we're gonna, you know, you hold the keys to the plan and I hope that you'll continue to do that. I really appreciate it.

As a trustee, not on behalf of them, but as my own person, I feel like the Village maybe is, maybe we have some to blame here, and I think we sort of set you up to have this hearing that maybe we didn't need to and I think we have got to get better at our processes internally, but I'm glad you all are large and in charge tonight, and I promise you I will go try to work with my colleagues and our staff to make this process better so that we can keep things out of hearings that don't necessarily need to be there, and I think everyone's in agreement that this
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absolutely fits into the plan of the Village, what's going on at the legion is nothing short of spectacular. This is an amazing time to be here in Greenport. These guys are going to get to move down the street. The toy store is gonna move down the street next month. We have to keep that store here, so I will go work on it, but I would also say to you, please, if there -- to Ian's point, if you feel that there are a lot of bathroom discussions that are getting sort of difficult for you and you want to approve these things, please, you know, vote to send a note to either ZBA for an interpretation or to the Village Board for help with the code or process and let's have those kind of cross-board discussions. I think it might help avoid some of the stuff later on.

Thanks for everything, guys.

ACTING CHAIRWOMAN GIVEN: Anybody
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else?

(No response.)

I am now closing the public hearing on this application, and I'm making a motion -- it is conditional use?

MR. PALLAS: That's right.

ACTING CHAIRWOMAN GIVEN: -- to accept the application for conditional use retail/cooperative art studio contingent that they comply with all Village, County and State codes.

Yes, Paul.

MR. PALLAS: Not accept the application, it's a vote to approve it.

ACTING CHAIRWOMAN GIVEN: Okay.

Approve.

I am making a motion to approve the application for a retail/cooperative studio at 15 Front Street contingent that they comply with all Village, County and State codes.

Do I have a second?

MR. THOMAS: Second.
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ACTING CHAIRWOMAN GIVEN: All

those in favor?

MR. BURNS: Aye.

MR. THOMAS: Aye.

MR. COTUNGO: Aye.

ACTING CHAIRWOMAN GIVEN: Motion

carries.

Thank you.

(Appause.)

Item number 2 is for the same

property location, 15 Front Street.

Public hearing for the conditional

use application of applicant Crinoline

Fashion Boutique Limited.

The applicant is proposing to open

retail space at 15 Front Street.

This property is located in the

Waterfront Commercial District. This

property is not located in the Historic

District.

This property is designated

Suffolk County Tax Map number

1001-5-4-31.1.

Is there anybody here to speak?

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MS. TINTLE: Hi, I'm Carrie Tintle. I live at Luptons Point Road in Mattituck.

I currently have a store in Greenport on Main Street -- well, now it closed because I'm going to move to 15 Front Street which I'm very excited about.

I don't really know what you need from me today.

ACTING CHAIRWOMAN GIVEN: Glynis, do you have anything?

MS. BERRY: The only issue is you do need to allow public access to your bathroom and they're not supposed to walk through a storage, so, you know, they can walk through the office, so just --

MS. TINTLE: Okay.

MS. BERRY: It's a Building Department issue, but just to make you aware.

MS. TINTLE: Okay.

MS. BERRY: So there's absolutely
no problem with your use.

MS. TINTLE: Great.

ACTING CHAIRWOMAN GIVEN: Doesn't anyone in the audience wish to speak on behalf of this application?

MR. LOEBS: I just have a question for the Planning Board and it's this: What we have now is a single space that's getting divided into two, okay, and I know we had to get through Planning Board before we could apply for a building permit, so at this point, assuming that Carrie's application is also approved, can I apply for a building permit to put up the dividing wall?

ACTING CHAIRWOMAN GIVEN: Yes. That is how it will go.

MR. LOEBS: Thank you.

ACTING CHAIRWOMAN GIVEN: You're welcome.

Steve, right.

Thank you.

Anyone else?
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(No response.)

I will close the public hearing on this application.

Did you have anything further, Glynis?

MS. BERRY: No.

ACTING CHAIRWOMAN GIVEN: All right.

ATTORNEY CONNOLLY: Just move to close the public hearing.

ACTING CHAIRWOMAN GIVEN: I did.

Stay awake. No. I'm just playing.

That wasn't nice.

I make a motion that we approve the application for Crinoline Fashion Boutique Limited.

Do I have a second?

MR. THOMAS: Second.

ACTING CHAIRWOMAN GIVEN: All those in favor?

MR. BURNS: Aye.

MR. THOMAS: Aye.

MR. COTUNGO: Aye.

ACTING CHAIRWOMAN GIVEN: Motion
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carried.

Item number 3, discussion and
possible motion on the signage
application of applicant Crinoline
Fashion Boutique.

Property located in the Waterfront
Commercial District and is not located
in the Historic District.

Again, it is designated as Suffolk
County Tax Map number 1001-5-4-31.1.

MR. PALLAS: With apologies to the
Board and the applicant, I did not have
an opportunity to do the research
that's needed on this, and there is a
meeting next week, I will have that
included, and I will discuss any issues
with the applicant prior to that
meeting.

ACTING CHAIRWOMAN GIVEN: So I'm
going to table this?

MR. PALLAS: Yes.

ACTING CHAIRWOMAN GIVEN: I will
make a motion that we table this.

Do I have a second?
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MR. COTUNGO:  Second.

ACTING CHAIRWOMAN GIVEN:  All those in favor?

MR. THOMAS:  Aye.

MR. BURNS:  Aye.

MR. COTUNGO:  Aye.

ACTING CHAIRWOMAN GIVEN:  So it's tabled till next week's meeting because he hasn't had a chance to -- he wasn't sure.

MS. TINTLE:  The sign?

ACTING CHAIRWOMAN GIVEN:  Yes.

MS. TINTLE:  Okay.

ACTING CHAIRWOMAN GIVEN:  Thank you.

Item number 4, motion to accept the minutes of the December 28, 2017 Planning Board meeting.

Do I have a second?

MR. THOMAS:  Second.

ACTING CHAIRWOMAN GIVEN:  All those in favor?

MR. THOMAS:  Aye.

MR. COTUNGO:  Aye.
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MR. BURNS: Aye.

ACTING CHAIRWOMAN GIVEN: Motion
carried.

Item number 5, motion to approve
the minutes of the December 7, 2017
Planning Board meeting.

Do I have a second?

MR. THOMAS: Second.

ACTING CHAIRWOMAN GIVEN: All
those in favor?

MR. BURNS: Aye.

MR. COTUNGO: Aye.

MR. THOMAS: Aye.

ACTING CHAIRWOMAN GIVEN: Motion
carried.

Item number 6, motion to schedule
the Planning Board Work Session for
4:00 p.m. on February 22, 2018.

Do I have a second?

MR. COTUNGO: Second.

ACTING CHAIRWOMAN GIVEN: All
those in favor?

MR. BURNS: Aye.

MR. THOMAS: Aye.
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MR. COTUNGO: Aye.

ACTING CHAIRWOMAN GIVEN: Motion carried.

Item number 7, motion to schedule the Planning Board Regular Session meeting for 4:00 p.m. on March 1, 2018.

Do I have a second?

MR. THOMAS: Second.

ACTING CHAIRWOMAN GIVEN: All those in favor?

MR. BURNS: Aye.

MR. COTUNGO: Aye.

MR. THOMAS: Aye.

ACTING CHAIRWOMAN GIVEN: Motion carried.

Item number 8, motion to adjourn the Planning Board meeting at 4:55.

Do I have a second?

MR. COTUNGO: Second.

ACTING CHAIRWOMAN GIVEN: All those in favor?

MR. BURNS: Aye.

MR. THOMAS: Aye.

MR. COTUNGO: Aye.
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ACTING CHAIRWOMAN GIVEN: Motion carried.

We are now adjourned.

Thank you all for being here.

(Time noted: 4:55 p.m.)
CERTIFICATE

STATE OF NEW YORK )
     ) ss:
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

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 28th day of

______________________

STEPHANIE O'KEEFFE

Flynn Stenography & Transcription Service
(631) 727-1107