

VILLAGE OF GREENPORT

PLANNING BOARD PRE-SUBMISSION REPORT IN RESPECT OF:

MAIN AND CENTRAL REALTY LLC

400 MAIN STREET

(the "Application")

SCTM 1001-04-07-24

AUGUST 22, 2024

DESCRIPTION:

Matt Michel, on behalf of Main & Central Realty LLC (the "Applicant"), has applied to the Village of Greenport for approvals to permit the redevelopment of the property located at 400 Main Street, SCTM 1001-04-07-24 (the "Property") including the construction of a new 12,663 square-foot three-story building that would contain the following proposed uses: (a) a restaurant and bar which would be located on the first floor of the new building and which would include: (i) a kitchen of 2233 square feet, (ii) a bar of 897 square feet, (iii) an indoor seating area for the restaurant of 1876 square feet and (iv) an outdoor seating area for the restaurant of approximately 1200 square feet; (b) a 987 square foot garage space on the ground level which is intended to house two food trucks owned by the business; and (c) six apartment units, five of which would be 2 bedroom units and one of which would be a 1 bedroom unit, located on the second and third floors of the new building (the "Project"). The Project involves the demolition of the existing commercial building and plaza area currently located on the Property and the construction of a new flat-roofed building consisting of three floors with a total proposed height of 34 feet, 8 inches at the highest roof point. The Project would also involve the general reconfiguration of the Property to place the entrance to the restaurant and bar on the Central Avenue side of the Property and to relocate on-site parking to the rear yard of the Property abutting Carpenter Street with a single lane for entrance and exit to the parking area located on Central Avenue.

The Application indicates that the parking area to be located on the Property will provide 20 spaces as well as an area for an enclosed garbage dumpster. The Applicant has also indicated that there will be several additional on-street parking spots on the north side of Central Avenue once the curbs have been replaced. The entrance and exit area for the garage space would be comprised of an approximately 1192 square foot patio area providing for ingress and egress to the garage space on Central Avenue. Applicant has indicated that this patio area will not be used for outdoor seating but will remain an open area for garage access. The principal outdoor seating area for the restaurant is proposed to be located on the Main Street side of the Project and will be screened off from the sidewalk through a variety of trees and other plantings, including standing planter boxes. The proposed principal manner of ingress and egress for the apartments would be on the north side of the Property approximately 14 feet from Main Street while the employee entrance for the first-floor restaurant and bar would be located in the rear of the building facing the parking area. Finally, the Application proposes the placement of an outdoor cooler on the north side of the Property, partially abutting on the adjacent residential property. The proposed footprint of the Project is 6129 square feet excluding the cooler and patio areas. In addition, there is a proposed roof overhang extending from the side of the building over the proposed patio area.

Applicant currently operates (in some cases with a partner) several successful businesses at Stirling Square (308 Main Street) in the Village, consisting of (a) 1943 Pizza (an on-site pizza restaurant that also does a significant amount of take-out/to-go business), Rolling in the Dough Pizza (the off-site catering pizza business operated by Applicant) and (c) Brix & Rye (a cocktail bar which also serves pizza from 1943 Pizza during the restaurant's operating hours). These businesses currently operate on a year-round basis and have played a significant role as community gathering spaces for the Village community for many years. Applicant's businesses also have been involved in supporting many local community charities. It is understood that Applicant intends to relocate these businesses to 400 Main Street and that the proposed restaurant and bar area will be engaged in the on-premises and take-out/to-go sales of Italian food, including wood-fired pizza, craft cocktails, beer, and wine in a manner similar to Applicant's existing businesses. The off-site catering business operated as Rolling in the Dough Pizza will also be relocated to the Property. It is anticipated that the restaurant will continue to do a significant amount of take-out/to-go business.

The current Application does not include any proposal for on-site loading, unloading or drop-off area for deliveries or take-out/to-go food pick up. The Applicant has also indicated that it has not yet determined how the proposed parking area will be managed (i.e., whether spaces will be limited for guests of the business, employees and/or residents).

SUBMITTED DOCUMENTS: As part of the Planning Board's (the "Planning Board" or the "Board") pre-submission review of the Application, the following materials were submitted to the Planning Board and the Board has considered all these documents in its pre-submission review:

- Site Plan Review Application filed by the Applicant on May 1, 2024, together with attached materials, including: (a) a written statement addressing certain elements of the Project as requested by the Planning Board, (b) a 100' radius map in respect of the Property, (c) a landscape elevation and plan for the Project depicting the south elevation of the Property (Central Avenue) and an aerial view of the proposed landscaping of the Property, and (d) site plan drawings prepared by Joan Chambers on behalf of the Applicant
- Letters and email correspondence received from members of the public in respect of the Application.

MEETINGS: As part of the Planning Board's pre-submission review of the Application, the Planning Board held public meetings at which the Application and the Project were discussed at the following times:

- Village of Greenport Planning Board Work Session held on June 29, 2024, at 4 pm
- Village of Greenport Planning Board Work Session, Public Hearing and Regular Meeting held on July 12, 2024, at 4pm

Upon submission to, and acceptance by, the Planning Board of a timely final, complete conditional use and site plan application in respect of the Property and the Project, documents and testimony previously submitted by the Applicant and the public in connection with the pre-submission conference shall be deemed to be part of the final and complete application record and may be taken into account in the

Planning Board's final determination in respect of conditional use and site plan approval for the Property and the Project.

PLANNING AND ENGINEERING CONSULTING REVIEW:

Planning and engineering review memoranda in respect of the proposed uses and site plan for the Property and the Project were provided to the Planning Board by L.K. McLean Associates P.C. ("LKMA"), the Board's planning and engineering consultant, and the Board has considered these comments in its pre-submission review of the Application.

NEIGHBORHOOD CONTEXT, APPLICABLE ZONING DISTRICT AND EXISTING SITE CONDITIONS

Historic District.

The Village of Greenport, incorporated in 1838, is likely the second oldest incorporated village in the State of New York and is among the most prominent maritime locations in the State of New York. Whaling, fishing, shipbuilding, and other maritime industries have historically formed the backbone of the Village's economy. Greenport's relative proximity to the port of Boston, Massachusetts and ports of Europe contributed to the Village's critical role in the early development of the Long Island regional economy. In more recent years, recreational boating and tourism has played a leading role in the Village's economy. Much of this has been driven by the seaport ambience and historical character of the Village. Greenport is well known for its historic Federal, Greek revival and Victorian style buildings. In order to ensure the conservation, protection and preservation of the historical nature of the Village, the Village has created a historic district. The Property is in the historic district and is thus subject to the provisions of Chapter 76 of the Village of Greenport's Code (the "Code"). References to zoning districts in this memo refer to such districts as defined and described in Chapter 150 of the Code (the "Zoning Chapter"). It is noted that the Zoning Chapter was significantly amended in 2023 with a particular focus on permitted and conditional uses in the CR Retail Commercial District and the WC Waterfront Commercial District of the Village.

Zoning Districts and Neighborhood Conditions.

The Property is located in the northern end of the central commercial area of the Village of Greenport and is comprised of approximately 0.37 acres. The Property is a corner lot that abuts three Village roads as follows: (a) the eastern side of Main Street, (b) the northern side of Central Avenue and (c) the western side of Carpenter Street. The Property is zoned CR Retail Commercial District. To the north of the Property are two lots, one of which is zoned CR Retail Commercial District, which is developed with a garden shop with apartments on the second floor, and which is adjacent to Park Street and Main Street and the other lot which is zoned R-2 One- and Two-Family Residence District and which is adjacent to Park Street and Carpenter Street. Directly across from the Property to the south is the building commonly known as "The Greenport Auditorium" which was constructed in approximately 1894 and operated originally as a theater, but which has now been operated as a furniture store for more than 20 years. The Greenport Auditorium is considered a significant historic building in the Village and efforts are currently underway for the acquisition and preservation of this building. It is anticipated that the proposed uses for The Greenport Auditorium may include an active theater and arts space as well as retail, office, and other community spaces. There is also a municipal loading/unloading zone located on the south side of Central Avenue across from the Property.

The properties located along Carpenter Street to the north and east of the Property and on the continuation of Central Avenue past Carpenter Street are located in the R-2 One- and Two-Family Residence District. In addition, as noted above, the lot immediately to the north of the Property which abuts Carpenter Street and Park Street is also zoned R-2 One- and Two-Family Residence District. Businesses surrounding the Property in the CR Retail Commercial District currently include a hotel, a beauty salon and spa, office space and a mix of restaurants and retail establishments.

During the summer months and weekends in the spring and fall, Central Avenue and Carpenter Street experience significant vehicular and pedestrian traffic flow resulting from a combination of residential traffic, commercial traffic, and traffic from visitors to the Village (including residents from surrounding hamlets and towns as well as tourists from further afield). Visitors to the Village routinely park along these streets, including some overnight parking relating to guests staying at both existing hotels located in the downtown area of the Village as well as short term rentals located in the adjacent R-2 One- and Two-Family Residence District, resulting in a significant burden to full time residents located in this area during peak tourism season for the Village.

Main Street provides one of the two principal methods of access into and out of the Village, and experiences significant traffic flow heading both north and south, especially during the peak summer and fall seasons. During the peak tourist season, circulation on Main Street in this area is constrained due to high traffic volumes and parking maneuvers. Carpenter Street is increasingly used by local traffic as a means of bypassing congestion on Main and Front Streets. The pavement on Carpenter Street is approximately 25 feet wide and parking is permitted on the west side of the street. According to NYSDOT Highway Design Manual (HDM), ten-foot-wide travel lanes are desirable on local streets, although nine-foot-wide lanes are permissible when right-of-way is severely constrained, as is the case on Carpenter Street. HDM also states that parking lanes should be a minimum of 7 feet wide, therefore, the pavement width satisfies the bare minimum criteria found in the HDM. Due to the constrained width, it can at times be difficult for two-way traffic to move smoothly through Carpenter Street when parked cars (whether actually parked or only in “standing” mode) are present. In addition, Carpenter Street is a common pedestrian walking area for local residents and visitors heading into the downtown area from the adjacent R-2 One- and Two-Family Resident District.

Existing Conditions on Site.

The Property currently contains a vacant 1-story building which is approximately 3296 square feet in size and is set back 38.4 feet from Main Street, 19.7 feet from Central Avenue and 69.1 feet from Carpenter Street. There are 11 parking spots located on the Central Avenue side of the Property that are perpendicular to, and back up directly onto, Central Avenue. This parking area is flush to the adjacent street and no formal access or driveway is provided. While there are occasionally vehicles located in the rear of the Property there is no actual direct access or driveway for parking in this area. The Property and existing building were originally operated as a gas station but more recently were operated as a pizzeria and restaurant until approximately November 2020. Since November 2020, the Property has largely been used for parking and storage and no business has operated on the site.

APPROVALS (IF ANY) APPLICABLE TO FINAL SUBMISSION:

Planning Board Approvals.

The proposed use of the Property as a restaurant (due to the proposed size of the restaurant and likely proposed number of outdoor seats) and bar constitutes a conditional use under Section 150-9(B)(5) of the Code. It is noted that for the proposed use of the upper floors of the Project as apartments to constitute a permitted use under the Zoning Chapter, the apartments will need to satisfy the requirements of Section 150-9(A)(12) of the Code. Applicant will need to demonstrate compliance with these requirements as part of its final and complete conditional use and site plan application in respect of the Property and the Project. The proposed use of the Property in respect of outdoor dining is a permitted accessory use subject to the provisions of Section 150-9(C)(2) of the Code. The proposed Project will require both site plan approval and conditional use approval from the Planning Board pursuant to Sections 150-29 and 150-30 of the Code.

Referral to Greenport Fire Department/Town of Southold Police Department.

As part of its consideration of a final and complete application for conditional use and site plan approval for the Property and the Project, the Planning Board will require input from the Village of Greenport Fire Department and the Town of Southold Police Department in terms of potential impacts on the provision of police and emergency service at the Property as well as at surrounding properties and neighborhoods. This review and input will be coordinated by the Village of Greenport following submission of a full and complete application for conditional use and site plan approval in respect of the Property and the Project and provided to the Planning Board in connection with its review and determination in respect of the final and complete application for conditional use and site plan approval for the Property and the Project.

Zoning Board of Appeals Relief.

Based on the parameters of the Project as outlined in the Application, it appears that the Applicant may require relief from the Zoning Board of Appeals with respect to certain proposed aspects of the site plan for the Property and the Project, including to permit the construction of a third floor on the Property. The Village's Building Department will need to make a final determination as to what variances from the bulk standard provisions and other applicable provisions of the Zoning Code are necessary in respect of the Property and the proposed Project upon receipt of a final and complete application for conditional use and site plan approval in respect of the Property and the Project. It is noted that in June 2017, the Zoning Board of Appeals issued an interpretation in respect of Section 150-18 of the Code relating to multifamily dwellings (which is defined in the Zoning Chapter to include any dwelling house designed to accommodate or accommodating three or more families and which specifically includes an apartment house) and the use of buildings in the CR Retail Commercial District as apartments and the question of whether this interpretation affects this Application will need to be addressed by the Village and the Zoning Board of Appeals as part of the review of a final and complete application for conditional use and site plan approval in respect of the Property and the Project.

In addition, we note that the current proposal for the Project appears unlikely to satisfy the parking requirements applicable to the operation of a restaurant and/or bar under Section 150-16(A)(1) of the Code. Pursuant to Section 150-16(G) of the Code, the Applicant will need to indicate at the time it submits its final and complete conditional use and site plan application in respect of the Property and the Project whether it desires to seek a variance in respect of the Code's parking requirements or wishes to waive this right and seek relief from the Planning Board in accordance with Section 150-16(G) of the Code. It is noted that final determinations of the number of parking spots required in respect of the Project will need to be

made by the Building Department upon the receipt of all materials required for a full and final and complete application for conditional use and site plan approval for the Property and the Project.

Historic Preservation Commission Approval.

As the Project is in the Village of Greenport's historic district it will also require a certificate of appropriateness from the Village's Historic Preservation Commission.

Other Approvals.

This section is provided for use in coordinating approvals which impact issuance of Village approvals. It is not intended to be an exhaustive list of all approvals required for the operation of the Project and the construction and development of the Project on the Property.

The Project will require referral to the Suffolk County Planning Commission, Suffolk County Department of Health Services (in respect of wastewater). It will also require approval by the Village of Greenport for sewer and electric connections. It should be noted that the Village of Greenport currently has a moratorium in place with respect to new sewer connections.

Upon an initial review of the Application, the Board notes that there appear to be possible New York State Uniform Code requirements and/or Fair Housing Act (FHA) and Americans with Disabilities Act (ADA) requirements that will need to be incorporated into the proposed site plan for the Property and the Project. In this regard, as a proposed new building with six (6) residential apartments, these regulations and laws mandate that access be provided for residential units on the second and third floors, including provision of an elevator and other access and fire safety considerations. The final submitted plans in respect of conditional use and site plan approval for the Property and the Project will need to demonstrate compliance with all applicable rules and regulations under these various laws.

The Applicant is encouraged to contact the Building Department to request that the Building Department identify any necessary variances for the Property and the Project and to file applications for any required variances and Historic Preservation Committee review as soon as possible once the Applicant has finalized its proposed plans for the Project and submitted a final and complete application for conditional use and site plan approval in respect of the Property and the Project by the Planning Board. The Planning Board will not be able to make a final determination in respect of a submitted final and complete application for conditional use and site plan approval until the Applicant has received these approvals or has otherwise modified its plans to adapt to any requirements of the Zoning Board of Appeals or the Historic Preservation Commission in connection therewith. The Planning Board also requests that the Applicant seek written input from the New York State Department of Transportation in respect of any potential impact on the surrounding New York State roads (including Main Street and Front Street) prior to submitting its final application for conditional use and site plan approval in respect of the Property and the Project and provide a copy of such input to the Planning Board as part of the final submission.

VILLAGE LAND USE CONSIDERATIONS:

This Application will be subject to review in respect of the conditions and considerations set forth in Sections 150-9(A)(12), 150-9(C)(2), 150-29 and 150-30 of the Code. As part of these considerations, the Planning Board will take into account the purpose provisions set forth in Section 150-1 of the Code as well as policies, standards and guidelines highlighted both in the Village's currently effective Local Waterfront

Revitalization Program dated October 8, 1998 (the “LWRP”) as well as the draft Local Waterfront Revitalization Program prepared by VHM Engineering, Surveying and Landscape Architecture, PC dated July 16, 2012, as revised and submitted on December 19, 2012, May 17, 2013 and January 2014 and which is currently the subject of further updating by the Village (the “LWRP Guidance” and together with the LWRP, the “LWRP Documents”). Of particular relevance to a review of this Project, are the following policies contained in the LWRP: Policy 1B, Policy 4, Policy 5, Policy 5A, Policy 10A, Policy 14, Policy 18, Policy 23, Policy 33, Policy 37, Policy 37 and Policy 38. In addition, it is specifically noted that the Village of Greenport has elected to apply to the State of New York to be treated as a “Pro-Housing Community” under New York Governor Hochul’s Executive Order 30 which sets forth a Pro-Housing Community Program to support local governments in addressing New York State’s housing crisis. This initiative is discussed further below.

Requirements of Section 150-9(A)(12) of the Code.

The Project is specifically intended to provide new full-time residential apartments in the CR Retail Commercial District. Such use is generally permitted in accordance with Section 150-9(A)(12) of the Code subject to the following standards and requirements:

- (a) The apartments will need to be in a principal building on the Property.
- (b) The apartments will need to be built in compliance with all requirements of the New York State Uniform Fire Prevention and Building Code and all other applicable federal, state and local regulations relating to residential building construction including any applicable provisions under the Americans with Disabilities Act (ADA) and Fair Housing Act (FHA) standards relating to handicapped accessibility. As part of this, the Building Inspector will need to decide as to whether any, or all, of the apartments are required to be handicapped accessible pursuant to the terms of the ADA, FHA or any other applicable laws.
- (c) Upon completion of construction, each of the apartments will be subject to the rental permit and lease requirements set forth in Sections 150-9(A)(12)(b) and 150-9(A)(12)(c) of the Code.

It is specifically noted that Section 150-9(A)(12) of the Code only permits full-time residential apartments in the CR Retail Commercial District which are required to be leased for a term of not less than 12 consecutive months. As part of its final and complete application for conditional use and site plan approval in respect of the Property and the Project, the Applicant should include a detailed description of the manner in which it proposes to manage and lease the newly created apartments in order to ensure compliance with the requirements of Section 150-9(A)(12) of the Code.

Requirements of Section 150-9(C)(2) of the Code.

The proposed use of the Property to include outdoor dining for the restaurant and/or bar is subject to the provisions set forth in Section 150-9(C)(2) of the Code. Provisions of this Section of the Code that are of particular note that Applicant will need to take into consideration in connection with submitting a final and complete application conditional use and site plan approval for the Property and the Project include:

- (a) Generally, only 8 seats are permitted outdoors unless otherwise expressly approved by the Planning Board as part the final determination of conditional use and site plan approval for a

proposed outdoor dining area. In order for the Planning Board to determine whether it is appropriate to increase the amount of outdoor seating on the Property, Applicant should include in its final application the following information: (i) the proposed number and layout of outdoor seats, (ii) whether the outdoor seating area will only be utilized for the restaurant operations or will also be utilized by the bar (if both uses are proposed, please specify what square footage will be allocated between the different uses), (iii) the proposed hours of operation of the outdoor seating area, (iv) whether the outdoor seating area will be utilized for entertainment and/or catered events, (v) the proposed placement of any outdoor speakers and lighting and (vi) if entertainment is contemplated, the proposed area for staging of such entertainment and any proposed sound mitigation in respect thereof.

- (b) The lot coverage calculation (total square footage of the proposed buildings) for the Property after taking into account the Project will need to include any portion of the outdoor dining area which will be subject to any form of roof covering. This may affect whether Applicant will also need to seek relief in respect of the Zoning Chapter's imitations on lot coverage.
- (c) As a rule, all tables and chairs are required to be removed in respect of outdoor dining on a nightly and seasonal basis when not in active and continuous use. Applicant should indicate how he plans to treat the seating area during times when it is not in use and, to the extent that Applicant contemplates leaving the seats and tables in the area overnight or when not in use should provide a justification for the Planning Board's approval in respect thereof.

It is specifically noted that the Planning Board may impose restrictions on operational hours of the outside areas as well as other conditions as part of its final determination in respect of conditional use and site plan approval for the Property and the Project in order to mitigate any adverse effects the outside seating area may pose in respect of the surrounding neighborhoods.

Requirements of Sections 150-29 and 150-30 of the Code.

The principal conditions set forth in Sections 150-29 and 150-30 of the Code require that in considering an approval for a conditional use or site plan that the Planning Board make the following findings:

- a. That the public health, safety and welfare and the comfort, convenience, and order of the Village in general and of the residents of the immediate neighborhood in particular will not be adversely affected in any material respect by the proposed site plan and/or conditional use and its location.
- b. That all proposed buildings, structures, equipment and other property relating to the proposed site plan and conditional use are readily accessible for fire and police and other emergency services and that the proposed site plan and conditional use and any related improvements will not interfere with the provision of these services to the district in which it is proposed to be situated or the immediately surrounding neighborhood.
- c. That the proposed site plan and related uses are of such location, size and character as (i) will, in general, be in harmony and compatible with the appropriate and orderly development both of the district in which the applicable Property is situated as well as

the immediately surrounding neighborhood, (ii) will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties and (iii) will enhance the mix of uses or complement the other uses in the immediate vicinity of the Property and not interfere with any of those uses.

- d. That the location and size of the applicable Property and related building improvements and uses, the nature and intensity of operations involved in, or conducted in connection with, the proposed Property and uses, the site layout and its relation to access streets are such that both pedestrian and vehicular traffic to and from the Property and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the surrounding area or conflict with the normal traffic of the Village in general and the immediately surrounding area in particular.
- e. That appropriate landscaping, buffering and/or screening will be in place to reduce any impact of the proposed site plan and uses in respect of noise, light or other potential nuisances and the location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the Property are such that the proposed site plan and uses will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- f. That the proposed site plan and related uses and physical improvements shall not result in an overcrowding of land, overburdening of services or public benefits, including, but not limited to parking, or the undue concentration of population.
- g. That the proposed site plan and related uses will not result in environmental or ecological deterioration and are such that they will not have an adverse impact on natural resources of soil, air and water or have another impact that is detailed in §NYCRR617.7 or other environmental or ecological impact.
- h. That the proposed site plan and related uses satisfy all applicable criteria and standards set forth in the Code (or have otherwise received a variance in respect thereto duly issued by the Zoning Board of Appeals) and that the site plan and proposed uses of the Property are otherwise consistent with the principles set forth in the Zoning Chapter and in the LWRP Documents and will not be detrimental or have an adverse impact on the Village's goal of protecting and fostering the working waterfront of the Village and the Village's water dependent uses.

PLANNING BOARD DISCUSSION:

Introduction.

The proposed Project constitutes a significant change and intensification of use of the Property both in size of structure and in terms of its potential impact on the adjacent and surrounding R-2 One- and Two Family Resident District and CR Retail Commercial District of the Village, including, in particular with respect to quality of life and traffic and safety impacts in the surrounding neighborhoods and on parking

in the Village generally and more particularly in the adjacent R2 One- and Two- Family Resident District. It is specifically noted that increased traffic congestion, double-parked cars and trucks and idling cars and trucks are likely to have a significant negative impact on noise levels, air quality, getting in and out of driveways and parking availability in the adjacent R2 One- and Two-Family Resident District. It was significant community concerns about businesses that heighten these types of effects in the residential districts of the Village that was one of the driving factors behind recent amendments to the Village's Zoning Chapter which resulted in uses of the type and size being proposed, being reclassified as "conditional uses" as opposed to being a use generally permitted in the CR Retail Commercial District. The Planning Board is thus required to review conditional uses with an eye to these types of effects on the residential community and ensure that adequate mitigation measures are included in connection with approving any conditional use in the CR Retail Commercial District.

In reviewing the Application, the Planning Board will need to take into account the key objectives of the Village's Zoning Chapter which include the following: (a) preserving the Village's waterfront area and encouraging and ensuring a viable working waterfront and maintaining and protecting water dependent uses, (b) supporting water-based industry, including encouraging aquaculture and other marine related activities, (c) preserving, enhancing and perpetuating the Village's heritage and historic maritime character and the nineteenth century core and surrounding areas of the Village, (d) supporting and enhancing a year-round Village economy, (e) protecting the Village's economic vitality by ensuring a vibrant mixed use, walkable commercial district with a focus on encouraging businesses that provide year-round employment, services and goods to Village residents and support a sustainable commercial waterfront, (f) supporting expanded public access to the waterfront areas of the Village and (g) preserving the unique community character that supports tourism, encourages entrepreneurial businesses and contributes to a higher quality of life for its residents. Many of these same themes and policy objectives are echoed in the LWRP Documents. It is noted that the Applicant has a history of operating a beloved restaurant and bar in the Village, providing year-round employment and support to the Village economy as well as a community gathering space. It is further noted that the Property has been vacant for several years and its current condition could be considered to adversely affect the vibrance and vitality of the northern end of the commercial business district. From this perspective, there is a strong community interest in supporting the development of a vibrant year-round business in this area to help draw tourism and commercial activity to this portion of Main Street.

In addition to the foregoing policy objectives, it is specifically noted that the proposed Project will help to address a key concern currently faced by the Village of Greenport and the surrounding area – the creation of additional full-time residential housing. The Village's Board of Trustees has set forth a clear policy objective of supporting the creation of additional full-time residential housing in the Village. In November 2023, the Village Board of Trustees passed a resolution whereby the Village adopted the Pro-Housing Communities pledge established under New York State Executive Order 30 and agreed to take steps, to among other things, streamline permitting for multifamily housing, increase development capacity for residential uses and enact policies that encourage a broad range of housing development. In addition, as part of recent comprehensive amendments to the Zoning Chapter, certain portions of the downtown district were rezoned to be in the CR Retail Commercial District and the Code was amended to provide clear guidance that full-time residential apartments in the downtown business district constituted a permitted use. The Village Board of Trustees is currently also engaged in a discussion about further amendments to the Code to provide further incentives for the development of additional residential

apartment uses in the CR Retail Commercial District, including potentially providing for relief from some of the current bulk district regulations so long as a portion of the housing is made available on an “affordable” basis to full-time residents of the Village. Those discussions are still ongoing but make it clear that the Board of Trustees is very focused on encouraging the development of additional housing resources in the downtown district.

All the above considerations are key to the Planning Board’s review of any proposed site plan and/or conditional use in the CR Retail Commercial District. The following provides a summary of the principal concerns the Planning Board has identified during the pre-submission process which will need to be satisfactorily addressed in connection with the submission of a final and complete application for conditional use and site plan approval for the Property and the Project.

Key Considerations.

Key considerations that the Planning Board has identified that will need to be addressed in detail to the satisfaction of the Planning Board in a complete, final application for conditional use and site plan approval in respect of the Property and the Project are as follows:

1. Safety and Traffic; Parking and Loading/Unloading.

Summary of Issue:

The Property is located on the corner of one of the main access routes to both the central downtown commercial district (Main Street) and the residential district lying to the east of the Property (Central Avenue). The area of Main Street on which the Property is located is the northern entrance into the commercial district and Central Avenue is the first of the two main thoroughfares leading into the adjacent residential district as well as the nearby WC Waterfront Commercial District. Main Street also narrows in width north of the area of the Property and this generally has an effect of slowing down traffic in this area, at times leading to a bottleneck as cars attempt to maneuver past traffic in the other lane and parked vehicles. As previously noted, Carpenter Street which lies to the east of the Property is a narrow road which faces traffic challenges when there is significant two-way traffic as well as parked or standing vehicles on the street.

It is anticipated that the proposed uses of both the commercial space and the residential apartments will result in increased pedestrian and vehicular traffic in the area. In addition, the use of the Property for storage and loading/unloading of the catering vehicles will also add to the potential traffic impact on the area. This increased traffic flow when coupled with the concerns relating to parking and loading/unloading demand relating to the businesses and residents discussed below raises the potential for an adverse impact on emergency service vehicle access to the residential district lying to the east of the Property. In addition, this increased traffic flow raises significant quality of life concerns in respect of the adjacent residential neighborhood. Applicant’s proposal will also affect the traffic flow on Central Avenue in connection with the elimination of the wide pavement parking area – this actually may not be adverse in nature, but it is uncertain what the effect of this change will be without a traffic and engineering analysis.

In addition, to the probable increase in traffic resulting from the further development of the Property and the proposed commercial and residential uses, it is clear that the Project will

generate an additional demand for parking in the area. The Planning Board recognizes that many businesses do not provide on-site parking and that Applicant is not currently required to provide parking in connection with his current businesses at Stirling Square. However, the Planning Board notes that under both the Zoning Chapter as it was in effect prior to the 2023 amendments and after giving effect to the 2023 amendments, the proposed development of this Property and proposed use for a restaurant of the size contemplated by the Applicant and the proposed bar use require that the property owner provide a certain amount of dedicated parking spaces on site. It is recognized that Applicant will be unlikely to meet these requirements and will need to seek relief from these requirements under the Code. As a general rule, the Planning Board notes that it believes that requirements for parking need to be balanced with some of the other objectives underlying the Code and Zoning Chapter, including, the strong Village enacted policy favoring the creation of additional full-time residential housing as well as a vibrant commercial area, year-round businesses and preserving community character.

The Planning Board is concerned with the placement of the entrance to the residential apartments. Placing this entrance in an area where there is no clear loading/unloading zone to enable apartment residents to load and unload their cars and take items into the apartments is problematic. While the Planning Board recognizes that Applicant is not required under current Village Code to provide parking spaces in respect of the proposed residential use of the Property, it nevertheless believes that ingress and egress to the apartments needs to be located in an area where a resident can easily load and unload a vehicle and access the apartment area without creating the likelihood of double or illegal parking on any of the surrounding roads.

One of the biggest concerns that the Planning Board has identified to date is related to the take-out/to-go business that is a significant and material part of the restaurant's operation. This is one of the characteristics of Applicant's business that is different from most other restaurants operating in the downtown commercial district and is likely to have a greater impact on traffic generation than a restaurant and bar that does not rely on a significant amount of take-out/to-go business would generate. In connection with this, the Planning Board is very concerned about the potential this traffic may have for double or illegal parking on key access roads in the Village (including Main Street, Carpenter Street and Central Avenue) and the potential impact this will have both on traffic flow into and out of the residential district and CR Retail Commercial District as well as emergency services access to the Property and surrounding neighborhoods.

Finally, the Planning Board has some concerns about the proposed sizing and ingress/egress areas of the proposed parking lot in the rear of the traffic. This will require additional input from the Board's consultants in respect of the best practice for traffic flow in and out of the parking area, taking into account the surrounding street layout and traffic flow concerns.

In order for the Planning Board to determine the potential impact of the proposed use of the building for a restaurant, bar and staging area for the Applicant's catering business on traffic and safety in the surrounding neighborhood, as has been previously conveyed to the Applicant, the Applicant will need to undertake a comprehensive traffic study in connection with the Project, taking into account the proposed nature of use of the Property, including the significant take-out/to-go business which the restaurant will likely generate. Such a study should also assess the

potential impact on parking in the surrounding area, as well as the creation of potential bottlenecks for traffic and include recommendations to maintain a smooth traffic flow in the area.

The Planning Board notes that it is not clear that the parking area proposed by Applicant is realistic. The width of the proposed Parking Area and adjoining areas running from Carpenter Street to the proposed building is identified in the site plan as being approximately 66 feet. The parking area provides for 90-degree parking, which generally requires a space depth of 20 feet and an aisle width of 24 feet. Thus, the parking area alone would have to be at least 64 feet wide (2 feet of parking on each side and a 24-foot-wide aisle). That would leave only a total of two feet for the proposed planting area between Carpenter Street and the parking area fence and the area between the parking lot and the building. In addition, as currently contemplated, the proposed two (2) northernmost parking spaces are not viable, as a vehicle would not be able to back out given that there is no turning radius included.

As part of the final application for conditional use and site plan approval in respect of the Property and the Project, Applicant will need to provide the Village with a comprehensive traffic study prepared by a licensed traffic engineer to address the issues outlined herein. This study should also include a parking demand analysis to examine the overall potential impact on parking demand due to the proposed Project on municipal parking areas as well as the surrounding residential streets. A memorandum providing the required parameters of the traffic study has been prepared and provided in advance to the Applicant. A copy of this memorandum dated August 1, 2024, is also attached to this document. It is imperative that the traffic study incorporate summer seasonal traffic impacts.

Considerations.

The final submitted application for conditional use and site plan approval in respect of the Property and the Project should address and/or incorporate the following points and/or materials:

- a. Designated sole use of the patio area outside of the garage area as a loading/unloading zone for the catering business vehicles. The plans should also indicate the location and nature of any proposed doors for the garage area.
- b. Designation of certain on-site parking spaces as time-limited to 15 minutes to be used solely for purposes of loading/unloading for the apartments or patrons of the restaurant picking up take-out/to-go orders.
- c. Propose a comprehensive operating plan for the parking area of the Project, including designating what parking spots may be used for (i.e., employee parking only, patron parking only, residential parking) and including a proposal for ensuring compliance with the operating plan. Applicant should consider having an on-site parking attendant during peak traffic hours to ensure that on-site parking is being appropriately allocated and used in order to mitigate any adverse effects on traffic arising from persons stopping vehicles on surrounding streets in areas not designated for parking while picking up take-out/to-go orders from the business. To the extent that Applicant contemplates hosting catered events on-site, Applicant should also include a plan for ensuring that no large party busses

or the like are loading or unloading at the Property or directly on the streets immediately adjacent to the Property. Finally, the operating plan should also include proposed scheduling optimization for the operation of both the on-site portion of the restaurant and bar and the take-out/to-go operations including staggering reservations and/or pick-up orders. There should be clear policies on parking guidelines for both employees and apartment residents in terms of what on-site parking is available (if any).

- d. Relocate the entrance to the residential apartments to the rear of the Property so it is easily accessible to the parking area and a designated loading/unloading area for residents.
 - e. Ensure that the parking lot is designed in compliance with design standards for ingress and egress and also satisfies all applicable ADA and FHA requirements. It is noted that the proposed parking lot shown on the site plan materials included in the Application does not meet minimum design standards. It does not appear to be feasible to provide 20 off-street parking spaces nor to provide four (4) on-street spaces while maintaining other proposed aspects of the site plan for the Property such as building size and driveway areas. The proposed dead-end parking lot aisle needs to include an ingress/egress lane that is not less than 24 feet in width and the design needs to accommodate vehicles being able to access and leave the northernmost spaces by providing a turning area. In addition, the driveway apron serving the garages will limit the amount of on-street parking that can be provided. The final submitted application for conditional use and site plan approval for the Property and the Project should provide a fully dimensional design of the parking area.
 - f. The parking lot should include a surveillance system to deter crime and monitor activity in the lot.
 - g. Propose mitigants to manage potential impacts of idling vehicles and vehicle lights from impacting neighboring properties and/or creating roadway obstructions.
 - h. The proposed parking area will need to include an appropriate landscaping buffer between any fence/and or the parking area and Carpenter Street and the adjacent residential property. In addition, Applicant should give thought to providing for landscaping buffering along Central Avenue as well. It is critical given the proposed height of the Project that existing mature plantings are maintained and incorporated into the landscape design for the Property.
2. Environmental Concerns.

Summary of Issue:

The proposed site plan for the Property results in a significant increase in the lot coverage of the Property. As noted above, the current on-site building is approximately 3296 square feet in size while the footprint of the new buildings (without taking into account the patio area or any roof overhang area) contemplated by the Application is contemplated to be 6408 square feet – a more

than 95% increase in lot coverage. While the Property itself does not lie directly in a FEMA recognized floodplain zone, it is noted that the Village has increasingly been the subject of flooding in the downtown district. The increased lot coverage and proposed patio and parking areas add a significant amount of impervious building structures which may give rise to environmental concerns in respect of the potential impacts of the Project.

In addition, as noted above, the Property was previously operated as a gas station and the current on-site building still stands from that time-period. In order for the Village to adequately assess whether there are any residual environmental issues that need to be addressed as part of the proposed development, Applicant should include a copy of a Phase 1 Environmental Site Assessment in respect of the Property that has been undertaken in accordance with ASTM E 1527-13 guidelines, and any related reports Applicant may have received from an engineer or environmental professional analyzing or summarizing the findings of such assessment. To the extent that any spills, leaks, or other areas of concern were identified in the Phase 1 Environmental Site Assessment report, Applicant should provide documentation of any mitigation undertaken in connection therewith. If no Phase 1 Environmental Site Assessment has been performed, the Village will require that Applicant undertake such an assessment prior to any further consideration of conditional use or site plan approval for the Property and the Project.

Considerations:

The final submitted application for conditional use and site plan approval in respect of the Property and the Project should address and/or incorporate the following points and/or materials:

- a. Use of an ADA-compliant pervious surface for all proposed impervious areas of the Property, including the proposed parking area in the rear of the Property and the patio area providing for ingress and egress of the garage area.
- b. Consideration to any green infrastructure technically feasible to mitigate environmental impacts. Grading and drainage in the parking area and patio areas must be designed to prevent runoff to the adjacent roadways.
- c. Provide on-site storage for roof runoff, sized in accordance with NYS Building Code and consider other green infrastructure to reduce the potential for roof runoff.
- d. Incorporating any other best practices for managing potential environmental impacts of the Project, the Planning Board would recommend that, among other possible mitigants, the Applicant explore a potential rain garden on the roof, subject to any necessary approvals.
- e. Providing for on-site drainage retention for a 5-inch rainfall event.

- f. A proposal for addressing any environmental issues or hazardous materials which may be encountered during the construction process.
 - g. Confirmation that the roof area will not be accessible except for servicing the building and any necessary repair or emergency work.
3. Size, Character, Nature of Project, and Other Concerns.

Summary of Issues.

As noted above, the proposed new buildings on the Property would constitute more than a 95% increase in lot coverage on the Property. This calculation does not take into account the additional proposed patio space on the Property. While the Applicant estimates the total lot coverage of the proposed building to be approximately 36.9% which is slightly less than the total lot coverage (40%) permitted by the Code, it is not clear how this measurement was calculated by the Applicant and whether it is the correct calculation (we note that the lot coverage calculation will need to take into account all proposed Structures on the property including the proposed garage). It is noted that a definition of “lot coverage” was recently added to the Zoning Chapter (it was previously undefined) in connection with recent Code amendments and refers to areas “covered by any structure or building” and that “structures” include patios. In addition, in certain circumstances the lot coverage calculation is required to be made from the roof edge as opposed to the side of the building or structure. The Building Department will need to confirm the actual proposed lot coverage of the proposed Property upon the submission of a final and complete application for conditional use and site plan approval in respect of the Property and the Project and determine whether a variance relating to lot coverage is required in connection therewith.

Besides the actual technical calculation of the applicable lot coverage, the Board notes that the proposed square footage of area that will be available in the restaurant, bar and outside patio areas appears to be of a size that could easily accommodate in excess of 150 on-site dining customers at any given time (depending on actual final seat lay out) without even taking into account customers arriving for take-out/to-go orders. The Planning Board does have some concerns about whether this size of a business fits into the overall Village character as well as whether it is sustainable as a vibrant community supported business during the non-tourism season of the Village. It is significantly larger than most other similar businesses (i.e. restaurants) located in the Village.

The operation of the proposed businesses on the Property includes a bar area. The Application indicates that the bar area is approximately 900 square feet and is accessed through the general entrance for the restaurant requiring that bar patrons cross through the restaurant to enter the bar. During the pre-submission hearing, Applicant indicated that the bar might also use at least a portion of the outdoor patio area as well as a portion of the restaurant as a lounge area after hours. The Planning Board notes that there is a significant difference between the potential effects of a 900 square foot bar and a bar that might consist of up to 3000 or more square feet. As part of its submission, the Applicant should include a proposed operating plan which, in addition to covering some of the points raised above with respect to parking and loading/unloading, should also address the proposed operation of the bar and use of the outdoor seating area, in particular during hours when the restaurant is not in operation.

With respect to the architectural style of the Project as well as related landscaping, given that the Project is in the Historic District of the Village, the Planning Board will largely defer to the Historic Preservation Commission on the appropriate architectural style of the Project as well as any proposed or necessary landscaping. Having said that, as expressed by the public at the public hearings held in connection with the pre-submission conference, it is important that the Applicant make every effort to maintain on-site the various mature tree plantings already in existence on the Property. In addition, any landscaping that is included as part of a privacy wall should be visible on the public side of any fencing included on the Carpenter Street, Central Avenue or Main Street sides of the Property.

Considerations:

The final submitted application for conditional use and site plan approval in respect of the Property and the Project should address and/or incorporate the following points and/or materials:

- a. Ensuring that the lot coverage of the Project, including in respect of the garage and any proposed outdoor seating areas, does not exceed the 40% standard applicable to the CR Retail Commercial District under the Zoning Chapter.
- b. Consideration should be given to ensuring that the sizing of the proposed restaurant and bar (together with outdoor seating areas) is set to be sustainable to support operations on a year-round basis. While it is possible that the Applicant's business will have more business than they can handle during prime operating days and hours in the summer months, it is less clear whether the proposed size of the restaurant/bar space makes sense for operations and probable patronage during off-season times in the Village.
- c. Provide a comprehensive operating plan for the restaurant, bar and catering business, including, proposed months, days and hours of operation for each of the restaurant, bar, take-out/to-go business and catering business (and identifying any probable routinely scheduled closures), the anticipated number of employees during various periods of operation of the businesses, the proposed seating plan for the restaurant, outdoor patio areas and bar, including, anticipated maximum occupancy (broken down between the bar, restaurant and outdoor patio areas) and projections in respect of actual patronage numbers broken down between the bar, restaurant (eat in) and take-out/to-go businesses during varying months and days of the week.
- d. Providing a clear separate method of ingress or egress to the bar area for use when the restaurant is not in operation, but the bar is open.
- e. Consider reducing the area allocated to the restaurant and providing for a separate small food related retail area with an independent ingress/egress that would also handle the take-out/to-go business and otherwise operate as a small retail food market area.
- f. Applicant should consult with the Village's Historic Preservation Commission and Village Tree Committee in respect of the appropriate architectural style for the Project as well as

appropriate trees and landscaping for buffer zones around the Project. Such advise should be incorporated into Applicant's final submission for the Project (noting that the Planning Board understands that the Historic Preservation Committee will only have rendered preliminary advice and not delivered any certificate of appropriateness prior to the final submission).

- g. Provide for a separate independent point of entrance and egress for the bar area, such that the bar may be operated as a stand-alone business separate and apart from the portion of the Property operated as a restaurant during hours when the restaurant is closed. If Applicant intends to potentially operate the full public space available on the first floor of the proposed building as a bar during hours when the restaurant is closed, this should be indicated and the Planning Board will need to consider the Application in this light (i.e. that one the proposed primary use of the Property is as a bar as opposed to primarily a restaurant).
- h. The Planning Board may include a condition as part of its approval of any conditional use that the restaurant be operated on a full time (not seasonal) basis subject to limited seasonal closures not exceeding a month in time in order to ensure that the Village community benefits from a year-round business operation.
- i. (i) Proposed garbage removal plan, including how dumpster will be accessed by the garbage removal company), (ii) placement of mechanicals, and, in particular, whether all utilities will be inside the building or will be placed out, in whole or in part outside of the building or on the roof of the building, (iii) whether and/or how the garage space will be vented, (iv) proposed operation and placement of doors for garage space, (v) proposed placement of all outdoor lighting and speakers, (vi) whether the food cooler is proposed to be accessible from outside or solely from within the building and (vii) incorporation of all necessary handicap accessibility requirements, including any elevator or other requirements necessary to comply with applicable laws for access to the residential apartment units.
- j. As previously mentioned, a description of the proposed/contemplated rental process for leasing the apartments to ensure compliance with applicable Code requirements as well as any proposed covenants benefiting the Village in respect of the leasing of the apartments designed to ensure that such apartments are leased to full-time Village residents, including any undertakings to ensure that a portion of such apartments are made on an "affordable" basis or persons working in the Village or the Town of Southold.
- k. Proposed building plans, including ingress and egress areas, should comply with all applicable laws under the ADA and FHA.
- l. Consideration should be given to including an entrance to the business uses of the Property from Main Street in order to integrate into, and enhance the commercial

vibrancy of, the northern Main Street corridor. This might also serve to reduce some of the potential negative impacts from extensive traffic onto Central Avenue.

For the Applicant's general information, in addition to satisfactorily addressing the issues raised above, the Planning Board will include at a minimum the following items in connection with approval (if any) of the Project:

- a. That Applicant bury all overhead wires which will service the proposed Property or potentially conflict with access for emergency response vehicles.
- b. An Erosion and Sediment Control Plan for use during construction which will be required to be reviewed and signed off on by an independent engineering consultant on behalf of the Village prior to the issuance of any building permit for the Project. Note that new MS4 and SWPPP requirements have recently been instituted by New York State and additional compliance measures in this regard may be necessary.
- c. A Construction Control Survey to be utilized for construction stake-out purposes. Prior to breaking ground, a licensed surveyor shall clearly identify existing boundary lines of the Property for the Building Inspector and/or independent engineer acting on behalf of the Village to review. The Applicant will be required to employ the services of such surveyor at any time during construction in which the Village raises any questions regarding the boundaries of the Property.
- d. A plan for restoring the sidewalk and curb cuts along the north side of Central Avenue, including detailed design proposals in respect thereof.
- e. A drainage plan for the Property.

Ultimately, the burden is on the Applicant as part of its submission of its final and complete application for conditional use and site plan approval for the Property and the Project to demonstrate to the Planning Board that the proposed use of, and site plan for, the Property will not result in any adverse impact or outcome for the *"public in general and of the residents of the immediate neighborhood in particular"* (see Section 150-30(A) of the Code). Given the important policy objective of the Village in increasing the availability of affordable year-round housing for residents, the Applicant may wish to give consideration to providing that at least some portion of the proposed apartments will be made available to applicants under the Village's Housing Choice Voucher program or will otherwise be rented on an "affordable" basis to persons working on a full-time basis in the Village as a counterweight to any potential adverse impacts that might result from the Project in respect of the various site plan review considerations set forth in Section 150-30. The final and complete application for conditional use and site plan approval for the Property and the Project will need to provide clear and significant mitigation and/or solutions satisfactory to the Planning Board in respect of the effects on the Village and surrounding neighborhood and the community concerns noted above.

COMMENTS ON ENVIRONMENTAL ASSESSMENT FORM AND OTHER MATERIALS SUBMITTED AS PART OF PRE-SUBMISSION APPLICATION: The following comments are offered in the interest of time in respect of the Full Environmental Assessment Form ("FEAF") and other materials previously submitted by Applicant.

All comments will need to be addressed to the satisfaction of the Village and the Planning Board in the final FEAF submitted in connection with the final and complete application for conditional use and site plan approval for the Property and the Project. The final submitted FEAF, and any related materials remain subject to further review and comment at the time of submission. To the extent feasible, all FEAF materials should be incorporated into one document in connection with Applicant's submission of a final and complete application for conditional use and site plan approval for the Property and the Project.

a. The building elevations in the submitted materials do not appear to match. The north and south elevations show a 1-story structure on the east side of the building, but the east and west elevations show a 2-story building.

b. The north building elevation does not reflect the "outdoor cooler." This needs to be corrected.

LIST OF MATERIALS REQUIRED FOR COMPLETE SUBMISSION: The following materials will be required to be submitted to the satisfaction of the Building Inspector and the Planning Board prior to the Planning Board's acceptance of a final application for conditional use and site plan approval for the Property and the Project for consideration and any scheduling of public hearings in respect thereof:

a. All materials required under Section 150-31 of the Code, including a revised FEAF addressing the above points and a detailed and complete community impact report (as defined in Section 150-2 of the Code). The community impact report should consist of one cohesive document that provides detailed answers and analysis of the points required to be addressed pursuant to the definition thereof as well as details as to the proposed operation of the Project. Statements that simply indicate that a condition is satisfied without a specific detailed analysis supporting such a conclusion shall be considered incomplete.

b. A plan sheet that overlays the lines of the Property, building footprint and proposed curb line over the most current version of NYS Ortho imagery available. This plan should clearly identify the extents of any curb cuts, site access and/or loading zones of properties located on Carpenter Street and East Front Street within 75 feet of the Property line on these streets.

c. A Coastal Consistency analysis pursuant to Chapter 139 of the Code and all regulations and requirements of the NYS Department of State in respect of the impact and effect of the proposed use on the various policies set forth in the LWRP. At a minimum, this analysis should be prepared by an experienced professional engineer and address a discussion of Policies 1B, 4, 5, 5A, 10A, 14, 18, 23, 33, 37 and 38 of the LWRP.

d. The Zoning Compliance table included in the final and complete application for conditional use and site plan approval of the Property and the Project should clarify that the Property has three (3) "front yards", and setback dimensions should be clearly identified for all three front yards on the main site plan sheet.

e. All main sheets of the proposed site plan and architectural plans will need to contain the statement required pursuant to Section 150-31(C)(13) of the Code in a 3" by 4" boxed area. The Village can provide this language upon request.

- f. The site plan should include detailed information on the width of Central Avenue and what parking, if any, is proposed to be placed on Central Avenue after the curb and sidewalk areas are restored. Please note that there will need to be sufficient daylighting space included around any driveway aprons to the Property located on Central Avenue where parking will be prohibited.
- g. The final submission for site plan and conditional use approval should include a fully engineered site plan for the Property, including all appropriate linear dimensions, signage, pavement markings, drainage structures, ADA features in respect of all proposed uses of the Property.
- h. The final site plan should contain legends which clearly define the different line types utilized for different purposes (*i.e.*, property lines, sawcut lines, etc.). Line types within the final site plan should match the legend.
- i. The final submitted site plan should include details as to the sizing of any contemplated roof overhang area or any roof or overhead coverage (of any type, whether temporary or otherwise), in respect of the proposed outdoor seating areas.
- j. As previously noted, a copy of any Phase 1 Environmental Site Assessments or related reports that have previously been undertaken in respect of the Property and a summary of any environmental mitigation undertaken in respect of potential environmental liabilities on the Property, to the extent available to the Applicant. If not available, the Village will require a Phase 1 Environmental Site Assessment be undertaken.
- k. A Stormwater Control Plan that includes an analysis of differences between existing and proposed conditions at the Property. This should illustrate any design features the Applicant is including to offset the impacts to neighboring roadways and properties due to the increased lot coverage and increased amount of impervious surfaces.
- l. A signage plan identifying the location and text of all proposed signs.
- m. A landscaping plan for the Property designating the use of non-invasive plants and proposed care for establishment and maintenance of plantings. Street trees should be spaced a minimum of 20 feet apart and tree pits should be provided in accordance with Urban Horticulture Institute guidance.
- n. A utility plan which should identify all proposed and existing fire hydrants and hose connections which will serve the Project, as well as the sizes of existing water mains which feed said features.
- o. The final site plan should show proposed striping and signage for any fire apparatus zones on adjacent roadways that are required pursuant to applicable local and New York State Building and Fire Codes.
- p. A proposed operating plan in respect of the bar, restaurant, take-out/to-go food business and catering business to be operated on the Property, including proposed hours of operation,

anticipated total number of employees, proposed operation of catering business and use of food trucks and a parking and loading/unloading management plan for the Property, including in respect of the take-out/to-go business proposed to be operated on the property. The operating plan should address all other information requested to be addressed as such in other parts of this report.

- q. A proposed plan for managing the leasing of the proposed apartment units, including whether Applicant intends to ensure that one or more of the proposed units will be made available to current workers or residents in the Village or Town of Southold and/or any proposed approach to ensure the affordability of such units to year-round residents of the Village.
- r. A proposed construction staging plan, traffic management plan and construction timeline/schedule. The Applicant should assume that as a condition to any conditional use or site plan approval in respect of the Property and the Project, the Planning Board will require that any significant outside construction work take place on weekdays between the hours of 8 am and 5 pm between mid-October and early May in order to minimize any disruption of traffic (pedestrian and vehicular) in respect of the adjacent residential district and the downtown commercial district. Applicant should include a proposal for parking, staging, and loading of vehicles related to construction for the Project which minimizes the impact on the adjacent residential district and the downtown commercial district.
- s. The traffic study referred to above.

The Planning Board reserves the right to require additional information and/or materials (including analyses and/or input from outside consultants) as part of its consideration of the final and complete application for conditional use and site plan approval for the Property and the Project.

CONCLUSION:

This Pre-Submission Report is intended to provide the Applicant with general feedback and identify issues of concern to the Planning Board in respect of the proposed use and site plan for the Property and the Project based on a review by the Planning Board of the materials submitted by the Applicant as part of the pre-submission process. Upon receipt of a final and complete application for conditional use and site plan approval for the Property and the Project, the Planning Board will review the entire application taking into account all considerations set forth in the Zoning Chapter, other applicable Code provisions and the requirements of the New York State Environmental Quality Review Act. The Planning Board reserves the right to raise additional issues and points of consideration in connection with the proposed use and site plan in connection with its review of a final accepted application for conditional use and site plan approval for the Project. Moreover, nothing stated herein shall in any way be considered as an indication of decision or be legally binding on the Planning Board or the Village of Greenport in any way. The Applicant has up to six (6) months from the date of this report to file a final and complete application (unless such period is extended by the Planning Board in its sole discretion in accordance with Section 150-31(B)(5) of the Code) seeking conditional use and site plan approval for the Property and the Project. Failure to file such a final and complete application in said period will require the holding of a new pre-submission conference before the Planning Board prior to proceeding to a final application for conditional use and site plan approval for the Property and the Project. If you have any questions in respect of this report, please contact

Michael Noone, Clerk to the Board at mnoone@greenportvillage.org or Candace Hall, Village Clerk at chall@greenportvillage.org and they will direct your inquiry as appropriate. The Planning Board greatly appreciates your interest in doing business in the Village and looks forward to receiving a final and complete application for conditional use and site plan approval for the Property and the Project that satisfactorily addresses the points raised in this report as well as the conditions, considerations and requirements for a conditional use approval and site plan approval set forth under the Code.



ROBERT A. STEELE, P.E. PRESIDENT and CEO
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KARA M. O'NEILL, GISP, MBA

DATE: August 1, 2024
TO: Mayor Kevin Stuessi
FROM: L.K. McLean Associates, D.P.C.
RE: SCOPE OF TRAFFIC AND PARKING ASSESSMENT
CC: Village Counsel

APPLICATION INFORMATION

Applicant: Matt Michel / Main and Central Realty, LLC
Project Location: 400 Main Street
SCTM: 1001-4-7-24
SEQRA Recommendation: Subject to further review
SC Planning Referral: TBD
Zoning District: CR
Variances Required? YES
Historic District: YES
Certificate Required? YES

Submission/ Plan Revision Date: April 2024

This memorandum provides the recommended scope for a traffic and parking assessment for the above proposed project. The project is located on the northwest corner of Main Street (NY25) at Central Avenue, in the downtown business area of the Village of Greenport. The project proposes a new restaurant with a bar and a food truck operation, along with 6 apartments on the floors above. In addition, the application indicates that a significant take-out operation is planned for the restaurant.

Based on our review of the materials submitted in support of the application, and our discussion with representatives of the Village, it is our recommendation that a Traffic Impact and Parking Assessment be conducted in conjunction with the SEQR process for the application. The assessment should evaluate the potential transportation-related impacts that the project will have on the surrounding roadway system.

Although when the Village setting is taken into account, many of the restaurant trips will be walking trips, not vehicle trips, the take-out business will generate a substantial demand for high turnover, short duration parking in addition to the normal restaurant/bar demand. The assessment should include a detailed analysis of the traffic and parking impacts with particular attention to the impact on surrounding residential community. The impact analysis should include, but not be limited to, a

description of the proposed improvement, a discussion of the site's access and circulation, access to and availability of parking, the number of expected new residential, visitor and employee trips expected to be generated by the project, an analysis of pedestrian safety and circulation, and an associated impact analysis. Mitigation measures of impacts should be identified. Any field data collection required by the scope shall be collected on both a peak weekday and peak weekend, during the height of tourist season.

A more detailed scope of work is outlined below.

1. A description of existing roadway features in the project area, including the number, direction and width of travel lanes, posted speed limits, parking regulations, signs and traffic control devices.
2. An estimate of the number of new vehicle trips that can be expected to be generated by the proposed project. The analysis should include information from the latest edition of the Institute of Transportation Engineers (ITE) report "Trip Generation", and / or data provided by the applicant based on similar land uses.
3. The impact of the additional traffic on the adjacent roadways shall be evaluated. Intersection capacity analyses should be conducted at the site driveways and at the intersections of NY25 at Central Avenue, NY25 at Center Street/Park Street and NY25 at South Street/Bay Avenue to determine the impact of the site generated traffic on operating conditions at these intersections. Traffic volume data should be obtained and impact analyses performed during the peak summer season (post- July 4thholiday) during the following time periods:
 - Weekday AM Peak Period: 7:00-9:00 AM
 - Weekday PM Peak Period: 4:00 -6:00 PM
 - Friday Evening Restaurant Peak Period: 6:00 -9:00PM
 - Saturday Midday Peak Period: 11:00 AM -3:00 PM
4. A parking variance is required, and the proposed apartments and restaurant will generate increased parking demand that is expected to exceed the number of proposed on-site spaces. This demand will need to be accommodated in municipal lots or by utilizing on-street parking. A parking analysis should be conducted to determine the number of parking spaces that will be required to meet the demand generated by the proposed project and the adequacy of available parking to meet the demand, including the following:
 - a. Information from the latest edition of the ITE report Parking Generation and / or data from similar land uses or other sources should be utilized to determine demand;
 - b. An inventory of the available parking supply within a reasonable walking distance of the project that can be expected to be utilized by patrons and residents should be conducted;

- c. A parking occupancy study should be conducted to determine the amount of parking that will be available at those locations to accommodate anticipated peak demand. Time periods for the analysis should be determined by the applicant's engineer to ensure that peak demand hours are reflected in the study;
- d. Measures to reduce parking demand that might be implemented by the applicant should be included in the study.

Note that the Village is currently considering implementing metered parking in the downtown area, including Main Street and Front Street. The status of any proposed metered parking program should be ascertained prior to finalizing the report, and potential impacts, if any, discussed.

- 5. Information regarding projects that have the potential to impact future year projections in the study should be obtained from the Village Building Department, and the impact of any planned or proposed projects within the project area that have the potential to impact traffic operational or parking conditions should be included in the study.
- 6. The adequacy of likely pedestrian paths between the project and off-site parking areas identified above should be assessed. A safety analysis of these proposed routes shall be included and proposed improvements or additions identified.
- 7. An analysis of current crash data for the most-recent three-year period available for the roadways and intersections in the immediate vicinity of the project and along the pedestrian route should be conducted, including pedestrian related crashes, and any patterns noted.
- 8. A discussion of the potential impacts of deliveries for the restaurant and food truck operations on the adjacent roadways, as well as any staging for catering operations, should be provided. The impacts of passenger vehicle loading and unloading associated with the restaurant and apartments, compared to proposed peak capacity analysis should also be discussed.
- 9. The potential impact of the proposed project on emergency service vehicle operations in the area should be addressed. Emergency service providers should be consulted in this regard, especially with regard to Carpenter Street.
- 10. The ability of vehicles including buses and emergency vehicles to access the site should be analyzed using turning templates or AutoTurn software.
- 11. Construction related traffic and parking impacts should be qualitatively evaluated.
- 12. Accessibility for bicyclists should be discussed, along with any planned accommodations including bike racks/lockers for guests, restaurant patrons and employees.



13. The results of the study should be summarized in the report including any recommendations for mitigation or improvements to roadways, intersections, parking areas, etc.

We recommend that the applicant's engineer submit a detailed scope of their proposed study for our review, prior to the collection of any field data, so that we can ensure that all transportation related impacts can be identified and appropriate mitigation propose to the extent possible.

Prepared by: Vincent Corrado, PE Associate
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