

PLANNING BOARD
VILLAGE OF GREENPORT

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In the Matter of the Application of
STIRLING SQUARE LLC
300 MAIN STREET
GREENPORT, NEW YORK

DECISION

For Amended Site Plan Approval to Modify a previous 2015 Site Plan Approval and amend the conditions of the Site Plan Approval to permit exterior amplified music in conjunction with the continued restaurant, bar and hotel use on the property

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NAME OF APPLICANT:	Stirling Square LLC
SUBJECT PROPERTY:	300 Main Street District 1001, Section 4, Block 7, Lot 29
ZONING DISTRICT:	C-R
RELIEF REQUESTED:	Amended Site Plan Approval to permit exterior amplified music
DATE OF HEARING:	May 10, 2024

By decision dated November 4, 2015, the Planning Board granted site plan approval to Stirling Square LLC (the “Applicant”) to permit the rehabilitation and renovation of a building located at 300 Main Street, Greenport, New York designated as District 1001, Section 4, Block 7, Lot 29 on Suffolk County Tax Map (the “Premises”) which included renovations to (a) the first floor of one of the buildings located on the Premises for continued use as a restaurant and (b) the second floor of one of the buildings located on the Premises for use as a five room inn. The approval was conditioned on (a) the Applicant filing a new amended site plan showing two dry wells, a continuous handicap access route from the building to the street, and exterior seating and all exterior existing conditions, and (b) there being no exterior amplified music. Additional site plan approvals have been issued by the Planning Board, none of which are sought to be amended presently. The Board’s decision is based on the site plan submitted with the current application.

Applicant now seeks an amendment of the 2015 approval to remove the condition that there be no exterior amplified music. Applicant submitted a site plan identifying the location of all outdoor speakers proposed to be used in connection with any entertainment or amplified music in the outdoor areas of the Premises, all of which are positioned to emit sound towards the interior of the Premises. Supplementing the application, Applicant submitted a sound and acoustic mitigation report assessing the proposed exterior amplified speaker system based on the recently revised Village Code Chapter 88 (Noise Law) sound restrictions.

The sound and acoustic mitigation report, which was prepared by SoundSense, LLC (“SoundSense”), studied noise emitting from the outdoor speakers and recommended certain conditions to assure that the sound from the outdoor amplification (sound) system would comply with the Noise Law. The report determined that the exterior sound system would comply with the Noise Law if (a) any amplified music or other entertainment utilizing the sound system is stopped no later

than the time restrictions in Village Code §88-5(A)(1)(b), (b) the speaker and sound system includes a limiter function to set thresholds to minimize noise so as to remain in compliance with Chapter 88, and (c) Applicant retains and utilizes at all times that any outdoor speakers are in use an authorized audio consultant who has sole access to the limiter settings.

The Board has reviewed the site plan criteria set forth in Village Code §150-30(B) and approves the site plan amendment for the reasons set forth in the findings herein, subject to the conditions identified herein.

FINDINGS

1. The Planning Board hereby declares itself lead agency pursuant to SEQRA and determines that the application is an Unlisted Action. After careful review of the application, all relevant documents and testimony, the Board concludes in respect to its review of the environmental impacts that the proposed action would not:

(a) result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;

(b) result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

(c) impair the environmental characteristics of any Critical Environmental Area;

(d) conflict with the Village's current plans or goals;

(e) impair the character or quality of important historical, archaeological, architectural or aesthetic resources of existing community or neighborhood character;

(f) result in a major change in the use of either the quantity or type of energy;

(g) create a hazard to human health;

(h) create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(i) encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;

(j) create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when considered together would result in a substantial adverse impact on the environment;

(k) create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;

(l) result in substantial adverse impacts with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;

2. Based on the aforesaid considerations, the Board finds that the proposed action would not have a significant adverse environmental impact and no further environmental review is required with respect to the proposed action.

3. This is an application to amend the conditions of the site plan approval granted by the Board in 2015, to permit the use of exterior amplified music. The Board held a public hearing on the application.

4. Applicant submitted a proposed site plan depicting site uses and locations of all proposed outdoor speakers. Subsequently, Applicant submitted a revised site plan entitled “Stirling Square – 300 Main Street Greenport NY 11944”, prepared by Robert I. Brown, Architect, P.C., dated 08 May 2024 (the “Site Plan”). The Site Plan depicts locations of all

proposed outdoor amplified speakers and the direction that the sound would be emitted from each of the speakers.

5. Applicant also submitted a report from SoundSense regarding potential noise impacts and mitigation recommendations. Subsequent to that report, the Village Board of Trustees adopted a new Chapter 88 (Noise Law) providing for various objective and other standards in respect of noise. SoundSense then conducted a new sound analysis applying the provisions of the recently adopted Noise Law. The updated SoundSense report, dated August 9, 2024 (the "Report") included sound testing at 14 different locations some of which were located along the boundaries of the Premises and others at areas off-site. As stated in the Report and as reflected in Table 2 of the Report, applying a limiter function to the speaker system enables the sound emitting from the system to operate in compliance with the Village Code.

6. The Report recommends certain conditions to assure that the sound from the outdoor amplification (sound) system complies with the Noise Law. The Report determined that the exterior sound system would comply with the Noise Law if (a) music stopped no later than the time restrictions in Village Code §88-5(A)((1)(b), (b) the speaker system includes a limiter function to set thresholds to minimize noise to remain in compliance with Chapter 88, and (c) at all times that any outdoor speakers are in use, Applicant retains and utilizes an authorized audio consultant who shall have sole access to the limiter settings.

7. The Village reported that the site has not been the subject of any noise complaints since the Village's introduction of the new noise law.

8. The Premises is surrounded by commercial and residential properties. The Board has considered the noise sensitivity of the surrounding community, particularly the residences.

The Report and testimony demonstrate that the proposed outdoor amplified speaker system is designed in a manner that will mitigate potential adverse noise impacts on the surrounding neighborhood and will be in compliance with the Noise Law.

9. The Board has reviewed the Report, the proposed mitigation, the neighborhood, the testimony, and the Site Plan, and determines that:

(a) The proposed site plan satisfies all applicable criteria and standards set forth in the Village Code and is otherwise consistent with the principles and objectives of the Village's 1988 adopted Local Waterfront Revitalization Plan (LWRP) and the 2004 LWRP amendment.

(b) There is no proposed change in the accessibility of the buildings, structures and equipment on site for police and other emergency services, and the continued use of the property in the same manner as approved in 2015 (with the exception of the new exterior amplified music) will not interfere with the provision of these services to the immediately surrounding neighborhood.

(c) Subject to the conditions imposed herein, the public health, safety and welfare and the comfort, convenience and order of the Village in general and in particular of the residents of the immediate neighborhood(s) will not be adversely affected in any material respect by the proposed Site Plan amendment.

(d) The Site Plan amendment (a) will, in general, be in harmony and compatible with the appropriate and orderly development of both the C-R district as well as the immediately surrounding residential and commercial neighborhood and (b) will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

(e) No change is proposed that would impact pedestrian and vehicular traffic to and from the use 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.

(f) Noise impacts will be mitigated based on the conditions imposed in this approval.

(g) The Site Plan amendment will not result in overcrowding of land or over burdening of services, or public benefits.

DECISION

Based upon the above findings, the Board determines that the granting of the amended site plan approval pursuant to Village Code §150-30 to permit exterior amplified music will be consistent with the Village's physical, cultural and social policies in accordance with the Village's LWRP. Further, it is hereby determined that the Site Plan amendment will provide a desirable benefit to the community, will promote the economic vitality of the Village's downtown and will not be incongruous to the neighborhood.

IT IS THEREFORE RESOLVED, as follows:

1. The site plan amendment is hereby **GRANTED** upon the following conditions.
2. The use of the outdoor amplified speakers shall be in compliance with the Site Plan.
3. The outdoor speakers shall be installed and maintained in the locations depicted on the Site Plan, and the direction of the sound emanating from the speakers shall be in the direction depicted on the Site Plan.
4. Applicant shall assure that no music is played on the outdoor speakers during the prohibited times as provided in in Village Code §88-5(A)((1)(b).
5. At all times, the amplified speaker system shall include a noise limiter set to thresholds to assure compliance with Village Code Chapter 88.

6. At all times that any outdoor speakers are in use Applicant shall retain and utilize an authorized audio consultant who shall have sole access to the limiter settings, and no person not authorized by Applicant will be permitted to access the limiter settings.
7. This approval and the conditions herein shall apply to the Premises, the current owner and all future owners and operators of the Premises.
8. Any structural changes to the Premises or the design, location or use of the outdoor amplified speaker system shall require an application to the Board for an amendment of this approval.
9. Any replacement of the outdoor speaker system or any of the proposed speakers shall include the limiter function subject to the limitations herein.
10. Any modification of the outdoor speaker system, other than a replacement of existing outdoor speakers in their location as approved herein, shall require an application for amended site plan approval.

All of the terms, conditions and obligations contained in this Decision shall be binding upon the Applicant, its heirs, successors and assigns.

This constitutes the Decision of the Planning Board. Applicant shall, within ten (10) days of the date of filing of this Decision, consent in writing to the conditions contained herein. Failure to so consent shall render this Decision null and void.

Dated: Greenport, New York
January 30, 2025

Filed in the Office of the Village Clerk
on the 30 day of January 2025



Candace Hall, Village Clerk