

To: Kevin Stuessi, Village of Greenport Mayor and Trustee
Mary Bess Phillips, Village of Greenport Deputy Mayor and Trustee
Patrick Brennan, Village of Greenport Trustee
Lily Dougherty Johnson, Village of Greenport Trustee
Julia Robins, Village of Greenport Trustee

From: The Village of Greenport Planning Board

Date: January 27, 2025

Re: Proposed Zoning Map Amendments (draft Local Law 25-01 and 25-02)

Ladies and Gentlemen:

Reference is made to the email notice of referral dated December 31, 2024 (the "Notice") from the Village of Greenport to the Village of Greenport Planning Board (the "Planning Board") in respect of (a) proposed local law 25-01, relating to the property located at SuVolk County Tax Map 1001-4-8-29 ("Lot 29"), which proposes to rezone the portion of Lot 29 currently zoned R-2 One- and Two- Family Residence District ("R-2 District") such that the entirety of Lot 29 would be classified as being in the CR Retail Commercial District (the "Lot 29 Amendment") and (b) proposed local law 25-02, relating to the property located at SuVolk County Tax Map 1001-4-8-28 ("Lot 28"), which proposes to rezone the entirety of Lot 28 from being classified as in the R-2 District to be placed and classified as CR Retail Commercial District (the "Lot 28 Amendment" and together with the Lot 29 Amendment, the "Zoning Map Amendments"). Both of the Zoning Map Amendments are being proposed in connection with a proposed expansion (the "Expansion") of The Greenporter Hotel and Restaurant (the "Greenporter" or "applicant") which is currently located and operating at 326 Front Street (at the corner of Fourth Avenue), which address is currently comprised of the property located at Lot 29 as well as the property lots located at SuVolk County Tax Map 1001-4-8-30 and 1001-4-8-31 (such lots together with Lot 29, being referred to herein as the "Existing Greenporter Property"). Lot 28 is not currently owned by the applicant, but the Planning Board understands that the applicant has entered into a contract to purchase Lot 28 with the proposed intention of using it to provide additional parking, loading and unloading zones and landscape buffering for the Existing Greenporter Property as part of the proposed Expansion.

This memorandum is being delivered to the Board of Trustees in response to the Notice and the Zoning Map Amendments in accordance with Sections 150-32 and 150-33 of the Village of Greenport's Code (the "Code"). This memorandum is intended to provide general feedback and identify any issues of concern to the Board of Trustees from the Planning Board solely in respect of the Zoning Map Amendments. Nothing herein shall in any way be

considered as an indication of decision or support for the proposed Expansion or otherwise prejudice the Planning Board's independent review and determination in respect of a final and complete site plan and conditional use application by the applicant in respect of the Expansion in accordance with the provisions set forth in Sections 150-29, 150-30 and 150-31 of the Code and the requirements of the New York State Environmental Quality Review Act ("SEQR"). The Planning Board further notes that it did not request or receive public comments or hold a public hearing specifically in respect of the Zoning Map Amendments as it understands that the Board of Trustees is acting as lead agency for purposes of SEQR and is holding public hearings in respect thereof. The Planning Board's input is thus limited to its review of the Zoning Map Amendments based on the criteria set forth in Section 15033 of the Code. In providing this input, the Planning Board has considered issues relating to the public health safety and welfare of the Village community that it has identified as part of its preliminary review of the proposed Expansion, including based on input received from L.K. MCLean Associates P.C. ("LKMA"), the Planning Board's outside engineering and planning consultant in respect of the proposed Expansion.

I. Expansion and Pre-Submission Review by Planning Board.

The Greenporter originally filed a request for a pre-submission review of the Expansion by the Planning Board in November 2023 as required pursuant to Section 150-31(B) of the Code. The contemplated Expansion reviewed by the Planning Board in connection with the pre-submission process involved the following: (a) an expansion of the first and second floors of the two principal buildings located on the Existing Greenporter Property resulting in an interior expansion from approximately 7,521 square feet to 8,511 square feet (an increase of approximately 990 square feet of floor area) for each of the first and second floors of the two buildings and the addition of one new guest room on the second floor of the buildings; (b) the construction of a third floor on the two buildings located on the Existing Greenporter Property adding an additional 6952 square feet and 21 guest rooms on a new third floor of the buildings; (c) the reconstruction of the front façade of the two existing buildings; (d) connection of the two existing buildings on the second and third floors; (e) an increase in the space dedicated to the onsite restaurant by 335 square feet and other changes to the restaurant space located on the Existing Greenporter Property with a patio seating area for the restaurant resulting in 49 indoor seats and 16 outdoor seats for the restaurant (a net increase of an additional 20 seats from that currently approved for the restaurant area); and (e) other associated site and landscaping modifications. During the pre-submission process, applicant indicated that the hotel would never have more than 12 employees onsite at any time.

In connection with its pre-submission review of the proposed Expansion, the Planning Board held a public meeting for discussion and public input on December 15, 2023, and March 1, 2024. In April 2024, the Planning Board issued its pre-submission report in respect of the Expansion to the applicant and the public. That pre-submission report

provides a general discussion of current site plan conditions, probable necessary variances in connection with the proposed Expansion (including in respect of parking and loading/unloading areas) and highlighted the following items as potentially having a negative impact on the local community's public health, safety and welfare: (a) the effect of the Expansion on local traffic and related safety and related community impacts on surrounding roadways and neighborhoods, public transportation, pedestrian circulation, emergency vehicles and public parking supply, (b) the adequacy of parking and loading/unloading zones due to the transient overnight nature of the use of the property as an lodging establishment and (c) the size, character and nature of the proposed Expansion. A copy of the pre-submission report is available on the Village of Greenport's website at: <https://villageofgreenport.org/agendas-2024/326-Front-Street-PreSubmission-ReportFinal.pdf> and <https://villageofgreenport.org/agendas-2024/326-Front-Street-Attachment-ALKMA-Pre-Submission-Recommended-Scope-Traffic-Parking-Analysis.pdf>.

It is noted that no traffic or parking study had been provided or undertaken prior to the presubmission process and thus the Planning Board was able to provide only limited input to the applicant in respect of these issues pending receipt of a study and report from an outside consultant and input from the Planning Board's outside engineering and planning consultant. The Planning Board did, however, specifically encourage the applicant to consider incorporating the following mitigants (among others) in respect of potential traffic, safety and parking impacts likely to arise in connection with the Expansion: (a) a request to the Village Board of Trustees to make one side of Fourth Avenue a no parking/no stopping area in order to ensure sufficient room for passing of the S92 bus and emergency services vehicles (including vehicles of first responders enroute to the Third Street Firehouse) and (b) the acquisition or use of nearby privately owned property to accommodate the probable increased demand for parking spaces and loading/unloading areas or other alternative methods of addressing/increasing the availability of parking and loading/unloading zones on-site.

The Planning Board has not undertaken any additional review or received additional input from counsel, LKMA or the public in respect of the proposed Expansion since the presubmission process pending a resolution of applicant's requests for rezoning contemplated by the Zoning Map Amendments.

II. Review Criteria.

Section 150-33(B) of the Code specifies the considerations the Planning Board is intended to take into account in connection with its review of any proposed amendment to the Village's Zoning Map (which is the case with respect to the Zoning Map Amendments). These considerations are as follows:

- (a) whether the uses permitted by the proposed change in zoning of a particular lot would be appropriate in the area concerned;
- (b) whether adequate public-school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of any proposed zoning change;
- (c) whether the proposed change is in accord with any existing or proposed plans in the vicinity;
- (d) the effect of the proposed rezoning upon the growth of the Village as envisaged by the comprehensive development plan for the Village; and
- (e) whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Village and the probable effect thereof.

Under New York State law, zoning laws and maps are generally required to be linked to a municipality's comprehensive plan in order to remove zoning and planning matters from immediate political considerations and in order to ensure an "objective analysis" of a community's needs. In order to avoid being challenged as "illegal spot zoning", a proposed zoning amendment needs to be "part of a well-considered and comprehensive plan calculated to serve the general welfare of the community."¹ A rezoning of a single small parcel or lot is not in and of itself "illegal spot" zoning for NY law purposes – rather so long as the rezoning is taken in accordance with a comprehensive plan and is for the *general welfare of the community as a whole*, it is permitted under NY State law.²

At the outset, the Planning Board notes that the Village currently lacks an approved updated written and documented comprehensive plan (the current applicable plan for the Village is contained in the Local Waterfront Revitalization Program dated October 8, 1988 (the "LWRP")) and that the working draft of an updated LWRP which is intended to provide a basis for a comprehensive plan for the Village was drafted in 2012 (and modified in 2013 and 2014), more than 12 years ago. The Village has experienced significant changes in commercial and residential composition during this period. Thus, the current written comprehensive plan for the Village's development which is intended to provide guidance to the Planning Board and Board of Trustees in respect of zoning and planning matters is significantly outdated and fails to reflect the current residential and commercial demographics and composition in the Village. The Planning Board further notes that it has previously raised concerns about the lack of an updated written comprehensive plan for

¹ See Zoning and Comprehensive Plan published by the New York State Department of State | Local Government as part of the James A. Coon Local Government Technical Series.

² *Id.*

the Village and a comprehensive review of parking and traVic considerations to be taken into account in connection with proposed developments in the Village, among other concerns, in a letter to the Board of Trustees sent in July 2024. The Board of Trustees has never responded to this letter and to the best knowledge of the Planning Board has never specifically discussed the issues raised in this letter with an intent to provide guidance or a response to the Planning Board. A copy of that letter which raised several requests for input by, and areas of concern to, the Board of Trustees is attached to this report as Exhibit A.

The lack of clarity and response to many of the issues raised in the Planning Board July 2024 letter, as well as the lack of an updated comprehensive plan and set of guiding policies and principles governing development in the Village, makes it challenging, at best, for the Planning Board to provide the Board of Trustees with meaningful comments and input on the Zoning Map Amendments. Thus, as a general matter, the Planning Board is of the view that ultimately a determination as to whether the Zoning Map Amendments are appropriate and in the best interests of the Village community is a judgment and determination for the Board of Trustees. Having said that, in the interest of providing input to the Board of Trustees in its undertaking of a comprehensive review of, and reaching a determination as to whether, the proposed Zoning Map Amendments should be adopted, the Planning Board does not oppose the proposed Zoning Map Amendments and believes that there may be a basis for a finding that the Zoning Map Amendments provide benefits to the Village community as a whole by alleviating potential negative impacts on traVic, safety and parking in the area of the Village around the Greenporter.

III. Lot 29 Amendment.

The Planning Board is of the view that the Lot 29 Amendment is principally a “clean-up” amendment to the zoning map that reflects the actual and historical use of Lot 29 as part of the overall operations of The Greenporter. The Planning Board believes that the use of that portion of Lot 29 that is currently zoned and placed in the R-2 District in connection with the operations of The Greenporter (a commercial use permitted on a conditional basis in the CR Commercial Retail district but not in the R-2 Residence District) is arguably permitted without any rezoning both pursuant to Section 150-5(D) of the Code (which permits in certain instances the use of a portion of a split zoned lot that would not be permitted in the district in which such portion is zoned for a use that is permitted in the district applicable to the other portion of the split zoned lot) and Section 150-20 of the Code (nonconforming uses) and thus may not strictly require a zoning amendment. However, the Planning Board believes that it is best practice and appropriate, where possible, for the Village’s zoning map to be amended to reflect actual approved uses that are not intended to be subject to the provisions of the nonconforming use provisions of

Section 150-20 but rather are intended to be permitted as a general use of the applicable property. With respect to the criteria set forth in Section 150-33(B), the Planning Board further notes the following:

- (a) Appropriateness of Proposed Use (Section 150-33(B)(1) of the Code). The Planning Board finds that the use of the portion of Lot 29 zoned and placed in the R-2 District as part of the parking area and driveway/storage area and buffering zone for The Greenporter is appropriate and is in accordance with the current use of that lot as a whole. There is no obvious manner in which the portion of Lot 29 which is currently zoned and placed in the R-2 District could reasonably be expected to be used in accordance with the uses applicable to the R-2 District as set forth in Section 150-8 of the Code.
- (b) Adequacy of Public Facilities/Services for additional potential residences (Section 150-33(b)(2) of the Code). Not applicable (no residences are proposed to be created in connection with the Lot 29 Zoning Amendment).
- (c) Consistency with Existing/Proposed Plans in Vicinity (Section 150-33(B)(3) of the Code). Both the current approved site plan for the Greenporter and the proposed site plan for the Expansion includes the use of that portion of Lot 29 that is placed and zoned in the R-2 District as part of the existing commercial operations of The Greenporter. Given that Lot 29 is already used in whole as part of the commercial operations of The Greenporter, the Lot 29 Zoning Amendment is consistent with the actual current and historically approved uses of Lot 29 and the surrounding area.
- (d) Consistency with Comprehensive Plan (Section 150-33(B)(4) of the Code). The LWRP provides a few provisions which are applicable to this analysis. Specifically, policy 1B of the LWRP sets forth a policy of improving the economic vitality of the downtown commercial district. This same policy further states that both adequate on-street parking and a buffering landscape zone with any adjacent residential district to the commercial district should be included in connection with a site plan/development in the CR Retail Commercial District. The proposal to rezone that portion of Lot 29 that is currently zoned and placed in the R-2 District is in accordance with these provisions.
- (e) Effect of Proposed Amendment on Zoned Residential Capacity (Section 15033(B)(5) of the Code). Arguably the Lot 29 Amendment reduces the residentially zoned capacity of the Village but as noted above it seems improbable at best that the portion of Lot 29 currently zoned R2 One- and Two- Family Residence District could or would be used to provide housing given the split nature and current uses of Lot 29 and the adjacent related lots forming the Existing Greenporter Property.

Based on the foregoing analysis, the Planning Board is generally of the view that the Lot 29 Zoning Amendment should be adopted to reflect the correct and actual use of the property and believes that its adoption is in the interest of the Village community and is not likely to create any significant adverse environmental impact to the Village community.

IV. Lot 28 Amendment.

The justification for the Lot 28 Amendment is not as clear cut as that supporting the Lot 29 Amendment. In the event that the Lot 28 Amendment is adopted, the Planning Board understands that the Greenporter's intent is to use this additional property for additional parking and/or loading/unloading zone for the hotel and restaurant as well as a landscaping buffer zone with the adjacent R-2 District. The proposed Lot 28 Zoning Amendment lays bare the conflict between competing Village priorities set forth in the LWRP and the Village's adoption of status as a "New York State Pro Housing Community". In particular a determination as to whether the Lot 29 Amendment is in the interests of the Village community generally and is otherwise in accordance with the Village's "comprehensive" plan requires a determination and balancing between the goals of (a) supporting the economic revitalization of the downtown commercial district and the Village's tourism economy, (b) ensuring adequate off-street parking availability and mitigating against adverse impacts of traffic and on-site parking deficiencies on local public streets and publicly owned parking resources, and (c) encouraging additional year-round affordable housing development.

On the one hand, the Village adopted status as a "New York State Pro Housing Community" during calendar year 2024 and the Village Board of Trustees has been engaged in in-depth discussions about the lack of affordable housing in the Village and the need to seek opportunities to encourage and support development of affordable year-round housing units. From this perspective, the rezoning of a residentially zoned lot to be in the CR Retail Commercial District as contemplated by the Lot 28 Zoning Amendment would seem counterintuitive to these policy objectives and the strong vested community interest in supporting the development of additional year-round affordable housing in the Village. The Planning Board notes, however, that Lot 28 has been a vacant lot dating back for at least 30 plus years and that the sizing of the lot may require several variances from Section 150-12 to permit construction of a house on the lot (as an example the width of the lot is no greater than 47 feet and decreases to 34 feet in the rear of the lot but Section 150-12(A) of the Code requires that residential lots have a lot width of at least 60 feet and side yard setbacks that are at least 25 feet). In addition, there can be no assurances that any housing that might be proposed to be built on Lot 28 would constitute "affordable" year-round housing (as opposed to being sold and developed at market rates to be utilized as a vacation rental or second part-time residence). The fact that the property has failed to be purchased and developed for housing in the last few years when housing and property prices have dramatically risen in the Village and surrounding area would seem to provide evidence that

the lot is not a likely target for residential development (whether as a result of the odd lot size, location or otherwise).

In competition with the Village's commitment to supporting affordable housing development, are the clear policies set forth in the LWRP relating to improving the economic vitality of the downtown district subject to businesses providing adequate on-street parking and landscaping zones with respect to adjacent residential districts. Recent parking utilization studies undertaken in the Village in connection with certain proposed commercial developments (including the proposed Expansion) have generally concluded that the municipal parking lots show a utilization rate of between 75-90% during peak periods of weekends in the summertime. While these studies also show that there is lower utilization (and thus greater availability) of on-street parking in adjacent residentially zoned districts, this utilization is also significant during peak tourism season in the Village. The last parking study undertaken by the Village in 2009, as well as input from LKMA, has indicated that once municipal parking lots approach a utilization rate of 85% there is likely to be a significant negative impact from parking in residential neighborhoods and a need to undertake parking management strategies designed either to increase the amount of available municipal parking and/or reduce demand for on-street parking and parking in municipal lots. The need for additional Village hotel rooms (and concomitantly additional parking spaces for visitors using those rooms) to support the local tourism economy may also need to be viewed in light of the ongoing discussions of the Board of Trustees to impose additional more restrictive conditions on short-term rentals in the residentially zoned areas of the Village with a goal to encouraging the return of some of the residentially zoned housing stock currently used for short-term transient lodging to use as general housing stock available to year-round residents of the Village.

While it is noted that the Greenporter is relatively close to public transportation resources (the Hampton Jitney and LIRR) in the Village and it is likely that some degree of the customers arriving at the Greenporter by means of public transportation rather than driving, there are no assurances that this can be guaranteed at a sufficient level that would justify significantly reducing the amount of parking required for the operation of the hotel. Nor is there any realistic way to police or require that a certain portion of patrons utilize public transportation options when arriving at the Greenporter. It should specifically be noted that the cost of utilizing the Hampton Jitney for a two people going to and from New York City to Greenport is currently in the range of \$125-\$160 for a round trip. In addition, there is unfortunately limited local transportation options for anyone that does elect to initially arrive to the Village by public transportation but is either seeking to explore the North Fork area more generally, whether visiting wineries, going to the beach or otherwise, or attend an event such as a wedding being held at a venue outside of the Village. All of this makes it unlikely that at peak periods visitors seeking to stay at the Greenporter while visiting the North Fork will not generate a significant amount of car traffic and demand for parking and loading/unloading areas in the vicinity of the Greenporter.

In addition to the foregoing, the Planning Board notes that Fourth Street and Fourth Avenue, which are the most likely locations for back up traffic seeking to load and unload at the Greenporter or overflow parking of patrons of the Greenporter, are significant traffic arteries in the Village for emergency services, the Shelter Island Ferry and various bus services, including the S92 bus and the Hampton Jitney. Adding additional demand for on-street parking on these streets raises significant traffic flow and safety concerns as well as posing a potentially significant negative impact on the residents in the surrounding residential community. The Planning Board has also been public about its view that it is inappropriate for overnight lodging establishments to rely in any significant measure on municipal parking resources to satisfy and provide overnight parking to their patrons.

Considering the foregoing, the Planning Board notes the following with respect to the criteria set forth in Section 150-33(B) of the Code:

- (a) Appropriateness of Proposed Use (Section 150-33(B)(1) of the Code). The Planning Board is of the view that both the current permitted use of Lot 28 as a residentially zoned district or the proposed use contemplated by the Lot 28 Zoning Amendment to rezone the lot to CR Retail Commercial to permits its use for parking, loading, unloading and a landscape buffering zone in respect of the operations of the Greenporter are appropriate for the area in which they are located.
- (b) Adequacy of Public Facilities/Services for additional potential residences (Section 150-33(b)(2) of the Code). Lot 28 is currently zoned residential. The proposed Lot 28 Amendment would not create additional residences and would in fact potentially decrease the possible number of residences on Fourth Avenue. Thus, this criterion does not seem applicable to the analysis of the Lot 28 Amendment.
- (c) Consistency with Existing/Proposed Plans in Vicinity (Section 150-33(B)(3) of the Code). Assuming that in connection with adoption of proposed Lot 28 Amendment, the applicant would be limited to using Lot 28 to provide additional parking, loading/unloading zones and landscape buffering in respect of the Greenporter, this would seem to be consistent with the current approved site plan for the Existing Greenporter Property and just an extension of this use to the adjacent lot. However, it is noted that the other adjacent properties are zoned residential. From this perspective it seems that either the proposed use under the Lot 28 Zoning Amendment or the currently permitted uses of Lot 28 would be consistent with the approved site plan/uses in the surrounding area.
- (d) Consistency with Comprehensive Plan (Section 150-33(B)(4) of the Code). As noted above, Policy 1B of the LWRP would appear to support the use of Lot 28 to provide additional parking, loading/unloading zones and a landscape buffering zone to

adjacent residential properties for the Greenporter. However, there is also an argument that the Village's adoption of "Pro-Housing Community" status also brings the policies of advancing additional affordable housing development into consideration as part of the Village's comprehensive development plan. Given this, it is not clear that the Lot 28 Zoning Amendment clearly satisfies this criteria. On balance, given the historical lack of development of Lot 28 for housing, the fact that there are no assurances that any future housing developed on-site would be utilized to provide affordable year-round housing and the Planning Board's significant concerns about the potential negative impact of additional parking demand, loading/unloading requirements and increased traffic flow related to the proposed Expansion, the Planning Board believes there is a sufficient basis to conclude that the Lot 28 Zoning Amendment is consistent with the current comprehensive plan and LWRP for the Village and benefits the general welfare of the Village community.

- (e) Effect of Proposed Amendment on Zoned Residential Capacity (Section 15033(B)(5) of the Code. Unlike the Lot 29 Amendment, the Lot 28 Amendment would result in a reduction of zoned residential capacity in the Village. However, as noted previously, Lot 28 has been a vacant unimproved lot for more than 30 plus years and is a sub-standard lot for purposes of satisfying at least some of the bulk criteria set forth in the Code as applicable to residentially zoned properties.

Based on the foregoing analysis, the Planning Board has not found evidence that the proposed Lot 28 Amendment is contrary to the comprehensive plan of the Village or fails to be in the interests of the Village community as a whole and is supportive of the potential use of Lot 28 to provide additional parking, loading/unloading zones and landscape buffering in respect of the Greenporter.

V. Suggested Conditions.

In the event that the Board of Trustees reaches a conclusion that the Lot 28 Amendment satisfies the comprehensive plan policies of the Village and is otherwise in the interests of the Village community, the Planning Board suggests the incorporation of the following conditions in connection with any approval of the Lot 28 Amendment:

- (a) A limitation that Lot 28 may only be utilized solely to provide parking, loading, unloading zones and ingress/egress to the Existing Greenporter Property as well as a landscaping buffer zone otherwise approved by the Planning Board in connection with site plan and conditional use approval for the Expansion. In the event that Lot 28 is not merged with the Existing Greenporter Property, the Lot 28 Amendment should automatically terminate if Lot 28 is not owned by the same entity owning the Existing Greenporter Property and ceases to be operated for providing parking, loading, unloading zones and ingress/egress to the Existing

Greenporter Property or landscape buffering between the Existing Greenporter Property and the adjacent R-2 District.

- (b) The Lot 28 Amendment should automatically terminate and Lot 28 should revert to its prior zoning as R-2 District if construction of additional parking and loading/unloading and a related landscaping buffer zone is not completed in accordance with a site plan and conditional use approval from the Planning Board in respect of the Greenporter and any related expansion by December 31, 2026 (which period may be extended for up to 12 months by the Planning Board in connection with an extension of any site plan approval due to ongoing construction by the Greenporter).
- (c) The Greenporter shall enter into arrangements or covenants or otherwise provide assurances satisfactory to the Planning Board that ensure it will provide affordable year-round housing for not less than 8 employees (and any immediately related family members) within the Village of Greenport or the area that comprises the Greenport Union Free School District.
- (d) The applicant will seek a merger of Lot 29 with the Existing Greenporter Property in accordance with Village Code §118-15, if such merger is permitted therein, and obtain approval from the Village's Zoning Board of Appeals in connection therewith.

VI. Conclusion.

It is the Planning Board's view that neither of the proposed Zoning Map Amendments raises significant concerns or issues in respect of the criteria set forth for review thereof under Section 150-33 of the Code. The Planning Board does note that, with respect to the Lot 28 Amendment, there are competing interests that would support either adoption of the proposed amendment or a finding that the proposed amendment conflicts with certain part of the Village's comprehensive plan (specifically, the Village's adoption of status as a "Pro-Housing Community"). Given the lack of a comprehensive update to the LWRP and other documented policies and guidelines governing development in the Village in light of current existing conditions within the Village, the Planning Board ultimately defers to the Board of Trustees in terms of whether the Zoning Map Amendments are consistent with the comprehensive plan for the Village, are in the best interests of the Village community and will not have a significant negative environmental impact on the Village. The Planning Board does note that the adoption of the Lot 28 Amendment would significantly help to mitigate some of the key concerns raised by the Planning Board in respect of the potential impact of the proposed Expansion on the public health safety and welfare as well as traffic

and safety impacts on the surrounding roads and residential community as set forth in the Planning Board's pre-submission report relating thereto.

EXHIBIT A

To: Kevin Stuessi, Mayor
Mary Bess Philips, Deputy Mayor, and Trustee
Patrick Brennan, Trustee
Lily Doughtery-Johnson, Trustee
Julia Robins, Trustee

July 26, 2024

Village Planning Board Concerns

Ladies and Gentlemen:

Since the comprehensive amendment of Chapter 150 of the Village of Greenport's Code in respect of permitted and conditional uses in the CR Retail Commercial, WC Waterfront Commercial and CG General Commercial Districts of the Village enacted by the Board of Trustees in late 2023 and the lifting of the moratorium on development in these districts, the Planning Board has reviewed and held pre-submission conferences in respect of several major proposed developments in the CR Commercial Retail District. As part of this, the Planning Board has identified several areas of concern that it would like to bring to the attention of the Board of Trustees and request that the Board of Trustees consider taking certain actions in respect thereof. The following is a summary of these items:

1. Traffic and Parking. One of the principal challenges the Planning Board faces in reviewing proposed development in the CR Retail Commercial District and the WC Waterfront Commercial District is the potential impact of such development on traffic flow, parking and the corresponding safety in the downtown area of the Village. Many of the Village's roads are narrow in width and provide for limited maneuverability when traffic is at its busiest in the Village. This raises significant concerns relating to emergency services access in the downtown district as well as the adjacent waterfront commercial and residential neighborhoods. With respect to this concern, the Planning Board makes the following requests:
 - a. The Planning Board requests that the Village undertake a comprehensive traffic and parking study for the CR Retail Commercial District, WC Waterfront Commercial District which is adjacent to the CR Retail Commercial District and the R-2 areas which abut the CR Retail Commercial District (including the area to the east of Main Street that is principally accessed by Central Avenue and Bay Avenue, the area along Fourth Avenue/Fourth Streets to the west of the end of the CR Retail Commercial District and the area that lies to the north of Front Street between Third Streets and Main Streets up to Center Street). This study should be undertaken by an outside professional consultant and would hopefully include suggestions on maximizing parking resources in the Village as well as traffic flow/traffic calming measures which might be undertaken to assist in traffic management and ease concerns about safety in these areas. It should also address best practices for

managing loading and unloading of deliveries in the CR Retail Commercial District and WC Waterfront Commercial Districts. This study would provide a extremely valuable baseline for future planning efforts and development applications in the Village.

- b. The Planning Board requests that the Board of Trustees consider amendments to Schedule XIV of Section 150-52 of the Code to prohibit stopping, standing, and/or parking on either the north or south side of Fourth Avenue from Front Street up to its intersection with Center Street. The Planning Board has specifically raised this issue in its Pre-submission Report relating to The Greenporter Hotel. Significant concerns have been raised about the need to ensure easy first responder accessibility on Fourth Avenue (for both first responders heading to the Fire Department to join fire trucks or other emergency service vehicles being dispatched for fires and other emergencies, as well as ensuring that the various emergency service vehicles may easily reach the southern and western portions of Greenport). Prohibiting stopping, standing, and parking on one side of Fourth Avenue would help provide unobstructed access for emergency service vehicles along Fourth Avenue.

The Planning Board also believes that during the height of tourism season (July through Labor Day) it might also be prudent to amend this Schedule to prohibit stopping, standing, and/or parking on the east or west side of Main Street between Front Streets and Center Street. At a minimum there is a significant need for increased Code enforcement in this area to address double parking/stopping which regularly occurs throughout the day and evening in this area while vehicles drop off or pick up patrons of restaurants and hotels in the area.

- c. The Planning Board requests that the Village undertake a review of, and provide input to, the Planning Board of the current approved route of the S92 bus. To the extent that the approved route includes Fourth Avenue, in line with the concerns mentioned above in respect of emergency vehicle access in this area, the Planning Board suggests that the County and appropriate consultants be asked by the Village to determine whether an alternative optimal route for the S92 bus exists which would eradicate potential obstructions of emergency vehicles on Fourth Avenue arising in connection with the bus route.
- d. As previously requested, numerous times by the Planning Board, the Planning Board requests that the Board of Trustees provide guidance (which was previously promised in connection with the Board's adoption of the 2023 Code amendments) in respect of Section 150-16(G) of the Code. The Planning Board believes that it is important for the community and potential businesses in the CR Retail Commercial District to have clear guidance as to under what circumstances a "payment in lieu of parking" is appropriate, the criteria to be considered in making this determination and how that payment would be quantified. If the Board does not believe that guidance is appropriate or is unable to provide such guidance, then the Planning

Board requests that the Board of Trustees consider modifying this Section (and the payment in lieu of option) to make it a required determination by the Board of Trustees instead of the Planning Board as they have the best overall knowledge of the parking situation and related costs of increasing and maintaining parking within the Village.

- e. The Planning Board believes that the Board of Trustees should consider adopting an overlay district which could be used in the CR Retail Commercial District and adjacent districts to permit appropriate lots to be used as accessory parking areas for businesses in the CR Retail Commercial District. The application of such overlay to any property would need to be approved by the Planning Board as part of a site plan approval for any proposed development.
2. Planning Generally. The Planning Board would appreciate an update from the Board of Trustees and the Village in respect of the status of the update of the Village's Local Waterfront Revitalization Program (LWRP). This document serves as the key planning document for the Village and a comprehensive adopted update has not been put in place in more than a decade. The Planning Board believes that it would be prudent to engage an outside planning expert to assist the Village in ensuring that the updated LWRP accurately reflects current circumstances and development in the Village as well as to assist the Village in identifying clear planning goals and objectives going forward. It would be helpful if the updated LWRP could also provide some baseline guidance on best practices for the Planning Board to consider in connection with noise and light mitigation as part of its review of site plan, conditional use and entertainment permits. As a general matter, the Planning Board believes strongly that the Village needs to prioritize putting in place an updated comprehensive plan based on expert advice that sets development priorities for the Village, and provides guidance on "highest and best uses" and best practices for new projects or substantially redeveloped properties within the Village.

In addition to the foregoing, the Planning Board has encountered issues with getting timely input from the Village in respect of questions arising that relate to NY State building code, Village Code interpretation and other site plan related matters. The Planning Board believes that it would be best practice, as well as in the best interest of the Village community, to separate the roles of Building Inspector (or Building Department) from Code Enforcement and ensure that there is adequate trained personnel to provide a timely review of inquiries relating to and/or applications filed in respect of potential changes of use, conditional uses, building permits and site plan approvals, as well as undertake Code enforcement within the Village. This would help applicants' doing business in the Village receive timely input on site plan and conditional use applications in respect of potentially necessary Code variances and/or issues that might arise in connection with related applicable laws such as NY State building code, the ADA, and other applicable laws.

On a related note, the Planning Board notes that Chapter 65 of the Village Code requires that the Building Inspector provide a monthly written report of complaints received in

respect of Code violations and actions taken in respect of such violations. This report does not appear to have been included in recent Board of Trustee agendas and/or meeting minutes, Reports on Code violations and understanding how the Village is addressing such violations is essential information that the Planning Board needs to take into account in considering applications for site plan, conditional use and/or entertainment permits approvals. At a minimum, the Planning Board believes that additional trained resources to assist in the building/site plan permit/approval process and Code enforcement are necessary.

The Planning Board would also request input from the Village in respect of how the provisions of Section 65-9 relating to inspections on change of use and/or occupancy and tenancy are currently being addressed by the Village since these provisions require review by the Greenport Village Fire Marshal, and it is the Planning Board's understanding that there currently is not appointed Fire Marshal for the Village.

The Planning Board greatly appreciates the Board of Trustees consideration of the foregoing and looks forward to receiving input as to a path forward in respect of the foregoing concerns. Thank you as always for your assistance in these important matters facing the Village.

Best regards,

Patricia G. Hammes, Chairperson, Village of Greenport Planning Board

Shawn Buchanan, Member, Village of Greenport Planning Board

Daniel Creedon, Member, Village of Greenport Planning Board

Elizabeth Talerman, Member, Village of Greenport Planning Board

Frances Walton, Member, Village of Greenport Planning Board