

1 VILLAGE OF GREENPORT
 2 COUNTY OF SUFFOLK : STATE OF NEW YORK
 3 -----X
 4 PLANNING BOARD
 5 WORK SESSION
 6 -----X

7 May 5, 2022

8 4:00 p.m. - Station One Firehouse
 9 236 3rd Street
 10 Greenport, NY 11944

11 B E F O R E:

- 12 WALTER FOOTE - CHAIRMAN
- 13 PATRICIA HAMMES - MEMBER
- 14 LILY DOUGHERTY-JOHNSON - MEMBER
- 15 SHAWN BUCHANAN - MEMBER

16
17 NOT PRESENT:

- 18 REED KYRK - MEMBER

19 *****

20 ALSO IN ATTENDANCE:

- 21 PAUL PALLAS - VILLAGE ADMINISTRATOR
- 22 ROBERT CONNOLLY - VILLAGE ATTORNEY
- 23 AMANDA AURICHIO - CLERK TO THE BOARD
- 24 RAYMOND G. DiBIASE - LK McLEAN ASSOCIATES

25

1 *(*The meeting was called to order at 4:07 p.m. *)*

2 CHAIRMAN FOOTE: Good afternoon. Welcome
3 to the Village of Greenport Planning Board. This
4 is a Regular Meeting. It's Thursday, May 5th at
5 a little after 4 p.m.

6 *Item No. 1 is a motion to accept and*
7 *approve the minutes of the March 31, 2022*
8 *Planning Board Work Session meeting. May I have*
9 *a second?*

10 MEMBER HAMMES: Second.

11 CHAIRMAN FOOTE: All in favor?

12 *(*"Aye" Said in Unison*)*

13 *Motion carries (Minutes Accepted & Approved*
14 *- VOTE: 4-0-0-1 - Not Present: Member Kyrk).*

15 *Item No. 2 is a motion to accept and*
16 *approve the minutes of the April 6th, 2022*
17 *Planning Board Work Session Meeting. May I have*
18 *a second?*

19 MEMBER HAMMES: Second.

20 CHAIRMAN FOOTE: All in favor?

21 *(*"Aye" Said in Unison*)*

22 *So carried (Minutes Accepted & Approved -*
23 *VOTE: 4-0-0-1 - Not Present: Member Kyrk).*

24 *Item No. 3 is a motion to schedule the next*
25 *Planning Board Regular Meeting for 4 p.m. on May*

1 26, 2022. May I have a second?

2 MEMBER HAMMES: Second.

3 CHAIRMAN FOOTE: All in favor

4 (*"Aye" Said in Unison**)

5 Motion carries and it's so scheduled

6 (*VOTE: 4-0-0-1 - Not Present: Member Kyrk*).

7 Okay, now we get down to business.

8 *Item No. 4, this is for 111 Main Street.*

9 *This is a continuation of a Pre-Submission*

10 *Conference regarding the site plan application of*

11 *Robert Brown on behalf of PWIB Claudio Real*

12 *Estate LLC. The applicant proposes to extend the*

13 *existing canopy over the "waterfront" wharf.*

14 *This property is located in the (W-C) Waterfront*

15 *Commercial District and is also located in the*

16 *Historic District at Suffolk County Tax Map*

17 *1001-5.-4-25 and also 38.1 and lot 9.*

18 Okay. Is -- would you please announce

19 yourself?

20 MR. BROWN: Robert Brown for the

21 owner/applicant.

22 CHAIRMAN FOOTE: Okay.

23 MR. BROWN: And there was a discussion the

24 last time about the food truck being included in

25 the application; that's been taken out. That's a

1 separate application at this point. And it's
2 really just a matter of extending the existing
3 canopy for -- the primary reason for wanting to
4 extend it was an attempt to mitigate the sound
5 concerns. Because the original application, or
6 the canopy, included a number of sound
7 (*indiscernible word*) factors which were very
8 expensive and proved not to be working at all.
9 So, we believe that extending the canopy and
10 enclosing the entire space will go a long way
11 towards mitigating the sound.

12 CHAIRMAN FOOTE: Okay. Do you have a
13 question?

14 MEMBER HAMMES: Yes, Mr. Chair.

15 CHAIRMAN FOOTE: Please.

16 MEMBER HAMMES: I have a couple of
17 questions. One, do we need new plans submitted,
18 then, for this?

19 ADMINISTRATOR PALLAS: The plans that are
20 on line are current plans --

21 MEMBER HAMMES: Okay.

22 ADMINISTRATOR PALLAS: -- which do not show
23 the full --

24 MEMBER HAMMES: Okay, we didn't get new
25 copies of them, I don't think.

1 MR. BROWN: You did.

2 CHAIRMAN FOOTE: I think we did.

3 MEMBER HAMMES: Oh, did we?

4 CHAIRMAN FOOTE: Yeah.

5 MEMBER HAMMES: Okay. All right, secondly,
6 I guess my question is -- and I know this has
7 been raised with the Village already, but it
8 looks like you guys have already started
9 constructing this without our approval at this
10 point?

11 MR. BROWN: I just found that out myself.

12 MEMBER HAMMES: So that's a little bit
13 problematic.

14 I guess the main point that I wanted to
15 make, Mr. Chair, is that I still have some grave
16 concerns about this. I think it -- I recognize
17 one could argue it's a small incremental change,
18 but I think it really basically fundamentally
19 changes the character of the wharf into an
20 enclosed space.

21 This is Waterfront Commercial area which I
22 believe, you know, needs to retain some semblance
23 of a historic working waterfront area. And I
24 think that this really does adversely effect
25 environmental aspects of that historical -- not

1 environmental in terms of the scientific concept,
2 but the environment down at that wharf.

3 I also have concerns that it will add
4 additional distraction and impinge upon people's
5 views as they move through that area on boats as
6 it extends further down the wharf.

7 So at this point I'm not particularly
8 supportive of this approval. Although I'm
9 obviously happy to move forward with the public
10 hearing on it and hear what the public has to say
11 about it, and also hear what my fellow Board
12 Members have to say.

13 CHAIRMAN FOOTE: Okay. Thank you. Would
14 anybody else like to weigh in on this
15 application?

16 MEMBER DOUGHERTY-JOHNSON: I have a
17 question about the new plans. There's also a new
18 ADA toilet at Crabby Jerry's and also new
19 landscaping. I'm just wondering if that's --

20 MR. BROWN: No, that landscaping is from
21 the original plan.

22 MEMBER DOUGHERTY-JOHNSON: Okay. But I
23 don't it exists, the landscaping that's up sort
24 of by Preston's. And then there's also been on
25 previous plans landscaping like through the

1 parking lot which hasn't happened. So I'm just
2 wondering what -- we're supposed to get plans
3 with things on them and they don't actually match
4 what happens, so. I'm just wondering what -- and
5 then we approve the plan.

6 MR. BROWN: Yeah.

7 MEMBER DOUGHERTY-JOHNSON: So, if we're
8 approving a plan, I just want to make sure it's
9 correct. So there's not a new ADA toilet?

10 MR. BROWN: There is not currently that
11 toilet.

12 MEMBER DOUGHERTY-JOHNSON: Okay.

13 MR. BROWN: The intention is to build it
14 inside the existing structure, in a storage area.
15 And in order to make it as compliant as we can,
16 we have to adjust the ramp. That's really what
17 the application is for.

18 MEMBER DOUGHERTY-JOHNSON: Okay. I just
19 think that should be made clear, like if that's
20 what we're approving.

21 CHAIRMAN FOOTE: Yeah, I was confused by
22 that, too.

23 MEMBER DOUGHERTY-JOHNSON: We should know
24 that, not just that we're doing --

25 CHAIRMAN FOOTE: I think the plan was based

1 upon the prior plan --

2 MR. BROWN: Yes.

3 CHAIRMAN FOOTE: -- that it involved
4 proposals that were approved previously but they
5 still show up as being part of the new plan, for
6 some reason, on the plan itself. So I think
7 we're just saying that should be clarified.

8 I mean, I think we can just make it -- if
9 it's already approved, this clarifies as a matter
10 of course here that that's not part of the
11 current application and I don't believe it is.

12 MR. BROWN: No.

13 CHAIRMAN FOOTE: The landscaping.

14 MR. BROWN: The landscaping was --

15 CHAIRMAN FOOTE: Right.

16 MR. BROWN: Was part of the originally
17 approved plan.

18 CHAIRMAN FOOTE: Yeah. I guess it also,
19 just as a follow up to that point, would help to
20 know what is the status of that landscaping; if
21 it hasn't been done, when it will be done?

22 MR. BROWN: Okay.

23 MEMBER HAMMES: Yeah, that's what I took
24 from Lily's point, to do more than that.

25 MEMBER DOUGHERTY-JOHNSON: Yes.

1 MEMBER HAMMES: We've previously approved a
2 plan, it looks like that plan never got fully
3 realized. Now we're being asked to approve
4 another plan that builds off of that plan that
5 has never been fully realized. And at some
6 point, you know, we need to understand what's
7 going on down there.

8 Mr. Chair, I have one more comment, if I
9 may.

10 CHAIRMAN FOOTE: Sure.

11 MEMBER HAMMES: On the noise point of this,
12 I mean, I, frankly, know that that is the
13 argument that Claudio's is trying to make, that
14 this is all for our lovely benefit. But I have
15 to say, I personally have found that what has
16 been done down there has changed where the sound
17 goes so that the people that used to complain
18 probably are better off, but I have noticed it
19 much more where I live. I don't complain about
20 it because I choose to live in the Village and
21 I'm a somewhat tolerant person, but I don't
22 really buy the argument that this is necessarily
23 going to solve the sound issue. I think it's
24 really solving an issue that they want to have
25 more indoor space in the evenings.

1 MEMBER BUCHANAN: And that was going to be
2 my question, because I think realistically if
3 it's 90 degrees on an August night, are you going
4 to close that up to keep -- I mean, I just -- I
5 don't think that that's a realistic use of that
6 space when it's at peak capacity.

7 MR. BROWN: I can't answer to the operation
8 of the facility.

9 MEMBER BUCHANAN: I mean, it would be -- it
10 would a hot box that probably would deter people
11 from being in there.

12 CHAIRMAN FOOTE: Yeah, actually I have a
13 similar question. The -- have you -- has the
14 applicant -- when he originally built the current
15 existing structure it was in response to noise
16 complaints and it was intended to mitigate that.
17 Have there since been new complaints about --
18 about the amount of noise that's driving this, I
19 mean, specifically?

20 MR. BROWN: It's my understanding that
21 there were. I don't have specific
22 communications.

23 CHAIRMAN FOOTE: Okay. Is the applicant --
24 anybody else from the applicant here today?

25 MR. PISACANO: I am.

1 CHAIRMAN FOOTE: You want to just go ahead
2 and announce yourself.

3 MR. PISACANO: Mike Pisacano, I work for
4 Claudio's. What was your question again?

5 STENOGRAPHER MAHONEY: Can you speak closer
6 to the microphone, please?

7 CHAIRMAN FOOTE: I'm sorry, could you
8 announce yourself again? I couldn't hear.

9 MR. PISACANO: Mike Pisacano.

10 CHAIRMAN FOOTE: Okay. And you're with
11 whom?

12 MR. PISACANO: Claudio's.

13 CHAIRMAN FOOTE: Okay. So the question is
14 since the existing structure was put up to
15 mitigate the noise problem, have there been new
16 complaints that the --

17 MR. PISACANO: There still have been
18 complaints. I believe with the band being
19 outside without coverage there's going to
20 continue to be complaints. And I think the
21 covering is going to definitely help the sound.

22 CHAIRMAN FOOTE: Are they complaints from
23 Greenport residents or Shelter Island residents?
24 Since it's now directly --

25 MR. PISACANO: I don't believe Shelter

1 Island, since the soundproofing behind the stage,
2 I mean, was helping that some.

3 CHAIRMAN FOOTE: Uh-huh.

4 MEMBER HAMMES: And there's complaints --

5 MR. PISACANO: But I think the roof is
6 definitely going to help complaints in Greenport
7 Village because it's open right now.

8 MEMBER HAMMES: But to be clear, my
9 understanding is the band is out there during the
10 day but the music in the evenings is in the
11 inside part. So there's day --

12 MR. PISACANO: Yeah, which will now be
13 going towards Shelter Island.

14 MEMBER HAMMES: So there are day complaints
15 about that area, about the noise from that area?

16 MR. PISACANO: I mean, I'm not there late
17 night, I'm there in the mornings. I don't really
18 hear all of it. Like he was saying with the --
19 you open up the tent, you've got music inside,
20 these people are hot, now the music's going to
21 blow towards Shelter Island, so. I think it's
22 definitely going to help.

23 MEMBER HAMMES: It's actually blowing the
24 other way (*laughter*).

25 CHAIRMAN FOOTE: Yeah, because it's --

1 MR. PISACANO: No, I mean if you're inside.

2 MEMBER HAMMES: I can honestly tell you,
3 I've lived in my house for 10 years and did not
4 have any issues with noise until that was put up
5 and I lived the other direction.

6 MR. PISACANO: We used to have complaints
7 from Shelter Island all the time. I think it
8 being enclosed on the south side is -- and the
9 roof is going to help a lot if people are -- I
10 mean, you'll have people that are going to be
11 hot. If there's complaints they're going to have
12 to close it down or lower the music.

13 CHAIRMAN FOOTE: All right. Thank you.
14 Anybody else?

15 I mean, you know, normally this is the time
16 where we discuss scheduling it for a public
17 hearing. I just -- I'm not sure that where we
18 are at as a Board we're going to, you know, know
19 what we're going to approve or disapprove or not.

20 MR. PISACANO: You also were asking, I
21 believe the last time you mentioned it, about the
22 seating outside, which during the pandemic we did
23 use it with the same amount of tables that we
24 originally had inside, but we had to spread out
25 the seating for the band outside.

1 CHAIRMAN FOOTE: Right. But the new
2 covered area is intended to be used for the
3 restaurant?

4 MR. PISACANO: It's for dancing if they
5 have music, or rain coverage if it's raining, we
6 could still, you know, have people up.

7 CHAIRMAN FOOTE: Right. But the new
8 outdoor covered seating area is intended to be
9 for restaurant service?

10 MR. PISACANO: Not for additional tables,
11 no.

12 CHAIRMAN FOOTE: Okay. So what do -- will
13 people just be standing around?

14 MR. PISACANO: Yeah. I mean, years ago we
15 had the band out there and people were out there
16 dancing, you know, it was a dance floor.

17 CHAIRMAN FOOTE: Uh-huh. Okay.

18 MEMBER DOUGHERTY-JOHNSON: Was there any
19 thought to -- maybe this going back. But I
20 remember when the band used to be more inside, in
21 the back like --

22 MR. PISACANO: Yeah, in the back way and
23 they had a stage, yeah, yeah.

24 MEMBER DOUGHERTY-JOHNSON: -- on the inside
25 of the bar.

1 MR. PISCANO: Yeah, right.

2 MEMBER DOUGHERTY-JOHNSON: Is there any
3 thoughts to going back to that as a noise --

4 MR. PISACANO: That's actually what -- the
5 guy doing our music did mention that, that he
6 thought that wouldn't be a bad idea.

7 CHAIRMAN FOOTE: Yeah, we'd probably agree
8 with him (*laughter*). Anything else?

9 MEMBER HAMMES: I mean, I've -- I've said
10 my peace for now, so.

11 CHAIRMAN FOOTE: Okay.

12 MEMBER DOUGHERTY-JOHNSON: I mean, I
13 believe we need like updated plans that will
14 actually reflect -- like the don't -- if we're
15 not talking about the landscaping and the ADA
16 bathroom, it's not listed on there.

17 MR. BROWN: I could easily add it in.

18 MEMBER DOUGHERTY-JOHNSON: And to talk
19 about the landscaping, I think we already
20 approved landscaping that hasn't happened, so
21 maybe addressing that also.

22 CHAIRMAN FOOTE: Yeah. Okay. If nothing
23 else, then I guess we can go ahead and schedule
24 the public hearing for it. The -- I propose that
25 we schedule this for a public hearing.

1 MEMBER HAMMES: Second.

2 CHAIRMAN FOOTE: All in favor?

3 (*"Aye" Said in Unison*)

4 So we will rescheduled for the -- do we
5 have enough time at the end of the month to do
6 it? What's our agenda look like there?

7 ADMINISTRATOR PALLAS: Yeah, there's
8 enough -- there wouldn't be enough time to get
9 the --

10 CHAIRMAN FOOTE: The notices out? Okay.

11 ADMINISTRATOR PALLAS: -- the
12 notices out. I don't have -- I don't know what
13 the agenda is starting to look like at this
14 stage.

15 CHAIRMAN FOOTE: Okay. So that's May 26th.

16 ADMINISTRATOR PALLAS: Right.

17 CHAIRMAN FOOTE: So we're scheduling for
18 public hearing for the next meeting on May 26th.
19 Thank you very much.

20 MR. PISACANA: Thank you

21 MR. BROWN: Thank you.

22 CHAIRMAN FOOTE: You're welcome.

23 *Item Number 5 - 200 Atlantic Avenue. This*
24 *is a Pre-Submission Conference regarding the site*
25 *plan application of Paul Betancourt. The*

1 *applicant proposes a parking area associated with*
2 *additional boat slips. This property is located*
3 *in the (W-C) Waterfront Commercial District and*
4 *is not located in the Historic District. (CTM #*
5 *1001-2-2-35).*

6 Paul, would you like to discuss the
7 proposal about banking parking spots?

8 ADMINISTRATOR PALLAS: The applicant has
9 proposed that four of the nine parking spaces
10 shown would be land banked. What that means,
11 essentially, is that they can't use the land for
12 anything else. And if -- if in the future
13 parking is an issue because the applicant does
14 not believe at this time that the way that it
15 will be -- the site will be used that there will
16 not be a parking issue, and the -- that these
17 four spaces would have to be installed if it was
18 determined by the Village that it, in fact,
19 needed to be installed. It's a relatively
20 common, common practice.

21 MEMBER HAMMES: We used it in 123 Sterling,
22 didn't we?

23 ADMINISTRATOR PALLAS: Correct, it was used
24 originally with 123 Sterling, yes.

25 CHAIRMAN FOOTE: So how many parking spaces

1 are there currently at the property?

2 ADMINISTRATOR PALLAS: Well, it's just --
3 right now it's just a residential driveway. They
4 are proposing the nine spaces that the Village
5 Board required. They would install five now --

6 CHAIRMAN FOOTE: Right.

7 ADMINISTRATOR PALLAS: -- and four will be,
8 if needed, later on.

9 CHAIRMAN FOOTE: So I went by that property
10 and it's a pretty significant driveway as it is.
11 It's pretty -- it starts off normally and then it
12 widens into like a big parking area. Is that --
13 I mean, are you here for the applicant?

14 MS. CHAMBERS: Yeah, my name is Joan
15 Chambers and I'm here to represent Mr.
16 Betancourt. He's, unfortunately, not in the
17 state.

18 He had me prepare a plan that shows nine
19 parking spaces fitting into the existing actual
20 area. We can also reduce that to five, four --
21 this is one of the issues that I wanted to
22 discuss so we could be prepared. If you'd like I
23 can show you what the drawings look like.

24 This is with the existing dimensions
25 fitting in nine.

1 CHAIRMAN FOOTE: Yeah, I think this is
2 actually in the application.

3 MEMBER BUCHANAN: Yes.

4 MS. CHAMBERS: Yeah, it is in the
5 application, correct.

6 CHAIRMAN FOOTE: Okay. So I'm confused.
7 What are these? These are the spots that --

8 MS. CHAMBERS: That would be the parking,
9 the way we could park vehicles.

10 He also asked me to prepare this one where
11 we just put in four and bank the rest. As I
12 said, I'm here to get feedback so we can see what
13 we should do about parking.

14 CHAIRMAN FOOTE: Okay.

15 MS. CHAMBERS: Okay?

16 CHAIRMAN FOOTE: Okay. Why don't you go
17 back over there, because I have some other
18 questions.

19 MS. CHAMBERS: Uh-huh.

20 CHAIRMAN FOOTE: So, one of my questions is
21 this is a two-family residence; is that correct?

22 MS. CHAMBERS: That's correct, yes.

23 CHAIRMAN FOOTE: Okay. How is it being
24 occupied at the moment?

25 MS. CHAMBERS: It's got two families in it

1 now and --

2 CHAIRMAN FOOTE: Long-term rental for
3 both?

4 MS. CHAMBERS: Well, the owner lives in one
5 side and the other side is rented.

6 CHAIRMAN FOOTE: Okay. So the -- the
7 additional slips that would be created by this
8 proposed new floating dock, how many additional
9 slips are we talking about?

10 MS. CHAMBERS: Two additional slips.

11 CHAIRMAN FOOTE: Okay. And are they going
12 to be restricted to residents only?

13 MS. CHAMBERS: I believe they'd be
14 restricted to residents only; that was what Mr.
15 Betancourt told me.

16 CHAIRMAN FOOTE: Okay. And I think we
17 would have to require that, otherwise you're
18 talking about something comfortable like a yacht
19 club or something, which is not what we're
20 talking about here, right?

21 MEMBER DOUGHERTY-JOHNSON: Well, we're
22 talking about a total of six slips.

23 MS. CHAMBERS: Correct.

24 MEMBER DOUGHERTY-JOHNSON: So three per --

25 MS. CHAMBERS: There's four there now;

1 MEMBER DOUGHERTY-JOHNSON: -- family?

2 MS. CHAMBERS: Pardon me?

3 MEMBER DOUGHERTY-JOHNSON: Three per
4 family? Will it have that many boats?

5 MS. CHAMBERS: No, I think that Mr.
6 Betancourt was planning to lease the others out
7 to residents. He's not planning to have three
8 boats per family. They're using them for family
9 now, but he wanted to add the additional two.

10 MEMBER DOUGHERTY-JOHNSON: So, meaning
11 residents of the Village, not residents of that
12 house.

13 MS. CHAMBERS: No, residents of the
14 Village.

15 MEMBER DOUGHERTY-JOHNSON: Okay, gotcha.

16 CHAIRMAN FOOTE: Okay. So --

17 ADMINISTRATOR PALLAS: If I may, Mr. Chair?

18 CHAIRMAN FOOTE: Yeah.

19 ADMINISTRATOR PALLAS: I just want to
20 remind the Board that this property is in the W-C
21 zone as opposed to an R-1 or R-2 zone.

22 CHAIRMAN FOOTE: Okay. Okay. Does that --

23 MEMBER HAMMES: So is it a preexisting
24 non-conforming use in terms of it being a
25 residence then?

1 ADMINISTRATOR PALLAS: Of the house, yes.

2 But the boat slips would be --

3 MEMBER HAMMES: Right.

4 ADMINISTRATOR PALLAS: -- a permitted use.

5 MEMBER HAMMES: So it's permitted as a
6 private land.

7 CHAIRMAN FOOTE: I see.

8 ADMINISTRATOR PALLAS: Even to rent, they
9 would still be a permitted use, I think, in
10 that case.

11 CHAIRMAN FOOTE: Okay. Thank you for
12 clarifying that.

13 Okay. And I have nothing else to add at
14 this time. Does anybody else have any questions?

15 MEMBER HAMMES: Well, I think she's asking
16 for some input from us in terms of whether we
17 would accept the land bank --

18 MS. CHAMBERS: Yeah, I would like some
19 input on these --

20 MEMBER HAMMES: -- for purposes of the
21 final submission, right? That's what she's
22 getting at.

23 CHAIRMAN FOOTE: Yeah.

24 MS. CHAMBERS: Exactly how much parking
25 everyone would be comfortable with.

1 CHAIRMAN FOOTE: I'd prefer -- I'd prefer
2 the land bank.

3 MS. CHAMBERS: Okay.

4 CHAIRMAN FOOTE: The less asphalt the
5 better, from my perspective.

6 MS. CHAMBERS: So maintain the existing and
7 show five parking spaces and four more would be
8 land banked; is that what you're saying? Show
9 nine or show --

10 CHAIRMAN FOOTE: Did you want five spaces
11 and four land banked; is that what you said?

12 ADMINISTRATOR PALLAS: Yeah. However it's
13 arranged, there would need to be -- the total
14 needs to be nine.

15 CHAIRMAN FOOTE: Right.

16 ADMINISTRATOR PALLAS: However that are
17 built now and land-banked and all that adds up to
18 nine, that would satisfy the requirements of the
19 Village Board as part of the wetlands permit.
20 That's where the nine came from in the first
21 place

22 CHAIRMAN FOOTE: Can you create five
23 parking slips on the existing parking structure?

24 MS. CHAMBERS: Yes.

25 CHAIRMAN FOOTE: They're all legal?

1 MS. CHAMBERS: Yes

2 CHAIRMAN FOOTE: Okay. So, I mean --

3 MEMBER HAMMES: Just so -- because I just
4 want to understand the background of this. So
5 it's the Trustee approval, wetlands approval that
6 requires the nine spots that's not under the
7 Code?

8 ADMINISTRATOR PALLAS: That's correct.

9 MEMBER HAMMES: Okay. And what was the
10 rational behind them putting the nine in there?

11 ADMINISTRATOR PALLAS: It was a
12 recommendation from the Conservation Advisory
13 Council to the Village Board and they accepted
14 the recommendation. And that the rational, the
15 residents -- the two-family residence would
16 require three parking spaces and six boat slips,
17 each one would have a car, that was the theory.

18 MEMBER HAMMES: So I don't disagree with
19 you about the asphalt issue, but I am a little
20 bit -- and I'd have to go up there and look, I
21 haven't done that. I am a little conscious that
22 the hospital is right there. And, for instance,
23 I've noticed that that overflow parking lot often
24 gets full. I just don't know if these are all
25 leased out to residents and people drive their

1 car up there to get to their boat. If there
2 aren't parking spots where they're going to park
3 and what that may or may not do in terms of the
4 traffic flow for access to the hospital.

5 CHAIRMAN FOOTE: Yeah.

6 MEMBER HAMMES: So I -- that would be my --
7 I haven't had a chance to go up there and walk
8 around and look, so I am -- I don't know if
9 anybody else has any views on that.

10 But I -- my starting premise is I prefer
11 less asphalt, and I would normally be with you on
12 the land banking, but I am a little concerned
13 about the fact that there are two residents on
14 the property so there's presumably always going
15 to be at least two cars there, possibly more,
16 right?

17 MS. CHAMBERS: Right.

18 MEMBER HAMMES: Because I believe one of
19 the tenants is a couple so they may have two
20 cars. You may already have the lot space full
21 with cars that are relevant to the residents, and
22 if the intention is to rent the additional slips
23 out to people, I guess if they ride their bike up
24 they're great, like that would be wonderful. But
25 if people drive there they're going to have their

1 car and the need for parking there.

2 CHAIRMAN FOOTE: Yeah. Let's just clarify
3 one thing; did you say that for the rental slips,
4 the slips that are being rented, is that
5 restricted to Greenport residents?

6 MS. CHAMBERS: I'm not aware that there's
7 any restrictions on it.

8 CHAIRMAN FOOTE: Okay.

9 MS. CHAMBERS: That's something that we
10 need some feedback on.

11 CHAIRMAN FOOTE: Okay.

12 MS. CHAMBERS: Mr. Betancourt said he's
13 probably going to be using them for family and
14 friends, but I don't think he realizes there
15 would be a covenant on it that they could only be
16 rented to people who have residency within the
17 Village.

18 CHAIRMAN FOOTE: Okay.

19 MS. CHAMBERS: I think he'd be amenable to
20 that if you'd like to add that.

21 MEMBER DOUGHERTY-JOHNSON: Sorry; this has
22 already been approved by the Village Board, the
23 wetlands permit?

24 MEMBER HAMMES: Yeah, and so I'm not even
25 sure that it's within our purview to put

1 restrictions on those slips.

2 MS. CHAMBERS: On the slips.

3 MEMBER HAMMES: Although I guess as part of
4 granting the land bank we could, but I don't --

5 CHAIRMAN FOOTE: Well, if it's in the
6 public --

7 MEMBER HAMMES: I just -- I guess I'm also
8 concerned that another -- that the Trustees took
9 action based on input from, you know, people that
10 there should be the nine spots and we would
11 effectively, by land banking them, say, *Well,*
12 *okay, let's wait and see about the nine spots.*
13 So that also leaves me a little bit of
14 discomfort.

15 MS. CHAMBERS: Could we --

16 MEMBER HAMMES: If it was code provision
17 and it allows specifically for the land banking
18 I'd be more comfortable.

19 MEMBER DOUGHERTY-JOHNSON: Could we make
20 them like the permeable -- like what if there
21 were just pavers and then grass on part of it so
22 there could be parking, but it wouldn't all --
23 you know, it wouldn't be just pure asphalt.

24 MS. CHAMBERS: Create an overflow area.

25 MEMBER DOUGHERTY-JOHNSON: Yeah, because,

1 you know, you can park on the grass.

2 CHAIRMAN FOOTE: Yeah, I don't know. It's
3 -- I've been -- I was by it this morning, it's
4 quite a large driveway. It's hard for me to
5 imagine that it's ever going to be full; I don't
6 care how many boats you have there, because
7 there's only so many slips and boaters rarely are
8 out there at the same time. So I'm --

9 MEMBER HAMMES: I haven't been up there, so
10 I --

11 CHAIRMAN FOOTE: Yeah.

12 MEMBER HAMMES: If that's what you --

13 CHAIRMAN FOOTE: Well, anyway, I guess we
14 can -- during the public hearing we can talk
15 about it, right? We're going to have a public
16 hearing on this.

17 MEMBER HAMMES: Well, we need a final -- we
18 need a final site plan submission at the public
19 hearings. She needs to know. I mean, I guess
20 she needs to know whether she's submitting with
21 the land bank or not is her plan.

22 CHAIRMAN FOOTE: Okay. Well, I'd
23 recommend -- yeah, I'd recommend going the land
24 bank route, personally.

25 MS. CHAMBERS: I'm sorry; I couldn't quite

1 hear that.

2 CHAIRMAN FOOTE: I'm sorry. I'd recommend
3 going the land bank route.

4 MS. CHAMBERS: Okay.

5 MEMBER DOUGHERTY-JOHNSON: This one we have
6 is not land banked, correct?

7 CHAIRMAN FOOTE: Correct.

8 MS. CHAMBERS: That's correct

9 MEMBER DOUGHERTY-JOHNSON: Okay. And so it
10 would be shorter and the --

11 MS. CHAMBERS: So, again --

12 MEMBER DOUGHERTY-JOHNSON: And it would
13 still be grass.

14 MS. CHAMBERS: Uh-huh.

15 MEMBER DOUGHERTY-JOHNSON: Okay.

16 MEMBER BUCHANAN: But this -- this
17 presumably would be open to being -- if somebody
18 wanted to run a Charter out there, correct?
19 There's nothing because it's commercial. So if
20 they didn't want to change the use and rent out
21 the slip to a Charter and somebody was doing, you
22 know, sunset cruises or something like that, that
23 could be done there, or not?

24 ADMINISTRATOR PALLAS: I think --

25 MEMBER BUCHANAN: Because I think that

1 would -- that would impact the parking, I think,
2 as we look at it.

3 ADMINISTRATOR PALLAS: Yes, it would be --
4 it would be a permitted use, I believe, without
5 seeing the specifics, of course. I think it
6 would be a permitted use. However, it would be a
7 change, so it would likely come back to this
8 Board anyway.

9 MEMBER HAMMES: But --

10 MEMBER BUCHANAN: But we wouldn't
11 necessarily know if somebody's doing individual
12 charters.

13 MEMBER HAMMES: Yeah. I was going to say,
14 a lot of people do charters off their boats, I
15 doubt they're going to come in now to tell us
16 that's what they're doing. Like I know that
17 there are boats over in the marina across from
18 there; not the ones that we're all aware of, not
19 like {Layla} or those, but I know that there are
20 individuals who offer charter services on their
21 boats. And I think that Sean's point is somebody
22 may have their sailboat there and as a side
23 business be offering charters. And the owner,
24 frankly, if he leases those out, might not even
25 be aware of the fact that that's what it's being

1 used for.

2 ADMINISTRATOR PALLAS: I'll comment without
3 trying to render any opinion, if I can. The boat
4 slips are relatively small, so I don't know, even
5 if they were to do that, how, many people would
6 be on them. I'm not a boater so --

7 MEMBER HAMMES: Well, you can never have
8 more than six, so. I mean, there'd never be more
9 than six people on a boat.

10 ADMINISTRATOR PALLAS: Yeah. It would
11 be --

12 CHAIRMAN FOOTE: It was represented to us
13 by the applicant's representative that it's going
14 to be used for personal and friends -- friends
15 and family use. Why can't we just recommend the
16 conditioning and the approval on not having, you
17 know, using it for commercial purposes? I mean,
18 that seems like a no-brainer.

19 ADMINISTRATOR PALLAS: Yeah. And then --

20 CHAIRMAN FOOTE: I don't think the
21 applicant would have a problem with that, right?

22 MS. CHAMBERS: I think he'd be fine with
23 that.

24 CHAIRMAN FOOTE: Okay.

25 MS. CHAMBERS: I don't believe that's his

1 intention.

2 CHAIRMAN FOOTE: Yeah.

3 ADMINISTRATOR PALLAS: I would -- again, I
4 would just suggest to the Board that if you do go
5 in that direction, that that restriction would be
6 part of the site plan approval to ensure that if
7 it changed that it would, you know, belt and
8 suspenders make sure it comes back here.

9 CHAIRMAN FOOTE: Right.

10 ADMINISTRATOR PALLAS: That's my
11 recommendation.

12 MS. CHAMBERS: Okay.

13 ADMINISTRATOR PALLAS: Subject to the
14 Planning Board Attorney's agreement.

15 ATTORNEY CONNOLLY: I agree; I would agree
16 with that.

17 ADMINISTRATOR PALLAS: Okay.

18 CHAIRMAN FOOTE: So, I guess we as a Board,
19 are we going to reach an agreement on --

20 MEMBER HAMMES: I'm be happy to follow your
21 lead on this.

22 CHAIRMAN FOOTE: Okay. So the proposal was
23 to create -- is it four slips or five slips?
24 Four?

25 ADMINISTRATOR PALLAS: Three to five --

1 CHAIRMAN FOOTE: Five with four land
 2 banked, okay. So that would be -- if you could
 3 modify the plan to --

4 MS. CHAMBERS: Correct.

5 CHAIRMAN FOOTE: -- reflect that.

6 MS. CHAMBERS: Uh-huh.

7 CHAIRMAN FOOTE: And subject to the
 8 submission on a timely basis so that modified
 9 plan we can -- I move to have this set up for a
 10 public hearing at the next hearing on May 26.
 11 Do I have a second?

12 MEMBER HAMMES: Second.

13 CHAIRMAN FOOTE: All in favor?

14 (*"Aye" Said in Unison*)

15 So moved. (*Public Hearing set for May 26,*
 16 *2022 - VOTE: 4-0-0-1 - Not Present: Member*
 17 *Kyrk*). Thank you.

18 MS. CHAMBERS: Thank you.

19 CHAIRMAN FOOTE: Okay. *Item No. 6 - 310*
 20 *Front Street. This is a public hearing regarding*
 21 *the site plan application of Bryan Villanti and*
 22 *Kathy Lofrese on behalf of Route 48 Partners LLC.*
 23 *The applicant proposes to open a bike shop. This*
 24 *property is located in the C-R Retail Commercial*
 25 *District and is not located in the Historic*

1 *District at Suffolk County Tax Map 1001-4-8-34.1.*

2 Would anybody from the public like to speak
3 at this time, or the applicant?

4 MS. LOFRESE: I just wanted to say --

5 CHAIRMAN FOOTE: Sure. Could you announce
6 yourself, please?

7 MS. LOFRESE: Hi. Good afternoon. My name
8 is Kathy Lofrese and as of April 7th I am the new
9 owner of 310 Front Street, the sole owner. I am
10 planning to open a bicycle shop there and look
11 forward to being an active member of Greenport
12 Village.

13 CHAIRMAN FOOTE: Okay. Welcome.

14 MS. LOFRESE: Thank you.

15 CHAIRMAN FOOTE: I think this has already
16 gone through presubmission, so you don't have
17 to -- is there anybody else from the public who
18 would like to weigh in on this and have an
19 opinion on this application for a bike shop in
20 Greenport?

21 MR. WILLIAMS: It sounds like a good idea
22 to me.

23 CHAIRMAN FOOTE: Okay. I had one question
24 for you. And I wasn't at the last meeting, I
25 apologize that I wasn't. But it was brought up

1 about motorized bikes and I was -- as possibly
2 one of the things that you guys would be offering
3 for sale, right?

4 MS. LOFRESE: Uh-huh.

5 CHAIRMAN FOOTE: Would you also be offering
6 that for rental?

7 MS. LOFRESE: Yes.

8 CHAIRMAN FOOTE: Okay. What about
9 scooters, those motorized scooters?

10 MS. LOFRESE: No.

11 CHAIRMAN FOOTE: You won't, okay.

12 MS. LOFRESE: No.

13 CHAIRMAN FOOTE: So if we condition upon
14 you not providing motorized scooters, you
15 wouldn't have a problem with that?

16 MS. LOFRESE: No.

17 CHAIRMAN FOOTE: Okay.

18 MS. LOFRESE: I don't -- I find those a
19 little dangerous.

20 CHAIRMAN FOOTE: I just got back from
21 Austin, Texas and they're everywhere.

22 MS. LOFRESE: I know. The problem with
23 scooters is if there's a raised pavement and you
24 go into it, you can go over, whereas bicycle
25 tires will be able to absorb that and you'll keep

1 going, so.

2 CHAIRMAN FOOTE: Well, a bicycle tire
3 shouldn't go over the curb, right?

4 MS. LOFRESE: Correct, everything. But --

5 CHAIRMAN FOOTE: Well, they're supposed to
6 stay on the street.

7 MS. LOFRESE: The scooters are very -- I
8 find them a little dangerous.

9 CHAIRMAN FOOTE: Yeah. Okay, thank you.

10 MS. LOFRESE: You're welcome.

11 CHAIRMAN FOOTE: If nobody has any comment
12 from the public, I move to close this public
13 hearing. Second?

14 MEMBER HAMMES: Second.

15 CHAIRMAN FOOTE: All in favor?

16 (*"Aye" Said in Unison**)

17 Okay. (*Public Hearing is closed - VOTE:*
18 *4-0-0-1 - Not Present: Member Kyrk*).

19 At this time I move to approve this
20 application for a bike shop in Greenport. Do I
21 have a second?

22 MEMBER HAMMES: Second.

23 CHAIRMAN FOOTE: By the way, and
24 conditioned upon no scooters, motorized or
25 otherwise.

1 MEMBER HAMMES: Second.

2 CHAIRMAN FOOTE: All in favor?

3 (*"Aye" Said in Unison*)

4 *The application is approved.*

5 *Congratulations. (VOTE: 4-0-0-1 - Not Present:*
6 *Member Kyrk).*

7 MS. LOFRESE: Thank you

8 CHAIRMAN FOOTE: You're welcome.

9 *Item No. 7 - 104 Third Street. This is*
10 *another public hearing regarding the site plan*
11 *application of Eugene Burger on behalf of PORT*
12 *104 INC. The applicant proposes to put up an*
13 *additional canopy similar to what is currently*
14 *existing. This property is located in the W-C*
15 *Waterfront Commercial District and is not located*
16 *in the Historic District. It's at Suffolk County*
17 *Tax Map 1001-5.-4-3. Hi.*

18 MR. CEPELAK: Hi. I'm Jonathan Cepelak,
19 General Manager of the restaurant of PORT.

20 CHAIRMAN FOOTE: Okay.

21 MR. CEPELAK: I'm just here for the
22 hearing.

23 CHAIRMAN FOOTE: Great. Thank you.

24 STENOGRAPHER MAHONEY: Can you speak closer
25 to the microphone? You can pull it up, too, if

1 you want.

2 MR. CEPELAK: Yeah.

3 STENOGRAPHER MAHONEY: Thank you.

4 CHAIRMAN FOOTE: Do you want him to
5 announce his name?

6 STENOGRAPHER MAHONEY: That's okay.

7 CHAIRMAN FOOTE: Okay. Thank you. Does
8 anybody from the public wish to speak about this
9 particular application?

10 *(No Response)*

11 No? Okay. At this time I move to close
12 this public hearing on this application. Do I
13 have a second?

14 MEMBER HAMMES: Second.

15 CHAIRMAN FOOTE: All in favor?

16 *("Aye" Said in Unison)*

17 *(Public Hearing is closed - VOTE: 4-0-0-1*
18 *- No Present: Member Kyrk).*

19 I now wish to move to approve to this
20 application. May I have a second?

21 MEMBER HAMMES: Second.

22 CHAIRMAN FOOTE: All in favor?

23 *(* "Aye" Said in Unison*)*

24 *Application is so approved (VOTE: 4-0-0-1 -*
25 *Not Present: Member Kyrk).* Thank you very much.

1 MR. CEPELAK: Thank you.

2 CHAIRMAN FOOTE: Okay. Item No. 8 - 48

3 Front Street. This is a public hearing regarding
4 the site plan application -- actually, I'm going
5 to just pause for a second. I'm going to switch
6 this because there's another application I think
7 is more efficiently handled.

8 So I'm going to jump -- we'll get back to
9 this in a second, but I'm going to jump to what's
10 called *Item No. 9*, this is *now Item No. 8* which
11 is *471 Main Street. This is a public hearing*
12 *regarding the site plan application of Shari*
13 *Hymes on behalf of Emily Demarchelier of*
14 *Demarchelier Bistro. My French is very bad.*

15 MS. DEMARCHELIER: (*Indiscernible French*
16 *words spoken*)

17 (**Laughter**)

18 CHAIRMAN FOOTE: Pardon en wah.

19 *The applicant proposes to install a red,*
20 *retractable awning to protect the outdoor seating*
21 *area. This property located in the C-R Retail*
22 *Commercial District and is located in the*
23 *Historic District as well, at Suffolk County Tax*
24 *Map 1001-4.-7-21. Welcome.*

25 MS. DEMARCHELIER: Emily Demarchelier, 10

1 Wade Road, Shelter Island, the owner of
2 Demarchelier Bistro at 471 Main.

3 CHAIRMAN FOOTE: Very good. Thank you.
4 And does anybody have any further questions at
5 this time regarding this application? Would
6 anybody from the public like to speak regarding
7 this particular application for an awning?

8 *(No Response)*

9 No? Okay.

10 MS. DEMARCHELIER: What?

11 *(Laughter)*

12 CHAIRMAN FOOTE: I now -- I now move to
13 close this public hearing. May I have a
14 second?

15 MEMBER HAMMES: Second.

16 CHAIRMAN FOOTE: All in favor?

17 *("Aye" Said in Unison)*

18 *This public hearing is closed (VOTE:*
19 *4-0-0-1 - Not Present: Member Kyrk).*

20 I now move to --

21 MS. DEMARCHELIER: Thank you.

22 CHAIRMAN FOOTE: -- approve this
23 application for the awning. May I have a
24 second?

25 MEMBER HAMMES: Second.

1 CHAIRMAN FOOTE: All in favor?

2 (*"Aye" Said in Unison**)

3 *The application is so approved (VOTE:*
 4 *4-0-0-1 - Not Present: Member Kyrk).*

5 Okay. Now, let's get back to what was Item
 6 No. 8, I guess it's flip-flopped to Item No. 9 -
 7 48 Front Street. This is also a public hearing
 8 regarding the site plan application of
 9 Christopher Mueller on behalf of 48 Front Street
 10 Property LLC (Greenhill Kitchen). The applicant
 11 proposes to remove the existing exterior walls
 12 and balcony on the second floor. The balcony
 13 will be enclosed to provide more space for the
 14 interior of the restaurant. The new wall section
 15 will include three window units and will be
 16 in-kind with the existing siding. The property
 17 is located in the CR Retail Commercial District
 18 and is not located in the Historic District at
 19 Suffolk County Tax Map No. 1001-4-10-32.

20 Would the applicant like to clarify this at
 21 all?

22 MR. SIDOR: Ryan Sidor, I work for Robert
 23 I. Brown Architect in Greenport.

24 CHAIRMAN FOOTE: Okay.

25 MR. SIDOR: That's 205 Bay Avenue. And

1 yeah, really simply, there's a balcony on the
2 second floor that we wish to remove to create
3 more space for the band to set up on the second
4 floor interior.

5 CHAIRMAN FOOTE: Okay. I have one
6 question. The -- the current balcony has the
7 sign, I think, right in front of it; what is
8 going to be done with that sign? Because you're
9 going to -- you'll be covering it up, basically.
10 Do you know?

11 MR. SIDOR: Yeah, I believe we'll just move
12 the sign below the windows.

13 CHAIRMAN FOOTE: Okay. I mean, is that --
14 I hate to play devil's advocate here, but is that
15 something that would require Planning Board
16 review to move a sign?

17 ADMINISTRATOR PALLAS: Well, I mean, it
18 should be shown on the plans. It should be part
19 of the application if they're relocating the
20 sign.

21 CHAIRMAN FOOTE: Do you happen to know if
22 it is in the application, where they move the
23 sign?

24 ADMINISTRATOR PALLAS: I didn't -- I don't
25 remember seeing that on the plans.

1 MR. SIDOR: The sign is not noted on the
2 elevation.

3 CHAIRMAN FOOTE: It's not?

4 MR. SIDOR: No.

5 CHAIRMAN FOOTE: Okay. Yeah, I was just
6 driving by this morning and I just noticed, *Well,*
7 *what are they -- what's going to happen to the*
8 *sign?* Because it's right there where the balcony
9 is.

10 MR. SIDOR: So the windows don't go all the
11 way to the floor, so we would probably just move
12 it down --

13 CHAIRMAN FOOTE: Below the windows?

14 MR. SIDOR: Yeah, right below the windows.

15 CHAIRMAN FOOTE: I see, okay. It would
16 make it smaller, I guess. It's a pretty big
17 sign.

18 MR. SIDOR: Yeah.

19 CHAIRMAN FOOTE: All right.

20 Okay. Now, we also have this issue that --
21 I was going through the minutes -- I wasn't at
22 the meeting when this was first brought up, but
23 Tricia brought it up -- and it involved the
24 outdoor seating area being included in the
25 application. And I think that my understanding

1 is that you guys are in the process of modifying
2 the application to expressly make clear it's not
3 part of the plans? Do you want to speak to that?

4 MR. BROWN: Robert Brown for the applicant.
5 There is, I guess, a disagreement about whether
6 the outdoor seating was originally approved with
7 the original site plan. We believe it was;
8 apparently the Village has no documentation to
9 show that. By the same token, there is no
10 documentation to show the indoor seating, so far
11 as I know, but it's been in operation for a
12 number of years.

13 There was -- we had a plan that was shown
14 as received by the Village that shows the outdoor
15 seating when we did the original plan. I don't
16 even remember what year --

17 MEMBER DOUGHERTY-JOHNSON: Sorry. By
18 original plan, are we talking about as
19 Greenhill?

20 MR. BROWN: No, as Harbour Front Deli.

21 MEMBER DOUGHERTY-JOHNSON: Okay.

22 MR. BROWN: I'm not sure what year that
23 was.

24 MEMBER HAMMES: It was around 19 --

25 ADMINISTRATOR PALLAS: I don't remember.

1 MEMBER HAMMES: About 2000 -- probably 2002
2 or so?

3 MR. BROWN: Yeah.

4 MEMBER HAMMES: 2001?

5 MR. BROWN: And I don't even have complete
6 records of those drawings because that was when
7 my office was in the process of converting to
8 computers, so it was half computer-drawn, half
9 hand-drawn.

10 CHAIRMAN FOOTE: Yeah. Well, can we -- we
11 want to get moving here, so can we at least all
12 be on the same page that this application does
13 not involve the tacit or implicit approval of the
14 outdoor seating. It's totally focused on the
15 proposed removal of the balcony and whatever you
16 can do, post this hearing to accommodate plans to
17 indicate that.

18 MR. BROWN: Well, actually we have prepared
19 plans that do not show the outdoor seating. But
20 the issue is that the owner does not want that
21 application to imply that there is no prior
22 approval for the outdoor seating.

23 CHAIRMAN FOOTE: No, I don't think it'll
24 imply it one way or the other. It's just -- or
25 it's going to be completely neutral to that as

1 far as I'm concerned. We're just really focused
2 on the --

3 ATTORNEY CONNOLLY: Planning Board approval
4 isn't like a variance where, you know, just
5 because you have a right to something with a
6 variance, it goes with the land and it goes on
7 forever.

8 CHAIRMAN FOOTE: Uh-huh.

9 ATTORNEY CONNOLLY: You know, the site plan
10 applications can be changed. If the Planning
11 Board doesn't believe that outdoor seating is
12 appropriate now, it doesn't matter what previous
13 site plans approved.

14 MEMBER DOUGHERTY-JOHNSON: To go back, in
15 2019 we approved a site plan for Greenhill that
16 called it a patio, it didn't say anything about
17 seating.

18 MEMBER HAMMES: I don't -- I thought we
19 didn't do anything with respect to the back of
20 Greenhill at that time and that was withdrawn.

21 MEMBER DOUGHERTY-JOHNSON: We did because
22 we approved the music.

23 MEMBER HAMMES: But I don't think -- I
24 think they withdrew the request to alter the back
25 of the building.

1 MEMBER DOUGHERTY-JOHNSON: Well, I don't
2 think there was an alteration. I'm just saying
3 my understanding is we got plans and those
4 plans -- like when we approve it, that plan gets
5 put somewhere as like this is what we approved.

6 MEMBER HAMMES: So, I think Lily's point is
7 those plans we should have copies on.

8 MEMBER DOUGHERTY-JOHNSON: They're on-line.

9 MEMBER HAMMES: Later on, the ones that
10 were done when the music was put in place and the
11 question is do those site plans show seating
12 outside.

13 ADMINISTRATOR PALLAS: To the best of
14 memory they do not.

15 MEMBER DOUGHERTY-JOHNSON: I can look at
16 them on my computer, they say patio, there's no
17 seating.

18 There's also no trash which I wanted to
19 bring up. Because that back corner in your plan
20 says there's a dumpster there, but I think
21 there's actually something like a utility, a
22 little metal box in that space. And the
23 dumpster --

24 MR. BROWN: I believe the Village put a
25 transformer there.

1 MEMBER DOUGHERTY-JOHNSON: The dumpster is
2 usually on the sidewalk, so. And I think that's
3 something that the Village has been trying --

4 MR. BROWN: Yeah, because the Village put a
5 transformer where the dumpsters were supposed to
6 go.

7 MEMBER DOUGHERTY-JOHNSON: All right. But
8 again, I don't feel comfortable approving a plan
9 that says the dumpster is there if the dumpster
10 is not really there. Does that make sense?

11 CHAIRMAN FOOTE: And this --

12 MEMBER DOUGHERTY-JOHNSON: Because then
13 later someone's going to come back and say, *Oh,*
14 *you guys approved this.*

15 CHAIRMAN FOOTE: Are you saying the current
16 plan that we're reviewing has the dumpster in the
17 wrong place?

18 MEMBER DOUGHERTY-JOHNSON: Yep. Well,
19 the -- and current plan has the dumpster on the
20 property and the dumpster's is almost always on
21 Village sidewalk.

22 CHAIRMAN FOOTE: Okay.

23 MEMBER DOUGHERTY-JOHNSON: And so is the
24 laundry container and so is the grease container.

25 CHAIRMAN FOOTE: So here's our dilemma.

1 We're in the middle of a public hearing on this
2 and we have similar modifications that we propose
3 being made to the application pending that. What
4 do you -- what do you recommend that we do in
5 this situation? Is there --

6 ADMINISTRATOR PALLAS: I would defer to
7 the -- your attorney, but a suggestion would be
8 to continue the hearing until a pending
9 resolution of the these issues.

10 CHAIRMAN FOOTE: Okay.

11 ADMINISTRATOR PALLAS: I don't know if
12 that's appropriate or not.

13 ATTORNEY CONNOLLY: No. Yeah, I think you
14 need an accurate depiction of what's going on on
15 the property.

16 MEMBER DOUGHERTY-JOHNSON: And the other
17 things.

18 ATTORNEY CONNOLLY: And if there's another
19 question -- didn't the planner raise a question
20 about the occupancy limits?

21 ADMINISTRATOR PALLAS: Correct, there's --

22 ATTORNEY CONNOLLY: With the sewer?

23 ADMINISTRATOR PALLAS: -- a question on the
24 occupancy approvals from the Suffolk County
25 Health Department. If they are adding this

1 outdoor seating, whether or not their current
2 approval from the Suffolk County Health
3 Department includes that number of seats.

4 MEMBER DOUGHERTY-JOHNSON: Just to add,
5 like there's a curb cut currently which is not on
6 the plan. But if that is going to be seating and
7 it's not going to be used for cars coming in and
8 out, then that parking spot should revert to
9 being a parking spot for the public, right?

10 CHAIRMAN FOOTE: No.

11 MEMBER DOUGHERTY-JOHNSON: Instead of it
12 being a curb cut to something that is no longer
13 used as a driveway.

14 CHAIRMAN FOOTE: *(Laughter)* There are a lot
15 of issues suddenly showing up here. Well --

16 MR. MUELLER: Can I speak?

17 CHAIRMAN FOOTE: Sure, please.

18 MR. MUELLER: Christoph Mueller, 51 Bay
19 Avenue. I'm the owner of Greenhill Kitchen.

20 I know there is many issues that are in
21 this back area. And I agree, for example, that
22 the dumpsters that are there are not the best
23 solution and I will remove those, I will work out
24 a solution where we can bring them in on to our
25 property.

1 But I have to say, it's not all of our
2 dumpsters. There's two big dumpsters are --
3 belonging to one of the neighbors, I don't know.

4 MEMBER DOUGHERTY-JOHNSON: Who don't have
5 any other space.

6 MR. MUELLER: So if you remove ours, I
7 think then the others should be also removed so
8 that that sidewalk becomes a nice area.

9 CHAIRMAN FOOTE: Is this the sidewalk on
10 First Street we're talking about?

11 MEMBER DOUGHERTY-JOHNSON: No, Adams.

12 MR. MUELLER: That's the sidewalk on
13 Adams.

14 CHAIRMAN FOOTE: Oh, Adams, okay.

15 MR. MUELLER: So the gre -- we have no
16 grease container out on the property, land.
17 We have --

18 MEMBER DOUGHERTY-JOHNSON: You definitely
19 have in the past.

20 MR. MUELLER: We have a grease on our
21 property inside.

22 MEMBER DOUGHERTY-JOHNSON: I don't know,
23 I've been looking at that space for like two
24 years (*laughter*). I mean, I go by it everyday
25 multiple times.

1 MR. MUELLER: So --

2 MEMBER DOUGHERTY-JOHNSON: I know -- I know
3 that there's other dumpsters and maybe other
4 grease containers, but there's definitely --

5 MR. MUELLER: Our grease container is
6 inside --

7 MEMBER DOUGHERTY-JOHNSON: Maybe right now.
8 I'm not going to argue with you.

9 MR. MUELLER: But I want to be -- I want
10 Greenport to be beautiful and so I will work to
11 resolve all of -- all of these issues.

12 Now, where the seating's concerned in that
13 back patio, that's -- of course that's a major
14 issue because to us, that is a revenue producing
15 area.

16 And my understanding is that originally, I
17 guess back in 2001, I think that's when the
18 drawings were sent and they were approved. And
19 the only drawings that I have ever seen from this
20 property, of this property were these drawings
21 that I have since 2001; they're stamped by
22 Greenport Village as received. They're not
23 stamped as approved; maybe they should be stamped
24 as approved. When I bought the property I didn't
25 inquire specifically whether these were also

1 approved or not.

2 But that's the only drawings that I have
3 ever seen. And two previous owners, both the
4 person that I bought the property from as well as
5 Perry who used to run the Harbour Deli, confirmed
6 to me both that the seating plan was originally
7 approved. And Perry worked with you, I guess, to
8 get this on the drawing. So, the place has been
9 in operation since 2002 or 2001 and it was just
10 never activated, those. But it was -- from my
11 understanding it was approved.

12 Now, by all means, if there's a -- we have
13 an agreement here, I don't want this current
14 application that we have changing the bathroom, I
15 don't want to use these. It was never the
16 intention to resolve this -- this agreement in my
17 favor. So, I think what we should do is after
18 this hearing, hopefully after you approve this
19 balcony, that I will work with the Village to
20 resolve this one way or the other.

21 CHAIRMAN FOOTE: Okay. Anybody else?

22 MEMBER HAMMES: I just have one question
23 related to the occupancy limits, then. Just so
24 you know, my general view on this is that this,
25 in the first instance, is a matter that they need

1 to deal with the Village on and enforcement
2 because they have -- if they have an approved
3 site plan they have one, and if they don't
4 they're in violation of it and the Village should
5 be holding them accordingly accountable, as they
6 should every business in town.

7 But the related point, because it was
8 raised in the Planning memo about the occupancy,
9 given that you have plans that you say show that
10 you're allowed that seating. When the -- I mean,
11 the occupancy, the Certificate of Occupancy and
12 everything is given for this establishment, does
13 it -- is the occupancy limit set to include
14 those -- those seats that are outside?

15 MR. MUELLER: The occupancy currently does
16 not include the seating for outside, because when
17 Perry put everything in operation he didn't need
18 that seating, he didn't activate it, he didn't go
19 to the Health Department to clear this, so this
20 is -- it's not included in the current seating.

21 MEMBER HAMMES: So it sounds like no matter
22 what you have an issue, potentially, at the
23 Suffolk County level --

24 MR. MUELLER: Yes.

25 MEMBER HAMMES: -- in terms of the seating

1 and you need to resolve --

2 MR. MUELLER: Have to redefine -- under
3 COVID rules there was no issue; now after COVID
4 that is an issue that we have to go to the Health
5 Department and get approval for this.

6 MEMBER HAMMES: So my personal view on this
7 is I don't have a problem with the actual
8 proposal on the balcony area. I do think this
9 stuff needs to get resolved, so I would -- I
10 would -- what I'd like to see, assuming there's
11 nobody from the public that has any further
12 comments on it, is if it's possible to approve it
13 subject to them also resolving any outstanding
14 Code violation issues and obtaining any
15 necessary, you know, consents that they need from
16 Suffolk County Planning Commission and respect
17 thereof.

18 CHAIRMAN FOOTE: Okay.

19 MEMBER HAMMES: That would be -- that would
20 work for me.

21 MR. MUELLER: Sorry, I don't understand,
22 Patricia, what you mean exactly. Pending, then
23 that would mean we couldn't construct a balcony
24 until these issue are resolved?

25 MEMBER HAMMES: Well, I mean, if you're in

1 Code violation, I think we would want to see that
2 resolved, right?

3 MR. MUELLER: Yeah, we would want to see
4 that resolved but, I mean, it has nothing to do
5 with that balcony. We need this for our
6 operation. So I would say just like I do not say
7 that this -- if you approve the balcony based on
8 this application that this would --

9 MEMBER HAMMES: I know. I mean, does the
10 Village normally -- Paul's not here; does the
11 Village normally issue building permits when a
12 building is in nonconformance?

13 MR. MUELLER: We're not in non-compliance.

14 MEMBER HAMMES: Well, that's your
15 disagreement with the Village right now and
16 that's not something I think -- I know that you
17 said we could decide against the seating, but I
18 don't feel like that's really fully before this
19 Board at this point.

20 And I, frankly, if they have approval for
21 that seating, don't know that I would take it
22 back from them at this point. To me, I'd like to
23 know the answer to that.

24 MEMBER DOUGHERTY-JOHNSON: I guess I just
25 wonder like if we vote yes and approve, does that

1 mean these plans are getting stamped *approved*?

2 ATTORNEY CONNOLLY: Yeah. I mean, they
3 would have to provide --

4 MEMBER HAMMES: Right, okay.

5 ATTORNEY CONNOLLY: -- any new plans.

6 MEMBER DOUGHERTY-JOHNSON: Because then
7 I'm -- I'm not going to vote to approve the plans
8 as they stand right now.

9 MR. BROWN: Well, we have --

10 MEMBER DOUGHERTY-JOHNSON: Because I just
11 kind of want --

12 MR. BROWN: This was just brought to our
13 attention recently. I have plans that we were
14 just able to produce today that show the balcony
15 and do not show any information about the back of
16 the building. I don't know if that resolves
17 those issues.

18 MEMBER HAMMES: Since Paul's back maybe I
19 can just ask him this question. Paul, does the
20 Village issue building permits to buildings if
21 they're in a current Code question of whether
22 they're in Code compliance at the time?

23 ADMINISTRATOR PALLAS: I'm not sure --

24 MEMBER HAMMES: Like if this issue is
25 outstanding, because it seems to me that whether

1 or not that back -- that back area is allowed to
2 have seating, putting aside the Suffolk County
3 Planning occupancy issue, the dispute seems to me
4 as to whether or not it's permitted or not right
5 under their site plan, which they need to resolve
6 with you and then make a determination whether to
7 come back to us. To me that would be kind of a
8 Code violation, they're doing something in the
9 back that they don't have approval for.

10 My question was does the Village --
11 normally if they're aware of, I'm talking about
12 generically, a business being not compliant with
13 Code and that business comes and asks for a
14 building permit; do you issue the building permit
15 notwithstanding that they're already in a
16 noncompliant situation?

17 ADMINISTRATOR PALLAS: No, generally --
18 generally the answer to that question is no, we
19 would not. But I -- if I can speak a little bit
20 about this particular application.

21 The outdoor seating -- several things
22 happened with regard to this. The site plan that
23 I have, that we have does show it. There's no
24 record in the Planning Board minutes that
25 indicate that that was specifically approved;

1 that's item one.

2 Item two, the applicant did apply during
3 COVID for the addition of outdoor seating, which
4 we said, Okay, right, we don't -- you're right,
5 you don't have approval, so this is a temporary
6 approval. There is, at the very least, a bar
7 that was built outside, in addition to a -- I
8 guess a kitchen of some sort.

9 We do have some other issues that we are
10 working through with the applicant regarding
11 their sewer line. So there are a number of
12 concerns on the site in addition to the seating,
13 so just that you're aware of it; the dumpsters
14 that you've already discussed and such. So I
15 just wanted you to be aware of all of that.

16 MEMBER HAMMES: But -- so, I guess where
17 I'm trying to get to, and you weren't here, is if
18 we can resolve the issue of the plans, which I
19 recognize is an open issue, and we were to
20 approve -- approve this; let's just -- I'm just
21 putting a hypothetical out there -- approve the
22 balcony area, would the Village turn around then
23 and issue the building permit with these
24 outstanding issues in effect, or would they ask
25 for those to be resolved before they issue the

1 building permit?

2 ADMINISTRATOR PALLAS: What I -- what I
3 would -- in a case like this, during this
4 process, which I have done in the past, that
5 before a building permit is issued, that these
6 would have to be resolved. That would be a part
7 of the Planning Board's ultimate decision that
8 that's -- would be my recommendation. Again, I
9 apologize that I had to step out, but -- again,
10 another option --

11 CHAIRMAN FOOTE: Well, it is part of the
12 Planning Board's recommendation to do what?
13 To --

14 ADMINISTRATOR PALLAS: If you -- if you
15 were inclined to approve the balcony, the instant
16 application that we're dealing with.

17 CHAIRMAN FOOTE: Right.

18 ADMINISTRATOR PALLAS: That it would be
19 contingent upon resolution of the outstanding
20 issues with the Village.

21 CHAIRMAN FOOTE: Including whether or not
22 they're entitled to outdoor seating as a matter
23 of right?

24 ADMINISTRATOR PALLAS: Yeah, it said yes.

25 CHAIRMAN FOOTE: Okay.

1 ADMINISTRATOR PALLAS: I mean, you could
2 delineate them if you so choose, but there are a
3 number of issues.

4 CHAIRMAN FOOTE: Okay. So --

5 MR. MUELLER: Would that then hold up?

6 ADMINISTRATOR PALLAS: Would not get a
7 building permit until -- until that was resolved.
8 Assuming that they -- assuming that the Planning
9 Board did, in fact, approve it.

10 Another option is to continue the hearing;
11 I mean, that's entirely -- that's not -- that's
12 for you to decide.

13 CHAIRMAN FOOTE: Well, I want to work with
14 the applicant here because I want to kind of
15 resolve this and get to an efficient result.

16 I mean, the actual application for the
17 balcony I don't think will have any problem
18 getting approved, to my own opinion. It's this
19 other stuff, trying to work it out and get it
20 resolved as quickly as possible.

21 What it sounds like is you're not going to
22 get the permit, even if we authorized the
23 application, until you get that resolved. So, I
24 mean, under those circumstances, is that a
25 process that you can live with and move forward

1 on?

2 MR. MUELLER: It's a shame because, you
3 know, for us this balcony is kind of important.

4 CHAIRMAN FOOTE: Yeah.

5 MR. MUELLER: Looking down the road that
6 back seat -- backyard area seating is important,
7 too. You, you know, are holding one hostage to
8 the other, I don't think it's fair to us because
9 we have a running business. I mean, with that
10 logic, you should shut down the restaurant
11 completely. Because why would we be allowed to
12 operate it if we have all these issues? If these
13 are unsolved issues, you know.

14 So I think we have a growing business that
15 should be going on, a decision should be made,
16 you know, to help us in that regard. And then
17 I'm willing to work with the Village until we
18 work out some solution.

19 MEMBER HAMMES: Since the last meeting when
20 this issue was raised, what is -- what has
21 occurred in terms of trying to work this issue
22 out?

23 MR. MUELLER: I think --

24 MEMBER HAMMES: Because, I mean, they were
25 here a month ago when this issue was raised,

1 right?

2 MR. MUELLER: Yeah. So, Bob had
3 discussions with Paul and Paul informed Bob that
4 in his opinion the seating originally was
5 approved but there was no documentation to show
6 that, but there's also no documentation to show
7 that it was not.

8 MEMBER HAMMES: But he said it was
9 approved, the seating.

10 MR. MUELLER: It was approved.

11 MEMBER HAMMES: So the issue is -- the
12 outstanding issue is the bar and the --

13 MR. MUELLER: Perhaps his opinion --

14 MR. BROWN: I don't want to speak for Paul,
15 but he did say -- he implied to me that it was
16 his understanding that there had been, but there
17 was no documentation one way or the other about
18 the back outdoor seating.

19 CHAIRMAN FOOTE: What is the status to the
20 COVID temporary outdoor dining allowance, is
21 that -- has it expired now? What is --

22 MEMBER HAMMES: I don't know if the
23 State --

24 CHAIRMAN FOOTE: What are the rules on
25 that?

1 MEMBER HAMMES: I mean, I know the Village
2 hasn't extended the parklet, so I assume that
3 they're not agreeing to waive other things that
4 they did during that time, but I don't know.

5 MEMBER BUCHANAN: We have people in the
6 industry here I think who would know. Do you
7 know the COVID --

8 MR. MUELLER: I'm not sure.

9 MEMBER BUCHANAN: Do you know if the COVID
10 restrictions are out; do you have any updates on
11 that?

12 MR. CEPELAK: I was under the understanding
13 it was the parklets were the same thing.

14 MEMBER HAMMES: No. Yeah, I think -- well, I
15 think the parklets were allowed but other --
16 other businesses. And frankly, I think this
17 would be an issue for PORT, because I know you
18 expanded your seating as well during COVID.

19 MR. CEPELAK: Yes.

20 MEMBER HAMMES: I believe it had gotten --
21 again, Paul isn't here. My understanding was at
22 the time when COVID started people went to the
23 Village and asked for the okay, the Village gave
24 it as an interim step during COVID. Separately
25 there may be other things that had to have been

1 done at the State level with respect to liquor
2 licenses and the like.

3 The Village has made the determination not
4 to extend the parklets. I do not believe that
5 any -- that anybody has come to them and asked to
6 extend anything else because it would have to
7 come to this Board as a site plan revision.

8 So, to the extent -- and again, now Paul is
9 back. It seems to me that to the extent that a
10 business was allowed to do something during
11 COVID, I believe the Village, given that it
12 didn't approve the parklets, is not necessarily
13 in agreement that those -- I mean, Paul, this is
14 a question that's come up. Like the things
15 besides the parklet that the Village permitted
16 during COVID; are those things still being
17 allowed on properties --

18 ADMINISTRATOR PALLAS: No.

19 MEMBER HAMMES: -- without coming back for
20 site plan approval, right?

21 ADMINISTRATOR PALLAS: That is correct.

22 MEMBER HAMMES: So if somebody was allowed
23 to do something by the Village during COVID, the
24 Village's position is at this point they would
25 need site plan approval to continue those things.

1 ADMINISTRATOR PALLAS: Correct. And if I'm
2 not mistaken, some of the documents that
3 applicants signed did indicate that, I believe.
4 But I can't confirm that, but that's --

5 MEMBER HAMMES: I'm not just talking about
6 him, I'm talking about --

7 ADMINISTRATOR PALLAS: No, no, I --

8 MEMBER HAMMES -- across the Village
9 overall.

10 CLERK AURICHIO: I believe that was in the
11 documentation.

12 ADMINISTRATOR PALLAS: As am I; I'm talking
13 generally. I believe that was the documentation.

14 MEMBER HAMMES: So there's two levels to
15 this, there's what the Village is allowing and
16 then separately there's a question of whether
17 there are State -- I believe the State has lifted
18 everything so that you're not -- the COVID -- the
19 COVID rules at the State level I don't believe
20 are in effect anymore either.

21 CHAIRMAN FOOTE: Uh-huh.

22 MEMBER HAMMES: So that's why you would
23 have an occupancy limit issue, but that's for you
24 and the County to resolve.

25 CHAIRMAN FOOTE: How much outdoor seating

1 is there currently? How many tables or seats?

2 MEMBER HAMMES: Fifty-four.

3 MR. MUELLER: The plan approved started
4 with, how many, 48?

5 MR. BROWN: I'm not sure of that number.

6 MR. MUELLER: I think it's something like
7 48 seats, but we were using much less.

8 MEMBER HAMMES: I mean, Paul, how does this
9 get resolved with the Village on the seating?

10 CHAIRMAN FOOTE: I mean, I'm trying to --
11 one idea would be if we could propose a temporary
12 approval of outdoor seating that doesn't trip
13 over the Suffolk County approval of total seating
14 for the restaurant. And whether it means if the
15 outdoor seating is more attractive in the summer
16 time, maybe you can shut down some interior
17 tables to achieve that result. Maybe we could
18 work something just on a temporary basis so they
19 can get their construction going on.

20 ADMINISTRATOR PALLAS: If I may?

21 CHAIRMAN FOOTE: Yeah.

22 ADMINISTRATOR PALLAS: I just want to be
23 clear that it's not -- as I mentioned, there are
24 other issues on the site. There's the sewer
25 related issues and the dumpster related issues.

1 So it's not -- just to be clear, and I'm not --
2 again, I'm --

3 MEMBER HAMMES: No, I understand. To me we
4 have to parse it and a related question of the
5 seating is there is -- you mentioned the bar in
6 the kitchen.

7 ADMINISTRATOR PALLAS: Correct.

8 MEMBER HAMMES: So I'm just -- I still am
9 not clear on what the Village's position is and
10 how this is going to get resolved.

11 CHAIRMAN FOOTE: Well, until those things
12 get resolved you're not going to issue a permit
13 for the work to be done upstairs.

14 ADMINISTRATOR PALLAS: I wouldn't until
15 they were resolved.

16 CHAIRMAN FOOTE: Okay. All right.

17 ADMINISTRATOR PALLAS: But, again, it would
18 be -- you know, you can -- again, adoptions as I
19 see them or continue the hearing until they're
20 resolved, approve under the contingency that any
21 open violations as of this date and any -- any
22 site plan issues, you know, vis-à-vis the
23 seating, outdoor seating are resolved before a
24 permit gets issued.

25 CHAIRMAN FOOTE: Okay.

1 ADMINISTRATOR PALLAS: That is an option.

2 CHAIRMAN FOOTE: All right. So at this
3 time I move to continue the hearing to the next
4 meeting. Do I have a second?

5 MEMBER HAMMES: Second.

6 CHAIRMAN FOOTE: All in favor?

7 (*"Aye" Said in Unison**)

8 So moved (*Public Hearing continued to May*
9 *26, 2002 - VOTE: 4-0-0-1 - Not Present: Member*
10 *Kyrk*).

11 Okay. *This is Item No. 10 - 817 Main*
12 *Street. This is a public hearing regarding the*
13 *site plan application of Peter Saitta of SINY*
14 *Dermatology. The applicant proposes the*
15 *conversion of a one-story existing non-conforming*
16 *attached garage to residential space as part of*
17 *the first floor of the existing residence.*
18 *The space is proposed to then be utilized as a*
19 *physician's Dermatologist office. Proposed site*
20 *improvements include the following: New*
21 *plantings, fences and gates, a driveway and*
22 *parking area, on-grade paths and walkways, an*
23 *in-ground swimming pool, a fountain, exterior*
24 *lighting and repairs to the existing arbor.*
25 *This property is located in the R-1 One-Family*

1 *Residential District and is also located in the*
2 *Historic District at Suffolk County Tax Map*
3 *1001-2.-1-25.* Good afternoon.

4 MR. HOUSTOUN: Good afternoon.

5 CHAIRMAN FOOTE: Please announce yourself.

6 MR. HOUSTOUN: My name is Doug Hustoun
7 from Heitler Hustoun Architects, 15 West 36th
8 Street, New York, NY. I think I'm here to answer
9 any questions on the application; I think you
10 guys have seen it twice now. And if there's any
11 public questions, I'd be happy to answer them.

12 CHAIRMAN FOOTE: Okay. I think what we can
13 do is we can have -- there are people from the
14 public who want to speak about this application,
15 so why don't you step down for a moment, let them
16 come up and speak and then you can respond. Okay?

17 Good afternoon.

18 MR. BETZ: Good afternoon.

19 CHAIRMAN FOOTE: Would you please announce
20 yourselves?

21 MR. BETZ: My name is James Betz, I live at
22 809 Main Street. This is my wife, Julia Moran.
23 And we -- we are concerned about the proposed
24 drawings that we saw on the website. As -- when
25 we were speaking to the current owner now, Peter,

1 he indicated to us that he wasn't going through
2 with this new office and that he was satisfied
3 with what he had in Southold. And -- you know,
4 so we were a bit surprised that we saw this sign
5 in front of the house where, one, we didn't get
6 any notice and either have our neighbors. I
7 think one -- I called all the neighbors around
8 and only one person got this notice in the mail.

9 So, it changes the whole dynamics of this,
10 you know, property. And it moves -- it moves
11 more of the -- it has a lot more parking spots
12 than there is right now. There's only four, it
13 looks like it could be seven the way I looked at
14 it, I wasn't even sure. And right now the way
15 it -- the parking spots are abutted against the
16 fence of, you know, the driveway in the back
17 where it's going -- the parking spots will now be
18 against our property line in the back of 809.

19 MS. MORAN: And currently all the parking
20 spots are against the back of the property where
21 there's a road. There's very high hedges and
22 then there's a road. It looks to us, which we
23 just looked on-line because we just found about
24 the moving of the placard. It looks like now the
25 parking spots would right up against our fence

1 which see-thru, so it would be very visible from
2 our property. I think that there is supposed to
3 be at least a five-foot setback, I don't even
4 know if that is being observed and there's
5 privacy concern.

6 In addition to that, this is a one-way
7 block. I'm not even --

8 MR. BETZ: A one-way street.

9 MS. MORAN: It's a one-way street.

10 MR. BETZ: In that particular -- in that
11 particular area is a one-way, and it's also an
12 emergency. And, you know, when there is lots of
13 cars on there because of a funeral parlor, you
14 know, the funeral going on or a wake, it is very
15 tight.

16 And my concern there is that, first of all,
17 everybody knows here, this is steamboat corner;
18 it's Main, First and Webb, and that place is
19 probably the most dangerous spot in all of
20 Greenport in my opinion. I've seen so many close
21 accidents there. And one of the reasons I joined
22 the fire department just recently is to help the
23 Fire Police navigate the traffic when it's needed
24 for the fire engines to move in an efficient
25 manner.

1 MS. MORAN: So, I guess our concern is that
2 people who are not familiar with the area, when
3 they pull out of that driveway in the back they
4 will -- a lot of people already make that turn
5 incorrectly and then they go proceed to Main
6 Street where they cross over both First and Main
7 which is very dangerous.

8 So, this is more -- that's a community
9 concern, so we just point that out because we
10 live there. We see people make this wrong turn
11 all the time. I just think that, you know,
12 having this back driveway be an ingress and
13 egress for this office is going to contribute to
14 what is already a dangerous community situation.

15 There is a lot of signs there and you could
16 still get this wrong, but at a minimum there'll
17 need to be much more signage. But, you know,
18 sort of in addition to this community danger, we
19 think it'll be exacerbated by this situation.
20 You know, we're sort of concerned about the
21 privacy that we will have come out, you know, a
22 bunch of cars being lined up right up against the
23 back of our property which is completely
24 see-thru. Right now there's like hedges and
25 plantings that are attractive and so now it'll be

1 all cars, so.

2 CHAIRMAN FOOTE: So are you saying that
3 under the plans as you look at it some of the
4 existing vegetation that's serving as a buffer is
5 going to be removed?

6 MS. MORAN: You know, it looks like it will
7 be, because I don't know that they would have
8 enough -- I mean, I'm not the expert, I haven't
9 done all the measurements, but it looks like
10 there wouldn't be enough room to actually go in
11 and out unless they remove the vegetation. In
12 fact, we were looking this morning, they just had
13 new mulch put in and we were thinking, *Oh, what a*
14 *shame, they just paid for new mulch*, and it looks
15 to us like it would be removed, but.

16 MR. BETZ: And the other thing, too, is
17 that if you look at the way the situation is
18 situated right now, the parking spots are all to
19 the west of the property; now you're moving it to
20 the east in the new plans.

21 MS. MORAN: This plan. Yeah, so when you
22 came in today there's like a long driveway and
23 then it kind of goes to the right and there's
24 parking spots there and they're sort of far away
25 from visibility, they're not that visible from

1 the street when there are cars there. Now, they
2 will be much more visible to both the street and
3 to us.

4 So, I think when you look at the B & B
5 regulations there are supposed to be setbacks and
6 privacy and so I would think at least those --
7 those requirements would be the focus of this
8 doctor's office

9 CHAIRMAN FOOTE: What's been your
10 experience, because there's been an Air BNB there
11 for a long time, for a while anyway. What has
12 been your experience with that?

13 MS. MORAN: Very minimal traffic.

14 MR. BETZ: Yeah. It's always --

15 MS. MORAN: It's actually very minimal.

16 MR. BETZ: It's always been weekends. And,
17 you know, when Sarah and Kevin had a full house,
18 they would always be parked on Webb because they
19 didn't have enough spaces to accommodate all the
20 rooms.

21 CHAIRMAN FOOTE: So they'd actually park on
22 the street?

23 MR. BETZ: They would park on the street,
24 yes, up towards the cemetery.

25 CHAIRMAN FOOTE: Right. Okay.

1 All right. Any other specific concerns you
2 want to bring, or is that --

3 MS. MORAN: That was it.

4 CHAIRMAN FOOTE: So basically, if I could
5 summarize, it's mostly the lack of a proper
6 buffer and you're not happy with the parking
7 spots being designated closer to your property.

8 MR. BETZ: Right.

9 CHAIRMAN FOOTE: And also your concern
10 about the public safety --

11 MS. MORAN: Right.

12 CHAIRMAN FOOTE: -- with the traffic
13 problem.

14 MS. MORAN: Right.

15 CHAIRMAN FOOTE: Because it's a one-way
16 street.

17 MS. MORAN: And also, it happens to be an
18 emergency route.

19 CHAIRMAN FOOTE: Yeah.

20 MS. MORAN: You know, all the -- everyone
21 from here comes down across Webb to go to
22 emergency calls; we know because we hear it.
23 And -- and so, you know, it's very disruptive
24 when people are going the wrong way.

25 CHAIRMAN FOOTE: Okay. Great, thank you.

1 Appreciate it.

2 MS. MORAN: Okay. Thank you.

3 CHAIRMAN FOOTE: Would the applicant like
4 to talk?

5 MR. HOUSTOUN: It's nice to meet you guys.
6 Thank you for raising your concerns. I think
7 some of the concerns you have had been part of
8 the dialogue and discussion we've been having
9 with the Town of Greenport, and so I'm going to
10 do my best to kind of address some of the things
11 that you had talked about.

12 I think screening is probably the one thing
13 I heard the most about the vegetation that's
14 there. If we were to look at -- only because I
15 don't have to show you guys what it looks like
16 and it's really small. But I just did a Google
17 street view of that back area, and at least when
18 the Google car drove by it's a pretty heavily
19 vegetated area. So it looks to me, and you guys
20 would know better because you live there, that
21 for most of the summertime, most of the year it
22 is heavily vegetated with privacy back there.

23 And I think the intent of this application
24 was to try to preserve as much of that screening
25 and vegetation as is required by the Zoning Code.

1 The Zoning Code does have screen
2 requirements, hedging requirements, not just for
3 the parking lot but for the pool that's being
4 proposed there. So the intent is to continue to
5 try to maintain privacy between all property
6 owners including yourself.

7 The -- there is an existing bed and
8 breakfast parking lot back there. To my
9 knowledge, the parking lot was supposed to be
10 compliant with the zoning regulations which is I
11 believe like one spot per room. I think it was
12 news to me that they were overflowing into Webb
13 Street. But our proposal, like the bed and
14 breakfast proposal, is intended to comply with
15 the Zoning Code as-of-right. And the Zoning Code
16 asks us for five parking spaces per doctor. But
17 we're only intending to have one doctor occupy
18 that space, so the Zoning Code's actually
19 requiring us to have the five parking spaces in
20 the back there.

21 There is six spaces because one of those
22 spaces is the second required space for the
23 residence. The residence requires two. We were
24 not allowed to tandem park in our driveway --
25 tandem park is one car in front of the other --

1 to count that as two spaces. So the solution
2 that we came up with with the Town was to have a
3 rear parking space in the back.

4 If you do look at the dimensions of the
5 parking area, I'll read out loud, we did try to
6 keep the spaces as far from your property line as
7 we could. We are trying to still preserve a
8 three-foot buffer on the cemetery side because
9 that adjoining property line isn't actually the
10 cemetery, I believe it's -- there's a flag lot
11 even next to us from the neighbor opposite of you
12 guys that had a driveway down there. So we were
13 trying to preserve some level of buffer on that
14 side and, therefore, there's a 4'10 buffer on
15 your side. So there's a larger buffer on your
16 property than the other, mostly because your
17 house is immediately adjacent to that side
18 versus -- or your rear yard is, versus a driveway
19 and cemetery on the other side. So we did try to
20 skew that for your benefit, I guess you could
21 say.

22 CHAIRMAN FOOTE: I have a question. Is
23 there a reason why you couldn't have had the
24 parking slips on the cemetery side of the
25 driveway as opposed to on your neighbor's side of

1 the driveway?

2 MR. HOUSTOUN: Can you give me a second to
3 think about that?

4 CHAIRMAN FOOTE: Sure, yeah.

5 *(Brief Pause)*

6 MR. HOUSTOUN: I don't know if it's
7 prohibitive to do that. But what we did try to
8 do was reuse the existing curb cut in the
9 existing location, which is naturally further
10 towards the back of the property towards the
11 cemetery. And so without having to redo a curb
12 cut, we do a gate and a fence that's already
13 there right now and part of the paving that's
14 already there right now, we tried to use that.
15 That is more aligned right now in our proposal
16 with the aisle traffic as opposed to the parking
17 spaces that come off of that aisle traffic. So
18 that was -- that for us, from an existing
19 condition standpoint, having the aisle on the
20 cemetery side was the right first thought.

21 I think we may run into some issues
22 potentially with handicapped accessibility.
23 Crossing over the aisle is not something that
24 they like or he would even approve. Where it is
25 currently right now you have immediate access

1 from the handicapped parking space, from the
2 handicapped unloading aisle directly to the
3 walkway, directly to the office. So if he
4 flipped it you'd have to cross sort of a lane of
5 traffic, albeit the dead-end lane but it is a
6 lane of traffic.

7 CHAIRMAN FOOTE: Could you flip all but the
8 handicapped spot? Is that --

9 MR. HOUSTOUN: You couldn't flip some but
10 not the others; I think it's an all-or-one
11 proposition. And if he's flipped the ADA spot,
12 I'm not confident, having to ask this question
13 right now, if we could get access without
14 traveling back over the lane of traffic.

15 CHAIRMAN FOOTE: Yeah.

16 MS. MOORE: I have an idea. Could I just
17 show it to you?

18 CHAIRMAN FOOTE: Sure.

19 (**Brief discussion held off the record**)

20 MR. HOUSTOUN: So I think -- so Pat raised
21 a good point. Most likely the resident and their
22 guests of the dwelling won't be parking in that
23 one space reserved for the residents in the back
24 of the parking lot. Most likely they will
25 congregate at the front driveway if they're

1 visiting the house.

2 So, Pat had suggested that we could land
3 bank that last parking space -- the only parking
4 space in which the entirety of the width of the
5 parking space is along that shared property
6 line -- and not develop that right now, and I
7 guess reserve that redevelopment if there was any
8 problems that arose. We'd take that into
9 consideration.

10 As far as the -- I guess the unsafe
11 intersection, the existing property as a bed and
12 breakfast basically utilized the same ingress and
13 egress in and out of the property. We are not
14 proposing to change the way in and out, so from a
15 safety perspective, from an individual car
16 entering and leaving the site, it will be similar
17 to how it is right now. In fact, we've made sure
18 that all of the egress out of the property can be
19 done forward-facing and not backing up into Main
20 Street, or I guess in this case --

21 MS. MORAN: Can I ask? Because I thought
22 that they were --

23 MEMBER HAMMES: Julia, you need to say your
24 name and --

25 MS. MORAN: Oh, I'm sorry. Julia Moran, I

1 live at 809 Main. I thought that they were -- I
2 thought this was going to be closed off. Because
3 I would say when it was the bed and breakfast,
4 first of all, most of the parking was over here
5 which we have a garage so we couldn't see; we
6 really couldn't see the parking before. But
7 people would come in this way, they could turn
8 around and go out this way from First. If that's
9 being closed off then that would change the --
10 right? Is this being -- is this still going to
11 be all connected?

12 MR. HOUSTOUN: Yes. So we are going to
13 close off --

14 MS. MORAN: Okay

15 MR. HOUSTOUN: -- the connection that was
16 previously there.

17 MS. MORAN: Right.

18 MR. HOUSTOUN: The -- again, after
19 discussing with the Village, they required us to
20 put a turnaround in at the front yard so that you
21 could get out forward-facing.

22 MS. MORAN: Right.

23 MR. HOUSTOUN: You know, perhaps one way to
24 look at this, if you take it as a an advantage or
25 a disadvantage, is that no commercial traffic

1 will be --

2 MS. MORAN: Right.

3 MR. HOUSTOUN: -- in front of your house.
4 At least not entering the property in front of
5 your house.

6 MS. MORAN: Right.

7 MR. HOUSTOUN: It'll all be coming in off
8 of Webb behind your garage, behind the
9 vegetation.

10 MS. MORAN: Yes. No, I completely
11 understand. But so that -- just so you know,
12 that does change the character. Because I do
13 think that the patrons of the bed and breakfast
14 used to use this to leave, so that they would
15 actually turn around and then leave in the front.
16 So to the extent that --

17 MR. HOUSTOUN: Sure.

18 MS. MORAN: -- we're sort of highlighting
19 the strange block that is one-way and people go
20 down the wrong way and then, you know, take this
21 dangerous left-turn onto Main Street, I do think
22 that now all of the traffic, commercial traffic
23 for visitors who are not familiar with this one
24 block, it will be more people that could take
25 this left turn.

1 to address the Board, please.

2 MR. HOUSTOUN: Sorry. Would a sign like
3 that require any approvals?

4 CHAIRMAN FOOTE: We recommend it. We make
5 it as a condition to our approval for you to
6 install a sign.

7 MEMBER HAMMES: There'll be a Historic
8 Board question on that.

9 ADMINISTRATOR PALLAS: To the -- yeah.
10 To the extent that the sign is located interior
11 to the property, it would likely require an HPC
12 approval but that -- I don't -- that wouldn't be
13 a heavy lift, I don't believe.

14 MR. HOUSTOUN: Okay.

15 CHAIRMAN FOOTE: So, one other issue came
16 up from the neighbors' discussion and criticism
17 and that was they said that they did not receive
18 notice. Do we have a record of all notices being
19 delivered to the appropriate neighbors?

20 ADMINISTRATOR PALLAS: I did just the check
21 the file; I did not see that we received any
22 receipts. Normally the applicants bring them to
23 the hearing, but we didn't see any.

24 CHAIRMAN FOOTE: Okay.

25 MR. HOUSTOUN: The owner issued those

1 letters, as far as I know, so I don't have
2 receipts with me. But I do believe that they did
3 mail out the notices as they were instructed by
4 the Village.

5 CHAIRMAN FOOTE: Typically they're done by
6 certified mail where you have the receipts to
7 evidence that. Do you know if the owner has
8 that?

9 MR. HOUSTOUN: I don't specifically know
10 that.

11 CHAIRMAN FOOTE: Okay.

12 MEMBER HAMMES: Can we close the public
13 hearing without knowing the answer to that
14 question?

15 ATTORNEY CONNOLLY: No, you would need
16 to keep it open --

17 MEMBER HAMMES: Yeah.

18 ATTORNEY CONNOLLY: -- until they produce
19 the receipts.

20 CHAIRMAN FOOTE: Okay. So we can't close
21 this hearing until we have evidence of that, at a
22 minimum, so.

23 MR. HOUSTOUN: Okay.

24 CHAIRMAN FOOTE: Do you want to say
25 anything?

1 MEMBER HAMMES: Well, no, I think since
2 we're clearly going to have to -- we can continue
3 the discussion. But since we're going to clearly
4 have to hold this open till we ascertain that the
5 public notices have been made, it may make sense,
6 given some of the issues that were raised, that
7 maybe we should try to meet up there prior to the
8 next meeting. And if we could meet with you and
9 walk through to understand kind of some of these
10 issues to get our own views of how things --

11 CHAIRMAN FOOTE: Yeah, I think that's a
12 good idea.

13 MEMBER HAMMES: -- look, I think that might
14 be a helpful thing to do --

15 MR. BETZ: Thank you.

16 MEMBER HAMMES: -- since it sounds like
17 we're going to have to hold this open in any
18 event.

19 MR. HOUSTOUN: Maybe I can just kind of --
20 for the point of record, this is a drawing of the
21 adjacent structures. And again, you had seen on
22 Google the amount of vegetation in this corner
23 here. You know, I think based on where that
24 garage is, I don't see really that much of an
25 adverse effect given -- even given the six

1 parking spots, because it is behind their garage
2 structure. So perhaps if you were behind the
3 garage you may see more through the vegetation
4 and screening that's there. But it seems to me
5 like it's a very similar condition -- I'm looking
6 at it, not you guys -- as where it was. Because
7 the parking previously was basically at the end
8 of this long block which was just as visible as
9 it is now.

10 The additional spaces that are to the south
11 are immediately behind that garage structure, so
12 I would imagine there's not as much of a view
13 from the residences, or a similar view from the
14 residences now.

15 CHAIRMAN FOOTE: Yeah, I was by there
16 earlier today. And actually, that --
17 the vegetation is very inconsistent in terms of
18 the buffering. I think there's certain places
19 where there's some very robust crivet or
20 whatever, I don't know what they are,
21 *(indiscernible word)* maybe, I don't know. But in
22 that particular area where the parking is, it's
23 pretty spare, there's not really much in terms of
24 a barrier. So, I can understand why a neighbor,
25 even though it's the back of their out

1 building --

2 MR. HOUSTOUN: Yeah.

3 CHAIRMAN FOOTE: -- could still have a
4 concern about seeing all these cars, you know,
5 parked there and having to look at that. I can
6 see that being an issue.

7 MR. HOUSTOUN: The intent is to screen. I
8 think we're recognizing that this isn't -- while
9 it's a permitted use in the district, it's a use
10 that is not robust throughout the R-1 District.
11 So I think that the intent is to provide some
12 screen or some natural screen as there right now.

13 And I think if the concern around the
14 parking, specific parking area is that during
15 construction operations some stuff will be
16 damaged, some stuff will be moved, some stuff
17 will be able to remain. The idea is to replace
18 what is damaged to be a proper lease-screened
19 parking area, again, as required by the Town.

20 CHAIRMAN FOOTE: Also, the planning
21 consultant has been in dialogue with you guys in
22 terms of what their expectations are and
23 requirements are and they've come up with a
24 recent list of conditions. Has that been shared
25 with the applicant?

1 ADMINISTRATOR PALLAS: Yes, it has.

2 CHAIRMAN FOOTE: Okay. I -- you know, this
3 is --

4 MS. MOORE: Maybe we should talk about
5 this?

6 CHAIRMAN FOOTE: Yeah, sure. Okay. Do you
7 want to talk about it now? We're going to extend
8 the public hearing anyway. Do we do it now or do
9 you want to do it later?

10 MR. HOUSTOUN: I think it would be good so
11 I could come back to the owner --

12 CHAIRMAN FOOTE: Sure.

13 MR. HOUSTOUN: -- with any --

14 CHAIRMAN FOOTE: Okay.

15 MR. HOUSTOUN: -- acceptance or resistance
16 or discussion.

17 CHAIRMAN FOOTE: I have one other question;
18 is this -- is this report something that can be
19 shared with the public, Paul? The consultant
20 recommendation?

21 ADMINISTRATOR PALLAS: We have a
22 representative from the consulting firm who can
23 speak to the conditions.

24 CHAIRMAN FOOTE: Okay. I'm just thinking
25 because it would be very helpful, for example,

1 for the neighbors to see what is being proposed.

2 MR. DiBIASE: Okay. Hi, I'm Ray DiBiase,
3 I'm subbing for Laura Feitner Calarco who was
4 here last month. I can scan through, there's a
5 list of 13 conditions of approval that are
6 recommended.

7 It first pertains to hours of operation
8 shall be limited to two half-days per week.
9 Second, also about hours of operation, it should
10 be scheduled to comply with Village codes and
11 minimize the impacts on adjoining residential
12 properties. Third, Health Services staffing and
13 number of patients shall correspond to a previous
14 letter sent in from the owner on March 16th.

15 Signs shall be posted to discourage
16 patients from waiting outdoors or otherwise
17 utilizing the entry patio which is depicted on
18 the site plans dated March 30th. No professional
19 use of the on-site outdoor recreation area such
20 as patios, lawn and pool, etcetera, shall be
21 allowed.

22 Front yard vehicular turnaround area shall
23 be constructed of permeable pavement and
24 maintained with an aesthetic in keeping with the
25 character of the neighborhood. Commercial and

1 medical waste management shall follow the rules
2 of the Town of Southold, Suffolk County
3 Department of Health Services and all other
4 local, State and Federal regulations.

5 Any commercial entity servicing the
6 doctor's office shall use the ingress and egress
7 and parking lot located on Webb Street and shall
8 be scheduled to minimize impacts to adjoining
9 residential properties.

10 Perimeter screening and landscaping shall
11 be maintained to minimize impacts on adjacent
12 properties and the nearby cemetery. Best
13 management practices for erosion and sediment
14 control shall be utilized during construction to
15 prevent sediments and construction runoff from
16 impacting adjoining properties and roadways.

17 Site lighting and noise resulting from the
18 use shall be contained on site in accordance with
19 the Village Code. No expansion of the proposed
20 parking area may occur without Village approvals
21 and subject to the approval of the Suffolk County
22 Department of Health Services Office of
23 Wastewater Management and the Village of
24 Greenport Sewer District.

25 CHAIRMAN FOOTE: Great. Thank you.

1 Did you want to respond to that?

2 MR. HOUSTOUN: Can I get a letter? Or I
3 can just pull it up quickly here.

4 The first thing I'll say is that we do have
5 proof of the certified letters, I just e-mailed
6 that to Paul. So if that's something that can
7 kind of keep this open.

8 MEMBER HAMMES: But does that -- is that
9 proof of them being sent or does that include the
10 return receipts? Because it sounds like at least
11 Jim and Julia are saying they never received a
12 notice. So the only way to confirm that they
13 received the notice is I believe to have the
14 returned receipts.

15 MR. HOUSTOUN: Okay. This is certified
16 mail, it looks like it's from the sender.

17 MEMBER HAMMES: Yeah, it's required -- I
18 believe the Code requires returned receipts.

19 MS. MOORE: Usually the green piece is
20 signed.

21 MEMBER HAMMES: Yeah, that they have to
22 sign before they release it.

23 MR. HOUSTOUN: So this is the letters going
24 out, so they were at least sent.

25 MEMBER HAMMES: Yeah, so we need -- in

1 order to not -- in order to close the hearing we
2 need the --

3 MR. HOUSTOUN: Okay.

4 MEMBER HAMMES: -- returned receipts.

5 MR. HOUSTOUN: Okay.

6 MEMBER HAMMES: I would --

7 MR. HOUSTOUN: Okay.

8 So, I think -- I'll go through all of them
9 just to know that we've been thorough and we have
10 an answer for all of these.

11 The one thing that we did want to rebut, I
12 guess would be the word, is the limitation on the
13 hours of operation to two half-days per week.
14 The letter that was prepared by the owner led his
15 sentence with *initially*. So the idea here was
16 that initially he was going to open and operate
17 for two half-days a week.

18 And I think what they're looking for is
19 reasonable flexibility that if this is something
20 that he wants to expand, and we can define what
21 that limit of expansion is, he would not like to
22 be limited to just two half-days per week. He
23 was proposing to be limited to two days per week,
24 which would basically add two more half-days or
25 one full day in any order. He's not looking to

1 make it a five day a week operation, but just not
2 having to come back in case he decided to expand
3 his hours.

4 CHAIRMAN FOOTE: So two full days as
5 opposed to -- he couldn't say, well, four
6 half-days is equal to two full days.

7 MEMBER HAMMES: I think he's saying to
8 do --

9 MR. HOUSTOUN: Well, he was --

10 MEMBER HAMMES: I think he's saying a
11 total.

12 MR. HOUSTOUN: I'll clarify; he was asking
13 for 16 hours.

14 CHAIRMAN FOOTE: Oh.

15 MR. HOUSTOUN: So that's -- you can chop
16 that up in a lot of different ways.

17 CHAIRMAN FOOTE: Uh-huh.

18 MR. HOUSTOUN: So I don't know what the --
19 if you agree to 16 hours, I don't know what
20 limitations all clumps together. I don't know
21 how you would want to present that.

22 MEMBER HAMMES: The 16 hours could
23 presumably also be time limited in terms of it
24 would be between 9 and 5.

25 MR. HOUSTOUN: Well, I think your second

1 point was about hours of operation.

2 MEMBER HAMMES: Right.

3 MR. HOUSTOUN: And we were unable to find
4 anything in the Village Code that limited hours
5 of operation.

6 MEMBER HAMMES: You're probably right which
7 is why I raised the question (*laughter*).

8 MR. HOUSTOUN: So, happy to comply with the
9 Village Code, but I don't think it's there. You
10 know, I don't --

11 MS. MOORE: If I could interject. It's
12 very difficult for him at this point because it's
13 really client-based and demand. As a physician,
14 you know, he -- he opened the Southold practice
15 really because this location was just not going
16 anywhere, it was stalled. We don't have a final
17 decision, are they're going to close Southold for
18 this versus keeping them both open; I don't know.
19 I know where he is now presently, he actually --
20 his corner is down by my family home.

21 So, we need the flexibility. This is -- as
22 you know, this is a permitted use. We've gone
23 through a site plan process when the village Code
24 doesn't even require a permitted use to go
25 through site plan because --

1 MEMBER HAMMES: I think its a conditional
2 use.

3 MS. MOORE: No, it's a permitted use. It's
4 not as a conditional, it's an accessory permitted
5 use. And they've gone through a very extensive
6 site plan process, but again, this is his home.
7 This is where, you know, he's going to live.
8 This is going to remain at -- it's a small space,
9 it has limited services, so.

10 CHAIRMAN FOOTE: Right. I think we can
11 still come up with a range of times. It's not a
12 hard thing to come up with.

13 MS. MOORE: Okay.

14 CHAIRMAN FOOTE: It doesn't necessarily
15 have to be 8 to 5 or 9 to 5, but, you know.

16 MS. MOORE: Okay. Okay. I mean, I pulled
17 up the Southold schedule and it gave, you know,
18 certain -- closed Sundays, some evening hours
19 like till eight o'clock so that he would offer
20 people that are working an opportunity to have an
21 appointment after work.

22 CHAIRMAN FOOTE: Uh-huh.

23 MS. MOORE: So, just based on the Southold
24 hours.

25 MR. HOUSTOUN: And based off the Southold

1 hours, I would imagine that, you know, a nine
2 o'clock start would probably be fine. I think a
3 good point that Pat's raising is that to service
4 the local community here after work hours may be
5 part of that, so that people don't have to take
6 off to see the doctor.

7 MS. MOORE: Right. And if he's living
8 there, that's usually the old, the doctor will
9 be -- you know, if you live at home and you can
10 service your patients and be available.

11 CHAIRMAN FOOTE: Maybe find out what the
12 Southold hours are, that would help.

13 MS. MOORE: I'll pull them up, I saw them
14 on-line.

15 MR. HOUSTOUN: They're 9 to 8 on --

16 MS. MOORE: Yeah, on certain days.

17 CHAIRMAN FOOTE: Okay.

18 MR. HOUSTOUN: So -- so I think just to
19 consider --

20 MS. MORAN: Could I just ask a question?

21 CHAIRMAN FOOTE: Yeah, absolutely.

22 MS. MORAN: Julia Moran again. So given
23 the 16 hours, I'm just -- especially I'm thinking
24 now 8 p.m. at night; how many patients per hour
25 are we expecting? Because --

1 ADMINISTRATOR PALLAS: I'm sorry --

2 MS. MORAN: Again. The bed and
3 breakfast --

4 ADMINISTRATOR PALLAS: I'm sorry to
5 interrupt. The comments really need be directed
6 to the Board, it's their hearing, if you don't
7 mind.

8 CHAIRMAN FOOTE: Julia, why don't we do
9 this. I think it's more efficient for them to
10 complete their review of all the points --

11 MS. MORAN: Okay.

12 CHAIRMAN FOOTE: -- and then you can come
13 in. Just take notes and you can come in.

14 MS. MORAN: Okay. Yep, no problem.

15 CHAIRMAN FOOTE: It can be more efficient
16 that way. Thanks.

17 MR. HOUSTOUN: Since it's in our minds, it
18 was two to five patients per hour that the doctor
19 listed in his letter. Okay, so I'll move beyond
20 the hours of operation; there are some
21 negotiations we can do with that.

22 Staffing and number of patients we just
23 talked about, two to five in an hour, and I think
24 he was expecting 10 to 15 a day.

25 MEMBER HAMMES: So you're okay with number

1 point three as a condition.

2 MS. MOORE: Point three, staffing numbers
3 patients -- yeah, that was based on his letter --

4 MEMBER HAMMES: Yeah.

5 MS. MOORE: -- that came from him.

6 MR. HOUSTOUN: Yeah.

7 MS. MOORE: I think it's the hours of
8 operation needed to be flexible.

9 MEMBER HAMMES: Okay.

10 MR. HOUSTOUN: Yeah. The sign to
11 discourage patients waiting outdoors is in our
12 drawings, there's a *No Waiting* sign that's
13 depicted there, so that is intended to be
14 installed.

15 No professional use of any outdoor spaces.
16 The drawings also identify what is residential
17 space, private residential space, so they're not
18 intending to let their patients use the grounds,
19 the residential grounds.

20 The turnaround area was provided in -- in
21 both parking areas. In the residential side it
22 was in the front yard and then the commercial
23 side it's at the end of the aisle.

24 Further commercial medical waste, they're
25 having private services for both your typical

1 waste that your staff or the doctors may have,
2 and then there's also pick-up for the medical
3 waste which is limited and they expect it to be
4 no more than once a week.

5 The commercial traffic will be utilizing
6 Webb Street which may be a safer alternative than
7 Main Street; albeit a one-way, they can turn the
8 right way.

9 Perimeter screening is required and is
10 being provided along the perimeter of the
11 property to screen the elements that need to be
12 screened such as the parking and the pool.

13 The site is a very flat site and so during
14 construction there will be erosion control and
15 sediment controls in place for the construction
16 activities. And then once the construction is
17 done there's a lot of permeable surface, so all
18 of the storm water would be handled on-site and
19 will not be discharged into the sewer system.

20 And then site lighting was part of our HPC
21 approval as well as depicted on these plans.
22 It's all environmental-friendly lighting in terms
23 of dark sky, so everything is lit down and not
24 polluting the sky.

25 I'm not exactly sure what noise is

1 referring to other than noise you would find in a
2 residence with a pool.

3 MEMBER HAMMES: There is a noise code, so I
4 think it just means you comply with the noise
5 code.

6 MR. HOUSTOUN: They intend to comply with
7 the noise code.

8 No expansion of the post-parking area may
9 occur without Village approvals; I assume that's
10 Building Department as our next step that they
11 will approve what we have now, or is this
12 expansion beyond what we have now? What is this
13 note for?

14 CHAIRMAN FOOTE: I think it's beyond what
15 you have as the intent.

16 MR. HOUSTOUN: Yep.

17 And then in terms of the wastewater, we
18 have an application pending with the Suffolk
19 County Health Department. And my understanding
20 is that we will need two things; one is Suffolk
21 County's approval, as well as an acceptance
22 letter from the Building Department or the
23 Supervisor here that the wastewater can remain
24 connected and discharged into the current sewer
25 system.

1 MEMBER HAMMES: So it sounds like the two
2 real open points are us reverting on the 16 hours
3 and how to deal with that and on time of hours of
4 operation; is that a fair statement?

5 MR. HOUSTOUN: Yeah, yeah. And I think I
6 also misspoke. I think it's -- setting limits on
7 hours of operation I think is reasonable. But
8 setting limits on specific days I think would be
9 unreasonable because I think he's going to
10 develop his business based on how the need
11 develops here. And so having flexibility to have
12 Monday through Friday in any sort of way or
13 capacity would allow him to change as he learns
14 what the local residents here would need or want.

15 CHAIRMAN FOOTE: Except for Sunday.
16 I think we've --

17 MS. MOORE: Sunday I think we can agree he
18 would be closed.

19 CHAIRMAN FOOTE: Yeah. Okay, great.
20 Thank you.

21 MR. HOUSTOUN: Just one thing. I think
22 given that this use is a permitted as-of-right, I
23 think all of these things are sort of reasonably
24 accepted to have shown up in the neighborhood.
25 And so I don't think anything we're doing here

1 should be construed as outside what one would
2 expect in Greenport in an R-1 District because
3 there are provisions like bed and breakfast that
4 can be conditionally approved as well as a
5 lawyer's office, dentist office, all those.
6 And in fact, your research, the review of the
7 research showed that there was previously a
8 dentist office on this property before, so we're
9 sort of just reactivating something that's
10 already been provided on this property.

11 CHAIRMAN FOOTE: Okay.

12 MR. HOUSTOUN: Thank you.

13 CHAIRMAN FOOTE: Thank you.

14 MEMBER HAMMES: Isn't it an R-2?

15 It doesn't matter.

16 CHAIRMAN FOOTE: It's R-1/R-2.

17 MEMBER HAMMES: Okay. Well, it's either
18 one of them.

19 CHAIRMAN FOOTE: It can be R-1 or R-2.

20 MEMBER HAMMES: The conditions applying are
21 both R-1 and R-2, but it can only be one of the
22 two.

23 CHAIRMAN FOOTE: Okay.

24 MR. HOUSTOUN: It is an R-1, at least
25 that's what our client said.

1 CHAIRMAN FOOTE: Would you guys like to
2 respond?

3 MS. MORAN: No, we're good. Thanks.

4 CHAIRMAN FOOTE: You're good? Okay, great.

5 All right, so I move at this time to --
6 unless anybody else wants any other questions?
7 Anybody else like to speak on behalf of the
8 public?

9 MS. MOORE: Would you like any additional
10 information for next week -- next meeting?

11 MEMBER HAMMES: I think that we'll have to
12 -- I mean, we'll have -- the main thing we'll
13 have for the next meeting is confirm that all of
14 the public notices were made properly.

15 MS. MOORE: Yes.

16 MEMBER HAMMES: Right?

17 CHAIRMAN FOOTE: Right.

18 MEMBER HAMMES: And I guess if anybody else
19 shows up we would have to address those comments.
20 And then we'll need to discuss the comments. I
21 mean, do we want to discuss Jim and Julia's
22 comments about the landscaping now and give any
23 input back on the first two points so that we can
24 kind of settle those?

25 CHAIRMAN FOOTE: Sure. Why not?

1 MEMBER HAMMES: Or at least make a proposal
2 on them?

3 CHAIRMAN FOOTE: Yeah.

4 MEMBER HAMMES: I mean, it seems to me that
5 a number -- Jim and Julia have pointed out the
6 landscaping and the like, the screening should be
7 dealt with through these conditions that were
8 already discussed. I do think we would still --
9 I would still like to perhaps meet up there
10 briefly before this meeting just -- the next
11 meeting, just to take a walk through with you to
12 understand the layout, if that's possible for
13 you. I know you come out from the City, but I
14 think that would be helpful.

15 MR. HOUSTOUN: I love coming out here.

16 MEMBER HAMMES: I think on the hours of
17 operation, I mean, my personal view is I would be
18 okay with the 16 hours.

19 CHAIRMAN FOOTE: Yeah.

20 MEMBER HAMMES: Just as 16 hours. And I
21 would be -- propose that it's, you know, Monday
22 through Friday, I would say 8 to 8 and Saturday I
23 would actually like to see it limited to 5 so
24 people can enjoy their Sunday afternoon and
25 cocktails on the porch (*laughter*).

1 MS. MOORE: Saturday afternoon.

2 MEMBER HAMMES: I mean Saturday and closed
3 on Sunday, that would be what I would --

4 CHAIRMAN FOOTE: Right.

5 MEMBER HAMMES: I would be okay with. I
6 don't know what the rest of you --

7 MEMBER BUCHANAN: You're saying what time
8 Saturday?

9 MEMBER HAMMES: So I would do -- I would do
10 8 to 8 Monday through Friday and 9 to 5 on
11 Saturday and no hours on Sunday.

12 MEMBER BUCHANAN: I think till 5 seems late
13 on a Saturday.

14 MS. MOORE: Let me pull up Southold and see
15 what --

16 CHAIRMAN FOOTE: Right.

17 MS. MOORE: Because I don't recall it being
18 that late on Saturday.

19 CHAIRMAN FOOTE: The only issue is he may
20 determine for business reasons that he has to get
21 eight hours in on Saturday, so. You know?

22 MS. MOORE: I -- really it depends on the
23 need in the community.

24 CHAIRMAN FOOTE: Yeah.

25 MS. MOORE: It's not really --

1 MEMBER HAMMES: There is a need in the
2 community.

3 (*Laughter*)

4 MS. MOORE: Yes! (Laughter).

5 CHAIRMAN FOOTE: What do you think about --

6 MS. MOORE: I just know like going to the
7 vet, for example, five o'clock I'm squeezing in,
8 so.

9 CHAIRMAN FOOTE: Well, I think we'll figure
10 something out on that.

11 MR. HOUSTOUN: Southold is 9 to 2.

12 CHAIRMAN FOOTE: There you go.

13 MS. MOORE: On Saturdays.

14 MEMBER HAMMES: So can we say 9 to 2 on
15 Saturday and 8 to 8 Monday through Friday?

16 MR. HOUSTOUN: Sure. I would imagine that
17 if he wanted to amend that he would just have to
18 come back and ask for permission.

19 MEMBER HAMMES: Correct.

20 MR. HOUSTOUN: Now if there was a need on
21 that --

22 MS. MOORE: Or we'll come back and report
23 back at the next meeting if --

24 MEMBER HAMMES: Yeah, that's fine.

25 MS. MOORE: -- that presents a problem.

1 MR. HOUSTOUN: Sure.

2 MEMBER HAMMES: And then -- I don't know if
3 anybody else has any views on the 16 hours.

4 CHAIRMAN FOOTE: I'm fine with that.

5 MEMBER BUCHANAN: I'm fine with that. My
6 question is are you going to be coming back with
7 potential changes to the parking?

8 MR. HOUSTOUN: Because we complied with the
9 requirements of Zoning, and I think that we're
10 addressing the screening properly, I don't intend
11 to come back with a change.

12 MS. MOORE: What we can do is look at the
13 conditions --

14 MEMBER HAMMES: The land banking of the one
15 spot.

16 MS. MOORE: Yeah, the land banking one spot
17 was a good, quick, immediate solution.

18 MR. HOUSTOUN: Sure, sure.

19 MS. MOORE: I don't know if there's a plan
20 for a fence, a solid fence there at that property
21 line; maybe just an area there where the cars
22 might be visible. But that could also be done
23 with some additional plantings, so.

24 MR. HOUSTOUN: Yeah, I think --

25 MS. MOORE: I think our goal would be to be

1 as private and preserve their privacy, so.

2 MR. HOUSTOUN: Yeah. I think -- there's an
3 existing fence along the property line that's to
4 remain, and I think the goal there is to, again,
5 try to keep as much of that as it is right now.
6 If we were to change the fence then we're
7 replanning new vegetation that may not be as
8 mature as it is right now and then having a fence
9 occupy space which would -- you know, maybe the
10 fence now is or is not on the property line, we
11 could probably bring it on the property line.

12 I just worry about modifying what's there
13 right now. We're trying to keep as much of it as
14 it is right now, and so if there's an existing
15 fence there we'd like to keep it so we don't have
16 to trample down that area constructing a new
17 fence.

18 CHAIRMAN FOOTE: Jim, you want to respond
19 to that?

20 MR. BETZ: Yeah.

21 CHAIRMAN FOOTE: You want to come up here
22 and do that?

23 MR. BETZ: Sure. So -- it's Jim Betz
24 again, 809 Main. The fence that's currently
25 around the property is really a temporary fence.

1 It was put up by Kevin, it's a deer plastic fence
2 that he has sticks put into the -- into the
3 ground. So it's really -- it was meant just to
4 keep the deer out of the property. So it's not,
5 in my opinion, sufficient enough to provide the
6 privacy that we need.

7 CHAIRMAN FOOTE: Do you know what the
8 height of the fence is?

9 MR. BETZ: Yeah, it's about eight feet.

10 CHAIRMAN FOOTE: Okay. I assume the taller
11 the better from your perspective?

12 (*Laughter*)

13 MR. BETZ: Exactly (*laughter*).

14 MEMBER HAMMES: There are limits on the
15 height of it, but.

16 MR. BETZ: It's clear -- I mean, it's a
17 safety fence.

18 MR. HOUSTOUN: I think six feet is the
19 maximum. Six feet is essentially the maximum
20 height.

21 CHAIRMAN FOOTE: Okay.

22 MR. HOUSTOUN: But I don't think there's
23 any requirements in the Zoning Code that have a
24 privacy fence along that property line. I don't
25 think there's any fence requirements to have on

1 there. It's a screen requirement for sure, but I
2 don't think there's a requirement to shield with
3 a solid privacy fence.

4 CHAIRMAN FOOTE: Okay. Okay.

5 MS. MOORE: Did you see this --

6 ADMINISTRATOR PALLAS: I'm sorry, you just
7 can't -- the dialogue --

8 MS. MOORE: No, no, I just wanted to have
9 it in front of me.

10 MEMBER HAMMES: I mean, I think on the land
11 banking, to go to your -- I think that at least
12 looking at these plans anyway it would be very
13 hard to move those parking spots. I kind of like
14 the land bank idea. I think subject -- again,
15 this is where it would be helpful to go up, and
16 even with this question about the fence and the
17 privacy --

18 CHAIRMAN FOOTE: Yeah.

19 MEMBER HAMMES: -- to actually be there and
20 walk it. So I think we may have to reserve on
21 this particular point --

22 MS. MOORE: That's fine.

23 MEMBER HAMMES: -- until we do that.

24 MS. MOORE: You can always make, I would
25 imagine, condition the approval so it doesn't

1 hold up and we have to come back to another
2 meeting.

3 MEMBER HAMMES: Correct.

4 MS. MOORE: So, if that's all right, that's
5 fine.

6 CHAIRMAN FOOTE: So for a site inspection,
7 is the public invited? So, for example, could
8 the neighbor participate, or at least observe it?

9 ATTORNEY CONNOLLY: Well, it's a public --
10 if you're all there it's a public meeting.

11 CHAIRMAN FOOTE: Okay. So it's open to the
12 public, right?

13 ATTORNEY CONNOLLY: Yes.

14 CHAIRMAN FOOTE: Okay. So I welcome you
15 all to join in --

16 MR. BETZ: Thank you. We would be
17 delighted.

18 MEMBER HAMMES: So should we -- so our
19 next -- so I assume we're going to try to put
20 this on --

21 ADMINISTRATOR PALLAS: I apologize. Can I
22 just ask a clarifying question of the Planning
23 Board Attorney? The fact that this hearing is
24 going to be kept open and they meet on-site, does
25 that constitute part of the hearing at that

1 point?

2 ATTORNEY CONNOLLY: It would be, yeah.

3 ADMINISTRATOR PALLAS: We would need a
4 record of it of some kind.

5 STENOGRAPHER MAHONEY: I can put a strap
6 around my neck.

7 (*Laughter*)

8 MEMBER BUCHANAN: Can we go today?

9 MEMBER HAMMES: Oh, we have more things on
10 the agenda tonight.

11 MEMBER BUCHANAN: Yeah.

12 MS. MOORE: I mean, if you don't have a
13 quorum we can't -- it's not a meeting.

14 ATTORNEY CONNOLLY: Right, exactly.

15 MS. MOORE: So if you just maybe delegate
16 two out of --

17 ATTORNEY CONNOLLY: Two at a time.

18 MS. MOORE: Two at a time, three out of the
19 four, that's acceptable.

20 ADMINISTRATOR PALLAS: It can't be --

21 MS. MOORE: We don't have any problem with,
22 you know --

23 MEMBER HAMMES: I mean, I could --

24 CHAIRMAN FOOTE: We'll have a quorum.

25 MEMBER HAMMES: Well, but she's saying we

1 could break ourselves up.

2 MS. MOORE: If we break -- if you don't
3 have a quorum you don't have a meeting, so the
4 quorum is what creates the public hearing issue.

5 ATTORNEY CONNOLLY: Correct. So if you go
6 at separate times then you'll be fine.

7 MEMBER HAMMES: Well, if we're going to try
8 to -- we're going to try to -- I assume you're
9 presumably hoping that you would have all these
10 and we could continue this at the May 26th
11 meeting. So, could we say that, you know, two of
12 us will try to be up there at 3:15 and three of
13 us at -- well, three is a quorum, right? Well,
14 we won't invite Reid.

15 (*Laughter*)

16 You know, a couple of us at 3:15 and a
17 couple at 3:30 and that gives us time to get back
18 here --

19 CHAIRMAN FOOTE: Why are we trying to avoid
20 a public hearing at the site?

21 MEMBER HAMMES: Because they have to --
22 they'd have to be there to transcribe.

23 MEMBER DOUGHERTY-JOHNSON: When we do this
24 at 123 it was before a public hearing?

25 MEMBER HAMMES: I don't know if we raised

1 this issue when we did it at 123.

2 CHAIRMAN FOOTE: Can you transcribe through
3 a recording device?

4 ADMINISTRATOR PALLAS: I'm going to have to
5 get back -- you can confer the attorney and
6 then --

7 MS. MOORE: I mean, we can agree that it's
8 not a public hearing, we're just there not to
9 make decisions but to observe and discuss. And
10 since the only neighbor that really had an issue
11 is going to be there --

12 MEMBER HAMMES: That's how we handled it
13 when --

14 MR. BETZ: Because nobody else knew there
15 was an issue. Come on!

16 MEMBER DOUGHERTY-JOHNSON: I have a
17 question on that. If the receipts don't show up,
18 because if they didn't sign for one, that doesn't
19 exist, right?

20 ATTORNEY CONNOLLY: Just make sure --

21 MEMBER DOUGHERTY-JOHNSON: That demands
22 that he starts all over?

23 ATTORNEY CONNOLLY: If you find that you
24 don't have the receipts, just make sure that he
25 doesn't immediately say you have them 10 days

1 before.

2 MS. MOORE: I was just going to suggest
3 that. I don't know what the client did. I
4 typically do it, for whatever reason I just
5 received the notice --

6 (**Fire Bell Rang**)

7 I'm going to ask for him to -- to see about
8 the notice and the receipts. If I have any
9 indication that I don't think that it's done
10 right, I'm going to redo it and I'll send it for
11 notice for the 26th, or I'll just redo it
12 automatically.

13 MEMBER HAMMES: I mean, I believe -- and
14 Jim and Julia can speak to this themselves, but I
15 believe that their notices go somewhere other
16 than this address.

17 MS. MORAN: Right.

18 MEMBER HAMMES: Because it gets sent to the
19 tax.

20 MS. MOORE: Yeah, the Assessor's records,
21 yeah. I don't know where they went out --

22 MEMBER HAMMES: No, I'm just saying -- so
23 that's something else you need to be conscious
24 of, you need to look at where they were sent to.
25 Because to the extent people are second

1 homeowners and they are in and out, they don't
2 always pick their mail up.

3 MS. MOORE: Yeah, I can't control that.

4 MEMBER HAMMES: I understand.

5 MS. MOORE: Normally you have to send it to
6 the address that the Assessor has --

7 MEMBER HAMMES: I understand. I'm not
8 saying to send it to a different address.

9 MS. MOORE: No, no, that would be the
10 correct address.

11 CHAIRMAN FOOTE: I'm just trying to make
12 you aware that I think that --

13 CHAIRMAN FOOTE: So if nobody is there to
14 sign the return receipt we don't have an
15 effective --

16 MEMBER DOUGHERTY-JOHNSON: Well, that's
17 what I was saying. It's like do we have send
18 them all out again?

19 MS. MOORE: The property is posted, so
20 that's the alternative to receipt is when the
21 private --

22 MEMBER HAMMES: I don't know, I'd have to
23 go back and look at the Code. My understanding
24 is the Code --

25 CHAIRMAN FOOTE: I'm sure this happens all

1 the time, right?

2 ATTORNEY CONNOLLY: I mean, if somebody
3 doesn't pick up their mail that's their problem.

4 MS. MOORE: Exactly.

5 ATTORNEY CONNOLLY: You know, it's not the
6 applicant's. They can't, you know, force
7 somebody, a neighbor to pick up mail at the post
8 office.

9 CHAIRMAN FOOTE: Right.

10 ATTORNEY CONNOLLY: You just need to have
11 proof that it was actually sent to them.

12 MS. MOORE: And lately the mail, the
13 postage, the green cards --

14 MEMBER HAMMES: Right.

15 MS. MOORE: -- take a long time to come.

16 MEMBER HAMMES: Okay. All right, anyway
17 back to the timing --

18 MS. MOORE: Right, meeting.

19 MEMBER HAMMES: -- and the meeting. I
20 mean, I guess there was the question. If we
21 don't have enough an open meeting then I assume
22 the point is Jim and Julia cannot attend?

23 ATTORNEY CONNOLLY: I mean, that's up to
24 the applicant, if the applicant invites them.

25 MS. MOORE: Yeah, we can.

1 MEMBER HAMMES: Because can't we -- I mean,
2 I'm not trying to make this more onerous, but
3 it's a problem on the --

4 CHAIRMAN FOOTE: I think it's important.
5 I think it's important for them to be there.

6 MEMBER HAMMES: They just said they can be.

7 MR. HOUSTOUN: We absolutely welcome them
8 to come.

9 MS. MOORE: They can be here actually on --
10 if they were standing on their own property
11 they'd be there.

12 MEMBER HAMMES: What I'm trying to get at
13 is how to address the public hearing issue. And
14 my first point was does it have to be at a public
15 hearing in order for them to be able to attend;
16 it sounds like the answer is no, that it's up to
17 you if you want them there or not.

18 So then the next question is do we need to
19 make this a public hearing or can we somehow
20 break ourselves up in a way that doesn't trigger
21 a public hearing.

22 ATTORNEY CONNOLLY: I think that's the
23 easiest way.

24 MEMBER DOUGHERTY-JOHNSON: I think we can
25 do. I'll say 3:15 and some of us will --

1 MEMBER HAMMES: Some will come at 3:15 and
2 some will come at 3:30, and then we can be back
3 down here by 4 if that works.

4 CHAIRMAN FOOTE: Sure. Fine.

5 MR. BETZ: The 26th?

6 MS. MOORE: May 26th.

7 CHAIRMAN FOOTE: Right.

8 Okay. So let's -- let's do that then.

9 We'll continue this public hearing till May 26th
10 and we will also informally meet at the property
11 before that, like in two different groups, 3:30
12 and 3:45; is that what you said?

13 MEMBER HAMMES: No, 3:15 and 3:30.

14 CHAIRMAN FOOTE: Okay, 3:15 and 3:30; Okay, fine.

15 MEMBER HAMMES: We need to be back here by
16 4.

17 CHAIRMAN FOOTE: Do I have a second on that
18 proposal?

19 MEMBER HAMMES: Second.

20 CHAIRMAN FOOTE: All in favor?

21 (*"Aye" Said in Unison*)

22 Okay, so moved (*Public Hearing continued to*
23 *May 26th, 2022 - VOTE: 4-0-0-1 - Not Present:*
24 *Member Kyrk*). Thank you.

25 MR. BETZ: Thank you.

1 CHAIRMAN FOOTE: All right. So *Item No.*
2 *11 is a discussion regarding proposed amendments*
3 *to the parking and curb cut section of the*
4 *Greenport Village Code.* And I'm going to turn
5 this over to my colleague; Tricia, would you like
6 to take the lead on this? You did a -- you've
7 taken the lead on doing the research and coming
8 up with some great proposals, so I want to turn
9 the floor over to you at this time.

10 MEMBER HAMMES: Okay. So we have, I
11 believe, worked with the assistance of the
12 Village Attorney on putting together the reports
13 required to be -- you know, requested to be from
14 the Planning Board in accordance with the Code on
15 the amendments that we received on March 1st. I
16 understand there may be subsequent amendments to
17 those proposed amendments, but we haven't
18 received those. So the comments are also based
19 on the March 1st draft.

20 I think on the curb cut, you know, I don't
21 know whether -- do I need to read this out loud
22 for the public or can we just --

23 ATTORNEY CONNOLLY: I think you can
24 summarize it.

25 MEMBER HAMMES: Okay. So I guess on the

1 curb cut I think where we are, and the Planning
2 Board I believe has more or less signed off on
3 this report, is that we're suggesting a
4 clarification of what constitutes a repair for
5 purposes of the proposed Code amendments since --
6 as currently proposed under the proposed
7 amendment, Planning Board approval would be
8 required for any relay or repair of a property
9 owner's driveway. And we believe that this could
10 be considered to me that a property owner who is
11 just repaving or resurfacing or seal coating
12 their driveway would at first need to obtain
13 approval from the Planning Board which doesn't
14 seem to us to be something that would be really a
15 good use of the Planning Board's time and would
16 be kind of onerous to the owner for common repair
17 and maintenance. So we've suggested that that be
18 looked at.

19 We also have a point about the map, the
20 description of what map needs to be -- what maps
21 need to include the submitted in particular to
22 show curb cuts of properties not just adjacent
23 but those that are across the street since that's
24 one of the factors that's required to be taken
25 into account.

1 We're suggesting that the Board consider
2 how the proposed amendments would be applied with
3 respect to mixed-use properties; in other words,
4 ones that are a mix of residential and
5 commercial. And I think that that's kind of the
6 summary of the points that we have on that.

7 And I guess the plan would be -- Rob, will
8 you then send this to the Village, or what's the
9 best way to transmit this to them?

10 ATTORNEY CONNOLLY: Yeah, I guess I would
11 send them to Amanda and Paul --

12 MEMBER HAMMES: Yeah.

13 ATTORNEY CONNOLLY: -- and then they can
14 forward it up to the Mayor and Trustees.

15 CHAIRMAN FOOTE: Do we put this to a formal
16 vote tonight?

17 ATTORNEY CONNOLLY: I don't think you need
18 to put it to a vote.

19 CHAIRMAN FOOTE: Okay.

20 ATTORNEY CONNOLLY: As long as --

21 CHAIRMAN FOOTE: We've all signed off on
22 it, yeah.

23 ATTORNEY CONNOLLY: -- that's the consensus
24 of the Board.

25 MEMBER HAMMES: Yeah. I mean, does anybody

1 have any comments?

2 The parking, comments on the parking are
3 somewhat more extensive and I will do my best not
4 to get too far into the nitty gritty.

5 I think as a wholistic matter, the Planning
6 Board has some significant reservations about the
7 proposed amendment. One, we think it's a little
8 bit difficult to really provide comment and
9 suggestions on it without the Village having a
10 comprehensive plan in place and we would strongly
11 encourage the Village Trustees, who I know are
12 starting to pursue this, to push that process and
13 an update of the LWRP forward to help kind of
14 allow a more comprehensive review of the Zoning
15 Code in some of these issues that come up
16 repeatedly so they can be addressed in a
17 comprehensive fashion.

18 I think the other concern is that based on
19 the Planning Board review of some of the Village
20 Board meetings on this -- at least prior to the
21 last meeting where there was actually, frankly, a
22 more in-depth discussion, but that was obviously
23 not reflected in this draft amendment -- that
24 there really needs to be kind of a -- we think
25 there should be a step taken back and an end goal

1 or objective identified and then a discussion of
2 different ways of meeting that.

3 I think our concern is that the amendments
4 may otherwise have a lot of unintended
5 consequences for the commercial area of the
6 Village and really will be bias in certain
7 directions that may not be ultimately in the best
8 interest of the Village.

9 Having said that, and I think that's kind
10 of the big picture items that we're saying is we
11 really think that maybe we need to kind of take a
12 step back and think about this more
13 wholistically. We did -- we do -- we will be
14 providing some more, I guess, specific comments
15 on the actual proposed amendments themselves.

16 I think to kind of put them into buckets,
17 the first general concept that is in the proposed
18 amendments is to eliminate as a general matter
19 the grandfathering exemption provisions of
20 existing buildings from the parking requirements
21 of the Code. I think that -- there's a couple of
22 points on that. One is that we -- it's not clear
23 to us that the Village has really looked at some
24 of the larger properties that are potentially
25 coming up for use and how this would actually

1 work, if they could ever even find -- you know,
2 put together the parking together with the
3 proposed payment in lieu of to have any kind of
4 use in a building like the arcade or the
5 auditorium. And I think we're concerned that
6 those might end up being stranded assets and
7 obviously it would put the Village in a difficult
8 position because we can't spot zone at a later
9 date to fix things with respect to those
10 properties.

11 We raised the point that there's nothing we
12 do that kind of addresses how parking, if
13 anything, requirements should apply for accessory
14 apartment dwellings which are permitted in the CR
15 area and whether that's something that should be
16 addressed as part of this.

17 We think that you -- the Board needs to
18 think about whether the grandfathering,
19 eliminating that provision will not kind of make
20 certain pieces of property potentially open to
21 being required to be turned into parking lots
22 which, again, may not be really -- this would be
23 an unintended consequence.

24 We raised the point of what -- there needs
25 to be clear triggers for what -- when the

1 proposed amendments apply, you know, is it a
2 change in -- what changes in the building or an
3 operation will trip this and how does it trip it.
4 Is it -- do they have to fully comply, do they
5 have to partially comply depending on what
6 they're doing? We suggest there should be clear
7 guidances as to the circumstances under
8 whether -- under which a business suddenly is
9 required to provide the parking and how that
10 would work.

11 Then -- I'm sorry, I don't have page
12 numbers on here, so. Then I think we kind of
13 move on to the specifics and interaction of
14 150-12 and 150-16 A-1 which are the provisions of
15 the Code that set forth the current parking
16 requirements and suggest that there needs to be
17 some consideration about how those work. I
18 believe that they're considered to be additive,
19 so at a minimum a building in the C-R/W-C zone is
20 required to have a parking spot of equal to the
21 greater of one spot per 300 feet and one per
22 employee.

23 And then 16 A-1 sets forth in certain
24 instances very specific additional requirements
25 and another says that whatever the additional

1 requirements are will be left to the discretion
2 of the Planning Board. I think that there's a
3 number of points raised by that. One in
4 particular that jumps right out to you is that
5 restaurants and -- or it doesn't even call them
6 restaurants; eating and drinking establishments
7 are lumped together and the parking requirements
8 for that are solely based on the number of
9 tables. Not sure that that is really workable in
10 a long run where you could have a bar where there
11 are no seats or very limited seats but a lot of
12 people, so that would seem to be a little bit
13 incongruous or a nightclub. So we suggest that
14 the Village needs to kind of take a step back and
15 look at that.

16 We also suggest that if this is the
17 approach that's going to be taken, the Village
18 should probably flush out more of the categories
19 that have various specific parking requirements
20 similar to what you find in other codes so that
21 you specify what is actually required for a gym
22 or a theatre or retail space, laundromats,
23 funeral homes and the like. I think there's a
24 lot of examples out there. We've looked at
25 just -- by ourselves, we looked at like the

1 Southold Code and some of the codes of certain
2 villages and towns in the Hamptons and they have
3 many more categories where there are very
4 specific requirements. And rather than leaving
5 that to the discretion of the Planning Board
6 which could really become a very, I think,
7 discretionary point of argument, it would be
8 better if we're going to go this route that there
9 be more specificity as to what is actually
10 required.

11 Then we get into the 10% reduction of the
12 parking requirement that Code is out of the
13 ability of the Planning Board to reduce -- to
14 reduce the parking requirements by 10% if they
15 find, I believe it says a showing, "*That the*
16 *particular circumstance of a property and the use*
17 *to be made of that property require less parking*
18 *and not required by this chapter.*" I guess we're
19 kind of struggling with what -- what that would
20 be and we'd like to understand better the
21 rationale behind that provision. Because if the
22 Code specifies the number of parking spots for a
23 particular use, it's hard to imagine why that we
24 would decide that it didn't meet that number of
25 uses.

1 CHAIRMAN FOOTE: Or are the numbers really
2 small that 10% doesn't --

3 MEMBER HAMMES: Right, right. Oh, and I
4 guess backing up, that was another issue that I
5 skipped over which I actually think is a big
6 issue. And again -- or we think is a big issue
7 which is the way we read the Code amendments, not
8 only will they have to come -- a business will
9 have to come and ask the Planning Board for a
10 payment in lieu of provision waiver, but we
11 believe that in almost all circumstances they'll
12 still also need a parking variance which doesn't,
13 to us, seem to make a lot of sense that you would
14 require both of those and it seems like it would
15 be an onerous process.

16 And I would use the example of the fact
17 that if a store has two employees, under the
18 Code, even if we don't add anything to it,
19 they're required to have two spots. And we're
20 only allowed under the PILOT to waive the lesser
21 of 50% of the spots up to 20.

22 And so the way I read it, we could only
23 waive one and they would, therefore, have to go
24 for a variance for one unless they are located on
25 a property where there was an actual parking

1 spot. And I can't believe that that's really
2 what the Village Board intends to have happen.

3 So, the payment in lieu in lieu of
4 provision, I guess that raises -- I raised the
5 point about the variance. It's also the case
6 that the way the process, as we all know,
7 normally works is that businesses come to us as
8 presubmission and then we send them off to get
9 other variances and the like before we consider
10 their submission and it's at that point that we
11 take up the payment in lieu of. So there's a
12 chicken and the egg there as well with respect to
13 the variance provisions.

14 And then finally I think, while we'll defer
15 to the Board on what the proper dollar threshold
16 is on the PILOT provision, I think to the extent
17 that this is being used -- as I think was
18 referred to at the last Village Board meeting --
19 a way to get additional revenue to cover
20 infrastructure costs. We question, you know,
21 whether -- we think the Village really needs to
22 think about what that is. Is really a one-time
23 payment up front the right approach with that?
24 If so, shouldn't it be a greater amount so that
25 we know there's a dedicated source of money to

1 deal with.

2 And then also we have concerns, as we
3 previously mentioned, that this will work the
4 benefit of deep-pocketed investors who don't
5 really have a hesitation in spending some more
6 money, but for very small start-up Mom and Pop
7 type businesses this will be a big discouragement
8 to them.

9 So that's -- I think those are the
10 highlight of the points. I know that I received
11 comments from some of the Board or almost all of
12 the Board members on this that have signed off on
13 it. I know, Sean, you were still reviewing it.
14 I don't know if you want to take another day --

15 MEMBER BUCHANAN: No, I'm okay.

16 MEMBER HAMMES: -- and send us comments or?

17 MEMBER BUCHANAN: I reviewed it before.

18 MEMBER HAMMES: So maybe I can send you the
19 clean copy and you can put that on the letter
20 head as well as submit that?

21 ATTORNEY CONNOLLY: Sure.

22 MEMBER HAMMES: I can send that to you so
23 that way we can get these --

24 MEMBER DOUGHERTY-JOHNSON: Can I make one
25 tiny copy edit? It's just on the -- it's the

1 second to last page, 3-A, the second, I think,
2 *defer*, I think we mean *deter*.

3 MEMBER HAMMES: Sorry.

4 MEMBER DOUGHERTY-JOHNSON: It was the last
5 page, now it's like the second to last page.

6 MEMBER HAMMES: 3-A --

7 MEMBER DOUGHERTY-JOHNSON: 3-A, not with
8 that very first --

9 MEMBER HAMMES: *Will not deter*, got it.

10 MEMBER DOUGHERTY-JOHNSON: Yes.

11 MEMBER HAMMES: Okay, I'll make that change
12 and then I will send it to you and you can put it
13 on letterhead and we can send that over to the
14 Village, unless anybody has any other --

15 CHAIRMAN FOOTE: No.

16 MEMBER HAMMES: -- thoughts or discussion
17 points on this.

18 CHAIRMAN FOOTE: Great.

19 MEMBER HAMMES: And then I guess we'll wait
20 to see what happens at the next Village Board
21 meeting. I believe that they are scheduling a
22 public hearing.

23 ADMINISTRATOR PALLAS: Yeah. If I may, Mr.
24 Chairman?

25 CHAIRMAN FOOTE: Yes, sure.

1 ADMINISTRATOR PALLAS: Yeah, the -- and I
2 think I may have in an email, I suggested that
3 they were available and I was told that they
4 weren't and I don't know -- I think it went out
5 too many times and I just didn't know where we
6 were. They have not been finalized, the latest
7 amendments have not been finalized and we will
8 get them to you as soon as they are prepared.

9 Some of the changes that I'm aware of just
10 anecdotally I think address some of your comments
11 already, so that -- just so that you're aware of
12 it.

13 MEMBER HAMMES: Okay

14 CHAIRMAN FOOTE: Great.

15 MEMBER HAMMES: All right. Well, we'll get
16 these over to you tomorrow and I guess then
17 you'll pass them on to the Trustees --

18 ADMINISTRATOR PALLAS: Of course.

19 MEMBER HAMMES: -- and hopefully the next
20 thing would be for them to take them into account
21 at their next Work Session or public meeting, or
22 whatever they think is appropriate.

23 CHAIRMAN FOOTE: And the letters will --

24 ADMINISTRATOR PALLAS: I will, of course,
25 leave that to them.

1 CHAIRMAN FOOTE: The letters will be
2 available on-line? Will they be available
3 on-line?

4 MEMBER HAMMES: Are the letters made
5 available to the public?

6 ADMINISTRATOR PALLAS: The amendments?

7 MEMBER HAMMES: These letters --

8 CHAIRMAN FOOTE: These letters.

9 MEMBER HAMMES: -- that we send to the
10 Board.

11 ADMINISTRATOR PALLAS: I don't know. I'll
12 speak to the Village Attorney on protocol because
13 I don't -- I don't see why not..

14 CHAIRMAN FOOTE: What's the normal course
15 for something like this?

16 ADMINISTRATOR PALLAS: They would likely be
17 incorporated into the Village Board agenda is
18 what they would likely be done.

19 ATTORNEY CONNOLLY: Right.

20 MEMBER HAMMES: Yeah, okay. I think that
21 we would like to see that happen, so maybe we can
22 put that in the cover memo --

23 ATTORNEY CONNOLLY: Sure.

24 MEMBER HAMMES: -- that we assume -- that
25 we request that these be placed on the Trustee's

1 agenda.

2 ATTORNEY CONNOLLY: Absolutely.

3 MEMBER HAMMES: Okay.

4 CHAIRMAN FOOTE: All right. Thank you very
5 much, Trish.

6 MEMBER HAMMES: No problem.

7 CHAIRMAN FOOTE: Great job.

8 Okay, *Item No. 12, any other Planning Board*
9 *business that might properly come before the*
10 *Board.* So Paul, there is something that you
11 wanted to raise, so I turn it over to you.

12 ADMINISTRATOR PALLAS: Thank you. Yeah, I
13 just wanted to advise the Board, with our new --
14 our planning consultant and with the scope of
15 some of these projects that are coming our way --
16 I'm sorry, coming your way, the process that
17 we're going to implement going forward, and it's
18 actually starting with one application that has
19 already been before the Board and that was the
20 200 Main Street project. The planning consultant
21 will do a preliminary planning memo prior to the
22 Pre-Submission Conference, and as a result of any
23 comments received at that point will do a
24 post-meeting memo that you will all receive, of
25 course, and the applicant will receive as well.

1 So that there's a memorializing of whatever
2 comments and concerns were raised at the
3 Pre-Submission.

4 We're not going to do this for every
5 application, obviously, but for ones that are
6 complex or large or have other implications
7 certainly we will do that. I just wanted to
8 alert the Board of that process.

9 MEMBER HAMMES: Okay. Just because since
10 you brought it up and there may not be an answer
11 to this, what is the next steps for the 200 Main?
12 Does that have to come back to us before it goes
13 on to Zoning and HPC because we didn't have a
14 complete --

15 ADMINISTRATOR PALLAS: It would depend --

16 MEMBER HAMMES: -- site plan, or?

17 ADMINISTRATOR PALLAS: I mean, the -- I'll
18 speak generically first, but the -- as long as
19 they are not changing anything that was presented
20 to you in any material way, they could -- I think
21 they could go to Zoning from this step, I think.

22 ATTORNEY CONNOLLY: Well, the Planning
23 Board didn't refer them to Zoning yet, though,
24 right?

25 MEMBER HAMMES: Well, I think we said that

1 we understood that they needed -- were going to
2 need other approvals, but. I don't think -- I
3 guess I'm just taking a step back, I think,
4 because we haven't had a lot of these big
5 proposals before us, and we also haven't had the
6 planning consultant like this before.

7 ADMINISTRATOR PALLAS: I apologize, can you
8 give me one second? I apologize. We're going to
9 have to check the minutes, I'm being told that we
10 may have -- you may have scheduled the hearing.
11 I don't believe that --

12 MEMBER HAMMES: No, we didn't.

13 ADMINISTRATOR PALLAS: If we did, it
14 shouldn't have been done.

15 MEMBER HAMMES: We didn't.

16 ADMINISTRATOR PALLAS: Because it needs two
17 other approvals, so I don't --

18 MEMBER HAMMES: Yeah. No, we did not.

19 ADMINISTRATOR PALLAS: So --

20 CHAIRMAN FOOTE: Did we establish Lead
21 Agency?

22 MEMBER HAMMES: I'd have to go back and
23 look at the minutes. But my concern is more
24 having watched some of the things that are going
25 on over in Southold.

1 MEMBER DOUGHERTY-JOHNSON: I think it's the
2 hotel.

3 MEMBER BUCHANAN: Yes.

4 MEMBER HAMMES: That it seems to me that
5 really before these things -- it's a chicken and
6 the egg and I guess that's why I'm asking the
7 question. I don't believe that site plan was
8 complete, I don't think it had all of the
9 drawings. And so I guess my point is shouldn't
10 we have a complete site plan, which I recognize
11 we may not have always done this in the past
12 before deferring to the Zoning and the HPC and
13 then having it come back to us. But shouldn't we
14 have a complete -- a completed site plan?

15 ADMINISTRATOR PALLAS: If I may, I
16 apologize. What I was speaking of was just a
17 generically, assuming there is a complete. In
18 this specific case I've been in discussions with
19 the applicant and their intention is to come back
20 to continue the Pre-Submission.

21 MEMBER HAMMES: Okay.

22 ADMINISTRATOR PALLAS: The goal is to
23 try -- and the reason I brought up the issue of
24 the memo is I didn't -- of the post-meeting memo,
25 I wanted you to be aware of it before I sent it

1 to them.

2 MEMBER HAMMES: Uh-huh.

3 ADMINISTRATOR PALLAS: Just so you know the
4 process we're going through. That will be sent
5 to them tomorrow morning. Our intention is to
6 try to meet with them early next week so that
7 they can prepare an updated site plan based on
8 those comments to present to you at a
9 Pre-Submission. And at that point, we could do
10 the Lead Agency status and perhaps a review
11 referral and the Zoning and Planning -- Zoning
12 and Historic at the same time. So that -- I
13 think that is what you were getting at --

14 MEMBER HAMMES: Yes.

15 ADMINISTRATOR PALLAS: -- and that's
16 exactly what the plan is for this particular
17 site.

18 MEMBER HAMMES: Okay.

19 CHAIRMAN FOOTE: So is the Board getting
20 the preliminary planning memo at the same time as
21 the applicant?

22 ADMINISTRATOR PALLAS: Correct.

23 CHAIRMAN FOOTE: Okay.

24 ADMINISTRATOR PALLAS: Yes, we'll send that
25 out to everybody tomorrow morning.

1 CHAIRMAN FOOTE: Tomorrow. Okay, great.
2 Was there any other additional business you
3 wanted to bring up?

4 ADMINISTRATOR PALLAS: I think I'm good.

5 CHAIRMAN FOOTE: Okay. Thank you, Paul.

6 *Item No. 13 is a motion to adjourn this*
7 *meeting.* Do I have a second?

8 MEMBER HAMMES: Second.

9 CHAIRMAN FOOTE: All in favor?

10 (*"Aye" Said in Unison*)

11 This meeting is adjourned.

12 **(*The meeting was adjourned at 6:21 p.m. *)**

13

14

15

16

17

18

19

20

21

22

23

24

25

1 C E R T I F I C A T I O N

2

3 STATE OF NEW YORK)

4) SS:

5 COUNTY OF SUFFOLK)

6

7 I, ALISON MAHONEY, a Court Reporter and
8 Notary Public for and within the State of New
9 York, do hereby certify:

10 THAT, the above and foregoing contains a
11 true and correct transcription of the proceedings
12 taken on May 5, 2022, at Greenport Fire
13 Department, Third Street Fire Station, Greenport,
14 NY, 11944.

15 I further certify that I am not related to
16 any of the parties to this action by blood or
17 marriage, and that I am in no way interested in
18 the outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand this 18th day of May, 2022.

21

22

Alison Mahoney

23

Alison Mahoney

24

25



**Village of Greenport Planning Board
Site Plan Review Application**

*****PLANNING MEMO*****

Applicant: Peter Saitta, SINY Dermatology

Project Location: 817 Main Street

SCTM: 1001-2-1-25

SEQRA Recommendation: Type II,

Zoning District: Residential 1 (R-1)

Historic District: Yes

SC Planning Referral: No

Date: May 4, 2022

Plan Revision Date: March 30, 2022

Project Description:

Applicant seeks to convert an existing single-family home, most recently used as a Bed & Breakfast with Planning Board-approved conditional use, to a single-family home with an accessory use for a physician's office. The project entails interior alterations to both the main living quarters and conversion of the 581sf area currently used as a garage to a medical office. The applicant also proposes site improvements to include new plantings, fences/gates, driveway/parking, on-grade paths/walkways, in-ground swimming pool, fountain, exterior lighting, and repair of existing arbor.

The existing dwelling was reputedly built circa 1901 by master shipbuilder, H. Fletcher Fordham, and is currently known as "Fordham House". It is a 2240 square feet (sf) dwelling with a 250± sf pergola and 706 sf covered porch on an irregular shaped lot of 21,850 square feet (.5 acres). The lot width is non-conforming (67'± versus 80' required), and the structure has a non-conforming north side yard setback of 3' (12' required for main structure, 5' for accessory structures), and total side yards of 20' (versus 30' required). The proposed site improvements will add a total of 855 square feet to the lot coverage. It is noted that Village records indicate that the area to be converted was built prior to the adoption of the Zoning Code and that at one time in the past, it was used as a dentist's office.



Comments and Recommendations:

The standards of site plan development, consideration and approval are contained within §150-30 of the Village Code, which requires that the Planning Board *“take into consideration the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular”* (§150-30 A). In response to prior comments offered by the Planning Board, the applicant has provided revised plans dated March 30, 2022, a cover letter from Heitler Houston Architects (HHA) dated March 30, 2022 and a written statement from the owner, Dr. Peter Saitta, dated March 16, 2022, all of which contain information supporting the application.

Should the Planning Board consider approval of the application, the following conditions of approval are recommended:

- 1) Hours of operation shall be limited to two half-days per week
- 2) Hours of operation shall be scheduled to comply with Village codes and minimize impacts on adjoining residential properties
- 3) Health services, staffing and number of patients shall correspond to the letter dated March 16, 2022 from Dr. Peter Saitta, owner.
- 4) Signs shall be posted to discourage patients from waiting outdoors or otherwise utilizing the Entry Patio depicted on Sheet A.200 of the site plans prepared by HHA and dated March 30, 2022.
- 5) No professional use of the on-site outdoor recreation areas such as patios, lawn, pool, etc. shall be allowed.
- 6) Front yard Vehicular Turn-around Area depicted on Sheet A.051 shall be constructed of permeable pavement and maintained with an aesthetic in keeping with the character of the neighborhood.
- 7) Commercial and Medical waste management shall follow the rules of the Town of Southold, Suffolk County Department of Health Services, and all other local, state and federal regulations.
- 8) Any commercial entity servicing the doctor’s office shall use the ingress/egress and parking lot located on Webb Street, and shall be scheduled to minimize impacts to adjoining residential properties.
- 9) Perimeter screening and landscaping shall be maintained to minimize impacts on adjacent properties and the nearby cemetery.
- 10) Best management practices for erosion and sediment control shall be utilized during construction to prevent sediments and construction run-off from impacting adjacent properties and roadways.
- 11) Site lighting and noise resulting from the use shall be contained on site, in accordance with Village code.



- 12) No expansion of the proposed parking area may occur without Village approvals.
- 13) Subject to the approval of SCDHS Office Wastewater Management and the Village of Greenport Sewer District.

State Environmental Quality Review Requirements

This application is consistent with a Type II action as defined within 6 NYCRR 617.5. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, Article 8.

Other Agencies of Jurisdiction

Planning Board approval of this application would be subject to the approval of SCDHS Office Wastewater Management and the Village of Greenport Sewer District. The Town of Southold Waste Management District shall be consulted regarding procedures for disposing of commercial waste.