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VILLAGE OF GREENPORT

COUNTY OF SUFFOLK : STATE OF NEW YORK

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PLANNING BOARD

WORK SESSION

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February 22, 2023

4:00 p.m. - Station One Firehouse

236 3rd Street

Greenport, New York 11944

Before:

PATRICK BRENNAN - Chairman

PATRICIA HAMMES - Member

SHAWN BUCHANAN - Member

LILY DOUGHERTY-JOHNSON - Member

DANIEL CREEDON - Member

ROBERT CONNELLY - Planning Board Attorney

PAUL J. PALLAS - Village Administrator

MICHAEL NOONE - Clerk of the Board

1 (*The meeting was called to order at 4:01 p.m.*)

2 CHAIR BRENNAN: Okay, welcome. This is the
3 Village of Greenport Planning Board worksession and
4 regular meeting. It's February 22nd, 2023, 4:00 PM.

5 Item No. 1, Motion to accept and approve the
6 Minutes of the January 5th, 2023, Planning Board
7 worksession.

8 MEMBER HAMMES: Second.

9 CHAIR BRENNAN: Any discussion on those
10 Minutes?

11 (Negative response).

12 CHAIR BRENNAN: All in favor?

13 (ALL AYES).

14 CHAIR BRENNAN: Motion is approved.

15 Item No. 2, Motion to accept and approve the
16 Minutes of the January 26th, 2023, Planning Board
17 worksession and regular meeting.

18 MEMBER HAMMES: Second.

19 CHAIR BRENNAN: Any discussion?

20 (Negative response).

21 All in favor?

22 (ALL AYES).

23 CHAIR BRENNAN: Motion is approved.

24 Item No. 3, Motion to schedule the next
25 Planning Board Work Session and Regular Meeting for

1 4:00 p.m. on March 30th, 2023.

2 MEMBER HAMMES: Second.

3 CHAIR BRENNAN: All in favor?

4 (ALL AYES).

5 CHAIR BRENNAN: Motion approved.

6 Item No. 4 - 19 Front Street. This is a
7 Public Hearing regarding the application of Frank
8 DeCarlo. Applicant proposes to acquire Kate's
9 Cheese Shop, rename the business Salumeria Sarto,
10 and open it as a cured meat and cheese shop.
11 Applicant also proposes to remove four hi-top stools
12 and a counter and replace them with four
13 industry-standard sized chairs with two tables,
14 maintaining the seating at 16. The property is
15 located in the C-R Retail Commercial District.
16 SCTM# 1001-5-4-29.

17 Is there anyone from the public here who
18 would like to speak about this application?

19 MR. STUESSI: I would.

20 CHAIR BRENNAN: Name and address, please.

21 MR. STUESSI: Kevin Stuessi, 420 Clark Street.
22 I first became familiar with Frank, more, 24 years
23 ago when he opened up his restaurant Peasant in New
24 York. I was living on the west coast and visited a
25 number of times and was always a big fan of it, and

1 continued to do so when coming east to New York.

2 I had an opportunity to see what they were
3 doing there and then what they did out at Barba
4 Bianco when they were running that. I think this is
5 a fantastic use of the space and will be a welcome
6 addition to the community.

7 They are also living near me in the Village
8 of Greenport, so I think it's wonderful to see local
9 residents do something within the Village Business
10 District. I am wholeheartedly in support of this.
11 Thank you.

12 CHAIR BRENNAN: Thank you. Would anyone else
13 would like to speak from the public?

14 Name and address, please.

15 MS. WADE: Randy Wade, 6th Street, Greenport.
16 I just applaud the fact that a new business is
17 coming in and not increasing the intensity of use. I
18 think it's going to be a lovely addition. Thanks.

19 CHAIR BRENNAN: Thank you. Okay, does anyone
20 have questions? The applicant is here. Does anyone
21 have further questions on this?

22 (Negative response).

23 Okay, do you need to speak? Do you have
24 anything to add? You have to stand up. Name and
25 address, please.

1 MR. DECARLO: Frank DeCarlo, 318 5th Street,
2 Greenport.

3 To anyone that has questions, it's primarily
4 exactly what Kate's been doing. We are just, a new
5 paint job and, you know, Kate wanted to do, you
6 know, move on, do other things. She had other
7 things planned, and we have been friends with her
8 for quite a while. And we just want to continue the
9 same thing.

10 It's not going to somehow turn into a
11 hundred-seat restaurant or anything like that. It's
12 what you have there is pretty much exactly what is
13 going to be there.

14 And I just want to say that to anybody who
15 had any doubt about it. That's all.

16 CHAIR BRENNAN: Thank you.

17 MR. DECARLO: Thank you.

18 CHAIR BRENNAN: Okay, if there is no one else
19 from the public who would like to speak, there's no
20 letters received or anything?

21 MR. PALLAS: No.

22 CHAIR BRENNAN: I think we can close the
23 public hearing.

24 And just for the record, we have copies of
25 the certified mail receipts for the public notice

1 that was required for this hearing, and I'll just
2 say that we are in possession of six receipts, and
3 I'll just read off the recipients' names, not the
4 entire address. Number one, Kuilmann Management
5 Corp.; Number two, Yellowfin Galleria; Number three,
6 Eugene Avella; Number four, Rock Realty Corp.;
7 Number five, 2012 Front Street LLC; Number six, it's
8 hard to make out here. I'll just say it's Rose &
9 Dee's Jewelry. I can't read the entire thing.

10 So I think that's all we need to say on that
11 matter, and we can close the public hearing. So
12 we'll take a vote for that.

13 MEMBER HAMMES: Second.

14 CHAIR BRENNAN: All in favor?

15 (ALL AYES).

16 CHAIR BRENNAN: Okay. Thank you.

17 Okay, so that brings us to Item No. 5, 19
18 Front Street, which is the discussion and possible
19 motion on the Application of Frank DeCarlo, which
20 property is located in the C-R Retail Commercial
21 District.

22 Does anyone have any discussion or anything
23 they would like to bring up?

24 MEMBER HAMMES: I think I would echo the
25 comments the public made, so.

1 CHAIR BRENNAN: Okay. Well, I wish the
2 applicant good luck with their enterprise.

3 MR. DECARLO: Thank you, everyone on the
4 Board.

5 CHAIR BRENNAN: So let's make a motion to
6 approve -- does someone want -- do you want to make
7 a motion?

8 MEMBER HAMMES: I'll make a motion. I'll make
9 a motion to approve the Application of Frank DeCarlo
10 for the property located at 19 Front Street,
11 renaming the business Salumeria Sarto, and to be
12 operated as a cured meat and cheese shop. Any
13 seconds?

14 CHAIR BRENNAN: Second.

15 MEMBER HAMMES: All those in favor?

16 (ALL AYES).

17 CHAIR BRENNAN: Motion is approved.

18 MR. DECARLO: Thank you, very much.

19 CHAIR BRENNAN: Okay, we'll move on to Item
20 No. 6. Any other Planning Board business that might
21 come properly before this Board.

22 MS. WADE: Randy Wade, 6th Street, Greenport.

23 Remember when you approved the outdoor use --
24 I'm going to get this all wrong. The building on
25 the west side of Main Street that is elevated, there

1 were complaints about it, having outdoor music, and
2 they were, they proposed to have a restaurant, even
3 though it all looked like bar seating, and you guys
4 said well let's just give it some certain amount of
5 time.

6 Um, I was talking to somebody who --

7 CHAIR BRENNAN: Randy, can I just interrupt
8 for a moment. Is this the time for the public to
9 speak?

10 MR. PALLAS: It's your call, Mr. Chairman.

11 CHAIR BRENNAN: Okay. So I just want to make
12 sure. That's fine, you can continue, Randy. Go
13 ahead. What is your question?

14 MS. WADE: So I talked to somebody who
15 complained because they had a DJ outside.

16 MEMBER HAMMES: So they need to file a
17 complaint with the Village. This is not a Planning
18 Board issue at this stage.

19 MS. WADE: They talked to Sylvia who said that
20 the trial period is over, that you had given the
21 applicant a trial period.

22 MEMBER HAMMES: So this, I believe the
23 establishment you are referring to is where Kontiki
24 is?

25 MS. WADE: Across from the west there.

1 MEMBER HAMMES: So where the Greenport Tiki
2 Bar --

3 MS. WADE: On the east side --

4 MEMBER HAMMES: So I'll have to go back and
5 pull that resolution. I don't know if anybody but
6 Lily and I were on the Board at the time this came
7 before us. But I believe that what we said, and I
8 thought that one of the conditions was, was that
9 there was no ambient music. It was not a trial
10 period. I think that the resolution flat-out said
11 there was to be no ambient music, which case from my
12 perspective it's a question of a code violation at
13 this point, and so I don't really think that this is
14 the proper Board to be taking it to.

15 I think people need to file the appropriate
16 documents with the Village and the Village can
17 investigate and take a position on it.

18 MS. WADE: Thank you. So -- thanks. I think
19 they've already called in a complaint. So, Paul,
20 will you be able to --

21 MEMBER HAMMES: Well, it's closed. I mean,
22 there is no DJ over there right now. It's winter
23 time.

24 CHAIR BRENNAN: Okay. Well, thank you for
25 bringing that to us. Tricia, thank you, for

1 explaining that.

2 MS. WADE: Thank you.

3 CHAIR BRENNAN: Is there any other business
4 that people would like to discuss. I have something
5 on my mind. Tricia?

6 MEMBER HAMMES: Well, I was going to raise, I
7 believe that on the Board of Trustees agenda for
8 tomorrow night is approving potentially the sewage
9 agreement with the project that has been proposed to
10 be constructed down at the corner of Main and the
11 North Road. It's going to be medical buildings with
12 some accessory affordable units in it.

13 My understanding is that there was a referral
14 to the Village by the Town of Southold on that for
15 input by the Village putting aside the sewer
16 agreement, for input by the Village. And I don't
17 have a copy of it with me, but I did receive a copy
18 of it through somebody who had FOIL'd it, and it's
19 not clear to me whether the Village intended to
20 respond to that.

21 I know it had not been referred to this Board
22 at all for a response, but it did seem to me that
23 there are projects like that project that are not
24 within the district confines of the Village, where
25 the Village has an interest in what is going on and

1 whether it would make sense for the Village to be
2 more proactive in reflecting, you know, kind of what
3 the community's views are on that.

4 I know that there is a lot of support for the
5 affordable housing component of that project but
6 there is a lot of concern, one, about whether it is
7 really truly the kind of affordable housing that is
8 needed as well as a lot of the other potential
9 impacts on what would actually be used as medical
10 space.

11 So I guess I just wanted to raise it with
12 this Board, it's not officially before us, but
13 whether or not we think we should be sending any
14 kind of message either to the Trustees about the
15 fact that we think that this is something that at
16 least in the future should be referred to the
17 Planning Board if it comes in from the Town the
18 Southold, and/or whether we wanted to make any
19 suggestions on appropriate responses.

20 So I just defer to my fellow Board members
21 for a conversation on that.

22 CHAIR BRENNAN: Well, I'm glad you brought it
23 up. There is a lot to what you just said there.

24 Paul, can you tell us, was the Village asked,
25 the comments solicited from the Village by the Town

1 of Southhold?

2 MR. PALLAS: We did receive notice for the
3 SEQRA process to see whether we want to declare lead
4 agency from them. It's standard SEQRA process. I
5 don't know if there was more to it than that, to be
6 honest. I don't recall right now. But there may
7 have been a second notice I couldn't find, about the
8 same topic. I assume the Village would be free to
9 comment anyway, of course. So.

10 CHAIR BRENNAN: Okay. I believe I saw, I
11 don't have it with me, I believe I saw the letter
12 from Town of Southhold asking for the Village's
13 comments. Not just in relation to lead agency.

14 In your experience would you refer that,
15 would the Village refer that to the Planning Board?

16 MR. PALLAS: In my tenure we have never done
17 that before. There is no, I'm not aware of any
18 mechanism to do that. It's more of a policy
19 question on the part of the Village Board whether
20 that occurs.

21 CHAIR BRENNAN: Okay. I would suggest the
22 Planning Board would be a good place to refer such a
23 thing, but, okay.

24 Do you all have thoughts on Tricia's
25 comments?

1 MEMBER DOUGHERTY-JOHNSON: I mean, I had a
2 thought earlier today that we could as a Planning
3 Board write to the Village, the Village Board, with
4 our opinion, which might be similar to that. But, I
5 mean, again, I don't know, unsolicited comments.

6 CHAIR BRENNAN: So --

7 MEMBER HAMMES: There are two approaches we
8 can take to, we could take it very specifically with
9 respect to the Village or we could say more
10 generally that we would like in the future to be
11 included to the extent that the Village has asked to
12 comment on properties where the Village has been
13 notified as interested party, and then specifically
14 with this, we would, you know, support the Village
15 responding. Although I think the day is March 1st
16 so it's going to be really tough to get those
17 comments back.

18 I was just looking to see if I could find the
19 notice. I have it, but it's not in my e-mail.

20 CHAIR BRENNAN: Okay, I understand. You
21 haven't seen notification?

22 MEMBER HAMMES: I just got it from somebody
23 who FOIL'd it, so that's why I was aware of it.

24 CHAIR BRENNAN: So my understanding is that
25 this Board can provide comments to the Village

1 Board, even if it's unsolicited, if it's matters hat
2 affect our zoning codes. So I guess I have a
3 question for our attorney.

4 Rob, is this a case where it would be
5 appropriate for this Board to offer comments
6 unsolicited to the Village Board?

7 MR. CONNELLY: I think in more general terms,
8 for future projects, yes. I don't know if you would
9 be able to get enough information on this specific
10 project to comment on that. You should, I think, I
11 don't know if the Village ever does this, but when
12 those requests come in it would go to the planning
13 consultant and they would comment on it and use that
14 as a response from the Village. But I don't know if
15 this happened in this case or not. But I think
16 going forward, it's appropriate for you to ask that
17 the Village keeps the Planning Board in the loop and
18 asks for your input on applications outside the
19 Village that will impact the Village.

20 CHAIR BRENNAN: Okay. So I think that's an
21 opening for us to either request or offer that to
22 the Village Board, that we would like to be
23 informed.

24 MEMBER HAMMES: My understanding is it may
25 have been referred to the Fire Department, so I

1 don't know why we would not ask also to be referred.

2 CHAIR BRENNAN: Okay.

3 MR. PALLAS: If I may, the Fire Department
4 referral most likely came directly from the Town of
5 Southold because the Fire Department covers part of
6 Southold.

7 MEMBER HAMMES: Perhaps. I was told by a
8 Trustee when I made the question about this specific
9 letter, that it would have been referred to the Fire
10 Department. That's normally what the Village does
11 under these circumstances.

12 MR. PALLAS: I have not seen that. It doesn't
13 mean it didn't happen. It's just not clear to me
14 that happened directly. I know Southold would
15 routinely send those kind of things directly to the
16 Fire Department.

17 CHAIR BRENNAN: That makes sense because our
18 Fire District, the East/West Fire District, is in
19 the Town of Southold. It would not even need to go
20 through the Village of Greenport in that sense.

21 So, okay. And you think the Southold Town
22 public hearing is March 1st?

23 MEMBER HAMMES: The public hearing isn't March
24 1st. I think it's the week after that. But I'm not
25 sure. I have to check. But my understanding again,

1 this is secondary, I haven't gone back and double
2 checked it, is that the comments were due by March
3 1st. I think the next hearing might be the 6th of
4 March. I'm not sure.

5 CHAIR BRENNAN: Okay. So why don't I just
6 draft a brief letter to the Village Trustees saying
7 that we would, I think it would be appropriate to be
8 referred and that we would have comments, and then
9 outside of this meeting, you are welcome to send me
10 your own comments and I can aggregate them into a
11 second letter, if you are interested in that.

12 You are also welcome to discuss it now if you
13 have an opinion on it. I'm sort of putting you on
14 the spot.

15 MEMBER BUCHANAN: Well, is it only affordable
16 housing or is there other sort of housing? Or is it
17 only doctors offices? I guess I don't know enough
18 about it other than that sort of, what I've heard
19 percolating through town.

20 CHAIR BRENNAN: So I don't know the details of
21 the application, so I don't think it would be
22 appropriate for me to try to clarify that.

23 MEMBER HAMMES: Part of the issue is the
24 original application, I know is for 40 apartments
25 and I think for four buildings that would have 40

1 apartments, and then the ground floor, I don't know
2 what the square footage was intending to be for
3 medical use.

4 I understand that as in offering up
5 mitigation during the SEQRA process that may have
6 been reduced to three buildings with 30 apartments
7 and then the medical space. I also understand, and
8 I looked into a little bit this week, is that the
9 apartments are going to range from 300 to 500 square
10 feet. And I believe that the rent is going to start
11 at \$1,500, but that I'm uncertain of. And I believe
12 it includes 130 parking spaces on the site. And
13 then the final thing, I understand, which is really
14 a code question, which I have not personally dug
15 into, is that while it is proposed to be medical
16 units, if the medical units don't get filled, they
17 would have the right to go back to other uses that
18 would be conditional uses up there that would
19 include, I believe retail and potentially dining and
20 such establishments.

21 So there is a concern that if he couldn't
22 build medical space, it could end up being other
23 things in that space.

24 My biggest focus is I actually think it's a
25 great place for affordable housing but I don't think

1 300 to 500-square feet apartments is what we need
2 right now.

3 MR. BUCHANAN: That's my concern right now.

4 CHAIR BRENNAN: Okay. Well, what I would do is
5 I would encourage anyone who is interested in adding
6 comments is to go to the Town the Southold and look
7 at the application materials and get the information
8 firsthand, and then I would be happy to discuss it
9 further, and perhaps we can put together something.

10 Yes. Name and address, please.

11 MS. WADE: Randy Wade, 6th Street.

12 The Village Board is supposedly going to vote
13 tomorrow on whether to authorize signing a contract
14 for sewer. Is that right, Paul?

15 MR. PALLAS: Right.

16 MEMBER HAMMES: It's on the agenda.

17 MS. WADE: It's on the agenda, so if you ask
18 them to delay because you have comments and you want
19 to think about it some more, that would seem very
20 reasonable. Thanks.

21 CHAIR BRENNAN: Yes, I'm aware of that. Thank
22 you.

23 Okay, any further discussion on the medical
24 office? Any other items that you want to talk
25 about?

1 MEMBER HAMMES: No, I mean, I sent you, the
2 full Board, a summary that I put together of the
3 current code provisions relating to the Planning
4 Board and maybe when we have a meeting and discuss
5 that at our meeting and I can share it with
6 everybody. Or maybe I should send it to Rob first.

7 MR. CONNELLY: I started pulling from your
8 private e-mail and printed out the first set of
9 documents that I got.

10 MEMBER HAMMES: So I would just like to have
11 that on a future agenda. I didn't know if we had,
12 what would be the appropriate time for that,
13 particularly if the Village is going to work through
14 some code revisions, it may make sense to look at
15 some of those revisions and try to clean them up a
16 bit and make them more. You know, one of the things
17 I get from a lot of people is they can't figure out
18 what they have to do and when, so.

19 CHAIR BRENNAN: Excellent. Thank you, Tricia.
20 I just have one other item, our Counsel, Rob, has
21 been working on getting some forms for the Village,
22 some forms that, Planning Board applications, and
23 it's kind of a work in progress. But I just want to
24 thank Rob for sharing those drafts with me and I
25 think that's going in the right direction.

1 So we'll share that with the entire Board
2 once it's finalized. Does that make sense?

3 MR. CONNELLY: Yes.

4 CHAIR BRENNAN: Okay. This is in the interest
5 of Planning Board having more information so that
6 they can disclose if there is any conflicts of
7 interest with the applications. Thank you, Rob.

8 Okay, if there is nothing else.

9 MR. PALLAS: Mr. Chairman, one other thing.

10 CHAIR BRENNAN: Yes.

11 MR. PALLAS: The application for 308 Front
12 Street, that is also in front of the Village Board
13 tomorrow. I don't know if they are going to vote.
14 It's a hearing. I have no idea if they are going to
15 vote or not. Typically they don't, but they may, to
16 approve the application or not. If they do vote in
17 favor, I think that this Board has already scheduled
18 a public hearing, if I remember correctly. So I
19 guess this is more of a legal question.

20 Do we need another vote to schedule it or can
21 we just put it on the calendar once it's available?

22 MR. CONNELLY: You can put it on the calendar.

23 MR. PALLAS: So my question to you, if they do
24 vote affirmatively, do you want us to notice it and
25 put it on the agenda for next month or would you

1 rather wait to formally schedule the hearing?

2 CHAIR BRENNAN: I'm okay with putting it on
3 the agenda. I think we had already agreed to do
4 that. And if it's just a matter of a date change,
5 that's fine with me. I think in the interest to the
6 applicant, we would be better off to agenda this as
7 soon as possible.

8 MR. PALLAS: Under the assumption the Board
9 actually votes. Probably not, but.

10 CHAIR BRENNAN: Correct. And this is a vote
11 for a hardship exemption. Is everyone good with
12 that?

13 MEMBER HAMMES: I'm fine. And we can ratify
14 it, if it's helpful, I mean, I would be happy to
15 table a resolution assuming that it gets the
16 hardship exemption, that it get tabled for the next,
17 public notice for the next public hearing for the
18 next possible Planning Board meeting.

19 CHAIR BRENNAN: So moved?

20 MEMBER HAMMES: Yes.

21 CHAIR BRENNAN: Second?

22 MS. DOUGHERTY-JOHNSON: Second.

23 CHAIR BRENNAN: All in favor?

24 (ALL AYES).

25 CHAIR BRENNAN: Okay, Item No. 7, motion to

1 adjourn.

2 MEMBER HAMMES: Second.

3 CHAIR BRENNAN: All in favor?

4 (ALL AYES).

5 Motion approved. Thank you, and have a good
6 night.

7 (The time noted is 4:23 p.m.)

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