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VILLAGE OF GREENPORT

COUNTY OF SUFFOLK : STATE OF NEW YORK

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PLANNING BOARD

WORK SESSION AND REGULAR MEETING

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August 18, 2023

4:00 p.m. - Station One Firehouse

236 3rd Street

Greenport, New York 11944

Before:

PATRICIA HAMMES - Chairwoman

DANIEL CREEDON - Member

SHAWN BUCHANAN - Member

ELIZABETH TALERMAN - Member

FRANCES WALTON - Member

ALSO PRESENT:

BRIAN STOLAR, ESQ. - Village Attorney

1 CHAIR HAMMES: Good afternoon, and welcome to
2 the scheduled work session and regular meeting of
3 the Village of Greenport's Planning Board for
4 Friday, August 18th, 2023. The current time is 3:59
5 PM. We're starting one minute early.

6 This meeting is a public meeting and includes
7 a pre-submission hearing in respect to an
8 application for a conditional use and site plan
9 approval for a proposed Bed & Breakfast to be
10 located at 857 Main Street.

11 As a reminder to the applicant and the
12 public, if you are speaking today, please speak
13 slowly and start by clearly stating your full name
14 and address for the record.

15 In addition, please remember that all
16 comments should be addressed solely to the Planning
17 Board and not to any applicant or other person in
18 the audience. Thank you.

19 The first order of business today is a motion
20 to accept and approve the Minutes of the July 3rd,
21 2023 Planning Board Work Session and Regular Meeting
22 session.

23 Does anyone on the Board have any comments on
24 the Minutes?

25 (No response).

1 I move to accept and approve the Minutes of
2 the July 3rd, 2023 Planning Board Work Session and
3 Regular Meeting. Do I have a second?

4 MEMBER WALTON: Second.

5 CHAIR HAMMES: All those in favor?

6 MEMBER CREEDON: Aye.

7 MEMBER TALERMAN: Aye.

8 MEMBER WALTON: Aye.

9 MEMBER BUCHANAN: Aye.

10 CHAIR HAMMES: Aye.

11 Any opposed?

12 (No response).

13 Motion carries.

14 I'm going to defer consideration on Items 2
15 and 3 relating to scheduling to the end of this
16 meeting.

17 (Inaudible).

18 Excuse me?

19 MEMBER TALERMAN: (Indicating). He's asking
20 for a copy of the agenda.

21 CHAIR HAMMES: (Handing). He can have mine.

22 We don't have any -- sorry. Just so everybody
23 knows, the Clerk to the Board could not make it
24 today due to a death in the family.

25 (Fire Department alarm is sounding).

1 Item No. 4 on the agenda is a pre-submission
2 hearing regarding the conditional use and site plan
3 application of Sofia Antoniadis on behalf of
4 Victorian Seasons Stirling LLC, in respect to the
5 property located at 857 Main Street.

6 Applicant proposes to establish a Bed &
7 Breakfast on the property. The property is located
8 in the R-1 One-Family Residential District and is
9 also located in the Historic District. The property
10 is located at SCTM No. 1001-2-01-16.

11 May I ask the applicant to come to the podium
12 and state their name and address for the record, as
13 well as giving us a brief overview of the proposed
14 use.

15 In particular, I would appreciate it if the
16 applicant can confirm that it has reads both
17 sections 150-29 and 150-30 of the Village Code and
18 to the best of their knowledge has provided all
19 information pursuant thereto.

20 I would note we will be separately requesting
21 that the Village and LKMA, the Planning Board
22 consultant, concur that all such information has
23 been provided prior to rendering a decision on this
24 application.

25 In addition, as part of your overview, we

1 would appreciate it if you could walk through each
2 of the requirements set forth in Section 150-7B(7)
3 which are required to be satisfied in connection
4 with this Board's consideration of a conditional use
5 application for a Bed & Breakfast, with a particular
6 focus on the following requirements:

7 The use of the property as a Bed & Breakfast
8 is clearly incidental and subordinate to the
9 principle use of the dwelling as a single-family
10 residence; and that the dwelling will be occupied on
11 a continual basis by the owner during any rental
12 period.

13 With that, I'll turn it over to you for now.

14 MS. ANTONIADIS: Sofia Antoniadis, 12500 Main
15 Road, East Marion.

16 Thank you, Planning Board, for this
17 opportunity to present to you our proposal to make
18 Victorian Seasons Stirling a Bed & Breakfast. I
19 think you mentioned subordinate use of the property.
20 It is a one-family home in the Historic District and
21 probably one of the most elegant and largest homes
22 in the Village of Greenport.

23 My husband and I, Michael, are historic
24 preservationists and started about 15 years ago when
25 we renovated my childhood home in East Marion. And

1 we came across 857 Main Street in 2016, and it was
2 in dire need of renovation, and my son at the time
3 fell in love with it and we were very fortunate to
4 be able to buy it, and he's the one that probably
5 will inherit this home and is the aficionado of it.

6 Okay, I understand that there are many
7 articles in the Zoning Code that it has to fulfill,
8 and I do understand that there are going to be no
9 more than two individuals occupying each room, and
10 the minimum lot is 10,000 square feet.

11 This property is actually three quarters of
12 an acre and is pretty much almost three lots, three
13 lot sizes for the Village of Greenport.

14 The house size is excessive of 2,000 square
15 feet. There is numerous offsite parking. We can
16 easily park five cars in the existing driveway and
17 we do have a garage that does also hold five
18 additional cars. So there is parking in the back.

19 We do have the setbacks that are required
20 from the boundary line, and the backyard has been
21 screened with fences and greenery. You pretty much
22 cannot see much from the road or from the neighbors
23 when you drive by or walk around.

24 The minimum size of the rooms is -- there is
25 no room as small as 120 square-feet. All of the

1 bedrooms are excessive and all the windows exceed
2 the four square-feet that are indicated in the New
3 York State Uniform Fire Prevention Code.

4 I do understand that this is for transient
5 rental and that we, as owners, the dwelling will be
6 occupied on a continual basis by one of the owners
7 during the rental periods. I don't remember what
8 else you asked.

9 CHAIR HAMMES: I asked you to confirm that you
10 had read 150-29 and 150-30 of the code which sets
11 forth the requirements that you are required to
12 disclose in connection with a conditional use and
13 site plan approval.

14 MS. ANTONIADIS: I believe I have.

15 CHAIR HAMMES: All right, I guess, before I
16 completely open it up to the Board, I would like to
17 circle back to the first prong of this test, and the
18 issue of a Bed & Breakfast being clearly incidental
19 and subordinate to the principle use of the
20 dwelling.

21 Principle use of the dwelling in 1-R is
22 intended to be a one-family residence, which means
23 people live there on a full-time basis, right?

24 MS. ANTONIADIS: Right.

25 CHAIR HAMMES: So if you could give us a

1 little bit more color, because frankly, I guess I
2 was a little confused as to where the, you know,
3 person that is making this their residence is kind
4 of living and what their facilities are on the
5 layout here.

6 MS. ANTONIADIS: So we are proposing to have
7 this as a Bed & Breakfast. There is a legal bedroom
8 on the third floor and that would be the proposed
9 living quarters for the owner on the premise. And
10 there is a bathroom to the, on the second floor,
11 from the back staircase, because this has two
12 internal staircases.

13 CHAIR HAMMES: And that bathroom is dedicated
14 to that --

15 MS. ANTONIADIS: It would be dedicated to the
16 owner.

17 CHAIR HAMMES: Who is the owner? Since you and
18 your husband own this, who is going to be actually
19 living there?

20 MS. ANTONIADIS: Well, right now Michael will
21 be making that his residence. I mean, we are in the
22 process of changing his address on his DMV and
23 changing everything so it matches up.

24 CHAIR HAMMES: So he's going to actually be
25 living there? This is going to be his home?

1 MS. ANTONIADIS: This will be occupied by an
2 owner during the rental period.

3 CHAIR HAMMES: Yes, but the first thing is
4 that the Bed & Breakfast itself has to be incidental
5 to the use of the home as a primary residence for
6 somebody.

7 MS. ANTONIADIS: Right.

8 CHAIR HAMMES: It's a secondary use of the
9 property, right?

10 MS. ANTONIADIS: Right.

11 CHAIR HAMMES: So to be clear, the first
12 provision of the code requires that the principle
13 use of the property is as a residential dwelling by
14 a family or whoever is living there, and obviously
15 because it's a Bed & Breakfast. And the second
16 prong requires that it be the owner. The implication
17 is that it is the owner. ISP though, it could be
18 that if you had a rental on it, that that would be
19 the person that was living there full-time, although
20 the owner would still then be required to be there
21 as well. And that's the second prong.

22 But it's not clear to me, unless you and your
23 husband are separating, how this is going to be a
24 full-time residence for somebody.

25 MS. ANTONIADIS: Well, the way I understood

1 the code, that it's an R-1, so it's residential.

2 CHAIR HAMMES: Right. Single-family
3 residential. And somebody is living in it and makes
4 it their home.

5 MS. ANTONIADIS: Single-family residential.
6 And makes it -- well, I didn't hear that. I didn't
7 understand that part, that they make it their home.

8 CHAIR HAMMES: Well, that's what a dwelling
9 unit in a residence is.

10 MS. ANTONIADIS: We have not discussed exactly
11 who will be living here. My son was very anxious to
12 be one of the people running the Bed & Breakfast, a
13 family member.

14 CHAIR HAMMES: Does he live out here
15 full-time?

16 MS. ANTONIADIS: No, he does not.

17 CHAIR HAMMES: All right. Well, that, as you
18 can tell, is a huge concern for me. I guess I'll
19 open it up to the rest of the Board.

20 I have some other concerns, but I think in
21 the interest of the not-as-usual being the one that
22 fills up all the space in the room, I think we'll
23 start with Shawn and work our way down.

24 Shawn, do you have any questions or comments
25 on this application that you want to make at this

1 time?

2 MEMBER BUCHANAN: Yes. I mean, the most
3 important thing for me was that the third floor is
4 legal for sleeping.

5 MS. ANTONIADIS: So back in, we had started
6 this process in 2018. And in 2019, I had retained
7 Zachary Studenroth, who is a Historic
8 Preservationist Consultant.

9 The third-floor is a legal bedroom. He has
10 delineated why it's a legal bedroom with the plaster
11 and it had air conditioning built from 1903. It was
12 a living quarter. It has the exits required. But I
13 do have documentation that it is a legal bedroom.

14 CHAIR HAMMES: I mean, I think to go to
15 Shawn's point, as part of this application, I think
16 we are going to want the Code Enforcement and
17 potentially someone from the Fire Department to
18 visit the premises and confirm that all of the New
19 York Building Code and Fire Prevention provisions
20 are satisfied for that.

21 And I guess as a related point, not that you
22 show anybody living in the basement, I guess we want
23 confirmation that there is no residence contemplated
24 in the basement as well.

25 MS. ANTONIADIS: At this moment there is no

1 one living in the basement. We do have a rental
2 permit that the enforcement agent has come. We've
3 had the rental permit renewed once, so there were
4 two different enforcement agents, and they did
5 confirm that there are the bedrooms and it has the
6 required Fire Department, you know, Code Enforcement
7 fire prevention devices.

8 CHAIR HAMMES: Okay, well, we'll be taking
9 that up with Code Enforcement and Paul Pallas, and
10 as I said, I think, unless anybody on this Board
11 thinks differently, we are going to want someone in
12 the Fire Department involved in that review, and it
13 will require an additional review before we take any
14 action on this application.

15 Shawn, anything else on your end?

16 MEMBER BUCHANAN: That was mine.

17 CHAIR HAMMES: Frances?

18 MEMBER WALTON: I have some questions. So we
19 mentioned the basement. What is your thought in
20 terms of the use of that space?

21 MS. ANTONIADIS: Right now the use is nothing.
22 It has a mechanical room and it's a clear basement.
23 It doesn't, it just has a couple of rooms. We don't
24 intend on using it.

25 MEMBER WALTON: Jumping around a bit, and

1 just, and also picking up on something you
2 mentioned, you said that the third-floor bedroom
3 would be using the bathroom on the second floor.
4 That's the one all the way to the back --

5 MS. ANTONIADIS: Yes, it is.

6 MEMBER WALTON: (Continuing) next to the
7 bedroom, but not accessed through the bedroom. It's
8 accessed through a hallway?

9 MS. ANTONIADIS: Yes, through the hallway and
10 through a staircase.

11 MEMBER WALTON: This is just a question on the
12 application itself. I notice #9 was not filled in.
13 It pertains to, it's state energy work code
14 requirements. It's probably just got missed in
15 checking off boxes, but I did want to point out that
16 that should probably be answered yes or no.

17 MS. ANTONIADIS: I don't remember that line,
18 but I'll find it.

19 MEMBER WALTON: And noted on the application
20 as well, the named applicant is an LLC?

21 MS. ANTONIADIS: Yes, it is.

22 MEMBER WALTON: Are there any other partners
23 other than you and Michael? Just the two?

24 MS. ANTONIADIS: Yes, at this time it's just
25 the two of us. We are the two members.

1 MEMBER WALTON: And it's structured as an LLC.

2 MS. ANTONIADIS: Yes, it is.

3 MEMBER WALTON: What was the -- it's meant to
4 be a primary residence. What was the thinking
5 there?

6 MS. ANTONIADIS: Well, the trend now is to
7 purchase properties in LLCs, so we really don't have
8 anything that is, I mean I have one house in my name
9 but that's the trend and that's the way we were
10 advised. I mean, but we have the two members, which
11 is myself and Mike.

12 MEMBER WALTON: Yes, I have seen that trend.
13 And then I did have a question on the parking,
14 because from the diagram it looked a little
15 different than what you had spoken about in terms
16 of, I believe you said there were five spaces in the
17 garage?

18 MS. ANTONIADIS: Yes. The garage is quite
19 large, and it does fit five cars.

20 MEMBER WALTON: The garage itself.

21 MS. ANTONIADIS: It does. You can investigate
22 it. It fits five cars. And we don't really use it
23 for that, but it does fit it.

24 MEMBER WALTON: And then in order to get in
25 and out of that garage, would a car have to travel

1 the length of the driveway from Main Street?

2 MS. ANTONIADIS: That's our only entrance
3 right now, from Main Street. You probably could
4 make some kind of K-turn in the back. There is
5 quite a bit of space there, if that's what you are
6 asking about, a U-turn inside?

7 MEMBER WALTON: So it's from a safety
8 perspective. You know, can jockeying cars, you
9 know, with, if you have five guests there, or three
10 or four guests, would they have to move their cars
11 to get in and out of either the garage or the
12 positions in the driveway?

13 MS. ANTONIADIS: No, because we, the width of
14 the driveway is quite generous. You can actually
15 park two cars going down and swivel between the
16 cars.

17 MEMBER WALTON: So a car could, they could be
18 parked on the side and a car could get out without
19 other people having to move their cars?

20 MS. ANTONIADIS: Yes. Yes, it can.

21 MEMBER TALERMAN: I have a follow-on question
22 to that, Frances, and that is the width of the
23 driveway is quite large, the entirety of that
24 driveway is yours? Or half of that driveway belongs
25 to the neighboring house?

1 MS. ANTONIADIS: So we own the neighboring
2 house also, and the lot line change was done when we
3 purchased that property. And we actually own that
4 entire driveway. I think except for maybe a
5 three-foot strip that goes to the side door of the
6 neighboring house.

7 CHAIR HAMMES: So just to confirm, what you
8 are saying is when you made a lot line change,
9 though, all but three feet of that driveway belongs
10 to this lot.

11 MS. ANTONIADIS: Correct.

12 CHAIR HAMMES: I would note on the parking, a
13 couple of related points. I mean, I think, first of
14 all I'm pretty sure that under our code the driveway
15 itself cannot be used or counted as parking spots.
16 And so to the extent that you are parking or you are
17 counting spots in the actual driveway, I can not
18 believe those can be counted as a spot under our
19 code. But, you know, we'll double-check that and
20 confirm that with the Code Enforcement officer.

21 In addition, on the parking, there is one
22 other thing that I had. Oh, well, I don't recall
23 what the other one was. So I'll turn it back to
24 Frances and when I come up with what it is, I'll
25 come back to it.

1 MEMBER WALTON: I'm done asking questions.

2 Thank you. Appreciate it.

3 CHAIR HAMMES: Elizabeth?

4 MEMBER TALERMAN: My concern, in the driveway,
5 is exactly as it shows in the picture, there is a
6 small area of the driveway where only one car can
7 fit, and if a car is parked there then no cars can
8 get out.

9 MEMBER CREEDON: That goes to a question I was
10 thinking. I was wondering if this diagram is to
11 scale.

12 MEMBER TALERMAN: I couldn't answer that.
13 Perhaps you can?

14 MS. ANTONIADIS: The diagram should be to
15 scale. The surveyor had done the drawing. And if
16 you recommend that I remove the garden or make
17 accommodations to fit two cars, we can work on that.
18 I mean I'm open to your suggestions or your
19 recommendations or what the code requires of us.

20 I mean, we also do, I had inquired at one
21 time to get another curb-cut to run the driveway
22 around, since it is pretty much almost two lots, and
23 I believe I was told you are only allowed one
24 curb-cut per property. But we do have a curb-cut
25 along Washington Avenue, and if I need to run the

1 driveway going in Main Street and coming out
2 Washington, that might be a solution to the backup.
3 Because here there is another driveway.

4 So when this house was built in 1903 --

5 MEMBER CREEDON: Can I just ask you, which
6 side is Washington?

7 MS. ANTONIADIS: Washington is on this side.
8 Along this side. (Indicating).

9 CHAIR HAMMES: It's on the other side of the
10 house. It's a house between Washington and --

11 MS. ANTONIADIS: Yes, there is.

12 MEMBER TALERMAN: And that's the house you
13 own?

14 MS. ANTONIADIS: Right.

15 CHAIR HAMMES: But do you have an easement
16 between the two properties?

17 MS. ANTONIADIS: Well, we do use it. I mean I
18 could establish --

19 CHAIR HAMMES: Understood. But if one of the
20 properties was sold without an easement, the other
21 property owner would not be entitled to use it.

22 MS. ANTONIADIS: Correct.

23 CHAIR HAMMES: I mean, we don't look at
24 applications just by the person that currently is
25 owning it, correct? I mean, we don't control

1 whether you decide to sell the other house or not.

2 So, again, I don't know where we'll end up on
3 this but to the extent you're saying you are going
4 to use some other piece of property to satisfy
5 something, there is going to have to be a documented
6 easement with the property owner.

7 MS. ANTONIADIS: Okay.

8 CHAIR HAMMES: Okay, I think, coming back to
9 parking, and this is, we do not have the LKMA report
10 on this yet, because they've only gotten this two
11 days ago. I know they are working on it. And I
12 can't tell from looking at this, but each parking
13 space does also have to be 300 square-feet under our
14 code, so we are going to have to have the engineer
15 confirm that that is satisfied.

16 And the point, the other point that I was
17 going to raise, goes back to -- well, two points.
18 One was on the bathroom point that I believe you
19 asked about, which was, so in essence what you are
20 saying is that you are going to have a four-bedroom
21 B&B that shares one bathroom; is that correct?

22 MS. ANTONIADIS: Yes. In essence, yes.

23 CHAIR HAMMES: All right, and then, I guess
24 I'll let you guys finish, and I have one more point
25 I want to make. Elizabeth?

1 MEMBER TALERMAN: I would note, I will say, I
2 live in the neighborhood and I went by, and I admire
3 the house. It's a very beautiful home. And I
4 noticed both on your website and as I was walking
5 by, this extraordinary chess set at the end of the
6 driveway. And I certainly didn't walk down into
7 your property, but didn't know if that was an
8 installation that you were planning on removing.
9 Because it's not noted here on the diagram.

10 MS. ANTONIADIS: It's plastic. It's pretty
11 much little tiles. I think you are supposed to put
12 it on the grass, but it's more inconvenient to
13 remove it each time to cut the grass. But it's
14 removable.

15 MEMBER TALERMAN: Okay, thank you.

16 CHAIR HAMMES: Dan?

17 MEMBER CREEDON: You guys asked a couple of my
18 questions. But the first one, I'm guessing, is a
19 common area available to all the guests?

20 MS. ANTONIADIS: Yes, there is a living room,
21 a parlor room, a dining room, a library. Those are
22 all common areas for the guests. Like a breakfast
23 room.

24 MEMBER CREEDON: That's the last of my
25 questions that I was going to ask.

1 MEMBER TALERMAN: I have one other question.
2 How is this being used today? I think it is on a
3 website.

4 MS. ANTONIADIS: It is. It's being rented. I
5 have a rental permit. It does get rented for the
6 required days that are required. And it's used also
7 by my family.

8 My home that I live in currently in East
9 Marion is a very modest house. It's about
10 two-and-a-half bedrooms, and we have parties at this
11 house. We have my daughter's birthday party,
12 grandchildren. We use it. We use it for holidays.
13 We do use it. I mean, I've taken our Christmas
14 pictures in front. I mean, we do use it. And if you
15 do notice, we decorate it also. We use it for our
16 family.

17 MEMBER TALERMAN: Okay, thank you.

18 MEMBER WALTON: I did have just, more out of
19 curiosity than anything else, I notice that you have
20 a greenhouse on the property, and I was wondering is
21 that -- what is the greenhouse? Will you be growing
22 herbs for the kitchen there or what function would
23 that serve?

24 MS. ANTONIADIS: So, the greenhouse in this
25 house, the engineer labeled it a greenhouse. I

1 don't know what its purpose was when it was built.
2 We believe that maybe the housekeeper sat there, or
3 it was, I don't really know what it was used for.
4 It is a, it looks like a greenhouse but it's odd
5 because it has a strange elevation and the glass
6 around it.

7 MEMBER WALTON: Step up.

8 MS. ANTONIADIS: Step up, yes. But right now I
9 have a dollhouse in there.

10 MEMBER WALTON: But it has glass so it could
11 be used for --

12 MS. ANTONIADIS: Yes, it could be used for it.

13 CHAIR HAMMES: Does anyone have anything else?
14 (Board collectively responds in the
15 negative).

16 CHAIR HAMMES: Okay, I guess I just want to
17 circle up on a couple of points before we figure out
18 how we are going to move forward on this.

19 As I mentioned, we are still pending the
20 report from our planning consultant on this. So we
21 are going to need that, and that may require us to
22 ask additional questions or confirmations. We are
23 going to reach out to the Village in respect to the
24 site visit by the enforcement officer and Fire
25 Department.

1 I don't know if anybody on this Board wants
2 to arrange for a site visit as well, or if you are
3 satisfied with the drawings and relying on the
4 enforcement officer.

5 MEMBER TALERMAN: I'm happy to do that. I live
6 right down the street.

7 MEMBER WALTON: Yes. I'll, the two of us.

8 CHAIR HAMMES: So I'll have Alex and Michael
9 coordinate that for anybody that wants it, they can
10 reach out to him and they can coordinate with you on
11 that.

12 Going back to how I started this, I'm still
13 somewhat concerned about whether or not this
14 satisfies the first prong of the test. I
15 separately, I think there is some potential legal
16 issue because of this being owned by an LLC, and our
17 code obviously predates people regularly using LLCs
18 to purchase property. And so it kind of begs the
19 question of what clause, how we determine Clause B
20 is satisfied, which is by the owner.

21 I think we are going to need to think about
22 that and speak with legal counsel. That may be
23 something that we are going to need to refer to the
24 Zoning Board for an interpretation on, what that
25 would be in the context of an LLC. I don't know. I

1 mean, otherwise, I'm not sure how we are going to
2 determine who the owner is for purposes of
3 determining that this is being satisfied.

4 MR. STOLAR: That's fine. I think there's
5 another part to it as well that has to go to the
6 Zoning Board, and that's for relief as a use
7 variance, based on the initial conversation.

8 CHAIR HAMMES: Because of Clause A, right?

9 MR. STOLAR: Because this does not --

10 CHAIR HAMMES: The incidental subordinate.

11 MR. STOLAR: From what we've been told, this
12 is not being used as a single-family residence.

13 CHAIR HAMMES: Right.

14 MS. ANTONIADIS: It's being used as a
15 single-family residence. That's no doubt. I did do
16 some research. In 2016 there were ten Bed &
17 Breakfasts in Greenport. Now there's only six.
18 There are several that are held in corporations.
19 The Tapestry House is owned by 503 Front Street,
20 Corp; then there is Whaler's Guest House, it used to
21 be called Ruby's Cove, is owned by 151 Bay Avenue
22 Prop LLC; Fordham House, 817 Main Street LLC.

23 CHAIR HAMMES: I don't believe any of those
24 are being currently, except for the first one, which
25 is currently being used as B&Bs.

1 I know Ruby's Cove is, and it's being used as
2 employee housing, and Fordham House was purchased
3 and has a single-family owner who has a professional
4 office in the back of it. Because that came through
5 the Planning Board last year.

6 MS. ANTONIADIS: Which one is that?

7 CHAIR HAMMES: Fordham House.

8 MS. ANTONIADIS: And what about the Tapestry
9 House? That's a newly --

10 CHAIR HAMMES: That, we would have to inquire.
11 Although that is more of an Inn than a Bed &
12 Breakfast. I'm not sure that it didn't get a
13 completely separate approval when it was enacted,
14 because it has more than the six rooms, I believe.
15 So it had variances, no matter what.

16 MS. ANTONIADIS: I don't know, I didn't see
17 any difference between an Inn and a Bed & Breakfast.

18 CHAIR HAMMES: Well, an Inn has more than six
19 rooms, so it went through a separate review process
20 at the time.

21 MS. ANTONIADIS: The tax bills to many of
22 these do not go to Greenport addresses either. They
23 go to Nyack, New York; Alden Manor. So one of the
24 models I used for my drawings was the Wells House.
25 The Wells House, although it's in a Vincent

1 Icolari's name, the tax bill goes to Alden Manor, so
2 I highly doubt that's his, you know, he gets his --

3 CHAIR HAMMES: I don't think that's being run
4 as a Bed & Breakfast right now either. I know what
5 you're -- most of the Bed & Breakfasts converted to
6 AirBNBs --

7 MS. ANTONIADIS: But they advertise. I know
8 I've seen -- I'm just -- I want the opportunity.

9 CHAIR HAMMES: A number of them run themselves
10 as AirBNBs even if they advertise as Bed &
11 Breakfasts, so.

12 I mean, I think, Sofia, I think the advice we
13 are getting from legal counsel, and I don't, based
14 on what you've said, find any way to conclude
15 differently, you are going to need one or two
16 variances for this. So.

17 MS. ANTONIADIS: Okay. We want the opportunity
18 to -- when you come for the site visit, you will see
19 this house is extraordinary. It has original
20 wallpaper, the crest from 1903. Everything has been
21 preserved. It needs a status and I would like it to
22 become a Bed & Breakfast.

23 CHAIR HAMMES: I have absolutely no doubt
24 about that, but, as you know, there is a lot of
25 focus on charge for rentals in this Village at this

1 time, and we are not in a position to legitimize
2 something that would not otherwise be able to be run
3 as an AirBNB just because we decide to call it a Bed
4 & Breakfast, okay?

5 I'm fully supportive of AirBNBs being
6 converted back to Bed & Breakfasts and providing
7 housing as part of that. But that does not sound
8 like what you are proposing to do. It sounds like
9 you are proposing to have a family member stay there
10 when you care to rent it out, not even to multiple
11 people, which is how a BNB is normally run, but to a
12 family or whatever.

13 I find it hard to believe that four
14 independent people are going to rent different rooms
15 and share a bathroom in your house.

16 MS. ANTONIADIS: I didn't express any of that.
17 I don't know how this will be accepted on the
18 mainstream. I don't know if people do rent Bed &
19 Breakfasts any longer. It might be something of the
20 past. I don't know.

21 CHAIR HAMMES: I think people do. I know
22 people that run them. But they run them as part of
23 it being their living quarters. Or in certain
24 jurisdictions, which unfortunately we don't have in
25 this code at this point, but I think it's something

1 that will be considered in future code amendments,
2 they are run with somebody who lives in the house,
3 that may not be owner, but it provides housing and a
4 job for that person. Neither of those seem to be
5 the case in this circumstance, based on what you're
6 saying.

7 So I think I at least right now, and I guess
8 at the end of the day the full Board will have to,
9 you know, talk to legal counsel on this, but based
10 on what you've said, and based on the advice we got
11 from legal counsel, you'll need a variance in order
12 to satisfy Clause 7 and 8, and we'll probably need a
13 Zoning Board interpretation on who constitutes an
14 owner in the context of an LLC.

15 And then we are going to have to get into the
16 safety issues and confirm that the, that all the
17 Building Code and Fire Prevention are satisfied, and
18 then I think that there's still going to be some
19 concerns about the parking, but perhaps we'll be
20 able to deal with that by making some arrangements
21 and when we walk the property.

22 I don't know if anybody has any different
23 views on this at this time.

24 MEMBER TALERMAN: No.

25 CHAIR HAMMES: So I think the only remaining

1 question is whether or not we should be
2 scheduling -- well, this has to go for a variance,
3 so we can't schedule it for a public hearing.

4 So I think, Brian, unless you tell me
5 differently, based on what you've heard here today,
6 I think what we are going to tell you is that you
7 need to go and work with the Village to fill out the
8 application work to apply for a variance for the
9 first prong of this where the facilities are clearly
10 incidental and subordinate to the principle use of
11 the building as a dwelling residence.

12 And then on the second one, I think the
13 Planning Board will have to write a letter to the
14 ZBA asking for an interpretation of what constitutes
15 an owner when an LLC owns a property.

16 And then at that point, meanwhile, we'll do
17 all the other safety things, and once we've sorted
18 that out then we'll be able to hold a final public
19 hearing on this.

20 Does that sound correct?

21 MR. STOLAR: Sounds right.

22 CHAIR HAMMES: Okay, any questions?

23 MS. ANTONIADIS: I thought I saw what
24 constitutes a family member but I might have been
25 confused. I'll take a look and see myself. But I

1 understand. I will pursue it, though.

2 CHAIR HAMMES: Okay. All right, thank you,
3 very much.

4 MS. ANTONIADIS: Thank you.

5 CHAIR HAMMES: All right, Item No. 5 on the
6 agenda is a Board discussion on the two proposed
7 Local Laws amending the Zoning Map and the Zoning
8 Code Chapter 150.

9 As a preliminary matter, I'm going to note
10 that I was heavily involved as a designated member
11 of the Code Committee and the drafting of the
12 proposed changes, and as such, I'm supportive of
13 them.

14 I believe that additional changes to Chapter
15 150 are advisable, and my understanding is that the
16 Code Committee will continue to meet and seek input
17 on additional proposed provisions to the code.

18 The current drafts before this Board are
19 intended to be sufficient for the Village to feel
20 comfortable lifting the current development
21 moratorium applicable in the CRW CNCG districts.

22 To this extent I would ask the Board members
23 this evening to prioritize our comments by
24 identifying any key concerns or fatal flaws that
25 they have in respect to the proposed changes

1 vis-a-vie the rationale behind the moratorium.

2 This Board can and should continue to discuss
3 the Zoning chapter including after the amendments
4 have been enacted those amendments and other related
5 provisions of the code such as the noise chapter
6 more generally and provide input to the Code
7 Committee and the Board of Trustees to the extent
8 that we have time at future meetings, I would
9 propose that we add an agenda item to allow people
10 to raise points of concern that they would like to
11 have discussed.

12 I have a couple of points I want to make on
13 this. Before I get to that, there is one other
14 thing I have. I think at the end of this, once
15 we've had our discussion, there's going to be some
16 things that I'm going to ask based on what our code
17 provides, for everybody to confirm.

18 But before we get to all of that, I guess
19 maybe I'll start at this end this time with Dan, I
20 would like to kind of work down and have the Board
21 indicate kind of what their concerns or comments
22 are, if any, at this time.

23 As I said, if there are things that you think
24 can be cleaned up in a future redraft, I'm happy to
25 either discuss those now or take them separately off

1 line with you individually, as you would prefer.

2 MEMBER CREEDON: Okay. So I have a few
3 questions. Do you want me to just throw them out
4 there?

5 CHAIR HAMMES: You go right for it, Dan.

6 MEMBER CREEDON: One is that, I read in here,
7 that there is an attempt to limit the size of
8 restaurants, the square footage.

9 CHAIR HAMMES: I'm not sure I would say there
10 is an attempt to limit it. I think just taking a
11 step back, the Code Committee, after several years
12 of discussions about parking and more importantly
13 the impact on transportation, infrastructure in the
14 Village, sidewalks and the like, felt that there was
15 a need to bifurcate between kind of smaller
16 businesses that, you know, fit in better with the
17 general environmental character of the Town and
18 don't necessarily drive egregious amounts of traffic
19 versus others that do in terms of figuring out who
20 should bear the proportionate cost of funding for
21 improvements in transportation infrastructure in the
22 Village.

23 And so after much discussion, the Code
24 Committee came to the conclusion that bifurcating
25 restaurants between something that I think we were

1 advised that restaurants such as Pearl and
2 Demarchelier, in the 1,300 square-foot size, and
3 that seemed to be an appropriate size, that
4 restaurants kind of were at that size and lower
5 would be permitted uses in the CRR and therefore
6 allowed as-of-right. I mean, obviously subject to
7 any other things that they might need, like site
8 plan approval under the Code. But once they get
9 over 1,300, that was driving enough more traffic
10 that there needed to be some contribution to the
11 funding in the Village to maintain infrastructure
12 assets, including potentially parking, but I think
13 the thought is more to be for roads, sidewalk repair
14 and the like.

15 So it doesn't mean that you can't have a
16 larger restaurant, but it means that, you know, you
17 either will have to provide the parking if you can
18 and want to, you can seek a variance from the ZBA
19 for it, which would cost you nothing if you receive
20 the variance, or you can choose to forego the
21 variance and go to, come to this Board and ask for a
22 waver with a payment-in-lieu-of provision, which has
23 been previously discussed by the Board of Trustees,
24 and that those prices and costs have gone up
25 substantially, because the intention is that money

1 from that should be enough to allow the Village to
2 actually address infrastructure use on the
3 transportation side.

4 MEMBER CREEDON: So what I was reading, and
5 what I was wondering, is if it was an attempt to
6 keep out or limit big-chain restaurants.

7 CHAIR HAMMES: Well, that is dealt with
8 separately. There is a new concept in this code,
9 which is in line with a large number of other codes
10 that you will look at, which is a concept called a
11 "Formula Business," which doesn't just extend to
12 chain restaurants. It would extend to, I think we
13 set the threshold, if I recall correctly, at ten.
14 There's other criteria, but a Gap, for instance, an
15 Amazon Prime store and the like, those now would
16 fall within the definition of "Formula Business,"
17 and a Formula Business is a conditional use that
18 would have to come for a conditional use application
19 before this Board as well.

20 So even if it was under 1,300 square-feet, if
21 a Taco Bell wanted to open up in Town, it would be a
22 Formula Business. It would not be a permitted
23 as-of-right restaurant. It would have to come
24 before this Board as a conditional use approval, and
25 the Board would have to apply the criteria, which I

1 think has been more thoroughly built out in Sections
2 150-29 and 150-30 in terms of what this Board needs
3 to be taking into consideration in approving
4 conditional uses and site plan approvals.

5 MEMBER CREEDON: So, I like that example.
6 Taco Bell's are typically not large but Applebee's
7 are.

8 CHAIR HAMMES: Right.

9 MEMBER CREEDON: But I remember ten or 15
10 years ago, maybe it was more, I lose track of time,
11 there was no expanding of the business next door,
12 and I see that as a terrible situation, if they are
13 growing in a local business and are looking to punch
14 out.

15 CHAIR HAMMES: I think that issue was raised
16 somewhat at last night's meeting. I think that that
17 is something that the Code Committee heard. I think
18 it will be a topic of discussion of the Code
19 Committee next week.

20 I suspect that for purposes of getting out of
21 the moratorium that provision will not be changed at
22 this point but will be taken into consideration in
23 the next step changes.

24 I will tell you that one of the topics of
25 potential discussion for next changes in here is to

1 add some kind of bonuses or incentives for people to
2 build affordable housing downtown, and one of those
3 that is under consideration might be an increase in
4 the amount of square footage that a restaurant could
5 have if upstairs from it there was affordable
6 housing.

7 MEMBER CREEDON: Okay, thank you.

8 CHAIR HAMMES: You're welcome.

9 MEMBER BUCHANAN: Just to expand on what Dan
10 was asking, so the only properties that we looked at
11 that were restaurants for this change of code were
12 Demarchelier and Pearl or --

13 CHAIR HAMMES: Those were the two that were
14 sized out, as far as I know. And the Code
15 Committee, when it was discussing the appropriate
16 size, said, well, those seem to be about the size
17 that would be fine in the Village, and something
18 bigger than that we would want a conditional-use
19 approval on and that we would want to follow with
20 the parking provision.

21 MEMBER BUCHANAN: Got it. And then, so then
22 also with the stipulation or businesses over, or
23 corporations with over ten businesses, that would
24 not include LLC's or, sorry, a holding company that
25 had three different, or might have six different, or

1 is that --

2 CHAIR HAMMES: No, I mean, I have to look at
3 the definition. It's not just the number, right? I
4 believe it requires that they be selling similar
5 things or say they have a standardized menu or
6 standardized array of merchandise.

7 It's not intended to pick up a holding
8 company that has three completely separate,
9 different businesses that might have three, like a
10 private equity fund that has a hotel here, for
11 instance, the fund that bought the Greenporter also
12 bought some properties over in the Hamptons and have
13 some properties up in Nantucket.

14 If they ended up re-branding those all the
15 same, I guess then we would be looking at that, but,
16 you know, it has to fall within the Formula Business
17 definition. And I know a hotel is not the best
18 example because a hotel is already a conditional
19 use, but.

20 MEMBER BUCHANAN: Understood. Thank you.

21 MEMBER CREEDON: A couple more little things.

22 CHAIR HAMMES: Sure.

23 MEMBER CREEDON: On the outdoor dining tables
24 outside, it says that there should be another
25 sidewalk up to the, I forget the exact words, where

1 the sidewalk ends, where it reaches a physical
2 obstruction. I was just wondering if that includes
3 the cobblestones where people twist their ankles and
4 so on.

5 CHAIR HAMMES: Can you just tell me what
6 section you are actually in? I think you are
7 talking about the 36 inches on --

8 MEMBER CREEDON: (Perusing). I wish they had
9 page numbers.

10 CHAIR HAMMES: I found it. I found it. I think
11 it's to the edge of the sidewalk, unless there is
12 some physical obstructions before that. That would
13 be the ending of the sidewalk.

14 MEMBER CREEDON: Is that the curb or?

15 CHAIR HAMMES: No, no. It's the beginning from
16 where you're measuring. So if I put a chair here, I
17 measure 36 inches out that way (indicating). And
18 the sidewalk, let's say this is the sidewalk, and
19 the chair is here (indicating), and this is the
20 beginning of the sidewalk, the way I would interpret
21 it, and Brian you can tell me if you disagree with
22 it, would be 36 inches between here and here. The
23 beginning of the sidewalk.

24 MEMBER CREEDON: Yes, I understand that. What
25 I'm wondering is what's the beginning of the

1 sidewalk. Is it the curb or --

2 CHAIR HAMMES: It's the one that's closest to
3 the chair. You are measuring from the chair out.

4 MR. STOLAR: What's the section of the code?

5 CHAIR HAMMES: It's 150-9(C) (2) (e) (i). It's
6 right above 150-10. That might be an easier way.

7 MEMBER CREEDON: If they had page numbers it
8 would be easier.

9 MR. STOLAR: (Perusing). Good question.

10 MEMBER CREEDON: Okay.

11 CHAIR HAMMES: I would argue pretty strongly
12 that it has to be the closest piece of the sidewalk.
13 It says "or any physical obstruction." So if there
14 was, I don't know what would ever be between the
15 closest place at the sidewalk and the chair, but it
16 implies there can be something between that sidewalk
17 and the chair, so the way I would read it is it's
18 three feet to the beginning of the sidewalk.

19 MEMBER CREEDON: Okay. Thank you. I almost
20 say it with a chuckle, but the gas stations, are we
21 actually going to require that there be --

22 CHAIR HAMMES: We would just move the section
23 that was in permitted uses to conditional uses.

24 MEMBER CREEDON: Okay.

25 CHAIR HAMMES: We did not do a lot of brain

1 damage about gas stations.

2 MEMBER CREEDON: Okay.

3 CHAIR HAMMES: We did do some brain damage
4 about EV stations and decided that there was not
5 enough precedent out there to build that technology.

6 MEMBER CREEDON: Then I'll just mention the
7 next two, almost, it seems that in 150-17 on
8 prohibited devices, that pinball machines are
9 prohibited but jukeboxes are allowed?

10 CHAIR HAMMES: Okay, so what I would say, is
11 that I know we did not change from what was here.

12 MEMBER CREEDON: Okay.

13 CHAIR HAMMES: But you should take, maybe not
14 jukeboxes per se, but, I mean, the entertainment
15 permit section, it was added at the end of this
16 code, is going to deal a lot with musical devices,
17 probably does not necessarily pick up jukeboxes but
18 maybe it's something that would be considered in the
19 future. But we didn't change that provision at all.

20 MEMBER CREEDON: Okay, then just one last
21 comment from me, on 150-18, on bedrooms on a
22 multi-family unit. Not more than two bedrooms.
23 Doesn't sound like much for a multi-family unit.

24 CHAIR HAMMES: Multi-family dwellings, 150-18.
25 Again, I'll tell you, on multi-families, shall not

1 contain more than two bedrooms. I wouldn't disagree
2 with you. That's one unit, though, within a
3 multi-family structure.

4 Again, I think we've started to talk about
5 multi-families and decided that was a conversation
6 that was better pushed off to when we get to the
7 residential parts of the code.

8 MEMBER CREEDON: Okay. So that's all I have.

9 CHAIR HAMMES: Thank you, very much.

10 Elizabeth?

11 MEMBER TALERMAN: First of all, I'm so
12 impressed and so grateful to the Committee for doing
13 as much work as you did to create the amendments.

14 Most importantly, as a freshman member of the
15 Planning Board, I'm incredibly grateful for the
16 clarity upfront in the definitions, the terminology
17 section. That has been enormously helpful for me to
18 read and understand. So thanks for that.

19 I actually only have one comment, and it's on
20 the map itself. And that is, and I will say I live
21 in close proximity to the Townsend Manor Inn. The
22 fact that one property has two kinds of zoning. And
23 I can appreciate protecting the marina and its
24 designation as Waterfront. Um, but then there is
25 this other bit. The parking lot. And I'd love, in

1 my untrained but learning mind, I feel like it's
2 difficult to take one property and one property
3 owner and give them two designations.

4 CHAIR HAMMES: So, some color on that. This
5 was actually discussed just as recently as this
6 Wednesday's Code Committee. This was one of the
7 most discussed points among the Code Committee was
8 the treatment of the Townsend Manor Inn property,
9 which is currently zoned CR, and whether it should
10 stay CR or be changed to WC. And I think the
11 Committee came to the conclusion that overall it was
12 always going to be what it is, that nobody was going
13 to go in there and buy that and put a shipbuilding
14 place or aquaculture in there. But there was a
15 concern about maintaining a marina in that area and
16 not having whatever might, you know, either the
17 existing owner or somebody in the future go in and
18 do something that would really kind of full-sail
19 change on the waterfront part of that.

20 And so where the Committee ended up was that
21 we were going to leave both parcels zoned CR, but
22 rezone just the waterfront portion, which I think we
23 had like a ten-foot buffer, as I recall, on those
24 two properties.

25 My understanding, based on the conversation

1 that was held on Wednesday with the Code Committee,
2 was that that got into some logistical issues within
3 Village Hall, and in terms of the second parcel,
4 which, frankly, I didn't understand. And I think we
5 made it clear on the Code Committee, and this was
6 going to be one of the points that I was going to
7 raise up after everybody's input, that I feel
8 strongly about, which is that that parcel should
9 stay CR, and that I don't see why the boundary can't
10 be done in the same way that it was done for the
11 other parcels so that it protects the waterfront.

12 So that was one suggestion that from my
13 perspective I thought this Committee should have in
14 deed made and I think the Code Committee is fully
15 aware of and is more or less of the same mind on
16 this point. If that's helpful.

17 MEMBER TALERMAN: Yes. Thank you. That's all.

18 MEMBER WALTON: Well, echoing Elizabeth's
19 comments, I do want to start by saying that I
20 recognize that there is an incredible amount of work
21 but also thought that has gone into putting all of
22 this together. And so I think any comments and/or
23 questions that I have are sort of around the margins
24 and not drop-dead or, you know, no-go kinds of
25 points.

1 I also very much appreciate the work that was
2 done to include clarification of the Planning
3 Board's roles, processes, perspective, to give
4 criteria to consider. I think that that would be
5 tremendously helpful to us in doing our jobs going
6 forward and particularly for perhaps me and
7 Elizabeth as freshmen members of the committee, or
8 the Board.

9 CHAIR HAMMES: You are not going to be
10 freshman members much longer.

11 MEMBER WALTON: For long.

12 (Board members laughing).

13 We'll be inundated, so.

14 So I also want to point out that I understand
15 the importance of moving this forward. We have a
16 lot to do in the Village and there are, we don't
17 want to hold up or discourage people who are, you
18 know, want to bring important business activities to
19 the Village, and services for our residents, and so
20 I also very much appreciate the importance of moving
21 this forward and ending the moratorium.

22 So, as I mentioned, my questions and/or
23 comments are, you know, more around the margins.

24 I did want to point out that it seems to me
25 to be a bit of an inconsistency, the treatment of

1 the American Legion Hall, because that property is
2 not contiguous to water. I appreciate some of the
3 reasons why that may be done, or they have been done
4 or being proposed. But it is a question that comes
5 to mind in just looking at the rationale and the
6 approach that we are taking to the zoning.

7 CHAIR HAMMES: So just to address that point.
8 That was another topic that was heavily discussed
9 and debated by the Code Committee.

10 I think at the end of the day, part of what
11 the Code Committee really tried to do with these
12 changes was to not just think, you know, based on
13 our experiences of the Zoning Board and Planning
14 Board and the like, but really think about what the
15 messaging had been from the community, through the
16 various sessions that have been held, what people's
17 expectations were in all of the conversations that
18 took place during the moratorium, what the concerns
19 of the community were, and I think at the end of the
20 day where we came out on that particular area was
21 that that Legion building is really viewed as an
22 integral component of the community, and to the
23 extent that somebody wanted to do something
24 significantly different with that, that would have
25 to be something that would be considered at the

1 time, but otherwise it should stay in the
2 Waterfront.

3 The, you know, fraternal lodge concept is
4 already, you know, is a conditional or permitted
5 use, I can't remember which, and so I think that is
6 where really it was viewed as a community resource
7 and something that didn't make sense partly because
8 of that, to rezone at this point.

9 And frankly given the whole bunch of other, I
10 mean it was also, I think that it is adjacent to
11 the, kind of the wetlands area and the like in the
12 back there.

13 So, anyway, I hear you. It was, you guys are
14 all identifying points that were well discussed. So
15 all I can tell you is the background on them.

16 MEMBER WALTON: Yes. And that's very
17 important; helpful and important to understand the
18 thinking behind it, not just for us as the Planning
19 Board but for the public to understand as well.

20 So I appreciate you taking a few minutes to
21 address that particular point. And I think that
22 there isn't any serious negative ramifications
23 either way.

24 I just, you know, in thinking about the
25 rationale, wanted to understand the thinking behind

1 that.

2 MEMBER CREEDON: Just on the American Legion
3 property, I think, in my mind, it does abut the
4 waterfront in the sense that that is the boardwalk
5 that goes from the ferry over to Mitchell Park, that
6 property right there, and the grass that you step
7 off of toward the Post Office. The American Legion
8 does abut that property. And I think what you said,
9 that it was wetlands, I didn't think --

10 CHAIR HAMMES: I mean there's wetlands, it's
11 qualified wetlands, but there is no water down
12 there, so --

13 MEMBER WALTON: Okay, I mean, I thought it was
14 sort of between that but in any case, as I said, I
15 don't think it's, I just want to make sure that
16 whatever decisions are being made by the Board are
17 defensible.

18 MEMBER CREEDON: What's between when you go
19 down Third Street and when you go east from the
20 Legion Hall. It abuts that a little bit.

21 MEMBER WALTON: Okay, good. Then that is even
22 better.

23 I know that one of the things that was
24 discussed last night is the, to some length, is
25 parking. And there is no perfect solution there.

1 Perhaps this is more a comment than it is I guess a
2 question, which is: The future of transportation in
3 general may look very different down the road than
4 it does today. The need for parking larger vehicles
5 may diminish, we hope, because we certainly don't
6 want to encourage more cars in the middle of the
7 Village.

8 So it's more of a note in thinking, you know,
9 this is more sort of looking at the status quo in
10 terms of people and how they get from one place to
11 another, and just sort of a recognition that that
12 will over the next five, ten years, probably change
13 significantly.

14 As I think Mary Bess said last night, this is
15 a living, working, breathing document, so it can be
16 adjusted, you know, addressed at times. But I think
17 it's a point that has been raised by others and I
18 think it's an important point to keep in mind as we
19 consider different policies and treatments that the
20 not-that-distant future may look different than what
21 it is today. And that is sort of part of the answer
22 to some of the other things that were raised last
23 night about concern about pay for additional
24 parking.

25 Um, one of the points that I know is that of

1 concern to some folks is sort of smaller docking
2 facilities that are in walking distance within the
3 communities, and any potential requirement for
4 parking where there would not be any space available
5 to provide that.

6 So that is a point that has been raised, it
7 was raised last night, it was raised by a number of
8 other people.

9 And so there is currently no definition of
10 "docking facility." I'm not sure that we
11 necessarily need one, but if there is a small enough
12 facility, if you will, that's something in the
13 future that might be able to be considered.

14 And then another point that was raised last
15 night was the 10% trigger for substantial expansion.
16 And my understanding is that a lot of codes, and
17 that was a question in looking through the document
18 myself. My understanding is that a lot of the
19 updates that are being proposed here are drawn from
20 other codes, similar codes, and have been given a
21 lot of thought. And I just wanted to take this
22 moment at least to, for us to understand sort of the
23 10% and whether or not that's tied to anything in
24 particular, or whether that is just a standard kind
25 of trigger.

1 CHAIR HAMMES: I think, I know somebody last
2 night mentioned something about 15%. And I agree
3 that 15% is off-hand the standard for a
4 non-conforming use re-build and similar type
5 provisions like FEMA and that.

6 What I found in researching codes that trip
7 things as businesses expand was that 10% was a
8 common threshold. I am not -- I guess I'm still
9 open to suggestion on this and changing that basket.
10 I don't think that that is something that is
11 imperative in getting us out of the moratorium. I
12 think it's something we need to take into account in
13 the next round of changes. Part of it is you need
14 to look at, you know, the businesses overall and
15 what might work for one business that you would be
16 okay with, might not work at another business.

17 So it is the lesser of 10% and a thousand
18 square-feet. It may be that we should just have a
19 higher percentage with a lower square footage. And
20 that I think would probably be something that the
21 Code Committee might consider in the future as we
22 kind of work through this and see how it's actually
23 playing out in realtime.

24 I mean, I'm happy to take that back to the
25 Code Committee, but I don't think that it will be

1 something that the Code Committee would likely
2 change with this round, because these numbers were
3 talked about quite a bit.

4 MEMBER WALTON: And I totally appreciate that.
5 And as I prefaced all of my comments by saying none
6 of them were a reason not to move forward.

7 But I think it's important for people to
8 understand and appreciate the work that has gone
9 into considering all of these factors.

10 MEMBER BUCHANAN: Thank you. So I had a lot
11 of questions. So I took a lot of them off line
12 earlier today, so we could review some of these.

13 For me, the one that stands out is
14 enforcement. And what I would say for that one, for
15 me, is I would like there to be consideration at
16 some point that they tighten up some of the
17 enforcement timelines and potentially increase some
18 of the fines, because I do believe that there are
19 some businesses that have it built into their model
20 to ignore violations and just pay them down and
21 negotiate them. And I think that the majority of
22 the businesses in this Village are in compliance and
23 they would not be a problem, but there are some that
24 this happens more than others.

25 And looking to the south shore, I remember

1 when the, in Montauk when the Surf Lodge was, when
2 that opened, people were getting tickets every
3 single day for parking illegally, and there were
4 parking violations on a daily basis, and what would
5 happen when you got a ticket is you would just take
6 it to the maitre d' and that would be a part of
7 their operating budget and sort of thing.

8 So I would look for, that there would be a
9 way to sort of look to businesses that are, you
10 know, to make sure that those who are not following
11 the codes and the rules are being, you know --

12 (Fire Alarm is sounding).

13 -- making sure that that is being recognized.
14 Then the other thing I want to say is just more of a
15 statement that I do have. I do have a concern about
16 the 1,300 square feet. I would like to see that be
17 slightly larger. But for the sake of the
18 moratorium, ending the moratorium, I don't know that
19 this is the moment when we could hold it up. But
20 those are sort of the two things that are most
21 important to me, that I think are worth discussing.

22 CHAIR HAMMES: On your first point, I think
23 you and I did discuss that a little earlier today
24 briefly. I am supportive of some of your concerns
25 on that, particularly having, starting to look at

1 the noise ordinance and the enforcement provisions
2 relating to that. I think that what is in this draft
3 is a huge improvement from what we currently have
4 and I think I would endorse going forward for
5 purposes of this round of amendments with that.

6 But I think it will be something that the
7 Code Committee should be considering lining up as we
8 work through the Noise Code as well, in particular
9 the 18 months, because we saw some cause for
10 concern. And it may depend on what the violation
11 is, but I think, you know, only having one
12 violation, if you don't cure it for some longer
13 period of time, it's somewhat problematic.

14 MEMBER BUCHANAN: Agreed.

15 CHAIR HAMMES: I, you know, Brian, I've been
16 asked, and we're going to put together a letter on
17 this from the Board, and I've been asked to send
18 that to you to make sure we are not going to trip
19 any new public hearing requirements, so that can be
20 discussed at any time.

21 I assume that, making the comment that the 18
22 months should be reduced might very well do that.
23 So I don't think I'll include that for purposes of
24 this. But I definitely flagged it as something that,
25 I think the, on the Code Committee should be putting

1 on our list of additional modifications.

2 And on the second one, look, I hear you. I
3 don't think the 1,300 square feet is something that
4 we spent -- we started higher, we were like, well,
5 what do we actually have in the Village, what do
6 people think is kind of a right sizing. And, as I
7 said, the examples that the Committee kind of felt
8 comfortable with, and the real trigger, just so we
9 are all clear on this is, whether you are permitted
10 or conditional, right? So you're permitted
11 as-of-right, although it's, maybe you're a new
12 building, you'll probably have to come in for a site
13 plan approval anyway. But you don't necessarily
14 have to go through the conditional-use side of it.
15 And then the parking provision.

16 And look, I think the parking is the one that
17 causes people the most agida, but there are people
18 that equally feel very strongly that, you know, we
19 need the business community to be showing, you know,
20 where their money is in terms of the drain, you
21 know, the harm that goes to the infrastructure in
22 the Village from the tourist traffic and that that
23 should not just be on the backs of the residents.

24 So I think that that message, the 1,300, feet
25 has been received. I suspect that we're more likely

1 to deal with it with trying to find some kind of
2 incentive bonuses on it. But I think it's a valid
3 point and I would encourage you, as I have members
4 of the community, I knowing that knowing when the
5 Code Committee meetings are being held has not been
6 easy. But I think people at least, even if they
7 don't go to the meetings, and I don't know that we
8 always allow the public to speak at those meetings,
9 but at least talk to them. That if you go, you know
10 what we're talking about and you can make your, you
11 know, what your views are known before, a little bit
12 earlier in the process.

13 And unfortunately in this case, as we all
14 know, we were under a gun, we thought it was very
15 important to get out of the moratorium. In the ideal
16 world we would have probably taken a little bit more
17 time and covered a little bit more ground, but I
18 think we are pretty satisfied that this gets us to a
19 point where we are comfortable, getting out of the
20 moratorium and then continuing.

21 MEMBER WALTON: Just building on your comment
22 just now. I also think along the lines of important
23 things for the community to understand, I think the
24 point you made about the need to support the
25 infrastructure of the Village, and, you know, the

1 parking fees can go to help support that
2 infrastructure, if there is increased utilization
3 and wear and tear as a result of increased usage.
4 That money has to come from somewhere.

5 CHAIR HAMMES: I mean, to be clear, that
6 money is not, I mean, I think the way it was set it
7 up is for transportation needs. So it could be
8 parking, it could be repaving, it could be signage,
9 it could be stuff on the roads, it could be stuff on
10 the sidewalks.

11 So it's not like we are going to go and build
12 a big parking lot somewhere with it.

13 MEMBER WALTON: Right. And that also is an
14 important point that you don't equate. But I do
15 think it's very important for people to appreciate
16 the fact that this is designed to have the entities
17 that are creating the increased traffic share in the
18 cost of the wear and tear as a result of that.

19 CHAIR HAMMES: All right. Besides the
20 comments, I do think I have one more thing that I
21 think this Board should consider, notwithstanding
22 this, we shouldn't be making any comments, this to
23 me I think is actually a pretty important one,
24 though.

25 As you know there is now a requirement for

1 businesses to get an entertainment permit if they
2 are going to have entertainment or catered events,
3 and the way this is drafted, the minute it gets
4 adopted it will spring into effect.

5 In order to get that entertainment permit,
6 businesses are required -- I mean, there are some
7 exceptions, there are some safe harbors and the
8 like, but they are required to file an application
9 with the Village, and in the first instance that
10 application has to be reviewed and approved by the
11 Planning Board.

12 After that on the bi-annual schedule is a
13 two-year permit. If they can certify that nothing
14 has changed and they have not been subject to
15 violations, they are only largely administrative, but
16 in the first instance, I think this Board is going
17 to have to, between now and next summer, process a
18 fair number of applications. And I have already
19 made this point that I, this is not a change in the
20 law, but I do think that when the Board, the Board
21 will have to pass a resolution on the levels of fees
22 for these, and what I would propose is that we ask
23 that the effectiveness of that provision be delayed
24 to May 1st of next year, to a resolution of the
25 Board of Trustees, and that any, whatever fees the

1 Board adopts get weighed for any applications
2 verifiable by December 31st. Because I'd really
3 like to try to front-load those applications for
4 this Board as opposed to having everybody wake up
5 next April and suddenly us having to have multiple
6 hours of hearings on entertainment permits as people
7 are freaking out about Memorial Day coming up.

8 So I would like to include those as points
9 in the letter that we send to the Board.

10 Having reviewed the code, I think there are a
11 couple of things that we need to agree on that we
12 can say in this letter to the Board, kind of
13 requirements we are supposed to be addressing in
14 connection with our recommendation.

15 So I'm going to read these one by one and I
16 would just ask everybody to indicate whether they
17 agree or disagree.

18 The first is that the Zoning amendments are
19 consistent with the aims and principles embodied in
20 Chapter 150 more generally in both the existing and
21 the 2014 draft LWRP. Agreed to that point?

22 (All members respond in the affirmative).

23 Anybody disagree?

24 (Negative response).

25 The second is that the proposed Zoning

1 Amendments don't pose any adverse indirect
 2 implications to other regulations or provisions set
 3 forth in Chapter 150 which are not otherwise the
 4 subject of amendment under the Zoning amendments.

5 Does everybody agree?

6 (All Board member respond in the affirmative.

7 Anybody disagree?

8 (Negative response).

9 The next one is that the uses permitted in
 10 the various zones subject to the discussion we've
 11 had about the Townsend Manor Inn, after giving
 12 effect to the proposed Zoning amendments are
 13 appropriate for the areas concerned.

14 Does everybody agree?

15 (All Board members respond in the
 16 affirmative).

17 CHAIR HAMMES: Anybody disagree?

18 (Negative response).

19 The next one is that the Zoning amendments do not
 20 have an adverse effect on public school facilities or
 21 other public services in the Village.

22 Does everybody agree?

23 (Board Members respond in the affirmative).

24 MEMBER CREEDON: I was wondering, there aren't any
 25 public school facilities in the Village.

1 CHAIR HAMMES: Okay. Well, that's what the
2 Code says so that's why we are talking about it.

3 (Board members laugh).

4 Do you disagree?

5 MEMBER CREEDON: No.

6 CHAIR HAMMES: Next is the Zoning amendments
7 are consistent with existing conditions in the
8 various affected districts. Does everybody agree?

9 (All Board members respond in the
10 affirmative).

11 Anybody disagree?

12 (No response).

13 CHAIR HAMMES: The next one is there will not
14 be an adverse impact upon the growth of the Village
15 as envisaged by the existing 2014 draft LWRP or the
16 various vision sessions held in the prior six months
17 in respect to the Village of Greenport as a result
18 of the Zoning events. Does everybody agree?

19 (All Board members respond in the
20 affirmative).

21 Does anybody disagree?

22 (No response).

23 And the final one is that the proposed Zoning
24 Amendments are not likely to result in an increase
25 or decrease in the total zoned residential capacity

1 of the Village. Everybody agree with that?

2 (All Board members respond in the
3 affirmative).

4 Anybody disagree?

5 (Negative response).

6 I'll draft the letter on these points. I'll
7 probably send it to Brian first to tell me that it's
8 okay and then I'll send it to you all for sign off
9 before it goes to the Village. I'll be doing that
10 over the weekend.

11 Okay, right now I make a motion to close
12 discussion on the proposed local laws and to send a
13 letter as discussed to the Bord of Trustees
14 indicating this Board's support of the proposed
15 local laws subject to addressing the issues that we
16 discussed earlier, while indicating that this Board
17 reserves the right to provide additional comments
18 and suggestions on proposed code revisions going
19 forward.

20 Do I have a second?

21 MEMBER CREEDON: Second.

22 CHAIR HAMMES: All those in favor?

23 (ALL AYES).

24 Any against?

25 (No response).

1 Motion passes.

2 Item No. 6, any other Planning Board business that
3 might come properly before this Board.

4 Okay. Believe it or not, I have other
5 business.

6 As we know, we recently had an application
7 for a curb-cut. It's my understanding that
8 additional applications relating to driveways and
9 curb-cuts will likely be coming before this Board in
10 the near future.

11 Just for the information of this Board and
12 for the public, I know that one of these
13 applications is going to be in respect to 11 North
14 Street, and I'll be recusing myself from that
15 application as it is across the street from my
16 property.

17 In any event, having reviewed the code a bit
18 more on parking spaces, I think it would be helpful
19 to request from the Zoning Board of Appeals an
20 interpretation of Section 150-16(A) (2) of the code
21 that relates to areas that are computed as parking
22 spaces for purposes of satisfying the code.

23 I believe that this interpretation will be
24 useful to this Board as we consider the proposed
25 placement of parking spaces and driveways and

1 curb-cuts going forward.

2 In particular, I know that particular code
3 section indicates that a driveway is generally not
4 counted as an available parking spot unless it is a
5 portion of the driveway within a required front yard
6 for a one-family or two-family residence, in which
7 case it appears that it may count, at least in my
8 reading, as one parking spot.

9 I drafted a letter that I would propose we
10 send to the ZBA requesting an interpretation on
11 this, and I'll now read that letter.

12 Ladies and gentlemen -- this is addressed to
13 the ZBA -- as you may be aware, the Village of
14 Greenport Planning Board has jurisdiction over
15 approving construction, reconstruction, location,
16 relocation, re-lay or repair of any driveway or
17 curb-cut abutting a Village street pursuant to
18 Section 150-30(2)(A) of the Village of Greenport
19 code. (The Code).

20 In connection therewith, the Planning Board
21 has been reviewing the various code provisions that
22 apply to driveways, curb-cuts and parking spaces in
23 the Village in order to be prepared to address
24 future applications relating to driveways and
25 curb-cuts that may come before this Board.

1 (Planning Board).

2 As a part of this review, the Village of
3 Greenport Planning Board is seeking an
4 interpretation from the Greenport Village Zoning
5 Board of Appeals of Section 150-16(A) (2) applicable
6 to the location of the minimum off-street parking
7 spaces required in respect to residential properties
8 under Section 150-12(A) of the code, defined as
9 "required parking spaces."

10 Specifically, the Planning Board is
11 requesting an interpretation from the ZBA as to
12 whether an application which proposes that all or a
13 material portion of more than one required parking
14 space be located within the required front yard
15 setback applicable to the relevant property be
16 required to seek a variance in respect to the
17 placement of any second required parking space
18 pursuant to the limitations set forth in Section
19 150-16(A) (2).

20 This could include cases where the required
21 parking spaces are either vertically or horizontally
22 side by side within the front yard of the relevant
23 property directly off the curb-cut or with a minimal
24 driveway from the street.

25 The Planning Board would greatly appreciate

1 the Zoning Board's interpretation of the application
2 of Section 150-16(A) (2) in respect of the foregoing
3 circumstances as it is aware that several of the
4 applications may be coming before the Planning Board
5 in the near future for approval pursuant to Section
6 150-30.2(a), and the Planning Board does not want to
7 be in a position where it might inadvertently
8 approve something that would otherwise require a
9 variance from the Zoning Board of Appeals in order
10 to comply with Section 151-16(A) (2).

11 Are there any questions or comments?

12 (No response).

13 This is similar, if you recall the Wiggins
14 Street curb-cut and parking.

15 Wiggins Street would not have required this
16 interpretation because they have a garage, which
17 would have counted as one of the two spaces they
18 were required. But I'm aware of at least two
19 proposals in this Village where there is no kind of
20 inset for parking that those spots are being put
21 kind of in the front yard, that will be coming
22 before this Board. And as I said, one of those I
23 will be recusing myself on. The other one I will
24 not need to.

25 But I think having that having sat at the ZBA

1 meeting last week and asking the question on what
2 this section means, and not being clear on what the
3 answer was, it might behoove us to send this letter.

4 So unless people have questions on it or
5 other considerations, I'll make a motion to send
6 this letter from the Planning Board to the ZBA
7 consistent with this letter. Do I have a second?

8 MEMBER WALTON: Second.

9 MR. STOLAR: A thought on that.

10 CHAIR HAMMES: Yes.

11 MR. STOLAR: Because the interpretation
12 process usually flows from the Building Department
13 interpretation, and then they make an interpretation
14 from there.

15 CHAIR HAMMES: Okay.

16 MR. STOLAR: Perhaps the letter rather than
17 directly going to the ZBA in the first instance
18 should go to the Building Department, and then
19 depending on the Building Department's
20 determination, the interpretation request may be
21 made directly to the Zoning Board.

22 CHAIR HAMMES: Okay. Can I copy the ZBA on
23 it?

24 MR. STOLAR: Of course.

25 CHAIR HAMMES: Okay. So I'll modify this

1 letter to address it as you said.

2 So going back, subject to those
3 modifications, I make a motion to send a letter to
4 the Building Department, copying the Zoning Board of
5 Appeals, asking for an interpretation on this issue.

6 Do I have a second?

7 MEMBER BUCHANAN: Second.

8 CHAIR HAMMES: All those in favor?

9 (ALL AYES).

10 Anybody opposed?

11 (No response).

12 Motion carries.

13 At this point do any other Board members have
14 anything they wish to discuss?

15 (Negative response).

16 Everyone wants to go have a drink. It's
17 Friday afternoon.

18 (Audience laughing).

19 All right, so turning back to Items 2 and 3
20 on the agenda, these relate to the scheduling of our
21 next meeting.

22 I know we tentatively planned on having a
23 meeting on September 8th and September 15th. I
24 believe, Shawn, you cannot make September 8th, and I
25 can't remember your schedule.

1 MEMBER CREEDON: I can't make that.

2 CHAIR HAMMES: You can't make that one either.

3 So I don't actually see a need to have the
4 September 8th meeting at this point. I think we are
5 not scheduling a public hearing yet on the BNB.
6 That is going to take at least a month if they need
7 to go through Zoning. We are waiting on
8 information, if it comes in in time, from Claudio's,
9 where we might be able to have them on the September
10 15th, but they are going to have to get that in in
11 the next week, and otherwise there is nothing else
12 that has been submitted, as far as I'm aware of.

13 So with that in mind, I would propose that we
14 just go with a meeting on September 15th.

15 So if there is no objections, I propose a
16 motion to schedule the next work session and regular
17 meeting of the Village of Greenport Planning Board
18 for September 15th, at 4:00 PM. Do I have a second?

19 MEMBER WALTON: Second.

20 CHAIR HAMMES: All in favor?

21 (ALL AYES).

22 Any opposed?

23 (No response).

24 Motion carries.

25 And then I make a motion to close this

1 meeting at 5:18 PM.

2 Do I have a second?

3 MEMBER TALERMAN: Second.

4 CHAIR HAMMES: All those in favor?

5 (All ayes).

6 (The time noted is 5:18 PM).

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