

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VILLAGE OF GREENPORT
COUNTY OF SUFFOLK : STATE OF NEW YORK
-----x
PLANNING BOARD
WORK SESSION, PUBLIC HEARINGS & REGULAR MEETING
-----x
April 26th, 2024
4:00 p.m.
Station One Firehouse
236 3rd Street
Greenport, New York 11944

Before:

- FRANCES WALTON - Acting Chairwoman
- DANIEL CREEDON - Member
- SHAWN BUCHANAN - Member
- ELIZABETH TALERMAN - Member
- PATRICIA HAMMES - Chairwoman (Absent)

ALSO PRESENT:

- BRIAN STOLAR, ESQ. - Village Attorney
- MICHAEL NOONE - Clerk of the Board

1 ACTING-CHAIR WALTON: Good evening, and
2 welcome to the Village of Greenport Planning
3 Board meeting for Friday, April 26th, 2024.

4 It is 4:00 PM, and I hereby call the
5 meeting to order. This meeting is a public
6 meeting.

7 Our agenda this afternoon includes a
8 motion and possible approval of five
9 application for entertainment permits.

10 The first order of business is a motion
11 to accept and possibly approve the Minutes of
12 April 12th, 2024, Planning Board work session,
13 public hearing and regular meeting.

14 I move to approve the Minutes. Do I
15 have a second?

16 MEMBER TALERMAN: Second.

17 ACTING-CHAIR WALTON: All in favor? Aye.

18 MEMBER CREEDON: Aye.

19 MEMBER TALERMAN: Aye.

20 MEMBER BUCHANAN: Aye.

21 ACTING-CHAIR WALTON: Motion passes.

22 The second order of business is a motion
23 to schedule the next Planning Board work
24 session, public hearing and regular meeting for
25 4:00 PM for Friday, the May 10th, 2024.

1 I will also move to schedule that
2 meeting. Do I have a second?

3 MEMBER BUCHANAN: Second.

4 ACTING-CHAIR WALTON: All in favor? Aye.

5 MEMBER CREEDON: Aye.

6 MEMBER TALERMAN: Aye.

7 MEMBER BUCHANAN: Aye.

8 ACTING-CHAIR WALTON: Motion carries.

9 The third order of business is a motion
10 to schedule the next Planning Board meeting,
11 work session, public hearing and regular
12 meeting for 4:00 PM, for Friday, May 31st,
13 2024.

14 I will move that has well. May I have a
15 second?

16 MEMBER BUCHANAN: Second.

17 ACTING-CHAIR WALTON: All in favor? Aye.

18 MEMBER CREEDON: Aye.

19 MEMBER TALERMAN: Aye.

20 MEMBER BUCHANAN: Aye.

21 ACTING-CHAIR WALTON: Motion passes.

22 MEMBER CREEDON: Are we wedded to
23 sticking to these Fridays?

24 ACTING-CHAIR WALTON: Sorry?

25 MEMBER CREEDON: Are we wedded to

1 sticking to Fridays?

2 MEMBER BUCHANAN: Yes.

3 ACTING-CHAIR WALTON: For the moment, we
4 are. It's always something that can be
5 revisited in the future, but right now that is
6 what meets various schedules. So.

7 MEMBER CREEDON: Okay. I'm open to
8 revisiting any time anybody wants to.

9 ACTING-CHAIR WALTON: Next we are going
10 to consider five applications for entertainment
11 permits pursuant to Section 150-151 of the
12 Village Code which require Planning Board
13 approval.

14 As this section is still a relatively
15 new provision in the code I'll make a few
16 preliminary statements which pertain to all
17 applications for entertainment permits.

18 The purpose of the entertainment permit
19 process, as the Board understands it, is to
20 ensure, one, that businesses hosting
21 entertainment and/or catered events at their
22 properties are complying with applicable
23 Village Code provisions, including Chapter 88
24 relating to noise, and are not otherwise
25 conducting such activities in a manner that

1 would unduly interfere with public health,
2 safety, welfare and the comfort and convenience
3 and order of the Village in general, and the
4 surrounding neighborhood in particular.

5 And, two, to provide the Village with a
6 mechanism to enforce violations of the code
7 arising in conjunction with the hosting of such
8 events.

9 It is also to confirm that businesses
10 are otherwise operating in accordance with
11 their currently-effective approved site plans
12 and/or conditional use approvals.

13 To the extent that an existing business
14 has outstanding code violations, including site
15 plan or conditional use approval violations,
16 the approval by this Board of the issuance of
17 an entertainment permit does not in any manner
18 constitute a waiver of those violations by the
19 Village or an endorsement of any deviation from
20 currently effective site plans or conditional
21 use approvals for a property.

22 An outstanding violation will not
23 necessarily be grounds for denial of the
24 issuance of an entertainment permit but may
25 result in the Board including additional

1 conditions on the terms of the entertainment
2 permit that provide for reasonable time periods
3 in which an applicant will need to resolve any
4 such violations with the Village.

5 The Board will be reviewing
6 entertainment permit applications with the
7 general presumption that the entertainment and
8 catered event activities are permitted as part
9 of the conduct of business in the Village, so
10 long as they are being conducted in accordance
11 with the code, and not in such a manner as to
12 be detrimental to the community.

13 Any public comment on the issuance of an
14 entertainment permit should be specific to the
15 relevant property, proposed activity by the
16 relevant business, and not more generalized in
17 respect of other matters that would apply to
18 any business hosting entertainment or catered
19 affairs.

20 Those types of generalized comments or
21 concerns are more appropriately addressed to
22 the legislative bodies of the Village, i.e. the
23 Village, the Board of Trustees.

24 With that, we will now turn to public
25 hearing discussion and possible motion to

1 approve the Application of the Porters
2 Hospitality, doing business as Andy's.

3 The applicant is applying for an
4 entertainment permit pursuant to Section 150-51
5 of the Village Code requiring Planning Board
6 approval.

7 The property is located at 34 Front
8 Street and is in the Commercial Retail District
9 and not in the Historic District.

10 It is at SCTM No. 1001-4-10-30.

11 I'll now ask the applicant to come to
12 the podium.

13 MR. HARBIN: Thank you. Andy Harbin,
14 from Andy's restaurant in Greenport.

15 ACTING-CHAIR WALTON: Thank you, for your
16 application, and for being here today.

17 Do you have any comments that you would
18 like to address to the Board?

19 MR. HARBIN: Only that I'm glad that, you
20 know, you worked hard to put the parameters
21 together to have some kind of a noise
22 ordinance, or whatever we're calling it, or
23 just some kind of control going forward.

24 You know, I like the Village the way it
25 is with the music, I do like it, but, you know,

1 you got to match the future, you don't know
2 what's coming, so to have a plan in place where
3 people know clearer, you know, it seems it's
4 been a little cloudy in the past, of what you
5 could do, when you could to it and what you
6 couldn't do.

7 So I'm all for it. I don't foresee it
8 being a problem, for me, anyway.

9 ACTING-CHAIR WALTON: Thank you, for
10 that.

11 MR. HARBIN: Sure.

12 ACTING-CHAIR WALTON: Since you have
13 completed and submitted the application, I would
14 like to confirm orally that you have reviewed
15 Chapter 150-51 of the code and generally
16 understand the requirements thereof.

17 MR. HARBIN: Yes, that's the
18 entertainment portion, right? And then --

19 ACTING-CHAIR WALTON: Right.

20 MR. HARBIN: And I went over Chapter 88
21 which is the, pertains to more than just the
22 noise.

23 ACTING-CHAIR WALTON: Right, right. So
24 I'll continue on, but --

25 MR. HARBIN: Sorry.

1 ACTING-CHAIR WALTON: No, no, that's
2 great. In particular, the requirements of
3 150-51(D) of the code relating to operation of
4 the property, in connection hosting of
5 entertainment and catered events, as you just
6 confirmed.

7 Similarly, I want to confirm that you
8 are aware of the provisions of Chapter 88
9 entitled Noise, of the Village Code, which are
10 applicable to your business, in particular the
11 provisions of Section 88-5 which relate to use
12 of sound-reproduction devices, which are
13 commonly used in connection with entertainment.

14 I would note that Chapter 88 of the code
15 has been amended and I assume that you have
16 reviewed the updated code.

17 Finally, I would like to confirm that,
18 to the best of your knowledge, that the
19 information and material you provided in the
20 application do not conflict with or otherwise
21 contemplate altering the premises in such a way
22 that would conflict with any existing approvals
23 applicable to the property, including previous
24 site plan approval.

25 MR. HARBIN: Yes, yes. I think going

1 forward there might be, I don't know if there'll
2 be more revisions or whatever, but starting this
3 out, I'm sure there's going to be things that
4 come up we don't foresee. But "we," I mean
5 myself and the Village, and all the places
6 involved, you know, so I hope we keep an open
7 door, kind of, where we can work together to
8 make this what we want.

9 ACTING-CHAIR WALTON: In which case you'd
10 have the opportunity to amend and present an
11 amended site plan if you needed to do so.

12 MR. HARBIN: Thank you.

13 ACTING-CHAIR WALTON: Please confirm or
14 acknowledge the following:

15 No responsible person of the business or
16 entity has been convicted of any criminal
17 offenses -- and I'll just read through a number
18 of points.

19 MR. HARBIN: Go right ahead.

20 ACTING CHAIR WALTON: Okay, any criminal
21 offenses, whether misdemeanor or felony, within
22 the last five years.

23 Two, there are no known code violations
24 for any responsible person, property owned by
25 responsible persons or businesses operated by

1 responsible persons in New York state within
2 the last five years.

3 Three, the Building Inspector may
4 request additional information deemed necessary
5 for review in administrating the provisions of
6 this chapter.

7 And four, there are no covenants and/or
8 restrictions in your site plan that would
9 conflict with this approval.

10 MR. HARBIN: Definitely, all good. There
11 is no, not that I know of, anyway, no one has
12 been arrested.

13 ACTING-CHAIR WALTON: At this point, I
14 would also like to ask the Village to confirm
15 whether it is aware of any outstanding code or
16 site plan conditional use violations in respect
17 of the relevant business.

18 MR. NOONE: There are no open violations.

19 ACTING-CHAIR WALTON: Thank you.

20 Does anyone from the Board have any
21 questions or comments on this application which
22 they would like to direct to the applicant at
23 this time?

24 (No response).

25 ACTING-CHAIR WALTON: Thank you. I would

1 now like to open it up to anyone, to the
2 public, to address the Board in respect to the
3 application.

4 (No response).

5 And Mike, we have not received any
6 letters?

7 MR. NOONE: We've received no
8 correspondence.

9 ACTING-CHAIR WALTON: If no one has
10 anything further then I would like to make a
11 motion to close the public hearing in respect of
12 the application of Porters Hospitality dba
13 Andy's, for an entertainment permit for the
14 hosting of entertainment and catered events at
15 the property located at 34 Front Street.

16 Do I have a second?

17 MEMBER BUCHANAN: Second.

18 ACTING-CHAIR WALTON: All in favor? Aye

19 MEMBER CREEDON: Aye.

20 MEMBER TALERMAN: Aye.

21 MEMBER BUCHANAN: Aye.

22 ACTING-CHAIR WALTON: Motion passes.

23 I'm now going to read through
24 determinations, the determinations that this
25 Board is required to make in respect of the

1 issuance of an application for an entertainment
2 permit prior to granting of such approval, and,
3 Andy, if you want to take a seat.

4 MR. HARBIN: Thank you. Sorry, I was
5 late.

6 ACTING-CHAIR WALTON: No worries.

7 I'll ask that each Board member indicate
8 whether it agrees or disagrees with each such
9 determination.

10 In making such determination, the Board
11 is relying on the information contained in the
12 application as to the factual matters, including
13 proposed operations of the property, history of
14 violations and other such matters.

15 It is also assuming that the applicant
16 will operate under the entertainment permit in
17 accordance with applicable Village Code and its
18 currently effective site plan and any applicable
19 conditional use approvals as such may be in
20 effect from time to time.

21 I'm going to handle it a little
22 differently than we have in the past. Rather
23 than asking you to affirm each one, I'll read
24 them all, and then if you agree with all of
25 them, say so, and if you have an issue with one

1 of them, please say that, too. It might go a
2 little faster.

3 So, first. No reasonable person has
4 within the past five years been convicted of a
5 felony or misdemeanor that is substantially
6 related to the qualifications, function or
7 duties of a proprietor or business, manager of a
8 business, entity or property, that hosts
9 entertainment or catered affairs.

10 And again, we are relying on
11 certifications and statements that the applicant
12 has made.

13 Neither the applicant business, entity
14 or property nor any responsible person has a
15 history of pervasive code violations in
16 connection with the operation of a business
17 providing entertainment or catered affairs.

18 Next, the applicable business, entity or
19 property has not been the subject of a pervasive
20 code violation in the immediately preceding
21 five-year period.

22 Next, the proposed entertainment and/or
23 catered affair will not unduly interfere with
24 public health, safety, welfare and the comfort,
25 convenience and order of the Village in general

1 or, and of the residents of the immediate
2 neighborhood in particular.

3 Next, the nature, scale and operating
4 characteristics of such business, entity or
5 property is providing entertainment or catered
6 affairs are compatible with existing and future
7 land uses in the surrounding neighborhood.

8 Next, the proposed operating plan for
9 the applicable business, entity or property is
10 sufficient to ensure compliance with the
11 applicable provisions of the code, and other
12 applicable laws, including in respect of
13 occupancy limits, noise and other potential
14 nuisances in the surrounding neighborhood.

15 Next, the appropriate buffering will be
16 in place to reduce any impact of the proposed
17 activities in respect of noise, light and other
18 potential businesses in the surrounding
19 neighborhood.

20 Next, the proposed entertainment and/or
21 hosting of catered affairs will not generate
22 noise of such character, intensity or duration
23 as to be detrimental to the health or quality of
24 life reasonable persons of order sensibilities.

25 Next. Speakers and any other

1 noise-generating equipment are oriented away
2 from residential dwellings or areas.

3 Finally, it does not appear that the
4 application contains any false or misleading
5 material information.

6 MEMBER CREEDON: Agreed.

7 ACTING-CHAIR WALTON: We'll start with
8 you, Dan. Do you --

9 MEMBER CREEDON: I agree with all of it.

10 MEMBER TALERMAN: I agree.

11 MEMBER BUCHANAN: I agree.

12 ACTING-CHAIR WALTON: Thank you. Based on
13 the foregoing determinations I move that the
14 Board approve the application for an
15 entertainment permit for the property located at
16 34 Front Street doing business as Andy's
17 restaurant. Do I have a second?

18 MEMBER BUCHANAN: Second.

19 ACTING-CHAIR WALTON: All in favor? Aye.

20 MEMBER CREEDON: Aye.

21 MEMBER TALERMAN: Aye.

22 MEMBER BUCHANAN: Aye.

23 ACTING-CHAIR WALTON: Motion carries.

24 Thank you.

25 The fifth order of business is a public

1 hearing, discussion and possible motion to
2 approve the application of Porto Bello
3 Restaurant Corporation.

4 The applicant is applying for an
5 entertainment permit pursuant to Section 150-51
6 of the Village Code requiring Planning Board
7 approval.

8 This property is located at 1410
9 Manhasset Avenue and is in the R-1 One-Family
10 Residential District, and is not located in the
11 Historic District.

12 It is at SCTM No. 1001-3-1-1.

13 I see the applicant is already at the
14 podium. Thank you.

15 MR. GARRITANO: Bruce Garritano,
16 representing Porto Bello Restaurant Corp.

17 ACTING-CHAIR WALTON: Do you have
18 anything you would like to say or highlight for
19 the Board?

20 MR. GARRITANO: Nope. We've read it and
21 we've read Chapter 88, and gone through the new
22 bylaws here. We are ready for it.

23 ACTING-CHAIR WALTON: Thank you, good.
24 Okay, so now I'll run through what you just
25 heard. Apologies to everyone.

1 Since you've completed and submitted the
2 application, I just want to confirm verbally
3 that you have reviewed Chapter 150-51 of the
4 code, and generally understand the requirements
5 thereof, in particular requirements of Section
6 150-51(D) of the code relating to operation of
7 the property in connection with the hosting of
8 entertainment and catered events.

9 Similarly, I want to confirm that you
10 are aware of the provisions of Chapter 88
11 entitled Noise of the Village Code.

12 MR. GARRITANO: We are.

13 ACTING-CHAIR WALTON: Which are
14 applicable to your business, in particular the
15 provisions the 88-5 which relate to the use of
16 sound-reproduction devices, which are commonly
17 used in connection with entertainment.

18 I would note that Chapter 88 of the code
19 has recently been amended.

20 And finally I would like to confirm that
21 to the best of your knowledge that the
22 information and materials you have provided in
23 your application do not conflict with or
24 otherwise contemplate altering the premises in
25 such a way that would conflict with any existing

1 approvals applicable to the property, including
2 previous site plan approvals.

3 MR. GARRITANO: Yes.

4 ACTING-CHAIR WALTON: Please confirm and
5 acknowledge the following:

6 One. No responsible person of the
7 business or entity has been convicted of any
8 criminal offenses, whether misdemeanor or
9 felony, within the last five years.

10 MR. GARRITANO: No.

11 ACTING-CHAIR WALTON: There are no code
12 violations for any responsible person, property
13 owner by possible persons or businesses operated
14 by responsible persons in New York State within
15 the last five years.

16 MR. GARRITANO: None.

17 ACTING-CHAIR WALTON: The Building
18 Inspector may request additional information
19 deemed necessary for review in administering the
20 provisions of this chapter.

21 MR. GARRITANO: Yes.

22 ACTING-CHAIR WALTON: There are no
23 covenants and/or restrictions in your site plan
24 that would conflict with this approval.

25 MR. GARRITANO: No.

1 ACTING-CHAIR WALTON: At this time I
2 would like to ask the Village to confirm whether
3 or not it's aware of any outstanding code or
4 site plan conditional use violations in respect
5 of the relevant business.

6 MR. NOONE: There are no open violations.

7 ACTING-CHAIR WALTON: Thank you. Does
8 anyone from the Board have any questions or
9 comments with respect to this application at
10 this time?

11 MEMBER TALERMAN: I just want to say that
12 I am absolutely within earshot and I have never
13 had a problem. And I appreciate that your
14 music, which sometimes I hear, is done at 10:00.
15 But I just want to thank you for being a
16 responsible neighbor.

17 MR. GARRITANO: Thank you.

18 MEMBER CREEDON: And I just want to say,
19 for those seeing me take out my phone, I was
20 pulling up the zoning map just to see where it
21 is. Because it's an odd piece of the Village on
22 the other side of the --

23 MR. GARRITANO: Yes, it's the bathrooms
24 and the restaurant, that's where the line runs
25 through.

1 MEMBER CREEDON: I was in an arena, in a
2 little town in Vermont like that, where the
3 stage was in Quebec and the seats were in
4 Vermont.

5 MR. GARRITANO: That's where we are. We
6 are in Quebec.

7 MEMBER BUCHANAN: When are you opening?

8 MR. GARRITANO: Yesterday. We opened
9 yesterday.

10 MEMBER BUCHANAN: You're open. Great.
11 Good news.

12 ACTING-CHAIR WALTON: Excellent. Well,
13 thank you.

14 I would now -- anything else from the
15 Board?

16 (No response).

17 I would now like to open up to the
18 public, anyone from the public to address the
19 Board in respect to this application?

20 MS. WADE: Randy Wade, 6th Street,
21 Greenport. I could ask you to ask a question.
22 Um, it may have, the policy may have changed,
23 but I was walking on Atlantic Avenue, I don't
24 live near there, and it was a Sunday afternoon,
25 and I have never heard music so loud. And I

1 anyone have anything else?

2 (No response).

3 In that case, may I have a motion to
4 close the public hearing in respect to the
5 Application of Porto Bello Restaurant
6 Corporation for an entertainment permit for
7 hosting of entertainment and catered events at
8 the property located at 1410 Manhasset Avenue?

9 MEMBER TALERMAN: So moved.

10 ACTING-CHAIR WALTON: Is there a second?

11 MEMBER BUCHANAN: Second.

12 ACTING-CHAIR WALTON: All in favor? Aye.

13 MEMBER CREEDON: Aye.

14 MEMBER TALERMAN: Aye.

15 MEMBER BUCHANAN: Aye.

16 ACTING-CHAIR WALTON: The motion passes.

17 I'm going to now read through all the
18 same determinations that you've already heard,
19 that the Board is required to make in respect to
20 the issuance of an application for an
21 entertainment permit prior to the granting of an
22 approval. And again I will ask the Board to
23 indicate whether they agree or disagree.

24 In making such determination, the Board
25 is relying on information contained in the

1 application as to factual matters, including
2 proposed operations of the property, history of
3 violations and other such matters.

4 It's also assuming that the applicant
5 will operate under the Entertainment permit in
6 accordance with applicable Village Code and its
7 currently effective site plan and any applicable
8 conditional use approvals as such may be in
9 effect from time to time.

10 Once again I'm going to read through the
11 whole list, and please make a note if you have
12 any issues with any of them, and we'll come to
13 that when we take a vote.

14 No responsible person has within the
15 past five years been convicted of a felony or
16 misdemeanor that is substantially related to the
17 qualification, function or duties of a
18 proprietor or manager of a business, entity or a
19 property that hosts entertainment or catered
20 affairs.

21 Next, neither the applicant business,
22 entity or property nor any reasonable person has
23 a history of pervasive code violations in
24 connection with the operation of a business
25 providing entertainment or catered affairs.

1 The applicable business, entity or
2 property has been the subject of pervasive code
3 violation in the immediately preceding five-year
4 period.

5 Next, the proposed entertainment or
6 catered affairs will not unduly interfere with
7 public health, safety and welfare or the
8 comfort, convenience and order of the Village in
9 general or residents in the immediate
10 neighborhood in particular.

11 Next, the nature, scale and operating
12 characteristics of such business, entity or
13 property in providing entertainment or catered
14 affairs are compatible with existing and future
15 land uses in the surrounding neighborhood.

16 Next, the proposed operating plan for
17 the applicable business or entity is sufficient
18 to ensure compliance with applicable provisions
19 of the code and other applicable law, including
20 in respect of occupancy limits, noise and other
21 potential nuisances to the surrounding
22 neighborhood.

23 Next, appropriate buffering will be in
24 place to reduce any impact of the proposed
25 activities in respect of noise, light or other

1 potential nuisance in the surrounding
2 neighborhood.

3 Next, the proposed entertainment and/or
4 hosting of catered affairs will not generate
5 noise of such character, intensity or duration
6 as to be detrimental to the health or quality of
7 the life of a reasonable person of ordinary
8 sensibilities.

9 Next, speakers and any other
10 noise-generating equipment are oriented away
11 from residential dwellings or areas.

12 Next, it does not appear that the
13 application contains any false or misleading
14 material information. Shawn?

15 MEMBER BUCHANAN: Agreed.

16 MEMBER TALERMAN: I agree.

17 MEMBER CREEDON: I do as well.

18 ACTING-CHAIR WALTON: Based on the
19 foregoing determinations I move that the Board
20 approve the application for an entertainment
21 permit for the property located at 1410
22 Manhasset Avenue, doing business as Porto Bello
23 Restaurant Corporation.

24 May I have a second?

25 MEMBER CREEDON: Second.

1 ACTING-CHAIR WALTON: All in favor? Aye.

2 MEMBER CREEDON: Aye.

3 MEMBER TALERMAN: Aye.

4 MEMBER BUCHANAN: Aye.

5 ACTING-CHAIR WALTON: The motion carries.

6 MR. STOLAR: Before you move on, and this
7 may save a bit of time for some of these where
8 there are no issues.

9 The provisions that you read for which
10 everybody acknowledged, those come specifically
11 from Village Code Section 150-51C(4) (a) through
12 (j), in their entirety.

13 So the next time that you read those off
14 perhaps we can just identify the section. I'll
15 give them to you if you were not able to write
16 it down.

17 ACTING-CHAIR WALTON: Thank you, Brian.

18 MR. STOLAR: (Continuing) and rather than
19 reading for each of them, everybody knows that
20 those elements that you just expressed come
21 from that provision that we are referring to.

22 MEMBER CREEDON: Does that include the
23 couple more times today?

24 MR. STOLAR: It may.

25 ACTING-CHAIR WALTON: So we have three

1 more to go here. So if you could repeat the
2 citation, Brian.

3 MR. STOLAR: 150-51C(4)(a) through (j).

4 ACTING-CHAIR WALTON: Okay.

5 MR. GARRITANO: Thank you. Have a good
6 night. It's Friday night, I have to go.

7 MEMBER BUCHANAN: Maybe we should have
8 them printed to give to people as well.

9 MR. NOONE: What's that?

10 MEMBER BUCHANAN: Maybe we should have
11 them printed to give to people as well, so it's
12 easier.

13 MR. NOONE: You mean for folks in
14 attendance? Or to the applicant?

15 MEMBER BUCHANAN: Yes. To the applicant.

16 ACTING-CHAIR WALTON: Yes, I do think
17 that's a good idea and I think that to the
18 extent that we are considering more than one
19 entertainment permit at a meeting, that for at
20 least the first we should still run through
21 those different provisions, just to make sure
22 that they are top of mind.

23 But I very much appreciate, Brian, the
24 effort to save my voice a little and to move
25 the meeting forward.

1 MR. STOLAR: I'm also concerned about
2 Dan's Friday -- and my Friday.

3 ACTING-CHAIR WALTON: Okay, so the next
4 order of business on the agenda is a public
5 hearing, discussion and possible motion to
6 approve the application of 45 Front Street
7 Restaurant Corporation doing business as Alpina.

8 The applicant is applying for an
9 entertainment permit pursuant to Section 150-51
10 of the Village Code, requiring Planning Board
11 approval. The property is located at 45 Front
12 Street and is in the Commercial Retail District,
13 and is not located in the Historic District.

14 It is at SCTM No. 1001-5-4-20.

15 I see the applicant is at the podium.
16 Thank you, for your application and for being
17 here today.

18 Do you have anything you would like to
19 highlight for the Board at this point?

20 MR. SPIRO: Brendan Spiro, and I'm
21 representing 45 Front Street Corporation, doing
22 business as Alpina.

23 MEMBER CREEDON: May I say something?
24 I'm just curious, of the two businesses there,
25 Anker and Alpina, which one is on the east and

1 which one is on the west?

2 MR. SPIRO: Alpina is the most furthest
3 east on Front Street. Anker is adjacent

4 MEMBER CREEDON: Next to the alley.

5 ACTING-CHAIR WALTON: Correct.

6 MEMBER CREEDON: Thank you.

7 ACTING-CHAIR WALTON: So is there
8 anything you would like to --

9 MR. SPIRO: Just that I'm aware of the
10 code. I sat in on a bunch of the work sessions
11 leading up to it. I'm currently the
12 Vice-President of the Business Improvement
13 District, so I'm hyper aware of how the entire
14 community can work together, applaud your guys'
15 efforts and of course, you know, the code
16 committees getting a proper document in place
17 so everyone has some clarity on how to operate
18 their businesses, not only now but in the
19 future.

20 ACTING-CHAIR WALTON: I'm going to run
21 through some of these.

22 MR. SPIRO: Please.

23 ACTING-CHAIR WALTON: This part I don't
24 think we can skip or shortcut.

25 Since you have completed and submitted

1 the application, I want to confirm verbally
2 that you have reviewed Chapter 150-51 of the
3 Code, and generally understand the requirements
4 thereof, in particular the requirement of
5 Section 150-51(C) of the Code relating to the
6 operation of the property in connection with
7 the hosting of entertainment and catered
8 events.

9 Similarly, I would like you to confirm
10 that you are aware of the provisions of Chapter
11 88 entitled Noise of the Village Code, which
12 are applicable to your business, in particular
13 the provisions 88-5 which relate to the use of
14 sound-reproduction devices, which are commonly
15 used in connection with entertainment.

16 I would note that Chapter 88 of the Code
17 has recently been revised.

18 And finally I would like to confirm that
19 to the best of your knowledge the information
20 and materials you have provide in your
21 application do not conflict with or otherwise
22 contemplate altering the premises in a way that
23 would conflict with any existing approvals
24 applicable to the property, including previous
25 site plan approvals.

1 Please confirm and acknowledge.

2 MR. SPIRO: I confirm and acknowledge.

3 No changes.

4 ACTING-CHAIR WALTON: And acknowledge the
5 following: No reasonable person of the business
6 or entity has been convicted of any criminal
7 offenses, whether misdemeanor or felony, within
8 the last five years.

9 MR. SPIRO: None.

10 ACTING-CHAIR WALTON: There are no code
11 violations for any responsible person, property
12 owned by responsible persons, or business
13 operated by any responsible persons, in New
14 York State within the last five years.

15 MR. SPIRO: No.

16 ACTING-CHAIR WALTON: The Building
17 Inspector may request additional information
18 deemed necessary for reviewing and administering
19 the provision of the Chapter.

20 MR. SPIRO: Yes.

21 ACTING-CHAIR WALTON: There are no
22 covenants and/or restrictions in your site plan
23 that would conflict with this approval.

24 MR. SPIRO: No.

25 ACTING-CHAIR WALTON: At this time I

1 would like to ask the Village to confirm
2 whether it's aware of any outstanding code
3 and/or site plan conditional use violations in
4 respect to this relevant property.

5 MR. NOONE: There are no open violations.

6 ACTING-CHAIR WALTON: Does anyone from
7 the Board have any questions or comments on this
8 application?

9 MEMBER CREEDON: I do.

10 ACTING-CHAIR WALTON: That you would like
11 to direct to the applicant?

12 MEMBER CREEDON: Sure. If I'm incorrect,
13 I don't want to be corrected.

14 But I recall your business coming before
15 us last year for permission for a table outside
16 with four seats. Correct?

17 MR. SPIRO: That is correct.

18 MEMBER CREEDON: I don't remember if that
19 was you or somebody else.

20 MR. SPIRO: Yes.

21 MEMBER CREEDON: And then, so we approved
22 the table with four seats outside. I even think
23 that the table was in the diagram flush with the
24 wall and a seat on either side and nothing on
25 the sidewalk side. And there were to be no

1 change in the overall CO, that it would be fewer
2 seats inside. Am I correct so far?

3 MR. SPIRO: That's correct.

4 MEMBER CREEDON: And then right away, as
5 soon as we approved it, there were two tables
6 with eight seats outside every weekend, not one
7 table with four seats outside.

8 So I would say, while there are no
9 citations, there has been violations repeatedly
10 every weekend at that location. And I can't say
11 whether not that it was deliberate, but I know
12 what I think about that. But I won't say.

13 MR. SPIRO: May I just correct briefly. I
14 believe it was two tables, two seats apiece.

15 MEMBER CREEDON: There were two tables,
16 four seat apiece.

17 MR. SPIRO: No, I'm just saying in the
18 approved amount of seats outside.

19 MEMBER CREEDON: What was the total
20 number of seats allowed. That's really what --

21 MR. SPIRO: I think it's four, so two
22 tables, two seats each.

23 MEMBER CREEDON: Then there were eight
24 seats out there. Four for each table. With the
25 table turned diagonally. Every weekend. But not

1 during the week. Less volume, I guess.

2 MR. SPIRO: No, because we were
3 positioning, because there are diagonals,
4 European, sort of cafe seating, where we faced
5 them outwards.

6 MEMBER CREEDON: I'm not sure what you
7 mean. Where the point of the tables was
8 touching the wall of the building?

9 MR. SPIRO: Right.

10 MEMBER CREEDON: So that left room for a
11 seat on each side, which you took advantage of
12 and put eight seats out there. And we approved
13 four.

14 So not that that is the most egregious
15 thing in the world. But we hear are there any
16 violations? I would say yes, there were
17 violations, but not citations. To be there's a
18 difference. The approval was violated. So it
19 makes me wonder, you know, if we approve an
20 entertainment permit, which everyone likes music
21 and entertainment, is it going to be outside or
22 inside? Is there any provision for that? I
23 don't even know if you have outside in the back.

24 MR. SPIRO: No.

25 MEMBER CREEDON: But I just wanted to

1 bring that up.

2 MR. SPIRO: So, Alpina is a single-story
3 structure, and all of, any type of
4 entertainment we have ever conducted happens
5 inside of the establishment with the doors
6 closed.

7 MEMBER CREEDON: Okay. And not that you
8 can't have outside. Other businesses have
9 outside. But I was just wondering.

10 This is, what happened, the week after,
11 the week after we approved four seats, right to
12 eight seats. So that just makes me question.
13 That's all I have.

14 ACTING-CHAIR WALTON: Does anyone have
15 anything else?

16 MEMBER TALERMAN: I just want to confirm,
17 because you just said it, while there are tables
18 outside, your amplified sound will only be
19 inside; is that correct?

20 MR. SPIRO: Correct. We only have a PA
21 system on the inside of the store. We do have a
22 Sonos speaker that sometimes we place outdoors
23 by the doorway, that plays jazz music, at very
24 what we feel audible but not in any way
25 obtrusive to anybody that might be walking by.

1 Similar to all the other storefronts that have a
2 little outside music.

3 MEMBER CREEDON: There are a couple that
4 I knew that do that, but didn't --

5 ACTING-CHAIR WALTON: I believe that is
6 now in violation of the code.

7 MEMBER CREEDON: We told that to American
8 Beach, right? And they stopped it.

9 MEMBER TALERMAN: And I know the
10 silversmith has been using amplified music
11 outside, but that is now in violation of the
12 code.

13 MEMBER CREEDON: And the barbecue joint
14 across the street, which is I think you guys
15 also.

16 MR. SPIRO: Yes. I was not aware of that.
17 It was before it was amended, yes. And I can do
18 my part to pass that around, because it's a bit
19 of miscommunication.

20 MEMBER TALERMAN: I think what is missing
21 for me is the specificity, the method of
22 operation, for Alpina, seems to be, there is a
23 kind of cut and paste.

24 MR. SPIRO: There was. And I can explain
25 that. That was not in any way to disregard sort

1 of what you were looking for, specifically.
2 What it is is we manage all of the properties
3 together, so the method of operation and how we
4 run all the properties are pretty much
5 identical.

6 ACTING-CHAIR WALTON: We do understand
7 that, except that the location of sound
8 equipment is going to be different in different
9 locations. So there's elements of information
10 that would be important for us to have and the
11 public to know, in terms of considering --

12 MR. SPIRO: So I think the only
13 modifications I did make, and excuse me if I
14 can't remember, offhand, was, because I wrote
15 the document, was for Green Hill, there was a
16 slight modification to describe that this was
17 actually live music. And although we might have
18 an acoustic guitar performer, which I think
19 we've had at Alpina from time to time, during
20 brunch or something like that, Anker, Alpina,
21 operate as pretty much identical, whereas Green
22 Hill does have, you know, a back line,
23 amplified music, amplifiers and so forth. It's
24 more of a live music thing.

25 ACTING-CHAIR WALTON: Well, the nature

1 of the properties are also different, the
2 configurations of walls and awnings and things
3 like that, and so placement of sound equipment,
4 whether it's live music or DJ music, may be
5 relevant to each individual application.

6 In this particular application, I do not
7 believe there is an issue since it's, whatever
8 music you may be playing is inside, but the
9 lack of specificity across the properties is an
10 issue with respect to at least one other
11 property.

12 MEMBER TALERMAN: And I would suggest
13 this property, too, what I would like to see in
14 your summary of this property, is the
15 acknowledgment that there will be no outdoor
16 amplification, whether that's live or that's
17 recorded music.

18 MR. SPIRO: I'm happy to add that now
19 that I'm aware of the amended noise code.

20 ACTING-CHAIR WALTON: Brian, is that
21 sufficient to just have that on the record?

22 MR. STOLAR: Yes.

23 MEMBER CREEDON: What about the four
24 additional seats? I mean I have not heard --

25 MR. SPIRO: I mean, I can sufficiently

1 say there will be no violations of any approved
2 site plan, and if perhaps you did spy that, I
3 apologize. You know, that is not our intention.
4 Clearly our living, in fact, Anker, I believe,
5 was approved for four seats or -- five seats,
6 and we only had four out there. So there is
7 knowledge of what was approved and clearly that
8 is what will exist.

9 MEMBER CREEDON: Thank you, for that.

10 MR. SPIRO: Thank you.

11 ACTING-CHAIR WALTON: Thank you. I would
12 now like to open it up to anyone from the
13 public to address the Board in respect to this
14 application.

15 MR. HARBIN: Andy Harbin, Andy's
16 restaurant. So with regard to the music, like
17 amplified music outside, is that, I guess only
18 if you have a speaker outside? Because
19 obviously places have their doors open, you're
20 going to hear music from inside, so it's kind
21 of a gray area there, I would say, maybe.

22 ACTING-CHAIR WALTON: It's I think with
23 respect to, intended to be with respect to a
24 speaker outside. And even from the inside,
25 using common sense, you are not taking the

1 speaker and facing that to intentionally go
2 outside of the building.

3 MR. HARBIN: Okay.

4 MEMBER CREEDON: And if you were within
5 the allowed decibel limit, I don't think that
6 would be, that's my supposition.

7 MR. STOLAR: I think the point is that
8 this is being done right in the public
9 right-of-way, not an interior courtyard,
10 something like that.

11 MR. HARBIN: Okay, thank you, very much.

12 ACTING-CHAIR WALTON: Is there anyone
13 else from the public?

14 (No response).

15 In that case, anything further from the
16 Board?

17 (No response).

18 I would make a motion to close the
19 public hearing in respect to the application of
20 45 Front Street Restaurant Corporation for an
21 entertainment permit for the hosting of
22 entertainment and catered events at the
23 property located at 45 Front Street.

24 May I have a second?

25 MEMBER BUCHANAN: Second.

1 ACTING-CHAIR WALTON: All in favor? Aye.

2 MEMBER CREEDON: Aye.

3 MEMBER TALERMAN: Aye.

4 MEMBER BUCHANAN: Aye.

5 (ALL AYES).

6 ACTING-CHAIR WALTON: Motion passes.

7 So I'm going to do this differently.

8 Instead of reading through all of the
9 determinations as I did for the previous two
10 applications, I will refer everyone to Section
11 150-51C(4) (a) through (j), and ask each Board
12 member to indicate whether it agrees or
13 disagrees with each such determination.

14 In making such determination, the Board
15 is relying on information, the information
16 contained in the application as to factual
17 matters, including proposed operations of the
18 property, history of violations and other such
19 matters.

20 It is also assuming that the applicant
21 will operate under the entertainment permit in
22 accordance with the applicable Village Code and
23 its currently effective site plan and any
24 applicable conditional use approvals as such
25 may be in effect from time to time.

1 Again, referring to the sections of the
2 code that I cited based on those
3 determinations, um, would everyone please
4 confirm, each of you, please confirm that you
5 are in agreement.

6 MEMBER BUCHANAN: Agreed.

7 MEMBER TALERMAN: Agreed.

8 MEMBER CREEDON: Agreed.

9 ACTING-CHAIR WALTON: Agreed.

10 Okay, based on the foregoing then I move
11 that the Board approve the application for an
12 entertainment permit as to the property located
13 at 45 Front Street doing business as Alpina, and
14 may I have a second?

15 MEMBER BUCHANAN: Second.

16 ACTING-CHAIR WALTON: All in favor? Aye.

17 MEMBER CREEDON: Aye.

18 MEMBER TALERMAN: Aye.

19 MEMBER BUCHANAN: Aye.

20 ACTING-CHAIR WALTON: Motion carries.

21 The seventh order of business is a
22 public hearing discussion and possible motion
23 to approve the application of 47 Front Street
24 Restaurant Corporation, dba Anker.

25 The applicant is applying for an

1 entertainment permit pursuant to Section 150-51
2 of the Village Code, requiring Planning Board
3 approval.

4 This property is located at 47 Front
5 Street and is in the Commercial Retail District
6 and is not located in the Historic District. It
7 is located at Tax Map No. 1001-5-4-19.

8 The applicant is at the podium. Thank
9 you, for your application.

10 MR. SPIRO: Brendan Spiro. I'll be
11 representing 47 Front Street Corporation.

12 ACTING-CHAIR WALTON: Thank you. Is there
13 anything you would like to add to this
14 application?

15 (Firehouse siren is sounding and this
16 proceeding is halted momentarily).

17 ACTING-CHAIR WALTON: Okay, let's
18 proceed.

19 MR. SPIRO: So, if I may, I would like to
20 say just a few words about Anker as a
21 restaurant and also provide a little context,
22 because I know that there was a little bit of
23 discomfort between the business and one
24 resident in particular last year.

25 So we have been operating this property

1 for over five years. It is a seafood
2 restaurant. We run the property with an oyster
3 bar downstairs and a dining room with adequate
4 seating, and then we have a rooftop deck
5 upstairs.

6 We close our venue mostly at 10:00 PM.
7 Last year we were looking to see if we could do
8 some late-night food. We thought that that was
9 a market need. We do understand that younger
10 people like to not only enjoy late-night
11 cuisine but in my experience, I have been
12 running and owning restaurants for well over 30
13 years, and often times there is some sort of
14 program that you can build into that.

15 And so our method of operation, after
16 10:00 PM to 12:30, and I designated that as a
17 closing time, which I felt was totally
18 appropriate for the one night a week that we
19 participated in this activity, to have a DJ
20 that did have amplified music that was out
21 there.

22 I advertised that the exact time set
23 that we were going to be functioning on that
24 level, and we never received any noise
25 violations nor do we have any citations with

1 the Southold Police Department.

2 They were called to our scene multiple
3 times and we were, we filed a FOIL to find out
4 just how many times exactly. I'm sorry I can't
5 present that today for you. They are working on
6 it, and also where, perhaps, these calls had
7 come from.

8 I'm aware of the individual or group of
9 individuals that made most of these calls.
10 They came from one residency only, I was told
11 by the police department when they came down
12 there, and every time the police did come by,
13 there was no sense that we were operating
14 outside of the purview of what was allowable,
15 nor did they feel that this was inordinately,
16 you know, obtrusive or, you know, unreasonable
17 amount of noise for maybe some of the other
18 residents that might be living there.

19 I can tell you this, that because we
20 work and live in this Village, we are not here
21 to create any sort of even perception of
22 nuisance with our fellow neighbors, but I'm
23 here to apply for an application for an
24 entertainment permit for 47 Front Street and I
25 would appreciate if the Board could take us at

1 face value as a restaurant that has a method of
2 operation for providing for catered events,
3 minimal amount of affairs, that a normal eating
4 and drinking establishment would provide in its
5 course of business.

6 So we, if it shall come up later with
7 any other members of the public that would like
8 to speak on it, rather than rebutting, I'll
9 just tell you right now, we are not planning
10 any late night DJ's, so to speak.

11 If we do have any food late night which,
12 again, we feel is very important, as an
13 offering for the Village, that will be handled
14 by just our regular PA system, which I don't
15 think has ever bothered anyone as long as the
16 property has been in existing. So I want to
17 moot that point briefly.

18 I also am aware that there is a petition
19 that had gone around. I understand the
20 petition was created by the one residency that
21 was offended last year, and I would also like
22 to try to mitigate some of the bias that that
23 might portend for us. And in that I mean there
24 are about eight signatures that you are going
25 to be presented with, that actually live on

1 Front Street, that live in the Waterfront
2 Commercial District.

3 There are another 48 signatures that
4 most of which are not even the Commercial
5 Retail District, and some of them are as far
6 away as two, three miles away, and I would like
7 them stricken from the record because I don't
8 think they are pertinent to any case that might
9 be made against Anker.

10 In addition to that, I would like to
11 submit to the record, if I may, our own
12 signature sheet of which we compiled from
13 residents that live directly adjacent to Anker.
14 That would be 39-43 Front Street.

15 And so we put out a signature sheet that
16 says: We undersigned are local residents
17 residing within 200 feet -- and they are
18 actually less than 200 feet -- 200 feet from
19 the real property line of Anker restaurant
20 located at 47 Front Street, Greenport, New
21 York. We hereby express our support for Anker
22 restaurant to receive an entertainment permit
23 for their business.

24 I agree that Anker restaurant should be
25 permitted to provide catered affairs, recorded

1 music, live music, DJ music, karaoke and any
2 other method of operation that is in keeping
3 with a normal eating and drinking
4 establishment, and does not produce
5 unreasonable noise, they be allowed, without
6 prejudice, to be able to compete fairly in the
7 market place with other local businesses that
8 provide the same usual services, and do so
9 within the Village noise ordinance code.

10 So with that, I would like to I guess
11 put that into the record. And, again, I will
12 say that I believe we are applying for an
13 entertainment permit for a reason, as I said
14 earlier, I'm very aware and cognizant, the
15 operation is aware, of how we always be an
16 asset to the community and the Village and not
17 be a detractor to people's life-style or be
18 unreasonably, you know, noisy, and cause
19 complications. And for that we have already
20 adjusted our decision to bring what could be
21 considered maybe too loud music for some
22 people.

23 But with that, we are a restaurant first
24 and I really want to impress upon everyone here
25 that the entertainment permit is supposed to

1 sanction the restaurant to conform to
2 particular rules. So I don't see any reason why
3 we should not be afforded an entertainment
4 permit at this time, and then if the operation
5 shall transgress some of those rules therein,
6 then of course there are some very specific
7 actions that the Village can take in order to
8 either pull us into conformity or remove the
9 ability to operate in that way to begin with.
10 So, thank you.

11 ACTING-CHAIR WALTON: There will be an
12 opportunity for the public to speak, but I
13 would like to proceed first with certain
14 affirmations as you've heard and we've already
15 run through.

16 So since you have completed and
17 submitted the application, I want to confirm
18 orally that you have reviewed Chapter 150-51 of
19 the code and generally understand the
20 requirements thereof, in particular the
21 requirements Section 150-51D of the code
22 relating to the operation of the property in
23 connection with the hosting of entertainment
24 and catered events.

25 Similarly, I want to confirm that you

1 are aware of the provisions of Chapter 88
2 entitled noise of the Village Code, which are
3 applicable to your business, and in particular
4 the provisions of Section 88-5 which relate to
5 the use of sound reproduction devices which are
6 commonly used in connection with entertainment.

7 I know that Chapter 88 has recently been
8 amended.

9 Finally, I would like to confirm that to
10 the best of your knowledge that the information
11 and materials you have provided in your
12 application do not conflict with or otherwise
13 contemplate altering the premises in a way that
14 would conflict with any existing approvals
15 applicable to the property, including previous
16 site plan approvals. Please confirm.

17 MR. SPIRO: Confirmed.

18 ACTING-CHAIR WALTON: And please
19 acknowledge the following:

20 No responsible person in the business or
21 entity has been convicted of any criminal
22 offenses, whether misdemeanors or felonies,
23 within the past five years.

24 MR. SPIRO: No.

25 ACTING-CHAIR WALTON: There are no code

1 violations for any reasonable personal property
2 owned by responsible person or business
3 operating by responsible persons in New York
4 State, within the last five years?

5 MR. SPIRO: Nothing.

6 ACTING-CHAIR WALTON: The Building
7 Inspector may request additional information
8 deemed necessary for review and administering
9 of the provisions of this code.

10 MR. SPIRO: Yes.

11 ACTING-CHAIR WALTON: There are no
12 covenants and/or restrictions in your site plan
13 that would conflict with this approval?

14 MR. SPIRO: No.

15 ACTING-CHAIR WALTON: At this time, I
16 would also like to ask the Village to confirm
17 whether it is aware of any outstanding code or
18 site plan/conditional use violations in respect
19 of the business, relevant business.

20 MR. NOONE: The code enforcement officer
21 confirmed there are no open violations.

22 ACTING-CHAIR WALTON: Thank you. Does
23 anyone from the Board have any questions or
24 comments on the application which it would like
25 to address to the applicant?

1 MEMBER TALERMAN: I would just like to
2 confirm again, for specificity purposes, that
3 specifically on the second-floor deck, you are
4 not planning late-night live DJ?

5 MR. SPIRO: No, we are not.

6 MEMBER TALERMAN: That's a change from
7 last year, and that's a change from what is
8 here. Because here it says late-night menu with
9 a DJ.

10 MR. SPIRO: Yes. So I have late-night
11 menu with DJ in here. I will strike that. We
12 are not planning a DJ with late night. But we
13 are doing a late-night menu where we will
14 provide amplified music through a PA system.
15 Those are internal speakers. But there won't be
16 external rigs, as they are called, where a
17 performer sets up and so forth. If that happens
18 it would be strictly for catered events that
19 likely are much, much earlier in the evening,
20 and don't think would cause any issues.

21 MEMBER CREEDON: And non-amplified music
22 I guess would be covered in that location, like
23 you had it, horn player or guitar player.

24 MR. SPIRO: Pardon?

25 MEMBER CREEDON: You are saying you are

1 not going to play any music up there or just not
2 a DJ?

3 MR. SPIRO: No, just not a DJ. Because I
4 believe that that is the one area of contention
5 that you might hear from the public.

6 MEMBER CREEDON: Right. So, you know, a
7 horn player or guitar player would be no issue.

8 MR. SPIRO: I don't believe that would be
9 an issue. I believe it would be an enhancement
10 to dining experience. So I would not preclude
11 that type of activity, if allowed.

12 MEMBER CREEDON: I just want to be clear
13 on what you're saying. Thank you.

14 ACTING-CHAIR WALTON: So what I think I
15 heard you say is that you, for a private event,
16 you would not continue your once-a-week DJ late
17 night entertainment.

18 MR. SPIRO: Yes. That is internal
19 programming. That's what I just want to make
20 the distinction that I can't just
21 prejudiciously ask someone that is looking to
22 do business with us to not allow for any normal
23 use for a requested, so to speak.

24 ACTING-CHAIR WALTON: So for a private
25 event, you are saying, at the location, there

1 alleyway, then you have the school --

2 MEMBER CREEDON: On the western side.

3 MR. SPIRO: On the western side, going
4 west. So there is no residential for quite some
5 time until you reach after Mitchell Park.

6 ACTING-CHAIR WALTON: Is there none --

7 MEMBER BUCHANAN: There is above the
8 Douglas Elliman.

9 ACTING-CHAIR WALTON: Yes. So there
10 actually is not that far.

11 MR. SPIRO: To the west?

12 MEMBER BUCHANAN: Douglas Elliman, next
13 to Blue Duck.

14 MEMBER CREEDON: Everybody is talking at
15 the same time. Where?

16 MEMBER BUCHANAN: The Douglas Elliman,
17 realtor. There are apartments up there.

18 MR. SPIRO: But to answer the question,
19 we are not running an internal program where we
20 are hiring an individual to do a weekly session
21 of something that may be considered too loud or
22 bothersome.

23 I think if we are a restaurant and we
24 are abiding by the tenets of the entertainment
25 permit. If I have a catered event and that guest

1 wishes to request for a DJ, we would do
2 everything in our power to obviously abide by
3 whatever the entertainment code has in it.

4 ACTING-CHAIR WALTON: So everything in
5 your power is not too specific.

6 MR. SPIRO: So, regarding noise
7 mitigation, we have curtains on the outside of
8 the building, once closed, the off music or
9 noise pollution is considerably lessened. I
10 would never be able to tell you there is nothing
11 coming through. I don't even think a solid wall
12 on some buildings, with amplified music, would
13 be enough to curtail that. But I can tell you
14 that once the curtains are closed, from our
15 readings that we have taken, in the course of
16 doing business, it was the same as the regular
17 PA music for dinner, ambient background music,
18 with the curtains open.

19 ACTING-CHAIR WALTON: Would you be
20 willing to commit to closing the curtains?

21 MR. SPIRO: Yes. Yes.

22 ACTING-CHAIR WALTON: And where are the
23 speakers located within the property?

24 MR. SPIRO: The internal speakers?

25 ACTING-CHAIR WALTON: Yes.

1 MR. SPIRO: The internal speakers,
2 they're on the corners but they are faced into
3 the dining room. Nothing faces out.

4 MEMBER CREEDON: That's on the ground
5 floor?

6 MR. SPIRO: No, on the roof deck. The
7 ground floor has in-ceiling speakers.

8 ACTING-CHAIR WALTON: So the outer
9 corners of the roof deck.

10 MR. SPIRO: The outer corners.

11 ACTING-CHAIR WALTON: You're saying --

12 MR. SPIRO: That they direct into the
13 space.

14 MR. STOLAR: Is it all four corners or
15 just the --

16 MR. SPIRO: Four corners, yes. But the
17 furthest most two corners literally only get to
18 the middle of the dining room. I know this
19 because I wanted to fix some of the acoustical
20 engineering at that space. But they are very
21 small bookshelf speakers. They are mounting up
22 high on the canopy and they are pointed
23 directionally down and into the tables,
24 essentially. As for background music purposes.

25 ACTING-CHAIR WALTON: And a DJ coming in

1 for an event that you are hosting would be using
2 that sound system or they would be bringing in
3 their own?

4 MR. SPIRO: They might bring a monitor,
5 but considering, not that I'm saying it was or
6 wasn't last year, but considering there were
7 some complaints, right, I would definitely
8 direct whomever we are hiring to not load the
9 place up or not, you know, or get excessive
10 with any gear that they brought. So it might be
11 one extra speaker, which is typical for affairs
12 like this, where you can you have a live mic
13 and they can produce some more music.

14 But again, I'm already explained that we
15 are not changing any part of our floor plan.
16 So I think that's also very important to know.
17 Even last year, we had tables that were all
18 over the dining room floor. They were never
19 moved. We never created a dance floor or
20 anything like that. Nor would we.

21 So any event that comes to our property
22 has to strictly understand that this is for a
23 dining experience mostly. But I would not be
24 able to tell you that I could limit or take out
25 something that might be requested from a

1 potential customer in trying to contract that
2 event. But I would let them know how we would
3 prefer it to be run within our establishment.

4 MEMBER CREEDON: So most times it's going
5 to be music to accompany dining, but once in a
6 while it might be music for dancing?

7 MR. SPIRO: Not for dancing, but for an
8 affair. So, for instance, if your child perhaps
9 is getting married they buy-out, is what it's
10 called, the entire roof, and they like to bring
11 their family members there, and often times they
12 request an amplified speaker for speeches and
13 stuff like that, and if there is a DJ, the DJ
14 always plays normally through that, as opposed
15 to playing through the PA system.

16 MEMBER CREEDON: And you can require the
17 DJ to play that music in towards the interior
18 spaces?

19 MR. SPIRO: Clearly. In fact we set the
20 DJ up towards the far end of the roof and they
21 always play into the space. And we did that last
22 year as well specifically because we didn't want
23 to the off-sound going out into the dock area or
24 any other residence.

25 MEMBER CREEDON: Thank you.

1 ACTING-CHAIR WALTON: Okay, thank you. I
2 would now like to open --

3 MR. STOLAR: Before you do. I just have a
4 couple of points and questions.

5 You asked that the people who signed the
6 petition who don't live in the area be
7 stricken. That's not something the Board can
8 do. They can look at it, for what it's worth,
9 but they are not going to strike anything that
10 has been submitted by an interested party.

11 MR. SPIRO: Okay, well, then I'll just
12 fall back on the part of that question, was
13 like I hope it doesn't appear to be overly
14 biased, because there is a lengthy list of
15 signatures where in fact I don't know how much
16 skin in the game, so to speak, those signatures
17 have, whether they be just friends of someone
18 reaching out to back their specific reasons for
19 getting these signatures.

20 MEMBER CREEDON: Are they Village
21 residents or someone outside the Village?

22 MR. SPIRO: I think most, from what I
23 gather, I can't verify, but most seem like they
24 are Village residents, but some being so, so far
25 out of, not earshot, but even miles away from

1 our venue. I just don't see how that is
2 relevant.

3 I think the first page tells the larger
4 story, and there's about eight signatures there,
5 and I have a competing document with eight
6 signatures pro-Anker's entertainment permit.

7 ACTING-CHAIR WALTON: Brian, did you have
8 something else?

9 MR. STOLAR: I did. I have more. So one
10 of the things you mentioned early on was that
11 you've had, or last year when you had the DJ,
12 the Southold Town Police were contacted on a
13 number of occasions.

14 What I think is important here to
15 understand, back last year, before we adopted
16 the new noise law, the law that existed at the
17 time kind of handcuffed the police department,
18 so the way it was drafted, it made it difficult
19 for enforcement.

20 The new code, together with the
21 entertainment permit, was designed to make sure
22 when there are those instances where the police
23 are called because of something that is going
24 on, that if in fact there is a violation, we
25 now no longer have a vague code, let's call it.

1 It's more specific. So it's easier for the
2 police department, and in fact it was designed
3 together with the police department, and
4 obviously members of the public and the
5 Village, it was designed with the police
6 department so when they do show up at a
7 location where there are calls, they can deal
8 with it. They can either shutdown the music or
9 write violations if in fact there are
10 violations of the new code.

11 So the new code that is now in place may
12 effectively take care of issues and potential
13 violations. That together with the
14 entertainment permit process is what the
15 Village was attempting to accomplish to make
16 sure there won't be instances where the, and I
17 don't mean this negatively, where the police
18 are handcuffed.

19 So this, that's the underlying purpose.
20 And the Board obviously is part of the path and
21 part of the steps of the process now in terms
22 of getting an entertainment permit. So that's
23 why you are before the Board, and of course the
24 Board can condition any approval on mitigating
25 factors as were discussed tonight, for instance

1 curtains down, speakers facing inside, no DJ,
2 as you described. And everything else would be
3 subject to the noise law as the Village
4 intended.

5 MR. SPIRO: Yes. We recognize that and
6 all we are advocating for is the most liberal
7 entertainment permit, just as every other
8 business has been granted that does a very
9 similar or the same exact method of operation
10 that we are planning.

11 MR. STOLAR: Understood. And the other
12 thing, and I just heard this today. Bijou
13 restaurant, it's a restaurant in, I guess it's
14 just in Suffolk, in Melville, they were
15 shutdown just this past weekend, I believe, by
16 the SLA, because they added a dance floor where
17 their SLA permit did not provide for it.

18 So I don't know if that's something you
19 have to be aware of, to make sure that you
20 don't allow for a dance where it's not
21 otherwise permitted by the SLA.

22 MR. SPIRO: So that's a good point and I
23 would also like to point out to that. We have
24 a liquor license approved, and the stipulations
25 for a liquor license are you are allowed

1 karaoke, DJ, background music and live music as
2 well, at Anker, and it's on our liquor license
3 approved by the New York State Liquor
4 Authority.

5 So we never operated outside of what was
6 already accepted by the New York State Liquor
7 Authority.

8 MR STOLAR: Right, and presumably as part
9 of that you submitted a site plan, and it's
10 that site plan that dictates what you can do
11 and where you can do it.

12 MR. SPIRO: That's correct. Yes.

13 MR. STOLAR: Okay, I'm good. I have
14 nothing else. Thank you.

15 ACTING-CHAIR WALTON: Thank you. Then at
16 this point I would like to open it up to anyone
17 from the public to address the Board in respect
18 to this application.

19 MR. SHUFORD: James Shuford, 37 Front
20 Street. I have a lot planned to say and I don't
21 have a whole lot to say any more, because it
22 sounds like the main point of contention that I
23 had is being alleviated. So I would just like to
24 clarify that if the Planning Board approves this
25 application, that it is approving it contingent

1 upon the use of the DJ past a certain specific
2 time is excluded from the entertainment permit.
3 Because as you have seen, looking at the
4 application, it's a little ambiguous and it
5 actually mentions it in the application that it
6 would have a DJ for late-night events. So I
7 just want to be crystal clear about that.

8 ACTING-CHAIR WALTON: Brian, we are --
9 the code currently permits, the revised code
10 currently permits music until 12:30.

11 MR. STOLAR: 12:30 during the peak
12 season, and I think 10:00, if I'm not mistaken,
13 on Fridays and Saturdays or 11:00 on Fridays
14 and Saturdays during the non-peak season.

15 MEMBER BUCHANAN: On Fridays and
16 Saturdays occurring between May 15th and October
17 1st of the calendar year, between the hours of
18 12:30 a.m. and 10:00 a.m., it says.

19 MR. STOLAR: Not during that period of
20 time.

21 MEMBER BUCHANAN: Yes.

22 MR. SHUFORD: I guess my main point,
23 because there is this discrepancy between what
24 was said by Brendan and what was written into
25 the application, I just want to be clear that

1 what he's saying that he's going to be doing is
2 on paper somewhere.

3 MR. STOLAR: So, let me just point out,
4 because I think I heard you differently than I
5 think what Mr. Spiro said.

6 He offered to eliminate what he said is
7 the inhouse element that they provided last
8 year, which was for a DJ on a weekly basis. So
9 that is out of the application that was stated
10 at the hearing. The Board is going to include
11 that in any decision it makes.

12 But he also said that there is still the
13 possibility there will be DJs provided as part
14 of private events where people come to them to
15 use the premises.

16 So while he's taking out that element of
17 a weekly basis that was done in the past, there
18 is still the chance there will be DJs according
19 to the application as presented tonight, as
20 modified tonight.

21 MR. SHUFORD: Okay.

22 ACTING-CHAIR WALTON: And under the
23 current code it would be permissible until
24 12:30.

25 MR. STOLAR: Correct. But subject to

1 other requirements, too. And we have specific
2 sound requirements within the noise code, that
3 even if you are permitted to operate until
4 12:30 you still have to be in compliance with
5 the nose code while doing so.

6 ACTING-CHAIR WALTON: And that the
7 Suffolk County Police have been part of the
8 process in determining what was going into the
9 new code and that they will be charged with
10 enforcing.

11 MR. SHUFORD: Okay.

12 MEMBER CREEDON: They are never going to
13 enforce that. And you meant Southold, right?

14 ACTING-CHAIR WALTON: What did I say?

15 MEMBER CREEDON: Suffolk County.

16 ACTING-CHAIR WALTON: Sorry, I did mean
17 Southold. Thank you, Dan.

18 MEMBER CREEDON: I doubt they would come.
19 That would be Alex's job, right?

20 MR. STOLAR: No, they may, and I believe
21 others have had sitdowns and various
22 conversations with the Town and the Town Police
23 Department on this.

24 MR. SHUFORD: And it's written in the
25 noise code as well.

1 MR. STOLAR: It's what came out of, the
2 comments that the Police Department had, is
3 part of what was put into the code, in addition
4 to what the Code Committee's work was, to make
5 sure it's something that the Town Police would
6 enforce.

7 MR. SHUFORD: Because Alex can't be
8 available 24/7.

9 MEMBER CREEDON: No, I understand that.
10 But I know that in the past, in the old code --

11 MR. STOLAR: Yes. They were handcuffed.
12 They were handcuffed. So now they have the
13 opportunity, you know, we'll see this summer.
14 The hope is that it works the right way, as
15 intended. But there is an enforcement
16 mechanism that we expect with the Village to be
17 in place.

18 MEMBER TALERMAN: Yes. And I just want to
19 confirm, my understanding as a Planning Board
20 member, and address Brendan and you, that the
21 granting of an entertainment permit is not a
22 license to do anything outside the code. It's
23 actually a mechanism by which we can enforce the
24 code, giving residents or others the opportunity
25 to make a complaint and have that complaint

1 addressed. And make sure that the property
2 understands they have to operate within the Code
3 and their site plan.

4 So the granting of the permit is not the
5 granting of a license to make noise. It's the
6 granting and the understanding, the mutual
7 understanding, of all of us, that it's, a,
8 residents' and neighbors' responsibility to make
9 appropriate complaints, if you are bothered to
10 an extraordinary degree; and it is incumbent on
11 the property to operate within the code, and
12 then it's up to the police and the resident who
13 files to take the proper actions so that we can
14 then address them.

15 MR. SHUFORD: Yes. And that was going to
16 be my main point to you, is that the
17 entertainment permit application, as it has been
18 written, prior to Brendan's statement of taking
19 away the late night thing, was in my view set up
20 for failure with the new revised noise code.

21 So if the noise code had been in place
22 last year, he would have been in violation of
23 it. So that was my concern was that it was kind
24 of set up for disaster.

25 But now with the exclusion of the

1 regular Saturday night house DJ, I think that is
2 taken care of, so I don't really have anything
3 further than go for it.

4 ACTING-CHAIR WALTON: Right. Thank you,
5 for being here today. And, Mike, other than that
6 we did receive --

7 MR. NOONE: We did receive a letter and
8 petition from Mr. Shuford. I can enter that
9 into the record if you want. But I don't believe
10 it's necessary to read now.

11 ACTING-CHAIR WALTON: So, I'm fine with
12 that, but it should be part of the --

13 MR. NOONE: It will be in the record.

14 MR. SHUFORD: Yes, it all revolved around
15 the Saturday night DJ, so --

16 ACTING-CHAIR WALTON: Okay. One more.

17 MS. WADE: Randy Wade, Sixth Street,
18 Greenport. I would just like to encourage the
19 applicant to have a better attitude. It isn't --
20 to minimize the concerns by saying it's just one
21 person when that person knows millions of people
22 and can effect the way we think about the
23 business in the Village, is just cutting off
24 your nose to spite your face.

25 And like to ignore what the Board said

1 here in this room about putting a hostess stand
2 on the sidewalk at the top of the ped ramp, for
3 months after it was determined that you can have
4 four chairs and two tables, and yet I would go
5 by and see the hostess stand all the time. I
6 would hope that that is not going to happen
7 again this summer.

8 And, yeah, you've got three indoor
9 places, so if you are going to lease out to a
10 wedding party for DJs or parties or anything
11 with amplified, there's so many different ways
12 you can do it.

13 So all the best, and I hope that, yeah,
14 it's on to a better business model. Thank you.

15 MR. SPIRO: Thank you. And just speaking
16 to that, Randy, that's exactly why we have made
17 adjustments, right? We are here to live
18 together, so.

19 ACTING-CHAIR WALTON: Okay, does anybody
20 from the Board have anything else they would
21 like to ask at this time?

22 (No response).

23 Okay, in that case, I move to close the
24 public hearing in respect of the application of
25 47 Front Street Restaurant Corporation dba

1 Anker, for an entertainment permit for the
2 hosting of entertainment and catered events at
3 the property located at 47 Front Street.

4 May I have a second?

5 MEMBER TALERMAN: Second.

6 ACTING-CHAIR WALTON: All in favor? Aye.

7 MEMBER CREEDON: Aye.

8 MEMBER TALERMAN: Aye.

9 MEMBER BUCHANAN: Aye.

10 ACTING-CHAIR WALTON: Motion carries.

11 I am going to again refer you to Section
12 150-51(C) (4) (a) through (j), as opposed to
13 reading the individual determinations, and then
14 I will ask each Board member whether it agrees
15 or disagrees with respect to them.

16 In making such determinations, the Board
17 is relying on information contained in the
18 application as to factual matters, including
19 the proposed operation of the property, history
20 of violations and other such matters.

21 It is also assuming the applicant will
22 operate under the entertainment permit in
23 accordance with applicable Village Code and its
24 currently effective site plans, and any
25 applicable conditional use approvals such as

1 may be in effect from time to time.

2 I'm now going to read the elements.

3 No responsible person has within the
4 past five years been convicted of a felony or
5 misdemeanor that is substantially related to
6 the qualifications, functions or duties of a
7 proprietor or manager of a business, entity or
8 property that hosts entertainment or catered
9 affairs.

10 Next, neither the applicant business,
11 entity or property nor any responsible person
12 has a history of pervasive code violations in
13 connection with the operation of a business
14 providing entertainment or catered affairs.

15 Next, the applicable business, entity or
16 property has not been the subject of a
17 pervasive code violation in the immediately
18 preceding five-years period.

19 Next, the proposed entertainment and/or
20 catered affairs will not unduly interfere with
21 the public health, safety and welfare of the
22 comfort, convenience and order of the Village
23 in general, and the residents in the immediate
24 neighborhood in particular.

25 The nature, scale and operating

1 characteristics of such business, entity or
2 property in providing entertainment or catered
3 affairs are compatible with the existing and
4 future land uses of the surrounding
5 neighborhood.

6 Finally, the proposed operating plan for
7 the -- not finally -- the proposed operating
8 plan for the applicable business, entity or
9 property is sufficient to ensure compliance
10 with applicable provisions of the code and
11 other laws including in respect of occupancy
12 limits, noise and other potential nuisances to
13 the surrounding neighborhood.

14 Appropriate buffering will be in place
15 to reduce any impact of the proposed activities
16 in respect of noise, light or other potential
17 nuisances in the surrounding neighborhood.

18 The proposed entertainment and/or
19 hosting of catered affairs will not generate
20 noise, such character or intensity or duration
21 as to be detrimental to the health or quality
22 of life of reasonable person of ordinary
23 sensibilities.

24 Speakers and any other noise generating
25 equipment are oriented away from residential

1 dwellings or areas.

2 Finally, it does not appear the
3 application contains any false or misleading
4 material information.

5 May I ask each Board member to confirm
6 and agree.

7 MEMBER CREEDON: Agree.

8 MEMBER BUCHANAN: Agreed.

9 MEMBER TALERMAN: Agree.

10 ACTING-CHAIR WALTON: Based on the
11 foregoing determinations I move that the Board
12 approve the application for an entertainment
13 permit for the property located at 47 Front
14 Street dba Anker.

15 May I have a second?

16 MR. STOLAR: Before you do, I assume
17 that's subject to standard conditions and the
18 curtains being closed from when the speakers
19 are being used after 10:00 PM, and the speakers
20 shall face in and down, right?

21 MR. SPIRO: So the curtains are
22 mitigation factors that I believe when we
23 discussed if there would be a separate
24 restaurant. We do close 11:30 to 12:00 and
25 we've never had any noise complaints whatsoever

1 regarding background music with the curtains
2 open. So it's entirely integral to our
3 business model to have the curtains open where
4 people are during dinner hours.

5 MR. STOLAR: So what are you saying, what
6 were you saying with having the curtains
7 closed?

8 MR. SPIRO: So that would be after dinner
9 hours if there was a special catered event that
10 came in, we would close our curtains and
11 provide as much buffering as possible, moving
12 along with directing the DJ to have his
13 speakers --

14 MR. STOLAR: So when there is a DJ for
15 catered events; is that what you are talking
16 about?

17 MR. SPIRO: Because we've never had any
18 other reason.

19 MR. STOLAR: How about live music? Same
20 thing, right?

21 MR. SPIRO: I don't really do live music.
22 Again, if there were, we would take the same
23 steps.

24 MR. STOLAR: So when there is live music
25 or when there is a DJ operating at the

1 facility, they close the curtains.

2 MR. SPIRO: After a specific period of
3 time.

4 MR. STOLAR: After ten o'clock?

5 MR. SPIRO: I mean, you are imposing
6 that. I'm not qualifying whether or not -- what
7 is the proposition here?

8 MR. STOLAR: Well, let me ask, closing
9 the curtains entirely or only facing the alley?
10 That's the next one. Because you have curtains,
11 I assume, facing the waterfront as well.

12 MR. SPIRO: So, last year, I can only
13 speak from experience here, however brief, that
14 was the first time, again, that we even did a
15 DJ, which we are not doing, we closed the
16 front, we didn't see too much problem with the
17 side curtains.

18 MR. STOLAR: The side curtains being --

19 MR. SPIRO: The side curtains being along
20 the alley.

21 MR. STOLAR: Right. Okay.

22 MEMBER CREEDON: So, I have a question
23 then along these lines. The curtains are for
24 after dinner because you like to have them open
25 for dinner when there is quiet accompaniment.

1 MR. SPIRO: That's right.

2 MEMBER CREEDON: And if you have an event
3 or something after dinner. But are we
4 requiring the curtains to be closed if what is
5 being performed is something comparable to what
6 accompanies dinner, like a quiet acoustic
7 performance?

8 ACTING-CHAIR WALTON: That was not my
9 intention when I --

10 MR. STOLAR: He's asking no on that. He's
11 asking that you not impose that condition.

12 MEMBER CREEDON: Right. That's what I'm
13 getting at. Because I don't think that we need
14 to impose that if it's not the amplified, loud
15 music.

16 ACTING-CHAIR WALTON: Right. And when I
17 suggested that, it was not my intention to
18 require it to be closed all the time.

19 It was my intention to ask that it be
20 closed if there is amplified DJ music or
21 amplified live music.

22 MR. SPIRO: And I would absolutely agree
23 to that.

24 MR. STOLAR: Okay.

25 MR. SPIRO: After what time? Ten?

1 ACTING-CHAIR WALTON: 10:00 p.m.

2 MR. SPIRO: 10:00 p.m. is the --

3 MR. STOLAR: Yes. You said that's your
4 dinner hour. Dinner hour goes 'til 10:00 and
5 afterwards is your late night.

6 MR. SPIRO: I mean, again, if someone is
7 requesting to have a band or two-piece band for
8 an event that they are booking us out for, it
9 becomes a discussion with them that I can,
10 yeah, push it, or close it at ten, if that's
11 what you guys are saying, but I would like the
12 opportunity, when those events come around, to
13 just be tied to the entertainment permit, which
14 is 12:30, which I think is a little more
15 appropriate in this situation.

16 They are few and far between, number
17 one. And number two, we are competing with
18 other businesses when we get calls for these
19 types of special events, and if I present
20 something that, because of our venue right now,
21 amongst ourselves, it limits my ability to
22 compete with another business who operates the
23 same way, I could lose revenue.

24 MEMBER TALERMAN: Point of clarification.
25 The limit of 10:00 is not the end of the music.

1 From 10:00 to 12:30, your request is that if you
2 have music beyond your typical background music,
3 that the curtain is to be closed. That noise
4 mitigation takes place. That is what we are
5 requesting.

6 MEMBER CREEDON: When you say "music
7 beyond" are you saying music beyond that time or
8 music beyond that volume?

9 MEMBER TALERMAN: I mean music beyond the
10 volume. Music beyond the traditional background
11 noise for which you don't seem to have any
12 objections from the neighbors. The objections
13 may come in, it sounds like from you, if a third
14 party, a DJ, or any form of catered event or
15 something other than your speakers are being
16 used, then from 10:00 PM onward, the late night
17 period, there should be sound mitigation. And
18 you have shared with us that your sound
19 mitigation is to close the curtains. Closing
20 some of the curtains and not others is a bit
21 vague.

22 MR. SPIRO: So I would like to propose
23 perhaps we can agree to agree, and use the
24 mechanism in place, which is the entertainment
25 permit, and if we seem to be at any point in

1 time, you know, creating a noise violation,
2 then the violation should speak for itself, and
3 of course we would then have to answer to that.

4 But we are not going to continue to get
5 any sort of violations and we are saying we are
6 going to live within the confines of the
7 current entertainment permit as its written.

8 But if it just becomes, I'm just
9 explaining, it becomes very, very difficult to
10 sort of have these push and pull conversations
11 with someone that is offering to purchase
12 services from your venue.

13 And so to that effect, if we can, I
14 would like to propose that we just have no
15 stipulation except for the DJ, which we already
16 agreed to --

17 MEMBER CREEDON: What is the stipulation
18 for the DJ?

19 MR. SPIRO: We are not doing any internal
20 programming with DJ's.

21 MEMBER CREEDON: Okay, so I see DJs, and
22 I'm supportive of that. But I see DJs the same
23 as a guitar with a speaker, as opposed to a
24 guitar without a speaker. We're talking about a
25 small space, right?

1 MR. SPIRO: It's very small.

2 MEMBER CREEDON: Half the size of this
3 room, roughly?

4 MR. SPIRO: Yes.

5 MEMBER CREEDON: Okay. So I get, you
6 know, DJ after a certain hour, or maybe none at
7 all, but I don't know that you need to take
8 drastic measures if you have quiet music.

9 ACTING-CHAIR WALTON: I think we are
10 proposing that.

11 MEMBER CREEDON: No, I think where a lot
12 of this --

13 ACTING-CHAIR WALTON: It's getting
14 circular and mirky. My original proposal was
15 that the curtains be drawn on the side facing
16 east, and the waterfront, which I think is what,
17 where the sound will carry.

18 MEMBER CREEDON: You mean west?

19 ACTING-CHAIR WALTON: If there is --

20 MEMBER BUCHANAN: There doesn't seem to
21 be any complaints from the west. It call came
22 from the east.

23 So again, I think it also depends on
24 what the materials are that the curtains are
25 made of, right? Because if it's some sort of

1 sound dampening or whatever device, fabric or
2 whatnot, I will say like having been at other
3 places that play music late night, there are in
4 the village, they drop these blankets, they do
5 these things to make sure -- it's still, the
6 music still gets out. But I think that's the
7 difference.

8 I was just looking at a picture I had on
9 my phone of Anker from the water, and, because I
10 think if it's just those, I don't know what the
11 curtains are. I think if it's just those
12 plastic flaps and things like that, I don't know
13 if that's any different than like a shower
14 curtain, right? Because it's not really meant --
15 it's meant to keep the elements out. I don't
16 know that noise is kept beyond that. It's
17 similar to like with like the striped awning,
18 right? There's no hard surface, there's no
19 buffering in there.

20 So it just might be something where, you
21 know, when you look at like Claudio's for
22 example out there, they have that shell where
23 the bands play. Maybe something like that that
24 you can put in place that would do something.

25 I think it's more like finding ways to

1 do that, because I think everybody here wants
2 you to be successful and wants you to be able to
3 do that. I think that's just where it's kind of,
4 you know, pulling a curtain, if it's just a
5 piece of plastic might not be enough if there is
6 a DJ. And it's just more thinking on your
7 behalf that way.

8 MR. SPIRO: I understand. If we are
9 talking about the south end of the west side, I
10 have to do that. I'm just worried about the
11 ventilation of the space on a hot summer night,
12 and then we have a client that we really have
13 to provide the best type of services that we
14 know how.

15 MEMBER CREEDON: Why the south? Is there
16 any residences over there? That's toward the
17 left.

18 MR. SPIRO: Well, the south is the water
19 and that seems to be where some of the sound
20 does carry.

21 MEMBER CREEDON: But is that an issue?

22 ACTING-CHAIR WALTON: Well, it can be for
23 the marina people sleeping on boats in the
24 marina, and it can be for the way the noise
25 travels out that general area, so I think it's

1 reasonable to have some air --

2 MR. STOLAR: If I may, while I'm here.
3 First, obviously he's asking to pull back the
4 curtain mitigation, and as Mr. Buchanan is
5 saying, there is nothing that we in terms of
6 information that demonstrates that it will in
7 fact have an impact with regard to the noise.

8 So rather than add it as a condition,
9 rely on the noise code as an element, and if in
10 a fact something happens later where it's not
11 in compliance, if they want to come back and
12 propose something and then give us details on
13 what a curtain or other kind of mitigation
14 would be, that could happen as well.

15 So my suggestion would probably be to
16 not impose a curtain requirement, leave that
17 out, and it will be subject to the noise law,
18 and if in fact they come back because there is
19 a violation later on, for a new permit, we can
20 deal with it.

21 ACTING-CHAIR WALTON: I think my
22 preference, I think while I take Shawn's point
23 that if we don't know to what degree it will
24 help mitigate, I think it will help mitigate to
25 some degree. Because that is what Claudio's has

1 used, sort of heavy plastic.

2 So I would prefer to see the
3 stipulations stay if further, and then rely on
4 the code itself if any additional mitigation
5 needs to happen.

6 MR. STOLAR: Okay.

7 MEMBER BUCHANAN: That's more where I was
8 going, like it was like having the right
9 material, because I think, I do think,
10 realistically, plastic is just like singing in
11 the shower, right, it's going right through a
12 shower curtain. I don't know if that is going
13 to be enough with a DJ if this is something you
14 are trying to solve for when you are having
15 these events. Whereas I think if there was
16 something, a different material that you were
17 saying you were going to do, that would be, I
18 think that would make it more likely that we
19 would not have this conversation.

20 MR. SPIRO: I completely understand what
21 we were discussing and I appreciate everyone's
22 input. All I'm saying is we also, neither of
23 us know, and with all due respect, it seems
24 like the shower curtain does have really
25 fastidious zippering and, you know, it does its

1 job, or else I would have put in the plan and
2 the application some other form that was maybe
3 greater than what we currently have. I feel
4 like it's doing the job. But again, this is
5 the first two years of this. We have to figure
6 out, you know, is this really doing it. And
7 then you can always speak with us honestly
8 about how, you know, hey, Brandon, you've got
9 some complaints, we are putting a stipulation
10 on your following entertainment permit, and we
11 would have to obviously comply with this.
12 Because what we're doing is not really, you
13 know, protecting the rest of the community from
14 whatever they might be opposed to, right?

15 So right now I feel, if you lose the DJ,
16 internal programming, if there is an
17 opportunity for, which by the way also doesn't
18 happen, but I know we can't speak for
19 instances, we have to speak for, you know, the
20 whole year, if and when I do have a client that
21 wishes to bring in a DJ, we are going to take
22 it upon ourselves to provide some sound
23 mitigation, both the south and west, I think is
24 totally appropriate, leaving some ventilation
25 area, and of course I think we can all agree

1 that a private event generally is not as,
2 maybe, I mean, I didn't feel even last year we
3 were completely out of order with providing
4 music with our late-night cuisine, but,
5 regardless, I think I'm advocating again,
6 requesting, that we live by the entertainment
7 permit as it was written and adopted by the
8 Village and the public, and if there is any
9 problems with that, we are clearly going to
10 have to accept the ramifications of both
11 citations, violations and then meeting with the
12 Planning Board again.

13 ACTING-CHAIR WALTON: I just want to, you
14 said south and west. I think you meant south
15 and east.

16 MR. SPIRO: South and east. Excuse me.
17 Yes.

18 MEMBER CREEDON: My only concern really
19 is that, if the business runs afoul of the noise
20 ordinance and then coming back, we take a couple
21 of months to address these things. They come
22 back the next meeting and the next meeting.

23 I think it would be, and maybe it's not
24 workable, but I think it would be a good idea
25 that if you ran afoul of the noise ordinance

1 with the DJ or amplified music, in the
2 intervening time you would be able to play quiet
3 music that you have been able to play in the
4 restaurant.

5 ACTING-CHAIR WALTON: There's nothing
6 restricting him from doing that, so --

7 MEMBER CREEDON: No, but if he gets a
8 violation and then can't play music at all, the
9 summer is gone by the time we address it again.
10 And I'm just saying I think that the normal
11 type of music that you play for dining should
12 be able to continue that at the end.

13 ACTING-CHAIR WALTON: I appreciate your
14 concern because we do want to support the
15 businesses in the Village and make sure that
16 they are able to be competitive and provide the
17 entertainment that many people come to Greenport
18 for. So I appreciate what you are saying.

19 Because this is a new element to the
20 code, I think we will have to let it play out to
21 some degree. We can't anticipate exactly how
22 things will proceed, progress, during the
23 summer. But I don't think it's anyone's
24 intention to shut a business down because there
25 is an issue or complaint and, you know, one

1 instance, what I'm hearing from the applicant is
2 that they want to work with and be a good
3 neighbor, and want to work with the community
4 and be respectful of that. They've agreed to
5 keep the curtains down if there is amplified
6 live or DJ music. I appreciate that effort.
7 They have agreed to forego the weekly party or
8 late-night entertainment.

9 So I think we -- and we have included
10 this stipulation as part of our approval. So I
11 think we need to let it rest and trust that the
12 applicant is true to his word in terms of
13 respecting the needs and welfare of their
14 neighbors.

15 MR. SPIRO: Would it be possible for the
16 Village lawyer to read back what precisely those
17 stipulation are? Because I'm still a little --
18 there has been a lot of back and forth, and I'm
19 a little unclear of what they are precisely.

20 MR. STOLAR: Compliance with the noise
21 law, curtains closed when there is amplified DJ
22 or live music, and speakers shall face in on
23 the roof deck and down in toward the tables.

24 MR. SPIRO: And no regular inhouse
25 Saturday night DJ.

1 MR. STOLAR: Correct.

2 MR. SPIRO: That's in there as well?

3 MR. STOLAR: Yes.

4 MR. SPIRO: Okay.

5 MEMBER CREEDON: That's all for the
6 outside deck, right? Not if they were doing
7 something inside?

8 MR. STOLAR: Correct.

9 ACTING-CHAIR WALTON: I would like to
10 make a motion to approve the application for an
11 entertainment permit for the property located
12 at 47 Front Street, dba Anker.

13 Do I have a second?

14 MEMBER BUCHANAN: Second.

15 ACTING-CHAIR WALTON: All in favor? Aye

16 MEMBER CREEDON: Aye.

17 MEMBER TALERMAN: Aye.

18 MEMBER BUCHANAN: Aye.

19 MR. STOLAR: And, to be clear, the
20 conditions we laid out as Mr. Shuhold reminded
21 us of.

22 ACTING-CHAIR WALTON: Yes. Thank you, Brian.
23 With those conditions for sure.

24 The motion carries.

25 Okay, the next order of business is a

1 public hearing, discussion and possible motion
2 to approve the application of 48 Front Street
3 Restaurant Corporation, doing business as Green
4 Hill Kitchen.

5 The applicant is applying for an
6 entertainment permit pursuant to Section 150-51
7 of the Village Code, requiring Planning Board
8 approval.

9 The property is located at 48 Front
10 Street and is in the Commercial Retail District
11 and not located in the Historic District. It is
12 at SCTM No. 1001-4-10-32.

13 And the applicant is at the podium.
14 Thank you, for your application.

15 Anything with respect to this particular
16 property that you would like to --

17 MR. SPIRO: I would just like to say that
18 Green Hill Kitchen has been approved previously
19 for live music with the Planning Board and we
20 already have and abide by whatever stipulations
21 were there. We have never received any noise
22 code violations nor have we received any
23 citations in the four-and-a-half years of
24 operating the business.

25 We provide a beautiful sound stage and

1 equipment, a back line for local musicians, we
2 feel like, and open-mic nights, and we feel we
3 are an asset to the community. And having said
4 that, we are pretty much isolated, and I think
5 that's a boon for our business to not have had
6 any noise violations.

7 We are completely surrounded by
8 essentially closed commercial businesses
9 throughout the evening. But having said that,
10 most of our bands end at 10:00 PM and some at
11 11:00 p.m. We do catered events later than that
12 but we do have sound mitigation both with the
13 curtains on the outside deck and then also on
14 the interior of the space we close the doors, if
15 there is any music that can potentially
16 penetrate out.

17 ACTING-CHAIR WALTON: Thank you. And when
18 you mentioned that you do have approval from the
19 Planning Board in the past for entertainment,
20 that was not specifically the entertainment
21 permit. The permit exists, it was site plan.

22 MR. SPIRO: Correct

23 ACTING-CHAIR WALTON: Okay, thank you.
24 Since you've completed and submitted the
25 application, I would like to confirm orally

1 that you have reviewed Chapter 150-51 of the
2 Code and generally understand the requirements
3 thereof, in particular the requirements of
4 Section 150-51D of the code relating to the
5 operations of the property in connection with
6 hosting of entertainment and catered events.

7 Similarly, I would like to confirm that
8 you are aware of the provisions of Chapter 88
9 entitled Noise of the Village Code, which are
10 applicable to your business, in particular the
11 provisions of Section 88-5, which relate to the
12 use of sound reproduction devices which are
13 commonly used in connection with entertainment.

14 I would note that Chapter 88 of the code
15 has recently been amended. And finally I would
16 like to confirm that to the best of your
17 knowledge that the information and materials
18 you have provided in your application do not
19 conflict with or otherwise contemplate altering
20 the premises in a way that would conflict with
21 any existing approvals applicable to the
22 property, including previous site plan
23 approval. Please confirm.

24 MR. SPIRO: I confirm.

25 ACTING-CHAIR WALTON: Okay, and

1 acknowledge the following:

2 No responsible person of the business or
3 entity has been convicted of any criminal
4 offenses, whether misdemeanor or felony, within
5 the past five years.

6 MR. SPIRO: No.

7 ACTING-CHAIR WALTON: There are no known
8 code violations of any responsible person, of
9 property owned by possible person or business
10 operated by responsible person in New York State
11 within the last five years.

12 MR. SPIRO: So, no.

13 ACTING-CHAIR WALTON: The Building
14 Inspector may request additional information as
15 deemed necessary to review and administer the
16 provisions of the Chapter.

17 MR. SPIRO: Yes.

18 ACTING-CHAIR WALTON: There are no
19 covenants and/or restrictions in your site plan
20 that would conflict with this approval?

21 MR. SPIRO: No.

22 ACTING-CHAIR WALTON: And I would like
23 now to have the Village confirm as to whether
24 there are any outstanding code and/or site plan
25 conditional use violations with respect to the

1 relevant business.

2 MR. NOONE: There are no violations
3 outstanding.

4 ACTING-CHAIR WALTON: Does anyone from
5 the Board have any questions or comments in
6 respect to this application at this time?

7 (Negative response).

8 ACTING-CHAIR WALTON: Okay, thank you.

9 I now would like to open it up to any
10 member of the public to address the Board in
11 respect to the application.

12 (No response).

13 Hearing none. And, Mike, we have not
14 received any written --

15 MR. NOONE: No correspondence regarding
16 this property.

17 ACTING-CHAIR WALTON: Thank you. Anything
18 else further from the Board?

19 (No response).

20 In that case, I would like to make a
21 motion to close the public hearing in respect
22 of the Application of 48 Front Street
23 Restaurant Corporation for an entertainment
24 permit for the hosting of entertainment and
25 catered events at the property located at 48

1 Front Street. May I have a second?

2 MEMBER BUCHANAN: Second.

3 ACTING-CHAIR WALTON: All in favor? Aye.

4 MEMBER CREEDON: Aye.

5 MEMBER TALERMAN: Aye.

6 MEMBER BUCHANAN: Aye.

7 ACTING-CHAIR WALTON: Motion carries.

8 I'm going to revert back to our
9 agreement earlier that rather than read all of
10 the stipulations, I'm going to refer you to
11 Section 150-51C(4) (a) through (j). And I would
12 like each member to confirm that they agree or
13 disagree with those determinations.

14 In making such determinations, the Board
15 is relying on the information contained in the
16 application as to factual matters, including
17 proposed operations of the property, history of
18 violations and other such matters. It is also
19 assuming that the applicant will operate under
20 the entertainment permit in accordance with
21 applicable Village Code, and it's currently
22 effective site plan and any applicable
23 conditional use approvals as such may be in
24 effect from time to time.

25 MEMBER TALERMAN: I'll confirm and agree.

1 MEMBER CREEDON: Agree.

2 MEMBER BUCHANAN: Agree

3 ACTING-CHAIR WALTON: Thank you. Based on
4 the foregoing then, I move that the Board
5 approve the application for an entertainment
6 permit for the property located at 48 Front
7 Street dba, Green Hill Kitchen.

8 May I have a second?

9 MEMBER BUCHANAN: Second.

10 ACTING-CHAIR WALTON: All in favor? Aye.

11 MEMBER CREEDON: Aye.

12 MEMBER TALERMAN: Aye.

13 MEMBER BUCHANAN: Aye.

14 ACTING-CHAIR WALTON: The motion carries.

15 Okay, we're almost there.

16 The next item on the agenda is any other
17 Planning Board business that might come
18 properly before the Board. Does anyone on the
19 Board have any business?

20 MEMBER CREEDON: Just real quick. I
21 realize we have all this, we had quite a
22 struggle trying to find a regular time to meet.
23 And I guess it's Fridays. But I think maybe when
24 there's five of us here, we should consider
25 instead of every other Friday, having two

1 consecutive Fridays because that gives us like a
2 three-week break. This kind of takes away the
3 whole month from going anywhere. It's difficult
4 to plan being out of town.

5 So if we did like the first and second
6 Friday, or the second and third Friday, or the
7 last Friday and the first Friday of the next
8 month, anything like that.

9 MR. STOLAR: I mean, depending on what
10 you have application wise.

11 MEMBER CREEDON: I'm okay with that, too.
12 But two in a row -- every other Friday wipes out
13 travel plans, if you want.

14 MEMBER BUCHANAN: Yes.

15 ACTING-CHAIR WALTON: I would certainly
16 be happy to have that conversation.

17 MEMBER CREEDON: Okay. I think it's
18 important to have it when all five of us are
19 here. So I'm not suggesting that we vote now.

20 ACTING-CHAIR WALTON: I agree. But it's
21 also important to recognize that we are coming
22 out of a moratorium, there is new elements to
23 the Code, for example, entertainment permits,
24 and therefore there may be a need to have a
25 meeting more than once a month. But I thank

1 that is definitely worth a discussion, both the
2 timing as well as the frequency.

3 MEMBER CREEDON: Thank you.

4 ACTING-CHAIR WALTON: So finally, then,
5 if there is not anything else, may I have a
6 motion to adjourn the meeting.

7 MEMBER TALERMAN: So moved.

8 ACTING-CHAIR WALTON: Second?

9 MEMBER BUCHANAN: Aye.

10 ACTING-CHAIR WALTON: All in favor?

11 (ALL AYES).

12 ACTING-CHAIR WALTON: Thank you.

13 (The time noted is 5:58 p.m.)

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

STATE OF NEW YORK)

) SS:

COUNTY OF SUFFOLK)

I, WAYNE GALANTE, a Notary Public in and for the State of New York, do hereby certify:

THAT the within transcript is a true record of the proceedings taken on April 26, 2024.

I further certify that I am not related either by blood or marriage, to any of the parties in this action; and

THAT I am in no way interested in the outcome of this matter.

Wayne Galante
WAYNE GALANTE