

1 VILLAGE OF GREENPORT
2 COUNTY OF SUFFOLK : STATE OF NEW YORK
3 -----x
4 PLANNING BOARD
5 WORK SESSION, PUBLIC HEARINGS & REGULAR MEETING
6 -----x
7 January 10, 2025
8 4:00 p.m.
9 Station One Firehouse
10 236 3rd Street
11 Greenport, New York 11944
12
13 Before:
14
15 PATRICIA HAMMES - Chairwoman
16 DANIEL CREEDON - Member
17 ELIZABETH TALERMAN - Member
18 FRANCES WALTON - Member
19 SHAWN BUCHANAN - Member
20
21 ALSO PRESENT:
22
23 MICHAEL NOONE - Clerk to the Board
24 BRIAN STOLAR - Village Attorney
25

1 CHAIRWOMAN HAMMES: Good afternoon,
2 and welcome to the Village of Greenport
3 Planning Board work session, public hearing
4 and regular meeting for January 10th, 2025.

5 The current time is 4:01 PM, and I
6 hereby call this meeting to order. This
7 meeting is a public meeting.

8 As a reminder to anyone from the
9 public that may be invited to speak today,
10 please start by slowly and clearly stating
11 your full name and address for the record.

12 In addition, please remember that all
13 comments should be addressed solely to the
14 Planning Board and not to any person or in the
15 audience, thank you.

16 The first order of business is a
17 motion to accept and approve the Minutes of
18 the August 23rd, 2024 Planning Board work
19 session, public hearing and regular meeting.

20 I so move to accept and approve these
21 Minutes. Do I have a second?

22 MEMBER WALTON: Second.

23 CHAIRWOMAN HAMMES: All those in
24 favor? Aye.

25 MEMBER CREEDON: Aye.

1 MEMBER TALERMAN: Aye.

2 MEMBER WALTON: Aye.

3 MEMBER BUCHANAN: Aye.

4 CHAIRWOMAN HAMMES: Opposed?

5 (No response).

6 None. Motion passes.

7 The next order of business today is
8 to schedule a Planning Board work session and
9 meeting for the following days and times:
10 4:00 p.m. on Monday, January 27th, 2025, and
11 4:00 p.m. on Friday, February 7th, 2025.

12 I know, Elizabeth, you just told me
13 you will not be able to make the 27th meeting.

14 Is there anybody else that will not
15 be able to make that meeting?

16 MEMBER BUCHANAN: I just changed a
17 conflict, so I can be there.

18 CHAIRWOMAN HAMMES: So we'll have a
19 quorum.

20 So I would make a motion to schedule
21 those meetings for those two dates.

22 Do I have a second.

23 MEMBER BUCHANAN: Second.

24 CHAIRWOMAN HAMMES: All those in
25 favor? Aye.

1 MEMBER CREEDON: Aye.

2 MEMBER TALERMAN: Aye.

3 MEMBER WALTON: Aye.

4 MEMBER BUCHANAN: Aye.

5 CHAIRWOMAN HAMMES: Opposed?

6 (No response).

7 None. Motion passes.

8 So, before we move to the next agenda
9 item, I had a question for Counsel. I think
10 we had some back and forth on e-mail about
11 this. Not that I care about doing this at
12 every meeting, but is this something we really
13 need to pass, I mean, for instance this
14 meeting was not, we didn't pass a motion for
15 this meeting because we have not met since
16 August.

17 MR. STOLAR: If there are rules that
18 you have specific to your Board, I'll take a
19 quick look. If not, then it's generally at
20 the call of the Chair.

21 CHAIRWOMAN HAMMES: Okay, I mean, I
22 would propose to drop this, given that we tend
23 to cancel the meetings on the ground.

24 MR. NOONE: And they are on the
25 Village calendar, unless they are going to be

1 cancelled, at which time they are --

2 CHAIRWOMAN HAMMES: Right.

3 MR. NOONE: (Continuing) they will
4 cancel.

5 CHAIRWOMAN HAMMES: Okay, so if you
6 can just check that, Brian, and confirm before
7 our next meeting, then we can get rid of this
8 as agenda items.

9 But, anyway, related to the
10 foregoing, I just wanted to walk through the
11 proposed dates for this calendar year's
12 Planning Board meetings. This has been sent
13 around to the Planning Board previously, and I
14 believe it's on the village website. But this
15 year is going to be a little different. We are
16 going to try schedule these for alternating
17 between Fridays and Mondays due to some
18 requests from some of the Planning Board
19 members.

20 So I'm just going to walk through
21 what the current dates are that are scheduled.
22 So, Monday January 27th; Friday, February 7th;
23 Monday, February 24th; Friday, March 21st.

24 MEMBER CREEDON: Hold on. Can you go
25 just a little bit slower?

1 CHAIRWOMAN HAMMES: Sure. Do you want
2 me to go back to the beginning?

3 MEMBER CREEDON: No. February 24th was
4 after February 7th, correct?

5 CHAIRWOMAN HAMMES: February 24th was
6 after February 7th. Then there's Friday, March
7 21st.

8 MEMBER CREEDON: Do you want to know
9 at this time if we'll be here or not?

10 CHAIRWOMAN HAMMES: No, you can e-mail
11 me separately.

12 MEMBER CREEDON: Okay.

13 CHAIRWOMAN HAMMES: Friday, April 4th;
14 Monday, April 28th; Friday, May 9th; Monday,
15 May 19th; Friday, June 20th; Friday, July
16 11th; Monday, July 28th; Friday, August 15th;
17 Friday, September 5th.

18 MEMBER CREEDON: Wait a minute. What
19 is the one before that?

20 CHAIRWOMAN HAMMES: Friday, August
21 15th; then Friday, September 5th; Monday,
22 September 22nd; Friday, October 10th; Monday,
23 October 27th; Friday, November 4th; Monday
24 November 24th; and --

25 MEMBER CREEDON: Did you say November

1 4th?

2 CHAIRWOMAN HAMMES: I said Friday
3 November 4th. Is that a Friday?

4 MEMBER CREEDON: No.

5 CHAIRWOMAN HAMMES: Okay, is it a
6 Monday?

7 MEMBER CREEDON: No, the 4th is a
8 Tuesday.

9 CHAIRWOMAN HAMMES: Then maybe it's
10 the 3rd, sorry. And then Monday, November
11 24th.

12 I have to check that. I'll check on
13 that Friday when I check the calendar. I'll
14 get back to everybody on that one. And then
15 Friday, December 12th.

16 Okay, a decision that will be made as
17 to whether a particular meeting will be held
18 at least one week prior thereto based on
19 whether any agenda items are pending and have
20 been properly noticed.

21 As everybody knows, we haven't had a
22 meeting since August, so it will depend on the
23 agenda. And all meetings will be at 4:00 p.m.,
24 and will be held here at the firehouse.

25 Are there any questions or concerns

1 right now on the scheduling part?

2 MEMBER CREEDON: One question. The
3 one that precedes October 27th, what was that
4 date?

5 CHAIRWOMAN HAMMES: October 10th.

6 MEMBER CREEDON: October 10th. Then
7 the one on September 22nd, Rosh Hashana begins
8 that day. It's not an issue for me but it
9 begins at sundown and I don't know --

10 CHAIRWOMAN HAMMES: Well, sundown
11 would be after 7:00 that day anyway, right?

12 MEMBER CREEDON: We can look that up
13 easily. Yeah, probably seven to seven is the
14 sun -- 12 hours.

15 CHAIRWOMAN HAMMES: I'll note that,
16 but we can decide about that closer to that
17 time depending on what our agenda looks like.

18 MEMBER CREEDON: Okay.

19 CHAIRWOMAN HAMMES: Okay, so everybody
20 on the Board, if you know you have days you
21 are going to have to block out, if you can
22 e-mail separately and then I'll check to make
23 sure that at least it looks like we'll have a
24 quorum for these days, or if there is
25 something that needs to be revisited at the

1 next meeting. But for now that's the intent
2 of the schedule, okay?

3 All right, the next order of business
4 is a discussion on Proposed Local Laws 25-01
5 and 25-02, which propose to amend the
6 Village's zoning map in respect of certain
7 lots associated with the Greenporter Hotel.

8 The Board of Trustees opened up a
9 public hearing on these draft laws last week.
10 Any proposed amendment to the Zoning Map is
11 required to be referred to this Board for our
12 input pursuant to Section 150-32 of the Code.

13 Section 150-33 of the Code sets forth
14 the points of inquiry and determination that
15 this Board is to take into account in
16 providing feedback to the Board of Trustees in
17 respect of a particular zoning map change.

18 These include the following points:

19 (1) whether the uses permitted by the
20 proposed amendment would be appropriate in the
21 area concerned;

22 (2) whether adequate public school
23 facilities and other public services exist or
24 can be created to serve the needs of any
25 additional residences likely to be constructed

1 as a result of any proposed zoning change, to
2 the extent applicable.

3 (3) whether the proposed change is in
4 accord with any existing or proposed plans in
5 the vicinity;

6 (4) the effect of the proposed
7 rezoning upon the growth of the Village as
8 envisaged by the comprehensive development
9 plan for the Village, and;

10 (5) whether the proposed amendment is
11 likely to result in an increase or decrease in
12 the total zoned residential capacity of the
13 Village and the probable effect thereof.

14 I'm going to break the discussion on
15 these two local laws into each local law
16 separately, as I believe there are different
17 considerations for each local law.

18 First, to summarize the substance of
19 Proposed Local Law 25-01. This law proposes
20 to rezone one of the three lots currently
21 comprising the property operated by the
22 Greenporter Hotel, and which is currently
23 split zoned between the CR Retail Commercial
24 District and the R2 One/Two-Family Residence
25 District.

1 This amendment would rezone those to
2 be solely CR Retail Commercial.

3 The relevant lot is located at
4 Suffolk County Tax Map District 1001, Section
5 4, Block 8, Lot 29.

6 I understand that there was some
7 discussion at the Board of Trustees meeting
8 last week as to whether this rezoning
9 amendment was necessary in light of Section
10 150(D) of the code, which provides that when a
11 lot is divided into two districts and more
12 than 50% of the area of such lot is in the
13 less restricted district, the less restricted
14 district uses shall apply to such portion, to
15 the extent that it lies within 30 feet of the
16 applicable district boundary.

17 I guess I'll open this up to the
18 Board for any thoughts that anybody has on
19 this. I have my own thoughts, but I'll maybe
20 start with Shawn and work our way down.

21 MEMBER BUCHANAN: So the only question
22 that I had about this is, it was really
23 related to going back to does it really, is
24 there any need to really do this. Like does it
25 really impact anything. They were more

1 thinking as time goes on, like, I know that
2 this is the part that's attached to the
3 property currently, and that's what we are
4 talking about. But as the one, the lot next
5 to that becomes an issue.

6 So the house next to that, if it is
7 rezoned, burns down, does this encroach creep
8 for something to continue the commercial
9 district? And it's just a question that I
10 had, I don't know that it really matters for
11 anything except, you know, at some point it's
12 not with this, but that was kind of my biggest
13 overall question in regard to rezoning it.

14 CHAIRWOMAN HAMMES: Okay. I mean each
15 one would be looked at, analyzed on a
16 case-by-case basis, so. All right? Frances?

17 MEMBER WALTON: So we are talking about
18 the --

19 CHAIRWOMAN HAMMES: We are just
20 talking about the rezoning of the split zone
21 right now.

22 MEMBER WALTON: The split zone right
23 now. Which seems to make sense to me because I
24 don't see any downside to doing it. It's how it's
25 been used for as long as I can remember, and I

1 don't see any benefit to not. It seems more like
2 a clean-up than a substantial change.

3 MEMBER TALERMAN: Yes, I actually have
4 a question. Is this a spot-zoning amendment or
5 an overarching Zoning Board change?

6 CHAIRWOMAN HAMMES: I don't know that
7 I know the answer to that. The second one I
8 think is more of a spot rezoning whereas this,
9 to me, appears to be frankly more of a
10 clean-up, since, as Frances said, it's already
11 being used in a commercial manner.

12 So what we are solely talking about
13 right now is the lot that is already part of
14 the existing Greenporter property and is used
15 as a driveway and partial parking.

16 MEMBER TALERMAN: So to me this is
17 just a point of clarification in the Zoning,
18 and a confirmation that this part of the lot
19 does conform to --

20 CHAIRWOMAN HAMMES: Well, it legalizes
21 it. I mean, since we are getting into this, I
22 might as well say what my views are at this
23 point. I mean, my personal view on this is
24 that while the current uses are probably
25 permissible under that section 150(D), I think

1 that it's also probably an existing
2 non-conforming use within the R2 District.

3 So while the amendment might not
4 technically be necessary, again, I agree with
5 Frances, that I don't see any downside to
6 making the amendment because I don't think
7 that that piece of the property is ever going
8 to be used residentially. It's a piece of one
9 larger piece of property that is combined with
10 two others to work for the hotel. And I think
11 when I worked through the criteria that we are
12 supposed to look at, it doesn't really seem to
13 kind of fall within any of those in terms of
14 creating any issues.

15 So, my personal view then why
16 wouldn't you do this to clean it up other than
17 maybe you don't want to go through the hoops
18 of doing it, but the process has already been
19 started.

20 Now, it's possible that legal counsel
21 and the Trustees may have a different view on
22 that, but that was my view on it.

23 MEMBER TALERMAN: I agree with your
24 view and Frances' completely, that this seems
25 in keeping with current use and it

1 memorializes it.

2 CHAIRWOMAN HAMMES: Dan, do you have
3 anything you want to add?

4 MEMBER CREEDON: Just to say that I'm
5 in favor of this change being made.

6 CHAIRWOMAN HAMMES: All right. Now
7 we'll turn to Proposed Local Law 25-02.

8 This Proposed Local Law proposes to
9 rezone the property located at Suffolk County
10 Tax Map 1001, Section 4, Block 8, Lot 28,
11 which is directly adjacent on the, I believe
12 the north side of the current three lots
13 owned and operated by the Greenporter Hotel.

14 As I understand it, the lot that is
15 currently owned by a third party, but the
16 owners of the Greenporter Hotel are currently
17 in contract to buy this lot with intention to
18 use it to provide additional parking for the
19 Greenporter Hotel and restaurant in connection
20 with the proposed expansion of the hotel and
21 restaurant.

22 In April of last year this Board
23 issued a pre-submission report in respect to
24 the proposed expansion of the Greenporter
25 Hotel and Restaurant. In that report one of

1 the issues of concern that was identified by
2 this Board was the potential impact the
3 proposed expansion would have on safety and
4 traffic in the surrounding areas and streets,
5 as well as potential issues related to
6 insufficient parking and loading and unloading
7 areas on the property.

8 This Board in that report made a few
9 suggestions to the applicant for its
10 consideration in connection with addressing
11 these concerns. Amongst others, the
12 suggestions included (A), a request for the
13 Board of Trustees to consider making the
14 eastern side of 4th Avenue a "no parking/no
15 stopping" area. And (B), giving consideration
16 to the acquisition of adjacent property to
17 accommodate the potential increase demand for
18 parking spaces related to the proposed
19 expansion.

20 As this Board is aware, traffic
21 management, safety, and parking concerns have
22 been the biggest issues that have arisen in
23 connection with this Board's review of various
24 proposed site plans and requests for
25 conditional uses.

1 While parking per se is generally
2 viewed as less of a concern in and of itself,
3 the lack of parking for particular types of
4 businesses can raise significant traffic
5 management concerns as well as have a
6 potential for significantly negatively impact
7 safety in the surrounding area of a business
8 and have a significant negative impact on
9 surrounding residential communities.

10 This Board has recognized these
11 challenges and has also recognized that there
12 is no comprehensive overview of parking
13 resources and traffic impacts on the Village.

14 In July of last year this Board sent
15 a letter to the Board of Trustees relating to
16 a number of these issues including requesting
17 that the Board undertake a comprehensive
18 traffic and parking study in order to assist
19 this Board in its review of the impacts of
20 proposed site plans and uses in the CR Retail
21 Commercial District.

22 In that same letter this Board also
23 specifically requested that the Board of
24 Trustees consider amending Schedule 14 of
25 Section 150-52 of the code to prohibit

1 stopping, standing and parking on 4th Avenue,
2 and undertake a review of the route of the S92
3 bus and its impact on traffic, safety and
4 parking in the downtown areas of the Village.

5 The Board of Trustees has never
6 responded to these requests or the Board's
7 letter, and to my knowledge never even
8 discussed in any detail the matters set forth
9 that letter. It may make sense to include a
10 copy of this letter in connection with any
11 response to the Board of Trustees in respect
12 of our review of Proposed Local Law 25-2.

13 The proposed rezoning, in my mind,
14 clearly highlights the juxtaposition of two
15 prevalent issues in the Village: The need for
16 additional affordable residential housing and
17 the impact of intensification of uses of
18 commercial uses on traffic, safety and parking
19 in surrounding residential communities.

20 I have reviewed, in preparing for
21 this meeting, the currently effective plan,
22 comprehensive plan for the Village, which is
23 the 1988 LWRP, as well as the 2014 redraft of
24 the LWRP, which is still pending a further
25 update and actual adoption by the Board of

1 Trustees. Both of these documents are
2 significantly outdated and do not reflect the
3 current state of the business or residential
4 districts in the Village.

5 They provide little guidance on the
6 correct approach and/or considerations to be
7 taken into account in connection with the
8 proposed amendment.

9 The relevant policy under the
10 existing LWRP would I think be solely Policy
11 1B, which does emphasize the revitalization of
12 Greenport's central business district,
13 including improving the economic vitality of
14 the commercial district.

15 There is a strong argument that the
16 proposed expansion of the Greenporter would
17 meet this policy objective, given the economic
18 reliance of the Village on tourism in the
19 downtown district.

20 That policy makes it clear that
21 adequate off-street parking needs to be
22 provided for all uses and clearly requires a
23 buffer landscape zone for many residential
24 districts, among other things.

25 Weighing against this policy of

1 encouraging commercial development is the
2 Village's adoption of status as a Housing
3 First community in the State of New York.

4 In my view, given the absence of an
5 updated comprehensive plan for the Village
6 that clearly sets forth policy objectives for
7 the Village in its current economic and
8 residential state, it is difficult for this
9 Board to provide real input or feedback to the
10 Board of Trustees on the proposed amendment.

11 It seems to me that the proposed
12 change really requires a weighing of different
13 policy objectives that are more appropriate
14 for the legislature of the Village in respect
15 of housing, parking and commercial
16 development.

17 The challenge of this Board in
18 providing meaningful comments and guidance to
19 the Village Board in the absence of an updated
20 comprehensive plan has been previously noted
21 by this Board to the Board of Trustees in
22 connection with certain proposed amendments to
23 the Zoning Chapter in 2022, which also related
24 to parking.

25 Having said that, I would like to

1 open it up to the Board for discussion and to
2 hear what others think on this point, and then
3 we can discuss what input, if any, we believe
4 we can provide to the Board of Trustees in
5 respect of the proposed amendment, assuming
6 that we have a Board consensus on the points.

7 At this time I guess I'll start with
8 you, Dan.

9 MEMBER CREEDON: So that piece of
10 property has been zoned residential for a long
11 time, with no residences ever built on it. And
12 being adjacent to the Greenporter, and I think
13 we indicated to the representative of the
14 Greenporter that we consider parking to be a
15 serious issue when it comes to hotel rooms.
16 Not so much restaurants, I don't think, but
17 hotel rooms.

18 And I'm concerned with that
19 particular location for a couple of reasons.
20 Across the street there is a synagogue, which
21 also sees more intensive use on the weekends.
22 There is a convenience store which presumably
23 would. And 4th Avenue is the way for
24 emergency responders who live south and west
25 of this building to access the firehouse.

1 Waiting at the light sometimes takes too long,
2 and so having more cars parked all over the
3 streets over there, I don't think is a good
4 idea at all.

5 I would want to -- it would be
6 important to me that if the Greenporter were
7 to purchase that property, and it was rezoned,
8 that it not be built upon for more rooms but
9 rather if there was some way the Village could
10 constrain that, that it was for parking, as I
11 indicated.

12 But with that in mind, I would be in
13 favor of rezoning this. I think it's difficult
14 for us to tell the owners of that hotel that
15 they need more parking and then when they come
16 up with an idea for more parking, which it
17 seems to satisfy most people, never all, but
18 most, that we are not going to allow them to
19 do that.

20 CHAIRWOMAN HAMMES: Okay. Elizabeth?

21 MEMBER TALERMAN: Thank you, for
22 talking about the traffic. It's something you
23 know a lot more about than I do, working with
24 the Fire Department and understanding what it
25 means to maneuver in that area.

1 I also, um, agree that it was our
2 advice to the Greenporter that they solve the
3 parking problem, and it weighs heavy on my
4 mind that we don't have policies to judge
5 from.

6 That parking is, we know, is a
7 priority to ensure the economic vibrancy of
8 our Village. Housing is also a priority to
9 ensure the economic vibrancy of our Village,
10 and its livability.

11 In this case, given that there is no
12 house in this space, given that there hasn't
13 been, or has not been for many, many, many
14 years, and given that the plans submitted so
15 far by the Greenporter suggest that
16 landscaping and beauty, that the general
17 beauty of the Village is taken into
18 consideration, I too am in favor of allowing
19 this to be zoned a space for parking, and
20 agree with you, Dan, with the restriction
21 being that this not add to the density of
22 hotel rooms or housing at all.

23 CHAIRWOMAN HAMMES: Frances?

24 MEMBER WALTON: So, I appreciate the
25 comments of my fellow Board members.

1 This is a little less straightforward
2 to me than -- the 25-02 is a little less
3 straightforward than 25-01, because of the stated
4 position in the Village in favor of increasing
5 affordable housing.

6 So one of the five criteria that our
7 Chair laid out in the beginning, you know, would
8 seem to come into play. Our Chair also pointed out
9 that there is not clear policy guidance provided
10 in general, or updated policy guidance in general,
11 so it does make it difficult to weigh out what are
12 seemingly, perhaps seemingly, two conflicting
13 policy areas.

14 However, having said that, I would note
15 that this particular property has been vacant as
16 long as I can remember, going back 35 years.
17 Perhaps early on there was something there, I'm
18 just not remembering it. But in any case, it's
19 been vacant for a long time. I believe it's a
20 nonconforming lot and would have issues to be
21 developed as affordable housing, which is
22 typically not a single -- affordable housing is
23 typically not single-family housing, it's more
24 multi-family housing, and the lot does not seem to
25 me to be conducive to that.

1 So weighing out the, sort of the
2 positive impact of providing, getting cars off the
3 street, less congestion, easing the
4 maneuverability within the parking area, providing
5 additional buffering with neighboring the
6 residential house that is in existence, you know,
7 these are all favorable points.

8 And I think it also helps with the
9 congestion of the pick-up and drop-off area.

10 So weighing it all out, and to a point
11 that was made by one of our Board members, one of
12 our suggestions was to consider additional
13 property to provide for parking. I'm not sure that
14 particular lot was contemplated in that thought,
15 but in any case, it was one of our suggestions for
16 consideration.

17 So weighing that all out, I would lean
18 more in favor of supporting the spot zoning with
19 the appropriate guidance or restrictions on
20 reverting back if the use were to change or
21 allowing, not allowing for it to be used for an
22 expansion of the hotel itself but to actually, it
23 would be more, increase the buffering between the
24 project and the residential area.

25 CHAIRWOMAN HAMMES: Okay, anything

1 else?

2 MEMBER BUCHANAN: My question is does
3 it need to be rezoned for parking. I don't
4 know the answer to this and I didn't have an
5 opportunity to find the information, but what
6 is -- is there a limit to the number of
7 vehicles that can be on --

8 CHAIRWOMAN HAMMES: It's not a
9 permitted use in the residential district so
10 they would need a use variance.

11 MEMBER BUCHANAN: But is that
12 something that we would consider, just in
13 thinking as we are looking at housing, as we
14 are looking at different things, like there
15 may have been a moment in time that the
16 applicant may say, we want to take part of
17 this to put something for staff housing. And
18 we would to -- it's just a question, like,
19 does it have to change or could we allow them
20 to do everything that they are saying so that
21 one day, if something changed and we are
22 allowing more, an intensification, or ADUs or
23 whatnot, that we would still have that and not
24 have to go through this in quite the same --

25 CHAIRWOMAN HAMMES: The use variance

1 would be a question for the ZBA, and it's a
2 very, very high threshold to get a use
3 variance. I mean, I don't know, Brian, if you
4 want to respond to the question.

5 MEMBER BUCHANAN: That's going to help
6 me with like, deciding.

7 MR. STOLAR: As the Chair says, it is
8 a very difficult standard to overcome as an
9 applicant. You have to demonstrate that for
10 all of the uses that are permitted within that
11 district, that residential district, we can
12 not achieve a reasonable return.

13 It's possible that part of that
14 could be demonstrated here in relation to the
15 fact that they have not been able to put
16 anything up there for many years. That is one
17 consideration. But there are other
18 considerations: Uniqueness -- I'm trying to
19 think. While the use variance is very
20 difficult, and I don't want to put the burden
21 on the Zoning Board, they have to make their
22 own determination. This application has some
23 elements that can go in either direction.

24 So I could see this one having some
25 consideration. Whereas most of the time I

1 would tell you use variance is impossible, I
2 would not use the word "impossible" but I
3 would still say it's still difficult, but not
4 impossible.

5 And again, as the Chair said, it's
6 Zoning Board that makes that decision.

7 MEMBER TALERMAN: And therefore is our
8 recommendation on spot zoning, spot rezoning,
9 does that alleviate the burden of a use
10 variance?

11 MR. STOLAR: We are using the wrong
12 terminology. Spot zoning presumes that we are
13 doing something we should not be doing. It's
14 zoning a spot, zoning that particular lot, to
15 be in accord with what the adjoining lot would
16 be. That is what we are doing. It's not spot
17 zoning.

18 But if you recommend, as the Planning
19 Board, in your report to the Board of
20 Trustees, that they move forward with this,
21 you can include conditions that you think
22 would be appropriate for that purpose, and
23 then ultimately that part is up to the Board
24 of Trustees as to whether to adopt the law or
25 not. They'll take your report. The Suffolk

1 Planning Commission also is going to likely
2 weigh in on this and decide, and they may say
3 it's spot zoning, in this case, in which case
4 it will be difficult for the Board of Trustees
5 to then approve it as a zone change.

6 So if you take this action and you
7 decide, if you issue a report that recommends
8 it, you are not eliminating certain needs.
9 They still have to go to the Board of
10 Trustees. They likely also would have to go to
11 the Zoning Board because there is a provision
12 that if you have, if you are the owner of two
13 adjoining lots, you cannot merge those lots
14 unless one is not conforming, and you obtain
15 Zoning Board approval.

16 So even if you take these steps,
17 there is still another step. The Zoning Board
18 has to step in and decide okay, yes, you are
19 saying that lot is nonconforming, but the
20 Zoning Board then looks at that from the
21 perspective of an area variance pursuant to
22 our code, so they'll make a determination as
23 well.

24 So there are a number of factors or
25 steps that are required that will ultimately

1 determine where this goes.

2 Your responsibility is, I think, as
3 the Chair is saying, is to look at the five
4 factors in the statute and determine whether
5 this site is appropriate for rezoning, and
6 then recommend that you are in favor of it for
7 whatever reason, or whatever reasons, and if
8 you think doing so, subject to conditions, is
9 the appropriate way to recommend it, you can
10 do that as well.

11 CHAIRWOMAN HAMMES: Can I just ask you
12 a question about the merger?

13 MR. STOLAR: Yes.

14 CHAIRWOMAN HAMMES: So if this was
15 rezoned, presumably they apply for a merger
16 after that, that means that the non-conformity
17 has to be non-conforming under the CR fault
18 standards as opposed to the R2 standards?

19 MR. STOLAR: It would have to be
20 non-conforming based on what it was at the
21 time of merger.

22 CHAIRWOMAN HAMMES: But it would have
23 been rezoned before the merger, right? They
24 wouldn't --

25 MR. STOLAR: It's kind of a Catch 22.

1 CHAIRWOMAN HAMMES: I mean, yeah, I
2 mean, it's not really our problem, it's their
3 problem. But it's just depending on what
4 their contract says, if they have an out if
5 they don't get the zoning change, but if they
6 don't merge until after the zoning change it
7 may not be a non-conforming lot anymore, at
8 which point the use would not be permitted
9 without a use variance or another change in
10 the code, correct?

11 MR. STOLAR: Yes, and I think what
12 would happen is if the Board of Trustees
13 decides to move forward with this, they
14 probably would condition it on the Zoning
15 Board approving a merger. So that can
16 provide, if you want, for the owner, some
17 cover before they take the next step.

18 CHAIRWOMAN HAMMES: Again, it's not
19 this Board's issue, but it's a question I had
20 when I heard this discussion previously.

21 Anything else?

22 (Negative response).

23 CHAIRWOMAN HAMMES: Okay, so it sounds
24 like there is -- Shawn, you didn't say, so I
25 don't know. But it sounds like there's at

1 least two now people that will support this.

2 Is it three and a half? Are we
3 counting you as a half?

4 MEMBER TALERMAN: Yes. Or
5 three-quarters.

6 CHAIRWOMAN HAMMES: And that is taking
7 into account the criteria that I read out
8 earlier, correct?

9 (Board members respond in the
10 affirmative).

11 CHAIRWOMAN HAMMES: Okay, I will -- I
12 can endeavor to draft something on this for
13 people. I think we have until 45 days from
14 this meeting to provide the Trustees with our
15 report, although I always like to get these
16 things done sooner. So I will endeavor to
17 have something for us to review before the
18 27th meeting, if not the backup will have to
19 be the February 7th meeting. Does that
20 generally work for people?

21 (Board members affirming).

22 CHAIRWOMAN HAMMES: All right. Does
23 anybody have anything else on this before we
24 move on to the next topic?

25 (No response).

1 CHAIRWOMAN HAMMES: Okay, we'll move
2 on to the next topic.

3 The next order of business is
4 discussion on the outstanding site plan
5 approval for businesses owned by American
6 Beech Restaurant LLC dba American Beech Hotel,
7 American Beech Restaurant and Black Llama Bar
8 at 300 Main Street. The businesses are located
9 at SCTM# 1001-2-3-10, which is located in the
10 CR Retail Commercial District, as well as the
11 Historic District.

12 As a summary, as everyone may recall,
13 American Beech filed for an entertainment
14 permit last February. At that time it came to
15 light that the then-applicable site plan
16 approval for the property, dating back to the
17 original approval for the hotel and
18 restaurant, which was a number of years ago,
19 included a prohibition on any outdoor
20 entertainment on the premises.

21 In order to determine whether
22 applicant could host entertainment events,
23 including music on the premises without
24 violating the noise code, applicant was
25 requested to undertake a sound study and

1 provide an updated revised site plan for the
2 property and aforementioned businesses.

3 This Board subsequently approved, on
4 a conditional/temporary interim basis, an
5 updated site plan, and also at that time
6 approved (on a non-conditioned basis) an
7 entertainment permit for American Beech
8 Restaurant and Black Llama Bar.

9 In August, when the interim site plan
10 approval was due to expire, an updated sound
11 study was submitted but it was received really
12 too late for this Board to get appropriate
13 input from the Village and consultants and so
14 we extended the interim conditional site plan
15 approval.

16 After kind of having gone around
17 circles about this over the last few months, I
18 think at this point I thought we should have a
19 discussion with this as a Board. I think it's
20 kind of unfair to the applicant to leave this
21 hanging out there.

22 And so I would like to discuss
23 whether we have the votes for an approval of
24 the site plan, and, if so, what conditions, if
25 any, would be included.

1 I took a look back at the two sound
2 studies that were provided, read through them
3 again, and it appeared to me that the
4 mentioned business would be able to comply
5 with the Village's noise code by maintaining
6 the speakers as indicated on the site plan,
7 and setting the related limiter, as
8 contemplated by the report.

9 From this perspective, I personally
10 would be in favor of approving the amended
11 site plan, subject to certain conditions which
12 would include that the speakers would only be
13 placed, obviously, as indicated on the site
14 plan; the limiter for the speakers would be
15 operated as contemplated and at the levels set
16 forth in the Sound Sense report, and is would
17 only accessible/able to be modified by a
18 representative of the applicant and not by any
19 outside provider of entertainment; and that
20 all the entertainment will cease on the
21 outside of the premises by the hours indicated
22 in Section 88-5(A) (1) of the Code.

23 I think in addition the applicant, it
24 would require the applicant to acknowledge
25 that if it ever needed to replace the sound

1 equipment, it would be done with sound
2 equipment that is equally capable of
3 controlling the sound levels on the property
4 from that currently in place.

5 So that is my view. With that being
6 said, I guess we'll start with Shawn. I would
7 be interested in other Board members' views.

8 MEMBER BUCHANAN: Again, I don't seem
9 to have any issue with this, based on the
10 study. I think that there were some
11 modifications that were brought to our
12 attention, but I think that based on what the
13 applicant has done and the sound study, I feel
14 like they've met the requirements for this to
15 be okay for me. And as long as they comply, I
16 would be okay with that.

17 CHAIRWOMAN HAMMES: Frances?

18 MEMBER WALTON: I had been hoping that
19 we might receive some guidance from a more
20 technical perspective on the accuracy of the
21 response.

22 But having not received that, my
23 feeling is generally consistent with Shawn, which
24 is that they have acted in good faith in trying to
25 meet the requirements that we have set forth, and

1 that there is no good to come from sort of a
2 further delay or punting of the issue.

3 So I would be in favor of closing this
4 out.

5 MEMBER TALERMAN: A question for you,
6 Mike. Have there been any noise complaints or
7 violations since the summer?

8 MR. NOONE: No, there was not.

9 In fact, what we have received are
10 people are saying kudos to the fact that
11 they've cleaned up the back on Carpenter
12 Street. They are starting to steam wash it on
13 a regular basis.

14 Actually, neighbors have come in and
15 said we don't know what you're telling them,
16 but they're doing a good job.

17 MEMBER TALERMAN: That's great. Well,
18 then in light of that and their good-faith
19 efforts, the comprehensiveness of their plan,
20 their desire to operate within the community
21 as a good neighbor, I'm in favor of this.

22 CHAIRWOMAN HAMMES: Dan?

23 MEMBER CREEDON: Then just as a
24 clarification, I think that you said indoor
25 music versus outdoor music, and I think that

1 on the original site plan didn't make that
2 distinction. It made it between light music
3 and amplified music. And they were always
4 allowed to play outside, just not amplified.

5 CHAIRWOMAN HAMMES: No, they weren't
6 -- well, okay, yes, it's true. But I don't
7 think it says anything about amplified.

8 MEMBER CREEDON: Right. But there are
9 plenty of -- I don't think this is an
10 important --

11 CHAIRWOMAN HAMMES: Understood.

12 MEMBER CREEDON: (Continuing) I'm just
13 trying to be clear.

14 And that you also said, but I think
15 it might have been less of a complaint by some
16 people, the sound system needs to be operated
17 by the business. DJ's can't show up with
18 their equipment and plug it in. And you can
19 say that in language that I think the DJs
20 would recognize.

21 CHAIRWOMAN HAMMES: Okay. But with
22 that you would be --

23 MEMBER CREEDON: Yes, yes, I feel the
24 same as everybody else.

25 CHAIRWOMAN HAMMES: All right, So it

1 seems like there is a general consensus to
2 approve the site plan amendment subject to the
3 conditions we've discussed.

4 Brian, can you undertake to put
5 together a resolution for us, that ideally we
6 could pass at our next meeting?

7 I would like to make sure that the
8 applicant gets it before we pass it, so if we
9 could have it a few days ahead of time, Brian,
10 so I can take look at it, and then, Mike, you
11 can get it to Ryan, or whoever the right
12 person is.

13 MR. NOONE: Absolutely. And the
14 applicant is watching the house.

15 CHAIRWOMAN HAMMES: Just so that they
16 know, so hopefully we can nail this all down
17 at our meeting on the 27th and put this to
18 bed, because I think it's taking a little bit
19 too long, personally.

20 All right, thank you, all.

21 The next order of business, getting
22 towards the end of our agenda, relates to --
23 okay, so I don't know how many people realize
24 this, but there is a Village Code requirement
25 that our Tree Committee provide a plan in

1 respect of the care, preservation, pruning,
2 planting and removal of trees and shrubs
3 within the Village of Greenport to the
4 Planning Board for approval on an annual
5 basis.

6 This plan, to my knowledge, has never
7 been submitted to this Board since I have been
8 a member, but it is statutorily required at
9 present.

10 Lily, who is the Trustee who is the
11 liaison to the Tree Committee reached out to
12 me, asking me what exactly this Board would be
13 looking for with respect to this report. I
14 told her that I would raise it with this
15 Board.

16 So, Mike, I'm going to actually ask
17 you to take notes on this and convey anything
18 that comes out of it to Lily directly.

19 So I guess we'll start with Dan this
20 time in terms of any thoughts you have on the
21 things that you think should or you would be
22 looking forward to be included in the tree
23 plan, or comments you would like to pass on to
24 the Tree Committee at this point.

25 MEMBER CREEDON: Just one.

1 I think that any tree that Greenport
2 plants, or any municipality, frankly, should
3 be native to this region, whether or not it
4 flowers. And flowers are beautiful. They
5 flower one to two weeks and then they are not
6 flowering the rest of the time.

7 But I do think it's important in
8 terms of flora and fauna, not just esthetics,
9 that trees that we plant be native trees.

10 CHAIRWOMAN HAMMES: All right.
11 Anything else?

12 MEMBER CREEDON: No.

13 CHAIRWOMAN HAMMES: Okay, Elizabeth?

14 MEMBER TALERMAN: I feel utterly
15 unqualified in this instance. I love trees,
16 that's all I can say.

17 CHAIRWOMAN HAMMES: I am somewhat in
18 the same vein as you, I guess. I was aware
19 that this was in the code but had never seen
20 it. So I'm not really sure what should be in
21 it. So I guess people would be interested in
22 what their, an outline of how they are
23 deciding what they are deciding about the
24 trees and that kind of thing.

25 Maybe it would be helpful to have

1 somebody from the Tree Committee come and talk
2 to us about what they do, and we might be able
3 to provide better input.

4 But in any event, Frances?

5 MEMBER WALTON: I think I have more
6 questions than I have answers in this respect,
7 but, for example, are they, is the Committee
8 only responsible for street tree replacement
9 or plantings, or is there a more comprehensive
10 view of trees in the Village beyond sort the
11 street trees. That was a question that came
12 to mind in considering this. And I have the
13 same question that our Chair had, which is how
14 they make their decisions on where they place
15 the trees, and how they select which trees to
16 plant.

17 There are, as we've learned over
18 time, issues with certain types of trees in
19 terms of roots raising concrete sidewalks and
20 things like that.

21 So, you know, I would like to learn
22 more about how they do make those decisions,
23 who gets them, when they get planted, who
24 plants them, et cetera.

25 CHAIRWOMAN HAMMES: I would just note

1 on that that if you look at the section on
2 Tree Committee it does also talk about having
3 the focus on municipal-owned property.

4 So understanding kind of where there
5 is a particular view on how the trees on
6 municipal-owned properties should be dealt
7 with.

8 MEMBER WALTON: Right.

9 MEMBER BUCHANAN: I would say it's
10 really more of the same, just understanding
11 the criteria. And then how, what happens to
12 the trees once they are planted. Because I do
13 think that we do have quite a few trees that
14 are in distress, and how that is being
15 addressed, is that part of, you know, working
16 with the Village and making sure there are
17 things for safety, if anything is going to
18 fall or potentially injure or be dangerous, in
19 addition to like roots and all of that.

20 I know that when I've spoken to
21 people on the Tree Committee, that they are
22 looking at different trees or they have been
23 planting different trees in the last however
24 many years, so that there isn't an issue with
25 raising sidewalks. So that's obviously a good

1 thing.

2 And then also if they have, if there
3 have been any discussions like we are having,
4 issues with -- and this might not be them,
5 this might be something more for the Trustees
6 or whatnot, in areas where we have water
7 issues and there are a lot of leaves, and just
8 making sure that maybe at certain times of the
9 year is there something else that can be done
10 beyond just putting that burden, even though
11 these are a beautiful addition to our
12 community, there are some people that just
13 don't have the time to clean up the street as
14 much as needs to be, and so then we have a lot
15 of flooding and things like that.

16 Is that anything that even goes into
17 planning. Because I do think while it's a
18 really beautiful, amazing thing that we have
19 here, if it's left to --

20 CHAIRWOMAN HAMMES: Clog the drainage.

21 MEMBER BUCHANAN: Yes. And to all of
22 us, I mean, to be responsible for the
23 sidewalks, be responsible for the leaves and
24 the water and all of that, it's a lot for the
25 community to just -- I would like to know if

1 there is any consideration for that.

2 CHAIRWOMAN HAMMES: It seems like we
3 have more questions than input to them, but I
4 guess if you can just let Lily know that there
5 were a lot of questions raised, she can also
6 watch the tape, but maybe it would make sense
7 for her or somebody from the Tree Committee in
8 the first instance, could come in and talk to
9 us a little bit and we could have a dialogue
10 with them.

11 MR. NOONE: Okay.

12 Do you want me to try to schedule
13 something for the next meeting.

14 CHAIRWOMAN HAMMES: Yes, because I
15 think we'll probably have one of the 27th for
16 no other reason than to pass the American
17 Beech resolution.

18 MR. NOONE: Would you prefer to have
19 the representative come first before you do
20 the report?

21 CHAIRWOMAN HAMMES: Well, we are not
22 going to do the report. They do the report.
23 This is feedback to them. So, yes, I think --

24 MR. NOONE: Yes. Before I put
25 something together.

1 CHAIRWOMAN HAMMES: Yes, I think so,
2 I mean, if that's possible, that would make
3 sense.

4 MR. NOONE: I'm sure somebody will be
5 able to come.

6 CHAIRWOMAN HAMMES: Yes. Because even
7 based on that we might not have to put
8 something together because we could have a
9 dialogue with them.

10 So just pass this on to Lily and ask
11 her how she thinks best to proceed.

12 MR. NOONE: All right. Sure.

13 CHAIRWOMAN HAMMES: All right.
14 Finally, is there any other business that
15 anybody on the Board anybody would like to
16 discuss, or the public at this time?

17 (No response).

18 Okay, I thereby make a motion to
19 adjourn this meeting.

20 Do I have a second?

21 MEMBER WALTON: Second.

22 CHAIRWOMAN HAMMES: All those in favor?

23 Aye.

24 MEMBER CREEDON: Aye.

25 MEMBER TALERMAN: Aye.

1 MEMBER WALTON: Aye.

2 MEMBER BUCHANAN: Aye.

3 CHAIRWOMAN HAMMES: Any opposed?

4 (No response).

5 None. Motion passes. Thank you, and

6 have a good evening.

7 (The time noted is 4:49 p.m.)

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