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*VILLAGE OF GREENPORT*  
*COUNTY OF SUFFOLK : STATE OF NEW YORK*  
-----X  
*PLANNING BOARD*  
*WORK & REGULAR SESSION*  
-----X

*October 28, 2021*  
*4:00 p.m.*

- B E F O R E:*  
WALTER FOOTE - CHAIRMAN  
PATRICIA HAMMES - MEMBER  
LILY DOUGHERTY-JOHNSON - MEMBER  
*NOT PRESENT:*  
REED KYRK - MEMBER  
\*\*\*\*\*  
*ALSO IN ATTENDANCE:*  
PAUL PALLAS - VILLAGE ADMINISTRATOR

1           *(\*The meeting was called to order at 6:01 p.m. \*)*

2           CHAIRMAN FOOTE: Good afternoon. Welcome  
3 to the Village of Greenport's Planning Board.  
4 This is a Work Session and Regular Meeting and it  
5 is Thursday, October 28, 2021 at approximately 4  
6 p.m.

7           *Item No. 1 is a motion to approve and*  
8 *accept the minutes of the September 30, 2021*  
9 *Planning Board Work Session and Regular Meeting.*  
10 Do I have second?

11          MEMBER HAMMES: Second.

12          CHAIRMAN FOOTE: All in favor?

13                   *(\*Aye Said in Unison\*)*

14          Motion carries (VOTE: 3-0-0-1 - Not  
15 Present: Member Reed Kyrk).

16          *Item No. 2 is a motion to schedule the*  
17 *combined Planning Board Work Session and Regular*  
18 *Meeting for 4 PM on November 29, 2021. Paul, do*  
19 *you know what day of the week that is? Is*  
20 *that -- it's not a Thursday, obviously.*

21          ADMINISTRATOR PALLAS: It's a Monday.

22          CHAIRMAN FOOTE: It's a Monday?

23          ADMINISTRATOR PALLAS: Yes, sir.

24          CHAIRMAN FOOTE: Okay, thank you.

25 Do I have second on this motion?

1 MEMBER HAMMES: Second

2 CHAIRMAN FOOTE: All in favor?

3 MEMBER HAMMES: Aye.

4 CHAIRMAN FOOTE: Aye.

5 MEMBER DOUGHERTY-JOHNSON: I won't be able  
6 to makes it, but just as a head's up.

7 CHAIRMAN FOOTE: Okay. But do you approve  
8 the motion?

9 MEMBER DOUGHERTY-JOHNSON: Sure, aye  
10 *(laughter)*.

11 CHAIRMAN FOOTE: Okay.

12 MEMBER HAMMES: Well, if she can't make it  
13 we'll have to make sure that Reed can or we have  
14 a new member appointed because we will not  
15 otherwise have a quorum.

16 MEMBER DOUGHERTY-JOHNSON: Yeah, that's why  
17 I figured I would mention it.

18 CHAIRMAN FOOTE: Right. I mean, it's  
19 always subject to having a quorum.

20 MEMBER HAMMES: This goes back to the point  
21 I raised earlier.

22 CHAIRMAN FOOTE: Yeah. Okay, the motion  
23 carries *(VOTE: 3-0-0-1 - Not Present: Member*  
24 *Reed Kyrk)*.

25 *Item No. 3, 124 Front Street. Oh, I'm*

1       sorry. Oh, yes, that is correct. *Motion to*  
 2       *accept the findings and determinations for 124*  
 3       *Front Street. This property is located in the*  
 4       *C-R (Retail Commercial) District and is not*  
 5       *located in the Historic District, SCTM*  
 6       *1001-4.-9-26. Do I have second to this motion?*

7               MEMBER HAMMES: Second.

8               CHAIRMAN FOOTE: All in favor?

9                       (\*"Aye" Said in Unison"\*)

10              The findings and determinations are so  
 11       accepted and approved. (VOTE: 3-0-0-1 - Not  
 12       Present: Member Reed Kyrk).

13              Item No. 4, 19 Front Street. This is a  
 14       Pre-Submission Conference with possible motion to  
 15       schedule a Public Hearing for November 29, 2021,  
 16       regarding the site plan application of Kathleen  
 17       McDowell. The applicant proposes to have outdoor  
 18       seating in the rear of the building. This  
 19       property is located in the W-C (Waterfront  
 20       Commercial) District and is not located in the  
 21       Historic District. SCTM 1001-5.-4-29. Is there  
 22       anybody who would like to speak on behalf of the  
 23       applicant at this time?

24                       (No Response)

25              MEMBER HAMMES: I guess I wonder whether

1 she even knew that she had to be here. Because  
2 if you look at her submission it says to let her  
3 know if there's any additional paperwork. I  
4 don't know if she understood the process or not.

5 ADMINISTRATOR PALLAS: It was explained to  
6 the applicant.

7 MEMBER HAMMES: Okay. Well, I guess we'll  
8 end up tabling this, but just one question, Paul,  
9 that maybe you might be able to answer for me to  
10 understand this.

11 ADMINISTRATOR PALLAS: Sure.

12 MEMBER HAMMES: Did this come about because  
13 she got a violation because she's already doing  
14 this in the back or was it just of her own?

15 ADMINISTRATOR PALLAS: I generally don't  
16 discuss any violations.

17 MEMBER HAMMES: Okay.

18 ADMINISTRATOR PALLAS: I'll look. But, I  
19 mean, there were -- there was some tables set up  
20 outside.

21 MEMBER HAMMES: I mean, my point was more  
22 it seems to me that -- I know she was using the  
23 {parklets} and the {Parklets} came down, so it's  
24 my understanding or my interpretation that she's  
25 moved some of that seating in the back to expand

1 her seating, because I don't know whether she has  
2 indoor seating right now or not. But I would be  
3 interested, whenever we get around to discussing  
4 this officially in the Village's views in terms  
5 of other parts of the Village where there have  
6 been site plan modifications due to COVID that  
7 were never officially approved that are still in  
8 place because they weren't effected by the  
9 parklet's, what the Village's plans are with  
10 respect to those.

11 ADMINISTRATOR PALLAS: Yeah, I can't answer  
12 that now. I mean, we are actively reviewing all  
13 of those and taking action where it's necessary.

14 CHAIRMAN FOOTE: Well, my question is the  
15 applicant's not here for the Pre-Submission  
16 Conference. Are we precluded from scheduling a  
17 public hearing or not?

18 ADMINISTRATOR PALLAS: I don't believe -- I  
19 don't believe there's any legal requirement or  
20 any legal impediment to you scheduling. It's  
21 really a question for the attorney, but it's not  
22 unprecedented that that's happened.

23 CHAIRMAN FOOTE: Okay.

24 MEMBER DOUGHERTY-JOHNSON: But this was up  
25 because it's in the Waterfront and it's a

1 conditional use. I mean --

2 MEMBER HAMMES: I think it's a site plan  
3 modification.

4 ADMINISTRATOR PALLAS: That's the site plan  
5 modification.

6 MEMBER DOUGHERTY-JOHNSON: Okay.

7 CHAIRMAN FOOTE: Well, how do you guys feel  
8 about just going ahead and scheduling it? Or  
9 would you rather continue to wait and talk to the  
10 applicant?

11 MEMBER HAMMES: I mean, I'm not going to  
12 want to make a decision on it until the applicant  
13 was here to answer questions. But I'm happy if  
14 she shows up to have a public hearing at the same  
15 time.

16 CHAIRMAN FOOTE: Right.

17 MEMBER HAMMES: I mean, I guess I'm -- I  
18 mean, I -- you know, when Rob gets here I guess I  
19 could ask him this, but I am -- because this is  
20 kind of an outside area, I'm not quite sure how  
21 this works into Certificate of Occupancy and  
22 occupancy limits and all of that type of thing,  
23 which is not -- she's not going to be able to  
24 answer. But I guess to the extent particularly  
25 if some of these other site plan modifications

1 that have happened around the Village related to  
2 COVID expansions come before us, I think we need  
3 to think about how we want to approach those with  
4 an overall impression. They're a little bit  
5 different than what we're normally doing when  
6 we're looking at an inside business that's coming  
7 in with a new business, whereas this is really  
8 modifications I guess coming about because of  
9 COVID because it will be a permanent  
10 modification.

11 CHAIRMAN FOOTE: Uh-huh.

12 MEMBER HAMMES: And I don't want to set  
13 precedent with respect to one realizing that  
14 we've got potentially several of these that may  
15 be coming before the Board at some point.

16 MEMBER DOUGHERTY-JOHNSON: Right. I mean,  
17 I guess what I'm wondering is if there's other  
18 restaurants that have taken over their parking  
19 area to become outdoor seating.

20 MS. MAHONEY: Can you speak closer to the  
21 microphone, please?

22 MEMBER DOUGHERTY-JOHNSON: I was saying  
23 there are other -- like other places that have  
24 taken over their parking, what was parking, and  
25 then turned it into seating without site plan.



1 MEMBER HAMMES: Yeah. See, I don't know if  
2 this was parking or not, that would be a question  
3 I would have for her.

4 MEMBER DOUGHERTY-JOHNSON: Well, I think  
5 it --

6 ADMINISTRATOR PALLAS: It was not parking

7 MEMBER HAMMES: It wasn't? It was just  
8 like an empty space back there?

9 ADMINISTRATOR PALLAS: Yes.

10 MEMBER HAMMES: And probably feasibly can't  
11 be used for parking, I assume?

12 ADMINISTRATOR PALLAS: I believe that's  
13 correct because there's parking adjacent to it,  
14 there'd be no access. The cars would be blocked  
15 in if they used it as parking

16 MEMBER HAMMES: Yeah, I definitely will  
17 have questions about this particular one, but I  
18 have a bigger question in terms of some of these  
19 that are going to be a little different than what  
20 we're normally looking at because they're kind of  
21 an outdoor expansion of businesses and how that  
22 would be perceived. Because it's not even  
23 really a building code issue at that point,  
24 right?

25 ADMINISTRATOR PALLAS: For this space it's

1 not, in particular it's not. I mean, there are  
2 some elements in her write-up that would be  
3 building code but not site plan.

4 MEMBER HAMMES: Right. So like maybe the  
5 fire pit and things like that.

6 ADMINISTRATOR PALLAS: If I may, in terms  
7 of -- with regard to the occupancy question  
8 specific, the exterior of the occupancy limits  
9 are much more liberal in an outdoor space just by  
10 its nature. There's no egress issues here  
11 because there's nothing -- there's no -- there's  
12 nothing enclosing it, so there's no --

13 MEMBER HAMMES: Well, I think she's  
14 proposing to put a tent at least over it, based  
15 on her write-up.

16 ADMINISTRATOR PALLAS: Yeah, over it,  
17 now -- which would end up as -- you know, if it's  
18 permanent -- that would be one of the questions,  
19 perhaps, that should be asked and I don't think  
20 we asked that, whether it's 365 days or half the  
21 year. If it's permanent that triggers different  
22 building code questions as opposed to temporary.  
23 And, you know, also that question is for you all  
24 in terms of the site plan. You know, if you put  
25 a tent, what comes next, you know?

1           MEMBER HAMMES: I'm just a little bit  
2 uncomfortable, not specifically with this  
3 proposal but with the direction of this whole  
4 thing I guess is my point

5           CHAIRMAN FOOTE: Yeah, I tend to agree with  
6 you. I feel also the kind of application itself  
7 is a little flimsy and I think it's the kind of  
8 thing that having the applicant here to talk  
9 about it would be helpful. So I move to continue  
10 the Pre-Submission until the next meeting and not  
11 schedule the Public Hearing. Do I have second?

12           MEMBER HAMMES: Second.

13           CHAIRMAN FOOTE: All in favor?

14                   (\*Aye Said in Unison\*)

15           So moved.

16           ADMINISTRATOR PALLAS: Just if I may, show  
17 one more item on this application. For the  
18 Board's information, we did request -- this is  
19 after several attempts to get information, this  
20 is as much as we were afforded.

21           CHAIRMAN FOOTE: I understand. That was no  
22 reflection on you at all.

23           ADMINISTRATOR PALLAS: I understood. I  
24 just want to make you aware of that so that when  
25 it comes back to the Board you understand that we

1 did attempt. Sometimes it's hard to explain to  
2 people how much detail is actually needed. You  
3 know, they think, *Well, I'm just putting some*  
4 *tables outside*, and there's implications that go  
5 beyond that. So I just wanted to -- we are aware  
6 of that at the staff level.

7 MEMBER HAMMES: And there's no Village  
8 Code provisions that would specifically address  
9 this kind of expansion.

10 ADMINISTRATOR PALLAS: Not -- no, it's all  
11 part of the site plan. It would all be covered  
12 under the site plan code

13 CHAIRMAN FOOTE: Okay. *Item No. 5, 817*  
14 *Main Street, a Pre-Submission Conference with*  
15 *possible motion to schedule a Public Hearing for*  
16 *November 29, 2021, regarding the site plan*  
17 *application of Peter Saitta. The applicant*  
18 *proposes a reversion of a one-story, existing,*  
19 *non-conforming, unconditioned garage back to a*  
20 *conditioned residential space. The space will be*  
21 *utilized as a physician's office. Proposed site*  
22 *improvements include the following: New*  
23 *plantings, fences and gates, a driveway and*  
24 *parking area, on-grade paths and walkways, an*  
25 *in-ground swimming pool, a fountain, exterior*

1       *lighting, and repair to existing arbor. This*  
2       *property is located in the R-1 (One-Family*  
3       *Residential) District and is located in the*  
4       *Historic District. Suffolk County Tax Map*  
5       1001-2.-1-25. Would the applicant or somebody on  
6       behalf of the applicant like to speak at this  
7       time?

8               MR. HOUSTOUN: How are you?

9               CHAIRMAN FOOTE: Good. Please announce  
10       your name and address.

11              MR. HOUSTOUN: Doug Houston from 15 West  
12       36th Street, New York City. I'm the architect,  
13       Heitler Houston Architects

14              CHAIRMAN FOOTE: Great. Would you -- is  
15       there anything you'd like to summarize about the  
16       application?

17              MR. HOUSTOUN: Can I lead off with a  
18       question? I'm just curious about what of this  
19       application is bringing me to the Planning Board.  
20       I'm not exactly sure. Based on the Zoning Code,  
21       there's several things that trigger Planning  
22       Board approval; I'm not exactly sure what I'm  
23       here to defend or present.

24              CHAIRMAN FOOTE: Uh-huh.

25              MEMBER HAMMES: I assume it's the site plan

1 approval. It's not a conditional use, right,  
2 it's a site plan approval?

3 ADMINISTRATOR PALLAS: Me?

4 MEMBER HAMMES: Yeah.

5 ADMINISTRATOR PALLAS: Yeah, it's simply a  
6 site plan approval. Typically, for changes to a  
7 residence it's -- we generally don't bring them  
8 here, but this is -- was an existing bed and  
9 breakfast that was approved by the Planning  
10 Board. It is now going to be become, for all  
11 intents and purposes, a mixed-use site within  
12 the -- within the R-2 Zone there are -- there's a  
13 parking lot being in our -- sorry, R-1. There's  
14 a parking lot being proposed as part of that for  
15 the office. So there's an intensity of use here  
16 that just cries out for a Planning Board review

17 MEMBER HAMMES: Right. But if I recall  
18 correctly, I don't have the Code in front of me,  
19 the Code does allow for professional offices in  
20 the residential area, right?

21 ADMINISTRATOR PALLAS: It is permitted.  
22 There -- in addition to what I just stated, there  
23 will also be some variances that were triggered.  
24 It is in the Historic Zone. The HBC did already  
25 rule on parts of the application, but not the

1 entire application. It went before HBC before  
2 you folks in error and this is -- it should have  
3 come here first. Regardless, it's here now and  
4 the agency still will need to review it for other  
5 pieces, as will the Zoning Board.

6 MEMBER HAMMES: One other question on this.  
7 So, under the Code, if something has been  
8 approved as a bed and breakfast and it ceases to  
9 be used in that way, does it automatically revert  
10 to a residential building?

11 ADMINISTRATOR PALLAS: That's a question  
12 for your attorney. As -- from our perspective,  
13 staff perspective, it would have to be -- I  
14 believe would have to be affirmatively removed by  
15 you folks, particularly as it's being changed in  
16 this fashion.

17 MEMBER HAMMES: I mean, that just seems  
18 like kind of a no-brainer from my perspective.  
19 But I guess if --

20 CHAIRMAN FOOTE: Here we are.

21 MEMBER HAMMES: Paul, not to take over from  
22 you, but if it would have to go to ZBA and  
23 Historic we should probably start Lead Agency  
24 Status and have it moved on and then come back to  
25 us, right?

1 CHAIRMAN FOOTE: Right.

2 MR. HOUSTOUN: Are you Alex?

3 ADMINISTRATOR PALLAS: No, I'm Paul.

4 MR. HOUSTOUN: Okay. Hi, Paul. Oh, we  
5 spoke.

6 ADMINISTRATOR PALLAS: Yes, we did.

7 MR. HOUSTOUN: I think that the proposal we  
8 have in front of you is -- at least the intent of  
9 it is to be as-of-right, so I'm not as of yet  
10 aware of any variances that we would need based  
11 on the uses being proposed.

12 MEMBER HAMMES: I don't know if -- it's  
13 probably not a use variance, it's probably some  
14 kind of a -- I don't know. I'm not -- the  
15 Village would have to speak to what variances  
16 it's determined. But I would have thought that  
17 given the -- and my understanding of the Code is  
18 that in residential areas you can have a  
19 professional office as long as it's not stacked  
20 up per se.

21 MR. HOUSTOUN: That is a permitted  
22 accessory use.

23 MEMBER HAMMES: That is a permitted use.  
24 I wouldn't assume that this is a use variance,  
25 but again, the Village would have to speak to



1 that from the Building Department's perspective.  
2 But just -- I mean, I guess the way this normally  
3 works is things come to the Planning Board, we  
4 take Lead Agency Status but we will wait,  
5 usually, until after the Zoning Board or the  
6 Historic Board has weighed in if they need to and  
7 the Village has advised us that they need to.  
8 That's usually our plan.

9 CHAIRMAN FOOTE: Where is it with Zoning,  
10 Paul?

11 ADMINISTRATOR PALLAS: There will be area  
12 variances. I don't -- I'm not going to say  
13 affirmatively there's no use variance, but there  
14 definitely are area variances. I have to review  
15 the file --

16 CHAIRMAN FOOTE: Okay.

17 ADMINISTRATOR PALLAS: -- and see if we got  
18 the application necessary to go to the Zoning  
19 Board.

20 CHAIRMAN FOOTE: Okay. So, just so you  
21 know, the procedure is whenever there is the  
22 Zoning Board also involved, it first goes to them  
23 and they clear it and then it comes to us. So,  
24 we can't schedule a public hearing until that  
25 process takes place.

1 MR. HOUSTOUN: Okay.

2 MEMBER HAMMES: I would -- but would we  
3 even have to have a public hearing on this type  
4 of a proposal if we decided not to? Again,  
5 you're going to say that's a question for Rob.

6 CHAIRMAN FOOTE: That's a Rob question,  
7 yeah.

8 ADMINISTRATOR PALLAS: I mean, yeah, that's  
9 definitely your attorney's question.

10 MEMBER HAMMES: Yeah, okay. Well, I think  
11 that's something we should ask Rob about.

12 CHAIRMAN FOOTE: We will, yeah.

13 MR. HOUSTOUN: So learning more about what  
14 Paul said. I mean, maybe I can make a statement  
15 about the proposal, understanding what the  
16 concerns are?

17 CHAIRMAN FOOTE: Sure.

18 MR. HOUSTOUN: So, the existing accessory  
19 structure, which is a garage currently; when the  
20 house was constructed it was a residence, it was  
21 converted to a garage, it's evident in the  
22 construction of the building. That garage is  
23 within the side yard setback, so it's an  
24 existing, non-conforming structure, so perhaps  
25 that may be the trigger to an area variance to

1 continue that non-conforming building location.

2 You correctly stated that the professional  
3 office is a physician's office, is a permitted  
4 use as-of-right in an R-1 District. We also are  
5 looking for a swimming pool which is another  
6 permitted accessory use.

7 MEMBER HAMMES: That shouldn't be a  
8 Planning Board issue.

9 MR. HOUSTOUN: We're within all the  
10 setbacks of all the screening requirements, so  
11 we're going to prove compliance of the Zoning  
12 Code for that. Parking currently is a condition  
13 for the conditional use of the bed and breakfast.

14 It is also a requirement for a professional  
15 office which leads you into the Parking Zoning  
16 Code and it's five spaces per physician, one  
17 physician here.

18 MEMBER HAMMES: Do you know how many spaces  
19 were currently required for the bed and  
20 breakfast?

21 MR. HOUSTOUN: I don't exactly know what  
22 the application was, but I think there were four  
23 rooms in the bed and breakfast and I believe the  
24 bed and breakfast requirements are one space per  
25 room. But there was also the owner occupied the

1 cellar level, and so I don't know if that counted  
2 as a room so there would be five. But we're  
3 planning on using the existing parking size as it  
4 is now.

5 CHAIRMAN FOOTE: Right.

6 MR. HOUSTOUN: There was a previously  
7 existing screening requirement for the bed and  
8 breakfast, so presumably that still exists today.  
9 Although we're going to make some improvements on  
10 planting anyway, the pool will be screened, the  
11 parking lot will have more screening than it is  
12 currently right now.

13 CHAIRMAN FOOTE: So you're saying other  
14 than the existing one-story frame, all the other  
15 proposed improvements fall within the setback  
16 requirements of the Zoning Code; did you say  
17 that?

18 MR. HOUSTOUN: Yes, yes.

19 CHAIRMAN FOOTE: Okay. And is the actual  
20 owner going to be the one practicing there?

21 MR. HOUSTOUN: Yes, that's Dr. Peter  
22 Saitta that's on the application, yeah

23 CHAIRMAN FOOTE: Okay. Well, thank you,  
24 that was good input. And at this time we'll have  
25 to table it until we get -- it goes through

1 Zoning.

2 MEMBER HAMMES: And Historic.

3 CHAIRMAN FOOTE: And we'll take -- and  
4 we'll also take the Lead Agency. Do I have second  
5 on that?

6 MEMBER HAMMES: Second.

7 CHAIRMAN FOOTE: All in favor?

8 (*\*Aye Said in Unison\**)

9 Okay, so moved. (*VOTE: 3-0-0-1 - Not*  
10 *Present: Member Reed Kyrk*). All right, thank you  
11 very much.

12 MEMBER HAMMES: So then you'll need to  
13 discuss with the Village about the Zoning Board  
14 process.

15 MR. HOUSTOUN: Yeah. Is that the person to  
16 speak -- this is now the second meeting I've been  
17 to, asked to be at, that we've tabled and moved  
18 and changed the process. I, mean, I just want to  
19 get a clear path forward.

20 MEMBER HAMMES: So again, I think normally  
21 it would come to us, it shouldn't have gone to  
22 Historic in the first board -- in the first  
23 place. And then we would have been informed by  
24 the Village at that point that it needed to go to  
25 Historic and potentially the Zoning Board if

1 they've made that determination, at which point  
2 we would do what we just did. So, unfortunately,  
3 the first meeting shouldn't have been scheduled.

4 MR. HOUSTOUN: It should have been Zoning,  
5 the first meeting?

6 MEMBER HAMMES: No, because we take Lead  
7 Agency Status. Unfortunately, I think the  
8 process works that you have to come here first  
9 and then we will pass it over to ZBA and  
10 Historic. Although you should be able to run  
11 those I believe in tandem, but you would have to  
12 talk to the Village again about that.

13 And then once you've been through those  
14 processes, assuming you get the results that you  
15 need or make any changes that they require, you  
16 would come back to us and then at that point I  
17 think we would determine whether or not we need  
18 to have a public hearing; if we do it'll be a  
19 month from when we see you again to schedule the  
20 public hearing, unfortunately.

21 MR. HOUSTOUN: Okay.

22 MEMBER HAMMES: And then hopefully we'll be  
23 able to decide at that point depending on the  
24 input that we receive.

25 MR. HOUSTOUN: Okay.

1           CHAIRMAN FOOTE: Paul, just -- just one  
2 other question. What is the reasoning why it's  
3 going to be going to Zoning? Is it because of  
4 the --

5           ADMINISTRATOR PALLAS: There are area  
6 variances involved here, there's also questions  
7 of square footage of the professional office  
8 space relative to the first floor which may  
9 require a variance as well.

10          CHAIRMAN FOOTE: Okay. What are the area  
11 variances in question besides that one?

12          ADMINISTRATOR PALLAS: There would be  
13 setbacks, potentially, and the square footage use  
14 of the professional office space. As of now  
15 that's what our review has suggested.

16          MR. HOUSTOUN: And the square footage will  
17 be proven to be less than the 30% required, so I  
18 don't think we'll end up with a variance because  
19 I think that's per the Zoning Code. But I agree  
20 with Paul that if there was one it may be because  
21 of the intrusion to the side yard setback.

22          CHAIRMAN FOOTE: Of the existing structure,  
23 you mean?

24          MR. HOUSTOUN: The existing structure,  
25 existing in the side yard setback.

1 CHAIRMAN FOOTE: Yeah, I just -- if it's  
2 there it's existing. Any time you make a  
3 renovation to an existing structure that  
4 doesn't -- you have to go through Zoning?

5 MEMBER HAMMES: No, no.

6 ADMINISTRATOR PALLAS: But there's other  
7 structures proposed -- there's other structures  
8 proposed on the site that may be triggering as  
9 well, as well as a wall that's being built that  
10 would qualify as a structure which I believe  
11 encroaches on the side yard as well. There's  
12 this -- there's a lot going on on the site.

13 CHAIRMAN FOOTE: Uh-huh.

14 ADMINISTRATOR PALLAS: It's taking us a  
15 little time to go through it all.

16 CHAIRMAN FOOTE: Okay. Very good.

17 Thank you.

18 MR. HOUSTOUN: Okay. See you again.

19 CHAIRMAN FOOTE: Yep.

20 MEMBER HAMMES: Yep. Thank you.

21 CHAIRMAN FOOTE: Okay. *Item No. 6, 400*  
22 *Main Street. This is a Pre-Submission Conference*  
23 *with possible motion to schedule a Public Hearing*  
24 *for November 29, 2021, regarding the site plan*  
25 *application of Matthew Michel. The applicant*



1        *proposes to make various exterior modifications,*  
2        *per the attached letter. This property is*  
3        *located in the C-R (Retail Commercial) District*  
4        *and is located in the Historic District at*  
5        *Suffolk County Tax Map No. 1001-4.-7-24.*

6        Would the applicant like to speak at this time?

7                MR. MICHEL: Hello. How are you?

8                CHAIRMAN FOOTE: Hi. Could you just  
9        announce your name and address?

10               MR. MICHEL: Yes. Matthew Michel, 2760  
11        Yennecott Drive in Southold.

12               CHAIRMAN FOOTE: Okay.

13               MR. MICHEL: So, we are proposing -- I  
14        guess I'll just summarize kind of quickly what  
15        we're planning on doing.

16               Currently the lot is a one-story structure  
17        at 400 Main Street and about 3100 square feet.  
18        We are proposing demolition of the property.  
19        We did an exploratory demo a few months ago and  
20        it was determined by a structural engineer, and  
21        also confirmed by the architect and a builder,  
22        that the building as is is not really viable.

23               Just to get up to current energy and  
24        structural code, it would be a huge undertaking  
25        and a lot of money and the decision was kind of

1 made that the best decision is to demolish the  
2 building and put up a new structure. And that  
3 brings up a lot of positives, putting a new  
4 structure up will allow us to restore the street  
5 line. Right now the building is set back a  
6 little bit towards the center of the property,  
7 not really offering that much of a view to the  
8 adjacent buildings. So we decided to pull the  
9 building forward a little bit to the front which  
10 still leaves a little space for Clarke's Garden  
11 to our north, and then also kind of pull the  
12 building, the new building towards Central Avenue  
13 which would, you know, improve that street line a  
14 little bit.

15 CHAIRMAN FOOTE: Is the new building, the  
16 main building, one-story?

17 MR. MICHEL: It's one-and-a-half stories on  
18 the restaurant portion, and then there's an  
19 adjacent building being proposed that's two  
20 retail spaces and two apartments above.

21 CHAIRMAN FOOTE: When you say  
22 one-and-a-half stories, what do you mean by that?

23 MR. MICHEL: So, the single-story above it  
24 will be -- half of it will be, you know, a  
25 seating area for more space, some offices,

1 bathrooms, and a partial outdoor area as well,  
2 like a terrace outside. And the other half would  
3 be like a green roof and there'll possibly be  
4 some, you know, air compressors and things on the  
5 roof over on that section

6 MEMBER HAMMES: *(Inaudible)*

7 MR. MICHEL: Yeah, so that's the second  
8 story there.

9 CHAIRMAN FOOTE: Okay.

10 MEMBER HAMMES: I mean, just looking at  
11 this, it looks to me like you are going to need  
12 some variances and Historic Board approval.

13 MR. MICHEL: Yeah, so I think we had some  
14 questions maybe we needed some clarification  
15 about that just because it looked as if artist  
16 dwellings were allowed. And I -- and we saw  
17 nothing on the -- in the Code that didn't allow  
18 the retail spaces either; we could use some  
19 clarification.

20 Also, the square footage that we're  
21 proposing taking up I think falls under, you  
22 know, the 40% lot coverage.

23 MEMBER HAMMES: So your proposal is the  
24 apartments would be used as artist studios, not  
25 just general residential.

1 MR. MICHEL: Yes.

2 MEMBER HAMMES: Because I believe the  
3 Code -- I don't have, again, the Code in front of  
4 me, I know there's a specific --

5 MR. MICHEL: There's specific rules for  
6 that, yeah. I think we would be willing to use  
7 them in that way, for sure. We weren't  
8 completely clear on what that meant, what an  
9 artist dwelling is versus a residential dwelling.

10 MEMBER HAMMES: Yeah, I don't have the  
11 drawing; I don't have the Code with me, but --

12 MR. MICHEL: But that was the proposal.  
13 And then -- so as we bring the building over  
14 towards Central, that would eliminate the 7 to 10  
15 parking spots that are there now, but it would  
16 create a curb, it would create a curb and a  
17 sidewalk there and seven street spots there.  
18 And then also on Main Street, closer to Clarke's  
19 Garden, there's a driveway that would be  
20 eliminated that would create two more parking  
21 spaces, I believe, as well. And we'd have an  
22 outdoor courtyard area as well as an outdoor bar  
23 that's shown on the plan.

24 MEMBER HAMMES: Paul, has the Village done  
25 their analysis on this?

1 ADMINISTRATOR PALLAS: We're still working  
2 on that. I do believe there will be -- I think  
3 there's going to be at least one variance on  
4 this, so. It has to do with proximity to the  
5 Residential District, I need to look through the  
6 Code a little more and speak with the Village  
7 Attorney a little more and get a little  
8 clarification on that, but it does appear that it  
9 would be -- need to be a variance for that; it's  
10 not a big deal but it's a variance nonetheless.

11 MEMBER HAMMES: Okay. I hate to ask this  
12 question but I'm going to go ahead and ask it.  
13 What about -- have you made a determination on  
14 whether this benefits from the grandfathering  
15 clause of the Code on parking?

16 ADMINISTRATOR PALLAS: Similar applications  
17 have been approved.

18 MEMBER HAMMES: Right, the one across the  
19 street was for sure.

20 ADMINISTRATOR PALLAS: Correct. So it's --  
21 yeah.

22 CHAIRMAN FOOTE: The Gallery Hotel?

23 MEMBER HAMMES: No, no, the -- {Demarshali  
24 & Sushi building was never required to -- it used  
25 to be an auto mechanic shop --

1 CHAIRMAN FOOTE: Yeah.

2 MEMBER HAMMES: -- and it was torn down and  
3 rebuilt and it was not subject to -- it was  
4 viewed as a grandfathering because it was  
5 practically the same area footprint.

6 CHAIRMAN FOOTE: Okay.

7 ADMINISTRATOR PALLAS: Just to be clear,  
8 using that as an example -- if may I, Mr.  
9 Chairman?

10 CHAIRMAN FOOTE: Sure.

11 ADMINISTRATOR PALLAS: To use that as an  
12 example, there were specific spots allocated as  
13 part of that site plan approval on that prior  
14 application. I haven't looked at the  
15 application, the original application but it's  
16 whether the spots that are on the side of the  
17 building were part of the site plan, they would  
18 still need to be included.

19 The sites that are pointed out here as  
20 off-site parking, those are not just -- those  
21 aren't dedicated spots to this applicant, so  
22 they're just general use spots.

23 MEMBER HAMMES: Right, but they're not  
24 existing spots right now because of the way that  
25 property is --

1 ADMINISTRATOR PALLAS: Because of the way  
2 that parking is, correct, yes.

3 MEMBER HAMMES: So, to some extent, I mean,  
4 it's like -- it's a pseudogenerous thing --

5 ADMINISTRATOR PALLAS: Yes.

6 MEMBER HAMMES: -- because they are  
7 creating additional spots even though they are  
8 not specific to the property, right?

9 ADMINISTRATOR PALLAS: That's correct.

10 MEMBER HAMMES: So your preliminary  
11 determination has been, though, that they won't  
12 require a parking variance?

13 ADMINISTRATOR PALLAS: It does not appear  
14 that way. I just need to verify the old  
15 application, whether there's any stipulation on  
16 there about that, but there will be likely one  
17 area variance, and just for the Board's  
18 information, will require Historic review as  
19 well.

20 MEMBER HAMMES: It will require what?

21 ADMINISTRATOR PALLAS: Historic, HPC.

22 MR. MICHEL: So, as the building stands  
23 now, we've sort of -- architecturally speaking  
24 the building really isn't contributing  
25 historically to the community, you know, right

1 now. So, how do they move forward with that?  
2 Just because it's in the district, they need to  
3 know that the plans will meet certain  
4 expectations for the Village, correct?

5 MEMBER HAMMES: Well, I can't speak for the  
6 Historic Board, but having personally gone  
7 through it, I mean, if you're at the Historic  
8 Board, you have to go, they -- they look at what  
9 you're doing on the external basis until you give  
10 them feedback --

11 MR. MICHEL: Right, right.

12 MEMBER HAMMES: -- whether or not they  
13 think it's in line. I know they've done a lot of  
14 work recently on putting together guidelines --

15 MR. MICHEL: Yeah, that was my next  
16 question.

17 MEMBER HAMMES: -- so I suspect that you  
18 might want to get a copy of those guidelines  
19 *(laughter)*.

20 MR. MICHEL: Yes.

21 MEMBER HAMMES: Because I -- my preliminary  
22 take on your -- while I think the building looks  
23 nice that you're proposing, I suspect they're  
24 going to have a fair number of comments on it.

25 MR. MICHEL: Yeah, we were thinking they



1 would, as far as guidelines go.

2 MEMBER HAMMES: (*\*Laughter\**) Because -- I  
3 mean, I suspect they're going to think it looks a  
4 little bit modern for the area, that's just my  
5 gut instinct taking a quick look at it.

6 MR. MICHEL: Yeah.

7 MEMBER HAMMES: I mean, I think it looks  
8 very nice, but --

9 MR. MICHEL: Yeah. Well, I think Vincent  
10 could speak on that a little bit, just in terms  
11 of moving forward with architecture. You're not  
12 going to be building a building from, you know,  
13 the same way you would in the 1900s, so naturally  
14 we've progressed.

15 MEMBER HAMMES: Yes, in construction.

16 MR. MICHEL: And as it stands now, I don't  
17 think anything was held to any certain standard.  
18 So, I'm just wondering how they'll perceive it,  
19 you know.

20 MEMBER HAMMES: I can't -- I'm not on the  
21 Historic Board.

22 MR. MICHEL: Yeah, yeah, right.

23 MEMBER HAMMES: I mean, I have my gut instincts  
24 as to what the reaction will be, but --

25 MR. MICHEL: Yeah, yeah.

1           CHAIRMAN FOOTE: I think a good starting  
2 point is you need to come up with elevations. I  
3 know you have this one -- well, I guess Central  
4 Avenue, but I think you need a little more detail  
5 and you should need Type I elevations on all  
6 three sides, particularly --

7           MR. MICHEL: We have the elevations on the  
8 survey, but you want them --

9           CHAIRMAN FOOTE: In the application I'd  
10 like to see those.

11          MR. MICHEL: Okay.

12          MEMBER DOUGHERTY-JOHNSON: Yeah, I would  
13 even like to see those.

14          CHAIRMAN FOOTE: This is just very  
15 generic.

16          MR. MICHEL: Yeah, yeah, yeah.

17          MEMBER DOUGHERTY-JOHNSON: Well, put this  
18 on all sides like the other building. I mean,  
19 not this, but --

20          MR. MICHEL: Oh, The elevation building,  
21 yeah.

22          MEMBER DOUGHERTY-JOHNSON: With all three  
23 sides so you can really like imagine what they'll  
24 all look like in the end.

25          CHAIRMAN FOOTE: But before you do that,

1 you probably should talk to the Historic Board.

2 MR. MICHEL: Of course.

3 CHAIRMAN FOOTE: For a very strong opinion,  
4 as she was saying.

5 MEMBER HAMMES: I mean, I'm not -- I don't  
6 really feel like it's our job to weigh in on the  
7 outside --

8 MR. MICHEL: Okay.

9 MEMBER HAMMES: -- additional's of this at  
10 this point because I think that's really the in  
11 Historic, since it is in the Historic District.

12 CHAIRMAN FOOTE: Well, but that's -- we  
13 have the right to have an opinion on it, the way  
14 it looks.

15 MEMBER HAMMES: I don't disagree.

16 CHAIRMAN FOOTE: Right. So, I guess what  
17 this all means, unless you -- you guys have any  
18 further questions at this time?

19 MEMBER HAMMES: No. I mean, I -- you know,  
20 I think we need to go and review the Code on the  
21 studio apartments and give some thinking to that.  
22 Because as you know, housing is a big issue in  
23 the Villages right now --

24 MR. MICHEL: Yeah.

25 MEMBER HAMMES: -- and I could tell you

1 right now, I wouldn't want to see those become  
2 air BNBs (*laughter*).

3 MR. MICHEL: Yeah. I mean, I would -- I  
4 mean, I wouldn't either because I can't -- none  
5 of the people that work for me can't find a place  
6 to live, so I don't intend to turn those around  
7 into Air BNBs.

8 CHAIRMAN FOOTE: Are you amenable to making  
9 them available for affordable housing, those two  
10 units?

11 MR. MICHEL: Depending on what that means,  
12 I am amenable. You know, I don't know what  
13 the --

14 MEMBER HAMMES: I don't think there's any  
15 criteria in place for that right now.

16 MR. MICHEL: If there's no cri -- yeah.

17 MEMBER HAMMES: But I think there are  
18 things that we could talk about if we get -- when  
19 we get to that point.

20 MEMBER DOUGHERTY-JOHNSON: Would you have  
21 wanted to house your staff there if you could do  
22 whatever you wanted?

23 MR. MICHEL: I mean, I think that that  
24 might naturally happen --

25 CHAIRMAN FOOTE: Uh-huh.

1           MR. MICHEL: -- in some case where I'd have  
2 to rent to staff who can't find places, I mean,  
3 that's one of the thoughts I have. I would agree  
4 that I would keep year-round tenants in there, a  
5 hundred percent.

6           MEMBER HAMMES: Yeah. To me I think  
7 they're like resident -- you'd want them to be  
8 resident restricted for sure.

9           MR. MICHEL: Yeah.

10          CHAIRMAN FOOTE: Yeah.

11          MR. MICHEL: Yeah, I'm not interested in  
12 running an Air BNB house, so.

13          CHAIRMAN FOOTE: Good.

14          MEMBER HAMMES: I'm sure that as we go  
15 through the process, and particularly when we  
16 have the public hearing, as you can imagine  
17 there'll be some further comments and questions.

18          MR. MICHEL: Sure.

19          MEMBER HAMMES: But it would seem prudent  
20 to me at this point to allow it to go to Historic  
21 and, to the extent it needs to, the ZBA and then  
22 come back to us after that's been waiting so we  
23 can kind of see where that all shakes out.

24          MR. MICHEL: Sure. And what was the item  
25 for Zoning, the main item that we were --

1 ADMINISTRATOR PALLAS: I believe it's going  
2 to be proximity to the Residential Zone.

3 MR. MICHEL: Which, R-2, Jay, or --

4 ADMINISTRATOR PALLAS: Yes.

5 VINCENT: I think that the 10-foot setback  
6 is a requirement and I think --

7 ADMINISTRATOR PALLAS: That's not for this  
8 Board. We can discuss that after -- off-line, if  
9 you don't mind.

10 MR. MICHEL: No problem. But if you show  
11 it in the plan they still need to approve it  
12 because it's a change for --

13 ADMINISTRATOR PALLAS: Again, I --

14 MR. MICHEL: Okay (*laughter*).

15 ADMINISTRATOR PALLAS: There's other things  
16 we need to talk about with Historic as well.

17 MR. MICHEL: Yeah, no problem. Okay.

18 ADMINISTRATOR PALLAS: So we'll do that  
19 off-line.

20 MR. MICHEL: Great. All right.

21 CHAIRMAN FOOTE: Well, at a minimum, we'll  
22 establish ourselves, again, as the Lead Agency on  
23 this application, so.

24 MR. MICHEL: Okay. I guess that is it, if  
25 you have no other further questions.

1 CHAIRMAN FOOTE: That's it for now.

2 MR. MICHEL: All right. Thank you.

3 CHAIRMAN FOOTE: Great. Thank you very  
4 much.

5 MR. MICHEL: Appreciate it.

6 CHAIRMAN FOOTE: Yep.

7 *Item No. 7 is a motion to adjourn.*

8 Do I have second?

9 MEMBER HAMMES: Second.

10 CHAIRMAN FOOTE: All in favor?

11 *(\*Aye Said in Unison\*)*

12 Meeting is adjourned.

13 ***(\*The meeting as adjourned at 4:37 p.m. \*)***

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1           C E R T I F I C A T I O N

2

3           STATE OF NEW YORK    )

4                                    ) SS:

5           COUNTY OF SUFFOLK   )

6

7                   I, ALISON MAHONEY, a Court Reporter and  
8           Notary Public for and within the State of New  
9           York, do hereby certify:

10                   THAT, the above and foregoing contains a  
11           true and correct transcription of the proceedings  
12           taken on October 28, 2021, at Station One  
13           Firehouse, Third & South Streets, Greenport,  
14           NY, 11944.

15                   I further certify that I am not related to  
16           any of the parties to this action by blood or  
17           marriage, and that I am in no way interested in  
18           the outcome of this matter.

19                   IN WITNESS WHEREOF, I have hereunto set my  
20           hand this 7th day of November, 2021.

21

22

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Alison Mahoney  
Alison Mahoney

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