

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  
-----X

March 31, 2022  
4:00 p.m. - Station One Firehouse  
236 3rd Street  
Greenport, NY 11944

B E F O R E:  
PATRICIA HAMMES - ACTING CHAIR  
REED KYRK - MEMBER  
LILY DOUGHERTY-JOHNSON - MEMBER  
SHAWN BUCHANAN - MEMBER  
NOT PRESENT:  
WALTER FOOTE - CHAIRMAN  
\*\*\*\*\*  
ALSO IN ATTENDANCE:  
PAUL PALLAS - VILLAGE ADMINISTRATOR  
ROBERT CONNOLLY - VILLAGE ATTORNEY  
AMANDA AURICHIO - CLERK TO THE BOARD  
GIL ANDERSON - LK McLEAN ASSOCIATES

1           **(\*The meeting was called to order at 3:59 p.m. \*)**

2           ACTING CHAIR HAMMES: Good afternoon. I'm  
3 am Patricia Hammes, I am substituting as Chair  
4 for this meeting as Walter Foote can't make it.

5           Welcome to the Village of Greenport  
6 Planning Board's Work Session. It's Thursday,  
7 March 31st, 2022 at 4 p.m.. We have a very full  
8 agenda this after, including pre-submission  
9 hearings in respect of a number of applications,  
10 as well as a discussion on two proposed Village  
11 Code amendments to Chapter 150 of the Code which  
12 have been referred to this Board by the Village  
13 Board for consideration and are in accordance  
14 with Section 150-32 of the Code.

15           So, in addition, one of our Board Members  
16 has to leave by 5:30 today. So we're going to  
17 start with the agenda, at 4:45 we're going to  
18 stop wherever we're at in terms of the  
19 pre-submissions and take up the Code amendments  
20 and then we'll go back to the pre-Conference  
21 submissions after that at 5:30 if we're still not  
22 done when the Board -- the Board Member that has  
23 to leave leaves. Hopefully this will be  
24 relatively smoothly and we won't have to push  
25 anybody to the latter part of the meeting, but

1 that may happen, so just giving people a head's  
2 up on that.

3 So, I guess *Item No. 1* on our agenda for  
4 tonight is a *motion to accept and approve the*  
5 *minutes of the February 24th, 2022 Planning Board*  
6 *Work Session and Regular Meeting.* Do I have  
7 second?

8 MEMBER DOUGHERTY-JOHNSON: Second.

9 ACTING CHAIR HAMMES: All in favor?

10 ("Aye" Said in Unison)

11 Motion passed (*Approved - VOTE: 4/0/0/1 -*  
12 *Not Present: Chairman Foote*).

13 (*Item No. 2*) *Motion to schedule the next*  
14 *Planning Board Work Session for 4 p.m. on April*  
15 *6th, 2022.* Do I have a second?

16 MEMBER DOUGHERTY-JOHNSON: Second.

17 ACTING CHAIR HAMMES: All in favor?

18 ("Aye" Said in Unison)

19 *Motion is accepted and approved (VOTE:*  
20 *4/0/0/1 - Not Present: Chairman Foote*).

21 *Item No. 3 is a motion to schedule the next*  
22 *Planning Board Work Session, to be scheduled if*  
23 *applications for consideration are received by*  
24 *11:30 a.m. on April 15th, 2022, for a meeting to*  
25 *be held at 4 p.m. on April 28th, 2020.* Do I have

1 a second?

2 MEMBER DOUGHERTY-JOHNSON: Second.

3 ACTING CHAIR HAMMES: All those in favor?

4 (*"Aye" Said in Unison*)

5 *Motion is accepted and approved (VOTE: 4/0/0/1 -*  
6 *Not Present: Chairman Foote).*

7 The next item is (*Item No. 3*) a motion to  
8 *schedule the next Planning Board Regular Meeting*  
9 *for 4 p.m. on May 5th, 2022.* Do I have second?

10 MEMBER DOUGHERTY-JOHNSON: Second.

11 ACTING CHAIR HAMMES: All those in favor?

12 (*"Aye" Said in Unison*)

13 *Motion is accepted and approved (VOTE: 4/0/0/1 -*  
14 *Not Present: Chairman Foote).* .

15 I know that we are supposed to -- the  
16 agenda we have has us doing 310 Front, then 104  
17 Third, then 48 Front, then 471 Main and then 111  
18 Main and then 817 Main. But because 817 Main is  
19 a continued discussion of the Pre-Submission  
20 Conference from last session, if the people are  
21 here for that, I'm actually going to propose to  
22 start with that one.

23 MS. MOORE: I'm here as the attorney, but  
24 my clients aren't here yet.

25 ACTING CHAIR HAMMES: Okay. All right,

1 then we'll -- we'll move on and --

2 MS. MOORE: Thank you.

3 ACTING CHAIR HAMMES: -- we can come back  
4 to that.

5 MS. MOORE: Great. Thank you.

6 ACTING CHAIR HAMMES: Okay.

7 All right, so we're going to then go to  
8 Item No. 4 which is actually, I think, *Item No.*  
9 *5*, but anyway, which is a *Pre-Submission*  
10 *Conference regarding the site plan application of*  
11 *Bryan Villanti and Kathy Lofrese on behalf of*  
12 *Route 48 Partners LLC. The applicant proposes to*  
13 *open a Bike Shop at 310 Front Street. This*  
14 *property is located in the C-R (Retail*  
15 *Commercial) District and is not located in the*  
16 *Historic District. It is at Suffolk County Tax*  
17 *Map No. 1001-4.-8-34.1. Is the applicant here?*

18 MR. VILLANTI: I am here.

19 ACTING CHAIR HAMMES: Would you mind  
20 standing up, saying who you are, your address.

21 MR. VILLANTI: Okay. Good afternoon,  
22 Board, Ladies and Gentlemen. My name is Bryan  
23 Villanti with a mailing address of PO Box 13,  
24 East Marion, New York, 11939. Subject property,  
25 the change of use I'd like to apply for is 310

1 Front Street, to put a retail bike shop and  
2 rentals.

3 ACTING CHAIR HAMMES: Okay. Do any of my  
4 Board Members have questions that they care to  
5 direct?

6 MEMBER KYRK: Yes. On the bike rental,  
7 what do you expect for volume on that? I see  
8 that the shop isn't --

9 MR. VILLANTI: I was saying, it seems like  
10 everyone's doing bike rentals in Greenport one  
11 way or another.

12 MEMBER KYRK: Yeah.

13 MR. VILLANTI: I don't think too much.  
14 The priority of the business is to really sell  
15 bicycles.

16 MEMBER KYRK: Retail, yeah.

17 MR. VILLANTI: But I'm sure it might come  
18 up from time to time.

19 MEMBER KYRK: Yeah, just because the  
20 parking is kind of different for rentals because  
21 people who drive here might want to park.

22 MR. VILLANTI: Yeah.

23 MEMBER KYRK: For the rest of it, the  
24 regular commercial retail, it's in and out, you  
25 know.

1 MR. VILLANTI: Sure.

2 MEMBER KYRK: You know, however long you  
3 talk to people.

4 MR. VILLANTI: Uh-huh.

5 MEMBER KYRK: All right. So we don't  
6 really know.

7 MR. VILLANTI: Well, I think that the space  
8 is pretty ample. The only other space that would  
9 be taken would be one parking space for the  
10 apartment upstairs and one for the person on  
11 duty --

12 MEMBER KYRK: Okay.

13 MR. VILLANTI: -- at the shop. I think  
14 it's going to be a low -- you know, a low flow  
15 business.

16 MEMBER KYRK: You --

17 MR. VILLANTI: I think it'll be here and  
18 there, you know, hopefully based upon the year.

19 MEMBER KYRK: Yeah.

20 ACTING CHAIR HAMMES: Do you know how many  
21 parking spots there are available in the back?  
22 Your amount doesn't --

23 MR. VILLANTI: I actually want to say  
24 seven, but --

25 ACTING CHAIR HAMMES: Okay.

1 MR. VILLANTI: -- it might be a little  
2 different.

3 ACTING CHAIR HAMMES: And to follow up, I  
4 guess, on Reed's point, if somebody was renting,  
5 are you going to allow them to leave their car  
6 there while they're renting a bike?

7 MR. VILLANTI: No, definitely not. No.

8 MEMBER KYRK: *(Inaudible)*.

9 ACTING CHAIR HAMMES: Anything else on your  
10 part?

11 MEMBER KYRK: No, I just figured if you  
12 were driving to rent, they could have their  
13 cars --

14 MS. MAHONEY: You're a little hard to hear.  
15 Can you please speak a little closer to the mic?

16 MEMBER KYRK: No, I just thought that if  
17 people are primarily renting, they're going to  
18 have to leave their cars somewhere, unless they  
19 came over from the train station or, you know, a  
20 bus.

21 ACTING CHAIR HAMMES: Shaun, did you have a  
22 question or a comment?

23 MEMBER BUCHANAN: Yes. My question is  
24 outside of traditional bicycles, will you be  
25 doing motorized bicycles, scooters, or any of

1 those large party drinking boats?

2 MR. VILLANTI: No, but we do anticipate  
3 electric bikes.

4 ACTING CHAIR HAMMES: Lily, do you have  
5 anything?

6 MEMBER DOUGHERTY-JOHNSON: I just -- I  
7 don't know if Brian got to see the Planner's  
8 questions. But the only thing on here that I  
9 thought was maybe just about deliveries, or if  
10 you plan on having like big trucks coming in  
11 or --

12 MR. VILLANTI: I don't, not at all. No.  
13 The -- our driveway is actually -- I think it's a  
14 little larger than it actually is, but the fence  
15 on the property is on my side of the property  
16 line.

17 ACTING CHAIR HAMMES: You're not going to  
18 have any front -- you're not going to have any  
19 like off-loading in the front of the building?

20 MR. VILLANTI: Most definitely not, because  
21 that's one thing that irritates me when I see it  
22 in town *(laughter)*.

23 ACTING CHAIR HAMMES: Okay.

24 MEMBER KYRK: And, I mean, just to follow  
25 up with that. Is there sufficient room in back

1 for, like, your normal size box truck or delivery  
2 truck that would --

3 MR. VILLANTI: Yeah. I don't know if you  
4 remember, {Cash} was actually adjacent to that  
5 property.

6 MEMBER KYRK: Adjacent, yeah.

7 MR. VILLANTI: So they had to -- adjacent  
8 to the west. It had quite a few deliveries in  
9 there for whatnot, but I don't think that's going  
10 to be necessary. Because pretty much most of the  
11 bikes when they come, they're going to be broken  
12 down so they're going to be --

13 MEMBER KYRK: Yeah, there'll be boxes.

14 MR. VILLANTI: You know, they'll be in  
15 boxes and we'll have to assemble them.

16 MEMBER KYRK: They come UPS or do they  
17 typically come by the carrier?

18 MR. VILLANTI: I don't know that part.

19 MEMBER KYRK: Okay.

20 MR. VILLANTI: I would think so.

21 ACTING CHAIR HAMMES: And you're going to  
22 do bike repairs as well, correct?

23 MR. VILLANTI: Yeah, correct.

24 ACTING CHAIR HAMMES: Okay. And then you  
25 have --

1 MR. VILLANTI: No, I don't really -- excuse  
2 me. I don't really want to do it for retail for  
3 other customers coming in with their bikes.

4 ACTING CHAIR HAMMES: Just bikes that you  
5 buy.

6 MR. VILLANTI: It's just that if there's a  
7 problem with the bicycle or something we have a  
8 little area in the rear to, you know, repair it  
9 if it's necessary.

10 ACTING CHAIR HAMMES: So on the -- on  
11 this -- on the drawing you've got table and  
12 chairs and a coffee counter *(laughter)*.

13 MR. VILLANTI: Well, you have one area  
14 where you have a desk, and I actually got like a  
15 video screen on the wall where people could kind  
16 of pick the colors and choices. And then they'll  
17 say they want red rims and a blue frame, you can  
18 actually pull it up, it looks like a live TV.

19 ACTING CHAIR HAMMES: So it's like a car  
20 dealership.

21 *(Laughter)*

22 MR. VILLANTI: Yeah, I guess so.

23 ACTING CHAIR HAMMES: And you're not  
24 selling coffee, you're just going to make it  
25 available.

1 MR. Villanti: No, yeah. A little -- yeah.  
2 No, actually there was a former -- a former  
3 tenant, there was a little coffee bar in there,  
4 you know, a couple of cabinets with a coffee  
5 maker on there and a microwave.

6 ACTING CHAIR HAMMES: Is this building also  
7 the building that Parapsychology used to be in?

8 MR. VILLANTI: No, it's not.

9 ACTING CHAIR HAMMES: That's a separate  
10 building?

11 MR. VILLANTI: This is adjacent to that,  
12 yes.

13 ACTING CHAIR HAMMES: Okay. It wasn't  
14 clear to me whether they were the same.

15 Anybody else have any questions?

16 Okay, so I have a question for maybe the  
17 Village Administrator and Rob, which I'm sure I  
18 should know the answer to but I just, going back  
19 through the Code, came up with this question  
20 which is, is a public hearing required for this  
21 application under the Code? Because when I  
22 looked it just seemed to me that the Code  
23 specifies public hearings for plot subdivisions  
24 and conditional use applications. But I didn't  
25 find anywhere else where it clearly states that

1 a public hearing is required.

2 COUNSEL CONNOLLY: It's not in the Code but  
3 it's been the policy of the Planning Board going  
4 back however long to have public hearings on all  
5 site plan applications.

6 ACTING CHAIR HAMMES: Okay. All right.  
7 Well, then I think we're going to probably, just  
8 sticking with precedent, schedule a public  
9 hearing for this which we'll do, I guess, as  
10 expeditiously as possible, because I'm sure  
11 you're eager to get opened.

12 MR. VILLANTI: Sure. I didn't realize that  
13 we might need a public hearing on that; I thought  
14 it was a matter of formality for the change of  
15 use.

16 ACTING CHAIR HAMMES: Well, we normally  
17 have been -- I think that it is correct that we  
18 have historically had them for change of use as  
19 well. So, I think in line with that, that we  
20 don't necessarily want to deviate from what has  
21 been the practice to date.

22 MR. VILLANTI: Okay.

23 ACTING CHAIR HAMMES: It just seems that as  
24 a routine matter we're going to have to go ahead  
25 and do it. So, Paul and Amanda, that can be

1 scheduled, what, for a month from now, at the May  
2 meeting?

3 ADMINISTRATOR PALLAS: Yes, May 5th

4 ACTING CHAIR HAMMES: So we'll have it at  
5 the May meeting and hopefully we can vote on it  
6 then at the May meeting as well.

7 MR. VILLANTI: Okay. So right now I'm in a  
8 holding pattern?

9 ACTING CHAIR HAMMES: Yeah, sorry.

10 MR. VILLANTI: Okay. All right, thank you  
11 very much.

12 ACTING CHAIR HAMMES: Anything else?

13 MR. VILLANTI: Have a good night. That's  
14 it?

15 ACTING CHAIR HAMMES: Yep, that's it.

16 MEMBER DOUGHERTY-JOHNSON: I just -- why  
17 are we not having public hearings in April?

18 ACTING CHAIR HAMMES: Well, I think, first  
19 of all, you've got to publish the notice and  
20 everything. And we're not going to -- I don't  
21 think we're doing public hearings the last month  
22 of April, we're doing it the first week of May.

23 ADMINISTRATOR PALLAS: Right.

24 ACTING CHAIR HAMMES: We're going back to  
25 the schedule of Work Session at the end of the

1 month and the public hearings at the beginning of  
2 the month.

3 MEMBER DOUGHERTY-JOHNSON: Gotcha.

4 ACTING CHAIR HAMMES: Thank you.

5 MR. VILLANTI: Thank you.

6 ACTING CHAIR HAMMES: All right. The next  
7 item is -- Item No. 5, which I believe actually,  
8 again, is *Item No. 6, 104 Third Street. This is*  
9 *a Pre-Submission Conference regarding the site*  
10 *plan application of Eugene Burger on behalf of*  
11 *PORT 104, Inc. The applicant proposes to put up*  
12 *an additional canopy similar to that which is*  
13 *currently existing. This property is located in*  
14 *the W-C (Waterfront Commercial) District and is*  
15 *not located in the Historic District. It is at*  
16 *Suffolk County Tax Map No. 1001-5.-4-3.*

17 Again, maybe you can state your name for  
18 the record --

19 MR. CEPELAK: Sure.

20 ACTING CHAIR HAMMES: -- and just give us a  
21 quick overview of what you're proposing.

22 MR. CEPELAK: Yes. My name's Jonathan  
23 Cepelak, address is 460 The Greenway, East  
24 Marion. I'm the General Manager speaking for Port  
25 Waterfront Bar & Grill.

1           We're looking to put up a small awning,  
2           similar to the one that we have in place already.  
3           Obviously the one that we have in place is much  
4           larger than this. It's covering about four  
5           tables adjacent to the existing structure there,  
6           but it's not attached to the structure.

7           ACTING CHAIR HAMMES: This is the seats  
8           that are located outside of the area that's kind  
9           of already got a roof over it, correct, for  
10          the -- if you're looking at the gazebo bar, it's  
11          basically behind the gazebo bar.

12          MR. CEPELAK: Yeah, that's a small, slender  
13          area there. Looking to cover it just to have  
14          consistent seating, you know. We had a lot of  
15          issues last summer with rain --

16          ACTING CHAIR HAMMES: Yeah.

17          MR. CEPALAK: -- every Saturday night, so  
18          it takes away, you know, a small portion of our  
19          dining area.

20          ACTING CHAIR HAMMES: And is that  
21          principally used for dining and not for bar  
22          overflow?

23          MR. CEPELAK: It's, I'd say, principally  
24          bar overflow for people that want to dine, if  
25          that makes sense. People that come to the bar to

1 eat.

2 ACTING CHAIR HAMMES: So if you come into  
3 the front and check in with the hostess or you're  
4 making a reservation, you don't include that as  
5 part of that? It really is people just kind of  
6 seat themselves there?

7 MR. CEPELAK: We reserve it more for  
8 walk-in, I'd say. We don't put reservations  
9 there, no. But I will say those tables are  
10 always generally full.

11 ACTING CHAIR HAMMES: And you're not  
12 planning any other changes with respect to the  
13 operations of the business with relating to this,  
14 like increasing hours --

15 MR. CEPELAK: No, we're not.

16 ACTING CHAIR HAMMES: -- or changing, adding  
17 seats or anything like that to that area?

18 MR. CEPELAK: No, we won't be adding  
19 anything additional. It's more, honestly, for  
20 the comfort of our guests.

21 ACTING CHAIR HAMMES: And do you know -- I  
22 couldn't really tell from the drawings. I know  
23 that there is a window on the American Legion  
24 building there; does this at all obstruct that?

25 MR. CEPELAK: No, not at all. That window

1 is, you know, much higher than our property.  
2 Even if it -- that window overlooks our -- the  
3 roof of our building and the awning that's there  
4 is even -- you know, the existing awning is  
5 higher than the one that we're already -- that  
6 we're planning to put in, so it won't even be  
7 obstructed any more than that. And it doesn't  
8 obstruct, I've been up there, we've actually done  
9 events up there.

10 ACTING CHAIR HAMMES: Any -- does anybody  
11 else have any questions on this?

12 MEMBER DOUGHERTY-JOHNSON: I don't think --  
13 I mean, basically the number of seats is not  
14 changing, right?

15 MR. CEPELAK: No.

16 MEMBER DOUGHERTY-JOHNSON: Outdoor and  
17 indoor seats are counted separately or all  
18 together?

19 MR. CEPELAK: We're approved for 188 by the  
20 Village of Greenport and we never exceed that.

21 MEMBER DOUGHERTY-JOHNSON: And that's  
22 indoor and outdoor.

23 MR. CEPELAK: Indoor and out.

24 MEMBER DOUGHERTY-JOHNSON: So it's  
25 just that these are not -- won't be rained on.

1 MR. CEPELAK: Exactly.

2 MEMBER DOUGHERTY-JOHNSON: Okay.

3 ACTING CHAIR HAMMES: And again on this  
4 one, is this before us because it's in the  
5 Waterfront Commercial so its viewed as a  
6 conditional use change, Paul? Or, I'm trying to  
7 understand again. This is coming to us as the  
8 Planning Board because it's a conditional use?

9 ADMINISTRATOR PALLAS: Yes. It's an  
10 existing conditional use which anything that  
11 requires site plan approval and change regarding  
12 site plan.

13 ACTING CHAIR HAMMES: Okay. So I assume we  
14 also have to have a public hearing for this as  
15 well. So we will --

16 ADMINISTRATOR PALLAS: Yes.

17 ACTING CHAIR HAMMES: -- again, endeavor to  
18 schedule that for the first week of May.

19 MR. CEPELAK: Okay.

20 ACTING CHAIR HAMMES: Anything else?  
21 Thank you very much.

22 MR. CEPELAK: All right. That's the  
23 earliest meeting?

24 ACTING CHAIR HAMMES: Yes. Sorry.

25 MR. CEPELAK: All right. Thanks.

1           ACTING CHAIR HAMMES: Okay. Moving along,  
2           Item No. 6 on the agenda, which is really *Item*  
3           *No. 7, 48 Front Street. A Pre-Submission*  
4           *Conference regarding the site plan application of*  
5           *Christoph Mueller on behalf of 48 Front Street*  
6           *Property LLC (Greenhill Kitchen). The applicant*  
7           *proposes to remove the existing exterior walls*  
8           *and balcony on the second floor. The balcony*  
9           *will be enclosed to provide more space for the*  
10           *interior of the restaurant. The new wall section*  
11           *will include three window units and will be*  
12           *in-kind with the existing siding. This property*  
13           *is located in the C-R (Retail Commercial)*  
14           *District and is not located in the Historic*  
15           *District. Suffolk County Tax Map No.*  
16           *1001-4.-10-32.*

17           Can you tell us who you are and your  
18           address for the record, please?

19           MR. SIDOR: My name's Ryan Sidor, I work  
20           for Robert Brown Architecture, that's 205 Bay  
21           Avenue.

22           ACTING CHAIR HAMMES: So, to confirm,  
23           because when I initially saw this I thought that  
24           what you were trying to do was close in the patio  
25           area which just has an awning cover on it. That

1 is not what you're doing, it's just that front  
2 balcony area?

3 MR. SIDOR: Yeah, correct.

4 ACTING CHAIR HAMMES: And how much square  
5 footage does that add exactly to the operating  
6 space at the restaurant?

7 MR. SIDOR: Fifty-two square feet.

8 ACTING CHAIR HAMMES: And will that, then,  
9 I guess, have an impact on increasing your  
10 available occupancy?

11 MR. SIDOR: So we don't plan to. The space  
12 is more for band setup and performance area. We  
13 didn't propose anything, but --

14 MEMBER DOUGHERTY-JOHNSON: Wait, I'm sorry,  
15 just to clarify. We're talking about the second  
16 floor which now has a balcony and it has an  
17 awning and it's kind of outdoors even with an  
18 awning.

19 MEMBER BUCHANAN: No.

20 MR. SIDOR: No, it's the balcony on --

21 ACTING CHAIR HAMMES: No, they're leaving  
22 that the way it is. It's literally just the  
23 front.

24 MEMBER BUCHANAN: *(Inaudible)*.

25 MEMBER DOUGHERTY-JOHNSON: Oh, gotcha.

1 I see, okay.

2 ACTING CHAIR HAMMES: The Village has  
3 determined this doesn't need a variance or  
4 anything, correct?

5 ADMINISTRATOR PALLAS: That's correct.

6 MEMBER DOUGHERTY-JOHNSON: Oh, okay.

7 ACTING CHAIR HAMMES: One point which is  
8 unfortunately not related specifically to this  
9 but was raised by the application; and again,  
10 this is kind of partially for the Village's  
11 consideration.

12 You have on the survey and stuff that you  
13 have existing outdoor seating. I don't believe  
14 that was ever approved as part of your site plan,  
15 I think it was permitted during COVID. I don't  
16 know what the Village's intent is on that, but I  
17 know there had originally been an application put  
18 before the Planning Board on that piece, that  
19 idea that was then withdrawn.

20 So I would suspect that if you intend to  
21 go -- continue to use it on that basis that there  
22 needs to be an amended site plan approval filed  
23 for that, although ultimately it's right now a  
24 Code Enforcement and Village question.

25 MR. SIDOR: Yes.

1           ACTING CHAIR HAMMES: But given that you  
2 highlighted it in the drawings, I think I just  
3 wanted to draw attention to that for the owner's  
4 consideration.

5           MR. SIDOR: Yeah.

6           ACTING CHAIR HAMMES: I don't know, does  
7 anybody else have anything else on this  
8 application? So, bottom line is you're not  
9 planning on changing what you're doing there,  
10 it's only adding the 52 square feet but you don't  
11 intend it to effect occupancy, you're not  
12 increasing your hours.

13          MR. SIDOR: No.

14          ACTING CHAIR HAMMES: You're not going to  
15 change the hours that the music is going on --

16          MR. SIDOR: No.

17          ACTING CHAIR HAMMES: -- from that, that's  
18 already permitted.

19          MR. SIDOR: Yes, all that would stay the  
20 same.

21          MEMBER KYRK: In essence, you're moving the  
22 band back six feet or so?

23          MR. SIDOR: Yeah. On the plan if you see  
24 it, it's just like a really -- the balcony  
25 creates an awkward space, kind of.

1 MEMBER KYRK: Uh-huh.

2 MR. SIDOR: So they're just really  
3 flattening that area out so the band has more  
4 area to set up and it's a more acoustic, I guess,  
5 area.

6 MEMBER KYRK: Okay.

7 ACTING CHAIR HAMMES: I mean, I don't have  
8 anything on this further, so I think we can go  
9 ahead and, again, schedule this for a public  
10 hearing as expeditiously as we can. Yes?

11 ADMINISTRATOR PALLAS: Just to be clear.  
12 So the -- because there was a question about the  
13 outdoor seating. That this application is only  
14 for that piece that they're increasing; is  
15 that --

16 ACTING CHAIR HAMMES: I assume -- that's  
17 what I understand, that's the way I read the  
18 application.

19 ADMINISTRATOR PALLAS: Okay.

20 ACTING CHAIR HAMMES: I just raised the  
21 other thing because it's on there as existing  
22 outdoor seating, and as far as I know there is no  
23 permitted existing outdoor seating there.

24 ADMINISTRATOR PALLAS: That's correct.

25 MEMBER DOUGHERTY-JOHNSON: But if we

1 approve the site plan, aren't we approving the  
2 existing outdoor seating?

3 ACTING CHAIR HAMMES: Well, it should be  
4 amended to make them take that off, probably.

5 MR. SIDOR: Yeah, that could be done.

6 ACTING CHAIR HAMMES: Okay.

7 MEMBER BUCHANAN: It's only the second  
8 floor, it's not the entryway; that's still going  
9 to be recessed?

10 MR. SIDOR: Yes, it's just the second  
11 floor.

12 ACTING CHAIR HAMMES: Okay. So I think  
13 that -- I mean, we can go ahead and schedule the  
14 public hearing, but the site plan should be  
15 amended to take that unapproved seating area off  
16 of it.

17 MR. SIDOR: Yeah.

18 MR. MUELLER: Christoph Mueller, 151 Bay  
19 Avenue and the owner of 48 Front Street, the  
20 Green Hill Restaurant. I am not sure where -- I  
21 mean, the only plans I've ever seen of this  
22 building have the outdoor seating on it.

23 When I purchased the building those seats  
24 were on the plans. And I have confirmed from the  
25 previous owner, Mr. Perry, the previous owner

1 Mr. Perry that he had these approved. My  
2 understanding was that outdoor seating there was  
3 approved.

4 ACTING CHAIR HAMMES: Again, I'm going to  
5 have to defer to the Village and their review of  
6 this. But I do recall that you had filed an  
7 application for some changes to that area before  
8 COVID that were then withdrawn, because there was  
9 some discussion about the elimination of parking  
10 spaces that were in there at the time.

11 MR. MUELLER: No, we had applied for a  
12 completely different thing. We wanted to expand  
13 the building in the back, that's what we had  
14 planned.

15 ACTING CHAIR HAMMES: Okay. All right.  
16 Well, again, I will have to then defer to the  
17 Village on that because that would be before my  
18 time on the Board.

19 MR. MUELLER: My understanding is that the  
20 outdoor seating was always approved, even when I  
21 purchased it.

22 ADMINISTRATOR PALLAS: I can review the  
23 file in advance of the hearing and provide  
24 information. My recollection was that it was not  
25 approved, I just have to review the file and I

1 can confirm that. Whatever the outcome is I will  
2 let the Planning Board know.

3 MR. MUELLER: Thank you.

4 ACTING CHAIR HAMMES: So I don't think that  
5 addressed principally also the planner's  
6 comments. So, I think we need to confirm that.  
7 I understand what your position is, I just don't  
8 have the answer on it. My understanding had  
9 always been that that was put in during COVID but  
10 had not been previously approved

11 MR. MUELLER: I do not want to have one  
12 question hold up the other --

13 MEMBER DOUGHERTY-JOHNSON: Understood.  
14 Well, I don't think we -- I don't think we have  
15 to hold up this except for the fact that we need  
16 new drawings with that marked either as subject  
17 to ongoing review. And then if it -- they --  
18 once that determination is made, you'll need to  
19 take it up with them in terms of what is  
20 required, if anything.

21 MR. MUELLER: Okay.

22 ACTING CHAIR HAMMES: Anything else? Okay.  
23 I think then we'll schedule the public hearing  
24 for the application for that front and you and  
25 the Village can discuss what needs to be done on

1 the site plan with respect to that. Okay?

2 All right. Moving right along, *Item No.*  
3 *7/8* on the agenda, *471 Main Street*, a  
4 *Pre-Submission Conference* regarding the site plan  
5 *application of Shari Hymes on behalf of Emily*  
6 *Demarchelier of Demarchelier Bistro*. The  
7 *applicant proposes to install a red retractable*  
8 *awning to protect the outdoor seating area*. This  
9 *property is located in the C-R (Retail*  
10 *Commercial) District and is located in the*  
11 *Historic District*. It is *Suffolk County Tax Map*  
12 *Number 1000-4.-7-21*. Emily, would you care to --

13 MS. DEMARCHELIER: Yes. I just had these  
14 printed, so.

15 ACTING CHAIR HAMMES: Thank you.

16 MS. DEMARCHELIER: I have two more, because  
17 I was supposed to print six. Do you want to take  
18 the extras?

19 ACTING CHAIR HAMMES: Can you hand them to  
20 Paul?

21 MS. DEMARCHELIER: Yes.

22 ACTING CHAIR HAMMES: Thank you.

23 MS. DEMARCHELIER: Thank you. Hi. I'm  
24 Emily Demarchelier, 471 Main. Just trying to add  
25 an awning (*laughter*). Just trying to protect my

1 seats from the rain.

2 MS. MAHONEY: I'm sorry. Can you please  
3 speak closer to the mic.

4 MS. DEMARCHELIER: Oh, I'm sorry. Just  
5 trying to add an awning to protect the seats  
6 approved, 16 seats that I have outside. Pretty  
7 basic, I think. I don't know.

8 ACTING CHAIR HAMMES: Yeah. The only  
9 complication that I saw to it is it's in the  
10 Historic District, so I didn't know whether this  
11 needed HPC approval.

12 ADMINISTRATOR PALLAS: I think it does,  
13 yes.

14 MS. DEMARCHELIER: Oh, yeah, I have to go  
15 through them also. It's my understanding that I  
16 have to go through here first and then HPC.

17 ACTING CHAIR HAMMES: Okay. I don't --  
18 does anybody have any --

19 MEMBER DOUGHERTY-JOHNSON: I think the only  
20 thing on the planner, what the consultants notes  
21 was something about like visibility in that  
22 driveway, right here. But I don't -- it doesn't  
23 seem like it comes out far enough.

24 MS. DEMARCHELIER: It doesn't come out far  
25 enough and it's also very high.

1 MEMBER DOUGHERTY-JOHNSON: Right. Okay.

2 MS. DEMARCHELIER: I mean, any car -- I  
3 mean, it could be like a clown car that maybe  
4 would have a problem with that, but.

5 MEMBER DOUGHERTY-JOHNSON: That was my  
6 question, the only thing I thought.

7 ACTING CHAIR HAMMES: Okay. So I think we  
8 should go ahead and -- we can schedule the public  
9 hearing contiguous with the HPC hearing, correct?

10 ADMINISTRATOR PALLAS: The next HP --  
11 Historic Preservation Commission meeting is on  
12 the 21st of April. So, assuming -- I mean, we  
13 could schedule the hearing and if they don't  
14 receive approval --

15 ACTING CHAIR HAMMES: We can't vote until  
16 after that, I understand. But I think in the  
17 interest of time, given where we are in the  
18 calendar, we would go ahead and schedule the  
19 public hearing for May hoping that you have your  
20 HPC approval and we could presumably have the  
21 public hearing anyway. And as long as the HPC  
22 doesn't make any changes, we could then vote as  
23 soon as -- you know, at the next meeting after  
24 you have your HPC approval.

25 MS. DEMARCHELIER: Okay. So I just need to

1 get on their calendar?

2 ACTING CHAIR HAMMES: Yeah.

3 MS. DEMARCHELIER: Okay. Great.

4 ACTING CHAIR HAMMES: Okay?

5 MS. DEMARCHELIER: Thank you

6 ACTING CHAIR HAMMES: All right. *Item No.*

7 *8/9 on the agenda, 111 Main Street. A*

8 *Pre-Submission Conference regarding the site plan*

9 *application of Robert Brown on behalf of PWIB*

10 *Claudio Real Estate LLC. The applicant proposes*

11 *to:*

12 *Extend the existing canopy over the*

13 *"waterfront" wharf; and*

14 *Use a food truck in front of Crabby*

15 *Jerry's.*

16 *The property is located in the W-C*

17 *(Waterfront Commercial) District and is also*

18 *located in the Historic District. Suffolk County*

19 *Tax Map 1001-5.-4-25, 38.1, 39.*

20 MR. BROWN: Robert Brown, Architect, 205

21 Bay Avenue, Greenport.

22 MR. MATSUOKA: Toro Matsuoka, 50 Pine Crest

23 Lane, Sag Harbor.

24 ACTING CHAIR HAMMES: Do you want to walk

25 us through maybe each one of these things

1 briefly?

2 MR. BROWN: Sure. The canopy is literally  
3 a straight extension of the existing canopy, just  
4 a couple of more space, no change in the use  
5 under the canopy.

6 MR. MATSUOKA: For sound-proofing effects.

7 MR. BROWN: I was getting there.

8 (\*Laughter\*)

9 For -- to mitigate the sound from the DJ or  
10 band at the end of the dock.

11 ACTING CHAIR HAMMES: So, I think the  
12 awning -- I don't know if the awning is still  
13 down for the winter or not; I haven't had a  
14 chance to walk over there.

15 MR. MATSUOKA: We just put them up.

16 ACTING CHAIR HAMMES: They're back up?  
17 Okay. But as I recall, I thought that it closed  
18 on the sides as well?

19 MR. MATSUOKA: All three sides. All four  
20 sides.

21 ACTING CHAIR HAMMES: So that would also  
22 continue down here.

23 MR. MATSUOKA: It will look and act exactly  
24 as it is. I doubt anyone would even notice the  
25 difference; it's exactly where it is just further

1 out.

2 MEMBER DOUGHERTY-JOHNSON: So basically the  
3 entire dock will now be canopied like that.

4 MR. MATSUOKA: The final 28% that's  
5 uncovered will now be covered, yeah.

6 ACTING CHAIR HAMMES: But that part has  
7 never been used for dining, it's always been used  
8 really for the bar and the music, correct? And a  
9 lounge area?

10 MR. MATSUOKA: It has -- under our  
11 operation it's heavily used for dining. The  
12 challenge --

13 ACTING CHAIR HAMMES: Are there tables out  
14 there?

15 MR. MATSUOKA: There can be.

16 MEMBER BUCHANAN: Well, last season you had  
17 those canopies and you had the lounge seating  
18 and --

19 MR. MATSUOKA: Exactly, yes.

20 MEMBER BUCHANAN: Which was an addition for  
21 COVID.

22 ACTING CHAIR HAMMES: Does your -- but your  
23 site plan doesn't provide for tables out there.

24 MR. MATSUOKA: That's possible.

25 ACTING CHAIR HAMMES: So, you can't just

1 put tables out there without that being part of  
2 your site plan.

3 MR. MATSUOKA: Noted. The purpose for  
4 coverage is the Village has made it clear that we  
5 need to help lessen the noise. Part of the  
6 challenge is that noise emanates not so much from  
7 inside the covered canopy, but from people  
8 outside. This is a challenge. And from one of  
9 my other colleagues, the fact that it rained 44%  
10 of every open week last year and a hundred  
11 percent of every peak weekend, that additional  
12 coverage would also be helpful.

13 ACTING CHAIR HAMMES: Okay.

14 MEMBER KYRK: It would be helpful for  
15 people standing around? Because it can't be for  
16 people dining if it's not over there.

17 MR. MATSUOKA: It's hard to dance in the  
18 rain.

19 MEMBER KYRK: I was just asking, you know,  
20 what's the point of covering it if --

21 MR. MATSUOKA: Well, two parts, right.  
22 Again, that final 30 percentish is where a lot of  
23 people like to stand. So, at night when people  
24 are out there, that's a great place to smoke.  
25 But if you notice, you can hear people standing

1 out there but, you know, a hundred people inside  
2 you wouldn't necessarily hear.

3 MEMBER DOUGHERTY-JOHNSON: But are they  
4 going to smoke in a covered --

5 MR. MATSUOKA: Very good point. They're  
6 going to be out there regardless, whether it's  
7 covered or not. It's part of our demise space.  
8 So if I can enclose it there, we can keep people  
9 who smoke towards the front. For some reason,  
10 maybe it has to do with wind, but that final  
11 piece of the dock carries right across to Shelter  
12 Island. It's fascinating. But --

13 MEMBER KYRK: Over to 6th and Clarke  
14 Street?

15 MEMBER BUCHANAN: Was there a reason when  
16 the awning was first installed that it wasn't  
17 continued that whole length before or --

18 MR. MATSUOKA: We tried originally to stay  
19 in the existing footprint, but we designed the  
20 original canopy so that in the event it needed to  
21 be extended it wouldn't aesthetically look  
22 different.

23 ACTING CHAIR HAMMES: And the food truck is  
24 necessary because?

25 MR. MATSUOKA: You know, we're in the

1 people-pleasing business. We sell happiness on a  
2 daily basis.

3 ACTING CHAIR HAMMES: That ends up with  
4 garbage in the village streets.

5 MR. MATSUOKA: Well, I hope not.

6 MEMBER KYRK: Well, that's all going to be  
7 -- you're serving out on that deck now; is there  
8 disposal plates or recyclable plates?

9 MR. MATSUOKA: Which area?

10 ACTING CHAIR HAMMES: Crabby Jerry's.

11 MR. MATSUOKA: The Crabby Jerry's deck?

12 MEMBER KYRK: Yeah. Actually, it's a  
13 broader question. But since we bring, you  
14 know -- if it's mobile food from the food truck  
15 it's food packaging moving around. But there's  
16 still the question of the food packaging that  
17 comes with the stuff that's served on the decks.  
18 So there's all -- I'm just curious.

19 MR. MATSUOKA: All the trash you're talking  
20 about comes from Crabby Jerry's?

21 ACTING CHAIR HAMMES: No, no, I think he's  
22 asking a separate question in that -- in terms of  
23 what you use.

24 MEMBER KYRK: I'm asking a broader  
25 question; what do you use for serving in those

1 areas?

2 MR. MATSUOKA: Anything that comes out of  
3 the food truck is disposable, as is many of the  
4 other items from all the other locations.

5 ACTING CHAIR HAMMES: Yeah. I think my  
6 recollection is that isn't on the waterfront,  
7 some of it is disposable --

8 MR. MATSUOKA: (Indiscernible) purposes,  
9 frequently.

10 MEMBER DOUGHERTY-JOHNSON: So, if you go to  
11 the food truck, where -- do you sit down  
12 somewhere?

13 MR. MATSUOKA: You could. You know, the  
14 idea is for us to create other opportunities for  
15 eatertainment, which is part of hospitality in  
16 general. You know, we probably will utilize the  
17 truck there, but during opportunities like  
18 HarborFest to move that truck, you know, it's  
19 nice to have something mobile.

20 MEMBER DOUGHERTY-JOHNSON: Maritime?

21 MR. MATSUOKA: That one, too. So, I didn't  
22 know specifically that you needed to have a  
23 permit to have a food truck on the property.

24 ACTING CHAIR HAMMES: Well, it's adding an  
25 additional eating location, right? I mean, you

1 already have four on this property, and now  
2 you're adding one where people are going to take  
3 food and go only God knows where with it with  
4 their garbage.

5 MR. MATSUOKA: This is true. Crabby's,  
6 which we -- you know, the property was acquired  
7 in 2018, has always been disposable food service,  
8 and all the locations provide take-out. So  
9 it's --

10 ACTING CHAIR HAMMES: Understood, but most  
11 people who go to Crabby's eat there. So, I think  
12 it's a little bit different than a food truck  
13 which specifically doesn't have a dedicated  
14 seating area --

15 MR. MATSUOKA: Correct.

16 ACTING CHAIR HAMMES: -- and is clearly not  
17 intended to have people eat on-site.

18 MR. MATSUOKA: Yes.

19 ACTING CHAIR HAMMES: And frankly, in an  
20 area like the downtown area of the Village, and  
21 to go to your point about eatingtainment, or  
22 whatever; it's not like people are pulling in to  
23 get their pizza to take it home either. So,  
24 basically, anybody that buys from that food truck  
25 is going to walk down the street eating --

1 MR. MATSUOKA: Yes.

2 ACTING CHAIR HAMMES: -- and do whatever  
3 they do with their garbage and drop food on the  
4 ground.

5 MR. MATSUOKA: Hopefully they're  
6 responsible residents.

7 ACTING CHAIR HAMMES: That's not my  
8 experience. You can just go walk right now even  
9 when we're not in tourist season in town, so.

10 MEMBER DOUGHERTY-JOHNSON: And it's not  
11 been an area that was formerly parking?

12 MR. MATSUOKA: Correct.

13 MEMBER DOUGHERTY-JOHNSON: So what was it  
14 formerly?

15 MR. MATSUOKA: We retain the same number of  
16 parking units, which I think is 100 or 101.

17 MEMBER DOUGHERTY-JOHNSON: But, so what is  
18 the area now?

19 MR. MATSUOKA: Parking is stopped 20 or 30  
20 feet, I think, from the building.

21 MEMBER DOUGHERTY-JOHNSON: So it was just  
22 empty -- empty parking lot space.

23 MR. MATSUOKA: Basically.

24 MEMBER DOUGHERTY-JOHNSON: That maybe  
25 people turned around in?

1 MR. MATSUOKA: Possibly.

2 ACTING CHAIR HAMMES: Do you even do  
3 parking down in Crabby Jerry's now in that lot?

4 MR. MATSUOKA: Yes, of course. It makes up  
5 a significant portion.

6 ACTING CHAIR HAMMES: Okay. All right.  
7 Well, I mean, we're going to obviously have to  
8 schedule this for a public hearing. Do people  
9 have questions about the specifics that we should  
10 dwell into further?

11 MEMBER DOUGHERTY-JOHNSON: I mean, one  
12 thing that's on the planner's, consultant's is  
13 just like about turning around. Like if you park  
14 there, are you backing out now because it's in  
15 the way?

16 MR. BROWN: No. In fact, the space  
17 currently and has always been not conforming to a  
18 required turnaround space. People -- because the  
19 distance between the lines of the parking is 30  
20 feet, whereas 20 feet is required, everybody,  
21 from my experience, backs out and drives out that  
22 way. Nobody goes around and turns around in that  
23 end space.

24 MEMBER KYRK: So your point is that it's a  
25 three-point turn and it's going to continue to be

1 a three-point turn?

2 MR. BROWN: It's always been and we're not  
3 changing that.

4 MEMBER KYRK: I mean what was (*inaudible*).

5 MR. BROWN: There's never been enough room  
6 to do a full cul-de-sac kind of turn-around.

7 MR. MATSUOKA: When it's full. When it's  
8 full.

9 ACTING CHAIR HAMMES: One other question on  
10 the food cart. Are you -- I'm presuming you're  
11 not serving alcoholic beverages out of that food  
12 cart.

13 MR. MATSUOKA: That is indeed correct.

14 ACTING CHAIR HAMMES: But you might be  
15 serving soda and stuff like that.

16 MR. MATSUOKA: Absolutely.

17 ACTING CHAIR HAMMES: Yeah.

18 MEMBER KYRK: So what would be necessary to  
19 get an alcoholic beverage if you bought food from  
20 the food cart?

21 MR. MATSUOKA: As of right now, in the  
22 State of New York you cannot buy alcohol to go.

23 MEMBER KYRK: No, I didn't say to go. What  
24 would be necessary to purchase an alcoholic  
25 beverage when your hands are full of, you know --

1           ACTING CHAIR HAMMES: I think he's saying  
2 you can't, because there's -- it would be to go.

3           MEMBER KYRK: I know that you can't from  
4 the food cart. What would a customer need to do  
5 to purchase a alcoholic beverage from one of your  
6 establishments?

7           MR. MATSUOKA: They would have to go to a  
8 licensed location.

9           MEMBER KYRK: Which would be?

10          MR. MATSUOKA: Any of our properties.  
11 All of them are licensed. They would have to  
12 purchase and consume the alcohol within the  
13 demise of the premises. And then hopefully at  
14 that same time dispose of their take-out  
15 containers.

16          MEMBER KYRK: When you say within the  
17 premises, does that include going back and  
18 watching the boats come in over by the food  
19 truck?

20          MR. MATSUOKA: As long as it's within the  
21 demise footprint.

22          MEMBER KYRK: I guess I'm -- I'm trying to  
23 ask what the demise footprint is and I'm not  
24 getting there. So what's the demised footprint?

25          MR. MATSUOKA: Those plans I'm pretty sure

1 are on file.

2 MEMBER KYRK: I got it.

3 MR. MATSUOKA: Yeah.

4 ACTING CHAIR HAMMES: Um --

5 MR. MATSUOKA: But they could not -- again,

6 I'm having a hard time understanding the

7 question. But they cannot consume alcohol --

8 MEMBER KYRK: What is the demise

9 footprint --

10 MR. MATSUOKA: -- in and around the food

11 truck.

12 MEMBER KYRK: What is the demise for Crabby

13 Jerry's? What is the demise footprint for

14 Claudio's and all -- you don't understand the

15 question?

16 ACTING CHAIR HAMMES: Do you allow people

17 to walk out of Crabby Jerry's with a beer to go

18 to their car, if they're parked on the lot?

19 MR. MATSUOKA: No. That's --

20 ACTING CHAIR HAMMES: You know, they're not

21 leaving your premises, right? If the car is

22 parked on the lot --

23 MR. MATSUOKA: That's correct. So, prior

24 to -- I don't know what happened with the prior

25 ownership or what you're familiar with with the

1 prior ownership, but they had the property wide  
2 license. Prior to us, you were allowed to leave  
3 any of the locations and consume alcohol in any  
4 location on the property. I mean, in a back  
5 parking lot you could throw back a shot and hang  
6 out. Right now each of the individual properties  
7 are licensed. So, the State Liquor Authority  
8 says that your demise property has to be -- it  
9 cannot easily enter or exit a demised property.

10 So, if you think about just I think of in  
11 general, right, from the back of Crabby's here  
12 and forward would be the demise property. The  
13 same with waterfront, basically, you know, from  
14 this area forward. With the main restaurant,  
15 it's basically within -- within the walls.

16 MEMBER KYRK: Thank you. That's exactly  
17 what I needed to hear.

18 MR. MATSUOKA: Okay.

19 ACTING CHAIR HAMMES: Okay. And so it  
20 raises an interesting question. If the food  
21 truck is there, are you going to allow people to  
22 buy food at the food truck and walk out to, for  
23 instance, the newly canopied area here and eat  
24 their food there?

25 MR. MATSUOKA: It would be hard for me to

1 control what a guest chose to do after they've  
2 purchased product from us.

3 ACTING CHAIR HAMMES: But you allow people  
4 to bring in outside food?

5 MR. MATSUOKA: Our policy is not to allow  
6 people to bring in outside food or beverages.  
7 Legally, no alcoholic beverage can be brought  
8 into or out of a licensed property. However,  
9 since we own all of the properties, I guess I  
10 would allow a guest to bring food they've  
11 purchased from one property to another.

12 ACTING CHAIR HAMMES: But you would have to  
13 know that, right? I mean, like, if I go to  
14 Lucharito's and I get my tacos in my little bag  
15 and you don't know whether my bag is from  
16 Lucharito's or it's from the food truck and I go  
17 down to -- because the band is playing and I want  
18 to hang out down here and have a beer now, but I  
19 really wanted my Lucharito's tacos. How are you  
20 going to police that?

21 MR. MATSUOKA: Well, actually, we try and  
22 welcome all people to our property. You know, as  
23 a custodian of Village property, we try and  
24 support anybody who wants to come.

25 You know, during COVID we allowed anyone

1 who wanted to get outside or walk around to come  
2 sit on the dock and eat. I think I would  
3 continue to allow that regardless of where they  
4 got the food from.

5 ACTING CHAIR HAMMES: Okay.

6 MR. MATSUOKA: It's the same with our  
7 parking. It's the same with --

8 ACTING CHAIR HAMMES: Yeah, you charge for  
9 your -- you charge for your parking, though,  
10 you're making money from the parking. If I -- if  
11 I go to Lucharito's and I buy my tacos and I go  
12 down and I don't even buy the beer, I find it  
13 really hard to believe that somebody isn't going  
14 to, as I walk in with my bag, tell me *Oh, no, you*  
15 *can't go sit down there and watch that band play*  
16 *because you didn't buy that food here.* Like,  
17 I've never heard of a restaurant that is willing  
18 to do that because they're not making any money  
19 on me.

20 MR. MATSUOKA: We do a lot of different  
21 things here in Greenport. And when it comes to  
22 parking, actually, I provide, at my expense, a  
23 hundred extra parking spots a year for the full  
24 use of everyone in the Village outside of my  
25 property.

1           And I also encourage all the businesses to  
2 utilize that parking, which I do provide at my  
3 sole expense and management, because it would  
4 help open up additional spaces for all customers  
5 and guests in the Village so that we could allow  
6 for more people to enjoy Greenport.

7           ACTING CHAIR HAMMES: Well, we're not  
8 really talking about parking, we're talking about  
9 why you really need to have a food truck on the  
10 site.

11           So, anyway, I mean, I think we've asked the  
12 questions, we've heard your answers. We  
13 understand your position. We're going to have to  
14 schedule a public hearing on it. If anybody has  
15 anything else they want to ask or clarify? So I  
16 will go ahead and schedule a public hearing and,  
17 again, as expeditiously as we can. Yes?

18           ADMINISTRATOR PALLAS: Madam Chair, I  
19 just -- the only caution, I guess, is that  
20 there's a section of Code that I need to review  
21 that seems to imply that this would need a use  
22 variance.

23           ACTING CHAIR HAMMES: Okay. Well, then --

24           ADMINISTRATOR PALLAS: So I don't -- I have  
25 to do a little bit more research.

1           ACTING CHAIR HAMMES: Okay.

2           ADMINISTRATOR PALLAS: I do apologize for  
3 springing that on you, but it just kind of came  
4 up. So I just need to review that. If it does  
5 that would mean it has to go to two boards.

6           ACTING CHAIR HAMMES: Right, because it  
7 also has to go to the Historic as well.

8           ADMINISTRATOR PALLAS: Still has to go  
9 Historic, yes. But also possibly to Zoning for  
10 the use variance.

11          ACTING CHAIR HAMMES: Okay.

12          MR. MATSUOKA: If it is possible --

13          ADMINISTRATOR PALLAS: I can talk to you  
14 off-line if you want regarding this use variance.  
15 So I just wanted to make you aware of that.

16          ACTING CHAIR HAMMES: Okay.

17          MR. MATSUOKA: I'll follow up with you.

18          ACTING CHAIR HAMMES: All right. Well,  
19 we'll let you all work that out and then figure  
20 out the appropriate time for scheduling the  
21 public hearing.

22          MR. MATSUOKA: Okay.

23          ACTING CHAIR HAMMES: Okay?

24          MR. MATSUOKA: Thank you.

25          ACTING CHAIR HAMMES: Thank you.

1 All right. I am very sorry for the  
2 dermatology people, but you're going to have to  
3 hold now because we need to talk about the Code  
4 amendments for a little bit, unfortunately.  
5 We'll try to be as expeditious as possible on  
6 that.

7 All right. So, we -- as people may know  
8 and as I think the Board knows, the Village Board  
9 of Trustees is in the process of considering two  
10 possible amendments to Chapter 150 of the Zoning  
11 Code -- of the Code. And under the Zoning Code  
12 that's required to be referred to the Planning  
13 Board for consideration and a report back within  
14 45 days after the first regularly scheduled  
15 meeting after receipt of the notice.

16 There is -- and I have not yet received  
17 clarification for this, so that's maybe a  
18 question for Paul when he has a minute. Again,  
19 the notice we received on both of these ask us to  
20 respond within 45 days of receipt of the notice,  
21 but then it quotes the Code which gives us 45  
22 days after the next regularly scheduled meeting  
23 which would be this meeting today. So the way I  
24 understand the Code is we have 45 days from today  
25 to submit our report.

1           ADMINISTRATOR PALLAS: I believe that was  
2 confirmed by the Village Attorney, if I'm not  
3 mistaken.

4           ACTING CHAIR HAMMES: Okay. Well, we're  
5 going to proceed on that basis because otherwise  
6 we won't get the report done in time.

7           I would also note that the Trustees held a  
8 public hearing on this last week and have closed  
9 the public hearing, so I'm not quite sure how  
10 that works with respect to our comment period  
11 given that the public hearing has been closed and  
12 they haven't received our comments. But I guess  
13 that will be for the Trustees to determine how  
14 best to proceed once we have a report.

15           Rob, I think we're going to be looking for  
16 you to draft something -- draft something up  
17 based on the input that we give you today.

18           COUNSEL CONNOLLY: Okay.

19           ACTING CHAIR HAMMES: Hopefully for us to  
20 look at probably at the next Work Session at the  
21 end of the month so that we can get it out within  
22 the 45 days; I don't think you can get it done by  
23 next week. So, if that's -- if you can keep that  
24 in mind and --

25           COUNSEL CONNOLLY: Absolutely.

1           ACTING CHAIR HAMMES: -- take your notes or  
2 whatever.

3           All right, so there are two Code  
4 amendments. I'm going to start with parking  
5 because I think that that's the most complex of  
6 the two.

7           So this is a Local Law amendment that would  
8 delete Section 150-12C and amend Sections  
9 150-12A, 150-16A1 and 150-16G of the Greenport  
10 Village Code.

11           In essence, those provisions current -- as  
12 currently drafted grandfather all existing  
13 buildings in the downtown area from the  
14 requirements under the Code that require parking.  
15 And then also provide, for anybody that does not  
16 benefit from that exemption, the ability to buy  
17 down with Planning Board agreement up to 20 spots  
18 at 20 -- I believe it's \$2500 a spot. As I  
19 understand it, there has been some buy-down of  
20 spaces over the last few years and that money is  
21 sitting in an account somewhere but has not been  
22 used for anything.

23           The current amendment literally deletes the  
24 grandfathering clauses and makes certain changes  
25 to the payment in lieu of provisions which

1 effectively allow -- well, do a couple of things.  
2 One, they permit the Planning Board, if the owner  
3 of a property shows a reduced need for parking  
4 on-site of property as required by the section,  
5 they allow the Planning Board to grant a  
6 reduction of up to 10% of the parking required  
7 for the particular use based on a showing that  
8 the particular circumstances of a property and  
9 the use being made of that property require less  
10 parking than that required by this chapter.

11 And then they further permit the Planning  
12 Board, when it deems in the best interest of the  
13 Village, to permit a deposit of a cash payment in  
14 lieu of parking for any parking requirements, for  
15 a waiver of no more than 50% of the required  
16 parking spaces or 20 spaces, whichever is less,  
17 at an amount of \$5,000. So they effectively  
18 increase the cost of the payment in lieu of  
19 provisions to \$5,000 and then they put a cap on  
20 the amount that can be bought down to no more  
21 than what would be 50%, or 20 with the lesser  
22 applying. So that if you were required, for  
23 instance, under the Code to provide 40 spots, 45  
24 spots, you would only be able to buy down 20; if  
25 you were required to buy two down. If you were

1 required to provide two spots you would only be  
2 able to buy one down, you would still have to  
3 provide the other spot or seek a variance, as the  
4 amendment is currently drafted. I guess I'm  
5 going to make a couple of comments and then I'll  
6 open it up to others to provide additional  
7 comments on this.

8 I've gone back and I have reviewed the  
9 Board of Trustees Work Sessions since this first  
10 came up, which was at the September Work Session.  
11 The genesis of this, as I read the minutes and  
12 meetings, was that Trustee Robins brought up a  
13 need to update and review the LWRP, or what  
14 should be the Village's comprehensive plan, and  
15 was calling for a moratorium on development in  
16 the Waterfront and Retail Commercial areas  
17 pending that. She indicated at that time, at  
18 that meeting in September, that she had discussed  
19 this with the Mayor and the Mayor thought that  
20 the easiest, quickest way to proceed with this  
21 would be to amend the parking provisions of the  
22 Code relating to grandfathering payment in lieu  
23 of provisions. The Mayor stated at that meeting,  
24 and I'm quoting here, "*So I think by doing away*  
25 *with the grandfathering and then increasing this*

1       to a bigger amount, we concurred people to say,  
2       'You know what, I want to take this boutique and  
3       I want to make it a restaurant, but it's going to  
4       cost me for the 20 parking spots; it's going to  
5       cost me \$400,000.' They're going to think about  
6       that and maybe they might still do it, but at  
7       least they're paying into the infrastructure of  
8       the Village to move it forward. And we could try  
9       to slow and curb some of the overuses and the  
10      overdevelopment by doing that with our Code. So  
11      I'm asking the Village Attorney and the Village  
12      Administrator to start working on proposals on  
13      those two sections, get it back to us and we  
14      could all review it, talk it over. We'll have to  
15      do a public hearing. I think it's a step in the  
16      right direction."

17             And yes -- and now I'm kind of  
18      paraphrasing. But, And yes, keep building, keep  
19      doing stuff, keep improving, you know, fix up  
20      these other buildings, but we need to have some  
21      constrain on that and we could just slow down  
22      some of the development by doing that.

23             There was a subsequent meeting, an October  
24      Work Session where additional discussion of this  
25      was held where Trustee Clarke made the following

1 statements. *"You know, parking, development,*  
2 *planning, our vision of the community, the LWRP,*  
3 *they're interconnected. I don't think you can do*  
4 *one without the other. But I want to be very*  
5 *careful in changing the language from trying to*  
6 *forbid market forces that are in play and trying*  
7 *to say let's stop, let's engage the community,*  
8 *let's think about what we want to do next, where*  
9 *we want to go, what we want to be. I think that*  
10 *the Business Improvement District should be more*  
11 *involved in that process as well."*

12 Trustee Phillips at that same meeting said  
13 that, *"We need to be taking an overall picture*  
14 *and not just chopping it up into pieces into the*  
15 *Code."*

16 The October meeting then continued with a  
17 general discussion about eliminating  
18 grandfathering and how to make the payment in  
19 lieu of provisions work. And my understanding,  
20 it was asked that the Village Administrator and  
21 the Village Attorney at that point take a pen to  
22 paper and come up with a proposal. And in  
23 several subsequent meetings the discussion  
24 largely revolved around the payment in lieu of  
25 provisions.

1           The Village has also gone out, I believe,  
2           with an RFP for planning consulting advice on  
3           updating the LWRP, but in the meantime has  
4           proceeded to move ahead with the proposed parking  
5           provisions.

6           So, you know, having read through all this  
7           and either attended or listened to those meetings  
8           as well as subsequently reread the meeting  
9           minutes, my initial take-away of this was we're  
10          supposed to look at this against a comprehensive  
11          plan but we don't have one. Okay? The Village  
12          does not have a comprehensive plan right now. So  
13          that makes it a little bit difficult, makes it a  
14          very challenging thing for the Planning Board to  
15          advise on this. And I tend to think, and I had  
16          hoped in October when some of these statements  
17          were made that, frankly, the Village would take a  
18          step back and be looking at this more  
19          wholistically than just trying to chop it off  
20          with a quick fix on the planning -- on the  
21          parking provisions. That's not where we are and  
22          so I think we have to take a closer look at this.

23          But I have to say, when I went back and  
24          started to look at the Code, it just raised one  
25          question after another for me that I don't have

1 answers to. And even some of these are answered  
2 that are relevant right now. For instance, the  
3 parking requirements under Section 150-12 and  
4 150-16, how do they interact? Are they additive?  
5 Because 150-12 says you have to have a certain  
6 number of parking spaces per square footage and  
7 employees, but then 156 adds on -- 150-16 adds on  
8 to that to require specific additional parking  
9 requirements for partic -- for some types of  
10 businesses and otherwise defers to the Planning  
11 Board for all others which includes retail.

12 So under the reading of current 150-16, if  
13 a business is required to provide parking and  
14 it's a retail business, it would -- it would be  
15 up to the Planning Board to determine what amount  
16 of parking that retail business would require.  
17 So, for instance, if CVS or Amazon came in and  
18 wanted to take the arcade building over, we would  
19 be sitting here, I guess, having a discussion  
20 about how much parking an Amazon Prime pop-up  
21 store should be providing to the Village.

22 So that makes me a little bit nervous.  
23 It seems to me that 150-16 should perhaps be  
24 particularly for eliminating the grandfathering  
25 clause a little bit more specific on what type of

1 parking should be required. It also treats  
2 restaurants and bars the same and only drives  
3 parking off of tables and not off of occupancy.  
4 And I would say -- I would think if you look at  
5 the Whiskey Wind versus the Frisky Oyster the  
6 seating is very different, but the occupancy may  
7 very well not be different so why should the  
8 parking be different? So I have some concerns  
9 about that.

10 I have concerns about the fact that the  
11 Code itself, the proposed amendment doesn't say  
12 who it effects, it just springs into effect. I  
13 believe based on watching the minutes -- or  
14 watching the meeting from last week and things  
15 that have been stated, that it does not apply to  
16 any existing business but it's unclear to me when  
17 it gets triggered. Does it get triggered by a  
18 conditional use application? Does it get  
19 triggered by any site plan application? Does it  
20 get triggered when a building permit is issued?  
21 And when it's triggered, does it retroactively  
22 apply to the whole business or does it not? I  
23 mean, I could think of a bunch of examples that  
24 have come up in the last year.

25 Alpina. Alpina is owned by the same owner

1 that owned it before it was named Alpina, but  
2 because it's in the Waterfront Commercial  
3 District and it's a restaurant, when it changed  
4 its name, didn't change anything else, it had to  
5 come for a use change before this Board. Would  
6 that have triggered it being required to provide  
7 parking? I can't imagine that's what anybody  
8 intends to have happen, maybe they do, but it's  
9 impossible to tell from the Code as drafted.  
10 And there's countless other things like that.

11 And it really does also make -- you know,  
12 it's going to make the businesses that are on the  
13 waterside of Front Street and Main Street at a  
14 much greater disadvantage than those that are in  
15 the retail because they're much more subject to  
16 having, as we've witnessed tonight, coming back  
17 here because its a conditional use area, so  
18 they're going to be treated differently.

19 I think -- again, the calculation of the  
20 space, it seems to me, as we all know, there's no  
21 building downtown that has parking, right? There  
22 just isn't. And so the way this is drafted, it's  
23 a change from what exists presently which was --  
24 could allow a buy-down of up to 20 spots but to  
25 saying that you always have to provide something

1 unless you get a variance. So it seems to me  
2 that effectively we're going to be requiring  
3 every building to get, you know -- business when  
4 it triggers this to also have to go get a  
5 variance. Because even if they need to provide  
6 one, we can't grant more than a 50% deferral.  
7 How do you split a parking spot, right? And who  
8 needs only one parking spot? Similarly, one  
9 parking spot per employee, how do we calculate  
10 the number of employees? And we still then have  
11 the fact that the Planning Board itself has  
12 discretion to impose additional parking  
13 requirements.

14 Let's see what else I have here. You know,  
15 the Code, on the staffing point it says you have  
16 to have one spot for every two employees, I  
17 believe is what it says. I don't know how that's  
18 measured, I don't know how part-time people are  
19 counted, I don't even know how we would enforce  
20 that going forward. So again, I have enforcement  
21 concerns about this.

22 It also seems to me that the buildings in  
23 the Commercial Waterfront area, particularly in  
24 the commercial area that have apartments  
25 upstairs, this Code doesn't address that and what

1 the parking demands might be associated with  
2 that.

3 The contemplated language in the Code  
4 amendment regarding the 10% reduction; I, again,  
5 fail to see how we would ever use that given the  
6 way that it's drafted. I mean, the Code is  
7 saying if you're this type of business you need  
8 to have this number of spots and it's driven off  
9 of occupancy. So, I don't know where you would  
10 ever show that you didn't need to meet what the  
11 Code provided, but I guess I don't really care,  
12 it just won't get triggered. It just seemed  
13 somewhat -- I just didn't understand what the  
14 Board -- the Board of Trustees intended by it.

15 I have concern that no analysis seems to  
16 have been done as to whether some of the larger  
17 structures in the CR such as the arcade and  
18 auditorium would ever be able to meet these  
19 required parking levels based on solely on a  
20 square footage calculation, never mind a use  
21 calculation. I don't know off the top of my head  
22 what the square footage of those buildings are,  
23 but if you say that you have to have one parking  
24 spot for every 300, it seems to me that that  
25 could be highly problematic in any event. It

1 seems to me that the Code amendments affectively  
2 render those buildings white elephants that  
3 require significant variances and potentially  
4 also a buy-down, but probably a pretty large  
5 variance.

6 I think that it has a weird incentive in  
7 terms of the valuation of property in the Village  
8 in terms of if you want to -- if you got big  
9 bucks coming in that want to build a hotel and  
10 they need to provide parking spots, they could  
11 buy another building in the commercial area and  
12 propose to raise it to provide their parking.  
13 I'm not sure that that's exactly what we want to  
14 be creating.

15 I do think, as was stated by people at the  
16 meeting last week, that the overall proposal also  
17 favors people with big, deep pockets who can  
18 afford to pay for parking versus the small Mom  
19 and Pop shops that will be highly discouraged by  
20 this.

21 I am also concerned about the fact that the  
22 Village Trustees never, since September, seem to  
23 have discussed any kind of overall other possible  
24 approaches to what they perceive as a parking  
25 problem. As we all know, there are no signs

1 directing people to parking in the Village.  
2 My experience is the that the transit lot almost  
3 always has spaces. I live two-and-a-half blocks  
4 from downtown, three blocks from downtown, easy  
5 walking distance, there's always spaces except  
6 five times a year being the holiday weekends by  
7 where I live, and I don't think, you know,  
8 walking the Village, that's an unreasonable  
9 distance for people to walk. And nobody -- I  
10 think Marybeth at one meeting did raise what  
11 about metering, but that never went anywhere. So  
12 if we're trying to raise money that's another way  
13 to go about it.

14 So, I guess my overall take on this was  
15 that there wasn't a defined -- it didn't really  
16 define what it was trying to do. It seems,  
17 frankly, when you read the minutes that what it's  
18 really trying to do is limit intensification of  
19 use in the Village, which to me is a zoning issue  
20 that should be dealt with the Zoning Code and not  
21 just through parking amendments that  
22 disproportionately would impact certain types of  
23 businesses.

24 It also seems to me it makes it very --  
25 there's no transparency to a business as to when

1 it's going to trigger these and what the cost of  
2 it might be to it. There -- the fact that it  
3 would require almost everybody to get a variance  
4 as well seems to me to be ill-advised.

5 I'm sure that there are other points here,  
6 but maybe I'll let some of my colleagues pipe up  
7 and add anything they care to add, if I haven't  
8 covered it.

9 MEMBER DOUGHERTY-JOHNSON: I think you have  
10 covered most of it.

11 MEMBER BUCHANAN: That's pretty thorough.

12 MEMBER DOUGHERTY-JOHNSON: And I agree.  
13 The only thing to me is staffing-wise was like  
14 seasonality, too. Almost every business downtown  
15 has way more employees in the summer, so, does  
16 that count? But, you know, when are you counting  
17 employees?

18 MEMBER KYRK: Yes, I wonder if there's a  
19 standardized definition of a full-time  
20 equivalency that for this one tiny bit could  
21 help out there.

22 ACTING CHAIR HAMMES: I just -- I mean, the  
23 Code says one per employee, it doesn't go any  
24 further than that.

25 MEMBER KYRK: Understood.

1           ACTING CHAIR HAMMES: Anything?

2           MEMBER BUCHANAN: I mean, just echoing what  
3 you were saying, I'm really concerned about some  
4 of the smaller businesses because of the lack of  
5 clarity of what's working and what we could be  
6 doing here. And I think we have to step back and  
7 really look at this and make sure that, you know,  
8 we're not -- we're not only inviting large  
9 corporations in.

10           MEMBER DOUGHERTY-JOHNSON: The other thing  
11 is it doesn't -- I don't see how it solves the  
12 problem. It doesn't create parking spots, so  
13 even if we have all this money, which we already  
14 have the money in the fund, what are we doing  
15 with it? Which I think goes back to the long  
16 range planning.

17           ACTING CHAIR HAMMES: So the Mayor at last  
18 week's meeting said the plan -- and this did come  
19 up at another meeting, is the plan is to I think  
20 eventually do something over in the Moores Lane  
21 area. But it seems to me that that should be  
22 being developed and approved as a plan and priced  
23 out as part of this.

24           MEMBER DOUGHERTY-JOHNSON: Right.

25           ACTING CHAIR HAMMES: You're right, just to

1 say we're going to put money into a fund when  
2 there's already money sitting in there and  
3 there's nothing being done with it. And it's  
4 fine to say *Well, this is what our plan is*, but  
5 it hasn't -- it's been put out there but it  
6 hasn't been discussed in depth and it hasn't been  
7 scoped out and it hasn't been included as this is  
8 what we're going to do. And if this gets passed,  
9 five years from now when they finally get around  
10 to doing it, who's to say we don't have a  
11 different administration that decides they want  
12 to do something different with it?

13 So, I don't know, I guess -- I don't know  
14 how you're going to take all that and put it down  
15 on paper. But I think --

16 COUNSEL CONNOLLY: I'll figure it out.

17 ACTING CHAIR HAMMES: I think we have, you  
18 know, some key concerns about the fact that this  
19 really should tie into a comprehensive plan,  
20 there isn't one. And so then taking a step back  
21 and even reading it mechanically, it just raises  
22 a number of issues in terms of transparency.

23 And then the other point being, as I said,  
24 who -- who is actually going to -- what kind of  
25 businesses do you want to encourage? It most

1 certainly doesn't encourage small Mom and Pop  
2 businesses to come into town and do business  
3 here, and I would like to see more of those,  
4 personally.

5 MEMBER DOUGHERTY-JOHNSON: Well, and it  
6 also might impact the existing ones if they ever  
7 want to change their name or --

8 ACTING CHAIR HAMMES: Right. Particularly  
9 the ones --

10 MEMBER DOUGHERTY-JOHNSON: And I was  
11 confused about the residentiality part, but I  
12 realize now that it's just those two zoning, the  
13 WC and the CR.

14 ACTING CHAIR HAMMES: Yeah.

15 MEMBER DOUGHERTY-JOHNSON: But if you're  
16 talking about affordable housing and accessory  
17 apartments, like you could -- there's plenty to  
18 add, but not if you're going to kill people with  
19 parking fees.

20 ACTING CHAIR HAMMES: Yeah. So, I guess  
21 the final point I would make is I understand that  
22 the planner is also going to be looking at these  
23 and providing some advice either to us or the  
24 Village on this. So, obviously we would -- we'll  
25 look forward and appreciate that input from the

1 professionals as well.

2 MR. ANDERSON: Yes. Hope to have it to you  
3 next week.

4 ACTING CHAIR HAMMES: Okay.

5 On the curb cuts, then, turning to the curb  
6 cuts, unless anybody else had anything on  
7 parking? I think that that's a little bit --

8 UNKNOWN AUDIENCE MEMBER: Are you taking  
9 public comments on this?

10 ACTING CHAIR HAMMES: No. This is not a  
11 public hearing, it's a discussion by the Board.

12 UNKNOWN AUDIENCE MEMBER: Okay.

13 ACTING CHAIR HAMMES: The public hearing  
14 was held by the Trustees last week. We're not --  
15 we're not -- it's not even a question being --

16 UNKNOWN AUDIENCE MEMBER: It's a Work  
17 Session.

18 ACTING CHAIR HAMMES: I don't think we have  
19 the ability to have a public hearing on this,  
20 that was really the Trustees. So I -- if you  
21 have comment, I would suggest submitting it in  
22 writing to the Board of Trustees.

23 So, on the curb cut portion of the  
24 amendment, if I can find my notes on that.  
25 I have a little bit less to say on that,

1 everybody will be glad to know.

2 (\*Laughter\*)

3 Some questions I think I had was -- and  
4 part of this is driven, again, by reviewing the  
5 Board of Trustees meetings on these. It doesn't  
6 seem to address eliminations of curb cuts and  
7 whether or not that's something we should be  
8 looking at, because obviously the elimination of  
9 a curb cut decreases parking. Maybe it's  
10 indirectly addressed by 150-12A parking  
11 requirements, but it wasn't really clear to me.  
12 Maybe that's the answer, is that 150-12A, if you  
13 got rid of a parking spot you'd be off -- you'd  
14 be putting yourself into non-conforming use?

15 ADMINISTRATOR PALLAS: The -- I don't have  
16 it in front of me, I apologize. I think the way  
17 that the change reads, if you change -- if you're  
18 making a change to a curb cut, right, that you  
19 still need to get approved, but eliminating it  
20 would be a change, so I believe -- I believe that  
21 language is in there somewhere.

22 ACTING CHAIR HAMMES: It says make -- well,  
23 that gets to my next point. It says, "*Make,*  
24 *construct or reconstruct.*" Okay, it does have  
25 "*or relocate,*" but that doesn't mean eliminate.

1       *"Locate or relocate, relay or repair a driveway*  
2       *or a curb cut."*

3               ADMINISTRATOR PALLAS: Well, the Code  
4       tripped it, so it's not you couldn't do it, you  
5       couldn't remove it, it doesn't allow it.

6               ACTING CHAIR HAMMES: Well, no, this says  
7       the person shall not do any of those things.

8               ADMINISTRATOR PALLAS: Without approval.

9               ACTING CHAIR HAMMES: Right.

10              ADMINISTRATOR PALLAS: So, I mean -- but  
11       again, I don't -- am I incorrect? That you can't  
12       do that because it's restrictive and it doesn't  
13       allow it --

14              MR. ANDERSON: Correct.

15              ADMINISTRATOR PALLAS: -- generally.

16              ACTING CHAIR HAMMES: Okay. Well, it's  
17       just something for consideration.

18              The related point is it requires Planning  
19       Board approval for any relay or repair; I'm not  
20       sure I know what relay is but maybe that's a term  
21       of art of a driveway or a curb cut. On its face,  
22       that seems to me if somebody is repaving their  
23       driveway they would have to come to the Planning  
24       Board for approval. Is that what you all really  
25       intend?

1 ADMINISTRATOR PALLAS: I don't think it's  
2 for -- does it say driveway? Again, I will  
3 confirm, but does it say driveway or curb cut?

4 ACTING CHAIR HAMMES: Driveway or a curb  
5 cut.

6 ADMINISTRATOR PALLAS: I think it's either  
7 altering --

8 ACTING CHAIR HAMMES: So they're repairing  
9 a driveway because they have cracks in their  
10 asphalt, that's a repair of a driveway, this  
11 would say they need the permit and they'd have to  
12 get Planning Board approval.

13 ADMINISTRATOR PALLAS: I mean, I didn't  
14 read it that way, but it certainly would be a  
15 valid --

16 ACTING CHAIR HAMMES: It's something for  
17 you all to consider. Because I -- the way I --

18 ADMINISTRATOR PALLAS: -- for  
19 clarification.

20 ACTING CHAIR HAMMES: I think that's what  
21 it says.

22 ADMINISTRATOR PALLAS: Okay.

23 ACTING CHAIR HAMMES: It may not be what's  
24 intended, but I think that's what it says.

25 ADMINISTRATOR PALLAS: Right.

1           MEMBER DOUGHERTY-JOHNSON: Is their  
2 background -- like are they trying to accomplish  
3 something with this or have there been issues?  
4 Like, what's --

5           ACTING CHAIR HAMMES: Well, I think the  
6 first thing is is that the current provisions, as  
7 I understand it and Paul can weigh in if he has a  
8 different view or has further comment, is the  
9 current code provides that the Planning Board and  
10 the Board of Trustees have to approve any curb  
11 cut. And as you know, we have approved three  
12 curb cuts in this last year but they never went  
13 to the Board of Trustees. And I believe that  
14 this has been raised as an issue and then created  
15 a discussion on this which engendered deciding to  
16 build this out and the related point was people  
17 that want to basically put parking lots in their  
18 front yard shouldn't be able to do that. So they  
19 wanted to add some more parameters around what  
20 was okay for a driveway or a curb cut, but they  
21 don't want people turning their front yards or  
22 even their backyards into parking lots,  
23 necessarily. That's my understanding.

24           So, a related point on this, going back to  
25 the relay or repairs, also that the criteria that

1 are set forth in here seem to only talk about  
2 criteria that would really be applicable when  
3 somebody's creating a new curb cut or a driveway.  
4 So, you know, that's fine, I guess, if the  
5 Planning Board could come up with what the  
6 criteria should be for repairs. But I guess it  
7 just goes back to thinking about whether this  
8 really is supposed to apply globally to all  
9 repairs of driveways or curb cuts and, if so,  
10 whether or not there should be further discussion  
11 about what that -- what the criteria are that  
12 apply to that.

13 150-32D, this is a technical point, I  
14 think, but it requires when you're applying for a  
15 curb cut that you provide a map that shows the  
16 adjacent property curb cuts, but it doesn't seem  
17 to require that you show curb cuts that are  
18 across the street even though the Planning Board  
19 is required to take that into account. So, I  
20 would have thought that any -- the submission  
21 should show kind of all of the surrounding curb  
22 cuts, not just the ones on the immediately  
23 adjacent properties.

24 The section -- cross out -- just this is a  
25 nit, but all the section references are wrong in

1 the proposed Code amendment, so that should get  
2 fixed.

3 And I guess that maybe the other thing that  
4 I thought should be clarified is the criteria --  
5 there's criteria for a residential and there's  
6 criteria for commercial, but it doesn't really  
7 tell you which one would apply if you had a mixed  
8 use which, as we know, there's a fair amount of  
9 mixed use particularly in the downtown area. So,  
10 some clarification on that I think would be  
11 useful as well.

12 And consideration about whether or how  
13 this -- that criteria that's set forth in those  
14 sections works for kind of multi-family homes or  
15 apartment complexes or commercial buildings that  
16 have multiple units in them; I wasn't sure that  
17 that worked mechanically either.

18 I think those were my main -- my main  
19 thoughts on this. I don't -- I think you are  
20 recusing yourself, as I understand it, from this  
21 discussion?

22 MEMBER KYRK: Yes, I may well be putting in  
23 an application for a curb cut and -- actually,  
24 I'd be filling and essentially moving it, but I'd  
25 really like -- can we divide these things? I

1 mean, I have an interest, I'd love to be part of  
2 the discussion about the parking, whereas one  
3 minor detail in my lot makes me have an interest  
4 in the curb cut.

5 ACTING CHAIR HAMMES: Well, I think you can  
6 talk about the parking. I just -- it's really a  
7 question of whether you want to weigh in on the  
8 curb cuts or not, or if you have anything that  
9 you wanted to say.

10 MEMBER KYRK: No, I'd rather not weigh in  
11 on those. Thank you.

12 ADMINISTRATOR PALLAS: It's really an  
13 attorney question.

14 COUNSEL CONNOLLY: Yeah, I don't think  
15 there's any problem with you commenting on the  
16 parking. I think it's fine.

17 ACTING CHAIR HAMMES: Did anybody else read  
18 the curb cut? *(Laughter)*

19 MEMBER DOUGHERTY-JOHNSON: I did and I  
20 didn't look back. But remember the Carpenter  
21 Street one?

22 ACTING CHAIR HAMMES: Yes.

23 MEMBER DOUGHERTY-JOHNSON: Like I wonder if  
24 the numbers here, like I know that this says  
25 something about 18 feet for two-car access. I

1 vaguely thought that one might have been bigger  
2 than that. I didn't go back far.

3 ACTING CHAIR HAMMES: It might have been, I  
4 don't know.

5 MEMBER DOUGHERTY-JOHNSON: So I guess I'm  
6 wondering about things like that; like then do  
7 they have to go get a variance?

8 ACTING CHAIR HAMMES: Yeah, if they --  
9 well, yeah, I mean, they would have to get a  
10 variance if they didn't meet the code  
11 requirements.

12 MEMBER DOUGHERTY-JOHNSON: Yeah, that's my  
13 only semi-thought.

14 ACTING CHAIR HAMMES: Okay. Anything else  
15 on this before we get back to these poor people?

16 MEMBER DOUGHERTY-JOHNSON: I mean, we'll do  
17 the same thing, right? We have 45 days for this.

18 ACTING CHAIR HAMMES: Yeah. Well, I think  
19 if you can write something up for the next -- so  
20 we get it before the next Work Session which is  
21 the April Work Session, which unfortunately I  
22 will not be at. But then hopefully if I can read  
23 it I can at least provide you guys some comments  
24 and then hopefully we can get it finalized  
25 either -- give him any comments back so that we

1 can get something out by early May to the Board.  
2 And I guess you'll let the Board know that's our  
3 timing.

4 MEMBER KYRK: I'm sorry, the April 6th or  
5 the April 28th?

6 ACTING CHAIR HAMMES: April 28th; he's not  
7 going to get us something by next week. And if  
8 we don't have the April meeting, we can discuss  
9 it at the May meeting; sorry, yes, in which case  
10 I will be there. Okay.

11 All right. So back to our --

12 ADMINISTRATOR PALLAS: Madam Chair, before  
13 you go on.

14 ACTING CHAIR HAMMES: Yes.

15 ADMINISTRATOR PALLAS: I mean, I could  
16 probably clarify a couple of your questions.  
17 The -- I mean, all of the -- yes, it does for the  
18 repair of driveways and it doesn't mention that,  
19 but then there's no -- like the following  
20 language doesn't talk about driveways.

21 ACTING CHAIR HAMMES: I know, that was my  
22 point, though. That means it kind of leaves it  
23 up to us what the criteria is, right?

24 ADMINISTRATOR PALLAS: I don't -- I  
25 don't -- again, I don't know, but I don't -- that

1 wasn't our reading of this, so, I mean, we can  
2 get a clarification. But if someone was just  
3 doing driveway work, then I don't think this  
4 would be triggered as long as they're not  
5 touching the curb cut. The way that I -- I  
6 believe this is what I would get.

7 ACTING CHAIR HAMMES: Okay. Well, the  
8 lawyer in me would not interpret it that way.

9 ADMINISTRATOR PALLAS: Okay. I will --  
10 we'll get clarification on that.

11 ACTING CHAIR HAMMES: So, I think if -- I  
12 mean, Rob, you can read it and tell us if you  
13 disagree and Joe can look at it and he can -- and  
14 tell me he disagrees and if you both think that  
15 it doesn't require an approval for the repair of  
16 a driveway, then I'll defer to you. But I  
17 don't -- the way I read it, it says you've got to  
18 get a permit which has to have approval by the  
19 Greenport Village Planning Board in 150-30.2(A)  
20 to repair a driveway. And you're right, then it  
21 then goes on and all the specifications talk  
22 about curb cuts, although they have driveway  
23 listed in the inside, but they really seem to  
24 refer to new construction, so I agree with you on  
25 that. But I don't -- I don't know that that

1 overrides what 150-30.2(A) clearly says which is  
2 you need a permit that has Planning Board  
3 approval.

4 ADMINISTRATOR PALLAS: Understood.

5 ACTING CHAIR HAMMES: That's what happens  
6 when you let lawyers read documents.

7 All right, so, back to our regularly  
8 planned agenda. Item No. 9 which, again, I guess  
9 is really *Item No. 10, 817 Main Street. This is*  
10 *a continued discussion of a Pre-Submission*  
11 *Conference regarding the site plan application of*  
12 *Peter Saitta -- I apologize if I am pronouncing*  
13 *that incorrectly -- of SINY Dermatology. The*  
14 *applicant proposes the conversion of a one-story,*  
15 *existing, non-conforming attached garage to*  
16 *residential space as part of the first floor*  
17 *existing residence. The space is proposed to*  
18 *then be utilized as a physician's (Dermatologist)*  
19 *Office. Proposed side improvements include the*  
20 *following: New plantings, fences and gates, a*  
21 *driveway and parking area, on-grade paths and*  
22 *walkways, an in-ground swimming pool, a fountain,*  
23 *exterior lighting and repairs to the existing*  
24 *arbor. This property is located in the R-1 (One*  
25 *Family Residential) District and is also located*

1        *in the Historic District. Suffolk County Tax Map*  
2        *1001-2.-1-25.*

3                You want to let us know who you are for the  
4        record and all that fun stuff?

5                MR. HOUSTOUN: Yes. Doug Hustoun from  
6        Heitler Hustoun Architects, 15 West 36th St.,  
7        New York, NY.

8                ACTING CHAIR HAMMES: Is this new?

9                MS. LAU: There's some tweaks.

10               ACTING CHAIR HAMMES: Okay.

11               MS. MOORE: I think you got that by e-mail.

12               MR. HOUSTOUN: Yeah, we're handing you --  
13        we had some back and forth with LK McLean on the  
14        original letter that was sent to you guys as well  
15        as the parking which was identified in that  
16        letter. And so this is -- they had suggested we  
17        revise our letter to address some of the changes  
18        on the site plan. That was sent out yesterday  
19        and they suggested we bring six copies to you  
20        guys. And I think the point of that call with  
21        McLean was just to simplify the response --

22               ACTING CHAIR HAMMES: Okay.

23               MR. HOUSTOUN: -- and focus it on the  
24        specific items that Laura had asked for.

25               ACTING CHAIR HAMMES: Uh-huh.

1 MR. HOUSTOUN: This letter that's in front  
2 of us, that would be my talking notes to go  
3 through, is the most succinct response.

4 ACTING CHAIR HAMMES: Okay.

5 MR. HOUSTOUN: So, if it's okay with you,  
6 I'm going to go through this letter --

7 ACTING CHAIR HAMMES: Yeah, I think that  
8 would be -- I think that would helpful. Thank  
9 you. Sorry.

10 MR. HOUSTOUN: Great. So the first section  
11 is regarding use, and we provided a letter, which  
12 is in your packet, from the operator.

13 ACTING CHAIR HAMMES: Yeah.

14 MR. HOUSTOUN: That letter hasn't changed  
15 since the regular submission. In that letter  
16 they describe the number of patients, this being  
17 a satellite office, initially starting half days  
18 two days a week. I think volume of people was  
19 one of your concerns

20 ACTING CHAIR HAMMES: Uh-huh.

21 MR. HOUSTOUN: I'd say at least initially  
22 it's a small practice. The -- they talk in that  
23 letter about waste and what kind of waste you can  
24 expect. I think the summary of that letter is  
25 that there'll be ordinary office waste, and

1 any -- any waste from the biopsy procedures will  
2 be placed in a sharps container and will be  
3 disposed of once a week by a professional carter.  
4 And I believe all of their -- all of their  
5 medical office-related waste is going to be taken  
6 away by a professional. So that's described in  
7 the letter there. So I think that addresses the  
8 first paragraph here about how long each  
9 patient's on the site, how many there will be,  
10 what the intended hours are I think is in there.  
11 Does anybody have any questions on the details of  
12 that letter?

13 ACTING CHAIR HAMMES: I didn't. I found it  
14 helpful. I don't know if you guys had looked at  
15 it and had any more concerns following your  
16 review of it.

17 MR. ANDERSON: No, I believe -- and  
18 Counsel, correct me if I'm wrong. I believe  
19 Laura has communicated with the architect and is  
20 satisfied that everything has been met.

21 MR. HOUSTOUN: Yes.

22 ACTING CHAIR HAMMES: Okay. I think -- I  
23 mean, I think we still are going to have -- just  
24 so you know, we're going to still have to have a  
25 public hearing on this, I believe. But

1       presumably when we come back to this, once we  
2       have the public hearing -- if we keep -- continue  
3       to proceed on the ordinary course, you know, in  
4       terms of the number of patients, because this  
5       relates to parking spots and all that kind of  
6       great stuff that we call care so much about.  
7       Presumably, the applicant would be okay with  
8       something in the resolution that is going to  
9       basically mimic that there's not going to be more  
10      than, you know, five people on-site at any given  
11      point in time and that kind of thing, right?

12             MR. HOUSTOUN: I think that he should be  
13      open to that.

14             ACTING CHAIR HAMMES: You can't speak to  
15      that, yes, I know he's not here.

16             MR. HOUSTOUN: But, you know, I think the  
17      intent of this entire application is to stay  
18      within the rules.

19             ACTING CHAIR HAMMES: Right.

20             MR. HOUSTOUN: And so if -- if there's  
21      nothing -- if there's something defined in the  
22      Village Code, Sanitary Code or whatever, we want  
23      to adhere to that. If there's something not  
24      defined and it's a request made by the Planning  
25      Board, I think he would have to just consider

1 that as a condition. And I think one of the  
2 conditions that was already raised to us was  
3 about the waiting outside of the office walls --

4 ACTING CHAIR HAMMES: Uh-huh.

5 MR. HOUSTOUN: -- which we've conceded on.  
6 And so one of my points later would be that all  
7 of the waiting would happen inside.

8 There's two treatment rooms, and so I  
9 think, you know, what they're thinking is is that  
10 there will likely be waiting people outside, at  
11 least two.

12 ACTING CHAIR HAMMES: Right. Well, you  
13 said two to five; I don't think we would ask you  
14 to agree to less than the five if we were okay  
15 with the five.

16 MR. HOUSTOUN: Yeah. And I think five  
17 would be the absolute minimum that it'd be, but  
18 it would be hard to say that at any point in time  
19 seven people aren't there just because of the  
20 rotation of patients. Where someone's consulting  
21 with the doctor or asking a billing question, and  
22 then there's five -- you know, there's two -- a  
23 four-person turnover, two in the waiting, two in  
24 the exam room. So five may be a little  
25 aggressive, but --

1           ACTING CHAIR HAMMES: All right. So we'll  
2 take a look at -- go back and look at the parking  
3 stuff, too, then, right? *(Laughter)*.

4           MR. HOUSTOUN: Sure. Sure.

5           ACTING CHAIR HAMMES: But, yeah. Okay, got  
6 it. Just go -- let's continue. So that's that  
7 first point. The 30%, I think that's the point  
8 on the pergola, correct?

9           MR. HOUSTOUN: Yeah. So once the outdoor  
10 waiting issue was resolved, it became clear that  
11 the intent of the Code was to measure the space,  
12 interior space of the office that was being used  
13 for the office and the interior space of the  
14 residence. We've redone that calculation on the  
15 drawings that you have and we are still below --  
16 I think we're still at 26%, under the 30%.

17           ACTING CHAIR HAMMES: And my understanding  
18 is the planner is in agreement with that and I  
19 assume the Village is as well. Okay.

20           MR. HOUSTOUN: So the pergola, just to note  
21 that it's being repaired. If for whatever reason  
22 that goes beyond the repair and then does need  
23 any permit, we will file that under a separate  
24 application with the town -- the Village, sorry.

25           And then the last point was just that we've

1 clearly labeled it on the site plan that it's not  
2 waiting, it's just an outdoor patio.

3 Okay. Interference with radio television.  
4 And in a statement by the doctor's letter is that  
5 they don't use equipment that would cause  
6 interference.

7 Parking. So, we have revised the parking  
8 and I think McLean was right on several of their  
9 points about ADA access, distance. The parking  
10 was part of the landscape designer scope of work  
11 and so we stepped in on this round to help them  
12 with some of the clearances.

13 And so on either the drawings that you have  
14 here, what we've done is we have provided a clear  
15 access, ADA access, hard surface from the office  
16 walkway, which connects to the office, to the  
17 parking area that goes directly into the ADA  
18 aisle. One of the notes was that the ADA aisle  
19 in New York was to be eight foot, not five foot,  
20 so we've widened that.

21 We provided a turn-around at the dead-end,  
22 two-way aisle. We have four parking stalls for  
23 the office -- sorry, five, there's actually five  
24 parking stalls for the office, and one of the two  
25 required parking stalls for residents.

1           And the way we've surfaced this parking  
2 lot, the existing parking lot is asphalt, so  
3 we're basically reconfiguring the asphalt.  
4 We've reduced the amount of asphalt from what is  
5 currently there to what is going to be there now.  
6 The main driving aisle is asphalt, the ADA stall  
7 and access aisle is asphalt so we have no issues  
8 with accessibility.

9           The other five parking spaces are a  
10 grass-grid product, this is a reinforced product  
11 that sits below the grass. So there will be  
12 grass on top of that permeable surface, pervious  
13 surface. And this particular product, it's  
14 clever because in the grid holes you can pop in  
15 those little domes and define your parking  
16 spaces. So, on the commercial side we'll have  
17 little bubbles in the grass that define the  
18 parking stalls, but mostly -- mostly grass.

19           The entire perimeter of the parking is  
20 already screened, probably due to the conditional  
21 approval of the bed and breakfast originally. So  
22 all of the screening requirements for a parking  
23 area are being met on all of the sides here. We  
24 do have a six-and-a-half foot privacy fence on  
25 top of the already vegetated area back here. It

1 hasn't fully bloomed here, but in the summer it's  
2 pretty dense and pretty private back there.

3 The existing fence on Webb is remaining.  
4 The existing property line fence all the way down  
5 and all the way across which is a post and  
6 chicken wire fence is remaining. But again,  
7 that's on the property line with all of the  
8 vegetation immediately inside our property for  
9 screening. There's just -- there's lots of  
10 screening. And I think the enlarged -- this is  
11 the enlarged, more neighborhood contextual plan.

12 ACTING CHAIR HAMMES: Uh-huh.

13 MR. HOUSTOUN: And all of the shading  
14 that's here is basically screenable edges that  
15 are surrounding the property.

16 ACTING CHAIR HAMMES: Uh-huh.

17 MR. HOUSTOUN: With respect to -- the  
18 residential portion of the parking turn-around  
19 was an issue that was raised. We've conceded to  
20 put a turn-around. I don't think a turn-around  
21 is specifically required in Code. I mean, the  
22 way we'd like to achieve that is through that  
23 same grass/paver product, so that from an  
24 aesthetic point in a neighborhood, the front lawn  
25 looks like grass, but there are some grids below

1 it that is reinforced to allow vehicles to drive  
2 over the top of it. So there will be an area for  
3 the resident to back up and turn around in the  
4 front yard and then exit onto Main Street in a  
5 forward-facing direction.

6 So I think that's -- that was one, two and  
7 three, accessibility, number of parking spots,  
8 screening and entering Webb and Main Street.  
9 I'll keep going.

10 So the last -- the last section was  
11 referenced by McLean, 150-30D

12 ACTING CHAIR HAMMES: Uh-huh.

13 MR. HOUSTOUN: We've had two or three  
14 conversations with them about, you know, which of  
15 these is relevant to this scope of work and  
16 basically distilled it down to the six items that  
17 they specifically asked for information on, so  
18 I'll go through those six.

19 The way that the roadways have now been  
20 provided on the drawing, Webb has now been  
21 identified in the site plan as a one-way street.  
22 We've added adjacent curb cuts, there's a curb  
23 cut single on the neighborhood contextual plan on  
24 each of the curb cuts within a hundred feet, so  
25 you have context with that.

1           We wanted to note related to drainage that  
2           the drainage strategy of the property is  
3           remaining as it was. It's a self-draining site.  
4           There's very little slope on the site, very  
5           little grade change. We are not -- with the  
6           exception of a ramp that goes up to the office,  
7           we're not planning any extensive grading along  
8           the perimeter of the property within 10 or 15  
9           feet of the neighbor; we're trying to keep that  
10          natural grade as it is.

11          The parking lot, while reconfigured, or the  
12          asphalt shape is reconfigured, again, the  
13          strategy that was there in the past is still  
14          being employed now. We've just added more grass  
15          back there than there was before, so there's more  
16          ability to self-drain on-site.

17          I just described the fencing that was  
18          around in my previous statement. And there's  
19          some things that have -- just, again, better  
20          describe the context of this proposal. There's  
21          no new site connections, utility site connections  
22          required for this scope of work.

23          The footprint of what we've been calling  
24          the garage, which has been identified here, the  
25          main house is off to the side here. This is the

1 one-story part of this dwelling, and this  
2 footprint already has a powder room. There's a  
3 powder room for -- one of the two powder rooms on  
4 the ground floor for the residents. So that  
5 powder room has now been repurposed to the  
6 commercial. So it already has water and sewage  
7 here, there was also a wet pantry that was  
8 adjacent to that powder room. So there are  
9 infrastructure immediately adjacent to the  
10 converted office, and so the two sinks that are  
11 in the treatment rooms will be piped within the  
12 footprint.

13 We're actually raising the floor. When  
14 this structure was originally built it was not a  
15 garage, it was a living space so there were floor  
16 joists there. When it was converted to a garage  
17 there was still -- there was a concrete slab  
18 placed on top of it. So we're basically  
19 restoring those original joists so that the  
20 powder room level and the office level are at the  
21 same level. Consequently, that made us actually  
22 put the ramp to get to a higher allocation from  
23 the back, but. So all of that plumbing work is  
24 being done within the enclosure of the building.

25 There are two electrical routes that will

1 be outside of the building underground. One will  
2 be the power to the pool equipment, that is  
3 located behind the pool back here. And the other  
4 would be to all of the lighting, the landscape  
5 lighting which was approved by the Historic  
6 Board. So there'll be a series of low voltage,  
7 underground wires to all the landscape lighting,  
8 there will probably be a 110-volt electrical  
9 connection to the pool equipment.

10 This property is within the Greenport  
11 Historic District, so all of the properties  
12 adjacent to us are part of that district. And  
13 most, if not all of them, on Main Street are  
14 considered buildings, so everything is drawn  
15 there to the Historic based structure.

16 There are no planned additions to the  
17 existing building, we're not increasing the  
18 footprint of the building. We've removed the  
19 outdoor signs as part of our original application  
20 so they're no longer part of this.

21 MEMBER DOUGHERTY-JOHNSON: Wait. I'm  
22 sorry, you said you removed the outdoor signs?

23 MR. HOUSTOUN: From the proposal.

24 MEMBER DOUGHERTY-JOHNSON: Okay. Because  
25 the first -- in the version of the letter we have

1 it says no outdoor signs.

2 MR. HOUSTOUN: There are no outdoor signs  
3 in this version of the proposal. You may  
4 remember --

5 MEMBER DOUGHERTY-JOHNSON: How are your  
6 customers going to find you?

7 MR. HOUSTOUN: What's that?

8 MEMBER DOUGHERTY-JOHNSON: How are the  
9 customers going to find you?

10 MR. HOUSTOUN: Google.

11 MEMBER DOUGHERTY-JOHNSON: Okay.

12 MS. MOORE: The address.

13 MR. HOUSTOUN: He will likely apply for a  
14 sign under a separate application. It just  
15 seemed to be -- we wanted to focus on getting the  
16 approval to get started.

17 So the last -- the last two sections that I  
18 think the town -- sorry, the Village has  
19 identified this as a non-SEQRA project based on  
20 the classification of work; I just agreed with  
21 that.

22 And we will consult with the Suffolk County  
23 Health Services to determine which approvals are  
24 needed, and I think we could get a letter of  
25 capacity from the Village to submit to them.

1 That's what's been described by McLean, so we  
2 will do that.

3 That kind of covers my abbreviated letter.  
4 Are there any questions on --

5 ACTING CHAIR HAMMES: We can take this one  
6 as superseding the prior one?

7 MR. HOUSTOUN: Yes, ma'am.

8 ACTING CHAIR HAMMES: Thank you *(laughter)*.

9 I don't have any questions at this point.  
10 This all has been very helpful. We really  
11 appreciate all the work that you guys have done  
12 on this? I don't know if anybody else has --

13 MEMBER KYRK: I'm fine.

14 MEMBER DOUGHERTY-JOHNSON: *(Shook head no.)*

15 ACTING CHAIR HAMMES: We can go ahead and  
16 get this scheduled for your public hearing.

17 MS. MOORE: If I could just make a point  
18 about the public hearing. I was here at the  
19 beginning of the meeting and I know -- I heard  
20 your comments. Well, actually your comment is  
21 very well taken, and actually what I was going to  
22 say which was that the Code doesn't require a  
23 public hearing. This is a residence, this  
24 particular use is a residence with an accessory  
25 use; it's a permitted use as accessory to the

1 principle use being a residence. I think that --

2 ACTING CHAIR HAMMES: Before we continue,  
3 can you just state your name for the record.

4 MS. MOORE: Oh, yes, I'm sorry. People  
5 usually hear me pretty well. Patricia Moore on  
6 behalf of the applicant.

7 We start with the Code and the Code doesn't  
8 require site plan review. And I've watched how  
9 there -- our application is relatively simple.  
10 It, quite frankly, didn't -- I don't believe even  
11 needed to come for a site plan, but that would  
12 have been an argument that would have held up  
13 this project indefinitely because the powers that  
14 be said come for a Planning Board site plan.

15 I think when the Code doesn't say you have  
16 to come for a site plan -- excuse me, for a  
17 public hearing, we shouldn't have to go for a  
18 public hearing. And I think that when the Code  
19 was drafted for simple applications, it allows  
20 the applicant, the property owner to proceed.  
21 Its an expense and it's time, time is money.

22 And so the fact that you're going to have a  
23 public hearing in May just indicates -- you know,  
24 we've got another month's delay, this project  
25 started in March -- well, before March, but

1 certainly came to this Board back in March. I  
2 would hope that you will reconsider the need for  
3 public hearings in our case specifically. But I  
4 saw in other instances that it's such simple  
5 projects that, quite frankly, shouldn't -- you've  
6 reviewed things very thoroughly, the public  
7 hearing process is really not necessary. And had  
8 the Village Code been drafted requiring a public  
9 hearing they would have said so. The conditional  
10 uses require a public hearing and that's stated  
11 in the Code.

12 So, I would really ask you to please  
13 consider not requiring this applicant to go  
14 through a public hearing so that they can, you  
15 know, come and fix their house, come and move  
16 into their house, their lovely home which is  
17 what -- you know, this is their residence. And  
18 the fact that they're going to -- he's willing to  
19 open up, really his residence, his weekend time  
20 to give the community an opportunity to see a  
21 dermatologist is admirable. We need doctors out  
22 here. We're kind of -- we don't have that many.  
23 And I don't know of more than one dermatologist,  
24 in Mattituck, that's the only one.

25 So, I would hope that you'd reconsider that

1 position. When you asked the Village Attorney he  
2 said, *Well, it's been the policy*; a bad policy  
3 shouldn't continue. I would hope that, you know,  
4 boards really look at -- and you as an attorney,  
5 you read the Code and you say, *Well, wait, the*  
6 *code doesn't say it so why are we* -- you know,  
7 policy alone shouldn't be a driving factor.  
8 So, I speak my peace. Okay?

9 ACTING CHAIR HAMMES: Thank you for that.  
10 I hear you, but I think at least at this point  
11 we've taken the position that we're going to  
12 stick with precedent, unfortunately; or  
13 fortunately depending on how you look at it.  
14 I guess I shouldn't be using characteristic  
15 statements.

16 This doesn't help your client, but I can  
17 say that I think we should consider sending a  
18 letter to the Trustees that in connection with  
19 their review of the Zoning Code overall, they may  
20 want to consider clarifications as to when public  
21 hearings are required going forward. Because I  
22 do tend to agree that there are some of the  
23 things that come before us that probably should  
24 be able to be dealt with by this Board. But I  
25 don't feel comfortable, given the long-depth

1 history of this Board holding public hearings on  
2 everything, unless my colleagues feel  
3 differently. I mean, I'm happy to put it to a  
4 vote, but I think that for now we're probably  
5 kind of struck with the practice that we've been  
6 following to date absent further kind of input  
7 from the Board of Trustees, really,  
8 unfortunately. I mean, I don't know. Lily,  
9 Sean, Read?

10 MEMBER KYRK: We asked for guidance within  
11 this very meeting and the guidance was to  
12 continue what we're doing. I agree with you, but  
13 I'm not comfortable going forward without doing  
14 that.

15 MEMBER DOUGHERTY-JOHNSON: Yeah. I mean, I  
16 hear you, like the streamline thing I get. But I  
17 also think there's the value, like neighbors or  
18 just general citizens coming in, being able to  
19 speak their mind. I mean, and that may be on  
20 some things and not on others, a little bit.

21 MR. HOUSTOUN: The one thing I could, just  
22 having dugged through that Zoning Code when  
23 everyone was -- you know, I feel like the  
24 zoning -- the charge from the Village law is to  
25 put together a zoning resolution to guide the

1 development of this area, and there are several  
2 limitations and there are several points that  
3 require site plan, don't require site plan,  
4 require public hearings in both the Village Code  
5 and the Zoning Code.

6 People that buy in to this Residential  
7 District, this R-1 Residential District, are  
8 buying in to all of the code requirements that  
9 came before them. So, if we do have a public  
10 hearing, that's fine, but I'm just curious for my  
11 own preparation; what do I need to address? Do I  
12 just need to continue to state the facts of how  
13 we've stayed within the --

14 ACTING CHAIR HAMMES: So in the public  
15 hearing, you don't really necessarily have to get  
16 up --

17 MR. HOUSTOUN: Okay.

18 ACTING CHAIR HAMMES: -- and say anything.  
19 It's more an opportunity for the people that  
20 live, I don't remember the actual distances  
21 around, but for them to come and say if they have  
22 any concerns, at which point you might want to  
23 get up and address those concerns.

24 MR. HOUSTOUN: Okay.

25 ACTING CHAIR HAMMES: But I think we've had

1 two full hearings on this among our Board, I  
2 don't imagine that we're going to have any more  
3 questions or ask you to present this yet again.  
4 I feel like it's fairly clear, and I am sorry  
5 that I maybe don't have the courage to stand up  
6 and say --

7 (\*Laughter\*)

8 -- what you would like me -- what you would  
9 like me to say, but I am willing -- I am willing  
10 to -- you know, whether or not it will change I  
11 can't say, but I am willing to say that I do  
12 think that we -- again, I'm just not willing --  
13 it's been a practice for so long before I was on  
14 this Board and the Chair isn't here, I'm just not  
15 willing to make that decision at this point.

16 I would like it if, frankly, the whole  
17 chapter was looked at in its entirety because I  
18 think there's a lot of things that are -- don't  
19 work so well in it, but that's for another day.  
20 But I, going forward -- again, it doesn't help  
21 you out -- will endeavor to try to push for some  
22 potential clarification on this issue.

23 But I think -- and the public hearings, I  
24 mean, Pat's been at the public hearing, she can  
25 tell you it's highly likely, I would guess, that

1 nobody will show up for your public hearing,  
2 unfortunately. I mean, I --

3 MS. MOORE: Well, that would be fortunate.

4 ACTING CHAIR HAMMES: Yeah. I mean, I  
5 don't know, we'll see. I mean, I know -- I do  
6 know the neighbors near -- one of the sets of  
7 neighbors near you and I know that they were  
8 initially concerned about this; I have not heard  
9 anything subsequent so I have no reason to think  
10 that they continue to hold concerns. But, you  
11 know, again, I can't promise you that nobody will  
12 show up and have something earth shattering to  
13 say that you'll need to address and we'll need to  
14 consider.

15 MR. HOUSTOUN: I mean, maybe just what I  
16 could offer to you guys, because I may be here  
17 again, is, you know, we're not asking for a  
18 variance, we're asking for deviation. We stuck  
19 to the plan as best we could. Maybe that's a  
20 consideration for you guys where the line in the  
21 sand is if there's a public hearing or not.

22 ACTING CHAIR HAMMES: No, we appreciate  
23 everything that you've done.

24 MR. HOUSTOUN: Thank you.

25 ACTING CHAIR HAMMES: All right? You have

1 to leave, right?

2 (\*Laughter\*)

3 MEMBER BUCHANAN: That's okay.

4 ACTING CHAIR HAMMES: All right. Unless  
5 anybody else on the Board has anything else they  
6 want to discuss or had any further thoughts on  
7 the Code amendments, I think we can probably --  
8 Rob and -- I'm sorry, I didn't catch your name.

9 MR. ANDERSON: Gil.

10 ACTING CHAIR HAMMES: I don't know if  
11 either of you have any thoughts on anything  
12 that's been said that we should talk about or --

13 COUNSEL CONNOLLY: No.

14 ACTING CHAIR HAMMES: Paul does.

15 ADMINISTRATOR PALLAS: No, a comment on the  
16 application itself. It was recommended by our  
17 planning consultant that the March 30th letter be  
18 a part of the public record because it  
19 addresses --

20 ACTING CHAIR HAMMES: Okay.

21 ADMINISTRATOR PALLAS: -- all of the  
22 questions so it can be incorporated into the  
23 minutes. We'll get a copy for the  
24 transcriptionist for that to be a part of the  
25 minutes.

1           ACTING CHAIR HAMMES: Okay. Well, with  
2 that, I will put forth a motion to adjourn. Do I  
3 have a second?

4           MEMBER DOUGHERTY-JOHNSON: Second.

5           ACTING CHAIR HAMMES: All those in favor?

6                       *("Aye" Said in Unison)*

7                       *Approved (VOTE: 4/0/0/1 - Not Present:*  
8 *Chairman Foote).*

9 We are done. Thank you all.

10                   *(\*The meeting was adjourned at 5:39 p.m. \*)*

11                   {     } - *Denotes written phonetically*

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 March 31, 2022, at Greenport Fire  
13 Department, Third Street Fire Station, 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 10th day of April, 2022.

21

22

23

Alison Mahoney  
Alison Mahoney

24

25



HEITLER HOUSTOUN ARCHITECTS, PC  
15 WEST 36TH ST, 16TH FL  
NEW YORK, NY 10018  
T: 212.533.4250  
F: 212.533.4251  
WWW.H-H-ARCHITECTS.COM

March 30, 2022

Village of Greenport Planning Board Members,

Please find below, the applicant's response to the planning Memo dated, March 2, 2022, prepared by L.K. McLean Associates with regard to the proposed interior alterations and site improvements at 817 Main Street, Greenport, NY.

**Village of Greenport Planning Board Site  
Plan Review Application**

**\*\*\*PLANNING MEMO\*\*\***

**Applicant:** Peter Saitta, SINY Dermatology  
**Project Location:** 817 Main Street  
**SCTM:** 1001-2-1-25  
**SEQRA Recommendation:** Type II (Preliminary)  
**Zoning District:** Residential 1 (R-1)  
**Historic District:** Yes  
**SC Planning Referral:** No  
**Date:** March 2, 2022  
**Plan Revision Date:** February 7, 2022

**Project Description:**

Applicant seeks to convert an existing single-family home, most recently used as a Bed & Breakfast with Planning Board-approved conditional use, to a single-family home with an accessory use for a physician's office. The project entails interior alterations to both the main living quarters and conversion of the 581sf area currently used as a garage to a medical office. The applicant also proposes site improvements to include new plantings, fences/gates, driveway/parking, on-grade paths/walkways, in-ground swimming pool, fountain, exterior lighting, and repair of existing arbor.

The existing dwelling was reputedly built circa 1901 by master shipbuilder, H. Fletcher Fordham, and is currently known as "Fordham House". It is a 2240 square feet (sf) dwelling with a 250± sf pergola and 706 sf

covered porch on an irregular shaped lot of 21,850 square feet (.5 acres). The lot width is non-conforming (67'± versus 80' required), and the structure has a non-conforming north side yard setback of 3' (12' required for main structure, 5' for accessory structures), and total side yards of 20' (versus 30' required). The proposed site improvements will add a total of 855 square feet to the lot coverage. It is noted that Village records indicate that the area to be converted was built prior to the adoption of the Zoning Code and that at one time in the past, it was used as a dentist's office.

### Comments and Recommendations:

The standards of site plan development, consideration and approval are contained within §150-30 of the Village Code, which requires that the Planning Board *"take into consideration the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular"* (§150-30 A). The following information is needed so that the Planning Board can better understand the potential impacts on the neighborhood and the Village from the proposed use.

- 1. Use:** Permitted Accessory Uses in R-1 are authorized pursuant to §150-7 C. of the Village Code, within which the code states that physician's offices are allowed provided that certain conditions in the code are met.
  - *Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than two nonresident assistants, (§150-7 C.(2)(a))*

The applicant shall submit a written statement concerning the type and number of staff to be employed. In order to aid the Planning Board in determining the impact on the surrounding neighborhood and existing traffic patterns (§150-30 A.(1) & (2)), the applicant shall include in that statement a brief description of the practice and intended use of each of the office areas depicted on the floor plan provided. The statement shall include, but not be limited to, the intended hours and days of operations, how many patients they intend to service simultaneously, the types of services to be provided, and approximately how long each patient would typically remain on the premises. The Planning Board further requests the applicant supply a description of the types of wastes that will be generated by the practice, the intended methods of disposal, and the frequency that the practice will be serviced by vendors such as laboratories, waste management services, and other types of supply deliveries.

[A letter dated March 16, 2022, which includes the information requested has been prepared by the Owner. Please refer to the letter.](#)

- *Such office or studio shall occupy not more than 30% of the area of the ground floor of the main building, (§150-7 C.(2)(b)) and*

The site plans currently indicate that 581 sf, or 26%, of the ground floor coverage area will be used to support the accessory use. Plans submitted, however, also indicate that the use of the 250sf± pergola that is attached to the 581 sf space to be converted to physician's office will be as a "waiting porch" and that renovation will occur under a separate permit. Should it be that this 250sf± pergola will be utilized to support the operation of the physician's office, the accessory use will then exceed the 30% allowed (§150-7 C(2)(b)). The site plans and floor plan shall be revised and re-submitted to clearly depict the pergola area and use. The site plans shall also indicate that the pool and other outdoor areas are for private residential use only.

The primary purpose of the existing and built-up areas of the patio under the pergola is to provide handicapped access to the elevated floor level of the professional office. A waiting room has been provided within the physician's office. The doctor will restrict waiting to indoors only and not use the patio as a waiting area. The waiting label of that exterior space has been removed. A placard will be placed on the building wall adjacent to the patio, prohibiting waiting on the exterior patio.

Calculations have been provided to demonstrate the interior office space square footage is less than 30% of the ground floor square footage of the primary residence.

The pergola is an existing structure above an existing patio and needs ordinary repair. If it is determined that a permit is required for the repair work, it will be applied for under a separate permit application with the village of Greenport.

Additional labels have been added to the outdoor area labels (on the site plan drawing) to show the areas of private residential use.

- *Equipment capable of causing interference with radio or television reception in the neighborhood shall be prohibited unless also equipped with means to prevent such interference. (§150-7 C.(2)(d))*

The applicant shall verify that they will not need to install any diagnostic equipment which could be disrupted by cellular phone use, and/or otherwise cause interference with communications in the neighborhood. This verification shall be included in the practice description statement requested.

A letter dated March 16, 2022, which includes the information requested has been prepared by the Owner. Please refer to the letter.

## 2. Parking / Traffic Circulation:

In addition to the two (2) stalls for the residential use required, the accessory use requires five (5) parking stalls per physician (§150-16 A.(1)). The following comments are offered on the site plan parking and

traffic layout:

- 1) The parking stalls provided are not all useable, as one of the stalls is blocking the walkway / accessible route to the office entrance, and does not appear to have sufficient back-up space.

A revised parking layout for the professional office has been submitted that includes (1) ADA accessory physician's office parking stall access aisle, (4) accessory physician's office parking stalls, and (1) single-family dwelling parking stall (1 of 2 required for the residence), for a total of (6) parking stalls at the rear of the property of Webb Street. (1) dwelling parking stall has been provided at the original driveway off Main Street (2 of 2 required for the residence). Back up and turn around spaces for the parking stalls was more clearly illustrated (on the site plan drawing) and now provides the opportunity for patients to enter Webb Street forward facing.

- 2) This application must comply with the American Disabilities Act (ADA) provisions contained within the NYS Building Code for accessible parking for medical offices.

The revised parking lot layout has been modified to comply with the handicapped accessibility requirements of the NYS Building Code and ICC A.117.1. An asphalt surface will be utilized for the primary aisle and ADA parking stall / loading zone and a reinforced grass grid product (pervious) will be utilized for the remaining parking stalls.

- 3) The existing site contained two different areas for traffic turn-around on-site, which minimized the need for vehicles to back into Main Street and/or Webb Street. The proposed site plan eliminates both of those turn-around areas and has the potential to impact conditions on adjacent roadways.

The revised parking lot layout for the accessory physician's office provides a turn-around area at the end of the primary aisle. The residence's turn-around area utilizes a reinforcing grass grid product which allows vehicular traffic over grassed areas. This solution aesthetically preserves the suburban grassed front yard look, while providing a reinforced surface to allow vehicles to turn around before entering Main Street.

As sufficient space exists within the lot to accommodate the parking, circulation, and accessibility requirements, it is recommended for the applicant to work directly with the Village staff to develop a layout for further consideration by the Planning Board.

### 3. Site Plan Development

The applicant is reminded that all elements described within the §150-30D. must be addressed on the site plans submitted. Please review the regulation and update accordingly, especially in regard to the depiction of the location of all underground utilities such as sewer, water, and/or drainage, and providing further information on all existing and proposed outdoor lighting. A site plan clearly demonstrating compliance

with each of the items shall be provided, and at that time, will be subject to further review. At this time, preliminary comments to be addressed include:

#### 150-30 (D)(1) - Legal data

Items (a-j) which describe the characteristics of the property as well as neighboring elements have been provided on the site plan.

#### 150-30 (D)(2) – Natural Features

There is very little existing grade variation on this property. Except for the raised ramp from the office parking area to the office, there is no extensive re-grading within 15' of the property lines. The intent is to keep the existing perimeter grade conditions as is. There are no planned tree removals.

#### 150-30 (D)(3) – Existing Structures and Utilities

Neighboring dwellings; paved areas, sidewalks and vehicular access point between the site and public streets; existing fences, landscaping and screening have been included on the contextual site plan (A.050). There are no new site connections required based on the scope of work. The converted office area already included utility connections within the footprint of the space (wet pantry, powder room with water closet and lavatory) and the two new lavatories will utilize the space under the new raised floor to connect into the existing infrastructure. Power cabling for the pool equipment and low voltage cabling for the landscape lighting will run underground from the primary structure to the various points across the property. The location of these runs have been identified on the site plan (A.051). This parcel, along with the adjacent parcels on main street, are located within the Greenport Village Historic District

#### 150-30 (D)(4) – Proposed development

There are no planned additions to the existing buildings. There are no proposed outdoor signs. Landscape lighting has been identified on the plans and cut sheets of that lighting have been provided. There is no proposed re-grading and all existing and/or required screening have been identified on the contextual site plan (A.050) and/or site plan (A.051). The proposed site development continues the existing method for the containment of surface water run-off, which is self-containment.

- 1) The width of adjacent roadways shall be noted on the plan, and include Manor Place

The widths of adjacent roadways have been provided on the site plan (Webb 50' and Main 60').

- 2) Webb Street shall be properly identified as a one-way street, with direction shown.

Webb street has been labeled as a one-way street with a direction arrow shown on the site plan.

- 3) Structures, including curb cuts and intersections, within 100' of the lot line shall be clearly depicted to scale.

Adjacent structures, curb cuts, and intersection within 100' of the lot have been shown on the site plan.

- 4) Drainage calculations demonstrating that stormwater runoff can be contained on-site shall be provided. In particular, a breakdown of the quantities of pervious and impervious surfaces is requested as the applicant's architect indicated the change in on-site traffic patterns was to increase the amount of pervious surfaces on-site. It is noted, however, that while swimming pools may typically have the capacity to contain the stormwater they generate, they are an impervious surface in regards to groundwater recharge.

The proposed site development proposes to reduce the amount of impervious surfaces on the site by approximately 170 SF (refer to the site drawings for the exact amount). The proposed work does not include any new construction or expansion of the existing building's footprint. The alterations do not change the existing method of site drainage which is self-draining.

- 5) Indicate the type of pavement that will be utilized in the parking area and provide a construction detail reflecting either typical engineering standards and/or manufacturer's recommendations. In accordance with §150-16A.(5), note that "All open parking areas shall be properly drained and all such areas shall be provided with a dustless surface".

The parking area for the professional physician's office will be a combination of asphalt paving for the main aisle and ADA parking/loading area and a reinforced grass-grid product for the remaining parking stalls. The drainage of the new asphalt driveway will behave similarly to the previous asphalt driveway in which the water was retained on-grade, on-site. Both materials are dustless. A PDF cutsheet of the grass-grid reinforcement product has been included.

- 6) Provide a dimension indicating the setback amount of the proposed fence along the western property line, and indicate what type of fencing will be installed.

The drawings have been updated to show the setback dimension of the proposed fence. The type of fencing on the western property line (cemetery side) is a 6-foot, six inch-tall wood composite privacy fence. The type of existing fence (to remain) on the property line that abuts Webb street is a 3-rail ranch style fence and the type of existing fence (to remain) on the property line that abuts 815 Main street (corner lot) is a 4x4 post and chicken-wire fence.

## State Environmental Quality Review Requirements

At this time, it appears this application consists of three components, which are all classified as Type II actions to 6 NYCRR 617.5. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, Article 8.

Specifically, the project appears to consist of the following actions:

- A. Construction of medial office space - 617.5(c)(9) construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
- B. Interior alterations and possible utility extensions -617.5(c)(11) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system or both, and conveyances of land in connection therewith;
- C. Residential Site improvements - 617.5(c)(12) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;

A SEQR is not required.

### Other Agencies of Jurisdiction

It is recommended that the applicant consult with the Suffolk County Department of Health Services both regarding the change of use from residential to medical office, and any appropriate agencies for the necessary approvals to operate a medical facility. The Town of Southold Waste Management District shall be consulted regarding procedures for disposing of commercial waste.

Please refer to the letter prepared by the Owner which addresses that type of waste expected to be generated as well as the method in which that waste is carted off the property.

We will consult with the Suffolk County Department of Health Services to determine which approvals are required for this scope of work.

Prepared on behalf of Dr. Peter Saitta (parcel owner) in support of his application for a building permit.

Sincerely  
Doug Houston, RA