



PLANNING BOARD
SITE PLAN REVIEW APPLICATION

236 Third Street, Greenport, New York, 11944

(631) 477-0248

www.villageofgreenport.org

Project Information:

Residential Commercial

Proposed Starting Date: 6/1/21

Project Description:

Please describe project in detail. (Use an additional sheet if necessary)

Please see attached sheet

Please check the following boxes for permits this project will require:

- Building Permit
- Wetlands Permit
- Suffolk County Planning Board
- New York State D.E.C.
- United States Army Corps of Engineers
- Suffolk County Health Department
- New York State Department of State Coastal Flood Management


Does this application require a Zoning Board of Appeals Variance? Yes No

AFFIDAVIT

Village of Greenport)
Town of Southold)
County of Suffolk) ss
State of New York)

I swear that to the best of my knowledge and belief that the statements contained in this application, together with the plans and specifications submitted, are true and complete statements of proposed work to be done on the described premises and that all provisions of the Building Code, Zoning Code, and all other laws pertaining to the proposed work shall be complied with, whether specified or not, and that such work and inspections are authorized by the owner. The Village of Greenport is hereby granted permission to enter the property listed as the "Location" for the purposes of inspecting my property for a site visit. I understand that if approved, Site Plan approval will be granted and accepted on condition that the provisions of Federal, State and Local rules and regulations, and any additional requirements of the Site Plan are complied with. I understand that any approval granted will be deemed null and void if any information pertaining to restrictions and/or covenants prior to the date of this application are discovered after Site Plan approval is granted. Any violation of all applicable codes, or deviations from the approved Site Plan will result in the immediate revocation of this Site plan approval & legal action will be taken against me. No responsibility rests upon the Village of Greenport, Code Enforcement Official or the Fire Department by reason of this application and permit.

Sworn to be before this 14 day
of May 2021

Signature 
Owner or Applicant


Notary Public, Suffolk County, New York

WENDY L KUKLA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01KU6176871
Qualified in Suffolk County
My Commission Expires 11-05-2023

May 14th, 2021

Village of Greenport Site Review Board
236 Third Street, Greenport, NY

Dear Village of Greenport Site Review Board,

Thank you for reviewing our application for a revision to the site plan of 38 Front Street and our business, Ellen's on Front. This proposed revision has been approved by the owner of our building, Ben Suglia, and a letter confirming this is attached to this proposal.

Our restaurant is coming up on its second anniversary and, recently, we have become aware of a misunderstanding of our plan, a misunderstanding stemming from the plan of the previous tenant of the space, Salamander's, albeit one that we accept responsibility for as the current tenant. We are hoping to correct this issue immediately, in order to be able to serve our guests as originally intended, and so that we can abide by all rules and regulations of our village. We make this application forthrightly with the hope our plan can be adjusted to reflect how we operate our business.

Our restaurant is divided into two spaces, a ground level dining area and an open, upstairs area that overlooks the main dining room. The upstairs space is, generally, used for private dining, groups of guests who are seeking privacy, or those who might become a disturbance for the rest of our guests. Groups in these categories might include rehearsal dinners, family reunions, and birthday parties (Please see attached photos of the area). Our current site plan reserves the upstairs area for "special events and/or meeting rooms," as mentioned on Salamander's certificate of occupancy (attached). Through conversations with Greg Morris and Paul Pallas, we have learned that "Special Events" is a classification of event in the village which calls for substantial approval and scale (For example, one potentially involving live music), and one that makes no sense for a portion of a basic restaurant. We did not understand what "special events" truly entailed and, Greg Morris, in an email dated February 19th, 2019 (attached), mentioned that we could have "private parties," which we interpreted to mean private dining, vs. "special events." We are seeking to amend our site plan to have upstairs classified as for regular restaurant dining, and not for "special events and/or meeting rooms."

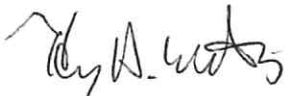
We are, in a sense, asking for a reduction in the ability of what we can do in our space. Even if we use the space for larger groups of diners, we feel the special events classification is inaccurate. These are regular meals, just served to more than 6-8 people at a time. There is no excessive noise, equipment, or changes we make when seating these groups.

Additionally, should we be mandated to maintain Covid-19 restrictions for the foreseeable future, and should demand call for it, we would like the opportunity to seat smaller groups upstairs as well, but never in a number that exceeds village-mandated occupancy limits, currently 49 seats based on the space having one egress point.

Please note that this change will result in no construction, environmental impact, impact to the community, or change to how we conduct business. It is simply to more accurately reflect how we use our space – to serve good food to local residents and visitors alike.

We are proud of our work over our first two years and of our active membership in the village community. We have served hundreds of meals to first responders, essential workers, and those in need over the past challenging year. We have sponsored the Greenport High School girls basketball team and are proud to fly a banner outside to support graduating seniors. We sincerely hope you will approve this change. It will allow us far more effective use of our space, without any change whatsoever in our operation, as well as continued compliance with village, and health and safety, rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry A. Werts". The signature is fluid and cursive, with a prominent loop at the end.

Harry A. Werts, Owner, Ellen's on Front

May 14th, 2021

To whom it may concern:

The acting members of Werts East, LLC DBA Ellen's on Front include:

- Jennie Werts
- Harry Werts

38-44 Front Street LLC
1044 Parkway Street
Riverhead, NY 11901

May 14, 2021

RE: use evaluation

Village of Greenport
236 Third Street
Greenport, NY 11944

Dear Village of Greenport Planning Board Members,

As property owner of 38-44 Front Street (SCTM# 4.-10-31). I hereby give permission to Andrew Werts to act on my behalf regarding planning board issues related to 38 Front Street, Greenport. I can be reached at 631-298-1963 if the need arises.

Respectfully,
Ben Suglia
Principal

From: Andrew Werts
Sent: Friday, May 14, 2021 12:53 PM
To: Bunnii Buglione
Subject: Fwd: 38 Front Street Occupancy

----- Forwarded message -----

From: Jennie Werts [REDACTED]
Date: Tue, Feb 19, 2019 at 2:32 PM
Subject: Fwd: 38 Front Street Occupancy
To: Andrew Werts [REDACTED]

----- Forwarded message -----

From: Greg Morris <gmorris@greenportvillage.org>
Date: Tue, Feb 19, 2019 at 1:37 PM
Subject: RE: 38 Front Street Occupancy
To: Jennie Werts [REDACTED]

Jennie, great meeting you and your team the other day!

Unfortunately, with only one form of egress leading directly out of the building, the maximum number of people allowed cannot exceed 49.

There are ways to increase the occupancy, such as a creating an acceptable secondary exit, or a fire sprinkler system – both of these options would require engineered plans and permits.

The upstairs area can be used as private party area – but keep in mind that anyone in that area will be included in the current maximum occupancy of 49 for the building.

I have also attached the most recent occupancy placard for Salamanders.

If you have any questions, please feel free to contact me!

From: Jennie Werts [REDACTED]
Sent: Tuesday, February 19, 2019 1:25 PM
To: Greg Morris <gmorris@greenportvillage.org>
Subject: 38 Front Street Occupancy

Hi Greg-

Pleasure meeting you the other day, sorry I didn't get to walk around with you. Question for you. How is keeping the upstairs area reserved for private party use different then your occupancy count and how did Claudia have it worded on her C.O.? Is there definitely no way we can increase the C.O. using the back exit/entrance to the laundromat? Basically, what will it entail for us to increase the C.O. without it being an absolute headache and nightmare? Thanks so much.

Best,

Jennie



BUILDING DEPARTMENT
Village of Greenport Building Department
236 Third Street, Greenport, NY 11944
Phone 631.477.2385 ext. 210
Fax 631.477.1877

11/17/2017

CERTIFICATE OF OCCUPANCY

Building Permit No: 02386

Date Permit Issued: 4/26/2013

Building Work:

Remodel existing interior to accommodate a new speciality retail food store. Construction to include addition of Suffolk County approved kitchen and sit down counter. Plans prepared by J. Condon; dated 3/23/13.
Maximum occupancy for store not to exceed 49 persons, with a limit of 30 seats downstairs.
Second Floor to be used for special events and/or meeting room. Second floor space not for everyday restaurant use, with a occupancy limit of 16 seats.

Suffolk County District 1001 **Section-Block-Lot** 4.-10-31

Street Address: 39-42 Front St

Land Use Zone: CR Commercial Retail District

Use and Occupancy: A-2 - RESTAURANT

THIS CERTIFIES that the building authorized by the Building Permit described above has been substantially completed in accordance with the approved plans and specification, and relevant provisions of the New York Fire Prevention and Building Code.

Comments: Ansel system inspection to meet all State and County requirements.

Building Inspector:



Date:

11/17/17

Note: The issue of a Certificate of Occupancy does not guarantee strict compliance with all laws, regulations, codes and standards. The responsibility for such compliance remains with the owner of the premises and the person carrying out the building work thereon. Nor does a Certificate of Occupancy indicate the achievement of a particular standard of workmanship or compliance with any contractual arrangement between owner and contractor. It is recommended that the owner seek appropriate professional advice on contractual matters.





617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Revision of Site			
Name of Action or Project: Revision of Site Plan for 38 Front St → Ellen's on Front			
Project Location (describe, and attach a location map): 38 Front Street, Greenport, NY 11944			
Brief Description of Proposed Action: Reclassification of a portion of a restaurant from "Special Events" to regular restaurant seating.			
Name of Applicant or Sponsor: Harry Werts		Telephone: [REDACTED]	
Address: [REDACTED]		E-Mail: hwerts59@gmail	
City/PO: [REDACTED]		State: [REDACTED]	Zip Code: [REDACTED]
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO YES <input type="checkbox"/> <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO YES <input type="checkbox"/> <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Harry Weerts</u>	Date: <u>5/14/21</u>	
Signature: <u>[Signature]</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

Answer to Part 1, Question 1 of Short Environmental Assessment Form:

Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?

If yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected.

Werts East, LLC DBA Ellen's on Front, located at 38 Front Street in Greenport, NY, is seeking a site plan change, specifically changing the listed site plan usage for a portion of the restaurant from "Special events" to regular restaurant dining. The classification of "Special events" in our initial site plan was a miscommunication, an error that we accept responsibility for, and we are seeking to change the site plan accordingly.

There will be no environmental impact or affect on resources. There will be no construction, nor changes to our physical space. There will be no changes to how we conduct business, simply an adjustment to our listed usage of the space.

Map of 38 Front Street,
Greenport, NY 11944

