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VILLAGE OF GREENPORT

COUNTY OF SUFFOLK : STATE OF NEW YORK

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PLANNING BOARD

WORK SESSION

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November 3, 2022

4:00 p.m. - Station One Firehouse

236 3rd Street

Greenport, New York 11944

Before:

PATRICK BRENNAN - Chairman

PATRICIA HAMMES - Member (Not Present)

SHAWN BUCHANAN - Member

LILY DOUGHERTY-JOHNSON - Member

DANIEL CREEDON - Member

ROBERT CONNOLLY - Planning Board Attorney

PAUL J. PALLAS - Village Administrator

MICHAEL NOONE - Clerk of the Board

1 (*The meeting was called to order at 4:01 p.m.*)

2 CHAIRMAN BRENNAN: So, welcome to the Village
3 of Greenport Planning Board worksession. And
4 because tonight is a worksession only, it's a public
5 meeting, but it's not a public hearing. So our one
6 guest will not have the opportunity to speak, but
7 thank you for coming.

8 Item number one, discussion regarding
9 Planning Board policies, procedures and relevant
10 current issues.

11 I had a couple of small housekeeping matters
12 I wanted to go over and then get into a couple of
13 other items.

14 The first is best practices for public
15 meetings, and I just want to remind the Board that
16 it is not appropriate to gather after the meetings,
17 like with the consulting planner or to gather in the
18 parking lot to continue to discuss the meeting
19 business. So when the meeting comes to an end,
20 that's the end of discussion. And we are also not
21 going to be using group e-mail to discuss projects.
22 We just don't want to encourage discussion outside
23 of the public meeting.

24 And just try to refrain from discussing
25 applications outside of this setting.

1 And, Rob, do you have anything to add to
2 that?

3 MR. CONNOLLY: No, I think that's good advice.

4 CHAIRMAN BRENNAN: Does anybody have any
5 questions about that?

6 (Negative response).

7 CHAIRMAN BRENNAN: All right, you guys all
8 know about it, right.

9 The next item on my agenda was the Board
10 Member handbook. So Board Member Hammes is not here
11 today, but she is working on a handbook, and I
12 believe she circulated a draft table of contents to
13 all of you. Did you all see that? By e-mail? So
14 she has a lot of information in there.

15 She had highlighted some of the information
16 that she felt was sort of essential to the handbook,
17 and then the other items are some other suggestions
18 of hers.

19 Rob, I don't know if you were on that e-mail.

20 MR. CONNOLLY: I was, yes.

21 CHAIRMAN BRENNAN: So I don't want to get too
22 much into that because that is a project of
23 Tricia's, but maybe at our next meeting she can pick
24 this up.

25 I think it's an excellent idea. I think it

1 would be very helpful if the Board members all had
2 that so we can kind of be on the same page in terms
3 of how to conduct the meetings and what our
4 responsibilities are.

5 Does anybody have any comments on what Tricia
6 had sent around?

7 MEMBER DOUGHERTY-JOHNSON: No. It's pretty
8 thorough. I'm not surprised.

9 CHAIRMAN BRENNAN: So if that's all right, I
10 think I would like to leave that until Tricia is
11 with us so she can spearhead that effort.

12 The next thing, I don't want to put you on
13 the spot, we talked a little bit about training.
14 Did you have any --

15 MEMBER DOUGHERTY-JOHNSON: I did. I mean,
16 not a lot. The consultant had mentioned that they
17 were willing to do a training for us and I think
18 that would be a great idea. I know Tricia and I did
19 attend a training when we started, but that was a
20 long time ago. The Board has changed.

21 Um, I also was thinking maybe in the handbook
22 there could just be like, because I think we do have
23 some requirements for training, I don't feel that I
24 was official told them, but I think someone
25 mentioned something. So there are requirements for

1 them that would be good for everyone to know. And
2 even maybe putting when, like the SCVOA, Fall and
3 Spring, not the dates, but just saying like there is
4 a Fall training and a Spring training.

5 And then I was also thinking Rob could do our
6 training for us.

7 MR. CONNOLLY: Sure.

8 MEMBER DOUGHERTY-JOHNSON: But, just pick his
9 brain, if he could have certain things he wanted to
10 talk about and if we have suggestions, maybe we
11 could do that. So that's all I have.

12 MR. CONNOLLY: If you have anything that you
13 want, anything you wanted to know more about, let me
14 know, so we can do the presentation.

15 CHAIRMAN BRENNAN: Okay. Mike, will you keep
16 us informed about when the next SCVOA training is,
17 the Suffolk County Village Officials Association?

18 MR. NOONE: Okay.

19 MR. PALLAS: Mike, if I may?

20 CHAIRMAN BRENNAN: Please.

21 MR. PALLAS: As far as the SCVOA training, we
22 do send out e-mails to everyone whenever that comes
23 up, as a routine matter, and that's within the last
24 couple months, I think it was recently sent out. So
25 you should have received that, you know, in the last

1 couple months of when to avail yourselves of that
2 training.

3 And also NYCOM has I think some online
4 training as well. So we could, you could either
5 check the NYCOM website or we can take a look.
6 We'll take a look, and any links we can find to that
7 training we'll certainly send that out to everybody.
8 Just so you are aware.

9 CHAIRMAN BRENNAN: Right. So I was getting
10 e-mails and I did attend that SCVOA training with
11 Lily. So I think Dan would be interested in the
12 next one.

13 MEMBER CREEDON: Yes. And also, if it's
14 appropriate, if you could send me an e-mail that you
15 were just referring to as far as training.

16 MR. PALLAS: Sure, I'll look into that.

17 MEMBER DOUGHERTY-JOHNSON: I was just thinking
18 more about, like as someone comes on, knowing here's
19 what's expected, you know, not to put dates but it's
20 Spring and a Fall training and, just so people are
21 aware.

22 MR. PALLAS: Sure.

23 MEMBER BUCHANAN: Because I was out of the
24 country and I had already booked my trip and I was
25 not able to make it. But I would absolutely love to

1 take that course as well.

2 CHAIRMAN BUCHANAN: Sure.

3 MEMBER CREEDON: There's some things online,
4 obviously, noticing the Planning Boards of New York
5 state.

6 CHAIRMAN BRENNAN: Okay. We would have to
7 share that with Lily and we would have to collect
8 that information.

9 MEMBER CREEDON: I'll have to e-mail her that
10 information. I don't have it handy.

11 CHAIRMAN BRENNAN: That's fine.

12 MR. NOONE: Mr. Chairman, for simplicity, if
13 he wants to send it to us and we can disseminate it
14 to everybody via e-mail, to make it simpler for you.

15 CHAIRMAN BRENNAN: Yes, that would be great.
16 Thank you. All right. And, Lily, are you familiar
17 with the NYCOM that Mr. Pallas is talking about?

18 MEMBER DOUGHERTY-JOHNSON: Yes. I mean, I know
19 of it. I have not worked on it extensively. I mean,
20 and I know some things that Patricia mentions in the
21 handbook, like you need a password to get paid, for
22 the Village.

23 MR. PALLAS: Yes, to get paid. You can set up
24 your account and if there is a fee for it, we would
25 reimburse you for it, of course, with prior

1 approval, obviously.

2 MEMBER DOUGHERTY-JOHNSON: Okay.

3 CHAIRMAN BRENNAN: Okay so more to come on
4 that.

5 MEMBER DOUGHERTY-JOHNSON: Yes, I'll work on
6 that and get back to you.

7 CHAIRMAN BRENNAN: Thank you. I want to move
8 on to, I guess what we are going to call current
9 issues, and my intention was that this is not so
10 much a discussion about specific applications before
11 the Board but about issues before the Board. So
12 this would be a good opportunity to spend a little
13 time digging into that a little bit.

14 But we are allowed to speak about
15 applications; is that correct?

16 MR. CONNOLLY: You can speak about them but
17 you just can't take any actions.

18 CHAIRMAN BRENNAN: All right. So we have a
19 couple of hotel projects before the Board and we may
20 see more in the future, and Tricia Hammes had asked
21 that it would be helpful if we had some more data on
22 hotels, specifically in relation to emergency calls.

23 So she was hoping that someone could provide
24 this Board with a breakdown of emergency calls for
25 the years 2019, '20, '21 and '22, year-to-date,

1 looking for a breakdown monthly, by establishment,
2 so we could see how frequently and what types of
3 responses are required at the hotels.

4 I know from personal experience there seems to be
5 a lot of false alarms and things. Shawn may know
6 something about that.

7 MEMBER CREEDON: Some of the fire alarm
8 systems seem to be overly sensitive. That's just a
9 personal observation. Some of them were set off by
10 showers.

11 CHAIRMAN BRENNAN: So it requires a response
12 but it's not necessarily an emergency often; would
13 that be your sense?

14 MEMBER CREEDON: It is, but I think that is, I
15 don't know if it's -- I think it's a longterm risk,
16 because you are talking about the boy who cried wolf
17 and then some day when it requires a live response,
18 the live response won't be great.

19 MEMBER BUCHANAN: And I do believe, I think
20 there was a specific room that we had I think four
21 or five in one day, several months ago. And so you
22 definitely see people having fatigue when showing up
23 for those. So I think what Dan is saying, that's
24 really important.

25 CHAIRMAN BRENNAN: So, Paul, how can we get

1 that data?

2 MR. PALLAS: I'll speak with the fire chiefs
3 and see, I'm sure they have those records, we'll
4 have to see whether they have them broken down that
5 way. If not, it may take a little bit on our part
6 to scour through where the calls were. I just, I
7 have no knowledge, direct knowledge, of how they are
8 categorized.

9 CHAIRMAN BRENNAN: All right. Well, get us
10 what you can. And we can do some of that work
11 ourselves, too, so if the data is not in the format
12 that we want, we can spend a little time on that.

13 MR. PALLAS: Sure.

14 CHAIRMAN BRENNAN: And then also related to
15 hotels and motels, Tricia Hammes had asked that we
16 get some data on parking, and so she would like to
17 know how many spaces the hotels and motels have. So
18 she is looking at total current, like total current
19 parking capacity for all our hotels. And then she
20 would also look at what would be, she wants to know
21 what would be required absent any waivers.

22 So ignoring the, what I call a waiver, the
23 1991 grandfathering, what would that number look
24 like.

25 And so I think that would be helpful if this

1 Board maybe considers the other applications that
2 come before us, if we just had more information
3 about our capacity and demand. Is that okay?

4 MR. PALLAS: Yes, we can get that data as
5 well. We can do that inhouse, with only one caveat,
6 that it will be very close but not 100% because
7 there are little elements that we won't know. For
8 example, number of employees. We would not
9 necessarily know that. You know, we can estimate
10 based on anecdotal evidence of how many rooms there
11 are and generally how many employees it would take
12 to run a hotel of that size. And there are some
13 sites that have hotels that are part of a single
14 parcel that have other buildings on them, that have
15 other uses.

16 So I'm just going to focus, like, a site like
17 that, we are just going to say, a hotel, should have
18 this many and there are this many available. For
19 the two or three that I'm thinking they either have
20 zero or one or two, so. You can leave the heavy lift
21 for us.

22 CHAIRMAN BRENNAN: Okay, fair enough. That
23 would be helpful, thank you. While we are talking
24 about hotels and motels, does anyone else --

25 MEMBER BUCHANAN: I did have one more

1 question. I want to make sure the number we are
2 looking at, when we are looking at the number of
3 calls is inclusive of hotels in Greenport east and
4 west as well, just so that we have an idea of what,
5 because maybe it's the trend amongst, you know, part
6 of doing business if you are a hotel.

7 CHAIRMAN BRENNAN: So you want to know the
8 hotels within the fire district, not necessarily
9 within the Village limits.

10 MEMBER BUCHANAN: Right.

11 MR. PALLAS: I'm assuming that whatever data
12 they have is the same, regardless of what it is. I
13 would hope they wouldn't segregate that. But again,
14 I have never looked at it.

15 MEMBER BUCHANAN: No, no, I just want to make
16 sure that's what it was because --

17 MR. PALLAS: That would give you more data to
18 work with, which is a good idea.

19 CHAIRMAN BRENNAN: Right. Like the Soundview,
20 for example. Okay, that's a great point.

21 MR. PALLAS: But the parking just because --
22 the parking I can only do here, to have that
23 information.

24 CHAIRMAN BRENNAN: Yes. This would only be any
25 of the fire calls or ambulance, whatever.

1 MR. PALLAS: Yup.

2 MEMBER BUCHANAN: And then something that is
3 not exclusive to hotels specifically but I think
4 it's something that I would like to have access to
5 when we are having applications, especially some of
6 these bigger ones that are coming before us, I would
7 like to know, similarly going back to '19 and also
8 to present, what sort of code violations that have
9 maybe, that are outstanding, have happened, were
10 they ever taken care of, were they taken down, just
11 that sort of understanding of what that sort of
12 history is, because if we see a pattern in any
13 business or anything when members of the community
14 are coming in and asking for us to, you know, grant
15 whatever they would like to do, I would just like to
16 understand if this is a pattern of working with the
17 community or just taking the path that --

18 MR. PALLAS: You are talking about any pending
19 applications, like for expansions, because say if
20 it's changing the use, then it would not be
21 relevant, right?

22 But for any facility, regardless of whether
23 it's a hotel, quite frankly, that's what further
24 expanded use if it's going to be continuing the same
25 use, you would like to see and be aware of any

1 violations.

2 MEMBER BUCHANAN: Correct. So for example, if
3 somebody built something without having a permit for
4 that and it was not taken down, where are we at with
5 something like that. Because I think that's helpful
6 with our, with finding out, I don't know if we
7 always have that with people before meetings, so.

8 MR. PALLAS: So I would have to check with
9 both your counsel and Village counsel to see what
10 level detail I can provide. I assume that I can say
11 there are pending violations. I don't know if I can
12 get too deep into the specifics.

13 MR. CONNOLLY: Well, if it's pending in
14 Justice Court, it's a matter of public record, so.

15 MR PALLAS: Okay.

16 MEMBER DOUGHERTY-JOHNSON: Well, some code
17 violations are in the Board of Trustees worksession.
18 So I mean they are not like very detailed, but they
19 have an address and we can see --

20 MR. PALLAS: Right. The level that there are
21 details in the public record, certainly I can
22 obviously provide that. So, yes.

23 MEMBER BUCHANAN: Perfect.

24 CHAIRMAN BRENNAN: Thank you. Anyone else on
25 hotels and motels?

1 (Negative response).

2 Okay. All information will be very useful.

3 I want to talk about payment in lieu of
4 parking, but I want to put that to the end, and talk
5 about something else about parking.

6 So I think everyone is probably aware that
7 parking and loading is currently being contemplated
8 by the Trustees and the Mayor to make amendments to
9 our code, and I hope you are all following that.

10 So that's section, that is amendments to
11 Section 150-16. And that will have an impact on our
12 work, right?

13 So our parking, our parking codes are
14 contained within 150-16 and 150-12. And these
15 proposed amendments to 150-16 will influence our
16 projects going forward.

17 So if you are not aware of that, I would like
18 you to pay attention to what the Village Board is
19 discussing and develop a view on that. You
20 certainly need to know something about it as the
21 applications come in before us.

22 I do have copies of the current code and the
23 draft of the proposed code, if anyone would like to
24 look at that.

25 I have a question that maybe Paul or Rob can

1 answer. In the draft of the, or the current
2 amendment that is being contemplated by the Board, I
3 believe it refers only to the first paragraph of
4 150-16, which is the description of off-street
5 parking and the schedule.

6 So this was a section that used to -- so in
7 the current code, 150-16(a)(1), makes reference to
8 the January 1991 grandfathering provision, or the
9 waiver. So that paragraph is proposed to be
10 amended.

11 Following that paragraph is a schedule of
12 uses and required parking spaces, and it was not
13 clear to me whether the Board is currently looking
14 at changing the portion that follows that first
15 paragraph where there is a list of uses and a list
16 of required parking space.

17 For example, the uses like elementary
18 schools, hospitals, hotels, are listed and then
19 there is a provision for the parking regulation.

20 MR. PALLAS: I'm just trying to bring it up on
21 my phone right now.

22 MEMBER CREEDON: What was the provision for?

23 CHAIRMAN BRENNAN: The current code, parking
24 and loading regulations, are described by use, and
25 then there is a requirement for how many parking

1 spaces for each type of use. And my understanding of
2 what the Village Board is doing, is they are not
3 contemplating changes to that list of uses and
4 requirements, they are only contemplating changes to
5 the first paragraph.

6 MR. CONNOLLY: That's why I was confused. It's
7 still listed.

8 CHAIRMAN BRENNAN: It's not listed.

9 MR. CONNOLLY: Oh, it's not listed.

10 CHAIRMAN BRENNAN: Because the draft as it's
11 published only talks about the portion that are
12 changing.

13 MR. PALLAS: You are talking 150-16, I
14 believe.

15 CHAIRMAN BRENNAN: 150-16(a)(1).

16 MR. PALLAS: (Perusing).

17 MEMBER DOUGHERTY-JOHNSON: I think it's just
18 the paragraph. Like the first paragraph of section
19 150-16(a)(1) shall be amended to read as follows.
20 Not the second paragraph, right?

21 CHAIRMAN BRENNAN: Right. So it's a paragraph
22 followed by a list.

23 MR. PALLAS: Yes.

24 CHAIRMAN BRENNAN: So is the list part of the
25 paragraph or is the list remaining unchanged, is my

1 question.

2 MR. PALLAS: No, I think the way the drafting
3 of this is, because it does refer to the list below,
4 so it's just amended the opening paragraph. I think
5 that was the intent, as far as I recall. So, the
6 way it's drafted, I think that's what it says. It's
7 just the paragraph.

8 CHAIRMAN BRENNAN: Okay, that was my
9 understanding as well. I just wanted to clarify
10 that.

11 MEMBER CREEDON: So the list remains as is.

12 CHAIRMAN BRENNAN: The list remains as is.

13 MEMBER DOUGHERTY-JOHNSON: I had a question.
14 The first draft of this was sent to us for remarks,
15 right? But then not every draft is sent to us,
16 correct?

17 MR. PALLAS: I don't believe so.

18 MEMBER DOUGHERTY-JOHNSON: Okay.

19 CHAIRMAN BRENNAN: All right, and then I think
20 you are probably all aware that the Village Board is
21 also contemplating making changes to waterfront
22 commercial/commercial retail districts. So it could
23 possibly be changes there, and of course that would
24 affect our work if that ultimately happens.

25 And the Board is also considering a

1 moratorium on development within certain districts,
2 or certain zones, and again, I would ask you to
3 follow that conversation so that we can be aware of
4 what is going on.

5 And I would like to think the Planning Board
6 is a resource to help the Village Board should they
7 ask for an opinion or any advice or anything on
8 that. It has not come to us yet, but it could.

9 And then Tricia Hammes had suggested that
10 this Board may want to decide if we want to provide
11 support for that moratorium. So the moratorium is
12 being contemplated. There will be a public hearing
13 later this month and this Board could take a
14 position whether we like have to moratorium or not,
15 or we don't have to take a position at all.
16 Something to think about.

17 And nothing has to happen at this meeting
18 right now; is that correct?

19 If we were to draft a letter about the
20 moratorium, pro or con, can we could do it outside
21 of this meeting?

22 MR. CONNOLLY: It would be a letter coming
23 from the Planning Board that usually I would draft
24 on behalf of the Planning Board, as long as you give
25 me your thoughts on it, and you would just send it

1 to the Village Trustees. It doesn't have to be done
2 at a venue.

3 CHAIRMAN BRENNAN: Right. Great. So you would
4 offer that?

5 MR. CONNOLLY: Sure.

6 CHAIRMAN BRENNAN: Good.

7 MR. PALLAS: Just if I may, to be clear, I
8 don't believe there is a hearing scheduled for this
9 month. I think, and I do have one of my Trustees
10 present, so she will correct me if I'm wrong. That
11 what the Village Board is proposing is they will
12 discuss a moratorium at work session and perhaps
13 draft, perhaps draft moratorium language for a
14 hearing to be scheduled in December. I think that
15 was the way, yes?

16 CHAIRMAN BRENNAN: Can we ask Trustee Phillips
17 to --

18 TRUSTEE PHILLIPS: My understanding is if we
19 are comfortable, we may push ahead in November, but
20 the plan is for December.

21 CHAIRMAN BRENNAN: And it's a discussion or a
22 hearing?

23 TRUSTEE PHILLIPS: What is happening is the
24 resolution authorizing the Village Attorney to work
25 with the Mayor and Trustees to formulate a

1 resolution to go out to public hearing, which we
2 could at the November meeting schedule it for
3 December. Or if for some reason it could get
4 scheduled sooner. But that will end up being what
5 comes out of worksession.

6 CHAIRMAN BRENNAN: Okay, very good. Thank you.

7 TRUSTEE PHILLIPS: You're welcome.

8 CHAIRMAN BRENNAN: I want to talk about
9 parking in lieu of payment. And I made a couple of
10 worksheets I would like to pass around. (Handing).
11 That's all I have. Maybe you guys can share.

12 So what I did is I put together some
13 illustrations. These are just abstract. They are
14 not about any specific project that is before the
15 Board. And the reason I did this was to try to get
16 a clearer understanding about how we, this Board,
17 would use parking in lieu of payment. So this is
18 one of our planning tools that I think has not
19 gotten a lot of use, and I think my sense is the
20 Board has not always been comfortable with using it.
21 And I just wanted to take a little bit of time to
22 work through some samples so we can kind of discuss
23 how it works and what that means.

24 So what I did here in the first page, Example
25 A is, I have a hotel, which I'm calling Hotel Alpha,

1 and again this is a little bit arbitrary. So I kind
2 of came up with a number of rooms, number of
3 employees, and so if you can follow me here.

4 So we have a hotel, it's a ten-room hotel
5 with two employees, and according to our current
6 parking regulations, the required parking for that
7 would be ten for the guest rooms, so that's one
8 parking space for each guest room, plus one parking
9 space for each employee. So that's ten plus two.
10 That's 12 spaces required, right? Everybody
11 following that?

12 (Affirmative response).

13 And then the next number I have here, I said
14 provided parking. So this is, again, this is a
15 hypothetical. This is an applicant that comes to us
16 and says we are required to have 12 but we are only
17 providing five because we have limited space.

18 So now they are deficient by seven spaces.
19 So that's the total required, less what they are
20 providing. They are deficient by seven. And they
21 could ask for a waiver of seven from this Board.

22 So there a cap on how many spaces, there is a
23 cap of 20, they would be asking for seven, and this
24 Board has the ability to grant that waiver for a
25 payment.

1 So in this case they would be asking for
2 seven spaces, the fee is \$2,500, and they could
3 agree to a payment with the Village of \$17,500.

4 If that happens, they do not need to go to
5 the Zoning Board for a variance for the parking. So
6 there is zero spaces they would need to -- so I'm in
7 the middle. Is everyone following me? Does that
8 make sense to everybody? It's a pretty basic
9 example, right?

10 So they need seven -- they are short seven
11 spaces, they can make a payment a \$2,500 payment for
12 each space.

13 Now, the bottom half of the page, I redid the
14 numbers using the proposed parking. So this is what
15 is being currently considered by the Village Board
16 to change the parking.

17 So, same hotel, requires ten spaces for the
18 guests, two spaces for the employees, 12 spaces
19 total. Again, they are providing five. They are
20 then deficient by seven spaces. They can request a
21 waiver for six, because the new ordinance has a cap
22 that says the Planning Board cannot grant more than
23 50% of the required spaces.

24 So they need seven but they can request a
25 waiver for six. And that would leave them with one

1 space that they would still need to approach the
2 Zoning Board for a variance.

3 So this Board can give none of the request,
4 all of the request or some number in between. So my
5 example only contemplates giving them the maximum
6 each time. So if they need six, we can grant six.

7 And the proposed parking regulations also
8 has a different formula for calculating the fee.

9 So in the second example, on the bottom half
10 of the page, they are going to pay \$1,000 for the
11 first five spaces; \$2,500 for the sixth through
12 tenth space; and \$5,000 for spaces eleven or more.

13 So in this example, their fee for six spaces
14 is now \$7,500.

15 So I thought this was kind of interesting
16 just because it shows you, it's a pretty big
17 difference in the fee. Current parking regulations
18 require \$17,000. The new would require \$7,000.

19 MEMBER CREEDON: Paid one time.

20 CHAIRMAN BRENNAN: This is a one-time payment
21 for parking, relief from parking in perpetuity, as
22 long as the use does not change; is that correct,
23 Paul?

24 MR. PALLAS: I'm sorry?

25 CHAIRMAN BRENNAN: As long as the use and the

1 site doesn't change, this is a payment from relief
2 from parking in perpetuity.

3 MR. PALLAS: Yes.

4 CHAIRMAN BRENNAN: Is that the correct term?
5 I mean forever.

6 MR. PALLAS: Yes. For as long as the site is
7 not changed, yes.

8 CHAIRMAN BRENNAN: Right.

9 MR. PALLAS: But, one second. Let me be
10 clear. So as long as there are no changes to the
11 site that would require for any other reasons your
12 review or a building permit. I think that's how
13 this will play out as it relates to Chapter 65 where
14 we are talking about whether Planning Board of
15 Review is required or not. I believe that would be,
16 I think we would have to look, I think we the
17 Village would have to look at both to determine if
18 it's coming here for any purpose --

19 CHAIRMAN BRENNAN: Right.

20 MR. PALLAS: (Continuing) which would then
21 trigger parking.

22 CHAIRMAN BRENNAN: Right.

23 MR. PALLAS: Sorry to be convoluted.

24 CHAIRMAN BRENNAN: No, no. There is a lot of
25 permutations of this and a lot of assumptions built

1 into this. I was trying to keep it simple. These
2 examples are really only contemplated in like a new
3 project. Because this doesn't take into
4 consideration renovating an existing building.
5 Because that would be different.

6 The way the proposed parking regulations are
7 going to work is that the parking requirement would
8 only be to the extent that the use is expanded or
9 enlarged, okay? My example contemplates a new
10 building.

11 So I don't know if this is what everyone
12 expects from it. Paul, is this more or less your
13 understanding? Is the illustration I put together
14 more or less correct in terms of your understanding?

15 MR. PALLAS: Yes. What I'm struggling with,
16 I'm trying to go back, re-reading the proposed law
17 and trying to remember the intent.

18 The only thing I'm shy on, to be honest with
19 you, and I'll need a clarification from the Village
20 Attorney, is whether the 50% applies to, as you put
21 it -- and what you did matches the language, just to
22 be clear -- whether it applies to that or be added.
23 You know what I mean?

24 So, for example, in the first example, if we
25 base it on the total requirement, then six is the

1 right number. If it's the deficient portion, then
2 it's three-and-a-half. It changes the structure
3 dramatically, which I think was the intent. But I
4 can't be certain of that. I would need to have a
5 discussion with the Village Attorney about that.

6 CHAIRMAN BRENNAN: Right. So
7 three-and-a-half, if you ran it the other way,
8 three-and-a-half is really three.

9 MR. PALLAS: Correct.

10 CHAIRMAN BRENNAN: And the fee structure in
11 that case would be \$3,000.

12 MR. PALLAS: Right. But it also increases the
13 requested variance.

14 CHAIRMAN BRENNAN: That's right.

15 MR. PALLAS: So, you know, there are two
16 different components there. So, yes.

17 CHAIRMAN BRENNAN: Okay. All right, so next
18 page, Example B, is a medium size, what I call like
19 a medium-sized hotel.

20 This is called Hotel Bravo, it has 20 rooms
21 with three employees. In this case we are going to
22 need 20 parking spaces for the guest rooms, three
23 parking spaces for the employees, and so that's 23
24 total parking spaces required.

25 The applicant is providing seven, in this

1 case. So they are deficient by 16. They are
2 requesting a waiver for 16. That's currently
3 allowable because the cap is 20. If they can get
4 away with all 16, they do not need to go to the
5 Zoning Board for parking. And in this case, the
6 payment would be 16 times \$2,500. Or \$40,000.
7 Again, one-time payment.

8 The bottom of the page is the same hotel.
9 Under the proposed parking regulations, they are
10 deficient by 16 spaces. They are requesting a
11 waiver of eleven, again, because it's capped at 50%.
12 They would need a zoning variance for five more
13 spaces. And the fee structure would add up to
14 \$22,500.

15 So you see again in this case here, the fee
16 is much less than the proposed parking regulations,
17 but the requirement for zoning is more onerous.

18 MEMBER DOUGHERTY-JOHNSON: Just to be clear,
19 right now, the framework is the choice whether to do
20 the payment or parking. And then the proposed is do
21 not. Correct? Like you would have to, if you
22 didn't meet the parking requirements, you would have
23 to pay. No? Is that the case?

24 MR. PALLAS: No. The intent of the code in
25 that regard does not change. You always have the

1 right to do that. And you still have the right to
2 do that. It is not a requirement to do that.

3 MEMBER DOUGHERTY-JOHNSON: Okay.

4 CHAIRMAN BRENNAN: So in the current code, I
5 think the language essentially says that the
6 Planning Board, if it thinks it's in the best
7 interest of the Village, can use this
8 payment-in-lieu-of-parking tool. In the proposed
9 parking regulations, it's been flipped around. Now
10 it says if the Planning Board decides not to use it
11 because it's in the best interest of the Village, we
12 can do that.

13 It doesn't make a difference the way I'm
14 reading it, but it has been reversed for some
15 reason.

16 But it's really up to this Board to determine
17 whether we want to use parking in lieu of payment,
18 if we think it's in the best interest. And we are
19 flexible, we have flexibility on the extent we could
20 waive one space or we could waive all of the spaces
21 within the code provisions, within the caps.

22 MR. PALLAS: Mr. Chairman, just one other --

23 CHAIRMAN BRENNAN: Yes.

24 MR. PALLAS: You had commented earlier about
25 the zoning knew, not only the code but your example,

1 the way the code is written, and I want to just
2 confirm it for myself. So if someone expands, we
3 only look at the expanded piece of it. So whether
4 these were new or the expanded portion, these
5 numbers would still work.

6 CHAIRMAN BRENNAN: Correct. Right. Yes.
7 They would probably be fewer numbers because of the
8 expansion. But, yes. The calculation is still the
9 same whether it's a new building or an expansion.

10 All right, then page three is what I call
11 Example C, Hotel Charlie. In this case it's a
12 40-room hotel with four employees.

13 They are required to have 44 spaces in
14 accordance with the current regulations. The
15 applicant is providing nine. So they are deficient
16 by 35 spaces. They can request a waiver of up to 20
17 spaces because we have a cap in the current parking
18 regulations. This Board is restricted to waiving a
19 maximum of 20 spaces.

20 So in this case, if the board decides to use
21 parking in lieu of payment, the applicant would
22 still need to seek a variance for 15 other spaces
23 that they are deficient in. And the fee in this
24 case would be 20 spaces times \$2,500, which is a
25 \$50,000 fee. And then again on the bottom half of

1 this page is the same hotel, that is calculated in
2 accordance with the proposed parking regulations.

3 In this case they can request a waiver of up
4 to 22, if my understanding is correct, because they
5 are capped at 50% of 44.

6 So now their ZBA variance that they would
7 seek would be for 13 spaces. And you see how the
8 fee is calculated at the bottom there. \$1,000 for
9 each of the first five spaces; \$2,500 for each of
10 the next spaces six through ten; and \$5,000 for
11 spaces eleven plus, coming up with a payment of
12 \$77,500.

13 So what I found interesting about this is
14 until we got up to about 40 rooms, we didn't see the
15 fee structure tip. I'm not exactly sure where that
16 happens. It could be at 30 rooms or whatever. But
17 in the first two examples, the ten-room hotel and
18 the 20-room hotel, the fees are lower; and the
19 example of the 40-room hotel, the fee is going
20 higher than the proposed regulations.

21 And this could be the intent of the Village
22 Board. I think there was some discussion about they
23 wanted to protect, lookout for small business owners
24 and maybe make the burden a little less for small
25 businesses.

1 So by my calculations, I would say that seems
2 to be the case here.

3 MEMBER DOUGHERTY-JOHNSON: I just want to make
4 sure I understand. Go back to the first one.

5 Let's say it's not a hotel but it's something
6 we all think really needs to happen, and really
7 doesn't have any parking at all. Can we still say,
8 yes, you can do this even though you don't meet the
9 required parking. Without them having to pay. That's
10 what I'm asking.

11 CHAIRMAN BRENNAN: So can we do it without --

12 MEMBER DOUGHERTY-JOHNSON: So that's the
13 difference between the old way --

14 MR. PALLAS: No, that's not, that is not
15 different from old to new. If they need 20 spaces,
16 just as a number, and you don't want to take the
17 waiver, you say we are not going to take the waiver,
18 they still have to go to Zoning, regardless, because
19 you can't approve --

20 MEMBER DOUGHERTY-JOHNSON: But then Zoning
21 could say, sure --

22 MR. PALLAS: Zoning could grant it. You can't
23 approve a site plan if there are Zoning issues.
24 That would be the end result.

25 CHAIRMAN BRENNAN: So I think we can't waive

1 parking without accepting a payment also, because
2 it's required. If we are going to waive any
3 parking, the payment has to go with that.

4 MR. PALLAS: Yes, the Zoning Board purview to
5 waive. In essence.

6 CHAIRMAN BRENNAN: Okay, now at our last
7 meeting we spoke about how this process might work,
8 and Rob had suggested that we may schedule a public
9 hearing just to work out the
10 payment-in-lieu-of-parking component of the project.

11 Do you still feel like that would be --

12 MR. CONNOLLY: I have been thinking of that
13 since the meeting. What I was thinking is perhaps
14 if they apply for relief to the Zoning Board for the
15 maximum number of spaces they would need, the
16 Planning Board, if you are amenable to the pilot,
17 you would send a memorandum to the Zoning Board
18 opining on the issue and saying the Planning Board
19 would be comfortable with granting a pilot for "X"
20 amount of spots and we think, just putting numbers
21 out there, a variance of two parking spots would be
22 reasonable. And see what the Zoning Board does.
23 See how they act on that.

24 Or, without having another hearing, the
25 Planning Board may be able to come to a decision at

1 worksession regarding a public hearing, it would not
2 be a public hearing, but with the applicant, and
3 decide that you are going to accept the pilot and
4 then send the application to the Zoning Board with
5 the deficient number of spaces.

6 So I don't think you need to have a separate
7 public hearing on this.

8 CHAIRMAN BRENNAN: Okay. Okay. Does that
9 make sense to everyone?

10 (Affirmative response).

11 CHAIRMAN BRENNAN: Okay, so again, this is
12 always at our discretion. We can use this, we don't
13 have to use it. We may be looking at this for some
14 of the applications that come before us soon, or
15 that are currently before us.

16 So now would be the time to ask any questions
17 about how it works, if you are still not comfortable
18 with it.

19 MEMBER BUCHANAN: I have one question, and
20 this is more, I don't even know if this has ever
21 come up before. So staff parking is the same as
22 patron parking, right? So just thinking if somebody
23 were to create a business that had all these jobs
24 for locals to work, for people wanting to work and
25 parking over there.

1 Is there a way for us to look at that
2 differently or would that also have to go to ZBA?

3 MR. PALLAS: If I understand your question
4 correctly. Can you make judgments based on the
5 economic benefit of a project. Is that what you
6 are --

7 MEMBER BUCHANAN: I'm just trying to --

8 MEMBER DOUGHERTY-JOHNSON: You said if people
9 are walking or biking right, if they were in Town?

10 MEMBER BUCHANAN: No, no. I'm saying if um, I
11 don't know, if staff parking is, I guess my question
12 is, is staff parking equal to customer parking. And
13 it's always been looked at in that way. So if you
14 are creating jobs, so there is people walking, or
15 eco-spots, people biking, right, but there are a lot
16 of people who drive around the corner to go to the
17 IGA. So, I don't know, we just always look at it
18 as, is staff and customer/patron parking the same.
19 It's equal. It's the same thing.

20 MR. PALLAS: Well, the code delineates, for
21 example, in here, is the number of guest rooms
22 dictates the number of parking space, right? So
23 it's not really patrons per se.

24 In retail it's based on square footage. And
25 then there are specifics for other types of

1 businesses.

2 For a doctor's office, for example, has
3 depending on the number, I don't know exactly, the
4 number of physicians, and then we have to add in
5 other staff to that. I'm not sure if I'm being
6 responsive, but that's how we do it.

7 MEMBER BUCHANAN: I was just saying, is there
8 ever any sort of, if you are creating more jobs in
9 the community, has there ever been any sort of
10 forgiveness if you have a land-locked property that
11 has no parking or whatever. It's more like that.

12 MR. PALLAS: So really what you are asking, I
13 believe, is has there been, is there any code
14 provision that could exist that would take into
15 account the economic benefit of a project, right?
16 The economic benefits. When I say that, it means
17 employment, when I say economic benefit. So tax
18 base and all.

19 So, what we have in the current code now,
20 whether that includes, whether that could be put in
21 the code, I don't know. Because it becomes quite
22 subjective. So I don't know -- it would be tough.

23 CHAIRMAN BRENNAN: Understood.

24 MR. PALLAS: I mean, quite honestly, it was a
25 struggle just to get these kinds of numbers down to

1 start putting in those subjective type questions,
2 however, if I may, I would think in terms of your
3 deliberations, in terms of waivers, generally, I
4 would think that would be taken into consideration
5 by you as a Board. Right? So that --

6 MR. CONNOLLY: Best interest.

7 CHAIRMAN BRENNAN: I think that's within our
8 discretion.

9 MR. PALLAS: Yes.

10 CHAIRMAN BRENNAN: That's in the interest of
11 the Village. So that would fall under that. So we
12 do have the ability to contemplate those kinds of
13 things. We don't have the ability to waive the fee.

14 MEMBER CREEDON: I have a general question.
15 Are we to weigh more heavily, generally, the
16 applicant's need or the inventory in the Village of
17 parking. And if it's the latter, the few
18 applications I have seen, the applicants have
19 provided the inventory, is there some sort of
20 inventory that is more objective that is provided by
21 the Village?

22 MR. PALLAS: I think you have to look at each
23 application on its own merit. I'm not an attorney,
24 so, I think you would just need to look at each
25 application on its own merit.

1 I don't know that that would be it. So again,
2 looking at the best interest of the Village, right,
3 certainly the ability for off-street parking that is
4 not on the person's site, you could take that into
5 account in terms of your discussion. And, you know,
6 you may have an application in front of you that is
7 having that discussion. So I don't know if that's
8 responsive. But I think you can't quantify it. I
9 think it's the same answer I had before. You can't
10 quantify. It would be difficult to quantify that,
11 right? Globally. I think it has to be looked at on
12 each application. On the merits.

13 MR. CONNOLLY: Your decision needs to be based
14 on what is best for the Village as a whole, so, you
15 know, health, safety of the Village. So I don't
16 think the applicant's need outweighs the Village's
17 concerns.

18 Or were you asking if there is an actual
19 number of parking spaces in the Village?

20 MEMBER CREEDON: Well, yes and no. I know
21 that sometimes they are full and sometimes they are
22 not. And you don't know when that is going to be
23 always. So that's a moving target. I understand
24 that.

25 CHAIRMAN BRENNAN: The other thing that is

1 highly dependent on a particular project or
2 application is the use of that project. Because they
3 have all have different parking and needs. Because
4 needs are not uniform over 24 hours or over the
5 course of a week. And our parking inventory we have
6 like on municipal lots, has different restrictions.
7 72 hours, 48 hours, 24 hours. So the idea of an
8 inventory, I think we could develop an inventory or
9 get a sense of our inventories, but it's not hard
10 and fast because of the use, the specific use of
11 each project, right? Like a hotel, something that
12 has been discussed. Recently is that hotel may have
13 an overnight parking need. Or that we have, the
14 Village inventory has overnight capacity. But, it's
15 very different, you know, if it's daytime, night
16 time, short-term, longterm.

17 I have concern that we don't have, this Board
18 may not have a good sense of all the parking needs
19 that are being claimed to be available in the
20 municipal areas.

21 So, for example, a new business coming into
22 Town may make the argument there is plenty of room
23 over at the Hampton Jitney lot. What do we call
24 that lot, train --

25 MR. PALLAS: We generally call it the MTA lot,

1 for lack of a better term.

2 CHAIRMAN BRENNAN: The MTA lot. So an
3 applicant may make an argument there is excess
4 capacity there, and their guests could use that lot.
5 But we know we are maybe looking at a new ferry
6 service or increase in the amount of bus trips or
7 trains. So it's difficult to get a handle on it,
8 from my perspective. It's difficult to get handle
9 on how much of this capacity has already been
10 assigned to other users. I don't think we have a
11 record of that, right?

12 MR. PALLAS: Well, we don't have a record,
13 with the exception of the MTA lot, there is no
14 assignment spaces to any individual group or
15 business. That is a public space. So there is not
16 any. There would be no way to do that. We would
17 only do it globally on total spaces, perhaps working
18 out, as you suggested, by time. But that's quite an
19 undertaking to perform that kind of study. It's
20 very obviously labor intensive. We don't have the
21 inhouse resources to do that, and to bring a
22 consultant in would be very expensive.
23 Unfortunately.

24 MEMBER DOUGHERTY-JOHNSON: To list the parking
25 spots or to like do a --

1 MR. PALLAS: No. To look at the amount of
2 spaces. They are suggesting, rightly suggesting
3 that, doesn't tell you much. It just tells you how
4 much you have. But the cause of the availability of
5 the 72 hour, the two hour, half hour, one hour, that
6 it would be, it doesn't, without knowing how those
7 areas, those designated spaces are used, it's not
8 very informative. I believe that's what you are
9 asking.

10 CHAIRMAN BRENNAN: Right.

11 MR. PALLAS: I would tend to agree.

12 CHAIRMAN BRENNAN: I take your point. I
13 understand that we are not assigning the MTA lot to
14 different private businesses, but to the extent that
15 we approve applications where the applicant claims
16 there is a capacity there, in a way we are sort of
17 tacitly approving that they have the ability to use
18 some of that public capacity.

19 My point being is we can't do that, because
20 we will have a conflict in the demand for that
21 inadequate capacity. So I don't have any further
22 thoughts on this.

23 Does anyone want to add anything else or can
24 we wrap up this discussion?

25 I hope it was a little bit helpful and not

1 more confusing.

2 But okay, so if there is nothing further
3 we'll move on to item number two, motion to adjourn.

4 Second?

5 MEMBER DOUGHERTY-JOHNSON: Second.

6 CHAIRMAN BRENNAN: All in favor?

7 (All ayes).

8 CHAIRMAN BRENNAN: Thank you, for your time.

9 Thank you, all.

10 (The time noted is 5:02 PM).

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