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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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Third Street Firehouse
Greenport, New York

January 25, 2018
4:05 p.m.

B E F O R E :

- DEVIN McMAHON - CHAIRMAN - absent
- MARY GIVEN - ACTING CHAIRWOMAN
- BRADLEY BURNS - MEMBER
- NOAH THOMAS - MEMBER
- JOHN COTUNGO - MEMBER

- ROBERT CONNOLLY - VILLAGE ATTORNEY
- PAUL PALLAS - VILLAGE ADMINISTRATOR
- GLYNIS BERRY - PLANNING BOARD CONSULTANT
- KRISTINA LINGG - BUILDING CLERK

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2 ACTING CHAIRWOMAN GIVEN: Good
3 evening, it is 4:05 and the item number
4 1 on the agenda is for 15 Front Street.
5 A public hearing for the conditional
6 use application of applicant Kara
7 Hoblin.

8 The applicant is proposing to open
9 a studio/retail space at 15 Front
10 Street.

11 This property is located in the
12 Waterfront Commercial District. This
13 property is not located in the Historic
14 District.

15 It is designated as Suffolk County
16 Tax Map number 1005-5-4-31.1.

17 Okay. When anyone takes the
18 podium, we ask that you state your name
19 and address and sign on the sign-in
20 sheet, please.

21 So there is no confusion, this
22 looks like it may take a while tonight,
23 there is a meeting after this, so we're
24 going to have to cut this meeting off
25 at 6:00. If need be, we will hold the

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2 public hearing open and we will come
3 back and take up where we left off at
4 next week's meeting.

5 Okay. Thank you.

6 MR. SOLOMON: Good evening. My
7 name is Michael Solomon, I'm the
8 attorney for the applicant, Northfork
9 Cooperative. I also want to state that
10 I'm a Village resident, I've lived in
11 Greenport for fifteen years, so I'm
12 fully familiar with our village, the
13 perception of our village, the future
14 of our village. I'm not naive to it
15 coming in from the outside.

16 As it relates to the applicant,
17 what I wanted to present to the Board
18 is that the Northfork Art Collective is
19 basically a group of seven partners who
20 are seeking to use the location that
21 we're discussing tonight for the
22 purpose of having a studio, for the
23 purpose of having effectively a
24 gallery. We have photographers in the
25 group. We have draftswomen in the

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2 group. We have mixed media in the
3 group. We have print illustrators in
4 the group. We have chalk illustrators
5 in the group, and their basic theme is
6 nautical themes, which is nice for the
7 Village because as we all know, we're
8 historically a nautical village.

9 I will say to you, having just
10 been retained last week, that I think
11 the application could have been handled
12 a little differently by my client
13 because I can go back and review what
14 waterfront provisions are and a
15 permitted use in the waterfront is a
16 gallery, a permitted use in the
17 Waterfront Commercial District is also
18 a studio.

19 Now, where the client got a little
20 bit confused is this concept of, we'll
21 be selling our art, and for some reason
22 denoted on the application retail
23 sales. I would suggest to you that a
24 gallery where art is put on walls sells
25 art. We're not a museum, a gallery

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2 sells art, so to the extent the
3 application is here, I'm suggesting
4 that we are permitted even though for
5 conditional use, but I am going to
6 recognize what I see as some of the
7 concerns, public concerns by virtue and
8 that I've noted through the planning
9 consultant's notes, that this issue
10 about this concert and events, event
11 has somehow --

12 ACTING CHAIRWOMAN GIVEN: That has
13 no concern here this evening, sir.
14 That's totally a separate matter,
15 please. Thank you.

16 MR. SOLOMON: In her notes, the
17 planning notes, there was a comment
18 made, the applicant claims the space
19 will be used for both studio and
20 display, which I'm saying would be
21 studio and gallery, as well as for
22 events. What I want the Board to
23 understand, the type of events that the
24 client's talking about, as I said
25 living here, we have gallery walks how

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2 many times during the course of the
3 year. That's the thrill of the
4 Village, we bring people into the
5 Village for gallery walks to walk
6 through the galleries and those are the
7 days, I assume there would tend to be
8 more people in the building than would
9 normally be in the building.

10 Potentially, if they're going to have
11 an artist show on a particular night
12 there may be theoretically some more
13 people visiting, but historically the
14 galleries in Greenport, and I'm here
15 fifteen years, they don't have groups
16 of fifty, sixty, a hundred, it's just
17 not there, these are small intimate
18 groups.

19 What their plan is, while they'll
20 have seven artists in the facility for
21 the purpose of using it as a studio,
22 the odds of all seven ever being there
23 producing product -- because that's
24 what they do in the studio, they make
25 their product, they design it, they

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2 frame it, they hang it, they'll do it
3 in the facility, there will never be
4 more than two or three people; I mean,
5 if it's a miracle then all seven would
6 be there. So I don't think there is
7 any occupancy concerns here.

8 And I know there has been a little
9 bit of some issues running through the
10 Village regarding this application and
11 I'm more than happy to take questions
12 from the Board of any issues that you
13 have that you believe need to be
14 addressed.

15 I have with me, standing next to
16 me is Madison Fender. She is one of
17 the members of the group. I figure if
18 we have her here too, if there are any
19 questions that the Board has because
20 I'm sort of looking at this like it
21 really should have just been filed as a
22 gallery and a studio and there wouldn't
23 have been a requirement for a
24 conditional use, but as long as we are
25 here, I think we should have this

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2 discussion and if there's anything the
3 Board really needs for us to answer,
4 we'll be more than happy to answer.

5 ACTING CHAIRWOMAN GIVEN: Great.

6 Glynis, would you like to-- Paul.

7 MR. PALLAS: Let me start.

8 First, the primary concern that we
9 have has to do with the bathroom
10 accessibility. First, I'm going to let
11 Glynis go into more of the details, but
12 because of the type of occupancy that
13 it is, whether it's a gallery or
14 mercantile, quite frankly, it needs a
15 bathroom that's accessible to the
16 public by State code, not Village code.
17 The Village is no -- it's not in the
18 Village, it's in State building code.

19 If it's a gallery, it would
20 require two bathrooms; if it's
21 mercantile retail strictly, it would
22 require one, but in either case, it has
23 to be accessible to the public, that's
24 State building code.

25 MR. SOLOMON: But just so I'm on

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2 the same page with everybody here,
3 assuming -- I'll have that discussion
4 as to the necessity of it, but assuming
5 that is required, that would be the
6 building -- if it's a permitted use, a
7 building permit is going to go in, a
8 building permit is only going to be
9 issued if the appropriate building code
10 requirements are met.

11 MR. PALLAS: That's correct.

12 MR. SOLOMON: I'm just -- I'm not
13 trying to usurp anybody's authority
14 here, but I think as it relates to the
15 application tonight, if we're making
16 the application as we're a gallery and
17 we're a studio, and I'm letting you
18 know we have gallery walk events and
19 whether somebody wants to consider
20 maybe that could somehow fall into a
21 conditional use and for that limited
22 purpose, I would want the approval. As
23 we get down to issues regarding whether
24 a bathroom is needed, I think that
25 would be more appropriate between the,

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2 theoretically, the landlord and the
3 builder and the architect and building
4 inspector to determine if it is
5 required because I don't think we
6 should belabor this issue tonight.

7 The building code is extremely
8 complicated on this issue. I found
9 provisions as long as we're under
10 fifteen people, under fifteen people,
11 we wouldn't require more than one
12 bathroom, but I don't think it's
13 necessary to have that argument today
14 because I think that's more appropriate
15 to deal with the building inspector.

16 MS. BERRY: I agree with you that
17 it's a Building Department issue, but
18 it's entwined with the use and the
19 occupancy that the applicant is trying
20 to claim, and it's been like confused
21 in fact.

22 So I think the applicant needs to
23 understand the repercussions of which
24 occupancy type she's going to, you
25 know, propose. I think a little bit of

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2 a conversation so there's an
3 understanding of what's involved may be
4 appropriate, but I totally agree, and
5 we can approve something even if the
6 plan, the internal plan, with the
7 stipulation it has to be to code for
8 that condition, so I'm agreeing with
9 you, but I think there's been a
10 misunderstanding on what the applicant
11 wants to do, so I think understanding
12 that --

13 MR. SOLOMON: I mean, I've had
14 sessions with the applicant, I mean as
15 far as with the studio use and the
16 gallery use, you know, that's -- plus I
17 said any events that theoretically
18 would run together with a gallery which
19 would be some artist showing or the
20 gallery walk. I mean that's what the
21 current intention is, that's what the
22 current members are currently doing.
23 Of course they've got to be cognizant
24 if there should be a change in what
25 they're doing, that's going to be a

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2 different requirement to be met.

3 MS. BERRY: Right.

4 And the other is the actual
5 occupancy amount.

6 MR. SOLOMON: Excuse me?

7 MS. BERRY: The total occupancy
8 for the space which can also be figured
9 different ways, so the Planning Board
10 often associates a limit on the
11 occupancy as well.

12 So I think there is a little
13 leeway for some conversation, but I
14 agree with you, the essence is, is it a
15 gallery, is it permitted and I think
16 that's fine.

17 ACTING CHAIRWOMAN GIVEN: So
18 you're not -- so you're saying we can
19 act with the stipulation.

20 ATTORNEY CONNOLLY: Right. You
21 can approve the use conditioned upon
22 when they apply for their building
23 permit to get their certificate of
24 occupancy, that they meet all the
25 Village, County and State codes, which

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2 is what the Building Department is
3 supposed to do anyway.

4 ACTING CHAIRWOMAN GIVEN: Right.

5 MR. SOLOMON: That's all I can
6 request. I mean, I think we're all on
7 the same page. I can't request you to
8 override the building code.

9 ATTORNEY CONNOLLY: I agree with
10 you too. I think the gallery is a
11 permitted use in the Waterfront
12 District and the sale of the artwork is
13 an accessory use to a permitted use. I
14 don't think it's necessarily a
15 separate -- I don't think the retail
16 use is necessarily separate and apart
17 from the --

18 MR. SOLOMON: For that matter, the
19 special events are also accessory, if
20 we have one, it's also accessory to the
21 use.

22 MS. BERRY: There is another
23 aspect to that too. If we see a plan
24 submitted --

25 MR. SOLOMON: I'm having a hard

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2 time hearing you, I'm sorry.

3 MS. BERRY: If we see a plan
4 submitted that we have the suspicion it
5 may not meet the code, we can also
6 raise that too.

7 MR. SOLOMON: Okay.

8 ACTING CHAIRWOMAN GIVEN: So
9 what's the use that we would be
10 approving? I mean this application in
11 front of me --

12 MR. PALLAS: The application as I
13 recall is gallery slash --

14 ACTING CHAIRWOMAN GIVEN: Retail
15 apparel -- oh, that's Crinoline.

16 MR. PALLAS: I think this
17 application said gallery/retail.

18 MR. COTUNGO: Studio/retail.

19 MR. PALLAS: Studio/retail. You
20 know, it's, right now what's before
21 you, unless the applicant is changing
22 that application, I think that you can
23 do that here.

24 Robert?

25 ATTORNEY CONNOLLY: Yes.

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2 MR. PALLAS: And if you want to
3 say that it's gonna be a gallery for
4 the record, that's fine.

5 MR. SOLOMON: I think I've said
6 that to the extent that I'm permitted
7 to make that amendment as of today to
8 the application, I'll make that
9 amendment on behalf of the applicant.
10 That's the advice I would have provided
11 out of the gate. The is a studio and a
12 gallery, you have gallery sales and you
13 have accessory events, any other issues
14 relating to the Building Department,
15 we're going to have to deal with the
16 Building Department.

17 ACTING CHAIRWOMAN GIVEN: So the
18 use --

19 MS. FENDER: We are not a gallery.
20 We are not, I just want to make that
21 clear.

22 MR. SOLOMON: You're going to be
23 hanging your art, it makes you a
24 gallery.

25 MS. BERRY: That's the confusion.

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2 MR. SOLOMON: To sell your items,
3 you're hanging stuff off the walls,
4 you're a gallery.

5 MS. FENDER: We are a working
6 studio space. We happen to make -- we
7 make work and we hang it on the wall.
8 If customers want to come in and see
9 what we're working on and purchase
10 something --

11 MR. SOLOMON: That would be a
12 gallery.

13 MS. FENDER: But we don't identify
14 as a gallery.

15 MR. SOLOMON: You don't have to
16 identify, it's what the use is.

17 MS. FENDER: That's not what we
18 were approved for in the first place.

19 MS. BERRY: So this is part of the
20 issue.

21 ACTING CHAIRWOMAN GIVEN: Yes.
22 Right.

23 MS. FENDER: Okay. Can I say what
24 I have to say?

25 MR. SOLOMON: I understand what

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2 you're saying you're doing, but you are
3 a gallery use, that's what you're
4 doing.

5 MS. FENDER: Okay.

6 MR. SOLOMON: What is confusing
7 the client is that when the client came
8 in here, there was a hearing back in,
9 let me find it, the approval was
10 actually granted, it was on July 27th,
11 the applicant is proposing to open a
12 retail cooperative art studio, that's
13 the language that was used when it was
14 three stores down, and that's the
15 language that was approved at that
16 point in time.

17 ATTORNEY CONNOLLY: I think the
18 clearest or the closest definition of
19 what we're -- making sure the
20 definition of cooperative gallery would
21 be gallery in the Village code.

22 MR. SOLOMON: Yeah, cooperative
23 gallery.

24 ATTORNEY CONNOLLY: There's not
25 always going to be a perfect definition

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with a Village code or Town code or
State code.

MS. FENDER: Right.

ATTORNEY CONNOLLY: But what
you're actually planning on doing --

MS. FENDER: But it's a little
finicky because you guys --

ATTORNEY CONNOLLY: I have it
under control.

MS. FENDER: Because you're saying
that gallery space is required two
bathrooms, right? And a regular retail
space only needs one bathroom.

MS. BERRY: Makes sense.

MS. FENDER: So there's the
difference there.

MR. PALLAS: I just want to be
clear, the Village code doesn't state
that, State, New York State Building
Code that we're required to follow, as
are you.

MS. FENDER: Right. Of course,
we're not arguing that.

MR. PALLAS: They would classify

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2 the space a gallery space as assembly
3 which requires two bathrooms.

4 MR. SOLOMON: Well, I guess -- I
5 assume the issue is, okay, are we a
6 studio that sells art?

7 MS. FENDER: Yeah, that's what we
8 are, we're a working studio.

9 MR. SOLOMON: So maybe the answer
10 is to not use the word gallery, we're a
11 studio that uses, sells -- I mean,
12 that's what -- we're getting caught up
13 in language here, and by the way our
14 code doesn't even define, as I recall,
15 gallery or studio, it's not even
16 defined. I think it just uses the
17 words studio and gallery without
18 putting a definition. I don't think
19 there's a prohibition of selling art
20 out of a studio or there is a
21 prohibition of selling art out of a
22 gallery. The difference is in the
23 studio, you're producing the art and
24 maybe in some galleries, it's just a
25 gallery of artists hung off the wall.

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2 I guess my client's concern is,
3 and this is the issue that she's trying
4 to raise, we have seven young artists
5 who really don't have the financial
6 ability to get this cooperative further
7 off the ground if they're going to be
8 mandated by virtue of what we call it,
9 and I appreciate the input, what we
10 call it and go ahead and get this
11 operation going, and it's been a real
12 plus to the community, a lot of people
13 like this gallery, so the question is
14 if we call it a studio with retail
15 sales.

16 MS. FENDER: Yeah, that's what we
17 are.

18 MR. SOLOMON: Which falls back to
19 what's in the application, so I pull
20 back my amendment and that's what the
21 application is going to be for and then
22 I would suggest that's what was
23 previously approved.

24 MS. BERRY: Can I address the
25 previously approved?

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2 MR. SOLOMON: Yes.

3 MR. PALLAS: It's irrelevant in
4 this case.

5 MR. SOLOMON: I have the minutes
6 if you would like to see them.

7 MS. BERRY: Okay. I guess let me
8 talk about the activities that happen
9 if it's just a studio.

10 MS. FENDER: Okay.

11 MS. BERRY: Or if it's a gallery.

12 MS. FENDER: Okay.

13 MS. BERRY: If it's a studio, it's
14 a place where people work, and yes,
15 there might be things on the wall.

16 MS. FENDER: Yes.

17 MS. BERRY: But if you're going to
18 have events, you're going to have
19 openings, if there is a more intense
20 use where you're gathering people, then
21 it's functioning as a gallery, and from
22 our evidence of the use and from the
23 comments that have been made, there is
24 a real intention to be a resource and
25 have events and have gatherings, and

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2 we're not against that. We are really
3 not against that, it would be great.
4 It's a great addition to the community,
5 but there are certain code issues that
6 that triggers and you kind of want it
7 both ways, and I think that's the issue
8 that we're trying to say. So you
9 either have to sort of operate the way
10 you're saying or you have to obey the
11 codes.

12 MR. SOLOMON: That means you
13 couldn't have any events.

14 MR. BURNS: Excuse me, is the
15 difference here whether we have two
16 bathrooms or one?

17 MR. PALLAS: Correct.

18 MR. BURNS: I spent fifty years in
19 the church and we had arguments like
20 this continually which hinged on
21 nothing.

22 (Applause.)

23 What you want to do depends on
24 whether you have one bathroom or two.

25 MS. FENDER: Yeah, I know. So

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2 we're a studio retail space.

3 MR. BURNS: But we want to help
4 you do what you want to do.

5 MR. SOLOMON: And we don't want to
6 become a code enforcement nightmare,
7 that's what we're seeking to avoid. We
8 don't have to have an issue with the
9 Village.

10 MR. PALLAS: Thank you.

11 MR. BURNS: So if you have two
12 bathrooms, you can do just about
13 anything you want.

14 MS. BERRY: Exactly.

15 MR. COTUNGO: -- question about
16 the number of bathrooms?

17 MS. BERRY: They can control that
18 if they keep the occupancy under
19 forty-nine, they're fine. If they go
20 over then they have to make sure
21 that -- that triggers other aspects,
22 which they could meet if they really
23 wanted to, but it's a matter of the
24 willingness of the client and how far
25 they want to go to meet the code, and

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2 there are different levels and it's
3 your choice. We're happy to go with
4 what you want, but if you're going to
5 act a certain way, you need to meet
6 those codes.

7 MR. SOLOMON: If I may, we have
8 the owner of the property here who has
9 done a lot of studying on this bathroom
10 issue. If you wouldn't mind, I think
11 bringing him up at this point in time
12 would be very advantageous to the
13 discussion we're having. If that's
14 okay.

15 MR. LOEBS: Steve Loeb, Flying
16 Point Road, Southampton, as Michael
17 said, I'm the building owner.

18 Yeah, it does seem like we're
19 getting stuck a little bit on semantics
20 here. Let me put on the table
21 something I think works as a solution
22 and that I think is credible and that I
23 think can work under the code for your
24 consideration and for you guys too,
25 okay.

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2 Let's say that the primary use of
3 the space is really retail, okay,
4 because how these guys make their
5 living is, and this is my perception,
6 Madison may cut me off and say I've got
7 it wrong, but, you know, they're
8 selling art there, and in terms of the
9 hours of operation, in terms of the
10 staffing, in terms of the revenues,
11 that's by far, at least as far as I can
12 perceive it, the preponderant use of
13 the space, okay.

14 So let's start with that premise.
15 If that's the case, then the primary
16 occupancy is retail group M. Okay, to
17 the extent that they also use the space
18 as a studio or as a working space, I
19 guess the closest occupancy
20 classification or use classification
21 for that would be office, you know,
22 they're sitting down and doing stuff
23 like people do in an office.

24 The third thing, as far as the
25 assembly is concerned, there is a

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2 carve-out in the code for small
3 assembly space and there are two
4 aspects to it. The first is, even for
5 a single-use building, to the extent
6 that the occupancy is less than
7 forty-nine people, then automatically
8 that occupancy is not assembly, it
9 becomes group B business, okay, that's
10 for single-use structures.

11 There is also a carve-out for
12 small assemblies in multiple-use
13 structures, where there is a primary
14 use and an accessory or subordinate use
15 and that says that if the space has an
16 occupancy of less than fifty or if it's
17 less than 750 square feet, that
18 occupancy can be considered either a
19 group B or the primary occupancy. And
20 in the comment to the code that the
21 code publisher puts out, you know, they
22 say that in that case, it would go to
23 the primary occupancy.

24 Okay, so if that's the case, then
25 this becomes the group M primary

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2 occupancy with an accessory use as an
3 assembly space and then the code
4 requirements flip over to mercantile,
5 in which case, it would only require
6 one bathroom for the space.

7 Now, as far as an assembly of
8 forty-nine people is concerned, this
9 building, this space is equipped to
10 handle that in terms of exits, there
11 are already two exits, it's fully
12 sprinklered, the paths to egress are
13 half of what's required by the code, so
14 from a safety standpoint, you know, I
15 think it can easily accommodate, and
16 again, this would be up to the fire
17 marshal, I guess, but I think
18 forty-nine people is very easy.

19 As far as the bathroom is
20 concerned, if they have one event a
21 month for two hours and let's say their
22 normal business hours of operation are
23 five days a week, eight hours a day, it
24 might be more or less depending on the
25 season and what day of the week you're

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2 talking about, but you're talking about
3 an assembly use that's about one
4 percent of the use of the space, and to
5 me it doesn't seem to make sense to
6 have that tail wag the entire dog of
7 how we configure the space.

8 Further, there's also a provision
9 in the code that says that the code
10 official can waive requirements of the
11 code if it's found that that
12 requirement is impractical provided
13 that it doesn't affect the safety or
14 the health of the building.

15 And I'm sure Glynis has reactions
16 to all of that.

17 ACTING CHAIRWOMAN GIVEN: Thank
18 you.

19 MS. BERRY: I appreciate what
20 you're doing, just one warning, you
21 probably don't want to go into the
22 business area because the requirements
23 are worse than assembly for -- so just
24 keeping it between mercantile and
25 assembly is enough. I don't think you

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2 should introduce that because it
3 doesn't help you.

4 I agree that the space can handle
5 a much higher occupancy rate with the
6 right configuration and the right
7 signage and stuff, so I don't think
8 it's an issue that the space can't
9 accommodate.

10 I appreciate, you sent me the note
11 with a lot of this argument, so I
12 shared them with State to see if they
13 would buy that, if I could go along
14 with that, and they said no. They said
15 it's an assembly space and you need two
16 handicapped accessible toilets, but if
17 you think you have the hardship or you
18 think you have a good argument for
19 getting out of the requirement for the
20 two, you can apply to the State for an
21 exemption and they would consider it.

22 So I think that's the, if you want
23 a gallery space and you want to
24 function that way, you want to be able
25 to have, you know, a higher occupancy

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2 at times and you are adamant about not
3 wanting two accessible bathrooms that
4 are both accessible for the public to
5 use, which is important whether it's
6 mercantile or assembly, the public has
7 access to those bathrooms and two
8 accessible to handicap. If you think
9 you've got a good argument for being
10 exempt from that, I suggest you write a
11 letter to the State Code official and
12 have them review it.

13 MR. LOEBS: Okay, I guess that's
14 not going to work.

15 MS. BERRY: I tried, I thought it
16 was a good effort.

17 MR. LOEBS: Yeah. Okay. Thank
18 you.

19 MR. SOLOMON: I guess the fallback
20 has to be exactly what the last
21 application was which was approved by
22 the same Planning Board, I'm not saying
23 the same members, I don't know at that
24 time, but it was approved back on July
25 27th for a retail cooperative art

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2 studio and that was four doors down, so
3 now we're going to amend again to make
4 the application, and I think this will
5 make my client happy, that this be
6 considered a retail cooperative art
7 studio, and it's not being defined as a
8 gallery. The retail part is in there
9 and it falls into the actual
10 conditional use because now we fall
11 into the retail category, and that fact
12 that incidental use may be a studio, it
13 would be incidental and that would be
14 permitted anyway.

15 ACTING CHAIRWOMAN GIVEN: Okay.

16 MR. SOLOMON: The neighborhood
17 problem, the community problem that we
18 have which is sort of overriding this,
19 and I think we all see a grand
20 opportunity to bring this youth into
21 Greenport. I think we all, especially
22 those of us who live here, we feel this
23 is a great thing for the Village, and
24 the Village for the last thirty years,
25 even before I moved in, I know there's

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2 been a movement in this Village going
3 back thirty years, let's bring the
4 artists in, let's make -- we actually
5 amended the code many years ago, about
6 thirty, twenty-five years ago to
7 basically talk about bringing in
8 artists, artist apartments, you know,
9 having facilities for artists and now
10 we have it on our plate and to lose it
11 over bathrooms, to me is a sad event.

12 So what I'm suggesting, it's a
13 retail cooperative art studio, we're
14 going to submit our application as a
15 retail art studio with the plans and I
16 assume the building inspector, based
17 upon what we do and how we build it
18 out, is either going to say yea or nay
19 at that point, but at least we have now
20 gone beyond the Planning Board. I
21 believe, Counsel, I think that would be
22 permissive, we're leaving it to the
23 Building Department at that point.

24 ATTORNEY CONNOLLY: I agree with
25 that.

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2 ACTING CHAIRWOMAN GIVEN: So I
3 make a motion to accept --

4 ATTORNEY CONNOLLY: We've got to
5 ask for public comment first.

6 ACTING CHAIRWOMAN GIVEN: Excuse
7 me.

8 Does anyone -- I'm afraid to ask
9 this question. Does anyone wish to
10 speak?

11 MR. SOLOMON: Any other questions
12 for us?

13 ACTING CHAIRWOMAN GIVEN: Not at
14 the moment.

15 I just want to just, before we go
16 forward (inaudible).

17 ATTORNEY CONNOLLY: Technically,
18 if you're changing it to permitted use
19 now, there's no need for the public
20 comment.

21 MR. SOLOMON: Because we're back
22 to retail sales, we're in a --

23 ATTORNEY CONNOLLY: Exactly.

24 MR. SOLOMON: There's got to be
25 public hearing, you have to hear them.

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2 ACTING CHAIRWOMAN GIVEN: I
3 understand that, but can I make a
4 statement that may not make them feel
5 they have to get up and tell us that
6 this is a great idea for Greenport
7 because we agree as a Board, and I've
8 just spoken to my members.

9 MR. COTUNGO: We're all ready to
10 approve it, in other words, so you
11 don't have to talk if you don't want
12 to.

13 ATTORNEY CONNOLLY: But you have
14 to ask if there is somebody here that's
15 opposed.

16 ACTING CHAIRWOMAN GIVEN: If
17 anyone is opposed, then certainly we
18 would need to listen to you, but if
19 you're for it, we are as well, so I
20 believe we can save each other time and
21 energy and allow us to -- yes, Randy.

22 MS. WADE: I'm sorry, it's just a
23 little question.

24 Randy Wade, Sixth Street.

25 Since this is something that we

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2 all want to help and support, I'm
3 wondering if you can explore using the
4 public restrooms to provide the second
5 bathroom requirements for this occasion
6 and in the case it happens again, maybe
7 they pay a little fee just if they're
8 gonna have events where it might
9 require two bathrooms, that we do have
10 a public restroom in the park and if
11 it's not open at that time, you know,
12 that some arrangement be made that we
13 approach it creatively that way. You
14 don't have to decide right now or say
15 anything right now. I just hope you'll
16 take that back and think about it.

17 Thanks.

18 ACTING CHAIRWOMAN GIVEN: That
19 would be a Board of Trustees issue.

20 Thank you, Randy.

21 Are you looking to speak, Chatty?

22 MS. ALLEN: Chatty Allen, Third
23 Street.

24 I'm not opposed to this at all,
25 and I got to watch firsthand one of

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2 these artists do a chalk rendition of
3 George Costello that literally brought
4 me to my knees and in tears. Amazing
5 work and I'm thankful they're gonna
6 keep it permanently in the legion.

7 I do have a question though
8 because I don't think it's ever been
9 brought up. This is a newer building;
10 are they required to have parking for
11 this building if it's --

12 MR. PALLAS: What was the
13 question?

14 ACTING CHAIRWOMAN GIVEN: Are they
15 required to have parking for this
16 building, it's a new building?

17 MS. ALLEN: If they're having
18 events there, are they required to have
19 parking?

20 MR. PALLAS: The existing
21 buildings are, there's no parking
22 requirements on existing buildings.

23 MS. ALLEN: Okay. I knew it was
24 after a, up to a certain year they
25 weren't required, but I know these are

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2 newer buildings.

3 Okay, that was brought up to me.

4 I don't have a problem with the
5 assemblies, but like everyone here has
6 said, you have to follow what the CO
7 is, you know, and that's my only, you
8 know, you guys are working with them on
9 that, I think it's great. I think it
10 is a great thing for this community,
11 you know, but everyone still has to
12 follow the same rules.

13 And I disagree about if they have
14 an event to have them use, open up
15 bathrooms, I don't think that should be
16 acceptable.

17 Thank you.

18 ACTING CHAIRWOMAN GIVEN: Thank
19 you, Chatty.

20 Anyone else, otherwise, I'm going
21 to make a motion.

22 MR. WILE: Hi. Ian Wile, 234
23 Fifth Avenue and Little Creek Oysters
24 downtown.

25 I appreciate that the Board is
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2 enthusiastic and trying to figure out
3 how to find a spot and it is positive,
4 so I'll try and not upend that.

5 Everybody knows that every time
6 there is Waterfront Commercial
7 application before this Board, I
8 usually come up to make sure that we
9 defend what is a permitted use in that
10 list and so this being a Waterfront
11 Commercial space, I feel compelled to
12 be up.

13 I was excited because this does
14 fall into a permitted use, and I was
15 surprised that it was punted to a
16 public hearing; but I think it's, in
17 fact, it's good that it was.

18 But one of my thoughts on that is
19 that we have, you know, essentially
20 seen every other application for retail
21 space in the Waterfront Commercial get
22 a pretty quick green light without any
23 trauma and I think one of the reasons
24 why studio and gallery was added to the
25 permitted use was to simplify the, sort

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2 of a noncommercial group of people to
3 find a way into a commercial space.
4 If, in fact, they're willing to think
5 about themselves and go through the
6 process of being a retail organization,
7 you know, I think that really, you
8 know, that my assessment is mercantile
9 category satisfies everything from
10 assembly to the bathroom reduction,
11 everything that the owner has said
12 shows in my research of both State code
13 and Village code.

14 And then the other thing I would
15 mention to the planners and to Paul is
16 that local law supercedes some of these
17 State code rules and, in fact, if you
18 look in East Hampton, they define
19 artist studios and galleries as not
20 only not requiring bathrooms, studios
21 in East Hampton are not allowed to have
22 bathrooms to prevent people from moving
23 into studios, so we have a tremendous
24 amount of leeway on the local law
25 standpoint to work around both capacity

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2 and especially the idea of existing
3 buildings and the restrooms required to
4 execute what is somewhat, I think the
5 group is perceiving as a commonsense
6 application.

7 I think the applicant is trying to
8 figure out where they are in the world,
9 but that's different than where you
10 need to put them into a code, and
11 that's where that semantics piece gets
12 caught up.

13 I've seen enough applications in
14 front of this Board lately that get
15 shut down based on bathroom use and I
16 think it's important to note that
17 existing buildings get a certain pass,
18 local law allows us to override at our
19 discretion without State permission and
20 to create a pathway to sensible
21 occupation for these spaces.

22 And if we want to look at some of
23 our neighboring towns, we can see how
24 they've done that if we're not sure how
25 to do that. Certainly I go back to

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2 East Hampton which has been at this a
3 lot longer. They have figured out how
4 to make galleries and studios exempt
5 from the bathroom laws, and they have
6 different sort of categories and if
7 this whole thing is hung up on public
8 use of bathrooms, I think that's a
9 little ambiguous.

10 And the State bathroom
11 requirements for retail are very
12 flexible and do allow retail spaces,
13 mercantile spaces to disallow public
14 access unless there's both emergency or
15 preexisting medical condition.

16 ATTORNEY CONNOLLY: Just with
17 respect to East Hampton and how they
18 use our studio, what you're referring
19 to are artist studios on residential
20 properties. They're not permitted to
21 have bathrooms in those art studios
22 because they don't want to have two
23 residences on one --

24 MR. WILE: Right, I --

25 ATTORNEY CONNOLLY: It's not

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2 commercial space, it's residential use
3 of the property.

4 MR. WILE: To an aforementioned,
5 somebody had mentioned before, I cannot
6 find and I know other people have tried
7 to find a Village definition, so one of
8 the reasons why people may have a hard
9 time classifying things when they're in
10 front of this Board is that there is no
11 definition in our code for what a
12 gallery is or what a studio is, and I
13 think they were there to enable artists
14 to show up without feeling they had to
15 have a whole business plan and what,
16 you know, if I take a whole bunch of
17 posters and stick them on the wall and
18 I have a poster store, we would all
19 understand that that's a retail
20 environment. If I made those posters,
21 is it a retail environment or is it a
22 gallery? I think that's, you know,
23 that's not important to how the
24 Planning Board has to think about it,
25 it's only important if we want to skip

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2 a public hearing. If somebody's
3 willing to come to a public hearing and
4 address this Board, then you're at
5 conditional use, so it can be
6 mercantile, it could be anything
7 because it's -- you're already trying
8 to think through it as a conditional
9 use. Conditional uses have a huge
10 leeway in terms of the code.

11 I'm just confused how a number of
12 other retail applications have gone
13 through without these bathroom
14 conversations and without a hearing
15 like this. They have all been rubber
16 stamped.

17 ACTING CHAIRWOMAN GIVEN: Thank
18 you.

19 MR. ROBERTS: Good evening. Doug
20 Roberts, 133 Sixth Street. I'm on the
21 Board of Trustees, I'm not here as a
22 trustee.

23 I just want to say thank you to
24 this Board. Thanks for all your -- I
25 mean, you put the time and volunteer,
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2 we all appreciate it, it's a great
3 service to the Village. I was really
4 glad as a citizen tonight to hear you
5 all say, you know, to sort of take the
6 mantle, this is our decision to make,
7 we're gonna, you know, you hold the
8 keys to the plan and I hope that you'll
9 continue to do that. I really
10 appreciate it.

11 As a trustee, not on behalf of
12 them, but as my own person, I feel like
13 the Village maybe is, maybe we have
14 some to blame here, and I think we sort
15 of set you up to have this hearing that
16 maybe we didn't need to and I think we
17 have got to get better at our processes
18 internally, but I'm glad you all are
19 large and in charge tonight, and I
20 promise you I will go try to work with
21 my colleagues and our staff to make
22 this process better so that we can keep
23 things out of hearings that don't
24 necessarily need to be there, and I
25 think everyone's in agreement that this

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2 absolutely fits into the plan of the
3 Village, what's going on at the legion
4 is nothing short of spectacular. This
5 is an amazing time to be here in
6 Greenport. These guys are going to get
7 to move down the street. The toy store
8 is gonna move down the street next
9 month. We have to keep that store
10 here, so I will go work on it, but I
11 would also say to you, please, if
12 there -- to Ian's point, if you feel
13 that there are a lot of bathroom
14 discussions that are getting sort of
15 difficult for you and you want to
16 approve these things, please, you know,
17 vote to send a note to either ZBA for
18 an interpretation or to the Village
19 Board for help with the code or process
20 and let's have those kind of
21 cross-board discussions. I think it
22 might help avoid some of the stuff
23 later on.

24 Thanks for everything, guys.

25 ACTING CHAIRWOMAN GIVEN: Anybody

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2 else?

3 (No response.)

4 I am now closing the public
5 hearing on this application, and I'm
6 making a motion -- it is conditional
7 use?

8 MR. PALLAS: That's right.

9 ACTING CHAIRWOMAN GIVEN: -- to
10 accept the application for conditional
11 use retail/cooperative art studio
12 contingent that they comply with all
13 Village, County and State codes.

14 Yes, Paul.

15 MR. PALLAS: Not accept the
16 application, it's a vote to approve it.

17 ACTING CHAIRWOMAN GIVEN: Okay.

18 Approve.

19 I am making a motion to approve
20 the application for a
21 retail/cooperative studio at 15 Front
22 Street contingent that they comply with
23 all Village, County and State codes.

24 Do I have a second?

25 MR. THOMAS: Second.

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2 ACTING CHAIRWOMAN GIVEN: All

3 those in favor?

4 MR. BURNS: Aye.

5 MR. THOMAS: Aye.

6 MR. COTUNGO: Aye.

7 ACTING CHAIRWOMAN GIVEN: Motion

8 carries.

9 Thank you.

10 (Applause.)

11 Item number 2 is for the same
12 property location, 15 Front Street.

13 Public hearing for the conditional
14 use application of applicant Crinoline
15 Fashion Boutique Limited.

16 The applicant is proposing to open
17 retail space at 15 Front Street.

18 This property is located in the
19 Waterfront Commercial District. This
20 property is not located in the Historic
21 District.

22 This property is designated
23 Suffolk County Tax Map number
24 1001-5-4-31.1.

25 Is there anybody here to speak?

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2 MS. TINTLE: Hi, I'm Carrie
3 Tintle. I live at Luptons Point Road
4 in Mattituck.

5 I currently have a store in
6 Greenport on Main Street -- well, now
7 it closed because I'm going to move to
8 15 Front Street which I'm very excited
9 about.

10 I don't really know what you need
11 from me today.

12 ACTING CHAIRWOMAN GIVEN: Glynis,
13 do you have anything?

14 MS. BERRY: The only issue is you
15 do need to allow public access to your
16 bathroom and they're not supposed to
17 walk through a storage, so, you know,
18 they can walk through the office, so
19 just --

20 MS. TINTLE: Okay.

21 MS. BERRY: It's a Building
22 Department issue, but just to make you
23 aware.

24 MS. TINTLE: Okay.

25 MS. BERRY: So there's absolutely

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2 no problem with your use.

3 MS. TINTLE: Great.

4 ACTING CHAIRWOMAN GIVEN: Doesn't
5 anyone in the audience wish to speak on
6 behalf of this application?

7 MR. LOEBS: I just have a question
8 for the Planning Board and it's this:
9 What we have now is a single space
10 that's getting divided into two, okay,
11 and I know we had to get through
12 Planning Board before we could apply
13 for a building permit, so at this
14 point, assuming that Carrie's
15 application is also approved, can I
16 apply for a building permit to put up
17 the dividing wall?

18 ACTING CHAIRWOMAN GIVEN: Yes.

19 That is how it will go.

20 MR. LOEBS: Thank you.

21 ACTING CHAIRWOMAN GIVEN: You're
22 welcome.

23 Steve, right.

24 Thank you.

25 Anyone else?

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2 (No response.)

3 I will close the public hearing on
4 this application.

5 Did you have anything further,
6 Glynis?

7 MS. BERRY: No.

8 ACTING CHAIRWOMAN GIVEN: All
9 right.

10 ATTORNEY CONNOLLY: Just move to
11 close the public hearing.

12 ACTING CHAIRWOMAN GIVEN: I did.
13 Stay awake. No. I'm just playing.
14 That wasn't nice.

15 I make a motion that we approve
16 the application for Crinoline Fashion
17 Boutique Limited.

18 Do I have a second?

19 MR. THOMAS: Second.

20 ACTING CHAIRWOMAN GIVEN: All
21 those in favor?

22 MR. BURNS: Aye.

23 MR. THOMAS: Aye.

24 MR. COTUNGO: Aye.

25 ACTING CHAIRWOMAN GIVEN: Motion

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2 carried.

3 Item number 3, discussion and
4 possible motion on the signage
5 application of applicant Crinoline
6 Fashion Boutique.

7 Property located in the Waterfront
8 Commercial District and is not located
9 in the Historic District.

10 Again, it is designated as Suffolk
11 County Tax Map number 1001-5-4-31.1.

12 MR. PALLAS: With apologies to the
13 Board and the applicant, I did not have
14 an opportunity to do the research
15 that's needed on this, and there is a
16 meeting next week, I will have that
17 included, and I will discuss any issues
18 with the applicant prior to that
19 meeting.

20 ACTING CHAIRWOMAN GIVEN: So I'm
21 going to table this?

22 MR. PALLAS: Yes.

23 ACTING CHAIRWOMAN GIVEN: I will
24 make a motion that we table this.

25 Do I have a second?

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MR. COTUNGO: Second.

ACTING CHAIRWOMAN GIVEN: All
those in favor?

MR. THOMAS: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

ACTING CHAIRWOMAN GIVEN: So it's
tabled till next week's meeting because
he hasn't had a chance to -- he wasn't
sure.

MS. TINTLE: The sign?

ACTING CHAIRWOMAN GIVEN: Yes.

MS. TINTLE: Okay.

ACTING CHAIRWOMAN GIVEN: Thank
you.

Item number 4, motion to accept
the minutes of the December 28, 2017
Planning Board meeting.

Do I have a second?

MR. THOMAS: Second.

ACTING CHAIRWOMAN GIVEN: All
those in favor?

MR. THOMAS: Aye.

MR. COTUNGO: Aye.

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2 MR. BURNS: Aye.

3 ACTING CHAIRWOMAN GIVEN: Motion
4 carried.

5 Item number 5, motion to approve
6 the minutes of the December 7, 2017
7 Planning Board meeting.

8 Do I have a second?

9 MR. THOMAS: Second.

10 ACTING CHAIRWOMAN GIVEN: All
11 those in favor?

12 MR. BURNS: Aye.

13 MR. COTUNGO: Aye.

14 MR. THOMAS: Aye.

15 ACTING CHAIRWOMAN GIVEN: Motion
16 carried.

17 Item number 6, motion to schedule
18 the Planning Board Work Session for
19 4:00 p.m. on February 22, 2018.

20 Do I have a second?

21 MR. COTUNGO: Second.

22 ACTING CHAIRWOMAN GIVEN: All
23 those in favor?

24 MR. BURNS: Aye.

25 MR. THOMAS: Aye.

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2 MR. COTUNGO: Aye.

3 ACTING CHAIRWOMAN GIVEN: Motion
4 carried.

5 Item number 7, motion to schedule
6 the Planning Board Regular Session
7 meeting for 4:00 p.m. on March 1, 2018.

8 Do I have a second?

9 MR. THOMAS: Second.

10 ACTING CHAIRWOMAN GIVEN: All
11 those in favor?

12 MR. BURNS: Aye.

13 MR. COTUNGO: Aye.

14 MR. THOMAS: Aye.

15 ACTING CHAIRWOMAN GIVEN: Motion
16 carried.

17 Item number 8, motion to adjourn
18 the Planning Board meeting at 4:55.

19 Do I have a second?

20 MR. COTUNGO: Second.

21 ACTING CHAIRWOMAN GIVEN: All
22 those in favor?

23 MR. BURNS: Aye.

24 MR. THOMAS: Aye.

25 MR. COTUNGO: Aye.

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2 ACTING CHAIRWOMAN GIVEN: Motion
3 carried.

4 We are now adjourned.

5 Thank you all for being here.

6 (Time noted: 4:55 p.m.)
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