

1 VILLAGE OF GREENPORT  
2 COUNTY OF SUFFOLK : STATE OF NEW YORK  
3 -----x

4 PLANNING BOARD  
5 WORK SESSION/REGULAR SESSION  
6 -----x

7 Third Street Fire Station  
8 Greenport, New York

9  
10 December 28, 2020  
11 4:00 p.m.

12  
13  
14

15 B E F O R E:  
16 WALTER FOOTE - CHAIRMAN  
17 PATRICIA HAMMES - MEMBER  
18 REED KYRK - MEMBER  
19  
20 PAUL PALLAS - VILLAGE ADMINISTRATOR

21  
22  
23  
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1 (The meeting was called to order at 4:36 p.m.)

2 CHAIRMAN FOOTE: Good afternoon. Welcome to  
3 the Village of Greenport's Planning Board meeting.  
4 This is a work session and regular meeting. It's  
5 December the 28th, at approximately 4 p.m.

6 And Item No. 1 is a motion to accept and  
7 approve the minutes of the November 30, 2020  
8 Planning Board work session and regular meeting.  
9 Do I have a second on this motion?

10 MEMBER HAMMES: Second.

11 CHAIRMAN FOOTE: All those in favor?

12 MEMBER HAMMES: Aye.

13 MEMBER KYRK: Aye.

14 CHAIRMAN FOOTE: Aye. Motion is accepted.

15 Item No. 2 is a motion to schedule the  
16 Planning -- excuse me, the combined Planning Board  
17 Work Session and Regular Meeting for 4 p.m. on  
18 January 28, 2021.

19 MEMBER HAMMES: Second.

20 CHAIRMAN FOOTE: All those in favor?

21 MEMBER HAMMES: Aye.

22 MEMBER KYRK: Aye.

23 CHAIRMAN FOOTE: Aye. Motion is accepted.

24 Item No. 3, Motion to accept the Findings  
25 and Determinations for 407 Main Street. This

1 property is located in the C-R (Retail Commercial)  
2 District and is located in the Historic District.  
3 Suffolk County Tax Map 1001-4.-7-11.

4 MEMBER HAMMES: Second.

5 CHAIRMAN FOOTE: All those in favor?

6 MEMBER HAMMES: Aye.

7 MEMBER KYRK: Aye.

8 CHAIRMAN FOOTE: Aye. The Findings and  
9 Determinations are so accepted.

10 Item No. 4 -151 Bay Avenue. This is a  
11 Pre-Submission Conference with possible motion to  
12 schedule a Public Hearing for January 28th, 2021,  
13 regarding the site plan -- the site application of  
14 Robin Mueller. The applicant, Robin Mueller, is  
15 the new owner of the proposed bed and breakfast to  
16 be located at 151 Bay Avenue, formerly known as  
17 "Ruby's Cove Bed & Breakfast", and wishes to open  
18 a new bed and breakfast known as "Whaler's Guest  
19 House". This property is located in the R-2 (One  
20 and Two-Family) District and is located in the  
21 Historic District. It's Suffolk County Tax Map  
22 1001-5.-3-5.

23 Now would somebody on behalf of the  
24 applicant like to come up and speak at this time?

25 MEMBER HAMMES: I don't think there's

1 anybody here.

2 CHAIRMAN FOOTE: Nobody here for that?

3 (No Response)

4 CHAIRMAN FOOTE: Okay. Does anybody on the  
5 Board have any thoughts before I schedule it for a  
6 public hearing?

7 MEMBER KYRK: Is there any reason why  
8 somebody isn't here, or is it just --

9 MEMBER HAMMES: Based on looking at the  
10 plans, it looks like he's planning on operating it  
11 as is, although the plans that I got were  
12 inconsistent on the number of the bathrooms, but  
13 that's a question we could ask them at the public  
14 hearing.

15 CHAIRMAN FOOTE: Okay.

16 MEMBER HAMMES: The only other question I  
17 would have about it is -- I don't -- since we  
18 weren't -- I wasn't on the Board when the original  
19 Ruby's was approved, whether -- it was whether  
20 there were any restrictions or stipulations at  
21 that time that we should be considering carrying  
22 over.

23 CHAIRMAN FOOTE: Yeah, that's a good point.  
24 We can raise both of those at the public hearing.

25 MEMBER HAMMES: I don't know if that's

1 something, Paul, that you can --

2 ADMINISTRATOR PALLAS: So we can -- we'll  
3 verify it through the applicant. They may -- I'm  
4 sorry. The applicant may not know that, so we  
5 will verify the file and bring any information for  
6 you on that.

7 CHAIRMAN FOOTE: Okay, very good. Thank you.  
8 At this time, I move that we schedule this  
9 for a public hearing. Do I have a second on this  
10 motion?

11 MEMBER HAMMES: Second.

12 CHAIRMAN FOOTE: All those in favor?

13 MEMBER HAMMES: Aye.

14 MEMBER KYRK: Aye.

15 CHAIRMAN FOOTE: This application is  
16 scheduled for a public hearing on January 28th,  
17 2021.

18 Item No. 5 - 1410 Manhasset Avenue. This is  
19 a Pre-Submission Conference with possible motion  
20 to schedule a Public Hearing for January 28th,  
21 2021, regarding the site plan application of  
22 Porto Bello Restaurant Corp., represented by AMP  
23 Architecture. I understand they are not here  
24 today, but the applicant is. The applicant  
25 proposes to construct a rooftop deck over the

1 dining room for alternative seating, which is a  
2 change and expansion of a conditional use in the  
3 Waterfront Commercial District. This property is  
4 located in the Waterfront Commercial District and  
5 is not located in the Historic District, at  
6 Suffolk County Tax Map 1001-3.-1-1.

7 May somebody on behalf of this applicant  
8 like to --

9 MR. GARRITANO: Sure.

10 CHAIRMAN FOOTE: -- address yourself?

11 Thank you. You can introduce yourself by giving  
12 your name, address, and a brief description of  
13 the --

14 MR. GARRITANO: Okay. My name is Bruce  
15 Garritano. I live at 3550 Bay Shore Road in  
16 Greenport. I am one of the owners of Porto Bello  
17 Restaurant.

18 Basically, we purchased this restaurant back  
19 in March of 2020, and, of course, then we had the  
20 pandemic. Porto Bello employs over 50 locals  
21 year-round, has been in business for over  
22 50 years, 28 of them by the previous owner. It's  
23 a little bit of a trying time and we're trying to  
24 expand our area. We'd like to take 50% of our  
25 inside seating and move it out. And we can't move

1 back or sideways, the only way to go is up. So  
2 we're trying to stay within our footprint, abide  
3 by all Planning Board rules and regulations, and  
4 get this done as soon as possible, so that we can  
5 continue on.

6 It is a five-year plan. Even when this is  
7 over with, hopefully, we plan on continuing with  
8 the social distancing. And, you know, this is a  
9 seasonal restaurant, so, you know, outdoor area  
10 means everything to us.

11 CHAIRMAN FOOTE: So the plan, you speak of  
12 it as a seasonal business. Is this something  
13 where you would just -- let's say, do you operate  
14 in the wintertime, for example?

15 MR. GARRITANO: No, we do not.

16 CHAIRMAN FOOTE: You don't, okay.

17 MR. GARRITANO: No.

18 CHAIRMAN FOOTE: Okay. So I was about to  
19 say, if you don't -- if you don't use the outdoor  
20 space --

21 MR. GARRITANO: Right. We considered  
22 catered events and stuff like that --

23 CHAIRMAN FOOTE: Right.

24 MR. GARRITANO: -- but we're not open, you  
25 know, for the public. The marina closed, they

1 could go to the parking lot.

2 CHAIRMAN FOOTE: Okay.

3 MEMBER HAMMES: But you could be open if you  
4 wanted to, you just don't -- find that the  
5 business is not there for it, right.

6 MR. GARRITANO: It hasn't been open for  
7 year-round --

8 MEMBER HAMMES: Since it was, I believe,  
9 something -- right.

10 MR. GARRITANO: We don't have any intentions  
11 of doing that. But with Christmas parties and  
12 stuff like that, we'd like to do those events, if  
13 we can.

14 CHAIRMAN FOOTE: So are -- does your plan  
15 contemplate a reduction in the interior number of  
16 tables that you're going to be using. Are you  
17 doing this --

18 MR. GARRITANO: Yes. What it does is it  
19 moves -- we are licensed for 89 seats inside.  
20 What we can do is have maybe 45 seats inside and  
21 44 seats on the outside, and then continue with  
22 the 49 additional seats that we're licensed for  
23 already.

24 MEMBER HAMMES: You don't want to retain the  
25 optionality of having the indoor seats when the



1 weather is bad?

2 MR. GARRITANO: We'd like to put a canopy up  
3 there if we have that. But, you know, we'd like  
4 to put a canopy on top of that deck, that rooftop  
5 deck.

6 MEMBER HAMMES: Does the -- Paul, wouldn't  
7 the canopy have to be part of the Planning Board  
8 submission, or around about that?

9 ADMINISTRATOR PALLAS: Yeah. So it would  
10 have to be included as part of the application for  
11 this Board.

12 MR. GARRITANO: We can make that part of it.  
13 Would it be part of the seasonal canopy if it's  
14 less than 180 days?

15 ADMINISTRATOR PALLAS: The Board still likes  
16 to see that, so they would -- they would want to  
17 know that that's what you're doing.

18 MEMBER KYRK: That would be seasonal.

19 ADMINISTRATOR PALLAS: Yeah, because that  
20 impacts when it's used. You know, so that has --  
21 it does have some impact. Even the time frame for  
22 use is more of a building permit, building code  
23 question, as opposed to a site plan question.

24 CHAIRMAN FOOTE: You lost me on the numbers.  
25 Just go back. You said you're authorized to have

1 89, seating capacity of 89 currently, right?

2 MR. GARRITANO: Right.

3 CHAIRMAN FOOTE: And you wanted to now split  
4 that up between 45 indoors and 44 outdoors; is  
5 that what this is?

6 MR. GARRITANO: Correct.

7 CHAIRMAN FOOTE: And then you said something  
8 about an additional 49. That's where I lost you.

9 MR. GARRITANO: We're --

10 MR. HARBES: We have a licensed outdoor  
11 patio as well.

12 CHAIRMAN FOOTE: Oh.

13 MR. HARBES: So 89 inside, 49 licensed  
14 outside for the patio.

15 CHAIRMAN FOOTE: Got it.

16 MR. HARBES: So we'd like to take half of  
17 the 89 --

18 CHAIRMAN FOOTE: Got it, okay.

19 MR. HARBES: -- and put it onto the deck.

20 CHAIRMAN FOOTE: Got it, I understand.

21 MR. HARBES: And have open-air dining.

22 CHAIRMAN FOOTE: Okay, thanks. All right.

23 MEMBER HAMMES: Paul, this doesn't, I  
24 assume, require any Zoning Board approvals?

25 ADMINISTRATOR PALLAS: No, there's no --

1       sorry. There's no variances, apparently, on this,  
2       from what I can tell.

3               MR. GARRITANO: It's not increasing the  
4       footprint.

5               ADMINISTRATOR PALLAS: Correct.

6               MR. GARRITANO: It's staying within, you  
7       know --

8               ADMINISTRATOR PALLAS: Correct.

9               MR. GARRITANO: The structure actually  
10       floats above the existing structure.

11              ADMINISTRATOR PALLAS: Yeah.

12              MR. HARBES: I actually even have a letter  
13       for the Board how -- that says the approvals of  
14       that as well.

15              ADMINISTRATOR PALLAS: Okay. We probably  
16       should get a copy of that for our files.

17              MR. HARBES: I will.

18              MR. GARRITANO: We have it.

19              MEMBER HAMMES: To be clear on the people,  
20       then, I mean, is it -- would you -- I mean,  
21       obviously, we still have to have the public  
22       hearing and more discussion on this, but are you  
23       saying that if the resolution approving this  
24       limited the amount of people inside, that wouldn't  
25       be an issue for you?

1 MR. GARRITANO: We would like to limit the  
2 amount of people inside and keep social distancing  
3 right now for quite some time, you know, until  
4 this is back to normal. But, you know, I think  
5 keeping our occupancy at 89 and 40 -- and 49,  
6 however we maneuver that --

7 MEMBER HAMMES: Well, that's the question.  
8 Are you asking for the flexibility to go back and  
9 forth between indoors and outdoors, or are you  
10 saying --

11 MR. GARRITANO: I think that would be nice  
12 if we have range, as long as we're social  
13 distancing and we're allowed to. I just think  
14 that the --

15 CHAIRMAN FOOTE: Yeah.

16 MR. GARRITANO: -- occupancy is not going to  
17 increase either way, whatever -- whatever way we  
18 do that, if it's 89 inside, or 45 outside, or -- I  
19 don't want to be stuck.

20 ADMINISTRATOR PALLAS: Sir, if I may.

21 CHAIRMAN FOOTE: Yeah, please.

22 ADMINISTRATOR PALLAS: I don't -- I don't  
23 know that you can -- that you can have that level  
24 of flexibility under the COVID rules. I just  
25 don't -- I don't know that you can -- if those

1 restrictions are still in place, you can't -- then  
2 you're limited on the indoor space. The --

3 MR. GARRITANO: Correct.

4 ADMINISTRATOR PALLAS: Period.

5 MR. GARRITANO: Correct.

6 ADMINISTRATOR PALLAS: So you can't bring in  
7 more people than 50% of the interior.

8 MR. GARRITANO: I didn't say it this time.

9 ADMINISTRATOR PALLAS: Okay. I just want to  
10 make it --

11 MR. GARRITANO: Later on down the road, if  
12 they clear us up and say you can have 100%.

13 CHAIRMAN FOOTE: It seems to me that  
14 whatever we approve, it's going to be subject to  
15 whatever the COVID rules are. We're not here --

16 MR. GARRITANO: Correct.

17 CHAIRMAN FOOTE: -- to establish what the  
18 COVID rules are.

19 MR. GARRITANO: Right.

20 CHAIRMAN FOOTE: It's really not our  
21 jurisdiction, so to speak. So, and I think what  
22 Tricia was trying to get at is, you know, as a  
23 business person, you ought to think about creating  
24 for yourself in this application as much -- as  
25 much flexibility going forward, you know,

1       imagining a time when you don't have to worry  
2       about COVID. So with that in mind, you know,  
3       think about that in terms of your application,  
4       because you don't want to necessarily be overly  
5       restrictive because you think this is how the  
6       COVID rules work, because once they're gone, you  
7       don't want to be stuck with that. That's, I  
8       think, part of the plan.

9               MR. GARRITANO: Right.

10              MEMBER HAMMES: It seems to me what you're  
11       asking for is permission to add the roof deck,  
12       subject to an aggregate capacity limit of 89  
13       people between the roof deck and the inside,  
14       however you choose to allocate it.

15              MR. GARRITANO: During COVID, yes.

16              MEMBER HAMMES: Well, what --

17              MR. GARRITANO: During COVID rules.

18              MEMBER HAMMES: What is it after, when COVID  
19       doesn't apply, what's your occupancy?

20              MR. GARRITANO: I think that 89 seats and 49  
21       seats, and to keep that occupancy --

22              CHAIRMAN FOOTE: Okay.

23              MR. GARRITANO: -- to that, you know --

24              MEMBER HAMMES: But isn't that what I just  
25       said?

1 MR. HARBES: It's going to change the  
2 Certificate of Occupancy --

3 MR. GARRITANO: Right.

4 MR. HARBES: -- is what she's saying, so  
5 that when COVID goes away, we have to go through  
6 the proper channels. The Board of Health  
7 requires --

8 MR. GARRITANO: Fifty, fifty and fifty?

9 MEMBER HAMMES: I'm sorry, let's just  
10 back up.

11 MR. GARRITANO: Go ahead.

12 MEMBER HAMMES: Let's just pretend COVID  
13 doesn't exist, okay? What is your occupancy  
14 inside without COVID?

15 MR. HARBES: Eighty-nine.

16 MEMBER HAMMES: Okay. So what I said was  
17 what you're asking for is subject to complying  
18 with whatever applicable rules and regulations may  
19 apply because of COVID, or whatever other awful  
20 thing happens, you're asking for -- to add a roof  
21 deck that, when aggregated with the capacity on  
22 the inside, could never exceed 89 people.

23 MR. GARRITANO: Correct.

24 MEMBER HAMMES: And if you choose to put all  
25 89 inside, you would not be using the outside. If

1       you put 15 people up there, then I'm not going to  
2       do the math, but you'd be able to have --

3               MR. GARRITANO: Correct.

4               MEMBER HAMMES: -- 89 minus 15 people  
5       downstairs. If you put whatever the aggregate  
6       number of seats you asked for up there, and I  
7       guess that's a question I don't know in the  
8       building code, if there's a limit on the number of  
9       people that could be in that space, that would  
10      have to be built in as well.

11              ADMINISTRATOR PALLAS: Yeah.

12              MEMBER HAMMES: But let's say that there --  
13      that under the building code you could put 40  
14      people up there, then you'd only be able to have  
15      49 people inside.

16              MR. GARRITANO: Correct.

17              MEMBER HAMMES: Absent COVID.

18              MR. GARRITANO: Correct.

19              MEMBER HAMMES: Okay.

20              CHAIRMAN FOOTE: Okay. So put another way,  
21      and I'll just be a little more direct, after  
22      COVID, if you're gangbusters, and you already have  
23      the capacity to serve 89 indoors, under what  
24      you're applying for, you wouldn't be able to put  
25      anybody upstairs -- outside, unless you put -- in



1 other words, you don't have -- you don't have --  
2 in other words, you're not asking for an increase  
3 in aggregate seating by this application, and  
4 when, in fact, physically you're creating more  
5 aggregate seating through your application. And  
6 I'm not -- I'm not saying --

7 MEMBER HAMMES: But I suspect that their  
8 issue is, is if they increase the occupancy, that  
9 they've got other traps that they fall into, and  
10 they're trying to build only that.

11 CHAIRMAN FOOTE: Okay. Well, that's --  
12 that's different. Okay.

13 MR. GARRITANO: We're not looking to change  
14 occupancy at this time.

15 CHAIRMAN FOOTE: Okay.

16 MEMBER HAMMES: They could always come back  
17 at that point. You could always come back, right?

18 MR. HARBES: Exactly.

19 CHAIRMAN FOOTE: Good. All right.

20 MR. GARRITANO: Any other questions?

21 (No Response)

22 MR. GARRITANO: Okay.

23 CHAIRMAN FOOTE: All right. Thank you.

24 MR. GARRITANO: Thank you.

25 CHAIRMAN FOOTE: Okay. So, at this time, I

1 move that we schedule this matter for a public  
2 hearing.

3 MEMBER HAMMES: Second.

4 CHAIRMAN FOOTE: All those in favor?

5 MEMBER KYRK: Aye.

6 MEMBER HAMMES: Aye.

7 CHAIRMAN FOOTE: Okay. You're scheduled for  
8 a public hearing on January the 28th.

9 MR. GARRITANO: Sounds good.

10 CHAIRMAN FOOTE: All right. Item No. 6 -  
11 15 Front Street. A Public Hearing regarding the  
12 site plan review application of Stephanie Sack,  
13 represented by Patricia Moore. The applicant  
14 proposes to continue the conditional use of a  
15 retail establishment, at the store formerly known  
16 as "Crinoline Fashion Boutique". This property is  
17 located in the Waterfront Commercial District and  
18 is not located in the Historic District. It's at  
19 Suffolk County Tax Map 1001-5.-4-31.1.

20 Would anybody like to speak at this public  
21 hearing?

22 MS. SACK: Hello.

23 CHAIRMAN FOOTE: Yes.

24 MS. SACK: I'm Stephanie Sack, and my home  
25 address is 445 Glen Court in Cutchogue, and our

1 street address for the store is 15 Front Street.

2 CHAIRMAN FOOTE: Yes.

3 MS. SACK: It's Store No. 1.

4 CHAIRMAN FOOTE: Okay. This -- do you have  
5 anything to add to the application at this time?

6 MS. SACK: (Shook head no)

7 CHAIRMAN FOOTE: We did speak at the  
8 presubmission conference.

9 MR. SACK: Right. We did -- we submitted  
10 all of the paperwork as required. We're not  
11 changing the space in any way. We were just  
12 giving it a fresh coat of paint on the inside, and  
13 just hoping to open in the March time frame, if  
14 that works out.

15 CHAIRMAN FOOTE: Okay, great.

16 MS. SACK: We're very excited. My sister is  
17 my partner in this.

18 CHAIRMAN FOOTE: Good. All right. Well,  
19 very good. Thank you.

20 MEMBER HAMMES: It's obviously very  
21 controversial by all the people that have attended  
22 to comment on it.

23 (Laughter)

24 CHAIRMAN FOOTE: At this time, if there's  
25 nobody else, I move to close the public hearing.

1 Do I have a second?

2 MEMBER HAMMES: Second.

3 CHAIRMAN FOOTE: All those in favor?

4 MEMBER HAMMES: Aye.

5 MEMBER KYRK: Aye.

6 CHAIRMAN FOOTE: Aye.

7 At this time, I move to approve the  
8 application. May I have a second?

9 MEMBER HAMMES: Second.

10 CHAIRMAN FOOTE: All those in favor?

11 MEMBER HAMMES: Aye.

12 MEMBER KYRK: Aye.

13 CHAIRMAN FOOTE: Aye. So approved.

14 Congratulations.

15 Item No. 7 is a motion to adjourn. A  
16 second?

17 MEMBER HAMMES: Second.

18 CHAIRMAN FOOTE: In favor? Aye.

19 MEMBER HAMMES: Aye.

20 MEMBER KYRK: Aye.

21 CHAIRMAN FOOTE: Meeting is adjourned.

22 (The meeting was adjourned at 4:53 p.m.)

23

24

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