

1 VILLAGE OF GREENPORT  
 2 COUNTY OF SUFFOLK : STATE OF NEW YORK  
 3 -----X  
 4 PLANNING BOARD  
 5 WORK SESSION  
 6 -----X

June 30, 2022

8 4:00 p.m. - Station One Firehouse  
 9 236 3rd Street  
 10 Greenport, NY 11944

B E F O R E:

- 12 WALTER FOOTE - CHAIRMAN
- 13 PATRICIA HAMMES - MEMBER
- 14 LILY DOUGHERTY-JOHNSON - MEMBER
- 15 PATRICK BRENNAN - MEMBER

NOT PRESENT:

- 18 SHAWN BUCHANAN - MEMBER

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ALSO IN ATTENDANCE:

- 21 PAUL PALLAS - VILLAGE ADMINISTRATOR
- 22 ROBERT CONNOLLY - VILLAGE ATTORNEY
- 23 AMANDA AURICHIO - CLERK TO THE BOARD
- 24 LAURA FEITNER-CALARCO - LK McLEAN ASSOCIATES

1           *(\*The meeting was called to order at 4:02 p.m. \*)*

2           CHAIRMAN FOOTE: Good afternoon and welcome  
3 to the Planning Board meeting. It's  
4 approximately four o'clock on June 30th,  
5 Thursday.

6           And *Item No. 1 is a motion to accept and*  
7 *approve the minutes of the May 26, 2022 Planning*  
8 *Board Work Session meeting. May I have a second?*

9           MEMBER HAMMES: Second.

10          CHAIRMAN FOOTE: All in favor?

11          MEMBER DOUGHERTY-JOHNSON: Aye.

12          MEMBER HAMMES: Aye.

13          CHAIRMAN AYE: Aye.

14          MEMBER BRENNAN: Aye.

15          CHAIRMAN FOOTE: *Motion is accepted &*  
16 *approved (VOTE: 4-0-0-1 - Absent: Member*  
17 *Buchanan).*

18          *Item No. 2 is a motion to schedule the next*  
19 *Planning Board Regular Meeting for 4 p.m. on July*  
20 *28, 2022. Do I have a second?*

21          MEMBER HAMMES: Second.

22          CHAIRMAN FOOTE: All in favor?

23          MEMBER BRENNAN: Aye.

24          MEMBER DOUGHERTY-JOHNSON: Aye.

25          CHAIRMAN FOOTE: Aye.

1 MEMBER HAMMES: Aye.

2 CHAIRMAN FOOTE: *The meeting is so*  
 3 *scheduled (VOTE: 4-0-0-1 - Absent: Member*  
 4 *Buchanan).*

5 *Item No. 3, 200 Atlantic Avenue. This is a*  
 6 *motion to accept the findings and determinations*  
 7 *for 200 Atlantic Avenue. This property is*  
 8 *located in the W-C (Waterfront Commercial)*  
 9 *District and is not located in the Historic*  
 10 *District at Suffolk County Tax Map # is*  
 11 *1001-2.-2-35. May I have a second to this*  
 12 *motion?*

13 MEMBER HAMMES: Second.

14 CHAIRMAN FOOTE: All in favor?

15 MEMBER HAMMES: Aye.

16 MEMBER DOUGHERTY-JOHNSON: Aye.

17 CHAIRMAN FOOTE: Aye.

18 MEMBER BRENNAN: I'm going to abstain.

19 CHAIRMAN FOOTE: So approved (*VOTE:*  
 20 *3-0-1-1 - Abstention: Member Brennan - Absent:*  
 21 *Member Buchanan).*

22 *Item No. 4, 817 Main Street. This is a*  
 23 *motion to accept the findings and determinations*  
 24 *for 817 Main Street. This property is located in*  
 25 *the R-1 (One-Family Residential) District and is*

1        *also located in the Historic District at Suffolk*  
2        *County Tax Map # is 1001-2-1-25. Do I have a*  
3        *second to this motion?*

4                MEMBER HAMMES:    Second.

5                CHAIRMAN FOOTE:    All in favor?

6                MEMBER DOUGHERTY-JOHNSON:    Aye.

7                MEMBER HAMMES:    Aye.

8                CHAIRMAN FOOTE:    Aye.

9                MEMBER BRENNAN:    Abstain.

10               CHAIRMAN FOOTE:    This motion is *accepted*  
11        *and approved -- and the application's approved*  
12        *(VOTE: 3-0-1-1 - Abstain: Member Brennan -*  
13        *Absent: Member Buchanan).*

14               *Item No. 5, 200 Main Street. This is a*  
15        *motion to declare the Planning Board as Lead*  
16        *Agency Status pursuant to SEQRA. May I have a*  
17        *second?*

18               MEMBER HAMMES:    Just before we second that.

19               CHAIRMAN FOOTE:    Yep.

20               MEMBER HAMMES:    I would just like to  
21        understand, if possible, what the state of play  
22        on this is. I don't, obviously, have an issue  
23        with us being lead agency, but I know they were  
24        at our last meeting and they did a presentation.  
25        Is the intention that they're now moving forward

1 with the other boards and then coming back to us  
2 or are we still going to be in a presubmission  
3 period with that one?

4 ADMINISTRATOR PALLAS: No. I believe we're  
5 still in a presubmission because they -- the  
6 applicant has indicated they're going to do a  
7 traffic study as requested.

8 MEMBER HAMMES: Okay.

9 ADMINISTRATOR PALLAS: There's been  
10 communication through our planning consultant as  
11 to the parameters of that traffic study. My  
12 assumption is at the conclusion of that they'll  
13 come back here to -- I assume to continue the  
14 presubmission and based on the conclusions of  
15 that, it may or may not move on to other boards.

16 MEMBER HAMMES: Okay. And then  
17 just so -- this is for the planning consultant.  
18 The traffic study, I assume that we're ensuring  
19 that that's being done by a neutral third party  
20 organization?

21 MS. FEITNER-CALARCO: Yes. Well, it  
22 gets -- what happens is we formulate a scope so  
23 they can't just go out and study whatever they  
24 want. So as your consultant, my engineering firm  
25 has formulated a scope of a lot of specific

1 parameters. It's all outlined in the  
2 correspondence that should have been passed --  
3 that was passed, the 200 Main Street memo was  
4 passed to the Board, right? You should have  
5 received that within the last couple of weeks.  
6 There was a revised memo from us with a traffic  
7 study scope attached to it.

8 MEMBER HAMMES: Okay.

9 MS. FEITNER-CALARCO: So it's highly  
10 detailed --

11 MEMBER HAMMES: Okay.

12 MS. FEITNER CALARCO: -- in terms of the  
13 things they have to study and there's a lot of  
14 real data they'll have to provide with that.

15 MEMBER HAMMES: Okay.

16 MS. FEITNER CALARCO: And then what happens  
17 is that study will get submitted and then our  
18 traffic engineers will review the study and we'll  
19 comment or question or request additional  
20 information on anything that doesn't meet the  
21 scope that was outlined.

22 MEMBER HAMMES: Okay. Okay, that's fine.

23 Thank you.

24 MS. FEITNER CALARCO: Yeah.

25 MEMBER HAMMES: Okay, that answers my

1 question. Thank you.

2 CHAIRMAN FOOTE: Okay. Any other  
3 questions? Okay, with that said, may I have a  
4 second?

5 MEMBER HAMMES: Second.

6 CHAIRMAN FOOTE: All in favor?

7 MEMBER BRENNAN: Aye.

8 MEMBER HAMMES: Aye.

9 CHAIRMAN FOOTE: Aye.

10 MEMBER DOUGHERTY-JOHNSON: Aye.

11 CHAIRMAN FOOTE: *So approved (VOTE:*

12 *4-0-0-1 - Absent: Member Buchanan).*

13 *Item No. 6, 47 Front Street. This is a*  
14 *Presubmission Conference regarding the site plan*  
15 *application of Christopher Mueller on behalf of*  
16 *ASCM LLC, also known as (Anker). The applicant*  
17 *proposes five outdoor seating spaces in front of*  
18 *the building. This property is located in the*  
19 *W-C (Waterfront Commercial) District and is not*  
20 *located in the Historic District. It's located*  
21 *at Suffolk County Tax Map one 1001-5.-4-19.*

22 Good afternoon.

23 MR. SIDOR: Good afternoon.

24 CHAIRMAN FOOTE: You want to just announce  
25 who you are and where you're from?

1           RYAN SIDOR: Ryan Sidor, I work for Robert  
2 I. Brown Architect, address is 205 Bay Avenue,  
3 Greenport,

4           CHAIRMAN FOOTE: Okay.

5           RYAN SIDOR: So really simply, there is 76  
6 square feet of property in front of the  
7 restaurant on Front Street. And using the  
8 appropriate calculations, we calculated that  
9 there are five seats allowed in that space.  
10 There's currently an awning over that space, and  
11 I believe they had some kind of temporary seating  
12 out there for COVID.

13          CHAIRMAN FOOTE: This is space -- it  
14 doesn't encroach on the public sidewalk, right?

15          RYAN SIDOR: No, that's their property.

16          CHAIRMAN FOOTE: And what is the depth of  
17 it? I couldn't tell, you just had the total  
18 square footage.

19          RYAN SIDOR: I don't have that on the site  
20 plan either. It's probably three,  
21 three-and-a-half feet.

22          CHAIRMAN FOOTE: Would you be able to  
23 modify the site plan?

24          RYAN SIDOR: Oh, I'm sorry. So the corner  
25 of this building is at 4.4 feet and the other

1 corner is at 3.9 feet.

2 CHAIRMAN FOOTE: Oh, yeah, it is there.

3 You're right, I see it. Okay.

4 Ryan SIDOR: So -- yeah, between  
5 four-and-a-half feet and almost four feet.

6 CHAIRMAN FOOTE: Okay.

7 MEMBER DOUGHERTY-JOHNSON: And are those  
8 tables and chairs that we're seeing right there,  
9 like squares and circles?

10 RYAN SIDOR: Yes.

11 MEMBER DOUGHERTY-JOHNSON: So there's four  
12 chairs that I see.

13 RYAN SIDOR: There should be five.

14 MEMBER DOUGHERTY-JOHNSON: Where would the  
15 fifth one be?

16 RYAN SIDOR: It would be a table of three.

17 MEMBER DOUGHERTY-JOHNSON: And so a --

18 MEMBER HAMMES: It's more upon the  
19 sidewalk.

20 RYAN SIDOR: No. They should all be  
21 within --

22 MEMBER HAMMES: Well, it's hard to see that  
23 where there's a place to put a third chair on  
24 either of those tables that wouldn't encroach on  
25 the sidewalk.

1 MEMBER DOUGHERTY-JOHNSON: My question also  
2 is like wait service. Just cause -- I mean, it  
3 seems like they'd probably going to stand on the  
4 sidewalk to serve people in four feet.

5 RYAN SIDOR: That -- yeah, I'm not sure  
6 about that.

7 MEMBER DOUGHERTY-JOHNSON: That's a busy  
8 corner.

9 MEMBER HAMMES: And there's two handicapped  
10 accessibility ramps on the side as well.

11 RYAN SIDOR: I'm sorry?

12 MEMBER HAMMES: There's two handicapped  
13 accessibility ramps right over where the tables  
14 are.

15 MR. SIDOR: Yeah.

16 CHAIRMAN FOOTE: But it's not blocking  
17 them, right?

18 MEMBER HAMMES: I would have an issue with  
19 a third seat on the outside of either of those  
20 tables.

21 MEMBER DOUGHERTY-JOHNSON: I have a  
22 question. Because right now there's like a  
23 hostess stand; would that still hostess stand --  
24 will that still be somewhere?

25 MR. SIDOR: That I'm not sure about either.

1 But we do have the -- we have the floor map, so  
2 I'm sure they'll have all the answers for the  
3 public hearing next time.

4 MEMBER BRENNAN: I have a question.

5 MR. SIDOR: Yes?

6 MEMBER BRENNAN: The awning doesn't appear  
7 to be as deep as the property. The awning looks  
8 maybe two-and-a-half, three feet deep. Do you  
9 have any intention of changing the awning?

10 RYAN SIDOR: The awning is not to be  
11 changed, this is just for the application to have  
12 seating outdoors. I believe they did this, I  
13 don't know, four or five years ago for the  
14 awning. But this application for the awning is  
15 staying exactly the same.

16 MEMBER BRENNAN: Okay.

17 MEMBER HAMMES: Do you have any specific  
18 concern if it's changing?

19 MEMBER BRENNAN: No, it just struck me that  
20 the awning would not cover the tables and if  
21 there was any plan to move the awning further out  
22 to the property line.

23 MEMBER HAMMES: No, it's a valid -- it's a  
24 valid question. I'm just asking what your  
25 concern is because I feel like sometimes we get

1           *(indiscernible)* on these applications.

2           MEMBER BRENNAN: Right.

3           MEMBER HAMMES: So I think if they did have  
4 any intention of changing the zonings we would  
5 want to know that.

6           MEMBER BRENNAN: Of course, yes, right.

7           CHAIRMAN FOOTE: Yeah. Either they'd have  
8 to amend this application or submit a new one if  
9 they'd want to increase the size of the awning,  
10 correct?

11          MEMBER HAMMES: Right. But I think the  
12 point is I don't think I'd want -- maybe we could  
13 write this in as a requirement. I don't think we  
14 would want them to come back, like if we approve  
15 this this year and then next year they come back  
16 and say, *Oh, well, we need to change the awning*  
17 *out because it doesn't cover our tables.* I mean,  
18 I'd like this all dealt with once and for all.

19          CHAIRMAN FOOTE: Yeah. But if they decide  
20 not until later to change the awning, how can you  
21 control that? I understand the concern, but I  
22 think -- I think the thing that's most important  
23 to clarify is there seems to be a concern that  
24 this seat doesn't spill into the public sidewalk.  
25 So, you're going to have to maybe do a little

1 more homework to make sure -- confirm that that's  
2 the case.

3 MEMBER BRENNAN: Yeah.

4 RYAN SIDOR: They can change the table  
5 size, too. These are just place-holder tables.  
6 The calculation is 76 feet at 15 square feet a  
7 person, it allows for five tables. It'll have  
8 five chairs.

9 CHAIRMAN FOOTE: Uh-uh. Okay.

10 All right, does anybody else have any  
11 questions or comments?

12 MEMBER BRENNAN: I have question. In  
13 reading the minutes from the last meeting, I saw  
14 a comment about the waste, the dumpsters being in  
15 the back of the building.

16 MEMBER HAMMES: On the other side.

17 CHAIRMAN FOOTE: That's the other property.  
18 That's not this property.

19 MEMBER HAMMES: Yeah.

20 MEMBER DOUGHERTY-JOHNSON: Well, but that  
21 is a -- it's in planning memo as a concern here,  
22 too, because I guess the -- their dumpsters are  
23 also on Village property. And the question from  
24 the planning consultant was whether there's an  
25 agreement and, if so, what it is.

1 MEMBER BRENNAN: That's what I was  
2 referring to.

3 MEMBER DOUGHERTY-JOHNSON: Yeah. It also  
4 is an issue off the street.

5 CHAIRMAN FOOTE: I'm sorry, what's the  
6 issue here with the --

7 MEMBER DOUGHERTY-JOHNSON: I wasn't  
8 actually aware of this, but according to the  
9 planning memo, I guess the dumpster I think is  
10 out -- is off their property.

11 CHAIRMAN FOOTE: Uh-huh.

12 MEMBER DOUGHERTY-JOHNSON: And when I think  
13 about it, I think there's a fence and then  
14 there's dumpster, so.

15 MEMBER BRENNAN: It's on page two of the --

16 MEMBER DOUGHERTY-JOHNSON: It's not  
17 pictured on the site plan --

18 CHAIRMAN FOOTE: I see.

19 MEMBER DOUGHERTY-JOHNSON: -- but if my  
20 memory serves, it's the fence and then on the --

21 MEMBER HAMMES: It's point two under one of  
22 the --

23 MEMBER DOUGHERTY-JOHNSON: Village side  
24 dumpster, it's there, so.

25 CHAIRMAN FOOTE: Did you guys get a copy of

1 the consultant's memo?

2 RYAN SIDOR: Yeah, I have it here.

3 CHAIRMAN FOOTE: Okay. Because she raised  
4 certain questions that -- can you address those  
5 questions?

6 RYAN SIDOR: I cannot today, but when the  
7 owner is here for the public hearing I'm sure he  
8 will.

9 The only thing I could say is that there's  
10 definitely not going to be any outdoor speakers  
11 or any kind of music outdoors in that space.  
12 It's just for seating. And the garbage at the  
13 end is news to me; I'll talk to them about that  
14 as well.

15 MEMBER DOUGHERTY-JOHNSON: I'm not sure; do  
16 we want to schedule a public hearing with the  
17 site plan as it is or do we have to -- the site  
18 plan. If they want five seats, then where we can  
19 see what they are. I don't know. I mean, I'm  
20 not sure what the order is. Maybe we don't need  
21 to, but sometimes it seems like we wait until we  
22 have some of the things answered.

23 CHAIRMAN FOOTE: Yeah. I think it was  
24 something more material or significant in terms  
25 of the change, but I think to get -- keep the

1 process moving, I don't personally have a problem  
2 scheduling a public hearing, so long as we know  
3 that that will be addressed by a modified site  
4 plan indicating where the five seats are. As  
5 well as understanding that during the course of  
6 the public hearing you'll have to address the  
7 issues, including the use issues, that were  
8 raised in the memo.

9 MEMBER HAMMES: And the hostess stand which  
10 is in the memo.

11 CHAIRMAN FOOTE: And the what?

12 MEMBER HAMMES: The hostess stand.

13 CHAIRMAN FOOTE: Yeah.

14 MEMBER DOUGHERTY-JOHNSON: Just so I  
15 understand, is this just they just want to have  
16 more seats, like about the -- behind this?

17 RYAN SIDOR: Yeah, they -- they had just  
18 redone the front of the restaurant and -- yeah,  
19 like I said, I think they had temporary seating  
20 out there for COVID and it was just something  
21 that was attractive to them and got people into  
22 the restaurant.

23 CHAIRMAN FOOTE: Also, there's a question  
24 posed in the memo that, Rob, I think we'd like to  
25 get your opinion on. It says, "*The Village Code*

1       *requires provision to park in the amount of one*  
2       *space per each five seats for any new restaurant*  
3       *use. It's recommended the Board request the*  
4       *opinion of the Village Attorney into the*  
5       *applicability of this requirement to the current*  
6       *application, as the applicant does not currently*  
7       *maintain a dedicated parking lot." So --*

8               ATTORNEY CONNOLLY: It's the existing  
9       restaurant use, correct?

10              MS. FEITNER-CALARCO: Honestly, I didn't  
11       know what happened with the parking code, so--

12              MEMBER HAMMES: No, it hasn't been changed.  
13       The parking code has not been changed.

14              MS. FEITNER-CALARCO: So I wanted to just  
15       have that in there, so --

16              CHAIRMAN FOOTE: Yeah. Okay.

17              MS. FEITNER CALARCO: -- if everyone was --  
18       but it's waterfront commercial, though, so it is  
19       a conditional use from your Board.

20              CHAIRMAN FOOTE: Right.

21              MEMBER HAMMES: We understand that.

22              Paul, is there -- are there any outskirts  
23       getting code violations that you're aware of on  
24       the property?

25              ADMINISTRATOR PALLAS: Not that I'm aware

1 of on this site, no.

2 CHAIRMAN FOOTE: Okay. So, if nothing  
3 further, I would propose --

4 ADMINISTRATOR PALLAS: Mr. Chairman, if I  
5 may, I think there's one --

6 STENOGRAPHER MAHONEY: Can you use the  
7 microphone, please?

8 ADMINISTRATOR PALLAS: I apologize.  
9 I think there's one additional item that I don't  
10 think is mentioned in the memo. Then you --  
11 there is an accessible route to the front door  
12 given where the ramp is, I think that would just  
13 need to be shown, right?

14 MS. FEITNER-CALARCO: So I just -- I  
15 wasn't -- a lot of things just happened really  
16 quickly right here, and I guess -- and the Board  
17 knows this, but for those who don't, I mean,  
18 we're fairly new to dealing with the Village and  
19 so we want to make sure we understand your  
20 process.

21 But the presubmission conference is  
22 typically to make sure that the applicant knows  
23 everything they have to provide us with. There's  
24 a lot of outstanding information that might  
25 impinge whether or not they can fit these five

1 seats here, as the Boards pointed out. So, if  
2 you notice those handicapped ramps on the  
3 sidewalks right next to this building, there  
4 needs to be sufficient clearance at the top of  
5 each handicapped ramp as a landing area. Now, I  
6 realize it's a public -- that's a public space  
7 and the applicant is just proposing to build on  
8 their private property, but without any  
9 dimensions in this area it's hard to even analyze  
10 if this could be a potential problem or not. And  
11 the Planning Board, you know, presented out, that  
12 was no dimensions and their concerns about third  
13 chairs, those were our concerns as well.

14 When we looked at this, not that this  
15 should be a major thing, but simply that without  
16 having this information we wouldn't be able to  
17 know whether or not to recommend that this go  
18 forward. And there's the additional issue of  
19 that we don't know what the Health Department has  
20 approved, the number of seats they have approved  
21 this restaurant for at this point in time.

22 So to consider an expansion of seating when  
23 we don't know what the Health Department has  
24 actually approved already is, again -- would be  
25 just trying to consider something without having

1 all the information. So I just wanted to make  
2 sure that was -- that those were -- those were  
3 our two significant concerns when we looked at  
4 this. I was just making sure there was enough  
5 information to move forward and that would be up  
6 to the Board's determination.

7 CHAIRMAN FOOTE: Where is the --

8 MEMBER HAMMES: I mean, the drawing doesn't  
9 shows the front door.

10 CHAIRMAN FOOTE: Yeah.

11 MEMBER HAMMES: Right?

12 CHAIRMAN FOOTE: Right. It doesn't show  
13 the front door or the ramp.

14 MEMBER HAMMES: But I -- I think she's  
15 talking about the two places where it says map --

16 MEMBER DOUGHERTY-JOHNSON: Yeah, which is a  
17 handicapped curb-cut.

18 MEMBER HAMMES: But even without that, it  
19 doesn't show where the door is either which would  
20 be helpful to know *(laughter)*.

21 RYAN SIDOR: The door is on the east side  
22 of the north face, so where the tables are not.

23 MEMBER HAMMES: Okay. Well, when you redo  
24 this drawing can you actually put the door in  
25 there so we can see the space -- the spacing of

1 the do vis-a-vis these two tables as well as the  
2 hostess stand that's being kept outside?

3 RYAN SIDOR: Yeah, I'll add the hostess  
4 stand, too.

5 MEMBER BRENNAN: I just had one other minor  
6 comment. On the west side of the building where  
7 you have the awnings shown over the sidewalk?

8 RYAN SIDOR: Yes.

9 MEMBER BRENNAN: Those are not there  
10 currently; is that correct?

11 RYAN SIDOR: I believe they're over the  
12 windows there.

13 MEMBER DOUGHERTY-JOHNSON: I think they are  
14 but they're small.

15 MEMBER BRENNAN: Okay.

16 MEMBER DOUGHERTY-JOHNSON: But I'm not  
17 totally sure.

18 MEMBER BRENNAN: I don't see them there.  
19 So, maybe if you could just confirm that they're  
20 there. If they're not I think it would be -- I  
21 think it would be appropriate to take them off  
22 the drawing.

23 MR. SIDOR: Sure.

24 MEMBER BRENNAN: Thank you.

25 CHAIRMAN FOOTE: Okay. Anything else?

1           So, subject to all those things you need,  
2           you have a lot of homework subject to that. Are  
3           we prepared to -- to schedule this for a public  
4           hearing; anybody have a second on that?

5           MEMBER HAMMES: Second.

6           CHAIRMAN FOOTE: All in favor?

7           MEMBER DOUGHERTY-JOHNSON: Aye.

8           MEMBER HAMMES: Aye.

9           CHAIRMAN FOOTE: Aye.

10          MEMBER BRENNAN: Aye.

11          CHAIRMAN FOOTE: *So scheduled; it'll be for*  
12          *the next month. (VOTE: 4-0-0-1 - Absent: Member*  
13          *Buchanan).*

14          ADMINISTRATOR PALLAS: I just want to  
15          remind the applicant that we would need all of  
16          the information that's been requested two weeks  
17          prior --

18          CHAIRMAN FOOTE: Paul, could you speak a  
19          little closer?

20          ADMINISTRATOR PALLAS: Sorry. We would  
21          need the information requested by the Planning  
22          Board with two -- no later than two weeks prior  
23          to the scheduled -- for the scheduled date of the  
24          hearing.

25          RYAN SIDOR: Yep.

1 CHAIRMAN FOOTE: Great. Thank you.

2 Okay. Next is *Item No. 7, 111 Main Street.*

3 *This is a Pre-Submission Conference regarding the*

4 *site plan application of Robert Brown on behalf*

5 *of PWIB Claudio Real Estate, LLC. The applicant*

6 *proposes to extend the existing canopy over the*

7 *"waterfront" wharf, along with possible*

8 *amendments to the 2020 site plan approval.*

9 *This property is located in the W-C (Waterfront*

10 *Commercial) District and is also located in the*

11 *Historic District at Suffolk County Tax Map #*

12 *1001-5-4-25 and 38.1 and 39. Good afternoon.*

13 ROBERT BROWN: Good afternoon. Robert

14 Brown, architect for Claudio's. If I may, I have

15 some drawings and some explanations of what's

16 going on, mostly in response to the comments from

17 our last meeting.

18 This is the drawing of the site plan that

19 was previously approved in 2020.

20 CHAIRMAN FOOTE: You may have to wait to

21 speak in front of the mic so that she can take it

22 down.

23 ROBERT BROWN: So the single sheet is the

24 site plan that was approved in 2020. And the set

25 is the proposed work. The site plan of that set

1 shows the existing conditions of the site plans  
2 of the site currently except for the two areas  
3 where the work is proposed, that being the  
4 extension of the canopy and an alteration to the  
5 ramp at Crabby Jerry's.

6 CHAIRMAN FOOTE: So everything in the  
7 current plan reflects that all the proposals in  
8 the 2020 plan have been incorporated and have  
9 been implemented?

10 ROBERT BROWN: No, no.

11 MEMBER HAMMES: He's saying we do our own  
12 comparison.

13 ROBERT BROWN: It's -- yes, that -- oh, I'm  
14 sorry. That sheet is a brief narrative of the  
15 differences and the work that's proposed to be  
16 done and what work hasn't been done.

17 But I think the primary issues that were  
18 not built, one is the parking lot lighting which  
19 Claudio's is prepared to do over the fall or the  
20 winter coming up; and the landscaping in front  
21 of -- especially in front of the restaurant at  
22 the edge of the dock which is currently parking  
23 and which they now intend to maintain as parking.

24 MEMBER HAMMES: Can you -- could you point  
25 where that is on this drawing?

1           ROBERT BROWN: Of course. This is the main  
2 restaurant.

3           MEMBER HAMMES: Yeah.

4           ROBERT BROWN: This is the area that in  
5 this plan was intended as landscaping --

6           MEMBER HAMMES: Okay.

7           ROBERT BROWN: -- and walkway. And you can  
8 see all --

9           MEMBER HAMMES: Those are probably still  
10 the parking spots.

11          ROBERT BROWN: On the proposed it's still  
12 parking, and that's on this one here.

13          MEMBER HAMMES: Okay.

14          MEMBER DOUGHERTY-JOHNSON: So does that  
15 mean you're out of parking?

16          ROBERT BROWN: Essentially, yes.

17          MEMBER DOUGHERTY-JOHNSON: Do we have  
18 numbers for that?

19          ROBERT BROWN: It's on the second one.

20          MEMBER HAMMES: Do you have an update on  
21 whether Claudio's is still in -- has any  
22 arrangements with the school for employee parking  
23 over there?

24          BRIAN DOYLE: We do. Yeah, we have a  
25 license agreement with the school.

1           MEMBER HAMMES: And has -- is there -- like  
2 has that been used at all? Is Claudio's tracking  
3 whether it's being used? Do they have somebody  
4 over there? Are they --

5           ROBERT BROWN: I can ask. I know there's a  
6 license agreement that permits parking there  
7 that's effective this year, so I can get a copy  
8 of that.

9           MEMBER HAMMES: I mean, I think it would be  
10 helpful to understand, you know, whether  
11 Claudio's just has that agreement and has told  
12 their employees but otherwise isn't monitoring it  
13 at all, or how it's being handled. Because I  
14 personally know that there are several employees  
15 that park up by where I live, which I don't have  
16 a problem with, but it leads me to believe that  
17 employees are not using that parking. And when  
18 we approved the 2020 plan that was, you know,  
19 done -- you know, we dealt with the parking  
20 situation partly by Claudio's implying that they  
21 were going to work really hard to have their  
22 employees parking over at the school and,  
23 frankly, work with the BID to encourage other  
24 local employees to park over there. And so I'd  
25 personally like to have an update on the status

1 of that and what efforts are being made to cause  
2 that to happen.

3 BRIAN DOYLE: That's no problem.

4 CHAIRMAN FOOTE: Hey Paul, I have a  
5 question for you. So, there are a couple of  
6 things that I'm concerned about. One is that to  
7 the extent that the 2020 plan was not  
8 implemented, wouldn't they have to include in the  
9 new application the changes that they're not  
10 implementing into the new plan?

11 ADMINISTRATOR PALLAS: The short answer is  
12 yes. And what would be helpful is if -- and I  
13 don't know if it can be done by the architect or  
14 not, but to see maybe put on the plan on one  
15 drawing what was done, what the new plan is.

16 CHAIRMAN FOOTE: Right.

17 ADMINISTRATOR PALLAS: Rather than have to  
18 try to compare, it's a little bit cumbersome if  
19 there's any -- I know it's going to get a little  
20 bit busy, I get that, but it might be simpler, or  
21 at least for me and our planning consultant and  
22 for you all, to try and get a better picture of  
23 what's going on the site.

24 You know, as an example, the area that was  
25 a -- was indicated on the original plan as

1 artificial turf is now listed as an open air beer  
2 garden, so that's additional use of the site. I  
3 mean, without giving too deep a thought, it's  
4 obviously additional use, so. But how that's  
5 going to be used, a description or something  
6 about what the plan is for that space, how it's  
7 going to be used might be helpful. Because  
8 obviously that's an additional thing, additional  
9 people for the site plan.

10 CHAIRMAN FOOTE: Yeah. And not to mention  
11 that we're just getting these new plans right at  
12 this meeting, so.

13 ROBERT BROWN: Of course, yeah.

14 CHAIRMAN FOOTE: It's not like we can  
15 really study them right now and real-time react  
16 to it.

17 ROBERT BROWN: I haven't had a lot of time  
18 to react to them since the last meeting either.

19 CHAIRMAN FOOTE: Yeah.

20 MEMBER DOUGHERTY-JOHNSON: Is there a why?  
21 Like why get rid of the pedestrian walkways and  
22 why get rid of the landscaping and why add  
23 parking?

24 ROBERT BROWN: That's above my pay grade.

25 MEMBER DOUGHERTY-JOHNSON: Okay. I think

1 both would be good to know, because it just  
2 makes -- it would make it make more sense, give  
3 us a reason to see why. I mean, like why go  
4 through the trouble of making any plans, having  
5 us approve them to then not do them and the  
6 change? It seems like there should be a good  
7 reason, and there probably is.

8 CHAIRMAN FOOTE: Also, as I understand  
9 there are some existing violations that have yet  
10 to be -- that are still outstanding? Paul, if  
11 you could just speak to that?

12 ADMINISTRATOR PALLAS: I'm sorry?

13 CHAIRMAN FOOTE: Existing violations that  
14 are subject to being cleared before we can --

15 ADMINISTRATOR PALLAS: There are a number  
16 of site plan related violations, things that were  
17 done without approvals, and I know there's a  
18 COVID violation still open that has not been  
19 resolved. I believe that many of the site plan  
20 violations ultimately would be remedied with an  
21 approval of an approved site plan. But until --  
22 I have to go through the list and compare that  
23 list to the new site plan that we were just given  
24 and try to put that all together as a package.

25 CHAIRMAN FOOTE: Right.

1           BRIAN DOYLE: The open violations were  
2           on --

3           STENOGRAPHER MAHONEY: I'm sorry; can you  
4           go to the microphone, please?

5           BRIAN DOYLE: I just wanted to say that the  
6           open --

7           CHAIRMAN FOOTE: Sir, just announce  
8           yourself.

9           BRIAN DOYLE: My name is Brian Doyle, I'm  
10          an attorney for Claudio's. The open violations  
11          were pending in court about a week or two ago and  
12          Claudio's was prepared to resolve all of them.  
13          I appeared in court with a check but Mr. Prokop  
14          needed some additional time to reduce the party's  
15          understanding to a writing, which was fine with  
16          us, so he asked for a month. So those matters  
17          will be put on before the Board in July and I  
18          anticipate Mr. Prokop is going to resolve all of  
19          them and any outstanding fines will be paid.

20          CHAIRMAN FOOTE: Okay. And there is also a  
21          structure that was built without approval; is  
22          that -- I think you all were instructed to  
23          disassemble it; has that been done?

24          ADMINISTRATOR PALLAS: To the best of my  
25          knowledge, I have not been told that it's down.

1 CHAIRMAN FOOTE: You've been told --

2 ADMINISTRATOR PALLAS: I have not been told  
3 that it's down.

4 CHAIRMAN FOOTE: Okay.

5 BRIAN DOYLE: Can I ask what the structure  
6 is?

7 ADMINISTRATOR PALLAS: The frame for the  
8 awning.

9 BRIAN DOYLE: Okay. I'll make sure it's  
10 taken down. My client was instructed to take it  
11 down.

12 MEMBER HAMMES: I mean, a couple of points  
13 related to that extension. I mean, on both of  
14 these drawings, you know, the area where the  
15 extension is going does not show any seating at  
16 all.

17 ROBERT BROWN: There's no intension of  
18 seating.

19 MEMBER HAMMES: There's seating out there  
20 now, so that needs to be addressed. And I --  
21 again, you know, just in the interest of full  
22 disclosure, and particularly because I raised  
23 this issue before about the extension of that  
24 canopy, so I want this out there. I am still  
25 concerned about the extension of the canopy from

1 a heightened environmental standpoint, for lack  
2 of a better word.

3 And I would note in particular that in the  
4 conditional use section for the WC, it  
5 specifically says that we are to take into  
6 account the extent of the quality and views are  
7 being impacted by things that are done down on  
8 working waterfront area, both from the street and  
9 from the waterfront.

10 So I continue to have -- even if all of  
11 these things are all cleared up, with respect to  
12 that extension I personally continue to have some  
13 real concerns about extending it the rest of the  
14 way down the dock, even if there's no seating in  
15 there.

16 And then the final related point that I  
17 have, since I'm speaking and then I'll shut up,  
18 is I would like to know exactly where -- because  
19 I don't want to have to go down there after ten  
20 o'clock at night. I know where the band is  
21 during the day, but I don't know where the music  
22 is at night; I'd like to know exactly where the  
23 music performs in the evening on this, on this  
24 map.

25 ROBERT BROWN: It's -- it's my

1 understanding that the acoustic consultant is  
2 looking at relocating that to minimize the noise  
3 pollution. So, I don't think that is resolved;  
4 as soon as it is I will definitely put it on the  
5 plan.

6 MEMBER HAMMES: Okay.

7 CHAIRMAN FOOTE: Yes, Paul.

8 ADMINISTRATOR PALLAS: I apologize, Mr.  
9 Chair, if I may. The -- as far as the sound,  
10 they're making changes -- even if they're not  
11 making changes, actually, of the sound mitigation  
12 system, I think we should have a refresh of what  
13 was done, what the original plan was for sound  
14 mitigation, the updated version of that,  
15 particularly in light of some of -- the comment  
16 that you just made and, you know, that they're  
17 extending the sound mitigation system, what that  
18 looks like, details of what that sound mitigation  
19 is.

20 ROBERT BROWN: I'm waiting for that.

21 ADMINISTRATOR PALLAS: As soon as you can.

22 CHAIRMAN FOOTE: I also understand it's had  
23 a negative impact. You know, the music late at  
24 night has had a negative impact on the public  
25 marina area and the boats that are renting space

1           there.

2           ROBERT BROWN: I just recently heard that.

3           CHAIRMAN FOOTE: Yeah. So that's going to  
4           have to be addressed. And there's a number of  
5           things that we have raised, but -- I mean, the  
6           fact that we just got these new plans, I think  
7           it's premature to schedule a public hearing, so I  
8           would move to continue this Pre-Submission  
9           Conference till next month.

10          Is there anybody else? Do I have second on  
11          that suggestion?

12          MEMBER HAMMES: Second.

13          CHAIRMAN FOOTE: All in favor?

14          MEMBER DOUGHERTY-JOHNSON: Aye.

15          MEMBER BRENNAN: Aye.

16          CHAIRMAN FOOTE: Aye.

17          MEMBER HAMMES: Aye.

18          So ordered. Thank you. (*VOTE: 4-0-0-1 -*  
19          *Absent: Member Buchanan*).

20          ROBERT BROWN: Thank you.

21          CHAIRMAN FOOTE: Okay. Next is *Item No.*  
22          *8, 48 Front Street, a continuation of a public*  
23          *hearing regarding the site plan application of*  
24          *Christoph Mueller on behalf of 48 Front Street*  
25          *Property LLC, known as Greenhill Kitchen. The*

1        *applicant proposes to remove the existing*  
2        *exterior walls and balcony on the second floor.*  
3        *The balcony will be enclosed to provide more*  
4        *space for the interior of the restaurant. The*  
5        *new wall section will include three window units*  
6        *and will be in-kind with the existing siding.*  
7        *This property is located in the (C-R) Retail*  
8        *Commercial District and is not located in the*  
9        *Historic District at Suffolk County Tax Map #*  
10       *1001-4.-10-32. Is there anybody here on behalf*  
11       *of the applicant?*

12                RYAN SIDOR: Ryan Sidor, I work for Robert  
13        I. Brown Architect, 205 Greenport -- Bay Avenue,  
14        Greenport.

15                CHAIRMAN FOOTE: So -- go ahead.

16                RYAN SIDOR: The only update that I have is  
17        that we have submitted plans to the Health  
18        Department for the new seating totals.

19                MEMBER HAMMES: For the new seating ...

20                RYAN SIDOR: Total.

21                MEMBER HAMMES: Oh, so for the --

22                RYAN SIDOR: For the proposed outdoor  
23        seating and for the changes on the second floor.

24                MEMBER HAMMES: Okay.

25                CHAIRMAN FOOTE: Okay.

1 MR. SIDOR: So we're waiting to hear back  
2 from that.

3 MEMBER HAMMES: But have you -- I'm sorry,  
4 maybe I'm missing this. Did you submit an  
5 updated plan for the outdoor seating? I mean, it  
6 sounds to me like what you're saying is there's  
7 been an agreement that the outdoor seating is not  
8 subject to the current existing site plan; is  
9 that correct?

10 ROBERT BROWN: No.

11 RYAN SIDOR: No, I believe we are -- we're  
12 getting a new confirmed total from the Health  
13 Department about the seating resolution.

14 MEMBER DOUGHERTY-JOHNSON: The new plan has  
15 an existing outdoor seating area.

16 MEMBER HAMMES: I understand, but I don't  
17 think it's covered by the --

18 CHAIRMAN FOOTE: Application.

19 MEMBER HAMMES: -- application that they  
20 filed is my point. Because I think their  
21 position continues to be it's permitted under the  
22 existing site plan; is that correct?

23 ROBERT BROWN: That is the owner's  
24 position.

25 MEMBER HAMMES: Yeah. I mean, that needs

1 to get resolved with the Village.

2 MEMBER DOUGHERTY-JOHNSON: So does the  
3 dumpster, which hasn't changed even though  
4 they -- at the last meeting they said they were  
5 going to do something about it.

6 MR. SIDOR: They told me that they did it,  
7 too, so that's all I can say.

8 MEMBER DOUGHERTY-JOHNSON: Well, as of  
9 today it looks pretty much the same.

10 ROBERT BROWN: If I may?

11 CHAIRMAN FOOTE: Please, go ahead.

12 ROBERT BROWN: Robert Brown, Architect.  
13 Just to clarify, I just want to make sure  
14 everybody understands that there was only one  
15 dumpster that was owned by Greenhill that was in  
16 violation.

17 MEMBER DOUGHERTY-JOHNSON: I understand.

18 ROBERT BROWN: The others did not belong to  
19 Greenhill.

20 MEMBER DOUGHERTY-JOHNSON: And the other  
21 containers, like laundry-type containers, those  
22 were --

23 ROBERT BROWN: None of that is Greenhill's,  
24 it was just one dumpster.

25 MEMBER HAMMES: I mean, Paul, the Village's

1 position continues to be that that outdoor  
2 seating area is not part of the currently  
3 approved site plan; is that correct?

4 ADMINISTRATOR PALLAS: That is correct,  
5 yes.

6 MEMBER HAMMES: I mean, I don't know the  
7 answer to this, Rob, so this is probably a  
8 question for you. I mean, I'm actually inclined  
9 to close the public hearing and vote this down at  
10 this point.

11 MEMBER DOUGHERTY-JOHNSON: I agree.

12 MEMBER HAMMES: I mean, I don't -- I  
13 just -- I mean, we don't have a complete -- I  
14 don't want to work off of a site plan that has  
15 something on it that doesn't match with the  
16 application anymore, and so I think they need to  
17 file a new application is my point.

18 CHAIRMAN FOOTE: Yeah, I think if you -- if  
19 we were to reject it, isn't there a -- is there a  
20 prejudice to bringing in a new application if  
21 that were to happen, Rob?

22 ATTORNEY CONNOLLY: It's not like that,  
23 like a Zoning Board application where you deny a  
24 variance and then that variance is denied in  
25 perpetuity.

1 CHAIRMAN FOOTE: Okay.

2 ATTORNEY CONNOLLY: If there's a  
3 substantial change to the application, which I  
4 think would be a substantial change if they --  
5 everything is supposed to be on the plan,  
6 reflected on the plan it's a new application and  
7 then the Board can act on it.

8 MEMBER HAMMES: Well, I think the problem  
9 is we don't -- at least my understanding is the  
10 Village's view is that the plan that was  
11 submitted -- well, it doesn't match up with the  
12 application. The application is solely with  
13 respect to that front piece of property --

14 ATTORNEY CONNOLLY: Correct.

15 MEMBER HAMMES: -- the balcony area. Which  
16 again, I don't think anybody on this -- I can't  
17 speak for everybody on the Board, but I am  
18 personally am not going to have an issue with  
19 that piece of it. But the problem is the site  
20 plan has things on it that have been -- that the  
21 Village is something you have not been approved  
22 in a prior site plan and, therefore, the  
23 application doesn't match with the site plan. If  
24 we approve the site plan, we would be approving  
25 those things even though they're not included in

1 the application. And this is an open public  
2 hearing and I just don't see the point of keeping  
3 it open if the position continues to be after  
4 three months that the things that are on that  
5 site plan are not valid and they're not reflected  
6 in the application. Because I believe a new  
7 application needs to be filed and we need to  
8 start this process again.

9 ATTORNEY CONNOLLY: Absolutely.

10 MEMBER DOUGHERTY-JOHNSON: I mean, also  
11 there's things like how do we approve -- like  
12 then they'd be in -- they'd be in violation for  
13 the existing -- for like the bar and the smoke  
14 pit and all the other stuff if we approve this  
15 application, so.

16 CHAIRMAN FOOTE: Yeah.

17 MEMBER DOUGHERTY-JOHNSON: It seems like it  
18 doesn't -- it wouldn't help anyway. I mean, it  
19 would help you do the balcony, but it wouldn't  
20 help all of the issues.

21 CHAIRMAN FOOTE: Yeah, I think we've all  
22 reached a consensus that we can't separately  
23 approve this change upstairs without dealing with  
24 this issue at the same time or instead of.

25 (\*Fire Alarm Going Off\*)

1 MEMBER HAMMES: To go to your point, unless  
2 they want to submit a plan that doesn't have  
3 those things on it.

4 CHAIRMAN FOOTE: Right.

5 MEMBER HAMMES: Which is what we told them  
6 two months ago, but then they said they didn't  
7 want to do that because they felt that was giving  
8 away something that they think they have a right  
9 to have.

10 CHAIRMAN FOOTE: Well, we have knowledge of  
11 it being a violation, from my point of view. So  
12 I don't think we could even approve it, we could  
13 go forward even on that basis.

14 MEMBER HAMMES: No, no, I would want that  
15 replaced is my point.

16 CHAIRMAN FOOTE: Right.

17 MEMBER HAMMES: But I don't -- I guess my  
18 personal view on this is --

19 CHAIRMAN FOOTE: Okay.

20 MEMBER HAMMES: -- this has been open for  
21 three months, we're not getting anywhere. I  
22 don't --

23 ATTORNEY CONNOLLY: Maybe give them the  
24 opportunity to withdraw the application and  
25 submit it instead.

1 MEMBER HAMMES: Okay, we could do that.

2 CHAIRMAN FOOTE: As long as they have the  
3 ability to submit a modified application going  
4 forward and we're not cutting off that  
5 opportunity --

6 ATTORNEY CONNOLLY: No.

7 CHAIRMAN FOOTE: -- then I think I agree  
8 with my fellow member here, so.

9 MEMBER HAMMES: Do you guys have something  
10 you want to say?

11 MS. FEITNER-CALARCO: I had sort of -- Mr.  
12 Chair, I had a point of information. I guess I  
13 was a little -- it was my understanding that  
14 there was a way to amend the application and not  
15 the applicant actually requested the amendment,  
16 that we were considering the outdoor seating as  
17 part of this application right now and that there  
18 had been some sort of amendment of the  
19 application.

20 MEMBER HAMMES: That's not what he was  
21 saying. That's not what he's saying.

22 CHAIRMAN FOOTE: Yeah.

23 MS. FEITNER-CALARCO: Okay. So --

24 CHAIRMAN FOOTE: Their representatives are  
25 taking the position that --

1 MS. FEITNER CALARCO: And I just want to  
2 clarify, the reason we keep asking over and over  
3 again for the -- making a new application to the  
4 Health Department doesn't help us consider an  
5 expansion of seating. Because the Board's prior  
6 approval of any seating at this location, and for  
7 that matter at any restaurant in the Village, is  
8 based -- is subject to the Health Department.

9 So whatever the Health Department approved  
10 after the Board's last like original approval of  
11 this, which might have even less seats than the  
12 Board approved, might have been a few more seats.  
13 But, you know, that has to -- we need to know  
14 what that number is otherwise we're dealing with  
15 a moving target.

16 So, we really would strongly urge you to  
17 submit whatever you received back from the Health  
18 Department, you know, a few years ago, back when  
19 the Planning Board originally approved this and  
20 made their approval subject to, whatever you  
21 received from the Health Department as your  
22 approval then so we know what the Health  
23 Department has in their records for how many  
24 seats there are. Especially in light of the  
25 issues with the -- the sewage issues on this

1 project. Like a grease -- for example, a grease  
2 trap maybe -- may need to be resized. There may  
3 be some engineering details that need to be taken  
4 care of in order to even consider an expansion of  
5 the seating. So, that's why we've been making  
6 the comments that we've been making.

7 CHAIRMAN FOOTE: So are you suggesting that  
8 we could propose an approval subject to getting  
9 the Health Department's approval or is that  
10 something that --

11 MS. FEITNER-CALARCO: No, what I'm saying  
12 is that the applicant going ahead and making a  
13 new Health Department application at this point  
14 is very preliminary. Because whatever --  
15 whatever approval you would make would be subject  
16 to the Health Department.

17 CHAIRMAN FOOTE: Right.

18 MS. FEITNER-CALARCO: You made an approval  
19 in the past and all of your approvals always were  
20 subject to the Health Department.

21 CHAIRMAN FOOTE: Right.

22 MS. FEITNER CALARCO: So what we don't know  
23 is hypothetically, whenever that was, now off the  
24 top of my head I don't remember if it was five  
25 years ago when you approved this originally, you

1 approved it for, you know, X amount of seats.  
2 What did the Health Department approve it for at  
3 that point in time after they went through that  
4 Health Department process? Because if that  
5 number was less than what you approved it for,  
6 now they're trying to -- whether they withdraw  
7 this application, send in a new one, whether they  
8 request that we amend this application or  
9 whatever the Village process is, it's our under  
10 -- Paul and I, we're understanding that we -- all  
11 of my memos have been issued under the  
12 understanding that we are considering this  
13 outdoor seating as proposed right now, and that  
14 the Board needs to approve that outdoor  
15 seating --

16 CHAIRMAN FOOTE: Right.

17 MS. FEITNER CALARCO: Or consider that  
18 outdoor seating, excuse me.

19 CHAIRMAN FOOTE: Was the original  
20 application; did it include the outdoor seating  
21 or not?

22 MS. FEITNER CALARCO: No.

23 CHAIRMAN FOOTE: It did not, okay.

24 ADMINISTRATOR PALLAS: No, the original  
25 application did not include it. And at a prior

1 meeting or in discussions we said that's not --  
2 if that's not the case and it was not approved,  
3 the site plan, the last site plan we received,  
4 just site plan without an application on May  
5 24th, which I believe you all have, does -- I'm  
6 sorry. Does call it proposed, proposed outdoor  
7 seating, just for your information. It does show  
8 it as proposed, but the application itself does  
9 not indicate that.

10 CHAIRMAN FOOTE: I see.

11 ADMINISTRATOR PALLAS: I think that was --

12 MEMBER HAMMES: Yeah, that was the point is  
13 we have an application that --

14 ROBERT BROWN: I would ask for an  
15 opportunity to amend the application to make sure  
16 that it is --

17 CHAIRMAN FOOTE: Okay.

18 MEMBER HAMMES: If we amend the application  
19 do we have to renotece the public hearing?

20 ATTORNEY CONNOLLY: It should be.

21 MEMBER HAMMES: So it's not really  
22 continuous of the public hearing. I mean, at  
23 that point it would be almost a new public  
24 hearing since the application has been amended

25 ATTORNEY CONNOLLY: It would be a new

1 public hearing, right.

2 CHAIRMAN FOOTE: Well, I guess that goes to  
3 the two week rule, right? If you're going to  
4 amend it you need to amend it at least two weeks  
5 and submit it with at least two weeks before the  
6 next public hearing. I think that's -- that  
7 would be okay with me. Do others have any  
8 thoughts on that, just to keep the ball rolling?

9 ADMINISTRATOR PALLAS: We may --

10 MEMBER HAMMES: Well, you know, it needs to  
11 be amended, and then this question of the Health  
12 Department --

13 CHAIRMAN FOOTE: Well, it's going to be  
14 subject to that.

15 MEMBER HAMMES: The current occupants --  
16 no, but the current occupants -- I think what I  
17 understood the planning consultant to be saying  
18 is that in order for them to give us full input  
19 on this, even assuming it's amended, we need to  
20 understand what the current approved occupancy by  
21 the Health Department is today. Not what they're  
22 going for right now, because that is what will  
23 happen after we're done here. But we don't -- we  
24 don't know what we're really approving right now  
25 in terms of increase in seats because we don't

1 know what the current number of seats is that's  
2 approved by the Health Department.

3 CHAIRMAN FOOTE: Well, why don't we --

4 MEMBER HAMMES: Right, isn't that what  
5 you're saying?

6 CHAIRMAN FOOTE: But why don't we know  
7 that? Why don't we know that?

8 MS. FEITNER-CALARCO: Yeah, we need a  
9 baseline to evaluate --

10 CHAIRMAN FOOTE: We should -- you guys  
11 should have that as a matter of record, what's  
12 been approved by the Health Department currently.

13 ADMINISTRATOR PALLAS: We don't.

14 MS. FEITNER-CALARCO: No, because our  
15 (*indiscernible word*) are subject to.

16 ADMINISTRATOR PALLAS: Yeah. We don't --  
17 we did check the file, I don't see anything in  
18 the file relative to the Health Department's  
19 approval.

20 MEMBER HAMMES: So I guess my point is I  
21 agree with you, you could in two weeks if you had  
22 everything subject to -- again, it's not clear to  
23 me whether it's a new public hearing or it's a  
24 continuance of this public or amending the  
25 application.

1           ATTORNEY CONNOLLY: Well, it would be a  
2 continuation of the public hearing, but there's  
3 going to be additional requests. So you're going  
4 to have to hold this public hearing over to give  
5 the public notice of the --

6           MEMBER HAMMES: And the public notice that  
7 goes in the paper, does that have to -- I'm  
8 sorry, I don't --

9           ATTORNEY CONNOLLY: It should be.

10          MEMBER HAMMES: It says what we're hearing  
11 is --

12          ATTORNEY CONNOLLY: Right.

13          MEMBER HAMMES: So the public notice for  
14 this current hearing right now is just for that  
15 thing that's theirs.

16          ATTORNEY CONNOLLY: That's correct.

17          MEMBER HAMMES: It's not for the backyard  
18 seating.

19          ATTORNEY CONNOLLY: Correct.

20          MEMBER HAMMES: So that would have to be --  
21 there would have to be a new public notice --

22          ATTORNEY CONNOLLY: Yes.

23          MEMBER HAMMES: -- placed in the paper for  
24 that public hearing to be valid --

25          CHAIRMAN FOOTE: Right.

1           MEMBER HAMMES: -- for the amended  
2 application.

3           CHAIRMAN FOOTE: But if they get a new --  
4 they're already in the process of getting a new  
5 seating plan from the Health Department, right?

6           RYAN SIDOR: Yes.

7           ROBERT BROWN: Yes.

8           CHAIRMAN FOOTE: Okay. So as long as that  
9 matches what they're proposing, what else is  
10 there to reconcile with? You lost me on that.  
11 Why is that not sufficient?

12          MEMBER DOUGHERTY-JOHNSON: The dumpster is  
13 one thing, I would say.

14          CHAIRMAN FOOTE: Well, that's -- but I'm  
15 just talking about the seating.

16          MEMBER DOUGHERTY-JOHNSON: Well, I mean,  
17 I -- I guess my idea -- my thing about the  
18 seating is that they did it during COVID, which I  
19 understand, but with like absolutely no approval.  
20 Like it was -- it was approved as a patio and it  
21 has a curb cut and it was used for the dumpster,  
22 it was used for parking before that. So then  
23 they just started seating people there and then  
24 because of that we were going to like going to  
25 approve it just because it happened, it seems to

1 me. And that's a little bit like -- and I  
2 understand COVID happened, but that doesn't seem  
3 like the right -- it doesn't seem fair. Like if  
4 every restaurant just started using their parking  
5 area as outdoor seating, we would have an issue  
6 with that.

7 MEMBER HAMMES: Well, the current number  
8 matters versus what they're going to get because  
9 the current number -- if we don't know that they  
10 could come and say, *Well, we're asking for a*  
11 *hundred seats.* I don't know what we approved  
12 last time around in terms of seats. I mean,  
13 maybe it's back in the files, but I'd like to  
14 know what the incremental increase in seats is  
15 when they redo this application.

16 CHAIRMAN FOOTE: But they just said they  
17 don't have anything in their file on that, so  
18 we'll never know that.

19 MEMBER HAMMES: No, there had to have been  
20 something -- well, we will know based on what the  
21 Health Department has said. The Health  
22 Department has a number that they're permitted to  
23 seat, right?

24 RYAN SIDOR: So this is your findings; it  
25 says that previously approved was 134 with no

1 outdoor seating except for the second floor  
2 awning. And the proposed is a 29% increase.

3 MEMBER HAMMES: Okay.

4 CHAIRMAN FOOTE: So where did you get that  
5 number from?

6 MEMBER HAMMES: That's on this planning  
7 memo.

8 MR. SIDOR: There's a May 4th, 2022 --

9 CHAIRMAN FOOTE: I know, but where did the  
10 planner get it from?

11 MEMBER HAMMES: I don't know.

12 MEMBER DOUGHERTY-JOHNSON: Well, so that  
13 doesn't have anything to do with what the Health  
14 Department approved, that's just what --

15 MS. FEITNER-CALARCO: Right. That's  
16 what --

17 MEMBER DOUGHERTY-JOHNSON: I mean, that's  
18 what was approved --

19 MS. FEITNER CALARCO: That is what the  
20 Planning Board approved --

21 MEMBER DOUGHERTY-JOHNSON: Correct.

22 MS. FEITNER-CALARCO: Yes, that's what the  
23 Planning Board approved the last time you guys  
24 approved 134 seats all indoors. And there are  
25 some -- there's violations?

1 ADMINISTRATOR PALLAS: Yes.

2 MS. FEITNER CALARCO: Well, related to the  
3 sewers.

4 ADMINISTRATOR PALLAS: Right.

5 MS. FEITNER-CALARCO: So because there are  
6 some issues with the sewers and some overflowing  
7 and things like that that are impacting the  
8 public, the Planning -- I cannot advise the  
9 Planning Board on how they could -- they could  
10 consider the impacts of a seating expansion if I  
11 don't know what the Health Department approved.  
12 Because just because you guys approved the 134  
13 seats, they take that over to the Health  
14 Department, the Health Department could have  
15 knocked that down. That could be why they're  
16 having so many issues, for example, with the  
17 pipes overflowing if they're sized for 80 seats  
18 or something.

19 MEMBER HAMMES: Well, that was going to be  
20 my question --

21 MS. FEITNER CALARCO: Right.

22 MEMBER HAMMES: -- about the sewage  
23 overflow.

24 MS. FEITNER CALARCO: So that's why --

25 MEMBER HAMMES: Because my understanding is

1 the whole downtown area of the Village has a  
2 sewage problem.

3 ADMINISTRATOR PALLAS: No, that is not --

4 MEMBER HAMMES: Okay.

5 ADMINISTRATOR PALLAS: That's not accurate.

6 MEMBER HAMMES: Okay.

7 ADMINISTRATOR PALLAS: With all due  
8 respect, we do not have overflowing issues around  
9 downtown.

10 MEMBER HAMMES: Okay. Well, I don't think  
11 they're the only business that hasn't experienced  
12 it --

13 ADMINISTRATOR PALLAS: There are --  
14 blockages occur from time to time in the main,  
15 but those are two different things.

16 MEMBER HAMMES: Okay.

17 ADMINISTRATOR PALLAS: This is on-site, not  
18 offset.

19 MEMBER HAMMES: Okay. All right, that was  
20 my question.

21 ADMINISTRATOR PALLAS: This is purely  
22 on-site.

23 MEMBER HAMMES: Okay.

24 ADMINISTRATOR PALLAS: We wouldn't  
25 violate -- we wouldn't issue a violation to a

1 business because a main in the street --

2 MEMBER HAMMES: Okay.

3 ADMINISTRATOR PALLAS: -- had a blockage.

4 MEMBER HAMMES: That was really my  
5 question.

6 ADMINISTRATOR PALLAS: That wouldn't  
7 happen.

8 MEMBER HAMMES: Was is this -- do we know  
9 this is specific to that entity.

10 ADMINISTRATOR PALLAS: Yes, 100%. So  
11 the -- I think -- I think what -- I'll try to  
12 narrow it down a little bit. So we -- you all  
13 approved 130, whatever it was; the next step for  
14 the applicant would have been to go to the Health  
15 Department to get their approval for that. We  
16 don't know if that happened and, if it did, what  
17 their response was. Did they say okay or not?  
18 Now, if they said -- regardless of what they  
19 said, we would like to know what that is, you all  
20 should like -- should want to know that.

21 And then secondarily, the next step is are  
22 they -- is the site -- can the site accommodate  
23 all the infrastructure on their side to  
24 accommodate the added seating. That's I think --

25 MEMBER HAMMES: Yes.

1 ADMINISTRATOR PALLAS: I think what the  
2 question is from the perspective of the Health  
3 Department.

4 CHAIRMAN FOOTE: But isn't every  
5 application that we approve involving seating  
6 subject to the Health Department issuing approval  
7 of that number of seating?

8 ADMINISTRATOR PALLAS: Yes, of course.

9 CHAIRMAN FOOTE: So what is the normal  
10 process once we approve an application before you  
11 issue the CO?

12 ADMINISTRATOR PALLAS: Yeah, that would be  
13 the normal process before you issue a C of O, but  
14 I can -- with apologies, there is not any  
15 indication that that was checked for this  
16 application in the file.

17 CHAIRMAN FOOTE: Okay. Okay.

18 MEMBER BRENNAN: So it's correct that we  
19 can't determine the amount of increase in seating  
20 without knowing the current Health Department  
21 approval; is that what the planner is suggesting?  
22 We need to know the -- sort of?

23 MS. FEITNER CALARCO: In order to  
24 consider all of it. So the Planning Board, under  
25 the code of the Village, has a lot of different

1 impacts that they need to consider. So, the  
2 impact to the sewage system we cannot ascertain.  
3 There's other impacts you could ascertain, you  
4 know --

5 ADMINISTRATOR PALLAS: *(Inaudible)*.

6 MS. FEITNER-CALARCO: Right. Not -- right,  
7 yes. Paul just wanted me to clarify that we're  
8 talking about their on-site sewage capacity,  
9 right. So that's just one of the many different  
10 types of impacts that the Planning Board has the  
11 authority to consider. In this case, because we  
12 know there's issues with their system appearing  
13 not to be of capacity, it's of particular  
14 importance. So it wouldn't always figure to be  
15 this prominent in other seating expansion  
16 application requests, if that clarifies.

17 CHAIRMAN FOOTE: Okay.

18 MEMBER BRENNAN: So would it be appropriate  
19 to ask the applicant to provide us with the  
20 current Health Department approval?

21 ADMINISTRATOR PALLAS: It was -- that was  
22 requested.

23 MS. FEITNER-CALARCO: Since like March or  
24 something.

25 ADMINISTRATOR PALLAS: Yes.

1 MEMBER BRENNAN: Okay.

2 CHAIRMAN FOOTE: And what was the -- no  
3 response on that?

4 ADMINISTRATOR PALLAS: We have not received  
5 anything from them.

6 CHAIRMAN FOOTE: Do you guys have any  
7 knowledge on --

8 ROBERT BROWN: *(Inaudible)*.

9 CHAIRMAN FOOTE: Okay.

10 MEMBER BRENNAN: I have a couple of  
11 questions about the work on the front of the  
12 building, the upstairs, the current application.  
13 Is that -- am I correct in understanding that  
14 that's limited to the second floor only?

15 MR. SIDOR: Correct; it's just the balcony  
16 on the second floor.

17 MEMBER BRENNAN: So there's no change to  
18 the alcove or the current front door, the front  
19 entry of the restaurant?

20 RYAN SIDOR: Not on the first floor, no.

21 MEMBER BRENNAN: And the proposal is to  
22 make the new -- you're adding floor space  
23 upstairs, it will be flush with the front of the  
24 building?

25 MEMBER BRENNAN: Correct.

1 MEMBER BRENNAN: Does that change the  
2 seating capacity?

3 RYAN SIDOR: Yes, it's on the  
4 proposed plan.

5 MEMBER BRENNAN: Okay. And does it have  
6 any impact on the egress?

7 RYAN SIDOR: No.

8 MEMBER BRENNAN: Okay. Thank you.

9 CHAIRMAN FOOTE: What is -- now that you're  
10 using that outdoor seating where you used to have  
11 a garbage dumpster, where are you -- where's your  
12 garbage dumpster now?

13 MR. SIDOR: It's on the site plan, there's  
14 a proposed concrete --

15 ROBERT BROWN: Pad.

16 MR. SIDOR: -- pad for the dumpster  
17 location.

18 CHAIRMAN FOOTE: And that's where it's  
19 being used currently?

20 MEMBER DOUGHERTY-JOHNSON: It's not on  
21 concrete, it's on dirt.

22 MR. SIDOR: Proposed, sorry.

23 MEMBER DOUGHERTY-JOHNSON: Oh, okay.

24 MR. SIDOR: I believe there's a transformer  
25 in the location now and they are proposing an

1 onsite plan just west of that concrete pad for a  
2 dumpster.

3 CHAIRMAN FOOTE: Where is the dumpster  
4 right now?

5 MEMBER DOUGHERTY-JOHNSON: Half on the  
6 sidewalk.

7 RYAN SIDOR: Yeah, in front of the  
8 transformer.

9 CHAIRMAN FOOTE: Public sidewalk?

10 MEMBER DOUGHERTY-JOHNSON: Yes.

11 MR. SIDOR: Yes.

12 MEMBER DOUGHERTY-JOHNSON: On the current  
13 thing you guys have it just says existing -- it  
14 doesn't say anything about proposed. I mean on  
15 the site plan that we have, the most recent one.

16 MR. SIDOR: That might be --

17 MEMBER DOUGHERTY-JOHNSON: It's on the  
18 Village website, it just says existing dumpster.

19 MEMBER HAMMES: But there's --

20 RYAN SIDOR: There's one with a proposed  
21 concrete pad.

22 MEMBER HAMMES: You're talking about this  
23 one, right? This is where you have proposed  
24 concrete pad products.

25 MR. SIDOR: Yes.

1 MEMBER DOUGHERTY-JOHNSON: It's usually  
2 like half on their property and half -- or  
3 sometimes fully on the Village sidewalk. Now,  
4 this is what's on the website.

5 MR. SIDOR: Yeah. This one was a really  
6 old one.

7 MEMBER DOUGHERTY-JOHNSON: Okay.

8 MR. SIDOR: That was before any of this --  
9 there is -- she has a physical one where the  
10 proposed area for the dumpster would go.

11 MEMBER DOUGHERTY-JOHNSON: Okay. I thought  
12 that got changed because what was -- I thought  
13 you guys submitted that and then decided not to.  
14 So this one that's dated May 24th?

15 MEMBER HAMMES: Yes, May 24th.

16 MEMBER DOUGHERTY-JOHNSON: Okay. It should  
17 be two sheets on it?

18 MEMBER HAMMES: Yes.

19 MEMBER DOUGHERTY-JOHNSON: I have it, I  
20 just thought it was superceded by the one that  
21 was --

22 CHAIRMAN FOOTE: What's the expected timing  
23 on hearing back from the Health Department on  
24 your proposal?

25 MR. SIDOR: It was submitted last week.

1           CHAIRMAN FOOTE: I know, but you -- do you  
2 guys have experience in getting a turnaround from  
3 them? I hear various things.

4           MR. SIDOR: No.

5           ROBERT BROWN: In the past year, grieve  
6 times with the Health Department have been  
7 unknown.

8           CHAIRMAN FOOTE: But what's the approximate  
9 range? Are we talking about another week or two,  
10 another month or two or do you --

11          ROBERT BROWN: If I had to guess I would  
12 say probably at least a month.

13          CHAIRMAN FOOTE: Okay.

14          MEMBER DOUGHERTY-JOHNSON: I'm sorry,  
15 because I was looking at the wrong one. So this  
16 one that has the existing smoker, the existing  
17 cover bar, that's the most current? That's the  
18 one you're proposing?

19          MEMBER HAMMES: The second sheet.

20          RYAN SIDOR: Yes, this one.

21          MEMBER DOUGHERTY-JOHNSON: All right, this  
22 is the existing and then that's the -- I see.

23          MR. SIDOR: Yes, yes. Sorry.

24          MEMBER DOUGHERTY-JOHNSON: Okay, gotcha.  
25 That changes because I didn't realize --

1 CHAIRMAN FOOTE: Is this First Street and  
2 this is Front?

3 MEMBER DOUGHERTY-JOHNSON: No, this is  
4 Front Street.

5 CHAIRMAN FOOTE: Oh, okay.

6 MEMBER DOUGHERTY-JOHNSON: This is First  
7 Street, this is Adam Street.

8 CHAIRMAN FOOTE: All right.

9 MEMBER DOUGHERTY-JOHNSON: I guess my issue  
10 is that I still am not sure that like getting rid  
11 of some staff parking and a space for a dumpster  
12 and a space for, like, deliveries coming in is  
13 like for the whole Village and the community a  
14 benefit.

15 RYAN SIDOR: There was never any approved  
16 parking in that back lot. I know there's a --

17 MEMBER DOUGHERTY-JOHNSON: Well, but  
18 there's a curb cut.

19 MR. SIDOR: I know there's a curb cut, but  
20 there was never approved any --

21 MEMBER HAMMES: But there were always two  
22 cars parked in there, historically.

23 MEMBER DOUGHERTY-JOHNSON: There were also  
24 deliveries that were made and the dumpster --

25 MR. SIDOR: Yeah, I'm sure there's --

1           MEMBER DOUGHERTY-JOHNSON: I understand  
2           that the dumpster might fit here, but it's still  
3           an awkward place to get it because you're like  
4           going through sidewalk and there's also like some  
5           Village landscaping that looks like something got  
6           hit recently and there's a dead tree.

7           So, I mean, I understand there's not  
8           approved parking, but it just, again, seems to me  
9           like that use versus this use has the benefit of  
10          the community when you already have outdoor  
11          seating to me is unclear.

12          MR. SIDOR: There's no outdoor seating.

13          MEMBER DOUGHERTY-JOHNSON: Well, there's an  
14          awning.

15          MR. SIDOR: Oh.

16          MEMBER HAMMES: There is no --

17          MEMBER DOUGHERTY-JOHNSON: I mean, you have  
18          to go through the inside. Which I know -- I  
19          understand during COVID like it was not like  
20          people -- maybe there was a need, I'm just not  
21          sure now. But -- yeah, anyway. But without  
22          knowing how much -- how many seats can actually  
23          be like sustained with the sewage system and all  
24          that and the Health Department, it's kind of a --

25          RYAN SIDOR: I believe they submitted for a

1 new S-9 with this current Health Department  
2 application, so we will have that by -- hopefully  
3 by the next meeting.

4 CHAIRMAN FOOTE: Well -- so we're still  
5 back to the question, are we going to continue  
6 this public hearing?

7 ADMINISTRATOR PALLAS: I apologize, Mr.  
8 Chair. I just want to clarify something that was  
9 just said. The S-9 of the letter that the  
10 Village sends to the applicant and to the Health  
11 Department that indicates the capacity of the  
12 Village part of the sewer system, that's a  
13 separate -- it's not separate, it's part of the  
14 application of the Health Department to show that  
15 whatever is on site, whatever is transmitted can  
16 be accepted by the sewer district as a  
17 clarification.

18 CHAIRMAN FOOTE: Okay. So, and you've  
19 indicated in that letter what capacity.

20 ADMINISTRATOR PALLAS: We don't -- we do  
21 not ever opine on -- unless it's close, we don't  
22 opine about what a particular capacity. We --  
23 because it would be unusual that a site would not  
24 -- that we would not be able to accept additional  
25 from a site like this.

1 CHAIRMAN FOOTE: Okay.

2 ADMINISTRATOR PALLAS: But that's unrelated  
3 to the on-site facilities, that's the Health  
4 Department's jurisdiction and not the Village's.

5 CHAIRMAN FOOTE: Okay. Well, just going  
6 back to my question, are we going to continue  
7 this public hearing to allow you to update your  
8 application to specifically request the outdoor  
9 seating and these additional items that --

10 ROBERT BROWN: That would be our  
11 preference.

12 CHAIRMAN FOOTE: Okay. In which case  
13 whatever is approved or disapproved would be  
14 subject to the Health Department approving your  
15 total number of capacity.

16 RYAN SIDOR: Of course.

17 CHAIRMAN FOOTE: I mean, personally I think  
18 it's sort of like form over substance to do it  
19 one way or the other. I think, you know, that  
20 being the case, I'd propose doing what's most  
21 efficient; I'm all in favor of doing that.

22 So I guess -- I think the more efficient  
23 thing would be to keep the public hearing open to  
24 permit you to amend your application. I'm not  
25 sure I'll get a second on this proposal, but

1 that's what I would propose at this time.

2 I'm asking for a second. Do I have a second?

3 MEMBER DOUGHERTY-JOHNSON: Can I ask for  
4 one other thing --

5 CHAIRMAN FOOTE: Sure.

6 MEMBER DOUGHERTY-JOHNSON: -- if we do do  
7 this? Can we see the sidewalk and Village  
8 landscaping on Adam Street so that we can make  
9 sure that like you can actually access the  
10 dumpster?

11 RYAN SIDOR: *(Inaudible)*

12 MEMBER DOUGHERTY-JOHNSON: Well, we're -- I  
13 mean, I just -- I guess what the thing is where--

14 ROBERT BROWN: We're waiting for a new  
15 survey.

16 MEMBER DOUGHERTY-JOHNSON: Where the  
17 dumpster is now is pretty close to like the curb,  
18 but we're considering moving it. I'm not totally  
19 sure, but I feel like there's more landscaping  
20 there and it might be triggered, actually, to  
21 move from where it is to the truck. That's all  
22 I'm saying.

23 MEMBER HAMMES: Mr. Chair? I mean, I  
24 really feel like there's so many open questions  
25 on this site plan and we can -- you know, we've

1       been dancing around this for three months now and  
2       we're told, well, now we need a new survey, we  
3       haven't gotten health -- the health information.  
4       I don't understand.

5               I personally am opposed to keeping the  
6       hearing open. I would much prefer to close the  
7       hearing, vote this down today and allow them to  
8       come back with a complete application and have a  
9       presubmission hearing on that application where  
10      the issues that Lily has raised and others can be  
11      discussed by this Board before we go on with the  
12      public hearing. Otherwise I feel like we're  
13      going to be in the same place come September or  
14      October.

15             CHAIRMAN FOOTE: Okay. Well, these issues  
16      can be raised no matter which course we take, but  
17      my -- okay, thank you.

18             MEMBER HAMMES: Obviously you can put it to  
19      a vote.

20             CHAIRMAN FOOTE: Yeah, I'll put it -- I'll  
21      still, you know, make my proposal; if I don't get  
22      a second then I'll propose what you propose.

23             MEMBER HAMMES: Okay.

24             CHAIRMAN FOOTE: So do I have a second on  
25      continuing the public hearing?

1 (No Response)

2 Okay; denied.

3 Would you like -- there's now -- you want  
4 to -- is it for the Chair to propose her  
5 proposal?

6 ATTORNEY CONNOLLY: You can make a motion.

7 CHAIRMAN FOOTE: Okay.

8 MEMBER HAMMES: I guess we can something we  
9 want to withdraw the application, right?

10 ATTORNEY CONNOLLY: Correct.

11 CHAIRMAN FOOTE: Okay. So I move to take  
12 the vote on the application at this time. Do I  
13 have a second?

14 ADMINISTRATOR PALLAS: Well, you need to  
15 close --

16 CHAIRMAN FOOTE: Close the public hearing?

17 ADMINISTRATOR PALLAS: Close the public  
18 hearing.

19 CHAIRMAN FOOTE: Okay.

20 ADMINISTRATOR PALLAS: I think the attorney  
21 was suggesting that you offer the applicant the  
22 opportunity to withdraw; am I correct?

23 ATTORNEY CONNOLLY: That's correct.

24 CHAIRMAN FOOTE: Okay.

25 ATTORNEY CONNOLLY: Instead of having to

1 deny again.

2 MEMBER HAMMES: So we can vote to close the  
3 public hearing and then offer them the  
4 opportunity to withdraw --

5 ATTORNEY CONNOLLY: Or they should probably  
6 do that before you do that.

7 CHAIRMAN FOOTE: Okay. Would you like to  
8 withdraw your application at this time?

9 ROBERT BROWN: Yes, under the  
10 circumstances.

11 CHAIRMAN FOOTE: Okay. Do we have to take  
12 a vote on that --

13 ADMINISTRATOR PALLAS: No.

14 CHAIRMAN FOOTE: -- or just let them  
15 withdraw?

16 ATTORNEY CONNOLLY: No.

17 CHAIRMAN FOOTE: Okay. So withdrawn.  
18 Thank you.

19 ROBERT BROWN: Thank you.

20 CHAIRMAN FOOTE: Item No. 9 --

21 ADMINISTRATOR PALLAS: I'm sorry, I  
22 apologize, one more thing, just as a point of  
23 information. Assuming the applicant brings  
24 everything in within two weeks, it will only  
25 schedule as a presubmission next month, just to

1 be clear to everybody. Not a hearing.

2 CHAIRMAN FOOTE: Okay.

3 *Item No. 9, any other Planning Board*  
4 *business that might properly come before this*  
5 *Board?*

6 (No Response)

7 *Item No. 10, Motion to adjourn. May I have*  
8 *a second?*

9 MEMBER HAMMES: Second

10 CHAIRMAN FOOTE: All in favor

11 MEMBER BRENNAN: Aye.

12 MEMBER HAMMES: Aye.

13 MEMBER DOUGHERTY-JOHNSON: Aye.

14 CHAIRMAN FOOTE: Meeting is adjourned.

15 **(\*The meeting was adjourned at 5:05 p.m. \*)**

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