

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

7 July 28, 2022

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

11 B E F O R E:

- 12 WALTER FOOTE - CHAIRMAN
- 13 SHAWN BUCHANAN - MEMBER
- 14 LILY DOUGHERTY-JOHNSON - MEMBER
- 15 PATRICK BRENNAN - MEMBER

16  
17 A B S E N T:

- 18 PATRICIA HAMMES - MEMBER

19 \*\*\*\*\*

20 ALSO IN ATTENDANCE:

- 21 LAURA FEITNER-CALARCO - LK McLEAN ASSOCIATES

22  
 23  
 24  
 25

1           *(\*The meeting was called to order at 4:04 p.m. \*)*

2           CHAIRMAN FOOTE: All right, good afternoon.  
3 This is the Village of Greenport Planning Board  
4 meeting, it's a Work Session and Regular Meeting.  
5 It's Thursday, July 28th at 4 p.m., a little  
6 after.

7           And *Item No. 1 is a motion to accept and*  
8 *approve the minutes of the June 30, 2022 Planning*  
9 *Board Work Session meeting.* May I have a second  
10 on this motion?

11          MEMBER DOUGHERTY-JOHNSON: Second.

12          CHAIRMAN FOOTE: All in favor?

13          MEMBER DOUGHERTY-JOHNSON: Aye.

14          MEMBER BRENNAN: Aye.

15          MEMBER BUCHANAN: Aye.

16          CHAIRMAN FOOTE: Aye. *This motion is*  
17 *accepted and approved (VOTE: 4/0/0/1 - Absent:*  
18 *Member Hammes).*

19          *Item No. 2 is a motion to schedule the next*  
20 *Planning Board Regular Meeting for 4 p.m. on*  
21 *August 25th, 2022.* May I have a second to this  
22 motion?

23          MEMBER DOUGHERTY-JOHNSON: Second.

24          CHAIRMAN FOOTE: All in favor?

25          MEMBER BUCHANAN: Aye.

1 MEMBER BRENNAN: Aye.

2 MEMBER LILY-DOUGHERTY: Aye.

3 CHAIRMAN FOOTE: Aye. *The meeting is so*  
4 *scheduled for August 25th, 2022 (VOTE: 4-0-0-1 -*  
5 *Absent: Member Hammes).*

6 *Item No. 3 - 47 Front Street. This is a*  
7 *public hearing regarding the site plan*  
8 *application of Christoph Mueller on behalf of*  
9 *ASCM, LLC (also known as Anker). The applicant*  
10 *proposes five outdoor seating spaces in front of*  
11 *the building. This property is located in the*  
12 *(W-C) Waterfront Commercial District and is not*  
13 *located in the Historic District, at Suffolk*  
14 *County Tax Map 1001-5-4-19. Would anybody like*  
15 *to speak on behalf of the public at this time?*  
16 *You want to go first?*

17 *(\*Laura Feitner-Calarco entered at 4:06 p.m.\*)*

18 RYAN SIDOR: Ryan Sidor, I work for Robert  
19 I. Brown Architect, 205 Bay Avenue, Greenport.

20 So, we have revised the applications,  
21 drawings, the site plan to show the location of  
22 all of the -- the distance to the ramps that are  
23 existing on the Village sidewalks as well as  
24 change the tables to reflect their actual tables  
25 that they have. We included the hostess stand

1 and the doorway to give some context to the site.

2 And again, this application is to approve  
3 five outdoor seating seats in a 76-square foot  
4 area in front of the building.

5 CHAIRMAN FOOTE: Okay.

6 MEMBER DOUGHERTY-JOHNSON: Do you have the  
7 size of the tables?

8 MR. SIDOR: They said they're 24-inch round  
9 tables.

10 CHAIRMAN FOOTE: That's the diameter,  
11 24-inch?

12 WILLIAM HOROWITZ: Yes.

13 CHAIRMAN FOOTE: Okay.

14 WILLIAM HOROWITZ: They're really, you  
15 know, as small as --

16 CHAIRMAN FOOTE: You should have to speak  
17 at the -- you can speak but you have to speak at  
18 the microphone, that's all. And just announce  
19 yourself before you speak.

20 WILLIAM HOROWITZ: Okay.

21 CHAIRMAN FOOTE: Thank you.

22 WILLIAM HOROWITZ: My name is Will  
23 Horowitz, I'm the chef of Green Hill Restaurant  
24 Group, including, of course, Anker which I'm  
25 speaking about today.

1           So, let me just say also how nice it is to  
2 only have one thing on the agenda in here, this  
3 is different for me.

4           As far as these tables go, it's only two  
5 small tables. We're keeping the seats in the  
6 back, we have no outdoor speakers, no seats that  
7 are on these sidewalks facing the side over there  
8 and there's no change to the occupancy as well.  
9 Because we actually installed in that corner, if  
10 anyone's ever been to Anker this last year, a  
11 little retail kiosk for like tin can seafood and  
12 T-shirts and so on and so on, for the inside. So  
13 we've actually decreased the seats by probably, I  
14 want to say close to 15. And so we're adding the  
15 five seats on the outside.

16           We know that this works because we've done  
17 it for the last two years and we've managed to  
18 watch -- much heavier, I should say, years than  
19 this year. This year has been significantly  
20 slower for restaurants than the last two and  
21 we've been totally fine.

22           And I know there was also concern about the  
23 hostess stand there, too. And I can tell you  
24 that, you know, for me functionally as a  
25 restaurant manager is that that hostess stand

1 actually -- what it does is actually decrease  
2 traffic on the sidewalk. I know that sounds  
3 counter-intuitive, but the truth of the matter is  
4 it's what organizes getting people into the door  
5 faster. So, that person is directly hooked up to  
6 a headset to our other hostess upstairs and  
7 that's how we kind of shuffle people through the  
8 door and make sure there's no lines outside.

9 CHAIRMAN FOOTE: I'm sorry, did you say  
10 that this is four additional seats?

11 WILLIAM HOROWITZ: Five.

12 CHAIRMAN FOOTE: Okay, I heard you say four  
13 just a moment -- or did you say two tables or  
14 three?

15 WILLIAM HOROWITZ: Oh, okay, I see. Three  
16 tables there but sharing the same space; this way  
17 it would keep all the seats to the back side  
18 against the window.

19 CHAIRMAN FOOTE: And how many seats are  
20 inside currently; do you know? This goes towards  
21 the question that was raised earlier, I think the  
22 last meeting, about the Health Department  
23 approval?

24 WILLIAM HOROWITZ: Well, it's a non -- it's  
25 not really an issue in the sense that we've

1 decreased since then.

2 CHAIRMAN FOOTE: I understand, but we have  
3 to be --

4 WILLIAM HOROWITZ: But --

5 CHAIRMAN FOOTE: We have to do accounting  
6 to make sure --

7 WILLIAM HOROWITZ: Of course, no problem.  
8 So there's 49 seats listed on our DOH certificate  
9 and 72 upstairs, and we've decreased since then  
10 our seats by about 15 or so on the inside by  
11 taking up a sizeable 15 x 15 or so square foot  
12 area in that corner to just do retail.

13 CHAIRMAN FOOTE: So you're saying that it  
14 would -- the certificate was approved for 49  
15 downstairs and 72 upstairs?

16 WILLIAM HOROWITZ: Yes.

17 CHAIRMAN FOOTE: Okay. And currently under  
18 your operations you're -- you've subtracted about  
19 15?

20 WILLIAM HOROWITZ: About 35, 36, it  
21 changes, you know, right? So --

22 CHAIRMAN FOOTE: Right. But you subtracted  
23 about --

24 WILLIAM HOROWITZ: But never more than  
25 about 36 down there.

1           CHAIRMAN FOOTE: Okay. Does the consultant  
2 want to weigh in on this particular issue?

3           MS. FEITNER-CALARCO: So I'm just seeing  
4 this plan. It was not transferred to us for some  
5 reason, so that's why you didn't get comments  
6 from me.

7           But, I mean, I think it's a good thing that  
8 the chairs are in between the tables and the  
9 building. They're small, you know, they're  
10 24-inch chairs. I mean, it's a little  
11 questionable if people can actually fit in  
12 between -- *(laughter)* -- the tables and the  
13 building. But did you submit a copy of the  
14 Health Department certificate to the Village or  
15 do you have a copy?

16          WILLIAM HOROWITZ: I mean, this is not --  
17 we haven't adjusted our Health Department  
18 certificate for, you know, a few years now. I'm  
19 assuming that you guys have a copy of that.

20          MS. FEITNER CALARCO: No, we didn't.

21          WILLIAM HOROWITZ: You don't.

22          MS. FEITNER CALARCO: That's why we've been  
23 requesting for both of the restaurants currently,  
24 copies.

25          WILLIAM HOROWITZ: Oh. I only know --

1 MS. FEITNER CALARCO: -- because the  
2 Village does not maintain those on file because  
3 it's a Health Department record, not a Village  
4 record. That's what I've been told.

5 WILLIAM HOROWITZ: Okay. We haven't been  
6 told that so like all I've been told for the  
7 restaurants for DOH right now is I needed to  
8 submit to you guys a Greenhill one and that's the  
9 one I'm currently jumping through a million hoops  
10 to work on.

11 MS. FEITNER CALARCO: So, I mean, you're  
12 not going to be able -- on either of the  
13 applications you won't be able to get a brand new  
14 approval until the Planning Board makes an  
15 approval because the Health Department is going  
16 to say you need SEQRA from the Village in  
17 order -- so, it's good that you've submitted, you  
18 know.

19 WILLIAM HOROWITZ: Oh, okay. I apologize,  
20 I'm actually getting misinformation because I  
21 don't know --

22 MS. FEITNER CALARCO: I mean, we're putting  
23 everything clearly in writing.

24 WILLIAM HOROWITZ: Okay.

25 MS. FEITNER CALARCO: So, hopefully

1 you're --

2 WILLIAM HOROWITZ: Okay.

3 MS. FEITNER CALARCO: You know, hopefully  
4 the memos that we're putting clearly in writing  
5 are making it back to you guys.

6 WILLIAM HOROWITZ: Okay.

7 MS. FEITNER CALARCO: Certainly through  
8 Paul Pallas and the Village, I'm always -- my  
9 name is Laura Feitner-Calarco, for the record.  
10 I'm always available for questions or  
11 clarifications as long as you go to the Village.

12 WILLIAM HOROWITZ: I appreciate that.

13 MS. FEITNER CALARCO: But essentially what  
14 we were -- we've been asking for a copy of your  
15 Health Department -- your latest Health  
16 Department approval, like the last time you got  
17 one to make sure that we can verify the seats are  
18 there.

19 Now, I think in the case of Anker I don't  
20 think we have an issue --

21 CHAIRMAN FOOTE: Right.

22 MS. FEITNER CALARCO: -- because we're not  
23 looking for a massive increase in seating. This  
24 is a few seats and it's easily -- we could -- I'm  
25 sure that Paul Pallas could send an Inspector out

1 to verify. You guys do have a copy of this in  
2 writing somewhere from the Health Department with  
3 these seat counts on it that you can submit?

4 WILLIAM HOROWITZ: Yeah, sure, absolutely.  
5 No problem.

6 MS. FEITNER-CALARCO: Yeah, so I think this  
7 is --

8 CHAIRMAN FOOTE: Okay.

9 MS. FEITNER CALARCO: -- relatively straight  
10 forward.

11 And I see the attorney is not here. What I  
12 would recommend, you know, would simply be since  
13 he stated there would not be a change to  
14 occupancy, is that if you were to consider  
15 approval of the outdoor seating to simply make a  
16 condition of approval that, you know, any outdoor  
17 seats would be considered. There'd be no -- no  
18 change to occupancy as a condition of approval,  
19 so what you could simply consider. And that  
20 would make it clean and then there would not be  
21 any Health Department issue with this one.

22 CHAIRMAN FOOTE: Okay.

23 RANDY WADE: Can the rest of the public  
24 speak to the Board?

25 CHAIRMAN FOOTE: Yeah, sure, of course,

1 it's a public hearing. You'll get your moment..

2 RANDY WADE: This is a technical expertise

3 I --

4 CHAIRMAN FOOTE: Hopefully -- okay. Would  
5 you like to speak now about this issue?

6 RANDY WADE: Yes.

7 CHAIRMAN FOOTE: Okay, she's going to speak  
8 now on behalf of the public.

9 RANDY WADE: Randy Wade, Sixth Street in  
10 Greenport. I love this business, I love all the  
11 businesses owned by this company and I love the  
12 idea of outdoor seating. I'm coming from a  
13 background as a pedestrian planner.

14 I actually have analyzed level of service  
15 on sidewalks and this would require a full  
16 environmental impact statement. It would be a  
17 significant impact on pedestrian flow on Front  
18 Street. It's just not wide enough there and at  
19 the top of the pedestrian ramp for the crosswalk  
20 is -- would be a serious problem.

21 And I'm sorry to say this because it's a  
22 lovely restaurant otherwise and I understand  
23 you're maximizing, you know, having the retail  
24 operation in there. Maybe you want to put the  
25 seats back and move the retail to one of your

1 other businesses or do something, but it just  
2 really doesn't matter, the sidewalk is too narrow  
3 there and it's not fair and nor is it safe.

4 And to have the person checking people in  
5 so that there would be a potential que there is  
6 also -- it's just wrong, that should be inside  
7 the restaurant. So, yeah I'm glad to hear that  
8 you're asking for SEQRA determination because  
9 like I say, it's -- it would be considered a  
10 significant impact. Thanks.

11 WILLIAM HOROWITZ: May I counter that?

12 CHAIRMAN FOOTE: Sure.

13 WILLIAM HOROWITZ: Thanks. So, I  
14 appreciate your concern. So, you know, in this  
15 case we actually kind of have proof of concept  
16 because we've run it completely smoothly for the  
17 last two years during all the COVID stuff and  
18 there actually was much, much higher traffic  
19 for those two years.

20 RANDY WADE: *(Inaudible)*.

21 STENOGRAPHER MAHONEY: I can't hear you.

22 WILLIAM HOROWITZ: Yeah, but even before  
23 and after those parklets.

24 RANDY WADE: Even after --

25 WILLIAM HOROWITZ: Even in September or

1 even in October of last year --

2 CHAIRMAN FOOTE: Hold on. Time out, time  
3 out, time out. You can't talk over each other.

4 RANDY WADE: Okay.

5 CHAIRMAN FOOTE: Let him speak and then you  
6 have your chance to rebut. Okay?

7 RANDY WADE: Okay.

8 WILLIAM HOROWITZ: So with that being said,  
9 we have run it completely smoothly and we have  
10 proof of this, during parklets and not during  
11 parklets, so both.

12 So with that being said also, there's more  
13 substantially each room for any disability or any  
14 crowd to get through over there. We're currently  
15 in season right now and we have a hostess stand  
16 out there.

17 And like I said, anyone that's worked in  
18 restaurants before, if you do not have somebody  
19 engaging with the customers there and then they  
20 do mill around and that's going to happen. And  
21 there's no space inside for people to wait, it  
22 goes directly into a restaurant space. So it's  
23 not like Green Hill where we have a bench and a  
24 little bit of an area where people could kind of,  
25 you know, stroll into. In this case it really

1 dramatically does make a difference to help  
2 people get into the restaurant and get out of the  
3 sidewalk faster. And there's really -- from a  
4 restaurant standpoint, there's no debating that.

5 It helps us a lot because for us, I would  
6 like our main concern being yours but, you know,  
7 of course it the fiduciary responsibilities of  
8 running a business. And for us it helps because  
9 it actually just makes more money at the end of  
10 the day, it gets people in the door and into  
11 seats and eating food and out the door faster and  
12 more comfortably. So, you know, there is -- you  
13 know, I just want to state that for the record.

14 And we do appreciate like everything that  
15 you're saying, but again, this has been tried and  
16 true, and there's more than enough space on that  
17 sidewalk

18 MS. FEITNER CALARCO: Mr. Chair?

19 *(No Response)*

20 Mr. Chair?

21 RANDY WADE: I appreciate the comments.

22 CHAIRMAN FOOTE: Excuse me, can you speak  
23 up a little bit?

24 RANDY WADE: I appreciate those comments  
25 and the concern. But within the public realm, it

1 is not the Village's obligation to allow a  
2 business to take over the public realm to make as  
3 much money as they wish. They really have to  
4 design the interior of their spaces to  
5 accommodate what they need to do. And I actually  
6 support the parklets and think that would be  
7 great if you had space in the road and if the  
8 sidewalks were expanded.

9 Right now in New York City, for instance,  
10 it would be half the sidewalk or eight feet,  
11 whichever is the widest. And the fact that you  
12 think that maybe one person could get by or one  
13 wheelchair, I mean, these are streets where, you  
14 know, people walk in two directions and so when  
15 you're doing a level of service analysis for  
16 pedestrian flow, that gets taken into  
17 consideration.

18 And also the setbacks, it's not considered.  
19 Like if there's an obstacle like the edge of the  
20 table, you would have a setback from that, you'd  
21 have a setback from any obstacle along the curb  
22 and what you have left is really nothing to do  
23 your analysis.

24 CHAIRMAN FOOTE: Randy, I have a question  
25 for you. You keep saying the public access, but

1 this is located on their property not on the  
2 sidewalk. So, what is it that you're concerned  
3 about?

4 RANDY WADE: Well, it's a preexisting,  
5 non-conforming, you would never be allowed to,  
6 you know, go that close to the curb if it was a  
7 brand new building. But it's an old building,  
8 so -- or whenever it was done it was -- yes.

9 CHAIRMAN FOOTE: So you're saying like a  
10 public easement's been created --

11 RANDY WADE: Yes.

12 CHAIRMAN FOOTE: -- on their property?

13 RANDY WADE: Thank you, yes.

14 CHAIRMAN FOOTE: Okay.

15 RANDY WADE: It's like a lot of sidewalk is  
16 on private property, but it's -- you know, part  
17 of the cost of doing business is you have to  
18 accommodate the public.

19 RYAN SIDOR: Can I just --

20 MS. FEITNER-CALARCO: Mr. Chair?

21 CHAIRMAN FOOTE: Yes.

22 MS. FEITNER CALARCO: Yes, I wholeheartedly  
23 agree with you and I just wanted to make sure  
24 that it was clear for the record that the  
25 proposed outdoor seating is fully within the

1 residence, the property line.

2 And there was a mention of non-conforming  
3 use that refers to the Zoning Code. There's no  
4 zoning issues on this application, so I just  
5 wanted to, again, clarify that for the record.

6 And also I wanted to clarify that the  
7 distance from the applicant's property line to  
8 the top of the ramp is three feet, that is in  
9 accordance with the New York State accessible  
10 route minimum of 36 inches.

11 I do agree, it's unfortunate the curb ramp  
12 is positioned exactly where it is and this is a  
13 New York State roadway. So, we could -- our firm  
14 could draft something on behalf of the Village  
15 upon consultation with Paul Pallas, when he  
16 returns, to New York State DOT and they could  
17 perhaps evaluate if they could do some changes in  
18 this area because the building clearly existed  
19 before the curb ramp did.

20 And there is sufficient -- you know, there  
21 is a sufficient accessible route per the New York  
22 State Building Code. Yes, these days when we do  
23 sidewalk design we like to have five feet, but  
24 this is an Historic Village and this is an  
25 existing condition.

1           So I just wanted to sort of clarify all  
2 those facts that our firm has reviewed for the  
3 basic compliance with Village codes and we do not  
4 see that there is any sort of conflict with  
5 Village Codes. Of course, the Planning Board has  
6 the discretion to determine the impacts this  
7 could have on the public and the public served by  
8 that sidewalk; just to clarify those things for  
9 the record, for your consideration, Mr. Chair.

10           CHAIRMAN FOOTE: Thank you.

11           RANDY WADE: The ADA requirements that  
12 you're talking about are appropriate for a  
13 residential street at single-family houses, but  
14 this is a retail corridor where there would be  
15 traffic. You wouldn't expect somebody in a  
16 wheelchair -- say, for instance -- to wait on the  
17 ramp while traffic passed within that three feet  
18 in both directions. It's just simply not wide  
19 enough.

20           And yes, it has -- it's an historic public  
21 right-of-way that the public has always used and  
22 we need to use it so we can get to your wonderful  
23 restaurant and you can keep doing great business.  
24 Thank you.

25           WILLIAM HOROWITZ: May I just say that --

1 real quick. And I really do appreciate  
2 everything you're saying a lot. And, you know,  
3 if we were to follow code then this is our space  
4 and if you guys were to grant us conditional, you  
5 know, I could at least stand here and say that  
6 I'm more than willing and happy to work directly  
7 with your department to, you know, go over this  
8 in two more weeks on a conditional level or next  
9 month or whatever it is and review and see if we  
10 could try and create something that's more  
11 efficient. If you feel like what we're doing is  
12 damaging to the sidewalk, I'm more than happy to  
13 work with these to make sure that that doesn't  
14 happen.

15 I do feel like what you're saying is a  
16 genuine concern, but it is a little bit of an  
17 opinion piece compared to the code and what's  
18 happening and where the property actually sits.

19 And like I said, I appreciate that you  
20 enjoy going to the restaurants, I'm more than  
21 happy to work with you to do that.

22 CHAIRMAN FOOTE: I have a couple of  
23 thoughts, if you all won't mind me proposing  
24 this.

25 You're inserting a third table just to get

1 one extra seat. It seems to me that it would  
2 look -- there'd be a letter -- a much better  
3 space configuration, more breathing room for the  
4 servers, frankly, if you were to eliminate that  
5 fifth seat so that you only have two tables, you  
6 have much more space.

7 And frankly, I'm not really sure I buy your  
8 hostess stand argument. I think that just takes  
9 up a lot of space up there as well. If you move  
10 this hostes stand back inside and end up with two  
11 tables with four seats, I think we may --

12 WILLIAM HOROWITZ: I mean, no offense  
13 whatsoever, but, you know, I'm just telling you  
14 as somebody generally that's operated restaurants  
15 for the last 20 years, in New York City as well  
16 and out here. I just -- there's no -- there's no  
17 argument that could be made to any successful  
18 restaurant operator to put value to that.

19 To be able to get people to stop sitting  
20 outside or sitting in a hallway somewhere, to be  
21 able to get them just in the building fast, it's  
22 the basic schematics for every club, for every  
23 busy operation in the hospitality business.

24 CHAIRMAN FOOTE: But none of the other  
25 businesses have hostess stands outside. What are

1 you talking about? I mean, none of the other  
2 restaurants have that. Why is yours unique?

3 WILLIAM HOROWITZ: It's busy. *(Laughter)*.

4 MEMBER DOUGHERTY-JOHNSON: And so -- can I  
5 clarify something?

6 CHAIRMAN FOOTE: It's not as busy as a lot  
7 of -- as Lucharito's. Lucharito's doesn't have  
8 an outside stand.

9 WILLIAM HOROWITZ: Yeah, there's people  
10 staying outside.

11 MEMBER DOUGHERTY-JOHNSON: I don't think --

12 WILLIAM HOROWITZ: Every day.

13 MEMBER DOUGHERTY-JOHNSON: -- during COVID  
14 there was a hostess stand and tables; there were  
15 tables and not a hostess stand.

16 My concern is I don't think you have the  
17 space for servers to come bring food and take  
18 orders without standing on the public sidewalk.

19 WILLIAM HOROWITZ: No, I --

20 MEMBER DOUGHERTY-JOHNSON: And the other  
21 issue is that people move chairs and people are  
22 different sizes. So, I just -- and I've seen it  
23 at other places --

24 WILLIAM HOROWITZ: Uh-huh.

25 MEMBER LILY-DOUGHERTY: -- where there's

1 some outdoor tables on perhaps the property but  
2 then they're moved, somebody adds a seat.

3 And I think what Randy is saying about -- I  
4 mean, it is a public sidewalk, it's a busy  
5 sidewalk, it has merit. Like, I don't think just  
6 because you guys want to make money -- which I  
7 get, that's what you're there to do -- doesn't  
8 mean --

9 WILLIAM HOROWITZ: Well, we're also there  
10 not to lose money, that's really my concern  
11 *(laughter)*.

12 MEMBER DOUGHERTY-JOHNSON: I understand.  
13 I just think --

14 WILLIAM HOROWITZ: I'm not being greedy, I  
15 promise.

16 MEMBER DOUGHERTY-JOHNSON: I mean, I think  
17 what Walter is saying is maybe a few less seats  
18 and maybe not a hostess stand; like something --  
19 because I just -- I don't -- where are people  
20 going to walk? Where are your servers going to  
21 walk on your property?

22 WILLIAM HOROWITZ: I mean, all --

23 MEMBER DOUGHERTY-JOHNSON: To stay on the  
24 property and bring the food.

25 WILLIAM HOROWITZ: I mean, it's not -- I

1 mean, you're taking about catering to four or  
2 five seats, it's really -- it's not rocket  
3 science. It's not a huge load that they're  
4 bringing out, they're not doing it very often.  
5 It's very -- they have a thousand other tables  
6 and stuff they're servicing. It's a very quick,  
7 small, little thing that they're doing.

8 MEMBER DOUGHERTY-JOHNSON: Right, but then  
9 they're on the sidewalk with strollers  
10 and kids.

11 WILLIAM HOROWITZ: And to be able to get  
12 people from not standing outside waiting is  
13 actually honestly the biggest dilemma in the --  
14 in what we have. It really honestly is.

15 CHAIRMAN FOOTE: Why are they standing  
16 outside waiting? Why wouldn't they just go  
17 inside the door and meet the hostess and get  
18 seated?

19 WILLIAM HOROWITZ: Well, because once you  
20 get into the door and when we do have that  
21 hostess station there, which is what we do for  
22 the rest of the year when it's not as busy, it's  
23 a maximum of maybe four people or so that could  
24 stand inside. And so outside of that, they're  
25 just -- and even now, even --

1           CHAIRMAN FOOTE: But what's wrong with  
2 that?

3           WILLIAM HOROWITZ: Well, what's wrong is  
4 obviously once you, you know, add more people.  
5 So if you have a group of four, a party of four  
6 and then that gets lined up on a busy Saturday,  
7 you know, I'm happy to videotape a Saturday and  
8 bring it in, you know, and document evidence.  
9 But once you have, you know, a couple a different  
10 parties show up, which is going to happen between  
11 the hours of, you know, 11 and 10 p.m., it  
12 just -- you know, we get ransacked all at once,  
13 then they just end up milling outside. And  
14 there's no hostess table to get them outside

15           CHAIRMAN FOOTE: I mean, a lot of  
16 businesses just take cell phone numbers and say  
17 *We'll call you when your table's ready.* Why  
18 can't you --

19           WILLIAM HOROWITZ: This is a matter of  
20 just -- it doesn't work like that for a  
21 restaurant like this, because you're just -- that  
22 would be like asking like -- they're literally  
23 coming in waiting to be seated, and it takes time  
24 from the people upstairs to coordinate cleaning  
25 the tables and making that turnaround so that we

1 can drive people upstairs, and there are a lot of  
2 people who might be walk-ins as well. So even  
3 just getting to them is -- you know, they're kind  
4 of going through a narrow corridor, so they're  
5 always getting pushed outside.

6 MEMBER BUCHANAN: I definitely have to say,  
7 I agree that there's no need for a podium,  
8 especially in 2022. You know, I, too, worked in  
9 restaurants, I worked at {Patsky's}, we do 2,000  
10 people at brunch, we would have two hostesses at  
11 brunch and a security guard and then you would go  
12 inside to the maitre'd.

13 WILLIAM HOROWITZ: Yes.

14 MEMBER BUCHANAN: This was in 2002, '03,  
15 '04 and '05. So, I mean, it -- we did it back  
16 then without a giant podium in the middle of the  
17 street even on the property.

18 So I do think that part of the problem is  
19 is because you've built this merch area and  
20 you're trying to make up for it, you know, that  
21 is a -- was a business decision that  
22 unfortunately it's now potentially falling into a  
23 gray area.

24 And I think, you know, what's being brought  
25 up around serving on the sidewalk, which is only

1 three feet, it does get really tricky, especially  
2 when you look at those belgian blocks. And if  
3 you're unstable and you have to walk off of the  
4 sidewalk into the belgian blocks, it does become  
5 a little tricky.

6 So, I would love to see more outdoor  
7 seating. I, too, like many people here, enjoy  
8 your restaurant. But I do think it's a little  
9 bit tricky and there could be a way to work  
10 around this --

11 WILLIAM HOROWITZ: A hundred percent.

12 MEMBER BUCHANAN: -- if you are willing to  
13 compromise with eliminating some of the elements.

14 WILLIAM HOROWITZ: No, no. Listen, I  
15 appreciate that. And obviously I appreciate your  
16 experience. I knew Keith for a long time and  
17 it's -- you know, {Indiscernible name of  
18 restaurant} which is a bigger, let's you walk in  
19 restaurant. And a hundred percent I agree with  
20 you, there is a, you know, obvious part of this.  
21 I hate to admit that I came on board after that  
22 little kiosk was built, a hundred percent. But,  
23 you know, I am in a situation where I'm trying to  
24 get things so that they're operating smoothly and  
25 that everyone's surviving for the summer right

1 now and we're -- and summer is here and I'm just  
2 trying to get -- to make sure that things are  
3 going -- we're able to get people in smoothly.  
4 And that genuinely is the issue that we have, is  
5 getting people to shuffle in through that  
6 corridor. Whether it should have been done a  
7 year-and-a-half ago and maybe that plan could  
8 have been better thought out, it's just I'm here  
9 now, I'm in season and I'm trying to get things  
10 running smoothly. But I appreciate that.

11 CHAIRMAN FOOTE: Okay, thanks. I mean,  
12 just -- are you saying -- would you agree, if I  
13 were to propose to amend it to eliminate one of  
14 the tables and the outdoor stand? Would that be  
15 not something --

16 WILLIAM HOROWITZ: I mean, the outdoor  
17 stand, to be honest, is the biggest issue we  
18 have. Because it genuinely does -- like it  
19 does -- there's no -- if you were to think about  
20 my reasoning for wanting the outdoor stand, what  
21 part of it would be determined as me being  
22 greedy? Because it doesn't -- it's not extra  
23 seats that I'm asking to place out there with the  
24 outdoor stand, it's genuinely to make the  
25 restaurant run more smoothly.

1           So, that's -- you know, the seat -- I'd be  
2 more happy to increase the seat than to --

3           MEMBER DOUGHERTY-JOHNSON: I mean, I think  
4 there's room for a stand --

5           WILLIAM HOROWITZ: -- decrease the stand  
6 because it's so helpful.

7           MEMBER DOUGHERTY-JOHNSON: -- but without  
8 seats, or possibly just seats without a stand,  
9 but I don't know if there's room for all of it.

10          WILLIAM HOROWITZ: Well that just sounds  
11 not thought out; I'll be honest.

12          MEMBER DOUGHERTY-JOHNSON: Well, I don't  
13 see --

14          WILLIAM HOROWITZ: Like why it would have  
15 to be one or the other completely.

16          MEMBER DOUGHERTY-JOHNSON: -- where your  
17 staff is going to walk in a four-foot spot with  
18 two-foot tables and people in those seats --

19          WILLIAM HOROWITZ: Understood. So --

20          MEMBER DOUGHERTY-JOHNSON: -- through where  
21 a hostess stand is and a hostess standing, I  
22 don't see how they're walking and staying on your  
23 property. And I hear you saying *Okay, they're*  
24 *just going to be for a few minutes*, but --

25          WILLIAM HOROWITZ: Well, less than that,

1 but yeah.

2 MEMBER DOUGHERTY-JOHNSON: If every place  
3 was allowed to just like expand over onto the  
4 sidewalk or the street or wherever it was, it  
5 would be kind of messy.

6 WILLIAM HOROWITZ: Well, we're not, we're  
7 expanding onto our property.

8 MEMBER DOUGHERTY-JOHNSON: No, but I'm  
9 saying -- but if you're saying that your servers  
10 are just going to be there for a few minutes --

11 WILLIAM HOROWITZ: Understood. So --

12 MEMBER DOUGHERTY-JOHNSON: -- on the  
13 sidewalk then that's not your property. That's  
14 what I'm saying.

15 WILLIAM HOROWITZ: Can I propose a  
16 hypothetical? So what if we, like you were  
17 suggesting, got rid of that seat and then also,  
18 of course, with that, that third table creating  
19 that extra space? That would allow the server to  
20 stay on the property and set up to do that, and  
21 also be able to, you know, shuffle people in  
22 correctly and smoothly and quickly.

23 MEMBER DOUGHERTY-JOHNSON: I mean, I still  
24 don't see how they're going to reach our table,  
25 but.

1 WILLIAM HOROWITZ: Well, you know, I'd be  
2 happy to circle back conditionally and if there's  
3 any complaints and work together with you guys to  
4 do this and figure out if there's anything that  
5 you guys would like us to amend.

6 MEMBER BRENNAN: Walter? I have a couple  
7 of questions.

8 CHAIRMAN FOOTE: Yeah, please.

9 MEMBER BRENNAN: The first question is for  
10 our planning consultant or for this Board. I was  
11 unclear about last month's meeting; did we  
12 specifically ask for the DOH certificate? Did we  
13 ask the applicant for a certificate for this  
14 property?

15 MS. FEITNER-CALARCO: So, you know, even  
16 though -- I guess we've been your consultant for  
17 about six months now, maybe a little longer. Let  
18 me just pull out my memo here.

19 CHAIRMAN FOOTE: It was in the memo.

20 MS. FEITNER-CALARCO: Yeah. So, we asked  
21 for things in our memo, but it's my understanding  
22 that past practice is that the Board -- if I give  
23 them -- if the Board has sufficient time to  
24 review my memo prior to the meeting, that the  
25 Board should be requesting -- you know, should be

1 kind of stating anything that I'm asking for in  
2 here sort of echoing those concerns.

3 I don't re -- I can check back in my notes.  
4 I know it was the other one that we were more  
5 concerned about.

6 CHAIRMAN FOOTE: I checked the minutes and  
7 I don't think that we did actually have the  
8 meeting with record.

9 MS. FEITNER CALARCO: I don't think we did  
10 on this one.

11 WILLIAM HOROWITZ: Yeah, I didn't see  
12 anything.

13 CHAIRMAN FOOTE: Right.

14 WILLIAM HOROWITZ: I've been working really  
15 hard to --

16 MS. FEITNER-CALARCO: Because one thing I  
17 had requested in my memo in advance of the last  
18 hearing, which I think would be useful to the  
19 discussion we're having right now, was I had  
20 requested an interior floor plan just of the  
21 existing interior. And so it seems like there's  
22 been some modifications made inside which are  
23 impacting the hostess stand and all these things.

24 So, I mean, if that's something that you  
25 have from the renovations that -- I'm looking

1 through the Village file right now just to see  
2 what they have and it looks like there were some  
3 prior renovations or something. You know, but  
4 it's really up to the Board whether or not, you  
5 know, they would want to see this before making  
6 the decision.

7 I mean, you've considered a lot. I think  
8 the consensus on this application, my  
9 recollection, and please correct me if I'm wrong,  
10 was that it's a fairly minor application and, you  
11 know, we asked for the site plan with the tables  
12 and chairs drawn into scale and the hostess stand  
13 at scale and that was what I thought the Board  
14 was most concerned with seeing on this  
15 application.

16 MEMBER BRENNAN: Okay, I want to return to  
17 my question. So I think my understanding is that  
18 we did not specifically ask the applicant to  
19 provide the DOH certificate?

20 CHAIRMAN FOOTE: I think that's right.

21 MEMBER BRENNAN: Okay. And then I have a  
22 question for Mr. Horowitz.

23 CHAIRMAN FOOTE: Hold on. At the meeting,  
24 the last meeting we did not ask, but in the memo  
25 it was requested and the memo was shared with

1           them before that meeting.

2           MS. FEITNER-CALARCO: And I can tell you  
3           that regardless, this application will still be  
4           subject to, you know, either -- you know, of the  
5           approval of Suffolk County Health Services  
6           because all of your approvals will always be that  
7           way.

8           So the applicant will have to -- in order  
9           to get a CO, the applicant will have to produce  
10          at least their -- if there's no change to  
11          occupancy, they would have to produce their  
12          existing Health Department occupancy and prove  
13          that it matches what the Village has on file for  
14          their occupancy. So you could do that as a  
15          condition.

16          WILLIAM HOROWITZ: Obviously I'm more than  
17          happy to -- you know, I'm working really hard,  
18          just so you guys know, to, you know, turn things  
19          around, even that Green Hill property, and get  
20          you guys everything you need over there. I'm  
21          happy to get anything you need for Anker as well.  
22          I kind of jumped into the ship.

23          MEMBER BRENNAN: I have a question for  
24          Mr. Horowitz. You mentioned earlier that the  
25          changes to the interior had eliminated some

1 seating and you said it was about 15 by 15 feet  
2 and that equated to roughly 15 seats. Are you  
3 offering to reduce the seating capacity on the  
4 ground floor from 49 to 36?

5 WILLIAM HOROWITZ: With -- for the Health  
6 Department, or with you?

7 MEMBER BRENNAN: Yeah.

8 WILLIAM HOROWITZ: I mean, listen, if you  
9 guys really felt there was that need that you --  
10 we'd lower it by five or four seats, I'm happy to  
11 do that or make it a condition per se with  
12 whether it's inside or outside, so that's as a  
13 total.

14 MEMBER BRENNAN: Okay.

15 WILLIAM HOROWITZ: Sure. I mean, I  
16 couldn't be more genuine that, you know, we're  
17 definitely not adding seats onto what we are  
18 deemed to have.

19 MEMBER BRENNAN: Okay, I wanted to just  
20 clarify, because you threw it out there and I  
21 wasn't clear --

22 WILLIAM HOROWITZ: No, no.

23 MEMBER BRENNAN: -- clear if you were  
24 offering that.

25 William HOROWITZ: I mean, listen, I'm

1 offering to keep it exactly as it is, whether  
2 it's inside or outside because once winter  
3 happens obviously I want to do whatever I can  
4 then to scramble and add a couple of seats into  
5 that sea food market. So, you know, I'm just --

6 MEMBER BRENNAN: And my next question was  
7 when Ms. Wade was speaking there was some mention  
8 about SEQRA determination; can the consultant  
9 clarify that?

10 MS. FEITNER-CALARCO: So this will be a  
11 Type II Action if the Board approves it, okay.  
12 This is -- you're adding, you know, less than  
13 five seats to an existing restaurant. So, a Type  
14 II Action by definition is an established,  
15 pre-determined on the State SEQRA list, Section  
16 625, that would -- it predetermines that there  
17 would be no adverse environmental impacts that  
18 would require any type of preparation of an  
19 impact statement.

20 Every single Planning Board application,  
21 when it gets submitted, they must submit a short  
22 environmental assessment form. If ever something  
23 was not a Type II Action when we reviewed the  
24 application we would request the applicant to  
25 provide what's called the long -- well, they call

1 it now the full environmental assessment form  
2 which was previously known as the long form, and  
3 then that can lead to more extensive things, but  
4 an application of this nature would not. But  
5 every single Planning Board decision has a SEQRA  
6 determination attached to it, it's in all of your  
7 decisions, so.

8 CHAIRMAN FOOTE: Thank you for clarifying  
9 that.

10 MS. FEITNER CALARCO: Yeah.

11 MEMBER BRENNAN: I'm not going to speak on  
12 just --

13 RANDY WADE: *(Raised hand)*.

14 MS. FEITNER-CALARCO: You have to be  
15 recognized by the Chair.

16 MEMBER BRENNAN: I'm still speaking. I  
17 just want to make a comment, it's not a question.  
18 I don't -- with all due respect to the  
19 applicant's experience, I don't really understand  
20 the argument about the hostess stand and how  
21 people que up inside or outside.

22 It seems to me that there's inadequate  
23 space inside for the hostess to manage the  
24 guests. And if they use -- if they want to use  
25 the outdoor space, which is partly in the public

1 space, to manage how people enter a restaurant, I  
2 would suggest to you that you would consider  
3 uncluttering that area. And this is what I'm  
4 haering from some of the Board Members, is that  
5 the hostess stand or the fifth seat and/or the  
6 third table are putting too much pressure on that  
7 area as they're directly adjacent to that  
8 handicapped ramp. So, I just would encourage the  
9 applicant to think about reducing the ask here.

10 WILLIAM HOROWITZ: Understood, and I  
11 appreciate that. And that's something I  
12 definitely, as I work to kind of redesign the  
13 restaurants and get things, you know, more in  
14 favor with you guys in the town, you know, it's  
15 definitely something I'll take into  
16 consideration. I mean, I -- and, you know, I'm  
17 happy to have anyone over for some fish and chips  
18 and to watch the flow on a busy Saturday.

19 But the -- you know, the -- there's  
20 definitely some design issues that I came into  
21 that can't be changed right now during season.  
22 With that being said, it's something I could  
23 consider after season as we redesign. But what's  
24 happening now and the big difficult thing is a  
25 two-story restaurant, to be completely

1 transparent, it's very difficult to get people  
2 moving into the indoors and get them and shuffle  
3 them upstairs. Even if we opened the rear door  
4 or do anything which we try hard not to do, it's  
5 just trying to get people from milling around,  
6 looking at the menu and staying there and  
7 building up as parties grow.

8 So like I said, we'd have a four-top in  
9 there come in and then as soon as we get a busy  
10 Saturday, you're getting party after party after  
11 party after party come up to you and it just --  
12 it gets to be a lot.

13 MEMBER BRENNAN: It sounds like you have a  
14 good problem.

15 WILLIAM HOROWITZ: On some days, but it's  
16 a full year to concern, to take into, you know,  
17 respect. So, we're -- it's not -- you know, I  
18 understand the owner's standing in the town, it's  
19 still a restaurant and it's very difficult.

20 CHAIRMAN FOOTE: So just to be clear, this  
21 application is not just for the seating, it's  
22 really for the hostess stand, too. To my  
23 knowledge that was never approved, right? You  
24 never approved getting the hostess stand.

25 WILLIAM HOROWITZ: It's for the submitted

1 drawing.

2 RYAN SIDOR: Yes.

3 MEMBER DOUGHERTY-JOHNSON: Can we just also  
4 clarify that those are to scale? Because it's  
5 four feet, right, you have in front of the  
6 building, and if you're saying those tables are  
7 two feet.

8 RYAN SIDOR: I can confirm that everything  
9 on the plan is drawn to scale.

10 MEMBER DOUGHERTY-JOHNSON: Well, then it  
11 looks to me that the tables are bigger than two  
12 feet.

13 RYAN SIDOR: Unless the --

14 MEMBER DOUGHERTY-JOHNSON: But maybe that's  
15 my eyes.

16 MR. SIDOR: Yeah. Unless the --

17 CHAIRMAN FOOTE: You've got a foot on each  
18 side, it would be double the space.

19 MEMBER DOUGHERTY-JOHNSON: Okay.

20 CHAIRMAN FOOTE: It's equal to --

21 MEMBER DOUGHERTY-JOHNSON: Okay. Well, I  
22 guess that's the property line, not the awning.  
23 Okay, gotcha.

24 MS. FEITNER-CALARCO: So the building is a  
25 little askew --

1 MEMBER DOUGHERTY-JOHNSON: Right.

2 MS. FEITNER CALARCO: -- in reference to  
3 their property line. So they get like --

4 MEMBER DOUGHERTY-JOHNSON: I see. I was  
5 looking at the awning line.

6 MS. FEITNER-CALARCO: There's like 4.4 feet  
7 on the one side and 3.8 or nine on the east side.

8 MR. SIDOR: In regards to the hostess  
9 stand, this original application was just for the  
10 the seating outside. That stand kind of came  
11 into effect when someone, I believe on this  
12 Board, brought it up that it had been out there  
13 previously.

14 CHAIRMAN FOOTE: Correct. But when did it  
15 get approved to be there?

16 RYAN SIDOR: I'm not sure.

17 CHAIRMAN FOOTE: Let me ask you another  
18 question; when was it first put out there.

19 WILLIAM HOROWITZ: I think we could believe  
20 those -- my understanding is that it was put out  
21 there during all the COVID stuff and it only goes  
22 out there during the busiest of times.

23 CHAIRMAN FOOTE: Okay.

24 WILLIAM HOROWITZ: It's never out there  
25 under slow times, so.

1           CHAIRMAN FOOTE: Okay. But it's-- it's not  
2           been authorized.

3           WILLIAM HOROWITZ: No, I understand. But  
4           that's only to prove -- just to show you in the  
5           sense that there's no other benefit, added  
6           benefit to us besides making a smoother --

7           CHAIRMAN FOOTE: Okay. But you have to  
8           understand, you're not doing us a favor by saying  
9           I'll think about our concerns about the hostess  
10          stand. You really are asking us for permission  
11          to use the hostess stand in this application, not  
12          just the tables, but that's part of this  
13          application. I just want to make that clear to  
14          you.

15          WILLIAM HOROWITZ: I appreciate that and  
16          you're absolutely right. I will say that your  
17          concern is actually of mine in the respect that  
18          there's no other added benefit, like I said, to  
19          have that out there other than to get people in  
20          there and out on the street faster. That's just  
21          the truth.

22          CHAIRMAN FOOTE: I think you're going to  
23          have a tough time getting this application  
24          approved without agreeing to not only remove one  
25          of the tables and the seat with it, but also

1 removing the hostess stand. I can't even,  
2 frankly, tell you if you're going to get an  
3 approval on that basis, but I'm saying at a  
4 minimum to do that is your best shot.

5 WILLIAM HOROWITZ: No, I understand. So  
6 this is -- my understanding -- because I wasn't  
7 here during the last one, I apologize -- is that  
8 we did this once before last month and we were  
9 asked to make the amendments that we did,  
10 correct, and now we're coming to you this month.  
11 Is that -- am I right about that? And now we're  
12 in the middle of our summer season. So I'm just  
13 asking you to take that kindly into account.

14 MEMBER DOUGHERTY-JOHNSON: Well, when you  
15 came last month the hostess stand wasn't brought  
16 up.

17 RYAN SIDOR: Last month --

18 MEMBER DOUGHERTY-JOHNSON: I mean, it was  
19 brought up.

20 MR. SIDOR: -- yeah.

21 MEMBER DOUGHERTY-JOHNSON: -- but it wasn't  
22 part of your application. I'm saying things have  
23 changed.

24 RYAN SIDOR: Yes. I -- it's labeled on the  
25 plan as existing --

1 MEMBER DOUGHERTY-JOHNSON: I see it, yeah.

2 MR. SIDOR: -- because that's the condition  
3 I observed when I had been.

4 MEMBER DOUGHERTY-JOHNSON: Can I ask one  
5 other thing you might have an answer for, but it  
6 was brought up by the consultant last time, was  
7 the dumpster location.

8 WILLIAM HOROWITZ: Is that regarding this?

9 MEMBER DOUGHERTY-JOHNSON: Yeah, for Anker.

10 WILLIAM HOROWITZ: Oh, okay. Sure.

11 MEMBER DOUGHERTY-JOHNSON: That it's on  
12 Village property and just if there is an  
13 agreement with the Village, which maybe Paul  
14 would know but he's not here.

15 MS. FEITNER-CALARCO: So, yeah, we did --  
16 after the last meeting -- permission to proceed?

17 CHAIRMAN FOOTE: Please, go ahead.

18 MS. FEITNER-CALARCO: After the last  
19 meeting I did walk down, I took pictures of the  
20 front, I walked behind and confirmed the  
21 dumpsters are not on Village property here. They  
22 are on an adjacent property owner but it is --  
23 you know, Paul Pallas confirmed that it's between  
24 the two property owners.

25 MEMBER DOUGHERTY-JOHNSON: Gotcha. Okay.

1 MS. FEITNER CALARCO: So the dumpsters are  
2 not located on their site, they're located in the  
3 rear of the property to the east; is that  
4 correct, sir?

5 WILLIAM HOROWITZ: Yeah, exactly. And it's  
6 a completely separate note. I don't know if  
7 you'd know this, but I built a beautiful cement  
8 pad and fenced in the dumpster behind Green  
9 Hill.

10 MEMBER DOUGHERTY-JOHNSON: I did notice  
11 that. I do wonder -- well, I mean -- never mind.

12 (\*Laughter\*)

13 WILLIAM HOROWITZ: Sorry (*laughter*).

14 MEMBER DOUGHERTY-JOHNSON: I just didn't  
15 think there was an approval for that.

16 WILLIAM HOROWITZ: I'm trying (*laughter*).

17 MEMBER DOUGHERTY-JOHNSON: Well, it looks  
18 nice. It'd be great if the doors were always  
19 closed.

20 WILLIAM HOROWITZ: I will close all the  
21 doors.

22 CHAIRMAN FOOTE: Okay. So I sort of  
23 expressed my opinion on what it would take for me  
24 to approve it or disapprove it. If individual  
25 other Board Members would like to weigh in just

1 so they have a sense of whether they have a shot  
2 here or not, or otherwise they may have to  
3 withdraw their application.

4 MEMBER BRENNAN: I think I made myself  
5 clear where I was -- where my thinking was.

6 STENOGRAPHER MAHONEY: Can you speak closer  
7 to the microphone, please?

8 MEMBER BRENNAN: I said I think I made  
9 myself clear on what I thought the applicant  
10 should consider doing.

11 CHAIRMAN FOOTE: Okay. Shawn?

12 MEMBER BUCHANAN: Yeah, and I feel the same  
13 way. I think that the hostess stand is not  
14 necessarily out there and the removal of the  
15 single table would potentially impact me in being  
16 okay with the table and two chairs.

17 MEMBER DOUGHERTY-JOHNSON: Yeah, same; I  
18 think that was pretty clear.

19 CHAIRMAN FOOTE: So if we revise the  
20 application to allow for two tables with four  
21 seats and no hostess stand; is that something you  
22 want to proceed on?

23 WILLIAM HOROWITZ: I mean, it sounds like  
24 I've got no choice. But with that being said,  
25 you know, I just want it to be clear of the date

1 and time of year it is, and I'd be happy to do  
2 that and submit -- you know, but if you're asking  
3 me to resubmit for next month, is it possible  
4 that I could get doing something conditional  
5 doing exactly as you're asking me to do? Because  
6 otherwise --

7 CHAIRMAN FOOTE: Well, what we're saying is  
8 we would put it to a vote on that basis --

9 WILLIAM HOROWITZ: Okay.

10 CHAIRMAN FOOTE: -- today.

11 WILLIAM HOROWITZ: I appreciate that.

12 CHAIRMAN FOOTE: Would the public like to  
13 speak any further on this?

14 RANDY WADE: I would. Were any of you on  
15 the Board when --

16 CHAIRMAN FOOTE: We can't hear you.

17 RANDY WADE: Oh, I'm sorry. Were any of  
18 you on the Board when the retail use was added to  
19 the restaurant use? In the plan which should  
20 have been reviewed by the Planning Board.

21 MEMBER DOUGHERTY-JOHNSON: It was never in  
22 front of the Planning Board.

23 CHAIRMAN FOOTE: It was never presented to  
24 us to my knowledge, the retail use.

25 RANDY WADE: Okay. So that should have

1       been -- I mean, I don't see how you could approve  
2       anything while there's really an outstanding  
3       violation. They need to get a C of O for the  
4       retail operation within the restaurant and there  
5       needs to be a plan and the plan needs to  
6       accommodate how many people will be anticipated  
7       to be waiting inside at the hostess stand to get  
8       their table.

9                It isn't just -- I mean, he's already said  
10       that four is not enough, so then it would  
11       probably have to be redesigned to accommodate  
12       even more. But I just think it's important that  
13       we not compound the problems.

14               Also, I don't mean to be argumentative, but  
15       for SEQRA, yes, if it was only a few tables, but  
16       that's if you only look at the tables. If you  
17       look at the transportation aspects for SEQRA, it  
18       is a significant impact on the pedestrian  
19       transportation facilities. Thanks.

20               CHAIRMAN FOOTE: Would you like to weigh in  
21       on the retail aspect?

22               MS. FEITNER-CALARCO: So, first off I will  
23       say that not all actions that require a building  
24       permit in this Village require review by the  
25       Planning Board. So there are many interior

1 modifications that don't have impacts on exterior  
2 site plans that often go through the Building  
3 Department and do not receive review by the  
4 Planning Board. So, you know, we would not be in  
5 the position to comment on that.

6 I mean, it seems like it's worth some  
7 fact-finding to ensure that if there were  
8 interior alterations that were made that required  
9 separate COs that those were obtained. I'm not  
10 sure if the architect of record could perhaps  
11 speak to that, but -- so we could do some  
12 fact-finding on that. But certainly, I wouldn't  
13 anticipate something of that nature would have  
14 necessarily come before this Board.

15 RANDY WADE: There was some changes. It  
16 used to be that every commercial retail space had  
17 to go to the Planning Board and then they decided  
18 to make it easier and they said if the use didn't  
19 change that they didn't have to go for, you know,  
20 simple interior, you know, upgrades or whatever.  
21 But this is a change of use so it should have  
22 gone through Planning, I believe.

23 MS. FEITNER-CALARCO: Well, typically a  
24 retail use is associated with less impacts, less  
25 parking demand and all of that. So if you

1 were changing part of a retail operation to a  
2 restaurant, I think that's something that the  
3 Administrator would have sent your way, but I'm  
4 not sure the opposite would be true, so.

5 RANDY WADE: *(Inaudible)*

6 MS. FEITNER CALARCO: But we can research  
7 that.

8 RANDY WADE: I mean, this is a really good  
9 example and it's something maybe you could bring  
10 up with the Board because it has had impacts on a  
11 retail use went in and changed the character of  
12 the previously approved restaurant configuration  
13 and that affected what was on the sidewalk. So,  
14 it's just something to bring up about policy and  
15 the way applications are processed.

16 MEMBER BRENNAN: I -- it's not clear to me  
17 that this is a change of use, having to take out  
18 a window. Could the applicant or the applicant's  
19 consultant just talk to us about how this retail  
20 window area is going to be working with these  
21 tables, or if you're discontinuing that.

22 WILLIAM HOROWITZ: Yeah, of course. So,  
23 you know, it's honestly -- it's really been used  
24 as more of an aesthetic thing than anything.  
25 We've done quite a bit, just fixing up the front

1 of Anker and trying to get it much nicer looking  
2 than the really ugly pool deck doors that were  
3 previously there when I got here.

4 And so they had tried to open up a seafood  
5 market when I first arrived. What I've been  
6 doing is still there's actually -- I haven't been  
7 using it as a seafood market, but just like dry  
8 goods, like I said, such as some tins that look  
9 nice, we have our lobster tank in there and our  
10 oysters in there so they look presentable to the  
11 front and it looks like a real seafood market.  
12 And we actually still have a four-person dining  
13 table inside of it at the moment that we use  
14 almost like a chef's table sort of, so to speak.

15 And honestly, my understanding in previous  
16 layouts is that, you know, it's a restaurant so  
17 if it wasn't there, there were seats there  
18 before. So, it was not a huge alteration. And  
19 in terms of the word alteration, you know, we're  
20 talking about, you know, refrigerators making  
21 those walls, so nothing's really permanent.

22 CHAIRMAN FOOTE: What are your hours of  
23 operation at your restaurant?

24 WILLIAM HOROWITZ: So our hours of  
25 operation right now are I believe Noon to 10 p.m.

1 on most days and then Friday/Saturday we've been  
2 keeping the kitchen open until 11 p.m.

3 CHAIRMAN FOOTE: All right.

4 WILLIAM HOROWITZ: And also I should note  
5 that we've never had or never planned on having  
6 speakers in that front area as well.

7 CHAIRMAN FOOTE: And the hours of operation  
8 would be the same on the outdoor seating as it is  
9 indoors?

10 WILLIAM HOROWITZ: Yeah. I mean, I'll say  
11 that we'll probably take them down a little bit  
12 earlier.

13 CHAIRMAN FOOTE: Yeah.

14 WILLIAM HOROWITZ: It's not as much of a  
15 thing.

16 You know, and really for these outdoor  
17 seats, I'll be honest, it's -- it also just looks  
18 nicer. And that's the big reason for a  
19 restaurant, it looks like a place where people  
20 would want to come in and eat. I've been playing  
21 that game in the City for a million years.

22 CHAIRMAN FOOTE: All right. Thank you.

23 Any other questions at this time from  
24 anybody? I move to close this public hearing.  
25 Do I have second?

1 MEMBER DOUGHERTY-JOHNSON: Second.

2 CHAIRMAN FOOTE: All in favor?

3 MEMBER LILY-DOUGHERTY: Aye.

4 MEMBER BRENNAN: Aye.

5 MEMBER BUCHANAN: Aye.

6 CHAIRMAN FOOTE: Aye. (*Public Hearing*  
7 *Closed - VOTE: 4/0/0/1 - Absent: Member Hammes*).

8 All right, I'd like to put this application  
9 to a vote subject to the modifications that were  
10 discussed, not only at this meeting but at the  
11 prior meeting. That is reducing it to two  
12 tables, four seats; no hostess stand; that you  
13 will produce your Health Department certificate  
14 evidencing that the amount of seating, your total  
15 aggregate seating, indoors and outdoors, won't  
16 exceed what's previously been certified and  
17 approved by the Health Department; and that you  
18 won't operate any -- you will reduce your indoor  
19 seating to accommodate that out -- to the extent  
20 you have outdoor seating.

21 WILLIAM HOROWITZ: May I?

22 CHAIRMAN FOOTE: Sure.

23 WILLIAM HOROWITZ: Just real quick, if I  
24 could respond to that. I just want to be very  
25 cautious about doing that on the actual permit or

1 Health Department because there has to be a  
2 little bit of flexibility.

3 CHAIRMAN FOOTE: Oh, I'm not saying that.  
4 I'm saying whether in our approval its  
5 conditioned, these are the conditions I'm laying  
6 out to you.

7 WILLIAM HOROWITZ: Yeah.

8 CHAIRMAN FOOTE: That's it. You don't have  
9 to go back to the Health Department to modify it.

10 WILLIAM HOROWITZ: Oh, okay. You  
11 understand?

12 MR. SIDOR: *(Inaudible)*.

13 WILLIAM HOROWITZ: Okay.

14 CHAIRMAN FOOTE: Yeah, I think you just  
15 misunderstood what I was saying, I'm sorry.

16 WILLIAM HOROWITZ: It sounds like it.

17 CHAIRMAN FOOTE: Okay, let me continue.  
18 You also agree that there won't be any outdoor  
19 speakers or outdoor heaters, that the hours of  
20 operation will coincide with the way you would  
21 normally operate the business, which is I think  
22 you said Noon to 10 p.m. except on weekends, Noon  
23 to 11 p.m., more or less.

24 Subject to those conditions, I move to  
25 approve this application.

1 MEMBER BUCHANAN: May I ask just one more  
2 thing?

3 CHAIRMAN FOOTE: Sure.

4 MEMBER BUCHANAN: Do we want this to be  
5 contingent that this is only for this owner,  
6 should it change hands, that this would have to  
7 come before this Board again, or do we want this  
8 to be passed on to whoever?

9 CHAIRMAN FOOTE: I -- I'm not sure if we  
10 really want to get --

11 MEMBER BUCHANAN: Is that something we do?  
12 Because I know sometimes we've done that and I  
13 think that -- I'm thinking about like when we run  
14 into the space behind Green Hill that it was --  
15 it was approved but there's not. So, I'm only  
16 raising it for that reason.

17 CHAIRMAN FOOTE: Consultant?

18 MS. FEITNER CALARCO: I think that an  
19 alteration such as this, you know, you want to  
20 make sure you have an appropriate condition of  
21 approval for whoever owns this operation. So the  
22 hours of operation, if you want less hours of  
23 operation on the outdoor seats, you know, state  
24 that clearly. Any conditions of approval, any of  
25 your concerns, make sure that they're tied into

1 conditions of approval, but I don't think you can  
2 tie that. And it would be, really, a question  
3 for the attorney who is not with us tonight, but  
4 I would not recommend tying it to this specific  
5 owner.

6 But all of your approvals will be subject  
7 to approval by the Building Department, so I'll  
8 make a note that everything on the interior  
9 should be checked and inspected by the Building  
10 Inspector so if there's anything inside that does  
11 need a CO that would be covered. Your approval  
12 will only be valid if everything inside has all  
13 the proper COs.

14 CHAIRMAN FOOTE: Thank you.

15 RANDY WADE: Did you want to (*inaudible*) --

16 STENOGRAPHER MAHONEY: I can't hear you.

17 RANDY WADE: (*Inaudible*).

18 STENOGRAPHER MAHONEY: I can't hear you.

19 (*Brief Pause*)

20 You can take your mask off to speak.

21 CHAIRMAN FOOTE: Go ahead,

22 RANDY WADE: Sorry. Do you want to make it  
23 contingent on the fact that when they're not  
24 providing the table service the table and chairs  
25 will be brought inside?

1 WILLIAM HOROWITZ: I don't --

2 CHAIRMAN FOOTE: In other words --

3 MS. FEITNER-CALARCO: No overnight outdoor  
4 storage.

5 CHAIRMAN FOOTE: Right.

6 WILLIAM HOROWITZ: Right. We don't want to  
7 do that anyway.

8 CHAIRMAN FOOTE: Okay. So, we'll condition  
9 it on that; that's a good point.

10 And for that matter, is this going to be  
11 just -- (*laughter*). Is this going to be  
12 seasonal? I mean, you're not going to do it in  
13 the wintertime, right? You intend to --

14 WILLIAM HOROWITZ: No, no. I mean, it's up  
15 to the customer. But, you know, of course.

16 CHAIRMAN FOOTE: Okay, fine. So you'll  
17 take them in at night then.

18 WILLIAM HOROWITZ: What's that?

19 CHAIRMAN FOOTE: You'll take the seats and  
20 tables in at night.

21 WILLIAM HOROWITZ: Yeah, of course.  
22 Always.

23 CHAIRMAN FOOTE: Okay, good. Subject to  
24 the conditions that I just outlined, do I have a  
25 second on this approval of this application?

1 MEMBER DOUGHERTY-JOHNSON: Second.

2 CHAIRMAN FOOTE: All in favor?

3 MEMBER DOUGHERTY-JOHNSON: Aye.

4 CHAIRMAN FOOTE: Aye.

5 MEMBER BRENNAN: Aye.

6 MEMBER BUCHANAN: Aye.

7 CHAIRMAN FOOTE: *So approved (VOTE: 4/0/0/1*

8 *- Absent: Member Hammes).*

9 Congratulations.

10 (\*Laughter\*)

11 MS. FEITNER-CALARCO: I would request that  
12 the applicant does submit a revised site plan  
13 matching what they asked for tonight.

14 RYAN SIDOR: Yes, yes, of course.

15 MEMBER DOUGHERTY-JOHNSON: But you still  
16 will have to adopt the findings a month from now,  
17 correct, for procedure?

18 CHAIRMAN FOOTE: Yes

19 MEMBER DOUGHERTY-JOHNSON: So then we have  
20 that.

21 CHAIRMAN FOOTE: Right.

22 The next item is *any other Planning Board*  
23 *business that might properly come before this*  
24 *Board; is there any? Going once, going twice?*

25 MEMBER BRENNAN: I don't know if this is

1 Planning Board business, but you're probably all  
 2 aware the Village is going to have a Special  
 3 Meeting on August 4th to discuss a moratorium or  
 4 zoning changes. Something that we would want to  
 5 pay attention to.

6 CHAIRMAN FOOTE: Okay; so noted.

7 MEMBER BRENNAN: Thank you.

8 CHAIRMAN FOOTE: Thank you.

9 I now move to adjourn this meeting. May I  
 10 have a second?

11 MEMBER DOUGHERTY-JOHNSON: Second.

12 CHAIRMAN FOOTE: All in favor?

13 MEMBER BUCHANAN: Aye.

14 MEMBER LILY-DOUGHERTY: Aye.

15 MEMBER BRENNAN: Aye.

16 CHAIRMAN FOOTE: Aye.

17 *Meeting is adjourned (VOTE: 4/0/0/1 -*

18 *Absent: Member Hammes).*

19 Thank you, everybody.

20 **(\*The meeting was adjourned at 4:57 p.m. \*)**

21  
 22  
 23  
 24  
 25

