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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK: STATE OF NEW YORK
-----X

PLANNING BOARD
WORK SESSION AND REGULAR MEETING

-----X

November 30, 2020
4:00 p.m.
Third Street Firehouse
Greenport, New York

- B E F O R E:
- WALTER FOOTE - CHAIRMAN
 - JOHN COTUNGO - MEMBER
 - REED KYRK - MEMBER
 - LILY DOUGHERTY-JOHNSON - MEMBER (ABSENT)
 - PATRICIA HAMMES - MEMBER
- ALSO PRESENT:
- PAUL PALLAS - VILLAGE ADMINISTRATOR (ABSENT)
 - ROBERT CONNELLY - PLANNING BOARD ATTORNEY
 - AMANDA AURICHIO - SECRETARY TO THE BOARD
 - STEPHANIE SACK - BUSINESS OWNER
 - MARTIN FINNEGAN - ATTORNEY FOR NICK DECILLIS
 - NICK DECILLIS - BUSINESS OWNER

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PLANNING BOARD - NOVEMBER 30, 2020

(The Meeting was called to order
at 4:07 p.m.)

CHAIRMAN FOOTE: Good afternoon.
Welcome to the Village of Greenport's
Planning Board. This is a Work Session
and Regular Meeting combined. It is
November 30th at a little after 4:00 p.m.

Item No. 1 is a Motion to accept
and approve the Minutes of the October 29,
2020 Planning Board Work Session and
Regular Meeting.

May I have a second to this
Motion?

MEMBER COTUNGO: Second.

CHAIRMAN FOOTE: All those in
favor?

MEMBER HAMMES: Aye.

MEMBER KYRK: Aye.

MEMBER COTUGNO: Aye.

CHAIRMAN FOOTE: Aye.

The Minutes are so approved.

Item No. 2 is a Motion to schedule
the combined Planning Board Work Session
and Regular Meeting for 4:00 p.m. on

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PLANNING BOARD - NOVEMBER 30, 2020

December 28th, 2020.

May I have a second to this motion?

MEMBER COTUNGO: Second.

CHAIRMAN FOOTE: All those in favor?

MEMBER HAMMES: Aye.

MEMBER KYRK: Aye.

MEMBER COTUGNO: Aye.

CHAIRMAN FOOTE: Aye.

Okay. So the next meeting is so scheduled for that date and time.

Item No. 3 is 412 Carpenter Street. That is a Motion to accept the Findings and Determinations for 412 Carpenter Street. This property is located in the R-2 (One and Two-Family) District and is located in the Historic District. It's Suffolk County Tax Map 1001-5-1-8.

A written resolution of the Findings and Determinations were circulated to all the Board Members. And at this time, I take it all of you read

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PLANNING BOARD - NOVEMBER 30, 2020

it.

And may I have a second on the Motion to accept such Findings and Determinations?

MEMBER COTUNGO: Second.

CHAIRMAN FOOTE: All those in favor?

MEMBER HAMMES: Aye.

MEMBER KYRK: Aye.

MEMBER COTUGNO: Aye.

CHAIRMAN FOOTE: Aye.

The Motion so carries and is accepted.

Item No. 4, 15th Street (sic). This is a Pre-Submission Conference with possible Motion to schedule a Public Hearing for December 28th, regarding the site plan application of Stephanie Sack represented by Patricia Moore. The applicant proposes to continue the conditional use of a retail establishment, replacing the store formerly known as "Crinoline Fashion Boutique". This property is located in the W-C (Waterfront

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 Commercial) District and is not located in
3 the Historic District. It's at Suffolk
4 County Tax Map 1001-5-4-31.1.

5 And would the applicant or her
6 representative like to speak with us at
7 this time?

8 MS. SACK: Hi, how are you? I'm
9 Stephanie Sack. And my sister, Ms. Mary
10 Fields, is here as well. We were the
11 owners of the proposed new store.

12 CHAIRMAN FOOTE: Great.

13 MS. SACK: I'm not sure what -- I
14 wrote a letter. I'm not sure what you
15 want to know. We are looking to open a
16 retail store in the same place. We're not
17 actually doing anything to the building.
18 We're just gonna paint it on the inside.
19 And we will sell clothing, home goods and
20 some lifestyle products, like some beauty
21 things and some accessories.

22 CHAIRMAN FOOTE: Okay. And that's
23 similar to what the current --

24 MS. SACK: It's pretty much
25 exactly the same.

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PLANNING BOARD - NOVEMBER 30, 2020

CHAIRMAN FOOTE: I see.

MS. SACK: Hopefully, we'll be able to be there longer.

CHAIRMAN FOOTE: Okay. Does anybody have any questions?

MEMBER COTUNGO: No.

CHAIRMAN FOOTE: No? Okay. Well, thank you very much for your presentation.

MS. SACK: Thank you.

CHAIRMAN FOOTE: At this time, I'd like to schedule a Public Hearing for this matter and for December 28th.

And may I have a second?

MEMBER COTUNGO: Second.

CHAIRMAN FOOTE: Okay. All those in favor?

MEMBER HAMMES: Aye.

MEMBER KYRK: Aye.

MEMBER COTUGNO: Aye.

CHAIRMAN FOOTE: Aye. Okay. So your Public Hearing is scheduled for December 28th.

MS. SACK: May I ask a question?

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PLANNING BOARD - NOVEMBER 30, 2020

So what does that mean? So we -- I can't -- are we allowed to do any work within -- like, the painting within the store, or we can't open until we go through the Public Hearing? Is that correct?

CHAIRMAN FOOTE: Rob?

MR. CONNELLY: I mean, painting doesn't require a permit from the Village. I mean, you could paint. But, no, you're supposed to wait for the Public Hearing to be approved.

MS. SACK: To be opened?

MR. CONNELLY: To be open, yeah.

MS. SACK: Okay. And then do -- will you need anything in addition to what I've already submitted for that Public Hearing?

CHAIRMAN FOOTE: Not to my knowledge.

MR. CONNELLY: No. I mean, if the Board's satisfied with what you've --

CHAIRMAN FOOTE: Yeah, we're satisfied with your application.

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PLANNING BOARD - NOVEMBER 30, 2020

MS. SACK: Oh, awesome.

CHAIRMAN FOOTE: And, and because it's a conditional use area, it's -- that's why we're required to have a Public Hearing on it.

MS. SACK: I see.

CHAIRMAN FOOTE: It's a formality.

MS. SACK: Okay.

CHAIRMAN FOOTE: We need to have it. Okay?

MS. SACK: Fair enough. Thank you very much.

CHAIRMAN FOOTE: You're welcome.

Item No. 5, 407 Main Street. This is a Public Hearing regarding the site plan review application of Iberico Jamon Inc., represented by Nick Decillis. The applicant proposes a change of occupancy from Group M (Retail) to Group A-2 (Bar/Tavern). This property is located in the C-R (Retail Commercial) District and is located in the Historic District, at Suffolk County Tax Map 1001-4-7-11.

So at this time, would anybody

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 like to speak on behalf of the public?

3 MR. FINNEGAN: Good afternoon.

4 Martin Finnegan, Twomey & Latham, 33 West
5 Second Street, Riverhead, New York. I am
6 here on behalf of Mr. Decillis and Iberico
7 Jamon Inc., which is the entity which is
8 attempting to open a business. The
9 business is Basso, which you may be
10 familiar with. It's operated in the
11 Village for several years now just across
12 the street in the Stirling Square area.

13 Mr. Decillis moved to the business
14 across the street, I guess, almost a year
15 ago now. And he is seeking approval to
16 change the use or to allow this use, which
17 is going to be a gourmet Italian market.
18 This property is located in the C-R
19 Commercial Retail District. The -- it
20 has -- was previously a retail operation,
21 as well. The only difference is that
22 Basso has a liquor license, which is known
23 as a tavern liquor license, but it's
24 limited to the sale of wine, beer and
25 cider. So in addition to the gourmet food

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 that. Thanks. Thank you.

3 MEMBER COTUGNO: Thank you.

4 MEMBER HAMMES: Thank you very
5 much.

6 MR. FINNEGAN: So as you can see,
7 there is very little contemplated by way
8 of interior improvements. Just really
9 what is necessary for the operation,
10 itself.

11 So it's been a long year for Basso
12 because of the building permit had an
13 issue with the operation earlier in the
14 year and we then filed this application.
15 And things were obviously delayed because
16 of Covid, but we're anxious to get up and
17 running with your approval.

18 CHAIRMAN FOOTE: Is the -- is the
19 requirement to make this a handicapped
20 accessible bathroom? John, do you know?

21 MEMBER COTUNGO: Yes. Yes. I
22 remember when they first came before us, I
23 brought that up almost, like you say,
24 almost a year ago. Not only the bathroom
25 has to be accessible, just like his

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PLANNING BOARD - NOVEMBER 30, 2020

neighbor to the north, he had to put in an accessible ramp for the exit. So it's not only the bathroom. It's the exit.

MR. FINNEGAN: There's -- there's access from -- it's a storefront right on Main Street. There's, I believe, only one way in and one way out from the road. So where would there be a ramp?

MEMBER COTUNGO: But there's a step.

MR. FINNEGAN: I mean, it's --

MEMBER COTUGNO: There's a step going up. The same as the neighbor to the north, which converted a retail store to a restaurant.

MR. FINNEGAN: This is not a restaurant, though. This is a retail store.

MEMBER COTUNGO: It's not no longer -- it has seats. It's a bar and they're gonna sell food. They're installing a dishwasher. So I believe it's a change of use. As it says in the application, it's a change of use.

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PLANNING BOARD - NOVEMBER 30, 2020

MR. FINNEGAN: No, no, no, for sure.

MEMBER COTUGNO: Any change of use in New York State requires complete handicapped accessibility, not only the bathroom, but getting around, the exit. A seat at the bar would have to be handicapped accessible.

MR. FINNEGAN: Well --

MEMBER COTUNGO: And the bar would have to be at the proper height for a handicapped access.

CHAIRMAN FOOTE: Is it -- is it -- is it really feasible to have a ramp given the proximity of the front or, I think, the other -- are you talking about Pearl is the other one?

MEMBER COTUGNO: Pearl.

CHAIRMAN FOOTE: But that was next to an alleyway. And I think that they could create an access --

MEMBER COTUNGO: Well, however, he was able to do. It wasn't even his alleyway, but maybe make that permission

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 to do. But you have to put in a door, as
3 well.

4 MR. FINNEGAN: I mean, I, I -- you
5 can review that with the Building
6 Inspector, but I, I -- I mean, for this
7 particular building and the way the access
8 is configured, as with many other
9 businesses on Main Street and Front
10 Street, I'm not even sure how you would
11 accomplish that. The bathroom is just
12 being upgraded. I'm not even sure, is it
13 open for the public as well, that
14 bathroom?

15 MR. DECILLIS: Sure.

16 MR. FINNEGAN: Yeah. So that can
17 be addressed.

18 But we could certainly review it
19 with the Building Inspector in terms of
20 whatever may be required and address that.

21 But interior, those plans are
22 essentially for the interior improvements,
23 which are -- which are really minimal.

24 CHAIRMAN FOOTE: I think at a
25 minimum you're gonna have to have the

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PLANNING BOARD - NOVEMBER 30, 2020

MEMBER KYRK: You know, I guess,
so --

CHAIRMAN FOOTE: I think the
difference, though, there is the
proximity. There was more space to create
a ramp on that one. Here, it's just -- I
don't think there's -- I don't think the
location really --

MEMBER KYRK: Permits that.

CHAIRMAN FOOTE: -- permits it.

MEMBER KYRK: For the two
adjoining stores, so it's a very narrow --

CHAIRMAN FOOTE: Yeah. I just --
well, the depth between the front door and
the sidewalk, there's nothing there.

MEMBER KYRK: Right.

CHAIRMAN FOOTE: It's just smack
right on the sidewalk, so.

MEMBER COTUNGO: We could do the
same thing as Pearl. This is the alley
that separates Pearl from Brighton's
(phonetic).

MEMBER HAMMES: No, it's not.
It's next to Flying Point, isn't it?

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PLANNING BOARD - NOVEMBER 30, 2020

MR. DECILLIS: Yes.

MEMBER HAMMES: Yeah. So on the other side there's an entrance and with Flying Point. There's no -- there's no --

MEMBER COTUNGO: It's showing -- it's showing an adjacent building and it's showing something in between. It's showing HVAC, the building, then alley. That's what I'm looking at.

MEMBER HAMMES: I don't think there's an alleyway there. That's one building with two, two storefronts.

CHAIRMAN FOOTE: Well, okay. Well, thank you for your -- for the --

MR. FINNEGAN: Okay. Thank you. And, you know, I think Mr. Connelly's suggestion is, that's fine. I mean, if the resolution -- obviously, we have to get through the Building Department when we're done with the Planning Board and we, certainly, comply with whatever they require us to do.

CHAIRMAN FOOTE: Thank you.

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PLANNING BOARD - NOVEMBER 30, 2020

MS. PHILLIPS: Good afternoon, Planning Board, Chairperson. How are you this afternoon?

CHAIRMAN FOOTE: Well. Thank you.

MS. PHILLIPS: First of all, I have to make a disclosure. I'm a Village Trustee in the Village of Greenport, but I'm not representing that at the moment. I'm here representing as an officer and a shareholder in the adjacent property of K&M Properties, and I need to make a clarification on a few things.

I was originally going to speak in reference to the intensification, since the building does not have any access from the back because they would have to go through all of our property, which, if you'd like, I'll hand you out a copy of the survey so you can see what I'm talking about.

CHAIRMAN FOOTE: Sure.

MS. PHILLIPS: In reference to the right-of-way, the only property owner that has the right-of-way is K&M Properties.

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 The building that Basso is in does not
3 have a legal right-of-way across that
4 property. So putting a handicapped door
5 similar to what was done for Pearl,
6 because Pearl's building owns the property
7 that we have the right-of-way across. The
8 other owner doesn't, okay.

9 The retail is a less intensified
10 use as far as deliveries, garbage pickup,
11 activity. Most of their stuff is gonna
12 have to be done on Main Street. During
13 the recent parklets that were allowed, the
14 officers of K&M allowed certain people
15 permission to traverse across the
16 property. But as of yesterday, the --
17 these other members decided that that's
18 gonna stop ceasing because we want to
19 clean up stuff and we don't need any
20 activity. And we're trying to keep the
21 back area open so the fire department has
22 access to homes and access to other
23 properties that are along there.

24 So I just need to bring to your
25 attention that this is gonna be -- if it's

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PLANNING BOARD - NOVEMBER 30, 2020

going to be turned into a bar/tavern, even though it's retail sales of food product, the change of classification is really bringing a more intensification of use.

So I just want to bring it to your attention because I brought it to your attention with Pearl and, unfortunately, there was a confusion and my survey map didn't make it to you in the beginning. So Pearl, of course, got delayed because of the handicapped situation for the ramp to get in.

So any questions on this, I'll be more than happy to answer it. I just have to tell you, the intensification is gonna all be on Main Street and not going through our property. Okay. Thank you.

CHAIRMAN FOOTE: Thank you.

MR. FINNEGAN: I just want to clarify. There seems to be a misunderstanding with respect to the proposed use here which is coming out of the SLA's classification of the liquor license. The Building Department seemed

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PLANNING BOARD - NOVEMBER 30, 2020

right on the plan, 40 people, plus five workers.

MR. DECILLIS: Yeah. But I operate under Ag & Markets, not the Board of Health. I'm only allowed to have the max of 14 seats at the countertops. And now with 50 percent, that cuts me down to seven. And I have people that come in and shop off the shelves or buy things to go. You know, maybe in one time I might have maybe 20 people in the store that either shop to take things out or might sit and, you know, grab a little lunch.

MEMBER HAMMES: So just to clarify --

MR. DECILLIS: I think what happened is when I first met with Greg when he came in and did my fire inspection, he took measurements and he said your occupancy was four- -- so I think when the architect did the plan, I think they just -- when they got together, that was it because of the -- there's a formula. They have to figure out how many

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PLANNING BOARD - NOVEMBER 30, 2020

people you're allowed to -- I can't even have 40 people inside. I'm not allowed to by law for Ag & Markets or the SLA.

CHAIRMAN FOOTE: So the -- you said 50 percent. Is that based upon the new Covid rules that you --

MR. DECILLIS: Yeah.

CHAIRMAN FOOTE: Okay.

MR. DECILLIS: Cuomo's, you know, 50 percent.

CHAIRMAN FOOTE: So post Covid, you -- you're saying that you --

MR. DECILLIS: I would be allowed to have --

CHAIRMAN FOOTE: 14 seats.

MR. DECILLIS: Yeah. Maybe I could have two, like, you know, tables up by the window. I'm allowed to have up to 14 people sitting. That's it. That's my max.

CHAIRMAN FOOTE: That includes the bar area and several seats?

MR. DECILLIS: Includes, yes,

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 have to go under the Board of Health. And
3 that's what happened with one of the
4 places in town, I think, Salamander's.
5 She was a very small marketplace and she
6 expanded it and then she had to switch to
7 A-2 and then she was under the
8 jurisdiction of Board of Health. I'm
9 under the jurisdiction of New York State
10 Ag & Markets.

11 MEMBER COTUNGO: I think part of
12 the problem is we're looking at a blank
13 plan. It doesn't show, like, what's gonna
14 be here, shelves or, you know, selling
15 things. And we're looking at a plan that
16 says 40 persons, plus five workers. So
17 for all I know, all this blank space will
18 be filled up with tables and chairs. I
19 would have no way of knowing that.

20 MR. DECILLIS: Okay.

21 MEMBER COTUGNO: So maybe if it
22 showed the shelves where your shelving
23 units are gonna be, maybe that would be
24 helpful to show that's what we're
25 approving, a retail store, not a

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 the problem, is delivery trucks.

3 And Pearl will have the same
4 situation. They will be all have to be
5 done on Main Street because we'll be
6 restricting access to a private property
7 back there because we have -- we have
8 stuff there that we're doing and might
9 be -- other officers of the corporation
10 are a little frustrated that people keep
11 parking back there without -- after being
12 told not to and blocking up the fencing
13 for homeowners. Because if, if it's our
14 own vehicles, we're there on the property
15 to move it. We try to keep it empty so
16 that the fire department can get to the
17 back of all those buildings.

18 CHAIRMAN FOOTE: So is there room
19 for them to have a dumpster in the back?

20 MR. DECILLIS: There's a common
21 dumpster right behind Pearl.

22 MS. PHILLIPS: No. That's not a
23 common dumpster.

24 MR. DECILLIS: I'm just going by
25 what my landlord told me, so.

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PLANNING BOARD - NOVEMBER 30, 2020

MS. PHILLIPS: No. That's not a common -- to be honest with you, that's -- that goes to the --

MR. DECILLIS: Apartments upstairs?

MS. PHILLIPS: Apartments upstairs.

MR. DECILLIS: Well, then Pearl, too.

MS. PHILLIPS: Pearl takes their own garbage.

MR. DECILLIS: Oh, okay.

MS. PHILLIPS: They have --

MR. DECILLIS: I mean, I leave it open. So I don't use the dumpster and I have it in my car. Sometimes I park in the back. But usually, I get a spot right up front on Main Street. And my deliveries, all my delivery guys, they all park on Main Street, whether I get wine or food delivery, anything like that. And they really only use the front door.

MS. PHILLIPS: As I said, this summer when we just kind of -- we're very

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 laxed about it and just laid back because
3 we weren't in a position to finish
4 cleaning as to whatever we want to be
5 doing back there because Covid kind of
6 slowed down our activities. But the
7 captain and -- said that this year, you
8 know, we're gonna be busy there. And I
9 can't have -- you know, everyone assumes
10 that that's a public right-of-way all the
11 time, and it's not. Once you enter from
12 First Street, that's private property.
13 And as you keep on driving through -- go
14 through the right-of-way, that's private
15 property.

16 MEMBER HAMMES: But to be clear,
17 the loading and unloading will be an issue
18 no matter what goes in there. If it was
19 retail and it was getting deliveries, it
20 would still be an issue.

21 MS. PHILLIPS: Right. But I just
22 wanted to make you aware of it, because
23 with Pearl there was so much confusion and
24 I just want to make it clear this time.
25 That's why I brought a copy of it. 'Cause

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 last time I gave a copy of the survey to
3 the Building Department and it never made
4 it to the Planning Board. So that's why I
5 brought that section, okay.

6 CHAIRMAN FOOTE: I'm just a little
7 confused. The right-of-way, is there any
8 access in this right-of-way from Main
9 Street, or is it just from First Street?

10 MR. DECILLIS: No. It's from Main
11 Street.

12 CHAIRMAN FOOTE: Okay. And does
13 he have any rights to that right-of-way?

14 MS. PHILLIPS: Not that I know of.
15 It's not on their deed. It's on my deed.

16 CHAIRMAN FOOTE: Are you going
17 forward with the assumption that you do
18 have the right to use it to operate your
19 business?

20 MR. DECILLIS: I've used it a few
21 times to go to the back and park where the
22 surf guy parks in that spot. You know
23 where I'm talking about? And then -- and
24 then, otherwise, I park in the front.
25 That's --

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PLANNING BOARD - NOVEMBER 30, 2020

My concern is the delivery trucks, the garbage man, and keeping it open, because it is private property.

CHAIRMAN FOOTE: In other words, you want to make sure that the delivery trucks and the garbage men don't have access to the right-of-way to make deliveries or pick up garbage? Is that what you're saying?

MS. PHILLIPS: Yeah. Well, I'm -- what I'm saying is, is they can go in there but they can't block it up. So where are they gonna go? They can't -- you know, they can't stop there for any length of time.

CHAIRMAN FOOTE: Right. Okay.

MS. PHILLIPS: And as I said before, if the configuration of that property -- we have made a concentrated effort to try and leave as much of that space free of vehicles because if, God forbid, a fire should happen in Hommel's, in the gallery, in the apartment house, the quickest access to the back is to go

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PLANNING BOARD - NOVEMBER 30, 2020

through our property of First Street,
which the fire department knows, okay.
But we make a concentrated effort to keep
that clean and keep it free of vehicles.
And that's a concentrated effort that
we've done. You know, it's not mandated.
We've chosen to do that.

CHAIRMAN FOOTE: Okay. Thank you.

Would anybody else like to speak
at this time?

MS. ALLEN: Chatty Allen, Third
Street.

I've gone back and forth with
this. We're in this time where we have no
parking. We have parklets which have
taken away a lot of parking. We have
Covid. Businesses trying to stay afloat.
You go around and count the amount of
eateries within the Village, the walking
Village, to add another one that right now
is being said, oh, no, we were only gonna
have 14 people in there, it's not a bar,
it's not a restaurant. Like, you're
serving alcohol. You're serving food.

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 I've been to enough meetings from
3 every statutory board in the Village to
4 know when you change use, everything that
5 you did before goes out the window. You
6 have new rules and new guidelines you have
7 to follow. You change it to someplace
8 where you're gonna be eating, sitting down
9 and drinking. You need to have the
10 handicapped access into the building and
11 you have to have the handicapped
12 bathrooms. And the bathrooms depend on
13 how many people are allowed in there.

14 Now, deliveries for everything
15 will be on Main Street. That is not a
16 good area for deliveries to begin with.

17 To me, I don't think this is a
18 smart idea. I don't think this is a safe
19 idea right now for our Village. I'm not
20 sure what the answer is, but I don't want
21 to see corners be cut or say, oh, well,
22 we'll do this if we stipulate this, okay,
23 we'll approve if they stipulate to that.
24 That's not how these boards should be
25 running. These boards should be going by

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 the books, by what's set forward. Because
3 what you do with this particular project,
4 excuse me, is gonna come back and bite you
5 in the you know what. Because I've been
6 listening to what's going back and forth
7 here. I don't like it. And I've been
8 here for many projects in this Village
9 over the years.

10 You say you're gonna only have
11 this amount, deliveries are only gonna do
12 this. Well, you know what, look at Third
13 Street with Goldbergs, the apartments.
14 Their delivery trucks on a daily basis
15 block the right-of-way on a daily basis.
16 I live there. I see it. I go to a lot,
17 my door to where my car is parked in the
18 building next to it. It's always being
19 blocked. That intersection on Main, my
20 God, I don't know even know. Oh, south.
21 It's already a congestion and an accident
22 waiting to happen.

23 I do agree it's gonna be more
24 intense. And, to me, this is a bad idea
25 to have this go through. Thank you.

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PLANNING BOARD - NOVEMBER 30, 2020

CHAIRMAN FOOTE: Thank you.

Is that it from the public at this time? Anybody from the Board want to weigh in at this time?

MEMBER HAMMES: I guess my, my -- you know, I understand everything that Chatty has said and Mary Bess has said.

But my general feeling on this, as I've articulated before on the parking issue, in particular, is unless the code is changed to make a requirement for parking for existing buildings, there's a limited amount that we can do with that. The code doesn't require businesses provide parking, all right, it just doesn't. And I hear what everybody says about that, but I've made my, I think, my views clear on this in the past, that that's something that, I think, the Village, as a whole, needs to pick up and make a determination on.

But every time we have these conversations about parking on each thing, I think every single thing that comes

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 delivery zones. That's a problem
3 throughout the Village and it's gotten
4 worse this year partly because of the
5 parklets. But, I mean, I live on Main
6 Street and there are trucks that stop
7 constantly up in the residential area.
8 It's not just that. So, again, that's an
9 issue, but it's not specific to this
10 particular business. It's something that
11 the Village, again, as a whole, needs to
12 get its arms around about what they're do
13 about loading and unloading zones.

14 And particularly, if there's gonna
15 be a problem over on Main Street because
16 people, as a matter of habit, have been
17 using an area that they're not entitled to
18 and there's gonna be a crackdown by the
19 property owners, it's not just gonna be a
20 problem for this business. It's gonna be
21 a problem for Pearl. It's gonna be a
22 problem for the surf shop. It's gonna be
23 a problem for everybody over there. And
24 it's going to further aggravate the
25 businesses that are already there getting

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 deliveries.

3 So I'm not -- like, to me, if you
4 take those things and you say that that's
5 the reason you're not gonna approve this,
6 then you're not gonna approve anything
7 going in there at this point, and I don't
8 think that can be right.

9 So my related question, which is
10 really for you, 'cause I don't -- I don't
11 have the code in front of me, is, the use
12 that they're proposing is -- I think
13 that's a permitted use --

14 MR. CONNELLY: It is.

15 MEMBER HAMMES: -- I think, right?

16 So I -- you know, it's not like
17 they're coming in asking for some major
18 change. So, particularly, given that
19 under the Ag license, he's limited by the
20 number of people that he can have in
21 there, that gives me comfort that it's
22 really not that much greater of an
23 intensification of use than it might be if
24 it was, you know, a retail or somebody
25 just putting a food market in there.

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PLANNING BOARD - NOVEMBER 30, 2020

I don't know how you're not gonna have food. You're gonna be serving food. That's why there's a dishwasher there. It's not only for the glasses.

So I'm too confused. It's not enough information. But I throw out the parking and loading. That's irrelevant. Should be relevant, but it's not.

MEMBER KYRK: I agree regarding the parking and the loading, I guess, like, to try and do our best effort to avoid that. But, you know, I'm still back on the handicapped stuff. I mean, we do need modifications --

CHAIRMAN FOOTE: Right.

MEMBER KYRK: -- for that.

And I guess I -- you know, just in terms of just general growth and development, yeah, you can't stop everybody just because we don't have clear guidance for parking and for loading zones.

So I'd be inclined to, you know, vote yes for this, other than what's

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PLANNING BOARD - NOVEMBER 30, 2020

needed on the plan, the additional stuff that's -- what's on the plan.

CHAIRMAN FOOTE: Okay.

MR. FINNEGAN: You know, I provided the plan just for informational purposes. It was submitted as part of the building permit application. Those are the only modifications that are being made to the building.

So, I mean, I think Nick described what the proposed use is. It's -- I think I tes- -- I described what was gonna be sold there, which is Italian gourmet food. It's an artisan food market so it's --

MEMBER KYRK: And the food is also gonna be consumed there possibly, as well, while people are --

MR. FINNEGAN: Yes. You can -- yes, you can get a -- yeah.

MEMBER KYRK: Just in, yeah, just in --

MR. FINNEGAN: There will be -- I thought there was a mention that there's not gonna be food. So there -- food will

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 be sold to patrons.

3 But other than that, there's not a
4 whole lot of change than what's noted on
5 that plan to the interior. It's just open
6 area that would have items for sale. So
7 it's not a real complicated change. It's
8 just what, what it is in terms of retail
9 to retail. That's gonna remain the same.

10 CHAIRMAN FOOTE: Okay. Well, it
11 seems to me that the next step is for you
12 guys to -- for the applicant to produce an
13 updated plan in which you provide more
14 detail in terms of the seating, that it's
15 consistent with what's being represented,
16 which is that the maximum seating capacity
17 is 14 seats. You show it not just in the
18 bar, but in the seating area. I would
19 recommend also that you would convert the
20 bathroom to be handicapped compliant and
21 with the understanding that it's subject
22 to any other handicapped compliance to the
23 premises, including ingress and egress, as
24 may be required by the Building
25 Department.

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 vacant space.

3 MR. DECILLIS: Yeah, it's a large
4 space. Future business expansion in a
5 couple of years. It's just --

6 MEMBER COTUGNO: That's what we're
7 worried about.

8 MR. DECILLIS: There's nothing
9 going in the back there. Everything I
10 have is up in the front of the store.
11 Everything I have is up in the front.
12 There's nothing -- I'm not putting not
13 even any shelves in the back or anything.
14 It's just -- it's just empty, dead space.
15 I think there's no need for all the space.
16 But I need it to move my business and get
17 open again. It's been a year. So I took
18 the space that became available and I'm
19 doing the best I can to, you know, fill up
20 the front of it with the shelves and with
21 all the -- all the imported goods I sell.

22 CHAIRMAN FOOTE: So, but the
23 seating that you're gonna provide would be
24 up in the bar area; is that correct? Is
25 that where you're --

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PLANNING BOARD - NOVEMBER 30, 2020

here. I mean, you know, I -- what I hear from -- if you could give the layout of the use of the internal, at least two first sections is what --

MR. DECILLIS: Yeah. I thought he put it on there. I thought the architect put it on there, the spaces where I have, you know, like pastas and the olive oil, things like that.

MEMBER KYRK: Yeah.

MEMBER HAMMES: It's not.

MEMBER COTUNGO: There's nothing there. It's blank.

CHAIRMAN FOOTE: I mean, personally, I'm a little less concerned about where the seating's gonna be. It's more important what the number is. I think that that's --

MEMBER HAMMES: But, but on that, I mean, their legal occupancy is 40 is a general matter. Under his tavern license, he can only serve 14. So I don't think it's a question of changing the 40 on the occupancy 'cause there's -- as a legal

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 matter, that building can hold 40 people
3 in it. It seems to me that you could
4 restrict what he can -- in terms of the
5 number of people he can serve based on
6 his -- on his Ag license. I don't --
7 like, just changing in on a, like, drawing
8 means anything.

9 MR. FINNEGAN: Exactly. I mean, I
10 think that's what I was gonna suggest is,
11 if you're gonna have that condition in a
12 resolution, it limits seating and the
13 location of a table and chair, I don't
14 think, is the issue. It's the capacity,
15 which could be dealt with by that.

16 I mean, look, at this point,
17 they've been out of business for a year
18 now. He's trying to get this thing open.
19 I -- we were hoping that we would get to a
20 resolution of this this evening so that he
21 could go back to building, get his permit
22 and get going. He's lost a tremendous
23 amount of money this year. And so if
24 there's a way that we could do that in
25 words, in a resolution, I think that would

1 **PLANNING BOARD - NOVEMBER 30, 2020**

2 be acceptable, because he can't -- he
3 can't -- he's not gonna violate his
4 licenses 'cause then he's completely out
5 of business without his Ag & Markets
6 license and his liquor license, so.

7 MR. DECILLIS: Yeah. I mean, I'm
8 inspected, just like Board of Health comes
9 in. I have New York State Ag & Market
10 that come in. And I have to sell 51
11 percent of retail and groceries, and they
12 keep a pretty strict eye on that, also.

13 CHAIRMAN FOOTE: So since you
14 don't have access to that bin in the back,
15 where are you -- where are you gonna put
16 your garbage before it gets picked up?

17 MR. DECILLIS: Well, then I'll
18 have to -- either, if I -- if I'm not able
19 to put a small dumpster there, like a
20 three-yarder, then I'll have to take care
21 of it myself. Is that what you're saying?
22 Pearl has -- Pearl gets their own and then
23 I'll have to do the same. But if I can't
24 work something out and get a small
25 three-yard dumpster and, you know, put it

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PLANNING BOARD - NOVEMBER 30, 2020

what we did on the Pearl application.

Is there anything else that you would like to add to the stipulation?

(No Response.)

CHAIRMAN FOOTE: Okay. So under those conditions, I hereby propose to approve the application.

And may I have a second?

MEMBER HAMMES: Second.

CHAIRMAN FOOTE: All those in favor?

MEMBER HAMMES: Aye.

MEMBER KYRK: Aye.

MEMBER COTUGNO: Aye.

CHAIRMAN FOOTE: Aye.

Application is approved.

So Item No. 6 is a Motion to adjourn.

May I have a second?

MEMBER HAMMES: Second.

CHAIRMAN FOOTE: All those in favor?

MEMBER HAMMES: Aye.

MEMBER KYRK: Aye.

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PLANNING BOARD - NOVEMBER 30, 2020

MEMBER COTUGNO: Aye.

CHAIRMAN FOOTE: Aye.

This meeting is adjourned.

(Whereupon, the Meeting concluded
at 4:55 p.m.)

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C E R T I F I C A T I O N

I, Agata Davis, a Notary Public in
and for the State of New York, do hereby
certify:

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 13th day of
December, 2020.

Agata Davis