

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

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 23
 24
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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 than 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 hearing 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 at 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. *)**

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

2

3 STATE OF NEW YORK)

4) SS:

5 COUNTY OF SUFFOLK)

6

7 I, ALISON MAHONEY, a Court Reporter and
8 Notary Public for and within the State of New
9 York, do hereby certify:

10 THAT, the above and foregoing contains a
11 true and correct transcription of the proceedings
12 taken on July 28, 2022, at Greenport Fire
13 Department, Third Street Fire Station, Greenport,
14 NY, 11944.

15 I further certify that I am not related to
16 any of the parties to this action by blood or
17 marriage, and that I am in no way interested in
18 the outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand this 10th day of August, 2022.

21

22

Alison Mahoney

23

Alison Mahoney

24

25