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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK: STATE OF NEW YORK
-----X
PLANNING BOARD
REGULAR MEETING
-----X

April 12, 2024
4:00 p.m.

Station One Firehouse
236 Third Street
Greenport, New York

BEFORE:

FRANCES WALTON, Acting Chair
DANIEL CREEDON, Member
SHAWN BUCHANAN, Member
PATRICIA HAMMES - Chairwoman (Absent)
ELIZABETH TALERMAN - Member (Absent)

ALSO PRESENT:
BRIAN STOLAR - Village Attorney
MICHAEL NOONE - Clerk to the Board

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ACTING CHAIR WALTON: Okay. Good afternoon. Welcome to the Village of Greenport Planning Board meeting for Friday April 12, 2024. It is 4:00 p.m. and I hear by call the meeting to order. This meeting is public. Once again, I am filling in for our Chair, who is unable to be with us today.

Our agenda this afternoon includes a motion and possible approval of the presubmission report for the site plan application for 326 Front Street doing business as the Greenporter and the presentation regarding the presubmission process and procedure for Stirling Square LLC.

First order of business is the motion to accept, and possibly approve, the minutes of March 1, 2024 Planning Board Work Session, Public Hearing and Regular Meeting.

Do I have a motion?

MEMBER CREEDON: So moved.

ACTING CHAIR WALTON: Second?

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MEMBER BUCHANAN: Second.

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ACTING CHAIR WALTON: Any

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discussion?

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All in favor?

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(All ayes.)

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Thank you.

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The second order of business is a motion to accept and possibly approve the minutes of the March 22nd Planning Board Work Session Public Hearing for the VA. I would like to note that there was an error on the minutes, which has been subsequently corrected whereby comments made by Ryan Farrell were misattributed to Brian Doyle. The minutes have been updated and corrected.

With that, may I have a motion?

MEMBER CREEDON: So moved.

ACTING CHAIR WALTON: Thank you.

Second?

MEMBER BUCHANAN: Second.

ACTING CHAIR WALTON: All in favor?

(All ayes.)

Thank you. So the motion passes.

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The third order of business is the discussion and possible motion to approve the presubmission report of the site plan application of Dillon Prives on behalf of 326 Front Street Properties LLC, doing business as the Greenporter.

The applicant proposes extensive renovations and reconstruction to an existing hotel, including adding an additional third floor. This reconstruction will increase existing square footage from 15,042 to 24,099; and existing rooms from 34 to 56.

The plan also proposes increasing the available seats in the restaurant from 45 seats to 65 seats. The property is located in the retail commercial district; it is not located in the historic district and is in Suffolk County Tax Map Number 1001-4-8-293031. I would ask all the Board members to confirm that they have read and signed off on the final version of that presubmission report, which was

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recirculated earlier this week?

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MEMBER CREEDON: Yes.

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MEMBER BUCHANAN: Yes.

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ACTING CHAIR WALTON: Great. Okay.

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I will make a motion that we approve and

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release that report to the applicant.

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Do I have a second?

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MEMBER BUCHANAN: Second.

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ACTING CHAIR WALTON: Thank you.

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All in favor?

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(All ayes.)

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ACTING CHAIR WALTON: The motion

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passes.

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Mike, will that be sent out?

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CLERK NOONE: It will be sent out

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directly after the meeting, and posted

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on Monday.

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ACTING CHAIR WALTON: Great.

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The fourth order of business is a

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discussion regarding the presubmission

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conference process and procedure for

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Stirling Square LLC.

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The property is located in the

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retail commercial district, and is also

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located in the historic district. The property is at Suffolk County Tax Map Number 1001-2-3-10.

I am now going to turn the floor over the Brian Stolar, counsel to the Planning Board, to lead the discussion.

MR. BRIAN STOLAR: Certainly.

So after the Planning Board adopted the entertainment permit requirement as part of the 2023 zoning code amendments, the Village has received numerous application from various businesses. One such application is this application submitted by Stirling Square.

As provided in the entertainment application that they submitted, Stirling Square sought an entertainment permit to play music utilizing speakers in the outdoor courtyard area on the premises. Upon receipt of that application, the Village scheduled a hearing in relation to Stirling Square's application for an entertainment permit. Prior to the actual hearing being held,

1
2 the Planning Board reviewed its previous
3 determinations relating to the premises.
4 It turns out in 2015, the Planning Board
5 granted site plan approval for the
6 proposed use of Stirling Square property
7 for use as a restaurant, guest inn and
8 exterior courtyard with a bar and a
9 seating area. Thus based on the new
10 zoning code amendments solely as an
11 application or an entertainment permit,
12 and in view of the 2015 approval, it
13 appeared that Stirling Square only
14 required an entertainment permit, and
15 would not require site plan approval.
16 However, upon the review of the
17 conditions of the 2015 approval, a
18 member of the public and the Planning
19 Board both noted that the Board had
20 imposed a specific site plan condition
21 restricting amplified exterior music.
22 The proposed entertainment permit
23 application specifically requested
24 exterior amplified music. As such, as a
25 predicate to any entertainment permit

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approval, Stirling Square required an amendment to the terms and conditions of the 2015 site plan approval to permit that music.

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Upon being notified of that requirement, Stirling Square withdrew their entertainment permit application. Thereafter, Stirling Square submitted an application seeking to amend the terms and conditions of the 2015 site plan approval to permit that amplified music. I would note for the Board, that in 2020, the Board also approved an amendment for the 2015 approval in relation to the handicapped access to the building on the southwest side of the property. And the plan itself -- the 2020 plan modified the site specifically with regard to that; the ramp providing access with some other minor changes.

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So upon receipt of the application that was submitted by the applicant for the amplified music as a site plan, the

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2 Board, in accordance with the recently
3 changed zoning amendments, scheduled a
4 presubmission conference for the
5 application. The Board then held that
6 conference on March 22nd. The Board, as
7 I understand, closed the presubmission
8 conference on that date and then as we
9 began to draft the presubmission report,
10 in reviewing the statutory provisions, I
11 noted that the proposal to amend the
12 terms and conditions of the previous
13 approval does not meet any of the
14 threshold requirements that would render
15 the application a "significant
16 application" subject to the
17 presubmission conference process, and
18 would not require a presubmission
19 process, and also not require a
20 conditional use approval given the
21 nonconforming status of the approved
22 uses on the site.

23 Thus, I am advising the Board, that
24 the PSC process, which is the
25 presubmission conference process, is not

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required for this application.

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That a application does not require a presubmission conference procedure, does not change the factors that the Board will have to consider in this application, or the fact that a public hearing will be scheduled when the site plan application is scheduled for that hearing.

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It merely eliminates a procedural step, and in actuality on addressing this particular application, it is not likely to be consistent with the content of the presubmission conference process.

In fact, here the applicant will still require an application to amend the conditions of the site plan, and also an entertainment permit, which can be applied for and sought and considered by the Board contemporaneously.

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I would note that the statutory elements the Board is required to consider for review of the site planning in accordance with the Village Code

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150-30, which is the code, and an entertainment permit under 150-51 still apply.

As part of that review, the Board will consider potential impacts of the proposed amendment on the neighboring and nearby residential community. The Board also has certain guidelines, as established as part of the entertainment permit process to consider the exterior music proposal that were not set forth in the Village Code in 2015, when the Board first considered and imposed the provision with respect to outside music.

Both the applicant and interested parties may provide the Board with information relative to those considerations and those guidelines, as the Board will undertake a full review of the request in view of those facts and guidelines.

Thus, while the presubmission conference is not required, the Board and you should expect that Stirling

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Square address in their site plan and their entertainment permit submission for the exterior music, that they identify all current site conditions, including all uses onsite, they provide an acoustical study, and if appropriate, sound mitigation and/or buffering.

In fact, the applicant advised that it would include such sound mitigation as directing the music in a certain direction. While this detail can be included in the submission, given the built-out condition of the courtyard area with the potential of noise to bounce off numerous walls and structures and the proximity of residential units, residential uses, all proposed sound mitigation efforts that will be proposed by the applicant must be identified as part of the submission and their effectiveness should be addressed in the acoustical study that the applicant should be providing to you.

With that, I would advise the Board

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there is no further action that would be

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necessary with regard to the

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presubmission conference, and you would

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consider at the time of the amendment

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application all the site plan conditions

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and the entertainment permit upon that

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submission by the applicant, and do a

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public hearing that you will schedule

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for the site plan and obtaining the

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permit.

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ACTING CHAIR WALTON: Thank you,

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Brian.

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Does anyone on the Board have any

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questions about the direction that we

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have received this afternoon?

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MEMBER BUCHANAN: It's clear.

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ACTING CHAIR WALTON: Brian, can we

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open it up to the applicants for

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questions at this time?

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MR. BRIAN STOLAR: We are at a

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public meeting. You can absolutely do

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that. It is not necessarily part of the

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process. It's not part of what you will

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consider in their application, but

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certainly, if there are questions or anything that we can deal with now, why not?

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ACTING CHAIR WALTON: I would like to give them that opportunity so that we can move this process forward. So if anyone would like to stand up to the podium. Please state your name.

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BRENT PELTON: Brent Pelton, Stirling Square.

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I'm just quite concerned. We have been here, I think, four times now trying to get our entertainment permit and the season is coming upon us. And we have tried to be as good of community citizens as possible and this is the first time I'm hearing that we will need to employ -- obtain an acoustical study. We have a survey coming in at a considerable expense to get a rushed survey done. But we were here two weeks ago -- three weeks ago. We got in what we were told that we should submit showing where the speakers were. We are

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agreeing to comply with all the terms of

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the entertainment permit. We are happy

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to get you all of the updated site

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plans. We are simply asking that the

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original site plan that you have amended

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to allow amplified music in accordance

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with the entertainment permit that is in

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the current law now.

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And we want to comply. We want to

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be good community citizens. We don't

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want to do a song and dance to get

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there. We will comply with the sound

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requirements, which that's the important

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thing here. Doing an acoustical study

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is not the important thing; it's that we

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actually comply and that the noise

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doesn't travel. So we very much would

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like to have our existing site plan be

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updated so that we can move forward and

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agree to comply with all, and get our

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entertainment permit and move forward

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with the season. I'm just concerned

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with the path that you are laying out,

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which sounds great, but I'm concerned

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that it's going to take quite a long

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process, which maybe Rob was able to

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advise otherwise, but we have been here

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for a public hearing. We have spoken

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with the neighbors. It has been

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noticed. We are happy to do another one

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but we very much want to get this done.

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So Brian, what would be the fastest,

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most effective way that you see us being

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able to move forward?

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MR. BRIAN STOLAR: I'll answer the

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last one first. Get the application in

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for a site plan and for your

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entertainment permit so that it gets

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processed by staff. With regard to the

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acoustical study, if you feel you don't

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need it and you want to present your

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case without it, go ahead, but given

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that you have an existing condition from

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your previous site plan with respect to

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the outdoor music, I would anticipate

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that that's the exact kind of thing that

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would be considered. And had the Board

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gone through with the full presubmission

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conference, that would have been part of

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the report, which would have been

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generated and possibly prepared in time

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for today, so you would have lost more

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time if we went through that process.

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So letting you know now that, that

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doesn't have to be part of the

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submission right away, but it is going

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to be part of something the Board is

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going to be considering as part of its

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review. So it would have to be there in

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at some point thereafter. It shouldn't

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delay you in submitting your

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application. Get the application in as

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quickly as you can so we can get you on.

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I guess it would be for May calendar or

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an early May calendar, right?

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CLERK NOONE: Well, we can certainly

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notice for May 10th.

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MR. BRIAN STOLAR: Right.

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CLERK NOONE: Which would be the

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next meeting that we could notice for.

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BRENT PELTON: Okay. So long as we

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are able to try to set it up -- I don't

1
2 know how long it takes to get a sound
3 study. I don't know who does it. I
4 don't know if you all have experience
5 with it. I have certainly never done
6 one myself. And we are happy to do one,
7 but I would like to move forward because
8 we have a lot of employees and guests
9 and people counting on us, and we want
10 to move forward.

11 ACTING CHAIR WALTON: We do
12 appreciate your need to move forward and
13 we are working with you to try and make
14 that happen, which is why we are sitting
15 here with the report from Brian today.

16 BRENT PELTON: Thank you.

17 ACTING CHAIR WALTON: It could have
18 been a longer process but upon review,
19 it didn't seem appropriate in this
20 circumstance. So we are trying.

21 BRENT PELTON: Thank you. I really
22 do appreciate it. And I thank you for
23 the job you are doing. It is a
24 thankless, unpaid, volunteer community
25 service. So I really appreciate the

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work that you are doing and, you know,

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putting forth this whole new process.

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So we will do everything we can to get

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it done. We are supposed to have the

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survey updated next week. We got a rush

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job, so we are supposed to have it back

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by Friday.

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ACTING CHAIR WALTON: And just to

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confirm, it will include the current

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conditions, correct?

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BRENT PELTON: Absolutely. Correct.

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ACTING CHAIR WALTON: That is what

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we are looking for. That should cover

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the concerns that people may have in

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terms of if your current operation

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consistent with what had been approved

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under your prior site plan. So I

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understand that you are working on that

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diligently, that you are trying to

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expedite it, and that would be the next

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step to submit that. Look into the

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issue of the acoustical study. Again,

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as Brian said, it may or may not fit

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within that timeframe. You certainly

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have the option to come back and present without it, but again, I would like to stress that you should be looking at and addressing acoustical issues in your resubmission so that we can satisfy the public concerns and make sure you're compliant with the code.

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BRENT PELTON: Perfect. Okay.

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Rob, Ryan, do you have any questions?

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RYAN SIDOR: What is the latest --

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ACTING CHAIR WALTON: Sorry to ask you to do this. Please step up to the podium and state your name and address.

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RYAN SIDOR: Ryan Sidor; Robert Brown Architects.

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If we do move and submit an application for the May agenda, what is the latest date you'll accept the acoustical survey?

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CLERK NOONE: I mean that's up to the board chair. We'll accept -- I mean traditionally, we like to get material at least one week ahead of time

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to give the Board members time to study

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them.

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RYAN SIDOR: Okay.

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CLERK NOONE: But that is totally up

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to the acting chairperson.

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ACTING CHAIR WALTON: At that point

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we'll have our actual chairperson back.

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RYAN SIDOR: But one week? Okay.

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CLERK NOONE: In order to notice you

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for the May 10th meeting, I would to at

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least get the new updated applications

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and the new updated site plan no later

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than -- I mean I would have to notice

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at the 18th of April in order for it to

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get into the paper in due time.

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RYAN SIDOR: Okay.

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ACTING CHAIR WALTON: Thank you.

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MEMBER CREEDON: So can I ask, I

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think I'm hearing two things --

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ACTING CHAIR WALTON: Are you

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expressing the question to the

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applicant?

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MEMBER CREEDON: No, no, probably to

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Brian and maybe the Board. Is that

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okay?

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ACTING CHAIR WALTON: Yeah, that's fine. I was just going to ask somebody to step up to the podium if you were asking the applicant.

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MEMBER CREEDON: I'm thinking I'm hearing two things as formal conclusions that aren't necessarily so, may be so, but shouldn't be assumed to be so. And one is that the site plan will be changed. And the other is that if it is not changed, then it is not possible to submit an entertainment permit that does not contain amplified music, which is acoustic music outdoors. So it seems to me -- and I don't like to tell people -- because I don't run a business so I don't have any stake in that, but it seems to me, it would be wise, along with submitting a site plan change, to submit an entertainment permit with the current site plan, so that you could have music in case the site plan has not changed.

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MR. BRIAN STOLAR: So in other words, an entertainment permit to address interior music but not exterior music?

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MEMBER CREEDON: Or exterior acoustic music. Exterior music is not prohibited. It's exterior amplified music.

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MR. BRIAN STOLAR: So the way that should read then is an entertainment permit for -- and it's a good point -- for the current approval in place and/or exterior amplified music; that way, the Board can consider both factors. What the Board would do is, they would have to -- they can grant your entertainment permit for the interior, even without the site plan amendment because there is no condition in your approval, but as a predicate to or literally at the same time as any approval, if the Board is going to approve outdoor music, the site plan has to be approved.

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MEMBER CREEDON: Outdoor music --

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I'm not an attorney but it says no exterior amplified music.

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MR. BRIAN STOLAR: Correct.

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MEMBER CREEDON: That would be permitted under the current site plan?

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MR. BRIAN STOLAR: Correct. Yeah. The two words that are key there are exterior and amplified.

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MEMBER CREEDON: That way, you can try to get what you want fully.

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ACTING CHAIR WALTON: Ideally though, we have the updated plan that shows for conditions that we have everything in place.

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MEMBER CREEDON: I don't want to say ahead of time without reading all the stuff that it is ideal that it could change.

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ACTING CHAIR WALTON: I didn't say that. I said ideally, we have the materials to make the decision.

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MEMBER CREEDON: Oh, yes.

ACTING CHAIR WALTON: Any other questions?

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MEMBER BUCHANAN: I just want to make sure that you feel like you have a clear path to what you need.

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BRENT PELTON: I think so. I think we, number one, get the surveyor here, get the surveyor back and show all the current conditions and we get work with our architects to get in the application. And we have contacts who have done Claudio's acoustical study. So we may work with them or see what their schedule is but we will not hold up our application pending that.

MEMBER BUCHANAN: And just want to go back to the acoustical study really quickly.

So can you just explain why and how that would be held up a little bit more and why that is important to this? I just want to make sure that everybody is aware.

MR. BRIAN STOLAR: Because, you know, the reason I use the acoustical study is because that is what you

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2 typically would use to determine what
3 the impact will be on the surrounding
4 neighborhood, which I presume is the
5 very reason in 2015, the Board included
6 the condition that precluded that kind
7 of music because of the concern of the
8 surrounding neighborhood. So that study
9 done by somebody who knows how to work
10 with sound and understands how sound
11 moves, can give you the answers. And
12 potentially say, you know, yeah, you
13 included this as a condition but there
14 are ways to avoid it and there are
15 mitigation steps that can be taken to
16 limit the sound offsite. And here's
17 what you do and if that's the case, if
18 you choose to grant it, you can grant it
19 with the condition that it would be
20 operated as demonstrated to be mitigated
21 through the site.

22 MEMBER BUCHANAN: So my question is,
23 if -- and again, because I don't know
24 all the information -- we couldn't grant
25 a conditional -- we can grant this as

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conditional with the condition being that if there was enough of a community response to the music, that an acoustical study would have to be performed. To the idea that the applicant has been here a number of times, is that something we could do?

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MR. BRIAN STOLAR: The way to do that is to get a short site plan approval that allows for the operator for a specific period of time, kind of like a test time. And if it doesn't work, the next time they come in, you don't have to approve it again.

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ACTING CHAIR WALTON: Or you can vote on it conditionally upon receipt of the acoustical study if it were not available.

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MEMBER BUCHANAN: Because if there wasn't an issue, I would hate to have somebody pay out-of-pocket.

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ACTING CHAIR WALTON: Clearly, certain neighbors think there is an issue.

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MEMBER BUCHANAN: Got it.

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ACTING CHAIR WALTON: But I'm also sensitive to costs so I think we should let the applicant look into it. I think it is the safest course of action because it will longer term, help you address and not just the neighborhood but any potential future issue. And so ideally, we have that information and we can all feel comfortable that we are approving things or not, as the case may be, but that we have the necessary information that we have to understand the true impact on the neighborhood. But I think we are anxious to not keep you in a state of limbo. We want to help figure out how to move forward, whatever that end result may be, not pre-supposing anything.

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Anything further?

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BRENT PELTON: So I guess, Brian, do you think it makes sense for us to get our entertainment permit in for interior and exterior acoustical music and then

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maybe be able to amend that?

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MR. BRIAN STOLAR: That part of it doesn't need site plan approval. That is your existing situation. You can just come right in for an entertainment permit. It's once you add the element of amplification that it's not permitted and would require an amendment to your site plan. So it would be an amendment to the site plan and a new entertainment.

You can apply for, as you are saying, an entertainment permit for the type of music use that is the sound use that is currently permitted. And just do that, come in with that, leave it at that and then process the next one after that, which would include site plan and amendment to the entertainment permit to permit the amplified music.

BRENT PELTON: Okay. Thank you.

ACTING CHAIR WALTON: I think we're okay.

RYAN SIDOR: Sorry. Just to be

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clear, to do it that way would require
two separate applications and we have to
restart the process?

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MR. BRIAN STOLAR: That is correct.

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RYAN SADGER: Okay.

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RYAN SIDOR: Okay. You mentioned
the short term approval of the site
plan. Does that alter the process in
any way or is that a condition you guys
would grant?

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MR. BRIAN STOLAR: It is at the end.

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RYAN SIDOR: Okay.

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ACTING CHAIR WALTON: If I
understood your question, it is not

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going to change your work.

RYAN SIDOR: Yes, okay.

ACTING CHAIR WALTON: Yeah. Okay.
With that, then we'll move onto the next
item, which is if anyone has any other
Planning Board business that might come
before this board that they wish to
discuss this afternoon?

MEMBER CREEDON: No.

MEMBER BUCHANAN: Do we need to set
the next meeting?

ACTING CHAIR WALTON: We have
already set our next meeting. We will
at the meeting at the end of the month
the next meeting to follow that.

CLERK NOONE: At the April 26th
meeting, we'll make a motion to schedule
the May 10th meeting. The following
meeting, the date may be changed so
we'll only approve the April 26th
meeting.

MEMBER CREEDON: I'm going to become
a grandparent in May and the sooner I
can know the dates, the better because

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the new grandchild will be in Baltimore and we'll be traveling.

CLERK NOONE: We'll definitely be having the May 10th meeting. It is the following meeting, which is the Friday before Memorial Day weekend, which could be problematic. I think that date was picked without knowing it was Memorial Day weekend.

MEMBER CREEDON: Okay. Thank you.

ACTING CHAIR WALTON: All right. Hearing nothing more then, the last item on the agenda is to call for the adjournment. May I have a motion?

MEMBER CREEDON: So moved.

MEMBER BUCHANAN: Second.

ACTING CHAIR WALTON: All in favor.

(All Ayes.)

ACTING CHAIR WALTON: Motion carries. Thank you.

(The Time Noted is 4:30 p.m.)

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C E R T I F I C A T E .

STATE OF NEW YORK)
 : SS.:
COUNTY OF SUFFOLK)

I, EILEEN MONTEAGUDO, a Notary Public for
and within 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 12th day of April, 2024.

Eileen Monteagudo

EILEEN MONTEAGUDO
