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2	VILLAGE OF GREENPORT COUNTY OF SUFFOLK: STATE OF NEW YORK
3	X
4	PLANNING BOARD
5	WORK SESSION AND REGULAR MEETING
6	X
7	November 30, 2020
8	4:00 p.m.
9	Third Street Firehouse Greenport, New York
10	Greenport, New York
11	
12	B E F O R E:
13	WALTER FOOTE - CHAIRMAN
14	JOHN COTUNGO - MEMBER
15	REED KYRK - MEMBER
16	LILY DOUGHERTY-JOHNSON - MEMBER (ABSENT)
17	PATRICIA HAMMES - MEMBER
18	
19	ALSO PRESENT:
20	PAUL PALLAS - VILLAGE ADMINISTRATOR (ABSENT)
21	ROBERT CONNELLY - PLANNING BOARD ATTORNEY
22	AMANDA AURICHIO - SECRETARY TO THE BOARD
23	STEPHANIE SACK - BUSINESS OWNER
24	MARTIN FINNEGAN - ATTORNEY FOR NICK DECILLIS
25	NICK DECILLIS - BUSINESS OWNER

1	PLANNING BOARD - NOVEMBER 30, 2020
2	(The Meeting was called to order
3	at 4:07 p.m.)
4	CHAIRMAN FOOTE: Good afternoon.
5	Welcome to the Village of Greenport's
6	Planning Board. This is a Work Session
7	and Regular Meeting combined. It is
8	November 30th at a little after 4:00 p.m.
9	Item No. 1 is a Motion to accept
10	and approve the Minutes of the October 29,
11	2020 Planning Board Work Session and
12	Regular Meeting.
13	May I have a second to this
14	Motion?
15	MEMBER COTUNGO: Second.
16	CHAIRMAN FOOTE: All those in
17	favor?
18	MEMBER HAMMES: Aye.
19	MEMBER KYRK: Aye.
20	MEMBER COTUGNO: Aye.
21	CHAIRMAN FOOTE: Aye.
22	The Minutes are so approved.
23	Item No. 2 is a Motion to schedule
24	the combined Planning Board Work Session
25	and Regular Meeting for 4:00 p.m. on

1	PLANNING BOARD - NOVEMBER 30, 2020
2	December 28th, 2020.
3	May I have a second to this
4	motion?
5	MEMBER COTUNGO: Second.
6	CHAIRMAN FOOTE: All those in
7	favor?
8	MEMBER HAMMES: Aye.
9	MEMBER KYRK: Aye.
10	MEMBER COTUGNO: Aye.
11	CHAIRMAN FOOTE: Aye.
12	Okay. So the next meeting is so
13	scheduled for that date and time.
14	Item No. 3 is 412 Carpenter
15	Street. That is a Motion to accept the
16	Findings and Determinations for 412
17	Carpenter Street. This property is
18	located in the R-2 (One and Two-Family)
19	District and is located in the Historic
20	District. It's Suffolk County Tax Map
21	1001-5-1-8.
22	A written resolution of the
23	Findings and Determinations were
24	circulated to all the Board Members. And
25	at this time, I take it all of you read

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1
                PLANNING BOARD - NOVEMBER 30, 2020
2
              it.
3
                      And may I have a second on the
             Motion to accept such Findings and
4
             Determinations?
5
6
                      MEMBER COTUNGO: Second.
7
                      CHAIRMAN FOOTE: All those in
              favor?
8
                      MEMBER HAMMES: Aye.
10
                      MEMBER KYRK: Aye.
11
                      MEMBER COTUGNO: Aye.
12
                      CHAIRMAN FOOTE: Aye.
13
                      The Motion so carries and is
14
             accepted.
15
                      Item No. 4, 15th Street (sic).
16
              This is a Pre-Submission Conference with
             possible Motion to schedule a Public
17
18
             Hearing for December 28th, regarding the
19
              site plan application of Stephanie Sack
20
              represented by Patricia Moore. The
21
              applicant proposes to continue the
22
             conditional use of a retail establishment,
23
              replacing the store formerly known as
              "Crinoline Fashion Boutique". This
24
25
             property is located in the W-C (Waterfront
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1	PLANNING BOARD - NOVEMBER 30, 2020
2	Commercial) District and is not located in
3	the Historic District. It's at Suffolk
4	County Tax Map 1001-5-4-31.1.
5	And would the applicant or her
6	representative like to speak with us at
7	this time?
8	MS. SACK: Hi, how are you? I'm
9	Stephanie Sack. And my sister, Ms. Mary
10	Fields, is here as well. We were the
11	owners of the proposed new store.
12	CHAIRMAN FOOTE: Great.
13	MS. SACK: I'm not sure what I
14	wrote a letter. I'm not sure what you
15	want to know. We are looking to open a
16	retail store in the same place. We're not
17	actually doing anything to the building.
18	We're just gonna paint it on the inside.
19	And we will sell clothing, home goods and
20	some lifestyle products, like some beauty
21	things and some accessories.
22	CHAIRMAN FOOTE: Okay. And that's
23	similar to what the current
24	MS. SACK: It's pretty much
25	exactly the same.

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2	CHAIRMAN FOOTE: I see.
3	MS. SACK: Hopefully, we'll be
4	able to be there longer.
5	CHAIRMAN FOOTE: Okay. Does
6	anybody have any questions?
7	MEMBER COTUNGO: No.
8	CHAIRMAN FOOTE: No?
9	Okay. Well, thank you very much
10	for your presentation.
11	MS. SACK: Thank you.
12	CHAIRMAN FOOTE: At this time, I'd
13	like to schedule a Public Hearing for this
14	matter and for December 28th.
15	And may I have a second?
16	MEMBER COTUNGO: Second.
17	CHAIRMAN FOOTE: Okay. All those
18	in favor?
19	MEMBER HAMMES: Aye.
20	MEMBER KYRK: Aye.
21	MEMBER COTUGNO: Aye.
22	CHAIRMAN FOOTE: Aye.
23	Okay. So your Public Hearing is
24	scheduled for December 28th.
25	MS. SACK: May I ask a question?

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2	So what does that mean? So we I
3	can't are we allowed to do any work
4	within like, the painting within the
5	store, or we can't open until we go
6	through the Public Hearing? Is that
7	correct?
8	CHAIRMAN FOOTE: Rob?
9	MR. CONNELLY: I mean, painting
10	doesn't require a permit from the Village.
11	I mean, you could paint. But, no, you're
12	supposed to wait for the Public Hearing to
13	be approved.
14	MS. SACK: To be opened?
15	MR. CONNELLY: To be open, yeah.
16	MS. SACK: Okay. And then do
17	will you need anything in addition to what
18	I've already submitted for that Public
19	Hearing?
20	CHAIRMAN FOOTE: Not to my
21	knowledge.
22	MR. CONNELLY: No. I mean, if the
23	Board's satisfied with what you've
24	CHAIRMAN FOOTE: Yeah, we're
25	satisfied with your application.

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2	MS. SACK: Oh, awesome.
3	CHAIRMAN FOOTE: And, and because
4	it's a conditional use area, it's
5	that's why we're required to have a Public
6	Hearing on it.
7	MS. SACK: I see.
8	CHAIRMAN FOOTE: It's a formality.
9	MS. SACK: Okay.
10	CHAIRMAN FOOTE: We need to have
11	it. Okay?
12	MS. SACK: Fair enough. Thank you
13	very much.
14	CHAIRMAN FOOTE: You're welcome.
15	Item No. 5, 407 Main Street. This
16	is a Public Hearing regarding the site
17	plan review application of Iberico Jamon
18	Inc., represented by Nick Decillis. The
19	applicant proposes a change of occupancy
20	from Group M (Retail) to Group A-2
21	(Bar/Tavern). This property is located in
22	the C-R (Retail Commercial) District and
23	is located in the Historic District, at
24	Suffolk County Tax Map 1001-4-7-11.
25	So at this time, would anybody

1	PLANNING BOARD - NOVEMBER 30, 2020
2	like to speak on behalf of the public?
3	MR. FINNEGAN: Good afternoon.
4	Martin Finnegan, Twomey & Latham, 33 West
5	Second Street, Riverhead, New York. I am
6	here on behalf of Mr. Decillis and Iberico
7	Jamon Inc., which is the entity which is
8	attempting to open a business. The
9	business is Basso, which you may be
10	familiar with. It's operated in the
11	Village for several years now just across
12	the street in the Stirling Square area.
13	Mr. Decillis moved to the business
14	across the street, I guess, almost a year
15	ago now. And he is seeking approval to
16	change the use or to allow this use, which
17	is going to be a gourmet Italian market.
18	This property is located in the C-R
19	Commercial Retail District. The it
20	has was previously a retail operation,
21	as well. The only difference is that
22	Basso has a liquor license, which is known
23	as a tavern liquor license, but it's
24	limited to the sale of wine, beer and
25	cider. So in addition to the gourmet food

1	PLANNING BOARD - NOVEMBER 30, 2020
2	items that are offered for sale, patrons
3	can also purchase wine, beer and cider.
4	There's very little contemplated
5	in terms of improvements. Essentially,
6	they are intending to add a dry a
7	3-bay sink and a dishwasher, an ice maker,
8	and essentially upgrade the fixtures in
9	the existing bathroom on the premises.
10	No exterior alterations are contemplated.
11	There's a building permit application
12	that's been pending since October for
13	those minor alterations that I just
14	referenced.
15	I do have a copy of the existing
16	and proposed floor plan, if the Board
17	would like to see that.
18	CHAIRMAN FOOTE: Well, is it
19	different from what was originally
20	submitted?
21	MR. FINNEGAN: No, no. It's all
22	the same. I just brought copies if
23	anybody
24	CHAIRMAN FOOTE: No, that'd be
25	great. I'd like to see, have a copy of

1	PLANNING BOARD - NOVEMBER 30, 2020
2	that. Thanks. Thank you.
3	MEMBER COTUGNO: Thank you.
4	MEMBER HAMMES: Thank you very
5	much.
6	MR. FINNEGAN: So as you can see,
7	there is very little contemplated by way
8	of interior improvements. Just really
9	what is necessary for the operation,
10	itself.
11	So it's been a long year for Basso
12	because of the building permit had an
13	issue with the operation earlier in the
14	year and we then filed this application.
15	And things were obviously delayed because
16	of Covid, but we're anxious to get up and
17	running with your approval.
18	CHAIRMAN FOOTE: Is the is the
19	requirement to make this a handicapped
20	accessible bathroom? John, do you know?
21	MEMBER COTUNGO: Yes. Yes. I
22	remember when they first came before us, I
23	brought that up almost, like you say,
24	almost a year ago. Not only the bathroom
25	has to be accessible, just like his

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2	neighbor to the north, he had to put in an
3	accessible ramp for the exit. So it's not
4	only the bathroom. It's the exit.
5	MR. FINNEGAN: There's there's
6	access from it's a storefront right on
7	Main Street. There's, I believe, only one
8	way in and one way out from the road. So
9	where would there be a ramp?
10	MEMBER COTUNGO: But there's
11	a step.
12	MR. FINNEGAN: I mean, it's
13	MEMBER COTUGNO: There's a step
14	going up. The same as the neighbor to the
15	north, which converted a retail store to a
16	restaurant.
17	MR. FINNEGAN: This is not a
18	restaurant, though. This is a retail
19	store.
20	MEMBER COTUNGO: It's not no
21	longer it has seats. It's a bar and
22	they're gonna sell food. They're
23	installing a dishwasher. So I believe
24	it's a change of use. As it says in the
25	application, it's a change of use.

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2	MR. FINNEGAN: No, no, no, for
3	sure.
4	MEMBER COTUGNO: Any change of use
5	in New York State requires complete
6	handicapped accessibility, not only the
7	bathroom, but getting around, the exit. A
8	seat at the bar would have to be
9	handicapped accessible.
10	MR. FINNEGAN: Well
11	MEMBER COTUNGO: And the bar would
12	have to be at the proper height for a
13	handicapped access.
14	CHAIRMAN FOOTE: Is it is it
15	is it really feasible to have a ramp given
16	the proximity of the front or, I think,
17	the other are you talking about Pearl
18	is the other one?
19	MEMBER COTUGNO: Pearl.
20	CHAIRMAN FOOTE: But that was next
21	to an alleyway. And I think that they
22	could create an access
23	MEMBER COTUNGO: Well, however, he
24	was able to do. It wasn't even his
25	alleyway, but maybe make that permission

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2	to do. But you have to put in a door, as
3	well.
4	MR. FINNEGAN: I mean, I, I you
5	can review that with the Building
6	Inspector, but I, I I mean, for this
7	particular building and the way the access
8	is configured, as with many other
9	businesses on Main Street and Front
10	Street, I'm not even sure how you would
11	accomplish that. The bathroom is just
12	being upgraded. I'm not even sure, is it
13	open for the public as well, that
14	bathroom?
15	MR. DECILLIS: Sure.
16	MR. FINNEGAN: Yeah. So that can
17	be addressed.
18	But we could certainly review it
19	with the Building Inspector in terms of
20	whatever may be required and address that.
21	But interior, those plans are
22	essentially for the interior improvements,
23	which are which are really minimal.
24	CHAIRMAN FOOTE: I think at a
25	minimum you're gonna have to have the

1	PLANNING BOARD - NOVEMBER 30, 2020
2	bathroom comply.
3	MR. FINNEGAN: Okay.
4	CHAIRMAN FOOTE: As far as the
5	door, I mean hey, Rob?
6	MR. CONNELLY: Yeah.
7	CHAIRMAN FOOTE: Is that I
8	mean, isn't that something that the
9	Building Department has to do they
10	weigh in?
11	MR. CONNELLY: Yeah. I mean, we
12	can make that as a condition of the
13	resolution. You know, if the Building
14	Department requires it to be ADA
15	compliant, then they'll make it ADA
16	compliant. Same with the bathroom. But,
17	yeah, it's a Building Department question,
18	not a Planning Board.
19	CHAIRMAN FOOTE: Okay. Anybody
20	else have any questions or comments?
21	MEMBER KYRK: It seems like it
22	seems like we're looking at almost the
23	same situation that we struggled with at
24	the place across the street.
25	CHAIRMAN FOOTE: Right.

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2	MEMBER KYRK: You know, I guess,
3	so
4	CHAIRMAN FOOTE: I think the
5	difference, though, there is the
6	proximity. There was more space to create
7	a ramp on that one. Here, it's just I
8	don't think there's I don't think the
9	location really
10	MEMBER KYRK: Permits that.
11	CHAIRMAN FOOTE: permits it.
12	MEMBER KYRK: For the two
13	adjoining stores, so it's a very narrow
14	CHAIRMAN FOOTE: Yeah. I just
15	well, the depth between the front door and
16	the sidewalk, there's nothing there.
17	MEMBER KYRK: Right.
18	CHAIRMAN FOOTE: It's just smack
19	right on the sidewalk, so.
20	MEMBER COTUNGO: We could do the
21	same thing as Pearl. This is the alley
22	that separates Pearl from Brighton's
23	(phonetic).
24	MEMBER HAMMES: No, it's not.
25	It's next to Flying Point, isn't it?

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2	MR. DECILLIS: Yes.
3	MEMBER HAMMES: Yeah. So on the
4	other side there's an entrance and with
5	Flying Point. There's no there's no
6	MEMBER COTUNGO: It's showing
7	it's showing an adjacent building and it's
8	showing something in between. It's
9	showing HVAC, the building, then alley.
10	That's what I'm looking at.
11	MEMBER HAMMES: I don't think
12	there's an alleyway there. That's one
13	building with two, two storefronts.
14	CHAIRMAN FOOTE: Well, okay.
15	Well, thank you for your for
16	the
17	MR. FINNEGAN: Okay. Thank you.
18	And, you know, I think
19	Mr. Connelly's suggestion is, that's fine.
20	I mean, if the resolution obviously, we
21	have to get through the Building
22	Department when we're done with the
23	Planning Board and we, certainly, comply
24	with whatever they require us to do.
25	CHAIRMAN FOOTE: Thank you.

1	PLANNING BOARD - NOVEMBER 30, 2020
2	MS. PHILLIPS: Good afternoon,
3	Planning Board, Chairperson. How are you
4	this afternoon?
5	CHAIRMAN FOOTE: Well. Thank you.
6	MS. PHILLIPS: First of all, I
7	have to make a disclosure. I'm a Village
8	Trustee in the Village of Greenport, but
9	I'm not representing that at the moment.
10	I'm here representing as an officer and a
11	shareholder in the adjacent property of
12	K&M Properties, and I need to make a
13	clarification on a few things.
14	I was originally going to speak in
15	reference to the intensification, since
16	the building does not have any access from
17	the back because they would have to go
18	through all of our property, which, if
19	you'd like, I'll hand you out a copy of
20	the survey so you can see what I'm talking
21	about.
22	CHAIRMAN FOOTE: Sure.
23	MS. PHILLIPS: In reference to the
24	right-of-way, the only property owner that
25	has the right-of-way is K&M Properties.

PLANNING BOARD - NOVEMBER 30, 2020 1 2 The building that Basso is in does not 3 have a legal right-of-way across that property. So putting a handicapped door 4 similar to what was done for Pearl, 5 because Pearl's building owns the property 6 that we have the right-of-way across. 7 other owner doesn't, okay. 8 9 The retail is a less intensified use as far as deliveries, garbage pickup, 10 11 activity. Most of their stuff is gonna 12 have to be done on Main Street. During 13 the recent parklets that were allowed, the officers of K&M allowed certain people 14 15 permission to traverse across the property. But as of yesterday, the --16 these other members decided that that's 17 18 gonna stop ceasing because we want to clean up stuff and we don't need any 19 20 activity. And we're trying to keep the 21 back area open so the fire department has 22 access to homes and access to other 23 properties that are along there. 24 So I just need to bring to your

attention that this is gonna be -- if it's

25

PLANNING BOARD - NOVEMBER 30, 2020 1 2 going to be turned into a bar/tavern, even 3 though it's retail sales of food product, the change of classification is really 4 bringing a more intensification of use. 5 So I just want to bring it to your 6 7 attention because I brought it to your attention with Pearl and, unfortunately, 8 9 there was a confusion and my survey map didn't make it to you in the beginning. 10 11 So Pearl, of course, got delayed because of the handicapped situation for the ramp 12 13 to get in. 14 So any questions on this, I'll be 15 more than happy to answer it. I just have to tell you, the intensification is gonna 16 17 all be on Main Street and not going 18 through our property. Okay. Thank you. 19 CHAIRMAN FOOTE: Thank you. 20 MR. FINNEGAN: I just want to 21 clarify. There seems to be a 22 misunderstanding with respect to the 23 proposed use here which is coming out of 24 the SLA's classification of the liquor 25 license. The Building Department seemed

1	PLANNING BOARD - NOVEMBER 30, 2020
2	to pick up on this. It's called a tavern
3	license when you're allowed to just sell
4	beer, wine and cider. It's just a
5	classification the SLA uses. This is not
6	going to be a bar or a tavern. It is a
7	gourmet artisan food market with
8	accessories, sale of alcohol in a cooler.
9	So it's that type of use. It's a retail
10	food market. It's not a bar or a tavern,
11	despite the designation. They're only
12	limited to that type of alcohol service.
13	So I just want to make it make it clear
14	that it will not be a bar.
15	CHAIRMAN FOOTE: Can I just ask
16	you a follow-up question then? So the
17	plans provide for a 40 person occupancy.
18	Is that what the expectation's gonna be,
19	that that there'll be up to 40 customers
20	or, you know, 40 people allowed to occupy
21	that at any given time?
22	MR. DECILLIS: No, not at all.
23	I'm not I'm not even allowed to have 40
24	people in there.
25	MEMBER COTUNGO: It says that

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2	right on the plan, 40 people, plus five
3	workers.
4	MR. DECILLIS: Yeah. But I
5	operate under Ag & Markets, not the Board
6	of Health. I'm only allowed to have the
7	max of 14 seats at the countertops. And
8	now with 50 percent, that cuts me down to
9	seven. And I have people that come in and
10	shop off the shelves or buy things to go.
11	You know, maybe in one time I might have
12	maybe 20 people in the store that either
13	shop to take things out or might sit and,
14	you know, grab a little lunch.
15	MEMBER HAMMES: So just to
16	clarify
17	MR. DECILLIS: I think what
18	happened is when I first met with Greg
19	when he came in and did my fire
20	inspection, he took measurements and he
21	said your occupancy was four so I
22	think when the architect did the plan, I
23	think they just when they got together,
24	that was it because of the there's a
25	formula. They have to figure out how many

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2	people you're allowed to I can't
3	even have 40 people inside. I'm not
4	allowed to by law for Ag & Markets or the
5	SLA.
6	CHAIRMAN FOOTE: So the you
7	said 50 percent. Is that based upon the
8	new Covid rules that you
9	MR. DECILLIS: Yeah.
10	CHAIRMAN FOOTE: Okay.
11	MR. DECILLIS: Cuomo's, you know,
12	50 percent.
13	CHAIRMAN FOOTE: So post Covid,
14	you you're saying that you
15	MR. DECILLIS: I would be allowed
16	to have
17	CHAIRMAN FOOTE: 14 seats.
18	MR. DECILLIS: Yeah. Maybe I
19	could have two, like, you know, tables up
20	by the window. I'm allowed to have up to
21	14 people sitting. That's it. That's my
22	max.
23	CHAIRMAN FOOTE: That includes the
24	bar area and several seats?
25	MR. DECILLIS: Includes, yes,

1	PLANNING BOARD - NOVEMBER 30, 2020
2	everything, even outside.
3	MEMBER HAMMES: I was just I
4	just wanted to clarify that point. So
5	putting aside Covid restrictions, if we
6	were in ordinary times, what you're saying
7	is you would have no more than 14 people
8	at any given time that were there eating
9	or drinking. There might be other people
10	that were coming in to purchase an item
11	and leave. When you say the 14 people
12	eating and drinking, that would that
13	I just want to be clear. That's not
14	you don't have people standing at the bar
15	in addition to that 14?
16	MR. DECILLIS: Correct.
17	MEMBER HAMMES: It's just 14
18	people consuming on the property. Anybody
19	else would have to be a pure retail person
20	coming in.
21	MR. DECILLIS: Yeah, because
22	that's the amount of seats that I have or
23	tables, anything like that. Once you go
24	over a certain amount, then you have to
25	fall under supposedly this A-2, and you

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2	have to go under the Board of Health. And
3	that's what happened with one of the
4	places in town, I think, Salamander's.
5	She was a very small marketplace and she
6	expanded it and then she had to switch to
7	A-2 and then she was under the
8	jurisdiction of Board of Health. I'm
9	under the jurisdiction of New York State
10	Ag & Markets.
11	MEMBER COTUNGO: I think part of
12	the problem is we're looking at a blank
13	plan. It doesn't show, like, what's gonna
14	be here, shelves or, you know, selling
15	things. And we're looking at a plan that
16	says 40 persons, plus five workers. So
17	for all I know, all this blank space will
18	be filled up with tables and chairs. I
19	would have no way of knowing that.
20	MR. DECILLIS: Okay.
21	MEMBER COTUGNO: So maybe if it
22	showed the shelves where your shelving
23	units are gonna be, maybe that would be
24	helpful to show that's what we're
25	approving, a retail store, not a

1	PLANNING BOARD - NOVEMBER 30, 2020
2	restaurant.
3	MEMBER HAMMES: But can't we just
4	include a limitation that he will have
5	more people than is permitted under the Ag
6	license?
7	MEMBER COTUGNO: What's that?
8	MEMBER HAMMES: Can't it can't
9	the resolution, if we approve this,
10	eventually, stipulate that you would have
11	more people than are permitted under the
12	Ag license?
13	CHAIRMAN FOOTE: Yeah. I don't
14	see why not.
15	MR. DECILLIS: I did that at my
16	other place and I was only 450 square
17	feet. This one is, like, 900, so, you
18	know. But I think the 40 comes when Greg
19	came in, he measured, he goes, "I'll get
20	you the CO of how many people you could
21	have in here." I tried to explain to him,
22	like, I'm only allowed to have so many
23	people under the guidelines of my other
24	licenses.
25	CHAIRMAN FOOTE: So, so another

PLANNING BOARD - NOVEMBER 30, 2020 1 question that's arisen is, it sounds --2 3 you know, correct me if I'm wrong, it sounds like you don't have access to the 4 back of the building. In other words --5 MR. DECILLIS: Yeah. I have a 6 7 back door. CHAIRMAN FOOTE: You have a door, 8 9 but is that -- that's not your property behind it? That's the right-of-way that 10 11 you don't have access to? That's -- is that what my understanding is? 12 13 MS. PHILLIPS: Well, he can ride -- he can ride across the 14 15 right-of-way and turn onto my property to get into another parking spot, because the 16 17 back door goes down. In other words, the 18 back door is not flush to the ground. 19 has a step down. So they lose -- they 20 lose space with that, number one. And number two, there's only one, one car that 21 22 will fit. But it fits where the tires are 23 over on our property line. The passenger side of the vehicle is over on our 24 25 property line. So that's, that's part of

1	PLANNING BOARD - NOVEMBER 30, 2020
2	the problem, is delivery trucks.
3	And Pearl will have the same
4	situation. They will be all have to be
5	done on Main Street because we'll be
6	restricting access to a private property
7	back there because we have we have
8	stuff there that we're doing and might
9	be other officers of the corporation
10	are a little frustrated that people keep
11	parking back there without after being
12	told not to and blocking up the fencing
13	for homeowners. Because if, if it's our
14	own vehicles, we're there on the property
15	to move it. We try to keep it empty so
16	that the fire department can get to the
17	back of all those buildings.
18	CHAIRMAN FOOTE: So is there room
19	for them to have a dumpster in the back?
20	MR. DECILLIS: There's a common
21	dumpster right behind Pearl.
22	MS. PHILLIPS: No. That's not a
23	common dumpster.
24	MR. DECILLIS: I'm just going by
25	what my landlord told me, so.

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2
                     MS. PHILLIPS: No. That's not a
3
             common -- to be honest with you, that's --
             that goes to the --
4
5
                      MR. DECILLIS: Apartments
6
             upstairs?
7
                     MS. PHILLIPS: Apartments
             upstairs.
8
9
                     MR. DECILLIS: Well, then Pearl,
10
             too.
11
                     MS. PHILLIPS: Pearl takes their
12
             own garbage.
13
                      MR. DECILLIS: Oh, okay.
14
                     MS. PHILLIPS: They have --
                     MR. DECILLIS: I mean, I leave it
15
16
             open. So I don't use the dumpster and I
             have it in my car. Sometimes I park in
17
18
             the back. But usually, I get a spot right
19
             up front on Main Street. And my
20
             deliveries, all my delivery guys, they all
21
             park on Main Street, whether I get wine or
22
             food delivery, anything like that. And
23
             they really only use the front door.
                     MS. PHILLIPS: As I said, this
24
25
             summer when we just kind of -- we're very
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PLANNING BOARD - NOVEMBER 30, 2020 1 2 laxed about it and just laid back because 3 we weren't in a position to finish cleaning as to whatever we want to be 4 doing back there because Covid kind of 5 slowed down our activities. But the 6 7 captain and -- said that this year, you 8 know, we're gonna be busy there. And I 9 can't have -- you know, everyone assumes that that's a public right-of-way all the 10 11 time, and it's not. Once you enter from 12 First Street, that's private property. 13 And as you keep on driving through -- go through the right-of-way, that's private 14 15 property. 16 MEMBER HAMMES: But to be clear, 17 the loading and unloading will be an issue 18 no matter what goes in there. If it was retail and it was getting deliveries, it 19 20 would still be an issue. 21 MS. PHILLIPS: Right. But I just 22 wanted to make you aware of it, because 23 with Pearl there was so much confusion and 24 I just want to make it clear this time. 25 That's why I brought a copy of it. 'Cause

1	PLANNING BOARD - NOVEMBER 30, 2020
2	last time I gave a copy of the survey to
3	the Building Department and it never made
4	it to the Planning Board. So that's why I
5	brought that section, okay.
6	CHAIRMAN FOOTE: I'm just a little
7	confused. The right-of-way, is there any
8	access in this right-of-way from Main
9	Street, or is it just from First Street?
10	MR. DECILLIS: No. It's from Main
11	Street.
12	CHAIRMAN FOOTE: Okay. And does
13	he have any rights to that right-of-way?
14	MS. PHILLIPS: Not that I know of.
15	It's not on their deed. It's on my deed.
16	CHAIRMAN FOOTE: Are you going
17	forward with the assumption that you do
18	have the right to use it to operate your
19	business?
20	MR. DECILLIS: I've used it a few
21	times to go to the back and park where the
22	surf guy parks in that spot. You know
23	where I'm talking about? And then and
24	then, otherwise, I park in the front.
25	That's

PLANNING BOARD - NOVEMBER 30, 2020 1 2 MS. PHILLIPS: The right-of-way --3 there's two issues with the right-of-way. First of all, there is no room for a 4 handicapped door. 5 CHAIRMAN FOOTE: I'm sorry, can --6 7 you're gonna have to speak up. MS. PHILLIPS: There is no more 8 9 room for a handicapped situation similar to what Pearl has because it will -- it 10 11 will deny the trucks from the fishermen 12 that come through there to get their stuff 13 out of the freezer to go onto Main Street, okay. I mean, I found it tight already 14 15 with the hump that's there for the access for Pearl. You put another one, as, as 16 17 Planning Board Member Cotugno was saying, is, then you're just going to shut down 18 19 the right-of-way getting out altogether, 20 okay. It just can't happen, okay. 21 So, and the other issue is, yes, 22 he can come in the right-of-way. He can't 23 block it. We haven't denied them from 24 access to that parking spot. But to one 25 parking spot, not the whole thing, okay.

1	PLANNING BOARD - NOVEMBER 30, 2020
2	My concern is the delivery trucks,
3	the garbage man, and keeping it open,
4	because it is private property.
5	CHAIRMAN FOOTE: In other words,
6	you want to make sure that the delivery
7	trucks and the garbage men don't have
8	access to the right-of-way to make
9	deliveries or pick up garbage? Is that
10	what you're saying?
11	MS. PHILLIPS: Yeah. Well, I'm
12	what I'm saying is, is they can go in
13	there but they can't block it up. So
14	where are they gonna go? They can't
15	you know, they can't stop there for any
16	length of time.
17	CHAIRMAN FOOTE: Right. Okay.
18	MS. PHILLIPS: And as I said
19	before, if the configuration of that
20	property we have made a concentrated
21	effort to try and leave as much of that
22	space free of vehicles because if, God
23	forbid, a fire should happen in Hommel's,
24	in the gallery, in the apartment house,
25	the quickest access to the back is to go

1	PLANNING BOARD - NOVEMBER 30, 2020
2	through our property of First Street,
3	which the fire department knows, okay.
4	But we make a concentrated effort to keep
5	that clean and keep it free of vehicles.
6	And that's a concentrated effort that
7	we've done. You know, it's not mandated.
8	We've chosen to do that.
9	CHAIRMAN FOOTE: Okay. Thank you.
10	Would anybody else like to speak
11	at this time?
12	MS. ALLEN: Chatty Allen, Third
13	Street.
14	I've gone back and forth with
15	this. We're in this time where we have no
16	parking. We have parklets which have
17	taken away a lot of parking. We have
18	Covid. Businesses trying to stay afloat.
19	You go around and count the amount of
20	eateries within the Village, the walking
21	Village, to add another one that right now
22	is being said, oh, no, we were only gonna
23	have 14 people in there, it's not a bar,
24	it's not a restaurant. Like, you're
25	serving alcohol. You're serving food.

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every statutory board in the Village to know when you change use, everything that you did before goes out the window. You have new rules and new guidelines you have to follow. You change it to someplace where you're gonna be eating, sitting down and drinking. You need to have the handicapped access into the building and you have to have the handicapped bathrooms. And the bathrooms depend on how many people are allowed in there.

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

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

PLANNING BOARD - NOVEMBER 30, 2020 1 2 the books, by what's set forward. Because 3 what you do with this particular project, 4 excuse me, is gonna come back and bite you in the you know what. Because I've been 5 listening to what's going back and forth 6 7 here. I don't like it. And I've been here for many projects in this Village 8 9 over the years. You say you're gonna only have 10 11 this amount, deliveries are only gonna do this. Well, you know what, look at Third 12 13 Street with Goldbergs, the apartments. Their delivery trucks on a daily basis 14 15 block the right-of-way on a daily basis. I live there. I see it. I go to a lot, 16 17 my door to where my car is parked in the 18 building next to it. It's always being 19 blocked. That intersection on Main, my 20 God, I don't know even know. Oh, south. It's already a congestion and an accident 21 22 waiting to happen. 23 I do agree it's gonna be more 24 intense. And, to me, this is a bad idea

to have this go through. Thank you.

25

1	PLANNING BOARD - NOVEMBER 30, 2020
2	CHAIRMAN FOOTE: Thank you.
3	Is that it from the public at this
4	time? Anybody from the Board want to
5	weigh in at this time?
6	MEMBER HAMMES: I guess my, my
7	you know, I understand everything that
8	Chatty has said and Mary Bess has said.
9	But my general feeling on this, as
10	I've articulated before on the parking
11	issue, in particular, is unless the code
12	is changed to make a requirement for
13	parking for existing buildings, there's a
14	limited amount that we can do with that.
15	The code doesn't require businesses
16	provide parking, all right, it just
17	doesn't. And I hear what everybody says
18	about that, but I've made my, I think, my
19	views clear on this in the past, that
20	that's something that, I think, the
21	Village, as a whole, needs to pick up and
22	make a determination on.
23	But every time we have these
24	conversations about parking on each thing,
25	I think every single thing that comes

1	PLANNING BOARD - NOVEMBER 30, 2020
2	before us, you could say the Village is
3	just getting busier. Even the retail
4	proposed new retail space may be busier.
5	I mean, looks like these people are coming
6	over from The Hamptons. There's more
7	people out here. Everything is gonna
8	bring more people into the Village.
9	So on the parking, I, for now,
10	just generally speaking on the parking
11	with respect to things coming before us,
12	and until the Trustees and, and the Code
13	Committee or whatever make a determination
14	as to whether or not the Village is going
15	to require some kind of solution on
16	parking, I'm not sure what we do about
17	that. That doesn't mean that we can't
18	consider intensification of use as a
19	separate matter, and that is a relevant
20	consideration.
21	In terms of the loading and all of
22	the things that have been brought up by
23	Mary Bess, that's, in my view, gonna be a
24	problem no matter what goes in there.
25	And I hear you again with the

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

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

PLANNING BOARD - NOVEMBER 30, 2020 1 2 deliveries. 3 So I'm not -- like, to me, if you take those things and you say that that's 4 the reason you're not gonna approve this, 5 then you're not gonna approve anything 6 7 going in there at this point, and I don't think that can be right. 8 9 So my related question, which is really for you, 'cause I don't -- I don't 10 11 have the code in front of me, is, the use that they're proposing is -- I think 12 that's a permitted use --13 MR. CONNELLY: It is. 14 15 MEMBER HAMMES: -- I think, right? So I -- you know, it's not like 16 17 they're coming in asking for some major 18 change. So, particularly, given that under the Ag license, he's limited by the 19 20 number of people that he can have in there, that gives me comfort that it's 21 22 really not that much greater of an 23 intensification of use than it might be if 24 it was, you know, a retail or somebody 25 just putting a food market in there.

PLANNING BOARD - NOVEMBER 30, 2020 1 2 So my general inclination would be 3 to approve this. But, again, I -- that doesn't mean that I don't have sympathy 4 for all the issues that have been raised 5 6 here. But right now, under the way the 7 code is drafted, I don't think that we have a lot of leeway unless we're gonna 8 9 say that we're just gonna stop businesses from coming into town until --10 11 CHAIRMAN FOOTE: Right. 12 MEMBER HAMMES: That's my views. 13 CHAIRMAN FOOTE: Okay. 14 John? 15 MEMBER COTUNGO: Yeah, I agree. don't believe parking is an issue or 16 17 loading is an issue. It's just too 18 confusing to me with -- I'm looking at a vacant plan that doesn't show any 19 20 furniture in there, any tables and chairs, other than eight bar seats. And I'm 21 22 looking at a plan that says 40 people and 23 five workers. And I'm hearing an 24 applicant saying, well, it's only gonna be 25 14 people and we're not gonna have food.

1	PLANNING BOARD - NOVEMBER 30, 2020
2	I don't know how you're not gonna have
3	food. You're gonna be serving food.
4	That's why there's a dishwasher there.
5	It's not only for the glasses.
6	So I'm too confused. It's not
7	enough information. But I throw out the
8	parking and loading. That's irrelevant.
9	Should be relevant, but it's not.
10	MEMBER KYRK: I agree regarding
11	the parking and the loading, I guess,
12	like, to try and do our best effort to
13	avoid that. But, you know, I'm still back
14	on the handicapped stuff. I mean, we do
15	need modifications
16	CHAIRMAN FOOTE: Right.
17	MEMBER KYRK: for that.
18	And I guess I you know, just in
19	terms of just general growth and
20	development, yeah, you can't stop
21	everybody just because we don't have clear
22	guidance for parking and for loading
23	zones.
24	So I'd be inclined to, you know,
25	vote yes for this, other than what's

1	PLANNING BOARD - NOVEMBER 30, 2020
2	needed on the plan, the additional stuff
3	that's what's on the plan.
4	CHAIRMAN FOOTE: Okay.
5	MR. FINNEGAN: You know, I
6	provided the plan just for informational
7	purposes. It was submitted as part of the
8	building permit application. Those are
9	the only modifications that are being made
10	to the building.
11	So, I mean, I think Nick described
12	what the proposed use is. It's I think
13	I tes I described what was gonna be
14	sold there, which is Italian gourmet food.
15	It's an artisan food market so it's
16	MEMBER KYRK: And the food is also
17	gonna be consumed there possibly, as well,
18	while people are
19	MR. FINNEGAN: Yes. You can
20	yes, you can get a yeah.
21	MEMBER KYRK: Just in, yeah, just
22	in
23	MR. FINNEGAN: There will be I
24	thought there was a mention that there's
25	not gonna be food. So there food will

1 PLANNING BOARD - NOVEMBER 30, 2020

2 be sold to patrons.

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

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

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2	So what I would propose at this
3	time is to continue this until we receive
4	the modified plans, at which time we'll
5	review it and then vote on take a vote
6	on it. So that's my proposal.
7	MR. FINNEGAN: So basically, you
8	just need a plan that shows tables and
9	chairs in addition to what's I guess
10	the issue is
11	CHAIRMAN FOOTE: No. Also, the
12	handicapped bathroom.
13	MR. FINNEGAN: Right.
14	CHAIRMAN FOOTE: We want to see
15	that. And I want to see and it's
16	condi whatever we if we're gonna
17	proceed to approve anything, it's gonna be
18	conditioned upon whatever additional
19	compliance requirements.
20	MEMBER COTUNGO: Show how you're
21	gonna fill up the space. There's a back
22	room. How you're gonna fill up the space.
23	I have no idea now.
24	MR. FINNEGAN: Okay.
25	MEMBER COTUGNO: It's just a

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2
             vacant space.
3
                      MR. DECILLIS: Yeah, it's a large
4
              space. Future business expansion in a
              couple of years. It's just --
5
 6
                      MEMBER COTUGNO: That's what we're
7
             worried about.
8
                      MR. DECILLIS: There's nothing
9
              going in the back there. Everything I
             have is up in the front of the store.
10
11
             Everything I have is up in the front.
12
              There's nothing -- I'm not putting not
13
             even any shelves in the back or anything.
             It's just -- it's just empty, dead space.
14
15
              I think there's no need for all the space.
             But I need it to move my business and get
16
17
             open again. It's been a year. So I took
18
             the space that became available and I'm
              doing the best I can to, you know, fill up
19
20
             the front of it with the shelves and with
             all the -- all the imported goods I sell.
21
22
                      CHAIRMAN FOOTE: So, but the
23
              seating that you're gonna provide would be
24
             up in the bar area; is that correct? Is
25
              that where you're --
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PLANNING BOARD - NOVEMBER 30, 2020
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                      MR. DECILLIS: Correct.
3
                      CHAIRMAN FOOTE: Okay.
4
                      MEMBER KYRK: And presumably, some
5
             of the retail, the gourmet food would
6
             be -- I'm looking at three rooms. You
7
             got -- you got the front where the bar and
             everything is. You got the center here
8
9
             where the sinks are planning to go in, and
             then you got the way back room, which we
10
11
             get, you know, is --
12
                      MR. DECILLIS: Right.
13
                      MEMBER KYRK: -- for future.
14
                      So, I mean, would the retail
             fixtures be in that middle section?
15
16
                      MR. DECILLIS: Yeah. In fact, I
17
             thought it was on the plan. I thought
18
             there was something on the plan existing
19
             that, that have the shelves or, you know,
             the cabinets that are behind the counter
20
21
             and also on the left. I thought they were
22
             on there.
                      MEMBER KYRK: There's a -- there's
23
24
             a wall of, like, a privacy wall for sinks,
25
             but that's basically all I'm seeing in
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1	PLANNING BOARD - NOVEMBER 30, 2020
2	here. I mean, you know, I what I hear
3	from if you could give the layout of
4	the use of the internal, at least two
5	first sections is what
6	MR. DECILLIS: Yeah. I thought he
7	put it on there. I thought the architect
8	put it on there, the spaces where I have,
9	you know, like pastas and the olive oil,
10	things like that.
11	MEMBER KYRK: Yeah.
12	MEMBER HAMMES: It's not.
13	MEMBER COTUNGO: There's nothing
14	there. It's blank.
15	CHAIRMAN FOOTE: I mean,
16	personally, I'm a little less concerned
17	about where the seating's gonna be. It's
18	more important what the number is. I
19	think that that's
20	MEMBER HAMMES: But, but on that,
21	I mean, their legal occupancy is 40 is a
22	general matter. Under his tavern license,
23	he can only serve 14. So I don't think
24	it's a question of changing the 40 on the
25	occupancy 'cause there's as a legal

1 PLANNING BOARD - NOVEMBER 30, 2020 2 matter, that building can hold 40 people 3 in it. It seems to me that you could restrict what he can -- in terms of the 4 5 number of people he can serve based on 6 his -- on his Ag license. I don't --7 like, just changing in on a, like, drawing 8 means anything. 9 MR. FINNEGAN: Exactly. I mean, I think that's what I was gonna suggest is, 10 11 if you're gonna have that condition in a 12 resolution, it limits seating and the location of a table and chair, I don't 13 think, is the issue. It's the capacity, 14 15 which could be dealt with by that. 16 I mean, look, at this point, 17 they've been out of business for a year 18 now. He's trying to get this thing open. 19 I -- we were hoping that we would get to a 20 resolution of this this evening so that he 21 could go back to building, get his permit 22 and get going. He's lost a tremendous 23 amount of money this year. And so if 24 there's a way that we could do that in

words, in a resolution, I think that would

25

1	PLANNING BOARD - NOVEMBER 30, 2020
2	be acceptable, because he can't he
3	can't he's not gonna violate his
4	licenses 'cause then he's completely out
5	of business without his Ag & Markets
6	license and his liquor license, so.
7	MR. DECILLIS: Yeah. I mean, I'm
8	inspected, just like Board of Health comes
9	in. I have New York State Ag & Market
10	that come in. And I have to sell 51
11	percent of retail and groceries, and they
12	keep a pretty strict eye on that, also.
13	CHAIRMAN FOOTE: So since you
14	don't have access to that bin in the back,
15	where are you where are you gonna put
16	your garbage before it gets picked up?
17	MR. DECILLIS: Well, then I'll
18	have to either, if I if I'm not able
19	to put a small dumpster there, like a
20	three-yarder, then I'll have to take care
21	of it myself. Is that what you're saying?
22	Pearl has Pearl gets their own and then
23	I'll have to do the same. But if I can't
24	work something out and get a small
25	three-yard dumpster and, you know, put it

1	PLANNING BOARD - NOVEMBER 30, 2020
2	somewhere tight where it doesn't interfere
3	with anybody coming through with driving
4	and trucks or deliveries, anything like
5	that, then I'll have to make another
6	arrangement to either have someone come in
7	and get it, you know, twice a week and
8	haul it away.
9	MR. CONNELLY: And in the Pearl
10	resolution, there was specific language
11	for the removal of the trash. It was to
12	be kept in Pearl and then removed by a
13	private company. And they even had
14	approval from the Health Department for
15	that means of removal of the trash. So we
16	could put that language in.
17	CHAIRMAN FOOTE: Okay. All right.
18	Well, it sounds like, if I'm not
19	mistaken, the Board is ready to put this
20	to a vote and I'll, at this time, propose
21	that we do that.
22	Do I need to formally close the
23	Public Hearing at this time in order to
24	put it to a vote, Rob? Okay.
25	So at this time, I move that we

1	PLANNING BOARD - NOVEMBER 30, 2020
2	close this Public Hearing. Do I have a
3	second?
4	MEMBER COTUNGO: Second.
5	CHAIRMAN FOOTE: All those in
6	favor?
7	MEMBER HAMMES: Aye.
8	MEMBER KYRK: Aye.
9	MEMBER COTUGNO: Aye.
10	CHAIRMAN FOOTE: Aye.
11	And so the proposal at this time
12	is whether or not to approve this
13	application with the stipulations that
14	we've discussed and recommend and that the
15	applicant appears to accept, which are to
16	limit the number of total seating to 14,
17	assuming post Covid, and whatever the
18	Covid limitations are in the meantime, if
19	that's your base number, to implement a
20	handicapped compliant bathroom, to defer
21	to the Building Department's requirements
22	for further code compliance for
23	handicapped requirements, to include a
24	stipulation regarding your trash removal
25	through a private company comparable to

1	PLANNING BOARD - NOVEMBER 30, 2020
2	what we did on the Pearl application.
3	Is there anything else that you
4	would like to add to the stipulation?
5	(No Response.)
6	CHAIRMAN FOOTE: Okay. So under
7	those conditions, I hereby propose to
8	approve the application.
9	And may I have a second?
10	MEMBER HAMMES: Second.
11	CHAIRMAN FOOTE: All those in
12	favor?
13	MEMBER HAMMES: Aye.
14	MEMBER KYRK: Aye.
15	MEMBER COTUGNO: Aye.
16	CHAIRMAN FOOTE: Aye.
17	Application is approved.
18	So Item No. 6 is a Motion to
19	adjourn.
20	May I have a second?
21	MEMBER HAMMES: Second.
22	CHAIRMAN FOOTE: All those in
23	favor?
24	MEMBER HAMMES: Aye.
25	MEMBER KYRK: Aye.

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PLANNING BOARD - NOVEMBER 30, 2020
 1
                      MEMBER COTUGNO: Aye.
 2
                      CHAIRMAN FOOTE: Aye.
 3
                      This meeting is adjourned.
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 5
                      (Whereupon, the Meeting concluded
             at 4:55 p.m.)
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2	CERTIFICATION
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4	I, Agata Davis, a Notary Public in
5	and for the State of New York, do hereby
6	certify:
7	THAT the foregoing is a true and
8	accurate transcript of my stenographic
9	notes.
10	IN WITNESS WHEREOF, I have
11	hereunto set my hand this 13th day of
12	December, 2020.
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16	Agata Davis
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