

Village of Altamont - Meeting
Special Planning Board Meeting
November 9, 2020

Planning Board Members:

Deborah Hext, Chairperson	Lance Moore, Building Inspector/Code Enforcer
Stephen Caruso, Board Member	Dean Whalen, Board Liaison
Dan Hitt, Board Member	Allyson Phillips, Village Attorney
John Hukey, Board Member	Applicant: Nadia Raza
Barbara Muhlfelder, Board Member	Applicant: Don Cropsey for Jeff Thomas
Simon Litten, Alternate Board Member	(Absent) Ginger Hannah, Secretary

Guests: 16

Planning Board Meeting was held online using Zoom video communication due to Covid-19. Chairperson Hext opened the meeting at 7:01 p.m. and welcomed everyone. She stated that due to the Covid-19 virus, this meeting is being held remotely and all audio and video portions of this meeting are being recorded. She asked the Board Members to introduce themselves, which they did as follows: Barbara Muhlfelder, Dan Hitt, John Hukey, Steve Caruso, and Alternate Simon Litten. Also present: Dean Whalen, Village Board Liaison; Lance Moore, Building Inspector and Village Attorney, Allyson Phillips.

Chairperson Hext stated that the Public Hearing was still open for review of a Special Use Permit (SUP) from Nadia Raza to open the Curry Patta Restaurant. She asked if anyone from the public had any questions. No questions.

Chairperson Hext asked the applicant if there was going to be bench seating along the wall. Applicant stated there was not at this time, there isn't room for it.

Board Member Hukey questioned the applicant how many tables she was going to have along the wall. He wanted to know since her layout drawing showed five, but in her write up she said four. She stated that it was an older drawing and there will only be four.

Board member Hukey also questioned VIP seating that was not being shown, yet mentioned. Chairperson Hext stated there was VIP seating on the plan she was looking at. There was a lot of back and forth about why we had different renditions of the plan. Board Member Muhlfelder stated that she didn't receive the plan that showed table size and other details regarding sizing. Chairperson Hext stated that much of the confusion could be attributed to the applicant not dropping off the correct number of plans, forms etc., each and every time there is a change. We need to be more insistent about this.

Board member Hukey asked if her layout and table numbers took into consideration Covid-19 protocol. Chairperson Hext stated that although she thought about that as well, it is not the job of the Planning Board to look at that. We can only focus on her SUP application and if it complies with our code. Village Attorney Allyson Phillips agreed. Chairperson Hext asked if there were any other questions. No questions.

Motion was made by Board Member Muhlfelder, seconded by Dan Hitt, to close the Public Hearing / Public Comment for the SUP Application for Nadia Raza. All in favor.

Motion was made by Board Member Caruso, seconded by Dan Hitt to approve the SUP Application for Curry Patta, Phase 1, located at Altamont Corners (The Plaza), Altamont NY. All in favor.

Chairperson Hext stated that the second Agenda item is the pre-concept review of the request by Jeff Thomas, owner, to expand the existing Altamont Corners (The Plaza) including installation of a covered deck and patio off the proposed Curry Patta Restaurant. Don Cropsey, speaking on behalf of Mr. Thomas, gave an overview of the proposal, saying it is for an addition to the East side of the Plaza – a 1470 square foot enclosed addition to the building; and on the Route 146 side, an open deck and small patio outside with gas fireplace. Mr. Thomas' intention is to lease this to Curry Patta so they can expand the seating capacity of their restaurant and provide outdoor eating for spring, summer and fall. He has a parking lot in the rear with approximately 22 spaces and in front 22 parking spaces and that will serve The Plaza and the new addition. Mr. Thomas will continue to own the building.

Chairperson Hext wanted to clarify that Mr. Thomas was not applying for a new SUP but proposing an amendment to an existing SUP, now that he's adding space. Mr. Cropsey said yes, he's received approvals through the years for use of The Plaza for multiple tenants and subsequent to that, each of tenants except Paisano's has come in for new SUP. There was one for Martial Arts, Subway, and Bamboo Gardens that the Board has issued SUP permits for to break the building up into a multi-tenant building. He needs a SUP to add this 1470 square feet of addition and a deck. He's here tonight to discuss that proposal and items the Board wants to look at in that regard – how the building will look, how it will fit into the community, etc.

A lengthy discussion was held, including the following topics and items for follow-up:

Side Setbacks / Sideyard / Original Uses:

- Zoning says zero lot lines are permitted on side setbacks, but where sideyard is provided, needs to be minimum 12 feet. Board Member Hukey said the applicant's drawing has a sideyard back in the enclosed building and for half the new deck – do they need a zoning hearing / variance for the side setback? Mr. Cropsey or Mr. Thomas will reach out to CSX on this. Chairperson Hext read you can have zero side setback unless there is a sideyard.
- Mr. Cropsey said if you look at the deck, it is setback zero feet from the property line. He said one of the things contemplated in the Master Plan was to allow zero setback

and allow better use of buildings on properties for the commercial business district. In the rear – part of it is more than zero, front is zero.

- Village Attorney Phillips said there's nothing in the code where you get a bonus for providing a sideyard, right Lance? Building Inspector Moore said yes. Village Attorney Phillips said so if we're amending the original SUP and eliminating what was a sideyard, I don't know that it triggers a need for a variance because it's saying you don't have to have a sideyard, it can be a zero setback, but where there is a sideyard, it has to be minimum 12.5 feet.
- Mr. Cropsey – you can have a setback – we have a zero setback to that (back) portion of the building. New deck is a setback. If we need to apply for a variance, we can do that. But intent of code is to provide zero setback. Lot of properties don't have setbacks.
- Village Attorney Phillips asked Building Inspector Moore to look at this and determine language of code and does it meet the requirement or need an area variance – would be minimum variance – in front, on property line. Goes at an angle – can you call this angle a sideyard? See if there is any prior precedent interpreting that language.
- Building Inspector Moore asked Mr. Cropsey – would Mr. Thomas be willing to shoot the site – put the pins in? Mr. Cropsey said yes, it's already surveyed – back corner pins – believe it's already done - just have to locate them.
- Chairperson Hext – we have advantage of having the ZBA Chair Danny Ramirez on this meeting – anything you want to say here?
- ZBA Chairman Ramirez – it says zero lot lines are permitted, and where sideyards are provided – meaning where they are providing a sideyard - then it needs minimum setbacks. Doesn't mean that they have to. They can put the structure right up to the property line.
- Mr. Cropsey – will wait to hear from Building Inspector Moore and that will dictate how we make the application – whether it's just a straight SUP site plan application or we'll need a variance as well on that side setback question.
- Board Member Hitt - when you talk to CSX, if there's a need for any temporary use of CSX property to build or maintain this addition, you should know whether you need approval from them for temporary use, because I don't know how you build this without going off the property. Mr. Cropsey - I will do that.
- Village Attorney Phillips and Building Inspector Moore are going to meet regarding the original uses at the site and discuss the side setbacks, determine if they are meeting our code, and if there's any precedence for the side setback.
- Board Liaison Whalen - Don, there was some mention about you checking into what's required by the railroad as far as actual setbacks to any buildings, because if those tracks are at all accurate on the site plan, you're nowhere near 50 feet. Mr. Cropsey - I think this is schematic. It's not a survey, but I will check that with CSX and I'll meet with Building Inspector Moore in the field to show him where that property line is. We have to locate that. Chairperson Hext - you're going to check for the pins. Mr. Cropsey - That's right. They're out there. Board Liaison Whalen - the caution is sometimes right-of-ways go beyond property lines - that's what I'm wondering about. The railroad may be very inaccurately drawn in the plan so far.

Increase of impervious surface / Drainage / Soil Recharge

- Scale on this chart - 3/16 inch equals one foot on rendering and floor plan submitted.
- Mr. Cropsey will find out the distance between the property line and center line of the tracks
- Board Member Litton asked with 1470 square feet, not including the patio of new roof area - is there any provision for the increase of an impervious surface?
- Mr. Cropsey said currently the parking lot drainage and roof drainage sheet drains to Route 146 and into the State system and at the rear the drainage sheds in an easterly direction into the wooded area and ultimately makes its way into the creek back there.
- Board Member Litton - Taking out 1470 square feet plus whatever the area of the patio is of vegetated cover, that area will no longer be serving the function of soil recharge, and there's nothing being done to mitigate that?
- Mr. Cropsey – we can address that when we make our formal application.
- Chairperson Hext said this will certainly need a SEQRA needed for an unlisted action, so that will probably be one of the issues addressed in the SEQRA.
- Mr. Cropsey – we will be submitting a SEQRA form for an unlisted action as part of the application and will address the questions on the SEQRA.

Parking:

- Board Member Hukey asked Building Inspector Moore to check the previous history about other SUPs for this building and what was required for parking. How many tables were originally submitted for the pizza place and Chinese Restaurant – not so much what they have now. Chinese – 8 now and Paisano's – 12 now – can see tables and chairs stacked up. We have to come up with parking and need to see what was in previous SUPS required and what was approved.
- Village Attorney Phillips said you have to look at what they would be able to have with their maximum permitted occupancy. Assuming that these Covid-19 restrictions go away at some point, need to look at the parking for the whole Plaza based on maximum you are permitting at new Curry Patta and max at Paisano's and others.
- ZBA Chairman Ramirez – I counted about 45 seats, and come up with 15 parking spaces that would be required in addition – 3 of those – 20% municipal, comes to 12 parking spaces. Don't know about other stores and what they required.
- Chairperson Hext – total existing is 44.
- Mr. Cropsey – enclosed addition, patio and deck does not encroach on any parking. No parking spaces will be eliminated as part of this construction.
- Board Member Hitt - in the back of the building, the parking space closest to Route 156 should be within the site, not overlapping the State right-of-way. It might be close. Make sure that the space is completely within the site and also that it doesn't obscure any site distance from anybody pulling out of the parking lot onto Route 156. Mr. Cropsey - Right. Just for the record, those are all existing parking spots.
- Mr. Cropsey - zoning law lists a number of different business uses but doesn't list a parking regulation for a multi-tenant building such as this, where you have a restaurant, martial arts studio, and another restaurant. The pizza place is probably not open at

night; doesn't get a lot of business. Curry Patta might have more business. The Martial Arts Studio is not open during the day. So there are uses that overlap and they don't use the parking at the same time. He asked the Board to consider utilizing that particular section of the ordinance to come up with some reasonable number for The Plaza. This Plaza has the most parking spaces of any property in the Village, and has the ability to use the municipal lots as well. It's Section 355-22D(2). It says you can use the business uses as a guide in coming up with a total number for the Plaza.

- Board Liaison Whalen – It's key to find out what the premise was with the special permit initially 17 years ago related to parking. Because that's really the thing to hang your hat on as far as what the assumption was as far as business - was it based on all assuming worst case restaurant, worst case whatever, then you'll know that you're probably at or have plenty of capacity. If it was assuming something else, then there may be some legwork and some additional parking needed in the back. But it is key to find out what the original assumption was. The only other way to do that is to look at each of the individual existing facilities and do the math based on State code, which would then tell you exactly what you're required to have with the current tenants. But that of course is only current tenants. I think the biggest thing that has to be dealt with besides the setback from the railroad requirements is parking, as that will affect drainage, and a lot of things.
- Need to look at the parking lot overall as it applies to 355-22D(2); that will answer Board Liaison Whalen's question as well.
- Mr. Cropsey said he would wait to hear back on the requirements for parking because that'll dictate whether or not we need a variance. He said he'll also wait to hear back on the setback issue - that'll determine whether or not a variance is going to be needed for that. Chairperson Hext - I don't understand what you mean by a variance for parking. Mr. Cropsey - If you break out the individual uses, you may come up with a number that far exceeds what's on the site. And if you, as a Planning Board, make that determination that we're going to need 75 parking spaces for the existing uses in this proposed addition, then we would need a variance. Or if you apply that section that I pointed out where you come up with a reasonable number based on the guideline of the uses, and this section that allows you to come up with a number that's going to satisfy the needs of parking for the uses, then we may not need a variance.
- Village Attorney Phillips - That's why I think it's important to, as Board Liaison Whalen had raised, go back and look at what the assumptions were originally when the first approval for The Plaza was granted - how it was determined that 43 parking spaces was sufficient for the existing commercial spaces that were proposed at that time, and then how those assumptions may be changed with the addition of this 1400 square foot addition.

- Mr. Cropsey - those parking spaces were all existing, and it's important to note as well that back then, I believe there was a different zoning law in place. This zoning law we're working with now is relatively new in the last 10, 12 years. Board Member Whalen said yes, 2009.
- Chairperson Hext - Building Inspector Moore - you need to go back to that five inch thick (The Plaza) folder. Building Inspector Moore – said yes, Chairperson Hext and I were looking at it.

Handicapped Parking / Deck Access / Maintenance:

- Board Member Hukey - You need more than one handicapped parking space.
- Mr. Cropsey – we looked at that issue – we can create more handicapped parking spots at the rear. There's a deck in the back of the property and on the Route 156 side. Those could be converted to handicapped spots and still provide an accessible route to the rear entrance to the addition, as well as any other entrance that needs to be accessible from the back. There is no designated handicapped space in the back.
- Chairperson Hext – if you were to create a second one in the back, ADA says you can't expose the person to traffic or a dangerous situation. So there would be an egress to the restaurant in the back?
- Mr. Cropsey – this is an initial plan – will be modified – there is a doorway to the basement and to the backyard. The deck behind the kitchen needs to be expanded to accommodate that exit, and that deck area would provide the accessible route from the parking space. It's probably four feet to grade to the parking lot from that door.
- Chairperson Hext asked if the deck would provide the entrance to the building. Mr. Cropsey – the deck behind the kitchen would need to be expanded to accommodate that doorway – come down 5 or 6 more feet. Chairperson Hext - Would that be a ramp? Mr. Cropsey – no, that deck runs the entire length of the building and as you enter from Route 156, it's grade level. With wheelchair – can go from handicapped parking spot onto the deck and wheel on the deck down to that entrance. Or you could come in the front way.
- Board Members Hukey and Muhlfelder think we need another handicapped parking spot in the front.
- Board Member Muhlfelder voiced concerns about handicapped parking in the rear of the building re: ice and snow. Who is responsible for plowing that lot; will the ramp be shoveled? Mr. Cropsey – plaza owner. Employees, deliveries go in there. It is maintained in the winter.
- Chairperson Hext – then they would have two options - could share the current handicapped spot, or if they need one on the Curry Patta side, eliminate the stairs, put in another parking space, put a ramp there.
- ZBA Chairman Ramirez – in an emergency, is there a provision for anyone on the deck to the front, right off the patio (that has steps), to exit without having to go inside of a building? Mr. Cropsey –The deck and new addition has the same floor elevation of the dining room floor, as the existing Plaza. If you go into the new restaurant, that deck is at the same floor level. You would have to go into the building at this stage. Mr.

Ramirez - I want to know what the code is on that. My concern is provisions - put it in so that you can work on it - from that deck to the patio, handicapped accessible. Mr. Cropsey - If you want to get to the parking lot if you were using a wheelchair, you would have to go through the dining room. But under the building code there are provisions that you could look at and consider the deck an area of refuge, if there was a fire inside the building. So you could maintain yourself on the deck as an area of refuge. Mr. Ramirez - And from the deck down to the patio? Mr. Cropsey - You wouldn't go anywhere. You would stay on the deck until help arrived. The patio is at the parking lot level - that's all open - there's no door.

Live Music:

- Chairperson Hext asked if there are any plans for live music or anything like that at any point in time. You're saying it's not near any type of community space, but it is. It's near the library, which is used for a lot of children's functions and Orsini Park, where we have the concerts in the park in the summer. Mr. Cropsey - I have not had any discussions with Mr. Thomas regarding that. I don't know the answer to that question, but I can ask it.
- Board Member Hukey asked Village Attorney Phillips - if we approve this, can we make a stipulation that for any live music Nadia has to come back for an amendment to her special use permit because it's a change in what we approved? That's a big difference if they had live music out on the deck, around the patio, because that can affect the surrounding area. Village Attorney Phillips - agreed - a live music venue introduces different potential impacts, especially with regard to noise or outdoor lighting that typically you wouldn't have with a restaurant with an outdoor seating space. Right now, our approval has to be based on what the applicant is proposing as far as how this addition is going to be used. The plans we have show that it's an expansion of an existing restaurant space. Unless the applicant tells us that they're also proposing to have live music and they would specify it's indoor, it's outdoor, so we could review the potential impacts of that use, then our approval should be limited to an expansion of The Plaza, of this existing restaurant space. We could put conditions on it that use as a live music venue, because it wasn't proposed as part of the application so we didn't review it, would have to come back before the Planning Board.
- Mr. Cropsey - But if the application did come in with a music component, that would be something that would be incorporated into a special use permit, correct? Village Attorney Phillips - we would then review it for potential noise impacts associated with music. It's what the applicant's representing they're applying for. Chairperson Hext - re: SEQRA, noise is certainly one consideration for an unlisted action. So if you did have live music, then that would have to be considered as part of the SEQRA as well as part of the SUP.

- Either it is included for review in the application by Mr. Thomas, or Ms. Raza would need to come back for an amendment to her SUP if she wants music.

Cigar Bar / Belly Dancing:

- People have asked what is this about a cigar bar and belly dancing? It was in the Spectrum News interview with Nadia. Mr. Cropsey – I have not heard of those activities, but will check on it with Mr. Thomas.

Seating:

- Village Attorney Phillips – We have to review the application for amendment to The Plaza site plan and special use permit as though they are expanding this for a generic restaurant space. So we're looking at the number of seats that could be permitted for any restaurant in this expanded space. So however many additional seats you can fit with the bar - they're showing the fire table on the deck, the patio; if they want to be able to offer their tenant the ability to have music here, they need to apply for it as part of their special use permit amendment for The Plaza. Then if The Plaza has all those approvals in place to build this addition, to offer it for outdoor music, to offer it for an additional 30 seats or however many, they can offer that space to their tenant. And the tenant now being Nadia, assuming she's going to want to expand into this space, could then come back to us for an amendment for existing special use permit to allow her to use this additional permitted space. We just couldn't review Nadia's special use permit for anything other than what's already existing at this site at this time. She wants to get going and she's looking at what she can use. The existing Subway spaces now get started with takeout and that makes sense. That's what we could do at this point was review the existing restaurant space and offer a special use permit for use of that space. It makes sense that you make The Plaza owner get the approvals for this expansion, because we need to look at the site as a whole. We need to look at if it's going to require more parking spaces. Is he now with this addition meeting the maximum impervious coverage for the site - the maximum building coverage for the site?
- Plan is to have this as an addition to Curry Patta. Code in the CBD doesn't allow for a bar only.

Fire Table:

- Board Member Muhlfelder - Question about what is a fire table. Mr. Cropsey said it's simply a table with a fire down the middle of it - natural gas or propane, and it's not a

big fire. It's just like a little flame center in the table to maybe give off a little heat and in late October a little ambiance.

- Dangerous? Building Inspector Moore said they are fairly good - I belong to that organization. I'll bring her some copies to show her. Chairperson Hext - if it were an open fire pit with wood, I would certainly have my doubts. With some of the things that are presented, I would want representation from DPW and from the fire department and others, aside from all of us. There are a bunch of practices as far as do they have, if God forbid there was a fire, he didn't have enough room between the tracks and the building to access in an emergency, whether it be a fire or whatever else it might be. Simon brought up a good point about the draining. That's why we have a pre-concept period - let's decide who we need next time we meet, whether we schedule the public hearing now or not. And at least Mr. Cropsey knows what to go back with to Mr. Thomas.

Lighting:

- There will be a lighting component to the SUP application. Needs to be down-lighting or specifically ask for up-lighting. It was determined that Mr. Thomas needs Planning Board permission to amend the original SUP for The Plaza for up-lighting. In addition, it was agreed that Mr. Cropsey will meet with Building Inspector Moore and the surveyor regarding the actual location of the proposal.

Other:

- Architecture will match the existing building. Lighting will be very similar to what's there. Cupola will be over the new addition, will all blend in with current building.
- Maintenance will be done to the existing building to give the whole place a new face-lift.
- Solar Panels - Mr. Cropsey will discuss possibility of having Solar Panels on the south side.

Public Hearing Date: Mr. Cropsey said to wait to set a date for the Public Hearing until there is a formal SUP application from Mr. Thomas so they have time to prepare a site plan and answer these questions from the Board.

Chairperson Hext - Okay. No one has anything else. Thank you.

Mr. Cropsey – I thank the Board for listening to the request and we'll put together an application.

Chairperson Hext - Okay. We'll be in touch. Very good. Thank you, Don.

Board Member Hukey made a Motion to approve the minutes from 10/26/20. Board Member Muhlfelder seconded. **All in favor.**

Chairperson Hext - Discussion was held about the possibility of moving the Planning Board Meetings to Tuesdays. For Dan, Steve and Building Inspector Moore the 4th Tuesday would be an issue and possibly Barb. So for majority, it works to leave it on Mondays.

Board Member Hukey - Mr. Cropsey said he's waiting for us to get back to him on the requirements for parking. Should we have a meeting to discuss that or after we get the information from Building Inspector Moore as to what the original parking schematic was?

Chairperson Hext - I can work with Building Inspector Moore on that and try to determine what the original... we did look at this briefly and I think it was based on the site, not on each individual restaurant. It may have been overall square footage. We'll have to look a little bit more into that.

Board Member Hukey - But it doesn't matter what was, we can still, based upon the businesses there, come up with what we feel is required for the parking, can we not?

Chairperson Hext – absolutely. I agree, but you have to start somewhere. I know our code is usually based on overall square footage.

Building Inspector Moore - correct.

Chairperson Hext – So let's just say it's 2500 square feet and 2500 square feet requires 25 parking spaces, which I believe is what they have in front. So can we say no, we really think if you have overall occupancy and...? Probably the State code or even if the County code may delve into that a little bit more than our Village code does. So that's something else I could...

Board Member Whalen - I can try to help you with that. New York State code doesn't give you required parking spaces per square footage. That's based on every municipality. My guess is they took the entire square footage of the existing building and used the previous code requirement for business. I don't know what that was at the time - if it was one per 250 square feet, plus one for every employee - that tends to be what they say. That may have been the very simple basis that was done. Was that adequate? That's up to you, but that may have been the premise at the time. But I think you really do need to know what that was in order to know how much you want to depart from that. That would be my suggestion.

Board Member Hukey - Section 355-22(D), which is what Mr. Cropsey referenced - they do go into one space for two seats, one space per employee, one space for every 20... so many square feet of standing room. So it's not just square footage of the building, it goes by the number of

seats, the number of employees, so there's something we can hang our hat on more specific than just the square footage of the building.

Board Liaison Whalen - Possibly now. But what I'm saying, John, is at the time, the assumption may have been just...

Board Member Hukey - yes, I agree at the time. That whole building has changed.

Village Attorney Phillips - ...Looking at originally what our code required at the time, what assumptions we made when we approved that initial site plan for The Plaza. It's a just good place to start, and then to think about, with the addition of this additional space and the additional tables that it's going to add, are we experiencing any existing issues with parking at that facility now? And then with the addition of new square footage and table space, should we be requiring additional parking. Then you have to get into what credits do they get for the municipal parking nearby. Then we could, under that provision, determine if we think additional parking should be required. Then it's up to them to evaluate whether they could provide that parking on the spot, or if they want to pursue a variance option.

Board Liaison Whalen - there is room in the back to expand the parking probably by, just eyeballing it, five spaces easily. I'm sure they don't want to, and then it gets into some issues about drainage too, but they could very quickly add five spaces. And again, we don't know what the number is that we'd want.

Chairperson Hext - And Don brought up a good point about hours - whether or not obviously during the day that the Taekwondo place isn't open. I don't know what time the Chinese restaurant closes, but again, you know, certainly the Chinese place and Paisano's are basically in and out. So those people are not going to be there for a couple of hours at a time sitting, having dinner. So a lot more has to go into this than saying now you've got 37 seats and therefore you need five more spaces.

Village Attorney Phillips - Yeah. And a balancing - do we want to have them pave additional green space on the site, unless we determine additional parking is really needed.

Board Member Hukey made a motion to adjourn the meeting, seconded by Dan Hitt. **All in favor.** Meeting was adjourned at 8:45 p.m.

Respectfully submitted,



Ginger Hannah, Planning Board Secretary

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