Restaurant Denied Request for Expansion

By Rande Davis

A request to the Montgomery County Board of License Commissioners (MCBLC) by the Asian House of Poolesville (AHOP) for expanded service on a planned outdoor facility resulted in a rare special meeting of the Town of Poolesville Commissioners.

Michael White, describing himself as a friend and advocate of AHOP, was the spokesperson for the restaurant in an interview with the *Monocacy Monocle*. Mr. White provided a tour of the progress to date for a patio space behind the restaurant that would offer outdoor dining, drinking, live-band music, horseshoes, and volleyball. Speaking on behalf of the owners, he stated that they would also like to attract special events like weddings and other receptions.

The plan requires the permitting approval of the Montgomery County Board of License Commissioners, and a public hearing occurred on February 16, 2012. Prior to the hearing date, the Town of Poolesville placed yellow public hearing notifications at homes and facilities adjacent to AHOP.

A discussion on Facebook brought the plan to the attention of the general public in a lively pro and con dialogue. The town commissioners discussed what level of recommendation they might make before the MCBLC at a rare special commissioners meeting called to hear from the restaurant owners and the general public.

At that meeting, commissioners heard from Mr. White on behalf of the owner, Linda Chi, as well as from residents opposing the expansion.

Mr. White made assurances that live music would leave the patio area by 9:00 p.m.; however, neighbors testified to past disturbances by the music late into the night and raised concern about the expected increase in noise of a large crowd of people drinking outside during the summer months.

Commissioner Kuhlman, at one point, required Linda Chi to come forward for testimony since Mr. White could not be identified in an official capacity as someone responsible for statements made or for assurances of proper management should the plan go forward.

Mr. Kuhlman further pointed out the expanded use would also require additional parking spaces that would radically alter any plan for volley ball or horseshoes.

Mr. White represented the position of the owners as not being responsible for behavior once removed from the restaurant in the event of unwelcome behavior, and that their duty would be to notify the police. Commissioner Klobukowski rejected this notion from his personal history of growing up in living quarters above his father’s bar in Broadalbin, New York. He noted that control and security of a facility like AHOP is the full responsibility of the owners and should not be left to “calling the police” as the only option.

After the town meeting, the commissioners listed restrictions on the use of the outdoor facility they would recommend should the MCBLC approve the permit.

At that public hearing, the licensing board accepted one letter from a resident in support of the expansion and three against. Representing the restaurant were Mike White and Linda Chi. Testifying at the hearing was Montgomery County Police Officer Finch of the Germantown Police Station.

The MCBLC, in recapping Officer Finch’s testimony and their unanimous decision, provided the following statement to the *Monocle*.

*Officer Finch, MCPD, Germantown Police Station, stated there were fourteen calls for service in the past ten months resulting in arrests. He testified that in January of 2012, two arrests of band members were made in the parking lot for narcotics use. He reported poor control of the dark parking lot. He further stated there have been many arrests for drug use in the parking lot, including DUIs and fights. He voiced his concern for the safety of residents and for police officers.*

In making their decision, the MCBLC stated that they were “not convinced that the facility would manage the outdoor space well.” The MCBLC voted to deny the outdoor cafe extension.