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TOWN OF NORTH HEMPSTEAD

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BOARD OF ZONING APPEALS

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VIRTUAL ZOOM PUBLIC HEARING

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Wednesday, June 16, 2021

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10:11 A.M.

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BOARD MEMBERS PRESENT:

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DAVID L. MAMMINA, A.I.A. - Chairman

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LESLIE FRANCIS, ESQ. Vice Chairman

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PATRICIA GOODSELL, ESQ. Member

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DANIEL DONATELLI, ESQ. Member

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JAY HERNANDEZ - Member

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ALSO PRESENT:

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DEBORAH ALGIOS, ESQ. - Deputy Town

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Attorney

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VIRGINIA WAGNER - Secretary

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MADELINE TAVANI - Stenographer

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P R O C E E D I N G S

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CHAIRMAN MAMMINA: Good morning
everyone and welcome to the June 16th
meeting of the Town of North Hempstead
Zoning Board of Appeals.

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So Vice Chairman Francis, will you
please lead us in the Pledge Of Allegiance?

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VICE CHAIR FRANCIS: I certainly
will.

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(Pledge of Allegiance is recited.)

VICE CHAIR FRANCIS: Thank you all
and thank you all for joining us today.

This Zoom format, I guess we're getting
pretty used to it and other people may as
well. But you know, it is a bit different
and I do find even for me, you know, or
COVID having probably been on hundreds of
Zoom meeting, I still get a little tongue
tied talking to a computer screen. And so
just relax yourself when you're going to
make your presentation.

So what we'll do, we'll take a
minute to talk about how we do things in the

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Town of North Hempstead, in case you have
never appeared before a Zoning Board or
maybe you have and maybe we do things a
little bit differently.

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So what we will do is, Virginia
who is our secretary to the Zoning Board
will call the case and read it, and at that
point then I will ask if there's anyone that
has any interest in the case. And you know,
we will ask that in the chat you raise your
hands, or you know, put in a message so that
we know that you would like to -- you would
like to speak.

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So with that part done, we will
ask for the applicant then to give their
name and address. This is a -- this is a
recorded and stenographed hearing. It is
quasi judicial, so there is a formal record
made, you know, of this and we'll ask that
everyone give their name and address before
they speak.

So once that that is done, then
the virtual podium will belong to the
applicant. And the applicant will put their

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case on to the record, you know, if they
have any experts that they would like to --
to speak. If it's a husband and wife and
they both want to speak, we will ask that,
you know, that that happen.

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MS. ALGIOS: (Indecipherable.)

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CHAIRMAN MAMMINA: I think we got
somebody unmuted.

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MS. ALGIOS: That was me, sorry.

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CHAIRMAN MAMMINA: Okay. Deborah
is the town attorney for the Zoning Board
and being unmuted is very, very common. We
all do it, we hear dogs barking in the
background sometimes, but that's all okay.
It's all part of this format.

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So you'll put your case on to the
record and the Board will ask whatever
questions it feels that it would like to ask
and at that point, if there's anyone else
who wishes to speak either in support or in
opposition to the application, they will be
invited up and promoted on the screen and
they also will give their name and address
and they will put on to the record whatever

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2 their feelings are, negatively or positively
3 and the Board will ask whatever questions it
4 sees fit.

5 And at that point then, the
6 applicant, and typically only the applicant
7 gets the opportunity to speak two times. We
8 don't do a count a point, counterpoint.
9 Otherwise, you know, we would be here for
10 the whole day, you know, going back and
11 forth and back and forth. You know, that's
12 the way that that any Zoning Board that I've
13 appeared before as an architect runs
14 their -- runs their meeting.

15 So when that is done and the
16 applicant has had the opportunity to
17 respond, you know, then the Board will do
18 one of three things, and we will either
19 approve the application or we will
20 disapprove the application or we will
21 continue/reserve the application.

22 And Deborah, again if there's
23 anything that I'm misstating, you know, you
24 know, you could always hop right in. I
25 don't mind that at all.

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And the difference between the two, if we were to continue the application, the Board may want to see a filing from the Building Department. We may offer some compromise within the plan to the -- to the applicant. We may want to see the property again. There could be any number of reasons, a legal document, whatever, whatever.

If we want to -- if we decide to reserve the application, you know, it just -- what that would mean is that the board wants to consider, you know, that and deliberate a little further, you know, on that. You know at -- you know, either at the hearing today or at a future hearing and those are. That deliberation is public and, you know, you certainly can, you know, can listen on, you know, on that.

So I guess before we get started, Virginia, do we have any amendments to -- and modification to today's calendar?

MS. WAGNER: Yes, Chairman, we have an adjournment of Appeal Number 21066,

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2 Theodore Klumpp, Jr, 42 Highland Avenue in
3 Port Washington; Section 6, Block 9, Lot 39
4 in the residence C zoning district. That's
5 adjourned until August 11th.

6 We also have an adjournment of
7 Appeal Number 21067, Jia Ying Li, 32 Dail
8 Street in New Hyde Park; Section 9, Block
9 81, Lot 32, residence C zoning district.
10 And that is adjourned until July 14th.

11 CHAIRMAN MAMMINA: Okay, so if
12 anyone is here for either one of those
13 cases, you're certainly welcome to continue
14 to listen in. And you may want to do that,
15 you know, just so you get a sense of, you
16 know, how these proceedings happen. You
17 know, if not, then they -- these cases will
18 be heard on August 11th and also then --
19 also the second one at our -- at our July
20 hearing for that.

21 Virginia, because after many,
22 many, many years of doing this I always get
23 myself confused. Will they be re-noticed on
24 say the August 11th or the July hearing?

25 MS. WAGNER: If they have done

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their mailings, both certified and regular
mail then they will only be required to send
notices by regular mail. If they have not
done their mailings, they will be required
to send both by certified and regular mail.
But they will be renoticed, yes.

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CHAIRMAN MAMMINA: Thank you. So
you will have the opportunity of finding out
again. So that you are reminded, and that
is all within the legal parameters of what
is established for the Zoning Board.

So with that said, Virginia,
please call the first appeal.

MS. WAGNER: Appeal 21064, Sally
Kunitsa. 20 Covert Street in Port
Washington. Section 5, Block 51, Lot 31 in
the residence C zoning district. Variance
from §70-101.H to install A/C units in the
secondary front yard that are too close to
the street.

CHAIRMAN MAMMINA: Appeal Number
21064, Sally Kunitsa.

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Is there anyone who wishes to
speak other than the applicant? Please put
that into the chat.

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Or else Deborah, then at this
point please promote the applicant to the
screen.

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MS. ALGIOS: Chairman, she's been
promoted and she's unmuted.

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CHAIRMAN MAMMINA: Okay. And
Ms. Kunitza, if you could give your name and
address, and you know, then put your case on
to the record as I have described earlier,
thank you.

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MS. KUNITSA: My name is Sally
Kunitza and I live at 20 Covert Street in
Port Washington, New York 11051.

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And my case is that I would like
to put two HVAC units in a secondary front
yard that doesn't have the required 15-foot
setback.

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CHAIRMAN MAMMINA: Okay. Do you
want to talk a bit about, you know, their
location and the reasons for the need for
the variance?

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MS. ALGIOS: Sure. If you can
refer to the Covert Street survey.

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CHAIRMAN MAMMINA: Yeah. That's
on the screen now.

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MS. KUNITSA: So, my house is
located neither -- neither setback is -- can
be done on my property because my house sits
closer to the Jackson Street side, it's
actually like sitting 3 feet away from the
property line. And in order for the HVAC
units to work in the house and also be
3 feet within the house, it needs to kind of
go into that backyard section that you see
where the HVAC units are located and that
there -- there just isn't any space.

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So one is located five feet from
the property from the Jackson Street
property line, and one is located at 12 and
a half feet from the Jackson Street property
line.

And then the necessity for that is
because on the west side of my house,
there's -- I only have a partial basement.
My house is old. It's from, you know, like

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2 1800s, 1875 I think. I only have a partial
3 basement. So the basement that is exposed
4 that I can use is on the east side, which is
5 the Jackson Street side. I don't know if I
6 explained that well, but that's where my
7 backyard is and they're located in my
8 backyard.

9 VICE CHAIR FRANCIS: I'm sorry,
10 Ms. Kunitza, for interrupting you. I still
11 don't understand the placement of the two
12 air conditioning units. Why one has to be
13 5.1 feet from Jackson Street, while the
14 other is 12.59.

15 MS. KUNITSA: So the reason for
16 that is because, while I have an electrical
17 unit, that's in that corner so they have to
18 be so many feet away from where the
19 electricity goes into my house. But also
20 because -- the one that's located 5.1 feet
21 from the property line, that goes into my
22 basement and that's the original part of the
23 house, the HVAC.

24 The HVAC unit that's 12 and a half
25 feet, that's going upstairs I had to have

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two systems for my house, one for the -- you know, the second floor and one for the first floor. And there's no basement there.

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So that's why, it's just a slab the only portion of the basement is where the 5-foot. And then I have a window there and then I have the electricity.

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CHAIRMAN MAMMINA: I guess I'm not understanding the 5.1 and what the electrical service has to do with that. The electrical service requires 3 feet clear in front of it.

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MS. KUNITSA: Right. What I'm -- so in the square portion of the house where you -- it's hard because I can't point to it. So where the house -- where the square section is, that's where the electricity to my house is and where the meter is. And then there's a window and then there's one HVAC unit that services --

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CHAIRMAN MAMMINA: When you say the square section, are you talking about the dimension of 13.15?

MS. KUNITSA: I'm talking about

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the dimension of where it goes 15.6. Yeah,
3 and then right next to it, it goes 3.95 is
4 the closest -- yeah, the 13.15, that's
5 correct.

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VICE CHAIR FRANCIS: Right, okay.

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MS. WAGNER: I was trying to see

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if we had a photograph.

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CHAIRMAN MAMMINA: Yeah, so I

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guess where -- so we have no photograph of

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where that electric meter --

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MS. KUNITSA: I have a photograph,

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they didn't ask me for one. If I can share

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the screen with you then I can show you a

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photograph.

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MS. WAGNER: Let me stop sharing

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and then you will be able to share your

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screen.

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CHAIRMAN MAMMINA: Just for future

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applicants, you know, and please don't take

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this as being heavy handed verbally, but

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whatever you decide to bring in is whatever

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you decide to bring in.

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But you brought photos so, you

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know, that's fine and many people do that.

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2 So that's absolutely fine.

3 MS. KUNITSA: I'm trying to figure
4 out how to --

5 CHAIRMAN MAMMINA: Take your time.

6 MS. WAGNER: So what I do is I
7 minimize the photos, bring up your photos
8 and then minimize. When you go to share
9 screen it will pop up and then you just
10 click on it.

11 MS. KUNITSA: Well, I'm trying to
12 share the screen but it isn't -- wait, hold
13 on a second. A portion of the screen.

14 Are you seeing anything?

15 MS. WAGNER: We see the survey.

16 CHAIRMAN MAMMINA: The survey is
17 because I'd like to point to this two things
18 where is the cellar access.

19 MS. WAGNER: Scroll down, you just
20 had the picture.

21 CHAIRMAN MAMMINA: You had it.

22 MS. KUNITSA: So if I can just --
23 this is just looking at my backyard.

24 CHAIRMAN MAMMINA: Yeah.

25 MS. KUNITSA: So if you can see my

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2 cursor, this is the one that's only five
3 feet away from the street. Like here's
4 the -- and this is the one that's 12 feet
5 from the street.

6 CHAIRMAN MAMMINA: Then again,
7 I'll ask and I recognize you have a window
8 there but --

9 MS. KUNITSA: Yeah. And then this
10 is -- this is the electric right here.

11 CHAIRMAN MAMMINA: I see it. But
12 again as long as you have 3 feet in front of
13 the electric, you're fine.

14 MS. KUNITSA: Right. But this
15 part right here doesn't have a basement.

16 CHAIRMAN MAMMINA: Well, what
17 would a basement do for you? I'm not
18 understanding.

19 MS. KUNITSA: Because this is --
20 this one goes down -- this one is
21 servicing -- this one is servicing the
22 basement. So the wiring goes in and then
23 goes down.

24 CHAIRMAN MAMMINA: You just said
25 you don't have a basement. So there's a

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2 basement?

3 MS. KUNITSA: There's a basement

4 --

5 CHAIRMAN MAMMINA: Underneath the
6 house.

7 MS. KUNITSA: Underneath this
8 window is the only portion of the basement
9 that I have.

10 CHAIRMAN MAMMINA: Okay, so why
11 can't -- why can't that -- that unit that's
12 closest to the street, it's only -- it's
13 less than five feet as I read your --

14 MS. KUNITSA: It's five feet.

15 CHAIRMAN MAMMINA: Please, ma'am,
16 let me go now. Okay.

17 So why can't that unit move over
18 to the left and get further away from the
19 street?

20 MS. KUNITSA: Because it can't
21 go -- if it -- it can't go under the window.

22 CHAIRMAN MAMMINA: Well, it can.

23 But it can go under the window, it's not
24 preferable to be under the window, I would
25 certainly agree with you. But I think it

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2 could align, you know, with the left-hand
3 side of that window. Left-hand side that
4 we're looking at it.

5 MS. KUNITSA: If it aligns with
6 the left-hand side of the window it's not
7 far enough away from my electrical right
8 here. You see where this is?

9 CHAIRMAN MAMMINA: I'm not sure
10 that it looks like that. Because again, you
11 need 3 feet in front of --

12 MS. KUNITSA: Yeah, and I'm
13 telling you that there isn't three feet here
14 to put it here.

15 CHAIRMAN MAMMINA: No, no, you
16 need 8 feet. Let's say your unit is --
17 let's say your unit is 3 feet wide, you
18 know, let's say that unit is 3 feet wide.
19 It's probably a little smaller than that but
20 let's call it the 3 feet.

21 And as long as you have 6 feet
22 between the edge of that window and the
23 electric meter you're okay, and that's
24 definitely 6 feet.

25 MS. KUNITSA: Can we -- can we go

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2 back to where it's located just here?
3 Because the property line is on the other
4 side, like there's still two feet behind
5 this like little garden hedge.

6 CHAIRMAN MAMMINA: That's not your
7 property though.

8 MS. KUNITSA: I understand that.
9 But then there is -- if I can show what it
10 looks like from the street.

11 CHAIRMAN MAMMINA: Please.

12 MS. KUNITSA: Okay. So then this
13 is what it looks like from the street, you
14 can't -- you can't see it.

15 MR. DONATELLI: Ms. Kunitsa, I
16 actually drove by your property just a few
17 days ago in preparation for today's hearing.
18 And I will acknowledge that you really do
19 have quite a foliage. And that it is -- it
20 is not really readily visible from the
21 street.

22 On the other hand, please
23 understand that everything that we do really
24 applies not just to your property, but also
25 to any other property that may come before

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So what the Chairman is asking, and it's really an appropriate question, what are the things that we have to consider is how we minimize any request for any variance that might come before us. And if there is some practical reason why that unit cannot be moved back to where the Chairman suggests, please let us know.

But again, we have to try and minimize. That's one of our responsibilities is try and minimize any variance. So is there a reason why that air conditioning unit cannot be relocated on the other side of the window while still being 3 feet away from the electric meter?

MS. KUNITSA: I was told by the HVAC, Baker Air that that it could not be placed where the chairman is suggesting. I'm not --

CHAIRMAN MAMMINA: Baker Air would have to put that into writing for me with a diagram and the sections of the electric code that they are citing.

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I mean, because as the architect on the Board I do this every day. Because then the other question is, if we're going to grant the variance, why not put it next to the other piece of equipment with a little bit of space between it? It could fit there.

SPEAKER: That's what I was going to suggest.

MS. KUNITSA: I asked for that specifically and that they told me that was the best place to put it.

CHAIRMAN MAMMINA: Well, that might be the easiest place to put it.

MS. KUNITSA: Yeah.

CHAIRMAN MAMMINA: From their perspective.

MR. HERNANDEZ: With the least -- with the least amount of ductwork.

CHAIRMAN MAMMINA: I would say your air conditioning, in my opinion, should know the code.

MS. KUNITSA: Yes.

CHAIRMAN MAMMINA: That's just my

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2 opinion. The same way we have a lot of
3 fencing contractors, and I'm not trying to
4 cause a problem for your nice little wooden
5 fence there -- no, actually that fence would
6 be appropriate. It lines up with the front
7 of house.

8 MS. KUNITSA: It's not even -- I
9 didn't even think it was a fence because
10 it's only two and a half feet high.

11 CHAIRMAN MAMMINA: Forget the
12 fence. The ordinance permits anything four
13 feet or less at that location. It's fine,
14 as I said I'm not trying to find something
15 else here. That's not what -- we're not --
16 you know, we're not in that business.

17 MS. KUNITSA: Right.

18 CHAIRMAN MAMMINA: With a six-foot
19 fence, I might say something.

20 He can run horizontally.
21 Everything that he's got there and move that
22 unit over that 12 feet, you know, and it
23 could be screened. You know, because what
24 we get into, you know, and you know, and
25 again I don't mean this, you know, in a way

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2 to be patronizing.

3 You sound like a very, very nice
4 woman who would never cut down, you know,
5 that that shrubbery. But we don't know what
6 the next person will do.

7 And you know, and as Mr. Donatelli
8 said, our job is to be able to separate this
9 from somebody else, you know, as well. So
10 if somebody else chooses to put their air
11 conditioning unit, you know, five feet from
12 the street but says I'll put a shrub in
13 front of it.

14 That puts us in a position, you
15 know, where -- you know and they look at
16 this application, and believe me, people do
17 it, especially people that retain the
18 attorneys. It's not necessary for you to
19 have an attorney, not in any way and you're
20 doing a fine job and as well. Look, you
21 granted it over here so how about us.

22 You know, so we have --

23 MS. KUNITSA: I understand that, I
24 understand that. But I still feel like -- I
25 mean, I need to go out and measure it, but

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there was a distinct reason I asked for it
to be placed, the two together. And there

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just wasn't enough space from this

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electrical unit in the corner of my house.

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CHAIRMAN MAMMINA: I'm telling you

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that -- well, I'm not telling you. Okay.

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I'll take that back.

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In my opinion, look at my own

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house, you know, I have a -- I have a setup

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exactly like that.

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MS. KUNITSA: Mm-hmm.

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CHAIRMAN MAMMINA: And the two

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units are eighteen inches apart. You know,

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now, and you know, and the guy that put them

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in could have made them 3 feet apart. And

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now your guy might show that they should be

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3 feet apart. I would still be of the

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opinion that they can be 3 feet apart and,

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you know, for sure the electric code says --

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MS. KUNITSA: Okay.

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CHAIRMAN MAMMINA: You have to

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have 3 feet in front of that meter.

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MS. KUNITSA: 3 feet in front of

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the meter. And to the side of the meter and

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2 each side of the meter?

3 CHAIRMAN MAMMINA: No requirement.

4 They open that panel box from the front.

5 MS. KUNITSA: Mm-hmm. Okay.

6 CHAIRMAN MAMMINA: As long as they

7 can work on it. They open it from the

8 front. They don't open it from the side.

9 MS. KUNITSA: I would still need a

10 variance for this unit because it's still

11 not the fifteen feet setback. I'm sorry.

12 CHAIRMAN MAMMINA: Yes, but we

13 mitigate then.

14 I'm sorry, Les, go ahead.

15 VICE CHAIR FRANCIS: I was just

16 going to say -- I think you can hear, Ms.

17 Kunitza, from the discussion that we

18 wouldn't be inclined to grant you a variance

19 for the one that's 5.1 feet from Jackson

20 Street.

21 So I think, you know, following up

22 on the Chairman's suggestion. If you want

23 to get your electrical company or your HVAC

24 company to send us something that indicates

25 why it can't be moved, that might be

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helpful.

MS. KUNITSA: Okay.

VICE CHAIR FRANCIS: But as it stands right now, the one closest to the street is not going to get a variance in my opinion as one Board member.

MS. WAGNER: Can I just mention one thing, I don't know what else is behind that shrubbery. But one thing I can see is the gutter coming down so that, you know, might have a little bit of an effect on where that AC is located in that area.

VICE CHAIR FRANCIS: Absolutely.

CHAIRMAN MAMMINA: So.

MR. DONATELLI: So perhaps

Mr. Chairman, we can suggest that this maybe we should continue this hearing until such time as we got any correspondence from the HVAC company, indicating why the -- the second unit, the unit closest to the street can't be moved to a spot that is farther away from the street.

CHAIRMAN MAMMINA: And from my own perspective, I don't want it to just to be a

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letter, you know, from them that says we
can't do it.

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VICE CHAIR FRANCIS: It's gotta be
an opinion.

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CHAIRMAN MAMMINA: Right, right.

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They gotta give us a drawing with dimensions
on it and code sections, and you know or
manufacturer data regarding the proximity of
the unit and then the measurements. You
know, if they're going to start to quote
the, you know, the national electric code,
I'm just going to find it hard to believe
that the guy that puts the air conditioning
equipment in has a real grasp on the
national electric code.

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You know, and if we go back to
the, you know, to the survey again if we
were looking at the house from the front
yard, you know, another option can be to put
it to the left of the unit that we're
talking about. You know, and there it is
over there, and you know, then you know,
it's -- and then it's definitely nowhere
near the -- you know, the electrical

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service.

And what I would also like to add, in fairness completely to you, this air conditioning contractor has to know better than to install this equipment with no permits. So, you know, he or she, has put you into a dilemma is extremely unfortunate for you.

MS. KUNITSA: Yeah.

CHAIRMAN MAMMINA: And I don't know if you got a violation and that's what brings you here today.

MS. KUNITSA: No, I was -- what happened -- I mean, I don't want to bore you with what happened. But what happened is I was -- I was remodeling my kitchen and during the first floor remodel, we decided to put -- we never had -- we never had air conditioning in our house before so we decided to put air conditioning.

And they made it seem like it was imperative that we did at the time that my house was -- my first floor was taken down to the studs because it did make sense

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because the ductwork had to go in. I did
3 apply for a permit, like way in advance but
4 it just -- you know, at some point I had to
5 make the decision that, you know, it needed
6 to be done as the house was getting done.

7

CHAIRMAN MAMMINA: Well, they
8 could have put the ductwork and the wiring
9 in. You know, and not installed the units.

10

MS. KUNITSA: I completely
11 understand now. It's just that it was my
12 first time doing remodeling or dealing with
13 this. And I -- you know, I was doing -- I
14 was following the directions that I was, you
15 know, given.

16

CHAIRMAN MAMMINA: And I'm certain
17 that you are being absolutely, 100 percent
18 up front with us. And you know, we always
19 try our best to accommodate the homeowner.

20

I mean, all of us are taxpayers.
21 You know, we have certain knowledge that,
22 you know, that we gained through our
23 professions or through doing this that the
24 average homeowner doesn't have and --

25

MS. KUNITSA: Right.

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CHAIRMAN MAMMINA: -- we do rely upon the professionals that install things and do work. You know, this is far from egregious in some of the things that we've seen in the past. But it puts us in a tough spot and I don't want to repeat Mr. Donatelli for a second time, but we have to be able to separate this from another -- another application that comes in.

And you know, as I said, you know, earlier, this is, you know -- this is a quasi-judicial hearing and that's why there's a record taken, and you know, because people do have legal remedies. I don't want to get into that, nor suggest to you that this rises to, you know, to that level.

You know, so we have to be consistent, you know, in what we do, you know, in here. And I sincerely regret as a fellow taxpayer, you know, that -- you know, that this would appear to be a solution that is -- that is, you know, that is still available to you.

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2 MS. KUNITSA: Right. Okay. So I
3 will -- I will discuss it with -- with the
4 air conditioning company. And I will talk
5 about the options and then if it cannot be
6 moved, I will have him write down the
7 dimensions, why it can't be moved, and with
8 the measurements and the drawing and the
9 codes.

10 MR. DONATELLI: May I just ask,
11 are you using a contractor in the Town of
12 North Hempstead?

13 MS. KUNITSA: Yeah, I'm using
14 Baker Air.

15 CHAIRMAN MAMMINA: Licensed in the
16 town?

17 MS. KUNITSA: Yeah, they're
18 licensed in the town.

19 CHAIRMAN MAMMINA: Shame on them.

20 MR. DONATELLI: Presumably they
21 would know the code and they need to couch
22 whatever they're going to submit, they need
23 to couch that in language of the code.

24 And if there is some practical
25 reason why they cannot be moved, they need

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1 6/16/2021

2 to let us know that. But we -- like I said,
3 our concern is try to minimize. I
4 understand and I heard very clearly that
5 your house was built in the 1800s and it's
6 commendable that, you know, that you've got
7 such an old house, I'm sure it has lots of
8 character. And we're cognizant of that when
9 we review these applications as to why
10 something cannot be compliant.

11 But there is a real difference
12 between having a 12-foot setback and having
13 a 5-foot setback and that's what we really
14 need to grasp.

15 MS. KUNITSA: Okay.

16 CHAIRMAN MAMMINA: All right. So
17 if you can get that back to us, the sooner
18 the better. So if we have it before our
19 next hearing then we can consider it at --
20 you know, at that point.

21 You know so that you know where
22 you're going as quickly as possible.

23 MS. KUNITSA: Sure.

24 MS. ALGIOS: So Chairman, this
25 will be continued then until the July 14th

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1 6/16/2021

2 meeting?

3 CHAIRMAN MAMMINA: Yes. And thank
4 you, Deborah. So we'll continue this until
5 the July 14th meeting.

6 And Ms. Kunitza, you would -- you
7 would get that over to Virginia --

8 MS. KUNITSA: Okay.

9 CHAIRMAN MAMMINA: -- in the
10 zoning office which is on the second floor
11 of the building across the street from Town
12 Hall on the side street.

13 MS. KUNITSA: Okay.

14 CHAIRMAN MAMMINA: Okay. Thank
15 you very much.

16 And Dan, I apologize for hopping
17 in on that last one.

18 MR. DONATELLI: Not at all.

19 Always need the help.

20 CHAIRMAN MAMMINA: Okay, then, if
21 we can call the next case.

22

23 MS. WAGNER: Next appeal, 21065
24 Maria Vezza, 19 Charles Street in Port
25 Washington, Section 5, Block 43, Lot 34 in

00033

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6/16/2021

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the Residence C Zoning District.

3

Variances §§ from 70-209.A,

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70-49.A, 70-51.A, 70-52.3 and 70-52.5. To

5

construct a new home where 50 percent of the

6

exterior structure and interior floor

7

systems of the existing home is being

8

removed on a nonconforming foundation that

9

is too close to the street, too close to a

10

side property line, not in compliance with

11

the height to setback ratio and too much

12

front yard paving.

13

14

CHAIRMAN MAMMINA: Appeal 21065,

15

Maria Vezza. If there is anyone else who

16

would wish to speak regarding this

17

application and just put yourself into the

18

chat and Deborah will try to -- she'll try,

19

she's been very, very successful thus far in

20

all of our hearings that we've had, sorting

21

through it. And you know giving everyone an

22

opportunity to speak who wishes to.

23

Okay, and just because you're on

24

the chat doesn't mean you have to speak, you

25

can listen in and be satisfied with the

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1 6/16/2021

2 information and that might do it for you.

3 So thank you.

4 So please, Ms. Vezza, give your
5 name and address so the Reporter can take
6 that.

7 MS. COSCHIGNANO: Actually, good
8 morning, Chairman Mammina and Members of the
9 Board. Elisabetta Coschignano, partner with
10 Sahn Ward LLC, located at 333 Earle Ovington
11 Boulevard, Uniondale, New York 11553.

12 I am appearing this morning on
13 behalf of the applicant Ms. Maria Vezz on
14 the appeal of 21065.

15 I believe I am joined this morning
16 by my client, Maria Vezza, her architect,
17 Louis Baldino and also my associate, Alexis
18 Majona who will assist here with the screen
19 share here this morning, just so the Board
20 knows.

21 Good morning, everyone.

22 Initially, I just would like to
23 compliment the Board of Zoning Appeals
24 Office. They've been really great through
25 the process and they're very user friendly

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6/16/2021

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so I think the Board should know that and

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we'll thank them for all their hard work.

4

CHAIRMAN MAMMINA: The staff are

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great.

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MS. COSCHIGNANO: It's wonderful.

7

As a matter of housekeeping we did

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receive several green receipts back in the

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mail and copies were mailed back to the

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Zoning Board Office and they were emailed

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and the originals were also sent in the

12

mail.

13

So the subject property is located

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at 19 Charles Street, Port Washington, New

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York and is also known as section 5, block

16

43, lot 34 on the Nassau County land and tax

17

map. And the property is located in the

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town's residency district and fronts on

19

Charles Street is across from Stannards

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Brook County Park, and otherwise is

21

surrounded by one and two family residential

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homes. The property was originally built in

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1913 and exists as a nonconforming one and a

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half story, one-family structure.

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Ms. Vezza purchased the subject

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6/16/2021

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property in early 2020, literally just
before the shutdown due to the pandemic.

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She currently resides in Glen Cove with her
parents. She's a young lady who, you know,
is early on in the work force and she has an
employment in Roslyn.

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She has always desired to be part
of the Port Washington community, but she
couldn't find a home she could afford until
she found this particular property through
Zillow, it was listed as a foreclosure. She
was fortunate enough to be able to purchase
the property and her intent is to build a
very modest home at 1,254 square feet.

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And as I'm sure the Board is
aware, currently it is vacant and it is a
bit of an eye sore in the neighborhood and
community and it appears to have existed
that way for a while. I did do a site visit
and I saw it and I do have some pictures
that I will put up on the screen in a little
while.

24

25

If granted the relief requested,
she'll build a very modest home within her

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1 6/16/2021

2 budget. The reason for the variance is that
3 the home was built in 1913, prior to code
4 and therefore the building envelope does not
5 conform to the code as it is today.

6 Unfortunately, this is extremely
7 detrimental for my client, as her budget
8 would not permit her to accomplish the
9 desired outcome if she were constricted to
10 become code compliant, she would have to dig
11 up the entire foundation, pour a new
12 foundation and put in dry wells at that
13 point. It would really be a hardship for
14 her to do all of that.

15 In visiting the site and the
16 streets in the area, it appears that most of
17 the homes on Charles Street are one and two
18 family houses that preexisting
19 nonconforming. As according to Nassau
20 County land records, many of them were built
21 in the early 1900s. We also did a FOIA
22 request and it appears that none of them,
23 other than one had any major variances which
24 shows they probably will have been there a
25 very long time.

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6/16/2021

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Currently, she seeks to construct a two-story, one-family home on the existing nonconforming foundation with a two-story cellar expansion, side and rear yard additions. The proposed work will require variance from front yard setback requirement of 25 feet pursuant to the town code.

She is proposing a setback of 25.4 feet to the second story addition, and seeks to maintain the existing front porch setback at 16.5 feet. Currently the average front yard setback in the area is 16.58. So she is compliant with the average front yard setback. She will also require a variance from sections 70-52.5 of the code, with respect to front yard paving.

So that -- the code states that impervious material cannot be greater than 55 percent of the front yard, in which in this case would be 291.55 square feet, where she is proposing a 59.48 percent coverage or 315.24 square feet.

She will also need a variance for side yard setbacks pursuant to section

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6/16/2021

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70-51.A of the code where two side yards are required at a minimum of 25 percent of the width of the lot, but in no case less than 50 in width.

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So the applicant is just maintaining the current setbacks as they exist at -- on the west side they are currently .4 feet and 3.7 feet, on the east side they are 11.66 feet. It is especially a narrow property as it is only 32-foot wide lot.

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Finally, she would require a variance from section 70-52.3 and 72-09.A of the code for sky exposure plane where she has any 18-foot-10 inch eave height on the west side yard within the existing side yards. And since we are removing in excess of 50 percent of the exterior structure and the interiors floor system, we would need the relief with respect to that section of the code.

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So the layout and footprint of the home is proposed to allow her to build a home that is large enough for her needs, but

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6/16/2021

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she still falls within the confines of the GPA. She is not requesting any variances for height, eave height or floor area.

5

At this time, if I could request that Alex Mohana be added that he could screen share some of the photos.

8

MS. ALGIOS: Alexis?

9

MS. COSCHIGNANO: Yeah, yeah.

10

So that is the subject property as it stands. As you can see, there's a lot of overgrowth there. It is currently a two story I believe, maybe like one and a half-ish.

11

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15

Alexis, can you move to the next photo. So that is the property to the east which is currently vacant and that property is for sale at this time, and you know, we'll discuss more about that property in a few minutes. But as you can see, even like on this street the houses are very, very close together.

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Can you put the next photo up please? This is a difficult photo here, so the house to the left is the one immediately

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1 6/16/2021

2 to the west of the subject property. I
3 don't know if I have another one that
4 depicts. I think I do.

5 Alexis, can you put the next one
6 up?

7 Yes. So this is the house
8 immediately to the east, as you can see it's
9 very, very tall. It's a two-family house
10 and Ms. Vezza's property is -- you can't see
11 it really because all of the overgrown
12 bushes and trees in front of it. But that's
13 the house immediately next door.

14 And I think I might have one more
15 picture, I'm not sure. Yeah, that's it. So
16 those are the photos of the, you know, the
17 area in and of itself.

18 So I would like to at this time,
19 prior to finishing my presentation, if the
20 Board doesn't mind bringing in the architect
21 and I'd like him to discuss -- because I
22 know there will be questions from neighbors
23 probably.

24 And just one more comment, the
25 house to the east is a two family rental and

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I think I said the house to the west is currently vacant. So I would like to bring in the architect who can discuss what kind of building materials she'll be using and the construction process because I know that there are questions regarding that. And he can also answer any questions regarding, you know, the square footage, the house and the layout. So if we can have Baldino join.

10

11

MR. BALDINO: Good morning,

12

Chairman and Board. Can everybody --

13

CHAIRMAN MAMMINA: Good morning.

14

MR. BALDINO: This is a very

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unique project I will say.

16

MS. ALGIOS: Mr. Baldino, I'm

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sorry, can you please put your name and your address and just that you're the architect for the project on to the record.

18

19

20

MR. BALDINO: Sure. My name is

21

Louis Baldino, architect. 97 Pine Hollow Road, Oyster Bay, New York.

22

23

Very unique project from the

24

beginning simply because of that west side yard setback in the rear of only five

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1 6/16/2021

2 inches. Not sure of the year of the
3 construction, early 1900s. The inside is
4 more like a bungalow cottage feeling 6-foot
5 11 ceiling height on the first, 6-foot 9
6 ceiling height on the second floor, much
7 like your typical cape turned sideways.

8 So from the onset we were talking
9 about different construction possibilities,
10 how can we add on to it, whether it be under
11 or over the 50 percent. Being that it's
12 such a low ceiling height which doesn't meet
13 today's code, you cannot get adequate
14 bedrooms on the second floor. We decided to
15 try to raise the first floor ceiling, and by
16 doing so we are now over the 50 percent.
17 That's one of the reasons we want to hear
18 from you today.

19 But my biggest concern, and the
20 concern of other people that we speak to on
21 this project was that westerly wall of being
22 only 5 inches away from the neighbor's
23 property line and the current overhang
24 that's on the structure now is 12 inches.
25 So in essence, the existing overhang goes

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1 6/16/2021

2 over the property line.

3 So there are two things I looked
4 at as an architect, obviously as an
5 architect, we want to design whatever we can
6 in the most pleasing manner and fit our
7 client's needs and budget. But we also have
8 to protect the health and safety of the
9 community obviously.

10 If this building, this home stayed
11 the way it was and for some reason the Board
12 said negative on this project, Maria would
13 be forced to basically renovate the existing
14 condition of the home. By doing so, the
15 existing west wall would remain as is, it's
16 a combustible wall. It has penetrations,
17 meaning windows, it's got vinyl siding. If
18 you compare that to the proposed
19 application, yes, we are encroaching on the
20 sky exposure plane. We are not making a
21 setback any worse. But the most important
22 thing that we're doing is, by this
23 application is making that one wall safer
24 than it currently exists.

25 We are removing any penetrations

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1 6/16/2021

2 from that wall, which we have to according
3 to state code. We are making our one west
4 wall a one hour fire wall, using
5 noncombustible exterior finishes,
6 noncombustible sheeting and we will end up
7 using two layers of five inch sheetrock on
8 the inside of that western wall.

9 So we had a lot of communications
10 as to should we move forward with this
11 project. But I felt confident with it as an
12 architect in hoping that the Board feels
13 confident as well to weigh the options
14 between my client and the safety of the
15 community. I think they work hand-in-hand
16 in this case. She will benefit from a much
17 more -- from a house that's liveable and the
18 community will benefit from a house that is
19 safer.

20 So let's say the Board looks
21 negative upon that and says nope, build a
22 house that fits within the setbacks. What
23 that does within today's markets and I'm
24 sure everybody knows the construction costs
25 have gone up. Material is just -- it's

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1 6/16/2021

2 unbelievable, each day it goes up. To knock
3 this house down, install a new foundation,
4 will domino effect into a new driveway and
5 dry wells.

6 With the current proposed
7 addition, we're only adding 238 additional
8 square feet. According to the Town of North
9 Hempstead code, we are not obligated to put
10 in dry wells for an addition less than 250
11 square feet. So now if you have to build a
12 home, not only do we have demolition costs,
13 we have excavation costs, we have site work
14 costs, new concrete and dry wells. Today's
15 market, it's probably a 50 to \$60,000
16 addition I think at a minimum to the cost of
17 this project.

18 So we elected to keep the
19 application the way it was and with the good
20 graces of the board to agree with our train
21 of thought and how it protects the community
22 and benefits our client.

23 CHAIRMAN MAMMINA: Thank you,
24 Mr. Baldino.

25 MR. BALDINO: Sure.

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MS. COSCHIGNANO: Unless the Board
as has any questions of the architect, I
will finish my presentation and then we can
take questions.

6

CHAIRMAN MAMMINA: I do, I didn't
know if Mr. Donatelli has any questions that
he would like to pose first.

9

10

MR. DONATELLI: I do. I'm just
wondering if the applicant would like to
review the five factors before I ask him the
question.

11

12

13

MS. COSCHIGNANO: Yeah, yeah,
that's what -- I would like to do that first
and then we can --

14

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CHAIRMAN MAMMINA: I can wait to
ask Mr. Baldino my questions. That's fine.

17

18

MS. COSCHIGNANO: Thank you, thank
you. I appreciate that.

19

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21

The Board has granted similar
variances on the property that I had on the
screen before which is to the east, 21
Charles Street. On January 5, 2004 the
Board granted variances on Appeal Number
17619 for plot area, lot coverage, floor

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6/16/2021

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area, front yard setback, height, eave

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height and sky exposure plane.

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Here we are not asking for height,

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we're not asking for eave height, we're not

7

asking for floor area. I know we're asking

8

for other variance, and they may seem

9

substantial but when you consider the -- you

10

know, the existing nonconforming issue, they

11

are not substantial when in light of that.

12

It's also submitted that as most

13

the homes on the block appear to be legally

14

nonconforming, any property owner wishing to

15

renovate or expand would need variances on

16

this block.

17

My client did obtain -- attempt to

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obtain consents from the abutting

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properties. However, adjacent is vacant,

20

next door is a rental and she did speak with

21

the property owner directly behind her who

22

did not have any objections to her project.

23

Pursuant to town law 267 B the

24

Town Board shall engage in a balancing test

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to determine the benefits of the applicant

if granted weighed against the detriments to

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6/16/2021

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the wealth, safety and welfare of the

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neighborhoods. In making this

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determination, the Board will consider an

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undesirable change shall be produced in the

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character of the neighborhood, whether the

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benefits sought by the applicant can be

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achieved by some other method, whether the

9

requested variances are substantial, whether

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the proposed variances will have an adverse

11

impact on the physical or environmental

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conditions in the neighborhood and whether

13

the difficulty is self-created.

14

It is respectfully submitted that

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granting the requested variances will not

16

have an adverse impact on the neighborhood

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but will actually have a positive effect on

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their improving what at this point is a

19

vacant and blighted property, which is an

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eyesore and improving it safety wise and

21

improving it aesthetically.

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Proposed house would fit perfectly

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within the character of the neighborhood.

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It's not a very big house. It's still a

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small house and there are many homes that

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6/16/2021

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are close to the property line all along

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that block and appear to all be

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nonconforming.

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The requested variances are not

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substantial in nature in light of the size

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and depth of her lot and there really are no

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other means other than the requested

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variances for the applicant to achieve the

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benefit that she's seeking on this front.

11

Finally, we feel a hardship is not

12

self-created as in order to build the

13

proposed home and stay within the confines

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of the code's GFA, the requested variances

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are necessary. Even if the Board viewed

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them as self-created due to the fact that

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she purchased the property in this

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condition, it should not be fatal to her

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application.

20

And at this time, we would

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respectfully request that the application be

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granted and we'll take any questions either

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of myself or the architect and I believe

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that Maria is with us as well.

25

MR. DONATELLI: Well, Mr.

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6/16/2021

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Chairman, as the architect on the Board let me defer to you and why don't you go first?

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CHAIRMAN MAMMINA: Okay. All right, Mr. Baldino, let me just bring my drawings up again.

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Okay, I -- just for the benefit of the record as I read the drawings, essentially what you're proposing to do is where you have that five inch westerly side yard, your second floor addition is going to slide over to the east approximately -- hold on, let me get to the drawings, three, four, five, I guess about six and a half feet, you know, in there. And then it will project about nine feet from that back wall.

So you're respecting what would be a required side yard in that addition. So you're not making that second floor any higher than it currently is, and you are pulling it over and away from that -- from that side, from that side property line.

MR. BALDINO: Correct.

CHAIRMAN MAMMINA: Virginia, maybe take a look at -- bring that foundation plan

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6/16/2021

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back. That's about two up from there.

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MR. BALDINO: Yes, Chairman, any

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CHAIRMAN MAMMINA: Just let me

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finish, Lou.

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So essentially what you can --

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what you can see is that where it says the

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volclay waterstop or equal, that part is

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being taken down -- being tacked on to the

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edge and then brought over towards the east

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and then popped out the nine feet.

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So if we were to go to the first

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floor plan, which is just to the left of

15

that. So can you slide that over, Virginia?

16

Okay. So we'll see -- if you look

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at the -- if you look at the walls that have

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the little dots in them, those are the new

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walls. So it shows that the existing wall

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is remaining at that five-inch incursion,

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the dotted line that's on the left on a

22

little bit of a diagonal is the property

23

line. But then he's moving to the west and

24

he's sliding back, you know, so that he

25

would have a compliant side yard, you know,

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1 6/16/2021

2 in that -- in that addition.

3 On the -- on the easterly side of
4 the building, he didn't really have any
5 issue, you know, over there, you know, based
6 on the way that the house is sited,
7 S-I-T-E-D.

8 If we drop that down just a little
9 bit, Virginia, I know it's hard, just
10 pull -- the other way, I know, I always get
11 confused with my own people in the office.

12 So if we take a look at that,
13 we're looking at not quite in filling the
14 little area that has steps, you know, that's
15 in it on that eastern side of the wall, so
16 that wall would be built toward the street
17 but will also be pulled away from that
18 property line to the east.

19 The porch in front of the house,
20 and then Mr. Baldino, I'll ask you to
21 correct me in anything that I'm saying, you
22 know, essentially is a porch that exists, it
23 may be being made a little bit wider. You
24 know, the porch is certainly in character
25 with the -- with the neighborhood and so

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2 essentially we're getting a two-story
3 addition across the back of the house
4 that -- that does not encroach in a
5 nonconforming way, nor is that in the
6 objections from the -- from the building --
7 from the Building Department. And the same
8 is true for the small piece in the front.

9 And you know, while it is not a
10 zoning issue, certainly now and Beacon Hill
11 Bungalows which is also up in Port
12 Washington, this is a very old part of the
13 world, you know, in the town. And I mean,
14 you can see the way the house is sited on
15 the property, you know, things were just
16 built then and it probably started out as a
17 summer bungalow, and you know, and therefore
18 the low ceilings, which for me at five and a
19 half feet tall is not so low for me. But
20 yes, that's no longer acceptable ceiling
21 height, it does not meet the building code
22 by today's standard.

23 You know, so while we're not
24 really looking at building code per say,
25 raising those ceilings creates a compliant

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1 6/16/2021

2 ceiling and by putting fireproof material on
3 that side of the building, we are taking
4 what is -- what is essentially a fire hazard
5 and making that go away.

6 And I didn't finish my point
7 regarding Beacon Hill Bungalows, but we do
8 have that all throughout the Beacon Hill
9 Bungalows and while we haven't had an
10 application, you know, in that bungalow
11 neighborhood for a little while, one of the
12 things that they always do is create a
13 building code compliant condition, because
14 you get into light safety issues when that
15 sort of thing doesn't happen.

16 So I guess Mr. Baldino, if there's
17 anything that I've said that makes you want
18 to change or add, supplement and then we'll
19 turn it over to Mr. Donatelli.

20 MR. BALDINO: I just want to make
21 one comment, Chairman, you hit everything
22 right on the head. Just with the front
23 porch, it's the same footprint. We're not
24 adding to the porch.

25 CHAIRMAN MAMMINA: Okay.

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MR. BALDINO: The porch does
protrude to the east of that existing wall,
so our addition on the east side of the
house, we are just lining up with the
existing edge of the porch.

CHAIRMAN MAMMINA: Great.

MR. BALDINO: To clarify, if the
Board needs any other clarification but on
sheets A1.1, it shows the actual allowable
building envelope. And the Chairman was
correct in saying anything that we are
proposing fits within the existing allowable
building envelopes.

CHAIRMAN MAMMINA: There you go,
Virginia.

MR. BALDINO: To the right down,
and to the right.

CHAIRMAN MAMMINA: Slide it down.

MR. BALDINO: One more. A little
bit. Down. Right there.

CHAIRMAN MAMMINA: Correct.

MR. BALDINO: So you can see where
that brown circle is, which is an
above-ground pool which being removed, right

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1 6/16/2021

2 below that circle at 6:00. If you go up a
3 little bit, the other way up, the other up.
4 There you go.

5 It says allowable building
6 envelope. That dotted line is what we are
7 allowed to build within and all of our
8 proposed work is within that envelope.

9 CHAIRMAN MAMMINA: Also, as long
10 as we're on that sheet, Virginia, can you
11 bring it to the other up that way we can --
12 which will show the front yard of the house.

13 You know, the paving in the front
14 yard, you know, is very easy to see why it
15 does not comply, doesn't comply now, it
16 doesn't appear to be changing, you know, in
17 any way.

18 But there's very, very minimal
19 front yard when you look at that 16-foot
20 setback which is the average setback --

21 MR. BALDINO: Right.

22 CHAIRMAN MAMMINA: -- in the
23 neighborhood. You know, and it's not
24 something that's going to jump out at you
25 and always my understanding of the front

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yard paving was that first of all, the Town

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Board didn't want the front yard to look

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like a parking lot. And then second, the

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Town Board did not want it to become a

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parking lot, you know, where you're going to

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have five, six cars in front of the house.

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This property is only 32-foot wide.

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MR. BALDINO: Yeah.

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CHAIRMAN MAMMINA: So there are

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many alternatives that can be done.

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MR. HERNANDEZ: There's also a lot

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of stairs there, so it obviously has to be

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hard scaped.

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CHAIRMAN MAMMINA: Yes, thank you.

16

So Mr. Donatelli, take it away.

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MR. DONATELLI: I do have some

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questions for the architect.

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And I guess my question is really

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a macro scale question, which is I

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understand the proposed additions to the

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house are -- constitute more than 50 percent

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and therefore, you're being required to

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apply if this were new construction.

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And I also understand that it will

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cost, as you indicated, 50 or \$60,000 more
in the event that you're forced to demolish
and build a new foundation.

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What percentage -- what is the
approximate cost, if you have any idea of
the approximate cost of the project as
proposed and what percentage would that
extra 50 or 60,000 be in terms of the total
cost of the project.

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MR. BALDINO: There's a good
question. It's so hard to gauge new
construction costs. If you had to take an
average right now, I believe we are about
1,200 square feet total, double total floor
area. If I did quick math, which I don't
like doing at this length, a renovation cost
would probably be -- keeping the existing
foundation, somewhere in the 3 to \$350,000
range. So if we had to knock down,
demolish, new concrete, dry wells that's
almost 20 percent more and that's an
estimate.

MR. DONATELLI: I understand
that's an estimate and I appreciate your

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2 doing the math. It's -- until you actually
3 have a signed contract and --

4 MR. BALDINO: Exactly.

5 MR. DONATELLI: And those costs
6 are calculated up to the minute, they're all
7 just estimates. If you're talking about an
8 additional 20 percent to try to demolish the
9 existing and build new, I mean that is
10 something that I think we need to consider.

11 The other question, and really
12 building on the comment that you,
13 Mr. Baldino, had with the Chairman just now,
14 the way I see that front portion with the
15 lot coverage in the front yard, it's more of
16 a retaining wall, is it not? The wall to
17 the east of the property.

18 MR. BALDINO: Yes, so that's an
19 existing retaining wall. It's not proposed.
20 Currently now, the entrance to the porch you
21 probably can't see because of all the
22 overgrown trees. But if you saw the
23 existing survey, right now where we are
24 proposing the two-story front side yard
25 addition, which is parallel or adjacent to

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1 6/16/2021

2 the existing driveway, you notice or you
3 will see there is a four-foot area, I will
4 try to walk you through the plans here if
5 you can.

6 MR. DONATELLI: Yeah, and I do
7 have them on my other screen so if you can
8 just tell me what page you're referring to.

9 MR. BALDINO: Page -- let's call
10 it A1.1.

11 MS. ALGIOS: Mr. Baldino, you have
12 the option of sharing your screen as well.

13 MR. BALDINO: I'm not sure if I'm
14 seeing --

15 MS. WAGNER: I'm going to bring it
16 up. You said A1 -- which one?

17 MR. BALDINO: You can go to the
18 survey which is up. You can go the left.

19 MS. WAGNER: Okay.

20 MR. BALDINO: I'm not sure if it's
21 up or down. But there we go. We can -- you
22 see the covered porch?

23 MR. DONATELLI: Yeah.

24 MR. BALDINO: You see the
25 staircase on the back of the covered porch.

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Right now you walk down to the driveway and you gotta make a left and now you're walking down hall, down the asphalt driveway. Where those steps is where we're proposing our addition. So you simply want to take those stairs and put them at the front of the porch. So that's what's creating that part of that front yard paving area, is adding the stoop to get to the higher front yard and then a secondary set of stairs to get from the concrete retaining wall, down to the sidewalk. Okay.

It's a very strange way right now to walk into the house, to walk into the porch. So we want to alleviate that and make that look like a typical porch, do some nice architecture and have a nice set of stairs and that's you how walk to the front door.

MR. DONATELLI: I will say, and of course I'm not an architect, but I will say that I think in general, it's preferable to have a house present itself to the front street and to create -- that's the whole

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purpose of a porch is to have access to the
house from the front and to hopefully create
better neighbors and better neighborhood

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with a walkable street --

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MR. BALDINO: That makes sense.

7

MR. DONATELLI: -- and access from

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the street.

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MR. BALDINO: Thank you. That was

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along the lines of our thinking.

11

CHAIRMAN MAMMINA: While it's not

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a zoning issue, I think it will be an

13

attractive house. Certainly that will fit

14

the character of a house that was built in

15

that time period.

16

MR. BALDINO: Yes.

17

MR. DONATELLI: Mr. Chairman, I

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know that we have several members of the

19

Board who have asked to speak.

20

CHAIRMAN MAMMINA: Let's promote

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anyone who would like to be promoted.

22

MS. ALGIOS: Mr. Kauffman, I just

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unmuted you, gave you the ability to unmute

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yourself. You just have to press unmute and

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you can use your laptop audio to speak and

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please start by putting your name and

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address on the record.

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MR. KAUFFMAN: Can you hear me?

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MS. ALGIOS: Yes, we can.

6

MR. KAUFFMAN: Just a second.

7

CHAIRMAN MAMMINA: Perhaps you

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have two devices on.

9

MR. KAUFFMAN: I'm going to fix

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it.

11

MR. DONATELLI: You know,

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musicians spend a lot of money to figure out

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how to do that. I do a little soundboard

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myself.

15

MR. KAUFFMAN: All right. Good

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morning, ladies and gentlemen of the Town of

17

North Hempstead and representatives of I

18

believe the proper pronunciation is

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Ms. Vezza, the new owner of this property 21

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Charles. If I'm correct, 21 Charles Street.

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MR. HERNANDEZ: 19 Charles.

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MS. WAGNER: 19 Charles.

23

CHAIRMAN MAMMINA: Thanks,

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Virginia.

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MR. KAUFFMAN: I'm not totally

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2 familiar with the property. I just lived
3 just a few doors away and I joined --

4 MR. DONATELLI: What is your
5 address?

6 MR. KAUFFMAN: Sorry, 17
7 Charles -- number 17 Charles Street. That
8 is to be highly differentiated from the
9 number 17 1/2 Charles Street, a totally
10 different property.

11 MS. ALGIOS: Arthur, your first
12 and last name for the record.

13 MR. KAUFFMAN: Sure. That's
14 Arthur Kauffman.

15 MS. ALGIOS: Thank you.

16 MR. KAUFFMAN: Okay. By way of
17 introduction, I have the great privilege and
18 honor to have bought my home in 1981 and
19 have remained here as my primary residency.
20 I've not moved anywhere else. I've lived
21 here since 1981. My children grew up in
22 this on Charles Street. I taught my kids
23 baseball in the park across the street. We
24 had a tremendous wonderful -- shall we say,
25 a wonderful life with our family and our

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other family come to visit us on Charles Street. We had great relations with our neighbors, including some former owners of number 19. Some fond memories of their being there.

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And then I was also familiar with the most recent owner before the new owner here, and a very nice gentleman that lived there and always good relations. So also had a very good relationship with Mr. Hoke who no longer resides in the house at 21 and I'm giving this introduction because it has a lot to do with the current situation.

So quick questions, am I correct that the new owner is planning to live in house or is it going to be a rental? I mean, this is up to them, it's their personal business. Is that a known fact at the moment?

MS. COSCHIGNANO: I can answer that. She is planning to live there.

MR. KAUFFMAN: Okay. Great and I do hope that she gets to come into this house and really enjoy it.

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2 MS. ALGIOS: Mr. Kauffman, I just
3 want to start by telling you this, the town
4 has instituted a time limitation on all
5 comments from the public. So it's three
6 minutes. So probably the best thing is
7 instead of a question and answer is for you
8 to just ask your questions and Ms.
9 Coschignano will take note of them and after
10 you've asked your questions, she will then
11 have the opportunity to address all of them.

12 MR. KAUFFMAN: Excellent. I hope
13 that didn't count for my three minutes?

14 MS. ALGIOS: I'll give you a pass
15 on that. We'll start it now.

16 MR. KAUFFMAN: You're very kind.
17 All right. That's going to be totaled for
18 what I actually ask. So you cut the timer
19 for every time I stop asking.

20 So the first question is -- well,
21 I'll just read it. Number one: Are you
22 aware that a lake of water appeared and
23 caused major flooding at the new foundation
24 of the 21 Charles Street when they ripped
25 out the old foundation and that two or three

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giant 12-foot cisterns were caused by the town to be installed under the 21 driveway.

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And are you aware that that property continues to leak water off the curb, causing ice in the front of my house and our houses all the way down the street, several houses, causing safety hazards for my tenants and my neighbors who have slipped and fallen on that ice, and a car in front of my house -- as you see, I don't have a driveway at 17, you had the picture of the red car. A car slid off of that ice, coming from 21 into my car.

Are you aware that the new foundation proposed, when they pull out the old one and they dredge out the new space to put in the new foundation, which must be poured by the construction workers, are you aware that that property is going to become a giant lake and that the town is going to start forcing or telling Ms. Rezza that she's going to have to install the same kind of cisterns, and are you aware that there probably isn't the space to put three

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cisterns, 50 feet under the ground that's going to contain the water that's going to continue to flow with the new foundation.

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And are you aware that such a construction project will probably cause a tremendous flooding of the street and even interfere with the cars driving down the street.

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And lastly, are you aware that being approximately 6 inches from the property line of -- with the new plan that tremendous squirrel problem that exists at 17 1/2 is going to become exacerbated and animals -- raccoons, there were raccoons living in their roof, et cetera, they're going to jump easily from the new constructed building over to the 17 1/2, causing even more problem as before.

Now, nevertheless, raccoons decide the first four questions are of greater import, and the last question there was, what Town of North Hempstead will be doing to stop the lake and the river and how are you going to be responsible for the current continuing ice.

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But that you can address on another time, but nevertheless, I assume the town will have to respond as to what they're going to do when they drag you out and create a lake before this foundation can be built upon. Thank you.

CHAIRMAN MAMMINA: Thank you. Thank you, Mr. Kauffman.

And we'll -- we'll give the architect the opportunity to respond to that.

MR. BALDINO: Yeah, that was quite a bit right there.

MR. KAUFFMAN: I got it written.

MR. HERNANDEZ: Before the architect responds, do you want to get all the comments and questions?

CHAIRMAN MAMMINA: Yeah, why don't we do that. Is there anyone else, Deborah, who is in the chat?

MS. WAGNER: Deborah, I think Ms. Beals wanted to say.

MS. ALGIOS: Hold on, let me get her.

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MS. BEALS: Hello, can you hear

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me?

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MS. ALGIOS: Yes.

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MS. BEALS: Should I start?

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MS. ALGIOS: Ms. Beals, please

7

just start with your name and address

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please?

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MS. BEALS: My name is Kristen

10

Beals. My husband is Eric Beals. We are

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renting at 17 1/2 Charles Street in Port

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Washington.

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MR. HERNANDEZ: That's the house

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next door, correct?

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MS. BEALS: Uh-huh. And there's

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three different family groups renting, we're

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the one all the way closer to the property

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in question. Just so you know.

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CHAIRMAN MAMMINA: There are three

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families?

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MS. BEALS: Well, it's a duplex,

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it's a duplex and so there's one on one side

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and one on the other side and then behind

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us, there's a cottage which is I think owned

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by a different property manager but they all

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have the mailboxes 17 1/2, so that's what I was clarifying. I don't know why we're not 17 and three quarters or something.

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So we moved in March and we have a one-year lease which is renewable. And so I just have a few questions and concerns, if anyone can give me any information on these it will be great because I do have to make some decisions.

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The first one, does anyone know an estimated timeline of construction for like each of two possible outcomes for this property? And my first concern is sound.

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I do a lot of work on my computer doing interviews and that's my livelihood and I need to let my work know if I can't do it from my property pretty far ahead. And we have some rescue parrots, I know that's not really as important as people building their home, but their lungs are really sensitive and knowing when construction is going to happen, like we would maybe need to relocate them for a time and make sure windows are closed and things because they

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1 6/16/2021

2 can die from that stuff.

3 So my job and the birds and also,
4 there -- since summer came, the plants kind
5 of grow on to our property and there's a lot
6 of bugs and it was fine when we moved here
7 in March but now it's not and I keep
8 cleaning and putting out ant traps, it's
9 kind of annoying.

10 And so I think -- I don't know who
11 is responsible, legally responsible right
12 now for the plant overgrowth, but if anyone
13 knows and can tell me it would be great
14 because if we are, we will get on it. If
15 someone else is, that would be really great.
16 Because I don't think the bug problem is
17 getting any better.

18 I think I should have listened to
19 my dad, when he said in the contract he
20 didn't like the stuff about lawn care and
21 bugs. Should have listened to him more.
22 But anyway, so yeah, is there any
23 information people can give me so I can make
24 some decisions about whether I should renew
25 my lease or move with my job and my pets? I

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1 6/16/2021

2 would really appreciate any kinds of heads
3 up about that.

4 CHAIRMAN MAMMINA: Okay. So we'll
5 hold those questions then for the
6 applicants. And always listen to your dad,
7 all right? It's a joke.

8 MR. DONATELLI: We do have anyone
9 else?

10 MS. ALGIOS: No one else ahs
11 indicated that they would like to speak.
12 The applicant herself has now been promoted
13 panelist at her request. So I don't know if
14 she has anything that she would like to say,
15 I don't know if the Board would like to have
16 the counsel and architect address the
17 comments and questions that were just
18 raised.

19 CHAIRMAN MAMMINA: I would prefer
20 that. And then, Ms. Vezza, of course you
21 can have center stage.

22 And Ms. Coschignano, whoever you
23 would like to speak.

24 MS. COSCHIGNANO: Yes. As to
25 Mr. Kauffman's comments relating to the

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2 water issues on 21 Charles Street, I can
3 personally say I have no knowledge of what's
4 gone on there in the recent past regarding
5 that, and I don't know if Mr. Baldino does.
6 But I know Mr. Baldino can of course comment
7 to his concerns regarding the new
8 foundation.

9 I don't have any comments
10 regarding the squirrels. And you know, I
11 can't -- and I'm sure I can't speak to this,
12 nor probably can the architect or as the
13 owner, as to what the flooding in the street
14 because she hadn't resided there, so I'm
15 sure she has no personal knowledge of it.
16 But if she does, she'll let us know.

17 And but I'll also address those
18 issues regarding the foundation and in terms
19 of the residents at 17 1/2, who is renting
20 that portion closest to my client's home, if
21 Mr. Baldino would, you know, just let us
22 know what the estimated timeframe of
23 construction was, what the noise will be and
24 how long that will last.

25 And of course regarding her

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comments regarding the brush that is
overgrown, my client is going to clean that
up, you know, very quick.

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So Mr. Baldino, if you wouldn't
mind, you know, answering some of those
questions?

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MR. BALDINO: Sure. As far as
Mr. Kauffman's concern about the water
issue, I'm not aware of any underground or
lakes or cisterns, does not mean it doesn't
exist, but totally unrelated matter to why
we're here today, if once we start digging
and we encounter a water issue, obviously we
will -- we don't want water coming into the
house so we will eliminate that. We don't
know the severity of it, we just don't know
so I can't answer to that. That will be
addressed at the time of construction.

As far as water being present in
the house, I do not know that, I'm not sure
what the engineer's report said. If there
was water in the house, prior to Ms. Vezza
buying it, that would have an indication of
perhaps some kind of underwater issue or a

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2 drainage issue from the property, it could
3 be a simple gutter issue. We do not know
4 these things. But we cannot go through an
5 extensive renovation and still have water
6 coming into the house. So that's a separate
7 issue from why we're here today so we will
8 address that.

9 As far as the rodent presence,
10 which goes hand in hand with Ms. Beals'
11 concern. If the Board sees fit, we're more
12 than happy to get a rodent inspection. Most
13 likely we would if you were to demolish a
14 house in its entirety to satisfy
15 Mr. Kauffman.

16 But the reason why it's all
17 overgrown is there's no one living there.
18 So before construction starts, the first
19 thing anybody is going to do is clean up
20 whatever is in their way, and I'm sure the
21 first thing those going to be is the
22 overgrown shrubbery.

23 The construction process, to
24 answer Ms. Beals, is probably a six to seven
25 month construction process, with the

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majority of the noise that you would hear,
being the first two months which would be
for the exterior framing, circular saws,
people yelling, cutting, normal construction
noise. Maybe a little bit exaggerated
because we're only five inches away from the
property. After that initial two months it
will quiet down quite a bit as most of the
work will happen on the inside, that's a
probably six to seven month process when
that process begins, depends on what happens
here today and if the Board finds favor with
this application we have to wait for
building permits.

So we do not know when that permit
process -- when that permit application
would be approved if the Zoning Board
approves our case today?

CHAIRMAN MAMMINA: Mr. Baldino,
can I ask a question in response to I think
Mr. Kauffman's points that he had raised, if
I understand you correctly. And I believe
that when Mr. Kauffman is saying cisterns,
he's talking about dry wells. That the --

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that the town would normally require on a
more significant addition onto the house.

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MR. BALDINO: Okay.

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CHAIRMAN MAMMINA: If I understood
you correctly, you're adding 230 square foot
you know on to -- on to this -- on to this
house. So I mean, I don't know, it's a 10
by 20 room, you know, something like that, I
don't know if you want to make it into a
square.

I'm an architect because I'm not
great at math in my head, even though people
think we are. But it's because it's such a
small addition that that is not required and
then for you, Mr. Kauffman, if there is a
problem with water that is coming off of
that property and it sounds very severe
because it is -- in Port Washington in that
area, it soaks a lot, it's part of the
character of the neighborhood that in some
ways and, you know, I guess I've only been
up in there in summertimes and things, you
know, in that part of it but
(indecipherable) in the topography.

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But I would imagine that you would call 311, you know, on something like that because if cars are sliding down ice, you know, in the street or if those dry wells, despite the effort of the -- of the then owner to satisfy the requirements of the town, you know, are -- you know, are not satisfying the issue. This in my opinion, and I guess I'm not supposed to give my opinion, I do not think that this 230 square foot addition is going to exacerbate what is there. This will just drain off into the dirt that's in the back of the house. You know, that houses did for decades and decades and decades, and you know, until about 15 or 20 years ago when the town started -- not just the town, everywhere the state code required that.

But they are responsible, I'm saying Ms. Vezza would be responsible for any water that comes off of her property, that's just the law. And I think that that would speak to your questions.

MR. BALDINO: If I can add

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2 something, Chairman, to that. If he is
3 speaking of dry wells, this low ground is
4 lower than 19, I hope she does it but
5 Ms. Vezza may encounter the same issues that
6 Mr. Kauffman does from the higher ground on
7 the block.

8 CHAIRMAN MAMMINA: I would think
9 though, you know, without getting a
10 protracted discussion that has nothing to do
11 with zoning, but her basement would have
12 water in it if there were some kind of a
13 underground stream, you know, that was on
14 the -- that was -- that was encountering
15 this property. But then you'll have to put
16 in a French drain around it or whatever, but
17 we're off track.

18 MR. BALDINO: Right.

19 MS. ALGIOS: So I just want to
20 interject and say one thing, so Mr. Kauffman
21 is writing a number of other comments into
22 the chat, you know, concerning the water
23 issue.

24 Mr. Kauffman, after the hearing I
25 am going to check with the highway

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department and we will look into that and
3 see what the highway department's records
4 are concerning that and they would have a
5 record if any dry wells were installed. So
6 we will check into that.

7

MR. DONATELLI: Let me also

8

suggest because I see he's submitted some
9 other questions regarding the nature of the
10 project itself, perhaps he can -- I know he
11 received a mailing notice but perhaps he can
12 review the file at some point and see
13 exactly what is being proposed so that he
14 can answer some of his own questions
15 pertaining to the driveway that's being
16 proposed.

17

MS. ALGIOS: Yes. So

18

Mr. Kauffman, we can have the BZA department
19 send you a copy of the files so you'll be
20 able to look at the plans yourself.

21

And there's also in the chat,

22

there was a question from Ms. Beals about
23 the chemicals. She just wants to make sure
24 that the chemicals that are going to be used
25 on the shrubbery, you know, will -- that

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they will not be chemicals used on the
shrubbery for the bugs or rodents because
the toxins and the chemicals could kill her
birds.

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MR. BALDINO: What the Board sees
fit to put as condition to the variance
approved but no chemicals, including Roundup
or anything be used to kill any shrubbery
but rather manually be cut down and disposed
of, I don't think Ms. Vezza would have a
problem with that at all.

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CHAIRMAN MAMMINA: Why don't we
hear from Ms. Vezza.

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MS. VEZZA: Maria Vezza from 19
Charles Street in Port Washington.

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CHAIRMAN MAMMINA: Thank you.

MS. COSCHIGNANO: Maria, would you
agree to that condition, if it were to be
granted you wouldn't use any chemicals on
the property?

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MS. VEZZA: Yeah, definitely.

MS. COSCHIGNANO: And if you could
state for yourself for the Board that you
intend on living and that this is going to

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1 6/16/2021

2 be your primary residence.

3 MS. VEZZA: Yeah. I bought it a
4 little bit over a year ago, it was my first
5 house, I was very excited. I haven't made
6 much progress on it. I want to kind of make
7 it livable, nice for me and for the
8 neighborhood, make it like a nice first home
9 and hopefully I'll be able to.

10 CHAIRMAN MAMMINA: COVID has had a
11 serious effect not just on approvals and
12 then on building apartments and on
13 construction projects and hopefully,
14 hopefully, hopefully we've jumped that
15 hurdle as a country.

16 MS. VEZZA: Yeah.

17 MR. DONATELLI: Mr. Chairman, if
18 there's nothing further I know there's a
19 bunch of questions that have been presented
20 and certainly that I have in my mind.
21 Actually yesterday I did drive by the
22 property in preparation for this hearing and
23 I think I would like to drive by it again.

24 So might I suggest that we reserve
25 decision on this and so that we can deal

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with the additional questions that have been
raised by the applicant and also by the
surrounding neighbors?

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CHAIRMAN MAMMINA: I would agree
with that, Mr. Donatelli. I would like to
drive by as well, and I'm very, you know,
curious, interested in a positive way, you
know, about Mr. Kauffman talking about, you
know, his -- the property and, you know, and
the stream and I have no reason to question
or doubt that, you know.

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MR. DONATELLI: It's a very
interesting area. It is old. It is as I
like to call it, a funky area, but it's got
a lot of charm. But I would appreciate the
opportunity to think more on this matter.

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MS. GOODSELL: If I can, I would
like to clarify, this is a section of town
that I was not familiar with, and I also
drove by. It seems that the numbers are a
little bit different than what I thought
they were.

We are considering 19 Charles
Street, the house next door is 17 1/2 and

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1 6/16/2021

2 then the house next to that 17, am I getting
3 that correct?

4 Can you give me the numbers going
5 on either side of this property just for my
6 own clarification? Because I didn't see
7 some of them clearly posted. I did see
8 number 17 posted.

9 CHAIRMAN MAMMINA: So if we were
10 standing in front, what would be to the left
11 and to the right?

12 MS. COSCHIGNANO: So if you're --
13 you're standing in front of the house, to
14 the left you would have number 21. To the
15 right you would have 17 1/2. And then 17.

16 CHAIRMAN MAMMINA: Thank you,
17 Ms. Coschignano.

18 MS. COSCHIGNANO: I want to make
19 one more comment regarding the neighbors and
20 obviously we'll work together with the
21 neighbors in terms of the length of
22 construction starts and Maria will give them
23 notice and we'll let Ms. Beals know with
24 enough advanced notice so that if she needs
25 to make any arrangements regarding her job

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or regarding her birds, we would of course
do that.

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And of course, we don't -- Maria
does not want a lake on her property at all
either, so I'm sure Building probably will
work with her architect and whoever is going
to be constructing the project as well, and
assess the situation in that regard.

Just so that I may, the public
hearing then would be closed after today,
correct?

VICE CHAIR FRANCIS: Correct.

CHAIRMAN MAMMINA: Correct.

MS. COSCHIGNANO: Thank you.

MR. DONATELLI: Before we close,
let me also suggest that it sounded to me
like Ms. Beals indicated there might be a
problem now with the vegetation and with the
animals. So perhaps your client can just do
whatever is necessary to just mitigate that
even prior to any decision by this Board.

MS. COSCHIGNANO: Agreed. Maria,
would you mind getting a landscaper over
there?

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MS. VEZZA: Yea, either today or
tomorrow. I will.

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MS. GOODSSELL: It needs a good
haircut as they say.

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MS. VEZZA: Yeah.

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MR. DONATELLI: After COVID a lot
of us do. But not all of us.

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CHAIRMAN MAMMINA: Not all of us.
I didn't have the guts, Jay, I was going to.

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MR. HERNANDEZ: We're at
70 percent so it's coming off soon.

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MS. ALGIOS: Ms. Vezza,
Mr. Kauffman wanted to make you also aware
of the tree in the front. He's stating that
when it blooms it's beautiful with pink
flowers. So he was suggesting perhaps maybe
relocating it.

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MS. VEZZA: Yeah, mm-hmm. Maybe
to the backyard or something.

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MS. ALGIOS: Yeah.

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CHAIRMAN MAMMINA: Okay. And at
this point we'll close the hearing and we
will reserve it and give us the opportunity
to take a look at it again, probably before

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2 the July meeting, and you know, we would
3 have some decision at that point I would
4 guess.

5 MS. WAGNER: Are we reserving or
6 continuing? We're looking into some
7 records, correct?

8 MS. ALGIOS: Well, I suppose maybe
9 we should continue just in case we uncover
10 anything that needs to be put into the
11 record, I guess it's probably prudent to
12 just continue this.

13 We'll keep the -- we'll keep the
14 record open then and we'll -- I guess we'll
15 keep it open. I don't want to keep it
16 continually, we'll keep it open until
17 next -- let's see, our next meeting is the
18 14th of July. We'll keep it open until the
19 end of the month, until June 30th and that
20 should give us sufficient time to, you know,
21 check with the Highway Department, the
22 Building Department. We'll see if there are
23 any records regarding this flooding issue.
24 And if there's anything else that needs to
25 be put into the record regarding that, we

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can do so. Anything that we find, of course, Ms. Coschignano will share that with you and we'll do that.

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And so then, if we close the record then on the 30th, the Board would be able to take it under consideration on the 14th of July.

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MS. COSCHIGNANO: Thank you. I appreciate that.

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CHAIRMAN MAMMINA: Okay. Thank you all.

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MS. COSCHIGNANO: Thank you. Have a great day.

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CHAIRMAN MAMMINA: Very good presentation.

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MS. COSCHIGNANO: Thank you.

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CHAIRMAN MAMMINA: So we will move on to the next case. The next two are adjourned.

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So Virginia if you could give a call then.

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MS. WAGNER: The next appeal is Appeal Number 21054. North Hempstead

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1 6/16/2021

2 Housing Authority, 252 Grand Street on
3 Westbury, Section 11, Block 503, Lot 52.

4 In the senior residence and New
5 Cassel Renewal Overlay District appeal for
6 determination or in the alternative,
7 variances from §§70-100.2(A)(2),
8 70-100.2(A)(4) and §§70-100.2(A)(4)(a)(1-5)
9 to erect fencing in a front yard and a
10 variance from §70-196.B for ground signs
11 that are larger than permitted and exceeding
12 the permitted number of institutional
13 identification signs. I believe the
14 attorney will address this, but I think that
15 the appeal for determination may have been
16 withdrawn.

17 CHAIRMAN MAMMINA: Okay, appeal
18 number 21054, North Hempstead Housing
19 Authority.

20 If there's anyone that would like
21 be heard after the presentation by the
22 attorney, please put your name into the chat
23 and Deborah will then be able to recognize
24 that after Ms. Leis makes her presentation.

25 So with that said, name and

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2 address please.

3 MS. LEIS: Good afternoon, Chair
4 and Members of the Board. My name is
5 Jessica Leis, I'm an attorney with the
6 offices of Forchelli Deegan Terrana with
7 offices at 333 Earle Ovington Boulevard in
8 Uniondale, New York.

9 We represent Grand Street
10 Apartment Housing Development Fund Company
11 Incorporated, which is a not-for-profit
12 entity controlled by the Town of North
13 Hempstead Housing Authority. They are the
14 owner of the existing affordable housing
15 Grand Street Senior Apartments which are now
16 known as The Homestead. The site is located
17 within the town's senior residence district
18 and this application -- project was last
19 before the Board in 2016, when the applicant
20 was seeking approval to construct the
21 77-unit affordable senior housing
22 development with a community center.

23 At the time the Board approved
24 variances for bus areas, parking and other
25 senior residence specific variances relating

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to the units and amenities on the site. Now
the site is fully developed, there are
certificates of occupancy for the six
buildings, residents are living there.

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This appeal to the Board was
prompted by an application to the building
department. It was made quite a time ago to
amend the previously approved fence permit,
to include for enclosures around the trash
and the generator pad in the rear of the
property, as well as approved to the
entranceway ground signs. So that is what
we're here for today.

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We are -- so there's two -- the
determination actually related to the trash
and generator enclosure plan, that I'm still
seeking.

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There was some discussions with
how to approach the sign variances and I
think that's what Ms. Wagner was regarding.
I don't know if we ever actually sought a
determination with that, there was some
question of how to address the variance
there, but I'll get to that in a little bit.

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But as far as the determination and in the alternative variance, relating to the trash and generator pen enclosure, so pursuant to section §70-100.2(a)(2) of the code which discusses accessory structures, fencing within residence districts shall not be located at any point in the area between a public or private street and nearest effective building line.

Also under the subsection (a)(4), fencing shall not exceed four feet in height except that a 6-foot fence shall be permitted in certain instances, including when the fence is along the real property line.

So the fencing that we are looking to maintain along the enclosures are 6-foot fencing, but it is in the northeast rear corner of the property. And they're not in an area between the street and the nearest affected building line. And as such, we -- we had brought this to the attention of the Building Department that we didn't think a variance was per se needed for the

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structures.

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In the alternative, we would request that variance be granted. Again these structures are tucked away in the corner. They are most adjacent to the Magnolia Gardens, property which is just east of our site. And that is also a North Hempstead Housing Authority property.

And right -- the structures actually are most adjacent to a maintenance building on the adjoining lot, so it's actually not near any residential structures.

The fencing won't produce any undesirable change in the character of the neighborhood. It is a safety measure for the residents to enclose the trash and the generator. It's already been installed, so removing and reinstalling at a reduced height would be an extreme financial burden to the applicant which is an affordable housing agency. And the relief is the minimus would not negatively affect the environmental conditions in the district.

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VICE CHAIR FRANCIS: Ms. Leis, can we have -- do you have a survey showing the location of what we're -- what we're talking about?

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MS. LEIS: Yeah. I can share my screen and pull that up.

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VICE CHAIR FRANCIS: Yeah, that would be helpful.

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MS. LEIS: All right. So this is actually the site plan, the landscaping plan. I believe it was initially submitted and then we replaced it with a plan that showed where the signs were pulled out and I believe that this accidentally got deleted off that plan. But if you can see that these are the trash and the generator pad and the 6-foot PVC fence.

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VICE CHAIR FRANCIS: I'm sorry -- go ahead.

MS. LEIS: No, go ahead.

VICE CHAIR FRANCIS: I was going to say, and then where are they in relation to the street?

MS. LEIS: So we have the property

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fronts Grand Street. There's two entrances

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along Grand Street. There is no other

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frontage for property. Magnolia dead-ends

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up around -- let me see if I can get that on

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the actual survey.

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So this is the as-built survey and

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Magnolia dead-ends at the corner of the

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property up here. So it actually doesn't

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front our property.

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VICE CHAIR FRANCIS: Right, right,

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right. So and the only -- the only -- the

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residences are on the opposite side of Grand

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Street.

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MS. LEIS: And there's also

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residences here along the north, to the

17

north.

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VICE CHAIR FRANCIS: Okay. Yes,

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yes. Okay. All right.

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MS. LEIS: Okay.

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MR. HERNANDEZ: Ms. Leis, it

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appears that the makeup of that trash is

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going to come in from the neighboring

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property because I don't see how the trucks

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can get the trash from the pickup for your

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property.

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CHAIRMAN MAMMINA: Great minds

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think alike, Jay.

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MS. LEIS: That is a good

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question.

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MR. HERNANDEZ: Is that the sister

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property sitting north or on top of it on

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the other side of it? Is that the sister

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property that you were speaking of?

11

MS. LEIS: Yes, that is Magnolia

12

Gardens. That is also Town of North

13

Hempstead Housing Authority property.

14

MR. HERNANDEZ: That's how the

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truck is going to have to come in to pick up

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the trash.

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MS. LEIS: That does -- I believe

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I have -- I believe I have our -- I'm not

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sure if we can answer that question, but he

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is also our project manager is on the line

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so I can pull him in.

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MS. ALGIOS: What is his name?

23

MS. LEIS: William McGeever.

24

CHAIRMAN MAMMINA: I see the swing

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gates facings in that direction.

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MR. HERNANDEZ: Yeah, and you can
see the layout of the street on the adjacent
property.

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MS. LEIS: That would make the
most sense.

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MS. ALGIOS: Ms. Leis, I don't see
him in the attendee list.

9

MS. LEIS: He's not on the
attendee list.

10

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MS. ALGIOS: No.

12

MS. LEIS: I will shoot him an
email. I will continue with the
presentation and see if I can get him while
any other questions are being asked.

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But let me go now to the signs.

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So these are the signs.

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So as far as our second request,
we're requesting a variance pursuant to code
section §71-96(D) to permit monumental signs
at the two entrances of the apartment
complex along Grand Street. So actually,
this plan I think has it. Hold on.

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So there's one sign down here
(indicating), the north end and there's one

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sign here at the south end. And these are
already installed.

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So as the North Hempstead Housing
Authority is a public agency, the signs can
be classified as institutional
identification signs. However, section
71.96(D) places restrictions that there can
only be one such sign and it cannot exceed
16 square feet. So we're seeking two signs,
each 18 square feet on the carved painted
PCV that read the "Homestead Senior
Housing". This is the sign.

So Homestead Senior Apartments
North Hempstead Housing Authority.

So initially, the notice
disapproval was that the sign was not
permitted generally pursuant to 7196 after
further review with BZA staff, it was
discussed that it appears that they are
permitted institutional identification
signs. The Building Department, as far as
I'm aware, never updated the notice
disapproval.

So at this point, I'm leaving it

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2 in the hands of the Board -- the hand of
3 this Board to determine which variance is
4 more appropriate to permit the signs, either
5 generally under 71.96 or specifically under
6 71.96(D).

7 As far as the variance, the signs
8 are attractive in design and if approved,
9 will not alter the essential character of
10 the neighborhood. The variances are
11 minimal, we're asking to permit two where
12 one is permitted since there are two
13 entrances to the site, and they only exceed
14 the permitted square footage by two square
15 feet.

16 Additionally, the signs are
17 already installed, so we have no alternative
18 other than replacing which again would
19 create additional financial burden to the
20 affordable housing project.

21 And as far as any environmental
22 conditions, the signs are lit by photo
23 sensor from dusk to dawn, but it's spot lit
24 with the lighting directed at the sign and
25 it does not illuminate outward toward the

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2 street or other properties.

3 So those -- that would be our
4 request for the variances. And again, the
5 housing project has certificates of
6 occupancy. These are really the last things
7 to tie up completing this site.

8 So we would appreciate the Board's
9 consideration of this today, possibly
10 granting the variances today.

11 I'm going to try to get our
12 project manager on this so if I can have any
13 additional questions. At this point I ask
14 if the Board has any questions. Thank you.

15 VICE CHAIR FRANCIS: No, you've
16 pretty much answered my questions.

17 Deborah, I would suggest that we
18 have a little bit more time to discuss the
19 issue of what code section applies before we
20 make a decision today. So I would -- I
21 would ask that we reserve the decision on
22 this.

23 MS. WAGNER: I think that seems
24 appropriate.

25 MS. ALGIOS: Vice Chairman, I do

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2 believe I just wanted to let Ms. Leis know
3 that I do believe the disapproval was
4 updated.

5 MS. LEIS: I never got a copy,
6 sorry.

7 MS. WAGNER: Okay. I apologize.
8 I know that there was some going back and
9 forth about it and we were waiting for it to
10 be updated before we noticed. So that was I
11 think what the delay was.

12 The revised disapproval is I
13 believe dated May 11th. You don't have a
14 copy of May 11th revision?

15 MS. LEIS: I did not. So if that
16 is the case, then I would ask for whatever
17 is noted -- if it is 196D sorry that then I
18 would just ask for variance pursuant to 196D
19 and disregard our -- the other request
20 regarding.

21 MS. WAGNER: Let me bring the
22 disapproval up on the screen so we have --
23 hopefully that would clarify what's being --
24 you know, the exact variance being
25 requested.

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2 So this is the revised disapproval
3 102.(A). Now, the way it's written is it
4 has these, you know, it has 100.2(A)(2) is
5 the main section and then under that it
6 refers to 100.2(A)(2) and then 100.2(A)(4),
7 A subsection 1 through 5. And then below
8 that 70.196(D.)

9 MS. LEIS: I would just request
10 that we have the variance approved pursuant
11 196(D) as far as the signs are concerned.

12 And if it would save time, I would
13 gladly withdraw the determination request
14 too if we could just have variance approved
15 for 100.2(A)(2) to permit the enclosures
16 around the trash areas and generator pad.

17 MS. ALGIOS: Upon clarification of
18 that code, does the Board feel ready to
19 render a decision today?

20 VICE CHAIR FRANCIS: Yeah, I would
21 be inclined to.

22 CHAIRMAN MAMMINA: Would you like
23 to make a motion then?

24 MR. DONATELLI: Yeah, before --
25 I'm sorry, before Les makes any motion. I

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would note one of the issues for myself,
particularly when it comes to these
monumental signs is whether or not their
placement would in any way impinge on lines
of sight for any traffic that might be
entering or exiting the project and it
appears that the placement of the signs
is -- is such that it will not impede any of
the lines of sight for traffic.

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VICE CHAIR FRANCIS: Yeah, I would

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agree.

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I would also point out that with
regard to the trash area in the generator
pad and the proposed 6-foot fencing, that
the nearest street to that area is -- is a
dead-end street. So it would have a minimal
effect on any of the residents of Magnolia
in that respect.

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And in keeping with that, I would
move that we grant the application with
regard to the signs and to the six foot
fencing.

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CHAIRMAN MAMMINA: We have motion
by Mr. Francis. Do we have a second?

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MS. GOODSSELL: I'll second it.

3

CHAIRMAN MAMMINA: Seconded by

4

Ms. Goodsell.

5

MS. WAGNER: Member Hernandez.

6

MR. HERNANDEZ: Aye.

7

MS. WAGNER: Member Goodsell.

8

MS. GOODSSELL: Aye.

9

MS. WAGNER: Member Donatelli.

10

MR. DONATELLI: Aye.

11

MS. WAGNER: Vice Chairman

12

Francis.

13

VICE CHAIR FRANCIS: Aye.

14

MS. WAGNER: Chairman Mammina.

15

CHAIRMAN MAMMINA: Aye.

16

So the application --

17

MS. WAGNER: Did I -- did I get

18

Member Donatelli?

19

MR. DONATELLI: Yes.

20

MS. WAGNER: So I got everyone.

21

CHAIRMAN MAMMINA: Got them all.

22

MS. WAGNER: Okay.

23

CHAIRMAN MAMMINA: The application

24

is granted. Thank you.

25

MS. LEIS: Thank you very much

00107

1 6/16/2021

2 everyone.

3 CHAIRMAN MAMMINA: Thank you.

4 VICE CHAIR FRANCIS: Thank you.

5 MS. WAGNER: Deborah, could we

6 take five minutes before the next?

7 MS. ALGIOS: Sure.

8 CHAIRMAN MAMMINA: No problem.

9 MS. WAGNER: So we'll take a five

10 minute recess before the next appeal. And

11 the next and last appeal. So we'll see

12 everybody back at 12:12?

13 CHAIRMAN MAMMINA: 12:12.

14 Whereupon, a short recess was

15 taken.

16

17 MS. WAGNER: The next Appeal

18 Number #21060, Lidl US, LLC. 2475 Jericho

19 Turnpike, Garden City Park; Section 9, Block

20 612, Lot 51 in the Business A Zoning

21 District. Conditional Use from 70-126.F to

22 construct interior alterations for a new

23 retail grocery store, which is a conditional

24 use.

25

It is my understanding that it's

00108

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6/16/2021

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pronounced Leedle and not Liedel, but if I
am incorrect, my apologies.

3

4

CHAIRMAN MAMMINA: Okay. I don't
pronounce it the same way you do. Appeal
21060, Lidl US, LLC.

5

6

7

If there's anyone on the chat who
has interest in the application just put
yourself into there and you will be
recognized.

10

11

MR. GUARDINO: Good morning.

12

13

CHAIRMAN MAMMINA: We'll promote
the applicants.

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MR. GUARDINO: Good morning --
actually good afternoon Chairman Mammina and
members of the Zoning Board. Can you hear
me?

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CHAIRMAN MAMMINA: Yes, we can.
MR. GUARDINO: My name is Anthony
Guardino and I represent the Lidl
Supermarkets which has recently executed a
lease to open a new supermarket in the City
Park Plaza Shopping Center in Garden City
Park.

25

I have with me today Samuel Yochim

00109

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and Chelsea Rawson from Larson Design Group

3

and Wayne Muller from R&M Engineering. I

4

also have Or Raitses from Lidl. He's

5

present to answer any questions that the

6

Board may have.

7

And this is a pretty

8

straight-forward application, or I'd like to

9

think so. Lidl is essentially seeking a

10

conditional use permit in order to undertake

11

interior alterations of approximately 28,000

12

square feet in the City Park Plaza Shopping

13

Center which is at 2475 Jericho Turnpike in

14

Garden City Park.

15

As you know, there was a code

16

amendment in 2018 that requires a

17

conditional use permit for a grocery store

18

in the town. Particularly in this district.

19

The grocery store that's being proposed,

20

otherwise complies with all applicable,

21

dimensional and parking requirements so no

22

variances are needed at all, so this is

23

strictly a conditional use permit

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application.

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The property is a little over

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seven acres. It is located in the town's
business A zoning district. The site is
improved with a 80,000 square foot shopping
center, which contains a variety of uses
that serve the local community and also a
parking lot for approximately 373 vehicles.

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The Lidl space or the proposed
Lidl space is a part of a larger grocery
store tenant space of 42,000 square feet.
And that space had been occupied for many
years by a Waldbaum's supermarket, the -- I
think it was called the Garden City Food
Supermarket and then also a SuperFresh Food
World market. And then we were doing some
research as far back as 1973, the space was
used for a Bohack supermarket. So some of
you may remember that.

19

20

21

22

23

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25

CHAIRMAN MAMMINA: I worked for
Bohack's as my very first job.

MR. GUARDINO: There you go.

CHAIRMAN MAMMINA: I was 16 in
Mineola.

MR. GUARDINO: So it makes -- my
point. This site has been a supermarket for

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6/16/2021

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a long, long time. Probably from the day
that the shopping center was constructed but
we found something back to 1973.

5

So what Lidl is seeking is

6

permission to allow it to operate a smaller
supermarket from, you know, space that

7

8

has -- a shopping center that has

9

historically been used for grocery and in
need in looking to use the same space as a

10

11

larger grocery store.

12

The space that Lidl wants to use

13

was created by a decision of the Town Board

14

back in March of 2021 on an application made

15

by the landlord, which authorized the former

16

supermarket space be subdivided into smaller

17

tenant spaces and for an existing loading

18

dock located in the rear of the center to be

19

used by Lidl.

20

That Town Board decision was

21

conditioned on a number of items. One was

22

that the landlord erect a sound attenuating

23

barrier along the full length of the loading

24

dock. And also that the landlord must

25

install gates that close during the hours of

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1 6/16/2021

2 10:00 p.m. to 8:00 a.m. to prohibit
3 deliveries during those hours. So
4 essentially, those two conditions were in
5 recognition of the proximity to the shopping
6 center to the homes that are in Belwood,
7 directly to the north.

8 Pursuant to the town code, the
9 board is charged with determining whether
10 the proposed use will conform to the general
11 character of the neighborhood and whether
12 allowing these will promote the general
13 health, safety and welfare of the community,
14 that's essentially charged on a conditional
15 use permit application.

16 So I just want to touch on a
17 couple of these, and I'm going to turn it
18 over to Wayne Muller because some of them
19 deal with traffic.

20 So the first was that the Board
21 must consider the purposes of zoning and the
22 uses permitted in the district. Here the
23 district is a commercial zone in the town,
24 which grocery stores and other retail uses
25 are generally located for the convenience of

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the residents.

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Second, is whether the uses of such character, size, location and design and site layout as to be appropriate and in harmony with the surrounding properties.

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Here, again as I mentioned historically the shopping center has operated with a 42,000 square foot grocery store in, which is significantly larger than the space that Lidl wants to occupy.

And so the Lidl store I would say is entirely consistent with the surrounding properties.

Third is what use will provide a desirable service, facility or convenience to the area. As indicated by several speakers during the Town Board hearing on the site plan, you know, they stated that they miss the convenience of having a grocery store located in this shopping center which they, you know, enjoyed for many, many years and they're actually looking forward to Lidl's grand opening.

And I also would point out as we

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learned from the pandemic, grocery stores
are not only desirable, but they are in fact
essential to the communities that they
serve.

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And then the -- another one is
whether the use will be objectionable to
nearby residential dwellings by reason of
noise, lights, vibration and other factors.
I would say with the exception of
deliveries, all activity at the Lidl store
will occur within the building. And as the
conditions of site plan approval, the Town
Board as I just mentioned, required the
landlord close off the back of the shopping
center with gates that will be closed from
10:00 p.m. to 8:00 a.m. which corresponds
with the noise ordinance, which prohibits
deliveries during that time or those times.
And then also they must direct the sound
attenuating barrier along the full length of
the loading deck. So I would say that there
will be no appreciable noise impacts as a
result of Lidl occupying this space.

With respect to lighting, there

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will only be wall washer lights on the back
of the store, on the back of the building.

3

4

They will be dark sky compliant. So there

5

should be no spillover on to any of the

6

residential properties.

7

And then finally, you know, this

8

is a grocery store. It's not going to

9

create any vibration. So I don't expect to

10

be an issue.

11

And then finally, the last factor

12

that I will deal with is whether the use

13

will hinder or discourage the appropriate

14

use and development of adjacent uses or

15

impair the value thereof.

16

Again, grocery stores occupied

17

this space for many, many years without any

18

adverse impact on adjacent uses, and I would

19

say based on the comments that were made at

20

the site plan hearing, that it's in fact the

21

opposite. Several tenants in the shopping

22

center stated at the Town Board meeting that

23

having a successful supermarket located in

24

the shopping center actually benefits the

25

other businesses. So it's not going to

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1 6/16/2021

2 hinder other uses, it's actually going to
3 benefit other use.

4 So at this time, I would call on
5 Wayne Muller to address the factors that
6 deal with traffic. So Wayne, if you
7 wouldn't mind.

8 MR. MULLER: Sure. Good
9 afternoon, Chairman Mammina, members of the
10 Board.

11 My name is Wayne Muller. I'm the
12 vice president of the firm Robinson & Muller
13 Engineering. Our offices are located at 50
14 Elm Street, Huntington New York.

15 As part of the record, we prepared
16 a very detailed traffic study that was
17 submitted to the Town dated May 20, 2021
18 that specifically addresses many of the
19 criteria that the Board must take into
20 consideration upon the approval of the
21 project that's before the Board today.

22 The plan for the development has
23 been prepared by my firm as Mr. Guardino was
24 indicated the project -- or excuse me, the
25 shopping center recently obtained site plan

00117

1 6/16/2021

2 approval from the Town Board, which allowed
3 the carving up or the segmenting of the
4 former supermarket's space into a smaller
5 supermarket space which will be Lidl and a
6 series of single tenant retail spaces.

7 As part of that application,
8 there's actually a small reduction in
9 building area that would occur on the
10 property. The former -- the existing
11 shopping center is 88,509 square foot. The
12 proposal that was approved by the Town Board
13 was 87,127 square feet. There's
14 approximately a 1,400 square foot reduction
15 in building area. And really what that was
16 the loading dock that was located on the far
17 eastern portion of the property.

18 As indicated in this report as per
19 one of the criteria, whether the use will be
20 hazardous, conflicting or incongruous to the
21 immediate neighborhood by reason of
22 excessive traffic was indicated in my report
23 by allowing the supermarket to shrink in
24 size, we do not believe there will be any
25 excessive traffic created as a result of

00118

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2 that application.

3 And then secondly, the vehicular
4 traffic resulting from such use be more
5 hazardous than the normal traffic. Based on
6 the information presented in my report, the
7 answer to that question is no. We believe
8 that the traffic that will result from the
9 shrinking of the supermarket will be in line
10 with the traffic generated by the uses
11 permitted within the district.

12 In addition, as indicated in my
13 report and as depicted on the plans, we are
14 not seeking a parking variance and as
15 indicated by the parking analysis component
16 contained within my report, the parking
17 provided on the property will be more than
18 sufficient to satisfy the anticipated
19 demand.

20 I'll be happy to answer any
21 questions.

22 MS. GOODSELL: If I may --

23 MS. WAGNER: Hold on. Patricia,
24 I'm sorry, I'm not talking to you.

25 MS. GOODSELL: If I may,

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Mr. Muller, I have a very great interest in this property as I physically live about two blocks away. And Mr. Guardino, before it was a Bohack, it was nothing but a dirt field where we rode our bicycles a hundred years ago. So I'm pretty familiar with the property.

The only traffic issue that I can see and this happens all the time, on the eastern end of the parking lot, there are several entrances to this parking lot. On the east there is no left turn. This is routinely, routinely violated, even without a supermarket there and I don't know whether any of your traffic study kept track of how many people make an illegal left turn on to Herricks Road, but in my experience there's plenty.

The parking itself, I must say the owner of the property, the landlord I presume, has done a very nice job cleaning up the parking lot, marking new parking stalls. There is a fence between the supermarket and Jonathan's which is a very

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popular restaurant so there's no mixing of parking. It seems to me that when it was a supermarket, and I'm not talking about the most recent one. I don't think the most recent supermarket was patronized a lot. When it was a Waldbaum's, there was adequate parking there.

So my only comment is that I don't know if there's anything else that could be done, but the illegal left turns while exiting into the neighborhood or on to Herricks Road happens all the time.

MR. MULLER: I guess we could take a look at the -- I mean, I'm just pulling up the aerial photograph, if you bear with me for one second.

MS. GOODSSELL: Sure. If you look at the exit closest to Herricks Road, there are -- the driveway has been narrowed, there are what I will call calming curves there -- it's reduced the amount of speeding going in and out there. It's just the left turn, there's a sign that says no left turn, everybody makes a left turn.

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It's just -- it's a potential hazard to be aware. I can only hope that Lidl is so successful that many people will come there.

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MR. MULLER: My firm was involved in the application that cleaned up the shopping center many areas ago. I guess it was a couple of years that they reoriented the parking, installed drainage, lighting, brought the shopping center up to more current standards.

13

14

MS. GOODSELL: The drainage is excellent now.

15

16

17

MR. MULLER: We did a really great job on that, the contractor and the owner of the shopping center.

18

19

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The driveway was reviewed by the county at the time, and you know, at this point -- we're looking at the Google aerial it's clearly signed not to make the left. I can guess just maybe enforcement, a couple of people getting tickets. I -- you know, I don't know if there's anything else we can really do.

00122

1 6/16/2021

2 MS. GOODSELL: I don't think there
3 is. It's a comment for the Board. I
4 believe that's the entrance that trucks
5 would be coming in and out of in order to
6 unload to Lidl. And there are two entrances
7 to the back of the building. But it is just
8 a minor issue.

9 Again, it has been a supermarket
10 for many, many years and the traffic
11 issues -- in my opinion, living nearby, the
12 traffic issues are not of grave concern,
13 except for that left turn.

14 MR. DONATELLI: So Mr. Guardino,
15 one of the concerns that we've heard
16 repeatedly with respect to this shopping
17 center is noise and concerns from the
18 neighbors to the rear of the shopping
19 center. And I see that your proposal
20 contains a construction of a noise abatement
21 wall.

22 Would you please address that a
23 little bit?

24 MR. GUARDINO: Yes, I'll address
25 it to the extent that I can. Because this

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was something that the landlord had offered

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but I am familiar with it. Essentially,

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there will be a wall that will be

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constructed at the top edge of the loading

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dock retaining wall that will extend the

7

full length of the loading area so that as

8

trucks enter the back of the building, they

9

will then drive I guess from the west to the

10

east and then they will back up and go down

11

into the pressed loading dock. And while

12

the truck is in that loading dock, there

13

will be this wall that is there at all

14

times. And the purpose of that wall is to

15

block any sound from the delivery. Which

16

itself is not that noisy because the truck

17

is turned off. But there is activity going

18

in and out of the building to the truck.

19

I don't know if Wayne -- and I

20

know Chris Robinson is on the line as well,

21

I believe he's on the line, he was the

22

engineer that worked for the landlord and

23

was involved in the -- the construction or

24

the designing of that wall.

25

MR. DONATELLI: Okay. Perhaps he

00124

1 6/16/2021

2 can address the dimensions of that wall. I
3 see it on the screen but it's rather small
4 and so he can -- perhaps he can address it a
5 bit further.

6 MS. WAGNER: I can blow it up for
7 you. Hold on a second.

8 MR. GUARDINO: If you wouldn't
9 mind, can you promote Chris Robinson as a
10 presenter. He's on well.

11 MS. WAGNER: Yes.

12 MR. GUARDINO: He would be the
13 person that's most familiar with this. I
14 will not do justice to the description.

15 MR. ROBINSON: Good afternoon,
16 Chris Robinson, President Robinson and
17 Muller Engineers. 30 Elm Street Huntington,
18 New York.

19 So to answer your question, the
20 sound wall is approximately 80 feet
21 beginning at the existing loading dock
22 bump-out that's shown on the screen to the
23 left. The sound wall I think is about a
24 12-inch gap after the loading dock wall and
25 then the sound wall will be mounted on top

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of the newly constructed retaining wall.

3

We're going to remove and replace the

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existing retaining wall that services the

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depressed loading dock and then mount the

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sound wall on top of that.

7

In addition to the fifteen foot

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high sound wall that will be mounted on top

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of that concrete retaining wall, we're also

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adding sound blankets, about 50 feet long,

11

mounted to the rear of the Lidl building,

12

which will also help deaden any noise that

13

comes from the truck.

14

This arrangement was approved by

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the Town Board along with the site plan

16

approval a month or so ago.

17

MR. DONATELLI: Do you have any

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kind of -- I guess my question would be any

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kind of a way to measure the sound dampening

20

that these two measures might cause?

21

MR. ROBINSON: Completed by Cerami

22

Engineers that was presented to the Town

23

Board in conjunction with the proposal for

24

the sound wall. I did not prepare that

25

study but it was put in the record for the

00126

1 6/16/2021

2 Town Board and was submitted and testimony
3 was given to it.

4 MR. GUARDINO: Mr. Donatelli, that
5 report was submitted to the Zoning Board as
6 well.

7 MR. DONATELLI: I'm just trying to
8 get it as part of the dialogue in the event
9 that we have some homeowners may not have
10 been at that meeting.

11 Do we have any members of the
12 public that are looking to speak?

13 MS. ALGIOS: I did not see anyone
14 when I checked a few minutes ago. Let me
15 check again.

16 No, I don't see any hands raised
17 and no one has indicated in chat box that
18 they would like to speak.

19 CHAIRMAN MAMMINA: I've got a
20 couple of other questions.

21 I guess I would look at the
22 supermarket the same way I would look at our
23 restaurant conditions, you know, in that
24 they deal with food waste, they deal with
25 noise from the back of a building and I

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realize that you have, you know, the truck
sound attenuation in there.

3

4

Let me just move to my copy of the
drawings again. Hold on one second while I
pull this up.

5

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Am I correct because this is very
small. I don't see any man doors or
anything that open to that back area. Is
that -- is that correct, Wayne?

10

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MR. ROBINSON: Let me, it's Chris
Robinson. There is a hallway shown on the
plan between the Lidl store and the Dogtopia
which was subject to I think a hearing last
week.

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CHAIRMAN MAMMINA: Right.

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MR. ROBINSON: There's a common
hallway and there are exit doors into that
hallway and out to the rear. And the door
is shown on the site plan.

CHAIRMAN MAMMINA: Okay. Because
I guess that -- what I don't see here, you
know, for whatever reason, my drawing is
very fuzzy when I bring it up and I know
sometime that happens when you --

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MR. ROBINSON: I can share my
clean if that makes it easy.

4

CHAIRMAN MAMMINA: I'm also
interested in where garbage dumpsters are.

6

MR. ROBINSON: Sure.

7

CHAIRMAN MAMMINA: And within
other restaurants -- within other -- within
other food supermarket uses, you know, we
have asked for dumpsters to be in some kind
of an enclosure and also that any -- any
food waste is refrigerated.

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MR. GUARDINO: Mr. Mammia, that
actually was presented to Lidl and they will
be doing that. And so any waste that will
be transferred outside to the dumpster, is
in fact like their break room waste or
customer waste. But the food waste is all
going to be inside the building in
refrigerated compartments.

21

22

23

24

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CHAIRMAN MAMMINA: Well, I see the
freezers that are so -- maybe you could move
to the left a little -- I thought there were
freezers -- I'm looking at the floor plan.
So I'm looking at A102.

00129

1 6/16/2021

2 MR. GUARDINO: Do you want to
3 address that? Sam from Larson, he prepared
4 the plans. Sam?

5 MR. YOCHIM: Yes. We did have the
6 refrigerated garbage locker if you're
7 looking at the A102 sheet.

8 CHAIRMAN MAMMINA: Yeah, that's
9 what I'm looking at.

10 MR. YOCHIM: It's not on the
11 current plan so we have addressed it for
12 future plans. It is right between the door
13 between the sales floor and the staging area
14 and the door between the staging area and
15 the offices.

16 Talking with Joseph Canzaneri, who
17 is the reviewer we submitted to, the garbage
18 locker had to be large enough to hold two
19 pallets. So we have a size large enough to
20 hold both of those.

21 CHAIRMAN MAMMINA: Okay. And
22 normally we ask for a contract with a carter
23 that shows that those are going to be picked
24 up inside the building. That they're coming
25 in to get them, and that they're not going

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to be put out at, you know, 11:00 at night
or something like that and sit outside on a
nice, hot summer day.

5

MR. YOCHIM: I'm going to let Or
speak to that one.

7

MR. GUARDINO: You want to address
on how Lidl addresses the garbage?

9

MR. RAITSES: Sure. The garbage
will be picked up by the carter. Typically
we're signing those contracts closer to
opening. So each contract is signed through
our facilities management team, they have
national accounts that they work with and
they work with every different type of
building. So we have some buildings that
doesn't have any type of dumpsters outside,
mall type location. So it's no issue for
them to deal with this one.

20

However, since we've had this
application in for a little over a year and
we're still quite a ways from commencing
construction as we need our building
permits. It's a little premature to have
that contract in place. But we will -- we

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will have a contract in place prior to the opening.

3

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CHAIRMAN MAMMINA: Can we see a sample of one from another?

5

6

MR. RAITSES: It's a very specific -- it was a very specific use case, we don't have another store right now in the Town of North Hempstead.

7

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CHAIRMAN MAMMINA: I'm saying from someplace else. What -- what type of contract you have with those carters. Only because, you know, I forget who the rock band is won't be fooled again. I'm not saying that you would fool us.

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VICE CHAIR FRANCIS: The Who.

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CHAIRMAN MAMMINA: The Who. Thank you. Couldn't think of it.

18

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VICE CHAIR FRANCIS: You're welcome.

20

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CHAIRMAN MAMMINA: You know, where we unfortunately do get -- the good suffer with the bad and the refrigerator garbage concept goes away and we're getting complaints from neighbors on subsequent

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applications, you know, that -- you know,
that come in and you know, we've got -- this
is -- this is a very popular shopping center
and I'm glad that you all will be there
because I used to shop in the Waldbaum's all
the time but I haven't been there since
Waldbaum's left.

The neighbors are very active back
there, and you know, they have their right
to be. At the same time, you have the right
to be there and they bought a house and they
looked over the fence and they saw the
shopping center. So you know, you take the
bad with the good and the bad and the ugly.
So but somehow we've gotta blend those two,
you know, together.

You know, so I mean even another
question that -- that I had and I don't know
why --

MR. RAITSES: So one of the
things, to let you know, just in terms of
access to the outside. Since the garbage is
palletized in that room, there is no
opportunity to place that outdoors. Unlike

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most grocery stores, we don't have ramps in the back of our store, this is just a loading dock situation and there's some stairs for egress and things like that.

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So the only access is through the loading dock and that would have to be during the hours that a truck could get back there. So I don't know if Chris or Wayne talked about it. But part of the approval at the site plan hearing back in March was that there would be gates installed by the landlord to prevent truck access to the back of the property in between -- in conflict with the loading hours for the town. So all of that would be -- would be addressed in terms of the hours it could be picked up because you wouldn't be able to get a truck back there and it's a physical possibility to remove the waste other than through the loading dock, which would only be accessible at those hours and again, only through the building, there's no other way to access the building.

CHAIRMAN MAMMINA: Where are those

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gates? I can't -- again, it's a -- you
3 know, I'm not being critical. It's just --
4 it's a rough PDF to read.

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Yours is way better. That was
6 going to be my next question.

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MR. ROBINSON: Chris Robinson
again. Along the rear, if you can see my
screen, I'll start at the west end. There
will be a gate here which will remain closed
until the appropriate time when deliveries
are available.

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And then at the opposite end, down
past the Lidl building there's a paralift
arm since that's slightly wider over here,
which will remain closed and loop detector
activated from the inside so as a truck or
vehicle pulls up from the inside, those
gates will lift and close back down again.

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There's a one-way circulation in
the back and the Town Board agreed to those
conditions as part of the site plan to limit
the hours of loading behind the building.

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CHAIRMAN MAMMINA: How do those
dumpsters get picked up? Normally you want

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to perpendicular to those dumpsters and not
against the wall.

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MR. ROBINSON: Yeah, I believe
they kind of roll them out and get picked
up. The shopping center was built in 1973.
Pretty much in the same configuration it is
now with some minor changes on the end of
the building, it's certainly not how I would
design it today. But that's how it exists.

MR. HERNANDEZ: What are the
dumpsters being used by the supermarket?

MR. ROBINSON: I believe the
supermarket garbage will be inside.

MR. HERNANDEZ: Right.

MR. ROBINSON: As Mr. Raitses
testified to.

MR. RAITSES: What was the
question?

MR. HERNANDEZ: What dumpsters are
being used by the supermarket? Supermarkets
generates different types of garbage. It
generates the crucible waste, we all know
that, you're going to have to have prepared
foods, so you're going to have waste from

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1 6/16/2021

2 the prepared foods. They also generate a
3 lot of cardboard and things like that is
4 generally compacted and stored somewhere.

5 All I see is one little dumpster
6 next to a loading dock. I don't see
7 anywhere anything else.

8 MR. RAITSES: If you're not
9 familiar with the Lidl and the concept of a
10 Lidl, then you would not be -- you would not
11 know what our operations are like.

12 So we do not have prepared foods
13 in the store. The only preparation of food
14 that we do in the store is the bake off of
15 previously frozen bakery items that are
16 baked off in the store.

17 And those, when they are disposed,
18 most of them are actually donated to food --
19 to food banks and not actually discarded.
20 And any of the organic matter that's
21 taken -- we have a pretty much closed loop
22 for trash so everything in most --

23 MR. HERNANDEZ: Pardon me, but
24 vegetables and fruits, they --

25 MR. RAITSES: I'm getting to that

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right now.

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So we have a closed loop for organic materials that they go back to our regional distribution centers and there they're used and turned into compost, feed, things like that.

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So the reason why you see such a small dumpster, it's like -- like Mr. Guardino said, it's primarily for the trash that you would find in a trash can, right? So receipt waste, things like that and that's why it's so small. It's -- I would say for the amount of trash that we remove from our stores is probably much more similar to a small, you know, even less than a Starbucks or something like that, in terms of what we actually put out as waste.

Most of it is kept in our internal systems. All the cardboard is bailed then taken back to our RVCs. So we do all our own deliveries to the stores and those trucks when they go back to the RVC, they don't go back empty. They go back with, like you said, that organic waste, that

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organic waste is turned into compost or
feed.

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They go back with all of the
plastic waste that is around any of the
items like if any of the -- you know, cereal
boxes come in a plastic wrap rather than a
cardboard box, then the plastic wrap is
separated, that goes back and gets turned
into jeans and water bottles and all those
sort of things.

And then the cardboard is taken
back and that's sold off for recycling from
our RDCs. So there's very little that's
actually taken out of the store that's used
in the local trash stream.

MR. HERNANDEZ: All right. Thank
you.

CHAIRMAN MAMMINA: Sound
attenuation for rooftop equipment. Was that
all brought at all at the Town Board and
then also visual screening of the rooftop
equipment.

Lots of supermarkets and you
got -- there's a ton of it and it's

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required. There's no way around it. But
again, in terms of the houses back there,
you know, we're kind of getting a first stab
at this.

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MR. GUARDINO: I don't believe
that it came up during the hearings. We had
multiple hearings. I don't recall that
coming up, but it may have come up with, you
know, with respect to the course of
discussions between the landlord, landlord's
counsel, landlord's engineer and the town.
I'm not just not aware.

Chris, you are aware if that came
up during the process?

MR. ROBINSON: No, I really didn't
have any discussion on rooftop equipment.

MR. RAITSES: I think Sam may be
in a better position to speak about this.
It's typically in our plans in terms of
what's going to be up on the roof.

I can tell you from my past
experience in other supermarkets, we have
significantly less equipment on the roof.
And we typically have just the rooftop units

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1 6/16/2021

2 for the air conditioning which don't
3 generate much noise and then one condensing
4 unit.

5 Sam, would you be able to provide
6 some feedback on that.

7 MS. RAWSON: I can take this one.
8 So this is Chelsea Rawson, I'm the architect
9 on the project.

10 Across the front we do have a
11 taller parapet.

12 CHAIRMAN MAMMINA: Sorry, ma'am,
13 can you give your name and address please.

14 MS. RAWSON: Sure, it's Chelsea
15 Rawson. Do you need me to spell it?

16 CHAIRMAN MAMMINA: Yeah, that
17 might be helpful.

18 MS. RAWSON: R-A-W-S-O-N is the
19 last name and I'm at 1000 Commerce Park
20 Drive, Williamsport, Pennsylvania.

21 CHAIRMAN MAMMINA: Okay. Thank
22 you.

23 MS. RAWSON: Sure. So across the
24 front there we have a raised parapet. As
25 far as screening goes, on the back of the

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1 6/16/2021

2 building we don't currently have screening
3 because that wasn't a requirement. If it's
4 something that we need look into, we can
5 talk more with our client. But it hasn't
6 been a concern that was raised through this
7 point.

8 CHAIRMAN MAMMINA: Do you have a
9 drawing at this point of that rooftop
10 equipment?

11 MS. RAWSON: I can get one pulled
12 up. Give me just a few minutes.

13 MR. DONATELLI: And while we're
14 waiting for that. I'm sorry, I'm still
15 looking at the site plan. I saw the gate
16 for the eastern entrance to the alley, but I
17 was not real clear as to where the gate was
18 on the western entrance. Can you just go to
19 that again?

20 MR. RAITSES: Just so you know,
21 there is no -- the western entrance is what
22 he showed. The east is only a exit, it's a
23 one way travel in the back.

24 MR. DONATELLI: Right, right. But
25 where is the western gate?

00142

1 6/16/2021

2 MR. ROBINSON: If you can see, I'm
3 sharing my screen again. The western gate
4 is just around the difference between the
5 Dime Savings Bank and National Foot Care off
6 the back of the building, and it's a single
7 lift arm gate.

8 MR. DONATELLI: I see, okay.
9 Thank you.

10 VICE CHAIR FRANCIS: Mr. Muller,
11 while we're waiting, just a quick question
12 and looking for clarification on the trip
13 generation analysis that you did. You based
14 that on the trip generation manual in the
15 data under LLC -- LUC850 representing a
16 supermarket.

17 My question that I want you to
18 kind of clarify, is the supermarket
19 manual -- model, excuse me -- under 850,
20 does that take into consideration a similar
21 supermarket in an area like Garden City Park
22 as far as population density and traffic
23 flow, et cetera.

24 MR. MULLER: Yes. The studies
25 that are performed by the Institute of

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1 6/16/2021

2 Transportation Engineers take into a broad
3 range of areas in which supermarkets are
4 located. The studies are done nationwide,
5 some are in New York, at various different
6 metropolitan areas.

7 But one thing that we have found,
8 is that some of the ITE numbers are actually
9 fairly conservative, in so much as that many
10 areas in the country do not have the
11 competing supermarkets or competing other
12 uses that exist in a region such as ours.
13 So that the traffic generation numbers tend
14 to be a little bit higher than what we would
15 experience here on Long Island because we do
16 have a variety of different choices in order
17 to go to the supermarket, where in certain
18 areas of the country it may be a very
19 limited. And that's what we found.

20 VICE CHAIR FRANCIS: Okay. I just
21 thought it was important for you to clarify
22 that for the record. I don't know whether
23 we have any of the neighbors listening in
24 now or whether they would do so with regard
25 to the recording of that.

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But the neighbors, as we've indicated in that area fairly active and been concerned about this particular center. So I just wanted to make that clear and put that on the record for them.

MR. MULLER: Thank you.

VICE CHAIR FRANCIS: So thank you. I appreciate it.

MS. RAWSON: Any further questions before I share?

CHAIRMAN MAMMINA: No, please go ahead.

MS. RAWSON: All right. Let me know when you're able to see it.

CHAIRMAN MAMMINA: Yeah.

MS. RAWSON: So this the plan, that is the front parking lot here so this would be the back of the building. As you can see, most of this is pulled toward the front, there's a smaller RTU back there but there's the taller parapet that runs -- can you guys actually see my mouse that I'm pointing?

CHAIRMAN MAMMINA: Yes.

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MS. RAWSON: Okay. Good. So
there's a taller parapet across the front
here.

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CHAIRMAN MAMMINA: So is the
dunnage that's running perpendicular to the
long length of the walls as I -- yes,
exactly.

9

MS. RAWSON: Here.

10

CHAIRMAN MAMMINA: Is that the
equipment that's on it?

11

12

MS. RAWSON: Right. I believe
this is existing today.

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CHAIRMAN MAMMINA: It may be,
yeah.

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MS. RAWSON: So that's not an
addition that we're making to the building.

17

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CHAIRMAN MAMMINA: I guess to the
right is a lot of your freezer boxes and
that sort.

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MS. RAWSON: Again, this is the
existing dunnage that's on the roof now.

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We're just replacing the equipment.

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CHAIRMAN MAMMINA: Terrific.
Thank you.

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MS. RAWSON: Yeah, no problem.

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CHAIRMAN MAMMINA: It pulls very
4 far away from the neighbors.

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MS. RAWSON: Correct, yes.

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MR. RAITSES: I will say that it's
7 significantly quieter than most commercial
8 equipment that's found in North American
9 supermarkets. A lot of the design is around
10 environmental sustainability, so those --
11 those dry cooler units, high efficiency and
12 they are -- they are quieter up on the roofs
13 when they're operating. And the RTUs again,
14 they don't make much noise, they're air
15 conditioners.

16

CHAIRMAN MAMMINA: I'm just
17 curious, Mr. Raitses, nothing to do with the
18 application per se. Is there any specifics
19 spin to the Lidl supermarkets?

20

MR. RAITSES: Specific what?

21

CHAIRMAN MAMMINA: Any spin, that
22 this is what makes us different than Stop &
23 Shop or that is it just a supermarket.

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MR. RAITSES: I mean, there's -- I
25 could speak to the Board for hours on what

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differentiates a Lidl supermarket from a traditional supermarket.

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But in general, we are a limited assortment supermarket. So we do a fine curation of national brands as well as own brands, offered at a significantly lower cost to the consumer. So what we've done, we've eliminated the repetition of a variety. We still have the assortment but we pass the savings and the economy scale back to the consumer.

So Lidl as a company has over 12,000 stores globally. It's the largest food retail in Europe and it's really just getting started here in the U.S. However, we already have 18 stores on Long Island as part of the conversion of the best market locations. And so with, you know, we've -- we've successfully opened many stores here now in Long Island. Nassau and Suffolk County.

CHAIRMAN MAMMINA: Is it kind of -- only because I love food shopping, my wife thinks I'm crazy. So is it kind of

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1 6/16/2021

2 like a Trader Joe's spin but with better
3 pricing.

4 MR. RAITSES: So you know, we've
5 been compared to -- if you like Trader Joe's
6 and Whole Foods, be prepared to love Lidl.
7 That's one of the things that was said about
8 us in the past.

9 It's really -- it's something that
10 is unique in that, you know, Trader Joe's
11 really focuses entirely on foods. We also
12 have non-foods. So we have some limited
13 deals on things from cordless chainsaws to
14 backpacking tents and kids' shoes. But it's
15 all part of the fun of coming into the
16 store, so if you loved food shopping before
17 you may love it even more. So now you may
18 be able to pick up cutlery and other things
19 at phenomenal value.

20 CHAIRMAN MAMMINA: Are those
21 chainsaws for cutting the rib roasts?

22 MR. RAITSES: We do around the
23 holidays have electric knife sets for
24 cutting the turkeys and things like that.

25 CHAIRMAN MAMMINA: Thank you.

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1 6/16/2021

2 That's very interesting.

3 VICE CHAIR FRANCIS: At the risk
4 of mentioning probably a competitor of Lidl,
5 it's probably more like an Aldi's than it's
6 like anything else.

7 CHAIRMAN MAMMINA: Yeah, yeah.

8 MR. RAITSES: We have a very
9 different footprint in the United States
10 from Aldi's. Aldi's in the U.S. operates
11 stores sub 20,000 square feet primarily. So
12 their focus is a little different.

13 But, yeah, both are international
14 companies that have, you know, been around
15 for a number of years. But we've
16 established ourselves as little bit
17 differently in the United States with larger
18 stores, open layouts and a greater
19 assortment.

20 We do actually carry national
21 brands, which is something that is unique to
22 us versus some of our other limited
23 assortment competitors.

24 CHAIRMAN MAMMINA: Any other
25 questions?

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MR. DONATELLI: I have no

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questions.

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MS. GOODSELL: I have no further

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questions.

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VICE CHAIR FRANCIS: Nothing.

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MR. GUARDINO: We appreciate your

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time. I would just ask, I don't know what

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the Board's intention is with respect to the

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hearing, I would just respectfully request,

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given the fact that as the Board mentioned,

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this application was made over a year ago.

13

We would really like to get into the

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shopping center and the neighbors would like

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us to be in the shopping center.

16

So if there's any way that the

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Board can maybe entertain a motion to vote

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on this today, rather than to delay the

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decision, that would be greatly appreciated.

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CHAIRMAN MAMMINA: I was just

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about to ask if anybody has any further

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questions or if anyone --

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MR. HERNANDEZ: Any neighbors want

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to speak?

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CHAIRMAN MAMMINA: I don't think

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1 6/16/2021

2 we have anybody there.

3 MR. HERNANDEZ: Deborah --

4 MS. ALGIOS: So no, I don't see
5 anybody that's indicated that they would
6 like to speak.

7 But what I do want to say is,
8 Mr. Guardino, I don't see the conditions
9 that were imposed by the Town Board and I
10 know they were and I know it's part of the
11 hearing record. I don't see them in the
12 resolution.

13 And I know this Board, should they
14 grant the application, would like to, you
15 know, usually they will incorporate those
16 conditions as part of their decision.

17 So I'd like to get a hold of
18 those. If you noticed, I was absent for
19 part of the time because I was trying to get
20 my hands on them. I don't know. Do you
21 have -- do you have the conditions?

22 MR. GUARDINO: I know that Howard
23 Avertine, I think he's still on the call,
24 and he's the landlord's attorney, he's out
25 there as a participant. I had asked him for

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1 6/16/2021

2 a copy of the decision.

3 I know the conditions were read on
4 the record --

5 MS. ALGIOS: Yes.

6 MR. GUARDINO: -- at the Town's
7 hearing. But I noticed the same thing, that
8 they were not incorporated into the written
9 decision.

10 So I don't have them, and of
11 course, Lidl has no problem with, you know,
12 the same conditions that the Town Board
13 imposed, that they be imposed on them.
14 That's fine.

15 MS. ALGIOS: What I wouldn't have
16 a problem with is if the Board is so
17 inclined to approve this, then we could say
18 subject to the conditions that were imposed
19 by the Town Board at the March hearing and
20 then we'll get those exact conditions and
21 we'll put them in the decision.

22 CHAIRMAN MAMMINA: What do you
23 think, Patricia? Are you okay with that?

24 MS. GOODSELL: I am fine with
25 that. I was not on the Board in March, I'm

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not sure what the conditions would be. I'm
satisfied with what I've heard. I know the
property has been vacant, Mr. Guardino, for
a long time now.

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And I know that the shopping
center itself seems ready for another
supermarket, another tenant. And so I have
no other concerns. I've expressed my only
concern here. I have no other concerns and
I don't have any other questions for the
presenters.

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CHAIRMAN MAMMINA: Can we consider
that a motion?

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MS. GOODSELL: I will move then
that we grant the application of Lidl -- I'm
sorry, Lidl, subject to the conditions which
were imposed by the Board on March 14th
which then should be incorporated into the
decision.

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MS. WAGNER: Also Patricia,
Patricia, we typically also impose
restaurant conditions for any food use so
those would --

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MS. GOODSELL: The restaurant

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1 6/16/2021

2 conditions should apply as well.

3 MS. ALGIOS: I just want to
4 clarify the Town Board meeting approving the
5 site plan review with the conditions was
6 March 18th.

7 CHAIRMAN MAMMINA: All right. So
8 we have a motion. Do we have a second?

9 MR. GUARDINO: Can you hold it one
10 second, I'm sorry. Hold on. Before you go,
11 I would like to understand what are the
12 typical restaurant conditions.

13 MS. WAGNER: Most relating to what
14 the Board already discussed with regards to
15 removal of the sanitation -- removal, the
16 garbage removal, refrigerated garbage. That
17 kind of thing.

18 CHAIRMAN MAMMINA: Exterior doors
19 be closed, but there really are no exterior
20 doors.

21 MS. ALGIOS: Jimmy, do you have a
22 copy of our standard restaurant conditions
23 that you can quickly email Mr. Guardino so
24 he can look at it?

25 MS. WAGNER: Yes.

00155

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CHAIRMAN MAMMINA: You can only be
open three hours, that's part of the
conditions. That's humor of course.

5

MR. GUARDINO: I just don't want
to say that I agree to conditions that I
don't know what they are.

8

MS. WAGNER: That's
understandable.

10

CHAIRMAN MAMMINA: They're benign
as it relates to the way that it is
designed.

11

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What struck me odd in the shopping
center is that they put the supermarket all
the way tucked behind what had been Howard
Johnsons when I was a little boy, instead of
pushing that more into the middle and
letting the smaller stores flank it. But it
was a long time ago.

19

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MS. GOODSELL: Maybe the dirt was
better at one end of the shopping center
than the other.

21

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CHAIRMAN MAMMINA: Maybe. We used
to play football on the field that was just
to the north. I was a Mineola High School

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1 6/16/2021

2 guy, not a Herricks guy.

3 MS. GOODSSELL: You were our
4 competitor, I'm Herricks.

5 CHAIRMAN MAMMINA: There were some
6 silly -- I never participate in any of the
7 silly actual physical fights that would
8 happen between different teams and things.
9 But not my thing.

10 MR. GUARDINO: Virginia, you did
11 send it?

12 MS. WAGNER: No, I haven't yet.
13 I'm sending it now.

14 MR. GUARDINO: Thank you.

15 CHAIRMAN MAMMINA: So Pat, you
16 lived your whole part of your life in that
17 part of the world?

18 MS. GOODSSELL: Regrettably, yes.

19 CHAIRMAN MAMMINA: Okay.

20 MS. GOODSSELL: Never went far.

21 Grew up on Park East, which is about eight
22 blocks away from here, moved on to -- about
23 two blocks away, went to St. John's. I've
24 been local my entire life.

25 CHAIRMAN MAMMINA: Yeah.

00157

1 6/16/2021

2 Basically me too.

3 MS. WAGNER: Okay. You should
4 have them.

5 MR. GUARDINO: Okay. Look at them
6 real quickly.

7 CHAIRMAN MAMMINA: Remember
8 McGuinness's right across the street.

9 MS. GOODSELL: I do, I do. My
10 children used to ride the rollercoaster
11 there.

12 CHAIRMAN MAMMINA: I used to beg
13 my parents to take me there. That was like
14 birthday stuff. We went to Burger King and
15 cut out of school, and we would go to Burger
16 King for lunch. That was a lifetime ago,
17 literally.

18 MS. GOODSELL: I was interested in
19 what Lidl had to say about food preparation
20 on the premises because I'm not familiar
21 with the supermarket. I do know that the
22 pretty glossy material does seem to show a
23 bakery, but if it's simply baking the
24 prepared dough or baking the prepared food,
25 that's very minimal food preparation.

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MR. RAITSES: I will say they're going to be some of the best croissants you've had because they are made using French butter and produced in Europe and so they are really fantastic and very consistent in terms of quality. There's quite a few items in the bakery that we're really well known for.

The other is our pretzels, they are made in Germany and then they're baked off in the store so they really are fantastic. But a lot of it is extremely authentic and even our new line of gelatos and things like that. So that's one of the benefits of being a European grocery store, having so many stores in Europe is that we have this fantastic line that we're also able to share with our American customers.

MS. GOODSELL: I didn't notice on your plans, while Mr. Guardino is reading, I didn't notice on the plans any interior tables and chairs. That's not part of the application, is it?

MR. RAITSES: We don't have

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1 6/16/2021

2 seating areas.

3 MR. GUARDINO: I looked at the
4 condition, Or. I emailed them to you as
5 well, they seem very straightforward. So I
6 don't have an objection. Or, if you just
7 want to take a quick look and scan them.
8 They seem fine to me.

9 CHAIRMAN MAMMINA: We basically
10 covered them all I think.

11 MR. RAITSES: They look fine.

12 MR. GUARDINO: Thank you. Sorry
13 for the delay.

14 VICE CHAIR FRANCIS: No problem.

15 CHAIRMAN MAMMINA: So we have a
16 motion and we're looking for a second.

17 MR. DONATELLI: I'll second.

18 CHAIRMAN MAMMINA: Mr. Donatelli
19 second. Motion Ms. Goodsell.

20 Please poll the board, Virginia.

21 MS. WAGNER: Member Goodsell.

22 MS. GOODSSELL: Aye.

23 MS. WAGNER: Member Hernandez.

24 MR. HERNANDEZ: Aye.

25 MS. WAGNER: Member Donatelli.

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MR. DONATELLI: Aye.

3

MS. WAGNER: Vice Chairman

4

Francis.

5

VICE CHAIR FRANCIS: Aye.

6

MS. WAGNER: Chairman Mammina.

7

CHAIRMAN MAMMINA: Aye.

8

The application is granted and we

9

thank you all.

10

Nice job, Anthony. Nice job,

11

Wayne. And nice job, Chris.

12

MR. HERNANDEZ: Good luck. I look

13

forward to shopping there.

14

MR. RAITSES: Thank you all.

15

We'll see you at the opening.

16

MS. GOODSSELL: We'll watch for all

17

the colored flags.

18

MR. RAITSES: Absolutely. And the

19

balloons.

20

CHAIRMAN MAMMINA: They're only

21

there illegally for a little while, the

22

colored flags.

23

MR. RAITSES: Have a great

24

afternoon all.

25

CHAIRMAN MAMMINA: Thank you all.

00161

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MS. WAGNER: We have to adopt

3

SEQRA.

4

VICE CHAIR FRANCIS: So moved.

5

CHAIRMAN MAMMINA: So moved.

6

Okay, I heard Mr. Francis.

7

MS. WAGNER: Second.

8

CHAIRMAN MAMMINA: Second.

9

MR. HERNANDEZ: Second.

10

CHAIRMAN MAMMINA: Seconded by

11

Jay.

12

MS. WAGNER: All in favor.

13

(A chorus of "ayes.")

14

MS. WAGNER: So Deborah, we wanted

15

to give Vehor Realty which is Appeal 20938

16

additional time to submit information in

17

support of their appeal. We're giving them

18

until July 14th.

19

And the Board was asked and I

20

believe most of the members responded that

21

they did not have a problem with that.

22

MS. GOODSELL: I do not. I wasn't

23

sure what the application -- what the

24

extension meant, but if it's just the

25

additional time to submit the information we

00162

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requested, then yes, I have no objection

3

here either.

4

MS. WAGNER: I think that's it.

5

Anyone have anything else?

6

CHAIRMAN MAMMINA: No.

7

VICE CHAIR FRANCIS: No.

8

CHAIRMAN MAMMINA: Wow. So did

9

you like that, we're calling you the den

10

mother or was that not fun, Virginia?

11

MS. WAGNER: Who's a den mother?

12

CHAIRMAN MAMMINA: You're the mom,

13

okay?

14

MS. WAGNER: Me? I'm the den

15

mother?

16

CHAIRMAN MAMMINA: And then

17

Deborah jumps in there.

18

MS. GOODSELL: Do we still have

19

Mr. Arthur Kauffman with us? I still see a

20

box on my computer.

21

MS. WAGNER: That's what I was

22

saying to Deborah before, I still have him

23

on my panel.

24

CHAIRMAN MAMMINA: I don't see

25

him.

00163

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VICE CHAIR FRANCIS: I see him in

3

mine.

4

MS. WAGNER: I don't know why he's
still appearing. Yeah, so that was a short
calendar today. I think the next one is
going to be a little lengthy.

5

6

7

8

CHAIRMAN MAMMINA: We pay the
price. It's okay.

9

10

MS. GOODSSELL: So the next
calendar is June 30th or July 14th.

11

12

MS. WAGNER: July 14th.

13

VICE CHAIR FRANCIS: Are we still
scheduled to do a night calendar?

14

15

MS. WAGNER: We may do one or two
night meetings by the end of the year but we
don't have anything scheduled yet.

16

17

18

MS. GOODSSELL: But I do have as a
possible, because I wrote it in my calendar
because I'm so new at this, July 14th might
be considered a late meeting but we don't
have that scheduled as a late meeting right
now.

19

20

21

22

23

24

MS. WAGNER: No, that one would
not be a night meeting. Possibly the August

25

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1 6/16/2021

2 meeting will be an afternoon/evening meeting
3 but we --

4 MR. HERNANDEZ: Did we set a date
5 for the August? I don't have it on my
6 calendar.

7 MS. GOODSSELL: I'll mark that as a
8 possible late meeting. When we say late
9 meeting, do we actually start at 2 or 3 in
10 the afternoon or it goes all day from ten to
11 whenever?

12 MS. WAGNER: No, we'll probably
13 start at 3:00 or so. We -- and I lost my
14 train of thought. We only meet once in
15 August as well?

16 CHAIRMAN MAMMINA: Right.

17 MS. WAGNER: Yeah. We don't have
18 any work about go back to in person meeting
19 but at some point that will probably happen.
20 I have not heard anything. I doubt it will
21 be before August but we take the lead from
22 the Town Board so whenever they resume.

23 MS. ALGIOS: I haven't heard
24 anything yet. The only thing I did hear --
25 well, the current suspension of the open

00165

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meetings law was through I think July 5th so

3

based on what's been coming down out of

4

Albany in the last few days I wouldn't be

5

surprised if the governor revokes now. The

6

question is whether we still will hold

7

virtual meetings so --

8

MS. WAGNER: Right, right. What

9

do you think, Deborah, if he does revoke

10

that, would we -- would it be mandatory for

11

us to go back to in person?

12

MS. ALGIOS: I don't think so, I

13

don't think so. But I -- you know, I

14

haven't -- I haven't really delved into the

15

law on that yet. So we have to see.

16

VICE CHAIR FRANCIS: I heard this

17

morning that Long Island has the highest

18

vaccination rate in the state.

19

MS. ALGIOS: Yeah.

20

VICE CHAIR FRANCIS: We're at like

21

75 point-something percent.

22

MS. GOODSSELL: And one of the

23

lowest infection rates in the country. So

24

we've really come a long way.

25

VICE CHAIR FRANCIS: We really

00166

1 6/16/2021

2 have.

3 MS. GOODSSELL: I still have a mask
4 when I have clients come into the office. I
5 don't know how everyone feels about it, but
6 I feel more comfortable wearing a mask.

7 I know I don't ask if people are
8 vaccinated, people seem readily willing to
9 tell me they are but I have no idea if they
10 are or they're not. I can say I haven't
11 gotten a cold, I haven't gotten so much as
12 an infection since we've been wearing masks.

13 So can I ask David Mammina, when
14 we're all done would you email your contact
15 information?

16 CHAIRMAN MAMMINA: Sure. What's
17 your email and I'll send you an email?

18 MS. GOODSSELL: My last name
19 Goodsell, G-O-O-D-S-E-L-L-L-A-W. that's
20 three "L's" at Gmail.com.

21 And I see Mr. Arthur K has popped
22 up with a message on my machine so I guess
23 he's still with us.

24 MS. WAGNER: All right. Well,
25 we're ending the meeting now.

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MS. GOODSELL: Okay. Very good.

3

MS. ALGIOS: And I'm sorry for

4

that the one amending reso I sent you, I was

5

confusing it with the --

6

MS. GOODSELL: The Amazon.

7

MS. ALGIOS: I was thinking it was

8

the Amazon facility so we probably will have

9

to do an amending reso on this one as well.

10

CHAIRMAN MAMMINA: All right.

11

MS. GOODSELL: The Town Board will

12

have to do one, is that what you're saying?

13

MS. ALGIOS: Okay.

14

MR. HERNANDEZ: Do me a favor, can

15

you send me a schedule of the rest of the

16

year of our meetings. I just noticed I

17

don't have anything on my calendar after

18

July.

19

MS. WAGNER: Sure.

20

MR. HERNANDEZ: I thought we had

21

done only the beginning of the year and

22

maybe I never saw.

23

CHAIRMAN MAMMINA: I don't know,

24

I'm a little bit of a knucklehead.

25

MR. HERNANDEZ: I usually put

00168

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everything in my phone. That's why I'm
surprised it's not there.

3

4

CHAIRMAN MAMMINA: All right.
Everybody did a good job.

5

6

MS. GOODSELL: Very good
everybody. Thank you very much.

7

8

MS. ALGIOS: Thank you everyone.
We will see you on the 14th. Okay. Happy
Father's Day to the fathers.

9

10

11

MS. WAGNER: Yes, Happy Father's
Day everyone.

12

13

CHAIRMAN MAMMINA: I get my
grandchildren for the weekend. That will be
nice.

14

15

16

MR. HERNANDEZ: Bye everyone.
Take care.

17

18

(Whereupon, at 1:21 P.M., the
above matter concluded.)

19

20

21

22

23

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00169

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6/16/2021
C E R T I F I C A T E

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

I, MADELINE TAVANI, a Notary Public for
and within the State of New York, do hereby
certify:

That the above is a correct
transcription of my stenographic notes.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 4th day of July, 2021.

MADELINE TAVANI

