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9-21-22 Zoning Board

TOWN OF NORTH HEMPSTEAD
BOARD of ZONING APPEALS

Town Hall

September 21, 2022

10:00 A.M.

BOARD MEMBERS PRESENT:

DAVID L. MAMMINA, A.I.A - CHAIRMAN
LESLIE FRANCIS, ESQ. - VICE CHAIRMAN
DANIEL DONATELLI, ESQ. - MEMBER
PATRICIA A. GOODSSELL, ESQ - MEMBER

ALSO PRESENT:

ADRIANA DEMIRCIYAN - TOWN ATTORNEY
VIRGINIA WAGNER - SECRETARY
DEBORAH ALGIOS - DEPUTY ATTORNEY

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3 CHAIRMAN MAMMINA: If we can have everybody's
4 attention please. We're going to get started.
5 Everyone please, if we could have everything nice and
6 quiet. I will ask you all to join our Vice Chairman
7 Mr. Francis in the Pledge.

8 (Whereupon, the Pledge of Allegiance was
9 recited).

10 CHAIRMAN MAMMINA: Good morning ladies and
11 gentlemen. Welcome to the town of North Hempstead's
12 Board of Zoning Appeals. It's very nice to see you
13 all.

14 THE WITNESS: Sorry, it's hard to hear you.

15 CHAIRMAN MAMMINA: It's not loud enough. We'll
16 try fixing the microphones. We're having technical
17 difficulties. What we will do I will be extra-extra
18 loud, and if everybody I'm going to ask everybody for
19 zero cross-talk. We can try have someone from IT
20 come up. You'll you'll have the same issue, and our
21 stenographer has to hear what we're all saying can
22 get up here and hopefully help us out with that what
23 I'd like to do is just take a few minutes at the
24 beginning and explain to everybody how we do business
25 here in the Town of North Hempstead in case you've

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2 never appeared before a zoning board before, or maybe
3 you have but we might do things differently here than
4 what you're used to. What we will do is, as each
5 case on the calendar is called, we will ask for the
6 applicant, the person whose case it is, to identify
7 themselves by standing up and coming forward to the
8 podium. I will then also ask if anyone in the room
9 has interest in the case. Now, that might be in
10 support, that might be in opposition, you know, at
11 that point that doesn't make any difference. We just
12 want to see a show of hands. If we have a lot of
13 people on a single case, we'll pass around a sign-in
14 sheet as well. The point that I'd like to make is,
15 this is a quasi-judicial hearing, that's why we have
16 a stenographer, there's a transcript taken of it. If
17 you're signed in, it shows that you're here. Every
18 single person here will have the opportunity to
19 speak, who wishes to have that opportunity to speak.
20 It is limited to three minutes on either side, with
21 the exception of the applicant making their
22 presentation, and it will be the applicant, and only
23 the applicant, that will get the opportunity to speak
24 twice. If there is opposition or support, then the
25 applicant may want to stand up and say, yes, I agree

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2 with what this person said, no, I don't agree with
3 what that person said, because it's their record that
4 they're creating. If someone else has said the same
5 thing that you wanted to say, it's imperative that
6 you come on up to the podium, and what we will ask is
7 for you to say I agree completely with what the
8 previous speaker said. I agree completely, except
9 I'd like to add. We're just trying not to repeat
10 each other. That's all. Again, there's no repeat
11 monster that's going to come and get you. For
12 everyone's sake, we want the record to be complete,
13 we want everyone to be heard, but we'll contain it as
14 best we can. So with that said, we've got the
15 applicant at the podium now. The applicant is giving
16 their name and address to the stenographer, as will
17 each person as they come up. Whether they're part of
18 the applicant's team, whether they have a team, or if
19 you're just here to speak about the application,
20 you'll then come up to the podium and give your name
21 and address. Once the applicant has given their name
22 and address, at that point, the podium belongs to the
23 applicant. The applicant will put their case onto
24 the record, the Board will ask whatever questions it
25 may see fit as that applicant is making their

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2 presentation. At that point, if there is anyone else
3 who raised their hands to speak, we'll just ask the
4 applicant to take a seat wherever, and we will then
5 hear from people who wish to speak in support or in
6 opposition of the case. Again, name and address for
7 the stenographer. Just because it's all got to be
8 there within the record. I will remind anybody if
9 you forget. Sometimes I forget too. When that's
10 done, the applicant gets the last turn at bat,
11 because a lot of things potentially have been said.
12 It's their case, so they can support or refute. The
13 record still stands. It doesn't strengthen or negate
14 what anybody has said or put onto the record. When
15 that's done, then the board will do one of four
16 things. We will either approve the application, deny
17 the application, we may continue the application,
18 which might mean that we've offered some kind of a
19 compromise to the applicant or there's a building
20 department file that we would like to see, or there's
21 a document that they say "yes, I have that from the
22 closing" or typically any number of things. The
23 Board may want to go and look at the property again.
24 That will be us continuing the application, meaning
25 that there's more information that would need to come

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2 in, either from the applicant, from the public, from
3 the Boards' own investigation of making the correct
4 decision, or what we feel is the correct decision,
5 and then the fourth would be reserving the
6 application, which means no one has to submit
7 anything further, but the board is going to be
8 deliberating on that at a future point. The future
9 point could be this afternoon, could be at the next
10 hearing. Those are all public. You're welcome to
11 sit if you like to. All of the proceedings are on, I
12 say Zoom, I don't know if it's Zoom anymore or not.
13 You could put it on, listen in, and have the joy of
14 doing this every other Wednesday with your morning
15 coffee, it's fascinating. With that said, we will
16 just ask that everyone please, take all of these
17 things that we rely on so strongly, and you don't
18 have to turn them off, just mute them. If you need
19 to make a phone call, or take a phone call, you can
20 do that at any point. We're all ladies and
21 gentlemen. You stand on up, you can go on to the
22 outside there, and you can make your phone calls,
23 take your phone calls, whatever you need to do. If
24 there needs to be a conversation you want to have
25 amongst each other, same thing. Please, don't do it

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2 here. Refrain. I'll remind you if you are, only
3 because, again, it's very hard for the stenographer,
4 and if there's that side distraction, and quite
5 honestly we as the Board have to control each other
6 well enough so that we don't talk over each other.
7 Just be cognizant of that. And then the last thing
8 that we'll ask is that, if you have anybody else
9 who's coming to the hearing, who's not here yet, that
10 you please let them know that as well. It is okay to
11 make a phone call, it is okay for you to update each
12 other or whatever, but please, head on outside. Did
13 I get everything?

14 VICE CHAIRMAN FRANCIS: I think you did.

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3 CHAIRMAN MAMMINA: With that said, do we have
4 any modifications to today's calendar?

5 MS. WAGNER: Yes, Chairman. We have an
6 adjournment of Appeal #21281 - 12 Irma Ave Realty,
7 LLC; 12 Irma Ave., Port Washington; Section 5, Block
8 D, Lots 509(I) and 510(J); in the Business-B Zoning
9 district, Conditional Use under 70-139J(1) and
10 Variances from 70-142(B), 70-143(B), 70-103(A)(1),
11 70-103(B) and 70-103(Q)(1) to build a new four-story
12 multi-family senior living facility (a conditional
13 use) that exceeds the number of stories permitted, on
14 a lot that is too small, that is too close to a
15 street, that has too many units based on the lot
16 area, with not enough parking spaces, parking spaces
17 that are too small, and parking spaces located within
18 the required side and rear setbacks. That is
19 adjourned until October 26th.

20 CHAIRMAN MAMMINA: And we do have Counsel for
21 the applicant here. So, we will invite her up in
22 order to do that formally on the record. Good
23 morning.

24 MS. DICKSON: Good morning. Kathleen Deegan
25 Dickson, from the firm of Forchelli Deegan Terrana

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2 LLP. 333 Earle Ovington Boulevard, Uniondale, New
3 York. I had sent a letter to the Board, I believe on
4 Monday, requesting an adjournment of this matter to
5 the next available calendar. Secretary Wagner had
6 sent us the communications from some of the
7 interested neighbors and community members. And we
8 would like to take a opportunity to engage with them,
9 hear their concerns, and see if we can address them
10 before we come back before the Board. I understand
11 that the October 12th agenda is pretty full. We'd
12 like to request an adjournment to the October 26th
13 calendar.

14 CHAIRMAN MAMMINA: Any objections?

15 (No response.)

16 CHAIRMAN MAMMINA: Seeing no objection from the
17 board, this will be adjourned --

18 MS. WAGNER: We have a motion.

19 VICE CHAIRMAN FRANCIS: I'll motion.

20 CHAIRMAN MAMMINA: We have a motion, thank you.
21 Motion from Donatelli, Vice Chairman Francis.

22 Please, poll the board.

23 MS. WAGNER: Member Goodwell?

24 MEMBER GOODWELL: Aye.

25 MS. WAGNER: Member Donatelli?

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2 MEMBER DONATELLI: Aye.

3 MS. WAGNER: Vice Chairman Francis?

4 VICE CHAIRMAN FRANCIS: Aye.

5 MS. WAGNER: Chairman Mammina?

6 CHAIRMAN MAMMINA: Aye. The adjournment is
7 granted, and this will be heard on the 26th of
8 October. If there is anybody in the room whose
9 interested in that case, and that's why you're here
10 this morning, you're more than welcome to stay, but
11 that case will not be heard. Thank you very much.
12 With that piece of business done, I think that is our
13 only adjournment.

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3 MS. WAGNER: We do have a modification to the
4 calendar in terms of the order of appeals. Appeal
5 #21289 - Fifth Avenue of L.I. Realty Association -
6 Polo Ralph Lauren restaurant, will be heard before
7 Appeal #21287 - Benevenuti Salumeria, Inc.; 15
8 Colonial Parkway, Manhasset. So, those two appeals
9 will just be switched on the calendar.

10 CHAIRMAN MAMMINA: We're going slightly out of
11 order on those.

12 MS. WAGNER: Also, I just want to note for the
13 record that Member Hernandez is absent from today's
14 proceeding.

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3 MS. WAGNER: Appeal #21283 - Sean Sedaghatpour;
4 6 Brook Bridge Road, Great Neck; Section 2, Block 48,
5 Lot 80; in the Residence-A Zoning District.
6 Variances from 70-101.B, 70-41.A, 70-38 and 70-208.F
7 to construct a 2nd story addition that is too close
8 to the street.

9 CHAIRMAN MAMMINA: You've heard Appeal# 21283 -
10 Sean Sedaghatpour, I apologize if I've mispronounced
11 it.

12 MS. BOGDANOS: I can't pronounce it, I'm just
13 going to say owner, especially me with my Greek
14 accent. My name is Helen Bogdanos; B-O-G-D-A-N-O-S.
15 I'm here to represent the owner of 6 Brook Bridge
16 Road, Great Neck; Section 2, Block 48, Lot 80. My
17 address is 121 Newbridge Road, Hicksville, New York
18 11801. I'm a professional engineer.

19 CHAIRMAN MAMMINA: Good morning.

20 MS. BOGDANOS: Good morning everybody,
21 Mr. Chairman and Members of the Board. As you know,
22 this is the violation, because this was a sun room
23 and he converted it to habitable space. The problem
24 is, we're seeking a variance for the front yard, it's
25 supposed to be, minimum number of 20 feet set back

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2 from second-front property line, and it's only 25.9.
3 As you know, it's a corner property, and it is a
4 difficult property every because of the corners. And
5 they didn't modify the original house which was
6 24. -- one second. Yeah, they didn't change. They
7 actually left 1.4 extra. And, in addition, we have
8 two air conditions, again, the same to token: We
9 don't have enough for a front yard. We have -- all
10 the neighbors, they have consent. I gave it to
11 Michael, they have no objection.

12 CHAIRMAN MAMMINA: We received those, yes.

13 Do you want to go through the various variances,
14 and talk about what they are, specifically with the
15 five factors?

16 MS. BOGDANOS: Yes. On a corner yard, the front
17 yard can be to each street, and unless the building
18 is the front yard on the narrow street shall be not
19 less than 35 feet in depth. And the other front
20 yards, shall not be less than 30 feet in depth. And
21 in the street front, meaning the front yard, 75 feet
22 shall be required by each street. A minimum of --

23 CHAIRMAN MAMMINA: Just in terms of the record,
24 and the Board being certain that we're understanding.
25 As you're doing each one of those, can you tell us

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2 what you have and what the variance is that is
3 required.

4 MS. BOGDANOS: Yes, I'm following up.

5 CHAIRMAN MAMMINA: Okay, I'm saying if you do
6 those together, you know, you've got a secondary
7 front yard, and it's supposed to be blank, but it's
8 blank. It just makes the record clearer and easier
9 for the Board as well.

10 MS. BOGDANOS: The secondary front property, a
11 minimum of 30 feet is required with the addition of a
12 setback of 35.9.

13 CHAIRMAN MAMMINA: That's Country Place,
14 correct?

15 MS. BOGDANOS: Yeah, on the Country Place.
16 Number two. Which again, the owner of the property
17 has no objection.

18 CHAIRMAN MAMMINA: Yes.

19 MS. BOGDANOS: Then the AC, have to be
20 maintained to the secondary front yard setback of
21 20.75 feet.

22 MEMBER DONATELLI: I believe that the Chairman
23 was asking if you would just address the five factors
24 that by law we're required to consider.

25 MS. BOGDANOS: Five factors?

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2 MEMBER DONATELLI: Yes.

3 MS. BOGDANOS: I only know two factors, the
4 setbacks. What are the five factors?

5 MEMBER DONATELLI: So --

6 MS. BOGDANOS: Even the Notice of Approval says
7 two factors.

8 MEMBER DONATELLI: There are five factors that
9 we're required to consider by law. Let me go through
10 them now.

11 MS. BOGDANOS: Yes, please.

12 MEMBER DONATELLI: Whether an undesirable change
13 will be produces in the character of the
14 neighborhood.

15 MS. BOGDANOS: Oh, I see what you mean. Yes.

16 MEMBER DONATELLI: Do you want to address that?

17 MS. BOGDANOS: I don't think there is any change
18 in the neighborhood, according to the character.

19 MEMBER DONATELLI: Will there be any detriment
20 to the nearby properties?

21 Ms. BOGDANOS: No.

22 MEMBER DONATELLI: Whether the benefit sought by
23 the applicant can be achieved by some other method,
24 that would not require variance.

25 MS. BOGDANOS: It will be an economical

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2 hardship. He bought the property in 2017, and it was
3 already there; the sun room, and the sun room, he
4 enclosed it.

5 MEMBER DONATELLI: So you're saying there would
6 be a cost with removing the sun room?

7 MS. BOGDANOS: Yes.

8 MEMBER DONATELLI: We will make a determination
9 as to whether the variance is substantial, but do you
10 have an opinion as to that?

11 MS. BOGDANOS: My opinion is, that they have
12 kids, they want the extra room, and it's necessary to
13 have that room.

14 MEMBER DONATELLI: Whether the proposed variance
15 will affect the neighborhood in some environmental
16 way.

17 MS. BOGDANOS: None, whatsoever.

18 MEMBER DONATELLI: Will it have any kind of
19 adverse impact on the area?

20 MS. BOGDANOS: None. I was there this morning
21 to check the area. I mean the ACs -- usually -- I
22 had another variance a couple of years ago, and they
23 required the screening. I'm going to suggest to the
24 owners to do that, to plant some bushes, some low
25 bushes. Because it's one average AC and it's small,

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2 one very small AC. That was the only location he
3 could put them, there was no other location.

4 MEMBER DONATELLI: Do you know why the applicant
5 did not apply for the permit?

6 MS. BOGDANOS: I have no idea. Usually they
7 call you after the fact to send them. There were
8 additional issues in the house. It wasn't only the
9 extension, but they did renovation, they did all of
10 that. And then we legalize all that.

11 MEMBER DONATELLI: And just to be clear, that
12 was done without the benefits of a permit?

13 MS. BOGDANOS: Yes, I have the violation here.
14 I have to be honest. I don't know what they've done.

15 MEMBER DONATELLI: Do you know when this was
16 built?

17 MS. BOGDANOS: I would say, based on the
18 violation, the date, it must have been about two
19 years ago. I can check my violation if you want me
20 to.

21 MEMBER DONATELLI: Was this done by a
22 contractor?

23 MS. BOGDANOS: He is the contractor, I believe,
24 the owner.

25 MEMBER DONATELLI: The fifth factor is whether

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2 or not the application before us was self-created.
3 Essentially it is, that is not necessarily
4 determinative --

5 MS. BOGDANOS: It's 50/50. The sun room was
6 there when he bought the house in 2017.

7 MEMBER DONATELLI: But it is self-created in the
8 fact that he --

9 MS. BOGDANOS: He enclosed it, and created a
10 habitable space.

11 CHAIRMAN MAMMINA: I don't know if he's in the
12 room, but --

13 MS. BOGDANOS: He's not.

14 CHAIRMAN MAMMINA: I don't blame him.

15 MS. BOGDANOS: He has three or four kids, and
16 needed the space.

17 CHAIRMAN MAMMINA: I understand that. As a
18 contractor he certainly should know better than to
19 build without a permit. That does not change the
20 Boards looking at it, if you did it with a permit or
21 without the permit. Under the law we look at it the
22 same way. Sometimes I just like to remind people
23 when it's their profession, and they're violating
24 what they know very well to be law.

25 MEMBER GOODSSELL: Nobody going to question the

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2 necessity of air-conditioning after the summer we
3 just had. What we're asking with respect to the
4 air-conditioning unit is: One side of the house --
5 it's your testimony the side of the house is really
6 -- it's a corner property so it really has two front
7 seat yards. Since it's the corner of the house, the
8 air-conditioning unit is technically in the front
9 yard; is that correct?

10 MS. BOGDANOS: Yes, correct. That's correct.

11 MEMBER GOODSSELL: Would it have been possible
12 for them to go into the side, or the rear yard --

13 MS. BOGDANOS: If you'd like me to say yes, yes.

14 MEMBER GOODSSELL: Did this home owner install
15 the central air-conditioning or replace the units?

16 MS. BOGDANOS: No, he installed the air --
17 conditioning.

18 CHAIRMAN MAMMINA: Just completely off the
19 record.

20 (Whereupon, a discussion was held off
21 the record.)

22 MEMBER DONATELLI: I do have another question.
23 On this sun room is there a deck on the second floor?

24 MS. BOGDANOS: No, it's only one level. It's a
25 room. If you see the plans, I have it. It's not a

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2 deck on the second floor, as far as I know.

3 MS. WAGNER: Could you tell us what the
4 character of the neighborhood is?

5 MS. BOGDANOS: It's very residential.

6 MS. WAGNER: But in terms of setback and other
7 structures?

8 MS. BOGDANOS: To be honest with you, I didn't
9 pay attention too much. But this particular
10 property, it doesn't stand out that it's narrow.
11 Because the house itself was build with a narrow
12 deficient setback. If you see this house here, it
13 was build 24.4. They moved that sun room, whatever,
14 1.4 in. It became 25.9, so it was larger than the
15 original.

16 MEMBER GOODSSELL: And by enclosing the sun room,
17 there's no violation from the Building Department
18 about the floor to area ratio?

19 MS. BOGDANOS: No. None whatsoever. It's a big
20 lot, it's a 56x80. The corner you know -- 76, I'm
21 sorry.

22 MEMBER DONATELLI: Let me just correct the
23 record. There is a deck on top of the sun room, it's
24 shown on page A2 and A3 of the application --

25 MS. BOGDANOS: You mean -- I didn't see the deck

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2 today.

3 MEMBER DONATELLI: It's actually listed on the
4 plans as a deck.

5 MS. BOGDANOS: Oh, okay.

6 MEMBER DONATELLI: I think it's very important
7 that we have the record reflect that. That would
8 be --

9 MS. BOGDANOS: I meant on top of the extension.
10 That is next to it. Isn't it?

11 MEMBER DONATELLI: No, I believe it's right on
12 top of the extension.

13 CHAIRMAN MAMMINA: It's on top of the --
14 legalizing the existing den that had been built
15 without a permit, it sits on top of that. It's open
16 to the sky, but one of our considerations is, it's
17 proximity to the neighbor next door, and how it may
18 be seen from the street. That's the reason for the
19 questioning, and looking at the drawings carefully as
20 we like to do.

21 MEMBER DONATELLI: Now, is there screening
22 currently in front of the air-conditioning unit?

23 MS. BOGDANOS: No.

24 MEMBER DONATELLI: There is no screening?

25 MS. BOGDANOS: None whatsoever.

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2 CHAIRMAN MAMMINA: Would your client accept a
3 condition, if the air-conditioning equipment were to
4 be approved, to screen that with some kind of
5 permanent landscaping?

6 MS. BOGDANOS: Yes, definitely.

7 VICE CHAIRMAN FRANCIS: Is your client present
8 before the Court in regards to the violation, or did
9 he take care of that already?

10 MS. BOGDANOS: I don't know. He must have. I
11 don't know. I just took over the architectural
12 parts. You're asking me if we had to go to court? I
13 don't know if he appeared in front of the Court.

14 TOWN ATTORNEY DEMIRCIYAN: He did receive a
15 violation in 2021.

16 MS. BOGDANOS: He appeared in front of the
17 Court?

18 TOWN ATTORNEY DEMIRCIYAN: He did receive a
19 violation.

20 MS. BOGDANOS: No, I know. I mentioned it from
21 the beginning. I have a copy of that. I just don't
22 know if he appeared in front of the Court.

23 CHAIRMAN MAMMINA: Did anyone have their hands
24 up in terms of this application? Just want to make
25 sure.

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2 (No response.)

3 MS. BOGDANOS: I don't think so, because all the
4 neighbors, they have consent letters.

5 CHAIRMAN MAMMINA: No, I know that. I just
6 wanted to make sure. I think what we're going to do
7 is, we're going to reserve decision on this. We may
8 or may not decide it later today. Might be at our
9 next hearing, or the hearing after.

10 MS. BOGDANOS: That's fine.

11 CHAIRMAN MAMMINA: Usually we try to dispose of
12 cases as quickly as we can. So that our calendar
13 doesn't get backed up. Thank you very much for your
14 testimony.

15 MS. BOGDANOS: Thank you. Thank you. I'm sorry
16 about the deck, I don't know if I understood or I
17 don't remember.

18 MS. WAGNER: Are we reserving this Mr. Chairman?

19 CHAIRMAN MAMMINA: Yes, we're going to reserve
20 it.

21 MS. WAGNER: Decision may or may not be made
22 today, or the next meeting, or after that.

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3 MS. WAGNER: Next appeal, Appeal #21285 - Haresh
4 Shah; 27 Sunset Road West, Albertson; Section 7,
5 Block 268, Lot 20; in the Residence-B zoning
6 district. Variance from §70-100.2(A)(4) to install
7 fencing that is too tall.

8 CHAIRMAN MAMMINA: You just heard Appeal #21285
9 - Haresh Shah. Is there anyone in the room that is
10 interested in the application, other than the
11 applicant?

12 (No response.)

13 CHAIRMAN MAMMINA: Hearing no one, please give
14 your name and address.

15 MR. ALBERTO: Good morning, Chairman, and board
16 members. Don Alberto; architect. 68 Highland
17 Avenue, Port Washington. And for the Chairman's
18 sake, Alberto is 80 percent Italian, and 20 percent
19 Brooklyn.

20 We're here for a fence that's too high.
21 Mr. Shah has lived there for 22 years and he will
22 testify in a minute that the fence was there when he
23 purchased the property, not knowing there were issues
24 with permits, let alone height and so fourth. Now,
25 the house is adjoining to a Nassau County sewer water

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2 basin, we commonly call it a sump. On one hand
3 that's a nice benefit to all the space, on the other
4 hand, there are some negative components to the
5 sumps. Number one, the County doesn't have the
6 resources to maintain them, so they overgrow, they
7 collect litter, and there are some undesirable
8 elements. Second of all, the County code requires
9 that sumps be enclosed by a tangling fence, with
10 barbed wire on top. You'll see all sumps have it,
11 it's a safety feature. So, if you're next to it, you
12 have to look at barbed wire. Not very pleasant to a
13 resident sitting in your backyard. So, I imagine the
14 prior owner installed this six foot solid fence; one,
15 to hide that element, and I do have a photo, I have
16 photos for everyone to look at. This is from the
17 front of the property, but you'll see the --

18 MS. WAGNER: This'll be Exhibit 1.

19 MR. ALBERTO: -- you'll see how, from the
20 street, you have that unsightly broken gate, with a
21 chain, and barbed wire. And Mr. Shah's property, you
22 can see how the fence hides the entire barbed wire
23 fence. Now, the code allows a five-foot fence from
24 the rear to the front wall of the house. So, 70 feet
25 of this fence we're seeking a one-foot variance, and

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2 then the remainder 30 feet, you're allowed to have a
3 fence next to a sump, but at four feet. So, were
4 asking for a two-foot variance for 30 feet. We don't
5 think it's a substantial request. Especially from
6 the front wall of the house back, it's only a foot
7 higher. We don't think there's any negative impact
8 to the neighborhood. In fact, we would argue
9 neighbors would probably prefer to look at this fence
10 then the barbed wire. So, it is hiding it for
11 Mr. Shah's sake, and for the whole neighborhood. Of
12 course, there's no environmental impact for a fence.
13 We don't think there's any impact on property values.
14 And, as I said, we don't believe it's substantial for
15 the one-foot and then the two-foot part. So, we
16 think it qualifies for a variance. I know this Court
17 is very particular about fence heights, but in this
18 case, living next to a sump, I think it warrants a
19 consideration. I'd like Mr. Shah to just tell the
20 board that the defense was there.

21 CHAIRMAN MAMMINA: May I make a comment before
22 Mr. Shah comes up? Without pulling the punch, this
23 is my opinion: White vinyl fences are very ugly. To
24 each's own. And especially in a front yard, that the
25 way this is, and this picture in here. Now, the

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2 picture from Google shows that there was beautiful
3 landscaping throughout that area. So, I was
4 expecting that the fence was going to be behind that
5 landscaping, and you can see from the photo where all
6 of that landscaping was ripped out. That's certainly
7 disappointing, because it defeats the -- you're
8 asking to vary that fence ordinance, which is fine, we
9 get lots and lots of fence applications, as you know,
10 Mr. Alberto. We usually, when we grant them, look
11 for dense planting as the solution to shielding the
12 proposed fence. It just kind of runs counter to what
13 zoning would normally look for.

14 MR. ALBERTO: That's a very good point.
15 Mr. Shah has advised me he would agree to put
16 plantings in front of that fence, if you think it's
17 undesirable.

18 CHAIRMAN MAMMINA: I understand the desire for
19 the fence certainly. We all have sumps in our
20 neighborhood, and they do become overgrown, they're
21 not maintained by the County. They're supposed to be
22 going in there every X years with machinery in order
23 to dig out the forest that grows inside of it, so
24 that the sump can do it's job by letting the water
25 run off into the ground. Aside from the barbed wire

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2 on the top, which doesn't allow anybody to escape
3 from your barbecue, they're not attractive.

4 MEMBER DONATELLI: Mr. Alberto, if I can just
5 ask you, the application that's before us today, it's
6 really for where the fence turns from the side yard
7 lot line, to the house; is that correct?

8 MR. ALBERTO: I was under the impression --

9 MS. WAGNER: The disapproval letter says from
10 the building line; along the building line. It
11 doesn't make reference to the fence that extends
12 along the side of the sump, which leads us to believe
13 that -- you may want to clarify.

14 CHAIRMAN MAMMINA: I missed that too.

15 MS. WAGNER: We may want to clarify that.

16 MR. ALBERTO: Ignore everything I just said. It
17 does make sense to continue the fence height when you
18 do make the turn to the house. So, that's all I can
19 add to that. Mr. Shah would still put plantings in
20 front of that portion, if the Board felt that way.
21 That would be the return portion.

22 CHAIRMAN MAMMINA: I'm saying that six-foot
23 fence is not something that shields the sump. If you
24 look at the Google picture, it's two different pieces
25 of property. When you look at what it looked like

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2 before all of that was torn out. Quite honestly,
3 this is not extortion, and from what I've seen, it
4 seems like that if you have a legal right to fence,
5 you have a legal right to fence. I don't think it
6 was the intent of the Zoning that it be a solid
7 fence, but that's not for us to say what the Zonings
8 intention was when that was done. I, as one board
9 member, would encourage the owner to do that, and
10 considering the six-foot fence for it's own
11 continuity, to take that planting down that front
12 yard portion, and then across. I don't know how many
13 other board members feel, I don't know how your
14 client feels about that.

15 MR. ALBERTO: Mr. Shah says of course. He would
16 put some plantings along the entire length on the
17 side, and then the return. In fact, he's doing a
18 major site alteration now. So, this was be the time
19 to do it.

20 MEMBER DONATELLI: Will there be a gate on this
21 return?

22 MR. ALBERTO: Yes. There is a gate.

23 MEMBER DONATELLI: I'm saying, by the front
24 building line.

25 MR. ALBERTO: Oh, from the --

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2 MEMBER DONATELLI: Mr. Alberto, can you just
3 clarify that your application is really pertaining to
4 the -- that portion of the fence which is the return,
5 which is on Sunset Road. Would you just go over that
6 again, please?

7 MR. ALBERTO: Yes, and I apologize for the
8 misunderstanding. So, there is a ten-foot section
9 that returns on the property line to the house. The
10 code requires that it be four-feet, and it is
11 six-feet. It matches the rest of the fence, we think
12 it'll look odd if it didn't. It's a great help to
13 the owner for privacy, and the continuation of the
14 fence line. The owner is willing to put the
15 plantings not only in front of that, but along the
16 south property line to shield some of the existing
17 fence. That's a voluntary act. So, we feel taken
18 all together, those would not have any negative
19 impact on any of the residents of the area. Any
20 other questions?

21 CHAIRMAN MAMMINA: We're going to continue the
22 application, really for our own verification that the
23 piece along the sump is allowed. Personally, my
24 feeling is that it is. It is along that sump, but I
25 think it's good that we verify that the Zoning agrees

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2 with what my perception is on that. And we
3 appreciate that the applicant agreeing to take that
4 all as part of his plan with the overall front of the
5 house. It'll bring that kind of more back into
6 character with what the neighborhood has; it's a very
7 green neighborhood. So, certainly that is
8 appreciated. So, we'll continue this. It probably
9 will be decided next hearing. Thank you.

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3 MS. WAGNER: Next appeal. Appeal #21286 -
4 Timothy Negron; 176 Aster Drive, New Hyde Park;
5 Section 8, Block 304, Lot 16; in the residence-B
6 Zoning district. Variances §§70-40, 70-101.B,
7 70-41.A, 70-38 and 70-208.F to construct a 2nd story
8 addition that is too close to the street, too close
9 to the side property line, and has smaller than
10 required total side yards, a front porch that is too
11 close to the street, a raised roof and rear deck that
12 are too close to the side property line, all of which
13 cover too much of the lot on a non-conforming
14 dwelling.

15 CHAIRMAN MAMMINA: You just heard Appeal #21286
16 - Timothy Negron. Is there anyone in the room that
17 is interested in the application other than the
18 applicant?

19 (No response.)

20 CHAIRMAN MAMMINA: Seeing no one, please give
21 your name and address.

22 MR. RODGERS: Mr. Chairman, Members of the
23 Board, good morning. Bernard Rogers, Architect. My
24 office is located at 2150 Wantagh Park Drive,
25 Wantagh, New York 11793. I'm here today representing

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2 my clients, Timothy and Suzette Negron. The owners
3 of 176 Aster Drive, New Hyde Park, 11040, in the
4 residence-B, in the town of North Hempstead. My
5 clients are proposing to build a second-floor
6 addition, a new raised roof over an existing
7 one-story, a first-floor rear wood deck, and a front
8 roofed over porch. Our proposed second floor
9 addition is to be built directly over the existing
10 original cape style house. It provides a front
11 setback of 26.4 feet, where 30 feet is required.
12 This new second floor is being built directly over
13 the existing front wall of the house, and is
14 maintaining the existing house's nonconforming front
15 setback. At the front of the house, we are proposing
16 a roofed-over porch. This porch will be built across
17 approximately two-thirds of the front of the house.
18 Due to the existing nonconforming setback of the
19 existing house, the porch has an encroachment which
20 will be nonconforming as well. We would be required
21 to maintain 25 feet in this zone. Our proposed porch
22 would have a setback of 20.4 feet. I'd like to note
23 that my clients have no intention of ever enclosing
24 this porch, and we would of course have no issue with
25 the Board making that a condition of the variance if

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2 granted. We are also seeking relief of minimum side
3 yard setback at the side yard aggregate. The
4 proposed second floor, and the proposed rear raised
5 roof, are being built over the existing house, and
6 are maintaining the existing nonconforming side
7 yards. They are direct vertical enlargements, and
8 are not increasing the existing nonconformities. The
9 second floor will be maintaining 5.2 feet, where
10 seven feet is required. And the raised roof we will
11 be maintaining 5.4 feet, where seven feet is
12 required. We will be also building the
13 aforementioned first floor rear wood deck. It will
14 have a proposed side yard of 6.9 feet, where seven
15 feet is required. The proposed second floor will
16 have a side yard aggregate of 12.9 feet, where
17 15 feet is required. Here again, we're maintaining
18 the existing nonconformity of the house. Our
19 proposal is also seeking relief of maximum permitted
20 lot coverage. We are proposing 30.7 percent, where
21 30 percent is the maximum. An overage of only .7
22 percent, or 49 square feet. My clients have spoken
23 to their two next door neighbors, Andrew Cogland of
24 172 Aster Drive, and Alice Kylie of 180 Aster Drive.
25 They have shown them our plans, explained why we need

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2 to come before the Board today to seek relief. They
3 have both said they have no issues whatsoever with
4 our proposal, and they have both signed consent
5 letters that I'd like to submit to the Board at this
6 time.

7 MS. WAGNER: This will be Exhibit 1.

8 MR. RODGERS: We feel that our project conforms
9 with the aesthetic of the block, and the area. We
10 believe that if approved, it would have no adverse
11 affects on the neighboring properties, or the
12 neighborhood in general. So, in conclusion, I'd like
13 to thank you very much for your time and
14 consideration with hearing our request.

15 VICE CHAIRMAN FRANCIS: Just for the record,
16 this project does not have a sky exposure issue?

17 MR. RODGERS: No, it does not.

18 MEMBER GOODSSELL: And also just for the record,
19 virtually every house in this neighborhood is
20 preexisting nonconforming?

21 MR. RODGERS: Correct. And also just speaking
22 to the sky exposure situation, I'd like to note, as
23 you can see on the plans, we're proposing a hip roof
24 on the second floor. So, it'll be a little softer up
25 at the top, as opposed to a gable end.

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2 CHAIRMAN MAMMINA: That's one of the things that
3 I always look for. These were built under a
4 resident-C Zoning, which was more constricting, but
5 it was changed to residence-B which automatically
6 made virtually every house in the neighborhood a
7 nonconforming house. And this does meet the typical
8 things that we look for: That the additions are
9 straight lined, and that the roofs are hipped in,
10 because of proximity of those two neighbors. If you
11 were to built as high as it could be, you could play
12 racquetball off of that side wall. And then also,
13 the family room I'll call it, in the back where
14 you're raising the ceiling in there, that just
15 basically makes it have the same slope as the roof up
16 above, it also makes it a nicer room, it's more
17 dramatic. It doesn't effect the variance in any way.

18 VICE CHAIRMAN FRANCIS: It's a nice design, and
19 it's certainly laid out for a modern family. So, I
20 think you did a very good job in terms of it's
21 design.

22 MR. RODGERS: Thank you.

23 MEMBER GOODSSELL: We're deliberating here.
24 Would you be so kind as to run through the five
25 factors for us so as to create the record?

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2 MR. RODGERS: Surely. The first factor, whether
3 an undesirable change would be produced in the
4 character of the neighborhood or a detriment to the
5 nearby properties would be created. Again, we don't
6 believe so. It fits in with the style and aesthetic
7 of the block. It's conforming with the side yards
8 and the setbacks that are unfortunately nonconforming
9 now with the zoning change from residence-C to
10 residence-B.

11 CHAIRMAN MAMMINA: But it does meet very-very
12 closely the average front yard setback throughout the
13 whole neighborhood.

14 MR. RODGERS: Correct.

15 CHAIRMAN MAMMINA: So, there's nothing here, the
16 inch or two, that it might vary one way or the other.

17 MR. RODGERS: Correct. This is one of those
18 neighborhoods that almost all of the houses line up,
19 not just on that side of the block, but the other
20 side as well. The second condition, whether the
21 benefit sought by the applicant can be achieved by
22 any other method feasible for the applicant to
23 pursue. Other than an area variance, this is
24 obviously the only way we can enlarge the house to
25 build directly over, we're not building out in any

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2 way, shape, or form. Second way, whether the
3 requested area variance is substantial. Again, it's
4 our belief that it is not. The deck is de minimis,
5 the lock coverage is de minimis, and again, we're
6 building over the existing house as it currently
7 sits. Four, whether the proposed variance will have
8 an adverse affect or impact on the physical or
9 environmental conditioning of the neighborhood or
10 district. Again, it's our belief that it will not,
11 it conforms with the style and aesthetic of the
12 neighborhood. Last but not least, whether the
13 alleged difficulty was self-created, which
14 consideration shall be relevant to the decision of
15 the Board of Appeals. Obviously, almost everything
16 that comes before the Board is self-created.

17 MEMBER GOODSSELL: Well, the applicant didn't
18 create the change in --

19 MR. RODGERS: Didn't create the side yards, but
20 this is the way we are building on top.

21 MEMBER GOODSSELL: Correct. Lets just clarify
22 for the record. There is no issue with respect to a
23 violation of floor to area ratio?

24 MR. RODGERS: No, there is not.

25 MEMBER GOODSSELL: It's within the permitted

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2 floor to area ratio for this size lot?

3 MR. RODGERS: Correct.

4 CHAIRMAN MAMMINA: If you were to try to comply
5 with the zoning as it exists now, it would make a
6 house that is very odd, and not in any way in
7 character with the neighborhood. Plus, it's
8 constructability would be very difficult --

9 MR. RODGERS: Challenging.

10 CHAIRMAN MAMMINA: -- and expensive. You do
11 also have a lock coverage variance in there, but that
12 is de minimis. I think it was .6 --

13 MR. RODGERS: It's point .7.

14 CHAIRMAN MAMMINA: Okay, so not too bad. I as
15 one board member find that to be very de minimis,
16 especially considering the fact that we're trying to
17 blend these two zones together into something that
18 makes sense for 35 or 40 years after the zoning was
19 changed.

20 MEMBER GOODSSELL: Mr. Chairman, I make a motion
21 that we grant the application for a variance with
22 respect to the construction, the setbacks, and the
23 overall design. I have no objection to the plans the
24 way they're built. I think the applicant has done a
25 very good job in trying to stay within the

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2 constraints that have been imposed on that area of
3 the neighborhood.

4 CHAIRMAN MAMMINA: We'll take that as a motion
5 by Member Goodsell. Do we have a second?

6 MEMBER DONATELLI: Seconded.

7 CHAIRMAN MAMMINA: Seconded by Member Donatelli.
8 Ms. Wagner, will you please poll the Board.

9 MS. WAGNER: Member Goodsell?

10 MEMBER GOODSSELL: Aye.

11 MS. WAGNER: Member Donatelli?

12 MEMBER DONATELLI: Aye.

13 MS. WAGNER: Vice Chairman Francis?

14 VICE CHAIRMAN FRANCIS: Aye.

15 MS. WAGNER: Chairman Mammina?

16 CHAIRMAN MAMMINA: Aye. Application is granted.

17 MR. RODGERS: Thank you. Thanks for your time.

18 Have a great day now.

19 CHAIRMAN MAMMINA: Off the record.

20 (Whereupon, a discussion was held off
21 the record.)

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3 MS. WAGNER: We are taking the next appeal out
4 of order, it's Appeal #21289 - Fifth Avenue of L.I.
5 Realty Association - Polo Ralph Lauren restaurant;
6 1970 Northern Blvd., Manhasset; Section 3, Block 219,
7 Lot 10; Business-A Zoning District Conditional Use §
8 70-126(A) to convert a portion of a retail store to a
9 restaurant (a conditional use) with indoor and
10 outdoor seating (conversion of parking spaces to
11 seating area).

12 CHAIRMAN MAMMINA: You've heard Appeal #21289
13 Fifth Avenue of L.I. Realty Association - Polo Ralph
14 Lauren restaurant. Is there anyone in the room
15 interested in the application other than the
16 applicant? Seeing one hand, two hands, three hands.

17 SPEAKER: I am here for the appeal before this
18 one.

19 CHAIRMAN MAMMINA: We're just going out of
20 order.

21 SPEAKER: No, but my question is: How did they
22 jump ahead of us?

23 CHAIRMAN MAMMINA: The Board always has the
24 right to switch around the order of the applications.

25 SPEAKER: Okay, not satisfied, but okay.

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2 MS. CURTO: Good morning. For the record,
3 Andrea Tsoukalas Curto. I'm with the firm of
4 Forchelli Deegan Terrana, the office is at 333 Earle
5 Ovington Boulevard, Uniondale, New York. Thank you
6 very much for the courtesy. I will make this as
7 quick as possible. I'm here on behalf of the
8 applicant, Fifth Avenue of L.I. Realty Associates and
9 Ralph Lauren. With me today is Dante Tauro, he's the
10 Head of Hospitality and Construction with Ralph
11 Lauren; Marcus Sanders, he's with the operations team
12 with Ralph's Coffee; Vincent Yacobellis, he's the
13 applicant's architect with Design Republic; and Craig
14 Westergard, the director of property management for
15 the Americana.
16 Before I begin, I did want to submit Applicant's
17 Exhibit 1, which is a packet prepared by Design
18 Republic which shows amended plans. This is an
19 application for a conditional use permit to allow
20 Ralph Lauren at the Americana Manhasset shopping
21 center to convert a portion of it's retail space to a
22 cafe to be known as Ralph's Coffee. The cafe was
23 originally proposed with 38 seats, 14 indoor seats
24 and 24 outdoor seats. That plan was amended, reduced
25 to 28 seats. So, before it would be 14 indoor seats,

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2 and 14 outdoor seats. The applicant --

3 MS. WAGNER: Before you proceed, has that plan
4 been reviewed by the Building Department?

5 MS. CURTO: Yes. The Building Department has a
6 separate permit application for a sidewalk extension.
7 This application has actually not been changed, we
8 just reduced the number of seats on the plan, to
9 conform with how the sidewalk is going to be
10 reconfigured. The applicant is also only using three
11 parking spots for the proposed outdoor seating,
12 instead of the four that was originally proposed. If
13 you look at the first page of the application package
14 that I just submitted, you'll see that the plan has
15 bollards and planters around the perimeter, and the
16 landscape island on the right was increased in size.
17 So, because of that new configuration of the
18 landscape area being increased, the area for the
19 outdoor seating was decreased from 460 square feet,
20 to 416 square feet. So, that also reduced the number
21 of seats outside. That was the main change. There
22 are no parking variances required here, there's more
23 than sufficient parking at the Americana. Just to go
24 through my presentation, and some background: The
25 shopping center, as you all know, is on the southwest

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2 corner of Northern Boulevard and Searingtown Road.

3 Ralph Lauren is the last store in the center at it's

4 westerly border. The entrance to the proposed cafe

5 will be on the southern side of the center, facing

6 the parking lot. I do have another exhibit packet

7 just to show existing conditions. This is

8 Applicant's Exhibit 2. In that packet that I just

9 gave you, Exhibit 1 is an aerial of the center,

10 Exhibit 2 is the key map which shows all the stores

11 in the center and Ralph Lauren is highlighted in

12 yellow. Photos of the entrance of the existing Ralph

13 Lauren store is Exhibit 3 and that's the location of

14 the new cafe. The next four pictures depict the

15 interior space to be used for the cafe. The next

16 photo depicts the proposed outdoor seating location.

17 So, as you can see, it's the first three stalls

18 that'll be used for seating, and it stops at that

19 handicap stall. So, that picture shows it pretty

20 clearly. I also provided photos of Ralph's coffee

21 branded products and a sample menu. And the last set

22 of photos are pictures of other outdoor seating

23 locations at the Americana; Toku and Cipollini and

24 pictured. There are also other stores such as Kith

25 Treats, which is a takeout ice cream; and Pronto

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2 which is an annex with respect to Cipollini. With
3 respect to this proposed use, primarily the cafe will
4 be offering coffees, teas, juices and baked goods;
5 muffins, croissants, that type of thing, all
6 prepackaged. There will be no onsite cooking. The
7 proposed hours of operation are from 8:00 A.M. to
8 6:00 P.M. It's going to be self-serve, so you order
9 at the counter, take your food, and take a seat; no
10 waitress service. They're going to have about four
11 to five people running the cafe at any given time.
12 That's basically it. I do have other exhibits
13 showing what the facade will look like. If you turn
14 to the second page of the first exhibit, you'll see
15 where the proposed signage is going, as well as what
16 the interior space will look like. And then on the
17 last page are examples of other Ralph locations, to
18 give you an idea of what it'll look like. These are
19 both in New York City.

20 MEMBER GOODSSELL: Ms. Curto, I believe there was
21 a Ralph Lauren in Florida that has a cafe, where I
22 have been, and it was actually very nice. I saw
23 this, and said this is not the first application that
24 I'm sure that they've done.

25 MS. CURTO: No, they have them worldwide.

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2 CHAIRMAN MAMMINA: Just repeating some of the
3 things that you said for the record, and just for a
4 verification. There's no preparing of food on the
5 premises, there's no cooking of food on the premises,
6 the outdoor seating area is protected in ways that we
7 have done before from this Board, will bollards and
8 with larger planters, in an effort to attempt to
9 eliminate any danger of having that in the parking
10 lot. I guess just the last thing is, do we have any
11 refrigerated garbage in this?

12 MS. CURTO: So, the cellar plan does provide for
13 refrigerated garbage.

14 CHAIRMAN MAMMINA: How many seats were there
15 outside, before you reduced it?

16 MS. CURTO: It was 24 originally, it's been
17 reduced to 14. They wanted tables with two chairs,
18 said that worked better for them, and then with the
19 reduction of size they wanted space. So, with the
20 umbrellas they said that worked better.

21 MEMBER DONATELLI: What is the status of the
22 application to expand that area in front, the
23 sidewalk.

24 MS. CURTO: So, the owner's representative Craig
25 Westergard filed that separately, because in order to

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2 Regas. I live at 168 Rockcrest Road, Manhasset, so,
3 it's about a 100 yards away from the location. I
4 just want to say that I support the idea. I think
5 it's great. I think it enriches our community
6 experience to have access to Ralph Lauren cafe. I
7 think it's a great idea. Thank you. I just want to
8 support.

9 CHAIRMAN MAMMINA: Thank you. While it has
10 nothing to do with the decision we make thank you.

11 MS. CURTO: Thank you very much. Do you want me
12 to go through the conditional --

13 VICE CHAIRMAN FRANCIS: Before you do that, can
14 you just speak to -- when we have outdoor seating and
15 dining, the issue is always trash, and how that's
16 controlled in terms of napkins blowing around and
17 whatever. Can you just speak to that?

18 MS. CURTO: Sure. They're going to have
19 somebody bussing the tables. So, of the four or five
20 wait staff that's going to be there, they're going to
21 have to make sure the area is pristine, it's Ralph
22 Lauren, they want to make sure they keep up with
23 their image as well.

24 CHAIRMAN MAMMINA: Is that china and cloth
25 napkins out there?

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2 MS. CURTO: No, I don't think so. It's much
3 more casual.

4 CHAIRMAN MAMMINA: Okay. Not saying that it
5 should be. We have had other ones --

6 MS. CURTO: Well, it's more of a cafe takeout
7 have a quick bite, as opposed to sitting down and
8 having a meal.

9 CHAIRMAN MAMMINA: I would say not only the
10 quality of Ralph Lauren, but also diligence the owner
11 of the this shopping center; the Americana, there's
12 going to be no monkey business, I don't know.

13 MEMBER GOODSSELL: There's going to be no litter
14 that would detract from the image.

15 CHAIRMAN MAMMINA: There we go. Better said.

16 MS. CURTO: Yes, that's correct.

17 CHAIRMAN MAMMINA: Can we put the five tests
18 onto the record.

19 MS. CURTO: So, the proposed cafe is a permitted
20 use in this district subject to the Board only
21 granting a conditional use permit. The permit should
22 be granted, because it is in character with other
23 food uses at the Americana. The retail stores at the
24 center will only benefit from another food use that
25 accommodates existing customers and the neighborhood.

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2 The proposed use is also in harmony with the
3 surrounding property. This is a retail shopping
4 center that has established food uses. Furthermore,
5 the proposed cafe will not generate additional
6 traffic, because it will be accommodating existing
7 clients at Ralph Lauren and at the Americana.
8 Finally, the proposed use will not in any way have a
9 negative impact on surrounding properties or uses.
10 For these reasons we ask that the conditional use
11 permit be granted.

12 I did want to explain one thing: Our plans did show
13 an outdoor seating area, it didn't show the bollards
14 and how exactly the sidewalk would be extended. So,
15 the plans examiner that looked at this understood
16 that we were going to be taking over parking stalls
17 and understood that we were going to be extending the
18 seating.

19 MEMBER DONATELLI: I understand your point. My
20 point is, if we as a Board were to favorable look
21 upon this, we would still need to somehow condition
22 it on final Building Department approval for the
23 expansion of the sidewalk.

24 MS. CURTO: That's fine.

25 MEMBER DONATELLI: Only because --

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2 MS. CURTO: It's part of the process, right.

3 MEMBER DONATELLI: Otherwise people would be
4 eating in the parking stalls.

5 MS CURTO: No, the owners representative was
6 here, they would not allow that to happen. They
7 would make sure that a permit is in place, and that
8 once that permit is closed out, then we could create
9 the outdoor seating area.

10 MS. WAGNER: I think the confusion is that the
11 plan that's before the Board, that does show that
12 extended seating area.

13 MS. CURTO: Yes. Yes, it does.

14 MS. WAGNER: And that's the one that was
15 disapproved by the Department --

16 MS. CURTO: That's correct, yes. So, they know
17 it's going to be extended out into the parking area.

18 MEMBER DONATELLI: But we still need Building
19 Department approval.

20 MS. CURTO: That's for any application though.
21 We kind of did it in advanced of what you normally
22 would do. I have a suggestion, can you approve it as
23 amended, as depicted on this plan?

24 MEMBER DONATELLI: That's what it would be. In
25 other words, if for some unanticipated reason the

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2 Building Department were not to approve those plans,
3 then our approval would be moot.

4 CHAIRMAN MAMMINA: Or they'd have to come back
5 here.

6 MEMBER DONATELLI: Or they'd have to come back
7 here, right.

8 MS. CURTO: That's correct. If we don't get
9 approval from the Building Department, we couldn't do
10 the outdoor space. The plans that are before the
11 Board right now, the ones I just submitted in
12 Exhibit 1, that's what we're using.

13 MS. WAGNER: That was my question, the plans
14 that were submitted to the Board are not the plans
15 that you're going forward with?

16 MS. CURTO: They are slightly changed, because
17 the landscape area was increased, and the outdoor
18 seating area was decreased by 50 square feet.

19 MR. WESTERGARD: Good morning. Craig
20 Westergard. My address is 1639 Northern Boulevard,
21 Roslyn, New York. As Andrea said, I'm the director
22 of properties, I've been here before, you know me.
23 The reason why we filed a separate application with
24 the Buildings Department is because of a contractual
25 agreement between the Americana and Ralph Lauren. We

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2 are responsible to build the platform, and I filed
3 the permit application beforehand, knowing that this
4 permit was filed for the variance. Glenn Norjen has
5 reviewed our plans, and the only objection he had was
6 just was some clarifications on the number of parking
7 spaces that were being removed.

8 MS. CURTO: Because it was reduced from four to
9 three.

10 MR. WESTERGARD: Yeah. Other than that, we will
11 receive our permit to do the work. We've ordered the
12 granite for the sidewalk. We've hired the guy that's
13 going to do the groundwork, and I'm ready to proceed
14 with it any day now.

15 CHAIRMAN MAMMINA: So, essentially it could be
16 looked at by the Board as all you did was extend the
17 sidewalk.

18 MR. WESTERGARD: That's the way I filed it,
19 yeah.

20 CHAIRMAN MAMMINA: Eventually, it's going to end
21 up being part of this application that we would be
22 acting.

23 MS. CURTO: Typically, you would file that
24 application after the Board approves this, he did it
25 beforehand. Just to get it done quicker.

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2 CHAIRMAN MAMMINA: Ms. Curto, the plans that we
3 saw today, those are different than what's in the
4 Building Department now?

5 MS. CURTO: The plans that I submitted in
6 Exhibit 1, that first plan, that is what was
7 submitted.

8 CHAIRMAN MAMMINA: To the Building Department?

9 MS. CURTO: That's correct. That's what Glenn
10 Norjen just reviewed. I want to go forward with the
11 plans that I submitted today, because it's slightly
12 different, the landscape area is slightly larger, and
13 the outdoor seating is slightly smaller. They just
14 wanted to create more of a buffer in that corner.

15 VICE CHAIRMAN FRANCIS: These plans are dated
16 today, but what was the original date of the plans
17 when you submitted them to the Building Department?

18 MS. CURTO: Here's the sidewalk plan in detail.
19 This here shows what was originally submitted, and
20 this here shows the extended parking area -- I mean
21 landscape area, and this is the parking area here.
22 This is the actual plan that was submitted.

23 MEMBER DONATELLI: Ms. Curto, once again, the
24 plans that you just handed up as Page A2, those are
25 currently in front of the Building Department?

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2 MS. CURTO: That's the plans with the sidewalk
3 extension, yes.

4 CHAIRMAN MAMMINA: Those are dated June 20th.

5 MS CURTO: Mr. Westergard filed that plan.

6 CHAIRMAN MAMMINA: So that we can move this
7 along, and make sure that we've got everything in
8 order, which you know protects your client, and has
9 everything straightened with the Board, Mr. Noragen
10 is willing to come on over at some point today. So,
11 I think we will hold this, and I guess at this point,
12 just declare it continued. Mr. Noragen will then
13 bless what's here, and assuming he blesses what's
14 here, then you'll be blessed.

15 MS. CURTO: Okay. So, do you want me to stay in
16 case there's any questions.

17 CHAIRMAN MAMMINA: Unless you want to, that's up
18 to you.

19 MS. CURTO: I'll stick around in case there's
20 any questions, just to make sure it gets done. Not a
21 problem.

22 CHAIRMAN MAMMINA: Off the record.

23 (Whereupon, a discussion was held off
24 the record.)

25 CHAIRMAN MAMMINA: For everyone else, we're

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2 wrapping up housekeeping on this. We're going to
3 pass around a sign-in sheet now. And as I said, if
4 every person on the sign-in sheet wants to speak,
5 you'll the an opportunity. We just ask that we try
6 not to repeat each other, and we try to be mindful of
7 the three minutes. Put your name and address there
8 which shows that you were here, and that will get you
9 onto the record or you may speak, of course.

10 MS. WAGNER: We're continuing discussion of
11 Appeal #21289 Fifth Avenue of L.I. Realty
12 Association.

13 MR. NORJEN: Glenn Norjen, Deputy Director of
14 the Building Department. Hello everyone. There were
15 two separate applications filed on this and two
16 separate sets of plans, and I had sent an omissions
17 letter on the set of plans that didn't show seating
18 asking it to show seating, because I didn't know if
19 there was any changes happening. I had issued a
20 Notice of Disapproval originally, but if it changed,
21 which I needed clarification on, they needed to come
22 back to me, so I could review it and see if there
23 were any changes to the disapproval that were
24 required.

25 CHAIRMAN MAMMINA: I guess we'll just connect

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2 one with the other when it's all been approved by the
3 Building Department assuming that it doesn't trigger
4 something else, we then would be able to act on it.
5 Does that sound correct to you Andrea?

6 MS. CURTO: So, we didn't change anything other
7 than, like, I told you the landscaped area, I'm not
8 really sure. The Notice of Disapproval would not
9 change, other than to decrease the number of stalls
10 that we're using. The number of stalls was
11 originally four, and now it's only three. If you
12 look at this plan, it was probably only three to
13 begin with.

14 MEMBER DONATELLI: I think it still has to go
15 through the Building Department is the point. Which
16 is really what we were trying to get at before. I
17 think the proper procedure would be to go through the
18 Building Department. I think you heard that the
19 consensus up here is, all other factors being equal,
20 this would be a nice amenity for the community, but I
21 think it's important we go through the proper
22 process, and get the plans to the Building Department
23 as amended, with whatever requirements the Building
24 Department is required.

25 MS. CURTO: So, the Notice of Disapproval though

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2 would just require a conditional-use permit, which is
3 what I'm asking for today. I'm not asking for
4 anything different. I'm not triggering variance. We
5 don't need a variance even with more seats. We're
6 decreasing the number of seats from 24 to 14 outside.
7 So, I understand this was done a little differently,
8 because Mr. Westergard put in a separate plan as
9 landlord's representative, but it is essentially the
10 same plan, we're just reducing the number of seats.
11 And the reason why we're increasing that landscape
12 area is to make it a bigger buffer area. That's all
13 we're doing.

14 DEPUTY TOWN ATTORNEY ALGIOS: Andrea, I think I
15 understand what you're saying. I think the concern
16 is that the decision always says based upon the
17 plans. So, the plans that the Board is basing it
18 upon, part of that plan, the landscape portion has
19 not finished Building Department, the process. So, I
20 think we just need the process put in place. Let
21 Glenn finish his review, he said he had an
22 outstanding E-mail he had sent. Let him finish his
23 process and his review, and that way, the decision,
24 when it says as per the plans, it's the correct
25 plans.

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2 MS. CURTO: Right.

3 DEPUTY TOWN ATTORNEY ALGIOS: Plans that have
4 finished going through the process.

5 MS. CURTO: I understand where you're going with
6 this. Could we get a partial approval today for the
7 interior space. They want to at least move forward
8 and start construction, which is going to take longer
9 than doing the outside space, which is really what
10 the landlord is going to be doing for them.

11 CHAIRMAN MAMMINA: I think it's okay.

12 MS. CURTO: You can condition it for the outdoor
13 space, condition it on -- if the Notice of
14 Disapproval doesn't change -- if the Notice of
15 Disapproval changes for the outside space, I will
16 come back, continue the hearing for that portion. If
17 it does not change, since we've done this whole
18 presentation now, you can rely on what I've stated
19 today. Otherwise, I would ask that you please
20 approve at least the interior space, so they can go
21 ahead and try and get a permit for that.

22 MR. WESTERGARD: Mr. Chairman, can I just add
23 something. The reason why I did not show, because
24 I'm also the architect for the shopping center, I
25 purposefully did not show tables and chairs on my

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2 plan as landlord work, because it's only the
3 landlord's responsibility to build the deck. My
4 thought process was that I was just filing for the
5 deck, and this application, done by the Ralph Lauren
6 architect, was for the tables and chairs. So, I
7 didn't want to confuse my application with their
8 application. Our work was merely to do the ground
9 scape. The only reason it changed at all, as you
10 noted formally, it's always our concern about safety
11 at the shopping center. Upon looking at it very
12 carefully, we eased that radius where that planter
13 is. Which ended up making it a better design if we
14 made the seating area rectilinear, rather than the
15 former design had the tables and chairs going around
16 that tree on the west side. We improved the design,
17 made it safer, incorporated the bollards into our
18 work. But then, the approval for today's meeting,
19 was really resting upon the architect for the
20 variance that are here today for Ralph Lauren. So, I
21 saw it as two different complete entities. My work,
22 Ralph Lauren work.

23 VICE CHAIRMAN FRANCIS: Yeah, I think we get
24 that point.

25 MR. WESTERGARD: Okay, I just wanted to clarify.

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2 MS. CURTO: You can put in a decision that we
3 have to come back, if that's helpful, if anything
4 changes. The Notice of Disapproval is not going to
5 change. If it's easier for the Board to just do a
6 partial approval.

7 DEPUTY TOWN ATTORNEY ALGIOS: No. I think the
8 problem here is that the plans were handed up here
9 last minute like this to the Board, they're different
10 than what went through the Building Department. So,
11 I don't think the Board can act today.

12 MS. CURTO: They can act.

13 MS. ALGIOS: No, I don't think they're going to
14 be able to act today. The Board is going to have to
15 continue this, Glenn will complete his review, and
16 the Board will make their decision based on the plans
17 that were submitted.

18 MS. CURTOS: But the plan only changes landscape
19 buffer.

20 MS. ALGIOS: I understand that, but the
21 conditional use is based on having seating, right?
22 So, they're going to have seating, and the plans that
23 were submitted was one application, and the
24 application showed seating indoor and outdoor. So,
25 Glenn has to finish his review of that, and then the

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2 Board can act. I just think moving forward,
3 occasionally we do have plans that are handed up that
4 are changed last minute, we can't accept that. It
5 causes problems with the Building Department.
6 Whatever plans are submitted to the Building
7 Department, that's what the Board is acting on,
8 that's what the application is based on. If there's
9 a change, that's fine, but it has to go back through
10 the Building Department first.

11 MS. CURTO: I understand. He is reviewing that
12 application. I understand. For me, it doesn't make
13 any sense, because we're not changing the magnitude
14 of the relief requested, we're actually decreasing
15 the magnitude of the relief requested, we're
16 decreasing the number of seats, and we're increasing
17 the buffer area.

18 MS. ALGIOS: I understand that completely
19 Andrea, I think you've heard the Board. The Board is
20 looking favorably on the application, but it's a
21 process question. And we have to standby the process
22 for all the applications.

23 MS. CURTO: Understood. Can we do a partial
24 approval today, you're saying no, you have to do --

25 MS. WAGNER: We're going to continue this for

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2 the submittal of revised plans. So, if anybody is
3 interested in this application, they can contact the
4 Board of Zoning Appeals if they're interested in
5 looking at those.

6 MS. CURTO: Thank you for your time. We'll
7 submit the plans as soon as Mr. Norjen completes his
8 review.

9 CHAIRMAN MAMMINA: We're not anticipating there
10 will be any further hearing, just the plans will be
11 submitted, and that's not unusual from what I said in
12 the beginning of the hearing, about offering some
13 sort of compromise to a home owner or commercial
14 applicant.

15 MS. CURTO: Thank you very much.

16 CHAIRMAN MAMMINA: Thank you very much.

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3 MS. WAGNER: Next appeal; Appeal# 21287
4 Benvenuti Salumeria, Inc.; 15 Colonial Parkway,
5 Manhasset; Section 3, Block 28, Lot 299; Zoned
6 Business-A. Conditional Use § 70-126(F) to convert
7 an existing retail space into a new deli, which is
8 food use requiring a conditional use permit.

9 CHAIRMAN MAMMINA: You've heard Appeal #21287 -
10 Benvenuti Salumeria, Inc. Is there anyone in the
11 room interested in the application other than the
12 applicant? I think we have a sign-in sheet. I just
13 want to remind everybody about the three minutes.
14 We're always happy to see people from the community
15 here, regardless of how large or small the amount of
16 people is. It is important for us to hear the
17 opinions and things regarding applications. So, with
18 that said --

19 MS. WAGNER: Before you speak, I want to let
20 everybody know that we did receive opposition to this
21 appeal and all that correspondence will be put as
22 part of the written record. And the applicant has
23 been made aware of that and will be given an
24 opportunity to respond.

25 CHAIRMAN MAMMINA: I did see a couple people

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2 that looked like they couldn't hear, which is no
3 reflection on our secretary. Basically, the Board
4 has received E-mails and other information from
5 community members, those are part of the record and
6 those have been provided to the Board. So, we've
7 seen those and had the opportunity to read those.
8 With that said, name and address, please.

9 MR. SAHN: Mr. Chairman, Members of the Board, good
10 afternoon. Michael Sahn. Sahn Ward Braff Koblenz,
11 333 Earle Ovington Blvd, Uniondale, New York. I am
12 pleased to represent the applicant this afternoon on
13 the application. Let me indicate that present in the
14 hearing room with me, is one of the owners of the
15 proposed retail food market, Bruno Carosone. He is
16 present in the first row. He is a local Manhasset
17 resident, lifetime resident. And he and his partner
18 in this proposed store, Luca Diciero are both
19 Manhasset residents. Unfortunately, Mr. Diciero was
20 not able to attend today, but he does live within
21 300 feet of this proposed store on Plandome Road.
22 And also present is Sean Mulryan, who has submitted a
23 report to the Board, with respect to traffic and
24 parking issues as they present themselves for this
25 application. Let me also acknowledge that, whether

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2 for better or for worse, there has been a lot of
3 social media interaction on the application. I will
4 present as part of my presentation, a petition signed
5 by several hundred people in favor of the
6 application. We're aware of all of the letters and
7 E-mails that were submitted in opposition or
8 expressing concerns, we will try to address the
9 themes of those concerns, broadly, during our
10 presentation. We're also going to present a number
11 of letters in support. And among the people who
12 raised their hands this afternoon in connection with
13 the application, there are a number of people who
14 will like to talk, I believe, in favor as well. I'm
15 hopeful that as we present the case, the concerns and
16 issues will perhaps be resolved by understanding the
17 nature of the application. We'll do our best in any
18 event. As indicated in the legal notice, this is an
19 application for a conditional-use permit under the
20 town code. The premises are situated at 15 Colonial
21 Parkway in Manhasset. This is known also as
22 Section 3, Block 28, Lot 299. The premises are
23 situated in the business-A district. The premises
24 are a storefront that faces Colonial Parkway as shown
25 on the plans submitted by SDG Design. The total area

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2 of the premises, within the storefront, is
3 approximately 1140 square feet. This storefront is
4 now vacant. It was previously, I believe, a business
5 brokerage type use. The plans show the proposed
6 alteration for the retail food market. And let me
7 stop right here and say, it is not a delicatessen.
8 Unfortunately, and this falls on the applicant design
9 professional, inadvertently had labeled the plans
10 initially submitted as a delicatessen. When the
11 Building Department issued it's Notice of Disapproval
12 on July 5, 2022, the Building Department noted it was
13 a conditional-use under the town code for a retail
14 food use, but putting the word delicatessen in
15 parenthesis. I think the word delicatessen led to a
16 connotation or concern about a particular type of
17 use. That is not what is proposed by the applicant.
18 The applicant is proposing what is customarily
19 considered a classic Italian food market. There will
20 be retail sales of packaged food, and sales of food
21 that will be prepared on premises. There will be no
22 seating whatsoever in this property or outside. This
23 is strictly a walk-in type of grocery use, and walk
24 in food establishment. No seating. No in-store
25 dining. All of the food that one could purchase at

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1 this store, would be for off premises consumption.
2
3 There will be food prepared per-customer orders, that
4 are either placed either by internet, or by phone, or
5 perhaps in person. And that food that's prepared,
6 just like the food that's already prepackaged, or in
7 a container, or some sort of glass jar as we're
8 accustomed to, would be purchased and picked up.
9 There also is contemplated to be food delivery for
10 orders placed, but not by this applicant. This
11 applicant, as many food establishments now do, would
12 utilize a food delivery vender. Some of the common
13 names are known as Doordash, that kind of vendor that
14 would pick up the order and deliver it. There will
15 be no delivery vehicle parked at the premises. No
16 delivery vehicle stored and no delivery vehicle owned
17 by the applicant. It's merely a convenience that
18 most of us have become accustomed to, whether it's a
19 retail product, clothing product or a type of food
20 product.

21 MS. ALGIOS: Did you say there will be no
22 Doordash or there will be?

23 MR. SAHN: There will be. There will be.
24 That's the only type of delivery. What I expressed
25 was, it will not be a delivery vehicle owned or

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2 operated by the applicant. The hours are very
3 limited for a type of retail use. It is proposed to
4 be open at 10:00 A.M. and closed at 6:00 P.M., seven
5 days a week. There will be no breakfast service.
6 Given those hours, the natural customer base would be
7 people who live in the Manhasset community, and
8 certainly the owner anticipates walk-in type customer
9 traffic from people who live and work along Plandome
10 Road and the immediate vicinity. It is a very
11 upscale type of concept as shown on the plans, there
12 would be a new storefront that would be installed,
13 that would be very attractive with glass doors to
14 take place with the existing conditions. And again,
15 as I've indicated and Mr. Mulryan will discuss,
16 there's no parking variance required for this
17 application, the parking is in compliance. I do have
18 a business plan and description that I would like to
19 submit to the Board describing the proposed store,
20 which is Benvenuti Salumeria, Inc. Mr. Chairman, you
21 pronounced it much better than I just did but that's
22 the proposed name of the shop.

23 CHAIRMAN MAMMINA: Mr. Donatelli can pronounce
24 it even better than me.

25 MR. SAHN: If I could submit these. As those

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2 are distributed, briefly, you'll see as you go
3 through this brochure which is finally done to
4 reflect the nature and quality of the proposed store,
5 indicate that this is a classic market concept, a
6 traditional type of market --

7 VICE CHAIRMAN FRANCIS: Mr. Sahn, one moment.
8 Do we have an extra copy that we can give to the
9 audience? Just pass it through the audience.

10 CHAIRMAN MAMMINA: Good idea Mr. Francis.

11 MR. SAHN: As I was indicating, the narrative in
12 this brochure indicates that the concept is such
13 that, when you walk through the doors, you'll be
14 instantly transported back to the 1950's and 60's,
15 and met with the widest variety of Italian specialty
16 products. And the subsequent pages depict
17 photographs of how the store might look, and what the
18 concept is, and the experience of shopping at this
19 concept, and the culture that would be provided as a
20 result of this store. The last page indicates
21 various menu items that could be sold consistent with
22 the concept, and again, this is the nature of the
23 proposed use. I would like to also submit a packet
24 of photographs. I know the Board is very familiar
25 with this area having seen the store and this

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2 building in other applications, but I do want to
3 submit them for the record if I could with the Boards
4 permission.

5 MS. WAGNER: Mr. Sahn, this packet would be
6 considered Exhibit 1; is that correct?

7 MR. SAHN: Thank you. And this is the
8 photograph packet that I'd like to submit.

9 MS. WAGNER: This'll be Exhibit 2.

10 MR. SAHN: My apologies, had I known I would
11 have brought multiple, but I'm pleased that everyone
12 can pass around and share. So, basically, and again
13 I know the Board is very familiar, the first
14 photograph shows the existing store front, which
15 would be entirely changed as shown on the plans
16 submitted, to a beautiful very well done and
17 aesthetically pleasing store front with large glass
18 doors. The entrance to the parking area is to the
19 left, although that's not the parking area associated
20 for this particular store. The next is an aerial
21 photograph showing the location of the building along
22 Plandome Road and Colonial Parkway. Here again I
23 want to emphasize that the building is entirely
24 within the Business-A district. So, it is part of
25 the Plandome Road business district area. You'll see

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2 the parking area to the west of the building. Then,
3 I have a photograph looking across from the store
4 front area to the municipal parking lot, which is
5 located to the south and the entrance into that.
6 Next, I have a photograph of the parking area
7 associated with the adjoining building, that I know
8 the Board is familiar with. And last, another
9 photograph of that particular parking area. Again,
10 as part of his report and testimony Mr. Mulryan will
11 discuss the parking for the property. I also have a
12 radius map that I would like to submit. It was the
13 radius map that was submitted for the application
14 itself, but on it, I've marked some of the food type
15 uses in the immediate vicinity.

16 MS. WAGNER: This will be Exhibit 3.

17 MR. SAHN: Thank you. Again, I know that the
18 Board is familiar with this area. My purpose in
19 highlighting several of the nearby food uses is to
20 show that the proposed market is consistent with the
21 character of the Plandome Road area, the business
22 area that has a variety of different kind of food
23 uses, including restaurants. And we think,
24 respectfully, would be harmonious with all the
25 existing uses in the area. With that background, I'd

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2 like to, unless there are any questions at this
3 point, ask Mr. Mulryan to talk about a number of the
4 issues relating to the traffic and park parking in
5 the area.

6 MR. MULRYAN: Sean Mulryan. Mulryan
7 Engineering. 1225 Franklin Avenue, Garden City, New
8 York. We are the traffic engineer for this
9 application. As Mr. Sahn had mentioned, the
10 application before you is for a conditional-use, as
11 in regards the foods use that is being proposed. The
12 subject site is located on the northwest corner of
13 Colonial Parkway in Plandome Road. I have an aerial
14 photograph to my left, your right, which depicts the
15 subject site. There is a small yellow box on that
16 plan highlighting the proposed use the proposed use.
17 The proposed use, as Mr. Sahn had mentioned, is 1140
18 feet. It sits within a property that has been
19 subdivided but that overall property on that corner
20 contains over 12872 square feet of property. That
21 property has been sub developed --

22 CHAIRMAN MAMMINA: Mr. Mulryan, I apologize for
23 cutting you off, but is anyone not familiar with
24 where this is and would like to see that turned
25 towards the public or is everyone.

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2 SPEAKER: We know.

3 CHAIRMAN MAMMINA: I just like to make sure,
4 that's all.

5 MR. MULRYAN: Not a problem. Thank you very
6 much. As I mentioned, the corner itself, not the
7 particular property that we're here to discuss,
8 contains 12872 square feet. Prior to 1982, this
9 subject site was an A&P Supermarket. The subject
10 site after 1982, was then subdivided into three
11 separate parcels. This is the southerly parcel which
12 contains properties on Plandome Road, but also on
13 Colonial Parkway, which is the subject site that
14 we're here to discuss. As Mr. Sahn has mentioned --

15 CHAIRMAN MAMMINA: Is that Lots 297, 298 and 299
16 originally?

17 MR. MULRYAN: Originally, correct. We're on Lot
18 299.

19 CHAIRMAN MAMMINA: Got it. Thank you.

20 MR. MULRYAN: The subject site we're here to
21 discuss today, again on the aerial photograph, is
22 directly across the street from the municipal parking
23 lot. There is a second municipal parking lot further
24 on the south side of the street, and that's Locust
25 Place. Those parking lots have metered parking and

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2 they also have reserve parking, which is subject to a
3 permit. There is a mixture of parking available
4 across the street. There is also parking that this
5 property is available to through a cross-access
6 agreement with the other property owners that convey
7 the overall parcel on the northwest corner. That
8 cross-access agreement was once again established in
9 1982 when these properties were subdivided. That was
10 when the A&P Supermarket left, the property directly
11 to the north of this is a medical office building
12 currently, that was part of that change. The
13 property to the north, which also wraps around to
14 Colonial Parkway has a variety of uses, including a
15 medical office use, a hair salon and a martial arts
16 studio. So there are various uses within the
17 northwest corner of the subject property. We are
18 here today for again a very small portion of that
19 overall development; 1140 square feet of space. We
20 have received through the Board, a number of E-mails
21 and letters issuing concern concerning this
22 application. Colonial Parkway, which we've discussed
23 is the location of this application, but Colonial
24 Parkway leads beyond the downtown corridor. This is
25 the beginning of the downtown district of Manhasset,

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you can see that the storefronts start just to the north; Webster Avenue, beyond that Plandome Road is residential. Colonial Parkway extends to the west, and there are 29 homes to the west of the subject property Colonial Parkway. On Colonial Parkway there is no outlet. It's a dead-end street. There is a dead-end sign located near the corner of Plandome Road. One of the issues that were mentioned in several of the correspondence that were submitted to the Board was, the fact that people sometimes cut through that block, and then need to make a U-turn. As part of mitigation to this application, although, obviously based on the letters is an existing conditioning, we are proposing, at the Boards discretion, the installation of a no outlet sign in proximity to the driveways. Again, the properties were subdivided. In terms of the three parcels together, that make up the northwest corner. The two driveways on Colonial Parkway are to the west of the subject site, but we believe that a no outlet sign there would help, would notify people before they enter the residential area of Colonial Parkway that it is a dead end. I have a picture of that sign, it's MUTCD# 14-2.

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2 MS. WAGNER: Do you want to submit this for the
3 record?

4 MR. MULRYAN: Yes.

5 MS. WAGNER: This'll be Exhibit 4.

6 MR. MULRYAN: The reason that we're suggesting
7 or offering to install that sign is, because we have
8 heard opposition and concern, and we believe this may
9 help alleviate some of that existing traffic that
10 goes down the street not knowing there is no outlet
11 to that block. One of the other issues that has come
12 up is that the no-parking restrictions along the
13 property are not being enforced, and people are
14 parking in front of the property. The store owner,
15 the applicant, has suggested kind of the A-frame
16 signs, where they would be able to put out in the
17 morning at 10:00 when they open. Signs that
18 basically state no parking. They don't want people
19 parked in front of their store. They want to have
20 their storefront open and accessible for patrons.
21 They mentioned they would also be willing to put up
22 signs of that nature to discourage people from
23 parking along the side frontage. We are directly
24 across from the parking lot; the municipal parking
25 lot side of the street. We do not need a parking

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variance. One of the other issues that has come up is the traffic volume or traffic configuration of the intersection of Plandome Road and Colonial Parkway. This intersection is obviously above and beyond an applicant that is proposing to occupy 1140 square feet of much larger property, but this issue has been raised and concerns. We understand this is a nontypical intersection. The comment letters that we've reviewed stated that, for a long period of time, one of the letters I think referenced 20 years ago the town was out there to look at it. We would support any continued review of that intersection. It is in our best interest that that intersection works well, and it is obviously within the best interest of the community that that intersection works well. However, any applicant looking to occupy this building, whether it's a conditional use or a permitted use, would be subject to that configuration as it exists, and as it has existed for numerous years. One of the things that the application is here to present is, a conditional-use. One of the conditions that we are asked to look at is whether this would create an excessive amount of traffic. One of the limiting factors to this use is the size

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2 of the unit itself. There's only so much room for
3 storage, there's only so many employees that you can
4 put in the building of this size, and the number of
5 employees -- the amount of product that you can
6 store, limits the amount of customers that you can
7 service. Obviously, if you have a demand that
8 outweighs your ability to service them, people are
9 going to go elsewhere. This is a very small store.
10 It has been vacant. People have mentioned in their
11 comment letters that there are other facilities. The
12 applicant has found that this location, has discussed
13 it with the landlord, and believes this would be a
14 suitable location. There is adequate parking
15 directly across the street. We believe this is a
16 good location, and this will not be a hazard to the
17 community. We encourage, again, we've suggested two
18 mitigation measures to try and address some of the
19 concerns that were raised. And we're happy to answer
20 any questions that the Board may have.

21 VICE CHAIRMAN FRANCIS: Mr. Mulryan, the
22 applicant is going to utilize two delivery services,
23 those cars are not going to park across the street in
24 the municipal lot to pick up food from his store.
25 Where are those vehicles going to park?

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2 MR. MULRYAN: I would anticipate they are going
3 to go through the parking lot, and access the
4 deliveries through the back of the store.

5 VICE CHAIRMAN FRANCIS: So, you don't anticipate
6 any double parking in front of the store?

7 MR. MULRYAN: Again, the applicant has indicated
8 internally to us that they are looking to put up the
9 A-frame signs if you will; don't park in front of the
10 store, whether they be placed on the sidewalk or on
11 the store, we would be amenable to either or. But
12 the applicant is looking to discourage that as it was
13 mentioned in several of the comment letters.

14 VICE CHAIRMAN FRANCIS: These food delivery
15 services pride themselves on speed. So, you know,
16 they are not going to take a whole lot of time to
17 park, go into the store, come back out, get in the
18 car. The way I've seen them operate is that they are
19 always-always-always parked in front of the store
20 with the engine running, they run in, they get the
21 food, they come back out. Unless you can say that
22 the applicant is going to somehow control that, I see
23 that as a problem.

24 MR. MULRYAN: Understood. And again, the
25 services that are used, Doordash was mentioned, but

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2 there are obviously there are others. If the
3 applicant has an issue with one of those vendors,
4 they would have the ability to switch to a different
5 vendor to provide the same services. I don't have
6 the luxury of operating a business that has that type
7 of use, but there is a contractual obligation between
8 both parties. So, I would suggest that the applicant
9 look at that as a condition of their arraignment, and
10 if it is not followed, they could move onto a
11 different vendor to mitigate that issue.

12 CHAIRMAN MAMMINA: I think furthering
13 Mr. Francis' point. My experiences with these kind
14 of, whatever, Grubhub or whatever else, if they can't
15 park directly in front of the store, they don't
16 prefer not to park directly in front of the store,
17 'cause it takes time to parallel park. They double
18 park in the roadway, run in, make their pick up, get
19 in there, and get back in their car. There certainly
20 is the potential of blocking traffic along Plandome
21 Road, which is a relatively narrow road.

22 MR MULRYAN: One of the things that I mentioned
23 earlier is that I would anticipate them going into
24 the parking lot and taking it from the back. And
25 just to reiterate --

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2 CHAIRMAN MAMMINA: We can't have people speaking
3 from the audience. I know it's difficult, it really
4 is. These things get emotional, I understand. I've
5 stood on this side at the podium. I've sat on that
6 side in hearings. I get it and I fully understand.

7 MR. MULRYAN: To reiterate something that was
8 brought up at other hearings on this larger site,
9 that parking lot is not for customers, that is
10 employee only parking --

11 VICE CHAIRMAN FRANCIS: Yes, and that was going
12 to be my point. Why I would a food delivery service
13 go into that area if it says employees only? They
14 wouldn't pull in there.

15 MR. MULRYAN: Again, a delivery service is
16 contractually obligated to the store. There's an
17 agreement between the store owner and that --

18 VICE CHAIRMAN FRANCIS: But they're not
19 employees, Mr. Mulryan.

20 MR. MULRYAN: Exactly. That leads to, if the
21 service is not providing according to the
22 arrangement, that service can be terminated and they
23 can move on to a different service. That was my --

24 MR. SAHN: Mr. Francis, if I could also address
25 that question they're not direct employees, but

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2 they're the functional equivalent of an employee.
3 That's one of the accommodations that we've all
4 become used to now at food stores, retail stores,
5 during the pandemic. People learned that you would
6 pull up at the side door, the store proprietor or
7 their employees would bring the product out. We're
8 talking about something that would take place in a
9 matter of, less than a minute for a service to come.
10 No different than an employee to come. Park in the
11 spot, pick something up and leave. So, this is
12 something that can be regulated as Mr. Mulryan
13 suggests and has become commonplace now.

14 VICE CHAIRMAN FRANCIS: I think we would
15 probably categorize them as independent contractors.
16 As independent contractors they independently operate
17 their services, notwithstanding the contractual
18 arraignment with the applicant or any applicant, but
19 the way they operate, may fly in the face of what he
20 wants them to operate, and the time it's going to
21 take to break that contractual arraignment -- it's
22 not going to be overnight is all I'm saying.

23 MR. SAHN: I think in today's world, the
24 property owner or store owner has become very astute
25 at crafting these arraignments and using a service or

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2 changing services. And certainly, the Board can
3 articulate in a decision, hopefully, of approval,
4 conditions of regulations that can be observed and
5 abided by. And it does bring out a related point,
6 any issue, is susceptible to not adhering to
7 regulations. One point we were going to make is,
8 there are a lot of concerns that were brought to the
9 attention of the Board and actually to our client,
10 with respect to the UPS Store. Apparently, the UPS
11 Store frequently has UPS trucks that sort of back in
12 over the parking lot. So, again, here you have a
13 permitted use, not a conditional use, and they are
14 taking advantage of a situation. That would be
15 detrimental to our client as well. The advantage in
16 this circumstance is, I would suggest that as a
17 conditional-use, the Board can regulate, condition,
18 put limitations, and the Building Department can
19 observe those, and if there's noncompliance, as with
20 many conditional uses, the Board brings the applicant
21 back and you have to renew your permit.

22 VICE CHAIRMAN FRANCIS: I don't want to make an
23 assumption, but I'm going to assume that the
24 contractual arraignments with the food delivery
25 service have not been put in place?

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2 MR. SAHN: That's correct.

3 MEMBER DONATELLI: Can you address how supplies
4 may be brought to the store. Where will deliveries
5 be made?

6 MR. SAHN: Similarly, by the side door. These
7 are not large delivery trucks that are coming, they
8 are smaller type of vendor trucks. They would come
9 to the side door, and be able to deliver from that
10 parking area into the premises. Just, by the way, as
11 the other uses in these adjoining buildings receive
12 deliveries now.

13 MEMBER DONATELLI: When you say side door, you
14 mean through that parking lot?

15 MR. SAHN: Through the parking lot there is a
16 side door, and it's shown on the plan.

17 CHAIRMAN MAMMINA: We see it on the photograph.

18 MEMBER GOODSSELL: I'd like to address a slightly
19 different issue with respect to the parking. The
20 main entrance, the proposed main entrance to your
21 client's store is going to be on Colonial Parkway; is
22 that correct?

23 MR. SAHN: Correct.

24 MEMBER GOODSSELL: From your photographs, when
25 you look out the main entrance there is a municipal

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2 lot across the street.

3 MR. SAHN: Correct.

4 MEMBER GOODSSELL: But from what I can see, there
5 is no entrance to that municipal lot, you have to go
6 down the street in order to access the municipal lot;
7 is that correct?

8 MR. SAHN: Yes.

9 MEMBER GOODSSELL: If a customer is coming south
10 on Plandome Road, sees the sign for your client's
11 proposed store, and makes the right, are they not
12 past the turn for the municipal lot by the time they
13 realize there is no parking and do they not have to
14 make a U-turn -- I think there's a no U-turn sign
15 somewhere over there, do they not have to make a
16 U-turn to come back would that not be a concern for
17 the residents then.

18 MR. MULRYAN: When you're coming down Plandome
19 Road, you will not be able to see this building at
20 all.

21 MEMBER GOODSSELL: There will not be a sign on
22 Plandome Road?

23 MR. MULRYAN: On Plandome Road, at the corner,
24 is the UPS store.

25 MEMBER GOODSSELL: Okay.

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2 MR. MULRYAN: We are at the tail end of the UPS
3 Store, so there will be no signage. We have no place
4 to put a sign. So, we have no frontage on Plandome
5 Road whatsoever.

6 MEMBER GOODSSELL: What you're saying is the
7 customers know where the store is and will
8 automatically make the left turn down Locust in order
9 to access the parking lot?

10 MR. MULRYAN: As in certain areas of Long
11 Island; Great Neck, this area, you can travel on
12 Northern Boulevard and you can go east and west. In
13 order to come into Manhasset, you need to travel
14 north, you need to be on a destination in this area.
15 In any spot on Long Island, if you drive long enough
16 you're going to hit water. Here, we're a little
17 closer to the water. So, if you're traveling to the
18 north, there's only so much area above this. So,
19 people that are coming south, are essentially coming
20 from the area. People that are coming to a 1000
21 square foot store are not finding it because they saw
22 a billboard on Plandome Road. They're here looking
23 for specific specialty foods that are going to be
24 offered. So, I understand that if you drive past the
25 building that you would need to make a U-turn. The

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1
2 ability for an applicant to put a new driveway into
3 the municipal lot is not, obviously, under our
4 control. However, the no outlet sign that I proposed
5 before, my thought in that is that, this property
6 sits across from the municipal lot. Once you pass
7 that municipal lot, the houses are what is on that
8 block. So, any U-turns or commercial traffic, to me,
9 you would want to stop before they passed the lot,
10 before the municipal lot, before the end of this
11 overall property, which is not the subject property,
12 but the overall northwest corner. So, the outlet
13 signs, which some people laughed at in the back, are
14 a opportunity to provide an additional notice to
15 vehicles that may be coming from the south traveling
16 north, that you can't go past that point. Now, if
17 you're on Colonial Parkway and you are driving down
18 the block, there is the UPS Store on your right,
19 there's a medical office on your left, and then as it
20 opens up, your view would be more of the municipal
21 lot than the parking behind this building, in my
22 opinion.

23 MEMBER GOODSSELL: I'm just saying it's not that
24 clear and it's not that obvious that there is a
25 municipal lot. And by the time -- I know that when I

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2 looked at this property, and came around the corner
3 and realized where the entrance was, I had been in
4 the area before, so I knew I could make a turn around
5 in the parking lot, but I don't know that the
6 customers are going to know that or are going to do
7 that. I can personally foresee a lot of U-turns in
8 that area.

9 MR. MULRYAN: I would make a suggestion, and
10 again, these are things -- this is an applicant
11 that's looking to occupy a small retail location.
12 However, I don't think the applicant would have any
13 issue supporting or helping install municipal parking
14 signs pointing down Locust. Signage is our best
15 avenue to try to reduce some of the issues on
16 Colonial Parkway past the commercial properties.
17 That's, from an applicant's standpoint, I think that
18 would be a reasonable request if we were asked to put
19 up a no outlet sign or a sign that highlighted
20 municipal parking with an arrow to, once again, limit
21 and detract from people going further down Colonial.
22 There is a do not enter sign. Again, if the town or
23 the Board feels that do not enter signs or dead end
24 signs would be appropriate, again, I think that would
25 be a reasonable thing for the applicant to support or

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2 install if you will. Obviously, some of those things
3 need to go through different powers, but we would
4 think that would be a reasonable thing and I don't
5 think there would be any objection from a sign being
6 put up directing vehicles to this municipal parking
7 as you're on Colonial Parkway.

8 VICE CHAIRMAN FRANCIS: I just have a couple of
9 questions about the conclusions that you make in your
10 report. And I'll quote this section that I want a
11 little bit more clarification on. You say that the
12 proposed delicatessen is not anticipated to generate
13 a significant number of new vehicle trips into and
14 out of the general area. So, first, for the record,
15 I'd like you to define what you mean by new vehicles
16 trips and secondly, I'd like you to tell me how you
17 came to that conclusion.

18 MR. MULRYAN: As a 1000 square foot store, as
19 opposed to a Target, a Wal-Mart, or some other
20 destination trip, if I live in an area that is
21 outside of Manhasset, I would be hard pressed to come
22 to this location versus another store on Jericho
23 Turnpike or elsewhere closer to my house. If I was
24 looking for a certain type of cheese or salami, or
25 whatever it was, I might search that out. For

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2 someone to come from a distance outside of this
3 general area, we believe that the size of the store
4 would generally not lend itself to contributing a
5 significant amount of new traffic. There are butcher
6 shops in most areas that would provide similar
7 services. This is a specialty store, further
8 limiting what they're providing.

9 VICE CHAIRMAN FRANCIS: Well, I don't know if I
10 agree with that statement. There is a service called
11 Yelp that generates reviews for different types of
12 businesses, restaurants, et cetera. I know from
13 experience, if I see there's a good review on a
14 restaurant that's not in my general area, I'm going
15 to go to that restaurant. I think someone who sees a
16 good review about this store, and I am certain that
17 it will generate good reviews, will come from outside
18 of the area. So, I'm not sure whether or not your
19 conclusion that new vehicle trips is an indication
20 that no one --

21 MR. MULRYAN: It doesn't say no one. It says a
22 significant number of new trips. So, yes, if there
23 is a restaurant with a five star review, a Michelin
24 star, and other things, you might be more driven to
25 go there. This is essentially a retail store selling

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2 retail products. Now, there might be things here
3 that are delectable that you want for certain
4 occasions, whatever they may be. So, you might come
5 once in a while to get that bread or that specialty
6 item. But to say that cars are going to come in
7 droves on a daily basis, I believe based on my
8 experience, that would be a significant hardship for
9 the applicant. Although, I'm sure the an applicant
10 would embrace that. That would be very difficult to
11 do out of a small store.

12 MEMBER DONATELLI: Do you know what was on the
13 site prior to this application, and are you able to
14 compare the anticipated traffic patterns from what
15 was there previously?

16 MR. MULRYAN: Previously in this 1000 square
17 foot store?

18 MEMBER DONATELLI: Yes.

19 MR. MULRYAN: There was a professional office,
20 there was a tutoring facility. This again, would be
21 a small retail store. It would be in kind by the
22 traffic that was generated by those uses. We don't
23 anticipate, again, that it would be any different.
24 Basically, the size of the unit, which also leads
25 back to why there is no parking variance is a

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2 limiting factor, in that we have a 1000 square feet
3 of usable space, and you can only provide so many
4 services within that area. This site, I believe, is
5 approximately 25 feet across by 45 feet deep. So, we
6 have a kitchen area, we have refrigeration units, we
7 have other things that are necessary to store the
8 product that take up space within the store. In
9 order to service a large number of customers, you
10 need a large number of employees, you don't have that
11 in a space this big. A lot of times a store might
12 open and look to expand, because they don't have
13 enough room, but if you have a small store that's
14 going to sell specialty items, you don't necessarily
15 need a large turnover. This is not a coffee shop.
16 This is not a bagel cafe. This is not a convenience
17 store. This is not a bank. This is a specialty meat
18 market, if you will, that's in a small square
19 footage. And to address your other issue, in 1982
20 this entire parcel was a food retail supermarket, and
21 that was the entirety of the northwest corner under
22 similar conditions; the same municipal lot across the
23 street, the same configuration of the intersection.

24 MEMBER DONATELLI: Right. My question is really
25 directed toward the tutoring business that had been

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2 there previously versus the proposed use now. Are
3 you able to give us any kind of opinion as to which
4 might be more traffic intensive, which might be more
5 parking intensive?

6 MR. MULRYAN: As I stated, I believe they would
7 be similar intensities.

8 MEMBER DONATELLI: What do you base that on?

9 MR. MULRYAN: My review of the Institute of
10 Transportation Engineers trip generation and parking
11 generation.

12 MEMBER DONATELLI: Which is in the report, which
13 is part of the application?

14 MR. MULRYAN: Correct.

15 VICE CHAIRMAN FRANCIS: I don't know whether
16 anyone has spoken to the number of employees in the
17 proposed store.

18 MR. SAHN: Mr. Francis, there would be, at peak
19 times, where I think is the concern, five, perhaps
20 six people all together including the owners. Again,
21 we do have a lot that's dedicated for our employee
22 parking. I would also like to make an observation if
23 I could about the questions Ms. Goodsell that you
24 asked. Frequently, because I live in the area, I
25 will go down Plandome Road, and I will want to go to

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2 a store either that I don't know of or a store that I
3 do know of, and often I'm traveling say in a
4 northerly direction from Northern Boulevard and I see
5 a store I want to go to or a shop on the eastside,
6 and if you drive by it and there's no parking space
7 in front of it, you have to turn around and go back
8 in a southerly direction towards Northern Boulevard
9 to find a spot. So, I don't think that situation is
10 different in kind than would exist for this property.
11 And the one advantage here is that people who want to
12 come here, and if they've come here once already,
13 will know where the municipal parking lot is. So,
14 for instance, I myself, if I know I'm going to a
15 store that is on Plandome, and I'm going to have
16 difficulty getting to it, because of my knowledge of
17 the area, I would park in one of the municipal lots
18 and I'll walk around the block. I think that's why
19 the municipal lots are there: to provide that kind
20 of convenience for the business owners and the public
21 alike. So, that's my observation on that point. I
22 also want to comment, there is a refrigerated garbage
23 room that is incorporated into the premises as shown
24 on the plan. The owner intends to have private
25 carter pick up on a daily basis from that

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2 refrigerated garbage room. No garbage dumpster. No
3 garbage will be left outside, whether food or
4 otherwise. My only two last items I would like to
5 bring to the Boards attention: Number one, as I
6 mentioned at the beginning I do have a series of 11
7 letters that I'd like to hand up this afternoon in
8 support. As well as, a petition again, that was
9 generated online in support of the application. I'd
10 like to submit those for the record.

11 CHAIRMAN MAMMINA: After we've taken a look at
12 those we can pass them around. Two questions, and it
13 may have been asked already: Is there any cooking or
14 to what extend is there cooking on the premises?

15 MR. SAHN: Yes, there is cooking. That will be
16 done by the owners. They're familiar with food
17 service facilities. They do have pizza shops in
18 Queens. And so, they are very confident in their
19 ability to have good fine menu items.

20 CHAIRMAN MAMMINA: And also, I think Mr.
21 Donatelli had another question.

22 MEMBER DONATELLI: Mr. Sahn, do you want to
23 address the questions that we have to address in
24 Section 70-225 which is the conditional use factors?

25 MR. SAHN: Yes, I want to do that if you'll

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2 permit me, as the last part of my presentation in
3 chief sort to speak to the Board. As you mentioned,
4 the Board has to consider various factors in
5 Section 70-225B. Obviously, factor A in that list
6 that's in the town code, is a very generalized factor
7 of the purposes of zoning, which is typically phrased
8 as whether or not a use is consistent with the public
9 health, safety and welfare. And I do believe that
10 from the testimony and evidence presented, a fine
11 market like the applicant's proposed, is consistent
12 with benefit to the public health, safety, and
13 welfare and the overall community. With respect to
14 B, the question is: whether the proposed use is of
15 such character size location, design and site layout
16 as to be appropriate to and in harmony with the
17 surrendering properties. Respectfully, we would say
18 yes, based on the size of the store, it's location,
19 it's very fine design, it's layout, which is a very
20 small area of customer transaction area. And the
21 nature of the surrounding uses. We do believe this
22 is very much in harmony with the surrounding
23 properties. Next question for the Board is: Whether
24 the proposed use will provide a desirable service,
25 facility or convenience to the area, or otherwise

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2 contribute to the proper growth and development of
3 the property and it's general welfare. Here again,
4 we would answer in the affirmative. A fine grocery
5 Italian type market as proposed, we think is
6 desirable, and we think there will be many people who
7 would speak to that. I think even if this is
8 approved, that many of the people who have concerns
9 about the use after they realize that the concerns
10 are not in actuality realistic, will welcome it to
11 the neighborhood and will be natural customers of
12 this store. Certainly, as a convenience to the area,
13 many of the people who work on Plandome Road, in the
14 other stores or live nearby, I believe would find
15 this to be a desirable facility. Next the question
16 is posed: whether the proposed use will be
17 hazardous, conflicting or incongruence to the
18 immediate neighborhood by reason of excessive
19 traffic, assembly of persons or vehicles, proximity
20 to travel routes, or congregations of children or
21 pedestrians. In that regard, I rely on Mr. Mulryan's
22 testimony, as well as the other factors we've
23 presented. So, the answer to that question I think
24 is no. Then we have a question: whether the
25 proposed use will be of such nature as to be

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2 objectionable to nearby residential dwellings, by
3 reason of noise, lights, vibrations or other factors
4 and impact. And here again, I think the answer is
5 clearly no. It has limited hours; 10:00 to 6:00 P.M.
6 There is no outdoor lighting, there is no outdoor
7 seating, there's no in store seating, there's no
8 noise to be generated, and it's in a business zone,
9 in a business building for which this kind of use was
10 intended as a legislative matter. Next: whether the
11 proposed use will be a harmonious use in the district
12 in which it is to be situated and not hinder or
13 discourage the appropriate use and development of
14 adjacent uses or impair the value thereof. Again,
15 this is a similar inquiry as to the other factors.
16 Here again, we think this will be harmonious. It
17 will not be objectionable. It will not discourage
18 other utilizations in the area that are appropriate.
19 Certainly, there are other similar uses in the
20 immediate vicinity. Now, the section of the code
21 also asks: in addition to the foregoing, whether the
22 location and size of the proposed use in a business
23 district, and the nature of it's operations and
24 intensity of the operations, the layout and it's
25 relation to access streets, would be considered

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2 whether that traffic resulting from the use, will be
3 more hazardous than the normal traffic of the
4 district, taking into account such factors as street,
5 intersection, traffic flow, site distances and
6 pedestrian traffic. And here I think the answer
7 again is no. This would not be objectionable. It
8 would not be more hazardous than uses that are
9 otherwise permitted under the code. Certainly, there
10 are many uses if you look down in business-A uses
11 that would be no different in character. Basically,
12 I think that the framework for the Boards decision
13 respectfully is that, if this use is not appropriate,
14 then most every use listed in business-A would not be
15 appropriate. This is no different than many of those
16 uses and indeed a use such as next to this, the UPS
17 Store, which is permitted as of right, as the
18 residents have expressed, can in and of itself
19 present conditions that are objectionable. So, the
20 inquiry is not whether there's something different
21 about this use. The inquiry is: Is it first
22 legislatively contemplated, yes, because it's a
23 conditional use, which as we know is permitted
24 subject to the imposition of conditions. And next,
25 whether there is anything that's unique about this

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2 that's far different than other uses in the area or
3 permitted uses. And respectfully, I don't think
4 there is anything uniquely different about this. In
5 fact, I think it would be a use that should be
6 welcome in the area. And on that note I'm going to
7 stop and answer questions.

8 CHAIRMAN MAMMINA: One more question. I don't
9 know if someone else on your team should answer this
10 or not: In looking at the plan and the 1000 square
11 feet, how much of that would you say, or hopefully to
12 some level of certainty, is actually customer area,
13 and how much of that is food area, preparation areas,
14 display boxes that are behind counters, counter
15 space, that sort of thing.

16 MR. SAHN: So, fair question. Mr. Mulryan, who
17 has engineering background, and we can measure it
18 out, believes that approximately 60 percent or more
19 is the backspace. Just if you uses 60 percent,
20 approximately 400 square feet would be for the
21 customer to come into the store, stand in the store,
22 and look at the displays. So, I don't know, I could
23 generally think about this area of the hearing room
24 from where I'm standing forward, may be similar to
25 the area we're talking about.

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2 VICE CHAIRMAN FRANCIS: Yeah, I was thinking
3 350 square feet. So, we're in the same neighborhood.

4 MR. SAHN: And wanted to be conservative.

5 VICE CHAIRMAN FRANCIS: I have another question
6 for Mr. Mulryan. Your traffic report was done March,
7 2021. I have personally seen an increase in traffic
8 from where I live in Westbury, to go to where I work
9 which is in Bayside, Queens, I've seen a lot more
10 traffic. So, I'm just wondering if you did a
11 followup study with regard to the traffic patterns?

12 MR. MULRYAN: The item that you're bringing up
13 is the parking counts that were provided.

14 VICE CHAIRMAN FRANCIS: Parking counts, yeah.

15 MR. MULRYAN: However, this application does not
16 require a parking variance. So, those are counts
17 that were taken, we have visited the site more
18 recently. Obviously the study was not prepared in
19 2021, we didn't know about this application in 2021,
20 or at least I didn't. So, those parking counts are
21 provided as a general reference to the municipal lots
22 that are across the street. And again, we are not
23 asking for a parking variance for this application.

24 MR. SAHN: Thank you for your patience. I thank
25 the residents for listening, and perhaps we've

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2 answered some questions and we look forward to
3 answering more.

4 CHAIRMAN MAMMINA: What we want to do is, we're
5 just going to take five minutes now. There can be
6 bathroom breaks for whoever would like a bathroom
7 break. We will hear from the public.

8 (Whereupon, there was a brief pause in
9 the proceeding.)

10 MS. WAGNER: Just as a reminder, when you come
11 up to the podium to speak, give your name and
12 address.

13 The first person listed is John Manow.

14 MR. MANOW: I'm going to pass it until later, if
15 I may.

16 CHAIRMAN MAMMINA: Okay, that's fine.

17 MS. WAGNER: Maria Pescatore.

18 CHAIRMAN MAMMINA: Please, no cheering and no
19 clapping. I know these things get emotional. If we
20 could. And I just want to remind everybody of the
21 three-minute time limit.

22 MS. PESCATORE: I don't have much to say. I'm a
23 resident in the area, I live behind the Americana --

24 CHAIRMAN MAMMINA: State your name and address.

25 MS. PESCATORE: Maria Pescatore. 97 Dorchester

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2 Drive.

3 CHAIRMAN MAMMINA: I'm going to ask everyone,
4 please don't be nervous.

5 MS. PESCATORE: I'm not nervous. I am basically
6 here for the neighborhood itself. I believe it would
7 be a wonderful asset to Manhasset to have an Italian
8 -- not delicatessen, but an eatery of some sort to
9 pick up Bussetto, and all the stuff we don't have.
10 But, I also feel like have 17 empty stores on
11 Plandome Road, and we need to have something. This
12 is ridiculous, they're empty, they're paying taxes
13 for the properties, and not gaining any income. So,
14 I feel for everybody on Colonial Parkway, I get it,
15 but I also feel bad for the landlords. Thank you.

16 MS. WAGNER: Next person is John Ceklas.

17 MR. CEKLAS: My name is John Ceklas. 57
18 Memorial Place. I've been a resident here all my
19 life. Grew up here. I see a lot of empty stores,
20 I'm very concerned. I would like to have a nice
21 Italian -- I guess you could say market. There's
22 just too many empty stores, and I really have a tough
23 time looking at that. That's all I have to say.

24 CHAIRMAN MAMMINA: Thank you.

25 MS. WAGNER: Pete Rejas. 168 Rockcrest Road.

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2 MR. REJAS: Pete Rejas. 168 Rock Crest Road. I
3 live here in Manhasset. I think the Salumeria would
4 be a great addition to the community. Any business
5 that goes there is going to have some kind of traffic
6 going in and out. I feel bad for the residents that
7 experience some kind of noise or discomfort. But,
8 you know, I think overall, it would be a benefit to
9 the community; providing food maybe during a storm or
10 whatever, a resident could go get a bottle of milk,
11 maybe something to eat. It's convenience, and I
12 think it would be a great thing for the community.
13 That's my opinion. Thank you very much.

14 MS. WAGNER: Matthew Donno.

15 MR. DONNO: Hi. I'm Matthew Donno. I'm
16 representing the Manhasset Chamber of Commerce. I'm
17 also a resident of Port Washington. I'm representing
18 the Chamber for today.

19 MEMBER DONATELLI: Sorry, we need your address.

20 MR. DONNO: 41 Marwood North, Port Washington.
21 From the Manhasset Chamber, one of the things we look
22 to is helping the businesses succeed in this town.
23 This is a great location for where it is, because of
24 the lack of parking in Manhasset and having the lot
25 across the street, makes this a great location for

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2 the people to be able to park, walk across and come
3 back. When I was growing up here, it was a salon.
4 At that time, people would park in the parking lot,
5 walk right across the street, go use it and come
6 back. Nobody parked in the no parking. Most of the
7 complaints that I've seen for no parking have to do
8 more with the UPS Store, which has been going on
9 while this has been empty. So, if that's already
10 happening, this isn't adding to that. If somebody is
11 going to come there, they know where the municipal
12 lot is, if you're local, everybody in the town that
13 has been here knows where the lot is, know where the
14 entrance is. There's not confusion of -- where the
15 neighborhood starts people know where the residence
16 part of Colonial Drive begins. So, on behalf of the
17 Chamber we think this is a benefit to the community.

18 MS. WAGNER: Robert Donno.

19 MR. DONNO: That was my son. I'm Robert Donno.
20 69 Gristmill Lane in Manhasset. I also am a member
21 of the Chamber of Commerce, so I'm not going to
22 repeat what Matthew had mentioned. There are some
23 other things that come to mind. I was born here, we
24 lived at the end of Clapham Avenue 76 years ago, and
25 when I lived there with my grandfather, we had a pig,

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2 we had chickens, we had rabbits. We canned our
3 fruits and vegetables, we made wine there was a coal
4 bin. It was an entirely different community than it
5 is now. So, I've seen this progress over the years.
6 Part of our existence we were also in the sold waste
7 business, in the garbage business. At the time that
8 I was born, we used to run the business out of our
9 house at the end of Clapham Avenue. I'm astutely
10 aware of the challenges that exist when a business
11 exists on the same street as residences, and that's a
12 challenge that is both on the part of the business
13 owner and on the part of the residences. Years
14 later, we had purchased a business that serviced Port
15 Washington, Sands Point, Manorhaven, and a trucking
16 depot was located on Haven Avenue, at the end of
17 Haven Avenue. One side of Haven Avenue is
18 commercial, the other side of Haven Avenue is
19 residential. I'm sure that you face some problems
20 with that, because over the years, I'm not in the
21 business here anymore, I'm in another location. That
22 was challenging and we as an owner shrubbed and
23 landscaped our place, kept it clean, kept it swept.
24 So, it is incumbent, when you're doing business in a
25 community, it is incumbent on a business to do those

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2 things that help you blend in and mitigate the
3 challenges that exist between a resident and a
4 business. That responsibility goes two ways, because
5 if you purchase a house in an area where there's
6 commercial, it's not strictly a residential area
7 anymore. There are going to be challenges. To your
8 point, any business that goes into that corner, if
9 people don't know where it is, they're likely to go
10 down there and make U-turns. We are faced with the
11 Chamber of Commerce on a parking situation in
12 Manhasset, it's a key element, to try and develop
13 business, parking is an issue. People double park on
14 Plandome Road, they make U-turns on Plandome Road.
15 One of the things that I think we are going to
16 recommend to the town is to put a sign up where the
17 municipal parking lots are, because I think that that
18 is going to be something that can help mitigate some
19 of the problems, so that a store like this, where the
20 owner actually lives on the same street --

21 SPEAKER: He doesn't live on the same street.

22 MS. ALGIOS: Mr. Donno, if you could just wrap
23 up. Thank you.

24 MR. DONNO: We are in support of this. We feel
25 that this is a business that will enhance the

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2 business community. We are aware of the empty
3 stores. We need to develop this. We have spent
4 years trying to help the Alfresco events, the
5 Halloween events, the Christmas events, to improve
6 the community. So, we are very much in support of
7 this permit going through. Thank you.

8 MS. WAGNER: I can't read the next name the
9 address is 735 Port Washington Boulevard. Is there
10 anybody here with that address?

11 SPEAKER: Can I offer a suggestion? There are
12 many of us scheduled to speak, can you ask us, when
13 we get to the point of people that are against the
14 proposal. So, that we go in order and move this
15 process a bit more efficiently? Is that okay?

16 CHAIRMAN MAMMINA: Is there a single spokesman
17 for the group?

18 SPEAKER: No, there are a number of us that want
19 to speak.

20 MEMBER GOODSSELL: Yeah, as long as you're signed
21 in we're going to listen to everybody.

22 MS. WAGNER: After I'm done with this list, we
23 will ask if there's anybody else who hasn't signed
24 the list. Right now we're just going in order of who
25 signed the list. Anna Ansco?

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2 MS. ANSCO: Hi. How are you all. My name is
3 Anna Ansko. I'm a new resident on Colonial Parkway.
4 I just want to come to you all as I purchased this
5 house within the year and I found that I love the
6 block. There was something historical about this
7 block. This block has been gathered by our school
8 district for homecoming. Our sports' team comes down
9 that block to do their jog. It's a dead-end street.
10 I have three kids on that block, and my concern, as a
11 mom is that God forbid they cross the street and
12 someone is doing an illegal U-turn and my kid gets
13 hit. I do understand that that corner is busy.
14 However, there are many empty stores in the town, and
15 just the way a specialty deli is, being a first
16 generation Italian American of immigrants, I think a
17 deli of that caliber brings in a lot of outside
18 community people. I just want to keep our kids on
19 that block safe, and that's my main concern. And
20 also that we're marching down every year on
21 homecoming, it's not just one kid on that block, but
22 a whole bunch of kids line up from kindergarten all
23 the way up until high school. So, to see a tragic
24 event or that something like that could occur -- I'm
25 a big supporter of the community myself. I give my

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2 time to it, I volunteer as much as I can. I'm
3 supportive of all the stores. It's not that I don't
4 want the store. I think the location of the store is
5 where it proposes a problem for my family and for the
6 school district that uses that block as their
7 benchmark to start. Thank you for your time.

8 MS. WAGNER: Rita Antonocci.

9 MS. ANTONOCCI: Hi. Rita Antonocci. I
10 presently live at 6 Chester Drive, which is in 200 or
11 300 feet. So, I was given notice of this. I also
12 have a property on Colonial, I'll be moving there
13 shortly. So, I am very aware of what's going on
14 here. I'm also Italian, and I was very -- when I
15 first got this I was like this is awesome, this is a
16 great idea, and I would look forward to it on
17 Plandome Road. The reason I say Plandome Road is
18 because Colonial is, you know, not Plandome Road. I
19 know it's part of the business district, but it's on
20 a residential block, and what my neighbors have said
21 about traffic and parking, I share that concern. My
22 most concern is: as I do live across the street from
23 the area now, there is no parking in front of my
24 house, and there are also, the church that I live in
25 front of, puts those A-signs up every Sunday and

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2 Saturday that say no parking, and yet, everyone parks
3 there. Generally, I don't bother anyone, I don't
4 call the cops, because I don't want to be that
5 person, but once in a while someone parks in my
6 driveway. I know that people don't listen to the no
7 parking signs. So, I'm concerned that in that area
8 on Colonial, they'll continue not to listen. And in
9 addition to the UPS traffic that's already there, it
10 will be nonstop traffic, people coming in and out.
11 Because I'm building on that block, I was there
12 yesterday, a car turned right in front of me and
13 almost hit me. The U-turns sound like it could be
14 okay if it's spread out on the block, but it's not.
15 So, I am not a proponent of the location, but if you
16 do go forward with it, I would really ask that you
17 consider some mitigating factors, such as turning in
18 that parking lot, which you guys said is employees
19 only. If there could be a turning in there, instead
20 of going down the block, that seems like something
21 that could help. I don't know if it will, I don't
22 know if it's permissible, but I'm just trying to
23 think. If you guys are going forward with saying
24 okay, just some type of mitigation, so the traffic
25 flow on Colonial will not be as bad as we all think

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2 it will be. And also, of course, signs that say
3 municipal lot is right there. It helps. All those
4 things help. If they're listened to or not, I know
5 no one can really control it, but these are just
6 traffic and safety is an issue in that area. That's
7 it.

8 MEMBER GOODSSELL: Ms. Antonocci, can you tell us
9 a little bit about UPS. That's an ongoing business
10 and you mentioned that they park all over. Tell us
11 what they do.

12 MS. ANTONOCCI: So, people -- I know, I see it
13 all the time. They just park right in front of where
14 they're proposing and where there's a door to go to
15 UPS. They just park for two minutes, they say I'm
16 just running in. They leave their cars, they run in
17 and they come back. They're not there for long, but
18 there are so many cars. Yesterday, there were four
19 cars parked in that little area, and I know this
20 isn't their fault, but it's there and I really would
21 like if someone in town, the police, if someone would
22 instead of going to those meters and checking those
23 meters all the time, would go there and give tickets
24 to stop this. It's really a dangerous situation
25 already, and I think the thought of them coming there

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2 too, just like exacerbates the whole issue. That's
3 what my safety and parking issue with this is.

4 CHAIRMAN MAMMINA: For whatever it's worth, I
5 had my office building when I was still in practice
6 on Westbury Avenue on Carle Place. We had the same
7 problem there that there was basically only street
8 parking, I found when I called 311, 50 percent of the
9 time I did get a response, and quite honestly enough
10 of a response where people started saying -- because
11 it was the same people all the time were saying hey
12 you know what, I'm getting tickets parking here and
13 the word kind of spread. No guarantee that it's
14 going to do the same thing there, but also, I
15 frequent a UPS place in Carle Place, it happens to be
16 in a shopping center, but many times I can't park
17 within twenty cars of where the UPS is. It's like a
18 little speed brace coming in and out of those stores.
19 There are very traffic intensive.

20 MS. ANTONOCCI: Right, then you have children
21 and elderly people, people walking. So yeah, it's an
22 issue. They have pictures, did you guys get these?

23 MEMBER GOODSSELL: No, but they'll speak.

24 MS. WAGNER: Joann Fisher?

25 SPEAKER: She's passing on speaking.

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2 CHAIRMAN MAMMINA: Not necessary for you to
3 speak. The record shows that you're here, and that's
4 an important thing.

5 MS. WAGNER: Andrew Konopka?

6 MR. KONOPKA: Good afternoon. My name is Andrew
7 Konopka. I live at 50 Colonial Parkway, which is
8 about 200 feet away from where the proposed deli is.
9 I am an attorney, however, I am also a deli owner. I
10 am very familiar with the type of business that is
11 coming here and how it will operate. Because of
12 that, even though I am very supportive of small
13 businesses, I am very concerned about the safety
14 hazards that are going to be coming here from the
15 deli. Right now, this building is zoned as a retail
16 business. A retail business could be a timed
17 business, something like a yoga studio, or a SAT
18 prep. Things that people know they will be there for
19 a certain amount of time. They will use a parking
20 lot. A business can also be an errand business, a
21 UPS, a dry cleaner, things like that. People know
22 they will be running their errands, they will use the
23 parking lot. This is one of convenience. This is a
24 convenience business. You have to wonder why they
25 picked this location. This location is north of

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2 where all the pedestrians traffic is, where all the
3 businesses are. This is off on a side road, why
4 here? It's because of the no standing in front.
5 They expect that part of the business plan is for
6 cars to drive up, jump out for a minute, do their
7 shopping, and then jump back in. That's what they're
8 expecting, because they're not going to get
9 pedestrian traffic off the street. The next problem
10 is: how does these people leave? This is a dead-end
11 street. The only way for these drivers, who will be
12 standing illegally in front, is to drive into
13 Colonial Parkway and then turn around. First of all,
14 a U-turn is illegal according to vehicle and traffic
15 code of North Hempstead. They are not allowed to do
16 U-turn. And most of the time, frankly, everyone
17 drives into my driveway. I take out my garbage, I
18 get a car driving into me sometimes. I sat one time
19 with my kids, putting on roller blades, and a car
20 drove in right at us. It's not designed for U-turn
21 traffic. That's the issue that we're having here
22 today. Two issues of illegality; one: cars will be
23 driving up illegally stopping in front, two: making
24 an illegal U-turn to get out. This is not designed
25 for this kind of traffic. The traffic survey they

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2 have, is not a traffic survey. It wasn't thought
3 about for a deli. It was a parking survey. There is
4 no traffic survey. There is no design to see what
5 the traffic will be affected, how cars are going to
6 get in and out of this area. That is our main
7 problem. We want to see more businesses in Plandome.
8 We want to see businesses succeeded, but this
9 location is not designed for this kind of business,
10 it's designed for a retail business, not a
11 convenience business. We want them to find a place
12 on Plandome Road, there's lots of locations. That
13 would be great. As a final thought, they brought
14 forward that there is a petition with several hundred
15 families that want to come visit this. I ask the
16 Board to think about all those cars coming into this
17 area, and all the illegally stopping in front to do
18 their two minutes, to just run out for two minutes
19 and run back in, and then turning around one after
20 the other, knocking into each other. This is a
21 dangerous situation that can happen. It's not
22 designed for this type of business.

23 CHAIRMAN MAMMINA: Thank you.

24 MEMBER GOODSSELL: If I could ask you a question.
25 Mr. Konopka, because you have this unique position

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2 that you live on Colonial, but you're also a business
3 owner. In your opinion, how much control does a
4 business owner have over where their customers park?

5 MR. KONOPKA: None. Absolutely none. In my
6 business, I tell people, I discourage them from
7 parking. They will park at hydrants, in no parking
8 zones, in people's driveways. All because it is more
9 convenient. They're just running in for 30 seconds.
10 No one is going to mind that I'm parking in their
11 driveway, I'm only there for 30 seconds. But it
12 happens over, and over, and over again to the point
13 that it's untenable. I try to tell them, I try to
14 discourage them, because I want to be good to my
15 neighbors, I want to be good to the businesses around
16 me. They don't listen. They do whatever is more
17 convenient. Here, I expect them to drive down
18 Locust, they're going to see a deli right on the
19 side, and drive right up to it. No standing, there's
20 always a spot. They're going to run in for 30
21 seconds, but then what? They have to drive down
22 Colonial, turn around, and again one after the other,
23 one after the other. Doordash that's just the
24 beginning. With all due respect that's just the
25 beginning of the problem. Once people are down

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2 Locust, which does get congested with rush hour
3 times, it's one after the other going to be parking
4 there.

5 MEMBER DONATELLI: I'm also going to pose a
6 question. How long have you lived on Colonial?

7 MR. KONOPKA: Almost 7 years.

8 MEMBER DONATELLI: Was the tutoring place there?

9 MR. KONOPKA: They left just as I was coming in.

10 MEMBER DONATELLI: Have you had anyone occupy
11 that space since you lived on Colonial?

12 MR. KONOPKA: No, I have not seen anybody occupy
13 that space, but I would just add again, a tutoring
14 space is a timed business. It is a business that
15 people expect to be there for about an hour or two
16 hours, or whatnot. So, they will use the parking
17 lot. It's not a business where people are going to
18 drive up to run in, to do quick shopping and come
19 out. It is not comparable. And I think that is an
20 important distinction to make as to why this business
21 was zoned retail in the first place. They took into
22 mind that certain businesses, people will use parking
23 lots. Certain businesses people will run out into
24 wherever it is easier for them to run in and out.

25 CHAIRMAN MAMMINA: Just as a point, within this

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2 basically a conditional use. So, conditional use is
3 something that is tantamount to a permitted use.
4 Upon which the Board can put conditions. That
5 doesn't negate all the testimony regarding the
6 traffic or whatever, but the use is a use that the
7 town contemplates as a retail use. Just from my own
8 opinion, I was in the deli business all through
9 college. It put me through a five year architectural
10 program. I would say that, this is not really, to
11 me, characterized as a deli. This is an iavarone
12 without the intensity, because it's not big enough
13 for the intensity.

14 MR. KONOPKA: May I express something about that
15 based on my own knowledge. This is 1100 square feet.
16 Take away the walk-in box, take away the kitchen,
17 take away the refrigeration cases, take away the
18 garbage space, take away the counter, and take away
19 the space for customers, you're left with almost no
20 space, you're left with two shelves. That's not a
21 marketplace. In their marketing materials, they note
22 they're going to be making deli sandwiches and they
23 note they're going to be making prepared foods.
24 Let's face it, you can call it a marketplace all you
25 want. This is a deli.

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2 CHAIRMAN MAMMINA: We can agree to differ in
3 opinion. Thank you.

4 MS. ALGIOS: Mr. Konopka, I just want to correct
5 one thing you did say on the record. You said this
6 is zoned retail, it's not zoned retail. This is a
7 business-A district and there are a number of uses
8 outside of retail that are also permitted uses.

9 MR. KONOPKA: I stand corrected.

10 MS. ALGIOS: Thank you.

11 MS. WAGNER: Barbara Mcnamara.

12 MS. MCNAMARA: Barbara Mcnamara. I live at 99
13 Colonial Parkway. I think this is a wonderful idea
14 and something that Manhasset really needs.
15 Personally, I go to Glen Cove to get what this market
16 is going to sell. But not on Colonial Parkway.
17 There's not enough public parking to support another
18 commercial business. I actually spoke to the
19 Manhasset park district this morning, there are a
20 total of 66 spots in the municipal parking lot that's
21 on that corner, 43 of those spots are reserved for
22 store owners. That leaves 23 metered spots for
23 several medical buildings, a dry cleaner -- I'm
24 sorry. I'm so nervous.

25 CHAIRMAN MAMMINA: Just go easy. It's okay.

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2 MS. MCNAMARA: So that leaves 23 metered spaces
3 for a dry cleaner, a jewelry store, a martial arts
4 store. There's just not enough parking. Thank you.

5 MS. WAGNER: Pat Sandholm?

6 MS. SANDHOLM: Hi. I'm Pat Sandholm. I'm at
7 115 Colonial Parkway, and I often get mail from 15
8 Colonial Parkway. I have lived on Colonial Parkway
9 for 43 years. You mentioned the A&P, but people were
10 more townies that walked, there was no traffic. And
11 traffic was, let's face it, 43 years, much less.
12 Talk about signage, someone said, in fact I think it
13 was a probusiness, that no one pays attention to
14 signage. So, on Colonial Parkway, there's two signs;
15 the stop sign on Locust, and then don't block the
16 box. No one pays attention. We're already on our
17 block and if they had paid attention and not blocked
18 the box, I could have made a right. I'm usually
19 going to Northern Boulevard, but I cannot. So, any
20 of these little signs going up is not going to have
21 an impact. I think the previous speakers is much
22 more eloquent than I. Someone said it's commercial,
23 well it's commercial for what, five percent, the rest
24 is residential and it's a dead-end street. We can't
25 even go another way. If there's a UPS guy, we can't

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2 even get off our block, because on the corner they're
3 not obeying don't block the box. That's it. Thank
4 you.

5 MS. WAGNER: Vivian Tatora?

6 SPEAKER: Gonna pass.

7 MS. WAGNER: Andres Molnar?

8 MR. MOLINARI: Good afternoon. My name is
9 Andreas Molinari. I lived 40 Colonial Parkway for 22
10 years. Basically everyone on our block opposes the
11 proposal. One example from me is a traffic hazard.
12 Coming out from my driveway I see people doing
13 U-turns and I almost got into a fender bender at one
14 point two years ago. There's so many vacant lot
15 properties there, especially south of the railroad
16 tracks. You could definitely put a deli there. One
17 of the things I would say that is of concern is the
18 noise ordinance. We have some deliveries coming in
19 the middle of the night 4:00 in the morning, 5:00 in
20 the morning to open shop. There's residents who have
21 to sleep, who have to go to work in the morning in
22 the city. And the other thing too is that, some of
23 the places, delis, they have ventilation shafts and
24 they create a lot of noise also. I don't know what
25 the policy is on that.

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2 MEMBER DONATELLI: Sorry. I didn't quite
3 understand your point.

4 MR. MOLINARI: The noise ordinance, the Town of
5 North Hempstead has a noise policy ordinance between
6 11:00 P.M. to like 5:00, and sometimes I see garbage
7 deliveries coming in 3:00 A.M. to 4:00 A.M. waking up
8 residents. Sometimes I get up and sometimes it kind
9 of disturbs me too.

10 CHAIRMAN MAMMINA: I hear what you're saying.
11 And I mean there are ordinances for sure. Ordinances
12 have to be enforced. I do have personal knowledge of
13 it. They're going to have a carter come into your
14 property, in your contract with them, it would limit
15 what times that they're supposed to be there. And
16 quite honestly, they know very well that they're not
17 supposed to be there between the reasonable ordinance
18 times as you had laid out. And I do think something
19 like that would fall to the owner of a store to
20 enforce that kind of a thing. Again, there's 311.
21 I'm not going to say it's hit or miss, it's not.
22 They work very hard, but it's a big town.

23 MR. MOLINARI: That's it thank you.

24 MS. WAGNER: Ann Marie Moschita.

25 MS. MOSHITA: I'm not speaking today, but I'm

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2 here to support my neighbors with their concerns.

3 MS. WAGNER: I can't read the full name but
4 Roseanne, at 635 Plandome Road.

5 MS. EWELL: Thank you very much. My name is
6 Rosemary Ewell. I came here to support my neighbors
7 on Colonial Parkway. I thought having a deli on that
8 corner --

9 CHAIRMAN MAMMINA: Just give us your address.

10 MS. EWELL: 635 Plandome Road, Manhasset. I
11 thought that having a deli on that particular corner
12 was not very conducive for the area, because it's a
13 beautiful residential area, and everything, you'd
14 have all these cars coming in, these trucks, and
15 everything else. So, I want to support them, but
16 then listening to the continuance of different areas.
17 I live on Plandome Road. I must have almost a dozen
18 cars everyday that make U-turns in my driveway, even
19 though there's a no U-turn sign, almost before my
20 driveway. Right now, traffic is horrendous. I can
21 count 30 cars before I can even pull into my
22 driveway. What we need is less congestion, but I
23 agree that we have a lot of empty stores in town that
24 can really use the business. But on that particular
25 corner, and you're forgetting about the traffic

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2 that's coming up from Locust Avenue, and it makes a
3 right-hand turn and then makes a left-hand turn on
4 Plandome Road, sometimes it's backed up and
5 everything. From that standpoint of view, I think it
6 will also be very detrimental. Thank you very much
7 for considering all of us.

8 MS. WAGNER: Ann Cybriwsky?

9 MS. CYBRIWSKY: Good afternoon commissioners.
10 My name is Ann Cybriwsky. 37 Colonial Parkway. I've
11 had my home there for 26 years, and I am a resident
12 of Manhasset for 31 years. I am the property just
13 west of this address. I am the first house after the
14 parking lot. I am very familiar with the area. The
15 property was previously habited by a business M&A
16 office, prior to that an SAT tutor, and from the time
17 I was here for 26 years, it was a hair salon. Low
18 traffic, by appointment, they park in the lot, they
19 come and go. My concern, we have a lot of traffic.
20 The UPS Store I sent a photo to you yesterday. I
21 came home, a truck was parked perpendicular on the
22 sidewalk, something we always have with the UPS
23 delivery trucks there, and the people dropping off.
24 Okay, we know about that. As far as the corner
25 people have discussed, the traffic issue on Locust,

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2 Plandome and Colonial. My neighbor and I, for
3 several years have been working with Nassau County on
4 a traffic study. Which got delayed a bit, because of
5 the pandemic, to try to correct the issues at that
6 corner. That block the box grid, it took me a couple
7 of years just to get that painted. So, we are
8 working on that general condition, which is separate
9 from this. That being said, I am the immediate
10 neighbor. Mulryan's original report said they were
11 going to serve breakfast, now they're saying it's
12 corrected at -- 10:00 to 6:00 will be your hours?
13 So, I will have cooking, I will have noise, I will
14 have traffic all day long. This facility has a huge
15 six burner stove, an oven, and a fryer with an
16 exhaust hood going through the roof. I could expect
17 to smell all this delicious food cooking all day
18 long. I'm sure it's going to be good, but it's
19 really a cooking and pickup takeout kind of business.
20 Now, the parking, you did understand that that's for
21 employees only, that lot. That lot, by midday, is
22 usually pretty full. There's construction going on
23 on the northern end, Dr. Avarkian is building a
24 medical spa, when he completes that lot, we'll be
25 full with employees. So, you're idea of making

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2 U-turns through that lot, don't think it's a good
3 idea. It hold just about all the employees that they
4 need. So, I am going to be the one that's most
5 adversely affected by this. Cars already park in
6 front of my house, they U-turn when they go to the
7 UPS Store. I have all of this. The garbage gets
8 picked up in the morning a few times a week, but
9 they're pretty considerate. Over the years they've
10 keep it clean, and kept the noise down. I don't know
11 if that will stay the same. I also want to say that
12 the zoning, this is business-A, this piece of
13 property is part of business-A. Which extends from
14 Webster Avenue on the north, to the train tracks on
15 the south going along Plandome Road, and it
16 encompasses the buildings on Plandome Road, and their
17 respective pieces that go into side streets. This is
18 the only side street that would have this kind of
19 use. Okay. The other buildings, for instance, where
20 the old Ginos is on Gaynor Avenue. That property on
21 Gaynor and Plandome, the portion of the building that
22 goes into the side street, is an architect office.

23 MS. ALGIOS: Sorry Ann your time is up. If you
24 could just wrap up.

25 MS. CYBRIWSKY: This use should not be permitted

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2 here for many reasons. I live next door to it, it
3 would be a nightmare for me. That's all I have to
4 say. I do not look forward to this.

5 MEMBER DONATELLI: Before you said you lived
6 there for 26 years?

7 MS. CYBRIWSKY: 26 years at that spot.

8 MEMBER DONATELLI: Have you had the issues that
9 you just mentioned with other tenants who have
10 occupied this space?

11 MS. CYBRIWSKY: No, because when you talking
12 about a tutoring place, that was a certain fixed
13 number of hours in the afternoon or Saturday
14 mornings. What those people -- the hair dresser too,
15 they have an appointment, they park in the lot, do
16 their hour or two and they leave. Nobody double
17 parks, nobody quick parks, and nobody U-turns. This
18 happens with the UPS Store now on the corner, there's
19 a lot of this. It's very dangerous getting in and
20 out of the street. I'll tell you, everyone here can
21 tell you somebody in their family has had a fender
22 bender. When we teach our children to drive, the
23 biggest obstacle is to get them out of the street and
24 onto Plandome Road without getting hit. That's the
25 big issue. That intersection is dangerous. The top

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2 of the corner is dangerous. The bottom line is, it's
3 a residential street. It's one of the most beautiful
4 residential streets in town, used by joggers, used by
5 baby strollers, used by the town track team regularly
6 running up and down. This is not a commercial
7 street. You're looking to put a commercial use on a
8 residential street and I don't see that use being
9 done anywhere else in business-A in the town. I
10 looked on all the streets, and I don't see that use
11 happening, and I don't think Colonial Parkway is the
12 first place to use it. Thank you for listening.

13 MR. MANOW: May I speak now? I passed earlier.
14 Sorry for anyone I cut in front of. My name is John
15 Manow. Highland Terrace, Manhasset. I hope you all
16 had a great summer and happy birthday Mr. Chairman.

17 CHAIRMAN MAMMINA: Summer is over, that makes me
18 sad.

19 MR. MANOW: I've lived in Manhasset for 37
20 years. I live three blocks from the proposed
21 location and I too would like to have some kind of
22 Italian type deli in Manhasset, but just not at that
23 location. This is all about safety, and these types
24 of establishments have turnover, right? You've got
25 to sell in a certain amount of widgets, in a certain

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2 time frame, at a certain cost, to be profitable. So,
3 the higher the turnover, the higher the traffic there
4 is, pedestrians, as well as vehicles. Some of the
5 things that were brought up before about putting
6 signs up to direct traffic is a great thing. That
7 all has to go through the town of course. Putting up
8 these yellow things on sidewalks is not a good idea
9 because sidewalks are for pedestrians. The person
10 that spoke before me mentioned someone, that person
11 happened to have been hit pushing a carriage on
12 Plandome Road years ago. I'm president of Bayview
13 Civic Association of Manhasset. I started it in
14 1995, and this is my second go around. I'm also a
15 member of the counsel of Manhasset Civic
16 Associations, which almost all, if not all of the
17 Civic Associations of Manhasset meet in the backroom
18 there. First of all, the Bayview Civic Association
19 has, and someone else might have presented this, has
20 voted unanimously opposed to this. The Counsel of
21 Civic Associations has voted a majority oppose, but
22 I'll leave that to someone else to bring up. Most of
23 it is safety. Food delivery, I get food delivered to
24 my home, and I can tell you they park on the wrong
25 side of the street, I ask them not to and it doesn't

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2 change their behavior. There's turnover with the
3 drivers and so on. Again, it's all about safety.
4 Across from the location there is a -- where that
5 parking lot is, where that municipal parking lot is
6 which is owned by the Manhasset Park District, a
7 separate entity, the curb is not a 90-degree angle
8 curb, it's some like this. It's a side kind of angle
9 there and the vehicles pull up there routinely. So,
10 that's a concern to make them park there. I'm also
11 on other safety committees county wide, which
12 includes Nassau County. It's a mess out there. I
13 work with the police, I walk the street with the Pop
14 Officers, with the head of the precinct, others
15 officers in the County, and also in town. While they
16 try, they can't do it. There are a lot of things
17 going on, while I don't have to go through the list
18 of things that are not going very well in Nassau
19 County since the time is very limited. Also, Mr.
20 Chairman, 311, I deal with them quite a bit. My
21 experience with them is not very good. When you try
22 to call them it takes them a while to get to places.
23 If someone calls about a parking condition, even the
24 911 calls don't necessarily get the police there very
25 quickly. It's all about safety. And one suggestion

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2 I would make to the people who are trying to do this
3 deli, we would love to have you in Manhasset, it's
4 just the location, it's nothing personal. But I wish
5 that you or representatives would have come to the
6 Greater Counsel, because other businesses or what
7 have you, come to the Greater Counsel. All the Civic
8 Associations, you put through your case says what
9 about this and what about that, and sometimes the
10 businesses go back and they redo their plans, and
11 then they come back again and it goes through. We've
12 got to be with you, right? We want to be with the
13 chamber. If that petition simply says I'm in favor
14 of an Italian type deli, I'll sign it. Just not that
15 location. Thank you.

16 MS. WAGNER: Balor Hyman.

17 MR. HYMAN: Balor Hyman. 128 Colonial Parkway.
18 Two things, until recently I've been a dog walker on
19 my block, and I'm a runner. My experience with
20 people making U-turns, regardless of why they're
21 making them, often they're inattentive, they're in a
22 hurry, and they make it risky for people on foot.
23 Thank you.

24 MEMBER GOODSSELL: Can I ask you a question
25 before you leave. Where along Colonial Parkway is

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2 the greatest risk, how far down do people go before
3 they start making these U-turns?

4 MR. HYMAN: It is of course more likely to be
5 closer to the end of the street, closer to Plandome
6 Road, but we have people making U-turns all up and
7 down Colonial Parkway. We additionally had the
8 problem of people turning onto Colonial Parkway when
9 they think they've gone to Bayview. So, they've
10 gotten lost. They turn around and then of course
11 they have to go back up the street pretty quickly,
12 because now they've lost some time. They are not a
13 good group of people to have on our street. But more
14 often, it's the short term U-turns from people
15 shopping at the stores at the end of the block. And
16 they're making U-turns further up.

17 MEMBER GOODSSELL: Is there still one sign that
18 says no outlet close to Plandome Road?

19 MR. HYMAN: I believe there is a dead-end sign,
20 and of course no standing signs. But that doesn't
21 stop anyone from standing or making U-turns. Thank
22 you.

23 MS. WAGNER: Gail Hyman?

24 MRS. HYMAN: Hi. I'm Gail Hyman. 128 Colonial
25 Parkway with him. I have been a resident on Colonial

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2 Parkway since 1976. It's a long time. It's a
3 historical street which nobody has actually
4 recommended or talked about. We are written up in
5 the magazine the first 300 years of Manhasset. We
6 try to keep it safe and beautiful. Safe is the first
7 thing, beautiful is the second thing. It's not just
8 for us, It's for Manhasset people. Other people have
9 talked about we have dog walkers, and we have people
10 walking with strollers and their babies, I would like
11 to give this to the gentlemen. Just to show you that
12 it's not just us. It is all of Manhasset, and this
13 is why we are protecting it so. I have met people
14 that live all over and I go and I speak with them.
15 The thing is, one of the most important things is,
16 that they call us an urban, we're not an urban
17 street, we're a residential suburban street. You
18 know, they really have kind of misjudged us, I guess.
19 And the fact of the matter is, that everybody has
20 talked about no parking, no U-turn or anything else.
21 I'm not going to go there, because you've heard it.
22 But you asked my husband how far down, they're coming
23 further and further down, but then they peel up going
24 up. That's where it gets a lot more dangerous,
25 because they get annoyed. But the other thing is,

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2 that the when they sent their petition to the
3 community to sign which they gave you all these
4 signatures, there was one main factor that they did
5 not put onto that, the address of where that was
6 going to be. Now, I live in Manhasset for many-many
7 years, and I would love to have it, I would help you,
8 why didn't they put the address? Because anybody
9 that lives on Colonial Parkway knows that is a
10 dangerous-dangerous corner. We have worked many-many
11 times with the town to help, and this is the best
12 that they could do. I don't know. I'm not a person
13 that works with cars or something like that, but they
14 should have put the address. So, I really feel
15 that-that whole 100 or whatever names they gave you
16 should be thrown in the garbage, it's not real, they
17 didn't know what they were signing. I think that
18 that was really quite bad that they did that. They
19 also said that there was a retail store, as long as
20 I've lived there, there has never been a retail store
21 to be honest with you. It was a place where people
22 parked, because they were going to stay for two or
23 three hours, do something and went back. Never
24 really had a problem. And to be quite honest with
25 you, they had mentioned earlier today about Locust

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2 Street, I had gone over, I'm the one that signed, had
3 all my neighbors sign and everybody on Colonial
4 Parkway signed saying no, we don't want it. It's a
5 100 percent.

6 MS. ALGIOS: Mrs. Hyman, if you could wrap up
7 your comments. Your time expired.

8 MRS. HYMAN: Locust Street is very dangerous
9 themselves because it's very-very busy. I have also,
10 if you could see, the pictures of what they do in
11 front of the UPS Store and all the U-turns.

12 MS. WAGNER: Do you want to submit those?

13 MRS. HYMAN: Yes. And this is another wonderful
14 picture showing that the high school, coming from the
15 home -- I mean, we really are for the community.

16 VICE CHAIRMAN FRANCIS: I have just one question
17 for you. As a long term resident of this block, I
18 have heard this word danger a lot. I was wondering
19 if you were familiar with police incidents or
20 accidents, specifically, on that corner.

21 MRS. HYMAN: Oh, yeah.

22 VICE CHAIRMAN FRANCIS: If you could speak to
23 that.

24 MRS. HYMAN: Well, one of my neighbor's mothers
25 got hit. In fact, I hate to say it, I was going out

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2 I was stopped, ready to go out, a car coming up from
3 Locust almost hit me. I got out of my car 'cause I
4 was really annoyed and said do you realize that you
5 drove right past the stop sign? You could come onto
6 Colonial Parkway, there's a little stool right on the
7 end, and you will be surprised how many people don't
8 stop, block off the intersection, really. I sat
9 there one day with one of my neighbors. We were
10 laughing, but it wasn't funny. Almost every car,
11 they will slow up a little bit, but keep going. It's
12 dangerous and it's one of those things that you've
13 got to be very careful. We are careful, because we
14 live there, but we don't need more cars. I thank
15 you.

16 MEMBER DONATELLI: I also have some questions.
17 As a long time resident, you heard the applicant
18 today was talking about having some sort of delivery
19 service to deliver these prepared meals, is the dry
20 cleaner still there and do you have issues with the
21 dry cleaner.

22 MRS. HYMAN: No.

23 MEMBER DONATELLI: Sorry, you have no issues?

24 MRS. HYMAN: No, we have no issues.

25 MEMBER DONATELLI: Now, does the dry cleaner

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2 actually deliver clothes and pick up clothes?

3 MRS. HYMAN: No, we have no issues with them.

4 The thing is, that he had mentioned there's stores.

5 Plandome Road, all the other stores are on Plandome

6 Road. They are the only one on Colonial Parkway.

7 MEMBER DONATELLI: Right. So, my question is:

8 do you know how the dry cleaner drops off or picks up

9 clothes?

10 MRS. HYMAN: No, I'm sorry to say. I'm a little

11 down further, but nobody has ever complained about

12 them doing anything like that.

13 MEMBER DONATELLI: Sorry. Only the person at

14 the podium is really allowed to speak. The only

15 question is: As a long time resident, did you have

16 any issues with any of the other prior tenants at

17 this particular site, the tutoring company?

18 MRS. HYMAN: No, because as it was stated, when

19 somebody has to go to a store for one hour, one and a

20 half hours, they don't mind. And by the way, most of

21 the spots across the street are not open to the

22 public. There's only 23 that are. The thing is that

23 you don't mind putting the quarter in and some of

24 them you have to get the ticket and put it in your

25 window, 'cause you're going to sit there for a -- but

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2 if you're going to pick up something or drop
3 something off at the UPS Store for two seconds, this
4 pictures will show you that they don't -- they just
5 park there, they run in, they run out, they make the
6 U-turns. It is a very-very dangerous -- and the town
7 tries their hardest to see how they can fix it.
8 They're thinking of changing this and changing that.

9 MEMBER DONATELLI: Thank you.

10 MS. WAGNER: Gloria Gerber?

11 MS. GERBER: That's me. I will just say--

12 MEMBER GOODSSELL: Give your name and address.

13 MS. GERBER: I'm Gloria Gerber. I'm at 127
14 Colonial Parkway, I've been there for 34 years. And
15 just addressing the other stores on Locust, the
16 difference is that, that block does have parking.
17 So, if you were approaching from Port Washington
18 heading south, and you go down the little street that
19 becomes Locust, there's a little traffic triangle,
20 that entire block has parking. If you're going to
21 the dry cleaner or Molinari Jewelers -- not Molinari,
22 the other jeweler, or the Taekwondo store, you can
23 pull up in front, do your business, and run out.
24 Those also are short-term businesses for the most
25 part I think. Where as on Colonial Parkway, there is

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2 not that. That's why those businesses are a little
3 bit different. They do have those available spots in
4 front of their places. So, everything that has been
5 said regarding the traffic and safety, I agree with.
6 And I just feel it's a great store, 97 percent
7 Italian and 3 percent Greek. It's a great store. We
8 all would love to go down, buy fresh Italian bread,
9 et cetera, it's just the wrong location. Thank you.

10 MS. WAGNER: Maria Modano. 100 Colonial
11 Parkway.

12 MRS. MODANO: It's Maria Modano. 100 Colonial
13 Parkway. I just have a quick statement. As a
14 resident of Colonial Parkway, I would just like to
15 reiterate our profound sentiment against the proposal
16 of the store. Please, consider our arguments as they
17 are valid. It is our fundamental right as taxpayers
18 to keep our road private, and not have to be
19 subjected or adapt to living like we are in a
20 commercial area. Our desire is simply to preserve
21 and continue to keep Colonial Parkway the safe,
22 clean, private, and historical block it has always
23 been. Thank you.

24 MS. WAGNER: Louis Modano.

25 MR. MODANO: Chairman and Vice Chairman, Members

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2 of the Board. I appreciate you listening to
3 everyone. This is an interesting discussion for me
4 --

5 MEMBER GOODSSELL: Name and address.

6 MR. MODANO: Sorry about that. My name is Louis
7 Modano. 30 Colonial Parkway. My home is directly
8 across the street from the proposed business
9 location. We talked a lot about U-turns, it's a
10 regular thing. I've had to redo the entrance of the
11 driveway multiple times, because of the inconsiderate
12 drivers or people with no other choice, but to make a
13 turn, an illegal turn, into the driveway with no
14 regard for the property. I do my best to maintain
15 that property, but I will tell you that I was
16 shocked, and I'm really still in disbelief by some of
17 the comments and justification that was shared here.
18 The rationale to put a food establishment on a
19 residential street that is already congested, that
20 already has safety conditions, is an assault on the
21 character. You talk about character when you're
22 discussing these issues. This is an assault of the
23 character of the town on that block, on the history
24 of the block. I mean, just imagine, picture, it's a
25 tree line picturesque street, it is used by so many

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2 in the town as an area of solitude when they walk
3 with their children, with their dogs, when they're
4 biking. Now, you picture that same street and you
5 add the smell of cooking that will be constant, the
6 odor. So, food smells great initially, but if you
7 smell it constantly, it's repulsive. You have to
8 keep that in mind. That is not a place for a cooking
9 establishment. Now, what else comes with a food
10 establishment? Trash, debris, rodents, traffic,
11 transient visitors. Again, we're talking about a
12 private residential street. Why do we want to
13 encourage -- if you want to help the town, as
14 commented by many neighbors and residents, they want
15 to help the town. You want to help them in the right
16 way. Lets help put the establishment on Plandome
17 Road, lets not put it on a residential street. That
18 makes no sense. I'm asking you with a level of
19 reasonableness to deny the application. Each of you,
20 in your own way, you got it. We talk about trash, we
21 talk about speed of Uber drivers or Doordash or
22 Grubhub, pick one. They're transient, they don't
23 care about the laws, let's be realistic. You put a
24 sign up, screw the sign, I've got to make my days pay
25 and I don't blame them. But don't expect them to go

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2 to a parking lot, and a parking lot that's already
3 overcrowded. Those arguments are useless to me. I
4 live there. I see what goes on regularly. They're
5 coming in my driveway they're sitting parked in front
6 of my house all the time already. The UPS issue is a
7 disaster, but it's tolerable to some extent, but you
8 exacerbate that with a store front. I think all my
9 neighbors have cited their concerns. I think that
10 this will only impact the living conditions quality
11 of life. If that's a concern as members of the
12 zoning board, I think that should be your utmost
13 concern after safety, is quality of life. I thank
14 you for listening. I know it's a long day for each
15 of you. I respectfully ask that you weigh these
16 concerns, they are substantial and I request that you
17 deny any application for any sort of food related
18 establishment. There is no room on Colonial Parkway
19 for such establishment. I also ask the proprietors
20 of the proposed establishment to reconsider. As
21 members and as residents of the town of Manhasset.
22 Thank you very much.

23 MS. WAGNER: Richard Tortora?

24 MR. TORTORA: Richard Tortora. 135 Colonial
25 Parkway, Manhasset. John Manow who spoke earlier the

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2 president of the Bayview Civics Association. I'm the
3 vice president, and live on Colonial Parkway. A lot
4 of what I planned to say has been said by a lot of
5 the other speakers, so I want to address some of the
6 issues or expand on some of the issues that were
7 raised by some of the earlier speakers. First, just
8 to give you again, a little sense of the history,
9 'cause I know that's important. I've been on the
10 block for 30 years. While I've been there, there has
11 been the hair salon, which was there probably a dozen
12 or more years. Two employees probably saw 15 or 20
13 young ladies and men for their services. This was
14 not hurried traffic. It was people that were going
15 to come, they were going to stay an hour, they would
16 get dropped off or park in the lot down the street.
17 Counsel Goodsell asked about that lot and you're
18 correct, it's about a 100 yards down Locust Place is
19 the entrance. It's in no way near convenient to
20 people who are going to park on this storefront on
21 Colonial Parkway. Other things that you were
22 concerned about, after we had the salon, which had
23 two employees and maybe saw 20 customers, maybe 30 on
24 a good day, we had the tutoring center, and we had
25 the M&A Advisory. One employee, they probably saw 20

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2 or 30 people in a given day. Students were getting
3 dropped off by their parents for tutoring. We never
4 knew what the M&A Advisory was it was congruous with
5 that sign on our block. But again, to say that the
6 nature of the new store is in any way, shape or form
7 similar to the nature of the previous use is just
8 totally-totally off track. This is a fundamentally
9 different type of business. This is what I would
10 call a hurried-use business. When I heard Doordash
11 that didn't even occur to me, Doordash and Ubereats.
12 I've lived on block 29 years. I've been hit on that
13 corner, my wife has been hit, my son has been hit on
14 that corner. Anyone else get hit on that corner? A
15 lot of us have been in traffic accidents on that
16 corner. I was very much involved with the school
17 board a number of years ago. The school pick up
18 area, the bus stop, used to be on the corner of
19 Colonial and Locust. We went to the school and said
20 that's a very dangerous corner. I have four sons
21 that I raised on the block, we really need that
22 changed. The transportation director said it's not
23 going to happen, we don't do things like that. I
24 said just humor us, just come one morning and see the
25 box. He came up a couple of days later with the

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2 assistant superintendent. We couldn't have asked for
3 better results. Within minutes the bus pulled up,
4 the stop sign came out, cars started circling around
5 the stop sign. Now, why do they do that? Locust
6 Place runs parallel and intersects with Colonial
7 Parkway, and then Plandome Road. On that corner,
8 it's a very short corner, when you pull up to the
9 corner, you look to your right and you see the light
10 on Colonial Parkway, if that light is green, you
11 don't even stop at the stop sign, you don't even give
12 it a thought, you just go. We see that everyday.
13 It's very difficult to get off the block for that
14 reason. Just to address some of the issues that came
15 up. We talked about the number of employees, the
16 number of customers that have been there. I was in
17 the food business years ago. For that place to be
18 successful, and we hope a business like that is
19 successful somewhere else in Colonial Parkway, I'm
20 guessing they need a 100 or 200 customers a day.
21 That could increase traffic on our block perhaps
22 tenfold. You've heard from so many people about
23 U-turns. I live at the end of the block, so I'm not
24 going to have the odors, or the trash, but something
25 that hasn't been mentioned, right across the street

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2 from the entrance of this proposed new site is the
3 parking lot. On the perimeter of the parking lot
4 there are benches. I could see people very
5 comfortably sitting on this beautiful street, picking
6 up a sandwich from the food store, sitting on the
7 benches, food waste on the floor, trash on the floor.
8 We're going to have rodents. It's inevitable. So,
9 we don't think this is the right use --

10 MS. ALGIOS: Mr. Tortora your time is up. I'm
11 just going to ask you to wrap up.

12 MR. TORTORA: I'll wrap up. The Bayview Civic
13 Association unanimously is opposed to this. The
14 Greater Counsel is opposed to this. Ten different
15 civic associations, and these are the people that are
16 the watchdogs for the communities, as you are. We
17 look to preserve the integrity of the neighborhood.
18 Safe rational development of the neighborhood.
19 Things change, we understand that. We strongly
20 believe, as does Bayview Civic, Manhasset Park,
21 Norgate, North Strathmore, Plandome Heights,
22 Shorehaven, South Strathmore, Strathmore
23 Strathmore-Vanderbilt, Strathmore Village, and
24 Terrace Manner, all of those civic associations are
25 against this particular intrusion onto Colonial

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2 Parkway for this type of residence.

3 MEMBER GOODSSELL: Have all of those associations
4 submitted their written opposition to us?

5 MR. TORTORA: I don't believe they have, but if
6 they need to, they certainly could.

7 MEMBER GOODSSELL: It would be something for us
8 to consider. We do consider what is submitted. If
9 in fact there are opposition or there is opposition
10 from these groups that you're indicating, I think it
11 would be appropriate to have that written opposition
12 as part of the record.

13 MR. TORTORA: I'll get that. I attended the
14 meeting when this was brought up. There was a motion
15 made and as I said, ten voted against the permitting
16 this conditional-use change. And again, the Chamber
17 of Commerce, which is an honorary member of our group
18 if you will, they of course are for it, because they
19 want a new business. We're certainly for new
20 businesses. 12 empty storefronts on Plandome Road,
21 two of which were previously food. This is the only
22 door that opens on Colonial Parkway. It's just the
23 wrong place. It's a crazy dangerous corner. It's
24 only going to get worse.

25 MEMBER DONATELLI: Let me also suggest, you had

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2 asked members of the public that are seated here if
3 they had had accidents. It might be helpful for us
4 to look at some accident reports. So, I don't know
5 if the people who raised their hands did file
6 accident reports with the police, but that would also
7 be helpful and I would want to see those.

8 MR. TORTORA: One other thing I'll mentioned.
9 Sadly, it's an awful corner for road rage. It is a
10 thoroughfare. People who are coming from say the
11 Great Neck area heading east on Northern Boulevard,
12 they know this to be a shortcut, they're headed to
13 the northern part of the peninsula; Port Washington,
14 et cetera, they come down Locust, and if they can't
15 get through that light, they know that light
16 sometimes it three or four minutes. It's a tough
17 light. They get enraged. Just what happened with
18 the bus which got us our new bus stop, they go around
19 the cars, they go down the street in the wrong
20 direction. I would encourage you to go there one
21 evening at 4:00, 5:00 and see exactly what's going
22 on. See the UPS truck parked on the block,
23 perpendicular to the sidewalk. When I make that turn
24 going home, that big brown truck is so big, it fills
25 my whole line of vision at night. I don't know why

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2 people aren't hitting into that truck every day.
3 They're not good neighbors. I've complained to UPS,
4 I've complained to the store owner, and they don't do
5 anything about it. It's unfortunate. There's no
6 need for that car -- that huge truck to be parked
7 perpendicular to the curb on the sidewalk, forcing
8 pedestrians to circle around it, into the line of
9 traffic on an already terrible very busy
10 intersection. Thank you for your time.

11 MS. WAGNER: Dante Larocca?

12 MR. LARocca: Hello. Dante Larocca. 57
13 Colonial Parkway. I think my neighbors have said
14 most of the things I planned on saying here, but I've
15 tried to listen to the applicant and what they were
16 saying, because I like a good Italian market as much
17 the next Italian guy, but I want to mention a few
18 comments on some of the things they raised. The
19 major arguments in favor that they seemed to raise
20 were, 40 years ago there was an A&P there. I've
21 lived on Colonial now 25ish years. As you've heard
22 from a bunch of people, the traffic situation there
23 is pretty dire, it's gotten worse as with everywhere
24 else traffic has increased significantly. I'm not
25 sure that use would be a use we would want to have

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2 right now. So I didn't find that argument
3 persuasive. They also talked about other uses in the
4 building currently and in that area around Plandome
5 Road. All of those are accessible from Plandome
6 Road. There's nothing else accessible from Colonial.
7 The nature of retail on Plandome Road is far more
8 different to the nature of the residential street
9 that is Colonial Parkway. Although, there's other
10 uses there, those uses have been generally by
11 appointment kind of uses. So, there's not a lot of
12 traffic. The intersection is pretty dangerous, and I
13 think the traffic engineer acknowledged that, and had
14 acknowledged they would support a fix to that in some
15 way, shape, or form if that were to ever come about.
16 But I didn't hear them address that really, other
17 than that their view that this business would not
18 generate additional traffic. I'm not in their
19 business, but logic tells me a food pickup business
20 is going to generate additional traffic over and
21 above a LSAT tutoring place. So, I think that would
22 add to the traffic in this intersection, that's
23 admittedly already dangerous and I think that would
24 cause danger, not just for the residents of Colonial
25 Parkway, but for everyone that goes through that

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2 intersection. Which is --

3 MEMBER GOODSSELL: Mr. Larocca, If I could
4 interrupt you for a second. We've now heard several
5 residents talk about how dangerous this intersection
6 is. If you have had an accident there or if you have
7 had a report, we would be interested in see that.
8 Not what you're testifying to, because that's part of
9 the record, but if you actually have filed a report
10 or you had a fender bender or if the police came or
11 something, we would be interested in that. And so, I
12 would encourage anyone who has spoken and yourself,
13 that if something has physically occurred, that
14 report would support what you're saying.

15 MR. LAROCCA: I think we could dig up some of
16 those if I had to guess.

17 MEMBER GOODSSELL: Within a reasonable time. We
18 don't need them next year. We need them shortly.

19 MR. LAROCCA: The only positive arguments I've
20 heard for this were filling up the stores on Plandome
21 Road and having an Italian deli. I agree. As others
22 have said, this is the wrong place for a food pickup
23 business use. And it could cause -- add to the
24 danger that already exists in the neighborhood, and
25 in this particular intersection. And we'll try and

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2 provide whatever we can as far as reports.

3 MS. WAGNER: Anthony Moschitta.

4 MR. MOSCHITTA: Anthony Moschitta. 138 Colonial
5 Parkway. I lived in Manhasset now 22 years. I am
6 also Italian American. I go all the way back to my
7 hometown in Ridgewood, Queens to buy Italian bread.
8 My wife thinks I'm nuts, but I do it. I would love
9 for him to be open on any of those 12 empty locations
10 on Plandome Road, but Colonial Parkway is not the
11 place. If you look at his business model, it's a
12 nightmare for us. Because as Chairman Francis, said
13 Uber --

14 VICE CHAIRMAN FRANCIS: You promoted me to
15 chairman thank you.

16 MR. MOSCHITTA: Vice chairman, I apologize.
17 Uber, Doordash, Seamless and Grubhub, I own a
18 restaurant, a fast food place. 40 percent of our
19 business is a delivery service. We would have to
20 close the doors if we did not let those people come.
21 On top of that, some of them their service isn't all
22 that great. So they'll say, instead of us collecting
23 30 percent, we'll give you back 10 percent, 15
24 percent, but you supply the driver. So now, we got
25 two drivers, 10 hours a day delivering burgers and

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2 fries. That is pullup, run in, pick up the food, get
3 back in the car, make a U-turn on whose driveway, and
4 speed down to that corner again. Road rage, if I had
5 a dollar for every time I got the finger on that
6 corner, I could pay my taxes here.

7 MEMBER GOODSSELL: I'll ask you the same question
8 that who testified. As a business owner, how much
9 control do you have over where your customers park?

10 MR. MOSCHITTA: None. Zero. And we have a
11 parking lot.

12 MEMBER GOODSSELL: You have a designated spot
13 that says Uber or something like that, or do they
14 just --

15 MR. MOSCHITTA: They pile up into the street.
16 People don't want to wait, everybody is in a rush. I
17 think there's a study why there's so much more
18 traffic is, because of Uber, Doordash, Seamless and
19 Amazon. You go to the city there's three Amazon
20 trucks on the short side of the block backing up
21 traffic. Then we've got UPS. Listen, UPS is a
22 necessary evil, I'm not going to knock them. They're
23 right about that when he backs up so he can unload he
24 goes right onto the sidewalk so he's closer to the
25 door. Me, personally, I don't even understand his

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2 business model, because they're not going to see his
3 store with the UPS truck in front of it. There seems
4 to be another thing going on 'cause it seems like you
5 spent a lot of expense and time into this whole plan.
6 I can't see this little takeout joint on Colonial
7 Parkway even succeeding. When my neighbors brought
8 this to me I said let them do whatever they want,
9 they're not going to succeed there. Who's coming to
10 this deli? Five people? I employ five people.
11 Minimum wage is \$15 an hour. When you're paying five
12 people \$15 an hour, 365 days a year, you've got to
13 sell a lot of food. So, I don't understand what
14 they're really up to on that corner, maybe it's a
15 real estate play. I got a feeling that's what it is.
16 The guy that owns that, he's not very happy. But be
17 it as it may, I'm not going to knock the guys
18 business. I don't think it belongs on Colonial
19 Parkway. My 18 year old son got his license, he goes
20 I'm taking the car, I go slow, especially on that
21 corner, he goes how fast can I go, I got a hybrid, he
22 thinks he's funny, he gets to the corner, he stops,
23 he looks both ways, he goes. A nice lady, she was so
24 honest, hit him right in the side. When the cops get
25 there she said, I didn't even see him. I was looking

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2 at the light. So you get to Locust, here's Colonial,
3 can't go straight, because the traffic is coming this
4 way, you got to make a right to make either a right
5 on Plandome, or a left on Plandome. They're looking
6 at that light because as soon as that light turns,
7 they want to go. Because of road rage, and because
8 of timing, it's on nobody's side. It's not the right
9 place for that kind of a business, it's just not the
10 right place. 12 places on Plandome Road could be the
11 right place. There's parking for all of them. The
12 Randazzo's is closed, perfect place for you. You got
13 tons of parking back there.

14 CHAIRMAN MAMMINA: Thank you.

15 MS. WAGNER: Is there any additional speakers in
16 the room that wish to speak? There's nobody else
17 listed here. Is that it?

18 (No response.)

19 MR. SAHN: Thank you. First of all, I want to
20 thank the board members and all the residents and
21 people who spoke in favor and in opposition for the
22 patience today. It's been a long day. I'm going to
23 be very brief. First, with respect to the Civic
24 Associations and the Greater Manhasset Association,
25 my client had no knowledge or idea that they were

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2 meeting or would consider his application. Had we
3 known, we certainly would have attended. We weren't
4 invited to attend, but to the extent opportunities
5 are extended by any of those associations, in
6 particular the Greater Manhasset or Bayview, we'd
7 welcome the opportunity to come, and discuss the
8 application. I hope the Board will consider that as
9 opposition from the Civic Associations, but not with
10 our ability to address them on the merits. Number
11 two, with respect to all the concerns about accidents
12 and traffic and U-turns, I think the take away from
13 it is that we all experience those issues wherever we
14 drive and whatever street we're on, residential or
15 business, and for this street, this is both a
16 business and a residential street. This is not
17 solely a residential street, it's business and
18 residential. By logical extension, for all those
19 arguments, I think the only conclusion is that those
20 conditions and concerns will apply to any business,
21 whether it's a conditional-use business or a
22 permitted-use business that would be in this space.
23 And we don't have to look further than the UPS Store
24 and seems to be generating much concern, and perhaps
25 activity that is not appropriate from a traffic

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2 standpoint. So, if those thoughts and concerns are
3 applied to this use, they have to apply for every
4 use. And unfortunately the fact is, this is a
5 business zone and this is a permitted conditional
6 use. I think most of those things have to be taken
7 in a generalized fashion and speculative and not
8 applicable to this particular use. And in that
9 regard, I took a look and I invite everybody to do
10 so, at a general overview map of Manhasset and the
11 fact is that the Plandome Road area does have
12 businesses that extend either east or west from
13 Plandome Road some are on Gaynor Avenue. There is
14 also the Post Office that is on one of the side
15 streets and that generates lot of traffic. I've been
16 there and have had to go down that street and turn
17 around. So, those conditions are general conditions
18 of the neighborhood, not just Colonial Parkway. I
19 think that Mr. Mulryan made some very practical
20 suggestions with respect to a no outlet or dead end
21 sign, that the town could and probably should post on
22 Colonial right on this location. And I think that
23 would mitigate and likewise the suggestion was made
24 by Mr. Donno, I believe, and others, that the town
25 should post signs where the municipal parking lots

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2 are located. That should help. Not just on
3 Colonial, but along Plandome Road. From a traffic
4 standpoint, and parking standpoint, which I think is
5 the primary focus that I took away from all the
6 comments. I think those are A generalized concerns,
7 and B, for this particular location could be
8 mitigated to allow this use as any business used to
9 exist at the location. With all that said, again, I
10 expressed appreciation for the time devoted by the
11 Board, and I will say to Mr. Totoro, whom I do know,
12 and some others in the Civic Group, if we're invited,
13 we would welcome the opportunity to appear with the
14 Civics. Thank you again.

15 MEMBER GOODSSELL: Before you leave, if I could
16 ask a request. This is a conditional-use, because it
17 is food, would your client, and again this is just a
18 suggestion, would your client would be willing to do
19 a shorter condition if the Board said, if -- and this
20 is hypothetically speaking, if the Board was inclined
21 to grant the application to come back before us for a
22 shorter period than five years just to see how this
23 is working out. I realize your client is going to
24 spend money to develop this property, but I am
25 interested in knowing whether that would be a

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2 potential condition that your client would consider
3 with this. You don't have to give me an answer now.

4 MR. SAHN: It's a fair question. Allow me
5 please the opportunity to speak with the client. I
6 assume that the Board is not going to make a decision
7 today. If the Board is reserving, I would certainly
8 discuss that question.

9 MEMBER DONATELLI: I would ask that we continue,
10 because I personally have asked some of the residents
11 if they have accident reports that we would like to
12 see. If we're going to accept additional evidence,
13 we would continue. The record, at least as I'm
14 concerned, I've always tried to encourage dialogue
15 between an applicant and members of the public, and I
16 would think that a civic association would be a
17 perfect forum for that. I would encourage your
18 client and the residents to try to discuss and see if
19 there is some common ground. The third point I would
20 like to make, that I don't think anyone has addressed
21 and perhaps you or your client can address is the
22 issue of the odors that can emanate from cooking on
23 this site. Can you tell us what one might expect
24 from the preparation of food on the site?

25 MR. SAHN: I don't know if I could competently

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2 address that. I think you would have to speak to the
3 architect who prepared the plans and filtration
4 systems to give you information on that.

5 CHAIRMAN MAMMINA: One thing that I can say
6 having been here for a few decades now is, I've
7 personally tried very hard with the Nassau County
8 fire marshal, because we were putting a condition on
9 to food uses that the exhaust ducts had to come up
10 and turn and move out toward the front of the
11 building away from the residents, and the fire
12 marshal -- and the reason it came up is the fire
13 marshal kept disapproving -- well not kept. After
14 the second one, we said okay, we have to look at this
15 because they said there are fire hazards that when
16 you have a turn-in duct work, it's going to build up
17 grease and of course they had footage of fires that
18 happened as a result of grease fires. I don't know
19 to what extent the fire marshal is going to permit
20 anything to happen, but going straight up into what's
21 called a mushroom fan and we had suggested to the
22 fire marshal that they are alternate scrubbers put
23 into exhaust hoods and they said no they would not
24 approve those either, because if they are not
25 maintained a constant basis, there is an even greater

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2 likelihood of having a grease fire inside the
3 building. You can look at it, but I don't know that
4 even with the best intentions you're going to get
5 very far with anything other than with a straight
6 duct that comes out into a mushroom fan.

7 MR. SAHN: Let me confer with the architect of
8 the project. I don't want to give any answer that's
9 haphazard.

10 MEMBER DONATELLI: Would you anticipate or would
11 your client anticipate that cooking would occur on a
12 daily basis?

13 MR. SAHN: Yes, let me investigate that. And
14 also, Mr. Donatelli, with regard to traffic data or
15 accident data, I'd like to also speak to Mr. Mulryan,
16 maybe he has some data base he could provide.

17 CHAIRMAN MAMMINA: I think what we'll do is, we
18 will continue this to October 12th. Unless the
19 collective group would like the 26th. So that
20 information that was discussed, can be put together
21 and handed back to the Board and we can look at
22 whatever Mr. Mulryan might want to add whatever civic
23 association votes, whatever accident reports we can
24 get, whatever information regarding how the store is
25 laid out, and the cooking is exhausted. I don't know

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2 to cut it too short by saying okay, you got three
3 weeks, but if everyone says they can do it in three
4 weeks, that's okay. But what continuing means is
5 that we're leaving the record open without us closing
6 the record so that other information can be sent in.
7 If the civic association would like to meet with the
8 owner, I think they volunteered that.

9 MR. SAHN: Yes, absolutely.

10 CHAIRMAN MAMMINA: So, the 12th or the 26th,
11 doesn't matter to the Board.

12 MR. SAHN: We will perhaps, if it's okay,
13 reporter to the Board as to whether we need more
14 time, but the 12th sounds feasible to me to me now.

15 CHAIRMAN MAMMINA: In terms of the public, would
16 you like to designate one person whether or not the
17 12th sounds good to you? We would ask if you can try
18 to do that within a week or so. There will not be
19 another hearing, it will be a question of when we
20 should expect that.

21 MS. ALGIOS: Let's do that now, continue it to
22 the 26th.

23 CHAIRMAN MAMMINA: I think the Town Attorney
24 makes a good point. We'll do it to the 26th, that
25 way it's fair all around and I'm sure we're going to

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2 be deliberating for a while on this, but there won't
3 be any deliberation until we have that information.

4 MR. SAHN: I would like to ask, if we could,
5 because there are commitments that have been made
6 with respect to the store, and leasing and that sort
7 of thing. If we could put it for now onto the 12th
8 if -- I do think within that period of time we can
9 arrange dialogue, and of course mutually.

10 CHAIRMAN MAMMINA: I do get the business
11 implications for the applicant as well.

12 SPEAKER: Our group has a concern. I'm not sure
13 how you even acquire an accident report. Some of the
14 accidents occurred five years ago, ten years ago.

15 MEMBER GOODSSELL: Again, that's not our issue.
16 If you're going to submit something we can't instruct
17 you on who, what, where, when, how to get it.

18 SPEAKER: No, we just don't know how we're going
19 to get it, so maybe the 12th is too soon.

20 CHAIRMAN MAMMINA: When you have an accident,
21 you get a copy of the accident report. So that's how
22 you'll get the accident report.

23 SPEAKER: I know when my son had an accident,
24 maybe they have a record, because I remember the
25 date.

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2 CHAIRMAN MAMMINA: You get a record of it when
3 you have the accident.

4 SPEAKER: You're correct. But that was two
5 years ago. I didn't hold on to that, the accident is
6 over.

7 MS. ALGIOS: Usually the turn around time is
8 three to four days for the police department or
9 precinct to get you a copy if they still have it.
10 Normally everything nowadays everything is
11 computerized, so if it was within the last decade
12 they should have it.

13 CHAIRMAN MAMMINA: The decision, I would be very
14 surprised if the decision revolves around a few
15 accident reports that we can't get. It's just
16 documents that we've got a problem.

17 MR. SAHN: Thank you very much.

18 CHAIRMAN MAMMINA: So the 12th will be the date.

19 MEMBER DONATELLI: Thank you all for coming.

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3 MS. WAGNER: Next appeal, Appeal #21270 - 711-735
4 Port LLC (Rosa's Pizzeria); 711-735 Port Washington
5 Blvd., Port Washington, Section 6, Block 1, Lot 147;
6 Zoned Business-A Conditional Use § 70-126(F) and
7 Variance from § 70-103(A) to construct interior
8 alterations to build a new pizza parlor with not
9 enough parking.

10 CHAIRMAN MAMMINA: You heard Appeal #21270,
11 711-735 Port LLC. Rosa's Pizzeria.

12 MR. ANZALONE: Good afternoon, Mr. Chairman,
13 Members of the Zoning Board of Appeals. John
14 Anzalone, Harris Beach PLLC, 333 333 Earle Ovington
15 Boulevard, Suite 901, Uniondale, New York 11553. We
16 are attorneys for the applicant. I'm here today with
17 respect to 711-735 Port LLC's application for the
18 parking variance will be for 3.33 parking stalls and
19 a conditional-use permit in connection with
20 connection with the proposed conversion of a former
21 dry cleaner use to Rosa's Pizzeria at the property
22 located at 711-735 Port Washington Boulevard, in Port
23 Washington, New York. As a matter of housekeeping,
24 notices were mailed and posted in accordance with the
25 town code. The affidavits were filed prior to

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today's hearing and at the start of the hearing I submitted the additional C-cards and return mailings were received to date. The property is zoned business-A and is located in the northeast corner of Port Washington Boulevard, on Bar Beach Road in Port Washington, New York. The property is a roughly a rectangular shaped parcel that measures approximately 9414 square feet, with frontage in the two public streets, with approximately 111 feet of frontage on Port Washington Boulevard and seven feet of frontage on Bar Beach Road. The mixed use existing building was constructed in 1929 without any off-street parking. The property was acquired by the owner on April 9, 2014 and previously received parking variance approval for the two other commercial tenants on the property, which are a fitness studio and office space in 2017. The owner's principal, Mr. Charlie Troya, who isn't with us today, owns three pizzerias including all branded under the name of Rosa's. He used to have one in the town of Huntington, which he recently sold to his brother. All of his brothers operate these pizzerias. There are seven brothers and they have been operating pizzerias since 1975. The proposed change of the use

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2 is to admit a pizzeria for 12 seats, which requires
3 this Board's approval as a conditional-use permit.
4 The pizzeria is designed with a primary focus on
5 takeout, and will also gelato, in addition to
6 standard pizzeria offerings. Concerning the criteria
7 for conditional-uses, I note that the use is
8 permitted in the zoning district. Subject to
9 conditional-use approval by this Board, and as this
10 Board is no doubt aware, a conditional-use permit is
11 a permitted use if the criteria for such use is met.
12 The proposed use will be located within an existing
13 building, and is in harmony with the other uses in
14 the surrounding area, including a Chinese food shop,
15 Italian restaurant, convenience stores, delicatessen,
16 and barbecue restaurants within 500 feet of the
17 subject property. The Rosa use will provide
18 additional convenience and service to the area by
19 providing additional dining options on Port
20 Washington Boulevard, and it will also eliminate a
21 vacant storefront from the area. As were noted in
22 the traffic studies that were submitted with this
23 application, the use is not of a nature that has a
24 high traffic volume or demand -- or parking demand I
25 should say. Moreover, given the properties location,

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it would be reasonably anticipated to have walkup traffic from Port Washington residents. The food use is not the type that will adversely affect the future uses in the surrounding area, any more than permitted properties such as retail, beauty shops, barber shops, and self-service lingerettes. The use is entirely indoors and separated from the nearest residential structure by approximately 40 feet. The use also does not involve offensive odors, noise, lights, or vibration. Refuse will be stored in the building's basement and a private carter will be retained to pick up from the basement in accordance with the town's regulations. The waste will also be refrigerated as required by the towns code. The related parking variance is requested in order to permit the change of use, which again, requires 3.33 additional parking stalls. As this Board is no doubt aware, much of Port Washington's business quarter was developed before the town code than it's current state was adopted. As a result, many commercial properties in the Port Washington area have required parking variances over the last -- basically since the town codes came into effect, but certainly over the last 10 years, there's been a number that have

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2 come before this Board. Indeed, while this
3 application stands and falls on it's own merit, as a
4 reference in the record only, I submitted, prior to
5 this hearing, six approvals from the last four years
6 in the Port Washington area where this Board has
7 granted parking variance relief. Mr. Lenihan from
8 VHB Engineering is here with us today. He was
9 retained by Mr. Troya to prepare a traffic and
10 parking analysis. Mr. Lenihan concludes that there
11 is sufficient on-street parking observed for the use.
12 Mr. Lenihan is here to discuss his report and will
13 also address the two comment letters this board
14 received from residents. This application filed a
15 written analysis into the record going through the
16 five factors for variance relief. Rather than
17 verbally read these into the record, I will summarize
18 the written analysis, and then offer Mr. Lenihan to
19 present his findings. Now, the variances will not
20 result in an impact on adjacent properties or the
21 neighborhood. The nature of the business being
22 conducted at the property is in keeping with the
23 other commercial uses along Port Washington
24 Boulevard, and will not adversely impact the
25 neighboring properties. The subject property is

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2 surrounded on two sides by public streets, commercial
3 uses including a 24-hour convenience store,
4 restaurant and other food uses, a gas station, as
5 well as residents to the immediate east beyond the
6 sites driveway. The variance relief is not
7 substantial. As noted by the report of Mr. Lenihan,
8 the collective uses existing at the proposed site
9 were studied, and were found not to produce adverse
10 affects on neighboring uses and streets, as there is
11 adequate parking for the uses. The benefits sought
12 by the applicant can not be achieved by some
13 alternative means, because there is no additional
14 room on the property without demolishing part of the
15 building to allow for future parking. The variance
16 will not cause adverse affects on the environment,
17 because the nature of the variance relief and uses,
18 are not the type that cause environment harm, and
19 there will be no disturbance of land. As the
20 improvement are interior alterations, as well as some
21 facade upgrades. While the variance is partially the
22 result of the change of use, it is primarily the
23 result of the property's size in the existing
24 development, which makes strict adherence to the
25 building zone ordinance infeasible. The property and

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2 proposed improvements simply cannot be made compliant
3 with the town code without the demolition of the
4 existing development. Additionally, even if the BZA
5 finds that the difficulty has been self-created, the
6 applicant's satisfaction of the other four variance
7 criteria weighs substantially in favor of granting
8 this application. As previously noted, Patrick
9 Lenihan, the applicant's traffic professional is here
10 with us today. We also have Lenihan Lekekis, the
11 design professional who is on hand to answer
12 questions regarding site design questions this Board
13 may have. Finally, we have Mr. Charlie Troya, the
14 property owner and the operator of Rosa's Pizza.
15 With that said, I will like to offer the testimony of
16 Mr. Lenihan.

17 MR. LENIHAN: Thank you, John. Good afternoon
18 Chairman Mammina, Members of the Board, counsel and
19 staff. My name is Patrick Lenihan. I am with VHB
20 Engineering in their Hauppauge office at 100 Motor
21 Parkway, Hauppauge. First of all, Mr. Chairman,
22 happy birthday.

23 CHAIRMAN MAMMINA: Well, thank you.

24 MR. LENIHAN: I realized yesterday I'm not a
25 young man anymore.

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2 CHAIRMAN MAMMINA: I'm still a young man.

3 MR. LENIHAN: As I've gotten older I've learned
4 to appreciate birthdays much more. VHB was engaged
5 to perform a parking assessment for the 711-735 Port
6 Washington Boulevard application. In doing so, we
7 reviewed the site documents, the Notice of
8 Disapproval from the plans examiner, we've evaluated
9 at actual parking needs of the proposed use of
10 pizzeria as John discussed in a portion of the site,
11 and discussed field observations to evaluate
12 available parking at the site, and in the area on
13 Port Washington Boulevard. These observations
14 focused on confirming that there was sufficient
15 vacant parking on Port Washington Boulevard in the
16 area to accommodate the use over the course of a
17 weekday and a weekend. The denial letter, as John
18 already mentioned, calculates the minimum parking
19 requirements for the pizzeria at six spaces, an
20 increase of three and a third over the existing legal
21 operation approved prior. VHB's evaluation date
22 September 8th, focuses on confirming sufficient
23 available parking in the area to accommodate the
24 demand, and therefore, not inducing a parking
25 shortage in the area. To this end, we observed

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2 occupied and vacant parking stalls on Port Washington
3 Boulevard in the area on Tuesday, June 14th, and
4 Saturday, June 18th. In both cases from 11:00 A.M.
5 to 6:00 P.M. At that point, the parking demand in
6 the area had dropped off significantly. During these
7 observations, the spaces in question were vacant and
8 the balance -- the spacing meaning the -- not the
9 parking space, the space that the pizzeria is
10 proposed in. I apologize for the word salad. But
11 the balance of the building was occupied. We
12 observed and noted parking activity along a fairly
13 short section of Port Washington Boulevard that is
14 fairly close to the proposed restaurant,
15 specifically, the eastside from Bar Beach Road to
16 Vanderventer, just north of the school, north side of
17 the school. And on the west side, from Bogart Avenue
18 to Davis, the one, basically, block across the
19 street. Table One in our study presents the results
20 of the observations, and indicates the peak demands
21 in the area occur just after noon, about 12:30 on a
22 weekday. Saturday, there was significantly less
23 demand on a Saturday. The vacant spaces in the area,
24 at peak in this area, we've found five vacant spaces
25 compared to an anticipated demand of four, with the

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2 report concluding that the parking demand can be
3 accommodated just in this short stretch. However, we
4 are in receipt of some comments that came in to the
5 town, I believe in the form of E-mails. One of those
6 comments talked about our data collection being on
7 that particular week in June. It's my understanding
8 that the high school, during that particular week,
9 may have been in a testing phase, and may not have
10 been in typical operations. So, realizing this, I
11 made another observation myself at that key about
12 12:30 period earlier this week just to confirm that,
13 what we saw back in June was reasonable on a typical
14 day at the school. I also took the opportunity to
15 extent our collection, our observations one
16 additional block to the south, which would -- it's
17 still only a couple hundred feet away, but that
18 additional block to the south was Davis to Hilldale.
19 What did we find more recently, what we found most
20 recently was actually additional vacant parking in
21 our original area that we surveyed, as well as,
22 additional vacant parking on that new block, which
23 put us at 14 vacant parking spaces during that
24 critical time period. These observations further
25 confirm that the on-street parking in the area is

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2 more than sufficient to accommodate the pizzeria.
3 Some of the other comments that came in dealt with
4 area traffic concerns, area parking concerns that
5 exist in most places, and a lot of places where you
6 have busy roadways such as Port Washington
7 Boulevard's commercial districts that are bound by
8 residential districts, having to do with roadway
9 congestion, parking, things of that nature. In
10 somewhat of a general sense, and some specific
11 things, what I wanted to point out is, whatever
12 occupies this currently now vacant space, will have
13 some parking and it will have some traffic to various
14 degrees, but there are uses that could go in this
15 space completely as of right -- that could come close
16 to or even exceed the parking that the pizza parlor
17 may require, and that could be certain retail spaces,
18 beauty shops, barber shops, things of that nature. I
19 just wanted to -- the Board knows this, but I just
20 wanted to reiterate it. So, based on our review of
21 the proposed use and area parking conditions, it is
22 my professional belief that the granting of the
23 variance for relief of parking would cause an adverse
24 condition in the area. And I thank you for your
25 opportunity to speak to you this afternoon. And I

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2 will take any questions you might have.

3 MEMBER GOODSSELL: I have one. Is there any
4 parking behind this store. I don't recall when I
5 looked at it. Is there any parking for the owner or
6 employees?

7 MR. LENIHAN: There is what you could refer to
8 as a loading alley at the rear of the building that's
9 fairly long and wide, that you could probably park
10 three maybe four cars there, but they're not marked
11 stalls, which is why the denial letter says what it
12 says.

13 MEMBER DONATELLI: I'm actually quite familiar
14 with the area, because I live on Bogart. I know that
15 area, and I know that building very-very well.
16 Unfortunately, that alley that you're talking about,
17 is more or less reserved by the gas station that is
18 there. He parks a great many of these -- are you
19 talking on the north side of the property?

20 MR. LENIHAN: Eastside. It's on the site
21 property. It's part of the site. There is a ramp, a
22 concrete ramp that goes down, because the building
23 does have a basement.

24 MEMBER DONATELLI: Right. I'm familiar with
25 that. I'm just talking about the property, the area

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2 of the property just to the north, that is also
3 mapped as some sort of an easement, but it's for all
4 intensive purposes being used for something other
5 than what it was originally intended for. Never
6 mind. I would imagine a large part of the applicants
7 anticipated business would be after school students
8 walking to and from class?

9 MR. LENIHAN: We do anticipate a significant
10 amount of business to be walkers, walkup business.
11 From where it is, it is near the school and I don't
12 know the school's policy in releasing students during
13 lunch. Perhaps at lunch, maybe somebody could walk
14 down here, but that's part of considering this site a
15 good location in that it would get that business.

16 MEMBER DONATELLI: Another thing I would add,
17 because I am familiar with the area and I live there
18 is that: It's an absolute nightmare when school
19 opens and when school closes, mostly because parents
20 want to pickup their children or drop off their
21 children. Other times, it is, I won't say an
22 abundance of parking, but there typically is some
23 parking, and you really would want it to be on the
24 eastside of Port Washington Boulevard, because it's
25 almost impossible to cross over Port Washington

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2 Boulevard, except at that light, which is actually on
3 Vanderventer. So, for all intensive purposes, the
4 parking we should be considering is on the eastside
5 of Port Washington Boulevard, but again, my own
6 experience, unless it's is only pickup and drop off
7 time, you're probably going to be able to find some
8 spots there.

9 MR. LENIHAN: Yeah. And the owner doesn't
10 anticipate opening until 10:00 A.M. So, the drop-off
11 time is really a nonissue.

12 MEMBER DONATELLI: And Counsel you spoke
13 very-very fast. I know that you touched the criteria
14 that we're required to consider in Section 70-225.
15 If you could would please, just go over it one more
16 time for the record.

17 MEMBER GOODSSELL: Slowly.

18 MEMBER DONATELLI: Slowly, so that we can make
19 sure to get it all.

20 MR. ANZALONE: Sure. You're referring to the
21 special permit criteria?

22 MEMBER DONATELLI: Yes, please.

23 MR. ANZALONE: Concerning the conditional uses,
24 I note that the use to permitted in the zoning
25 district, subject to conditional-use approval, this

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2 Board, and as this Board is no doubt aware, a
3 conditional-use permit is a permitted use if the
4 criteria for such use is met. The proposed use will
5 be located within an existing building, and is in
6 harmony with other uses within the surrounding area,
7 including a Chinese food shop, Italian restaurant,
8 convenience stores, delicatessens, and a barbecue
9 restaurant, all within 500 feet of the subject
10 property along Port Washington Boulevard. The
11 proposed use will provide additional convenience and
12 services to the area by providing for additional
13 dining options on Port Washington Boulevard, and will
14 also eliminate a vacant storefront from the
15 neighborhood. As Moore fully noted in the traffic
16 study, the use is not of a nature that is a high
17 traffic volume or parking demand. Moreover, given
18 the property's location, it will be reasonably
19 anticipated to have walkup traffic from the Port
20 Washington residents as Mr. Lenihan noted. The food
21 use is not the type that would adversely affect the
22 development of future uses in the surrounding area,
23 any more than permitted uses such as retail, beauty
24 shops, barber shops, and self-service lingersettes.
25 The use is indoors and separated from the nearest

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2 residence by approximately 40 feet. The use also
3 does not involve offensive odors, noise, lights or
4 vibration. Refuse, including perishable waste
5 associated with the use will be stored in the
6 building's basement. The building's basement will
7 also contain the refrigerated unit for the perishable
8 refuse. And the refuse will be carted out by a
9 private carrier, in accordance with the town codes
10 requirements. Then I went into related parking
11 variance, if you would like me to repeat that as
12 well.

13 MEMBER DONATELLI: No, I think as one board
14 member I'm good with that. I just wanted you to
15 address the conditional use. Anyone else have any
16 other questions?
17 (No response.)

18 MS. WAGNER: We did have some members of the
19 public that did want to speak about this application,
20 correct?

21 MS. VILLANI: Hi. My name is Joanne Villani. I
22 live at 6 Bar Beach Road. And I'm so glad I came
23 here early, so I could listen to the situation that's
24 going on in Manhasset, because I learned a lot.
25 Interesting that all these people from Manhasset say

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2 that they lived in Manhasset for 22 years. I have
3 lived on Bar Beach Road on and off for 59 years. I
4 have a lot of knowledge of the area. The Board, I
5 would like to give you some of my concerns so that
6 you could review it later. Thank you very much. So.
7 Rosa's would like to take over a building that was a
8 dry cleaners. I think that it presents the same
9 issues that the people in Manhasset were discussing.
10 That Rosa's Pizza is going to be a high usage
11 pizzeria. There's going to be traffic. The traffic
12 flow is going to be an issue. I also want to know
13 where their employees are going to park, if they have
14 a delivery service where that car is going to park.
15 The person, this gentleman right here who did his
16 survey talked about that there was a driveway that
17 the four cars could fit in there. There are not
18 spaces for four cars, and getting in and out of that
19 driveway, you would only be able to put one car, and
20 that car would have to do a U-turn to get out. So, I
21 don't agree with what he said. Basically, my concern
22 is that you have three parking spots in front of
23 Rosa's Pizza, we have Bar Beach Road, you are not
24 allowed to make a left out of Bar Beach Road, you
25 cannot make a left when you are traveling towards

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2 Manhasset. On Port Washington Boulevard there's no
3 left allowed on Bar Beach Road. My concern is that
4 people will be breaking the law, making the left, and
5 it'll present danger for pedestrians and other
6 drivers. This is a very high trafficked area. We
7 have North Shore Farms, which is basically, about it
8 200 feet from where Rosa's Pizza is going to be.
9 North Shore Farms creates a lot of traffic, and there
10 is a strange lane change there, where, when I need to
11 make a left on to Bogart Avenue, because I cannot
12 make a left onto Bar Beach Road, I have people from
13 North Shore Farms trying to get into their parking
14 lot, coming towards me with their cars. Now, we want
15 to put a pizzeria on the corner there, we're going to
16 have people making U-turns on Port Washington
17 Boulevard, and illegally making left turns on to Bar
18 Beach Road. This gentlemen says it's not going to
19 have an impact on the residents, pizza smells okay.
20 We have Dimaggio's across the street, I can smell it.
21 Okay. People talk about that there's a Chinese
22 restaurant, delis, Dimaggio's, those properties are
23 situated in such a way that behind them is commercial
24 property. Many residence don't live behind these
25 type of businesses. Rosa's Pizza needs to know that

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2 they need to vent their odors away from the
3 residential area. We have the Bread and Butter
4 convenience store at the bottom of our block, it
5 causes traffic, noise, loitering and garbage okay.
6 Now, you want to put a pizza parlor there, which
7 would cause traffic, noise, loitering, and garbage.
8 I have lived in Port Washington for at 59 years, and
9 the traffic is terrible, and the garbage is a big
10 issue. He talks about students coming from the
11 schools, have you ever walked about Smashburgers or
12 any of the other places where the young people are
13 eating, they just throw their garbage out on the
14 street. This is going to impose a quality of life
15 issue on the people that live on Bar Beach Road.

16 MS. ALGIOS: Ms. Villani, I apologize, but your
17 time is up. If you could just wrap up your comments.

18 MS. VILLANI: But why is my time up, you let 30
19 people speak for three minutes.

20 MS. ALGIOS: Because every resident is entitled
21 to come up and speak for three minutes --

22 MS. VILLANI: Those are my issues. You need to
23 be aware that Bar Beach Road, we don't have parking
24 on one side of the street. There's no left turn.
25 We're very close to North Shore Farms, which creates

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2 a lot of traffic, and we've already taken on the Bed
3 and Bread convenience store, which delivers food at a
4 late hour, and the garbage pickup, the noise, and the
5 garbage. I would prefer not having a pizzeria on the
6 corner of my block.

7 MS. WAGNER: Just for the record, we entered the
8 comments in writing as Opposition's Exhibit 1.

9 MR. ANZALONE: I will ask Mr. Lenihan to address
10 the high traffic use concerns, and then I will
11 address some concerns in turn.

12 MR. LENIHAN: As I alluded to before looking at
13 some of the generally community concerns they fall in
14 line with what the woman was saying. The fact that
15 Bar Beach Road has turned prohibitions onto it is a
16 positive thing for the community in order to limit
17 the amount of traffic that's using that road. Could
18 someone occasionally break the regulation and make a
19 left turn, sure they could, and I'm sure they
20 probably do once in a while too. But the fact that
21 that's there, does somewhat insulate the residents of
22 that street from any traffic that would be associated
23 with the pizza parlor or any other use that could be
24 there. It's a very small restaurant, less than
25 2,000 square feet. There will be a lot of walkup

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2 business, which is why we believe that location is
3 good with how that busy commercial area, the
4 employees and such that are there. So, really, my
5 opinion is it's a good location. Thank you.

6 MR. ANZALONE: I want to call Ms. Leeann
7 Legakis, the project architect just to briefly
8 explain how -- it's not currently designed, but it
9 will be designed.

10 MS. LEGAKIS: Leeann Legakis. 35 Pinelawn Road,
11 Suite 207, Melville. As he said, it's --

12 MEMBER GOODSELL: Can you spell your last name.

13 MS. LEGAKIS: L-E-G-A-K-I-S. As John just said,
14 it's not fully designed yet in regards to the venting
15 system.

16 CHAIRMAN MAMMINA: Can you tell us your
17 relationship to the property?

18 MS. LEGAKIS: Architect.

19 CHAIRMAN MAMMINA: Are you a licensed
20 professional?

21 MS. LEGAKIS: Yes, for Frank Relf Architect.

22 CHAIRMAN MAMMINA: Are you licensed?

23 MS. LEGAKIS: Yes. The system is not designed
24 just yet, but we've done a lot of these facilities
25 before, a lot of restaurants. It will have a typical

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2 sophisticated hood system with the proper filtration
3 systems and venting. You don't go by a lot of pizza
4 places and smell very strong odor of pizza, because
5 of the filtration systems and venting. We'll have
6 those typical systems that you won't really get those
7 odors. Any other questions with regards to those
8 venting.

9 SPEAKER: Can I ask a question?

10 VICE CHAIRMAN FRANCIS: No.

11 CHAIRMAN MAMMINA: Not really, but I will give
12 you that latitude.

13 SPEAKER: When she says --

14 CHAIRMAN MAMMINA: Stand up and come on up.

15 MS. VILLANI: I looked at the plans --

16 CHAIRMAN MAMMINA: Please give your name and
17 address again.

18 MS. VILLANI: Hi. I'm Joanne Villani. I live
19 at 6 Bar Beach Road, Port Washington. I looked at
20 the plans, it looked like the venting is coming out
21 of the back of the building, which faces right onto
22 Bar Beach Road. My question to is, you where are the
23 odors going to be vented?

24 CHAIRMAN MAMMINA: You're not allowed to have a
25 conversation.

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2 MS. VILLANI: These are my concerns --

3 CHAIRMAN MAMMINA: You can raise a question, and
4 then she can answer.

5 MS. VILLANI: These are my concerns, that the
6 venting will be blowing right onto our residential
7 area. As opposed to being on top of the building and
8 going out towards the Boulevard. It appears that the
9 venting is on the back of the building.

10 CHAIRMAN MAMMINA: She can answer that, but as I
11 said earlier, I know you were here if you were
12 listening, fire marshal is not going to approve any
13 turn in the duct work and heading in that direction.

14 MR. ANZALONE: That's just what the applicant
15 was telling me in my ear is that it has to go
16 straight up, that the filters have to go straight up.

17 MS. LEGAKIS: Leeann Legakis, Frank Ralf
18 architect, 35 Pinelawn Road, Suite 207, Melville.
19 The vent has to go up through the roof. Straight up.
20 You can't go out the back. And as you said on the
21 prior application, it will probably be a mushroom
22 vent. That's it.

23 MR. ANZALONE: With that, unless this Board has
24 any other questions. We submit that this is our case
25 in chief and were here to answer any other questions.

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2 Otherwise, we respectfully request this Board to
3 approve the application.

4 MEMBER DONATELLI: I don't have any other
5 questions. I think that the member of the public has
6 actually presented some -- as part of the record now,
7 some information that I think I would like to
8 consider. So perhaps we can reserve a decision on
9 this.

10 CHAIRMAN MAMMINA: I don't have any problem.

11 MEMBER DONATELLI: I just ask, did you receive a
12 copy of what we received?

13 MS. WAGNER: No, he does not. She just
14 submitted that today.

15 MR. ANZALONE: Mr. Desalvo was the resident that
16 submitted the other letter.

17 MEMBER DONATELLI: Counsel, obviously you
18 haven't had a chance to review that yet. Do you want
19 a chance to rebut what may be in there?

20 MR. ANZALONE: Yes, I would like to relook
21 quickly. With respect to traffic flow in front of
22 Rosa's Pizza due to inadequate parking, that was
23 addressed by Mr. Lenihan. I won't repeat that.
24 Double parking on Port Washington Boulevard; that is
25 a condition that exists presently, and would exist if

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2 this property was used as a barbershop, self-service
3 lingerette, restaurant, any type of use to get there
4 as of retail uses. That's not particular to this
5 type of use. And it's also the seating that causes
6 the parking variance. If this actually was just a
7 take out restaurant, that alone would not have a
8 parking variance. It's the 12 seats that create the
9 3.33 parking variance here. It's not the use so
10 much, it's the seating with the use that creates the
11 parking variance which we're here for that portion of
12 the application. There is a heavily trafficked
13 supermarket in the area, but again, that condition as
14 Mr. Lenihan noted before, would be true for any use
15 of this property, whether it's a take out restaurant
16 or otherwise. The traffic report as was
17 investigated, filed with the town, it was reviewed by
18 Mr. Steve Peratta and others at the Planning
19 Department and they didn't raise any questions with
20 regards to the methodology. The back end of the
21 pizza parlor is on Bar Beach Road. Garbage will be
22 stored, they asked where, it will be stored in the
23 basement. It will be placed for pickup, it will be
24 placed to pickup in the basement, where the private
25 carter will enter the building and remove that

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2 garbage from the building. Eatery report with bugs
3 and rodents. That the purpose why this code has
4 adopted -- this town has adopted that creates a
5 requirement for refrigeration perishable waste. The
6 reason the current code provides that is, it prevents
7 smells, and it prevents infestations. Mr. Troya's
8 other restaurants, which do not have these
9 requirements, he has refrigerated space for his
10 waste, for that particular purpose. Infestations and
11 smells detracts people from to coming to your
12 restaurant. That's why there's an inherent need to
13 make sure that your restaurant is clean and you don't
14 create those conditions that she's raising here.
15 Now, what steps need to be taken to convert a dry
16 cleaners into an eatery, would be exposures would
17 residents be exposed to. The modifications to the
18 building are in the interior with respect to the dry
19 cleaner use. The dry cleaner use has been cleaned
20 out. They have to clean up the building, meaning
21 they would have to wash the floors, change the
22 floors, put new flooring down, put new wall coverings
23 up, you would need to redecorate the space, they
24 might replace the ceiling tiles as necessary. Where
25 will the fan be vented, as they noted it will be

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2 vented through the roof. And where will the smell of
3 grease or pizza when trying to enjoy outdoor spaces
4 -- as Ms. Legakis noted, that will be addressed
5 through venting through the roof and through the
6 filtration systems that will be installed, including
7 very likely a mushroom top. Will there be a change
8 to present lighting, and will there be signage with
9 lights on the corner of the building that faces Bar
10 Beach Road, there will be signage that would replace
11 the dry cleaner sign, I don't believe there's any --
12 Ms. Legakis, can you testify to the elevation
13 modifications?

14 CHAIRMAN MAMMINA: We don't have any signage
15 application.

16 MR. ANZALONE: Correct, that's not before this
17 Board, that would be brought before the Building
18 Department. We would require it comply with all
19 requirements of theirs with respect to lighting and
20 signage and we're not seeking any variances on the
21 codes.

22 CHAIRMAN MAMMINA: How big they are, how tall
23 they are.

24 MR. ANZALONE: Correct, that's all subject to
25 the Building Department's regulations that we have to

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2 comply with. Correct. Noise and loitering, the
3 customers, these are all affect the aesthetic of Port
4 Washington. Now, with respect to noise and
5 loitering, that's very speculative. I really can't
6 say it's going to create this condition or not create
7 the condition. It's an unknown. It's a condition
8 that can be managed by the applicant by asking people
9 to disperse. And if there's actually quality of life
10 issue, that's something that the town has enforcement
11 rights over. If the site creates enforcement site
12 issues, nuisance conditions to the neighborhood, the
13 town has the right to shut down the facility, they
14 have a right to fine the facility. The applicant has
15 a duty to comply with the town code and all
16 regulations regarding noise, loitering and refuse
17 pickup. Also, it's in their benefit to clean up
18 their own property. Again, leaving waste outside
19 attracts rodents, it attracts bugs and it detracts
20 customers from coming into a facility, because they
21 want it to be clean when they're going somewhere to
22 eat. As the Bread and Butter convenience store, I'm
23 not going to address that. That's my response to
24 these comments.

25 MEMBER DONATELLI: I would ask that we reserve.

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2 CHAIRMAN MAMMINA: We reserve decision on this
3 application. This won't be decided today. And be in
4 touch with the Zoning Board office after our next
5 hearing, which is October 12th.

6 MR. ANZALONE: Thank you all for your time and
7 attention. Have a great day.

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3 MS. WAGNER: Next appeal, Appeal #21291 -
4 BRIXMOR SPE 6, LLC./Aldi Signs; 225 Glen Cove Rd.,
5 Carle Place; Section 10, Block N, Lot 239; Zoned
6 Industrial-B Variances from §§ 70-196.J(1)(b) and
7 70-196.J(1)(f) to construct a sign that is too tall,
8 and too high off the ground.

9 CHAIRMAN MAMMINA: You've heard Appeal #21291 -
10 BRIXMOR SPE 6, LLC./Aldi Signs. Is there anyone with
11 the room interested in the application other than the
12 applicant?

13 (No response.)

14 MR. KOUTSOUBIS: Good afternoon, Members of the
15 Board. Happy birthday, Mr. Chairman and thank you
16 for this opportunity to speak here today and I
17 appreciate everything. My name is Dean Koutsoubis.
18 My address is 121 Newbridge Road, Hickville, New York
19 11801. I am here on behalf of the people at Aldi who
20 are looking to build a new location and we are
21 seeking a variance for a sign to be installed at the
22 proposed Aldi, which is going to be located at 225
23 Glen Cove Road in Carle Place. Aldi will be taking
24 over 21,392 square feet of space with a 178 feet of
25 frontage, which was formally the Stew Leonard's wines

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2 and the Japanese buffet restaurant.

3 CHAIRMAN MAMMINA: It was also the Entenmann's
4 two day old store.

5 MR. KOUTSOUBIS: I'm not clear if the Entenmanns
6 was part of this or not. It's not still there, but
7 from reviewing the plans, it looks like it might be a
8 separate space. I did review the site plan, it's not
9 hatched out on that space. That may not be part of
10 it . Aldi will be joining TJ Maxx as a second anchor
11 store in this shopping center, as well as several
12 other smaller retail spaces in the shopping center.
13 The variances that we're seeking are for the sign.
14 The sign that we're proposing is approximately eight
15 feet wide by nine foot tall. It's a placard type
16 sign, it's illuminated, and it's going to be
17 installed on the new facade with a slanted roof. As
18 you could see, this is the facade that we submitted.
19 That's the sign that we're proposing. The square
20 footage -- the first variance that we're requiring is
21 the square footage. The code requires only a really
22 minimal sign of 24 square feet. Our proposed sign is
23 74.98 square feet. The height of the sign, not
24 height from the ground, but the height of the sign is
25 where the requirement is proposed to be nine foot

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2 five and a half inches, where the requirement is four
3 foot six or four and a half feet tall. So, we're
4 exceeding the height requirement on the sign. On top
5 if it, the maximum height from the ground, the code
6 allows for 18 feet, and we're requesting 25 foot six
7 from the ground to top of the sign. The code as
8 written may provide adequate signage for a typical
9 small retail shop, but does not allow any provisions
10 for where a larger retailer, which such a small sign,
11 according to the code, will not or may not be
12 effective. Furthermore, if we were to try to comply
13 with the sign ordinance, the sign would be so small
14 for such a large building. It would be out of
15 character to go with a smaller sign with such a large
16 space on such a large building. The sign we're
17 proposing is similar to all the other Aldi locations
18 across the Island. We've had similar variances
19 throughout various towns in the Island for this very
20 similar sign location. The colors, logos and fonts
21 are all in line with the other locations. I do have
22 some to submit, I'll show you picture photos of the
23 other completed locations which have a similar
24 signage, and they're all registered trademark to
25 Aldi. The sign will be facing Glen Cove Road, with a

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2 setback of more than 400 feet from the front property
3 line. It will be facing the parking lot, and then
4 400 feet from Glen Cove Road. The immediate area is
5 completely surrounded by business and retail uses.
6 The proposed sign will not be visible or have any
7 negative effect to any residential properties and the
8 sign will also be illuminated from 5:00 P.M. to
9 midnight daily. I would like to submit.

10 MS. WAGNER: These are photographs?

11 MR. KOUTSOUBIS: Yeah.

12 MS. WAGNER: So it'll be Exhibit 1.

13 MR. KOUTSOUBIS: I'd also like to submit a
14 similar sign which is actually in this immediate
15 neighborhood, it's for Homesense. Which is
16 approximately, 500 feet to the south of this
17 building. That address is 177 Old Country Road.
18 However, it faces Glen Cove Road. Homesense also
19 built a sign similar in nature, from looking at the
20 pictures, it's bigger than what we're proposing. To
21 my understanding this board has granted similar sign
22 variances in the past.

23 CHAIRMAN MAMMINA: I don't remember Homesense
24 ever coming here.

25 MR. KOUTSOUBIS: I looked through many pages of

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2 decisions, I could not find them either. But I do
3 know that Lido came before this Board.

4 CHAIRMAN MAMMINA: No, I'm not questioning that.
5 I'm questioning all of us, that Homesense just put up
6 a sign.

7 MS. ALGIOS: I think they did come.

8 MS. WAGNER: That wasn't that long ago.

9 MR. KOUTSOUBIS: Even though these variances may
10 seem substantial according to the code, to my
11 understanding, similar variances have been granted
12 for other larger retails that have larger spaces.
13 With this in mind, I would kindly request the Board's
14 approval.

15 CHAIRMAN MAMMINA: I'll just say, I agree with
16 some of what you said and I disagree with some of
17 what you said. A sign of that size and height, well,
18 certainly that height if it were closer to the road
19 or up at Glen Cove Road or Old County Road, chances
20 would be very high that we would not approve a sign
21 at that height. But as I said, I've lived at Carle
22 Place for 43 years, I know virtually every inch of
23 it, and I don't have any issue with this sign for
24 several reasons. First of all, as you said, it's
25 setback probably 400 feet from the road, and it's not

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2 a particularly aggressive sign in terms of it's size.
3 Without that height, it would be very difficult to
4 see. Also, you're kind of penned in by the shopping
5 center to your north and the shopping center to your
6 south. So, you're kind of doing a turn and you're
7 seeing it in there. So, without that sign, that
8 would be difficult and you'll probably get something
9 on the monument sign that's outside. But for those
10 reasons -- one other thing. There's actually nothing
11 residential anywhere around there, and it's
12 completely commercial at this point. When I was a
13 little boy it was industrial. For those reasons, I
14 have no issues.

15 MEMBER GOODSSELL: Can I ask a question. I'm
16 quickly Googling the other Aldis that are on the Long
17 Island, most of them seem to be opened from 9:00 A.M.
18 to 8:00 P.M. or 9:00 A.M. to 9:00 P.M. You mentioned
19 the illuminated sign is going to be illuminated from
20 5:00 P.M. to midnight. Did I get that correct?

21 MR. KOUTSOUBIS: When I requested the
22 information, that was the information that was
23 provided to me from my clients.

24 MEMBER GOODSSELL: I just would find it
25 surprising that the sign would be illuminated so long

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2 after the closing of the store.

3 CHAIRMAN MAMMINA: I could be wrong, this
4 Industrial-B property. It was Industrial-B property
5 as a result of the Second World War. And I'm almost
6 certain that there's no restriction in Industrial-B.
7 I don't know and again, I look to Ms. Wagner, because
8 on many levels she knows the zoning better than I do.

9 MS. WAGNER: Are you asking about the hours of
10 operation?

11 CHAIRMAN MAMMINA: I know when Waldbaums was on
12 the western side of Glen Cove Road, there were houses
13 that are across the street from where they were. And
14 the Board and Waldbaums did agree that they would
15 limit the illumination of that sign in conjunction
16 with how long they were open and not to exceed 10:00
17 at night. But again, that was a long time ago.

18 MEMBER DONATELLI: I would also add to the
19 chairman's comments. The height of the sign is
20 mandated by the architecture. I think putting the
21 sign any lower on that facade as I look at the
22 elevation, would just look wrong. While we're not an
23 aesthetic board, it seems to me to be centered,
24 really, between the roof line and the line just above
25 the door. So, it would be properly situated at that

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2 height even though they need a variance.

3 CHAIRMAN MAMMINA: And supporting what Member
4 Goodsell said, if this were in a difficult location,
5 I would certainly agree with limiting the hours that
6 the signs is illuminated. I am fine with it as long
7 as it's permitted to up until midnight if that is the
8 case.

9 MS. WAGNER: Under the sign prohibitions, it
10 says all signs which direct or glare of light on a
11 budding residential district, shall remain
12 illuminated half hour after the close of the business
13 and no event later than 11:00 P.M. and lights within
14 business establishment may be kept on -- it says
15 within the business establishment.

16 CHAIRMAN MAMMINA: This is Industrial-B?

17 MS. WAGNER: This is not business zone, this is
18 just a general sign --

19 CHAIRMAN MAMMINA: Didn't they say business? Or
20 did they not mean business zones?

21 MS. WAGNER: It says lights within business
22 establishment, but I think that means within, like
23 within the store.

24 CHAIRMAN MAMMINA: Technically, it may be
25 amongst a residential zone, in that, the park away,

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2 the other side of the parkway is a residential zone,
3 but you're not looking for the sign in the back of
4 the building. There was a Staples in that shopping
5 center for a long time and they applied for a sign in
6 the back of the building when we gave them 24 square
7 feet because that's what was allowed and within the
8 height.

9 MR. KOUTSOUBIS: May I comment on the lighting
10 situation?

11 CHAIRMAN MAMMINA: Please.

12 MR. KOUTSOUBIS: My client expressed to me that
13 they intended to keep -- that information I got from
14 the application that we had to fill out. My
15 understanding, this is in a development with Brixmor.
16 The development may have their own restrictions as to
17 when their lights go on and off. And there's
18 multiple other tenants in that development. I would
19 feel that they would be in line with -- they wouldn't
20 turn this one off before they would turn off TJ Maxx
21 or something like that.

22 CHAIRMAN MAMMINA: And also, what's interesting,
23 going back to Ms. Wagner. If it was noted on the
24 application that it was going to be on until 12:00,
25 which is what I understood, and I don't know, I've

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2 never been a plan examiner in the Town of North
3 Hempstead, would they be looking at something like
4 that, and considering whether something needs a
5 variance or would it be strictly based on drawings?

6 MS. WAGNER: If there was something in the code
7 that would prohibit it, but I don't see anything in
8 the code that does prohibit it.

9 MS. ALGIOS: No, there isn't anything in the
10 code.

11 CHAIRMAN MAMMINA: In the Industrial-B there was
12 no restriction. Just because I remember that other
13 Carle Place application.

14 MEMBER DONATELLI: I will also note that in the
15 disapproval letter there's no mention.

16 CHAIRMAN MAMMINA: That was my point, there was
17 no mention. In the end, I guess it's okay, and I
18 would also agree with you, kind of keeps it in
19 context with the rest of the shopping center.

20 MEMBER DONATELLI: I'll make a motion that we
21 grant at application.

22 CHAIRMAN MAMMINA: We have a motion, do we have
23 a second?

24 VICE CHAIRMAN FRANCIS: Seconded.

25 MEMBER DONATELLI: Motion by Member Donatelli

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2 and seconded by Member Francis. Ms. Wagner, please
3 poll the board.

4 MS. WAGNER: Member Goodsell?

5 MEMBER GOODSSELL: Aye.

6 MS. WAGNER: Member Donatelli?

7 MEMBER DONATELLI: Aye.

8 MS. WAGNER: Vice Chairman Francis?

9 VICE CHAIRMAN FRANCIS: Aye.

10 MS. WAGNER: Chairman Mammina?

11 CHAIRMAN MAMMINA: Aye. The application is
12 granted.

13 MR. KOUTSOUBIS: Thank you. I appreciate your
14 time.

15 CHAIRMAN MAMMINA: Last man and woman standing.

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3 MS. WAGNER: Next appeal, Appeal #21292 -
4 National Maintenance, Inc./Steel OCR, LLC; 393 Old
5 Country Rd., Carle Place; Section 10, Block 288, Lot
6 44; Zoned Business-A. Variances from §§
7 70-196.J(1)(b) and 70-196.J(1)(f) to construct a sign
8 that is too tall and too big and too high off the
9 ground.

10 MR. SBARRO: Good afternoon, Members of the
11 Board. My name is Gianni Sbarro --

12 CHAIRMAN MAMMINA: Just let me call it first.
13 You've heard Appeal #21292 - National Maintenance,
14 Inc./Steel OCR, LLC. Is there anyone in the room
15 interested in the application other than the
16 applicant?

17 (Hand raised.)

18 CHAIRMAN MAMMINA: Are you the applicant though?

19 SPEAKER: No, I'm not.

20 VICE CHAIRMAN FRANCIS: You're not opposed to
21 the application?

22 SPEAKER: No.

23 CHAIRMAN MAMMINA: Seeing no one then. Please
24 give your name and address.

25 MR. SBARRO: Good afternoon, Members of the

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2 Board. My name is Gianni Sbarro. I'm an attorney
3 with Forchelli Deegan Terrana LLP. The office is at
4 333 Earle Ovington Boulevard, Uniondale, New York
5 11553. I'm here on behalf of the applicant, and I
6 also have Paula Ruiz here from National and Lighting,
7 who is available for any questions the Board may have
8 relating to the sign and application. I believe the
9 Board is familiar with the center, as there's been
10 applications before the board related to the center
11 in the past. It's an 80,000 square-foot mixed use
12 commercial building, located on the northwest corner
13 of Old Country Road, and Carle Road, in Carle Place,
14 New York, which is in the business-A district of the
15 town. Mount Sinai Doctors has taken over the second
16 and third floors of this office building, and it will
17 be a multispecialty practice office which will
18 include cardiology, urology, internal medicine, and
19 ophthalmology. These are existing practices that
20 will be moving into the building, which is currently
21 vacant. We are proposing new wall signs on the
22 north, south and east sides of the building in order
23 to identify the new businesses locations and to
24 permit visibility on heavily commercial and highly
25 trafficked portion of Old Country Road. The proposed

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project includes three wall signs, very similar to one another. Each will read Mount Sinai Doctors, and display a colored logo of the parent organization Mount Sinai Health system and the like. One will be on the south elevation facing Old Country Road, one will be on the east elevation facing Carle Road and one will with on the north elevation facing the parking lot in the rear of the building. In order to move forward with the installation of these signs, we require three variances from Section 70-196J1B for the size of the north sign facing the parking lot, and from 70-196J1F for the size of the two signs facing the public streets. Pursuant to Section 70-196J1B, a sign on a building wall facing a parking area shall not exceed two feet in vertical measurement, or one square foot per linear foot of wall width, but in no case, shall exceed 24 square feet in area. The applicant is proposing a wall sign on the north side facing the parking lot that is seven feet, and seven inches high, five feet and three inches wide, and 39.8 square feet area in total. A view of the rear of the building reveals that the proposed sign is very proportionate due to the height and length of the building. But also,

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2 important for visibility so the entrance to the
3 office is discernable across the very large parking
4 lot in the rear. I have some exhibits to show the
5 Members of the Board. I apologize, I only have three
6 packets.

7 VICE CHAIRMAN FRANCIS: While you're handing
8 that out, what's the rationale for having the sign at
9 that height location?

10 MR. SBARRO: So, the way that the building is
11 actually positioned, if you recall or if you've seen
12 the site, there's a Shiro's of Japan towards the east
13 side, and on the other side is a Sam Ash. The
14 building is somewhat leveled and there's a mid-tier,
15 which kind of gives a lay back to where the height of
16 the building can be seen and you can actually point
17 to the businesses locations. So, to put it on a
18 lower level, it would not only confuse with the
19 Shiro, or potentially where the actual businesses
20 are, but it also just gives an additional visual
21 behind that lower-tier so that people can actually
22 see the particular business location from different
23 angles on Old Country Road.

24 CHAIRMAN MAMMINA: Which side are you talking
25 about now? I find the drawings confusing. I will

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2 say, these are huge asks. These are really high up
3 and really big signs, but okay. Where is that and
4 what am I looking at in terms of the elevation and
5 which way does that one face?

6 MR. SBARRO: This is Old County Road, this would
7 be facing Old County Road, which is also the same
8 sign, this is Elevation-A which we referred to in our
9 addendum.

10 CHAIRMAN MAMMINA: Do you have a sight plan that
11 says where Elevation-A is? I don't see it. You say
12 partial Elevation-A. I understand now which way it
13 faces, but normally it should say south elevation.

14 MR. SBARRO: Sorry, these were the plans that
15 were submitted.

16 CHAIRMAN MAMMINA: No, I understand. Normally,
17 the person that prepared the plan should potentially
18 be here.

19 MR. SBARRO: Yes, Paula is here. She's from
20 that --

21 CHAIRMAN MAMMINA: Normally, we get an architect
22 though too, because the sign person may not know
23 which way is north, south, east or west.

24 MR. SBARRO: To give the Court a better
25 understanding of where we are exactly. This one,

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2 Elevation-A, this faces Old County Road. That's the
3 front of the building if you will, the facade. If
4 you move to Elevation-C, this faces Carle Road, which
5 is the east facade of the building. The sign is the
6 same as the one on Old County Road. And finally the
7 third sign is the sign in the rear, which is at
8 Elevation-D, and this was just a small sign, more
9 like a directional sign if you will, to show where
10 the entrance to the building is. We're asking that
11 even though it's larger and taller, this is a large
12 building. That's why we're proposing to put it where
13 it is.

14 CHAIRMAN MAMMINA: Let's start with what might
15 be the easiest. How high up is that sign?

16 MR. SBARRO: This sign, according to the
17 plans --

18 CHAIRMAN MAMMINA: Well again, the plans don't
19 show it. These plans are very tough.

20 MR. SBARRO: It's a total height of 7.7 feet.
21 The sign will be, I believe 12 feet off of the
22 ground.

23 CHAIRMAN MAMMINA: But we can't believe. We
24 have to know.

25 MR. SBARRO: Just one moment if you don't mind.

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2 CHAIRMAN MAMMINA: Because my next question is
3 going to be, why does it have to be that height and
4 does it comply.

5 MR. SBARRO: Paula, could you speak to the
6 height of the sign in the rear, how high it will be
7 off the ground.
8 12 feet off the ground Chairman. That was submitted
9 in our signed addendum, sorry it wasn't on the plans.

10 CHAIRMAN MAMMINA: And your permitted is?

11 MR. SBARRO: We're permitted --

12 CHAIRMAN MAMMINA: Only because the --

13 MR. SBARRO: Four and a half feet off of the
14 ground.

15 CHAIRMAN MAMMINA: I'm a north, south, east,
16 west person. I'm looking at the denial and I'm just
17 trying to figure out, based on the presentation,
18 which --

19 MR. SBARRO: Now, in the rear of the building
20 we're not asking for a height variance. We're just
21 asking for the front facade and the side facade. So,
22 Elevation-A and Elevation-C is where we're seeking
23 the height variance, and we're seeking just a
24 variance for the size of the sign in the back and the
25 total length of the sign, if you will.

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2 CHAIRMAN MAMMINA: My concern is that there are
3 houses that are right behind there, that are fairly
4 approximate.

5 MR. SBARRO: Yes. Now, there is a large parking
6 lot in the rear chairman.

7 CHAIRMAN MAMMINA: It's not to so large.

8 MR. SBARRO: Paula and I were speaking about
9 this earlier, I would say that the closest resident
10 to the end of the parking lot is over 200 feet from
11 the end of the building and that's on our survey if
12 you'd like I can pass that up as well.

13 CHAIRMAN MAMMINA: I have the survey. How is
14 this sign illuminated?

15 MR. SBARRO: The sign would be -- Paula would
16 you like? Can I call Paula up, is that okay?

17 CHAIRMAN MAMMINA: As long as she gives her name
18 and address, sure.

19 MS. RUIZ: Good afternoon. My name is Paula
20 Ruiz. Good afternoon Members of the Board. My name
21 is Paula Ruiz. I'm with National Maintenance, Inc. I
22 would like to mention that the only sign that faces a
23 residential area is the sign in the back of the
24 building, and it has a distance of approximately
25 250 feet from the sign to the houses. We can manage

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2 the time that the sign is going to be on and off as
3 per your advise, that way we avoid issues with the
4 neighbor.

5 CHAIRMAN MAMMINA: It's closer than 250 feet,
6 but that's okay. The question is how is it
7 illuminated, if it is illuminated?

8 MS. RUIZ: It's internally illuminated with
9 LED's, and it's mounted on a raceway.

10 CHAIRMAN MAMMINA: This says non-illuminated.

11 MS. RUIZ: That's correct. I am so sorry. The
12 only two signs that are illuminated are the ones on
13 the south elevation and the east elevation. The one
14 in the rear elevation is not illuminated. I
15 apologize for that.

16 CHAIRMAN MAMMINA: So, those are just channel
17 letters that are going to be mounted to --

18 MS. RUIZ: Yes.

19 MEMBER GOODSSELL: The purpose of that sign would
20 be, people pulling into the parking lot can identify
21 the doorway or location to go to the doctors.

22 MS. RUIZ: Correct, yes.

23 MEMBER DONATELLI: Let me just jump in. One of
24 the things in my mind as one board member is, of
25 course, if there's somebody occupying the building,

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2 you want a sign there, and the purpose of the
3 application would be to place a sign identifying who
4 occupies the building. Very often, people try to use
5 the sign more as an advertisement technique, than as
6 identification of who occupies the building, and we
7 recently had an application like that that was
8 doctors on the service road of the expressway. We
9 tried to walk that fine line, between allowing an
10 applicant who occupies the building, but trying to
11 have it stop short of it being an advertisement for
12 whomever may be in there. We understand that as
13 people drive up and down Old Country Road, they want
14 to be able to identify whoever occupies the place,
15 and certainly you might be going faster on Old County
16 Road then you might be going on a regular residential
17 street, and buildings are setback. So, there is a
18 need many times to vary from the town ordinance. But
19 as one board member, I will say that I think that the
20 height is rather excessive and also the size is
21 rather excessive. So, as I look at the elevation,
22 and forgive me I need to zoom in a little bit, but as
23 I look at the elevation it seems to me, it might be
24 more appropriate to place the sign on the Old County
25 Road, as well as the one facing the Carle Street,

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2 might be more appropriate to put it on the second
3 level rather than on the third level. Maybe bring it
4 down a bit, because the band, the architectural band
5 of the building, is actually quite narrow compared to
6 many other buildings. So, it seems to me that the
7 lettering of this sign takes up most, if not all of
8 it, all of that architectural horizontal band.

9 CHAIRMAN MAMMINA: Also, I would say that's just
10 a high, very tall sign for the Town of North
11 Hempstead. If you were to turn and look across the
12 street at the town of Hempstead, they permit you to
13 put that thing up on columns and take it up 50 feet,
14 but not in North Hempstead. On the signs that Member
15 Donatelli is referring to that we had last time,
16 their rational, which ultimately we decided we agreed
17 with was that they were on the Long Island
18 Expressway, and then had the service road on the
19 other side. For people who are looking for this
20 building, that they would see that, and know where
21 they were going. And we made them drop those signs
22 down, where they had real visibility problem from a
23 distance. Yours your kind of right on top of Old
24 County Road. You're not setback a whole lot, at all.
25 And quite honestly, I think people will have a hard

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2 time seeing that sign up there from Old Country Road.
3 Be that as it may, that's really just is a high up
4 grant for us. If you see the BSW, that's a higher up
5 sign there, but they're set way back, and they're
6 also pinned in by other buildings. I think for
7 myself as one board member, to consider those signs
8 they would have to come down to that middle band.

9 MR. SBARRO: Chairman, just to address what
10 you're saying. I do understand that, as you were
11 saying before on a previous application that if your
12 so close up to the street it might be potentially
13 more of a perspective of advertisement or it might
14 give off too much of a specific light or it might be
15 overbearing for the particular neighborhood.
16 However, if you do look at other businesses in the
17 area, I wouldn't say it's completely unprecedented to
18 have a sign of this size or height on Old County
19 Road. Specifically --

20 CHAIRMAN MAMMINA: Make sure they're in the town
21 of North Hempstead and make sure that they're not
22 setback buildings, because we've got Stop&Shop,
23 that's set back; we've got Barnes & Nobles, that's
24 turned perpendicular to the balance of the shopping
25 center it's a very sheer location in order to see

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2 that. The application we just had before, they're
3 setback 400 feet from the road.

4 MR. SBARRO: One in particular is just our
5 neighbor to the west, is Chateau Briand. If you look
6 at that particular building, which I submitted our
7 the pictures, it's next to Holiday Inn. It goes our
8 shopping center, then Holiday Inn, and then our
9 neighbor directly to the west of that is Chateau
10 Briand Caters. And as you can see in the pictures
11 that I submitted, they have a very similar sign of
12 similar height on their building.

13 VICE CHAIRMAN FRANCIS: Is that seen lit though?

14 MR. SBARRO: As far as I know, that sign is not
15 lit.

16 CHAIRMAN MAMMINA: It's still a smaller sign,
17 and it's still lower. My attitude as one board
18 member is, bring it down to the middle.

19 MEMBER GOODSSELL: What we're saying is, when the
20 height limit is 18 feet, you're asking for more than
21 double the height limit without any kind of
22 extenuating circumstance. Now, I understand your
23 comparisons, and they're very good, but I think if
24 you could show us why that middle band would not be
25 appropriate, or would not would be -- because that's

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2 what we're encouraging you to do.

3 MR. SBARRO: I understand. On additional
4 pictures I had submitted, you can see the middle
5 band, and then the second-tier from Old County Road,
6 and had from certain angles you can see it blocks off
7 portions of the building. Specifically the last
8 photo that I submitted, where you can see Shiro's of
9 Japan, a large portion of the building is removed,
10 and that's when you're traveling west on Old County
11 Road. Additionally, if you're travelling east on Old
12 County Road, you can see that this large portion of
13 the shopping center, as well as a particular angle
14 that you're driving at, you won't see the sign until
15 your actually next to the building and that comes at
16 all different angles.

17 CHAIRMAN MAMMINA: You're making my point
18 though. Look at how small those signs are.

19 MR. SBARRO: Yes.

20 CHAIRMAN MAMMINA: Those places stay in
21 business.

22 MR. SBARRO: Chairman at a particular angle,
23 where the buildings are at the lower tiers, they
24 block off the sections of the building until you can
25 see the top of the building.

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2 CHAIRMAN MAMMINA: Personally, I welcome Mount
3 Sinai to Long Island. I think it's a wonderful
4 thing. We've got Northwell all over the place. NYU
5 all over the place. And we're very fortunate to live
6 in a part of the country where we have some of the
7 best health care that's available. And I think it's
8 important that people know that somebody's there, and
9 that that's a building that Mount Sinai is in. The
10 side signs, I don't see them. The one that's down
11 Old County Road, yeah. That's an important sign.
12 But if it drops down, it's still going to be just as
13 effective.

14 VICE CHAIRMAN FRANCIS: This picture of Shiro's
15 side shows that you can see the second band. It's
16 not blocked by Shiro's.

17 MR. SBARRO: That's all the way in the rear of
18 the property, vice chairman. Which is almost
19 200 feet, as I was saying earlier, behind the
20 property. So, that's about as far back as you can
21 get before you leave the residential district. So,
22 at that point you would be heading south. If it's
23 okay, would you like me to run through the five
24 factors and give my arguments?

25 CHAIRMAN MAMMINA: Please.

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2 MR. SBARRO: In relation to the five factors,
3 the requested variances, we believe will not create
4 an undesirable change in the character of the
5 neighborhood, nor a detriment to nearby properties.
6 The existing building is within the Business-A
7 district along the busy Old County Road thoroughfare.
8 The signs are simple and attractive and at the signed
9 to identify the business location, and that is
10 specific. Because of the height and location of the
11 building, and the configuration of the shopping
12 center, and the parking lot, we believe there is no
13 other logical location for the signs. Strictly,
14 again, based on the height location and elevations of
15 the building. Nor can they be made smaller and still
16 allow patients to easily locate the entrance of the
17 office space. Traffic on Old Country Road moves
18 reasonably at high speeds. So, it's important that
19 these signs are visible to passing motorists, and
20 when considered in proportion to the size of this
21 building and overall the shopping center, the
22 variances that are being requested, in our opinion,
23 are not substantial. This is an 80,000 square foot
24 building. The height and size of these signs, to us,
25 are proportionate and necessary. Moreover, given the

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2 premises' long standing status as a commercial
3 building, the addition of these signs will not cause
4 any physical or environmental impacts on the
5 surrendering area or community. Old Country Road is
6 recognized, again, as one of the main thoroughfares
7 for commercial business in Nassau County, and as
8 such, there are numerous signs of scale throughout
9 this community. Finally, the alleged difficulty was
10 not self-created, as this building existed as a
11 multi-tenant mixed use commercial building long
12 before Mount Sinai Doctors entered the space and
13 noticeability is a common difficulty in commercial
14 areas, such as this one. And --

15 CHAIRMAN MAMMINA: I will say, of course it's
16 self-created. You're leasing the building, so, it's
17 self-created. It's always self-created. But also
18 the size of the sign does not relate to how many
19 square feet the building has. You can have a
20 building that's going to be hundreds of thousands of
21 square feet, it really is not part of the test. I
22 mean in terms of the Shiro picture, I don't want to
23 use pejorative words, but you're virtually standing
24 on the sidewalk. That's Carle Road. So, of course
25 you're not going to see where that sign would be

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2 proposed back up 50 feet, 60 feet, wherever the
3 Burger King is across from that and you'll see that
4 sign band. I think that the picture is unfair as it
5 relates to your argument. So, for me, as one board
6 member, middle band, middle band, make it fit, and
7 I'm okay. Just me. I'm okay with the sign in back,
8 so long as it's not illuminated. You're about 35
9 square feet, where 24 is permitted. It is important
10 to note, because that's where people are going to
11 park, is in the -- there was a health club there at
12 one time and that's where everybody parks, in that
13 parking lot and they're important to have that
14 parking lot. It makes it a great location. In terms
15 of locations, you're easy on and off the Meadowbrook
16 Parkway, Old Country Road is a traffic road for sure,
17 but as I compare it to other things that we have done
18 for other commercial users, whether they be a
19 hospital or that very store Maxim, that's shown on
20 the other side, they had come in years ago for a
21 higher sign than the 18 feet, and we had denied that.

22 MS. ALGIOS: I also just wanted to say, you said
23 there were other similar signs, but you didn't
24 provide any evidence of any variances that were
25 granted by this board, how those signs are similar,

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2 setbacks, height. If you want to submit that as
3 well.

4 MR. SBARRO: Okay.

5 MEMBER DONATELLI: Do you know the height of the
6 middle band on the building?

7 MR. SBARRO: Off the top of my head, I do not.

8 CHAIRMAN MAMMINA: I'll say no, because you
9 don't show the height of the top one. And I don't
10 mean to sound sarcastic, you didn't draw the
11 drawings. The young lady didn't draw the drawings,
12 it's just a message to take back to the sign company.

13 MEMBER DONATELLI: One of the things that we try
14 to do, and one of the factors that is considered by
15 law is whether or not there is some way that we can
16 grant the minimum amount of variance that might be
17 required. So, I would like to know the height, I
18 would like to see on these plans themselves, the
19 height of the top band, and the height of the middle
20 band. So, that we can really see whether or not
21 there is some way to mitigate the height variance.

22 CHAIRMAN MAMMINA: And also, so that you would
23 know, because we're going to grant a height variance.
24 And then also, that height variance has to be
25 specific. As you would know. And so I think that's

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2 something that we would have to have on there,
3 speaking to Mr. Donatelli's point.

4 MR. SBARRO: Okay. If there's no other
5 comments, I would just like to say thank you for your
6 time.

7 MEMBER DONATELLI: We'll continue for the
8 amended plans.

9 CHAIRMAN MAMMINA: We would want to know the
10 height of those bands. So, when they turn into some
11 type of an approval, without saying exactly what that
12 would be, we want to know those heights and which
13 sides of the building that they're on. So,
14 Ms. Wagner is just taking down those notes.

15 MS. WAGNER: Just clarifying which plans.

16 MR. SBARRO: So, we'll be sure to submit new
17 plans with the additional heights, as well as, if we
18 have any information on any variances that were
19 specific signs in the local area, we will as well.
20 Thank you very for your time. I appreciate it.

21 MS. WAGNER: We're going to amend CECRA, #21281
22 was not heard today. Does somebody want to move or
23 adopt it?

24 MEMBER GOODSSELL: I move that the Board adopt
25 CECRA as amended.

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2 CHAIRMAN MAMMINA: We have a motion.

3 MEMBER DONATELLI: Seconded.

4 CHAIRMAN MAMMINA: We have a second. Motion was
5 Member Goodsell and second by Donatelli. Please poll
6 the board.

7 MS. WAGNER: All in favor?

8 CHAIRMAN MAMMINA: Aye.

9 MEMBER GOODSSELL: Aye.

10 MEMBER DONATELLI: Aye.

11 VICE CHAIRMAN FRANCIS: Aye.

12 MS. WAGNER: Now, we have a request for an
13 amendment to the plans for Appeal #21046 in Port
14 Washington. They moved the kitchen from the
15 basement, to the second floor, and we need to know
16 whether you would like to approve that as amended, or
17 whether you would like them to come back for that
18 change.

19 MEMBER DONATELLI: I've reviewed the record and
20 I don't really remember having any issue about where
21 the issues about where the kitchen might be located.
22 I think it doesn't really materially change the
23 application.

24 MS. ALGIOS: Therefore, your vote would remain
25 the same.

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2 MEMBER DONATELLI: And therefore my vote would
3 remain the same. Are we all in agreement?

4 VICE CHAIRMAN FRANCIS: Yes.

5 MEMBER DONATELLI: So, I make that motion.

6 CHAIRMAN MAMMINA: We have a Motion with Member
7 Donatelli.

8 VICE CHAIRMAN FRANCIS: Seconded.

9 MS. WAGNER: We're not taking a vote, just
10 agreeing that we're amending; agree to amended.
11 We're amending Appeal #21046.

12 MS. ALGIOS: Let's vote and have it on the
13 record.

14 MS. WAGNER: Seconded by?

15 VICE CHAIRMAN FRANCIS: Seconded.

16 MS. WAGNER: Member Goodsell?

17 MEMBER GOODSSELL: I'm abstaining before my time.

18 MS. WAGNER: Member Donatelli?

19 MEMBER DONATELLI: Aye.

20 MS. WAGNER: Chairman Mammina?

21 CHAIRMAN MAMMINA: Aye.

22 MS. WAGNER: Vice Chairman Francis?

23 VICE CHAIRMAN FRANCIS: Aye.

24 MS. WAGNER: That's it. Thank you.

25 (Whereupon, the proceedings concluded at 4:32

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C E R T I F I C A T I O N

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

That the testimony in the within proceeding was held
before me at the aforesaid time and place.

IN WITNESS WHEREOF, I have hereunto set my hand
this 21st day of September, 2022.

AUSTIN CASILLAS