

TOWN OF NORTH HEMPSTEAD
BOARD OF ZONING APPEALS
PUBLIC HEARING

Town Hall

October 26, 2022

10:20 a.m.

BOARD MEMBERS PRESENT:

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

LESLIE FRANCIS, ESQ. - Vice Chairman

PATRICIA A. GOODSELL, ESQ. - Member

DANIEL DONATELLI, ESQ. - Member

ALSO PRESENT:

VIRGINIA WAGNER - Secretary

DEBORAH ALGIOS, ESQ. - Deputy Attorney

STEVEN PERROTA - Planner

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CHAIR MAMMINA: If everyone would please rise
and join Vice Chairman Francis in the Pledge of
Allegiance.

(Whereupon, the Pledge of Allegiance was
recited.)

CHAIR MAMMINA: Good morning, all, and thank
you for coming on out to the Board of Zoning Appeals,
Town of North Hempstead.

And what I'd like to do before we get started is
just go through the way that we do things in the Town
in case you've never been before a zoning board before
or you may have been and we may do thing a little
differently here.

So what we will do is as each case is called, we
will ask for the applicant, the person whose case it
is, to identify themselves by standing up and coming
forward to the podium. I will also ask if anyone is
interested in the case in the room, and we just ask for
a show of hands on that; and that can mean you're here
to say it's the greatest thing we've ever seen, it's
the worst thing we've ever seen or in between,
whatever.

And the applicant then will take the podium and
give their name and address to our court reporter, as

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everyone will when they come up to the podium, and the podium at that point belongs to the applicant.

So they will put their case on to the record, the Board will ask whatever questions that we may have of the applicant, and at that point the applicant will have a seat. If there are people who wish to speak, they can step right up front here, and we will then call people up generally one at a time, you know, to come forward. You'll give your name and address and that will be taken down as part of the record.

There's a three-minute time limitation that we loosely enforce. So what I would just ask is that if someone has said what your thoughts were as well -- everyone absolutely will have the opportunity to speak and get what they want on to the record -- but it's okay for you to say, I agree with what the previous speaker said regarding traffic or whatever. If you want to augment it in some way, please feel free. If we want to talk about the playground that's ten blocks away, that really doesn't have a lot to do what what we'd be doing here. I'm sure you get the idea of what I'm saying.

So when that is done, if there's anyone else who wishes to speak -- the applicant is typically the only

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person that gets two turns at the podium because then they have the right to come forward and say, Well I think that what they said is this or that or however, so that it completes the case.

And when that is done, then the Board will do one of four things: We will either approve the application, deny the application, we may reserve it or we may continue it.

So what does reserve and continue mean?

If we reserve it, it means that we've gotten all the testimony that we need and the Board just wants to deliberate further on it; we may want to go out to the site again to see it, we may ask the building department to give us some sort of a document or whatever, any number of reasons.

All of our deliberations are public so anyone can watch us on the Town channel or you can come on in and usually we deliberate after our hearings.

And if we were to continue it, that would mean that we said to someone from this side of the public, okay, can you please give us this or that or we've asked the applicant for some sort of a compromise; maybe you want to consider changing the design to this end or that.

Just as an example, though, in cases that we've had

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where the -- where people from the community want to hire their own expert and submit a report from their expert, then fine, we'll hold it open for that.

So I think that covers all of our procedural things. And just what I would ask is we all live with our electronic devices, so it's okay to have them, of course. It's okay to have them on, just put them on silent. If you have to take a phone call or make a phone call at any point, it's absolutely fine to just stand up quietly, walk outside; it's no harm, no foul. I mean, that's absolutely okay.

If there's anyone who's coming who's not here yet, we just ask that you tell them that as well.

And we truly ask everybody for zero crosstalk 'cause it's just difficult for the reporter to take and make a record, she has to record what everybody says, and it makes it then very difficult. Sometimes the Board has to be careful not to speak over each other.

So did I get everything?

Ms. Wagner, what changes do we have to this morning's calendar?

SECRETARY WAGNER: Chairman, this morning we have a request for an adjournment to November 30th for Appeal No. 21260: Anastasios Christoforidis, 76 Avenue

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2 C in Port Washington; Section 4, Block 25, Lot 249 in
3 the Residence B Zoning District; a variance from
4 70-100.1.A to legalize a gazebo located within a side
5 yard which is not permitted.

6 Does the Board want to take a vote on that request?

7 CHAIR MAMMINA: Did you say 11/30?

8 SECRETARY WAGNER: Yes, November 30th.

9 MEMBER DONATELLI: I make a motion that we
10 grant the adjournment.

11 CHAIR MAMMINA: We have a motion by Member
12 Donatelli.

13 MEMBER GOODSSELL: Second.

14 CHAIR MAMMINA: Second by Member Goodsell.
15 Please poll the Board.

16 SECRETARY WAGNER: Member Goodsell.

17 MEMBER GOODSSELL: Aye.

18 SECRETARY WAGNER: Member Donatelli.

19 MEMBER DONATELLI: Aye.

20 SECRETARY WAGNER: Vice Chairman Francis.

21 VICE CHAIR FRANCIS: Aye.

22 SECRETARY WAGNER: Chairman Mammina.

23 CHAIR MAMMINA: Aye.

24 So that adjournment is granted.

25 If anyone is here for that case, you're welcome to

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2 stay if you choose to. If not, it will be heard on
3 November 30th.

4 SECRETARY WAGNER: We also have a request for
5 an adjournment, it says to November 9th on the calendar
6 but it's going to be requested to be adjourned without
7 a date, which means that it will be renoticed and as if
8 it was basically a new application, for Appeal No.

9 21281: 12 Irma Avenue Realty, LLC, 12 Irma Avenue in
10 Port Washington; Section 5, Block D, Lots 509(I) and
11 510(J) in the Business B Zoning District; conditional
12 use under 70-139.J(1) and variances from 70-142(B),
13 70-143(B), 70-103(A)(1), 70-103(B), and 70-103(Q)(1) to
14 build a new four-story multifamily senior living
15 facility, which is a conditional use, that exceeds the
16 number of stories permitted on a lot that is too small,
17 too close to a street, too many units based on the lot
18 area, with not enough parking spaces, parking spaces
19 are too small, and parking spaces are located within
20 the required side and rear yard setbacks.

21 Again, we have the applicant's representative here,
22 Mr. Gianni Sbarro, who will speak to the Board for
23 that.

24 MR. SBARRO: Good morning.

25 CHAIR MAMMINA: Good morning.

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1-844-MGR-RPTG

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2 MR. SBARRO: Good morning. My name is Gianni
3 Sbarro, I work at Forchelli Deegan Terrana with offices
4 at 333 Earle Ovington Boulevard, Suite 1010, Uniondale,
5 New York 11553.

6 As Ms. Wagner stated, we're requesting an
7 adjournment to an unspecified date after conversations
8 with the local residents on Monday, we would just like
9 to have some time to make some modifications to our
10 submission and hopefully you'll grant that adjournment.

11 CHAIR MAMMINA: Thank you, Mr. Sbarro.

12 And we will poll the Board on that.

13 MEMBER DONATELLI: Are there any members of
14 the public here that would like to be heard on this
15 issue, only on the adjournment.

16 FEMALE SPEAKER: Just to be clear, renoticing
17 will be required?

18 CHAIR MAMMINA: Yes.

19 FEMALE SPEAKER: Okay.

20 SECRETARY WAGNER: Just to make it clear, it
21 would basically be as if the application is starting
22 from scratch. It will be renoticed; if they are
23 modifying the plans, then there may be some either
24 additional variances or less variances, we don't know
25 yet until the plans are reviewed.

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2 So you can keep an eye out for that application to
3 be scheduled and you can always call the Board of
4 Zoning Appeals department if you'd like to get any
5 updates.

6 MEMBER DONATELLI: And if the plans are being
7 modified, it would be good if you share the
8 modifications with members of the public and you
9 continue the discourse and the dialogue.

10 MR. SBARRO: Of course.

11 CHAIR MAMMINA: Okay. So I think that's an
12 excellent point and I guess before we vote what I would
13 encourage Mr. Sbarro is maybe if everybody here is
14 regarding that, when you step outside maybe you get a
15 representative or two or three or whatever just so you
16 get names and addresses for people who should be
17 notified. Not telling you what to do, but you might
18 want to have a meeting with the community as well.

19 There is a young lady with her hand up.

20 MS. LITTMAN: I have another clarification
21 question. My name is Cheryl Littman; L-I-T-T-M-A-N,
22 C-H-E-R-Y-L, and I'm at 22 Irma Avenue.

23 I just had a question for clarification. You mean
24 a new sign will go up on the building itself with a
25 hearing date when that is settled? And the residents

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2 that live within a certain radius will receive new
3 notices via mail?

4 CHAIR MAMMINA: Yes.

5 MS. LITTMAN: Thank you.

6 And just point of information, we have a
7 representative who has been in touch with the appealing
8 party and so we have contact with that group. We met
9 with them already once, thanks.

10 CHAIR MAMMINA: Absolutely. That's always
11 good.

12 MEMBER DONATELLI: We always encourage
13 neighbor participation, we encourage dialogue. And so
14 all of that is very good and, yes, it will be
15 renoticed.

16 CHAIR MAMMINA: Okay.

17 MEMBER DONATELLI: Mr. Chairman, I make a
18 motion that we grant the adjournment.

19 MEMBER GOODSSELL: I'll second.

20 CHAIR MAMMINA: So we have a motion by Member
21 Donatelli and a second by Member Goodsell.

22 Please poll the Board.

23 SECRETARY WAGNER: Member Goodsell.

24 MEMBER GOODSSELL: Aye.

25 SECRETARY WAGNER: Member Donatelli.

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2 MEMBER DONATELLI: Aye.

3 SECRETARY WAGNER: Vice Chairman Francis.

4 VICE CHAIR FRANCIS: Aye.

5 SECRETARY WAGNER: Chairman Mammina.

6 CHAIR MAMMINA: Aye.

7 So that has been adjourned to no date -- without a
8 date. So it's good you're in contact and get best foot
9 forward on both sides.

10 MR. SBARRO: Thank you.

11 SECRETARY WAGNER: Most likely that will not
12 be until at least December because right now we're
13 closing out our November 30th calendar. So in all
14 likelihood, and I believe we only have one meeting in
15 December, so it's either December or sometime after
16 that.

17 MS. LITTMAN: The December date is?

18 MR. PERROTA: December 14th.

19 MS. LITTMAN: Thank you.

20 CHAIR MAMMINA: Thank you, all.

21 SECRETARY WAGNER: We also have another
22 adjournment, it's not actually a request because they
23 did not complete their mailings properly, and that is
24 for Appeal No. 21301: Floral Park Centre Fire Company
25 No. 1, 94 McKee Street, Floral Park; Section 8, Block

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78, Lot 13 in the Residence C Zoning District;
variances from 70-48, 70-49(B), 70-50(A) and 70-51(C)
to construct an addition to an existing firehouse that
would cover too much of the lot, would be too, would be
big too close to the street and too close to the side
property line.

They are requesting to be scheduled for the
November 30th meeting so I guess we should take a vote
on that request.

CHAIR MAMMINA: Okay. So do we have a motion
regarding an adjournment to November 30th?

MEMBER GOODSSELL: I make the motion. I move
that we adjourn the matter to the November 30th
calendar.

CHAIR MAMMINA: Do we have a second?

VICE CHAIR FRANCIS: Second.

CHAIR MAMMINA: Motion by Member Goodsell and
second by Vice Chair Francis.

Please poll the Board.

SECRETARY WAGNER: Member Goodsell.

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Donatelli.

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Vice Chairman Francis.

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2 VICE CHAIR FRANCIS: Aye.

3 SECRETARY WAGNER: Chairman Mammina.

4 CHAIR MAMMINA: Aye.

5 So that is approved.

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1 Appeal No. 21299

2 SECRETARY WAGNER: The first appeal on the
3 calendar is Appeal No. 21299: Benjamin Wang, 38 South
4 Drive in Manhasset; Section 3, Block 91, Lot 5 in the
5 Residence B Zoning District. Variances from
6 70-100.2.A(2) to construct pool barrier fencing in the
7 secondary front yard forward of the effective building
8 line.

9 CHAIR MAMMINA: You've heard Appeal No. 21299:
10 Benjamin Wang.

11 Is there anyone in the room interested in the
12 application other than the applicant?

13 (No response.)

14 CHAIR MAMMINA: Seeing no one, please give
15 your name and address.

16 MR. WANG: Good morning. My name is Benjamin
17 Wang, I'm the owner of 38 South Drive, Manhasset, New
18 York 11030.

19 CHAIR MAMMINA: Good morning.

20 MR. WANG: So I'm requesting a variance to
21 construct a fence around the secondary front yard.
22 This fence that's proposed would be three feet forward
23 of the building line and that's a result because I have
24 two trees that block or that are in the way of the
25 building line and so I would prefer not to have to take

1 Appeal No. 21299

2 down those trees, they are very nice, large and I don't
3 want to disrupt the environment.

4 So I've submitted some pictures and also the
5 previous owner -- I bought this house actually at
6 closing April of 2021 -- the previous owner actually
7 had the fence in the exact same place. I actually took
8 it down because I'm going through a house renovation
9 and at that time my architect told me this fence was in
10 violation. So my architect told me to take it down so
11 I took it down because he said your building plans
12 would never get approved for the renovation if they saw
13 this violation. So I listened to my architect and I
14 took it down.

15 When I submitted an application to redo my pool,
16 'cause unfortunately the pool was damaged in the storm
17 last year, I had to resubmit the drawing to show where
18 the original fence was going to go back up and then I
19 was told that it was a violation. But I don't see any
20 other option of where I can put my fence. Thank you.

21 CHAIR MAMMINA: One question that I had in
22 looking at the diagram, I just want to make sure that
23 I'm understanding correctly is -- and it's also my
24 understanding and I'll ask Ms. Wagner to correct me if
25 I have this incorrect, but in the original approval

1 Appeal No. 21299

2 going back to the 80's there was a bit of confusion as
3 to where the pool equipment was going to go. And as we
4 can see from the survey it was installed at a location
5 that there appeared to be some secondary correspondence
6 regarding that it's been there for a long time.

7 The approval did call for screening that with
8 vegetation -- landscaping was the word I want, not corn
9 stalks. But I do see that in the diagram submitted
10 facing South Drive where there is the flight of stairs
11 coming up, it appears that the fence jogs further
12 forward in what's shown here or is that the same
13 distance as the vinyl fence that you're showing? I
14 don't know, maybe it's hard to describe. Maybe you
15 want to show it --

16 SECRETARY WAGNER: No, I think he understands.
17 I have had some conversations with the applicant on the
18 phone about this and asking him different questions.
19 This is very complicated 'cause because it's back and
20 forth and the prior approvals and then he got approvals
21 from the building department to do one thing and that
22 was not exactly the correct thing. So that's why he's
23 back before you.

24 MR. WANG: So the pool equipment was ultimately
25 decided that where it was originally approved, which

1 Appeal No. 21299

2 was in the front of yard, was ultimately approved. I
3 do obviously have to put a barrier around that that
4 just by nature will protrude past the building line
5 anyway, so I'm constructing a barrier that will enclose
6 the pool structure and end where it's most reasonable.

7 So if you have an image printed, it was one of the
8 exhibits I submitted of a Google Maps, that's exactly
9 what I wanted to do which is what the previous owner
10 had. It makes the most sense and again, it's only
11 because if I try to make the fence come back inwards to
12 exactly where the building line is, I'm going to hit
13 the trees. So the only solution would be to like
14 completely tear out these giant pine trees which I
15 really would prefer not to do.

16 MEMBER DONATELLI: But as I look at the
17 imagine on Google Earth, it appears that the fence is
18 approximately a foot --

19 MR. WANG: It's about three feet.

20 MEMBER DONATELLI: Three feet forward of the
21 building line?

22 MR. WANG: Correct.

23 SECRETARY WAGNER: There's no fence there now,
24 right?

25 MR. WANG: There's a construction fence right

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2 now because I tore down the fence and for my renovation
3 I had to put up a temporary construction fence and I
4 want to put a permanent fence.

5 SECRETARY WAGNER: So what we're seeing on the
6 Google Earth?

7 MR. WANG: That was prior to me owning and
8 that was the previous owner. And when I bought it,
9 that's what it looked like.

10 CHAIR MAMMINA: So there's another jog
11 forward -- I'll hold up the survey for the benefit of
12 the record that's dated September 19th, 2022.

13 So in here, Mr. Wang, you're showing the fence
14 where the stairs are and a gate protruding out further.

15 MR. WANG: Sorry, that might be my poor
16 drawing and it's meant to just reflect the door swing.

17 CHAIR MAMMINA: Okay. So that's basically
18 what you had before, including the gate?

19 MR. WANG: Correct.

20 CHAIR MAMMINA: Okay.

21 MR. PERROTA: So if you look at Google street
22 view, that's the fence you want to put back up?

23 MR. WANG: Exactly. But I was forced to take
24 it down by my architect who told me it was a violation.
25 He said you wouldn't get approved for your building

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2 plans if they saw that. So I wish I never took it
3 down, but that's where I am today.

4 VICE CHAIR FRANCIS: So you still have that
5 exact fence?

6 MR. WANG: I don't have the exact fence 'cause
7 I was told to take it down when my plans -- you need a
8 fence to cover this, so I had to now construct a
9 temporary construction fence. So right now it's a
10 chain-link fence which I ultimately want to take down
11 and replace it back to the original vinyl fencing.

12 CHAIR MAMMINA: That same basket weave on the
13 top?

14 MR. WANG: Yes.

15 MEMBER DONATELLI: That's a six-foot fence?

16 MR. WANG: Yes.

17 MEMBER DONATELLI: And you mentioned trees on
18 the property that requires you to come forward of the
19 building line. Would it be possible to build this
20 fence behind the trees?

21 MR. WANG: Yes. So putting it behind --
22 you're talking about behind the trees from the inside
23 or the outside?

24 MEMBER DONATELLI: In other words, having the
25 trees pulling the fence back behind the forward

1 Appeal No. 21299

2 building line so that the trees are now in front of the
3 fence?

4 MR. WANG: Yes. So I thought about that. It
5 doesn't work only because there's a retaining -- so my
6 property is on a slope elevation so where the trees
7 are, it's actually there's a retaining wall there, you
8 can see in the picture that the trees are on the
9 elevated location.

10 And also the other problem is it wouldn't make
11 sense because I have stairs right at the building line
12 that go downwards, so therefore if the fence was
13 inside, the fence would be inside, you would have
14 stairs and nowhere to step and it would just be like
15 eating into my rear yard and I would have a lot of
16 wasted space.

17 MEMBER DONATELLI: Understood.

18 VICE CHAIR FRANCIS: My only comment with
19 regard to the fence is if in fact the Board approves
20 it, I'd like to see some Evergreen plantings in the
21 front of the fence to kind of lessen the impact of all
22 of that white.

23 MR. WANG: Yes. So I plan on doing the full
24 kind of landscaping renovation once, again, my backyard
25 is done. I'm unfortunately dealing with some issues

1 Appeal No. 21299

2 with just redoing my patio today with the building
3 inspector as well. So I'm trying to get this done as
4 soon as possible. But yes, I can commit to that.

5 CHAIR MAMMINA: We'd like something that's a
6 little taller and vertical that --

7 MR. WANG: Do you want it across the entire
8 fence?

9 CHAIR MAMMINA: Something that can grow in in
10 that way. We're not going to come out and measure but
11 obviously your intentions are honorable from what we
12 see here.

13 VICE CHAIR FRANCIS: Something like Arborvitae
14 that's going to give you the height and density in
15 terms of growth.

16 MR. WANG: Yeah, I'm not most familiar with
17 plantings yet but it's something I'll work out with the
18 landscaper.

19 MEMBER DONATELLI: On those limited instances
20 where we have granted variances for situations such as
21 this, we have as a condition of the grant imposed a
22 condition of planting some Arborvitae or something like
23 that to screen the visual impact because of course this
24 is something that we want to try and soften.

25 MR. WANG: Understood. And that makes sense.

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2 CHAIR MAMMINA: So I think what we'll do, I
3 think we're all on the same page on this. We will
4 continue this case just until the next hearing, we'll
5 have a full board at that point and we can then deal
6 with it.

7 MR. WANG: Does that mean I have to come back?

8 CHAIR MAMMINA: No, you needn't come back.

9 MEMBER GOODSSELL: It just means we're not
10 going to make a decision today. Your pictures show
11 everything, I'm with you, I'm all about green, I like
12 green, it's wonderful. Your neighborhood is
13 wonderfully green. We can see what you've done which
14 is nice, and that we appreciate. It's just we're going
15 to reconsider and we will just deliberate and you don't
16 have to come back.

17 MR. WANG: I just have one quick question. In
18 case the decision ends up being a denial, am I allowed
19 to appeal again?

20 MEMBER DONATELLI: Why don't you wait for our
21 decision and if you have any questions you can
22 certainly reach out to the BZA office.

23 MR. WANG: Okay, understood. Thank you so
24 much.

25

1 Appeal No. 21300

2 SECRETARY WAGNER: Next appeal, Appeal

3 No. 21300: Melissa Faraguna, 11 Herbert Drive in New
4 Hyde Park; Section 9, Block 558, Lot 4 in the Residence
5 C Zoning District. Variances from 70-51.A and 70-101.B
6 to construct additions that are too close to the side
7 property line and with less than the required total
8 side yards, and to construct a portico that's too close
9 to the street.

10 CHAIR MAMMINA: You've heard Appeal No. 21300:
11 Melissa Faraguna.

12 Is there anyone in the room interested in the
13 application other than the applicant?

14 (No response.)

15 CHAIR MAMMINA: Seeing no one, please give your
16 name and address.

17 MR. RODGERS: Good morning. Bernard Rodgers,
18 architect. My office is 2150 Wantagh Park Drive,
19 Wantagh, New York 11793. I'm respecting my clients
20 Melissa and Joe Faraguna, the owners of 11 Herbert
21 Drive, New Hyde Park, 11140; zoned Residence C by the
22 Town of North Hempstead.

23 My clients have a growing family and as a result
24 they are looking to enlarge their house. They are
25 proposing to build a second-floor addition, partially

1 Appeal No. 21300

2 convert their attached garage to living space, add a
3 small extension at the front of their garage, a
4 one-story front addition and a front roof portico.

5 On the proposed second floor addition is to be
6 built over the main house and the attached garage. For
7 this addition, we are seeking relief of both minimum
8 side yard setback and side yard aggregate. Our
9 proposed second floor would have a side setback of
10 4.9 feet where five feet is required and a side yard
11 aggregate of 14.8 feet where 15 feet is required.

12 As you can see on our plans and the filed property
13 survey, these are the existing nonconforming setbacks
14 of the house. The garage extension that we're
15 proposing will maintain this 4.9 setback as well.

16 Our proposed second floor is a direct vertical
17 enlargement of these nonconformities; with our
18 proposals, we are maintaining them we're not increasing
19 them.

20 We are also seeking relief of required front yard
21 setback for the proposed roof portico. The 200-foot
22 front setback requires that this property calls for a
23 21.2-foot setback. Our portico would have a setback of
24 19.6 feet.

25 I'd like to note that my clients have no intentions

1 Appeal No. 21300

2 of ever enclosing this portico and we would of course
3 have no issue with the Board making that a condition if
4 the variance is granted.

5 My clients have spoken to their two next door
6 neighbors; Daniel Aktar (phonetic) of 5 Herbert Drive
7 and Peter Pesitch (phonetic) of 15 Herbert Drive. They
8 have shown them our plans, explained why we must come
9 before the board today to seek relief, they both said
10 that they completely understand what we're proposing
11 and have no issues whatsoever and they have both signed
12 consent letters that I'd like to submit to this the
13 Board at this point.

14 I'd like to note that our project conforms with all
15 the other aspects of the Residence C zone; maximum lot
16 coverage, maximum allowable floor area, minimum rear
17 yard, height maximum, et cetera. We feel that our
18 project conforms with the esthetic of the block and the
19 area. We believe that if approved, it will have no
20 adverse effect on neighboring properties or the
21 neighborhood in general.

22 In conclusion, we'd like to thank you very much for
23 your time and consideration with hearing our request.

24 MEMBER GOODSSELL: Mr. Rodgers, I'm just
25 looking at the survey. When I originally looked at the

1 Appeal No. 21300

2 property I thought it was slightly pie shaped visually,
3 but I'm looking at the survey and it does seem to be a
4 square piece of property.

5 The neighbors whose consent that you're submitting,
6 are they also square properties or does one of them go
7 around the corner and is slightly pie shaped?

8 MR. RODGERS: It's a square property as well.
9 It's not facing Herbert, it's facing the other street
10 but it is a square property.

11 MEMBER DONATELLI: And as to the portico, that
12 will be open?

13 MR. RODGERS: Correct.

14 MEMBER DONATELLI: It will not be enclosed on
15 any side?

16 MR. RODGERS: Absolutely.

17 VICE CHAIR FRANCIS: Just for the record, the
18 main section of the roof of the house, is the pitch
19 twelve by eight on that also?

20 MR. RODGERS: The main pitch is less than
21 twelve-eight, if I'm not mistaken.

22 VICE CHAIR FRANCIS: 'Cause I didn't really
23 see that.

24 MR. RODGERS: So the main is, yes, it's a
25 twelve-eight and the reverses are twelve-eight. And it

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2 still stays within under the 30-foot maximum height.

3 CHAIR MAMMINA: I have a question.

4 First of all, when I see a handwritten drawing, it
5 just warms my heart. I mean, the lack of knowledge
6 that my people have is just shocking. I mean, all they
7 know is to put it in the computer, they don't care if
8 it's right or wrong, it's in the computer so it must be
9 right. But you have a very nice hand.

10 MR. RODGERS: Thank you.

11 CHAIR MAMMINA: Question that I have, just in
12 terms of the front portico and the little vestibule.

13 If you had a conforming front yard setback, it's
14 allowed to be eight feet wide, you have it at
15 eight-foot-four. And I don't want to split hairs with
16 you, I just want to see that you don't have a problem
17 when you go back to the building department that they
18 say, wait a minute, it's eight-foot-four, not
19 eight-foot.

20 Is there a specific reason why it's eight-foot-four
21 or could it be eight feet? I'm not trying to destroy
22 what your client is looking to do.

23 MR. RODGERS: It just works out with the
24 design's esthetic. As we're facing the house, the
25 right side walls of the portico and extension lines up

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2 with the right side wall of the coat closet that
3 they're installing which lines up with the wall of the
4 bedroom behind it.

5 So just based off of that, centering the door,
6 that's how we got to the eight-foot0four dimension.

7 MEMBER DONATELLI: With the side panels of the
8 front door, is that what you're referring to?

9 MR. RODGERS: That obviously helps as well.
10 As you make it narrower, you have more of an issue
11 getting the two side lines.

12 MEMBER GOODSSELL: So the house as it exists
13 right now looks to me as though that's the way it was
14 built and that's the footprint that's kind of staying
15 the way it is?

16 MR. RODGERS: Correct.

17 MEMBER DONATELLI: And with the exception of
18 the extensions of the garage, that you really will be
19 not expanding the footprint of the house?

20 MR. RODGERS: Exactly, correct.

21 MEMBER DONATELLI: And the expansion of the
22 garage will still be farther back than the existing the
23 facade of the house?

24 MR. RODGERS: Correct.

25 MEMBER DONATELLI: I have no further

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2 questions.

3 MEMBER GOODSSELL: I don't either.

4 This is one of the smaller houses in the
5 neighborhood, there are other houses on the block that
6 have porticos, but you know what, I'd almost like to
7 drive past it again just to satisfy myself that this is
8 really just the way the house was built, because we've
9 had houses over the years that have shifted a little
10 bit, whether there's plans or not.

11 So I for one, Mr. Chairman, would just like us to
12 continue possibly for a couple weeks, if that's
13 possible.

14 CHAIR MAMMINA: Sure. Our next hearing is in
15 two weeks so at that point that would then give Member
16 Goodsell a chance to just drive by it again.

17 MEMBER GOODSSELL: I only live a few blocks
18 away, I'm all about improvement of the area. My kids
19 went to Herricks, I love Herricks. There are
20 remarkably some houses where a five-by-eight addition
21 has been improved and suddenly it turns out to be
22 six-by-ten.

23 I do remember noticing some of the porticos in the
24 area I believe there was actually one enclosed portico
25 which surprised me, but it may be very old.

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2 CHAIR MAMMINA: It also may be setback
3 properly.

4 MEMBER GOODSSELL: That's true.

5 CHAIR MAMMINA: Okay. So we'll continue it --
6 excuse me, we'll reserve -- no, that's right, we'll
7 continue but there's no need to come back.

8 And again you can call Ms. Wagner in the zoning
9 office after the next hearing or you're welcome to tune
10 in if you like watching zoning hearings on TV. We
11 would not deliberate though until the end of the
12 hearing, so if you choose to see it on the 9th, then
13 we'd just suggest, for your own good, I don't know what
14 the calendar is, just tune in a little bit later on.

15 VICE CHAIR FRANCIS: I will warn you that we
16 look better in person than we do on the TV.

17 CHAIR MAMMINA: Thank you.

18 MR. RODGERS: Thank you very much.

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1 Appeal No. 20995.A

2 SECRETARY WAGNER: Next appeal, Appeal

3 No. 20995.A: Lucid Group USA, Inc., 1950 Northern

4 Boulevard, Manhasset; Section 3, Block 219, Lot 9 in

5 the Business A Zoning District. Special exception from

6 70-229.A to amend the conditional use under 70-126.D to

7 relocate transformers and other electrical equipment

8 for electric vehicle charging and to relocate parking

9 spaces for the charging of electric vehicles along with

10 the electric vehicle charging station units not in

11 compliance with prior Appeal No. 20995.

12 CHAIR MAMMINA: You've heard Appeal No.

13 20995.A: Lucid Group USA, Inc.

14 Is there anyone in the room interested in the

15 application other than the applicant?

16 (No response.)

17 CHAIR MAMMINA: I'll assume not.

18 Seeing no one, please give your name and address.

19 MR. VOGT: Good morning, member of the BZA.

20 My name is Michael Vogt, I'm here on behalf of Lucid

21 Motors. My address is 151 South Old Woodward Avenue,

22 Suite 200, Birmingham, Michigan 48009.

23 CHAIR MAMMINA: Did you come all the way from

24 Michigan for this?

25 MR. VOGT: I did.

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2 VICE CHAIR FRANCIS: One request before you
3 get started, are you admitted to practice law in New
4 York State or just in Michigan?

5 MR. VOGT: I'm admitted in Michigan, Illinois,
6 those are where I am licensed to practice.

7 VICE CHAIR FRANCIS: So you're not appearing
8 here as an attorney?

9 MR. VOGT: No, I was kind of an outside
10 representative for them. If there were legal action, I
11 would not be the one handling it.

12 VICE CHAIR FRANCIS: Got it.

13 MR. VOGT: Just as a matter of housekeeping, I
14 sent over a PowerPoint did that make it's way to Mike
15 Tumberello (phonetic). I sent it to him yesterday.

16 SECRETARY WAGNER: Probably not because he was
17 out of the office yesterday. You could send it to my
18 e-mail.

19 MR. VOGT: I just tried to and I think it's
20 too big.

21 I didn't get a bounce back from Mike. I got it
22 from you.

23 CHAIR MAMMINA: If you want to give us a
24 minute.

25 MR. VOGT: I have hardcopies and a screen if

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2 we can't get it up.

3 SECRETARY WAGNER: Okay so the hardcopy will
4 be Exhibit 1.

5 MR. VOGT: Never count on the technology,
6 always bring a hardcopy.

7 CHAIR MAMMINA: My young people don't
8 understand that either.

9 So I guess the question is, and I think part of
10 what the concern was by all of our board members, but
11 particularly Mr. Hernandez who is a Manhasset member,
12 wasn't please, take it as I mean it 'cause it's not a
13 term of art, it's hideously ugly with the railroad
14 ties. You've got one of the nicest, most well-kept
15 shopping centers in the Town of North Hempstead, I'm
16 surprised honestly that they permitted that to happen
17 with these electrical boxes and things in front, which
18 we recognize they need to be there in some form. And I
19 think that what's being proposed is just kind of taking
20 that whole thing and moving it over to where the
21 entrance is to that.

22 And I just think that it's completely out of
23 character with that shopping center and we would need
24 to see that enclosed or handled in some much better
25 way. And it may also be -- I'm the architect on the

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2 Board and I know the guys in the MEP; mechanical,
3 electrical, plumbing within my company will always say
4 to me, Well that's what it is. I said, isn't there a
5 box of a different shape that can... Oh, yeah well I
6 guess so, what what's the difference? 'Cause they
7 don't see esthetics, they only see impacts.

8 MEMBER GOODSSELL: And technically we don't
9 sees esthetics either.

10 So could you just, for my benefit, tell me why the
11 decision that we approved on Appeal No. 20995 wasn't
12 good? Why we now have 20995.A, what's different about
13 this plan and why is the change necessary?

14 MR. VOGT: Absolutely, I'd be happy to and you
15 guys have the PowerPoint, you have a hardcopy?

16 CHAIR MAMMINA: Yes.

17 MR. VOGT: I'm going to be fairly brief but I
18 can kind of give a direct answer to your question,
19 Member Goodsell.

20 We can skip the first two slides.

21 Just as an opening matter, I've been in front of
22 this board two or three times now virtually, it's
23 really nice to get to meet you and everybody in person,
24 so we appreciate your time here.

25 If you go to slide three that, as Member Goodsell

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2 was just referencing, was the original proposed plan,
3 slide three. And you can see that we have the location
4 of the parking spaces up on the northern border along
5 Northern Boulevard and then on that slide we also
6 identify the location of the meter room, which was
7 originally where the panel and meter were going to be
8 located.

9 To get a little more granular, you go to slide
10 four, the next page, and you see just where the
11 chargers themselves, the charging units were going to
12 be installed per the approved plan. And they are to be
13 installed actually in the stall at the head of the
14 stall, before you get to the meter.

15 So those are the two plans that were approved. If
16 we move down to slide five, kind of get an as-built
17 look of the current situation, although it's out of
18 season it's probably not as developed as it is now with
19 vegetation.

20 Here we can see kind of all three issues that we're
21 here to talk about today. I think the first two are --

22 MEMBER DONATELLI: Slide five is actually the
23 way it exists right now?

24 MR. VOGT: Correct, that is as-built.

25 And so basically the three issues we're here to

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2 deal with today. I view the first two as the more
3 minor issues, and I look to the Board to make that
4 determination, but the stalls that were utilize, end up
5 being slid down one space to the west to avoid the
6 logistical issues with the storm water drain, and I
7 don't believe that has any impact on the esthetic of
8 the operation.

9 The second thing was, as I just showed you, the
10 changing of the actual location of the charging units
11 themselves. For the simple reason of avoiding
12 collisions, it was moved back to give a little bit of
13 more buffer between the vehicles that will be parked
14 there and stored there and where the units are located.
15 And it's pretty much typical standard practice, frankly
16 I'm not sure why they were on the original plans shown
17 to be located in the stall, but this is consistent with
18 how people typically install chargers, including the
19 Tesla chargers that are down the street. They put them
20 up on the sidewalk as well to avoid collisions and
21 promote safety to patrons.

22 If you go down to slide six, this is just another
23 image and this is to Member Mammina's point. This is
24 the image you get from traversing Northern Boulevard
25 and as you can see there, the back of the meter and the

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2 panel. And where we're proposing to move it on this
3 image would be to the left, which is to the east into
4 the median where there is more brush, but we're also
5 proposing to completely screen it.

6 If you go to --

7 CHAIR MAMMINA: So just as a point of
8 clarification, you said that the charging stations were
9 being moved to a sidewalk but it's not really a walking
10 sidewalk, it's more of a paved concrete area, it's not
11 a thru sidewalk?

12 MR. VOGT: Where they are put now, that's
13 correct. There's a median on a small slab, correct.

14 MEMBER DONATELLI: Exactly. So I don't know
15 that I would call that a sidewalk, just for the sake of
16 clarity.

17 MR. VOGT: Understood, I agree.

18 CHAIR MAMMINA: It looks like it looked to me
19 like it was put in to accommodate the chargers, which
20 is normal.

21 MR. VOGT: That's exactly right, sorry if I
22 misspoke. I agree, no patrons are walking on that
23 area, correct.

24 So I'm going, unless the Board has specific
25 questions about the moving the spaces or the meters

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2 themselves being raised into the median versus in the
3 stalls, I'll kind of focus on the bigger issue in the
4 room.

5 VICE CHAIR FRANCIS: Before you get to that, I
6 don't see any elevations with regard to that specific
7 area. I think that would be helpful just to give us a
8 little bit of...

9 MR. VOGT: Where we're going to be moving it?
10 For the bigger issue, the meter and the panel?

11 VICE CHAIR FRANCIS: Yes.

12 MR. VOGT: Okay. That's fair. If you'd like
13 to see some sort of schematic of either of landscaping
14 that's going to go around it or rendering so you can
15 see what the vantage point would be on Northern
16 Boulevard, no problem, we can certainly provide
17 something like that.

18 And for the purposes of today, I want to kind of
19 run through the larger issues and give you an
20 explanation, to Member Goodsell's point, how we got
21 here, the differences between the original plans and
22 what we have today.

23 So if you go to slide ten, I'll skip the slides
24 that talk more about the spaces. So unlike the first
25 two issues we talked about, which were the spaces and

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2 the meter location, the charging unit locations where I
3 can just show you what was done and ask for approval,
4 this one we are not asking for approval as it sits
5 right now, obviously. What we are seeking to do is as
6 you see on this slide ten, and we'll have about a clear
7 picture here in a moment, but on slide ten here what's
8 depicted as you'll see number three, which is the
9 current location of the meter and panel and if you
10 follow the line eastward and south to its proposed
11 relocation.

12 And this was, I don't want to say the proposal that
13 the inspector Dominic Russo, he didn't make the
14 proposal -- but before I get ahead of myself, let me
15 introduce the people who might be able to answer more
16 technical questions.

17 I have Chris Reilly, the electrical contractor who
18 led the install. I have Gabby Seoane and David Galvez,
19 senior construction manager. Gabby is the studio
20 manager, she can answer questions on the day-to-day
21 operations should the Board have any.

22 So this plan just shows generally where we're going
23 to propose to relocate the meter and the panel. If you
24 got down to the next slide, slide eleven, now you're
25 seeing the same area that was just depicted in the

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2 schematic, now you're seeing it in real life. And the
3 idea being on slide eleven, you can see that we're
4 going to move that panel around the corner to that
5 median where we will then screen it to the Board's
6 pleasure with all the vegetation you need, whatever
7 that may be or like I said, we're open to any
8 good-faith screening measures.

9 If you go to slide twelve, it gives you an even
10 better idea, just a close-up look of the back area
11 where it would go. We're looking to be north of that
12 light pole, but with plenty of room to add landscaping
13 buffer to completely screen it from Northern Boulevard.

14 And also, as Chris can explain, to the extent we
15 can, we'll lower the profile as low as we can to code.
16 I think you said it needs to sit...

17 MR. REILLY: The meter has to be lower than
18 three-foot-six.

19 CHAIR MAMMINA: Can you put yourself on to the
20 record so it's clear.

21 MR. REILLY: Christopher J. Reilly, Artel
22 Electric, 4 Bridal Path, Manorville, New York 11949.

23 MR. VOGT: So as Chris mentioned, he said we
24 should be able to lower the profile on those. And I
25 would say right now, it's probably sitting...

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2 MR. REILLY: The meter can't be higher than
3 five-foot-six so it's in between. But the top of it is
4 probably about seven feet.

5 MS. ALGIOS: Maybe if you could come up since
6 you're discussing the electrical, there will be other
7 questions.

8 MR. REILLY: The meter is probably about
9 five-foot-six and the top of the Trans "S" is probably
10 about six-foot-seven, something up there.

11 The problem when we were installing it was that
12 there's a foundation of an old house or something right
13 under everything. So the 90 --

14 CHAIR MAMMINA: There's an existing foundation
15 under the ground?

16 MR. REILLY: Yeah, there's a whole bunch,
17 rooms and everything. So the conduit was chopped but
18 we weren't going to go down five feet. So the 90 had
19 to come up and that's the only reason it's not down
20 lower, 'cause of the foundation. There's a whole bunch
21 of rooms.

22 So where we're moving, I'm hoping there wasn't a
23 house there so we'll be able to cut it down where the
24 bottom of the meter pan, or the Trans "S," 'cause it's
25 400 amp, will only be a foot off the ground.

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2 CHAIR MAMMINA: That foundation may have
3 historical significance.

4 MR. REILLY: I said that.

5 CHAIR MAMMINA: I'm joking.

6 MEMBER GOODSELL: That must have been an
7 unanticipated surprise.

8 Well that would explain to me why it has to be
9 moved because if it's suddenly become exorbitantly
10 expensive or impossible to put something where we
11 approved it because of some unforeseen consequences,
12 now I can understand why it's being moved 20, 30 feet.

13 MR. REILLY: It's at least 35 feet to the
14 east.

15 MR. VOGT: Just so we're clear, in its current
16 location -- I don't mean to argue against myself -- but
17 in its current location is not where it was approved,
18 it was approved to go in the meter room.

19 So the big move now -- so that's why we got our
20 notice of disapproval is because it wasn't in the meter
21 room. And what Mr. Russo and Chris discussed was well
22 if we're going to move it, where is the best place?
23 And that's why we settled on that median where it can
24 be screened.

25 Now the reason it's not in the meter room is many

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2 reasons fold. And Chris can give you the more
3 technical answers, but the issue is if you go to the
4 last -- it's pretty easy to kind of show you guys -- if
5 you go to the last slide, 14, what you're looking at at
6 the right side of that picture right at the bottom of
7 that corner, that's the wall where they would be coming
8 out if they came out of that meter room with the
9 conduit.

10 And it would need to be run for the location of the
11 spaces where they were approved. If you see that blue
12 car in the distance, so you'd have to first cross the
13 pavement with -- and he can explain to you -- with some
14 very large conduit, and then run it all the way down
15 that heavily vegetated median where you see at least
16 three or four mature trees running into them,
17 potentially damaging them. It would cause a real
18 interference with obviously the's esthetic but
19 obviously operationally with the other tenants.

20 And this was -- basically this all came to be after
21 Chris got on the site and saw the existing conditions
22 in the meter room where it was already -- and we don't
23 have pictures in this stack but there are pictures
24 showing that it was heavily populated with existing
25 electrical equipment.

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2 And for them to bore through it not knowing where
3 all the conduits are already running through the walls.
4 And then on the other side of that, excavating the
5 parking lot and all the way down that median with that
6 mature vegetation, when the alternative was proposed of
7 we can just take power off the pole which is right
8 there as opposed to running from inside the building,
9 which may not even be feasible or safe because of the
10 issue, he can opine on that a little more, that's where
11 the discussion was, well we'll run it off the power.

12 And I understand we have the issues with the
13 esthetic and feel of the Manhasset shopping center. So
14 we're going address those.

15 But I want Chris to talk a little more about how
16 the decision was made to leave the meter room after
17 consulting with PSEG.

18 CHAIRMAN MAMMINA: If I could for just a
19 second only 'cause this is what I do every day.
20 Without trying to sound contrary, I mean, I've run
21 things underground through asphalt barriers way further
22 than that. I mean, you cut the asphalt, you trench it
23 and you put the conduit in.

24 Not for anything, these are extremely expensive
25 cars and I'm not saying that if these were Hyundais

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2 that I'd have a different opinion about it, but it
3 would seem that that's still feasible to get on down to
4 there.

5 And I guess I just have to ask the question, and
6 maybe it's not germane, why did no one look at that
7 ahead of time? I mean, if I was putting this in as an
8 architect, I would make sure that I had my electrical
9 engineer there to look at how we were going to do this
10 and say, this is ridiculous, if it's ridiculous and
11 kind of check to see if we can come down the pole.

12 It's a very high-end shopping center and have they
13 approved this?

14 MR. VOGT: The owner, the landlord? Yes, this
15 is all approved.

16 MR. REILLY: We walked through it because to
17 get out of that electric room with the -- the way the
18 plans were submitted, my plans said all equipment must
19 go out by the chargers. The way they submitted it,
20 they didn't show any of that but they showed from the
21 inside. And to get the 180 feet to run, it's not the
22 saw cutting across the asphalt and running down because
23 there would be a lot of damaged vegetation, which could
24 be replaced, maybe kill a tree or two.

25 But to get through the electric room through the

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2 footing of the electric room, this is all 480 vault
3 services underneath, core drilling, I would need water.
4 I was afraid I said, how am I getting -- plus all the
5 pipes, because you're now running four two-inch
6 conduits. It's not just -- originally it was one
7 four-inch conduit all the way with oversized wire but
8 now with the voltage drop and all that we went to four
9 two-inch conduits.

10 I took the liberty to ask PSEG if they had any
11 answers. With the coming off the pole, you don't need
12 a transformer, you needed a transformer and then four
13 conduits, panel and all that. Instead of -- you don't
14 show any of the equipment outside, my plans showed it
15 outside. That's the reason I went to PSEG.

16 CHAIR MAMMINA: Understood.

17 And understand as well I just want to be able to
18 explain all of this to Member Hernandez, who is -- this
19 is his neighborhood.

20 MR. REILLY: Right. It's not the outside work
21 that was the problem, it's the inside the electric room
22 trying to put a 300kVA transform, a distribution panel
23 and then core drilling through the footing with the
24 water. But there's no room in the electric for the --

25 CHAIR MAMMINA: I've been in plenty of

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2 electric rooms and each electrician does what they want
3 and there's no thought about --

4 MR. REILLY: And I wanted to get it approved
5 through PSEG because like I said, you're putting stuff
6 in an electric room that it can't fit in.

7 MEMBER DONATELLI: Just so that we're doing
8 our due diligence. Do you have any way to estimate
9 what the cost might be to run, I think you said 80 feet
10 of conduit.

11 MR. REILLY: 180 feet.

12 MEMBER DONATELLI: Can you give us a ballpark
13 estimate as to what that might cost?

14 MR. REILLY: 160.

15 MEMBER DONATELLI: 160,000?

16 MR. REILLY: Yes, I'm sorry.

17 MEMBER DONATELLI: I figured it wasn't \$160.

18 MR. VOGT: And I'm glad that Chris was able to
19 elaborate with his expertise.

20 My issue, I guess, I raised was probably more of a
21 secondary issue and getting out of that meter room
22 sounds like the real impossibility.

23 So being the conditions as they are, we are very
24 open and respectful of the Town's view of this asset,
25 this shopping center, which I understand. And we want

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2 to do whatever it takes for the Board to be
3 comfortable, including Member Hernandez, with how this
4 looks and what we're doing here.

5 So our plea, our request, is to not reinvent the
6 wheel because frankly based on Chris's testimony, I
7 don't know that that wheel would even be safe to try
8 and get out of that meter room.

9 So in lieu of doing that, we're just simply asking
10 to allow us to screen it, move it, screen it, make it
11 as conducive to the esthetic as the Town wants for this
12 area. And we're going to do that with vegetation.

13 If there is a way to -- and I'm speaking out of
14 layman's perspective -- if there's a way to enclose it
15 in a green vegetative color covering. Right outside of
16 that picture that shows the meter room, it's not a
17 picture, but there's big green transformers so we could
18 do something to make it that natural green color, put
19 some Arborvitaes or whatever vegetation that the Town
20 would like to see in front of it. Happy to do any of
21 those measures to minimize any sort of esthetic issue.

22 MEMBER DONATELLI: Can you get us those
23 elevations for what it might look like?

24 MR. VOGT: Absolutely.

25 CHAIR MAMMINA: A landscape plan with that.

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2 Can that be dropped down?

3 MR. REILLY: Because we couldn't get the 90 --
4 we weren't going to chop down another 23 feet through
5 the concrete, so we had to come up high.

6 I can lower it at least a foot and a half, but also
7 I can -- PSEG has the four-by-six, we can use four-inch
8 galvanized conduit with Kindorf so it's less intrusive
9 that way. It's thinner and you can and cap it.

10 MEMBER GOODSSELL: Could you address just a
11 little bit with respect to these four charging stations
12 here and they could shift to accommodate a storm drain.
13 Do you anticipate that Lucid will be using all four
14 every day, 24 hours a day? Or do you anticipate that
15 there's going to be a little bit of spacing in there?
16 How do you anticipate the stations to be used?

17 MR. VOGT: They have been up and running --
18 no, they are not up. I would say I'll leave it to
19 Gabby.

20 MEMBER GOODSSELL: I'm more than happy to let
21 her do a presentation 'cause in addition to the moving
22 of the transformer and the power station, I'm curious
23 as to the usage of these spaces.

24 MR. VOGT: And just before Gabby let's you
25 know, they are used for storage and display and for

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2 charging of the Lucid vehicles which are being stored
3 and displayed. And when customers come in with
4 questions, they can park their vehicles there as well.
5 That's really kind of the exclusive totality of their
6 use. She can talk about the frequency of their use
7 probably better than I.

8 MEMBER DONATELLI: I'm sorry, before you begin
9 because we do recall the prior presentation that you
10 gave, you said that the spots were reserved for display
11 and for charging. They are really pursuant to the
12 prior decision of this board, they are only for the
13 charging. The display cars are inside, just as a point
14 of clarification.

15 MR. VOGT: I saw the language in the CUP
16 approval, and our application certainly did, the
17 storage, display and charging. I don't mean to
18 challenge you, that was my recollection.

19 MEMBER DONATELLI: I don't have the prior
20 decision here in front of me, but we can certainly look
21 into it. But I think that we were -- as I recall, the
22 purpose was really for the charging.

23 VICE CHAIR FRANCIS: I don't recall that those
24 parking spaces were marked "Reserved Lucid Motors."

25 MR. VOGT: I'll double check that, but I don't

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2 have the section but it actually, the CUP we had to
3 apply for was for the category of storage and display
4 of vehicles in an external parking lot.

5 MS. ALGIOS: Yes, I believe that's correct.

6 CHAIR MAMMINA: Only because I think the
7 intent of the zoning board was that this is not an
8 extension of the showroom. The showroom, and I think
9 that's what was testified to, was that the showroom is
10 the showroom and this is not supposed to be a place
11 where there are four cars 24 hours a day.

12 MR. VOGT: "The Board finds the following:

13 The proposed use of four parking spaces for the
14 parking, storage and display of motor vehicles."

15 Number three on the decision: "To use the
16 property, tenant space and four outdoor parking spaces,
17 to store and display new vehicles which will be sold
18 online and at off-site locations provide the desirable
19 service." That was one of the findings of the Board.

20 MEMBER DONATELLI: Okay.

21 MR. VOGT: Member Goodsell, the question was
22 about the use?

23 MEMBER GOODSSELL: I'd be more than happy, she
24 came all the way here, I'd be happy to listen to her
25 presentation. Tell me what you anticipate the usage of

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2 these four charging stations to be?

3 MS. SEOANE: First my fame is Gabby Seoane.

4 I'm at 1950 Northern Boulevard, Suite C1, Manhasset.

5 SECRETARY WAGNER: Could you spell your last
6 name?

7 MS. SEOANE: S-E-O-A-N-E.

8 CHAIR MAMMINA: So they didn't make you drive
9 all the way from Michigan but you did drive here?

10 MS. SEOANE: I did, a long way.

11 So to answer your question, there's not four
12 vehicles that are going to be there 24/7 charging.
13 Even to this date, even if it was -- if they were
14 energized at this time, it's infrequent that we would
15 have the charging be utilized. So there wouldn't be
16 vehicles there 24/7 being charged constantly. It's not
17 that purpose, it was more so if we had a customer that
18 came in that needed to charge while they are inside the
19 studio and we were visiting with them, educating and
20 showing them their configuration or whatever they
21 wanted to do, they could do that impromptu while they
22 were in the studio.

23 Otherwise nothing is being charged or plugged in
24 even after business house. So I can tell you that.

25 Any other questions?

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2 VICE CHAIR FRANCIS: What about a nonelectric
3 vehicle that pulls into the parking lot and they want
4 to park there for whatever reason? I mean...

5 MS. SEOANE: I don't see that as an issue, per
6 se. There's not really a whole lot of traffic on that
7 side. Most of the traffic in all the -- to the
8 business or any of the businesses on that site are on
9 the south side of the building, not north side on
10 Northern. So predominantly those spots even in the
11 last five/six months I've been there, have been empty
12 except for going to Sephora.

13 CHAIR MAMMINA: So I can't drive my electric
14 bicycle there.

15 MS. SEOANE: No, too strong of a charge.

16 CHAIR MAMMINA: We'll watch it blow up.

17 MEMBER DONATELLI: You mentioned that you will
18 be, I guess, putting the transformer directly on the
19 pole or in the proximity of the pole that -- the
20 existing pole that's there.

21 MR. REILLY: The telephone pole will have the
22 PSEG transformer. We don't need a transformer. If you
23 went from the electric room, there's a 300kVA
24 transformer, we'd have to find a location for it in the
25 electric room.

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2 MEMBER DONATELLI: And so --

3 MR. REILLY: But it's a PSEG one single pole
4 up on the pole that's there now.

5 MR. VOGT: You can see it on page six, the top
6 of the utility pole, it's up there.

7 MEMBER DONATELLI: So the transformers, will
8 there be a cable coming down that pole?

9 MR. REILLY: Yes, there is now. They
10 disconnected the power 'cause they wouldn't --

11 MR. VOGT: The esthetics from the pole
12 wouldn't change from that image.

13 MEMBER DONATELLI: The wire is also there are
14 -- and it will proceed underground to the new location.

15 MR. REILLY: Instead of going there way, it
16 will go that way.

17 It's PSEG requires that it be -- the wire be
18 brought away from traffic on the left front. They give
19 you a quarter of the pole you're allowed to go down, it
20 has to be away from traffic.

21 MEMBER DONATELLI: I have no further
22 questions.

23 VICE CHAIR FRANCIS: I don't have any.

24 CHAIR MAMMINA: I don't either.

25 So I think if we can kind of get one drawing that

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2 puts this all together, we don't need a rendering of
3 that.

4 MR. VOGT: Something you can picture.

5 CHAIR MAMMINA: We see a landscape plan and we
6 see what's going to look like around it.

7 MR. VOGT: And we lower the height to the
8 extent we can feasible.

9 CHAIR MAMMINA: And that would make it easy
10 for us to explain to Member Hernandez, who also is a
11 builder developer. So I'm sure he'll understand the
12 obstacles of putting it into the meter room and the
13 solution of taking it off the pole to make that work as
14 well as possible.

15 And also from my own experience, sometimes PSEG is
16 going to make you do things and I see you smiling so
17 you know. So they are not the easiest people to
18 convince. So getting that single pot up on the pole,
19 that's a good thing.

20 MR. VOGT: Yeah, okay, very good.

21 So what we'll do is we'll get those materials,
22 submit them as soon as we can and we need a continued
23 public hearing for that?

24 CHAIR MAMMINA: No. Submit that to
25 Ms. Wagner, she'll circulate that to the Board.

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2 MR. VOGT: And if anybody else comments,
3 you'll bring that back and we'll make it right.

4 Is there anything else to address about the other
5 two issues or is the Board satisfied with the location
6 of the spaces being moved down and up on the curb? No
7 other issue on those?

8 VICE CHAIR FRANCIS: No.

9 CHAIR MAMMINA: Anything else?

10 SECRETARY WAGNER: We're looking for
11 elevations.

12 CHAIR MAMMINA: Yes, and landscape.

13 MR. VOGT: We'll do our best to minimize the's
14 esthetic impact as much as possible. Thank you so much
15 for your time.

16 CHAIR MAMMINA: Thank you so.

17 We'll continue this for the small drawings.

18 MR. VOGT: Thank you.

19 CHAIR MAMMINA: Thank you.

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2 MEMBER DONATELLI: I'll make a motion that we
3 adopt SEQRA.

4 CHAIR MAMMINA: We have a motion by Member
5 Donatelli.

6 MEMBER GOODSSELL: Second.

7 CHAIR MAMMINA: Second by Member Goodsell.
8 Please poll the Board.

9 SECRETARY WAGNER: Member Goodsell.

10 MEMBER GOODSSELL: Aye.

11 SECRETARY WAGNER: Member Donatelli.

12 MEMBER DONATELLI: Aye.

13 SECRETARY WAGNER: Vice Chairman Francis.

14 VICE CHAIR FRANCIS: Aye.

15 SECRETARY WAGNER: Chairman Mammina.

16 CHAIR MAMMINA: Aye.

17 SEQRA is adopted.

18

19 (Whereupon, there was a pause in the proceedings.)

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2 SECRETARY WAGNER: I sent the Board an e-mail
3 regarding proposed changes to Appeal No. 21232:
4 Michael Tobias. They changed access to the site and
5 changed the loading area, so the Board needs to decide
6 whether we -- they feel it should come back for a new
7 hearing based on the changes.

8 MEMBER DONATELLI: That was the fulfillment
9 center?

10 SECRETARY WAGNER: Yes. I just sent the
11 e-mail so the plans will be attached.

12 MEMBER DONATELLI: Can you go over the changes
13 again or are they outlined in the attachment? Oh, I
14 see it looks like...

15 VICE CHAIR FRANCIS: This is the one in New
16 Cassel, correct?

17 SECRETARY WAGNER: Yes.

18 MEMBER DONATELLI: Okay. Well I see there's
19 the old site plan and then there's a new site plan but
20 I can't see them side-by-side.

21 SECRETARY WAGNER: Let me look and I'll try
22 to --

23 VICE CHAIR FRANCIS: So they shorten the
24 loading docks for the 18-wheelers, is that what's going
25 on?

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2 CHAIR MAMMINA: Can they reduce the amount of
3 loading docks?

4 VICE CHAIR FRANCIS: That's what it looks
5 like. This is the original one, this is the revised.

6 CHAIR MAMMINA: Maybe this is loading as well
7 but -- this is loading at grade, this is a loading
8 dock.

9 VICE CHAIR FRANCIS: This is loading here.

10 CHAIR MAMMINA: This slopes down, this one
11 goes up.

12 VICE CHAIR FRANCIS: Right.

13 MEMBER DONATELLI: They were showing cars --
14 no, what is that? Those are the vans going down below,
15 right? That was the drive ramp going down.

16 CHAIR MAMMINA: Right. To get down into the
17 lower level of the cellar and then that would be
18 loading.

19 VICE CHAIR FRANCIS: So this is loading.

20 MEMBER DONATELLI: Is that the ramp then?

21 CHAIR MAMMINA: This would be the ramp.

22 MEMBER DONATELLI: This is the ramp.

23 CHAIR MAMMINA: And this looks like two-way
24 traffic and 20 feet --

25 VICE CHAIR FRANCIS: And that's loading and

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2 these are loading over here.

3 So the original one --

4 SECRETARY WAGNER: The original one was going
5 to take access -- the vans were going to go --

6 MEMBER DONATELLI: I think this is what they
7 turned into the ramp.

8 VICE CHAIR FRANCIS: Was this loading before?
9 'Cause it's not labeled.

10 SECRETARY WAGNER: This was the loading area
11 over here off of Grand Street. The vans were going to
12 come in off of Magnolia, I guess load up here and go
13 out on to Grand Street. And then this off of Magnolia
14 was the access to the underground parking.

15 VICE CHAIR FRANCIS: So where are the vans
16 now?

17 SECRETARY WAGNER: So now the vans are coming
18 in but they are not going out on to Grand Street, they
19 are going to come out here -- the loading area has been
20 reduced.

21 VICE CHAIR FRANCIS: So those are no longer
22 loading areas for 18-wheelers?

23 SECRETARY WAGNER: I'm not sure, I think that
24 might be the new access.

25 CHAIR MAMMINA: That could be the new access

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2 to the lower level 'cause it's 20 feet wide so you can
3 go in and out.

4 MEMBER DONATELLI: Doesn't this have to be
5 resubmitted to the building department?

6 SECRETARY WAGNER: It was, so they gave it --
7 it's not in compliance with the prior BZA decision,
8 which we've had few situations like that so the
9 Board --

10 CHAIR MAMMINA: The variances have not
11 necessarily changed.

12 SECRETARY WAGNER: Well no, I don't think the
13 variances changed.

14 CHAIR MAMMINA: Do we have the disapproval?

15 SECRETARY WAGNER: A disapproval that it's
16 been disapproved under 229A.

17 MEMBER GOODSSELL: Are we voting on whether
18 they should come back before us?

19 SECRETARY WAGNER: For a hearing.

20 MS. ALGIOS: So where plans have been changed,
21 sometimes the changes are so minimal, so unsubstantive,
22 that the Board will look and say this wouldn't have
23 affected our decision, we don't need to hear anymore
24 about this and we've been able to just modify the
25 decision administratively based on the new plans.

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2 Here in this instance it's being put to you to look
3 at to see whether you make the determination that the
4 changes that they are now proposing might influence
5 your decision or you just want to hear more about these
6 changes.

7 That's why, I don't know if you looked at your
8 decision and the conditions and the findings. And then
9 if that, based off the new changes, would have affected
10 any of that. So that's really what we're looking at.

11 CHAIR MAMMINA: It doesn't show what's going
12 on inside the building, it just shows the access.

13 SECRETARY WAGNER: It's probably not changing
14 inside.

15 CHAIR MAMMINA: 'Cause we also had the issue
16 with the cars and the way they showed them and how the
17 cars were going to get in and out based on the amount
18 of cars they wanted in THE cellar.

19 MS. ALGIOS: No, you're thinking of something
20 else.

21 SECRETARY WAGNER: That's Great Neck.

22 CHAIR MAMMINA: Okay, yes.

23 MEMBER GOODSSELL: That was the slot machine
24 for cars.

25 No, this was the building that it was vacant, there

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was a fire or something and it was vacant for a very long time. And an attorney represented like seven of the nine businesses in the area and nobody wanted this for traffic and for the congestion. Yes, it's a congested area, it's a vacant field.

I got the distinct feeling they are all enjoying plentiful parking without there being a business there and the objections were really parking access, traffic, et cetera.

I believe we approved their plan and if the only change is here to the cellar and they are not changing the outside of the building and they are not changing any of the structures --

SECRETARY WAGNER: What do you mean changing the cellar?

MEMBER GOODSSELL: It says one-story building with cellar.

MS. ALGIOS: It's underground.

MEMBER GOODSSELL: The two diagrams --

VICE CHAIR FRANCIS: They changed where the vans are coming out so they are not coming out on Grand Street anymore, it's coming out on Main Street.

CHAIR MAMMINA: Show us a floor plan of the first floor and the cellar.

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MEMBER DONATELLI: So getting back to the initial question I think these are more than just minor tweaking changes that we might approve or that we have approved in the past for very small things. I think this is fairly consequential. I think that if the public wanted to be heard on this, and I don't know maybe these changes were made in response to objections from the public. Certainly if they are changing the egress of those vans then that might be something that the public converged upon them and maybe they are doing that.

But again, these strike me as not minor changes and I think that I would like to see the presentation as one board member.

CHAIR MAMMINA: Yeah, I would think I agree with that. And I do think at a minimum if they showed us the floor plans we could at least evaluate that against what was here. But maybe they should make another presentation.

MEMBER DONATELLI: If the public came the last time...

VICE CHAIR FRANCIS: They'll definitely come the second time.

But now they have eliminated the issue with regard

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2 to the traffic on Grand Street slightly by having the
3 vans come out on to Main Street. But now how does that
4 affect Main Street?

5 MS. ALGIOS: That's a good point because now
6 any residents or any business owners on Main Street now
7 suddenly they're going to potentially be impacted and
8 they didn't know that at the original -- based on the
9 original plan.

10 CHAIR MAMMINA: Yes, I remember this.

11 VICE CHAIR FRANCIS: So we should hear this
12 again.

13 MEMBER DONATELLI: I agree.

14 CHAIR MAMMINA: We have questions about in
15 that's -- the way in how do they offload something in
16 their -- there's no access into the building and this
17 is the way in and here's a 15-foot, I think that radius
18 would be something maybe it can, but they should
19 show...

20 (Off-the-record discussion.)

21 SECRETARY WAGNER: What's the decision on
22 whether they need to come back?

23 VICE CHAIR FRANCIS: They need to come back.

24 SECRETARY WAGNER: We'll take a vote on that
25 decision.

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2 MS. ALGIOS: Just for the record, reiterate
3 why you feel they need to come back.

4 VICE CHAIR FRANCIS: So I move that we bring
5 back 21232 for rehearing based on the revised plans
6 showing some, what we think, significant changes in the
7 traffic pattern in and out of the building in that the
8 van egress is no longer going to Grand Avenue but it's
9 coming out on Main Street.

10 So we'd like to know, based on this new revised
11 plan, what the impact is going to be to the businesses
12 on Main Street.

13 And the loading dock has changed, configuration of
14 the loading dock has changed.

15 MS. ALGIOS: So the applicants also have
16 argued that because there are no additional variances
17 being required and the magnitude, I guess, has
18 decreased because I think they lessened one of the
19 variances, that they shouldn't have to come back.

20 So what's the Board's position on that?

21 CHAIR MAMMINA: Do we want him to write a
22 memorandum of law or call it whatever, something like
23 that that explains all that? 'Cause we have nothing,
24 we don't have anything to explain what or why.

25 VICE CHAIR FRANCIS: I don't think that's

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going to change my mind in regard to the revised plans in that whether it diminishes, variances or not, there's a change in how this building is now being accessed.

And as to the original hearing, the businesses on Main Street weren't impacted so I doubt there was anybody here that has a building on Main Street. Now it is, so I'd like to give them an opportunity to hear the case and to say whether or not it is going to impact them or it's not going to impact them.

MS. ALGIOS: So you're saying because the changes may potentially impact circulation which would affect or impact the conditions in the neighborhood, you'd like to hear from the applicant?

VICE CHAIR FRANCIS: Yes.

MEMBER DONATELLI: I agree. I don't think that it's determinative whether or not the number of variances change. I think what's determinative is whether or not people, members of the public, would be affected by the change. And that is certainly one of the things that we have to consider as we weigh our factors.

MS. ALGIOS: And why is it that members of the public may be impacted based on this change?

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2 VICE CHAIR FRANCIS: Only because of the
3 change in the direction of the egress for the vans.
4 The vans were initially going straight out to Grand
5 Avenue and there was a lot of pushback about that.

6 And now they changed that so that now they are
7 coming out on to Main Street. And I just envision if
8 there was pushback on Grand Street, I would imagine
9 that the businesses on Main Street are going to have
10 the same concerns in terms of traffic congestion and
11 how it's going to affect them on Main Street.

12 MS. ALGIOS: So -- but I just do want to also
13 point out, didn't the Board, in its decision, find that
14 there wasn't going to be an impact of congestion
15 because of the characteristic of that industrial area
16 so...

17 VICE CHAIR FRANCIS: As it relates to Grant
18 Street.

19 MEMBER GOODSSELL: We don't mention the street
20 in our findings and our decision. What we say is that
21 we determine -- "the Board determined that there would
22 not be an undesirable change in the character of the
23 neighborhood nor would there be a detriment to nearby
24 properties.

25 "In making this decision, the Board has considered

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the objections raised in the letter submitted by Roger Pierro, Junior, Esq. --" that was the attorney who came who respected several businesses in the area "-- as well as the testimony of Mr. Pierro on May 25th, 2022.

"Mr. Pierro asserts that if the Board were to grant the requested variance, there would be an adverse impact on the traffic conditions in the neighborhood and that the traffic would have an adverse impact on the businesses in the area. These allegations were not supported by any expert testimony."

VICE CHAIR FRANCIS: Okay.

MEMBER GOODSSELL: So we didn't make a determination with respect to traffic on any particular street, we simply said traffic in the area.

MS. ALGIOS: But you wouldn't have even been looking at the traffic impacts on the other side because the plans before you showed the access on Grand Street. So you were looking at how the traffic there could potentially impact the area. Now it's shifting to another street.

MEMBER GOODSSELL: I don't think this changes the parking because we passed the parking. There were a minimum of 25 spaces required, he had 22. We decided that that was not a substantial variance, we would

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grant that. He's not changing the amount of parking.

The vehicle entrance doors, I don't think, are changing. The entrance doors would be setback 13 feet where 18 feet was required. We didn't find that substantial.

So really the change is going to be the traffic itself in the area and where it now shifts to. If that's something that we want them to come back for.

VICE CHAIR FRANCIS: You know, I would like to err on the side of being as transparent as possible with regard to our decisions. And I would hate to think that those businesses thought that we pulled a fast one by granting this application and these revisions without another full and fair hearing. I'm uncomfortable with that.

MS. ALGIOS: So Les, you're saying that any prejudice to the applicant in making them come back is outweighed by potential prejudice to the neighbors on the opposite side?

VICE CHAIR FRANCIS: Yes, absolutely.

MEMBER DONATELLI: I would go further. I would say that it might actually expose us to potential liability if we overstep our determination, that something -- if we determine that some change is minor

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2 when in point of fact it isn't.

3 I would also err on the side of full transparency
4 and disclosure.

5 VICE CHAIR FRANCIS: Yeah, I just -- I don't
6 think we go wrong if we do that.

7 MS. ALGIOS: Okay. So Ginny you want to...

8 SECRETARY WAGNER: So Les, you moved it.

9 VICE CHAIR FRANCIS: Yes.

10 SECRETARY WAGNER: Who will second?

11 MEMBER DONATELLI: I will second.

12 CHAIR MAMMINA: Please poll the Board.

13 SECRETARY WAGNER: Member Goodsell.

14 MEMBER GOODSSELL: Aye.

15 SECRETARY WAGNER: Member Donatelli.

16 MEMBER DONATELLI: Aye.

17 SECRETARY WAGNER: Vice Chairman Francis.

18 VICE CHAIR FRANCIS: Aye.

19 SECRETARY WAGNER: Chairman Mammina.

20 CHAIR MAMMINA: Aye.

21 SECRETARY WAGNER: So they need to come back.

22

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2 SECRETARY WAGNER: Does the Board want to take
3 a vote to close the record on Appeal No. 21287:
4 Benvenuti Salumeria in Manhasset?

5 CHAIR MAMMINA: Yes, we got the letter from
6 the engineer.

7 SECRETARY WAGNER: We'll close the record and
8 we may discuss this during the reserved calendar.

9 MEMBER DONATELLI: I'll move to close the
10 record.

11 MEMBER GOODSSELL: I'll second.

12 SECRETARY WAGNER: Member Goodsell.

13 MEMBER GOODSSELL: Aye.

14 SECRETARY WAGNER: Member Donatelli.

15 MEMBER DONATELLI: Aye.

16 SECRETARY WAGNER: Vice Chairman Francis.

17 VICE CHAIR FRANCIS: Aye.

18 SECRETARY WAGNER: Chairman Mammina.

19 CHAIR MAMMINA: Aye.

20 SECRETARY WAGNER: That's Appeal No. 21287:
21 Benvenuti Salumeria, closed.

22

23 (Time noted: 12:15 p.m.)

24

25

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C E R T I F I C A T E

STATE OF NEW YORK)
 : ss.:
COUNTY OF QUEENS)

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

I reported the proceedings in the
within-entitled matter, and that the within
transcript is a true record of such proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my
hand this 7th day of November 2022.

NICOLE MANN

MGR Reporting, Inc.
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