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Town of North Hempstead
Board of Zoning Appeals
PUBLIC HEARINGS

Wednesday, November 9, 2022
10:10 a.m.

BOARD MEMBERS PRESENT:

Leslie Francis, Vice Chairman
Daniel D. Donatelli, Member
Jay Hernandez, Member
Patricia A. Goodsell, Member

ALSO PRESENT:

Deborah Algios, Town Attorney
Virginia Wagner, Secretary
Steven Perrotta, Planner
Amy Boguszewski, Stenographer

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Proceedings

VICE CHAIRMAN FRANCIS: Good morning, everyone. Would you please join Mr. Hernandez in the Pledge of Allegiance.

(Following recitation of the Pledge of the Allegiance, the meeting was called to order.)

SECRETARY WAGNER: Just for the record, Vice Chairman Leslie Francis will be Acting Chairman today.

VICE CHAIRMAN FRANCIS: And that is because the Chairman is somewhere in the mountains of Peru as we speak, so we will do our best to do a good job. Good morning, everyone. If you have not appeared before a BZA before and this is your first time, I'm just going to go through a few of the particulars with you. We have a relatively short calendar, but that doesn't mean that we won't be here until 7:00, though.

The applicants will present their case first beginning with the residential calendar, and they will present their case or, I should say, their application. After that is done, if there is anyone in opposition, they will get a chance to respond to the application. We ask you to limit your opposition to three minutes each. If there are -- I see there are several people in the audience for at least one of the applications. It doesn't make your point any greater or any lesser if you repeat what other people say. So in terms of, you know, getting your point across, if someone has made your point -- we are going to take down everybody's names, number one, but if someone has made your point, it's not necessary to

Proceedings

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2 repeat that point, I guess, is what I'm saying. Once you have
3 stepped forward and given your opposition to an application,
4 the applicant will have the last turn at the podium to respond
5 to whatever you brought forth. And then either we will make a
6 decision on the record or we will reserve the case of the
7 application. I keep saying case because I think I'm back in
8 court. We will reserve the application and decide it at a
9 later date. We may continue it for additional information from
10 either side or we may deny the application, so that's the power
11 of the Board.

12 With regard to talking, we ask that you limit the
13 talking among yourselves to zero because we do have a Court
14 Reporter, a stenographer, who is taking a record and it becomes
15 very difficult when people are talking in the audience and she
16 is trying to take down the record of the person at the podium.
17 So please, no talking amongst yourselves. The other thing we
18 ask is that to the extent that you have a cell phone -- and
19 pretty much everyone has a cell phone, including my 10-year old
20 granddaughter -- we ask that you turn that off or put it on
21 silent. And if someone shows up later on in the afternoon or
22 in the morning, that you tell them also to please put their
23 device on silent or vibrate, whatever. I think that is it.

24 I think I mentioned the three minutes. I will mention
25 it again. The opposition is limited to three minutes each. We
26 are not going to bring out the hook if you are at three minutes

Proceedings

and you are not done, but try and stay within the confines of the three-minute reply.

With that said, I think that's it.

ATTORNEY ALGIOS: So I will just add briefly to the Vice Chairman's comments, this is really just for members of the public. If you do have comments and you come up, it's really not a question and answer. The public comment is really for you to get your questions out there, but you should just state all of your questions, and then when the applicant comes back up, they will then answer them. So just state all of your questions during the time that you come up and then they will be answered when the applicant comes back up.

VICE CHAIRMAN FRANCIS: Thank you for that, Deborah, I appreciate that. All right. With that said, Ginny, are there any adjournments to the calendar?

SECRETARY WAGNER: No, Chairman, we have no adjournments on the calendar today.

VICE CHAIRMAN FRANCIS: Okay. So I think we are ready to call the first case.

1 Appeal #21302

2 RESIDENTIAL CALENDAR

3 SECRETARY WAGNER: Appeal #21302 - Anton Ditchev; 102
4 Barwick Street, Floral Park; Section 8, Block 66, Lot 107;
5 Zoned: Residence-C. Variance from §70-50.A to construct
6 additions that are too close to the street.

7 VICE CHAIRMAN FRANCIS: You have heard Appeal #21302 -
8 Anton Ditchev. Is there anyone interested in this application
9 other than the applicant? Seeing no one. Sir, please give
10 your name and address.

11 MR. DITCHEV: Good morning. My name is Anton Ditchev,
12 A-N-T-O-N, last name, D-I-T-C-H-E-V, like Victor; address 102
13 Barwick, B-A-R-W-I-C-K, Street, Floral Park, New York 11001.
14 Good morning, Vice Chairman and Members.

15 VICE CHAIRMAN FRANCIS: Good morning.

16 MR. DITCHEV: If it pleases the Board, I have some
17 visual exhibits that may lead the court from Google Maps as
18 well as the plans.

19 SECRETARY WAGNER: Sir, you submitted the plans as part
20 of your application, correct?

21 MR. DITCHEV: Yes.

22 SECRETARY WAGNER: Do you want them to view the large
23 set or do you feel that these are fine? Because if it's the
24 same plans that were submitted for the record, then --

25 MR. DITCHEV: Okay. They are the same plans. Could I
26 just hand up the photos?

1 Appeal #21302

2 VICE CHAIRMAN FRANCIS: Yes, absolutely.

3 SECRETARY WAGNER: So this will be Exhibit 1.

4 MEMBER HERNANDEZ: I will take one set of the large
5 plans. We have it on the computer, but it's easier to see a
6 big piece of paper.

7 MR. DITCHEV: Okay.

8 MEMBER HERNANDEZ: Whenever you are ready.

9 MR. DITCHEV: So our proposal or our application for a
10 variance involves the Section 70-50.C, which requires a 25 feet
11 setback from the front yard to the property line. In this
12 case, what we are proposing is a small addition to the side of
13 the existing two-story structure that you can see from the
14 photos, not the porch, the one-story porch, but the existing
15 two-story structure, which is currently at, I believe, 20-point
16 -- it's a little under 20 and a half feet, 20.4 feet. We want
17 to bring the second-story addition in line with that existing
18 structure, which would be less than the 25 feet, but not all
19 the way to the front where the porch currently sits on the
20 first floor.

21 The purpose for that and the necessity behind it is
22 simply we have a family that has grown. We have a young
23 daughter now that is 3, who is sleeping in our bedroom and is
24 ready for her own room. So we are trying to ultimately have
25 two bedrooms, but make the home come from a three-bedroom to a
26 four-bedroom home. I think and I hope that the Board is

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1 persuaded that I don't think this addition would in any way
2 impair the integrity of the neighborhood. We had an average
3 front setback done, and I believe that was submitted by the
4 architect. We found that the average front setback on the
5 block is 13.7 feet, which is, you know, well-under the 20 feet
6 that we are requesting with this application. We are trying to
7 also not impede on any of our neighbors and keep our yard space
8 in the back. We also have a detached garage that, I believe,
9 is 12 feet from the garage to the home. So if we were to build
10 back, that would decrease the size between the home and the
11 garage. We also, you know, don't want to -- we want to
12 preserve as much as possible, including the driveway in its
13 current location, which aligns straight with the garage doors,
14 and to maintain the rear yard space for recreational purposes.
15 And also, if we were to build back, it will also inhibit on our
16 neighbors, encroach on our neighbors space and the green space.
17 So that's our application. Do you have anything to add?

18 (No response.)

19 And if this Board has any questions or anything to
20 discuss?

21 VICE CHAIRMAN FRANCIS: I visited your property
22 yesterday and the first thing that struck me is that there is
23 not a property on that block that is in compliance with the
24 front yard setback. All of the houses are pushed up really,
25 really close to the street. So your house is no different from
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2 any other house. So that is the character of the neighborhood.
3 I think what you are asking for is not out of line with what is
4 already existing in that block. So I don't know who did the
5 drawings and the design, but I think that they did a very good
6 job to give you what you are looking for and still not to make
7 it overbearing on your neighbors.

8 MR. DITCHEV: Thank you. Mr. Demetri. We are very
9 happy with it.

10 MEMBER DONATELLI: If I may, there are five standards
11 that we are required to consider by law. I don't believe you
12 are an architect and you probably haven't committed these to
13 memory, but if I can just go through them briefly with you.
14 And to the best of your ability, and I understand you are not
15 an architect, but, if you can, just try and give your best
16 answers to these. The first standard is whether you believe an
17 undesirable change will be produced in the character of the
18 neighborhood if we were to grant this application.

19 MR. DITCHEV: I don't believe so. The character of the
20 neighborhood, many of the properties are up very close to the
21 front line. It sort of butts right against Queens and Long
22 Island. So there is a little bit -- it has some character of
23 almost a Queens-style block where the homes are a little
24 further towards the front. I don't think that with our
25 proposal, no, we are not trying to expand and go any closer.
26 We are not even trying to go to the front of where our first

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story little porch structure is. We really wanted to just keep that sort of minimalist mindset. We just wanted to get that additional bedroom and try to preserve as much as possible and tried not to intrude on any of our neighbors or the character of the neighborhood.

MEMBER DONATELLI: Good answer. Second standard: Is there some way for you to achieve this other one bedroom or two bedrooms that you are trying to achieve, is there some way to do it without requesting a variance?

MRS. DITCHEV: No. If I may?

VICE CHAIRMAN FRANCIS: First give your name and address.

MRS. DITCHEV: Yes. Celena, C-E-L-E-N-A, last name Ditchev, D-I-T-C-H-E-V. Also, a homeowner of 102 Barwick Street. No, there is no other way to accomplish this. We are not permitted to go up. That, would certainly not be ideal. It would not be ideal to add a bedroom in the basement. And if we looked to do it, as mentioned earlier, to go back, we would lose really functional space of the yard. We do have four children. They are all minors. We would also then encroach on our neighbors behind us and we actually just have an existing chain-link fence there. So it wouldn't be ideal for them. If we were to do the same thing on the first floor in which we are proposing on the second floor, we would still need that same square footage. And I think the second floor, actually, and

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doing it on the second floor allows us to still keep functional space on the ground and to keep that open, as well, which allows for air and light. There just is no other way to get that.

MEMBER DONATELLI: And, in fact, you are bringing up a very good point. The plans that you submitted -- and by the way, thank you very much for submitting the larger copy of the plans, that's very helpful, but the plans that you just submitted, which you just stated on the record, show that the first floor will remain open and that this addition that you are proposing is really on the second floor so that it would preserve some open view from the street level?

MRS. DITCHEV: Yes.

MEMBER DONATELLI: The third standard is really a question that, again, you are not architects and we are aware of that, but do you believe that this variance is substantial?

MRS. DITCHEV: No. We do not believe that it is substantial given that we are asking to go almost flush with the existing two-story building. It would actually just be shy of the 20 feet, approximately, 20 and a half. And we don't think it's substantial because we are not going any closer to the street in which the home already exists. We are not impeding on our driveway. We are keeping a good distance between our home and our neighbors to the south of our home. For that reason, we do not think it's substantial. And as

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mentioned earlier, we are also keeping the space on the first floor and that there is an open view, air, light. We think that it still doesn't really impede on our neighbors.

MEMBER GOODSSELL: And if I may, the Building Department said you are not exceeding your floor area ratio. You are not overbuilding on the property, is that correct?

MRS. DITCHEV: We are not.

MEMBER DONATELLI: The fourth standard is whether you believe there will be any kind of adverse environmental or physical impact on the neighborhood? I think that the Chairman already -- the Vice Chairman -- Acting Chairman, forgive me. The gentleman to my left. I think that the Vice Chairman already indicated that most of us have actually driven through past your house, as we try to do for all of the applications that are before us, and I think it's pretty much in keeping with the impact with the other houses in the neighborhood. Do you envision any kind of environmental or physical detriment to the neighborhood?

MR. DITCHEV: No, no detriment. Thank you.

MEMBER DONATELLI: And the fifth standard -- and this is not a test and you will not be graded on this, don't worry about it -- the fifth standard is whether or not we determine the alleged difficulty is self-created. Pretty much most of the applications that come before us, I think, are self-created because, in fact, you are here, you are making this

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2 application, but I would note, for the record, as we try and do
3 in most of these applications, but that is not necessarily
4 determinative of our decision, but do you want to add anything
5 to that?

6 MRS. DITCHEV: Yes. It is self-created, but she is a
7 beautiful creation and we absolutely adore her. And our family
8 would not be the same without it. When we moved into the home,
9 we only had three children and three bedrooms were fine. We
10 now have four and so this is the self-created reason in which
11 we need this additional space.

12 MEMBER GOODSSELL: Can I ask? You can still park in the
13 driveway if we grant this solution? And how many cars do you?

14 MRS. DITCHEV: We have two cars. And I was actually
15 going to add, but I didn't want to interrupt, that in terms of
16 the environmental impact, we would not be adding to any
17 additional cars on the street, which in this particular area,
18 we are not the village, so there is parking on the street. But
19 our driveway would remain functional, which is why this was
20 really the only reasonable means to accomplish what we needed
21 without interrupting our driveway, as well.

22 MEMBER GOODSSELL: Just wait until your children grow
23 up.

24 VICE CHAIRMAN FRANCIS: I was going to say the same
25 thing.

26 MEMBER GOODSSELL: At one point, we had five cars to

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juggle. So I appreciate the fact that you have only two now. You do have a fairly wide piece of property, 50. It's not quite as deep as a 100, and that's why I was asking how many are off the street, but you are able to park them right now in the driveway, is that correct?

MRS. DITCHEV: Yes.

MEMBER GOODSSELL: And after the addition, you will still be able to do that?

MRS. DITCHEV: Yes.

MR. DITCHEV: The driveway, that's part of, again, trying to preserve. The driveway will be maintained as the same space and the garage.

MRS. DITCHEV: And in line with the garage, which then opens up an additional space to park another car.

MEMBER DONATELLI: I will also note that, I believe, we have approved in the past similar applications for houses in the area.

VICE CHAIRMAN FRANCIS: Yes, I would say we have. Absolutely. Anyone else have any other questions?

MEMBER HERNANDEZ: No.

MEMBER GOODSSELL: No.

VICE CHAIRMAN FRANCIS: No, there was no opposition. All right. Does someone want to make a motion?

MEMBER GOODSSELL: Well, after consideration, Mr. Chairman, I make a motion that we grant the application as

1 Appeal #21302

2 presented to us.

3 VICE CHAIRMAN FRANCIS: All right. We have a motion.

4 Do we have a second?

5 MEMBER DONATELLI: Second.

6 VICE CHAIRMAN FRANCIS: Second by Mr. Donatelli.

7 Ginny, please poll the Board.

8 SECRETARY WAGNER: Member Hernandez.

9 MEMBER HERNANDEZ: Aye.

10 SECRETARY WAGNER: Member Goodsell.

11 MEMBER GOODSSELL: Aye.

12 SECRETARY WAGNER: Member Donatelli.

13 MEMBER DONATELLI: Aye.

14 SECRETARY WAGNER: Acting Chairman Francis?

15 VICE CHAIRMAN FRANCIS: Aye.

16 The application is granted.

17 MRS. DITCHEV: Thank you. Thank you so much.

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1 Appeal #21238

2 SECRETARY WAGNER: Next Appeal is Appeal #21238 -
3 Christopher Barone; 95 Hilldale Rd., Albertson, Section 9,
4 Block 119, Lot 4; Zoned Residence-B. Variances from §§
5 70-100.2.A(4) and 70-40.C to legalize a fence that is too tall
6 and to construct a portico and addition which are too close to
7 the street.

8 VICE CHAIRMAN FRANCIS: You have heard Appeal #21238 -
9 Christopher Barone. Is there anyone in the audience interested
10 in this application other than the applicant? Seeing no one.
11 Good morning, sir. Please give your name and address.

12 MR. FIORE: Brian Fiore; 208 North Wisconsin Avenue.
13 Architect appearing on behalf of Chris Barone. We are
14 requesting a variance for proposed additions that don't meet
15 the required front yard setback and maintain the fences. So I
16 will address the additions first.

17 We don't meet the average front yard setback on this
18 block. There is actually, if you look on the first page of the
19 plans in the top-left portion of the page, there is the average
20 front yard setback diagram. And there is one house on the
21 corner of Campbell Parkway and Hilldale Road that is setback
22 significantly further than the average on the block, so that is
23 bringing our average front yard setback tremendously further
24 back and making it harder to comply. So that house has a 67.3
25 setback, where the rest are all 28, 25, 31. The Barone's house
26 is 31 as is with the second-story addition. So any type of

Appeal #21238

portico that they propose will require a variance. We are proposing the absolute minimum, only a 24-inch roof overhang in that front portico area. And the second story that we are proposing is actually setback a foot and a half past the existing second floor. So we are required, with the average front yard, to be 35.48 feet. The existing house is 31.1, so it's nonconforming. The proposed portico is 29.1, only a 2-foot overhang. And the proposed second story over the garage is 32.6 feet, so it's over by 2.88 feet from the average front yard. For the second floor, 1.38 for the portico, which, usually, it includes that 5-foot permitted encroachment for the portico, so it doesn't meet any of the codes, but we feel they are very minor variance requests. We feel it certainly fits the character of the neighborhood and there is no negative effects of this proposal.

VICE CHAIRMAN FRANCIS: If you eliminated, for the sake of argument, the one outline of the property, you'd achieve the setback.

MR. FIORE: Yes. It actually was designed to meet the codes without that property, but we were forced to include that. Because my understanding is if a house is setback more than 45 feet or a certain number, it doesn't need to meet a required front yard, but they didn't agree with me in the Building Department, so we are here.

VICE CHAIRMAN FRANCIS: Okay. And the portico is open

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on both sides?

MR. FIORE: Yes.

VICE CHAIRMAN FRANCIS: And it's a one-story portico?

MR. FIORE: Correct, one-story. And there is currently a very small, similar version on the house now that's just held on with brackets, a little covered entrance. So we are just expanding kind of what is there for that portico section.

And then we have our fences. We are maintaining 5 foot all around the property. I understand 4, 5, and 6 is the requirement. So we are asking for 5-foot on the gates on the front, if it's possibly something that could be granted to keep the fence uniform.

VICE CHAIRMAN FRANCIS: Is that really the only reason, just to keep the fence uniform?

MR. FIORE: Yes.

VICE CHAIRMAN FRANCIS: You probably know, if you have appeared before this Board, that we are very adamant with regard to sticking to the 4-5-6 rule.

MEMBER GOODSSELL: Everyone asks us to keep the fence matching. Everyone tells us that.

MR. FIORE: Of course. I wouldn't request 6 foot. I know it doesn't remotely have a chance of getting approved at 6, so I figured maybe 5 would. But if not, then they have to comply with the code.

VICE CHAIRMAN FRANCIS: I mean, the couple of times

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that we have varied that rule is because the house contained a child with autism or something to that effect, and then we did, we varied on the rule, but, generally speaking, we do not.

MR. FIORE: I was kind of expecting that. So if we have to cut down the gates to 4 foot, it's not a problem.

VICE CHAIRMAN FRANCIS: Any other questions?

MEMBER GOODSELL: I noticed on the block there are other houses that do have porticos. The average setback seems to be less than what is required in this section of town and the street seems rather narrow. In fact, if two people park on the street, it's hard to get a car through the middle. So I understand what your client is asking for, that, in fact, they seem to come closer to the front of the property than what we normally allow. It seems that that's the character of the neighborhood. In your opinion, is that the character of the neighborhood?

MR. FIORE: Agreed.

MEMBER GOODSELL: And your clients do not have a corner property, correct?

MR. FIORE: Correct.

MEMBER GOODSELL: And they have a fairly regularly-shaped piece of property, is that correct also?

MR. FIORE: Correct. The biggest hurdle is that it was designed to comply with the average front yard setback minus that irregular house on the corner.

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MEMBER GOODSSELL: And the Building Department did not indicate that the proposed condition would exceed?

MR. FIORE: No. It meets all of the zoning requirements.

VICE CHAIRMAN FRANCIS: I would just also note that the proposed roof pitch is something that I'm always looking at, it's fairly modest with regard to the pitch of the roof.

MR. FIORE: Correct. Well, there already is a second story there, so we are adding to it. So we are not maxing out height, like I would normally do if it was a brand new full second-story addition. Typically, we would max out the height on an average project. So this one is less than the maximum.

VICE CHAIRMAN FRANCIS: Anything else?

MEMBER HERNANDEZ: I don't have anything.

VICE CHAIRMAN FRANCIS: All right. Thank you. That was a very good presentation.

MR. FIORE: Thank you.

VICE CHAIRMAN FRANCIS: So Member Goodsell, would you like to make a motion?

MEMBER GOODSSELL: Well, if I make the motion, I'm going to make the motion that we deny the application with respect to the fence, which is the front yard fence, which, as much as the applicant would like to keep, it does not meet the requirements. But with respect to the portico and the addition, I make a motion that we grant the application.

1 Appeal #21238

2 VICE CHAIRMAN FRANCIS: So we have a motion. Do we
3 have a second?

4 MEMBER HERNANDEZ: Second.

5 VICE CHAIRMAN FRANCIS: Second by Mr. Hernandez.
6 Ginny.

7 SECRETARY WAGNER: So you recommend a motion to deny
8 the fence?

9 MEMBER GOODSSELL: Yes.

10 VICE CHAIRMAN FRANCIS: Please poll the Board.

11 SECRETARY WAGNER: Member Hernandez.

12 MEMBER HERNANDEZ: Aye.

13 SECRETARY WAGNER: Member Goodsell.

14 MEMBER GOODSSELL: Aye, with respect to the motion that
15 we deny the fence.

16 SECRETARY WAGNER: Member Donatelli.

17 MEMBER DONATELLI: Aye.

18 SECRETARY WAGNER: And Acting Chairman Francis?

19 VICE CHAIRMAN FRANCIS: Aye.

20 The application is granted with respect to the portico
21 and the addition and not with regard to the fence. Thank you,
22 Mr. Fiore.

23 MR. FIORE: Understood. Thank you. Have a good day.

24 VICE CHAIRMAN FRANCIS: You too.

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Appeal #21303

COMMERCIAL CALENDAR

SECRETARY WAGNER: Next Appeal is Appeal #21303 - 76 Hillside Avenue; 76 Hillside Avenue, Manhasset, Section 3, Block 48, Lot 13; Zoned Business-B. Variances from § 70-103(P) and 70-203(G) to convert a residence to an office with parking spaces which are not "open air" spaces and with no provision of a required landscaped buffer.

VICE CHAIRMAN FRANCIS: You have heard Appeal #21303 - 76 Hillside Avenue in Manhasset. Is there anyone interested in the application other than the applicant? Seeing many, many, many hands. We will pass around a sign-in sheet for those of you who want to speak. And Mr. Higgins, please give your name and address.

MR. HIGGINS: Good morning, Mr. Vice Chairman and Members of the Board. For the record, Timothy P. Higgins; 57 Manhasset Avenue, Manhasset, New York, for the applicant. Full disclosure, I'm also an owner. Kind of like that hair commercial when the guys are on it. If I may, I have the green cards.

VICE CHAIRMAN FRANCIS: Sure. Proceed.

MR. HIGGINS: Absolutely, yes.

MEMBER HERNANDEZ: Ginny, please hold on a second. We all lost our files, so let's get them up first.

SECRETARY WAGNER: I'm sorry. Mr. Higgins, please just give us a moment to get established.

Appeal #21303

(Whereupon, a recess was taken at this time.)

MR. HIGGINS: As indicated on the record, not only am I presenting this on behalf of the applicant, I am an applicant. My brothers and I, we currently practice law at 57 Manhasset Avenue. We purchased this property in August with the intent to relocate our law office to this location. The zoning is Business-B. It's an absolute permitted use contrary to -- and I have read all of the letters and I understand, but contrary to many of these letters. I think there is a perception that we are looking to knock buildings down, fill garages. We are just going to use the two buildings that are there. We filed plans, as we are required to, because we are doing interior alterations, redoing the kitchen, setting up offices, moving walls for a conference room. All of that triggered a building permit application, but everything we are doing is compliant with the Business-B code. The need for the two area variances that I'm here for today is solely triggered by the proposed conforming use, that, being an office use in Business-B because it's adjacent to the west to a residential home. And under the zoning code, even though Business-B, office use under Business-B is a permitted use as of right and it's actually encouraged because the Town Board and the legislature changed the zoning from Residence to Business-B. So we are using it consistent with what the town has in mind. However, when you are going to have a Business use adjacent to a Residential use,

Appeal #21303

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2 you need a 15-foot buffer for landscaping, and that's the
3 reason we are here today. All we want to do is maintain the
4 existing driveway, which has been there since 1938, and use
5 that driveway for access to the existing garage. We are not
6 building any new garages. The issue becomes, under the code,
7 because the parking for commercial is supposed to be outside
8 and we want to use the two-car garage for two of the parking
9 spaces -- actually, we only need it for one and it's enclosed
10 parking, and that triggered the second variance.

11 I think, if I may, I would like to introduce pretty
12 much my sole exhibit, which is just a print of the survey, but
13 I highlighted exactly what this whole application is about.

14 SECRETARY WAGNER: So this will be Exhibit 1. You
15 can't comment now. When you come up to speak, you will have a
16 chance.

17 MR. HIGGINS: Yes, Applicant's Exhibit 1. The houses
18 with the detached garage that is currently located on the
19 property were both built in 1938 and have been used as a
20 Residential use from '38 to the present day, notwithstanding
21 the property was and is the subject of a rezone by this town
22 from Residence-C to Business-B. The fact that the filed plans
23 show the elimination of a nonconforming Residential use and the
24 replacement with office use, those plans were disapproved by
25 the Building Department under and as being noncompliant with
26 Section 70-103(P) and 70-203(G), both directly because of this

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driveway with a 15-foot buffer.

MEMBER GOODSSELL: If I can ask, when did that rezone take place?

MR. HIGGINS: I'm not sure. A while ago, but honestly, I don't know. We could get that information.

MEMBER GOODSSELL: I would like to know if it took place 15 minutes ago or 15 years ago.

MR. HIGGINS: Oh, no. The owner told me that it took place within the last 10 or 15 years. We could get that information.

MEMBER GOODSSELL: No. It appears that it was very shortly after the house was built.

MR. PERROTTA: I looked at the zoning maps from 1940, which were also revised in '42, but it was in the Business District at that point, so well-over half a century.

MEMBER GOODSSELL: And when did you purchase the property?

MR. HIGGINS: We closed in August, late August.

MEMBER GOODSSELL: Of this year?

MR. HIGGINS: Yes. I have a history of doing some residential building just down the block. I bought 92 Hillside, cleaned that house up, and built 96 Hillside. I would have done the same here, except it's Business-B. I would have to come to your Board and say I can't get any use of this property other than residential and the fact is it's commercial

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2 all over the place, and it just works. We scaled down our law
3 office. We are simply three attorneys now and each of us have
4 only one assistant. We used to have an accountant with us and
5 a lot of other stuff. So we are sort of ready for this scale
6 down and it just makes economic sense. It has nothing to do
7 with the Board, I understand. I am just giving you a little
8 background.

9 VICE CHAIRMAN FRANCIS: Conceivably, I mean, if your
10 law firm is growing, you would have the right to tear this
11 building down and build a box-structure-type office.

12 MR. HIGGINS: Yes, absolutely. But we have no
13 intention of doing that. We are just going to go within the
14 structures that are there and just use it as we need it for our
15 office. If I may address these two provisions that we are
16 noncompliant with. Section 70-103(P) provides all parking
17 spaces provided on a site located in Business-B shall be open
18 air, ground-level parking, except as provided in 70-203.
19 Bottom line here is we are looking to simply use the garage for
20 parking. And because it's not open air, 70-103(P) says it has
21 to be open air so.

22 MEMBER DONATELLI: Are you proposing to build any new
23 structures for parking?

24 MR. HIGGINS: No. No.

25 MEMBER DONATELLI: You are just merely proposing to use
26 the existing garage for parking?

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2 MR. HIGGINS: Yes.

3 MEMBER GOODSSELL: Are you proposing to pave over any of
4 the grass that's currently there for parking?

5 MR. HIGGINS: Yes.

6 MEMBER GOODSSELL: How many parking spaces do you need?

7 MR. HIGGINS: We are required -- and again, this is the
8 code -- we need ten parking spaces all together. Your code
9 requires each space has to be 10-feet wide by 20-feet deep. We
10 had submitted a plan for that, which is totally compliant with
11 your code. Access will come off Locust Street. None of our
12 clients will be parking on Locust Street and/or Hillside
13 because we will have nine spaces in this parking lot, which is
14 where the lot is, but it's fenced and it's shrubbery; you
15 wouldn't even see it. I'm also required to have a handicap
16 parking spot in that group and a delivery, a loading zone, even
17 though we don't get any deliveries other than FedEx, but under
18 your code, I have to.

19 MEMBER GOODSSELL: Bottles of water?

20 MR. HIGGINS: No.

21 MEMBER GOODSSELL: Possibly a coffee service?

22 MR. HIGGINS: No.

23 MEMBER GOODSSELL: I'm trying to think of all of the
24 services.

25 MR. HIGGINS: No, but we had to put a loading zone in
26 this parking lot. This is all to the east. And that's not the

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subject of the variance, because that's 100-percent compliant. But because we had to put the loading zone in that parking lot on the east and we had to put a handicap parking spot, which takes like two spots, we were one spot short. So we decided to just use the garage for the one spot, triggering noncompliance with 70-103, which says you have to have open-air parking.

VICE CHAIRMAN FRANCIS: Considering that all of the spaces probably will not be used at the same time every day --

MR. HIGGINS: Agreed.

VICE CHAIRMAN FRANCIS: -- could you possibly get away with having less space, less parking spaces?

MR. HIGGINS: Yes. We don't need the ten spaces.

MEMBER HERNANDEZ: How many do you believe you need to satisfy?

MR. HIGGINS: One for each attorney, one for each assistant, so we only need six. And then when the clients come, obviously, I don't want them parking on the street, so it's better to take them and put them in the lot. But quite frankly, with the parking lot that we have on the east side, we really don't need this space in the garage. It's just under the code, I need it. And I would love to just eliminate that space in the garage, but now I have to come before you and ask for a parking variance.

MEMBER GOODSSELL: If you do real estate closings, you are going to have immediately four or five cars because

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everyone comes to the closing.

MR. HIGGINS: Understood, and we do.

MEMBER DONATELLI: I'm sorry. Please continue.

MR. HIGGINS: No problem. So if I may, I would like to address the second noncompliant, which is Chapter 70-203(G). Again, this issue arises from the conversion from residence to office adjacent to a Residential zone. So bottom line here is under 70-203(G), I'm required, because we are adjacent to Residential, to have a 15-foot landscape buffer only there. Everything else is Business-B. I don't have to have any buffer, but because on the west side of this property, I'm adjacent to Residential, the code says I need a 15-foot landscape buffer.

MEMBER GOODSSELL: Well, that would take up the entire driveway then.

MR. HIGGINS: That's just it. So I don't have a problem with ripping that driveway up and putting the landscape buffer, but now I have to come before the Board and ask for permission to give me a parking variance because I need that one space in the garage. So at this point, that driveway has been there since 1938 and the garage has been there since 1938. It's not going to have any effect to keep the driveway and the garage, it will have a zero effect on the neighborhood; it's the same. Now, I know people have written that we bought in reliance that it will be Residential. It's not going to

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change. It's going to be the same as what they bought when they came in and we are not looking to change anything here.

MEMBER GOODSSELL: Well, if you actually moved into this and used it as a residence and had three or four cars, you could park three or four cars in the driveway and in the garage, isn't that correct?

MR. HIGGINS: Sure.

VICE CHAIRMAN FRANCIS: I think also there might be a little bit of confusion as to the zoning. I mean, the zoning clearly is Business-B.

MR. HIGGINS: Mr. Vice Chairman, I couldn't agree more. And in fairness to all of the residents, when you read the notice that we were required to both public and, of course, put there, I could see people that people are thinking I am building an underground garage, I'm building a big office structure. I mean, it's subject to interpretation. So I fully understand, and that's why I wanted to try and make it as clear as I could. All we are doing is using the existing building and we are going to clean it up. It's going to have new siding, new roof, new windows. We are going to spend some money and make it look good.

MEMBER GOODSSELL: It's still going to have the appearance of a house, though?

MR. HIGGINS: Absolutely.

MEMBER GOODSSELL: You are not building any kind of an

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office structure?

MR. HIGGINS: No.

MEMBER GOODSSELL: Similar to what is across the street,
there are, in fact, two professional businesses I noticed
across the street?

MR. HIGGINS: Correct. It's all going to stay just the
way it is, except, just, hopefully, going to look a lot better.

VICE CHAIRMAN FRANCIS: Any other questions for Mr.
Higgins?

MEMBER HERNANDEZ: No.

MEMBER GOODSSELL: No.

MR. HIGGINS: I balanced the criteria in my addendum,
so I won't force the Board to have to listen to me on that, but
bottom line is it's going to have a zero impact on the
neighborhood. The one thing I will say that will happen here
is that when I go down the street, there are a ton of cars
parked there, probably commuters. That's going to stop because
we are going to see it every day and we are going to take note.
And just like we had to police the area in front of our current
office on Manhasset Avenue, not to sound like the new sheriff,
but it's in our best interest to make sure this stuff doesn't
happen. And we are going to be right there and we are going to
monitor it.

ATTORNEY ALGIOS: Mr. Higgins, I am just going to
suggest that maybe you read the criteria into the record.

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2 MR. HIGGINS: Perfect. Balancing the criteria for
3 determining these type of variances. The proposed variances
4 are not substantial in that while they are deficient under the
5 current code, they have existed since 1938 visa vie the
6 driveway and the current garage. None of these variances, if
7 granted, will create a change or have an adverse impact on the
8 immediate neighbor and/or the immediate neighborhood. Again,
9 we are a small office. We are only three attorneys with each
10 with just one assistant. We are not going to be a big impact
11 here at all. None of these variances, if granted, will create
12 a detriment to the health, safety, welfare of the neighborhood
13 or community or negatively impact the municipal services. The
14 benefit sought to permit the alteration of the existing
15 structures, again, all interior alterations, from nonconforming
16 Residential to conforming office is consistent with the intent
17 of the zoning change from Residence-C to Business-B. The
18 condition requiring the variance is not self-created, it's
19 existed since 1938. If the relief is not granted, then the
20 Residential use will continue in the existing two-car garage
21 and driveway that are going to remain, anyway. So it's kind of
22 damned if you do and damned if you don't.

23 Bottom line here is we would respectfully request that
24 based upon the balance that we have outlined, that the Board
25 grant these variances. And I will be happy to answer. I know
26 there is going to be a ton of people with questions. I'm happy

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to respond.

MEMBER GOODSSELL: We are going to listen to every one of them.

MR. HIGGINS: Okay. Thank you.

VICE CHAIRMAN FRANCIS: I was just saying to Mr. Donatelli that this is probably the first application I have seen in 12 years that is not self-created.

MR. HIGGINS: Okay.

VICE CHAIRMAN FRANCIS: It usually is.

MR. HIGGINS: Yes, it is.

MEMBER DONATELLI: I would probably also add to that indicating that one of the things that we are tasked with doing, as a Board, is to try to nudge properties that are nonconforming back into compliance with the code because, of course, we don't set the building code, that is for the Town Board to do. But one of the things that we are charged with doing is trying to minimize variances where ever required and always to try to nudge applicants back into compliance. So to pick up on that point, and it just seems to me like this would be more in compliance with the code, but why don't we hear what members of the public have to say.

MR. HIGGINS: Sure.

VICE CHAIRMAN FRANCIS: And you will get the last turn at the podium.

MR. HIGGINS: Thank you.

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2 VICE CHAIRMAN FRANCIS: All right. Whoever wants to
3 speak first, please come right up and give your name and
4 address.

5 SECRETARY WAGNER: I'm going to call by the sign-in.

6 VICE CHAIRMAN FRANCIS: Okay.

7 SECRETARY WAGNER: Are you Maria Aliventi?

8 MS. ALIVENTI: I am.

9 SECRETARY WAGNER: Okay. And I will just remind
10 everybody that the public has three minutes.

11 VICE CHAIRMAN FRANCIS: Ms. Aliventi, just give your
12 name and address so we have it on the record.

13 MS. ALIVENTI: Of course. It's Maria Aliventi; 17
14 Linden Street in Manhasset.

15 VICE CHAIRMAN FRANCIS: Thank you.

16 MS. ALIVENTI: Thank you so much for hearing me. Just
17 to be clear, as I often walk at night, I recently walked down
18 or maybe it was six months ago, and Mr. Higgins did, in fact,
19 renovate a home, but let's be clear what he did. He cut the
20 house in half, right, and he created a new home and he sold it.
21 So yes, he did benefit from the property. He didn't just
22 improve the existing home. There was a variance that had to be
23 done. The house was cut in half and a new home was built,
24 which he sold. Many times we hear, you know, what is going on.
25 We all saw the sign. And one of the first things is I consider
26 myself to be very fair, very equitable. As I looked over this

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1 house, I said to myself, why is somebody doing this? Mr.
2 Higgins is a very well-respected lawyer. His wife is a
3 realtor. I do understand that it's Zoned B for Business, which
4 means, in theory, you can have a realty, you can have a CPA
5 firm, et cetera, that's acceptable. There is also a driveway
6 there. But what I strongly object, as many do the people here,
7 is the eight additional parking spaces. So when we say this
8 house is going to look very nice, very much the same as it
9 would right now, that's not correct. The side yard is very
10 lovely with grass. It's going to have eight additional parking
11 spaces. He says the firm is three people. God willing, the
12 economy grows, gets better, he might hire people. I'm
13 concerned about the eight spots. Why am I concerned? For four
14 fundamental reasons. The first reason, this is a residential
15 area. That area where it is is residential, the whole next
16 door is, roughly, 1.5. The one across the street is 1.5 and
17 next to it, 1.5. That, will greatly impact that area. The
18 value, it will devalue those homes. Secondly, what about a
19 precedents? He has the ability to turn his side yard to eight
20 parking spots. What about the woman next door who just bought
21 the house that's in contract? She, too, has her own business.
22 They are going to be coming back here saying, he did it, and I
23 want to try and change my side yard to potentially a parking
24 lot. What about the Citibank, that's owned by Cushman &
25 Wakefield? It went from 3.4 million to 3 million as of recent.

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2 And when you call there, they say the builders are looking at
3 it. They can't make a profit with four homes at 3 million.
4 They are trying to make that condos, 6 family condos. At what
5 point do we say no? You are setting a precedents. You need to
6 be fair. Thirdly, why don't we want to do this? For the third
7 reason, what about the traffic? As I understand, with eight
8 additional cars, you need to do a traffic study. Was a traffic
9 study completed?

10 VICE CHAIRMAN FRANCIS: You have to address us, ma'am.

11 MS. ALIVENTI: Okay. I don't know if a traffic study
12 was completed. However, if you go to Manhasset school, a year
13 and a half ago, a traffic study was completed. We actually
14 have videos of it, that they actually changed the parking lot
15 of Manhasset High School to ease the flow of traffic from,
16 apparently, 7:30 in the morning to 8:15. And in the afternoon
17 again from 2:30 to 3:30. The traffic is so bad that there are
18 two crossing guards every morning, and police in uniform making
19 sure the flow for the traffic and everything else goes safely,
20 if you will. So eight additional cars in this area would be
21 very, very unsafe. And lastly, at what point do we have a
22 social responsibility to our neighbors, but most importantly to
23 our children? What about the safety? What about the kids that
24 come from the high school every single day and walk through
25 there? Eight cars, an additional eight cars coming around the
26 bend. What about the track team that goes for a run every day?

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2 The boys and girls? At what point do we say it's not about
3 profit, it's about safety? Don't we owe it to our children to
4 make it safe? There was a study done for traffic -- and if you
5 would like, we can show you a video. In the morning, the
6 traffic comes all the way down Linden. Eight additional cars,
7 we don't need it. If you said to Members of the Board,
8 everybody here, you know, the residents, listen, we are going
9 to let it be Business-B and leave as is. The driveway, the way
10 it is, we would say fine, leave it as is, the idea. Because
11 you know what? If he is able to do eight, eight spots today,
12 what are we going to do in two years? He is going to say, you
13 know what, I want to change the building and go up, like I can.
14 And you know what, I need more parking and we are going to go
15 underground. I already confronted a top zoning lawyer from
16 Nassau County. And quite frankly, what is going on here is
17 really disappointing. And I implore you, Members, if I was
18 from Munsey Park and I was here, I would be talking to you
19 about painting my house and I would be saying what Benjamin
20 Moore palette can I pick, is it the right color. That's what
21 we would be having a conversation about. In Bayview, we are
22 talking about having a yard and changing it into a parking lot.
23 Please, think about your granddaughter, think about the
24 children, think about safety. This can't happen. It sets a
25 precedents. It's not right and it's not fair. And you know
26 what? Let him have his, if he chooses, him and his son, if

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2 they want have a law firm with three or four people in that
3 parking lot. There is also two other parking lots right down
4 the block there. Can they use them? I mean, there are other
5 options. We can't do this. I implore you. Does everybody
6 agree? Please, we live there, we know.

7 ATTORNEY ALGIOS: Ms. Aliventi, thank you.

8 MS. ALIVENTI: You're welcome.

9 VICE CHAIRMAN FRANCIS: Thank you.

10 MEMBER HERNANDEZ: Anyone else?

11 SECRETARY WAGNER: Next we have Antoinette Hasson.

12 MS. HASSON: Thank you for hearing me.

13 VICE CHAIRMAN FRANCIS: Name and address, please.

14 MS. HASSON: Antoinette M. Hasson; 21 Linden Street,
15 Manhasset. I have lived in Manhasset my entire life and I have
16 seen numerous changes, some to my liking and many to my
17 dislike. I realize change is necessary for progress, but
18 change that detrimentally effects the neighborhood is not
19 progress. What we are facing here is definitely an influx of
20 traffic, which this will be extremely harmful to the
21 neighborhood. This is an area that has school traffic, no
22 parking on Linden Street, and commuters parking illegally while
23 we are given tickets for parking in front of our homes for a
24 few minutes. Having more traffic and parking will turn our
25 neighborhood into a giant parking lot. It will devalue the
26 prices of our homes and cause disruption to our lives. I

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2 cannot understand how that area that has been Residential for
3 over 75 years has now become a Commercial zone, which will
4 allow parking for commuters, who are not even Manhasset
5 residents. I guess, money takes precedents over people's
6 lives. I am seriously thinking of moving away.

7 VICE CHAIRMAN FRANCIS: Thank you. Ginny, next on the
8 list.

9 SECRETARY WAGNER: We have Alicia Demarinis.

10 MS. DEMARINIS: I'll give mine next.

11 MR. DEFILIPPI: My wife is next, but she had to leave.

12 SECRETARY WAGNER: All right. Nicholas Difilippi.

13 MR. DIFILIPPI: Thank you.

14 VICE CHAIRMAN FRANCIS: Good morning, sir. Just give
15 your name and address.

16 MR. DIFILIPPI: Nicholas Difilippi, D-I-F-I-L-I-P-P-I;
17 58 Linden Street, Manhasset.

18 VICE CHAIRMAN FRANCIS: Thank you.

19 MR. DIFILIPPI: All right. So I am going to do my best
20 here. I'm not a lawyer. I don't know legal jargon. I am no
21 expert.

22 VICE CHAIRMAN FRANCIS: Just talk to us like you are at
23 your kitchen table.

24 MR. DIFILIPPI: I'm good at that, that's exactly what
25 I'm going to do. So, I guess, the overarching concern for
26 myself and probably in line with everybody else is really

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safety. I think safety is paramount in any community. And, you know, we are all very fortunate and grateful to live here. So, I guess, I will start with what I wrote over here. I'm a concerned resident of 58 Linden Street. Linden Street is already an extremely busy street because of the school, train, and multiple surrounding body shops, four to be exact. We get cars, buses, tow trucks, taxis, and delivery trucks at numerous times a day, which almost all residential roads in Manhasset do not experience. People tend to use it as a cut-through from Community Drive and Northern Boulevard and Bayview. And I will also add that if you are coming off Plandome Road and you want to get onto Hillside Avenue, it starts as a one-way street. So right there, that is already going to cause a traffic jam in itself. And I mean, anybody that lives in the area, any Board Members, I don't know what time you leave this office everyday, but if you go out to where Bayview is, you know, where the Manhasset Avenue and Plandome Road area is, I mean, it can honestly literally take you 20 minutes just to get out of that light and onto Plandome Road. I mean, it's pretty wild most of it. So as I was saying, it will significantly increase traffic in the residential area as students walk. And I was fortunate enough to purchase a home in Manhasset and living in this area, I don't want to comprise the reasons why I did purchase that home with my wife, and, hopefully, one day, family, as well. I look forward to raising my kids around here and not having to

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2 deal with, you know, more commercial properties. I understand,
3 yes, there is buildings over there already and offices, but
4 similar to what Maria said, where does it stop? Where do we
5 draw the line and say enough is enough. Because as to what the
6 last two people said, look what they did and why don't we try
7 to jump on that now, especially Manhasset, let's build an
8 office there. And again, residential values of homes continue
9 to drop and, you know, where are we left? We are all taxpaying
10 citizens and my understanding is that Mr. Higgins himself is
11 from the area, you know. And I could be wrong, but I believe
12 he is from Manhasset based on his opening remarks. And
13 honestly, how would you feel if someone did this next to your
14 house? You know, I understand from the Board's perspective.
15 When you were going back and forth, I did understand, well, it
16 sounds like he needs to be in compliance with the law, you
17 know, but when does it become about people, instead of the law?
18 You know, we look at right versus wrong. You know, what is the
19 right thing to do is what it mostly comes down to? Most people
20 I deal with on a daily basis, I try to look them in the eye and
21 say what is the right thing to do? I don't want to wrong
22 anybody. I want to do what is in their best interest and, you
23 know, continue to build a better community. If the zoning is
24 changed, will they actually use what is provided? I understand
25 that he said it's not their intentions and it's left to
26 interpretation. But again, once you get -- unfortunately,

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2 sometimes greed takes over and the business mind takes over as
3 of what is best for the people. And I don't fault somebody for
4 trying to do what is best for their business, as any business
5 owner would do. But again, living in the area, what is best
6 for the people in your community, not your business? You know,
7 because they can easily build whatever they want once the
8 zoning is changed, and that's the biggest concern, you know,
9 for any of us. You know, if, for some reason, this is
10 approved, can it be in writing that they can't go ahead and
11 build up a commercial building? But I don't even want to cross
12 that path because I, personally, don't think under any
13 circumstance this should be approved. As I mentioned before,
14 they most certainly wouldn't appreciate office space next to
15 their home because it would effect their home value and the
16 safety of their children and their neighbors children and
17 traffic. This is next to a resident's home. Obviously, it has
18 to have a 15-foot buffer, which I think we really kind of
19 addressed where we were coming from today, but the fence will
20 go up next to there. You think they would have purchased this
21 house if they knew this? Obviously, things are always subject
22 to change. I understand when you buy a house, you can't
23 control the future. But we can, in the present, try to build a
24 better future. And for the residents that live right next to
25 it, I mean, it's just not fair to them and their kids. Do you
26 think they wanted that when they moved in the neighborhood?

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2 This neighborhood has such a good reputation and people are
3 constantly telling friends to move in. Then what? Do people
4 stop telling their friends to move in? It's like a domino
5 effect. Again, where does it stop? Potentially, the office
6 could hold, like you said, around 30 people. So they are going
7 to have the parking lot, eight spaces. They go into these
8 eight spaces. Where are these people going to park if they
9 only have eight parking spots or a variance for the garage
10 spaces? Again, that's an increase in traffic. So I
11 understand, again, trying to go into the compliance, but right
12 versus wrong. You know, I really do love this community, I do.
13 I'm very, very happy and grateful. I grew up in New Hyde Park
14 originally in a very nice middle-class neighborhood, but to
15 come up here was a total lifestyle change and I really do
16 appreciate it. Why is it so easy to ruin a residential area?
17 You know, I look on Plandome Road and I am always talking to
18 business owners over there and I see the wringer they have to
19 go through just to bring -- they truly are the people that
20 bring value to this area and they have to go through the
21 wringer just to get permits to put these commercial spaces in
22 where clearly it is commercial already. So, you know, it's
23 almost unfair to them, you know. And then Maria mentioned that
24 we have video. I do have a picture I will pass around. This
25 picture is off my Ring camera in front of my house, if the
26 Board would like to look at it.

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2 VICE CHAIRMAN FRANCIS: Sure.

3 MR. DIFILIPPI: It's all the traffic that comes in.

4 SECRETARY WAGNER: This will be Opposition Exhibit 1.

5 VICE CHAIRMAN FRANCIS: If we can, we will keep that
6 for the record?

7 MR. DIFILIPPI: Yes, that's fine. You can keep it for
8 the record. I want to go through my notes here.

9 VICE CHAIRMAN FRANCIS: You can continue.

10 MR. DIFILIPPI: You know, I guess, I will try to wrap
11 it up. I clearly went over three minutes, and I appreciate
12 your patience and giving me as long as you did. And really,
13 what it really comes down to is safety more than anything, kids
14 in the area, people who have moved in recently. Why change it
15 for the worse when you can make things better in the
16 neighborhood? And, I guess, I will wrap it up on that. Thank
17 you for your time and I appreciate it.

18 VICE CHAIRMAN FRANCIS: Thank you. Ginny.

19 SECRETARY WAGNER: The next person is David Catlett.

20 MR. CATLETT: My name is David Catlett. I live at 117
21 Manhasset Avenue. I have lived there for about three years
22 now. Actually, Tim Higgins helped me on the closing and his
23 wife sold us our house. I have no grime with him personally.
24 And, in fact, I didn't really know that much about what was
25 going on with this. I walk my dog by the house in question all
26 the time; I thought it was residential. And when I saw the

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1 notice that it was listed zoned for Business, I was very
2 surprised. And it's interesting to see that this has been
3 zoned for Business since the 1940s or whatever. I just -- you
4 know, I understand the emotions about turning Bayview into a
5 Business District because the houses are all getting more
6 expensive there. It's getting almost too expensive to live
7 like the rest of Manhasset. I lived in Munsey Park for almost
8 20 years. And, basically, I'm retired now and I moved out of
9 Munsey Park because it got way too expensive to live there with
10 the taxes and everything. And I thought I was moving into a
11 more cost-effective neighborhood and still staying in
12 Manhasset. Well, there is a lot of work that is being done.
13 It cost about \$800,000 just to move into the bottom level of
14 Manhasset and Bayview area. So I can understand what is
15 happening with all the change and everything. And I agree with
16 the parking issues. I agree with the traffic issues. Port
17 Washington and the area around us is expanding a lot and there
18 is traffic constantly in our neighborhood. It's right on my
19 street for the high school, which we can live with at 8:00 in
20 the morning and 4:00 in the afternoon. Plandome Road is a
21 mess, if any of you live around here, and it's just getting
22 more busy. The question I have for the panel, and I think one
23 way for you to try to resolve this, is you say you're not
24 responsible for the zoning of a Residence or Businesses in
25 town, so I think you should refer this matter to the Town of

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2 North Hempstead Board with a question about what is being zoned
3 properly. Because if this place has been zoned since 1940 for
4 Business when this used to be part of the Business District,
5 because the town has changed over the last 50 or 60 years, I
6 think potentially you should be looking at a house like this
7 being zoned for Residence. I don't think most of the people
8 here are worried about the driveway. I think they are worried
9 about the parking spaces. And if that fence and bushes get
10 knocked down, you are going to have a parking lot there. And I
11 understand on the street there is some other law firms and
12 buildings, but that's on the other side of the street. The
13 residences start where that house is located. And that block
14 on Hillside is mostly residential. And I think the town needs
15 to look at the zoning of this and decide what do you want to
16 have as part of the Business District and what do you want to
17 have as part of Residence. I thought I was moving into a
18 residential neighborhood. And I'm concerned about this
19 creeping, you know, issue of like the town wanting to expand
20 further into Bayview and use Bayview as an expansion for the
21 Business District. It looks like it was already done many
22 years ago, but I question whether it's appropriate anymore.
23 And if precedent factors into this at all, which I'm not a
24 lawyer, but I believe sometimes precedent is supposed to factor
25 into things. If this house has been used as a residence for
26 the past 60 years or so, maybe that's as important as whether

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2 it's zoned for Business or not, and that needs to be looked at.
3 Anyway, that's all I have to say.

4 VICE CHAIRMAN FRANCIS: I would only say as to that to
5 your point, that any resident can raise that issue with the
6 Town Board. And quite frankly, it would probably be more
7 effective than us raising it with them.

8 MR. CATLETT: Okay. I don't know how many people even
9 knew this was zoned for Business. I think that this area
10 brought up the whole matter. I was, frankly, very surprised,
11 you know. I said I walk my dog around there. And I noticed
12 when the house was for sale, I noticed when it got sold. I
13 didn't know who it got sold to, but I was very surprised to
14 hear that it was zoned for Business because it's been,
15 basically, a two-lot house. You have the house, you have the
16 adjacent yard, which looks like it's a separate lot. Right
17 now, it's been very residential. The house is directly across
18 the street and next to it, it's all residences. So you know,
19 the question is, is that an area that should be zoned for
20 Business or not? Personally, I think it's going to be a little
21 too close for comfort to where I live, but it's something that
22 you folks and everybody else needs to decide, anyway.

23 MEMBER GOODSSELL: Thank you for your comments.

24 VICE CHAIRMAN FRANCIS: The Town Board meets everybody.
25 I think that's the proper venue for you to raise that issue.

26 MR. CATLETT: Okay. Great.

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2 VICE CHAIRMAN FRANCIS: Before we call the next person,
3 I just want to point out one thing. We have been lenient with
4 regard to the proceedings so far in that we normally do not
5 allow people to clap. This is a quasi-judicial proceeding. So
6 think of you as being in a courtroom, you certainly wouldn't
7 clap in a courtroom. We would encourage you not to do that in
8 here, as well. Ginny, would you call the next person.

9 SECRETARY WAGNER: Yes. Ran S. Cho.

10 MS. CHO: Yes. Hi.

11 MEMBER HERNANDEZ: Your name and address, please.

12 MS. CHO: My name is Ran S. Cho. I live right across
13 the street at 67 Hillside Avenue. And actually, I'm kind of
14 shy. I never speak in front of a lot of people. And when I
15 came here as an immigrant in 1975, I bought the house in 1979
16 in Port Washington. And since then, I live here around here.
17 And I bought this house many years ago, it was the greatest day
18 of my life, actually. And my son grown up and my daughter
19 grown up here. And he served as Marine Corps and he became a
20 lawyer. And I discuss about this matter to my young lawyer.
21 He actually served that Court in Manhasset for two years. So I
22 thank you for your public service for you guys. And he is in
23 California in San Francisco and I asked him about what should
24 we do, what shall I do? And he said, "mom, just hear them out
25 and just tell them what you think." And so my thinking is
26 since they have only three lawyers, right, and why they need

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2 that much parking lot, first of all? And they said they are
3 not going to do any kind of buffer landscaping, we need that
4 because I don't want to see all of those cars over there. Like
5 Maria and Nicholas say, also for safety. Because in the
6 morning like 7:30, 8:00, there is like rows of cars like a
7 parking lot because parents driving them there. It's a safety
8 issue, too. And I thought about my children that, you know. I
9 have grandchildren, they are going to be visiting me and my
10 concern is safety, too. And the reason I bought the tiny house
11 and small ranch, I want to live there until I die. And then
12 that thing happened and I was really surprised. I knew that
13 and I called him and they said they going to keep the house,
14 but I wish you could make it two --

15 ATTORNEY ALGIOS: Ms. Cho, talk to us. You talk to us.

16 MS. CHO: Oh, I see. Instead of like ten parking lot.
17 I didn't see all the details, actually. And just make it two
18 beautiful houses instead of, you know, the parking lot without
19 any kind of buffer. And, you know, somebody said English
20 people, if they have a small lot, they are going to put the
21 roses. And American people, they put some green grasses. So
22 would you leave as is and don't make any parking lot. If they
23 need three parking lot as three lawyers, but that's fine, but
24 not like ten cars in front of it with no shrubs and trees,
25 please. So please consider. And also, let me see. I have
26 another one. I jot it down, actually.

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2 MS. ALGIOS: Ms. Cho, if you could just wrap up your
3 comments? I'm trying to give everybody a little additional
4 time here, but you have gone over.

5 MS. CHO: All right. Also, I bought the house and put
6 -- what is that -- 2014, I put the big shrubs on my property
7 and now it's like 7-foot trees around my property. I don't
8 know. Maybe you can see, maybe stop by. And also, one more
9 thing. On that Myrtle Street, there is a garage, big offices
10 empty, empty. And why we need more, you know, commercial
11 buildings or a business building in front of me? And I wish
12 just that property keep it as Residential zone, please. And
13 thank you for your attention.

14 MEMBER DONATELLI: Thank you.

15 SECRETARY WAGNER: No clapping.

16 MEMBER DONATELLI: Please, no clapping.

17 MEMBER GOODSSELL: We understand that you are all going
18 to get a chance to speak and it's okay to come up and say I
19 agree with the last speaker, we get that.

20 SECRETARY WAGNER: The next person is Joanne --

21 MS. LEUNG: Can I just go first because I have to go?

22 VICE CHAIRMAN FRANCIS: Sure, you may.

23 MS. LEUNG: So I'm Candy. I live at 13 Linden Street.

24 VICE CHAIRMAN FRANCIS: Last name, please.

25 MS. LEUNG: Candy Leung and I live at 13 Linden Street.

26 So I moved into Linden in 2020 for two years. We purchased the

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2 new house for that's all we could offer my son safety,
3 convenience, and the school zone, and our friendly neighbors,
4 Maria, and everyone behind me is a good neighbor. So with the
5 train station nearby is the best that I can ever ask for right
6 now. And so I will not get into traffic safety, as many of us
7 stated already. So if you are talking about parking spots that
8 they are going to put into eight parking spots, my house don't
9 have a driveway. So I sold one car. I originally had two
10 cars. So if you are saying that you can get this approved that
11 easy, so I want a driveway, too, if I can park more cars. And
12 also, I would say the traffic is really -- I can't park
13 already. I just feel like this is not fair to us. If you can
14 approve eight parking spots and then removing everything that
15 they want. So yeah, I really think that I don't see a reason
16 why this would be a consideration of converting residential to
17 an office for the things that we never had to encounter in the
18 first place. Thank you.

19 VICE CHAIRMAN FRANCIS: Thank you.

20 SECRETARY WAGNER: So is Joanne here at 1 Bayview
21 Avenue? You don't want to speak?

22 MS. JOANNE: No.

23 SECRETARY WAGNER: That's okay.

24 MS. WONG: Chen Chen Wong; 100 Hillside Avenue. Good
25 morning. My family and I, we moved here in January.

26 MEMBER DONATELLI: I'm sorry. We need your address.

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2 MS. WONG: 100 Hillside Avenue. So we moved here from
3 Queens and, you know, it's a small house, but it is all we
4 could afford. And one of the reasons we moved here was where
5 we came from in Queens, we had one parking spot. And not every
6 morning, but oftentimes, the commercial area, you know, people
7 just park and block our parking spot and we have to call the
8 cops to try to move it, and it will take two hours. So
9 oftentimes, I cannot use my own driveway for my own cars. And
10 that is one my potential fears I have here. Right now, in
11 front of my home on Hillside, there are a lot of people that
12 park there. And I could see that the traffic is already really
13 bad. If this eight or ten parking spots get approved and, as
14 Maria had mentioned, their business could get -- who knows,
15 they could expand, potentially. I know when people do real
16 estate sales, they can also involve more than three more
17 clients who come in with multiple cars. It would just add
18 problems to the existing problem. It would make it worse. I
19 have two young kids right now. My husband and I both work in
20 the city and they walk around that area. I know it was
21 approved to be a commercial building many, many years ago, but
22 when we moved here, we did not know this. The neighborhood has
23 changed. I'm pretty sure many years ago this area was not this
24 residential. A lot of us have moved here. We moved here two,
25 three years ago, you know, and bought houses that we thought is
26 a residential area, so that's another matter. So thank you for

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2 letting us know that there is actually a different avenue for
3 us to pursue this matter, a different way. I didn't even know
4 that. So to summarize, the traffic, even though eight to ten
5 spots does not seem a lot on paper, but if you live there, you
6 are there around school time, you will see, it's actually quite
7 busy. And, two, the kids safety, more traffic, right. And
8 then I do see someone else mentioned that the track team, I see
9 the kids run around there. That's what they do, they run in
10 the area, that's their daily practice. And, three, you know,
11 when does it stop? That is, as residents, we are a demarcation
12 between commercial and residential, and now suddenly turning
13 this into commercial. That's all I have. Thank you.

14 MEMBER DONATELLI: Thank you.

15 VICE CHAIRMAN FRANCIS: Thank you.

16 SECRETARY WAGNER: Hui Shi.

17 MS. SHI: Thank you. So my name is Hui Shi. I live at
18 78 Hillside next to the --

19 ATTORNEY ALGIOS: Can you just spell your name for the
20 Court Reporter?

21 MS. SHI: Hui Shi, H-U-I S-H-I. So the picture I show
22 here, the west side is next to my --

23 VICE CHAIRMAN FRANCIS: Do you want us to see that? Do
24 you want to submit that as an exhibit?

25 SECRETARY WAGNER: This will be Opposition Exhibit 2.

26 MS. SHI: So the picture didn't show how close to the

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1 backyard of our house or neighbor's house or the front of the
2 house. So they are so close, they touch together. Okay. So
3 the reason we pick up the place to living here is it's so close
4 to the school. So kids attend after-school or walking or bike.
5 So like again, we can repeat safety. If it comes to
6 commercial, safety comes in and out every day, so where is our
7 kids safety? I think the safety is the most important thing
8 for the kids. The reason why we pick up here is so close to
9 school. So someday if this changed, this condition we not
10 accept. And what else? Again, so the proposal shows the
11 residential house wanting to change it to office use. So it's
12 a different right to use. But they want to keep the driveway
13 as supposedly residential use to commercial use. And on this
14 side of the house, it's, I mean, it's empty right now and they
15 want to change it to commercial. So what is the point? Is it
16 commercial or is it residential? We want residential, safe,
17 peaceful. All the neighbors know each other. We are very
18 quiet place. And if it's commercial, more people comes in, I
19 don't think we will feel safe anymore. So the traffic is a
20 problem and we repeat here about safety. So thank you.

21 VICE CHAIRMAN FRANCIS: Thank you.

22 MR. PERROTTA: Next on the list is Hanna.

23 MEMBER HERNANDEZ: She is agreeing with what everyone
24 said.

25 MR. PERROTTA: I can't read the next name, but 82

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2 Hillside Avenue, would you like to speak?

3 82 HILLSIDE: No.

4 MR. PERROTTA: Is there anyone left who still wants to
5 speak? Raise your hand if you would still like to be heard.

6 MS. OHAGEN: I actually didn't sign in.

7 MR. PERROTTA: That's okay.

8 VICE CHAIRMAN FRANCIS: Just give your name and
9 address, ma'am.

10 THE REPORTER: Please speak into the mic.

11 VICE CHAIRMAN FRANCIS: Speak louder.

12 MS. OHAGEN: My name is Nancy Ohagen and I live at 133
13 Thompson Shore Road. And I just want to say -- I just want to
14 say that I wasn't going to get up here and say I wasn't going
15 to stay because I had something to do, but after listening to
16 these people, I realized how important this is. You know, I've
17 lived in the neighborhood since 2006. It's very busy. There
18 is a lot of traffic and there is a lot of kids. And when I
19 walk my dog and I see kids running around, it's concerning. I
20 understand his needs, too. But I'm just afraid that my
21 neighborhood, which I really like, is going to change when you
22 keep encroaching taking the Business District into the
23 residential area. That's all I really want to say. This is
24 upsetting to me. And I know these people probably said it
25 better than I could, but I just wanted to come up here and say
26 I am in support of everybody here and this is important to the

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people in the neighborhood. And, you know, I don't want you to just disregard it. Thank you.

VICE CHAIRMAN FRANCIS: Thank you. Anyone else want to speak? All right. We have two more people. We will take the young lady first.

MS. DEMARINIS: Antoinette Demarinis.

VICE CHAIRMAN FRANCIS: Address also, please.

MS. DEMARINIS: 84 Luquer Road.

MEMBER GOODSSELL: 84? I'm sorry.

MS. DEMARINIS: Luquer Road. My daughter lives at 58 Linden Street. I've been a resident of Manhasset for 22 years. I've driven my children to the high school and I have been on Linden Street every day that I have driven to the high school. So I know that traffic pattern. When my daughter purchased her home, I said to her, you know, there is a lot of traffic here. And she said, I understand, but this is where I can purchase. This is where there is value in homes. Manhasset has value, and it keeps adding. I've seen the change of that area. Those houses were, basically, abandoned. People came in and did a beautiful job. Mr. Higgins did a beautiful job on his house on Dewey Street, did a beautiful job on the house on Hillside Avenue. However, now we are talking commercial. That house where Ms. Morris lived for many years was a resident. Now we are taking that residence and making it commercial. What are we going to do with the house across the street when that

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2 sells? The people that bought the home next door paid over a
3 million for it. Those homes in the area, there are very few
4 that start at 800 and they are the attached one-family homes,
5 but, basically, they are all over a million dollars. Their
6 value will go down. The law office, you can put 30 people in
7 there. Now there are three lawyers. We are not talking one
8 real estate closing, which will bring in four to five people,
9 we are talking maybe three closings going on at the same time.
10 So where do all of these cars go? I think that, you know, that
11 is something that should be considered. And also, when they
12 are making this parking lot, what about the environment? You
13 know, there is grass, there is trees there. More cars coming
14 in to the area, there will be more fumes. I mean, I think this
15 is stuff that needs to be considered. Thank you for your time.

16 VICE CHAIRMAN FRANCIS: Thank you. I saw a gentleman
17 with his hand up? Come right up, sir. Give your name and
18 address.

19 MR. YU: Good morning. My name is Xin Yu. My first
20 name is spelled X-I-N and my last name is spelled Y-U. And I
21 thank you all.

22 MEMBER HERNANDEZ: Your address, please.

23 MR. YU: Oh, I'm sorry. Apologies. My address is 20
24 Linden Street in Manhasset. I thank you all, Members of Board,
25 for hearing us out. My fellow neighbors had various very good
26 opinions and many of which I concur with. And I think I do

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2 wish to come and shed a very more specific light because I
3 moved to the U.S. in 2009, 2010. And Manhasset is the
4 neighborhood that my parents chose and specifically Bayside
5 because of the convenience to not only public transit, but the
6 school, like, having the elementary school. But now, you know,
7 I think they kind of saw the future for all six years of middle
8 school and high school, that I will be in walking distance of
9 school, which is way more convenient not only for ourselves,
10 but also for everyone. It's just one car off the road. So the
11 first thing I would love to present is if we are able to stop
12 the commercial encroachment of this neighborhood, we will be
13 able to have more and more people within walking distance to
14 the school and not having so much traffic leading to the school
15 that's already a problem that we have to address, so I think
16 that's number one. And something else I would also like to
17 address is it's the environmental aspect, as I previously
18 mentioned. But I think a very specific aspect of it is the
19 nice thing of Town of North Hempstead is, I think, just the
20 Bayside area in general is that surface temperature will rise
21 with more increased surface area of concrete. One of the nice
22 things about Northern Long Island and/or just North Shore
23 specific is the lack of larger plots of parking spaces. And I
24 think, you know, just setting a precedents for increase in such
25 areas, it will just generally cause a rise in surface area.
26 Like Midtown Manhattan and even South Shore Long Island, you

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2 know, and the residents of Nassau County will have higher air
3 temperatures during the day, especially during the summer.
4 And, you know, I remember driving in Southern Long Island and
5 coming up as a student, I remember it was 105 on my way home
6 coming up north. By the time I hit home, it was 76, 85. So I
7 think it's like playing a lawn game here. I also think I'm
8 grateful to be able to shed light not only as -- because now
9 I'm a grown man. I started working recently, thankfully. But
10 I think I can also shed some light as a runner, a long-time
11 runner in this neighborhood. And I think over the years, I
12 have past by Mr. Higgins, his current office on Manhasset
13 Avenue, you know. And I think the nice thing about the current
14 location is that it is at a very accessible point in terms of
15 traffic. And also, the new location is also part of my weekly,
16 daily. You know, I run every day, so it's my daily run around.
17 And that specific area, I think the main thing about it is it's
18 very special, I guess, with traffic. Because I don't like
19 driving. I take public transportation and that's why I live
20 here because it's right next to the train station. But the
21 traffic flow is very unique in this area. And I think already
22 there is a bunch of one-way streets lying around and it's very
23 narrow. I think it's definitely unwise to clog a very, very
24 busy area. Well, I wouldn't even say busy, but the less
25 accessible part of the town along with, you know, the ongoing
26 school traffic. And even on weekends, it is a very busy

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intersection of a very beautiful town. But I think that's pretty much all I have to say. As a runner and also as someone who does not drive a car, because it is very difficult to live on Long Island, in general, without a car. Appreciate it.

MEMBER HERNANDEZ: Thank you.

ATTORNEY ALGIOS: Thank you.

VICE CHAIRMAN FRANCIS: Is there anyone else who wants to be heard? Yes, ma'am. Just give your name and address.

MS. ARLUCK: It's Leslie Arluck. I live at 26 Bayview Court.

VICE CHAIRMAN FRANCIS: You can bring that microphone down.

MS. ARLUCK: Can you hear me now?

SECRETARY WAGNER: Yes. And if you could, just spell your last name.

MS. ARLUCK: A-R-L-U-C-K. So I have lived in Manhasset for about 40-odd years. And I moved to this area the day before about 25 years ago. And I spent a lot of time going -- I work full time, but I went into the city a lot and I used to feel really comfortable walking back from the train 11:00, 12:00 at night. And in the past few years, I don't. And I feel that adding more commercial real estate to the area just encourages people that don't know about the wonderfulness of Manhasset, quiet little area, wealthy area, it makes me feel more unsafe. The people are coming in from other neighborhoods

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2 and other areas. People have talked about safety in terms of
3 cars, which it's kind of intolerable right now. I walk my dog
4 a lot at night and people zoom down the street and then they
5 come to the dead end, and then I am like "oh, my God, and they
6 come back and zoom back the other way. There is a lot of
7 properties in Manhasset that are vacant and I wonder what is
8 going to happen to them. I don't know why you have to take a
9 beautiful area and add more commercial real estate to it. It
10 certainly diminishes the area. Also, the lots are the
11 stronghold of Manhasset where you can buy a house under a
12 million dollars, and I think it will only deteriorate the value
13 as it is. Thank you.

14 VICE CHAIRMAN FRANCIS: Thank you.

15 MEMBER HERNANDEZ: Thank you.

16 VICE CHAIRMAN FRANCIS: Is there anyone else who would
17 like to be heard? Yes, sir. Name and address, please. You
18 could lift that up.

19 THE REPORTER: You have to speak up.

20 VICE CHAIRMAN FRANCIS: You can take your mask off, if
21 you would like.

22 MR. MINOGUE: John Minogue, 18 Highland Terrace,
23 Manhasset. I'm also the President of Bayview Civic
24 Association. The reason I got up right now and I am here is I
25 want to make sure you received the e-mail that I sent
26 yesterday.

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2 VICE CHAIRMAN FRANCIS: You sent it to the Board?

3 MR. MINOGUE: Yes, BZADEPT.

4 VICE CHAIRMAN FRANCIS: This morning, you said?

5 MR. MINOGUE: Yesterday at about 4:00, give or take.

6 SECRETARY WAGNER: You can speak.

7 MR. MINOGUE: Well, I was hoping not to have to do it
8 again. So if you received the e-mail, then that --

9 SECRETARY WAGNER: Well, if you sent something, it will
10 be made part of the record.

11 MR. MINOGUE: Okay. As long as you got it, thank you.
12 So I realize that it is a Business-B and certain rights go with
13 it, and the e-mail covers most of that. I did pick up on
14 something in the package. It seems like because of the
15 discussion about that someone could go to the Town Board and
16 discuss the change of zoning there and I think that kind of
17 thing is ex post facto, that's not going to apply to this. It
18 seems to me like a couple of people behind me, they think that
19 they have another avenue now if this gets --

20 VICE CHAIRMAN FRANCIS: That would be --

21 MR. MINOGUE: So if I got that right and you don't
22 mind, with all due respect, just tell them that.

23 VICE CHAIRMAN FRANCIS: Right, because that would be
24 looking forward. That wouldn't effect this application.

25 MR. MINOGUE: Thank you very much for that. The only
26 other thing is that there are a lot of new residents here in

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2 this area, and I think a lot of them don't feel comfortable
3 speaking. So I have asked you, and you have always been
4 fantastic, just see if you can take in their interests, you
5 know, when you make this decision. You can go and say I
6 understand that, but just if you would.

7 VICE CHAIRMAN FRANCIS: We try to do our best to take
8 into consideration the thoughts and feelings of the neighbors,
9 that's important for our decision-making. We are always happy
10 that neighbors come out and residents come out and voice their
11 opinions with regard to these applications. It is super
12 important for us. So we appreciate all of you coming out and
13 all of you who spoke. We will definitely take that into
14 consideration with regard to this application.

15 MR. MINOGUE: Appreciate that. Thank you.

16 VICE CHAIRMAN FRANCIS: Thank you.

17 MS. ALIVENTI: May I say one more thing? Will that be
18 acceptable?

19 VICE CHAIRMAN FRANCIS: Usually, it's not, but I will
20 let Mr. Donatelli speak first and then I will ask you to come
21 back up for a few minutes.

22 MS. ALIVENTI: Yes. Thank you.

23 MEMBER DONATELLI: I would also add to the conversation
24 that there are legal standards that we are required to adhere
25 to. If you have been here since the start of this hearing this
26 morning, then you know that we've addressed those issues in

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2 terms of the other applications. There are legal standards
3 that we are required to adhere to. On the other hand, we all
4 think that it's very important that the community speak and we
5 do take that into consideration. We are all community members.
6 We all love the town, that's why we are here. And we do what
7 we do because we do love this town and we try and preserve the
8 quality of life here. But as I said, there are legal standards
9 that we try to adhere to, as well.

10 VICE CHAIRMAN FRANCIS: And I would just add again to
11 that. Before many of us took our places on this Board, many of
12 us had a civic association background. So we tend to see these
13 issues from both sides having that experience. So, yes, as Mr.
14 Donatelli pointed out, we definitely take input from the
15 residents into consideration. And I will allow you to speak
16 very briefly.

17 MS. ALIVENTI: And I will. Thank you. I do appreciate
18 it. As it relates specifically to the legal aspect of this,
19 when this zoning was disapproved in September, when I looked
20 online at the different pieces of paper, there were two
21 components at the bottom, and they read as follows, which is
22 really critical as it relates. It says, if granted, none of
23 the variances will create a change and/or have an adverse
24 impact on the immediate neighbor and/or neighborhood. It will.
25 Secondly, none of the variances, if granted, will create a
26 detriment to the health, safety, and welfare of the

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2 neighborhood. It will. So from a legal aspect, both of those
3 factors will impact our community, the safety, the environment,
4 and the neighborhood. And that's said right there in the
5 clause that's at the bottom of the legal aspect when you go
6 through this. Will it impact the neighborhood, safety,
7 detriment? It will. So please, again, I implore you, please
8 do the right thing and look out for the safety of the children.

9 VICE CHAIRMAN FRANCIS: Thank you. Mr. Higgins, you
10 are up.

11 MR. HIGGINS: Thank you. I just want to point
12 something out. I, too, am a resident in the immediate
13 neighborhood. Yes, I just bought this a year and a half ago
14 and I spent a tremendous amount of money. It looks great. I
15 put a lot of money into 92 Hillside, which I still own, which
16 is block away. So I am very much effected. I didn't create
17 the zoning. Universally, everybody here is troubled by the
18 Business-B. I didn't make it Business-B. We are only here
19 today because of the west side of the property and seeking to
20 preserve the driveway. My application today has nothing to do
21 with the parking lot that I can put, as of right, to the east
22 side of the property. I'm only required to do that because the
23 number of spaces is determined by the square footage of the
24 structure. These two structures together are, approximately,
25 1900 square feet. Your zoning code requires me to have nine
26 spaces, one of which has to be handicap, another a loading

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2 zone. I have no place to put nine spaces other than on the
3 east side. All of this parking is off the street. They want
4 to impose on me, a member of their community, all the sins of
5 the zoning. Look, I didn't create this problem. We are not
6 going to have a problem. I have one conference room. It's
7 been suggested I could have three or four closings. I have one
8 conference room in the new office. We don't do closings
9 exclusively. That, is not going to be a problem. We have
10 three attorneys, three assistants. We are talking six cars.
11 If I use this residentially, you would probably have six,
12 anyway, because the cottage could have two people living there
13 very easily with two cars. And in the main house, I could have
14 three or four, if I had a family with adult children. So to
15 suggest that my use is going to increase the parking or the
16 traffic, it's just not correct. Their biggest right, and I
17 understand it, is they don't like the fact that it's
18 Business-B, but I bought as a Business-B property. I have
19 certain rights, one of which is to use it for the zoning that
20 was intended, Business. I could, and they don't understand
21 this, I don't have to be before this Board. I can knock both
22 those structures down. You will never see me, because I'm
23 going to do it all as of right. I have the right to build the
24 building as big as, approximately, 4,000 square feet. I am not
25 looking to do that. I'm looking to use the two structures that
26 are there. But tomorrow, I could, basically, withdraw my whole

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2 application, knock the two structures down, and build something
3 they really don't like, but, obviously, I'm effecting myself,
4 too. I thought that by using the two structures, I'm being
5 consistent with the neighborhood. And that criteria that my
6 neighbor just said, I wrote that criteria.

7 MS. ALIVENTI: But to say that eight cars --

8 VICE CHAIRMAN FRANCIS: No. No. Excuse me. I'm
9 sorry.

10 MR. HIGGINS: It's just I get it. They are troubled by
11 the zoning. I didn't write the zoning. It's been there since
12 1940. And as a property owner, I have rights. And I can avoid
13 this whole situation by just withdrawing everything, knocking
14 the two down, and building a new building. We are not looking
15 to do that. The only one I'm really concerned about is my
16 immediate neighbor at 78. Because if I maintain the driveway,
17 they are not going to look at anything differently, but if
18 there is something that I can do to appease her, I think I have
19 enough room to put like 3 feet of landscaping, if that would
20 make her happy. But the reality is, what I'm seeking to do
21 just really addresses the west side of the property. And
22 universally, everybody that has come up is complaining about
23 the east side of the property, which has nothing to do with
24 this application. I listened to everything. They think that
25 I'm a bad guy and that I'm just trying to make money. This is
26 not the way to make money. I'm going to use this as an office.

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2 If I want to make money, I'll knock the thing down, build a big
3 office, and sell it. We are not looking to do that. We are
4 looking to be a neighbor, and we are going to be good
5 neighbors. All of our traffic will be off into our parking lot
6 and we will police all of the commuters and all this other
7 stuff, just like we do at our current space. These neighbors
8 want to, basically, blame us for all of the traffic. Yeah,
9 there is a lot of traffic, but I didn't create that, and I will
10 have to work around it. But my use is not going to increase
11 the traffic. All of my use is going to be off. My employees
12 get there in the morning and we leave late at night or 5:00,
13 6:00. We don't have cars coming in regularly, unless we have a
14 closing, which isn't that often anymore; it's almost all
15 virtual. But we are not going to have a traffic impact. And I
16 do not need a traffic study for this application. The
17 suggestion that I should have had one for this Board is just
18 wrong. Bottom line here, I'm an immediate neighbor
19 residentially and I'm going to own -- well, I already own it --
20 we are going to find a use for the property. Yeah, I could try
21 and use it residentially, but that's really not consistent with
22 the zoning. And we bought it to relocate our office, and we
23 have the right to use this property for office, it's in your
24 code. I'm using it consistent with the zoning. And all of
25 these issues, while I understand it and hear it, it has nothing
26 to do with me.

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VICE CHAIRMAN FRANCIS: So I think to the extent that you could put in a proposed landscaping that you were talking about on the driveway side, I think that would be a move in the right direction.

MR. HIGGINS: I will put up a fence, landscape. Not so much to get this approved, but as much as I am going to be next to a neighbor and I want her to be happy, that's it.

VICE CHAIRMAN FRANCIS: Absolutely, and I hear that.

MR. HIGGINS: But the reality is I could take it all down, and we are capable of doing this. I have built things before.

MEMBER DONATELLI: Is there a way -- I think you mentioned in your initial presentation that you didn't require the full number of parking spots that are in the application, that you can make do with less. Is there a way that you could modify your application, even if it then would require a parking variance from this Board?

VICE CHAIRMAN FRANCIS: Mr. Higgins, before you answer that, let me add on to that. Is there any way of shrink down the individual parking spaces to 9 by 18?

MR. HIGGINS: Yes, I would do that tomorrow. And then I don't need -- I could put the 15-foot landscape buffer along the driveway. I could eliminate the driveway, but here is the way the town gets you. If I eliminate the driveway, and I am happy to do that, I would prefer to use the garage for file

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2 storage. Now the town says, hold on, you want use it for file
3 storage, you need another parking spot. So I'm damned if I do
4 and I'm damned if I don't. I would love to shrink my spaces
5 from ten, which are as of right, to nine, and that's very
6 doable. But the day I do that, now I am coming to this Board
7 with the east side of the property with my hat in my hand
8 asking the Board to let me do 9 by 18, instead of 10 by 20s.
9 Now I'm going to get the same flood of resistance and now it's
10 going to mean more because they would be on-point. So far
11 everything they have said today is not on-point. What is point
12 here is the west side. And I hear them. I understand that
13 they are concerned about traffic, but I didn't create the
14 traffic and I have rights as a property owner. And I really
15 think my use is quite benign, but they want to try and suggest
16 that my use is just going to exaggerate and exacerbate an
17 already existing condition.

18 MEMBER DONATELLI: I understand your point. Part of
19 what we do is we examine each application and do a balancing
20 factor among the factors that we are required to consider.

21 MR. HIGGINS: Sure.

22 MEMBER DONATELLI: But I'm not sure -- well, we always
23 encourage dialogue between members of the public and the
24 applicants. We've actually seen in the past instances where
25 applications have actually gotten better when there is dialogue
26 between members of the public and applicants. And we have

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2 listened very carefully to the comments from the public. And,
3 certainly, we are aware of your rights in the Business-B
4 District. I guess, unless there are other comments from the
5 Board?

6 VICE CHAIRMAN FRANCIS: I would just make one other
7 comment, Mr. Higgins, and it may mean a little bit more work
8 for you, but I think we would get to where we need to be. If
9 you would be amenable to shrinking the parking spaces to the 9
10 by 18 and including the landscape buffer, if you could present
11 that in a plan back to the Building Department, yes, you would
12 get another disapproval, probably, and you would need a
13 variance from us, but I think we would be moving in the right
14 direction if we proceeded that way.

15 MR. HIGGINS: May I ask the Board if it's possible to
16 grant me -- well, conditionally where I eliminate the driveway,
17 I put the 15-foot buffer, it means I'm going to use the garage
18 for storage, which we are fine with, but I need 9-foot wide
19 spaces and then I would get all of my parking, if that could be
20 a condition of the approval. Here is my problem. We are in
21 contract to sell our current building. We have the right to
22 stay there for a while, which would give us time to go in and
23 fix up the existing structures, but if I have to now re-file
24 with the smaller spaces, get a denial -- because,
25 unfortunately, the bureaucrat process takes a while -- get a
26 denial, again come before the Board, I'm going to lose a

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2 substantial amount of time, but more importantly now, I have
3 all the residents who can come in and complain. Because now I
4 am introducing a parking lot that I need help on, whereas I
5 don't need any help on my current parking lot. I would love to
6 do what you are offering, love it.

7 MEMBER DONATELLI: I don't know that you are free to
8 prejudge anything, but I think what you are hearing -- and I
9 don't want to speak for the other Members, they can certainly
10 speak for themselves -- but it sounds to me from what we heard
11 from the public that that is a major concern. We have, in the
12 past, granted parking variances for size as well as for number
13 of spots. And I, personally, have heard from several
14 applications where there was actually no parking provided, but
15 still the structure is there, it's zoned the way it is, and
16 that's just the reality of living in an old area. We are
17 trying to help you along in the balancing process. We
18 understand that there are always financial concerns, there are
19 delays. Unfortunately, people think that we have a whole lot
20 of authority to make things move faster than we actually do
21 and/or people think we have a whole lot of legal authority than
22 we actually do. But as the Acting Chairman indicated, we would
23 like to see this move in a more positive direction. And the
24 residents may still show up, but I think that they would need
25 to see the plan as amended and have an opportunity to comment
26 on it, but it would be a favorable step to have that kind of

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2 buffer and to work with the smaller spaces and, perhaps, fewer
3 spaces.

4 MR. HIGGINS: Mr. Donatelli, I believe, if I were to
5 shrink my space, my width of my spaces from 10 to 9, I can have
6 all of the parking that's required by the code in the current
7 or the proposed parking lot on the east side, thereby giving
8 the 15-foot landscape buffer that the code requires, we can do
9 all of that. However, I'm disinclined to do this. I'm open to
10 the 9 feet, that's fine. I also don't think I need a loading
11 zone because we don't get the kind of deliveries, but under
12 your code, we have to have it.

13 VICE CHAIRMAN FRANCIS: And we absolutely agree with
14 you, that would be something that we would certainly give you a
15 variance for.

16 MR. HIGGINS: But my concern is I will then be faced
17 with the same opposition, even more aggressive, because now the
18 subject of the application then would be the thing they hate
19 the most, which is the parking lot. It's inevitable. I have
20 to have a parking lot, and that's what your code requires. If
21 I didn't have a parking lot, our employees and ourselves and
22 our clients would be parking on the street, and that's not what
23 they want. So my concern will be for me to withdraw and follow
24 the path that you are suggesting, while I'm not opposed to
25 doing because there is a time factor, but also I don't know
26 that I can get the cooperation from the people because that

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means they are still getting the parking lot that they hate.

MEMBER DONATELLI: Well, I didn't mean to imply. Let me rephrase that. It's this Board that would act on any application or any new application that you might present. As I said before, we are always required to do a balancing act. And I understand your point and your point of view. And I think we also understand the public's point of view. I'm just trying to see if there is some way forward. If there is no requirement that you modify your application, then, you know, certainly, that is one course of action that we can take and I would suggest that that's the course of action, that we just reserve decision on this. So we can continue it and that would give you the opportunity to modify the plans, if you wanted to.

MEMBER GOODSSELL: Or to continue with your current application as it is.

MR. HIGGINS: Okay. My concern is I don't want to lose the time. So what I would propose is I'm going to leave the application as it is. And quite frankly, I feel as a matter of law, I have a strong position. I am not unwilling to meet with the residents. They can come to my office, not all of them, and I can agree on shrinking the spaces. Then, at which point, I would come back, but I don't want to lose what I have.

VICE CHAIRMAN FRANCIS: We completely understand where you are at in terms of the timeframe. I think opening a dialogue with representatives of the neighbors would be

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2 monumental, number one. The three of us, as you know, are
3 attorneys and we all had our own individual practices, so we
4 know what you are going through, but we also know that in terms
5 of impact, a law office is a less impact. You have a right to
6 open a 7-Eleven, if you wanted to. And certainly, it would be
7 a worse impact than a law office. I had a law office in a
8 residential building myself in Westbury. So I understand
9 exactly where you are going and I understand the impact, but
10 the minimum impact that your law practice is going to have.

11 MEMBER DONATELLI: I'm sorry. Go ahead.

12 MR. HIGGINS: I would be willing. I would rather leave
13 everything as it is. And again, this is more for my immediate
14 neighbor at 78 and less for everyone else that just doesn't
15 like the concept. To come back later and have an application
16 to get rid of that driveway, shrink my spaces. But if I leave
17 it as it is and I can get my building permit, I can at least
18 start doing work on the inside and then I can deal with how I'm
19 going to deal with the parking lot there. That, would be my
20 preference.

21 VICE CHAIRMAN FRANCIS: Just give us one moment, Mr.
22 Higgins.

23 MR. HIGGINS: Sure. Thank you.

24 (Whereupon, a recess was taken at this time.)

25 VICE CHAIRMAN FRANCIS: Okay. Mr. Higgins.

26 MEMBER HERNANDEZ: Anything else?

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2 MR. HIGGINS: At this point, as I indicated, I would
3 rather submit as has been submitted, but on the record, I will
4 state that if I get my variance, so I can at least get my
5 building permits and can start working on the two structures,
6 because nothing is going to change there. I'm telling this
7 Board on the record, I will revise the parking plan to 9-foot
8 wide spaces and I will put the 15-foot buffer in landscape-wise
9 so my immediate neighbor doesn't have to look at a driveway,
10 and we will render the garage as storage. But I will do that
11 after I get my building permit. I don't have any problem with
12 that. I would rather not have that there if I can avoid it,
13 but I just think it's nicer for the neighbor. And at this
14 point, why wouldn't I do it if it works. But if it's going to
15 mean having to come back to this Board with 9-foot wide spaces
16 rather than 10 and if it gets denied, I don't want to have lost
17 all that time and not be able to work on the two buildings that
18 we need to work on.

19 MEMBER HERNANDEZ: I think, Mr. Chairman, I think we
20 have been on this thing long enough and we need to move on, but
21 I would like to make a couple of things very clear. We have
22 heard from all of the residents, which we appreciate. We have
23 heard your arguments. I think we all should be clear that
24 whether we like it or not -- and by the way, I'm a Manhasset
25 resident of over 30 years. There are areas of our community,
26 which are Business, and this one property happens to be the

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2 very last one that is Business that doesn't look like Business
3 because it has a house on it, but it is a Business. So we need
4 to accept that. Some of you made the comments that we allow
5 encroachment into the two houses down and let them put a
6 business there or let them put a parking lot there. We don't
7 have the authority to do that. That is not Business, that's
8 Residential. So we are only talking about this because it is a
9 Business-zoned area. So it is clear that it's a Business-zoned
10 area, we are trying to come up with something, which is
11 amenable to all to both you, as a businessman, and the
12 community as much as possible. So what I think we should do is
13 continue the application to the next meeting. It gives us an
14 opportunity to discuss it further. It gives you an
15 opportunity, if you would like, to re-present something else to
16 us, and then we can make a decision at our next Board meeting
17 so that you are not held up anymore in an amount of time, but
18 it would also give you an opportunity to discuss and
19 potentially come up with something that could be helpful to
20 all.

21 MR. HIGGINS: When is the next Board meeting?

22 VICE CHAIRMAN FRANCIS: The 30th.

23 MEMBER GOODSSELL: November 30th.

24 VICE CHAIRMAN FRANCIS: And you indicated that you
25 would be amenable to meeting with representatives?

26 MR. HIGGINS: Yes.

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2 VICE CHAIRMAN FRANCIS: So the outcome might be
3 something we would be interested in, as well.

4 MR. HIGGINS: Okay.

5 MS. ALIVENTI: And if we want to bring lawyers at that
6 point --

7 VICE CHAIRMAN FRANCIS: Ma'am, you cannot speak from
8 there. You can ask any questions after we are done. Ginny
9 will take all of your questions.

10 MR. HIGGINS: Thank you.

11 MEMBER HERNANDEZ: Just one more thing. I just want to
12 point out, because we did have a couple of discussions. We
13 don't like traffic, we all know that. And unfortunately,
14 Linden Street, in particular, has a lot of traffic because of
15 the overpass over the Long Island Railroad. I lived on
16 Manhasset Avenue. It's the overpass over the Long Island
17 Railroad. So either you go right to the high school or you go
18 left into the parking lot. So we all know that. Again, I
19 lived on Manhasset Avenue in 2005. So I know the area very
20 well. But none of that has anything to do with your particular
21 building. As a business, you are required to have off-street
22 parking. So you need to put a parking lot in there, whether
23 it's six, eight or ten parking spaces, it's a function of what
24 the building size is, and that is something that we have some
25 ability to grant the variance on. That if you don't need -- if
26 you are required to have ten, but you feel you only need eight,

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2 we have that authority to grant you that variance. But the
3 point is you have to have it, you need to have parking
4 off-street. So when you have your discussions, keep that in
5 mind. He needs to have parking spaces, otherwise they are
6 going to be in the street, which you don't want, obviously. So
7 keep that in mind when you are having those discussions, okay.
8 And we look forward to either receiving or not from you
9 whatever you would like to submit and we will make our decision
10 at the next Board meeting.

11 SECRETARY WAGNER: And just so everyone is aware, this
12 would not be a new hearing, unless we require a new hearing.

13 MEMBER HERNANDEZ: It's for submission. So if you
14 would like to submit something in writing that is different
15 from what you said today -- don't repeat what you said today
16 because we already have that on the record, but if you would
17 like to submit something that you feel is impactful, submit it
18 in writing. There will not be another hearing about the case.

19 MR. HIGGINS: Am I entitled to remove those signs,
20 which I was required to put up that, quite frankly, are
21 obnoxious?

22 MEMBER HERNANDEZ: I'm not the lawyer here.

23 VICE CHAIRMAN FRANCIS: What? The notice signs?

24 MR. HIGGINS: The notice signs, they are big, yellow
25 because it's commercial.

26 ATTORNEY ALGIOS: I will e-mail you on that. I'm not

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sure how long after the actual hearing they have to stay up.
There may be a requirement, but I will get back to you on that.

MR. HIGGINS: Thank you.

ATTORNEY ALGIOS: And as far as counsel, since we are
not having another hearing, you couldn't come back with counsel
because we are not taking any more testimony, but we did keep
the record open. So if you have an attorney who would like to
put something in writing, we would certainly accept that into
the record until the 30th.

MR. HIGGINS: Thank you for your time.

VICE CHAIRMAN FRANCIS: Thanks to everyone. Thank you
very much for coming out.

(Whereupon, a recess was taken at this time.)

Appeal #21304

SECRETARY WAGNER: APPEAL #21304 - Park East LLC (Casa De Catrina); 223 Old Country Rd., Carle Place, Section 10, Block N, Lot 274; Zoned Industrial-B. Conditional Use 70-187(P) and Variance from § 70-103(A)(1) to convert an existing restaurant to a new restaurant (a conditional use) with not enough parking.

VICE CHAIRMAN FRANCIS: You've heard Appeal #21304 - Park East, LLC (Casa De Catrina). Is there anyone interested in the application? I don't think so because there is no one else here, but us, but if you would give your name and address.

MR. BUTT: Good afternoon, Mr. Chairman and Members of the Board. My name is Edward Butt from the firm of Edward Paul Butt Architect. I'm here. Oh, my offices are 499 Jericho Turnpike in Mineola. I'm here before the Board this morning or this afternoon, as described. I'm representing the people who are the owners, Alex Gavez and Margarita. We are here to present an application for a new Mexican restaurant located in the shopping center over at 223 Old Country Road.

The application that we are proposing for today and what we are looking to seek relief from are two items that seem to be somewhat of -- we got caught into a transition from the previous zoning and what was there to now. The first part of this application, obviously, is a conditional use because we are altering the interior of the restaurant to introduce a bar where the bar was previously a Five Guys burger fast food

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1 restaurant. The seating for the new proposed restaurant is,
2 approximately, 2 seats less than the previous fast food
3 restaurant that was there. And this is not a fast food place,
4 this is an actual sit-down bar-restaurant-type of facility. We
5 are leaving the kitchen exactly where it is. We are closing it
6 in. It was an open-style restaurant before. We are closing it
7 where all the cooking is behind the existing kitchen that is
8 there now. Obviously, we are going to fit the kitchen out to
9 facilitate a Mexican-style restaurant. And then we are also
10 introducing the bar with, approximately, I want to say, 16
11 seats, which, I think, I had calculated.

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13 So as you are aware, I'm sure, the previous zoning
14 requirements for this space or any other space required parking
15 based on seats. Now, in the last couple of years, that has
16 changed over to parking for square footage. And then there
17 were additional requirements for parking for a bar. In this
18 case, because we are introducing the bar, it increases the
19 parking requirements based on that and that's why we are here
20 now. Frankly, based on what we have and what we are presenting
21 today, I believe that our use is much less intense as far as
22 traffic is concerned with regard to the use. Because it is a
23 sit-down place, there is not a lot of people coming and going,
24 coming and going. It's more of a sit-down-enjoy-type of
25 restaurant, that is their intention with this space. We did
26 retain the services of VHB to provide a parking study, which I

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believe you guys have. Do you have that?

VICE CHAIRMAN FRANCIS: Yes.

MR. BUTT: I have copies, if you would like them. I also have copies here of the two different floor plans of the old Five Guys and the proposed new restaurant. If you don't have any of that, I brought copies, if you would like to see that. But it's a very similar layout that we have, but we are just introducing the bar, so it's getting a little smaller. I believe that this application is very minor in its request. This young couple here is looking to begin and open up a restaurant that they are going to be the owners and operators of. Mr. Gavez is a Mineola resident, so he is within the area. He is a local person. They are making a go of it themselves and I applaud them, as a single practitioner myself, and bravo to them. So we are here to respectfully request the granting of that additional parking. I don't believe that it will really impact this particular use as it is and we ask that you grant our application.

VICE CHAIRMAN FRANCIS: As a sit-down restaurant, Mr. Butt, is it going to have any takeout, any kind of Grubhub?

MR. BUTT: I would imagine so, yes. I would absolutely imagine so.

VICE CHAIRMAN FRANCIS: So it will have some transit?

MR. BUTT: There will be some component of that. It's not going to be their primary business model.

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2 VICE CHAIRMAN FRANCIS: Right. It's really more to get
3 people in.

4 MEMBER HERNANDEZ: In the layout of the restaurant, I'm
5 comparing the two floor plans that you have.

6 MR. BUTT: Yes.

7 MEMBER HERNANDEZ: And it looks like you are leaving
8 everything intact, except that you are opening the door to the
9 kitchen in a different location and it's opening up towards the
10 bar area, correct?

11 MR. BUTT: Yes.

12 MEMBER HERNANDEZ: So everything else stays the same?

13 MR. BUTT: It's pretty close. I mean, we are doing a
14 lot of things inside the restaurant to cosmetically update it.

15 VICE CHAIRMAN FRANCIS: Hours of operation?

16 MR. BUTT: We are looking at probably around noon to
17 11:30, 12:00, if it's possible, on the weekend, Friday.
18 Saturday. It will be a bar, so I would imagine that it would
19 be bar hours. So I would say that midnight is probably what
20 they are looking to stay open till.

21 MEMBER HERNANDEZ: And this is in a shopping center.

22 MR. BUTT: So it's restaurant row over there because it
23 has Fogo de Chao in there, the Red Lobster, and there is the
24 Italian restaurant next door.

25 VICE CHAIRMAN FRANCIS: Passione.

26 MR. BUTT: Yes. So it's sort of a restaurant-type

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area.

MEMBER DONATELLI: Which we actually just acted within the last year, I believe.

VICE CHAIRMAN FRANCIS: Yes, I believe so. Any questions?

MEMBER GOODSSELL: I have no objection to this. God bless them if they can make a go of it.

MEMBER HERNANDEZ: It's parking that we have to approve. And how many parking spaces?

MR. BUTT: I believe we are looking for six parking spaces that we are seeking relief for. Let me just check that.

VICE CHAIRMAN FRANCIS: Seven.

MR. BUTT: Yes, seven spaces.

MEMBER HERNANDEZ: And this is a self-contained shopping center with actually no parking on the outside anywhere. Because you have a highway and a major road, Old Country Road, so it's not like it's going to effect any other neighbor. It's only going to effect other businesses within the same shopping center.

MR. BUTT: I think that the actual radius, which is a 300 radius, didn't hit a resident.

MEMBER HERNANDEZ: I just want to get all of that on the record.

MR. BUTT: No. I appreciate that. Thank you, Mr. Hernandez.

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2 VICE CHAIRMAN FRANCIS: All right.

3 MEMBER DONATELLI: So as I look at the conditional use
4 set forth in the code, and I don't think that we need to go
5 through them here, but I'm satisfied that the applicant has met
6 the conditions that are set forth in Chapter 70-225.

7 VICE CHAIRMAN FRANCIS: Yes.

8 MEMBER DONATELLI: One moment, please.

9 MR. BUTT: Sure.

10 SECRETARY WAGNER: So that Nassau County letter is
11 okay.

12 MR. BUTT: Okay. Great.

13 MEMBER DONATELLI: So Mr. Chairman, continuing on my
14 point, I believe that the applicant satisfied the conditions of
15 70-225, so I make a motion that we grant the application.

16 VICE CHAIRMAN FRANCIS: We have a motion. Do we have a
17 second?

18 MEMBER DONATELLI: With the standard restaurant
19 conditions.

20 MEMBER HERNANDEZ: Because I'm looking at your floor
21 plan and I don't see your refrigerated garbage, unless you have
22 it someplace else?

23 MR. BUTT: You know, we haven't put it on the plan, but
24 it will be part of it. Refrigerated garbage is part of it.

25 VICE CHAIRMAN FRANCIS: Yes, that would be part of the
26 restaurant conditions.

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2 MR. BUTT: Yes, absolutely. Absolutely, that's
3 standard.

4 MEMBER DONATELLI: So I make a motion that we grant the
5 application with the standard restaurant conditions.

6 VICE CHAIRMAN FRANCIS: All right. We have a motion.
7 Do we have a second?

8 MEMBER HERNANDEZ: Second.

9 VICE CHAIRMAN FRANCIS: All right. We have a second by
10 Mr. Hernandez. Please poll the Board.

11 SECRETARY WAGNER: Member Goodsell.

12 MEMBER GOODSSELL: Aye.

13 SECRETARY WAGNER: Member Donatelli.

14 MEMBER DONATELLI: Aye.

15 SECRETARY WAGNER: Member Hernandez.

16 MEMBER HERNANDEZ: Aye.

17 SECRETARY WAGNER: Acting Chairman Francis.

18 VICE CHAIRMAN FRANCIS: Aye.

19 The application is granted.

20 MR. BUTT: Thank you very much.

21 SECRETARY WAGNER: We need to adopt SEQR.

22 MEMBER HERNANDEZ: All in favor?

23 (Whereupon, all Board Members voted affirmatively.)

24

25 TIME NOTED: 12:50 p.m.

26

C E R T I F I C A T E

I, AMY BOGUSZEWSKI, a shorthand
reporter and Notary Public within and for the State
of New York, do hereby certify:

That the witness(es) whose testimony
is hereinbefore set forth was duly sworn by me, and
the foregoing transcript is a true record of the
testimony given by such witness(es).

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

A handwritten signature in black ink, appearing to read "Amy Boguszewski", is written over a light beige rectangular background.

AMY BOGUSZEWSKI