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TOWN OF NORTH HEMPSTEAD
BOARD OF ZONING APPEALS
PUBLIC HEARINGS

Wednesday
December 14, 2022
10:26 a.m.

BOARD MEMBERS PRESENT:

David L. Mammina, Chairman
Leslie Francis, Vice Chairman
Patricia Goodsell, Member
Jay Hernandez, Member

ALSO PRESENT:

Virginia Wagner, Secretary
Deborah Algios, Deputy Town Attorney
Nicole L. Basile, Court Reporter

1 Proceedings

2 CHAIRMAN MAMMINA: Everyone please rise and join Vice
3 Chairman Francis in the Pledge of Allegiance.

4 (Whereupon, the Pledge of Allegiance was said.)

5 CHAIRMAN MAMMINA: Okay. Good morning, ladies and
6 gentlemen, and welcome to the Town of North Hempstead Zoning
7 Board of Appeals. And what I'd like to do is just take a
8 couple of minutes to go through the procedures and the way that
9 we do things here in the Town, in case you have never appeared
10 here before or never appeared before a zoning Board. And if
11 that's the case, we just ask that you stay relaxed. It's okay.
12 Those of you who appear here regularly can probably do the
13 speech for me.

14 Okay. So, what we will do is, I will call -- each case
15 will be called by Secretary Wagner and when that's called, I
16 will then repeat that call and I will ask if there is anyone
17 who wishes to speak, either in opposition or in favor of an
18 application; but also then at the same time, the applicant will
19 stand up and come forward to the, you know, to the podium and
20 that way the Board knows if there is anyone who wishes to
21 speak, other than the applicant. If there are other people who
22 wish to speak, the applicant and typically only the applicant
23 will get the podium two times. And the purpose of everyone
24 speaking is that the Board can ask questions, we can inquire
25 regarding opinions, facts or, you know, whatever so that we get
26 a complete record in place.

Proceedings

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2 So, after the testimony has happened, at that point the
3 Board will then -- will then act upon that in one of four ways:
4 We will either approve the application; we will disapprove the
5 application; we will continue the application; or we will
6 reserve the application.

7 If we continue the application, it's because we might
8 ask somebody for another document that we don't have at this
9 point; we may want to see a Building Department folder; we may
10 offer some compromise in terms of what's being proposed and the
11 point being that we need some documents to be given back to the
12 Board in order for us to complete the application.

13 If we reserve, that means that we have all the
14 information that we need and the Board may want to look at the
15 property again; we may want to deliberate, you know, about
16 that. If we do deliberate, all deliberation is completely
17 public. And you can come back here or stay here for the rest
18 of the day if we do deliberate on the application, you know,
19 today. Normally, we have a good sense of what we will or we
20 won't. But also, this is televised, you know, through the Town
21 so that anybody can be watching us now or at a later date.

22 So, again, it's not necessary for anybody to come back
23 again in person. Very, very infrequently will we have two
24 hearings, you know, on an application and that truly is an
25 almost never. So, today is the day.

26 And I guess with that said -- what -- the other thing

1 Proceedings

2 that I will ask, and you can see that we are setting up all of
3 our stuff here that has all of the cases and things on it, but
4 we also have, you know, our telephones and, you know, all of
5 that and what we ask is that everybody take those phones out
6 and just put them on silent. Okay? Or vibrate, or whatever.
7 You know, it's okay if you need to take a phone call or make a
8 phone call, you know, stand up and, you know, feel free to, you
9 know, to go out into the lobby; and if you just want to stretch
10 your legs, same thing.

11 So, as I like to say, we're all ladies and gentlemen
12 here and we can do that in an orderly fashion. So, that would
13 be the best way to handle that. If there is anyone who is
14 coming to join you who is not here yet, we just ask that you
15 ask them to also turn the volume off, you know, on their phones
16 so that they're not distracting someone else; or we have had
17 someone who is standing at the podium have their phone ring and
18 that certainly will throw me off. So, I think I covered
19 everything, yes?

20 VICE CHAIRMAN FRANCIS: Yes. Oh, three-minute rule.

21 CHAIRMAN MAMMINA: Oh, yes. We do have a three-minute
22 rule on people who are speaking either -- either against an
23 application or in favor of an application. And we are not
24 going to cut your head off at three minutes, but, you know, we
25 do ask that you try to contain that, those people who only get
26 a chance to speak one time; otherwise, these hearings can go on

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2 forever and ever, and as it is, we will probably get out of
3 here sometime this afternoon late. So, we just ask that
4 everyone be aware of that and try not to repeat what someone
5 else has said.

6 And I recognize that these can get very emotional and I
7 fully understand why. I did spend a good part of my life on
8 that side of the podium, as well, in what I do for a living.
9 So, if you agree with what somebody else said, it's fine for
10 you to stand up and say, I agree with what the previous speaker
11 said, I agree with what the previous speaker said, but I'd like
12 to add to that.

13 We also ask if someone is here for a variance because
14 they want the building to be closer to a side property line,
15 let's try not to talk about the traffic and school buses, and
16 that because it has nothing to do with their side property
17 line. You know, so, it's that kind of thing, you know, and we
18 will help you along, you know, with that to stay focused on,
19 you know, on what the application is.

20 So, thank you for reminding me. And if we can see if
21 we have any modifications to the calendar.

22 SECRETARY WAGNER: Yes, Chairman.
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APPEAL NUMBER 21317

SECRETARY WAGNER: We have an adjournment of Appeal Number 21317, Helena Gomez; 65 Burnham Avenue, Roslyn Heights; Section 7, Block E, Lot 264 in the Residence C Zoning District. Variances from 70-49.B, 70-50.C, 70-50.B, 70-208.F, to construct additions to a nonconforming home that are too big and too close to the street (both primary and secondary front yard) and to construct a porch/portico that is too close to the street (both primary and secondary front yard).

It's an adjournment request if the Board would like to vote on that?

CHAIRMAN MAMMINA: I think it's January 11th. If anyone is here for that application, it will not be heard today. If you would like to stay and listen, you are certainly welcome to, but, you know, that will be heard, you know, on the 11th of January which will be our next hearing or do we have one more in December?

SECRETARY WAGNER: Yes. But would you like to make a motion to approve that adjournment for us?

CHAIRMAN MAMMINA: Oh, yes, please.

VICE CHAIRMAN FRANCIS: I'll move to grant the adjournment.

MEMBER GOODSSELL: And I'll second.

CHAIRMAN MAMMINA: Okay. So, we have a motion by Vice Chairman Francis and the second by Member Goodsell. So please poll the Board.

1 APPEAL NUMBER 21317

2 SECRETARY WAGNER: Member Hernandez?

3 MEMBER HERNANDEZ: Aye.

4 SECRETARY WAGNER: Member Goodsell?

5 MEMBER GOODSSELL: Aye.

6 SECRETARY WAGNER: Vice Chairman Francis?

7 VICE CHAIRMAN FRANCIS: Aye.

8 SECRETARY WAGNER: Chairman Mammina?

9 CHAIRMAN MAMMINA: Aye. So, Appeal Number 21317 is
10 adjourned until January 11th.

11 I think with that said, if we can call the first case.

12 SECRETARY WAGNER: Also, I just want to make clear for
13 the record that Member Donatelli is absent for this hearing.

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APPEAL NUMBER 21314

SECRETARY WAGNER: Next appeal, Appeal Number 21314, Edward Valente; 114 Country Club Drive, Manhasset; Section 3, Block 147, Lot 14 in the Residence A Zoning District. Variances from 70-29 and 70-31.A, to construct a sunroom and second-floor addition that are too close to the side property line, with smaller than required total side yards, and which will make the home too large.

CHAIRMAN MAMMINA: You heard Appeal Number 21314, Edward Valente. Is there anyone who would like to speak regarding this application, other than the applicant? Seeing no one.

And one thing that I left out, which I'm sure that Mr. Butt will take care of in his application, is that as everybody comes up, you will put your name and address onto, you know, onto the record so that we have that. If you are a business, you don't need to put your home address on there. You can put your business address, you know, that's fine.

So, with that said, name and address, please?

MR. BUTT: Good morning, Mr. Chairman, Members of the Zoning Board.

My name is Edward Paul Butt from the firm Edward Paul Butt Architect. Our office is located at 499 Jericho Turnpike in Mineola.

Good morning.

CHAIRMAN MAMMINA: Good morning.

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MR. BUTT: First some housekeeping, which is some additional Green cards. I'd like to take care of that. Mr. Chairman, I've been here so long, I remember the beeper kind of warning, but we don't have those anymore so --

CHAIRMAN MAMMINA: The beeper was a big deal. You were a doctor if you had a beeper. You had to try to find a payphone to call someone.

MR. BUTT: Exactly. Exactly. But we are here this morning before the Board representing Ms. Valente who is here this morning. She was kind enough to take some time out of her day to be here for the presentation this morning. I also have two other -- actually, three other documents here that I'd like to submit. Two of them are consent forms that are in addition to the original consent form that might be in your package. One is from 51 Payne Whitney and the other is from 106 Country Club, as well as a cover letter from Mr. Valente, sort of in support of his own application and an explanation as to why he couldn't be here this evening -- this morning.

CHAIRMAN MAMMINA: Okay.

SECRETARY WAGNER: This will be Exhibit -- do you want to separate them out into separate exhibits?

MR. BUTT: I would separate them out from the two consent forms.

SECRETARY WAGNER: So, the cover letter will be Exhibit 1 and the consent will be Exhibit 2.

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MR. BUTT: Okay. So, once again, good morning.

I'm here before this Board this morning because this is a -- currently a project that is actually under construction which has a current active building permit that we are proposing to put a second floor on one side of this building and some interior alteration work. The permit was granted for us for a second story that is or was and still is in compliance with the setback requirements for this property, but as indicated on the drawings, we are requesting to get about a four-and-a-half-inch relief on that side because it encroaches into the side yard on that side, as well as it creates an aggregate issue. Certainly just this side request, I think, is more of a technical issue than it is anything else.

Mr. Mammina, I'm sure you would sort of agree with the fact that we are here because there's a construction issue. I also think that for some reason, at one point in time, the Building Department used to identify setbacks from the face of the outside facing the material, which was brick. It's changed that since and it's gone back to the establishment of the fascia of sheathing on the inside. We are doing this as a brick building. The brick itself is what's causing the noncompliance, so the request is really to create a straight wall along that side. The way we detailed it on the drawings to get the permit is sort of a brick ledge. I'm not really crazy about it anyway and I thought it would be in everybody's

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best interest on the construction aspect to seek relief from the Zoning Board for that extra four inches on that side.

So, the one part of this variance that's being requested, which I would hope that you would consider, is that that is really more of a technical issue than it is anything else. So, as far as it being in a situation where we have any other way around it, we were able to detail it, but I think it's better that we go with this. So, I respectfully request that we maintain that setback line on that side. We wouldn't be going any further than the existing wall that's there now. We just think it's a better solution and I think it actually looks better on the building itself.

CHAIRMAN MAMMINA: Just one point on that and I don't like to interpret people while they're making their presentation.

MR. BUTT: That's fine.

CHAIRMAN MAMMINA: And I don't think it affects your point really, because I understand your point. I guess I was, you know, I don't file in the Town, because I am the Chairman but I had thought that the removal of the brick was strictly for floor area and the measurement then to the sheathing, but I could be wrong and again, I don't think it affects, you know, your point and it's just something that, you know, I wouldn't even call the Building Department about it now to verify it. It really doesn't matter, but that's something for myself

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that --

MR. BUTT: I've been following that rule and it has come up on a lot of brick buildings that I have built, and it is a factor in front yard setbacks and things like that.

CHAIRMAN MAMMINA: Okay.

MR. BUTT: So, it is what the Building Department is currently using as a setback when you file.

CHAIRMAN MAMMINA: I always say that every day that I don't learn something is a bad day, so.

MR. BUTT: Well, you don't need to, right? So, that's what -- that's what I understand it to be.

CHAIRMAN MAMMINA: Okay.

MR. BUTT: Now, the other side is a little bit more interesting and that is, they bought this or purchased this house and it had an enclosed screened-in porch that I don't think was touched for quite a few years and they sort of inherited this. When we went to file this application, the -- the existing screened-in porch on that side was -- was identified as being an illegal structure. In speaking with the homeowners, we looked at and addressed this side and felt that they would like to use this enclosure and build it up.

So, based on some suggestions that I made and knowing what the Board might consider as a hardship here, because of the fact that they do own this, I looked at the structure, I'm not very comfortable with it as it is, I think it needs to be

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2 rebuilt. So, in looking at even the foundation, I didn't feel
3 very comfortable with that, either. So, in reevaluating and
4 redesigning it, we chose to do several things: One was to move
5 the building or that enclosure back from the front façade so
6 it's actually increasing its setback and also narrowing it by
7 approximately eight inches from what currently exists.

8 So, basically we are sort of making the existing
9 proposed structure that we have here smaller than what it is
10 now and further back but still giving us that opportunity to
11 utilize that building or that enclosure, which according to the
12 Valentes, they actually purchased this not knowing that and
13 it's actually on a very old survey going back to the '30s. So,
14 it was a structure that was kind of there. No one ever maybe
15 did the research or whatever, but irregardless of that, it does
16 give a nice balance to the house in general anyway. I just
17 think that by pulling it back from the front façade, you still
18 get sort of -- at least from that front façade, you get that
19 sort of aggregate look to it from that point and then it being
20 set back, at least we don't -- we don't believe it will be a
21 very large impact on the neighbors. As a matter of fact, it
22 has been there for almost 75 years or 80 years as it is and no
23 one has said anything.

24 We do have consent forms from the adjoining neighbors
25 with regard to this and as far as this being in compliance or
26 in continuity with the neighborhood, we believe it follows all

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of those requirements. I believe it meets all of the five requirements for this Board to grant the variance, including the fact that it is really sort of not even something that was built up, or created, or self-created. It is really something that we are trying to self-create in a much more compliant manner than it was before. So, we ask the Board to, respectfully, grant the application on all requests and I'll be happy to answer any questions that you have.

MEMBER GOODSSELL: Well, I have a question, Mr. Architect.

MR. BUTT: Yes.

MEMBER GOODSSELL: When you look at the house, the pictures submitted to the Board are beautiful. They obviously weren't taken last week, because they're flush and green and everything. There are railings around both what I'll call wings of the house. The garage and the sun porch, is there roof access to both of those roofs above those structures, above the garage and above the sun porch?

MR. BUTT: Well, the garage will now be a two-story structure.

MEMBER GOODSSELL: That's where the second floor is going?

MR. BUTT: So, the second floor is. So, the master bedroom and bathroom is on that side of the house.

MEMBER GOODSSELL: Okay.

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MR. BUTT: So, that railing will be gone.

And I believe on the other side -- I don't -- I'm just going to check the drawings.

CHAIRMAN MAMMINA: I think it's just a window.

MR. BUTT: It's just a window. Yes, it's just a window and it will remain a window.

MEMBER GOODSELL: Okay. Okay. So, there's no -- it's just a decorative railing that's going to be going around.

MR. BUTT: That's correct. Yes; that's correct.

MEMBER HERNANDEZ: I have a question about the plans. I'm looking at the plans submitted and you are showing the second floor as existing, but I believe there must be an error, because I think the space where you have the master closet and makeup area is the area you're proposing to build?

MR. BUTT: Yes. It's kind of a little bit of some antics here a little bit, because the permit is granted for that room now. In other words, I have permission to build that room but just back four inches from where it is, so that's why I'm sort of calling it existing. But I understand what you're saying. It's kind of how the Building Department asked me to address it, because we have permission to build that structure just not that far out.

MEMBER HERNANDEZ: Okay. So, your existing room, if you want to define that as being existing, is not the way you have it drawn; it's four inches in.

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MR. BUTT: It is.

MEMBER HERNANDEZ: And you are proposing to bring it to match the existing wall?

MR. BUTT: Correct. That is correct.

MEMBER HERNANDEZ: On the other side -- I live in that neighborhood and I know those houses, and I've done something very similar to this. Okay. The -- the sunroom.

MR. BUTT: Yes.

MEMBER HERNANDEZ: Did it show that it didn't exist at all or that it was a sunroom that was perhaps enclosed without permits or was it --

MR. BUTT: It was definitely enclosed without permits.

MEMBER HERNANDEZ: Right. But did your plans never show that the sunroom -- all of those houses had a sunroom, either on the side like this house or in the back, in one of the two places?

MR. BUTT: Yeah. Yeah. No, I know and it doesn't show any permission for those to be there, so yeah.

MEMBER HERNANDEZ: Okay.

CHAIRMAN MAMMINA: Mr. Butt, you were also denied in here -- in the denial for the gross floor area and, you know, I think that you should touch upon that and the rationale for the request and the why. I think that's important to clarify on the record.

MR. BUTT: Yes, absolutely. The addition on that side

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of the house actually, again, because it was never calculated into the floor area calculations and should have been, the -- that area was never part of the overall floor area. So, now that we've actually made it smaller and recessed it, it did become part of the floor area and enclosure. They feel as though they can use this space as sort of a quiet room or whatever for reading and that kind of thing. And I believe that because that structure is there and them not wanting to lose it, the amount of the request that we are looking for square footage is so minor, I didn't think it was an impact on the overall ask here for square footage.

CHAIRMAN MAMMINA: You are actually pushing back further?

MR. BUTT: I am pushing it back further from the street.

CHAIRMAN MAMMINA: So, the visual impact of it, which is certainly one of the measures that I use in terms of gross floor area --

MR. BUTT: I'm back actually one foot four inches from the face of the building, but the actual structure, prior to that, was actually three feet further. So, I'm actually almost three-and-a-half feet is what I'm pushing it and also it was about eight foot seven inches wide and so now it's eight-foot. So, I kind of pushed it in a little bit, too, as well. So, it's actually a smaller envelope than it was before.

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2 CHAIRMAN MAMMINA: Right. So, you diminished that.

3 MEMBER GOODSSELL: So, the sunroom is going to be a four
4 seasons room or a three seasons room?

5 MR. BUTT: It will be a four seasons room.

6 MEMBER GOODSSELL: So, fully enclosed, heated.

7 MR. BUTT: Fully enclosed and heated, yes.

8 CHAIRMAN MAMMINA: In terms of the addition of that,
9 and I realize that you had to tried to find something that
10 would document when it was put there or whatever, but did --
11 did I hear you say that your -- that your conclusion would be
12 that it was probably sometime in the '30s or am I --

13 MR. BUTT: Yeah. That's exactly what I think. It
14 looks like it was some sort of roofed-over enclosed space back
15 in the '30s.

16 MEMBER GOODSSELL: Does that appear on the property tax
17 card or on the survey?

18 MR. BUTT: On the survey.

19 MEMBER GOODSSELL: So, they just didn't get a new survey
20 when they purchased it?

21 MR. BUTT: Apparently.

22 MEMBER HERNANDEZ: This whole community was built in
23 the 1930s.

24 MR. BUTT: Yeah. Beautiful homes. I mean, they are
25 all beautiful homes.

26 MEMBER HERNANDEZ: All of the homes were built in the

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same time, except for the club which was built back in the early -- early 1900s and they all had, like I said, some kind of a sunroom.

MR. BUTT: Right.

MEMBER HERNANDEZ: But it wasn't a four-season. It was a three-season sun room.

MR. BUTT: Right. Right. Right.

MEMBER HERNANDEZ: And some of them open completely. Some of them remain open, but the vast majority have been enclosed, either legally or not.

MR. BUTT: They slowly crept in and enclosed them, put some heat in them, did a few things, but a lot of them don't even have -- really, this wasn't -- doesn't even have an accurate and functioning foundation. It goes down three feet so, I mean, you know.

MEMBER HERNANDEZ: Well, they're mostly on a slab.

MR. BUTT: Yeah. Yeah. They must have enclosed patios and stuff like that.

MEMBER HERNANDEZ: Okay. Mr. Chairman, I know the area obviously very well. I know these types of houses. They are fairly consistent. They all look fairly much the same, center home colonials with the two wings. On one side you may have the garage and on the other side you usually have, like I said, a small sunroom like this or one in the back. The request to go straight up is a reasonable request. There really is no

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reason to indent it by four or five inches, potentially creating a water problem for the house below and a weight problem. The fact that the sunroom has been moved back slightly, takes it away from the street. It gives the house a better look by not being one blank wall going straight across. It creates some change in dimensions so it looks better. Although we are not an architectural review Board, we do like to see that people try to make the houses look better, not just build up.

So, unless anyone has any objections, for me, I will move that we grant the application as proposed.

CHAIRMAN MAMMINA: Okay. We have a motion. Do we have a second?

VICE CHAIRMAN FRANCIS: I second.

CHAIRMAN MAMMINA: Okay. So, we have a motion by Member Hernandez, seconded by Vice Chairman Francis. Please poll the Board.

SECRETARY WAGNER: Member Hernandez?

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Goodsell?

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Vice Chairman Francis?

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina?

CHAIRMAN MAMMINA: Aye. The application is granted.

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Thank you.

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MR. BUTT: Thank you very much. Have a great day.

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APPEAL NUMBER 21315

SECRETARY WAGNER: Next appeal, Appeal Number 21315, Jake Froccaro; 63 Fairfield Avenue, Port Washington; Section 4, Block 10, Lot 11 in the Residence B Zoning District. Variances from 70-39.B, 70-40.A and 70-41.A, to construct additions to a home that would be too big, too close to a street, too close to the side property line and with smaller than required total side yards.

CHAIRMAN MAMMINA: You heard Appeal Number 21315, Jake Froccaro. Is there anyone in the room interested in the application, other than the applicant? Seeing no one.

Please give your name and address.

MR. HIGGINS: Good morning, Mr. Chairman, Members of the Board.

For the record, Timothy P. Higgins, 57 Manhasset Avenue, Manhasset, New York 11030 for the applicant. May I proceed.

CHAIRMAN MAMMINA: Please.

MR. HIGGINS: Okay. Mr. Chairman, with respect to the gross floor area variance, Section 70-39.B for a proposed gross floor area of 2,745 square feet versus the maximum permitted, which is 2,700 square feet in Residence B, I'd like to submit as Applicant's Exhibit A, a revised plan. Having gone over this with the architect Mr. Martino, he has revised this to bring this into conformity. If I may?

SECRETARY WAGNER: Did you say Exhibit A?

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MR. HIGGINS: Exhibit A.

CHAIRMAN MAMMINA: Okay. Half-way kidding, good idea.

MR. HIGGINS: Thank you. It came to me, Mr. Chairman,
I don't know how.

CHAIRMAN MAMMINA: Yes, that's why you're the attorney
and the architect.

MR. HIGGINS: We will submit to Building, as well.

SECRETARY WAGNER: We just usually send it back to them
to make sure there is no other --

MR. HIGGINS: Understood. I'm really just showing it
for this subject variance as requested.

CHAIRMAN MAMMINA: Okay. So, we do have the ability --
I know the presentation is in front of me, but do we have the
ability, if everything else is fine and that is correct, to
grant the pending Building Department plan?

MS. ALGIOS: If there is any change in plan, it has to
go back to the Building Department. Something like this is not
going to set you back much in time. So, it will really just
wait until the next meeting.

CHAIRMAN MAMMINA: And that's why I asked.

MR. HIGGINS: If I need a variance. I don't know that
I will.

MS. ALGIOS: The variance has changed so it has to go
to the Building Department just to make sure that nothing else
has been triggered. We run into issues where the Board grants

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things and then Building finds other issues. So, just to avoid other problems.

Obviously, your application seems pretty straightforward with moving the variance that was there. We're just having the process now where it's uniform now for every application. So, if plans have changed, it has to go through the Building Department.

MR. HIGGINS: So, then should we --

MS. ALGIOS: No, you can proceed. It will just -- we will hear everything that way you don't have to come back.

MR. HIGGINS: Okay. That will be great.

MS. ALGIOS: We will hear everything, because it doesn't sound like anything else is changing. It's just basically now removing one variance.

MR. HIGGINS: No, they actually removed two.

MS. ALGIOS: Even better.

CHAIRMAN MAMMINA: And I think it will just -- your denial will just be amended to remove that portion of it.

MR. HIGGINS: Right.

CHAIRMAN MAMMINA: And I don't want to repeat what Deborah said, but that way you don't have to come back and you don't have a problem with the closeout that, you know, on that final go-through suddenly somebody says, wait, that was great that the Zoning Board granted that, but now it's whatever, you know.

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MR. HIGGINS: Understood.

MS. ALGIOS: Yeah. It's in the applicant's interest in the long run anyway. It just makes it cleaner and those variances essentially --

SECRETARY WAGNER: Just to clarify, you eliminated the gross floor area variance and what was the other one?

MR. HIGGINS: We are eliminating the gross floor area at the moment based on this revised plan, which we will submit to Building and, for purposes of the record, it gets us below 2,700 square feet, so essentially -- approximately 19.95 feet less than the 27. Hopefully, it will be met with acceptance by the Building Department.

The second issue here is with respect to the variance of Section 70-41 minimum side yard. Setback for the second floor addition. Similarly, the revised plan will show that the original plan had a second floor extending, cantilevering two feet over the first floor. The architect has eliminated that. So, we are now -- we are no longer going to need side yard minimum and/or aggregate, because we will stay within what is enlisted.

The -- excuse me. The final issue here, which we are not able to cure but I think we are able to make better is the variance requested for the front yard setback for the proposed second story addition, 70-40.A, required is 30 feet and proposed is 24.7. Once again, the revised plan, again, subject

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to the Building Department's acceptance, reduces the need for the variance. We still need the variance, but front yard setback on the second floor addition has been pushed back from 24.7 to 25.3, which is the average setback shown on the survey prepared by Peter Barbazon PLS, which is attached to the applications, but I have copies. And the average setback under 200 feet in either direction is 25.3.

If I may, I would like to submit as Applicant's Exhibit B, a larger copy of the front yard setback.

CHAIRMAN MAMMINA: And that's a straight line addition vertically, correct?

MR. HIGGINS: Yes.

CHAIRMAN MAMMINA: And it also aligns with the front porch, you know, of the house --

MR. HIGGINS: Yes.

CHAIRMAN MAMMINA: -- as I read the drawings.

MR. HIGGINS: Yes.

CHAIRMAN MAMMINA: So, truly, visually, the thing that changes is that it's now two stories high instead of one.

MR. HIGGINS: Correct. Also, we now meet the average setback with this second floor addition of the home's 200 feet in either direction. And for what it's worth, the 25.3 is actually greater than the front yard setbacks on Tax Lots 158 and 68, all shown with that 200 foot. So, not only are we at the average, but we are further back than five or four of the

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other ones.

CHAIRMAN MAMMINA: Is there any other questions from the Board?

MR. HIGGINS: Just for the record, Mr. Chairman, we have eliminated the minimum side yard setback variance required, yet I may still need the aggregate, because although we haven't altered the aggregate, we are still substandard to that extent. So, to the degree I would need to continue that nonconformity, we would require a variance from this Board.

CHAIRMAN MAMMINA: Yes. And I think the Board understands that and I think it's safe for us to say that just pending the drawing coming back from the Building Department modifying the denial, you know, for the things that have now been removed and still recognizing that the aggregates are required, you know, that we would be able to, you know, act on that in January, you know, for Board approval.

MR. HIGGINS: Thank you.

CHAIRMAN MAMMINA: Thank you.

MR. HIGGINS: Thank you for your time.

CHAIRMAN MAMMINA: Yeah. So, we would be continuing this.

MR. HIGGINS: Continued to -- what is the next date, Mr. Chairman?

CHAIRMAN MAMMINA: So, we'll reserve it, you know, which, as you know, means basically saying okay, we're

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satisfied --

MR. HIGGINS: Basically closed for any further evidence?

CHAIRMAN MAMMINA: Right. If we had to open it again, you know, because the Building disagreed in some way, you know, then we can always open it.

MR. HIGGINS: The date that it's reserved to, Mr. Chairman?

CHAIRMAN MAMMINA: Should be January 11th. If you can get back here before January 11th, I think that generally the Building Department will try to move things like this ahead, but I can't --

MS. ALGIOS: It should be pretty straightforward.

CHAIRMAN MAMMINA: Yeah. I think it's pretty straightforward but, of course, it's in their hands.

MR. HIGGINS: Thank you so much for your time.

CHAIRMAN MAMMINA: All right. Thank you.

APPEAL NUMBER 21316

SECRETARY WAGNER: Appeal Number 21316, James Gilligan; 62 Murray Avenue, Port Washington; Section 5, Block 58, Lot 41 in the Residence A Zoning and Port Washington Historic District. Variances from 70-29.C and 70-208.F, to construct additions that are too big and will result in the expansion of a nonconforming home.

CHAIRMAN MAMMINA: You've heard Appeal Number 21316, James Gilligan. Is there anyone in the room who is interested in the application, other than the applicant? Seeing no one.

Good morning, Mr. Migatz. And please give your name and address.

MR. MIGATZ: Bruce W. Migatz, Law Firm Albanese & Albanese, 1050 Franklin Avenue in Garden City.

Good morning, Chairman, Members of the Board, Ms. Algios, Ms. Wagner.

At the outset, let me introduce -- I usually bind these exhibits but I did not have time to do that. I apologize. I do have two photographs of the subject property. I'd like to have them marked 1 and 2. I have one for the record and one for each member of the Board. And Exhibit 3 is a Certificate of Appropriate Risk from the Town Historic Landmark Preservation Commission.

While those are being marked, let me just go through some formality. The owner of the property is 62 Murray Avenue, LLC. The members are Jim -- James Gilligan and his wife

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1 Katherine Gilligan. Jim Gilligan is present this morning, as
2 is the project architect Dominick Verdo. The property is in a
3 Residence A Zone, Section 5, Block 58, Lots 41 and 172, as I
4 said, in the Port Washington Historical District.
5

6 Exhibit 1 is the photograph of the house from -- from
7 the street and you can see why it is in the Historical
8 District.

9 CHAIRMAN MAMMINA: It's gorgeous.

10 MR. MIGATZ: It was built in 1903. It's a breathtaking
11 house with a wraparound porch. It's really a sight to be seen.
12 It was remodeled in 1965. The Gilligans purchased the house in
13 September of last year, '21. In -- this is strictly a gross
14 floor area variance. In Residence A District, you can have
15 4,000 square feet in maximum gross floor area. The existing
16 dwelling has a GAF of just 3,652.42, well below the 4,000, but
17 there is a large two-story detached garage, which is also
18 historic and that garage has a GAF of 1,161.5. So, with the
19 garage added, we exceed the 4,000 by roughly 800 square feet.
20 But, again, it's due to that old garage that was built in 1993.

21 The applicant proposes a very minor addition to the
22 rear of the dwelling. If you look at Exhibit 2, which is the
23 rear of the dwelling, and in that corner, not projecting any
24 further into the side yard, it's going to be, in essence, be
25 squared off by five by ten foot. The rear addition on the
26 first floor for a laundry room and then above that there will

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2 be a 10 by 10 addition going into the existing second floor and
3 not projecting any further into the rear yard or the side yard,
4 and that is for a new large master bathroom.

5 So, the applicant is proposing to add 150 square feet
6 to the dwelling. With that addition, the dwelling is still
7 below 4,000 square. The dwelling is still only 3,802.2 square
8 feet, so. But for that unique garage we would not be before
9 you. This is an area variance weighing the benefit to the
10 applicant against a detriment to the community. The benefit to
11 the applicant is to somewhat modernize a historic house by
12 having a laundry room and a larger master bath. It was
13 approved by the Historic Society.

14 Will there be an undesirable change in character of the
15 neighborhood? In looking at gross floor area variances, I know
16 the Board looks at the visual impact as one of the factors and
17 this, as demonstrated by the photographs 1 and 2, this is not
18 visible from the street. No one would know driving by this
19 house that there was an addition of 150 square feet in the
20 rear. So, we don't think it's going to have any impact on the
21 surrounding communities. The Preservation Commission does not
22 think it will have an impact on the historic value of this
23 house. This benefit cannot be achieved by any other means
24 other than a variance.

25 Is it substantial? If you look at just the house, it's
26 not a substantial addition at all. It's just the garage that

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2 raises the gross floor area. We want to point out to you that
3 this lot is an oversized lot, 14,500 square feet. That would
4 permit a gross floor area of 5,200 square feet. Even with the
5 garage and with the addition, this is below the 5,200 square
6 feet; it's 4,813.92. You could view this as a variance to
7 bump-up. We can't bump up and get that extra 5,200 square
8 feet, because it does not have conforming front yard setback or
9 conforming height.

10 So, I would view this one way as, well, it's a variance
11 to maintain a nonconforming setback on a variance to maintain a
12 nonconforming height. It's not really a variance to increase
13 the gross floor area that this sized lot would otherwise be
14 entitled to but bumping up, but for the fact of the
15 nonconforming height and nonconforming front yard setback. So,
16 to view it in that light, I certainly submit to you that this
17 is not substantial. Based upon the size of the lot, it is a
18 minor, minor square footage addition. It is a Type II
19 application in SEQR. And it will not have an adverse
20 environmental impact.

21 The difficulty is self-created by law, because
22 Mr. Gilligan and Mrs. Gilligan bought the house subject to the
23 zoning to which they seek a variance, but that is only one fact
24 for this Board to consider. We do have two consents from two
25 of the houses across the street; 59 Murray and 65 Murray. I'll
26 offer those two as Exhibit 4.

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2 So, I would submit to the Board that weighing those
3 factors would benefit the applicant, outweigh any detriment to
4 the community and if you haven't driven by this house at night
5 during Christmas time, I urge you to do so. It's a sight to be
6 seen.

7 CHAIRMAN MAMMINA: I would just like to add to a bit of
8 something that was put forward by the applicant, is that this
9 is in a Historic District. It has been approved by that arm of
10 the Town and I think what might separate this from something
11 else and yes, this does -- it does meet the minimum lot size
12 requirement for, you know, "bump-up" and, you know, the way
13 that that is interpreted is that all setbacks have to be met.
14 And in the case of, you know, of this home, I would doubt very
15 strongly that, you know, our historic review board would agree
16 and say let's just lop off part of the porch, you know, in
17 front.

18 And to me, the word I like is landmarked and I don't
19 know that they use that word or not, but, you know, this is not
20 something that should be tampered with from that perspective.
21 And, you know, also the way that architect has designed that
22 very small, you know, addition in the back, I mean albeit
23 small, it fits right in with the architecture of the house,
24 roof pitches, finishes, you know. And certainly, it can't be
25 argued that no one can see it from the street. My own personal
26 opinion, you know, is that even for an adjacent neighbor, you

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know, you wouldn't walk there and say, oh my gosh, look what they did. You know, it's in proportion. If you were to make that roof comply, it would look odd and, you know, would be something that I personally think would be very terrible to do with a piece of architecture like this that dates back to the tune of last century.

So, I personally think that it's done very, very well and the fact that it remains in keeping with and it is approved, you know, by our Historic Review Board, it goes a long way in supporting, you know, the arguments of this being a unique, you know, and something that's worthy of the grant of a variance for that. I don't know if any other Board members have any other opinions.

VICE CHAIRMAN FRANCIS: No, I agree.

MEMBER HERNANDEZ: I just have one quick question, because the garage clearly is creating a problem because of the size of it.

CHAIRMAN MAMMINA: Good point. I'm sorry, that should be addressed, too.

MEMBER HERNANDEZ: Very, very large garage. Is there any other use of the garage besides the storing of the cars?

MR. MIGATZ: I was in that garage, because I knew that question would be asked and it is not occupied. It's for storage. There is gardening equipment in there and right now there's construction equipment in there, because they are

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working on the house and I went to the -- I had Mr. Gilligan take me up to the second floor to make sure and no one is living up there.

MEMBER GOODSSELL: No plumbing, no heating?

MR. MIGATZ: I don't know about heating or plumbing. I can ask if you want me to find out. It's not occupied.

MEMBER GOODSSELL: Well, it's not occupied and that's really what we're getting at. It's not being using as living space. But to be honest with you, when you look at this from the street, it almost looks like that could be what they call a back house, you know, property where it's almost like a flag lot and that's why I'm asking whether or not there is any occupancy there.

MR. MIGATZ: Absolutely not.

CHAIRMAN MAMMINA: You know, and just in tagging onto that, we have had applications, you know, like that and I'm not saying that would necessarily be the case here, but I believe that we have granted, and it's just been a tiny handful of those in the 30-odd years that I'm here, you know, those -- wasn't documented, but this isn't denied for that and I don't think it's part of this application, but it's a good -- certainly it's a valid question and the way the garage is configured would almost be typical, you know, in my opinion, you know, of a house of, you know, of this age and design.

MEMBER GOODSSELL: A servant's quarters, so to speak, or

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a vacation home or something like that, a little vacation property.

CHAIRMAN MAMMINA: Right.

MEMBER GOODSSELL: Correct me if I'm wrong, but the garage was added in the time before we counted the floor area of a garage in gross floor area?

MR. MIGATZ: Well, the whole house was built in 1903 so zoning didn't exist then.

MEMBER GOODSSELL: Including the garage in 1903? I know you said the house was built then.

MR. MIGATZ: I believe so. Yes.

CHAIRMAN MAMMINA: I think it's reasonable to assume that, you know, I didn't go back there, but I'm sure that finishes and things don't match what the house is on the interior.

MR. MIGATZ: It looks like it was built in 1903, I can tell you that.

CHAIRMAN MAMMINA: Okay.

MEMBER GOODSSELL: Mr. Chairman, I don't have any objection to the application.

CHAIRMAN MAMMINA: All right. So, let's consider that a motion. Do we have a second?

MEMBER GOODSSELL: I'll do it formally. I move that we grant the application as presented.

CHAIRMAN MAMMINA: Okay. So, we have a motion by

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Member Goodsell. Do we have a second?

MEMBER HERNANDEZ: Second.

CHAIRMAN MAMMINA: Seconded by Member Hernandez. And
please poll the Board.

SECRETARY WAGNER: Member Goodsell?

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Hernandez?

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Vice Chairman Francis?

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina?

CHAIRMAN MAMMINA: Aye. So, the application is
granted.

MR. MIGATZ: Thank you.

CHAIRMAN MAMMINA: And it is such a lovely, lovely
house and truly part of the heritage of neighborhoods that are
similar to it. There aren't that many that are, but, you know,
it's very unique.

MR. MIGATZ: This is my last time appearing before you
this year. It has always been a pleasure to appear before you
this year and every year. I wish you all a very Merry
Christmas full with holly. To the Chairman, Happy Hanukkah and
have a happy and healthy new year to everybody.

VICE CHAIRMAN FRANCIS: Thank you. Same to you.

MEMBER HERNANDEZ: Thank you.

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MEMBER GOODSSELL: Thank you.

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CHAIRMAN MAMMINA: Thank you, Mr. Migatz.

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1 APPEAL NUMBER 21318

2 SECRETARY WAGNER: Appeal Number 21318, Wang Ting; 21
3 Evans Avenue, Albertson; Section 9, Block 657, Lot 17 in the
4 Residence C Zoning District. Variance from 70-100.1(D), to
5 construct a detached garage that is too close to an adjacent
6 dwelling.

7 CHAIRMAN MAMMINA: You heard Appeal Number 21318, Wang
8 Ting. Is there anyone in the room who is interested in the
9 application, other than the applicant? Seeing no one.

10 Please give your name and address.

11 MR. ADAMES: Good morning, everyone.

12 This is Jose Adames. I'm an architect for this project
13 and my address is 315 52nd Street in West New York, New Jersey.

14 CHAIRMAN MAMMINA: Good morning.

15 MR. ADAMES: Good morning.

16 So, I'm here seeking a variance to allow the
17 construction of a two-car garage in the rear of the property of
18 21 Evans Avenue. Currently there is a one-family house there
19 and we're seeking to build a two-car garage.

20 CHAIRMAN MAMMINA: I'm gonna ask you just if you can
21 bring that microphone down some and -- that would be great.
22 Thanks. Because also we do have people that are potentially,
23 you know, listening by the television broadcast so that's the
24 only way that they can hear us.

25 MR. ADAMES: I understand. Yeah. So, we are building
26 -- proposing a two-car garage on the property. The lot size is

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50 by 100. The variance that we are seeking is basically to allow the garage to be set back from the existing dwelling on the adjacent lot by 9.9 feet. Zoning requires the minimum of 15 feet, so that's approximately a 5.1 feet difference.

The main reason why we want to keep the garage where it is, is because we want to have a -- basically the driveway be aligned with the garage. You know, the garage would meet the side rear yard requirement of three feet. So, those are met. The variance we are seeking is basically to allow the garage to be 9.9 feet from the existing dwelling on the adjacent lot.

So, any questions?

CHAIRMAN MAMMINA: I mean, just for the record, to clarify, the 9.9 feet is the distance from the neighbor's garage not the distance from the house?

MR. ADAMES: That is correct; yes.

CHAIRMAN MAMMINA: Okay. I just wanted to clarify that's where.

MEMBER GOODSSELL: And I also want to clarify one other thing. When I looked at this property, it seems that both properties -- both adjacent properties have a garage that faces this, so when the applicant goes into his backyard, he's got a garage on one side and he's got a garage on the other side, correct?

MR. ADAMES: Correct. Yes.

MEMBER GOODSSELL: And I couldn't quite see, but there

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is no garage there now?

MR. ADAMES: There is no. On our property there is no.

MEMBER GOODSSELL: I lived 42 years without a garage and I can tell the applicant it is probably a wonderful thing to have, I wouldn't know.

We apologize, Mr. Adames. We are considering the addition here and we realize that the issue is not with this property, it's with the adjacent property.

Let me ask you, sir, to put it on the record, what would be the impact to this property, to shift the garage over to five feet and put it in a more central location in the yard? What would be the problem with doing that?

MR. ADAMES: Sure. So, one of the main problems is it kind of impacts, you know, the usability of the rear yard. I mean, putting the garage in the middle, it just takes away from, you know, creating activities for the kids or, you know, you have to kind of, like, the area to the east will basically not be much usable, because you don't want kids running between the driveway to the garage. You want them to be on the left -- on the west side, so. It just creates less space, you know, for the --

CHAIRMAN MAMMINA: Maybe you want to speak to trying to get a car into the garage?

MEMBER HERNANDEZ: How usable is the garage if you shift it to the right?

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MR. ADAMES: Exactly. That's one of the main reasons, too, which I mentioned earlier, was that you want to have the driveway aligned as much as possible with the garage itself, because it creates a safety issue for the architect, as well, and driveway, you know, coming in and out of the garage where they have to turn. So, that always is -- we want to avoid that. So, that's one of the main reasons, also.

MEMBER GOODSSELL: And could you address the issue of, is it possible to put the garage and the driveway on the other side of the house?

MR. ADAMES: It's not, because there isn't an ability to do that, because our side yard there's 5.1 feet.

MEMBER GOODSSELL: Thank you, for the record.

CHAIRMAN MAMMINA: Okay. I think -- I think that does it.

MEMBER GOODSSELL: I have to say, I am very sympathetic to your client, because I do not have a garage at my property and I've lived without a garage for 45-plus years and I can truthfully say it would be at the top of my wish list every Christmas, but I happen to agree with you that the way it is configured, the garage really logically goes in one particular place and so I do understand the application.

CHAIRMAN MAMMINA: And I think just to tag onto that for the record, the visual impact, which is what the -- the zoning is trying to look at and control is really only to the

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homeowner, you know, having this narrower -- I don't want to call it an alley, but it's 10 feet wide. The person in the house next door to which you have a setback of 15, according to the drawing, they are not even going to see the garage when they are in their house. They'd have to walk out into the backyard. But where your garage is being proposed is typically where the garage is through the whole neighborhood. So, it's their garage that's anomalous in this instance.

So, do we have a motion on this or --

MEMBER GOODSSELL: Mr. Chairman, I make a motion, because it is Christmas, that we grant the variance from Section 70-100.1(D) and allow the applicant to construct the garage in the location shown on the plans and the survey submitted.

CHAIRMAN MAMMINA: Okay. Do we have a second motion? Motion by Member Goodsell, do we have a second?

VICE CHAIRMAN FRANCIS: Second.

CHAIRMAN MAMMINA: Seconded by Vice Chairman Francis. Secretary Wagner, would you please poll the Board.

SECRETARY WAGNER: Member Goodsell?

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Hernandez?

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Vice Chairman Francis?

VICE CHAIRMAN FRANCIS: Aye.

1 APPEAL NUMBER 21318

2 SECRETARY WAGNER: Chairman Mammina?

3 CHAIRMAN MAMMINA: Aye. So, the application is granted
4 for the reasons that have been stated through the testimony and
5 the Board's conference.

6 MR. ADAMES: Thank you.

7 CHAIRMAN MAMMINA: Thank you.

8 (A recess was taken.)

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1 APPEAL NUMBER 21319

2 SECRETARY WAGNER: Next Appeal, Appeal Number 21319, LT
3 Manhasset, LLC (NYU Langone Health); 1440 Northern Boulevard,
4 Manhasset; Section 3, Block 145, Lot 16 in the Business A
5 Zoning District. Variances from 70-103.A(1) and 70-103.B, to
6 construct interior alterations with not enough parking and
7 parking stall sizes that are too small.

8 CHAIRMAN MAMMINA: You've heard Appeal Number 21319, LT
9 Manhasset, LLC (NYU Langone Health). Is there anyone in the
10 room interested in the application, other than the applicant?
11 Seeing no one.

12 Please give your name and address.

13 SECRETARY WAGNER: Before she speaks, I just want to
14 make a note that there were several letters submitted to the
15 Board and those letters have been distributed to the Board, as
16 well as to the applicant. We did receive some additional
17 correspondence after I sent those to you, so we will forward
18 those, as well.

19 MS. DEEGAN DICKSON: Thank you. Good morning.

20 CHAIRMAN MAMMINA: Good morning.

21 MS. DEEGAN DICKSON: Kathleen Deegan Dickson from the
22 Law Firm of Forchelli, Deegan, Terrana, 333 Earle Ovington
23 Boulevard, Uniondale, New York here on behalf of NYU Langone
24 Health, which is the tenant of LT Manhasset, LLC for the former
25 Lord & Taylor building located at 1440 Northern Boulevard in
26 Manhasset. Lord & Taylor went out of business and closed their

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doors much to my dismay --

MEMBER GOODSSELL: I'm gonna cry. I'm gonna cry.

MS. DEEGAN DICKSON: -- in 2021 and the property has remained vacant while the landlord has been seeking new tenants. It was shortly after the landlord expanded the store for the store of Lord & Taylor, but between COVID and things that happened, it couldn't be.

So, in the meantime, NYU Langone has been looking for a good central location to establish an ambulatory surgery facility and this property is really ideal for the use. The property, as you probably know, is located -- it's split pretty much equally between the Town of North Hempstead and the Village of North Hills with the building being entirely within the town and the parking area being entirely within the village. So, we have a bit of a process. We're gonna be bouncing back and forth between Village Boards and Town Boards, but it does kind of simplify things a little bit that the parking and the building are separate for municipal purposes.

That being said, the Town's requirements for parking have to be complied with. The proposal is to renovate the building, which is 162,750 square feet, and convert the retail space into an ambulatory care center, providing outpatient surgeries and procedures, and imaging and other supportive diagnostics, as well as medical offices and administrative offices, and support services.

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It is not a hospital. There's no overnight stays, their licensing will not allow it, and it's not part of their plan at all. It's really only outpatient and day services. The plan for alteration is entirely interior, other than primarily aesthetic improvements to the outside of the building. There is no expansion to the footprint of the building, other than a canopy over the drop-off area now on the south side of the building, but there's no change to the footprint and no expansion.

The primary entrance to the facility will be located on the south side of the building adjacent to the parking lot. It's proposed that the first floor will be medical offices and administrative offices.

The second floor will have its own separate entrance adjacent to the medical office entrance also on the south side and that will be clinic beds, procedure rooms, and supportive services, like imaging and diagnostics, as well as some supportive offices scattered throughout.

And then the third floor will be administrative offices, storage and employee lounge and locker room space, things of that nature. We call that space nonsimultaneous use space because the people who will be occupying those locker rooms and lounge areas are the same people that just need a break from a shift and they've already been accounted in the other parking requirements for the other uses.

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So, we worked with the Building Department for quite some time to determine the parking requirement for the renovation as there are these separate uses that are, you know, they work together but they are different parking requirements for each use and it was determined that the parking requirement for this proposal is 596 parking spaces. After a reconfiguration of a small portion of the parking lot, the site contained 489 spaces, including 11 ADA spaces. So, it requires a parking variance of 107 spaces out of that 596 that's required.

Aside from variances relating to parking and there are others that I'll get into, the use in the building conform completely with the Business A zoning code. So, we are really here only for the parking lot and the number of parking spaces. We also require a variance for the size of the parking stalls. Out of the 489 spaces onsite, 244 measure 9 by 18, but these are existing as 9 by 18. So, they are already existing substandard spaces. Seventy parking spaces are 10 by 18 and these are also preexisting, and then 175 spaces are or will be 10 by 20, which is usual.

So, out of the 489 spaces that we provide, 420 of them are existing in their current dimensions. The 69 new spaces that are being constructed will all be conformed. They're gonna be constructed closest to the building.

Where are we? In this area here; the gray area and

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2 each of them will be 10 by 20 or they'll be conforming ADA
3 spaces. The existing condition had a lot of parking spaces
4 facing up very close to the building. Those have been
5 eliminated to construct a new drop-off and pick-up area at the
6 entrance, and that's what drove the reconfiguration of that
7 portion of the parking lot just to have the flow work better
8 for patient drop-off or ambulette pick-up or ambulette drop-off
9 to -- and it gave us an opportunity to take some of the
10 nonconforming spaces that were in that area and bring them up
11 to code.

12 So, Section 70-103.B of the code allows up to 20
13 percent of parking spaces for nonmedical and industrial use to
14 be 9 by 18. That, for this are nonmedical and industrial, if
15 you want to call the storage industrial, would allow for 19
16 spaces to be -- to be 10 by 20 -- I'm sorry, 9 by 18. So, for
17 the parking variance that we are seeking, some of them are
18 technically conforming although the -- most -- most of the
19 spaces are subject to a variance.

20 I do want to mention, though, that this Board did grant
21 variances for these spaces over the years in as recently as
22 2015 when the expansion of the building was done. That's when
23 all of the nonconforming spaces were established on this site.

24 As you'll hear from Aaron Machtay in a few minutes,
25 VHB's parking analysis shows that the number and the size of
26 the parking spaces work for this use. I don't want to say more

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2 importantly, but something that you should take note of is that
3 NYU, which really focuses primarily on the patient experience
4 -- positive patient experience, believes that this parking will
5 work for them. They believe that it's adequate to accommodate
6 all of their patients, their employees, all visitors to this
7 site and in light of the investment that they're making here,
8 that's no light -- nothing to be taken lightly.

9 We do want to point out that in the event that there
10 ever is an issue, which we really don't anticipate, but things
11 -- sometimes things surprise you, there is an alternate scheme
12 to provide for valet parking -- valet parking scheme in the
13 rear of the site. That's something, as I said, that we don't
14 expect to need, but we do have a plan that's available and NYU
15 has been known, at some of their other sites, where parking has
16 proved to be challenging. Many of their existing sites
17 implement a valet parking service. And again, because a
18 positive patient experience is a big important thing to NYU,
19 it's possible they may implement it on their own at some point,
20 just for convince for their patients, even if it's not
21 necessarily required. If the -- if the valet parking scheme is
22 put in place, that would increase the available parking to 547
23 stalls from the 489. We are not seeking to have that
24 necessarily approved today or approved, but not imposed today.
25 But -- so that you can see that it's something that we have if
26 necessary. We are fine with it being a condition of approval

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2 that, you know, in the event it's needed, that it be
3 implemented. But it's not our intention to implement it at the
4 outset. Especially during the ramp up of the operations, it's
5 definitely not going to be needed. The parking lot itself is
6 really self contained. There is no parking available on
7 Shelter Rock Road or on Northern Boulevard. The commercial
8 parking lots to the north are physically separated by grade
9 changes and fencing. And as you know, most of the owners on
10 Northern Boulevard are very protective of their property with
11 security guards as well. So the likelihood of somebody parking
12 there and hoping a fence or cutting through the brush to come
13 to our location is really next to none. We're also -- the
14 adjacent residential Village of North Hills is really not
15 accessible in any way. So this is a self contained site. If
16 there ends up being a parking problem here, frankly, it's NYU's
17 problem. It's not going to be anybody else's problem.

18 And just lastly before I turn it over to Aaron, I
19 mentioned it before, that the Board did grant a variance during
20 the Lord and Taylor expansion in 2015. I have a copy of your
21 decision here. I know you have them, but it was Appeal Number
22 11969A, which granted a parking variance for 519 spaces, where
23 540 were required. But more importantly, authorized the
24 existing parking stall size that exists now. So I'll give you
25 a copy just for the record.

26 SECRETARY WAGNER: Exhibit 1.

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MS. DEEGAN DICKSON: And with that, I would like to introduce Aaron Machtay from VHB Engineering. We have a parking study and traffic impact study that was submitted with the application.

CHAIRMAN MAMMINA: Okay. Thank you.

MR. MACHTAY: Good morning, Chairman Mammina, Members of the Board. My name for the record is Aaron Machtay. I'm a transportation project manager for VHB out of our offices at 100 Motor Parkway in Hauppauge.

At the request of NYU Langone, I have prepared a traffic impact and parking study related to the proposed redevelopment of the building located at 1440 Northern Boulevard in Manhasset. As the Board is well aware and as Ms. Dickson just elaborated, the property was the home of Lord and Taylor for many years, but it is now vacant. This application is going to renovate and reoccupy that space with the New York University Langone medical facility. The facility is proposed to include a variety of patient services. Based on the information that was provided to us, it includes radiology, general medical practice and ambulatory surgery. And as most buildings of this type, there's also some, you know, administrative spaces and supportive space as well. As with the department store, the parking -- the proposed use will be surveyed by the existing onsite parking. The plans prepared by VHB show that there's some modifications being proposed.

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Again, Ms. Dickson elaborated on it. It's going to facilitate a circular rotation along the south entrance and as a result, the total parking yield would be 489 spaces, which requires a variance that is before you today.

So in order to prepare our traffic and parking study, we had to prepare estimates for the activity that would be generated; both traffic and parking. I'm sure the Board is well aware, normally the first thing we would do is open the IT manuals and take a look at the rates for these types of uses and come up with something that sort of describes what would be generated. But when we look at those publications, what it shows is that many of the uses, individual uses are sort of homogenous and when you compare it to what NYU Langone is proposing, it's more of an amalgamation of multiple different departments. So this is to say the data may be represented with a single portion of this application, whether it be the surgery or whether it be general practice. But it does not describe the mix of activity that's going on here and based on that, we didn't think it was appropriate to assign, you know, multiple different land uses for different spaces in the building. To account for this, what we instead looked at was a detailed description of the operation that was provided to us by NYU Langone. This included, in substance, the staffing for each department, the patient loads for the entire day, the turnover expected for patients in each individual department

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1 and the staffing for the nonmedical space for the building.
2 From this information, we created a matrix which showed the
3 hourly breakdown in traffic that would be generated, as well as
4 the estimated parking demand at any given time of day. Now, in
5 preparing this matrix, the first thing that I can say is it's
6 important to note that we were deliberately concerned. We
7 essentially assume that each patient or a member of staff
8 represent a separate vehicle on the roadway or separate parked
9 vehicle in the lot. Now, despite the fact that -- I think
10 everyone is well aware, the property is located within a
11 reasonable walk to the Manhasset train station and the Nassau
12 Intercounty Express bus routes run continuously on Northern
13 Boulevard. It stands to reason that a discernable portion of
14 the site generated traffic will utilize these options or may
15 take advantage of carpooling options. As a result, it will be
16 a reduction in activity compared to what we predict in our
17 report. Despite this concern of estimated activity, in terms
18 of traffic, we were able to show that the site generates less
19 activity in some of the key times of day. Mostly in the
20 afternoon and on weekends, in comparison with the historical
21 data we've had from the Lord and Taylor application dating back
22 to 2015. Further, the only time of the day that we are looking
23 at that we're going to generate more traffic is during the
24 morning. We were able to show that the activity can be
25 accommodated on a roadway network, because during the morning
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2 there's less traffic on Northern Boulevard than the afternoon,
3 which is the most critical time of day.

4 With respect to the parking generation, our
5 conservative matrix did show that our peak parking will be 515
6 parked vehicles, which does exceed that 489 that we specified
7 originally. So, you know, again, I have to reiterate, a very
8 conservative estimate. Based on the level of public transit,
9 based on just the fact that many people consulting something
10 particular like ambulatory surgery are dropped off and picked
11 up later. You know, it would be very easy to come up with some
12 reduction and show that that peak demand would still be below
13 that 489. Regardless, we want it to be conservative. We
14 talked about that with NYU Langone. To be conservative, we
15 wanted to basically show what would happen in the worst case
16 scenario and how they can accommodate that. We wanted that to
17 be on the table so that there was a plan if that were to
18 happen. Again, the parking is constrained. There is no
19 parking offsite that people can utilize. There is no on street
20 parking. They need to be able to satisfy the demand onsite.
21 So the scenario that we came up with to satisfy that demand was
22 to impose valet parking. You know, I think it's well known --
23 I have to imagine that everyone on the Board and here today has
24 been to some medical office in Long Island where they impose
25 some type of valet parking and probably some of them are
26 operated by NYU Langone; to be honest, to make up the

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2 difference when -- when there's a parking shortage. And, you
3 know, we took a look at it. We tried to be reasonable in terms
4 of where they could fit in the valet, without really utilizing
5 the entire site in that manner. And we came up with a valet
6 parking plan, which, you know, is providing around 550 parking
7 spaces. So based on this, you know, if we are looking at this,
8 you know, unlikely scenario that the board could come to pass.
9 You know, again, we think it's very unlikely. NYU Langone
10 would be prepared to, you know, put this valet plan into action
11 and, you know, based on their review, they think they can
12 operate it in that matter. And that would make sure, you know,
13 that the parking demands could be satisfied onsite so that
14 there wouldn't be any congestion or hazard. So based on
15 this -- based my assessment, in the event that this unlikely
16 scenario comes to pass and seek condition, I still don't think
17 that the traffic and parking generated will cause any undue
18 hazard and congestion in the study area. It's my opinion that
19 the application for the parking variance should certainly be
20 granted and that's about it. I'd be happy to answer any
21 questions.

22 MEMBER GOODSSELL: I do have a question. Mr. Machtay,
23 could you clarify the record that first, the building plans and
24 the modifications do not include any interior parking to the
25 building. Is that correct?

26 MR. MACHTAY: They do not. No, all of the parking is

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within the parking lot. Just the loading would be within the building.

MEMBER GOODSSELL: And then the -- could you clarify the record as well, that the advantage to valet parking is that you can stack or squeeze cars in, more cars than permissible, because the valet controls where they go. Is that correct?

MR. MACHTAY: Absolutely. Hopefully you can still hear me as I step to this. It might be a little muffled. I apologize. But if you look at the plan we prepared, essentially what we assume would happen is that the valet operator, which, you know, generally has experience with this type of thing, to make sure that they operate it properly, we'll corner off the eastern portion of the site utilizing the parking stalls. And portions of the drive aisles would essentially increase the volume of parked cars while still making it accessible so nobody has to wait for them to move 20 cars until they reach theirs. Which, you know, again is probably conservative. They probably could fit even more if they needed to. Essentially, it's a concern that there's additional capacity onsite and in areas that there's not gonna be any circulation, because again, they are going to corner that off so people aren't driving through looking for a spot.

CHAIRMAN MAMMINA: I guess also just expanding maybe a little bit on that; would your testimony be that the need for the valet parking does not exist in terms of this variance,

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because you're -- you're not denied, you know, for tandem or valet as a way to supplement that. You know, I think and of course Ms. Dickson will correct me if I'm not correct, but that really can't be considered by us, you know, today. So I just wanted to make sure that that was on the record.

MR. MACHTAY: Well, in general, it's my opinion that the 489 spaces being provided will very likely be more than adequate.

CHAIRMAN MAMMINA: Well, I think the very likely is, you know, is, you know, a concern. You know, that the testimony is not yes, you know, it is adequate and here are the reasons why. So I'm not being critical in any way, you know, of, you know, of your report and, you know, your frankness as I read it as one Board member.

MS. DEEGAN DICKSON: But I'd like to just say that that's part of the reason, you know, people say, oh, traffic engineers, they always say whatever you want them to say. I would love it if he would say it's a 100 percent guarantee we will never have a problem and unfortunately, we can't say that, because we know that, you know, there may be. We think it's unlikely because of the conservative analysis, but there may be a time when this is more popular than the parking can accommodate and that's why we've proposed the valet parking scheme. And if this Board feels more comfortable making it a condition of approval that, you know, that we submit something

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down the road. If there's a problem, we come back, you know, we would be happy to do that. You know, I think to impose it now is not necessary, but I think it should give this Board a very high level of comfort that we have anticipated it and that we do have a plan that will work that would accommodate, you know, even an unusual unexpected peak.

VICE CHAIRMAN FRANCIS: So I have one issue with regard to your assumption that people are arriving via the train station are going to walk to this location. I'm a fairly fit person for my advanced age and I will tell you, I would not walk uphill to that location from the train station.

MEMBER GOODSSELL: Neither would I.

VICE CHAIRMAN FRANCIS: So I would like to hear your basis for that assumption.

MR. MACHTAY: Well, I mean, you know, it's fair to say there's probably some people that maybe they would use Uber or maybe there would use, you know, some other type of ride share. You know, census data shows that a notable portion of people who work in Manhasset use public transportation, specifically -- most specifically transit on Long Island. I'm not anticipating -- I wouldn't anticipate an extremely large percentage, but some percentage. And again, we didn't assume that as we're doing this analysis. We assumed that nobody would do it to be conservative. But some percentage may and, you know, it depends on where they live relative to the train

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stations verses where a person, where they work here in Manhasset, you know, and just a number of other factors. You know, I wouldn't expect it to be more than, you know, somewhere between five and 10 percent just based on the census data. Which, if the Board wanted, we can pull and provide it. But still, it's not -- I don't think it would be zero. But we assumed it would be to be conservative.

VICE CHAIRMAN FRANCIS: I don't know.

MEMBER GOODSSELL: I don't think anybody would walk from the train station.

VICE CHAIRMAN FRANCIS: Yeah. I don't think anybody would walk. And because of that, if people are not walking and they're driving or taking Uber, isn't that going to impact on your traffic assumptions?

MR. MACHTAY: Well, yes and to account for that, we assumed that everyone would drive separately. Every single person driving to the site was assumed to be a separate vehicle. No car pooling, no public transit, nothing. We just -- we wanted to -- we wanted to look at this as conservatively as possible. We understand that, you know, this location on Northern Boulevard is obviously sensitive in terms of traffic. We wanted to be as conservative as possible so that, you know, whatever the findings of our study were, that they covered every single basis that could be covered.

CHAIRMAN MAMMINA: I think, you know, as a Board, you

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know, our objective is not to poke holes so to speak in your presentation, which, as said, is complete as it always is and I respect that. But, you know, I will also say someone coming into a surgery center and being dropped off and picked up later, I don't think that that's going to be the way that something like this happens. I do a good amount of this type of work in my practice. You know, I've dealt with my wife through many many surgeries, you know, for her. You know, I stayed there and, you know, I'm gonna wait to see, you know, is there, you know, something else that's going on, a consultation, you know, with a doctor after that is not uncommon. But again, it's not to poke holes. It's to create a record, you know, that, you know, that is valid and complete, you know, for this application.

MEMBER GOODSSELL: The other thing I want to point out is, those of us who were around in 2015, I was not on the Board then, but I was shopping in Lord and Taylor during Christmas and I can tell you when -- there were times when that parking lot was full and the problem is when you have substandard or smaller than average parking spaces, people over park. So you see some vacancies where nobody can fit in, because the vehicle itself over parked. So automatically to me, as one Board member, built into the plan is a certain amount of obsolescent of these parking spaces, because you see that. So I accept your testimony and I understand what you're saying. It's just,

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I remember that parking lot from a few years ago. It was busy, very busy. We can only hope that NYU Langone is just as busy. I'm sure they would like that very much.

CHAIRMAN MAMMINA: I can bring up my little app.

VICE CHAIRMAN FRANCIS: Mine too.

CHAIRMAN MAMMINA: And they do what they do extremely well. Yes, customer service is part of it and I get a follow up e-mail and sometimes even a phone call.

VICE CHAIRMAN FRANCIS: And they do have -- they do have valet parking at other locations. I don't know why that wouldn't be a part of the initial plan for this particular facility?

MS. DEEGAN DICKSON: It may -- it may end up being. You know, the fact is that it's not open yet and that there's different practice areas that will move in sort of gradually and, you know, in my laypersons expectation, I would think that it probably will be part of it at some point. But I don't think that that final decision has been made yet. You know, again, certainly not at the beginning as the building is starting to fill up. You know, I think as Chairman Mammina said, they are a high service provider. Medical providers; the model has changed over the years. There's a lot of opportunities to go elsewhere. So everybody has stepped up their game and if it's too hard to park there, people are going to go to a different place. So that's something NYU will not

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allow to happen easily. You know, and I think something that's very relevant to this application, that this is, you know, the fact that any spillover leaves the site, leaves the area. There's really -- there's nobody that's going to be harmed by a lack of parking, other than NYU and its patients. And it's patients will vote with their feet, you know, that. So I think this Board can take some comfort in that. You know, there -- we say a lot in the layman's, that you don't build a shopping center parking lot for Christmas Eve parking and we all know that that's when everything is the busiest. And I don't know what the peaks are in ambulatory surgery, but --

MEMBER GOODSSELL: Not voluntary surgery. Not during Christmas.

MS. DEEGAN DICKSON: Right. Exactly.

CHAIRMAN MAMMINA: I apologize for interrupting. Is this going to be exclusively an ambulatory surgery destination for NYU or --

MS. DEEGAN DICKSON: No. There will be medical offices on the first floor.

CHAIRMAN MAMMINA: I would think so.

MS. DEEGAN DICKSON: Yes.

CHAIRMAN MAMMINA: Because again, that's very large and it's very common to have multi-- multi --

MS. DEEGAN DICKSON: Disciplinary.

CHAIRMAN MAMMINA: Not one stop shopping. Not one stop

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shopping.

MS. DEEGAN DICKSON: Right. Oh, yeah. Right. So you go see your doctor and they say get some blood work. You go to the lab, you go get your MRI, you go get your x-ray. You know, and that's another thing that I think mitigates positively for this, that, you know, you may park your car once and spend the day there. Whereas, you know, it's not going to be the traffic generator as if every space is filled by an individual and it's just direct in and out. So, you know, it's one of the things that I think is changing, that the way medical services are provided these days as well. I do have representatives from NYU Langone health here, Dave Resnick and Beau Everett, if you have any specific questions for them. We also have the architect Sophie Buttiens from Ewing Cole Architects, if you have any questions for her and then Andrew Kelly from VHB is here. He's the site and civil engineer who can answer any questions you may have about the parking lot layout.

VICE CHAIRMAN FRANCIS: I don't know if you mentioned, but how many employees are going to be at this facility?

MS. DEEGAN DICKSON: I don't have it at my fingertips, but I can find it. So a maximum of 339 and that's -- that's all employees. So that's the, you know, if the doctor comes in for surgery in the morning and gone in the afternoon, you know, the different shift workers. You know, everybody from phlebotomists, to surgeons, to, you know, billers.

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2 MEMBER HERNANDEZ: Is that 389?

3 MS. DEEGAN DICKSON: 339.

4 VICE CHAIRMAN FRANCIS: And do you have an estimate as
5 to how many patients can be seen in a day?

6 MS. DEEGAN DICKSON: Again, the maximum would be about
7 1,400.

8 MEMBER HERNANDEZ: Now, the patients clearly don't
9 necessarily spend the day there. They come and go.

10 MS. DEEGAN DICKSON: Some will and some won't. So
11 yeah.

12 MEMBER HERNANDEZ: Some won't. And if you bring a
13 patient, you probably will park the car, wait for them to have
14 their procedure, whatever it is and hopefully very shortly
15 thereafter you both leave. But the 339 workers are going to be
16 there for at least an extended period of time. At least four,
17 five hours and they represent a big chunk of your parking
18 spaces. Now, it's good in that diminishes the amount of
19 traffic going back and forth, because they came in once in the
20 morning and they leave at five or six o'clock in the afternoon.
21 So it diminishes your traffic, but it blocks a parking space
22 for your whole day.

23 MS. DEEGAN DICKSON: Well, our intention is also to --
24 on the rear of the parking lot back here with the building
25 being here, to direct employees to park in the back. So it'll
26 minimize, you know, gaps in the parking. You know, where

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2 patients aren't going to want to park all the way back here.
3 It's also another reason for the drop off area, which will
4 facilitate valet, if, as and when it becomes necessary. But,
5 you know, I think based on the -- the way that they expect the
6 facility to operate and based on the, you know, other
7 facilities that they have, it's their full expectation that
8 even with the employees that are there, that there will be more
9 than adequate parking to accommodate.

10 MEMBER HERNANDEZ: I've been in that neighborhood long
11 enough to remember the old building with the old parking lot
12 before they added that extension leading into the back.
13 Unfortunately I was also familiar with that store, because my
14 wife liked it a lot and the holiday season was very difficult
15 in the parking lot. The rest of the year wasn't. There was
16 enough, but they had to build that extra parking because of the
17 holiday season. Unfortunately when they remodeled it, they
18 also took a way a lot of parking spaces, because they added
19 that whole section on the eastern end that used to be parking.
20 That's where I used to always park. Up on the first floor, not
21 on the sublevel. Okay. So they made the building bigger,
22 adding more retail space and they took away a lot of parking.
23 I was not on the Board at the time and that was probably when
24 this was -- this last approval was made. But I do see that the
25 -- unless there's employee parking someplace else with shuttle
26 service, with 339 employees that are most likely going to be

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single riders, unless they happen to be, you know, a couple that are coming to work together, you're going to have a lot of that parking space being taken up by the staff.

MS. DEEGAN DICKSON: But I think though that you have to recognize that truly though the employees that are there are everybody from orderlies and janitors, to nurses, to billers, people working part-time. You know, probably some, you know, students, medical students, you know, here and there, a lot of them avail themselves to public transportation. A lot of them do avail themselves to being dropped off and picked up, and then there is also, you know, Uber and Lyft. Anybody who does take the train, I'm with Mr. Francis, I don't know that I'm walking from the train station, but I would take an Uber or Lyft and have it drop me off there and I think that that's something.

MEMBER HERNANDEZ: If 50 percent of them were to use Uber, Lyft, bicycles, scooters.

MEMBER GOODSSELL: Bus.

MEMBER HERNANDEZ: Bus, whatever, it would still be 170 parking spaces being taken out of 489. That leaves you with roughly 300 for all of your 1,400 patients and their driver's.

MS. DEEGAN DICKSON: Right. But again, the 1,400 is a maximum that, you know, I think NYU would consider themselves blessed to see. But it's not something that's typical and it's not all at the same time. I'll let Mr. Machtay elaborate.

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MR. MACHTAY: You know, we -- in accounting for that 1,400, we are not assuming that they are all coming to the site at the same time.

MEMBER HERNANDEZ: Of course not.

MR. MACHTAY: The operation is over the course of an entire day. So we were looking at, you know, the -- again, you look at each individual department. NYU Langone has a pretty good idea of how long patients are there for each, you know, whether it's radiology, you know, an x-ray, MRI, ambulatory surgery, probably they are going to be there longer, et cetera and so forth. So we accommodated for that and tried to figure out what our peak patient load was for the day and that's much less than 1,405 at any one time. So we accounted for that and, you know, we came up with our parking demand. And based on all of that information, we came up with 515 parked cars at any one time. That includes employees, that includes patients, that assumes, again, everyone there will be a single rider as you just said. So as conservative as can be. Certainly no one is going to generate two parked vehicles for one person; that's impossible. So, you know, we looked at all of that and that's where we came to where we said okay, you know, we advised NYU Langone. We said you gave us this information and it says this number at the end and we are not providing that number. So, you know, in good conscious as a traffic engineer, we can't -- we wouldn't be able to say we can support the variance unless

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you're willing to, you know, accommodate that situation if it were to come to pass. That's where we came up with the valet parking plan. You know, if, you know, all we can do is estimate what the demand is going to be based on the information we're given and that's what we've done. I think, you know, I think that the parking that has been provided, in my professional opinion, that's going to be adequate for this use.

CHAIRMAN MAMMINA: You know, I think unfortunately and without beating this, you know, this horse to death, first of all, we are extremely fortunate to probably have the finest healthcare in the world, you know, within, you know, 15 minutes to an hour. You know, I had a craniotomy 10 years ago at NYU and then after I got home, I was having seizures and, you know, we called in a panic. You know, and the doctor said I'm gonna wait for you right here, you know, in Manhattan on First Avenue and, you know, boom, we drove in and, you know, I was an emergency room of a stroke unit, you know, in a matter of minutes and that's incredible. But also at the same time, you know, we -- we all have experience with let's say the Marcus Avenue corridor. You know, where I have personal knowledge of the owner of one of those buildings moving his offices out of his very own building, because he said, you know, with the valet parking, I can't get my car for 20 minutes, you know, and that's just a reality of it. You know, so I said we do the

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2 balancing test, you know, as everybody knows. You know, so I'm
3 not condemning the application, I'm not approving the
4 application and I think one of the things that, you know, that
5 we wanted Mr. Norgent here for is maybe just to put on the
6 record, you know, what process we might need, you know, if
7 it's, you know, if it is valet parking that we end up at. You
8 know, whether it becomes part of this application, you know, or
9 if we decide, okay, let's give it a try. I don't know. So,
10 you know, I don't want to cut short, in any way, your
11 presentation. You know, I invite you to go further and
12 complete your record if you feel that it's not at this point.
13 You know, and then again, I think you've done a good job with
14 what you have to work with and I don't say that in a pejorative
15 way. So maybe we can bring Mr. Norgent up and, you know, of
16 course, you know you have the opportunity to speak regarding,
17 you know, any of that.

18 So Mr. Norgent, put your name and address on the
19 record.

20 MR. NORGENT: Glen Norgent, Deputy Commissioner of the
21 Building Department for the Town of North Hempstead Building
22 Department.

23 Yeah. I want to put on the record that the
24 application, as reviewed by the Building Department, did not
25 include tandem parking, which would require an additional
26 variance from the Board of Zoning Appeals, because the

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1 definition of parking spaces, 70-231, says that the parking
2 space must have direct and usable access to the street. Once
3 you park another car behind a car, it no longer has direct and
4 usable access to the street. And if that is something that is
5 put on plans that we review, we deny the application for that.
6 That hasn't been done in this case. Generally speaking, I do
7 not make suggestions on how things may be handled, but this is
8 sort of like land bank parking in certain zoning districts.
9 Where that rule is, yeah, you could do this, but you actually
10 have to come back to the Board of Zoning Appeals in order to do
11 it. So that's in the PIP area and the modified PIP. There's
12 land bank parking and that says what would happen in that case
13 if they get approved for what they want to do without the valet
14 parking and the tandem parking. And then the Building
15 Department or code enforcement discovers that there is getting
16 way too many complaints about the parking at this location, we
17 would send them a letter saying hey, as per the Board of Zoning
18 Appeals' prior decision, you now have to file a new application
19 for the tandem parking, get denied for that and come back to
20 the Board of Zoning Appeals. That's an option. I'm not saying
21 that that's a good option or a bad option, that would be up for
22 you people to decide. But that's how the -- yeah. But that's
23 how the land bank parking works. So I'm just going to compare
24 this to that.

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26 CHAIRMAN MAMMINA: Thank you.

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2 MR. NORGENT: So any questions?

3 CHAIRMAN MAMMINA: No. We appreciate it very much.
4 Appreciate your time.

5 Ms. Dickson, anything else.

6 MS. DEEGAN DICKSON: No, we don't -- we don't have
7 anything else to add. You know, as I mentioned, we have
8 everybody here to -- available to answer any other questions
9 that you may have.

10 VICE CHAIRMAN FRANCIS: Ms. Dickson, just one other
11 question and I'm sure you've already reached out to North Hills
12 with regard to this plan.

13 MS. DEEGAN DICKSON: Yes.

14 VICE CHAIRMAN FRANCIS: Have you -- have you presented
15 them with the possibility of the valet parking?

16 MS. DEEGAN DICKSON: Not yet. We haven't appeared
17 before their boards yet. Meeting with the village officials
18 there, they said the Town of North Hempstead is the lead on
19 this and once we get through the BZA process, then we are going
20 to file our application with the village.

21 VICE CHAIRMAN FRANCIS: Okay.

22 CHAIRMAN MAMMINA: Okay. Right now we still have
23 Nassau County Planning Commission is pending. We realize that
24 they meet tomorrow, you know, I think it's tomorrow, but, you
25 know, we still couldn't do anything with this, you know, any
26 way today. But, you know, I think we'll reserve decision, you

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know, on this, you know, and we won't decide this today. We want to see what North Hills says as well and, you know, we're -- certainly we've got a lot to chew on, you know, to see how we make this work.

MS. DEEGAN DICKSON: And I just want to say though, I'm not sure that North Hills will have anything to say until after you guys do.

CHAIRMAN MAMMINA: Right. And that's okay. You know what, thank you for clarifying that for me. They probably won't. Correct.

MS. DEEGAN DICKSON: But thank you and if you have anything else after, you know, I'm sure you'll let us know and we'll be happy to provide it.

CHAIRMAN MAMMINA: That's right. Yes, we will continue the application, because we will potentially get, you know, input from North Hills, you know, and we don't have Nassau County Planning Commission.

SECRETARY WAGNER: Also, we have to forward you the additional correspondence.

MS. DEEGAN DICKSON: Yes. Okay. All right. Thank you very much.

CHAIRMAN MAMMINA: Thank you.
Please call the next case.

SECRETARY WAGNER: Next appeal, Appeal Number 21320, Halo Veterinary Hospital (Hyunmin Kim); 909 Willis Avenue,

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Albertson; Section 9, Block 69, Lot 1334 in the Business A Zoning District. Special Use 70-127 and Variance from 70-103(A)(1), to convert an existing commercial space into a veterinary hospital (a special use) with not enough parking.

CHAIRMAN MAMMINA: You've heard Appeal Number 21320, Halo Veterinary Hospital, Hyunmin Kim. Is there anyone in the room interested in the application, other than the applicant? Seeing three hands. So you will have the opportunity to speak after the presentation. Thank you.

SECRETARY WAGNER: And you are the lucky applicant who has received letters of support for your application.

MR. OLIVIERI: Terrific.

MEMBER GOODSSELL: It's Christmas.

MR. OLIVIERI: Everything is good during Christmas, right.

CHAIRMAN MAMMINA: Please give your name and address.

MR. OLIVIERI: Good morning, Chairman and Members of the Board. Thank you for listening to our case. My name is Joe Olivieri of Garten Associates and I'm representing Halo Veterinary clinic and owner Hyunmin Kim in regards to their tenant space located at 909 Willis Avenue in Albertson, New York.

CHAIRMAN MAMMINA: Slow it down just one tiny bit. She's very very good but --

MR. OLIVIERI: I will.

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CHAIRMAN MAMMINA: That's okay.

MEMBER GOODSSELL: When you smoke coming above her fingers, slow it down.

MR. OLIVIERI: Just trying to give you a challenge. My client has come before the Board today in order to request a special use permit for operating a veterinary practice with no overnight Board or 24 hour care, which are the same characteristics as a pet shop. In addition and dully important is the request to allow for parking variance where 21 spaces are required and only 10 are provided onsite. This is a request for a variance of 11 spaces. The property is located in the Business A District where it's comprised of addresses of 909, 911 and 915. Address 909 is our proposed veterinary clinic and measures 2,284 square feet. Attached to the building are the addresses 911 and 915, which make up the neighboring School of Rock tenant and occupy 1,814 square feet of the building. All three of these addresses are located within our subject parcel. The Halo veterinary team is intending to occupy the space to satisfy many of the local residents animal needs. Being that the veterinary use is similar to a pet shop, we all feel that adding this much needed addition to the community will not in fact cause any harm or concern to our local surrounding neighborhood or further tertiary areas. In regards to the parking variance portion of this application, Halo veterinary employed the help of Nelson

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2 and Pope to produce a parking study of the proposed site and
3 immediate surrounding streets to study what the traffic impact
4 would be due to the decreased parking demand caused by the new
5 clinic. In order to prepare their report, Nelson and Pope
6 performed a field investigation on November 1st on the building
7 site and along Willis Avenue and Lee Avenue from seven a.m. to
8 five p.m. to study the peak operations of both the existing
9 School of Rock and the proposed veterinary clinic. The parking
10 observations can be summarized by explaining that the parking
11 spaces in the surrounding surveyed area are only 57 percent
12 occupied, which is 36 spaces. Which leaves 27 spaces vacant
13 during peak operating time. Thus, leaving more than an enough
14 available parking for the requested 11 car variance. It is the
15 opinion of Nelson and Pope that based on the results of the
16 parking assessment, the proposed conversion of 909 Willis
17 Avenue to a veterinary clinic and the existing School of Rock
18 should not create any parking issues in the surrounding area.
19 Furthermore, Nelson and Pope went on in their report to point
20 out that the vet clinic will generate eight trips during peak
21 a.m. weekday hours and eight trips during the peak p.m. weekday
22 hours and that demonstrates that the vet will generate minimal
23 traffic and traffic impacts on local roadways. In the closing
24 of their report, Nelson and Pope commented "we recommend the
25 granting of the parking variance and approval of the
26 application". This property will be professionally maintained.

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They tried to be great neighbors and community members, making sure not to impact anyone's enjoyment of public space. They are taking the time and putting in the effort to move forward with this project in the proper manner and they hope to set an example for their kids and neighbors about how to do things by the book. In closing, we would like to thank the board for considering our project for this variance and allow for the Halo Veterinary clinic to serve the community.

CHAIRMAN MAMMINA: Do they have another facility anywhere or is this a first business venture for them?

MR. OLIVIERI: This is the first business venture for them.

MEMBER GOODSSELL: How many employees do you think they are going to have and where are the employees going to park?

MS. KIM: Hi, Chairman and Members of the Board. My name is Hyunmin Kim, I am the veterinarian.

CHAIRMAN MAMMINA: Please give your address.

MS. KIM: My address is 57 Lee Avenue, Albertson, New York.

MEMBER GOODSSELL: You are very local. Are you walking to this location?

MS. KIM: Yes, I actually am.

MEMBER GOODSSELL: Good. There's one parking space.

MS. KIM: Yes. That's exactly what I told Nelson and Pope as well. But I propose to have a total of six employees,

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including myself.

MEMBER GOODSSELL: And all six employees would have an adequate space to park?

MS. KIM: Yes.

MEMBER GOODSSELL: And you want to be next to the School of Rock?

MS. KIM: Yes.

MEMBER GOODSSELL: You poor thing. My sons were two of those -- not at that location -- School of Rock and frankly, I dropped them off and left until the end of the semester, whatever they want to call it. I couldn't listen to this. God bless you. I hope you have some soundproofing.

MS. KIM: Yes. Definitely planning on that.

MEMBER HERNANDEZ: What store was in that? I went by the location and I know the area, but I don't remember what store was there before you?

MS. KIM: So it was actually a store front used by, I believe some kind of an insurance company. So there was just two desks.

MEMBER HERNANDEZ: So it was an office space?

MS. KIM: Yes. Yes.

CHAIRMAN MAMMINA: And I think one of our concerns in, you know, considering any use such as this and I think we have one that's pretty local to this too, which is a pet shop of sorts, different dogs, you know, and that sort of thing. Also,

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I am a dog lover. So I never had a dog until I was 50 years old and I wasted the first 50 years of my life. I love my puppy. But --

MEMBER GOODSELL: Just to clarify, there is going to be no overnight boarding of animals?

MS. KIM: Yes.

MEMBER GOODSELL: What do you anticipate the practice to be; large animals, small animals, what -- mixed?

MS. KIM: It will be exclusively small animals. So it will be kind of wellness, sick visits, same day procedures.

CHAIRMAN MAMMINA: Okay. I think that's a good direction. But my dog loves being boarded up, because he knows all the people. But one of the things that we've had in other applications such as this, you know, are things that would affect, you know, neighbors. Is there walking of dogs outside of the building?

MS. KIM: No.

CHAIRMAN MAMMINA: Okay. So how is any of that handled in terms of your projection as to how you will run this facility?

MS. KIM: So because it's same day procedures, they wouldn't be staying for an extended period of time so there would be no need for any of the dogs to be walked outside.

CHAIRMAN MAMMINA: Okay. But still then how do you handle that waste product, you know, from the perspective of,

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again, neighboring community, people walking down the street.
I don't see any place in the plan, not that it necessarily
should have been called out, but I mean where, you know, there
is, I don't want to call it a bio waste, but it is.

MS. KIM: Sure.

CHAIRMAN MAMMINA: You know, where, you know, where
would that -- where would that be?

MS. KIM: Well, we would definitely plan on having
those little doggy bag and waste receptacle stands in the
parking lot as well as near the front of the building so if
there's any owners who, of course animals may have accidents
they would be able to clean that and --

CHAIRMAN MAMMINA: I'm saying in terms of yours. I
mean, I'm going to assume if I've got my dog there and his body
is going to take over, you've got some way you're going to deal,
you know, with that. You know, I do agree, you know, at my vet
they have little bags outside, because my guy loves to go and
sniff every tree that's in the place. So how would -- again,
how would that be handled?

MR. OLIVIERI: So my first take on this situation --

CHAIRMAN MAMMINA: What's your relationship to the
facility?

MR. OLIVIERI: I work for the architect.

MS. KIM: This is my architect.

CHAIRMAN MAMMINA: Okay. No, I get that, but I'm just

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2 saying -- look, I'm an architect and I've done this for 45
3 years. I generally don't testify about how my client is going
4 to run their business, because I don't know. You know, so
5 that's the only reason I'm asking. I'm not criticizing you in
6 any way, but, you know, so I will address that question to the
7 person who is going to be operating the business, because if,
8 you know, it's found that there's waste from the dogs in the
9 back of the building being stored in the middle of August, they
10 are not going to come to you. Their complaint is going to be,
11 you know, to the town, you know, and we like to have on the
12 record how that would be handled.

13 MS. KIM: So if I'm understanding your question
14 correctly, we will have waste services that will collect all of
15 trash and taken out regularly and disposed of, but we also be
16 cleaning the premises ourselves.

17 CHAIRMAN MAMMINA: Will they pick up in your building?

18 MS. KIM: Yes, they will pick up at the building.

19 CHAIRMAN MAMMINA: So nothing will be outside of the
20 building, out of the curb or --

21 MS. KIM: Well, we will have the waste containers,
22 because, for example, Winters Brothers or something of that
23 nature in the parking lot in the back so that they will be able
24 to collect our garage.

25 CHAIRMAN MAMMINA: I'm not so sure about that, you
26 know, in terms of that being okay.

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MS. KIM: Okay.

CHAIRMAN MAMMINA: I mean what -- what we would expect or what I would expect and we don't have, you know, any specific criteria written down for these types of uses or these are the questions that we ask, but if this were a food use, part of what goes on the record, you know, is that, you know, all -- all compressible food waste has to be maintained inside the building, there must be a contract with a carter that says they are going to come into the building and pick it up in there so that there's not things out at the curb, you know, that, you know, that would be considered objectionable.

MEMBER GOODSSELL: Smelly.

MS. KIM: Of course.

CHAIRMAN MAMMINA: So I guess I'll come back to that question and then you might want to reconsider, you know, that answer and I'm not trying to put you on the spot.

MS. KIM: Sure.

CHAIRMAN MAMMINA: You know, that's -- that's okay. And then I guess then --

MS. KIM: Yeah. So I was just conferring with Joe here, but, like, with the biohazard waste. So for example, anything that's from surgery, those are all picked up by companies that come into the building and dispose of. They collect and dispose of that. So I think everything would be done in a similar manner.

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CHAIRMAN MAMMINA: Okay. You can't think it will be done in a similar manner. The question is, what will happen to the animal waste.

MS. KIM: Yes.

CHAIRMAN MAMMINA: When I've got my puppy there all day long, you know, and I'm sure he's going to relieve himself, you know, at, you know, at some point during -- during that day, especially if he gets all panicked up. So what happens to that?

MS. KIM: So that waste will be collected -- kept within the building and we will set up a contract with a waste disposal company that will come in and pick up any trash.

CHAIRMAN MAMMINA: Okay. So we have no walking of the dogs outside.

MS. KIM: No walking.

CHAIRMAN MAMMINA: And we've handled that. Now, do you handle in here, I mean, the toughest part of having a dog and when it's time to put that dog down, do you do that in here?

MS. KIM: Yes.

CHAIRMAN MAMMINA: So then what happens, you know, with that, you know, that I'll call it a corpse still after?

MS. KIM: The remains. Sure. So we would have a contract with a pet disposal company. So for example, Regency Forest is one of them in Long Island.

CHAIRMAN MAMMINA: Don't say disposal. Only because

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I've had to put down my share of dogs.

MS. KIM: We would have a large freezer in the basement to store the bodies so the companies can come and pick up their remains.

CHAIRMAN MAMMINA: Mine were all cremated and I took them. I've got them home.

MS. KIM: I have them as well.

CHAIRMAN MAMMINA: I have them at home in nice little boxes.

Because I do think, you know, what everyone is saying is and part of the reason why, you know, zoning boards, at least generally and always in the Town of North Hempstead, you know, have people on them who come from different areas of the town, you know, and have familiarity. I mean, Willis Avenue is a north south road that I couldn't even count, you know, how many times in my 69 years of life I've went up and down Willis Avenue. So we do recognize that, you know, that when these buildings were built, no one anticipated cars in the volume that there are cars now. Nobody anticipated having multiple cars in a family and that there really are no parking alternatives, you know, and that you do have your traffic study, you know, from Nelson and Pope, you know, which is part of the application, you know, and I do think that the conditional use, you know, is really more, you know, of our, you know, of our focus, you know, and I -- I guess just in

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2 terms of what we've gotten through, you know, thus far, you
3 know, is that, you know, is that there is no boarding
4 overnight. We've dealt with those other issues that are
5 already there. The other -- the other question that, you know,
6 that I have regarding how this would, you know, how this would
7 all take place in the store, what are your hours that you would
8 operate?

9 MS. KIM: It would be Monday through Friday, seven a.m.
10 to five p.m.

11 CHAIRMAN MAMMINA: I had one other question that
12 slipped out of my head. Give me one second. And we recognize
13 we have people that wish to speak as well. So maybe what we
14 will do is why don't we hear, you know, from them, because they
15 may raise some of their questions, you know, on their own.
16 They may tell us why they love it, you know, whatever --
17 however that goes and that will give this brain a second to
18 come up with my -- my last question. So, you know, please, if
19 you wish to speak, you know, then this be your time. We say
20 one at a time, you know, if you're a couple -- my wife usually
21 does all the talking and I just sit there and I just become a
22 window dressing. Give your name and address, and, you know,
23 please feel free to give your thoughts.

24 MS. CHAUDHRY: Good afternoon, Mr. Chairman and Members
25 of the Board. My name is Dolly Chaudhry. I live at 61 Lee
26 Avenue in Albertson, New York. I've lived there my whole life.

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I went to elementary school, middle school and high school and I'm not raising my kids there.

CHAIRMAN MAMMINA: Which high school did you go to?

MS. CHAUDHRY: Herricks High School.

CHAIRMAN MAMMINA: Herricks. All right. In Mineola there is always that little competition of Herricks.

MS. CHAUDHRY: Yes.

MEMBER GOODSSELL: I'm a Herricks person.

MS. CHAUDHRY: And like you, Mr. Chairman, I lived over 40 years of my life with now doh and now I am a dog lover and my little puppy is everything to me as well. So I just wanted to say that I'm in full support of this veterinary hospital. I live just a few blocks back from Willis Avenue and if you've ever walked around in Albertson, there's dogs being walked all over town. It's such a dog friendly town. We are all walking our dogs and it's really a shame that there is no vet, hospital, you know, in town. So anytime I have to take my dog to the vet, I have to go to Mineola or New Hyde Park and the dog hates riding in cars. So there's -- I'd love to just walk her up around town. There's -- her grooming spot is probably three doors down. So I walk her there. I will walk her to this vet clinic. I'm just really excited about it being there.

CHAIRMAN MAMMINA: I think the grooming place is the one that I'm thinking of that came in years ago. A number of years ago.

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MS. CHAUDHRY: Oh, no there's a kind of a new one called Albertson Pet Center.

CHAIRMAN MAMMINA: Okay.

MS. CHAUDHRY: It's -- yeah. They're pretty new. I want to say maybe, like, two years old or something.

CHAIRMAN MAMMINA: Okay.

MS. CHAUDHRY: So I was exited that they were there. So I can walk my dog there to get groomed, walk her back. I can send my teenager to do it. I'm really excited about sending my teenager to do things that are walking distance from my house.

VICE CHAIRMAN FRANCIS: We both said the same thing. You look like a teenager, how can you possibly have a teenager.

MS. CHAUDHRY: I do. Yeah. Yeah. So I mean, they keep my young and so does my dog. We run together. We do everything together so. And the other thing is, I realize from being kind of a new pet owner, is that besides taking my dog to the vet, I always have to be going there. Sometimes if she isn't feeling well taking a stool sample there or picking up her tick medicine or her heart lard or whatever the case is. So it's really -- it's not convenient for me to have to go to, you know, all the way to west New Hyde Park where I do get parking tickets, because I have to park at meter or some other animal hospital. Mineola has their own, Williston Park has their own, New Hyde Park has their own. Albertson does not.

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We are a really small town. Probably the majority of the people that would go to this vet hospital definitely could walk there. I mean, you can walk all of Albertson in probably 10 minutes so. You know, I think it would be a real asset to the town and it will benefit, because I feel like a lot people got pandemic puppies and we really want a place in town to take them. Thank you.

CHAIRMAN MAMMINA: Thank you very much.

VICE CHAIRMAN FRANCIS: Thank you.

MEMBER GOODSSELL: Thank you.

CHAIRMAN MAMMINA: Sir.

MR. BADAMI: Good afternoon, Members of the Board.

CHAIRMAN MAMMINA: Name and address as well.

MEMBER GOODSSELL: Name and address.

MR. BADAMI: My name is John Badami, 59 Lee Avenue, Albertson, New York. I also have two dogs right now. Golden retrievers. We support having a close facility. Trying to get golden retrievers into a car and bringing them to Mineola, New Hyde Park is very difficult. This is within walking distance. I've been shopping on that strip of stores for 22 years that we are in the neighborhood and it would be very very welcomed to the community to have this kind of practice in the area.

MEMBER GOODSSELL: Can I ask you a question?

MR. BADAMI: Of course.

MEMBER GOODSSELL: If there was a veterinary clinic

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there, do you think that parking would be an issue?

MR. BADAMI: Absolutely not. I know it for 22 years. It was a hardware store before on the site and a lot of commercial traffic going in and out and that didn't cause a problem. What's there now, School of Rock, and as you mentioned before, parents drop them off and run out of there as soon as possible.

MEMBER GOODSSELL: Yes.

MR. BADAMI: So there are always open parking spaces. The street is available, both sides of the street so I don't think -- I know for a fact parking will not be a problem.

MEMBER GOODSSELL: Thank you.

MR. BADAMI: Thank you.

CHAIRMAN MAMMINA: Ma'am. Sure, come on up. Anyone else?

MS. BADAMI: Hi, I'm Lorraine Badami, 59 Lee Avenue. That was my husband. But I just wanted to reiterate, I've lived in the area my whole life. I went to Herricks as well. I won't say the year.

MEMBER GOODSSELL: I probably graduated before you.

MS. BADAMI: I won't say the year. But I wanted to reiterate on that street there's always parking. There's the post office down the block, there's restaurants, there's a hairdresser that I use and I've never had a problem parking at any time of the day and I would welcome having a veterinary

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service close to my home.

MEMBER GOODSELL: Very good. Thank you.

VICE CHAIRMAN FRANCIS: Thank you.

CHAIRMAN MAMMINA: One other thing I will say without making your application for you that as much as I love my dog, when I go to the vet, most of the time it is a drop off and then a pick up. So, you know, it -- it does have a quick turnover in my experience.

MR. OLIVIERI: I mean, that pretty much sums up -- I think that pretty much sums the testimony we want to give today.

CHAIRMAN MAMMINA: Okay.

MEMBER GOODSELL: All right. So Members of the Board and Chairman Mammina, I will make a motion that we grant the application for special use under Section 70-127 and a variance from variance 70-103.A1, if the following conditions, which I believe the applicant is agreeable to. First, that there is, per the applicant, no overnight boarding of animals. Second, that any pet waste or biohazard pet material should be stored inside the building and picked up inside the building by a professional waste removal service. Third, that there is no walking of dogs outside of the building and fourth, any bodies of any animals are to be stored, if they are stored, to be stored on the premises inside to be picked up also by a professional service and with those conditions, I propose that

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2 we approve the application.

3 CHAIRMAN MAMMINA: Okay. We have a motion. Do we
4 second?

5 MEMBER HERNANDEZ: Second.

6 CHAIRMAN MAMMINA: All right. Seconded by Member
7 Hernandez, first by Member Goodsell. Please poll the board.

8 SECRETARY WAGNER: Member Goodsell?

9 MEMBER GOODSSELL: Aye.

10 SECRETARY WAGNER: Member Hernandez?

11 MEMBER HERNANDEZ: Aye.

12 SECRETARY WAGNER: Vice Chairman Francis?

13 VICE CHAIRMAN FRANCIS: Aye.

14 SECRETARY WAGNER: Chairman Mammina?

15 CHAIRMAN MAMMINA: Aye. So the application is granted.
16 That's the parking variance application, as well as special use
17 permit.

18 MS. KIM: Thank you very much.

19 CHAIRMAN MAMMINA: With the condition that --

20 MEMBER GOODSSELL: I would also like to thank the
21 members of the audience who came. Your testimony was most
22 appreciated.

23 MS. KIM: Thank you.

24 CHAIRMAN MAMMINA: Okay. Let's call the next case.

25 SECRETARY WAGNER: Appeal Number 21321, OPTVX; 2443
26 Jericho Turnpike, Garden City Park; Section 9, Block 612, Lot

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51 in the Business A Zoning District. Variance from 70-103.A(1), to construct interior alterations for conversion of a retail space to a medical office with not enough parking onsite.

CHAIRMAN MAMMINA: You've heard Appeal Number 21321, OPTYX. Is there anyone in the room interested in the application, other than the applicant? Seeing no one. Please give your name and address.

MS. HARUTUNIAN: Hello. Tamar Harutunian from Avrutine and Associates, 2116 Merrick Avenue, Merrick, New York. Good afternoon.

CHAIRMAN MAMMINA: Good afternoon.

MS. HARUTUNIAN: I'm pinch hitting today for Howard Avrutine.

CHAIRMAN MAMMINA: Tell him we miss him.

MEMBER GOODSSELL: Could you give me your last name again?

MS. HARUTUNIAN: Sure. Harutunian. I could spell it if you want.

SECRETARY WAGNER: Yes. For the stenographer.

MS. HARUTUNIAN: Sure. Sure. H-A-R-U-T-U-N-I-A-N.

MEMBER GOODSSELL: Thank you.

MS. HARUTUNIAN: The premises under the application is located at the northeast corner of Marcus Avenue and Jericho Turnpike, and runs through to Herricks Road in Garden City

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2 Park. It's known as the City Park Plaza shopping center. The
3 Board may recall prior applications by the Lidl supermarket,
4 Dogtopia, dog day care facility and Moogu Japanese restaurant
5 in the center. A list of the all prior Board approvals is part
6 of the application package. By this application, the
7 application -- the applicant seeks a variance from off street
8 parking requirements in connection with a 1,500 square foot
9 portion of the center, which will be utilized by an optometrist
10 office and optical shop. Actually what's taking place is that
11 there is an existing optical shop/optometrist business that's
12 operated in a 1,500 square foot space in the center since the
13 1980s. There's already an existing place there. For each of
14 those applications involving the center over the past several
15 years, that space was determined to require one parking space
16 for every 300 square feet of floor area. The existing optical
17 shop/optometrist business is relocating to a different 1,500
18 square foot space in the center. So same size just different
19 location. In reviewing the building permit application for the
20 construction of the new space, the plans examiner determined
21 that the space should be considered a medical office because of
22 the presence of the optometrist. As a result, the parking
23 calculation for the store changed from one parking space -- it
24 changed from the three to one parking space for every 300
25 square feet to one parking space for each 150 square foot of
26 floor area. That includes the required parking that

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1 necessitates the variance. We would like to point out that
2 another tenant at the shopping center, Mama Theresa's Italian
3 restaurant, they'll be filing an application for a conditional
4 use and a parking variance, in order to legalize certain
5 existing conditions at their space. That application right now
6 is being processed and currently moving through the Building
7 Department. While we understand that it would be preferable to
8 hear both the cases together, the applicant's lease for our
9 applicant OPTYX, the applications lease obligation is such that
10 the applicant decided to proceed as soon as possible to have
11 the new build out completed so it can move into its new
12 location in the center. It should be noted that the existing
13 conditions that Mamma Theresa seeks to legalize and the
14 applicant's operation in the center, have existed the way they
15 are for quite sometime and are taken into account in the
16 parking study as part of the application. The total number of
17 parking spaces required for the entire center is 397. The
18 total number of spaces provided is 373, resulting in a 24 space
19 deficiency. However, please note that the board previously
20 granted a variance for a 12 space deficiency under Case Number
21 20899 on February 26, 2020 for the F45 gymnasium at the center.
22 As a result, we are actually seeking an additional relief of 12
23 spaces. With regard to the business operation itself, we are
24 told that the store hours are Monday through Wednesday, 10 to
25 six. Thursday, 10 to seven. Friday, 10 to six. Saturday, 10
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2 to five and the business is closed on Sundays. The business
3 has as an optometrist who is there three days a week, as well
4 as two part-time employees. There are no more than three
5 employees there on any given day. That's all I have, but if
6 there's any questions for me I'll answer them. If there are no
7 questions at this time, I will introduce Wayne Muller from R&M
8 Engineering, the parking and traffic consultant.

9 MEMBER GOODSSELL: Before you begin, the landlord redid
10 that entire parking lot several years ago so your study is
11 based upon the new configuration. Is that correct?

12 MR. MULLER: Yes, that's correct. Yeah. Everything --
13 for the record, Wayne Muller, M-U-L-L-E-R, Robinson and Muller
14 Engineering. Offices at 50 Elm Street, Huntington, New York.
15 Yes, the reconfiguration of this site was put on application
16 that we put before this court, I would say probably four -- in
17 fact, it's listed in my report when we came in. We came in
18 back in 2018 to reconfigure the site, make it more sufficient
19 and we had some parking stalls that were deficient in the way
20 that they were, as it relates to the code and that is the
21 current configuration that's out there now. I believe as part
22 of Dogtopia, that application, we configured some of the
23 eastern portion of the property and then there was a lot of
24 discussion with the neighbors behind to the north about the
25 utilization of that ally way behind and all those issues have
26 been solved, to the best of my knowledge, because the neighbors

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are not here and they were very vocal in the past and I think it's a testament to the applicant, that things actually worked the way that they wanted them to with neighbors not being here, with the gates installed and all of that kind of stuff. But as part of this application, we prepared a parking and limited traffic analysis dated November 4, 2022, which was previously submitted to the Board. As indicated, we are seeking a minor variance, in my opinion, because of -- due to modifications in the code. Previously, the OPTYX store was considered to be retail and now they're considering it to be a medical office. So in all intents and purposes, it's like a technical variance. They are there on the site now operating fully and we would not anticipate any significant changes to their operation if this application were to be approved. As indicated in my report, we performed observations of the parking activity on the subject property on two different days. A Friday and a Saturday; those are the peak days for retail. And then what we did was, we computed a parking rate using the maximum number of vehicles that we observed park. There's currently about 10,000, maybe a little bit more, square feet that was vacant and then we applied that rate for the entire square footage of the building and found that there would be more than adequate parking provided on the property if and when all of the tenants are fully occupied on the property. As indicated in my report, the level of activity generated by a medical office of 1,500 square

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feet, if we were to apply that to the OPTYX optical shop, it's relatively very minor. We don't anticipate any significant increase of traffic and the nice part about a shopping center is that we've got the synergy between the various different uses. Somebody could go to the optical store, they may go to Lidl, they could go have Japanese food and yada, yada, yada. So the number of trips tend to be less, but if we were to add them all up, it would be extremely low. That is my testimony. I would be happy to answer any questions, if you have any.

MEMBER GOODSSELL: My only question was that it was based upon the reconfigured parking lot and that the old one used to flood, which was insufficient and this one did not. And correct me if I'm wrong, but the optometrist who is there, they're moving further to the west?

MR. MULLER: Correct.

MEMBER GOODSSELL: In the old general nutrition -- the GNC shop?

MR. MULLER: I'm not sure of that.

MEMBER GOODSSELL: Okay. I know there was something else there before and it's now vacant and I don't see a sign there.

MR. MULLER: Correct. Yes, that's the space that they're moving to. So they'll renovate that space, they'll move in and then this space will be occupied by another tenant. And actually, the applicant has done a nice job rehabilitating

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that center over the last four or five years. I mean, he did a nice job.

MEMBER GOODSSELL: I'm there frequently. I know all about that. I remember when it used to flood after a rainstorm, now I find it very efficient. And I'm surprised to hear that it actually does not have enough parking spaces to accommodate or does not need code. You need a variance for 12 spaces, because I have never had a problem parking there. Maybe Christmas Eve, but then again, everybody -- oh, and excuse me, when Lidl, the supermarket, first opened.

MR. MULLER: First opened.

MEMBER GOODSSELL: My favorite store. There was no parking whatsoever for even the other businesses. I was having my haircut and I had to park across the street. So I do --

MR. MULLER: That's pretty common when retailers first open. Right, there's this thing about it and then it starts to settle into normal patterns.

MEMBER GOODSSELL: We can only hope that your client has a line out the door.

MR. MULLER: They may love that, I believe. Thank you.

VICE CHAIRMAN FRANCIS: Thank you.

MEMBER GOODSSELL: Mr. Chairman, I think I can, Mr. Chairman. I make a motion that we grant the application for the parking variance under section 70-103.A1 as presented.

CHAIRMAN MAMMINA: Okay. We have a motion by Member

1 APPEAL NUMBER 21321

2 Goodsell. Do we have a second?

3 VICE CHAIRMAN FRANCIS: Second.

4 CHAIRMAN MAMMINA: Seconded by Vice Chairman Francis.

5 Please poll the Board.

6 SECRETARY WAGNER: Member Hernandez?

7 MEMBER HERNANDEZ: Aye.

8 SECRETARY WAGNER: Member Goodsell?

9 MEMBER GOODSSELL: Aye.

10 SECRETARY WAGNER: Vice Chairman Francis?

11 VICE CHAIRMAN FRANCIS: Aye.

12 SECRETARY WAGNER: Chairman Mammina?

13 CHAIRMAN MAMMINA: Aye. Application is granted. Thank
14 you.

15 Please call the next case.

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1 APPEAL NUMBER 21232.A

2 SECRETARY WAGNER: Appeal Number 21232.A, Michael
3 Tobias; 111 Magnolia Avenue, Westbury; Section 11, Block 141,
4 Lot 37 in the Industrial B Zoning District. Special exception
5 to 70-229(A), to redevelop the property not in compliance with
6 a prior BZA decision.

7 CHAIRMAN MAMMINA: You've heard Appeal Number 21232.A,
8 Michael Tobias. Is there anyone in the room interested in the
9 application, other than the applicant? Seeing no one. I have
10 to ask. Please give your name and address.

11 Board of Zoning Appeals Yes, I am Michael Tobias. My
12 personal address is 65A Shore Acres Drive in Mamaroneck. Just
13 to refresh everyone's memory, my father had his business over
14 here. It's a powder coating facility and warehouse, which
15 burned down. It went on fire. You may remember seeing me
16 again from three months ago.

17 MEMBER GOODSSELL: What happened, Mr. Tobias, and there
18 was objection last time and there is no one here today.

19 Board of Zoning Appeals yes. I know. So we -- we
20 were -- the design evolved and then we went over to the town
21 Board and they said come back to the BZA to confirm that
22 nothing has changed zoning wise, which absolutely nothing has
23 changed zoning wise. In the abundance of caution, we brought
24 the whole team here to just go over the whole list to confirm
25 nothing has changed zoning wise.

26 MEMBER GOODSSELL: Well correct if me I'm wrong, nothing

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has happened. It's still a vacant lot and I notice that there's just some containers on there. There is no construction started, right?

Board of Zoning Appeals oh, yeah. We have to pass a lot of approval before we can start building something. We have quite the journey to get to rebuilding, that's for sure. Obviously a little, you know, slower than I thought. But nonetheless, we are here again as part of the journey. We're back. So I just want to make sure we are doing everything properly. I'm happy to go through -- the team will go through exactly what's on the plan and we will move onto the next step on the construction journey.

CHAIRMAN MAMMINA: Why don't you make your record. You have everybody here and that's the prudent thing to do so.

MR. SBARRO: Good afternoon. My name is Gianni Sbarro, I'm an associate at Forchelli, Deegan, Terrana. With an office at 333 Earle Ovington Boulevard, Uniondale, New York 11553.

CHAIRMAN MAMMINA: Good afternoon.

MR. SBARRO: Thank you for very having me here. As Michael had mentioned, the requested application relates to a site known as 111 Magnolia Avenue in Westbury. Designated in the industrial B District in the Town of North Hempstead. The applicant proposed to construct a new 14,985 square foot building to be used as a micro fulfillment distribution warehouse. I believe -- as Michael said, I believe the Board

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1 is already familiar with this project, as his application was
2 approved after a public hearing was held on June 8, 2022 under
3 Appeal Number 21232. By way of background, after this board's
4 approval and prior to making an application to the town board
5 for a special permit for below grade parking, provisions were
6 made to the plans primarily to minimize some of the impacts
7 discussed by the neighbors at the public hearing. None of the
8 proposed changes increased or impact by the variance that were
9 approved and rather improve the site circulation from traffic
10 flow on and off the premises. After submitting the application
11 for a special permit, the department of planning determined
12 that changes were significant enough to require an additional
13 review by this board. As a result, revised plans were
14 submitted to the Building Department and a notice of
15 disapproval was submitted on November 14th of this year. The
16 disapproval cited Section 70-203.U1, requiring a town board
17 special permit for a below grade parking structure and 70-229.A
18 requiring compliance from the city render under the previous
19 appeal number. Presented here today are the plans that were
20 originally approved by this Board in June, as well as the
21 latest set of plans that were submitted in September. As you
22 can see it's on the corner scheme, the June plans and the
23 September scheme is under the current plans. As previously
24 mentioned, this plication was disapproved as contrary to the
25 Town of North Hempstead Code Section 70-229(A.), and
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specifically, the disapproval stated the following, the previous appeal granted a zoning variance from Section 70-103(A), for parking deficiency of three spaces. 22 were provided and 25 were required. While the plans were revised on September 16, 2022 show a parking deficiency now of only two spaces. 23 are being provided. The second, the previous appeal granted a zoning variance from Section 70-190 for a building height of 44 feet one inch, while the new plans show revised -- a new roof design with the same building height; 44 foot one inch. Third, the previous appeal granted a zoning variance from Section 70-203(U)3H for the maximum grading on the driveway exceeding eight percent, while the new plans now show a new ramp design with the maximum grade, again, exceeding eight percent. As you can see, no additional variances are being requested and all the variances granted by the board have either been rendered unnecessary or remain unchanged. Three of the variances granted by the previous appeal were not modified in the latest plans and for the variances that was granted under Section 70-192(A) for vehicular entrance door facing Magnolia Avenue within 18 feet from the property line is no longer necessary so it's been removed. As such, considering that there's no additional variances being requested here today and all variances initially granted by the board are not necessary or remain unchanged and the modifications only serve to improve the safety, functionality and aesthetics of the

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1 site, we request this board approve this application.

2 Moreover, in making this decision, the applicant respectfully
3 requests that the Board considers that we still have to make an
4 application to the town board for a special permit and
5 unfortunately, as you know, we've lost three months already in
6 the process coming back here today. So again, just a
7 respectful request to consider. Doug Trefoil is here today in
8 case the Board has any questions for him. Otherwise, I would
9 like to introduce Mr. Wayne Muller of R&M Engineering to speak
10 on his thoughts on the parking analysis that he conducted and
11 the changes that were made.
12

13 MR. MULLER: Again, for the record, Wayne Muller,
14 M-U-L-L-E-R. Robinson and Muller Engineering. Offices at 50
15 Elm Street, Huntington, New York.

16 The significant details of our analysis are contained
17 on November 21, 2022 to the court, which was previously
18 submitted. From a parking perspective, things have actually
19 gotten a little bit better. Whereas before we provided 22
20 parking spaces, where 25 were required. We are now providing
21 23. So the deficiency has decreased. There will be no change
22 in traffic, because the building square footage, I believe went
23 up by, like, 40 square feet, which is relatively minimal. We
24 do not anticipate any changes. The big changes from a traffic
25 engineering perspective, if I might just go to the boards here.
26 Is that previously we had -- there's the -- starting from the

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1 south and working north, the first, I guess we call it driveway
2 on Magnolia was for the vans that were going to come up into
3 the building, be loaded and then proceed essentially through
4 the building and come out onto Grand. Grand and then go out
5 and deliver the products. The change in aspect here would be
6 that the driveway still on Magnolia remains, however they will
7 come out onto Main Street. So we decreased some of the
8 activity over here on Grand. I guess in response to the -- to
9 the comments that were made by the public at the last hearing,
10 the entrance and exist to the garage was previously on
11 Magnolia, that has been relocated to Grand. This area. And
12 the number of loading docks has been decreased from three full
13 sized loading docks to one full sized loading docks and then
14 two smaller loading docks for box trucks. However, the
15 northern loading dock is being used by the trash compactor. We
16 require and we only need two. Is that correct? That's
17 correct. So this northern dock will be a trash compactor. So
18 from a traffic engineering perspective, we kind of just
19 distributed the load of the traffic within the area. Thereby
20 diminishing any potential impacts that could exist as a result
21 of the traffic generated by this facility. As I've indicated
22 in my testimony previously, the level of activity that we would
23 anticipate associated with a use like this is relatively
24 deminimis. It's small. It's a micro distribution center. Not
25 Amazon. So that's my testimony. I'd be happy to answer any
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1 APPEAL NUMBER 21232.A

2 questions, if the Board should have any.

3 CHAIRMAN MAMMINA: Any questions?

4 MEMBER GOODSSELL: I would only like to make an
5 observation that I think you've made the right decision to move
6 the access loading docks from Magnolia Avenue to Grand Avenue
7 and to the streets out to Main Street. When I recently visited
8 the property again, sitting on Magnolia, three big trucks went
9 thundering past. Whereas, on Grand, it may have been a fluke,
10 but there were only vehicles. So from a safety standpoint, I
11 think you did the right thing. I think your client did the
12 right thing by moving the access.

13 MR. MULLER: You are correct. I do agree with your
14 assessment.

15 CHAIRMAN MAMMINA: Any other questions?

16 MR. SBARRO: If the Board doesn't have any other
17 questions, that concludes our presentation.

18 VICE CHAIRMAN FRANCIS: I think the application as it
19 stands now is an improved over the other one that we actually
20 did grant, but this is much better. So I applaud you for
21 making the changes. Yeah. Listen to the neighbors.
22 Absolutely. So, Mr. Chairman, I would move that we grant the
23 application.

24 CHAIRMAN MAMMINA: We have a motion by Vice Chairman
25 Francis.

26 MEMBER GOODSSELL: I'll second.

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2 CHAIRMAN MAMMINA: Second from Member Goodsell. Please
3 poll the Board.

4 SECRETARY WAGNER: Member Hernandez?

5 MEMBER HERNANDEZ: Aye.

6 SECRETARY WAGNER: Member Goodsell?

7 MEMBER GOODSSELL: Aye.

8 SECRETARY WAGNER: Vice Chairman Francis?

9 VICE CHAIRMAN FRANCIS: Aye.

10 SECRETARY WAGNER: Chairman Mammina?

11 CHAIRMAN MAMMINA: Aye. Application is granted.

12 MR. SBARRO: Thank you very much.

13 SECRETARY WAGNER: Somebody want to move to adopt

14 SEQRA?

15 CHAIRMAN MAMMINA: Do we have a motion?

16 VICE CHAIRMAN FRANCIS: Yeah. I'll move it.

17 CHAIRMAN MAMMINA: We have a motion by Vice Chairman.

18 MEMBER HERNANDEZ: Second.

19 SECRETARY WAGNER: All in favor?

20 MEMBER GOODSSELL: Aye.

21 MEMBER HERNANDEZ: Aye.

22 VICE CHAIRMAN FRANCIS: Aye.

23 CHAIRMAN MAMMINA: Aye.

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PROCEEDINGS

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SECRETARY WAGNER: We need to adopt and revise SEQRA
from September 7th. It was in the wrong section. Does
somebody want to move that.

VICE CHAIRMAN FRANCIS: I'll move it.

CHAIRMAN MAMMINA: Motion again by Vice Chairman.

MEMBER GOODSSELL: I'll second that.

SECRETARY WAGNER: All in favor?

MEMBER HERNANDEZ: Aye.

MEMBER GOODSSELL: Aye.

VICE CHAIRMAN FRANCIS: Aye.

CHAIRMAN MAMMINA: Aye.

(TIME NOTED: 1:28 p.m.)

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C E R T I F I C A T E

I, NICOLE L. BASILE, do hereby certify
that the within transcript is a true, accurate and
complete transcript of the proceedings which took
place in the above matter.

A handwritten signature in black ink that reads "Nicole L. Basile". The signature is written in a cursive, flowing style.

NICOLE L. BASILE