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Town of North Hempstead  
Board of Zoning Appeals  
PUBLIC HEARINGS

Wednesday, April 5, 2023  
10:25 a.m.

BOARD MEMBERS PRESENT:

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

ALSO PRESENT:

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

## 1 Proceedings

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

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

6 CHAIRMAN MAMMINA: So thank you, ladies and gentlemen,  
7 and welcome to the Town of North Hempstead Zoning Board of  
8 Appeals. What I like to do before the Hearing starts is to  
9 review how we conduct business, how we do things here at the  
10 Zoning Board in the Town of North Hempstead. If you have been  
11 to another Zoning Board in a village or a town, they may do  
12 things a little bit differently than we do. So the first thing  
13 what we will do is as each case is called, which will be called  
14 by our secretary to the Board, Ms. Wagner, and, at that point,  
15 she will read the case number. We will ask then for the  
16 applicant to come forward, the applicant being whoever is the  
17 case and whoever is going to speak about it, to come forward to  
18 the podium. I will ask if there is anyone who has interest in  
19 the application, that can be negative, that can be positive,  
20 and we just ask for a show of hands so that the Board knows  
21 that there are other persons who wish to speak. The applicant  
22 will then give your name and address to our stenographer. This  
23 is a quasi-judicial Hearing so there is a full transcript that  
24 is taken of the Hearing. And then after your name and address  
25 is given, the podium will then belong to the applicant. I will  
26 back up a half a step. Anyone who wishes to come up and speak,

## Proceedings

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2 they will also give their name and address first. So the  
3 applicant then has the podium. The applicant will put their  
4 case on to the record. The Zoning Board will ask whatever  
5 questions we will feel that we might want to ask and those  
6 responses then will be given to us. And at that point, if  
7 there is anyone else who wishes to speak, we will ask the  
8 applicant to have a seat. And then one at a time, people will  
9 come up, give their name and address, and put what they would  
10 like on the record. The Board will hear whatever that  
11 testimony is and we will ask whatever questions we need to ask.  
12 We will ask whatever questions it is that we need to ask and  
13 then that person would then have a seat. If there is anyone  
14 else who wishes to speak, we would do that one at a time in  
15 that way. The applicant -- and typically only the applicant --  
16 gets to speak two times, because the applicant then has the  
17 opportunity to come forward and either support or refute what  
18 anyone may have said. There may be some questions that the  
19 Board now has of the applicant based on whatever was said by  
20 another interested party. And when that is done, the Hearing  
21 is finished. We almost never have a second Hearing that you  
22 would need to come for.

23 As I said, any decisions are made in public and  
24 deliberated in public. What will then happen is the Board will  
25 do one or of four things. We will either approve the  
26 application, we will deny the application. We may reserve the

## Proceedings

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2 application, okay, which would mean that the Board has all the  
3 information that it needs, we haven't asked the applicant to  
4 give us anything further or we will potentially continue the  
5 application. If we continue the application, that would be  
6 because the Board may have offered some kind of a compromise to  
7 the applicant and we need to get drawings back. We may have a  
8 question that we would like the Building Department across the  
9 street to answer for us so that we can make an educated  
10 decision. There may be a document, a closing document, you  
11 know, a lease, you know, any number of things. So it would  
12 then be continued for that reason. So that's the way that the  
13 Board operates.

14 Just a couple of other things. What we would ask is  
15 that all of these electronic devices that we all live and die  
16 by now, have them all on mute. You don't have to turn them  
17 off, that's fine, as long as it's not going to play music in  
18 the middle of the Hearing. And if you have to make a phone  
19 call or take a phone call at any time, you can stand on up and  
20 just walk around, you can go outside, and make that call. And  
21 that's all right, that's perfectly fine. If you just want to  
22 stretch your legs, you can do that same thing. All we will ask  
23 is if there is anyone who is not here yet who is going to be  
24 joining you, when they get here, would you please ask them to  
25 do the same thing. And the last thing that I will put on there  
26 is we ask that there be absolutely no conversation back and

1 Proceedings

2 forth, you know. Our stenographer is fantastic and she can't  
3 be writing down two things at once, nor at the same time. If  
4 there is some distraction from the people over here at the  
5 Hearing, that makes it even harder. She has a hard enough time  
6 trying to control us talking to each other, but we try very  
7 hard to be courteous in that way. Did I catch everything?

8 And what we will do is on people who wish to speak  
9 either for or against an application, we have a three-minute  
10 limit on that. The three minutes, we are not going to chop  
11 your head off at the end of the three minutes, but we try to  
12 keep the Hearing moving as best we can. So what I will say in  
13 order to assist anyone who wishes to speak, if somebody has  
14 made a point already on the record and you have the same point,  
15 all you need to say is, I agree with the previous speaker  
16 regarding the hours of operation, you know, the buses, whatever  
17 it might be. And, that, all then is part of the record. So as  
18 I understand the legal part of it after a whole bunch of years  
19 of doing this, if you have 50 people who come up and say  
20 exactly the same thing, it doesn't make that argument have more  
21 strength per se. It's on the record and that kind of does it.

22 So with that all being said, Ms. Wagner, do we have any  
23 modifications to today's calendar?

24 SECRETARY WAGNER: Yes. Chairman, we have an  
25 adjournment of Appeal #21363 - Michael Licciardello; 25 Third  
26 Avenue, Port Washington; Section 5, Block 45, Lot 204; Zoned:

## Proceedings

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2 Residence-C. Variance from §70-51.A to legalize a deck with  
3 smaller than required aggregate side yards.

4 And that's adjourned till May 10th and that will be  
5 re-noticed.

6 CHAIRMAN MAMMINA: So if anyone is here for Appeal  
7 #21363 - Michael Licciardello. So if you are here for that  
8 Appeal, that will not be heard today, but as Ms. Wagner said,  
9 that will be re-noticed. So with that said, please call the  
10 first case.

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Appeal #21362

RESIDENTIAL CALENDAR

SECRETARY WAGNER: Appeal #21362 - Timothy & Janice Dowd; 43 Virginia Dr., Manhasset, Section 3, Block 61, Lot 12; Zoned Residence-C. Variance from § 70-103.A to legalize a garage conversion with not enough parking.

CHAIRMAN MAMMINA: So you have heard Appeal #21362 - Timothy & Janice Dowd. Is there anyone in the room who would like to speak about the application? Seeing no one. So please give your name and address.

MS. DOWD: Janice Dowd; 43 Virginia Drive, Manhasset, New York.

CHAIRMAN MAMMINA: Please proceed and don't be nervous; I say that to everybody.

MS. DOWD: I am.

CHAIRMAN MAMMINA: Do not be nervous, and of course you are. And I can remember myself when my hair was black and much longer than it is now as a young man appearing actually before this Board in the Town of North Hempstead for my very, very first time and I kind of thought I was going to pass out. So just relax, deep breath.

MS. DOWD: I just have a little statement I would like to share with you all.

CHAIRMAN MAMMINA: And just read slowly if you are reading, only because some people tend to speed up, and that's all okay. Just again, it's a matter of taking the record.

## Appeal #21362

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2 MS. DOWD: I'm requesting for a variance to obtain the  
3 existing one off-street parking space. If any additional  
4 parking is needed, there is sufficient parking in front of my  
5 house. There are no posted parking restrictions on this  
6 section of Virginia Drive. I have lived on Virginia Drive over  
7 50 years, and I and my neighbors have lived with this situation  
8 without incidents. There are no residential homes across the  
9 street, only the Long Island Railroad train line. I take great  
10 pride in our little street and try to keep the original  
11 character of our neighborhood. If the variance is denied, I  
12 worry my home will forever be changed having a negative impact  
13 environmentally since I have a septic system and electrical  
14 lines in my front yard. I hope you will understand and  
15 consider my present situation. Thank you.

16 MEMBER GOODSSELL: Well, I have a question for you. I  
17 know you are a very long time owner. Deeds are public record,  
18 so I looked it up. And it looks as is if you bought this house  
19 with your husband in 1970, is that correct?

20 MS. DOWD: Yes.

21 MEMBER GOODSSELL: Somewhere in there?

22 MS. DOWD: Yes.

23 MEMBER GOODSSELL: And it also looks like this house was  
24 built in 1948 and it was built with what must be the world's  
25 smallest garage because of the dimensions on the antiquated tax  
26 card. When you bought your house, was there a garage there or

1 Appeal #21362

2 had it already been converted to living space?

3 MS. DOWD: It was a garage.

4 MEMBER GOODSSELL: And when it was a garage, were you  
5 actually able to park a car in that garage?

6 MS. DOWD: Really, the cars at that time were long and  
7 it was difficult.

8 MEMBER GOODSSELL: So you have kind --

9 MS. DOWD: We really didn't use it. We really did not  
10 use it for parking.

11 MEMBER GOODSSELL: So you kind of have been parking on  
12 the street with at least one car for about 50 years, is that  
13 correct?

14 MS. DOWD: Yes.

15 MEMBER DONATELLI: So I do have a question, as well.  
16 Your street is not really a through street, it dead ends?  
17 Virginia Avenue dead ends at a certain point, correct?

18 MS. DOWD: No.

19 MEMBER DONATELLI: Okay. Right. Because it turns  
20 into?

21 MS. DOWD: Yeah.

22 MEMBER HERNANDEZ: I agree with what you are trying to  
23 say, Dan, it's that normal traffic doesn't go through Virginia,  
24 it would go down Thompson Road.

25 MS. DOWD: Yes.

26 MEMBER HERNANDEZ: Because on Virginia, you are one of

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those five or six houses that happens to be there?

MS. DOWD: Correct.

MEMBER HERNANDEZ: So it's not that you get constant  
through traffic coming through?

MS. DOWD: Right.

MEMBER HERNANDEZ: It's sort of a strange-shaped street  
that sort of loops off the main -- if you call Thompson the  
main road, but it's the one that has the most traffic. So it  
is a very unique circumstance.

VICE CHAIRMAN FRANCIS: We all have visited your  
street. I was there last week. And I drive a Ram pickup  
truck. And I have to tell you, it took me quite a little while  
to turn my truck around and come back out the other way. That  
is the narrowest street, I think, in North Hempstead. So the  
fact that it's been working for you for all this time in terms  
of the parking is just astounding. Very, very narrow street.

MEMBER GOODSSELL: It does look like to me that there is  
one very, very old sign that says no parking between 8:00 and  
9:30 on certain days, and I presume that's so that the street  
can be cleaned, because that's usually the purpose of that  
sign.

MS. DOWD: Yes.

MEMBER GOODSSELL: Has there been any difficulty parking  
between 8:00 and 9:30 in the morning?

MS. DOWD: No. My house and neighbors on either side,

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we do not have posted street parking. The rest of Virginia Drive does. So it's been like that many, many years. And when they posted the parking, trucks, fire department, everybody, sanitation, everybody is able to go by without a problem.

MEMBER GOODSSELL: So the trash truck, the recycle truck, you had a fire truck go past there and they all seemed to fit with a car parked on the street?

MS. DOWD: Yes.

MEMBER DONATELLI: I would note for the record one thing that the measurements of the existing driveway -- actually, the Notice of Denial indicate that zero spots are provided while two are required by the code, but I would note that somehow you make that one spot fit for your car.

MS. DOWD: Oh, yes.

MEMBER DONATELLI: It doesn't hang out into the street.

MS. DOWD: No.

MEMBER DONATELLI: So that while you believe the size may be efficient, as a practical matter, the size of the asphalt paved area in the front yard does, in fact, work to fit the applicant's car?

MS. DOWD: Yes.

CHAIRMAN MAMMINA: And I do think just adding to that, that the uniqueness of that driveway, to support what Mr. Donatelli just said, is the fact of the configuration of that piece of property on its odd angle that it has, you know,

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going across the front of your property.

MEMBER HERNANDEZ: You mentioned that when you bought the house, the garage had not been converted yet. Do you recall the year that you converted the garage?

MS. DOWD: I'm not --

MEMBER HERNANDEZ: Roughly.

MS. DOWD: It's been a long time.

MEMBER HERNANDEZ: Was it 20 years ago? 30 years ago? 40 years ago, roughly?

MS. DOWD: 30, maybe.

MEMBER HERNANDEZ: Just trying to get on the record that it's not a recent thing, that it's something that's been there for a very long time. Mr. Chairman, I'm very familiar with the area. I had the pleasure of living just a few blocks away for about a few year back. So I know the streets very well. I have no problem with moving this application forward, but I would like to write up some commentary on it because these are very unique circumstances. This street is very different than your normal street in the Town of North Hempstead. This property is very unique. And while we normally do not like to approve only off-street parking, because officially you don't have any off-street parking, we do have a usable space that you use for parking. But we still need to give you a variance for the parking. So I would move that we grant the application, but I request that we --

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ATTORNEY ALGIOS: So in that instance, it's reserved.

MEMBER HERNANDEZ: Very well.

CHAIRMAN MAMMINA: So essentially, you are approved and what findings means is that every zoning case kind of stands on its own. So there are unique qualities to yours that you have pointed out, the parking across the street, the indication of the ability to park one car on the site. So we need to make sure that it's clear in our decision why this separates it from, you know, somebody who is in the middle of the block where ever in New Hyde Park and says, well, you gave it to this person. So it's really just something that the Town Attorney, Ms. Algios, will put together, a little paragraph that will attach itself to that. But for all intents and purposes, it is approved. So at the next Hearing, the findings will be adopted as part of the application and then the decision will then just be made, okay.

MS. DOWD: Okay.

SECRETARY WAGNER: So the next meeting is on the 19th. So if you want to call the department on the 19th or the day after to see the result of the decision.

CHAIRMAN MAMMINA: Just call the Zoning Board and they will tell you.

MS. DOWD: Thank you.

CHAIRMAN MAMMINA: Also, one other thing I just want to put on the record is that the Town Board Town of North

## Appeal #21362

Hempstead, one of the things that they do with consistency is that all of us are from unincorporated parts of the Town. If you live in the village, you have a mayor, you have your own zoning board, you have your own rules and regulations. If you live within the Town, but not one of those villages, you know, essentially, the Town Board is your mayor and makes all of those decisions. We are the Zoning Board for that. So again, the people that are here are from the unincorporated parts of the Town so that, you know, as was said by Mr. Hernandez, yes, he knows very well that part. So even though we all drive the sites and look at it, we may not have the same nuances, you know, regarding that. So that's a very good thing, I think, for the taxpayers of the Town, that not only do we look at the sites, but we live in the Town of North Hempstead. So there is an extra familiarity that would weigh in favor of familiarity with a site, either negatively or positively in terms of a decision. So thank you very much. Good job. So let's call the next case, please.

1 Appeal #21364

2 SECRETARY WAGNER: Appeal #21364 - Armond Saidai; 36 S.  
3 Bayles Avenue, Port Washington, Section 5, Block 98, Lot 24;  
4 Zoned Business-A/Industrial B (per R-C requirements). Variance  
5 from § 70-100.1.B to legalize a detached garage that is too  
6 close to the side property line.

7 CHAIRMAN MAMMINA: You have heard Appeal #21364. Is  
8 there anyone in the room who is interested in the application  
9 other than the applicant? Seeing no one.

10 MEMBER DONATELLI: Mr. Chairman, before we begin, I  
11 will recuse myself from this matter.

12 CHAIRMAN MAMMINA: Fine. Let the record reflect that  
13 Mr. Donatelli is recusing himself from this application.

14 MR. SAIDAI: Armond Saidai; 75 West Shore Road, Unit  
15 29, Port Washington.

16 CHAIRMAN MAMMINA: Yes. Go ahead.

17 MS. SAIDAI: I own the property in Port Washington at  
18 36 South Bayles. And in the process of getting the certificate  
19 of existence, it's an old house, it came to the attention that  
20 the garage, the detached garage does not follow the code. The  
21 detached garage is too close to the property line. So the  
22 reason I'm here today is to ask you to grant permission to  
23 maintain that garage as is.

24 CHAIRMAN MAMMINA: Okay. What I will say regarding the  
25 application, you know, is that this is an old part of Port  
26 Washington. And Port Washington clearly has portions of the

## Appeal #21364

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2 Town that were developed, I will say I don't know the specific  
3 dates or whatever, but long before there was any zoning and  
4 things in place. I'm just surmising that the fact that you are  
5 in that split zone of Business and Residential is probably  
6 because those lines weren't even drawn, you know, when this  
7 house was built. And in homes of this vintage and the  
8 installation and construction of garages, as you say, you are  
9 here for a certificate of existence for which the Board  
10 understands what that is. It's been put in place specifically  
11 for the reason of giving, you know, a modern valid certificate  
12 of occupancy for a residence. And the same way, at least in my  
13 mind, that the rear yard, you know, is, approximately, 7 feet,  
14 when it's only required to be 3, and the side yard is 1, it's  
15 probably because my grandfather was there and he measured off  
16 of a bush or something and said, yeah, that looks good. So,  
17 you know, the reason for the 3-foot setback is so that the  
18 accumulation of weeds and garbage and, you know, old bicycles  
19 and that sort of thing, you know, would be avoided through that  
20 process. But understanding that this is, in my mind, a  
21 pre-existing, non-conforming kind of a situation, I think it  
22 speaks to it being de minimis in this case. And looking at the  
23 survey, it appears that the neighbor's fence is actually  
24 setback a couple of feet, you know, from the property, you  
25 know, as well, which it would, indeed, while he can decide or  
26 she can decide tomorrow to take that fence down and move it

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back, you know, at least for this time being now there is still the ability, you know, to get back behind there. If that fence were moved back and you had a 1-foot piece of space where some weeds and things might grow, no one is going to say much.

MR. SAIDAI: Physically, there is plenty of space. Obviously, on the survey, it shows it's very tight, but it's enough for two people to go through that area. But also, majority of the houses in that area are noncompliant. In fact, my neighbor's garage is right on my property line.

MEMBER GOODSSELL: You very nicely submitted that information. We can see that by looking at it straight. But having legalized a number of these garages not in Town, but in the Village of New Hyde Park, yes, according to the property tax code, this garage is very old.

MR. SAIDAI: Yes.

MEMBER GOODSSELL: And it probably, as David says, predates any kind of setback.

VICE CHAIRMAN FRANCIS: When did you purchase this property?

MR. SAIDAI: I purchased it in 2011.

VICE CHAIRMAN FRANCIS: Okay.

MR. SAIDAI: It's over a 100 years old, the house.

CHAIRMAN MAMMINA: Sure. We understand that. And I'm surprised that's the only non-conforming condition and/or maybe you just got lucky that way. Okay. I don't have any issues.

1 Appeal #21364

2 MEMBER GOODSSELL: Mr. Chairman, then I will make a  
3 motion that we grant the variance to legalize the detached  
4 garage from 70-100.1.B as pre-existing, non-conforming with  
5 really no way to correct this situation and it exists with  
6 other houses on this street, as well.

7 CHAIRMAN MAMMINA: So we have a motion by Member  
8 Goodsell. Do we have a second?

9 MEMBER HERNANDEZ: Second.

10 CHAIRMAN MAMMINA: Seconded by Member Hernandez. And,  
11 Ms. Wagner, could you please poll the Board.

12 SECRETARY WAGNER: Member Goodsell.

13 MEMBER GOODSSELL: Aye.

14 SECRETARY WAGNER: Member Hernandez.

15 MEMBER HERNANDEZ: Aye.

16 SECRETARY WAGNER: Vice Chairman Francis.

17 VICE CHAIRMAN FRANCIS: Before I vote, I just note for  
18 the record that other than what we are doing that would require  
19 that this garage be torn down, it would be a financial  
20 nightmare for the applicant. So that's certainly something  
21 that we will not be entertaining at any point. So with that  
22 said, I will vote Aye.

23 MR. SAIDAI: Thank you.

24 CHAIRMAN MAMMINA: And I vote Aye, as well. Please  
25 poll the Board.

26 SECRETARY WAGNER: I just didn't poll you yet.

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Appeal #21364

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SECRETARY WAGNER: Chairman Mammina.

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CHAIRMAN MAMMINA: Aye.

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MR. SAIDAI: Thank you very much.

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1 Appeal #21365

2 COMMERCIAL CALENDAR

3 SECRETARY WAGNER: Next Appeal is Appeal #21365 -  
4 Burberry Americas/Burberry LTD (sign); 2110 A Northern  
5 Boulevard, Manhasset, Section 3, Block 183, Lot 12; Zoned:  
6 Business-A. Variance from §70-196.J(1) to erect a wall sign  
7 that is not facing a public street or parking area.

8 CHAIRMAN MAMMINA: You have Appeal #21365 - Burberry  
9 Americas/Burberry LTD (sign). Is there anyone in the room  
10 interested in the application other than the applicant? Seeing  
11 no one. Please give your name and address.

12 MS. PREVETE: Good morning, Mr. Chairman and Members of  
13 the Board. My name is Diana Prevete. I'm an attorney with the  
14 Law Firm Albanese & Albanese; 1050 Franklin Avenue, Garden  
15 City, New York 11530.

16 CHAIRMAN MAMMINA: Good morning.

17 MS. PREVETE: I'm here this morning representing the  
18 tenant of the premises, Burberry Americas, and the sign  
19 fabricator and installer, Jed Signs Corporation doing business  
20 as TP Signs. Burberry is an existing tenant at the shopping  
21 center and they are performing a complete renovation, interior  
22 and exterior, of their store at 2110 A Northern Boulevard in  
23 the Americana Shopping Center. With me today is Mr. Ted Keith  
24 of TP Signs and Jon Hincapie of Callison RTKL who is the  
25 architect for Burberry.

26 We are here today for a variance of Section 70-196.J(1)

## Appeal #21365

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2 to permit the installation of a wall sign that does not face a  
3 public street or a parking area. The subject sign is a little  
4 unusual in that it faces the interior vestibule of the Burberry  
5 store. It's a recessed vestibule that goes into the entrance  
6 doors. The size of the subject sign is 2-square feet.

7 Burberry is located, approximately, six stores west of the  
8 Gucci store at the corner of Northern Boulevard, Searingtown  
9 Road, and it fronts on Northern Boulevard. It's between the  
10 Jimmy Choo store and Salvatore Ferragamo. The new renovated  
11 store is projected to open this month on or about April 13th,  
12 which is next week. I know the Board is familiar with the  
13 shopping center, Americana, and also Burberry. I do have some  
14 photographs, which I did file online, but I will also hand them  
15 up so you have them in front of you. These photographs show  
16 the Burberry store, which is currently still under a little  
17 renovation, and it shows the sign that was granted a permit,  
18 which is the wall sign, which is over the front of the store.

19 SECRETARY WAGNER: Were they labelled as exhibits in  
20 what you submitted?

21 MS. PREVETE: The photographs that I put online were  
22 put in as an exhibit. I didn't give them an exhibit letter or  
23 number.

24 SECRETARY WAGNER: Okay. So we will call them Exhibit  
25 1.

26 MS. PREVETE: That's fine. The shopping center is,

## Appeal #21365

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2 approximately, 60-years old. The store that fronts on Northern  
3 Boulevard is visible to cars and pedestrians that are walking  
4 through the shopping center. The property is known as Section  
5 3; Block 183; Lot 12. I do have a copy of the tax map, which I  
6 can submit, that shows the property. And I also have a copy of  
7 the zoning map because the property is located in a Business-A  
8 District. So I will hand those up for the Board.

9           The Burberry store is an existing store, as I said,  
10 being renovated. It contains, approximately, 7918 square feet,  
11 which is located on the ground level and the cellar level. The  
12 store has been redesigned with a new facade, and the signage is  
13 part of Burberry's new national branding. This vestibule sign  
14 is 6-inches high, 46.5-inches wide, and will have internally  
15 illuminated white channel letters with LED lights and a white  
16 acrylic face. It's going to be mounted on champagne-colored  
17 metal panels, which are inside the vestibule. The Burberry  
18 store, as I said, has a recessed external vestibule that leads  
19 to the front door of the store. And this proposed sign is on  
20 the easterly wall of the vestibule, so it would be to your left  
21 as you walk through the vestibule to the front doors. It's  
22 mounted 5 feet 6 inches above-grade.

23           I have submitted photos of the Burberry store and also  
24 another similar sign on Northern Boulevard in one of the other  
25 stores. So there are other signs similar to the one being  
26 proposed in Americana. It's, basically, so that pedestrians

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walking can see where the store is located because they can't see up above on the wall, you know, above the door on the facade.

SECRETARY WAGNER: Just for the record, the tax map will be Exhibit 2 and the zoning map will be 3.

MS. PREVETE: That's fine, yes. Thank you. As the Board knows, you have granted a number of other signs within the Americana. There were variances granted for Tiffany's signs, Appeal 19297; Giorgio Armani, Appeal 19540; for Brooks Brothers, Appeal 17277; Cartier, Appeal #19426; for J. Crew, Appeal 19447; Scott Jewelers, Appeal 19643; and also for the Gucci wall signs, Appeal 20627. Some of those variances were for the height of the signs and some of them were for second wall signs. This is a little unique because this variance is for the sign, which does not face either the parking area or the street. It faces the other wall of the vestibule, but there is precedent for granting a second sign within Americana on numerous other appeals.

MEMBER GOODSSELL: Is there access to Burberry from the back parking lot? Because I noticed there was a sign in the back parking lot.

MS. PREVETE: Yes.

MEMBER GOODSSELL: Locating Burberry.

MS. PREVETE: Yes. Ms. Goodsell, the location of the current Burberry and the Burberry sign at the rear is a

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2 temporary location while they did the gut renovation. So once  
3 they move into their renovated premises, which has always been  
4 on Northern Boulevard, that, will be closed up and come down.  
5 And I assume they are going to get another tenant for that  
6 space.

7 MEMBER GOODSSELL: I see.

8 MS. PREVETE: That was to accommodate the tenant so it  
9 wouldn't interrupt, you know, their business while they were  
10 being renovated. Just to go through the elements of an area  
11 variance. Whether an undesirable change will be produced in  
12 the character of the neighborhood or detriment to nearby  
13 properties if the variance is granted? No undesirable change  
14 will be produced in the character of the neighbor or detriment  
15 to nearby properties. It's a commercial shopping center. It  
16 faces Northern Boulevard. It's really not visible to any  
17 residential area and the shopping center has existed at this  
18 location for well-over 60 years.

19 Whether the benefit sought by the applicant can be  
20 achieved by another feasible method other than a variance?  
21 It's not feasible or practicable to mount this 2-square foot  
22 sign above the door since there is really no space over the  
23 door and it really wouldn't be visible to pedestrians. The  
24 width of the vestibule is also somewhat narrow. So the  
25 46.25-inch wide sign would be a problem as far as mounting it  
26 within the vestibule and above the door and not on the wall of

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the vestibule; it's longer than it is wide.

Whether the requested variance is substantial? We don't believe that the variance is substantial. We are only seeking one variance here and it's not for the size or the height or any of the other area restrictions on the sign. It's just that this particular sign, because of the recessed vestibule, is placed so that it's visible to pedestrians walking through the center. So we don't believe that it's substantial.

Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood? The only physical or environmental impact would be visual. And as you can see, it's a very small sign. It's really not going to have any visual impact, you know, to people traveling on Northern Boulevard or even within the center.

Whether the alleged difficulty was self-created? Yes. The difficulty is partially self-created because, obviously, we are doing a new renovation here and we are putting up new signs. This placement is something, which was decided by Burberry as being the most effective to locate the premises. But it is a tasteful sign, it's aesthetically pleasing. As you know, self-created difficulty alone does not warrant the denial of an area variance. If we balance the benefit to the applicant as against the detriment to the community, health, safety, and welfare, we don't believe there is any detriment to

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the community, and therefore we believe that the benefit weighs heavily in favor of the applicant here.

I am told the Nassau County Planning Commission has recommended local determination. And I believe, unless the Board has questions for the architect or for the sign installer and fabricator, that is, basically, our case for the variance.

MEMBER HERNANDEZ: You are here only for the sign. Am I to assume then that the previous sign would remain in place?

MS. PREVETE: The sign that is up on the wall, the facade there, was just approved yesterday. It was granted a permit because it was an as-of-right and the sign inspector came by yesterday and signed off on it.

MEMBER HERNANDEZ: Very well. Then just for the record, just to make it clear because we have approved, as you said before, a wall sign as well as a lower sign.

MS. PREVETE: Correct.

MEMBER HERNANDEZ: It is a drive-by area because it's a large shopping center, but there are also a lot of people walking up and down that sidewalk.

MS. PREVETE: Yes.

MEMBER HERNANDEZ: The signs that we have typically approved have been over the door on the premise that if you are walking, it's very difficult to twist your neck way, way up. It's much easier to see it at the lower level. In this case, though, your sign is only facing west, so therefore the only

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2 people that will see it are those walking east. I am assuming  
3 that that's because the store happens to be, more or less,  
4 closer to the eastern end of the lot?

5 MS. PREVETE: Correct.

6 MEMBER HERNANDEZ: So it's highly unlikely that people  
7 will be walking from the other side. Just to make it clear  
8 that it is a little bit different than what we have approved in  
9 the past.

10 MS. PREVETE: Yes.

11 MEMBER HERNANDEZ: I, as one Board Member, will have no  
12 objection to it being there, but it's just a little bit  
13 different.

14 MS. PREVETE: Yes, it is. And in that respect, it is.  
15 And you are correct, because it's located almost towards the  
16 end of the eastern end, that was thought to be the best place  
17 to place it. And we are not really permitted to have a second  
18 one in the vestibule, either.

19 MEMBER HERNANDEZ: That's what I'm saying because I  
20 don't want you coming back three months from now.

21 MS. PREVETE: No. We understand that. There was other  
22 signage proposed to be at a lower level like, you know, just to  
23 kind of identify it, which would have been facing Northern, but  
24 because it would have required another variance, it was  
25 eliminated and they thought this was the best way to handle it.

26 MEMBER GOODSSELL: I have no objection to this.

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MEMBER HERNANDEZ: Mr. Chairman, as I mentioned before, I have no objection to the sign. It's appropriate in this type of a shopping center to have that second sign at a lower level where it can be easily seen when people are walking by. So I move that we grant the application.

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

VICE CHAIRMAN FRANCIS: Second.

MEMBER DONATELLI: Second. I'm sorry, Vice Chairman.

CHAIRMAN MAMMINA: Seconded by Vice Chairman Francis. Please poll the Board.

SECRETARY WAGNER: Member Goodsell.

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Hernandez.

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Donatelli.

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Vice Chairman Francis.

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina.

CHAIRMAN MAMMINA: Aye. The application is granted.

MS. PREVETE: Thank you.

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SECRETARY WAGNER: Next Appeal is Appeal #21366 - Sterling Astoria LLC (Starbucks Coffee); 114 Northern Boulevard, Greenvale; Section 7, Block D, Lots 2 and 3; Zoned: Business-B. Conditional Use 70-139.A, and variances from 70-103.B, 70-103.F, 70-203.T(2)(j), 70-196.J(1)(a), 70-196.J(1)(b), 70-196.J(2)(a), 70-196.J(2)(c), 70-196.J(2)(d), and a special exception from 70-231 to construct a new drive through only coffee shop (a conditional use) with not enough loading spaces, no bypass lane, parking spaces that are too small, too many wall signs and too many ground signs, a wall sign that is too large and too tall, ground signs that are too close to the property line and ground signs that do not have enough space between the sign and the ground.

CHAIRMAN MAMMINA: You have heard Appeal #21366 - Sterling Astoria LLC (Starbucks Coffee). Is there anyone in the room interested in the application other than the applicant? Seeing no one.

MS. DICKSON: Good morning.

CHAIRMAN MAMMINA: Good morning. Please give your name and address.

MS. DICKSON: Kathleen Deegan Dickson, partner in the Law Firm of Forchelli Deegan Terrana; 333 Earle Ovington Boulevard, Uniondale, New York. Here on behalf of the applicant, Sterling Astoria LLC, which is the owner of the property at 114 Northern Boulevard in Greenvale. We are here

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1  
2 this morning seeking a conditional use permit and variances to  
3 permit a drive-through Starbucks restaurant. It's located in  
4 the Business-B District within the Town. And you are probably  
5 more familiar with the site as the former site of the Astoria  
6 Bank and more recently, the Sterling National Bank. It was  
7 demolished in 2020 and it's been vacant since. The access to  
8 the property is from Northern Boulevard. Currently, there is  
9 two curb cuts along Northern Boulevard and then there is access  
10 to the shopping center in the rear, which is under separate  
11 ownership, which benefits from cross easements with one another  
12 where the TJ Max and the Lowe's and the Lester's stores are.

13 The proposal is to develop the property with a new  
14 one-story Starbucks restaurant, a 1325-square foot Starbucks  
15 coffee shop. We are providing drive-through service only.  
16 There will be no walk-ins. There will be no customer service  
17 in the building whatsoever. The only people who will be in the  
18 building are people that work at the building, and all the  
19 customers will access the services and the coffee through the  
20 drive-through facilities. We are proposing four parking spaces  
21 onsite. The building at 1325-square feet only requires two  
22 parking spaces. We are providing four for our employees, plus  
23 there is additional parking that's on the easement area to the  
24 south of the drive-through area, but we don't expect that we  
25 are going to need anymore than what is being provided. We do  
26 require a variance for the parking stall size with the four

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2 parking spaces being provided. We have three parking spaces  
3 that are 9-feet wide and 1 that is an ADA accessible  
4 8-foot-wide parking space and an 8-foot-wide hatched area for  
5 the handicap accessibility. Because this is going to be  
6 servicing employees only and not the general public, it's our  
7 expectation that employees will come in, they will park, they  
8 will leave their car all day while they are working, and at the  
9 end of their shift, they will leave. So there is not going to  
10 be any disadvantage to having a slightly narrower spot. They  
11 are on a 60-degree angle, so there is little additional length.  
12 They are 20 foot 2 inches, and they should be easily accessible  
13 by the employees. They will be labelled very clearly "employee  
14 parking only" so that anybody who is not familiar with the site  
15 will understand that it's not customer parking and that there  
16 is no access to the building from the parking lot or from any  
17 place other than the service entrance at the rear of the  
18 building.

19 We also require a variance for a drive-through facility  
20 with a partial bypass lane. The code Section 70-203.T(1) of  
21 the code requires all drive-through facilities to have a bypass  
22 lane that would allow customers to bypass the order point if  
23 they decide that they don't want to continue with their  
24 purchase. What our proposals is -- and I will just walk you  
25 through the site plan a little bit. We are eliminating one of  
26 the curb cuts on Northern Boulevard, and this was at the

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2 request of New York State Department of Transportation. So we  
3 are proposing a right-hand-turn-in only and a  
4 right-hand-turn-out only on the westerly curb cut. As cars  
5 proceed in, they will have a choice to either enter the  
6 drive-through where there will be two ordering points or they  
7 can bypass the drive-through if it turns out the line was too  
8 long or they changed their mind. They can bypass before they  
9 order and exit the site through the shopping center.

10 MEMBER GOODSSELL: That's the easement that you  
11 mentioned earlier, is that correct?

12 MS. DICKSON: Yes. Well, the easement is  
13 cross-accessed across the entire shopping center, so that will  
14 continue. The traffic is not going to flow on to the Starbucks  
15 site because there is a parking area in the rear. But this is  
16 going to be one-way-out only and then cars exiting here will  
17 have the right to cross over that shopping center parking lot  
18 to the rear and then exit out on to either Glen Cove Road to  
19 the south or come around and exit out on to Northern Boulevard,  
20 make a right-hand turn, if they want to continue heading east.

21 So there are two ordering points for the drive-through.  
22 This is to enable additional cars to queue and to queue up  
23 without interfering with any traffic in the drive aisle and  
24 certainly to queue up adequately without coming anywhere near  
25 the Northern Boulevard entrance to the property. We are  
26 providing stacking for 14 vehicles pursuant to the Town of

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1  
2 North Hempstead standards. And if you look, I submitted a  
3 booklet, which I would like to just have entered into the  
4 record. If you look on page 6 of the booklet, you will see how  
5 we are providing stacking for the 14 vehicles that are the 10  
6 by 20 spaces of vehicle standing spaces that are required by  
7 the Town of North Hempstead.

8 SECRETARY WAGNER: So we will call this booklet Exhibit  
9 A?

10 MS. DICKSON: Yes. So interestingly, the Town code  
11 only requires 3 vehicle standing spaces per order point for a  
12 coffee shop. And Starbucks, being in the business, knows that  
13 they actually have a higher demand, so they are providing --  
14 under Starbucks counts, based on their experience with the ways  
15 cars actually queue -- and you will see on page 7 of the  
16 booklet, it will show how the cars are expected to actually  
17 queue. We've actually provided 17, in reality, vehicle  
18 standing spaces prior to it backing up into the parking area.  
19 So the 17 cars or 14 cars, if you go by the Town's standards,  
20 will end here. And then, in fact, in reality, there is still  
21 room for an additional three cars that could stack before there  
22 would be any kind of interference with the exit of the site or  
23 cars entering the site. Again, as cars enter, you can see that  
24 if it's backed up further than anybody is comfortable waiting,  
25 they will be able to bypass the queue all together and without  
26 any impact. There is also an additional vehicle standing

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space, as required by the code, after the order point so that people can put away their wallet and, you know, get situated before they exit the site. And then the exit of the site is going to also be a right-hand-turn only.

So this site is really going to accommodate only eastbound traffic. There is no way to enter the site from the west, unless you go through the traffic light, go through the shopping center, come back out, and head east on Northern Boulevard, and come in. And it's our expectation that a Starbucks such as this is going to operate really from drawing cars on the road. It's not going to be so much of a destination where somebody coming from the west is going to say, you know, I'm going to go to Starbucks and loop around to get in there. If they do, there are methods for it, but they are not going to be crossing the four lanes of traffic to get into the south side of the road.

I also want to mention that the Starbucks, the cafe that is in Wheatley Plaza, which is just to the east of the site, is going to remain. And that's going to be the cafe only, so it will be a nice counterpart to this drive-through only. And that is where if there is an Uber Eats order or a Door Dash or something like that, that's where drivers will be directed to. So those type of drivers will not be coming and using this drive-through. This drive-through will be only for people who are going to be ordering at the window or people who

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have ordered on the app themselves and are going to pick up directly. So we expect the queuing to actually be more than adequate to satisfy the demand of this area.

So the code requires all drive-throughs to have a bypass lane to allow vehicles to pass or circumvent the drive-through without actually traveling through any lane reserved for the drive-through window. So as I pointed out, we have a completely free and unobstructed bypass that goes just to the west of the queuing. The Building Department has interpreted that bypass -- the code is not clear in that it doesn't require a bypass lane every inch of the circumference of the property. It has been interpreted that way by the Town before, but a variance is appropriate from a functionality standpoint. This drive-through lane will function and serve the purpose of the code, which we believe that it does in this instance.

VICE CHAIRMAN FRANCIS: And I don't know the answer to this, so hopefully you do. Does the bypass lane in terms of the code require that the lane egress on to a street rather than another private property?

MS. DICKSON: I believe the code is silent on that. I would have to double-check it, but I don't recall ever seeing that in the code. What it does require is that you can circumvent the ordering point without having to wait in line, and this certainly does that.

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2 MEMBER HERNANDEZ: Just for point of clarification. If  
3 I'm reading this plan correctly, it looks like the order point  
4 is up against car number 10 and car number 7, correct?

5 MS. DICKSON: 10 and 7, yes.

6 MEMBER HERNANDEZ: Okay. So therefore anybody at car  
7 16 and further back, 16, 17, 18, 19, and 20 can use that bypass  
8 lane?

9 MS. DICKSON: Correct.

10 MEMBER HERNANDEZ: Before they order. However, if you  
11 make the decision to go into the ordering process, once you are  
12 car 14 or 15, you, basically, have to stay there, place your  
13 order, and wait your turn to get out?

14 MS. DICKSON: Or not place your order and wait to get  
15 out.

16 MEMBER HERNANDEZ: Wait and not place your order,  
17 right. But once you are in that position, you have to continue  
18 through?

19 MS. DICKSON: Yes.

20 MEMBER HERNANDEZ: So you do see that real backup of  
21 the 14 cars, more or less, so you do have an opportunity to get  
22 out if you see the big backup?

23 MS. DICKSON: Right, you will have the opportunity. If  
24 you see the big backup, you will be able to exit before you  
25 commit yourself to that.

26 MEMBER HERNANDEZ: Become part of it.

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2 MS. DICKSON: We do have this morning, we have our  
3 traffic engineer, Frank Filiotto, from Creighton Manning. He  
4 submitted a report and he also has some good data that he is  
5 going to present to you today about the actual use of  
6 drive-through lanes empirically, a study from other Starbucks  
7 and at other drive-throughs. And then also I have  
8 representatives here from Starbucks themselves who have some  
9 data on how long it takes from when you order at the window  
10 till you exit, which I understand is 4 minutes or less, for the  
11 most part. So even if you do get into a situation where you  
12 get a text that says you are late for your meeting and you need  
13 to exit, the most you are going to lose is about 4 minutes.  
14 And once you hear from Frank, he will let you know how rare  
15 that is in actuality. I think that when you balance the  
16 likelihood of that happening against the short 4-minute window  
17 that somebody may actually be committed, I think that that  
18 warrants the relief that we are seeking.

19 I do want to point out, though, that we did originally  
20 propose a drive-through that was going to utilize this easterly  
21 curb cut. We had the building shifted a little bit further to  
22 the west, a little more central on the property, and it was  
23 going to come around through the entire property and exit on  
24 the east. New York State DOT, because it's a state road, they  
25 wanted to eliminate. When they have an opportunity to  
26 eliminate curb cuts, they do. And they felt that this was a

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much better situation with one curb cut with two-way traffic because it was limited to right-turn in and right-turn out. This was a much better configuration from the New York State Transportation viewpoint. So in order to accommodate that, we needed to shift the building a little bit to the east and that eliminated the second bypass. So from that point of view, it's not entirely a self-created issue. We were trying to comply with the powers to be and New York State would not have it.

MEMBER DONATELLI: So Ms. Deegan, I'm going to interrupt for a moment.

MS. DICKSON: Sure.

MEMBER DONATELLI: Because what you are actually kind of pointing to is one of my concerns, which is really the turning radius. And I'm not sure if you want to address that or if you want to have your traffic engineer address it, but I'm concerned with the one curb cut. And with the turning radius of cars coming out, the turning radius of cars coming in, and whether or not there is some potential for some backup there if somebody takes a turn a little bit too wide.

MS. DICKSON: I would defer to our traffic engineer for that. I'm sure he will be able to adequately respond to that.

MEMBER DONATELLI: Okay. Also, if your traffic engineer will be able to address -- I have been through that intersection more times than I care to recall. The traffic light and really how the traffic backs up at that intersection

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2 waiting for the light to change, if your traffic engineer could  
3 address that, as well.

4 MS. DICKSON: Yes, he will. And there is data on that  
5 in your report. He did gap studies to measure the gaps in  
6 traffic and to measure what the queuing is at that traffic  
7 light during peak hours. So he will address that in detail.

8 VICE CHAIRMAN FRANCIS: I may have zoned out and not  
9 heard it, but did you mention anything about this proposed  
10 insulated and heated hot box, what it's for?

11 MS. DICKSON: That's for the RPZ. It's for the  
12 sprinkler.

13 VICE CHAIRMAN FRANCIS: See, in my head, I thought that  
14 was where Door Dash would be picking up. I just wanted to  
15 understand what that is.

16 MR. MANN: Adam Mann, M-A-N-N; 2 Jericho Plaza, Jericho  
17 New York 11753. I am a representative of the applicant and the  
18 owner of the property. Good morning, everybody.

19 VICE CHAIRMAN FRANCIS: Good morning.

20 MR. MANN: So to answer that question. I liked your  
21 thought frame, but, no, that is for the backflow device for the  
22 domestic water service. And while I'm up, I just wanted to  
23 clarify one thing about the easement area. So this area here,  
24 I'm sure you are all familiar with the site. But currently,  
25 the vacant parcel is here and is at a lower elevation than this  
26 property here. This specific portion of the property here to

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2 the untrained eye is part of the shopping center. If you enter  
3 Greenvale Plaza now and circulated through or going to Lester's  
4 and you parked over here, you would think you had your feet on  
5 the shopping center. However, this rear portion, which is  
6 about 60 by 100 is actually owned by us. So the easement, in  
7 fact, we granted an easement to Kimco, the current owner of  
8 Greenvale Plaza, to park cars here. So I just wanted to  
9 clarify that exactly. But, yes, currently, there is a two-way  
10 driveway that runs here. We are proposing to relocate it in  
11 connection with the redevelopment of the site so that it's only  
12 a one-way coming into our property and then our customers will  
13 have the right to then go through the Kimco shopping center.

14 MEMBER GOODSSELL: I have another question then for you.

15 MR. MANN: Sure.

16 MEMBER GOODSSELL: I have to start by saying I am a  
17 Starbucks fan. Where not for a drive-through Starbucks, I  
18 would not have survived the pandemic. And I got so familiar  
19 with my local drive-through that I can tell you from counting  
20 the cars how long it would take to get to the window; it's not  
21 4 minutes. However, I do understand that when you have a  
22 drive-through-only facility, staff is geared towards  
23 drive-through-only and they setup their own assembly line.  
24 And, yes, I will concede that a facility that is  
25 drive-through-only is probably a little faster than what I was  
26 used to. Is there any other spot that is on Long Island that

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is a drive-through-facility only?

MR. MANN: Good question. So everything you said was accurate. So there is one other drive-through facility on Long Island in East Setauket. It's a slightly different setup than what is proposed here. That, has two drive-through lanes, one drive-through lane is for I order at the order point, the other drive-through lane is for mobile orders. It's a little bit different than this. There is a picture, an aerial in the book. However, there are three other drive-through-only facilities in Northern New Jersey, which comparable locations. We did extensive studies of those. Frank will be able to speak more intelligently than I can, so I will leave that to him. Those sites are smaller, shorter queues. And Frank will speak to how well they operate, whereas here, we have a queue that arguably is 20 cars, those queues are six cars, nine cars, eleven cars. And one of those are on an even busier road, it's on U.S. Route 9, which has double the traffic than we have at this current location. So Frank will speak more to that. I don't want to take away his presentation. But what you said is also well-said and there is something in the book. A conventional Starbucks, the prototype, which has a cafe, a drive-through, a pick-up window, there are seven channels within which you can order. And I won't regurgitate them because off the top of my head I forget them, but it's in the book. This location has only two channels. Those two channels

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2 are you come to the order point, you place your order or you  
3 place it on your app, that's it. So from an efficiency  
4 perspective, there is nothing more efficient than this because,  
5 one, it's very orderly. Someone comes to this order point,  
6 they place their order, they pull forward. Then someone comes  
7 to this order point and it leapfrogs back and forth. So with  
8 the staff, it's just more efficient because there is this  
9 orderly placement of orders. When you have a full cafe of full  
10 operations, you can have people ordering from the  
11 drive-through, you can have someone coming into the store, you  
12 can have someone placing a mobile order pick up, you can have  
13 someone who wants curbside delivery, you can have an Uber  
14 Eats. So you can't prepare, you can't plan, you just have to  
15 deal with it. So this orderly will undoubtedly create more  
16 efficiency.

17 MEMBER GOODSSELL: And what is it about this Starbucks  
18 that will tell the public this is drive-through only. Because  
19 inevitably you are going to get someone walking over from the  
20 shopping center who is going to ask to come in for a cup of  
21 coffee. Is there something on the facade or something on the  
22 signage that indicates drive-through only?

23 MR. MANN: Also a good question. We talked that  
24 through with Starbucks. I don't want to answer for them that  
25 question, so I think we will come back to that.

26 MEMBER GOODSSELL: Then I will defer my question.

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MS. DICKSON: And we are going to get into signs in a little bit of detail. I figured we will give this part first and come back to signs in a moment.

MR. MANN: And another piece of information, too, which the Starbucks team can also talk on, is this layout is their most up-to-date design. They call it the "engine," the operations. The coffee machine goes there, the espresso machine goes there, the milk is here. And the idea is to minimize the amount of steps. So not only do you eliminate the confusion of I'm making the espresso for the guy in the drive-through, Kathy is making the coffee for the person who is walking in, you eliminate that confusion. And it was also designed to be the most up-to-date efficiency. They are a customer-service business. They want to get you in and out as quickly as possible. It doesn't help if you sit there at the window, so there is that. And then there is also a program, which after the pandemic, I have heard two different names. I have heard Starbucks Forward and I have Starbucks Sign, but they have committed almost half a billion dollars to how do we make our stores more efficient, how do we locate things in a more efficient way so it's less steps. How do we make the coffee faster without sacrificing quality. So these are all things that ultimately, as they get unveiled, will incorporate a lot of those findings to make this even more efficient.

CHAIRMAN MAMMINA: My perspective is they are only

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going to walk up one time and realize you can't get your coffee.

MS. DICKSON: And there is also the visual. There is not going to be any kind of a welcoming entrance there. This is going to be, basically, you know, a building facade, you know, windows, and probably -- we have renderings and elevations in the booklet. It will be attractive, but it's going to be very apparent that there is no door along here and there is no door along here. There is an employee entrance in the rear that will lead to the walkway to the dumpsters, but aside from that, there is no other walkways that will invite anybody to the site.

MEMBER HERNANDEZ: In regard to the order points, since you brought that up, I guess, if I have placed an order on the app, when I get to your kiosk there where the order is taken, I guess, it's an option of saying I placed the order on the app. Then, I guess, there is nothing to stop me if I'm car number 16 while I am waiting on the queue to actually go on the app and place the order, right?

MEMBER GOODSSELL: People do that. I do that.

MEMBER HERNANDEZ: So by the time I get up to the kiosk, I guess, that would sort of help. I mean, I always find -- not that I do a lot of this type of queue up, but when I'm on the road traveling distances, I do have to stop. And that tends to be the backup, people trying to make up their minds at

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the kiosk order, do I want the extra large or the medium.

MS. DICKSON: Well, there is also -- and we will talk about this when we get to the signs. There are an awful lot of ground signs here that are designed to increase efficiency. So there is a pre-order board so while you are waiting there, you can mull an order. If you are somebody like me who, you know, decides to change it up at the last minute, you are not holding anybody up. And when you order, there is also signage there that will allow people to see again what they are ordering and how much it cost and what not. So as Adam said, this is really a state-of-the-art facility and it's done with a design to really maximize efficiency.

MR. MANN: And as I said, Frank will touch more on the other New Jersey and other locations. One of them, which you may notice in your packet, it has a dual lane that converges into one lane. However, a big distinction. Their two lanes converge to one order point. That, is wildly less efficient than this because there you have two people, in theory, dualling to get to the merge. Here, the two order points, it will leapfrog. Car number 7 will order, he will pull forward. But this car here, car 10, he is not going to rush to go froward because he hasn't ordered yet. So that creates a far better more efficient design. That's an older facility and this is going to be a newer facility.

CHAIRMAN MAMMINA: Thank you.

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MS. DICKSON: So I would like to introduce Frank Filiciotto from Creighton Manning, our traffic engineer. He really has done a lot of study, a lot of research, and will be able to answer your questions. But also I would like to give him the opportunity to talk to you about some of the other locations that he has studied and what the findings have been.

MR. FILICIOTTO: Good morning. How are you? Just for the record, Frank Filiciotto, F-I-L-I-C-I-O-T-T-O, with the firm of Creighton Manning Engineering at 145 Main Street, Ossining, New York. I presented in front of this Board on numerous occasions in the past. Just for the record, licensed professional in the State of New York, 20 years of experience in traffic and transportation, site design and parking.

We have provided a traffic impact study, which I believe was submitted to the Board. I have extra copies if any of you would like a hardcopy, a March 28th document.

SECRETARY WAGNER: Yes, we do have this submitted.

MR. FILICIOTTO: Okay. Great. So you know, Kathy and Adam did a great job on laying the groundwork. I don't want to be overly duplicitous, but I think there are some key points to this application that really justify why we are asking for the relief we are asking for and why this project works from a traffic and parking standpoint. You know, when we began this project, we heard anecdotally that this is one of the busiest intersections on Long Island, top five, top ten, however you

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1 want to classify it. And that very instance kind of brought us  
2 to form the site plan. It really helped us design what I think  
3 is a thoughtful layout from the standpoint of access,  
4 circulation, and then ultimately the overall customer  
5 experience. Being located on the south side of Northern  
6 Boulevard with right-in and right-out only makes it virtually  
7 an entirely pass-by site from a traffic perspective. So when  
8 you think of pass-by, you think of your trip to the gas  
9 station. Rarely do we go out of our way to purchase gas. We  
10 usually travel to the one that's most convenient, one along our  
11 path. When you restrict turning movements to  
12 right-in/right-out on a site like this, you are, essentially,  
13 creating that pass-by opportunity for customers. In this  
14 particular case, given the roadway geometry and roadside  
15 sloping, it's actually very difficult to come back to where you  
16 came from. So this site, given its location, given the fact  
17 that we are proposing only right-turns in and right-turns out,  
18 it will really draw from the traffic that is already on the  
19 roadway today, and there is data that bears that out.

21 I also want to point out something that hasn't been  
22 mentioned today. There is an existing Starbucks, a  
23 walk-in-only facility in the Wheatley Plaza. So there is  
24 already a customer base in this area. This is a different  
25 offering. Obviously, the same food and beverage, but it's  
26 geared to a customer who might be traveling along the path and

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wants a more convenient experience. So that customer is in the area, maybe the eastbound flow of traffic is their daily experience, and this site will be appealing to them. That's really where this site design comes from, where it originates. Getting to this site from a westbound direction is very circuitous. It's really not geared towards that flow, it's geared towards the eastbound flow. So that's kind of the external kind of the way the site has been framed on the site, and I will get to it.

We looked at five different Starbucks locations in the metropolitan area to help inform how this site was going to operate. Typically, traffic engineers look at the Institute of Transportation Engineers guidelines. Usually, it's robust enough to get a dataset to base your conclusions on. In this case, we went several layers deeper to really uncover what a drive-through-only Starbucks on Long Island is going to look like and feel like. So I will get to that, but I just wanted to lay the groundwork relative to the type of customer that is going to be coming here. It's going to be someone who is on that eastbound path already, right-in/right-out, no left turns. I also want to point out in the morning, which is, obviously, the peak period for a Starbucks, is the busiest. That busiest period actually does not coincide with the busiest time for the eastbound flow on Northern Boulevard. So eastbound flow on 25A in the morning is much lower than the westbound flow on 25A,

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2 but the majority of people are purchasing coffee in the  
3 morning, and the data bears that out. So there is a few things  
4 here when you look at it quickly, you are like, okay, wow, this  
5 could be an intensive site. It's a busy intersection, impacts,  
6 impacts, impacts. But when you drill down a little bit, you  
7 can see that when you move turning maneuvers and you put it on  
8 the off side of the roadway during the morning, your impacts  
9 are much less pronounced. In fact, in this case, they are  
10 really imperceptible, and I will get into that a little bit  
11 more.

12           Relative to a traditional traffic study, we went out  
13 last September and we counted the intersection of Glen Cove  
14 Road and Northern Boulevard during four peak periods spanning  
15 11 hours in total; morning, midday, evening, as well on  
16 Saturday in the midday. It was very evident to us that we were  
17 going to see operational difficulties at that intersection. It  
18 was, for most of us, a peak-hour intersection sees delays, and  
19 I don't think that's surprising to anyone. There is a lot of  
20 traffic that goes through there. I remember probably over ten  
21 years ago now when they did the widening of southbound Glen  
22 Cove Road by Anthropology back when it was an Anthropology,  
23 they put two lanes in there. It worked for a while. It  
24 certainly helped that right-turn maneuver, but there were other  
25 constraints at the intersection that persist, and it's just a  
26 very busy intersection. So we weren't surprised to see some

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operational constraints. And again, when you have right-in/right-out, your likelihood of exacerbating that becomes a lot less.

We also looked at traffic two years into the future. So we expect this to be a 2024 build, if the Board were to look favorably on the application. We looked at a 2025 build just to be conservative and then we compared the 2025 condition no build with 2025 build. So that gets me to where, well, how do we know what we are looking at for this particular project? How much traffic is going to be generated? So I alluded to the ITE earlier, the Institute of Transportation Engineers Trip Generation Manual. That's really the industry standard for projecting traffic associated with a variety of land uses, whether it's a gas station, a coffee shop or a multifamily building, what have you. We looked at that for guidance, but we realized there was some missing pieces in that dataset. And especially given that this would be the first drive-through-only Starbucks in Nassau County, we wanted to get a little bit more -- we wanted to be a little closer to home in terms of the dataset that we were relying on. So we looked at five different Starbucks locations, four of which are drive-through-only facilities. The fifth is a site relatively new, opened last year, Labor Day last year in Bellmore, has walk-in service, but we studied it for the drive-through bypass specifically relative to the variance we are seeking. The four

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2 sites with drive-through-only facilities, three of them are in  
3 New Jersey, Fort Lee, Ridgewood, and Lyndhurst. Lyndhurst  
4 being the newest. And then the fourth drive-through-only  
5 location in Setauket has been actually around for quite some  
6 time, but it's unique in that there are two drive-through  
7 lanes, two separate pick-up windows, one for mobile orders, one  
8 for kind of onsite orders, but it is drive-through only. So we  
9 thought that that would be a good basis of data from the sense  
10 of trip generation, how much traffic is generated. It gives  
11 you a little bit of a different look at queuing because there  
12 is two separate lanes, so we had to adjust for that. But,  
13 basically, what we did is we counted all of these locations  
14 during peak hours and we aggregated the data. And then what we  
15 did is we used an independent variable to try to apply it to  
16 this site on Northern Boulevard. So the independent variable  
17 we used was how much traffic is passing by those locations.  
18 The site in Ridgewood sees a little bit less traffic on the  
19 adjacent street than the site in Fort Lee, which is on U.S.  
20 Route 9, a very busy roadway. And so that was the normalizing  
21 factor, was the adjacent street traffic. When we applied that  
22 to Northern Boulevard, what we found is that, approximately,  
23 200 trips would be generated in the peak hour. Now, that's the  
24 a.m. peak hour. The other three peak hours are much less, not  
25 surprising. 200 sounds like a big number. A 100 customers in  
26 an hour based on the data from the five other sites. The 90

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2 percent of that traffic is expected to be pass by. So the ITE  
3 provides guidance on pass-by rates, how many customers are  
4 already on the roadway today that will become customers once  
5 this building is built. Those people are traveling by on  
6 eastbound Northern Boulevard, passing this site because it's  
7 vacant. Once it becomes activated, that person now makes the  
8 right-turn in and they make the right-turn out. That's not a  
9 new trip on the roadway. That person is already there. What  
10 is new is the turning maneuver in and out. So ITE, based on  
11 the data they have provided for this specific use, coffee shop  
12 with drive-through-only, has estimated about 90 percent of  
13 traffic associated with those uses as pass by, which,  
14 basically, means that only 10 percent of traffic is actually  
15 newly created. So when you take that amount, about 200 trips,  
16 and you take 10 percent of that, your real impact to the  
17 intersection is only about 20 vehicles in the peak hour.  
18 Because again, the pass-by traffic is already there. They are  
19 already passing through. So for that reason and the analysis,  
20 the level of service analysis bears this out, it's virtually an  
21 imperceptible impact due to this project outside of the site  
22 boundaries.

23 In terms of the site itself, we also studied the  
24 drive-through operations of those five uses very, very closely.  
25 Not only for the drive-through volume, but also the extent of  
26 the queue and some data on customer-transaction times. I know

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that was of importance, as well.

MEMBER GOODSSELL: And I just want to bring up another point.

MR. FILICIOTTO: Sure.

MEMBER GOODSSELL: Of those other five sites that you studied, how many of them had a traffic light within 60 or 80 feet of the drive-through Starbucks? Because the traffic light may create a problem, as well.

MR. FILICIOTTO: So Bellmore does not. Ridgewood does.

MEMBER GOODSSELL: East Setauket?

MR. FILICIOTTO: That's a good question. I don't believe Fort Lee has one. Setauket there is, but the Setauket you are downstream of the traffic light, whereas here we are upstream.

MEMBER GOODSSELL: Here we are upstream?

MR. FILICIOTTO: Yes.

MEMBER GOODSSELL: And from my own personal information from what I see is the bottleneck, is people pulling out after having paid for their beverage and waiting because the traffic has backed up from the light, thereby they can't move, so the car behind them can't move, so the orders can't be fulfilled. Now, I realize based on what you're saying that -- and it's a good point -- that this is eastbound traffic, whereas the traffic in the morning is westbound traffic, but the light is still a big factor.

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MR. FILICIOTTO: It is. And there is two points I want to make to that. If you are looking eastbound on Northern Boulevard, the lanes that you see that are coming up to Glen Cove Road are those two left-turn lanes, there is a through lane, and then there is another through lane where you can also make a right to go south on Glen Cove Road. When you have a site that is close to an intersection and the lane closest to the curb is a right-turn-only lane, that's where you start to have issues with queue backs on to the site because that person needs to cross over the right-turn lane to get in the through lane. But in this case, it's a shared through right lane. So you actually can do both through movements and right turns from that same lane. It's also only rights. So you are only looking left at eastbound traffic as opposed to when you are trying to make a left, you have to do that. So the required amount of time to execute a right is also a lot less. We did a gap study, it's in here. It shows that there are adequate enough gaps. In reality, I think there is going to be an element of a courtesy gap given from time to time, which is, hey, go ahead. I think that will naturally happen. We didn't take credit for that, but we have all been there. We have been the recipient and the giver of courtesy gaps. But we do also have the required space after the ordering point -- I'm sorry -- after the pick-up point that's required by the Town, and that's detailed on the plan. And then there is also space for

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another car as they are kind of maneuvering. And these are oversized spaces. This is a 10 by 20 space. Cars are not 20-feet long. A Cadillac Escalade is only about 17 feet, and that's 17 and a half feet. So gives you a feel for that.

In terms of queuing, we observed in Ridgewood, there was a worst-case queue of 16 vehicles. Now, in Ridgewood, we don't have two ordering points like we do here. With two ordering points, you have the ability simultaneously take those two orders and process them in the store simultaneously, whereas in the Ridgewood location, it was serial. You know, next person, next person, next person. So we concluded that that is the reason for a slightly longer queue than you would have here. Now we have space for 14. You really have space for 17 if you look at how people actually stack in drive-through areas. And then you have space for three, possibly four in very worst-case scenario. So we believe based on Ridgewood, which we saw the maximum of 16. The others were 10 at Fort Lee, 12 at Lyndhurst, and 8 in East Setauket. And again, the caveat in Setauket was that there was two drive-through lanes. So there was a little bit of a split demand there. But you can see how we are right in the ballpark with the amount of queuing that we have.

There is also an element of rejecting the queue that people will naturally do if they see it's too long, and we have the bypass lane here. So if you pull in -- and I think we

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2 already kind of discussed that -- you will be able to see that  
3 queue and make a judgment call and say, hey, I'm not doing this  
4 today or I'm not doing this right now. And they will be able  
5 to enter into the shopping center conveniently, and that's  
6 important. Because what we didn't want is to have sort of a  
7 jockeying for position, plus this turn is going to be very  
8 difficult to execute. So we tried to simplify it, pretty much  
9 the whole path, right-turn in and right-turn out, one stream  
10 approaching the ordering points. The point about really the  
11 single channel is really, really important, too, because when  
12 you are inside a Starbucks store, it can be a little frenetic  
13 when you look, you know, doing multiple different things.  
14 Here, it's very streamlined, drive-through-only, mobile-order  
15 pick up, if that's your game. But there are two things that  
16 those employees need to balance.

17           Relative to the bypass lane, I think this is common  
18 just from my own experience dealing with site applications and  
19 traffic and parking. The bypass lane was popular for a long  
20 time on narrow sites where you had walk-in and drive-through  
21 and you needed to get the people who parked on one side to  
22 slingshot around to the front. So you do that behind the  
23 drive-through lane; it's common. And there is actually a  
24 couple of older Starbucks that still have that design. In this  
25 particular case, there is really no reason to bailout once  
26 you've ordered, I mean. So the hypothesis going into this was

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2 that that's not going to happen and we wanted to prove that  
3 with data. So we studied the location in Ridgewood for 11  
4 hours. And over that 11 hours, we counted that 406 people used  
5 the drive-through lane and we witnessed 4 bailouts. Ridgewood  
6 has a bypass lane. So we actually watched and said, okay, that  
7 person bailed out. So there were only 4 people that bailed  
8 out. So less than 1 percent. That, was a full bypass lane,  
9 which we don't have. We also looked at the Bellmore, Nassau  
10 County location, which is relatively new. That has a bypass --  
11 we will call it bailout lane after the ordering point. So we  
12 said, well, we have a bailout lane before the ordering point.  
13 Who is going to bailout after the ordering point? Well, we  
14 wanted to make sure. Because we don't have that capability on  
15 this site, we looked at the Bellmore location for two hours in  
16 the morning, peak hour, not one person used the bailout. So we  
17 felt pretty confident that nobody is bailing out after they  
18 order. You are kind of committed at that point. But we really  
19 liked the idea of having the bailout before because you could  
20 pull in and say I don't have enough time for this and get out,  
21 you are not trapped. So I think for the relative unlikelihood  
22 that you are ever going to bailout coupled with the fact that  
23 we do provide the bailout at really a strategic point, this  
24 does satisfy the requirement for a bypass lane even though it  
25 may not be to the traditional bypass lane completely.

26 In terms of parking, there are 7 additional spaces on

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2 this property here to accommodate employees. We have expected  
3 four to five employees at any given time worst-case. So you  
4 have the four spaces here, one of them is ADA accessible. So  
5 there is an additional 7 within the area to accommodate those  
6 employees. The 9-foot wide parking stall width does require a  
7 variance. I know this Board has seen that from time to time.  
8 I think I have been a party to some of those requests over the  
9 years. 9 feet is an accepted stall width, industry standard.  
10 In fact, it's probably the most common stall width that I have  
11 come across. There should be no issues.

12 MEMBER GOODSSELL: It may be the most common, but it's  
13 not the most popular. Ask Mr. Francis.

14 MR. FILICIOTTO: It is an industry standard, though,  
15 and it does work. It's just not as comfortable. But the fact  
16 that they are employee-only and the turnover is, basically,  
17 minimal, I think mitigates that request.

18 In terms of loading, we are asking for relief there  
19 because there is no defined loading zone. I want to point out  
20 loading to the store will happen outside of business hours. So  
21 business hours are 6:00 a.m. to 10:00 p.m. All loading will  
22 occur outside of those hours. The people making the deliveries  
23 will have access into the store. So they will be able to make  
24 the drop and then carry on. So we anticipate the bypass being  
25 the point at which a delivery vehicle will pull up at 10:30 at  
26 night, a store person runs in, runs out. There is no blocking

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of any traffic and customer traffic, et cetera. We have been told that drops are usually about 20 minutes in length so that they will be able to move within the shopping center and out.

MEMBER DONATELLI: Excuse me. What sort of vehicles will be used for delivery? Do you know?

MR. FILICIOTTO: I do. So generally, on a daily basis, there is a number of box trucks that would make deliveries, and then typically one tractor trailer per week.

MEMBER DONATELLI: Will a tractor trailer be able to navigate in that area?

MR. FILICIOTTO: So there was a question earlier about the width. So the width is 33 feet not inclusive of displays; it's a DOT standard.

MEMBER DONATELLI: I'm sorry. My question is as to the tractor trailer. I mean, an 18-wheeler, that would be very difficult to squeeze into that spot and certainly wouldn't be able to make the turn that are anticipated for the cars. So it would have to go straight through. How about beyond where the easement is? Will it be able to navigate the parking lot in the shopping center where you have the easement?

MR. FILICIOTTO: It will, yes. Yes. And the fact that the store is closed makes that possible. We would not want a WB-50 vehicle navigating the site when it was operating. That's the reason why they are all off-peak. Actually, not off-peak, when the store is closed. It's a DOT-standard

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2 driveway width. They require designs like this all up and down  
3 Northern Boulevard. We do need to get their highway work  
4 permit in order to have this project become a reality. So they  
5 need to bless the driveway design, but it is a standard.

6 MEMBER DONATELLI: It's a very sharp turn from  
7 proceeding eastbound on Northern Boulevard to turn into this  
8 lot, particularly with an 18-wheeler. Even if I understand  
9 that it is according to the State DOT code, it will be a sharp  
10 turn. An 18-wheeler will not be able to navigate that quickly  
11 or, you know, I could see some difficulty with the turning of  
12 the tractor trailer.

13 MR. FILICIOTTO: Again, you are not wrong. It will  
14 need to slow down. It's not going to be able to make the turn  
15 at the same speed of a passenger vehicle by any means. It is  
16 happening at a time where traffic on Northern Boulevard will be  
17 a fraction of what it is during the day. It's a commercial  
18 quarter. There are trucks doing this already. It's not beyond  
19 anyone's expectations and it's also happening frequently once  
20 per week. So, you know, there are some considerations there.

21 MEMBER DONATELLI: Can you also address? I'm concerned  
22 -- and understand the reason why the project was moved  
23 eastbound and the state desired to lose a curb cut and you  
24 wanted to accommodate that, but I'm a little bit concerned  
25 about the vehicles, as they leave the window, they are really  
26 pointing westbound. And for all intents and purposes, they

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2 have to make a 180-degree turn to get back on to eastbound  
3 Northern Boulevard after they leave the window. Again, that is  
4 not an easy maneuver to make, especially when you are talking  
5 about cars potentially making a wider turn to get into the  
6 parcel in the first place. Can you address, you know, that  
7 egress?

8 MR. FILICIOTTO: Sure. So again, the width of the  
9 standard lane width is 12 feet, you know, in an ideal case.  
10 This is 33 feet. So you are going to have a, roughly, 16 and a  
11 half foot range here to accommodate those turns. So it's a  
12 wider overall width of a driveway to begin with. The vehicles  
13 here are also going to be looking in the direction that they  
14 need to look in order to negotiate gaps. So as they are moving  
15 around, they are actually looking where they need to go. The  
16 concern we had with this kind of tight geometry is if you also  
17 had to look eastward against westbound traffic, you are kind of  
18 doing the over-the-shoulder look. In this case, you are  
19 staring right at where you need to be. So I know that this  
20 looks tight, but it is -- I mean, it's 33 feet. It's a very  
21 generous driveway width to accommodate what will be passenger  
22 vehicles.

23 MEMBER DONATELLI: And I understand your point and I  
24 think your point is well-taken. And I certainly do not mean to  
25 be argumentative, but in my experience -- and probably almost  
26 all of the drivers in this room, which comes with the territory

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in the Town of North Hempstead and Long Island, you wouldn't

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really start to negotiate the entrance on to Northern Boulevard

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until you are at least perpendicular with Northern Boulevard.

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If you are pointing 180 degrees west -- I'm sorry -- if you are

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pointing west and you have to make that 90-degree turn to then

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be perpendicular with Northern Boulevard, that's probably at

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the point where you are going to start trying to negotiate your

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entrance into that. And again, if there is a backup, as Member

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Goodsell said, or if the light is backed up or if the light is

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green and people are zooming through there at 30 miles an hour,

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again, it just seems to me that it's problematic. I am

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concerned with that.

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MR. FILICIOTTO: Okay.

15

MEMBER DONATELLI: And I don't know if there is a way

16

to address that.

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MR. FILICIOTTO: I will say it's a pretty common layout

18

now. I think in a perfect world, sure, you have a couple --

19

you know, you have a more generous location. But I don't think

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it's dangerous or it violates anyone's expectations. It's a

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pretty common design to have the drive-through spin around to

22

the front and then you are out. You have good visibility.

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There is nothing blocking you at that point. We did a

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sight-distance analysis to show that there is adequate

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visibility, more than adequate, over 1700 feet of visibility in

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the eastbound direction approaching Northern Boulevard. So

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2 this isn't going to creep up on anyone. We do have a clear  
3 sight line, and that's in the report, as well. And like I  
4 said, we do have to clear the DOT hurdle. We are not fully  
5 there yet. So we need to get a permit and that is part of  
6 their review, as well, to make sure that the turning is  
7 appropriate.

8 MEMBER DONATELLI: May I pose the question in a  
9 slightly different way? And I understand that the proposal is  
10 for 1300 square feet and I also understand that the lot is what  
11 the lot is. Would it be feasible somehow to somehow rearrange  
12 or make smaller the footprint of the building to be able to  
13 somehow increase traffic flow? And I don't know if that's  
14 feasible or not, but has the applicant explored that?

15 MR. FILICIOTTO: I'm going to defer on that just  
16 because I don't want to speak for Starbucks relative to their  
17 prototype buildings. We can certainly answer your question, I  
18 just can't answer at this moment.

19 MEMBER DONATELLI: I understand. And certainly, we  
20 have heard testimony this morning that, you know, that this is  
21 an efficient use of space, that this is their new design, but  
22 I'm wondering if there is some room on that end to somehow make  
23 traffic flow a little bit better. It is a very problematic  
24 intersection and anything that occurs in that area might  
25 exacerbate that, and that is really the source of my concern as  
26 one Board Member.

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CHAIRMAN MAMMINA: Just hopping on that, on what was said. It sounds like you have met with State DOT on this, but where are you in an application process there? And I say that because we did have a number of years back a car wash that is 3 miles to the west of this. And we granted the application with the proviso that they would get the approval from DOT. And the turn was not unlike this in that it was a corner lot and the only place for them to come out was onto Northern Boulevard. And ultimately, they were denied, but I'm not saying that's going to be the case here. As an architect, I know how difficult it is going through all of this process and that's the reason why I'm asking you how far into that process are you because that could be the very thing that shifts us down regardless of what this Board decides.

MR. FILICIOTTO: Sure. We have submitted, it's called a Stage 1 application against the highway work permit process. They have seen the site plan, the original site plan with the second driveway. They asked us to eliminate that and then they had dimensional and really technical comments about this driveway and how it would be constructed relative to repaving a certain portion of the shoulder after the construction is done and things of that nature. So while they didn't say yet your driveway is approved, it was sort of a tacit letter in that they didn't have any objection to the other curb cut. And to be honest with you, it's a mid-block property. So typically,

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on mid-block properties is push the driveway as far from the intersection that you possibly can, which we have done absent the 5-foot property line offset, which is one of their requirements. So we are as far west as we can be on a mid-block property. So we are relatively far along in the process in terms of them seeing the plan, providing comments. We expect that the next submission would then give us the green light to submit bonds and insurances, which would give us a permit.

CHAIRMAN MAMMINA: That, answers it. As soon as I saw the two driveways, I said there is no way you are going to get those two curbs cuts.

MR. FILICIOTTO: And we are gaming that a little bit, too, relative to DOT, and we are doing it for the bypass discussion. And it's been helpful to have studied those other five locations to see that it's really not needed.

CHAIRMAN MAMMINA: Okay. That answers it. Thank you.

MR. FILICIOTTO: There is a sign variance relative to the amount of space underneath the sign to the ground. It typically comes up relative to traffic and sight lines. I just want to point out that that sign is east of the driveway. It's also not in the sight triangle. But more importantly, the sight triangle in this case is only looking west because the person is only going to be legally make a right turn, so they will be looking left. So left would be down on the page in

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2 this particular case. The sign is to the right. So I just  
3 wanted to address that because we are asking for relief there,  
4 as well.

5 So just in conclusion, from an external standpoint,  
6 because of the pass-by nature of the use, the  
7 right-in/right-out driveway will not have any perceptible  
8 negative impact on the intersection or the traffic stream  
9 eastbound on Northern Boulevard. The peak of the coffee does  
10 not coincide with the peak of the eastbound flow, so that is a  
11 good mitigating factor, as well. Then onsite, I think we have  
12 demonstrated that the parking is adequate, that the  
13 drive-through queuing is adequate, and that the bypass lane,  
14 even though it's not a requirement, is satisfied by the cross  
15 access easement of the shopping center. Happy to answer any  
16 other questions.

17 CHAIRMAN MAMMINA: Any other questions?

18 MEMBER GOODSSELL: No, not on traffic.

19 CHAIRMAN MAMMINA: Thank you.

20 MR. FILICIOTTO: Thank you.

21 MS. DICKSON: We do have the project engineer, Tom  
22 Whitney, who is from Catapano Engineering who can address some  
23 of Mr. Donatelli's questions, I think, about the siting of the  
24 building and how this design was arrived at. Maybe he can  
25 answer any questions you have with additional considerations.

26 CHAIRMAN MAMMINA: We don't swear in. Just give your

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name and address.

MR. WHITNEY: Thomas Whitney of Catapano Engineering;  
585 Broadhollow Road in Melville, New York. I'm a project  
manager who headed the design for this job. When siting this  
building, we had a few challenges here. We had a cross access  
easement, which is, obviously, with the tenant behind.

MEMBER DONATELLI: Sorry, sir. Could you just speak up  
a little bit and closer to the mic?

MR. WHITNEY: Sure. When laying out this site, we had  
a few challenges here. One being we had a cross access  
agreement with the tenancy and a grade change at the back of  
the property. By pushing the queue back into it, we would be  
involving the queue into the functioning of the shopping  
center's parking lot. So we wanted to be sure that both  
entities continued to clear function and that those functions  
could sort of be separated as much as they could to avoid that  
sort of interaction. In general, we also had to look at layout  
to maximize queuing because that's the whole game here, is how  
many cars can we get into queue to keep this operation flowing.  
What we did is we customized the building to have the window on  
the front of the side of the building to help elongate the  
queue maximizing the number of cars in the queue. So between  
those two constraints, that's how we kind of located the  
building, to maximize that opportunity and not have these cars  
back in to the shopping center's parking lot where the cross

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access easement could entangle those two functions.

MEMBER DONATELLI: Is there anything magic about the 1300 square foot building? Is every square foot of that project necessary or would it be possible to scale down the size of the building or to slightly move the building, perhaps, even farther away from Northern Boulevard so as to provide better egress to Northern Boulevard?

MR. WHITNEY: So the interior of the building is setup, basically, if you are familiar with how Starbucks runs, it's called their "engine," which is their production line in the front. And this building is, basically, their production line with a storage room. So it's pretty minimal as far as getting all of their equipment in a straight line, the assembly line, if you would, of their production. And it's sized to try to have the deliveries that they want to have be able to be held in the building. It's not an extraneously large building for their function. They need a lot of supplies to deliver the amount of coffee that they serve per day and they don't want to have trucks on the site constantly to keep that production happening. So that's how we arrived with the prototype that they use here.

MEMBER GOODSSELL: Notice that we are concerned with the egress, not the ingress. People who want to come to Starbucks are going to come to Starbucks. And, frankly, if they start to back up on to Northern Boulevard, people just aren't going to

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stop. Because they are going to look at that and say, there is no way I'm waiting on that line. So it's the egress, which I did think it should be bottleneck. And I have had my questions answered by the traffic engineer, but we do see that just as a potential issue.

MR. WHEATLEY: Right, and this also comes up again. We did explore trying to do the pick-up window on the east side and have a direct access out. That, was something that DOT was against, wanting to minimize the amount of curb cuts. What we do have here is the car -- this car will be closer to the building. So it does have -- it's not hugging this side, obviously, because you are grabbing your coffee, so it does help with that maneuver. We did dissect the radius and this does work. It is a standard configuration, but there is also the opportunity, if there is, say, traffic or something going on here where this person is uncomfortable, they have full visibility of what is going on here. But they can also recirculate and go out the back way and use the shopping center as an alternate method should there be a backup or something like that.

MEMBER DONATELLI: Well, as long as there is access. I mean, if there is some sort of a problem and there is some sort of a line, then, obviously, the car leaving the window would have to drive farther west of the existing line to be able to get egress, but it is plausible.

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MR. MANN: I pulled up the DOT regulations on my phone while we were all talking. So the driveway is 33 feet. DOT maximum width when there is a 45 mile an hour speed limit is 35 feet. So, obviously, subject to DOT approval, we would be more than happy to widen this driveway 2 more feet and then open up the radius of the curb here just to give it -- you know, every inch helps. That, would certainly help. Now we have a 35-foot driveway and a 38-foot driveway. And then this curb here could open up to that, again, as far as you are concerned, to give a little bit more room for this maneuver here. So that's from a technical perspective.

From an anecdotal perspective, my son attends the Greenvale school just east of here on Northern Boulevard. I drive him to school every morning, a privilege that I can't say no to. And I cross through this intersection every morning about 8:15, 8:20, 8:25, in that ten-minute range, and I have been doing it every morning. And I happened to call Frank one morning, because now doing it repeatedly for a while now. I am not going dilute anyone here and say this isn't a busy intersection, but I would encourage you to drive that intersection at 8:15 in the morning, and eastbound traffic is not what you perceive it to be. And, yes, I have gone down southbound Glen Cove Road in the afternoon, backed up to the train station. I used to take my son to school via Glen Cove Road and made a right turn on Northern Boulevard. And at the

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2 same time, it was backed all the way to the residential  
3 developments, Nob Hill and Lakeville Estates. Do that. I  
4 would encourage you, do that one morning at 8:15, take all  
5 those routes, and see how this intersection is on eastbound and  
6 it is not how one perceives this intersection. That's  
7 anecdotal. That doesn't say it's stated in the report,  
8 although the data does support that, yes, eastbound traffic at  
9 that intersection in the morning is significantly less than the  
10 rest of that four-leg intersection. But I do it every morning  
11 and I drive through and I say, oh, this is not as busy as I  
12 perceive it to be. So that's anecdotal, but I thought that I  
13 would share that.

14 MEMBER DONATELLI: I appreciate that. And I'm not sure  
15 -- I would like to pose another question and I am not sure who  
16 you would like have address this question, but I know that we  
17 had a bank there previously. How would this proposed traffic  
18 pattern line up or usage line up with what had been there, the  
19 bank?

20 MR. MANN: Well, Frank. But to answer your question  
21 about tractor trailer -- and it's sort of hard to see here, but  
22 if a tractor trailer was queued here. This is a through lane.  
23 So they would just pull straight and then Lester's is, roughly,  
24 over here. So they would just follow the drive aisle and then  
25 go out.

26 MEMBER DONATELLI: So it's not opposite in parking

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stalls, it is a drive aisle.

MR. MANN: It's a straight shot deliberately for a nice flow out.

MEMBER HERNANDEZ: Before you go on, since you brought it up. I'm looking at your plan and I'm not an architect, but I do drive very large vehicles and I have driven trucks. With regard to what Mr. Donatelli was saying about the tractor trailers. When a tractor trailer approaches the parking lot from Northern Boulevard, you have a very, very wide driveway. And I agree with you, I think you can make the turn with no problem at all. It will get in, but you have in your drawing a proposed onsite curbing in a flag shape that is going to force the tractor trailer to go right over it, right over the green line. That big upside down flag right there. No tractor trailer is going to make that right turn because you are eating away half of your driveway. The tractor trailer is going to need that parking space to make that right turn. So just a comment. You might want to reconsider that before you put in a hard surface there.

MR. MANN: Yeah, we could certainly look at that. There is 24 feet here. It, obviously, narrows it down.

MEMBER HERNANDEZ: It narrows that driveway. A 34-foot driveway, it's going to narrow it down.

MR. MANN: So we certainly could look at that.

MEMBER HERNANDEZ: Yeah, just look at it because it's

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not going to, you know.

MR. WHEATLEY: I did speak with -- we have people here from Starbucks, including their operator. And in the event that they have a problem on a site with a tractor trailer or it's not accessible, they would automatically call their vendor up and switch to a full box truck kind of situation, if they perceived a difficulty or a problem with a tractor trailer servicing in that building. So they do have the ability to change the service, if they need to. It's a little bit more costly for them to do that, but if it's not working, they would switch it.

MEMBER DONATELLI: Thank you.

CHAIRMAN MAMMINA: Thank you so much.

MR. FILICIOTTO: Just so I get the question right. Was the question about the bank relative to the circulation or to the volume?

MEMBER DONATELLI: Both, actually.

MR. FILICIOTTO: So the advent of mobile banking really changed the game for drive-in banks. What was drive-through queuing for a bank in 2000 is very different than what it is now. A Starbucks is a more intensive use from a driving perspective hands down.

MEMBER DONATELLI: Many people think that coffee is much more valuable than money these days.

MR. FILICIOTTO: The only thing I would say relative to

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banking is is that the transaction times could be a lot longer because you're sending things back both ways and that could add up, but the volume is a lot lower. Relative to circulation and looking at some historic aerials and an old street view, they did have the two driveways. And you, basically, exited at the east end of the property. So you did have traffic on the west, exiting east, which reduces that conflict that I think you are concerned about in terms of traffic comes in one driveway. But it also moves the exiting point closer to the intersection. So it's what we are trying to do is get traffic away from the intersection as much as possible and provide enough geometry in the driveway so that it works. I hope that answers.

MEMBER DONATELLI: It does. Thank you.

MR. FILICIOTTO: You're welcome.

CHAIRMAN MAMMINA: Any more questions? Ms. Deegan.

MS. DICKSON: So I think we have gone through pretty much all the functionality of the site, what the proposal is. If this is approved by this Board, we will then move on to the Town Board because all drive-through facilities require Town Board oversight as a special permit. As part of that process, even though this site is smaller than is required for a site plan review, they still do a full-blown site plan review as part of that. So all of these things will be looked at again and we will give the same responses. But just process-wise, I wanted to let you know where we go from here.

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2           The food use here is a conditional use in addition to  
3     the variances that we need for the bypass lane and the loading  
4     zone. I think Frank answered the question before it was  
5     answered about our loading zone, the fact that we don't have  
6     one, we don't believe that it's really necessary because all of  
7     the deliveries are after-hours. So there is not going to be  
8     any conflict. They can stop right in the middle of the  
9     driveway. But they are all key deliveries so there doesn't  
10    have to be an employee onsite, they let themselves in. And  
11    likewise, with garbage pick up, that's going to be done at  
12    night or early morning hours. There are no residential  
13    properties, really, anywhere in the vicinity here. My client  
14    did reach out to Mr. John Fabio who is the head of the  
15    Greenvale Civic Association. Had a few conversations with him  
16    and asked a couple of questions, and he seemed satisfied that  
17    this was a good use for this area. We also did reach out to  
18    Mayor Koblenz of East Hills who I know has a keen interest on  
19    what goes on at this intersection. He was happy that we  
20    reached out, but said that he didn't have any comments, either.  
21    And I believe in your packet, you have two letters from nearby  
22    business owners that are supportive of the project. And I  
23    bring this up because it is a conditional use permit and you do  
24    have to satisfy yourself that this is not going to have any  
25    kind of negative impact on the health, safety, welfare of the  
26    community. I think you asked very good questions. And I think

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that Frank has demonstrated the depth of study that went into this. This was not something that was sort of thrown together quickly. I think I was retained something like eight months ago as this went through many, many iterations before it actually came to this Board, and I know that you appreciate the thought that went into it.

VICE CHAIRMAN FRANCIS: We rarely get 66-page parking studies, so we can see the work that went into it.

MS. DICKSON: Yes. And they did do a deep dive looking at other facilities. And as Frank said, the ITE is a valid measurement, but sometimes it can only go so far, especially with a sensitive intersection like this. So I hope that you do see that with the hard work that went in and we do believe that this is going to be a credit and not a detriment to this intersection. It doesn't serve Starbucks at all if it becomes so inconvenient to get in and out of there that their customers don't want to use it. And we have all driven past places and said that's too much of a hassle, we are going to wait till the next one. And we know that Starbucks and other coffee shops are pretty common in the area.

We do have a number of signs that we require relief for and I wanted to handle them a little separately. It looks like a lot of sign variances. Most of them are related to the ground signs that are part of the drive-through operation. The drive-through code does require a certain number of ground

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2 signs. It provides all menu signs, menu boards or reader  
3 boards shall face away from the street or public, and all  
4 drive-through areas, drive-through aisles shall be indicated  
5 with drive-through entrance signs. So these are additional  
6 signs that are sort of contemplated already in the code,  
7 although the sign code limits the number of ground signs to one  
8 per property. So actually, we have 18 signs all together on  
9 the property, 14 of which are ground signs. I do want to walk  
10 you through them, just so you see what is what. So you can see  
11 that we are not talking about anything extraneous as far as the  
12 drive signs. Bear with me one minute.

13 MEMBER DONATELLI: Is that referenced on your site  
14 plan?

15 MS. DICKSON: We do have a separate sign plan, it's  
16 C2.0 in the plans.

17 MEMBER DONATELLI: Got it.

18 MS. DICKSON: And that's what I'm going to put up here.  
19 It just shows you the location. And then when we start talking  
20 about the wall signs, you have the renderings in the package  
21 that I submitted. So the drive-through sign at the entrance is  
22 sign number one, which is down here. It's a low ground sign,  
23 approximately, 2 foot by 1 foot. That's a directional sign  
24 that indicates that it's a drive-through, that this is the  
25 entrance to the drive-through. Sign number two is over near  
26 the exit. Oh, over here. I'm sorry. Sign number two serves a

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dual purpose. It's primarily a do-not-enter exit-only sign so that cars coming in here are not going to make a left-hand turn, but then on the back side, it says thank you. Signs three and four are the menu boards, which they are not numbered in order, unfortunately. So three and four are the menu boards, which are just by the ordering station. So as a car pulls up, there is number 17 and 18 where they will order from.

MEMBER GOODSSELL: Are they flat boards or are they electronic? I have noticed a trend now in like LED signing where they bring this is our special menu and then this is this. Then there are flat boards, which are, basically, plastic on glass.

MS. DICKSON: I don't know the answer to that. The menu boards, are they changing?

MR. MANN: It's a digital screen.

MEMBER GOODSSELL: Like a gigantic cell phone.

MS. DICKSON: Then five and six are the pre-menu boards, which these allow people to consider what their order may be before they get up to the order point. So for people like me that are not there every day and they change it up a lot. So that enables more efficiency as far as you are waiting. Seven, eight, nine, ten, and eleven, I will talk about those in a minute. We have the pull sign, that is sign number twelve, which it's the only pull sign that's on the site. This is as you are driving eastbound. It will be a --

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2 and I will show you the renderings in a moment, they are in  
3 your booklet. The variance that we require for that is the  
4 setback from the front property line. It's setback at 5 feet.  
5 The code requires 10 feet. Unfortunately, we can't move that  
6 back any farther, otherwise we would be encroaching into the  
7 driveway. So that's the relief we need for the pull sign.

8 MEMBER DONATELLI: And how tall is that pull sign?

9 MS. DICKSON: 17 feet to the top. So there is no  
10 problem with seeing past it. It's just the pull and it  
11 complies with the size and the height that's required or that's  
12 permitted. Thirteen and fourteen are just drive-through  
13 directional signs at the entrance to the drive-through. They  
14 indicate certain directionally to chose drive-through A or  
15 drive-through B. Seventeen and eighteen are the ordering  
16 kiosk. So I don't necessarily consider them signs, but the  
17 Building Department is considering them signs. Then there is  
18 also -- sorry -- fifteen and sixteen are the clearance bars  
19 that make sure that there is enough head room so that trucks  
20 don't end up hitting the overhang around the building, and that  
21 says clearance X-number of feet. Again, that's not necessarily  
22 something that I consider a sign, but that is listed as one of  
23 the signs that the Building Department required. So each one  
24 of these signs has a purpose. I think to eliminate any of them  
25 would be problematic for the flow and the efficiency. So the  
26 relief that we need for the number of ground signs, I think, is

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warranted. And I don't think that it causes any detriment to the community and it really does work positively toward the functionality of the drive-through on the site.

MEMBER DONATELLI: I'm sorry. What is the overhang bar for? I don't see anything that might cause a problem.

MEMBER HERNANDEZ: Look at page 8.

MEMBER GOODSSELL: It's the awning over the pick-up window.

MR. MANN: At the order board, there is a cover. And then when you pick up, there is also -- you can see here is the canopy here.

MEMBER DONATELLI: Got it. Thank you.

MR. MANN: While Kathy is doing that, I realized the one thing we didn't touch on was garbage. So the garbage will be housed in a trash enclosure, 6-foot high enclosure gate. It's in the -- we will call it -- easement area, the property owned by this property that appears to be part of the shopping center. And Starbucks, as we understand from operations, they will get maybe two or three pickups a week. It will be in the wee hours of the night. No residential will have to hear it. And the garbage truck can either enter through the site to make its way here or they can just enter through the shopping center.

MEMBER DONATELLI: And will there be a refrigerated garbage locker in the premises?

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MR. MANN: That is correct. And just one other thing, Member Donatelli, just Frank and I were looking at it. For your question here, a couple of things. So what we did look at is widening the driveway the 2 feet, but the curb, you know, that's roughly -- maybe I was a little aggressive. It's probably here. This curb would come like that. So it does open up with a little bit more room. And the other thing we did notice is that the circumference around the car is a little deceptive. Because as Frank said, this is 10 by 20 and you have an Escalade SUV that's about 17 feet. So this is massive, but that is really representing a car is not 10-feet wide and it's not 20-feet tall. An Escalade is, I think, 17-feet high and, I think, it's 8-feet wide or maybe a little bit less. So this is a little deceiving that you have all this room here and you have all this access for this car that isn't actually there in reality when the car looks to maneuver around this.

MEMBER DONATELLI: What may be helpful might be some striping on the asphalt to help the car negotiate that turn to make sure that any turn is not as wide as it might otherwise be. So I don't see that on your site plan, but that may be helpful.

MR. MANN: We would be happy to include that, absolutely.

MS. DICKSON: Okay. Back to signs. So in addition to the number of ground signs that we require, we also require a

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variance for the clearance height underneath the ground signs. The code requires 3 feet of clearance height, which is to enable visibility so that you don't have a monolithic type of sign if you are going to be making turning movements. That, obviously, is not as important when you were in a pretty channelized queuing area. But each one of the ground signs that we are proposing there have a ground clearance of 1 foot 8 inches of clearance. One is 1 foot 7 inches and one is 1 foot 11 inches. But again, it will have no negative impact because there is no visibility that is being impaired by that.

Going to the ground signs -- and I apologize. We don't have a rendering of the ground signs -- I'm sorry -- the wall signs, but it is -- there are renderings, yes, on page 8 of the booklet that show the wall signs. It also shows the pull sign. And then also in your plan packet on pages A2.0 and A3.0, it shows your wall signs that are proposed. So the code restricts us to one wall sign per elevation because this is a drive-through only and it's also a branded property. On the north elevation, facing Northern Boulevard over here, we propose a Starbucks logo here and then signage over here on the northeast side that indicates drive-through so that people understand that it is a drive-through facility. On the west elevation, the proposal is for just for the logo sign, approximately, in this location. And then on the rear elevation on the south elevation, again, instead of the

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Starbucks logo, it's a Starbucks name across the back and an indication, an indicator sign that it's a drive-through facility with an arrow showing the direction of the drive-through. The east elevation is not proposed to have any signage because that's the area facing the gas station next door, and we don't expect there to be a lot of visibility from that direction, anyway. I mentioned that the pull sign is within 10 feet, the required 10 feet. Also, the drive-through sign that is indicating where to turn into the site is closer to the property line than the 10 feet. That's essential so that it's actually visible so that people aren't going to drive past and make too wide of a turn. We could set back the 10 feet, but it would be too long before people could perceive it and they will have a more difficult time navigating that entrance. For sign eleven, which is the logo sign on the west elevation, it exceeds the permitted size. The maximum permitted measurement is 2 feet. The maximum area is 24 square feet because technically this is a sign facing the parking area as opposed to facing a roadway. We are proposing 5 feet in vertical measurement as opposed to 2, and 25 square feet in the area as opposed to 24 square feet. So it's slightly larger than what is permitted. Although, again, because of the busy nature of the intersection and being the only sign on that frontage of the building, we felt that it really needed the prominence of a sign that's facing a street as opposed to

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facing the parking area.

MEMBER HERNANDEZ: That sign is, essentially, just for a logo?

MS. DICKSON: That's just a logo, yes.

MEMBER HERNANDEZ: Because the dimensions that you described because usually it's not a logo, it's more of a name. So it tends to be long and shallow. Because with the logo, you have the big round taking up more square footage.

MS. DICKSON: Exactly. Actually, it only exceeds by 1 square foot, but it's a 5-foot circle. If it were 2 feet higher, it would have to be 2 by 2, then you would have a 4-foot sign, which is not really practical. Sign number nine is the word Starbucks.

MEMBER HERNANDEZ: Now, I have a question -- and I apologize I don't know the number. But it's the sign, it's almost behind the pull sign and to the left of it. The building itself and, I guess, above the canopy, there is a Starbucks logo, correct?

MS. DICKSON: Yes.

MEMBER HERNANDEZ: But then you said that on the other wall to the east of it, which is recessed, I guess, right? Because the building itself is not straight, it has a cut out, right?

MS. DICKSON: Right.

MEMBER HERNANDEZ: And you have another sign back there

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being that? Because all we see in the markup, the tree covers it and the one underneath it, all I see is drive-through and I don't see anything else. Is that where the sign is supposed to be? Because then it's pointing at a wall.

VICE CHAIRMAN FRANCIS: Right.

MS. DICKSON: You know, I think --

MEMBER HERNANDEZ: The post sign says drive-through on it with an arrow, but then directly behind it is another drive-through sign that just says drive-through, apparently, with an arrow pointing at a wall. So it seems to be like kind of strange to have that sign.

MS. DICKSON: Yeah, I can't disagree with that.

MEMBER HERNANDEZ: I'm just making sure that's what it's supposed to be.

MS. DICKSON: It is. And I didn't do the sign design. I'm not sure why it's there. I think it would make more sense if there was a left-hand turn into the site to allow people to see that.

MEMBER HERNANDEZ: Exactly. You are not going to see that from the west.

MS. DICKSON: No. It might make sense to relocate that over to the west side.

MEMBER HERNANDEZ: Well, your pull sign says drive-through underneath the logo.

VICE CHAIRMAN FRANCIS: Right.

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MS. DICKSON: True.

CHAIRMAN MAMMINA: Maybe that might want to say  
drive-through only.

MEMBER GOODSELL: Yeah, if Starbucks would take a  
suggestion from us. Because this is an unusual Starbucks  
because there just aren't that many of them. It's going to  
take a while for the general public to kind of be trained, if  
there are such things, as a drive-through only. And I agree  
with the Chairman that drive-through only might be the  
advisable.

VICE CHAIRMAN FRANCIS: It's going to take a long time.

MS. DICKSON: So we do have a representative from  
Starbucks here.

CHAIRMAN MAMMINA: Can I raise one other thing? I  
mean, I understand all the signs. And, you know, as an  
architect, I know everyone is all about the signs, and I have  
done plenty of sign applications for stores. The only sign to  
me that I have any issue with is the lollipop that is at the  
entrance, which requires a height variance. It has the  
Starbucks logo sitting above that drive-through sign and I  
believe that's 17 feet, maybe I am incorrect. It would almost  
seem to me like that whole sign could just drop down to that  
11-foot height, which I believe is, based on my recollection,  
that that's the permitted height. Because again, I'm not  
objecting based on what this is, to having a sign, you know,

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2 from that direction. We want everyone to be successful. This  
3 is a more unique site and property because of where it is. And  
4 I am looking at page 8 when I say the lollipop sign. I'm  
5 looking at the sign on the southeast street view where I just  
6 said maybe that should say drive-through only.

7 MR. MANN: Chairman, the maximum height proposed is 15  
8 feet and Starbucks just said we could drop it down to be  
9 compliant with height.

10 CHAIRMAN MAMMINA: Okay.

11 MEMBER HERNANDEZ: That is a flat area. It's not a  
12 question of dealing with elevation and you have to worry about  
13 people not being able to see it. Because usually a lot of that  
14 changes because the physical wall prohibits it to be any lower  
15 or you have a change in elevation where if you don't raise it,  
16 you may not see it from a distance.

17 CHAIRMAN MAMMINA: I mean, that, you would see. And I  
18 get it. And clearly, that intersection, you know, I guess, as  
19 it's pointing out, I don't know where it stands in terms of  
20 rank in Nassau County, but so many of the Glen Cove Road  
21 intersections. And for me, my house is maybe a mile from the  
22 corner of Westbury Avenue and Glen Cove Road. And fortunately,  
23 all the houses are kind of back from that because that's a  
24 tough intersection. And I have seen plenty of accidents there,  
25 but it has that same uniqueness, that the amount of cars that  
26 travel up and down that all day are a lot, okay.

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2 MS. DICKSON: Is a 15-foot height?

3 CHAIRMAN MAMMINA: I think if you drop it down, you  
4 have a compliant sign. Your setback, I believe, was okay.

5 MS. DICKSON: The setback is at 5 feet.

6 CHAIRMAN MAMMINA: Oh, that is too close.

7 MS. DICKSON: Right, and that's due to the location of  
8 the drive aisle where the exit is.

9 CHAIRMAN MAMMINA: I understand.

10 MS. DICKSON: Regarding the drive-through only.

11 MR. CONTI: Good afternoon. Dan Conti, C-O-N-T-I, for  
12 the record; 38 Campbell Street, Red Bank, New Jersey. So  
13 drive-through-only signs, these are a format for us that are  
14 actually a bit newer. And, obviously, we don't have any here  
15 in Nassau County specifically. As a company, it would be a  
16 broader conversation to label something just as drive-through  
17 only. So there is a couple of things that we try to do ahead  
18 of time to educate the customer. Because you guys hit the nail  
19 on the head, it's going to take a customer a bit to learn that  
20 it's drive-through only. So if the Board goes favorably and  
21 this building gets built, we could put signs placed up there  
22 that would state it's a drive-through only. Customers can have  
23 a period of time during construction to see that sign. And  
24 then also we internally have control over what the store is  
25 going to be named in a mobile-order application. So it will be  
26 called a drive-through only. So if 30 percent of our customers

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are using that app, they are going to be educated right away that it is a drive-through only. Those are the only two things that I could suggest right now, but it would be a takeaway for signage.

CHAIRMAN MAMMINA: I guess, we can consider that. One thing that I would like us to get is actual elevations of the signs, you know, and that full sign as packaged.

MS. DICKSON: So you do have them in the package that was submitted with our application.

CHAIRMAN MAMMINA: There are so many pages, which I credit the amount of pages here. I did see the building sign.

MS. DICKSON: So we did submit with the application, it's a set of drawings. It looks similar to the regular site plan set, which does have elevations for the wall signs, the regular setbacks on that.

CHAIRMAN MAMMINA: What I'm referring to as the lollipop. So Starbucks can take back that the Chairman is not in love with the lollipop. And I appreciate how important signs are, but you have a lot of signs on this building, you know, that I think we are kind of leaning towards -- you know, and Ms. Dickson will tell you that we look at signs very, very carefully in the Town of North Hempstead, not necessarily in other towns, but that's certainly our concern.

MS. DICKSON: You do have sign details in what was submitted, it's page C9.0, that does show the specs on the

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lollipop sign.

CHAIRMAN MAMMINA: I have a paper copy. I'm an old dog and I'm an architect and I like paper.

MS. DICKSON: I'm sorry. So we submitted it through the portal. Do you need those?

SECRETARY WAGNER: We print those out from the application so it must not have printed out.

CHAIRMAN MAMMINA: But it's in there. So that's why I didn't see it. Again, I'm looking at it and I'm saying that's just such an odd -- having that space in there and then having another flat piece.

MS. DICKSON: Are you talking about the design of the site itself?

CHAIRMAN MAMMINA: I mean, we don't get in the weeds on signs. I have gone to municipalities where they say can't the McDonald's arch be green, a hunter green. No, they can't be.

MS. DICKSON: So I'm not sure again what they can do, but we will take it back to them. And I see what you are saying, that it is sort of a different style design.

CHAIRMAN MAMMINA: I don't mean to dwell on it, that's all.

MEMBER HERNANDEZ: And I would like a comment or at least an answer as to why you have the drive-through sign buried back there behind the wall. I mean, that doesn't make any sense at all.

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MS. DICKSON: So I think to answer your question, Mr. Hernandez, we are willing to withdraw that sign from the application package. I think we agree it's unnecessary the way it's setback and probably won't be very visible or helpful to anyone, anyway. And that also eliminated one of our variances, so now our front elevation only has the one sign that's permitted. So that's one less thing. So unless you have any other questions, I think we pretty much are done.

MEMBER GOODSSELL: No. But I, for one, would like to take a suggestion that I go to the site at 8:00 or 8:30 in the morning and see what the traffic is like. And since there is a drive-through in East Setauket and I do have reason to be there, I think I'm going to sample and see how a drive-through only works. So if we would not mind reserving decision, I would like to do that.

MEMBER HERNANDEZ: I would like to ask one question because at least I don't think I heard it with everything else. But we didn't hear one, at least I don't think, about what is the average time that it takes to put in an order? Because I'm sure it's something that someone has already studied.

MR. CONTI: So the question is what is the average time from the time a person places the order and gets to the window?

MEMBER HERNANDEZ: Yes.

MR. CONTI: 4 minutes, give or take.

MEMBER HERNANDEZ: Looking at the drawing, if I'm

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placing my order on a busy day where I have a lot of cars in front of me and I am car number -- use the example of -- 8, I have one, two, three, four, five cars at least in front of me. So I'm at least waiting for 20 minutes in order to get my order.

MS. DICKSON: If you are car number 8?

MEMBER HERNANDEZ: Yes.

MS. DICKSON: And you have placed your order.

MR. MANN: So the time, it's not cumulative, it overlaps. So I place my order, my 4-minute clock starts. Frank is behind me. I believe the man --

MEMBER HERNANDEZ: I got it.

MR. MANN: And, Member Goodsell, I would encourage you to check out East Setauket. Just remember that's a vastly different operation with two drive-through lanes that loop around like this. So feel free to pick up whatever your favorite beverage is, but that's not this layout.

MEMBER GOODSSELL: I know in Mineola, I have been car number 17 and you know the station that says you give us 22 minutes, we will give you the world. I listened to the world and my order was correct, it was fine. But I can almost tell you from experience how long it takes to get as car number 17, because that was my limit. If there were more than 17 cars, I was not stopping, just personally.

MEMBER DONATELLI: So you would wait for 16 cars?

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MEMBER GOODSSELL: I certainly would. I need my coffee.

SECRETARY WAGNER: Because if it was during the pandemic, it would have taken you an hour to get your coffee, but that's the only thing that anybody could do.

MEMBER GOODSSELL: That's exactly right. We did get used to drive-throughs during the pandemic. So you didn't have as much marketing. But, unfortunately, the pandemic did teach us quite a bit of how valuable a drive-through facility can be. Thank you very much for your presentation.

CHAIRMAN MAMMINA: And I think I would like to continue the application because there may be some other things that the Board may want to see, you know, in this. Thank you very much. Extremely thorough application. Very well done.

MR. MANN: Thank you.

MEMBER DONATELLI: We will get something from the applicant withdrawing that one sign.

MS. DICKSON: We will do that, yes.

MR. MANN: And lowering the height.

MEMBER HERNANDEZ: The drive-through standalone.

MR. MANN: The direction on two items for signage, removing the one sign on the north facade, the drive-through sign, and lowering the height.

MEMBER GOODSSELL: As well as changing the curb cut 2 feet.

MR. MANN: Correct. And adding striping that Member

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Donatelli recommended.

MEMBER HERNANDEZ: Just the tractor trailer is going to have difficulty making that right turn with that curb.

MR. MANN: We will look at that also.

MEMBER HERNANDEZ: Just look at that. He is going to have to swing wide.

MS. DICKSON: All right. So we will submit that to you prior to your next meeting. Thank you very much for your time and happy holidays to everyone.

MR. MANN: Happy holidays to everybody.

SECRETARY WAGNER: We are going to take a five-minute break before the next Appeal.

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

1 Appeal #21367

2 SECRETARY WAGNER: Next Appeal is Appeal #21367 -

3 Shelter Rock Islamic Center; 2 Shelter Rock Road, Searingtown,

4 Section 9, Block 652, Lot 18; Zoned Residence-A. Variances

5 from §70-100.2.A(2) to construct fencing between a building and

6 the street.

7 CHAIRMAN MAMMINA: You've heard Appeal #21367 - Shelter

8 Rock Islamic Center. Is there anyone in the room interested in

9 the application other than the applicant? Seeing no one.

10 Please give your name and address.

11 MR. ALI: My name is Faizel, F-A-I-Z-E-L, last name

12 Ali, A-L-I; 40 Hamilton Drive, Roslyn, New York 11576. Good

13 afternoon, Chairman, Vice Chairman, Members of the Board, and

14 others. On behalf of Shelter Rock Islamic Center, I would like

15 to thank you for giving us this opportunity. We know the

16 subject matter it's about a fence around our mosque. And since

17 we closed in 2018, for us who goes to the mosque every day, we

18 know that we are supposed to pray five times, but some of us

19 are there. I'm not that religious, but I do go there every

20 day. And from then to now, we realize, you know, what are some

21 of our challenges. So we have decided as a Board to how do we

22 address them, and part of it is a fence. And our number one

23 challenge or number one concern is security.

24 MEMBER GOODSSELL: I'm sorry. Your number one concern

25 is?

26 MR. ALI: Security. So we are on a main road, Shelter

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2 Rock Road, IU Willets. Our floor is grade level to the  
3 property. And we know the challenges of religious institutions  
4 and always how do we take to protect the people that come to  
5 pray. And we are always feeling that, you know, on a main  
6 road, we don't know who is thinking what and could they drive a  
7 car directly into the building. So we are very concerned about  
8 that and we feel a fence, a structured fence will take this,  
9 you know, this concern away from us. We have thought of  
10 different ideas, like planting trees and all of that stuff, but  
11 we know this property and this property is very beautiful. We  
12 know when we bought it in 2018 what we were buying. And we  
13 know what we had to put in aesthetically to make it beautiful.  
14 We are from the community. So at the end of the day, we want  
15 to keep it as nice as possible and as beautiful looking for the  
16 community. So we thought that trees would not work and it will  
17 kind of block everything in. So we decided that, you know,  
18 that's why we are here, thinking about a fence.

19 The other concern is safety for our kids. Today we  
20 know the challenges of our kids out there on the street. And  
21 we are very pro-children. We have them come to the mosque  
22 every day. In a particular week, we have at least about 3 to  
23 350 kids that come to the mosque, especially on Fridays. And  
24 we can see that, you know, they are kids. They want to play.  
25 They are as young as 1 year old to 12 years old. And we are  
26 concerned that at that age, they are playing, running after a

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2 ball on to the street. And all of that will be hard for us to,  
3 you know, digest if something like that happens. So our kids  
4 is our biggest concern. Our vision as an organization is how  
5 do we make sure our kids have a place where they come, they  
6 understand respect, they understand how to carry themselves.  
7 And encouraging them to come to our center, I think it's  
8 important that we have some kind of protection for them. And  
9 we have dealt with these from time to time where they are  
10 playing and running around and on to the street and so forth.

11 We have also had quite a few accidents at Shelter Rock  
12 Road. I remember before we bought the property, you were able  
13 to come on to Shelter Rock Road and park. There were at least  
14 like, I think, 12 to 14 parking spots.

15 MEMBER GOODSSELL: Yes. Because before the mosque was  
16 there many years ago, it was a boy scouts meeting area. I  
17 remember that because I am from that neighborhood.

18 MR. ALI: Wow. Because what we heard was that when you  
19 come -- I live on Hamilton Drive. So when you come out of  
20 Hamilton Park and you are coming up on Shelter Rock, the road  
21 has a blind spot. There is a turn there. All those homes have  
22 a fence. The only property that doesn't have a fence is the  
23 Islamic Center. So when you come around that turn, a lot of  
24 cars does come with some kind of speed. And all of a sudden,  
25 they see the light. So we're in total agreement with the Town  
26 of not having any parking spaces there because as someone

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slowed down to come into the property, they will be rear-ended.

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Now, we have had quite a few accidents there where the cars

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ended up onto the property, parts end up onto the property.

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It's only recently as of two months ago there was a head-on

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accident at that intersection. It was in the middle of the

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night. But we always wonder, what happened if that happened

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during when we have people on the property and kids playing

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around and people praying. So we are very concerned about

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that. If something like that were to happen, a car flipping

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coming onto the property, it's a big concern of ours. And we

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feel a structured fence would address this and it will kind of

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take away our fear where we can pray in peace and we can have

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our kids there and enjoy them together.

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MEMBER GOODSSELL: Just for the record, the Islamic

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Center is a corner property, is that correct?

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MR. ALI: Correct.

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MEMBER GOODSSELL: So you face both IU Willets Road and

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Shelter Rock Road, correct?

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MR. ALI: Yes.

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MEMBER GOODSSELL: So you have, in essence, two front

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yards?

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MR. ALI: Yes.

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MEMBER GOODSSELL: That's part of the reason for the

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variance, you have two front yards, whereas the houses if you

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are headed north on Shelter Rock Road, the houses that you

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mentioned that have a large 6-foot fence, they do not face Shelter Rock Road, they face the inner road that was created when they were built.

MR. ALI: Yes, and we realize that.

MEMBER GOODSSELL: I'm just making a record.

CHAIRMAN MAMMINA: That's their rear yard. So they get the 6-foot fence from a zoning perspective, but I think they also get a 6-foot fence, I believe, because it's a county road. Is that correct?

MEMBER GOODSSELL: But this gentleman is correct in saying that it creates a blind spot as you are coming around.

MR. ALI: Yes.

CHAIRMAN MAMMINA: There is no doubt about it, but their fence is transparent for all intents and purposes, but at the same time, it's a very substantial level of security.

MEMBER GOODSSELL: And as much as I like the idea of trees and plantings and things like that, it would further exacerbate the blind spot. And I do agree with the gentleman that if you do a row of plantings, which does give you shelter and privacy, it creates a difficult intersection.

MR. ALI: Of course. And we have spent many hours thinking about the different scenarios of how we can deal with this. And, of course, trees add beauty to things, but --

MEMBER GOODSSELL: But they are not going to stop a ball when the kids kick the ball.

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MR. ALI: No. And they are not going to stop a car getting into an accident there and so on. So the design, the design of the fence. So one of the things that we looked at -- and, yes, in reference back to those PVC fences, we didn't think that it was going to look very aesthetically for the building because it just kind of blocks everything in. We have professional landscapers. Like right now, we have a thousand tulip bulbs on that property. And for some of us who have driven there in the spring and in the summer, you can see how much we put emphasis into that. And again, it's not because of anything else, it's because we live here. I can walk five minutes to this property. All the Board Members are from the surrounding areas. And it's a privilege to have a mosque there. It's so much of a privilege and we take that very, very seriously. And at the end of the day, whatever we do, we will want to always take the Town look into everything as to make sure that, you know, it looks -- it's great, it looks good, what is this, and so forth, but never from a negative perspective. So when we put the fence design together, it's pretty much the same as this kind of rail where you physically see through. So when you pass that 6-foot fencing, you see directly on to the property. You also see directly to IU Willets. So at no point in time there is any hindrance of not knowing, hey, if a car is coming to protect, you know, to protect defensive driving and so forth. And vice versa, if you

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are coming up IU Willets, you can look directly to Shelter Rock. So this kind of look will actually enhance the beauty of it, but it also gives that element that you can see through the property completely.

CHAIRMAN MAMMINA: I think an even more compelling argument for something that we spoke about early on, you know, is we, unfortunately, live in a world and a time where religious institutions are targeted.

MR. ALI: Of course.

CHAIRMAN MAMMINA: Especially unknown religious institutions and people are not tolerant of that. And, you know, there is always that chance that someone is there to do malice and to drive a car, you know, directly through. And the fact that you have that substantial, but very low wall, you know, that would stop a car coming through. And I looked at the details of how you are going to build it and it's all reinforced solid concrete block, but at the same time, it pays tribute to the neighborhood, to that clear spot, but also to the beauty of your building, and the things that you have done to it. So I do think that beyond that, there is a -- I will call it -- a religious aspect, not that it's part of your religious rights, but in this day and age, protecting religious buildings is very important and you have done this extremely aesthetically.

MR. ALI: Thank you very much, and a lot went into it.

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1 We kind of wanted that building to be a reflection of us  
2 because we live there. So we put a lot of emphasis into it.  
3 And, of course, the threat is always there. We are very  
4 thankful, though. Since we have been there, we have never had  
5 one incident of graffiti or some, like, you hear in other  
6 mosques, people that they leave animal heads and all of this  
7 stuff. We are very thankful that as of today, we haven't had a  
8 single episode of that in our property. And even though we  
9 have a good security system there running 24 hours and  
10 everything else, we are very thankful to not have any of that.  
11 But you are a hundred percent right, it's always in the back of  
12 our head when these heightened security levels goes up, we are  
13 always worried. And we also have to hire extra people just to  
14 be out there on the alert.

16 VICE CHAIRMAN FRANCIS: You mentioned that there is a  
17 significant number of children that use the mosque. Are there  
18 structured programs for the children, after-school programs,  
19 summer programs, those kind of things?

20 MR. ALI: Of course. We do have many programs going on  
21 right now. And the whole agenda is to just have them there  
22 instead of hanging out, going and hanging out at 7-Eleven or  
23 any place else, come there. After-school programs for their  
24 homework, sitting down there with someone, praying at the same  
25 time, going back, getting their work done. Saturdays we have  
26 some programs there where they come in. And we do so many

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different things in the mosque and we have so many things planned into the future. On our Board alone, there is four or five doctors who are planning a blood drive for the community as a whole, and not for Muslims per se, but for every single one. We also have where people can come use our event room for any purpose at all. And they do bring their kids because we encourage that. It's one organization where we have a Umma. And one thing when you have a Umma, he attracts young people. So how do we keep them in some kind of square. We always want to think in the back of our head that security is addressed.

VICE CHAIRMAN FRANCIS: Security and safety.

MR. ALI: And safety, of course.

MEMBER DONATELLI: Mr. Chairman, I will just note that we have had similar applications for other religious institutions in the past and I know that they have expressed similar concerns.

MEMBER GOODSSELL: If I can ask, you have some onsite parking there?

MR. ALI: Yes. We have 77 parking spots.

MEMBER GOODSSELL: You have access from both Shelter Rock Road and IU Willets Road?

MR. ALI: We have access right now from IU Willets. We don't have access because of that situation where it was closed off. There is a curb there. However, we do have, from time to time, if there is an alarm, a fire alarm or something, fire

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trucks do pull up there on Shelter Rock Road.

MEMBER GOODSSELL: So just looking at your plans, you do intend to keep an access point on Shelter Rock Road as well as an access point on IU Willets Road, is that correct?

MR. ALI: Correct. Yes, and that's taking that into consideration.

CHAIRMAN MAMMINA: Just for the record and a question that has come up that we will verify with the Building Department, the finial that you have on top of the --

MR. ALI: The columns, yeah.

CHAIRMAN MAMMINA: Of the fence. What is the shape of that? Because there are parts of zoning that does not permit things like barbed wire. Not that this is barbed wire, but the safety of that, it also has to be looked at.

MR. ALI: Of course. Yes, when the top comes up where that metal railing is, it's capped and it's kind of paved. Nothing is sharp. Even if someone jumps the fence, we wouldn't want them to get hurt in that sense. So one of the things, each railing will have a cap. And on that cap, it's not protruding to any extent of like a sharpness or anything like that.

CHAIRMAN MAMMINA: Okay.

MEMBER GOODSSELL: The intent is a 4-foot fence on both sides?

MR. ALI: Yes, on both sides. I think even if we went

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higher, I think we would have been taking away from the beauty of the landscape there.

MEMBER HERNANDEZ: It shows 4-foot pedestals with the fence actually being at 3 feet 8 inches high, just for the record.

MR. ALI: Yes.

MEMBER GOODSSELL: You are creating a safety barrier, but not of tress, which is what we don't encourage, too.

MR. ALI: Thanks. I couldn't say it better.

MEMBER DONATELLI: Is this fence commercially available? This is not being made specifically for the mosque? This is a commercially available fence from a commercial manufacturer?

MR. ALI: Yes. Manufacturer, yes.

MEMBER DONATELLI: So Mr. Chairman, I have no objection to this application. I think that the applicant has put on the record their reasons for it. And I know that as a Board, we have taken certain security and safety into account for other religious institutions. And I think that the applicant has really tried their best to present a thoughtful and attractive fence. And I would certainly notice also that there are other residences further north of Shelter Rock Road that do have standard white vinyl fences. So this is certainly much more in keeping of the area. I would make a motion. I make a motion that we grant the application subject to the proviso that the

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fence itself, the design of the fence complied in all other respects with Section 215 so that it's not spiked on top. Presumably, if the fence complies with the section of the Town code, that on condition, that the fence comply with the Town code and that we grant the application.

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

MEMBER HERNANDEZ: Second.

CHAIRMAN MAMMINA: Second by Member Hernandez. Please poll the Board.

SECRETARY WAGNER: Member Goodsell.

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Hernandez.

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Donatelli.

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Vice Chairman Francis.

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina.

CHAIRMAN MAMMINA: The application is granted just with the proviso with the Building Department.

MR. ALI: Again, thank you very much.

CHAIRMAN MAMMINA: Thank you.

SECRETARY WAGNER: Next Appeal is Appeal #21369 -

## Appeal #21369

CAW75, LLC (Cyclebar)(SAB 1488-1506 Northern Associates, LLC);  
1500 Northern Boulevard, Manhasset; Section 3, Block 145, Lot  
205; Zoned: Business-A. Variance from §70-103.A(1) to convert  
a retail space to a gym facility with not enough parking.

CHAIRMAN MAMMINA: You have heard Appeal #21369 CAW75,  
LLC (Cyclebar) (SAB 1488-1506 Northern Associates LLC).

MS. CURTO: Good afternoon, Chairman Mammina and  
Members of the Board. My name is Andrea Tsoukalas Curto. I am  
with the firm of Forchelli Deegan Terrana with offices at 333  
Earle Ovington Boulevard, Uniondale, New York. With me today  
is Lee Williams, he is the applicant and the operator of the  
proposed Cyclebar, and Aaron Machtay, the applicant's  
transportation expert with VHB.

I just submitted an exhibit packet, we can mark that as  
Applicant's Exhibit A. As mentioned, this is an application  
for a parking variance for the proposed new cycling studio at  
the premises. As you may recall, the Board recently approved a  
bakery at the shopping, the French Workshop, under Appeal  
#21223.

MEMBER GOODSSELL: Which we are still waiting to go in.

MS. CURTO: Right. The French Workshop has decided not  
to occupy the space that was prior to the Country Curtains  
space on the corner. That, is now going to be a retail space,  
Steinway Piano, that is going into that location. Furthermore,  
the other pending tenant for the center is an art studio. The

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studio is a public assembly use and was contemplated in the last application that was before this Board. Do you have a question about the French Workshop?

MEMBER GOODSSELL: Yes. I'm devastated. It's all right. I will just have to go to a gym to work it all off.

MS. CURTO: So I have been speaking with Michael Son (phonetic). He represents Fred Collin who is the property owner to the east. The concern was overflow parking and he asked that we put up signage on that easterly boundary between the two properties. I spoke with my client, the owner, representative, and he didn't have a problem with that. And Mr. Son did submit a letter and he showed it to me, as well. It's just that we have made this agreement and, you know, his concerns were addressed with the proposed signage that we are going to be putting up.

CHAIRMAN MAMMINA: Historically all of those parking lots back there have been the subject of this sort of thing and many times not resolved so amicably.

MS. CURTO: Yes. We try to be as amicable as possible. Just a little background for the record. The premise is located on the south side of Northern Boulevard, 620 feet east of Shelter Rock Road. It's situated in the Town's Business-A Zoning District and is improved in a commercial building having six tenancies. Only two of the six tenancies are occupied at this time, the Huntington Learning Center and Sandro's

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Restaurant.

So just to give you some context and to explain what was previously approved with what we are presenting now. I would like to go through each of the tenancies and compare each of the blocks so that we have a clear understanding. First, the Notice of Disapproval for the French Workshop dated 2/25/22 noted that a 127 parking spaces were needed and 57 were provided on the site. I will submit that as Applicant's Exhibit B just for the record. The NOD for the proposed cycle studio dated February 14, 2023 notes that 92 parking spaces are needed and 57 are provided onsite. So that's a decrease in demand by 35 spaces. The NOD incorrectly states that it's an increased deficiency of 35, so I just wanted to point that out to the Board.

So going through each of the tenancies. The French Workshop would have been what is identified now as vacant retail tenancy A that required 64 spaces. Again, that's now slotted as retail, which only requires 16 spaces. Vacant retail tenancy B requires 5 spaces; there is no change to that. Tenancy C is Sandro's Restaurant, that requires 30 spaces; no change. Again, that's an existing tenancy. Tenancy D is the prior Artistic Tile, a retail use. This is where the proposed Cyclebar is going in. The prior retail use required 6 spaces and the proposed Cyclebar requires 34 spaces. Tenancy E is the One River Art studio; there is no change to that and the

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2 required parking is 16 spaces. And again, that was  
3 contemplated in the prior application, so there is no change.  
4 Tenancy F is the Huntington Learning Center, that requires 9  
5 parking spaces; again, no change to that. So the key being  
6 that the overall required parking for the center is 35 spaces  
7 less than the prior application that you approved for the  
8 French Workshop.

9 The applicant did retain VHB to conduct a parking study  
10 in connection with the application. The study also concludes  
11 that there will be adequate onsite parking to serve the parking  
12 needs of the proposed tenancies. And, of course, this  
13 conclusion is based on the fact that the peak demands for the  
14 propose use for the center will not overlap. Furthermore, the  
15 Huntington Learning Center and One River Art Studio are  
16 primarily parents dropping off their children for a session so  
17 they do not require long-term parking. At this time, I would  
18 like Mr. Machtay to also testify.

19 MR. MACHTAY: Good afternoon. Aaron Machtay with VHB  
20 Engineering with offices at 100 Motor Parkway in Hauppauge, New  
21 York. VHB has prepared a parking study, which is submitted to  
22 your attention, but I will summarize some of the details. The  
23 most important thing about this application is to understand  
24 the operation of the Cyclebar. It's been described to me by  
25 the applicant, Cyclebar is, I believe, the largest purveyor of  
26 these services, the spin classes, if you will, in terms of

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2 having multiple locations. He operates one additional location  
3 located in Garden City and the proposed operation is going to  
4 mirror, I guess, what we would say is about 99 percent of their  
5 typical studios that you might find if you were to search on  
6 Google.

7 In general, what occurs is a class schedule. This  
8 isn't an open gym that you could come at any time. There are  
9 classes at set times, which you can attend freely. You are not  
10 signed in to any one class where you have to attend at this  
11 same time on this day or whatever. It, basically, meets or  
12 suits your schedule. And, you know, I think this shopping  
13 center, this Board is very familiar with it and from my  
14 predecessor who used to be up here all the time talking about  
15 these types of applications and actually talking about the  
16 French Workshop. It's almost a prerequisite for the uses in  
17 the shopping center that will be in some way, shape or form  
18 self-regulated. So this particular operation, because of the  
19 way this class schedule works, that it's open and that it's  
20 operating at different times and you can kind of come and go  
21 depending on, you know, maybe you are dropping your kids off at  
22 the bus or you have to stop in somewhere and do some grocery  
23 shopping at a later time, et cetera. You can come in and stop  
24 by as it suits your schedule and that helps you.

25 In general, on a weekday, there are two peak periods in  
26 the morning, you know. The schedule I was given for Garden

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City started as early as 5:45 a.m. going till about 10:00 a.m. in terms of when the classes are scheduled. In the evening, possibly --

MEMBER GOODSSELL: Did you say 5:45 a.m.?

MR. MACHTAY: 5:45 a.m. Again, that's what I am told. There are fitness people out there. I am up at that time, but I have a 2-year old. I don't think I am going to a cycle class, but maybe some people are. But the point is is that the use is it's other people coming before work, after dropping off their kids, whatever it might be or in another more limited fashion, after work. Again, it's been indicated probably about 4:00 p.m., 6:00 p.m., that window. Again, that's just when. It's going to be responding to the demand of the customers. Again, because it's self-regulating, we are going to see periods. We are probably going to notice that the busiest times for this facility are going to be the morning and maybe a lesser peak. And for those afternoon sessions, obviously, there is more conflict with some of the existing uses, specifically the restaurant. And even though it's not a part of this shopping center, the nuBest, the wedding salon of Manhasset, which clearly this parking lot tends to have some infiltration, let's call it.

MEMBER DONATELLI: And also, presumably, if somebody has the flexibility of going at various times during the day, if they get there at a certain hour and it's routinely crowded

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at that hour, then, presumably, they could go for another class when it's less crowded.

MR. MACHTAY: Absolutely. So as a part of this study, we did take a look at the parking lot. And if you look at that information, you will probably notice, especially towards later in the day, that the occupancy gets busier and busier. Again, the fact this is a complementary use makes that to be somewhat of a nonissue. It should also be noted that when we were doing the observations, there was a significant amount of parking, you know, that crossed over to the other uses. When you go to the shopping center, it almost appears that it's one continuous shopping center to both nuBest and for this property, it's not. So, you know, those vehicles shouldn't be there. We have been talking about the fact that the property manager is going to have to manage that a little bit better, whether it's a security person, cameras, et cetera, just to make sure that the parking that needs to be available for our property is actually available for our property. So that sort of alleviates some of the extra congestion. And just thinking about the demand that is associated with these uses, I referred in my letter to ITE. We can also look at the number of bikes versus the average occupancy they tend to have. But in general, when you take that demand, that parking demand, and look at the peak times that you are going to actually experience in the morning, that's a capacity that's currently available in the parking lot

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2 as it is. So not even considering the nuBest element when the  
3 peak is going to occur for this particular use, there is  
4 parking available in the shopping center. And again, it's  
5 going to self-regulate. So there may be times that the  
6 shopping center is full, those are going to be the less busy  
7 classes and, perhaps, the clientele and demands, those aren't  
8 going to be the times that the classes are scheduled at all.

9 So in summary, just based on the operation of this use  
10 compared to other uses within this shopping center, it's a very  
11 good compliment. You know, we can theoretically propose in the  
12 space a general retail use and it's going to be more close in  
13 line with the actual peak demand for the shopping center as it  
14 is, and that wouldn't necessarily require the variance.  
15 Because again, the space could just be reoccupied by a general  
16 retail use that is just going to really just coincide with the  
17 peak times of activity. So based on all of that and based on  
18 the findings in the parking study, I believe there will be  
19 adequate parking for this application without generating any  
20 undue traffic hazards.

21 CHAIRMAN MAMMINA: I do know for myself I'm an advocate  
22 of Orange Theory and, you know, it's kind of the same thing.  
23 I'm not going to be at Orange Theory at 5:30 in the morning for  
24 a class. I'm going to be there for 6:30 to a 7:45 class, and  
25 those are very sparsely attended, as well, compared to the  
26 morning classes. Those early classes, you need to reserve a

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station to get a place.

MEMBER GOODSSELL: The parking lot behind at this proposed facility has never been my favorite, but I can truthfully say I have never had a problem parking back there -- before the French Workshop. The businesses in this particular development seem to compliment each other with the hours. So I would agree with you that there would be adequate parking. Your client can only hope that they have 127 people that want to come during the day and park there and use their facility.

MEMBER DONATELLI: Will the applicant have walk-in customers, people who just go in for the day or will the customers mostly be members?

MR. MACHTAY: My understanding is it's a membership, but I think the applicant himself can probably speak to that more intelligently.

CHAIRMAN MAMMINA: Great. Please give your name and address.

MR. WILLIAMS: Lee Williams; address is 266 Stewart Avenue in Garden City. So to the question around memberships and how that works. Yes, we don't have just walk-ins, generally speaking. People could do that, but that's not the typical. We are similar to an Orange Theory. However, we don't typically operate during the day. So whereas Orange Theory may have classes all day, we typically stop at 10:00 and then open again around 4:00.

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2 MEMBER DONATELLI: I'm sorry. Can you repeat that?

3 MR. WILLIAMS: So our hours of operation are typically  
4 from 6:00 a.m. to 10:00 a.m. depending on the market, and then  
5 we shut down, and we open up again around 4:00 p.m. until  
6 around 6:00 or 7:00.

7 MEMBER HERNANDEZ: So you are only open for classes?

8 MR. WILLIAMS: Yes.

9 CHAIRMAN MAMMINA: So you can't just go there if you  
10 want to ride for an hour?

11 MR. WILLIAMS: No. That's currently not the business  
12 model.

13 VICE CHAIRMAN FRANCIS: When I first got the sheet for  
14 the Hearing and I saw this was on, I thought in my mind,  
15 somebody had put together two of the things that I enjoy the  
16 most, cycling and cocktails. You can say that I was misled by  
17 the name of the business.

18 MR. WILLIAMS: You are actually not too far off.  
19 Clearly, it's not cocktails, but it is the community's  
20 congregating center. So from a social aspect, yes.

21 MS. CURTO: Do you have any more questions?

22 VICE CHAIRMAN FRANCIS: No.

23 MS. CURTO: Do you want me to go through the area  
24 variance?

25 CHAIRMAN MAMMINA: If you can.

26 MS. CURTO: Okay. The proposed use is in character

## Appeal #21369

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2 with other uses in the area and will provide a use for service  
3 to nearby residents in the Greater Manhasset area. The  
4 proposed use will not have a negative impact on character or  
5 the environment. As explained, the proposed cycle studio will  
6 have its peak hours in the morning before the center gets busy.  
7 And then again, in the evening and afternoon, the retail and  
8 other uses are closed, thus the use fits well within the center  
9 and its existing and proposed uses. Also, as stated, the  
10 center as a whole needs 35 less parking spaces for the proposed  
11 use as compared with the prior application that the Board  
12 approved for the French Workshop. Although the variance is  
13 numerically substantial, it should not be considered  
14 substantial because it does not impact character that is the  
15 determining factor. The applicant does not have alternatives  
16 to the variance. The parking variance would be required for  
17 anything other than a retail use at this tenant space. This is  
18 a self-created hardship to the extent that the applicant knew  
19 that the center is deficient in parking. However, this factor  
20 is not determinative. And finally, we request that the Board  
21 grant the requested variance because there will be no potential  
22 negative impact to the community.

23 MEMBER HERNANDEZ: Mr. Chairman, given the discussion  
24 that we had here today and that it will be exercise, which is  
25 always good for the soul and the body, I move that we grant the  
26 application. We have received a letter concerning some

## Proceedings

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agreements between the owner of the shopping center that is, of course, a condition that it be signed off.

MS. CURTO: Understood.

CHAIRMAN MAMMINA: So we have a motion. Do we have a second?

MEMBER DONATELLI: Second.

CHAIRMAN MAMMINA: Seconded by Mr. Donatelli. Please poll the Board.

SECRETARY WAGNER: Member Hernandez.

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Goodsell.

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Donatelli.

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Vice Chairman Francis.

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina.

CHAIRMAN MAMMINA: Aye. The application is granted.

MS. CURTO: Thank you very much. Thank you. Have a good holiday, everybody.

VICE CHAIRMAN FRANCIS: Off the record.

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

SECRETARY WAGNER: Somebody want to move to adopt

## Proceedings

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2 SEQR?

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MEMBER HERNANDEZ: I move to adopt SEQR.

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MEMBER GOODSSELL: Second.

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MEMBER HERNANDEZ: All in favor?

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(Whereupon, all Board Members voted affirmatively.)

7

SECRETARY WAGNER: So request to reopen Appeal

8

#20995 Lucid USA, Incorporated; 1950 Northern Boulevard in

9

Manhasset.

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MEMBER HERNANDEZ: Mr. Chairman, I move to reopen

11

the case.

12

CHAIRMAN MAMMINA: Do we have a second?

13

MEMBER DONATELLI: Second.

14

CHAIRMAN MAMMINA: Seconded by Member Donatelli.

15

Please poll the Board.

16

SECRETARY WAGNER: Member Hernandez.

17

MEMBER HERNANDEZ: Aye.

18

SECRETARY WAGNER: Member Goodsell.

19

MEMBER GOODSSELL: Aye.

20

SECRETARY WAGNER: Member Donatelli.

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MEMBER DONATELLI: Aye.

22

SECRETARY WAGNER: Vice Chairman Francis.

23

VICE CHAIRMAN FRANCIS: Aye.

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SECRETARY WAGNER: Chairman Mammina.

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CHAIRMAN MAMMINA: Aye.

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SECRETARY WAGNER: Now we are going to vote to amend

## Proceedings

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the decision to include a condition that now -- should the condition say that they are allowed to test-drive only on commercial streets or should it say to prevent them from driving on residential or should it say both?

ATTORNEY ALGIOS: Test-driving only on commercial streets, no residential. No test-driving shall be performed on residential streets.

MEMBER HERNANDEZ: The purpose of reopening the case was to address a point brought up by Lucid in that they would like the ability to demonstrate and do test-drives not permitted by the state. I move that we grant that request, but only for commercial roads and not in any residential streets. Also, although there is no prior decision complied by them, there will be no delivery or prepping of cars at this location.

VICE CHAIRMAN FRANCIS: Are there cars there now?

MEMBER HERNANDEZ: Only the ones in the showroom.

CHAIRMAN MAMMINA: So we have a motion.

VICE CHAIRMAN FRANCIS: Second.

SECRETARY WAGNER: Member Hernandez.

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Goodsell.

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Donatelli.

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Vice Chairman Francis.

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Proceedings

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina.

CHAIRMAN MAMMINA: Aye. The application is granted.

(Time noted: 2:13 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK )

) Ss.

COUNTY OF NEW YORK )

I, Amy Boguszewski, a Shorthand  
(Stenotype) Reporter and Notary  
Public, do hereby certify that the  
foregoing proceedings, taken at this  
time and place aforesaid, is a true  
and correct transcription of my  
shorthand notes.

I further certify that I am  
neither counsel for nor related to any  
party to said action, nor in any wise  
interested in the result or outcome  
thereof.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 18th day of  
April, 2023.

A handwritten signature in cursive script, appearing to read 'Amy Boguszewski', is written in dark ink on a light-colored rectangular background.

AMY BOGUSZEWSKI