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TOWN OF NORTH HEMPSTEAD
BOARD OF ZONING APPEALS
PUBLIC HEARINGS

Wednesday
June 21, 2023
10:16 a.m.

BOARD MEMBERS PRESENT:

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

ALSO PRESENT:

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

1 Proceedings

2 CHAIRMAN MAMMINA: Good morning, everyone. Welcome to
3 the Town of North Hempstead Zoning Board of Appeals. If
4 everyone would please rise and join Vice Chairman Francis in
5 the Pledge of Allegiance.

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

7 CHAIRMAN MAMMINA: Good morning. I just want to remind
8 everyone that it's officially summer in about a half an hour.
9 I do live for this time of the year and wish that I could
10 freeze time, but as Member Donatelli was saying then the
11 depressing part is that we know every day it gets dark, you
12 know, a minute or two early. But what can we do. Enjoy it
13 while we can and we're all very fortunate over in this part of
14 the world.

15 So good morning again. And what I would like to do is
16 take a couple of minutes to explain the way we do things in
17 North Hempstead in case you have been to other zoning boards
18 and we might do things a little bit differently. If you've
19 never been to a zoning board, what this is all about. If
20 you've never been to a zoning board, I always like to say just
21 relax and you're talking to us across your kitchen table. So
22 that might be a little easier said than done, but there's
23 absolutely nothing to be nervous about. So what we will be
24 doing is as our secretary to the Board Ms. Wagner calls the
25 case, we will ask each person at that point to identify
26 themselves by standing up and coming toward the podium. I'll

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2 also ask if there's anyone else in the room who has interest in
3 the case, which might mean that you're here to say it's the
4 greatest thing that ever happened or you're here to say it's
5 the worse thing that's ever happened and that's all okay. The
6 applicant will get first time, first chance at the podium and
7 give their name and address as everyone will when they come up.
8 And this is a quasi judicial proceeding. So we have a
9 stenographer and that's necessary for us to get that record put
10 together properly. So at that point, the podium will then
11 belong to the applicant and the applicant will put onto the
12 record whatever it would like to put onto the record, and the
13 board will ask whatever questions it may feel that it needs to
14 ask and at that point, I'll call to see if anyone else is
15 interested and if no one else is interested at that point, then
16 the hearing is over. And very seldomly you have to ever come
17 back. That almost never ever happens. And the Board will then
18 do one of four things. We will either approve the application,
19 we will deny the application, we will continue the application
20 which means that we might offer some kind of a compromise in
21 terms of what's being asked for, you know, or we might ask for
22 a piece of paper, you know, a document so therefore that is
23 continued because there's other information that the Board
24 needs. Or the fourth is that we may reserve the application.
25 If we reserve the application, that might be because the Board
26 wants to go and see the property again. We do go to see the

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2 properties. We may, you know, we may want to get a file from
3 the building department that we can look at. So there can be
4 any number of reasons for reserving the application. So if
5 there is anyone else who is going to wish to speak, the same
6 process will happen. After the applicant is done, the
7 applicant can just have a seat wherever and one at a time then
8 people will come up, give their name and address and put their
9 feelings onto the record. We do have a three minute time limit
10 on that. I like to say, you know, we're not gonna chop
11 anybodies heads off at, you know, at the end of three minutes,
12 but, you know, we do try to condense that. And then the Board
13 can ask what questions it sees fit of the person who is there
14 to speak and they will then have their seat and the applicant
15 and only the applicant gets two turns at the podium, because
16 they then have the opportunity to either support or refute what
17 someone says and more importantly, the Board then has the
18 ability to ask questions of the applicant again regarding the
19 statements and things that were made by others. If someone is
20 going to speak regarding an application for it or against it,
21 we just ask that, you know, if someone has already testified
22 saying that the traffic is bad, it's too big, it's too whatever
23 or I think this is the best thing, it's gonna really help our
24 neighborhood, it's gonna make traffic move easier, we can see
25 better, if somebody else already said, just say I agree with
26 the previous speaker regarding that traffic will be improved.

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2 So that way we just condense the hearing. Today we have a
3 short, relatively short calendar, but I don't like to say that,
4 because who knows what sleeping dogs we may have within that.

5 So with all of that said, just a few requests. You
6 know we, all live and die by, you know, our phones and our
7 computers and iPads. So if you can just take those out, you
8 don't have to turn them off, just put them on silent. Let them
9 buzz, you know, or whatever they're going to do. If you have
10 to make a call or take a call at any time, that's absolutely
11 okay. You just stand up and walk out into the lobby area and
12 that's all right to do. The other thing we will ask that if
13 there is anyone who is going to be joining and they're not here
14 yet, that you ask them to do the same thing and then the final
15 thing is that we keep conversation during the hearing really to
16 a zero, you know, certainly as best we can because most of all,
17 it's very hard for the stenographer to take that record and
18 even the Board has to be, you know, careful about those types
19 of things, and then it's all difficult for the Board to hear
20 the -- the applicant speaking, you know, because it's just
21 districting.

22 So I think that covers everything. Everybody agree?

23 Yes, I had mentioned the three minute rule, but just
24 remind everybody that there's three minutes.

25 So with that said, Secretary Wagner, do we have any
26 modifications to the calendar this morning?

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SECRETARY WAGNER: Yes, Chairman. We have Appeal Number 21363, Michael Licciardello will be withdrawn. 25 Third Avenue, Port Washington; Section 5, Block 45, Lot 204 in the Residence-C Zoning District. Variance from 70-51.E, to legalize a deck with smaller than required aggregate side yards and is too close to a side property line. That application has been withdrawn. So if they plan oncoming back, they would have to make a new application to the Board and send out new notices regarding that hearing.

CHAIRMAN MAMMINA: Okay. So if anyone is here for that, you know, as Ms. Wagner said, it's not gonna be heard and it may never be heard. And if they should reapply, then you will be noticed again.

SECRETARY WAGNER: Appeal Number 21399, Marcin Bielawski; 24 Lynn Road, Port Washington; Section 6, Block 68, Lot 2, in the Residence-B Zoning District. Variance from 70-40.C, to construct an addition (foyer) that is too close to the street.

CHAIRMAN MAMMINA: You've heard Appeal Number 21399, Marcin Bielawski. Is there anyone in the room who would like to speak other than the applicant? Seeing no one. Please come on up forward and name and address. And also, because we do have a couple here, two people are permitted to speak for sure of course and we just ask that each one individually give their name and address, and also that you try not to talk over each

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other. Again, for the same reason. The Board struggles with that frequently as we speak over each other. So with that said, name and address.

MR. BIELAWSKI: Good morning. Good morning, Board members. My name is Marcin Bielawski and my wife Yupaka. So let us introduce ourselves quickly. My wife and I, we live --

CHAIRMAN MAMMINA: Give your address also.

MR. BIELAWSKI: Sure. 24 Lynn Road.

CHAIRMAN MAMMINA: Good. Just deep breathe. It's okay.

MR. BIELAWSKI: We've lived in Port Washington for the past six years along with our three kids. We have kids in all three schools, elementary and middle school and high school. Unfortunately our architect couldn't be here today, Janice Miller. She couldn't make it. But we prepared a quick statement regarding our hearing.

So we are seeking permission from the Board of Zoning appeals for a proposed renovation of our 1950 Cape Cod style home in Port Washington. Our home is one of two on the block that faces Lynn Road. Adjacent homes face Wakefield and Gilford Avenues, which makes it a pretty unique situation. And we are proosing a 15 square feet extension to existing foyer to improve it's functionality. The existing front yard setback is currently 22 feet and 6 inches and the extension will not increase the nonconformity. The new addition has been designed

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to be consistent with the other homes in the neighborhood and we would greatly appreciate the Board's consideration in this matter. Thank you.

MEMBER DONATELLI: So I have passed by your house and I have taken a look at it, and I've also reviewed everything that's in the files. I do have a question for you and I'm not sure if you're able to answer this, but you say it will increase the functionality. What will the additional space be used for?

MR. BIELAWSKI: Currently we use it just kind of as an entrance to the house. We leave jackets and shoes in that area.

MEMBER DONATELLI: Yeah. It's a foyer to the house.

MR. BIELAWSKI: It's a foyer, yes. With five kids and a dog, I should mention too, it becomes crowded sometimes. So we thought by adding an additional 15 feet to this space, we could, you know, increase it's functionality. Meaning, store more stuff in that area and also make the entrance to the house a little more presentable other than just a crowded space.

MEMBER DONATELLI: And again, I'm just trying to figure out what room specifically. Is the foyer being made larger or is there another room that's being made larger?

MR. BIELAWSKI: The foyer is being made larger.

MEMBER GOODSSELL: Mr. Bielawski, I've been through your neighborhood and I do note that one or two of your neighbors

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have an enclosed foyer. It's more common to have an open overhang or something. But I've looked at your property tax card. In fact, I'm looking at it now. I see the construction was done at 1950. At some point it appears that that existing foyer was added. It's not on the tax card. You only bought six years ago. Is that correct?

MR. BIELAWSKI: That's correct.

MEMBER GOODSSELL: So you have no information about when that initial foyer was put on the house?

THE WITNESS: Unfortunately not.

MEMBER HERNANDEZ: We are trying to understand the drawing. It's a shame your architects not here. Your foyer, is it coming forward or is it opening to the side?

MR. BIELAWSKI: It's going to the side.

MEMBER HERNANDEZ: Okay. The foyer is going -- so what you now have is an open porch. Are you closing that open porch?

MR. BIELAWSKI: The porch will become a little smaller so we'll take some of the space of the open porch.

MEMBER HERNANDEZ: So you're taking some of the porch and you're making that part of your foyer?

MR. BIELAWSKI: Correct.

MEMBER HERNANDEZ: So you're making the foyer wide but not deeper?

MR. BIELAWSKI: Correct.

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2 CHAIRMAN MAMMINA: So the picture window with the two
3 side windows will still be there looking out onto the street?

4 MR. BIELAWSKI: Yes. Yes. Yeah.

5 CHAIRMAN MAMMINA: And then that will have a small roof
6 area over that.

7 MR. BIELAWSKI: Exactly. And just to add, we also have
8 consent forms from our two adjacent neighbors.

9 VICE CHAIRMAN FRANCIS: You can hand those up.

10 SECRETARY WAGNER: This will be Exhibit 1.

11 MEMBER DONATELLI: How much is the foyer being made
12 wider?

13 MR. BIELAWSKI: By three feet.

14 MEMBER DONATELLI: So it is not going to the corner of
15 the house?

16 MR. BIELAWSKI: No. That's correct.

17 MEMBER DONATELLI: So excuse my confusion, but as I
18 looked at the plans, I was under the impression that the --
19 that you were going to extend the foyer to the side of the
20 house. All the way to the side of the house. That apparently
21 is not the case. And I see that we have some consents from
22 your neighbors. Your house is a very attractive house and it's
23 a very attractive area of town. So I congratulate you for
24 that. I don't have any other particular questions.

25 Does anyone else on the Board have questions?

26 MEMBER GOODSSELL: No. As I said, the bump out that

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they have now was added at some point before they owned the house that was added. But it's a 22 foot setback. They're not changing the house. So I don't have any objection.

MEMBER DONATELLI: So having said that, Mr. Chairman, I make a motion that we grant the application.

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

MEMBER HERNANDEZ: Second.

CHAIRMAN MAMMINA: Seconded by Member Hernandez. 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.

Application is granted.

MR. BIELAWSKI: Thank you so much.

MEMBER GOODSSELL: It's probably an expensive way to add three feet of storage. Good luck with that. The dog will fit there.

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2 MR. BIELAWSKI: Yeah. Thank you so much.

3 MEMBER DONATELLI: Have a good day.

4 MR. BIELAWSKI: Thank you, you too.

5 SECRETARY WAGNER: Next appeal, Appeal Number 21400,

6 Francisco Diaz; 31 Jessica Place in Roslyn Heights, Section 7,

7 Block E, Lot 919 zoned in the Residence-C Zoning District.

8 Variance from 70-50.C, to construct a second story addition and

9 extended eave that would be too close to a street.

10 CHAIRMAN MAMMINA: You heard Appeal Number 21400,

11 Francisco Diaz. Is there anyone in the room who wishes to

12 speak regarding the application other than the applicant?

13 Seeing no one. Please give your name and address.

14 MR. GONZALEZ: Sure. Good morning, Mr. Chairman,

15 Members of the Board. I am the architect Mel Gonzalez, MIG

16 Architects 200 Cooperate Plaza, Suite A 102, Islandia, New York

17 11749.

18 CHAIRMAN MAMMINA: Good morning.

19 MS. DIAZ: Hi. And I'm Carmen Diaz. 31 Jessica Place,

20 Roslyn Heights, New York.

21 CHAIRMAN MAMMINA: Please go ahead.

22 MR. GONZALEZ: So what we're requesting is -- well, let

23 me brief you on what we're doing. We're actually proposing a

24 second floor addition on an existing structure. What we're

25 asking for is a relaxation on the front yard setback.

26 Currently the first floor is 25.1 feet from the front yard and

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2 has a CFO. And what we're looking to do is add a second floor
3 in line with the existing first floor footprint. Doing so
4 creates a less than the 25.1 setback. We also have an overhang
5 or an eave that extends. The overhang is more of an esthetic
6 thing and creates a measurement of 22 feet and one and a quarter
7 inches where the average front yard setback within the 200 feet
8 is calculated at 28.3 feet. One of the things that we do note
9 is that we have one, two, three, four, five, six properties
10 that are in the 25 range. Ranging from 25.1 feet to 25.4 feet,
11 which is the average. There are a couple of homes just to the
12 north of the subject property that have a greater setback.
13 They're larger yards and their setbacks are 36.2 and 31.7
14 respectively. In addition to that, we also have a rear yard
15 setback to a raised deck. That is measured at 17 feet half
16 inch where 29 feet is required. What I would like to point out
17 is that the existing residents on the backyard measures 29.10
18 to the first floor or one story portion of the home and
19 measures 38 feet 3 inches to the second floor addition that
20 we're proposing. So the actual structure or the dwelling
21 complies with the rear yard setback. The issue, I guess is the
22 raised deck, which is approximately 18 inches from grade and
23 that is measured to 17.

24 CHAIRMAN MAMMINA: Just a quick question and maybe for
25 Ms. Wagner, I don't see the rear yard variance on the
26 disapproval that we have.

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2 MR. GONZALEZ: I'm not sure that's actually something
3 that is required for a variance. From my understanding, they
4 just wanted me to list it and show it on there.

5 MEMBER DONATELLI: Were you given -- oh, sorry.

6 CHAIRMAN MAMMINA: What they may have done is said --
7 and just take it as I mean it, make the zoning sheet complete
8 by putting that on there.

9 MR. GONZALEZ: Yes. Yes. Yes.

10 CHAIRMAN MAMMINA: Showing that you have -- because it
11 says, wherever it is, minimum rear yard and then it says
12 proposed and existing. So that's probably what it was.

13 MR. GONZALEZ: Because it's an accessory structure.

14 CHAIRMAN MAMMINA: Yeah. So you're not here for the
15 rear yard variance.

16 MR. GONZALEZ: No. No.

17 CHAIRMAN MAMMINA: Do you to talk about the shape of
18 your lot.

19 MR. GONZALEZ: The shape of the lot?

20 CHAIRMAN MAMMINA: The shape of the lot.

21 MR. GONZALEZ: I do have the site plan here much larger
22 and the shape of the lot. Essentially it's rectangular, except
23 for the rear property line which has a skew to it. So the
24 front property, which is the setback that's in question or what
25 we're requesting is straight. I would point out that there are
26 like seven homes, I believe and I do have that written down

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that are two story dwellings. So it's a commonplace to have a two story dwellings in that neighborhood.

MEMBER GOODSSELL: We looked at the neighborhood. Everybody has looked at the property. I did note that there are other houses, which this house seems to be in almost its original condition it was built.

MR. GONZALEZ: Yes. Yes. It is actually. It's small.

MEMBER GOODSSELL: And there are several others that have been extended or have been extended.

MR. GONZALEZ: Correct.

MEMBER GOODSSELL: But could you address the issue of the setback. You did, but could you clarify in relation to these other homes.

MR. GONZALEZ: Right.

MEMBER GOODSSELL: This setback of the existing house --

MR. GONZALEZ: Right.

MEMBER GOODSSELL: -- is 25.1 feet. How does that relate to the other existing homes in the neighborhood?

MR. GONZALEZ: Okay. So for example, the Lot Number 912, which is to the south, immediately to the south, that setback is 25.0. The next property to the south is 915. Lot 915 is 25.4 feet. Lot 913 to the south is 25.3 feet and Lot 914 to the south is 25.4 feet.

MEMBER GOODSSELL: And at least one, if not two of those houses already have a second story addition. Is that correct?

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2 MR. GONZALEZ: That's correct. Yes.

3 MEMBER GOODSSELL: And do either of those houses have
4 the overhang that you are looking to do?

5 MR. GONZALEZ: Not to the extent that we're requesting.
6 They have a minimal overhang, six foot 12 inches. Ours is more
7 so an esthetic thing. It's just the eave. It's not the home.
8 It's the roof line that comes down and I can you on the
9 elevation if you'd like?

10 MEMBER GOODSSELL: If it's been submitted we have it.
11 But yes, you can certainly show me.

12 MR. GONZALEZ: You can see this portion right here, the
13 roof line carries down. So that's --

14 CHAIRMAN MAMMINA: For the record, can you just put on
15 the record what drawing sheet you're --

16 MEMBER HERNANDEZ: What you're pointing to.

17 MR. GONZALEZ: That is sheet A-1.

18 CHAIRMAN MAMMINA: What part of the drawings?

19 MR. GONZALEZ: Part of the drawings, yes.

20 CHAIRMAN MAMMINA: No, I'm saying what -- that's the
21 front elevation? That's what I'm saying.

22 MR. GONZALEZ: Yes, the front elevation. So what I'm
23 pointing to is a front elevation. As you can see here, this
24 the roof line. It's is continuous and it just extends just to
25 give it a little bit of coverage, more of an architectural
26 element to the windows that are directly below it. And as you

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can see in the left side elevation, I show a dimension with the overhang and there's a bracket that actually supports that overhang.

MEMBER GOODSSELL: You're also proposing to move the front steps from their existing to within that 25 foot setback. Is that correct?

MR. GONZALEZ: That is correct. The steps right here, yes.

MEMBER GOODSSELL: Yes.

MR. GONZALEZ: Yes.

VICE CHAIRMAN FRANCIS: So how much is the overhang hang?

MR. GONZALEZ: Currently?

VICE CHAIRMAN FRANCIS: Yeah. How far does it stick out?

MR. GONZALEZ: Probably about six inches, because it's a gabel end right now on the existing home. So there's very little overhang on the decline grade.

MEMBER HERNANDEZ: So the proposed overhang will stick out at approximately three feet into the front yard?

MR. GONZALEZ: Yes. Yes. It's up on the second floor and it has some brackets on there. It's an esthetic approach to the design.

CHAIRMAN MAMMINA: We're not an esthetic Board. That's now our purview.

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2 MR. GONZALEZ: Understood, yes.

3 CHAIRMAN MAMMINA: But what that's metal bracket? I
4 mean, it's just shown kind of as a piece of whatever, you know.

5 MR. GONZALEZ: Yeah. There are two brackets over each
6 little overhang, because it only applies in two windows. It's
7 not across the entire second floor over overhang peak.

8 CHAIRMAN MAMMINA: Yeah. Sure.

9 MR. GONZALEZ: So it's just those two windows and that
10 essentially creates a little bit of an overhang from the direct
11 sunlight into those windows and those brackets are more of an
12 esthetic thing. It's not really required for structure.

13 MEMBER DONATELLI: Do you have a photograph of what
14 you're proposing?

15 MR. GONZALEZ: Of the brackets? We may have one. Hang
16 on one second. I have a photo on my phone if that helps.

17 CHAIRMAN MAMMINA: If you give us the phone we keep it.

18 MEMBER GOODSSELL: We keep it as evidence.

19 MEMBER HERNANDEZ: You can e-mail the photo for the
20 file if you want.

21 MEMBER DONATELLI: Especially because it belongs to a
22 famous actress. So it really is --

23 MR. GONZALEZ: It's very subtle.

24 MEMBER DONATELLI: -- a metal rod, a decorative metal
25 rod?

26 CHAIRMAN MAMMINA: The elements vertical.

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2 MR. GONZALEZ: Yes. I will e-mail that so you have it.

3 MS. DIAZ: I was just going to say that I'm just trying
4 to improve --

5 CHAIRMAN MAMMINA: Can you give your name and address.

6 MS. DIAZ: Yes, I did.

7 SECRETARY WAGNER: She did. Remember, you commented
8 about Cameron Diaz being the famous actress.

9 MS. DIAZ: We're trying to improve the appearance of
10 the neighborhood, that's why. I'm sure the neighbors will be
11 very happy.

12 MEMBER GOODSSELL: Well, your neighbors received notice
13 of this application. Do you see any of them here? Have you
14 gotten any rejections?

15 MS. DIAZ: No.

16 MEMBER GOODSSELL: And if I can, Mr. Gonzalez?

17 MR. GONZALEZ: Yes.

18 MEMBER GOODSSELL: The proposed addition does not
19 violate floor area ratio?

20 MR. GONZALEZ: Right. It does not. Everything else
21 complies.

22 MEMBER GOODSSELL: And their proposed addition does not
23 have any sky plane issues. Is that correct?

24 MR. GONZALEZ: It does not.

25 MEMBER DONATELLI: I think we're very protective of
26 front yard setbacks and I would just kind of note that this is

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going to be a second floor, and probably from my point of view,
the visual impact would be minimal of the eaves and the
brackets.

MEMBER HERNANDEZ: And the fact that eaves, it's not
the whole eave. It is only the canopy above each one of the
windows so it's not coming across the whole front of the house.

MEMBER DONATELLI: Yes. Correct.

MEMBER HERNANDEZ: Which is what I thought at first.

MEMBER GOODSSELL: I don't think it's that noticeable.
I think it's a nice architectural detail.

MEMBER HERNANDEZ: And it will not be distinguishable
from ground level.

MEMBER GOODSSELL: Exactly. That's my point. It's not
distinguishable from ground level and it kind of does serve a
purpose. The rain water runoff obviously will and this intsy
winsky amount of shade that this might create.

CHAIRMAN MAMMINA: Is that a technical term?

MEMBER GOODSSELL: Intsy winsy is a technical term you
guys might not have heard of that before.

MR. GONZALEZ: I think that is an architectural term.

CHAIRMAN MAMMINA: That was on the exam when I took it.
Okay.

MEMBER GOODSSELL: I don't have any objection to the
application. It seems -- let me put a statement on the record.
I looked at this house, I noticed that it does seem to be more

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or less in the original condition. Having the second floor
eave clarified, I don't have any objection, because it does not
obviously come forward from the house. It's a subtle detail.
The house seems to be in keeping with the surrounding houses
which all have a similar setback. There are no sky plane
issues, there are not height issues, there are no floor area
ratio issues in the application. Therefore, Mr. Chairman, I
make a motion that we approve the application.

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

VICE CHAIRMAN FRANCIS: Second.

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

SECRETARY WAGNER: Member Goodsell?

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Donatelli?

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Member Hernandez?

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Vice Chairman Francis?

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina?

CHAIRMAN MAMMINA: Before I vote, I'd like to add one
thing as well. There may not have been a lot of -- a lot of
input regarding the irregularity of the lot. But the lot is

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very unusual it's shape, you know, it's kind of got a triangle across the back of it. And probably when it was built, whether it was with or without a variance or predated the zoning, it was pushed closer to the street, because all of the houses that are, I'll just say to the left, all have that sloping rear yard. And, you know, having something unusual regarding a piece of property I think weighs in favor of the application. So I also vote aye. So the application is granted.

MR. GONZALEZ: Thank you very much. Appreciate your time.

MEMBER GOODSSELL: We would like have a copy of that picture though e-mailed as part of the record though. I think that's very very good at clarifying what that new overhang is.

MR. GONZALEZ: Absolutely. Sure. Is there a particular e-mail that you would like me to send it to.

MEMBER GOODSSELL: Just Virginia.

SECRETARY WAGNER: Do you have the BZA e-mail? It's BZADEPT@NORTHHEMPSTEADNY.GOV.

MR. GONZALEZ: I will send that today.

CHAIRMAN MAMMINA: Thank you.

SECRETARY WAGNER: Appeal Number 21401, Wennie Lee; 18 Lake Drive, New Hyde Park; Section 8, Block 237, Lot 29 in the Residence-A Zoning District. Variance from 70-31.A, to construct additions that are too close to the side property line and create smaller than required aggregate (total) side

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yards.

CHAIRMAN MAMMINA: You heard Appeal Number 21401, Wennie Lee. Is there anyone in the room interested in the application other than the applicant? Seeing no one. Please give your name and address.

MR. MANDEL: Jared Mandel Architect, 25 Hillside Avenue, Williston Park, New York 11596. Okay. Good morning, Mr. Chairman, Members of the Board. I'm here today presenting the case for Mr. and Mrs. Lee for the property located 18 Lake in Manhasset Hills on the south side of the street between Crest Road and Lemar Road. Pretty much the gist of the project we are looking to add onto the home to accommodate some additions and renovations. Second floor and first floor addition that would accommodate a growing family. As I'll discuss below or currently, I can describe a lot of what we're asking for today, but pretty much the summary of what we are requesting is abdications that will not extend the non conformities of what exists currently at the house. Where the house was place when it was built was in a nonconforming position. What we are looking to do is, we are looking to simply maintain those lines for esthetics, which I know the Board may not be here to judge. But at the same time, structural integrity. Just the general aspects of adding onto the home, it would make it less awkward conditions and we are not increasing any of the non conformities. I think some of

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the indicators that would pop out if this was an issue is, there would be multiple other variances that may come into play that would be an indicator that maybe it would be out of character or not appropriate to the neighborhood. But being that we are only requesting an aggregate for side yard and a minimum side yard, which is merely inches. For the side yard that we're requesting on the property, we're only off about two or three inches. Again, not extending the nonconformity. We're requesting 9.82 and we're required 10 feet and with the aggregate is 26.6 which is required and we're requesting 20.06, which is a couple of inches again.

So as the Board weighs the decision here today, some of the points here are as mentioned; that we're not extending the nonconformity, we're looking to add above what currently exists and open for questions.

MEMBER DONATELLI: Let me just say, in reviewing the file you cause me to question my sanity when I saw 20.6 and 20.06, then I said wait a second it's conforming. Then I said no, there's a zero in there. So it is refreshing to see, speaking for myself, an application that has made an effort to be as conforming as possible. These are very minor variations being requested and that's refreshing to see. Sometimes people come back and request very large variances that make it different.

Do you have any comments on this?

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MEMBER GOODSSELL: Well, I looked at this area and I'm familiar with this area. I have a very good friend who lives around the corner and it seems that many of these houses were built in the 60s and 70s. And this one seems to be almost in its original condition. It has larger homes surrounding it on either side. And I can't imagine that those homes meet the setback exactly, although some of them appear to. You don't appear to have any floor area ratio issues, you don't appear to have any sky plane issues. It looks like the improvement, regardless of what the inside is, will certainly be in keeping with the character of the neighborhood. I really have no objection to the application. As I say, I think that this is one of the smaller houses on the block. Everybody else seems to have made improvements and I make a motion that we grant the application. It's gonna be a beautiful house when it's built and it is right now existing nonconforming, but the nonconformity is so minimal that I don't have any objection. In fact, it probably, when it got it's CO, it probably did get it without a variance because 20.06 and 20.6 are so close. So I make motion.

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

MEMBER DONATELLI: Second.

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

1 APPEAL # 21402

2 SECRETARY WAGNER: Member Hernandez?

3 MEMBER HERNANDEZ: Aye.

4 SECRETARY WAGNER: Member Goodsell?

5 MEMBER GOODSSELL: Aye.

6 SECRETARY WAGNER: Member Donatelli?

7 MEMBER DONATELLI: Aye.

8 SECRETARY WAGNER: Vice Chairman Francis?

9 VICE CHAIRMAN FRANCIS: Aye.

10 SECRETARY WAGNER: Chairman Mammina?

11 CHAIRMAN MAMMINA: Aye.

12 Application is granted.

13 MR. MANDEL: Thank you very much.

14 VICE CHAIRMAN FRANCIS: Mr. Chairman, I'm going to
15 recuse myself from the next application.

16 CHAIRMAN MAMMINA: Okay. Let the record show that Vice
17 Chairman Francis is recusing himself.

18 SECRETARY WAGNER: Appeal Number 21402, Consuelo
19 Champlin; 157 Rushmore Street, Westbury; Section 11, Block 26,
20 Lot 51 in the Residence-C Zoning District. Variance from
21 70-100.2(A)(2), to install fencing that is in a front yard (not
22 permitted).

23 CHAIRMAN MAMMINA: You heard Appeal Number 21402
24 Consuelo Champlin. Is there anyone in the room interested in
25 the application other than the applicant? Seeing no one.
26 Please give your names and addresses.

1 APPEAL # 21402

2 MS. CHAMPLIN: Good morning. Consuelo Champlin, 157
3 Rushmore Street, Westbury 11590.

4 CHAIRMAN MAMMINA: Good morning.

5 MS. PHILLIPS: Good morning, Board. My name is Camilla
6 Phillips, 157 Rushmore Street, Westbury, New York.

7 CHAIRMAN MAMMINA: Thank you both.

8 MS. PHILLIPS: This is my mom. I'm here to speak on
9 her behalf. She doesn't like speaking in front of people too
10 much.

11 MEMBER HERNANDEZ: Not my of us do. That's okay.
12 Don't worry about it.

13 MEMBER GOODSSELL: It's just us. It's just us.

14 MS. PHILLIPS: Before I begin, I would like to say that
15 we -- the application isn't to install new fencing. It's to
16 replace existing fencing and it makes it seem like we're trying
17 to put in new fencing but we're not. My mom has owned the
18 residence since it's construction in 1958 and the property has
19 been completely fenced since 1959. The original wood fence was
20 replaced in the late 1960s, mid late -- late 60s, early 70s
21 with the current chain link fence that's remained on the
22 property. There is a permit on the file folder for the
23 property for the fence that's currently in place.

24 My mom is requesting a variance, because we'd like to
25 replace the fence since it's already rotting and falling apart.
26 My husband has tried to secure it as best as possible. The

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2 neighborhood isn't great. The original fencing was put in to
3 keep people from trespassing through the property. Our
4 neighbors had children, they've been running through the
5 property, they still try to run through the property so we've
6 been trying to keep them out. We have stray dogs in the
7 neighborhood, we're trying to keep them out. We also have a
8 dog that we're trying to keep in the yard. So we're requesting
9 the variance just to replace the entire fencing, not just the
10 backyard, the front yard and down the driveway. Our neighbors
11 who we did send the notices to have lived next to us basically
12 since their houses were constructed and they didn't want to
13 come in, because they said you've had the fence since we've
14 lived here, we don't have any problem with you all replacing
15 the fence. The house directly to the north of my mom's house
16 had a fence across their front yard. A tree fell on it, they
17 rigged it up the best they can. The house across the street at
18 156 has a fence around the entire property and the house two
19 doors to the south of us have a fence around the entire
20 property including the front yard. So it wouldn't change the
21 esthetics of the neighborhood. The current fence is falling
22 off the property boundary slightly. The company that we had to
23 review the fencing and give us an estimate will put the fence
24 on the boundary. It won't interfere with the sidewalk, it
25 won't obstruct any right of way and it won't change the
26 esthetics of the neighborhood in any way. So we are hoping

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that you will give us the approval to just replace our existing fence so we keep out what doesn't belong on our property and keep in what we would like to have in our property.

CHAIRMAN MAMMINA: The Board looks very carefully at fences, because we get a lot of fence applications and we particularly look very hard at fences in the front yard, and coming down beyond the front of the house, because the Town Board did put that into the fence ordinance, I think it was in the late 90s or so. We also, we do a balancing test and we look at the -- we look at the neighborhoods. And being very familiar with -- with this part of the town and there are other parts of the town as well where, it's my opinion, that in the late 40s or 50s, builders put up chain link fences around properties. I mean, it just -- I think it was more that the person felt like they were getting something more, you know, even. And in, you know, in this -- in this area there, you know, as you pointed out, there are chain link fences. And any kind of -- of a fence or building component is going to age overtime. The only thing that doesn't age is me. Okay. So I'm still 35. But the replacement in kind, you know, of a fence of this nature which is essentially completely transparent. And yes, it keeps dogs in, it keeps children in, it keeps dogs out, keeps the children out. And when people have come in with solid fences, we've denied those fences, because it's a different kind of fence. It's usually a new

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fence, but even when people want to take that chain link fence down and put up a solid fence, we said no, you know. In this instance where this is basically just a replacement of the fencing that's there and, you know, I think the fact that you're moving it back to where the property lines are, I think that's a plus, you know. That, you know, that it moves it back without even having to go to the Town and get permission for having it in the right of way. It gets that problem out of the way. But I don't know if any of the Board Members have any --

MEMBER GOODSSELL: Mr. Chairman, could you, for the record, tell us how high the fence is that you are looking to put in in the front, the sides and the rear?

MS. PHILLIPS: Yes, ma'am. The front of the house currently has a four foot high fence from the house to the sidewalk, and we would keep it four feet high from the front of the house to the sidewalk. From -- on the side yard, the north side of the property, from the side of the house back, it would be five feet. Down the driveway on the south side of the property, it would be four feet high the entire length from front boundary to the rear boundary and in the small -- the backyard that's open, not behind the garage, 30 feet of the fence would be six feet high, which would match the height of our neighbor's fence in the backyard and then behind the garage, we would leave it four feet high so people can't just climb on the fence right into our garage.

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MEMBER GOODSSELL: And the type of fence that you want, is that the same what we call chain link fence?

MS. PHILLIPS: Yes. It would be the chain link fence and it would just be PVC coated in white, like what's there now already. So we don't have a closed in yard and feel like we're isolated and can't see out, and it doesn't make -- even make the property look smaller or as you said, block out everything and just change the esthetic of the neighborhood. So it would still be the same chain link fence.

MEMBER GOODSSELL: Mr. Chairman, this is one of the few applicants who can actually verify that the fence has been in its present place since the 1960s. Most people say I don't know when it was installed, but it was there, it looks pretty old to me. You actually have lived there since the 1960s. Is that correct?

MS. CHAMPLIN: Yes. I've lived there since 1958.

MEMBER DONATELLI: So I would note for the record that -- that this is a preexisting fence that has just deteriorated and it certainly is not in the Town's interest to want deteriorated fences to remain. I would also note that while the Mr. Chairman noted that it is very very rare that we grant these kind of applications, when we have granted an application, it is either because of children or pets, because pets sometimes can be aggressive, children sometimes can run out.

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MEMBER GOODSSELL: Be really aggressive.

MEMBER DONATELLI: Well, I'm not saying that. I'm not saying that. But I would note -- or there's an issue with disabilities of the children, not because of children living there. So I misspoke on that. But certainly we have granted it at times, I do recall once for a pet under various particular circumstances. So I personally do not have any objection to this application.

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

MEMBER HERNANDEZ: Second.

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

SECRETARY WAGNER: Hold on one second. You guys are moving too quickly.

Member Goodsell?

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Hernandez?

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Donatelli?

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Chairman Mammina?

CHAIRMAN MAMMINA: Just before I -- before I vote, I just want to, again, just reenforcing what Member Donatelli has already put onto the record very well. Again, is that we look

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very very carefully, you know, at fences when we grant them in the front yard. That's always been for very specific reasons. An autistic child. We had a child recently that had a dog a as essentially a guide dog. Because we do have many people who come in and say "well, I have a dog". I have a dog too and I adore my dog, but I keep him within the confines of that, you know. So the merit, I think, you know, Mr. Donatelli said about the Town certainly doesn't want to see deteriorated things that have existing for all of time and removing them or something like that. So we all think it was positive so I vote Aye also.

MS. PHILLIPS: Thank you very much.

MS. CHAMPLIN: Thank you very much.

CHAIRMAN MAMMINA: Thank you. Very nice presentation.

MS. CHAMPLIN: Have a good day.

CHAIRMAN MAMMINA: Thank you both.

We're going to take a short break.

(A discussion was held off the record.)

SECRETARY WAGNER: Next appeal, Appeal Number 21404, The Dot Cakes, Inc; 121 Mineola Ave, Roslyn Heights; Section 7, Block 14, Lots 142, 144, 164, & 167 in the Business-B/Parking District. Conditional use 70-139.A (70-126.F), for interior alteration to convert a beauty salon into a retail food use.

CHAIRMAN MAMMINA: You've heard Appeal Number 21404 Dot Cakes. Is there anyone interested in the application other

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than the applicant? Seeing no one. Please give your name and address.

MR. SBARRO: Good morning. My name is Gianni Sbarro. I'm an associate with Forchelli, Deegan, Terranna, LLP, with an office at 333 Earle Ovington Boulevard, Suite 1010, Uniondale, New York 11553.

Thank you all for having me here. So the requested application relates to the tenant space -- oh, before I start, there was two exhibits handed up. Exhibit 1 is a menu and process to order and Exhibit 2 is photos of the -- of the cakes that are available.

As I was saying, the requested application relates to the tenant space known as 121 Mineola Avenue, located approximately 113 feet south of the corner of Villa Street and Mineola Avenue in Roslyn Heights. The property, as Virginia had mentioned, is designated on the Nassau County Land and Tax Map as Section 7, Block 14, Lots 142, Lot 144, 164 and 167. It's approximately .36 acres, 15,800 square feet and it's located in the Business B and Parking District within the Town. The property is developed with a one story brick and concrete block building with over 48,000 square feet of tenant space and a designated parking area in the rear of the building with 20 stalls. The uses provided within the building include retail food establishments, a beauty salon and a liquor store. The proposed new use is the Dot Cakes by OBFC, which will be owned

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2 and operated be Alexandra and Sandra Posner of the Dots Cake,
3 Inc. Alex is here today with her father and she's available
4 for any questions you may have for her.

5 The Dot Cakes is a retail bakery with a large following
6 across Long Island. They offer specialty cakes for online
7 ordering and pick-up purchase only. There will be no walk-in
8 or retail -- excuse me. Walk-in retail or seating for
9 customers at this particular location. The Posner's propose
10 interior alterations to approximately 1,044 square foot tenant
11 space, which was formally occupied by a beauty salon located in
12 the southeast corner of the proper. Which is right here
13 (pointing). The front of the proposed bakery will face Mineola
14 Avenue and the parking lot in the rear of the building can be
15 accessed from Villa Street. Today we're seeking a conditional
16 use permit pursuant to section 70-139.A and 70-126.F of the
17 code. According to those sections, the building may be
18 erected, altered or used and a lotted premises may be used for
19 a retail use when authorized by this court pursuant to the
20 provisions or Article 24 and for no other. The Dot Cakes by
21 OBFC is classified as a retail food use and therefore,
22 conditional use approval is required. Notably, the proposed
23 comply in all other aspects of the code. Pursuant to Section
24 70-225 of the code, the Board should approve the request of the
25 conditional retail food use, because it's in line with the
26 purposes of zoning as set forth in the Town law and the use is

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2 permitted within the districts. The use is also appropriate
3 and in harmony with the surround properties in the area and
4 will contribute to the proper growths and development of the
5 community, and to it's general welfare. Additionally, the
6 proposed retail food use will not have any negative impact on
7 the immediate neighborhood, nor nearby residences.

8 Specifically I'd like to point out that parking is not an issue
9 at this property. According to Section 70-103.A.1 of the code,
10 the existing building with the uses provided within, including
11 the proposed bakery provides 16.1 parking spaces and the
12 designated parking area in the rear, as I said before, provides
13 20 parking spaces, which also include three ADA parking spaces.
14 Lastly, as previously mentioned, the Dot Cakes by OBFC is a
15 creative new concept that's growing quickly and increasingly in
16 popularity and the centralized location of the property will
17 allow the Posner's to cater to many customers throughout the
18 area, including Mineola Avenue, Roslyn Heights, Williston Park,
19 Albertson, Manhasset and again, many other nearby areas.

20 As such, we respectfully that the Board grants this
21 approval today. I'm open for any questions if you'd like.

22 CHAIRMAN MAMMINA: Just first a question of curiosity.
23 We see the pictures and it all looks very nice. Is there
24 anything else that separates this? Not -- and again, it
25 doesn't matter. It's just a question of, you know, curiosity
26 from, you know, from a baker, any -- any -- any baker or

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whatever, you know, has anything to do with the application?

MR. SBARRO: This might be a better question for Alex.

MEMBER GOODSSELL: Why don't we bring her up, because I have a couple of questions for Alex as well.

MEMBER DONATELLI: Before we get to that, I have a few questions for you.

You mentioned that it was previously a hair salon. Do you know when the hair salon vacated the premises?

MR. SBARRO: I do not off the top of my head.

MEMBER DONATELLI: Okay. Do we know how supplies will be delivered to the store and how -- will the finished product be then delivered to patron or will all the patrons be coming to pick up? Will there be any kind of an Uber service or something like that?

MR. SBARRO: Sure. So there is no Uber -- no Uber, no Grub Hub, no delivery. All orders or placed online. Strictly online. And you're given a pick up time and then after a certain amount of time they'll give you that date, and you'll come to the store, they'll open up the door, give you the cake and that's pretty much it. You pay online or at the location.

MEMBER DONATELLI: So presumably then patrons will have a pick up time and then they'll come according to that pick up time. So it would be spaced out so that you don't have a crunch period at a certain point or another point. And how about supplies. However these cakes are made, how are those

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supplies going to be delivered?

MR. SBARRO: Sure. So I spoke with the landlord. All proprietors in the building take deliveries in the rear, which, again, is access from Villa Street. And I believe, Alex, I can ask you, but do you have -- do you pick up any of your own goods?

CHAIRMAN MAMMINA: Why don't we do that when she comes.

VICE CHAIRMAN FRANCIS: Yeah. Yeah.

MR. SBARRO: But the proprietor, she can pick up her own goods.

MEMBER DONATELLI: So there will be a delivery door in the rear of the premises?

MR. SBARRO: Yes.

CHAIRMAN MAMMINA: And also the parking spaces that are in the back. Are they -- are they dedicated to various tenants in there to make sure that there is access to that all the time?

MR. SBARRO: There's not, you know, marked parking spots. But as you can see in the application, there was a specific amount of spaces dedicated to each location.

CHAIRMAN MAMMINA: Okay. But you just said dedicated again. But you said well, they're not dedicated.

MR. SBARRO: Well, in terms of the number of parking spaces in the area. So not marked, but it's compliant.

CHAIRMAN MAMMINA: Understood.

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MEMBER HERNANDEZ: And there is some kind of a door in the back for access for presumably a flour delivery or whatever, sugar, whatever they put into the cake can be delivered from the back into the store directly without having to go around the block.

MR. SBARRO: Correct. Correct. And refrigerated garbage is inside right next to the door. It's next to the electrical panel.

CHAIRMAN MAMMINA: Is there any frying of anything?

MR. SBARRO: No frying. No frying, no cooking on the premises. Specifically baking.

MEMBER HERNANDEZ: The baking is done on the premises though?

MR. SBARRO: Yes. Yes. Baking is done on the premises. No ice cream, just strictly baking.

CHAIRMAN MAMMINA: No tables and chairs?

MR. SBARRO: No tables and chairs, not seating for customers available, nor is there an area to put seating.

MEMBER DONATELLI: And once again, just to be clear, you're not participating any walk in traffic?

MR. SBARRO: No. No. Strictly -- strictly -- so the model right now -- they have a location in Westbury. The model is going to mimic that model. You'll place your order online, much like a retail, like, Macy's where you can pick up a suit coat that you purchased online. They'll give you a particular

1 APPEAL # 21402

2 time that you can come pick up that coat and then leave. Same
3 thing with the cakes.

4 VICE CHAIRMAN FRANCIS: How many employees total?

5 MR. SBARRO: At any given time likely between three and
6 four. Two full-time, two part-time. One is for prep, one for
7 baking and two people in front.

8 VICE CHAIRMAN FRANCIS: Is the Westbury location also
9 owned by your client?

10 MR. SBARRO: Yes.

11 VICE CHAIRMAN FRANCIS: Where is that located?

12 MR. SBARRO: One moment.

13 VICE CHAIRMAN FRANCIS: Because I live in Westbury.

14 MR. SBARRO: It's on Post Avenue.

15 VICE CHAIRMAN FRANCIS: It's on Post Avenue.

16 CHAIRMAN MAMMINA: Wow. I run up Post Avenue
17 constantly and I never see it. Maybe that's it, I'm such a
18 fast runner.

19 MEMBER DONATELLI: That may be a good time that we have
20 not heard anything negative about that location.

21 CHAIRMAN MAMMINA: That's where the cake comes from.
22 Somebody puts their hand out the door and hands it to me. I'm
23 just curious where -- when she comes up, because I'm just
24 curious where it is. Les too.

25 VICE CHAIRMAN FRANCIS: I was on Post Avenue this
26 morning.

1 APPEAL # 21402

2 MS. POSNER: Hi, I'm Alexandra.

3 VICE CHAIRMAN FRANCIS: Just give your name and
4 address.

5 MS. POSNER: Alexandra Posner, I'm located at 5 Burke
6 Court, Roslyn, New York 11576.

7 VICE CHAIRMAN FRANCIS: Okay.

8 MR. PROSECUTOR: So this is my baby. This is -- that
9 we're representing to you. I don't recall any of the questions
10 you had asked.

11 CHAIRMAN MAMMINA: I just asked -- it really has
12 nothing to do with the application. Where on Post Avenue?

13 MR. PROSECUTOR: So we're right before Old Country
14 Road. We're on the corner of Post and Lafayette. We're kind
15 of, like, an inlet. We're not -- you wouldn't just see us
16 driving down the street. It's kind of set aside, because the
17 structure that we have now, we're exactly as Gianni described.
18 You place your order online and you just pick up. So we're not
19 quite attracting a walk in customer.

20 CHAIRMAN MAMMINA: I don't run that far down. I make
21 my turn before that.

22 MEMBER GOODSSELL: I do have a couple of questions for
23 you.

24 MS. POSNER: Yeah.

25 MEMBER GOODSSELL: Remarkably I was in Seattle last
26 month and I was telling the Board Members, we ordered a

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birthday cake, not from Dot Cakes obviously, but it was a very similar model and it was -- it worked simply because you went in to pick up your cake. Now, all baking is done on the premises. Is that correct?

MS. POSNER: Yes.

MEMBER GOODSSELL: And the frosting and decorating is done on the premises?

MS. POSNER: Yes.

MEMBER GOODSSELL: There are always people, perhaps you find this in your Westbury store, who, for whatever reason, forget to pick the cakes up.

MR. PROSECUTOR: Oh, yes they do.

MEMBER GOODSSELL: Okay. And a cake only lasts so long. So in the store that I went to in Seattle, they did have a display case that I see is on your plans. Counter cabinet display case. Where when you came in, there was a little sign that said, you know, if you'd like some or if you'd like one of these, and that was strictly walk in. Do you anticipate something like that at this store?

MR. PROSECUTOR: I would like to say yes, but at this time no. Our staffing is kind of small. What the display case is for kind of -- it's a phone call. So when you say walk in, it's, like, can I just buy whatever. The way our business model is structured is that you have to kind of claim it before you even come into the store, because we don't -- because we're

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so low waste, everything is custom to order. So if, let's say you want to come in and get a "happy birthday" cake, you kind of just can't walk in and ask for it. We have to premake it, because we don't like to waste stuff.

MEMBER GOODSSELL: Well, that was the point and that's why I'm asking, because if you, for any reason -- let me rephrase my question.

MR. PROSECUTOR: Yes.

MEMBER GOODSSELL: What do you do with cakes that people don't pick up?

MR. PROSECUTOR: We don't actually have that. So everything is prepaid. Everything is predone. We won't even make a cake until you pay for it, because we've had situations where people come and just, they ask for something then they don't show up and we're kind of like what do we do with this. We actually do participate in the service called Too Good To Go. So in the event that -- do you know what that is?

VICE CHAIRMAN FRANCIS: It's funny you mention that, you know, I was just looking at the app on my phone.

MS. POSNER: Yes. So we actually have a nice following with Too Good To Go where if there's a case where someone cancels and they're like just give it to somebody, we have a service that you can claim what they call a surprise bag and they can come and collect that order. But again, that's not something you can just come and do. You have to preclaim it

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before it even comes to us.

MEMBER GOODSSELL: This strikes me as a far more efficient model than the usual bakery, which we still have plenty of on Long Island.

MR. PROSECUTOR: Yes, of course.

MEMBER GOODSSELL: Where you bake and put out your wears and whoever buys, buys. So I -- I take it that you've taken a good look at this location, that you feel that it will meet the parking needs of your customers.

MR. PROSECUTOR: Oh, absolutely.

MEMBER GOODSSELL: And that you don't feel that there's any problems with deliveries, or employees, or anything like that.

MR. PROSECUTOR: Yes. We've actually done quite -- we're kind of backwards where usually we kind of ask someone what they want. They've already asked and they've already gotten it. So it's a little more different.

VICE CHAIRMAN FRANCIS: Right.

MEMBER DONATELLI: So is a dot cake different from a regular cake?

MS. POSNER: That's a good question. So what is simply just cake, we offer three flavors. We only do vanilla icing. In simplicity wise, as it's just cake and it's just frosting, it's just sprinkles. We're the excitement and where the fun comes is the pictures that I'm showing you. So we have very

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basic offerings, which we plan to expand in the future. But where the excitement and the fun comes and the picture comes in is how you customize it, how you create what you're looking for. So if somebody likes boats and they're turning 80, you can create that. And that's the difference between us and a typical bakery. Whereas bakeries offer a bunch of different things. We're strictly cakes and we strictly offer what you're seeing there. We also have a product that's cups. That's more of, like, an individual sized portion of cake and it's more -- it's good for kids, it's great for birthday parts and not cutting cakes, but that's our niche. Our niche is that it's what we call an Instagramable product that actually tastes delicious. Obviously I'm biased, but we've been told.

VICE CHAIRMAN FRANCIS: I'm assuming then the holidays are probably your busiest time?

MR. PROSECUTOR: Oh, my goodness, yes. We just had Father's Day, which we did a preorder for Father's Day cakes. I think we got about 20, 25 orders just that alone, in addition to our regular orders.

MEMBER DONATELLI: Do you know approximately six months or so ago, I ordered from my local bakery a cake in the shape of Florida, because it was a long story, but someone had been trying to get to Florida and so I figured she couldn't go to Florida, we would bring Florida to her.

VICE CHAIRMAN FRANCIS: Nice.

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MEMBER DONATELLI: The local bakery didn't have a mold in the shape of Florida and it ended up looking like a gun. So -- so while the sentiment was good, the execution of the sentiment was not that good. So I congratulate you for -- for, you know, having these -- these decorations.

MS. POSNER: Thank you.

VICE CHAIRMAN FRANCIS: Yeah. It looks really cool.

MS. POSNER: Thank you.

VICE CHAIRMAN FRANCIS: I got a pizza for Father's Day. I would have preferred to get one of your cakes. I will definitely pass on the information to my sons for next year.

MR. PROSECUTOR: Thank you. Thank you. A little hint hint next time.

VICE CHAIRMAN FRANCIS: Yeah. Yeah. Absolutely.

MEMBER GOODSSELL: I think the plans have met restaurant conditions. There's the refrigerated refuse, it's in the back. They've accounted for employee parking. The Chairman is fond of saying that he's all about sunsets. I, as you know, is all about food.

MS. POSNER: As am I.

MEMBER GOODSSELL: So I am happy to make a motion if no one has any questions. I'm happy to make a motion that we approve the application, provided they open soon. Not two years from now.

MS. POSNER: We're running.

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

4 MEMBER DONATELLI: Second.

5 VICE CHAIRMAN FRANCIS: Virginia, please poll the
6 Board.

7 SECRETARY WAGNER: Member Goodsell?

8 MEMBER GOODSSELL: Aye.

9 SECRETARY WAGNER: Member Hernandez?

10 MEMBER HERNANDEZ: Aye.

11 SECRETARY WAGNER: Member Donatelli?

12 MEMBER DONATELLI: Aye.

13 SECRETARY WAGNER: Vice Chairman Francis?

14 VICE CHAIRMAN FRANCIS: Aye.

15 Application is granted. Good luck.

16 MS. POSNER: All right. Thank you very much.

17 MR. SBARRO: Thank you very much. Thank you all.

18 SECRETARY WAGNER: With restaurant conditions?

19 VICE CHAIRMAN FRANCIS: With restaurant conditions.

20 SECRETARY WAGNER: Next appeal, Appeal Number 21405, Ku
21 Ku Chicken; 96 Mineola Avenue, Roslyn, Section 7, Block 30, Lot
22 14 in the Business-B and Residence-B Zoning District.
23 Conditional Uses 70-139.A (70-126.A) and 70-139.A (70-126.H),
24 for interior alterations to construct a new restaurant (a
25 conditional use) and parking in a greater restrictive district
26 (a conditional use).

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VICE CHAIRMAN FRANCIS: You've heard Appeal Number 21405, Ku Ku Chicken. Is there anyone interested in the application other than the applicant? Seeing no hands. Mr. Bloom, please give your appearance.

MR. BLOOM: Paul Bloom, Harras, Bloom and Archer, 445 Broad Hollow Road, Melville, New York. Appearing on behalf of the applicant, Ku Ku Chicken. The principal James Chen is here. And we are a tenant in a building located at 96 Mineola Avenue in Roslyn. Section 7, Block 30, Lot 14. The property is located in a Business B, as in boy District. Now, it came to light late in the process, that we may also be partially in a Residence B District and so the application and the matter before the Board was to include a variance with respect to Section 70-139.A, parking in a greater restricted area. And that would be this slight portion of the Residence B property that is behind the -- the location itself. It is located on the corner of Elm Street and Mineola Avenue in the Roslyn Heights area. This property, which this particular location which is about 1,630 square feet, was a restaurant and is to be replaced with a restaurant. The property itself was initially constructed in 1953 as a service station. Now, I will say I'm jumping a bit ahead with respect to this parking in the greater restricted area. This is the first time since 1953 that this issue has come up, even though this matter has been before the Board with many of the other locations on this block. I

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2 personally question whether or not we are in fact invading and
3 I've shown you the area in question, the residence district.
4 That being said, I can protest as much as I want, but really
5 what I'm doing is asking for a variance. In 1985, the service
6 station, the gas station that was on this location, was
7 demolished. As I said, that was constructed in 1953 and in
8 1985, this strip center, which has approximately four or five
9 different retail locations within it was constructed. For the
10 past 35 years, this location has been a restaurant. We're
11 proposing to have a restaurant. Basically the kitchen is going
12 to remain the same, there will be a couple of items within the
13 kitchen because of age, et cetera will be replaced. But all we
14 are doing is an interior renovation, utilizing the existing
15 kitchen area and instead of selling that pizza that,
16 Mr. Francis, you may have gotten for Father's Day. At least
17 the pizza didn't look like a gun. That's a reference to a
18 prior application. And so we are asking for permission to have
19 this conditional use to continue to use the premises as a
20 restaurant.

21 The second application, as I indicated, is this
22 conditional use. In that the corner, what would be a northeast
23 corner of the parking lot, has been noted by the building
24 department to be within the Residence B District. Now, I've
25 taken a look at what used to be the official Zoning Map of the
26 Town of North Hempstead. Don't ask me how I received a copy of

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2 that on the original papers that were rolled up, numerous
3 sheets with each of the sections, because I'm not going to put
4 anybody in trouble who no longer works with the Town. And the
5 Business A District is 100 feet into each side of the street.
6 Our property, being a corner property, our location is 90, I
7 believe 98 feet deep. We don't even get to the 100 feet. And
8 so there's no question that there's a residence behind us
9 that's in a residence zone, but as you look at the property
10 which is more or less trapezoidal in shape, it is 45 feet in
11 the south portion and 98 feet in the north portion. I don't
12 know how we can go into the 100 foot area. Again, this is all
13 wonderful conjecture. I'm asking for a variance. The building
14 department has looked at this, has looked at this file
15 extensively with respect to the matter that we need to present
16 before this Board. They've decided that what we needed was a
17 conditional use for the continuation of the restaurant and then
18 as I said on a second, third, fourth look, because as I said,
19 this has been an ongoing conversation with the building
20 department and the plan examiner, it was decided we need this
21 area with respect to impression into the area of the
22 residential.

23 I'm going to hand up --

24 MEMBER DONATELLI: Mr. Bloom, do you mind if I
25 interrupt for a moment. Do you know why the building
26 department is taking that position?

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MR. BLOOM: I'm going to hand up an exhibit and in this exhibit, it has a number of sheets to it. Exhibit 1. And if you look at the first sheet, the cover sheet, you will see that this came from the building department. There was an overlay and for whatever reason, the blue line, our property -- that I want back. Thank you. That will be Exhibit 2 if I need it. For whatever reason, there is this trapezoid which is our building. It shows a line and as you can see, this small triangular portion, it theoretically goes into the residence zone. But as I said, our property isn't even 100 feet deep. If you look at the second document, which is the plan that was prepared by Circle Planning, you will see the same plan and a dotted line with 100 foot setback is located, which isn't on our property. There is no triangle. If you take a look at that document which I'm not going to tell you how I received, you will see that there's a little yellow area at Elm and Mineola Boulevard. And you will see that that is 100 feet on each side. That's from the official Town document. Now that I've said that, we're asking for a variance. Whether this has come up since 1958, 19 -- 1985 when it has come been before the Board, how it came up, I don't really care. I think it's de minimus. It doesn't matter. It's not worth the fight to discuss this any further that I have. I think I've beaten a dead horse enough and the horse is still breathing.

CHAIRMAN MAMMINA: So we don't have to beat it any

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more.

SECRETARY WAGNER: Can I provide some clarification to you?

MR. BLOOM: Yes, please.

SECRETARY WAGNER: So when the disapproval came to us from the zoning department and it was cited as being within the Residence District, we questioned why it was being sited on the disapproval for being in the Residence District when the map showed it not being in that district at all. And so in an effort to try to get rid of that citation, we investigated further whether it actually was in the Residence District, and I believe the zoning district bounty line is taken from the old street line. So the 100 feet is from the old line of Mineola Avenue and that's why it -- it falls a little bit short of the property line and what you would think would be the 100 feet. So it is something that, you know, new technology and the ability to figure out where these lines are, you know, shows it just short of that. So it not -- and as you said, it's not really, you know, whether it's a big deal or not -- but that's --

MR. BLOOM: I appreciate that and I understand in a road widening then you're going to have measurements taken from other locations and so I still ask for a variance, even without that explanation.

SECRETARY WAGNER: Conditional use. It's a conditional

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use, right.

MR. BLOOM: It is conditional. Excuse me. A conditional use.

As you're well aware, the code provides that when you have a Business District which adjoins a Residential District, you can extend for your accessory parking up to 200 feet into that higher designated zone. We're nowhere near 200 feet. It's a small triangular area and so it's a conditional use that we are requesting to be granted to together with the conditional use of the restaurant to restaurant.

MEMBER DONATELLI: So just to go over some of the basics of the application. How many seats do you anticipate having in the restaurant?

MR. BLOOM: I believe that the plan that we submitted has 24 seats.

CHAIRMAN MAMMINA: And does that comport with the -- the grant for the pizza store?

MR. BLOOM: The answer is the condition that was imposed by the Board limited it to 16.

CHAIRMAN MAMMINA: That's what I thought.

MR. BLOOM: Now, this was, as I said, a continuing dialogue back and forth between ourselves and the building department. To the extent that we wanted to document the fact that the building department's position is that we do not need a parking variance and so I have from May 2nd, which is in

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2 response to an April 24th e-mail from our office to the
3 building department, again, culminating conversation back and
4 forth, do we need a variance or we don't need a variance. And
5 my associate Andrew Filipazzi and I'm going to hand this up.

6 SECRETARY WAGNER: This will be Exhibit 2.

7 MR. BLOOM: Exhibit 2. At the bottom of the first page
8 you will see Mr. Filipazzi writing to the plan examiner, "can
9 you please confirm no parking variance is required upon your
10 review of the submitted plans and the Town files. Submitted
11 plans as you will see counted up 24 seats." The response, "the
12 prior tenant was a restaurant. The new tenant is a restaurant
13 so there is no increase in parking demand. There is already an
14 approved site plan with the insufficient parking with a
15 restaurant. If you are going from a business use to a
16 restaurant, than a packing variance would be required due to
17 the increase in parking demand". This was, again, with all due
18 respect, we contacted the planning department or the zoning
19 board and the second page is May 17th. The same question was
20 raised. "So at this time, we are just waiting for plans with
21 the correct square footage, parking calculations and trip
22 generation numbers. I spoke with Anthony Basil and the revised
23 parking calculations would not trigger a parking variance as
24 they review it as a restaurant to a restaurant."

25 CHAIRMAN MAMMINA: The restaurant never got permission
26 for 24 seats, how does -- I guess the only thing I can think of

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is that -- I don't know if we granted a parking variance. If it was a parking variance. Parking variance runs with the property. Now, I'm not the attorney. I'm only an architect, but it runs with the property. If you increase it, you have to come back and ask for me.

MR. BLOOM: We've done everything that I think we can conceivably do.

CHAIRMAN MAMMINA: If you've gotten a variance that limits you to 16 seats when that was already insufficient, I -- I don't get how it couldn't be another variance just because the building code calculates it differently. Variance is a variance.

MEMBER GOODSSELL: Well, there may be an overlay on this, because what I wanted to ask you, a pizzeria, this was a pizzeria, has a high percentage of takeout. A high percentage of takeout business. Could you talk a little bit about the nature of this business. You're increasing the number of seats. Does your client anticipate that people will come and sit, is it a fast food, is it delivery or is it a restaurant?

MR. BLOOM: This is a restaurant. It has approximately 20 to 30 percent of its business will be takeout business, but balance of the business will be sit down.

MEMBER GOODSSELL: Okay. And hence the need for parking spaces.

SECRETARY WAGNER: We're just waiting to see if we can

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get some more clarification.

MR. BLOOM: I'd like to put some more stuff on the record while we're waiting.

While we are waiting, I think that there are a number of other things that can be touched upon. First of all, with respect to the elements, with respect to variance, these are conditional uses. The fact is that I can show you pictures that I have here. You know the area. This is not a unique situation of a restaurant coming between other types of uses. Multiple residents up and down street, on the same block as this, both north and south. We had an application now, we're going to have another food business as oppose to another a nail facility or nail and massage, whatever it is. The fact is, it is consistent with the character of the neighborhood. It's been a restaurant since 35 years and so it's consistent there. The square footage is not been changed. The same square footage that was as a result of the number of variances that were granted or conditional uses that came back before this Board, same square footage was then as it is today. And so we can wait for whoever might be coming to opine as to what the theory is, but my belief is that since the calculation of the variance with respect to the parking relates to the square footage and the square footage hasn't changed, just because you had a different element associated with the number of seats that would be in a location which was a prior way the Town

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2 viewed variances for parking and now it is based upon the
3 square footage, the variance for the same square footage,
4 whether it was 70 seats can be in there based upon a variance,
5 20 seats, one seat, whatever, that same square footage is the
6 same square footage we're asking for the variance today. It is
7 grant -- excuse me. Existed and therefore we do not need a
8 variance today. The same square footage is the same square
9 footage today and therefore, the variance is valid that was
10 granted then which carries over now. And I agree with you, Mr.
11 Chairman David, that in fact it runs with the property, the
12 variance and that variance was granted and that's why I believe
13 the building department took the position that it has taken and
14 I think it's correct in an interpretation of how do you
15 calculate parking requirements. But again, going through the
16 factors with respect to what would be a variance, though it's
17 different with conditional use, no change in the character of
18 the neighborhood, no environmental impact. There is absolutely
19 no change, other than the fact that instead of getting that
20 pepperoni pizza that says Happy Father's Day in circles of
21 pepperoni, we're going to be -- it's actually a Korean
22 restaurant that specializes in chicken preparation. And as I
23 indicated before in answering a question from Member Goodsell,
24 it's approximately 20 to 30 percent takeout, the balance is a
25 sit down restaurant. And we believe that this is in fact an
26 enhancement to the neighborhood, as oppose to having a 1,600

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2 square foot operation closed. Trying to get businesses back is
3 difficult enough and we have here a person in the name of James
4 Chan who is the principle of this entity who owns three other
5 of these types of locations. This would be the fourth
6 location. He's an experienced operator. He understands how to
7 operate a restaurant business. He happens to live close to the
8 area and will be coming to the area on a regular basis just to
9 check in, as he does with his other locations. And so I think
10 this is a true benefit to the community as opposed to having
11 yet another dark store on a major commercial thoroughfare
12 within this part of the Town. But I want to emphasize and I
13 think you'll hear it again, the variance is the variance and
14 it's based upon the same square footage. If in fact we were
15 coming in and saying we want to have this conditional use
16 restaurant for restaurant, but by the way we're taking over the
17 store next door and incorporating it within our own operation,
18 I would agree that in that case, there would be a parking
19 variance that would have to be considered by this Board. But
20 we're not doing that. And so I believe that -- and we question
21 it, you've got the response, I believe the response is actually
22 quite accurate and frankly required some thought process on the
23 part of the building department when they granted the denial
24 process. And I'm very thankful that we had this particular
25 plan examiner who I think actually went and spoke to other
26 people in the department before he came back with a written

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statement "you do not need a variance".

CHAIRMAN MAMMINA: He came up with that you're parking in a greater restricted district. You don't even have the same dimensions of that.

MR. BLOOM: No, I don't. And you know what, I was thinking about that in preparation. David, in all honestly, I'm saying, look, do I want to say that he's right here and he's wrong there.

CHAIRMAN MAMMINA: Oh, no. No. I get it.

MR. BLOOM: We got an answer today, which frankly is very simple and I'm embarrassed to say I didn't think of it and that it, there was a road widening and the 100 feet now became less with respect to the properties on each side. I admit, he was right. He was right twice.

MEMBER DONATELLI: Do you anticipate delivery of food, Uber Eats?

MR. BLOOM: Yes. There's an area in the back that's designated for trucks to come and drop off.

MEMBER DONATELLI: And delivery of shipment and product will also be through that same back door?

MR. BLOOM: In the back. All deliveries are in the back.

MEMBER HERNANDEZ: This is a Korean chicken restaurant. Is this fried chicken or other --

MR. BLOOM: You know, I told the client that all he had

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to do was stand up, smile and say thank you.

MEMBER HERNANDEZ: We didn't see a menu for this one.
Usually we see a menu so that's why I asked.

MR. BLOOM: Could you identify yourself and please
explain the menu?

MR. CHAN: Yeah. Hi. Good morning, everyone or
actually good afternoon. My name is James Chan. The location
is 96 Mineola Avenue in Roslyn Heights.

To your question, sir, yeah. We actually do Korean
fried chicken restaurant.

MEMBER HERNANDEZ: Okay.

MR. CHAN: Yeah. So we do majority of our food --
actually I'd say about 70 percent is traditional Korean food
and the other 30 percent is our Korean fried chickens. So
that's what we are. That's how the other three restaurants
are. And I would like to put another note is that I'm actually
a resident of Roslyn Estates, which is about five minutes away
from the restaurant. I've lived there for seven years. I have
two boys. One is in the Roslyn Middle School, one is in Roslyn
High School. I love the neighborhood so much that I wanted to
have the restaurant near my house and it took me a while to
find this location, because there is no existing restaurant
that is available in our neighborhood. And once I find out
this restaurant was vacant, I jumped on it and like I said
here, I'm not trying to do anything to change the neighborhood,

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because I live five minutes away so I care about the neighborhood. My kids will be going to college and I want to make sure that I stay in the neighborhood. There's a lot for us to do here. I'm not going to do anything to -- to make the neighborhood not the way that I want, because I plan to stay there and retire there. I want to keep the way it is. It's very important.

MEMBER GOODSSELL: Was your attorney correct the percentage you anticipate of takeout as oppose to sit down, I think he said about 30 percent takeout or 70 percent takeout. Is that an accurate statement?

MR. CHAN: That would be pretty accurate statement and like I said here, this is what we plan to do. We don't have our own delivery guy. We do Uber Eats only. That's how it is. And we have eight parking spaces in the back of the restaurant, that's where the takeout is going to be.

MEMBER GOODSSELL: Well, presumably if people can't park, they're not going to come eat. So at some point we recognize that if you're going to limit the parking, you're not going to have too my customers.

MR. BLOOM: Well, I got to the point in my life where if I can't get a parking spot on the street in front of where I'm going, I'm going elsewhere.

MEMBER HERNANDEZ: Thank you very much.

MR. CHAN: Thank you.

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MEMBER GOODSSELL: Thank you.

MEMBER DONATELLI: And I do have one more question
about the food preparation.

MR. CHAN: Yes.

MEMBER DONATELLI: So I think you said that the
preparation of the chicken will require frying. Is that right?

MR. CHAN: That's correct.

MEMBER DONATELLI: So will there be frying odors that
emanate from the restaurant? You have three other restaurants
you indicated.

MR. CHAN: Yes.

MEMBER DONATELLI: Do you have neighbors in proximity
to your other restaurants? Your other restaurants --

MR. BLOOM: Are there residents nearby where your other
restaurants are located?

MR. CHAN: Yes. We actually have a resident on top of
us.

MEMBER DONATELLI: I'm sorry?

MR. CHAN: On top of us.

MEMBER DONATELLI: And have your neighbors close to
your other restaurants, have they complained about the frying
odors?

MR. CHAN: No, they have not.

MEMBER DONATELLI: Is it obvious in the area that if
there are frying odors, would you notice, would they notice?

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MR. CHAN: They would not be noticed, because all the equipment, all the exhausts and fans that we use, we make sure that we get rid of the grease and it will not create an issue. So we really know what equipment that's needed and what kind of system to implement so there will be no odor.

MEMBER DONATELLI: So there will be filters?

MR. CHAN: That's correct.

CHAIRMAN MAMMINA: And I think I can just speak up on that question and maybe just add something else to that. Does the existing pizza store have friers?

MR. CHAN: Yes, they do because of french fries and other stuff.

MEMBER DONATELLI: Okay.

MR. CHAN: And also, like I said here, the fried chicken is only 30 percent. 30 percent of our current menu. So 70 percent will be traditional Korean food so that doesn't require frying. Any other questions? All right. Thank you.

MEMBER DONATELLI: Thank you.

CHAIRMAN MAMMINA: My own personal feeling is we don't have to wait to hear from the building department, you know, on this. Obviously I disagree which is fine. I don't disagree with the restaurant, I don't disagree with the conditional use. I will disagree with the fact that they found the zoning line as well. New York City, okay, one of the largest cities in the world had a litigation that went on for gosh knows how long and

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2 I'm sure millions of dollars were sent on that, because the
3 zoning map was not revealing what was supposed to be there.
4 Ultimately, you know, the other tie goes to the runner in
5 zoning. The tie goes to the runner. But my -- my sole issue
6 is the parking variance. So I'm just saying that incase
7 everybody agrees. No need, as far as I'm concerned, to bring
8 anyone from the building department over. Plus, I think that
9 golf outing is today so and I don't want to hold up the
10 application any more.

11 MEMBER DONATELLI: I think it's unfortunate that we
12 don't have somebody here from the building department, but I --
13 and while we all work very hard to respect each others
14 opinions, I just -- I feel that we are compelled to address the
15 issue that's presented in the notice of disapproval. The
16 notice of disapproval merely sets forth the conditional uses as
17 set forth in 70-225 for restaurant purposes. I too am eager to
18 not hold up this application needlessly, because we're all
19 mindful of the fact that the applicant is -- is investing in
20 the area, investing in the neighborhood and of course that's
21 something that we want to encourage. So I am pleased that we
22 don't have to, you know, I would have liked an explanation from
23 the building department, but we don't certainly need it.

24 All right. So as I was saying, we have -- I -- I think
25 we -- we all have a lot of respect for each other and I think
26 it's one of the hallmarks of a good Board, that we listen to

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each other, we deliberate and most of the time we agree, but not all the time and that is the collective wisdom of having a Board of five people. So -- so having said all of that, I personally, as one Board member, believe that the applicant has met the requirements as set forth in 70-225. So I make a motion that we grant the application.

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

MEMBER DONATELLI: With standard restaurant conditions.

MEMBER GOODSSELL: And I will second that.

CHAIRMAN MAMMINA: Second from Member Goodsell. 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: I will abstain from voting so that it's shown clearly that I have no -- no issue at all with the conditional use, but disagree strenuously with the building department. But ultimately the building department is the

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building department and enough said.

MR. BLOOM: I thank you all including the abstained.

CHAIRMAN MAMMINA: So the application is granted.

MR. BLOOM: Thank you.

MEMBER HERNANDEZ: Thank you. Good luck.

MEMBER GOODSSELL: Thank you.

SECRETARY WAGNER: Do you want to do SEQRA, Adopt
SEQRA?

VICE CHAIRMAN FRANCIS: I'll move SEQRA.

MEMBER GOODSSELL: And I'll second.

(TIME NOTED: 12:15 p.m.)

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C E R T I F I C A T E

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

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

NICOLE L. BASILE