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TOWN OF NORTH HEMPSTEAD
BOARD OF ZONING APPEALS
PUBLIC HEARINGS

Wednesday, August 16, 2023
10:21 o'clock a.m.

BOARD MEMBERS PRESENT:

DAVID L. MAMMINA, Chairman
DANIEL D. DONATELLI, Member
PATRICIA A. GOODSELL, Member
JAY HERNANDEZ, Member

ALSO PRESENT:

DEBRA ALGIOS,	Town Attorney (11:42 a.m. - 7:15 p.m.)
ADRIANA BATCHELLER,	Town Attorney (10:21 a.m.-11:48 a.m.)
VIRGINIA WAGNER,	Secretary
STEVEN PERROTTA,	Planner (10:21 a.m. - 7:09 p.m.)
STEPHANIE J. VALDER,	Court Reporter

1 Proceedings

2 CHAIRMAN MAMMINA: If everyone would please rise
3 and join Member Donatelli in the Pledge of Allegiance?

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

6 CHAIRMAN MAMMINA: Good morning ladies and
7 gentlemen, and welcome to the Town of North Hempstead
8 Zoning Board of Appeals. So happy to see you here. And we
9 have a real long calendar today, not that it has a lot to do
10 with you guys as we split into -- into two. But it should be
11 an interesting day.

12 So what I will do is I'll just take a couple of
13 minutes to explain the way that we do things at the Town
14 here, 'cause you may have been to another zoning board before
15 and they may do things differently. You may have never been
16 to a zoning board before and hope you never have to come
17 back; right? But -- but hopefully -- hopefully that won't be
18 the case.

19 So what we will do as each case is called by
20 our -- our Secretary, Ms. Wagner, we will then ask for anyone
21 who has interest in the case to show that by a -- a raise of
22 hands. We will ask the applicant also at the same time to
23 just stand up and come forward to the -- to the podium. And
24 if there is any anyone who has interest, we will recognize
25 those people after the applicant has, you know, has put their
26 case onto the record.

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Proceedings

So the applicant will give their name and address to our -- our reporter, as everyone will as they come up. And at that point when that is done, the podium belongs to the applicant. And the applicant will put their case onto the record and the Board will ask whatever questions it feels to be appropriate. And at that point, if there is anyone else who wishes to speak either against or for the application, the applicant will take a seat wherever and then people will come up one at a time, give your name and address, go through the information or your thoughts. The Board will ask whatever questions it feels it has and the next person will come up.

When that is done, the applicant and typically only the applicant will get two turns at the -- at the podium, because they will have the opportunity then to either support or refute what people said. And also, the Board will then have the ability to ask questions of the applicant again, based on anything that might have been raised.

So when that is done, the hearing typically is over. That's it. Nobody has to come back. Very, very rare when -- when we have a -- a second hearing.

And the Board will then do one of four things, all right, four things now. It used to be three, now it's four.

(Laughter.)

1 Proceedings

2 CHAIRMAN MAMMINA: It's -- it's we will either:
3 Approve the application;
4 Deny the application;
5 We may reserve the application;
6 Or we may continue the application.

7 Now I'll explain the difference between reserve
8 and -- and continue. If we reserve the application, that
9 means that the Board has heard everything that it needs to
10 hear, everything has been submitted by the applicant. There
11 is no other information that we would -- that we would need.
12 And typically, the application generally doesn't get decided
13 that day, but it -- it may indeed, you know. And I will --
14 and I will talk about that as we'd come around to that part
15 of my little agenda here.

16 Or if we continue the application, that means
17 that we might say to the applicant, you know:

18 We'd really like to see that closing document
19 that you had when you purchased the property;

20 Or there's a Building Department record that
21 we'd like to see;

22 Or we'd like to go back and look at the, you
23 know, at the property again;

24 Or there might be a compromise that's offered to
25 the -- to the applicant and drawings would then have to be
26 submitted. So continued, you could mean that for any -- any

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2 number of reasons.

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4 So, you know, with, you know, with that being
5 said, the -- the order of the -- of the day, you know, then
6 is we go through the calendar and then the Board will
7 deliberate in-person. So what that means is that whatever --
8 whatever discussion there is between the Board regarding
9 applications and things, you are permitted to be here, you
10 can watch it on the -- the Town's television station. You
11 know. Also, you needn't -- you don't have to be here. You
12 know, that's -- that's your call, but everything is done as
"open book."

13

14 So I guess with that part said, I'll get down to
15 just our final pieces here, you know, which are what we will
16 ask everyone to do is to take our phones, and our laptops,
17 and our whatever, all of that stuff and put it on silent.
18 Okay, you don't have to shut it off, just put it on silent.
19 And we will then ask that if anyone else is coming to join
20 you who's not here today, that you ask them to do the same
thing.

21

22 If at any point during the hearing you need to
23 make a telephone call or take a telephone call, that's
24 absolutely fine. Just stand up, head across and go outside
25 into the lobby area. If someone else is not here who you
26 want to have a discussion with, or if you want to have a
discussion amongst yourselves or you just want to stretch

1 Proceedings

2 your legs, you can head on out into the -- into the lobby
3 area and -- and all of that is -- is fine.

4 Yes, thank you.

5 I'm going to go back for one -- one other point
6 and thank you for -- for reminding me, Virginia. When the
7 applicant speaks, the applicant can essentially put their
8 whole case on the record in whatever time they need, you
9 know, they will -- they will be permitted that time. If they
10 have legal counsel, you know, legal counsel will have that
11 time as well.

12 If there are people who wish to speak in support
13 or against, we have a -- a three-minute time limit, you know,
14 on that as is customary with -- with most boards, town
15 boards, zoning boards. We're not going to chop anybody's
16 head off at the end of the three minutes. You know, but, you
17 know, we do ask people to try to be succinct. If someone has
18 made a comment already about:

19 Traffic;

20 Or school buses;

21 Or height;

22 Or whatever, you know, then, you know, that's
23 that -- you -- you can stand up and say I agree with what the
24 person before us said. What we will ask also is that any
25 comments you make stick with what the variance is about,
26 because that's all that we can look at is what the variance

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is about.

So if the variance is because somebody's side yard on their house is they're asking for it to be a little smaller than it's supposed to be, but you feel that the intersection down the block, you know, is a very busy intersection and it really needs a traffic light or whatever, that's -- that's not what we're here looking at. If you -- if you're the person who lives next door to the house and says, well, that -- it's right next door to me and for these reasons:

You know, I think it's too close to my house;
Or they've already cut down trees;
Or whatever it might be, I think you probably get the idea.

So I think with that said, all right, I got everything?

MEMBER DONATELLI: Yup.

CHAIRMAN MAMMINA: Good.

1 Appeal #21420

2 CHAIRMAN MAMMINA: Ms. Wagner, do we have any
3 modifications to today's calendar?

4 SECRETARY WAGNER: Yes, Chairman. We have an
5 adjournment of APPEAL #21420 - Angela Ferrante;
6 112 Huntington Rd., Port Washington, Section 5,
7 Block 60, Lot 31; Zoned Residence-A.

8 Variances from §§ 70-32.7 and 70-208.F to
9 legalize an extension to a shed dormer with the eave height
10 being too high on a non-conforming building.

11 This is being adjourned to September 20th.
12 There was some clarification of the plans that were submitted
13 and it went back to the Building Department. So I believe
14 there is going to be a new notice of disapproval. And
15 therefore, we -- there may be an additional variance
16 required. So it's being adjourned to September 20th.

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Appeal #21428

SECRETARY WAGNER: There's also an adjournment of APPEAL #21428 - Jiji Mathew; 30 Cantiague Lane, Westbury; Section 11, Block 416, Lot 29; Zoned: Residence-C.

Variances from §§70-49, 70-52.5, 70-100.2.A(4)(b), 70-101.B, and 70-100.2(L) to legalize a home that is too big, to legalize a driveway, walkway and stoop that cover too much of the front yard, to legalize light piers that are too tall, to legalize fencing that is too tall, and to construct a new front porch that is too close to the street.

That's also being adjourned to September 20th, I believe due to the fact that they were not able to complete their mailings in time.

And that's just from the Residential Calendar.

1 Proceedings

2 SECRETARY WAGNER: We'll do the adjournments
3 from the Commercial Calendar this afternoon.

4 CHAIRMAN MAMMINA: Thank you so much.

5 SECRETARY WAGNER: So if anybody's here for the
6 Commercial Calendar, that won't be heard until this afternoon
7 at 2:30.

8 MEMBER DONATELLI: Did you want a motion on
9 this?

10 SECRETARY WAGNER: I don't think we need it,
11 because we weren't able to proceed with the hearings.

12 (Discussion held among Board Members off the
13 record.)

14 CHAIRMAN MAMMINA: If anyone sees me smiling a
15 lot today, I got this new coffee cup (indicating), which is
16 just amazing.

17 (Laughter.)

18 CHAIRMAN MAMMINA: And it keeps my coffee hot
19 for up to three hours at any temperature. If you'd like to
20 buy one, I'll be selling them in the parking lot later.

21 (Laughter.)

22 CHAIRMAN MAMMINA: That's right.

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1 Appeal #21418

2 CHAIRMAN MAMMINA: Please let's call the first
3 case.

4 SECRETARY WAGNER: The first Appeal,
5 APPEAL #21418 - Lindsay Hill & Mehdi Elofir;
6 46 Stonehenge Rd., Manhasset, Section 3, Block 86, Lot 146;
7 Zoned Residence-B.

8 Variances from §§ 70-40(C) and 70-208.F to
9 construct a second-story addition that is too close to the
10 street on a non-conforming building.

11 CHAIRMAN MAMMINA: You've heard Appeal 21418,
12 Lindsay Hill and Mehdi Elofour -- Elofir, I'm sorry.

13 Is there anyone in the room who's interested in
14 the application other than the applicants?

15 (No response.)

16 CHAIRMAN MAMMINA: Seeing no one, please give
17 your name and address.

18 MR. BLORE: Good morning, Mr. Chairman, members
19 of the Board. Thomas Blore, the architect for the project,
20 60 Carleton Avenue, Suite 202, Islip Terrace, New York,
21 11752.

22 The intent of this application is to construct a
23 partial second-story addition. We're requesting a front-yard
24 setback of 34.3, instead of the required 37.6. The existing
25 street and property line are curved and sloping vertically,
26 so only a small portion, approximately 25 square feet of the

1 Appeal #21418

2 second floor is non-conforming. This setback is an existing
3 setback, and this proposed second floor is directly over the
4 existing footprint and in line with the existing residence.

5 I did create a -- a little bit of clearer
6 drawing -- if you'd like I can submit it to the Board -- just
7 highlighting the and delineating that line.

8 And if the Board should have any questions, I'd
9 be happy to answer them.

10 (Hanging.)

11 MR. PERROTTA: (Receiving.)

12 SECRETARY WAGNER: This will be "Exhibit 1."

13 MR. BLORE: Yeah.

14 MEMBER DONATELLI: So sir, you're an architect;
15 correct?

16 MR. BLORE: Correct.

17 MEMBER DONATELLI: Okay.

18 Are you familiar with the five factors that we
19 are required to consider?

20 MR. BLORE: Yes.

21 MEMBER DONATELLI: Right.

22 MR. PERROTTA: (Hanging.)

23 MR. BLORE: (Receiving.)

24 MR. PERROTTA: Right in front --

25 MEMBER DONATELLI: Ah, excellent.

26 (Laughter.)

1 Appeal #21418

2 MEMBER DONATELLI: Please go through them.

3 (Laughter.)

4 MR. BLORE: It's not going to produce or create
5 an undesirable change to the neighborhood. I -- I don't
6 think driving down this block going up this hill, it's going
7 to look any different than all the other two-story homes on
8 the block.

9 Is there an alternative to it? No, I mean this
10 is the nature of an existing kind of curved property line,
11 that just really clips when you calculate the average
12 front-yard setback. When you look at it down the road, it
13 actually clips through I think three other homes in the -- in
14 the same fashion, because you have a wandering, you know,
15 street line.

16 Is it substantial? Obviously not. It's a very
17 small portion, about 25 square feet penetrating that, you
18 know, front property line.

19 An adverse impact on the neighborhood? No, not
20 at all. It's going to look like, again, every other
21 two-story home on this block.

22 And was it self created? I mean it's an older
23 home, so whoever originally built the house, I doubt they
24 realized. I'm not even sure the zoning rule was the same at
25 that point for an average front-yard setback.

26 CHAIRMAN MAMMINA: You want to talk a little bit

1 Appeal #21418

2 about the, you know, the massing of the additions and how
3 they relate to where the existing footprints of the house and
4 things might be?

5 MR. BLORE: Sure.

6 So in other words, this is all directly above
7 the existing, you know, home. You have a kind of a -- you
8 have a very "grady" [sic] site, so, you know, an extremely
9 "slopy" [sic] site on the lots right on the corner. You can
10 walk there. But so, you know, basically on the right side,
11 you see a garage and they use it as kind of like a -- a den
12 room above it. And then the ground slopes severely up. So
13 when you're looking at the front of the house, the left side
14 of the home is a two-story home. And we're basically
15 proposing a second-story addition over that right side.

16 CHAIRMAN MAMMINA: Okay.

17 And also part -- part of the existing house,
18 based on your drawing, appears to already be extending into
19 that setback and this would be a continuation?

20 MR. BLORE: Exactly. And we're not proposing to
21 go any closer towards the front or the sides and, you know,
22 make the condition any worse than it already is.

23 MEMBER GOODSELL: Do I also note that you hipped
24 the roof, so that you don't any violate any sky plane?

25 MR. BLORE: Exactly. Yup, we hipped that little
26 corner, so --

1 Appeal #21418

2 MEMBER GOODSELL: I see that.

3 MR. BLORE: -- the only variance that we're
4 seeking is that average front-yard setback.

5 CHAIRMAN MAMMINA: I really like the hip.

6 MEMBER DONATELLI: Yeah.

7 MEMBER HERNANDEZ: For the sake of clarity,
8 you're right, that street is extremely steep. And actually,
9 the garage is what we will call the basement normally in a
10 house --

11 MR. BLORE: -- correct.

12 MEMBER HERNANDEZ: -- except that it's at grade
13 level, 'cause the street happens to be so low at that point.

14 Above the garage, there is an existing room now,
15 which I thought was an enclosed porch. You said they're
16 using it like a dining area or something like that?

17 MR. BLORE: Yeah, a den.

18 MEMBER HERNANDEZ: Yeah.

19 So is the plan to remove that room as well and
20 then build above it or is it just to build above that room?

21 MR. BLORE: Just to build above it.

22 MEMBER HERNANDEZ: Okay.

23 MR. BLORE: We would -- it's a flat roof above
24 that.

25 MEMBER HERNANDEZ: Yeah.

26 MR. BLORE: So I do call for new floor joists to

Appeal #21418

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2 be put in above it. So the roofing from the top side will be
3 removed. They could "sister" up to the existing with -- I
4 forget what I call it -- 2 by 8s, and 2 by 10s and then build
5 up.

6

MEMBER HERNANDEZ: Okay.

7

CHAIRMAN MAMMINA: Okay.

8

MEMBER DONATELLI: No further questions.

9

MEMBER HERNANDEZ: Mr. Chairman, this is
10 probably the one modification that everybody in these
11 neighborhoods make to their houses. We all -- all had, at
12 one time, an attached garage to the house and the natural
13 place to build is above that garage. This house happens to
14 have a garage that's very, very low, so they have the
15 advantage they can actually put two spaces above the garage.
16 But it's certainly consistent with the neighborhood. It's
17 certainly something that has been done and over and over. We
18 did it in our house, many years ago.

19

So given that -- that it will have no severe
20 impact on the neighborhood, I move that we grant the
21 application.

22

CHAIRMAN MAMMINA: Okay. We have a -- a motion
23 from Member Hernandez.

24

Do we have a second?

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MEMBER DONATELLI: Second.

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CHAIRMAN MAMMINA: Seconded by Member Donatelli.

1 Appeal #21418

2 Please poll the Board.

3 SECRETARY WAGNER: Member Goodsell?

4 MEMBER GOODSSELL: Aye.

5 SECRETARY WAGNER: Member Donatelli?

6 MEMBER DONATELLI: Aye.

7 SECRETARY WAGNER: Member Hernandez?

8 MEMBER HERNANDEZ: Aye.

9 SECRETARY WAGNER: Chairman Mammina?

10 CHAIRMAN MAMMINA: Aye.

11 The application is granted.

12 Thank you.

13 MR. BLORE: Thank you. Have a great day.

14 CHAIRMAN MAMMINA: You too.

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Proceedings

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SECRETARY WAGNER: Before I read the next

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appeal, I just want to note for the record the Vice-Chairman

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is absent today.

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1 Appeal #21419

2 SECRETARY WAGNER: All right. The next appeal
3 is APPEAL #21419 - David Poon; 23 Prospect Avenue,
4 Port Washington; Section 5, Block 51, Lot 112;
5 Zoned: Residence-C.

6 Special exception under 70-231 and variance from
7 70-208.F to legalize and expand a finished attic, resulting
8 in an increase in the non-conformity of a home.

9 CHAIRMAN MAMMINA: You've heard Appeal No. 21419,
10 David Poon.

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

13 (No response.)

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

16 MR. MOOREHEAD: My name is Buck Moorehead. I'm
17 the architect for the project. My address is
18 245 West 29th Street, New York City, New York.

19 CHAIRMAN MAMMINA: Welcome.

20 MR. MOOREHEAD: Thank you very much.

21 Good morning, Mr. Chairman. As I said, my name
22 is Buck Moorehead. I'm the architect for the proposed
23 project at 23 Prospect Avenue. I am representing the
24 building owners, Don McAuslan and David Poon. Don and David
25 are present here today.

26 As stated, we are seeking a special exception

Appeal #21419

for code -- exception for code "Section 70-231," attic definition, which states that the third floor attic:

Shall not be used for living and sleeping quarters;

Shall not have finished floors;

Shall not have heating systems.

It also states that attic should not have operable windows or a fixed stair leading up to them.

We are also seeking a variance for "Section 70-208.F," which states that any existing non-conformity may not be expanded.

I would like to start by saying that there is an incongruity between our interpretation of the zoning definition of the space and the definition that served as the basis of our plans examiner's objection. Based on the definitions set forth in "Article 25" of the Town of North Hempstead Code, it is our interpretation that the space we're dealing with is classified as a half story, as well as an attic. An attic as defined by the code is the space between the is ceiling joists at the top story and the roof rafters. The area in question meets that definition -- definition easily, as any space below a roof would.

Beyond this definition, the building also importantly meets the code definition for a two and one-half story building, one where the provisions of the definition

Appeal #21419

for a two-story building are complied with and where the main eaves are below the mid-height of the third story.

This is confirmed in what I would like to submit as our first "Exhibit A," a diagrammatic section explaining this eave relationship being a two and one-half story building. The code then goes on further to define a half story as the part of a building above a story having at least two opposite walls, exterior walls, meaning a sloping roof at a level no higher above the floor than one half the floor to ceiling height of the story below.

It states that the exterior walls of the deck rear doghouse dormers not exceeding 6 feet in height [sic] -- in width rather, shall be permitted to exceed the one half floor to ceiling height limit on the low sides of the half story. As can be seen in "Exhibit A," the area in question at 23 Prospect also meets this definition.

It is perhaps important to note that the half-story definition:

Does not expressly limit the use of half-story spaces for living or sleeping.

And does not limit the existence of a fixed stair, operable windows, finished flooring or heating systems.

We understand that it is ultimately up to the Zoning Board to interpret the code and determine how this

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space is rightly defined. For the purposes of this discussion, I will assume a more conservative reading, that this space should in fact be considered an attic and is thus out of compliance in its existing condition.

The owners purchased 23 Prospect just over 18 months ago in January of 2022. At the time of purchase, the attic or half story existed in the same condition it does today. This is evidenced in what I'd like to submit as Exhibit "B" and "C." "Exhibit B" excerpts relevant pages from a home inspection report prepared on October 20th, 2021, prior to the owners closing on the property.

"Exhibit B" confirms the existence of a finished attic or half story with:

A three-fixture bathroom;
Baseboard heating;
Operable windows;
And a fixed stair leading up to it.

MEMBER HERNANDEZ: I'm -- I'm sorry. Can I just stop you one second?

MR. MOOREHEAD: Yeah.

MEMBER HERNANDEZ: Because you keep quoting exhibits with letters and we're having a problem finding --

MR. MOOREHEAD: Oh --

MEMBER HERNANDEZ: -- your exhibits with letters.

1 Appeal #21419

2 MR. MOOREHEAD: -- oh.

3 MEMBER HERNANDEZ: They're not -- they're not in
4 the -- in the file.

5 MR. PERROTTA: Did you submit them with your
6 application?

7 MR. MOOREHEAD: (Handing.)

8 MR. PERROTTA: (Receiving.)

9 They might be in the file.

10 MEMBER HERNANDEZ: I can't find them in the
11 file.

12 MR. MOOREHEAD: I was -- I was wondering each
13 time I said that. I assumed you guys had them.

14 MEMBER HERNANDEZ: No -- no, we have -- we have
15 a lot of pictures from you, but nothing is marked. And so --

16 MR. MOOREHEAD: So that's --

17 MEMBER HERNANDEZ: -- there's like 30 pictures
18 here, but I don't -- nothing -- there's no markings on it.

19 MR. MOOREHEAD: Oh.

20 MS. BATCHELLER: They were -- they were
21 submitted separately under the exhibits section within the
22 zoning board application.

23 SECRETARY WAGNER: On the portal?

24 MS. BATCHELLER: On the portal.

25 SECRETARY WAGNER: Okay.

26 (Discussion held among Board Members off the

1 Appeal #21419

2 record.)

3 SECRETARY WAGNER: Okay. Well continue your
4 presentation --

5 CHAIRMAN MAMMINA: Yeah.

6 SECRETARY WAGNER: -- and then we'll --

7 CHAIRMAN MAMMINA: Yeah. Okay.

8 MR. MOOREHEAD: Yeah. The exhibit, there, they
9 are grouped -- stapled together by Exhibit "A," "B," "C,"
10 "D." So you'll be on the separate --

11 MEMBER HERNANDEZ: So they should be in -- in
12 sequence?

13 SECRETARY WAGNER: Yeah.

14 MR. MOOREHEAD: They are. They are in that --
15 in the hard copy there.

16 SECRETARY WAGNER: Okay.

17 MR. MOOREHEAD: -- that's moving around. That
18 will help -- help explain it.

19 (Discussion held among Board Members off the
20 record.)

21 MR. MOOREHEAD: So "Exhibit B" is -- is the home
22 inspection report. That's a critical document because that
23 document's what it was at time of the purchase. And "Exhibit
24 C" shows pictures from today, a couple years later. That
25 shows that there's been no change to the existing space. The
26 way that it is now is the way that it was on the day that the

Appeal #21419

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property was purchased.

MEMBER GOODSELL: Yes. But Mr. Moorehead, I'm sure that you know that if it wasn't legal at the time that it went in, your clients are still responsible for it. We -- we understand you may have bought it this way.

MR. MOOREHEAD: Yeah.

MEMBER GOODSELL: But we have to consider whether or not this is acceptable.

MR. MOOREHEAD: Completely understood.

MEMBER GOODSELL: Thank you.

MR. MOOREHEAD: Yes.

(Discussion held among Board Members off the record.)

CHAIRMAN MAMMINA: Okay.

MEMBER DONATELLI: Please -- please continue.

MR. MOOREHEAD: All right.

Okay. So as I -- I was just saying, "Exhibit C" contains a photos of the half story as it exists today in an equivalent state, evidencing that the owners have not done any work to alter the half story since they moved in.

We've submitted "Exhibit D," which is a property card that is in that hard copy also, for the residence, which documents an existing fixed stair leading up to an unfinished attic space in 1938.

From this we can glen that the fixed stair was

1 Appeal #21419

2 built sometime before 1938, and that at sometime between 1938
3 and October of 2021 when the inspection report was created,
4 the half story was finished and a bathroom was added. To
5 date --

6 MEMBER GOODSSELL: Again -- so again
7 Mr. Moorehead, what the property tax card shows was that this
8 house was in existence in 1938. So it was built before 1938,
9 which we --

10 MR. MOOREHEAD: Yeah --

11 MEMBER GOODSSELL: -- which I understand.

12 MR. MOOREHEAD: -- right.

13 MEMBER GOODSSELL: And according to the card, it
14 appears to be about 11 years old in 1938. So we know it's
15 an old --

16 MR. MOOREHEAD: Yeah --

17 MEMBER GOODSSELL: -- house.

18 MR. MOOREHEAD: -- okay.

19 To date, the renovation is evaluate, to -- to
20 date the renovation, we evaluate the age of:

21 The existing thermostat;

22 Plumbing fixtures;

23 And through-wall A/Cs at the half story.

24 Pictures of these items are included in "Exhibit C."

25 We found that the through-wall A/C unit was
26 manufactured from 1970, 2010. The thermostat company had

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dissolved in 1999. The bathroom lavatory was marked '87.

What we can infer from this is that the -- the equivalent, the equipment was manufactured and installed sometime between 1970 and 1999. There's a record of asbestos abatement for the property in 1988, and which is "Exhibit E." While we cannot know with certainty, it is our best guess based the age of the fixtures, that the renovation of the half story occurred within the same relative timeframe of -- of the abatement in 1988.

Needless to say, this condition was inherited by the owners. We are here today requesting to:

Maintain the space "as-is;"

Legalize it with respect to fire safety by adding sprinklers, if required.

It is important to note that no new work is proposed at this floor, other than it is required at the exterior walls as part of a whole energy -- whole house energy retrofit we have initially filed for.

This involves a conversion to all electric mechanicals and the new ERV ventilation system. The addition of interior and exterior insulation, continuous air barrier and triple-paned window replacement.

The space in question will remain the same apart from the addition of the exterior installation, which will increase the depth of the outside walls, thereby increasing

1 Appeal #21419

2 the "GFA" at -- of this story by 39 square feet. The home's
3 overall "GFA" compliance will not be affected, as we are
4 permitted 2,800 square feet and are applying for 2,699 square
5 feet.

6 The owners intend to use this space as a home
7 office recreation room, no bedrooms or a change in the layout
8 is proposed.

9 MEMBER DONATELLI: I -- I will begin by asking
10 you one question, sir. You -- I think you -- you just -- I
11 think I heard that the application will be adding sprinklers
12 to the third floor?

13 MR. MOOREHEAD: We've -- we've proposed adding
14 sprinklers that would -- would -- to this third floor and
15 also -- also the stairway going down from there.

16 MEMBER DONATELLI: Right -- right.

17 I just wanted to make sure, because I don't
18 recall seeing that in the plans.

19 MEMBER GOODSSELL: Are there other houses within
20 a close proximity to this house that appear to have a 2-1/2
21 story or a half story above the second story?

22 MR. MOOREHEAD: I'm -- I'm going to ask -- ask
23 my -- my client if they may know.

24 MEMBER GOODSSELL: Okay.

25 MR. MCAUSLAN: Yes -- yes.

26 CHAIRMAN MAMMINA: You -- you need to come up

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2 and --

3 MEMBER GOODSELL: You have to come up.

4 CHAIRMAN MAMMINA: -- put yourself on the
5 record.

6 MEMBER GOODSELL: Name and address on the
7 record.

8 MR. MCAUSLAN: Hi. I'm James Donald McAuslan,
9 one of the homeowners at 23 Prospect Avenue in
10 Port Washington.

11 CHAIRMAN MAMMINA: If you could speak a little
12 bit -- a little bit louder.

13 MR. MCAUSLAN: Sorry about that.

14 So I am James Donald McAuslan, a homeowner at
15 23 Prospect Avenue. I -- I live with my husband, David Poon.

16 It is pretty common in the area for folks to
17 have finished half-story attics, perhaps not legally done,
18 but it is not uncommon in our area here.

19 CHAIRMAN MAMMINA: Yeah.

20 MEMBER GOODSELL: And -- and your house appears
21 to have been built before 1938, which the property tax card
22 shows is approximately 11 years old in 1938 when we created a
23 State Building Code Document.

24 So if we -- if we look at this, that the
25 staircase was there, we still don't know. It looks very
26 newish to me, when that finished portion of the I'll call it

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2 second and a half, 2 1/2 story portion was finished. It was
3 your testimony and your architect's testimony, it was like
4 that when you bought it; is that correct?

5 MR. MCAUSLAN: That's correct, yeah.

6 MEMBER GOODSSELL: And did you make any inquiry
7 as to when that was built or what the building codes were
8 when you bought the house?

9 MR. MCAUSLAN: For that part of the house, no,
10 we did not.

11 MEMBER GOODSSELL: I don't suppose you remember
12 whether your contract said in the contract, that this
13 property is legal and has certificates the way it exists, in
14 reading "paragraph 16."

15 MR. MCAUSLAN: I -- I don't remember.

16 MEMBER GOODSSELL: All right. Were you
17 represented by an attorney though, when it was purchased?

18 MR. MCAUSLAN: Yes.

19 MEMBER GOODSSELL: Okay.

20 (Discussion held among Board Members off the
21 record.)

22 MEMBER DONATELLI: Ginny?

23 (Discussion held among Board Members off the
24 record.)

25 MEMBER HERNANDEZ: You don't have to stand there
26 while everyone's talking, if you don't want to. You can go

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back there.

MR. MCAUSLAN: Thank you.

MEMBER HERNANDEZ: Give us a minute -- give us a minute -- give -- give us a minute just to finish up.

(Discussion held among Board Members off the record.)

MEMBER DONATELLI: All right. So Mr. Chairman, I'd -- I'd like to make a -- a few comments on the record, that -- that we come across, at times, properties such as this that predate the code. I believe that this house was probably constructed somewhere around 1920, which is just before the adoption of the code.

We do have I think what's cited as "Exhibit D," the property tax card for this property, a Nassau County Property Tax Card that indicates that in 1938, the property did have a [sic] attic floor and stairs. And so in my mind, that shows that this attic is a pre-existing, non-conforming condition.

I would also note for the record that I believe that the Town of North Hempstead began defining what constitutes an attic well after this was -- was built. It does -- in fact, I have gone through the area as we do with most of these applications and -- and viewed other properties of a certain nature in the area. And I -- I did see similar property, that do in fact have this living space on the

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third floor.

And I would also note that the -- the addition of the square footage still keeps the house under the "GFA" limit per the code. And that the fixtures that have been shown to be in existence are -- are in fact rather dated, and so in fact that it indicates to me that -- that these fixtures were there probably for a long time.

(Discussion held among Board Members off the record.)

MEMBER DONATELLI: Oh, I -- I would -- yeah, I would -- perhaps I would require as any approval of this application, that we condition any approval on the installation of sprinklers on the third floor and in the staircase as the applicant has indicated and that, of course, it comply with all other New York State Building Code requirements.

CHAIRMAN MAMMINA: There's also -- there's also requirements for interconnecting smoke detectors --

MEMBER DONATELLI: Right.

CHAIRMAN MAMMINA: -- you know, that sort of thing, which that's terrific add to decision that's life safety.

MEMBER DONATELLI: Yeah.

CHAIRMAN MAMMINA: That's just doing the right thing.

1 Appeal #21419

2 MEMBER DONATELLI: So with those conditions
3 Mr. Chairman, I make a motion that we grant the application.

4 CHAIRMAN MAMMINA: Okay. We have motion to
5 grant by Member Donatelli.

6 Do we have a second?

7 MEMBER HERNANDEZ: Second.

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

10 SECRETARY WAGNER: Member Goodsell?

11 MEMBER GOODSELL: Granted, aye.

12 SECRETARY WAGNER: Member Hernandez?

13 MEMBER HERNANDEZ: Aye.

14 SECRETARY WAGNER: Member Donatelli?

15 MEMBER DONATELLI: Aye.

16 SECRETARY WAGNER: Chairman Mammina?

17 CHAIRMAN MAMMINA: Aye.

18 Thanks. Thank you.

19 MR. MOOREHEAD: Thank you very much.

20 I mean I'm going to look for the mug out in the
21 lobby.

22 (Laughter.)

23 SECRETARY WAGNER: Thank you.

24 CHAIRMAN MAMMINA: It works with tea also, I was
25 amazed, you know.

26 (Laughter.)

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2 MEMBER DONATELLI: He can actually even sign one
3 for you if you'd like.

4 (Laughter.)

5 CHAIRMAN MAMMINA: I have a silver pen here so
6 you can see it on a black mug.

7 MR. MOOREHEAD: Good luck.

8 (Discussion held off the record.)

9 (Discussion held among Board Members off the
10 record.)

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1 Appeal #21421

2 SECRETARY WAGNER: The next appeal, APPEAL
3 #21421 - Nicholas & Evangelia Romeo; 5 Andover Rd., Port
4 Washington, Section 6, Block 61, Lot 34; Zoned Residence-B.
5 Variance from § 70-41.A to construct additions
6 to a home that would not have large enough total (aggregate)
7 side yards.

8 CHAIRMAN MAMMINA: You've heard Appeal No.
9 21421, Nicholas and Evangelia -- how would you pronounce it?

10 MR. BUTT: Angelina [sic] -- Evangelia.

11 CHAIRMAN MAMMINA: Oh, Evangelia, you got it.

12 MR. BUTT: Yeah, I had -- it took a while.

13 CHAIRMAN MAMMINA: All right.

14 (Laughter.)

15 CHAIRMAN MAMMINA: Yeah, but then I'm Italian.

16 (Laughter.)

17 MR. BUTT: I'm married to one.

18 CHAIRMAN MAMMINA: There you go.

19 (Laughter.)

20 MR. BUTT: Good morning, Mr. Chairman, members
21 of the Board. My name is Edward Butt from the
22 firm Edward Paul Butt Architect, 499 Jericho Turnpike in
23 Mineola, New York.

24 Good morning, everyone.

25 CHAIRMAN MAMMINA: Good morning.

26 MR. BUTT: I'm here this morning to -- to seek

1 Appeal #21421

2 relief for an application -- actually, let me just take care
3 of some business first. This is the copies of all of the --

4 (Handing.)

5 SECRETARY WAGNER: (Receiving.)

6 MR. BUTT: Thank you.

7 I'm -- I'm here to seek relief where we have
8 permission to build a -- an addition to an existing building
9 that -- that we're doing that right now currently. But there
10 is a portion of the building that's in the front of the
11 house, that the way the house is actually situated creates a
12 condition where the aggregate is -- is encroached upon for
13 approximately, I think it's about 4 feet of space on
14 two floors at the front portion of the building. We're just
15 sort of a -- a -- sort of a -- a victim of geometry more than
16 anything else here. And what happens is it -- it encroaches
17 at it's worst case scenario for 8 inches in the front of the
18 house.

19 That all being said, we're -- we're trying to
20 build this house to keep it consistent as far as the
21 construction line on that one side. And it would be actually
22 in the benefit of everyone, if I'd -- if I'd maintain that
23 line for that space.

24 The actual 8 inches is only occurring right at
25 the tip of that extension. It actually -- it actually kind
26 of feeds back to zero at the -- at the point of the house

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2 itself. So the current house is compliant. This -- this
3 little extension that we're putting on the front in order to
4 keep that sort of elevation wall consistent, we're seeking
5 relief for that -- for that small piece.

6 As far as it meeting all of the requirements
7 for -- for the variance request, certainly the -- there
8 really would be no undesirable change. As a matter of fact,
9 with that little notch in there, it would probably look a
10 little silly, as opposed to the -- the thing being squared
11 off like I believe it should be from an architectural
12 perspective.

13 The benefits sought by the applicant can be
14 achieved in other ways. It can be. Again, there are just --
15 when you start to look at the -- the home, that piece
16 notching in is part of a living room. So it would create
17 an -- an awkward situation on the interior of the space as
18 well.

19 Certainly, the variance is not a substantial
20 variance.

21 And whether the variance will have an adverse
22 effect on the neighborhood, I -- I can't imagine in this
23 particular case that there's any -- any impact from looking
24 at this house from the streetscape, that this would cause
25 this.

26 And is it self-created? Well, certainly it is.

1 Appeal #21421

2 But I just, I believe that this is a "de minimus" size
3 request. And we'd ask respectfully for relief from that --
4 from this condition.

5 MEMBER GOODSSELL: Mr. Butt, can I ask you?
6 There is already a building permit in place to do this; is
7 this correct?

8 MR. BUTT: Yes, but in compliance, meaning it
9 shows it's setback right now in the front. Where we're
10 showing it --

11 MEMBER GOODSSELL: When I looked at -- when I
12 looked at the property, there is a posting that there is a
13 building permit. There is no permit number on it, but there
14 was a posting that there is a building permit. Did this not
15 come up when you submitted the plans --

16 MR. BUTT: We did and we got --

17 MEMBER GOODSSELL: -- or is that for --

18 MR. BUTT: -- we -- we did and we got rejected.

19 MEMBER GOODSSELL: -- yeah.

20 MR. BUTT: So instead of -- instead of trying to
21 wait to go through the variance process --

22 MEMBER GOODSSELL: You started building already?

23 MR. BUTT: -- we started already building with
24 it in compliance. And then we would come back at some point
25 and -- and then correct it at that -- at that point. So
26 that's why we -- we chose to do that.

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2 MEMBER DONATELLI: Mr. Butt, if -- if I can,
3 because your -- your numbers, I -- I think you were talking
4 in the aggregate and I just wanted to be specific. We're
5 talking about the -- the side-yard aggregate; is that
6 correct?

7 MR. BUTT: That is correct.

8 MEMBER DONATELLI: So in my numbers I have, you
9 are requiring 17.94 feet in the aggregate, and you have 16.4,
10 which is a difference of approximately 1.5 feet. Do you have
11 those figures?

12 MR. BUTT: You're -- you're right. I'm looking
13 at the numbers now.

14 I guess it would take -- it's -- it's 8.
15 It's -- actually what it is, is it's 8 inches at the point of
16 the existing structure is what it is. And it -- it flares
17 out to that -- that larger number.

18 MEMBER DONATELLI: Right.

19 But since you are asking for a variance from the
20 side-yard aggregate, it's really the addition of both side
21 yards? In other words, if you had had the space on one side
22 yard, you might not have had this issue on the other side
23 yard?

24 MR. BUTT: Correct, yes.

25 MEMBER DONATELLI: So -- so again for the sake
26 of clarity, it looks like we're off by 1.5 on the side-yard

1 Appeal #21421

2 aggregate. But as you correctly noted, that is really only a
3 small portion of the front to the building?

4 MR. BUTT: Correct.

5 MEMBER DONATELLI: Can you talk a little bit
6 about the shape of the lot? Is the lot a regular rectangular
7 lot?

8 MR. BUTT: It -- it certainly is an irregular
9 lot. It's -- it -- the -- the lot basically flares out
10 20 feet wider in the rear than it does in the front, hence
11 the reason why the geometry of the -- the building and how
12 it's sited creates this -- this situation.

13 MEMBER DONATELLI: And had it been more -- less
14 pie-shaped -- let's talk had it been rectangular in shape,
15 would you have had this issue?

16 MR. BUTT: No.

17 MEMBER DONATELLI: And are you changing the
18 footprint at all from what is already there?

19 MR. BUTT: Well, that's what the request is for,
20 is that front footprint is changing.

21 MEMBER DONATELLI: Only as to the aggregate
22 side yard?

23 MR. BUTT: Correct.

24 MEMBER DONATELLI: Not in any way encroaching in
25 "GFA"?

26 MR. BUTT: Not in floor area, or -- or lot

1 Appeal #21421

2 coverage or anything like that. We're in compliance for
3 everything else.

4 MEMBER DONATELLI: Okay.

5 CHAIRMAN MAMMINA: Any other questions?

6 MEMBER HERNANDEZ: Actually, I -- I just wanted
7 a sake of clarification.

8 The footprint of the house is not changing, as
9 long as you include what is now on a -- a covered porch
10 that's the house; right? You're building above the covered
11 porch? Is that --

12 MR. BUTT: We're building above the covered
13 porch and enclosing the covered porch.

14 MEMBER HERNANDEZ: -- enclosing the covered
15 porch, which is what's closing that 8 inches?

16 MR. BUTT: Correct.

17 MEMBER HERNANDEZ: Yes?

18 MR. BUTT: Yes.

19 MEMBER HERNANDEZ: So they -- because they --
20 just the ground of the covered porch does not count as
21 encroachment?

22 MR. BUTT: Exactly.

23 MEMBER HERNANDEZ: But if --

24 MR. BUTT: We're building it --

25 MEMBER HERNANDEZ: -- if you're trying to move
26 something back there, it would -- it would be there anyway?

1 Appeal #21421

2 MR. BUTT: -- correct, yes.

3 MEMBER HERNANDEZ: So you're -- you're not
4 making any worse?

5 MR. BUTT: I'm really not exacerbating the
6 non-conformity for all intents and purposes.

7 MEMBER HERNANDEZ: Right.

8 MR. BUTT: But, you know, obviously because of
9 the -- the vertical element, it creates that situation, yup.

10 MEMBER DONATELLI: Any other questions?

11 MEMBER HERNANDEZ: I'm all good.

12 MEMBER DONATELLI: All right, so Mr. Chairman
13 after I review the five factors, and particularly in light of
14 the fact that this is an irregularly shaped lot and the fact
15 that the lot is irregularly shaped is in fact leading to this
16 one encroachment to the applicant's side-yard setback. And
17 other than that, the house will be compliant.

18 I make a motion that we grant the application.

19 CHAIRMAN MAMMINA: We have a motion from
20 Member Donatelli.

21 Do we have a second?

22 MEMBER HERNANDEZ: Second.

23 CHAIRMAN MAMMINA: Second from Member Hernandez.
24 Please poll the Board.

25 SECRETARY WAGNER: Member Goodsell?

26 MEMBER GOODSSELL: Aye.

1 Appeal #21421

2 SECRETARY WAGNER: Member Hernandez?

3 MEMBER HERNANDEZ: Aye.

4 SECRETARY WAGNER: Member Donatelli?

5 MEMBER DONATELLI: Aye.

6 SECRETARY WAGNER: Chairman Mammia?

7 CHAIRMAN MAMMINA: Aye.

8 The application is approved.

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

11 MEMBER HERNANDEZ: You too.

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1 Appeal #21422

2 SECRETARY WAGNER: The next appeal, APPEAL
3 #21422 - Richard Braunstein; 34 Belmont Dr., Roslyn Heights,
4 Section 7, Block 168, Lot 49; Zoned Residence-AA.

5 Variance from § 70-19(B) to legalize
6 additions that make the house too big.

7 CHAIRMAN MAMMINA: You heard Appeal No. 21422,
8 Richard Braunstein.

9 Is there anyone in the room interested in the
10 application other than the applicant?

11 (No response.)

12 CHAIRMAN MAMMINA: Seeing no one, please give
13 your name and address.

14 MR. SAHN: Good morning, Mr. Chairman and
15 members of the Board. Michael Sahn, Sahn Ward Braff Koblenz,
16 333 Earle Ovington Boulevard, Suite 601, Uniondale, New York.

17 My pleasure to appear before you this morning.
18 Accompanying me is the architect for the project, who I think
19 the Board is familiar with Sanford Berger present. And my
20 clients, the Braunsteins are present in the hearing room as
21 well.

22 Before I get into the details on the
23 application, I do have the original version of the
24 consent letter that I'd like to submit for the record.

25 CHAIRMAN MAMMINA: Sure.

26 MR. SAHN: (Handing.)

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2 MR. PERROTTA: (Receiving.)

3 Thank you, sir.

4 We'll mark this as "Exhibit 1."

5 MR. SAHN: A -- a copy of that was submitted
6 previously along with the "memorandum of law and facts," that
7 we prepared for this morning's hearing. As shown, in the
8 memorandum and in the consent letter, all of the neighbors
9 have consented, but for one. That neighbor fronts on
10 "Field," which is the adjoining street. And unfortunately
11 despite all best efforts, the Braunsteins were not able to
12 communicate with the neighbor in that instance.

13 But the two adjoining neighbors have consented,
14 one at the rear and the -- the other one across the street.
15 So that's the background in terms of the notifications and
16 the -- the neighbors who have an -- an interest in the
17 application.

18 As indicated in the hearing notice and as the
19 Board knows, this is an application for an area variance of
20 "Section 70-19(B)." This concerns the parcel of property
21 situated at 34 Belmont Drive West in Roslyn Heights. It is
22 identified on the Nassau County Land and Tax Map as
23 section 7, block 168, lot 49. T.

24 His is an "R-AA" District, where the minimum lot
25 area is 14,000 square feet. This property is slightly over
26 that, with 14,106 square feet. It is on the west side of

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Belmont Drive, approximately 464 feet west of Turf Lane.

I -- I think the Board members are familiar with this area and Belmont Drive. It's essentially a semi-circle type road off of Turf Lane that I would describe as self-contained, because it doesn't lead to anywhere, except to the homes that are on Belmont Drive. Belmont Drive West, South, whatever, there's no other street that it connects to except for Turf.

The premises as shown on the survey are essentially rectangular in shape, except that the southernly [sic] end of the front line curves inward into the property, because that's the beginning of the turn between Belmont Drive West and Belmont Drive South that some what resembles a cul-de-sac in that regard.

As -- as shown on the survey and on the plans, the premises are improved with a split -- split level framed residence. There is a deck. There's a patio and there is a shed in the rear. This is a floor area variance case. But the measurements of floor area are such that, respectfully we submit this as -- as "de minimis" of a variance as might be requested for floor area.

According to the disapproval from the Building Department issued in May of this year, the floor area for the residence is 4,471 square feet. On the other hand, the maximum allowed floor area is

1 Appeal #21422

2 4,372.86 square feet. So this is a variance where the
3 overage is 98.14 square feet or .07 percent by our
4 calculations.

5 I -- I have a series of photographs of the
6 subject property and the adjoining. And if the Board will
7 allow me, I would submit them for the record.

8 (Hanging.)

9 SECRETARY WAGNER: (Receiving.)

10 Is this different than the "Memorandum of Law?"

11 MR. SAHN: Yeah, this is in addition.

12 SECRETARY WAGNER: Okay.

13 So this will be "Exhibit 1" [sic]?

14 MR. SAHN: "Two."

15 SECRETARY WAGNER: "Two," oh.

16 MR. SAHN: I think the consent was --

17 SECRETARY WAGNER: Oh, the consent. I'm sorry.

18 MR. SAHN: So if I may briefly go through the
19 exhibits, since I believe the Board has made inspections and
20 you're familiar with the property, the first photo shows the
21 front of the property. It's a very attractive residence,
22 well landscaped, exceptionally well maintained, and presents
23 a very attractive aesthetically-pleasing -- in my opinion and
24 in Mr. Berger's opinion -- frontage to the property.

25 The second photograph shows the view of the
26 property toward the northwest, looking down from the property

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to the adjacent. And the third photograph is the opposite of that, looking in the southwest direction toward, as I indicated, Belmont Drive South, which is the beginning of the turn in the road that leads back toward Turf Lane.

The next photograph is the southwesterly adjoining property at 28 Belmont Drive West. After that we have a photograph of the property at 40 Belmont Drive West. And then I have a view strictly of the southerly roadscape, that is in front of the property.

One thing you'll note in this area is that the road is quite wide and presents a very nice characteristic for the neighborhood. And I believe the photographs do show in -- in this way, that the property fits within the character of the neighborhood and is certainly a credit to the area, the way it's maintained and built.

There is a -- a great deal of background to the application that Mr. Berger can relate. The Braunsteins purchased the property in 1996. There came a time in or about 2009 when, with a different architect, they applied for and received permits from the Building Department to do various improvements at the property, interior and exterior.

Subsequently upon additional review at the Building Department, there was a determination that the permits should not have been issued in that regard. And the "certificate of occupancy" that was issued for that work was

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then rescinded by the Building Department.

After a period of time, the Braunsteins retained Mr. Berger and through a number of different submissions over the years, Mr. Berger applied to the Building Department and did exceptional work, we believe, to remedy the omissions that the Building Department noted. He took care of building code issues, as well as some zoning issues.

The one issue that remained after all best efforts was the gross floor area, as we indicated, of .07 percent. Other than --

MEMBER GOODSSELL: Mr. Sahn?

MR. SAHN: Yes.

MEMBER GOODSSELL: Was the -- was the gross floor area miscalculated in 1999 [sic] when the permits did issue?

MR. SAHN: 2009.

MEMBER GOODSSELL: 2009, excuse me.

MR. SAHN: I -- I was not involved at the time. But I assume there was a miscalculation at some level by some -- whether the Building Department missed it or the architect at the time miscalculated, I couldn't say.

MEMBER GOODSSELL: Okay.

But the permits that issued, in good faith the homeowner began to build based upon those permits?

MR. SAHN: Yes.

MEMBER GOODSSELL: When did the violation or

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violations first start to show up?

MR. SAHN: I -- I believe that was in --

MEMBER GOODSELL: Was it inspection --

MR. SAHN: -- in or about 2009; am I correct?

AUDIENCE MEMBER: 2009.

MR. SAHN: And -- and then subsequently a number of years passed, Mr. Berger was retained and went through a long history over the last five years or more to make resubmissions, new plans, make revisions, exterior and interior, to address every issue. And the lone remaining issue that brought us to you today is this gross floor area issue.

MEMBER HERNANDEZ: Mr. Bloom [sic], it appears on your plans that the -- the area that was expanded was like an "L-shape" into the corner of the house; correct, in the rear corner of the house? It was like an "L-shape" to the kitchen?

MR. BERGER: The --

MR. SAHN: Let me -- let me introduce Mr. Berger and he can put his name and address on the record.

MEMBER HERNANDEZ: Yes, please.

CHAIRMAN MAMMINA: Also, we like them extra 'cause he wears a white shirt.

MEMBER GOODSELL: Daper.

(Laughter.)

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2 CHAIRMAN MAMMINA: Not too many people wear a
3 shirt and tie anymore.

4 (Laughter.)

5 MR. BERGER: Sanford, S-a-n-f-o-r-d, Berger,
6 B-e-r-g-e-r, registered architect, offices at 150 Great Neck
7 Road, Suite 101, Great Neck, New York.

8 Anything else you need?

9 CHAIRMAN MAMMINA: That does it.

10 MEMBER HERNANDEZ: Now, the question it appears
11 from the plans that the --that what's in question here is in
12 the rear right corner of the house. I see it having an
13 extension. It looks like an "L-shaped" small extension;
14 correct? Am I looking at the right thing?

15 MR. BERGER: Yeah, so well, so the question
16 is -- the point is this, is that we were -- we came in after
17 that particular work was done.

18 MEMBER HERNANDEZ: Uh-huh.

19 MR. BERGER: It was done as part of a
20 renovation.

21 MEMBER HERNANDEZ: Right.

22 MR. BERGER: The people that probably could
23 answer that question best are the clients who are here. But
24 they did a renovation to the -- the kitchen and there was an
25 expansion in that area. It has a breakfast room with it, a
26 powder room and stuff like that. That's a one-story, that's

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2 the one-story section which you're to -- referring to, yes.

3 MEMBER HERNANDEZ: Oh, okay.

4 And I'm assuming that's -- that's where the
5 98 square feet is most likely coming from, because it happens
6 to be in that back corner of the house?

7 MR. SAHN: I -- we -- we think that's a logical
8 place to put it. But of course, looking at the house as a
9 totality --

10 (Laughter.)

11 MEMBER HERNANDEZ: Yes.

12 MR. SAHN: -- one way or the other, we're
13 98 square feet total.

14 MEMBER HERNANDEZ: Absolutely.

15 MR. BERGER: Just so I just -- a -- a point to
16 that is that it was -- it was greater than 98 square feet.

17 MEMBER HERNANDEZ: Okay.

18 MR. BERGER: So we've been working to try to
19 figure out ways to make it less. One of the ways that is
20 part of this particular application is that we're raising the
21 floor of the living room 6 inches, so to get it below the
22 zoning calculator, which requires the square footage and a
23 half.

24 MEMBER HERNANDEZ: Right.

25 MR. BERGER: So we've actually worked with the
26 Building Department to try to come up with creative ways not

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2 to have to -- you know, so to get to a point to where our
3 zoning request is for a very small percentage.

4 MEMBER HERNANDEZ: Excellent.

5 MR. BERGER: So that would work on that as well.

6 MEMBER HERNANDEZ: Okay.

7 MEMBER DONATELLI: And I -- I do have a
8 question. As I review the five factors that we are required
9 to consider, one of the things that we are required to
10 consider is -- is -- sorry, I just blanked on where I was
11 going.

12 Ah, the fact that you're mitigating your
13 request, so that we supply the -- the smallest variance
14 request --

15 MR. BERGER: That -- that is -- that is correct.

16 MEMBER DONATELLI: -- that is possible.

17 My -- my question to you -- and I'm not sure if
18 this is to you or to Mr. Sahn, but one of the things that we
19 mitigate that we weigh is the cost for mediation. Do you
20 have any rough estimate whatsoever of what the cost of
21 remediation might be if we were to require the removal of
22 98 square feet?

23 MR. BERGER: Hundreds of thousands of dollars.

24 MEMBER GOODSSELL: Well, where -- where would it
25 be possible to remove the 98 square feet?

26 MR. BERGER: He'd have to literally take -- take

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2 off of a section of the house, which means taking off the
3 foundation. It means starting from the ground up. And you
4 know, then -- then you'd have to really look at how it
5 affects the interior space, 'cause --

6 There's a bathroom;

7 There's air conditioning;

8 There's electrical. It becomes -- it's a
9 massive amount of work to do that, which is why we're here.

10 MEMBER DONATELLI: I understand.

11 I -- I would note for the record that -- that I
12 believe that, as Mr. Hernandez has indicated, that there's a
13 pretty good likelihood that the 98 square feet would come
14 from that area of the rear right portion of the house. And I
15 would just note that it's really barely visible from the
16 street, because the bulk of it really is in on the existing
17 structure.

18 CHAIRMAN MAMMINA: One -- one other -- one other
19 question, there is irregularity to this lot, which kind of
20 clips off, you know, a -- a corner of it, I guess the
21 southeast corner. I'm not expecting you to know the number,
22 you know, off the top of your head without figuring it,
23 because it's a curve.

24 But clearly if this lot were a rectangular lot,
25 that would be giving you additional square footage in there,
26 that, I don't know for sure, but, you know, if we're talking

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2 about 90-odd square feet, you know, we don't need a whole lot
3 of land to make up 90 feet in this -- in this zone. So it's
4 just one other thing that I -- that I -- I'd observed and
5 just add, you know, along to the -- to the record as well.

6

MR. SAHN: That -- that was one of the reasons
7 we wanted to submit the photographs to show the nature of the
8 lot. Also, in that regard, two -- two things to mention. As
9 you'll see from the survey, there is the typical area between
10 the front -- the boundary line of the lot as a legally
11 described lot, and the roadbed of the street, which although
12 it's not technically part of the area of the lot, it does
13 mitigate the impact of the bulk of the house.

14

And as is shown in the photograph, the width of
15 the street is such that it's -- it's somewhat unusual for a
16 town street. And it does provide more, so to speak,
17 mitigation to the bulk of the house, all the houses on that
18 street.

19

CHAIRMAN MAMMINA: Agreed.

20

(Discussion held among Board Members off the
21 record.)

22

MEMBER GOODSELL: I think -- I think, the fact
23 that the addition, the additional 98 square feet is in the
24 rear of the house, not in the front. And that if this
25 property was a square, you would not be in front of us. It
26 literally is a curve that begins roughly halfway down the

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street --

MR. SAHN: Right.

MEMBER GOODSSELL: -- and continues to the southerly portion of the lot. The curve isn't even noticeable on the house. I didn't notice it when I looked at the house and so I don't have any objections.

CHAIRMAN MAMMINA: Okay.

Is that -- is that a motion?

MEMBER GOODSSELL: Well, I would make a formal motion, Mr. Chairman, to grant the variance to the relief requested. I am impressed that the applicant has been working with the Building Department to remediate more other violations in hopes of the -- of the building code, and that this being the last issue, they are in fact coming before us for the absolute minimum that they need to. So I would make a motion that we grant the variance.

CHAIRMAN MAMMINA: Okay.

So we have a motion by Member Goodsell.

Do we have a second?

MEMBER HERNANDEZ: Second.

CHAIRMAN MAMMINA: Seconded by Member Hernandez.

And please poll the Board.

SECRETARY WAGNER: Member Donatelli?

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Member Goodsell?

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2 MEMBER GOODSELL: Aye.

3 SECRETARY WAGNER: Member Hernandez?

4 MEMBER HERNANDEZ: Aye.

5 SECRETARY WAGNER: Chairman Mammina?

6 CHAIRMAN MAMMINA: Aye.

7 The application is granted. Thank you.

8 MR. SAHN: Thank you very much.

9 MEMBER DONATELLI: Before you leave --

10 MR. SAHN: Have a good day.

11 MEMBER DONATELLI: -- how did your clients get

12 their lawn to be so green?

13 (Laughter.)

14 MEMBER DONATELLI: I mean these photographs are

15 amazing.

16 A VOICE: "Photoshop -- Photoshop."

17 MEMBER DONATELLI: "Photoshop."

18 CHAIRMAN MAMMINA: I will also say one -- one

19 other thing too, that when you described the room with that

20 technical term that it's kind of "windy."

21 (Laughter.)

22 CHAIRMAN MAMMINA: I don't know if it's "windy"

23 and but I am looking at your pictures and I'm saying, oh,

24 that's w-i-n-d-y. So is that windy or is it windy?

25 (Laughter.)

26 CHAIRMAN MAMMINA: That's where this brain goes.

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2 (Laughter.)

3 CHAIRMAN MAMMINA: You know?

4 MR. SAHN: Yeah.

5 Thank you so much.

6 CHAIRMAN MAMMINA: You're welcome.

7 MR. BERGER: Have a good day.

8 MR. SAHN: Have a good day.

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2 SECRETARY WAGNER: The next appeal, APPEAL
3 #21423 - Fawad Awan; 76 Dogleg Ln., Roslyn Heights, Section
4 7,
5 Block 175, Lot 3; Zoned Residence-AA.

6 Variances from §§ 70-100.1.A, 70-102.C(1) &
7 70-100.2.A(2) to construct a pool in a side yard and to erect
8 a pool barrier fence/pool enclosure forward of the front
9 building line for a new home.

10 CHAIRMAN MAMMINA: You've heard Appeal 21423,
11 Fawad Awan.

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

14 (No response.)

15 CHAIRMAN MAMMINA: Seeing no one --

16 SECRETARY WAGNER: Chairman, just can I just
17 have one minute?

18 CHAIRMAN MAMMINA: Oh, sure.

19 (Discussion held off the record.)

20 SECRETARY WAGNER: Okay.

21 I just want to make you aware that there was
22 some opposition submitted and -- and I'm going to give you
23 the copies when you're -- you're done.

24 MR. STODDARD: Okay.

25 SECRETARY WAGNER: And a copy to the Board as
26 well.

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2 (Discussion held off the record.)

3 (Discussion held among Board Members off the
4 record.)

5 SECRETARY WAGNER: I guess if you want to start
6 your presentation and then he'll put the letter in.

7 (Discussion held among Board Members off the
8 record.)

9 SECRETARY WAGNER: You can begin and put your
10 name.

11 MR. STODDARD: Good morning, Chairman and
12 members of the Board. My name is Christopher Stoddard. I am
13 the architect for the project, as well as the applicant for
14 the project. I am -- my address is 58 Park Avenue, first
15 floor, Port Washington, New York 11050. I am here today with
16 Kevin Natale of The Laurel Group, who is the landscape
17 architect on the project, the homeowner Fawad Awan, and the
18 contractor Danny Ahlstadt (phonetic) at Bracco Development
19 (phonetic).

20 MR. PERROTTA: (Handing.)

21 MR. STODDARD: (Receiving.)

22 The application before you today is to construct
23 a pool in the side yard, which is variance number one. And
24 variance number two is to erect a pool barrier fence or a
25 pool enclosure forward of the front building line.

26 The property itself is a corner property, which

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2 is really the -- the reason that we're here for the pool
3 location in the side yard. And as well as the -- the real
4 driving reason that we want to bring the fence forward of the
5 front of the house to capture more of the rear yard, what we
6 are calling the rear yard.

7

I think it's important to describe the -- the
8 way that the zoning is determined for this corner property.
9 And it really comes down to the frontage on each street of
10 Dogleg Lane and Parkway Drive. So the -- the side and
11 rear yard are determined by which property or which frontage
12 they are opposite. The -- on our property, what look -- what
13 appears to be -- this is hard to hear.

14

I'm sorry.

15

(Laughter.)

16

MEMBER HERNANDEZ: If you can, just describe it.
17 We -- we -- we have it in our computer too, so you can just
18 describe it.

19

MR. STODDARD: Sure. I -- I may need to point
20 to it.

21

CHAIRMAN MAMMINA: We're -- we're familiar with
22 the point that you're going to make, so yeah.

23

(Laughter.)

24

MEMBER HERNANDEZ: Yeah, we know what you're
25 going to say.

26

MR. STODDARD: If you are familiar, yes, this is

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2 relatively a square piece of property when you look at the
3 dimensions of Dogleg Lane frontage, versus Parkway Drive.

4 There it is only a 2 foot difference in the frontage. But
5 Dogleg Lane is 2 feet longer than Parkway Drive, which makes
6 our side yard what appears to be the rear yard on the house,
7 the new house that is being built as permitted, as well as
8 the house that was demolished that was there before.

9 MEMBER HERNANDEZ: Can I stop you one second for
10 a question on that?

11 Is that measurement on Dogleg Lane taken as
12 the -- as -- as the bird flies in a straight line or is it
13 taken as a curve?

14 MR. STODDARD: It is taken as a curve --

15 MEMBER HERNANDEZ: Thank you --

16 MR. STODDARD: -- of the frontage.

17 So yes, if -- if it were straight, it would be
18 the shorter of the two sides. And graphically --

19 MEMBER HERNANDEZ: -- thank you --

20 MR. STODDARD: -- and just visually standing on
21 the property, it always seems that that is the frontage.

22 So really the pool location is a -- is a
23 technicality of this being referred to as side yard, versus
24 what we have really dedicated as side yard based on the --
25 our -- our front facing the Dogleg Lane. Our pool ends up in
26 what is considered for zoning as the side yard.

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2 It does comply with the required pool setbacks
3 to the property line for both the side and the rear yard.
4 And then the -- the fence runs along the southern property
5 line and comes out towards the street of Parkway Drive, past
6 the frontage of the house on -- on the east side, and travels
7 along the street side and comes back into the -- the corner
8 of the house.

9 Just to also familiarize yourself with the --
10 the neighboring properties, I have a -- a few exhibits,
11 which I can hand in all at once. And I apologize, I only
12 have one -- one copy of each.

13 (Handing.)

14 SECRETARY WAGNER: (Receiving.)

15 Do you want to label them separately or do you
16 want to submit them as one, one exhibit?

17 (Discussion held off the record.)

18 SECRETARY WAGNER: Okay. So Exhibit "A," "B"
19 and "C" are photographs.

20 (Discussion held among Board Members off the
21 record.)

22 MR. STODDARD: The -- the three images that I'm
23 attaching are:

24 A satellite image of the neighboring properties,
25 a photo of 172 Parkway Drive, which is the neighbor directly
26 to the south;

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2 And then another photo of a sign on the property
3 directly across Parkway Drive towards the east, which is
4 Nassau County land and it's a drainage reserve area.

5 The drainage reserve area can also be seen on
6 the satellite image, that shows it's heavily overgrown and
7 was really the number one reason that we continue to face the
8 house towards Dogleg Lane.

9 We also have a -- to submit a neighbor's consent
10 form from 172 Parkway Drive, which is the southerly adjacent
11 neighbor directly south of the property. And that's this is
12 the original. I'm submitting the original.

13 (Hanging.)

14 MR. PERROTTA: (Receiving.)

15 MEMBER HERNANDEZ: That is the neighbor that
16 would be closest to a swimming pool; correct?

17 MR. STODDARD: Yeah -- yeah.

18 SECRETARY WAGNER: This is "Exhibit D."

19 MR. STODDARD: One other thing to -- to mention
20 on the exhibits with the photos at the front of 172 Parkway,
21 the -- the neighbor that did provide that consent letter is
22 that the -- that side of their house is the garage of the
23 house. They have a pool in the rear, so they also have a
24 pool enclosure fence and heavy screening along this property
25 line that abuts the subject property.

26 If I can hand it over to Kevin Natale to talk

1 Appeal #21423

2 about the a little bit more in detail about:

3 The pool;

4 Location of the fence;

5 As well as how we are mitigating the -- the
6 impact through screening, planting.

7 MR. NATALE: Good morning, Chairman and members
8 of the Board. Kevin Natale --

9 MEMBER HERNANDEZ: Speak into the microphone, so
10 that we can hear you.

11 MR. NATALE: Good morning.

12 MEMBER HERNANDEZ: It's being televised so we
13 have to --

14 MR. NATALE: Thank -- thank you.

15 SECRETARY WAGNER: Your name and address.

16 MR. NATALE: Kevin Natale, landscape architect,
17 31 Prospect Street, Huntington, New York. Thank you.

18 Good morning, Chairman and members of the Board.

19 As Chris and I -- as Chris stated, and I'll
20 probably follow-up, in our collaboration of this project, the
21 unique character of the property and the fact that due to the
22 radius, the technicality is that this is being deemed a side
23 yard, though the original presentation of the prior home, the
24 homes along Dogleg all are facing the street. And -- and I
25 think it's in the best interest of the community is to
26 represent in this manner.

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2 With respect to that, absolutely every measure
3 was taken with regards to make sure a pool is compliant with
4 respect to its setbacks. As Chris stated, very important to
5 my client is privacy. Being on a corner lot, which he loves
6 the community, and fell in love with the house and wanted put
7 his dream home there, but privacy is important. Our
8 intention is to provide ample screening of evergreens around
9 the periphery of the yard, which is in the best interest of
10 my client and the adjoining neighbors.

11 With respect to -- I have a "3D" image, which I
12 can show you as photographed evidence to reflect the idea of
13 the backyard.

14 SECRETARY WAGNER: Are you submitting this as an
15 exhibit?

16 MR. NATALE: Yes, I am.

17 (Handing.)

18 SECRETARY WAGNER: (Receiving.)

19 So this would be "Exhibit E."

20 MR. NATALE: That was a computer-generated image
21 reflecting of the thoughts and the character of the backyard.
22 The character has a little bit of a unique opportunity in
23 that it has a rise subtly up against the southern property
24 line, which creates the pool, actually it almost has a sunken
25 feel into the natural grade, which is really a nice element.
26 We're going to captivate that by adding evergreens on top,

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and -- and again, siting the home, the pool, you know, primarily all behind the residences, in the best interest for our client and the community.

My -- with the corner lot, as we know, yard space is a little limited. My client intends to provide screening in the best interest of the kids along Parkway Drive for a yard space.

What we were looking to do with this application is actually have the fencing for the pool interior of the trees, so the fencing that would run along Parkway would not be seen by any of the residents. The fence would be interior with the -- with the evergreen privacy on the exterior.

So again, being mindful of the community, mindful of -- of safeties for my client and his young children, we were looking, as -- as part of that, as part of our relief.

I'm happy to answer any other questions the Board may have.

CHAIRMAN MAMMINA: Well --

MR. NATALE: Yes, sir.

CHAIRMAN MAMMINA: -- from -- from my perspective having been here for a bunch of decades, and the fence out there is not going to happen.

MR. NATALE: Okay.

CHAIRMAN MAMMINA: So I mean if you'd like to

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2 plant all the shrubs in the world you want out --

3 MR. NATALE: Yeah --

4 CHAIRMAN MAMMINA: -- out there, you know, you
5 can do that. But the fence needs to be where the code calls
6 for the fence.

7 MR. NATALE: -- which is -- which is in plan
8 with the back of the house.

9 CHAIRMAN MAMMINA: Yeah.

10 MR. NATALE: Okay.

11 Understood, sir.

12 MEMBER HERNANDEZ: Yet there's a couple of
13 reasons for that, one of which is safety.

14 You have blind corners in that -- in that
15 drawing right now for a child to hide. And if someone is in
16 the house, they can view the backyard of the house, where the
17 pool is you may not see the child. And the idea is that you
18 should be able to see your whole backyard where your pool
19 from one location.

20 MR. NATALE: Okay.

21 MEMBER HERNANDEZ: All right.

22 And that's just one of the reasons for it.

23 MR. NATALE: Understood.

24 MEMBER HERNANDEZ: It's not arbitrary.

25 MR. NATALE: Understood.

26 (Discussion held among Board Members off the

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record.)

MEMBER DONATELLI: So --

SECRETARY WAGNER: If --

(Discussion held among Board Members off the
record.)

MEMBER DONATELLI: So that's mine.

(Laughter.)

MEMBER DONATELLI: So we're -- we understand
your plight as to the -- the width of Dog -- Dogleg Road
[sic], and you know, I think we are inclined to grant the
variance for the swimming pool. Our problem is with the
fence. And -- and while we can understand and appreciate
your client's desire for privacy, this is something that I
think we've never done at least as long as I'm here, for the
reasons that Mr. Hernandez just said, but also for the
reasons that if that is something that truly has a bearing on
that community.

(Attorney Algios enters the hearing.)

MEMBER HERNANDEZ: So my question to you is we
we'd -- we'd be prepared to grant the application for the
pool. Would your client be willing to amend their
application such that the fence for the pool, instead of
going out to Parkway Drive, will just come straight back from
that corner of the house to the -- to the lot line?

And if so, then the Chairman could certainly do

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what we call a "red pen" and mark it on the documents that we have here, such that there might not be another question as to what we approved today. So that when it goes in front of the Building Department, the Building Department knows what is exactly intended and doesn't come up with a different interpretation.

MR. NATALE: Chairman, members of the Board we're in favor that. So if we could -- we're in favor of -- of the additional approval with a red line indicating where the fence would go, if the Board would find that favorable.

MEMBER DONATELLI: Okay, good. Nicely said.

MR. NATALE: Thank you.

(Discussion held among Board Members off the record.)

CHAIRMAN MAMMINA: All right. We -- we have a question.

MR. NATALE: Yes, sir.

CHAIRMAN MAMMINA: If -- if we grant the -- the pool with the fence in that location, are you going to want to consider shifting the location of the pool?

MR. NATALE: No.

CHAIRMAN MAMMINA: And you're okay with that?

MEMBER HERNANDEZ: We just want to make sure that you -- that you don't get sent back here again if you want to do something, that's all.

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2 MR. NATALE: No, right. No, the -- the intent
3 is would be the intent of the pool, the location and all that
4 will stay exactly the same.

5 MEMBER HERNANDEZ: Okay.

6 MR. NATALE: I think I've indicated --

7 MEMBER HERNANDEZ: Yeah --

8 MR. NATALE: -- where the line would be, yes,
9 sir.

10 MEMBER HERNANDEZ: -- all right.

11 CHAIRMAN MAMMINA: Okay.

12 SECRETARY WAGNER: Now, the fence is right up
13 next to the pool. That's okay?

14 MR. NATALE: No, that's okay. We -- we have
15 enough space right there. We have a walkway here. We're
16 present, we're -- we're fine.

17 MEMBER HERNANDEZ: You're right, you've got
18 about 5 feet?

19 MR. NATALE: That's right, yes. Yes, we could
20 do that walkway, which the intent is something -- so thank
21 you.

22 SECRETARY WAGNER: Did you want to mark that on
23 that plan?

24 CHAIRMAN MAMMINA: Yeah, or --

25 SECRETARY WAGNER: You still have it with the
26 red pen?

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2 MR. NATALE: Do you -- I could give this
3 (indicating) if that's warranted or --

4 MEMBER HERNANDEZ: No, we should have a small
5 one here. We have a small one.

6 MR. NATALE: Thank you.

7 MEMBER HERNANDEZ: I have it right here.

8 MR. NATALE: And -- and then again just for
9 clarity, it is a 5 foot high pool enclosure fence per -- per
10 the code; right, a pool --

11 MEMBER HERNANDEZ: Six feet.

12 MR. NATALE: Six feet. I'm sorry, 6 feet.

13 MEMBER HERNANDEZ: Right.

14 MR. NATALE: But it could be the open, so for my
15 client that they could use, it could be the black estate or
16 something like --

17 MEMBER HERNANDEZ: Yes --

18 MR. NATALE: -- chain link --

19 MEMBER HERNANDEZ: -- as long as it's 5 feet
20 high.

21 MR. NATALE: But it is a 6 foot high --

22 MEMBER HERNANDEZ: Yes --

23 MR. NATALE: -- fence for --

24 MEMBER HERNANDEZ: -- correct.

25 MR. NATALE: Yeah, thank you.

26 MEMBER HERNANDEZ: Yeah.

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2 MR. NATALE: Okay.

3 MEMBER HERNANDEZ: And if you want to plant
4 shrubbery on the outside they can?

5 MR. NATALE: Well yeah, they're -- they're
6 for -- for safety and things, for them to use this as an
7 active user, that it will be.

8 MEMBER DONATELLI: Okay.

9 So the Chairman has taken the -- the survey
10 showing the pool and he's marking it with a red line showing
11 where the fence needs to be located.

12 (Discussion held among Board Members off the
13 record.)

14 MEMBER HERNANDEZ: We just want make sure that
15 the Building Department is clear what we approve, so that
16 they don't --

17 MR. NATALE: That's correct --

18 MEMBER HERNANDEZ: -- send you back --

19 MR. NATALE: -- understood.

20 MEMBER HERNANDEZ: -- if something is --

21 MEMBER DONATELLI: Good.

22 (Discussion held among Board Members off the
23 record.)

24 SECRETARY WAGNER: So this is what? This is the
25 fence?

26 MR. STODDARD: That's correct.

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SECRETARY WAGNER: That's okay?

MR. STODDARD: Yup, that's okay.

(Discussion held off the record.)

MR. STODDARD: If -- if you want.

(Discussion held off the record.)

A VOICE: It -- it works. Thank you.

(Discussion held off the record.)

SECRETARY WAGNER: So it'll be granted as
amended.

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

CHAIRMAN MAMMINA: Okay. We have a -- motion
from Member Donatelli.

Do we have a second?

MEMBER HERNANDEZ: Second.

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

(Attorney Batcheller exits the hearing.)

SECRETARY WAGNER: Member Goodsell?

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Donatelli?

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Member Hernandez?

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Chairman Mammina?

1 Appeal #21423

2 CHAIRMAN MAMMINA: Aye.

3 The application is granted as amended.

4 MR. NATALE: Thank you. So we just submitted
5 a -- we'll submit a -- a -- a --

6 CHAIRMAN MAMMINA: Come back through Ginny?

7 MR. NATALE: Right.

8 SECRETARY WAGNER: Well, no. So -- so we're not
9 waiting for a new plan. We're going to let them mark that
10 up, so when you go to the Building Department it will have to
11 conform to what we --

12 MR. NATALE: That's right, so we'll -- okay,
13 that's fine. So we'll submit that and thank you to the
14 Building Department.

15 Thank you very much.

16 SECRETARY WAGNER: And let the record reflect
17 that Adriana Batcheller left the hearing, and that counsel to
18 the Board Debra Algios is present.

19 (Discussion held among Board Members off the
20 record.)

21 (Discussion held off the record.)

22 CHAIRMAN MAMMINA: We'll take a five.

23 THE STENOGRAPHER: Sure.

24 That's okay, I'll take a break.

25 MR. STODDARD: Thank you. Have a nice day.

26 SECRETARY WAGNER: We're going to take a

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five-minute break.

(Whereupon, a recess was taken at 11:42 a.m. and
the hearing continued at 11:57 a.m.)

1 Appeal #21360

2 SECRETARY WAGNER: Okay. We're going to resume
3 the hearing.

4 The next appeal, APPEAL #21360 -
5 Angel Villalona; 110 Yale St., Roslyn Heights, Section 7,
6 Block 311, Lot 40; Zoned Residence-B.

7 Variance from §§ 70-41.A(1) and 70-100.2C(1)
8 to legalize a raised terrace and to construct a
9 roof over a raised terrace that are too close to the side
10 property line.

11 CHAIRMAN MAMMINA: Okay. You have heard
12 Appeal No. 21360, Angel Villalona.

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

15 (No response.)

16 CHAIRMAN MAMMINA: Seeing no one, please give
17 your name and address.

18 MR. MUNISTERI: Good morning, members of the
19 Board, Mr. Chair. Mark Anthony Munisteri, architect. My
20 office is located at 1563 Bellmore Avenue in Bellmore,
21 New York. And today I am representing my clients, Mr. and
22 Ms. Villalona, who are the owners and the occupants of the
23 subject property.

24 So I'd like to consider this I think a
25 continuation of a hearing from March 22nd of this year.
26 Several things came up during that meeting. We were applying

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for the roof over, which was going to be in line with the house. After discussions and some measurements, I should -- you have additional pictures in your folder, some digital pictures that I took at site. We've since doubled it and moved it in another 2 1/2 feet. So instead of the variance for the roof over being 2 1/2 to the property line, it is now 5.

Additionally, it came up that we needed to maintain the existing paved patio. It seemed on the one side it's actually 1 foot 1 inch I believe in height, so that needed to be legalized. That does come to the edge of exactly where the house is as well, so that side-yard setback is 2.5. It is masonry, but it's directly in line with the house itself.

I don't think there's anything to add from what was spoken about last time.

As far as the 5, Mr. Donatelli, I know -- know you liked the 5. I don't see any undesirable change. The house itself exists at the 2 1/2 side yard. We are kicking it in another 2 1/2, which will leave a 5 foot setback.

As far as changing the character, I can't say that I think it's part of the character. It's also located in the rear yard, I would say virtually impossible to see from the front yard.

It is self imposed on both portions. That would

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be the masonry patio, which was installed previously. And of course, we are locating this as far in. Relocating it any further, the posts the roof line would be right in line with the door.

And I definitely know environmental impact and I don't consider a roof over as a substantial variance. It is we're just asking for a 2 foot encroachment.

That concludes my case.

MEMBER DONATELLI: And just to be clear, 2 foot encroachment from the 7 yard [sic] setback requirement?

MR. MUNISTERI: Seven foot side-yard setback, that's correct.

MEMBER HERNANDEZ: What -- what are these, the louvered proposed and it says proposed louvered screen?

(Discussion held among Board Members off the record.)

MEMBER HERNANDEZ: What is that? It's -- it is that -- like a Venetian blind that drops? Is that a side --

MR. MUNISTERI: I'm sorry, the screening on the side?

MEMBER HERNANDEZ: Yeah.

MR. MUNISTERI: It's -- they're basically building a louver set up just for privacy to the neighbor, but to still allow air to pass back and forth.

MEMBER HERNANDEZ: But what's 3 feet -- 5 feet

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away from that wall is a fence --

MR. MUNISTERI: Yes, sir.

MEMBER HERNANDEZ: -- a "PVC" fence.

MR. MUNISTERI: So there's the -- it's a 6 foot fence on that side.

MEMBER HERNANDEZ: Yeah.

MR. MUNISTERI: And then the patio itself is 1 foot 1 inch above, so 1 foot above which puts them at 5. The neighbor is a little bit as high as well, so he's just looking for a little bit of privacy. And that's a portion of it.

MEMBER HERNANDEZ: I think from -- from the first go around, I -- I had a problem with that -- with that louver, you know, in that that's going to be, that's going to read solid, you know, to -- to the neighbor. The -- the roof and the -- the 2 feet and if it's open, you know, I'd say okay. When we look at vestibules, you know, or vestibules and vestibule canopy type of things --

MR. MUNISTERI: Uh-huh.

CHAIRMAN MAMMINA: -- the one thing that we always look for is, is it open on the sides.

MR. MUNISTERI: So to save you --

CHAIRMAN MAMMINA: If it's open on the sides, you know --

MR. MUNISTERI: -- we'll remove it. We will

1 Appeal #21360

2 take that out of the -- it's no problem.

3 (Laughter.)

4 MR. MUNISTERI: I do remember you -- a brief
5 discussion about it last time.

6 MEMBER HERNANDEZ: Yeah, it's -- it's going to
7 look like the house just extends back.

8 MR. MUNISTERI: Yeah, no problem. Gone.

9 MEMBER HERNANDEZ: Now, if I remember correctly
10 from the last case, the -- the deck has some steps on it?

11 MR. MUNISTERI: So it's -- it's a masonry patio.

12 MEMBER HERNANDEZ: Correct?

13 MR. MUNISTERI: Yes.

14 And it has -- so as you go -- let me just
15 position it correctly.

16 MEMBER HERNANDEZ: One side it had a couple, but
17 it looks like three or four?

18 MR. MUNISTERI: As you walk east -- as you walk
19 east from under the cover, there are. The patio actually
20 continues and but there are two steps down.

21 MEMBER HERNANDEZ: Right.

22 MR. MUNISTERI: On that side and then on the
23 left.

24 MEMBER HERNANDEZ: Yeah.

25 MR. MUNISTERI: I don't want to call it a
26 drop over, like I said you -- a drop off, excuse me. He had

1 Appeal #21360

2 it filled actually --

3 MEMBER HERNANDEZ: Right.

4 MR. MUNISTERI: -- the area, so it was --

5 MEMBER HERNANDEZ: Right.

6 MR. MUNISTERI: And then if you walk back, I'm

7 going to call it south, it's actually level with the grade.

8 MEMBER HERNANDEZ: Right.

9 MR. MUNISTERI: So yes.

10 (Discussion held off the record.)

11 MR. MUNISTERI: Yeah.

12 CHAIRMAN MAMMINA: That -- that confused me.

13 MR. MUNISTERI: That's actually the second

14 reason why we're here is because of that --

15 MEMBER HERNANDEZ: Yes.

16 MR. MUNISTERI: -- masonry patio.

17 MEMBER HERNANDEZ: -- because it was

18 completely --

19 MR. MUNISTERI: That's correct --

20 MEMBER HERNANDEZ: -- raised?

21 MR. MUNISTERI: -- yes.

22 MEMBER HERNANDEZ: It wasn't ground level?

23 MR. MUNISTERI: It is, but it is --

24 MEMBER HERNANDEZ: It became ground level?

25 MR. MUNISTERI: But it's not.

26 MEMBER HERNANDEZ: Yeah.

1 Appeal #21360

2 MEMBER GOODSSELL: I think what you're trying to
3 say is that it's raised in one portion of steps and it -- the
4 homeowner's property's raised?

5 MR. MUNISTERI: You are correct.

6 MEMBER HERNANDEZ: There -- was there originally
7 a wood deck that was replaced by a masonry patio or did --
8 was it always a masonry patio?

9 MR. MUNISTERI: As far as I know, it was always
10 a masonry patio.

11 MEMBER HERNANDEZ: Okay.

12 And the wood must have been the steps that I'm
13 trying to recall, because I recall there was some wood
14 somewhere so?

15 MR. MUNISTERI: I --

16 CHAIRMAN MAMMINA: There was a photograph,
17 because I was confusing, you know --

18 MEMBER HERNANDEZ: I believe it was --

19 MR. MUNISTERI: I don't think there was any
20 wood.

21 CHAIRMAN MAMMINA: I -- I don't -- I'm not --

22 SECRETARY WAGNER: So --

23 CHAIRMAN MAMMINA: -- know.

24 MR. MUNISTERI: There was a -- there's a wood
25 fence -- or was a wood fence --

26 MEMBER HERNANDEZ: Right.

1 Appeal #21360

2 MR. MUNISTERI: -- to the side. But and then I
3 think it was the -- the wood slats we had, 'cause I don't --
4 as far as I know, this has been there for quite a few, the
5 masonry patio has been.

6 MEMBER HERNANDEZ: I'm talking on the patio.
7 It -- it -- is -- is there like a -- like a -- a flagstone
8 patio whatever -- whatever you're trying to put there?

9 MR. MUNISTERI: So it's a combination. I can
10 submit a --

11 MEMBER HERNANDEZ: Because I'm remembering
12 things and --

13 MR. MUNISTERI: -- let me submit -- can I submit
14 a couple of pictures to you?

15 MEMBER HERNANDEZ: Yeah, sure.

16 MR. MUNISTERI: Which I think are probably --
17 will answer some of those questions.

18 (Handing.)

19 MR. PERROTTA: (Receiving.)

20 The photos will be "Exhibit 1?"

21 MEMBER HERNANDEZ: Yeah.

22 No, the -- the application --

23 MR. MUNISTERI: I don't want to give you too
24 much.

25 MEMBER HERNANDEZ: -- yeah, the application
26 seems to have like a masonry floor.

1 Appeal #21360

2 (Discussion held among Board Members off the
3 record.)

4 CHAIRMAN MAMMINA: I was reading that
5 herringbone as -- as --

6 MR. MUNISTERI: Yes --

7 CHAIRMAN MAMMINA: -- wood.

8 MR. MUNISTERI: -- yes. Well --

9 MEMBER HERNANDEZ: That's what I'm remembering,
10 the steps behind it being like fieldstone.

11 CHAIRMAN MAMMINA: Yes, that's what it was.
12 That's -- that's what it was.

13 MEMBER HERNANDEZ: The picture that you show
14 there now --

15 MR. MUNISTERI: Yeah -- yeah, it's a --

16 MEMBER HERNANDEZ: -- is bringing back a --

17 MR. MUNISTERI: Hopefully good memories.
18 Hopefully good memories.

19 (Laughter.)

20 MEMBER HERNANDEZ: Visual.

21 MR. MUNISTERI: Oh, okay.

22 MEMBER HERNANDEZ: I see things and I remember
23 them.

24 (Discussion held among Board Members off the
25 record.)

26 CHAIRMAN MAMMINA: Okay.

1 Appeal #21360

2 SECRETARY WAGNER: Under Appeal 1472.

3 CHAIRMAN MAMMINA: When was it?

4 SECRETARY WAGNER: When was it?

5 MEMBER HERNANDEZ: That's what my -- that was
6 what I was looking at.

7 (Discussion held among Board Members off the
8 record.)

9 SECRETARY WAGNER: 1990s.

10 CHAIRMAN MAMMINA: 1990, all right. So
11 that's -- that's freebie by two ticks of a point.

12 (Laughter.)

13 MEMBER HERNANDEZ: And the door still opens onto
14 the deck?

15 MR. HERNANDEZ: Yes, sir.

16 SECRETARY WAGNER: September 26th, 1990 with a
17 2.71 foot setback.

18 But I get -- like according to the plans
19 examiner since it's a raised terrace now --

20 CHAIRMAN MAMMINA: Right -- right.

21 SECRETARY WAGNER: -- that that's why they need
22 the new variance.

23 MEMBER HERNANDEZ: Absolutely.

24 SECRETARY WAGNER: Yeah.

25 MEMBER HERNANDEZ: I have no further questions.

26 MEMBER GOODSSELL: So -- so the modifications

1 Appeal #21360

2 that have been made, you're now putting in an application to
3 maintain the raised terrace. We'll call it a raised terrace.

4 MR. MUNISTERI: Yes.

5 MEMBER GOODSSELL: The roof has been cut back, so
6 that it does not go below beyond the building line in the
7 back. It's 2 feet in from the building; is that correct?

8 MR. MUNISTERI: If -- I would like to just
9 suggest that we've actually moved the entire structure over
10 2 1/2 feet --

11 MEMBER GOODSSELL: That's fine.

12 MR. MUNISTERI: -- versus putting it back.

13 MEMBER GOODSSELL: So and then the -- the fence
14 between the applicant's property and the neighbor's property,
15 which is currently a 6 foot stockade fence is going -- or a
16 6 foot -- yeah -- stockade fence is going to become a 5 foot
17 "PVC" fence?

18 MR. MUNISTERI: You are correct.

19 MEMBER DONATELLI: Okay.

20 And no louvers?

21 MR. MUNISTERI: No louvers.

22 (Laughter.)

23 MEMBER HERNANDEZ: No.

24 (Laughter.)

25 SECRETARY WAGNER: That's a condition of the --
26 no louvers?

1 Appeal #21360

2 MR. MUNISTERI: Yeah.

3 SECRETARY WAGNER: So can somebody make a
4 motion?

5 CHAIRMAN MAMMINA: A heated coffee mug.

6 (Laughter.)

7 MEMBER GOODSSELL: Well, then I --

8 MEMBER DONATELLI: It's still warm.

9 MEMBER GOODSSELL: -- and -- and everyone gets a
10 heated coffee mug, yes.

11 SECRETARY WAGNER: So make a motion.

12 MEMBER GOODSSELL: So I will make the motion that
13 we grant the variance for the new proposed roof cover;

14 That we grant the variance for the raised
15 terrace and that we -- provided there is no louver wall
16 created;

17 And that we grant the variance for -- let me
18 just get this correct -- legalize the raised terrace;

19 And to construct a roof over, which is still too
20 close.

21 I make a motion to grant the variances.

22 CHAIRMAN MAMMINA: Okay.

23 We have a motion from Member Goodsell.

24 MEMBER GOODSSELL: Yes.

25 CHAIRMAN MAMMINA: Do we have a second?

26 MEMBER DONATELLI: Second.

1 Appeal #21360

2 CHAIRMAN MAMMINA: Seconded from
3 Member Donatelli.

4 Please poll the Board.

5 MEMBER GOODSSELL: And if I can modify that, we
6 deny the application for a louvered wall.

7 CHAIRMAN MAMMINA: Okay. So amended.

8 SECRETARY WAGNER: Member Goodsell?

9 MEMBER GOODSSELL: Aye.

10 SECRETARY WAGNER: Member Hernandez?

11 MEMBER HERNANDEZ: Aye.

12 SECRETARY WAGNER: Member Donatelli?

13 MEMBER DONATELLI: Aye.

14 SECRETARY WAGNER: Chairman Mammina?

15 CHAIRMAN MAMMINA: Aye.

16 The application is granted without louvers.

17 (Laughter.)

18 MR. MUNISTERI: Thank you. Enjoy guys.

19 (Laughter.)

20 MEMBER HERNANDEZ: Thank you. Have a nice day.

21 (Laughter.)

22 (Discussion held among Board Members off the
23 record.)

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1 Appeal #21424

2 SECRETARY WAGNER: The next appeal,
3 APPEAL #21424 - Hiren Mody; 2 Haddon Road, New Hyde Park;
4 Section 8, Block B04, Lot 43; Zoned: Residence-C.

5 Variance from §70-50.B to construct additions
6 that are too close to the street.

7 CHAIRMAN MAMMINA: Okay. You've heard
8 Appeal No. 21424, Hiren Mody.

9 Is there anyone in the room interested in the
10 application other than the applicant?

11 (No response.)

12 CHAIRMAN MAMMINA: Seeing no one, please give
13 your name and address.

14 MS. BUNDAS: Barbara Bundas, 19 Indiana Street,
15 Hicksville, New York 11801. It just changes from good
16 morning to good afternoon.

17 CHAIRMAN MAMMINA: Here we go.

18 (Laughter.)

19 CHAIRMAN MAMMINA: I was going to say I don't
20 know if it's morning or afternoon.

21 MS. BUNDAS: I'm here this morning representing
22 Mr. and Ms. Mody, the owners of 2 Haddon Street [sic]. We're
23 asking that a variance be granted for the relief from the
24 primary minimum front-yard setback of 25 feet to 19.9 feet,
25 which is the current existing front-yard setback of the home.
26 And the average of the -- approximate average of the homes

Appeal #21424

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all on Hillside Lane is actually 19.58, so we're a little better than that.

The second floor is currently dormered [sic], so the encroachment only refers to the additional wall to accommodate the full second story and new attic space.

The proposed addition really would not cause any negative impact to street or sight lines. Hillside Road is actually set in from Hillside, accessory -- I don't know what you would call that -- parallel to Hillside Avenue. So I don't see any sight line problems with that.

And in keeping with the neighborhood, again, all the houses are setback, as is the existing front wall of the subject property.

I have consent from both neighbors that are touching the property, both on Hillside Lane and Haddon.

(Handing.)

SECRETARY WAGNER: (Receiving.)

Okay. So that would be "Exhibit 1."

MS. BUNDAS: And then I also have an aerial of the street (handing) --

MR. PERROTTA: (Receiving.)

SECRETARY WAGNER: -- which is "Exhibit 2."

MEMBER GOODSSELL: So Ms. Bundas, the -- the proposed addition does not exceed floor area ratio?

MS. BUNDAS: Correct.

1 Appeal #21424

2 MEMBER GOODSSELL: It does not violate any
3 sky plane issues?

4 MS. BUNDAS: Correct.

5 MEMBER GOODSSELL: And Hillside Lane actually
6 acts as a nice privacy barrier, because Hillside Avenue is a
7 very busy street.

8 MS. BUNDAS: Absolutely.

9 So and I'm sure you saw the property even
10 further up -- the whole in front of the home is commercial
11 property. And then to --

12 MEMBER GOODSSELL: They do face commercial
13 property.

14 MS. BUNDAS: Yeah.

15 MEMBER GOODSSELL: I -- I went to Notre Dame
16 School when I was a child --

17 (Laughter.)

18 MEMBER GOODSSELL: -- so I'm very familiar with
19 the area.

20 (Laughter.)

21 MS. BUNDAS: Okay.

22 MEMBER GOODSSELL: And I -- I think that this is
23 a very nice improvement, which is in keeping with the
24 neighborhood, particularly since thankfully, they don't want
25 to overdevelop the property.

26 The other question I'd like to put on the

1 Appeal #21424

2 record, if this was not a corner house, would you be in front
3 of us for the variance?

4 MS. BUNDAS: I don't believe so.

5 Yeah, because the front would be on Haddon and
6 Haddon complies with that, so --

7 (Laughter.)

8 MEMBER GOODSELL: Correct.

9 MS. BUNDAS: Good point.

10 (Discussion held among Board Members off the
11 record.)

12 MEMBER HERNANDEZ: The -- the alignment of
13 the house will be on -- aligned with the frontage of
14 Hillside Lane --

15 MS. BUNDAS: Correct.

16 MEMBER HERNANDEZ: -- or -- that's what I wanted
17 to make sure.

18 MS. BUNDAS: Yeah, it's actually a tiny bit
19 better. 19.58 is the average, they're 19 9.

20 MEMBER HERNANDEZ: Right.

21 It will not be noticeable.

22 MS. BUNDAS: Correct.

23 MEMBER HERNANDEZ: Okay.

24 MEMBER DONATELLI: And we're not expanding the
25 non-conformity?

26 MS. BUNDAS: Yes.

1 Appeal #21424

2 (Discussion held among Board Members off the
3 record.)

4 CHAIRMAN MAMMINA: There's -- there's just two
5 things that strike me on the plan that you're not here before
6 us for. It is a three-fixture bathroom in the basement and a
7 stairway entrance into the basement from --

8 MS. BUNDAS: Correct --

9 CHAIRMAN MAMMINA: -- the outside?

10 MS. BUNDAS: -- yes.

11 CHAIRMAN MAMMINA: And a flight of stairs to the
12 deck on the second floor of the house --

13 MS. BUNDAS: Correct --

14 CHAIRMAN MAMMINA: -- as well.

15 MS. BUNDAS: -- yes.

16 CHAIRMAN MAMMINA: But as I said, those things
17 are not here before us today. But usually it becomes a red
18 flag for illegal apartments.

19 MS. BUNDAS: Which --

20 CHAIRMAN MAMMINA: I'm not saying --

21 MS. BUNDAS: -- absolutely.

22 CHAIRMAN MAMMINA: -- that that's the case
23 here.

24 MS. BUNDAS: Ms. Mody is here. She can
25 certainly attest to that's not the --

26 CHAIRMAN MAMMINA: Well, that's --

1 Appeal #21424

2 MS. BUNDAS: -- intention.

3 CHAIRMAN MAMMINA: And -- and that's okay.

4 MS. BUNDAS: Yeah.

5 CHAIRMAN MAMMINA: I just --

6 MEMBER GOODSSELL: And --

7 CHAIRMAN MAMMINA: -- I just want point it
8 out --

9 MS. BUNDAS: But I understand, the house sells
10 and then you have to deal --

11 MEMBER GOODSSELL: Well, that's it. It may not
12 be her intention.

13 MS. BUNDAS: I understand.

14 MEMBER GOODSSELL: And she may have no intention
15 to do this.

16 MS. BUNDAS: Right.

17 MEMBER GOODSSELL: But once we grant it, we
18 understand that there are people who might consider that.

19 MS. BUNDAS: That possibility, yeah.

20 MEMBER HERNANDEZ: That -- that outdoor deck
21 does not face -- face Hillside Lane. It faces the other way;
22 correct?

23 MS. BUNDAS: Correct.

24 CHAIRMAN MAMMINA: That's fine. That's not --

25 MS. BUNDAS: Yeah, even the front porch is
26 pushed back --

1 Appeal #21424

2 MEMBER HERNANDEZ: Okay, uh-huh.

3 MS. BUNDAS: -- so, affecting Hillside.

4 CHAIRMAN MAMMINA: Right.

5 Since it's not -- not part of the application I
6 recognize, but usually we'll -- we'll point it -- we'll point
7 it --

8 MS. BUNDAS: Yeah --

9 CHAIRMAN MAMMINA: -- out.

10 MS. BUNDAS: -- understood.

11 (Discussion held among Board Members off the
12 record.)

13 MEMBER GOODSELL: Mr. Chairman, since it does
14 not violate the floor area ratio, it's -- it's according
15 to the plans. It doesn't violate sky plane. It doesn't
16 violate --

17 (Discussion held among Board Members off the
18 record.)

19 MS. BUNDAS: And the -- the one side yard is
20 still compliant. So yeah, there's no setback, other setback
21 issues.

22 (Discussion held among Board Members off the
23 record.)

24 MEMBER GOODSELL: I have no objection to this.
25 It's a big house, but -- it's a lot.

26 MEMBER HERNANDEZ: It's a lot.

1 Appeal #21424

2 MEMBER GOODSSELL: And I -- I -- I'll make the
3 motion that -- that --

4 (Discussion held among Board Members off the
5 record.)

6 MEMBER HERNANDEZ: You -- you are building
7 straight up the foundation? The foundation is not
8 expanding?

9 MS. BUNDAS: Correct, right.

10 MEMBER HERNANDEZ: So you're not increasing the
11 encroachment?

12 MS. BUNDAS: No. It's already -- like I said,
13 it's already dormered [sic], so we were just pushing it up a
14 bit.

15 MEMBER HERNANDEZ: Uh-huh.

16 (Laughter.)

17 MEMBER GOODSSELL: I have no objection to the
18 application. And therefore, I make a motion that we grant
19 the variance, primarily for the reason that if this were not
20 a corner house, this applicant would not be in front of us at
21 all.

22 And that it seems in conformity with the
23 neighborhood. It doesn't violate any sky plane issues. It
24 does not violate setback issue. One side yard is still very
25 much compliant.

26 Therefore, I make a motion to grant the

Appeal #21424

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application.

CHAIRMAN MAMMINA: Okay. We have a motion by
Member Goodsell.

Do we have a second?

MEMBER HERNANDEZ: Second.

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

MS. BUNDAS: Thank you very much.

SECRETARY WAGNER: Member Donatelli?

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Member Hernandez?

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Goodsell?

MEMBER GOODSELL: Aye.

SECRETARY WAGNER: Chairman Mammina?

CHAIRMAN MAMMINA: Aye.

So the application is granted.

MS. BUNDAS: Thank you --

CHAIRMAN MAMMINA: Thank you.

MS. BUNDAS: -- very much.

CHAIRMAN MAMMINA: No louvers though.

MS. BUNDAS: Okay.

(Laughter.)

(Discussion held among Board Members off the
record.)

1 Appeal #21424

2 CHAIRMAN MAMMINA: Thank you, ladies.

3 MS. BUNDAS: Have a nice day.

4 (Discussion held among Board Members off the
5 record.)

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1 Appeal #21425

2 SECRETARY WAGNER: The next appeal,
3 APPEAL #21425 - Donald Hochheiser; 38 Beechwood Lane,
4 New Hyde Park; Section 8, Block 308, Lot 23; Zoned:
5 Residence-B.

6 Variance from 70-41.A to legalize additions
7 that are too close to the side property line.

8 CHAIRMAN MAMMINA: You've heard Appeal No. 21425,
9 Donald Hochheiser.

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

12 (No response.)

13 CHAIRMAN MAMMINA: Seeing no one --

14 MR. TIRONE: Hi --

15 CHAIRMAN MAMMINA: -- please give your name and
16 address.

17 MR. TIRONE: -- Scott Tirone, 75 Albertson
18 Avenue, Albertson, New York 11507, here today on behalf of
19 the owner, Donald Hoch -- Hochheiser, the owner of
20 38 Beechwood Lane, New Hyde Park.

21 The property is in a Residence "B" Zoning
22 District. And we are seeking a variance for a side-yard
23 setback, "70-41.A." The side-yard variance is for the
24 second-floor dormer. The dormer does not extend all the way
25 out to the edge of the house. This is the area of
26 New Hyde Park that we're all familiar with, that was built as

1 Appeal #21425

2 a Residence "B.," and somehow I think in the '80s or '70s was
3 upzoned to a Residence "B," pretty much making every house in
4 the neighborhood a non-conforming dwelling.

5 Most of the houses in the area --

6 CHAIRMAN MAMMINA: Full dormer.

7 MR. TIRONE: -- are either fully dormered [sic]
8 or they have full second floors. This house is just a -- a
9 small front dormer and I would call it a three-quarter
10 dormer. It's -- it's a rear dormer, but it does squeeze in
11 on the sides approximately a foot on each. So the dormer
12 does not go out to the side property lines. The existing
13 house does have a 5 foot side-yard setback, which was
14 compliant at the time when it was built as a Residence "C."

15 The current requirement in a Residence "C" is a
16 7 foot setback. And with the dormer being set and the actual
17 dormer itself has probably either a 6 foot or even a little
18 bit greater side-yard setback.

19 Again, I -- I mean it's not a detriment to the
20 community or out of character for the area. As I said
21 before, almost every, you know, every house in the area is
22 non-conforming with that zoning change. And many of them
23 have come before the Board for even full, you know, two-story
24 additions.

25 Our addition did not raise the ridge at all.
26 The ridge is the existing ridge. Where the ridge is

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permitted at 30 feet, I mean we're only 22.54 to the ridge.
It's -- it's not, when you drive down the block, it's not a,
you know, imposing house on you.

We are under the floor area by almost 285 square
feet. And we don't have any other variances, other than that
one side yard. But again, it was established when the house
was built and the addition doesn't make it greater. It
actually is, you know, it's -- it's not as dramatic as the
rest of the house. And he did not build a dormer out to the
25 foot [sic] -- I mean the 5 foot setback.

MEMBER GOODSSELL: Mr. Tirone?

MR. TIRONE: Yes.

MEMBER GOODSSELL: What year was the house built?
Was this built in the 1950s?

MR. TIRONE: I -- I believe the whole area was
built in the 1950s, yes.

MEMBER GOODSSELL: And --

MS. TIRONE: And again, it was built as
Residence "C." From what Mr. Hochheiser said, this house was
his parents' house. He said this was the model for the
neighborhood and that's kind of why if you kind of look at
the survey, it's weird for the neighborhood that it's on a
60 by 100 lot. Usually they're 50s.

And his house is setback it's one of the few,
actually the only one that I've ever seen in the neighborhood

1 Appeal #21425

2 that meets the front yard. He has 31.92, where every other
3 house is built at 25. So anyone within 200 feet of him, he
4 actually hurts them on -- on their average. But -- but yeah,
5 it's -- this was the model house, he said, for the
6 neighborhood. And that's kind of why it was a little bit
7 different in setbacks, front yard. But it did have the
8 5 foot rear, which is the minimum.

9 MEMBER GOODSSELL: And in approximately what year
10 did the dormer go up?

11 MR. TIRONE: He thinks it went up in the -- in
12 the '80s. But again, he wasn't the owner of the house, his
13 parents were at the time. He then bought it from his parents
14 when he got married. But he did think it's been there since
15 at least the '80s.

16 MEMBER HERNANDEZ: So I guess when it was built,
17 it was built without permits and now you're trying to
18 legalize it?

19 MR. TIRONE: It was -- yeah, it was -- it was
20 built without permits, exactly.

21 MEMBER DONATELLI: Not wanting to put you on the
22 spot --

23 MR. TIRONE: Yup.

24 MEMBER DONATELLI: -- can you give us some sort
25 of an estimate of what it might cost to rework the dormer,
26 such that it would be compliant?

1 Appeal #21425

2 MR. TIRONE: To bring the dormer in, I mean
3 would say probably I mean:

4 Electric;

5 Plumbing;

6 Roofing;

7 Siding, I can't see you doing it for 50 grand.

8 I mean you'd have to reconstruct a -- the second floor
9 basically.

10 And again like I said, it doesn't go all the way
11 out to the edge of the house, where a lot them in the area
12 that do have that 5 foot setback, they go straight out, and
13 box straight over and lot of them are full two-story
14 additions.

15 This is just a dormer again. Again, we -- they
16 did not raise the ridge at all. It's still the existing, you
17 know, height of --

18 MEMBER GOODSSELL: I -- I did notice that.

19 MR. TIRONE: -- 22 feet.

20 Yeah, it's --

21 MEMBER GOODSSELL: I was in the area and I did
22 notice that this does not look any larger or smaller than the
23 average house in that area. And I -- I was not aware that it
24 actually did meet setback. But --

25 MR. TIRONE: Well, it's --

26 MEMBER GOODSSELL: -- I can see why.

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MR. TIRONE: -- it met it when the house was
built. It doesn't need it now, because of the zone change.
And --

MEMBER GOODSELL: 'Cause of the zone change,
that's correct.

MR. TIRONE: -- yeah, and -- and then, again,
it's a variance.

I've been here before, but I've seen many cases
before the Board for the same thing, just 'cause with that
change every house became non-conforming. I've -- I've never
seen one that was a conforming, house, once that, you know,
zoning change happened. So it's a -- definitely a -- a
hardship for anyone in that area.

MEMBER GOODSELL: Mr. Chairman, I'm not quite
sure when that upzone took place, but I believe it was after
the time the applicant's parents would have put the dormer
on. So had they gone and got the building permit, I'm not
sure whether the Building Department would have raised any
objections.

CHAIRMAN MAMMINA: Yeah, maybe not. I mean it
was -- I guess its -- its name, as I've heard it called by
Mr. Martinek (phonetic) from many, many, many years ago who
had an unbelievable historic amount of information,
knowledge, that this was referred to as the Clinton --

MR. TIRONE: -- G. Martin --

1 Appeal #21425

2 CHAIRMAN MAMMINA: -- G. Martin District --

3 MR. TIRONE: -- yeah, right.

4 CHAIRMAN MAMMINA: -- is when Mr. Martin was the
5 Town Supervisor, who decided that he didn't want to live in a
6 Residence "C" Zone. He wanted live in a Residence "B" Zone.

7 (Laughter.)

8 CHAIRMAN MAMMINA: And with just one --

9 MEMBER GOODSELL: Stroke of his pen.

10 CHAIRMAN MAMMINA: -- stroke of the pen,
11 everybody become illegal.

12 (Laughter.)

13 MEMBER GOODSELL: Yes.

14 MR. TIRONE: Yes.

15 CHAIRMAN MAMMINA: So yes, we see --

16 MR. TIRONE: It is --

17 CHAIRMAN MAMMINA: -- many, many, many
18 applications in this area that are full second floors, you
19 know, on houses. And -- and, you know, this one is
20 significantly smaller than -- than those.

21 MR. TIRONE: Yeah, degree of variance here is a
22 lot less than those.

23 CHAIRMAN MAMMINA: Yeah, much -- much less --
24 much less.

25 MEMBER DONATELLI: And it's interesting that --
26 that the lot would be slightly larger on the model house --

1 Appeal #21425

2 MR. TIRONE: Yeah.

3 (Laughter.)

4 MEMBER DONATELLI: -- then it would be --

5 MR. TIRONE: Appearances are everything.

6 MEMBER DONATELLI: Yeah.

7 MEMBER GOODSSELL: It is.

8 MR. TIRONE: Yeah.

9 (Laughter.)

10 MEMBER HERNANDEZ: And when he -- and when he
11 decides to sell the house, it would much be more valuable,
12 because they will knock the house down and build a bigger
13 one.

14 MR. TIRONE: Yeah -- yeah -- yeah.

15 But meanwhile with the new rate -- with the new
16 ratio in "B" it actually hurts them.

17 MEMBER HERNANDEZ: Yeah.

18 MR. TIRONE: 'Cause like this house, if it was
19 "C" could have been 2,800.

20 MEMBER HERNANDEZ: Yeah.

21 MR. TIRONE: Because it's "B," their max is
22 2,700. So the upzone --

23 MEMBER HERNANDEZ: Yup.

24 MR. TIRONE: -- you know, hurt them. But --

25 CHAIRMAN MAMMINA: That's right.

26 MR. TIRONE: -- I don't think anyone understood

1 Appeal #21425

2 it at the time, but we're all paying for it now.

3 (Laughter.)

4 MR. HERNANDEZ: Nothing else.

5 MEMBER GOODSSELL: Nothing.

6 CHAIRMAN MAMMINA: Nothing out of the ordinary.

7 MEMBER GOODSSELL: I don't have any objection to
8 this.

9 Although originally, I was wondering how you
10 could build an entire dormer without a permit. When I owned
11 my house back in 1980, we bought a house. And because I live
12 on the other side of New Hyde Park --

13 MR. TIRONE: Yeah.

14 MEMBER GOODSSELL: -- I know what you could do
15 and nobody complained. Your neighbors were like, sure, can
16 we help. So I --

17 MR. TIRONE: It happens today and --

18 MEMBER GOODSSELL: -- understand how this could
19 happen. There's nothing -- there's nothing here that --
20 that --

21 MR. TIRONE: Yeah.

22 MEMBER GOODSSELL: -- that particularly bothers
23 me. It doesn't stand out in the neighborhood.

24 And therefore, I make a motion that we grant the
25 application.

26 CHAIRMAN MAMMINA: Okay. We have a motion by

1 Appeal #21425

2 Member Goodsell.

3 Do we have a second?

4 MEMBER HERNANDEZ: Second.

5 MEMBER DONATELLI: Second.

6 CHAIRMAN MAMMINA: Oh.

7 MEMBER HERNANDEZ: You take it.

8 CHAIRMAN MAMMINA: I'm going to give him one
9 today.

10 MEMBER HERNANDEZ: Yeah.

11 (Laughter.)

12 MEMBER GOODSELL: Yeah.

13 CHAIRMAN MAMMINA: You got to -- you got to get
14 paid you know.

15 (Laughter.)

16 CHAIRMAN MAMMINA: Seconded by Member Donatelli.

17 MEMBER DONATELLI: Oh, is that how it works?

18 CHAIRMAN MAMMINA: That's how it works.

19 (Laughter.)

20 CHAIRMAN MAMMINA: Please poll the Board.

21 SECRETARY WAGNER: Member Goodsell?

22 MEMBER GOODSELL: Aye.

23 SECRETARY WAGNER: Member Hernandez?

24 MEMBER HERNANDEZ: Aye.

25 SECRETARY WAGNER: Member Donatelli?

26 MEMBER DONATELLI: Aye.

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SECRETARY WAGNER: Chairman Mammina?

CHAIRMAN MAMMINA: Aye.

Application is granted.

MR. TIRONE: Thank you. Have a good day.

CHAIRMAN MAMMINA: Thank you, Scott.

MR. TIRONE: I'll see you out there this
afternoon.

CHAIRMAN MAMMINA: Okay.

(Discussion held among Board Members off the record.)

1 Appeal #21426

2 CHAIRMAN MAMMINA: Okay.

3 SECRETARY WAGNER: All right. The next

4 appeal --

5 CHAIRMAN MAMMINA: Next case.

6 SECRETARY WAGNER: -- APPEAL #21426 --

7 Mikhail Stolirov; 21 Hunting Hill Rd., New Hyde Park,

8 Section 9, Block 589, Lot 7; Zoned Residence-C.

9 Variance from § 70-51(A) to construct exterior
10 stairs to a second-story deck which are too close to a side
11 property line.

12 CHAIRMAN MAMMINA: You've heard Appeal No.
13 21426, Mikhail Stolirov.

14 Is there anyone in the room interested in the
15 application other than the applicant?

16 (No response.)

17 CHAIRMAN MAMMINA: Seeing no one, please give
18 your name and address.

19 MR. STOLIROV: Mikhail Stolirov, 21 Hunting Hill
20 Road, New Hyde Park, New York 11040. Good afternoon,
21 Chairman and members of the Board. I am here representing
22 myself today. I am accompanied by my architect, if you guys
23 have any questions.

24 The matter at hand is the construction of
25 exterior stair to gain access from the existing second-floor
26 deck to grade. I'm making the variance request in an effort

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to enhance the use of our existing second-floor deck and would like to construct an exterior staircase, and as means of egress and to access the grade from the deck.

The preferred location to construct the stair is on the side of the residence, so as not to interfere with activities around the existing pool. If the stair came down directly on the pool from the deck, it potentially could create hazardous condition. As individuals moving around the pool, you know, it could be an obstruction or just a -- a general hazard condition.

It should be noted that the 5 foot required setback drastically limits any addition of a mitigation for either aesthetic or functional reasons, without variance. The proposed air -- the proposed stair would only project into the required setback by about 6 inches.

So this stair will not require the trees to be removed. It will not increase the footprint of the existing residence, as it will not be enclosed. The construction of the stair will not adversely effect the overall appearance of the neighborhood, properties or create adverse effects on -- on the environment.

The Board is requested to consider favorably on this variance request, so that the use of the existing second-floor deck, in combination with the ground-level pool, can be enhanced for the benefit of the entire family.

Appeal #21426

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2 Just a couple of things to add. The -- the
3 setback appears to be slightly different for the staircases
4 for the second floor, versus the basement of the first floor.
5 So if this was a staircase leading to either the first floor
6 or the basement, it would be in compliance with the code,
7 because the setback for those first floor or the basement is
8 4 feet, as versus the second floor, it increases by a foot
9 and becomes 5 feet. And we are exactly 6 inches short and
10 would be projecting 4.5 feet from the property line, instead
11 of 5 feet.

12 (Discussion held among Board Members off the
13 record.)

14 MEMBER DONATELLI: May -- may I ask what is the
15 purpose of the stairs again?

16 MR. STOLIROV: So basically, so we have an
17 existing pool in the backyard and we have an existing
18 second-floor deck. Because of the size of the lot, you know,
19 the pool in the back takes up a lot of the space. And we are
20 trying to kind of join those areas being the pool and the
21 deck around it, with a staircase to the second-floor deck.
22 The deck is basically, it's -- it's over the existing, you
23 know. It's over the living space, so it's just kind of like
24 the house kind of sets back.

25 MEMBER GOODSSELL: What room is underneath the
26 deck?

1 Appeal #21426

2 MR. STOLIROV: So my house is 40 feet wide and
3 40 feet deep on the first floor roughly, so 40 by 40. And
4 then in the back, it sets back about 10 or 12 feet. So it's
5 basically that 40 foot width and about 11 foot depth, which
6 is that second-floor deck.

7 MEMBER HERNANDEZ: So your second floor is
8 smaller -than your first floor?

9 MR. STOLIROV: My second floor sets back about
10 11 feet from the back.

11 MEMBER HERNANDEZ: Right.

12 And therefore, that deck we're calling a deck up
13 on top, is really the roof of --

14 MR. STOLIROV: That is correct --

15 MEMBER HERNANDEZ: -- of the ground floor?

16 MR. STOLIROV: -- that is correct. It's over
17 the kitchen --

18 MEMBER HERNANDEZ: And your deck is -- the deck
19 is also roofed over --

20 MR. STOLIROV: That is correct --

21 MEMBER HERNANDEZ: -- with your --

22 MR. STOLIROV: -- that is correct.

23 So the floor of the deck is a roof, which is
24 protecting the kitchen and the den below that. And it is
25 also roofed, so there is a roof over the deck.

26 MEMBER HERNANDEZ: Right.

1 Appeal #21426

2 MR. STOLIROV: So and the -- the way we access
3 the deck currently is, you know, it's just an -- an entrance
4 from the second-floor hallway.

5 MEMBER GOODSSELL: How many -- how many entrances
6 from the second floor? Is it --

7 MR. STOLIROV: Just single --

8 MEMBER GOODSSELL: -- one?

9 MR. STOLIROV: -- single entrance --

10 MEMBER GOODSSELL: Just the one?

11 MR. STOLIROV: -- from the second floor, from
12 the, you know, the hallway that leads to all the bedrooms and
13 stuff.

14 CHAIRMAN MAMMINA: What strikes me odd, and it's
15 not necessarily anything to do with the variance even, but
16 it's just very strange. I mean you're -- you're building the
17 this thing as if this was like in a warehouse or something.
18 I mean it's a steel structure with -- with grate -- grate,
19 g-r-a-t-e-d, treads on it and --

20 MR. STOLIROV: I mean I was, you know, we --
21 we -- that -- that was the only reason for that was just like
22 when Jerry -- I've talked to multiple contractors, you know,
23 steel contractors and others. So I was told that a wooden
24 staircase would deteriorate over time. It would also be a
25 little bit more of an eye-sore, because it just, it takes a
26 lot, like it takes more wood mass than if -- you know.

1 Appeal #21426

2 CHAIRMAN MAMMINA: I don't know.

3 (Laughter.)

4 MR. STOLIROV: But I -- but I'm open. I'm --
5 I'm not -- not --

6 CHAIRMAN MAMMINA: Aesthetics are in the eye of
7 the beholder.

8 (Laughter.)

9 MR. STOLIROV: That is true.

10 CHAIRMAN MAMMINA: Next door to my house 4 1/2
11 feet away, I mean I'd say what -- what do I live in, a
12 factory, you know, that --

13 MR. STOLIROV: So I'm open -- yeah, I'm open
14 to --

15 CHAIRMAN MAMMINA: I also would just have to
16 believe -- and, you know, I -- I don't -- I don't know, but
17 my colleague to the left is a developer, I'm an architect.
18 This thing would have to cost three times what a wooden stair
19 would cost.

20 MR. STOLIROV: It -- it depends, yeah. The
21 prices have like fluctuated a lot.

22 CHAIRMAN MAMMINA: Yeah.

23 (Laughter.)

24 MR. STOLIROV: So I've gotten quotes anywhere
25 from the cheapest I've gotten was about I believe 5,000,
26 that -- that would not have the grated steps. It would have

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the -- the diamond I think it's -- it's --

CHAIRMAN MAMMINA: The diamond plate, yeah.

MR. STOLIROV: -- diamond plate steps, right.

So the grated steps would be another potentially 5,000. But the same job that, you know, would cost 10, 15, you can -- you can be priced at 50 thousand, if you, you know, if you -- unfortunately, that's the reality we live in now.

CHAIRMAN MAMMINA: Yeah, but you're -- this is -- I mean but it's drawn with all the handicapped rail extensions I mean, you know, the --

(Laughter.)

MR. STOLIROV: My -- my architect, Frank Restituto, he -- he created that the drawings.

CHAIRMAN MAMMINA: Okay.

MR. STOLIROV: But I am open, you know. It doesn't need to be exactly --

CHAIRMAN MAMMINA: No --

MR. STOLIROV: -- that way.

CHAIRMAN MAMMINA: -- no, that's not -- that's not a subject of a variance.

MEMBER HERNANDEZ: No.

MR. STOLIROV: It's just matter of access.

CHAIRMAN MAMMINA: You want to -- you want to do it out of solid gold?

1 Appeal #21426

2 (Laughter.)

3 MR. STOLIROV: Yeah, I understand.

4 MEMBER GOODSSELL: That would be out of character
5 with the neighborhood --

6 CHAIRMAN MAMMINA: That, it would be.

7 MEMBER GOODSSELL: -- to be quite honest with
8 you.

9 CHAIRMAN MAMMINA: You can paint it.

10 MEMBER GOODSSELL: You could paint it.

11 (Laughter.)

12 MEMBER GOODSSELL: I have to tell you --

13 MR. STOLIROV: Sure.

14 MEMBER GOODSSELL: -- I have lived in New Hyde
15 Park virtually my entire life. I remember when these houses
16 were part of Wickshire Grammar School. And I remember when
17 the houses were built. And I also remember going to an open
18 house and at the cost of buying one of these new houses was
19 \$370,000, totally unaffordable.

20 So I remember the original houses. Now you're
21 too young to be an original owner.

22 MR. STOLIROV: Uh-huh.

23 MEMBER GOODSSELL: How long have you owned the
24 house?

25 MR. STOLIROV: I've owned it -- so we moved in
26 one week before Hurricane Sandy.

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MEMBER GOODSSELL: Okay.

MR. STOLIROV: I remember that really well.

(Laughter.)

MEMBER GOODSSELL: So that's approximately --

MR. STOLIROV: We moved from Brooklyn and, you know, in Brooklyn, there was no disruptions and we -- we were lucky.

(Laughter.)

MEMBER GOODSSELL: So since 2013?

MR. STOLIROV: Yes, that is correct.

MEMBER GOODSSELL: Okay.

And -- and are you the family that put the pool in?

MR. STOLIROV: Yes, we are the family that we legally -- you know, we -- we applied for it and was approved.

There are also, I -- I just wanted to kind of add that is -- that -- that it wasn't possible for us -- sorry -- to put the -- the staircase, even before we built the pool, to put it along the back side, just because there are windows.

MEMBER GOODSSELL: I was just going to ask you if that was --

MR. STOLIROV: There is a -- there is --

MEMBER GOODSSELL: -- that was part of the plan.

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No, okay.

MR. STOLIROV: And the windows, there's also we have like energy storage attached to the back wall, which is also permitted. It's a "Tesla Powerwalls" that, you know, serve the purpose I guess of -- of it, like -- like what the generator would do.

CHAIRMAN MAMMINA: Uh-huh.

MR. STOLIROV: So there's a -- there's various, you know, things along the back --

MEMBER GOODSSELL: Yeah.

MR. STOLIROV: -- side of the house, that we couldn't just bring the staircase down there.

So that's pretty much -- and the other thing is also we have a basement entrance. Right, so it kind of works out where the -- the house already has an entrance to the basement, right below where we are proposing the staircase. So it would literally stack on top of the existing staircase without, you know, creating any additional.

MEMBER GOODSSELL: I did notice that. And that looks to be in compliance. It's a cellar entrance with a railing and everything?

MR. STOLIROV: Yes.

MEMBER GOODSSELL: Okay.

MR. STOLIROV: That's correct.

MEMBER GOODSSELL: And that's --

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2 MR. STOLIROV: And again, we're proposing to
3 stack it right on top, just, you know, to kind of maintain
4 the, you know, I guess the location of all the staircase and
5 walkways.

6 MEMBER GOODSSELL: And -- and on the second
7 floor --

8 MR. STOLIROV: Yes.

9 MEMBER GOODSSELL: -- is all bedrooms? Is there
10 any living --

11 MR. STOLIROV: Second --

12 MEMBER GOODSSELL: -- room?

13 MR. STOLIROV: -- second floor is all bedrooms.

14 MEMBER GOODSSELL: It is all?

15 MR. STOLIROV: It's -- it's think it's like a
16 model colonial house that, you know, like that I.U. Willets
17 Road has like a lot of them. And my house, I believe there
18 was a school that was demolished in the '70s and that was --

19 MEMBER GOODSSELL: Yes.

20 MR. STOLIROV: -- just two blocks that were
21 built. I researched the history a little bit, just --

22 MEMBER GOODSSELL: Yes -- yes. So is --

23 MR. STOLIROV: -- out of curiosity before.

24 MEMBER GOODSSELL: -- is there anybody else on
25 your block that has a -- because some of them have pools.

26 MR. STOLIROV: Nobody has a deck. I mean nobody

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has a --

MEMBER GOODSSELL: An -- nobody has the rear deck
the way you do?

MR. STOLIROV: Nobody has a --

MEMBER GOODSSELL: Nobody has an exterior stair
going up to the second floor?

MR. STOLIROV: Nobody has, because again,
there's nobody with a deck. But there's a one block away
that's like different type homes, people do have decks with
staircases visible from the front.

So in that sense, there are several homes
that -- that do have staircase to the second-floor deck
visible. They might have a slightly bigger side yard with
where they're not encroaching the 6 inches that I am, you
know, encroaching. But -- but yes, it's -- it's --

MEMBER HERNANDEZ: Now, you have a pool back
there, so presumably you have 6 foot fences around the --

MR. STOLIROV: I do --

MEMBER HERNANDEZ: -- pool area?

MR. STOLIROV: -- I do. That is correct.

MEMBER HERNANDEZ: Okay.

And the height of the stairs is probably about
10 feet; right?

MR. STOLIROV: That sounds about right, yes.

CHAIRMAN MAMMINA: How -- how wide is the stair?

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I don't --

MR. STOLIROV: It's -- it's required 3 feet, you know, and --

CHAIRMAN MAMMINA: It's -- what's the side yard?

SECRETARY WAGNER: Bless you.

MR. STOLIROV: So the side yard is, I believe it's 7 and -- and 7 1/2 or --

CHAIRMAN MAMMINA: So if it's --

MR. STOLIROV: -- 7.8.

CHAIRMAN MAMMINA: -- but if it's 7 --

MEMBER GOODSELL: 7.4 -- 7.4.

MR. STOLIROV: Right, so 7. So we're -- yeah, so we would be with the staircase, you know, staircase would be 3 feet. So it would put us about 4 1/2 feet from the property line --

CHAIRMAN MAMMINA: Yeah --

MR. STOLIROV: -- as versus the required 5 feet.

CHAIRMAN MAMMINA: -- yes.

MR. STOLIROV: And like I said, you know, again there's the basement stair, so we would stack it on top and it would just kind of be in line with that staircase that's right below it.

MEMBER HERNANDEZ: The supports would be on the outside of the stairs; yes?

MR. STOLIROV: Say it again.

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2 MEMBER HERNANDEZ: The support, the structural
3 supports for the --

4 MR. STOLIROV: Yeah.

5 MEMBER HERNANDEZ: -- stairs would be on the
6 outside of the basement stairs?

7 MR. STOLIROV: That is correct. That is
8 correct.

9 It would rest on the wall that is --

10 MEMBER HERNANDEZ: Right.

11 MR. STOLIROV: -- that is supporting that, the
12 basement staircase.

13 (Discussion held among Board Members off the
14 record.)

15 MEMBER HERNANDEZ: And you already have the
16 basement stairs with railings that are blocking the same
17 amount of -- I'm assuming the railings are there.

18 MR. STOLIROV: Correct -- correct. And
19 the -- the reason, again, the reason why the basement
20 staircase, even though it's like the same dimensions, it is
21 legal because there is that --

22 MEMBER HERNANDEZ: There's an exception for
23 that.

24 MR. STOLIROV: -- change that's 5 feet for the
25 first floor and basement.

26 CHAIRMAN MAMMINA: It's below-grade?

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2 MR. STOLIROV: That is correct.

3 CHAIRMAN MAMMINA: And you don't, you know --

4 MR. STOLIROV: There is a slightly different
5 setback for that.

6 CHAIRMAN MAMMINA: See, I think if this was a
7 house moved over to there, I would say no.

8 MEMBER DONATELLI: Right.

9 CHAIRMAN MAMMINA: Because there's a lot solid
10 mass.

11 MEMBER HERNANDEZ: You mean that (indicating)
12 wall.

13 CHAIRMAN MAMMINA: You wouldn't want that -- you
14 wouldn't want that wall there.

15 MEMBER HERNANDEZ: In the proposal.

16 CHAIRMAN MAMMINA: And again, I wouldn't want
17 anybody to point to this in a -- in another variance. At
18 some point, you know, while I'm not in love with what the
19 stair is going to look like, that's not --

20 MEMBER GOODSSELL: Yeah.

21 CHAIRMAN MAMMINA: -- my business.

22 MEMBER GOODSSELL: We are not an aesthetic board.

23 CHAIRMAN MAMMINA: You know so --

24 MEMBER GOODSSELL: You can paint them orange and
25 we're not allowed --

26 (Laughter.)

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2 MEMBER HERNANDEZ: No, please don't.

3 MEMBER GOODSSELL: -- to say -- yeah, please
4 don't, but --

5 (Laughter.)

6 MR. STOLIROV: I understand.

7 MEMBER GOODSSELL: -- we're -- we're not an
8 aesthetic board, and what we think looks nice and what
9 homeowners thinks looks nice may be completely different.
10 But we are really just being asked to grant you a variance of
11 half a foot, so that your family can come out of the pool,
12 rip their wet towels all the way up the stairs to sit on the
13 second-floor deck, which is probably very nice in the sunset.
14 You got a roof over and that's the westerly side of the house
15 and --

16 (Discussion held among Board Members off the
17 record.)

18 MEMBER DONATELLI: Okay. And you've -- you've
19 found your way to yes.

20 MEMBER GOODSSELL: I kind of -- I did.

21 (Laughter.)

22 MEMBER DONATELLI: So as the Chairman would ask,
23 is that a motion?

24 MEMBER GOODSSELL: Yes, that's a motion.

25 (Laughter.)

26 MEMBER HERNANDEZ: So I guess I'll second it.

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2 (Laughter.)

3 CHAIRMAN MAMMINA: Okay.

4 So we have a --

5 MEMBER GOODSSELL: I guess we'll ask Ms. Wagner
6 to poll the Board.

7 CHAIRMAN MAMMINA: I'm going -- I'm going to
8 call it a motion.

9 (Laughter.)

10 CHAIRMAN MAMMINA: So please poll the Board.

11 SECRETARY WAGNER: Member Donatelli?

12 MEMBER DONATELLI: Aye.

13 SECRETARY WAGNER: Member Goodsell?

14 MEMBER GOODSSELL: Aye.

15 SECRETARY WAGNER: Member Hernandez?

16 MEMBER HERNANDEZ: Aye.

17 SECRETARY WAGNER: Chairman Mammina?

18 CHAIRMAN MAMMINA: Aye.

19 The application is granted.

20 Thank you.

21 MR. STOLIROV: Thank you for your time.

22 (Discussion held among Board Members off the
23 record.)

24 CHAIRMAN MAMMINA: To -- to your architect,
25 Mr. Restituto, I get -- as I get older, I start to look at
26 people's license numbers. And yes, your license number is

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older than mine.

(Laughter.)

CHAIRMAN MAMMINA: So I can only hope that I
will still be continuing -- no, he is almost -- almost 5,000
numbers.

MEMBER HERNANDEZ: Less than you?

CHAIRMAN MAMMINA: Yeah.

MEMBER HERNANDEZ: He is, wow.

CHAIRMAN MAMMINA: I'm 0 -- I'm 14995 and he 's
10 --

MEMBER HERNANDEZ: Wow.

CHAIRMAN MAMMINA: -- something.

(Discussion held among Board Members off the
record.)

MEMBER HERNANDEZ: You've been an architect for
a long time?

MR. RESTITUTO: Yes -- yes, I am.

CHAIRMAN MAMMINA: Yeah.

(Laughter.)

SECRETARY WAGNER: Thank you.

(Discussion held among Board Members off the
record.)

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2 MEMBER GOODSSELL: Okay. Ms. -- Ms. Wright, you
3 are the last person here.

4 (Laughter.)

5 SECRETARY WAGNER: Thank you for being patient.

6 (Laughter.)

7 MS. WRIGHT: Oh, I'm actually very happy about
8 that.

9 (Laughter.)

10 SECRETARY WAGNER: Let me read the appeal into
11 the record.

12 APPEAL #21427 - Shelly-Ann Wright;

13 342 Grand Street, Westbury; Section 11, Block 1, Lot 2;

14 Zoned: Residence-C.

15 Variances from 70-100.2.A(2) and 70-100.2.A(4)
16 to legalize fencing that is too tall and fencing in the front
17 yard.

18 CHAIRMAN MAMMINA: You've heard Appeal No. 21427,
19 Shelly-Ann Wright.

20 Is there anyone in the room interested in the
21 application other than the applicant?

22 (No response.)

23 MEMBER GOODSSELL: Is there anyone in the room?

24 (No response.)

25 CHAIRMAN MAMMINA: I don't think so.

26 MS. WRIGHT: Hello.

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2 CHAIRMAN MAMMINA: So you're on.

3 MS. WRIGHT: Good afternoon.

4 CHAIRMAN MAMMINA: Good afternoon.

5 MS. WRIGHT: I don't know, this worked out,
6 'cause I don't like to talk in front of people.

7 CHAIRMAN MAMMINA: That's okay. We're not
8 people.

9 (Laughter.)

10 SECRETARY WAGNER: Just state your name and
11 address for the record.

12 MS. WRIGHT: Sure.

13 I'm Shelly-Ann Wright, address 342 Grand Street,
14 Westbury, New York.

15 Can I give what I have?

16 MR. PERROTTA: Sure.

17 MEMBER DONATELLI: Yeah.

18 MS. WRIGHT: (Handing.)

19 MR. PERROTTA: (Receiving.)

20 SECRETARY WAGNER: Is this an exhibit that you
21 want to submit?

22 MS. WRIGHT: Yes.

23 SECRETARY WAGNER: Okay. So this will be
24 "Exhibit 1" and it is described as a packet.

25 MS. WRIGHT: Okay. So just to start off, this
26 is actually my first home, so I've been there three years

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now. And when I bought the property, the -- the survey that I handed in, it shows that it already had the preexisting like wood fence that's there.

So the -- the first fence that's on the -- the appeal that I -- I put up since I've been there, I was having like two problems where, one, there was like garbage. I live next to a commercial property. And the garage was -- was being put out probably like early the day before. And the wind over, there for some reason, is like really high. So like sometimes the garbage would get disturbed and the garbage would basically blow onto the front of the property. And no one would actually like, you know, come and like pick up what was blown from the commercial property, so it would be left on me to do it. So that was the one problem I was having.

There was a time, you know, someone came. They took the mattress that was, you know, with the commercial property and they placed it now on my property. And there was no way for me to remove it.

Another problem that I was having is I worked, at the time, overnight. And I would -- I would leave and, you know, in the middle of the night like 2:00 in the morning, I would see that there was -- there was a -- a dog owner that would walk the dog with no leash, and would purposely have his dog come and just like defecate on the

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property. And there was no way for me to actually to contact this person, 'cause now I'm at work. And the one time that I was home and it was earlier in the day, I attempted to talk to the person and they kind of just like walked away.

So I guess my solution to this problem was to put up the fence in the front just to kind of, you know, keep them -- keep the garbage off and also keep them from, you know, consistently making this dog use the property as a bathroom, 'cause they were not actually picking it up. So that was the reason for the front fence that's there.

So the other fence that I was told about was the 6 foot fence that I had that was going across the property. I have a picture that shows what the property looked like without the fence. I believe that's the second picture. So it was just like a lot of -- not grass, but weeds and it was just an open lot at the time.

So me being a single female that's living by myself as you see, I don't exactly look like, you know, I look young. So for me, for my own safety before I even moved into the property, I had had a fence placed going across the property just for, you know, safety reasons for me. I wasn't made aware that the fence was not supposed to be 6 feet 'til -- the person that did the construction never, you know, told me this. But it --

MEMBER GOODSSELL: Did you hire a company to put

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2 the fence up or did you have friends and neighbors help you
3 put this up?

4 MS. WRIGHT: No, I -- I hired someone to come
5 and put it up.

6 MEMBER GOODSSELL: You did?

7 MS. WRIGHT: Yeah.

8 MEMBER GOODSSELL: And they did not tell you that
9 you need a permit for a fence?

10 MS. WRIGHT: No, the person was referred to me
11 by -- by someone else that had used them. And they didn't
12 tell me. Even the front, it -- so the front fence that's --
13 that's there that I spoke about first, that fence was also
14 put up by Home Depot and they didn't mention that I -- that I
15 either:

16 One, could not have it there;.

17 Or two, that I needed a permit for it.

18 And there's a second fence that goes across the
19 property that is in line with the house. They -- that person
20 also did not tell me that I needed a permit or that it needed
21 to be 5 feet. So --

22 MEMBER GOODSSELL: And when did you come to find
23 out that you did need a permit?

24 MS. WRIGHT: When I -- when -- so towards the
25 end you'll see that I have also the -- a permit open with you
26 guys, for the side of the house in the rear area to replace

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that fence. But I was then -- like I was using Home Depot again. And they told me that the company is now starting to -- that I would have to file for a permit. So that's when I was aware that I needed a permit.

And then because of the height requirement of it being 5 feet, I was told that in order to even close out the permit if I didn't want to change the fence that was there, that they would have to come out, inspect. And then that's when I learned that all the other property -- all the other fence was a problem, so --

MEMBER DONATELLI: And can I ask a question?

MS. WRIGHT: Sure.

MEMBER DONATELLI: In -- in the photographs that you submitted, there's a photograph of somebody near the fence, it looks like in your front yard. Do you recall that photograph?

MS. WRIGHT: Yeah, that's the very last -- the very -- yeah, I know which one you're talking about, the -- the --

MEMBER DONATELLI: Okay.

So my -- my question is who is that person? Do you know that person? Is that a trespasser or something?

MS. WRIGHT: No. So what happened was that photo was just to show you that, that's -- that's in I believe January, 2021.

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2 MEMBER DONATELLI: Yes.

3 MS. WRIGHT: I bought the house I believe in
4 2020. And that's when the fence was actually being
5 installed.

6 MEMBER DONATELLI: Oh, that's an installer?

7 MS. WRIGHT: Yeah.

8 So it was to show you the, one, the garbage
9 that's on the other side of the property, the other -- the
10 side towards the commercial property. It's like, you know,
11 just to kind of show like the -- some of the debris that I
12 was dealing with. And also, the mattress that's on the side
13 that when they were putting the fence up for me, they
14 happened to take it back out and lean it back where the
15 commercial property normally puts their garbage.

16 MEMBER HERNANDEZ: So you -- so you put up,
17 before you moved in the fence, the solid fence. Let's call
18 it a solid --

19 MS. WRIGHT: Yes.

20 MEMBER HERNANDEZ: -- fence, the solid fence
21 going across the property at your property house building
22 line?

23 MS. WRIGHT: Correct.

24 MEMBER HERNANDEZ: And then you found that
25 people was still trampling your front yard of the house or
26 whatever?

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2 MS. WRIGHT: Correct.

3 MEMBER HERNANDEZ: And then a year later or so,
4 you put the -- the front --

5 MS. WRIGHT: That's correct.

6 MEMBER HERNANDEZ: -- the front fence that's
7 like an open picket fence type?

8 MS. WRIGHT: Yes.

9 MEMBER HERNANDEZ: Okay.

10 CHAIRMAN MAMMINA: And what -- what about
11 considering like trees or something to put in there,
12 landscaping?

13 MS. WRIGHT: Well, if I -- at the time if I had
14 known that the fence would -- was -- was not permitted, then
15 I would probably, you know, more went that route. It
16 wouldn't have helped with I guess the garbage that's being
17 like, you know, blown on.

18 But recently, I've had the opportunity to
19 finally see who actually handle -- handled the garbage. And
20 I spoke with him and he let me know that, you know, one, he
21 was very happy that I did put up the fence, because he did
22 notice that the garbage was kind of like coming over there.
23 And you know, he -- he, I guess was attempting to try to kind
24 of like, you know, pick up some of the stuff. But at the
25 time, I didn't know who to talk to about it, so --

26 And another thing, because I was

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2 working overnight at the time, I would come home in the
3 morning and I would be sleeping when, you know, they are
4 actually putting the garbage out.

5 MEMBER HERNANDEZ: Okay.

6 MS. WRIGHT: So another part was the -- the
7 side, I had picture in there with the side fence, just to
8 show you what it looked like when I bought the property.

9 MEMBER GOODSSELL: Yes (indicating).

10 MS. WRIGHT: Yeah, I thought --

11 CHAIRMAN MAMMINA: Yeah, I think it's in there,
12 yeah.

13 SECRETARY WAGNER: It's in the --

14 MS. WRIGHT: -- when -- when I -- when --

15 MEMBER GOODSSELL: Let me just pull it up for
16 you.

17 MS. WRIGHT: -- when I bought the property and
18 how it was falling apart.

19 MEMBER GOODSSELL: (Indicating.)

20 MS. WRIGHT: Yes, that one.

21 MEMBER GOODSSELL: You can see that it's falling
22 apart?

23 MS. WRIGHT: Uh-huh.

24 And so that -- that was the reason to even -- to
25 switch that out. And you know, I didn't know that it wasn't
26 supposed to be 6 feet. The person that did that, so this

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2 another company that came to do that one.

3 MEMBER GOODSSELL: Okay.

4 MS. WRIGHT: They also did not let me know
5 that I needed any type of permits for it or, you know,
6 anything.

7 The neighbor that's directly attached to that
8 side of the property actually told me that, you know, he
9 didn't have a problem with it. He actually wished he knew
10 that I was doing it, because he would have went in to, you
11 know, pay for half.

12 So at that time I only did half of it, because
13 like, you know, I'm by myself, I'm paying the mortgage by
14 myself, so I kind of did just what was best at the time for
15 that side of the fence.

16 So I know I have another one where -- with you
17 guys where I'm trying to get the completion of that fence
18 done. But I was trying to fight the fact to -- from the
19 5 feet, to let it continue to be 6 feet like the one that's
20 there now, only because eventually I would like to put up a
21 pool. And I don't want to have now, I guess pay to do the
22 fence over. And that's where the location of where the pool
23 would be.

24 MEMBER HERNANDEZ: Now, the --

25 Okay. So it's -- so it's in the back of the
26 house?

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2 MS. WRIGHT: Correct.

3 MEMBER HERNANDEZ: Okay.

4 MEMBER DONATELLI: Well, we -- we can't

5 really --

6 CHAIRMAN MAMMINA: Yeah, we can't --

7 MEMBER DONATELLI: -- take that into account.

8 CHAIRMAN MAMMINA: -- yeah.

9 MEMBER DONATELLI: I mean we really have to take
10 into account just what's here.

11 MS. WRIGHT: I wanted to point out that I have,
12 I currently have two small dogs. And one of them, he's --
13 I've had him for a few years. He's now 16, so he's a senior.
14 He doesn't -- like, you know, his hearing's gone. His
15 eyesight is going. So at times I do bring them outside. And
16 that fence that I'm currently trying to change, it has like
17 a -- a hole or a crack in there, where like cats, they come
18 in and out. So I know that if they could fit through, my
19 dog could also fit through. And I don't want to like now,
20 you know, run inside for a second and, you know, anything
21 happens --

22 MEMBER DONATELLI: Right.

23 MS. WRIGHT: -- with him. So I'm trying to --

24 MEMBER GOODSSELL: Just so you understand, we
25 have had other people come before us and say, well, I need --
26 I need a variance from the 4 foot, 5 foot, 6 foot rule that

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the Town currently has, because I have dogs that can jump 6 feet and therefore, I need something higher. And we have said to them we can't grant this for you, because those dogs are not going to live forever, but that fence will be there forever.

MS. WRIGHT: True.

MEMBER GOODSSELL: And so we recognize that this is why you have a fence, and we understand your reasons for having a fence. But we can't take into consideration the dog as a reason for having the fence, a special fence.

MS. WRIGHT: Uh huh.

MEMBER GOODSSELL: So but we are -- we are looking at this. We -- we -- what -- what -- in -- in your pictures, there's a row of buildings on the other side of this chain-link fence. Are those apartments?

MS. WRIGHT: Yes, that's --

MEMBER GOODSSELL: Okay.

MS. WRIGHT: -- that's the commercial building that I'm -- so they're -- technically I would be the first house after that apartment building.

MEMBER GOODSSELL: Well, I -- I know you're -- you're calling it commercial. But actually it's -- it's residential if that's where people are living (indicating).

MS. WRIGHT: Okay.

MEMBER GOODSSELL: It's just an apartment

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2 building.

3 MS. WRIGHT: Right.

4 MEMBER GOODSSELL: It's a multiple -- multiple
5 dwelling.

6 MEMBER HERNANDEZ: A multiple dwelling, yeah.

7 MS. WRIGHT: Okay.

8 MEMBER GOODSSELL: And when I -- when you said
9 commercial, I was thinking stores, and shops and --

10 MS. WRIGHT: Oh.

11 MEMBER GOODSSELL: -- businesses. These are --
12 these are residences; is that correct?

13 MS. WRIGHT: Okay. Yeah, yes.

14 They -- yeah, it was just to told me at the time
15 that they were allowed to have the 6 feet chain-link there,
16 because it was commercial. That's what they told to --

17 MEMBER HERNANDEZ: It's actually, they are
18 allowed to have a 6 foot fence, because it is their backyard.

19 MS. WRIGHT: Okay.

20 MEMBER GOODSSELL: So your -- it's your side
21 yard, but --

22 MS. WRIGHT: It's my side yard, yeah.

23 MEMBER HERNANDEZ: It's your side yard, but it's
24 their backyard. So because it is their backyard, effectively
25 it becomes 6 feet on your side; right --

26 MS. WRIGHT: Okay.

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2 MEMBER HERNANDEZ: -- because it's their 6 foot
3 fence?

4 MS. WRIGHT: Which, I'm not complaining.

5 MEMBER HERNANDEZ: No -- no -- no.

6 (Laughter.)

7 MEMBER HERNANDEZ: But I'm just -- I'm just
8 describing --

9 MS. WRIGHT: Yes.

10 MEMBER HERNANDEZ: -- what -- why some things
11 are permitted and not.

12 You can also have a 6 foot fence on your
13 backyard, so now you have two sides that are 6 feet.

14 MS. WRIGHT: That's 6 feet.

15 MEMBER HERNANDEZ: Okay.

16 The problem that we have is the one facing the
17 street, is that it's 2 feet taller than it should be, because
18 that one is supposed to be 4 feet.

19 MS. WRIGHT: Okay. The only thing -- another
20 thing that I've noticed is the house directly in front of
21 me --

22 MEMBER HERNANDEZ: Uh-huh.

23 MS. WRIGHT: -- there are -- my camera -- so I
24 have cameras on the property and it points to towards like,
25 you know, my yard. But that's also over the fence, it shows
26 their yard.

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2 MEMBER HERNANDEZ: Right.

3 MS. WRIGHT: There was an incident once, which I
4 wish I had the video for, where there was a -- a police chase
5 basically. And the person, they have a 5 foot fence in their
6 front property. The person was able to jump over their fence
7 and into their -- their backyard, while the police was
8 chasing them. So now the police also jumped over.

9 But I -- I looked at it and I said, with my
10 6 feet, there's -- like they wouldn't think to themselves,
11 oh, let me go jump over the 6 feet, 'cause it's going to be a
12 little bit more difficult for them to do that.

13 So I don't know, for me, I guess because I work
14 and I come home at night, like it's just kind of more like a
15 safety precaution for myself. And I also, you know, I live
16 by myself. So, you know, a lot of times they -- the Prospect
17 has a lot of, you know, like stores there and --

18 MEMBER HERNANDEZ: Sure -- sure.

19 MS. WRIGHT: -- sometimes there's people that's
20 hanging out.

21 CHAIRMAN MAMMINA: Absolutely.

22 MS. WRIGHT: I'm still kind of like
23 familiarizing myself with the area. And -- and, you know, I
24 don't know, I guess for me it was just kind of like more of a
25 comfort thing, so --

26 CHAIRMAN MAMMINA: That's true.

Appeal #21427

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2 I think -- I think what -- I think what we're
3 going to do is that one -- one of our Board members who is --
4 is not here today, because all of us come from different
5 parts of the Town, you know, that, you know, where -- where
6 because we don't have a mayor, you know, in the Town.

7 MS. WRIGHT: Okay.

8 CHAIRMAN MAMMINA: You know, and the Town Board
9 is very good at appointing people who come from areas of the
10 Town that the Town has control over.

11 You know, if this were in the Village of
12 Westbury, they have a mayor. They have their own whole
13 thing, that we're in -- we'll all in North Hempstead. And so
14 this is Les's kind of his part of -- of the world there.

15 So I -- I think I'd -- I'd like to hold the
16 application, you know, for, you know, so that he has the
17 opportunity, you know, to see that. You don't need to come
18 back again. But I think I'd like to hold it -- like to hold
19 it open, so that if there is any other information that --
20 that we may want from you then, we would have the ability to
21 do that. Okay?

22 MS. WRIGHT: Okay.

23 MEMBER DONATELLI: So we'll continue it?

24 CHAIRMAN MAMMINA: We'll continue it.

25 MEMBER HERNANDEZ: Continue --

26 SECRETARY WAGNER: Continue it.

1 Appeal #21427

2 CHAIRMAN MAMMINA: Yes, and we'll continue it.

3 MEMBER HERNANDEZ: -- in case Les wants to see
4 anything else, or he can --

5 CHAIRMAN MAMMINA: And if we're off the record
6 now.

7 (Discussion held off the record.)

8 SECRETARY WAGNER: So you would call our
9 office --

10 MS. WRIGHT: Okay.

11 SECRETARY WAGNER: -- and we'll let you know.
12 The next time that they could make a decision would be the
13 next hearing on September 6th.

14 MR. PERROTTA: September 6th.

15 (Discussion held among Board Members off the
16 record.)

17 SECRETARY WAGNER: And so they wouldn't be able
18 to make a decision until that time. But you can call the
19 office after that date and we'll let you know.

20 MEMBER GOODSSELL: You don't have to do anything
21 between now and the 6th.

22 MS. WRIGHT: Okay.

23 (Discussion held among Board Members off the
24 record.)

25 SECRETARY WAGNER: But you've heard all of our
26 different concerns.

1 Appeal #21427

2 MS. WRIGHT: Yeah.

3 SECRETARY WAGNER: So.

4 ATTORNEY ALGIOS: Did you receive any violations
5 from the Building Department? Are you in District Court for
6 any of these?

7 MS. WRIGHT: So I -- so I'm -- I'm not sure,
8 'cause I know like with the -- the back fence that I wanted
9 to change, when they -- when he told me it had to be 5 feet,
10 I was like in a way, the only thing I could try to do is try
11 to kind of conserve the wooden fence that's there, because
12 it's already 6 feet and I bought the house with it that way.

13 MR. PERROTTA: Where is that one located?

14 MS. WRIGHT: In the -- it's -- so in the rear.
15 It's in the --

16 MR. PERROTTA: On -- on the back property line?

17 MS. WRIGHT: In the rear of the side.

18 CHAIRMAN MAMMINA: The side, yeah.

19 MS. WRIGHT: Yeah.

20 MR. PERROTTA: The side?

21 SECRETARY WAGNER: On the side.

22 MS. WRIGHT: So --

23 MEMBER HERNANDEZ: If it's the back of your
24 house, all the way in the back going --

25 MS. WRIGHT: No, it's not --

26 MEMBER HERNANDEZ: -- across --

1 Appeal #21427

2 MS. WRIGHT: -- the -- like this (indicating)
3 would be the house. It's not in the back (indicating), but
4 it's on this (indicating) side.

5 MEMBER HERNANDEZ: Okay. That one is 5.

6 MS. WRIGHT: So that one, that, so that one was
7 already --

8 MR. PERROTTA: That one could be five.

9 MS. WRIGHT: -- it was -- it was already 6 when
10 I bought it. So I -- I never --

11 MR. PERROTTA: And that's not part of why you're
12 not making an application for that?

13 MS. WRIGHT: That one, I -- I do have an
14 application for it. But it had --

15 MR. PERROTTA: I'm sorry, ma'am --

16 MS. WRIGHT: Yeah. So --

17 MR. PERROTTA: -- or Miss.

18 MS. WRIGHT: So with -- with that --

19 ATTORNEY ALGIOS: So -- so the reason I was just
20 asking you is if you were, since this was already existing,
21 you may have been -- received tickets from the Building
22 Department. And if that was the case, you could just let the
23 attorney know that you appeared here and the BZA heard it.
24 And it was continued until at --

25 MS. WRIGHT: Okay --

26 ATTORNEY ALGIOS: -- least September 6th --

1 Appeal #21427

2 MS. WRIGHT: -- okay.

3 ATTORNEY ALGIOS: -- so that you would get
4 additional time in District Court.

5 But if you're not there --

6 MS. WRIGHT: Oh no. I don't -- no, because I
7 think, yeah, the person that, you know, came out to look to
8 close the permit told me, you know, he'd give me time to be
9 able to appeal it.

10 ATTORNEY ALGIOS: All right.

11 MS. WRIGHT: So yeah, I don't think I got
12 anything yet.

13 SECRETARY WAGNER: When you -- when you
14 contacted Home Depot to put up the fence, was there anything
15 in your contract that said you were responsible for --

16 MS. WRIGHT: No --

17 SECRETARY WAGNER: -- the permit?

18 MS. WRIGHT: -- no.

19 SECRETARY WAGNER: Or they said -- you were
20 shopping --

21 MS. WRIGHT: No, because this -- this time
22 around when I -- when I, you know, applied through them again
23 to do this, to finish the side for me, he told me that
24 they're going to need a permit. And they -- that's how we
25 ended up going through and doing the permit.

26 But the first time, they didn't tell me

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anything.

(Discussion held among Board Members off the
record.)

SECRETARY WAGNER: The first time, they didn't
tell you that they would do or you had to do anything with
that?

MS. WRIGHT: Yeah, 'cause it --

ATTORNEY ALGIOS: Did you get a contract though,
with them?

MS. WRIGHT: So -- so --

ATTORNEY ALGIOS: Did you get a contract?

MS. WRIGHT: (No response.)

ATTORNEY ALGIOS: Did you ever fill out some
type of paperwork?

MS. WRIGHT: I -- I would have it somewhere,
yes.

But this, yeah, the second time they told me the
company started, you know, getting permits to do these. And
that's what they told me.

SECRETARY WAGNER: They still shouldn't put it
up, unless they have -- unless they see the permit.

CHAIRMAN MAMMINA: Yeah.

MS. WRIGHT: Now yeah, so that's why now I'm --
I'm basically paying for that fence and it had -- the work
hasn't been done, because it -- and it has the permit. But

1 Appeal #21427

2 because of the -- the requirement, so it's like I'm paying
3 for it and -- and having the --

4 SECRETARY WAGNER: Well, it couldn't have the
5 permit, because it's in violation of the codes.

6 MS. WRIGHT: Okay.

7 Say that again.

8 SECRETARY WAGNER: You said you have a permit?

9 MS. WRIGHT: Oh no, it's -- it's for -- for
10 5 feet. But then after speaking with the -- the contractor
11 for it, I told him, you know, if I can, if it's possible for
12 me to, you know, do a variance to try to get a 6 feet fence,
13 because I did want to put a pool there. The time of the year
14 right now is a very -- I'm still dealing with this, so I
15 didn't want to put it before the fence gets built or dealt
16 with. So it -- it kind of didn't make sense to go ahead with
17 that, you know, without, you know, taking care of the fence.
18 So that's kind of what happened with that.

19 (Discussion held among Board Members off the
20 record.)

21 SECRETARY WAGNER: He's saying that if -- you
22 know, you were talking about putting in a pool, but --

23 MR. PERROTTA: Are you going to do an inground
24 or above?

25 MS. WRIGHT: Above.

26 SECRETARY WAGNER: Yeah, you wouldn't need more

1 Appeal #21427

2 than you're required to have a fence for an above-ground
3 pool.

4 MR. PERROTTA: If you put an in-ground pool,
5 you're required to have 6 foot fence.

6 MS. WRIGHT: Six feet.

7 MR. PERROTTA: That solves that.

8 (Discussion held among Board Members off the
9 record.)

10 SECRETARY WAGNER: Okay.

11 MR. PERROTTA: You missed it.

12 (Laughter.)

13 MR. NORJEN: Well no. It seems like questions
14 about a pool and stuff, and so I was --

15 MR. PERROTTA: No -- no.

16 SECRETARY WAGNER: On this application?

17 MS. NORJEN: Well, about the permits that have
18 been issued.

19 SECRETARY WAGNER: Oh, I mean somewhat, but --

20 MS. WRIGHT: We can start over.

21 MR. PERROTTA: No.

22 (Laughter.)

23 MS. WRIGHT: Okay.

24 (Laughter.)

25 MEMBER HERNANDEZ: We wouldn't want to start
26 over again.

1 Appeal #21427

2 CHAIRMAN MAMMINA: It's always appreciated
3 though. That was on the record.

4 MEMBER GOODSSELL: Oh.

5 SECRETARY WAGNER: Okay.

6 MEMBER HERNANDEZ: He just wants to sit, and
7 relax, you know, hide from somebody.

8 MEMBER GOODSSELL: Did you bring pizza?

9 (No response.)

10 (Laughter.)

11 MEMBER GOODSSELL: All right.

12 MEMBER HERNANDEZ: All right, so we can --

13 MEMBER GOODSSELL: You can continue.

14 MEMBER HERNANDEZ: -- reserve it.

15 CHAIRMAN MAMMINA: Yeah, I -- I think we'll --

16 SECRETARY WAGNER: So you can call us and we'll
17 let you know.

18 MS. WRIGHT: Okay.

19 CHAIRMAN MAMMINA: We, right, we'll --

20 MS. WRIGHT: Thank you.

21 CHAIRMAN MAMMINA: -- we will continue it.

22 MEMBER HERNANDEZ: Continue it.

23 CHAIRMAN MAMMINA: Continue it.

24 MS. WRIGHT: I was hoping to make sure that your
25 coffee was still hot.

26 (Laughter.)

1 Appeal #21427

2 CHAIRMAN MAMMINA: I'm a little -- I'm a little
3 upset. The battery went dead.

4 (Laughter.)

5 CHAIRMAN MAMMINA: But I do have the charger, so
6 I -- I may have to plug the charger back in, so --

7 SECRETARY WAGNER: Mr. Norjen from the Building
8 Department wants to help you.

9 MS. WRIGHT: Okay.

10 MR. NORJEN: You just seem to have
11 misinterpreted --

12 CHAIRMAN MAMMINA: I think the record is
13 (gesturing).

14 MEMBER HERNANDEZ: Yeah.

15 MEMBER GOODSELL: Yeah, I think so too.

16 (Discussion held off the record.)

17 (Discussion held among Board Members off the
18 record.)

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1 Appeal #21396

2 SECRETARY WAGNER: So Appeal No. 21396,
3 Kate Nellans, 95 Reid Avenue in Port Washington, section 5,
4 block 59, lot 185 in the Residence "A" Zoning District.

5 Variances from 70-29.C, 70-327, 70-100.1A,
6 70-208F, 70-100.1D, to construct additions to a home that
7 would make the house too big with an eave that is too high,
8 to construct a detached garage in a side yard, not permitted,
9 that is too close to a house of an adjoining property, and to
10 expand the habitable space of a pre-existing non-conforming
11 third floor attic.

12 MEMBER DONATELLI: So having --

13 (Discussion held off the record.)

14 SECRETARY WAGNER: So you know what Stephanie,
15 we don't need you then.

16 ATTORNEY ALGIOS: We don't normally --

17 SECRETARY WAGNER: Yeah, I forgot.

18 ATTORNEY ALGIOS: -- transcribe the cases on the --

19 SECRETARY WAGNER: So if you want to, take a
20 break --

21 ATTORNEY ALGIOS: -- reserve calendar.

22 SECRETARY WAGNER: -- until 2:30.

23 THE STENOGRAPHER: All right.

24 ATTORNEY ALGIOS: The hearing is completed.

25 (Whereupon, a recess was taken at 1:17 p.m. and
26 the hearing continued at 2:30 p.m.)

1 Proceedings

2 CHAIRMAN MAMMINA: Okay everyone, we're going to
3 get started. And I guess we're a minute ahead of -- of our
4 schedule, but -- but okay.

5 (Discussion held among Board Members off the
6 record.)

7 CHAIRMAN MAMMINA: Okay.

8 Welcome to the Zoning Board of the Town of
9 North Hempstead. And I just want to take a couple of minutes
10 to go over some procedures of how we do things here, in case
11 you've never been to a zoning board or maybe you've been to a
12 zoning board before, but they may do things a little bit
13 differently than we do.

14 And what we will do is we will call the -- as
15 each case is called on the calendar, it will be called by
16 Ms. Wagner, our Secretary. I will then ask if there is
17 anyone who has interest in the case. We will also ask for
18 the applicant to come forward and to come on up to the
19 podium. So if have interest in the case either for it or
20 against it, all we need is hands raised (gesturing), so that
21 the Board knows that there are other people who wish to
22 speak, and we will circulate a sign-in sheet I would assume?

23 SECRETARY WAGNER: When we call the cases, we
24 will.

25 CHAIRMAN MAMMINA: Okay, as we call each case.
26 And, you know, all we need is your name, you know, on that

Proceedings

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and your address --

MEMBER HERNANDEZ: If you want to speak.

CHAIRMAN MAMMINA: -- if you wish to speak. If you -- if you put your name on it, but you don't wish to speak, it has the same weight in -- in handling it that way.

I'll go into that part of this of this -- of the speech now. What we do ask is -- well, I'm not going to do that. I'm doing it my normal way.

So the applicant then will be at the podium. They will give their name and address, as everyone will who comes up to speak. And at that point, the -- the podium belongs to the applicant. The applicant will put their case onto the record. The Board will ask its questions as -- as it proceeds. And then at that point, the applicant will have a seat wherever the applicant's going to have a seat. It's kind of a full house this afternoon.

And then at that point, we will ask for people who wish to speak in support or in opposition, to come up one at a time. As I said, we'll have a sign-in sheet. We'll probably just call from the sign-in sheet. And you'll give your name and address and the podium then belongs to you. And you'll put it on -- whatever you want to on the record. The Board will have the opportunity, you know, to be able to -- to ask whatever questions it might. And then you'll have a seat as well.

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We limit that to three minutes a person. So what I will ask is that if someone has an objection regarding traffic, density, whatever it might be, you don't need to put the whole thing back on the record again. We'll ask you to try -- to just try to say I -- I agree with the previous speaker regarding -- or with the other speaker regarding traffic, I think the traffic is going to be very bad.

Okay. And it doesn't reinforce it any more if, you know, if there is a whole lot of other words, you know, regarding it. And believe me, this is correct. So we really just want people to stand up, state, you know, and -- and then you'll be seated. You know, we're not chopping anybody's head off at three minutes. You know, but there's a lot of people, you know, and, you know, we do need to keep it moving.

(Discussion held among Board Members off the record.)

CHAIRMAN MAMMINA: Thank you.

And as Ms. Algios is asking me to remind everyone or to inform anyone, any comments that are submitted in writing are part of the record. And they then are official documents along with all of the proceedings today. What we do here is quasi-judicial, in that we have a -- a stenographer who take a record. There are points of law that need to be made.

1 Proceedings

2 Again, if it's, you know, if there is a -- a
3 part of the application that -- that you want to speak about,
4 please do. If it's something that's outside of the field of
5 the application, this is not the place for it, okay. Our
6 charge is only on the variances that are being requested.
7 That's all that we do.

8 So just -- and thank you, Debra, for reminding
9 me, you know, of that.

10 So people will come up one at a time. If there
11 are two people who want to come up simultaneously, that's
12 okay. You'll both just put your name and address on the
13 record. And we just ask that -- that people only speak one
14 at a time. Our stenographer is wonderful, but she can only
15 listen to one person at a time. And lot of times, she has to
16 ask the Board or give me the eye saying, okay, you know, we
17 all have to stop talking simultaneously.

18 (Laughter.)

19 CHAIRMAN MAMMINA: So what will happen then is
20 that after everyone has had their opportunity to speak, the
21 applicant and only the applicant gets the turn to go two
22 times, 'cause the applicant then, who is creating their legal
23 record, has the opportunity to either support or refute
24 whatever might have been raised. By things that are raised,
25 the Board now may have new questions for the applicant, so
26 the applicant then has the opportunity to answer those.

1 Proceedings

2 And at that point, the hearing is done. And
3 when the hearing is done, the Board will do one of four
4 things:

5 We will either approve the application;

6 Deny the application;

7 Or we may continue the application;

8 Or reserve the application.

9 Now, what -- what "continue" means is that if
10 there are other documents that have come up during the
11 hearing that the Board would like to see in order to -- to
12 make a decision, to fill out a record if there is a -- a hole
13 somewhere, that the -- the record will be held open for that.
14 And the Board would then have the opportunity, when those are
15 submitted, to review those. So we'll -- anyone else who is
16 in the room, they're submitted to the Zoning Office, which is
17 across the street, through Virginia. And those will then be
18 made -- those are all public documents. Everything is.

19 If we "reserve" a decision, that means that the
20 Board has all the information that it needs. And we don't
21 need any other input, you know, from anything. There is --
22 there is nothing else that's required for us to -- to make a
23 decision. So those are our -- those are our four -- our --
24 our four things, you know, in -- in terms of that.

25 What I will also say is that -- and I know I've
26 repeated this -- this is a judicial proceeding, so everything

Proceedings

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2 that we do under the Sun -- "Sunshine Laws" is public. So
3 when the Board deliberates, the public are welcome to come.
4 We're on TV also, so you don't need to be here in order to --
5 to hear what we do. When the Board is deliberating, there --
6 there is no public comments, so you don't need to be here.
7 And it as easy, truly, as just getting yourself onto the, you
8 know, onto the -- the Town's website and, you know, we are
9 completely accessible from there. So everything is
10 completely open book.

11 Did I forget anything?

12 Oh yes, thank you. I -- I got so wrapped in my
13 speech.

14 You know, we all live and die by, you know, by
15 these electronic things (indicating). So we will ask that
16 everyone take their electronic things and put them on silent,
17 okay. You don't have to turn them off, just put them on
18 silent. If at any time you need to make a phone call, take a
19 phone call, if you need to have a little conversation amongst
20 yourselves, if there's anybody who's not here yet who's going
21 to come to join you, we'll ask that you ask the same thing.
22 But you can just get on up, walk outside, it's okay, you
23 know. We're all ladies and gentlemen and we'll all, you
24 know, we all handle ourselves accordingly. You know, it's
25 just, you know, the joke I like to make is if you're in the
26 middle of your presentation, your phone starts to play

Proceedings

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"Stairway to Heaven," you know, and it's -- it's going to

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throw everybody off. And we'll all get a good laugh out of

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it, but -- but, you know, we try to keep things moving along.

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So thank you, Jay.

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1 Appeal #21382

2 CHAIRMAN MAMMINA: So I think with all of that
3 said, Ms. Wagner, do we have any modifications to this
4 afternoon's hearing?

5 SECRETARY WAGNER: Yes, Chairman.

6 We have an adjournment of APPEAL #21382 -
7 Guillermo Ortiz; 55 Bayview Avenue, Manhasset; Section 3,
8 Block 138-02, Lots 101-104 & 805; Zoned: Business-B.

9 Appeal for determination or in the alternative,
10 variances from §70-138 and §70-103.B to legalize the
11 conversion of an automobile service station to an auto body
12 repair shop (not a permitted use within the Business-B
13 district) with parking stalls that are too small.

14 That appeal -- that appeal will be adjourned --

15 CHAIRMAN MAMMINA: October 11th.

16 SECRETARY WAGNER: -- until October 11th. And
17 that was due to a noticing error.

18 CHAIRMAN MAMMINA: Okay. It would be
19 re-noticed, you know, at that point.

20 SECRETARY WAGNER: Oh, it's only by regular
21 mail.

22 CHAIRMAN MAMMINA: By regular mail.

23 SECRETARY WAGNER: By regular mail.

24 CHAIRMAN MAMMINA: Thank you.

25 So if anyone is here for Appeal 21382, that will
26 not be heard today. The applicants are not here and the --

Appeal #21382

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the Board, you know, has no control, you know, over that.
But if the notices are not sent out in accordance with the
law, then the -- the hearing cannot proceed.

Okay. And if you wish to stay, you know, and
listen, you're certainly more than -- more than welcome to.

But with that said, then Ms. Wagner --

SECRETARY WAGNER: And that's for 55 Bayview, it
will not be heard today.

CHAIRMAN MAMMINA: All right. I'm sorry.

I didn't hear you.

1 Appeal #21368

2 SECRETARY WAGNER: We also have an
3 adjournment --

4 MEMBER HERNANDEZ: I'm saying --

5 CHAIRMAN MAMMINA: Oh, I'm sorry. We have a
6 another one?

7 MEMBER HERNANDEZ: -- yeah, we have a second --
8 there's another one, yeah.

9 SECRETARY WAGNER: Yeah. We also have an
10 adjournment of APPEAL #21368 - Sami Atallah (Michelle
11 Management Corp.); 993 Prospect Avenue, Westbury, Section 11,
12 Block 122, Lots 20, 29, 44, 45, & 46; Zoned Business-A &
13 Residence-C.

14 Variances from § 70-44, 70-50(A), and
15 70-203(G) to construct an addition to a building and
16 site work including construction of a commercial
17 parking lot on a property which is partially in a
18 residential zone (not a permitted use), parking too
19 close to the street, and with a landscaped buffer
20 between a commercial and residential property that is
21 too small.

22 That will be adjourned to September 20th, at
23 the request of the applicant in order to possibly
24 make some revisions to the plans. So that, would
25 the Board would like to vote on that adjournment
26 request?

1 Appeal #21368

2 CHAIRMAN MAMMINA: Okay.

3 Can we have a -- a motion on?

4 MEMBER DONATELLI: I'll make a motion.

5 CHAIRMAN MAMMINA: Okay. We have a motion from
6 Member Donatelli.

7 A second?

8 MEMBER HERNANDEZ: Second.

9 CHAIRMAN MAMMINA: Seconded from
10 Member Hernandez.

11 Please poll the Board.

12 SECRETARY WAGNER: Member Goodsell?

13 MEMBER GOODSSELL: Aye.

14 SECRETARY WAGNER: Member Donatelli?

15 MEMBER DONATELLI: Aye.

16 SECRETARY WAGNER: Member Hernandez?

17 MEMBER HERNANDEZ: Aye.

18 SECRETARY WAGNER: Chairman Mammina?

19 CHAIRMAN MAMMINA: Aye.

20 So that'll --

21 SECRETARY WAGNER: That will be adjourned to
22 September 20th.

23 CHAIRMAN MAMMINA: September 20th.

24 And again my -- my apologies in that I -- I
25 printed my own copy of the calendar last night. And that's
26 okay.

1 Appeal #21368

2 (Laughter.)

3 CHAIRMAN MAMMINA: So --

4 SECRETARY WAGNER: That's for 993 Prospect. It
5 will not be heard today. It will be heard on September 20th.

6 CHAIRMAN MAMMINA: -- okay, so if there is
7 anyone for that.

8 Then if not, we'll -- I guess we won't see them,
9 because I won't be here.

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1 Appeal #21429

2 CHAIRMAN MAMMINA: All right. So with that
3 said, would you please call the first case?

4 SECRETARY WAGNER: Chairman, can you just give
5 me a minute.

6 CHAIRMAN MAMMINA: Of course.

7 (Discussion held off the record.)

8 (Discussion held among Board Members off the
9 record.)

10 SECRETARY WAGNER: Okay. The first
11 appeal, APPEAL #21429 – 8-22 Park Avenue, LLC
12 (Strength in Mobility, LLC); 14 Park Ave., Manhasset,
13 Section 3, Block 79, Lot 230; Zoned Business-B.
14 Variance from § 70-103(A) to construct interior
15 alterations for a new personal training facility with not
16 enough parking.

17 CHAIRMAN MAMMINA: You've heard Appeal
18 No. 21429, 8-22 Park Avenue, LLC, Strength in Mobility, LLC.
19 Is there anyone here regarding that application?
20 (Gesturing.)

21 CHAIRMAN MAMMINA: Okay. So we have a few
22 hands, and you will have the opportunity to speak after the
23 presentation.

24 Thank you so much.

25 MS. TSOUKALAS CURTO: Good afternoon,
26 Chairman Mammina, members of the Board. My name is

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2 Andrea Tsoukalas Curto. I'm with the firm of --

3 AUDIENCE MEMBER: We -- we -- I'm sorry. We
4 can't hear.

5 CHAIRMAN MAMMINA: I just -- I just flipped the
6 microphone on, so --

7 AUDIENCE MEMBER: Thank you.

8 MS. TSOUKALAS CURTO: Sorry.

9 CHAIRMAN MAMMINA: -- maybe Andrea --

10 MS. TSOUKALAS CURTO: I'll -- I'll introduce.

11 CHAIRMAN MAMMINA: Thank you.

12 MS. TSOUKALAS CURTO: Good afternoon,
13 Chairman Mammina, members of the Board. My name is Andrea
14 Tsoukalas Curto. I'm with the firm of Forchelli Deegan
15 Terrana with offices at 333 Earle Ovington Boulevard,
16 Uniondale, New York, on behalf of the applicant.

17 Kim Hartfield is here today. She's the
18 applicant and the proposed operator of the fitness facility.
19 And Sean Mulryan is also here with me. He's the applicant's
20 transportation expert.

21 I do have an exhibit packet that I'd like to
22 submit. This is "Applicant's Exhibit A" (handing).

23 MR. PERROTTA: (Receiving.)

24 Thank you.

25 SECRETARY WAGNER: Was it scanned?

26 MS. TSOUKALAS CURTO: It was scanned and sent to

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you, yes.

As mentioned, this is an application for a parking variance for a proposed personal training facility at the premises. The premises is improved with a 9,525 square foot building that has 7 storefronts. My client proposes to lease one of the storefronts that was previously a kitchen design center. The leased area is 1,170 square feet and has a street address of 14 Park Avenue.

The "NOD" states that the site requires a total of 41 parking stalls and none are provided on site. There is tandem parking for employees in the rear, but that doesn't count as on-site parking.

The premises is located on the south side of Park Avenue, 91 feet east of Plandome Road. It's situated in the Town's Business "B" Zoning District and it's non-conforming with respect to parking.

A "C.O." was issued for this building on April 7th, 1983. There were two prior variances granted, one, a -- a decision dated October 20th, 1937 to allow for the erection of a commercial business that was partially zoned in a residential district. And then in 2016 under Appeal No. 20202, this Board granted a variance for a dental office, Manhasset Dental at 1618 Park Avenue. That's right next door to the proposed fitness center. Sean and I actually handled that application together back in 2016.

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The other uses at the site are:

A pet boutique;

Hair salon;

Lacrosse store;

And dance studio.

The applicant is proposing one-on-one training, by appointment only for one-hour sessions. There will be no group training, so it's not your typical gym at all. She's not hiring any staff. She will be the only person training at the facility.

Her proceeds hours of operation are:

Monday through Thursday, 6 a.m. to 6 p.m.;

Friday 6 a.m. to 3 p.m.;

Saturday, 6 a.m. to 2 p.m.;

And closed on Sundays.

I'm sure you're all very familiar with the site and with the building. It's right around the corner from Town Hall. This is an established downtown area and most of the buildings here are non-conforming with respect to parking. There is 90-minute parking on -- on Park and Willow Avenue.

It is a convenient location for people who live in the area. You can walk to the area. People go to work in the area. It's also very close to the Long Island Railroad, so if you wanted to come and train for an hour and then go to

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work, you can.

And realistically, you're only going to need one or two parking stalls for this use. It's a very low intense use, because it's only one-on-one training. Ms. Hartfield lives in Queens. She says she will most likely be using the Long Island Railroad to be coming in. So one to two stalls maximum is what we're talking about here.

As you know, Mr. Mulryan did a prepare an extensive parking report, so I would like him to come up at this time to go through his findings.

MR. MULRYAN: Good afternoon. Sean Mulryan, Mulryan Engineering, 1225 Franklin Avenue, Garden City, New York.

We took a look at this application and as mentioned, we also looked at the subject site in 2016. This is a building that exists and it has a limited number of parking spaces in the back, but they are not large enough to comply with the code requirements of the Town. So people do park behind the building, but they are not adequate to be counted towards the parking requirements of the building.

The building has existed for numerous years. This is a storefront or a store within the building itself. If you look out the windows to my right, your left, you'll actually be able to see the subject site is one block to the north and it is approximately one block to the east.

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However, this block is longer than that block, so it's a little bit different.

I have an aerial photograph again, to my right, to your left. It shows the subject site and it shows the proximity to the Long Island Railroad. Again, since we're a block away, the area in question is obviously well known to everyone that's in the room, because we got here today.

So we went out and we took a look at the subject site. We looked at the surrounding area. As Ms. Curto mentioned, the area is limited in terms of parking. The Town has implemented limited parking duration along the street surrounding the subject site, in part, because it's located so close to the Long Island Railroad. Those mitigation measures installed by the Town are, in my opinion, intended to keep commuters that may not live in the area away from the streets surrounding the subject property.

This is a commercial block, however, it does border on residential properties as shown in the aerial photograph. As you move to the east, you get into a more residential area. As you move to the west, you come quickly onto Plandome Road and the Long Island Railroad.

So what we did in terms of the subject site, not only recently, but also in 2016, is we took a look at the property and the parking surrounding the subject site. We looked at the parking restrictions within that area and also

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the type of use that's being proposed.

Again, the overall building is a little over 9,500 square feet. The store in question is 1,170 square feet. So it is a small building within the larger building itself.

The application is for a fitness center. The applicant is here today. This is the second iteration of this business. The applicant is a person that formed their own business. They are looking to establish a -- a clientele here.

However, this is not a new business. This is a business that did exist in Great Neck at a larger facility. The practicality of that facility became overbearing, so the applicant is looking for a smaller facility.

Again, this is one-on-one training, where the applicant is training with a client for a set duration of time. Those are by appointment only. And that would limit the number of parking spaces required by the subject site.

As people are coming in for fitness training, the ability to walk to the subject site, either before or after your workout might be something that people that come to this facility might enjoy. But again, because of the nature of the business, there is not a large parking demand associated with the subject site.

The reason that we're before the Board today is

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because of the parking requirements set forth by the Town Code and the occupancy of the space under full occupancy. We don't believe that the requirements of the code are what will actually be generated by the subject site.

When we did look at the parking surrounding the subject site, we did find that there was ample parking available on the street surrounding the subject site. Again, these parking spaces are limited in terms of duration. So they are limited, in our opinion, to keep commuters from coming to the Long Island Railroad and parking on residential streets. But they are part -- perfectly fitted for an application such as this, where people would come for a limited time and those time periods are by appointment.

This facility, when we looked at it in 2016, was actually an indoor bike cycle club, if you will. So it is akin to a fitness center, but that was a much larger use where groups would come in for a half hour, 45 minutes or an hour. So this is a much less intense use than what was previously there. In the interim, there was a cabinet store that has -- has gone away. And the applicant is very anxious to take residency here and -- and bring her business back to fruition.

If there's any questions about my report, I'd be happy to try and answer them.

MEMBER HERNANDEZ: The -- the report --

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2 CHAIRMAN MAMMINA: You had -- you had said there
3 are -- there are parking spaces in back, but they're --
4 they're another properly sized?

5 MR. MULRYAN: Correct.

6 CHAIRMAN MAMMINA: Are they part of your traffic
7 count or they are not?

8 MR. MULRYAN: They're not. They're not counted
9 towards the parking. We looked at the parking on the street
10 surrounding the subject site.

11 CHAIRMAN MAMMINA: Will either the applicant
12 or her customers have access to those?

13 MR. MULRYAN: The way they're set up, you
14 wouldn't really have customers parking in the back, because
15 you need to park cars back to back. So it's more of a --

16 CHAIRMAN MAMMINA: Okay.

17 MR. MULRYAN: -- an agreement between people
18 that -- that work in the building.

19 CHAIRMAN MAMMINA: So it's a tandem thing as --

20 MR. MULRYAN: Correct --

21 CHAIRMAN MAMMINA: -- as Ms. Curto had said?

22 MR. MULRYAN: -- (no response.)

23 CHAIRMAN MAMMINA: Okay.

24 MR. MULRYAN: Thank you very much.

25 And again, the applicant intends to take the
26 Long Island Railroad from Queens directly in to the station

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2 right around the corner from the subject site. So that
3 eliminates one parking space that could be used by other
4 people coming to the area.

5 Thank you very much.

6 MEMBER HERNANDEZ: And --

7 MR. MULRYAN: Yes --

8 MEMBER HERNANDEZ: -- I'm assuming that you
9 counted up and down Plandome Road. That's where you found
10 the bulk of your parking studies?

11 MR. MULRYAN: Correct. And -- and we also
12 looked at the residential streets, obviously because we were
13 looking to see if there would be an impact to those roadways,
14 if existing businesses are generating cars in that direction.
15 And in -- in sum and total, there was ample parking.

16 Again, we're closer to Plandome Road. When you
17 come off of Plandome Road. You're basically around the
18 corner. So depending on where you're coming from, and again.
19 If you're going to the fitness center you might walk, or take
20 your bike or some other manner of transportation.

21 Thank you very much and I'll --

22 MEMBER HERNANDEZ: Thank you. Thank you,
23 Mr. Mulryan.

24 MR. MULRYAN: -- be here if there's any
25 questions.

26 MS. TSOUKALAS CURTO: That concludes our

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presentation.

MEMBER DONATELLI: Well, Ms. Curto, I -- I have
a few questions.

MS. TSOUKALAS CURTO: Sure.

MEMBER DONATELLI: How -- how many employees do
you anticipate having?

MS. TSOUKALAS CURTO: She's not going to hire
anybody. She just has herself as a personal fitness trainer.

MEMBER DONATELLI: Okay.

And these are one-on-one sessions?

MS. TSOUKALAS CURTO: That's correct.

CHAIRMAN MAMMINA: May we ask some questions of
the applicant?

MS. TSOUKALAS CURTO: Sure.

CHAIRMAN MAMMINA: Come on up.

(Discussion held among Board Members off the
record.)

(Laughter.)

MS. HARTFIELD: Hi. Thank you.

CHAIRMAN MAMMINA: Please just give your name
and address.

MS. HARTFIELD: Sure.

MEMBER HERNANDEZ: Your name and address please.

MS. TSOUKALAS CURTO: Your name and address.

MS. HARTFIELD: Kim Hartfield.

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2 MEMBER HERNANDEZ: Don't -- don't be nervous.

3 (Laughter.)

4 CHAIRMAN MAMMINA:

5 MS. HARTFIELD: First time, rookie here.

6 MEMBER HERNANDEZ: I know you weren't expecting

7 to do this.

8 MS. HARTFIELD: Yeah. (Laughter.)

9 CHAIRMAN MAMMINA: It's okay.

10 MS. HARTFIELD: Kim Hartfield.

11 CHAIRMAN MAMMINA: I always tell everybody I

12 didn't ask in the beginning --

13 MS. HARTFIELD: Okay, thank you.

14 CHAIRMAN MAMMINA: -- you know, we're just
15 sitting in -- in our living room here and we're having a
16 discussion.

17 MS. HARTFIELD: Okay.

18 CHAIRMAN MAMMINA: And no need.

19 In -- in terms of, okay, I'm a customer, and I
20 sign up and take me through a workout briefly?

21 MS. HARTFIELD: Sure.

22 CHAIRMAN MAMMINA: Take me briefly.

23 MS. HARTFIELD: Full body warm up.

24 CHAIRMAN MAMMINA: Yeah.

25 MS. HARTFIELD: We'll strength train for about
26 45 minutes and we'll stretch at the end. So from beginning

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2 to end, it's an hour. You'll leave and then someone else
3 will come in. So it's always just one-on-one.

4 CHAIRMAN MAMMINA: So I would -- I would move
5 from machine to machine essentially?

6 MS. HARTFIELD: It's more full -- it's more
7 functional, not too many machines.

8 CHAIRMAN MAMMINA: Oh, okay. No, there's not a
9 lot of machines, no.

10 MS. HARTFIELD: No.

11 CHAIRMAN MAMMINA: I'm -- I'm very much a -- a
12 gym rat, you know, so I -- I know.

13 MEMBER DONATELLI: And it -- it -- it's --

14 MS. HARTFIELD: So how it -- what it briefly
15 looks like is every -- it's very individualized. So I would
16 meet with you. I would sit with you before we start
17 training.

18 So we go over your goals, your medical history.
19 I'll do a movement screen, 'cause your (indicating) goals and
20 your (indicating) body, your (indicating) lifestyles is
21 different than yours (indicating). So from all the
22 information I gather, I design a specific program for you.

23 And then so that's our one-on-one training. And
24 then from all the information, we'll train. And then you'll
25 leave, someone else will come. But your training is -- your
26 training is very different than the next person. It's very

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2 tailored and my youngest person that I train is 4. My oldest
3 is 88. She's a Holocaust survivor. I've been training her
4 for 8 years. So it's very tailored to each person.

5 CHAIRMAN MAMMINA: So the only, I guess
6 potential overlap might be one person who is waiting, while
7 somebody else is finishing up?

8 MS. HARTFIELD: Correct.

9 CHAIRMAN MAMMINA: Or potentially the 4-year-old
10 may be having a parent there who dropped that person off or
11 wants to watch, but that would be the limitation of --

12 MS. HARTFIELD: Yes --

13 CHAIRMAN MAMMINA: -- of that?

14 MS. HARTFIELD: -- yes. Yeah.

15 MEMBER DONATELLI: And this is always by
16 appointment only?

17 MS. HARTFIELD: Correct, yes.

18 CHAIRMAN MAMMINA: Okay.

19 MS. TSOUKALAS CURTO: Thank you.

20 MS. HARTFIELD: Thank you.

21 MEMBER HERNANDEZ: Thank you.

22 CHAIRMAN MAMMINA: Okay. What we will do now is
23 we will ask whomever would like to speak, in whatever order
24 you may want, to just kind of up one at time or how ever you
25 would like.

26 And please just -- just give your name and

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2 address on the record. You're --

3 MS. DILLON: Yes, I'm setting my time.

4 CHAIRMAN MAMMINA: Okay.

5 MS. DILLON: My name is Catherine Dillon. I
6 live at 54 Hillcrest Avenue, also right out your window there
7 (indicating). I can spot my house on that chart.

8 The variance requested --

9 CHAIRMAN MAMMINA: Excuse me ma'am, and we won't
10 take your time away -- but everyone please turn their phones
11 to silent, okay. It's very -- it's very difficult for the
12 stenographer. It's difficult for the Board. It's difficult
13 for everyone. Like and I get it, we're all human. So shut
14 it off, it's okay.

15 Please just --

16 MS. DILLON: Sure --

17 CHAIRMAN MAMMINA: -- begin again.

18 MS. DILLON: -- the on-street parking that's
19 requested in this variance and in others that have been
20 granted by the Board do produce an undesirable change in the
21 character of the neighborhood. Hillcrest Avenue was once a
22 residential street, with rarely a parked car. And today this
23 is not the case.

24 The Town Code Section should be enforced to
25 maintain the residential character of Hillcrest Avenue. And
26 instead it looks more like a parking lot, one-lane parking

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lot.

The file in this appeal says that the building -- and I think this one of the attorney mentioned it or the engineer -- it's required to have 41 spaces and it has none. So where are those people going? And I think this is unfair to the residents of Hillcrest Avenue. It burdens us with the business owner's insufficient off-street parking.

Hillcrest is listed in the documentation as providing 18 spaces for the benefit of this business, and I'm assuming for other businesses. But how is that in keeping with the residential character of the neighborhood?

And in the prior -- the prior proceeding that some of us spoke at, that engineer found there were 10 spaces on Hillcrest. Now Hillcrest is to provide 18 spaces. So where do our guests go, which is what we would expect in a residential neighborhood?

The benefit requested by the applicant, I think should be sought by another method. The owner of the property, the -- I understand you're only here to hear this appeal. But in between this and that building, the other end of the block is a property, 260 Plandome Road, that's been for sale or for lease since before the pandemic. The owner's very willing to negotiate with the Town. I believe he already offered it once for a parking arrangement and was denied that.

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2 But I think that's a workable solution. I do
3 understand businesses want to open. And it might just be a
4 few cars for this one, a few cars for that one. But that's
5 how it adds up to the 18 or whatever else is -- is needed.

6 But the -- in this case, there is a solution, I
7 think if the Town could work with this owner, make it a lot
8 for the use of those businesses, and their employees and
9 customers only. I would say not with meters, because that's
10 a deterrent and that sends people back to Hillcrest Avenue.

11 Thank you very much for your time. If you have
12 any questions, then I'm happy to answer them.

13 MEMBER HERNANDEZ: Thank you.

14 MEMBER GOODSSELL: I do have a question for --

15 MS. DILLON: Sure.

16 MEMBER GOODSSELL: -- you.

17 Are you a long-time resident of Hillcrest?

18 MS. DILLON: My family's been on Hillcrest since
19 the 1980s. And we never had this problem until about --

20 MEMBER GOODSSELL: I was to going ask you, have
21 you noticed a change --

22 MS. DILLON: Yes --

23 MEMBER GOODSSELL: -- since you've been there?

24 MS. DILLON: -- yes.

25 MEMBER GOODSSELL: What's the change been?

26 MS. DILLON: I'll tell -- cars park there that

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are not residents. And they're coming to, because they're bringing their dog, to the -- the pet washing place or they're going to the dance studio.

The dance studio, I filed a "FOIL" request and it only came back with three of these instances. All three were granted. This is the fourth. The dance studio is not there at all and they're parking on our street. We know, because we know the cars. The lacrosse place, they're parking on our street.

So this is the -- I mean the -- the -- there's a purpose to this Town Code. And I think it is supposed to be to maintain the character of this -- of the area of the residents of -- for the residents of North Hempstead. And I'm afraid that by giving variances in each instance, we're losing that character.

A contributory factor, Ms. Goodsell, to the change, it's not only these businesses here on Park Avenue and Plandome Road, but the Manhasset Park District eliminated its free parking on weekends and afternoons. And that used to be a place where, when people were going to the Met game or they went to City, they parked in a lot on a weekend. Now they're on Hillcrest Avenue.

So it's a contributing factor. It doesn't change the fact that these reports are saying Hillcrest will provide 18 spaces for businesses in the area, which I just

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don't think id fair to the residents.

Any other questions?

MEMBER DONATELLI: No.

MS. DILLON: Okay.

CHAIRMAN MAMMINA: I think you covered it very well.

MS. DILLON: Thank you very much.

CHAIRMAN MAMMINA: Thank you.

MS. NEBEL: Irene Nebel, 71 Hillcrest Avenue.

I, too, am very concerned about the parking situation on Hillcrest. I have been there for 38 years. It has gotten increasingly worse.

People park there for long periods of time. And no matter what we have tried to do to outreach to the parking enforcement, nothing has been done.

What I do not understand is the physical fitness center, the woman that spoke said that there's going to be one person at a time for approximately an hour. Well, the parking regulations around that business is 90 minutes. So I'm a little confused as to why we're here. Why can't somebody find a parking space, use the parking space, they are within the 90 minutes and then they move on? That's number one.

Number two. I know you said don't repeat what your friends said, but I'm going to repeat what my --

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2 CHAIRMAN MAMMINA: You --

3 MS. NEBEL: -- friend said.

4 CHAIRMAN MAMMINA: -- you go ahead.

5 MS. NEBEL: There is a parking -- there is a --
6 a -- what used to be a repair shop for cars. It has been
7 completely empty. Has anybody approached the owner? Why
8 don't you speak to him? See if he's willing to do something
9 with the businesses that are being affected by parking. Has
10 anybody reached out? It doesn't seem to be that case.

11 So --

12 ATTORNEY ALGIOS: Ms. Nebel, I'm just going to
13 interrupt up for one minute.

14 MS. NEBEL: Yes.

15 ATTORNEY ALGIOS: That's really a Town Board
16 issue. That's not an issue for this Board.

17 MS. NEBEL: What is a Town issue?

18 ATTORNEY ALGIOS: A Town Board issue. The
19 Town Board is the one who would seek to possibly purchase
20 that property, if that's even an option. But this Board does
21 not look into that.

22 MS. NEBEL: Well, what I'm saying is, is that
23 the -- the young woman that it wants to start a business
24 here, why can she not get in --

25 ATTORNEY ALGIOS: I --

26 MS. NEBEL: -- touch?

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2 ATTORNEY ALGIOS: -- okay. I -- I
3 misunderstood.

4 MS. NEBEL: That's what I was saying.

5 ATTORNEY ALGIOS: Okay.

6 MS. NEBEL: Yeah.

7 It is incredibly emotional -- and I know this is
8 the law for all of us on that street -- to see the
9 deterioration of that street. You have visitors that come
10 and try to visit you, and there is nowhere for your Uncle Sam
11 to park in front of your home. That's a horrible situation.

12 Thank you.

13 CHAIRMAN MAMMINA: Ms. Nebel and that's why I
14 said you go ahead, because these are very emotional --

15 MS. NEBEL: Yes.

16 CHAIRMAN MAMMINA: -- issues. And we've all
17 stood on the other side of that podium before in what we do
18 for a living, so --

19 MS. NEBEL: Thank you.

20 CHAIRMAN MAMMINA: Were there a couple of other
21 hands?

22 Again, you're not required -- you're not
23 required to speak. I mean if you just want to come up and
24 give your name and dress, I mean that's -- that's fine too.

25 MS. VORA: My name is Rama Vora, 47 Hillcrest
26 Avenue.

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2 ATTORNEY ALGIOS: Can you -- can you please
3 spell your name for the court reporter?

4 MS. VORA: Yeah.

5 ATTORNEY ALGIOS: Thank you.

6 MS. VORA: R-a-m-a, last name is Vora, V as in
7 Victor, o-r-a, 47 Hillcrest Avenue.

8 I'm -- I'm going to echo the same thing. So my
9 husband and I, we have lived here for 33 years. And I'm not
10 going to repeat what they said, but that's what we have seen.

11 And the issue is that there's so many cars and
12 the commuters come and park all day long. So they're here
13 from 8:00 to 9:00 sometimes.

14 And since we live here, we see all these cars,
15 and that's a -- that's a huge problem and we cannot even park
16 our cars on the street. I know the enforcement is there, but
17 usually we are the ones who get the ticket, if we leave it
18 for half an hour extra.

19 So these are the issues we face and that's all
20 I'm going to say.

21 CHAIRMAN MAMMINA: Thank you --

22 MS. VORA: Thank you.

23 CHAIRMAN MAMMINA: -- so much.

24 MEMBER HERNANDEZ: Thank you.

25 CHAIRMAN MAMMINA: Do we have anyone else?

26 (No response.)

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2 CHAIRMAN MAMMINA: Ms. Curto?

3 MS. TSOUKALAS CURTO: Look, we understand the --
4 the neighbor's concerns and we want to be good neighbors. As
5 we explained, this is a very low intense use, much less
6 intensive than many other permitted uses in this district,
7 and less intense actually than other uses that have been in
8 this -- this space.

9 As -- as we also mentioned, at maximum we're
10 going to need two spots. Parking is permitted on the street,
11 but it is limited. As we said, it's 90-minute parking.
12 And -- and to Ms. Nebel's point, that it's -- it's available
13 for the client, our clients to -- to use. It's more than
14 sufficient time, one hour sessions, it's 90-minute parking.
15 We can use that parking. So we're hoping that that's, you
16 know, one of the things that will alleviate some of the
17 parking in front of their homes.

18 This building has been here for 86 years.

19 (Laughter.)

20 MS. TSOUKALAS CURTO: Again, it's non-conforming
21 with respect to parking. Unfortunately, you know, most of
22 the buildings in this downtown area do not have parking. So
23 it's an existing condition and I feel that this use is,
24 again, much less intense than most uses that can come in
25 here. So for these reasons, we ask that you approve the
26 variance.

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2 CHAIRMAN MAMMINA: Anything else?

3 MEMBER DONATELLI: I have no questions.

4 I -- I think that my preference might be to
5 reserve decision.

6 CHAIRMAN MAMMINA: Okay. What we will do at
7 this point is reserve decision, because the Board does look
8 very, very carefully, you know, at all of these things and
9 questions that are raised. And reserving decision is
10 probably more than typical than -- than denying or approving.
11 So while I think yes, we'll reserve decision on this
12 application, it will not be decided today based on the amount
13 of calendar, you know, that we -- that we have, but certainly
14 would be considered at our next -- our next meeting.

15 And if there's a question, ma'am, what we can do
16 is we have a -- we have staff people here, you know. And
17 they can then, you know, answer -- answer any questions that
18 you might have.

19 MS. NEBEL: It's not a question. It's just one
20 more statement, if I may?

21 CHAIRMAN MAMMINA: Sure. Go ahead.

22 MS. NEBEL: Okay.

23 MEMBER DONATELLI: Come to the podium please.

24 MS. NEBEL: Who's going -- okay.

25 We're just realizing, who's going to monitor
26 this? I come for a 90-minute session or an hour session, and

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2 I have a, you know, an -- an Audi. And then the Audi
3 decides, well, you know what, maybe I'll jump on the
4 railroad, and I'm going to go into the city and -- and meet
5 my friend. Who's going -- who's -- there's no --

6 MEMBER HERNANDEZ: That's --

7 MS. NEBEL: -- there's no --

8 MEMBER HERNANDEZ: -- that's what Code
9 Enforcement is for. If it's a 90 --

10 MS. NEBEL: -- they don't do anything. But --

11 MEMBER HERNANDEZ: Well ma'am, we, ma'am, we
12 like -- like the attorney said, we -- we are the
13 Zoning Board. We -- we're -- we're not Code Enforcement. If
14 there's something that's parked in front of your house if
15 it's a 90-minute zone -- I don't know what -- what's in front
16 of your house. But if it's a 90-minute zone, and there's
17 someone parked there for two hours, call Code Enforcement and
18 have them ticket.

19 MS. NEBEL: As we do on a continuous basis.

20 MEMBER HERNANDEZ: But I would have to assume
21 that anyone that comes to any business, and leaves a car in a
22 90-minute zone and goes into the city knows or expects to get
23 a ticket, because this, they --

24 MS. NEBEL: Not if Code Enforcement is not doing
25 their job.

26 MEMBER HERNANDEZ: Well, then you need to speak

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to the Town Board about that.

MS. NEBEL: I understand, round and round
(gesturing).

CHAIRMAN MAMMINA: Ma'am, we really -- we really
can't -- you know, as much I would love to accommodate you, I
mean we have a room full of people and very, very long cases.

AUDIENCE MEMBER: Okay.

CHAIRMAN MAMMINA: But I will say because --
(Discussion held among Board Members off the
record.)

CHAIRMAN MAMMINA: Yeah. So we're -- we're
going to maintain, you know, that we'll reserve decision on
the application, you know, and this may or may not, you know,
be decided at our -- at our next -- next meeting.

Okay. Thank you and thank you for --

AUDIENCE MEMBER: Thank you --

CHAIRMAN MAMMINA: -- taking the time to come
down.

AUDIENCE MEMBER: Thank you.

MS. TSOUKALAS CURTO: Thank you for your
time.

CHAIRMAN MAMMINA: Thank you.

Proceedings

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CHAIRMAN MAMMINA: You know, and I'd -- I'd just like to say something while the -- the next applicant is setting up. I sat right back there (indicating) maybe three rows from the back, oh, about 35, 40 years ago. My hair was much darker --

MEMBER HERNANDEZ: And longer.

(Laughter.)

CHAIRMAN MAMMINA: -- and longer. And I listened and I said, oh no, I'd know what I'd do in that case, oh, I'd know what I'd do in that case, oh, I'd know -- when you sit up here (indicating) and you realize the burden that -- that we have on ourselves, these are very emotional issues and we do this because we love to, you know. And it's we're essentially volunteering, you know, to do it. And we -- we do take it very, very seriously. And a lot of the problems are very tough, you know, to -- to solve, and to become Solomon and decide, you know, how they -- how they ultimately get decided.

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2 CHAIRMAN MAMMINA: (Gesturing.)

3 SECRETARY WAGNER: Next appeal, APPEAL #21414 -

4 Port Washington Center, LLC (Uncle Giuseppe's);

5 364 Port Washington Blvd., Port Washington, Section 5,

6 Block J, Lot 17; Zoned Business-A/Parking District.

7 Conditional Use § 70-126(F) and Variances from
8 §§ 70-132(A), 70-133, 70-202.1(C), 70-202.1(D), 70-203(G) for
9 an expansion of a retail grocery (a conditional use), with a
10 transformer too close to the street, concrete stairs too
11 close to a side property line, a smaller-than-required
12 landscaped buffer and a retaining wall that is too high
13 within 50' of a residential zoning district and with not
14 enough distance between steps.

15 CHAIRMAN MAMMINA: You've heard Appeal
16 No. 21414, Port Washington Center, LLC, Uncle Giuseppe's.

17 Is there anyone in the room who wishes to speak
18 regarding this application?

19 (Gesturing.)

20 CHAIRMAN MAMMINA: Okay, we have hands there.

21 And --

22 SECRETARY WAGNER: We'll send around a sign-in
23 sheet.

24 CHAIRMAN MAMMINA: Yeah, we'll pass a sign-in
25 sheet.

26 Thank you. I didn't mind to speak over you.

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2 Name and address.

3 MR. PETERS: Good afternoon, Mr. Chairman and
4 members of the Board. My name is George W. Peters. I'm an
5 attorney for the owner from Certilman Balin Adler and Hyman.
6 Our offices are at 90 Merrick Avenue, East Meadow, New York.

7 As you know, Port Washington Center, LLC is the
8 owner of the real property and improvements located at
9 364 Port Washington Boulevard in Port Washington, New York,
10 as shown on the Nassau County Land and Tax Map, Section 5,
11 Block J, Lots 17, 434, 1028, 1029 and 1099.

12 CHAIRMAN MAMMINA: One -- one more thing I'd
13 just like to say everybody, the presentation, by necessity,
14 has to be to the Board. But if anyone would like kind of
15 want to come up on the side and, you know, and take a peek,
16 you know, that's -- that's all okay, okay. But, you know,
17 again, the presentation has to be to us, in order for us to
18 understand it. And you're -- you're welcome to come on up,
19 you know, and take a look.

20 MR. PETERS: Excellent.

21 CHAIRMAN MAMMINA: Please.

22 MR. PETERS: Thank you.

23 So I'm joined today by:

24 The owner, representative owner,
25 Phil DelPrete;

26 As well as the owner's architect, Perry

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Petrillo, who's going to speak to the new building's design and some of the new architectural-related variances;

The owner's civil engineer, Michael DeGiglio from Cameron Engineering;

The owner's traffic engineer, Rebecca Goldberg from Cameron Engineering;

And also the owner's planner, David Tepper from Cameron Engineering. And he'll speak specifically to the principal points of the application.

You're having trouble hearing me?

SECRETARY WAGNER: Yeah.

MR. PETERS: Excellent. Thank you.

And Mr. Tepper will speak to the non-dispositive balancing test for conditional use permits and area variances, provided under Town Code and New York State Town Law.

Just to give you a little background about the property and the proposed project, the premises is located in the Town's Business "A" and Parking Zoning Districts. Along the westerly side of Port Washington Boulevard between Neulist and Marino Avenues. And as you can see from what the current concept is here (indicating), but it's currently improved by two one-story buildings (indicating). There's a vacant one-story building here (indicating) that used to be occupied by a pharmacist and a liquor store. And then

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there's the one-story Uncle Giuseppe's Supermarket, which exists right here (indicating). And that's just over 9,000 square feet and it provides for 111 parking spaces as currently configured.

I'm -- I'm sure the Board is aware that the owner appeared before the Town Board in April of 2021 and was granted its application for a change of zone where the Town zoning map was amended from "parking" to Business "A," to allow for what is going to be here (indicating), just a -- it's about a 10,276 square feet extension along the westerly side of Marino Avenue on the north end there (indicating).

And also the Town Board authorized the owner to modify, amend and or eliminate the 1962 [sic] restrictive covenant -- 1972 rather, excuse me, restrictive covenant that restricted a portion of the premises for off-street parking exclusively. That restrictive covenant was extinguished via an amendment to declaration of restrictive covenants. That was dated in June 2nd, 2023, and we recorded that with the County Clerk's Office on June 6th, 2023.

In furtherance of the owner's successful change of zone application, we're now before you today to present the owner's application for a conditional use permit under "Town Code Section 70-126(F)," so we can expand that (indicating) grocery store, that 10,276 square foot extension. And that'll run westerly on the norther portion

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2 of Marino Avenue. And we're also here for several area
3 variances, the first of which -- do I have that actually --
4 the first of which relates to right here (indicating).
5 There's a proposed transformer. The "Town Code Section
6 70-132(A)" requires that the front yard depth be no less than
7 10 feet. However, there is a -- going to be a transformer
8 that we'd like to put. It's about 7.9 feet inside the
9 proposed setback.

10 There is also a variance for new concrete
11 stairs that'll run right along this area (indicating).
12 "Town Code Section 70-133" requires a minimum side-yard
13 setback of 15 feet for commercial buildings with side line
14 boundaries that adjoin a residence district. In this
15 instance, the stairs right here (indicating) are
16 approximately 12 feet from the property line boundary.

17 Next there is a two tiered -- we're looking to
18 propose a two, two-tiered retaining walls right long here
19 (indicating). There's three retaining walls that currently
20 exist. And the proposed two-tier retaining walls are --
21 they're going to be, at one point running right around here
22 (indicating), they're going to be greater than 5 feet in
23 height. And "Town Code Section 70-202.1(C)" provides that
24 any retaining wall within 50 feet of a residential zoning
25 district will not exceed that 5 foot mark.

26 CHAIRMAN MAMMINA: Do we know how much --

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2 MEMBER DONATELLI: Yeah, and I'm going to
3 interrupt you for a moment.

4 CHAIRMAN MAMMINA: Please go ahead.

5 MEMBER DONATELLI: What are the proposed heights
6 of the retaining walls?

7 MR. PETERS: At one point, I believe it's
8 anywhere from 3 1/2 feet almost up to 12 feet over here
9 (indicating), just the way the property grades.

10 MEMBER DONATELLI: The -- the -- you talked
11 about two-tiered retaining wall?

12 MR. PETERS: Correct.

13 MEMBER DONATELLI: Okay.

14 What are the dimensions of each tier?

15 MR. PETERS: It -- it's -- it's -- it -- it
16 varies because of the grade. I think at one point I think
17 it's about 3 1/2 feet, and then it'll slope up to almost 12 I
18 think at one point.

19 MEMBER DONATELLI: In one wall?

20 MR. PETERS: Both walls.

21 CHAIRMAN MAMMINA: Will that be presented by --

22 MR. PETERS: Yes, the civil engineer and the
23 architect will --

24 CHAIRMAN MAMMINA: Okay.

25 MR. PETERS: -- speak to that as well.

26 MEMBER DONATELLI: Okay, we'll wait.

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2 CHAIRMAN MAMMINA: We'll wait for that.

3 MR. PETERS: The rest of the project team will
4 speak to, in greater detail regarding --

5 CHAIRMAN MAMMINA: That's fine.

6 MR. PETERS: -- engineering and architectural
7 aspects.

8 CHAIRMAN MAMMINA: Okay. I just want to be
9 sure.

10 MR. PETERS: No, of course.

11 And also, we're here looking for an area
12 variance, because the retaining walls will have less than
13 5 horizontal feet between them -- excuse me, actually
14 they're -- you're required to have no more than 5 feet. And
15 I believe at one point towards the southern end (indicating),
16 there would be 5.4 feet in terms of horizontal distance
17 between each retaining wall.

18 We're also here for an area variance related to
19 the landscape buffer. It will be less than 15 feet, where
20 Town Code requires us to have it basically at 15 feet
21 anywhere you about a residential zoning direct. In this case,
22 we only have 5 feet between those retaining walls.

23 Just to give you a little bit more of an
24 overlay, like I was discussing before, currently at this area
25 (indicating) westerly along Port Washington Boulevard,
26 that'll be repurposed and turned into a parking lot. Right

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now, that's a vacant one-story building. And the existing supermarket will remain "as-is," with that 10,276 square foot expansion. And that'll be running west along the northerly side of Marino Avenue.

MEMBER DONATELLI: And -- and --

MR. PETERS: So --

MEMBER DONATELLI: -- I'm sorry -- I'm -- I'm sorry to interrupt again, but --

MR. PETERS: No -- no, not a problem.

MEMBER DONATELLI: -- the building that will be taken down and that will be converted to parking, do you know how many square feet that is?

MR. PETERS: The building itself, right now?

MEMBER DONATELLI: The -- the existing building that will be taken down.

MR. PETERS: I don't -- I don't recall offhand. I think I actually have that on this other sheet here. Let me check -- oh, it's behind it here?

(Discussion held among Board Members off the record.)

(Discussion held off the record.)

MEMBER DONATELLI: If you want to address it later on in your presentation, that's fine.

(Discussion held off the record.)

A VOICE: I think it was about 9,500 for --

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2 MR. PETERS: It's roughly -- I was going to
3 say -- yeah, I was going to say I thought it was around
4 there. It's roughly 9,100 square feet.

5 MEMBER DONATELLI: Thank you.

6 MR. PETERS: No, of course.

7 Let's see what else we got here.

8 I want to just bring up a couple of the letters
9 that were put in by two of the neighbors, specifically, the
10 D'Amato's, the 11 Marino Avenue owners. We've actually been
11 in communication with their attorney as recently as this
12 morning. The owner is more than happy to accommodate several
13 of the requests provided for in their letter. And we would
14 memorialize that likely with an access agreement, assuming,
15 you know, we were granted our area variances and get site
16 plan approval, as well as our conditional use permit.

17 We're prepared to give them, you know, a new
18 driveway to the extent that we would destroy or damage
19 their's during our construction process, exercise best
20 construction management practices, and we would also repair
21 or replace any portion of property to be damaged as well.

22 What else do I have?

23 And Mr. DeGiglio, who is the owner's civil
24 engineer, he'll speak in greater detail in regards to some
25 of the points raised and that Marks DiPalermo and Wilson
26 letter related to lighting, and the tree heights, things like

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that.

CHAIRMAN MAMMINA: Uh-huh.

MR. PETERS: I also wanted to address the Soloff
(phonetic) e-mail. Rebecca Goldberg, our traffic engineer
will address some of the traffic concerns raised in that
letter.

The only point I'd like to address in that
correspondence is when the Town Board appointed themselves as
lead agency under "SEQRA" in April of 2021 in the change of
zone application, they determined this was an "unlisted
action" and wouldn't create any adverse environmental
impacts. So I just wanted to put that on the record as well.

If the Board doesn't have any questions for me
at this time, I'd like to turn the floor over to owner's
architect, Perry Petrillo. And he'll speak in greater detail
regarding some of the area variances and the need for those
related to architectural concerns.

CHAIRMAN MAMMINA: Thank you.

MR. PETERS: Thank you.

MR. PETRILLO: Good afternoon.

MEMBER GOODSELL: Good answer.

MR. PETRILLO: Perry Petrillo, Perry M. Petrillo
Architects, 9 Park Avenue, Park Ridge, New Jersey 07656.

CHAIRMAN MAMMINA: Good afternoon.

MR. PETRILLO: How are you?

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2 So as Mr. Peters mentioned, this project is
3 basically involves an expansion of the existing food store.
4 The expansion is occurring to the west of the existing
5 footprint. The retail building to the north on
6 Port Washington Avenue, which is roughly 9,100 square foot --
7 and that's a footprint I think. There is a portion of that
8 building that has a basement, so total square footage may be
9 a little bit larger than that. But the -- the footprint is
10 roughly about 9,100 square feet.

11 The proposed expansion, slash, renovation of the
12 project is truly a -- a renovation of the entire building.
13 It's not just an expansion off to the west of the existing
14 footprint. The entire building will be completely remodeled
15 and brought up to date, so that when complete, it'll look
16 like one complete project and not something that was added
17 onto when finished.

18 The existing footprint of the Uncle Giuseppe's
19 is roughly 9,008 square feet. Of that, there's a partial
20 basement that'd roughly 4,412 square feet, giving us a total
21 square footage of the existing of 13,420. The proposed
22 expansion to the west footprint is 10,276 square feet. The
23 existing -- existing is 9,008. That gives me a total
24 footprint of roughly 19,284 square feet.

25 The expansion will have a basement. That
26 basement is 10,300 square feet. The existing store does have

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2 a partial basement, and that basement is 4,412 square feet.

3 So our total basement area will be 14,713 square feet.

4 There is also, in the new section, a proposed
5 mezzanine. That mezzanine is 3,180 square feet. So putting
6 the three together, my total basement of 14,713 square feet,
7 first floor of 19,204 square feet and mezzanine of 3,180
8 square feet gives me a total proposed building of 37,177
9 square feet.

10 CHAIRMAN MAMMINA: Is the mezzanine equipment,
11 or is that offices or whatever?

12 MR. PETRILLO: It's -- it's an area of offices
13 and a small --

14 MR. DELPRETE: It's a lunchroom.

15 CHAIRMAN MAMMINA: You're going to have to --

16 MR. DELPRETE: It's -- it's a lunchroom.

17 CHAIRMAN MAMMINA: -- if you're going to speak,
18 you have to be up here. And then again we'll --

19 MR. DELPRETE: Yeah, the -- the --

20 CHAIRMAN MAMMINA: -- my suggestion would be is
21 to let your architect make his --

22 MR. DELPRETE: -- that's fine.

23 My name is --

24 CHAIRMAN MAMMINA: -- presentation.

25 MR. DELPRETE: -- Philip DelPrete.

26 So that mezzanine was a lunch area --

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2 CHAIRMAN MAMMINA: Do you have an address also,
3 Mr. DelPrete.

4 MR. DELPRETE: Excuse me?

5 MEMBER GOODSELL: Address.

6 CHAIRMAN MAMMINA: Address also.

7 MR. DELPRETE: Where I live?

8 MEMBER GOODSELL: Yes.

9 CHAIRMAN MAMMINA: No, it doesn't matter. It
10 can be your business.

11 It's name and address.

12 MR. DELPRETE: 30 Mary Court, Melville. Okay?

13 CHAIRMAN MAMMINA: Terrific.

14 MR. DELPRETE: So -- so the mezzanine was -- is
15 basically built for the employee lunch area instead of having
16 that in the basement.

17 Okay?

18 CHAIRMAN MAMMINA: Thank you.

19 MR. PETRILLO: So -- so of that area, there is:

20 A -- a break room for employees;

21 There is offices;

22 And there is restrooms upstairs. And that
23 comprises that roughly 2,000 square feet.

24 The footprint of the building is completely
25 redone internally. Existing entrance to the building is
26 approximately here (indicating), adjacent or just across from

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where the existing retail is. That (indicating) entrance is going to move down to about this area here (indicating) coming in.

So if I point to our rendering here (indicating), the existing building ends approximately here (indicating). This (indicating) is our expansion, along with the truck receiving area (indicating) that's set off on the western side of the building. The mezzanine (indicating) sits above this entry piece here (indicating) that's slightly higher.

Building heights, the highest parapet is 31 feet. The mid parapet, these guys here (indicating) are 23. And the lower parapet (indicating) is 20.

The new facade is made up of brick, aluminum and glass. There's "EIFS, "EFIS" reveals. There's a canopy. And then the area around the loading dock is "Quik-Brik."

I just wanted to bring up also what we did in order to continue the brick facade that's there currently is we are repurposing the existing brick that's on the retail building currently that's being demoed, so that we come use some of that, and reclaim it to match the brick and continue it on this facade.

CHAIRMAN MAMMINA: With the -- with the loading dock coming out onto Port Boulevard, have you approached New York State DOT regarding that?

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2 MEMBER HERNANDEZ: Is that facing Port Boulevard
3 or --

4 MR. PETRILLO: No.

5 MEMBER HERNANDEZ: -- facing the --

6 CHAIRMAN MAMMINA: Oh, that's facing the parking
7 lot.

8 MR. PETRILLO: That faces that parking --

9 CHAIRMAN MAMMINA: Okay --

10 MR. PETRILLO: -- lot here (indicating).

11 CHAIRMAN MAMMINA: -- my apology.

12 MR. PETRILLO: That's okay.

13 So that's -- that's (indicating) actually facing
14 north.

15 CHAIRMAN MAMMINA: Got it.

16 MEMBER DONATELLI: But actually -- but my
17 question regarding the loading dock is will -- will trucks
18 pulling in and out of that loading dock somehow then cut off
19 access to the parking that goes down the slope, down the
20 hill?

21 MR. PETRILLO: I think I'll let the civil
22 engineer address trucking that's on the site.

23 CHAIRMAN MAMMINA: Sir, I'm going to -- I'm
24 going to ask you to please, please to remain in your seat.
25 And you can -- I can't make you do that. But, you know, I
26 mean you're really disrupting, you know, the -- the flow of

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2 the presentation, and you'll have your chance to talk as much
3 as you would like.

4 Look, I'll leave it to your attorney. He's the
5 quarterback.

6 MR. PETRILLO: So our western-facing facade,
7 which is the side of the loading area is mainly the -- the
8 "Quik-Brik" with some "EFIS." And then the facade facing
9 Port Washington (indicating) is completely redone also,
10 re-badged, re-signaged. The fenestrations that are there
11 remain and basically becomes completely refaced, along with
12 the rear facade which is the south side of the building.

13 MEMBER HERNANDEZ: Now, it's hard to see from
14 here. But is that the stairs that we're talking about at the
15 end of the building there (indicating)?

16 MR. PETRILLO: Here (indicating)?

17 MEMBER HERNANDEZ: Yes.

18 MR. PETRILLO: That's the (indicating) fence
19 that continues. There's a fence line on --

20 MEMBER HERNANDEZ: Okay.

21 MR. PETRILLO: -- the back side of the building.
22 That's on top of the retaining wall that's currently on that
23 side facing the street.

24 MEMBER HERNANDEZ: All right.

25 MR. PETRILLO: So this (indicating) is the fence
26 line that comes along the side there.

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2 MEMBER HERNANDEZ: Okay. Can you --

3 MR. PETRILLO: The stairs that's in question --

4 MEMBER HERNANDEZ: Yes.

5 MR. PETRILLO: -- is over here (indicating) on
6 the side of the building, adjacent to the loading area.

7 Now, that stair (indicating) is really there for
8 the purpose to work with the existing grades on that side,
9 because that's where this (indicating) whole corner is
10 retaining wall. We actually have a stair coming out the back
11 side of the building here (indicating), which you'll come
12 down to grade. But then you need to come back up to grade
13 (indicating) to get out.

14 MEMBER HERNANDEZ: So it's access to the
15 basement essentially?

16 MR. PETRILLO: No, it's not access to the
17 basement.

18 CHAIRMAN MAMMINA: It's a change of grade.

19 MR. PETRILLO: It's -- it's actually egress here
20 (indicating) coming out of the main level. And then you have
21 to go down a few stairs to get to grade, to get around the
22 side of the building.

23 CHAIRMAN MAMMINA: May I ask you what drawing
24 number you're on?

25 MR. PETRILLO: I am on civil drawing, "C2."

26 (Discussion held among Board Members off the

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record.)

CHAIRMAN MAMMINA: Okay, we're on "C2."

So it's this small run of stairs that looks like it's maybe about seven or eight risers, something like that?

MR. PETRILLO: So there's two sets. There's one on the side (indicating), adjacent to the -- the loading.

CHAIRMAN MAMMINA: Yeah, I see that one too.

MR. PETRILLO: And then there's one on the rear (indicating), okay. The rear come out the back, that's an emergency egress door, okay.

And then what happens is you need those stairs to get to grade. And then you come around the side of the building and we come back up those stairs, just to get you to grade back out to the parking lot.

MEMBER HERNANDEZ: So this (indicating) is coming down and this (indicating) is going up?

MR. PETRILLO: Yes.

CHAIRMAN MAMMINA: Yes.

MEMBER HERNANDEZ: Is that what it is?

MR. PETRILLO: Yes.

CHAIRMAN MAMMINA: Okay.

MR. PETRILLO: Because otherwise -- otherwise, this (indicating) retaining wall would need to be greater in height, in order to make the grade work there.

(Discussion held among Board Members off the

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record.)

CHAIRMAN MAMMINA: Is there any reason why that
couldn't be filled or is that because of that existing wall?

MR. PETRILLO: It -- it -- this (indicating),
the existing wall and new wall would have to get higher, in
order to make the grades work in this (indicating) corner and
get them higher.

So my point is that this (indicating) stair at
the rear, this (indicating) emergency egress stair is -- is
an armed door, meaning it's panic hardware. That's very
rarely going to be used.

CHAIRMAN MAMMINA: Do -- do you have any -- are
there elevations on any of these sheets, just 'cause it's --
maybe -- maybe it's there, but I might have to stand up to
see it.

MEMBER HERNANDEZ: It's hard to see.

CHAIRMAN MAMMINA: Just so that I understand the
grading.

MR. PETRILLO: Mike, where's our?

(Discussion held off the record.)

(Discussion held among Board Members off the
record.)

CHAIRMAN MAMMINA: Are we saying that the roof
would be buried if we did that?

MR. PETRILLO: No -- no -- no. Finished floor

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2 in that corner is slightly higher than the retaining wall
3 outside the building --

4 CHAIRMAN MAMMINA: Uh-huh.

5 MR. PETRILLO: -- in the corner, okay. So when
6 I come out finished floor, I have to go down those couple
7 stairs to get to grade in that corner. And then as I go --

8 MEMBER HERNANDEZ: So you want to get -- you
9 want to get to the top of the retaining wall?

10 MR. PETRILLO: I want to get to grade, so that I
11 can --

12 MEMBER HERNANDEZ: Right, which is the top of
13 the retaining wall.

14 MR. PETRILLO: -- get somebody -- right, so that
15 I can --

16 MEMBER HERNANDEZ: Okay, got it.

17 MR. PETRILLO: -- get somebody around the side
18 of the building.

19 MEMBER HERNANDEZ: I got it.

20 MR. PETRILLO: But when I come around the side
21 of the building and go to parking lot, my grade starts going
22 back up.

23 MEMBER HERNANDEZ: Got it.

24 MR. PETRILLO: So that's what the staircase
25 coming back up does.

26 CHAIRMAN MAMMINA: Is that "C3" that you're on?

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2 MR. PETRILLO: Yes, "C3," yes.

3 CHAIRMAN MAMMINA: My vision's not so bad.

4 (Laughter.)

5 MR. PETRILLO: So at that door, my finished

6 floor is 180.1. The stair platform height is 180. My

7 finished grade at the bottom of the stair there is 178.

8 CHAIRMAN MAMMINA: 178.36, right.

9 MR. PETRILLO: Right.

10 As I go around the corner, the bottom of my

11 stair is 178.36, and then I'm coming back up to 180 to exit

12 out.

13 CHAIRMAN MAMMINA: Right.

14 And it looks like from I can see, like that --

15 that kind of follows your street elevations?

16 MR. PETRILLO: Correct.

17 CHAIRMAN MAMMINA: Yeah.

18 MR. PETRILLO: And -- and my point is that

19 that -- that stair (indicating) and the stair on the -- on

20 the rear here (indicating) are very rarely going to be

21 used --

22 CHAIRMAN MAMMINA: Uh-huh --

23 MR. PETRILLO: -- because it's really just

24 emergency --

25 CHAIRMAN MAMMINA: -- yeah, I understand.

26 MR. PETRILLO: -- egress --

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2 CHAIRMAN MAMMINA: Yup, I understand.

3 MR. PETRILLO: -- around the building.

4 CHAIRMAN MAMMINA: Thank you. I appreciate it,
5 Mr. Petrillo.

6 MR. PETRILLO: Thank you.

7 I don't have any other points if you --

8 (Discussion held off the record.)

9 CHAIRMAN MAMMINA: Next.

10 MR. PETERS: So unless you have any questions
11 for Mr. Petrillo, we are happy to put on our next speaker.

12 CHAIRMAN MAMMINA: I think so, you can put on
13 that next speaker.

14 MR. PETRILLO: Yeah.

15 CHAIRMAN MAMMINA: Thank you.

16 MEMBER HERNANDEZ: Thank you.

17 MR. DeGIGLIO: Hi, good afternoon. My name is
18 Michael DeGiglio, a Senior Associate with Cameron Engineering
19 and Associates located at 177 Crossways Park Boulevard in
20 Woodbury.

21 CHAIRMAN MAMMINA: Okay. So when you're as tall
22 as you are, you'd have to bend over the microphone. For me,
23 I have to get up on my tip toes.

24 MR. DeGIGLIO: Thank you.

25 All right. So I'll do a quick walk through of
26 the --

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2 CHAIRMAN MAMMINA: "C2?"

3 MR. DeGIGLIO: -- site, "C2." And -- and I'm
4 just going to step this (indicating) way for a moment.

5 So as -- as was described, the site, of course
6 fronts primarily Port Washington Boulevard. The primary
7 circulation, it is coming from Port Washington Boulevard.
8 And the parking in the rear is, it is essentially the same
9 and it -- it will -- will be completely redone, as will the
10 drainage structures, all to current code.

11 The -- and as was discussed earlier, the
12 existing building that's located on Port Washington -- that
13 fronts Port Washington Boulevard will be removed in its
14 entirety and replaced with parking. And that all goes back
15 to the -- the zoning amendment that was done a few years
16 back.

17 The building is of course extending in a
18 westerly direction here (indicating). The -- but it will be,
19 as the architect had -- as stated, it will be, at the -- at
20 the end of this will look like -- it will not look like an
21 addition. It will look like one complete cohesive building.

22 The walls that are being reconstructed there is,
23 on that same "C2" drawing, you will see that there is a blow
24 up of that area that's in greater detail. That has the --
25 that shows the walls there (indicating).

26 Now, the walls there -- there are existing walls

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2 there that are timber walls, so that's wood construction that
3 are older, you know, not in the best -- not in the best shape
4 by far. We'll leave it at that. It is proposed to be
5 replaced entirely with concrete, cast in place concrete. So
6 that's poured concrete, not segmental block, but cast --
7 but -- but cast-in-place concrete.

8 And that will -- and that's detailed by our team
9 structural engineer.

10 MR. PETERS: This is helpful if you show it.

11 MR. DeGIGLIO: Oh yeah.

12 MR. PETERS: (Handing.)

13 MR. DeGIGLIO: (Receiving.) Thank you.

14 So these are the existing photographs here
15 (indicating), taken from the D'Amato's property over here
16 (indicating) on Marino. So these are the existing timber
17 walls that are being removed and replaced. That is
18 (indicating) a little bit more of a close up.

19 The -- it's important to note that the -- the
20 location of these walls is -- although they're being
21 replaced, they're being replaced with a better material in
22 the exact same location. So they're not encumbering -- even
23 though it's -- even though the walls are still inboard of
24 the -- of the Uncle Giuseppe's property, they are still
25 being -- so they're -- they're not encroaching any further
26 than they are, than they're located today, so no closer to

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2 the -- to the existing -- to the D'Amato's property.

3 CHAIRMAN MAMMINA: Is that poured in place the
4 whole way up?

5 MR. DeGIGLIO: So it -- no, not -- not in one
6 fell swoop, no.

7 CHAIRMAN MAMMINA: No -- no -- no.

8 MR. DeGIGLIO: It will be here --

9 CHAIRMAN MAMMINA: I'm saying from an aesthetic
10 perspective.

11 MR. DeGIGLIO: From an aesthetic perspective
12 there'll be consistency, so it will be -- there -- there will
13 be no wood construction. It will --

14 CHAIRMAN MAMMINA: But will they be faced with a
15 nicer material than just poured in place concrete?

16 MR. DeGIGLIO: So right now, the current plan as
17 detailed by the team structural engineer is to have it have
18 what's called a form liner.

19 CHAIRMAN MAMMINA: Yeah.

20 MR. DeGIGLIO: So basically it's okay, so you --
21 you know what generally --

22 CHAIRMAN MAMMINA: I'm on the parkway.

23 MS. DeGIGLIO: There's variation. There's
24 plenty of variations of it --

25 CHAIRMAN MAMMINA: It's kind of cheesy looking.
26 But we are not an aesthetic board, but I was just thinking

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2 that if we were to consider this in kindness to the neighbor,
3 I mean quite honestly, I'd rather look at railroad ties than
4 a -- but okay, different -- different issue. Forget it.

5 MR. DeGIGLIO: Yeah, but the -- the --

6 MEMBER DONATELLI: I'd like to me interrupt for
7 a moment --

8 MR. DeGIGLIO: Sure.

9 MEMBER DONATELLI: -- just to ask the obvious.
10 The retaining wall, you -- you mentioned that there would be
11 no further encroachment. There -- there is no encroachment
12 on the neighbor's property. This retaining wall is exactly
13 on the applicant's property, if it's not encroaching on the
14 neighbor's property.

15 MR. DeGIGLIO: That -- that is 100 percent
16 correct. There is no current encroachment.

17 So no, it's there -- there is no encroachment
18 whatsoever. It is entirely wholly on the Uncle Giuseppe's
19 property today and that is what's proposed as part of this
20 application.

21 CHAIRMAN MAMMINA: It's actually, at one point,
22 about 5 feet on the property at the -- the upper part?

23 MR. DeGIGLIO: Yes. (Indicating.)

24 CHAIRMAN MAMMINA: Yeah.

25 MR. DeGIGLIO: So it --

26 CHAIRMAN MAMMINA: And then -- then it tapers

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2 down to maybe about to 2 1/2 or 3? But it is wholly on --

3 MR. DeGIGLIO: That's -- that's correct.

4 CHAIRMAN MAMMINA: -- on --

5 MR. DeGIGLIO: That's correct, sir. It's --
6 it's, at its closest is 2.2 feet currently and that's what's
7 proposed as part of this application. So it's -- it's
8 entirely in the exact same horizontal alignment.

9 (Discussion held among Board Members off the
10 record.)

11 MEMBER HERNANDEZ: Yeah, okay. The -- the --
12 there is a -- you know, you have the -- the house on Marino
13 Street and you have the Uncle Giuseppe's property --

14 MR. DeGIGLIO: Yes --

15 MEMBER HERNANDEZ: -- up here (indicating);
16 correct?

17 MR. DeGIGLIO: -- correct.

18 MEMBER HERNANDEZ: Then you got a 5 foot wall?

19 MR. DeGIGLIO: Approximately. It varies, but
20 yeah, yes.

21 MEMBER HERNANDEZ: Varies, yeah, roughly.

22 Then you have the flat space that's about 5 feet
23 separation and then you have another section on top?

24 MR. DeGIGLIO: Correct.

25 MEMBER HERNANDEZ: Correct?

26 MR. DeGIGLIO: That's correct.

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2 CHAIRMAN MAMMINA: Right, okay.

3 MEMBER HERNANDEZ: I was just making sure we
4 understand.

5 MR. DeGIGLIO: Uh-huh, yes.

6 CHAIRMAN MAMMINA: So -- so actually part of --
7 of Uncle Giuseppe's property would look as if it belongs to
8 the neighbor, who's up --

9 MEMBER HERNANDEZ: He has space.

10 Who -- who --

11 MEMBER HERNANDEZ: He has space above the first
12 landing --

13 CHAIRMAN MAMMINA: Right.

14 MEMBER HERNANDEZ: -- if you will?

15 MR. DeGIGLIO: That's correct.

16 CHAIRMAN MAMMINA: Okay.

17 MR. DeGIGLIO: Yes -- yes.

18 And I know there was a question about the
19 heights, so the heights do differ.

20 So --

21 CHAIRMAN MAMMINA: Do we have a section through
22 -- through the wall somewhere?

23 MR. DeGIGLIO: Yes. Yes, there is a section.

24 Bear -- bear with us and we'll -- we'll grab
25 that for you.

26 CHAIRMAN MAMMINA: Yeah, take your time.

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2 (Discussion held among Board Members off the
3 record.)

4 CHAIRMAN MAMMINA: And if you could, just tell
5 us what sheet you're on? If it's an architectural section, I
6 don't -- I don't think I have the architecturals here, so --

7 MR. DeGIGLIO: It -- it will be an architectural
8 drawing.

9 MR. PETRILLO: It's actually labeled an "RW,"
10 retaining wall.

11 (Discussion held among Board Members off the
12 record.)

13 CHAIRMAN MAMMINA: Is it on the civil -- the
14 structural engineer's drawing? Somebody must have drawn it.

15 I'm -- I'm an architect, and I know what I know
16 and I know what I don't know.

17 (Laughter.)

18 (Discussion held among Board Members off the
19 record.)

20 MR. DeGIGLIO: So it's on "RW3."

21 CHAIRMAN MAMMINA: I -- I don't -- wait, I mean
22 you --

23 MEMBER HERNANDEZ: "RWs," I -- we don't have any
24 "RWs."

25 CHAIRMAN MAMMINA: -- we don't -- we don't have
26 any -- any, at least I didn't see any.

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2 SECRETARY WAGNER: We have the retaining walls
3 plans separate. It's in a separate file.

4 CHAIRMAN MAMMINA: Okay. We got a Bible of
5 paper there, so yeah.

6 (Discussion held among Board Members off the
7 record.)

8 (Discussion held off the record.)

9 CHAIRMAN MAMMINA: Okay, we're with you now.
10 "RW3."

11 Thank you, sir.

12 MR. PETRILLO: Okay.

13 CHAIRMAN MAMMINA: "RW3?"

14 MR. DeGIGLIO: Correct, that's correct.

15 CHAIRMAN MAMMINA: Okay. This is very helpful.

16 MR. DeGIGLIO: And -- and I would like to make a
17 clarification, the -- as to the materials. So Chairman, I
18 had previously represented that it be form liner throughout.
19 It's actually the lowered -- the form liner is proposed to
20 the upper tier, but the lower tier is a proposed stone
21 veneer.

22 CHAIRMAN MAMMINA: Oh, I see that.

23 MEMBER DONATELLI: So it's going to be more a
24 lot more attractive.

25 CHAIRMAN MAMMINA: I see that there.

26 Okay, please continue.

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2 MR. DeGIGLIO: So the -- all right, so -- so
3 that's the section (indicating). I can answer any questions,
4 but I think it would be -- I'm -- I'm just going to --

5 So in terms of -- and just in talking in terms
6 of the height of the wall --

7 (Discussion held among Board Members off the
8 record.)

9 CHAIRMAN MAMMINA: Okay. So it's -- on top of
10 the wall it says it varies. So what are we -- what are we --

11 MR. DeGIGLIO: Correct.

12 CHAIRMAN MAMMINA: -- varying from?

13 MR. DeGIGLIO: So from -- from this point here
14 (indicating), so we're starting at approximately 1.3 feet of
15 height here (indicating) at this corner. Then we elevate up
16 to the highest point of the proposed walls, which is about
17 12 feet. So at this (indicating) corner it's 12 feet. This
18 corner (indicating), it's about the closest -- this
19 (indicating) corner, which is about the closest to the
20 Marinos and the garage over here (indicating) is about
21 3.9 feet in height, which is very similar. The existing wall
22 is 3.7 feet, so it's just a matter of inches in difference in
23 height proposed there (indicating).

24 And then as we extend over to here (indicating),
25 the existing wall is 7.1 feet. The proposed wall is
26 7.3 feet. So again, it's just a matter of inches here

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(indicating).

And then as we conclude, the -- the proposed wall, it's 8.5 feet at this (indicating) point, where -- and then it meets up with the existing wall that's at approximately 16 feet in height. Again, no change to that portion. But just for -- just for context, the existing wall at that corner is 16 feet. And the highest -- the highest point of our proposed wall is 12 feet, back at this back corner here (indicating).

(Discussion held among Board Members off the record.)

CHAIRMAN MAMMINA: So it's --

MEMBER HERNANDEZ: At the innermost-most [sic] parts, it's the furthest from the street --

MR. DeGIGLIO: That's correct --

MEMBER HERNANDEZ: -- is the highest part of the wall?

MR. DeGIGLIO: -- is the highest part of the proposed wall.

MEMBER HERNANDEZ: Okay.

MR. DeGIGLIO: The existing wall of course is higher at 16 feet, yeah, approximately.

MEMBER HERNANDEZ: Okay.

MR. DeGIGLIO: And -- and then as stated, transitioning to -- to the horizontal, so of course one of

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the variances is -- that was mentioned is the horizontal separation between the walls. So we are approximately 5 feet is required, minimum, between the two retaining walls. It -- what's -- what's proposed varies between 3 foot 6 inches in horizontal separation, to 5 foot 5 inches in horizontal separation.

So the -- the and much of this is mitigated by the -- the planting that is proposed upon this wall.

(Discussion held among Board Members off the record.)

MR. DeGIGLIO: So switching for a moment, the -- the -- this is the "C5" drawing, which is the landscape plan.

CHAIRMAN MAMMINA: Okay.

MR. DeGIGLIO: So the "C5" drawing represents the -- basically, again, a repetition of the existing conditions, in a sense that it is just lawn on the -- on the lower side of the wall, the lower side of the lowest wall. And on the tier, to screen that tier, they're -- they're -- so of course, you know, the residents are going to see the stone veneer at the lowest portion. And then to screen the form liner is a row of approximately 24 arborvitaes proposed there (indicating).

And the -- one of the letters that was submitted by the D'Amatos requested additional height. The ownership is willing to, you know, to -- to plant as high as possible.

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2 The letter requests 14 to 15 foot high arborvitaes at time of
3 planting. In my opinion, that's a little big in terms of --
4 of fitting that up here. But we're -- but the applicant is
5 willing to work with whatever is the -- the largest available
6 that can practically fit at the time of installation here.

7 CHAIRMAN MAMMINA: Usually -- usually, about
8 8 feet --

9 MR. DeGIGLIO: Yeah, it's --

10 CHAIRMAN MAMMINA: -- is the max. If you even
11 could find 14 footer, it's going to die.

12 MR. DeGIGLIO: -- it's yeah -- yeah, it's --

13 CHAIRMAN MAMMINA: The root ball's going to be
14 too big to be put in for an 8 foot area.

15 MR. DeGIGLIO: Yeah.

16 MEMBER DONATELLI: If you're limited in your
17 horizontal space between --

18 CHAIRMAN MAMMINA: Yeah --

19 MEMBER DONATELLI: -- the two tiers, that's
20 another factor.

21 CHAIRMAN MAMMINA: -- yeah, it's got to be --

22 MR. DeGIGLIO: That's another limiting fact,
23 exactly.

24 CHAIRMAN MAMMINA: Something's got to be done.

25 MR. DeGIGLIO: So the applicant's willing to do
26 as best they possibly can, but it's --

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2 MEMBER HERNANDEZ: And they grow fast.

3 MR. DeGIGLIO: But and they grow fast, exactly.

4 (Laughter.)

5 MR. DeGIGLIO: And they grow fast.

6 CHAIRMAN MAMMINA: Will this be irrigated?

7 MR. DeGIGLIO: It's -- it -- if it's a condition
8 of approval, I'm -- I'm sure that -- that --

9 MEMBER HERNANDEZ: If they're not going to
10 survive. He's going to irrigate. You have to.

11 MR. DeGIGLIO: -- it's -- it's -- yeah, we'll
12 find a way. The answer's yes.

13 MEMBER HERNANDEZ: You know, they'll never find
14 surface water.

15 MR. DeGIGLIO: Yeah.

16 MEMBER HERNANDEZ: You'll never find ground--
17 find groundwater --

18 MR. DeGIGLIO: Yeah --

19 MEMBER HERNANDEZ: -- that high up.

20 MR. DeGIGLIO: -- that high up, yeah.

21 CHAIRMAN MAMMINA: Let's -- let's --

22 MR. DeGIGLIO: Yeah --

23 CHAIRMAN MAMMINA: -- hear where the whole
24 application goes.

25 MR. DeGIGLIO: -- yeah. The answer is yes.

26 The -- and then the -- the last bit, the last

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component of this is the -- the setback for the transformer.
Now that part, so by code is required 10 feet. What's being
proposed is -- is 3.9 feet. So that's located here
(indicating) at the southeast corner of the property.

And on that one it's really -- that's "PSE&G
Long Island." There just -- it's, you know, it's really
dictated entirely and wholly by them, really relating
entirely to the nearest -- the nearest connection to their
existing infrastructure for the primary electric.

MEMBER GOODSSELL: That's about as far away from
the residences as you can get on your diagram --

MR. DeGIGLIO: Yes --

MEMBER GOODSSELL: -- is that correct?

MR. DeGIGLIO: -- it is, yes.

MEMBER GOODSSELL: All right. So it's sort of on
the corner of Port Washington Boulevard and the street that
goes horizontally, which I don't see. I'm not looking.

CHAIRMAN MAMMINA: Marino.

MR. PERROTTA: Marino Avenue.

MEMBER GOODSSELL: Yeah.

MR. DeGIGLIO: On Marino, correct.

MEMBER DONATELLI: And -- and the transformer
will not be any further closer to the street than the
existing storefront. So it's -- it's still setback slightly
from the --

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2 MR. DeGIGLIO: That --

3 MEMBER DONATELLI: -- storefront?

4 MR. DeGIGLIO: -- that's correct. So it will
5 not -- it will not sit proud of the building frontage.

6 (Discussion held among Board Members off the
7 record.)

8 MEMBER DONATELLI: Do you want to speak as to
9 the -- the size of the buffer and -- and how the -- the --
10 you -- you're requesting a variance from the buffer?

11 MR. DeGIGLIO: (Indicating.)

12 MEMBER DONATELLI: Yeah.

13 Do you want to speak that?

14 MR. DeGIGLIO: Correct.

15 So the -- as -- as you said, yes, we are seeking
16 a variance relative to the buffer. We are proposing it as
17 much as we can. We really only have that one tier to work
18 within. We didn't want to plant on the lower side of the
19 lower tier, you know, basically flush with the -- with the,
20 you know, with the neighboring property, 'cause even though
21 it's technically Uncle Giuseppe's property, we didn't want to
22 you know, plant something down there that, you know, could
23 potentially become a little unruly down -- down there.

24 So the -- so that's one of the -- that's really
25 the limitation there. So we're trying to mitigate that as
26 much as possible by planting as -- as large as possible

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on the singular tier that we have to work with. There will be a -- a new stockade fence planted atop the top tier to provide additional screening. And then even beyond that is where the compactor is located and that will have its own masonry wall.

So there is -- there is a multiple levels of -- of screening. So you know, beginning with the -- you have the -- the proposed arborvitaes (indicating). You have the stockade fence (indicating). And then you have the enclosure and the building here (indicating). So there is -- there are multiple levels of screening in that.

And then -- then in that particular area back there (indicating), it doesn't have any activity there anyway. It's far too narrow to have any activity. And as the architect's specified, that's really just for emergency egress area.

CHAIRMAN MAMMINA: The -- the loading -- the loading docks, are -- are those open to the sky or are those roofed over? And I'm asking only 'cause I don't remember what the elevation showed.

MR. DeGIGLIO: Yeah, I believe they're open.

CHAIRMAN MAMMINA: Oh, no there it is.

MR. DeGIGLIO: They're -- they're open -- they're open air, open to the top. But there --

CHAIRMAN MAMMINA: Okay.

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2 MR. DeGIGLIO: -- but there will be loading
3 doors, so that one of the distinct differences from today
4 where there is no loading dock, the -- the proposed condition
5 proposes -- so there is a traditional loading dock proposed,
6 so that the loading activities happen in a more traditional
7 and more functional sense, interior to the building rather
8 than being unloaded in the parking lot --

9 CHAIRMAN MAMMINA: Yeah.

10 MR. DeGIGLIO: -- and then transported on the --

11 CHAIRMAN MAMMINA: I'm looking -- I'm looking at
12 the "A2.1" and I -- I understand now what I was reading as
13 roughing over that is actually far back from -- from where
14 the front loading docks are.

15 MR. DeGIGLIO: Okay.

16 MEMBER DONATELLI: And those will be ramped
17 downward, those loading docks?

18 MR. DeGIGLIO: Yes.

19 MEMBER HERNANDEZ: The -- I -- I couldn't see it
20 obviously from the street, from Marino when I looked back
21 because of the house and the retaining wall. And I couldn't
22 see it from the parking lot when I drove it. But the parking
23 lot appears to require a retaining wall, that long parking
24 lot in the back, right, the one that goes --

25 MR. DeGIGLIO: Sure. (Indicating.)

26 MEMBER HERNANDEZ: That one, yes.

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2 MR. DeGIGLIO: That one (indicating).

3 MEMBER HERNANDEZ: I see you have a
4 retaining wall with like a half dozen trees. Is that where
5 the retaining wall ends?

6 MR. DeGIGLIO: Right. This -- this area here
7 (indicating)?

8 MEMBER HERNANDEZ: Yes.

9 MR. DeGIGLIO: That's where the proposed
10 retaining wall ends, yes.

11 MEMBER HERNANDEZ: Okay.

12 So behind it, it goes to grade? Is that what it
13 is or is it --

14 MR. DeGIGLIO: Correct.

15 So -- so in this area here (indicating), so this
16 is where it's the highest point of the proposed wall, which
17 is 12 feet.

18 MEMBER HERNANDEZ: Right.

19 MR. DeGIGLIO: And then it tapers down to about
20 1 point --

21 MEMBER HERNANDEZ: That quickly, yeah?

22 MR. DeGIGLIO: -- 1 -- 1 --

23 MEMBER HERNANDEZ: It's --

24 MR. DeGIGLIO: -- 1.1.

25 MEMBER HERNANDEZ: -- it's this (indicating)?

26 MR. DeGIGLIO: 'Cause that's where the grade

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2 is -- is quite severe --

3 MEMBER HERNANDEZ: Yeah, I was going to say
4 that's --

5 MR. DeGIGLIO: -- yeah.

6 MEMBER HERNANDEZ: I didn't feel it that way
7 when I drove it, that's why.

8 MR. DeGIGLIO: Yeah.

9 MEMBER HERNANDEZ: But I guess it does cross.

10 MR. DeGIGLIO: Yeah.

11 MEMBER DONATELLI: Quite a grade.

12 MEMBER HERNANDEZ: Yeah.

13 MR. DeGIGLIO: Yeah.

14 I don't mean don't get me wrong, there's
15 additional grade change throughout of course --

16 MEMBER HERNANDEZ: Yeah -- yeah, there is.

17 MR. DeGIGLIO: -- 'cause that whole area, the
18 whole community, it's a lot of grade change throughout. So
19 it's, yeah, the glaciers were not kind to -- to, you know,
20 this area.

21 CHAIRMAN MAMMINA: Okay.

22 Thank you.

23 MR. DeGIGLIO: Okay.

24 I'll get my -- my colleague, Rebecca Goldberg is
25 going to speak to the traffic component of the project.

26 (Discussion held among Board Members off the

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record.)

MS. GOLDBERG: Okay. Thank you.

Good afternoon, Mr. Chairman, Board Members.

Rebecca Goldberg with Cameron Engineering, same business as address as Mr. -- Mr. DeGiglio. I am a Senior Transportation Engineer with the firm and have been with the firm roughly 19 years, including working on this particular application in its various iterations since the latter part of 2017.

First, I -- I would just like to address very quickly the question on truck delivery and loading. This was actually addressed as part of the Town Board application. My firm prepared what's called "turning movement diagrams," which show the maneuvers of trucks entering and exiting the delivery area. That's not part of the submission, but if you would like, we could definitely include that in a submittal under separate cover to the Board.

CHAIRMAN MAMMINA: Okay.

I think I -- I -- I can -- I can visualize how they would load and I can explain that to the other Board members.

MEMBER GOODSSELL: There is a tracking. There is a truck tracking --

CHAIRMAN MAMMINA: Yeah. Okay, so that it is on.

MEMBER GOODSSELL: -- diagram.

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2 CHAIRMAN MAMMINA: Oh.

3 MEMBER GOODSSELL: -- that is on --

4 MS. GOLDBERG: Oh.

5 MEMBER GOODSSELL: -- we do have a truck

6 tracking --

7 CHAIRMAN MAMMINA: There you go.

8 MEMBER GOODSSELL: -- diagram on --

9 MS. GOLDBERG: Oh, even better.

10 MEMBER GOODSSELL: -- on our submission papers.

11 We got a lot in here.

12 MS. GOLDBERG: Yes.

13 (Laughter.)

14 CHAIRMAN MAMMINA: It's like you've got to have

15 a Bible full of paper in here.

16 MEMBER GOODSSELL: We've got out plan in here

17 too.

18 (Discussion held among Board Members off the

19 record.)

20 MS. GOLDBERG: All right.

21 MEMBER DONATELLI: Every once in awhile, it

22 disappears but then it reappears.

23 (Laughter.)

24 MEMBER GOODSSELL: Go ahead.

25 MS. GOLDBERG: Sure.

26 So over, again, like over the last six years,

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I've actually prepared a number of traffic and parking assessments, including a full traffic impact and parking study that was issued in May of 2020, based on traffic counts that were taken in November of 2019. And that means that our counts for that study were right before what we call the "holiday shopping season" and they also predate the pandemic.

At the time, the Town Board reviewed the study. There were hearings and -- and review of that study. And the Board accepted the conclusions, which are namely there are no off-site traffic impacts and there's a surplus in parking compared to Town Code.

As part of the review for this application to the Zoning Board, Town staff directed our office to revisit that study and make sure that we can comply with some of the conditions with granting the conditional use and the variances, that we're not going to create any traffic impacts by approving this application.

So the direction from the Town was that we should take new traffic counts, and determine if those counts taken in 2023, along with the current site plan would result in any different conclusions. And additionally, we were asked to discuss the site traffic, that we use Neulist Avenue.

My office prepared this information and provided a letter to the Town dated July 13th, 2023. As I'll explain,

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the results have not changed. And then I'll summarize the key points here and of course I'm happy to answer any questions.

First, our traffic counts done this year cover the 2020 studies at three key intersections along the Port Washington Boulevard frontage. As we go north to south, we start at:

Port Washington Boulevard at Neulist Avenue;
Then at the signalized driveway across from Hawthorne;

And then at the intersection with Marino Avenue.

The original studies, November counts, we actually had increased those by over 10 percent to reflect a June condition, because according to the State Department of Transportation, June is the busiest month of the year -- of the year for Port Washington Boulevard. So the updated counts were actually taken in June of 2023, which is why our new letter didn't have to make that type of adjustment.

We followed the same hours that were done for the original study. This includes:

7:00 to 9:00 in the morning for the morning rush hour period, 4:00 to 6:00 p.m.. And these were both on a Tuesday;

And for a Saturday, we looked at 11 a.m. to

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2:00 p.m., which is standard procedure when we look at retail establishments, specifically as they're adjacent to residential uses.

Weather conditions were favorable when we did our counts. Elementary, junior and public high schools were in session. They were not closed for the summer. And the State allows the counts to be taken when we took our counts.

Just to quote the Town requests to make that clear for the public, quote, as long as the counts are reasonably similar -- meaning similar to our prior study -- that data would be used to augment the 2020 study for your "BZA" applications. And in fact, as shown in my letter that was submitted, the existing traffic on Route 101 has decreased by 8 to 29 percent from our original projections, as have most of the driveway and cross-street volumes that we counted. So the existing traffic counts that we retook support the original traffic study and the results of no impact.

Next, there is no material change to the site plan or the proposed square footage. But the -- the standard for projecting trip generation, which is the "ITE" or "Institute of Transportation Engineers Trip Generation Manual" was updated since we provided the study. So if we were to use the new manual, we would actually project slightly less traffic for the same square footage, in -- in

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the order of 21 to 31 fewer hourly trips.

So combining that with our traffic counts, again, we support the original results, there are no expected off-site traffic impacts.

Next as we look at the parking to be provided. Today there is a 52-space surplus compared to Town Code. This would become a 20-space surplus with the proposed site plan as in our study. So there is no parking variance.

And as another item of note, the site plan includes what we call a "right sizing," the size of an existing handicapped parking spaces access aisle. State Code currently requires 8 feet of width. One of the aisles was not 8 feet, it will all be 8 feet. It will all be compliant.

So the future site plan:
It will have the code surplus;
It will satisfy the "ADA" requirement for accessible spaces, all situated very close to the building doors;

And it will continue to have a -- the two loading spaces that the Town Code requires.

So the parking conclusions of the study also remain valid.

Next on the Town's request regarding site traffic that uses Neulist Avenue, according to our counts, it's roughly 10 percent of the total traffic. And based on

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our projections, this corresponds to a minimal number of new trips. We're looking at:

Two additional trips in the morning over an hour;

Six additional trips in the afternoon;

And eight additional trips on Saturday.

Almost all of this is originating from and exiting towards Port Washington Boulevard.

From the Neulist driveway, you can see the no outlet sign that's on Neulist, because it a dead-end street.

There are also signs on the property to direct trucks to use the Hawthorne exit with the traffic signal.

The Neulist Avenue driveway is also getting:

New curb;

New "ADA-compliant" curb ramps for crossing east west in front of the property;

And along with high visibility bollards.

So as far as our comparison with the study, our prior conclusions remain valid. We don't have any off-site traffic and parking impacts.

So my last item as Mr. Peters mentioned, is I would like to address the traffic-related comments in what Mr. Peters referred to as the "Soloff letter." You know, I have read their comments, taken their concerns into account. And just very high level first is there is not a factual

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basis to expect their concerns to materialize, concerns about congestion or speeding cars, which are actually not really possible to have at the same time. But again, if we're not having a material impact on traffic flow, there's no factual basis to have these concerns with this application.

There's a statement about an adjacent school -- school bus drop off and pick up. Again, the -- the letter doesn't say where the stop is, so I'll address this as high level. And over encompassing as much as I can is that there is no concern associated with this application, because there's nothing changing where stops would be, except to improve the views along frontages on Neulist, Marino and Port Washington Boulevard. There's no change to our access.

And the -- the State Law is the law that if there is a bus that's stopping to drop off children or pick up children, the law says everybody passing from either direction has to stop. And this application has no impact on that.

So again, I understand their concerns. I hear their concerns. I just don't connect those concerns with this application.

And that concludes my presentation and I'm happy to answer any questions.

Thank you very much.

MEMBER DONATELLI: I -- I do have a question.

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I know that the northern part of the -- the site, the building that will be demolished has sat empty for awhile and you mentioned the 2020 traffic study that was first presented to the Town Board. Do you know if the existing conditions in 2020, were some of those stores still operating at that point? I know they'd been sitting empty for a while. Do you know if they were operating then or were they empty at that point?

MS. GOLDBERG: Yes, our counts were November of 2019 and these stores were occupied at that point.

MEMBER DONATELLI: I see.

MS. GOLDBERG: And the study reflected taking the trips away from that and then adding new trips for the supermarket expansion.

MEMBER DONATELLI: Excellent.

Thank you.

MS. GOLDBERG: Thank you.

CHAIRMAN MAMMINA: Anything else?

MS. GOLDBERG: No.

CHAIRMAN MAMMINA: Okay. Thank you very much.

MS. GOLDBERG: Thank you very much.

CHAIRMAN MAMMINA: You were very thorough.

MS. GOLDBERG: Oh.

(Discussion held off the record.)

MR. TEPPER: Hi, good afternoon, Chairman,

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members of the Board. My name is David Tepper. I'm a Senior Planner with Cameron Engineering, offices at 177 Crossways Park Drive, Woodbury, New York.

I'm here to discuss several key standards related to the conditional use permit per the expansion of the existing grocery store, as well as standards for area -- area variances that are associated with this application.

So we will begin with "Section 70-126(F)" regarding conditional uses and the expansion of an existing retail grocery store. "Town Code Section 70-225B(1)" requires the board of zoning appeals to consider seven general standards in the granting of a conditional use permit. So I'm going to give a quick summary for those standards for the purposes of the public, and -- and those tuning in, as well as how our application complies with those standards.

So the first standard, the purposes of -- I'll refer to it as "A." The purposes of zoning as set forth in the Town Law of the State of New York and uses permitted in the district in which the property is located. Just for everybody's knowledge, this property is located within the Business "A" District. Adjacent parking would be provided in both "BA" and parking districts. This proposed expansion and continuation of use is in line with both the zoning intent of the "BA" District and the existing community character of the

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"Port Washington Boulevard Commercial Corridor."

The presence of a community grocery store is critical for a thriving business district -- district, as well as the health and wellbeing of area residents. The proposed expansion of an existing community grocery store is a conditionally permitted use, that does not interfere or conflict with the permitted or conditionally permitted uses that currently exist within the "BA" District.

So "Standard 2" for a conditional use permit is whether the proposed use is of:

Such character;

Size;

Location;

Design;

And site layout as to be appropriate and in harmony with the surrounding properties. So as explained above, the proposed use represents the expansion of a successful community grocery store on Port Washington Boulevard, which is in the heart of one of the Town of North Hempstead's primary commercial corridors. And as such, the proposed expansion would remain consistent with both the existing use and the surrounding commercial properties.

In addition as outlined by our architects, the remodeled Uncle Giuseppe's would feature a new facade, paneled fascia modeling, coping and a new roof structure to

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improve the overall aesthetic features.

And lastly as it -- as it relates to site layout and design, Rebecca did nice job covering many of the -- the traffic changes and -- and site layout changes as it relates to traffic and parking. Notably, the demolition of the current one -- one-story building to the north of the site will enable the construction of the new parking spaces, which ultimately improves safety, access and operations on the site.

Notably, this allows the signalized access to remain on Port Washington Boulevard. It concentrates more spaces in the areas closest to the building entrance and with improved handicap access as noted, and will also improve the sight lines and distances for vehicles on Neulist as they approach Port Washington Boulevard.

So the third standard for a conditional use permit is whether the proposed use will provide a desirable service, facility or a convenience to the area, or otherwise contribute to the proper growth and development of the community and to its general welfare. The proposed use will continue to provide an important commercial asset to the community. An accessible grocery store is one of the most basic needs of any communities. It is not only important for commercial activity, but looking at health indicators across various communities -- it doesn't really matter what size --

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presence and access to a grocery store is one of the leading indicators for positive and, or negative health -- health outcomes depending on the distance and access impediments. So the proposed expansion of Uncle Giuseppe's will ensure that these community functions are preserved and will offer improved access and amenities while continuing to serve residents.

"Item No. 4" on the conditional use test, whether the proposed use will be hazardous, conflicting or incongruous to the immediate neighborhood by reason of excessive traffic, assembly of persons or vehicles, proximity to travel routes, or congregations of children or pedestrians. So as outlined in the Cameron Engineering May 2020 impact study and our supplemental July 2023 study which Rebecca highlighted, there will not be excessive traffic or assemble of persons within this -- associated with this application.

The "fifth test" whether the proposed use will be of such nature as to be objectionable to nearby residential dwellings by reason of noise, lights, vibration or other factors of impact. So as I mentioned earlier, project design has taken careful consideration of the adjacent residential zoning district and in particular the adjacent residential properties. And the -- the application includes enhanced retaining wall structures with maximized

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2 landscape screening. And site lighting, that if there are
3 any questions, we -- we do have, as included in these civil
4 diagrams, that is generally shielded away from the property
5 line and buffered by various screening measures, depending on
6 where it is on the site.

7 Potential impact's really just noise and
8 vibration, which may arise during any construction project.
9 It would generally be limited to this construction phase and
10 would be minimized to the maximum extent practical --
11 practicable through best construction management practices.

12 "Number 6," whether the proposed use will be a
13 harmonious use in the district in which it is to be situated
14 and not hinder or discourage the appropriate use and
15 development of adjacent uses or impair the value thereof?
16 Since its opening, Uncle Giuseppe's has received support from
17 the local community, and its presence has not hindered or
18 discouraged appropriate development in the district.

19 Likewise, we have not witnessed any
20 deterioration of area property values as -- as caused by this
21 application or it -- where Uncle Giuseppe's existing
22 presence.

23 As such, we don't foresee the expansion of this
24 existing use resulting in any negative impacts to the
25 adjacent properties or their values. There are several site
26 and operational enhancements that we've detailed in our

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presentation today designed to:

Improve pedestrian and vehicular safety;

Improve access to the building, particularly for
handicapped individuals;

And address concerns related to deliveries and
the management of trash.

So lastly for the conditional use permit under
"70-225B(1)," the location and size of a proposed use in a
Business or Industrial District, the nature and intensity of
the operations proposed, the site layout and its relation to
accessed streets shall be considered by the Board having
jurisdiction of the application, to determine whether the
vehicular traffic resulting from such use will be more
hazardous than the normal traffic of the district. Taking
into account such factors --

MEMBER DONATELLI: I'm sorry. We -- we need
that cell phone silenced please.

CHAIRMAN MAMMINA: Please -- please -- please,
that's the third time.

Thank you.

MR. TEPPER: Let me just -- let me explain here.

Considered by the Board having jurisdiction of
that application to determine whether the vehicular traffic
resulting from such use will be more hazardous than the
normal traffic of the district, taking into account such

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factors as:

- Street intersections;
- Traffic flow;
- Sight distances;
- And pedestrian traffic.

(Discussion held among Board Members off the record.)

MR. TEPPER: Okay. As -- as covered earlier, we have prepared a full traffic impact study along with the requested supplemental pieces from the Town Board. In both documents, our transportation engineers concluded that this application will not create off-site traffic impacts. There will continue to be surplus parking above Town Code, along with driveway improvements on Neulist Avenue that discourage excess use of the minor driveway.

So that -- that concludes the conditional use standards, which I think are -- are fairly straight forward for a continuation of a successful, existing community use.

Next under New York State "Town Law Section 267-B," there are five general standards for the granting of area variances. And we just wanted to give a -- a quick summary of -- of these area variances. And our main explanation here is basically whether the benefit to the applicant for the variance we're seeking, weighed against the detriment of any potential impacts to the community and

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2 specifically the health, safety and welfare of the community
3 by the granting of such variances.

4 And in -- in summary, most of these variances
5 are relatively minor in size and scope, and in particular,
6 the -- the health, safety and welfare of -- of the existing
7 community with particular focus on the neighboring properties
8 has been central in developing this application and -- and
9 coming up with this -- ultimately these variance
10 applications. We've tried to minimize them to the maximum
11 extent practical and work with existing property owners to
12 make sure that this is a -- an agreeable solution for all.

13 So the first variance, and again, Michael
14 reviewed the -- I'd -- I'd say the substantial components as
15 far as civil engineering and structural components. I'm here
16 to talk about the area variance test, whether, again, the
17 benefits of that are going to the applicant weighed against
18 the potential impacts to the community.

19 So the front-yard setback, this is "Section
20 70-132(A)," a new transformer is proposed within the required
21 10 foot front-yard setback. No desirable [sic] -- no
22 undesirable neighborhood character changes will be created by
23 the front-yard setback variance. The existing building and
24 proposed addition are both compliant within the 10 foot
25 front-yard setback along Marino Avenue. However, it is -- it
26 is one small piece of infrastructure that requires the area

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2 variances and that is, as we covered, the transformer. This
3 encroachment into the front-yard setback represents a
4 relatively small area with a maximum pad size of 10 by 10 and
5 has been deemed necessary by the local utility provider.

6 Further, the existing shed which currently
7 encroaches on the setback area will be removed, which we
8 believe will be an improvement to that area of the setback in
9 that general corner, Marino Avenue and Port Washington
10 Boulevard corner. And again, the -- the actual building
11 remains compliant along the entire Marino frontage. It's --
12 it's really just a piece of infrastructure that requires the
13 variances.

14 "No. 2," whether the benefit sought by the
15 applicant can be achieved by some method feasible for the
16 applicant to pursue other than an area variance. Again,
17 this -- this variance came directly from consultation with
18 "PSE&G." It is not a -- a building change, but is rather to
19 provide consistent access to the required infrastructure for
20 the project.

21 "No. 3," whether the requested area variance is
22 substantial? We concluded that the area variance is not
23 substantial in nature. It is a small encroachment within the
24 front-yard setback for a relatively small piece of
25 utility-required infrastructure.

26 "No. 4," whether the proposed variance will have

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2 an adverse effect or impact on the physical or environmental
3 conditions in the neighborhood or district? There will not
4 be an adverse impact on the physical, environmental
5 conditions. And further, the removal of the existing shed
6 and relocation of the existing freezer which are currently in
7 that area will improve visual conditions along the front yard
8 and also ensure that access to critical infrastructure
9 remains.

10 And "No. 5" for the first variance whether the
11 alleged difficulty was self created, in which consideration
12 shall be relevant to the decision of the Board of Appeals,
13 but shall not necessarily preclude the granting of the
14 ariance [sic] variance -- area variance. The required area
15 variance is really only being sought to comply with "PSE&G"
16 requests. It is not designed to grant any additional
17 building square footage or building changes. And we believe
18 it's going to represent an improvement in the existing visual
19 and functional use of that corner. So that -- that concludes
20 the first variance request for the front yard.

21 The next variance request "Section 70-133" is
22 related to the concrete stairs which are proposed in the side
23 yard. Again the first area variance, we don't believe that
24 any undesirable neighborhood character changes will be
25 created by the requested side-yard setback variance. The
26 proposed stairway is an accessory structure with a relatively

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2 small encroachment into the side-yard setback area. As noted
3 by the architect, it is also not a regular -- a stairway
4 that's in regular use. It's generally just used for
5 emergency egress.

6 "No. 2," whether the benefit sought by the
7 applicant can be achieved by some method feasible for the
8 applicant to pursue other than an area variance? The rear of
9 the building requires access via stairway, primarily due to
10 the existing grades of the site and the existing layout. As
11 I mentioned, the requested area variance is relatively small
12 in nature and any visual impacts will largely be shielded by:

13 The proposed fence;

14 The proposed landscaping;

15 And the proposed retaining walls.

16 "No. 4," whether the proposed variance will have
17 an adverse effect or an impact on the physical or
18 environmental conditions in the neighborhood or district.
19 We do not anticipate any adverse effects on the physical or
20 environmental conditions. The proposed landscaping plan
21 along with the redesign and the relocation of the existing
22 trash compactor, which, if requested by the Board, we can
23 provide images of that -- of that redesign. It was provided
24 in the expanded environmental assessment that was approved by
25 the Town Board.

26 MR. PETERS: It is, if I could interrupt you for

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a moment.

MR. TEPPER: Yeah.

MR. PETERS: I would just ask the Board, do you have any questions regarding Mr. Tepper's report regarding the Town Law variance test or the conditional use permit test at this time?

MEMBER HERNANDEZ: No.

MEMBER GOODSSELL: No.

MR. TEPPER: Okay.

MR. PETERS: That's it. And so I would -- I would just wrap up.

(Laughter.)

MR. TEPPER: Okay. Thank you, George.

MR. PETERS: I gotcha.

MR. TEPPER: Yeah.

So as -- as stated, you know, the general extent of these variance requests are relatively minor in nature. And I think they've been minimized to the maximum extent practical. Generally, they're not designed to grant the building any additional size or advantages. But they are -- they are to comply with a somewhat unique site and we are taking a lot of that into account in -- particularly in the variances that are along the side yard where it abuts residential properties.

So I thank you for your time and I'd be happy to

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answer any questions that you may have about the area
variances or conditional use permit.

CHAIRMAN MAMMINA: Thank you very much.

MEMBER HERNANDEZ: You're very thorough.

MR. TEPPER: Thank you.

MR. PETERS: Thank you very much, David.

At this time, I just want to address
correspondence that the Board's Secretary provided to our
team from Ronald Rochester of 21 Marino Avenue, Ronald. This
is the first time we're learning of any of these issues, but
I would note that we were intending to replace that
retaining wall kind for kind, which would mean timber for
timber.

I am not aware of how that would impact the
conditional use permit of any of the variances at this time.
But I'm happy to engage in the dialogue with Mr. Rochester
after this hearing and see if we can reach some kind of
resolution to these issues noted in the correspondence.

And in sum, I'd also like to conclude our
presentation by thanking you very much for your time. And
noting that I believe our team has demonstrated beyond a
reasonable doubt that the benefits to granting owner's
application are certainly outweighed by any perceived
detriments to:

The health;

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2 Safety;

3 And welfare of the community.

4 And we'd respectfully request that you approve
5 the application. Thank you kindly.

6 CHAIRMAN MAMMINA: Okay.

7 MEMBER HERNANDEZ: Thank you.

8 CHAIRMAN MAMMINA: Thank you.

9 And as I had said earlier, we'll hear from
10 anyone else who wishes to speak now and you will have the
11 opportunity then for a rebuttal.

12 SECRETARY WAGNER: The first person is
13 Ronald Rochester.

14 MR. ROCHESTER: Hello members of the Board. My
15 name is Ronald Rochester. I own the home at 21 Marino
16 Avenue, Port Washington, New York and I've lived there since
17 1991.

18 Just for transparency purposes, I've been in
19 front of this Board before. You've granted a variance to me.
20 And actually in relation to that variance, I have been
21 holding off on doing some of that work because of this
22 situation, because it -- that the retaining walls on my
23 property do or are affected by what they're doing.

24 While -- while Uncle Giuseppe's property is
25 impacting the entire block, I believe the property is -- or
26 my property has suffered the most significant damage from

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Uncle Giuseppe's property. I have the highest retaining walls on the rear property of -- of Uncle Giuseppe's. As you know, it's this area here (indicating).

I -- there is a -- a front and a rear retaining wall that -- that the -- it exceeds 5 feet. It's taller than I am in -- in sections that -- that are there. That retaining, the front retaining wall has collapsed, which is it's also real wooden railroad ties.

And that -- and due to improper drainage within that landscape buffer area, the front retaining wall has collapsed three times. Most recently, there was a collapse that caused the retaining wall property, between my property and the neighbor's property to the -- to the east, which is 19 Marino Avenue, to also collapse. And the -- these -- the railroad -- these wooden railroad ties -- retaining wall is completely rotted out and in danger of collapsing again, the -- the rear sections.

In addition, a large tree from the unmaintained landscaping buffer fell through my backyard, hit my house and caused thousands of dollars damages to my backyard and my house. I -- I have had numerous discussions with representatives of Uncle Giuseppe's regarding the replacement of those retaining walls and the need to properly maintain this landscape buffer. Numerous verbal promises were made to me regarding the installation of new permanent retaining

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2 walls, a wall that would not collapse, as well as creating an
3 aesthetic pleasing properly maintained landscape buffer.

4 Specifically, I was told that they would replace
5 the current railroad ties -- retaining wall ties with precast
6 concrete block retaining walls, which has been discussed
7 regarding the other property on Marino Ave., which was
8 discussed earlier. But when I -- when I look at the -- the
9 plans, they -- they do say "like kind," which "like kind"
10 would be railroad ties.

11 I -- I -- I'm even told that the using the
12 precast block, concrete block would allow Uncle Giuseppe's to
13 install one retaining wall in my area, instead of two wooden
14 railroad tie retaining walls in the same place.

15 The -- first the plans, like I said, first the
16 plans referred to the retaining walls as "like kind." And in
17 my understanding, precast concrete would not be considered
18 "like kind." Two wooden railroad -- railroad ties I'm
19 fearful would not comply without verbal -- my verbal
20 agreement with Uncle Giuseppe's.

21 CHAIRMAN MAMMINA: Sir, your -- your three
22 minutes is --

23 MR. ROCHESTER: Coming up. Okay, will do.

24 ATTORNEY ALGIOS: It's up.

25 (Laughter.)

26 CHAIRMAN MAMMINA: It's up.

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2 MR. ROCHESTER: It's -- it's up.

3 All right. You -- you have my written.

4 CHAIRMAN MAMMINA: We have it.

5 MEMBER GOODSSELL: I was just going to say,

6 Mr. Rochester.

7 CHAIRMAN MAMMINA: All right.

8 MEMBER GOODSSELL: You did submit in writing your
9 concerns.

10 MR. ROCHESTER: Yes, I did it submit in writing.

11 MEMBER GOODSSELL: All right.

12 MR. ROCHESTER: And --

13 MEMBER HERNANDEZ: It's part of the record.

14 MR. ROCHESTER: -- I thank you. It's part of
15 the record.

16 MEMBER GOODSSELL: It's part of the record, but
17 you just submitted it right today?

18 MR. ROCHESTER: Yes, I -- I submitted it today.

19 MEMBER GOODSSELL: Okay. We -- it will be
20 circulated to us, so we will be able to see what all of your
21 concerns are.

22 MR. ROCHESTER: Thank you very much, appreciate
23 the time.

24 MEMBER DONATELLI: Thank you.

25 MR. ROCHESTER: Thank you.

26 CHAIRMAN MAMMINA: You're welcome.

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2 MEMBER DONATELLI: Anyone else?

3 SECRETARY WAGNER: The next person is --

4 CHAIRMAN MAMMINA: We're going to call from the

5 list.

6 SECRETARY WAGNER: -- Lauren Solomita.

7 MS. SOLOMITA: My husband's going to go first.

8 SECRETARY WAGNER: Oh, okay.

9 MR. SOLOMITA: She's letting me go first this

10 time.

11 SECRETARY WAGNER: Carmine Solomita.

12 CHAIRMAN MAMMINA: Usually my wife does all the

13 talking.

14 (Laughter.)

15 MR. SOLOMITA: Yeah, this is exceptional.

16 (Laughter.)

17 CHAIRMAN MAMMINA: It's a joke.

18 MR. SOLOMITA: Gentleman, you have been fed --

19 and ladies --

20 SECRETARY WAGNER: Sir, can you give --

21 MR. SOLOMITA: -- you have been fed --

22 SECRETARY WAGNER: -- your name and address.

23 MEMBER GOODSSELL: What -- what address are you?

24 MR. SOLOMITA: Put my name?

25 CHAIRMAN MAMMINA: Name and address.

26 MEMBER GOODSSELL: Address.

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2 MR. SOLOMITA: Carmine Solomita, 8 Marino
3 Avenue, Port Washington.

4 CHAIRMAN MAMMINA: Thank you.

5 MR. SOLOMITA: Ladies and gentlemen, you've been
6 fed a pack of untruths. There's an exit here (indicating)
7 that's going to leave here (indicating), going to go onto
8 Neulist Avenue. It's a small two-lane street. They want
9 tractor trailers to go out of there. They want traffic from
10 their store to go out of there. And they said it doesn't
11 impact the -- the traffic of the road, which is a lie.

12 They've also promised, when a fence up on this
13 wall over here (indicating) was down, that where if someone
14 fell over, they would fall 15 feet, it took them three months
15 to put that (indicating) piece of fence back up.

16 They tell you a bunch of untruth and this is
17 what's going on over here. Every -- if they don't comply to
18 everything, then don't give them their permit. They don't
19 deserve it, because they're asking for this and that. And
20 they got 8 lawyers, and 15 different opinions and they're all
21 telling you an untruth. And that's what's going on over
22 here.

23 It'll impact the traffic tremendously, because
24 you cannot pull tractors trailers out into a small two-lane
25 road, where those poor people on Neulist Avenue, which I'm on
26 Marino Avenue, they're not going to be able to get off that

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road. And it's a dangerous road as it is. Right now they exit onto Port Washington Boulevard from a -- from a light in the middle of their property. That's one thing.

Another thing is all night long, they promise they won't do it, but they have refrigerator trucks going all night long, so they -- they can't shut them off. So we have to hear that all night long from our house. But it doesn't impact the people in the neighborhood, that's what they're telling you. They're feeding you a pack of lies and untruth.

And here, over here (indicating), they maybe have 30 employees at night, at -- at a -- a time in their position. You think they're going to build a whole extension on the top of that building to feed 10 people at a time? That's another lie. Believe me, they're not going to build a whole top of that building just to feed lunch to 10 employees at a time. All they have is 30 people in there, at -- at max in the daytime at one time.

So if they're going to lunch, they're going into lunch in three shifts, ten people at time. You think they're going to spend thousands of dollars on the second floor over there to feed? That's another pack of untruth, believe me. Face the facts, they've been lying about everything. Do not give them their permits.

That's what I have to say.

CHAIRMAN MAMMINA: Thank you, sir.

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2 MEMBER DONATELLI: Thank you.

3 MS. SOLOMITA: Good afternoon. Lauren Solomita,
4 8 Marino Avenue, Port Washington.

5 CHAIRMAN MAMMINA: Good afternoon.

6 MS. SOLOMITA: My husband and his family have
7 lived in our house since 1966. I moved there in 1985. So
8 we've seen a number of grocery stores come and go.
9 Giuseppe's, unfortunately, has been the worst of them all.

10 As my husband alluded to, they have not followed
11 through on many of their promises in upkeep of the property,
12 following through with repairs that are necessary, including
13 pest control, things that have gone into disrepair. Again,
14 things like Mr. Hernandez mentioned. He went to visit the
15 property, noticing the way that the property -- the property
16 is situated and following through with the trash, the noise
17 levels, et cetera.

18 If you go into the store, you'll notice very few
19 people even use that store. Some of the -- one of the
20 members mentioned about a -- a food desert. We do not have a
21 food desert, okay. We have multiple grocery stores and yes,
22 this is a neighborhood grocery store. And we don't say that
23 these people shouldn't make their money on their investment
24 and their property.

25 However, taking into account the needs of the
26 neighborhood, the needs of the people that will be using the

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2 property, we do not need this expansion. We understand that
3 they want to expand with the hopes that it will be built up
4 like their other properties. We're fully aware of some of
5 their other properties in different types of neighborhoods,
6 okay.

7

And so yes, are they going to put in millions of
8 dollars like my husband said, to build a -- a second floor,
9 that I don't know how they say it's not going to impact us in
10 particular, because my house is directly across from their
11 property. So seeing this huge monstrosity, again, with these
12 loading bays that are open, what about all the garbage that's
13 going to be strewn about, because of the -- the extra trucks
14 and whatnot coming? These trucks come in in the dark and
15 they're there for hours sometimes, because it's the first
16 grocery store that they hit for their deliveries as they come
17 into Port Washington. So some these of trucks are there
18 already for hours.

19

If they're doubling the size of the property and
20 the usage of their property, we're going to have more trucks,
21 not fewer, more. So they're idling, et cetera. I'm not sure
22 what the requirements on that are, but we have to take all
23 these types of things into consideration.

24

Again, we understand this is a business. But
25 the business is run very poorly. They make a lot of promises
26 they do not keep. They do not keep up their property. And

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2 so yes, these are very small variances in light of the many
3 different types of things of a property this size. However,
4 the idea that to give them these variances, one after the
5 other, after multiple times have we come into this room with
6 this project, they told us time and time again, they were
7 going to keep to the letter of the law, no variances are
8 going to be necessary.

9

10 If these variances are given at this time, next
11 time what will it be? Next time what will it be? There is
12 no way that they can say, unless they live in my house, or 11
13 or 13 Marino Avenue, what the impact is. And we appreciate
14 what they're doing for 11 Marino Avenue. They're not taking
15 into account all of the 70 houses on my street or Neulist.

15

16 Thank you for your time.

16

17 CHAIRMAN MAMMINA: Thank you very much.

17

18 One -- one turn.

18

19 MR. ROCHESTER: I know. I just have to clear up
20 on something that I didn't, that I said she asked me a
21 question about --

21

22 CHAIRMAN MAMMINA: One -- one --

22

23 MR. ROCHESTER: -- that I answered improperly.

23

24 CHAIRMAN MAMMINA: -- one -- one turn. I'm
25 sorry.

25

26 MEMBER GOODSSELL: Can you follow up with a
supplemental letter to us?

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2 MR. ROCHESTER: No, I just -- I submitted --
3 I -- no -- no, it's not a letter. It's just actually I --
4 I'll tell you, sir.

5 CHAIRMAN MAMMINA: Okay.

6 SECRETARY WAGNER: The next person,
7 Kristin Wilson and Jennifer Kendal.

8 (Discussion held off the record.)

9 MS. WILSON: Good afternoon, Chairman. This is
10 and members of the -- of the Board. My name is Kristen
11 Wilson. Along with me is Jennifer Kendal. We are attorneys
12 with the law firm of Marks DiPalermo and Wilson located at
13 485 Madison Avenue, New York, New York. We are here
14 representing what I would submit to you is probably the
15 most-impacted property owner, the D'Amatos. They live at
16 11 Marino Avenue.

17 Unfortunately, they are out of the country, so
18 we are here in their stead. We did submit a letter, which I
19 hope you have all received.

20 CHAIRMAN MAMMINA: Yes, we do.

21 MS. WILSON: We have copies here if you need
22 them.

23 CHAIRMAN MAMMINA: We have had that for the
24 record.

25 MS. WILSON: Okay.

26 So I am sure you're overly familiar with the

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2 balancing tests for all of your area variances, so I won't go
3 into the details. However, there are several things that
4 when you look at the totality of what the applicant is asking
5 for, and what our letter submits as what I would suggest are
6 very reasonable accommodations, to make sure that that
7 balancing test, when you look at all five factors, does
8 equally fall to the benefit of the neighbors and not just the
9 applicant.

10 And a lot of those asks, they are reasonable.
11 They are conditions that the applicant seemingly is willing
12 to -- at least on the phone we've had conversations, we're
13 trying to work with them -- they're -- they're willing to
14 work with us on.

15 However, our ask of this Board is to make these
16 explicit conditions at whether it's of the conditional use
17 permit or any variances, should this Board decide to grant
18 them. And those conditions are for ongoing maintenance
19 obligations of any landscaping that is installed. Similar to
20 what the other gentleman -- gentleman spoke to, the Marinos
21 had a tree branch fall on their car, causing substantial
22 damage from a tree on Uncle Giuseppe's property.

23 It seems to be a recurring theme here of the
24 retaining wall has been in disrepair for quite some time.
25 The -- the main -- the -- the landscaping, the shrubbery
26 hasn't been maintained. And it -- the neighbors are the ones

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2 that are -- that are -- are the -- the recipient, the -- the
3 receiving end of their failures. So conditions that they
4 have to maintain that may e there's even bond put in place,
5 so that the landscaping is maintained, that it is properly
6 irrigated 'cause the arborvitaes would die out. Whether
7 they're planted at 8 feet or 10 feet, whatever the maximum
8 height is, we want to ensure that at least the upper
9 retaining wall is adequately screened to my clients. They
10 see it morning, noon and night.

11 So these are all -- you know, the timing of the
12 plantings, we are asking that those plantings be made as soon
13 as practicable, that the retaining walls go up, then we want
14 the plantings done immediately if it's the planting season.
15 If not, the next planting season, so that we're not waiting
16 for months on end looking at perhaps what is not the most
17 aesthetically-pleasing retaining walls.

18 The other issue that has not been raised yet,
19 which we, again, I've had informal discussions with counsel
20 for the applicant is whether they need my client's property
21 to do work on the retaining wall. "Pre-COVID" or maybe
22 during "COVID" when this application was last before the
23 Town, they did need my client's property.

24 I believe -- I would submit to you that -- that
25 you certainly have the jurisdiction to say do you have the
26 right to access the neighboring property to build the

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2 retaining walls, to the extent, and the height and the width
3 that they need to be, and that you ensure that any access
4 easement temporary or permanent is in place, and that my
5 client has his rights secured and t make -- make sure that
6 his property is put back at least to the condition it's in
7 now, if not, better. The understanding is if they need my
8 client's property, they will improve the driveway in the area
9 that they need to use to construct the necessary easements.

10 So most of these conditions are in our letter.
11 We think they're reasonable. And we just ask that you, under
12 your jurisdiction, enforce them and put them as conditions.

13 CHAIRMAN MAMMINA: They were very well drafted.
14 They were very reasonable. And if we were to look favorably
15 on this -- and that's still an if -- I -- I think that that
16 would certainly be part of it. And I'm -- I'm and I'm -- I'm
17 sure you can appreciate that I asked a question regarding the
18 irrigation, you know, of -- you know, of --

19 MS. WILSON: Yes --

20 CHAIRMAN MAMMINA: -- that, the stone, you know,
21 on -- on the wall. And my feeling is in front of the Marino
22 house is very nice stone on the wall that they have there at
23 the street, you know. And yes, that should be on that wall,
24 you know, as -- as well and proper plantings, you know, that
25 sort of thing.

26 MS. WILSON: Sure.

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2 CHAIRMAN MAMMINA: And I think if you give them
3 access that's much more than reasonable. As an architect who
4 builds in New York City, you don't get access to about an
5 inch onto anyone else's property. But -- but, you know, it
6 gets done. But that does add a lot of cost to, you know, to
7 the owner who's doing the construction. So --

8 MS. WILSON: Sure --

9 CHAIRMAN MAMMINA: -- and I think that would be
10 very accommodating.

11 All right. Thank you, ladies.

12 MS. WILSON: Thank you.

13 CHAIRMAN MAMMINA: Thank you.

14 SECRETARY WAGNER: The next person is
15 Dennis Davison.

16 MR. DAVISON: I have nothing to add.

17 Thank you.

18 SECRETARY WAGNER: Okay.

19 Barbara Villani.

20 MS. VILLANI: Hi. Barbara Villani, 15 Neulist
21 Avenue, hi.

22 CHAIRMAN MAMMINA: Good afternoon.

23 MS. VILLANI: I was born in Port Washington. I
24 have lived at 15 Neulist Avenue for about the past 6 years.
25 My mom was there for the previous 20.

26 I don't have any opinion to voice in terms of

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for or against. However, I do want you to be aware of certain things. I completely agree with this (indicating) woman who is dressed in blue who got up to speak.

I -- I believe that on the corner of Neulist, we have experienced, as a result of you approving two extra parking spaces for the liquor store which was moved because of the expansion, we've experienced a lot of traffic issues at the corner. We have trucks parked there. We have people parked, you know, people are parked there. And -- and also the liquor store has a sign that he puts out every day on the sidewalk saying parking on the side. So that's something that we've had to absorb.

But my main real concern is -- and as I listen to, you know, health and welfare, I, have to say my health and welfare has been very negatively impacted by the delivery of -- of produce or whatever, you know, materials, everything for the grocery store over the past five years. And everything I have done to try to remedy this problem in so many numerous ways, it has not been remedied.

There were times there were trucks 3:00 in the morning, 5:00 in the morning and I'm seeing on a regular basis. Sometimes it's resolved for a little while, but then it comes back. My understanding is the law, it's 8:00. More -- more recently, it's -- it's been 6:00. And it seems to me 6, 7, 7:30, it's okay.

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So I am concerned about the expansion. I'm concerned about the follow through and the impact on my neighborhood. I, from across my street, I can see the trucks in peoples' backyards. I hear the engines. I hear the pallets slamming and the beeping of backing-up trucks, Saturday and all weekdays. So I just want you to be aware of that.

And I really have tried in numerous productive ways to get a remedy for the situation, so --

CHAIRMAN MAMMINA: I appreciate --

MS. VILLANI: Thank you.

CHAIRMAN MAMMINA: -- what you're saying and -- and you -- actually the other young lady, her husband and you reminded me to ask their -- their traffic consultant to show us how the trucks will maneuver and where they are intended to go in and out, so that it is on the record, and also, to have the owners knowledge that there are regular delivery times that have to be met with.

And we have had other applications -- and while we -- we don't like to do this, we will -- we will condition it on a temporary basis, until they prove themselves regarding issues, you know, like coming in and out, keeping landscaping and things maintained.

So if everyone would just be a good neighbor, you know, to one another, it certainly makes everyone's life

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2 much, much easier. So we will take a look though today at --
3 at how they plan to go about that.

4 MS. VILLANI: Thank you.

5 CHAIRMAN MAMMINA: So thank you.

6 SECRETARY WAGNER: Vivian Rubin.

7 MS. RUBIN: I'm -- I'm okay.

8 SECRETARY WAGNER: Okay.

9 I think that's it.

10 CHAIRMAN MAMMINA: That's it.

11 SECRETARY WAGNER: Is there anybody else that
12 wanted to speak?

13 (No response.)

14 CHAIRMAN MAMMINA: Okay.

15 MR. PETERS: So I guess I'll address the
16 commentary in the order that it was received. Similarly to
17 my commentary regarding Mr. Rochester's letter that we
18 received mid-hearing, I understand some of his concerns and
19 we're happy to have a correspondence and a dialogue with him
20 after, to see if there is some resolution we can -- we can
21 reach. But I would reiterate that is -- what he's alleged
22 isn't necessarily relevant to the instant conditional use
23 permit application application, or the area variances.

24 But with that being said, we're happy to reach
25 out to him and have a dialogue and see if there's a
26 resolution that can be reached in regard to --

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2 CHAIRMAN MAMMINA: Is --

3 MR. PETERS: -- what he claims.

4 CHAIRMAN MAMMINA: -- is his wall being
5 replaced, the wall that he's talking about?

6 MR. PETERS: It was going to be replaced "kind
7 for kind, timber for timber." That's part of our
8 construction plans that we show on the site plan.

9 CHAIRMAN MAMMINA: Is that timber or is it
10 concrete?

11 MR. PETERS: Sorry.

12 CHAIRMAN MAMMINA: Timber or concrete?

13 MR. PETERS: Timber. The plan was to do "kind
14 for kind," so "timber for timber." But we're happy to have a
15 dialogue with him and to see if there is a resolution that we
16 can collectively reach together.

17 I apologize if I didn't get the pronunciation of
18 the name correct, was it Saladina [sic] or Saladino [sic] the
19 residents at 8 Marino?

20 I -- I would --

21 SECRETARY WAGNER: Solomita.

22 MR. PETERS: -- Solomita, excuse me.

23 Thank you kindly.

24 In regards to the commentary at exiting on
25 Neulist Avenue and truck traffic using that, there's signs
26 that actually direct that there's no left turn -- it's a

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dead end -- also, directing a right only. But my understanding is that all truck traffic actually uses what's technically part of the old Hawthorne Avenue. It's between the vacant building where the pharmacy and the liquor store used to be located. And the current Uncle Giuseppe's grocery store, that's where truck traffic goes through.

But as Ms. Goldberg's report states, there's really no traffic impact as a result of the use contemplated or current. I would also say that operations at the property comply with Town Code. And we're happy to have a condition placed on approval for this, assuming that the Board is so inclined --

CHAIRMAN MAMMINA: The Town Code is frequently abused.

(Laughter.)

CHAIRMAN MAMMINA: So that -- that argument it knows.

MR. PETERS: Well no -- no. Understood.

But I'm not aware of any complaints or violations regarding disrepair or pest control issues. Like I said, we operate in compliance with the Town Code.

And I would also just speak briefly to their reference of the mezzanine issue. That's only approximately 3,100 square feet. It's basically a lunch space with a little bit of a break rooms, some lockers, things like that.

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It's not intended to be an overnight stay by any stretch.

I want to next address Ms. Wilson's commentary on behalf of the owners of 11 Marino Avenue. As we said, we're, you know, engaging in dialogues seeing what we can do to work together collectively on that issue. The only thing I would say is that I'm not aware of any Town Code provisions that require bonding insofar as landscape maintenance. But if the Board is so inclined to grant our application, I think a condition regarding same would be appropriate and agreeable.

CHAIRMAN MAMMINA: Okay. And just, you know, I'm only one Board member, you know, but, you know, a good hard look, you know, my first read of that letter was that it was very reasonable. You know, all of the things that -- that we -- that we ask for. And again, without having any prejudged feelings regarding the application, I certainly, as one Board member, would think that those would be very reasonable for us to place as conditions.

MR. PETERS: I would agree with you, Mr. Chairman.

And then I just want to move onto Ms. Villani's commentary. I, again, refer the Board to Ms. Goldberg's most recent traffic letter regarding traffic impacts. And I would also say that my understanding is that the deliveries comply with Town Code. And if the Board is so inclined to grant the

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application, I think an appropriate condition on that would be appropriate as well.

CHAIRMAN MAMMINA: Terrific.

MR. PETERS: Thank you kindly.

CHAIRMAN MAMMINA: Thank you, sir.

If -- if we could have her back up just for a couple moments. I'd just like her to -- to walk us through the -- the trucks coming and going on the -- on the property.

MS. GOLDBERG: Sure.

So like I think I mentioned before, they are directed to use the signal across from Hawthorne Avenue. We are not looking to direct any of these trucks to use Neulist. It is not feasible.

We are trying to -- we're -- we're actually re-configuring and changing the radius for the right turns coming out of the site to make a right onto eastbound Neulist approaching Port Washington Boulevard. There's a "no left-turn" sign. The "no outlet" sign for Neulist is visible.

Again, we're not looking to increase or really generate any trucks using that driveway. It is an existing driveway. We agree that it is not ideal to have trucks use that driveway and they should be using the signal.

MEMBER DONATELLI: What -- what purpose does that Neulist Avenue entrance and exit serve?

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I mean I -- I frequent the store and I -- I know that when the liquor store, and the Chinese restaurant were there and the pharmacy was there, then -- then arguably that served a purpose if you were going to one of those three stores.

But if you are planning on reconfiguring the project according to your plans, then it seems to me that almost all the traffic would be best served by entering and exiting through the Hawthorne Avenue entrance and exit that's governed by a traffic light and not by Neulist Avenue?

MS. GOLDBERG: I mean that's a fair statement. I could see more cause for that driveway when you had the two separate buildings. You had frontage physically along Neulist.

Based on the -- the split between the two driveways, it shouldn't have a material impact on the signal as, you know, if that was the only access.

MEMBER DONATELLI: I mean also --

MS. GOLDBERG: I know going into that site myself, you know, if I'm going north on Port Washington Boulevard I'd want to use the light with the center turn lane there. Coming south you could make the right turn onto Neulist, but again, you could also make the right turn after the parking lot at the traffic light.

MEMBER DONATELLI: Yes.

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2 So again, I -- I just asked what purpose does it
3 serve, now that we're -- you contemplated removing that, that
4 north building?

5 MS. GOLDBERG: Again, it's -- it's just not part
6 of this site plan. It's not a negative to consider, but it
7 wasn't part of the site plan to close off an existing
8 driveway. We were just trying to minimize and prevent people
9 from making the left onto Neulist off of the driveway.

10 MR. PETERS: If I could supplement
11 Ms. Goldberg's response, I would also say that that Hawthorne
12 signalized entrance is one of two entrances in and off the
13 property. So the Neulist Avenue entrance for ingress and
14 egress also serves a dual purpose for emergency vehicles to
15 get onto the property as well. So --

16 MS. GOLDBERG: Uh-huh.

17 (Discussion held among Board Members off the
18 record.)

19 CHAIRMAN MAMMINA: One other thing just
20 punctuating what my colleague said is that if -- if Neulist
21 was closed off, you'd also pick up, I don't know, a piece of
22 parking, you know, that's much more proximate to the entrance
23 to the store. But I say that only -- only as an architect
24 and, you know -- and, you know, I'm -- I'm not involved in
25 the design. But, you know, I mean Neulist can certainly
26 create, you know, issues other than trucks, you know, as --

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2 you know, as well. But you can look at that.

3 MEMBER DONATELLI: We've -- we've had other
4 applications throughout the Town where we've had access
5 through dead end streets. One in Manhasset comes to mind
6 immediately. And -- and I know that it can be very, very
7 problematic to have the traffic continuing down a dead-end
8 street, especially one that is so narrow. So I -- I would
9 just put that out there as a -- as a consideration.

10 Certainly, we, as a Board, are very attuned to
11 the comments of the neighborhood. As the Chairman said, we
12 would hope that everyone acts as a good neighbor.

13 And certainly, I think we're all in agreement as
14 to the need for grocery stores. But -- but it's important to
15 find the right balance between providing the best access to
16 the grocery store and to dealing with the concerns of the
17 neighboring community.

18 MS. GOLDBERG: You know, I -- I will say also
19 just as a point of background, one reason that the expansion
20 is proposed on the west side of the existing store, as
21 opposed to along the Route 101 frontage where the existing
22 second building is, is that that would have actually
23 eliminated the access to 101 and required traffic to use
24 Neulist Avenue. So that's the reason that the expansion is
25 proposed on the side of the building that it is, towards
26 neighbors on Marino.

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2 CHAIRMAN MAMMINA: Okay.

3 MEMBER HERNANDEZ: Thank you.

4 MS. GOLDBERG: Thank you.

5 CHAIRMAN MAMMINA: Thank you.

6 MEMBER DONATELLI: Is there anything else from
7 the applicant?

8 CHAIRMAN MAMMINA: Okay.

9 MR. PETERS: No, that's our presentation at this
10 time.

11 Thank you kindly.

12 Thank you Chairman.

13 MEMBER DONATELLI: Mr. Chairman, they've given
14 us a quite a bit to think about.

15 CHAIRMAN MAMMINA: Uh-huh.

16 MEMBER DONATELLI: And I, as one Board member,
17 would like to continue to study the issues. And so I would
18 ask that we --

19 CHAIRMAN MAMMINA: Reserve.

20 MEMBER DONATELLI: -- reserve decision.

21 (Discussion held among Board Members off the
22 record.)

23 CHAIRMAN MAMMINA: Okay.

24 MEMBER DONATELLI: So I would -- I would ask
25 that we reserve decision.

26 CHAIRMAN MAMMINA: I would agree.

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2 MEMBER DONATELLI: Yeah.

3 CHAIRMAN MAMMINA: I'm in agreement with that.

4 MEMBER HERNANDEZ: I would agree.

5 CHAIRMAN MAMMINA: Everybody agrees?

6 MEMBER GOODSSELL: Yes.

7 CHAIRMAN MAMMINA: Okay.

8 So we will reserve decision on this application.

9 As I'm sure everyone can appreciate, we have an awful lot to
10 consider here.

11 And, you know, I'll echo Mr. Donatelli's
12 comment. I mean the neighbors are very important. We want
13 business to do well at the same time. And then we have to do
14 that balancing test, in which, if anyone remembers what I
15 said at just at the beginning, this is a very hard job, okay,
16 because we have to do the right thing all around.

17 So thank you all for coming out. And it's very
18 important to hear -- hear from the neighbors and for a very
19 thorough presentation from the applicant.

20 SECRETARY WAGNER: So no decision will be made
21 until, at the very earliest of September 6th, which is the
22 next hearing date. I guess if you want to follow up and find
23 out what happened, you can call the -- the Zoning Board
24 Department or you can listen to the "live stream" at the next
25 hearing, see if they make a decision on this application.

26 CHAIRMAN MAMMINA: Thank you.

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2 A VOICE: Thank you.

3 CHAIRMAN MAMMINA: Good to see you.

4 (Whereupon, a recess was taken at 4:52 p.m. and
5 the hearing continued at 5:06 p.m.)

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1 Appeal #21430

2 ATTORNEY ALGIOS: Let's get started and we'll
3 move on to the next appeal.

4 It's APPEAL #21430 - Lifestyle Café
5 (James Gurrieri); 14 Main Street, Port Washington; Section 5,
6 Block 126, Lot 225; Zoned: Business-B.

7 Conditional Use §70-139(A)/70-126(F) to convert
8 a retail space to a retail food use.

9 CHAIRMAN MAMMINA: You've heard Appeal No. 2414,
10 Port [sic] -- I'm sorry, 21430, Lifestyle Café,
11 George [sic] Gurrieri.

12 Is there anyone in the room who would like to
13 speak regarding the application other than --

14 MEMBER GOODSELL: Other than the applicant, yes.

15 CHAIRMAN MAMMINA: -- other than the applicant?
16 (No response.)

17 CHAIRMAN MAMMINA: Yes, we'll let the applicant
18 speak too.

19 (Laughter.)

20 CHAIRMAN MAMMINA: Seeing no one, please give
21 your name and address.

22 MR. KARATZIAS: Good -- good evening,
23 Chairman Mammina and members of the Board. On behalf of the
24 applicant, Stelios Karatzias, Sahn Ward Braff Koblenz,
25 333 Earle Ovington Boulevard, Suite 601, Uniondale, New York
26 11553.

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2 Before I'd like to begin, we were recently
3 retained by the applicant. So at this time, I'd like to
4 submit an attorney disclosure affidavit to the Board.
5 (Hanging.)

6 ATTORNEY ALGIOS: (Receiving.)

7 MR. KARATZIAS: Thank you.

8 As the Board is well versed in many of its
9 hamlets and many of its property, I still think it would be
10 appropriate to give a slight history and background of the
11 subject property.

12 To provide a brief background, it was a local
13 establishment known as Frank's Pizzeria that first opened its
14 doors in 1966. Many residents of Port Washington were
15 patrons of this local pizzeria, that has had its roots for
16 approximately 54 years in the community.

17 Unfortunately for many, Frank's Pizzeria closed
18 its doors just several years ago. But as in every
19 bittersweet goodbye as we've all experienced at one point in
20 our lives, it breeds the opportunity for something new to
21 flourish, hence the current application that is before the
22 Board where the applicant, Lifestyle Café, is seeking to
23 establish a juice and smoothie bar on -- on that main
24 corridor of Main Street in Port Washington.

25 To discuss the property in greater detail, the
26 property is situated on a 3,708 1/2 square foot site and is

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2 improved by a one-story building, comprising of three
3 storefronts with basements. The applicant is in -- in
4 contract subject to all Board and municipal approvals to be
5 the tenant and leasee of a one storefront comprising of 844
6 square feet. The subject property is located specifically on
7 14 Main Street, Port Washington, New York 11050, also known
8 as section 5, block 126, lot 22 -- 225.

9 The property is located in the Business "B"
10 Zoning District, pursuant to "Article 1," "Section 70-1" of
11 the Town of North Hempstead Town Code. The property
12 possesses front -- frontage on Main Street. It is of
13 significance to note that the applicant here is not a major
14 franchise business, nor is it a "big-box-named"
15 establishment. It is an independent small business owner
16 who's looking to set up roots in the community and within
17 Town of North Hempstead.

18 The surrounding uses of the property consists of
19 various uses from:

20 Clothing and apparel stores;

21 To hair and nail salons;

22 Food establishments;

23 As well as learning establishments.

24 To provide the Board with a greater detail, to
25 the north northwest and the northeast of the subject
26 property, there are:

1 Appeal #21430

2 Clothing stores for women specifically;
3 A music store;
4 A Taekwondo studio;
5 As well as a learning tutoring center for
6 children.

7 To the east and towards South Maryland Avenue
8 is a fellow tenant that occupies the storefront as a nail
9 and hair salon. Further east is a coffee shop known as
10 For Five Coffee. And adjacent to that coffee shop is a
11 Thai cuisine restaurant called Port Thai Place, as well as
12 Tony's Grab N' Go, which is a vaporization store. It's
13 essentially similar to a smoke shop for purchasing of
14 devices.

15 As you head further down Main Street to the
16 east, as many may know, there's the infamous Port Washington
17 Diner that has been there for quite some time. There is a:
18 Japanese cuisine;
19 Gino's Pizzeria;
20 And many other food uses as well on the
21 corridor.

22 To the west is a vacant lot. And further west
23 with frontage on both Main Street and Port Washington
24 Boulevard is a vacant building that was formerly used as a
25 bank for Capital One. Lastly, to the south is the Town of
26 North Hempstead's municipal parking lot.

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As previously mentioned, the subject of the instant application before the Board is for the establishment of a smoothie and juice bar known as Lifestyle Café. As such and with respect to the zoning requirements, the proposed project I believe is sought is for the approval of the conditional use to convert a retail space to a retail food use, pursuant to:

"Article 17" "Section 70-139(A)" conditional uses of Business "A" District [sic] -- excuse me, Business "B" District;

And "Article 16" "Section 70-126(F)," conditional uses in the Business "A" District of the Town of North Hempstead's Town Code.

The proposed use is to occupy the ground floor and basement of the storefront designating at -- designated as "Building No. 14."

At this time, I would like to submit two renderings of the proposed space along with the aeriels of the surrounding use, if the Board would be so inclined.
(Hanging.)

MR. PERROTTA: (Receiving.) This would be "Exhibit 1" [sic].

MR. KARATZIAS: You have my outdated --

MR. PERROTTA: Oh, I'm sorry, Exhibit --
"Exhibit B."

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2 MR. KARATZIAS: Okay.

3 (Discussion held among Board Members off the
4 record.)

5 MR. KARATZIAS: The applicant's leased -- leased
6 space is rectangular in nature and will act as a
7 railroad-style floor plan, which is quite ironic due to the
8 fact that it's so close to the Long Island Railroad.

9 The space, as you will see in the -- the
10 renderings and the floor plans that were submitted to the
11 Town and to the Board, will reflect a seating bar area facing
12 the storefront window and overlooking Main Street. As you
13 progress down into the storefront, you will see that there's:

14 A seating area;

15 A condiment station;

16 As well as the smoothie;

17 And juice bar counter itself.

18 Thereafter, you will find:

19 An "ADA-compliant" restroom;

20 Then a kitchen with an immediate storage area;

21 And then the ingress and egress with the door to
22 the rear of the building, which will give you access to the
23 municipal lot.

24 In the basement there will be:

25 An office occupied by Mr. Liguori and the -- the
26 designated manager;

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A walk-in refrigerator;
Storage preparation area;
Staff room;
And mechanical room.

The applicant and its architect created an indoor refrigerated refuse area to address the Town's concern of waste that can potentially cause unwanted odors, if left in the outdoor refuse. As the applicant's business is dealing with fruits and vegetables that are perishable, it is important to discard them in the most appropriate manner. And the -- the applicant has addressed that concern.

The applicant's proposed use will consist of:

New plumbing;
Electrical;
And full remodeling of the aesthetics of the leased space.

All equipment such as:

Coffee machines;
"POS" systems;
Smoothies and blender machines;
Sinks;

And all other fixtures will be newly installed.

There will be no cooking equipment on site, just gas or electric stoves, or large scale gas or electric oven.

At this juncture, the applicant's business model

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is to occupy the space with approximately three employees -- excuse me, three full-time employees and to supplement accordingly based on the flow of business.

Additionally, the applicant's hours of operation are intended to be Monday through Sunday from 7 a.m. to 7 p.m. The anticipated delivery schedule is to occur in the morning periods, approximately twice a week by an ordinary-sized commercial van. There will be no large trucks appearing on this site due to the nature of such a small need for the supplies that would be used to conduct daily business.

At this point and before I proceed, I have Mr. Thomas Liguori, who is the applicant and who will be the owner of Lifestyle Café. And unless the Board has any questions for Mr. Liguori, I can proceed.

MEMBER DONATELLI: No questions.

MR. KARATZIAS: The applicant has submitted to the Town -- the Board -- to the Town, the Board of Zoning Appeals affidavits sign posting along with the affirmation of the mailing of the notice of public hearing within 300-foot radius of the subject property, in accordance with "Article 24" "Section 20" [sic] -- "70-2025B(2)". And pursuant to "Article 24" "Section 70-225B" of the Town of North Hempstead's Town Code, the Board of Zoning Appeals has authority to grant conditional and special uses provided

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after a consideration and determination of the following general standards.

The purpose of the zoning set forth in the Town Law, the State of New York and uses permitted in the district in which the property is located:

"No. 1" or "A," as designated in the code;

Whether the -- "B," whether the proposed use is such of such character, size, location, design and site layout, as to be appropriate and in harmony with the surrounding properties.

"C," whether the proposed use will provide a desirable service, facility or convenience to the area, or otherwise contribute to the proper growth and development of the community and to its general welfare.

"D," whether the proposed use will be hazardous, conflicting or incongruence to the immediate neighborhood by reason of excess traffic, assembly of persons, or vehicle's proximity travel routes, congregation of children or pedestrians.

Whether the proposed use will be of such nature as to be objectionable to nearby residential dwellings by reason of noise, lights, vibration or other factors of impact.

"F," whether the proposed use will be a harmonious use in the district in which it is to be situated;

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And must not hinder or discourage the appropriate use and development of adjacent uses or impair the value thereof.

And finally in addition to the foregoing, the location and size of nature and intensity of the operation's proposed -- the nature and the site layout in its relation to access streets shall be considered by the Board having jurisdiction of the application, to determine whether the vehicular traffic resulting from such use will be more hazardous than the normal traffic of the district.

To address each concern and requirement in granting a conditional use, the character, size and location, as well as the design of this proposed use is harmonious with the surrounding properties, as the building structure is not changing and the proposed alterations are merely interior.

The proposed use will create a desired service to the area, as there is no other juice or smoothie bar within the vicinity. And it -- it's creating a healthy alternative food source for people on the go to work and to just enjoy their daily lives.

The proposed use will not have a negative impact to surrounding neighborhood in regards to excess traffic, as the use is not really being intensified from its previous use as a former pizzeria. The proposed use will not hinder or discourage surrounding uses, as there are likewise uses in

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the vicinity of retail uses and retail food uses for various different types of foods.

And lastly, the proposed use does not appear to have a negative factor on the -- impact on flow of traffic, as the use -- the type of business use is de minimis in nature and is heavily reliant upon foot traffic of individuals going from wherever they park their vehicles to the Long Island Railroad and to use that commercial corridor.

As such, it is respectfully requested that granting the requested conditional use will conform to the general character of the neighborhood to which the proposed use will apply and that the public health, moral, safety and general welfare of such neighborhood will be secured by granting of such use, subject to the safeguards imposed by this Board.

I respectfully thank the Board for their time and their consideration of this application. And I am very open to any questions on all facets of the project, if the Board is so inclined.

MEMBER DONATELLI: I -- I do have a few brief questions.

MR. KARATZIAS: Yes, sir.

MEMBER DONATELLI: So your diagram is showing 12 seats; is that correct?

MR. KARATZIAS: Yes, sir. At the moment there

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is 12 seats that they permitted.

MEMBER DONATELLI: And so you anticipate having
no more than 12 seats in the site on site?

MR. KARATZIAS: Based upon my conversations with
the client, that is the intended use. The main purpose of
this use is to act as a "grab-and-go" type of establishment.
You come on in, you get -- you put your order in for a
smoothie, or a shake, or whatever type of a food you'd like
or a juice product, and then you're on your merry way.

Yes, there is seating to allow some type of
leisure, but it's not intended as a significant leisure
space.

CHAIRMAN MAMMINA: Just -- just so that your --
so your client understands, as you said -- and I know it's
just -- it's just words as a figure of speech, as of this
time it's twelve seats, or words to that effect. Twelve
seats is twelve seats.

MR. KARATZIAS: May I have a brief moment to
confer with my client?

CHAIRMAN MAMMINA: Sure -- sure.

(Discussion held off the record.)

MR. KARATZIAS: From the clients himself, twelve
seats will be --

CHAIRMAN MAMMINA: And also --

MR. KARATZIAS: -- the seating arrangement --

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CHAIRMAN MAMMINA: -- also for your client,
that -- that does not preclude him from having more seats, as
long as he comes back and asks for those more seats. And he
may not end up here asking for this -- well, I don't know if
he will, but that's not up to me. That's up to the Building
Department, so --

(Laughter.)

MR. KARATZIAS: Thank you.

And I -- and I believe he here, present, is
fully aware, now that you've said that, Chairman, and at this
juncture, twelve seats.

MEMBER DONATELLI: I have lived in Port
Washington for approximately 35 years. I knew Frank's
when Frank was originally at the pizzeria, and then Linda
when she took over the pizzeria.

(Laughter.)

MEMBER DONATELLI: And so we felt like we lost a
member of the family when -- when Frank's Pizzeria closed
down. I know there is a strong proclivity, especially during
the warmer -- warmer months, for students to get out of -- of
the junior high school or the high school and to occupy Main
Street.

MR. KARATZIAS: Right.

MEMBER DONATELLI: And -- and fortunately, the
Port Police are wonderful. They always have police guards

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2 there that -- that really ensure the safety of kids, as they
3 cross the streets, cross Main Street and cross
4 Port Washington Boulevard. And it's really quite a scene for
5 kids on -- especially on a warm Friday afternoon that occupy
6 Main street. Whether it was Frank's Pizzeria or whether it's
7 this proposed application and it's something that would be
8 perfect for kids to, you know, to do after school. It is a
9 healthy thing to do, as opposed to going to a vape shop or
10 something like that.

11 I have one other question. The delivery is
12 anticipated to be in the rear of the premises; is that
13 correct?

14 MR. KARATZIAS: Yes. So currently, the
15 anticipated delivery schedule will be utilizing the rear
16 portion of the building, simply to avoid traffic congestion
17 to -- making it much easier to retrieve the supplies and to
18 properly store them within the -- the leased space, simply
19 because when entering from the rear doorway from the
20 municipal lot into the -- the leased space, the stairwell to
21 go downstairs to the particular storage or walk-in
22 refrigerator is immediately to the left. So it will act as a
23 much quicker route and it won't interfere with any patrons
24 that are utilizing the front entranceway.

25 MEMBER DONATELLI: Okay.

26 And your client is aware of the -- what we call

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the standard restaurant conditions?

MR. KARATZIAS: Yes.

MEMBER DONATELLI: And your client has agreed to those conditions?

MR. KARATZIAS: Yes, sir.

MEMBER DONATELLI: Okay.

So Mr. Chairman, I make a motion that we grant the application.

CHAIRMAN MAMMINA: Okay.

Do we have a second to that motion?

MEMBER HERNANDEZ: Second.

MEMBER GOODSSELL: Second.

CHAIRMAN MAMMINA: Seconded --

MEMBER HERNANDEZ: You haven't done one yet.

MEMBER GOODSSELL: I haven't done one. I've made myself quiet. But this one, you know, we always would like businesses to succeed. Being this close to a school is I think one of your reasons your client hopes to succeed. And of course, I'm all about food, so I -- I will second.

(Laughter.)

CHAIRMAN MAMMINA: All right. So we have a -- a second from Member Goodsell.

Please poll the Board.

SECRETARY WAGNER: Member Hernandez?

MEMBER HERNANDEZ: Aye.

1 Appeal #21430

2 SECRETARY WAGNER: Member Goodsell?

3 MEMBER GOODSSELL: Aye.

4 SECRETARY WAGNER: Member Donatelli?

5 MEMBER DONATELLI: Aye.

6 SECRETARY WAGNER: Chairman Mammina?

7 CHAIRMAN MAMMINA: Aye.

8 The application is granted. Thank you.

9 MR. KARATZIAS: Thank you.

10 And I --

11 CHAIRMAN MAMMINA: And good luck.

12 MR. KARATZIAS: -- just for the Board's

13 recognition, this is my first time before you and I

14 appreciate --

15 CHAIRMAN MAMMINA: Well, I will --

16 MR. KARATZIAS: -- the courtesy and --

17 CHAIRMAN MAMMINA: -- I will -- I will do

18 that -- one second. I will tell Michael how horrible you

19 were.

20 (Laughter.)

21 MR. KARATZIAS: I appreciate that. I look

22 forward to seeing you all once again.

23 MEMBER DONATELLI: Thank you.

24 Very well -- well done.

25 MR. KARATZIAS: Thanks.

26 MEMBER DONATELLI: And let me also say that your

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interior decorator is way different from what Frank --
Frank's Pizzeria was.

MR. KARATZIAS: Thanks.

(Laughter.)

MR. KARATZIAS: And that's all accredited to the
-- the applicant.

Thank you.

(Laughter.)

(Discussion held among Board Members off the
record.)

1 Appeal #21431

2 (Discussion held off the record.)

3 (Discussion held among Board Members off the
4 record.)

5 SECRETARY WAGNER: Next appeal, APPEAL #21431 -
6 Louie's Port Washington (Louie's Real Estate Main Street,
7 LLC); 395 Main Street, Port Washington; Section 5, Block C,
8 Lot 2; Zoned: Waterfront Business (B-W).

9 Variances from §§70-103.A(1), 70-148.12(A)
10 and 70-148.7(D) to legalize additions to a restaurant
11 and to construct additions to a restaurant which will
12 exceed the permitted height (too tall), with not
13 enough parking and with a proposed second floor
14 deck/gathering area which is not permitted.

15 CHAIRMAN MAMMINA: You've heard Appeal
16 No. 21431, Louie's Port Washington, Louie's Real Estate
17 Main Street, LLC.

18 Is there anyone in the room interested in the
19 application other than the applicant?

20 (Gesturing.)

21 CHAIRMAN MAMMINA: Okay. We're seeing some
22 hands up there and we will pass around a sign-in sheet.

23 (Discussion held among Board Members off the
24 record.)

25 MR. PERROTTA: Okay. If you haven't signed
26 in -- and some of you guys have signed in already prior -- if

1 Appeal #21431

2 you haven't signed, please sign.

3 SECRETARY WAGNER: And just to let you know, we
4 received some additional e-mails today which I'll have to go
5 over for you --

6 MS. DEEGAN DICKSON: Okay.

7 SECRETARY WAGNER: -- so -- or late last
8 night --

9 MS. DEEGAN DICKSON: Okay.

10 SECRETARY WAGNER: -- and to the Board.

11 (Discussion held among Board Members off the
12 record.)

13 MS. DEEGAN DICKSON: So before we start, I'm
14 just going to set up some of the boards.

15 (Discussion held among Board Members off the
16 record.)

17 MS. DEEGAN DICKSON: Are you ready for me --

18 CHAIRMAN MAMMINA: Yeah --

19 MS. DEEGAN DICKSON: -- or not yet?

20 CHAIRMAN MAMMINA: -- I'm ready.

21 Do you have any prime rib samples?

22 (Laughter.)

23 MEMBER GOODSELL: Seafood?

24 (Laughter.)

25 MEMBER DONATELLI: It's not lunchtime. It's
26 almost dinnertime.

1 Appeal #21431

2 MS. DEEGAN DICKSON: We've got a bunch of
3 oysters in the back.

4 (Discussion held among Board Members off the
5 record.)

6 MS. DEEGAN DICKSON: All right. So good
7 afternoon.

8 Oh, did you already -- you already called it;
9 right?

10 SECRETARY WAGNER: Yeah, I read it into the
11 record.

12 CHAIRMAN MAMMINA: Yeah.

13 MS. DEEGAN DICKSON: Yeah.

14 SECRETARY WAGNER: It's getting to that point we
15 can't remember what we've done.

16 (Laughter.)

17 CHAIRMAN MAMMINA: It's been a long day.

18 MS. DEEGAN DICKSON: This is the latest I've
19 seen you guys here in a while, so --

20 CHAIRMAN MAMMINA: In a while.

21 MS. DEEGAN DICKSON: Good afternoon or evening.
22 My name is Kathleen Deegan Dickson. I'm a partner in the
23 law firm of Forchelli Deegan Terrana, 333 Earle Ovington
24 Boulevard, Uniondale, New York, here on behalf of Louie's
25 Real Estate Main Street, LLC, which is the property owner for
26 Louie's Prime Steak and Seafood Restaurant down at

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395 Main Street in Port Washington.

My client is the new owner of the property, relatively new. They purchased the restaurant and the property in February of 2022 and have plans for renovation of the existing restaurant. The last time this building had a facelift was in 2005, when there was an expansion. And the last parking variance was granted for this property.

Our plans before you today are for an interior renovation and facade improvements with a minimal increase in square footage, which is sort of incidental to the -- to the renovation, as opposed to really grabbing any more of -- any more of the lot for -- for the restaurant.

The -- the total square footage increase is 1,534 square feet. That consists of 612 square feet of a portion of the outside deck that is over here (indicating). Just to give you your bearings -- I'm not sure, I -- I get turned around here. This (indicating) is north. This (indicating) is south. This (indicating) is west. This (indicating) is east. This (indicating) is Main Street. So and here (indicating) is Manhasset Bay.

So a portion of the deck at some point was -- was filled in with -- with decking. There used to be a "U-shaped" area that was sort of awkward to maneuver outside of the -- outside of the barroom. This (indicating) is the -- this is the new proposed site plan.

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2 So 612 square feet is for the -- to legalize
3 that filled in portion of the deck. 752 square feet is to
4 capture floor area on the second floor, which is currently
5 used for storage. The floor space is there (indicating), but
6 it's under the eaves. If anybody's been to the second floor
7 of Louie's for a party. There is two knee walls
8 (indicating), and then the roof peak's up from there
9 (indicating). And then outside of those knee walls, there's
10 about 5 feet on either side that is currently used for
11 storage (indicating).

12 So the proposal for that area is to take those
13 knee walls, and get rid of them, and then take the floor and
14 just go straight up from there. You'll see on --

15 MEMBER HERNANDEZ: I'm sorry. Go -- go up
16 where? If you're taking the knee walls down, then you're
17 going to put them back up again?

18 MS. DEEGAN DICKSON: No, the knee walls are in
19 (indicating). So there's -- if you look here (indicating),
20 the knee walls are here (indicating) and here (indicating).
21 So this (indicating) is the amount of usable floor space --

22 MEMBER HERNANDEZ: Correct.

23 MS. DEEGAN DICKSON: -- on that second floor,
24 usable for the restaurant.

25 MEMBER HERNANDEZ: Yes.

26 MS. DEEGAN DICKSON: From those (indicating)

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2 knee walls back to the side (indicating), this (indicating)
3 is the existing footprint of the second floor.

4 MEMBER HERNANDEZ: That's the perimeter.

5 MS. DEEGAN DICKSON: Right. So we're going to
6 eliminate those (indicating) knee walls and then just bring
7 the second floor (indicating) -- instead of being a little
8 triangle here (indicating), it's going to go straight up and
9 go across.

10 (Discussion held among Board Members off the
11 record.)

12 MEMBER DONATELLI: And -- and --

13 MEMBER HERNANDEZ: Oh -- oh, okay -- okay. So
14 you're going -- so you're going to-- you're going to
15 basically dormer, for lack of a better word? You're going to
16 open up the walls?

17 MS. DEEGAN DICKSON: Yes, essentially. It's
18 going to be a little bit higher, because we're raising
19 the -- the first floor dining room ceiling. Originally, the
20 plan was to keep the exact same height. Then as the plan
21 evolved over the last year and-a-half, they -- they decided
22 to raise the -- the floor up a little bit. And then instead
23 of just taking the roof and going like that (indicating), to
24 take the roof and go like that (indicating), if that makes
25 any --

26 MEMBER DONATELLI: If you can --

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2 MEMBER HERNANDEZ: Again, what's on top of that?
3 Once those walls get opened up, what goes on top of that, a
4 flat roof, another pointed roof? What's that?

5 MS. DEEGAN DICKSON: Yeah, it's going to be a
6 flat roof with, you know, with architectural feature up here
7 (indicating) that doesn't have any -- it doesn't have any
8 usable space. So the top will be just a flat roof, instead
9 of the peaked roof that's there now.

10 As we go through this, it'll become a little
11 more clear I think.

12 MEMBER DONATELLI: Okay, this --

13 MS. DEEGAN DICKSON: But --

14 MEMBER DONATELLI: -- I'm sorry, but I -- I need
15 to go back to what you said about the deck.

16 (Discussion held among Board Members off the
17 record.)

18 MEMBER DONATELLI: The -- the clarification of
19 filling in of the deck, can you go over that again on your
20 diagram and tell us how that occurred?

21 MS. DEEGAN DICKSON: So when my client purchased
22 the property, the deck was as it is right now, which is a
23 clear -- now these (indicating) are just renderings, but it
24 might help you understand a little bit. There was -- there
25 used to be like a "U-shaped" cut out in the deck
26 (indicating), according to the former plans for the -- for

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the building.

At some point in the past, prior to my client's ownership, that decking was filled in. So if you wanted to go from here (indicating) to here (indicating) instead of having to walk all the way around, now you can walk across.

MEMBER DONATELLI: And that occurred without a permit?

MS. DEEGAN DICKSON: That apparently occurred without a permit.

AUDIENCE MEMBER: Can I just see that board for two seconds?

MS. DEEGAN DICKSON: (Indicating.)

AUDIENCE MEMBER: Thank you -- thank you.

MS. DEEGAN DICKSON: And then --

MEMBER HERNANDEZ: I'm -- I'm sorry, but you handed this out and I read through what you handed to me.

MS. DEEGAN DICKSON: Oh.

MEMBER HERNANDEZ: On the very first page, it says no increase in the seating capacity for dining?

MS. DEEGAN DICKSON: Yes.

MEMBER HERNANDEZ: What are you putting on that extended -- on that -- is that just roof space or you're putting a second floor up?

MS. DEEGAN DICKSON: So I will explain. Let me go -- let me go through my -- through my presentation.

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2 MEMBER HERNANDEZ: Okay -- okay.

3 MS. DEEGAN DICKSON: And I think things will
4 make a little more sense as we go through.

5 MEMBER HERNANDEZ: Okay. Go ahead.

6 MS. DEEGAN DICKSON: So in 2005, the restaurant
7 was approved for 334 seats, dining seats. That is the same
8 number of seats that we propose for the restaurant now. The
9 first floor and the second floor are being reconfigured to
10 make them flow better, to relocate the bar from where it is
11 as you first walk into the restaurant, over to the -- over to
12 the north side of the restaurant. So again as you enter the
13 restaurant (indicating).

14 MEMBER HERNANDEZ: Uh-huh.

15 MS. DEEGAN DICKSON: Right now you'd walk in,
16 there's a bar room here (indicating) --

17 MEMBER HERNANDEZ: Yeah.

18 MS. DEEGAN DICKSON: -- there's a dining here
19 (indicating) and there's dining here (indicating). My
20 proposal would be to relocate the bar to here (indicating)
21 and reconfigure the -- the main dining room, reconfigure this
22 (indicating) dining room and then arrange the seating on the
23 outside, so that it's -- so that it's more functional.

24 Between "COVID" where people don't like sitting
25 on top of each other and just the -- the operations, the way
26 the new owner operates his restaurants, he wanted to have a

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little bit more elbow room. So while we're, again,
technically we are expanding the -- the building by 1,500
square feet, we are not planning to add any tables or chairs
to increase the capacity. Our -- our plan is to maintain no
more than 334 seats on the premises.

And I -- I stress that because it's something
that we've stressed to the community. We've had a few
meetings with members of the community and we've committed to
that, that -- that we are going to hold it at the level that
was approved back in 2005.

There's also another addition of square footage,
that I think seems to have everybody more concerned than
other parts of it. We're proposing to add a small balcony on
the second floor. So as you -- as you're sitting on second
floor, you can step outside, have a breath of air, but no
seating, no tables.

And unfortunately, the code uses the -- the
language "gathering space," so that's how the Building
Department identified it as gathering space. It's not
intended to be gathering space. It's intended to be if there
is a -- a, you know, a private -- a private event up here
(indicating) or even just regular dining, to have the doors
open, so somebody can go out and take in the harbor and look
at the sunset, without any seating or without any plans to
linger out there, just, you know, step out, get a breath of

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fresh air and come back in.

MEMBER DONATELLI: Are -- are events currently
done on the second floor?

MS. DEEGAN DICKSON: They have, you know, small
events, baby showers. And I've been to baby showers there.
I think I went to -- to a christening party there once. You
know, small things?

You know, the -- the intent of the second floor,
of the new second floor is really to be sort of swing space.
You know, something that in the wintertime when people can't
be sitting outside, they can still enjoy the views of the
harbor, where, you know, right at historically, Louie's
hasn't been a 12-month restaurant. They've been very, very
seasonal.

The current owners have several restaurants that
they run, some of which you're -- you're probably familiar
with, one of them is Rothmann's and they also own a few
restaurants known as Matteo's. They have a very good
reputation both in the restaurant world and in the -- and in
the patron world. People, they really pride themselves on
good service.

One of the things they don't do that I wanted to
stress also is they don't do the Thursday night discos, and
they don't do karaoke nights and they don't do things like
that. So part of the vision for this renovation is really to

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elevate the -- elevate the style of the restaurant, modernize it, make it sleek and pretty. And -- and also the quality of the food, I think people will, to a person, say that the quality has -- since the -- since the new owners have taken over has really -- has really increased.

The -- there's been a restaurant in this location since 1905. Everybody looks at what's there now and they think, oh, this is the original restaurant. The original restaurant was actually a barge out in Manhasset Bay. Then in 1926, the restaurant was built, the first sort of clam shack chowder hut kind of thing.

1972 was the first variance that we see being on record for -- for the restaurant. And that permitted 228 seats on the site.

There was another renovation in 1986 that permitted 240 seats. They didn't require a variance at the time. So I don't know if the code was different between 1972 and 1986. And then the current iteration of the restaurant that -- as it is now is from 2005, when it was renovated to accommodate the 334 seats, that are -- that are currently there. They received a parking variance then and that's the parking variance that we're currently operating under.

As you know and as you hear from me quite often, in 2018 the Town changed its method of calculating parking for restaurants. That would not effect us at all, if we

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weren't planning this renovation. But as it is with the stroke of pen in 2008 [sic] -- in 2018, our restaurant that required 84 parking spaces instantly required 156 parking spaces. So as we stand right now without touching anything, technically we require 156 parking spaces for a restaurant that's been in this configuration for -- for at least the last 18 years.

The additional parking variance that we're seeking is for those additional areas of square footage that we talked about. The two, I'm going to call them wings of the second floor, the fill in of the deck and then the 170 square foot balcony that we're proposing off of the second floor dining area. When you take those -- those square footages the 1,590 [sic] -- 1,534 square feet, that gives us an increase of -- in parking under the current code of 14 spaces. So while the variance before you looks like it's for 170-odd spaces, we're really talking about a functional practical difference of 14 parking spaces.

And even of that, 612 square feet has been operational the way it is now for some time. So that's already sort of been absorbed by the community, I would say. So when you hear from our traffic engineer this evening, the numbers and the counts he give you are going to include at least that 612 square foot expansion, that -- that's already happened.

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2 So the -- we talked the second floor already. I
3 jumped ahead a little bit. I want to talk a little about the
4 balcony, because I do know that people are concerned about
5 it. The idea, as I said, is not for seating. It's not for
6 gathering. It's not for anything other than to be, in
7 effect, a -- a, you know, a -- a little more than a "Juliet
8 Balcony." It's 5 feet deep, you know, by the -- the width of
9 the proposed road or -- or the existing footprint of -- of
10 the second floor. It's really intended just to be an amenity
11 for the upstairs diners. So when people downstairs can open
12 up the -- the french doors to get the fresh air in, same
13 thing for the second floor diners, that they would have that
14 same opportunity.

15 One of the -- we are also seeking a variance for
16 height, for the height of the building. So this again, is
17 more of a technical variance than anything else. We, as I
18 mentioned, we're modifying the roof line of the second floor
19 dining room, the upstairs dining room.

20 And we're creating a new attractive facade. I
21 think most people would agree that it's -- it's a nice look.
22 It's a nice clean -- a nice clean and modern look. And then
23 in the front, we're putting a -- a facade above the first
24 floor. And it's basically faux windows and essentially a
25 parapet that's going to be hiding the mechanicals that are
26 behind the -- that are behind the -- that parapet now.

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2 Knowing that this community is very concerned about what
3 happens down on the Main Street, we wanted to make sure that
4 we weren't going to be impacting any views with this
5 increase, with this height increase in the front.

6

Do you have the -- so we actually had some --
7 some drone foot -- footage from the top of the parking lot,
8 which is the closest residence, other than -- this one
9 (indicating), which is -- which is under similar ownership to
10 the -- to the restaurant. But the house that's up at the top
11 of the parking lot, we took a picture of the existing
12 condition, which is the one on the left (indicating), and
13 then had our designer superimpose the -- the new facade and
14 the new roof line on the one on the right (indicating).

15

And if you compare the two, you'll see that the
16 view is essentially the same. There's really no -- no
17 difference. This -- this boat here (indicating) is the same
18 boat as over here (indicating). You can see the, all of the
19 "Inspiration Wharf" over here (indicating). You can still
20 see all of "Inspiration Wharf," for better or for worse, you
21 can still see it.

22

(Laughter.)

23

MS. DEEGAN DICKSON: So that was something that
24 we were very concerned about, wanting to make sure that --
25 that nobody would fear that we were going to be going up too
26 high, because I -- we know that that was a big part of the

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adoption of the Waterfront Business District was the concern about heights, and views and things of that nature.

But the interesting thing about Louie's that's different from most of the other properties along this strip, is that being built in 1926 when we did not have an active Department of Environmental Conservation, a good part of the building is built over the water. So our height, as you know here in the Town of North Hempstead, height is measured from the averaged -- average pre-existing grade to the highest point of the building.

Because a good part of our building is built over water, which sometimes the sand at low tide. Our average grade is the average from -- this (indicating) is Main Street. This (indicating) is Manhasset Bay. This (indicating) is the average -- the actual grade goes down and is here (indicating). So our average grade is about 4 feet higher -- or actually 4 feet lower than Main Street.

So as you stand on Main Street and you look at it, you're going to be looking from here (indicating) to here (indicating). But where we have to measure from is from here (indicating) to here (indicating). So as you shift this -- this (indicating) heavy line up, you'll see that from -- from the sidewalk line on Main Street (indicating) to the very top of the decorative elements (indicating) on to the other one --

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2 (Discussion held among Board Members off the
3 record.)

4 MS. DEEGAN DICKSON: -- the decorative elements
5 are actually within 30 feet of the -- the base of the
6 building.

7 So it's -- I understand that it's a condition
8 that's in the code. It's been in the code for a long time.
9 But nobody else along Main Street has this issue, because we
10 are the only property that's actually built over water. So
11 in order to get the same height on Main Street, along
12 Main Street as any of our neighbors in the Waterfront
13 Business District, we need a variance, whereas they won't.

14 CHAIRMAN MAMMINA: How high -- how high is that
15 actual -- - and I understand exactly what you're saying and
16 how it penalizes you, because I've been in situations like
17 that.

18 How high is that above Main Street or, you know,
19 above that sidewalk?

20 MS. DEEGAN DICKSON: Above Main Street?

21 CHAIRMAN MAMMINA: I think there's a dimension
22 beyond on that right-hand side.

23 MS. DEEGAN DICKSON: It's to the -- to the very
24 top of the decorative elements.

25 MEMBER HERNANDEZ: It's still Main Street. It's
26 not from the average.

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2 MS. DEEGAN DICKSON: It's exactly 30 feet.

3 MEMBER HERNANDEZ: 30 feet?

4 MS. DEEGAN DICKSON: Yes.

5 CHAIRMAN MAMMINA: And that's a single -- that's
6 a single element?

7 MS. DEEGAN DICKSON: That's -- yes.

8 So you'll see that, so this (indicating) is the
9 rear of the water side. The only parts that are -- that are
10 outside of the --

11 MEMBER HERNANDEZ: Uh-huh --

12 MS. DEEGAN DICKSON: -- the average grade, the
13 average height are decorative elements. Once you pull it up
14 it's completely the sign.

15 CHAIRMAN MAMMINA: Yeah, I just wanted to
16 make -- make sure that my supposition was correct.

17 MS. DEEGAN DICKSON: Yes. Yes, it is.

18 MEMBER HERNANDEZ: So from Main Street, you're
19 30 feet up. But when you do the calculation based on the
20 average, you appear to be 34?

21 MS. DEEGAN DICKSON: Correct.

22 And that's what -- we do it because not -- it
23 doesn't appear visually to be 34, but it is 34 from --

24 MEMBER HERNANDEZ: Right, yeah -- yeah.

25 MS. DEEGAN DICKSON: -- the under ground that
26 the --

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2 MEMBER HERNANDEZ: The measurement is still 34?

3 MS. DEEGAN DICKSON: Yes.

4 MEMBER HERNANDEZ: Although visually, it's 30?

5 MS. DEEGAN DICKSON: Right, exactly -- exactly.

6 As I mentioned, about the 2 feet 7 inches of the
7 new height in the rear, our water side is attributable
8 elevating the ceiling on the ground floor. I'm -- I'm not
9 sure if the packet that you have, which actually I'd like to
10 have marked as an exhibit, the packet that I submitted.

11 No, okay.

12 SECRETARY WAGNER: This will be "Exhibit 1."

13 (Discussion held among Board Members off the
14 record.)

15 A VOICE: And that section there is for
16 elevating meters there?

17 ATTORNEY ALGIOS: I'm -- I'm sorry, sir, can you
18 refrain until -- refrain from questions, because we just need
19 everything on the record for the -- for the stenographer.

20 Thank you.

21 AUDIENCE MEMBER: You got it.

22 CHAIRMAN MAMMINA: I apologize, I didn't realize
23 that I had those in my "Truckers." I was so taken by the
24 front --

25 MS. DEEGAN DICKSON: So I do have before and
26 after pictures of the first floor of the restaurant, on

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2 the -- on the south side of the restaurant. So this
3 (indicating) is the -- this (indicating) is the current
4 dining -- dining room downstairs.

5 MEMBER HERNANDEZ: Uh-huh.

6 MS. DEEGAN DICKSON: And then it's proposed to
7 be a little -- a little -- a lot brighter and a lot more open
8 and airy. And the -- the columns that you see here
9 (indicating) are going to be -- be removed. So there's going
10 to be a whole new structure that will -- will help support
11 the second floor. But it's going to reflect the aesthetic of
12 the restaurant.

13 (Handing.)

14 MR. PERROTTA: (Receiving.)

15 "Exhibit 2?"

16 MS. DEEGAN DICKSON: "Exhibit 2" before and
17 after photos.

18 And in the packet, I'm -- I'm sorry, we don't
19 have them -- the pages marked, but you can see the second
20 floor, there's also before and after --

21 MEMBER HERNANDEZ: Yes.

22 MS. DEEGAN DICKSON: -- photographs there and --
23 and renderings.

24 So I -- I mentioned earlier we've met with
25 neighbors in the area, as well as residents forward to
26 explain the project. We had invited all of the residents

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2 that were going to receive notice of the hearing. And we had
3 a meeting with about 40, about 41 resident of the immediate
4 area. I'm -- I'm not going to put words in anybody's mouth,
5 but -- but I do feel like there were a lot of misconceptions
6 that were cleared up at that time. And I'm -- I'm hoping
7 that any of the people who were there that evening will --
8 will bear that out.

9 (Discussion held among Board Members off the
10 record.)

11 MS. DEEGAN DICKSON: We also met with "Residents
12 Forward," the leadership of "Residents Forward" of -- they
13 had brought up a question about design elements and meeting
14 the design standards of the "Downtown Business Overlay,"
15 which technically doesn't apply here. But it's a -- I know
16 having worked with "Residents Forward" for many years, that
17 it's a sensitivity about keeping the nautical, the "port" in
18 "Port Washington" if you will.

19 So interestingly or -- or maybe not
20 interestingly, our designer actually had done other
21 restaurants in the area, and was familiar with the guidelines
22 and had worked them into the -- into the design already. And
23 then we also added clapboard element to the -- to the facade
24 on the second -- the -- the higher part of the building. I
25 don't want to call it the second floor of the building.

26 But -- but where this (indicating) was

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originally proposed to be more of a stucco material. Now, it's going to have a little bit more of a seaside clapboard look that makes it blend in a little bit better.

Before I -- I introduce Aaron Machtay from "VHB," you -- you should have a parking study that was prepared by "VHB." It was submitted with our application. I wanted to point out that right now -- and I said it at the beginning -- this is an existing restaurant that has been here for -- for nearly a hundred years, for 97 years in this actually physical location. It's certainly grown. It's waxed and waned over the years, but the numbers that you're going to hear from him tonight are inclusive of the parking that's already -- that's already accommodating the patrons at the restaurant.

So whereas coming in and hearing about 170-car variance that -- or 120-car variance that would be needed -- and for a new restaurant, that's a very different thing from hearing about the variance that we need for an existing thriving restaurant in the height of summer.

We had "VHB" go out and do another round of counts, because the first time they went out was the -- the Friday and Saturday after Memorial Day Weekend, which we figured was going to be a big booming time, but the weather was crummy. And so the actual parking occupancy was very, very low. And I said nobody's going to buy this. We got to

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go out and do it do again.

So then they went out again and they looked the weekend after Fourth of July, which, as you know, anybody who lives or goes to Port Washington for a waterfront restaurant, that's like the Christmas Eve if you were retail. That's like when everybody wants to be there. It's, you know, it's sunny, it's hot, it's, you know, it's -- it's beautiful day. And, you know, we looked at the weather and it was -- it was all of that.

So I think that the parking counts that you're going to hear from Aaron are unquestionably the peak that -- that have been experienced in that -- in that area this summer. And then I also -- we've spoken with the operator of the Port Washington Water Taxi, which is one of the things that I love about Port Washington that you guys have a water taxi -- that you guys have a water taxi, because it -- it at definitely takes cars off the road.

And I know I'm -- when I'm remember in Hempstead Harbor on the other side and I listen to the radio, that water taxi is being called constantly to zip people around:

To LaMotta's;
To Louie's;
To -- to, you know, the yacht clubs;
To every -- everywhere.

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2 So we have an affidavit from Matthew Meyran, who
3 is the owner of the Port Washington Water Taxi, who says
4 conservatively he estimates that the water taxis makes 7 to
5 10 trips to Louie's per day, which is anywhere from 840 to
6 1,200 trips per season during the peak season.

7 So I note they're -- I've heard some people are
8 taking issue with the representation about 40 percent of our
9 patrons arrive by boat. That's something that's been
10 represented to us by the dockmaster and by -- by Mr. Meyran
11 at -- at the water taxi. I also know anecdotally. Just last
12 weekend I was in Hempstead Harbor and I waved to friends.
13 There were 14 people in a -- in a pretty large boat. I said
14 where you going? They said we're going over to Louie's.

15 So I -- I know that people go by boat. They
16 come from --

17 MEMBER GOODSSELL: And I don't dispute that,
18 because to be honest, I've been to Louie's twice this year
19 and both times have been by boat.

20 However, when you come in and you sit down,
21 nobody is asking us did you come in by car or did you come in
22 by boat? And that's where I think the flaw is. Yes, it's a
23 busy dock.

24 MS. DEEGAN DICKSON: Yeah.

25 MEMBER GOODSSELL: But proportionately, I'm not
26 quite sure, I think it's an anecdote as to how much business

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is by each, so --

MS. DEEGAN DICKSON: So and that's -- that's why I wanted to bring it up, because I wanted to clarify we -- we represented it in our application. It's sort of an unscientific number. And I want to just make sure that nobody thinks that we're attempting to mislead or to -- to "puppet." But this is -- this is what we've been told and that's been the experience of our -- of our dockmaster, not knowing who's coming by -- by car and by -- by boat. But -- but a substantial number of people in season come by boat.

And so --

MEMBER HERNANDEZ: I just -- I need to repeat something, because I didn't --

MS. DEEGAN DICKSON: Yes.

MEMBER HERNANDEZ: -- write it down.

You mentioned that -- that at 354 -- how many seats is it that you have at the --

MEMBER DONATELLI: 334.

MEMBER HERNANDEZ: 334.

MS. DEEGAN DICKSON: 334 --

MEMBER HERNANDEZ: Okay --

MS. DEEGAN DICKSON: -- yes.

MEMBER HERNANDEZ: -- 334 seats.

And you said that -- that because of the change in 2018, the amount of parking spaces that you needed,

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2 because it was changed from seats to square footage, changed
3 dramatically from square footage.

4 MS. DEEGAN DICKSON: Changed from --

5 MEMBER HERNANDEZ: Yeah.

6 MS. DEEGAN DICKSON: -- almost doubled our
7 parking requirement.

8 MEMBER HERNANDEZ: Could -- could you repeat
9 those numbers if you have them handy?

10 MS. DEEGAN DICKSON: Yes.

11 It went from 84 we were required in 2005 --

12 MEMBER HERNANDEZ: Okay.

13 MS. DEEGAN DICKSON: -- to 156 required for this
14 variance.

15 MEMBER HERNANDEZ: It's nearly doubled?

16 MS. DEEGAN DICKSON: Yeah, so it's nearly
17 double.

18 MEMBER HERNANDEZ: Yeah.

19 CHAIRMAN MAMMINA: Okay, so --

20 MEMBER DONATELLI: And I would like to get a
21 better sense for the -- since the application is basically
22 for the name of -- same number of seats, I'd like to get a
23 better sense for how you -- how you're going to change the
24 density of the tables that are there and how you're going to
25 relocate them, the tables --

26 MS. DEEGAN DICKSON: So --

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2 MEMBER DONATELLI: -- and the people?

3 MS. DEEGAN DICKSON: -- so the restaurants
4 are -- are sort of fluid businesses. There's a certain
5 amount of fixed seating that's going to be in the -- on the
6 first floor and the banquette seating that will be on the
7 second floor.

8 (Discussion held among Board Members off the
9 record.)

10 MS. DEEGAN DICKSON: So in the bar area, there's
11 going to be a few booths (indicating). There's going to be
12 fixed banquette seating (indicating). And the main dining
13 room is in the middle (indicating). On the second floor
14 along the walls, there'll be fixed banquette seating.

15 So those are -- those will be -- those will be
16 what they are. Everything else sort of moves around as
17 needed.

18 If you come in with a party of 12, you take up,
19 you know, take up three four tops and you put them together
20 the tables. If you -- you have, you know, you want to sit
21 next to your friends and if there is room there, sometimes
22 they'll scoot a table over.

23 So there's no like -- there's like no fixed
24 seating other than the fixed seating. You know, part of
25 the -- the intent is to have swing seating where, on nice
26 days, the seating is outside on the deck and they scoot a

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couple of tables out. You know, there -- there'll be a certain amount of seating that's there always there in the summer.

But if it's a really busy day and everybody who comes in wants to sit out on the deck, they'll scoot some tables out on the deck, but those are tables that won't be filled inside. And then in the wintertime there'll be nobody sitting outside essentially. So and probably they cannot fit 334 seats in the restaurant itself, when the outside doesn't have tables.

You know, the restaurant is limited with the square footage of the inside. The outside is a -- is a substantial part of -- of the restaurant's square footage. It's also a -- and it's also a substantial draw in the -- in the high season. So I'd -- I'd like to give you a better explanation about --

MEMBER DONATELLI: Well, maybe it's just as simple as -- as citing the fact that you're to going have, if the application is approved, 1,500 additional square feet with the same number.

MEMBER HERNANDEZ: With 334 seats.

MEMBER DONATELLI: With 334 seats.

MS. DEEGAN DICKSON: We're prepared to --

MEMBER DONATELLI: So --

MS. DEEGAN DICKSON: -- commit to that, accept

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2 it as a condition of approval. And it's -- it's what we're
3 certainly representing to the Board and have every intention
4 to do so.

5 MEMBER DONATELLI: So do you anticipate any
6 different type of uses with, for example, the second
7 floor balcony? You're not calling it your gathering --
8 gathering --

9 MS. DEEGAN DICKSON: No, we don't call it a
10 gathering area. That's -- that's the code that calls it
11 that.

12 MEMBER DONATELLI: Okay.

13 MS. DEEGAN DICKSON: That -- we call it a -- we
14 call it a -- a balcony, I mean 'cause it's --

15 MEMBER DONATELLI: Okay --

16 MS. DEEGAN DICKSON: -- not a deck. It's not a
17 porch. It's really something -- you know, it's 5 feet deep,
18 so, you know, from -- from here (indicating) to the railing
19 (indicating).

20 CHAIRMAN MAMMINA: The problem is that --

21 MEMBER DONATELLI: Is it --

22 MS. DEEGAN DIXON: You can count the ceiling --

23 CHAIRMAN MAMMINA: -- 5 by 34 according to the
24 drawings.

25 MS. DEEGAN DICKSON: Yeah.

26 CHAIRMAN MAMMINA: So --

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2 MS. DEEGAN DICKSON: So --

3 CHAIRMAN MAMMINA: -- it's very shallow.

4 MEMBER DONATELLI: So you do not anticipate
5 tables there?

6 MS. DEEGAN DICKSON: Absolutely not.

7 MEMBER DONATELLI: You do not anticipate eating
8 there?

9 MS. DEEGAN DICKSON: Correct.

10 And we will commit to that as well, that can be
11 a condition of any approval that's granted.

12 There -- I -- I think there is a concern about
13 lighting and, you know, what kind of lighting is going to be
14 out there. There's really -- there's only two wall sconces
15 that are proposed for the -- for that upstairs balcony, one
16 on either side (indicating). And the rest of it, it's --
17 it's going to be dark. It'll just be lit by whatever ambient
18 light is coming from -- from the dining room behind it.

19 (Discussion held among Board Members off the
20 record.)

21 MS. DEEGAN DICKSON: And all of that new space,
22 I just want to reiterate, is water side. It's no new space
23 is going to be on the neighborhood side, with the sensitivity
24 of -- of light pollution and noise.

25 MEMBER HERNANDEZ: I'm -- I'm still trying to
26 get -- put the parking into perspective --

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2 MS. DEEGAN DICKSON: Okay.

3 MEMBER HERNANDEZ: -- okay, because it is -- it
4 sounds like a big number.

5 MS. DEEGAN DICKSON: Yes.

6 MEMBER HERNANDEZ: Okay.

7 What is the -- this new configuration, what is
8 the number of parking spaces you are supposed to have?

9 MS. DEEGAN DICKSON: With the new configuration?

10 MEMBER HERNANDEZ: Yes.

11 MS. DEEGAN DICKSON: It is -- let's see. I
12 guess you -- right off the top of my head -- 170 spaces.

13 MEMBER HERNANDEZ: Okay.

14 Now, that also assumes that it's the almost to
15 the one to what it was in 2018 or pre-2018?

16 MS. DEEGAN DICKSON: Right.

17 MEMBER HERNANDEZ: Right, which means that
18 170 would be probably around call it 90, okay, being that
19 it's less than half?

20 MS. DEEGAN DICKSON: Uh-huh.

21 MEMBER HERNANDEZ: So if before it was 84, now
22 it -- it would be 90, if -- if it was -- it was almost --

23 MS. DEEGAN DICKSON: Right. I think that's a
24 good way to keep it in perspective. That's probably on the
25 lower side.

26 MEMBER HERNANDEZ: Okay.

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2 MS. DEEGAN DICKSON: But the way I calculated,
3 even if you take the new square footage and calculate that
4 under the new code, we're still talking about 20, a maximum,
5 you know, 19 or 20 parking spaces required. If we use the
6 old code you're -- it's probably closer to what you're
7 saying.

8 MEMBER HERNANDEZ: Well --

9 MS. DEEGAN DICKSON: Yeah --

10 MEMBER HERNANDEZ: -- again, it's the same
11 number of seats?

12 MS. DEEGAN DICKSON: -- right, exactly.

13 MEMBER HERNANDEZ: So technically speaking, it
14 really shouldn't matter whether you add another 1,000 square
15 feet, if you're not increasing the number of -- of seats?

16 MS. DEEGAN DICKSON: Right. And that, I know
17 that this is something the Board requires in -- in its
18 -conditions often times. And I just wanted to make sure that
19 it's very clear for record that we're -- we're representing
20 that that's what we're doing. We're going to accept that as
21 a condition of the approval.

22 I -- before I forget, just I want to submit the
23 affidavit of Matthew Meyran as an "Exhibit No. 3."
24 (Handing.)

25 MR. PERROTTA: (Receiving.)

26 MS. DEEGAN DICKSON: And I also want to mention

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2 that I do have Michael McNerney, the architect here. So if
3 you have any specific questions for him, he's available to
4 answer them.

5 But I'd -- before we do that, I'd like to just
6 move onto Aaron Machtay, our traffic engineer who can just
7 hit some of the high points of his parking study and traffic
8 study for -- for the public record.

9 CHAIRMAN MAMMINA: I -- I may just have a, you
10 know, a -- a quick question for the architect.

11 MS. DEEGAN DICKSON: Okay.

12 MR. McNERNEY: Michael McNerney,
13 Michael F. McNerney Architect PLLC, 8 Chivalry Lane,
14 Nesconset, New York.

15 How can I help you, Mr. Chairman?

16 CHAIRMAN MAMMINA: Okay. Mr. McNerney, I guess
17 just a question if you could, 'cause I was going through the
18 before and after plans, you know, with Mr. Donatelli. And I
19 know this happens to me all the time in the office. Some
20 stuff didn't print out correctly in the "CAD" drawing.

21 MR. McNERNEY: Okay.

22 CHAIRMAN MAMMINA: And you're smiling.

23 (Laughter.)

24 MS. McNERNEY: Yeah.

25 CHAIRMAN MAMMINA: I say to my people in my
26 office did you look at it after you printed it?

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2 (Laughter.)

3 CHAIRMAN MAMMINA: And -- and I guess what we'd
4 like to see, if you -- if you haven't -- I don't expect it
5 now, you know. If you could, we kind to like to see where
6 the finger docks go, where the -- the dock area is.

7 MR. McNERNEY: I -- I can --

8 CHAIRMAN MAMMINA: How -- how those go, the
9 whole thing as a picture, even if it's at a smaller scale.

10 MR. McNERNEY: Right, I got to -- we have the
11 site plan right over here (indicating).

12 MEMBER GOODSELL: Right, that's it.

13 There are walkways that go down --

14 MR. McNERNEY: Correct --

15 MEMBER GOODSELL: -- to the docks?

16 MR. McNERNEY: -- they're referred to on the
17 survey as -- as docks I believe, and these two structures
18 here (indicating).

19 MEMBER GOODSELL: Correct.

20 MR. McNERNEY: Okay.

21 MEMBER GOODSELL: That's correct.

22 MR. McNERNEY: One of them -- let me get the
23 first-floor plan. I'm sorry.

24 MEMBER GOODSELL: You could see them on the
25 aerial view.

26 MR. McNERNEY: Right. And you know what,

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they're cut off on this plan. The -- the northerly one is here (indicating), okay, and it says existing deck line and it's cut off there (indicating). And the southerly one is here (indicating).

Okay. So that's these (indicating) two structures that, you know, emanate from the -- the Louie's property, if you will, out into Hempstead Harbor.

CHAIRMAN MAMMINA: The part -- Mike, the part -- the part that was -- was filled in, I mean we -- we see a note for it, but like the "poché" on it is not -- it's -- it's on this (indicating) one.

MR. McNERNEY: It's -- it's this rectangle right here (indicating), Dave. And it's -- you can actually see it on survey as well, because it shows water underneath it right here (indicating). It's -- it's this rectangle right here (indicating) --

CHAIRMAN MAMMINA: Okay.

MR. McNERNEY: -- on the old survey.

CHAIRMAN MAMMINA: So that's -- that's --

MR. McNERNEY: It's represented on the old survey as not -- not being filled in.

MEMBER DONATELLI: Right.

CHAIRMAN MAMMINA: See that (indicating)?

MEMBER DONATELLI: Yes.

MR. McNERNEY: Do you understand what I'm

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saying?

CHAIRMAN MAMMINA: So on the floating
(indicating) piece --

MEMBER GOODSELL: So if you come off the dock to
the north?

MR. McNERNEY: Yes.

MEMBER GOODSELL: And you walk up the gang
plank?

MR. McNERNEY: Yes.

MEMBER GOODSELL: You are now walking onto the
new space?

MR. McNERNEY: Well, it's actually -- this
has -- this has always been existing. This -- this
(indicating) wood dock has been here long before they --
that's what they filled in, the area between that dock and
the rest of the deck.

MEMBER GOODSELL: Okay.

MR. McNERNEY: That's what was filled in at
sometime in the past.

MEMBER GOODSELL: There is a gate and a -- and a
walkway, because the floating docks rise and -- and --

MR. McNERNEY: Correct.

MEMBER GOODSELL: Where is the gate from?

MR. McNERNEY: The gate is right out here
(indicating).

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2 MEMBER GOODSSELL: Okay. So there's the gate.

3 MR. MCNERNEY: And the other -- the other gate
4 is right there (indicating).

5 MEMBER GOODSSELL: Okay.

6 MR. MCNERNEY: So they're about -- there's
7 probably a couple of -- 100, 150 feet from the actual dock at
8 Louie's.

9 MEMBER GOODSSELL: Right.

10 MEMBER DONATELLI: But my -- my recollection
11 is that you also have some seats on those wood docks, right,
12 we -- we -- you do have some seating for -- for restaurant
13 patrons?

14 MEMBER GOODSSELL: Yes.

15 MS. DEEGAN DICKSON: There currently is seating
16 there that is being removed at -- at my direction. That
17 that's not part of the application. It's not part of the
18 anything that has been approved, so those seats will be
19 removed.

20 MEMBER HERNANDEZ: They're not part of the 334?

21 MR. MCNERNEY: (Shaking head no.)

22 MS. DEEGAN DICKSON: They are not part of the
23 334.

24 MEMBER GOODSSELL: Because that would add -- that
25 would add easily, if those were --

26 (Discussion held among Board Members off the

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record.)

MEMBER HERNANDEZ: 'Cause should we -- i said
should we approve it, your client knows about 334 does not
mean 335?

MS. DEEGAN DICKSON: Yes.

MEMBER HERNANDEZ: Therefore, there can't be
another single chair anywhere?

MS. DEEGAN DICKSON: Yes.

MEMBER HERNANDEZ: Regardless of whether it's
inside, or outside, or on the top, or on the bottom anywhere?

MS. DEEGAN DICKSON: Right.

That's -- that's been explained and they are
willing to accept that as a condition and understand that.

MEMBER DONATELLI: Was there a violation issued
by the Town --

MS. DEEGAN DICKSON: No --

MEMBER DONATELLI: -- for that?

MS. DEEGAN DICKSON: -- no. So this is
really -- and I -- I should have mentioned that at the
beginning, 'cause a lot of times that's what -- what brings
us here. But this really is just new ownership looking to --
to do a new, you know, a renovation of a business --

MEMBER HERNANDEZ: And it looks very nice.

MS. DEEGAN DICKSON: Well, I -- I can't take any
credit for that.

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(Laughter.)

MS. DEEGAN DICKSON: But -- but, you know, I also did want to mention for the record that -- that the principal of the new Louie's is a -- a lifelong Port Washington resident. His son is here with me this evening, because he is in Italy, so John Asbar (phonetic) is wearing two hats today. If you have any questions about the operations of the restaurant, he's going to be able to answer them.

He's also as you know, full disclosure an attorney with my firm. So but I did want to have ownership representation. And also Claudio Satiel (phonetic) is one of the partners there, not involved in the restaurant business, but one of the partners in the ownership.

So with and we'll -- we'll keep it quick, but I would like Aaron Machtay to -- to speak to the parking.

CHAIRMAN MAMMINA: Please.

MEMBER HERNANDEZ: Of course.

MR. MACHTAY: For the record, Aaron Machtay with VHB Engineering, offices at 100 Motor Parkway in Hauppauge, New York.

Just to -- before I kind of dive into the specifics of the study, just to -- to kind of touch on what -- what you brought up Member Hernandez, you kind of hit the nail on the head. You know, when we think about traffic,

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and parking and characteristics for a restaurant, a singular restaurant, we try to focus on seating rather than square footage. So just looking at seating, if the seating doesn't change, we would not expect a traffic and parking characteristics.

We really only like to look at square footage looking when we're looking at it, you know, as a holistic sort of development, you know, look at a -- a portion of a large development that you can't really look at individuals.

Irregardless, when we have an existing restaurant that's operating, to do a parking study, it's fairly simple. We -- we define the study area and we study it. So if you look at the -- the aerial photograph that's put up, what we define as a study area that's going to receive parking or most likely area to receive the parking from the development was the ancillary lot that's -- that's owned and operated by Louie's across the street, specific parking for the restaurant, the on-street parking area to the north and south of -- of the restaurant on -- on Main Street, and also what I am going to refer as the Town Dock Parking Lot, which is a municipal parking lot, which we didn't find any restrictions that would, you know, prevent someone from parking in there. So it stands to reason that these are the areas that are currently absorbing the demand that's -- that's generated by Louie's in the area.

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In doing this parking study, it gave me a really good example of -- of seasonal effects on -- on parking and traffic generation, that I can sort of show to my junior staff, which quite frankly I appreciate.

But what -- what would happen is when we were first brought on board, as -- as Ms. Dickson said, we -- we identified the -- the weekend after Memorial Day as a -- a good example of what would be the peak season for the restaurant when we would expect the most activity.

I apologize. So we went out and we did a parking study. Now, I do have to provide you a little -- a little correction. The weather was actually fair that weekend after Memorial Day. So, you know, there's -- there's nothing that would preclude people from dining outside. It wasn't rainy or anything like that. It was a little bit colder obviously than -- than current.

What we saw kind of surprised me, and I think Ms. Dickson and -- and really the whole project team. The -- the on-street parking areas that I mentioned and -- and the -- the ancillary parking lot specific for Louie's, those saw a decent amount of activity, you know, probably really close at or near capacity. What surprised was the Town Dock Lot was virtually empty.

So -- so that being the case, we, you know, we -- we realized that that's not reality. What we did end

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2 up identifying was that, you know, later in the season,
3 specifically summer, that would be the absolute peak season,
4 because that's when we get the boating traffic, that's when
5 we get the summer traffic, that's when we get everything that
6 comes during that time in -- in any kind of a -- a dock and
7 harbor situation that we see really anywhere on Long Island.

8

9 So we ended up going back out the weekend after
10 Independence Day. And what we saw was, you know, in, again,
11 in the on-street areas and in the ancillary parking lot
12 virtually the same thing, at or near capacity. But in the
13 Town Dock Lot, it was much higher and it progressed as it got
14 later and later in the evening, a little bit more with what
15 we expected.

16

17 Regardless, we did see that there was additional
18 capacity, mostly in the Town Dock Lock. So, you know,
19 that's -- it -- it didn't hit 100 percent, which is, you
20 know, good to know. As stated though, all of these numbers,
21 whether it be during the -- whether it be during the --
22 regardless of the season whether, you know, earlier in the
23 season or later in the season, they all include the Town Dock
24 itself. I'm sorry. They all include the restaurant activity
25 itself.

26

27 So, you know, from the standpoint, again, that
28 -- that the traffic and parking is going to be generated
29 based on the number of seats, the application wouldn't be

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2 expected to deviate from the numbers that we ended up seeing
3 when we were out there. If I did look at it just from the
4 perspective of square footage, 1500 square feet, again, the
5 reason that we don't focus on that when we do traffic and
6 parking projections is that number is going to be very, very
7 small in terms of additional parking generated somewhere in
8 the order of like 4 or 5 additional vehicles. That could
9 easily be accommodated within this area.

10 So, you know, if we did want to look at it on
11 that basis in terms of projections based on industry standard
12 data. As you always hear from me from "ITE" and, you know,
13 various sources like that. It could be easily be absorbed in
14 this area without creating any undue hazard. And -- and also
15 that's -- that's not even withstanding, you know, the
16 activity from the water taxi to whatever extent, it
17 doesn't -- it does exist, any additional activity would
18 potentially be offset quite a -- a little bit by that as
19 well.

20 So, you know, in -- in conclusion based on my
21 observations in the area, I can say that there's adequate
22 parking to accommodate this use, both in the existing
23 condition as it currently operates, and the proposed
24 condition on the basis of the fact that the increase in
25 seating is not proposed.

26 I'd be happy to answer any questions.

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2 CHAIRMAN MAMMINA: Any questions?

3 MEMBER GOODSELL: It -- it seemed to me that the
4 residents on Prospect Avenue might not be happy if Louie's is
5 doing a booming business. What's the parking restriction on
6 Prospect Avenue? Are there limited parking -- limited
7 parking, 90-minute, 2-hour parking?

8 I -- I mean I realize that your study takes into
9 account the parking lot that Louie's has, and the -- the Main
10 Street and at the Town parking. But there are people who
11 will park wherever.

12 MR. MACHTAY: I didn't to -- to be completely
13 honest, I did not survey the parking demand on that street
14 and I did not survey the -- the restrictions, so I cannot
15 speak to that. But I can --

16 MEMBER GOODSELL: I'm sure you can't. And
17 we'll -- I'm sure we'll hear from those residents.

18 MR. MACHTAY: Yeah. But I'm sure -- but I'm
19 sure I could get that information if it's desired.

20 MEMBER DONATELLI: But let me also address some
21 other item.

22 Before I was on this Board, I had the honor or
23 serving "Residents Forward" for 25 years or so, so I'm very
24 familiar with a lot of the Town's functions at Sunset Park,
25 Town, the Town Dock. And I -- I know that a lot of good
26 organizations in the Town have tried to do their best to try

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2 to bring pedestrians down to the waterfront, whether it's a
3 "HarborFest," or "Pride in Port" or whatever. Has there been
4 any kind of mitigation or calculation of those events? Like
5 I know that that -- the Friday night, I think they play Sousa
6 music at the bandshell. I believe that they still do that
7 every Friday night during the summer months.

8 Have you taken any of that into an account, when
9 -- when the parking lot at the Town Dock may not be fully
10 accessible?

11 MR. MACHTAY: We -- we did not do a study
12 when -- when there was an event such as that name.

13 MEMBER DONATELLI: Because that -- that -- I
14 mean quite frankly, we had another application by this
15 restaurant under a different owner, and I know that that was
16 a concern then.

17 Now, I understand in this application, that
18 you're not proposing to change the number of seats. So
19 that -- that -- certainly I believe that they were changing
20 the number of seats in that other application.

21 But -- but again, I would like -- I would like
22 to give that some thought.

23 MR. MACHTAY: I -- I will say in -- in my
24 experience with -- with downtown settings -- and I've -- I've
25 done a great deal of work in, for example, the Town of
26 Huntington which has a very vibrant downtown.

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When you have special events, it's not that it's generating necessarily new activity that's -- that's specific to the restaurant. It's that the activity that's being generated for this event, which, you know, exceeds what's normally in the area is now going to also be part of the patronage of the restaurant. So it's sort of like a shared, you know -- they -- they utilize multiple uses in the area if you will.

So as -- as a result, I -- I think that the activity that's generated by these events is what it is. You know, the -- the -- it's -- it's -- it's a -- a product of the fact that there's a special event that draws people to these areas. It's deliberate. It's, you know, it's -- it's trying to create a vibrant society that I think everyone appreciates to some level.

The people who are coming there would also be the -- the restaurant patrons. It's not that we're going to have the restaurant patrons that are normally there and then this -- this extra event traffic is -- is a little bit of a compliment to -- to how it works and how it operates.

MEMBER DONATELLI: When we have "Pride in Port" or we have "HarborFest" it is chaotic, no matter what. And -- and that's just the way it is when you're trying to bring --

MR. MACHTAY: That that's -- that's a product of

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2 the --

3 MEMBER DONATELLI: Yeah.

4 MR. MACHTAY: -- that's a product of the event.

5 That's -- that's something that, you know, is unavoidable

6 if -- if you want to have something like that happen --

7 occur.

8 (Discussion held among Board Members off the
9 record.)

10 MEMBER DONATELLI: Yes, right -- right.

11 And -- and -- and the point is that if the event

12 actually occupies the Town dock -- for example, I -- I

13 believe the "Pride in Port" and "HarborFest" both take

14 place -- they're on the Town Dock. They actually put the

15 tents there --

16 MR. MACHTAY: Uh-huh.

17 MEMBER DONATELLI: -- then that is entirely

18 closed to traffic. So it is something that requires some

19 thought, you know. That's on a limited number of occasions

20 throughout the year --

21 MR. MACHTAY: Right --

22 MEMBER DONATELLI: -- but it is something that

23 we have you to give some thought to.

24 MR. MACHTAY: -- understood.

25 MS. DEEGAN DICKSON: If I could just say one

26 thing about that also?

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2 The -- the one of the advantages we have to
3 having a commercial operation here is that they want to
4 accommodate their patrons well. So, you know, on times like
5 that, I think, you know, especially while the rest of that
6 strip along Main Street is underutilized, I think certainly,
7 you know, other arrangements can be made. They've done it a
8 few times. I don't know if you've been down. On the
9 "La Parma" site there's a sign occasionally on peak times
10 saying "Louie's parking here," so that it makes it easier for
11 people to park there.

12 It's not something that -- that will necessarily
13 be an all-the-time, permanent thing, but I think that there
14 is some capability. There's some vacancies in that area to
15 make sure that -- that patrons have a good experience. If --
16 if you find it too hard to park at a restaurant every time
17 you go, eventually you stop going no matter how good of a
18 restaurant it is.

19 So, you know, there is a certain self regulation
20 here that -- that I think just the commercial nature of -- of
21 the business will -- will help mitigate some of that.

22 MEMBER DONATELLI: Okay. Thank you for that.

23 And while you're at the podium, let me ask a
24 related question. The lot across the street that you said is
25 in common ownership --

26 MS. DEEGAN DICKSON: Yes.

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2 MEMBER DONATELLI: -- how many spaces do you
3 have in that lot?

4 MS. DEEGAN DICKSON: There's 44 in the lot and
5 then 40 [sic] -- and 4 off-site employee parking spaces that
6 are --

7 MR. MACHTAY: 48 total.

8 MS. DEEGAN DICKSON: What's that?

9 MR. MACHTAY: 48 total.

10 MS. DEEGAN DICKSON: 48 total on that--

11 MEMBER DONATELLI: And --

12 MS. DEEGAN DICKSON: -- lot.

13 MEMBER DONATELLI: -- and there is a structure
14 on that lot as well?

15 MS. DEEGAN DICKSON: There's a -- well, there's
16 a house that's there, that's -- yes.

17 MEMBER DONATELLI: Okay.

18 MS. DEEGAN DICKSON: But that -- that parking is
19 not used for that house. I think there's separate parking
20 for that house.

21 MEMBER DONATELLI: But is that a -- a residence?
22 Is somebody living there -- or what -- what use is being made
23 of that -- that house?

24 (Discussion held off the record.)

25 MS. DEEGAN DICKSON: There is tenants who live
26 there, yes.

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2 You know, there was some discussion and, you
3 know, about would it work better if we removed that house and
4 created more parking. And I think there is a -- a sense
5 that -- that the house does provide a little bit of a buffer
6 for the -- for the uphill neighborhood. You know, it -- that
7 might be something that could be considered down the road.
8 But I don't want to commit to that and I don't want to offer
9 that.

10 But -- but we did think that maybe the community
11 would prefer to keep that house there, just because I don't
12 know how much parking you'd get out of that t small area.
13 And it does give a -- you know, it keeps that residential
14 portion of the neighborhood intact.

15 MEMBER HERNANDEZ: It hides part of the parking
16 lot?

17 MS. DEEGAN DICKSON: Yeah -- yeah.

18 MEMBER DONATELLI: Yeah well, it's a
19 transitional --

20 MS. DEEGAN DICKSON: Right, uh-huh --

21 MEMBER DONATELLI: -- street.

22 The other issue when I've used that satellite
23 parking is, is that there's a very steep incline, which
24 doesn't --

25 MEMBER HERNANDEZ: Yes.

26 MEMBER DONATELLI: -- make it ideal for access.

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2 MS. DEEGAN DICKSON: -- right.

3 (Laughter.)

4 MEMBER DONATELLI: Can I change gears for a
5 moment? And I just -- and I don't know if you've looked into
6 this, Ms. -- Ms. Dickson. The -- the area of the deck on the
7 first floor that you're being asked to -- I -- I think you
8 said it was 600, 700 square feet. The -- the area that
9 was --

10 MS. DEEGAN DICKSON: 600 (indicating) --

11 MEMBER DONATELLI: -- filled in without the
12 benefit of permit --

13 MS. DEEGAN DICKSON: -- 611.92.

14 MEMBER DONATELLI: Do you know if there's any
15 requirements for approval by the "DEC" or any other agency,
16 since the -- the existing deck was certainly -- may have been
17 grandfathered in. But once the deck was expanded, is there
18 any additional approval that are required here?

19 MS. DEEGAN DICKSON: You --

20 MR. McNERNEY: Yeah, good.

21 The -- the area of -- of deck, Mr. Donatelli,
22 that was filled in was a clear span of from existing support
23 on one side (indicating) to existing --

24 MEMBER DONATELLI: Right.

25 MR. McNERNEY: -- support on the other side
26 (indicating). And since nothing was driven into the sand, or

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2 into the water or into the ground under the water, it did
3 not -- it does not require, to my knowledge, "DEC" approval.

4 MEMBER GOODSSELL: No additional pilings?

5 MR. McNERNEY: -- "DEC."

6 MEMBER GOODSSELL: No additional pilings shoring
7 up of --

8 MR. McNERNEY: No additional pilings were
9 installed for that -- for that area of infill. It's a clear
10 span of heavy timber is really what it is, so --

11 MEMBER DONATELLI: Right.

12 So you're familiar with the regulations and as
13 far as --

14 MR. McNERNEY: I am.

15 MEMBER DONATELLI: -- you're concerned there was
16 nothing else required?

17 MR. McNERNEY: Yes, sir.

18 (Discussion held among Board Members off the
19 record.)

20 MEMBER DONATELLI: Thank you for that.

21 MR. McNERNEY: Sure.

22 CHAIRMAN MAMMINA: Okay. Then --

23 MS. DEEGAN DICKSON: That's pretty much all we
24 have.

25 CHAIRMAN MAMMINA: Okay.

26 MS. DEEGAN DICKSON: And, you know, we'd be

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2 happy to answer further questions from the community or the
3 Board.

4 CHAIRMAN MAMMINA: Then if we could, let's --
5 let's bring the community up.

6 (Discussion held among Board Members off the
7 record.)

8 CHAIRMAN MAMMINA: Ginny, you got the list from
9 the community who would like to be heard now?

10 SECRETARY WAGNER: You ready?

11 CHAIRMAN MAMMINA: Yeah. Yes.

12 SECRETARY WAGNER: First person is
13 Philip Seevers (phonetic).

14 MR. SEEVERS: Yes.

15 My name is Phil Seevers. I'm a resident at
16 433 Main Street, which is, as you all know, is Manhasset Bay
17 Yacht Club. We've been there for five years, and we love it
18 there and we've very much in favor of this proposal to alter
19 the look of Louie's, because I think it's going to enhance
20 not only the -- the restaurant, but the entire area of
21 Main Street where -- where it exists.

22 I can't speak to parking spaces and anything
23 like that. All I can do is tell you is that when we first
24 moved there, we thought that Louie's was really going down
25 the drain. When these people took it over, all of a sudden
26 there's tremendous improvement, "A," in the quality of the

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2 food and in the look of the restaurant itself without the
3 alterations.

4 Now with these alterations, I think it's just
5 going to be a marvelous addition to the neighborhood. And
6 I'm very much in favor of it. And I think all of us that are
7 here are probably very much in favor of it as well.

8 CHAIRMAN MAMMINA: Thank --

9 MR. SEEVERS: Thank you.

10 CHAIRMAN MAMMINA: -- you.

11 MEMBER DONATELLI: Thank you.

12 CHAIRMAN MAMMINA: Thank you.

13 SECRETARY WAGNER: Next person is Denise Ortell.

14 A VOICE: No that -- my husband put my name
15 down, but he spoke for both of us.

16 A VOICE: First time in my life that ever
17 happened.

18 (Laughter.)

19 MEMBER DONATELLI: Write this down.

20 (Laughter.)

21 CHAIRMAN MAMMINA: There's your anniversary
22 present, okay.

23 (Laughter.)

24 SECRETARY WAGNER: It might be Maureen
25 Robertson.

26 MS. ROBERTSON: Yes. Well, I wasn't going

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 speak, but I am.

 MEMBER DONATELLI: Name and address please.

 SECRETARY WAGNER: You don't have to speak.

 MS. ROBERTSON: Maureen Robertson,
 433 Main Street, Port Washington.

 And I support this redesign. And I'm very
 familiar with the people in the family who have operated
 other restaurant. They're all quality. And so I'm very
 excited about this redesign and I support it wholeheartedly.

 CHAIRMAN MAMMINA: Thanks very much.

 SECRETARY WAGNER: James Robertson.

 MR. ROBERTSON: My wife speaks for me.

 (Laughter.)

 MS. ROBERTSON: Oh, boy.

 CHAIRMAN MAMMINA: Now that's more like it.

 MS. ROBERTSON: There's a first time for
 everything.

 I'm writing that down. That's on the record,
 yeah.

 (Laughter.)

 SECRETARY WAGNER: Mr. Weck (phonetic).

 MR. WECK: I'm in favor.

 SECRETARY WAGNER: You're all set.

 Steve Leigh.

 MR. LEIGH: Yeah, that's me.

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2 Hi. My name is Steve Leigh. I also live at
3 433 Main Street. My wife and I own and operate the Fathoms
4 Hotel at 433 Main Street.

5 And I -- I wanted to say a few words just in
6 support of this application.

7 As for background, I was born and raised in
8 Port. And I know how much it -- Louie's and the reputation
9 of Port Washington are integrated.

10 We've had the hotel now for -- we're finishing
11 up our third season. We've probably hosted close to 4,000
12 guests. And I can tell you since we opened up our hotel I
13 can tell that Louie's has an international reputation.
14 People coming to Port want to eat at Louie's.

15 And just as a side note to the -- you guys over
16 here (indicating), that's 4,000 people that walk to Louie's,
17 not drive to Louie's.

18 (Laughter.)

19 MR. LEIGH: I remember sitting here a few years
20 ago when this -- there was another proposal for Louie's to,
21 you know, they wanted to add a roof deck or something and
22 that -- that was turned down. This proposal is -- is very,
23 very different. And that's -- I'm enthusiastically in favor
24 of it. And I find it very compelling and I think it should
25 be approved.

26 Thank you.

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2 CHAIRMAN MAMMINA: Thank you.

3 MEMBER DONATELLI: Thank you.

4 SECRETARY WAGNER: Beverly Ryoko (phonetic).

5 MS. RYOKO: I have nothing to add.

6 SECRETARY WAGNER: Vivian Driben -- Driben

7 (phonetic).

8 MS. DRIBEN: Yep.

9 SECRETARY WAGNER: I'm sorry.

10 MS. DRIBEN: I'm okay.

11 SECRETARY WAGNER: And Doug Wood.

12 MR. WOOD: Good evening, members of the Board.

13 First, Mr. Chairman, I want to say thank you for
14 your kind and patient way that you've run this meeting. I
15 haven't been to one of these meeting in a long time. I'm
16 very impressed.

17 I also want to say thank to all the Board for
18 spending your time to do this and so -- and being so careful
19 about the issues that are brought before you. As a community
20 member, I just wanted to say thank you for that.

21 CHAIRMAN MAMMINA: Thank you. I think we have
22 an excellent Board.

23 I don't know if you gave your address though.

24 (Laughter.)

25 MR. WOOD: Doug Wood, 21 Prospect Avenue.

26 CHAIRMAN MAMMINA: There you go.

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2 MR. WOOD: -- where I have lived for 43 years.

3 CHAIRMAN MAMMINA: Thank you.

4 MR. WOOD: I'm a lifelong Port Washington
5 resident, born and raised there.

6 I have a couple of concerns. I'm -- I'm not
7 totally opposed to this, but I do have some things that I
8 think we -- should be carefully considered.

9 I have some real concerns about this outside
10 deck. I know what's going to happen. Everybody knows what's
11 going to happen. As soon as the doors open, everybody's
12 going to want to be out there with their drinks and having
13 fun. And it's going -- it's going to make some noise. So
14 I'm not sure how we're mitigating that, but that's clearly
15 something --

16 CHAIRMAN MAMMINA: Are you --

17 MR. WOOD: -- that --

18 CHAIRMAN MAMMINA: -- are you speaking about
19 that --

20 MR. WOOD: -- yeah, I'm talking about the 5 foot
21 deck, the 5 foot by 35 foot space.

22 MEMBER DONATELLI: The balcony, the second floor
23 balcony?

24 CHAIRMAN MAMMINA: Yeah.

25 MR. WOOD: Gathering space --

26 CHAIRMAN MAMMINA: Well, I'll -- I'll give my --

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2 maybe I shouldn't give you this opinion, but I will say as an
3 architect, if we look at ceiling tiles, it's two ceiling
4 tiles and a half. If you had a table that's even just a
5 36 inch table, you wouldn't be able to put chairs around it.

6 Now, I'm not going say that if there is a
7 shower, or something or even just an -- an office party, that
8 you couldn't get 20 -- 20 people sitting, you know, sitting
9 out there --

10 MEMBER DONATELLI: Standing.

11 CHAIRMAN MAMMINA: -- standing, right, not
12 sitting.

13 MR. WOOD: Right.

14 CHAIRMAN MAMMINA: Standing.

15 MR. WOOD: I'm talking about standing.

16 CHAIRMAN MAMMINA: So it's -- it's possible.

17 You know, but I don't believe --

18 MR. WOOD: I'm -- I'm concerned --

19 CHAIRMAN MAMMINA: --that it's --

20 MR. WOOD: -- I'm concerned about noise.

21 CHAIRMAN MAMMINA: Yeah.

22 MR. WOOD: And -- and I --

23 CHAIRMAN MAMMINA: I think it's also facing, you
24 know, away, so -- but valid point.

25 MR. WOOD: I -- I don't know if you know this,
26 but next year the Town Dock is going to be closed. They're

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renovating the Town. I run the farmer's market at the
Town Dock, so I -- that's how I know.

So all of sudden, we don't have any parking at
the Town Dock for all these people who go to Louie's to park
there.

(Discussion held among Board Members off the
record.)

MR. WOOD: So the lady mentioned that the
community had already "absorbed" was her word, the -- the
parking problem from Louie's. I'm one of those people who
has "absorbed" it. I've -- I've had people park in front of
my driveway 'cause there's no place for them to park.

I'm surprised that Prospect Avenue was not
included in the traffic study, because we get people turning
around frantically in our driveway all Friday and Saturday
night. They're looking for places. They see a place open
and, you know, we have a sidewalk with people walking back
and forth, strollers and please, you know, it's a lot of --
of danger.

We have -- we have a property with a history of
noncompliance, that they've got the deck out there with all
these chairs that has been there for a long time. I know
it's not your responsibility, but really, it seems like
before we're going to grant a variance to do -- can we please
at least clean up the existing situation, so that it's not --

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not out of compliance.

And lastly, I'll just say if the issue is that you need -- and I know these people are going to scream, because this is terrible.

CHAIRMAN MAMMINA: This is fair game.

MR. WOOD: But if you want more space, reduce the number of seats, make a little more space for everybody, raise your prices and there you go. You don't have to build a whole, you know, a lot more square footage. So there are other ways to solve this problem.

So again, thank you for looking this. I also urge you to take a look at the square feet numbers. They don't add up. They don't make any sense. I think at least, the very least, we deserve an accurate count of what's the square footage existing? What's the deck numbers?

I mean all you have to do is look at the numbers. And they don't -- they don't add up.

CHAIRMAN MAMMINA: That certainly would be fair game for us to ask them to go over those numbers and give us a side-by-side chart.

MR. WOOD: I will say Louie's been -- has been a great neighbor in -- in many respects. And -- and like I said, I'm not totally against this, I just think we deserve a little more clarity.

And please, let's bring the -- bring the

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2 property into conformance right now, before we grant a
3 variance.

4 Thank you very much.

5 CHAIRMAN MAMMINA: Thank you for your thoughts
6 on that.

7 SECRETARY WAGNER: Before I call the next name.
8 Joan Cromey (phonetic)?

9 (No response.)

10 SECRETARY WAGNER: Okay.

11 Mary Gardner (phonetic)?

12 (No response.)

13 SECRETARY WAGNER: Florence Bowl (phonetic)?

14 (No response.)

15 SECRETARY WAGNER: Florence Bowl?

16 AUDIENCE MEMBER: Florence, that's your name?

17 (No response.)

18 SECRETARY WAGNER: Nobody?

19 (No response.)

20 SECRETARY WAGNER: Yvonne Bonnie?

21 MS. DORAN: Here I am (indicating).

22 Thank you.

23 My legal name is Yvonne Doran, but most people
24 in the community know me as Bonnie Duran.

25 SECRETARY WAGNER: Oh.

26 MS. DORAN: That's why I had to put both names

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2 down.

3 (Laughter.)

4 SECRETARY WAGNER: Thank you.

5 MS. DORAN: I moved into Port Washington when I
6 was 7.

7 CHAIRMAN MAMMINA: Just give your -- give
8 your --

9 ATTORNEY ALGIOS: You street --

10 CHAIRMAN MAMMINA: -- address as well.

11 MS. DORAN: Oh, pardon me.

12 When I was 7 in 1953.

13 MR. PERROTTA: Give your address, ma'am.

14 MS. DORAN: Oh, my address is 372 Main Street,
15 Apartment 305.

16 CHAIRMAN MAMMINA: Thank you.

17 MS. DORAN: And that's why I'm really here to
18 today, because I live diagonally across from Louie's and
19 directly across from the Town Dock. And my apartment
20 actually is looking at the Town Dock.

21 And when I made this decision to do this
22 five years ago, I'd always lived in a home, in a house in
23 Port Washington. So it was a major move, and what I did take
24 into consideration was that obviously I was coming to a
25 location that had a lot of noise, a lot of activity. And if
26 I was concerned about my safety or things of that nature, I

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probably wouldn't have moved there.

I'd always felt that the proximity to town -- and I love to walk to things -- and the beauty of the water compensated for the fact that there are some deterrents to living where we do live.

The second thing that I wanted to bring up was that my thoughts are if the seating capacity is remaining the same, wouldn't, then, the voices of concern with additional traffic, noise and safety -- I just wouldn't understand why they would feel that that would be a reason not to grant them the variance, because things aren't really going to change, if we have a same amount of people coming to dine.

And what I really wanted to speak about was the Sbarro family. I've been fortunate to know them now 30 years. Jerry Sbarro was brought up and raised in Port Washington. He raised his children in Port Washington. And now we actually have -- the way I look at it, if his father, Joseph, who's now retired was the first generation, Jerry's the second. His son Joseph, who just recently born in Port Washington is the third. And he just had his son Christian, who's now fourth generation.

But what I really wanted to share with you is that I know Jerry to be:

Honest;

Sincere;

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Trustworthy;

A real family person, who only does the right thing. So if you want to use the word "integrity," it's the one thing he has. And the concern that I heard this evening, I can test assured for all my years of experience with him, that if he says he's going to go with whatever you indicate, I promise you, it will happen.

And another indication of that is I do hope that at, you know, that at one point in time he might visit the Rothmann's Restaurant or one of the Matteos, because it really is fine dining and that's the atmosphere that he want -- really wants to continue in Louie's.

He's not out to do karaoke. He's not out to go ahead and have a DJ.

And I can attest to you looking at the Town Dock the way I do every single evening, by 10:00 it's quiet. It really is. So I'm not concerned about the noise.

I am concerned about the vibrancy of Port Washington. And -- and I can speak on that primarily because I've been in real estate here for 50 years now and it is so important that we keep Port Washington vibrant.

CHAIRMAN MAMMINA: Thank you, Ms. Doran.

MS. DORAN: (Nodding head yes.)

SECRETARY WAGNER: Thank you.

MEMBER HERNANDEZ: Thank you.

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2 SECRETARY WAGNER: Shahnaz Autz.

3 MS. AUTZ: Thank you very much. I have to also
4 emphasize that this has been --

5 (Laughter.)

6 CHAIRMAN MAMMINA: You don't have to do that.

7 MS. AUTZ: -- a fantastic hearing.

8 CHAIRMAN MAMMINA: Name and address.

9 MS. AUTZ: And I want to thank you.

10 Oh yes, that's right. Shahnaz Autz at
11 10 Prospect Avenue.

12 Of course, as you know we have lived --

13 MEMBER GOODSELL: Your -- your address.

14 MS. AUTZ: Oh.

15 MEMBER GOODSELL: Where you live.

16 SECRETARY WAGNER: She already did.

17 MS. AUTZ: 10 Prospect Avenue.

18 MEMBER GOODSELL: Okay.

19 MEMBER HERNANDEZ: Right up the block.

20 MS. AUTZ: We live in Port Washington and I'm --
21 I'm like a -- a stone throw away from -- from Louie's. And
22 we -- we appreciate Louie's. We would like them to really
23 prosper.

24 And of course, the new renovation looks
25 beautiful and we are very happy about the investment,
26 especially by -- by a person who is from Town, and has --

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apparently has been well-known and -- and is trustworthy.

Those points behind -- behind us, I'd like to just bring up a few things. As you have noticed -- and I'm glad you have asked several questions that are my questions. And I'd like to just say that we really enjoy being in our neighborhood and we have been trying very hard to -- and of course help for it to flourish, but at the same time, to -- to bring and maintain a balance between:

The needs of the community;

The health;

And welfare of the community;

The tranquility;

And the vibrancy of the commercial retail stores and businesses that are around.

And because of that, we actually cooperated and came together. We came up with a new code for the waterfront only three years ago. And one of the things that we are very concerned about is to set precedence, because this code was agreed and negotiated for a long time. And you know, we don't want to change that code. And we urge you to please consider that the Waterfront Business diswick [sic] -- District Code amended in at 10/22/2020 of "70-187.7(D) [sic]," which states that there shall be no:

Outdoor seating;

Or lounge;

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2 Or a gathering space in association with the
3 restaurant, above the ground floor of the building.

4 This is important to the -- to the residents,
5 because as you know, sound travels. And people gathering on
6 a terrace with music inside or out -- or you're -- you're
7 saying there are no music. But we were there one night, and
8 actually we were looking at this slide show and we couldn't
9 almost hear each other, because there was a party going on
10 downstairs and the music was very loud.

11 So you're opening those doors and I understand
12 people are going to step out. But what about stools, are
13 there going to be stools there? Maybe people are walking out
14 with their drinks and, you know, there is a place to put
15 their drinks and their -- of course, they want to have fun
16 and we want them to have fun. But at the same time, is it
17 possible to close that up, so people can step out, but it
18 won't be an -- it won't be an open space?

19 The other thing I wanted to ask you was that
20 what we have considered the 2018 variance that you -- you
21 denied. And the numbers, as a person before me mentioned,
22 those numbers do not happen -- do not jive. And the
23 expansion seems to be very different and the parking
24 requirement is actually 171. No matter what, the code has
25 been changed. So I'm sorry, but that's the code requirement
26 right now. And they're only 44, I don't where the other 4

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came from. But 48 let's say parking spots available. There were 9 -- 96 before and the -- and the Board decided that that was burdensome to the community. And they did not -- they did not pass the code.

This is almost a -- how do you say -- as a -- is an expansion. And there are numbers that they're being included in -- in this expansion. And you know --

ATTORNEY ALGIOS: Ms. Autz, I'm sorry to --

MS. AUTZ: -- I'm sorry. We need to --

ATTORNEY ALGIOS: -- interrupt you, but your time did run.

MS. AUTZ: Yes, very quickly --

ATTORNEY ALGIOS: You can just you can -- you can quickly wrap it up please.

MS. AUTZ: Thank you.

ATTORNEY ALGIOS: Thank you.

MS. AUTZ: So these are the expansions are not being calculated somehow. They're all kind of merging in and we really need to be careful about that.

And I understand that it is now said that there's not going to be extra additional seatings. But -- but it just, to me, doesn't financially make sense for you to -- to do such an investment and then you're not adding to your seats for the revenue that you really probably should be getting, because you are putting your investment in

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2 remodeling and bringing the -- the restaurant to a beautiful,
3 stylish new modern, you know.

4 The other thing I wanted to add --

5 CHAIRMAN MAMMINA: OKAY.

6 MS. AUTZ: -- sorry, I'm just going to -- okay.

7 The other thing I wanted to say is that when we do have
8 events, it's just overwhelming. It's burdensome a lot of
9 times, mostly in the summer. But the restaurant is proposing
10 to be a four season or all year long. So this -- this
11 basically is -- is going to be the same situation, but
12 inundated and exasperating what is already there.

13 There are play, you know, the -- the bandshell,
14 all the events and also people come to use the park for --
15 for their children, because they played baseball, softball on
16 the other side. And so it's a very busy -- we love it, but
17 it's a very busy area.

18 And we would appreciate your considering, before
19 passing these variances, the impact on our lives and also
20 the -- the terrace is -- is really against the code that's
21 already there.

22 CHAIRMAN MAMMINA: Thank you.

23 MS. AUTZ: So please don't break the code.

24 Thank you.

25 CHAIRMAN MAMMINA: Thank you very much.

26 (Discussion held among Board Members off the

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record.)

MR. PERROTTA: Is there anyone else who would like to speak?

SECRETARY WAGNER: That's the last person on the list.

CHAIRMAN MAMMINA: Okay.

(Discussion held among Board Members off the record.)

CHAIRMAN MAMMINA: I'm sorry. I didn't mean to wave to you.

MS. DEEGAN DICKSON: No problem.

CHAIRMAN MAMMINA: That was very rude of me.

MS. DEEGAN DICKSON: No, I --

MEMBER HERNANDEZ: It's been a long day.

(Laughter.)

MS. DEEGAN DICKSON: So I'd like to thank the people who have come out in support of -- of the renovation.

Some of the -- some of the comments that were received from Mr. Wood and Ms. Autz, you know, we've -- we've done our best to address them by -- by limiting the size of the outdoor balcony with our commitment that it will not be used for seating. It's hard to -- it's hard to respond to things like, you know, the -- the Town Dock is going to be closed next year. And I -- I know there's been plans to have the bulkhead redone. I'm sure that the -- the Town will do

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its best, because it's going to effect a lot of businesses in that area. You know, and -- and we'll -- we'll work with the Town and we'll work with the community to make sure that -- that the parking for the restaurant doesn't have a negative impact on the community.

I -- I do -- I do think it's important to note that we are not intending to increase capacity and it is something that -- that Jerry Sbarro, as a business man and a restaurateur, has committed to. And he's a business man and -- and, you know, it -- it -- if it didn't work, he wouldn't commit to it, so --

MEMBER DONATELLI: May -- may I just ask you?

Is it possible, you mentioned before that you had some sort of informal arrangement with what used to be Jimmy's Backyard? Now it is our lot and now it's not La Parma anymore, but is it possible to formalize some arrangement with that landlord to utilize the additional parking there?

MS. DEEGAN DICKSON: I -- I think that would be possible in the short run, but I'm not sure what the -- what the future plans for that property are.

MEMBER DONATELLI: Of course.

MS. DEEGAN DICKSON: But, you know, certainly we can commit to, you know, to working something out, so that if there is overflow -- you know, again as I said, it's -- it's

1 Appeal #21431

2 in the business's best interest to accommodate their patrons
3 in a -- in -- in a convenient way. So you know, we will --
4 we will certainly make efforts to do that.

5 MEMBER DONATELLI: Okay.

6 (Discussion held among Board Members off the
7 record.)

8 CHAIRMAN MAMMINA: I -- I do think there will be
9 two things that -- that the Board would like to see. They
10 would like to see a -- a plan in -- in a single sheet. -it
11 could be at a smaller scale, because we're not looking for a
12 sheet of wallpaper (indicating) --

13 (Laughter.)

14 CHAIRMAN MAMMINA: -- that -- that shows the
15 entire building with the docks and, you know, that whole
16 thing. It could also show us the part that's being infilled
17 and -- and then, you know, a -- a --

18 MEMBER DONATELLI: And shows us --

19 CHAIRMAN MAMMINA: Yeah.

20 MEMBER DONATELLI: -- the seats that are being
21 removed.

22 CHAIRMAN MAMMINA: Right, the seats being
23 removed.

24 And then also I'm sure Mr. McNerney knows
25 exactly what I'm looking for in terms of giving us a chart
26 of:

1 Appeal #21431

2 These are the square footages;

3 This is the seats in a certain area;

4 Or whatever, you know, he sees fit to tell us
5 the -- the entire plan conclusively?

6 MR. MCNERNEY: Certainly. I can give you that,
7 Chairman Mammina.

8 I just let -- let me speak on the square
9 footages. You -- Chairman Mammina knows "AutoCAD" does not
10 lie, okay. These are exact square footages. I can't speak
11 to what the previous application, the square footages were.

12 CHAIRMAN MAMMINA: Right.

13 MR. MCNERNEY: I -- I don't know where they came
14 from. I don't know how they were calculated. All I can tell
15 you is that these are down to the square inch.

16 CHAIRMAN MAMMINA: No, and I -- I also -- I also
17 think, if I'm correct as I looked at everything, the square
18 footages now reflect more favorably on the application than
19 those other ones did.

20 MS. MCNERNEY: Certainly. All I can --

21 CHAIRMAN MAMMINA: But --

22 MR. MCNERNEY: -- all I can tell you is
23 they're -- they're on the money, that's their extent.

24 CHAIRMAN MAMMINA: -- okay.

25 But I'll give you -- I'll -- I'll prepare those
26 drawings that you're looking for right away.

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2 CHAIRMAN MAMMINA: Okay.

3 MS. DEEGAN DICKSON: Is there another --

4 CHAIRMAN MAMMINA: No, I -- I don't think so. I
5 was going to say maybe I cut you off on --

6 MS. DEEGAN DICKSON: Okay --

7 CHAIRMAN MAMMINA: -- and I shouldn't have.

8 MS. DEEGAN DICKSON: No.

9 You know, the only thing I would say is we are
10 hoping to have a building permit and start construction at
11 the beginning of October when the season sort of fizzles out,
12 and to have construction take place over the winter months
13 with the ability to be reopened again in the end of May by
14 Memorial Day.

15 And I know we're in August. I -- I understand
16 that -- that you want or would like some additional
17 information. I mean we'll -- we'll get it to you. But we
18 would ask that the -- the Board endeavor to make a decision
19 in this matter as quickly as possible. So that if you are
20 inclined to approve it, we won't be -- we won't cut into our
21 construction timeframe.

22 CHAIRMAN MAMMINA: Okay. We understand.

23 MEMBER DONATELLI: Yeah, again get us the
24 information. We've heard a lot this evening, so there's a
25 lot to process. But please get us the information as soon as
26 you can.

1 Appeal #21431

2 CHAIRMAN MAMMINA: Yeah. We will have time to
3 look at it ahead of time. You know, all of that gets
4 distributed to us. And, you know, then we'll be able to --
5 to take a look at it and, you know, come to our conclusions.

6 MS. DEEGAN DICKSON: We'll get it to you right
7 away.

8 CHAIRMAN MAMMINA: Yeah.

9 MS. DEEGAN DICKSON: Your -- your next meeting
10 is September 6th?

11 SECRETARY WAGNER: September 6th.

12 MS. DEEGAN DICKSON: Okay. So we'll make sure
13 we'll get it to you in plenty of time, so you can digest it
14 prior to that.

15 CHAIRMAN MAMMINA: Okay.

16 MEMBER DONATELLI: So Mr. Chairman, I would ask
17 that we continue this matter.

18 MEMBER HERNANDEZ: For that purpose.

19 MEMBER DONATELLI: For that additional
20 information.

21 CHAIRMAN MAMMINA: And normally, I -- I would
22 not say -- I would say, no, we're done. But we've all sat
23 here all day. You know, if you got, you know, one -- one
24 thing --

25 MS. AUTZ: Yes. I just wanted to say one thing.

26 Thank you. It is very kind and it has been

Appeal #21431

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2 worked very that we're using the La Parma. It's made a big
3 difference for our street, because we also have another
4 school there. And at certain times, the -- the parents come
5 and they want to pick up the kids two, three times. They
6 have different shifts. And it -- it's -- it's -- it has
7 worked, that, because that is very, very bad timing. It's
8 very unsafe when there's no parking and they're trying to
9 come in and park in there.

10 CHAIRMAN MAMMINA: Thank you.

11 MS. AUTZ: Villa Parma is a very good --

12 CHAIRMAN MAMMINA: Thank you. We appreciate
13 that.

14 SECRETARY WAGNER: Just to clarify for
15 everybody, so they will be submitting additional information.
16 If anybody wants to look at that, it's part of the record.
17 Come -- come to the Zoning Board Office and you can review
18 the plans or we can get them to you.

19 (Discussion held off the record.)

20 SECRETARY WAGNER: All that of has been
21 submitted to the Board, as well the applicant. And so they
22 will not be making a decision before September 6th. That
23 would be the next possible date.

24 CHAIRMAN MAMMINA: Continue -- continue, again,
25 means just that other information will be coming.

26 CHAIRMAN MAMMINA: So feel -- feel free to

1 Appeal #21431

2 call -- call first.

3 (Discussion held off the record.)

4 MS. DEEGAN DICKSON: Thank you very much. I
5 appreciate your time and patience today.

6 (Discussion held among Board Members off the
7 record.)

8 (Discussion held off the record.)

9 (Whereupon, a recess was taken at 6:51 p.m. and
10 the hearing continued at 6:56 p.m.)

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1 Appeal #21433

2 SECRETARY WAGNER: Okay. APPEAL #21433 - Twenty
3 Five Restaurant Group, LLC; 388 Willis Avenue --

4 MR TIRONE: You skipped --

5 SECRETARY WAGNER: -- Roslyn Heights --

6 MEMBER DONATELLI: Wait.

7 SECRETARY WAGNER: Oh, I'm sorry.

8 ATTORNEY ALGIOS: Wait -- wait -- wait.

9 MS. ALGIOS: And Andrea was ready to jump up
10 too.

11 (Laughter.)

12 MR. TIRONE: I'm going to box her out.

13 (Laughter.)

14 MS. TSOUKALAS CURTO: All right, it's his.

15 SECRETARY WAGNER: Yes.

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1 Appeal #21432

2 SECRETARY WAGNER: APPEAL #21432 - Jesco Co.

3 (Sign); 1000 Willis Avenue, Albertson; Section 7, Block 230,
4 Lot 45; Zoned: Business-A.

5 Variances from §§70-196.J(2)(b) and
6 70-196.J(2)(c) to construct a directory sign that is too high
7 above the ground, too large and too close to the street.

8 CHAIRMAN MAMMINA: You've heard Appeal
9 No. 21432, Jesco Sign.

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

12 (No response.)

13 CHAIRMAN MAMMINA: Seeing no one, please give
14 your name and address.

15 MR. TIRONE: Scott Tirone, 75 Albertson Avenue,
16 Albertson, New York 11507. I guess good evening now,
17 Mr. Chairman, members of the Board. It was good morning
18 before, but -- but --

19 (Laughter.)

20 SECRETARY WAGNER: If you wait long enough,
21 it'll be good morning.

22 MR. TIRONE: It's been a long -- yeah.

23 (Laughter.)

24 MR. TIRONE: It's been a long day.

25 I'm here representing Jesco Company, who is the
26 owner of 1000 and 1050 Willis Avenue in Albertson, Section 7,

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Block 203, Lot 45 in the Business "A" Zone.

We're seeking variances from "70-196.J(2)(b) and
"70-196l.J(2)(c)" for a new directory pylon sign that is:

Too tall;

Too large;

And too close to the street.

The code does require a 10 foot setback to the
front property line and our -- our plans propose 7 foot. The
code does have a -- a state of the ground, so I can't exceed
15 feet above the grade and our sign is proposed at 20. The
code also states that a ground sign cannot exceed 24 square
feet, and the sign we're proposing is a total area of
112 square feet.

The property currently has a retail shopping
center in it. It's got one main anchor tenant, which would
be the supermarket. And then there's 19 individual tenant
spaces. Some of them, they're all permits that multiple
stores will be combined into one. But technically, there's
19 other tenant spaces, so it's 10 -- 20 total tenants for a
total square footage of almost 65,200 square feet of -- of
retail space.

Recently, we've had a lot turn over in the
shopping center, vacant stores. And it's becoming difficult
in the retail market to attract tenants. The landlord has
spoken to past and current tenants. And a lot of their

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complaints is -- or -- or request is more visibility on the main road, which is Willis Avenue.

Our -- our shopping center is -- the building is about 200 feet setback off Willis Avenue. It's, you know, it's a little hard to see, you know, the individual tenant signs that are in front of each individual business. So they have asked us to explore, you know, some type of directory sign on the main drag. The landlord has gone back and forth with the tenants. And most of the tenants seems to like the sign down the street at 361 to 393 Willis Avenue in Roslyn Heights, which is the shopping center with:

CVS;

Starbucks;

And "CHOPT Salad;"

There's a few other tenants in there too.

That sign did receive a variance back in 2018 under "Appeal 20771A." And that, again, that was back in August of 2018. I uploaded it to the portal as an exhibit. I don't know if you guys have it or not.

SECRETARY WAGNER: Yes.

MR. TIRONE: But I had uploaded the -- the -- their sign plan along with the decision. And they were granted variances for height, as well as sign area.

The variance that we're seeking for the total square foot of the sign is 112 square feet. The one in the

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exhibit I -- I submitted was approved at 160. We're actually 48 square feet less, even though they have 9 tenants and we have 20.

The variance that they sought also had a sign of 20 feet. And our sign, again, it is going to be the exact same height as the one that was approved down the street.

The last variance we have is front-yard setback. The zoning requirement does require a 10 foot setback and our sign is proposed at 7. We tried finding a compliant place for it. The only way to do it was to reduce a parking space. If you notice on the site plan where it is, there's like a triangle where the parking stalls change direction and that was the most logical place for it.

But in order to get a sign of that size, we needed the -- the variance. And it was kind of the balance test of what do we ask for. Do we ask for a parking variance? We've already been the subject of parking variances before this Board. So we figured it was a lesser impact to ask for a front-yard variance than to eliminate a parking stall.

We believe the granting of the variance will not create any undesirable change to the neighborhood. As I had mentioned, there's a sign right down the block that's of similar size and height. You know, as -- as I stated before, we have tried other alternatives and we've kicked it around

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between engineers. They even hired Lou Gileno as a -- a like
a -- a site architect to figure out where we could put
things. And it just -- it wasn't going to work without
eliminating a site to be compliant with the front-yard
setback.

I don't believe our variance is substantial.
Directory signs are, you know, common. An as I stated
before, you know, we are 48 square feet smaller than the
other one that was approved, and we do have potentially
20 tenants that we have to advertise for. So trying to do
that, I think the code puts 24 square feet. Trying to get
20 signs in 24 square feet is just like --

MEMBER GOODSELL: 24 license plates.

(Laughter.)

MR. TIRONE: Yeah, it's -- it's not going to
work.

And again, the -- the -- there -- there will be
no negative impact on -- on the environmental conditions or
anything to the neighborhood, with the granting of this
variance.

CHAIRMAN MAMMINA: Mr. Tirone?

MR. TIRONE: Again, we're just trying to improve
visibility along Willis Avenue.

CHAIRMAN MAMMINA: I -- I have a question.

MR. TIRONE: Yeah.

1 Appeal #21432

2 CHAIRMAN MAMMINA: Does -- does the Building
3 Department include all of the -- all of the brick
4 construction and things that's around it?

5 MR. TIRONE: They count -- I -- I believe they
6 counted everything, yeah.

7 CHAIRMAN MAMMINA: Only 'cause I'm -- I'm just
8 looking at it and it's not making -- maybe -- maybe I'm --
9 maybe I'm leaving the -- the shops at Willetts Crossing out,
10 because I'm seeing the body of the sign where the tenants
11 would be listed as -- as 92 square feet, as I'm calculating
12 it. But I didn't include anything just for identifying the
13 shopping center, so maybe that's how they got the 120 --

14 MR. TIRONE: Yeah, I mean it's -- it's --

15 (Discussion held among Board Members off the
16 record.)

17 MR. TIRONE: I don't know how they calculate it.
18 I mean may be they did calculate the brick. I mean it is a
19 solid piece, so maybe that was --

20 CHAIRMAN MAMMINA: Yeah.

21 MR. TIRONE: -- included in the -- in the
22 calculation.

23 MEMBER GOODSSELL: Is this an illuminated sign?

24 MR. TIRONE: It's going to be like plastic
25 panels and backlit illumination.

26 CHAIRMAN MAMMINA: Yes.

1 Appeal #21432

2 MEMBER GOODSSELL: Okay. And it's doubled sided,
3 so it's going to have a sign on both sides?

4 MR. TIRONE: Yes -- yeah, that way the traffic,
5 north and south --

6 MEMBER HERNANDEZ: And it will be seen from all
7 three sides from --

8 MR. TIRONE: That's another reason that --

9 MEMBER HERNANDEZ: So that -- that's the right
10 location.

11 MR. TIRONE: -- the location was -- we have
12 I.U. Willets, right. I mean, obviously Willis Avenue is
13 the -- the main traffic drag. But yes, it's going to be --

14 MEMBER HERNANDEZ: And I.U. Willets gets a lot
15 of traffic there.

16 MR. TIRONE: Oh yeah. And my office is right
17 off there, I know.

18 (Laughter.)

19 MR. TIRONE: I've almost been hit there a few
20 times, so --

21 MEMBER DONATELLI: I -- I will say give the
22 angle at which I.U. Willets Road comes into Willis Avenue, I
23 think that triangle is probably the most logical place for
24 such a sign. And if it's 7 feet rather than 10 feet, I think
25 that is preferable to losing a parking spot. So I -- I just
26 think -- that's probably the best option.

1 Appeal #21432

2 CHAIRMAN MAMMINA: Yeah.

3 And I think considering the size of the
4 shopping center, it's -- it's not atypical for us to grant
5 larger ground signs with shopping centers that are set back
6 the way that -- that this one is. And I would agree. I know
7 that -- I know that intersection very well. And, you know,
8 just having driven up and down Willis Avenue, I couldn't even
9 begin to project how many times in my life, you know, when
10 you're coming from, you know, from the north to the south,
11 really until you pass the houses you don't see it.

12 MR. TIRONE: Yeah.

13 CHAIRMAN MAMMINA: And as you're coming from the
14 south to the north, really until you pass that last building
15 on the -- on the right, whichever retail store that is, you
16 know, where the -- where the triangular piece comes in, you
17 don't see it.

18 MR. TIRONE: Uh-huh. Yeah.

19 CHAIRMAN MAMMINA: You know, and then coming
20 down I.U. Willets Road, you know, you really don't see it
21 until --

22 MR. TIRONE: Yeah --

23 CHAIRMAN MAMMINA: -- until you're there --
24 until you're there?

25 MR. TIRONE: -- exactly.

26 CHAIRMAN MAMMINA: You could drive right by.

1 Appeal #21432

2 MR. TIRONE: I do a lot of work with that
3 landlord, and it's been -- it's been difficult. I mean we've
4 had -- we had a couple of tenants that literally just left
5 spots in the middle of the night. They showed up Monday and
6 the -- the space was empty. I mean it's and it's difficult.
7 I mean it's -- it's retail. It's a retail strip center. I
8 mean and it's a lot of square footage.

9 CHAIRMAN MAMMINA: And also with --

10 MR. TIRONE: You know --

11 CHAIRMAN MAMMINA: -- "COVID," retail --

12 MR. TIRONE: -- yeah.

13 CHAIRMAN MAMMINA: -- you know, a major --
14 major.

15 MR. TIRONE: "Amazon" has really changed --

16 CHAIRMAN MAMMINA: It did.

17 MR. TIRONE: -- peoples habits, because it's --
18 (Laughter.)

19 MEMBER DONATELLI: Anybody else have any other
20 questions?

21 MEMBER HERNANDEZ: I have no further questions.

22 MEMBER GOODSSELL: No.

23 CHAIRMAN MAMMINA: No.

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

26 CHAIRMAN MAMMINA: Okay. We have a motion.

1 Appeal #21432

2 Do we have a second?

3 MEMBER GOODSSELL: I'll second that one.

4 CHAIRMAN MAMMINA: Seconded by Ms. Goodsell.

5 Please poll the Board.

6 (Discussion held among Board Members off the

7 record.)

8 MEMBER HERNANDEZ: Ms. Wagner?

9 SECRETARY WAGNER: I'm sorry.

10 Member Hernandez?

11 MEMBER HERNANDEZ: Aye.

12 CHAIRMAN MAMMINA: Oh, I'm sorry. I'm tired

13 too.

14 (Laughter.)

15 (Discussion held among Board Members off the

16 record.)

17 CHAIRMAN MAMMINA: Let's just all change name

18 plates for a little while.

19 SECRETARY WAGNER: Member Goodsell?

20 (Discussion held among Board Members off the

21 record.)

22 SECRETARY WAGNER: Member Goodsell?

23 MEMBER GOODSSELL: He'll answer for me.

24 (Discussion held among Board Members off the

25 record.)

26 SECRETARY WAGNER: You said aye?

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Appeal #21432

MEMBER GOODSELL: I said aye.

SECRETARY WAGNER: Member -- Chairman Mammia?

CHAIRMAN MAMMINA: Aye.

So the application is granted.

(Discussion held among Board Members off the
record.)

MR. TIRONE: Thank you.

MEMBER DONATELLI: Chairman Hernandez.

(Laughter.)

(Discussion held among Board Members off the
record.)

(Discussion held off the record.)

MEMBER GOODSELL: Thank you, Mr. Tirone.

1 Proceedings

2 MS. TSOUKALAS CURTO: Off the record.

3 (Discussion held off the record.)

4 CHAIRMAN MAMMINA: I will also say very quickly,

5 I think that --

6 SECRETARY WAGNER: And we had several

7 adjournments. Can you imagine?

8 CHAIRMAN MAMMINA: Right.

9 SECRETARY WAGNER: Could you imagine what we
10 would have been through?

11 MS. TSOUKALAS CURTO: Right.

12 (Discussion held off the record.)

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1 Appeal #21433

2 CHAIRMAN MAMMINA: Okay. Young lady, you're up.

3 SECRETARY WAGNER: APPEAL #21433 - Twenty Five

4 Restaurant Group, LLC; 388 Willis Ave, Roslyn Heights,

5 Section 7, Block 147, Lots 105, 110, 111, 112; Zoned

6 Business-A & Residence-B.

7 Conditional Use § 70-126.A for a renewal of a
8 conditional use permit to continue to use the premises as a
9 restaurant.

10 CHAIRMAN MAMMINA: You've heard Appeal

11 No. 21433, Twenty-Five Restaurant Group, LLC.

12 Is there anyone in the room interested in the
13 application?

14 (No response.)

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

17 MS. TSOUKALAS CURTO: Okay. Good evening
18 Chairman Mammina, members of the Board, Andrea Tsoukalas
19 Curto with the firm of Forchelli Deegan Terrana, offices at
20 333 Earle Ovington Boulevard, Uniondale, New York, on behalf
21 of the applicant.

22 This is an application for a renewal of a
23 conditional use permit for the restaurant known as 388 in
24 Roslyn Heights. The premises is located on the northeast
25 corner of Willis Avenue and Cambridge Street. It's situated
26 in the Town's Business "A" and Residence "B" Zoning

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Districts. It's improved with a restaurant and parking lot,
and the site has been approved with a restaurant since 1957.

My client has been operating an Italian
restaurant at this location since 2010. He's always used
valet parking for the site, because there was insufficient
parking on site. I obtained a renewal of the conditional use
permit and parking variance for the restaurant in 2013. That
was granted for a five-year period. I obtained a second
renewal in 2018 for another five-year period.

And at this time, my client seeks a permanent
approval of his conditional use permit. My client will
continue to use valet parking to avoid parking on residential
streets. The valet parking, although expensive, has worked
to control the traffic flow on and off the site in an orderly
manner, and has also controlled the location of vehicles in
commercial lots away from neighbors.

I have provided the updated license agreements
for the lots that Mr. Sorrentino (phonetic) uses for the
restaurant.

(Mr. Perrotta exits the hearing.)

MS. TSOUKALAS CURTO: The three that were
permitted five years ago are:

400 Willis Avenue, which is the Bagel Boss.
That's 30 parking stalls;
277 Willis Avenue, which is an office building.

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That's 20 parking stalls;

And 1175 Willis Avenue which is a gas station.

That's 15 parking stalls;

65 total.

He now has an additional lot -- lot that he uses. That's 384 Willis Avenue and that has 15 parking stalls. So a total -- total of 80 parking stalls and when you valet them, you could actually stack them and fit in more -- more cars.

My client is not changing the operation of the restaurant in any manner, same kitchen, same number of seats.

I did speak to two neighbors on Cambridge. It is a narrow street, so they have asked us not to park on that street. It's really the employees. So Mr. Sorrentino will ask them not to park there. I did not hear from anybody else on this.

With respect to the merits of the conditional use permit, again, this has been here as a restaurant for 66 years. The proposed use is in harmony with other commercial uses in the neighborhood. It is a service to the community. 388 is a successful restaurant that is run by an established businessman in the community.

As you may know, Mr. Sorrentino does -- used to operate Matteo's on the same block and at other locations in Syosset. And -- and has been a restaurateur for many, many

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years since 1989.

So if you don't any questions?

MEMBER GOODSSELL: As -- as far as I'm concerned,
this is valet parking done well --

MEMBER HERNANDEZ: Yes.

MEMBER GOODSSELL: -- because as to when you hand
off your key -- and I -- I have been there.

MS. TSOUKALAS CURTO: Uh-huh.

MEMBER GOODSSELL: When you hand off your key,
you really don't know if it's something like this or, you
know, "Ferris Bueller's Day Off," somebody in the kitchen
takes off with your car and just brings it back at the right
time.

MS. TSOUKALAS CURTO: Right.

MEMBER GOODSSELL: They really do have an
efficient well-run valet system. And we have never had a
problem getting our car. I've never had a problem with
parking.

I -- I have to say -- and Willis Avenue is a
very busy street particularly right up there.

MS. TSOUKALAS CURTO: It is.

MEMBER GOODSSELL: So I -- I have no problem with
this application.

Now, I was not here for either of the prior
approvals. Is this permanent, you know, something that

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perhaps you'd consider?

MEMBER DONATELLI: So -- so my question is to your knowledge, have there been any complaints from any of the neighbors? I know that you said that -- that the --

MS. TSOUKALAS CURTO: The two that I spoke that called me personally, they had the same exact complaint. They lived on Cambridge. They're actually next door neighbors. Because it is a narrow street and you can actually park on both sides and it is permitted, but they said if they could -- if you could please not park there to the extent possible, just because it is a narrow street, and especially in the winter, it really does impact our quality of life and I said, sure, not a problem. They both come to the restaurant. They love the restaurant. They love Matty.

And but they said if he can please address this one point, we'd appreciate it and I said no problem.

CHAIRMAN MAMMINA: I'll just ask Ms. Wagner, have there been any violations, or anything listed -- issued for this?

SECRETARY WAGNER: Not that I'm aware of.

CHAIRMAN MAMMINA: For this property?

SECRETARY WAGNER: I don't --

CHAIRMAN MAMMINA: Okay.

MEMBER DONATELLI: I -- I know that we -- we had a similar situation for a restaurant in Port Washington,

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2 where the same request was made. We -- we had I think
3 granted five year --

4 MS. TSOUKALAS CURTO: That was for DiMaggio's.
5 I just came for that and you guys granted it permanently,
6 right.

7 MEMBER DONATELLI: And --

8 CHAIRMAN MAMMINA: Yeah.

9 MEMBER DONATELLI: -- and so I would, if -- if
10 there have been no real complaints and -- and the -- the
11 applicant has tried to satisfy the two individuals who -- who
12 have called.

13 (Discussion held among Board Members off the
14 record.)

15 MS. TSOUKALAS CURTO: You're talking about
16 complaints from neighbors?

17 ATTORNEY ALGIOS: Yeah.

18 SECRETARY WAGNER: Yeah.

19 MS. TSOUKALAS CURTO: He did have some
20 Building Department violations that he's cured since "COVID,"
21 like 'cause he had an outdoor like --I forget what he was
22 doing stuff and like that, but I don't --

23 CHAIRMAN MAMMINA: Yeah.

24 ATTORNEY ALGIOS: I'm talking about complaints,
25 you know, from the neighbors and --

26 MS. TSOUKALAS CURTO: Oh.

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2 CHAIRMAN MAMMINA: The way that --

3 ATTORNEY ALGIOS: So that's why they -- they
4 imposed -- they imposed the limitation is just to make sure
5 that --

6 MS. TSOUKALAS CURTO: Yeah --

7 ATTORNEY ALGIOS: -- the -- the business
8 operator is being a good neighbor.

9 MS. TSOUKALAS CURTO: -- right.

10 So five years ago, there was two other residents
11 that were across the street and they didn't come back. We
12 had sat down with them. And they had issues, again, with
13 parking in front of their house.

14 ATTORNEY ALGIOS: Yeah.

15 MEMBER HERNANDEZ: And it's only -- only because
16 this one happens to be right in the middle of a residential
17 neighborhood on both sides, you know?

18 MS. TSOUKALAS CURTO: Uh-huh.

19 MEMBER HERNANDEZ: And they're surrounded by --
20 so it's shocking that nobody would -- came back to you, to be
21 honest with you, except for those two people?

22 MS. TSOUKALAS CURTO: Well, the two did.

23 MEMBER HERNANDEZ: Yeah, except for those two.

24 MS. TSOUKALAS CURTO: The two did.

25 MEMBER HERNANDEZ: I was really surprised by
26 that.

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2 MS. TSOUKALAS CURTO: I -- I would have met with
3 any other persons.

4 MEMBER HERNANDEZ: Of course, yeah?

5 MS. TSOUKALAS CURTO: Yeah.

6 CHAIRMAN MAMMINA: I don't know.

7 (Discussion held among Board Members off the
8 record.)

9 MEMBER HERNANDEZ: You know, with -- with
10 DiMaggio's, there was no -- no residences or anywhere near it
11 really; you know?

12 MS. TSOUKALAS CURTO: I got it.

13 (Laughter.)

14 (Discussion held among Board Members off the
15 record.)

16 MEMBER DONATELLI: But we have to vote on it.
17 If -- if we were to wait on that, then we would have to vote
18 on it --

19 ATTORNEY ALGIOS: Yeah.

20 MEMBER DONATELLI: -- to continue it. What I am
21 saying is --

22 MEMBER GOODSELL: It won't effect their
23 operation at all. We could --

24 CHAIRMAN MAMMINA: Right.

25 MEMBER GOODSELL: -- put it off to the 6th, just
26 to verify.

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2 CHAIRMAN MAMMINA: I -- I would think for all
3 intents and purposes, you can bring back to your client, you
4 know, that essentially it -- it -- for all intents and -- I
5 don't know the word I want, you know?

6 But it, you know, it -- we're just going to
7 make one final check with "311" and it's what only 2 weeks,
8 3 weeks.

9 ATTORNEY ALGIOS: It'll satisfy the Board that
10 they did their due diligence --

11 CHAIRMAN MAMMINA: And then they get the
12 permanent.

13 MS. TSOUKALAS CURTO: Okay.

14 CHAIRMAN MAMMINA: Right.

15 MS. TSOUKALAS CURTO: Okay.

16 ATTORNEY ALGIOS: - so assuming there's no
17 issues and there's no real level of complaints.

18 MS. TSOUKALAS CURTO: Okay.

19 MEMBER HERNANDEZ: The assumption is that it's
20 not going to be there, so it will be fine, but --

21 MS. TSOUKALAS CURTO: Okay.

22 MEMBER HERNANDEZ: If there is something, then
23 we can't make it permanent, yeah.

24 MS. TSOUKALAS CURTO: Okay.

25 CHAIRMAN MAMMINA: Yeah.

26 MS. TSOUKALAS CURTO: Okay.

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2 CHAIRMAN MAMMINA: And certainly it appears it
3 will be permanent so.

4 MS. TSOUKALAS CURTO: Okay.

5 CHAIRMAN MAMMINA: Okay?

6 MS. TSOUKALAS CURTO: All right.

7 CHAIRMAN MAMMINA: Thank you for spending the
8 day with us.

9 MS. TSOUKALAS CURTO: Yes, thank you. It was
10 very entertaining.

11 (Laughter.)

12 ATTORNEY ALGIOS: We weren't going for
13 entertaining.

14 (Laughter.)

15 SECRETARY WAGNER: So we will continue it then.

16 CHAIRMAN MAMMINA: Yes, we will.

17 ATTORNEY ALGIOS: On September 6th.

18 CHAIRMAN MAMMINA: We'll -- we'll continue it.

19 MEMBER HERNANDEZ: Because of us, not because of
20 them.

21 MS. TSOUKALAS CURTO: Yeah.

22 Thank you very much. Have a good evening.

23 CHAIRMAN MAMMINA: Have a good night.

24 MEMBER HERNANDEZ: Thank you.

25 MS. TSOUKALAS CURTO: Be well.

26 CHAIRMAN MAMMINA: Have a good evening.

1 Proceedings

2 MEMBER DONATELLI: We have to -- to vote on the
3 "SEQRA."

4 SECRETARY WAGNER: "SEQRA."

5 MEMBER DONATELLI: The "SEQRA," but also the one
6 that we did not vote on.

7 SECRETARY WAGNER: Yeah.

8 ATTORNEY ALGIOS: But she doesn't have to be
9 here for that one.

10 SECRETARY WAGNER: Just for "SEQRA."

11 MEMBER DONATELLI: Nope.

12 SECRETARY WAGNER: Okay. So I'll take a vote.

13 CHAIRMAN MAMMINA: We have nothing else to do;
14 right?

15 SECRETARY WAGNER: Who wants to move it?

16 MEMBER DONATELLI: No.

17 MEMBER GOODSSELL: I'll make a motion that we
18 adopt "SEQRA."

19 (Discussion held among Board Members off the
20 record.)

21 SECRETARY WAGNER: Second?

22 (Discussion held among Board Members off the
23 record.)

24 SECRETARY WAGNER: Dan, you'll second it?

25 MEMBER HERNANDEZ: Second.

26 Sorry.

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Proceedings

(Laughter.)

(Discussion held among Board Members off the
record.)

SECRETARY WAGNER: All in favor?

(Chorus of "ayes.")

(Time noted: 7:15 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

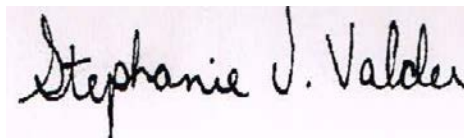
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COUNTY OF SUFFOLK)

I, STEPHANIE J. VALDER, 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 way interested in the result or outcome thereof.

IN WITNESS WHEREOF, I have hereunto set
my hand this 31st day of August, 2023.

A handwritten signature in black ink on a light pink rectangular background. The signature reads "Stephanie J. Valder" in a cursive script.

STEPHANIE J. VALDER,
Stenographer