

1
2 Town of North Hempstead

3 Board of Zoning Appeals

4 PUBLIC HEARINGS

5 Wednesday, October 23, 2024

6 10:00 a.m.

7
8
9
10 BOARD MEMBERS PRESENT:

11 Daniel D. Donatelli, Acting Chairman

12 Patricia A. Goodsell, Member

13 Jay Hernandez, Member

14
15 ALSO PRESENT:

16 Deborah Algios, Deputy Town Attorney

17 Virginia Wagner, Secretary

18 Steven Perrotta, Planner

19 Mariesel Berrios, Stenographer

1 ACTING CHAIRMAN DONATELLI: Good morning, everyone. If you
2 would please rise and join Member Goodsell in the Pledge of
3 Allegiance.

4 (WHEREUPON, the Pledge of Allegiance was recited.)

5 ACTING CHAIRMAN DONATELLI: We are waiting for our live stream
6 because everything that we do today will be televised. In the
7 meantime, I'd like to make some introductory remarks.

8 Welcome to the Town of North Hempstead Board of Zoning Appeals.
9 I just want to take a few minutes for those of you who may not have
10 been here before; just to tell you how we like to handle the calendar.

11 As to the calendar, each case is called; when the case is called,
12 the applicant will come up and present their case. I will ask if
13 there are any members of the public who want to appear and be heard
14 on the case whether in favor or against. When the applicant has
15 completed their presentation, members of the public will be invited
16 to come up and to say what they want to put on the record. The
17 applicant, of course, can speak as long as necessary to present their
18 case. We ask that members of the public, whether in favor or against
19 the application, limit their remarks to three minutes.

20 We ask that you keep crosstalk to a minimum. If you have to
21 whisper to somebody or if you have to take a phone call, we ask that
22 you go outside and have conversations outside in the hallway, that
23 you do not answer any phone calls here. It's very distracting for
24 the court reporter, and it's distracting for us.

25 Please do mute your phones because, like I said, this is a
26 quasi-judicial hearing, and we need to make sure that every word is

1 heard.

2 Once the hearing is done, we may do one of four of things. We
3 may approve the application. We may deny the application. We may
4 reserve decision, which means that we think that we have all the
5 information that we need and we just want time to consider the merits,
6 or we may continue the application, which means that the board may
7 think that we require some additional information. Maybe we have
8 to review a file, and in which case, then we will continue the
9 application for whatever additional information we have.

10 As I said, I ask that you turn off your cell phones please, and
11 if you are joined by somebody else who comes in at some point in the
12 process of this meeting, I ask that you also let them know, please,
13 to keep all talk, all crosstalk at a minimum.

14 Ms. Wagner, any changes to the calendar?

15 SECRETARY WAGNER: Yes, I believe it's noted that Member
16 Donatelli is acting chairman for today.

17 Appeal #21592, Seon Pak; 61 Manor Drive, Great Neck; Section
18 2, Block 109, Lot 1; Residence B Zoning District.

19 Variance from 70-40.B to construct a new home and a portico that
20 are too close to the street (both primary and secondary front yards),
21 will be adjourned to December 18th.

22 Appeal #21583, United Cerebral Palsy Association of Nassau
23 County; 9 Belleview Avenue, Port Washington; Section 5, Block 81,
24 Lot 10; Residence C Zoning District.

25 Variances from 70-44 & 70-208.G to convert a three-family to
26 a four-family house (not a permitted use) that is an expansion of

a non-permitted use, will be adjourned to November 6th.

Appeal #21613, Elham Gilardi; 42 Snapdragon Lane, Roslyn Heights; Section 7, Block 226, Lot 9; Residence AA Zoning District.

Variances 70-21.A, 70-22.3.A, 70-22.3.B, 70-22.7, 70-102.C(1) & 70-102.C(2) to construct a new home that would be too close to the side property line and with total side yards that are too small, violates the sky exposure plane (both sides), is taller than the horizontal distance between the side property line and the home, with an eave height that is too high; and to legalize pool equipment located in a side yard and too close to a side property line; and to legalize pool barrier fencing extending beyond the rear building line, that is adjourned to November 20th.

We also have an adjournment of Appeal #21616, 114 Main Street Owner, LLC (The Beacon); 114 Main Street, Port Washington; Section 5, Block 80, Lot 29; Business A/Residence C Zoning District.

Appeal for determination for consideration under §70-225.E to extend the business use of the property into the residential zone, or in the alternative, variance from 70-44, and conditional use 70-126.A and variance from 70-103.A(1) to construct interior alterations to convert a former movie theater to a dinner theater space (a conditional use in the Business A District and a use that is not permitted in the Residence C District), with not enough parking on site. That will be adjourned until November 20th.

ACTING CHAIRMAN DONATELLI: Thank you. So you've heard that those four matters that have just been announced are being adjourned. They will not be heard today. If you're here for one of those four

1 matters, you're welcome to stay if you'd like. As the chairman would
2 say if he were here, this is a fascinating process, but of course,
3 those four matters will not be heard today.

4 Having said that, please call the first case.

5

6 SECRETARY WAGNER: Appeal #21610, Meny and Valerie Elgadeh; 56
7 Station Road, Great Neck; Section 2, Block 353, Lot 17; Zoned:
8 Residence A.

9 Variances from 70-29.C and 70-30.B to construct additions and
10 a garage conversion that make a home too big and are located too close
11 to the street (primary front yard).

12 ACTING CHAIRMAN DONATELLI: You've heard Appeal #21610, Meny
13 and Valerie Elgadeh; 56 Station Road, Great Neck. Is there anyone
14 here other than the applicant who wishes to speak? Seeing no one,
15 please give your name and address.

16 MS. HASSAN: Good morning, Acting Chairman and Members of the
17 Board. My name is Meaghan Hassan. I'm with the law firm Sahn Ward
18 Braff Koblenz Coschignano, 333 Earle Ovington Boulevard, Suite 601,
19 Uniondale, New York 11553. Appearing on behalf of the applicant,
20 Meny and Valerie, 56 Station Road, Great Neck. With me today is
21 Michael Sahn, co-manager of Sahn and Ward.

22 Before beginning my formal presentation, I would like to thank
23 the board and the building department staff for your attention to
24 this matter and for your consideration in granting to two area
25 variances being sought herein.

26 So the subject premises, 56 Station Road, is a residential lot

1 located at the southwest corner of Station Road and Oxford Boulevard
2 in Great Neck. The premises is identified as Section 2, Block 353,
3 Lot 17 on the Nassau County Land and Tax Map. The subject premises
4 is surrounded by other residential detached dwellings to the north,
5 south, east and west.

6 The subject parcel is an oversized lot containing 13,212 square
7 feet, which is approximately .3 acres in the town's Residential A
8 Zoning District. The Residence A Zoning District requires a minimum
9 lot area of 8,500 square feet, which is approximately 0.19 acres.
10 This makes the subject lot about 55 percent larger than the minimum
11 required in the zoning district.

12 I would also like to point out at the outset that while the
13 address of the property is 56 Station Road and the dwelling and the
14 driveway both front Station Road, pursuant to the Town Code, the
15 primary front yard is considered to be the yard along Oxford
16 Boulevard. This primary front yard here, and the Oxford property
17 line is heavily screened with 15- to 20-foot matured Evergreen
18 bushes, which obscure the view of the home and the yard from Oxford
19 Boulevard. Those bushes have been there since the applicant
20 purchased the property, and they intend to keep those there.

21 Moving onto the home. The premises is improved with a two-story
22 colonial style single family dwelling that was built in 1940s. The
23 applicant, Mr. Elgadeh and his wife Valerie, purchased the home in
24 2016. They live there with their three children for the past eight
25 years. His in-laws frequently visit and stay over. It's expected
26 that in the coming years as his in-laws age, one or both of them may

1 move into the home.

2 The home being older does not have the most efficient flow
3 between rooms. There's a lot of walls that break up the home and
4 make it feel a little bit smaller, and over the years with the growing
5 family and in-laws visiting, the home has begun to feel cramped. The
6 applicant intends to construct additions and interior alteration for
7 the home to better serve the family and create a better flow between
8 rooms, get a little bit more place, and to overall update the home.

9 This proposed renovation consists of the addition of a proposed
10 portico at the front of the home, a small second-story addition at
11 the rear of the home for a closet, and a balcony off of the primary
12 bedroom, first-story addition at the back of the home for the kitchen,
13 a conversion of the existing attached garage into a family room, and
14 a construction of a new attached garage at the end of the existing
15 driveway. All of the proposed additions are in yellow on this board.

16 The applicant submitted proposed plans to the Town, and on
17 July 26th of this year, the Department of Buildings indicated that
18 two area variances are required from the Town Code. Specifically,
19 the applicant is requesting a variance from Section 70-29C of the
20 code to permit a total gross floor area of 4,023.24 square feet, where
21 4,000 square feet is the maximum permitted in the R-A Zoning
22 District. This represents a 23.24 square foot gross floor area
23 variance.

24 The applicant is also requesting a variance from Section 70-30B
25 of the Town Code to permit the first- and the second-story addition
26 to have a front yard setback of 20.62 feet from the Oxford Boulevard

1 front property line. The code requires a 35-foot setback from that
2 property line. It should be noted that the home is already located
3 20.62 feet from Oxford Boulevard, and the additions to the home will
4 remain in line with that. In other words, this setback variance will
5 not decrease the existing setback. It's just the additions to the
6 rear that are in line with the existing home.

7 I would like to note at this time that the applicant has obtained
8 a signed consent letter from the two property owners at 108 Oxford
9 Boulevard. 108 Oxford is located adjacent to the subject premises
10 and is the most impacted neighbor as most of the additions to the
11 home are located in the rear. The subject premise's back yard fronts
12 onto 108 Oxford Boulevard. This consent form has been submitted
13 through the Town's Citizen Serve Portal, and I have brought more
14 copies for the board for your review.

15 MR. PERROTTA: Thank you.

16 MS. HASSAN: Now, I would like to briefly go through the Five
17 Factors contained in New York State Town Law for granting an area
18 variance.

19 First, the granting of the variances requested are not expected
20 to produce an undesirable change in the character of the community.
21 Based on the review of the homes in the immediate vicinity, a home
22 with a gross floor area of 4,023.24 square feet is not out of
23 character. Diagonally across the street from the subject premises
24 is 63 Station Road, which is publicly listed as being over
25 7,000 square feet. Its neighbor, 69 Station Road, is listed as being
26 4,100 square feet.

1 I would also like to submit to the board that the home is not
2 disproportionally large due to the larger lot area of this premises.
3 This is demonstrated by the fact that the proposed home is comfortably
4 under the maximum permitted gross floor area percentage and the lot
5 coverage maximums. The proposed gross floor area percentage is
6 30.45 percent, where 36 percent is the maximum permitted. The
7 proposed lot coverage is 19.66 percent, where 25 percent is the
8 maximum permitted. Both of these calculations show that the
9 proposed additions are not egregious on a lot of this size.

10 Further, aside from the proposed portico, the additional square
11 footage will all be located in the rear of the home. So as a result,
12 these improvements will be unnoticeable to the neighboring community
13 since from Station Road they'll be blocked by the existing home, and
14 from Oxford Boulevard, they'll be blocked by those 15 to 20 mature
15 trees -- mature bushes. Turning to the front yard setback variance,
16 that too is not expected to produce an undesirable change in the
17 character of the neighborhood. The existing setback is already at
18 20.62 feet, and these new additions will be in line with that existing
19 condition.

20 Moving on to the second criteria. There is no alternative for
21 the applicant to pursue besides seeking the two variances that would
22 achieve the same benefit that are being sought. When the applicant
23 first began this process of making plans to improve the home, the
24 applicant and architect explored different floor plans.
25 Originally, the applicant considered a plan that would result in a
26 home that was around 4,200 square feet. That would've required a

1 200 square foot variance. In an effort to seek the minimum variance
2 necessary and get closer to compliance, the plans were cut back to
3 only exceed the code by 23.24 square feet.

4 Moving on to the setback variance. The primary bedroom is in
5 a portion of the home that fronts Oxford Boulevard. Due to the
6 existing insufficient setback area, any addition to the rear of the
7 home in that area will need a variance to maintain that non-conforming
8 setback. To the benefit of creating a closet and a balcony in that
9 area can't be achieved without achieving this 20.62 front yard
10 setback.

11 Next, it's respectfully submitted that the variances requested
12 are not substantial. The applicant is requesting a 23.24 square foot
13 gross floor area variance, which represents a .57 percent increase
14 over what is permitted in the code. As the front yard setback has
15 existed in its current state for over 80 years, and the entirety of
16 the front property line is screened with those mature bushes, it's
17 also submitted that the setback variance is not substantial either.

18 Fourth, we submit that the granting of this application will
19 not have any impact on the physical or environmental conditions of
20 the area. The gross floor area variance here is minor in nature and
21 will not have any physical impacts that require mediation, especially
22 due to the excessive lot size of this premises. Maintaining the
23 existing front yard setback area variance will also not have an impact
24 on the physical and environmental conditions because, again, this
25 is already an existing condition.

26 Lastly, it's respectfully submitted that the hardship and

1 complying with the Town Code is not self-created here. The code does
2 not permit homes in the R-A District to exceed 4,000 square feet of
3 gross floor area despite the fact that the subject premises is 55
4 percent larger than others in the district. Additionally, the
5 applicant purchased the home while it was in its current location
6 with the pre-existing non-conforming front yard setback area. So
7 that is not a condition that was created by the applicant. As this
8 board is aware, if the board were to find that the applicant's
9 hardship is self-created, which we submit it is not, that factor alone
10 is not dispositive to deny the area variance relief being sought
11 without evidence of the detriment to the health, safety, and welfare
12 of the community, which we do not believe is the case here.

13 Based on this balancing test, we respectfully submit that the
14 benefits to Mr. Elgadeh and his family outweigh any detriment to the
15 health, safety, and welfare of the community, which justify the
16 granting of both area variances sought.

17 I thank you for your time, and I'm happy to take any questions
18 as that wraps my formal presentation.

19 ACTING CHAIRMAN DONATELLI: Thank you.

20 MEMBER GOODSELL: Well, I just want to comment that the house
21 itself looks like it was built in its present location. I'm looking
22 at the tax card, you're correct; it's over 80 years old, so it is
23 not self-created -- the setback is not self-created, either by this
24 applicant or anybody. It was built this way, but I think that it's
25 important to note that the house which is directly across the street
26 also has the same setback. It's much closer to the road than the

1 other houses as you go back into the neighborhood. Kind of like
2 bookends. They're not similar houses. They're not identical, but
3 the setbacks appear to be, in my eye, to be the same.

4 The other comment that I just want to make is that yes, it's
5 surrounded by bushes, but you and I both know some sort of beetle
6 we haven't heard of yet could come, eat these trees, and they might
7 all have to be taken down, so -- and the next owner might not
8 appreciate the greenery. So we're looking at the additions with the
9 eye that, yes, say they are very visible to the street, and this is
10 true for a lot of applicants who say to us, but you can't see it anyway.
11 If that was our standard, you can build a lot more. You could build
12 a jungle around your house. You can build a lot more, but that being
13 said, I would agree with the applicant, Mr. Chairman, that
14 the -- well, I have 32 square feet over, but the de minimis square
15 feet over the maximum allowed really is de minimis, so I, for one,
16 have no objection to it.

17 ACTING CHAIRMAN DONATELLI: I have 23 square feet, which I
18 calculated less than one percent or approximately .5 percent,
19 but -- okay. Mr. Hernandez?

20 MEMBER HERNANDEZ: No problem.

21 (WHEREUPON, a discussion was held among board members.)

22 ACTING CHAIRMAN DONATELLI: So as to the existing request for
23 the front yard variance along the Oxford, I would just note for the
24 record that is in keeping with the existing setback, and that while
25 it may appear to be from a number point of view, it may appear to
26 be significant. What we're doing is we're merely extending the house

1 along Oxford. We're not exceeding any further -- intruding any
2 further into the front yard setback than the house already does.

3 Having said that, no other questions or comments?

4 MEMBER HERNANDEZ: No.

5 ACTING CHAIRMAN DONATELLI: Do we have a motion?

6 MEMBER GOODSSELL: No, I have no other comments, and Mr. Chairman
7 then, I make a motion that in light of the very, very small variance
8 requested under GFA 70-29C, that we grant the application for the
9 23 additional square feet, and I further make a motion based upon
10 the character of the community and the surrounding properties that
11 we permit the applicant to extend the non-conformity on Oxford Street
12 as requested.

13 ACTING CHAIRMAN DONATELLI: We have a motion. Do we have a
14 second?

15 MEMBER HERNANDEZ: Second.

16 ACTING CHAIRMAN DONATELLI: All in favor?

17 MEMBER HERNANDEZ: Aye.

18 MEMBER GOODSSELL: Now, poll the board.

19 SECRETARY WAGNER: Member Hernandez?

20 MEMBER HERNANDEZ: Aye.

21 SECRETARY WAGNER: Member Goodsell?

22 MEMBER GOODSSELL: Aye.

23 SECRETARY WAGNER: Acting Chairman Donatelli?

24 ACTING CHAIRMAN DONATELLI: Aye. The motion is granted.

25 Thank you for the presentation. Very well done.

26 MS. HASSAN: Thank you very much.

1 MEMBER GOODSSELL: Very nicely done.

2 ACTING CHAIRMAN DONATELLI: Next case, please.

3

4 SECRETARY WAGNER: Appeal #21611, Sheldon and Marlene Millman;
5 39 Meadow Lane, Roslyn Heights; Section.7, Block M6, Lot 62; Zoned:
6 Residence B Zoning District.

7 Variances from 70-40.C and 70-41.A to legalize a bay window that
8 is located too close to the side property line and too close to the
9 street.

10 ACTING CHAIRMAN DONATELLI: All right.

11 MR. GOMOKA: Good morning.

12 ACTING CHAIRMAN DONATELLI: Good morning.

13 MR. GOMOKA: For the applicant, Christopher Gomoka.

14 ACTING CHAIRMAN DONATELLI: Sorry, let me call it first.

15 MR. GOMOKA: I'm sorry, Mr. Chairman.

16 ACTING CHAIRMAN DONATELLI: You've heard Appeal #21611,
17 Sheldon and Marlene Millman; 39 Meadow Lane, Roslyn Heights. Is
18 there anyone here who would like to be heard other than the applicant?
19 Seeing no one, please continue. Name and address, please.

20 MR. GOMOKA: Good morning. Christopher Gomoka, G-O-M-O-K-A.
21 Attorney for the applicant, 30 South Ocean Avenue, Suite 202,
22 Freeport, New York. Good morning, Acting Chairman.

23 ACTING CHAIRMAN DONATELLI: Good morning.

24 MR. GOMOKA: Ms. Goodsell, it's a pleasure to see you as always.
25 Mr. Hernandez, good morning.

26 MEMBER HERNANDEZ: Good morning.

1 MR. GOMOKA: I represent the applicant in this application to
2 legalize what's considered to be a bump out bay window that slightly
3 exceeds the permitted size that's permitted encroachment.

4 By way of background, this property is located in the Hamlet
5 of Roslyn Heights, and it's in the Residence B Zone. There are two
6 minor variances. What originally happened with this application was
7 somewhere around 1955 an addition was constructed at this property.
8 The permit was never closed, and at this junction, when they attempted
9 to close the permit, an inspection was conducted at the premises,
10 and upon the final inspection, it was found to be two variances were
11 required to close the permit.

12 The property is in the Residence B Zone, as I said. It's on
13 the south side of Meadowview Lane, approximately 100 feet east of
14 detail parkway on the Town of North Hempstead Land and Tax Map in
15 the Residence B Zone. It's an unusual configuration Meadowview.
16 It's kind of a winding street, which creates somewhat of a difficult
17 configuration of the houses. They're not continuous in a straight
18 line, so the average setback changed due to the contour of the street.

19 This bay window in question is about 9.1 square feet. If it
20 was 8 feet, it would be permitted encroachment already. What likely
21 happened in this application, and not saying that it's right, but
22 in 1955 people applied for permits. They build something. They
23 couldn't get the window. They got what they could get. The 9-foot
24 window was more standard at that time. Likely they ordered that
25 window, placed it in, and went about their business.

26 The existing building line is not gonna change. It's just the

1 bump out for the window. So there's been no change in that 60-plus
2 years of this location.

3 Applying the Five Prong Tests, the variance, there's no impact
4 on the neighborhood. There's no negative impact. There's six
5 adjoining neighbors. Five of them have submitted consents to the
6 application for this board.

7 The second prong is the feasibility of alternatives. Is the
8 feasibility of something different? Obviously, when the Millman's
9 purchased this property it already existed with the bump out. It
10 had a permit for it. They did not know it required a certificate
11 of occupancy, and they continued on for the last 40-plus years that
12 they've owned the property. The size of the variance is very minimal
13 in nature. It's on the front, a 30.42 average front yard setback.
14 The applicant proposes 2.8 feet as it exists today, and on the side
15 is a 7-foot side yard variance on the right side, and it's 5.97 square
16 feet, so they're both slightly within a foot. There's no real way
17 to cut that window back. It has a foundation. It was built like
18 that, from the architect's estimation, in 1955. It hasn't changed
19 since.

20 There's no negative environmental impacts. It doesn't have any
21 drainage issues or anything that will affect any of the neighbor.
22 It has not for the last 60-plus years.

23 The hardship was not self-created by the Millmans. They
24 purchased the property believing there was a permit for it, and not
25 realizing when they went to close it out that the window which was
26 proposed 9.1 feet was now a bay window with a bump. It was not the

1 flat window.

2 I will submit to the board that there's no opposition here today.
3 The condition has existed for almost 60 years, and there's no
4 negative impact on the neighborhood at all. There's not gonna create
5 -- be any further impact, and there's no, you know, if you look at
6 it, it's standard panel 1955 room that it exists in today. So the
7 permit needs to be closed, and that's what brought us here today.

8 ACTING CHAIRMAN DONATELLI: Let me begin by asking a question.
9 You said the first-floor extension was built in 1955?

10 MR. GOMOKA: Yes, the addition was permitted in 1955, and that
11 window not included. It was included as 9.1-foot window, and then
12 it was --

13 ACTING CHAIRMAN DONATELLI. Well, my question is as to the side
14 yard setback. It's five point --

15 MR. GOMOKA: Nine seven.

16 ACTING CHAIRMAN DONATELLI: -- nine seven. Was that
17 originally pursuant to permit, or was that overbuilt in 1955?

18 MR. GOMOKA: I would imagine when they added the window, it
19 would've been overbuilt by the previous owner. It's more -- it
20 doesn't add anything to the room. It's more aesthetic; the bay
21 window on that side. It's not added any real floor area. It's a
22 2-foot window, and as I indicated, it would've been a permitted
23 encroachment at 8 foot. This was about 9.1, and it meets the 2-foot
24 permitted encroachment on a bay window. It's just slightly over on
25 the size.

26 MEMBER HERNANDEZ: It's a not a walkout bay window. It's just

1 a bay window?

2 MR. GOMOKA: It's a walkout.

3 MEMBER HERNANDEZ: So the floor cuts forward?

4 MR. GOMOKA: Yeah, 2 foot. As permitted the 2 foot on the
5 encroachment. It's just the size is not the 8 feet. It's 9.1, which
6 creates the variance.

7 MEMBER GOODSSELL: I just want to comment, Mr. Gomoka, of the
8 municipality of which you and I have done a lot of work, which is
9 not this municipality, issued permits in the 1950s, 1960s, and no
10 one cared whether a certificate of completion or a certificate of
11 occupancy, or an amended certificate of occupancy was ever issued.

12 MR. GOMOKA: You and I have been through this many times before,
13 Ms. Goodsell.

14 MEMBER GOODSSELL: Yes, we have. In this case, I don't find that
15 the bay window, as you say, is really perceptible from the street.
16 I'm a very poor judge of how many feet there are between point A and
17 point B, but to my eye, I don't think anybody would notice the
18 difference between 30.1 feet, 30.4 feet, 29.5 feet, 33 feet. They're
19 all approximately the same. My comment is this does not stick out
20 like a sore thumb.

21 MR. GOMOKA: It does not. It's been there for 60 years Ms.
22 Goodsell, and it's probably because of the contour of that street,
23 the way it turns, that the front yard setbacks are all very different
24 and appear very different.

25 MEMBER GOODSSELL: And, again, as I made a comment on the
26 previous case, I'm not as persuaded that because nobody can see it,

1 it really shouldn't make a difference. The next owner could take
2 a look at this property, which does have a lot of greenery, and say
3 not my thing and could cut them all down, but it does
4 not -- Mr. Chairman, in my mind, it does not stand out at all, and
5 it looks to me as if the setback on side yard -- again, having been
6 for so many years without objection, it does not look out of character
7 of the neighbor at all.

8 ACTING CHAIRMAN DONATELLI: Okay.

9 MR. GOMOKA: And just for the record, Ms. Goodsell, the front
10 yard is the existing building line, and the side yard existing
11 building line is just the jut out for the window, and if they were
12 six inches smaller on either side, probably if they could get a window
13 that size, it would comply and be permitted.

14 MEMBER GOODSSELL: It would be. I agree with you.

15 ACTING CHAIRMAN DONATELLI: Jay, anything?

16 MEMBER HERNANDEZ: No.

17 ACTING CHAIRMAN DONATELLI: I have nothing further. Do I hear
18 a motion?

19 MEMBER GOODSSELL: I will make a motion then that we grant the
20 application for the bay window and that we further grant the
21 application for the side yard setback.

22 ACTING CHAIRMAN DONATELLI: So we have a motion. Do we have
23 a second?

24 MEMBER HERNANDEZ: Second.

25 ACTING CHAIRMAN DONATELLI: Please poll the board.

26 SECRETARY WAGNER: Member Goodsell?

1 MEMBER GOODSSELL: Aye.

2 SECRETARY WAGNER: Member Hernandez?

3 MEMBER HERNANDEZ: Aye.

4 SECRETARY WAGNER: Acting Chairman Donatelli?

5 ACTING CHAIRMAN DONATELLI: Aye. The application is granted.
6 Thank you very much.

7 MR. GOMOKA: Thank you, Acting Chairman. Thank you, Members
8 of the Board.

9 ACTING CHAIRMAN DONATELLI: You're welcome. Please call the
10 next case.

11

12 SECRETARY WAGNER: Appeal #21612, Perdita Permaul; 165 Elm
13 Street, Roslyn Heights (Historic District); Section 7, Block 29, Lot
14 37; in the Residence B Zoning District.

15 Variances 70-100.2.C(1) & 70-41.A to legalize a deck located
16 too close to the side property line.

17 ACTING CHAIRMAN DONATELLI: You've heard Appeal #21612,
18 Perdita Permaul; 165 Elm Street, Roslyn Heights. Is there anyone
19 here to address this application other than the applicant? Seeing
20 no one, please give your name and address.

21 MS. LOWE: Good morning, Acting Chairman and Members of the
22 Board. My name is Ashley Lowe from Mark Anthony Architects. Mark
23 Anthony could not be here this morning due to the flu, and I'd like
24 to apologize on his behalf. Our office is located at 1556 Bellmore
25 Avenue in Bellmore, New York. I'm here representing our client
26 Perdita Permaul, who is owner and the occupant of the subject property

1 located in Roslyn Heights, New York.

2 According to Nassau County Property Records, the property is
3 located at Section 7, Block 29, Lot 37, and is located approximately
4 250 feet west of Jefferson Avenue on the north side of Elm Street.
5 This property is located in the historic district in the Residence
6 B Zone, and we are here today as a result of an application to maintain
7 a rear deck. I would also like to note that this application arose
8 due to an application for emergency fire damage after there was a
9 house fire in 2022.

10 The property also went before the Historic Landmarks
11 Preservation Committee in 2023 for which the legalization of this
12 deck was a part of and the certificate of appropriateness was issued
13 on April 19, 2023. This approval of this application -- for the
14 disapproval of this application, the existing rear deck is located
15 directly adjacent to the dwelling and has 3-foot setback to the side
16 property line, where a minimum of 7-foot setback is required. For
17 this, we're requesting relief of 4 feet.

18 The existing deck to be maintained exceeds the side yard
19 dimension of the existing house, which is a setback of 2.4 feet, and
20 the side yard dimension of the deck as I stated is 3 feet. I would
21 like to note that this deck was existing at a time my client purchased
22 this property in 2021, and they were unaware that it was
23 permitted -- un-permitted until they requested a proposed
24 application for the property damage during the fire.

25 This is our only request for a relief, and I am happy to answer
26 any questions the board may have.

1 ACTING CHAIRMAN DONATELLI: Are you familiar with the Five
2 Factors that we're required to consider by law?

3 MS. LOWE: Yes.

4 ACTING CHAIRMAN DONATELLI: Would you go through those, please?

5 MS. LOWE: So I do not believe that an undesirable change will
6 be produced in the character of the neighborhood. It is located in
7 the rear and is a relatively small deck. I do have photos of the
8 deck. Does the board wish to see them?

9 MEMBER GOODSSELL: I'd like to see them. Thank you.

10 MEMBER HERNANDEZ: Yes.

11 ACTING CHAIRMAN DONATELLI: If you'd like to hand them up.

12 SECRETARY WAGNER: So this is Exhibit 1.

13 MR. PERROTTA: Thank you.

14 ACTING CHAIRMAN DONATELLI: Exhibit 1.

15 MEMBER GOODSSELL: So the deck functions more as a set of steps
16 than it does really a sitting or dining area?

17 MS. LOWE: Yes, it's just to lead you from the rear of the house
18 out to the pool area. We did have an estimate drawn by a -- well,
19 actually they didn't put into writing, but they verbally say it would
20 cost approximately \$4,000 to cut the deck down or to make it
21 compliant; however, if you were to cut the deck down to make it
22 compliant, it would virtually not be necessary. You would have to
23 remove the deck as a whole because it's so small.

24 MEMBER GOODSSELL: Well, because it functions as stairs.

25 MS. LOWE: Yeah.

26 MEMBER GOODSSELL: The back door of the house. I see in the

1 picture. It must be boarded up due to fire damage, which I'm very
2 sorry for your clients. It's very upsetting when that happens. It
3 looks like the back door is so close to the edge of the house, so
4 to move the deck 7 feet back from the property line, would render
5 the deck useless.

6 MS. LOWE: Exactly. It's only -- so the deck is further in than
7 the house. The house has a setback of 2.4 feet. The deck is set
8 in a little bit at 6 inches more than the house is. But, you know, if
9 we cut it all the way back --

10 ACTING CHAIRMAN DONATELLI: So just --

11 MEMBER HERNANDEZ: Again, just for the record, the deck is
12 really a very large landing. It's technically a deck. It acts more
13 of a landing as there is very, very minimal space there. You couldn't
14 even put a lounge there to sun yourself. I don't think there's
15 enough room.

16 MS. LOWE: No.

17 MEMBER HERNANDEZ: It is also very -- again, based on the two
18 steps, it's probably about ten, 12 inches from the ground. It is
19 not a 3-foot high deck.

20 MS. LOWE: It's just over 13 inches, yes.

21 MEMBER HERNANDEZ: Just over 13 inches, yeah, so it's a very
22 low ground level. Just for the record. Low ground level.

23 ACTING CHAIRMAN DONATELLI: Okay.

24 MS. LOWE: So in terms of whether or not it would be feasible
25 to, you know, change it? I believe that it would not be
26 cost-effective to do so.

1 In terms of whether or not the requested variance is
2 substantial? I do believe it is more than the typical 50 percent
3 that we ask for. It is for a variance of four feet.

4 Again, I do not believe it will have an adverse impact on
5 physical and environmental conditions of the neighborhood. It has
6 been there for -- according to the previous owners, who my client
7 did speak with, Ms. Permaul. She said that the deck had been there
8 since before she owned the home in 2008, so at the very least, it's
9 been there over 15 years, and as I stated earlier, the deck was
10 existing when the homeowner purchased the property in 2021. So
11 while it may have been self-created by somebody else, it was not my
12 client.

13 ACTING CHAIRMAN DONATELLI: Well, let me further the comments
14 that Mr. Hernandez made, which is, as I look at your photograph, I
15 see the sliding glass door opens right in that corner. So even if
16 we were to cut back the deck, it would actually create an unsafe
17 condition because then a portion -- if the deck were made compliant,
18 then as you stepped out of that side of the glass door, you'd fall
19 to the ground.

20 MEMBER HERNANDEZ: You would need a railing.

21 ACTING CHAIRMAN DONATELLI: Yeah, you would need some sort of
22 railing or -- I don't know. You'd probably have to also configure
23 the sliding glass door to open the other way.

24 MS. LOWE: Yeah.

25 ACTING CHAIRMAN DONATELLI: I'd just put that on the record.
26 Also, I would also put on the record that the house itself is

1 non-conforming at 2.4 feet so that the deck really doesn't extend
2 beyond the house. It is set back slightly from the other setback
3 of the house. Any other questions or comments?

4 MEMBER GOODSSELL: No, I would agree with you on that the
5 property tax card indicates it's well over 80 years old, and it was
6 built -- it would have been built, unless the property was subdivided,
7 it would have been built with the less than 3-foot setback on the
8 side. I have really no objection to this.

9 ACTING CHAIRMAN DONATELLI: Someone want to make a motion?

10 MEMBER HERNANDEZ: Well, Mr. Chairman, based on all the facts
11 that we just discussed, I make a motion that we grant the application.

12 ACTING CHAIRMAN DONATELLI: Okay, we have a motion. Do we have
13 a second?

14 MEMBER GOODSSELL: Second.

15 ACTING CHAIRMAN DONATELLI: Please poll the board.

16 SECRETARY WAGNER: Member Hernandez?

17 MEMBER HERNANDEZ: Aye.

18 SECRETARY WAGNER: Member Goodsell?

19 MEMBER GOODSSELL: Aye.

20 SECRETARY WAGNER: Acting Chairman Donatelli?

21 ACTING CHAIRMAN DONATELLI: Aye. The application is granted.
22 Thank you for your presentation.

23 MS. LOWE: Thank you.

24 ACTING CHAIRMAN DONATELLI: Call the next case, please.
25

26 SECRETARY WAGNER: Appeal #21614, Stephen Massinello; 86 Lake

1 Drive, New Hyde Park; Section 8, Block 263, Lot 6; in the Residence
2 A Zoning District.

3 Variances 70-102.C(5)(a), 70-30(C), 70-31(A) & 70-208(F) to
4 legalize an in-ground pool located too close to a side property line;
5 to construct additions to a non-conforming dwelling that are too
6 close to a front property line, too close to a side property line
7 and would increase the non-conformity of the home; and to construct
8 a fire pit that is too close to a side property line.

9 ACTING CHAIRMAN DONATELLI: All right. Do we have anyone
10 presenting this application here?

11 SECRETARY WAGNER: Mr. Lombardo? We might have to do a second
12 call.

13 ACTING CHAIRMAN DONATELLI: Well, let's see if they're out in
14 the hallway.

15 MR. PERROTTA: No one's here. Do a second call.

16 ACTING CHAIRMAN DONATELLI: We'll do a second call on that.
17 We'll do a second call on #21614. Let's go to #21615, please.

18

19 SECRETARY WAGNER: Appeal #21615, NYU Langone; 1440 Northern
20 Boulevard, Manhasset; Section 3, Block 145, Lot 16; in the Business
21 A Zoning District.

22 Conditional Use 70-126(F) to construct interior alterations to
23 a medical facility to add a café for staff, patients, and visitors.

24 ACTING CHAIRMAN DONATELLI: You've heard Appeal #21615, NYU
25 Langone; 1440 Northern Boulevard, Manhasset. Is there anyone here
26 to address this application other than the applicant? Seeing no one.

1 Good morning, please give your name and address.

2 MS. GONZALEZ: Good morning. From the law firm of Forchelli
3 Deegan Terrana; Taylor Gonzalez, 333 Earle Ovington Boulevard,
4 Uniondale, New York. Here with me this morning to answer any
5 questions you may have are Sophie Buttiens of Ewing Cole, the project
6 architect, and Gerard Peduto, the senior project manager for NYU.
7 Before we begin, I want to hand up these exhibits for you all.

8 ACTING CHAIRMAN DONATELLI: Yes.

9 SECRETARY WAGNER: Exhibit 1.

10 MS. GONZALEZ: Yes. The application before you today is
11 conditional use permit for 1,057 square foot café with 12 seats as
12 an accessory amenity for the staff and visitors in the NYU Langone
13 Health Medical Facility. This café will be part of a larger 162,750
14 square foot ambulatory care center located in what was formally the
15 Lord & Taylor building.

16 The property is located within the Town of North Hempstead and
17 the Village of North Hills, with the building completely within the
18 town and the parking within the village. The proposed café will be
19 located entirely within the existing building, and will be operating
20 only during the medical facility's operating hours.

21 The café will sell grab-and-go food items such as soups,
22 coffees, beverages, pre-made sandwiches, and similar such items.
23 There will be no cooking on the premises. The café will have an open
24 area that is here with 12 seats and the counter, with two
25 refrigerators are placed, a coffee area, sink, a warming oven, and
26 then through this door, there will be a café support area. This will

1 have their refrigerated garbage, locker, more shelving, a larger
2 refrigerator, a desk with a computer for other operational things,
3 more sinks, and then a dishwasher as well. All deliveries and trash
4 removal will take place through the back corridors, which connect
5 to the loading dock, avoiding patient areas.

6 The use of the café will be limited to patients, visitors, and
7 staff, and will not be open to the general public. There are staff
8 lounges within the building where staff may consume food items
9 purchased at the café or brought from home. Cafés are customary
10 accessory uses in medical facilities to allow visitors with long wait
11 times or business staff to grab a coffee or a bite to eat without
12 having to travel outside the building. There will be no advertising
13 or signage on the exterior of the building informing those outside
14 the facility of the café.

15 As the patrons of the café are limited to patients, staff, and
16 visitors who are already present in the building, the café will not
17 result in any increased traffic in the surrounding area, nor will
18 it impact parking at the site.

19 With that, I'd like to answer any questions the board may have.

20 MEMBER GOODSSELL: Well, first of all, what floor is this going
21 to go on?

22 MS. GONZALEZ: So it's going to be on the first floor entrance.
23 It's going to be right here similar to where the current Lord & Taylor
24 entrance was, and then it's going to be right back right at the
25 reception.

26 MEMBER GOODSSELL: And the second concern, that's going to be

1 managing the café, stocking it, removing trash, removing things, or
2 is this going to be self-managed by Langone?

3 MS. GONZALEZ: So they're going to have a vendor who's going
4 to be under them. They're going to oversee this vendor, but
5 everything will come out these back corridors to their loading dock.
6 It won't be within any patient areas. Deliveries will usually be
7 either early in the morning or later in the afternoon, not during
8 their peak operating hours.

9 ACTING CHAIRMAN DONATELLI: And all deliveries will be from the
10 rear?

11 MS. GONZALEZ: Yes, they'll come in from the loading dock.

12 MEMBER HERNANDEZ: The way you just laid out, the loading dock
13 is on the lower level --

14 MS. GONZALEZ: It is also --

15 MEMBER HERNANDEZ: -- in the rear parking lot. I mean, the
16 lower level, not the first floor. When you say the café's on the
17 first floor, did you mean on the Northern Boulevard level or what
18 we call normally a basement; the lower level of it?

19 MS. BUTTIENS: Outside of the parking entrance.

20 ACTING CHAIRMAN DONATELLI: I'm sorry, please come up and give
21 your name and address.

22 MS. BUTTIENS: Hello. Sophie Buttiens, architect with Ewing
23 Cole, located at 330 Seventh Avenue, New York, New York. To answer
24 your question, it is located right at the parking lot side, so you
25 come in on south-hand side, so to your point that would be below ground
26 if you're standing on Northern Boulevard.

1 MEMBER HERNANDEZ: So it's south side, which is also where the
2 loading dock is.

3 MS. BUTTIENS: Correct.

4 MEMBER HERNANDEZ: So the south side of the building is the
5 right side of your plan.

6 MS. BUTTIENS: If you look at the key plan. In the purple
7 there, the south side would be at the lower portion. The loading
8 dock is on the left-hand side of that plan, and the café is highlighted
9 in red.

10 MEMBER HERNANDEZ: Okay, got it.

11 ACTING CHAIRMAN DONATELLI: Thank you.

12 MEMBER GOODSELL: Do you have any information about other NYU
13 Langone facilities? Is this common for something NYU Langone to do?

14 MS. BUTTIENS: It is very common for them. They have little
15 yogurts, little grab-and-go sandwiches. It's just a grab-and-go.
16 You take something. There's a little microwave inside. Again,
17 they're not going to be cooking. It's just a heating up of mozzarella
18 sandwich kind of thing, and then you just pay for it, and you're on
19 your way to your next appointment.

20 MEMBER GOODSELL: I find food facilities very common in law
21 buildings, other buildings, and having just spent a fair amount of
22 time in a hospital for a family member in Florida, that café was a
23 Godsend, so I, for one, have no objection to this. I'm the board
24 member who's all in favor for food. If there's food involved, I'm
25 in favor.

26 ACTING CHAIRMAN DONATELLI: I thought that was coffee.

1 MEMBER GOODSSELL: Well, especially -- is there any --

2 MS. BUTTIENS: There is coffee here. Very good coffee.

3 MS. GONZALEZ: And espressos.

4 MEMBER GOODSSELL: Lattés.

5 MEMBER HERNANDEZ: Well, they seemed to have covered
6 everything, including the refrigerated garbage. Making sure that
7 it gets picked up indoors and not put outside. We don't want any
8 rodents roaming around.

9 MEMBER GOODSSELL: Especially not near a medical facility.

10 MS. BUTTIENS: Definitely.

11 MEMBER HERNANDEZ: So it looks like you covered all the things
12 that need to be covered. Based on the commentary made, I move that
13 we grant the application.

14 MEMBER GOODSSELL: And I will second the motion.

15 ACTING CHAIRMAN DONATELLI: We have a motion. We have a
16 second. Please poll the board.

17 SECRETARY WAGNER: Member Goodsell?

18 MEMBER GOODSSELL: Aye.

19 SECRETARY WAGNER: Member Hernandez?

20 MEMBER HERNANDEZ: Aye.

21 SECRETARY WAGNER: Acting Chairman Donatelli?

22 ACTING CHAIRMAN DONATELLI: Aye. The motion is granted.

23 MS. BUTTIENS: Thank you very much for your time.

24 SECRETARY WAGNER: With restaurant condition.

25 ACTING CHAIRMAN DONATELLI: Yes, with condition conditions.

26 MEMBER HERNANDEZ: Yes, with restaurant conditions.

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SECRETARY WAGNER: Did we hear anything from Mr. Lombardo?

ACTING CHAIRMAN DONATELLI: Did we hear anything on that other case that we second called?

SECRETARY WAGNER: Did you reach out to him before?

MR. PERROTTA: I gave him a call, but it went straight to voicemail.

ACTING CHAIRMAN DONATELLI: All right, let's continue.

SECRETARY WAGNER: Appeal #21617, Napoleon Prime Properties LLC; 154 Mineola Avenue, Roslyn Heights; Section 7, Block G, Lot 970; in the Business B Zoning District.

Variance from 70-196.J(1)(a) to construct too many signs on a wall.

ACTING CHAIRMAN DONATELLI: All right. You've heard appeal #21617, Napoleon Prime Properties LLC; 154 Mineola Avenue, Roslyn Heights. Is there anyone here other than the applicant who would like to be heard on this application? Seeing no one. Good morning, please give your name and address.

MS. SCHOTT: Good morning. My name is Amanda Schott. I am with JM2 Architecture. Our office is located 2410 North Ocean Avenue, Suite 300, Farmingville, New York. I am here on behalf of Napoleon Prime Properties. The building is located at 151 Mineola Avenue, Roslyn Heights, New York.

Good morning. First of all, thank you for the opportunity to present our application. We are requesting approval for building

1 signs that will be placed on two facades of this building. These
2 signs are intended solely to identify the name of the building with
3 clear visibility and recognition. While the tenant sign on the
4 building already exists and will remain compliant, the addition of
5 the second sign is the only aspect of our request that requires your
6 consideration as it is the second or third sign on each facade.

7 I'd like to emphasize that the proposed sign meets all other
8 zoning requirements including size, design, and material, which will
9 not obstruct or detract from the existing tenant signage. The sign
10 will enhance the building's presence, improve way finding, and better
11 serve the tenants and the community without negatively impacting the
12 surrounding area.

13 We kindly ask for your approval in this reasonable request as
14 it de lines with the overall spirit of the zoning code while
15 fulfilling the building's need for identification. Thank you for
16 your time and consideration.

17 ACTING CHAIRMAN DONATELLI: Well, I'm going to speak as one
18 board member, which is that we do from time to time see applications
19 for more than one sign, but to my recollection, it's almost always
20 when the sign pertains to a tenant and not to the name that is a
21 building. I mean -- I know that tenants, of course, have a strong
22 desire to want to have their name on the side of the building. I
23 don't know if the same can be said as to the name of the building
24 itself or the name of the shopping center. I see that as a little
25 bit different from most of the sign applications that we get.

26 Is there some reason why the building owner needs to identify

1 the building as Roslyn Square?

2 MS. SCHOTT: The building itself has been designed and created
3 for the -- the corner of this building where the sign will be placed,
4 so there's already structures in place to hold the sign on both
5 corners of Mineola Avenue and Lambert Street, and this sign otherwise
6 is compliant with your zoning. The design itself is very simple,
7 elegant, does not detract from the aesthetics of the neighborhood.

8 MEMBER GOODSSELL: Well, to follow up on what the chairman is
9 asking. It is unusual to have -- let me back up for a second. When
10 the building is built the way this building is, and I notice that
11 there is nothing up there now. It is a simple granite gray corner
12 piece. If a building is built to accommodate two signs, it doesn't
13 mean the board's going to grant two signs.

14 MS. SCHOTT: Yes, ma'am.

15 MEMBER GOODSSELL: What Mr. Chairman is saying is visibility off
16 of both main roads, one is Mineola Avenue, the other is Lambert
17 Street; is that it?

18 MS. SCHOTT: Yes, ma'am.

19 MEMBER GOODSSELL: What -- is there a necessity; for example,
20 the Verizon store, which is in that building. The Verizon store does
21 have two signs. One faces Willis Avenue, which cannot be seen from
22 Lambert Street, and one faces Lambert Street, which cannot be seen
23 from Willis Avenue unless you're coming north on Willis. So for
24 visibility for a customer or for a tenant, I can understand that.
25 Here, the corner of the building is visible just about everywhere,
26 and I'm also interested is there a reason why you need two Roslyn

1 Square signs right adjacent to each other, both of which are visible
2 almost anywhere you stand.

3 MS. SCHOTT: Really, the signs tend to, as you mentioned for
4 the Verizon sign, each sign caters to the street that it is on. The
5 sign itself is not obscenely large. It is four and a half feet by
6 four and a half feet. So we do not believe that the size of that
7 sign is visible from all corners and all angles of that building
8 because of its size.

9 MEMBER GOODSSELL: Is it --

10 MEMBER HERNANDEZ: Let me ask the question a little bit
11 differently.

12 MEMBER GOODSSELL: Go ahead.

13 MEMBER HERNANDEZ: How many tenants are in this building?

14 MS. SCHOTT: Currently, we have two tenants; the Verizon and
15 a small boutique, Pookie & Sebastian.

16 MEMBER HERNANDEZ: Pookie & Sebastian, okay. So therefore,
17 Roslyn Square is not a tenant?

18 MS. SCHOTT: No, sir.

19 MEMBER HERNANDEZ: Roslyn Square is either the name for the
20 owner or name for the building, but it serves no purpose because no
21 one is going to say let's go to Roslyn Square. They're going to say
22 let's go to Verizon, or let's go to Pookie & Sebastian because those
23 are the businesses you're going to go to. So this is a vanity sign
24 basically. You're putting it up there because you want to put the
25 name Roslyn Square. Maybe there's a plan that there's going to be
26 20 different Roslyn Squares around, and this is the first one. Okay.

1 It doesn't really serve any purpose in guiding anyone to the building.
2 So the question is, yes, I understand you need Verizon and you need
3 Pookie & Sebastian or whomever your tenants happen to be, and I can
4 understand having two signs on one facade on both streets. That I
5 can go along with. Why put up a third sign, or why put up a fourth
6 sign that doesn't draw anybody there for any particular reason? And
7 that's the question. Why do you need that sign?

8 MS. SCHOTT: Well --

9 MEMBER GOODSSELL: Why does your client need that sign?

10 MEMBER HERNANDEZ: Yeah, right, your client, not you
11 personally.

12 MEMBER GOODSSELL: We know you don't need one.

13 MS. SCHOTT: I understand. So as I mentioned, this property's
14 owner is Napoleon Prime Development Properties.

15 MEMBER HERNANDEZ: Yes, we know Napoleon Prime. They've been
16 here before.

17 MS. SCHOTT: So as you mentioned, it is a sense of branding.
18 It is a sense of identity, and the Roslyn Square name itself does
19 serve as an identity to the building, to the location, to the
20 neighborhood, and the sign itself is meant to give the aesthetic,
21 the design, and the identity to the building.

22 MEMBER HERNANDEZ: When it's Roosevelt Field Mall, I can
23 understand there being a sign for the location. When I think it's
24 one of their properties, which is not too far away. It's a strip
25 mall that has like eight businesses in it, it's got a sign on that
26 corner that has the name of the property. But when you have two

1 tenants, each with their own sign, it seems to be surplus to have
2 a sign for the building.

3 Now, you're coming here asking us to grant you the right to put
4 a sign, an additional sign for the building. What if there's only
5 one tenant in the building, and now, I want to put a name on that
6 building, too, or I want to throw up a second sign just because I
7 want to. How do we say no to that person that comes back and says
8 but I want to have Verizon but I also want my name on it because I
9 own the building.

10 MS. SCHOTT: I understand.

11 ACTING CHAIRMAN DONATELLI: Anything that -- what you're
12 hearing from the other board members is, anything that we do, has,
13 potentially, the ability to set precedent for not just this building,
14 but for other buildings in the town. We do not set the building code,
15 the Town of North Hempstead does. We're empowered to grant variances
16 under certain limited circumstance where it's really necessary, but
17 I think what you're hearing is a lot of skepticism. The sign of
18 Roslyn Square doesn't help the consumers who may be looking for the
19 Verizon store or the furniture store. It doesn't -- it -- I certainly
20 understand why your client would want branding, but that is not what
21 the Town Code provides. The Town Code provides one building, one
22 sign per facade, and, like I said, we're empowered if there are other
23 tenants, we're empowered to grant variances under certain
24 conditions, but I don't see it for branding of a building.

25 MEMBER GOODSELL: Would you like to go back and ask your tenant
26 based on the -- or your client rather, based upon the tenure of the

1 board if they would like to pick a sign on one or the other side of
2 building? We will consider your application --

3 MEMBER HERNANDEZ: Patricia, excuse me. Why is -- each side
4 of the building, okay, should only have one sign. We're saying
5 because they're two tenants, they can have two signs. I'm not
6 questioning whether they should have six or five. I'm saying they
7 should have four; two for the tenant on one side and two for the tenant
8 on the other side. I'm questioning the need for the vanity sign;
9 just putting the name of the --

10 MEMBER GOODSSELL: I heard you call it that, but I agree, that's
11 exactly what it is, and it's also an illuminated vanity sign, which
12 is only illuminated from dawn to dusk, and I'm not sure why because
13 at dusk, if the sign goes off, you really don't see illuminated signs
14 during the day. You see illuminated signs at night, but this is going
15 off because the application says it's going to go off at dusk, so
16 I'm not sure that we're leaning toward what your client is looking
17 for.

18 MS. SCHOTT: I would like to make a small comment in regard to
19 that. It's dusk to dawn. I apologize. So it is illuminated
20 overnight.

21 ACTING CHAIRMAN DONATELLI: I would recommend -- you've heard
22 skepticism of the board.

23 MS. SCHOTT: Yes, sir.

24 ACTING CHAIRMAN DONATELLI: I recommend you go to your client
25 and consult if there isn't some other way that your client can find
26 a way to identify Roslyn Square without the need for putting up the

1 signs. There may be some other way to do it, and so I would strongly
2 recommend that maybe, you know, go back to your client to see if there
3 isn't some other way to achieve his goal without requested for this.
4 And I do have one other question, which is, is the premises fully
5 occupied now?

6 MS. SCHOTT: It is occupied currently by the Verizon store and
7 the Pookie & Sebastian tenant.

8 ACTING CHAIRMAN DONATELLI: Is it fully occupied, or is there
9 other open space?

10 MEMBER HERNANDEZ: Will there be more tenants?

11 MS. SCHOTT: I am not sure. I believe this is -- I believe this
12 is it. I believe it's the two tenants, the two tenant spaces.

13 ACTING CHAIRMAN DONATELLI: All right. Because I mean --

14 MEMBER HERNANDEZ: You could end up with a lot of signs.

15 ACTING CHAIRMAN DONATELLI: You could end up conceivably if
16 somebody were to try and sub-divide and wanted another tenant in
17 there, you could conceivably come back with another tenant who wanted
18 a separate, you know, sign up there, in which case that would really
19 create problems. Excuse me one moment.

20 (WHEREUPON, a discussion was held among the board members.)

21 ACTING CHAIRMAN DONATELLI: So as I said, I would suggest that
22 you go back to your client. What we can do is we can continue this
23 application. I suggest you go back to your client. See if it is
24 possible to somehow identify this building with a ground sign or
25 something else that may be less intrusive and may not even require
26 a variance. And if you'd like, we'll continue the application.

1 MS. SCHOTT: Yes, please.

2 ACTING CHAIRMAN DONATELLI: If you can -- if you absolutely
3 insist that this is the application that you want to file, but it
4 may very well be that you don't even need a variance if you were to
5 file something that might be compliant, which in this case, you let
6 us know, and we can dispose of the application that way.

7 MS. SCHOTT: Okay.

8 ACTING CHAIRMAN DONATELLI: All right.

9 SECRETARY WAGNER: So we're going to continue this?

10 ACTING CHAIRMAN DONATELLI: So I recommend that we continue it.
11 Do we have a motion to continue?

12 MEMBER HERNANDEZ: Yes. I just want to say, if they're looking
13 to put up two -- I don't see the site for -- the plans for the signs.
14 How many signs are in front of us now? Three or two?

15 ACTING CHAIRMAN DONATELLI: No, right now the application as
16 it exists is for two signs. One on each facade.

17 MEMBER HERNANDEZ: For Roslyn Square only.

18 ACTING CHAIRMAN DONATELLI: Right.

19 MEMBER HERNANDEZ: But they're going to need -- the Verizon and
20 Pookie are going to need also, so they'll be two signs on the wall.

21 SECRETARY WAGNER: No, they're allowed to have.

22 MEMBER GOODSSELL: They're already there.

23 ACTING CHAIRMAN DONATELLI: They're allowed to have, yes.

24 (WHEREUPON, a discussion was held among the board members.)

25 ACTING CHAIRMAN DONATELLI: Do we need to vote for a
26 continuance?

1 SECRETARY WAGNER: No.

2 MEMBER HERNANDEZ: No.

3 ACTING CHAIRMAN DONATELLI: So let's continue that. Please
4 discuss with your client, and then get back to us.

5 MS. SCHOTT: Thank you for your time.

6 ACTING CHAIRMAN DONATELLI: Thank you. Next case, please.

7

8 SECRETARY WAGNER: Appeal #21618, Jeffrey Wilks
9 (Schmackary's); 1044 Willis Avenue, Albertson; Section 7, Block 230,
10 Lot 45; in the Business A Zoning District.

11 Conditional use 70-126.F to construct interior alterations to
12 convert a vacant retail space to a food use.

13 ACTING CHAIRMAN DONATELLI: You've heard Appeal #21618,
14 Jeffrey Wilks (Schmackary's); 1044 Willis Avenue, Albertson. Is
15 there anyone here to address this application other than the
16 applicant? Seeing no one, good morning. I see there are two people
17 at the podium. You may both speak. Please both give your name and
18 address, if you do intend to speak.

19 MR. GOMOKA: Sure. For the applicant, Christopher Gomoka,
20 G-O-M-O-K-A, 30 South Ocean Avenue, Suite 202, Freeport, New York.
21 To my right, the board's left, is Brenda Grayson, the proprietor of
22 Schmackary's, and she can give her information for the record. State
23 your name and address for the record, Ms. Grayson.

24 MS. GRAYSON: Oh, hi. My first time doing this, so thank you.

25 ACTING CHAIRMAN DONATELLI: That's all right.

26 MS. GRAYSON: So, yes, I'm Brenda Grayson. Also known as

1 Brenda Kill. My -- you want my address where I live?

2 MEMBER HERNANDEZ: Or the business.

3 ACTING CHAIRMAN DONATELLI: Or the business.

4 MS. GRAYSON: 1044 Willis Avenue, which is in Albertson.

5 ACTING CHAIRMAN DONATELLI: Great.

6 MR. GOMOKA: Thank you.

7 ACTING CHAIRMAN DONATELLI: Did I pronounce it correctly?
8 Schmackary's?

9 MS. GRAYSON: You did.

10 MR. GOMOKA: Perfect, Acting Chairman.

11 MS. GRAYSON: You get a free cookie.

12 ACTING CHAIRMAN DONATELLI: All right, please continue.

13 MR. GOMOKA: Good morning, Acting Chairman, Members of the
14 Board. By way of background, this property is located in a shopping
15 center on the northeast corner of IU Willets Road and Willis Avenue
16 in Albertson, Town of North Hempstead. The shopping center is
17 located in the Town of North Hempstead Zoning Map, Business A Zone.
18 Its current configuration is a parking lot on the west side with the
19 store set back to the east. The anchor tenant to the north, a large
20 tenant in that center is a supermarket. Bless you.

21 MEMBER HERNANDEZ: Thank you.

22 MR. GOMOKA: And on the south side is the CitiBank is the anchor
23 tenant on the bank side with the remaining tenancy space is in the
24 center being neighborhood uses and small stores in that space.

25 ACTING CHAIRMAN DONATELLI: Sir, I'm sorry. Could I ask you
26 to speak up a little?

1 MR. GOMOKA: I apologize, Mr. Chairman. The tenancy space in
2 question opened as a food establishment as well. It was the kosher
3 deli in 1984. That establishment operated from 1984 up to and
4 including March of 2024, when that business went out of business and
5 that tenancy space became vacant.

6 Currently, Ms. Grayson proposes a cookie shop and bakery in that
7 location serving coffee. This application requires absolutely no
8 other variances from this board other than a conditional use permit.

9 Ms. Grayson, she grew up in the Town of North Hempstead, and
10 she'll be the proprietor and working that location. I know in the
11 past, this board required refrigerated garbage as part of the
12 conditional use, but that's now been eliminated by way of a
13 requirement, so all of the other requirements have been made. The
14 prior deli use had a small baking operation, so the operation doesn't
15 change very much. They baked small baked goods, from what I was told,
16 there in connection with their business, but any of the more offensive
17 uses are gonna be eliminated; the meat, the cutting. This is gonna
18 be a much cleaner operation as it goes forward.

19 I've been in touch with the Nassau County Fire Marshall General
20 Inspection Division. They have no objection to the change of use.
21 They require no further permits, nor does the Health Department based
22 on the prior use, and there's no approvals required by the Nassau
23 County Public Works.

24 The use is certainly harmonious with the other uses in the
25 center. It's a food use to food use. There's no competitive items
26 going on in the center. Everybody's welcoming Ms. Grayson to the

1 center. The tenancy spaces that are there all currently, they all
2 seem to be thriving. There's no parking issues. The center
3 provides plenty of parking, so there's no parking variance required.
4 It's consistent with the community.

5 I would say for the Five Factors on a conditional use permit,
6 they're not really relevant, but there's no negative neighborhood
7 impact on this. It's a food use to food use. The environmental
8 impact is minimal. Everything, drainage is already provided on the
9 site, so there's no negative impacts there.

10 As for alternatives, it's not really any alternative possible.
11 It's a food use that existed for 40 years, and we're going to a food
12 use that's less intense, which actually the Health Department
13 welcomes because it's gonna be much kinder on the grease traps at
14 that location, so there's no real negative. No one has appeared or
15 contacted us with any opposition to the application. It's what I
16 believe merely a ministerial factor. The other stores we've
17 presented in two other towns, Hempstead and Oyster Bay, do not even
18 require conditional use. They're permitted as-of-right as long as
19 they comply with the parking, which we did.

20 We would ask this board, in light of those circumstances, in
21 light of the conditioned food use, and the fact that this was a food
22 use up to March of this year and will continue on as a food use to
23 grant this application.

24 ACTING CHAIRMAN DONATELLI: What are the anticipated hours?

25 MR. GOMOKA: 9:00 to 9:00.

26 ACTING CHAIRMAN DONATELLI: 9:00 to 9:00. What was the prior

1 food use?

2 MR. GOMOKA: That was the Roslyn Kosher Deli for 40 years. I'm
3 sure you've -- I know Ms. Goodsell is familiar with it.

4 MEMBER GOODSSELL: I'm familiar with most food establishments.

5 MR. GOMOKA: 1984 to 2024, it was quite an institution at that
6 location, and probably one of the last deli's in that nature in the
7 Town of North Hempstead.

8 MEMBER GOODSSELL: Could you have your client describe for us
9 the type of food and the type of baking, cooking, et cetera that will
10 be done on the premises; just for the record, and also, how the trash
11 is going to be maintained and picked up.

12 MR. GOMOKA: Yes, absolutely.

13 MS. GRAYSON: Sure. So as to the type of food, the main, you
14 know, type of food certainly is cookies. It is a franchise by the
15 way. There is a store in New York City. One has now opened up in
16 Englewood, and there's actually one opening up prior to my opening
17 up in Union Square. They have a huge connection, by the way, to the
18 Broadway community, so if you were to Google them, you'd see some
19 pretty cool things. They were actually the cookie in Only Murders
20 in the Building that killed Paul Rudd, so.

21 MEMBER GOODSSELL: I saw that.

22 MS. GRAYSON: Yeah, so the whole thing --

23 MEMBER GOODSSELL: I don't know that I'd advertise it was the
24 cookie that killed someone.

25 MS. GRAYSON: That killed Paul Rudd. The whole thing about,
26 you know, Schmackary's, this goes away from the product is really

1 to, like, sort of blend into the community and align with the
2 community. I am looking to use a local coffee roaster by the way.
3 I will get local milk if I could find one. So, you know, that's a
4 big part.

5 MEMBER GOODSELL: Will there be tables and chairs?

6 MS. GRAYSON: There will be tables and chairs, but less than
7 12, which --

8 MR. GOMOKA: The permitted use.

9 MS. GRAYSON: Exactly. So, you know, obviously with cookies,
10 people go in and out; however, there's gonna be the occasional person
11 that wants to sit, you know. There's certainly a senior community
12 out there. There's no way I'm not gonna offer seating. There's the
13 high school kids where -- I went to the Herricks High School, by the
14 way. That shopping center has a lot of personal meaning to me for
15 a variety of reasons, including being -- sorry, my mom just passed
16 away. Being my parents favorite center actually. That's their
17 favorite supermarket, Food Emporium, so my dad still goes there
18 daily, but so cookies it's very unique in terms of the flavorings
19 they offer. Second to that, there will be this coffee program. Very
20 important. Like I said, I'm talking to like local coffee roasters
21 so that, you know, we really are trained and know what we're doing
22 with that. There will also be some unique ice cream creations in
23 addition to the typical ice cream sandwiches. There's going to be
24 freeze twirl machine where you can get like any flavor that you want
25 to. So those are pretty much the offerings right now. Keeping it
26 simple.

1 The key to frozen cookies, you may not know this. They key to
2 cookies is they're frozen, so the actual cooking of the ingredients
3 is gonna be done, you know, centralized by the franchisor, and then
4 we're gonna be storing in a lot of freezers these cookies, and then
5 making it in a big convection oven, you know, like really on demand,
6 so it gonna be nice and fresh. That's really the process. That's
7 why there's really not a whole lot of your traditional cooking going
8 on. Certainly, significantly less than Roslyn Kosher, which I was
9 a frequent customer as well. Actually, all the stores there I'm a
10 customer of.

11 In terms of the trash mechanism, I'm going to be in compliance
12 with whatever, you know, that shopping center rules are; 100 percent.
13 I don't know the exact details. I can certainly get it, but it will
14 be 100 percent in compliance with Spiegel.

15 MR. GOMOKA: We discussed it with Spiegel Associates.

16 MS. GRAYSON: Yeah.

17 MR. GOMOKA: The issue with the garbage is and we've reached
18 out to several vendors on that behalf. Until we know what kind of
19 flow they have, they can't really commit to any type of a pickup
20 schedule based on what size and things like that. Based on the fact
21 that the garbage is refrigerated, it may not be daily. It may be
22 one every two days or one every three days. Until we know what kind
23 of waste -- it's really gonna be waste at this location 'cause they're
24 not cooking. Everything's frozen, so we're not throwing out. So
25 it's more waste on the refrigerated side. It's not by products or
26 other things like that from a conventional food establishment.

1 We've kind of been unable to give them a rough estimate of how much
2 what they're calling in the trash industry tonnage will generate
3 every year to generate a contract for that garbage, but we have
4 provided from the refrigerated facility and once operations begin,
5 we'll know what kind of waste product we're producing. Hopefully,
6 minimal to none unlike other food establishments, but whatever the
7 case maybe, they'll come up with a pickup schedule that reflects what
8 she can control on site, and obviously, we have, as every food
9 establishment requires, we worked with the Health Department on,
10 we'll comply with an extermination contract as required by the Health
11 Department. Probably once a week unless there are any other issues,
12 but we're told, from my communication with the Health Department,
13 that there is no infestation at the site from any of the other tenants
14 that would cause us to have to have more --

15 MEMBER GOODSSELL: And there are other food tenants in that
16 shopping center?

17 MR. GOMOKA: There are other food tenants, and that's why we
18 checked with the Health Department 'cause sometimes, as you know Ms.
19 Goodsell, your first week, you show up, and then they're telling you
20 you need a weekly or every five day extermination contract that you
21 don't have, and then you're at Nassau County District Court with a
22 Health Department violation. We're trying to avoid all those items,
23 so we reached out to the Health Department proactively to see if there
24 were any issues at that site with any infestation, and they indicate
25 there are not.

26 ACTING CHAIRMAN DONATELLI: And deliveries will be made through

1 the rear?

2 MS. GRAYSON: Yes, absolutely.

3 ACTING CHAIRMAN DONATELLI: Any other questions?

4 MEMBER GOODSSELL: No.

5 MEMBER HERNANDEZ: It sounds like all you could do -- you're
6 not really preparing food. You're baking prepared cookies.

7 MS. GRAYSON: Correct.

8 MEMBER HERNANDEZ: Your waste should be minimal, you're right.
9 Should be cookies that people don't eat. Shouldn't be many.

10 MS. GRAYSON: I'm actually hoping, just so you know, I'm
11 actually hoping to donate that as well. You know, things like that.
12 I'm hoping to even reduce the waste even more.

13 ACTING CHAIRMAN DONATELLI: And this is in a shopping center.

14 MEMBER HERNANDEZ: Parking is not an issue.

15 ACTING CHAIRMAN DONATELLI: Parking is not an issue. It's only
16 before us for the conditional food use.

17 MR. GOMOKA: That's correct. There's no other variances
18 required.

19 ACTING CHAIRMAN DONATELLI: All right.

20 MEMBER GOODSSELL: Since I'm the food queen on the board.

21 ACTING CHAIRMAN DONATELLI: You got your reputation.

22 MEMBER GOODSSELL: I do. I do. I make a motion that we grant
23 the application to start baking as soon as possible.

24 ACTING CHAIRMAN DONATELLI: Now, would that be also with
25 restaurant conditions?

26 MEMBER GOODSSELL: It would be with restaurant conditions as it

1 is a food establishment.

2 ACTING CHAIRMAN DONATELLI: All right, so we have a motion. Do
3 we have a second?

4 MEMBER HERNANDEZ: Second.

5 ACTING CHAIRMAN DONATELLI: Please poll the board.

6 SECRETARY WAGNER: Member Goodsell?

7 MEMBER GOODSSELL: Aye.

8 SECRETARY WAGNER: Member Hernandez?

9 MEMBER HERNANDEZ: Aye.

10 SECRETARY WAGNER: Acting Chairman Donatelli?

11 ACTING CHAIRMAN DONATELLI: Aye. The application is granted.
12 Thank you.

13 MEMBER HERNANDEZ: Good luck.

14 MEMBER GOODSSELL: Good luck.

15 MR. GOMOKA: Thank you, Acting Chairman and Members of the
16 Board.

17 ACTING CHAIRMAN DONATELLI: Good luck to you. We still have
18 nothing on that second call?

19 SECRETARY WAGNER: No, I don't think they're coming.

20 MR. PERROTTA: They're not coming.

21 SECRETARY WAGNER: We can actually adjourn that without a date.

22 ACTING CHAIRMAN DONATELLI: Okay.
23

24 SECRETARY WAGNER: Appeal #21614, Stephen Massinello; 86 Lake
25 Drive, New Hyde Park; Section 8, Block 263, Lot 6; Residence A Zoning
26 District.

1 Variances 70-102.C(5)(a), 70-30(C), 70-31(A) & 70-208(F) to
2 legalize an in-ground pool located too close to a side property line;
3 to construct additions to a non-conforming dwelling that are too
4 close to a front property line, too close to a side property line
5 and would increase the non-conformity of the home; and to construct
6 a fire pit that is too close to a side property line; will be adjourned
7 without a date.

8 ACTING CHAIRMAN DONATELLI: Is there anyone here for that
9 application #21614, 86 Lake Drive in New Hyde Park? All right, so
10 there's no one here for that, so we'll adjourn it, and we don't need
11 a motion for that.

12 SECRETARY WAGNER: Right.

13 ACTING CHAIRMAN DONATELLI: What's the date?

14 SECRETARY WAGNER: Without a date.

15 ACTING CHAIRMAN DONATELLI: Oh, without a date. Okay. All
16 right. Please call the next case.

17

18 SECRETARY WAGNER: Appeal #21619, Plaza 200 Associates, LLC
19 (Champion Martial Arts); 200A Glen Cove Road, Carle Place; Section
20 9, Block 663, Lot 16; in the Industrial B Zoning District.

21 Conditional Use 70-187(P) for interior alterations to an
22 existing commercial building to add a café to a martial arts studio.

23 ACTING CHAIRMAN DONATELLI: You've heard Appeal #21619, Plaza
24 200 Associates, LLC (Champion Martial Arts); 200A Glen Cove Road,
25 Carle Place. Is there anyone here to be heard on that application
26 other than the applicant? Seeing no one, please give your name and

1 address.

2 MS. GONZALEZ: Taylor Gonzalez with the law firm of Forchelli
3 Deegan Terrana, 333 Earle Ovington Boulevard, Uniondale, New York.
4 Here with me today is Joseph Foreman of Champion Martial Arts. He
5 can also answer any questions you may have. Before I begin, I'm going
6 to hand some case exhibits.

7 ACTING CHAIRMAN DONATELLI: Sure, Deborah.

8 DEPUTY TOWN ATTORNEY ALGIOS: Thank you. Are these already
9 submitted online?

10 MS. GONZALEZ: No, they're not.

11 DEPUTY TOWN ATTORNEY ALGIOS: So we'll mark them collectively
12 as Exhibit A.

13 ACTING CHAIRMAN DONATELLI: Is this Exhibit 1?

14 DEPUTY TOWN ATTORNEY ALGIOS: Yes.

15 ACTING CHAIRMAN DONATELLI: Okay.

16 MS. GONZALEZ: Okay. The application before you today is for
17 a minor interior alteration to convert a portion of the reception
18 space within Champion Martial Arts into a café.

19 Champion Marital Arts is one of 33 storefronts located in the
20 200 Plaza Shopping Center. It's been operating at this location
21 since early 2024. The applicant is requesting a conditional use
22 permit under 70-187(P) so the premises may be used for the purpose
23 of food services.

24 The entire martial arts studio is approximately 15,760 square
25 feet. Of that, only 403 square feet is being converted into a café.
26 Of this whole building, just this little bit right here is being

1 converted.

2 MEMBER HERNANDEZ: I'm sorry, can you repeat those numbers
3 again, please?

4 MS. GONZALEZ: Yeah, so the entire studio is approximately
5 15,760 square feet, the entire building, and then the café portion
6 being converted is 403 square feet.

7 MEMBER HERNANDEZ: Thank you.

8 MS. GONZALEZ: Back here, and then a little bit in this office
9 as well.

10 ACTING CHAIRMAN DONATELLI: Okay.

11 MS. GONZALEZ: So the proposed café will feature cabinets with
12 work-top space, a work-top freezer, and a refrigerator, a 24-inch
13 wide refrigerator, three coffee machines, a blender for protein
14 shakes and smoothies, a turbo chef oven to reheat pre-made food, an
15 ice cream machine, an ice machine, and a sink area. It will also
16 have the refrigerated garbage. It'll be located in this storage
17 room.

18 The purpose of the café is to service the patrons and staff of
19 Champion and will be limited to reheating of food prepared offsite
20 and for the blending and brewing of non-alcoholic drinks, including
21 health shakes, smoothies, and coffee.

22 Champion is the training location for high level athletes who
23 are on strike diets as part of their training. The Café of Champion's
24 would offer prepared meals tailored to the dietary restrictions of
25 these athletes to keep them fueled during long and vigorous sessions.
26 The café will not cook any food onsite, but will prepare meals, blend

1 protein drinks and will provide specific snacks approved by Champion.
2 The café will not serve the general public; therefore, will not result
3 in additional traffic to the site, nor increase the parking demand.
4 The proposed café will be compliant with all relative preforming
5 standards outlined in Town Code, 70-189.2. In addition, the café
6 will be harmonious with the food uses within the shopping center,
7 including Sobol, Jersey Mike's, and Greek Grill all located within
8 the shopping center, and I have provided copy of those decisions for
9 you within your exhibit packet.

10 If you have any questions, I can get them at this time.

11 ACTING CHAIRMAN DONATELLI: You answered my question that is
12 the café will not be opened to members of the public just to --

13 MS. GONZALEZ: No.

14 ACTING CHAIRMAN DONATELLI: -- members of the Champion.

15 MS. GONZALEZ: Yes, just for their athletes and other parents
16 waiting for their child.

17 MEMBER GOODSSELL: Would you address the issue of trash removal
18 for the record again?

19 MS. GONZALEZ: Yes, they will have a refrigerated garbage. It
20 will be within the storage room off the side of the café.

21 MEMBER GOODSSELL: And trash removal from the premises would be
22 from what entrance and when?

23 MS. GONZALEZ: So because they're within the shopping center,
24 they only have a couple doors to come in through, so it is going to
25 go through the client area, if you will, but it will be off peak hours
26 or when the building is closed, and their hours are 10:00 A.M. to

1 10:00 P.M.

2 MEMBER GOODSSELL: Seems to be the latest trend that everybody
3 is opening a café in their business. We've had a number of such
4 applications. And once again, my son was a wrestler. I'm familiar
5 with some of the dietary restrictions, and trying to get people to
6 eat healthy, so I can understand the type of food. It's not exactly
7 Jersey Mike's.

8 MS. GONZALEZ: No, or Greek Grill.

9 MEMBER GOODSSELL: Not exactly McDonald's.

10 MS. GONZALEZ: Yeah.

11 MEMBER GOODSSELL: It's a very specific type of food, as you
12 said, designed to cater to the athletes.

13 MS. GONZALEZ: Yes.

14 MEMBER GOODSSELL: I don't have any objection to this. You can
15 add to the record seating and other --

16 MS. GONZALEZ: Yeah, so there'll be no seats as part of the café.
17 Operating hours will be the same as Champion's, so 10:00 to 10:00,
18 and they will have one employee that kind of just mans the café area
19 and helps everybody with their food, takes care of the coffee, and
20 the blending of the protein drinks.

21 MEMBER GOODSSELL: Is Champion Martial Arts a franchise?

22 MR. FOREMAN: Yes, it is.

23 MEMBER GOODSSELL: It is, okay. Are there other cafés in other
24 locations?

25 MR. FOREMAN: No, the reason being --

26 ACTING CHAIRMAN DONATELLI: I'm sorry, you need to --

1 MR. FOREMAN: So this is our headquarter location where --

2 ACTING CHAIRMAN DONATELLI: Name and address.

3 MS. GONZALEZ: Name and address.

4 MR. FOREMAN: I'm sorry. Joseph Foreman, 200A Glen Cove Road,
5 Carle Place. This is our lead training center, so that's why it's
6 so large. Most of our facilities are between 1,000 to 3,000 square
7 feet. This is 16,000 square feet, and we have over 70 locations in
8 New York. Our elite athletes from all locations come to train at
9 this location. We send athletes all over the world. We actually
10 have 14 kids going to Romania this week. They're leaving today,
11 tomorrow, and the next day. We have kids that compete Olympic
12 training center, the world championships from Pria this past
13 week -- month, so they all come to this facility. So to answer that,
14 we don't have cafés in other ones due to the fact that this is the
15 only elite training center we have, and they're hand-selected to come
16 to this program.

17 MEMBER GOODSSELL: So this café will be part of your overall
18 facility where they come, they train. I presume you have meeting
19 rooms, offices --

20 MR. FOREMAN: Correct.

21 MEMBER GOODSSELL: -- and other things right there.

22 MR. FOREMAN: Yes, ma'am.

23 ACTING CHAIRMAN DONATELLI: Would it be correct to say this is
24 your flagship?

25 MR. FOREMAN: Yeah, this is our headquarters. This is like
26 where our team goes. So we have Team Champions. This is a

1 registered team, and this is where they're all gonna come. So we
2 take from all our seven facilities, and they all come to this one
3 to do, you know, five, eight-hour training sessions.

4 ACTING CHAIRMAN DONATELLI: Do you have any other questions?

5 MEMBER HERNANDEZ: Just there is no seating or anything in this
6 café, so I would imagine you don't want them in the gym with their
7 smoothies or whatever.

8 MR. FOREMAN: I mean, there's benches on the side, you know,
9 around the facility. In the training area, no one is allowed to have
10 food, shoes, or anything else. We're very strict, but it's also
11 gonna be for a lot of them to take food home. So you know prepared
12 meals, quinoa bowls; things that are healthier, and based on their
13 diets. Some kids need to lose weight. Some kids need to gain
14 weight. Some kids need to maintain weight. Also, making sure
15 they're getting the proper nutrition, getting enough vitamins,
16 getting enough hydration. So we'll have like protein bars for sale
17 as well, hydration drinks, smoothies; things along those lines.

18 ACTING CHAIRMAN DONATELLI: Anything else?

19 MEMBER GOODSELL: No other questions.

20 ACTING CHAIRMAN DONATELLI: All right. Thank you. Is there
21 anything else you want to add?

22 MR. FOREMAN: No, just we appreciate being here today. Thank
23 you.

24 ACTING CHAIRMAN DONATELLI: Do we have a motion?

25 MEMBER GOODSELL: Of course. I will make a motion that we grant
26 the application to allow the martial arts studio to build a café.

1 ACTING CHAIRMAN DONATELLI: And that's subject to restaurant
2 conditions.

3 MEMBER GOODSSELL: Subject to restaurant conditions.

4 ACTING CHAIRMAN DONATELLI: We have a motion. Do we have a
5 second?

6 MEMBER HERNANDEZ: Second.

7 ACTING CHAIRMAN DONATELLI: Please poll the board.

8 SECRETARY WAGNER: Member Hernandez?

9 MEMBER HERNANDEZ: Aye.

10 SECRETARY WAGNER: Member Goodsell?

11 MEMBER GOODSSELL: Aye.

12 SECRETARY WAGNER: Acting Chairman Donatelli?

13 ACTING CHAIRMAN DONATELLI: Aye. The application is granted.

14 MS. GONZALEZ: Thank you.

15 ACTING CHAIRMAN DONATELLI: Thank you, and good luck.

16 MEMBER GOODSSELL: I will tell you, having had a wrestler who
17 decided to go vegetarian, I despair, despair that this child thought
18 that meant double up on Twinkies and skip the proteins, so I applaud
19 you. You're gonna have healthy choices.

20 MR. FOREMAN: We do have a few kids that are vegetarian. It
21 is a little harder for them to get their protein, but yes, we do have
22 to make room for everyone.

23 ACTING CHAIRMAN DONATELLI: Are you saying Twinkies are not a
24 healthy food?

25 MR. FOREMAN: We have kids who have to gain weight, so yeah,
26 the Twinkie route may be approved, just not for most.

1 ACTING CHAIRMAN DONATELLI: Good luck to you.

2 MR. FOREMAN: Thank you so much. Appreciate your time.

3
4 SECRETARY WAGNER: Appeal #21607, Mucha Realty, Inc. (Town
5 Animal Hospital of Manhasset); 260 Plandome Road, Manhasset; Section
6 3, Block 79, Lot 1; in the Business B Zoning District.

7 Conditional Use 70-139(C) to construct interior alterations to
8 an existing commercial building for use as an animal hospital (a
9 conditional use).

10 ACTING CHAIRMAN DONATELLI: You've heard Appeal #21607, Mucha
11 Realty, Inc. (Town Animal Hospital of Manhasset); 260 Plandome Road,
12 Manhasset. Is there anyone here to speak on this application other
13 than the applicant? I see one hand. You will have the opportunity.
14 Is there another hand? You'll have the opportunity after the
15 applicant makes their presentation. Good morning.

16 MS. CURTO: Good morning. My name is Andrea Curto. I'm with
17 the firm of Forchelli Deegan Terrana. Office is 333 Earle Ovington
18 Boulevard, Uniondale, New York, on behalf of the applicants. My
19 clients are actually on their way; Dr. Melissa Eisbruck and Robert
20 Eisbruck. You guys are a lot quicker than you usually are for
21 commercial applications, and I was on last, so, anyway. Frank Genes
22 is also here, the applicant's architect.

23 As mentioned, this is an application for an animal hospital at
24 the premises. The proposed use is permitted in the Business B Zoning
25 District. Subject to only obtaining a conditional use permit from
26 this board. The application fully complies with the Town's zoning

1 regulation to include parking. There is a surplus of parking
2 provided; eight are required and 13 are provided onsite.

3 I also wanted to mention from the outset that we did reach out
4 to the community. I will go through those specific comments later
5 in my presentation. I know there's also a letter in opposition and
6 the person is here today in opposition, the other vet hospital on
7 Plandome Road. I will also address that letter later in my
8 presentation and distinguish this hospital from the existing
9 hospital on Plandome Road.

10 A little background regarding the premises. It's located on
11 the east side of Plandome Road; 131 feet south of Park Avenue. It's
12 situated in the town's Business B Zoning District. It is an
13 irregularly shaped lot with frontage on both Plandome Road and
14 Hillcrest Avenue. I'm sure you're all familiar with the site. It's
15 just down the block. Historically, the site was used as a gasoline
16 service station dating back to the early 1940s. I found that the
17 last approved site plan dates back to 1949, where this board had
18 approved some variances for the gas station use.

19 It's currently improved with a one-story 2,082 square foot
20 building that the applicant proposes to convert into the vet
21 hospital. The site as you know, has been an eyesore for many years.
22 The current owner rented the parking space to residents; mostly to
23 commuters and other businesses in the area. The applicant will be
24 repaving the parking lot, and giving the existing building a
25 facelift, and it will be a tremendous improvement for this area. The
26 applicant also proposes to remove existing curb cuts on Plandome

1 Road, and it proposes to put in two centrally located curb cuts as
2 depicted on the site plan that's before you. This will allow for
3 better access and flow into the parking lot.

4 Dr. Eisbruck is a practicing veterinarian now for over 20 years.
5 It has been her lifelong dream to open up her own hospital. I did
6 provide her CV in the application package. Her goal is to provide
7 care that exceeds industry standards. We all love our animals like
8 family, so she wants to provide that level of compassion and care.

9 Regarding the operation. The proposed hours for the vet
10 hospital are 8:00 A.M. to 6:00 P.M., Monday through Thursdays; 8:00
11 A.M. to 5:00 P.M. on Fridays; 9:00 A.M. to 2:00 P.M. on Saturdays,
12 and will be closed on Sundays. She's proposing to do two
13 appointments per hour per doctor. Initially, it will only be Dr.
14 Eisbruck, and as the business grows, she intends on hiring another
15 veterinarian. So initially, two appointments per hour, focused on
16 wellness and preventative care, up to three to four appointments per
17 hour. She will also have a receptionist, office manager, and three
18 nurses, so a total of six employees. She also intends on having quiet
19 time when she's gonna be doing surgeries in the afternoon from about
20 noon to 3:00 P.M., and during those time frames, there won't be people
21 coming in and out for appointments. It will just be dedicated for
22 surgery.

23 With respect to deliveries. She mentioned that just
24 pharmaceuticals and, you know, just other white goods she called
25 them. That's like a delivery twice a week via a UPS truck, so not
26 a lot of back and forth on deliveries.

1 Services will be provided for dogs and cats only. No exotics.
2 She's proposing a state of the art facility. She's gonna have dental
3 care, in-house laboratory, surgery, vaccinations, microchipping,
4 dermatology, in-house pharmacy, and diagnostic imaging, all in one
5 place.

6 Regarding the layout of the space. There's representation.
7 There's cat and dog waiting areas. There's an accessible restroom
8 when you first walk in. Three exam rooms, and the cages that are
9 on that plan, they're only to be used for patients who are in ICU
10 after surgery. There is no kennel here. We're not proposing to have
11 any type of boarding or kennel. It's just for animals who just had
12 surgery, and she would have the nurse stay with the animal overnight
13 if needed. They're usually sedated. There's no issue with noise
14 or anything like that. It's just to be able to provide overnight
15 care for the animals.

16 ACTING CHAIRMAN DONATELLI: So that would be post-surgery.

17 MS. CURTO: Correct, only for that.

18 ACTING CHAIRMAN DONATELLI: And no boarding.

19 MS. CURTO: No boarding of any kind.

20 ACTING CHAIRMAN DONATELLI: And there will be somebody on site
21 at all times for that convalescence?

22 MS. CURTO: A nurse.

23 ACTING CHAIRMAN DONATELLI: A nurse.

24 MS. CURTO: Yes.

25 ACTING CHAIRMAN DONATELLI: Continue, please.

26 MS. CURTO: So I did want to mention that I spoke with Andrew

1 Schwenk. I don't know if he's here today.

2 MEMBER HERNANDEZ: Not here.

3 MS. CURTO: As you know, he's the president of the Greater
4 Council of Manhasset. He did discuss this application with his
5 members, so we went back and forth 'cause I wanted to make sure I
6 addressed concerns and comments. If you want, I can touch on some
7 of those concerns.

8 First thing they asked about is whether or not this is a 24/7
9 emergency care clinic. I explained it is not. It is a wellness,
10 preventative care facility. It's not like Lives in Plainview or,
11 you know, I know that the other vet up the block does have emergency
12 care and kennels. We do not propose that at this location.
13 Appointment only, wellness appointment.

14 They're also concerned about boarding. We explained it's
15 strictly an animal hospital. There's not gonna be a kennel. They
16 were happy about the overnight with the nurse to make sure that, you
17 know, the patients will be with somebody after surgery.

18 They asked about landscaping and the facade. We did explain
19 that there's not a lot of room on the site for landscaping, but we
20 are gonna provide planters. Frank will go through the plans so that
21 you can see that more clearly. She does want to create like a warm
22 and welcoming place, so she will do her best, but the building is
23 gonna be most likely a whitewashed brick and stucco, but it hasn't
24 been finalized. We do have some renderings that Frank will show you.

25 They asked about the cremation of animals, and we explained that
26 will not be happening on site. There's a service that comes and takes

1 the animal to the crematory.

2 They asked about traffic on Hillcrest. We explained that this
3 is gonna have a Plandome Road address, so people will be directed
4 to go to Plandome. Ingress and egress will be primarily from
5 Plandome Road, and Hillcrest will remain as a secondary access.

6 They asked about appointments. We explained that this, you
7 know, very low intense, you know, low intensity in terms of traffic.
8 The business model is very clear. She can only handle two
9 appointments per hour, and they understood that and were happy to
10 hear about that as well.

11 They asked about the stalls and whether or not they were gonna
12 be renting out parking stalls. I explained that there's no intention
13 to do that at this time. You know, if they do change their minds
14 about that, if they do have some access parking, we'd have to come
15 before this board again.

16 I know that -- I was gonna go through some of the things that
17 Dr. Henrickson stated in his letter. He owns the other animal
18 hospital at 41 Plandome Road. He mentioned in his letter that this
19 application should be subject to the same restrictions.
20 Respectfully, you know, what we're trying to say here is that our
21 proposed use is very different from his existing veterinary care.
22 The reason why there were conditions of approval for his vet practice
23 is because he had kennels, and so the restrictions we're dealing with;
24 how many dogs he can have overnight per day that he had to have, let's
25 see; limited three dog runs, ventilation for odors emanating from
26 the building, and sounds, and materials to enhance the sound control

1 in the basement where the kennel was. So all the controls and all
2 the conditions dealt with the kennel use, which we're not proposing
3 here. And again, we are not a 24/7 facility. He is, so again,
4 there's a big distinction there. There's no emergency care here.

5 That's it for now. I'd like Frank to just go through the plans.
6 I'll give, I guess, the neighbors an opportunity to speak too, and
7 then we'll come back up.

8 ACTING CHAIRMAN DONATELLI: Okay, thank you.

9 MR. GENES: Well, it's still good morning.

10 MEMBER HERNANDEZ: Good morning.

11 ACTING CHAIRMAN DONATELLI: Good morning.

12 MR. GENES: Barely. My name is Frank Genes. I'm a principal
13 partner at N2 Design + Architecture at 315 Main Street in Port
14 Washington. Thanks for the opportunity to present this.

15 As you know, this site is literally right outside the window.
16 Ms. Curto did a very good job of explaining the history of it. As
17 long as I've lived in the area, which has been 30-plus years, it's
18 kind of always been just a vehicle storage and parking lot. We all
19 know that there was a proposal a number of years for a convenience
20 store that was there. It wasn't the right fit for it; however, this
21 is a much more community-based function, and I think it will
22 definitely enhance both the ability of people in the community to
23 take care of their pets, and eliminate kind of this ugly building.

24 So this is the site plan. Here is the Plandome Road entrance.
25 As you can see, handicap access. All the parking spots are along
26 the south perimeter of the site and additional parallel parking along

1 there.

2 The first intention was that this rear existing Hillcrest curb
3 cut would be used mostly for egress of the parking lot, so if cars
4 come, they go out -- remember that is a one-way street, so access
5 to this site through Hillcrest is probably not what people are gonna
6 do. They're gonna enter on Plandome Road, but if they do want to
7 egress from there and they're heading east, they have that
8 opportunity.

9 This is the existing building. No change in the footprint of
10 the building. We have a loading area in the rear. So basically,
11 right now, what you have is more or less an empty old vehicle repair
12 shop, and with some offices in the front. A lot of issues with, you
13 know, there was environmental issues. I think that Andrea will cover
14 those. We removed some underground tanks. We eliminated all the
15 environmental hazards in the building. The floor plan is very
16 compact. It's not a big building. The entrance is here on the
17 diagonal. There's a waiting area for dogs, and a waiting area for
18 cats with a small divider, which hopefully will work and keep the
19 cats away from the dogs and the dogs away from the cats. An
20 accessible bathroom here in the waiting area, and then a series of
21 exam rooms along the north wall, reception. A small pharmacy that
22 provides medication to the patients. X-ray, doctor's office in the
23 rear, a surgical suite, a dental room for animal dental work, small
24 staff room, and then the two cages that Ms. Curto mentioned will be
25 used post-surgery.

26 So this is the existing building now, and, you know, not in great

1 condition. Our proposal is we're not 100 percent sure about the
2 brick. A lot of it will come down to budget, but there will be, you
3 know, a much lighter, softer feel. More of a country-esque feel to
4 the building. We're probably gonna keep the roof and either re-plaid
5 it or repaint it. It's gonna be more or less a black and white type
6 of structure.

7 You can see from this angle; this is where the old bays were
8 for the cars. They're being replaced by windows. Again, nice
9 treatment to the front. Sign on the top. Side view, side elevation
10 existing proposed. This is the rear section. There's a rear exit
11 in the back. No windows where the surgical suite is. These are just
12 some existing photos of the curb cut. This is the existing curb cut
13 now on Plandome that will be modified. This is the curb cut now on
14 Hillcrest, which will remain.

15 MS. CURTO: There are photos in the packet. I'm sorry.

16 MR. GENES: Yeah.

17 MS. CURTO: We did submit a packet, so if you want to follow
18 along, if it's easier, it's in the packet.

19 MR. GENES: The clients are also pursuing the new sewer
20 connection on Plandome Road. We've already been in discussions with
21 the Great Neck Water Pollution Prevention District -- Water
22 Control -- Pollution Control District. We've met with the Chamber
23 of Commerce. We had a presentation last week, so they are very
24 interested in making that connection here. The building is set up
25 as far as the mechanical design to do so fairly easily, so they would
26 be coming out onto Plandome Road at some point for that connection.

1 And then just some simple elevation of building. As you can
2 see, you know, just really a very simple design that I think it's
3 gonna be very effective in beautifying the block and making an ugly
4 building, an eyesore, kind of disappear.

5 Do you have any questions?

6 MEMBER GOODSELL: It's a one-story building? Are there plans
7 to have a basement?

8 MR. GENES: There's no cellar at all. It's a slab-on-grade
9 building. That's how it existed. It's a one-story. There are no
10 plans to expand it, and there's no plans to expand the footprint
11 either at any point.

12 ACTING CHAIRMAN DONATELLI: Where would you anticipate
13 receiving deliveries? Will that be through the front door, or is
14 that through the side door?

15 MR. GENES: We have a loading area in the back. So this is the
16 loading dock. So a vehicle can come back here and bring deliveries,
17 medical supplies, whatnot, into the building that way. Also,
18 animals can be removed in an unfortunate situation through the back,
19 but the general public entrance is on the diagonal right here in the
20 front of Plandome Road.

21 ACTING CHAIRMAN DONATELLI: So do you anticipate having
22 deliveries park on Plandome Road?

23 MR. GENES: More or less, yeah. I mean, the client can talk
24 about deliveries.

25 MS. CURTO: I don't think we need to have deliveries on Plandome
26 Road because we have plenty of space outside.

1 MR. GENES: They can pull into the parking lot.

2 MS. CURTO: It's a UPS truck for the most part, so.

3 ACTING CHAIRMAN DONATELLI: The main access will be on Plandome
4 Road.

5 MR. GENES: Correct.

6 ACTING CHAIRMAN DONATELLI: You don't anticipate anyone
7 blocking from Plandome Road --

8 MS. CURTO: No.

9 ACTING CHAIRMAN DONATELLI: -- to drop off supplies, to drop
10 off any --

11 MR. GENES: They'll be no reason to be -- you know, it's a -- the
12 parking lot is a fairly decent size parking lot, so there should
13 suffice for not only the staff, the patients, and the occasional
14 delivery; Amazon, UPS, or FedEx.

15 MS. CURTO: It's not gonna create a queuing issue. I
16 understand what you're trying to say, but it's not gonna create a
17 queuing issue.

18 ACTING CHAIRMAN DONATELLI: And I don't know if I'm phrasing
19 this correctly, but in the period of convalescence, whether it's a
20 cat or dog, what might be the typical period of time depending on
21 the operation, how long might a dog or a cat be in convalescence?

22 MR. GENES: I think maybe Dr. Eisbruck should address that.

23 ACTING CHAIRMAN DONATELLI: Sure.

24 DR. EISBRUCK: Dr. Eisbruck, nice to meet you.

25 MEMBER GOODSSELL: Give your name and address for the record,
26 so that the reporter can take it down.

1 MEMBER HERNANDEZ: You can give your business address.

2 DR. EISBRUCK: Oh, Dr. Melissa Eisbruck, 260 Plandome Road,
3 Manhasset.

4 ACTING CHAIRMAN DONATELLI: Great.

5 DR. EISBRUCK: Hi. So a lot of routine surgeries come in the
6 morning and go home the same day. If they're more involved
7 surgeries, then the patient may need to rest overnight, it's because
8 they're on heavy medication to keep them quiet and calm. In general,
9 it's one night. If it's anything more than that, it's got to be a
10 24-hour, you know, full facility. I hope to hospitalize sick
11 patients occasionally, you know, diarrhea, kidney failure, that type
12 of thing, in which case, one to two nights overnight in the hospital.
13 You know, we sort of have a motto in veterinary medicine; you get
14 them in, get them better, get them home.

15 ACTING CHAIRMAN DONATELLI: Is there a size limit that you deal
16 with dogs? I mean, I've seen dogs that are the sizes of small ponies.
17 Is there a size limit?

18 DR. EISBRUCK: I mean, around here, I think, you know, most of
19 the dogs can range anywhere from five pounds to 100. There are, you
20 know, certainly Labradors or larger breeds that can be, you know,
21 maybe 115 pounds. It's not the more common. Unfortunately, the
22 larger the dog, they don't tend to live as long.

23 MEMBER GOODSSELL: And your practice is primarily dogs and cats.
24 It's not as they said exotics.

25 DR. EISBRUCK: I only see cats and dogs. I'm not trained in
26 exotics.

1 ACTING CHAIRMAN DONATELLI: No snakes.

2 DR. EISBRUCK: Not for me.

3 MEMBER GOODSSELL: Parrots.

4 DR. EISBRUCK: Okay, thank you.

5 MS. CURTO: Thank you.

6 MEMBER GOODSSELL: Thank you.

7 MS. CURTO: I did also want to mention that there has been
8 extensive remediation at the property, so there's an environmental
9 engineer who's been working very closely with DEC, and as Frank
10 mentioned abandoned tanks were actually removed, and there's soil
11 that was contaminated that's also gonna be removed. I've been in
12 touch with Steve Perrotta to give him updates as it's been happening.
13 It's almost complete, but I do have a letter in the packet from DEC
14 stating that no further action is required. The only remaining step
15 is to remove those soils.

16 ACTING CHAIRMAN DONATELLI: I'm sorry, what was that last bit?
17 The only?

18 MS. CURTO: The soil that's contaminated. Has to be removed
19 a certain way to a certain place that's approved by the DEC.

20 MR. PERROTTA: It's a chain of custody issue.

21 MS. CURTO: It's a chain -- yes, exactly.

22 ACTING CHAIRMAN DONATELLI: Right.

23 MS. CURTO: There's a chain of custody issue. They have to make
24 sure it's disposed properly.

25 MEMBER GOODSSELL: So it doesn't end up in someone's garden.

26 MS. CURTO: Back yard, exactly.

1 MEMBER GOODSSELL: Back yard.

2 MS. CURTO: Yes, exactly, right.

3 MEMBER GOODSSELL: Also, in the packet, the applicant has
4 presented letters from the New York State Department of Environmental
5 Control, and then the Department of Health concerning the property.

6 MS. CURTO: Right.

7 MEMBER GOODSSELL: Remediation is a big job.

8 MS. CURTO: Yes.

9 MEMBER GOODSSELL: My parents held an interest in the gas station
10 at one point.

11 MS. CURTO: Yeah, I mean, it was a gas station for many years.
12 It was anticipated that something like this would be, you know, an
13 issue and they knew they had to remediate. With the owner's help,
14 we're able to complete fairly quickly.

15 So I know that there's people that want to speak, and then I'll
16 come back up.

17 ACTING CHAIRMAN DONATELLI: Thank you. Sir, please give your
18 name and address.

19 MR. BARON: Mike Baron. That's B-A-R-O-N. I live at 84
20 Hillcrest Avenue. I'm mostly here today just to hear what's going
21 on. I'm about 200 yards east of the location. Just -- they got into
22 it a little bit. I have a couple more questions about the parking.

23 Starting with, I know they needed eight spot and you have 13.
24 If you got six employees, now all of a sudden that's pumping up against
25 it as you get you -- I guess, my first question is, you have
26 access -- or maybe I should be addressing the board. Do they have

1 access to some other parking facilities nearby? There's a spot, it
2 looks like the Taekwondo facility that's about to open, has access
3 to. I know four five, the coffee shop at the corner seems to have
4 parking there. It just seems to me that the parking is gonna get
5 a little nutty if we're starting out with, you know, needing 13, and
6 we've got six employees there.

7 And the other thing just in terms of the traffic flow. The curb
8 cuts on Plandome Road, they're, I guess, the County signs off on them.
9 That's not a done deal yet, right?

10 ACTING CHAIRMAN DONATELLI: So the way it works is this, we urge
11 you to address your concerns to the board --

12 MR. BARON: Right.

13 ACTING CHAIRMAN DONATELLI: -- and then we'll ask Ms. Curto to
14 get up at the end to answer whatever questions you have.

15 MR. BARON: Okay.

16 ACTING CHAIRMAN DONATELLI: We're not really allowed to answer
17 those questions, but I think the curb cuts are from the County.

18 MR. BARON: Okay.

19 ACTING CHAIRMAN DONATELLI: We can say that. But why don't you
20 address whatever concerns you have. I will just tell you that as
21 far as we know, that the parking is compliant.

22 MR. BARON: Okay.

23 ACTING CHAIRMAN DONATELLI: So that they're not before us for
24 a parking variance.

25 MS. CURTO: Right.

26 MR. BARON: Did you want to --

1 MS. CURTO: Yeah, no problem. So --

2 ACTING CHAIRMAN DONATELLI: Well, did you have other questions?

3 MS. CURTO: Did you have other questions?

4 MR. BARON: The other thing is, well, Hillcrest Avenue is a
5 one-way street, and they kind of answered my questions in terms of,
6 you know, what's -- it's -- you're gonna be able to come in and out
7 from Hillcrest? I guess that's my other question. Is that gonna
8 be only an exit only, or is it gonna be an entrance and an exit?

9 ACTING CHAIRMAN DONATELLI: Why don't we have Ms. Curto address
10 those.

11 MR. GENES: As of now, it's both.

12 ACTING CHAIRMAN DONATELLI: I'm sorry, please, step up to the
13 podium. And sir, if you have a seat.

14 MR. GENES: As of now, there's no indication that it's an exit
15 only. It could be an exit only. Again, this is a very low volume
16 operation. It's not like this is a retail store where there's a lot
17 of cars. The people entering off Hillcrest or exiting, will be
18 probably people who are very local to the community and know that
19 that's a way to get in. You wouldn't normally go to the Hillcrest
20 entrance if you're looking up the address and you see the address
21 is 260 Plandome Road. So yeah, that, you know, that could be either
22 way. We have not made any indication on the drawing. It's an
23 existing two-way curb cut, and we're leaving it as existing.

24 MS. CURTO: We would like to maintain it as a two-way.

25 ACTING CHAIRMAN DONATELLI: This is what we call a through-lot,
26 which has access to two streets.

1 MS. CURTO: Correct, which makes it more valuable, right. So
2 with respect to the parking as you mentioned, there's more than
3 sufficient parking. We have excess parking, and there's only two
4 appointments per hour as I mentioned, so even with that, we're gonna
5 have excess parking. There's 13 stalls on site, so that comes out
6 to eight if you the six employees plus two, you still have additional
7 parking on site. So I don't anticipate any issues with requiring
8 additional parking. If they have to lease from someone else down
9 the road, if they get that busy, they'll deal with it, but I don't
10 anticipate that. And, again, we more than comply with what the town
11 requires.

12 With respect to the curb cuts. This is not a county road. It's
13 a town road, so the Highway Department would have to issue a permit
14 for the curb cuts.

15 ACTING CHAIRMAN DONATELLI: Okay. Any other questions or
16 comments? Sir, please step up. Give your name and address.

17 DR. HENRICKSON: I'm Dr. Robert Henrickson, 41 Plandome Road,
18 Manhasset, New York. I'm going to read this to the board, if that's
19 okay.

20 I'm Dr. Henrickson from the Manhasset Animal Hospital. My
21 hospital is 1,000 feet south on Plandome Road. My office is zoned
22 Business B, also. However, there's many important differences
23 between our sites.

24 One, around and behind my office is an industrial laundry, then
25 the parking lot, and then now, the new BMW dealership parking lot.

26 260 Plandome Road, where they're proposing is across the street

1 from residents on Hillcrest. On their plans like you've heard,
2 they're asking for full-service hospitalizations, and they did have
3 a kennel on the plans. Those things imply overnight. In rarely what
4 happens in the veterinary world, someone's dog might get hit by a
5 car or have heart failure, and they rush them down. They don't call.
6 They rush in the hospital, and we have to stabilize those animals.
7 You can't just fix them up and then send them off home. They're gonna
8 have to stay in those cases. Some of those cases have to be on oxygen.
9 You can't just treat them for a few minutes and then send them home
10 in their car to the emergency clinic. They have to stay or those
11 animals will pass away.

12 So secondly, I was put on probation for five years. I -- again,
13 I'm on the exact same, Business B, apples to apples. I had a
14 conference with Mr. Don Jaffren, (phonetic) a Zoning Board member
15 in 1986, before my application for zoning submitted, and he said that
16 there's room for an apartment upstairs in the building, and that I
17 would need to keep it and live there for a period of time; otherwise,
18 the Zoning Board would never give me a variance to open an animal
19 hospital. And I have this document that shows all that here. I
20 don't know if you want to check the Zoning Board records.

21 MR. PERROTTA: Would you like to submit that?

22 SECRETARY WAGNER: What were you just reading from?

23 DR. HENRICKSON: My own letter. I wrote things.

24 SECRETARY WAGNER: But you said -- you were quoting from the
25 prior -- former board member.

26 DR. HENRICKSON: Yes.

1 SECRETARY WAGNER: What were you reading? What was that quote
2 from?

3 DR. HENRICKSON: I talked to Mr. Don Jaffren who was on the
4 zoning board back in 1986.

5 SECRETARY WAGNER: But during the hearing, or outside the
6 hearing?

7 DR. HENRICKSON: Outside the hearing.

8 SECRETARY WAGNER: I'm just curious because I wanted to know
9 if that was in transcript.

10 DR. HENRICKSON: Oh, no. But I thought that was the proper
11 channel to go, before I started. I didn't want to start --

12 MR. PERROTTA: This will be Opposition Exhibit 1.

13 DR. HENRICKSON: So that probationary period for five years
14 helped to satisfy the community's concern about potential noise from
15 barking dogs and poop and pee and urine on the sidewalks.

16 Residents could call my beeper at that time, and cell phone later
17 with any concerns of course to bring -- and also to bring in
18 emergencies. I put my cell phone on my answering machine for almost
19 40 years now, so I get calls 11:00 at night, 5:00 in the morning.
20 I look at pictures of different animals that have problems, so I'm
21 100 percent available, and if they had any problem there, they would
22 call me.

23 So my wife and I lived there for five years. I took care of
24 any overnight hospitalized animals. I gave medicines properly
25 spaced over the course of the night. We didn't jam them all in when
26 we closed. We could comfort the dogs at night by petting them,

1 offering them food, water, walking them. They should face the sane
2 requirements that I had; to live on the premises, and to be on
3 probation for five years.

4 MEMBER GOODSSELL: Dr. Henrickson, if I can interrupt you. The
5 notice of decision that you submitted to this board from 1986, says
6 that your application was granted. Subject to the following
7 conditions; see attached rider. There is no rider attached. Do you
8 have another page to submit to the board?

9 DR. HENRICKSON: I do, but I thought you guys might have checked
10 my file out because it's so similar that you'd want to compare and
11 see what the story is.

12 MEMBER GOODSSELL: But we may have to do that.

13 DR. HENRICKSON: Okay.

14 MEMBER GOODSSELL: If you would like us to consider --

15 DR. HENRICKSON: I could help you out and get that rider. I
16 have it.

17 MEMBER GOODSSELL: Do you recall what your conditions were?
18 Obviously, you said five years. You had to live on the premises for
19 five years.

20 DR. HENRICKSON: And then the usual stuff.

21 MEMBER GOODSSELL: Well, we do have standard requirements for
22 freezing and elimination of animal waste and removal of animal waste
23 from the premises.

24 DR. HENRICKSON: So I'll get that rider. It's in the back seat.

25 ACTING CHAIRMAN DONATELLI: One more point of clarification.
26 You say on probation. Do you mean that the variance was for a limited

1 period of time?

2 DR. HENRICKSON: For five years.

3 ACTING CHAIRMAN DONATELLI: We don't really call it probation.

4 We call it a variance for a five-year period, but please, continue.

5 DR. HENRICKSON: So to me, competition is fine. The playing
6 field has to be level. They have to do the same things that I had
7 to do.

8 Fourth; also, we know that there's a traffic bottleneck at the
9 corner of Park Avenue and Plandome Road. It's my understanding until
10 now, four or five coffee shop patrons parked at that address. With
11 these spots gone, the bottleneck will only get worse with
12 double-parking and parking in that No Stopping Zone there. You're
13 gonna have twice as many double-parked cars all day long. Clients
14 from the practice will also be trying to turn onto Plandome Road at
15 this busy point.

16 I think it's better -- this spot is better for a walkup kind
17 of business or even what it's always been set up for as a repair shop.
18 We could use a repair shop. Repair shops see five to six cars a day.
19 An animal hospital that's open 8:00 to 6:00, 10 hours, two
20 appointments a day, that's 20 cars. That's a lot of cars.

21 So in conclusion, there are a lot of issues with animals at an
22 animal hospital. There are scared dogs that are barking all night.
23 There are nervous and painful dogs that are whining at night.
24 There's energetic dogs that are incisively barking at night, and in
25 my hospital is -- if you pick a building on Plandome Road that have
26 the least -- it goes furthest away from the residents, it's Manhasset

1 Animal Hospital. If you pick the building that's closet to
2 residents, it's 260 Plandome Road. So I know there's a Halo Animal
3 Hospital that was opened up, but I just want to point out that was
4 in Business A. It's not Business B like us.

5 And respectfully, I would ask the board if this variance goes
6 through, that the board make them change their name to avoid the
7 confusion. It's the Town Animal Hospital of Manhasset. I'm gonna
8 be getting a lot of calls. She'll be getting calls. It's easy to
9 confuse it with Manhasset Animal Hospital.

10 And I noticed today that they're doing work over there. They've
11 already taken out the lifts. It's almost like it's a done deal.
12 Like he's thinks he's gonna get this variance. I don't know why
13 someone would spend money and do things if they're not really sure
14 if this is gonna be an animal hospital. Maybe someone will come and
15 say, hey, I see you have lifts. I'd like to put in a service station.
16 So I don't understand why they're doing work right now in that
17 building.

18 So you know, if you guys have any questions about animal
19 hospitals, I've been doing it for a long time. I can tell you all
20 the ins and outs and what people do, but where is this -- you can't
21 have a nurse there overnight. They need an apartment. It's
22 not -- they need a variance for an apartment there in that Business
23 B. I was grandfathered in. They're gonna have to get a variance
24 for a nurse there overnight, and when I talked to the Building
25 Department, they said that's a real difficult variance to get to have
26 an apartment at Business B.

1 So if you guys have any questions, I'd love to answer them.

2 ACTING CHAIRMAN DONATELLI: I think we've heard your comments.

3 I'm going to ask the applicant to come and to address your concerns.

4 Thank you.

5 DR. HENRICKSON: Will I have a chance to come up again?

6 ACTING CHAIRMAN DONATELLI: Typically, no, sir.

7 DR. HENRICKSON: Okay.

8 ACTING CHAIRMAN DONATELLI: It's only the applicant who now
9 responds.

10 MS. CURTO: I just wanted to submit for the record the minutes
11 from the approval for this -- for his vet hospital. As I mentioned
12 before, it was a conditional use permit that was for a period of
13 five years. I didn't mention that, but all of the conditions dealt
14 with the fact that he had a kennel. It was limited to three dog runs.
15 The boarding of dogs shall be limited to a total of five dogs at any
16 one time. All mechanical ventilation shall be equipped to eliminate
17 any odors, and the applicant shall install appropriate sound
18 deafening materials, and garbage and refuse generated shall be stored
19 within the basement.

20 There is nothing in here that required somebody to live on site.
21 I just wanted to state that for the record. There's nothing in the
22 code that requires that. There's nothing in the code with respect
23 to how far apart vet hospitals have to be, and as this board knows,
24 competition is not a proper basis for denial.

25 This is the Applicant's Exhibit B. Exhibit A was the packet.

26 I think with Dr. Henrickson's also highlighted was the

1 differences between the two vet hospitals. His vet hospital does
2 emergency care. The proposed vet hospital does not do emergency
3 care. She doesn't have an oxygen tank there because she's not
4 dealing with those types of animals. If it's an emergency situation,
5 she would refer them to LIVS in Plainview or Dr. Hendricks up the
6 block because he handles emergency care. She does not, even for her
7 patient, she's not gonna be doing that.

8 With respect to everything to -- everything he's talking about
9 animals being noisy; again, the only animals that are gonna be boarded
10 are animals that just came out of surgery that are most likely gonna
11 be sedated. There's not gonna be any noise emanating from the
12 basement. So there's no issue with respect to the noise. There's
13 no issue with respect to boarding, and there's no emergency care,
14 so again, she highlighted --

15 DEPUTY TOWN ATTORNEY ALGIOS: Andrea?

16 MS. CURTO: Yes.

17 DEPUTY TOWN ATTORNEY ALGIOS: I'm sorry. How many dogs can
18 stay overnight after surgery? Did you say two?

19 MS. CURTO: Five total.

20 DEPUTY TOWN ATTORNEY ALGIOS: Five.

21 MS. CURTO: Right? Two cats, two dogs, you said?

22 DR. EISBRUCK: Two dog cages, three cats.

23 MS. CURTO: It's two dog cages, three cat cages, and in all
24 likelihood, she's not gonna have all five at the same time.

25 DEPUTY TOWN ATTORNEY ALGIOS: That would be maximum.

26 MS. CURTO: That would be the maximum.

1 ACTING CHAIRMAN DONATELLI: And -- I'm not a veterinarian;
2 however, let me just for the record make it clear because I see in
3 the application the applicant also uses the word kennel, so it's
4 really it's -- we're not distinguishing -- we're not using kennel
5 in the same sense as boarding. Boarding is something that may or
6 may not occur even if the dog is not ill.

7 MS. CURTO: Correct.

8 ACTING CHAIRMAN DONATELLI: And so the kennels that are in this
9 application, they're only going to be for postop, I would imagine.

10 MS. CURTO: That is correct. That's the only time that those
11 cages will be used.

12 ACTING CHAIRMAN DONATELLI: Sir, I'm sorry. We really don't
13 go back and forth.

14 MEMBER GOODSSELL: His comments are part of the record.

15 ACTING CHAIRMAN DONATELLI: Your comments are part of the
16 record.

17 MEMBER GOODSSELL: Your letter is part of the record.

18 ACTING CHAIRMAN DONATELLI: I mean, I -- we typically only allow
19 the public to make one comment.

20 Is there anything else that you want to add?

21 MS. CURTO: Do you want me to go through those special use permit
22 standards? I did --

23 ACTING CHAIRMAN DONATELLI: Yes.

24 MS. CURTO: The proposed use is a kindred permitted use in this
25 district. I'm going through the special use permit criteria. It
26 is in character with other commercial uses on Plandome Road. It will

1 provide a desirable service to the community. With many people who
2 have pets in the area, this will provide another option for them,
3 a wellness, preventative care for their animals.

4 The proposed use will not create a hazardous, conflicting or
5 congruous impact to the immediate neighborhood or excessive traffic.
6 As mentioned, it's very limited traffic; two appointments per hour,
7 so it's actually a lot less traffic than most uses that are permitted
8 in this district. So that's very important to note 'cause I know
9 there were issues -- questions with respect to that.

10 The proposed use will not be objectionable. Again, people will
11 be coming in for wellness visits. They're not gonna have dogs
12 barking overnight. They're not gonna have issues -- we don't have
13 exotics. We don't have birds chirping. We don't have a lot of other
14 issues that you may with a full service exotic pet animal service
15 center.

16 It is harmonious in the district. It is on a commercial
17 corridor, and this is a use that is permitted in this district.

18 MEMBER GOODSSELL: I have a question for you. Is your client
19 gonna be a tenant of the property --

20 MS. CURTO: Yes.

21 MEMBER GOODSSELL: -- or is she gonna be an owner?

22 MS. CURTO: She's a tenant. They have a long term lease.

23 MEMBER GOODSSELL: The work that Dr. Henrickson has pointed out,
24 may actually be being done by the owner in preparation for further
25 remediation.

26 MS. CURTO: The owner is dealing with the remediation right now,

1 but they're investing money doing the facade work, and you know, for
2 the building, and obviously the interior improvements.

3 MR. GENES: And the sewer.

4 MS. CURTO: And the sewer. The sewer connection is a big
5 expense.

6 MEMBER GOODSSELL: Well, the sewer and the facade would be for
7 any tenant, not specifically for this tenant; the sewer, the roof,
8 the facade --

9 MS. CURTO: Right.

10 MEMBER GOODSSELL: -- the parking, the pavement, would be even
11 if this tenant decided not to for some reason accept the premises.
12 It would be done by the owner for another potential tenant.

13 MS. CURTO: Of course.

14 MEMBER GOODSSELL: Or any potential tenant.

15 MS. CURTO: Yes.

16 MEMBER GOODSSELL: I'd just like the record to reflect that.

17 MS. CURTO: Yes. So for the stated reasons, we ask that this
18 board grant a conditional use permit without any condition of
19 approval with respect to the boarding and the kennel. If you want
20 to state that it only can be used for ICU and for patients who just
21 had surgery, postop, that's fine with us. I just don't want the
22 additional conditions that were imposed on the other vet hospital
23 because they have nothing to do with us.

24 MEMBER GOODSSELL: Well, there's no plans to add any kind of
25 apartment to these --

26 MS. CURTO: No, absolutely not.

1 MEMBER GOODSSELL: -- this facility.

2 MS. CURTO: No, the person who's gonna be working there is gonna
3 be working. They're not gonna be sleeping.

4 MEMBER GOODSSELL: For all I can tell the nurse who's gonna be
5 taking care of the rehabilitating dog is gonna be sleeping in a chair.

6 MS. CURTO: Correct, they're gonna be there to make sure the
7 animal is okay.

8 ACTING CHAIRMAN DONATELLI: Ms. Curto, we have the plan's
9 examiner here. I'd like to hear from him.

10 MS. CURTO: Okay.

11 ACTING CHAIRMAN DONATELLI: You'll be given an opportunity to
12 address us once again after the plan's examiner.

13 MS. CURTO: Fine.

14 ACTING CHAIRMAN DONATELLI: And also, the doctor has also asked
15 for the chance to speak again.

16 MS. CURTO: Okay, that's fine.

17 ACTING CHAIRMAN DONATELLI: We'll extend that courtesy to him.

18 MS. CURTO: That's fine.

19 ACTING CHAIRMAN DONATELLI: Even though it's a little bit out
20 of the ordinary.

21 MS. CURTO: Not a problem.

22 ACTING CHAIRMAN DONATELLI: And you will have the opportunity
23 to address us at the end.

24 MS. CURTO: Okay.

25 DR. EISBRUCK: Can I add one thing?

26 ACTING CHAIRMAN DONATELLI: All right, go ahead.

1 MEMBER HERNANDEZ: You can go last if you want.

2 DR. EISBRUCK: In veterinary medicine, we call any room with
3 cages a kennel.

4 ACTING CHAIRMAN DONATELLI: Yeah.

5 DR. EISBRUCK: I have no dog runs. That's for like boarding
6 for very large dogs. I have no space for that. This is only for
7 sick patients. I don't believe that a sick patient should be in my
8 hospital alone. If they're sick, it's because they're sick and they
9 need nursing care. I'm not paying somebody overnight to sleep.
10 They're gonna be there watching them, doing the treatments every
11 four, every six hours, taking them out, changing litter pans,
12 whatever it is. That's the standard of care that I need to do.

13 ACTING CHAIRMAN DONATELLI: Thank you. Sir?

14 MR. CANZONERI: Good afternoon. Joseph Canzoneri, Jr.
15 That's C-A-N-Z-O-N-E-R-I. I'm a plan's examiner in the Building
16 Department. I heard there was a comment regarding work that's being
17 performed on the site now, and I just want to clarify that so that
18 everybody knows. When the plans were submitted to me and I was
19 reviewing them, it was indicated that there were existing waste oil
20 tanks on the site. I sent an email to the architect, and I also
21 checked with the Nassau County Department of Health as to the legality
22 of those tanks being there at this time. They indicated that since
23 the gas station was long gone, regardless of this application,
24 whether it would have been approved or not, all those tanks including
25 the lifts, had to be removed. So I instructed the -- I emailed and
26 had conversations with the project architect, and the owner complied

1 with that.

2 They currently have a permit that we have been working with them
3 on, and I, myself, have been to the site numerous times and inspected
4 the process during the removal. And as a note, this application
5 wouldn't be approved until we have -- we may have a plan approval,
6 but the actual approval won't be given until we have final sign off
7 from the DEC that this site is -- has been remediated properly.
8 That's all I just wanted to say on that.

9 ACTING CHAIRMAN DONATELLI: Very good. Thank you.

10 MR. CANZONERI: Thank you.

11 ACTING CHAIRMAN DONATELLI: Sir, did you want or ma'am,
12 whomever wants to speak, but again, we ask that you limit your
13 comments to three minutes.

14 DR. HENRICKSON: Sure. Invariably in veterinarian medicine,
15 like I said, there's animals that have to be cared for overnight.
16 They're talking about a nurse staying there. They need an apartment.
17 They need to build one on top. They can't put it inside, you know.
18 They need a variance for that. So again, I just think it -- I don't
19 know -- I'm a little confused. They're having a nurse there or not?
20 And to have an animal overnight and say we're gonna sedate them,
21 that's -- I wouldn't want my dog sedated overnight. I'd like to
22 have -- I wouldn't want my parents sedated at a hospital. So I think
23 going that route to get this variance to say they're gonna sedate
24 animals so they're not barking is not the standard of care. We don't
25 do that.

26 When we lived there, we tried to comfort them. Sometimes, they

1 just want water. Sometimes, they knock their food bowl over.
2 Sometimes, they just want to go to the bathroom, so. I'm just a
3 little confused about this nurse thing.

4 ACTING CHAIRMAN DONATELLI: All right, thank you. Ms. Curto?

5 MS. CURTO: Yes. So an apartment is not necessary. It's not
6 required under the code, and from what the doctor is explaining to
7 me, you have shifts with nurses, and they go and they take care of
8 the animals as needed.

9 LIVS like larger emergency care facilities, don't have
10 apartments either. People are working. They're not sleeping. So
11 if they're standing by the, you know, maybe in chair like you
12 mentioned before or just in their office. That's their shift.
13 They're not sleeping. They're working. So we're not asking for an
14 apartment. We don't need an apartment, and a variance is not
15 required for this application.

16 DR. EISBRUCK: For me, it's going to be on an as-needed basis.
17 If the patient is sick or has major surgery, and they need to stay
18 overnight, then I need to call a nurse to do that. It's not for them
19 to live there. There are plenty of ER doctors and ER nurses at
20 multiple 24-hour veterinary facilities. They don't have ten
21 apartments for the overnight staff. They're there for their shift.
22 Also, these animals are not sedated for the purpose of keeping them --

23 SECRETARY WAGNER: Could you speak into the mic?

24 DR. EISBRUCK: Oh, sorry. These animals are not sedated for
25 the purpose of keeping them quiet. They're on pain medication
26 postoperatively or they're sick. They're not barking and

1 rambunctious like it's a Labrador and the family went away on
2 vacation. That's a boarding facility.

3 DEPUTY TOWN ATTORNEY ALGIOS: I just have one question. So you
4 said a nurse overnight as needed. So is that gonna be a service that
5 you use, or will it be one of your staff that normally works during
6 the day, but you'll say I need you work the night?

7 DR. EISBRUCK: That or I do have nurse friends from previous
8 jobs I've worked at who worked a dayshift somewhere and might want
9 to pick up a night shift. Occasionally, again, on an as-needed
10 basis.

11 DEPUTY TOWN ATTORNEY ALGIOS: Okay.

12 ACTING CHAIRMAN DONATELLI: Thank you. Are there any other
13 members of the public? All right. I think we should reserve
14 decision.

15 MEMBER GOODSSELL: I will reserve or continue. I would like to
16 see the doctor's conditions, and there's a transcript that's attached
17 as -- and I wasn't sure why it was attached, but it's the transcript
18 of the hearing that the doctor had many years ago. I would like to
19 read that and compare.

20 ACTING CHAIRMAN DONATELLI: It was presented here.

21 MS. CURTO: I presented the transcript --

22 MEMBER GOODSSELL: Okay, thank you.

23 MS. CURTO: -- which also laid out all of the conditions, so
24 that you can see the purpose of the conditions.

25 ACTING CHAIRMAN DONATELLI: We can reserve, right?

26 MEMBER GOODSSELL: Okay, you can reserve.

1 ACTING CHAIRMAN DONATELLI: So I would ask that we reserve
2 decision on this. We will make the decision, and you will be notified
3 of the decision.

4 MS. CURTO: Okay, all right. Thank you very much for your time.

5 ACTING CHAIRMAN DONATELLI: Thank you, and thank you for
6 coming.

7 MR. PERROTTA: Reserve.

8 ACTING CHAIRMAN DONATELLI: Reserve.

9
10 SECRETARY WAGNER: We're gonna do SEQRA.

11 ACTING CHAIRMAN DONATELLI: Yeah. Do I have a motion to adopt
12 SEQRA?

13 MEMBER GOODSSELL: Yes, you have a motion to adopt.

14 MEMBER HERNANDEZ: Second.

15 ACTING CHAIRMAN DONATELLI: Do I have a second -- thank you.

16 SECRETARY WAGNER: All in favor?

17 MEMBER GOODSSELL: Aye.

18 MEMBER HERNANDEZ: Aye.

19 ACTING CHAIRMAN DONATELLI: Aye. SEQRA is adopted. Thank you
20 very much.

21 SECRETARY WAGNER: SEQRA is adopted.

22 (WHEREUPON, the Proceedings concluded at 12:12 P.M.)

23 * * * *

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25

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C E R T I F I C A T E

STATE OF NEW YORK)

SS.:

COUNTY OF NASSAU)

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of December, 2024.



MARIESEL BERRIOS