

1 TOWN OF NORTH HEMPSTEAD
2 HISTORIC LANDMARKS PRESENTATION COMMISSION
3 PUBLIC HEARING
4
5 Town Hall
6 210 Plandome Road
7 Manhasset, New York 11030
8 Tuesday, August 16, 2022
9 7:03 p.m.

10 COMMISSIONERS PRESENT:

11 ACTING CHAIRMAN, JOHN R. SORRENTI

12 CO-CHAIR, NANCY SHORES

13 COMMISSIONER, FRANK GENESE

14 COMMISSIONER, ANNE CYBRIWSKY

15 COMMISSIONER, HARRY NICOLAIDES

16 TOWN HISTORIAN, ROSS LUMPKIN

17

18 ALSO PRESENT:

19 DEBORAH ALGIOS, DEPUTY TOWN ATTORNEY

20 NEAL STONE, SENIOR PLANNER

21 DAVID GORDON, STENOGRAPHER

22 REPRESENTING THE APPLICATION:

23 PETER CINQUEMANI, ARCHITECT

24

25

1 CHAIRMAN SORRENTI: Call to order. Will
2 you do the roll call, Mr. Stone.

3 MR. STONE: If you can wait until we know
4 we're live streaming.

5 MR. STONE: Okay, calling role, it is 7:04
6 and Commissioner Cybriwsky.

7 COMMISSIONER CYBRIWSKY: Present.

8 MR. STONE: Commissioner Genese.

9 COMMISSIONER GENESE: Present.

10 MR. STONE: Commissioner Nicolaides.

11 COMMISSIONER NICOLAIDES: Present.

12 MR. STONE: Commissioner Shores.

13 VICE CHAIR SHORES: Present.

14 MR. STONE: Historian Lumpkin.

15 COMMISSIONER LUMPKIN: Present.

16 MR. STONE: And Chair Sorrenti.

17 CHAIRMAN SORRENTI: Present, thank you
18 Neal.

19 MR. STONE: And from the town staff, we
20 have this evening Deputy Town Attorney Deborah Algios
21 from the town attorney staff; myself, Neal Stone from
22 the planning department, as well as my colleague,
23 Caroline Forger, from the planning department. This is
24 being recorded via David Gordon here, he's our
25 stenographer from MGR Reporting for this evening, and I

1 hand it back to the chair.

2 CHAIRMAN SORRENTI: Thank you. Next on the
3 agenda is the approval of the minutes of January 25th
4 and April 12th. Thank you, Mr. Stone, for submitting
5 the revised today, and has everyone had a chance to
6 look at them and are there any comments?

7 (No response.)

8 CHAIRMAN SORRENTI: I do have one comment
9 on the Tuesday, April 12th, second page. Just for --
10 if anyone else, you know, receives these minutes and
11 they're in the town's files, I think that the last item
12 discussion about noncontributory structures, we should
13 use our first names, you know, Shores and Sorrenti, et
14 cetera, I think we should keep it that way --

15 MR. STONE: Very good.

16 CHAIRMAN SORRENTI: So if we can make that
17 modification.

18 MR. STONE: Absolutely.

19 CHAIRMAN SORRENTI: Did you want to do
20 these together or separately, the approvals?

21 MR. STONE: That's entirely up to you.

22 VICE CHAIR SHORES: I wasn't at one of the
23 meetings, so I was --

24 CHAIRMAN SORRENTI: Let's do it separately.
25 Okay, so then can I have a vote for approval on the

1 minutes for January 25th?

2 COMMISSIONER CYBRIWSKY: I'll approve.

3 CHAIRMAN SORRENTI: Do I have a second?

4 COMMISSIONER LUMPKIN: I'll second.

5 CHAIRMAN SORRENTI: Okay, Ross seconds.

6 Can you do the roll call?

7 MR. STONE: Unanimous?

8 CHAIRMAN SORRENTI: Unanimous.

9 VICE CHAIR SHORES: I'm abstaining.

10 MR. STONE: Commissioner Shores abstaining,
11 and otherwise unanimous consensus in January.

12 CHAIRMAN SORRENTI: And then can I have an
13 approval for the minutes of the meeting for April 12th?
14 Do I have a --

15 COMMISSIONER NICOLAIDES: I'll make the
16 motion.

17 COMMISSIONER GENESE: I abstain.

18 VICE CHAIR SHORES: I'll second the motion.

19 MR. STONE: And Commissioner Nicolaides
20 made the motion. Unanimous?

21 CHAIRMAN SORRENTI: Yes.

22 VICE CHAIR SHORES: Thank you.

23 CHAIRMAN SORRENTI: Okay, next on the
24 agenda is -- I'm going to say this wrong, Berg, I'll
25 get that part right, Dyatlovitsky property, application

1 for the issuance of the Certificate of Appropriateness
2 to build a new rear deck in place of a brick patio at
3 48 degrees and the Port Washington Historic District,
4 Section 5, Block 61, Lot 101. Do we have anyone here
5 from the -- would you kindly go up to the mic and state
6 your name and address and the relationship to the
7 project at hand.

8 MR. CINQUEMANI: My name is Peter
9 Cinquemani, address is 75 Albertson Avenue, Albertson,
10 New York, 11507 --

11 CHAIRMAN SORRENTI: I used to live in
12 Albertson for many years, so I know that's right.

13 MR. CINQUEMANI: I wrote down a bunch of --
14 I get myself confused. I'm an architect applicant on
15 behalf of the Bergs. We are here for a deck in the
16 rear yard, partially covered. I'm going to walk you
17 through the drawings I brought and I brought extra
18 pictures of the rear to kind of walk you through
19 exactly what we're doing.

20 So as far as plan is concerned, there's
21 currently a set -- there's a small deck and a set of
22 stairs there now that will be removed, and the existing
23 patio would be removed, and in its place we would put a
24 new walkway, new stairs going up and a new deck.

25 The only area that would be covered is this

1 area here, and we did that because when I get to the
2 photos, the rear of the house has this turret, if you
3 will, and if we try to bring it back or go the full
4 width, it starts to get awkward with the house. So
5 this portion would be a peaked roof coming back towards
6 that turret, and this area just over the landing
7 outside the door to go into the home would be covered
8 with a slightly pitched roof coming downward, almost
9 flat roof, if you will, just to tie it all together.

10 So in elevation, this is the peak shooting
11 back to the turret, the small portion of flat roof
12 here, again, setback so you wouldn't see that from the
13 side of the home looking -- you wouldn't see that, it
14 would kind of be tucked back, and then I'm just going
15 to move the photos of the house to give you an idea.
16 So this is the turret I was talking about, and our
17 peaked roofed is going to remain under these windows in
18 this area.

19 The flat roof would be in this small
20 portion here between the turret and the other bump-out
21 of the home, and then your staircase would actually be
22 here. So this is the existing deck portion that I was
23 talking about that's going to be removed, and your
24 stairs would come up here instead of coming around to
25 go up the steps, that way when you're coming from the

1 garage, you have better access to get to the steps.

2 As far as materials, we're trying to match
3 the home as much as possible. We're going to take, as
4 the contractor starts to do this work, we're going to
5 color match. We couldn't get an actual R-sample that
6 looked right so we're going to take a piece of the
7 siding off, get it color matched, and the small piece,
8 there's not much siding on it, but at the gable end,
9 there is a small amount here, we're going to color
10 match that.

11 All the trim is going to be white to match
12 the existing house and we're trying to do it all. The
13 composite decking is the same composite decking that
14 was previously approved when they did this deck, the
15 rail material we're going to use, composite rail
16 material, basically all composite just to try to
17 minimize the --

18 CHAIRMAN SORRENTI: And that brick wall
19 goes; right?

20 MR. CINQUEMANI: Yes, so here, this photo
21 is a little better, I'm sorry, the angle is a little
22 bad. This photo is a little better showing the
23 existing bluestone patio and this wall here. The wall
24 and patio are to be removed.

25 CHAIRMAN SORRENTI: And then I noticed you

1 have the lattice work under the new -- and that's going
2 to be the same as that?

3 MR. CINQUEMANI: Correct.

4 CHAIRMAN SORRENTI: And is that going to be
5 composite or is that going to be --

6 MR. CINQUEMANI: Yeah, composite.

7 CHAIRMAN SORRENTI: That is composite now?

8 MR. CINQUEMANI: It's composite now, yes.

9 VICE CHAIR SHORES: It's exactly the same
10 composite that was previously approved?

11 MR. CINQUEMANI: Yeah, we're trying to use
12 exactly -- they love the color that they previously
13 used --

14 VICE CHAIR SHORES: When you say you're
15 trying, just so I'm clear, is that what you're using?

16 MR. CINQUEMANI: Yeah, that is what we're
17 using, yeah. We were trying to stay with exactly
18 what's there is what I meant, so, yes, all the
19 materials are going to be exactly the same. I provided
20 materials, I believe you have them there, they're still
21 available, the colors haven't changed since this was
22 installed, so we were actually able to get the same
23 materials, so everything we're using on the proposed is
24 exactly matching what's there now.

25 COMMISSIONER CYBRIWSKY: Is that low brick

1 wall, is that remaining, is that the same?

2 MR. CINQUEMANI: That's going to be
3 removed. This is exactly where the deck is going to
4 live, so that's all going to be removed. And honestly,
5 from the pictures, you can't really tell, but it's in
6 poor condition now.

7 VICE CHAIR SHORES: So the deck will now
8 come out to where that wall is; is that what you're
9 saying?

10 MR. CINQUEMANI: Roughly, yes. I think it
11 comes just past it. Yeah, just past it.

12 COMMISSIONER GENESE: The lattice, there's
13 a lot of lattice on the plan.

14 MR. CINQUEMANI: Yeah, the reason is that
15 it's on a big slope.

16 COMMISSIONER NICOLAIDES: It's almost 8
17 feet of lattice.

18 COMMISSIONER GENESE: 8 feet is a lot. Is
19 it going to be diagonal or is it gonna be horizontal,
20 vertical?

21 MR. CINQUEMANI: I believe they prefer it
22 like this, although on the drawing they showed it
23 diagonal.

24 COMMISSIONER NICOLAIDES: They also showed
25 it as one big continuous piece, there's gonna be joints

1 there, there's gonna be frames, something is going to
2 trim it out so the sections of it --

3 MR. CINQUEMANI: We were going to try to
4 make the joints coincide with where the columns are,
5 because there is going to be -- deck itself has
6 structure underneath that is going to need to hold us
7 up, so --

8 COMMISSIONER GENESE: You're going to see
9 the structure behind the lattice. If the lattice
10 openings are only this big, you need something to hold
11 -- what are you going to nail it to, so you're going to
12 see that.

13 MR. CINQUEMANI: So typically what we've
14 done in the past is on the joints, use a backer board
15 behind it and just paint it black so that it's not
16 drastically visible. I mean, that's generally speaking
17 what we've done, and we do the same for the structure
18 of the deck underneath also. If we paint it black
19 through the white, it disappears, so that was our
20 intention.

21 COMMISSIONER NICOLAIDES: There's only
22 really one column where you would have the vertical
23 joint. Are you also breaking this mass up with a
24 vertical joint?

25 MR. CINQUEMANI: What page are you on, I'll

1 pull it up here and try to follow along? I'm talking
2 about the structure underneath, we have four columns
3 along the outside --

4 CHAIRMAN SORRENTI: So you'll do just four.

5 MR. CINQUEMANI: Yeah.

6 CHAIRMAN SORRENTI: Okay, that's fine.

7 MR. CINQUEMANI: Yeah.

8 CHAIRMAN SORRENTI: That's good.

9 COMMISSIONER CYBRIWSKY: Let me ask you,
10 with this lattice work, there's ventilation with
11 lattice work.

12 MR. CINQUEMANI: That's the reason, we
13 could do nothing, but the lattice really is two-fold,
14 one, it prevents you from -- you know, they have little
15 kids, it prevents the kids from going under the deck
16 and also animals and things like that, and also it's
17 prettier than seeing all the structure underneath and
18 the -- you know --

19 COMMISSIONER CYBRIWSKY: And you can't
20 completely cover it in the back because of the
21 ventilation.

22 MR. CINQUEMANI: Yeah, you don't want to
23 close it in entirely.

24 COMMISSIONER NICOLAIDES: You have
25 basically, with the addition of the roof, you have two

1 peaked roofs, one that's existing portion of the house
2 that comes out, and now one that is going to be your
3 new one. Are the pictures of the proposed and the
4 existing the same?

5 CHAIRMAN SORRENTI: He's talking about this
6 existing.

7 MR. CINQUEMANI: Talking about the roof
8 over this?

9 COMMISSIONER NICOLAIDES: No, the roof next
10 to it.

11 MR. CINQUEMANI: The roof next to it.

12 CHAIRMAN SORRENTI: The roof next to it,
13 right.

14 COMMISSIONER NICOLAIDES: When you look at
15 it in a rear elevation, you have that pitched roof and
16 you have another pitched roof.

17 MR. CINQUEMANI: They're off by one.

18 COMMISSIONER NICOLAIDES: By one percent;
19 degree?

20 MR. CINQUEMANI: I believe it was a 6 on
21 12, or it was a 5 and we did a 4. It's off by one
22 because we were trying to keep a little bit of relief
23 under that window.

24 COMMISSIONER NICOLAIDES: I realize the
25 window is driving it, but I'm not --

1 MR. CINQUEMANI: We could match but it'll
2 be -- what I'll have to do is kind of, like, a well
3 where the window is, it would encroach the window trim.

4 COMMISSIONER NICOLAIDES: If you could keep
5 it that close, I'm okay.

6 MR. CINQUEMANI: Honestly, my thought was
7 from being in the yard, when you're beyond the deck and
8 you're on a hill, you can't see it, and then from the
9 side yards, you can't see it either, so I was thinking
10 it's close enough where visually it's not -- you know,
11 if it was in the front, we would never do that, it
12 wouldn't work.

13 COMMISSIONER NICOLAIDES: That's what makes
14 it very forgiving. I wasn't sure.

15 MR. CINQUEMANI: Yeah.

16 COMMISSIONER NICOLAIDES: If you could --
17 I'm not sure how many -- if we could note these things
18 so they're part of the documents, right now you're
19 presenting something that is not graphically depicted
20 in the drawings you submitted.

21 MR. CINQUEMANI: I understand. So we -- as
22 submitted to the Building Department, I didn't want to
23 change the drawings specifically to come here to then
24 -- I didn't want the drawings to be different, but
25 anything that we discuss tonight I can graphically

1 represent in moving forward with the Building
2 Department.

3 COMMISSIONER NICOLAIDES: You're moving a
4 lot of match existing notes, so we understand it's not
5 -- we don't really care what this is, we care that this
6 is the same as what's there.

7 MR. CINQUEMANI: The drawings do say a lot
8 of match existing, just -- what happened was I got
9 samples, they didn't know the colors, like, the deck
10 color, I went and got samples of timbertech and brought
11 it back and sat them down and made sure it was the
12 exactly the right color; I wanted to be exact.

13 VICE CHAIR SHORES: I would think that the
14 original approval probably has what we -- exactly what
15 we approved.

16 MR. CINQUEMANI: So, funny, after I found
17 that, they went back and they did it, it is exactly
18 what was approved.

19 VICE CHAIR SHORES: So all we need to do
20 then is approve it, subject to things like black board
21 behind and --

22 CHAIRMAN SORRENTI: And the dividers for
23 the lattice work and -- exactly.

24 VICE CHAIR SHORES: You need to figure out
25 --

1 MR. STONE: So you'll submit the revised
2 set of drawings to the Building Department and we'll
3 compare that against everything that the Commission is
4 going to vote on.

5 MR. CINQUEMANI: To give to the Building
6 Department?

7 MR. STONE: To give to Planning Department
8 so we can issue your Certificate of Appropriateness.

9 MR. STONE: Then we'll move it along --

10 MR. CINQUEMANI: Okay, sure. If the board
11 wants it to stay -- to match existing, the drawings
12 already do that, there would be no revision. If there
13 is additional stuff, the absolutely I can do that, no
14 problem.

15 MR. STONE: Addressing the lattice --

16 MR. CINQUEMANI: The lattice thing -- yeah,
17 absolutely, no problem.

18 VICE CHAIR SHORES: The black.

19 COMMISSIONER NICOLAIDES: If you just put a
20 big noted, all materials to match existing. You don't
21 have to keep repeating, the only note is the shades,
22 but if -- rather than torture you, if you want to put
23 like a little box.

24 MR. CINQUEMANI: Just one note, all
25 materials to match existing, yes, absolutely.

1 COMMISSIONER NICOLAIDES: Because that's
2 your plan and we agree with you.

3 CHAIRMAN SORRENTI: Anyone else have
4 anything they want to say?

5 (No response.)

6 CHAIRMAN SORRENTI: Do I have a motion to
7 approve?

8 VICE CHAIR SHORES: I make a motion to
9 approve subject to --

10 CHAIRMAN SORRENTI: Second?

11 COMMISSIONER GENESE: I'll second it.

12 COMMISSIONER NICOLAIDES: Subject to the
13 notes.

14 CHAIRMAN SORRENTI: All those in favor?

15 (Chorus of "ayes.")

16 CHAIRMAN SORRENTI: Opposed?

17 (No response.)

18 CHAIRMAN SORRENTI: Thank you very much.

19 Nice presentation, thank you.

20

21 CHAIRMAN SORRENTI: Okay, Item Five, new
22 business. Do we have --

23 COMMISSIONER CYBRIWSKY: Anybody have new
24 business?

25 VICE CHAIR SHORES: One thing is we need to

1 discuss is the hardship.

2 COMMISSIONER NICOLAIDES: Is new business
3 not relevant to specific applications, we have just
4 general landmark commission --

5 MR. STONE: That would be what you want to
6 create.

7 VICE CHAIR SHORES: You have enforcement
8 update, you had some information for us, though, so
9 maybe we should do that.

10 MS. ALGIOS: It's basically there's
11 nothing --

12 COMMISSIONER NICOLAIDES: I'm not sure if
13 it's new business, what I would like to address is more
14 procedural matters, a little bit of the frustration of
15 some of the board members, not everybody, but we'd like
16 to enforce closer to the letter, the applicants
17 requirements for both material content on the drawings,
18 a timely deadline to meet the applicants, the number of
19 copies that are required so that we're not really
20 looking to the support staff of the town to do the leg
21 work that the applicant is supposed to do.

22 And without being mean, I really do think
23 if it's a three-week window and somebody submits within
24 two weeks, they missed the bus. The bus left and it's
25 gone, because what's happening is everybody is trying

1 to be so polite, that we're getting information that
2 we're getting only electronically, we're not getting
3 hard copies, which has become a hardship for us, we're
4 getting them days before a meeting, which may or may
5 not be convenient to see and look at, and the same with
6 minutes, we expect to see the minutes well in
7 advance of the meetings, so we can really digest them,
8 maybe commiserate about the accuracy of them, and be
9 able to come here and present to the best professional
10 way we can, our judgments.

11 MS. ALGIOS: So when you say you want hard
12 copies of every document that the applicants --

13 COMMISSIONER NICOLAIDES: The application
14 for a landmark presentation has specific documents that
15 are required. I'll make it up, X amount of copies, 8
16 1/2 by 11 photographs, X amount of copies, 24 by 36
17 cards, whatever it is, and maybe we should go through
18 that again, I'm not sure we agree with it, or we can
19 tune it up a bit, but then that package has a deadline,
20 the samples have a deadline, and we expect the deadline
21 so this poor guy is running around the copy machine two
22 hours before the meetings with no budget, making copies
23 in -- as a courtesy to an applicant that fell short of
24 submitting his application.

25 CHAIRMAN SORRENTI: When we have to submit

1 to the ARB or those things, as the architect, we have
2 to submit a dozen copies of the plans and the
3 applications of all those kind of situations, and that
4 gets delivered to the town.

5 MS. ALGIOS: So here in North Hempstead,
6 now, though -- I don't know if any have been submitted
7 here recently, and now everything is electronic, so,
8 like, for instance, the Zoning Board members get
9 everything electronically, much to David's chagrin.

10 COMMISSIONER NICOLAIDES: You understand
11 why. It's hard -- this guy is getting a magnifying
12 glass.

13 CHAIRMAN SORRENTI: I didn't know we were
14 gonna do this so I printed my own stuff, which is fine.

15 MS. ALGIOS: I'm just -- you know, I don't
16 know that -- say to applicants were coming in before
17 the commission, oh, you have to print everything out,
18 these same architects come before the zoning board and
19 they're able to submit everything electronically.

20 COMMISSIONER NICOLAIDES: That's a fair
21 point, but the problem then, or the requirement, then,
22 has to be adjusted so the electronic material is scaled
23 to be able to be viewed electronically. It's hard to
24 take a 3-foot wide drawing and just shrink it by
25 pushing a button and expect somebody else to be able to

1 -- you have to be able to zoom in on each piece, and
2 then you may have to deal with five pages of elevations
3 instead of putting four elevations on one page. It's
4 about scale.

5 CHAIRMAN SORRENTI: And to the architects
6 here -- but Nancy -- and then -- and that's unfair.

7 COMMISSIONER CYBRIWSKY: And I feel that I
8 would -- you know, I do -- I go to my office, I try to
9 reduce and print it and everything else, but I would
10 like more time and I think -- look, we're all
11 volunteers here, too. Anything that they can do to
12 make it a little bit easier for us, I mean, I come down
13 to the office to make my copies, I don't really mind
14 doing that, because for me, I have to go that little
15 bit extra, I'm not familiar with -- I do want the time
16 and I think it would be nice to give us a nice packet.

17 MS. ALGIOS: Also, maybe what we can do is,
18 put a longer deadline so that we have, you know, say
19 three weeks that --

20 COMMISSIONER NICOLAIDES: I think that
21 deadline exists, we're just not honoring it.

22 MS. ALGIOS: -- and enforce it and then
23 send everything out and so that way you guys can take a
24 look at it, see if it's something that you can actually
25 view, or it has to be redone and that would give the

1 applicant enough time to resubmit.

2 VICE CHAIR SHORES: What if we actually
3 called out -- what Harry is saying is very valid as far
4 as the scale, and when zoning looks at it, they're not
5 looking at the same level of detail that the board is
6 looking at. So if we call that out to people right
7 away instead of saying, you know, oh, no, come back,
8 because look, I asked -- I think I asked you, Caroline,
9 if we can get a rendering, which I don't think is a big
10 deal, a rendering for us to see what it's going to look
11 like, for me and Anne and Ross, and I don't think
12 asking for that a week in advance is crazy, I just
13 don't.

14 CHAIRMAN SORRENTI: It could be difficult.

15 VICE CHAIR SHORES: The render at the level
16 that we're looking for. I don't think it's -- but
17 anyway, we should call that -- we used to get them like
18 that, so we should just have a list of what people --

19 CHAIRMAN SORRENTI: Right, you should add a
20 rendering to the criteria.

21 MR. STONE: As your staff rep, what I would
22 like to do, I know this involves a little bit of extra
23 double work is perhaps work with two of you to revisit
24 what our checklist is for sessions and then trying to
25 keep this contemporary, figure out the best way to

1 deliver that digitally. Number two, I asked this
2 applicant for a standard set of plans, so that they
3 would deliver that with the samples to the office in
4 the event that any of the commissioners wanted to come
5 by and see them.

6 CHAIRMAN SORRENTI: And that should always
7 be.

8 COMMISSIONER NICOLAIDES: It should be just
9 one copy.

10 CHAIRMAN SORRENTI: One copy.

11 MR. STONE: That was not delivered, that
12 was not delivered, and as -- in addition, Commissioner
13 Nicolaides and I discussed prior, there may be a little
14 bit of the client to professional billing expense, but
15 that's not our problem.

16 CHAIRMAN SORRENTI: A, that's not our
17 problem --

18 MR. STONE: That's not our problem.

19 CHAIRMAN SORRENTI: -- and if those things
20 aren't delivered, we don't hear it, and we have a right
21 to do that.

22 MR. STONE: Yes, and I think we discussed,
23 Deborah and I, discussed the commission could continue
24 the application if they are not satisfied like here,
25 today.

1 CHAIRMAN SORRENTI: And we're going to have
2 to take a little harder stance on that. We've always
3 tried to be very accommodating, and we still want to be
4 accommodating, but, you know, I think the three of us
5 could dance around it a little bit easier than the
6 rest, and it's not fair to the rest.

7 MR. STONE: I would appreciate if we could
8 just take a little bit of time.

9 COMMISSIONER NICOLAIDES: I didn't want to
10 offend the applicant, but these, by professional
11 standards, would have been dismissed.

12 CHAIRMAN SORRENTI: They don't tell you
13 anything.

14 COMMISSIONER NICOLAIDES: Don't get me
15 started, I'd rather just be polite about it. We are
16 bending over backwards to try to understand something
17 that's not presented in a legible fashion, even from a
18 design standpoint, and infer what the intent is.
19 That's not our job to infer.

20 COMMISSIONER GENESE: I don't think this
21 would even be acceptable as intake, it's missing
22 elevations, it's missing site plan, it's missing a lot
23 of information.

24 COMMISSIONER NICOLAIDES: It doesn't meet
25 the minimum standards.

1 MS. ALGIOS: I'll tell you what we have,
2 you know, at our disposal. If there is something
3 that's insufficient, so for instance, you guys are
4 looking at the plans and they are insufficient, or, if
5 now we're going to make, let's say a rendering a
6 requirement and they don't submit it, you have every
7 right to continue the hearing, so let the applicant put
8 on their hearing, because we don't want to hold them
9 up, the notice, they can make the presentation, and you
10 would say, look, this is incomplete, we need to see --

11 COMMISSIONER NICOLAIDES: I think the hard
12 part of that is putting us on the spot. I think the
13 intake should be the accepted checklist that satisfied
14 or turned away at the door.

15 CHAIRMAN SORRENTI: It's also unfair to the
16 applicant, you know, who wants to do a good job and
17 maybe his client doesn't want to pay him, for him to
18 waste his time to come here tonight when we're not
19 gonna even look at it because it's incomplete.

20 COMMISSIONER NICOLAIDES: And we don't want
21 to embarrass him in front of his client.

22 MS. ALGIOS: There may be instances where
23 you don't -- like, something's missing that maybe you
24 don't need, like, there may be a simple application
25 where --

1 COMMISSIONER NICOLAIDES: There is a judge
2 that's involved. That should happen here the night of
3 the hearing.

4 VICE CHAIR SHORES: It shouldn't happen the
5 night of the hearing because when I have to go to
6 zoning, and if I have an incomplete submission, I'm
7 booted right off the calendar.

8 CHAIRMAN SORRENTI: So we need to give --
9 and I agree with you --

10 MR. STONE: With more time, we would be
11 able to call a package --

12 CHAIRMAN SORRENTI: We need to give the
13 list and unfortunately put the burden on you, and when
14 the intake comes in, and one or two things are not on
15 that list, the application doesn't done come forward
16 until the application is complete. It's kind of that
17 simple.

18 MR. STONE: All of the commissioners will
19 have a chance to weigh in and get back to staff and see
20 --

21 CHAIRMAN SORRENTI: If the list -- if we
22 give you the list, if Karen and I work out this list,
23 and we give you the list and the rendering is missing
24 or the elevations are missing, we can't accept it
25 because it doesn't meet the requirement to submit. We

1 have ten things or twelve things, whatever it is.

2 VICE CHAIR SHORES: To Deborah, there is
3 someplace in the middle here, I'm not sure how to get
4 it, there could be something that somebody is doing
5 there simply, and they're not going to have a --

6 CHAIRMAN SORRENTI: Something simply is
7 not going to be --

8 COMMISSIONER NICOLAIDES: The cure for that
9 is simple, if the applicant submits it well enough in
10 advance, and you make a judgment call, I think that
11 might be okay. We have plenty of time to say, okay,
12 we're going to waive that.

13 CHAIRMAN SORRENTI: We get that
14 relatively --

15 MR. STONE: -- we can do that --

16 COMMISSIONER GENESE: When I'm going to do
17 work on my house, I come into the Building Department
18 for the intake and I submit my drawing, correct, I
19 submit my drawings for Building Department. At that
20 point, shouldn't they say, this is not a complete set,
21 you have to submit a complete set, but instead, they're
22 taking this set in and saying, well, it will go to
23 landmarks, but if we approved it today, if he took this
24 same set of drawings tomorrow, I'd say, you know, it's
25 approved by Landmarks, but this is not a valid set for

1 permit. So shouldn't it be caught the minute the
2 drawings go through intake?

3 COMMISSIONER CYBRIWSKY: What if it's --

4 MS. ALGIOS: The building department is not
5 looking for it.

6 COMMISSIONER GENESE: They should be
7 looking for -- they do have a criteria for plans,
8 sections, elevations, you need floor plans of both
9 floors of a house if you're doing a floor plan.

10 MS. ALGIOS: I think what you're all
11 looking for is more detail, and the Building Department
12 is looking for --

13 COMMISSIONER GENESE: No, no, no, the
14 Building Department -- no, the Building Department
15 should be looking for a lot of detail, they're the
16 Building Department. They issue a permit for
17 construction, so they're the -- they should be the
18 strictest of all the people that work at this town, not
19 landmarks, not zoning --

20 COMMISSIONER CYBRIWSKY: What if we have
21 someone that comes, you have a historic house and they
22 want to change the siding, and they have to bring us a
23 sample, we don't need -- they don't need to go through
24 all of those steps, the same steps; do they?

25 COMMISSIONER GENESE: They have to submit

1 an application for a permit.

2 COMMISSIONER CYBRIWSKY: Right, but, all
3 the requirements --

4 COMMISSIONER GENESE: And there should be a
5 checklist, you have plans, you have sections, you have
6 elevations --

7 COMMISSIONER CYBRIWSKY: Well do they -- do
8 they need plans and elevations --

9 VICE CHAIR SHORES: Do they need
10 elevations?

11 COMMISSIONER CYBRIWSKY: -- the Building
12 Department, or just for us?

13 COMMISSIONER NICOLAIDES: They need them,
14 absolutely.

15 MS. ALGIOS: I think every application is
16 so different. I think basically, what really may be --
17 I think the tea here for what you guys said was, let's
18 get everything in plenty of time, and that way -- and
19 then Neal can reach out to you and say, we have an
20 application coming, it's for a placement of siding,
21 what do you need to see, and then you can say --

22 COMMISSIONER GENESE: Looking out for the
23 client because what's going to happen is, these were
24 approved, so the client's going to say, well you can
25 submit these to Building Department, Building

1 Department is not gonna -- they're going to -- there
2 will be objections immediately.

3 MR. STONE: One exception, Frank, is that
4 they need to have a stamped set to come out of the
5 Planning Department that shows everything that you have
6 stated on the record, which is why I reminded him that
7 I'm going to need to see revisions because then I have
8 to sign off on that and it goes back into the system
9 and it doesn't move.

10 COMMISSIONER GENESE: Even with the
11 revisions that he's gonna make tonight, this is still
12 not a permanent set.

13 MR. STONE: Fair enough.

14 VICE CHAIR SHORES: Is it now that -- come
15 here first and saw what the change was, because you
16 used to have to file with the Building Department for a
17 permit and they wanted it flipped over here, so now you
18 can first and say --

19 MS. ALGIOS: No, you can sort of speed
20 things up. So you start at Building Department, they
21 do their initial intake, they realize that it's not --
22 they take it over to Landmarks, Landmarks does their
23 thing, then it goes back to them, and then they do
24 their --

25 VICE CHAIR SHORES: How would it be that

1 they would -- maybe this is correct, that they would
2 accept those plans that they shouldn't accept?

3 COMMISSIONER GENESE: He has to do a new
4 set of filings after we approve them. Some people come
5 with full sets of drawings, I mean, we've seen full
6 filing sets, but this is not.

7 VICE CHAIR SHORES: Maybe if it were a hand
8 drawing, because Neal's idea -- but also to see what
9 happens with this, right, to follow this sort of this
10 case study, see what the next step is for him to go to
11 the Building Department and sort of make a more
12 educated decision based on, did he really have to
13 change the plan or did they accept these?

14 COMMISSIONER GENESE: Harry and I were on
15 architecture review boards, combined 40 years of
16 architectural review boards, and each village -- my
17 Village of Flower Hill, I'm a trustee, we have very
18 specific submission requirements. You need a site
19 plan, you need zoning announcements, you need --

20 COMMISSIONER NICOLAIDES: I just e-mailed
21 you because I popped one up at random -- Village of
22 Roslyn Estates, tiny little village, architectural
23 review board rules and regulations, they do make a
24 distinction between minor alterations, major
25 alterations and new buildings, so they do have a tiered

1 system of requirements; every application shall include
2 the following documents: Survey, floor plans, order
3 and scale, 12 copies, proposed site plan, 12 copies,
4 elevations of all the -- you know, elevations and
5 details on quarter-inch scale, 12 copies.

6 Additionally, every application to the ARB
7 which involves major alterations, again, we make that
8 benchmark shall include a topographical survey, tree
9 survey, landscaping plan, foundation plantings, all
10 existing trees, all of the said existing to be removed,
11 proposed new trees, the table; that's colored photos
12 being 8 1/2 by 11 mounted on 2 foot by 3 foot foam
13 boards, they're that specific. Colored elevations of
14 all affected areas, not less than three full weeks
15 before hearing, all buildings by the premises are
16 clearly marked and staked out at the site with ribbon
17 by a surveyor, proposed storm water drainage plans,
18 computer created color renderings at the option of the
19 ARB. So again, that gives us a chance to say it's
20 needed. A model of perspective renderings at the --

21 COMMISSIONER GENESE: The Village of Old
22 Westbury for new construction does not take 3D
23 modeling.

24 COMMISSIONER NICOLAIDES: Four different
25 times it says, all filings must be completed, not

1 listed, three full weeks prior to the ARB meeting in
2 which applicant -- application, there shall be no
3 exceptions. This is typical, this is not atypical.

4 MS. ALGIOS: I'm looking at what we
5 require.

6 COMMISSIONER NICOLAIDES: And that's what I
7 think we need to do, we need to take a look at those
8 set of requirements and tweak it, both for the
9 electronic medium, which will require us to define
10 scale differently, and in other words, what elevation
11 per page will allow us to open it up and look at it,
12 rather than a page of four elevations.

13 CHAIRMAN SORRENTI: The details and
14 everything else that can be cumbersome.

15 COMMISSIONER GENESE: We are effectively an
16 architectural review board if you think about it.

17 COMMISSIONER NICOLAIDES: Of the higher
18 order. We should be --

19 MS. ALGIOS: Just to reiterate to what we
20 currently -- so we can then figure out what we need to
21 change, here, because it looks like, you know, since
22 we're doing an amendment anyway, if we can add this in.
23 So right now, a location that a plan drawing shall be
24 submitted with the application. On the application
25 shall include the following information: Name,

1 address, location of photographs of the subject
2 property, the property is within the immediate
3 vicinity, elevation drawings of proposed changes, if
4 any, prospective drawings to adjacent properties, if
5 available, samples of materials to be used, where the
6 proposal includes signs or lettering, a scale drawing
7 showing the types of lettering to be used, all
8 dimensions and colors, a description of materials to be
9 used, method of illumination and a plan showing the
10 signs location on the property and any other
11 information requested by the commission.

12 CHAIRMAN SORRENTI: I think --

13 COMMISSIONER GENESE: Very little of
14 that --

15 COMMISSIONER NICOLAIDES: First of all,
16 very little of that and that list should be amended
17 anyway.

18 MR. STONE: If we could work on --

19 CHAIRMAN SORRENTI: It shouldn't be
20 elevations, it should be quarter-inch elevations. We
21 need to be more specific.

22 COMMISSIONER GENESE: Didn't we, at one
23 time a couple of years back, require elevations of the
24 property plus the two houses --

25 CHAIRMAN SORRENTI: Pictures.

1 COMMISSIONER NICOLAIDES: I think that
2 depends on the project.

3 CHAIRMAN SORRENTI: I think pictures would
4 be sufficient.

5 VICE CHAIR SHORES: Also, I don't think --
6 I think we should look at, like, Huntington, the Town
7 of Huntington has a -- and look at what their
8 requirements are, because I think -- not that I
9 actually kind of like it, the villages definitely tend
10 to dig in more on -- and I think you have to make it
11 accessible and be reasonable, more so than you do in a
12 village where people are really signed on to that.

13 COMMISSIONER NICOLAIDES: My point of view
14 is, those are ARB's, not landmarks. The Landmark
15 Commission should be more stringent in being able to
16 understand a level of information that frankly is not
17 relevant of a regular house on a block.

18 VICE CHAIR SHORES: I agree with you
19 100 percent, and I have trouble with these drawings. I
20 think that we've seen much better presentation -- not
21 that his presentation -- his presentation wasn't
22 terrible, but what he presented was kind of not helpful
23 -- it was helpful to have words put to it, but it
24 wasn't a good presentation, it was missing information
25 and I think we can improve on that. I just think --

1 when you look at the -- on the list, if you look at
2 other boards that do what we do, like, for the samples,
3 I don't care -- it's great they're delivered early, but
4 I'm not going to come and look at them, I'm fine
5 looking at them the night of and --

6 COMMISSIONER NICOLAIDES: For me, there's a
7 big difference of someone representing as matching
8 existing and then we'll rely on the real photographs
9 and the ability to see the house, versus proposing
10 something that doesn't exist yet. It's when you're
11 proposing something that doesn't exist, you're still
12 not attributing --

13 VICE CHAIR SHORES: Which is why I said --
14 a decision we already made where that stuff was already
15 identified, same old same old.

16 COMMISSIONER NICOLAIDES: We're able to
17 hold him to the standard of what he submitted.

18 COMMISSIONER GENESE: Some small
19 architects, a one or two-person job, they may not have
20 the building house to do 3D renderings. Our firm does
21 it.

22 CHAIRMAN SORRENTI: And because --

23 VICE CHAIR SHORES: And it may be small
24 enough, there are certain things -- I mean, someone
25 changing the siding, I don't really need to see --

1 COMMISSIONER NICOLAIDES: There's got to be
2 some discretion. By submitting the application early,
3 it gives us time to react in their favor and say, okay,
4 guys, we're not gonna need all this stuff, it's okay,
5 but if we don't get anything until the three days
6 before the meeting, all we can do is deny them. That's
7 not the goal, the goal is to get enough information to
8 help approve it.

9 COMMISSIONER GENESE: Nancy had a good
10 point about, you know, maybe there is a different
11 requirement for nonstructural construction strictly
12 changing the material on the -- no changes to the size,
13 shape, structure, anything, just siding, fascia board,
14 brightwork.

15 VICE CHAIR SHORES: So they shouldn't have
16 to come to us for lighting.

17 COMMISSIONER LUMPKIN: I know it's
18 practical thing to ask for a preliminary application to
19 change the siding --

20 COMMISSIONER CYBRIWSKY: If they decide to
21 change to color or the piles that they use on the side,
22 they have to come to us --

23 COMMISSIONER NICOLAIDES: That's not
24 matching existing.

25 COMMISSIONER CYBRIWSKY: Right, right, but

1 if that's all they're doing, it's not that complicated.

2 COMMISSIONER GENESE: Pictures and samples.

3 COMMISSIONER CYBRIWSKY: Samples.

4 VICE CHAIR SHORES: Ross, what were you
5 saying on preliminary?

6 COMMISSIONER LUMPKIN: To have them come
7 forward before they do very much preliminary
8 applications, I'm going to do the siding, in that case,
9 you've got your list, you don't need to --

10 VICE CHAIR SHORES: We had one or two
11 people do that on their own, where they came and they
12 said they were thinking about it and they discussed it.
13 We're always open to that but I don't think that it's
14 set up --

15 COMMISSIONER LUMPKIN: They need to discuss
16 it with us --

17 VICE CHAIR SHORES: I think they probably
18 do discuss it with Neal.

19 MR. STONE: What I'm going for is a little
20 bit of guidance on the stuff that's missing. We will
21 still have discretion and we'll still be able to get
22 applications submitted to you and what we're hearing
23 clearly is more time in advance, but that also enables
24 you to screen application, and if there's stuff that's
25 missing, then we have a larger window to go back and

1 ask them to meet the full list or if they have de
2 minimus and stuff like what you're talking about which
3 assures them, perhaps, there's enough information that
4 satisfies most of the commission.

5 What satisfies you might not satisfy you,
6 so we can try to work with the applicant to bring
7 things in like renderings with ample time, because
8 those may benefit certain people on the commission more
9 than others, if not, all of you.

10 COMMISSIONER NICOLAIDES: And I think in
11 defensiveness approach, it allows the applicant to have
12 a better likelihood of success at the hearing, rather
13 than being continued once, and being continued again.
14 So we're actually shortening the overall timeframe, if
15 we get close to all the information we need to
16 understand.

17 So they come here so well prepared that we
18 really can render a judgment, rather than say, that's
19 nice, we really don't understand, come back in three
20 months. We don't have these meetings every week, you
21 know, and by the time they notice it again, by the time
22 they get on the calendar again, you know, rare these
23 are going to be a month later. So these are big delays
24 if they don't have the benefit of the input about the
25 thoroughness of the application.

1 MR. STONE: This is very helpful because we
2 have three other applications that are in the wings
3 that I would not even advance to the commission at this
4 state of the game, so --

5 MS. ALGIOS: The problem is --

6 MR. STONE: We do have a responsiveness
7 deadline in the code as to when we're going to --

8 MS. ALGIOS: These changes, right now, I
9 think they're -- so I -- and now we're talking about,
10 you know, additional changes, we're not going to see
11 this till October.

12 COMMISSIONER NICOLAIDES: Maybe what we
13 could do in advance is codify these changes, is make a
14 suggested checklist that's given to them. To improve
15 the likelihood of success, we recommend --

16 VICE CHAIR SHORES: If we just complied
17 with what it actually requires, you'd be 90 percent of
18 them right there.

19 COMMISSIONER NICOLAIDES: Correct. To
20 expedite the process, that's our goal.

21 CHAIRMAN SORRENTI: We don't want to see
22 people here twice, that means we have to come back
23 again.

24 MS. ALGIOS: They don't have to come back
25 necessarily, if there is something, like, that you

1 wanted to see on a plan, they will revise something and
2 they can just submit that.

3 COMMISSIONER NICOLAIDES: It's like today,
4 we just said, you know, add those notes, we don't need
5 to see it, we just want --

6 CHAIRMAN SORRENTI: We don't want to waste
7 their time also, we really don't.

8 MS. ALGIOS: So, Harry, why don't you maybe
9 put together something?

10 COMMISSIONER NICOLAIDES: Can you forward
11 me the town's current --

12 MS. ALGIOS: The current?

13 COMMISSIONER NICOLAIDES: -- and then what
14 I can just do is use that --

15 CHAIRMAN SORRENTI: You can mark them up
16 and send it to me and then I'll --

17 MR. STONE: The three of us will work
18 together on that.

19 CHAIRMAN SORRENTI: -- and I'll send it
20 back to you --

21 COMMISSIONER NICOLAIDES: And we'll try to
22 address it electronically.

23 COMMISSIONER CYBRIWSKY: More photographs,
24 renderings are good, eliminating parts of the client
25 that we don't need to see --

1 CHAIRMAN SORRENTI: We don't need to see
2 these --

3 COMMISSIONER CYBRIWSKY: Sometimes these
4 architects throw everything in.

5 COMMISSIONER NICOLAIDES: Because they're
6 trying to make this the same Building Department --

7 CHAIRMAN SORRENTI: The Building Department
8 requires it.

9 COMMISSIONER NICOLAIDES: -- It's a
10 two-fold. It's not a presentation for the Landmarks,
11 it's a submission for permit, and he's basically just
12 sending it this way. That's exactly what this is.

13 COMMISSIONER GENESE: Some architects will
14 file and do separate presentations for this type of --

15 COMMISSIONER NICOLAIDES: That's what we
16 typically do.

17 COMMISSIONER GENESE: We wouldn't just take
18 the file and drawings and whatever set and give it out
19 to the board, we would do an entirely new type of
20 presentation with only the information that the board
21 really needs.

22 COMMISSIONER NICOLAIDES: It's occurring to
23 me right now, when we had Zoom meetings, we effectively
24 -- we're effectively having electronic presentations,
25 just by definition. We presented electronic

1 presentation. We took advantage of that, rather than
2 -- to make the images ones that one would see on
3 screen. We had a three-dimensional model that you
4 could turn and twist. Would it be reasonable to be
5 able to submit an entire presentation with that in
6 mind?

7 COMMISSIONER CYBRIWSKY: Here, live?

8 COMMISSIONER NICOLAIDES: Yeah.

9 COMMISSIONER CYBRIWSKY: If that were
10 easier for them to design electronically.

11 COMMISSIONER NICOLAIDES: I'm just saying,
12 we're trying to jump ship --

13 MR. STONE: The screen presentation?

14 COMMISSIONER NICOLAIDES: -- as an
15 available option.

16 COMMISSIONER GENESE: It could be a
17 PowerPoint.

18 CHAIRMAN SORRENTI: Yeah, but that screen
19 goes that way.

20 MR. STONE: Let's keep it on the table and
21 at least for the purposes of the minutes, can we just
22 say for the immediate future we have Chair Sorrenti,
23 Commissioner Nicolaides, and myself, Neal Stone, as a
24 working group to work on submission criteria?

25 CHAIRMAN SORRENTI: Perfect, good.

1 MR. STONE: And we'll aim for a goal, if
2 not the next meeting, then by the end of the year,
3 having stuff better laid out. Is that all right?

4 CHAIRMAN SORRENTI: Should it be prior to
5 getting the Chapter 27 approved? I think we can get
6 this resolved in the next two weeks, if that's okay.

7 MS. ALGIOS: Try to get it as part of this.
8 We didn't have that as part of it, including that might
9 be an issue.

10 COMMISSIONER NICOLAIDES: I'm willing to
11 keep this as a recommendation and checklist.

12 MS. ALGIOS: We could also use the policy.
13 Departments have policies, what they require, they have
14 a checklist that they give applicants, it's just part
15 of their internal policy.

16 MR. STONE: As opposed to a better human
17 code.

18 COMMISSIONER NICOLAIDES: Right, and that's
19 what I said.

20 MS. ALGIOS: We could do that.

21 VICE CHAIR SHORES: We could do that for
22 now and decide whether to put it in the code.

23 COMMISSIONER NICOLAIDES: You know what, we
24 can try it out because we may want to adjust the --

25 MR. STONE: Regardless of the code, what

1 you're looking for is a changing.

2 CHAIRMAN SORRENTI: Presentation.

3 MR. STONE: -- presentation, so why do we
4 need that as a policy or why do we need that in --
5 still don't know what we're after, so, approved.

6 MS. ALGIOS: There should be a document and
7 checklist that you give to them; right?

8 MR. STONE: Yeah, right now it's the
9 standard application, and it's what you read off.

10 MS. ALGIOS: We'll just change that.

11 MR. STONE: Once we work together we can
12 modify and then they'll do the same thing, checklist,
13 and once that comes back into staff, we look at
14 application form versus what materials are coming in,
15 and so, you know, that's where a little bit of
16 discretion could come in, but we'll be able to tighten
17 that up, shall we say, and then submit that earlier to
18 the commission, and if there are things that they did
19 not submit, and perhaps I missed them, then you'll tell
20 me, I will go back to -- or staff will go back to the
21 applicant and say, we're not going to notice you until
22 we receive these things and the commission has a chance
23 to review them.

24 MS. ALGIOS: I think it also needs to be
25 clear to them because sometimes, like, noticing those

1 out, they notice, they send out their notices, but
2 they're still sending notices, and I think it has to be
3 clear to them that you're paying money for noticing,
4 but if we don't get a complete application, you're
5 getting knocked off, because otherwise they're going to
6 come back to you and start screaming at you, saying I
7 spent all this money, why can't the commission at least
8 hear it, so rather than get there, just avoid that by
9 coming right up front. You know, if we don't have a
10 complete application prior to, say three weeks prior to
11 the meeting --

12 MR. STONE: The commission has looked at.

13 MS. ALGIOS: -- your application is going
14 to be deemed incomplete and removed from the agenda.

15 CHAIRMAN SORRENTI: How far does the notice
16 have to be; 30 days?

17 MS. ALGIOS: They might have changed that
18 now, it's no less than 10, no more than 20.

19 CHAIRMAN SORRENTI: So they can't notice
20 because it's three weeks that they have to get it in,
21 so, that's 21 days and so the notice should go out the
22 day after you get it in, and that has to be then --

23 COMMISSIONER NICOLAIDES: Well we'll tweak
24 the numbers.

25 CHAIRMAN SORRENTI: -- but it's very, very

1 close, and we shouldn't come into that problem anymore
2 if we're spending money; they don't come in with the
3 full application, then they can take it out of the
4 notes.

5 COMMISSIONER NICOLAIDES: Okay.

6 VICE CHAIR SHORES: Okay, economic
7 hardship.

8 CHAIRMAN SORRENTI: Economic hardship.

9 MS. ALGIOS: Do you want to do that or do
10 you want to just do the update first? So, there were
11 two properties that we have discussed, Neal and I had a
12 discussion with John and Nancy about -- one of the
13 properties was 176 Elm Street, so that one -- so I had
14 reached out to the Building Department, I sent them an
15 e-mail just identifying those five things that you had
16 --

17 VICE CHAIR SHORES: I asked about that
18 because I saw a building permit, and I knew it hadn't
19 come to Landmarks, so I looked at it as the people
20 complied --

21 MS. ALGIOS: What was the address; 176 Elm?

22 VICE CHAIR SHORES: 176 Elm.

23 MR. STONE: That was an issue with window
24 replacements that took place without any appearance
25 report.

1 MS. ALGIOS: On their plans they had a
2 notation saying that the existing windows will remain,
3 so I think at one point -- so at one point they had a
4 use change, and then they were trying for a land
5 maximum approval, so then they submitted a new plan and
6 now they showed existing windows remaining, and so the
7 plans examiner approved it. He approved it.

8 COMMISSIONER CYBRIWSKY: What work was
9 being done?

10 VICE CHAIR SHORES: Which makes sense,
11 except there's a new deck and stuff like that.

12 MS. ALGIOS: Apparently they did other
13 things, as well.

14 MR. STONE: I think it was mostly interior
15 alterations that they were coming to Building
16 Department for.

17 VICE CHAIR SHORES: I just assumed the
18 Building Department approved the exterior, that's why I
19 said something.

20 MS. ALGIOS: They've been sited. A
21 building inspector went out and sited them and they --

22 MR. STONE: Court appearance date, July --
23 end of July.

24 MS. ALGIOS: I think they got a violation,
25 so --

1 MR. STONE: So there was an appearance
2 ticket that was issued and there was a violation report
3 that was written up because this was -- basically
4 because we flagged it, and went back to Building
5 Department and so there was court action.

6 VICE CHAIR SHORES: Two questions, one,
7 would -- if the building inspector went out near the
8 end, which has kind of happened before, and the
9 building inspector noticed that was a difference, but
10 that really depends on the person when they really
11 noticed there was a deck or if there's additions, it's
12 really a -- and then -- are they in the process now,
13 will they come before us or have to --

14 MS. ALGIOS: They're not going to get their
15 C of O.

16 COMMISSIONER CYBRIWSKY: So it's already
17 constructed?

18 VICE CHAIR SHORES: It's not that I
19 necessarily have a problem with what they did, I assume
20 Building Department issued them a permit without
21 kicking it over, that's really what I was thinking,
22 when I asked a questions, why did they get a permit
23 without kicking it over, I thought it was
24 administrative.

25 COMMISSIONER CYBRIWSKY: Right, so they

1 didn't get a permit.

2 VICE CHAIR SHORES: No, they did get a
3 permit, but not for the work they did.

4 MS. ALGIOS: They got a permit, but they
5 misrepresented on their plans that they were keeping
6 the windows, is one thing, and so they got approved and
7 they just started changing windows and doors and
8 started doing other things without coming here.

9 MR. STONE: That was one, we had the 69
10 Roslyn Road, the other one was 36 Jefferson, and that
11 was the Isakov property, they came twice, one was for
12 building modifications and the other one was for
13 landscaping, and the question was raised as to why the
14 landscaping might be taking longer than expected.

15 COMMISSIONER NICOLAIDES: Was there a
16 deadline attached to it?

17 MR. STONE: They have 36 months before the
18 C of A expires, there was no condition that was put on
19 it.

20 COMMISSIONER NICOLAIDES: Are they getting
21 any kind of arrears?

22 CHAIRMAN SORRENTI: I don't think it was
23 36 months.

24 MR. STONE: Under the new code, the C had A
25 is extinguished.

1 CHAIRMAN SORRENTI: I'm sorry, what did you
2 say?

3 MR. STONE: The Certificate of
4 Appropriateness is no longer valid.

5 VICE CHAIR SHORES: I think there are
6 things that we've learned along the way, one of them is
7 deadlines, and the other one is not in 36 months for it
8 to expire. And the other one is, is asking people for
9 photographs, like, we need a photograph of this, even
10 if it's just part of it that we want them to provide,
11 right, by a date certain. I think that's just a lesson
12 learned.

13 MS. ALGIOS: And I think that can be part
14 of our policy, that we require that, they should be
15 told that up front, as well.

16 CHAIRMAN SORRENTI: Good idea.

17 MR. STONE: Let's note that for ourselves.
18 So that was the Jefferson property, and then last one
19 --

20 CHAIRMAN SORRENTI: 69 Rocky?

21 MR. STONE: That was the other one --

22 VICE CHAIR SHORES: Warner, wasn't it?

23 MR. STONE: Warner -- what did we find out
24 about Warner?

25 MS. ALGIOS: There's some confusion.

1 VICE CHAIR SHORES: Warner Avenue is the
2 one that's been going on for at least two years.

3 MR. STONE: You thought it was a different
4 one than one of the applications that's sitting on a
5 pile.

6 VICE CHAIR SHORES: It's the original --
7 and it's my understanding, well, it became a disrepair
8 and then somebody bought it and without permits, this
9 is from my understanding, but my source is that they
10 did a bunch of work but they never permitted it, and
11 were given a violation. You and I had spoken, I can't
12 remember who does the district court stuff.

13 So they got a violation and then they
14 continued doing it, and they paved, which wouldn't be a
15 code anyway, they paved most of their -- and they made
16 blacktop, and they also made the path to the front
17 door, which I have never seen, a blacktop one. So, I
18 said to the guy who was putting down the blacktop that
19 this -- you're not allowed to do this, and he told me
20 to have a nice day not that nicely, and so I did call
21 about that, about -- and then they continued to work
22 there all while we were working on the code, and I
23 would see all the contractors working on the house. So
24 it's before COVID, it's at least three years, it's
25 definitely before COVID.

1 MS. ALGIOS: I'm going to make a note to
2 follow-up with Selena on that because --

3 VICE CHAIR SHORES: It's also changed
4 owners a couple of times.

5 MS. ALGIOS: I heard they were in court,
6 they were in district court on that, but I don't
7 remember what happened with that. Do you know the
8 address?

9 VICE CHAIR SHORES: I don't, I'll look at
10 it on my way home. But that was the nicest house, but
11 the siding is actually coming off. They did a lovely
12 presentation to us before.

13 MR. STONE: That's the updates that we have
14 related to previous approvals and not in compliance.

15 MS. ALGIOS: Are we ready for Chapter 27?

16 MR. STONE: I'm going to give a quick
17 update on what we were discussing since it was back in
18 April, if I may, it's up to the Chair. The mail drop
19 to the residents of this historic district confirmed
20 with the commissioner of planning that we have very
21 limited resources to do this. I don't think that we
22 necessarily have to shelve the idea, we had spoken
23 about tailoring something to still get the information
24 out, like QR code, postcards.

25 I do want to bring back to the commission

1 the which is SHPO, our state parrot organization
2 through their CLG program as enthusiastic, they have
3 money through their program that they would like to
4 have us engage. The only thing is, this may take a
5 little bit longer and I realize that this is something
6 we wanted to do sooner.

7 However, there is nothing prohibiting us
8 from striking a working group and perhaps a few of us
9 working on language so we can get this off the ground,
10 and as we flip calendar submissions to SHPO, and get
11 some additional funding to support this, and then we'll
12 have something that is hopefully up on the website and
13 as frequent as necessary, and we'll have money at least
14 to get this going to residents in the two historic
15 districts.

16 CHAIRMAN SORRENTI: How many homes are we
17 talking about?

18 MS. ALGIOS: In the districts?

19 CHAIRMAN SORRENTI: In both districts.

20 COMMISSIONER CYBRIWSKY: Let me ask you,
21 you're going to go to SHPO asking if they agree to pay
22 for the mailing?

23 MR. STONE: The mailing and you had talked
24 about, or I had suggested they had offered someone from
25 -- our rep is Linda Mackey, who works up at north of

1 Albany, and she had offered to come down and sit with
2 the comission in maybe two groups or come up with -- we
3 had talked about doing something at the libraries in
4 Roslyn, in Port Washington, whether it's opened-up
5 style kind of thing for anybody that wants to come by
6 and speak to their commissioners about limitations and,
7 you know, what you can and can't do in the district.

8 There are so many people that seem to not
9 realize until they go in for the building permits that
10 there's this extra layer, and that's what I think that
11 Commissioner Shores, you were trying to sort of
12 alleviate or make sure that people are more aware in
13 the districts.

14 VICE CHAIR SHORES: I want to make sure
15 they do have an idea.

16 MR. STONE: I guess my report back is,
17 rather than kill the idea, we have other options, it
18 maybe take a little longer, but I would like to know if
19 there's anyone on the commission that would like to
20 work with me on a timeline and, you know, getting us to
21 an endpoint that I think we're talking about for the
22 mailing.

23 VICE CHAIR SHORES: I would definitely --

24 COMMISSIONER SORRENTI: I'll do work --
25 I'll do that.

1 one that's in --

2 COMMISSIONER GENESE: The whole concept of
3 "I didn't know" is -- so, in our practice, we do a lot
4 of paintings, almost everybody we go to finds out that
5 they did something, they say, "I didn't know," and my
6 village, people come in and they do stuff and say, "I
7 didn't know." So I think to have some kind of
8 informational document that -- and I don't know if it's
9 so much "I don't know," or it's more like, "I know and
10 I'm trying to get away with it." I think it's more of
11 that, and we have problem realtors. I was in a house
12 with a realtor recently when she told the perspective
13 clients right in front of me, you don't need a permit
14 for that, and they had asked me to come along to look
15 at the house, and after we left, I told them, she's
16 wrong, you need a permit for everything. So, you know,
17 I think education is going to be part of the process
18 here, so the more we educate people -- and there are
19 people that probably live in historic districts that
20 don't even really know they're in a historic district.

21 VICE CHAIR SHORES: So there are signs --

22 COMMISSIONER GENESE: Yeah, but, there's a
23 couple here and there --

24 VICE CHAIR SHORES: I don't really disagree
25 with you, I'm just saying -- I think letting people

1 know just, like, a primary -- we were giving the people
2 the benefit of the down the doubt. We were going to
3 have the sidewalks -- the sidewalks were going to be
4 marked, that was something the town was going to do but
5 there was no budget. There's never any money, which is
6 why when I said I wanted to talk about budget, there's
7 -- nobody -- we're not -- I don't believe we're
8 actually -- there's no -- we couldn't get a cracker if
9 we wanted a cracker --

10 COMMISSIONER GENESE: It took 7 years to
11 get this. (Indicating.)

12 CHAIRMAN SORRENTI: No, it took 28 years
13 for me to get this. (Indicating.)

14 VICE CHAIR SHORES: We can't spray paint
15 landmark district, and that's --

16 MR. STONE: There's nothing budgeted for
17 the rest of '22 and we're trying to do this in '22, and
18 so in '23, what I'm suggesting is, we will have SHPO on
19 board to do something a little more robust and we will
20 have money.

21 CHAIRMAN SORRENTI: Neal I have to ask you
22 the question.

23 MS. ALGIOS: I thought there was money
24 allocated for the commission.

25 MR. STONE: There is and that's currently

1 being completely used as budgetable.

2 VICE CHAIR SHORES: Probably payroll;
3 right, for staff and stuff? I assume there's --

4 MR. STONE: We can -- I think we can --

5 MS. ALGIOS: No, it wouldn't be for staff,
6 but it's for --

7 MR. STONE: Deborah, you and I should go
8 over that after the meeting.

9 VICE CHAIR SHORES: That's a question I
10 think we need to raise, and I think maybe this isn't
11 the forum for that, but I think, you know, the town
12 administrator, like, the supervisor -- another office
13 should handle the fact that there should be a budget,
14 we should have been able to send out a mailing no
15 notify people, that you live -- we should be able to do
16 that once a year.

17 MS. ALGIOS: My point is only that I think
18 there is a budget, I just think maybe -- so, just so
19 that we're talking about the same thing, I think this
20 is a budget --

21 VICE CHAIR SHORES: I think there is, too.

22 MS. ALGIOS: -- I just think we're talking
23 about doing things we haven't done before that requires
24 funding.

25 CHAIRMAN SORRENTI: Because if we knew what

1 it was for, then we could sort of say, pick and choose
2 what's the most important thing to --

3 MR. STONE: There is why I've just had the
4 discussion with SHPO, to raise some of the concerns
5 that you have that would require extra money that may
6 not be available from the town that we have found a
7 willing funder that would like to work with us to
8 accomplish some of these things.

9 VICE CHAIR SHORES: I appreciate you going
10 the extra mile, a hundred percent, but I don't want to
11 lose sight and I really do give you a lot of credit,
12 you have spunk, going out there and finding it, I do
13 appreciate that, but I do think we need to know what
14 the budget is, and I'll speak for myself here, but I
15 don't really speak for myself, it's like we don't
16 exist, and we're giving up our time and there's not --
17 you and Deborah are terrific and you are terrific, so
18 my compliant is not there as far as support goes, but,
19 you know.

20 CHAIRMAN SORRENTI: We need some more
21 tools.

22 VICE CHAIR SHORES: We don't have any tools
23 to work with, right, and we should know -- we should be
24 able to do things like educate people, I would think
25 that would be to the town's benefit, and we should know

1 before rules -- and before the code is being changed,
2 we should know that, like the air conditioners, which
3 we wouldn't have ever objected to, but the fact that
4 it's delivered, the information comes to us as a done
5 deal, it's going to be heard, and I appreciate,
6 Deborah, that you adjourned -- you put this on for a
7 later date, but, like, what are we here for if those
8 things don't require our opinion at all?

9 CHAIRMAN SORRENTI: We should have some
10 input, that's all.

11 VICE CHAIR SHORES: And it's not even a big
12 deal, but I don't -- this is isn't a problem with
13 anybody here, I think we need to raise that to the town
14 itself.

15 COMMISSIONER LUMPKIN: We have to submit
16 the budget, we have to tell them what we want.

17 VICE CHAIR SHORES: We don't even know who
18 to tell. We don't want much.

19 COMMISSIONER LUMPKIN: They won't put it in
20 the budget unless --

21 VICE CHAIR SHORES: Well that's what I'm
22 saying.

23 MR. STONE: Or we can put something in
24 writing.

25 VICE CHAIR SHORES: I think we should go

1 with your original -- so, okay.

2 MR. STONE: As sort of the closure to this
3 bullet on the agenda --

4 CHAIRMAN SORRENTI: Thank you for that.

5 MR. STONE: We do have the state on the
6 board, so we have some funding.

7 CHAIRMAN SORRENTI: Thank you.

8 MS. ALGIOS: I found the -- it looks like
9 there's about roughly about 128 houses in the --

10 VICE CHAIR SHORES: Is that including
11 things that are outside of the districts, also?

12 MS. ALGIOS: No, only two districts.

13 VICE CHAIR SHORES: I thought Roslyn --

14 COMMISSIONER NICOLAIDES: Are there
15 individual homes that are landmarked, or buildings, I
16 should say, that are landmarked within North Hempstead
17 that do not fit in --

18 MR. STONE: Yes, there are.

19 COMMISSIONER NICOLAIDES: Can we get a list
20 of those?

21 VICE CHAIR SHORES: That's on the website,
22 too.

23 MR. STONE: I think there's a fine line but
24 we'll double check. There's a registry of -- there's
25 the two districts and there's landmarked structures and

1 properties.

2 MR. STONE: Do you have your fingertips,
3 Ross?

4 COMMISSIONER LUMPKIN: More or less.

5 MR. STONE: Perhaps you can change --

6 VICE CHAIR SHORES: I have offered to
7 donate, but you and Deborah said I'm going to have to
8 submit to the town to donate for the mailings.

9 COMMISSIONER CYBRIWSKY: We're going to
10 apply for a grant for that.

11 COMMISSIONER CYBRIWSKY: Do you remember
12 when Linda suggested, she kept saying -- telling us
13 about the -- and she was going to find the money for us
14 to take them?

15 MR. STONE: And SHPO offered to do that.

16 CHAIRMAN SORRENTI: SHPO offered to do
17 that. We'll continue that. That'll be great, thank
18 you.

19 Update on town code.

20 MS. ALGIOS: So let's just go back a little
21 bit just as to the history of this. So basically what
22 happens, you know, we did that and that took years, a
23 better part of a year with myself and Nancy and Linda
24 had helped us with that, and Mitch Pitnick, who was the
25 supervisor at that time, we collaborated, you know,

1 every month, and we came up with a, whole, you know,
2 slew of changes.

3 What we didn't do, which, you know, I
4 didn't know we had to do was, we didn't notify SHPO
5 about the code change, and I think they wanted to know
6 at the time from one of the landmark commissioners,
7 updates their code. So we promptly sent it out to them
8 and they reviewed it and they were actually very happy
9 with the changes we made, and they just had a couple of
10 comments, which Neal and I spoke to representative
11 there, along with Commissioner Levine, and the main
12 issue was that we didn't have an economic hardship
13 issue, and they said every landmark commission in New
14 York State has it, and it's true, because then I went
15 and looked and sure enough, they all do.

16 So that precipitated then me drafting
17 something, and at first when I did it, which was the
18 version I sent to you guys to all look at and weigh in
19 on, I tried to kind -- since we had just done this big
20 revision, I tried to kind of fit it in to the existing
21 language that we had. Subsequent to that, I was in
22 discussion with Mitch Pitnick because he had been part
23 of the initial changes, and he thought the changes were
24 good -- also by the way , I did also send them to SHPO
25 and they agreed, they were happy with everything.

1 board, but that put to me, the way this is written,
2 instead of being sort of raw, like, the traditional
3 language, which is we're supposed to consider hardship,
4 it is to me a -- just a go on and do it, because you
5 cannot build -- we approved a house on Elm Street in
6 Roslyn Heights that had been undeveloped, and they
7 didn't get everything they wanted and the house as big
8 as they wanted. The developer raised the fact that he
9 could get more money for it. Is that an economic
10 hardship?

11 MS. ALGIOS: Nancy, to prove economic
12 hardship you want to demolish, buy a house --

13 VICE CHAIR SHORES: They didn't have to
14 demolish it.

15 MS. ALGIOS: It's almost impossible, I'm
16 just putting that out there. Let me finish --

17 VICE CHAIR SHORES: You're putting criteria
18 out there.

19 MS. ALGIOS: It's impossible, it's almost
20 impossible because what you have to show to be able --
21 so your example, somebody buys this beautiful
22 Victorian --

23 VICE CHAIR SHORES: That wasn't my example,
24 it's vacant land in a historic district --

25 MS. ALGIOS: Okay.

1 VICE CHAIR SHORES: -- and they were
2 building a new house.

3 MS. ALGIOS: I thought you said if somebody
4 buys a house earlier, before you said they can -- you
5 said somebody buys a house and then they claim economic
6 hardship.

7 VICE CHAIR SHORES: If I said that I'm
8 mistaken. It was vacant land, we heard this case
9 within the last two years, they wanted a bigger house
10 but we didn't approve I bigger house, and they said
11 that basically it wouldn't yield as much of a return,
12 but we held the line because it's in the district.

13 Now, your language would allow us to do it,
14 but it would certainly put pressure as opposed to the
15 standard language that I'm used to seeing, which is a
16 simple paragraph that doesn't go, you know, A through
17 H, and just says what we should consider, that we may
18 consider, we can consider --

19 MS. ALGIOS: Remember Nancy, it's not the
20 highest or most money that we can make, that's not the
21 standard --

22 VICE CHAIR SHORES: You're focusing on that
23 particular thing.

24 MS. ALGIOS: If somebody says that they
25 want to build this size house, and we say well, you

1 know, builder says, I can't -- I can't -- you know,
2 economic hardship because instead of \$2.5 million, I'm
3 only going to be able to get \$1.5 million, that doesn't
4 hold water.

5 VICE CHAIR SHORES: My point is, I don't
6 disagree with you, my point is that normally, it's a
7 simple paragraph, it's not all of this.

8 MS. ALGIOS: You're wrong, you're wrong.
9 Go and pull the codes, most of the codes in this state,
10 actually, this is the bare minimum. What you see here
11 is bare minimum that's the way I went, that's what
12 Mariann Dalimonte wanted. This is the bare minimum.
13 Many codes are much more specific than this one.

14 VICE CHAIR SHORES: I looked at two towns
15 in Suffolk County.

16 MS. ALGIOS: Which ones?

17 VICE CHAIR SHORES: Islip and Brookhaven.
18 My point is, what is the zoning code in reference to
19 economic hardship, to hardship in the Town of North
20 Hempstead? What does that say? Did you mirror that?

21 COMMISSIONER CYBRIWSKY: When you go before
22 of the BZA you mean?

23 VICE CHAIR SHORES: Yes, because they have
24 hardship there, because I think if it mirrors what the
25 BZA said, that's a different story. You can apply for

1 a hardship at the BZA; right? Yes, I need a variance
2 to go 15 feet out from the -- you know, my front
3 property because I need to put in for my mother to move
4 into the house on the first floor.

5 MS. ALGIOS: Economic hardship --

6 VICE CHAIR SHORES: Forget economic, it's
7 hardship.

8 MS. ALGIOS: But it relates to, a use
9 variance then it is economic hardship. Nancy, they're
10 all economic hardship, none of them talk about the
11 hardship.

12 VICE CHAIR SHORES: What is the BZA --

13 MS. ALGIOS: It's economic hardship --

14 VICE CHAIR SHORES: -- in the Town of North
15 Hempstead?

16 COMMISSIONER GENESE: It's really only for
17 -- it's mostly for -- it's not for residential usually,
18 it's for commercial.

19 VICE CHAIR SHORES: Well then -- so --

20 COMMISSIONER GENESE: Most of the time --

21 MS. ALGIOS: Town Law Section 267B.

22 COMMISSIONER GENESE: -- we need variances
23 for economic hardship is because someone is leasing a
24 property and they can't afford to wait nine months.

25 VICE CHAIR SHORES: That doesn't apply

1 here, a homeowner can apply for economic hardship also.
2 We've had people ask for -- they put siding on their
3 house and we wanted them to take the siding off, you
4 know, and they said that would be an economic hardship
5 and it was in the code to consider economic hardship.

6 MS. ALGIOS: So let it be.

7 CHAIRMAN SORRENTI: But E says, economic
8 hardship shall not be determined on the base of
9 personal finance of the conflict. How could that be?

10 MS. ALGIOS: You can't base on that, you
11 can't start asking for everybody's tax returns.

12 VICE CHAIR SHORES: If someone says I can't
13 afford to do what you're asking --

14 MS. ALGIOS: They have to show exterior
15 proof, they have to show -- so basically what it would
16 entail, they have to get a real estate appraisal from
17 an expert who would have to come in and say, you know,
18 this property cannot be developed for a residential
19 home, the only use that is viable here would be, ba,
20 ba, ba. It's extrinsic evidence.

21 COMMISSIONER CYBRIWSKY: That's number 3,
22 number E doesn't say that. E says, economic hardship
23 shall not be determined on the basis of personal
24 finance.

25 COMMISSIONER NICOLAIDES: That's easy.

1 CHAIRMAN SORRENTI: We have done that in
2 the past when people come here, when we say that you
3 should have wood siding or if we say you should have
4 wood shingles on the roof, I remember somebody coming
5 in here and was insistent that they do this, and
6 economically it just didn't make any sense, and we
7 granted it because they said they could not afford
8 this.

9 VICE CHAIR SHORES: I don't really have a
10 problem -- I think there are times when -- I think I
11 gave you the example of if there's a slate roof, to put
12 a slate roof on a house is a very --

13 CHAIRMAN SORRENTI: And there are
14 alternatives, and I think we have been very magnanimous
15 in the fact that we try to help out these people
16 because --

17 MS. ALGIOS: This is basically just
18 codifying --

19 COMMISSIONER CYBRIWSKY: So it shall not be
20 determined on the basis of the person complaining.

21 COMMISSIONER NICOLAIDES: The language
22 questions that I have, we race through here -- who
23 determines what's reasonable?

24 MS. ALGIOS: You're going to have before
25 you a report, you're going to have before you an expert

1 who is going to draft a report and they're going to lay
2 out what the alternative is. It's all going to be laid
3 out in dollars and cents.

4 COMMISSIONER LUMPKIN: What kind of return
5 are we going to accept? If they were going to sell,
6 it's all projection.

7 MS. ALGIOS: So demolition and relocation
8 is going to be a higher standard, somebody wants to
9 demolish or relocate a home in a historic or just a
10 landmark home, they're going to have a higher -- so
11 there they have to show, this bar is more akin to the
12 -- so 267B, right, that lays out the criteria, which
13 both -- the three of you know is extremely, extremely
14 difficult, right, I mean, you know.

15 So that's what we're setting forth for, the
16 demolition and relocation, is basically what you have
17 to -- so now -- but when it's not demolition, when it's
18 just a Certificate of Appropriateness, somebody -- your
19 slate roof, for example, there is an existing slate
20 roof, the slate roof is so damaged beyond repair that
21 they have to replace it, we have supply chain right
22 now, let's say the cost of a slate roof, and I have no
23 clue what it is, but let's say, throw out numbers, \$75
24 thousand to put on a slate roof --

25 COMMISSIONER NICOLAIDES: Maybe on your

1 garage.

2 MS. ALGIOS: -- I don't know what it is.

3 COMMISSIONER CYBRIWSKY: \$200 thousand.

4 COMMISSIONER NICOLAIDES: It depends on the
5 size of the roof.

6 MS. ALGIOS: So say, like, normally in
7 normal times it would cost them \$50, and now because of
8 supply chain it's going to cost them \$75 but they can
9 put on a beautiful architectural roof that, you know,
10 looks beautiful, there are other homes there that
11 already that type of roof, and they say, you know, I
12 could do that one for \$30, and it's an economic
13 hardship to me. So in that instance, we're not going
14 to make the ceiling that high, so basically, what we
15 say to that --

16 CHAIRMAN SORRENTI: But E says you can't do
17 that; right?

18 COMMISSIONER CYBRIWSKY: It says economic
19 hardship shall not be determined on the basis of
20 personal finances.

21 MS. ALGIOS: It's nothing personal, but
22 what it is, it says here, so alteration of a structure,
23 so one is the land, or include in the question, to not
24 yield a reasonable return. That's the really tough
25 scenario. So you have that, or, the hardship of the

1 applicant is due to the unique circumstances, the
2 proposed alteration or construction will not alter the
3 essential character of the area, the cost of the
4 alternative is acceptable to the commission as
5 prohibited as compared to the cost of the alternative
6 proposed by the applicant, and the hardship is a result
7 of the application of the chapter and is not the result
8 of any act or omission by the applicant. So that's
9 thrown in there because you don't want an applicant
10 that basically lets the house fall apart and neglects
11 the house, and --

12 MR. STONE: It's self-created.

13 MS. ALGIOS: -- now for me to do all this
14 it's going to cost me a fortune.

15 COMMISSIONER NICOLAIDES: Efforts to find a
16 purchaser interested in acquiring the property and
17 preserving it at fail. Depends on how much you ask for
18 the property.

19 CHAIRMAN SORRENTI: Right, exactly, and
20 that's really --

21 COMMISSIONER NICOLAIDES: If they're
22 signing for a dollar, they'll find people --

23 CHAIRMAN SORRENTI: And quite honestly, if
24 you live in a historic district, that's the name of the
25 game.

1 MS. ALGIOS: So a lot of this is fact
2 sensitive, so you're going to have all of this before
3 you, right --

4 COMMISSIONER NICOLAIDES: When you say fact
5 sensitive, whose task is it to prepare the facts? The
6 applicant?

7 MS. ALGIOS: The burden is on the
8 applicant.

9 COMMISSIONER NICOLAIDES: No offense, but
10 the applicant is going to find somebody, they're paying
11 for that expert. So often times, the bias of the
12 expert is who writes the check for them, so if I'm the
13 real estate appraiser, usually the board wants three
14 because they don't want the applicants's appraiser to
15 be the arbiter of what's fair and reasonable.

16 MS. ALGIOS: It's the same thing, so then
17 you guys can say, you know what, my great knowledge of
18 that area, I know that that's just a hill of beans,
19 there's no water, so if we have to get an independent
20 expert, we would have to do that.

21 COMMISSIONER NICOLAIDES: Who would pay for
22 that independent expert?

23 CHAIRMAN SORRENTI: It comes out of our
24 budget.

25 COMMISSIONER NICOLAIDES: We're laughing,

1 but this is a real concern to me. You're stacking the
2 deck in favor of the applicant if your applicant is the
3 expert, or he's securing the expert.

4 VICE CHAIR SHORES: G says that the
5 commission may solicit expert testimony or require the
6 applicant to make submissions, so presumably, if you
7 could make it that -- I don't think we will, but that
8 -- I would like the opportunity to read this against
9 other -- like, I'd like to see what the Huntington one
10 is. My problem with just saying economic hardship is,
11 what about the hardship that is not self-imposed, which
12 is my example, not necessarily covered by ADA, or why
13 make somebody go through ADA; I have an elderly mother
14 and I want her to move into my house. I need to go and
15 apply for a variance -- at my house, I have two front
16 yards, technically, I want to go out on my side, which
17 is also a front yard, and instead of it being 30 feet,
18 I want of variance of 15 feet.

19 That to me is a hardship, I have a sick
20 person I need to building quickly something for her.
21 That's a hardship that's not an economic hardship. I
22 can pay for it and so I feel like the way the code
23 used to be, Chapter 27, there was hardship that told
24 you to consider economics, but it was just a hardship.

25 MS. ALGIOS: You're saying, like, allowing

1 an addition to be built?

2 CHAIRMAN SORRENTI: Or a ramp or something
3 like that.

4 MS. ALGIOS: Well right now, what would
5 prevent you? What would prevent you?

6 COMMISSIONER GENESE: Well, you're right.
7 Someone is going to come in to the commission and say,
8 my mother is sick and she needs to live with us, so now
9 I need to put an addition on it.

10 VICE CHAIR SHORES: We had somebody when
11 there were people on the board who were not in favor of
12 decks, we had somebody with an elderly mother who moved
13 in with him, and she couldn't get into his backyard,
14 and he wanted to put a backyard so that in her last
15 days, she could sit outside and have a cup of coffee in
16 the morning, and we granted that.

17 COMMISSIONER NICOLAIDES: Did you make them
18 remove the deck after she passed away?

19 VICE CHAIR SHORES: No, we didn't make them
20 remove the deck. We saw that as a hardship, I mean,
21 she could not easily get in and out of the house and
22 she could not her property -- his property where she
23 was living, and that to me is a hardship.

24 MS. ALGIOS: You guys, as a commission, you
25 allow, say somebody put an addition on because this

1 person wants to bring their elderly mother in, you're
2 now changing that house for all future owners.

3 VICE CHAIR SHORES: I understand that.

4 COMMISSIONER NICOLAIDES: I would have
5 given them a temporary deck. I'm serious. We've done
6 temporary ramps that people put in that are not
7 necessarily on code.

8 VICE CHAIR SHORES: If I needed an
9 addition, if I came to you and I said, I have this
10 done, it matches my house, I'm going to go to zoning
11 for a variance, I need move my mother into my house,
12 there's no bathroom on the first floor, full bath on
13 the first floor of my house. You're going to tell me,
14 yes, you can do that, we approve it if zoning approves
15 it, but you got to take that addition down?

16 COMMISSIONER GENESE: We're the least of
17 their problem because it's Building Department.

18 CHAIRMAN SORRENTI: We can approve it based
19 upon architecturally, making sure it blends perfectly
20 with the house.

21 COMMISSIONER NICOLAIDES: We have to make
22 sure it fits within the historic, the railing on the
23 ramp is going to be additional railing, it's going to
24 have this on it, it's going to have boards instead of
25 asphalt.

1 VICE CHAIR SHORES: I agree with that, but
2 just like economically is the same thing, we would
3 consider how expensive, we've been doing that, just
4 like you said, we've been doing that, so we do consider
5 the economic effect on people, but we also consider
6 quality of life --

7 CHAIRMAN SORRENTI: Is there a way we can
8 do hardship/economic hardship?

9 COMMISSIONER NICOLAIDES: Can it be within
10 the discretion of the commission?

11 CHAIRMAN SORRENTI: Exactly, and we could
12 sort of could that.

13 MS. ALGIOS: I haven't seen it from any
14 other code, and I just don't know if you're opening --

15 COMMISSIONER GENESE: You have to be
16 careful of precedent, though.

17 MS. ALGIOS: -- right, setting precedent
18 and opening up a can of worms, because I don't know
19 that everybody is going to start coming in and say to
20 you guys, oh, I have -- you know, you can always --
21 like, the zoning board, the BZA, there is no such thing
22 as hardship, and people will come in and do those kind
23 of applications, you know, I want to add -- you know,
24 we had one that wanted to add another master suite for
25 the elderly parent that's moving in, and, you know, the

1 parent couldn't take care of themselves anymore.

2 You consider that as part of the need for
3 the variance, because when you're doing that balancing
4 test as to the impact, right, on the community versus,
5 you know, the benefit to the applicant, well that
6 benefit is their elderly parent now needs to be taken
7 care of. So you guys are kind of doing the same exact
8 thing, if somebody wants to put on an addition for
9 their he elderly parent, as a historic review board,
10 you're looking at, you know, all right, you may say no,
11 you may no, just because there's a hardship, you may
12 say I feel for you, but that's too much of a change for
13 this house, and, you know, maybe you can merge your
14 dining room into a bedroom or something like that.

15 COMMISSIONER NICOLAIDES: My sister, her
16 husband died and she has three kids, and the three-room
17 extension that doesn't fit on the property. I feel bad
18 for you, but it doesn't work. Maybe you guys have to
19 go get a home somewhere else.

20 VICE CHAIR SHORES: What we do, I think
21 we're probably all on the same page. What we right I
22 guess is where -- I did like the old code, Chapter 27
23 had a hardship provision that's very general, allows
24 you to consider -- but it's also written in such a way
25 that other types of hardship , you should consider.

1 That doesn't mean you have to, it's in your discretion,
2 but if you give me time, I'll look around, and also,
3 just -- maybe I'm reading this wrong, in A, an
4 applicant whose Certificate of Appropriateness has been
5 denied may apply for appropriate relief, I don't think
6 that's right because if it's denied, then --

7 MS. ALGIOS: Where?

8 VICE CHAIR SHORES: A.

9 COMMISSIONER GENESE: That's like an
10 appeal.

11 MS. ALGIOS: Applicant denied -- it's not
12 -- so if their Certificate -- in other words, what
13 we're saying now is, let's say you guys hear, you hear
14 somebody, an applicant, and they want to put an
15 addition on, and you guys say no, that's not in keeping
16 with the house, you know, we're not going -- so now
17 what this is saying -- actually that's not what it's
18 saying. Let's say the slate roof, they come to you,
19 they have to replace the roof, they want to use this
20 material and you guys say, no, we want slate, if you
21 can, we deny the Certificate of Appropriateness.

22 They now are stuck, I have \$75,000. This
23 gives them that safety valve where they can apply and
24 they can apply to say, I want -- I'm applying now back
25 to the commission on economic hardship, and now they

1 have to come and to substantiate why. They have to
2 come with dollars and cents. What I also added in here
3 is that that's probably not the way that's going to
4 play out in that situation, because probably -- it says
5 here, consideration of economic hardship may occur at
6 the same meeting as consideration of an application of
7 Certificate of Appropriateness. That was put in there
8 because that's probably how most of them are going to
9 pay. They're going to already know, they're going to
10 have -- they're going to know, I don't want to put
11 slate roof on, it's going to cost me -- you know, I
12 can't afford it.

13 So they're already going to have all that
14 and Neal will be telling them, you have discussion,
15 well Neal will say, we need economic hardship, you have
16 to request that at the commission. So they're going to
17 do that all as part of their application.

18 COMMISSIONER GENESE: I will ask my
19 colleagues in Munsey Park, with a very strict rule on
20 slate roofs. If you turn down an asphalt roof -- if
21 Munsey Park turns down an asphalt roof and you go back
22 and say, well, I can't afford a slate roof, are they
23 going to change their mind? No.

24 MS. ALGIOS: Because I think the roof is
25 unique, isn't it built into the deeds or something?

1 COMMISSIONER NICOLAIDES: That specific
2 rule is not specific to the deeds, it's that the
3 Architectural Review Board is built into the --

4 COMMISSIONER GENESE: It's a board, it's
5 not a committee.

6 COMMISSIONER NICOLAIDES: It's a committee,
7 it's a committee, like a board of trustees.

8 MS. ALGIOS: I walked during lunch around
9 here, and you see an assortment, like, I go down some
10 of the blocks here and some of the homes have slate
11 roofs, some don't.

12 COMMISSIONER GENESE: Some people like
13 slate roofs.

14 COMMISSIONER NICOLAIDES: So for the entire
15 tenure I was mayor, there was no substitutions for
16 slate roof. The requirement was, if the house was
17 built with a slate roof, it had to be a replaced with a
18 slate roof. If a new house was built, it had to be a
19 slate roof. The only exceptions were if the house was
20 never built with a slate roof, it couldn't carry the
21 weight of the slate roof, so that house has to be made
22 an approved product that was not slate.

23 MS. ALGIOS: What is it now?

24 COMMISSIONER NICOLAIDES: As far as I know,
25 it's the same.

1 COMMISSIONER GENESE: Flower Hill, we're
2 much more lenient with that, but, you know, there's no
3 way around Munsey Park. They don't care in you have no
4 money, if your dog died --

5 COMMISSIONER NICOLAIDES: Any term on the
6 basis of personal finance, so the term it's too
7 expensive, it's a relevant term.

8 MS. ALGIOS: That's why you don't --
9 basically if you heard -- if somebody came here, right,
10 and they said, because of supply chain, a slate roof
11 that would have cost me 50 is now doubled, it's going
12 to cost me 100, but I can do this composite roof for 40
13 --

14 COMMISSIONER NICOLAIDES: I would still say
15 no.

16 MS. ALGIOS: -- and it looks exactly the
17 same.

18 COMMISSIONER NICOLAIDES: But it doesn't.

19 MS. ALGIOS: That's a -- it's a hardship
20 for me, you know. Without going into my finances, I'm
21 a family, I have four little kids, I'm trying to fix up
22 my house, I want to keep it nice in the neighborhood, I
23 don't know, maybe you would say no, I don't know, but
24 maybe you would hear it and say, you know what, I'm
25 looking at the pictures, I'm looking at the -

1 COMMISSIONER NICOLAIDES: And we'll say no,
2 you want real stone, we want real stone around the base
3 of the house.

4 CHAIRMAN SORRENTI: It would be tougher
5 with the building than with the homeowner.

6 COMMISSIONER NICOLAIDES: That's not fair.

7 CHAIRMAN SORRENTI: No, it is because --

8 COMMISSIONER NICOLAIDES: Now you're
9 weighing in the person --

10 COMMISSIONER GENESE: That's a common
11 thing.

12 CHAIRMAN SORRENTI: Exactly.

13 COMMISSIONER NICOLAIDES: That's human
14 nature, in true fairness, you shouldn't be punishing
15 the builder because he's got no money.

16 VICE CHAIR SHORES: He tends to factor in a
17 yield, because if somebody is buying something as an
18 investment, they expected to yield a greater return
19 than somebody who is buying something that's not going
20 to yield a greater return.

21 Just going back to the A for a second, I
22 think it's then -- it's still, to me, it would have to
23 be tweaked. If you have a Certificate of
24 Appropriateness that's been denied, may apply to the
25 commission or something, because it sounds like -- when

1 I first read it, I thought it was a mistake, you can go
2 to the town board or something like that.

3 MS. ALGIOS: That's a good point, that
4 makes sense, an application that has been denied may
5 apply or --

6 Okay, anything else?

7 MR. STONE: Just for the stenographer, a
8 reference to SHPO, S-H-P-O, State Historic Preservation
9 Office.

10 VICE CHAIR SHORES: Deborah, when you say
11 consideration of economic hardship, it can be in the
12 same hearing, so it doesn't have to be a new
13 application?

14 MS. ALGIOS: If they bring it to Neal's
15 attention during the initial, you know, the house has a
16 slate roof but it's become economically -- they want to
17 put a new one -- they want to put this composite on,
18 it's a hardship, you know, they explain all that. Neal
19 is going to say to them, well, so you are going to make
20 a case to the commission for economic hardship for
21 exception and here's what you have to show them.

22 VICE CHAIR SHORES: And if they don't do it
23 their meetings, they could just adjourn?

24 MS. ALGIOS: If they don't -- you mean if
25 they don't --

1 VICE CHAIR SHORES: This is the way I feel
2 when you do the architectural stuff.

3 CHAIRMAN SORRENTI: I'd rather do the
4 architectural stuff than --

5 VICE CHAIR SHORES: Just take a look at
6 that and I'll --

7 MS. ALGIOS: I think I can have it to you
8 -- so if it's -- I guess if they bring it up -- if they
9 bring it up during the hearing that they want to come
10 back and they want to present a case for economic
11 hardship and we give them a date certain on the record,
12 then they do not -- but if they leave here and you guys
13 deny it and they contact Neal and say, I want to apply
14 for economic hardship, then they'll know it's in the
15 hearing.

16 VICE CHAIR SHORES: All right, I'll look at
17 it.

18 COMMISSIONER CYBRIWSKY: Chapter 27.

19 COMMISSIONER NICOLAIDES: The gist of what
20 Nancy's concern is, this is red flagging for someone,
21 here's all of your outs. Study this and come back with
22 --

23 CHAIRMAN SORRENTI: Okay, do we have
24 anything else?

25 (No response.)

1 CHAIRMAN SORRENTI: Is there any other
2 business?

3 (No response.)

4 CHAIRMAN SORRENTI: If there is no other
5 business, do I have a motion to adjourn?

6 MR. STONE: I'll make the motion.

7 COMMISSIONER NICOLAIDES: Second.

8 CHAIRMAN SORRENTI: All those in favor?

9 (Chorus of "ayes.")

10 CHAIRMAN SORRENTI: Opposed?

11 (No response.)

12 CHAIRMAN SORRENTI: Thank you all.

13 (At 8:52 p.m., the proceedings were
14 concluded.)

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1 C E R T I F I C A T I O N

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3

4 STATE OF NEW YORK)

5 SS.

6 COUNTY OF NASSAU)

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8

9 I, DAVID GORDON, a Shorthand (Stenotype)

10 Reporter and Notary Public within and for the State

11 of New York, do hereby certify that the foregoing

12 pages 1 through 87, taken at the time and place

13 aforesaid, is a true and correct transcription of my

14 shorthand notes.

15 IN WITNESS WHEREOF, I have hereunto set my

16 name this 16th day of August, 2022.

17

18

20 -----

21 DAVID GORDON

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