

1
2 Town of North Hempstead

3 Board of Zoning Appeals

4 PUBLIC HEARINGS

5
6 Wednesday, February 5, 2025

7 10:00 a.m.

8
9
10 BOARD MEMBERS PRESENT:

11 David Mammina, Chairman

12 Leslie Francis, Vice Chairman

13 Patricia Goodsell, Member

14 Daniel Donatelli, Member

15 Jay Hernandez, Member

16
17 ALSO PRESENT:

18 Deborah Algios, Deputy Town Attorney

19 Virginia Wagner, Secretary

20 Steven Perrotta, Planner

21 Mariesel Berrios, Stenographer

22

23

24

25

26

1 CHAIRMAN MAMMINA: If everyone would please rise and join Vice
2 Chairman Francis in the Pledge of Allegiance.

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

4 CHAIRMAN MAMMINA: Thank you. We'll just have to hang on a
5 little bit until we are live stream.

6 DEPUTY TOWN ATTORNEY ALGIOS: We're live.

7 SECRETARY WAGNER: We're live now.

8 CHAIRMAN MAMMINA: We are ready to get going. We're on live
9 stream. Good morning, ladies and gentlemen, and welcome to the
10 Zoning Board of Town of North Hempstead.

11 What we like to do is go through the way that we conduct business
12 here. In case you have never been before a zoning board before, we
13 will ask you to just relax and we're just talking to each other, or
14 if you have been, we may do things a little bit differently here.

15 The way that this works is that as each case is called by our
16 secretary, Ms. Wagner. We will -- I will then repeat the calling
17 of the case, and we'll ask for the applicant, just the applicant to
18 stand on up, come up to the podium, and then I'll ask if anyone else
19 is interested in the case, and then we'll just ask for a show of hands
20 on that, so that we can give someone else an opportunity. Each person
21 will give your name and address to our stenographer. This is a
22 proceeding with a transcript. At that point, the podium will belong
23 to the applicant or the applicant's representative. If there are
24 two people who wish to speak, that's okay. You'll just each give
25 your name and address onto the record.

26 At that point, the podium belongs to the applicant, and the

1 applicant will put their presentation on the record, and the board
 2 will ask whatever questions it feels it wants to ask. Applicant will
 3 respond to those questions because it's a conversation, you know,
 4 back and forth, and at that point, if there is anyone else who wishes
 5 to speak, will put their hand up, and that would be in opposition
 6 or in favor of the application, or they may have a question regarding
 7 the application. That would happen at that point. When that's
 8 done, we will then invite the applicant to come back up to the podium
 9 because as a result of that opinion or question that's asked by
 10 someone else, the board may want to ask some questions about that.
 11 The applicant may want to respond to something that was said.

12 At that point, the board will do one of four things. We will
 13 either approve the application, deny the application, reserve the
 14 application, or continue the application. I'll explain what the
 15 last two mean. If we were to reserve the application that means the
 16 board has all of the information that it needs; nothing else from
 17 the applicant. Nothing else that we want to find, and then, you know,
 18 that hearing is complete. It will be no decision most likely that
 19 day, and then if we were to continue the application that would mean
 20 that we want to take a look for some other paperwork. We may ask
 21 the applicant to submit a closing document or an old survey or
 22 whatever else it might be.

23 There are no second hearings. I know from my own experience,
 24 sometimes you can come to repeat hearings four, five, six, ten times,
 25 but here today is the day, and that's not a punishment. It's just
 26 that we get all the information that we need, and if there is other

1 information, as I said, you know, we continue. The applicant may
2 ask to continue because of something that they would like to submit.
3 So then if you want to then find out what has happened with your
4 application, Ms. Wagner and the zoning office, she's the lady in the
5 know. So she can tell you what the board has done or if we haven't
6 made any decision at that point.

7 When anyone is speaking either for or against as a neighbor or
8 someone else who would like to have a turn at the microphone other
9 than the applicant, that time frame is only limited to three minutes.
10 Not for the applicant because the applicant has to put their case
11 on to the record. The three minutes, I like to say, we're not gonna
12 cut anybody's head off or waver at the three-minute mark, and of
13 course, if, you know, today we don't have a room full of people, but
14 many days we'll have a room full of people. If you want to make the
15 same point as somebody else, all you need to do is say I agree with
16 the previous applicant regarding the argument or whatever, and, you
17 know, that way that is on the record as with strength as someone else
18 had said.

19 I think with all of that said, we're gonna get -- did I cover
20 everything?

21 VICE CHAIRMAN FRANCIS: Yes.

22 CHAIRMAN MAMMINA: Okay, so with that said, IT is coming in here
23 to help out a little bit.

24 Ms. Wagner, do we have any modifications to today's calendar?

25 SECRETARY WAGNER: Yes, Chairman. We have an adjournment of
26 Appeal #21648, Michael and Melissa Stolper; 59 Litchfield Road, Port

1 Washington; Section 5, Block 66, Lot 131. In the Residence A Zoning
2 District. Variance 70-29.C(1) to construct additions that would
3 make the house too big. That is adjourned to March 5th.

4 We also have an adjournment of Appeal #21661, Paul Friedman;
5 8 Old Hills Lane and 37 Bogart Avenue, Port Washington; Section 6,
6 Block 83, Lot 4 and Section 6, Block 83, Lot 15. In the Residence
7 A Zoning District. Variance from 70-202.1(C) to legalize a
8 retaining wall that is too tall. That is adjourned to March 19.

9 We have an adjournment of Appeal #21654, Muhammad and Malika
10 Begawala; 46 Dogwood Road, Albertson; Section 7, Block 305, Lot 19.
11 In the Residence A Zoning District. Variance 70-100.2.A to legalize
12 a fence that is too tall. That is adjourned without a date.

13 We also have an adjournment of Appeal #21664, Stuart Pliskin;
14 938 Hillside Avenue, New Hyde Park; Section 8, Block 316, Lot 6. In
15 the Business A Zoning District. Conditional use 70-126.F to
16 construct alterations to convert a drive thru retail use to a drive
17 thru retail food use (a conditional use). That is adjourned until
18 March 5th.

19 CHAIRMAN MAMMINA: Thank you. If anyone's here for any of
20 those four cases, those will not be heard today. Some are adjourned
21 with a, you know, we consider a date definite at this point. You
22 will be notified again by mail, by registered mail, so that you can
23 verify that that's the date, or again, you can always call Ms. Wagner,
24 who is extremely helpful, as is everyone in her office, and they will
25 then provide you with that.

26 In light of where we are now, we're going to call the first

1 appeal.

2 SECRETARY WAGNER: Appeal #21660, Ross and Esther Fox; 14
3 Cypress Avenue, Port Washington; Section 5, Block 32, Lot 352; Zoned:
4 Residence C.

5 Variances 70-50.A & 70-208.F to construct an addition and a
6 porch on a non-conforming home that would be too close to the street
7 and would result in the expansion of a non-conforming building.

8 CHAIRMAN MAMMINA: You've heard Appeal #21660, Ross and Esther
9 Fox. Is there anyone in the room interested in the application other
10 than the applicant? Seeing no one, please give your name and
11 address.

12 MS. MILLER: Janice Miller, architect, 2 Lincoln Place, Port
13 Washington, New York.

14 MS. FOX: Esther Fox, 14 Cypress Avenue, Port Washington, New
15 York.

16 CHAIRMAN MAMMINA: Good morning.

17 MS. MILLER: Good morning. We're here because the Foxes live
18 on Cypress Avenue in a Cape Cod house that was built in 1954, and
19 we're seeking permission to -- there currently is an open portico
20 that extends -- it's a non-conforming lot. It's already 20 feet from
21 the property line. So we're asking permission to add one foot and
22 enclose that portico and create a covered porch adjacent to it. So
23 we are increasing non-conforming by like one foot four inches for
24 a 39 square foot enclosed vestibule, so they're not walking directly
25 into their living room. They have the family. They'd like a place
26 for coats and backpacks, et cetera. So that's the scope of what we're

1 asking for.

2 MS. FOX: Good morning. Ready for me?

3 CHAIRMAN MAMMINA: Yes, just give your name and address also.

4 MS. FOX: I'm Ester Fox, 14 Cypress Avenue, Port Washington.
5 I grew up in Port Washington. I love Port. I brought my family back
6 here, and I have my son and daughter here. We're just looking to
7 add in a -- sort of like mud room and a porch. The kids play on the
8 street with footballs and basketballs, everything, so we're just
9 trying to make more of a family-friendly home and not have shoes in
10 my living room or find myself falling on, so that might be falls.
11 This is what we're trying to achieve in this house that we built.

12 MEMBER DONATELLI: Ms. Miller, are you familiar with the Five
13 Factors that we're required --

14 MS. MILLER: Yes.

15 MEMBER DONATELLI: -- to consider. Would you please review
16 those?

17 MS. MILLER: They're down? I don't -- okay, so as far as being
18 a detriment to nearby properties, I actually think it's an
19 enhancement. It encourages, like you said, street interaction with
20 neighbors. I think it's been thoughtfully designed. It's not too
21 large. There's no feasible alternative that we -- we explored that.
22 There's no other way to come into the home. That is the front door.

23 It's not a substantial variance. It's 39 square feet plus an
24 open porch. I don't think it has an adverse impact. I actually
25 think it's better, and I don't believe it was self-created. I think
26 the house non-conforming to begin with, so we have to deal with what

1 we have.

2 MEMBER DONATELLI: I actually drove the area yesterday in
3 preparation for this morning's hearing. One of the things I love
4 about this position is that I get to see a whole bunch of streets
5 and roads that I might not otherwise have seen. Cypress is
6 definitely not on the beaten path. You have to want to go to Cypress
7 to actually go see it.

8 MS. FOX: Yes.

9 MEMBER DONATELLI: It is a charming street. I note that it's
10 an old area of town. I mean there are newer areas then there are
11 older areas of town. But one of the factors that we're required to
12 look at is contextually how the proposed project would fit in with
13 other houses in the neighborhood, particularly on the street. I
14 guess my question is, as I drove the street, I saw that a lot of the
15 houses on the street violate the front yard setback, and of course
16 there are some retaining walls on a lot of the properties, but they
17 all seem uniform, and all of the houses on street seem to have more
18 or less the same setback. One exception that I saw was the house
19 right next to yours, which had actually an identical vestibule, but
20 the vestibule or the portico was actually enclosed by lattice work.
21 Must have been a Home Depot kind of special. The homeowner actually
22 went to Home Depot and bought some lattice work and just tacked it
23 up with a bunch of nails and created an enclosure that I think would
24 look very similar to what you're proposing because this was the same
25 kind of portico. The only thing is, this neighbor had enclosed it
26 with lattice work.

1 One of the things that we try to look at is when we grant the
2 portico, and of course -- let me preface this by saying that in my
3 mind one of the most -- nothing jumps out at you like a front yard
4 setback. There are other variances that we're required to consider
5 from time to time, but front yard setback is very evident because
6 it's right in the face, maybe the first thing you notice when you
7 drive or walk down a street, and when I saw this neighbor's enclosed
8 portico or semi-enclosed portico, I got a very good sense of what
9 the enclosure would be, and frankly, when I think about other
10 alternatives, I think about, you know, many of these houses built,
11 as you know, Ms. Miller, stairs that come right down to the front
12 door, and that's an unfortunate feature, but -- and -- we are
13 sometimes required to look at that and to try and address that
14 particularly among the Levitt Homes.

15 MS. MILLER: Yeah.

16 MEMBER DONATELLI: I think that's a big factor with that. But
17 there are other solutions to bringing the house out further toward
18 the front yard. I guess my question is, have you considered any other
19 solutions to try to at least alleviate that condition of opening the
20 front door and being right in front of the stairs. Are there other
21 solutions that you considered?

22 MS. MILLER: We did, but I don't think any of them really make
23 sense. This is where you walk into the home. It's where the stair
24 is to go upstairs. It's where the closet is for coats. It seems
25 like it's the natural place to have this portico. I mean, they have
26 a portico right now that's open, and it -- we just really want to

1 enclose it so they can leave some stuff there and walk into the house
2 and not be in the living room, you know.

3 MEMBER DONATELLI: I understand. I guess my question is
4 you -- so first of all, you'd be coming out further than the existing
5 portico by --

6 MS. MILLER: A foot.

7 MEMBER DONATELLI: An additional foot. Secondly -- I guess,
8 my question is, is there some way to reconfigure this staircase so
9 that it wouldn't require you to further violate the front yard
10 setback, and maybe create a closet.

11 MEMBER HERNANDEZ: I'm sorry, but I don't think this is a
12 staircase issue. Their entrance is not directly -- at least
13 according to the plans. Although that's very common, they're --

14 MS. MILLER: It's next to it. It's adjacent to it.

15 MEMBER HERNANDEZ: It's alongside of it. It's in front of it,
16 but alongside of it. Not in front of the closet.

17 MEMBER DONATELLI: It's in the vicinity.

18 MEMBER HERNANDEZ: Yes, it's a closet in front of the stairs.
19 You don't have an issue that you open the door and you walk into the
20 stairs, which we have seen in other Levitt Homes.

21 MEMBER DONATELLI: Yeah, but it is very close.

22 MEMBER HERNANDEZ: Yes.

23 MEMBER DONATELLI: I understand in terms of opening the door
24 and having cold come in and having a living room right there. I guess
25 that's really my focus, but thank you for that.

26 So I apologize. I understand that some people can't hear me.

1 Is this mic on?

2 MEMBER HERNANDEZ: It should be.

3 MR. PERROTTA: It should be.

4 MEMBER DONATELLI: I apologize if members of the audience
5 didn't hear exactly what I had said, but in either event, can you
6 address whether or not it would be feasible to create what the
7 applicant is looking for without seeking a variance or seeking a
8 lesser variance?

9 CHAIRMAN MAMMINA: Can I just tack two other things onto that?
10 When we consider non-conforming front yard, and we consider the
11 portico, which the portico was granted, one of the questions that
12 we always ask: Is it open on all three sides? And of course, we
13 can see all the drawing at that time, but I mean, this projecting
14 out does create that visible obstruction within the projection of
15 the front of the house, where the portico when it was open, you can
16 see right through it. And I think for me, that's, I mean, that's
17 one thing about it that's important that we look at consistently,
18 and then I think just maybe speaking to what you're saying is, you
19 know, it would be helpful to see the rest of the first floor, you
20 know, to see what's there, and also, this is the way these houses
21 were built at that time period. Whether they're Levitt House, you
22 know, or they were other contracted houses, you kind of walk right
23 in, and I'm not saying that it's okay and should remain that way,
24 but I know on my own house, I added a portico like this, but I had
25 that set back in order -- in order to do that, so it -- inciting minds
26 the houses moved in and out, in and out, you know, so my was one of

1 the ones that was back further. So I think that the visual
2 obstruction of that and that sounds like a harsh word. I don't mean
3 that to be.

4 MS. MILLER: Yeah, I know.

5 CHAIRMAN MAMMINA: And then, you know, taking a look at that
6 first floor because when you say that it's not self-created, it's
7 always self-created. If you bought the piece of property, and that's
8 by testing lots and lots of courts. That doesn't mean if things don't
9 get approved because it's not -- any one of the Five Factors is not
10 damning to the application. I think that maybe if we can take a look
11 at that and, you know, see that first floor. If I were you, I don't
12 know how I would respond to the projection, you know, in the front.

13 MEMBER GOODSELL: If I can point out on the record, the average
14 setback of the homes on either side, you've done the averaging, is
15 19 feet, and when I drove the block, everybody seems more or less
16 to be the same setback. Yes, they're all less than 25 feet, which
17 is the required setback. The average set back is 19.1 feet. What
18 you're asking now by creating this porch and this foyer, now, you're
19 going to be the house that's closest to the street. That's gonna
20 present the most amount of bulk, and I think that's what we're
21 struggling with. I only saw one other house on the street that had
22 similar type of porch and portico, but it was in line with the other
23 houses. It seems to be a newer house, so you're really out of
24 character of the neighborhood by adding this on in my opinion.

25 CHAIRMAN MAMMINA: And then also understanding that point,
26 especially for Ms. Fox, and you can indeed explain that to her, is

1 that once we grant one thing, anybody else who comes in with a similar
2 scenario, we're virtually obligated to grant that same thing again.
3 So it's, you know, character of the neighborhood has I think been
4 looked at by the board and saying no, we really don't feel that it
5 fits the character of the neighborhood because it does create that
6 further obstruction visually, and, you know, then for all intents
7 and purposes everybody on the block now says, hey, that's good, you
8 know, and we've taken a house that was -- that was on -- that's on
9 a lot that is smaller in square footage, but it's the same depth as
10 would be if this was a Residence B, rather than a C, so that setback,
11 you know, in there results of 50 foot rear yard, and, you know, it's
12 unfortunate that's the way that the builder built it, but that's the
13 way the building goes.

14 MEMBER DONATELLI: One other point, and we're not trying to give
15 you have a hard time. We're trying to make sure that we deal with
16 the Five Factors of Law, and trying to make sure that we give your
17 application due consideration, but I would argue that the variance
18 is substantial in terms of the variance being sought for the front
19 yard because it is already non-conforming, and we're looking to make
20 it even more non-conforming, and I would argue that the 5.5 feet to
21 the porch or the 10.5 feet to the house is, in fact, substantial.
22 It's a substantial portion of the front yard that's required.

23 Mr. Chairman, what I would suggest unless the applicant wants
24 to address anything else on the record. What I would like to do is
25 to perhaps drive the neighborhood again. Perhaps to look at the next
26 door neighbor again, which as I said really struck me as something

1 that might help me envision what this would look like, and also see
2 other houses in the neighborhood. So I would ask that we just reserve
3 decision on this and then --

4 MEMBER HERNANDEZ: I would just like to add one thing that it's
5 not just the enclosed portico that's gonna be encroaching another
6 five and a half feet, we also have a side porch, which will also add
7 more bulk into the front, so this house will be an exception on the
8 block. The house next door that has the trellis covering the front
9 porch sort of gives you an idea what it would look like if you would
10 make it completely solid, but this now also has the side porch and
11 the elevation because also your house seems to be raised. While the
12 others, as I recall, weren't raised. They were almost like on
13 slab -- slab on grade. This one will have three or four steps. I
14 don't remember the exact number. So you elevate it and five and a
15 half feet forward from the wall, if you will, of all the other houses,
16 so clearly it will be -- the difference -- different house in the
17 neighborhood.

18 MEMBER DONATELLI: Ms. Miller, do you recall whether or not
19 there was a prior application made for the portico?

20 MS. MILLER: Yes, because that was me.

21 MEMBER DONATELLI: And that was I guess in 2008.

22 MS. MILLER: Yes.

23 MEMBER DONATELLI: And at that time I think this board indicated
24 that they would grant a variance on the basis that it was an open
25 portico.

26 MS. MILLER: Yes.

1 MEMBER DONATELLI: So now we're seeking to enclose something,
2 so you're really asking us to go beyond --

3 MS. MILLER: Yes.

4 MEMBER DONATELLI: -- what was done in 2008.

5 MS. MILLER: Tried to make it as minimal as possible to make
6 this house function a little better for this family.

7 MEMBER DONATELLI: And I understand, but again, we're required
8 to weigh the Five Factors.

9 MS. MILLER: Yes.

10 MEMBER DONATELLI: And I think you're hearing some skepticism
11 of the board, but I would like the opportunity to go back through
12 the neighborhood and to really examine this, so I would ask that we
13 reserve decision on this.

14 CHAIRMAN MAMMINA: Okay, I think that's a good idea. As I said
15 in the beginning, we don't see our job as to say no. We see our job
16 to try to help, you know, all single-family house owners and
17 understand, you know, and are -- I think we're empathetic, not
18 necessarily sympathetic to what you're saying. I'm very familiar
19 with this type of house, but if you give me the first floor plan just
20 to take a look at it and then --

21 MS. MILLER: For an alternate way to enter the home or?

22 CHAIRMAN MAMMINA: Well, if you just want to submit it without
23 any drawing on it, you know. I'd just like to take it. I think it's
24 important to have that as part of this.

25 MS. MILLER: I think moving the stairs would really make this
26 project way bigger and more, you know, complicated than it needs to

1 be.

2 CHAIRMAN MAMMINA: I'm not suggesting it would be.

3 SECRETARY WAGNER: So getting that floor plan, we need to
4 continue it.

5 DEPUTY TOWN ATTORNEY ALGIOS: Yes.

6 CHAIRMAN MAMMINA: Okay, so we will continue that so that you
7 can submit that floor plan. I'm not saying there's any solution.
8 There are no --

9 MS. MILLER: I did look at it a lot.

10 CHAIRMAN MAMMINA: But we'll look at it.

11 MS. MILLER: Yeah, okay.

12 CHAIRMAN MAMMINA: We've kind of looked at everything. I grew
13 up in a house just like this and there were ten of us in the house
14 that made it quite cozy.

15 MS. MILLER: All right.

16 CHAIRMAN MAMMINA: So again --

17 MEMBER DONATELLI: People were smaller back then.

18 MS. MILLER: And had less stuff.

19 MEMBER HERNANDEZ: They had less stuff.

20 CHAIRMAN MAMMINA: I'm still small. I saw a picture of the
21 zoning board. I don't know when it was taken, but I was somewhere
22 in the middle and look how little I am, but that's okay. So why don't
23 we do that. We'll continue it.

24 MS. MILLER: Thank you.

25 CHAIRMAN MAMMINA: Let's continue to take a look at it.

26 MS. MILLER: Thank you.

1 MS. FOX: Thank you.

2 SECRETARY WAGNER: Next Appeal #21650, Mohammed Rahman; 1 Jara
3 Court, New Hyde Park; Section 8, Block 334, Lot 33; Zoned: Residence
4 C.

5 Variances 70-50.C, 70-50.B, 70-51.B & 70-100.2.A(2) to
6 construct a second-story addition to a home which is located too close
7 to the street (both primary and secondary front yard) and too close
8 to the side property line, to construct a one-story addition with
9 a second story roofed over balcony above which is located too close
10 to the street (secondary front yard) and too close to the side
11 property line (second story addition) to construct a roofed over
12 porch located too close to the street; and to construct a fence in
13 the front yard (not permitted).

14 CHAIRMAN MAMMINA: You heard Appeal #21650, Mohammed Rahman.
15 Is there anyone in the room interested in the application other than
16 the applicant? Seeing no one, please give your name and address,
17 and if both gentlemen would like to speak, just each one of you give
18 your name and address. Thank you.

19 MR. RAHMAN: Mohammed Rahman, 1 Jara Court.

20 CHAIRMAN MAMMINA: Want to pull that mic up because you're not
21 like me. You're much taller.

22 MR. RAHMAN: Good morning, sir. Mohammed Rahman, 1 Jara Court.

23 MR. DESILVA: My name is Paul DeSilva. I'm the architect on
24 the project. My address is 213 Toronto Avenue, Massapequa, New York.

25 CHAIRMAN MAMMINA: Before you get started. Mr. DeSilva, I
26 think for the first time ever, I've seen someone with a license number

1 that is lower than mine.

2 MR. DESILVA: I might be the oldest architect in New York State.
3 I'm not sure yet.

4 CHAIRMAN MAMMINA: There you go. There you go. I'm 14995, and
5 you're 12-something.

6 MR. DESILVA: We'll compare notes afterward.

7 CHAIRMAN MAMMINA: You draw by hand still. I love that.

8 MR. DESILVA: Yes. All right, so the background on this
9 project is that Mr. Rahman submitted a permit application and was
10 granted a variance on almost the identical scope back in 2018. The
11 same footprint and the same bulk. Unfortunately, Mr. Rahman was
12 unable to construct the project at that time. The permit and
13 variance lapsed, so we have to come back for essentially applying
14 for the same variance.

15 The footprint of the property as you can see is a corner
16 property, so it's burdened by that, and it's also an unusual shaped
17 property, which also burdens the yard requirements. The house as
18 constructed is not in compliance with the zoning. The -- what in
19 is effect we are -- while we're still encroaching on the yard, we
20 are encroaching less than the current house currently exists. On
21 that basis, we feel the yard issue should be granted.

22 MEMBER DONATELLI: I just want to put a few things on the record.
23 I'm looking at the previous Notice of Decision for Appeal #20604.
24 I note that it was granted on my motion, which I remember actually.

25 MEMBER GOODSSELL: Good for you.

26 MEMBER DONATELLI: I would also note for the record that the

1 previous grant for the porch was a setback 18.5 feet, and that the
2 current request is actually for a setback of 19.2 feet, so it's
3 actually less of a request than was granted in 2018, and this kind
4 of reminds me of when I used to have arguments with my kids, and they
5 would always throw back in my face whatever I had said on the prior
6 occasion, and then you can't really deny it because you know that
7 you said it. Well, that's, you know, being confronted with a motion
8 that you already moved to approve years ago.

9 Having said that, I just want to put some other things on the
10 record. That the second-story addition on Jara Court is the same
11 setback as currently exists, so you're merely building up, and that
12 the one-story addition on the fly is in keeping with the existing
13 and less than the setback that was previously granted, and the side
14 yard setback, in my opinion, is relatively minimal. It's .17 of a
15 foot, so it's actually minor; 4.83 rather than the 5 feet, which
16 required, so I really have no other questions on this one.

17 MEMBER GOODSSELL: Mr. Rahman, I'm the person from New Hyde Park,
18 but I was not on the board in 2018, so I am not familiar with your
19 prior application. Now, there are -- when your architect says this
20 is the same application, technically, it's really not the same
21 application. There's minor tweaks. Mr. Donatelli and Chairman
22 Mammina are familiar with those little discrepancies. I have driven
23 your court. You already have ten or 11 houses over there, and there
24 are other people who have added second-story additions on that court.

25 I do not have a problem with you improving your property, and
26 yes, you do have a very unusual shape of a piece of property. We

1 wish we could squish it in and give you more room in the back yard,
2 but we can't do that.

3 The one issue that I do have. I understand that there's an old
4 chain link cyclone fence that surrounds your property. Are you
5 asking the board's permission to replace that?

6 MR. RAHMAN: Thank you very much for the opportunity.
7 Particularly, if you can see, reason why I wanted to maintain that
8 property because when I bought it in 2015, that chain link came with
9 the property.

10 MEMBER GOODSSELL: Correct.

11 MR. RAHMAN: Now, the reason why I want to maintain is at 3:00
12 in the afternoon, there's a school right next to me, and I these -- I
13 bring some pictures for you to take a look at that. Particularly,
14 the summertime, it is -- it's really a -- may I?

15 SECRETARY WAGNER: Did you submit those already on the record,
16 or is this different?

17 MR. RAHMAN: No, I did not.

18 SECRETARY WAGNER: So this will be Exhibit 1.

19 MR. RAHMAN: Yes. I just wanted to point out my point here.

20 SECRETARY WAGNER: They can keep this, right?

21 MR. RAHMAN: Yeah, sure. That 3:00, all parents came with
22 their car. They some of the time get off the car. They throw out
23 the coke bottles. They open the chain link fence they coming in.
24 I have of no control of it. They just coming in to pick up their
25 kids and everything. That's number one issue on this, and pretty
26 much entire block. Even my driveway is also blocked by this school

1 parents.

2 MEMBER GOODSSELL: Let's put on the record that directly across
3 the street from you --

4 MR. RAHMAN: Yes.

5 MEMBER GOODSSELL: -- there is a school. Is it a grammar school?

6 MR. RAHMAN: Yes, New Hyde Grade School. It's right
7 next -- just opposite on my driveway basically, and that's the main
8 issues. Second is, I actually do not have a back yard.

9 MEMBER GOODSSELL: I see that.

10 MR. RAHMAN: And my kids are always craving for a back yard.
11 I just cannot provide it, and that's one of the reason, in fact, we're
12 willing to maintain it. At least I can tell them go ahead and go
13 out and play.

14 MEMBER GOODSSELL: Do you have you any idea how long that fence
15 has been there?

16 MR. RAHMAN: I think it's like 1979 or something like that.

17 MEMBER GOODSSELL: It is an old fence. I can see that by looking
18 at it.

19 MR. RAHMAN: Yes.

20 MEMBER GOODSSELL: Are you familiar with fence regulations
21 today? Did your architect advise you what today's town fence
22 regulations are?

23 MR. DESILVA: Yes, I advised him. There's no fence in the front
24 yard.

25 MEMBER GOODSSELL: There's no front yard fencing. It's four
26 foot, plus you can have five foot on the side, six foot in the back.

1 You are a bit of an exception because your fence is so old. What
2 size fence and what type fence were you asking to replace this with?

3 MR. DESILVA: It would be an aluminum fence; just the same
4 height as the current one, 4 feet.

5 MEMBER GOODSSELL: Current fence is?

6 MR. DESILVA: Four feet.

7 MEMBER GOODSSELL: Four feet. When you say an aluminum, could
8 you describe that?

9 MR. DESILVA: Just like that.

10 MEMBER GOODSSELL: An estate fence.

11 MR. RAHMAN: It's a black --

12 MEMBER GOODSSELL: A black estate fence?

13 MR. DESILVA: Similar to this, yeah.

14 MEMBER DONATELLI: What is the current state of repair of the
15 existing fence? Is it still functional?

16 MR. RAHMAN: Some areas functional. Some area actually rusted
17 some much that at any time can break it, so that's why I just want
18 to take off and replace it with a new one.

19 MEMBER DONATELLI: I just want to clarify for the record that
20 when this matter came before the board in 2018, the fence was not
21 a part of that application. So as Member Goodsell is just
22 indicating, if the fence predates the Town of North Hempstead
23 regulations, then it is of course allowed to stand. The problem is
24 now that you're looking to replace the fence with a different fence.
25 If the fence were to just stand because it predates the code, then
26 there's not an issue. The issue arises because you're looking to

1 put in a new fence. So my question is really, is it possible to
2 maintain the old fence because we're very skeptical when it comes
3 to new fences.

4 MEMBER GOODSSELL: We do understand --

5 MR. RAHMAN: Sure, yes, I mean, something --

6 MEMBER GOODSSELL: We do understand, and thank to your picture,
7 that parents who come to pick their kids up park all over the place,
8 and yes, they would probably walk across your front yard. That's
9 just the nature of parenthood, whether we pull up, we leave the car,
10 grab our kid, we go back and get the car. For 15 minutes, it's better
11 than for 30 minutes, it gets deserted, so I do understand. I have
12 less of a problem with the additions you're asking for then I do with
13 the fence. Excuse us for a second.

14 (WHEREUPON, a discussion was held amongst board members.)

15 MEMBER GOODSSELL: Do you have anything -- is there any way for
16 you to get anything? Maybe in your -- when you purchased the house,
17 an old survey that the seller may have given you that would show how
18 long that fence has been there because before we allow you to replace
19 it, we really need to put something on the record definitely that
20 it predates the town's code for current fencing. When you bought
21 your house --

22 MR. RAHMAN: Sure. I can you take a look at if I find something.

23 MEMBER GOODSSELL: What year did you buy the house?

24 MR. RAHMAN: I bought 2015.

25 MEMBER GOODSSELL: I'm a real estate attorney, so I know what's
26 involved in the purchase of sale. Very, very often the attorney who

1 represents you can look to see if there's an old survey to say when
2 you had last the survey. Do you know when you bought this house if
3 you got a new survey, or if were you able to use the older survey?
4 Because that would be evidence that that fence has been there.

5 MR. RAHMAN: I can look at any documentation. Off the top of
6 my head, I do not know if I have it or not, but --

7 MEMBER GOODSSELL: Most people don't.

8 MR. RAHMAN: -- I can take a look at that.

9 MEMBER GOODSSELL: I understand.

10 MR. RAHMAN: Sure. I can take a look at that.

11 MEMBER GOODSSELL: An attorney would know in 30 seconds because
12 I get this question all the time.

13 MR. DESILVA: Let me just jump in here a minute. I understand
14 what you're looking for, but if there's no fence on an old survey,
15 that doesn't mean the fence wasn't there. I mean, very often the
16 older surveys that did not build fences.

17 MEMBER GOODSSELL: Yes, I agree with you, but it depends on how
18 old the survey is because today, surveyors mark everything from
19 overhead wires to trees to fire hydrants to whatever. The old days
20 we were lucky if they located the house and the garage.

21 MR. DESILVA: Yes.

22 MEMBER GOODSSELL: But again, I'm just asking for any evidence
23 that you might have that because you didn't own this before 2002,
24 2003, 2004. Any evidence that you might have or maybe able to present
25 it that shows this is an older fence.

26 CHAIRMAN MAMMINA: I'll make another point by example, and

1 again, as I said before, our is job not to say no. Our job is to
2 say, okay, how can we try to make this happen without setting a
3 precedent, you know, for other people because that is, Mr. DeSilva,
4 what the issue would be with the fence, but we actually had somebody,
5 and I thought it was kind of funny, who brought in some communion
6 pictures from when her daughter was receiving her communion, you
7 know, back in 1960-something. So I mean, that would -- that would
8 just be -- that would be helpful, you know, in a way for us to document
9 it. I don't know that it would work for the board, but I believe
10 on at least one occasion, we had neighbors on the street who wrote
11 that the fence has always been there. Because again, we just have
12 to be careful, and I'm sure you can understand as an architect that
13 the word precedent is -- once we say okay, you know, then it's
14 difficult for us to not say okay to somebody else.

15 MR. DESILVA: Is there a specific date or year that you would
16 like the evidence to be from or --

17 MEMBER GOODSSELL: Anything that predates the date the town
18 changed the code.

19 MR. DESILVA: I see.

20 SECRETARY WAGNER: I believe 1996.

21 MR. DESILVA: 1996?

22 SECRETARY WAGNER: I believe that's when the code came into
23 effect.

24 MEMBER GOODSSELL: The only reason I'm suggesting that you take
25 a look at your purchase file or speak to the attorney who represented
26 you is because that's the only proof that I can come up with or I

1 can think of that would support your position because you haven't
2 lived there since 1999 or '97.

3 MR. RAHMAN: I understand.

4 MEMBER GOODSSELL: And if you would just take a look. If you
5 can't, you can't. I mean, perhaps if you know your neighbors on the
6 block. Visually, your fence appears old, but when we consider a
7 front yard fence like this, we are looking for something, some proof
8 that predates the code.

9 MR. RAHMAN: I think I remember that when I purchase this house,
10 I took some Google looks. That Google pictures actually looks like
11 way, way before with a lot of trees and chain links. I could take
12 a look if the Google never updated as of now. Maybe at that time,
13 I can present that picture to you.

14 MEMBER GOODSSELL: We'll take any evidence that you can come up
15 with that that fence was done way before.

16 MR. RAHMAN: Sure.

17 SECRETARY WAGNER: I just checked it. I don't think it's on
18 there.

19 MR. RAHMAN: Okay.

20 SECRETARY WAGNER: It goes back to -- the older photo is 2017.

21 MEMBER DONATELLI: Sorry, let me just put another thing on the
22 record because I rarely disagree with my fellow board members, but
23 I think the distinction that I would draw is trying to legalize the
24 existing fence versus the applicant's request to tear that down and
25 put up a new fence.

26 MEMBER GOODSSELL: Yes.

1 MEMBER DONATELLI: And that's really the source of my
2 skepticism as to this fence. You're not seeking the legalize the
3 existing fence. You're seeking to remove the fence and establish
4 a new one. While I'm very sympathetic to the prior grant of the prior
5 application, I personally, as one board member, would not be in favor
6 of this fence portion of the application.

7 MEMBER GOODSELL: Noted.

8 MR. DESILVA: So we understand that clearly. If he
9 does -- decides not to put a new fence and just maintain the existing
10 fence, will the town have no problem with it?

11 MEMBER DONATELLI: Well, that's where I think you have heard
12 the comments of the other board members indicating that if you can
13 prove that this existing predates the code, then in those instances
14 whether we have presented that, whether it was by photograph or
15 whether it's by survey or whether it's by some other means,
16 then -- we're not in the business of saying no. But again, the
17 applicant is looking to put in a new fence, and I think that makes
18 it a substantially different argument.

19 VICE CHAIRMAN FRANCIS: The other thing that you might want to
20 do is get in touch with the attorney that represented you in the
21 purchase to see whether or not he has contact information for the
22 seller's attorney, and maybe you get that history from -- the evidence
23 from the seller's or go through his attorney.

24 MR. DESILVA: Yes.

25 VICE CHAIRMAN FRANCIS: He may have pictures, you know, family
26 albums that show the house is dated that would be evidence that

1 persuasive.

2 CHAIRMAN MAMMINA: You also may have a survey.

3 VICE CHAIRMAN FRANCIS: Might even have a survey.

4 CHAIRMAN MAMMINA: That says a fence --

5 MR. RAHMAN: I do have an old survey. I have to take a look
6 if the old survey did mention about the fence or not. I can take
7 a look at this random, or I do not have my old survey that I can submit
8 later on.

9 (WHEREUPON, a discussion was held amongst board members.)

10 MEMBER DONATELLI: Let me just also say a number of things for
11 the record. We get many fence applications, and frankly, there are
12 other ways to address some of the concerns that you raised by being
13 across the street from a school. I see that you do have plantings
14 of some evergreens. That's a wonderful process for screening, and
15 of course the town doesn't have any limits on the screening that you
16 might have as long it doesn't block the streetscape.

17 MR. RAHMAN: Absolutely. I thought about it, but what happens
18 that the blackboard it's coming up this way, so everybody there they
19 are going through the blackboard, they see blind spot. So some of
20 my neighbors says don't put the evergreens trees here because we
21 cannot see what's coming, so I stop there, you know what I mean? So
22 that's why I say I want to make it transparent, you know, at least
23 maybe 6 feet just one of these things, or if you want to maintain
24 that old fencing by repairing, I can do that as well. That should
25 be no problem, but going in and see that the evergreens trees right
26 here, that side is completely blocked.

1 MEMBER DONATELLI: We certainly don't want you to block, you
2 know, right of way of traffic and the ability to see around the corner.
3 We certainly are mindful of that. As one board member, I will tell
4 you that if you can prove that the existing chain link fence predates
5 the code, we will be much more sympathetic to that portion of the
6 application, then if you're looking to put up a new fence.

7 MR. RAHMAN: No problem. I'll try to see what I have.

8 MEMBER DONATELLI: So we just want you to explore the options.

9 MR. RAHMAN: Okay, sir.

10 MEMBER GOODSELL: I have no issue with the building
11 application.

12 MEMBER DONATELLI: So did you want to reserve? Are we looking
13 for information --

14 MEMBER GOODSELL: I'd like to continue, so that I can see if
15 there is anything out there that you possibly present, and if there
16 isn't, you can let Ms. Wagner know, and we'll make a decision based
17 upon what you submitted.

18 MR. RAHMAN: Absolutely, thank you.

19 MEMBER DONATELLI: Perhaps you can make a decision as to whether
20 or not -- as you look for additional information about how old the
21 fence is, perhaps you can make a decision whether or not the existing
22 fence can be repaired to your satisfaction --

23 MR. RAHMAN: Sure.

24 MEMBER DONATELLI: -- as opposed to putting in a new fence.

25 MR. RAHMAN: Absolutely, yes, we can do that, sure.

26 MEMBER GOODSELL: So we'll continue this then, Mr. Chairman.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CHAIRMAN MAMMINA: Yes, we'll continue the application, and the information from the applicant.

MR. RAHMAN: Thank you.

MR. DESILVA: Okay, thank you. Appreciate it.

CHAIRMAN MAMMINA: Thank you very much.

SECRETARY WAGNER: Appeal # 21662, Samir Sarkar; 24 Lawrence Street, New Hyde Park; Section 8, Block 225, Lot 19; Zoned: Residence C. Variance 70-49 to construct additions that would make the home too big.

CHAIRMAN MAMMINA: You heard Appeal #21662, Samir Sarkar. Is there anyone in the room interested in the application other than the applicant? Seeing no one, please give your name and address.

MR. PUGLIESE: Good morning. How are you? Alex Pugliese, design consultant for the owner, 835 Nesconset Highway, Nesconset, New York, 11767.

MEMBER DONATELLI: Good morning.

MR. PUGLIESE: Good morning. 24 Lawrence Street is a two-story, one-family residential structure. The owner is seeking approval for a one-story framed sunroof in the rear yard of property.

SECRETARY WAGNER: Could you move the mic closer?

MEMBER GOODSSELL: A little closer to the mic.

MR. PUGLIESE: Sorry about that.

MEMBER GOODSSELL: That's better.

MR. PUGLIESE: The owner is seeking approval for a one-story framed sunroom in the rear of the property. It's a bulk material

1 that in a sense matches the existing house. The existing house is
2 2,804 square feet, which exceeds the GFA by 4 square feet. We're
3 seeking a total of 3,091 square feet or an additional 291 over the
4 GFA. The proposed structure is both within the setback and within
5 the lot coverage. The owner's spouse -- we're seeking this approval
6 for the owner's spouse unfortunately was in a workplace accident.
7 She's a medical worker. She had an injury to her knee. She is
8 limited to the first floor only, and she's looking for both enhanced
9 quality of life both mental and physical to be able to use an outdoor
10 space in the sun and a slightly larger living space. Thank you.

11 MEMBER GOODSSELL: If I may?

12 MR. PUGLIESE: Yes.

13 MEMBER GOODSSELL: This house looks like it is brand new,
14 renovated. When was the original construction done?

15 MR. PUGLIESE: I do not have that date.

16 MEMBER GOODSSELL: Because it looks very, very new, and I'm sure
17 it was done with a building permit, and I'm sure it was done -- in
18 other words, it was -- was the original house here was built as big
19 as it could be built. It is literally as you say 4 square feet over.
20 It is as big as it can be built, and I'm less concerned with whether
21 or not the proposed addition violates setback or not. It exceeds
22 GFA. What is the square footage of the first floor of the house that
23 this applicant is able to enjoy?

24 MR. PUGLIESE: 1,667, which includes an attached garage.

25 MEMBER GOODSSELL: Which includes, I'm sorry?

26 MR. PUGLIESE: An attached garage.

1 MEMBER GOODSSELL: An attached garage.

2 MR. PUGLIESE: Yes.

3 MEMBER GOODSSELL: What rooms are on the first floor?

4 MR. PUGLIESE: Living, dinning, kitchen, one study, and that's
5 it.

6 MEMBER GOODSSELL: So her bedroom is upstairs?

7 MR. PUGLIESE: Yes.

8 MEMBER GOODSSELL: So she does have to go up and down stairs?

9 MR. PUGLIESE: Yes, but I don't think she resides in her bedroom
10 currently.

11 MEMBER GOODSSELL: Okay.

12 MR. PUGLIESE: That's not a line of questioning I had with her,
13 to be honest with you.

14 CHAIRMAN MAMMINA: It's not necessarily fair for me to compare
15 it, but my wife has only been on the second floor and first floor
16 for almost a year now, and actually, she went outside for the first
17 time this past weekend in a year because of physical things that are
18 there, you know, and it's difficult, you know, and those things are
19 unfortunate, you know, but then the house gets sold to somebody else,
20 you know.

21 The reason for the variance doesn't mean anything anymore, and
22 the house does appear to be on the newer side with more floor area
23 requirements would have been in place, and, you know, to come now
24 and tag this on, again, just puts us in a bad place because then the
25 next person who comes in and says, well, you know, we only want to
26 make it 4 feet deep that is straight across. That's not gonna be

1 as noticeable as this, and then, you know, the -- the burden of proof
2 is on you, but then for us to consider it, that's on us, and once
3 we do it once, makes it much more difficult, and that's not to say
4 we don't grant any variance. We grant, you know -- I don't know,
5 probably a majority of them, but again, we look at them one at a time.
6 There's apparently a brick patio, I'll call it. It's a platform on
7 here. I don't know if it's exactly the same size.

8 MR. PUGLIESE: Yes, it's slightly smaller.

9 CHAIRMAN MAMMINA: Yes, so I'm saying so the slab is there, and,
10 you know, I'm not saying, you know, because it's not for me to say
11 that okay, this is some big plan; no, I doubt that, but based on the
12 survey, the house was built in 2020, you know, so it's been there
13 for a while. It just puts us in a tough spot. If someone is able
14 to go up and down the stairs, then hopefully, they can also go outside.

15 My wife sits in front of the sliding glass door to get some of
16 that sunshine. Again, I'm not saying that my situation is, you know,
17 supports it or damns it. That's not where I'm coming from, but we
18 do have Five Factors. I don't know if you hit the Five Factors. If
19 you're ready to do that in order to ask for an area variance, which
20 this one is, and I just don't remember so excuse me. Are you Mr.
21 Cunningham?

22 MR. PUGLIESE: No, I'm the design consultant. Mr. Cunningham
23 is the engineer of record.

24 MEMBER DONATELLI: Can I just ask you --

25 CHAIRMAN MAMMINA: Are you an architect?

26 MR. PUGLIESE: No, I'm not.

1 CHAIRMAN MAMMINA: Not necessarily damning, do you know the
2 Five Factors?

3 MR. PUGLIESE: No, I do not.

4 SECRETARY WAGNER: Steve, do we have a sheet?

5 MR. PERROTTA: There's some under the podium.

6 CHAIRMAN MAMMINA: It's tough to come before a zoning board --

7 MR. PUGLIESE: Would you like me to address it?

8 CHAIRMAN MAMMINA: It's your call. I mean, to me, for somebody
9 to send you to a zoning board back and for you not to know the most
10 basic things that you should know, and you're going to make it up
11 on the fly now. You can be the first one to do it, you know, it kind
12 of loses me.

13 MR. PUGLIESE: Item number one, I don't feel will be undesirable
14 just because it's -- the addition is limited to the back yard, not
15 visible from the street or front yards.

16 Item number two, in my opinion, no. They're looking for a space
17 filled with sun. The existing house does not allow it.

18 CHAIRMAN MAMMINA: Can you read what those are for the record?

19 MEMBER GOODSSELL: For the record, read what the item is and then
20 respond to it.

21 CHAIRMAN MAMMINA: Because somebody's reading this later on --

22 MEMBER GOODSSELL: They don't understand what you're --

23 CHAIRMAN MAMMINA: They're not gonna know what ties into it.

24 MR. PUGLIESE: Okay, thank you. Point number one; whether an
25 undesirable change will be produced on the character of the
26 neighborhood or a detriment to nearby properties? I feel the

1 proposed will not because the addition is limited to the back yard,
2 not visible from the street or any of the neighbors.

3 CHAIRMAN MAMMINA: Can you speak to the adjacent properties,
4 and how those properties and their back yard might see this greenhouse
5 that's back there or the mass that it presents to them because I mean,
6 that's the character to the adjacent neighbors as well as the
7 neighborhood at large.

8 MR. PUGLIESE: From the second floor of all the adjoining
9 properties they would be able to see it. From the yards or the first
10 floor, they would just see the roof.

11 CHAIRMAN MAMMINA: So if they're sitting in their back yard,
12 they're not going to see the size of it?

13 MR. PUGLIESE: They will not.

14 CHAIRMAN MAMMINA: Can you show us on a little map -- how that
15 site plan on -- of the street? Because we do get things like that
16 when people are trying to make a point.

17 MR. PUGLIESE: I don't have material to represent that.

18 CHAIRMAN MAMMINA: Just understand, and I'm sure you -- you put
19 us in a very tough spot, and I can't be critical of you. I don't
20 mean to be. I'm just not sure that you'd be the person who should
21 be here presenting it, but you do have your day now, and so you can
22 go ahead, if you choose to.

23 MEMBER GOODSELL: Mr. Chairman, I think that -- what I as one
24 board member would be interested in is number one, when was the
25 construction done on this house? I mean, it looks -- it looks brand
26 new. It looks within the last five or ten years.

1 Number two, above looking down on the properties, in that
2 neighborhood, who else -- who else has a rear yard bump out? Do
3 either of the neighbors on either side have a rear yard bump out?
4 What are they looking at? What is the elevation?

5 Number three, are there any houses within that area -- within
6 the block? I don't mean six blocks away. I mean, within the block
7 that are now -- that have a greater than GFA allowed because
8 otherwise, you haven't given us any reason to grant the application.

9 MR. PUGLIESE: Understood. I'll be happy to research those
10 items and come back.

11 MEMBER GOODSSELL: I suggest we continue if the applicant wishes
12 to do some research.

13 CHAIRMAN MAMMINA: Okay, so it's been offered to you to
14 continue. I don't know if any board members have any different
15 opinions.

16 VICE CHAIRMAN FRANCIS: That's fine.

17 CHAIRMAN MAMMINA: Okay, so then, if you wish, we will continue
18 the application for a later date.

19 MEMBER DONATELLI: I do have some questions. The applicant is
20 seeking to go put in a 12 by 17 foot sunroom. Is this a prefab sunroom
21 or is this going to be made to order?

22 MR. PUGLIESE: Made. Made on site. Made to order with
23 materials and details to match the house.

24 MEMBER DONATELLI: Is there something magic about the 12 by 17?
25 Would the applicant be open to something smaller?

26 MR. PUGLIESE: They would, yes.

1 MEMBER DONATELLI: So what is -- why is the applicant seeking
2 a 12 by 17 as opposed to something smaller? Because a 291 -- you're
3 looking to add 204 square feet, but that would put you 291 square
4 feet above the maximum. What is causing the applicant to ask for
5 such a large sunroom?

6 MR. PUGLIESE: She has a collection of plants that she stores
7 on the patio currently that she moves in and out seasonally. She's
8 looking to have a sunroom large enough to house the plants currently.
9 Part of her mental well-being.

10 MEMBER DONATELLI: Well, would that be accomplished also with
11 a small sunroom?

12 MR. PUGLIESE: I think with an approval, she would compromise
13 with that, yes.

14 CHAIRMAN MAMMINA: Or showing us the floor plan for a house,
15 you know, that says why these things can't be done inside.

16 I sent a text to a neighbor of mine showing a picture of one
17 of her flowering plants that's in my house for the winter, to say,
18 hey, look at that. Your plant is still flowering, and it's quite
19 large, and I got two or three other ones because I love plants, but
20 a -- I think that that would be the burden and especially if the -- if
21 the house that is something that was built in some kind of recent
22 history that, you know, we look at it and we say, okay, we can see
23 why this is the situation here, and may not be someplace else.

24 I'm a big fan of seeing the floor plans. That for me as an
25 architect, I look at the floor plan, and I see, okay, do the people
26 have alternatives? I think a lot of times, people don't see when

1 there's alternatives, and I don't mean to beat you up, but, you know,
2 especially not being the architect on it. I don't know if you're
3 an expediting and drafting service. I'm not sure and it's none of
4 my business.

5 That would be my suggestion that we continue it, and give that
6 opportunity to come back in, but whoever the architect is, make it
7 clear to them that they're making a case for increasing the floor
8 area. We look at the floor area very, very carefully.

9 MR. PUGLIESE: Understood.

10 CHAIRMAN MAMMINA: Anything else?

11 VICE CHAIRMAN FRANCIS: No.

12 CHAIRMAN MAMMINA: Okay. I think we'll give you the
13 opportunity to continue that, and I guess we'll, as we say, keep the
14 date uncertain or date whenever you're ready to come back.

15 SECRETARY WAGNER: Wait, you want him to come back again?

16 CHAIRMAN MAMMINA: No, excuse me. No, no, no. I'm sorry.
17 I'm sorry.

18 MEMBER GOODSELL: Submit whatever materials that you can find
19 in support of this application.

20 MR. PUGLIESE: Understood.

21 MEMBER GOODSELL: You're exceeding GFA by ten percent or more,
22 which is a very big ask for this board.

23 MR. PUGLIESE: Okay.

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

25 MEMBER DONATELLI: So the other thing as you start getting this
26 other information that the other board members have requested is I

1 would suggest that you perhaps go back to the applicant; that you
2 really examine what the applicant can do. One of the things that
3 we're required to do when we consider a variance is to grant the
4 minimum variance really, and so I, as one board member, would want
5 to know what the applicant is going to do with 204 square feet that
6 they can't possibly do with something less than. I'm mindful of the
7 knee injury. I'm mindful of the fact that she wants access to the
8 outdoors. On the other hand, this is a very big ask, and so what
9 I would suggest is perhaps going back to the applicant and seeing
10 if there isn't some way that the applicant can revise the application
11 to request a minimum necessary. What that might be, I don't know,
12 but it's a conversation, and I suggest that you have it with the
13 applicant.

14 MR. PUGLIESE: Understood.

15 VICE CHAIRMAN FRANCIS: Can I just make one other point?
16 According to our records, this house came before the board in 1966.

17 MEMBER HERNANDEZ: Yeah.

18 VICE CHAIRMAN FRANCIS: 1966, so it's not a new house. It may
19 be a newly remodeled house, so to the extent that they remodeled it
20 and made this house bigger, I don't know what they did to it, but
21 that's something you need to find out as well.

22 CHAIRMAN MAMMINA: Just another suggestion that I can make
23 about that would potentially eliminate the variance completely
24 is -- I'll just say not unlike my house I have two sliding glass doors.
25 Plants that are inside those sliding glass doors. It's a place where
26 my wife sits, and that doesn't mean mine is correct. That doesn't

1 mean that mine is the solution, but one of the things we have
2 to look at is, are there alternatives? Maybe this is the only
3 alternative, so I'm not saying that, you know, that's something that
4 they should. Also, that's why I like to see floor plans because then
5 I can see what's going on inside the house, and that could potentially
6 help to support your argument.

7 MR. PUGLIESE: All right. Thank you for your time.

8 SECRETARY WAGNER: Next Appeal #21658, Shirell Roebach; 4
9 Orient Court, Westbury; Section 11, Block 414, Lot 426; Zoned:
10 Residence C.

11 Variance from 70-52 to construct a deck that is too close to
12 the rear property line.

13 CHAIRMAN MAMMINA: You've heard Appeal #21658, Shirell
14 Roebach. Is there anyone in the room interested in the application
15 other than the applicant? Seeing no one, please give your name and
16 address.

17 MR. FISCHER: Hi. Good morning. My name is Bill Fischer.
18 I'm with James Architecture. We are located at 2410 North Ocean
19 Avenue in Farmingville.

20 CHAIRMAN MAMMINA: Good morning.

21 MR. FISCHER: So I'm here before you to seek a rear yard
22 variance. Seeking to decrease the rear yard by 4.4 feet, where 15
23 is required. We're seeking for a 10.64 for the construction of a
24 rear deck on the back of the house.

25 CHAIRMAN MAMMINA: Want to talk about it a little bit?

26 MR. FISCHER: Sure. We're looking for a relaxation of 29.33

1 percent. She's looking to basically expand her living area. Also,
2 there's an application for a hot tub, which will also be positioned
3 on the deck. Setting the depth of the deck of 23 feet, includes the
4 position of the hot tub along with laying out furnishings she would
5 like to add onto the deck. The width of 30 feet is set for the side
6 to not exceed the side line of the house, and also, there's a door
7 on the back of the house on the bump out, which would set basically
8 as a walkway from the door to the steps, so to keep that clear from
9 all furnishings.

10 VICE CHAIRMAN FRANCIS: Did you attempt to get consents from
11 the neighbors who are most affected by this?

12 MR. FISCHER: I did. I do not have them with me. I have a
13 digital copy at this time. I did get consents from 3 and 6 Orient
14 Court, which are across the street and from 9 Cantiague, which is
15 the house in the back. So it's the adjacent house and then to the
16 house to the back. I did get consents for and directly across the
17 street. She does not have neighbors directly behind her on the
18 right-hand side.

19 VICE CHAIRMAN FRANCIS: You didn't submit that to this file?

20 MR. FISCHER: I do not have it right now. I did not submit it.
21 I only have a digital copy currently.

22 CHAIRMAN MAMMINA: That deck's 4 feet, basically, for all
23 intents and purposes, above the ground, which means somebody at about
24 your height is gonna be 9 feet above where -- that's why I'm an
25 architect. So you're up really high in there. Why can't that be
26 brought down?

1 MR. FISCHER: It could. We did take into consideration that
2 there are existing evergreen shrubs that surround her property, which
3 are actually on the property and does not belong to her, which
4 basically blocks the view of the deck from all sides, pretty much.
5 The only way you can see is from the front yard in the street on Orient.
6 You can see part of the side deck, not being obstructed.

7 CHAIRMAN MAMMINA: But still answering the question,
8 you're -- and as you said because it was my feeling from what I can
9 see from this plan that those shrubs don't belong to this property
10 owner, and also at the same time, shrubs die.

11 MR. FISCHER: Correct.

12 CHAIRMAN MAMMINA: And again, we need to look at consistency.

13 MR. FISCHER: Okay.

14 CHAIRMAN MAMMINA: So I guess to the question is why can't we
15 lower it so that if we were to say, okay, we think that the rear yard
16 setback is fine because it's a deck and you know -- look it's easy
17 for me to say, well, I don't see why you can't lower it.

18 MR. FISCHER: It's something that can be done. We did not
19 explore that option at the moment. I was trying to keep the deck
20 as high as possible just to have the smallest depth out of the side
21 door onto the deck. That's how I established the height.

22 CHAIRMAN MAMMINA: When you say the smallest?

23 MR. FISCHER: So there's a door -- there's a bump out in the
24 rear of the house --

25 CHAIRMAN MAMMINA: Yeah, I see.

26 MR. FISCHER: -- and there's a side door.

1 CHAIRMAN MAMMINA: Right.

2 MR. FISCHER: So just a step from the door down to the deck.
3 I was just trying to keep that as minimal as possible.

4 CHAIRMAN MAMMINA: I mean, you could have a platform there, and
5 then steps that are going down at a right angle to that. I understand
6 your reasoning for wanting it --

7 MR. FISCHER: Right.

8 CHAIRMAN MAMMINA: -- you know, up there, but I also do think
9 that sometimes even applicant's as homeowners don't recognize as
10 what, oh, my gosh, this thing --

11 MR. FISCHER: Understood.

12 CHAIRMAN MAMMINA: This thing is up as high as a light switch
13 and put your hand up and touch ceiling in your house.

14 MEMBER HERNANDEZ: Just to get my bearings correct. There
15 are -- in the back of the house, there is a paver patio existing now?

16 MR. FISCHER: There is some sort of patio there, correct. Not
17 in -- on one side where we showing a bare patio, there is an existing
18 patio of some sort.

19 MEMBER HERNANDEZ: Of some kind because they think it might
20 replace, okay. If that one is up against the neighbor as I look at
21 the house to the left.

22 MR. FISCHER: Against the neighbor's?

23 MEMBER HERNANDEZ: Right?

24 MR. FISCHER: Pretty much.

25 MEMBER HERNANDEZ: I'm trying to position, given that your
26 client does not have any neighbors on one side of the house.

1 MR. FISCHER: Correct.

2 MEMBER HERNANDEZ: They do on the other?

3 MR. FISCHER: Yes.

4 MEMBER HERNANDEZ: The proposed raised deck is further -- on
5 the further side away from the neighbor.

6 MR. FISCHER: Yes, it's on the side where she does not have a
7 neighbor, correct.

8 MEMBER HERNANDEZ: Okay.

9 MEMBER DONATELLI: It's my impression that it's on the other
10 side.

11 MEMBER HERNANDEZ: That's why I'm trying to clarify.

12 MEMBER DONATELLI: Yeah.

13 MEMBER HERNANDEZ: You can see the --

14 MEMBER DONATELLI: So the proposed raised deck is going to be
15 in the rear of the house on side where you --

16 MEMBER HERNANDEZ: Not according to plans. That's why I'm
17 putting it on the record.

18 MEMBER DONATELLI: But there's a neighbor on the --

19 MEMBER GOODSSELL: If I'm standing in the street --

20 MR. FISCHER: Yes.

21 MEMBER GOODSSELL: -- and I'm looking at 4 Orient Court --

22 MR. FISCHER: Yes.

23 MEMBER GOODSSELL: I'm looking at the front door. Where is the
24 proposed deck? To the right? To the --

25 MR. FISCHER: Back on the left. Rear right corner of the house.

26 MEMBER GOODSSELL: Rear right corner.

1 MR. FISCHER: Yes.

2 (WHEREUPON, a discussion was held amongst board members.)

3 MEMBER DONATELLI: So as I look at the survey that is dated 2018,
4 it would appear that the deck is actually to the east -- on the east
5 side of the house, not on the west side; is that correct?

6 MR. FISCHER: Yes, on the east side, not the west, correct.

7 MEMBER DONATELLI: And there is no neighbor that is adjacent
8 to the east side of the property.

9 MR. FISCHER: Correct.

10 MEMBER DONATELLI: And do you know if that's a buildable lot?

11 MR. FISCHER: I tried to do a little research to see who owns
12 it. There is a sign on Canal Road, I think that's the name, that
13 says -- it just says No Dumping by the Order of Town of North
14 Hempstead.

15 MEMBER DONATELLI: I'm sorry. It says, what?

16 MR. FISCHER: There's a sign that says No Dumping by the Order
17 of Town of North Hempstead, so I would assume that that's town
18 property. I don't know factually who owns that property or if it's
19 developable.

20 MEMBER DONATELLI: As I look at the survey, it says unspecified
21 land on the tax map. That is both to the rear -- to the land to the
22 rear of the subject premises as well as to the east of the subject
23 premises.

24 MR. FISCHER: Correct.

25 (WHEREUPON, a discussion was held amongst board members.)

26 MEMBER DONATELLI: One other question. As we look at the

1 photograph that was submitted with the application, I see that there
2 is some, I guess, some clearing of the grass that is directly behind
3 the house. Was that done in preparation for the building of this
4 deck?

5 MR. FISCHER: No, that was pretty much like that. She hasn't
6 done anything really much with the house.

7 MEMBER DONATELLI: Well, but that is showing the portion of the
8 house where the deck will be built.

9 MR. FISCHER: Yes.

10 MEMBER DONATELLI: And it's on the rear yard.

11 MR. FISCHER: Right.

12 MEMBER DONATELLI: This photograph was taken essentially from
13 the east -- from the vacant land looking at the house.

14 MR. FISCHER: Yes.

15 (WHEREUPON, a discussion was held amongst board members.)

16 MEMBER HERNANDEZ: We're always concerned with raised decks
17 because, you know, being five and a half to 6 feet tall, you put a
18 4-foot deck, now that five-and-a-half-foot person is nine and a half
19 feet --

20 MR. FISCHER: I understand that.

21 MEMBER HERNANDEZ: A 6-foot person is 10 feet tall, so if you
22 have a neighbor next door, you don't want to have giants walking
23 around.

24 MR. FISCHER: I completely understand.

25 MEMBER HERNANDEZ: But in this case, this deck is not close to
26 the neighbor.

1 MR. FISCHER: Correct.

2 MEMBER HERNANDEZ: On the this left side, it's not close to the
3 neighbor in the far left side.

4 MR. FISCHER: Correct.

5 MEMBER HERNANDEZ: And there's nobody behind it or to the right
6 of it so it is not as --

7 MR. FISCHER: And I can, like I said, I do have a consent from
8 the neighbor adjacent and on 9 Cantiague, which is the neighbor to
9 the rear. I can submit those formally for you.

10 MEMBER HERNANDEZ: Why don't you mail those in. That would be
11 appreciated.

12 MR. FISCHER: Okay.

13 CHAIRMAN MAMMINA: We'll mark it continued.

14 MR. FISCHER: Okay.

15 CHAIRMAN MAMMINA: And we'll receive those.

16 SECRETARY WAGNER: For consents.

17 MEMBER DONATELLI: Yeah.

18 MEMBER HERNANDEZ: You can just email them in.

19 MEMBER DONATELLI: Sorry, just one more question.

20 MR. FISCHER: Yes.

21 MEMBER DONATELLI: And I know that the chairman touched upon
22 this, but the reason why it's 3 feet 9 inches off the ground as opposed
23 to some other measurement would that make it flush with the inside
24 of the house with the exit?

25 MR. FISCHER: There's a minimal step. It's not completely
26 flushed. There's a little bit of step out the door.

1 MEMBER DONATELLI: When you say minimal, can you quantify that?

2 MR. FISCHER: Four inches roughly. It's a minimal first step.

3 MEMBER GOODSSELL: Is that four inches down?

4 MR. FISCHER: Correct.

5 MEMBER GOODSSELL: And the house --

6 MR. FISCHER: The deck is about four inches down from the door.

7 MEMBER HERNANDEZ: And it's not a solid deck.

8 MR. FISCHER: Correct. Not solid. It's a wood frame.

9 MEMBER HERNANDEZ: No water goes through --

10 MR. FISCHER: Yes, everything drains right into the ground,
11 correct.

12 MEMBER HERNANDEZ: I've seen people build things right up flush
13 so they can wheel a baby carriage out and then water comes in.

14 MR. FISCHER: Yup.

15 SECRETARY WAGNER: Do you have the ability to send those
16 consents from your phone?

17 MR. FISCHER: Yeah.

18 SECRETARY WAGNER: So he can send them to us now.

19 MEMBER HERNANDEZ: Oh, yeah.

20 SECRETARY WAGNER: Is that okay?

21 MEMBER HERNANDEZ: Yeah.

22 SECRETARY WAGNER: Mr. Chairman?

23 CHAIRMAN MAMMINA: Yeah, that's fine.

24 SECRETARY WAGNER: He's said he can send the consents from his
25 phone.

26 CHAIRMAN MAMMINA: Okay.

1 SECRETARY WAGNER: I guess you can send it to B-Z-A-D-E-P-T.

2 MR. FISCHER: Do you want to continue, and I'll do it after?

3 SECRETARY WAGNER: Well, if you want them to make a decision,
4 then?

5 MR. FISCHER: Okay.

6 CHAIRMAN MAMMINA: We can do a second call or if we can get them?

7 SECRETARY WAGNER: I mean, if it doesn't take you too long.

8 MR. FISCHER: What's the address?

9 SECRETARY WAGNER: Bzadept@northhempsteadny.gov.

10 MR. FISCHER: Bzadept@northhempsteadny.gov.

11 SECRETARY WAGNER: Yes.

12 MR. FISCHER: It was just sent. The owners of the properties,
13 which I have received a consent form or they had stated that they're
14 unable to get the form notarized, but they are signed by the owners,
15 but they're not notarized.

16 VICE CHAIRMAN FRANCIS: That's fine.

17 MEMBER DONATELLI: Has that been sent?

18 MR. FISCHER: Yes.

19 MEMBER HERNANDEZ: And that is the house to the left --

20 MR. FISCHER: Yes.

21 MEMBER HERNANDEZ: -- and rear.

22 MR. FISCHER: And across the street, which has really no effect.

23 MEMBER HERNANDEZ: Is it across the street or behind it?

24 MR. FISCHER: I have adjacent and behind and then one across
25 the street.

26 MEMBER HERNANDEZ: Oh, okay, you have three of them.

1 MR. FISCHER: Yes.

2 CHAIRMAN MAMMINA: You got the helicopter company.

3 MR. FISCHER: Get these. I need these.

4 (WHEREUPON, a discussion was held amongst board members.)

5 SECRETARY WAGNER: Okay, I sent it to you guys.

6 MEMBER DONATELLI: So perhaps we should note for the record the
7 fact that the applicant just emailed us consents. They appear to
8 be signed. I'm looking at one from 6 Orient Court. It is signed
9 by the owner of the property. It is not notarized. I don't know
10 that's fatal.

11 MEMBER HERNANDEZ: Three. This is across the street.

12 MEMBER DONATELLI: I guess you also sent us copies of the green
13 cards from the mail office.

14 MR. FISCHER: Yes.

15 MEMBER DONATELLI: From the post office.

16 MR. FISCHER: Correct. When they were originally mailed out,
17 there was the -- the receipts that were emailed, and then I just have
18 two return receipts that I received so far.

19 MEMBER HERNANDEZ: So the two affected neighbors, which is the
20 one next to it and the one behind them.

21 MEMBER DONATELLI: And 10 Cedar.

22 MEMBER HERNANDEZ: What is it?

23 MEMBER DONATELLI: Is that 10 Cedar?

24 MEMBER HERNANDEZ: No, 9 Cantiague.

25 MEMBER GOODSSELL: 9 Cantiague.

26 MEMBER HERNANDEZ: Yeah, they're all in a row.

1 (WHEREUPON, a discussion was held amongst board members.)

2 VICE CHAIRMAN FRANCIS: Mr. Chairman, I live in the
3 neighborhood, and I think I agree with all of you in terms of impact.
4 This impact will be minimal on any neighbors, so with that said, I
5 would move that we grant the application.

6 CHAIRMAN MAMMINA: We have a motion by Vice Chairman. Do we
7 have a second?

8 MEMBER DONATELLI: Second.

9 CHAIRMAN MAMMINA: Seconded by Member Donatelli. Please poll
10 the board.

11 SECRETARY WAGNER: Member Hernandez.

12 MEMBER HERNANDEZ: Aye.

13 SECRETARY WAGNER: Member Goodsell.

14 MEMBER GOODSSELL: Aye.

15 SECRETARY WAGNER: Member Donatelli.

16 MEMBER DONATELLI: Aye.

17 SECRETARY WAGNER: Vice Chairman.

18 VICE CHAIRMAN FRANCIS: Aye.

19 SECRETARY WAGNER: Chairman Mammina.

20 CHAIRMAN MAMMINA: Aye. The application is granted. Thank
21 you.

22 MR. FISCHER: Thank you.

23 SECRETARY WAGNER: We're going to take a five-minute break
24 before the next appeal.

25 (WHEREUPON, there was a recess taken in the proceeding.)

1 SECRETARY WAGNER: Everybody ready.

2 VICE CHAIRMAN FRANCIS: Yes.

3 SECRETARY WAGNER: Mr. Sahn, you ready?

4 MR. SAHN: Yes.

5 SECRETARY WAGNER: Appeal #21663, 440 Old Country Road, LLC;
6 357 Old Country Road, Carle Place; Section 10, Block 288, Lot 48;
7 Zoned: Business A.

8 Site wide redevelopment of the property. Conditional Uses
9 70-126(A) to construct a new restaurant with outdoor seating, and
10 two additional restaurants for a total of three restaurants; Appeal
11 for determination, or in the alterative Variances 70-103(A) (1),
12 70-132(A) and 70-134, for not enough off-street parking, light poles
13 in the required front yard and light poles in the required rear yard;
14 Variances 70-103(B), 70-132(A), 70-134, 70-135, and 70-196(J) (2) (a)
15 to construct parking spaces that are too small, a drive-thru by-pass
16 lane within a required front yard, a trash enclosure, parking spaces
17 and drive aisle in a required rear yard, fences that are too tall,
18 and too many ground signs on the property.

19 CHAIRMAN MAMMINA: You heard Appeal #21663, 440 Old Country
20 Road, LLC. Is there anyone interested in the application other than
21 the applicant? Okay, seeing some hands, and you'll have the
22 opportunity to speak after the presentation.

23 MR. SAHN: Good afternoon, Mr. Chairman, members of the board.
24 Michael Sahn, Sahn Ward Braff Coschignano, 333 Earl Ovington
25 Boulevard, Uniondale, New York.

26 I'm pleased to have the opportunity to present this application

1 to the board on behalf of the applicant, 440 Old Country Road, LLC.
2 Joining me today in the hearing room are several members of our
3 development team, including from VHB, Andrew Kelly, who's a landscape
4 architect. Aaron Machtay, professional engineer and transportation
5 manager at VHB. Gennaro Talerico from the Scotto Brothers
6 Organization. Meaghan Hassen from my firm, who is one of our
7 associates who has worked on the application with me.

8 I'm going to speak a little louder than I typically do because
9 I know that some of the neighbors want me to pronounce a little bit
10 louder for them so they can follow.

11 CHAIRMAN MAMMINA: Us as well.

12 MR. SAHN: Thank you. Also, Richard Bivone from RMB Drafting,
13 who has worked on the application as part of the development team.

14 The application is an exciting one for the development team and
15 myself because it is a reuse and redevelopment of this property, which
16 the board is very familiar with. In fact, Mr. Chairman, I know that
17 you were at various hearings with me in the past, 1997 and even before
18 that, when we presented the Chateau Briand to the board. Also, we
19 presented the DSW Warehouse that's on the property to the board, and
20 this is a great opportunity to redevelop the property; reuse it in
21 a fashion that is more suitable for the current time.

22 As you know, the Chateau Briand has been demolished, and in this
23 application, it is proposed to retain DSW while building new
24 improvement and uses on the property. We are discussing as indicated
25 by the legal notice, the property at 440 Old Country Road also known
26 at times as 357 Old Country Road in Carle Place; Section 10, Block

1 288, Lot 48351 on the Nassau County Land and Tax Map. The property
2 is entirely within the Business A Zoning District. It has a lot area
3 of 5.55 acres, with a frontage of 495 feet on Old Country Road.

4 We have a number of exhibits that we are going to display for
5 the board, and Andrew Kelly is going to help me with that. The first
6 one to the board's right on the easel is an area photo of the site
7 as it exists today with the DSW Warehouse and that is shown outlined
8 and Mr. Kelly is pointing to it. The Chateau Briand, as you remember
9 it, has been demolished.

10 The application that we're discussing again is to build new
11 structures for this property. The property has a zoning history that
12 goes back to 1950, and I have a list of different applications that
13 were before the town for this property dating back to 1950 that I'd
14 like to submit, and the purpose of this is to show that the property
15 has evolved over the years and different uses have been established
16 there, but it's always been a commercial use property and has included
17 restaurant uses, conditional uses, parking variances, which we're
18 going to discuss, and other types of relief, such as parking spaces
19 with insufficient dimension pursuant to the town code. So if I may,
20 I'd like to make this an exhibit to submit to the board.

21 SECRETARY WAGNER: This will be Exhibit 1.

22 CHAIRMAN MAMMINA: For a chance, do we have copies?

23 MR. SAHN: I have an extra one.

24 CHAIRMAN MAMMINA: Terrific. We always like when the
25 neighbors can also see what we're discussing. We really can't
26 take --

1 SECRETARY WAGNER: At the end you can --

2 CHAIRMAN MAMMINA: Any questions, but we will be able to do that
3 later.

4 MR. SAHN: I had shared with the neighbors a set of the site
5 plan documents that are before the board.

6 The 1997 approval was Appeal #15755, and that was submitted to
7 the board together with the memorandum of facts and law that we
8 prepared for the hearing. I trust that the board members have had
9 a chance to review the memo. I have additional copies. I'm going
10 to try to summarize what's in the memo as opposed to going through
11 it in a more comprehensive fashion knowing that the board has already
12 had a chance to read it and understand our arguments on the
13 application. I would also like to submit a copy of the original DSW
14 approved plan for the record. That shows how the DSW was approved
15 back in 1997, and the fact that it is similar, exactly the same with
16 the parking around it as is proposed on this site plan.

17 MR. PERROTTA: Thank you. This will be Exhibit 3?

18 SECRETARY WAGNER: No, number two.

19 MR. SAHN: Two. So with respect to this exhibit, we were able
20 to find in the records of the town a resolution from 1997 setting
21 a date for the public hearing on the DSW. We did not find the
22 resolution of approval, but attached to this resolution setting the
23 date for the hearing is the approved plan for the DSW Warehouse that
24 now exists on the site, and as we go through the application, we'll
25 refer to the fact that the building remains the same. The parking
26 behind the building is the same as proposed in this application,

1 except for the new area, which is on the easterly side, and on the
2 west. On the western side the parking is the same as was approved
3 in 1997. I also want to mention that the application received
4 approval or local determination from Nassau County Planning
5 Commission, and prior to preparing this application and submitting
6 it to the board, we had conversation with the town planning
7 commissioner on the layout of the buildings. We also had
8 conversations and met with the Carle Place Fire Department to review
9 the application, and we had conversations with other officials at
10 Nassau County Department of Public Works, who will eventually have
11 to review the application under Section 239FO General Municipal Law.
12 The application that we're presenting has been well vetted before
13 this board's review of it today. We also, for the board's
14 information, have discussed this with representatives of other local
15 jurisdictions, such as Carle Place Water, and we're confident that
16 the application has been reviewed for utilities and other facilities
17 that need to service this property. The surrounding uses, again,
18 the board is familiar with those.

19 Andrew, if you could put up the site plan.

20 MR. KELLY: Yeah.

21 MR. SAHN: And of course, on the south side of Old Country Road
22 is Town of Hempstead, and that area in the town is developed with
23 various shopping centers and commercial uses. There are residential
24 homes behind the property, and to the west, and to the east is the
25 hotel. The hotel that's been there for many years, so we are on a
26 commercial property area of Old Country Road that's been developed

1 with existing uses of a similar nature and kind to what's proposed
2 in this application.

3 Let me review what we're proposing to do for the redevelopment
4 of the site. First, in the front of the property closest to Old
5 Country Road on the easterly side a new restaurant is proposed for
6 Raising Cane's, which is spelt C-A-N-E-'-S. This would be, if
7 approved, the first Raising Cane's fast food service restaurant in
8 Nassau County, and I believe also the first in Suffolk County. I
9 have some information about Raising Cane's that I've already provided
10 to Mr. Perrotta to distribute to the board. It's a very fast growing
11 very popular restaurant chain throughout the United States
12 specializing in a very limited menu but very popular of chicken
13 fingers; chicken fingers individually and chicken fingers served in
14 sandwich form with various side dishes. What's made it so popular
15 is the fact that it has a very good product as we understand it, and
16 it's very well done, and the service is very good, and it's become
17 very well known throughout the U.S. So that facility along with the
18 drive-thru aisles is proposed in the front, closest to Old Country
19 Road, and again, on the easterly side of the property. On the
20 westerly side of the property also in the front, there's proposed
21 to be a drive-thru service bank. We don't have a bank tenant per
22 se at the moment; however, this is proposed and shown graphically
23 where the bank would go. As we will discuss further, we think those
24 two uses in the front, closest to Old Country Road are very compatible
25 with the area and will complement the other uses on the property.

26 As you see, the DSW Warehouse building will remain in its present

1 location. That's an existing building with 22,000 square feet, and
2 there's a parking lot in front of the DSW. There's parking on the
3 westerly side of DSW, and the parking that's shown on this site plan
4 behind DSW is the exact same parking that has existed since it was
5 first built in 1997. No change whatsoever in that parking other
6 than, as Mr. Kelly is going to explain, we have a driveway at the
7 rear, which he will go into further detail.

8 Then the last component of the redevelopment is a new one-story
9 building, which is attached or sort of catty corner to DSW. Again,
10 on the easterly side of the property. That building is designed to
11 accommodate two restaurant spaces and two retail spaces. We don't
12 have tenants yet for those spaces, but anticipated that those tenants
13 will be identified once the project has received and gone through
14 its approval process.

15 That being said, I'd like to talk about some of the notices of
16 disapproval that the building department has issued and give a
17 context for the application. The notice of disapproval cites 13
18 different items. I'm going to try to group them together.

19 First, we have items relating to the parking. It's noted that
20 there's an insufficiency of parking according to code, and that there
21 are spaces beyond what's allowed that are 9 by 18 in scope. Those
22 are items one and two of the notice of disapproval.

23 There are also conditional use permits requested for the
24 restaurants. Those are items three and four on the notice of
25 disapproval.

26 There are front yard variances under Section 70-132A. Those

1 are items five and six on the notice of disapproval. Those are for
2 a drive-thru aisle that is in front of Raising Cane's that slightly
3 intrudes into the front yard along Old Country Road, and for light
4 poles that are existing in the front of the property. With respect
5 to the light poles, we've requested a determination from the board
6 that light poles, in and of themselves, do not require a setback
7 variance. In my experience, light poles have not been identified
8 previously by the building department as requiring a setback
9 variance. They're not structures. They're utilities, and we ask
10 the board to take that into consideration. At the same time, if the
11 board finds that light poles do require a setback variance, we're
12 asking that the board grant a setback variance for the light poles.

13 There are rear yard variances requested of Section 70-134 of
14 the code. Those are items seven and eight in the notice of
15 disapproval. And again, with respect to those items, they can
16 concern part of parking spaces that are in the rear yard setback and
17 light poles at the rear of the property where there have been light
18 poles since the Chateau Briand and the DSW were first developed. We
19 are also asking with respect to those light poles a determination
20 that light poles do not require a variance.

21 Also, there's a request for a slight, very minimal rear yard
22 variance for the trash enclosure at the rear of the property.
23 Mr. Kelly is going to discuss that. We are aware of two emails that
24 were sent to the board by nearby residents concerning the trash
25 enclosure. I had a chance to speak with Mr. Kelly and the others
26 involved in the application before the hearing, and we will do our

1 best to find a different location for that trash enclosure, so that
2 we don't need to ask for a variance for the trash enclosure at the
3 rear.

4 MR. PERROTTA: So you're withdrawing that?

5 MR. SAHN: Well, we're going to -- pending Mr. Perrotta finding
6 a revised plan. I'm going to bring that to the board's attention.
7 We're aware of it. We're considerate of the neighbors' request on
8 that, and we're going to look for another location.

9 SECRETARY WAGNER: So you're not withdrawing at this time?

10 MR. SAHN: We're not withdrawing it at this time, but we're
11 going to give it consideration and ask for the opportunity to submit
12 a revised plan.

13 There is also a request for a variance of 70-135 of the code
14 for the 8-foot fence at the rear of the property. That's the exact
15 same variance that was, in fact, ordered by the board at the time
16 of the Chateau Briand, the board requested an 8-foot fence at the
17 boundary line between this property and the neighbors, and pursuant
18 to that request, the fence was installed. It remains in place, but
19 according to the Building Department because the use was changing
20 from the Chateau to these proposed uses, we needed to renew that
21 request for a variance for an 8-foot fence, and we expect and are
22 hopeful that the board will allow the continuation of that fence
23 because it is protective of the neighbors.

24 Lastly, there's a variance for Section 70-196J2A for a second
25 ground sign. At the property, there's an existing ground sign, the
26 board knows, on the westerly side of the property near the secondary

1 entrance and exit by the DSW Warehouse. The ground sign that we're
2 proposing, and it has not yet been fully designed, would be at the
3 main entrance, which is at the traffic light by Zeckendorf Boulevard.
4 There was a sign for the Chateau Briand at that entrance, which was
5 approved previously, and we believe that a ground sign would be
6 appropriate for this property once redeveloped given different uses
7 as with other commercial properties along Glen Cove Road and Old
8 Country Road. So that's the second ground sign. There's no other
9 variance related to the ground sign before the board at this time.

10 Last, and as the board knows, given the size of property, the
11 Building Department has noted that we do need site plan approval with
12 respect to Section 70-219A of the code because of the size of the
13 property and the proposed redeveloped. So many of the site
14 development issues such as lighting and landscaping, drainage, and
15 the light, will be before the town board on site plan approval if
16 the board grants the relief requested in this application. Again,
17 in that regard, I want to mention that we have had preliminary
18 discussions with the Planning Department so that the site plan before
19 the board on this application does reflect input, albeit not binding
20 at this point, but input from the Planning Department on the property
21 development of the site.

22 I'm just going to make a few comments before Mr. Kelly comes
23 forward to talk about the determinations. I did talk about the
24 determinations for the light poles. With respect to the parking,
25 we noted that according to the disapproval that the Building
26 Department issued, the Building Department is indicating that for

1 the bank, a parking ratio of one space for every 200 square feet would
2 apply. I have attached to the memo of law and submitted to the board
3 an application from an Alma Bank that was before the board not so
4 long ago in Port Washington. In my experience as with the Alma Bank,
5 the Building Department considered a bank such as proposed here to
6 be all other business at one space for every 300 square feet. It's
7 not a huge difference in terms of the parking that's required, but
8 it does amount to a number of spaces, and we think that is the more
9 appropriate ratio to apply for this type of bank. I do want to also
10 mention that for the bank and for the Raising Cane's restaurant, we
11 will need to appear before the town board, as you know, for approval
12 for those drive-thru service facilities.

13 Last, again, before Mr. Kelly comes forward, I did submit to
14 Mr. Perrotta a rendering of the Raising Cane's restaurant elevation
15 plan to give the board an idea of how that would look. So you have
16 a rendering of it and background about the franchise itself.

17 MR. PERROTTA: This will be Exhibit 4.

18 MR. SAHN: Thank you. So all that being said as background,
19 I'd like Mr. Kelly to walk the board through the site development
20 in a more detailed fashion.

21 CHAIRMAN MAMMINA: Okay, thank you, Mr. Sahn. I would invite
22 Mr. Kelly to come on up.

23 MR. KELLY: Mr. Chairman, members of the board, thank you for
24 your time this afternoon to review this application. As introduced
25 by Mr. Sahn, my name is Andrew Kelly. I'm the project manager of
26 landscape architect of VHB engineering.

1 CHAIRMAN MAMMINA: Mr. Kelly, can you slow it down for a bit --

2 MR. KELLY: Sure.

3 CHAIRMAN MAMMINA: -- for the stenographer.

4 SECRETARY WAGNER: Yeah, and speak into the mic.

5 AUDIENCE MEMBER: And louder.

6 CHAIRMAN MAMMINA: And louder if you can.

7 MR. KELLY: Sure. Andrew Kelly, and I'm a project manager and
8 landscape architect at VHB Engineering. We have offices at 100 Motor
9 Parkway. That's in Hauppauge, New York. Also, with me today from
10 VHB is Aaron Machtay. He's one of our traffic engineers. He'll be
11 following my presentation to go through the traffic impact study that
12 was submitted as part of the application.

13 As Mr. Sahn mentioned, the site is 5.55 acres, and as you know,
14 the former location of the Chateau Briand catering hall, and the
15 current location of DSW of Carle Place. The site has frontage on
16 Old Country Road, and is surrounded by similar commercial land uses
17 to both the east and the south, and a mix of residential and commercial
18 to the west, which is separated by Lanie Place. I'll keep in front
19 of the mic, but if you look on the left side of the board that's the
20 area you can see Lanie Place on the west side of the property. South
21 of that is commercial use, and north of that is residential. On the
22 rear side of the yard on the top of Sheet C3.1 that's on the easel
23 there, again, that north property line has already entered uses.

24 As mentioned by Mr. Sahn, a closed action looks to incorporate
25 a mix of retail restaurant and bank tenants onto the subject property.
26 I would like to kind of walk through the site plan; although, I'll

1 try to stay here by the mic, so I'll try to do my best to walk everyone
2 through. Up on the easel is Sheet C3.01, which is a layout and
3 materials plan on the site plan for the proposed application. On
4 the sheet, north is oriented up. Just for ease of viewing. So Old
5 Country Road, you'll notice is on the bottom of the sheet as the south
6 section of the site. The existing main site access road that is there
7 today is essentially located along the frontage of Old Country Road.
8 That is proposed to remain. I also have minor modifications to
9 support the proposed development. There's also a secondary site
10 access and exit on the west side of the property that you can see
11 towards the bottom left is west of the proposed bank. That is also
12 proposed to remain, but again, with some minor modifications to
13 support the proposed development.

14 Old Country Road is maintained and owned by Nassau County DPW,
15 so there will be a two-enough application that will put on parameters
16 on those intersections, so those intersections will be designed to
17 conform to those requirements set forth by the County DPW.

18 Just moving further into the site. As we discussed before, it's
19 kind of on the southwest corner of the site, where the proposed bank
20 structure, which is a one-story 3,015 square foot structure with a
21 drive-thru lane located on the north of the bank structure. The
22 proposed fast food restaurant is the Raising Cane's use, again, on
23 the southeast corner of the subject property that is also a one-story
24 structure at 3,292 square feet.

25 The Raising Cane's will consist of two drive-thru lanes that
26 kind of wrap from the south side of the building around to the north

1 on the east side of the building as well as a bypass lane, which is
2 required by code. The bypass lane does encroach slightly into the
3 front yard setback by 1.07 feet, but all primary structures are
4 outside of the front yard setback. There's also a crosswalk provided
5 on the south side of Raising Cane's that does cross through the
6 beginning part of the drive-thru. That has been provided to allow
7 safe access for the workers at Raising Cane's to service patrons as
8 needed as they come through the drive-thru, and also does provide
9 a pedestrian connection to the public right-of-way along Old Country
10 Road from the sidewalk that exists today.

11 More centrally located on the site kind of in the middle of the
12 site but closer to the left side of the property is the existing DSW.
13 Again, that's to remain with no changes aside from some rear work
14 in the parking around the south and east of the existing building.
15 On the north side of the site, kind of in that northeast corner is
16 the proposed retail and restaurant building. That's a total of
17 22,000 square feet. It'll be made up of two potential restaurant
18 tenants as well as two potential retail tenants. The restaurant
19 tenants are flanked on the left and right side of the building with
20 the two retail tenants being in the center tenant spaces.

21 The off-street parking will be provided on the site. It'll be
22 a mix of 9 by 18 stalls and 10 by 20 stalls. The 9 by 18 stalls have
23 been located more or less from the center of the site north on the
24 two sides of the property and all to the rear. The idea there is
25 that they would be utilized primarily by employees working at the
26 proposed uses. The code compliant 10 by 20 stalls are more centrally

1 located in the main parking fields and in front of the DSW as well
2 as within the two path sites to the bank and the Raising Cane's tenant.

3 In terms of site circulation; again, as I mentioned previously,
4 the central site access off of Old Country Road is to remain.
5 There'll be one lane, two lanes out, and the west access will be one
6 in and one out as it is today. The rest of the site circulation is
7 served by all two-way drive aisles throughout the site that gives
8 complete access around all the existing and proposed structures as
9 well as the proposed parking field. The site circulation, just to
10 note, was reviewed by the Nassau County Fire Marshall as well as the
11 local fire department, so access to all the buildings have been
12 reviewed by those entities or by those authorities having
13 jurisdiction.

14 Regarding the parking, the dumpster, and the access road on the
15 rear of the property, which I'm just going to point out quick, is
16 this whole area here. There was some discussion on encroachments
17 here, so -- there is an encroachment with the drive aisle and the
18 parking, but it's all a minimum of it's -- at the worst cases scenario
19 of 5 feet of an encroachment into the rear yard on the west side of
20 the property and a minimum of 3 feet on the east side. I'd like to
21 note, though, however, that the building, the proposed 22,000 square
22 foot building is located 41.51 feet from the rear property line, which
23 is outside of the rear setback. I'd also like to note that the
24 required 15-foot landscape cover that is required by code is proposed
25 to remain. It's in place and intact along the entire rear yard. In
26 fact, it even exceeds the 15-foot requirement as you get closer to

1 the east side of the property.

2 Lastly, in the existing condition, as Mr. Sahn mentioned, there
3 is parking and drive aisles there today, so there is minimal
4 dimensional change there today.

5 With respect to the dumpster, the dumpster encroaches into that
6 rear yard around 3 feet. It's 2 foot 11 inches, and as mentioned,
7 we had spoken with the applicant, and they're looking to possibly
8 relocate that to a better location on site.

9 In addition to the proposed site improvements, the site will
10 be improved upon with additional landscaping to assist with the
11 aesthetic qualities of the site. These landscape improvements were
12 designed with coordination and conversations with the town's
13 planning commissioner to help address our concerns and the concerns
14 of the Planning Department. The landscape improvements will include
15 additional -- made of adaptive drop tower plant species to help soften
16 the development, and it's also worth noting that impervious or
17 pervious or landscape site coverage is going to be increased by
18 approximately 5,946 square feet from the existing condition, so we're
19 looking to improve upon that from the existing site. New foundation
20 plantings are proposed around the existing DSW building as well as
21 all the proposed structures on site, and there will be incorporation
22 of landscape islands throughout the site, which will include ground
23 covers, shrub material, and urban tolerant tree species where
24 applicable.

25 As I mentioned before about the rear property line because we
26 do have residential -- adjoining residential uses on the west of the

1 property. That existing 15-foot buffer north of the Lanie Place
2 along the west property line will be maintained. There's an existing
3 fence there and existing evergreen buffer that's proposed to remain
4 as part of the proposed action.

5 Lastly, in terms of landscape, everything will be irrigated to
6 help things establish and also provide an exhiling landscape, you
7 know, palette for the future.

8 I won't go into detail about the site engineering. If there's
9 any question, I can speak to it in more detail, but in terms of
10 drainage of the county of right-of-way and the frontage on the county
11 of right-of-way will have to adhere to Nassau County DPW drainage
12 standards. We're in that process. We have one initial application
13 to them, and they're able to review. They've provided some
14 commentary to which we're working through that with them. That
15 pretty much concludes my presentation.

16 MEMBER GOODSSELL: If I could just ask a question?

17 MR. KELLY: Sure.

18 MEMBER GOODSSELL: As I recall, there's an elevation difference
19 between DSW building and the east side of the property. Is that going
20 to be regraded or are you keeping the elevation discrepancy.

21 MR. KELLY: No, that is correct. So to accommodate the 22,000
22 square foot, there will be some cut in that northeast corner, so there
23 will be a retaining wall that runs on that east property line to be
24 able to grade the east property line of the hotel parcel, I should
25 say, will be higher than the proposed.

26 MEMBER GOODSSELL: There's no retaining wall there now; is that

1 correct?

2 MR. KELLY: There's no -- I think there might be a small one
3 here and there, but there's actually cross access, but it is a minimal
4 grade change at this point because of that cross action.

5 MEMBER GOODSELL: I'm gonna take that into account when
6 determining the drainage as well.

7 MR. KELLY: Yes.

8 MEMBER DONATELLI: Another question on that thing. Is there
9 any elevation difference between the property and the residents
10 behind it?

11 MR. KELLY: On the west or the north side?

12 MEMBER DONATELLI: On the north side.

13 MR. KELLY: On the north, there's an existing retaining wall
14 on the northeast corner of their property. We're proposing to
15 install an additional to help with that grade. It's pretty steep
16 there, so that'll be a little of a turn when retaining wall from that
17 east property line.

18 MEMBER DONATELLI: What is the grade differentiation between
19 the site and the residences to the north of it?

20 MR. KELLY: The residences to the north, I believe, it's around
21 a -- if I can just grab the grading plan?

22 MEMBER DONATELLI: Sure.

23 CHAIRMAN MAMMINA: I don't think the survey shows the grades
24 on the houses before. Those are printed very light.

25 MR. KELLY: So it's around an 8-foot grade difference from that
26 north property to the parking lot, which is the reason for that

1 retaining wall there.

2 MEMBER GOODSSELL: The neighbors then are possibly 8 feet high?

3 MR. KELLY: Yeah, they're a little bit -- they're higher than
4 the site, correct.

5 MEMBER HERNANDEZ: So the retaining wall will be on the parking
6 lot side?

7 MR. KELLY: Yes, so if I can point to it on the --

8 MEMBER HERNANDEZ: Yes.

9 MR. KELLY: The retaining wall will run along the east property
10 line and it will come on our side along adjacent to the parking lot,
11 so it will be at least 15 feet from the property.

12 MEMBER HERNANDEZ: It sounds like it also -- the retaining wall
13 drops because of the property level off.

14 MR. KELLY: Correct, yes. So as you move to the west here, the
15 retaining wall comes down to zero. Similar on the east side as well.

16 MEMBER DONATELLI: So with respect to the 22,000 square foot
17 proposed retail restaurant building, I note that it shows dimensions
18 of 220 feet by 100 feet. I note that it's showing dimensions of 220
19 feet by 100 feet, and I also note that you don't have any current
20 tenants lined up for that space; is that correct?

21 MR. KELLY: That's correct. There's currently no tenants for
22 that space selected.

23 MEMBER DONATELLI: Is there something magic about the 100-foot
24 depth that could not be accomplished with a shorter depth; 85 feet,
25 90 feet, something like that? Is there something magic about a
26 storefront or a restaurant that it's 100 feet deep?

1 MR. KELLY: Yes, so with the applicant's discussion with their
2 brokers on selecting potential tenants, that was kind of the sweet
3 spot dimension that was recommended to be able to broaden their range
4 of potential tenants for that space, 500-foot depth. And again,
5 their desire -- just chatting with the applicant, the desire here
6 is retail use for that so really to adhere to those retail tenants.

7 CHAIRMAN MAMMINA: Of the opinion, not really doing a lot of
8 retail work that if that were to be cut back some that it's not gonna
9 destroy the property. That's a statement. That's not a question.

10 MR. KELLY: Understood.

11 MR. SAHN: I think that was more -- that's driven -- this design
12 is driven by --

13 SECRETARY WAGNER: Mr. Sahn, could you move up to the mic.

14 MR. SAHN: Oh, sorry. The design is driven in order to maximize
15 the potential for quality tenancies, and at the same time, this
16 building, whether it's at 100 feet or 85 feet, will still in a sense
17 be a buffer at the rear with the adjoining property -- residential
18 that is to the north, and remove from this area of the site, the
19 parking that was always associated with Chateau Briand, and which
20 from time to time may have created issues with the adjoining owners,
21 notwithstanding best efforts to police that parking. That parking
22 won't be there any longer.

23 CHAIRMAN MAMMINA: There are certainly other options. I mean,
24 of course, everybody wants to maximize their economic return. I
25 don't think it necessarily minimizes it either. If one of those
26 retail uses were to go away, and then there were three, and you spread

1 the square footage across it that way it will be able to pull the
2 building out is another viable alternative that really doesn't affect
3 their income in my opinion to any great extent, but those are
4 discussions that we can have all day long.

5 MR. SAHN: Right. I think those are more of an economic or
6 business perspective compared to design; just my opinion on that.

7 CHAIRMAN MAMMINA: Sure.

8 MEMBER DONATELLI: As I'm sure you're aware, as a board we're
9 required to weigh the various factors as we review these
10 applications, and as one board member, one of the things that I try
11 to listen very carefully to are the concerns of neighbors. Now,
12 clearly Old Country Road is anything but an Old Country Road at this
13 point.

14 MR. SAHN: Correct.

15 MEMBER DONATELLI: But certainly, we have to -- and I know that
16 the neighbors are here and I know intend to speak, but we have to
17 weigh these competing factors, and so as we review the variance and
18 the application that has been submitted, we also have to be very
19 mindful of the quality of life for the neighbors, and if there is
20 a way to remedy their concerns such that perhaps we can minimize or
21 do away with some of the variances to address their concerns. That
22 would be helpful as we weigh the balance of the application.

23 MR. SAHN: And of course we understand that, which was one of
24 the primary reasons I mentioned about the trash enclosure. Other
25 than that, the variances at the rear are only for -- if we take the
26 trash enclosure out of the equation, only for the small -- a small

1 amount of several parking spaces and the light poles.

2 MEMBER DONATELLI: And the drive-thru aisle.

3 MR. SAHN: The drive-thru aisles are all in the front.

4 MEMBER HERNANDEZ: No, rear?

5 MR. SAHN: I mean, the drive-thru service aisles for the bank --

6 MEMBER HERNANDEZ: The garbage truck is gonna be in the back
7 of the building picking up the garbage.

8 MR. SAHN: If we move that trash enclosure from the back, it
9 won't be -- it won't be a trash enclosure service at the rear.
10 The trash enclosure -- Mr. Kelly, point that out.

11 MR. KELLY: This is the trash enclosure.

12 CHAIRMAN MAMMINA: Yeah, okay.

13 MR. SAHN: Yeah, so if we move that, there won't be a need to
14 service the trash enclosure.

15 CHAIRMAN MAMMINA: It's my understanding from looking at the
16 denial that the roadway -- I call it a roadway, not the Long Island
17 Express going behind the building, also requires a variance.

18 MEMBER DONATELLI: That's my understanding as well.

19 MEMBER HERNANDEZ: According to your drawings --

20 SECRETARY WAGNER: Yes, not the drive-thru aisle, but the drive
21 aisle behind --

22 MEMBER HERNANDEZ: Right, that two-way drive aisle back there.

23 MR. SAHN: Yes, yes, but bear in mind the existing condition
24 is just that. There are parking spaces and associated areas at the
25 rear now at the Chateau, but we're maintaining -- we're maintaining --

26 CHAIRMAN MAMMINA: Having gone to -- and I apologize for

1 interrupting. Having gone through my share of events at the Chateau,
2 nobody drives back there. The cars are shuttled back and forth to
3 there, and then they're picked up, you know, brought up by a valet,
4 you know, unless it's a very small event, and then people are parking
5 themselves, but much closer to Old Country Road, but I don't think
6 that if this is an active shopping center -- I'm not saying it
7 shouldn't be an active shopping center. There are land use rights,
8 you know, that you're not gonna have that same flow of traffic; just
9 my opinion.

10 MR. SAHN: Well, Mr. Machtay is going to comment upon that.
11 The design is such that it would be minimal activity at the rear of
12 this building. The Chateau, of course, yes, the valets would move
13 the cars for the individuals at the Chateau, but that would involve
14 a consent back and forth of cars and traffic to get to those spaces.
15 Many of those events lasted, you know, well into the early hours of
16 the morning.

17 CHAIRMAN MAMMINA: That's what I'm saying. Those cars were
18 parking, they stay there for X amount of times, and then they
19 were -- they were then picked up, you know, and as per your testimony,
20 8-foot difference in grade and then the fence, and -- again, we can
21 go back and forth on this.

22 MR. SAHN: Right.

23 CHAIRMAN MAMMINA: We both understand what we're saying.

24 MR. SAHN: Right, we do. I think perhaps Mr. Machtay can
25 clarify some of that usage that would be involved in this application
26 compared to the Chateau application.

1 CHAIRMAN MAMMINA: Great.

2 MR. SAHN: So with that, I ask Mr. Machtay to give you his
3 report.

4 MR. MACHTAY: Chairman, members of the board. For the record,
5 Aaron Machtay with the VHB Engineering. Offices at 100 Motor Parkway
6 in Hauppauge, New York.

7 Just to speak to your concerns before I dive into the details
8 of my report. With any shopping center or any, you know, any property
9 that has a mix of various uses, there are areas that are high turnover
10 parking areas, and there are areas that are lower turnover parking
11 areas. The idea behind the design Mr. Kelly alluded to is that area
12 in the northwest corner, which is accessed by that driveway, which
13 is only 20 feet wide, would be primarily utilized by employees, and
14 the like of the shopping center, and wouldn't be receiving the regular
15 circulation of, you know, vehicles associated with customers of the
16 various.

17 CHAIRMAN MAMMINA: Let me jump in. Pickups -- excuse me,
18 deliveries of --

19 MEMBER HERNANDEZ: It's a loading space.

20 CHAIRMAN MAMMINA: I don't see a lot of employees, you know,
21 driving back into there --

22 MR. MACHTAY: But the point is, is that that's --

23 CHAIRMAN MAMMINA: -- and I guess that --

24 MR. MACHTAY: Sorry.

25 CHAIRMAN MAMMINA: Let me just finish up. The point being is
26 that if you get it out of the area that requires a variance, then

1 you got something as-of-right, and part of what we look at, as you
2 know very well, Mr. Machtay. You make very, very, very good
3 presentations always, and, you know, we've worked together, but the
4 objective for us is to minimize whatever variances can be minimized.

5 MR. MACHTAY: And I totally respect that. The only point that
6 I'm making is the activity that's back there is more transient than
7 the customer activity, and that's the reason why smaller parking
8 spaces and small drive aisles, not even just withstanding this
9 application, in general. That's the reason why those spaces and
10 those drive aisles that are substandard relative to the code can be
11 provided in many cases because it doesn't receive that overturn
12 traffic of people cycling looking for the stall, you know. One
13 person likes to be close to the building. One person likes to be
14 far away. It doesn't get that psychology mix. So I understand. I
15 think Mr. Sahn, of course, understands. I think the entire team
16 understands, but that's the reason why that type -- those dimensions
17 would be adequate for those spaces. Unless, you have more questions
18 about that?

19 CHAIRMAN MAMMINA: No, no, we differ in opinion. That's okay.

20 MR. MACHTAY: Of course. At the request of the applicant, VHB
21 prepared a traffic impact and parking study related to this proposed
22 redevelopment. As the board is well aware, it's been covered in
23 detail, the property in question is the home of the existing DSW store
24 and Chateau Briand facility for a number of years. DSW is obviously
25 still existing while the Chateau Briand has been discontinued and
26 demolished. As discussed by Mr. Sahn and Mr. Kelly, the applicant

1 is proposing to construct a new mix of uses on site. The DSW would
2 be maintained. While there will be a restaurant and retail building
3 as well as drive-thru bank, and a drive-thru Raising Cane's
4 restaurant with all these new features the applicant will also
5 reconstruct the onsite parking field to serve the existing demand
6 for each of the uses. The plan site prepared by VHB shows how it's
7 gonna be laid out, and 285 spaces would be provided.

8 As far as access to the site is concerned, the same basic layout
9 will be maintained. There would be one driveway located at the
10 intersection Zeckendorf Boulevard that is signalized. That signal
11 is maintained and operated by the Nassau County Department of Public
12 Works. Then the second drive-way is to the west, which would also
13 be maintained.

14 It should be noted that understanding that that signal is under
15 the control of Nassau County DPW. Again, as Mr. Kelly alluded to,
16 been in touch with them regarding the operational parameters.
17 That's all detailed in our traffic study. We're definitely gonna
18 be working with them in terms on any modifications that are required
19 as part of the traffic generated. So in order to prepare our traffic
20 and parking study, we obviously collected the area data. We studied
21 interactions. Obviously, we're focusing in on the access
22 intersection at that signal, and then we set out to conduct our
23 analysis by preparing an estimate for it; the traffic which would
24 be generated by use of the mix of uses.

25 Now, it should be noted that the estimate that we came up with
26 comes up with a certain number based on mixed uses if we compare that

1 just to the traffic which would be generated by Chateau Briand during
2 the Chateau Briand's peak period. In many cases, Chateau Briand
3 would have generated more traffic than they actually are putting on
4 the roadway now. It's just that Chateau Briand tended to operate
5 during the after hours, so it doesn't necessarily align with the peak
6 periods with the roadway. All that being said is we accounted that.
7 We analyzed the peak periods of the roadway understanding that that's
8 the time when this development would have the potential to have a
9 greatest impact. At those times, obviously, the catering facility,
10 the event hall would have less activity than other uses.

11 Regardless of all of those estimates ultimately said, what we
12 were able to show is that only with some modifications to the signal,
13 which I think, just based on the fact that the signal is there, was
14 always gonna be required, we can accommodate the newly gradient
15 traffic associated with this development. Again, this on the review
16 of Nassau County. This has been submitted to the board and to the
17 town, and you know, all the details of the operation parameters are
18 included therein.

19 Within respect to the parking, we prepared a shared parking
20 analysis in our traffic impact study, which analyzes the mix of the
21 uses understanding that not all of them are going to generate their
22 peak activity at the exact same time. That shared parking analysis
23 suggested that the maximum parking that would be generated would be
24 280 parked vehicles.

25 Now, it's noted that that's very conservative for two reasons.
26 First off, the DSW is assumed to be a normal retail use, we'll say.

1 Due to the ongoing demolition and construction that's been going on
2 at the site, it's difficult to count the activities specific to DSW.
3 It's even difficult to do it before when Chateau Briand was still
4 active. In our experience, DSW isn't like, you know, a high turnover
5 sort of retail use. It's more of -- what we've been calling it a
6 warehouse use. I think that's also the experience of the applicant,
7 where it's not necessarily generating the same activity on a square
8 foot basis as, you know, other types of retail uses. You think about
9 the shopping centers on the south side of Old Country Road, as those
10 types of uses would generate, so with that in mind, you know, our
11 estimate just assumed that it would generate activities more
12 commensurate with those types of uses, which is anything very
13 conservative.

14 CHAIRMAN MAMMINA: What types of uses are you talking about?

15 MR. MACHTAY: I was just mentioning, you know, if you compare
16 like DSW to types of uses in -- I think, it's the Galleria on the
17 opposite side of Old Country Road. Those are much more
18 well-traveled --

19 CHAIRMAN MAMMINA: Those are -- I don't know how familiar you
20 are with. I'm extremely familiar. I mean, those basically, aside
21 from the fact that a lot of them are just empty now, I mean, those
22 are food uses that are directly across the street from that.

23 MR. MACHTAY: Well, I'm saying the other retail uses that are
24 on the south side in general, not to any one property.

25 CHAIRMAN MAMMINA: Like what? I know that -- I know that strip
26 up and down, and these are very small retailers that are along that

1 south side in there. Did something happen to the old Fortunoff's
2 Mall? Maybe? Right now, if you look at what's happening to the
3 Broadway Mall. Essentially, the yard that's being taken down, and
4 it's being scaled back. You know, it --

5 MR. MACHTAY: Immediately in the area you have things like
6 Walmart. You have things like Costco. Those types of retail --

7 CHAIRMAN MAMMINA: Yeah, but they're way in the back.

8 MR. MACHTAY: Yes, but I'm not -- but the immediate
9 proximity --

10 CHAIRMAN MAMMINA: You said across the street.

11 MR. MACHTAY: Right. The immediate proximity isn't
12 necessarily selling it to my argument.

13 CHAIRMAN MAMMINA: But then that's not what you said.

14 MR. MACHTAY: Okay, so taking a step backwards.

15 CHAIRMAN MAMMINA: Okay, we needn't go back and forth.

16 MR. MACHTAY: Yeah.

17 CHAIRMAN MAMMINA: I just want to make a point that those are
18 not the case. They're further back.

19 MR. MACHTAY: Okay, so then I will just say the more
20 typical -- those typical retail uses; Walmart, Costco, other types
21 of things that exist elsewhere.

22 Anyway, the second point that makes our estimate conservative
23 is regarding the bank. The bank we generated parking activity based
24 on data from ITE as we normally do. ITE is a compendium data that's
25 been sent to the Institute of Education of Engineers from other
26 engineers like myself, which they then parse through and compile,

1 and the data set goes back a number of decades at this point; back
2 to the 80s and 90s and the early 2000s. Suffice it to say that banks
3 are not really utilized the same way as they were back in the 80s,
4 90s, and 2000s as they are now. With the advent of online banking,
5 in fact, you know, they might see Friday afternoons when everyone
6 used to get their paycheck and go to the bank to cash it, that doesn't
7 happen anymore, so needless to say, the estimate for the parking
8 generated by the bank, we think is also quite conservative, and that
9 just builds in more and more of a buffer to our overall --

10 CHAIRMAN MAMMINA: What kind of difference is in that it is the
11 bank from what the Building Department said to what you feel is
12 correct based on the Alma Bank. It's a tiny, a handful of cars.

13 MR. MACHTAY: Right, but it may --

14 CHAIRMAN MAMMINA: I won't argue with you --

15 MR. MACHTAY: I'm not necessarily talking about the Building
16 Department requirement when I say this. I'm talking about the ITE
17 generation, and the ITE generation may suggest that a bank of this
18 size would generate at a peak about 20 parked vehicles.

19 CHAIRMAN MAMMINA: Yeah, and I'm only talking to, in my opinion,
20 a third party who's reading this and taking that as meaning that the
21 bank is not as big a traffic generator as it might have been in the
22 past, and you're making an argument for the parking variance.

23 MR. MACHTAY: Right.

24 CHAIRMAN MAMMINA: Which is a very big parking variance, and
25 I think it was, I don't know, three cars, four cars; I mean, that's
26 the difference in that, and I would agree with you. I haven't been

1 inside a bank, I can't even remember, and I might go after hours or,
2 you know, or whatever. Just in my opinion, the bank is not the
3 biggest impact in terms of the overall application.

4 MR. MACHTAY: It certainly isn't. It certainly isn't, and the
5 biggest impact, you know, is according to --

6 CHAIRMAN MAMMINA: We agree. It's okay.

7 MR. MACHTAY: Yeah. According to the data. I'm just saying
8 that the composite of the estimate we prepared is conservative for
9 these reasons. The biggest pieces of it are still uses that are gonna
10 get on the, you know, the restaurant, for example.

11 CHAIRMAN MAMMINA: Absolutely. Would you agree though then
12 that the bank is a tiny handful of parking at the difference between
13 one per 200 and one per 300 as in any other business versus what the
14 exact numbers were? I mean, you have 3,000 feet in there.

15 MR. MACHTAY: So just as a matter of perspective. In our
16 estimate for demand, we were predicting that the bank portion of it
17 would be somewhere in the order of ten to 15 parked vehicles. We
18 think that's conservative. It may be closer to seven. The point
19 is that, you know, it's only gonna be the employees as opposed to
20 customers for the most part nowadays, and that just makes the overall
21 estimate for the parking demand in our report is conservative. To
22 your point, it's absolutely more on the marginal side compared to
23 say the restaurant uses, which, you know, on a square foot basis,
24 restaurant uses are just about the most active uses in terms of park
25 demand that we've been --

26 CHAIRMAN MAMMINA: And if you take the 3,000, and you divide

1 it by 300, it's 10 parking spaces. Exactly what you said.

2 MR. MACHTAY: You know, in the eyes of the zoning code it's not
3 a very big portion of this.

4 CHAIRMAN MAMMINA: Again, I'm -- I hate to pick on this one
5 point, but it's a very big application, and every application
6 deserves a lot of review, and I think a prevailing opinion would be
7 that this board does a good job looking at everything and coming up
8 with what we think fitting the law is correct. I just like to keep
9 the record clear --

10 MR. MACHTAY: Of course.

11 CHAIRMAN MAMMINA: -- that to me the ITE is the same basically
12 as what you estimated.

13 MR. MACHTAY: Yeah, and just to be clear. I do very much
14 respect this board's ability.

15 CHAIRMAN MAMMINA: I know.

16 MR. MACHTAY: I've been before you many times.

17 CHAIRMAN MAMMINA: And for the record, I am smiling because I
18 know you do excellent work. You're an excellent engineer, and you
19 do an extremely thorough job, and we appreciate that.

20 MR. MACHTAY: Well, thank you very much for that.

21 CHAIRMAN MAMMINA: I did not mean to disparage you in any way.
22 My sincere apologies if that's the way you took that.

23 MEMBER DONATELLI: I'd like to address another matter if I may.
24 As I look at the site plan, I see that the proposed retail restaurant
25 space of 22,000 square feet comes, I believe, within 6 feet, 6.4 feet
26 of the existing --

1 AUDIENCE MEMBER: Louder please. Louder.

2 MEMBER DONATELLI: I'm sorry. As I look at the computer, I
3 distance myself from the mic, so I'm sorry.

4 AUDIENCE MEMBER: We appreciate that.

5 MEMBER DONATELLI: As I look at the proposed retail restaurant
6 building, 22,000 square feet, I see that it comes within about
7 6.4 feet from the existing DSW store, and, of course, we're not an
8 aesthetic board. To the extent that I look at this, I just think
9 that it creates a very narrow passageway between the existing DSW
10 building and the proposed new building, and I'm just wondering if
11 there isn't some way -- because if I think of a consumer going to
12 the -- let me counter it this way. Who would be using those parking
13 spots behind the DSW store? If the DSW entrance is facing Old Country
14 Road, and the proposed retail restaurants are all facing Old Country
15 Road, who would be likely to use that parking lot behind DSW?

16 MR. MACHTAY: I think the -- so let me just take a quick step
17 back. Some of your questions, I can't answer. I'm the person who
18 counts the cars, but who would be using that as I mentioned, I think,
19 that the intention for those lots in the back would be more towards
20 the employees. In terms of the connection, I'll yield to Mr. Sahn
21 and Mr. Kelly.

22 MR. SAHN: Mr. Donatelli, good question. As presently, those
23 parking spaces are used for employees. Employees park there, and
24 notably the DSW historically because of the nature of that store does
25 not generate much traffic -- a lot of traffic compared to a typical
26 retail store, but, of course, Mr. Machtay had to keep his analysis

1 consistent with the ITE standards for a retail store, but in our
2 experience, the owner's experience, and perhaps in yours, visiting
3 that site or seeing that site over the years, it doesn't generate.
4 The DSW does not generate a substantial amount of traffic, so the
5 parking has always been adequate at the site, even with the existing
6 insufficiency of parking, and that's for the purpose of having the
7 parking at the rear.

8 MEMBER DONATELLI: Yeah, my point is not so much as to the number
9 of spaces and the variance for parking. My point is more as to the
10 existing DSW as well as the proposed new building in the rear. It
11 just seems to me like we've created a negative alleyway between the
12 two buildings; the proposed building and the new building, and I would
13 think that many people might be afraid to use that rear parking lot
14 behind DSW because it is blocked from view from Old Country Road,
15 and it's really blocked from view from the two buildings. There's
16 no access. No direct access. So I guess my question is, could it
17 be reconfigured in some way as to make that more open? Perhaps put
18 a drive aisle or to increase the space somehow between the existing
19 DSW and the new building so that it's a little bit less daunting of
20 a parking lot.

21 MR. SAHN: Well, we can ask the VHB team to look at that. I
22 don't think that space separating the two buildings was designed to
23 be an active walkway area to access the rear parking lot. It's more
24 a separation, a minimal separation between the buildings for design
25 and access function with the rear parking behind DSW to be as it's
26 now used basically for employee parking for DSW and employees who

1 would be at the new retail restaurant building. So that's really
2 the purpose of that, and at the same time to maximize parking in the
3 front of the building where most of the activity on a daily basis
4 would take place to the front of the existing buildings. I think
5 Mr. Kelly can comment on that, but I believe I've accurately
6 explained the reason for that design.

7 VICE CHAIRMAN FRANCIS: Is there employee entrance in the rear
8 or the side of the DSW building?

9 MR. SAHN: Mr. Kelly, do you know the answer to that?

10 MR. KELLY: By the loading there's a secondary entrance to the
11 DSW, which would be on the northwest corner of the building.

12 MEMBER DONATELLI: In the rear? On the side?

13 MR. KELLY: On the rear side, yes, correct.

14 VICE CHAIRMAN FRANCIS: Oh, I see it.

15 MR. KELLY: And on the new retail building, there's the access
16 points along the back of the building.

17 VICE CHAIRMAN FRANCIS: Okay.

18 MR. SAHN: I'll let Mr. Machtay finish. Unless, there are
19 other questions in the meantime.

20 MR. MACHTAY: So the long and short of it, accounting for side
21 bars, I think the estimate that we prepared is representative or worst
22 case scenario and still shows that adequate parking is available.

23 The other thing that I just want to mention, and I think this
24 board really does a good job of recognizing this, is that when you
25 have a site like this, it becomes somewhat self-regulating, you know,
26 the parking is self-contained. There really is nowhere else to go,

1 in the event some of these uses experience keeps -- that coincide
2 with one another, you know, people will eventually learn to come at
3 different times; come at off peak times, and, you know, sort of avoid
4 the times of the most congestion, which will then reduce the activity
5 then at those times, so I think that helps. When you have you a site
6 that has of mix of different uses, I think that helps reduce
7 congestion at any one time in particular.

8 So based on all this and based on the information that's
9 contained in the traffic impact and parking study, I believe that
10 the traffic and parking generated will not cause undo hazard or
11 congestion in the study area, and it's my opinion that the application
12 should be granted. I'm obviously happy to answer any other
13 questions.

14 (WHEREUPON, a discussion was held amongst board members.)

15 VICE CHAIRMAN FRANCIS: Mr. Machtay, just one question. In
16 terms of the traffic flow within the property itself, once the rear
17 tenants are occupied and once it's up and running, what is your
18 opinion about the traffic flow being in and out -- not only in and
19 out of the property but in the property itself?

20 MR. MACHTAY: I think the property is well designed to
21 accommodate it. You know, very specifically, the parking areas that
22 are immediately in the front of the buildings there where people will
23 be circulating the most, they're well designed and wider. I think
24 26 feet in width drive aisles. That's enough -- that's more than
25 enough for two-way flow of traffic and for people moving in and out
26 of the stalls. I think there's also the design of the drive-thru

1 facilities on both the west and east, it sort of separates from the
2 flow, so it's not something that's going to necessarily impact the
3 flow of, you know, regular customers of other uses. It's very well
4 designed to accommodate the type of activity and the level of activity
5 that's generated and, you know, like I said, when we started looking
6 at this, the biggest thing we were examining was the signal at
7 Zeckendorf in terms of traffic operations, and we're proposing some
8 modification in its operation in order to help accommodate traffic
9 coming and especially traffic coming out so that doesn't develop in
10 any backups onto the site.

11 CHAIRMAN MAMMINA: Okay, thank you, and again, I will
12 apologize --

13 MR. MACHTAY: You do not owe me an apology.

14 CHAIRMAN MAMMINA: Yeah, I do.

15 MR. MACHTAY: You do not. I believe that this board of many
16 of the boards that I've appeared in front of, this is one of the most
17 thorough and thoughtful and I appreciate the candor in any event that
18 we have our back and forth.

19 CHAIRMAN MAMMINA: I appreciate that. I've been working on my
20 mind for a couple weeks at least, so thank you. Thank you again for
21 your presentation.

22 MR. SAHN: I think that's, Mr. Chairman, basically our
23 presentation. We have some other points that we would make, but
24 we've taken a long time. The residents have been very patient and
25 perhaps I would yield the floor to the residents who are nearby and
26 reserve judgement.

1 MEMBER HERNANDEZ: I have one question since we're talking
2 about traffic flow. I don't know who to ask it of, so I'll leave
3 it up to you --

4 MR. SAHN: Sure.

5 MEMBER HERNANDEZ: -- to point to the right person. I'm
6 certainly no expert on chicken restaurants or any kind of a drive-thru
7 restaurant, but as I look where I see the proposed menu board where
8 I'm assuming people place their orders and possibly pay with a credit
9 card, I see in my mind a backup of cars backing up right into where
10 your parking spaces are because I see that you have in your drawing
11 one, two, three, four, five, six cars waiting for pick up after they
12 have presumably ordered and paid, but yet on the order side, there
13 is no cars at all backing up waiting to order. And again, just
14 driving by a Chick-fil-A or whatever, we always see a backup of a
15 bunch of cars waiting to order. Can someone speak as to that location
16 what the history of this restaurant is?

17 MR. SAHN: Excellent question, Mr. Hernandez because we
18 discussed this extensively among the team. This design of the
19 drive-thru the way it functions with the bypass, et cetera, is modeled
20 after the typical Raising Cane's restaurant and how they operate.
21 We asked extensive questions of them in terms of the time it takes
22 to place an order, the time it takes to deliver the order, how they
23 function internally, and what is shown on this plan is the result
24 of that analysis done with the VHB team and Raising Cane's team, and
25 we also did go over and answer those exact questions I will tell you
26 with the planning commissioner of the town before putting this down

1 on paper with the site plan. So what you see is the result of a
2 functional analysis for the Raising Cane's restaurant.

3 MEMBER HERNANDEZ: So there's no anticipation of a backup in
4 the preorder because presumably it's the two cars front, I'm just
5 gonna skate by using the bypass lane. I'm not gonna wait.

6 MR. SAHN: Correct.

7 MEMBER HERNANDEZ: Otherwise, I'm gonna be blocking all of the
8 cars trying to park or need the parking spaces.

9 MR. SAHN: Correct. They function in a manner at other
10 restaurants that makes this work.

11 CHAIRMAN MAMMINA: Thank you very much, Mr. Sahn --

12 MR. SAHN: Thank you.

13 CHAIRMAN MAMMINA: -- and all your people. We will invite up
14 the residents to come on up. Everyone will have the opportunity to
15 speak if you would like to.

16 SECRETARY WAGNER: Just state your name and address for the
17 record, and then you'll have three minutes.

18 MR. LIBONATI: Navar Libonati, 109 Roosevelt Court, Carle
19 Place.

20 SECRETARY WAGNER: Spell your last name?

21 MR. LIBONATI: L-I-B-O-N-A-T-I, 109 Roosevelt Court.

22 MEMBER HERNANDEZ: So you're directly behind the --

23 MR. LIBONATI: The DSW, correct. I do respect Mr. Scotto
24 because he is a very respectful restaurant everything -- (inaudible)

25 THE REPORTER: Sir, please speak into the microphone.

26 MR. LIBONATI: Oh, sorry. I have a couple of questions for the

1 restaurants in the back for logistics. For the light, the lights,
2 I think, that as now, as DSW they are already very bright, so I would
3 say that on that -- in the back, the lights that will be even brighter
4 than they are now whenever it was Chateau Briand. So that it is my
5 major little problem that I do have, and with garbage, if that could
6 be removed from the back to another place on the side or somewhere
7 that would help. All the residents from rodents and from any other
8 animals and also for pick up because even whenever you do deliveries,
9 when is the delivery going to be done into this restaurant? Off
10 hours; 7:00 in the morning, 8:00 in the morning, 9:00?

11 CHAIRMAN MAMMINA: Those are conditions that we normally ask
12 for the exact reasons. You're 100 percent correct.

13 MR. LIBONATI: The other thing is pick up of the garage. Pick
14 up of the garage is usually that's by the end of the morning, so,
15 you know, you hear the big trucks, T, T, T, and, you know, that's,
16 you know, somebody works up to 2:00 in the morning, you know, I would
17 like to sleep until 8:00 in the morning, and, you know, I do work
18 in the restaurant business. I do manage restaurants, and, you know,
19 I don't want to go against a very respectable restaurant, but also,
20 certain things they can be -- find a common ground, absolutely. That
21 I know.

22 CHAIRMAN MAMMINA: I think an alternate location of that could
23 be found very simply.

24 MR. LIBONATI: Especially for the glasses and everything
25 because when they come with these big trucks and everything. Glass
26 unfortunately make lots of the noise. That's my major thing; lights

1 and the garbage for me that's the major thing. Everything else, I
2 mean, I can -- I am not an engineer. I'm not anything, but, I think,
3 that the bank corner right there it's an awful solution because
4 already Old Country Road, like you stated, that's not anymore. Old
5 Country Road that's a very, very, very traffic road and anything,
6 especially in that corner. There is lots of accidents, and whatever,
7 you know. I'm not engineering. I'm not an architect, but doesn't
8 take really much --

9 CHAIRMAN MAMMINA: But you're a person who drives a car.

10 MR. LIBONATI: That's the thing, and I go across to Westbury
11 Plaza to do my store and everything. That's it. That's my major
12 your thing.

13 SECRETARY WAGNER: Anybody else to want to speak?

14 MS. WINSPEER: I was going to say good morning, but I'm gonna
15 say good afternoon.

16 CHAIRMAN MAMMINA: Good afternoon.

17 MS. WINSPEER: My name is Joyce Winsper. I live at 89 Roosevelt
18 Court, which is on the north property of this commercial property,
19 which is zoned Business A. A lot of -- I've sat here for an hour
20 and a half listening and had many, many rebuttals. I'm trying to
21 remember what I'm gonna say as being an average citizen.

22 CHAIRMAN MAMMINA: You go nice and slow, and I know for me, I
23 can't remember my name sometimes, but rebuttals, I'm gonna get, so
24 go easy.

25 MS. WINSPEER: In response, I am very appreciative that they're
26 taking into account about the trash. That was a major --

1 MEMBER HERNANDEZ: Can you speak into the microphone?

2 MS. WINSER: That was a major problem that I had because this
3 trash I don't know what kind of enclosure it would be. I don't know
4 if we would be fully enclosed. It's right 15 feet behind my back
5 yard. My property line. My back yard that I like to use.
6 Fifteen feet is less than the standard parking spot. Imagine this
7 90-degree weather; bees, flies, rodents, okay. This is being taken
8 into consideration. I don't think it's fair to put this up against
9 the residents if they can move it.

10 My concern also is the fact the parking, okay. I tend to differ
11 with opinions that by putting a building two restaurants and two
12 retail 41 feet away from property line that it's gonna make a
13 difference as to parking that was there when Chateau was there. As
14 you noted, they had different hours. They had different times, and
15 most of the parking was more towards the south side towards Old
16 Country Road, even with Chateau being there. I don't feel I have
17 as much problems as parking being put in a back lot. I beg to differ
18 with the fact that they feel that there's minimal activity with DSW.

19 I have lived in this community for 50 years. I go down Old
20 Country Road. I'm on average when I look at the front of DSW that
21 parking lot is full. Half of that parking area is slighted to be
22 taken away to build a bank, so now where is that parking going? Okay.
23 They're saying parking -- if you look at the site plans with the legend
24 still showing maybe seven spots around the whole area for employee
25 parking. You know that these businesses they're gonna have more
26 workers, more employees to all of these new businesses added. Like

1 I said, where you gonna park? Are they gonna park in the back?
2 Well -- are they gonna be able to park back there if you're taking
3 that much parking away from the DSW? DSW is gonna need parking along
4 the side and towards the back or in front where all parking is supposed
5 to be made necessary for a building with two restaurants and two
6 retails. Not to mention if that's a very popular chicken place,
7 overflow, because how many parking spaces are allowed there? Maybe
8 20 parking spaces? Yes, it's a drive-thru. That's gonna be a
9 nightmare.

10 Has anybody gone down Old Country Road where a Chick-fil-A is,
11 where it's very popular. A very popular place. Their drive-thru
12 is directed off Old Country Road, not on Old Country Road. Have you
13 ever gone by there and see the line of cars from the drive-thru all
14 the way back to the back street of that restaurant? What's gonna
15 happen if the access to this drive-thru for Raising Cane's that's
16 very popular trying to get into that parking lot to get to their
17 drive-thru, which seems to be through their parking lot and around
18 the building. You don't think that's gonna back up?

19 Have you ever noticed when they were putting Sonic up, and they
20 had drive-thrus to drive in? They were so popular. They were lined
21 up down the main roadways, caused major problems, so that's not a
22 concern.

23 I'm also concerned about the fact that they are keeping the DSW
24 building. It's slighted as a single retail unit. Why don't I see
25 signs and ads by realty that their looking to lease space? I'm
26 thinking, you know, does this have to do with DSW? Are they --

1 SECRETARY WAGNER: Ms. Winsper, you had three minutes, and
2 you're over time. Can you try to wrap up just --

3 MS. WINSPER: Okay, three minutes.

4 SECRETARY WAGNER: Just the salient points.

5 MS. WINSPER: Let me just ask you this respectfully, okay? I
6 sat here for an hour and a half to listen that their things.

7 SECRETARY WAGNER: No, I understand but --

8 MS. WINSPER: And I had rebuttals, and the whole time, I could
9 not voice an opinion or could not say anything, and now these are
10 valid --

11 SECRETARY WAGNER: Because we like to give everybody -- is this
12 your husband?

13 MS. WINSPER: Yes, this is my husband.

14 MR. WINSPER: Yes.

15 SECRETARY WAGNER: He's allowed to have his own three minutes
16 or maybe give her --

17 MR. WINSPER: I was gonna give her my three minutes because
18 everything I had on this piece of paper that she sort of talked about.

19 SECRETARY WAGNER: Okay. So you can have an additional three
20 minutes. If you can just --

21 MR. WINSPER: Go fast.

22 MS. WINSPER: All right. Now, I lost train of thought.

23 SECRETARY WAGNER: The board does have your letters, so if
24 there's anything in your letter that is not in the letter that would
25 be what you should --

26 MS. WINSPER: Well, this is in rebuttal to what was said today

1 because there has been changes.

2 CHAIRMAN MAMMINA: The letter was very well written. It truly
3 was.

4 MEMBER GOODSSELL: It's part of our record.

5 MS. WINSPIER: I'm sorry, my hearing is.

6 MEMBER GOODSSELL: You may only have three minutes, but your
7 letter is part of our record.

8 MS. WINSPIER: Oh, okay.

9 MEMBER GOODSSELL: You can go on for as many pages as you want.
10 It's part of our record.

11 MS. WINSPIER: All right. Just my other concern is that things
12 that I have noted. Signage of the property. Ads I've seen from
13 retail that they want to lease and built-to-suit and stuff. Does
14 any of that reflect to DSW? Are they planning on renovating DSW to
15 add more retail or to lease to tenants, and if so, how would that
16 affect the amount of parking that was provided? You know, I -- it's
17 concerning because I'm thinking if they take away parking, it's gonna
18 be made towards the back. It's gonna be pushed to the back along
19 the west side of the property. You're gonna have parking, two-way
20 aisle, drive-thru traffic in there around the property. How safe
21 is that? You know, how many people -- if you want to get places,
22 you're gonna find any place they can to park, so is it gonna be
23 competition between customers and employees?

24 I just -- I don't -- I don't know. You know. It's a lot of
25 my concerns. I just don't feel -- I think it's objectionable to the
26 neighborhood. Objectionable to my property. I think there's a

1 health safety and general welfare impact. Negative impact if these
2 plans are to go through the way they are. Thank you.

3 CHAIRMAN MAMMINA: Thank you very much.

4 SECRETARY WAGNER: Anybody else wish to speak?

5 MR. SAHN: Mr. Chairman, members of the board. I'd like to ask
6 Mr. Talerico to answer some of the operational questions and use
7 questions. Do you mind?

8 MR. TALERICO: Gennaro Talerico, Scotto Brothers for the
9 applicant. First of all, I do want to thank you for coming down
10 because voicing your opinion. It's important to us. We need
11 feedback from the community.

12 CHAIRMAN MAMMINA: Sir, head on up.

13 MR. TALERICO: We need feedback from the community because it
14 helps us create a better project. Couple of the concerns I can
15 address. Some, I'm not qualified to address. The DSW, we just
16 renegotiated their lease, and I'll be honest with you, we were praying
17 every day that they were gonna re-sign that lease. That building
18 is not going anywhere. We just re-signed another 10-year lease with
19 two five-year options. They are our anchor, and we work very, very
20 hard to keep them there. We had no intention of knocking that
21 building down or subdividing that building. So as far as that
22 concern, that I can guarantee you. As of today, we have another ten
23 years with another two five-year options, and we don't want to them
24 to go anywhere, and we do not want to subdivide that building.

25 As far as Raising Cane, believe it or not, we share the same
26 concern that you have with traffic. We went to a couple of their

1 locations out of state to visit them to see what they do and how to
2 handle the traffic because as the owner of the shopping center, aside
3 from the community upset, our tenants would be upset; the tenants
4 that we hope to have in the rear of the building. So we studied the
5 impact of what Raising Cane would have on our shopping center. Part
6 of their lease negotiation is we asked them, how do you mitigate -- we
7 said how do you prevent traffic from backing up to Old Country Road?
8 They handle their operation a lot different than what we're used to
9 growing up with McDonald's and Burger King and what have you. I
10 visited also their -- a Chick-fil-A to see this concept at work in
11 Huntington and so forth. They take orders, not just by the window.
12 Years ago, you'd wait on line. You had to wait to drive up -- excuse
13 my back. I have to talk into the mic. I'm not trying to be rude.

14 AUDIENCE MEMBER: That's okay.

15 MR. TALERICO: Years ago, you had to drive up to a window, you'd
16 place your order, and you pick up your food. Today's quite
17 different. Between the apps that they use, and even though I don't
18 use apps, they have extra people outside of the store, not only taking
19 the orders, they're delivering the orders to the cars. When I spoke
20 to the people of Raising Cane, they said our intention is to get people
21 in and out. Time is money. We don't want cars lined up on Old
22 Country Road or in your parking lot because that's not productive
23 for us. That's something that we're gonna have in their lease. That
24 they have to have people outside the stores taking the orders and
25 delivering the orders to the cars. It's kinds of almost like what's
26 old is new again. Years ago, they had that the drive-ups where the

1 people would come take trays, put the trays in front of the car, not
2 exactly that, but they're gonna have people outside.

3 As far as mitigating the traffic, we spoke to them. The phasing
4 in of the shopping center and the goal is to open Raising Cane's first
5 before the stores in the back. There's a method to that madness.
6 We want the shine to come off the diamond. In the beginning when
7 the store opens up, yes, there's gonna be excitement. Yes, there's
8 gonna be a lot of people going to try the product. Maybe they're
9 gonna pull some of the business away from Chick-fil-A, but after a
10 few months, that's gonna settle down, and that's gonna go down.
11 That's part of the phasing plan when we open the center is get Raising
12 Cane open first, get the shine off the diamond. We'll have plenty
13 of space for cars to go in and circulate, get their chicken, then
14 leave. We don't feel that the -- from what we've seen in their other
15 state stores at other locations, we don't feel that there's gonna
16 be that much of an impact going onto Old Country Road.

17 Your concern is for your home. Our concern is that we're gonna
18 lose tenants in the back. If people can't go into that shopping
19 center and go shopping in the retail in the back, we're gonna lose
20 our tenants, so we -- for different reasons, we have a shared concern
21 as far as the Raising Cane.

22 The garbage, we already spoke to our engineer, Andrew, who's
23 already working on moving the garage. I think that's gonna become
24 by -- when I say non-issue, not that it's not important, I think it's
25 gonna be something that you'll be happy with at the end.

26 I'm sorry, you had another question? Did I answer?

1 MS. WINSPEER: The loading zone. Do you have loading zones for
2 all these stores?

3 MR. TALERICO: The type -- the -- well, there's a loading zone
4 for DSW, and in the back -- when you say loading, like a loading ramp
5 and so forth? No, there's just gonna be doors in the back for the
6 retail. They're not gonna be the type of stores that are gonna
7 require tractor trailers and so forth. And just so, you know, we
8 have turned away many, many, many prospective tenants because we feel
9 they're gonna bring the type of business that we don't want to the
10 area. We had a national tenant that wanted to put a 10,000 square
11 foot restaurant there. Similar to Miller's Ale House. They were
12 gonna -- not only pay us a very good rent, they were gonna put up
13 a big building. We turned them down. Why? Because that kind of
14 business, it's younger people come in, they're drinking at all hours
15 and so forth. We're trying to get away from the many years of
16 a -- let's use the word excitement that Chateau brought to the
17 neighborhood.

18 We appreciate everybody's patience with us over the years, but
19 we don't want to recreate that 2:00 in the morning phone call that
20 comes in and says, hey, there's a lot of noise going on, so we've
21 been very, very selective, just so you know, with the type of
22 businesses that are coming. And I'm not trying to insult
23 anybody's -- if anybody who has a relative in those businesses or
24 whatever. We turned down a 7-Eleven. We didn't think that 7-Eleven
25 was appropriate for the area. Again, because of the hours that they
26 operate and at all hours.

1 MS. WINSER: (Inaudible).

2 MR. TALERICO: What's that?

3 MS. WINSER: It's right down the street.

4 MR. TALERICO: No, they actually -- they wanted somebody -- I
5 don't know who it was, but somebody came. They wanted to take where
6 that bank is going, they wanted to put a 7-Eleven over there, and
7 they also pay a higher rent. But we, again, we're trying to create
8 a shopping center that has a nice feel, that's gonna attract people
9 that are gonna come there. As landlords, we want a shopping center
10 to be successful, so we are -- just so you know, we are being very
11 selective as far as the tenants that are gonna come. Raising Cane
12 right now is the only lease that we signed.

13 The dream is to have strictly retail in the back. We would
14 prefer not to have restaurants, but to be totally transparent, we're
15 putting in right now for that zoning because if a restaurant does
16 come along and it's the right restaurant, then we'll work up the
17 lease, but the dream is to do strictly retail in the back. I'm not
18 promising it. That's the dream.

19 MS. WINSER: Why so close to our yards? We could use a good
20 bagel store.

21 MR. TALERICO: Well --

22 CHAIRMAN MAMMINA: Ma'am, you can't --

23 MR. TALERICO: Well, if you have a bagel store that'll take
24 20,000 square feet, I'll be more than happy to rent to them.

25 The layout of the shopping center to our understanding, people
26 don't want to park in the back of stores. They want to park in the

1 front, and that's the truthful answer.

2 MS. WINSER: But that's I --

3 CHAIRMAN MAMMINA: We can't --

4 MR. TALERICO: To put the parking in the front, the building
5 has to be --

6 CHAIRMAN MAMMINA: Just hold on one second. We can't have
7 cross conversation --

8 MS. WINSER: Oh, I'm sorry.

9 CHAIRMAN MAMMINA: -- because the record, you know --

10 MR. TALERICO: Okay.

11 MEMBER HERNANDEZ: It's very confusing.

12 CHAIRMAN MAMMINA: -- it can't be kept straight based on that,
13 and I'm probably breaking all the rules in the law, but if you do
14 have a specific question or two that you would like to ask that you
15 would certainly.

16 MR. TALERICO: The question was in terms of why the building
17 is so far back. The general design of shopping centers, people
18 prefer to park in the front. The other thing though too is also in
19 the long run, it'll be a lot quieter back there without having a big
20 parking lot behind your house as opposed to a store.

21 CHAIRMAN MAMMINA: Okay.

22 MR. TALERICO: Any other questions?

23 CHAIRMAN MAMMINA: Thank you.

24 MR. TALERICO: Thank you.

25 MR. SAHN: So to wind up, so to speak, I think we've given the
26 board our full presentation. We appreciate the board's feedback and

1 comments on the plan on the application. We do know that we are going
2 to look at the dumpster location. We will take a look at the drive
3 aisles at the back. Again, to see if there's something to
4 mitigate -- something further to mitigate the location of that. As
5 Mr. Talerico explained there's a reason for why that building is
6 placed where it is on the site. It is to maximize the activity in
7 the front of the building; minimize at the rear.

8 With respect to the lighting. We did prepare -- Mr. Kelly and
9 VHB, did prepare a photometric plan because we do need that for site
10 plan approval. The photometric plan is in the package that the
11 zoning board has. It does show zero lighting admissions at the rear.
12 Those lights that are proposed would be newly shielded lights that
13 the light would project forward and not to the back, and there's very
14 minimal lighting proposed on the buildings. Minimal lighting on
15 DSW. Minimal lighting on the proposed new building; just to keep
16 the lighting at a minimum and keep the activity at a minimum at the
17 rear. With respect to the bank parking spaces. Well, Mr. Mammina,
18 of course, you're correct on the number of spaces, but we thought
19 since parking is an issue, we should bring that to the board's
20 attention as a factor, but in the end, as Mr. Machtay explained, the
21 nature of the banks these days is that even at -- whether it's one
22 of 300, one for 200, there is minimal banking activity that requires
23 people to park and go in and do bank transactions or closings or visit
24 a safe deposit box. It just doesn't happen any longer.

25 I also want to point out that with respect to parking, I had
26 this in the memo of law, that the Building Department required an

1 allocation parking spots for proposed outdoor seating areas. So for
2 instance, at Raising Cane's, there is an outdoor seating area next
3 to it, and we had to account for parking spots for outdoor seating.
4 That, obviously, is a seasonal type use, so it's a factor in whether
5 or not there's adequacy of parking. In the totality of it, those
6 are additional spaces. Also, I do want to point out that the Chateau
7 Briand had 21,487 square feet of area, and, you know, the Chateau,
8 of course, was both catering and restaurant, and they did have an
9 outdoor area associated with the Chateau. The proposed part
10 restaurant space is actual 13,289 square feet less than the Chateau
11 because we have two restaurant spaces and the Raising Cane's, but
12 in totality they are 13,289 square feet less restaurant space.
13 Restaurant space as you -- as we all know, generates more back and
14 forth traffic. So the mix in use and the changes to that also goes
15 to traffic impact.

16 Lastly, as I mentioned, we will consider the configuration of
17 the drive aisle at the back, and report to the board, and perhaps
18 if the board allows, we will submit a revised plan to address these
19 issues.

20 CHAIRMAN MAMMINA: If I could address that for a second on that.
21 We appreciate that. Perhaps if that became one way, you know, in
22 there to pull it over enough to be out of the rear yard. I mean,
23 just a thought on that so that we eliminate that variance and we make
24 that part as-of-right as we might move forward with this.

25 MR. SAHN: Yes, we'll take a look at that. In that regard, I
26 do want to mention, again, as I stated at the beginning of the

1 presentation, we went, myself, Mr. Bivone, and Mr. Kelly, we met in
2 person with the chiefs of the Carle Place Fire Department because
3 we wanted to make sure that this layout was adequate for fire
4 protection, and subsequently there was a discussion with Nassau
5 County Fire Marshall on -- so that we vetted out those issues in terms
6 of safety, which are paramount of course.

7 CHAIRMAN MAMMINA: Sure.

8 MR. SAHN: But we'll look at those.

9 VICE CHAIRMAN FRANCIS: Mr. Sahn, one other question. One of
10 the neighbors had a question about deliveries to the various
11 businesses in terms of timing of deliveries, and I'm not quite sure
12 if they got an answer to that.

13 MR. SAHN: Well, I can provide it or Mr. Talerico, we can discuss
14 that. The Scotto Brothers in their tenant leases are very specific
15 on types of trucks and hours of delivery. These stores would be
16 serviced by box trucks, not tractor trailers. I think Mr. Talerico
17 said that --

18 MR. TALERICO: DSW does get a tractor trailer.

19 MR. SAHN: DSW, but the new stores, the new stores, and the hours
20 would be confined to hours that will not be late at night, early in
21 the morning, but more towards normal business hours for delivery.
22 Right? Mr. Talerico, right?

23 MR. TALERICO: Correct.

24 MR. SAHN: So that would be something that is built into the
25 operation of the shopping center.

26 CHAIRMAN MAMMINA: Okay. Thank you. Yes, and we'll continue

1 this, and I thank everyone for coming down and spending a few hours
2 with us, and we have a short calendar today, so.

3 MR. SAHN: We've taken up a lot of time. Mr. Chairman, if it's
4 continued, would we return in person for the next.

5 CHAIRMAN MAMMINA: No.

6 MR. TALERICO: Just submit.

7 MEMBER HERNANDEZ: You just submit the plans.

8 CHAIRMAN MAMMINA: Submit or any other questions from us or
9 things for you or whatever.

10 SECRETARY WAGNER: Just so the neighbors understand. That
11 means that the applicant will be submitting possibly revised plans,
12 but most likely, additional information. The board will not make
13 a decision on any date that is outside of a hearing date, so all
14 decisions are made at upcoming hearings. The next hearing is March
15 5th, and the hearing after that, I believe, is the 19th of March.
16 You can call the Board of Zoning Appeals office after any one of those
17 dates to see whether a decision's been made, or you call us to find
18 out if additional information has been submitted.

19 CHAIRMAN MAMMINA: It's always televised --

20 SECRETARY WAGNER: Yes.

21 CHAIRMAN MAMMINA: -- any hearing that we have here. While you
22 would be welcome to come down, you needn't make the trip, and you
23 could hear us deliberating. There's no comments. There are no
24 comments that anyone can make regarding our deliberation, but it is
25 something that complies with Sunshine Laws as they're called, and
26 that's a good thing, so nothing's done behind closed doors.

1 MR. SAHN: We have the names of the residents. I do. I will
2 be communicating with them. I will communicate with them and give
3 them any plans directly, so they have an opportunity. I think Ms.
4 Winsper told me that she was at the hearing for the DSW when I
5 presented that, so we have a little bit of history, and we'll do right
6 by her.

7 CHAIRMAN MAMMINA: Okay. Thank you. Closing the meeting.

8 MS. WINSER: Can I ask a question?

9 CHAIRMAN MAMMINA: Go ahead.

10 DEPUTY TOWN ATTORNEY ALGIOS: You can ask it on the record.

11 MS. WINSER: I was -- I didn't get a chance to ask what the
12 zoning is for restaurants and buildings from resident parking. I
13 tried -- I spend all week trying to research, so I wouldn't sound
14 incorrect in my statements, but I didn't know what specifically was
15 allowed. I didn't think it was allowed as close.

16 DEPUTY TOWN ATTORNEY ALGIOS: So you know what, just for people
17 that are watching because your question is more substantive, so if
18 you can just come up to the mic, and just repeat that, so that anybody
19 watching can hear it.

20 MS. WINSER: Okay. I was just trying to educate myself with
21 zoning laws, and what my rights were, and I was very curious as to
22 town laws, regulations, as far as Business A District and buildings,
23 specifically, restaurants located in and built within a certain
24 distance from property lines. What I had noted some -- at one point
25 this -- noted that it was 500 feet from residential. That might be
26 old. It might be amended, but I spent hours -- I spent all week trying

1 to find out correct information, and I don't know. Even if it's at
2 50 feet, these buildings are gonna be less than 42 feet away from
3 property lines, and that includes just a 15-foot mulch buffer and
4 a 20-foot two-way drive aisle, so.

5 DEPUTY TOWN ATTORNEY ALGIOS: What I would suggest to you is,
6 send an email to the BZA Department and just write each of your
7 questions.

8 MS. WINSER: I did.

9 DEPUTY TOWN ATTORNEY ALGIOS: You asked the questions you're
10 asking right now with respect to the town code?

11 MS. WINSER: I covered -- I sent a lengthy email.

12 DEPUTY TOWN ATTORNEY ALGIOS: So we can respond to that. We'll
13 let Mike know as well.

14 MS. WINSER: I just didn't know -- I just thought that --

15 DEPUTY TOWN ATTORNEY ALGIOS: We can give you those answers.

16 MS. WINSER: Oh, okay. I appreciate that. Thank you. Thank
17 you for your time.

18 SECRETARY WAGNER: Everything you're asking about the setbacks
19 is in town code, and the town code is on our website.

20 DEPUTY TOWN ATTORNEY ALGIOS: She said she can't.

21 SECRETARY WAGNER: Okay, so we can -- we'll connect you to that.

22 MS. WINSER: Thank you.

23 CHAIRMAN MAMMINA: Okay. Thank you also.

1 SECRETARY WAGNER: So we're continuing, right?

2 CHAIRMAN MAMMINA: Yes, continue.

3 SECRETARY WAGNER: We have an extension of time request. For
4 Appeal #20898. Request for extension of time for 2033 Jericho
5 Turnpike, LLC, Luciano Cervino. They're finalizing their tenant
6 space, and they need more time. We've already given them two
7 extensions. This is their last one.

8 CHAIRMAN MAMMINA: Okay.

9 VICE CHAIRMAN FRANCIS: What is the length of the extension?

10 SECRETARY WAGNER: One year. The decision is good for three
11 and they can get three extensions.

12 VICE CHAIRMAN FRANCIS: Yes, fine. Our third and final.

13 SECRETARY WAGNER: Are we moving it?

14 VICE CHAIRMAN FRANCIS: Yes.

15 MEMBER HERNANDEZ: Second.

16 SECRETARY WAGNER: All in favor?

17 ALL BOARD MEMBERS: Aye.

18 SECRETARY WAGNER: Extension of time is granted.

19

20

21

22

1 VICE CHAIRMAN FRANCIS: SEQRA.

2 SECRETARY WAGNER: Who wants to move SEQRA?

3 MEMBER GOODSSELL: I'll move SEQRA.

4 SECRETARY WAGNER: Patricia moving SEQRA. We have a motion.

5 VICE CHAIRMAN FRANCIS: Second.

6 CHAIRMAN MAMMINA: We've a motion, and we have a second.

7 SECRETARY WAGNER: All in favor.

8 ALL BOARD MEMBERS. Aye.

9 (WHEREUPON, the Proceedings concluded at 1:54 P.M.)

10 * * * *

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

C E R T I F I C A T E

STATE OF NEW YORK)

SS.:

COUNTY OF NASSAU)

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of March, 2025.



MARIESEL BERRIOS