

Town of North Hempstead
Board of Zoning Appeals
PUBLIC HEARINGS

Wednesday, May 21, 2025
10:00 a.m.

BOARD MEMBERS PRESENT:

Leslie Francis, Esq., Acting Chairman
Patricia A. Goodsell, Esq., Member
Daniel D. Donatelli, Esq., Member
Jay Hernandez, Member

ALSO PRESENT:

Deborah Algios, Deputy Town Attorney
Virginia Wagner, Secretary of the Board
Steven Perrotta, Planner 2

1 ACTING CHAIR FRANCIS: Okay, good morning, everyone. Would
2 you please join Mr. Donatelli in the Pledge of Allegiance.

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

4 ACTING CHAIR FRANCIS: I hate to even comment on the fact
5 that we have a very light load. So let's hope that that's a
6 good sign.

7 MR. MIGATZ: I can change that.

8 ACTING CHAIR FRANCIS: For those of you who have not
9 appeared before us before, I will just go through some
10 preliminary things, the first of which is, please put your phone
11 on silent so it doesn't ring like mine just did.

12 We will have the applicant come to the podium first,
13 present their case. If there's anyone in opposition, and I
14 don't believe there is, they will have a chance to speak after
15 that with a three minute limitation. Applicant gets the last
16 say at the podium.

17 The four things that we can do today is either grant the
18 application, deny it, reserve it for a decision at a later date
19 or continue it for additional information, and with that said, I
20 think that's pretty much all I need to cover.

21 Is there any changes to the calendar today; Ms. --

22 SECRETARY WAGNER: Yes.

23 ACTING CHAIR FRANCIS: -- Secretary?

24 SECRETARY WAGNER: We have an adjournment of Appeal number
25 21490.A, Edward Probst, 52 Netz Place, Albertson; Section 7,
26 Block 197, Lot 94; in the Residence-B zoning district.

1 Variances from §§70-40.A, 70-41.A, 70-39 to construct
2 additions too close to the front property line, too close to the
3 side property line with not enough total side yard area, and
4 that would make the home too big.

5 That's adjourned until June 11th.

6 ACTING CHAIR FRANCIS: Okay, so Appeal number 219 -- 21490
7 will not be heard today.

8 All right, would you please call the calendar?

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1 SECRETARY WAGNER: Appeal number 21698, Joao Sousa, 78
2 Woodhollow Road in Albertson; Section 7, Block 200, Lot 20; in
3 the Residence-C zoning district.

4 Variance from S70-51.A to construct an addition with not
5 enough total aggregate side yards.

6 ACTING CHAIR FRANCIS: You've heard Appeal number 21698 --
7 lost my place.

8 SECRETARY WAGNER: Joao Sousa.

9 ACTING CHAIR FRANCIS: Sorry, Joao Sousa.

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

12 (WHEREUPON, there was no response.)

13 ACTING CHAIR FRANCIS: Seeing no hands, please give your
14 name and address, sir.

15 MR. MARTINS: Good morning, Mr. Chairman, Board. My name
16 is David Martins, I'm the architect on the project on behalf of
17 Joao Sousa.

18 The client is looking to add a new addition towards the
19 front of his existing garage. The existing garage already has
20 an overhang, so we're just looking to enclose that overhang.
21 We're not increasing the nonconformity of the side yard, and we
22 meet the front yard setback as well. So it's a 66 square foot
23 small addition to the existing garage.

24 ACTING CHAIR FRANCIS: Okay.

25 MEMBER GOODSELL: I looked at the properties in this
26 particular area.

1 MR. MARTINS: Mm-hmm.

2 MEMBER GOODSSELL: This is not a unique house. There are
3 other garages that are built alongside the house on this street.
4 Are any of them -- I didn't see it, but I might have missed it.

5 MR. MARTINS: Mm-hmm.

6 MEMBER GOODSSELL: Are any of them comparable to this
7 particular extension?

8 MR. MARTINS: As in, like, does it actually align with the
9 base of it?

10 MEMBER GOODSSELL: Well, I noticed number 74 --

11 MR. MARTINS: Mm-hmm.

12 MEMBER GOODSSELL: -- number 86 and number 82 of Woodhollow
13 Road, have what I would call, side garages.

14 MR. MARTINS: Exactly.

15 MEMBER GOODSSELL: And some of them seem to be setback.

16 MR. MARTINS: Mm-hmm.

17 MEMBER GOODSSELL: Any of them -- did you see any properties
18 that have them coming forward the way this application is?

19 MR. MARTINS: Yeah, there's a few where -- a few houses
20 down the street that they've done full -- got renos, actually,
21 and I'm actually working on a project across the street as well
22 that, same situation, too. We're doing a --

23 MEMBER GOODSSELL: Oh, that's you.

24 MR. MARTINS: Oh, sorry, across the street and to the
25 right. We haven't submitted yet. We're in the process of it,
26 but where the garage itself does, basically, aligns with the

1 house itself, but as per code, it's permitted because of -- the
2 garage is within the front yard setback increment, but this is a
3 special situation where the garage itself remains -- it's too
4 close to the side yard, so the existing garage itself.

5 So all these other tenants did come and flush it out with
6 the face of the garage. There's a little bit of an offset, just
7 for aesthetic purposes, and we want to maintain that as well
8 which is why we still keep it about a foot from the edge, so --
9 but yeah, there are a few properties that have, even I believe
10 actually quite large garages, too

11 MEMBER DONATELLI: I think, for the sake of clarity, I
12 would just want to point out that we're talking about an
13 aggregate side side yard setback.

14 MR. MARTINS: Exactly.

15 MEMBER DONATELLI: And not the side yard setback.

16 MR. MARTINS: Exactly, yeah, the aggregate, yeah.

17 ACTING CHAIR FRANCIS: And you're off by 2 feet, basically.

18 MR. MARTINS: About 2 feet, yes, and it's existing
19 nonconforming.

20 ACTING CHAIR FRANCIS: Correct.

21 MR. MARTINS: We're not increasing its nonconformity.

22 ACTING CHAIR FRANCIS: Correct.

23 MEMBER HERNANDEZ: Again, only because I'm -- you're the
24 architect --

25 MR. MARTINS: Yeah.

26 MEMBER HERNANDEZ: -- you're the right person to ask the

1 question.

2 I'm having difficulty following your drawing, but I want to
3 make sure that I'm reading it correctly.

4 MR. MARTINS: Absolutely.

5 MEMBER HERNANDEZ: The garage now ends further back than
6 the house.

7 MR. MARTINS: Exactly, yeah.

8 MEMBER HERNANDEZ: The entrance to the garage.

9 MR. MARTINS: Exactly.

10 MEMBER HERNANDEZ: However, the roof on the garage actually
11 is an overhang --

12 MR. MARTINS: Yeah.

13 MEMBER HERNANDEZ: -- that protrudes forward. How much
14 forward does it protrude?

15 MR. MARTINS: It protrudes -- let me just see. About
16 3-foot 6.

17 MEMBER HERNANDEZ: About 3 6.

18 MR. MARTINS: Yeah.

19 MEMBER HERNANDEZ: Okay, and what you're now proposing is
20 to basically drop the wall down from the forward part of the
21 garage at 2 1/2 feet or 3 feet down to the ground which is
22 almost aligned with the front of the house.

23 MR. MARTINS: Exactly. What we're going to do is go along
24 where the head height of that roof is, because the head height
25 is where the header is.

26 MEMBER HERNANDEZ: Mm-hmm.

1 MR. MARTINS: Because the header sits actually a little bit
2 further back from the house.

3 MEMBER HERNANDEZ: Okay.

4 MR. MARTINS: So we want to just, like, just for structural
5 purposes, too, just reinforce the header, bring the foundation
6 wall to there instead of bringing it out to be flush with the
7 house because then it'll be a bigger mess.

8 MEMBER HERNANDEZ: Okay, fine, and the problem that you're
9 having is that the -- as I look at the house, the wall on the
10 left is too close to the side yard, the aggregate side yard.

11 MR. MARTINS: Exactly.

12 MEMBER HERNANDEZ: And therefore, you are increasing the
13 encroachment on the aggregate, not by getting closer, but by
14 adding more wall.

15 MR. MARTINS: Exactly, yeah, yeah. Not increasing its
16 nonconformity but, yes, yeah.

17 MEMBER HERNANDEZ: Okay.

18 MEMBER GOODSSELL: Did you receive objections from either of
19 the side neighbors?

20 MR. MARTINS: No, none, and we actually -- I ended up
21 sending the mail, the notice three times because I made a
22 mistake the first time, so --

23 MEMBER GOODSSELL: They do have garages which are larger.

24 MR. MARTINS: And actually closer to the side yards.

25 MEMBER GOODSSELL: I would be surprised if they objected.

26 MR. MARTINS: Yeah, and I believe they actually might be

1 even closer to the side yard than what we're proposing.

2 MEMBER HERNANDEZ: Now what is the -- that added footage,
3 what would -- again, I'm having difficulty --

4 MR. MARTINS: Mm-hmm.

5 MEMBER HERNANDEZ: -- reading the numbers.

6 MR. MARTINS: Sorry.

7 MEMBER HERNANDEZ: What is the -- I just can't, my eyesight
8 won't let me do it. What is the size of the new garage being
9 proposed?

10 MR. MARTINS: It's just, we're adding an additional 66
11 square feet. So the existing garage right now, I apologize, I
12 might -- I don't know if I have that number off the top of my
13 head, but the garage is 19 5 by 12. So yeah, and then -- and
14 we're adding about another 66 square feet.

15 MEMBER GOODSSELL: Will this addition take away the ability
16 for cars to park in the driveway off street?

17 MR. MARTINS: No, it does not, and it gives us the
18 opportunity to actually park a car inside, because the 19.5
19 actually isn't enough space for the client to be able to put
20 their minivan in there.

21 MEMBER GOODSSELL: Remarkably, I could put a lawn chair in
22 there.

23 MR. MARTINS: Yeah, exactly.

24 MEMBER HERNANDEZ: So it looks like you're adding 5 feet 6
25 inches to the wall on the right. The garage was 19 6, and
26 you're going to make it eventually 25.

1 MR. MARTINS: Yes, exactly, yeah, I apologize. So yeah,
2 5.1.

3 MEMBER HERNANDEZ: I finally found it once I could read it.

4 MR. MARTINS: Yeah, sorry.

5 MEMBER HERNANDEZ: Okay, very well.

6 Thank you.

7 MR. MARTINS: Yeah, it will give us enough room to be able
8 to put a car in there as well as store a lawn mower, and --

9 MEMBER HERNANDEZ: Right, bicycle in the back or something.

10 MR. MARTINS: Exactly, yeah.

11 MEMBER DONATELLI: Cars have definitely grown bigger since
12 1945.

13 MR. MARTINS: Yeah, exactly, and the client is a growing
14 family, too. They have two kids now, and so they upgraded to
15 the SUV, bigger car, so now they just need more space to
16 actually put the car in there.

17 MEMBER DONATELLI: All right, does anyone else have any
18 questions?

19 MEMBER HERNANDEZ: I have no objection.

20 MEMBER GOODSELL: I have no objection.

21 MEMBER DONATELLI: I would just note, again, for the
22 record, that we're not increasing the encroachment into the
23 aggregate side yard. Most of the addition is within the
24 building envelope. It is a small portion. It actually is being
25 built to bring the house flush with the existing side yard, the
26 existing side yard, aggregate side yard setback.

1 Therefore, I'll make a motion that we grant the
2 application.

3 ACTING CHAIR FRANCIS: We have a motion by Mr. Donatelli.
4 Do we have a second?

5 MEMBER GOODSSELL: I'll second.

6 ACTING CHAIR FRANCIS: Seconded by -- sorry.

7 MEMBER GOODSSELL: Are you drawing a blank? I'm
8 Ms. Goodsell.

9 ACTING CHAIR FRANCIS: Thank you, Ms. Goodsell. I'm all
10 screwed up over here.

11 Please poll the Board.

12 SECRETARY WAGNER: Member Goodsell?

13 MEMBER GOODSSELL: Aye.

14 SECRETARY WAGNER: Member Donatelli?

15 MEMBER DONATELLI: Aye.

16 SECRETARY WAGNER: Member Hernandez?

17 MEMBER HERNANDEZ: Aye.

18 SECRETARY WAGNER: Chairman Francis?

19 ACTING CHAIR FRANCIS: Aye.

20 Application is granted.

21 MR. MARTINS: Thank you, so much.

22 (WHEREUPON, there was an off-the-record discussion.)

23 SECRETARY WAGNER: Tell me when you're ready.

24 (WHEREUPON, there was an off-the-record discussion.)

25 SECRETARY WAGNER: Should I read the next appeal?

26 ACTING CHAIR FRANCIS: Yeah, go ahead.

1 SECRETARY WAGNER: Appeal number 21702, Matt Prince,
2 15 Sycamore Lane, Roslyn Heights; Section 7, Block 225, Lot 23;
3 in a Residence-AA zoning district.

4 Variance from S70-101.B to legalize a portico that is too
5 close to the street.

6 MEMBER DONATELLI: Do you want me to --

7 ACTING CHAIR FRANCIS: Yeah.

8 MEMBER DONATELLI: All right, you've heard Appeal number
9 21702, Matt Prince, 15 Sycamore Lane, Roslyn Heights.

10 Is there anyone in the audience who would like to be heard
11 on this application?

12 (WHEREUPON, there was no response.)

13 MEMBER DONATELLI: Seems not.

14 Good morning, please give your name and address.

15 MR. MIGATZ: Good morning, Bruce W. Migatz, law firm of
16 Albanese & Albanese, 1050 Franklin Avenue, Garden City, for the
17 applicant.

18 Good morning, Mr. Vice-Chairman, members of the Board,
19 counsel and Ms. Wagner. With me today is the owner, Matthew
20 Prince and the project architect, Pat Solar (phonetic).

21 This house was before this Board last October in Appeal
22 number 21599 to convert an existing carport to a garage and to
23 construct a second floor addition. The house was built in 1950
24 with an addition in 1962. The house has a -- what is now a
25 nonconforming front yard setback of 35.19 feet. When the house
26 was built it complied with the minimum of a 35-foot setback. In

1 1950, they did not have the average front yard setback in the
2 code. I believe that came in in 1966. But when this house was
3 built, it had a conforming 35-foot front yard setback.

4 I uploaded some exhibits, I hope the Board has them.
5 Exhibit 1 is a picture of the subject house when we were here in
6 October, and Exhibit 2 is a picture of how the house looks today
7 with the improvements of the new garage and the second floor
8 addition, and you'll see in that picture what is -- the Building
9 Department calls a portico. It's really more like a front porch
10 in my estimation. It's not your typical portico that you see.

11 We're here today to -- for a front yard setback variance to
12 maintain that portico or front porch, if you would. The
13 required setback to the portico is 40 feet, 40.19 feet, and what
14 is existing is 38 feet 1 1/2 inch. Now the portico does not
15 encroach more than the permitted 5 feet into a front yard
16 setback. The difficulty is that the house has a prior
17 nonconforming setback, so when you go out 5 feet, you now need a
18 variance. It actually goes out 4 feet 4 inches.

19 How this came about was an error by the architect, and the
20 architect is here today. If you look at Exhibit 3, Exhibit 3 is
21 the elevation plan from the plans that were filed back in
22 October, and you can see that the subject portico is shown on
23 those plans. The problem is, Exhibit -- the second Exhibit 3 is
24 the site plan that was filed, and it does not show the setback
25 to the portico.

26 The architect -- I asked Mr. Solar (ph.) how that happened.

1 He explained to me that, as I read the code, I could go out 5
2 feet into a front yard not realizing there was a prior
3 nonconforming front yard, and therefore, I couldn't go out 5
4 feet without a variance. So that's how this came about.

5 Going through the balancing test, the benefit to the
6 applicant, if you look at Exhibit 2, the portico provides a
7 covered entranceway to the front door as well as a covered
8 walkway from the driveway in the garage. As we heard a little
9 while ago, cars are made bigger now, and sometimes, you can't,
10 even though there is a door from the garage to the house,
11 sometimes you can't really maneuver. So to go from the garage
12 to the front door you now have a covered walkway.

13 So going through the balancing test, will there be a
14 detriment to the community if this portico is allowed to remain?

15 If you drove around the community like I did, this is
16 probably one of the smallest houses in this area, and almost
17 every other house has a rather large portico.

18 Exhibit 4 is a picture of 11 Sycamore Lane, which is
19 adjacent to the subject premises to the left. That has a
20 portico. Exhibit 5 is One Sycamore Lane, that's the third house
21 to the left. That has a rather large portico. Exhibit 6, 23
22 Sycamore Lane, second house to the right of the subject
23 premises, rather large two-story portico. Exhibit 7, 16
24 Sycamore, which is across the street from the subject premises,
25 a rather large two-story portico. Exhibit 8, 12 Sycamore Lane,
26 across the street to the left, really an enclosed portico, and

1 Exhibit 9, 24 Sycamore Lane, across the street, second house to
2 the right, a rather large two-story portico.

3 When you look at this house, is the variance substantial?

4 Well, the setback required to the -- this portico is 35.19,
5 existing is 30.92, a deficit of 4.27 feet. I submit to you,
6 when you're 35 feet away from this house driving down the block
7 or walking down the block, the 4-foot encroachment is not
8 discernible to the naked eye. More importantly, when you look
9 at this house, unlike the other porticos I've showed you, this
10 doesn't have any side walls. It doesn't have any front walls.
11 All you really see is the front wall of the house, and that
12 front wall of the house is conforming, prior nonconforming, but
13 legal. So when you look at this house, you're not really seeing
14 a portico projecting, all you see is a covered walkway.

15 There's no feasible alternative to maintain this portico
16 absent a variance. It is a Type II action and not deemed to
17 have -- deemed not to have an adverse impact on the environment,
18 and the practical difficulty is self-created because the
19 applicant purchased the house subject to the zoning code in
20 effect.

21 The last, Exhibit 10, are two consent forms. One from the
22 neighbor to the -- let me double check. Adjacent to the left,
23 and the house across the street have signed consent forms.

24 So I would submit to you this was a good faith error by the
25 applicant's architect. This was shown on the original plans but
26 the setback was not shown and based upon the other houses in the

1 area, it certainly blends into the community.

2 Does the Board have any questions?

3 MEMBER GOODSSELL: Mr. Migatz, I'm looking at the proposed
4 site plan, and the numbers are very small. The portico, which I
5 would kind of deem a porch, does not project more than 5 feet
6 from the front of the house.

7 MR. MIGATZ: Correct.

8 MEMBER GOODSSELL: Is that correct?

9 MR. MIGATZ: Yes, it's 4 feet 4 inches.

10 MEMBER GOODSSELL: Well, the house is not perfectly flat. I
11 see that part there.

12 MR. MIGATZ: So from the bump-out, it's 4 feet 4 inches.

13 MEMBER GOODSSELL: I see that, I see that, I see that.

14 MEMBER DONATELLI: As I'm sure you know, in preparation for
15 the hearings, we typically drive through the areas, and we try
16 to get a sense for whether or not the proposed addition or
17 extension really is fitting in the character of the
18 neighborhood. As one Board member, I would say that when I
19 toured the area, I was actually pleasantly surprised by the fact
20 that this house doesn't seem to be quite as imposing as many of
21 the houses in the area with the two-story porticos.

22 MR. MIGATZ: Mm-hmm.

23 MEMBER DONATELLI: Now we don't know whether or not
24 variances were granted in those instances, and I know that my
25 experience on this Board is, when we do grant a variance for
26 porticos, typically, we require that they be one-story, not

1 two-stories. But as I drove through the area, I will tell you
2 that my own impression was that this was not something that
3 really presented itself as sticking out, in fact, it was
4 tastefully done. It is an open portico, and so it doesn't give
5 the appearance of the encroachment the way many of the houses in
6 the area do.

7 MR. MIGATZ: Mm-hmm.

8 MEMBER GOODSSELL: I would agree with that.

9 ACTING CHAIR FRANCIS: Is that the beginning of a motion?

10 MEMBER DONATELLI: Well, I just want to say, since we don't
11 have any Port Washington properties on, I feel that it's my duty
12 to kind of step up and to expand, so --

13 MEMBER HERNANDEZ: Before you make a motion, I just want to
14 ask a question, because again, I'm looking at the -- at the
15 plans, and it appears that you have, like, a very wide, almost
16 house-wide porch on the house that was approved, and what you
17 are -- and what you are here for now is the portico to the left
18 of it as you look at the house; correct?

19 MR. MIGATZ: I'm confused.

20 MEMBER HERNANDEZ: So am I. That's why I'm asking the
21 question.

22 MR. MIGATZ: The garage -- the garage --

23 MEMBER HERNANDEZ: That's on the right.

24 MR. MIGATZ: That was approved by this Board last October.

25 MEMBER DONATELLI: Right.

26 MEMBER HERNANDEZ: Okay, and I'm looking for the plans so

1 that I can just -- here's the plans, yeah.

2 MEMBER DONATELLI: You got them; Jay?

3 MEMBER HERNANDEZ: Yeah, I got them, computer is slow.

4 That's the elevation.

5 MR. MIGATZ: That's why we need the 24-by-36 plans again.

6 MEMBER HERNANDEZ: Yes, unfortunately, computers can be
7 very slow at times.

8 ACTING CHAIR FRANCIS: You can look at the paper.

9 MEMBER HERNANDEZ: You have it there?

10 ACTING CHAIR FRANCIS: Yeah.

11 Okay, so he's looking at -- you're looking at the whole --
12 okay, I thought we were looking at this. We're looking at this
13 whole section.

14 MEMBER DONATELLI: That's right.

15 MEMBER HERNANDEZ: I'm trying to understand why is this in
16 front of us if this was approved. So this --

17 MEMBER DONATELLI: Take a look.

18 MEMBER HERNANDEZ: Got it, yup, yup, yeah, that's what this
19 is showing. Great, thank you. Got it, it's clear, yup.

20 MEMBER DONATELLI: Good?

21 MEMBER HERNANDEZ: Yup, we're good.

22 MEMBER DONATELLI: Fine.

23 Okay, so Mr. Acting Chairman, I make a motion to grant the
24 application.

25 ACTING CHAIR FRANCIS: Okay, we have a motion.

26 Do we have a second?

1 MEMBER HERNANDEZ: Second.

2 ACTING CHAIR FRANCIS: Second by Mr. Hernandez.

3 Virginia, please poll the Board.

4 SECRETARY WAGNER: Member Goodsell?

5 MEMBER GOODSSELL: Aye.

6 SECRETARY WAGNER: Member Donatelli?

7 MEMBER DONATELLI: Aye.

8 SECRETARY WAGNER: Member Hernandez?

9 MEMBER HERNANDEZ: Aye.

10 SECRETARY WAGNER: Chairman Francis?

11 ACTING CHAIR FRANCIS: Aye.

12 Application is granted.

13 MR. MIGATZ: Thank you.

14 MEMBER GOODSSELL: Mr. Migatz, is this the shortest
15 application that you've had so far this year?

16 MR. MIGATZ: In my career I think this is -- this is the
17 shortest application.

18 MEMBER DONATELLI: You guys keep jinxing us.

19 MEMBER GOODSSELL: I'm sorry.

20 MEMBER DONATELLI: We're going to be here until eight
21 o'clock tonight if someone says something else.

22 SECRETARY WAGNER: No appeal for determination.

23 ACTING CHAIR FRANCIS: That's right.

24 MR. MIGATZ: I couldn't find anything wrong with the
25 Building Department.

26 Have a great holiday weekend.

1 MEMBER DONATELLI: You, too.

2 ACTING CHAIR FRANCIS: Thank you.

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1 SECRETARY WAGNER: Next appeal, Appeal number 21703,
2 Yaniv Lahiji, 2 Willis Place, Greenvale; Section 20, Block 70,
3 Lot 1; in a Residence-B zoning district.

4 Variance from §70-40.A to legalize an enclosed breezeway
5 that is too close to the street.

6 ACTING CHAIR FRANCIS: You've heard Appeal number 21703,
7 Yaniv Lahiji, please excuse my pronunciation.

8 Is anyone here interested in the application other than the
9 applicants?

10 (WHEREUPON, there was no response.)

11 ACTING CHAIR FRANCIS: Seeing no one.

12 That's fine.

13 Give your name and address when you're ready.

14 MR. BROOKSTEIN: Good morning, Mr. Vice-Chairman, members
15 of the Board. Joshua Brookstein, Sahn Ward Braff Coschignano,
16 333 Earle Ovington Boulevard, Uniondale, New York.

17 ACTING CHAIR FRANCIS: Okay.

18 MR. BROOKSTEIN: Joining me today is Yaniv Lahiji, a member
19 of the applicant.

20 We're here today seeking a variance of section 70-40.A to
21 maintain a one-story breezeway that was converted to living
22 space with a front yard depth of 16 feet, where 30 feet is
23 required.

24 The premises was built in 1950, has 1,053 square feet and
25 is located in the Residential-B zone. The premises is located
26 at 2 Willis Place in Greenvale, also known as Section 20, Block

1 70, Lot 1 on the Nassau County Land and Tax Map. The overall
2 premises is .14 acres and bordered by residential properties to
3 the north and west and commercial properties to the east and
4 south, specifically, the Dance With Me Dance Long Island studio
5 is my client's westerly neighbor at 27 Glen Cove Road, and the
6 parking lot for the studio is my client's neighbor, my client's
7 southerly neighbor.

8 My client purchased the premises in March of 2024, at which
9 time the breezeway had already been converted to living space.
10 According to Google Earth imagery, it appears that that space
11 had been converted as far back as at least April 30th of 2000,
12 25 years ago.

13 I handed up photographs, a number of photographs, to the
14 Board that depicts how the property looked when the --

15 MEMBER DONATELLI: Excuse me. That was without the benefit
16 of a permit; the enclosure of the breezeway?

17 MR. BROOKSTEIN: That's my understanding. I have not found
18 any permits or when that was constructed.

19 MEMBER GOODSSELL: Well, it was after 1950.

20 MR. BROOKSTEIN: Yeah.

21 MEMBER GOODSSELL: Because it's not on the original tax
22 card.

23 MR. BROOKSTEIN: Correct, that's correct.

24 Exhibit A demonstrates what the property looked like before
25 my client did any work to the property and purchased it.

26 Exhibit B shows what the property looks like now. Exhibit C is

1 Google Earth imagery of April 30th of 2000 which appear to show
2 that they had squared off the property and the breezeway at that
3 time, and Exhibit D is two consent forms from neighbors at 11
4 and 15 Park Place.

5 As the Board can see, the only change that my client has
6 made was to move the door to the premises to the other side of
7 the windows so that when now someone comes to the home, when
8 they enter, they won't walk into the kitchen, they'll actually
9 walk into the living space. Previously, the door walked right
10 into the kitchen.

11 No other addition or exterior modifications requiring BZA
12 relief are before the Board. I respectfully submit that an
13 analysis of the five factors indicates that the benefit to the
14 applicant greatly outweighs any detriments to the community. I
15 respectfully submit that there will be no undesirable change to
16 the character of the community as a result of granting the
17 variances or any detriment to the properties in the surrounding
18 neighborhood. I respectfully submit that the home now is, after
19 my work, the work done by the client, is a nice addition to the
20 community, has beautified the property. It's consistent with
21 the distance to the street.

22 Regarding the second factor of the balancing test, I also
23 respectfully submit there's no feasible alternative for my
24 client to pursue other than to seek the variance. The way the
25 property is situated, it's rather unique. It borders Willis
26 Place which is a paper street to the south. To the east, it

1 abuts, very closely, to the Dance Long Island studio, so moving
2 the home any further to the rear would be practically
3 impossible, and again, I submit, with regarding the third
4 factor, there's no negative impact to the community and that the
5 variances are not substantial.

6 I'm happy to answer any of the questions that the Board may
7 have. Again, my client's here as well.

8 ACTING CHAIR FRANCIS: What is the measurement of the
9 original breezeway, the part that was enclosed?

10 MR. BROOKSTEIN: Excuse me for one second.

11 MEMBER HERNANDEZ: I can't see the width.

12 ACTING CHAIR FRANCIS: Yeah.

13 MEMBER HERNANDEZ: I can't see the width.

14 MEMBER DONATELLI: It looks like it's -- from the floor
15 plan, it looks like it's 3 feet 11 1/2 inches wide, and 10, 4
16 1/2 and 17, it looks like maybe 18 feet --

17 ACTING CHAIR FRANCIS: Okay.

18 MEMBER DONATELLI: -- by 3 feet by 3 feet 11 inches.

19 ACTING CHAIR FRANCIS: I guess it's clear on the plans.

20 MEMBER HERNANDEZ: It looks almost like it was a walkway
21 leading to a door in the back, and they basically moved the door
22 to the front wall and enclosed the walkway.

23 MEMBER DONATELLI: Right.

24 MEMBER HERNANDEZ: That's what it looks like.

25 MEMBER DONATELLI: Actually, no. It's another 3 feet
26 because the closet has a 3-foot gap. So it's 7, almost 8, plus

1 10, plus another 3.

2 ACTING CHAIR FRANCIS: Okay.

3 MEMBER HERNANDEZ: Yeah, this plan shows that it's 23, 29
4 deep.

5 Right, it can't be .25, it must be, based on -- if the
6 whole thing is 27 feet, that's 14, that's 7, it's probably about
7 3 feet, so it's probably a walkway.

8 ACTING CHAIR FRANCIS: Yeah.

9 MEMBER HERNANDEZ: They're calling it a breezeway, but it's
10 more like a cement walk leading to a door in the back.

11 MEMBER DONATELLI: Which then led to the garage.

12 ACTING CHAIR FRANCIS: Yes, that's what I think, too.

13 MEMBER HERNANDEZ: And what they did was, they basically
14 moved that door to the front and enclosed the walkway.

15 ACTING CHAIR FRANCIS: Does that sound like we're on the
16 right track?

17 MR. BROOKSTEIN: That does -- with all due respect to the
18 Board, I've not been able to find any imagery of how the
19 property looked with the breezeway going back on Google Earth,
20 and --

21 MEMBER HERNANDEZ: But the only way we know it is because
22 the original plan, the, like, the card I'm sure showed that
23 cutout in the property. It wasn't a perfect rectangle.

24 MR. BROOKSTEIN: Right.

25 MEMBER HERNANDEZ: You had that cut out in the corner.

26 ACTING CHAIR FRANCIS: Right.

1 MEMBER DONATELLI: I do have a question. As to that back
2 structure which extends out to the right, you have existing
3 finished storage to be converted to a garage. Was that being
4 used as living space?

5 MR. BROOKSTEIN: No, it was never being used as living
6 space. It was a garage, never being used as living space.

7 MEMBER DONATELLI: I do see a garage door, but like I said,
8 I see some existing storage, I see doors, and --

9 MEMBER HERNANDEZ: On which?

10 MR. BROOKSTEIN: There was a garage door. They did remove
11 the garage door and -- to refinish, and there is a door there.
12 My client's willing to put the garage door back. The intent
13 would be -- it's very difficult how the property is to angle a
14 car --

15 MEMBER HERNANDEZ: Yup.

16 MR. BROOKSTEIN: -- to be able to access the garage there.
17 So that's why we put a door there and to use it for a garage
18 type of use, storage.

19 MEMBER DONATELLI: So it's just used as storage, and
20 presumably, parking would be in front of that structure.

21 MR. BROOKSTEIN: That's correct. No living space. There's
22 no intention whatsoever for that to be any living space.

23 MEMBER GOODSSELL: As Mr. Donatelli mentioned, we all drive
24 these properties, and we all take a look at them, when we can
25 find them. You can tell your client that this is very difficult
26 to find, particularly since Willis --

1 ACTING CHAIR FRANCIS: Place.

2 MEMBER GOODSSELL: -- Place seems to be a nonexistent paper
3 street only, but having found it, I see that it is under
4 construction. I am looking at the prior pictures, and I can see
5 where the construction has greatly improved the layout and the
6 facade of the property. The breezeway itself is not, in my
7 mind, a traditional breezeway connecting a house with a garage,
8 a long thin area. This seems to be a true breezeway where the
9 breeze may go between the buildings, and it was a little
10 difficult to figure out. But once we did, and the plans -- the
11 plans do kind of show where it is, I have to say, I --

12 ACTING CHAIR FRANCIS: That's storage area.

13 MEMBER GOODSSELL: It's a storage area. It says existing
14 finished storage to be converted to garage.

15 ACTING CHAIR FRANCIS: Yeah, yeah, yeah, that's what he's
16 using.

17 SECRETARY WAGNER: No, no that's not what --

18 MEMBER GOODSSELL: Well, I'm reading -- I'm reading the BZA
19 plans.

20 (WHEREUPON, there was an off-the-record discussion.)

21 MEMBER GOODSSELL: Ah, okay.

22 SECRETARY WAGNER: That's where it used to be a breezeway.
23 That line --

24 MEMBER GOODSSELL: Gotcha.

25 SECRETARY WAGNER: -- is not up there.

26 MEMBER GOODSSELL: It's not up there, okay.

1 ACTING CHAIR FRANCIS: It's odd.

2 MEMBER GOODSSELL: Exactly, exactly.

3 SECRETARY WAGNER: It's confusing because --

4 MEMBER GOODSSELL: It's a very confusing little house.

5 SECRETARY WAGNER: It appears that, like, because it's the
6 garage and the house, that the breezeway would have been
7 connected --

8 MEMBER GOODSSELL: Exactly.

9 SECRETARY WAGNER: -- as part of the house.

10 MEMBER GOODSSELL: That's my traditional -- my traditional
11 understanding of what a breezeway is, but no, I have to say, I
12 looked at -- I looked at the original tax card, and I do see
13 that this is basically how it was built. It was built this
14 close to the street, but again, if there was, at one time in the
15 far distant past, a Willis Place, and I can certainly understand
16 why the neighborhood would want no connection between the shops
17 on Glen Cove Road and the shops on Park Street? Park Place?

18 MR. BROOKSTEIN: Park Place.

19 MEMBER GOODSSELL: Park Place. I could certainly
20 understand --

21 MR. BROOKSTEIN: Park Avenue, excuse me.

22 MEMBER GOODSSELL: I can see where the road disappeared.

23 I don't have any objection to this as one member. I wonder
24 if the owner is going to put the secret door in the back of the
25 property so they can go to dinner at a restaurant on Glen Cove
26 Road. Rather than try to drive all the way around, against

1 traffic. This is a difficult street to get out of.

2 MR. BROOKSTEIN: Mm-hmm.

3 ACTING CHAIR FRANCIS: Okay, anything else?

4 MEMBER HERNANDEZ: I have no --

5 MEMBER GOODSSELL: I have nothing else.

6 All right, I'll make a motion on this one, then.

7 Mr. Chairman, I make a motion that we grant the application
8 to approve the breezeway, rather, despite the fact that it
9 violates the setback because it is simply a preexisting
10 nonconforming house, and it does not impact the neighborhood.

11 ACTING CHAIR FRANCIS: Okay, we have a motion.

12 Do we have a second?

13 MEMBER HERNANDEZ: Second.

14 ACTING CHAIR FRANCIS: Seconded by Mr. Hernandez.

15 Ginny, please poll the Board.

16 SECRETARY WAGNER: Member Hernandez?

17 MEMBER HERNANDEZ: Aye.

18 SECRETARY WAGNER: Member Donatelli?

19 MEMBER DONATELLI: Aye.

20 SECRETARY WAGNER: Member Goodsell?

21 MEMBER GOODSSELL: Aye.

22 SECRETARY WAGNER: Chairman Francis?

23 ACTING CHAIR FRANCIS: Aye.

24 Application is granted.

25 MR. BROOKSTEIN: Thank you, very much.

26 ACTING CHAIR FRANCIS: Thank you.

1 MEMBER GOODSSELL: Thank you for the pictures. The before
2 and after are pretty remarkable.

3 MR. LAHIJI: FYI. The reason why they took that street
4 away, everybody was cutting through that neighborhood.

5 MEMBER GOODSSELL: And they would, and they would.

6 MR. LAHIJI: And they were, and --

7 MEMBER GOODSSELL: Because that traffic light backs up --

8 MR. LAHIJI: Yes.

9 MEMBER GOODSSELL: -- tremendously during rush hour.

10 MR. LAHIJI: Yes.

11 MEMBER GOODSSELL: And if there's any other way to get from
12 Glen Cove Road over to --

13 MR. LAHIJI: Everybody was cutting through there, and the
14 neighbors were so upset because they have kids running around.

15 MEMBER GOODSSELL: All those streets now have --

16 SECRETARY WAGNER: And it just gets -- that traffic is
17 getting worse.

18 ACTING CHAIR FRANCIS: It's getting worse.

19 MEMBER GOODSSELL: It is getting worse.

20 SECRETARY WAGNER: And I go through that intersection --

21 (WHEREUPON, this application was approved.)
22
23
24
25
26

1 SECRETARY WAGNER: Appeal number 21704, RH361, LLC, 361-393
2 Willis Avenue, Roslyn Heights; Section 7, Block 259, Lot 4; in
3 the Business-A and Residence-B zoning district.

4 Appeal for determination for a conditional use from
5 §70-126(H) or in the alternative, variance from §70-34 for
6 expansion of a parking lot into a residential area, and
7 variances from §§70-34, 70-100.1(B), 70-100.2(A)(2),
8 70-100.2(A)(4), 70-103(B), 70-103(M) and 70-132(A) to expand a
9 parking lot, increase the size of a trash enclosure, and install
10 EV charging stations where the trash enclosure is within a
11 residential district, not a permitted use, trash enclosure too
12 close to a rear property line, a fence in a front yard that is
13 too tall, parking spaces that are too small, parking in a front
14 yard with a charging station and switch gear within a front
15 yard.

16 ACTING CHAIR FRANCIS: You've heard appeal number 21704,
17 RH361, LLC. There is no opposition.

18 MEMBER HERNANDEZ: Present.

19 ACTING CHAIR FRANCIS: Present.

20 SECRETARY WAGNER: Present. There is a letter.

21 ACTING CHAIR FRANCIS: There is a letter of opposition that
22 we received.

23 SECRETARY WAGNER: Which was also sent to the -- well --

24 ACTING CHAIR FRANCIS: Okay, very good

25 Okay, whenever you're ready.

26 MS. DEEGAN DICKSON: Good morning.

1 ACTING CHAIR FRANCIS: Good morning.

2 MS. DEEGAN DICKSON: My name is Kathleen Deegan Dickson,
3 I'm a partner in the law firm of Forchelli Deegan Terrana, 333
4 Earle Ovington Boulevard, Uniondale, New York, here on behalf of
5 the applicant, RH361, LLC, for the premises at 361 through 393
6 Willis Avenue in Roslyn Heights.

7 The applicant today is proposing to add additional parking,
8 and additional Tesla facilities to the existing 118,885 square
9 foot commercial site located on the west side of Willis Avenue
10 between Stratford Street North and Stratford Street South in
11 Roslyn Heights.

12 This Board is familiar with this shopping center, we've
13 been here several times over the last few years since it was
14 redeveloped after receiving variances and conditional use
15 permits in 2019.

16 ACTING CHAIR FRANCIS: Yup.

17 MS. DEEGAN DICKSON: The center is thriving, which is
18 great. It's got good tenants, it's got a lot of activity, it's
19 well maintained, I think almost all of you that live in the area
20 agree that it's been a real improvement over the years.

21 MEMBER GOODSSELL: And if I could just interrupt you.

22 MS. DEEGAN DICKSON: Yes.

23 MEMBER GOODSSELL: Correct me if I'm wrong, but it's now
24 fully occupied by tenants; is that correct?

25 MS. DEEGAN DICKSON: I believe it is; right?

26 Yes, fully occupied by tenants now.

1 So there are eight existing Tesla charging stations on the
2 site. They get a lot of use, and the use is from both patrons
3 who are coming there to shop and then plug in their car or some
4 people who come in to plug in their car and end up patronizing
5 the shopping center. So it's been a very nice synergistic
6 relationship.

7 There is a demand for more -- for more charging stations.
8 My clients didn't want to give up additional parking spaces for
9 it because we're already under the benefit of a parking variance
10 that was granted in 2019, and there's no additional space on the
11 site to add parking.

12 So there is an area between the -- this is the area that
13 we're talking about on the site. You have the site plan in your
14 package.

15 ACTING CHAIR FRANCIS: Mm-hmm.

16 MS. DEEGAN DICKSON: Where these eight parking spaces are
17 is the new land that is under a ground lease with Nassau County.
18 The rest of the site exists as it is, and it will remain,
19 essentially, unchanged other than the additional new Tesla
20 chargers in this area, a small expansion of the Tesla here, here
21 and here, and then there's also one parking space near the FedEx
22 office that's going to be designated as FedEx drop off and pick
23 up parking only. So technically, I think that parking space
24 comes out of the parking count, the eight parking spaces would
25 now make up for that difference.

26 The other part of this application is, there's an existing

1 dumpster enclosure in this portion of the property that's going
2 to expand and take over one parking space to the south another
3 10 feet for a total of 120 square foot additions to accommodate
4 additional, well, it's not additional, the existing refuse
5 that's being generated by this shopping center. This is a way
6 to keep it -- everything enclosed and tidy and out of view of
7 the public and out of the view of the residential areas that are
8 to the -- to the south and to the north.

9 As you know, the properties directly to the west, and
10 forgive me, this is oriented sideways, just because it's the way
11 people approach the shopping center, so the top is west, here's
12 south, here's north, here's east. So this property's owned by
13 the County of Nassau. It's a drainage reserve sump area. This
14 area here is also owned by the County of Nassau. It's a sewer
15 pump station, and then just to the west of that is the Albertson
16 Water District.

17 MR. MANN: Water district.

18 MS. DEEGAN DICKSON: Then across the street, when you look
19 at the aerials, you'll see some homes over here that face on
20 Hillturn Lane, but there is a large strip of town-owned
21 property, we call it the extension, the right of way or if it's
22 -- or if it's a separate -- it's a separate tax lot number, so I
23 think it's tax lot number 31. It runs all along the south side
24 of Stratford Street South. So the houses that face on Hillturn
25 have quite a buffer between them and Stratford, and none of --
26 there are no homes that face on Stratford Street South in this

1 area all the way up to the next block where the Albertson Water
2 District is.

3 So there is no -- there's no impact from any of this on any
4 residential properties. It's a very unique parcel from that
5 point of view because it does go from street to street, and on
6 three sides it has streets. The homes on Stratford Street South
7 face Stratford -- I'm sorry, North, face Stratford Street North,
8 but we're not proposing anything -- that'll be tucked up in this
9 corner back here.

10 MEMBER DONATELLI: So forgive me, I'm a bit confused.

11 MS. DEEGAN DICKSON: Okay.

12 MEMBER DONATELLI: Are we -- the land is already leased
13 from Nassau County?

14 MS. DEEGAN DICKSON: Yes. So my client, Adam Mann, who's
15 here today, he -- when he wanted to expand the dumpster area,
16 and -- well, actually, really for the additional Tesla stations,
17 because he had no place else to put it. He approached the
18 county because there's a -- there is a piece of land about 3,200
19 square feet between their access drive up here and the parking
20 lot that was unused. The county determined that it was surplus,
21 and it was -- that it was available for disposition, and so
22 they, the county legislature approved a long-term lease with
23 Adam's company. It's a 49 year lease with a 50 year option to
24 extend, and then it also has a right of first refusal if the
25 county determines that it ever wants to sell that property.

26 MEMBER HERNANDEZ: I'm sorry, so you're talking -- is this

1 built already or you're proposing to build behind this an
2 additional parking lot?

3 MS. DEEGAN DICKSON: So what's built now is from here down.

4 MEMBER HERNANDEZ: Mm-hmm.

5 MS. DEEGAN DICKSON: And what's being proposed is this
6 strip of eight parking spaces here.

7 MEMBER HERNANDEZ: So you're going to -- okay, so you have
8 an existing piece that juts out.

9 MS. DEEGAN DICKSON: Yes.

10 MEMBER HERNANDEZ: And you're proposing to build a strip 20
11 feet deep, I guess, or 30 feet deep.

12 MS. DEEGAN DICKSON: Right, to add --

13 MEMBER HERNANDEZ: By eight parking spaces or roughly 80
14 feet.

15 MS. DEEGAN DICKSON: Correct. So the property being leased
16 from the county is 30 feet, 30 feet 8 inches.

17 MEMBER HERNANDEZ: Is it here?

18 MR. MANN: Adam Mann, representative of the applicant,
19 RH361, LLC, 2 Jericho Plaza, Suite 300, Jericho, 11753.

20 Good morning, everyone.

21 ACTING CHAIR FRANCIS: Good morning.

22 MEMBER HERNANDEZ: Got it.

23 MR. MANN: So the portion of the county-owned parcel that
24 we have leased is approximately 25 feet wide by approximately
25 130 feet deep. Within that 25 feet of depth, we will be adding
26 the eight parking stalls --

1 MEMBER HERNANDEZ: Going this way.

2 MR. MANN: -- as you mentioned, correct.

3 ACTING CHAIR FRANCIS: Correct.

4 MR. MANN: Perpendicular.

5 MEMBER HERNANDEZ: So basically, that rectangle or parking
6 lot will have another smaller rectangle sticking out into the --
7 or next to the water district.

8 MR. MANN: Correct.

9 MEMBER HERNANDEZ: Okay.

10 MS. DEEGAN DICKSON: The county pump station.

11 MR. MANN: Yeah, so it'll be our little rectangle, then the
12 existing pump station and then the Albertson Water District.

13 MEMBER HERNANDEZ: Okay.

14 MR. MANN: And I'll just highlight here.

15 ACTING CHAIR FRANCIS: Correct.

16 MEMBER DONATELLI: And that lease has already been signed,
17 and --

18 MR. MANN: Correct.

19 MEMBER DONATELLI: -- already executed, in effect.

20 MR. MANN: Correct, it is in effect, and so that
21 highlighted rectangle is the area that we lease from Nassau
22 County that is not currently part of the shopping center from --
23 aesthetically, if you were to go there now.

24 MEMBER HERNANDEZ: And as you are driving down Stratford --
25 South Stratford Street I guess that is, you will probably not
26 even see the small rectangle because there'll be more greenery

1 between the -- that 30-foot setback, if you will, from that side
2 street.

3 MR. MANN: Correct, and --

4 MEMBER HERNANDEZ: Or 21 setback, whatever that is, a car
5 deep.

6 MR. MANN: In the little bound packet that I provided, what
7 we did along both sides of the street, Stratford North and
8 Stratford South, in connection with the redevelopment, we put up
9 all new fencing. We also planted grass and upright European
10 hornbeams 20 feet on center all the way down those two streets.
11 I mean, that's, I don't know, 6, 700 feet of frontage between
12 the two, 5 -- 5, 600 feet of frontage. So it's a significant
13 amount of trees, and it came out really wonderfully.

14 What we're proposing to do here in that roughly 30 feet is
15 extend what we've already done. So right now this is the end of
16 our property, Willis Avenue is that way.

17 ACTING CHAIR FRANCIS: Raise it just a little bit higher.

18 MR. MANN: Oh, sorry.

19 So right now, this is the end of our property.

20 MEMBER HERNANDEZ: Uh-huh.

21 MR. MANN: This is the leased area with Nassau County.
22 Here's the sewer pump station. We will be extending this fence
23 to here and extending planting trees, too. So it'll all be a
24 continuous flow of what the status quo is, just an extension of
25 approximately 30 feet.

26 MEMBER GOODSELL: And Mr. Mann, these additional parking

1 spaces, these electric parking stations, are they going to be
2 Tesla charging stations or the other charging stations which
3 Tesla's not compatible with?

4 MR. MANN: So let me clarify your question. Your question
5 and one other thing.

6 The eight stalls that we are adding will not be where the
7 Tesla charging stalls go, deliberately. We -- the Tesla
8 charging stalls currently are here. The additional ones will be
9 here.

10 MEMBER GOODSSELL: Ah.

11 MR. MANN: So away, towards Willis Avenue. These stalls
12 will be not be tagged, but my suspicion is, they'll be used by
13 employees more than patrons given how far they are from the
14 action.

15 In terms of your actual question, which I'll get to now,
16 Tesla chargers now actually are universal. Whether you have a
17 Tesla --

18 ACTING CHAIR FRANCIS: Right.

19 MR. MANN: -- a Chevy Volt, I won't name every single
20 electric vehicle out there, but Tesla is now an open source for
21 charging. Some cars need an adapter, some cars don't, but you
22 are not restricted. If you -- if you do not own a Tesla, you
23 are able to use a Tesla charger. But yes, these will be branded
24 Tesla, but they're not restricted.

25 MEMBER DONATELLI: You know, this additional area that is
26 being leased from Nassau County, the proposed parking lot

1 expansion, do we know what that is zoned as?

2 MS. DEEGAN DICKSON: That's Residence-B.

3 MEMBER DONATELLI: Residence-B.

4 MS. DEEGAN DICKSON: So, yeah. So the property, and
5 actually, this whole back area is zoned Residence-B. So this
6 back area actually received a use variance from this Board, not
7 the same people, but in 1959, to allow parking back here. But
8 in 2019, when Adam improved the shopping center, he expanded the
9 parking and reconfigured the parking in this area, and this
10 Board, with many of the same members, granted a conditional use
11 permit for the expansion and reconfiguration of parking in this
12 area.

13 MEMBER DONATELLI: So in 1959, the -- this Board, the prior
14 Board, obviously, because I don't think even the Chairman was
15 here in 1959.

16 ACTING CHAIR FRANCIS: No, I don't think he was either.

17 MEMBER DONATELLI: The parking lot was improved as part of
18 this, but now we're seeking to take even more Residence-B land
19 and to add it to the parking lot; is that correct?

20 MS. DEEGAN DICKSON: Yes, yes, just this one strip here.
21 Now ordinarily, that would be more of a challenge but for the
22 fact that this is such a unique piece of property in a unique
23 neighborhood for the surrounding users and the surrounding
24 residences. While it's -- while it's zoned Residence-C the
25 entire county sump is zoned Residence -- I'm sorry, Residence-B,
26 that is all Residence-B, the sewer pump station is Residence-B,

1 the Albertson Water District is Residence-B. So there's already
2 quasi-commercial uses. I mean, they're governmental uses, but
3 these are not developed residential.

4 MEMBER DONATELLI: No, I understand. I guess my question
5 is, how do we get from where we are to where we would like to
6 be, and I guess, procedurally, my question is, we're taking a
7 Residential-B property, and we're looking to expand a parking
8 lot into a Residential-B. So that's taking a commercial use and
9 taking a residential property away from a residential zone and
10 putting into a commercial space. So my question is, how do we,
11 procedurally, regardless, I mean, it's -- what's being proposed
12 I think is very nice, but I guess my question to you and to the
13 Board is, how do we get there, legally, from a procedural --

14 MS. DEEGAN DICKSON: So there's three paths. The -- one
15 path is to grant a conditional use permit and waive some of the
16 requirements of the conditional use criteria the way you've done
17 in the past. There have been many instances where properties
18 have been in separate ownership at the time of the approval that
19 are then joined afterwards that this Board has granted. There
20 are many instances where -- and including this parcel in 2019,
21 where the distances from the front property line to the rear of
22 that -- that this Board has considered that appropriate for a
23 conditional use permit.

24 So in my opinion, that's the easiest and most
25 straightforward route by demonstrating -- this Board has the
26 ability to waive the elements of conditional uses, that's --

1 there's plenty of case law on that. I'm sorry I don't have it
2 with me, but I'm happy to provide it if you need it, I think
3 you're familiar with it.

4 MEMBER DONATELLI: Mm-hmm.

5 MS. DEEGAN DICKSON: So the elements of conditional use are
6 something that would fall under an area variance standard. So
7 if we can demonstrate that the benefit to the applicant
8 outweighs any detriment to the community, that there will not be
9 any adverse environmental impact, that this is really the
10 minimum that needs to be done in order to achieve the objectives
11 of the applicant, and that the -- oh, that there is no
12 alternative other than an area variance because we can't add
13 those eight spaces without -- there's no place else on the
14 property in order to do it, and that the difficulty in needing
15 to add these parking spaces is not self-created. This is
16 something that, just the success of the shopping center, now
17 that it's full, we're not adding additional tenant space, we're
18 not adding more tenants, we're not adding more, you know, we're
19 not putting in a more intense parking use. It's not like we're
20 taking a retail and going to medical and that sort of thing.

21 MEMBER DONATELLI: But aren't we changing the zoning?
22 Aren't we applying for a change in the strip of land that's
23 being leased now from Nassau County. Aren't we changing the
24 zoning from residential to commercial?

25 MS. DEEGAN DICKSON: No, what you're doing is -- what
26 you're doing is what is contemplated by your Business-A code

1 already in the conditional use. It's expansion of an accessory
2 parking area into a greater restricted district. That's
3 something that the Town Board, when they adopted the code,
4 contemplated as a permitted accessory expansion recognizing that
5 in a lot of commercial areas where the most intense activity
6 happens, needs to happen in a commercial area, but that it's
7 appropriate to locate accessory parking in a greater restricted
8 district, in this instance, a Business-B district, and it was
9 the same finding that this Board made when you allowed us to
10 expand and modify the parking lot in 2019, and in 1959, I
11 believe that was pre -- that preexisted the code that allows the
12 conditional use permit now. That's why that was a use variance.
13 So I think that is the most straightforward and the easiest way
14 for this Board to approve this.

15 The second alternative would be a use variance where we
16 demonstrate that the property experiences unnecessary hardship,
17 that there's no reasonable return that could be gotten on this
18 property without the benefit of a use variance. You know, this
19 property is surplus property, it can't be developed
20 residentially, it's too small, it's too narrow. Even if you
21 could put a house there and you got area variances for a little
22 narrow shack, it would be the only residential house in this
23 whole stretch here on both sides of the way.

24 So it really, from a practical point of view, and from a --
25 from a dimensional point of view, there's no way that this
26 parcel could ever be used residentially. It can't be used for

1 -- it can't be used for religious purposes, it can't be used for
2 school purposes that are uses that are permitted in a
3 Residence-B district.

4 So the -- so a use variance is another alternative. I know
5 it's -- the Board is generally loathe to grant use variances. I
6 think there is a higher standard for a reason, that if there is
7 an easier path, I think that's the way the legislature prefers
8 these things to go, and then the third option doesn't involve
9 the Board at all. It would be a change of zone from the Town
10 Board.

11 ACTING CHAIR FRANCIS: Mm-hmm.

12 MS. DEEGAN DICKSON: That would be an interesting thing
13 because it would just be changing the zone for this little strip
14 where this parcel here is still already zoned Residence-B. So
15 it would be, you know, and that's more of a permanent kind of
16 thing. So if this shopping center were ever to go by the
17 wayside, and it's not going to be developed commercially, this
18 would no longer be accessory to a commercial use. So this would
19 revert back to it's Residence-B use.

20 So it really is not a kind of permanent gobbling up of
21 residential property. It's really something to accommodate an
22 existing commercial use, something that's already contemplated
23 in the code. Many of these commercial corridors do abut
24 residential. As I said, I think the thing that makes this a
25 more appropriate ask for relief is the fact that the impact on
26 surrounding properties is nil. I mean, literally, nothing.

1 There's -- nobody's going to see it, there's not any additional
2 noise that's generated from adding parking. It's not going to
3 be storage of vehicles, it's most likely going to be employee
4 parking because of how it's set back.

5 MEMBER GOODSSELL: Let me ask you an economic argument then.
6 Is there that much of a demand for eight additional parking
7 spaces that makes it worth bringing the time and effort and
8 money it will take to get the variance and to develop it into
9 parking? Is there another plan behind this to do something
10 else?

11 MS. DEEGAN DICKSON: No, this is it. I mean, Adam could
12 answer.

13 MR. MANN: No, I can unequivocally say there is no other
14 plan. Retail on Long Island succeeds based on a few things.
15 You may have remembered this cheesy acronym which I've used here
16 before that I was once told. VAPS, V-A-P-S, visibility, access,
17 parking and signage, and you look at retail across Long Island,
18 and notwithstanding what you read that retail's dead, it's just
19 not the case. Maybe big box retail may be dead, but what we've
20 built here is absolutely not dead, it's thriving, and so parking
21 is the lifeblood of success, so --

22 MEMBER GOODSSELL: Well, I will say, I have been there, and
23 I have to say, you've done a beautiful job.

24 MR. MANN: Thank you.

25 MEMBER GOODSSELL: That is a --

26 MR. MANN: Thank you.

1 MEMBER GOODSSELL: -- very, very nice shopping center.

2 So the eight additional parking spaces are not going be
3 charging stations, they're just going to be regular parking
4 spaces. There's no access between that particular area and the
5 neighborhood; is there? There's no break in the fence --

6 MR. MANN: Correct.

7 MEMBER GOODSSELL: There's no --

8 MR. MANN: Correct.

9 MEMBER GOODSSELL: -- there's no access.

10 MR. MANN: Correct, and from a neighbor's perspective, if
11 and when this is built, there's only really an improvement
12 because we're going to extend the 30 feet of improvements we
13 made to Stratford South along this frontage with fencing and
14 upright European hornbeams.

15 So from an neighbor's perspective, it's only going to be
16 aesthetically more pleasing, and --

17 MEMBER GOODSSELL: Let's put on the record, the way the
18 parking lot exists now, has there been, in your experience, any
19 spillover parking into the neighborhood along Stratford South?

20 MR. MANN: Not aware of any of that over the past five, six
21 years because we have a 6-foot high fence, and so if someone
22 were to park on Stratford North or South, they would have to --
23 it would be a significant walk all the way around to Willis
24 Avenue to the building.

25 MEMBER DONATELLI: So Ms. Deegan Dickson, I know that you
26 addressed the conditional use, and you -- if you would please go

1 into the conditional uses, and you mentioned that this Board has
2 the right to waive to consider the conditional uses. If you
3 would, please, go through those, and also, I believe that in the
4 alternative, your application does request a use variance.
5 Perhaps you can address those, as well.

6 My own -- and I do have one other question before you
7 address those, which is perhaps for the applicant. Is the
8 parking as it currently exists, is that sufficient now?

9 MR. MANN: So to answer that, Tesla approached -- has been
10 approaching us often to increase the number of charging stalls,
11 and my answer was always, no. As much as we enjoy the merits of
12 having the charging stalls here, and it is an amenity to the
13 center, I mean, yes, you do get some customers who come, charge
14 their cars, don't get out, don't patronize the center. So
15 that's really of no benefit to the center. There is certainly a
16 significant amount of activity of customers who come, charge
17 their car, and say, oh, I have 20 minutes to kill, because
18 that's what it takes to get from about zero to 80, 90 percent
19 charged, it's about 20 something minutes. So some people,
20 rather than just sit in their car for 20, 25 minutes, go to
21 Starbucks, go to Chopt, go to CVS. Actually, I'll tell you a
22 very -- I'll make a long story very short and quick, and you'll
23 see the relevance in a second.

24 So one of the stores there is Mixology which is a young
25 women and women's boutique clothing. They're a local company,
26 they have about 10 to 15 stores. The owner, our children are

1 friendly, so he called me, this was maybe -- this was
2 President's weekend. He called me to say he dropped his son off
3 at the school that our children attend, and he had an hour to
4 kill, so he went to the center to look around, and he walks in,
5 and he sees Irina, I don't know that I can pronounce her last
6 name correctly, but Shayk, Shayk, the -- her child, the father
7 of her child is Bradley Cooper. She's a supermodel. So he
8 walks in and he starts talking to her, and all the people in the
9 store are like, in heaven, oh, my God, what is Irina Shayk doing
10 here, and he starts talking to her and kind of says, random
11 question, what are you doing here? I mean, we know this is a
12 beautiful shopping center, but what are you doing here? And so,
13 she lives in Manhattan, she has a house in the Hamptons. She
14 was in the Hamptons for the weekend, President's weekend,
15 because her daughter was off from school. She was with her
16 daughter and she said, I'm driving back to the city with my
17 daughter, and I was low on charge, and the screen popped up and
18 said come here, and so I pull in, no idea where I am, I've never
19 been to Roslyn before, and wow, this place is beautiful, and I
20 had 25 minutes to kill, and I'm walking around, and I see your
21 store, so I came in with my daughter and I ended up making a
22 purchase.

23 So, hope I didn't bore you with that story, but it
24 certainly explains what the benefit of those charging stalls
25 could be, is that, yeah, you get people who have 25 minutes to
26 kill, and they don't want to sit in their car, and they

1 patronize.

2 So Tesla has been asking us for -- since they opened, hey,
3 can we add more stalls? And my answer was always, look, you're
4 not driving the bus for me here, as much as we love having you
5 here. The tenants are really what drive the bus, the real
6 tenants, not the charging stall tenants, and so I forget how it
7 even came about, but I remember knowing that that pump station
8 was there, and I remember looking there and seeing they have
9 this 30-foot strip of wasted grass, and I have relationships
10 with Nassau County, and I've actually done something like this
11 before in Wantagh where I've leased, sort of, wasted land from
12 them and improved it to assist, and so I went to the county, and
13 said, hey, how about leasing 30 feet of this, and they did their
14 whole process, and ultimately, they came back with, yeah, we're
15 monetizing something that is just a strip of grass that we can
16 barely even take care of, we're open to doing it, and so when
17 that door was opened, that's when I went back to Tesla and said,
18 okay, we can now work something out with you because I don't
19 want a net loss, I'd be -- neutral would be fine, but
20 ultimately, we originally had nine stalls, and then in working
21 with the Planning Department at the town, we reduced it to
22 eight, just to ensure even, you know, make sure the circulation
23 in that area would be, you know, wouldn't be too restricted if
24 we had one more stall, back up distances, et cetera.

25 So that's the impetus of why we're here today, is that, to
26 facilitate Tesla, and look, there's -- you'll never be harmed

1 having too much parking.

2 So are there --

3 MEMBER GOODSSELL: It depends. Are those dedicated Tesla
4 spots or can anyone park there when there's no one in the spot?

5 MR. MANN: So just to remind you, the extra Tesla stalls
6 are here.

7 MEMBER GOODSSELL: Right.

8 ACTING CHAIR FRANCIS: Right.

9 MR. MANN: They're not up here.

10 MEMBER GOODSSELL: Right.

11 MR. MANN: These Tesla stalls -- and the other thing
12 they're doing, we're giving them five parking stalls. They are
13 going to add four charging stalls, one of those charging stalls
14 will be ADA accessible. The -- my understanding is from when we
15 initially did this till now, either the code has changed or it's
16 evolved. So they're looking to comply with ADA and add one ADA
17 compliant stall.

18 Tesla stalls, anyone can park there. They're not
19 exclusive. Practically, I don't know how often someone not
20 charging a car parks in one of those stalls, but --

21 MEMBER GOODSSELL: At Christmastime, I'm sure it happens.

22 MR. MANN: I'm sure, I'm sure.

23 MEMBER GOODSSELL: During the week, on a normal week, I'm
24 sure they don't.

25 MR. MANN: I mean, if the Board would welcome this, I'm
26 certainly happy to offer, because I think it's a little bit of

1 ice in the winter because it'll happen organically as the eight
2 stalls we're proposing up top, we would be happy to sign them
3 employee only, and it would sort of -- the concept, and I see it
4 all the time, and it's a tough thing to police, the manager from
5 CVS takes one of the best spots. The manager from Mixology will
6 often complain to us that the Starbucks employees come in at
7 five in the morning, and they take the first three spots right
8 there.

9 MEMBER HERNANDEZ: In front of the store.

10 MR. MANN: And so -- and we only have one spot designated
11 as employee only, and again, designating a spot employee only
12 doesn't guarantee enforcement, but obviously, versus not being
13 signed employee only, then you -- then you know you'll have
14 zero, you know, acceptance or --

15 ACTING CHAIR FRANCIS: I think -- I think whether you do
16 that or not, I think that's your call. I don't think that's our
17 purview to say one way or the other.

18 MEMBER HERNANDEZ: It actually may be detrimental because
19 if people park in front of Starbucks, the employees, instead of
20 the -- then the employee only parking spaces will be empty.

21 MR. MANN: Yeah, yeah.

22 MEMBER HERNANDEZ: When the other -- when your parking lot
23 is full.

24 MR. MANN: Right, right.

25 ACTING CHAIR FRANCIS: The other question I have is, the
26 proposed parking spaces.

1 MR. MANN: Mm-hmm.

2 ACTING CHAIR FRANCIS: The size of them. What's the size,
3 and are they the same size as the other parking spaces?

4 MR. MANN: Yes, I believe they're 9-by-20s?

5 MS. DEEGAN DICKSON: They're 9-by-20s. So the entire
6 shopping center has 9-by-20 as well. We did receive a variance
7 for that in 2019 when the shopping center was re-stripped and
8 renovated. So these will be consistent with that.

9 ACTING CHAIR FRANCIS: Okay.

10 MEMBER DONATELLI: Now, I see that the plans include, I
11 guess, on the corner of the property, the FedEx office. That is
12 new? That's contemplated as new?

13 MR. MANN: No, that's built.

14 MEMBER DONATELLI: That's --

15 MR. MANN: That's open and operating and --

16 MEMBER DONATELLI: Okay, so I guess I missed that.

17 Okay.

18 MS. DEEGAN DICKSON: The only thing that's new about that
19 is there is one dedicated space for FedEx.

20 MR. MANN: Two.

21 MS. DEEGAN DICKSON: Oh, two.

22 MR. MANN: Two.

23 MS. DEEGAN DICKSON: For FedEx pick up and drop off. So
24 that's something also that we --

25 MEMBER DONATELLI: Okay, and where do the FedEx trucks load
26 and unload in your plan?

1 MR. MANN: Typically, we have the two FedEx stalls.
2 Sometimes they'll load here. We've set up loading zones.

3 MEMBER DONATELLI: There are loading zones.

4 MR. MANN: There are loading zones, do they always use it?
5 I -- no comment.

6 MEMBER HERNANDEZ: So the fact that you --

7 ACTING CHAIR FRANCIS: That's a no.

8 MR. MANN: I'm not -- I don't sit there every day to see
9 exactly.

10 ACTING CHAIR FRANCIS: Gotcha.

11 MR. MANN: What I do know is, they do not -- I have not
12 heard any instance of them going onto Stratford South and
13 loading from there. That I have never heard of, which
14 obviously, is good to hear.

15 MEMBER HERNANDEZ: So you're adding eight parking spaces.
16 You are going to use five for Tesla plus the add-on. So
17 you're -- net, you're increasing the parking lot by three
18 parking spaces, plus also, the five and -- or the four.

19 MS. DEEGAN DICKSON: So we're eliminating one for the
20 dumpster --

21 MEMBER HERNANDEZ: Okay.

22 MS. DEEGAN DICKSON: -- expansion. The two that are
23 dedicated to FedEx, technically, don't count for their parking.

24 MEMBER HERNANDEZ: Okay, so you're losing three.

25 MS. DEEGAN DICKSON: And it used to be that the -- if you
26 had more than two EV charging stations, they didn't count toward

1 your parking either, only the first two. Now it's up to 10
2 percent of the parking in this shopping center.

3 So actually, when we received our variance, six of these
4 eight stalls didn't count --

5 MR. MANN: Mm-hmm.

6 MS. DEEGAN DICKSON: -- for overall parking. So as far as
7 code compliance, we're actually increasing our code compliance.

8 MEMBER HERNANDEZ: That's what I'm trying to figure out.

9 MS. DEEGAN DICKSON: Yeah.

10 ACTING CHAIR FRANCIS: So they other thing that they cited
11 you for is the 6-foot fence in the front yard where 4 is
12 required. Why 6 feet and not 4 feet?

13 MS. DEEGAN DICKSON: So --

14 MR. MANN: I'll respond to that with a photo.

15 MS. DEEGAN DICKSON: And just to mention that it is --

16 ACTING CHAIR FRANCIS: That's along Stratford South.

17 MR. MANN: Correct.

18 MS. DEEGAN DICKSON: Right.

19 MR. MANN: So we -- the existing fence is 6-foot high. So
20 we're proposing to continue it for the 30 feet.

21 MS. DEEGAN DICKSON: And that is there.

22 ACTING CHAIR FRANCIS: Yeah.

23 MR. MANN: We have no objection to reducing this, but we
24 feel the 6 feet is more appropriate to continue what we already
25 have there.

26 ACTING CHAIR FRANCIS: So you -- so you got a variance for

1 what exists.

2 MR. MANN: Correct.

3 ACTING CHAIR FRANCIS: And now you're just adding to that.

4 I just wanted to get it on the record.

5 MR. MANN: Absolutely.

6 ACTING CHAIR FRANCIS: So that --

7 MS. DEEGAN DICKSON: Yes, yes.

8 ACTING CHAIR FRANCIS: Okay.

9 MS. DEEGAN DICKSON: So that's just an extension.

10 Similarly, the EV charging stations that exist now received the
11 benefit of a variance for encroachment into the front yard
12 setback, but the four new ones that are being proposed, we also
13 had that variance as well. You can see it's the property line
14 and the parking lot line diverge in the direction that are
15 farther away than the ones that were previously approved by this
16 Board in 2019.

17 ACTING CHAIR FRANCIS: Okay.

18 MS. DEEGAN DICKSON: Similarly, the switch box mechanism
19 here received a variance for existing in the front yard setback.
20 We are --

21 MR. MANN: We're adding -- it's -- we're adding, sort of,
22 one set of switch gear, and it's shielded and -- yeah.

23 MS. DEEGAN DICKSON: So this is just getting a little bit
24 larger, the switch gear down here.

25 (WHEREUPON, there was an off-the-record discussion.)

26 MR. MANN: They flipped it, so I don't --

1 MS. DEEGAN DICKSON: Okay, so on the -- this is part of
2 the -- I'm sorry, I'm not well-versed in the technology, I'm
3 sorry. There are currently two boxes that service the EV
4 stations. We're adding a third one that's in line with it.
5 It's a little farther away from the property line, what was
6 approved previously, and then there's another box that's being
7 flipped, I'm not sure why. But that's a little bit closer to
8 the property line as well. That's in the Business-A part of the
9 property where there's a 10-foot setback, and we're proposing a
10 -- we're proposing a 4-foot setback there.

11 The EV equipment is allowed to encroach 3 feet further into
12 the setback. So if it were 7 feet from the property line, it
13 would be fine. This is going to be 4 feet from the property
14 line, but again, it'll be screened by the 6-foot fence that
15 exists. The other one, that only encroaches about .3 feet into
16 the -- over the 3-foot permitted encroachment.

17 ACTING CHAIR FRANCIS: Mm-hmm.

18 MR. PEROTTA: I'm being told that the livestream isn't
19 really picking up your voice.

20 MS. DEEGAN DICKSON: Oh, okay.

21 MR. PEROTTA: I can shift over --

22 (WHEREUPON, there was an off-the-record discussion.)

23 MEMBER DONATELLI: If I could ask you to just address the
24 conditional use and as well as the use variance because --

25 MS. DEEGAN DICKSON: Yes, so --

26 MEMBER DONATELLI: -- I -- yeah, if you would address those

1 issues, please.

2 MS. DEEGAN DICKSON: Okay.

3 So conditional and special uses can be granted by this
4 Board. The Board needs to make a determination or it must
5 consider the following general standards as applied to the
6 specific application:

7 The purposes of zoning as set forth in the town law of the
8 State of New York and the uses permitted in the district in
9 which the property is located, and I want to point out, as I did
10 earlier, that the -- that the town code Section 70-126(H), which
11 permits an extension of accessory parking into a greater -- a
12 greater restricted district already does contemplate that. So I
13 think it meets that first test.

14 Whether the proposed use is of such character, size,
15 location, design and site layout as to be appropriate to, and in
16 harmony with, the surrounding properties.

17 I think we also mentioned that there's going to be -- that
18 it's consistent with the rest of the shopping center. It's
19 consistent, or not inconsistent, with the uses on -- to the west
20 of it, which are governmental and utility uses and that there
21 are no residential lots fronting across the street.

22 Whether the proposed use will provide a desirable service,
23 facility or convenience to the area or otherwise contribute to
24 the proper growth and development of the community and it's
25 general welfare.

26 The Town of North Hempstead is a green, or strives to be a

1 green community. Having electric vehicle charging stations
2 available to residents and to visitors alike I think is a
3 benefit that -- it helps encourage the use of green energy. It
4 also is a benefit to the patrons and tenants in the shopping
5 center, and neighbors, anybody who wants to come in there and
6 charge if somebody has a -- is visiting their neighbor, their
7 relative, they can come in and park there. So I do think it
8 does provide a valuable service to the community.

9 Whether the proposed use will be hazardous, conflicting or
10 incongruous to the immediate neighborhood by reason of excessive
11 traffic, assembly, persons or vehicles, proximity to travel
12 routes or congregations of children or pedestrians.

13 What we're proposing is not accessible from Stratford
14 South, only through the shopping center. It's set away from
15 access points, so there's no real pedestrian conflict. There's
16 no hazard. This is open air EV charging that's been pretty much
17 tried and true technology, and as I mentioned, we're not
18 expanding the uses in the shopping center, so it's not -- we're
19 not doing this to accommodate a more intense use. This is
20 really just to only accommodate the demand that's already there.

21 Whether the proposed use will be of such a nature as to be
22 objectionable to nearby residential dwellings by reason of
23 noise, lights, vibration or other factors of impact.

24 As mentioned, there are no nearby residential properties.
25 The closest ones are several hundred feet to the west and at
26 least 100 feet to south buffered by that wide town strip of

1 land.

2 Whether the proposed use will be harmonious in the district
3 in which it is to be situated and not hinder or discourage the
4 appropriate use and development of adjacent uses or impair the
5 value thereof.

6 I think that's pretty much everything that I've said so far
7 falls into line with that. It is harmonious with what was
8 already approved by this Board, and it's such a -- it's a
9 minimal area, so that additional encroachment won't have any
10 negative impact, and in addition to the foregoing, the location
11 and size of our proposed use in a business district -- sorry.
12 So that talks about conditional uses in a business district.

13 So those are the criteria that this Board would look at in
14 granting a conditional use permit.

15 ATTORNEY ALGIOS: Kathleen, if I could just interrupt.

16 MS. DEEGAN DICKSON: Yes.

17 ATTORNEY ALGIOS: So you had stated that for the Board to
18 grant the conditional use, they'd have to waive certain elements
19 of the -- of the conditional use, Section 126(H).

20 MS. DEEGAN DICKSON: Yes, so --

21 ATTORNEY ALGIOS: And you said that there's case law on
22 that.

23 MS. DEEGAN DICKSON: There is, and I submitted it with our
24 memorandum of law.

25 ATTORNEY ALGIOS: Okay.

26 MS. DEEGAN DICKSON: There's case law and also precedent of

1 this Board in the past. So it -- 70-126(H) provides that
2 accessory -- a conditional use can be granted for accessory
3 parking in a greater restricted district in accordance with the
4 following and subject to other -- such other conditions and
5 safeguards as the Board may impose where a plot in a Business-A
6 district is in single ownership as of the date of this
7 ordinance.

8 So that would be something we would need a waiver from.
9 Obviously, this property has been recently acquired by my client
10 and is not -- was not in common ownership at the date of the
11 ordinance. I don't know the exact date of the ordinance, I
12 think it was 1975.

13 Do you know; Deborah?

14 ATTORNEY ALGIOS: I don't know. I had started looking, but
15 I didn't finish my search.

16 MS. DEEGAN DICKSON: Yeah.

17 ATTORNEY ALGIOS: So I think you may be right. I know
18 there was an amendment in 1975, but I didn't have a chance to
19 actually see what the amendment was.

20 MS. DEEGAN DICKSON: Yes, that's -- I think that's when
21 this section was added, but I can't swear to it.

22 MEMBER DONATELLI: When was the lease signed? When was the
23 property acquired by your client?

24 MS. DEEGAN DICKSON: In March, 2024. So it's in common
25 ownership now. Some of the --

26 MEMBER GOODSELL: You're saying -- you're saying a 99 year

1 lease is the same as ownership. Technically, it's --

2 MS. DEEGAN DICKSON: Yes, I mean, the law, it's not
3 identical. Obviously, a ground lease and a fee interest have
4 different legal ramifications, but for practical purposes, it's
5 akin to ownership because it's -- 99 years is a long time in the
6 ownership of property. It's -- transfer tax has to be paid when
7 you -- when you -- because the state sees that, the state taxing
8 authority sees that as -- they don't want it to be a workaround
9 so that you're not paying transfer taxes. I know we've had
10 cases before the Board where we've had long-term ground leases
11 -- lessees submit an application and not -- and this Board has
12 not required to have the underground -- the underlying fee owner
13 consent to the application. So this Board has, in the past,
14 acknowledged the fact that this type of a long-term ground lease
15 is akin to ownership for all intents and purposes.

16 The -- in the -- in the memo of law, I also included two
17 different cases where this Board has granted this relief when
18 the property was not in common ownership at the date of the
19 ordinance. In one instance, there was the -- the additional
20 property was under contract by the property owner in the
21 business district to purchase that, and this Board granted that,
22 and as I mentioned, it is part of the memo --

23 ACTING CHAIR FRANCIS: Mm-hmm.

24 MS. DEEGAN DICKSON: -- so it is part of the memo. Forgive
25 me if I can't put my finger right on it right now.

26 ACTING CHAIR FRANCIS: The two I see are the -- let me just

1 back up a second.

2 MS. DEEGAN DICKSON: Oh.

3 ACTING CHAIR FRANCIS: The Kevin Developers, LLC.

4 MS. DEEGAN DICKSON: Yup.

5 ACTING CHAIR FRANCIS: And Frog --

6 MS. DEEGAN DICKSON: Well, Frog Hollow --

7 ACTING CHAIR FRANCIS: Frog Hollow.

8 MS. DEEGAN DICKSON: Frog Hollow, that case we included
9 because that discussed the long-term ground lease being akin to
10 ownership, that was one. These are just two cases that our
11 office had litigated. The first one, we were aligned with the
12 Board of Appeals where the -- where the Frog Hollow, the ground,
13 the fee owner, brought an Article 78 saying that the Board did
14 not have authority to review it without their consent because
15 they were the fee owner, and this Board said, no, we routinely
16 do that, and the Supreme Court said, no, the Board routinely
17 does that, they treat a long-term ground lease as ownership. So
18 that's why we included that case, and the Kevin Developer case
19 was very similar to this. This was for property in Greenvale
20 where the portion to be -- the portion to be used for accessory
21 parking was not in common ownership as of the date of the -- as
22 of the date of the ordinance, and the Board denied it. Our
23 client appealed it to the Supreme Court in an Article 78, and
24 the court found that -- that that was inconsistent as far as the
25 Board's usual treatment of these types of applications, and that
26 it was -- and remanded it for approval of the conditional use.

1 MEMBER DONATELLI: As one Board member, I think I would
2 like the opportunity to review. I know that you submitted that
3 prior decision, the Article 78 decision, as part of your
4 exhibits.

5 MS. DEEGAN DICKSON: Right.

6 MEMBER DONATELLI: I would like to review that and really
7 make sure that that is the point of that decision from the
8 court.

9 Do you have any other precedent or are you relying on the
10 Kevin Developers case?

11 MS. DEEGAN DICKSON: The --

12 MEMBER DONATELLI: I mean, that's fine if you don't. I'm
13 just asking.

14 MS. DEEGAN DICKSON: I don't have it with me. I know, and
15 I can say, anecdotally, I know that that has not been something
16 that has been -- it hasn't been something that the Building
17 Department has cited in the past on several cases, and if you
18 want to -- if you're going to take time to review these, I would
19 submit some additional information on that.

20 MEMBER DONATELLI: That would be great, yeah, and would you
21 also, if you're prepared to, if you can, I would like you to
22 address the change in use variance, I -- just to cover all bases
23 if you're prepared to do that.

24 MS. DEEGAN DICKSON: So the -- okay.

25 So I don't have the criteria right in front of me. Forgive
26 me, I'm going to use my memo as a cheat sheet here.

1 ACTING CHAIR FRANCIS: Kathleen, take as much time as you
2 want, we have a very light calendar. No one is behind you.

3 MEMBER DONATELLI: Actually, courtesy of Ms. Goodsell, if
4 you want, she has a little New York Planning Federation cheat
5 sheet.

6 MEMBER GOODSELL: This was given to us, this is the use
7 variance versus the area variance by the New York State Planning
8 Department, and you are welcome to mine.

9 MS. DEEGAN DICKSON: Thank you.

10 MEMBER GOODSELL: I do, I do, I do. I went to Hyde Park
11 for a New York Planning Federation seminar. This was part of
12 the handout because they said you may need to refer to the
13 differences between a use variance and an area variance on the
14 spur of the moment.

15 MS. DEEGAN DICKSON: Thank you, very much.

16 MEMBER DONATELLI: So I walk around with a pocket
17 Constitution and a pocket Zoning Planning Guide.

18 ACTING CHAIR FRANCIS: There you go.

19 MS. DEEGAN DICKSON: Okay, so the use variance criteria.

20 To allow a use not otherwise allowed in zoning, an
21 applicant must demonstrate to a board unnecessary hardship.
22 Such demonstration includes the following for each and every
23 permitted use:

24 Cannot realize a reasonable return, substantial, as shown
25 by -- as shown by competent financial evidence.

26 So I think I touched on it, the fact that this property

1 cannot be used residentially. It can't be used -- the uses that
2 are permitted in the Residence-B zoning district include
3 single-family homes, religious institutions, schools --

4 ACTING CHAIR FRANCIS: Schools.

5 MS. DEEGAN DICKSON: -- professional offices in conjunction
6 with a residential home, and I think that's it. I think that's
7 also agriculture. Those were -- there's -- there really is no
8 practical way to use this property for any of those uses. It's
9 too small, even, you know, if you were going to do a community
10 garden there, it's just, there's nobody there to use it.
11 There's no residences that would come over there. The -- it was
12 not being used by the pump, by the -- by Nassau County because
13 they had no use for it. The county determined it to be surplus,
14 they wanted the income from it. So they actually are
15 benefitting from this from a financial point of view. My client
16 has signed a long-term lease that obligates him to pay for it
17 monthly and -- or annually or monthly and cannot use it for
18 anything that's permitted under the zoning.

19 The hardship is unique and does not apply to a substantial
20 portion of the district or neighborhood.

21 I think that's very clear also. So this is the only
22 shopping center in the area. This is -- none of the other
23 properties could avail themselves of this. The pump station --
24 the pump station is pretty much all self-contained. The sump
25 doesn't have any other users. There's no reason for them to
26 have any -- to add any parking there.

1 MEMBER GOODSSELL: And it's not a Nassau County park. The
2 general public does not go onto that.

3 MS. DEEGAN DICKSON: No, no, it's fully restricted, and
4 it's actually closed off for security purposes, so --

5 MEMBER GOODSSELL: I think that's an important distinction
6 between that and other green spaces that Nassau County may own.
7 This is not --

8 MS. DEEGAN DICKSON: Yes, I would agree with that.

9 MEMBER GOODSSELL: This is not for -- it may be Residence-A,
10 but it is not for the public's use.

11 MEMBER HERNANDEZ: B.

12 MS. DEEGAN DICKSON: So the requested variance will not
13 alter the essential character of the neighborhood.

14 I think that was a large part of what we already presented,
15 and again, it goes back to the uniqueness of this property and
16 the property's location and remoteness from other -- from
17 residential uses, even though it is a residential district.

18 ACTING CHAIR FRANCIS: Yeah, yeah, yeah.

19 MS. DEEGAN DICKSON: And the fact that it was never used
20 residentially by the county, as well, and then that the alleged
21 hardship has not been self-created.

22 The hardship is inherent in the land. The hardship is,
23 regardless of who owns it and what, you know, what the adjacent
24 uses are, the hardship is inherent in the land. It's not
25 something that the county created, it's not something that my
26 client created. This -- it cannot be used for anything that's

1 permitted in the Residence-B district. So that's, I think, an
2 important consideration. You know, if -- I think if he was
3 going to expand the shopping center and say, I want to put a
4 second floor on, and now I need to expand into this area, that
5 may be something that I think could be seen as self-created.
6 This is really just to accommodate what already exists. It's to
7 make it more workable. It's to make it more environmentally
8 sound, and there are no negative impacts to it.

9 So I think that we check all of the boxes. My preference,
10 as I mentioned earlier, is always to avoid use variances because
11 I know it's a very strict standard. I do believe that there is
12 a more natural vehicle for the approval of this by granting the
13 conditional use permit with a waiver of the common ownership
14 requirement as this Board has done in the past, and with a
15 waiver of the 200-foot requirement, which the Board did as
16 recently as 2019 on this very property.

17 ATTORNEY ALGIOS: Kathleen, I just looked in the memo, and
18 I don't see the cases that would permit the Board to grant a
19 waiver of any element of a conditional use. Can you e-mail
20 those to me?

21 MS. DEEGAN DICKSON: Yes.

22 So I just -- not that I want to move off this topic, but
23 I -- we do have other -- a couple of other minor variances, or
24 actually, just one, also a use variance because -- which I don't
25 think it should be a use variance because the use was already
26 permitted in -- for the dumpster enclosure in 2019. This Board

1 granted a use variance that said we could have a dumpster
2 enclosure. We're expanding it by 10 feet, we're following the
3 same setback line which is 2 1/2 feet instead of the 3 that's
4 required in the Residence-B for an accessory use.

5 MR. MANN: Just a second.

6 MS. DEEGAN DICKSON: Yeah.

7 MR. MANN: I just wanted to make it clear for the record
8 that the extension of the trash enclosure is not in the -- it's
9 not west in the county lease land. It's east within the
10 shopping center.

11 ACTING CHAIR FRANCIS: Yeah, yeah, yeah.

12 MS. DEEGAN DICKSON: I just, I don't want to miss any of
13 the other variances --

14 ACTING CHAIR FRANCIS: Mm-hmm.

15 MS. DEEGAN DICKSON: -- that we talked about.

16 We talked about the front yard setbacks for the fence, the
17 height for the fence, EV and switch gear. I think we've -- I
18 think we've covered it all.

19 I just -- I would say in conclusion that this Board should
20 focus on the uniqueness of this application and the uniqueness
21 of this location. I think that that really is a very important
22 factor that should weigh heavily into your determination that,
23 you know, if you look at the aerial photographs, you can see how
24 remote any residential users are and even other commercial
25 users. There's nothing that's going to impact anybody offsite
26 in any negative way.

1 So I would encourage you to grant our application. I
2 understand, I'll send you some additional information, and
3 hopefully, you'll be in a position to make a determination at
4 your next meeting.

5 ACTING CHAIR FRANCIS: Yeah, I think so.

6 MEMBER GOODSSELL: Do we reserve?

7 ACTING CHAIR FRANCIS: No, we'll continue.

8 MEMBER GOODSSELL: Continue.

9 ACTING CHAIR FRANCIS: We'll continue this so that Kathleen
10 can supply us with some additional information. You said you're
11 going to supply us with another case as well?

12 MS. DEEGAN DICKSON: Yes.

13 ACTING CHAIR FRANCIS: Okay.

14 MS. DEEGAN DICKSON: There's -- yes.

15 ACTING CHAIR FRANCIS: That would be helpful.

16 SECRETARY WAGNER: Before you continue, there was one
17 additional correspondence --

18 ACTING CHAIR FRANCIS: Oh.

19 SECRETARY WAGNER: -- that I sent to you after that.

20 MS. DEEGAN DICKSON: Oh.

21 SECRETARY WAGNER: Do you want to go through that?

22 ACTING CHAIR FRANCIS: Deborah? Just one moment.

23 (WHEREUPON, there was an off-the-record discussion.)

24 SECRETARY WAGNER: That's what I'm asking, and then if you
25 want to --

26 ACTING CHAIR FRANCIS: I guess I didn't hear you.

1 MS. DEEGAN DICKSON: So I also -- I do want to mention --
2 are we still on the record?

3 ACTING CHAIR FRANCIS: Yes.

4 MS. DEEGAN DICKSON: I did have a conversation yesterday.
5 I got a phone call from a woman who lived on Hillturn Lane who
6 lives in approximately this location here. She asked about the
7 application, and she wasn't opposed, she just didn't understand
8 it, and I think -- and there was another woman who was here
9 earlier that I spoke to out in the hallway, and when she
10 realized the location of the parking and the fact that it was
11 not accessible from Stratford Street, for Stratford South, both
12 of those residents were satisfied that this was not going to
13 have -- I shouldn't say that, both residents were satisfied
14 enough to not feel that they needed to put any objection on the
15 record.

16 The discussions about increased noise and air pollution and
17 increased number of vehicles. The vehicles are already coming
18 to the site now, and this is really to accommodate an existing
19 demand. The, you know, we've sort of, incidentally, we touched
20 on these things. The fact that the access is only from Willis
21 Avenue I think is a very important consideration. So the cars
22 that are coming in and leaving the site are doing that already,
23 and within the site, this is really just tucked away in the
24 back. The one woman who lived over on Hillturn was concerned.
25 She didn't know if there was going to be a new curb cut onto
26 Stratford South, and I assured her that there will not be,

1 that's not part of this plan, and it's -- and it's not the
2 intention of the applicant to ever add that.

3 MEMBER DONATELLI: But were the people who spoke to you
4 outside, was that the person who submitted the comments on the
5 record?

6 ACTING CHAIR FRANCIS: No.

7 SECRETARY WAGNER: I don't believe so, no.

8 MS. DEEGAN DICKSON: No. So that woman lived over here on
9 Stratford Street North, she lived right on the corner, and she
10 was concerned about noise. She's said that cars coming off the
11 service road, I guess the -- I'm sorry, the exit ramp for the
12 parkway is right behind her house, and Stratford is right on
13 front. She's right on -- she's basically in a noisy spot.

14 ACTING CHAIR FRANCIS: Yeah.

15 MS. DEEGAN DICKSON: She was concerned about whether or not
16 the parking spaces were going to be over here, if now that was
17 going to bring more people off the parkway to park close to her
18 house to charge, if they were, like, the rich and famous who
19 come from the Hamptons to the city. She didn't want them right
20 next to her. I'm sorry, I don't even know who that was.

21 MEMBER DONATELLI: I thought they traveled by helicopter.

22 MEMBER HERNANDEZ: Some do.

23 ACTING CHAIR FRANCIS: The super rich and famous.

24 MS. DEEGAN DICKSON: But she was happy to hear that it
25 wasn't over here, that's what her concern was, and when I showed
26 her where it was back here, she was -- she felt that she didn't

1 have to put any objection on the record.

2 ACTING CHAIR FRANCIS: Okay.

3 MS. DEEGAN DICKSON: This looks like the same letter that
4 the other -- different signature, but it looks like the same --
5 the same content.

6 (WHEREUPON, there was an off-the-record discussion.)

7 MS. DEEGAN DICKSON: So much -- many of these concerns that
8 are expressed here are things I think are existing conditions.
9 They're talking about making left turn onto Willis from
10 Stratford South is difficult because of the volume of cars
11 exiting the shopping complex.

12 MEMBER GOODSSELL: Yes, but there's a traffic light that
13 assists exiting the shopping center. You don't have to, there's
14 several curb cuts.

15 MS. DEEGAN DICKSON: There's a traffic light here.

16 MEMBER GOODSSELL: Right.

17 MS. DEEGAN DICKSON: Wait, where's the traffic light? It's
18 on --

19 MEMBER GOODSSELL: No, there's a traffic light from -- yeah,
20 from the shopping center.

21 MEMBER HERNANDEZ: From the shopping center itself.

22 MEMBER GOODSSELL: Right, which does, in a backhand kind of
23 way, assist the traffic on --

24 MEMBER HERNANDEZ: At the corner.

25 MEMBER GOODSSELL: -- on Stratford South --

26 ACTING CHAIR FRANCIS: Yeah.

1 MEMBER GOODSSELL: -- because when -- there's nothing to do
2 to control -- there's nothing the shopping center can do to
3 control the traffic moving south on Willis Avenue that comes
4 from the expressway. It's only those people exiting the
5 shopping center.

6 MS. DEEGAN DICKSON: Right.

7 MEMBER GOODSSELL: And I think, actually, Stratford kind of
8 benefits from that, not --

9 MS. DEEGAN DICKSON: I would agree with that.

10 MEMBER GOODSSELL: -- suffers from that.

11 MS. DEEGAN DICKSON: I don't really -- I'm not really
12 following the argument because there's also another traffic
13 light over at Hillturn.

14 MEMBER GOODSSELL: Correct.

15 MS. DEEGAN DICKSON: So that, you know, maybe the county
16 needs to work on timing or something, but they were saying
17 that -- this seems to say, as you're coming out of Stratford
18 South and heading this way.

19 MEMBER GOODSSELL: And making a left turn, exactly.

20 MS. DEEGAN DICKSON: Making a left turn.

21 MEMBER GOODSSELL: It's going to be difficult to cross
22 Willis Avenue no matter where you're coming from.

23 ACTING CHAIR FRANCIS: Wow.

24 MS. DEEGAN DICKSON: Right, but they'll have the benefit of
25 the two lights that will give gaps in traffic.

26 MEMBER DONATELLI: Now, I have a question. There's -- as

1 I'm looking on Google Earth, I see the building, FedEx Office,
2 and it's spelled, O-F-F-I-C-C-E

3 SECRETARY WAGNER: Well, that's because once -- I think
4 what happens is, when they take the --

5 ACTING CHAIR FRANCIS: Yeah.

6 SECRETARY WAGNER: -- the Google street view photos --

7 MEMBER DONATELLI: Okay.

8 MEMBER HERNANDEZ: It's multiple photos.

9 SECRETARY WAGNER: -- right, they're multiple photos.

10 ACTING CHAIR FRANCIS: Ah.

11 SECRETARY WAGNER: I've seen that in other --

12 MEMBER DONATELLI: So somebody didn't make a spelling
13 mistake?

14 MS. DEEGAN DICKSON: I was going to say, that sign guy's
15 going to get fired.

16 MEMBER DONATELLI: Did they charge you by the letter?

17 MEMBER GOODSSELL: It's not exactly FedEx, it's a FedEx
18 copycat.

19 MS. DEEGAN DICKSON: All right.

20 MEMBER GOODSSELL: It's interesting.

21 MEMBER DONATELLI: Okay.

22 Well, I see the exit from the Fedx Office center is
23 directed as out only, right turn only.

24 MS. DEEGAN DICKSON: Correct.

25 MEMBER DONATELLI: So further up, where the light is, it's
26 both ways, yes.

1 MS. DEEGAN DICKSON: Yes, and then the northerly exit is
2 also right turn only.

3 MEMBER DONATELLI: Yes.

4 MS. DEEGAN DICKSON: And that was -- that was part of the
5 site plan review that the Town Board did.

6 MEMBER HERNANDEZ: Unsignalized exits have to turn right.

7 MEMBER DONATELLI: And speaking of site plan review, I
8 understand that Nassau County and the Town of North Hempstead
9 also have to do their site plan approvals; is that correct?

10 MS. DEEGAN DICKSON: Yes, because it's a modification to an
11 approved site plan. The Building Department has determined we
12 need site plan review. We -- full disclosure, we're probably
13 going to press the commissioners to waive that only because
14 it's -- we're not changing the majority of the site or the site
15 circulation or any of the access points. I don't know whether
16 or not they will. So we may end up before the -- before the
17 Town Board or the -- at the very least, the Planning Department
18 and the Building Department are going to take a hard look at it
19 in determining whether or not to waive that requirement, so --

20 MEMBER DONATELLI: Right, well, I saw it on the Notice of
21 Disapproval, so --

22 MS. DEEGAN DICKSON: Yes.

23 MR. MANN: To clarify the Nassau County DPW portion of your
24 inquiry, the plan proposes modification to the aprons at all
25 three driveways. I'd like to think the shopping center came out
26 almost perfectly. The one flaw that bothered me since it's been

1 finished is -- and I'll say it's not my fault, but I didn't stop
2 to try and figure out how to fix it. To bore you with the
3 minutiae, from curb to property line, we have a little bit over
4 70 feet in the right of way. Typically, you'll see 9, 10 feet,
5 and the downside of having only, I think 7 feet and couple of
6 inches, is the apron is pretty shallow, which means your rise up
7 is faster, and so when you're in a smaller car or sedan, you
8 bottom out coming out, and it always has bothered me, and we did
9 everything that we could, we made -- we set the sidewalks in to
10 4 feet, not 5 feet, we pulled all of the things that we could do
11 to make that rise as long as possible given the constraint of
12 the 8 feet 2 inches. Sorry, it's about 86 inches or 7 feet 2
13 inches. But unfortunately, that didn't work.

14 So in working with Nassau County, we came up with the
15 solution, which is, we're going to have a small dedication of
16 land at each driveway, and it'll allow us to push the sidewalks
17 back and have the aprons be a little bit longer to soften out
18 that issue. To soften out and alleviate that issue.

19 So that was the reason that the Notice of Denial included a
20 reference to Nassau County DPW because we will then -- we can go
21 finish that with Nassau County. But that's been in the works
22 for a while working with them to figure that out.

23 MEMBER DONATELLI: I will say, as an occasional shopper
24 there --

25 MR. MANN: Mm-hmm.

26 MEMBER DONATELLI: -- that I, you know, I look at the

1 shopping center, and I think it's very tastefully done.

2 MR. MANN: Thank you.

3 MEMBER DONATELLI: And I know that the owner has made great
4 strides in trying to improve it. So you know, and it's always
5 pleasant -- a pleasant surprise when we're dealing with someone
6 who's trying to increase parking as opposed to requesting a
7 parking variance.

8 My question, as I said before is, legally, how get from
9 here --

10 MR. MANN: Mm-hmm.

11 MEMBER DONATELLI: -- to there, and so anything, Ms. Deegan
12 Dickson, that you could give us to help us along that path, I
13 would gratefully -- be grateful.

14 MS. DEEGAN DICKSON: Okay, happy to do it.

15 MEMBER DONATELLI: Okay.

16 MS. DEEGAN DICKSON: Okay.

17 ACTING CHAIR FRANCIS: Okay, so we will continue the
18 application, and hopefully, we can make a decision at the next
19 date of hearings.

20 MS. DEEGAN DICKSON: That would be great.

21 Thank you, very much.

22 MEMBER GOODSSELL: Thank you.

23 MR. MANN: Thank you, thank you.

24 MS. DEEGAN DICKSON: Have a nice holiday weekend.

25 ACTING CHAIR FRANCIS: Yes, enjoy.

26 (WHEREUPON, this application was continued.)

1 SECRETARY WAGNER: Does somebody want to move to adopt
2 SEQR?

3 MEMBER GOODSSELL: I think we should.

4 ACTING CHAIR FRANCIS: No.

5 MEMBER GOODSSELL: I will move to adopt SEQR.

6 SECRETARY WAGNER: C'mon, Les, we're moving along. We
7 don't need --

8 ACTING CHAIR FRANCIS: I think we should delay a little.
9 Let's discuss --

10 MEMBER HERNANDEZ: Second.

11 ACTING CHAIR FRANCIS: -- SEQR.

12 SECRETARY WAGNER: Who moved it?

13 MEMBER GOODSSELL: I did.

14 MEMBER HERNANDEZ: Moved, second.

15 SECRETARY WAGNER: Okay.

16 MEMBER HERNANDEZ: All in favor?

17 (WHEREUPON, there was a unanimous, affirmative vote of the
18 Board members present.)

19 (WHEREUPON, this meeting was concluded at 12:08 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

SS:

COUNTY OF NASSAU)

I, DEBBIE BABINO, a certified Shorthand
Reporter in the State of New York, do hereby
certify:

That the foregoing is a true and accurate
transcript of my stenographic notes.

IN WITNESS WHEREOF, I have set my hand on
this 18th day of June, 2025.



Debbie Babino, Certified Reporter