

Town of North Hempstead
Board of Zoning Appeals
PUBLIC HEARINGS

Wednesday, July 16, 2025
10:00 a.m.

BOARD MEMBERS PRESENT:

David Mammina, AIA, Chairman
Leslie Francis, Esq., Vice Chairman
Patricia A. Goodsell, Esq., Member
Daniel D. Donatelli, Esq., Member
Jay Hernandez, Member

ALSO PRESENT:

Deborah Algios, Deputy Town Attorney
Virginia Wagner, Secretary
Michael Tumbarello, Planner

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

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

4 CHAIRMAN MAMMINA: Good afternoon, everyone. Welcome to Town
5 of North Hempstead Board of Zoning Appeals. What I'll do is I'll
6 go through the way that we do things here in case you've never been
7 before a zoning board before in which case we're gonna ask you to
8 kind of relax as you're doing that, or if you have been, we may do
9 things a little bit differently here.

10 What will happen is as Ms. Wagner calls each one of cases, I
11 will then repeat that number of case. We'll ask that the applicant
12 come on up to the podium. Once the announcement of the case is done,
13 you will then give your name and address to our court reporter, and
14 I will ask that as you're doing your presentation just keep that
15 presentation vocally a little bit slow because she has to type
16 everything that we're saying in here. At that point, the podium
17 belongs to the applicant, and you'll put your case onto the record.
18 The Board will ask whatever questions it feels that might be
19 appropriate, and I will then ask if there's anyone in the room who
20 has desire to speak either for or against the application to come
21 on up. I'll ask the applicant just to have a seat again for that
22 couple of minutes. We limit that to three minutes. The applicant
23 has as much time as they need if they are represented by a -- I was
24 gonna say an attorney, but it doesn't have to be an attorney or their
25 profession or their architect or engineer. They also have no limit
26 on their time. If that is the case, if people speak against or for

1 it or if you have other representation that will not be limited to
2 three minutes either, but people who wish to speak for or against
3 it, we limit that to three minutes because otherwise it could go on
4 forever.

5 We will ask that all of these devices that we are all so dependent
6 on nowadays, you don't have to turn them off. As long as they don't
7 make any sounds. If you need to make or take a phone call, at any
8 point, you can stand on up and go out into the lobby. If you just
9 want to stretch your legs, feel free to do that at any point. If
10 there is anyone who's going to be joining you, we'll just ask that
11 you pass that information along to them as well.

12 Did I hit everything?

13 VICE CHAIRMAN FRANCIS: Yes.

14 CHAIRMAN MAMMINA: With that said, Ms. Wagner, would you please
15 call the first case?

16 SECRETARY WAGNER: First of all, Chairman, we have no
17 adjournments today.

18 CHAIRMAN MAMMINA: Okay.

19

20

21 R E S I D E N T I A L C A L E N D A R

22 SECRETARY WAGNER: The first appeal is Appeal #21711, Alexander
23 Bennett; 42 Andrew Road, Manhasset; Section 3, Block 95, Lot 23;
24 Zoned: Residence-B.

25

26

1 Variance 70-231 to construct fixed stairs to access an attic
2 (not permitted) and to install operable windows in an attic (not
3 permitted).

4 CHAIRMAN MAMMINA: You heard Appeal #21711, Alexander Bennett.
5 Is there anyone in the room interested in the application other than
6 the applicant?

7 Seeing no one, please give your name and address.

8 MR. BENNETT: My name is Alexander Bennett, 42 Andrew Road,
9 Manhasset, New York. Joined by wife Marney and my daughter Valerie.

10 VICE CHAIRMAN FRANCIS: Mr. Bennett, before you start.

11 MR. BENNETT: Yes.

12 VICE CHAIRMAN FRANCIS: We don't have a drawing of the attic
13 space.

14 MR. BENNETT: Oh, yes. Once we received the most recent email
15 along with notification that we would need a variance, we have already
16 started working on the drawings for submission. We're ready to
17 submit it once we are given approval. If not, we will not take on
18 the staircase.

19 VICE CHAIRMAN FRANCIS: I'm not sure if we can even hear your
20 case without that before us.

21 CHAIRMAN MAMMINA: It may affect your approval.

22 MR. BENNETT: Oh, okay. Is that in regards to possibly square
23 footage of the required space?

24 CHAIRMAN MAMMINA: The square footage of the habitable space,
25 and how that is happening and potential other cases where we granted
26 or denied those applications. The square footage ones are not

1 necessarily easy, so.

2 MEMBER GOODSELL: Can you describe for us what your plans are
3 for the third floor of the attic?

4 MR. BENNETT: Oh, yes, absolutely.

5 VICE CHAIRMAN FRANCIS: I think what we'll do is we'll let you
6 present your case, and we can't make a decision on it until we get
7 those drawings.

8 MR. BENNETT: Okay, not a problem. I can actually have them
9 to you very soon actually.

10 VICE CHAIRMAN FRANCIS: Okay.

11 MR. BENNETT: Essentially, the plan for the attic would be to
12 utilize as an office for my own company. I am kitchen designer.
13 Owner and operator. Specializing in kitchens but I also do
14 architectural interior design and interior decorating. It would
15 also be used as storage for many of my sales materials and materials.
16 That would consist of cabinetry, tile, molding samples, the works.
17 Everything from A to Z.

18 How I operate is I come to a client's home, and I bring everything
19 to them to make sure I fit the style of the home, how their family
20 functions, as well as the size of their family.

21 In regard to the overall space, we would constructing new walls,
22 so we -- the lowest height within the third floor of the attic space
23 would be 6-foot-8, and with the third floor or attic being used, we
24 would still be under the -- excuse me one moment. We would still
25 be under the max permitted floor area. Right now, the max is 2928.
26 At the moment, we have 1851, so even if we were to add another 1000

1 square feet, we would be under, but we would need even accomplish
2 that by using the attic as a habitable space.

3 At the moment it is a three-bedroom house. We just had our first
4 daughter. We are planning on having more kids, and the third bedroom
5 before we have our next child, will be used as a guest room, and right
6 now, I'm using every floor of my house as office, and I'm storing
7 material as well on every floor including our garage.

8 With the staircase in the attic itself, I would say that there's
9 no undesirable change to the neighborhood as most of everything is
10 internal aside from one window, which is facing Plandome. We're
11 situated on this side of the street two blocks down. With this
12 staircase, no one can see it. Essentially, it's just used by wife,
13 myself, and anyone in the home.

14 We looked at other ways to achieve this method of getting an
15 the office, whether it was looking at what we can do in the basement.
16 Can we fit an extra bedroom? As well as, could we bump out the entire
17 house, but that was financially way too much money.

18 I don't think it's a substantial variance. I do know it's not
19 allowed, but under -- through my research, through New York State
20 Code, we are ready and willing to proceed with the three main factors,
21 which is a sprinkler system.

22 CHAIRMAN MAMMINA: Just understand that the building code
23 really has nothing to do with what we do here. I'm not saying don't
24 put it on the record, but of course, you would have to do those things
25 in order to legally occupy an attic.

26 MR. BENNETT: Yes, yes. I just wanted the Board to be aware

1 that we are fully of what we would need to do in order to put the
2 staircase, whether that's wired smoke detectors, having the window
3 a certain size for fire and egress as well as sprinkler system.

4 CHAIRMAN MAMMINA: Just for you, you don't have a wire. You
5 can use the one --

6 MR. BENNETT: Oh.

7 CHAIRMAN MAMMINA: -- that does that. Whatever you call --

8 MR. BENNETT: Oh, through the WiFi capability.

9 CHAIRMAN MAMMINA: -- through WiFi.

10 MR. BENNETT: Good to know. Thank you.

11 It won't have an adverse affect on the surrounding neighborhood.
12 As again, it is internal. We're not digging. We're not -- this
13 variance is in regard to an addition or extension.

14 Was it self-created? Yes. I was advised that I could do this
15 because our reach height in the attic is over 7-feet, and we do have
16 enough space for it, but a --

17 CHAIRMAN MAMMINA: It's always self-created.

18 MR. BENNETT: Yes, always.

19 CHAIRMAN MAMMINA: Because you bought the house, and you bought
20 it as it is, so, yes, it's always self-created under an area variance.

21 MR. BENNETT: Yes.

22 CHAIRMAN MAMMINA: Under a use variance -- excuse me. That one
23 percentage of the five -- that one piece of the five, does not damn
24 the application.

25 MR. BENNETT: Okay.

26 MEMBER GOODSSELL: Could you put on the record --

1 MR. BENNETT: Sure.

2 MEMBER GOODSSELL: -- why this could not be accomplished with
3 a pull-down staircase, which is permitted?

4 MR. BENNETT: So with a pull-down staircase, unfortunately, it
5 does take up a significant amount of room. We actually do have -- we
6 currently have a pull-down staircase. It's an older model. I'm
7 pretty sure it's original from the original house, which was built
8 in 1936. With a the drop-down staircase, how it's currently situated
9 in the home, it's directly in the middle of the attic. Not only that
10 but because when you fold up a drop-down staircase, it's typically
11 almost maybe about a foot higher than the floor, so it's also a
12 tripping hazard. To put something over it when using it as an office
13 and then remove it to get down, I don't know how safe that would be.

14 MEMBER HERNANDEZ: Just to correct the record. A pull-down
15 staircase if installed properly, the last leg of the staircase is
16 cut to size so that it rests on the floor, and therefore, it provides
17 structural support so that even someone as light as you might be,
18 could --

19 MR. BENNETT: That's --

20 MEMBER HERNANDEZ: -- knock the stairs down.

21 MR. BENNETT: That's actually an inset model onto the floor.

22 MEMBER HERNANDEZ: Yes.

23 MR. BENNETT: Okay, gotcha you.

24 MEMBER HERNANDEZ: Just for the record.

25 MR. BENNETT: So it can. I'm worried about the amount of room
26 and what it would do the floor. It was something that we didn't

1 really examine based upon us living in the house and using the
2 drop-down staircase for the past three years. The house has been
3 in family since it was created. My wife and I --

4 MEMBER GOODSSELL: So for quite a long time then?

5 MR. BENNETT: Yes, yes. My wife and I have taken it over after
6 my mom passed away.

7 Everyone, when that -- when my family members, whether it was
8 great-grandparents, my grandparents, or my mom lived in the house,
9 it was always one child. Although I have a brother and sister, we
10 grew up in Westchester for so many years after they got divorced.
11 When we would even come over 'cause it was only two bedrooms for the
12 kids, one of us would sleep downstairs, and -- even whether or not
13 the office can be done with a pull-down staircase, we've always had
14 it. We've always used it. It's just been difficult to use
15 especially because it's so old. Based upon the new innovations
16 within the drop-down staircases, there may be something that could
17 work, but I think using a staircase that has a handrail, that's
18 permanent, not only would it work better, it would be safer as well.

19 MEMBER GOODSSELL: We are required to examine if you can
20 accomplish your goals with a minimum variance, which is why I want
21 you to put on the record why a pull-down staircase, which is
22 permitted, would not work for you, where a permanent staircase would,
23 and if you feel you've done that, that's fine.

24 MR. BENNETT: Okay.

25 MEMBER HERNANDEZ: One question on your plans. As you said
26 before, the plans are not complete, so I'm trying to make sense of

1 what I can. There's something that says that appears to be spiral
2 staircase, and it says remove staircase to top winder. What is that
3 staircase going to?

4 MR. BENNETT: Oh. So right now, there's currently -- we have
5 a staircase from the first floor to our second floor, and it is a
6 spiral -- it is a 100-degree spiral staircase. Through the years
7 of growing up, it's not necessary safe. I have fallen down the
8 stairs. My wife has fallen down the stairs. My dad who has also
9 lived -- been in the house several times, he can no longer go up the
10 stairs based upon his knees, so it's -- again, this is a safety hazard.
11 Although it is a very beautiful original aspect to the house, and
12 family and friends have often said, that's gorgeous. You should keep
13 it. Upon going up and down, they say, you know want, you may want
14 to change to an L.

15 MEMBER HERNANDEZ: So that's the way that you go to second floor
16 now?

17 MR. BENNETT: Correct.

18 MEMBER HERNANDEZ: That's the existing staircase in the house?

19 MR. BENNETT: Correct.

20 CHAIRMAN MAMMINA: I will say that all of the Levitt houses,
21 other than the Levitt colonials -- excuse me. The Levitt colonial
22 houses were always built with that winder top and bottom. You own
23 one of those houses. No one's ever fell on it. I'm not saying, you
24 know, not to change it. I'm more concerned about that staircase up
25 to the second floor -- excuse me. Up to the attic. Because it is
26 part of the code of the Town of North Hempstead, which is initiated

1 by the Town Board, and so this Bored is 00 we're not really here to
2 change that ordinance. We're here to weigh one against another, and
3 see how one is any different than the other.

4 I'll just say, have you researched any of the other applications
5 before these that would represent that, yes, you know, this one has
6 this difference from the others or this similarity to you?

7 MR. BENNETT: When it comes to my research in regards to my
8 neighbors and the surrounding area --

9 CHAIRMAN MAMMINA: Not your neighbor. It's the Town of North
10 Hempstead.

11 MR. BENNETT: The Town. I did not do any research based upon
12 previous hearings or people who have applied for the same variance
13 and gotten passed or denied. I have travel -- or driven around the
14 area to see what I can see without interrupting or disturbing my
15 neighbors. Throughout driving, just Manhasset, I do notice that
16 there are homes within Park Avenue, Hillcrest, Andrew, and
17 Stonehenge, that do have third-floor windows, but I cannot tell if
18 they do have a staircase. I have seen lights on the third floor,
19 but again, it's an attic. It may have a light, as many do.

20 CHAIRMAN MAMMINA: When was the house built?

21 MR. BENNETT: 1936.

22 CHAIRMAN MAMMINA: You might want to look at the code again.
23 I don't mind helping applicants we'll we're here. We're not here
24 to say no. We're here to say, yes, or how can we come to something.
25 I believe there's something in the code that gives some sort of an
26 exception to a finished attic. I'm not sure if that addresses the

1 stairs or not, but I think that it could be something that's
2 potentially worth looking at.

3 I mean floor area thing is going to be very, very important.
4 Many houses have windows on the third floor --

5 MR. BENNETT: Yes.

6 CHAIRMAN MAMMINA: -- or it can just be decorative, but, you
7 know, they -- I'm not saying it's a heavy lift on the stair, but we
8 haven't really approved a whole bunch of those.

9 I mean, without being critical, you know, of the architect, it's
10 not a technical term, but the drawing is a little wonky. I don't
11 know if Jay -- I'm an architect. Jay's a developer. I had a very
12 hard with the drawings.

13 MR. BENNETT: Okay.

14 MEMBER HERNANDEZ: To go back to the drawings. I guess, would
15 you -- going back to the existing stairs. Is it a spiral staircase,
16 or is it a staircase that turns once to its left?

17 MR. BENNETT: It's a staircase that turns 180 degrees.

18 MEMBER HERNANDEZ: To its left?

19 MR. BENNETT: Yeah -- well, to the right.

20 CHAIRMAN MAMMINA: Half circle.

21 MR. BENNETT: Yes.

22 MEMBER HERNANDEZ: It goes the other way.

23 MR. BENNETT: Yes.

24 MEMBER HERNANDEZ: I'm trying to figure out. I'm assuming you
25 are going to make that a 90-degree turn.

26 MR. BENNETT: Correct.

1 MEMBER HERNANDEZ: And then you're going to lay another string
2 of stairs going above that to go to the attic? What are you --

3 MR. BENNETT: No. If you look at page -- the plans. If you
4 look at Page 5 of 6. On the second floor, just about in the middle
5 of -- or if you start from the diagram on the right side --

6 CHAIRMAN MAMMINA: It's really Sheet 4.

7 MEMBER HERNANDEZ: Okay.

8 CHAIRMAN MAMMINA: As my plans show.

9 MR. BENNETT: Oh. Actually, we'll -- yes, you can look at that,
10 or I was looking at --

11 MEMBER HERNANDEZ: Okay.

12 MR. BENNETT: Actually, 3-of-6 as well.

13 MEMBER HERNANDEZ: Okay.

14 MR. BENNETT: Once you go up the now L staircase from the first
15 floor to the second floor, you would continue through the hallway
16 passing one bedroom on your left, one bedroom on your right. Upon
17 turning left, you will have to the staircase to the attic on your
18 right side.

19 MEMBER HERNANDEZ: Okay, so you went across the house to over
20 the -- where the old garage used to be?

21 MR. BENNETT: Not necessarily. It's right where that wall was
22 before the garage starts.

23 MEMBER HERNANDEZ: Okay. 'Cause I notice that you're also
24 taking down the garage in a slab. I'm assuming you're building a
25 bigger garage?

26 MR. BENNETT: Yes. Yes.

1 MEMBER HERNANDEZ: Was it considered that perhaps as part of
2 the garage, there should be an office --

3 MR. BENNETT: So we --

4 MEMBER HERNANDEZ: -- enough for you to work? Yes?

5 MR. BENNETT: We actually instead of kind of reconfiguring the
6 house to fit as many bedrooms as possible, we wanted -- and as someone
7 who's lived in the house before my wife and I moved into the house,
8 I knew and I've always knew things that I wanted to change and things
9 that just never really fit very well, and especially because
10 everything was original. So the bedrooms were very small, 10-by-11,
11 8-by-10.5, so the first goal was to increase the size of the bedrooms.
12 Make life a little bit easier for myself and my wife and my family.

13 When it came to the garage, we do want to park our car in it.
14 On Andrew Road, you're not supposed to be parking between 10:00 and
15 12:00, and we have family and friends over; sitters as well, so we
16 want to make sure everyone can fit in.

17 The other reason is with the garage, not only would it hold a
18 car, that would be holding, you know, a snowblower, yard material,
19 possibly more of my own office material that doesn't need to have
20 climate control. But we did look into it, and we -- I just didn't
21 want to essentially cram everything onto the first or second floor.

22 MEMBER DONATELLI: May I ask a question?

23 MR. BENNETT: Yeah.

24 MEMBER DONATELLI: I know that you mentioned that you're going
25 to use this attic for work.

26 MR. BENNETT: Yes.

1 MEMBER DONATELLI: Do you anticipate having members of the
2 public come and see these samples that you have?

3 MR. BENNETT: No. How I actually work is, through the time I
4 meet -- or the time we speak till the time we finish a job, I'm always
5 meeting you at your home. I've worked with several different other
6 companies, and I believe how they do it is wrong. You should never
7 come into a showroom and a designer should never not see your home.

8 When I design, I base it upon the size of your family, your house,
9 whether it's style, the size; everything, so that when I come into
10 your home, and you say, I'd like to redo a kitchen. These are my
11 cabinets. I may say, okay, we'll, here's one design just to change
12 your cabinets. This is a non load-bearing wall. If we remove it,
13 we can give you more of an open concept. I see you have a deck with
14 a single door. Why don't we look at the option of putting a patio
15 slide door, and then from there, we'll get into everything from tile
16 edging, moldings, type of flooring, whether it's LBT, engineered
17 wood, two-and-a-quarter-inch oak; everything from A to Z. My
18 business has actually gone from just kitchens to more architectural
19 interior design, so that's why I -- my samples and all my inventory,
20 things that, is just constantly growing.

21 MEMBER DONATELLI: So you do not anticipate having members of
22 the public come into your office?

23 MR. BENNETT: Not really. Most of the time when customers ask
24 me to see my work, it's usually for a previous job I worked with.
25 Most of my jobs before I moved in here were Westchester County, but
26 I've worked through the Tri-State Area. Most of the time when

1 someone after -- before contract signing, they'll want three
2 referrals. Maybe they'll want to see a job, maybe two or three.
3 From there, I'll contact three of my clients, and escort them into
4 the home. That way, not only can they see the job, they can speak
5 with a former client to find out how I was. Was I timely? Were we
6 clean? Were we organized? Were the products in good condition?
7 How was the service? Anything the client would need to know.

8 MEMBER DONATELLI: Okay, thank you.

9 CHAIRMAN MAMMINA: I guess just the other comment that I would
10 have, and I'm not saying your architect did a bad job or anything,
11 but I couldn't find a clean floor plan of the first floor. I found
12 demo plans on the second floor. I think that would be helpful, and
13 especially if you're architect is gonna get a second go at this. He
14 has a very detailed drawing regarding the existing grade, you know,
15 how all of that will work, but I think that he's gotta really get
16 that square footage, you know, shown in there, and we very frequently
17 get drawings that just show here's how the square footage was.
18 Here's how the square footage is now, so that could be looked at.

19 Our Building Department is extremely thorough, but I'm not sure
20 how they came up with that. It's okay. Unless they did the
21 calculation themselves.

22 MR. BENNETT: From what I understand because I called them
23 yesterday because I was getting prepared for the meeting. I was
24 nervous myself about the floor area ration making it fits into the
25 code. The max gross floor area allotted is 2,928.

26 CHAIRMAN MAMMINA: I know what the sheet says, but where is the

1 table and a drawing that says Area A, Area B, Area C, Area D, which
2 is generally what we see here on these.

3 MEMBER DONATELLI: That would be helpful. As you submit the
4 floor plans for the proposed room in the attic, it would be helpful
5 for us to see the square footage broken down, as the Chairman has
6 suggested by area.

7 MR. BENNETT: Okay.

8 VICE CHAIRMAN FRANCIS: The other thing I'm having difficulty
9 with. Maybe it's just me. I don't know about anybody else. I can't
10 determine the size of the walk-in closet that's being created.

11 MR. BENNETT: The walk-in closet -- sorry, the drawings are very
12 small. It looks like it's 11-by-9.

13 VICE CHAIRMAN FRANCIS: 11-by-9.

14 MEMBER HERNANDEZ: As you can tell, we're having problems with
15 your drawings. As you can also tell, we have a really, really hard
16 lift to consider fixed stairs to an attic because as the Chairman
17 said, the Board says, we don't want them. It's not our decision.

18 CHAIRMAN MAMMINA: The Town Board.

19 MEMBER HERNANDEZ: The Town Board, excuse me. The Town Board.

20 MR. BENNETT: Yes.

21 MEMBER HERNANDEZ: For us to make -- to give you that variance,
22 it's really, really you have to justify how it is that you can't
23 possibly fit that office any place else, and you must absolutely have
24 it, and this house is unique as to why it should be there.

25 MR. BENNETT: Okay.

26 MEMBER HERNANDEZ: That's what we need look at. How is this

1 house different that we can justify it for you.

2 MR. BENNETT: I understand.

3 MEMBER HERNANDEZ: Just because nobody can see it from the
4 street, we'll no one can see from the street any stairs to an attic.

5 MR. BENNETT: Yeah.

6 MEMBER HERNANDEZ: So that's not a deciding factor.

7 MR. BENNETT: Okay.

8 MEMBER HERNANDEZ: The operable one goes in the attic. There's
9 a reason why they don't want it there. It's because people don't
10 want them to sneak people up there and use it unofficially. That's
11 why you can't have operable windows.

12 MR. BENNETT: Oh, okay.

13 MEMBER HERNANDEZ: Okay. That's the reason for it. So again,
14 if you want to have that, you got to justify as to why you have to
15 have that.

16 MR. BENNETT: Okay.

17 CHAIRMAN MAMMINA: I think you should also include a cellar plan
18 in there that shows why it can't be in the cellar. Doesn't meant
19 it has to be cellar. I'm not telling you what to do, but our test
20 is to look at that and say, yeah, you know what, that really can't
21 be done in there for whatever reasons you put forward.

22 MR. BENNETT: Okay.

23 DEPUTY TOWN ATTORNEY ALGIOS: I'll just add one thing to that.
24 The Board has to look at whether there're alternatives for you. As
25 they stated, the basement, you know, could potentially be an option.
26 Adding onto the back, maybe, the garage. Extending it a little to

1 make a small office in there. You know, whether the inside interior
2 could be reconfigured in some way to put an office. I think it would
3 serve your purpose if since we're continuing this in any way, if you
4 address all of those issues.

5 MR. BENNETT: Okay.

6 DEPUTY TOWN ATTORNEY ALGIOS: As to why you have no
7 alternatives. Why none of the other potential places where you could
8 put an office, do not work?

9 MR. BENNETT: Okay.

10 CHAIRMAN MAMMINA: I'd say also, again, not that you shouldn't
11 have a 9-foot by 11-foot closet, but in 9-foot by 11-foot is a bedroom.

12 VICE CHAIRMAN FRANCIS: It's an office.

13 CHAIRMAN MAMMINA: It's an office for sure.

14 MEMBER HERNANDEZ: It's a bedroom in New York City; 8-by-10.

15 CHAIRMAN MAMMINA: Right, 8-by-10 is a legal bedroom in New York
16 City. We're not in New York City, but I appreciate exactly what
17 you're referring. I'm not gonna say my son's bedroom was 8-by-11
18 but that's how the house was built.

19 VICE CHAIRMAN FRANCIS: So is my son's bedroom.

20 MEMBER HERNANDEZ: Those were long and skinny.

21 MEMBER DONATELLI: We've asked you to do a bit more homework.

22 MR. BENNETT: Okay.

23 MEMBER DONATELLI: As the Chairman has suggested, we'll
24 continue this so that you may submit additional --

25 MEMBER GOODSELL: And you don't have to come back. You don't
26 have to do another presentation if you submit. We got everything

1 on the record. You submit, and you can talk to Ms. Wager. If you
2 submit, she'll gives us -- she'll put it on the reserve calendar for
3 us.

4 MR. BENNETT: Okay.

5 SECRETARY WAGNER: Any new plans, would probably have to
6 be -- go to the Building Department as well to check to make sure
7 that --

8 MR. BENNETT: Go to the Building Department first?

9 SECRETARY WAGNER: Yeah.

10 MR. BENNETT: Okay. Which would include all the floor area
11 ratios in every section as well as the layout for the attic and as
12 well as -- basically, any information that shows we've examined every
13 avenue, and this is the only --

14 MEMBER GOODSSELL: Correct.

15 CHAIRMAN MAMMINA: Just as Ms. Wagner said, trigger is the key
16 word, because you may very innocently trigger another variance, and
17 we want to help you to not do that.

18 MR. BENNETT: I appreciate that.

19 CHAIRMAN MAMMINA: So we will continue the case, and continuing
20 basically means that the Board says, yes, let's take another go
21 around. Let's look at this or that or whatever without telling you
22 how to do it because I'm sure you understand, you know, that that's
23 not our job. We will make suggestions and things if we see that,
24 but I think that's all we have. MR. BENNETT: Understood.

25 CHAIRMAN MAMMINA: We will continue the application.

26 MR. BENNETT: All right, thank you.

1 CHAIRMAN MAMMINA: Off the record.

2 (Whereupon, a discussion was held off the record.)

3
4
5 SECRETARY WAGNER: Next appeal, Appeal #21712, Mrinalini and
6 Alain Borczuk; 17 Park Avenue, Port Washington; Section 6, Block 2,
7 Lot 69: Zoned: Residence-C.

8 Variance from 70-50.A to convert an open porch to habitable
9 space that is too close to the street.

10 CHAIRMAN MAMMINA: You heard Appeal #21712, Mrinalini and
11 Alain -- I'm going to have to apologize on the last name. I got a
12 little bit of a tough one as well, but I'm gonna say Borczuk.

13 MR. LAMBERT: That's correct.

14 MEMBER DONATELLI: Is that correct?

15 MR. LAMBERT: That's correct.

16 MEMBER DONATELLI: You got it.

17 CHAIRMAN MAMMINA: Well, I kind of heard what Ginny said, and
18 I said, yeah, that sounds right.

19 MR. LAMBERT: Good morning. My name is Timothy Lambert. I
20 hold an office at 3012 Fortesque Avenue, Oceanside, New York.

21 I'm here today representing the homeowners at 17 Park Avenue
22 in the Port Washington. We are proposing to convert the existing
23 front porch into living space. This new space will include a small
24 vestibule with a coat closet and a guest bedroom. The area of work
25 is approximately 9-by-25. The foundation, the floor, and the walls
26 will be newly constructed while the roof of the existing front porch

1 will remain in place.

2 We are requesting a variance for the front yard setback. As
3 per the Town's Code, there should be a front yard depth of which should
4 not be less than 25-feet from the front property line. Our proposed
5 setback is 17.7-feet. The average setback on this block is
6 18.5-feet.

7 To demonstrate that this setback is not out of character, I would
8 like to submit the survey with the average front yard calculations,
9 and photos of many of the homes in the area. Some of which have
10 substantial front yard encroachments, and many with porch
11 conversions. More notably, the house located immediately next door
12 to the east has a 14.9-foot setback to the house, plus a porch of
13 8-feet in front of that.

14 If I could just submit these photos for the Board?

15 CHAIRMAN MAMMINA: Please.

16 SECRETARY WAGNER: This will be Exhibit 1.

17 CHAIRMAN MAMMINA: Just give us a second to get those marked.

18 MR. LAMBERT: Sure.

19 SECRETARY WAGNER: Were those submitted in the application?

20 MR. LAMBERT: Yes, I believe they were, yes.

21 SECRETARY WAGNER: Okay.

22 MR. LAMBERT: So aside from the front yard setback
23 encroachment, there are no additional encroachments. This project
24 will not extend the existing structure into the front or side yards
25 any further than the existing front porch as it does today. The
26 living space will simply repurpose the existing roof structure,

1 therefore, maintaining the current footprint preserving the overall
2 character of the block.

3 I also would like to point out that there is minimal visual
4 impact from this application. Park Avenue is a tree-line street,
5 and the subject property along with other homes in the area feature
6 large trees that provide screening. These trees will help mitigate
7 any visual impact from the front yard encroachment ensuring that this
8 porch conversion does not stand out from the other homes on the block.

9 In conclusion, this project will transform under an utilized
10 porch into functional living space. Given the proximity to the
11 average front yard setback and similar setbacks along the street,
12 we believe the request variance is reasonable and will not create
13 a negative impact to the area. No other variances are required for
14 this project.

15 Lastly, we ask that the Board consider approving this
16 application in light of the following principal points. There will
17 be no undesirable changes due to this work. There are no other
18 practical alternatives other than this request. The variance is not
19 substantial as there are other houses with substantial front yard
20 encroachments as this. There will be no negative impact created due
21 to this work, and the encroachment was not self-created because the
22 porch is already. We're going to utilize the existing roof.

23 Thank you.

24 CHAIRMAN MAMMINA: My typical speech on that it's self-created
25 because you bought that house.

26 MR. LAMBERT: That's right.

1 CHAIRMAN MAMMINA: We all understand.

2 Let's do a few things that are very important. I guess I'll
3 just put them on the record as yes or no questions.

4 Your maximum lot coverage permitted is 1,750 square feet, and
5 that essentially is unchanged, and will be 1,331 when this is done.
6 So 35 percent is permitted, and 26.3 is what will be the finished
7 product, and the maximum gross floor area permitted is 2,500 square
8 feet, and when this is done, the gross floor area will be 1,899 square
9 feet, and I think that any of the other important things you put onto
10 the record. I wanted to give Mr. Donatelli some time to take a look
11 at.

12 VICE CHAIRMAN FRANCIS: I would just point out one thing that
13 you said. When you enclose an open porch, you do create more visual
14 bulk in terms of how the house looks from the street, so it does change
15 with regard to that.

16 MR. LAMBERT: It certainly does, and I agree with that, but in
17 this particular case, in this house, with this homeowner, they have
18 a very large need for this. Somewhat unique for the house. They
19 do want to create a vestibule where they can come in -- 'cause right
20 now when you open the front door, you're in the living room. It's
21 an old world approach, but in today's world, you need a mudroom that
22 way we can take our shoes off, hang up our coats, so we're creating
23 an interior vestibule without coming further to the street. That's
24 number one, and then also, they're creating an additional bedroom.
25 The house has a small footprint to begin with, and they want to stay
26 in the house long term. They were thinking that they would maybe

1 move to this bedroom on the first floor as they age.

2 MEMBER DONATELLI: Let me just kind of expand on what Mr.
3 Francis has just indicated. In my mind, very few things are as
4 evident to the streetscape as a front yard setback. That's why when
5 we look at -- especially these types of variances, we try and look
6 as carefully as possible, and we are -- in those instances where we
7 do grant a variance, we try to grant the minimum variance necessary
8 to achieve the objective that homeowner is trying to achieve. Now,
9 we've been presented with cases such as this in the past, but people
10 say, we'll we walked into the living room, and we really don't like
11 that. We need to change it, and -- so your argument is not new to
12 us. What, in my opinion, what is new to us is that you're creating
13 a rather large -- your dimensions show that it comes out
14 8-feet-10-inches from the existing front of the house, and it goes
15 the entire width of the house, so we're really -- we're not talking
16 about small portions that just juts out. We're talking about the
17 extending the entire house.

18 Now, I understand what you said about the proposed guest room
19 and the proposed mudroom and vestibule, and I see that you're
20 enclosing -- you're creating two closets as well, but, I guess, my
21 question is, wouldn't it be possible to achieve what the homeowner
22 is trying to achieve in some other way? Wouldn't it be possible to
23 add bulk to the back of the property, or to achieve it by rearranging
24 somehow the interior without coming forward and without really
25 bringing the entire front of the house out 8-feet-10-inches.

26 I'm sorry, let me just add one other thing. Your analysis of

1 the front yard setbacks of the neighbors that's very helpful because
2 certainly one of the things we do is we look at the context of the
3 areas around.

4 I'm from Port Washington. I actually just live a few blocks
5 away from the Park Avenue, so I'm very well familiar with the area,
6 but some of your front yard dimensions are to the front structure
7 of the house. Some of your front yard dimensions are to the
8 vestibule, but it's an open vestibule, so some of those
9 analyses -- and I would like the time to look at them. Some of those
10 analyses are appropriate. Others may not be because we'll consider
11 an open porch vestibule very differently from how we would consider
12 the enclosure that goes the entire width of the house.

13 Again, my question is, is there some way to reconfigure this,
14 so that this proposed guest bedroom can somehow be added to a
15 different part of the house, and that the proposed vestibule can be
16 made smaller?

17 MR. LAMBERT: Yes, so we did look at alternatives, but what
18 drove this project is economics. It's more affordable to enclose
19 a porch 'cause we're gonna maintain the existing roof line of the
20 house and the front porch, so we save a lot of effort and money in
21 trying to reframe something up top.

22 When we looked at alternatives said, yeah, we can do maybe a
23 side or rear. We're still gonna have a variance, but would it make
24 sense, and it was becoming more and more expensive to give them what
25 they need for this particular property, so we went to the front, and
26 then we looked at the existing context of the neighborhood and said,

1 yes, this has been done. We don't know maybe some are not permitted,
2 but we're gonna do the right thing. File for permits and try to get
3 this approval.

4 As far as the front yard setback, if you look at the survey in
5 there, I believe the surveyor went to furthest point, whether it's
6 a porch or the house, so please, you know, review that. Other than
7 that, I mean, when we looked at the context -- oh -- well -- one point
8 I wanted to make is often in zones there's an exception for a porch,
9 you know. So let's say the house has to be 25-feet off the front
10 property line, but a porch, if it's open, can be maybe 6-feet forward.

11 MEMBER DONATELLI: It would be 5-feet, and that would -- so
12 you're entitled to a 5-foot encroachment for.

13 MR. LAMBERT: This particular zone as far as I'm aware does not
14 give you ant exceptions for encroachments that way, so it were, we
15 would be almost average because for instance, like you have an average
16 front yard setback here at 18.5-feet on the street, and our porch
17 is, you know, gonna come to 17.7, so less than 12-inches of a
18 differential between average. So again, I hope that you take that
19 into consideration.

20 MEMBER DONATELLI: I don't mean to argue with you, but I think
21 it's important we correct the record. The house is in Residence-C,
22 which requires a front yard setback of 25-feet.

23 Now, for permitted encroachment for the vestibule, you would
24 be entitled to 5-feet, but that would be 20-feet; 25-feet minus
25 20-feet for the permitted encroachment, but that would be for the
26 vestibule that wouldn't be bringing the entire structure of the house

1 forward; number one, and so -- number two, we're -- again, we're
2 adding to the bulk. The very thing that you see from the street.
3 The very thing that many people think really goes to the essential
4 crux of zoning is the visual impact the building has on you. While
5 I understand your point about the roof and the roof line, and -- but
6 I see in the rear, you have an existing deck, and I guess my question
7 is, that would not be visible by anyone. Wouldn't it be possible
8 to somehow configure an additional room back where that existing deck
9 is?

10 MR. LAMBERT: Well, that doesn't solve our requirement for a
11 mudroom vestibule entry, so therefore, if you look at the floor plan,
12 if we tried to pull that off within the living room, it wouldn't work
13 because we have a stair pretty close. That option was looked at as
14 an alternative, active but was disregarded, you know. Not only for
15 that the reason, but also for economics. We're gonna save a lot of
16 roof structure here by dealing the conversion.

17 MEMBER DONATELLI: As one Board Member, my suggestion might be
18 you to make the encroachment not 8-feet-10-inches, but perhaps just
19 large enough for some sort of vestibule that would just jut out a
20 little bit. Perhaps half of that 8-feet-10-inches. Perhaps
21 4-feet, 5-feet, and to not have it go entire -- along the entire width
22 of the house, but then to accomplish that additional room that you're
23 trying to accomplish in the rear, so that again, when seeing from
24 the street, it would not have such a have sever visual impact, and
25 my question is, would that be feasible?

26 MR. LAMBERT: Anything feasible, but it would then trigger more

1 variances for lot coverage and possible FAR if I do a rear addition.

2 CHAIRMAN MAMMINA: Just shooting from the hip --

3 MR. LAMBERT: Because I would be increasing lot coverage. I
4 was keep the porch, which is gonna count against lot coverage, and
5 then I would exacerbate the lot coverage by doing a rear addition.

6 Again, we looked at the alternatives, and we thought just for,
7 you know, the residents' benefit economically, and looking at the
8 street context that the porch conversion would not be substantial
9 impact or variance.

10 MEMBER DONATELLI: We work very hard to try and weigh each case
11 on the merits, and I like to think that we try to get it all raised
12 right, but sometimes, we don't, and when we don't, it's a mistake
13 that last for as long as the house is up, number one. Number two,
14 then other people come into this Board, and they say, well, you
15 granted this variance under that circumstances, therefore, I should
16 be entitled to that variance for my application. Sometimes, when
17 we do make mistakes, which hopefully is not often, but it's used
18 against us, and -- so we try not to make mistakes. We try to grant
19 the minimum area variance that's required to achieve the homeowner's
20 goals, but also to -- as I think as Mr. Hernandez said earlier, we
21 don't write the rules. The Town Board writes the rules. We're just
22 empowered to grant variances in limited circumstances.

23 As one Board Member, I -- again, I would like to review what's
24 been submitted. That's very helpful, but I just remain skeptical
25 as one Board Member.

26 MEMBER GOODSELL: Yeah, I also have a comment to make, and that

1 is, I'm looking at the property tax code -- tax card, excuse me. It
2 looks like the property was built sometime in 1930s. Maybe before
3 or right around 1938. It looks like the porch is part of the original
4 house.

5 Now, when I drove that block -- we all look at these properties.
6 When I have drove that block, I made notes that approximately in that
7 vicinity, half the houses do have open porches, which contributes
8 to the porch culture, and half the houses do not, and the house
9 directly across the street seems to have an enclosed porch or
10 certainly a first-floor addition that comes out. I don't know how
11 close to the street it is because your setback survey is for your
12 client side of the block, not for the opposite side, but it is not
13 a unique ask.

14 There have been obviously other houses on this block that have
15 done something similar or been built with something similar. If you
16 look at the setback survey of the houses immediately adjacent, none
17 of them are 25-feet, except for one. This porch has been there for
18 a long time.

19 CHAIRMAN MAMMINA: In your research, it could be certainly
20 helpful to see if the other enclosed porches had building permits
21 or not 'cause just looking at your points of the lot coverage, you
22 got another 400 square feet before you begin to encroach that maximum,
23 and you've got in terms of gross square footage, you got 700 or
24 600 square feet more that could be added to the house, so I think
25 showing alternatives is important. You may to want submit something
26 from a contractor saying how much that would cost. I don't know

1 because certainly, the points that are made by Member Donatelli are
2 important. As are the points that are being made by other Board
3 Members as well. I think around turn at bat would be, in this case,
4 useful to us and to your client.

5 MEMBER DONATELLI: What I would just like to add to the
6 Chairman's point. The photographs that you submitted as Exhibit 1,
7 we'd like to know whether or not those houses to the extent that
8 they're showing encroachments in front yard setbacks, whether or not
9 those are in fact permitted or whether those were just built without
10 the benefit of a permit.

11 MR. LAMBERT: Understood. Yeah, we could provide that
12 information we would just have to do more research down at the records
13 office and see what is actually permitted.

14 CHAIRMAN MAMMINA: The other thing that's helpful to the Board
15 and potentially your client is a little area map that shows where
16 these other enclosed porches are in establishing a pattern of the
17 community and that developed.

18 MR. LAMBERT: Yeah, we maybe do that on radius map. We'll
19 identify the pictures --

20 CHAIRMAN MAMMINA: Yeah, sure.

21 MR. LAMBERT: -- and link that.

22 CHAIRMAN MAMMINA: You don't have to go out ten blocks.

23 MR. LAMBERT: Again, like the benefit to this client is way
24 higher than any detriment to the block. If you look at the context
25 and the cost analysis between going out the back and creating more
26 variances and removing a deck, building a roof.

1 When you look at all the factors, we hope that, you know, you
2 can see what we see is the most cost efficient and still a good looking
3 way of satisfying the client's request.

4 CHAIRMAN MAMMINA: Well, I think that the Board's given you lots
5 of suggestions of how you might do that as an addition to what you
6 have here.

7 MR. LAMBERT: If I could, I would like to maybe invite the
8 homeowner up here.

9 If you like to say anything else about the cost or the need for
10 it?

11 So --

12 CHAIRMAN MAMMINA: If you're gonna have somebody else speak,
13 they have to come on up and put their name and address onto the record,
14 and that's absolutely fine.

15 MS. BORCZUK: Okay.

16 MR. LAMBERT: Maybe just explain the whole reason.

17 MS. BORCZUK: Do you need me to repeat my name?

18 MEMBER HERNANDEZ: Yes, please.

19 MS. BORCZUK: I'm Mrinalini Borczuk. I live at 17 Park Avenue
20 in Port Washington.

21 CHAIRMAN MAMMINA: Good morning.

22 MS. BORCZUK: Good morning. We moved in three years ago. My
23 husband and I we're approaching 60, and so we thought at the time -- we
24 came back to Long Island from Manhattan. We used to live on Long
25 Island, the Town of North Hempstead. We lived in the Town of North
26 Hempstead many years ago, and we came back -- actually, to Port

1 Washington. We see one of your directives is Ageing in Place. I
2 see all over in my library. I see it everywhere, and we love the
3 town. We want to remain here.

4 We were trying to make this a cost-effective move. I
5 understand -- I was listening to everything you said. I understand
6 what you're saying. I just want to let you know, the gentleman that
7 lives across the street, I did speak to him. We have a huge tree
8 in front of our house. He's not opposed to this. I just wanted to
9 let you know, I spoke to my direct neighbors. I spoke to my neighbor
10 across the street. I think that's 18 and 15 and 21, I think, are
11 the numbers. I'm not sure of the numbers, but I spoke to them to
12 make sure they'd be okay with it because we live in this neighborhood.
13 We want to stay here, and we don't want to upset our neighbors, and
14 they're all fine with us. We didn't speak to anybody behind us. I
15 didn't think it would involve anybody behind us. These are the
16 people seeing our home. They are all okay with it. They received
17 the letters that we sent to -- the return receipt letters, so I just
18 wanted to let you know that.

19 We're content here, but we need to rein in our cost in terms
20 of what we're doing, but I do appreciate what you're saying and to -- I
21 actually thought to build a room behind, but that's gonna be
22 exorbitant amount to do that. That's why --

23 MEMBER GOODSSELL: If you could show us that there's a
24 substantial cost difference between doing this as supposed to doing
25 that, even though the rear addition would be more appealing to the
26 Board. If you can show us in dollars and cents that this makes more

1 sense for you, we would be interested in seeing that.

2 MS. BORCZUK: Sure, and I'm okay with actually doing
3 that -- I -- the mudroom space out front with a closet. I think that's
4 great either shorting the porch, the existing porch. I hear what
5 you're saying. We'll -- look we'll -- you know, give you the cost.

6 MEMBER GOODSSELL: Were you thinking long-term that the bedroom
7 in front of your house you're proposing would be a master bedroom
8 at some point --

9 MS. BORCZUK: Correct.

10 MEMBER GOODSSELL: -- So that you could live on the first floor?

11 MS. BORCZUK: Correct because we have a bathroom on the first
12 floor. We have our kitchen, and there isn't much space in the house.
13 We bought it for that reason 'cause I didn't want to upkeep a huge
14 space at this age. It's just not reasonable. We've done that
15 already. Our kids are mostly out of the house, so we wanted to make
16 sure --

17 MEMBER GOODSSELL: I like that word mostly.

18 MS. BORCZUK: Well, we have a 19-year-old who's still in
19 college, but he's on his way out the door, too. So it's for us, you
20 know. It's for the two of us, and we hope to stay here for many years.
21 We'll give you that. I think that's very reasonable. Thank you very
22 much.

23 VICE CHAIRMAN FRANCIS: Thank you.

24 MEMBER GOODSSELL: So we'll continue?

25 MEMBER HERNANDEZ: If I can just add one comment. You don't
26 have to stand there. I just want to make a comment. As someone was

1 is passed the 60 by a few years. Someone who wants to age in my own
2 home. I've gone through the same exercises.

3 That deck that you have in the back, it's almost exactly the
4 same width as your front porch. The only thing that deck would need
5 to be is extended further back to be longer, so instead of being across
6 the front of your house, it would be going backwards. It'd also be
7 right next to your full bathroom that you have back there. So from
8 a location perspective, it's even a more perhaps convenient location
9 as a bedroom for you and your husband.

10 MS. BORCZUK: I understand. Yeah, we just need to make
11 the -- we wanted to kind of incorporate all our changes.

12 MEMBER HERNANDEZ: Absolutely. But when you consider the
13 change that you're proposing to the front of your house, yes, you're
14 saying money on the roof, but you now have to move your stairs from
15 the center to the side of the house. You now need to move the window
16 that's there, and the door that's there, you need to close it, and
17 you need to open that window and make it the entryway, so you have
18 a lot of expenses that you're creating in converting that porch that
19 would not necessarily incurred if you were building the room in the
20 back. So when you look at those two, you need to look what is the
21 true cost or add-on cost of building in the back versus doing in the
22 front. That's the only comment I want to make.

23 CHAIRMAN MAMMINA: To Member Hernandez's point as well. The
24 deck in the back has to have a foundation on it, and in order to make
25 it a little bit bigger, cantilever out. I mean, so there are ways
26 to do that as well. Not saying that's how you must do it. We need

1 to create a record for anybody else who comes in, whether it
2 be in this neighborhood or potentially even someplace else.

3 MS. BORCZUK: I'd like to give that you cost analysis.

4 MR. LAMBERT: Yeah, 'cause we have some repairs to do to the
5 front anyway. As I said, we keep the porch, you can see the picture
6 that we have to redo the flooring post and everything. That's part
7 of it, so we'll include that in the cost analysis.

8 CHAIRMAN MAMMINA: Okay.

9 MEMBER DONATELLI: That would be helpful.

10 SECRETARY WAGNER: So we're gonna continue this. Thank you.

11 VICE CHAIRMAN FRANCIS: Thank you very much.

12 CHAIRMAN MAMMINA: Good presentation. We'll continue the
13 application.

14

15

16 SECRETARY WAGNER: Appeal #21713, Cuiyin Cheng Liang; 75 Sperry
17 Boulevard, New Hyde Park; Section 8, Block 343, Lot 2; Zoned:
18 Residence-C.

19 Variances 70-49.B, 70-50.A & 70-51.A to construct additions to
20 a home that would make the home too big, would be located too close
21 to the front property line, and with not enough total (aggregate)
22 side yards.

23 CHAIRMAN MAMMINA: You heard Appeal #21713, Cuiyin Cheng Liang.
24 Is there anyone in the room interested in the application other than
25 the applicant?

26 Seeing no one, please give your name and address.

1 MS. LASPISA: Diana Laspisa with Morano Expediting Services,
2 PO Box 39, Bethpage, New York 11714.

3 Good morning, Chairman, Members of the Board. I'm here on
4 behalf of Mr. and Mrs. Liang, and we're requesting permission to
5 construct to a second-story addition to the existing single-family
6 residence. This property is a substandard lot in the Residence-C
7 zoning district, which requires a minimum front yard setback of
8 25-feet and an aggregate side yard of 16.65. The proposal before
9 you is for 20-foot front yard setbacks and a 10.1-foot aggregate side
10 yard setback to the proposed second-story addition.

11 It is important to note that these setbacks are already
12 established from when the home was originally built. We are not
13 proposing any further encroachment into the yards than already
14 exists.

15 As the Board can see, this lot is very irregular, and the
16 configuration of the home prohibits them from being able to comply.
17 In addition, the proposed setback were taken from the closest point
18 of the home to the property line, which is the rear foundation line
19 of the house. However, due to the way the home is angled on the lot,
20 the side yards do increase further away from the lot line more towards
21 the front of the dwelling, where the front foundation lines of the
22 home holds an aggregate side yard of 25.6, which far exceeds the code.

23 We are also seeking an increase of maximum allowed FAR from
24 2,741, which is 50 percent. The 2,958 square feet, which is
25 53.95 percent.

26 Mr. Liang resides in the home with his wife and three children

1 ages nine, seven, and three. They both work from home. He's an
2 insurance broker for home and business insurance, and she is his
3 secretary. She also works as a nurse's aide as well. Due to their
4 work schedules and the children being so young, his mother also
5 resides with them during the weekdays to help out.

6 The home is currently one-story, which has three bedrooms, one
7 full bath, dining-kitchen combo, living room, garage. Along with
8 their children, they have already outgrown the home. The proposed
9 addition will allow them to relocate one of the bedrooms to the
10 upstairs creating a more open concept in the living room, dining room,
11 kitchen area. It will allow each of the children their own bedroom
12 as well as his mother while she stays with them.

13 The Liangs purchased this home four years ago at the young ages
14 of 32 and 39. They had always sought out to escape the congestion
15 of Flushing and live more of a suburban lifestyle, and raise their
16 kids such. The home suited their family and career needs at the time.
17 Having no idea what the future held with their family growing more
18 and their shifting careers, they're at a point that they cannot remain
19 in their home if they don't make these changes.

20 They considered and looked into relocating into a larger home
21 that may be able to suit their needs better, but unfortunately, due
22 to the housing market, it is not viable option. It would end up
23 costing them more money and very likely less square footage, and
24 potentially outside the area they have grown to know and love.

25 We don't feel the variance would produce a negative impact on
26 the adjacent properties. They are not encroaching into any setbacks

1 off the neighboring homes. The setbacks requested are already
2 established.

3 We don't feel the request as it is before you is considered to
4 be substantial. The additional FAR is within the footprint of the
5 existing home, and is only an additional 217 square feet over, which
6 is a 7.4 percent relaxation, which I don't believe to be substantial,
7 and the setbacks again are already established.

8 The benefit cannot be achieved by an alternative being that the
9 home is not currently conformed to the setbacks.

10 The variance would not create on adverse effect on the
11 environment. It's a second-story addition so no trees or shrubs will
12 need to be removed for the construction.

13 Some may believe this is self-created as we are before you
14 proposing the expansion; however, we feel that the difficulty was
15 really created when the lot was approved and the dwelling was
16 originally built.

17 If the Board has any questions?

18 VICE CHAIRMAN FRANCIS: Did you receive the letter in
19 opposition of the neighbor?

20 MS. LASPISA: I did, and I reviewed it. I mentioned it to Mr.
21 Liang, and he was actually taken back because he did say that he spoke
22 with both of his neighbors. That neighbor is an elderly couple. He
23 had spoken with the son, and he said he also spoke to the husband.
24 I think it was John Audio.

25 I don't know if they're confused with the setbacks. They
26 mentioned the close proximity to their driveway and to their house.

1 We're not encroaching into their side yard setbacks at all.

2 VICE CHAIRMAN FRANCIS: I think she's really more interested
3 in the size of house itself.

4 MS. LASPISA: Well, she mentions large house. I mean, so we're
5 not -- and towering that house. I have pictures of our house, and
6 you can see -- 'cause that's the property to the east -- oh, no.
7 That's the property to the west. So they have -- that's a
8 one-and-a-half story house. It's the original house. The did a
9 dormer in the front and back, but they have a second floor as well,
10 and they have one window on the side of that house. We're not gonna
11 be towering over them in the sense where we're here before the Board
12 for height. As far as a very large structure, I mean, I find this
13 to be a reasonable request, in my opinion. Obviously, it's a
14 difference of opinions. We're all within the footprint.

15 MEMBER GOODSSELL: I'm the person from New Hyde Park. I'm very
16 familiar. I grew up in New Hyde Park. I know the school district.
17 I know the area, and actually, I've been down that street a number
18 of times. I agree with you on two points.

19 First, I agree that you have an unusual piece of property. It
20 is a pie-shape wedge. It was fit in there, so that the neighborhood
21 street curves, and the houses curve too. I do agree with you that
22 the Board was -- a variance was granted when the home was built with
23 the respect to the setbacks, and the setbacks that I see now are not
24 so offensive, even though they're undersized, they fit the character
25 of the neighborhood.

26 The problem that I am having is with the square footage of the

1 house. When you are adding onto on a house, and you have a maximum
2 square footage, the fact that we can't see it is only one factor to
3 be considered.

4 Could you explain on the record why your clients need to go over
5 200 square feet from what's permitted?

6 CHAIRMAN MAMMINA: May I ask one other thing?

7 MS. LASPISA: Sure.

8 CHAIRMAN MAMMINA: That would attach itself to that. Please
9 correct me if I'm wrong. I'm doing, I think, it's a quick count here.
10 There are seven bedrooms now, and then there's a computer study area
11 that's being proposed on the second floor, which is not completely
12 enclosed, but if it was enclosed, it's an eighth bedroom. I mean,
13 just seems like an enormous amount of bedrooms especially for a house
14 of this size.

15 MS. LASPISA: I understand. So it's currently a four-bedroom
16 house. They are relocating one bedroom to the second floor. One
17 of the bedrooms on the first floor is going to be removed. Let me
18 just get to my plans.

19 CHAIRMAN MAMMINA: But I'm looking at your floor plan. They're
20 adding, one, two, three, four bedrooms on the second floor. I guess
21 they're calling one a home office, and then they also have the
22 computer study area.

23 MS. LASPISA: There's three bedrooms. So the home office
24 is -- he works from home. It'll be off the side of his bedroom.

25 CHAIRMAN MAMMINA: I apologize for --

26 MS. LASPISA: No, that's okay.

1 CHAIRMAN MAMMINA: -- interrupting. Do you refute the fact
2 that there are six bedrooms then, plus this home office and this
3 computer study area, which easily could be bedrooms. I understand
4 the work from home thing. Also, I'm just seeing that whole bedroom
5 on that front left side of the second floor plan having a big impact
6 on the massing of the house. On the right-hand side of that first
7 floor you have the garage, and on the left-hand side, you have a master
8 bedroom already.

9 MS. LASPISA: So just to clear it up and explain the bedrooms.
10 The first floor currently has three bedrooms. It is not going to
11 have three bedrooms when the work is done. It's gonna have two
12 bedrooms.

13 CHAIRMAN MAMMINA: How do you count three?

14 MS. LASPISA: Well, I think you had counted three because they
15 have an existing floor plan. So if look at the second page of the
16 plans --

17 CHAIRMAN MAMMINA: I'm looking.

18 MS. LASPISA: The second page of the plans, the top right, has
19 three bedrooms. There's a master bedroom and then the two bedrooms
20 in the back.

21 CHAIRMAN MAMMINA: That's the second floor, correct?

22 MS. LASPISA: No, that's the first floor.

23 CHAIRMAN MAMMINA: It stays second floor.

24 MS. LASPISA: Maybe it's --

25 CHAIRMAN MAMMINA: And that's the existing.

26 MS. LASPISA: No, it's first-floor plan existing conditions.

1 So if you look at the bedroom -- did you find it?

2 CHAIRMAN MAMMINA: Where is the --

3 MS. LASPISA: It's to the right.

4 CHAIRMAN MAMMINA: -- existing first-floor plan --

5 MS. LASPISA: That's what I'm.

6 CHAIRMAN MAMMINA: -- with something added to it? The only
7 thing that I'm seeing when I look at part first floor plan is that
8 there's a little bit of work -- based on the feng shui-ing that's
9 being done at the stairs. Everything else is existing.

10 MS. LASPISA: Above that partial first-floor plan, you see the
11 first-floor plan existing conditions. It's right above the partial.
12 That has three bedrooms there, right? It has the master bedroom and
13 then the two bedrooms in the back.

14 CHAIRMAN MAMMINA: I'm agreeing.

15 MS. LASPISA: If you look below at the partial first floor plan,
16 the bedroom -- one of the bedrooms in the back, the one in the middle
17 in between the dining room and that one bedroom on the left is being
18 removed.

19 CHAIRMAN MAMMINA: Then I would tell your architect --

20 MS. LASPISA: It's not the greatest.

21 CHAIRMAN MAMMINA: -- to -- no, it's not.

22 MS. LASPISA: Yeah, delineation.

23 CHAIRMAN MAMMINA: It's far from the greatest. Without
24 sounding terribly harsh, it does a disservice to the client.

25 MS. LASPISA: No, I understand. It was a question -- and I
26 think I spoke to the office too 'cause it was confusing. So that

1 bedroom is being removed. That bedroom's being removed. That's
2 where the stairs are gonna go to access the second floor, and then
3 that --

4 MEMBER GOODSSELL: The bedroom on the corner of the house, that's
5 remaining. Is that remaining the same size, or is that being
6 expanded?

7 MS. LASPISA: No, that's remaining the same size. That's
8 remaining the same size, and then there's the master, -- you know,
9 he's labeling it -- so that won't be the master bedroom anymore on
10 the first floor. That's where the mother would reside, and then his
11 oldest daughter will go in the smaller bedroom in the back. So at
12 the end of this -- I know the plans are deceiving, but at the end
13 of this, it will be five bedrooms and there are five residents
14 essentially; each child, the parents, and then the mother.

15 CHAIRMAN MAMMINA: I'll apologize again, and I mean that
16 sincerely. But then, again, we haven't -- you haven't addressed,
17 you know, that space on the second floor, which is a proposed computer
18 study area.

19 MS. LASPISA: Yeah, so I wanted to get to that.

20 CHAIRMAN MAMMINA: And also then because this is only a partial
21 first floor plan, what happens with the rest of all that space?

22 MS. LASPISA: On the first floor?

23 CHAIRMAN MAMMINA: On the first floor.

24 MS. LASPISA: Nothing -- the only thing that is changing on the
25 first floor is what you see. That bedroom is being. Removed there
26 will be a staircase to the second floor, so the dining room -- it'll

1 be able to like shift the dining room a little bit, and open up the
2 dining room more into the living room. So that's literally all
3 that's happening on the first floor. They're not change the other
4 bedroom --

5 CHAIRMAN MAMMINA: And I get that. I would just like to see
6 in a plan what sort of dimension --

7 MS. LASPISA: Like the full. I don't why it was a partial.

8 CHAIRMAN MAMMINA: Because it looks very big.

9 MS. LASPISA: I mean, it was nice. I like that he does do the
10 existing conditions. Not everybody does that.

11 CHAIRMAN MAMMINA: Well, here they will do the existing
12 conditions.

13 MS. LASPISA: Yeah. But I don't know why he did a partial for
14 it. But that's all that is changing.

15 CHAIRMAN MAMMINA: Okay.

16 MS. LASPISA: As far as the second floor to speak -- so I did
17 discuss with my client about the square footage 'cause that was
18 obviously the most concerning -- you know the one thing that stood
19 out. I didn't feel the setbacks were relevant, and I did ask about
20 the bedrooms, and he's satisfied as far as how many bedrooms they
21 need, and I understand, you know, as the children get older and with
22 the mother living -- it's a single mother. She's in College Point.
23 Sometimes, on the weekends, she's only gonna get older, and the goal
24 is for her eventually to live with them.

25 As far as the second floor. So you know the home office is a
26 necessity for him because he does work from home, and the way it's

1 situated, it couldn't be a bedroom because you can't have a bedroom.
2 The home office is a necessity for him, and I questioned the computer
3 study area. Why the two areas? His concept of why they had that
4 was an area for the children to do their homework. They were gonna
5 set up a piano in that area and desks. I did go over this with him,
6 and you know -- so he wouldn't be willing to remove the home office,
7 where he could remove some square footage, and he is open to doing
8 that, is the computer study. It doesn't need to be so deep. It could
9 just be like a little alcove in the hallway upstairs for the desks,
10 you know, and find another spot for the piano. That's kind of where
11 we're at. He's open to going back to the architect if need be for
12 it. He does want the children to have a little area to do their
13 homework. I don't know that it necessarily needs to be, you know,
14 10-feet deep, though. You know, a desk is not 5-feet, so.

15 MEMBER GOODSELL: I regret to inform you that I had to do my
16 homework at the kitchen table like a lot of other people did, and
17 I'm sure you did, too.

18 MS. LASPISA: No, I know.

19 MEMBER GOODSELL: I appreciate the fact they want their
20 children to study in an area.

21 MS. LASPISA: Well, I'm just relaying the message. For me, I'm
22 with you guys. I know what the Board looks for in their, you know,
23 and I didn't see why a desk needed be in a 10-by-13 room. It's only
24 three desks.

25 CHAIRMAN MAMMINA: In terms of the overall bulk --

26 MEMBER HERNANDEZ: It's actually 12-by-13.

1 MS. LASPISA: But the hallway 'cause then you have the hallway.

2 MEMBER HERNANDEZ: So it's 12-by-10 if you take the 3-feet away.
3 My problem with the second floor, to be very honest with you. When
4 I look at the master bathroom, the two walk-in closets, the master
5 bedroom, the home office, and an outdoor covered deck at the corner,
6 which is the tight possible place to the neighbor is two-thirds of
7 the second floor, and that's all I'm concerned a master suite because
8 he's got the office attached to the master suite. He's got two
9 walk-in closets, not one, and a huge master bathroom. It's
10 excessive.

11 MS. LASPISA: I understand.

12 MEMBER HERNANDEZ: I can't think of any other way. Not that
13 he shouldn't built it. I wish we all could built it. I'd love to
14 have one like that, but you need to have the house size for it -- the
15 land for it. His land, that pie shape that he bought, that's what
16 he's got.

17 MS. LASPISA: I understand.

18 MEMBER HERNANDEZ: Unless he wants to buy out his neighbor, I
19 don't see how -- why he should how -- why he should be
20 building -- looking to build a house that size.

21 VICE CHAIRMAN FRANCIS: Judge Levine used to be on this Board
22 used to say, sometimes, it's time to buy a bigger house.

23 MS. LASPISA: I know.

24 MEMBER GOODSSELL: And as you say, they looked at, and they like
25 school district. They like the area. They like the neighborhood.
26 I agree with that 'cause I happen to like that neighborhood too, but

1 in my opinion, as one Board Member, seven percent is a pretty big
2 ask. If I had to vote on this right now, I wouldn't be inclined to
3 approve this. Not on the setbacks 'cause you said the setbacks are
4 established. I think we all --

5 CHAIRMAN MAMMINA: I'm gonna to come to the setbacks, though
6 because the way that I see this is, if you were to take that second
7 floor front left bedroom and move it over into that computer study,
8 now you've got a flat elevation on that second floor that doesn't
9 present more mass to the street, and to me, any roof over a deck,
10 which quite honestly doesn't on the elevations, in my opinion --

11 MEMBER HERNANDEZ: But it's written on the plans.

12 CHAIRMAN MAMMINA: I know, so it's written on the plans.

13 MEMBER HERNANDEZ: Right, so it's there.

14 CHAIRMAN MAMMINA: And we know it's not great --

15 MS. LASPISA: Yeah, I'm not the architect.

16 CHAIRMAN MAMMINA: Look here while I build this other roof down
17 here. But like said, I think this Board is a little sharper than
18 many other boards, not all, but I don't see any reason why, and I
19 would certainly leave that to Member Goodsell. That if this was all
20 flat right where that outside -- the outside of the house is, and
21 just move that bedroom into the computer study area. I'm mean, very
22 honestly in my own house, you know, I got a corner of the master
23 bedroom that has a desk, and that's where I work. I know if for my
24 kids, it'll be a free-for-all if they were all working in that area.

25 MEMBER GOODSSELL: What we're saying is that I think this could
26 be done more toward to comply. I'm not that it can be done exactly

1 the square footage, but it could certainly be done more to comply
2 with a more reasonable GFA.

3 MS. LASPISA: I agree, and he agrees as well. He actually
4 called me back later. This was yesterday, and like thought about
5 my suggestions, but I'm not an architect, you know. I told he'd have
6 to really go over with the architect that, and the number that it
7 brings down, but that -- you know that computer study brings down
8 a 165 square feet. I'm pretty sure when I calculated it, I did take
9 out the hallway 'cause obviously they're gonna still need a hallway,
10 you know. He was open to that, so I did prepare him that, you know,
11 that this would be an issue.

12 MEMBER GOODSELL: Do new plans and resubmit your plans, which
13 are closer to what the Town Board allows you.

14 CHAIRMAN MAMMINA: And also, taking that, that bedroom that's
15 in that front left corner -- I don't see north, south, east or west,
16 but that can just be I don't have big enough drawing. Taking that
17 out, you can give the opportunity for a setback on that second floor
18 giving them everything that they have now. Removing that computer
19 study area over and really taking a bite out of that FAR.

20 MS. LASPISA: I don't know that -- you know, I didn't discuss
21 with him the setback for the second floor -- you know so like to speak
22 to what you're saying regarding the bedroom. I don't know if you
23 want to eliminate that bed -- you know, I'd have to speak with him.
24 Obviously, we'd come back, and you guys weigh in as well.

25 CHAIRMAN MAMMINA: Don't consider me a wiseguy. I tell my wife
26 all the time, I'd love to drive a Porsche, but I don't.

1 MS. LASPISA: You know, the setbacks weren't what was
2 concerning to me because they are already established, and he's not --

3 CHAIRMAN MAMMINA: Not on the second floor it's not.

4 MS. LASPISA: No, I know, but it's not -- he's not proposing --

5 CHAIRMAN MAMMINA: They're not established on the second floor.
6 That's where the bulk is.

7 MEMBER HERNANDEZ: You've been here long enough to know that
8 especially in New Hyde Park. We tend to agree that if the ground
9 floor setbacks are set, and you want to go straight up, it's not that
10 bad 'cause everybody does the same things. This is the nature of
11 the neighborhood. This pie shaped property creates a unique
12 position. Once you go up on that second floor in the back of the
13 house with those setbacks are like this, you can exchange a coffee
14 cup with your neighbor in the back.

15 MEMBER GOODSSELL: True.

16 MS. LASPISA: I don't think they're exchanging one with the
17 other people.

18 MEMBER HERNANDEZ: This is a very unique property, and because
19 of that, some of it may not be possible, okay? If this was standard
20 four and three-quarter-feet instead of five on the side on both
21 houses, okay, so you're 9-feet apart instead of ten, okay, so you
22 want to go up, oh, yeah, they both go up, but at least to
23 10-feet -- almost 10-feet apart. This you're not.

24 MS. LASPISA: No, I understand.

25 MEMBER HERNANDEZ: You're nearly on top of your neighbor in that
26 corner, and they put a deck up there, so that, you know, he can

1 literally sit out there and have his coffee or she, whomever.

2 MS. LASPISA: Where the deck is, he would meet the aggregate
3 side yard. If you -- you know but they don't do that.

4 MEMBER HERNANDEZ: If you don't count the deck.

5 MS. LASPISA: They measure from --

6 MEMBER HERNANDEZ: But it's gonna be sitting --

7 CHAIRMAN MAMMINA: He's putting a roof over that.

8 MS. LASPISA: No, I understand that, but what I'm saying is the
9 deck itself where the deck starts on the property that roof over deck
10 that you're referring to that's not creating a side yard issue, but
11 they don't -- you know, the Building Department measures at the
12 closest point.

13 CHAIRMAN MAMMINA: I'm not saying that it does. I'm not saying
14 that it does, and yes, this piece of property is a very odd shape,
15 but I'm also -- I'm looking at the overall visual impact, you know,
16 and look, if someone wants to walk out on the garage roof, you know,
17 okay, I guess, you can kind of do that now, but I see that projection
18 on the other side; for me just as one Board Member as a has-to-go.

19 The other thing because of those gable ends on the roof, and
20 I know that they fit underneath it. It's just a thought. If those
21 two were hipped, it would just drastically reduce the mass of the
22 entire house.

23 MS. LASPISA: Where were you -- oh. What are you referring to?
24 Like what elevation would I -- I just want to make notes.

25 CHAIRMAN MAMMINA: You would see that on the left side elevation
26 and the right side elevation, and I said, please ask the architect

1 to put north, south, east, and west on that, but you now have -- it
2 doesn't have any dimension on it, so I really don't know. What the
3 height is from the ground to the top of that? He got a 6-and-12 roof.
4 You know it's -- it's just creating mass all over the place.

5 MS. LASPISA: It's 25-foot-6 -- it's on the next page. I don't
6 know why it's not on that one. It's on the cross-section.

7 CHAIRMAN MAMMINA: Those, I think, belong on the elevation. I
8 don't see it on any of the elevation. That's okay.

9 MS. LASPISA: Yeah, no.

10 CHAIRMAN MAMMINA: If those two ends were gables hipped, too
11 instead of gable, that would greatly diminish the appearance of that
12 from the street and to the neighbors 'cause your coming around the
13 bend and quite honestly, this is an aesthetic board, I think it would
14 make a nicer looking house, but not my call on that one.

15 MS. LASPISA: Okay. Well, I will definitely go back to the
16 owner. I kind of did prep this for him already, so I wouldn't be
17 surprised if he's already had a conversation with the architect as
18 well.

19 MEMBER HERNANDEZ: I'd like to go back to the roof deck one
20 second just to make sure 'cause these plans are very confusing to
21 me. Is this roof deck in the front of the house?

22 MS. LASPISA: Yes, above the garage.

23 CHAIRMAN MAMMINA: And you see it also says roof over the deck.

24 MEMBER HERNANDEZ: Yeah, I know it says roof over.

25 (Whereupon, a discussion was held between Board Members.)

26 MS. LASPISA: I have pictures of the house. Do you want those?

1 CHAIRMAN MAMMINA: We can see them on Google Earth.

2 MS. LASPISA: The projection is 9 point --- you know for the
3 surveyor. The exterior dimension is 9.3- feet is what projection.

4 CHAIRMAN MAMMINA: This does not appear to be 9.3-feet.

5 MEMBER HERNANDEZ: It might be nine-three to the roof line.

6 MS. LASPISA: When you say this, are you referring to the deck?

7 CHAIRMAN MAMMINA: Referring to the existing behind the garage.

8 MEMBER HERNANDEZ: The door should be 3-feet, and there's a wall
9 next to it that doesn't appear to be more than four. It looks like
10 it's like seven.

11 (Whereupon, a discussion was held between Board Members.)

12 MS. LASPISA: On the first floor, if you look at the existing
13 conditions, you walk into -- oh, there's like a little vestibule.
14 If you look.

15 MEMBER HERNANDEZ: There's no door on the other side.

16 MS. LASPISA: Yeah, just the right-in between the garage and
17 the entrance. The door doesn't face the street. The door faces the
18 other bump out.

19 MEMBER HERNANDEZ: Sideways.

20 CHAIRMAN MAMMINA: Right.

21 MEMBER HERNANDEZ: This is what happens when the plans are not
22 complete.

23 VICE CHAIRMAN FRANCIS: This is definitely going to be helpful
24 if we get a new set of plans. We can continue the application based
25 on that.

26 MS. LASPISA: Do you want -- do you prefer to see a full drawn

1 out, full floor plan? I know he did for existing conditions, but
2 he only did a partial for the other.

3 CHAIRMAN MAMMINA: As an architect, I would submit nothing
4 less.

5 MS. LASPISA: I know some do everything, and some do nothing.
6 I don't work, you know, this company, this is their architect.

7 CHAIRMAN MAMMINA: No, I understand. You always do a good job.

8 SECRETARY WAGNER: You want new plans and you want a reduced
9 floor area.

10 MEMBER DONATELLI: Yes.

11 CHAIRMAN MAMMINA: Reduce floor area. Cut that whole second
12 floor back, and taking that one bedroom off of the east side of
13 it -- west side.

14 MS. LASPISA: Can I ask a question? I just want to make -- you
15 know, we don't want to come back two or three times.

16 MEMBER HERNANDEZ: You don't have to come back.

17 VICE CHAIRMAN FRANCIS: No, you don't have to come back.

18 MS. LASPISA: Oh.

19 SECRETARY WAGNER: Just submit the revised plans, and then the
20 Building Department will take a look at those well. Tell us what
21 the new GFA is.

22 MS. LASPISA: Okay, so I guess my question since I definitely
23 don't have to come back is really important. If he reduces the square
24 footage, is that bedroom being relocated like 100 percent not gonna
25 be considered if he did the, you know -- 'cause then that second floor
26 you're just dealing with the setbacks. I know you keep going back

1 to removing -- moving the bedroom, and that wasn't a discussion I
2 had with him, and it would drastically change a lot. I didn't think
3 it would be much for him to remove the computer study, and I think
4 he's already slept on it, and he's fine with that.

5 CHAIRMAN MAMMINA: One Board Member, that bedroom goes. It
6 gets moved over into where the computer area is. The same amount
7 of bedrooms in there, and that will take the whole bulk of the house
8 and push that second floor back.

9 MEMBER DONATELLI: We don't know yet the square foot ultimately
10 would be, so it would be inappropriate, and we couldn't be able to
11 tell you whether or not it's consent or not consent. I think you're
12 hearing the consensus from the Board that the 217- feet additional
13 that he's asking over what's permitted is a big asking, and that if
14 we can't -- as you heard suggestions here this morning, if we can
15 move that to where the computer room is, whatever the square footage,
16 I think it will a significant -- I don't know that it'll all go away,
17 but it will be significant, and it will make it more plausible.

18 CHAIRMAN MAMMINA: And change the bulk from the outside.
19 One-story house now. It'll be a one-story house with complaint front
20 setback.

21 MS. LASPISA: Okay. Thank you.

22 CHAIRMAN MAMMINA: Thank you.

23 VICE CHAIRMAN FRANCIS: Thank you. Good presentation.
24
25

26 SECRETARY WAGNER: Appeal #21714, Andrew Imperatore; 1023

1 Maple Lane, New Hyde Park; Section 9, Block 574, Lot 4; Zoned:
2 Residence-B.

3 Variances from 70-41 and 70-202.2 to legalize a covered porch
4 with not enough total (aggregate) side yards and with not enough
5 stormwater retention capacity provided on site.

6 VICE CHAIRMAN FRANCIS: You've heard Appeal #21714, Andrew
7 Imperatone. Is there anyone interested in the application other
8 than the applicant?

9 Seeing no one. Good morning, sir. Please give your name and
10 address.

11 MR. IMPERATONE: Andrew Imperatone, 1023 Maple Lane, New Hyde
12 Park, New York 11040. Good morning, Board Members.

13 VICE CHAIRMAN FRANCIS: Good morning.

14 MR. IMPERATONE: I'm here seeking a variance for an open front
15 porch that I built back in 2008, 2007. The denial originally, I
16 didn't think I would receive as we did move the porch in from the
17 corner of the house, and then I received a denial, and I'm -- I did
18 not take care of it at the time. I thought I'd be there forever.

19 At the time, my financial situation wasn't great, so I just
20 couldn't afford to get an attorney and go through the process of the
21 appeals. Since then, I have -- I have to get the CO for the home
22 'cause I have to sell the home because of the financial position of
23 not being able to afford to stay there. The open porch with the side
24 yard -- they say that, the side yard set aggregate is not enough.
25 I'm here to appeal that as the -- I live on a pie as -- I don't know
26 if you know my property, but I do live on a pie, and my side yard

1 where I built the porch, that corner, that's infringing on the side
2 yard aggregate is covered by bushes by my neighborhood that are not
3 visible. They also -- those bushes are kind of into my property
4 anyway, but -- and we've kind of enriched our home by doing that when
5 our kids were little. You know to be able to sit outside and watch
6 them play outside, and since then, a few of our neighbors have copied
7 our idea.

8 As far as the porch goes, I don't feel that it's infringement
9 on the property. I think it enriches the property. We've had
10 neighbors come over and sit on the property -- on the porch and realize
11 that they want one when they redo their house, and they have done
12 that. My neighbors do not have any problems with it. I sent out
13 all the letters, certificated letters for anyone to be here against
14 it, and I see that no one's here against it. I'm asking for the Board
15 approval on the open porch.

16 As far as the storm drainage. The dry well, I do have a whole
17 east side of my home, that roof runs into vegetation, and not into
18 the dry well, and a front porch -- the left front second floor portion
19 of my roof, goes into side -- doesn't go into the dry well either.
20 That goes onto -- why I used to have bushes there, but there's no
21 bush anymore. It just goes onto the lawn.

22 In the first week -- the first time when I was denied, I don't
23 remember seeing the denial on the storm water.

24 I'm just here -- I have to get the CO. I have to sell the house.
25 It is for sale 'cause I can't afford to live in the area no more
26 unfortunately.

1 CHAIRMAN MAMMINA: I will say that, 20 years ago, you would not
2 have had to put the dry well in. But now -- I mean that even goes -- as
3 an architect, I file in lots of municipalities and whether it's a
4 commercial building or a residential building, every single one of
5 them requires that storm water be maintained on the property because
6 when the storm water -- this is just -- I'm not saying it's the case
7 even here. When the storm water finds its way to the drainage systems
8 in the street, it ends up going into the sewage treatment plants that
9 are however far away, and all of that we pay for in our taxes, so
10 I don't see truly any way that we could vary that.

11 MR. IMPERATONE: I do have a dry well, though.

12 CHAIRMAN MAMMINA: Well, then you still have the objections,
13 so you have to demonstrate that.

14 MR. IMPERATONE: The objection is that the dry well is not
15 sufficient enough. It's short of the size.

16 CHAIRMAN MAMMINA: Right, so you may have to put in another dry
17 well adjacent to it.

18 VICE CHAIRMAN FRANCIS: Right.

19 CHAIRMAN MAMMINA: Or demonstrate that it's okay.

20 MR. IMPERATONE: May I ask the Board's advice on how to
21 demonstrate how that's okay?

22 CHAIRMAN MAMMINA: We don't give that advice.

23 MR. IMPERATONE: I give that to an engineer?

24 CHAIRMAN MAMMINA: I would say yes, I guess.

25 MEMBER GOODSELL: We generally are concerned, as the Chairman
26 says. As I said, I'm the New Hyde Park person. I know where your

1 house is. I've been passed it. I understand why you built the
2 porch. I understand why you built the porch with or without a permit.
3 The porch does not bother me. It's the dry well that does.

4 Now, we just had a deluge in New York City two days ago or three
5 days ago -- two days ago on Monday, and you can see what happens when
6 we have a catastrophic event. The Town Board has basically
7 considered on your property, on everyone's property, how much can
8 be impervious, and how much cannot, and we really absent a very, very
9 good reason. We really can't vary that. If the Town Building
10 Department has determined that a 6-foot dry well isn't enough, I think
11 your choices might be, as the Chairman says, a larger dry well, or
12 can you make the impervious surface smaller?

13 MR. IMPERATONE: I would have to look into that.

14 MEMBER GOODSSELL: And I don't know the answer to that.

15 MR. IMPERATONE: I have a picture of the water that's not going
16 into a dry well. It goes into the side yard bushes. It doesn't ever
17 overflow. The side yard vegetation, and this goes -- sorry. This
18 is the other piece that goes into my back yard, which my back yard
19 is pitched, and we never hit toward the street.

20 VICE CHAIRMAN FRANCIS: Do we have those pictures in the file
21 or no?

22 MR. IMPERATONE: No.

23 SECRETARY WAGNER: This will be Exhibit 1.

24 MEMBER GOODSSELL: Let me them be marked as exhibits.

25 CHAIRMAN MAMMINA: Also, if it drains to the adjacent property,
26 that's also not permitted, and it would have to be regraded so that

1 the water stays on your own property.

2 We do have a note from the Building Department saying that when
3 it was first submitted that you had a dry well that was compliant,
4 but then there was an amendment to your application that was submitted
5 in '07 that added another 252 square feet of impervious area, and
6 that's what increased the required onsite storm water retention
7 capacity.

8 MR. IMPERATONE: Correct, but I don't know if that -- when
9 he -- when that report was done whether they were taking into
10 consideration that the east side of the roof was being retained into
11 vegetation on the side and wouldn't have to go into the dry wells.

12 CHAIRMAN MAMMINA: That doesn't count. Unfortunately --

13 MR. IMPERATONE: And that does not go in. You can see in the
14 pictures that doesn't go into my neighbors' properties.

15 CHAIRMAN MAMMINA: Unfortunately, that's not what --

16 MEMBER GOODSSELL: It's not the standard.

17 CHAIRMAN MAMMINA: -- that's not what the ordinates say.

18 (Whereupon, a discussion was held between Board Members.)

19 SECRETARY WAGNER: I think the Building Department does allow
20 you to create some kind of a burrow or like some kind of natural onsite
21 retention other than the dry well, but it has to be shown on the plans
22 and certified by an architect that it will not runoff into the
23 adjacent property. That's an alternative to a dry well.

24 CHAIRMAN MAMMINA: Please understand that we're not the
25 Building department.

26 SECRETARY WAGNER: Right.

1 CHAIRMAN MAMMINA: Ms. Wagner's advice, we are all grateful
2 that we have Ms. Wagner 'cause she has -- call it the quasi of the
3 brains of the operation in terms of historical things, you know. As
4 well as she was in the Planning Department for a number of years,
5 so she is extremely helpful to the Board, so you want to go back to
6 the Building Department, and see if that's a case, and if that's the
7 case, it may just be that your surveyor has to add a few elevation
8 points onto here that would demonstrate that, and/or you might have
9 to dig a little bit of a swale it's called. That might be a simpler
10 solution than dropping in another dry well, so.

11 MR. IMPERATONE: When we did the amendment, I'm pretty sure.
12 When we did the amendment for the front porch that's when we put the
13 dry well in.

14 CHAIRMAN MAMMINA: Okay.

15 MR. IMPERATONE: And that was approved as far as the dry well
16 than the porch.

17 MEMBER GOODSSELL: Well, the size of dry well, Ms. Wagner was
18 saying, originally the size of the dry well was larger and then it
19 was smaller.

20 MEMBER HERNANDEZ: No.

21 SECRETARY WAGNER: No.

22 MEMBER HERNANDEZ: No, what happened was the coverage grew --

23 MEMBER GOODSSELL: Oh, the coverage grew.

24 MEMBER HERNANDEZ: -- by adding the roof.

25 MEMBER GOODSSELL: The coverage grew.

26 VICE CHAIRMAN FRANCIS: You're not in a contract to sell the

1 house right now?

2 MR. IMPERATONE: We had a home inspection yesterday.

3 MEMBER GOODSSELL: So you're close.

4 MR. IMPERATONE: And I have to get out before --

5 MEMBER GOODSSELL: This unfortunately, as I said, this is
6 rainwater runoff and storm drain runoff is a very being issue right
7 now, and you can see the problems New York City is having. We are
8 trying to prevent things like that happening in North Hempstead.
9 That's why we're focusing on this.

10 MR. IMPERATONE: I understand, and that's why I gave you a
11 picture because it's -- what's going on the property.

12 MEMBER GOODSSELL: Which we will look at. Again, it's not a
13 question if your neighbors do not object. This is what -- this is
14 the standard that the Town Board has set, and what we're trying to
15 do is figure out a less expensive way for you to comply other than
16 dig up your dry well and put another dry well or dig up your driveway
17 to put another dry well. Is it -- I did ask you. Is it possible
18 to remove some of the impervious surface, or is it -- what is creating
19 the issue?

20 MR. IMPERATONE: As far as, what, ma'am?

21 MEMBER GOODSSELL: As far as the impervious surface on your
22 property. Is it the driveway? Is it the walkway? Is it the front?
23 What is creating too much?

24 MR. IMPERATONE: I don't understand what you mean. What's
25 impervious? What do you mean?

26 MEMBER HERNANDEZ: Patricia, what created the problem was the

1 added roof line because he made a covered porch.

2 MR. IMPERATONE: The porch.

3 MEMBER GOODSSELL: Got it.

4 MEMBER HERNANDEZ: Need to remove --

5 MR. IMPERATONE: And that porch water is going into the dry
6 well.

7 VICE CHAIRMAN FRANCIS: Correct.

8 MEMBER GOODSSELL: So taking down the porch is not an
9 alternative?

10 MR. IMPERATONE: No.

11 MEMBER GOODSSELL: There must be another alternative then.

12 Having created this issue, there must be another alternative that
13 you can solve this issue, possibly.

14 VICE CHAIRMAN FRANCIS: What I think would be helpful is if we
15 continue your application, and you figure out these options that we
16 have kind of discussed.

17 CHAIRMAN MAMMINA: We were just saying what an asset Ms. Wagner
18 is to the Bored. What might be easier for you to do? I don't think
19 that the Board is inclined to eliminate the objection for the dry
20 well, but understanding that, that irregular shape of your property
21 and clipping with that corner. That to me, as one Board Member, I
22 think that's fine, and then that way you if go into contract -- I
23 guess I'm not giving legal advice. I'm not an attorney. But if
24 you're going into contract, you got the variance for the physical
25 part of construction. Anybody can put in -- you can hold money in
26 escrow, you know, and someone can make a decision of how that gets

1 resolved.

2 MR. IMPERATONE: When you say clip the porch, what do you?

3 CHAIRMAN MAMMINA: No, don't clip the porch.

4 MR. IMPERATONE: Oh, all right.

5 CHAIRMAN MAMMINA: No, it's that tiny piece.

6 MR. IMPERATONE: I was like clip the porch? Get out grinder.

7 CHAIRMAN MAMMINA: It's that tiny piece, you know, and I think,
8 please, correct me if anybody has a different opinion.

9 MEMBER DONATELLI: I think what the Chairman is -- because
10 you're here before the aggregate side yard setback that is
11 20.21-feet, and the closest point, and that's because you have an
12 irregularly shaped lot. So the question is whether or not the Board
13 will be prepared to grant the variance for the aggregate side yard,
14 which is physically where you built this porch.

15 As one Board Member, I can say, given the irregularity of the
16 lot, and given the fact that again, it -- unfortunately, it was built
17 without the benefit of the permit, but when we look at the Five Factors
18 that we're required to weigh, in your favor, and that we're required
19 weigh. The cost of removing the porch. The cost of remediating what
20 has been done, whether it would be pulling it back, or whether it
21 would be actually removing it. As one Board Member, I am less
22 concerned with that one little corner, and I would be inclined the
23 grant the variance, but I think what you're hearing is that we really
24 need the storm water to be retained in one way another. Whether it
25 is the Building Department's swale, or whether it is the installation
26 of a dry well. I think that's certainly my position. The fact that

1 you had somebody come in and inspect just yesterday, to me, tells
2 me as an attorney that you're awfully close to wanting to sell, so
3 we're not trying to create obstacles. We're trying to work through
4 the most efficient and fastest way of doing this. We understand
5 that.

6 VICE CHAIRMAN FRANCIS: I think that good points.

7 CHAIRMAN MAMMINA: I think for my attorney colleagues, and our
8 attorney from the Town Board Attorney's Office, please, do not
9 consider this to be advise or anything, but if we would've denied
10 the dry well or you would've withdrawn the dry well, you hold some
11 money in escrow enough for the dry well. You're not talking about
12 chopping off the corner on that little thing, so.

13 MEMBER HERNANDEZ: You're talking about granting the roof over
14 porch.

15 VICE CHAIRMAN FRANCIS: Right.

16 MEMBER DONATELLI: The aggregate side yard setback.

17 MEMBER HERNANDEZ: We would grant the roof over porch, but we're
18 not gonna deal with the dry well issue. You have to settle that with
19 the Building Department.

20 MR. IMPERATONE: Okay, but that will still prevent me from
21 getting the CO, correct?

22 SECRETARY WAGNER: You would have to rectify that situation
23 with the Building Department.

24 VICE CHAIRMAN FRANCIS: Right.

25 MR. IMPERATONE: Okay.

26 SECRETARY WAGNER: You would have to figure out how to adjust

1 the drainage or add another dry, whatever they say. In other words,
2 you'd done with the BZA, and then you --

3 MR. IMPERATONE: I can put another dry -- now, I would have to
4 take a permit for that dry well, correct?

5 MEMBER HERNANDEZ: Yes.

6 MEMBER DONATELLI: Again, we're not giving legal advice. We
7 understand the urgent --

8 MEMBER GOODSELL: The urgent nature.

9 MEMBER DONATELLI: The urgency of your situation. We're
10 trying to help you to accomplish this as efficiently as possible.

11 VICE CHAIRMAN FRANCIS: Right.

12 MEMBER DONATELLI: I think we're still hearing from the rest
13 of the Board.

14 VICE CHAIRMAN FRANCIS: Just to piggyback on what Mr. Donatelli
15 said. What we're proposing should not hold up your closing. You
16 would just have to put enough money in escrow in order for the new
17 owner to deal with that issue. That would be one option, or you deal
18 with it, and get it done before you close.

19 MR. IMPERATONE: I'll do it.

20 MEMBER GOODSELL: Mr. Francis, Mr. Donatelli, and I are all real
21 estate attorneys. We've been down this road before. We hate
22 escrows but we do them, and so I think your attorney is gonna make
23 a face if you suggest that to him, but.

24 If we can, I will make a motion that we grant that part of the
25 application that deals with the covered porch being too close to the
26 aggregate side yard setback of the covered porch due to the irregular

1 shaped property that this gentleman has. If you had a regular-shaped
2 property, you wouldn't be in front of us today, and make a further
3 motion that we deny that part of the application with respect to storm
4 water runoff and the size of drainage as it does not meet the Town's
5 code.

6 CHAIRMAN MAMMINA: We have a second?

7 MEMBER DONATELLI: Second.

8 VICE CHAIRMAN FRANCIS: Second.

9 MEMBER DONATELLI: Oh, sorry.

10 CHAIRMAN MAMMINA: We have two seconds.

11 MEMBER GOODSSELL: I see everybody feels the same way.

12 SECRETARY WAGNER: Who's second? Dan?

13 VICE CHAIRMAN FRANCIS: We have a second and a third.

14 MEMBER DONATELLI: Would that mean me the third?

15 SECRETARY WAGNER: So who seconded?

16 VICE CHAIRMAN FRANCIS: Mr. Donatelli.

17 CHAIRMAN MAMMINA: Please poll the Board.

18 SECRETARY WAGNER: Member Hernandez?

19 MEMBER HERNANDEZ: Aye.

20 SECRETARY WAGNER: Member Goodsell?

21 MEMBER GOODSSELL: Aye.

22 SECRETARY WAGNER: Member Donatelli?

23 MEMBER DONATELLI: Aye.

24 SECRETARY WAGNER: Vice Chairman Francis?

25 VICE CHAIRMAN FRANCIS: Aye.

26 SECRETARY WAGNER: Chairman Mammina?

1 CHAIRMAN MAMMINA: Aye. So the application is partially
2 approved and partially denied.

3 MEMBER GOODSSELL: You do not have to come back in front of us.
4 You can work with the Building Department with respect to the
5 stormwater runoff.

6 MR. IMPERATONE: Okay.

7 CHAIRMAN MAMMINA: Off the record.

8 (Whereupon, a discussion was held off the record.)
9
10

11 SECRETARY WAGNER: Appeal #21715, Diana Ilyasova; 11 Heathcote
12 Drive, Albertson; Section 9, Block 647, Lot 20; Zoned: Residence-B.
13 Variances 70-40.C & 70-39.B to construct additions to a home
14 that would make the home too big and would be located too close to
15 the street.

16 CHAIRMAN MAMMINA: You heard Appeal #21715, Diana Ilyasova.
17 Is there anyone in the room interested in the application other than
18 the applicant? Seeing no one.

19 MR. KOHAN: My client is here.

20 CHAIRMAN MAMMINA: I'm sure she's not opposed.

21 Please give your name and address.

22 MR. KOHAN: Good afternoon, Chairman, Vice Chairman, Members
23 of the Board. My name is Marcelo Kohan. My company is Delargent
24 Design and Architect. My office is located at 2963 Holiday Park
25 Drive in Merrick, New York 11566.

26 I have been retained by Dr. Diana Ilyasova, who's the owner of

1 the property located at 11 Heathcote Drive, Albertson, New York, to
2 file this application for an addition of the second floor over an
3 existing attached garage.

4 I always like to present to the Board the reason why we need
5 to go for a variance, so without going in depth on my client's personal
6 issues I want to say that she now faces the need to provide permanent
7 housing for family member. Living with her own two children, there's
8 an urgent need for her to add space in the house.

9 After we went through a thorough elevation of the possibilities
10 we decided that the only area where we can expand is over the existing
11 one-story two-car garage, and even though we're adding floor area
12 to the dwelling, are not increasing the building's footprint. The
13 lot coverage remains the same, and we are not increasing the degree
14 of nonconforming as far as the front setback. Besides the
15 second-floor addition, we proposed to, say, embellish the exterior
16 front of the house. This would invigorate its look while respecting
17 the character of the entire block.

18 The work proposed will not cause any detriment to the nearby
19 properties. On the contrary, our design will enhance the character
20 of the street. The proposed will have no impact on the services,
21 in volume for traffic or pedestrians in the area.

22 In conclusion, with respect to seeking relief on the additional
23 floor area in the front yard setback, and of course, we have look
24 for a positive determination. Thank you.

25 MEMBER GOODSSELL: Well, sir, I will ask you the same question,
26 and I'm sure you heard the previous -- one of the previous application

1 with respect to GFA.

2 You're asking for a rather large variance for this addition,
3 and you're going over 466 square feet what is permitted.

4 Would you please put on the record why the client cannot comply
5 with Town Code and stay within the permitted square footage for this
6 house and this lot.

7 MR. KOHAN: Sure. Well, as you can see in the drawings that
8 were presented to you, this is a -- she's using, obviously, the
9 existing first and second floor for her living room, dining room,
10 kitchen, and she has this large two-car garage on the right of the
11 house.

12 Like I mentioned before, she lives with two children, and right
13 now she's in the need to provide additional space for her parents
14 and the sibling due to financial restraints they have to come and
15 live with her. Currently, there are three bedrooms. It's a master
16 bedroom and one for each of the kids. She needs the additional space
17 to accommodate the family member.

18 Like I said before, we are not expanding the house. We're not
19 increasing the footprint, the lot coverage, and.

20 MEMBER GOODSELL: No, but you're substantially increasing the
21 square footage of the house.

22 MR. KOHAN: Right -- well, this, you know, again, per the plans,
23 we have the two bedrooms and a bathroom and a closet just to
24 accommodate the people that will be coming to live with her.

25 CHAIRMAN MAMMINA: May I interrupt for just one second. Again,
26 I'll apologize. I see an existing proposed/lower first-floor plan.

1 MR. KOHAN: Yes.

2 CHAIRMAN MAMMINA: And I don't quite understand what
3 that -- what that means? Where is the existing? I see an open
4 cellar, and I see office. I see excavating.

5 MR. KOHAN: There is a cellar, but obviously, in the cellar,
6 we are not allowed to provide any sleeping or cooking accommodations.

7 CHAIRMAN MAMMINA: I'm not saying that you can. Where are the
8 existing floor plans of the house?

9 MR. KOHAN: You have them here. This is the sprinkler. That's
10 why I say --

11 CHAIRMAN MAMMINA: Call me out which sheet that is?

12 MR. KOHAN: Sheet A001.

13 CHAIRMAN MAMMINA: That's what I'm on. If this is the existing
14 house, are you saying there are no bedrooms in the house?

15 MR. KOHAN: No, there are bedrooms on the second floor.

16 CHAIRMAN MAMMINA: Okay, but this says first floor.

17 MR. KOHAN: This is -- right. This is -- the thing is that the
18 first floor, the lift portion of the first floor, it's a lower level.
19 Then you have five risers I think in the upper level on the right
20 side.

21 CHAIRMAN MAMMINA: Yeah, I understand.

22 MR. KOHAN: Which is the living room behind the garage.

23 MEMBER DONATELLI: I think what's confusing me is, on the plans,
24 Page A001, it says existing/proposed upper, lower, first floor plan.

25 MR. KOHAN: Yes.

26 MEMBER DONATELLI: So that is the existing?

1 MR. KOHAN: It is in the existing in the -- if you look can -- if
2 you look at the legend in the drawing, it says that the -- whatever's
3 indicated in red is stuff that we're demolishing. We're removing
4 or relocating, and whatever is shown in the dark black walls that
5 means it's a new partition that we're adding. So again, refer to
6 legend on the lower left corner of the drawing and you'll see that
7 all the items are indicated there. Whatever's indicated on that
8 first floor that is red, we're pretty much removing a bay window and
9 making three straight windows, and the entrance, which is like
10 slightly set back and pushing forward by 1-foot or so, and then we
11 are changing the garage door that are two separates. We're making
12 just one wide door instead. So all that --

13 MEMBER GOODSELL: You're proposing to wind up with five
14 bedrooms on the second floor, plus a recreation room.

15 CHAIRMAN MAMMINA: You're taking an enormous amount of bulk
16 coming forward in the street. I have to use the word enormous. When
17 I look at your existing proposed first floor plan, that playroom
18 kitchen is as big as a two-car garage. Might be bigger.

19 MR. KOHAN: Yeah. It is a substantial size, but that's
20 a -- there's a -- you know, there's room for her kids to play in the
21 area and to use it as a play area.

22 CHAIRMAN MAMMINA: They can play pickleball.

23 MR. KOHAN: It is a large size, but, you know, this what we -- the
24 original house looked like before. Obviously, we're trying to --

25 CHAIRMAN MAMMINA: Obviously, it's not what it looked like
26 before because it -- where -- on the second floor, it was just a master

1 bedroom and one bedroom. I'm very familiar with split-level houses that are probably two more bedrooms that were in there.

3 MR. KOHAN: Originally, there was a master bedroom and two
4 bedrooms, and a -- two bedrooms, which are wider bedrooms, and there
5 was bathroom. Again, whatever's in red is what we're planning to
6 do --

7 CHAIRMAN MAMMINA: I don't have red on my drawings.

8 MR. KOHAN: Oh, I'm sorry. It is with the dotted line that
9 represents the stuff. If you would like to, I can share my drawings
10 with you.

11 CHAIRMAN MAMMINA: But you got dotted lines all over the place,
12 as you should. It's an architectural drawing.

13 MR. KOHAN: I just did it like that so it would be easier to
14 understand.

15 MEMBER HERNANDEZ: The problem is that this house is already
16 at its maximum size, and you're proposing to add effectively 21 by
17 21, roughly, square feet. That's 440-plus square feet to a house
18 that's already at its maximum.

19 MR. KOHAN: Yes.

20 MEMBER HERNANDEZ: And this house has a lot of space within it,
21 so. I guess what we're looking at is why isn't it being reconfigured
22 rather than adding an additional 400-plus square feet above maximum.

23 MR. KOHAN: Obviously, when my client moved to this house, they,
24 you know, this is a -- what she wanted. She bought the house like
25 that because she wanted to take advantage of the size and of the
26 accommodations that it has. Obviously, now, she wants to add more

1 square feet -- she want to modify --

2 MEMBER HERNANDEZ: When the house was built, it was built at
3 its maximum.

4 MR. KOHAN: Exactly, yes, I know. So obviously, the intention
5 is to try to maintain the commodities that we had before, and then
6 the accommodations that we had before. Just seeing if we can add
7 additional floor area.

8 MEMBER HERNANDEZ: You've been sitting a while, so you know the
9 questions that we're going to ask them, and why we ask them.

10 I can appreciate wanting, you know, a bigger house, but if you
11 don't have room for a bigger house, you can't have a bigger house.
12 We can't just arbitrarily say, okay, yes, and -- I can
13 appreciate -- I've had relatives had to move with me. I squeeze them
14 into my house in its existing size. We all have to do that sometimes,
15 right? But to build for that, now you create a house that is 400-plus
16 feet above maximum. That's not gonna go away the day those relatives
17 need to move out. It will still be there, so we're approving a much
18 larger house that is permitted in that space.

19 CHAIRMAN MAMMINA: Can you show us other houses in the
20 neighborhood?

21 MR. KOHAN: Yeah, actually --

22 CHAIRMAN MAMMINA: Built in the same bulk that you can produce
23 drawings on.

24 MR. KOHAN: Did you receive some pictures I sent? I emailed
25 yesterday for some of the houses.

26 CHAIRMAN MAMMINA: More than pictures. It may be on larger

1 sites. They can have a whole bunch of reasons why.

2 MR. KOHAN: They're in both sides of the block.

3 MEMBER GOODSSELL: Well, I did look at that. I did look at that.
4 It's a fairly short street. There's approximately half, nine houses
5 that do have additions above the garage. Nine houses, which don't
6 and a couple of houses, which were built with a completely different
7 style.

8 Of the houses that have an addition above the garage, nothing
9 struck me as big as this plan. I may be wrong. I'm a layperson.
10 I'm not an architect, but it's not the objection so much that your
11 client wants to build above the garage. It's the bulk of the house,
12 and I did not see, at least nothing stood out to me, a huge addition
13 like this above a garage.

14 If you can show us that anything else in that area on that block,
15 its a very nice block, has this size overage 'cause some of those
16 lots may be smaller, we would be very interested in that. If it's
17 an addition that meets the requirements of the lot size, then we're
18 telling you the same thing. You can build the addition that meets
19 the requirement of your client's lot size.

20 MEMBER DONATELLI: Let me just add one other thing. Again, if
21 you've been here this morning, this is not the first application that
22 you've heard where an applicant is requesting greater square footage
23 then allowed by law.

24 As I look at the zoning map that are including in your
25 submission, I see that this house is in Residence-B, which seems to
26 me to be maybe six or seven streets long by perhaps two or three

1 streets wide, and it is directly adjacent to the Residence-AA, which
2 of course does tend to have larger homes with larger lots. It's not
3 enough for me to just say, well, it fits in or it doesn't fit in with,
4 you know, the surrounding blocks because this a very oddly zoned area.
5 The Residence-B houses need to be compared with Residence-B houses.
6 Residence-AA houses need to be compared with Residence-AA houses.

7 VICE CHAIRMAN FRANCIS: Correct.

8 MR. KOHAN: I understand that.

9 MEMBER GOODSSELL: Do you want to go back to your client and see
10 if they can live with something smaller than that?

11 MR. KOHAN: Well, we could see. I think that what I'm thinking
12 about right now is perhaps we would be granted permission to build
13 some additional floor area, but maybe instead of having two bedrooms,
14 we can add one bedroom; therefore, reducing --

15 MEMBER GOODSSELL: You'd have to come back for new plan to see.
16 If it's over, the Building Department will issue a new disapproval
17 letter.

18 MR. KOHAN: Okay.

19 MEMBER DONATELLI: I'm not the architect on the Board.
20 Obviously, the Chairman is, but the one thing that I've learned from
21 the Chairman having heard as many applications as we've heard.
22 Bigger is not always better. Many times the square footage of the
23 house are just -- it appears to be wasted, and that -- what can be
24 achieved by the -- what the applicant wants to achieve can be achieved
25 by just for efficient use of the existing space rather than
26 continually just adding on ever larger square footage.

1 MR. KOHAN: I understand.

2 MEMBER DONATELLI: And I learned that from you.

3 CHAIRMAN MAMMINA: Thank you. But I do think that perhaps, not
4 the most valid point, but a significant valid point, which Member
5 Donatelli and I were looking at before the hearing. He had pointed
6 out how odd this zone is. You've got this little sliver of
7 Residence-B, which permits 6,000 square foot lot, and then you got
8 Residence-AA. You got to go from Residence-B to Residence-A to
9 Residence-AA, and so it's gonna be significantly different zoning
10 criteria for the Residence-AA.

11 VICE CHAIRMAN FRANCIS: Right.

12 (Whereupon, a discussion was held between Board Members.)

13 CHAIRMAN MAMMINA: I mean, there's -- without playing the
14 designer. I mean, there are significant things that can be done here
15 to reduce this bulk, and I don't know, potentially give your clients
16 what they're looking for, but the amount of bulk that's presented
17 to the street in this two-story floor plan.

18 One part that I'm looking at here would probably taking about
19 425 square feet off of that, which would pretty much put you where
20 you belong. But I think you need to go back to the drawing board
21 and look at how can reconfigure give your client what they're looking
22 for and get that floor area compliant or certainly real, real close
23 to compliant. Please don't ask what we would accept because we can't
24 do it that way. We have to look at the three-dimensional, so. But
25 I do think it's doable.

26 MR. KOHAN: Yeah, okay. Like I mentioned before, it was my

1 client's intention to keep the house as it was so she can enjoy --

2 CHAIRMAN MAMMINA: Understood.

3 MR. KOHAN: -- living in the house that she paid so much for.

4 CHAIRMAN MAMMINA: We certainly get it, and I'm sure she paid
5 a whole lot of money for it.

6 MR. KOHAN: Okay, that's fine. We will try to reconfigure --

7 MEMBER GOODSSELL: You can tell her, she can -- your client can
8 present this application and ask for a decision on this application,
9 but I think you can tell how we would vote right now.

10 MR. KOHAN: I know.

11 MEMBER GOODSSELL: So we rather save you some time and money and
12 effort and have you go back to the drawing board rather than just
13 literally --

14 MEMBER HERNANDEZ: Start all over again.

15 MEMBER GOODSSELL: -- just take a vote and have you start all over
16 again.

17 CHAIRMAN MAMMINA: Go back to the Building Department then as
18 a first step so that it can be verified because they have to tell
19 us what the deficiencies are, you know, on that.

20 You would not have to come back, you know, here again. You can
21 write out what is there. If there are any questions that the Board
22 might have, we would then put that in writing to you as well.

23 MR. KOHAN: That's better.

24 CHAIRMAN MAMMINA: Okay.

25 MEMBER HERNANDEZ: So continue?

26 VICE CHAIRMAN FRANCIS: Continue.

1 CHAIRMAN MAMMINA: So we will continue this.

2 MR. KOHAN: Thank you very much.

3 CHAIRMAN MAMMINA: Continuing means it's not denied. It means
4 we don't believe any other -- we're gonna give the opportunity to
5 present subsequent drawings and information.

6 VICE CHAIRMAN FRANCIS: And you don't have to appear before us
7 again.

8 MR. KOHAN: Thank you.

9 VICE CHAIRMAN FRANCIS: Thank you.

10

11

12 C O M M E R C I A L C A L E N D A R

13 SECRETARY WAGNER: Appeal #21716, David Weinberger (Cold Stone
14 Creamery); 509 Great Neck Road, Great Neck; Section 2, Block 51, Lot
15 209; Zoned: Business-A.

16 Conditional use 70-126.F to convert a retail space to a retail
17 food use.

18 CHAIRMAN MAMMINA: You heard Appeal #21716, David Weinberger
19 (Cold Stone Creamery). Is there anyone in the room interested in
20 the application other than the applicant?

21 Seeing no one. Please give your name and address.

22 MR. LAMBERT: Good afternoon. My name is Timothy Lambert. My
23 address is 3012 Fortesque Avenue in Oceanside, New York. I'm here
24 today representing the tenant of 509 Great Neck Road in Great Neck.

25 The tenant would like to open up a Cold Stone Creamery in the
26 location previously occupied by an eyeglass store. The eyeglass

1 store was there for 12 years.

2 509 Great Neck Road is a multi-tenant shopping center that
3 currently includes a supermarket, a bank, a library, a liquor store,
4 and a bagel shop.

5 As per the Town Zoning Code, all food uses in the Business-A
6 district is a continual use, which requires approval by this Board.

7 Cold Stone Creamery is a franchise ice cream parlor.
8 Currently, there are several locations throughout, like Queens,
9 Nassau, and Suffolk. This would be the second location within the
10 Town of North Hempstead. Currently, there's one in Carle Place.

11 Some key factors about the business that I'd like to point out.
12 Is that there will be a maximum of seven employees. Those employees
13 will be working at the peak time of peak business hours, which start
14 at about 8:00 at night. The hours of operation are going to be 11:00
15 A.M. to 12-midnight, Sunday through Thursday. 11:00 A.M. to
16 one-in-the morning on Fridays and Saturdays. Those hours will be
17 all year round. We're gonna have signage on the front side and rather
18 of the building. It will be illuminated.

19 This establishment is take-out only. Customers can order at
20 the counter and pay and receive their order. It's also self-service
21 freezers, which I think they like prepackaged products. There's no
22 customer seating, and there will not be a customer restroom
23 available.

24 The garbage created here is very minimal for this type of use.
25 It'll be picked up at least twice a week. They'll be a dumpster with
26 a closing top. We're going to place that dumpster behind the store.

1 It will be used only for the Creamery.

2 As far as parking, there is a shared parking lot for the entire
3 shopping center the customers can use. We also anticipate some foot
4 traffic from the neighboring homes and businesses.

5 Based on the nature of this business and the hours, the prime
6 hours, we're thinking that there's gonna be no impact on the current
7 parking situation.

8 Based on Foil research we did, there have been some prior
9 conditional use permits for this shopping center. If I could, I'd
10 like to just submit those to the Board.

11 MEMBER GOODSELL: Mr. Lamber, people are desperate for an ice
12 cream cone at 1:00 in the morning? Besides me? I mean, seriously.

13 MR. LAMBERT: I think so. With this weather.

14 MEMBER GOODSELL: I'm most interested in the parking because
15 in my opinion, and I don't know how the rest of the Board feels.
16 There's got to be some kind of sign in the window that says, Parking
17 in the rear or Parking this way. There is absolutely no parking on
18 that Great Neck Road in front of this property. In fact, T-Mobile
19 was getting a delivery when I was visiting, and it was blocking a
20 lane of traffic, and I could see behind me that there was a police
21 car with lights on, which I'm sure was gonna talk to them.

22 The people in 53 Northern Boulevard, which is the building
23 immediately to the west are gonna be very upset if these customers
24 keep pulling into their parking lot, so in my opinion, there has to
25 be something that says, Parking is not here. Parking in that
26 direction.

1 MR. LAMBERT: And that's not a problem. We can add that to sign
2 in the front.

3 MEMBER GOODSSELL: Well, you have to keep an eye on the signage
4 then because again, the signs -- we control the number of signs, which
5 you can have. I mean, I'm all about food. Yes, I've been to the
6 other Cold Stone Creamery. Purely for research. Just to see what
7 it was, but it's a tight spot, and if it's pickup and take-out only,
8 the customers got to know that they're supposed to be parking next
9 to H-Mart, and not in the parking lot immediately adjacent to the
10 west.

11 MR. LAMBERT: Yeah, understood. If you want to make that
12 condition somehow within the grant, we will entertain that, of
13 course. I'm usually here for a parking variance. In this case, we
14 have an enough parking. Thank God, so.

15 MEMBER GOODSSELL: You actually do have enough parking.
16 They're just gonna have to walk a little bit.

17 MR. LAMBERT: Access to it and notification about it, I think
18 that's important:

19 VICE CHAIRMAN FRANCIS: Do you know whether or not they have
20 refrigerated garbage?

21 MR. LAMBERT: No, they're not going to have that here because
22 they don't have much garbage that would need that. It's really just
23 boxes.

24 SECRETARY WAGNER: They're required to have refrigerated
25 garbage.

26 CHAIRMAN MAMMINA: They're gonna be required.

1 MR. LAMBERT: Okay. Then we'll have to make it a part of the
2 drawing set.

3 SECRETARY WAGNER: The Plans Examiner should've said, but that
4 wasn't in there, but.

5 MR. LAMBERT: Okay, yeah, we can add that to the drawings for
6 final permit.

7 CHAIRMAN MAMMINA: That's got to be picked up by private carter,
8 not by municipality.

9 MEMBER DONATELLI: You do not anticipate any seats in the
10 facility?

11 MR. LAMBERT: No, no seating.

12 MEMBER DONATELLI: How about deliveries?

13 MR. LAMBERT: Yes, like Uber Eats and those types of
14 places -- you know, businesses, will be able to pull up, take out,
15 and deliver.

16 MEMBER DONATELLI: And they won't really be interfering with
17 the parking on site?

18 MR. LAMBERT: No, and there's -- like you said, there's no real
19 place to like temporary park, so they're gonna have to use the lot
20 behind.

21 MEMBER GOODSSELL: I did notice there is a rear entrance to this
22 premises.

23 MR. LAMBERT: Yes.

24 MEMBER DONATELLI: Is there access in the rear for deliveries
25 for your products from your suppliers?

26 MR. LAMBERT: I'd have to check that out. I wasn't the -- I'm

1 not the design architect.

2 MEMBER DONATELLI: Well, I guess my question is --

3 MR. LAMBERT: I'm just here to present the case, but I'm not
4 that familiar with the rear of the project.

5 MEMBER DONATELLI: My question is, how will the store be
6 supplied with its goods?

7 VICE CHAIRMAN FRANCIS: Right.

8 MR. LAMBERT: Yeah, I would -- yeah, again, I would have to
9 look -- review the drawings and --

10 CHAIRMAN MAMMINA: Well, is the operator here? Is the operator
11 here?

12 MEMBER GOODSSELL: Is the operator here, Mr. Lambert?

13 MR. LAMBERT: No, they're not.

14 CHAIRMAN MAMMINA: Shame on them.

15 MR. LAMBERT: So I mean --

16 MEMBER DONATELLI: 'Cause I see that there is -- I mean, Great
17 Neck Road is a very heavily traveled road. I would not want to see
18 any trucks interfering with traffic there, and certainly where it
19 intersects with Northern Boulevard.

20 CHAIRMAN MAMMINA: I'm very, very familiar with this shopping
21 center. Having a client of mine, who's since has passed away. That
22 parking lot as was pointed out by Member Goodsell, and from my own
23 experience has always been a very difficult scenario, and that
24 proximity to the corner. It does create a situation that needs a
25 careful look at.

26 MEMBER DONATELLI: Yeah.

1 MR. LAMBERT: Yeah, I mean, in reviewing the plans, it's just
2 the one-story store, and they do have like a rear door and a front
3 door. I'm thinking that towards the rear door probably be the most
4 practical place for deliveries since they have some floor space.

5 CHAIRMAN MAMMINA: I think things like that are gonna have to
6 be submitted, you know, to us. I don't mean to scold anybody, but
7 I just look at it and I say, you know, this must've been really
8 important to the applicant, but. And refrigerated garbage, even
9 though on the drawings I do see a trash cooler outside of the building.
10 I don't know that it's permitted to be outside of the building, and
11 I would also want to see in its direct proximity from the store on
12 the site plan.

13 MR. LAMBERT: Yeah, I mean, I think we improve the site plan
14 on this drawing set to that larger scale, and identify dumpster,
15 possible garbage, and also delivery pad, and that's something we can
16 do on this -- probably on this front sheet here.

17 CHAIRMAN MAMMINA: I did make a note -- again, I don't mean it
18 to be the critical but we spent a lot of time going through these.
19 I wrote, these plans are a little sketchy.

20 MEMBER DONATELLI: Going back to my original question about the
21 dining in. I do not see any chairs or stools, but I do see that you
22 have an area in the plan called dining area, so I guess, are people
23 expected to be standing while they eat their ice cream? That seems
24 a bit odd to me. I don't know why it would be called a dining area.

25 CHAIRMAN MAMMINA: And it's a significant size.

26 MEMBER DONATELLI: Yeah, I would like to see more descriptive

1 plans that are better explanations.

2 CHAIRMAN MAMMINA: You got cash register up there, serving
3 counters, coolers.

4 SECRETARY WAGNER: So for retail food use, I think you're
5 permitted up to 12 seats, but you're saying that there weren't any
6 seats?

7 MR. LAMBERT: No, they weren't proposing any seats. It's a
8 quick in-and-out ice cream parlor. Standing room only, possibly
9 while everyone orders their ice cream, and they're on their way.

10 (Whereupon, a discussion was held between Board Members.)

11 MEMBER DONATELLI: It just seems odd to have such a large dining
12 area and to not have seating.

13 MR. LAMBERT: Would the seating affect the decision today of
14 use?

15 MEMBER DONATELLI: I'm just trying to figure out what the
16 thinking is behind the plans, and what the anticipated use for that
17 very large dining area is if it's undefined. That's really my
18 question.

19 MR. LAMBERT: What I was told, it's just an ice cream parlor,
20 and it's like an in-and-out just seating thing.

21 CHAIRMAN MAMMINA: Forgot what you were just told. It's got
22 to be factual.

23 MR. LAMBERT: Yeah, we can update the plan with better labels.

24 CHAIRMAN MAMMINA: And very honestly. Take it as I mean it,
25 and I mean it sincerely. Just that. I'm a little disappointed that
26 the owner is not here, but that's up to them, you know, to not be,

1 but I would assume they're gonna be spending a chunk of money on this
2 and it's a franchise. I don't know -- enough said. I think you
3 should go back and read all of the conditions for food uses, and also
4 look at the fact that it says that there is no seating in here, so
5 then it would have to be something of what's going on there or there's
6 gonna be some affidavit or something, which would then be -- that'll
7 be up to the Building Department to be checking that. The way the
8 deliveries come in the way. The garbage comes and goes. Showing
9 the refrigerated garbage. Showing where it sits within there.
10 Those are all things that we're used to seeing.

11 MR. LAMBERT: Okay. If I could propose just revised plans to
12 be dropped off to the, I guess, the Planning Examiner or to your
13 office.

14 CHAIRMAN MAMMINA: You'll go back to the Building Department.
15 Anything that you revise. The Building Department will ensure
16 itself, and then pass it along to the Zoning Board saying either that
17 there are no new variances or these are additional variances. But
18 there is no second hearing, and you would also have to the opportunity
19 to respond to that in writing. Maybe amend the plan if it needs to
20 be amended. Kind of the way we do it here is this your day at bat.
21 Only 'cause you'll see if you want to hang out today, we'll be here
22 probably to 6:00 at a minimum, so. I think you understand.

23 MR. LAMBERT: I do, and I appreciate your time. Thank you.

24 DEPUTY TOWN ATTORNEY ALGIOS: I'm sorry. Was this submitted
25 as an exhibit?

26 MR. LAMBERT: Exhibit.

1 DEPUTY TOWN ATTORNEY ALGIOS: What was the purpose of this?

2 MR. LAMBERT: It was just to show previous grants were in line
3 with the grant today that I'm asking for.

4 DEPUTY TOWN ATTORNEY ALGIOS: So this is a prior BZA decision,
5 and it'll be taken in as Exhibit 1.

6 CHAIRMAN MAMMINA: There was a food use in there?

7 DEPUTY TOWN ATTORNEY ALGIOS: Yes.

8 MEMBER GOODSSELL: Well, there had been in this shopping center.
9 There was a food use in this location.

10 DEPUTY TOWN ATTORNEY ALGIOS: Pass it around, so they can see,
11 #21716.

12 (Whereupon, a discussion was held between Board Members.)

13 SECRETARY WAGNER: We're going to continue this application,
14 so you can submit the additional information the Board requested.

15 MR. LAMBERT: We will. Thank you.

16 CHAIRMAN MAMMINA: I think what we're gonna do is take like a
17 20-minute break, and it will really be 20 minutes 'cause we got a
18 long day today.

19 (Whereupon, there was a recess taken in the Proceeding.)

20 SECRETARY WAGNER: Just as a reminder for the commercial
21 appeals. The applicant gets as much time as they need to make their
22 presentation, but any members of the public who wish to speak are
23 limited to three minutes.

24 CHAIRMAN MAMMINA: As I like to say, we don't chop your head
25 off at three minutes, but we try to keep it moving. There's nothing
26 wrong just saying I agree completely with the person before said.

1 Because the more times it's on the record, doesn't mean it's
2 any stronger.

3 Please call the next case.

4

5

6 SECRETARY WAGNER: Appeal #21717, FES/Northman Realty LLC;
7 1410-1420 Northern Blvd., Manhasset; Section 3, Block E, Lot 490;
8 Zoned: Parking/Business-A.

9 Appeal for determination or in the alternative variances from
10 70-105 for interior alterations to an existing commercial building
11 for use as a day care (not a permitted use) and construction of a
12 dumpster enclosure and fence gates for the purposes of storing a
13 dumpster (not permitted uses), and variances from 70-103(A)(1) and
14 70-203.1(C) for not enough parking and not enough queuing spaces.

15 CHAIRMAN MAMMINA: Appeal #21717, FES/Northman Realty LLC. Is
16 there anyone in the room interested in the application other than
17 the applicant?

18 Seeing no one. Please give your name and address.

19 MS. DEEGAN DICKSON: Good afternoon. My name is Kathleen
20 Deegan Dickson. I'm a partner at the law firm Forchelli Deegan
21 Terrana, LLP; 333 Earle Ovington Boulevard, Uniondale, New York.

22 I'm here this afternoon on behalf of FES/Northman Realty LLC,
23 which is the owner of the property where Manhasset Kids LLC is seeking
24 to establish a daycare center. The proposal is to convert an
25 existing commercial retail space where the Staple is currently
26 located into a daycare center and two other tenant spaces. Most

1 likely a retail and a med spa use.

2 Just by way of introduction, so you know who our team is. I
3 have with me Laura Kulkarni, who is the proprietor of the Goddard
4 School, who will be the operator of the daycare center, and Evan
5 Greenberg and James Skolnik, who are representing Levitt Management,
6 which is ownership. Representative Wayne Muller from R&M
7 Engineering, who is our traffic engineer, and R&M is also doing site
8 civil for the property, and Luigi Gelano is the project architect.
9 They'll be here to answer questions, and Mr. Muller will speak in
10 a little bit.

11 Our application before you today is a request for a
12 determination or in the alternative use variance and also for parking
13 variances. This property has the benefit of a prior use variance
14 that was granted in 1995, which permitted the existing commercial
15 building to exist in the Parking District. We believe that this
16 prior use variance, which allowed this building to be constructed,
17 and the building of which is not changing size or location, that it
18 should include the permitted and conditional uses that are permitted
19 in Business-A district, which is what the entire surrounding area
20 is.

21 Just to orient you a little bit. The property is at 1410
22 Northern Boulevard in Manhasset. It's the Staples building.
23 Here's Northern Boulevard up here to the north. The parking lot,
24 the vast majority of the parking lot is in the Business-A district.
25 The zoning line comes up on an angle. The building itself is located
26 in the Parking District. As you know, the only thing that's

1 permitted in a Parking District is parking. In the absence of use
2 variance, you can't do anything there at all except for parking.

3 It's our position that the use variance was granted in 1995 and
4 that it covered this use and any other commercial use that would go
5 in this property. The Building Department disagreed or in an
6 abundance of caution figured they'll send us to the Board just to
7 get the blessing on this application.

8 So the daycare use --

9 MEMBER HERNANDEZ: Excuse me.

10 MS. DEEGAN DICKSON: I'm sorry.

11 MEMBER HERNANDEZ: I'm sorry to stop you. I just want to
12 clarify because I've been in this neighborhood long enough to
13 remember that there was an unfinished building at the front where
14 now the Parking District has the little park on the, you know,
15 honorary park there. Then when the Staples building was put up, they
16 demolished that, and moved the building to the back, to the rear where
17 I guess the parking used to be.

18 MS. DEEGAN DICKSON: Right.

19 MEMBER HERNANDEZ: So when that was done, they didn't change?

20 MS. DEEGAN DICKSON: They didn't change the zoning. I don't
21 know why. I wasn't involved in that application. I'm not sure why
22 they chose to do it as a use variance rather than as a change of zone,
23 which in someways might make more sense.

24 All of the other properties here, the King Kullen building is
25 in the Business-A district. The Marshalls and the DSW, all
26 Business-A. The soon to be NYU Langone, Business-A. All across the

1 street is Business-A.

2 MEMBER HERNANDEZ: So then that strip of parking, a part from
3 that little park area with the little parking. Apart from that, that
4 is technically Business-A where that parking spaces are?

5 MS. DEEGAN DICKSON: Yes, all of this is Business-A.

6 MEMBER HERNANDEZ: Interesting.

7 MS. DEEGAN DICKSON: The entire parcel is not zoned parking.
8 Strangely, just the parcel where the building actually exists. So
9 that building obviously couldn't have been put there without the use
10 variance in 1995.

11 The daycare use is conditional use under the Business-A. zoning.
12 Also, in Business-A. It's our contention that because the
13 commercial use has already been permitted that we're not here for
14 a use variance, but we're here actually here for a conditional use
15 permit to allow the daycare center in this area. Otherwise, you'd
16 never be able to change a tenant in the building without having to
17 come back for another use variance, and if it's denied, you have a
18 white elephant of, you know, you're gonna turn it into a garage so
19 people park there, and that's literally the only use that permitted
20 in a Parking District.

21 By the same token, we were denied also for the accessory uses
22 that are customarily accessory to commercial business are dumpster,
23 some fencing, and some gates. Again, it's our contention that
24 dumpsters and fences and gates are something that are customarily
25 accessory to the business use that was already permitted, and that
26 it should be also included with that 1995 parking variance. We are

1 going to be relocating the dumpster. We're going to talk about in
2 a little bit later. But you can't have a partial building without
3 a dumpster, so it's our belief and strong feeling that this is already
4 covered by the existing use variance that was granted in 1995.

5 MEMBER HERNANDEZ: Again, just to repeat. I'm assuming
6 Staples doesn't?

7 MS. DEEGAN DICKSON: Staples does have a dumpster. Staples has
8 a loading dock that is in the back, and the dumpsters are back here.
9 Our plan is just to relocate the dumpster to the west side from the
10 south side. The other -- just while we're talking about that
11 quickly. There's an area that's fenced in over on the corner of
12 Shelter Rock Road that is going to remain, but then the plan, and
13 we'll going to do a little more detail, is to create a play area.
14 If you're familiar with this shopping center, there's a retaining
15 wall that goes around the building, so it's raised above the parking
16 level. That's going to be turfed in and fenced, so that'll will be
17 an exterior play area for the students -- for the children there,
18 and then also proposing a roof area that's pulled in from the corners
19 and very securely enclosed on the roof for the remainder of the play
20 area. I mention that also because that's part of the conditional
21 use criteria that is required under 70-203.1, which is where the
22 special use criteria for conditional use criteria for daycare comes
23 into place.

24 In the alternative, we're here also requesting a use variance
25 if you find that it is necessary in order to allow the use that we've
26 proposing.

1 We're also here seeking variances for insufficient off-street
2 parking for the proposed use mix in this building, and insufficient
3 drop off spaces for the proposed daycare use. We're proposing 79
4 parking spaces where 93 spaces are required, which is a deficiency
5 of 14 spaces, and we're proposing 10 drop off spaces, where 18 spaces
6 are required, which is deficiency of eight spaces. We will
7 demonstrate today that both the parking and the drop off spaces that
8 are supposed to be provided are sufficient to accommodate the daycare
9 use, the existing bank, and the other potential tenants in the
10 shopping center based on the peak hours of operation, and even just
11 the -- even if -- with the traffic flows in and out, that there's
12 not going to be an issue where there's overflow off the site or where
13 people aren't able to find parking.

14 One major change to the property since the use variance was
15 granted is there are 18 spaces along the DSW building that were the
16 subject of a long-term ground lease at the time of the use variance.
17 Those have since been purchased by the owner of building, so now
18 they're completely owned and fee and in common with the rest of the
19 site. That's always been part of the -- part of the condition to
20 provide those parking spaces for this building at all times, and those
21 are going to continue, but now under the ownership.

22 MEMBER GOODSSELL: I have a question. Is there any plan to cut
23 off the access between the Staple shopping center as I'll call it,
24 and the joining shop center? Because right now there's a
25 passthrough.

26 MS. DEEGAN DICKSON: Yes, and that's proposed to continue.

1 There are two access points for this site. There's the one here,
2 which is a right turn in and return out, which is on the north side
3 on the site on Shelter Rock Road. Then a little further south is
4 a signalized intersection that has two way in and out. This
5 intersection, the southerly, one enters into the site that's owned
6 by Kimco where the King Kullen is and there are cross access
7 agreements between the owners of the two properties so that people
8 who are at King Kullen if they wanted to head -- if they wanted to
9 go to the daycare and to the bank, they can come in here. There's
10 not a cross parking agreement but it's cross-access.

11 MEMBER GOODSELL: Cross access agreement, so there's no plans
12 to cut off that cross access.

13 MS. DEEGAN DICKSON: Correct. We want to try and keep it
14 flowing as smoothly as possible. It is actually, and Wayne Muller
15 is here, and he'll get into it. I'm not the traffic engineer, but
16 there are some really nice features of this parking lot that make
17 it really ideal for the daycare use. There's a lot of traffic calming
18 features with Long Island that kind of project out and no straight
19 shot running through where people can speed to get out, and also,
20 the fact that there's only a right-hand turn out at this northern
21 intersection, and it's unsignalized, so.

22 We're going to improve signage to make sure that everybody knows
23 it's right out and if you want to go north on Shelter Rock Road that
24 you have to loop around to get out the signalized intersection.
25 That'll all be part of the application to the Building Department.

26 MEMBER HERNANDEZ: Unfortunately, as someone that goes through

1 that intersection multiple times a day, I've seen way too many people
2 completely ignore the no left turn on that exit.

3 MS. DEEGAN DICKSON: We heard. I am so astounded by that
4 because again --

5 MEMBER HERNANDEZ: It is mind-boggling.

6 MS. DEEGAN DICKSON: It is. I mean, I --

7 MEMBER HERNANDEZ: And I have actually seen people make left
8 turn into the parking lot northbound going in through the exit sign,
9 so the stupidity of people cannot be accounted for.

10 MS. DEEGAN DICKSON: I know.

11 MEMBER HERNANDEZ: So everything has to be done to clearly mark
12 that if you want to go north to go out through the other parking lot.

13 MS. DEEGAN DICKSON: Yes. There is signage throughout the
14 shopping center. Our traffic engineers are taking a good look at --

15 MEMBER HERNANDEZ: Actually, there's nothing that says -- there
16 is nothing in the parking lot that says if you want to go north.

17 MS. DEEGAN DICKSON: I think there is a sign actually here.

18 MEMBER HERNANDEZ: It only says southbound, but it doesn't say
19 if you want to go north, go out the other way.

20 MS. DEEGAN DICKSON: Oh, all right.

21 MEMBER HERNANDEZ: Believe me, I go in there at least once a
22 day.

23 MS. DEEGAN DICKSON: We'll make sure we look at that. Because
24 we also -- because Shelter Rock is a Nassau County road, we're working
25 with Nassau County for their 239F process. We've already talked to
26 them about some more robust signage and some other aspects that might

1 prevent people from doing silly things. I'm not sure how they
2 actually manage that, but.

3 The current retail space, this finkel space is 19,724 square
4 feet. The landlord intends to split this existing space into three
5 new tenant spaces, creating a 13,978 square foot Goddard School
6 daycare center. A 3,030 square foot retail tenant space, and most
7 probably a 2,719 square foot med spa. They had a lot of interest
8 from cosmetology places. This is a mecca for people who come for
9 spa treatments and cosmetic treatments. That's most likely going
10 to be the third tenant within that space. The existing Santander
11 Bank on the property will remain in its current location and is not
12 being changed.

13 As I mentioned, all of the other commercial uses along this
14 stretch of Northern Boulevard, all the way down. All the way east
15 and all the way west other than the school use and the religious uses
16 are located within the Business-A district.

17 The zoning variance, the use variance that was granted in the
18 1995, is in your exhibit package, which was submitted through the
19 portal. It's at Exhibit B. You'll see the primary conditions of
20 that were about cross access and these 18 parking spaces to make sure
21 that they were always affiliated with this site.

22 If this Board agrees with our interpretation versus the Building
23 Department interpretation that the use is already covered in the
24 commercial building under the prior use variance, then you can view
25 this application as a conditional use permit under the criteria
26 70-126(K) and 70-203.1 of the code. 70-203.1, which is the

1 conditional use criteria for a daycare center, requires that the
2 center conform with the New York State Office of Children and Family
3 Services licensing requirements, which Goddard will. That there's
4 a fenced-in play area provided that is not located within any front
5 yard setbacks. That is also part of this plan to comply, and to
6 provide a drop off area in front of the main entrance.

7 Goddard School comports to all of these requirements. They
8 will be licensed by New York State. As I mentioned, there's going
9 to be two separate or maybe three separate fenced-in play areas that
10 are removed from the parking areas. One on the roof, and then one
11 each side of the building along the perimeter. Drop off and pickup
12 is proposed to be in the parking spaces closest to the people where
13 parents can safely walk their children into the building and out.
14 Although we do require a variance for the requested number of drop
15 off spaces.

16 The property, as I mentioned, has 79 parking spaces where 96
17 are required for the proposed mix uses. We're also proposing ten
18 drop off spots, which will be restricted and identified by signage.
19 There's 18 required based on the number of patrons coming and going.
20 As a practical matter, though, and Laura Kulkarni has worked closely
21 with us and the landlord to right size this building. She knows what
22 her needs are for parent pickup and drop off. She operates three
23 other Goddard Schools in New Jersey. She's actually one of their
24 premier operators. They have schools all over the -- daycare centers
25 all over the country, and Laura is one of their gold star -- one of
26 their -- I might be saying it wrong, but one of their top tier

1 performers. She really is an expert in her business. Her three
2 locations in Jersey are in very similarly demographic communities
3 to Manhasset, so she knows the -- she knows what people's work
4 schedules are. She knows the type of in and out that's going to be
5 required. Also, because it's a daycare center, even though it's
6 called the Goddard School, it's still a daycare center. People
7 arrive and depart on their own schedules. It's not like a school
8 where you have 30 school buses coming at once, and everybody jumps
9 out and there are people waiting on the curve to usher the kids in.
10 In this instance, the parents come on their own schedules. There
11 are some peaks and some high points of when that happens, but people
12 can come at any time when they open at 6:30 in the morning.

13 MS. KULKARNI: 7:00.

14 MS. DEEGAN DICKSON: 7:00 in the morning, and close at 6:00 at
15 night, so you can bring your kids in and out. Goddard requires every
16 parent or every caretaker to walk the children into the building.
17 They're small children. These are all children of pre-school their
18 age, so they're children from infancy to five or six years old.
19 Nobody's letting their kid at the curve and letting them run in.

20 The configuration of the drop off area is proposed to be the
21 spaces immediately in front of their entrance here. There's -- I
22 don't want to say the wrong number of spaces. We've got -- we have
23 three spaces -- no, sorry. Four spaces for drop off here, and then
24 three spaces in this aisle, and three spaces on the next aisle for
25 a total of ten parking spaces for drop off, so they're all most
26 directly in front of the entrance. As I mentioned, the nice features

1 about this site, which some people may find inconvenient actually
2 works very well for traffic calming that, you know, as cars come in,
3 they're going to move slowly. There's no straight shot to people
4 rushing through. Parents will come in -- pull in. For each parking
5 space will be a signage that will be five days a week all day for
6 Goddard pickup and drop off only, and limited to five or ten minutes
7 each because that's the maximum time anybody needs.

8 There're also the staff parking is going to be all located in
9 the northern part of the site, so that the rest of the site will be
10 available for the other tenants in the building, or if a parent has
11 a meeting or they want to come in bring in cupcakes and spend
12 20 minutes instead of five minutes. There's enough capacity there
13 to handle that.

14 The Board has granted similar variances for the parking and drop
15 off spaces for daycare centers. We included two of them in Exhibit 6,
16 which is in your exhibit package. Most notably, and it's not here,
17 but there's KinderCare directly across the street. I'm familiar
18 with it. I got those variance a number of years ago for them. It
19 was for a parking variance of 45 stalls. There was a 45 stall
20 deficiency, and a drop off space variance of 11 stalls. They didn't
21 have any designated drop off spaces. It was just part of the parking
22 lot. That was granted. Then the Learn and Play Daycare located 120
23 Voice Road received a parking variance of 38 stalls and a queuing
24 space variance of eight stalls. Both of those instances, the
25 applicants were able to demonstrate to this Board that the number
26 of space was adequate, and that it was safe. That's everybody's

1 primary concern at daycare centers is safety, and it's the operator's
2 primary care as well. Nobody is going to set something that they
3 know is going to be unsafe, and if during operations, if there's
4 something that they need to make ready, you know, the standing time
5 a little longer or a little shorter, those things can be operated
6 in realtime. Laura knows her business very well. She knows how
7 people are coming and going, and what they're -- what the traffic
8 flow is for their site.

9 I want to mention that New York State has determined that this
10 area of Nassau County is what they call a daycare dessert.
11 Interestingly, there's one right across the street, but there's very
12 few daycare centers in this area, commercial daycare centers. I
13 think there's some home-based ones and whatnot. There's a real
14 demand for it here. The community needs it. There's now with
15 Manhasset having a downtown and having a transportation center, and
16 now with NYU Langone opening across the street, I think the demand
17 for this is going to be very high, but pulling from the people who
18 are already living and working there. I think it's going to be a
19 very nice amenity for the community.

20 Before I get into my criteria, the elements of the use variance,
21 I'm going to introduce Wayne Muller from R&M Engineering. He'll talk
22 to you about what they've seen, what they've studied, and what the
23 results of their parking and that traffic study of the area.

24 MR. MULLER: Good afternoon. Wayne Muller, R&M Engineering.
25 Offices at 50 Elm Street in Huntington, New York.

26 Ms. Deegan Dickson covered a lot of what I was going to say,

1 but I'll just hit some of the highlights. As the Board is aware,
2 we prepared a very detailed traffic study, which was submitted on
3 the portal dated May 2025. In addition, this morning, we submitted
4 another document on the portal, which we thought would be helpful,
5 and I brought some additional copies with me this afternoon.
6 Essentially what that was a synopsis requested by the Nassau County
7 Planning Commission in advance of their meeting, which was held on
8 June 26. Based on the County's --

9 SECRETARY WAGNER: This will be Exhibit 1?

10 MR. MULLER: Yes, but I believe it was posted onto the portal.

11 SECRETARY WAGNER: Right.

12 MR. MULLER: Essentially, based on our discussions with the
13 County at their work session, based on the information that we
14 provided to them, they determined that the site is worthy of a local
15 determination without any modifications.

16 As Ms. Deegan Dickson indicated, it's proposed to reoccupy a
17 portion of the existing Staples building with the proposed Goddard
18 School. A very, very detailed analysis was prepared in my report.
19 Access to the property will remain as it currently exists with the
20 existing right-in and right-out driveway on Shelter Rock Road.
21 There's an existing right-in only driveway on Northern Boulevard to
22 the adjacent Manhasset Center, and there's a signalized driveway on
23 Shelter Rock Road opposite the former Lord & Taylor, which is now
24 currently slated to be an NYU Langone facility.

25 Another thing that I would like to point based on our previous
26 discussions, and these are just screenshots from Google Earth.

1 SECRETARY WAGNER: This will be Exhibit 2?

2 MR. MULLER: Yeah, thank you.

3 As part of the application, we met with the Nassau County
4 Department of Public Works at one of their biweekly meetings. At
5 which point, it was determined that the subject's application will
6 not be subject to 239F Review or that the County did indicate at the
7 meeting that they would like upgrades to the right-in right-out
8 driveway that's located on Shelter Rock Road, and it's primarily to
9 improve the pedestrian access across the pork chop that's installed.
10 As part of our discussions during the pre-application for this
11 project, we determined that -- I mean, you can see from the
12 screenshots. If you go to the -- it actually is the third page. You
13 can see that currently the signage that's available at the right-in
14 right-out driveway on Shelter Rock Road. There's a Right Turn Only
15 sign, which is standard, but it's pretty small, but across the street
16 is the No Left Turn sign. Part of the application is our intention
17 to petition the County to allow us to install larger signs, and that
18 would further enhance, you know, people shouldn't be making a left
19 out that driveway. We did observe a few, yes. In my opinion, it's
20 not a great situation. I personally wouldn't make the left out of
21 there, but for whatever reason, people do.

22 The next page of the pictures, and it's hard to see --

23 MEMBER HERNANDEZ: Again, I'm sorry to interrupt, but I think
24 it is a safety issue because I've seen too many accidents. This was
25 an improvement from what we had before. Before we had nothing. This
26 is better. It's still a problem. I think with what the parking lot

1 needs, it's not just the Right Turn Only. It's that indication to
2 the people that are especially new that if you need go to north on
3 Shelter Rock Road, don't exit that way. Exit the other way. Exit
4 the to the adjacent parking lot.

5 MR. MULLER: You're absolutely right. I think part of that was
6 in the next photo. You see there's a sign located right here in the
7 photograph. It's hard to see, but I checked Google Earth, and the
8 reason why we printed it out is that there is an existing sign. It's
9 actually located on the property line between this shopping center
10 and the adjacent one. They actually did install a sign that said
11 Shelter Rock northbound to go right out the driveway.

12 MEMBER HERNANDEZ: But that sign is for the King Kullen parking
13 lot.

14 MR. MULLER: You're absolutely right.

15 MEMBER HERNANDEZ: People trying to leave. It says nothing to
16 the people on the Staple side.

17 MR. MULLER: You're absolutely right.

18 MEMBER HERNANDEZ: The people on the Staples side need a
19 notification that if you want to go south -- north, excuse me. They
20 need go out through the parking lot of King Cullen.

21 MR. MULLER: I think that something similar to that --

22 MEMBER HERNANDEZ: On the other side.

23 MR. MULLER: On the other side. Absolutely. We are in total
24 agreeance with that. As Ms. Deegan Dickson indicated, when you come
25 in off the driveway on Shelter Rock Road, it's not a straight shot
26 through the parking lot to access the much larger shopping center

1 to the west. You got King Kullen, which is a major tenant. DSW,
2 Marshalls. I think you got Michael's in there. That's a pretty
3 large national tenants. As you can see on the aerial you come in
4 and then you're really forced to slow down to maneuver through the
5 parking lot, which in itself is a traffic common feature. I think
6 that one thing that would further enhance that would just be the
7 installation of a couple of stop signs within the parking lot to
8 further reinforce the traffic common nature. We can do that as part
9 of the Building permit application.

10 MEMBER DONATELLI: You do not anticipate the parking lot
11 reconfiguration, do you?

12 MR. MULLER: Not at all.

13 MEMBER DONATELLI: My own experience in that parking lot it's
14 exactly that. The way it's configured, you cannot possibly go fast
15 if you wanted to.

16 MR. MULLER: Yes.

17 MEMBER DONATELLI: I would also imagine that since there is a
18 daycare facility, the parents will be taking their children there
19 on routine basis so that they will know what the routine is. That
20 they will be used to whatever routine is being suggested to them by
21 the school. They will park where the school asks them to park. They
22 will not leave their motors running. They will not have their kids
23 run across the parking lot.

24 MR. MULLER: I totally agree with your assessment without a
25 doubt. And that's one of the nice things is that the parking lot
26 it actually serves as traffic common. Specifically for people

1 coming in from the north to make the right turn into the parking lot,
2 and then go into the adjacent shopping center, or even into this
3 shopping center.

4 As indicated in my report, we prepared an additional parking
5 analyst of both the proposed Goddard School and the other proposed
6 tenants. What we found is that there will be more than sufficient
7 parking provided on the property during the peak time, which will
8 be 5:00 in the afternoon. We would anticipate that there will be
9 13 or 14 vacant spaces within the parking field, and that's assuming
10 that the parents are coming in and parking, going into the Goddard
11 School, and taking their children, and they're getting in their cars
12 and drive away.

13 Another nice feature about the daycare facility is that its
14 peaked hours are in the morning and in the afternoon. In the morning,
15 the activity at the shopping center is relatively low. I mean, King
16 Kullen is open but their peak levels of activity are later on in the
17 day, and then again on Saturday and Sunday when this facility will
18 be closed as opposed to Staples, which had a lot of activity on the
19 weekends.

20 Our analyst of the traffic generated by the repurposing of the
21 Staples space indicated that the -- we don't anticipate any
22 significant impacts to traffic conditions on Northern Boulevard or
23 Shelter Rock Road as a result of the approval of this project.

24 One thing that we didn't put in our report, which is probably
25 going to happen, is that with the reoccupation of the former Lord
26 & Taylor facility with NYU Langone, there will be a significant number

1 of employees in that facility across the street, and this will be
2 the perfect place for somebody who has children who does work to bring
3 their children for daycare 'cause daycare, in my opinion, is
4 something that's born out convenience. It has to be fairly
5 convenient for someone to go to because normally they're on their
6 way to work to drop off their children, and then going home from work.
7 It's not beneficial -- and everyone's always pressed for time. It's
8 not we have an extra 45 minutes or a half hour to kill in the morning
9 to drive out of way to go to a daycare facility. People normally
10 select them based on their location, and this is properly suited on
11 Northern Boulevard, which is a State highway and on Shelter Rock Road,
12 which is a fairly major County roadway, and this portion of Nassau
13 County.

14 Therefore, based on the analysis that we prepared, it's my
15 professional opinion by granting this application that there will
16 be no significant impacts to park conditions on the subject property
17 or on the adjacent property, and that the traffic generated by the
18 facility will not impact the area roadways. In fact, due to the fact
19 that there'll be a significantly large medical facility across the
20 street, a lot of the vehicles that may potential come here are already
21 on the roadway network, and also that the project team is going to
22 come up with a very thought out way to manage the drop off and pickup
23 of the students to the facility that will occur in the areas where
24 the level of activity will be relatively low because again, the
25 driveway to and from Shelter Rock Road is configured, it's not right
26 in the path of where the parents will be.

1 I'll be happy to answer any questions.

2 MEMBER DONATELLI: I'm not sure if this is question for you or
3 perhaps for Ms. Deegan Dickson.

4 As I look at the survey, the Staples store has a current loading
5 area, and I see there's a notion, loading area easement benefitting
6 the property, and that appears to be a record. I guess my question
7 is -- well, since the Staples store will be gone, but there is that
8 loading area. Will that loading be sealed off, and is that subject
9 to an easement that will allow it to be closed off? What is the status
10 of that loading dock?

11 MS. DEEGAN DICKSON: So the easement will continue to exist.
12 We're not extinguishing any rights with this, but the loading docks
13 will not be there anymore. There's no need for that type of loading,
14 and that will be in the area where the outdoor play area will be
15 elevated in that area.

16 MEMBER DONATELLI: And the Staples store for lack of a better
17 term, would just be the one that would be able to close it off? I
18 mean, if they're benefitting the easement then the fact that they
19 close it off would not be affecting anyone else.

20 MS. DEEGAN DICKSON: Correct. It would just be an additional
21 area that the owner of our site has a right to use, but there's no
22 plans to use it at this time.

23 MEMBER DONATELLI: Where that loading area currently is, will
24 that be part of the outdoor space for the children?

25 MS. DEEGAN DICKSON: I'll be honest, I don't know the answer
26 to that because it is over the property line. I'm not sure if -- if

1 it's something that's available to be used, it will be used.

2 MEMBER DONATELLI: Well, I was looking on Google Earth. It
3 appears that there is that retaining wall, and there is a green area
4 on the side between the retaining and the building. I guess that
5 gonna be the outdoor area?

6 MS. DEEGAN DICKSON: Give me one second. So on the site plan,
7 you can see on the -- its oriented sideways, so the top is actually
8 west, but -- so the existing loading area is here, and that will be
9 part of the play area. I thought you were talking about this dumpster
10 area down in that south side.

11 MEMBER DONATELLI: No, it's the area along the west portion of
12 the building?

13 MS. DEEGAN DICKSON: Yes.

14 MEMBER DONATELLI: Got it.

15 MS. DEEGAN DICKSON: Yes. So all of that will be part of the
16 outdoor play area that's elevated and fenced.

17 MEMBER DONATELLI: Thank you.

18 MR. MULLER: I have nothing further.

19 MEMBER GOODSELL: No questions.

20 CHAIRMAN MAMMINA: We're all good.

21 MR. MULLER: Thank you.

22 MS. DEEGAN DICKSON: So we all know or at least I know the
23 Chairman knows, even though he's not a lawyer, but as all the lawyers
24 on the Board knows that usually we don't like to come in with use
25 variance. They're usually not something that's our first choice.
26 There's a very heavy burden to prove. Oftentimes, I don't take the

1 cases. This one, I think, is somewhat of a no-brainer. We're
2 talking about an existing building that's already being commercially
3 used. It's not a nonconforming use.

4 MEMBER HERNANDEZ: But it's in retail use, so another retailer
5 could go in there.

6 MS. DEEGAN DICKSON: Another retailer could go in there.

7 MEMBER HERNANDEZ: It's not that it is a white elephant, as it's
8 called. Its available for another retailer.

9 MS. DEEGAN DICKSON: Yes, it is, but it's also -- we all know
10 the status of retail these days. The ownership -- and the reason
11 I wanted to have representatives from ownership here is in case you
12 did have any specific questions, but they're been trying to find a
13 class-A tenant for this spot. They wanted to find somebody that was
14 going to be a high-quality anchor for this center. Retail -- high
15 quality long-lived retail is not very easily come by these days.
16 Even if they're something that's hot for the time being, you know,
17 most of the applications that come before you are for restaurants
18 or for gyms, therefore, for things that are not technically retail,
19 but I think that there's no questions that daycare center is
20 considered a commercial use. It's already contemplated in a
21 Business-A district as a conditional use, so granted it has to come
22 before this Board no matter what so that you can make sure that the
23 criteria is met, or that it's sufficiently met.

24 MEMBER HERNANDEZ: To go back to the drop off and pickup. You
25 mentioned that it would be at the convenience of the parents, of
26 course, because they're the ones or the caregivers that would bring

1 the child over, but I would have to imagine that given that it's a
2 daycare that traffic has to be extremely skewed to early morning and
3 very late afternoon. Extremely skewed.

4 As someone that drives through that intersection, like I said,
5 basically every morning, traffic backs up significantly, as we all
6 know because Shelter Rocks unfortunately dead ends at Northern
7 Boulevard, so it backs everything up. I find it difficult not to
8 imagine additional traffic being driven because right now, Staples,
9 yes, they draw some early morning traffic. I have no doubt, but I
10 don't know how many children. I didn't do the math. How many
11 children are expected to be coming here, but I would imagine it's
12 a significant number given the size of the space, and I would imagine
13 that the average parent probably drops off maybe 1.5 child or
14 whatever, so there is gonna be a lot cars coming into that shopping
15 center. Maybe not staying long there, okay? I agree with you
16 possibly the parking will not an issue, but that traffic in the
17 morning at 7:30, 8:00 in the morning, has to be carousal, and the
18 same thing at 5:00 in the afternoon.

19 MS. DEEGAN DICKSON: I think what Mr. Muller had stated that
20 daycare is really a product of convenience. That people who are
21 going to be driving to the train station already to take their train
22 to Manhattan will swing and drop their kids off, or people who have
23 their offices in Great Neck or who are heading to Long Island
24 Expressway from Manhasset, they're going to be driving by. I think
25 the expectation is that the mast majority of the traffic that this
26 is gonna generate are people who are already on the road. People

1 are already dropping their kids off somewhere else or dropping them
2 off at their in-laws or, you know, doing -- finding other alternatives
3 that may be further away and less convenient. The expectation is
4 that it's not going to be a large traffic -- a large independent
5 traffic generator. I'm sure there will be some trips that will be
6 new trips, but I think also to your point, that they are going to
7 be staggered. Some people are bright and early, catching the 7:12
8 train into Manhattan, so they'll be right there at 7:00 and get there.
9 Some people don't have to be to their office until 9:30, and they
10 might drop their kids off sometime after that. The number of
11 children expected -- or I should say, the number of children that
12 the site can accommodate because there's -- New York State has their
13 own regulations where you have to have a certain number of square
14 footage per children, and also the Town of North Hempstead when they
15 calculate the parking allocates a certain number of square feet per
16 child.

17 The maximum number of children to be accommodated here is 210,
18 and the maximum number of staff here is 41 staff, but that's to
19 accommodate the program over 12 hours a day. The staff works 8 hours,
20 so some staff is not going to show up until 11:00 A.M. Maybe they'll
21 work from 11:00 to 6:00. Some will work from 7:00 to 2:00, so there's
22 staggering, so there's not going to be -- this is why I pointed it
23 out earlier. It's different from a school. You have school traffic
24 for anybody who lives near a school knows that for the 40 minutes
25 where buses and parents and kids driving come -- it's very, very heavy
26 traffic. This -- because everybody has to be there at the same time.

1 This is much more -- much more flowing, and much more easily
2 accommodated by the area.

3 DEPUTY TOWN ATTORNEY ALGIOS: I have a question. But don't
4 most people, most businesses, most often run 9:00 to 5:00, so there's
5 probably is a more common time range in the morning that people will
6 be dropping off, correct?

7 MS. DEEGAN DICKSON: I can let you speak with Laura Kulkarni
8 who's the operator, and also Wayne may have something to add to that.
9 Did you to want come up?

10 MS. KULKARNI: Sure.

11 MS. DEEGAN DICKSON: Introduce yourself. Name and address.

12 MS. KULKARNI: Hi, my name is Laura Kulkarni. I am the owner
13 of the Goddard School. My address is 343 Johnson Drive in Watchung,
14 New Jersey. And just I have been a Goddard franchisee for about ten
15 years. I'm a Circle of Excellence franchise. Meaning, we're one
16 of the top five percent in the nation for health and safety, customer
17 satisfaction. I have a team of amazing educators who run my school,
18 so someone here from Manhasset will be helping me run this school
19 who has a lifetime of experience in education, and I'm also the mom
20 of five daughters who are all very young.

21 I have a lot of experience with the drop off and pickup of parents
22 and really thought about finding a location that was going to make
23 it safe easy for all my families. In terms of drop off and pickup
24 it happens from 7:00 A.M. to 10:00 A.M., so there's about a three-hour
25 drop off. It's not just parents who drop off. Sometimes the parents
26 will drop off early at 7:00 A.M. and then go home and get ready or

1 go to the gym, or sometimes it's the au pair who drops off, or
2 sometimes it's the grandparent who drops off. Some of our parents
3 work at home, but even though they work at home, they still need
4 childcare, so they may still drop off at 7:00, 7:30, 8:00.

5 The way that it works at my school is that parents park very
6 close to the door, and they might have one, two, or three children
7 and they walk into the vestibule. So they're not walking into the
8 school because I think my parents are in a rush. They got to the
9 drop off. They gotta get to work. So they drop right off in the
10 vestibule. Someone receives the child, and the parent goes back to
11 the car. Our average drop off time at my school is about three
12 minutes, and we have this documented through checking in the
13 children, and -- so it's about three minutes. Parents don't want
14 to stay and chat. They've got to get o work.

15 In the afternoon, pick up is usually between 3:00 and 6:30. My
16 school is always opened until 6:30 in the evening. There are parent
17 commuting from the City. My average child is there maybe 10, 11 hours
18 a day, and we do lots of things to make them happy and engage them
19 throughout the day, but from 3:00 to 6:30 -- and again, there's a
20 variety of people picking them up. It might be a different parent.
21 Maybe one parent is commuting to the City. Maybe the other isn't.
22 Maybe there is a parent who doesn't work who stays at home or there's
23 au pair or there a nanny, so there's a lot of different kinds of people
24 in the community. Parents are using a lot of different resources
25 to try to help them to be able to have and work at the same time.

26 MEMBER GOODSSELL: Ms. Kulkarni, you're talking to one of the

1 original working moms. You're speaking my language.

2 MS. KULKARNI: Great.

3 MEMBER GOODSSELL: Mine are now 30 years out of school, but I
4 think one of the biggest draws is going to be the employees across
5 the street of NYU Langone because anybody who's working there who's
6 a parent, this would be so convenient to drop off and to work. You
7 have what I consider four prime drop off sites, which are right up
8 against the building, and yes, as a parent, I'm not letting them go
9 in the parking lot and say run to the door or anything like that.
10 I'm sure your parents don't do that. So you've got four.

11 Now, for those peak hours there are technically other patches
12 of your -- your architect has crosshatched them, so I can see where
13 they are. You have ten drop off sites. Four of which I would
14 consider prime.

15 Do you feel that, that is enough for approximately 200 children?

16 MS. KULKARNI: I do, and I have data from all my existing
17 schools. The number of children, the number of parking spots we have
18 and how quickly they turn over, and one really amazing thing is that
19 our peak times are outside of the operational -- the times that the
20 other business will be operating, so their could be more parking spots
21 available closer to the building because those businesses generally
22 operate 9:00 to 5:00, and our peak times actually occur outside of
23 that, so we're gonna see -- all those we have enough parking spaces
24 that are dedicated for us, and probably Wayne should be speaking about
25 this instead of me, but we're gonna have more spaces in the lot than
26 are even assigned to us that we'll be able to use.

1 MEMBER GOODSSELL: Where are you gonna have your employees park?

2 MR. MULLER: Again, for the record, Wayne Muller.

3 The employees are gonna park as far as away from the building
4 as possible in the northern and western portions of the parking lot.

5 MEMBER GOODSSELL: Which are less desirable for the parents --

6 MR. MULLER: Absolutely.

7 MEMBER GOODSSELL: -- more desirable for employees.

8 MR. MULLER: Once again, well thought out. This was their
9 activity -- these spots are not gonna turn over that readily. Though
10 the employees do leave the facility as the student population leaves
11 in the afternoon, so while parents start to pick up their children,
12 the staff levels go down, right? But they'll all be focused in this
13 area to the northern portion of the lot.

14 MS. KULKARNI: At all of my schools, the facility park far away.
15 Just to make sure that all the spaces close are reserved for our
16 parents of young children, who are also carrying lots of things.
17 What Wayne was talking about -- Mr. Muller was talking about is, our
18 school is open almost 12 hours, so we scaffold teacher arrival and
19 park and if they all arrive at 7:00, they all need to leave at 4:00,
20 so they -- there'll be more spots available at different times of
21 the day because not all facility are there, and also not all children
22 will be there.

23 MEMBER GOODSSELL: Mr. Muller, are these parking spaces gonna
24 be the standard 10-by-20 for parking spaces, or are these lesser,
25 smaller parking spaces?

26 MR. MULLER: The parking spaces as shown on the plans will be

1 10-by-20. They're all existing.

2 MEMBER GOODSSELL: Right.

3 MR. MULLER: So they're the existing -- what's out there today
4 is what's going to remain in conformance.

5 MEMBER GOODSSELL: Getting children in and out of the car, you
6 need every inch of that space.

7 MR. MULLER: Right.

8 MEMBER GOODSSELL: That's why I'm asking.

9 MR. MULLER: And I think that -- also, as we discussed
10 previously. When the vehicles come in off of Northern Boulevard and
11 they're going to the shopping center to the west, they're not
12 accessing the portion of the site that's directly adjacent to the
13 proposed Goddard School, which is located to the south because
14 there's -- there's no reason for someone who going to King Kullen
15 coming from Northern Boulevard to come in, make a quick left, go
16 through, meander through, and then go around, it doesn't suite their
17 purposes. They're gonna go straight through the parking lot, stop,
18 and then go into the adjacent lot.

19 MEMBER GOODSSELL: It doesn't, but I would disagree with you.
20 I think there are plenty of people who do that. That's why I asked
21 whether that easement is gonna be closed or not because there are
22 plenty of people who come in --

23 MR. MULLER: No, no, I'm sorry. But they won't access this
24 portion of the parking lot here.

25 MEMBER GOODSSELL: True. Very true. That's true.

26 MR. MULLER: That's directly adjacent to where the bulk of the

1 parent pickup and drop off will occur.

2 MEMBER GOODSSELL: That is correct.

3 MR. MULLER: They'll be to the north of that. I believe in this
4 drive aisle here to go to the adjacent shopping center, which is
5 obviously much larger than this facility.

6 MS. DEEGAN DICKSON: I also just wanted to add one other thing.
7 Laura pointed it out. In the morning during the peak drop off time,
8 and we will assume that it is the earlier time, the bank is not going
9 to be open yet. Chances are the med spa and other the retail are
10 not going to be open. While these parking spaces in front of the
11 other retails will not designated as drop off spots, as a practical
12 matter, I will expect that the parents will use them during that time.
13 We couldn't designate all of that front row as 24/7, Monday through
14 Friday drop off. I think we'd have a problem with the other tenants
15 in the shopping center. We did try to make sure that they were
16 concentrated in this area in front, but as a practical matter, people
17 are going to pull in where it's convenient and safe for them to walk
18 their children out of the car and to the building.

19 DEPUTY TOWN ATTORNEY ALGIOS: Kathy, I just have a question for
20 Wayne. Wayne, you said that you're anticipating that most of the
21 vehicles that'll be on the road going back and forth to the daycare
22 will already have been there, existing. Is that what you said?

23 MR. MULLER: Yes, I do believe that.

24 DEPUTY TOWN ATTORNEY ALGIOS: But obviously not all of them.

25 MR. MULLER: Correct.

26 DEPUTY TOWN ATTORNEY ALGIOS: What percentage would you

1 anticipate of traffic would not normally be on that road?

2 MR. MULLER: There are no concrete statistics to my knowledge
3 of that, but again, people are going to choose this facility out of
4 convenience. For instance, if a vehicle was travelling on, let's
5 say, Northern Boulevard, and they were heading down Shelter Rock to
6 get the parkway or the expressway, they would already be on the
7 roadway. This is a uniquely situated property that has, you know,
8 even though the traffic on Shelter Rock, and I agree, it does queue
9 up in this area, but it's uniquely situated in that somebody who lives
10 to the north and east has travelled to the expressway, they go either
11 east or west to their place of business. This is a perfect place
12 to go because you just pull into the lot, drop off the child, and
13 get back in, and go to the other direction. I think what you're
14 talking and what I'm feeling is it's almost like pass-by traffic that
15 we would experience for a retail facility, but we don't specifically
16 have numbers, but I would anticipate that the number would probably
17 be somewhere about anywhere between 50 and 75 percent. Because
18 again, it's all about convenience because if you have to add another
19 45 minutes, say, to your commute, this facility is not as attractive
20 as another facility that would be closer to your home and/or place
21 of business.

22 DEPUTY TOWN ATTORNEY ALGIOS: I'm just asking the question
23 because, you know, I personally commute, and I sit right at that
24 intersection every single morning at about 8:30 in the morning, and
25 it's all backed up. Usually, I sit there for two turns of the light.
26 What I'm wondering now, you know, obviously, any addition of traffic

1 is going to be impactful right there. I mean, you know, our office
2 has thought about exploring way to reach out of the State to see if
3 anything can be done to mitigate what is going on now at that
4 intersection because you also have vehicles that come up who are
5 traveling north in the right lane, and then they all try to merge
6 into the two turning -- middle turning lane and it makes it even worse.
7 So I guess that's why I'm asking that question. If there's 200
8 students and you're saying maybe 50 percent is adding on new traffic,
9 new cars on the road. That means some cars are going to have two
10 kids.

11 MR. MULLER: Could be a lot higher.

12 DEPUTY TOWN ATTORNEY ALGIOS: Right.

13 MS. KULKARNI: Can I say something?

14 MR. MULLER: Go ahead. Sure.

15 MS. KULKARNI: Laura Kulkarni. I have three schools, and that
16 would be a total of about 500 students, and 10 percent of them, the
17 parents, either live very close to the school or they work right next
18 to the school. I have zero parents who commute, especially to the
19 school. Just for that. I would anticipate 100 percent of families
20 either live very close by or work close by.

21 DEPUTY TOWN ATTORNEY ALGIOS: I actually agree with you.
22 Manhasset, you know, has a large neighborhood right off Shelter Rock
23 Road, so a lot of those parents, let's say, you have parents that
24 work from home that normally wouldn't be on the road, now may take
25 advantage, and now they will be on the road.

26 MS. KULKARNI: My anticipation is that because this is one real

1 benefit of our school being 7:00 A.M. to 6:30 P.M., me as a working
2 mom of five daughters, I know the traffic is very at 8:30. Honestly,
3 I'm gonna drop my child off early, and then go get ready for work.
4 I think that that's what I see from our working parents is they have
5 to be very efficient with their day, and they cannot sit there in
6 traffic, so I feel like that -- because this -- our school is open
7 that early and that late, they'll be able to make that determination
8 for their schedule.

9 MEMBER GOODSELL: Can I ask. Do you ask for commitments of time
10 from your parents when you register each child? What time they'll
11 be dropped off approximately and what time they'll be picked up.

12 MS. KULKARNI: Generally, we do in the registration process and
13 that's because I want to generally anticipate when they might arrive,
14 when they depart, so that I can make sure my school has the correct
15 faculty staff, I should say. Has the correct staff, but parents
16 can always drop off or pick up at different times, and that's just
17 to be able to accommodate maybe they want to drop off early. Maybe
18 they want come late.

19 MEMBER GOODSELL: I do understand that. What I'm asking is
20 that is your opportunity to say to parents, listen, peak times to
21 come in, you're telling me that you'd like to drop your child at 8:30.
22 Let me just tell you that the facility across the street that primary
23 opens at 9:00, this place can be extremely busy at 8:30 that you want
24 to come about -- come in a little bit earlier with your child or at
25 a slightly different.

26 MS. KULKARNI: I'll be very happy to do that. I'm looking for

1 any way to help relieve some of the stress that these dual-income
2 families are experiencing, so I would absolutely suggest that.

3 MEMBER DONATELLI: I do have a question for Ms. Deegan Dickson,
4 if I may. I know at the very beginning of the presentation you
5 indicated that the -- what is now the parking lot is actually
6 Business-A, and what is now the Staples store the parking.

7 Did you ever approach the Town Board to ask for a rezoning so
8 that it's consistent with the other buildings and parking in the area,
9 or have you?

10 MS. DEEGAN DICKSON: We discussed it with the Building
11 Department, and I don't want to put words in anybody's mouth, but
12 the thought was that the use variance already existed to allow this
13 building here and that it's not necessary to put an action on the
14 Town Board unnecessarily. In my mind, it would be a logical thing
15 to do, you know, unfortunately, because it's an action by the
16 legislature body, it can take a very long time depending on how, you
17 know -- and this is -- we're trying to move it, the space of business.
18 They have a tenant that's going. They've been trying to locate a
19 new tenant for a period of time. I think it's anomalous. It's one
20 of the things that I think makes this is very -- a unique parcel and
21 make it ideal for a use variance if you deem that it's necessary.

22 I would argue that the use variance already exists. This is
23 already a commercial building. Yes, we're going from retail to
24 daycare, but there's also a bank there, which is not retail either,
25 and they were not required to get a use variance to go in there. I
26 truly don't believe that a use variance is necessary here.

1 MEMBER DONATELLI: So I understand that part of your
2 application is to request a determination from this Board, and I've
3 listened very carefully to your argument, and I've given it a lot
4 of thought. As one Board Member, I try to be very cautious with
5 determinations because we find many times that they lead to
6 unintended consequences, so as one Board Member, I'm skeptical of
7 the determinations many times that we're requested to grant. I know
8 that you indicated that in the alternative that you would put on a
9 case for a use variance, and maybe you want to certainly do that.
10 We want to encourage your preparation, but it just seems to me like
11 the obvious answer is if we have this anomalous situation, why don't
12 we ask the Town Board to correct it. It just seems to me -- and I
13 know what you're saying about legislative actions, but, you know,
14 a determination or a use variance are also very heavy left.

15 MS. DEEGAN DICKSON: As I mentioned earlier, and you know this
16 I've appeared before this Board for a long time. It's not something
17 that I take lightly. Most of the time, if there is any other
18 alternatives, we'll go the alternative route.

19 This is a truly unique circumstance. I don't know what happened
20 in 1995. It would've been, in my mind, been logical to have done
21 a change of zone at that point in time. It wasn't done for whatever
22 reason. I would assume that there was a reason why it wasn't done,
23 and maybe that's something that's -- but I wasn't present for that
24 application, so. You know, I think the thing that's most compelling
25 about this if you're hesitate to find that the existing use variance
26 actually covers this use, it is a very unique circumstance. It's

1 not something that any other property in the area is subject to.

2 The commercial use already exists. To bring another commercial
3 use I think is a logical thing whether it's something that will be
4 conditionally approved use versus a retail other permitted as of
5 right use, but as I mentioned, the bank also is not a retail use.
6 It's a different type of use, and that was not required to obtain
7 a use variance when they came into the building.

8 MEMBER GOODSSELL: Can I ask? When does the Staples lease
9 expire? When will the building become vacant? Do we know?

10 MS. DEEGAN DICKSON: February 28, 2026.

11 MEMBER GOODSSELL: So this is anticipating that Staples is
12 leaving?

13 MS. DEEGAN DICKSON: Yes, Staples is definitely leaving.

14 MEMBER GOODSSELL: They are?

15 MS. DEEGAN DICKSON: They are definitely leaving. I did want
16 to have representatives of the landlord here to talk if the question
17 came up about how this selection process came to be. The King Kullen
18 that's there is a busy -- many hours a day all, you know, it's a very
19 business kind of use. Another retail use that would be a big anchor
20 like that, I would say, for instance, a CVS, a 24-hour CVS, or
21 something like that. That the landlord felt would have a more
22 negative impact on their parking situation and the tenant's
23 situation. It would be seven days a week. It would be a much more
24 intense use, and I'm not sure that they -- I don't know whether or
25 not they spoke TO CVS, but they were trying to curate the tenants
26 in the shopping center to make sure that it made senses for, you know,

1 obviously for them financially, but also, you know, the Cullen family
2 is the owner of this property. They've been in the area for a long
3 time. They're good stewards of the community, and they have a very
4 good sense of what the community needs, and what it wants and feels
5 an obligation to not to do something that would put things askew.

6 They work long and hard to try and identify a tenant for this
7 space. They were approached by other daycare users, and I think
8 James Skolnik from Levitt Management if you want some elaboration.
9 They found that Laura Kulkarni and Goddard School was really
10 something that it was the gold standard of daycare centers. They
11 felt that this was a use that's very much in demand in the community.
12 That it is, you know, as I mentioned, New York State has declared
13 this as a daycare desert. It was trying to encourage more of these
14 types of uses.

15 Wayne alluded to the fact that we met with the Nassau County
16 Planning Commission. They actually asked us to come in and present
17 to them because they have a -- they have a white paper that they put
18 out for standards that they look at for daycare centers. They want
19 to make sure that they're in areas that are well-served by
20 transportation hubs or train station, bus line, right there. That
21 it's near downtown areas, and it's not in environmentally challenged
22 area. We try to keep out of the more industrial where the traffic
23 maybe lower, but it's not as good for the children or even for parents
24 bringing their children to and from there. They were happy with the
25 information we presented to them. You'll note that they did issue
26 a local determination resolution saying leave it up to the Board.

1 They weren't going to make any recommendation.

2 I also want to mention that we did meet with the Greater Council
3 of Manhasset Civic Associations. We presented to them in a meeting,
4 and they had some questions primarily about the right turn and
5 right -- right turn in and out, but buy enlarge, and I don't know
6 if there's anybody here from the Greater Council or if they've reached
7 out to you, but they knew we were coming here. We left feeling that
8 they were supportive, and they're people who represent the entire
9 community. I understand there are some hot spot of the traffic, and,
10 you know, anything can be done by Laura to minimize that, I think
11 will be done.

12 I do also want to point out that the King Kullen when I -- sort
13 of on the side. When my children were young, I took them to Tutor
14 Time, which is right next to King Kullen in Glen Cove. That was the
15 best thing in the world. I would go. I would do my shopping. That
16 I was gonna be doing anyway, and then I'll go over to pick up my kids,
17 and then we walk back to my car. So it was one trip instead of two
18 trips. I was already going to King Kullen. I was already going to
19 Tutor Time, but these were combined trips. As a busy working parent,
20 which most've, you know, the working parents here now, you're not
21 wasting effort. You're not gonna go and make five stops when you
22 can make one stop. So I think that's something that's very
23 compelling about this. It's, I think, a very compelling aspect.

24 MEMBER DONATELLI: I don't think anyone is denying the fact the
25 daycare is needed, and certainly I've heard of your clients Goddard
26 schools. I'm sure that they have a stellar reputation. My question

1 as one Board Member is, how do you we get from where we are legally
2 to where we need to be, and I know that you want this Board to issue
3 a determination. I would like you to address, if you would please,
4 the factors for the grant of the use variance so that we can consider
5 an alternate means of getting there.

6 MS. DEEGAN DICKSON: So I'm happy 'cause it's some -- in some
7 ways this is actually the easier argument. I have demonstrated to
8 you that for every use that's permitted in the zoning district,
9 there's no reasonable return that can be made for this property.

10 SECRETARY WAGNER: Kathleen, before you do that. Could we just
11 rewind a little bit back to when you asked about the change of zone,
12 and whether that'll be a more appropriate course of action. You said
13 you met with the Planning Department, and that Planning Department
14 felt that the use would fall under the existing use variance, and
15 therefore, no use variance would be required, but if that was the
16 case, then there would not have been a notice of disapproval requiring
17 the use variance because the discussions with the Planning and
18 Building Department would've resulted in a notice of disapproval
19 allowing the use under the prior use variance, correct?

20 MS. DEEGAN DICKSON: Well, I did not speak to the Building
21 Department prior to, so I don't -- in my experience, sometimes they
22 don't -- the Building Department will issue a notice of disapproval
23 that may be contrary to other conversations that I had. I know I
24 spoke with the Planning Commissioner. We spoke -- we kind of went
25 around and around and around about it, and the sense I was left, and
26 maybe I misinterpreted was that, go to the zoning board because

1 it's -- there's -- usually because it's a legislative action, and
2 it's more of a political action during -- to do a change of zone that
3 because of the unique circumstances of this case, that it would be
4 appropriate to be back before the zoning board, so that's --

5 SECRETARY WAGNER: But I just want to be clear that it wasn't
6 a situation where it was determined the use was covered under the
7 prior use variance.

8 MS. DEEGAN DICKSON: No. If I said that, I didn't mean to say
9 that. I didn't mean to allude to that. It was a conversation that
10 we had. Obviously, the determination was made by the Building
11 Department, who's the one who issues the notice of disapproval that
12 they felt that it was a use variance. So if I misstated that, I did
13 not intend to. That's not my intention.

14 But going back to the criteria of Town Law 267(B). That the
15 applicant is required to make a showing that the zoning regulations
16 and restrictions has created an unnecessary hardship. The applicant
17 has to demonstrate to the Board of Appeals for each and every
18 permitted use. That it cannot be a reasonable return, and that the
19 lack of return is substantial. The only permitted use in this
20 district, in a Parking District is a parking lot. This space cannot
21 be used as a parking lot. No matter what.

22 DEPUTY TOWN ATTORNEY ALGIOS: Kathleen, but you see the
23 building got a use variance for retail. Retail/commercial, so
24 retail could go in there. Any other retail could go in there as of
25 right now.

26 MS. DEEGAN DICKSON: Any other retail --

1 DEPUTY TOWN ATTORNEY ALGIOS: Yes.

2 MS. DEEGAN DICKSON: I did not think that we were denied for
3 retail. I thought we were denied because we were putting a daycare
4 use into a Parking District, so.

5 DEPUTY TOWN ATTORNEY ALGIOS: That's correct, but the property
6 is covered by a use variance, which permits retail.

7 MS. DEEGAN DICKSON: Which permits commercial.

8 DEPUTY TOWN ATTORNEY ALGIOS: Commercial retail.

9 MS. DEEGAN DICKSON: And I think -- I would disagree that, that
10 was the restriction that retail -- that this was deemed to be
11 commercial building that can accommodate -- it's squarely in the
12 Business-A district or just outside of Business-A district.
13 Everything around it is Business-A, and I would argue that the uses
14 that are permitted in Business-A would be permitted in this building
15 the way it was constructed.

16 DEPUTY TOWN ATTORNEY ALGIOS: Kathleen, I'm looking at the 1995
17 decision granting use variance that you submitted as an exhibit, and
18 it says, construction of a one-story retail building no larger
19 than 24,500 square feet in size.

20 MS. DEEGAN DICKSON: So my retort to that is that it didn't say
21 retail, not a bank. It didn't say, you know, this a retail building,
22 and this is the kind of use that goes into a retail building similar
23 to a bank going into a retail building. Similar to a hairdresser
24 or another personal service shop going into a retail building. The
25 Business-A code does provide that there are additional criteria that
26 you can look at to make sure that it fits under the conditional use

1 criteria, but I would argue that the intent of calling this a
2 commercial retail building was not intended to say that no other
3 commercial uses are permitted. I would concede that offices
4 probably. If I wanted to build a second story and make it an office
5 building, that might be a different story, but what we're talking
6 doing is we're talking about a use that is very conventionally located
7 in commercial retail buildings, and this is very consistent with
8 that.

9 The hardship is unique, and does not apply to a substantial part
10 of the district in the neighborhood. I think we clearly established
11 that. That this is a very unique and unusual situation.

12 That the requested use variance, if granted, will not alter the
13 essential character of the neighborhood. Again, fully commercial
14 area surrounded by Business-A, and this is a use that is contemplated
15 as a functionally permitted use in Business-A district.

16 We had Mr. Muller testify that the parking and that the traffic
17 patterns will support this use, and that there will not be any
18 alterations of the essential character of the neighborhood.

19 And that the alleged hardship is not self-created. This is a
20 building that, and if we were to use in compliance with the zoning,
21 the only thing we can use it for is for a parking lot. This is an
22 existing building that was built 30 years ago, and has been used
23 commercially for 30 years. This is not something that's been created
24 by current applicant or by the owner. We believe that we meet the
25 criteria for the use variance.

26 Again, I would argue that that's not something that you should

1 need to even reach that question. However, if you do, I believe that
2 we've provided evidence that this building cannot be used for the
3 intent that the zoning has permitted it for.

4 If there's anybody else on our team that you would like to hear
5 from?

6 VICE CHAIRMAN FRANCIS: I guess going back to the Factors. The
7 first factor that you mentioned inability to realize a reasonable
8 return. Why is the submission of competent financial documentation
9 with regard to that statement?

10 MS. DEEGAN DICKSON: So I do have the owners representatives
11 here tonight -- they've been -- this afternoon. They can talk about
12 what their -- why they have chosen this tenant, and what their search
13 for a tenant has been like, and why it was impractical to find a
14 different tenant, and I'm happy to -- James, you want to state that?

15 MR. SKOLNIK: I'm not sure that was the question. I can't --

16 VICE CHAIRMAN FRANCIS: Give your name and address, please.

17 MR. SKOLNIK: James Skolnik. I live at 13 Wendt Avenue in
18 Larchmont, New York. I work for a company called Altruist. We're
19 real estate asset managers and advisors and advisors to the owner
20 of the property for all of his properties.

21 His instruction to us when we determined Staples wasn't gonna
22 continue with the property is to find something that will be there
23 for as long Staples was. Staples was there for over 15 years now.
24 And it's a tricky thing in today's world, right? Typical -- many
25 of the sort of junior anchors, which is a 15 to 20,000 foot retail
26 tenant are simply gone. They've been -- and in this, you know,

1 exactly the last three years, they -- retailers have been kind of
2 decimated by the internet, which we've kind of been well shown.
3 Recent years COVID added to their misery, and it's been an extremely
4 difficult time for traditional kind of apparel merchants, which you
5 might expect to find in a shopping center like this. Staples is
6 actually another example of it where they were, you know, very strong
7 in office category, but over the last eight or ten years, their
8 business has been -- they now compete with a whole host of people,
9 and they cannot really continue operating the way they have at least
10 in all their locations.

11 So our instructions were to find somebody who will contribute
12 to the community, and kind of be a no stress tenant, who's gonna
13 succeed there, contribute to the community, and hopefully be there
14 for a long time. It did become clear that a daycare center would
15 be a good kind of fit that. We did indeed -- we talked to other
16 retailers, but they just really didn't fit all the criteria. We
17 didn't find retail soft good kinds just weren't going to work very
18 well. We interviewed several daycare centers. Interestingly, at
19 the -- couple of the other groups we talked to, we were meeting with
20 the parent company. They were gonna deliver a franchisee at some
21 point in the future.

22 For Goddard, we meet the Kulkarnis who had a very strong track
23 record, and whom we got a very good feeling 'cause they are beyond
24 enthusiastic about what they do. Laura is really kind of
25 inspiration, and we felt that they would succeed, and we were able
26 after a little while, but we were able to make a deal with them that

1 we felt was workable for everybody.

2 So I would say the search was almost two years. A very long
3 time to try and fill a vacant space. We believe well worth while.
4 We think they'll -- will work well. We've examined very closely all
5 the impacts that we think might arise, and we've been convinced that
6 they will be a kind of a pillar in the community, and somebody that
7 will be a great tenant for the landlord.

8 VICE CHAIRMAN FRANCIS: I appreciate your opinion and your
9 background that you gave us what you've gone through to find a tenant,
10 but my question was, do you have competent financial evidence that
11 this is the only reasonable alternative to you? And if so, you would
12 have to submit that to us.

13 MR. SKOLNIK: Right.

14 MS. DEEGAN DICKSON: Obviously, every landlord does their
15 financial analysis of various prospective tenants. A whole slew of
16 marketing professionals and brokers get involved. That's something
17 that we can provide to you under separate cover that would show you
18 how they arrived at this being the use that makes sense for this site.
19 The fact that there are -- there were not other retail tenants that
20 made sense financially for this site. We'll be able to provide that
21 to you.

22 VICE CHAIRMAN FRANCIS: That would be helpful. Please
23 understand, you know, we're not in the business of making it difficult
24 for our commercial applicants to do business in North Hempstead, but
25 we have a job to do.

26 MS. DEEGAN DICKSON: Understood.

1 VICE CHAIRMAN FRANCIS: We try to do it as best we can. As
2 Mr. Donatelli said, we don't like making mistakes 'cause those
3 mistakes come back to haunt us and haunt the town, so to the extent
4 that you can bolster this application with some financial
5 documentation, I think that would be super helpful.

6 MS. DEEGAN DICKSON: Okay.

7 MR. SKOLNIK: Sure.

8 MS. DEEGAN DICKSON: And I think I would like to just circle
9 back to my -- despite what Mr. Donatelli said. I do urge this Board
10 to think very long and hard about the fact that the use variance that
11 was granted in 1995 was intended to handle and to cover commercial
12 uses that are typically in this type of a building, and while the
13 word in the resolution said retail, there have been other uses that
14 were permitted there that were not retail that did not require a use
15 variance and that the determination was made, at that time, that
16 that's something that was covered under that prior use variance. I
17 would urge this Board to consider that as a very serious alternative.

18 VICE CHAIRMAN FRANCIS: I think we're gonna have to do our
19 homework and see what else has been in this space because if in fact,
20 you're correct, then that changes the whole dynamic of what we're
21 doing.

22 MS. DEEGAN DICKSON: So we can -- we'll put together a package.

23 DEPUTY TOWN ATTORNEY ALGIOS: I think the Planning Commissioner
24 walked over. I think she wants to make a statement.

25 COMMISSIONER SHAHVERDI: Hi, I just wanted to state that --

26 DEPUTY TOWN ATTORNEY ALGIOS: Nancy, you have to just put your

1 name on the record.

2 COMMISSIONER SHAHVERDI: Nancy Shahverdi, Planning
3 Commissioner. I wanted to state so that -- I had recommend a change
4 of zone. I felt that was cleaner to do. Obviously, up to the
5 applicant to determine what is the best strategy to move forward.
6 I don't make legal recommendations, and I don't recall ever stating
7 that the new use would be covered under the prior approved use
8 variance.

9 VICE CHAIRMAN FRANCIS: Okay.

10 MEMBER GOODSSELL: Okay, thank you.

11 CHAIRMAN MAMMINA: Okay, thank you.

12 MS. DEEGAN DICKSON: I do want to just mention -- and Nancy,
13 I'm sure you recall. There was a discussion, at one point, that may
14 be the Town Board would undertake this under their motion, and that
15 was something that I was told they were not interested to do on their
16 own motion at this time, which is what maybe me -- lent me to believe
17 that a change of zone might not have been the best course of action.

18 COMMISSIONER SHAHVERDI: I don't know if you wanna discuss what
19 we talk about if that's helpful.

20 MEMBER DONATELLI: I think we understand.

21 CHAIRMAN MAMMINA: We appreciate your offer.

22 VICE CHAIRMAN FRANCIS: All right.

23 CHAIRMAN MAMMINA: I think we will continue the application,
24 and submit then whatever documentation you wish.

25 MS. DEEGAN DICKSON: Thank you. Thank you for your time this
26 afternoon.

1 VICE CHAIRMAN FRANCIS: Thank you.

2 CHAIRMAN MAMMINA: Thank you.

3

4

5 SECRETARY WAGNER: Appeal #21718, Ben Borgognone
6 (Buttercook); 140 Plandome Road, Manhasset; Section 3, Block 81,
7 Lot 101; Zoned: Business-B.

8 Variances from 70-196.J(1) (a) and 70-214.C to legalize too many
9 signs on the wall facing Plandome Road, and to legalize too many signs
10 on the wall facing George St., and to legalize awnings that are
11 located too close to the street.

12 MEMBER HERNANDEZ: Before you begin, I'm going to recuse
13 myself.

14 CHAIRMAN MAMMINA: You heard Appeal #21718, Ben Borgognone
15 (Buttercook). Is there anyone in the room interested in the
16 application other than the applicant?

17 Seeing no one. Please give your name and address.

18 MR. HIGGINS: Good afternoon, Chairman, Members of the Board.
19 Timothy P. Higgins, 76 Hillside Avenue, Manhasset, New York, for the
20 applicant.

21 Mr. Chairman, if I may, on the plans that were submitted they
22 have pictures at the bottom of the two fronts on George Street and
23 Plandome Road. I took the liberty of blowing up colored pictures,
24 and if I may, I'll give Applicant's 1 and 2, which is the picture
25 of the Plandome Road and other is a picture of George street.

26 SECRETARY WAGNER: They're gonna be submitted as two exhibits

1 or just Exhibit 1?

2 MR. HIGGINS: Whichever.

3 SECRETARY WAGNER: Let's just do one, photos.

4 MR. HIGGINS: One is fine. Thank you.

5 May I proceed?

6 SECRETARY WAGNER: Yes.

7 MR. HIGGINS: So Mr. Chairman, Members of the Board, the
8 applicant is here today Mr. Borgognone as well as his architect, Mike
9 Mallia from the architectural firm Diproperzio & Mallia Architects.

10 The applicant seeks two area variances here. Section 70-214,
11 projections over sidewalks, streets, and malls. For maintenance of
12 an existing awnings that are there, and the second area variance we
13 need is a variance of 70-126, permitted signs. Again, to maintain
14 four signs on Plandome Road where only one is permitted and to
15 maintain six signs on George Street. Again, where only one is
16 permitted under your code.

17 Just by way of background, if I may? Mr. Borgognone initially
18 purchased 140 Plandome Road, which is further north away from George
19 Street. At that time, he had a religious shop. Early 2000 he did
20 that. In 2004 that tenant left, and he put the bakery that's at 140
21 right now in 2005. Got the plans approved. Got all the necessary
22 certificates. The signs at that time were also approved. The sign
23 consisting of a channel sign up top and the awning, which is -- it's
24 kind of what makes an awning a sign. Apparently, we can put on the
25 awning the address and the name, but as soon as he puts anything other
26 than that, it becomes a sign. So that was all approved back in '05.

1 Thereafter, in 2011 the stationary vacated, and Mr. Borgognone
2 moved his -- or expanded his operation to include the footprint of
3 the stationary store requiring a conditional use variances, parking
4 variances, all of which I've handled back in 2011 for the applicant
5 at that time. Also, at that time, I worked with John Notaro, who
6 was the architect of record. Unfortunately, Mr. Notaro passed, but
7 in 2012, Mr. Borgognone had his grand opening for the two bakeries
8 together, and at that time, the signs were there as they exist as
9 were the awnings. What I suspect happened is Mr. Notaro probably
10 filed -- I think he did, for the signs and the awning as per the town,
11 but having passed, it never got actual certificates issued.

12 All these years later, Mr. Borgognone was approached by the town
13 to suggest that your awnings are technically signs as well as the
14 signs themselves, and you exceed the number of signs that you're
15 permitted to have, and not only that, the awnings themselves,
16 according to the disapproval, stand between six and 18-inches over
17 the street line property line. I submit, the property line is the
18 wall of the building. So any time you have an awning on the building
19 that's flushed with the property line, they're always gonna extend.
20 These awnings have been there on the 140 Plandome Road since '05,
21 and on the 138 Plandome Road since 2011 or '12. Nothing has clanged.

22 Now, unfortunately, I can't speak to Mr. Notaro, I personally,
23 have been going to the District Court in Hempstead in response to
24 violation that the town has issued for failure to have certificates
25 on these various signs. Mr. Mallia from Diproperzio & Mallia, he
26 has filed plans, which -- for which we got the letter of omission

1 or denial, if I will, the notice of disapproval for the fact that
2 the awnings extend six to 18-inches, and they don't -- they're not
3 retractable. They can't go any further, but they -- again, the same
4 awnings that existed since '05 on 140 and 2012 on 138.

5 MEMBER DONATELLI: How old are these particular awnings?

6 MR. HIGGINS: I'm sorry?

7 MEMBER DONATELLI: How old are these particular awnings?

8 MR. HIGGINS: The awnings --

9 MEMBER DONATELLI: The awnings that appear now on your
10 photographs?

11 MR. HIGGINS: For 140, they're there since 05. The awnings on
12 the corner, which was stationary, which is 138 Plandome have been
13 since late 2011.

14 The other issue that we had to deal is when we obtained the
15 conditional use approval for the footprint of the stationary to be
16 a food use, and we got them the parking relief variances and
17 everything else, the town said to us, you have to take 138 Plandome
18 Road, which is on the corner and 140 Plandome Road and merge them,
19 which we did pursuant to the direction of the town. Now, on
20 140 -- well, on the frontage on Plandome Road where we had two separate
21 properties and two separate signs with awnings. Now, we're being
22 told, you can only have one sign on Plandome Road. The two properties
23 had two different signs as they were developed.

24 CHAIRMAN MAMMINA: You said two properties had two different
25 signs. I mean, for me, it's two signs. It says same thing
26 underneath. I mean, that's two signs.

1 MR. HIGGINS: I'm sorry. You're saying the two signs?

2 CHAIRMAN MAMMINA: The awnings and wall sign.

3 MR. HIGGINS: Yes, but if the awning simply said Buttercooky
4 or put the address, it's not considered a sign as I understand the
5 code.

6 CHAIRMAN MAMMINA: Well, the thing is it's not supposed to be
7 there, though, either.

8 MR. HIGGINS: I'm sorry?

9 CHAIRMAN MAMMINA: It's not supposed to be there -- it's not
10 supposed to project beyond the property line, and it does.

11 MR. HIGGINS: Right, but the issue here because the property
12 is -- doesn't extend beyond or -- I'm sorry.

13 The property line is the building line 'cause under
14 Business-B -- well, it was that way when he bought it.

15 CHAIRMAN MAMMINA: Sure.

16 MR. HIGGINS: So any awning is going to violate Section 70-214.

17 CHAIRMAN MAMMINA: Which to me means the town doesn't want the
18 awnings.

19 MR. HIGGINS: However, Mr. Borgognone has two other locations.
20 One in Floral Park and one in Huntington, and in all three location
21 his trademarks, so much, if you will, is these awnings and the signs,
22 and he feels very strongly that --

23 CHAIRMAN MAMMINA: I'm not sure if Floral Park is in New York
24 City, but I do know in New York City, and they're very specific
25 criteria for awnings. It appears that the ordinates of the Town of
26 North Hempstead also has very specific criteria that are basically

1 said that they can't project. If you look at the Americana Shopping
2 Center, there are awnings all over the place, but the buildings are
3 set back.

4 MR. HIGGINS: Right. The property line is where the parking
5 lot starts.

6 CHAIRMAN MAMMINA: Yeah. I mean, but -- and then there are
7 questions of other agencies within the town, such as transportation
8 for that as to what they're feeling is regarding those. I do think
9 the awnings are very pretty, you know, but they're also potentially
10 collect water that can freeze, which is one of the criteria in New
11 York City that are looked at. When that freezes, it can slide.

12 MR. HIGGINS: Well, as indicated, I'll have Mr. Borgognone
13 speak it that. The one at 140 has been there '05, and the ones at
14 138 Plandome have been since 2012.

15 CHAIRMAN MAMMINA: Unfortunately, I know that you're doing the
16 best you can, but I also know that just because something was filed
17 for an approved, but if it's done incorrectly, unfortunately, the
18 town wins on that.

19 MR. HIGGINS: Understood, but. We're here somewhat with our
20 hat in our hand and saying --

21 CHAIRMAN MAMMINA: Understood.

22 MR. HIGGINS: -- we recognize we don't comply.

23 VICE CHAIRMAN FRANCIS: Just for record. Floral Park is not
24 to the Town of North Hempstead.

25 MR. HIGGINS: No, it's not.

26 VICE CHAIRMAN FRANCIS: And certainly Huntington is not either,

1 so. I'm not so certain what those two locations have to do with this
2 location.

3 MR. HIGGINS: Nothing other than to establish that these
4 awnings and the signs as you see them at Manhasset are sort of his
5 trademark. That's the way he's set up all three locations.

6 MEMBER DONATELLI: May I ask? What is the reasoning, or what
7 is the purpose of having the exact same language on the wall signs
8 as what appears on the awning signs? For example, we've got
9 Patisserie and Boulangerie on the awning as well as on the wall sign,
10 and on George Street we got the Beuren as well as directly beneath
11 Pain Au Chocolat and directly beneath that the same language.

12 What is the thinking? What is the purpose behind duplicative
13 language?

14 MR. HIGGINS: If I may, I'm going to defer that question to Mr.
15 Borgognone.

16 CHAIRMAN MAMMINA: Just for the record ahead of time.
17 Basically, that's just a word, and I do believe we've had an
18 application that came in that just said Used Cars, and that did not
19 get approved because it just said Used Cars. That was objected to
20 by the Building Department.

21 I think not only is there a redundancy to that, but it's not
22 really what the spirit of a sign is. It's very pretty. I don't mean
23 anything by that, and the baked goods in there are probably the best
24 that you'll find from miles and miles away. We do need to look at
25 the duplicate signs.

26 MR. HIGGINS: Understood, but I don't know if Mr. Chairman would

1 agree, but if the writing was taken off the front of those awnings,
2 they're no longer signs. They're just awnings.

3 CHAIRMAN MAMMINA: They're no longer signs, but the awning is
4 there.

5 MR. HIGGINS: Right, but you still have to comply or get past
6 the projection issue.

7 CHAIRMAN MAMMINA: Exactly.

8 MR. HIGGINS: But if those writings were removed from the front
9 of the awnings, they're two signs rather than just one on Plandome
10 Road are displaying for the reason that the first address of 140 that
11 was established in '05, and the second at 138 wasn't established until
12 2012.

13 CHAIRMAN MAMMINA: Understood.

14 MR. HIGGINS: So we would hope that the Board would work with
15 us to allow us to maintain those two signs at least.

16 CHAIRMAN MAMMINA: Also, I know that you understand that if,
17 let's say, we approve these, and basically, we've said, well, awnings
18 can project any place they'd like to, and as long you write exactly
19 what you did on the sign above, it's not a sign, and that's clearly
20 not the intent of the zoning. Also, as you know, and for your client,
21 we don't write the zoning. We look at it. We do balancing tests.

22 MR. HIGGINS: Understood.

23 CHAIRMAN MAMMINA: So it puts us in a position, you know, that
24 is one that we need to recognize.

25 MR. HIGGINS: Understood. If I may respond to your --

26 CHAIRMAN MAMMINA: Yes, please.

1 MR. BORGOGNONE: Good afternoon. My name is Benjamin
2 Borgognone.

3 CHAIRMAN MAMMINA: Give your address too.

4 MR. BORGOGNONE: Address is 140 Plandome Road, Manhasset.

5 So I think the question was, why is the wording on the awning
6 repeated on the above signage above the awning?

7 CHAIRMAN MAMMINA: I think the question is, are they not both
8 signs?

9 MR. BORGOGNONE: Well, obviously, they're both signs. Look,
10 I'm not here too --

11 CHAIRMAN MAMMINA: That's the question, and you're being very,
12 very honest.

13 MR. BORGOGNONE: I'm not that kind of man.

14 CHAIRMAN MAMMINA: I know that.

15 MR. BORGOGNONE: We're here to try to get this approved if you
16 allow us to make alterations if you like. They've been there for
17 13 years now, and the town now decides they want to -- for me change
18 it. I try to make a nice looking business frontage or facade. I
19 live in the community. I live in Manhasset for 31 years now. The
20 bakery is the first one, the initial one, has been for 20-something
21 years now, and the corner shop it's been here for 13 years, I believe.
22 I'm not even sure anymore.

23 Look, I'm willing to work with you guys. Whatever you, you
24 know, I just -- the awnings are there to protect some of the showcases
25 from the sunlight, which beats on the building, which affects the
26 temperature and the show cases because of things that we didn't

1 foresee when we were doing it, and then it happened, and, you know,
2 and then thank God that they were there. They were put on to prevent
3 it somewhat, but it's all aesthetically, you know. The signage we
4 try to go a little with a little Paris, France look to give it a little
5 nostalgia. I don't know what you want to call it? This is our look.
6 This is what we branded. Each location looks the same. Other than
7 that, I have no excuse. If I made a mistake, I apologize. We want
8 to correct it.

9 CHAIRMAN MAMMINA: As an architect, I think it's very pretty.

10 MR. BORGOGNONE: Thank you.

11 CHAIRMAN MAMMINA: We don't aesthetics. Sometimes, we wish we
12 did based on some of the things that get submitted to us. I see Mr.
13 Mallia is laughing because he knows what I mean.

14 The problem of course that we have is, how do we separate this
15 from anything else in the town? We get people asking for duplicate
16 signs all the time. All the time. I say that with emphasis, and
17 it's just puts us in a tough spot because we do appreciate what you
18 did there. Not just to the awnings but to the physical building and
19 things itself, but we really don't have any basis to not be setting
20 a precedent by approving the duplicate signs and the awnings, you
21 know -- yeah, I guess they're still under the zoning, so.

22 MR. BORGOGNONE: May I say something? I'm not one of those
23 people to go up and down 'cause I don't have that time. I spent most
24 of my day here. Thank God you guys told me to go to work and come
25 back afterwards, but there was another establishment that
26 had -- they're no longer in business. I don't know if it's 'cause

1 I opened up my bakery, and he wasn't able to stay in business, but
2 if you down Plandome, I guess, that's north. I'm not sure. There
3 was a sign with -- and then on the awning the same thing, and they
4 were there before I was there as the same type of business, but he's
5 out of business. It's been for rent quite a bit now. Thank God we're
6 still in business and we're gonna try to keep going forward.

7 CHAIRMAN MAMMINA: Sure.

8 MEMBER DONATELLI: May I ask you? You mentioned that at least
9 some of the awnings serve the purpose, which is to shield the products
10 inside the showcase.

11 MR. BORGOGNONE: Yes.

12 MEMBER DONATELLI: Which awnings?

13 MR. BORGOGNONE: Plandome. Plandome side.

14 MEMBER DONATELLI: Along Plandome Road?

15 MR. BORGOGNONE: Yeah.

16 MEMBER DONATELLI: And are those -- those are the first floor
17 awnings?

18 MR. BORGOGNONE: Yes.

19 MEMBER DONATELLI: Is it both of them?

20 MR. BORGOGNONE: I guess if you want to take it from the corner
21 that arched one towards the channel sign. I don't know if you see
22 this photograph.

23 MEMBER DONATELLI: Okay.

24 CHAIRMAN MAMMINA: The one that says --

25 MR. BORGOGNONE: Patisserie and Boulangerie and Buttercook
26 Bakery and Cafe, and the same thing Buttercook Bakery on the signs --

1 MEMBER DONATELLI: Underneath that channel sign.

2 MR. BORGOGNONE: Yes, underneath that channel sign.

3 MEMBER DONATELLI: As the Chairman intimated. Anything that
4 we decide here very typically can be used for precedent in other cases
5 that are brought before us.

6 MR. BORGOGNONE: I understand that.

7 MEMBER DONATELLI: And aesthetics really have nothing to do
8 with it. Your almond croissants have nothing to do with it.

9 MEMBER GOODSSELL: Your baked goods have nothing to do with it,
10 which we -- I'm a client. I'm a customer of the Floral Park.

11 MR. BORGOGNONE: Thank you.

12 MEMBER GOODSSELL: I make special trip to Floral Park sometimes
13 especially when my parents are coming for dinner.

14 MEMBER DONATELLI: But our issue is of course is that we're
15 estranged by the Town Code.

16 MEMBER GOODSSELL: How difficult -- how expensive would it be
17 to simply remove the lettering from the awnings?

18 MR. BORGOGNONE: I can do that. Listen, I want to work this
19 out. If that's what it takes, I'll --

20 MEMBER GOODSSELL: I don't know if that's what it takes.

21 MR. BORGOGNONE: Oh.

22 MEMBER GOODSSELL: I'm trying to do a cost comparison.

23 MR. BORGOGNONE: I appreciate that.

24 MEMBER GOODSSELL: I understand that nobody wants a window full
25 of absolutely beautifully pastries that are melting.

26 MR. BORGOGNONE: Right.

1 MEMBER GOODSSELL: And I know how strong sunlight can be.

2 MR. BORGOGNONE: Right.

3 MEMBER GOODSSELL: And I see that the awnings on the George
4 Street side of the building have chairs and tables underneath them
5 when the sun is beaming straight. I'm sure that provides a little
6 bit of shade.

7 MR. BORGOGNONE: Yes, it does.

8 MEMBER DONATELLI: Plandome Road as well.

9 MEMBER GOODSSELL: And Plandome Road as well. That's true. I
10 see that as well. But if -- would these -- I know how expensive those
11 wooden cart signs are because I had one on my building, and my father
12 thought I was crazy to spend that amount of money, but I thought it
13 was this beautiful sign, so I know you spent money on those.

14 MR. BORGOGNONE: Yes, I did.

15 MEMBER GOODSSELL: If you removed from the awnings the language
16 that appears immediately above on a beautiful carved sign at least
17 that would remove some of the objection.

18 MR. BORGOGNONE: May I ask a question? That may be possible.
19 Would it be possible in order to do -- if we agreed upon doing that,
20 can I have some sort of material just to cover it? Instead of having
21 them remove the awning 'cause that would cost even more money. Just
22 have someone put a fabric the same color and put it right over the
23 lettering over the writing over the -- where the writing is -- where
24 inscription on the awning is.

25 VICE CHAIRMAN FRANCIS: I'm uncomfortable making
26 that -- putting a position on that. Only because they also cited

1 you for the awning itself. I don't think we should get into -- I
2 don't think we should get into at this point.

3 You know, this is a very difficult job. Your property is
4 beautiful. Your product is off the charts, but we're in a difficult
5 position.

6 MR. BORGOGNONE: I know you are. Like I said, there was no
7 intent for me -- like I said, I rather not be here. I rather be
8 working. My son is getting married. I got a rehearsal dinner I got
9 to run to, and I've been sitting here all day. My wife has been
10 texting me. I'm sorry if you see me on my phone. I want to work
11 it out. If you tell me what you want me to -- to remove it, it would
12 ruin it aesthetically. That's -- it takes away the whole look of
13 the building. You know, it have that French look if -- I'm sure -- I
14 don't know if you guys have been.

15 MEMBER DONATELLI: I think you're hearing that we all
16 sympathetic. We're trying to help you the way we try to help many
17 people who come before us. We're trying to help you find a solution.

18 (Whereupon, a discussion was held between Board Members.)

19 MEMBER DONATELLI: So what I would suggest because I would
20 suggest that we give this some thought. Let's see if there isn't
21 a way that we can accomplish some of what you would like to accomplish
22 and some of the things that you need to accomplish on our end. So
23 Mr. Chairman, I would ask if it's okay with the rest of the Board
24 Members that we reserve decision on this.

25 CHAIRMAN MAMMINA: We all think that's a good idea.

26 VICE CHAIRMAN FRANCIS: That was gonna be my suggestion.

1 MR. BORGOGNONE: I appreciate it.

2 MEMBER DONATELLI: We get you to your rehearsal dinner.

3 MR. BORGOGNONE: Yeah, I'm sorry. I've been on the phone with
4 my wife. What time are you coming back?

5 I'll do whatever you want, but if you can just -- I'll cover
6 it. If you can allow me to keep the awnings. It's part of the
7 aesthetic of the building.

8 CHAIRMAN MAMMINA: We know.

9 MEMBER GOODSSELL: Thank you very much.

10 MR. BORGOGNONE: Thank you.

11 MR. HIGGINS: If I may just conclude by suggesting that the two
12 addresses do create a distinction to allow him to maintain possibly
13 the two signs fronting Plandome Road 'cause it was two separate
14 addresses.

15 CHAIRMAN MAMMINA: Okay.

16 MR. HIGGINS: Clearly, the awnings are serving a purpose to
17 preserve the food that's in those fixtures. As far as the awnings
18 on the George Street, again, if he covers it up, they're no longer
19 signs. They have to just maintain one sign on George Street, but
20 again, those awnings are protecting the customers.

21 CHAIRMAN MAMMINA: All points well made.

22 MR. HIGGINS: Okay, thank you.

23 CHAIRMAN MAMMINA: Thanks so much.

24 VICE CHAIRMAN FRANCIS: Thank you very much.

25 MEMBER DONATELLI: So it's reserved?

26 CHAIRMAN MAMMINA: Yes, we'll reserve decision on this. It may

1 or may not be decided later today.

2 SECRETARY WAGNER: Probably not.

3 CHAIRMAN MAMMINA: If we get out of here before midnight.

4
5

6 SECRETARY WAGNER: Next Appeal #21719, Tiga Too; 42 Main
7 Street, Port Washington; Section 5, Block 99, Lot 201; Zoned in the
8 Business-A/Business-B.

9 Conditional Use 70-225(B)(7)(a)(2) and variance §70-103(A)(1)
10 to construct interior alterations to an existing restaurant (a
11 conditional use) with not enough parking.

12 CHAIRMAN MAMMINA: You've heard Appeal #21719, Tiga Too.

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

15 Seeing no one. Please give your name and address.

16 MR.

17 MR. HE: Yes, good afternoon. My name is Wan Long He, HWA
18 Engineer, PC, 41-22 Kessina Boulevard, Suite 105, Flushing, New York
19 11355. Together with me is our project manager, and also the
20 business owner, the proposed restaurant owner of the space.

21 What our proposed is an interior renovation. Is previous there
22 is a Bareburger is the restaurant in year 1924 because of the parking
23 issue, so that restaurant submit zoning board appeal in 2014, and
24 they get approved and grant by this Board, but right now, we've
25 changed the restaurant a little bit from the Bareburger and the new
26 business owner bring a Japanese sushi bar. So basically, they

1 change. The kitchen is the same, and they only add sushi bar, and
2 show on our plan add 47 seats, but it seems that because the previous
3 the zoning is condition use, but when we do the change, we still need
4 to submit our zoning board appeal to this Board.

5 So the difference is, as I said, the parking lot. Previously,
6 we said parking lot is 31 required, and right now based on the new
7 town zoning code, the calculation is a little different, so end up
8 with 38, but nonetheless, all this, there is two parking lots just
9 at each side of the corner of the restaurant is the Public Parking
10 Lot 2, which has 42 parking spaces, and there the other is, the other
11 the A Parking Lot, so I mean that -- so I think there is probably -- so
12 we have similar condition of the zoning board appeal in 2014. So
13 we have the parking problem with you just one please this Board to
14 grant our application.

15 MEMBER DONATELLI: I am the member on is this Board from Port
16 Washington, so I'm familiar very familiar with Tiga and with what
17 has been there Bareburger. I know the area, and there is a certain
18 wonderful chaos that occurs on Main Street in Port Washington where
19 somehow there is a lot of businesses, a lot of pedestrians, and some
20 cars, but somehow because of the public parking because of the street
21 parking, there is this -- it works is what I'm trying to say. Certain
22 positive energy to it. I would note to that the prior restaurant
23 that is actually for one seat less than the prior restaurant that
24 had been granted there. I also am quite familiar with Tiga, and even
25 though I don't participate in sushi my entire family does and they
26 speak volumes about the sushi there, so Mr. Chairman, unless the other

1 Board Members have any questions, I make a motion that we grant the
2 application with standard restaurant conditions.

3 MEMBER GOODSSELL: I would be so happy to second that.

4 CHAIRMAN MAMMINA: We have a motion by Member Donatelli.
5 Seconded.

6 SECRETARY WAGNER: Seconded by Member Goodsell?

7 MEMBER GOODSSELL: Yes.

8 CHAIRMAN MAMMINA: Please poll the Board.

9 SECRETARY WAGNER: Member Hernandez?

10 MEMBER HERNANDEZ: Aye.

11 SECRETARY WAGNER: Member Goodsell?

12 MEMBER GOODSSELL: Aye.

13 SECRETARY WAGNER: Member Donatelli?

14 MEMBER DONATELLI: Aye.

15 SECRETARY WAGNER: Vice Chairman Francis.

16 VICE CHAIRMAN FRANCIS: Aye.

17 SECRETARY WAGNER: Chairman Mammina?

18 CHAIRMAN MAMMINA: Aye.

19 MEMBER GOODSSELL: Much success to your client.

20 MEMBER DONATELLI: Thank you. First grant of the day.

21 MR. HE: Thank you.

22 SECRETARY WAGNER: No, we had one other.

23 VICE CHAIRMAN FRANCIS: One other. Way before.

24 MEMBER DONATELLI: Oh, we did.

25 DEPUTY TOWN ATTORNEY ALGIOS: You're going to get a decision
26 in the mail.

1 SECRETARY WAGNER: Appeal #21720, Port NY One, LLC (SoBol); 20
2 Main Street, Port Washington; Section 5, Block 126, Lot 224; Zoned:
3 Business-B.

4 Conditional Use 70-126(F) to convert a retail space into a new
5 retail food use which is conditional use.

6 CHAIRMAN MAMMINA: You've heard Appeal #21720, Port NY One, LLC
7 (SoBol). Is there anyone in the room other interested in the
8 application other than the applicant?

9 Seeing no one. Please give your name and address.

10 MR. COSTAS: Hi guys. My name is Alexandros Costas, 2240 78th
11 Street, East Elmhurst, New York.

12 MEMBER DONATELLI: Sir, would you mind speaking a little bit
13 louder, please?

14 MR. COSTAS: Yes.

15 VICE CHAIRMAN FRANCIS: You can raise that microphone.

16 MR. COSTAS: So I'm here today, guys, you know, I'm the owner,
17 the operator of the business to tell you guys we are very happy and
18 excited if you allow us to open Port Washington. Bring some good
19 stuff to the neighborhood. Just for conditional use change. I'm
20 here to answer any questions you guys have.

21 VICE CHAIRMAN FRANCIS: Are you changing anything with regard
22 to the kitchen?

23 MR. COSTAS: No.

24 VICE CHAIRMAN FRANCIS: Oh, this was retail space.

25 MR. COSTAS: Yes, it was retail space before.

26 VICE CHAIRMAN FRANCIS: Forget that question.

1 MEMBER GOODSSELL: So you're putting in a kitchen?

2 MR. COSTAS: Yes.

3 MEMBER GOODSSELL: And seats?

4 MR. COSTAS: It's no seats. It's quick transactions.

5 MEMBER GOODSSELL: Oh, it is gonna be.

6 MR. COSTAS: It's in and out. Most all that we do is online
7 orders and pick up orders. We have the app, and everybody order
8 through the app, and then come in the store and pick up the order --

9 MEMBER GOODSSELL: Well, not everybody. I'm that good at that,
10 so.

11 MR. COSTAS: We have a counter. We have, of course, a kiosk.
12 We have a POS system. We take orders in the store. It's very
13 basically -- -- basically, it's very easy, and very quick
14 transactions. Very easy food. There's no kitchen, no cooking, no
15 gas. It's just freezer and the refrigerators.

16 MEMBER GOODSSELL: Do you have other stores that have this
17 business model?

18 MR. COSTAS: Yes, I have previous in Glen Cove area and then
19 now in Forest Hills, Queens.

20 MEMBER GOODSSELL: And the model that you have in Forest Hills
21 pick up and go?

22 MR. COSTAS: It's the same thing.

23 MEMBER GOODSSELL: Forest Hills is atrocious parking, isn't it?

24 MR. COSTAS: Yes, it's smaller place, and it works perfect.

25 MEMBER DONATELLI: Will it be retail or delivery or a
26 combination?

1 MR. COSTAS: It's combination like delivery and pick up orders.

2 MEMBER DONATELLI: So you do anticipate having customers come
3 to the store?

4 MR. COSTAS: Yes.

5 MEMBER DONATELLI: I'm also familiar with this area. Being
6 from Port Washington, I know that there's a parking area directly
7 behind the premises.

8 MR. COSTAS: Yes.

9 MEMBER DONATELLI: Where will you be getting your deliveries?

10 MR. COSTAS: From the back door.

11 MEMBER DONATELLI: From the parking lot.

12 MR. COSTAS: Yes. It's kind of the space. It's a very good
13 space. It's very comfortable. Very easy access.

14 MEMBER HERNANDEZ: You mentioned that there was no cooking, so
15 you're preparing I guess salads?

16 MR. COSTAS: It's just fruits. We have a team member from the
17 franchise over here, John, if you guys have questions about like what
18 is the SoBol? What is we do? Because my English not so good maybe
19 you guys don't understand me. So basically, it's healthy, gluten
20 free, dairy free, and Kosher certificate business for this town.

21 MEMBER GOODSSELL: Mr. Costas, we all speak food. We understand
22 you just fine.

23 MEMBER DONATELLI: Wow. I didn't know I spoke food.

24 MR. COSTAS: It's basically fruits. We have like basically
25 fruits, and we blend it and give it smoothie. You can drink it or
26 you can eat it.

1 VICE CHAIRMAN FRANCIS: Oh, okay.

2 MEMBER HERNANDEZ: Got it.

3 MR. COSTAS: Everything is based on fruits, and very good for
4 health and digestive system, immune system. All those good stuff.

5 MEMBER HERNANDEZ: Is it primarily frozen fruits, or is it fresh
6 fruits?

7 MR. COSTAS: It's fresh fruits, and we blend it. We have some
8 part frozen fruit also, yes.

9 MEMBER HERNANDEZ: I haven't looked at all your prep area, but
10 you know that you need to have refrigerated garage.

11 MR. COSTAS: Yes, we have it on the premises, yes.

12 MEMBER DONATELLI: Any other questions, comments, or concerns?

13 VICE CHAIRMAN FRANCIS: I'm good.

14 MEMBER GOODSSELL: No.

15 CHAIRMAN MAMMINA: No. Go for it.

16 MEMBER DONATELLI: Mr. Chairman, I make a motion that we grant
17 the application with the standard restaurant conditions.

18 CHAIRMAN MAMMINA: We have a motion by Member Donatelli.

19 VICE CHAIRMAN FRANCIS: I'll second.

20 CHAIRMAN MAMMINA: Second by Vice Chairman. Please poll the
21 Board.

22 SECRETARY WAGNER: Member Goodsell?

23 MEMBER GOODSSELL: Aye.

24 SECRETARY WAGNER: Member Donatelli?

25 MEMBER DONATELLI: Aye.

26 SECRETARY WAGNER: Member Hernandez?

1 MEMBER HERNANDEZ: Aye.

2 SECRETARY WAGNER: Vice Chairman Francis?

3 VICE CHAIRMAN FRANCIS: Aye.

4 SECRETARY WAGNER: Chairman Mammina?

5 CHAIRMAN MAMMINA: Aye. Go make juice.

6 MR. COSTAS: Thank you. I hope to see you as customers.

7 MEMBER HERNANDEZ: Thank you.

8 MEMBER GOODSELL: Thank you. Good luck to you.

9

10

11 SECRETARY WAGNER: Appeal #21721, Wonder 4 Kids (260 Voice
12 Road, LLC); 186 Glen Cove Road, Carle Place; Section 9, Block 663,
13 Lot 37; Zoned: Industrial-B.

14 Variance from 70-103(A)(1) to construct interior alterations
15 to convert a retail space into an indoor playground (a place of public
16 assembly) with not enough off-street parking.

17 CHAIRMAN MAMMINA: Appeal #21721, Wonder 4 Kids (260 Voice
18 Road, LLC). Is there anyone in the room interested in the
19 application other than the applicant?

20 Seeing no one. Please give your name and address.

21 MR. FARRELL: For the applicant, John Farrell with the firm of
22 Sahn Ward Braff Coschignano. Our offices is at 333 Earle Ovington
23 Boulevard, Suite 601, Uniondale, New York. I am pinch-hitting for
24 Mr. Sahn, so.

25 CHAIRMAN MAMMINA: I hope he's well.

26 MR. FARRELL: He is. He was here. He has hearings later

1 today, so the time ran away, so.

2 The project needs a parking variance to convert the former OTB
3 that was at this location into a 10,116 square foot indoor children
4 playground. The playground will be in a portion of the -- it's the
5 Western Beef Supermarket plaza. It's about eight-and-a-quarter
6 acres at 186 Glen Cove Road. It's located within Carle Place, and
7 it's owned by 260 Voice Road, LLC. The premises are located in the
8 Industrial-B zoning, and it's fully developed into 138,400 square
9 foot shopping center.

10 With me today are my client Joy Wang and Sean Mulryan of Mulryan
11 Engineering. They'll be able to answer any questions that I can't.
12 Sean will obviously give testimony regarding the parking variance:

13 The center will operate daily from 10:00 A.M. to 8:00 P.M. It
14 will be staffed by four employees during all hours of operation. It
15 is designed to accommodate approximately 50 children who be
16 accompanied and supervised by an adult, parent, or guardian while
17 on the premises.

18 It's an interesting use. It's got small trampolines, slides,
19 a ball pit, jungle gyms, things to climb on. It's for younger
20 children probably under the age of eight or so. There are no formal
21 classes schedule at this. It'll be either a walk-in or they'll have
22 parties at the location.

23 CHAIRMAN MAMMINA: Would you say it's kind of Chuck E.
24 Cheese-ish?

25 MR. FARRELL: I wouldn't even say it's Chuck E. Cheese 'cause
26 it's no food and there's no video games. It's really just -- it's

1 more -like a bounce -- like a BounceU type of place, but not with
2 the bouncy things. Like indoor jungle gyms and small trampolines.

3 MEMBER GOODSSELL: I went to something like this in Boston. I
4 have a grandchild, and these types of places are very popular in the
5 various parts of Boston, and they tend to cater during business hours
6 to young children during -- and then after 3:00, it becomes bedlam
7 with the school-age children come.

8 Yes, the idea is this is a safe place for children to play. It's
9 indoor. It's very popular during the rainy days and rainy season,
10 and there is no food served. It's permitted for the parent for the
11 to bring a snack, if that's the business model, here. There's no
12 formal food served.

13 MR. FARRELL: Right.

14 MEMBER GOODSSELL: There are bathrooms. There are -- someone
15 who's going around cleaning, but is that the type of model that this
16 is?

17 MR. FARRELL: Yes, that's the exact type of model that it is.
18 My client envisions that, you know, if parents go shopping, in this
19 area there's a lot of retail uses over here. One parent may go to
20 the nail salon or something, and the other parent could bring the
21 child in this facility to play while the mom getting her nails done
22 or something a long those lines.

23 MEMBER DONATELLI: What is the business model? Is there an
24 hourly fee or per game fee? Is it ala carte?

25 VICE CHAIRMAN FRANCIS: Just give us your name and address.

26 MS. JOY: My name is Joy. I live in 161 24th Street in

1 Whitestone. It's gonna be just like other indoor playground
2 probably like a -- I'll say like, for example, \$20 for two hours play,
3 so pretty like eliminate the time.

4 MEMBER DONATELLI: So an hourly fee?

5 MS. JOY: Yes, correct.

6 VICE CHAIRMAN FRANCIS: How do you monitor that?

7 MS. JOY: We're gonna have machine. We're gonna have a gate.
8 Like an electronic gate. Like we will give the kids a rubber band,
9 so they're gonna scan the bar code.

10 VICE CHAIRMAN FRANCIS: Yep.

11 MS. JOY: When they came, and when they get out, they can scan
12 the bar code again if your time has end. Like it's over, the gate
13 will not open. Then we will know.

14 MEMBER GOODSSELL: Is this the type of facility where you ask
15 the children to remove their shoes?

16 MS. JOY: Yes, everybody if you want to get in the soft play
17 area, you need to remove the shoes and socks on.

18 MEMBER GOODSSELL: And socks?

19 MS. JOY: Yes, all the time.

20 VICE CHAIRMAN FRANCIS: Is there a maximum time that you can
21 stay in the facility?

22 MS. JOY: I'll say like if you to play like the entire day, but
23 I don't the kid will have that much energy. Like if kid's heaven,
24 parents not. I have two kids. I also bring them to other indoor
25 playground, so same thing. They do two hours of like most of the
26 time, one hour thirty minutes, I would say let's go. I don't want

1 stay other than that.

2 MEMBER DONATELLI: You haven't met my kids.

3 VICE CHAIRMAN FRANCIS: If you just want to get away, drop the
4 kids off for like half a day.

5 MS. JOY: No.

6 MR. FARRELL: Parents got to stay.

7 VICE CHAIRMAN FRANCIS: Oh, parents have to stay.

8 MEMBER HERNANDEZ: That defeats the purpose.

9 MS. JOY: Yeah, parents got to stay, yeah, 'cause we try to make
10 the place safe for everybody, not only like parents.

11 MEMBER GOODSSELL: Let me ask you a question. Is now still gonna
12 be a little vacant space in the corner right next to the building;
13 is that correct?

14 MR. FARRELL: Yes.

15 MEMBER GOODSSELL: The plan kind of --

16 SECRETARY WAGNER: There's a couple of vacant spaces there.

17 MEMBER GOODSSELL: You didn't want to take over that space as
18 well?

19 MR. FARRELL: I think that would just involve more
20 construction. I think it is easier just to take the space that was
21 available instead of cutting through the wall, and then there's
22 construction costs that's involved.

23 MEMBER GOODSSELL: Just pulling it up. Yes, vacant retail Space
24 Number 1, which is approximately 2,000 square foot. Looks like it
25 just cuts right into the building, and you're gonna have a tenant.
26 You're gonna have a neighborhood obviously at some point 'cause

1 hopefully the landlord is gonna rent that, too, so is that
2 something --

3 MR. FARRELL: Hopefully, the landlord rents it. It's
4 2000 square feet. It's a tough space.

5 MEMBER GOODSELL: Exactly.

6 MR. FARRELL: Yeah, in terms of cost, though, it doesn't make
7 sense financially to pay the construction cost and the additional
8 rent that it would require for an additional square footage.

9 VICE CHAIRMAN FRANCIS: Your primary issue is whether or not
10 you have adequate parking.

11 MR. FARRELL: Correct. That is what the notice of denial was
12 written for. The way this site was built out back in 1951, it was
13 built for exclusively retail uses. On a retail basis we're two
14 parking spaces short of what we have. Over the years because retail
15 has kind of gone south, restaurants have taken over retail spaces,
16 and public assembly uses have taken over retail spaces and that
17 increases your parking variance. So right now with the current uses
18 and this use, the requirement is 677 spaces, and we have 456 spaces,
19 so it's 221 space deficiency, but I think realistically there's more
20 than ample spaces at any given time in this location, even with --

21 MEMBER GOODSELL: I think there are because this type of
22 business is probably going to close around 5:00 or 6:00 at night,
23 is that correct?

24 MR. FARRELL: Right now, we're scheduled to be open till 8:00.

25 MEMBER GOODSELL: Till 8:00.

26 MR. FARRELL: Yeah.

1 MEMBER GOODSSELL: Okay.

2 MR. FARRELL: But, you know, like most of the time, it's either
3 gonna be people that are already there shopping, or it's gonna be
4 like off-peak hours that don't really match up with the other uses.

5 VICE CHAIRMAN FRANCIS: Yeah, and it's going to be like any
6 other thing. Parking is gonna be self-regulated. If there are no
7 parking spaces, you're not taking your kid there. You're taking the
8 kid to the park.

9 MR. FARRELL: Well, that's the thing. In this location, it's
10 not like you could easily park on the side or something like that.
11 It's too busy. It's too dangerous. You're gonna leave if you're --

12 CHAIRMAN MAMMINA: You're not going to park Glen Cove Road.

13 VICE CHAIRMAN FRANCIS: No, you're not.

14 MR. FARRELL: Correct.

15 VICE CHAIRMAN FRANCIS: You're not even parking on Voice Road.

16 MR. FARRELL: Right.

17 CHAIRMAN MAMMINA: No.

18 MEMBER DONATELLI: And you're certainly not gonna cross the
19 street.

20 MR. FARRELL: You're not gonna cross Glen Cove Road for sure.

21 MEMBER DONATELLI: Did you want to have Mr. Mulryan?

22 MR. FARRELL: If you guys would like to hear the testimony from
23 Mr. Mulryan?

24 VICE CHAIRMAN FRANCIS: He's here. Might as well.

25 MEMBER GOODSSELL: You paid him enough money, so.

26 MR. MULRYAN: I thank the Board for their support on my business

1 plan. Sean Mulryan, Mulryan Engineering, 1225 Franklin Avenue,
2 Garden City, New York.

3 We had worked on this subject site more than once. We were here
4 in 2005. We were here in 2020. To speak to some of the prior uses
5 that came before the Board, they were restaurants. So those two
6 restaurants that currently exists have increased parking requirement
7 by 193 parking spaces. So the subject site, which is not going from
8 retail to public assembly, is only increasing the requirement by 21
9 parking spaces. So although the variance that we're requesting is
10 quite large, it's due in part to two of the restaurant uses that were
11 previously approved by the Board. Speak to the uses of the subject
12 site, the Board may be well aware that a Western Beef went in recently
13 into a defunct supermarket that was previously there. We're hoping
14 that that'll revitalize the center. The center has gone through some
15 years where it's been largely vacant. The subject site is on the
16 front end of the project, so it is on Glen Cove Road, but it is not
17 on the front of the building. So this an L-shaped shopping center.
18 The Western Beef is further to the west and main portions of the
19 buildings face the main parking lot. This is on directly a long Glen
20 Cove Road, so it's in a portion of the parking lot that's not used
21 by others uses in the center. Out to the peripherally of the center.

22 Yes, there is a smaller retail use there. The ownership would
23 love to have it filled, but again, if we did take that 200 square
24 feet increase, the occupy of the building would have a larger
25 variance. We're looking to take the space.

26 There's been a lot of testimony here today. There's been a lot

1 of uses on the calendar today that speak to the need to change retail
2 uses to other uses just because the ownership, the landlords, can't
3 find tenants to go into those properties.

4 As you mentioned, public assembly, daycare, children play
5 areas. This used to be a park on the corner, but it's outside, if
6 it's raining, if it's snowing, you can go inside. You can go inside.
7 It's protected. They require a parent to be there. Obviously,
8 there's many things going on the world where security is a primary
9 concern. Having a child to come with their parent and staying inside
10 in a controlled environment is obviously much safer than being in
11 a park or going out with your friends, and who knows what happens.
12 This is a controlled environment. You can have a play date with your
13 friend in inclement weather. It's a good use for that, and it is
14 outside of the parking that would be used by other uses in the center.

15 Again, the hours of operation for any shopping center vary by
16 use. The restaurants were busier at night. The supermarket will
17 be busy during the day. It'll be busy on weekends. This, we
18 believe, is a good complement to those other uses, and our count at
19 this center shows that there's ample availability.

20 We did look at the vacant retail uses and ran calculations based
21 on the Institute of Transportations and Engineers, and we found that
22 the parking that's provided on the subject site is more than adequate
23 to accommodate the proposed use and any tenancies that will be filled
24 after this is constructed.

25 That's a brief synopsis of the report that was submitted. If
26 there's any questions, I'll be happy to try and answer them.

1 MEMBER DONATELLI: Will the kids be driving themselves?

2 MR. MULRYAN: Only inside in small plastic cars.

3 MEMBER GOODSSELL: How many parking spaces do think a princess
4 house might require?

5 MR. MULRYAN: Well, the princess castle is quite large, so it's
6 how many tenants can you fit in, and how many bedrooms are being
7 proposed.

8 CHAIRMAN MAMMINA: What zone is it? Is it a permitted use?

9 MEMBER GOODSSELL: I like that. A princess house.

10 MR. MULRYAN: Thank you very much.

11 MEMBER GOODSSELL: I think it actually is a fairly easy place
12 to park. I've never had a problem parking in the parking lot there.

13 MR. MULRYAN: Especially, on the outside perimeters.

14 MEMBER GOODSSELL: Yes.

15 MEMBER DONATELLI: Right.

16 MR. MULRYAN: As you find in most shopping centers, there's a
17 primary parking area in front of the tenant, anchor tenant, and then
18 as you move away from that anchor tenant, typically, you'll find more
19 and more parking. Again, on peripheries, you can locate other uses.
20 A lot of times people would put out parcel buildings, restaurants,
21 and other things, to fill the parking that's not being used by the
22 main tenant.

23 CHAIRMAN MAMMINA: It is self-limiting. There's typically
24 parking to the north of that. With the Western Beef, if it's anything
25 like Aldi's, that parking lot is gonna be full, but that's okay in
26 this instance. We hope that everybody's successful. Thank you, Mr.

1 Mulryan.

2 MR. MULRYAN: Thank you very much.

3 MR. FARRELL: I think based on what we've presented so far, I
4 think, it's clear that the benefit to the applicant outweighs any
5 possible detriment to the community.

6 If you would like me to go through the Five Factors, I can, but
7 I think the testimony so far supports that we've met the balancing.

8 VICE CHAIRMAN FRANCIS: Everyone all right?

9 MEMBER DONATELLI: I'm good.

10 VICE CHAIRMAN FRANCIS: This is fairly close to my
11 neighborhood, Mr. Chairman, so I'm gonna move that we grant the
12 application.

13 MEMBER GOODSSELL: I'll second that.

14 CHAIRMAN MAMMINA: We have a motion and a second. Please poll
15 the Board.

16 SECRETARY WAGNER: Member Hernandez?

17 MEMBER HERNANDEZ: Aye.

18 SECRETARY WAGNER: Member Goodsell?

19 MEMBER GOODSSELL: Aye.

20 SECRETARY WAGNER: Member Donatelli?

21 MEMBER DONATELLI: Aye.

22 SECRETARY WAGNER: Vice Chairman Francis?

23 VICE CHAIRMAN FRANCIS: Aye.

24 SECRETARY WAGNER: Chairman Mammina?

25 CHAIRMAN MAMMINA: Aye. The application is granted.

26 MR. FARRELL: Thank you very much.

1 CHAIRMAN MAMMINA: Completely off the record.

2 (Whereupon, a discussion was held off the record.)

3
4
5 SECRETARY WAGNER: Appeal # 21690, Salvation Army; 992 Prospect
6 Avenue, Westbury; Section 11, Block 31 Lot 90; Zoned:
7 Business-A/Residence-C/New Cassel Overlay District.

8 Pursuant to 70-125.T, variances from 70-46.B and 70-50.A, and
9 variances from 70-50.A, 70-100.2(A)(2), 70-100.2(A)(4)[5],
10 70-103.A(1)/70-103(R), 70-103.M, and 70-203.J to construct a new
11 church that is too tall and will be located within the required front
12 yard setback too close to the street, with a dumpster located within
13 the required front yard setback too close to the street, not enough
14 parking on site, parking spaces located within the front yard setback
15 too close to the street, sliding chain link gates/vehicular entrance
16 gates located within the required front yard setback too close to
17 the street, fencing located within a front yard (not permitted), and
18 fencing that is too tall.

19 CHAIRMAN MAMMINA: You heard Appeal #21690, Salvation Army.
20 Is there anyone in the room interested in the application other than
21 the applicant?

22 Seeing no one. Please give your name and address.

23 MR. FARRELL: Good afternoon, again. For the applicant John
24 Farrell with the firm Sahn Ward Braff Coschignano. Our offices are
25 at 333 Earle Ovington Boulevard, Suite 601, Uniondale, New York.

26 With me today are Alex Badalamenti from Baldassano

1 Architecture. He's the architect on the project. Rob Schiavone
2 from IMEG Engineering. He's the civil on the project. Rebecca
3 Goldberg, who's here for the traffic, and then I have these
4 well-dressed people in the back who are representatives of the
5 Salvation Army.

6 Subject property is located on the southeast corner of Prospect
7 Avenue and New York Avenue in New Cassel. It's a 200-foot wide
8 parcel. It's approximately 144-feet deep, and it's a total of 28,861
9 square feet of total lot area. It's a split-zoned property with the
10 front half of the property, or the property closest to Prospect
11 Avenue, zoned Business-A, and the rear of the property is zoned
12 Residence-C. It's also located in the New Cassel Urban Renewal
13 Overlay District.

14 The existing building on the site currently houses the Salvation
15 Army and their operations. The facility is about 4,600 square feet
16 with a basement of a little under 1,000 square feet. There are two
17 properties that are to the rear that were previously improved
18 residential dwellings. The Salvation Army acquired those and
19 demolished those dwellings to make them part of this project.

20 As the Board may know, my client previously received approvals
21 from this Board for this almost exact same project on at least in
22 terms of the footprint of the building. In 2014, application 19568
23 was approved, and then in 2016, it was approved again under 19658.A.

24 Most people know that the Salvation Army does charitable work.
25 They collect money at the holidays. People out ringing the bells,
26 and they are amazing and collecting goods that people in need can

1 find to have a, you know, somewhat normal life. But also the
2 Salvation Army is also ministry. There is a religious component to
3 their operation. They have regular church services on Sundays, and
4 they also provide a number of additional services for the community.
5 They have after school programs, prayer services, a music program,
6 a dance program for kids in the community.

7 Currently, the church services are held on Sunday from 10:00
8 to 12:00. On Tuesdays and Thursdays, they have children's programs
9 from 4:00 to 5:45. Also, on Tuesday and Thursday, they have prayer
10 session from 6:00 to 7:00, and Wednesdays is food distribution from
11 11:00 to 12:00, and they have a kid session also on Wednesdays from
12 4:00 to 5:45. Saturdays is a woman's ministry from 5:00 to 6:00.

13 The applicant is seeking variances in connection with the
14 complete redevelopment of this property. The proposal is to build
15 a two-story 20,600 square feet building with a partial basement of
16 approximately 2,600 square feet. This building is about 12,000
17 square feet. Smaller in terms of usable area from the building that
18 was previously approved by this Board. So specifically, they
19 removed -- they originally had a full basketball court that was two
20 levels high. That's been taken out, and the basement was shrunk
21 significantly. Originally, it was a full basement. They now shrunk
22 it down to about 2,600 square feet.

23 With the proposed facility, they're gonna have the first floor
24 will have a chapel, a multipurpose room, restrooms, kitchen, pantry,
25 and some small offices. The second floor will have classrooms, a
26 dance studio, offices, and storage for equipment that they use for

1 the programs, musical instruments, and things of that nature. In
2 the basement, they have a pantry and storage room.

3 This facility is necessary to satisfy the program and the needs
4 of the Salvation Army. They've simply outgrown their space. This
5 was the case back when we got the original approvals. Unfortunately,
6 due to some reorganization within the Salvation Army and costs, they
7 scrapped the project, and they've now come back with this facility,
8 which is, like I said, slightly smaller, but certainly necessary to
9 satisfy the needs of the people that attend the church and the people
10 that come for the after-school programs.

11 The first variance that's noted in the notice of denial is
12 related to the dumpster, trash enclosure, which is located too
13 close -- it's technically in the front yard. That particular -- it
14 extends -- actually, it's just in the front yard. It takes up the
15 last parking space at the rear of the facility. We found that, that
16 was the best location to be able to get in quickly and efficiently
17 and remove the garbage, and also keep it further away from the
18 recreational spaces of the neighbors, their backyards, and things
19 like that. It was a previously approved as everything else on this
20 application was by this Board.

21 The next thing I'm gonna jump to is -- I'm gonna jump to the
22 parking real quick. We do need variances for off-street parking.
23 Originally, we were required to have 260 spaces for this facility
24 with the original building, and that was approved, and we were
25 providing the same 36 that we're providing now. Due to the changes
26 in reduction in square footage, that requirement is now down to 160

1 spaces, and we're still providing the same 36 spaces. We do have
2 a license agreement with the Seventh-day Adventists, so on worship
3 days, Sundays, which are usually the busiest days at the facility
4 when they need the most parking, they can take advantage of the
5 Seventh-day Adventists, which are across the street. Seventh-day
6 Adventists, as you may know, have their services on Saturdays, so
7 there's no conflict, and they use our parking lot for their overflow
8 as well, so it's a nice synergy.

9 VICE CHAIRMAN FRANCIS: How many parking spaces are there?

10 MR. FARRELL: I'm gonna bring up our traffic engineer, and she
11 can give you more detail on that.

12 VICE CHAIRMAN FRANCIS: Okay.

13 MR. FARRELL: Actually, I'm gonna do that now.

14 VICE CHAIRMAN FRANCIS: Okay.

15 MR. FARRELL: So Rebecca Goldberg from IMEG Engineering, and
16 she can give testimony regarding that.

17 VICE CHAIRMAN FRANCIS: Thank you.

18 MS. GOLDBERG: Hi. Rebecca Goldberg with IMEG. Business
19 address 177 Crossways Park Drive in Woodbury. Just to answer your
20 questions first. The church lot has eight to ten spaces that are
21 used week to week, and when we did our parking counts, we saw nine
22 of those spaces being used during the Sunday service.

23 I'll just do a brief presentation now.

24 MEMBER DONATELLI: If I could just ask you to speak up, please.

25 MS. GOLDBERG: Sure. The report that I have -- it actually
26 started out as a secret consistency analysis because again, it's

1 reflecting the original application and approvals from 2013, 2014.
2 We later added on to it to current spring 2025 the traffic and parking
3 counts, and based all of our analysis on that current condition.

4 Overall, on the parking, the application does need a variance
5 for 130 spaces, and based on the program --

6 CHAIRMAN MAMMINA: Can you just go a tiny bit slower? I didn't
7 hear the number. I know what the number is; 100 and -- in terms of
8 parking spaces.

9 MS. GOLDBERG: Oh, 166 required.

10 CHAIRMAN MAMMINA: Just for the record. It helps the record
11 to be more clear.

12 MS. GOLDBERG: Sure. So based on the church's program, we
13 calculated a peak demand usually 36 or fewer spaces apart from peak
14 54 spaces on the Sunday during services. This peak was satisfied
15 with no overflow to adjacent properties. We have the 36 spaces on
16 the site. Up to 16 street space along the three streets that the
17 property has frontage on, so that's east side of New York Avenue,
18 the south side of Prospect, and the west side of Brooklyn Avenue,
19 so not accounting for any parking in front of the neighboring
20 property, and then we have on a Sunday morning the space at the
21 Seventh-day Adventists church.

22 Our parking counts were done in April during the church's
23 busiest activity periods, and that includes a Wednesday in the middle
24 of the day, a Saturday evening, a Sunday morning for the services,
25 and then a Sunday evening at 7:00 P.M. That includes, again, the
26 street parking, the church lot, the Bethany lot as well. The highest

1 demand that we saw was during Sunday morning; 46 spaces, and that
2 included nine spaces at the Bethany lot across the street, and eight
3 cars on street considering that they were all associated with the
4 church at that time. Like all of the other times, we counted 11 too
5 20 spaces. Only combining the spaces on the property and spaces on
6 the street.

7 VICE CHAIRMAN FRANCIS: Were those spaces on the street on
8 Prospect Avenue, or?

9 MS. GOLDBERG: It was a combination. It was Prospect, New York
10 Avenue, and Brooklyn Avenue.

11 At all times there was room for at least eight more cars on the
12 frontage alone in addition to the other parking that was available
13 to the lot.

14 MEMBER GOODSELL: In the parking spaces that are in the lot,
15 what are they? Are they the standard 10-feet to 20-feet, or are they
16 smaller?

17 MS. GOLDBERG: So they're proposed at 10-by-20 with 20-foot
18 drive aisles. I believe that's not part of the variance that's being
19 requested now.

20 MEMBER GOODSELL: Correct.

21 MS. GOLDBERG: And that actually gets to my circulation, so
22 we'll skip on that. On the traffic generation, and I'll just touch
23 upon that. Most of the traffic is what we call off peak, and during
24 the week, Monday through Friday, there's really no activity at all
25 until about 10:00 A.M. when some employees arrive for the office use.

26 The traffic numbers are not related to the square footage, and

1 most of the people who are in the building, either they don't drive,
2 or there is consistent use of carpools and van pools to bring people
3 in, and then bring them home. The trip generation calculates to a
4 range from 21 to 50 trips an hour, at most, during the church's peak
5 periods.

6 The Town Code requires us to analyze the nearest signal light
7 intersection, so we did counting analysis at Prospect Avenue and
8 State Street, which is situated slightly east of the church property,
9 and it's the nearest traffic signal. We coordinated the time periods
10 with the Planning Department, so that includes a Wednesday in the
11 middle of the day, a weekday afternoon during typical 4:00 to 6:00
12 P.M. rush hour time, a Saturday evening to account for the bible study
13 activity, and then Sunday morning for the services. We projected
14 those counts to the year 2027, and then compared the traffic without
15 versus with the trips that are associated with this building. We
16 found no level of service impacts the level of service grades. All
17 stayed the same. There's no delayed change going north, south, and
18 then east, west, it's very minimally, maybe half of a second of a
19 delay of an increase, but it's not something that drivers will notice
20 as a difference.

21 That concludes my presentation, unless there are any questions.
22 Thank you.

23 MEMBER GOODSSELL: How many access points into the church
24 parking lot will there be.

25 MS. GOLDBERG: Two. They'll be one on each of the east side
26 and the west side on New York Avenue and on Brooklyn Avenue, and they

1 will actually be designated for exiting to the north only, so people
2 can enter, but they cannot exit and head south on either street. They
3 have to exit from the west side on New York Avenue; they must make
4 a right turn to head north, or from Brooklyn Avenue, they have to
5 make a left to head north.

6 VICE CHAIRMAN FRANCIS: The use of vans is that specifically
7 on Sunday only, or how does that? Mr. Farrell, if you wanna --

8 MS. GOLDBERG: I can look at the program. They do use vans more
9 than just on Sundays.

10 VICE CHAIRMAN FRANCIS: What is the capacity of the vans?

11 MS. GOLDBERG: Roughly 12-passenger, sometimes,
12 seven-passenger vans. There are other activities during the week,
13 which the vans are used.

14 MR. FARRELL: Just a quick note. A lot of the members of the
15 Salvation Army community tend to be from inner city, lower-income
16 neighbors, and if they don't have vehicles, so the transport is
17 generally walking, public transportation, or the shuttle pick up.

18 VICE CHAIRMAN FRANCIS: The capacity for the proposed terms is
19 241 seats?

20 MR. FARRELL: Yes.

21 VICE CHAIRMAN FRANCIS: How many vans did you say, or did you
22 say?

23 MS. GOLDBERG: I have three vans with varying capacities, seven
24 to 12 passengers.

25 VICE CHAIRMAN FRANCIS: Okay. That still leaves a lot of
26 people coming to the site? How are those people coming?

1 MR. FARRELL: Public transportation. They're coming by cars.
2 When people come by cars, they're not coming usually one. They're
3 usually coming as a family, so you have four to five people in a car,
4 so with 36 cars, you can accommodate with each car came with just
5 four people, that's 140 -- 150-plus people accounted for just with
6 the parking spaces. Again, we have the available and pursuant to
7 the code, we can count the parking on Prospect towards our parking
8 required additional. You have your additional eight spaces there,
9 plus an additional eight spaces at Seventh-day Adventists, you know,
10 you're pushing us to almost -- what is it? I'm terrible at math;
11 52 spaces at this point.

12 VICE CHAIRMAN FRANCIS: That's why we went to law school.

13 MR. FARRELL: Exactly, if I could do math, I'd be a doctor.

14 MEMBER GOODSSELL: Fifty-two spaces with a possibility more
15 people per car.

16 MS. GOLDBERG: The parking that we counted is what will happen
17 in the future, so the activity is what's already going on.

18 MEMBER DONATELLI: I'm looking at your Page EG1.1, and it is
19 the first floor of the -- sorry. Second-floor egress plan, no.
20 Okay, sorry. First floor plan.

21 My question is as follows. I see that the entry -- well, I'm
22 trying to figure out the orientation of the building, so the area
23 on the left of that page, EG1.1, is that the area that fronts to the
24 parking lot -- I'm sorry. It's through street, but your vestibule
25 entry runs through the middle of the building, and you got Door A
26 on top and Door B below. Is Door A on top, is that Prospect Avenue?

1 MR. FARRELL: Yes.

2 CHAIRMAN MAMMINA: Is there an architectural site plan because
3 I've been digging around trying to find it.

4 Please give your name and address.

5 MR. BADALAMENTI: Alex Badalamenti, president BLD Architects,
6 31 West Main Street, Patchogue, New York. We are the architects.

7 CHAIRMAN MAMMINA: Is there an architectural site plan. I've
8 not been able to find it, which doesn't mean it's not there.

9 MR. BADALAMENTI: No, there's only the site civil site plan
10 that's in the civil package, which I have, which I can show you.

11 CHAIRMAN MAMMINA: Okay.

12 MR. BADALAMENTI: But yes, there are vestibules on either side
13 of the building. It's oriented that Prospect is to the north, Page
14 North.

15 MEMBER DONATELLI: So Door A would be to Prospect Avenue?

16 MR. BADALAMENTI: That's correct.

17 MEMBER DONATELLI: And Door B is to the --

18 MR. BADALAMENTI: To the parking lot.

19 MEMBER DONATELLI: Parking area.

20 MR. BADALAMENTI: Correct. The building stretches almost the
21 length of the property. The majority of people come in through the
22 south -- well, Page South.

23 MEMBER DONATELLI: From the parking area.

24 MR. BADALAMENTI: From the parking area.

25 CHAIRMAN MAMMINA: Would you give me a second just to catch up
26 in terms of finding the site plan.

1 MR. BADALAMENTI: Sure.

2 CHAIRMAN MAMMINA: 'Cause for me, that's gonna be important,
3 so that I understand how all these things are functioning.

4 MR. BADALAMENTI: C3.

5 CHAIRMAN MAMMINA: C3, and that's going to be --

6 MR. BADALAMENTI: On the civil side.

7 CHAIRMAN MAMMINA: On the civil side.

8 MEMBER HERNANDEZ: So the entry way at least the one for the
9 parking lot does not appear to be centered?

10 MR. BADALAMENTI: The one from the parking lot is -- it's
11 slightly off-centered, but that's that common carter. The smaller
12 vestibule is the one facing the parking lot to the south. The larger
13 vestibule is the one to the north on Prospect Avenue.

14 MEMBER HERNANDEZ: Okay. Oh, yeah, those are the indentations
15 that we see on the --

16 MR. BADALAMENTI: Yeah, correct.

17 MEMBER HERNANDEZ: And they are facing each other.

18 MR. BADALAMENTI: That's correct. They do face each other.

19 MEMBER HERNANDEZ: Now, is the church the whole first floor?
20 Is it at the first floor?

21 MR. BADALAMENTI: It's approximately a third of the ground
22 floor, and it is the western section of the building.

23 MEMBER HERNANDEZ: And the church proposed to have 241 seats.

24 MR. BADALAMENTI: That's correct.

25 MEMBER HERNANDEZ: What does the present church have?

26 MR. BADALAMENTI: That's a good question. About 160.

1 MEMBER HERNANDEZ: So then they're expecting a growth of 80
2 percent.

3 MR. BADALAMENTI: Yeah, if you speak to the captain, I think
4 they'd like a growth of 3400 percent, but yes, they're expecting the
5 growth. As John mentioned, most of the visits come from the
6 community, and they walk, so they'll be using that north entrance
7 and coming to the chapel.

8 CHAIRMAN MAMMINA: Can you tell me where that roof depression
9 is?

10 MR. BADALAMENTI: Sure. That's on the south side.

11 CHAIRMAN MAMMINA: Air-conditioning equipment?

12 MR. BADALAMENTI: Yes.

13 CHAIRMAN MAMMINA: I don't see that on the C drawings.

14 MR. BADALAMENTI: So we -- it may not be shown. I can show you
15 on the architectural. It's A1.3.

16 CHAIRMAN MAMMINA: I see an elevation.

17 MR. BADALAMENTI: In A1.3, it's shown in plan, and we had
18 provided a rendering of that side, too. The way it works,
19 Mr. Chairman is --

20 CHAIRMAN MAMMINA: Let me just catch up.

21 MR. BADALAMENTI: Yep.

22 CHAIRMAN MAMMINA: But now the orientation to the plan is what,
23 though?

24 MR. BADALAMENTI: The orientation is north.

25 CHAIRMAN MAMMINA: I guess where I'm struggling might be the
26 same place that Mr. Donatelli was. This recess is that over the

1 sanctuary?

2 MR. BADALAMENTI: No. It's on the southeast side.

3 MEMBER HERNANDEZ: So it's in the parking lot.

4 MR. BADALAMENTI: It's in the parking lot. It faces the
5 parking lot.

6 MEMBER HERNANDEZ: The parking lot side.

7 MR. BADALAMENTI: That's correct.

8 MEMBER HERNANDEZ: And the sanctuary is on the opposite side.

9 MR. BADALAMENTI: That's on the west side.

10 MEMBER HERNANDEZ: On the opposite side of the building.

11 MR. BADALAMENTI: And it's on the second floor. That
12 depression is up on the -- it's cut into the gable, so it hides the
13 HVAC unit.

14 MEMBER GOODSSELL: Is that a style issue? Does that serve a
15 purpose?

16 MR. BADALAMENTI: Yeah. The idea is -- well, it lets fresh air
17 in for the units, but it's depressed into the gable so that you don't
18 see it from the street. The gable carries up, it becomes the parapet,
19 and the units are set behind it. We did do a rendering of that side
20 so you can see it.

21 VICE CHAIRMAN FRANCIS: The church side is on the New York
22 Avenue side or the Brooklyn Avenue side.

23 MR. BADALAMENTI: The church is on the New York Avenue side.

24 VICE CHAIRMAN FRANCIS: Okay.

25 MEMBER DONATELLI: You mentioned the cross-parking agreement.
26 Is that in writing?

1 MR. BADALAMENTI: Yes.

2 MEMBER DONATELLI: Between the two churches?

3 MR. BADALAMENTI: Yes, it is.

4 MEMBER DONATELLI: Do we have a copy of that in our file?

5 VICE CHAIRMAN FRANCIS: I'm fairly certain, too, that that's
6 the east side of the church.

7 MR. BADALAMENTI: That's is the west side. Prosect -- the
8 building faces north.

9 VICE CHAIRMAN FRANCIS: Building faces north.

10 MR. BADALAMENTI: West is the left side.

11 CHAIRMAN MAMMINA: The long leg.

12 MR. BADALAMENTI: Yes.

13 CHAIRMAN MAMMINA: The length of the building.

14 MR. BADALAMENTI: Correct.

15 MEMBER GOODSELL: How much of the original building is gonna
16 remain?

17 MR. BADALAMENTI: Nothing.

18 MEMBER GOODSELL: None of it. So it's all gonna come down.
19 It's gonna be rebuilt.

20 MR. BADALAMENTI: That's correct.

21 CHAIRMAN MAMMINA: The depression faces Prospect?

22 MR. BADALAMENTI: No, it faces south. It faces the other side.

23 CHAIRMAN MAMMINA: Okay.

24 MR. BADALAMENTI: But it faces the parking lot side, which is
25 south.

26 MEMBER HERNANDEZ: Now, it's a two-story building.

1 MR. BADALAMENTI: Yes.

2 MEMBER HERNANDEZ: And then you have -- from the drawing, it's
3 hard to judge. How big is that roof line because --

4 MR. BADALAMENTI: Right, so we're --

5 MEMBER HERNANDEZ: From the drawings, it looks very big.

6 MR. BADALAMENTI: It's almost a floor, you know, because of
7 the --

8 MEMBER HERNANDEZ: The pitch.

9 MR. BADALAMENTI: -- slope or the pitch of the roof.

10 MEMBER HERNANDEZ: Twenty-three feet.

11 MR. BADALAMENTI: But it's about 20 feet. I think it was
12 48-feet-9-inches that was previously granted.

13 CHAIRMAN MAMMINA: Let me hop onto that. And look, I don't mean
14 to color this, but I mean, the elevation is massive. Why can't that
15 roof drop down?

16 MR. BADALAMENTI: Well, I think it's --

17 CHAIRMAN MAMMINA: You need a variance.

18 MR. BADALAMENTI: -- artistic license. I don't know if you've
19 seen the rendering, but it's actually a very handsome building. It's
20 split in the center where that corridor --

21 CHAIRMAN MAMMINA: I got that, but I'm saying, on the height
22 of the building requires a variance.

23 MR. BADALAMENTI: Correct.

24 CHAIRMAN MAMMINA: So the question is, why can't you either
25 change that pitch of it, which is probably the easiest way to do it.
26 Rather than diminishing the floor-to-floor heights because that

1 elevation is really big.

2 MR. BADALAMENTI: Understood.

3 CHAIRMAN MAMMINA: On New York Avenue.

4 MR. BADALAMENTI: Understood, but I wouldn't. I mean,
5 architectural, I wouldn't. I think it really it cheapens the
6 building by lowering that pitch to that very low shallow ranch, and
7 it's a much more substantial building. I think significant
8 buildings have substantial --

9 CHAIRMAN MAMMINA: It's a substantial elevation.

10 MR. BADALAMENTI: Understood.

11 CHAIRMAN MAMMINA: It's a substantial elevation and a
12 substantial variance.

13 MR. BADALAMENTI: Correct. Especially for the chapel, I think
14 it's extremely important. It is vaulted inside.

15 CHAIRMAN MAMMINA: I think that there's other ways that roof
16 can be treated, but okay.

17 SECRETARY WAGNER: Just for the record. You submitted a
18 license agreement for the parking lot, and the rendering, so that'll
19 be Exhibit 1, and the rendering is Exhibit 2?

20 MR. FARRELL: Yes, sure.

21 (Whereupon, a discussion was held between Board Members.)

22 MEMBER DONATELLI: I have in my notes it's 45 required versus
23 49-feet.

24 SECRETARY WAGNER: No, they lowered it. That was the original
25 proposed.

26 MR. FARRELL: Just to make a quick note for the record. The

1 height that we're seeing today is the same height this Board approved
2 in the original application.

3 MEMBER GOODSSELL: Which was how high?

4 MR. FARRELL: So 48 --

5 MR. BADALAMENTI: It's 48-feet-9.5-inches.

6 MR. FARRELL: So 48-feet-9.5-inches -- 48.979.

7 MEMBER GOODSSELL: It still exceeds the 45.

8 MR. FARRELL: It still exceeds. It always exceeded, but it was
9 previously granted, so I think to deviate from that, you would have
10 say, what's changed in the community since it was granted. I would
11 actually argue that buildings have gotten higher because cathedral
12 apartments were not built when we came here originally for this
13 application. It was built subsequent to our application, and that
14 building had significance height as well.

15 (Whereupon, a discussion was held between Board Members.)

16 MEMBER GOODSSELL: Cathedral places is three stories tall.

17 MR. FARRELL: Yeah, and it has a flat roof, which was less
18 aesthetically pleasing than what we're proposing.

19 MEMBER GOODSSELL: Well, currently, the building has a flat
20 roof?

21 MR. BADALAMENTI: Correct.

22 MR. FARRELL: Yes.

23 (Whereupon, a discussion was held between Board Members.)

24 VICE CHAIRMAN FRANCIS: Mr. Farrell, the licensing agreement
25 for the parking is that a recorded document?

26 MR. FARRELL: It's not recorded. It's a license agreement, but

1 it's the agreement that we provided for the original application.
2 We've been working this way with the Seventh-day Adventists since
3 before the original application. They've been very cooperative with
4 each other in sharing the space that they have.

5 VICE CHAIRMAN FRANCIS: And your office has a copy of the
6 licensing agreement?

7 MR. FARRELL: I provided it to Mr. Donatelli.

8 VICE CHAIRMAN FRANCIS: Oh, okay.

9 MEMBER DONATELLI: I'm looking at it right now. Is this
10 subject to expiration?

11 MR. FARRELL: It's not, and I believe I submitted -- I attached
12 a cover letter from earlier when we originally filed the application
13 that they still intend to honor the agreement basically.

14 MEMBER DONATELLI: Oh, sorry. Well, actually, it does say that
15 the term is from May 6, 2014 through April 6, 2017, and it says during
16 the term of this agreement, either party may terminate this license
17 without cause upon 60 days of written notice to either party.

18 VICE CHAIRMAN FRANCIS: So that needs to be updated.

19 MEMBER DONATELLI: Does the Bethany Church have services at
20 different times from the Salvation Army?

21 MR. FARRELL: The main day would be their worship services that
22 when they're most busy. Bethany is on Saturdays. Seventh-day
23 Adventists worship Saturdays, and Salvation Army Sundays.

24 MEMBER DONATELLI: Thank you.

25 VICE CHAIRMAN FRANCIS: So did that expire?

26 MEMBER DONATELLI: Yes, but there's an email stating continuing

1 on the front page.

2 VICE CHAIRMAN FRANCIS: Yeah.

3 MEMBER DONATELLI: And that's recent.

4 (Whereupon, a discussion was held between Board Members.)

5 MEMBER DONATELLI: Sorry, can you address the issue? Are we
6 showing parking in the front yard, or we're not showing?

7 MR. FARRELL: We are showing parking in the front yard. If you
8 look at it from a very technical standpoint, on the -- one side of
9 the parking spaces at the -- closest to the building and closet to
10 the property line, slightly extend past the front of the building.
11 On the other side, there's one full space extends past the front of
12 the building, but they're on secondary front yard. It's not in the
13 primary front yard.

14 Also, just as a note. We were denied, and I blame myself for
15 not picking this up sooner for front yard setback, and I think that
16 was done in error by the Building Department. I know I didn't ask
17 for an interpretation, but just to be clear for the record. The Plans
18 Examiner referred to section -- what is it? 70-125.T, which
19 essentially says that you're supposed to use the Residence-C
20 requirements for plot area, lot coverage, lot area, and height of
21 the building. It does not say setback, and in fact, when you look
22 at the code if you look at the Business-A district, it specifically
23 refers to a 10-foot front yard setback in the New Cassel Urban Renewal
24 Overlay District. That's in 70.132 of the code. Ten-foot front
25 yard setback, but it's not required in the Urban Renewal Overlay
26 District. So technically, we're not required to have any front yard

1 setbacks. We could go property line to property line. We have a
2 little less than 4-feet on the Prospect side, and then 11 and 16
3 respectfully on the secondary front yard, so.

4 CHAIRMAN MAMMINA: I agree with that. I saw that in the
5 ordinates.

6 MEMBER DONATELLI: Are you anticipating putting any type of
7 screening? As I look at the parking lot portion of the site plan,
8 I see that you have the parking area, and then you have, of course,
9 the curb cuts. Are you anticipating putting any kind of screening
10 on those traffic islands where the parking lots end?

11 MR. FARRELL: We certainly could. I think the idea would be
12 to do treatments on either side of the building. I think in the
13 buffer area we can landscaping in the buffer behind the parking area
14 'cause it abuts residential, and then we can do the ends of the parking
15 lot. The parking aisle, if you'd like.

16 MEMBER DONATELLI: The site plan is showing a 15-foot buffer,
17 but it's not showing at the edges of the parking lot.

18 MEMBER GOODSSELL: It shows one existing tree.

19 MR. FARRELL: Yes. We have not addressed that with this Board.
20 The issue of site plan approval is still influx. We're not sure if
21 we need go for site plan approval, but we believe that would be a
22 site plan issue, so we didn't do a full landscape plan for this, but
23 I think the intent would be to landscape, especially in the rear
24 buffer to the residential, so that we're not having an impact --

25 MEMBER HERNANDEZ: How close are you -- how close is the parking
26 to your south side, I guess.

1 MR. FARRELL: It's a 15-foot buffer.

2 MEMBER HERNANDEZ: There is a 15-foot buffer.

3 MEMBER DONATELLI: It shows in the plan.

4 MEMBER HERNANDEZ: It shows it?

5 MEMBER DONATELLI: (Nonverbal response given).

6 (Whereupon, a discussion was held between Board Members.)

7 SECRETARY WAGNER: I believe there's a landscaping plan in the
8 package.

9 MR. FARRELL: I'll bring up Mr. Schiavone.

10 MEMBER GOODSSELL: Could you give your name and address for the
11 record.

12 MR. SCHIAVONE: Good afternoon. I'm Rob Schiavone from IMEG.
13 Our office is located at 177 Crossways Park Drive in Woodbury.

14 We actually have provided a landscaping plan that's part of the
15 site plan package. If you take a look at Sheet C7. We have
16 provided -- there's a total 71 trees planted. That's a mixture
17 between on the south side in the buffer area that you guys are talking
18 about.

19 MEMBER GOODSSELL: There you go. Buried in the back. I see it.

20 MEMBER HERNANDEZ: C7.

21 MEMBER GOODSSELL: C7.

22 MR. SCHIAVONE: It should provide ample screening. That
23 includes six deciduous trees, which should be 8-to-10-foot max, and
24 65 evergreen trees, which is around 6-to-8-foot max, so that should
25 provide ample screening.

26 MEMBER GOODSSELL: So the landscaping plan is both to the side

1 of the building that faces Prospect and the buffer zone --

2 MR. SCHIAVONE: Correct.

3 MEMBER GOODSSELL: -- between the church property in the
4 neighborhood.

5 MR. SCHIAVONE: Yes.

6 MEMBER DONATELLI: Will there be irrigation?

7 MR. SCHIAVONE: I believe so. I don't think we --

8 MEMBER DONATELLI: I mean, that's a lot of plantings to not have
9 irrigation.

10 MR. SCHIAVONE: The plan doesn't include it now not, but we can
11 add that.

12 MEMBER HERNANDEZ: They're not gonna survive without it.

13 VICE CHAIRMAN FRANCIS: That would make sense.

14 CHAIRMAN MAMMINA: They're gonna spend a lot of the money on
15 that landscaping.

16 VICE CHAIRMAN FRANCIS: Correct.

17 MEMBER HERNANDEZ: They're not gonna survive.

18 MEMBER DONATELLI: Yeah. I will note that the plans provide
19 automatic irrigation notes, but I don't see any other indication of
20 it.

21 MR. SCHIAVONE: Yeah, we can add that.

22 MEMBER DONATELLI: "All landscaped areas shall be part of
23 automatic irrigation system."

24 VICE CHAIRMAN FRANCIS: But it's not shown.

25 MEMBER DONATELLI: But it's -- yeah, but it's a note, yes.

26 MEMBER GOODSSELL: In your opinion, sir. If there are -- on a

1 winter evening when it gets dark at 4:30 in the afternoon, if there
2 are headlights that are facing into the neighborhood, this particular
3 type of buffer would ease or --

4 MR. SCHIAVONE: Yes, absolutely.

5 MEMBER GOODSELL: Ease that condition.

6 MR. SCHIAVONE: That's why we laid it out that way, yeah.

7 MEMBER GOODSELL: Okay. I'm not too worried about Prospect.
8 I'm more concerned about the neighborhood. That answers our
9 question on that.

10 VICE CHAIRMAN FRANCIS: Maybe I missed the -- what the height
11 of those plantings are?

12 MR. SCHIAVONE: For the evergreen trees, it should be around
13 6-to-8-foot max, and then for the six deciduous trees, that's around
14 8-to-10-feet max.

15 VICE CHAIRMAN FRANCIS: And that's as of plantings, or that's
16 the max that they can grow?

17 MR. SCHIAVONE: That's the max mature growth.

18 VICE CHAIRMAN FRANCIS: How tall will they be when they're
19 planted?

20 MR. SCHIAVONE: I believe should be around -- should start
21 around the 6-to-8-foot height mark.

22 VICE CHAIRMAN FRANCIS: So they'll be that height when you plant
23 when you plant them?

24 MR. SCHIAVONE: Yeah, and then they'll just --

25 CHAIRMAN MAMMINA: That was the question.

26 VICE CHAIRMAN FRANCIS: That's what I asked.

1 CHAIRMAN MAMMINA: Those are gonna grow a lot higher than that,
2 which is good.

3 VICE CHAIRMAN FRANCIS: Yeah.

4 (Whereupon, a discussion was held between Board Members.)

5 MEMBER DONATELLI: Mr. Farrell, would you be able to get us an
6 updated parking license agreement?

7 MR. FARRELL: We do have the page provided to you, there's
8 another page to that agreement, so I'm gonna have my client e-mail
9 it to me, and then I can forward it to Ms. Wagner.

10 MEMBER DONATELLI: What does that other page say? Do you know?

11 MR. FARRELL: I could read it to you. Hold on.

12 It's written by the Seventh-day Adventists to the Salvation
13 Army. It says, "I hope this letter finds you well. This agreement
14 outlines the terms, which Bethany SDA, and the Salvation Army Church
15 will share each church's parking facilities located at 962 Prospect
16 Avenue and 992 Prospect Avenue. Both parties agree to the share the
17 designated parking areas to accommodate the parking needs of our
18 respective congregations during Saturday Sabbath service and Sunday
19 service and special events.

20 Use of parking areas. Each party shall have the right to use
21 the parking area during their respective church activities in the
22 inception of the reserve area designated for the pastor of Bethany
23 SDA.

24 Maintenance. Each party shall ensure snow is removed in the
25 winter months. Proper lighting is implemented to ensure safety of
26 the church members. Each party shall be responsible for any damages

1 caused by their members or attendees while using the parking
2 facilities.

3 This agreement shall become affective upon signature by the
4 parties representing Salvation Army and Bethany SDA."

5 And then I provided you with the signature page to that
6 agreement.

7 MEMBER DONATELLI: So that sounds like a separate agreement?

8 MR. FARRELL: It's a new agreement that updates what we've
9 previously --

10 MEMBER DONATELLI: If you would please provide us with a copy
11 that.

12 MR. FARRELL: Absolutely, 100 percent.

13 VICE CHAIRMAN FRANCIS: Mr. Farrell, we received one letter in
14 opposition to the application. I'd like you to address that letter,
15 if in fact, you read the letter.

16 MR. FARRELL: I have not read the letter. I know I received
17 it yesterday, but I had hearings last night.

18 MEMBER GOODSSELL: The objectant is a woman who lives
19 approximately two houses south of this property on Brooklyn Avenue.
20 I think her primary complaint is upkeep and maintenance of the
21 property. If your client is about to spend a --

22 MEMBER HERNANDEZ: A lot of money.

23 MEMBER GOODSSELL: -- an exorbitant amount of money improving
24 that property, I would hope it would keep it in better repair and
25 better maintenance.

26 MR. FARRELL: I agree. I think in general, you know, I've been

1 to the site multiple times over the last ten years, and I've been
2 there when there's nothing there. Probably like two weeks there was
3 absolutely nothing at the property. I've been there when people have
4 dropped off goods. It's not a drop off center. People are not
5 supposed to drop things there, but they do. Salvation Army does try
6 to keep it as clean as possible, and they try and remove the things
7 as quickly as possible. I can agree that there are times when it
8 becomes a little, you know, messy because people are just using the
9 site improperly, but Salvation Army does make a strong effort to
10 remove that stuff as quickly as they can.

11 MEMBER GOODSSELL: The drop off site, I believe, is in Hempstead.

12 MR. FARRELL: Yes. Well, there are multiple sites all over.
13 There are containers that people can drop stuff off in, but they see
14 Salvation Army, and they just automatically think, oh, let me just
15 drop this mattress in front of the door. Somebody'll use it, and
16 that's not really what they do. But with this investment, I think
17 it's gonna look a lot more clean, especially on that side where I
18 think that's the side where there's -- it's closed off. There's no
19 opening to the street on that side. That site is now gonna be open.
20 It's gonna have a parking lot, and I think they're definitely gonna
21 maintain certainly better with the amount of money they're investing
22 in this property.

23 VICE CHAIRMAN FRANCIS: Certainly, the parking lot should not
24 be ever be used as a rental kind of situation.

25 MR. FARRELL: Right, agreed.

26 VICE CHAIRMAN FRANCIS: My barber is on Prospect Avenue, so I

1 'm on Prospect Avenue at least twice a month. If you look at the
2 Google picture, the street view, you'll the cab of an 18-wheeler
3 on -- I don't know why it's there or how it got there. But one of
4 the conditions if we choose to grant this is that absolutely no rental
5 of parking spaces will occur on this property.

6 MR. FARRELL: I agree with that. My client agrees with that
7 100 percent.

8 MEMBER GOODSSELL: I see what you're talking about. It is
9 there.

10 MR. FARRELL: I think that's also part of the reason we're
11 putting the gates on the property because it does lend itself in the
12 evenings to people entering the property without proper permission,
13 and I think that the gates across the parking lot will prevent that
14 off hour use of their parking lot.

15 VICE CHAIRMAN FRANCIS: That was my next question. When do the
16 gates get locked at? What time do they get locked, and what time
17 do they open?

18 MR. FARRELL: Let me ask.

19 The employees open it when they get there around 10:00 A.M.,
20 and they're to close in the evening when they leave probably 8:00
21 P.M. or so.

22 VICE CHAIRMAN FRANCIS: Well, I was there this morning at
23 8:00 A.M. and that one gate was open on the Brooklyn Avenue side.

24 MR. FARRELL: We will make sure that ceases.

25 (Whereupon, a discussion was held between Board Members.)

26 VICE CHAIRMAN FRANCIS: Mr. Farrell, have you completed your

1 presentation?

2 MR. FARRELL: Unless, the Board would like me to go through the
3 Five Factors, I think with the prior precedent plus the fact that
4 this is going to be a substantial improvement to the landscaping of
5 Prospect Avenue, particularly in this area, I think the benefit to
6 the applicant outweighs the detrimental to the community for granting
7 these area variances.

8 VICE CHAIRMAN FRANCIS: You know what, for the record, why don't
9 you go through the Five Factors.

10 MR. FARRELL: Whether there'll be a negative impact on the
11 character of the community? I think with regard to the setbacks,
12 I think the building meets the front and rear yard setbacks. The
13 parking encroachments and the dumpster encroachment into the front
14 yard are minor. If you look down Prospect Avenue particularly in
15 this area, you have a lot of front yard parking. It's consist
16 throughout the community. The deli across the street has it. The
17 church on the other side of Prospect has Front yard parking. The
18 height was previously approved by this. I think it adds an aesthetic
19 element to the building that you don't see with a flat roof. I think
20 it'll do an excellent in limiting the sound that's emanating from
21 the rooftop equipment and also provide nice aesthetic appearance.

22 The architecture is consistent with the improvements that have
23 been made further to the west on Prospect Avenue. I think the
24 buildings that the town had done over the years have very similar
25 architectural. I think it is nice, and I think this fits in with
26 the character of the community.

1 With the exception of the parking variance, I think they're
2 rather insubstantial. They're minors in reliefs. The height is
3 3-feet, a little over 3-feet more than the code allows, but again,
4 I think it allows you to have an aesthetic roof that is in line with
5 the character of the community.

6 The parking variance obviously is substantial, but I think we've
7 demonstrated with the testimony of our traffic expert and the reports
8 and the counts that we've done that we have more than sufficient
9 parking in the surrounding area that we won't have a negative impact
10 on those residents, so I don't think it's substantial.

11 Whether there's a feasible means to achieve other than a
12 variance? I don't believe there's a feasible means to achieve the
13 problematic needs of the church that would work for this site. They
14 currently have a very small building that they've outgrown. They
15 want to be able to provide before service to the community, and the
16 way to do that is provide an open available space for people to have
17 activities, have their prayer services, and I think the building that
18 we've constructed at 20,000 square feet meets all of their needs,
19 and it doesn't go beyond what their growth will be.

20 Is there an impact on the aesthetics -- the environmental, or
21 aesthetic nature of community? I don't believe there is. There's
22 no wetlands. There's no, you know, environmentally sensitive areas
23 nearby. Aesthetically, I think this is a dramatic improvement over
24 what's currently at the site. I think this is going to be the nicest
25 building in this part of Prospect Avenue, and I hope that it would
26 inspire other property owners to build similar structures in the

1 area.

2 Obviously, every variance -- almost every variance is
3 self-created in some way. We don't have to do it, but as you know
4 self-created hardship is only one factor that the Board has to
5 consider in balancing the benefit to the applicant against the
6 detriment of the community.

7 VICE CHAIRMAN FRANCIS: Now, assuming that this application is
8 granted, and the existing building is demolished, what happens to
9 the services? Is that going to get suspended for the time?

10 MR. FARRELL: No, they have a plan for relocation on -- they're
11 gonna move to another location in -- Hempstead? They're actually
12 gonna use the Seventh-day Adventists facility for their services.

13 VICE CHAIRMAN FRANCIS: Oh, good.

14 MR. FARRELL: But they're other programmatic stuff will move
15 to, -- I believe, they're looking at space further down Prospect,
16 one of the open retail spaces for distribution of food and the
17 programs that they offer.

18 VICE CHAIRMAN FRANCIS: But they'll be no outdoor activity on
19 the parking lot?

20 MR. FARRELL: No, it's gonna be a full construction site.
21 There's gonna be excavation. They can't use the property during
22 construction.

23 VICE CHAIRMAN FRANCIS: Just one second, Mr. Farrell.

24 MR. FARRELL: Sure.

25 (Whereupon, a discussion was held between Board Members.)

26 MEMBER DONATELLI: I would like to see this other parking

1 license agreement that they just read.

2 VICE CHAIRMAN FRANCIS: Yeah, absolutely. So should we
3 continue that in order to see it, or you want to reserve it and they'll
4 just send it to Ginny today? Mr. Farrell, can you get that --

5 SECRETARY WAGNER: Well, we would have to continue it if we're
6 accepting information.

7 MEMBER HERNANDEZ: We're accepting documents.

8 VICE CHAIRMAN FRANCIS: Right.

9 SECRETARY WAGNER: All you're waiting for is the license
10 agreement and it's the same license agreement that you just read?

11 VICE CHAIRMAN FRANCIS: Yes.

12 SECRETARY WAGNER: So why don't you sent it to me, and I'll send
13 it to the Board?

14 VICE CHAIRMAN FRANCIS: That's what I'm saying. Then we can
15 reserve.

16 MR. FARRELL: That's what I'm trying to do.

17 SECRETARY WAGNER: Just hit the little arrow.

18 MR. FARRELL: I think I got something. Hold on. I think I got
19 it. I just sent it to Ms. Wagner.

20 SECRETARY WAGNER: To me or to the BZA email?

21 MR. FARRELL: To you.

22 VICE CHAIRMAN FRANCIS: Mr. Farrell, if have nothing further,
23 I'm going to make a motion that we reserve the application.

24 SECRETARY WAGNER: Before we do that, is there anybody else that
25 wanted to speak from the audience?

26 VICE CHAIRMAN FRANCIS: We didn't see any hands.

1 MEMBER HERNANDEZ: Come on up.

2 VICE CHAIRMAN FRANCIS: Oh, okay.

3 MS. OLSEN: Good afternoon. My name is Rosemary Olsen. I'm
4 the executive director of the Town of North Hempstead Community
5 Development Agency, and I'm here to support the project.

6 VICE CHAIRMAN FRANCIS: Fantastic.

7 MS. OLSEN: We believe it's a tremendous investment in the
8 community. We've been working with the Salvation Army for quite a
9 few years. It's taken them a long because they had to raise a
10 substantial amount of money to build this project. We own the
11 property across the street, and so I do know the, I guess, the clergy
12 or Sentanis, the day of national night out because somebody went and
13 dropped stuff -- not at their place, but in front of our property,
14 and Stephanie was kind enough to help me dispose of that material.
15 So I go by that property quite often. It's usually in very good
16 condition, but one of the things that I did note with the Salvation
17 Army is they spend a lot of time and effort serving the community.

18 I did get to take a look at the plans while they were developing
19 the new set of plans, which they basically were looking at trying
20 to make it buildable in terms of cost effectiveness, while retaining
21 a very nice look. It had been a nightclub at one point that they
22 had turned into a church, but also a community center for children
23 in particular and families in need in the community.

24 They have a wonderful program for children where they teach them
25 music, and I notice that every week, they're so far -- it appeared
26 like every week. Certainly, it was during COVID, serving as a food

1 delivery site for Long Island Cares.

2 I encourage you to support their application. I do know that
3 one of the landlords on Prospect Avenue has been negotiating a lease
4 with them for some retail space that's vacant and fitted out for them
5 to use for some of their community services during construction. So
6 this is something that's absolutely valid. And.

7 If anyone has questions for me, I'm willing to answer.

8 CHAIRMAN MAMMINA: I did notice when you spoke about dancing
9 that they have a dance studio in here --

10 MEMBER HERNANDEZ: For the kids.

11 CHAIRMAN MAMMINA: -- for the kids that are in here. A number
12 of classes. Here it is. Dance study on the second floor. There's
13 a lot there for the community.

14 MS. OLSEN: Yeah. Salvation Army -- I don't know if -- you
15 know, I was here late, so I didn't hear any of the presentations,
16 but I've heard the children play. I'm a member of Kiwanis, and we
17 support the Salvation Army. I'm a volunteer with Kiwanis, and I did
18 have the opportunity to attend one of their concerts that they put
19 on, but their nationally known for brass instrument bands. They're
20 just absolutely wonderful, and they put on a very good concert, and
21 this location Westbury, is well known for that, you know, in the
22 region, so. You know, I really support this application. I'm
23 hoping that this is gonna encourage some more of the property owners
24 to invest in the community. It's very difficult to New Cassel
25 because when the County came and widened the road, it might properties
26 much more difficult to develop, which led to the vision plan for New

1 Cassel in the Overlay District. We've been working day after day
2 doing what we can to try to, you know, invest in the properties there.
3 We're hoping to improve some of the facades and some of the
4 neighboring buildings, but this will encourage more investment, so
5 I'm looking forward to it being built. Thank you.

6 VICE CHAIRMAN FRANCIS: Thank you.

7 CHAIRMAN MAMMINA: Thank you.

8 MEMBER HERNANDEZ: One more.

9 MR. ALEXANDER: Eric Alexander, director of Vision Long Island.
10 We --

11 CHAIRMAN MAMMINA: Address too.

12 MR. ALEXANDER: Sure. 24 Woodbine Avenue in Northport, New
13 York. So we have the wonderful opportunity to work with Westbury
14 Salvation Army and June and Stephanie and the whole team through the
15 Coronavirus process and response recover. They were there just all
16 the time. Really serving community day in and day out, and I watched
17 their different programs and the limitations of their physical space,
18 where literally they'll move from -- they'll take one room, and it'll
19 food now, then they got to get all the food out, and then it's dance
20 in the evenings or music in the evenings, and then it's -- then they
21 move it all out, and then it's church service, you know. Literally
22 they need this facility. It's been a long time. They've been an
23 anchor, not just -- we work with Pink Tie Foundation. We were getting
24 dollars to them to -- because they really get food out to people,
25 and they really serve people in a way that, you know, some other places
26 maybe who they're more volunteer run are in and out of doing that,

1 and they are consistent, and they're just so giving, and just
2 wonderful people quite frankly. Full disclosure, I'm on the Nassau
3 Salvation Advisory Board, too, but I just can't say enough about this
4 organization and what they do. They're leaders beyond their
5 borders. I think they're really well respected, so I would hope they
6 get some consideration today. If anyone has any questions?

7 VICE CHAIRMAN FRANCIS: Thank you.

8 MEMBER HERNANDEZ: Thank you very much.

9 VICE CHAIRMAN FRANCIS: Mr. Farrell, there will be concerts at
10 this location, and the concerts take place --

11 MR. FARRELL: No.

12 VICE CHAIRMAN FRANCIS: There will not be concerts?

13 CHAIRMAN MAMMINA: It's all shown inside the building.

14 VICE CHAIRMAN FRANCIS: Right.

15 MS. OLSEN: I can respond to that.

16 CHAIRMAN MAMMINA: Okay.

17 MS. OLSEN: As a Kiwanis volunteer, we usually attend the
18 concerts on an annual basis. I don't go to all of them, but I do
19 have -- I know people that do, and they select different locations
20 like cathedrals. When I attended it was at the Cradle of Aviation
21 Museum. It's not just the Westbury branch. It's with Hempstead as
22 well, so they pick a central location that's performing arts center
23 basically to the concerts.

24 VICE CHAIRMAN FRANCIS: Okay.

25 CHAIRMAN MAMMINA: Great spaces.

26

1 VICE CHAIRMAN FRANCIS: Mr. Farrell, anything else?

2 MR. FARRELL: I think that's -- I don't think I have to say
3 anything else. They did it for me. I think you guys should approve
4 them.

5 VICE CHAIRMAN FRANCIS: Of course, what else would you say, and
6 that may very well happen, but at this point, I want reserve this
7 application. Just give it a little bit more thought, go through the
8 documentation a little bit more, and then make a decision.

9 MR. FARRELL: Okay.

10 VICE CHAIRMAN FRANCIS: I know you were looking for something
11 else.

12 MR. FARRELL: I was hoping. I mean, it's -- we've been battling
13 this back and forth. Since October, I've been trying to get here,
14 and now, we're here, and I was really hoping to get a decision.
15 Obviously, the building was previously approved. It's a smaller
16 building now, and it's less of an impact when it was originally
17 approved by the Board, and I just that --

18 VICE CHAIRMAN FRANCIS: You know how us lawyers are. We have
19 to be very thorough on what we do, so.

20 MR. FARRELL: Yeah. I got it, I guess.

21 A. Yeah. I guess.

22 MEMBER GOODSELL: Thank very much.

23 CHAIRMAN MAMMINA: Thank you all for a terrific presentation.

24 VICE CHAIRMAN FRANCIS: Thank you for a good presentation.

25 CHAIRMAN MAMMINA: Excellent.

26

1 SECRETARY WAGNER: Appeal #21722, Stoler Westbury Realty, LLC
2 (Westbury Toyota); 1121 Old Country Road, Westbury; Section 11, Block
3 328, Lot 124; Zoned: Industrial-B.

4 Variances from 70-103.A(1), 70-190, 70-192.A, and 70-212.B to
5 construct a new car dealership with not enough parking on site, a
6 building that is too tall, a storage area for automobiles located
7 within the required front yard setback that is located too close to
8 the front property line and takes up too much of the lot area and
9 light poles that are located within the required front yard setback
10 too close to the street.

11 CHAIRMAN MAMMINA: You heard Appeal #21722, Stoler Westbury
12 Realty, LLC (Westbury Toyota). Is there anyone in the room who
13 wishes to speak other than the applicant?

14 Seeing no one, please give your name and address.

15 MR. TSOUKALAS CURTO: Good afternoon, Chairman Mammina,
16 Members of the Board. My name is Andrea Tsoukalas Curto with the
17 firm of Forchelli Deegan Terrana with office at 333 Earle Ovington
18 Boulevard, Uniondale, on behalf of the applicant Stoler Westbury
19 Realty, LLC.

20 With me today is Dominic Delmonico. He's the owner's
21 representative and general contractor for this project. Doug
22 Castellano is also here. He's the applicant's engineer with North
23 Coast Civil, and Wayne Muller, the applicant's transportation expert
24 who's with R&M Engineering.

25 As mentioned, this is an application for area variances for a
26 new car dealership at the selected premises. Specifically, the

1 applicant seeks a parking variance, a height variance, and setback
2 variances for the storage vehicles within the front yard.

3 The applicant proposes the demolish the existing dealership and
4 construct a new three-story 174,000 square feet dealership of which
5 90,000 square feet will be dedicated to sales, service, and
6 administrative offices. The first floor will be dedicated to sales,
7 offices, customer waiting areas, and a showroom. Below grade, we
8 will have -- they're proposing 56 service space, and above grade,
9 the applicant is proposing three stories of vehicle storage.

10 A little background regarding the premises. The premises is
11 located on the north side of Old Country Road, 913-feet of Bond
12 Street. It's situated in the town's Industrial-B zoning district.
13 It's a three-acre lot. It's currently improved with a 73,000 square
14 foot Toyota dealership. The premises has been improved with a
15 dealership for 36 years since 1989. The applicant purchased the
16 premises in 2009 about 16 years ago. The applicant also owns a
17 service center on Frost Street, approximately 300-feet north of the
18 subject premises. Although the service center is not part of this
19 application, it will remain part of the dealership operation. It's
20 an additional service center for long-term repairs and any overflow
21 service needed for the new dealership.

22 A little background regarding prior approvals. The Town Board
23 had approved a renovation of the site back in 2002, and this Board
24 has granted sign variances back in 2014. No other prior approvals
25 for the site regarding this dealership.

26 As you all know, this is commercial corridor. To the west of

1 the subject premises is the old Century 21 department store site,
2 1085 Old Country Road. That store closed down during COVID.
3 Adjacent to Century 21 is a strip mall improved with various uses.
4 There's a Mama Theresa's Pizzeria there. There's a barber shop,
5 bagel shop, and a diamond center. To the east of the subject
6 property, there's a pet supply store, taco store, and a Starbucks,
7 and across the street on the south side of Old Country Road, there's
8 an office building and the Nassau County Family Court.

9 With respect to the requested relief. With the parking
10 variance, the Town Code requires 247 parking stalls for the proposed
11 dealership, and the applicant is proposing 69 parking stalls.
12 However, the parking demand for the new dealership will be
13 substantially the same of the existing demand. R&M's report does
14 conclude that there will be sufficient parking on the site to
15 accommodate both employees and visitors.

16 Furthermore, if you look at the chart on the site plan, most
17 of the parking demands steams from the service center area. There's
18 123 parking stalls are required for the space, which is much more
19 than what actually be needed for the mechanics and service staff.

20 With respect to the height variance. The maximum permitted
21 height is 40-feet. The building itself fully complies with this
22 requirement; however, there's an elevated bolt head mechanical
23 staircase that are much higher than that at 51-feet, and it's towards
24 the center of the property, but it's not visible from the street.
25 Everything else does comply. The building itself does comply.

26 With respect to the yard requirement. The code requires a

1 minimum front yard setback of 10-feet. The applicant proposes to
2 store vehicles and provide site lighting poles within that front yard
3 setback, so a variance is required. Also, the code provides that
4 accessory storage has to be 120-feet from the front property line.
5 Cannot occupy more than 15 percent of the plot area. In this case,
6 new vehicles for sale are proposed to be stored at the front yard
7 9.1 feet from the front property line, and the storage occupies
8 19 percent of plot are, so variances are needed.

9 This is very typical for a dealership as you all know, and it's
10 consistent with the current conditions at the site. You're going
11 to advise your vehicles in the front and your parking is gonna be
12 closer to the building for your customers and for employees. Also,
13 practically speaking, we cannot store vehicles 120-feet back from
14 the property line, which doesn't make any sense in this case.

15 I wanted to go over some of the reasons why my client decided
16 to do this renovation -- not renovation, new reconstruction. First,
17 they want to increase efficiency and allow for consolidation
18 services. By allowing customers to come to one location for both
19 service and sales. This is also going to be a state of the art
20 facility. There's going to be a lot of the amenities for the
21 customers. As you can see, on the first floor, there's many lounges
22 for customers, which is very typical now for new dealerships and it
23 attracts customers. The Frost Street location will remain, and
24 again, will be used for long-term service of vehicles.

25 We're also doing this to reduce congestion because we're going
26 to be providing more storage vehicles within the building. A total

1 of 561 cars can be stored in the new facility; 89 vehicles can be
2 stored on grade, and 472 vehicles on the second, third, and fourth
3 floors of the building.

4 VICE CHAIRMAN FRANCIS: Andrea, I'm sorry. I don't mean I
5 interrupt to you.

6 MR. TSOUKALAS CURTO: No problem.

7 VICE CHAIRMAN FRANCIS: And I hate doing that.

8 MR. TSOUKALAS CURTO: No, it's okay.

9 VICE CHAIRMAN FRANCIS: If you have that much storage of cars
10 on the inside the building, why do you need it to store cars on the
11 outside of the property?

12 MR. TSOUKALAS CURTO: I think because it's on the street, so
13 you're advertising your merchandise.

14 VICE CHAIRMAN FRANCIS: So it's just advertising?

15 MR. TSOUKALAS CURTO: Yeah.

16 VICE CHAIRMAN FRANCIS: It's not that you really need that
17 storage area?

18 MR. TSOUKALAS CURTO: I mean, they have offsite locations, too,
19 but it's very typical for dealerships to have their cars right out
20 in front.

21 VICE CHAIRMAN FRANCIS: I don't know if other dealerships have
22 the ability to store that many vehicles on the inside of the building.

23 MR. TSOUKALAS CURTO: Right.

24 VICE CHAIRMAN FRANCIS: That's a lot of cars.

25 MR. TSOUKALAS CURTO: We can -- actually, it's needed here.
26 This location, I think, is the number one dealership in the Tri-state

1 area for Toyota, so there's a high demand for the storage of vehicle,
2 and they want to be able to store as many vehicles on site as possible,
3 and it will reduce the congestion because right now, we're providing
4 more parking for customers and employees than exists. At this time,
5 there's about 30 parking stalls for that, so we're providing more
6 than double.

7 MEMBER GOODSSELL: At the present time, can the vehicles be
8 stored inside this building?

9 MR. TSOUKALAS CURTO: In the showroom area, yeah.

10 MEMBER GOODSSELL: I mean, I drove on the property to see what
11 it was like, and it's huge, but I couldn't tell from looking and
12 without actually going in --

13 MR. TSOUKALAS CURTO: Well, not like --

14 MEMBER GOODSSELL: Not like this.

15 MR. TSOUKALAS CURTO: No, not like this, no.

16 VICE CHAIRMAN FRANCIS: Is there a storage facility in the
17 Westbury area for vehicles also?

18 MR. TSOUKALAS CURTO: So they have -- I'll tell where the other.
19 Their major storage facility is at 441 Eastern Parkway in Farmingdale
20 where they store about 150 vehicles, and 1400 Old Country Road, they
21 store about 150 vehicles, and 101 Frost Street 100 vehicles.

22 VICE CHAIRMAN FRANCIS: The one I'm thinking about in Westbury
23 is not Toyota. I believe it's Nissan.

24 MR. TSOUKALAS CURTO: Okay.

25 MEMBER HERNANDEZ: Since we're asking questions.

26 MR. TSOUKALAS CURTO: That's fine.

1 MEMBER HERNANDEZ: On the drawings, there are two sections
2 right in front of Old Country Road alongside the entry and exit to
3 the dealership marked as proposed vehicle storage areas.

4 MR. TSOUKALAS CURTO: That's correct.

5 MEMBER HERNANDEZ: That is essentially parking, but not client
6 parking. It is basically for cars that would be on display for the
7 prospective buyers.

8 MR. TSOUKALAS CURTO: Right, so we have to identify those stalls
9 as storage, and they don't count towards our parking requirement.

10 MEMBER HERNANDEZ: But that's when -- when you're calling
11 storage, that's what you're calling storage.

12 MR. TSOUKALAS CURTO: Yes, the new inventory. The vehicles
13 that are going to be sold are identified as storage, and as you can
14 see, it's tandem parking. It's not like your typical stalls.
15 Again, they're doing it towards the front towards Old Country Road,
16 so that the first thing you see when you come in are the new vehicles,
17 which make sense.

18 Again, you can see there's going to be a whole row of parking
19 here as long as this building --

20 MEMBER HERNANDEZ: And that's the client parking. Customer
21 parking.

22 MR. TSOUKALAS CURTO: Yes. My clients do anticipate about a
23 15 to 20 percent increase of both sales and service.

24 I did want to explain, though. Even though we're increasing
25 service space, typically, most of these service spaces are used to
26 store vehicles, so they take in as many vehicles as they can. They

1 don't have as many mechanics as they have bays, but one mechanic could
2 be working on three vehicles for example, and they'll waiting on
3 parts, and, you know, like normally, you wait two or three days before
4 you can get your car back from the dealership, so those bays also
5 act as storage.

6 MEMBER HERNANDEZ: But the oil changes and that kind of stuff,
7 though, will still be done on Frost.

8 MR. TSOUKALAS CURTO: No, mostly likely those will be done at
9 this location.

10 MEMBER HERNANDEZ: They're gonna be moved out of the --

11 MR. TSOUKALAS CURTO: Right. The long-term and any overflow
12 will be done at the Frost Street location.

13 Proposed hours of operation Monday through Friday, 7:00 A.M.
14 to 8:00 P.M., Saturdays, 7:30 A.M. to 7:00 P.M., and Sundays, noon
15 to 5:00 P.M.

16 Also, with regard to deliveries. All new car deliveries are
17 at the Frost Street location. That's current condition and future
18 condition. I asked about the big tractor-trailer deliveries.
19 That's only once a week, and they do that very early in the morning
20 not to interfere with the traffic or anything like that. Parts are
21 also delivered after hours at the Frost Street location. The only
22 deliveries that are going to happen at this site are your typical
23 UPS, FedEx type things that come in box trucks, you know, that are
24 not the big vehicles.

25 VICE CHAIRMAN FRANCIS: There are absolutely no residential
26 properties anywhere near this --

1 MR. TSOUKALAS CURTO: No.

2 VICE CHAIRMAN FRANCIS: -- typical location.

3 MR. TSOUKALAS CURTO: Exactly, yeah. That's correct.

4 Also, with respect to traffic activity. As you can see, I'm
5 sure you read the report, but R&M's report explains that the only
6 increase to traffic would be from these trips associated with that
7 15 to 20 percent increase in sales and service. R&M estimates that
8 there are only be an increase of 22 vehicles within the surrounding
9 network during Saturday midday peak hours.

10 Mitigating factor is that the site driveway at Old Country Road
11 is located between two signals, so they provide -- the two signals
12 provide a natural gap in the traffic flow on Old Country Road.
13 Furthermore, there's going to be internal trips between Frost -- so
14 the internal trips that were between Frost Street and this site, are
15 now going to be reduced, right? Because there's going to be a lot
16 more service at this site, so you don't have as many back and forth
17 between the two sites. For these reasons, R&M concluded that no
18 additional mitigation will be needed at the intersection of this
19 site, Old Country Road, giving these mitigating factors.

20 That's all I have at this time. I do have some color renderings
21 that I wanted to submit to the Board. I'm not sure if you have them
22 or not. This is Applicant's Exhibit A.

23 SECRETARY WAGNER: Thank you.

24 CHAIRMAN MAMMINA: We have some of those in the package.

25 MR. TSOUKALAS CURTO: You have? Okay.

26 At this time, I'd like Doug Castellano to just go through the

1 site plan as well.

2 CHAIRMAN MAMMINA: Sure.

3 MR. COSTELLANO: Good afternoon. For the record, Doug
4 Castellano from the North Cost Civil, 39 West Main Street, Oyster
5 Bay, New York. We were the civil engineers who prepared the site
6 plan that's before you tonight. I'll just quickly walk you through
7 some of the site-related elements that we're proposing.

8 There'll be new asphalt parking lot with perimeter curbing
9 around the site. The site will utilize the existing curb cut,
10 basically in the center of the property, along Old Country Road. One
11 thing I will note is that Old Country Road is a County road, so we
12 did apply to Nassau County Department of Public Works for 239F review,
13 and we're working on addressing any comments they have. It's a
14 pretty standard curb cut with sidewalks, so we don't anticipate any
15 major changes to that.

16 Heading into the site, you have a full two-way circulation.
17 Meaning that, you can drive all the way around the building, and get
18 access all the customer parking with two-way drive aisles. There's
19 one area in the front here, which actually has two lanes that's for
20 vehicle drop off. Essentially, if you schedule a service
21 appointment, you can pull right into the site. Come into is the right
22 here. You actually pull in, and I'll flip to the architect drawings
23 in a second just to show you what that looks like. They can queue
24 two lanes of traffic in here about 24 vehicles of queuing inside.
25 What will happen is, is when you drive in, you meet with one of service
26 providers. A valet will meet you and take the car. They'll bring

1 that car directly into the basement, and I'll route that traffic for
2 you in a second. Directly in the basement is where the service will
3 take place.

4 Just quickly jumping into some of the grading and drainage.
5 Essentially, we're not changing too much of what the site has. We
6 are improving it with new drainage facilities that meets -- exceed
7 the Town of North Hempstead requirement, and `meets Nassau County
8 DPW, which is for an 8-inch rainfall requirement.

9 In terms of landscaping in the back. I'll flip to my landscape
10 plan.

11 MEMBER GOODSSELL: I see you have a buffer of trees and
12 vegetation.

13 MR. COSTELLANO: Yes, that's what I was gonna touch on. In the
14 back of the property, there actually is arborvitaes back there
15 arborvitaes back there right now. I think some of them are kind of
16 dying or missing some limbs, so the idea is to replant that buffer
17 along the back. Then in front of the property, you know, again, it's
18 a county road, so we don't wanna screen it too much, but we are
19 basically filling in some of the bare areas with low plants and
20 perennial flowers just to, you know, beautify the area, add so fresh
21 mulch to it, and maintain the street trees that currently exist along
22 Old Country Road.

23 New lighting. So it'll have all new light fixtures, dark sky
24 compliant. Although the fixtures in the front don't meet the
25 setbacks, it's in essentially in the same locations of where there's
26 light fixtures on the property. We're just replacing them and

1 bringing them up to code. The dark sky compliant will only shine
2 directly towards the ground.

3 That's it for the site related. Going back to the queuing that
4 I mentioned earlier. You can see that best on Page 1 of the floor
5 plans. This is what I was talking about before. This area here is
6 where you drop off your vehicles. It's right in front of the
7 building. And then this queuing aisle extends all the way to the
8 back of the property -- or to the back of the building. In this
9 right-hand side of the drawing, or the top of the drawing, is a lane
10 of -- it's actually in between this queuing aisle and this lane in
11 here that I'm outlining is a glass barrier, and then these desks here
12 will be where the service representatives. They wait basically for
13 people to come in. They'll see as soon as someone gets in there,
14 they'll see the car, and they'll go out and greet you right away,
15 so there's not a build-up of vehicles in this area. It's going to
16 be state-of-the-art. It's gonna be beautiful, and it will
17 definitely leave any concerns for queuing build-up. It's a nice
18 element.

19 MEMBER HERNANDEZ: As someone that has used plenty of those
20 queuing areas. That is on ground floor area.

21 MR. COSTELLANO: That's correct.

22 MEMBER HERNANDEZ: It's not a ramp to the lower level?

23 MR. COSTELLANO: It's not a ramp to the lower level. You queue
24 in, and you're still on ground floor. Once the valet picks up your
25 car, they're the ones that drive it down the ramp, which leads to
26 the service. This way we keep, you know, only the employees are the

1 ones who are driving throughout the building. Customers stay
2 without, you know --

3 MEMBER HERNANDEZ: So I drive my car and I go in. How deep into
4 the building -- how many cars can be queued up inside that alley?

5 MR. COSTELLANO: So 24. So it's --

6 MEMBER HERNANDEZ: Twenty-four cars?

7 MR. COSTELLANO: Twenty-four cars.

8 MEMBER HERNANDEZ: So 244-feet deep?

9 MR. COSTELLANO: No, no, no; 24 cars can que inside at one time.

10 MR. TSOUKALAS CURTO: Two lanes.

11 MR. COSTELLANO: There's two lanes.

12 MEMBER HERNANDEZ: So 120-feet deep.

13 MR. COSTELLANO: Yes, correct. That's the -- it extends the
14 length of the --

15 MEMBER HERNANDEZ: I can do the math.

16 MR. COSTELLANO: Yeah, okay, good.

17 CHAIRMAN MAMMINA: Can you point to where the elevator
18 bulkheads are that exceed the required height?

19 MR. COSTELLANO: Yes. Flipping back to the elevation
20 drawings. So this is the front of the building here. Basically,
21 central to it is the elevator that's beyond. It's at a height of
22 51-feet-1-inch, but the power pit of the building, which is the bulk
23 of the building, actually meets. It's under the 40-foot
24 requirement. The top to the power pit is only 39-feet-6-inches.
25 It's just the elevator and the staircase that extend beyond that.

26 CHAIRMAN MAMMINA: Just for the record, how far back --

1 MR. COSTELLANO: That was the next thing I'm going to right now.

2 CHAIRMAN MAMMINA: Also, the stair bulkheads are required by
3 Building Code.

4 MR. COSTELLANO: Right, that's correct.

5 CHAIRMAN MAMMINA: You don't have any choice on those.

6 MR. COSTELLANO: Right. My hand here, is the front --

7 CHAIRMAN MAMMINA: Oh, I see it now.

8 MR. COSTELLANO: This is the front of the building.

9 CHAIRMAN MAMMINA: Right.

10 MR. COSTELLANO: This staircase, the first one, 75-feet back,
11 so really if you're standing, you know, on ground elevation, you
12 wouldn't see that. It would be, you know, it's set so far back that
13 your line of sight gets cut off from the front of the building. You
14 know, although, it does extend into the setback requirement,
15 it -- it's something that you really wouldn't see.

16 CHAIRMAN MAMMINA: Also, it's probably in the long direction
17 there. If you looked it from the front, it's probably narrow --

18 MR. COSTELLANO: The front is the first one that I showed you.

19 CHAIRMAN MAMMINA: Yeah, that's narrower.

20 MR. COSTELLANO: Yeah, yeah, but it's tough to tell from this
21 because, you know, an elevation drawing is, you know, only 2D.
22 You're only really see -- everything, you know, you can see anything
23 that's on top. It's, yeah.

24 CHAIRMAN MAMMINA: Sure, okay. Got it.

25 MEMBER HERNANDEZ: You're more likely to see it from the parking
26 lot next door than you are --

1 MR. COSTAS: If even, yeah.

2 MEMBER HERNANDEZ: Well, it's not 75-feet into the building,
3 so that got to be a lot closer to the side of building because the
4 building is not -- it's very deep and not as wide.

5 MR. COSTELLANO: Correct.

6 MEMBER HERNANDEZ: It can't be 75-feet deep. It has to be less.

7 MR. COSTELLANO: Yes, correct.

8 CHAIRMAN MAMMINA: It certainly would be. That shows on the
9 drawing.

10 MEMBER DONATELLI: Getting back to the customer experience.
11 They bring the car into one of those two aisles. I would imagine
12 that there's probably some technician who's telling them right lane
13 or left lane or stuff like that.

14 MR. COSTELLANO: Yep. There'll be a full-time valet person on
15 staff during the hours of operation that will direct cars as they
16 come in so that again, there's no build-up into the parking lot. The
17 idea of this two-lane, you know, concept is to alleviate anybody from
18 having to utilize the existing -- the parking on site. They want
19 to do service directly into the building. Valet takes it into the
20 basement. You don't even touch the parking stalls on site.

21 MEMBER HERNANDEZ: You're showing two doors or two bay doors,
22 but technically, those doors are there for the wintertime. I would
23 imagine they open up, the moment you drive up to it.

24 MR. COSTELLANO: I don't know -- you mean like automatic or?

25 MEMBER HERNANDEZ: Well, that's the way they usually do with
26 every car I ever brought in for service at a BMW or something. You

1 pull up to it, and the gate opens up, so you drive through then it
2 close behind you.

3 MR. COSTELLANO: Correct.

4 MEMBER HERNANDEZ: But it keeps the warm air in for the winter.

5 MR. COSTELLANO: Right.

6 MEMBER DONATELLI: I guess what I'm getting at is, as the
7 customer, for example, let's say you have five or six cars in a row,
8 and these individual owners now are all in their glass booths talking
9 to their service technicians. There may come a time when the cars
10 will back up into the outside area.

11 MEMBER HERNANDEZ: The 25th car.

12 MEMBER DONATELLI: When I speak to my service technician, he
13 sits down. He asks me about noises and kerplunks, and all sorts of
14 things, so it's not just immediate drop off. There is a period of
15 time when you're talking to your technician, and if car number one
16 is talking to his technician, and car number three is talking to his
17 technician, and car number two is ready to be pulled out, there's
18 no way for car number two to be pulled out without three and one being
19 cleared.

20 MR. COSTELLANO: Well, actually, so -- you don't, you know, you
21 don't sit in your vehicle and talk to the service guys through the
22 window. The valet guy would come out, get into the vehicle, and move
23 it forward if need be. That's when you would pass this glass barrier,
24 talk to the service representatives. They have your car already.

25 MEMBER DONATELLI: I see.

26 MR. COSTELLANO: You're telling them what's wrong with it.

1 It's in the queue. If it's in the queue, it's all the way up here
2 or it's getting driven.

3 MEMBER HERNANDEZ: So the car is not stuck in the lane.

4 MR. COSTELLANO: Right.

5 MEMBER DONATELLI: Got it. Thank you.

6 MR. COSTELLANO: That's it for the civil kind of architecture
7 stuff. I know we have one more, which is traffic.

8 VICE CHAIRMAN FRANCIS: So no pickleball court anywhere on the
9 premises?

10 MR. COSTELLANO: No, there is no pickleball.

11 MEMBER GOODSELL: No, but there's a customer lounge. A Big
12 screen TV, and a cup of coffee. I took my father's Toyota in to be
13 serviced in Florida, and the business model is very much like this
14 except not quite this big, and yes, the valet took the key from me
15 as I moved in. I was escorted in. I spoke to someone in a glass
16 booth about what was wrong. It was only -- it was gonna be done within
17 an hour and a half. I went into the lounge. They had fresh donuts.
18 It was a customer experience.

19 MR. COSTELLANO: Right, that's what the aim is here.

20 MEMBER GOODSELL: But they had the facility to do that. We
21 weren't piled up on top of one another. They had the ability to have
22 20 people in the lounge, as I see you do, and so it was no problem
23 waiting an hour and a half.

24 MR. COSTELLANO: Right, that's our goal for this facility as
25 well.

26 VICE CHAIRMAN FRANCIS: Thank you.

1 MR. TSOUKALAS CURTO: I do have Wayne Muller here. If you'd
2 like to hear from him. It's up to you.

3 MEMBER GOODSSELL: Well, is he going to address the issue of cars
4 backing up onto Old Country Road or the absence thereof? I'd be
5 interested in hearing that.

6 MR. TSOUKALAS CURTO: Sure.

7 MR. MULLER: Good afternoon, early evening. Wayne Muller, R&M
8 Engineering. Offices at 50 Elm Street, Huntington, New York. We
9 did prepare a report dated June 6, 2025, which was submitted for the
10 record.

11 A lot of what is in my report has already been said by Ms. Curto
12 and Mr. Costellano.

13 The way that the dealership has been designed is to eliminate
14 any queues that would potentially build up on Old Country Road.
15 Based on the discussion with the applicant, it's similar to what
16 occurs at the dealership that I bring my vehicle. You pull into the
17 service area or the drive-in service component, and by the time you
18 get to the glass booth, your car is already gone. In this dealership
19 and a lot of the newer dealerships, they have what -- they're
20 installing these like scanners, so you drive through the scanner.
21 It shows you every nick and ding that's on your car, so A, so that
22 they're not responsible for it, and that way you can determine whether
23 or not you need to get that stuff fixed, and then they bring the car
24 into the basement. They evaluate the vehicle. They actually send
25 you a video of your car as the technician goes through, and then they
26 tell you what's wrong with it, what needs to be fixed via usually

1 either a phone call or a text message. You get the synopsis of what
2 needs to be done to your vehicle, and that's how it starts.

3 So yeah, this is a state-of-the-art facility. It's a
4 significant upgrade to what exists there today. Primarily due to
5 the fact that you do have the two display areas, which is shown up
6 front on Old Country Road because everybody likes to see the vehicle
7 as you drive by, but the fact that they're providing close to 470
8 vehicles internally, allows this to be a much more efficient facility
9 than what exists there today. And then by keeping the Frost Street
10 service center, as Ms. Curto indicated, that's gonna be like very
11 complicated long-term jobs.

12 I owned a diesel BMW. They had it like four-and-a-half-months.
13 They couldn't get a part from Germany. The dealership I went to,
14 they had to find space for it inside. It kind of fawled up at bay.
15 Here, they'll move that car before they take it all apart and bring
16 it to Frost Street, and it'll be able to stay over there.

17 As indicated in my report and as indicated by Ms. Curto, it's
18 gonna be an increase of 15 to 20 percent, but the real beauty of this
19 plan, is that it's gonna become much more efficient for both the
20 dealership and the customer, and eliminating any potential queues
21 that could develop on Old Country Road. Even if there was
22 potentially to be a queue, it's 100's of feet inside the site. It's
23 a very large site for a dealership, and again, similar to the last
24 application that I testified to this afternoon, we had gone and met
25 with the Nassau County Planning Commission at one of their meetings,
26 and they had some questions. We were able to sufficiently answer

1 them, and they issued a local determination.

2 So based on the analysis that I prepared in my report and my
3 testimony here today, we believe that approving this application will
4 not create an undue traffic congestion or hazard. There'll be more
5 than ample parking provided on the property, and essentially, it's
6 a significant upgrade for the facility bringing this Toyota
7 dealership well into the future. Thank you.

8 VICE CHAIRMAN FRANCIS: Thank you.

9 CHAIRMAN MAMMINA: Thank you, Wayne.

10 MR. TSOUKALAS CURTO: Thank you, Wayne. As a final note, I did
11 want to mention that we did meet with Planning Commissioner Nancy
12 Shahverdi and Councilman Troiano to explain the site and to explain
13 the proposed project. We got mostly positive feedback. She's here
14 today. I'm not sure if you want to make any comments or not, but
15 we do have to go to before the Town Board as well for site plan
16 approval. We're scheduled to go before the Town Board in August.
17 We're hoping for an approval today.

18 VICE CHAIRMAN FRANCIS: Yeah, I live in Westbury, so I'm
19 familiar with this site. When I was practicing law, I was across
20 the street a lot. It wasn't my favorite place to go but --

21 MR. TSOUKALAS CURTO: Family court.

22 VICE CHAIRMAN FRANCIS: -- I would go a lot. I know this
23 property, and I know it's always been well-kept. I like what you
24 proposed in terms of the new building, and I think it's going to work.
25 I'm going to make a motion that we grant the application.

26 CHAIRMAN MAMMINA: We have a motion from the Vice Chairman. Do

1 we have a second?

2 MEMBER GOODSSELL: Okay, I'll second.

3 CHAIRMAN MAMMINA: We have a second.

4 MEMBER GOODSSELL: It's a huge project.

5 VICE CHAIRMAN FRANCIS: Tremendous.

6 CHAIRMAN MAMMINA: Please poll the Board.

7 SECRETARY WAGNER: Member Donatelli?

8 MEMBER DONATELLI: Aye.

9 SECRETARY WAGNER: Member Hernandez?

10 MEMBER HERNANDEZ: Aye.

11 SECRETARY WAGNER: Member Goodsell?

12 MEMBER GOODSSELL: Aye.

13 SECRETARY WAGNER: Vice Chairman Francis?

14 VICE CHAIRMAN FRANCIS: Aye.

15 SECRETARY WAGNER: Chairman Mammina?

16 CHAIRMAN MAMMINA: Aye. Application is granted.

17 MR. TSOUKALAS CURTO: Thank you very much.

18 VICE CHAIRMAN FRANCIS: Off the record.

19 (Whereupon, a discussion was held off the record.)

20

21

22 SECRETARY WAGNER: Appeal #21723, Wheatley Plaza, Inc. (Uncle
23 Giuseppe's); 130 Wheatley Plaza, Greenvale; Section 19, Block A, Lot
24 591; Zoned Business-A/Business-B/Parking District.

25 Conditional Use 70-139.A to convert a supermarket to a
26 supermarket with a café.

1 CHAIRMAN MAMMINA: You have heard Appeal #21723, Wheatley
2 Plaza, Inc. (Uncle Giuseppe's). Is there anyone in the room who
3 wishes to speak other than the applicant?

4 MS. GONZALEZ: They're all mine. Good afternoon -- evening.
5 I don't know where we're falling right now. My name is Taylor
6 Gonzalez with law firm Forchelli Deegan Terrana at 333 Earle Ovington
7 Boulevard, Uniondale, New York.

8 Here with me today to answer any questions you may have is the
9 project architect, Mario Vergara. We have Mike Nelson, Marty
10 Mcquire, and Zuham Mohammed from Uncle Giuseppe's. I think that's
11 it for that crew.

12 The application before you today is for a conditional use permit
13 for 1,045 square foot seating area with 80 seats as an accessory
14 amenity for patrons within the Uncle Giuseppe's grocery store. The
15 seating area will be part of the larger 55,861 square Uncle
16 Giuseppe's, which was formally tenant space of the Stop & Shop grocery
17 store.

18 The proposed is located within the Wheatley Plaza shopping
19 center, which has operated since the 1980's with a mix of retail
20 stores and restaurants.

21 Uncle Giuseppe's is a grocery chain, which opened their first
22 location in East Meadow in 2001, and now has seven locations across
23 Long Island. They offer everyday groceries, as well as premade
24 dishes, soups, salad, pizza, sushi, and fresh baked desserts. Many
25 of the Uncle Giuseppe's stores across the Island have a similar
26 situated seating area to allow patrons to enjoy premade foods. The

1 seating area is in character with other uses within the plaza like
2 the Starbucks, which offers seating to the patrons to consume already
3 purposed food and beverages.

4 The proposed seating area will be located entirely within the
5 existing building. It will operate only during store's operating
6 hours. All deliveries and removal of waste will take place from the
7 loading dock. Any perishable waste from the seating area will be
8 disposed of within a refrigerated garage locker within the building
9 located near the loading dock. The use of the seating area will be
10 limited to patrons only, and will not permit the consumption of
11 outside food or drinks. In addition, they'll be no wait-staff
12 serving patrons. There will be no advertising or signage on the
13 exterior of the building informing those outside of the seating area.

14 There's currently surplus of nearly 40 parking stalls at the
15 property. As the patrons in the seating area are limited to those
16 already within the Uncle Giuseppe's store, the seating area will not
17 result in any increase in traffic or parking at the site.

18 Finally, the seating area will not create any noise or odors
19 which will negatively impact the surrounding businesses or
20 residential homes located to the east or south of the property.

21 With that, I'd like take any questions you may have.

22 VICE CHAIRMAN FRANCIS: I've been in two Uncle Giuseppe's. The
23 one in Port Washington and the one in East Meadow. Neither of them
24 have seating areas to eat, so could you just go into a little bit
25 more detail.

26 MS. GONZALEZ: Yeah, so that's for their -- so their larger

1 stores offer the seating area, not their smaller ones that don't
2 really have the room because obviously rather have groceries and use
3 that space to turn profit, but their larger stores do offer some
4 seating right after the like the kiosk where you check out just to
5 eat any premade foods like pizza and stuff.

6 MEMBER HERNANDEZ: So the premise here is that you're gonna go
7 buy a pizza or whatever that is premade, pay for it at the register,
8 and then past the register, you're gonna sit down and eat.

9 MS. GONZALEZ: Yeah, you can sit down and have a slice.

10 VICE CHAIRMAN FRANCIS: That's very similar to Stew Leonard's.

11 MS. GONZALEZ: Yes.

12 VICE CHAIRMAN FRANCIS: Okay.

13 MEMBER GOODSELL: Or Cane's in Garden City. Cane's offer a
14 little seating area.

15 MS. GONZALEZ: Yeah, a couple of grocery stores.

16 CHAIRMAN MAMMINA: On Route-110 has that little --

17 MS. GONZALEZ: Yes, as well as one in North Babylon.

18 MEMBER GOODSELL: One of my son's who lives a food desert in
19 Florida, which means there's nothing but Winn-Dixie or Publix will
20 make a special trip to Uncle Giuseppe's, and has said to me -- just
21 came over the 4th of July. He said to me, Mom, we sat in our car
22 and ate because we were so hungry, so I do understand the model, but
23 I have to tell you, my concern. I was at this property. Now, Stop
24 & Shop has been gone for a while. I was at this property last weekend,
25 and I stopped in again yesterday. Without this store, the parking
26 lot was three-quarters full. I was surprised at how full.

1 Is this before us for a parking variance as well.

2 MS. GONZALEZ: Not, it's not. Just a conditional use.

3 MEMBER GOODSSELL: I don't know where they're gonna park.

4 CHAIRMAN MAMMINA: This has been a wildly successful shopping
5 center, and probably the most aesthetic and well planned in the Town
6 of North Hempstead since the first brick went up over there. It has
7 always been an amazing shopping center.

8 MEMBER DONATELLI: And, you know, the fact that Stop & Shop was
9 there for so many years, and whatever it is, and we're talking about
10 self-limiting. If you can't get a parking spot --

11 MEMBER HERNANDEZ: You've gonna leave.

12 MEMBER DONATELLI: -- you're going to leave or park on the street.

13 MS. GONZALEZ: Just to address that. There's no real available
14 street parking. You can't really get to the property from the
15 surrounding neighborhood. It is very much self-limiting. If can't
16 you find a spot, you kind of just keep moving.

17 MEMBER GOODSSELL: I can tell you right now, my children will
18 be delighted.

19 VICE CHAIRMAN FRANCIS: And you can't take the shopping cart
20 off the --

21 MS. GONZALEZ: Yeah, you can try and take it off.

22 VICE CHAIRMAN FRANCIS: Try to take the groceries two blocks
23 away.

24 MEMBER DONATELLI: You may have addressed this in your
25 presentation and if you did, I apologize for asking it again.

26 What percent of the square footage of the store will be dedicated

1 toward the eating area versus the shopping area.

2 MS. GONZALEZ: So I don't know the percentages off the top of
3 my head. I do know the eating area is just over 1,000 square feet,
4 and the entire store is -- I'll give the exact number; 55,861 square
5 feet.

6 MEMBER HERNANDEZ: Two percent.

7 MS. GONZALEZ: Small percentage. A very small percentage.
8 Thank you.

9 (Whereupon, a discussion was held between Board Members.)

10 MEMBER DONATELLI: I can't imagine that people are going to go
11 there to eat in a nature of a restaurant or that the Uber Eats or
12 anyone else like that --

13 MEMBER HERNANDEZ: You will get lunchers, though. People that
14 are like the workers in the other stores will go in to buy lunch and
15 sit down to eat.

16 MEMBER DONATELLI: But it's almost in the nature of, for
17 example, by me, we have a Stop & Shop with a little coffee shop --

18 MEMBER HERNANDEZ: Starbucks.

19 MEMBER DONATELLI: Yeah, Starbucks, so it's almost incidental
20 to.

21 MEMBER HERNANDEZ: Yes, absolutely.

22 MEMBER DONATELLI: But it's really not independent on its own.

23 VICE CHAIRMAN FRANCIS: Not at all.

24 (Whereupon, a discussion was held between Board Members.)

25 MEMBER DONATELLI: Any other questions or comments?

26 CHAIRMAN MAMMINA: No.

1 VICE CHAIRMAN FRANCIS: I love the Uncle.

2 MS. GONZALEZ: Me too.

3 VICE CHAIRMAN FRANCIS: I am going to make a motion that we grant
4 the application.

5 CHAIRMAN MAMMINA: Okay, we have a motion.

6 MEMBER DONATELLI: And I'm going to second.

7 VICE CHAIRMAN FRANCIS: One of my favorite places.

8 SECRETARY WAGNER: With restaurant conditions.

9 CHAIRMAN MAMMINA: Motion from Vice Chairman Francis. Second
10 by Member Donatelli.

11 MEMBER GOODSSELL: Les, with restaurant conditions.

12 VICE CHAIRMAN FRANCIS: With restaurant conditions.

13 SECRETARY WAGNER: Who seconded?

14 MEMBER DONATELLI: I did.

15 CHAIRMAN MAMMINA: Please poll the Board.

16 SECRETARY WAGNER: Member Hernandez?

17 MEMBER HERNANDEZ: Aye.

18 SECRETARY WAGNER: Member Goodsell?

19 MEMBER GOODSSELL: Aye.

20 SECRETARY WAGNER: Member Donatelli?

21 MEMBER DONATELLI: Aye.

22 SECRETARY WAGNER: Vice Chairman Francis?

23 VICE CHAIRMAN FRANCIS: Aye.

24 SECRETARY WAGNER: Chairman Mammina?

25 CHAIRMAN MAMMINA: Aye. The application is granted with
26 standard restaurant conditions.

1 MEMBER DONATELLI: I make a motion to adopt SEQRA.

2 MEMBER GOODSSELL: Second.

3 SECRETARY WAGNER: All in favor?

4 BOARD MEMBERS: Aye.

5 SECRETARY WAGNER: SEQRA is adopted.

6 (Whereupon, the Proceedings concluded at 5:24 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, Mariesel Berrios, a Shorthand (Stenotype) Reporter and Notary Public, do hereby certify that the foregoing Proceedings, taken at this time and place aforesaid, is a true and correct transcription of my shorthand notes.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of August, 2025.



MARIESEL BERRIOS