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Town of North Hempstead
Board of Zoning Appeals
PUBLIC HEARINGS

Wednesday, November 5, 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:

- Debra Algios, Deputy Town Attorney
- Virginia Wagner, Secretary
- Michael Tummarello, Planner

1 CHAIRMAN MAMMINA: Please rise and join Vice Chairman
2 Francis in the Pledge of Allegiance.

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

4 CHAIRMAN MAMMINA: Thank you all, and welcome to the Town
5 of North Hempstead Board of Zoning Appeals. What I'd like to do
6 is for those of you who have maybe never come to a zoning
7 hearing before or a zoning board, or maybe you have in a
8 different municipality, in another town or another village, and
9 we may do things just slightly different here. So, I do like to
10 go through that. I will say, if you've never been here before,
11 just relax. Talk to us. It's not that big a deal, per se, and
12 I like to say we're just talking across your kitchen table.

13 What we will do is, we have our secretary here, Ms. Wagner,
14 and she will call the case, and after she calls the case, I will
15 then repeat the case and ask then for the applicant to come
16 forward to the podium, and then I will ask if anybody else has
17 interest in the case. Either they want to speak for the
18 application, or they want to speak in opposition to the
19 application. So, first, the applicant gets the podium. They
20 put their case onto the record with whoever else they may have
21 with them, and then at that point, if there is anyone else who
22 wishes to speak, we invite them up one at a time. If you're
23 here with somebody else, lots of times you get somebody with
24 your partner, you know, so you can come up together. I mean
25 that's fine, and you then have the podium. We limit that to
26 three minutes. What I like to say is we're not gonna cut

1 anybody super short of three minutes. We would if the room was
 2 packed with people, which we are not this morning, but we can
 3 never tell. At that point then, we would have anyone else who
 4 wished to speak, take a seat, and they'd either say yes, I
 5 agree, or wasn't that wonderful all the nice things they had to
 6 say about us, or they then have the opportunity to respond to
 7 anything else that was put onto the record, either support it or
 8 refute it. And at that point, the Board can then ask whatever
 9 questions they want based on what was presented, and at that
 10 point, the hearing is done. We don't have second hearings here.
 11 So, this is your day.

12 The Board will then do one of four things. We will either
 13 deny the application; we may approve the application; we may
 14 reserve the application, which might mean that we ask somebody
 15 for a different -- another piece of paper, a closing document on
 16 the purchase of the building, another drawing. Perhaps there is
 17 some compromise that's, you know, that's asked for. I do like
 18 to say, and I don't mean it in a wise-guy fashion, but it's not
 19 let's make a deal, but you know, so don't go back and forth a
 20 lot on that sort of thing, or at that point, we may also just
 21 end the hearing. There would then be no continuance of it.
 22 There's no other document that we would be looking for, and the
 23 Board then would just be all set with -- we would have all the
 24 information that we need to make a decision. Sometimes we make
 25 a decision right on the spot. If we continue the application,
 26 generally we don't make a decision that day.

1 Everything here is what's called the Sunshine Law
2 underneath the -- by New York State Law. So, everything that we
3 do is done in person. So, anyone who would like to come back,
4 to hear us to deliberate, may not be today. It may not be at
5 the next hearing. It's hard to say. We do have a prescribed
6 amount of time under the law in which we -- but I don't want to
7 get into that. The attorneys who are here know all of that
8 stuff, as does the Board.

9 You can -- like right now, we are live on Zoom. So, you
10 can listen to us. You can hear us. There are no questions that
11 are asked of the Board at that time. So, it's just an
12 opportunity that you can come back and hear deliberation.

13 With that said, we'll just ask anybody who has all these
14 electric things that we are now so joined at the hip to. Before
15 I left my daughter's house, my three-year-old grandson was
16 watching Wheels on the Bus on my iPad over and over and over
17 again, and wanted to have me -- give it to him to take to
18 nursery school. So, we'll ask you to take your phones and to
19 put them on silent, you know, any of your laptops, anything that
20 you might have that's gonna play Stairway to Heaven, you know,
21 in the middle of the hearing. We try to respect each other. We
22 don't want to have those interruptions. But if you need to make
23 a phone call, if you need to take a phone call, that's
24 absolutely fine. You walk out into the lobby area there, and
25 you could do that. I mean, that's all okay.

26 The other thing that we ask is that if anybody else is

1 coming to the hearing, who's going to be joining you, would you
2 please ask them that same courtesy to all of us, and if you want
3 to stretch your legs or whatever. One of the major things is
4 please zero crossover because we have our wonderful
5 stenographer, who's taking a record.

1

2 I have no idea how she does that, and she's got to keep all of
3 that straight. Plus, also, it's hard -- it's difficult for the
4 Board, and she has a hard enough time getting us not to speak
5 over each other.

6 I think I covered everything. Are we good?

7 VICE CHAIRMAN FRANCIS: Yeah.

8 CHAIRMAN MAMMINA: With that said, Ms. Wagner, do we have
9 any modifications to the calendar today?

10 SECRETARY WAGNER: No, Mr. Chairman, we do not.

11 CHAIRMAN MAMMINA: We have no modifications to the calendar
12 so each case will be heard.

13 With that said, please call the first case.

14

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

16 SECRETARY WAGNER: APPEAL #21752, Lei Cao; 943 North 6th
17 Street, New Hyde Park; Section 8, Block 17, Lot 127; Zoned:
18 Residence C.

19 Variance from 70-100.2(H) to legalize 5 ductless split A/C
20 units that are too close to the side property line.

21 CHAIRMAN MAMMINA: You heard Appeal #21752, Lei Cao. Is
22 there anyone in the room who has interest in the
23 application -- we just ask for a show of hands, and then we'll
24 make sure we call you, okay? I'm seeing no one.

25 Please give your name and address.

1 MR. JENG: George Jeng, architect, 28 School Street, Port
2 Washington.

3 CHAIRMAN MAMMINA: Good afternoon, Mr. Jeng. The podium is
4 yours. The floor is yours. So please go ahead.

5 MR. JENG: The client, as I said, first-generation,
6 hard-working people. They come to this country and finally save
7 enough to buy a small starter house in New Hyde Park. The house
8 was constructed in 1923, before the zoning. It has undersized
9 lot, undersized yard. Because they spent all the money, so when
10 they saw the ad that the government will pay for upgrade of
11 their heating system, they gladly take it, and without
12 notice -- without realize that the company doing that, only
13 filed the paperwork for collecting their money and never work
14 out filing the paperwork with the town. So, the system was
15 installed. Violation was issued, and now, we're here.

16 So, the property has less than 3 feet side yard, and the
17 code say HVAC needs to be 3 feet away from the property line.
18 Their first floor is living, dining, and kitchen. The second
19 floor consider two bedroom, and the two bedroom is located at
20 the short side yard location, so it is not possible to have AC
21 unit 3 feet away, consider the existing side yard is less than 3
22 feet.

23 So, a notice was sent to all the neighbors involved, and
24 the homeowner actually collect letter from all the nearby owner.
25 Has no objection to granted to -- to agree on keeping the
26 existing illegal installed HVAC outdoor unit. Therefore, we are

1 here, basically -- as the photo shows, you cannot really see the
2 AC unit from the street, so we're basically seeking a relief for
3 the requirement.

4 CHAIRMAN MAMMINA: I smile only because the two houses look
5 like they're one house that got -- somehow got split.

6 MR. JENG: Yeah. This is the house involved, and that's
7 the AC, you can barely see.

8 MEMBER GOODSELL: Actually, Mr. Chairman, I'm very familiar
9 with this area. I'm the person from New Hyde Park, so I'm very
10 familiar with this area. I have noticed that house numbers 937
11 to 957, were all built very -- and they're on very narrow lots.
12 They're on 30 by 100. Some of them common driveways, which is
13 why those two houses, and they're not the only two houses in
14 this little stretch, that are that close together. So, I
15 understand why the client has done what he's done, and why he
16 cannot put them on the other side of the house because there's a
17 driveway there, and it may be a common driveway. However, my
18 question to you is, why are there five units?

19 MR. JENG: Because they have one for the bedroom, one for
20 the other bedroom, one for the living room -- actually, two for
21 the living room, and one for the little enclosed porch. That's
22 why there are five units over there.

23 MEMBER GOODSELL: So, each of these units is dedicated to
24 one space in the house; is that correct?

25 MR. JENG: Correct.

26 MEMBER GOODSELL: Now, with respect to mounting them as

1 high as they did, it allows access through that little space.
2 How do we know they are mounted correctly?

3 MR. JENG: They are mounted with metal bracket. Attached
4 to the existing building studs.

5 MEMBER GOODSELL: Did the Building Department inspect that?

6 MR. JENG: Actually, the inspector went there write -- he
7 wrote a violation. That's why I got involved. I went there; I
8 check it.

9 MEMBER GOODSELL: Did any part of the violation include
10 remounting or bracing any of these units?

11 MR. JENG: No. The violation basically is that install AC
12 units without a permit.

13 MEMBER GOODSELL: Could you tell the Board why this is the
14 only place these five units could be installed?

15 MR. JENG: Okay. As I previous stated, bedrooms are on
16 that side. So, it's not practical to put above the driveway and
17 run the duct all the way through the house and to reach that
18 room. Therefore, you know, for the insulation contractor, they
19 figure that's the shortest run, so it's more efficient run for
20 the unit.

21 MEMBER GOODSELL: And why it could not be mounted on the
22 back of the house?

23 MR. JENG: Again, it's increase the run of the piping, so
24 the longer the pipe the less efficiency. For the practical
25 reason.

26 MEMBER GOODSELL: In the application or the pictures, it

1 shows that the next-door neighbor has a similar unit. One unit.
2 Also mounted high. Did you observe that when you did these
3 plans?

4 MR. JENG: Yes.

5 MEMBER GOODSELL: In your opinion, is that one unit doing
6 the same job as these five units?

7 MR. JENG: That's different situation. The neighbor has
8 existing boiler provide heating for the entire building. For
9 the client, because the government incentive to decarbonize, so
10 they have to remove the boiler. So, they rely on this unit to
11 provide heat and cooling. The neighbor, they have the boiler to
12 provide the heating, and there's no need for the cooling, and
13 that unit's for the master bedroom.

14 MEMBER GOODSELL: So, the explanation is, the neighbor's
15 unit performs a different function; isn't that right?

16 MR. JENG: Correct.

17 MEMBER GOODSELL: I don't have any other questions.

18 CHAIRMAN MAMMINA: I'll just add one thing just for the
19 understanding of the Board. These systems are -- at lease at
20 this point in time, probably in ten years, they'll be antiquated
21 again, but these are the rocket ships of the industry now. Very
22 honestly, I'm putting them in my own house. They're efficiency
23 rates are crazy high.

24 MR. JENG: Right.

25 CHAIRMAN MAMMINA: In a positive way. They weigh almost
26 nothing. When I say, they weight almost -- you can pick it up

1 because it's all electronic. They do have terrific rebates to
2 encourage people to do it, and the ability to be able heat or
3 air condition one room at a time has, again, terrific energy
4 savings because, you know, each bedroom can be shut off if
5 nobody's sleeping in it. At night, it can turn off the first
6 floor. It's all controlled from your phone. So, certainly from
7 the perspective of energy efficiency, that is the case. That's
8 doesn't diminish, you know, the need for the variance, but I
9 mean, that's really just as an information thing. I think all
10 of the questions that were asked were valid.

11 To me, the single just supporting what you said, is the
12 fact that there's another one right next door. This is an older
13 part of New Hyde Park. New Hyde Park definitely has its normal
14 -- as we get closer to the Queens borderline, there are older
15 neighborhoods that are there that were built more like New York
16 City with the shared driveway even. So, that sort of thing.

17 I don't really see any fire danger or anything from them.
18 While that's not really where we are, and we do allow 3 feet. I
19 don't anticipate the unit being up in the air. So, those are
20 great questions that you asked.

21 MEMBER GOODSELL: I do have another question for the
22 applicant.

23 CHAIRMAN MAMMINA: Sure.

24 MEMBER GOODSELL: Just for the record. A cost estimate of
25 what it would cost to take these five units and move them to a
26 compliant location, and the downside of doing so. We do create

1 a record here.

2 MR. JENG: Well, in order to move the unit to a compliant
3 location, it more or less has to move to the rear yard, and to
4 place five units in the rear yard, it need to be stick out,
5 maybe like two, two, and then one, one, so that way you increase
6 the pipe run. The cost of that is roughly for five units right
7 now, I would say about 20, \$25,000.

8 MEMBER GOODSSELL: Based then upon the presentation, Mr.
9 Chairman, as I say, I'm familiar with this area. These are the
10 older houses on that block. These houses were built in the 50s,
11 60s. These houses were already 15 years old, according to the
12 village records, when the village enacted the building code.
13 So, these are older homes.

14 Mr. Chairman, since there really does not seem to be any
15 other place to locate them, and the cost of relocating them into
16 a more compliant location seems to be rather high. I would make
17 a motion that we grant the application.

18 CHAIRMAN MAMMINA: We've a motion by Member Goodsell. Do
19 we have a second?

20 MEMBER DONATELLI: Second by Member Donatelli. Please poll
21 the Board.

22 SECRETARY WAGNER: Member Hernandez?

23 MEMBER HERNANDEZ: Aye.

24 SECRETARY WAGNER: Member Donatelli?

25 MEMBER DONATELLI: Aye.

26 SECRETARY WAGNER: Member Goodsell?

1 MEMBER GOODSELL: Aye.

2 SECRETARY WAGNER: Vice Chairman Francis?

3 VICE CHAIRMAN FRANCIS: Aye.

4 SECRETARY WAGNER: Chairman Mammina?

5 CHAIRMAN MAMMINA: Aye. Application is granted. Off the
6 record.

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

8 CHAIRMAN MAMMINA: Please call the next case.

9

10

1 SECRETARY WAGNER: Appeal #21753, Szehaw Phang; 388 Old
2 Courthouse Road, New Hyde Park; Section 8, Block 285, Lot 1;
3 Zoned: Residence A.

4 Variance from 70-100.2.A(4)(b) to construct fencing that is
5 too tall.

6 CHAIRMAN MAMMINA: You heard Appeal #21753, Szehaw Phang.
7 Is there anyone in the room interested in the application other
8 than the applicant?

9 Seeing one gentleman, and you'll have the opportunity to
10 speak if you wish to after the presentation. Thank you.

11 Please give your name and address.

12 MR. PHANG: Hi, I'm the owner of the 388 Old Courthouse
13 Road, and my name is Szehaw Phang. I'm here to -- good morning
14 for all Members of the Board. I'm requested about the 6-foot
15 PVC fence that's installing on my side yard, and for the couple
16 reasons, and hopefully, I can get approval for this request.

17 So, the reason why I need to install a 6-foot fence because
18 we are on a corner lot, and on the corner, we have two busy
19 roads. One is Old Courthouse Road. One is Meadowbrook Road.
20 Those two is very busy, and I have two daughters. They usually
21 play volleyball outside of the yard. As a corner lot, we don't
22 have a like a traditional back yard that they can play in. I
23 spot on the property; the side yard is the only way that they
24 can play with that. If they play around on the other side yard,
25 the ball will face around to the main road, the busy main road,

1 where the car running around, and most important, the serious
2 security reason, is the daughter will run to the main road. So,
3 that's why I build fence on the side yard, but the code is
4 stating that one side we can set with 6 feet. Another side is
5 only set with 5 feet. Because when I build it for myself, I
6 never look at the building code. After the neighbor complaining
7 about it, I read the code, and I found out that, that is
8 actually side. It's not the back. So, that's why I thought
9 that that's a back yard, so I build it as a 6-foot high if a
10 fence. And for the safety reason, I want them to play around
11 there, so the 6-foot fence is must have because they're playing
12 volleyball. The ball won't fall away to the neighbor's house to
13 disrupt the neighbor because before building the fence, the ball
14 always fall around to the neighbor's house, and we have to go to
15 the neighbor's house to grab the ball. The neighbor also have
16 three different dogs that is actually push the fence line, so we
17 try to like avoiding that destruction, so that's why we build a
18 6-foot fence. I look around the neighborhood. We using the
19 similar style of the white PVC fence that is around the
20 neighborhood, and I see there's a lot of neighborhood that have
21 a 6-foot fence as well. So, that's why I don't feel this a
22 problem. It's only 1 foot different than the 6-foot, and then
23 because my neighbor they have concern about it, so that's why we
24 try to see if the Board can approve the 6 foot of that variance.

25 CHAIRMAN MAMMINA: Before I turn it over to my New Hyde
26 Park person. She may be saying this as well. There are many

1 fences that are illegal, that are put up by someone, so I
2 understand that part of what you'll understand the complexity of
3 you understanding that is a side yard, and that the other one is
4 a rear yard, and it is a -- not a technicality of zoning, but is
5 the way that corner lot is looked at.

6 With that said, I will turn the microphone over to Member
7 Goodsell.

8 MEMBER GOODSSELL: As I said in the last case, I live in New
9 Hyde Park. Lived there for 42 years. I'm familiar with this
10 section of town, and I'm familiar with what you're doing. I
11 went and looked at your property the other day.

12 Just for clarity sake, the front of your house on Old
13 Courthouse Road faces north.

14 MR. PHANG: Yes.

15 MEMBER GOODSSELL: You're not putting a fence in the front
16 yard as that is a fine, correct?

17 MR. PHANG: So, this will be the zoning map.

18 MEMBER GOODSSELL: Right.

19 MR. PHANG: So, the front of the house.

20 MEMBER GOODSSELL: We have that in front of us.

21 MR. PHANG: So that would be facing north. This is all
22 yard.

23 MEMBER GOODSSELL: Correct.

24 MR. PHANG: And I am not putting a fence over here. So, we
25 putting the fence a little space next to the house. Should be
26 on the east side.

1 MEMBER GOODSSELL: Are you putting gate or return from the
2 proposed 6-foot fence to the house?

3 MR. PHANG: What that mean?

4 MEMBER GOODSSELL: Well, when your fence ends, what is it up
5 against? From the back looks like it's up against a wall or a
6 stone fixture. On the side, the east side, does that fence just
7 end, or are you proposing to bring another piece of fence from
8 the end to the front --

9 MR. PHANG: No, I was planning to put in tree on it.

10 MEMBER GOODSSELL: Trees?

11 MR. PHANG: Yeah.

12 MEMBER GOODSSELL: Are you aware that the town in two weeks
13 or three weeks is considering a change to current fencing code?

14 MR. PHANG: I don't know that because I'm not architect.
15 I'm just a homeowner. I'm trying to save money to do it myself.

16 MEMBER GOODSSELL: Well, we as a zoning board are charged
17 with granting the minimum variance necessary. Would you like to
18 adjourn for two weeks to see if the town changes the fence code
19 and passes the proposal?

20 MR. PHANG: Yeah, I can.

21 MEMBER GOODSSELL: You might not need a variance. You may
22 be able to change what you want to do based on the new code.

23 We should hear from the neighbor. I just want the
24 applicant to be aware that this is pretty new, and that the last
25 time the fence code was change I think was in 2004, 2003,
26 somewhere back then.

1 CHAIRMAN MAMMINA: We were doing something that we were
2 call a 4-5-6 because we got so many applications, where facing
3 the street, you got 4 feet; on the side, you got 5 feet; and
4 then in the rear, you got 6 feet. So, the town board, at the
5 recommendation of its planning department, they changed the
6 zoning, and what it is --

7 MEMBER GOODSELL: That was well over 20 years ago.

8 CHAIRMAN MAMMINA: Yes, twenty years ago. The town board
9 is now considering --

10 MEMBER GOODSELL: Another change.

11 CHAIRMAN MAMMINA: Having 6 feet in the side yard.

12 MR. PHANG: Gotcha.

13 MEMBER GOODSELL: So, before you actually ask us to make a
14 decision, would you like to see what the town is going to
15 change?

16 MR. PHANG: Sure.

17 DEPUTY ATTORNEY ALGIOS: Why don't you just reserve
18 decision.

19 VICE CHAIRMAN FRANCIS: Yeah, we're going to reserve.

20 MEMBER GOODSELL: We can reserve. We would like to hear
21 from the other person --

22 MR. PHANG: Sure.

23 MEMBER GOODSELL: -- in the audience who would like to
24 speak.

25 MEMBER DONATELLI: Well, before we do that, I'd just like
26 to put something on the record. You submitted a survey showing

1 where you proposed to put the fence, and there's a note on the
2 survey saying that there's an easement of about 5 feet on each
3 lot. So, it seems to be 5 feet on your lot, and 5 feet on the
4 neighbor's lot, and that's seems to be utility installation and
5 maintenance easement. So, I would just note for the record
6 that --

7 CHAIRMAN MAMMINA: Good point.

8 MEMBER DONATELLI: -- I have no idea what that easement
9 says. If it's for access for or if it prohibits any kind of
10 structure. That might also impact your application.

11 MR. PHANG: Sure.

12 MEMBER DONATELLI: To put a fence at least over that area.

13 MR. PHANG: Got you.

14 CHAIRMAN MAMMINA: I would suggest that you check that. I
15 will say in my house there was a 10-foot -- just like that, a
16 10-foot easement in order to reach the utility poles. Yes, I
17 think it's valid to take a look at it. It precluded me from
18 building anything on it, but every once in a while, I'll say,
19 hey, I'll call them LIPA guys. Shows how long ago it was. They
20 would be coming up to the side yard to climb a pole or whatever,
21 so I think it would be just a good thought.

22 MR. PHANG: So, I can answer that. So, before I install
23 that fence, in the east side, for my neighbor, we have like 1
24 foot of the space to go to the pole back of the fence in between
25 my neighbor's house and my house.

26 MEMBER DONATELLI: Well, okay, the survey is indicating

1 that it's 5 feet on either side, but again, we would have to see
2 what the easement says, and so I would just suggest for your own
3 purposes that you acquaint yourself with that easement.

4 MR. PHANG: Sure.

5 CHAIRMAN MAMMINA: Okay. We did have a gentleman that had
6 his hand up. We would invite him to please come up and put your
7 name and address on the record, and let us know what you think.

8 MR. LAMAGNA: James Lamagna, 24 Meadowfarm Road, New Hyde
9 Park, New York.

10 CHAIRMAN MAMMINA: Good morning.

11 MR. LAMAGNA: My house is just around the corner, and we're
12 parallel to one another on the land. I respect that he wants a
13 safe play for his children to play, and he had definitely
14 mentioned to me that he was looking to build out that portion of
15 the yard for those purposes. But what he neglected to say was
16 that he was putting up a 6-foot white fence. I brought a
17 picture of what it looks like abutted against my property.

18 SECRETARY WAGNER: This will be Exhibit 1, the Neighbor.

19 MR. LAMAGNA: Yes, we do have three dogs. The fence was
20 put up on my side to keep them in the yard. There's a picket at
21 the bottom, so they can't pass through or bother the children.
22 It was done to just to keep them in the yard.

23 I spent a lot of money regrading my property so the water
24 runs away from the house to the far end of the yard, and if you
25 see at the far end of the yard, I'm roughly 19 to 24 inches
26 below his property line. So, as the hedging grows at 5 feet,

1 I'm essentially two more feet down, 7 feet. He has all the
2 properties he wants. I had suggested to him when he suggested
3 this idea to me that all he would need to do is put a couple of
4 arborvitaes, and between the spaces between my bushes, and
5 there'd be plenty of, you know, privacy for us all.

6 Now, one day we come home there's a 6-foot wall essentially
7 that I have to look at it. Those are 4-6 bushes that I put in.
8 I mean, I have to pray that they grow to 7 feet now, 6 feet, so
9 I don't see that white fence.

10 MEMBER GOODSSELL: How old is that picture that you've shown
11 us?

12 MR. LAMAGNA: It was probably yesterday.

13 MEMBER GOODSSELL: The photo shows two fences. Your fence
14 would be the black rod iron fence?

15 MR. LAMAGNA: Right.

16 MEMBER GOODSSELL: And the applicant's fence is the white
17 fence; is that correct?

18 MR. LAMAGNA: Correct.

19 MEMBER GOODSSELL: You seem to have a more traditional
20 property. Your house is situated on your lot. You have a front
21 yard side, you have side yards, and you have a rear yard; is
22 that correct?

23 MR. LAMAGNA: Correct.

24 MEMBER GOODSSELL: And the reason that your fence is 5 feet
25 is because it complies with the code?

26 MR. LAMAGNA: Yes.

1 MEMBER GOODSELL: Which is on 5 feet on your side, but your
2 side yard looks to the general public that is your neighbor's
3 back yard.

4 MR. LAMAGNA: I think where you're struggling with, on a
5 corner property lot you virtually don't have a back yard.

6 MEMBER GOODSELL: That's correct.

7 MR. LAMAGNA: He has a little patio in the back that's
8 hidden by his arborvitaes that the previous owner had planted
9 there for years that are 10 feet tall. I understand he has
10 children, and he needs a place for them to play and play safely.

11 MEMBER GOODSELL: Are you familiar with the easement? The
12 5-foot easement that seems to go between your two properties?

13 MR. LAMAGNA: Well, I thought the ease-way from living
14 there for 32 years was for where the utility lines run in the
15 back. If you look in that photograph, in the back left corner,
16 there's a utility pole that borders his property and the next-
17 door neighbor's property, and just outside of my property, and
18 from between there few if go south, those lines run along across
19 my back yard of the hedging, and yes, there's a 5-foot ease-way
20 between.

21 MEMBER GOODSELL: And in your 30 years of living there,
22 have you ever had the utility bring trucks onto your property
23 and use that ease-way in order to repair their lines?

24 MR. LAMAGNA: Yes, all the time. They were just recently
25 there.

26 MEMBER GOODSELL: Is there anything else that you would

1 like the Board to know?

2 MR. LAMAGNA: At no point, were we made aware that it was 6
3 foot that was available or he was putting up. It's not
4 something that I enjoy looking at. I came here 32 years ago; it
5 was a tree-line street up Meadowfarm Road. Now, they're gone.
6 But I came for -- not to look like I was living in Whitestone
7 Queens. I just -- my wife is under the impression that it
8 devalues our property having to look at that big white wall
9 sitting there. Now, what do I need to do to hide it, and the
10 burden becomes my burden now.

11 MEMBER GOODSELL: Are you aware that the town doesn't
12 necessarily tell a homeowner what type of fence they can put up?

13 MR. LAMAGNA: Of course. I understand, and I don't
14 begrudge him. Taste is different for everybody, you know, and I
15 respect that. It's just that after 5 feet tall, my hedging
16 would basically in another year hide everything. It's 6 feet,
17 now I got to pray if they do grow as tall as they are.

18 MEMBER GOODSELL: Were you aware, sir, that the town is
19 considering changing the fence code that they have.

20 MR. LAMAGNA: Not at all.

21 MEMBER GOODSELL: It's -- I believe scheduled to take place
22 -- a hearing on November 18th.

23 MR. LAMAGNA: All right. It is what it is. I can't
24 control that.

25 MEMBER GOODSELL: Thank you very much.

26 MR. LAMAGNA: Thank you.

1 CHAIRMAN MAMMINA: I will say the fence that you put up, in
2 terms of my own feeling, is aesthetically much more pleasing
3 than a white vinyl fence. I find it very glaring, but that's
4 just my personal --

5 MR. LAMAGNA: It's different strokes for different folks.

6 CHAIRMAN MAMMINA: It's on the record, but it doesn't mean
7 anything. The gentleman has the right to put up the fence.
8 He's allowed.

9 MR. LAMAGNA: Well, okay, we'll see what you have to say in
10 two weeks.

11 VICE CHAIRMAN FRANCIS: Yeah.

12 CHAIRMAN MAMMINA: I appreciate the handshake because it is
13 always nice when neighbors remain neighbors.

14 MR. LAMAGNA: We're fine.

15 VICE CHAIRMAN FRANCIS: So, we're going to reserve.

16 CHAIRMAN MAMMINA: Yes, we're going to reserve.

1 MEMBER GOODSELL: We're going to reserve decision on this
2 to see what the town has to say. You may want to follow up to
3 see what the new regulation is, and whether it's adopted.

4 MR. PHANG: Got you.

5 MEMBER GOODSELL: Thank you.

6 CHAIRMAN MAMMINA: Thank you both.

7 SECRETARY WAGNER: So, the application is reserved.

8

9

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

11 CHAIRMAN MAMMINA: Please call the next case.

12 SECRETARY WAGNER: Appeal #21754, Manhasset Venture, LLC
13 (MD Hyperbaric Sign); 1350 Northern Boulevard, Manhasset;
14 Section 3, Block E, Lot 1121; Zoned: Business A.

15 Variances from 70-196.J(1)(f) & 70-196.J(1(a) to construct
16 a wall sign too high off the ground and higher than the lower
17 sill course of the second-story window, with too many signs on a
18 wall.

19 CHAIRMAN MAMMINA: You heard Appeal #21754, Manhasset
20 Venture, LLC (MD Hyperbaric Sign). Is there anyone in the room
21 who wishes to speak regarding this application?

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

23 MR. PEREIRA: Hi, my name is Juliano Pereira. I'm here
24 representing Mineola Signs at 255 Mineola Boulevard, Mineola.
25 We're a sign company. We just proposing to put an illuminated

1 sign on 1350 Northern Boulevard, Manhasset. Yes, the code said
2 it's too high from the code, so it was set too close to the fire
3 pit. But if we look at the place where the sign gonna go, it's
4 actually the same space correction to the other neighbors.

5 They have a Michael's located on the right side, and if I'm
6 not mistaken an Urgent Care Northwell sign. So, the sign is all
7 located at the same level. So, we just trying to match the same
8 thing, so we don't put anything lower and looks distorted to the
9 building. The sign also, we have changed the size to 24 inches
10 to comply with the size facing parking lot. So, we basically,
11 the only thing here is the height, where it's gonna be located
12 and mounted on.

13 CHAIRMAN MAMMINA: Just for the record. You're not denied
14 for the size of the sign; is that correct?

15 MR. PEREIRA: Oh, yeah.

16 MEMBER GOODSELL: What was the business that was in this
17 building before?

18 MR. PEREIRA: It was a C2 Education.

19 MEMBER GOODSELL: Where was the sign for C2 Education?

20 MR. PEREIRA: At the same place where I'm putting mine.

21 MEMBER DONATELLI: I actually recall that application that
22 came before that was several years back.

23 CHAIRMAN MAMMINA: Yes.

24 MEMBER DONATELLI: And I recall specifically, there was a
25 tree that was actually blocking the access. The applicant had
26 actually moved the sign out from behind the tree; if you all

1 recall that.

2 CHAIRMAN MAMMINA: Yes, I do.

3 MEMBER HERNANDEZ: Yes. Is it one sign on one wall or two
4 signs on two different walls?

5 MR. PEREIRA: No, sir. It's just gonna be one sign on one
6 wall.

7 MEMBER HERNANDEZ: So, the sign facing Northern Boulevard?

8 MR. PEREIRA: No, facing the parking lot.

9 MEMBER HERNANDEZ: That's what I thought. The one with the
10 tree was on Northern Boulevard.

11 MEMBER DONATELLI: Right.

12 MR. PEREIRA: Yes.

13 MEMBER HERNANDEZ: So, this will not be a sign on the
14 Northern Boulevard side.

15 MR. PEREIRA: There will not be a sign on Northern
16 Boulevard. Just on facing the parking lot.

17 MEMBER HERNANDEZ: Okay.

18 MR. PEREIRA: I know Michael's has a sign on Northern
19 Boulevard.

20 MEMBER HERNANDEZ: As well, yes.

21 MR. PEREIRA: We are actually putting just -- my customer
22 just likes to be on the parking lot, and we did offer the one on
23 the side, but he just chose to be the one on the parking lot.

24 MEMBER HERNANDEZ: Just wanted to clarify it because when
25 he mentioned the trees, that's on the --

26 MEMBER DONATELLI: Yes.

1 MR. PEREIRA: Yeah, I kind of confused for a second too but
2 once you mentioned, yes, it's on the side facing the parking
3 lot.

4 CHAIRMAN MAMMINA: So, really the illustration on your
5 Drawing SG101, that's what would get installed.

6 MR. PEREIRA: Exactly, sir.

7 VICE CHAIRMAN FRANCIS: And the circle is part of their
8 trademark, I'm assuming.

9 MR. PEREIRA: Yes, sir. It's part of the logo.

10 MEMBER DONATELLI: Will the sign be illuminated?

11 MR. PEREIRA: The spiral, yes, will be illuminated. Just
12 where you see the spiral where you see the little white dots.
13 That's only thing that will be illuminated in the sign. So, it
14 looks like a spiral type of.

15 MEMBER DONATELLI: As part of this, we all try to tour all
16 of the properties that come before us to see exactly where it's
17 located. I've been to Michael's many times. I've been to this
18 building, as I'm sure we all have. I would say for the record,
19 this parking lot does not face any residential properties. It
20 just faces other commercial properties.

21 MEMBER HERNANDEZ: This building is certainly unique in
22 that that ground floor will be considered the basement anyplace
23 else because it's below Northern Boulevard.

24 MR. PEREIRA: Yeah.

25 MEMBER HERNANDEZ: So, it's carved into the hillside. It
26 is a very high sign by the standards of the town, but it's the

1 only place in the parking lot where you can actually put the
2 sign to be cohesive with everything else in the building.

3 MR. PEREIRA: Yes, and by the location also, you can get to
4 see it from the streets a little bit location 'cause as you
5 mentioned is that location where the sign is gonna be put on it.
6 It's a location that's kind of like on a hill. So, as you know,
7 it's built different.

1 So, it'll be nice.

2 MEMBER HERNANDEZ: Unless anyone else has anything else to
3 say, I move that we grant the application.

4 CHAIRMAN MAMMINA: We have a motion by Member Hernandez.

5 VICE CHAIRMAN FRANCIS: Second.

6 CHAIRMAN MAMMINA: Second by Vice Chairman Francis. Please
7 poll the Board.

8 SECRETARY WAGNER: Member Goodsell?

9 MEMBER GOODSELL: Aye.

10 SECRETARY WAGNER: Member Donatelli?

11 MEMBER DONATELLI: Aye.

12 SECRETARY WAGNER: Member Hernandez?

13 MEMBER HERNANDEZ: Aye.

14 SECRETARY WAGNER: Vice Chairman Francis?

15 VICE CHAIRMAN FRANCIS: Aye.

16 SECRETARY WAGNER: Chairman Mammina?

17 CHAIRMAN MAMMINA: Aye. The application is granted for the
18 reason stated, and if I could ask a question off the record.

19 (Whereupon, a discussion was held off the record.)
20
21

22 SECRETARY WAGNER: Appeal #21755, Ed-Sand Realty (Tony's Di
23 Napoli); 1445 Northern Boulevard, Manhasset; Section 3, Block
24 65, Lot 142; Zoned: Business A/Parking.

25 Variance from 70-103.A(1) and conditional use 70-126.A to

1 construct renovations for a proposed restaurant with expansion
2 of the seating area and kitchen into the basement, which is a
3 conditional use and with not enough parking on site.

4 CHAIRMAN MAMMINA: You heard #21755, Ed-Sand Realty (Tony's
5 Di Napoli). Is there anyone in the room who wishes to speak
6 regarding the application?

7 Not seeing anyone. Please give your name and address.

8 MS. TSOUKALAS CURTO: Good morning, Chairman Mammina,
9 Members of the Board. My name is Andrea Tsoukalas Curto, with
10 the firm Forchelli Deegan Terrana LLP, with offices at 333 Earle
11 Ovington Boulevard, Uniondale, New York. I would like the
12 opportunity to introduce my team. Stuart and Greg Wetanson are
13 here today. They're the applicants and principles of Tony's Di
14 Napoli. Eddie Eliahu, he's the landlord's representative, as is
15 Matt Singh. Frank Genese and Hyunsoo Lee from N2 Design are
16 also here. Wayne Muller, transportation expert with R&M
17 Engineering, and finally, Richard Zarrilli from Oxford and
18 Simpson, who's the project manager on this case is also here
19 with us today.

20 I would like to submit an exhibit at this time. This is
21 Applicant's Exhibit A.

22 MR. TUMMARELLO: Thank you.

23 MS. TSOUKALAS CURTO: So, I will go over the exhibit as I'm
24 presenting.

25 SECRETARY WAGNER: Was this submitted electronically as
26 well?

1 MS. TSOUKALAS CURTO: It was not. Applicant's Exhibit B is
2 a sample menu for Tony's Di Napoli.

3 SECRETARY WAGNER: This is a separate exhibit here?

4 MS. TSOUKALAS CURTO: Yes, that's Applicant's Exhibit B.

5 So, as mentioned, this is an application for a parking
6 variance and a conditional use permit for a new family-style
7 Italian restaurant at the premises. I'm sure you're all very
8 familiar with this site. The prior tenancy was a TGI Fridays,
9 which operated at this location for approximately 27 years. I
10 believe it closed during COVID. Prior to that, it was Lauraine
11 Murphy's Restaurant from 1954 to 1987. I could see you're
12 holding your heart, so you're very familiar.

13 MEMBER GOODSELL: I loved Lauraine Murphy's.

14 MS. TSOUKALAS CURTO: And prior to that, it was Louis
15 Sherry from 1951 to 1954. So, this site has been occupied with
16 a restaurant for over 70 years.

17 If you refer to your packet, we did provide some historical
18 photos of the prior restaurant uses, as well as photos of the
19 current conditions. As you can see from the photo of Lauraine
20 Murphy, we are mimicking that curved design in the front. You
21 can see it from this photograph as well.

22 A little background regarding Tony's Di Napoli. As
23 mentioned, it is a classic family-style restaurant. It's an
24 iconic institution in New York City. It was founded in 1990 by
25 Herb Wetanson and his son Greg. Herb also founded Wetson's
26 Hamburgers. So, I'm sure you're also very familiar with that

1 chain. So, the family has been operating restaurants since
2 1958. Tony DiNapoli's is a staple in both Times Square and the
3 Upper East Side in New York City. All three Wetanson
4 generations live on Long Island, and they've always wanted to
5 bring Tony's to the Island, and they believe this is going to be
6 a great location for this use.

7 They seek to build a high-end restaurant, and obviously,
8 they want to meet the modern expectations of the greater
9 Manhasset community. We did provide photos of the exterior
10 facade and the interiors. It's a very beautiful design, both
11 exterior and interior. They're investing millions of dollars in
12 this site. Again, we want to make this a high-end, first-class
13 establishment.

14 A little background regarding the premises. It's located
15 on the north side of Northern Boulevard, 224 feet west of
16 Strathmore Road in Manhasset. It's situated in the town's
17 Business A and Parking Districts, and has a lot area of 81,392
18 square feet. It's improved with a one- and two-story building
19 and a large parking lot in the rear of the premises. It has a
20 total of 180 parking stalls, so much larger than most parking
21 lots in this area.

22 As you can see from the photographs, the parking lot has an
23 extensive landscape buffer with mature evergreen trees. It is
24 actually two rows of arborvitaes along the north side of the
25 property. We do have a site plan in that packet, which shows
26 existing conditions of the rear. It shows the landscape buffer

1 along the perimeter of the property, and it also shows
2 photographs of all the existing conditions here. So, the arrows
3 are pointing to what you're looking at along this boundary.

4 Regarding the character of the neighborhood, Northern
5 Boulevard is a major commercial thoroughfare. NYU Langone
6 recently obtained approvals, as you all know, across the street
7 from the old Lord & Taylor Building. The Quaker Meeting House
8 is west of the premises, and there are residences north and east
9 of the premises.

10 Virginia Wagner did reach out to me on Monday. There was
11 one resident who had an issue with the fencing. His name is Joe
12 Marchese at 50 Rugby. I actually met with him right before the
13 hearing. He did appear. He wanted to speak to us. He showed
14 us photographs of his fence, as well as photographs of his
15 neighbor's fence. There are some repairs that need to be made,
16 and he's also asked us to replace his fence with a more solid
17 fence. I spoke to the owner's representatives, they were here.
18 They have agreed to do that. So, we will accept that as a
19 condition on -- of approval.

20 MEMBER GOODSELL: Do you have Mr. Marchese's address?

21 MS. TSOUKALAS CURTO: 50 Rugby.

22 MEMBER GOODSELL: Can you point out to me which one it is?

23 MR. GENESE: It's this house here. Second house in.

24 MEMBER GOODSELL: It's that one. Okay.

25 MEMBER DONATELLI: The fence in which you speak, is that on
26 the applicant's property?

1 MS. TSOUKALAS CURTO: So, he showed pictures of his fence,
2 which did not have any holes, per se, but it was like an older
3 fence that had some larger gaps, so you could see some light
4 coming through, and then he showed us pictures of his neighbor's
5 fence, which had, I guess, some of the slats were coming off, so
6 we're going to replace that.

7 MEMBER HERNANDEZ: It's an old-fashion wooden fence with
8 the --

9 MS. TSOUKALAS CURTO: It's a stockage, yeah.

10 MEMBER HERNANDEZ: With the clean side facing the
11 neighbors, so I'm assuming that it's on this property side.

12 MS. TSOUKALAS CURTO: Right, and you can't see the fence
13 from the rear yard because there's so much evergreen trees.

14 CHAIRMAN MAMMINA: Speaking to that. I've been on this
15 Board decades and decades and decades, and I remember the TGI
16 Fridays application. And at that point, when we required a
17 fence, it was a stockade fence with the good side facing the
18 neighbor, and I will also say, I guess, the wisdom of the Board.
19 I'm not saying it was me, but we required that tree planting and
20 irrigation of it, and apparently -- I mean, they've done very
21 well. And I guess, I can also say that the room was packed for
22 that application for TGI Fridays.

23 MS. TSOUKALAS CURTO: The neighbor did concede that he was
24 happy with the evergreen buffer. He said it's very densely
25 planted, and he was, you know, very nice. He said he had no
26 other objection, and he was very happy that we agreed to replace

1 his fence and repair the other fence.

2 CHAIRMAN MAMMINA: I will say, the objections, at that
3 point, were those houses in back that were looking at the TGI
4 Friday.

5 MS. TSOUKALAS CURTO: That makes sense. All the lights
6 from the coming in.

7 CHAIRMAN MAMMINA: All the lights and the cars, and
8 whatever; sure.

9 MS. TSOUKALAS CURTO: Right. Absolutely. So, with respect
10 to outreach, we also did reach out to the Greater Council of
11 Manhasset. So, I was in conversation with Andrew Schwenk, who's
12 the President. I gave him copies of the plans. Frank Genese
13 also met with Matt Donna, the President of the Chamber of
14 Commerce. I had reached out to Councilman Adhami's office and
15 had provided plans and had not heard back from them. But the
16 general consensus from everyone was that this would be a great
17 addition to the community, and everybody was looking forward to
18 a new dining establishment.

19 Regarding the specific relief that we're asking for today,
20 Tony's will be located on the first floor and cellar of the
21 prior TGI Fridays tenancy.

22 With respect to the parking required, the code requires one
23 space for every 80 square feet of floor area, and one space for
24 every 3 linear feet of a bar or counter. So, the restaurant
25 space is 8,294 square feet on the first floor, and 5,989 square
26 feet in the south, and there is about 40 linear feet of bar

1 space. So, that comes out to 193 spaces required per code.
2 However, as you, I'm sure, reviewed as part of our report, this
3 requirement is actually not representative of the actual parking
4 demand. Peak demands would be Friday and Saturday evening
5 dinners. It's anticipated that the parking demand at that time
6 would be 148 vehicles, and that would be a Saturday night
7 dinner. So, leaving 32 vacant stalls at the site. Again, given
8 that it's a family-style restaurant, we believe that more food
9 will arrive at the site in one vehicle. It's also an upscale
10 restaurant. It's not like TGI Fridays. So, there's longer
11 dining times. So, TGI Fridays is more of a fast-food restaurant
12 with a much higher turnover rate. Their typical turnover rate
13 was about an hour. This turnover rate is about 2.5 hours or
14 three hours long. So, it's much quicker.

15 The basement will be used mostly for parties and events.
16 There will be some spillover during peak dinner hours,
17 especially on the weekend. My clients also do have experience
18 accommodating medical community. They are near three hospitals
19 on the Upper East Side. So, the hospitals do lectures and staff
20 meetings at the restaurant. We believe that there's going to be
21 the same type of synergy with NYU Langone across the street.
22 So, people can walk across the street and come to a meeting at
23 Tony's, and there's opportunities like that for synergy with
24 other businesses in the area, which will reduce traffic and
25 parking demands because given the proximity, they can walk to
26 the restaurant.

1 MEMBER GOODSELL: Well, I wouldn't cross Northern Boulevard
2 in peak traffic hours.

3 MS. TSOUKALAS CURTO: Okay.

4 MEMBER GOODSELL: So, it's a pretty self-contained parking
5 lot.

6 MS. TSOUKALAS CURTO: Yeah.

7 MEMBER GOODSELL: And if a patron can't park, there really
8 is no neighborhood parking where -- there's no breaks in the
9 face. There's no neighborhood parking. I suppose across the
10 street. If it were me, I would be cruising that parking lot
11 waiting for a spot. I am not crossing Northern Boulevard.

12 MS. TSOUKALAS CURTO: Okay, understood.

13 MEMBER DONATELLI: You're working at a hospital, what's
14 there to be worried about.

15 MEMBER GOODSELL: Exactly.

16 CHAIRMAN MAMMINA: I think that the traffic consultant, who
17 I'm sure will speak, but we also hope that the surgeons are not
18 going over there to get a couple drinks before.

19 MS. TSOUKALAS CURTO: Right.

20 CHAIRMAN MAMMINA: But I will say, I mean, the TGI Fridays,
21 and speaking to the points that were raised. It was a lot of
22 evening hours with drink specials and --

23 MS. TSOUKALAS CURTO: Happy hours.

24 CHAIRMAN MAMMINA: -- happy hours.

25 MS. TSOUKALAS CURTO: Right.

26 CHAIRMAN MAMMINA: I'm not saying this for any reason,

1 other than a reality. I'm sure coming into a place like
2 DiNapoli's, you're not going to get a margarita for \$5 at happy
3 hour.

4 MS. TSOUKALAS CURTO: Exactly. It's a very different use.

5 CHAIRMAN MAMMINA: It will be a different crowd. I think
6 certainly, it's a harmonious use with across the street.

7 MS. TSOUKALAS CURTO: Yes.

8 CHAIRMAN MAMMINA: You know, having -- I think we all have
9 points in time, we have family members or whatever, and it's
10 nice to know that you can get a nice dinner and whatever. As I
11 looked at this, my first reaction was a restaurant that's in the
12 basement? But then when I looked at it, I said, yeah, you know
13 why not? I said, only they're going to be using this, I think,
14 for other activities, such as lectures, you know, lunchtime.

15 MS. TSOUKALAS CURTO: Exactly.

16 CHAIRMAN MAMMINA: Instruction things. When people will
17 come in, so, you know, I think it'll be good.

18 MS. TSOUKALAS CURTO: Yeah.

19 MEMBER DONATELLI: I would also note for the record that
20 between the Denny's that's directly adjacent with Children's
21 Clothes, and the tutoring center, and the gym, and I'm sure
22 we'll hear more about this from your traffic consultant, but
23 there is -- the peak times for some of the retailers will be
24 different from the peak times that we would expect from the
25 restaurant.

26 MS. TSOUKALAS CURTO: That's exactly right. That was my

1 next point. I can go through that for you right now.

2 MEMBER DONATELLI: Sorry to step on your presentation.

3 MS. TSOUKALAS CURTO: No, no, please. That's totally fine.
4 You're recognizing all of the key points. The peak hours do not
5 conflict, you're right. Denny's retail, peak hours are in the
6 afternoons and the hours of operation are 10:00 A.M. to 6:00
7 P.M., so they close even before peak dinner hours, which is
8 great. Fitness Loft, peak hours are in the morning after moms
9 drop off kids and before or after people go to work. So, their
10 hours of operation are 6:00 A.M. to 7:00 P.M. Again, very little
11 overlap. Excel Academy, tutoring facility, peak hours on
12 Saturdays from 9:30 A.M. to 1:30 P.M. or after school from 4:00
13 P.M. to 6:00 P.M. So, again, no overlap, and there are two
14 vacant spaces now. There's the former PM Pediatrics. We are
15 parking that for medical, and the other vacant space, which was
16 WindowRama, is now going to be a toy store. So, a lot of
17 family-oriented uses, which will work well together.

18 CHAIRMAN MAMMINA: Used to be a great bike store in there.
19 I mean, it was really terrific. Bought two bikes there.

20 MS. TSOUKALAS CURTO: Oh, a bike store, you said.

21 CHAIRMAN MAMMINA: Yeah, cycling.

22 MR. GENESE: Brickwell. Yeah, they moved to Glen Cove
23 Road.

24 CHAIRMAN MAMMINA: Yeah, they're Glen Cove Road now.

25 MR. GENESE: Good shop.

26 CHAIRMAN MAMMINA: Great shop.

1 MS. TSOUKALAS CURTO: The other thing I wanted to point out
2 about the parking, Fitness Loft is parked as a public assembly
3 based on 90 occupants. They typically have like -- it's more of
4 like a personal training facility, so they don't have anything
5 more than like eight to 12 people there at any given time. Same
6 with Excel Academy. It's based on 94 occupants. You're never
7 gonna see 94 kids there at any given time. Also, that's more of
8 a drop off.

9 CHAIRMAN MAMMINA: I do think that the town's look at
10 parking, and it being a high parking requirement, is better
11 because it enables this kind of a back and forth at a zoning
12 hearing, and you know, just to see because I mean, there are
13 some restaurants, which are in communities, and then we get in
14 the parking issues and things with this, which I don't want to
15 take away anybody's thunder, but I mean, this is self-contained.
16 If you can't park, you're going to go somewhere else.

17 MS. TSOUKALAS CURTO: No, you're right. It's going to be
18 self-regulating. If they can't get in, they're just going to
19 leave. Right.

20 CHAIRMAN MAMMINA: Yeah.

21 DEPUTY TOWN ATTORNEY ALGIOS: Andrea, I just have a
22 question. One of the decisions. There's a prior BZA decision,
23 18215, with TGI Fridays, and in that decision, it refers to an
24 MOA that was entered into. It was signed by the landlord and
25 the tenant at the time, and there's various conditions regarding
26 landscaping, lighting, signage. How does that impact, if it

1 does at all, this application?

2 MS. TSOUKALAS CURTO: Well, this will comply. They have
3 the existing buffer, the landscaping. They have the irrigation
4 system in place. The lighting is not changing. They are
5 repairing one of the light poles in the parking lots. I think
6 that's it, right? That's -- what was the third thing you said?
7 I'm sorry.

8 DEPUTY TOWN ATTORNEY ALGIOS: I think that was it. I think
9 it was signage, landscaping.

10 MS. TSOUKALAS CURTO: So, signage, this Board has reviewed
11 Excel Academy's sign that just went up.

12 DEPUTY TOWN ATTORNEY ALGIOS: Security guard? Fridays was
13 assigning an employee to make sure all vehicles will leave the
14 parking lot.

15 MS. TSOUKALAS CURTO: Yeah, Fridays, as we spoke about was
16 a very different use, so I would argue that a security guard
17 would not be needed at this location for this type of use. It's
18 a family-style restaurant. We're not going to have rowdy crowds
19 there on a Friday afternoon at 5:00, you know. Neighbors are
20 not concerned about that. They realize and recognize that this
21 is a very different use. So, I would argue that that condition
22 would not be necessary here.

23 DEPUTY TOWN ATTORNEY ALGIOS: Is Ed Sands still the
24 landlord?

25 MS. TSOUKALAS CURTO: Yes.

26 Anticipated hours of operation are 11:00 A.M. to 11:00 P.M.

1 They anticipate an average of 30 employees per shift. We will
2 ask the employees to park on that north side, so that there's
3 not a lot of activity near the neighbors that live adjacent to
4 that parking lot. Employees can also use the train to come to
5 work, which is great. The Manhasset Railroad is walking
6 distance away, and there's also a bus stop right in front of the
7 restaurant. So, it makes it very convenient for employees to
8 use public transportation if they want to use it.

9 Regarding deliveries. They have five major vendors. They
10 have deliveries from 9:00 A.M. to about 5:00 P.M., and they use
11 medium sized box trucks for deliveries. Daily deliveries are
12 bread, meat, and fish; produce two to three times a week; and
13 non-perishables one to two times a week.

14 With respect to their business model. About 20 percent of
15 the business is takeout. It used to be 10 percent, but after
16 COVID, that increased significantly.

17 Regarding the management of the restaurant, they do you
18 have a team of general managers that have been with the company
19 for over 20 years. So, they'll be managing the day-to-day, and
20 of course, one of the owners will always be there to monitor as
21 well, especially in the beginning.

22 Regarding noise, food smells, as we already went over,
23 there is that significant landscape buffer. We are going to be
24 replacing portions of the fence. There will be no loud music or
25 any live bands at the site.

26 MEMBER GOODSELL: Any outdoor music at the site?

1 MR. TSOUKALAS CURTO: No. Obviously, they're going to have
2 a kitchen exhaust. It's going to be on the roof away from any
3 residents, but most of the residents are over 200 feet away.
4 So, we don't anticipate any issues, any negative impacts on the
5 neighbors on character. If anything, this is only going to
6 improve that site. Again, we're spending millions of dollars to
7 beautify and invest in the community.

8 Obviously, we're going to have private carting for garbage
9 during off-peak hours, and we're going to provide the necessary
10 refrigerated garbage in the enclosure in the rear. That's where
11 TGI Fridays had it as well.

12 That's all I have. Other than the restaurant layout if you
13 want me to go through that.

14 That main entrance is on the north side of the building.
15 Clients will park in the back, and then they'll come in from the
16 back. There's a coat check there, and when you first walk in,
17 as well as a bar.

18 MEMBER GOODSELL: The north side of the building is the
19 rear of the building; is that correct?

20 MS. TSOUKALAS CURTO: The rear of the building, yes.

21 MR. GENESE: Yes, that's correct.

22 MS. TSOUKALAS CURTO: That's correct. So, again, it's not
23 like a TGI Fridays. We're not going to have happy hours here,
24 but they will -- the bar is there for people waiting to be
25 seated, or if they want to have a drink after dinner. Kitchen
26 is on the west side of building. All of the seating is in the

1 front of the building. There's one main dining, and then two
2 smaller dining rooms. With respect to the cellar space, as you
3 see, most of that area is kitchen, food prep, office, storage,
4 and mechanical areas. It's about 40 percent only that seating
5 in that cellar space, and the bar in the cellar is a service
6 bar. There's no seating. You can see, there's three main
7 dining rooms down there as well, and one is designed for parties
8 and larger gatherings.

9 VICE CHAIRMAN FRANCIS: I love the idea of half and full
10 entrees. I don't think I've ever seen that before.

11 MS. TSOUKALAS CURTO: Yeah, it's great.

12 VICE CHAIRMAN FRANCIS: That is great.

13 MS. TSOUKALAS CURTO: Yeah.

14 VICE CHAIRMAN FRANCIS: I end up taking home half my meal,
15 and just never tastes the same. Well, sometimes it does.

16 MS. TSOUKALAS CURTO: Yeah, well, it's for sharing.

17 VICE CHAIRMAN FRANCIS: It's a great idea.

18 CHAIRMAN MAMMINA: I do think one other point, which I
19 think you've made on, but I just want to emphasize it, is that
20 proximity from residential from the perspective of cooking
21 odors, is not nearly like the majority of other restaurants that
22 end up in shopping centers --

23 MS. TSOUKALAS CURTO: Right.

24 CHAIRMAN MAMMINA: -- where the 20-foot setback of the
25 building, you know, and then you have houses behind it, and that
26 smell of sauteing garlic --

1 MS. TSOUKALAS CURTO: If you like garlic, yeah.

2 MR. GENESE: If you're Italian.

3 CHAIRMAN MAMMINA: -- is wonderful when you're doing it on
4 a Sunday afternoon, but you don't want to live there, so.

5 MS. TSOUKALAS CURTO: So, this model shows it very well.
6 It's 214 feet just to the boundary line, but then it's another
7 30 feet to the nearest house.

8 The exhaust is on the third floor. They wanted me to
9 mention that.

10 CHAIRMAN MAMMINA: Yes.

11 MS. TSOUKALAS CURTO: So, you have a lot of height, so it's
12 not going to be impacting the neighbors in the rear at all.

13 CHAIRMAN MAMMINA: We had even tried to have several
14 meetings with the fire marshal about the ability to direct that
15 kitchen exhaust away from neighbors, but they would not approve
16 that. They wanted everything just to go straight up, which I
17 understand because you don't get a collection of grease then in
18 the horizontal, so you're really kind of stuck now which
19 whatever way the wind is blowing, but.

20 MR. GENESE: You're actually probably another 25 feet into
21 the building to the exhaust, and then as Andrea mentioned, you
22 have a 20-foot setback. So, you're really talking now about
23 250, 260 feet to the closest house.

24 CHAIRMAN MAMMINA: So, I think again, just for the record,
25 that's separating this from another application that might be
26 brought in. This is just one more point of support.

1 MS. TSOUKALAS CURTO: Absolutely.

2 MEMBER HERNANDEZ: Although this space was developed quite
3 a while back. Many, many, many years ago. I like the fact that
4 they put the trash enclosure --

5 CHAIRMAN MAMMINA: Yeah.

6 MEMBER HERNANDEZ: -- close to the building.

7 MS. TSOUKALAS CURTO: Yes.

8 MEMBER HERNANDEZ: I've seen too many times when they stick
9 it in a corner somewhere, and unfortunately, it's a corner
10 that's right next to a next-door neighbor.

11 VICE CHAIRMAN FRANCIS: Exactly.

12 CHAIRMAN MAMMINA: It's truly a trash enclosure.

13 MS. TSOUKALAS CURTO: Yes.

14 CHAIRMAN MAMMINA: It has a trench drain, so you could wash
15 it down.

16 MEMBER HERNANDEZ: Yeah, I've been there many years.

17 MS. TSOUKALAS CURTO: Yes, it an elaborate -- yeah.

18 CHAIRMAN MAMMINA: It's a true dumpster, you know.

19 MS. TSOUKALAS CURTO: It's perfect for this type of use.

20 MEMBER HERNANDEZ: Yes.

21 CHAIRMAN MAMMINA: That's because it's older when it was
22 built.

23 MS. TSOUKALAS CURTO: They don't make them like they used
24 to.

25 I do have Wayne Muller here, if you'd like to hear from
26 him?

1 CHAIRMAN MAMMINA: Absolutely.

2 MR. MULLER: Good afternoon. For the record, Wayne Muller,
3 R&M Engineering. Offices at 50 Elm Street.

4 CHAIRMAN MAMMINA: It's still good morning?

5 MR. MULLER: Yeah, close right. The clock is off an hour,
6 but it's not too bad.

7 We had prepared a detailed parking and traffic report in
8 accordance with the Town of North Hempstead requirements. That
9 report is dated September 25, 2025, and was previously submitted
10 as part of the application.

11 Ms. Curto and the Board has touched on a lot of the
12 information that's contained in my report, but specifically, as
13 Mr. Donatelli has indicated, there is a really good synergy
14 between the uses that are on the property, and the proposed
15 reoccupation of the TGI Fridays with Tony's Di Napoli, and that
16 information is highlighted in my report in the tables in the
17 back, specifically, tables 5, 6, and 7, and what the information
18 that's presented on those tables is an hourly breakdown of the
19 level of activity for all the uses on the property. That being
20 the existing tenants that are there, the two vacant tenants,
21 that being the medical office and the retail facility, which was
22 WindowRama, and the activity that we believe will be generated
23 by Tony's Di Napoli.

24 That analysis was performed on a Thursday, which is like a
25 typical weekday, and then Friday and Saturday between the hours
26 of, I think, it's 6:00 A.M. to 10:00 P.M. on Thursday and

1 Friday, and then on Saturday, the hours were between 6:00 A.M.
2 and 10:00 P.M., and what that shows is that there's a really
3 good synergy between the existing tenants in combination with
4 the medical tenant that's not there now, but will be, and the
5 vacant retail to Tony's Di Napoli. You could see in the tables,
6 on the three days that we observed, that the restaurant will
7 have its peak level of activity in the evenings, when most of
8 the other uses are closed, and specifically, their peak level of
9 activity is on Saturday, when most of the other, if not all the
10 other uses are closed.

11 As indicated on the plans prepared by N2 Architecture, I
12 believe, there's 180 parking spaces provided on the property.
13 Our analysis shows that those spaces are more than adequate to
14 satisfy the demand. As you can see from the aerial photograph,
15 there'll be a single driveway to Northern Boulevard from the
16 subject property to remain. Its function will remain. There's
17 great on-site circulation within the parking area. Vehicles
18 come in off of Northern Boulevard. They can either make a left
19 and go west along the parking areas to find a parking spot or
20 make a right east, and then travel throughout parking lot.

21 As Ms. Curto indicated, it's our intention to have the
22 employees park in the far northerly parking spaces away from the
23 building, so therefore, the bulk of parking will be available
24 for customers of the restaurant.

25 As indicated in my report, we compared the quantity of
26 traffic that would be generated by the proposed Tony's Di Napoli

1 restaurant to that, which was -- could be generated by TGI
2 Fridays, and what we found was that Fridays would generate more
3 traffic due to the nature of the use of that restaurant as
4 compared to Tony's Di Napoli, which is a more upscale
5 restaurant, where I think we've all been to Fridays. I used to
6 go to the one on 110, which is no longer there. We worked down
7 the block. We'd go there all the time for happy hour between
8 like 5:00 and 7:00.

9 So, this is a radically different use than what was there
10 previously. So, therefore based on the analysis that we
11 performed that the granting of the relief required to allow
12 Tony's Di Napoli to occupy the former TGI Fridays space, in
13 combination with the occupation of the basement area for dining,
14 will not have a significant impact on parking conditions. In
15 fact, our analysis indicated that there will be available spaces
16 in the lot during the peak times of restaurant use, and that the
17 traffic that will be generated by the restaurant as compared to
18 what was there previously will actually be a slight decrease in
19 activity.

20 I'll be happy to answer any questions.

21 MEMBER GOODSELL: Mr. Muller, your report indicates that
22 the landlord is currently leasing a portion of the parking lot
23 to another business.

24 MR. MULLER: Correct.

25 MEMBER GOODSELL: Which is going to cease. Could you show
26 me on the map what portion that is?

1 MR. MULLER: The northwest corner.

2 MEMBER GOODSSELL: Okay, and that will now all be, upon
3 approval of this project, will be fully available to the
4 customers of Tony's Di Napoli?

5 MR. MULLER: Correct.

6 CHAIRMAN MAMMINA: I don't think we had anyone else who
7 wished to speak.

8 MEMBER GOODSSELL: Anyone else?

9 MEMBER HERNANDEZ: Well, it certainly fits in. It's about
10 time that something else came in there.

11 MS. TSOUKALAS CURTO: It's been some time.

12 MEMBER HERNANDEZ: It's been a long time that TGIF has been
13 closed, so I'm happy to see that. We've gone through a lot of
14 things that need to be done. We need to repair the fence as
15 part of the approval. We didn't talk much about lighting, but
16 be aware that lighting should not be pointing at the neighbors,
17 obviously. They should be pointing down. I think that's common
18 sense that we all do now, but it should be stated. We need to
19 maintain clean water. That was part of the pre-approval in a
20 previous grant. So, we need to keep that border green and alive
21 obviously, and last but not least, you all know restaurant
22 conditions, which of course they have to apply.

23 MR. TSOUKALAS CURTO: Of course.

24 MEMBER HERNANDEZ: That being said, I move that we grant
25 the application.

26 SECRETARY WAGNER: Restaurant conditions are the

1 refrigerated garbage.

2 MEMBER HERNANDEZ: Yes, it's the first thing I said.

3 SECRETARY WAGNER: Inside the building. You're aware of
4 that, right?

5 MR. TSOUKALAS CURTO: Yes.

6 CHAIRMAN MAMMINA: Yeah, it's shown on the plan.

7 MEMBER HERNANDEZ: Yes, it's shown.

8 CHAIRMAN MAMMINA: We have a motion by Member Hernandez.
9 Do we have a second?

10 MEMBER GOODSSELL: I will second.

11 CHAIRMAN MAMMINA: Second by Member Goodsell. Please poll
12 the Board.

13 SECRETARY WAGNER: Member Donatelli?

14 MEMBER DONATELLI: Aye.

15 SECRETARY WAGNER: Member Goodsell?

16 MEMBER GOODSSELL: Aye.

17 SECRETARY WAGNER: Member Hernandez?

18 MEMBER HERNANDEZ: Aye.

19 SECRETARY WAGNER: Vice Chairman Francis?

20 VICE CHAIRMAN FRANCIS: Aye.

21 SECRETARY WAGNER: Chairman Mammina?

22 CHAIRMAN MAMMINA: Aye. Application is granted.

23 MS. TSOUKALAS CURTO: Thank you very much.

24 CHAIRMAN MAMMINA: Thank you.

25 MEMBER HERNANDEZ: Good luck.

26 CHAIRMAN MAMMINA: I'll do an off the record.

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

2 SECRETARY WAGNER: Let the record reflect that Vice
3 Chairman Francis is leaving.

4

5 CHAIRMAN MAMMINA: Please call the next case.

1 SECRETARY WAGNER: Appeal #21756, Manhasset Wellness
2 Center; 1492 Northern Boulevard, Manhasset; Section 3, Block
3 145, Lot 205; Zoned: Business A.

4 Variance 70-103(A)(1) to construct interior alterations
5 converting a commercial space to a medical office with not
6 enough on-site parking.

7 CHAIRMAN MAMMINA: You've heard Appeal #21756, Manhasset
8 Wellness Center. Is there anyone in the room who wishes to
9 speak regarding the application other than the applicant?

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

11 MS. HASSAN: Good morning, Chairman and Members of the
12 Board. My name is Megan Hassan form Sahn Ward Braff
13 Coschignano, LLC, 333 Earle Ovington Boulevard, Uniondale, New
14 York 11553. Appearing on behalf of the applicant, JAM Capital.

15 The applicant is tenant of one of the commercial spaces of
16 the premises with the address of 1492 Northern Boulevard. With
17 me today are Elizabeth Coschignano and Julianne Bonomo, partner
18 and member of Sahn Ward. Max Branch Nelly and Andrew Ofta, on
19 behalf of the applicant. Eddie Eliahu representing the
20 landlord. Wayne Muller of R&M Engineering to discuss the site
21 plan and traffic and parking, and Giovanni Coelho for any
22 architectural questions.

23 As a matter of housekeeping, proof of mailing of the
24 affected neighbors were submitted via the online portal, as well
25 as the submission of an affidavit of sign posting. We also

1 submitted a memorandum of law in support of the application
2 through the online portal, as well as a packet of photos of the
3 interior of the premises for renderings for each of the Board
4 Members. I do have hard copies of those as well.

5 SECRETARY WAGNER: This will be Exhibit 1. So, the
6 exhibits were not submitted through the portal?

7 MS. HASSAN: They were submitted to the portal.

8 MR. TUMMARELLO: These exhibits were as well or just the
9 Memorandum of Law?

10 MS. HASSAN: Yes, both were.

11 SECRETARY WAGNER: So, we'll do Exhibit 1 and Exhibit 2.
12 Exhibit 2, will be the exhibits, and Exhibit 1 will be the
13 Memorandum of Law.

14 MS. HASSAN: Thank you.

15 The subject premises is located at 1492 Northern Boulevard
16 in the town's BA Business District. It's known as Section 3,
17 Block 145, Lot 205 on the Nassau County Land and Tax Map. It is
18 one of six tenant units in the commercial building. The
19 building and on-site parking lot comprised 1.11 acres, and the
20 parking lot has 59 on-site parking spaces. The building is
21 situated on the south side of Northern Boulevard, approximately
22 100 feet east of the intersection of Northern and Strathmore
23 Road. Adjacent to the property is New Best Salon and the
24 Wedding Salon of Manhasset. Directly south of the premises is
25 an almost 300,000-square-foot building and parking lot owned and
26 operated by New York University.

1 To briefly mention the tenant makeup of the building
2 tenants, space A is occupied by Steinway Piano Gallery tenant.
3 Space B is the subject of this application and used to be
4 occupied by a retail unit called the Breakfast Room. Tenant
5 Space C is occupied by Alessandro's Italian Restaurant. Tenant
6 D is undergoing renovations and will be occupied by Yoga Fitness
7 use, and Space E is occupied by One River School of Art and
8 Design, and tenant Space F is vacant.

9 The applicant has entered into a lease at the premises on
10 September 21, 2024, to establish a Wellness Center. The
11 proposed use requires 31 parking spaces and will make the entire
12 building deficient by 49 parking spaces for which a variance is
13 being sought.

14 I would like to briefly discuss the history of parking
15 variances that have been applied for and granted to different
16 tenants of this building.

17 In 2015, a parking variance was granted to establish a
18 fast-food restaurant in Tenant Space F, which is now occupied by
19 art school, on the condition that the restaurant may not have
20 more than 58 seats.

21 In 2017, a parking variance was granted to establish a food
22 use in Tenant Space C, which is now occupied by Alessandro's
23 Italian Restaurant, on the condition that the restaurant may not
24 have more than 67 seats.

25 In 2022, a parking variance was granted to establish a
26 bakery in Tenant Space A, which is now occupied by Steinway

1 Piano, on the condition that the bakery could not exceed 45
2 seats. This variance grant approved the buildings to have a 70-
3 parking space deficiency based on the notice of disapproval for
4 that application.

5 Most recently in 2023, a parking variance was granted to
6 establish a fitness use in Tenant Space D, which will soon be
7 occupied by YogaSix. The 2023 applicant was CycleBar, but they
8 never moved in, but YogaSix now has a lease for that premises to
9 take over for a different fitness use.

10 A copy of each of these variance approvals has been
11 submitted as exhibits to the Memorandum of Law that was
12 submitted to the portal. Based on this historical record, it's
13 clear that this building has a history of being parking
14 deficient and requesting and obtaining parking variances from
15 this Board.

16 The applicant is requesting to establish a Wellness Center
17 and this use is determined to be a medical office use pursuant
18 to the town's parking requirements. Medical office use requires
19 parking ratio of one space for every 150 square feet pursuant to
20 the code. This equates to the proposed use requiring 30.5 or
21 round up to 31 parking spaces, which increases the parking
22 requirement of the entire building to 108 parking spaces, where
23 59 are provided, resulting in a total deficiency of 49 spaces.
24 As such, the building's already parking deficient by 18 parking
25 spaces without moving in the proposed Wellness Center to the
26 vacant space.

1 The business itself however, is very different than that of
2 a typical medical office use. The Wellness Center will offer
3 aesthetic services, such as Botox and facials; have cold plunges
4 and a sauna; offer recovery services with rooms dedicated to
5 IV's and hyperbaric chambers; and offer appointments for
6 nutrition and supplement plans. There's also a juice --

7 MEMBER GOODSELL: Can I interrupt you for a second?

8 MS. HASSAN: Of course.

9 MEMBER GOODSELL: Is this going to be by appointment only,
10 or is there going to be a walk-in?

11 MS. HASSAN: So, it's appointment-driven, but as the
12 business is getting up and running, they will offer walk-ins as
13 it can be accommodated, but it will be focused on appointments,
14 and potentially a member service, where people can buy packages
15 for different services.

16 There's also a juice bar you might have noticed on the
17 plan. That will not be open to the public. That will be for
18 customers after or before their treatments.

19 The staff will consist of one doctor, one registered nurse,
20 and four non-medical staff working at a time, and the business
21 is anticipated to be open from 8:00 A.M. to 8:00 P.M. Monday
22 through Friday, and 10:00 A.M. to 6:00 P.M. on weekends. The
23 center is expecting to service less than 20 customers at its
24 busiest times. Where many doctors' offices double-book patients
25 and patient wait times are expected, this use is more typical to
26 a high-end spa offering elective treatments and procedures under

1 the purview of medical providers. The business model does not
2 want to have customers waiting, but it would rather -- wants to
3 offer a beautiful high-end relaxing atmosphere for its
4 customers. It's not a typical medical office building despite
5 falling into that parking requirement category.

6 I'd also like to mention that a lot of the spaces are not
7 concurrently used. For example, the second floor has different
8 changing rooms, which one customer will be in before going into
9 a cold plunge. The cold plunge is for one customer only at a
10 time. So, there are certain spaces that do not drive customers
11 in. If this use were classified as retail or fell into the
12 catch-all category of all other business, the parking ratio used
13 pursuant to Section 70-103 of the code would be one space per
14 300 square feet, rather than one space for 150 square feet.
15 This would reduce the required parking to 16 spaces rather than
16 31, and the overall parking deficiency of the building from 49
17 spaces to 33 spaces.

18 Additionally, the landlord and the applicant are aware that
19 customers of the adjacent property, New Best Salon, are
20 currently parking on the site due to vacancies in the subject
21 building. The landlord has been in contact with that adjacent
22 property owner, and they're working out how to best serve their
23 customers and make sure that the parking is adequate and that
24 New Best parks on their lot now that this space will no longer
25 be vacant.

26 MEMBER GOODSELL: The lots between those buildings are

1 connected.

2 MS. HASSAN: They are.

3 MEMBER GOODSSELL: And we did have an applicant a while ago,
4 not for New Best, but next to, Encompass Realty, with inadequate
5 parking.

6 CHAIRMAN MAMMINA: They had a security person that
7 theoretically prevented cross-parking and things. I have no
8 idea what actually happened there, but to the best of my
9 knowledge, there haven't been any complaints, so.

10 MS. HASSAN: They're gonna work out with that adjacent
11 property owner because they have a valet service, so that might
12 be something to explore.

13 If there are no questions at this time, I'd like to call up
14 Wayne Muller to discuss the parking and traffic study.

15 CHAIRMAN MAMMINA: Good. Okay.

16 MR. MULLER: Good afternoon. For the record, Wayne Muller,
17 R&M Engineering. Offices at 50 Elm Street, Huntington, New
18 York.

19 CHAIRMAN MAMMINA: I say that only because I can't believe
20 what time it is. Here we are on the calendar.

21 MR. MULLER: I know.

22 CHAIRMAN MAMMINA: It's usually 5:00.

23 MR. MULLER: Yes, it's pretty good today, actually.

24 I am here to discuss the parking and traffic aspects of the
25 project. We did prepare a report on September 25, 2025, and
26 it -- it's very voluminous. It contains a lot of the

1 observations that we performed in and on the subject property.
2 We also prepared the detailed site plan, which displays the
3 parking computations relevant to the subject application.

4 As Ms. Hasson indicated, in accordance with the town's
5 zoning ordinance, 108 parking stalls are required for the
6 subject property, and we are providing 59 parking spaces on
7 site. There's a deficiency of 49 spots.

8 To determine the level of activity on the subject property
9 and also the adjacent New Best property, we performed
10 observations on Friday, March 21, 2025, between the hours of
11 7:00 A.M. and 6:00 P.M. and again, on Saturday, March 22, 2025,
12 between the hours of 11:00 A.M. and 3:00 P.M., and those
13 encompassed the peak hours for the various different uses on the
14 subject property. What we did find, which mirrored with what
15 Ms. Hassan had indicated, is that due to the vacant tenants in
16 the subject property, in the buildings, many of the New Best
17 customers who opt not to use the valet service, which is
18 provided by them, they were parking on the subject property, and
19 that's clearly indicated in my report because we found the level
20 of activity on the subject to be relatively high with a
21 relatively large vacancy rate. So, we went back out to perform
22 observations to figure out what was the genesis of that. It
23 made some sense that people were just opting not to use the
24 valet.

25 As Ms. Hassan has indicated, it's New Best's best interest
26 and the applicant's best interest for them to kind of work

1 together to figure out how to better utilize the parking areas
2 that are behind both buildings when both buildings are fully
3 occupied, whether by the application that's before the Board
4 this afternoon or another use that could be permitted to be in
5 that space without coming to the Board. It's within their best
6 interest to make it all work.

7 Similar to the property across the street, this property
8 and actually properties as we're going from the west to the east
9 all the way down to the funeral home, which is located pretty
10 far down, but they're all connected, essentially work as one big
11 unit behind there. I believe the funeral home is separated by a
12 physical boundary. Hadn't been there a long time, but yeah, I
13 believe that's its own separate -- separate facility and
14 essentially isolated. There are no neighbors for anywhere to
15 park. There's no neighborhood behind the subject.

16 MEMBER DONATELLI: I'm going to interrupt you for a moment.
17 You mentioned that both owners understand that it's in their
18 best interest to reach some understanding. Have they reached
19 some understanding yet?

20 MR. MULLER: I do not believe so. I believe that --

21 MS. HASSAN: I know that they've spoken with each other,
22 and that the --

23 CHAIRMAN MAMMINA: Come on up to the mic. We're on TV.

24 MS. HASSAN: Got it.

25 CHAIRMAN MAMMINA: Thank you.

26 MS. HASSAN: The landlord of the subject premises has

1 spoken with the landlord of New Best, and there was no objection
2 to the application. There's not a formal agreement yet as to
3 how they're going to work out the parking yet.

4 MEMBER DONATELLI: Well, okay. I mean, we've had this
5 question presented to us before, and I would agree with the
6 statement that it's in their best interest to work it out, but I
7 guess my question is, they haven't worked it out as of it?

8 MS. HASSAN: Right. There's a while still two vacancies in
9 the subject building. So, by being a good neighbor, the
10 landlord of this premises there hasn't really been an issue with
11 New Best parking there as of right now. Obviously, if they're
12 trying to rent spaces and provide for their own customers,
13 they're anticipating that the New Best people are going to have
14 to no longer park there. They do not have permission to park in
15 the subject parking lot, however, because there's vacancies and
16 there are spaces available, it hasn't been enforced yet, but
17 they will come to that as spaces fill up.

18 MEMBER DONATELLI: Okay.

19 MS. HASSAN: We have Eddie here representing the landlord
20 that would like to mention something.

21 CHAIRMAN MAMMINA: Okay. Please give your name and
22 address.

23 MR. ELIYAHU: Hi, my name is Eddie Eliahu, 143 Baker Hill
24 Road, Great Neck, New York.

25 I just wanted to address your question about working out
26 with the neighbor. So, we've approached them, and since the

1 building has been vacant for so long, right? It's almost like
2 during COVID, where they saw no one was there, a lot of the
3 clients became accustomed to parking on our side of the parking
4 lot. Given the high rate of vacancy, especially during COVID,
5 the building became very vacate. So, tenants got accustomed to
6 parking over there.

7 I've recently spoken to Jamie of New Best. He's the owner
8 of New Best. I said listen, at a certain point, once our
9 tenants do come in, and this is something I've prefaced with him
10 as we're signing leases with new tenants, you know, you're gonna
11 have to come with a solution, right? We could either valet a
12 whole lot, and that's been his proposal. We've also come up
13 with -- we've put up signs. We've contracted a towing company,
14 right? So, if someone's illegally parking in our lot, they
15 shouldn't be parking there. We're happy to enforce a security
16 guard, but for the sake of our tenants, we want to attempt to
17 keep the common area charges a little lower. Security guard
18 costs roughly \$8,000 to \$10,000 a month. In the colder months
19 becomes a bit more expensive. We're happy to add that as well.
20 But simply just to allow new tenants to get up and running, we
21 want an attempt to keep the cost as low as possible.

22 So, the first thing -- the first thought would be, you
23 know, have the tenants enforce they see someone openly coming
24 in. The valet guard for New Best would say, hey, listen, you're
25 not supposed to be parking there, right? Tenants could call to
26 have a car removed, right? And word could potentially spread.

1 Second option could potentially be a valet or a security
2 guard, which we're happy to go with, but again, in an attempt to
3 keep the cost a little bit lower for our new up and coming
4 tenants, which is roughly 50 percent of the building, that was
5 our -- that was -- that's my initial thought on their behalf.

6 CHAIRMAN MAMMINA: We certainly want to encourage good
7 neighbors.

8 MR. ELIYAHU: Right.

9 CHAIRMAN MAMMINA: And this may go more to Mr. Mullen, but
10 it would be a very drastic move, but I guess the driveway is a
11 shared driveway. So, both people would need that. I guess, I
12 would say could've in a real rough situation could a barrier be
13 put up, but.

14 MR. ELIYAHU: It's a bit narrow.

15 CHAIRMAN MAMMINA: Well, you can't get in, so the answer is
16 no.

17 MR. MULLER: So as indicated in my report, we performed an
18 analysis, again time of day, to determine upon the occupation of
19 the square footage with the proposed use, and we assume the
20 removal of the New Best car to be put on their lot, even though
21 as indicated they're going to work together to figure out what
22 would work best for all of the tenants that are within the area.

23 We found that there would be -- the parking would be
24 adequate to satisfy the demand with the vacant tenants that
25 currently exist, and then the proposed occupation of the space
26 with the medspa. Again, it's a unique situation. Similar to

1 across the street, where this is like an island
2 from -- essentially from New Best all the way to the east.
3 There's no parking allowed on Northern Boulevard in this area to
4 the best of my knowledge, especially along the site frontage on
5 either side. There's no residential neighborhood that's within
6 close proximity that anyone would park in. I believe in this
7 area, if they did, the town would know about it fairly quickly.
8 So, therefore, it's in everyone's best interest for the
9 applicant to work with the neighbor to make this all work for
10 all of them.

11 That's my testimony.

12 MEMBER DONATELLI: I may have missed this, and if I did,
13 forgive me, and I'm not sure whether I should address this to
14 yourself or to the attorney for the applicant.

15 How does the applicant envision its business model working?
16 How many people will visit the site? I understand that there's
17 going to be one doctor on staff, but what is the business model?
18 How would people present themselves for an appointment and for
19 treatment?

20 MS. HASSAN: Sure. So, it's intended to serve 12 to 16
21 customers. At most 20, at its busiest times. The doctor will
22 be --

23 MEMBER DONATELLI: Simultaneously?

24 MS. HASSAN: Yes, at the busiest. The doctor will be on
25 site five days a week. There will also be a registered nurse
26 there, and then four non-medical staff in charge of cleaning and

1 other facilities. It will be appointment driven, and as I
2 mentioned, they do want to offer memberships in the future or
3 package plans, where you can book a monthly membership that
4 includes one or two services. As far as booking those, it will
5 be online system and via phone appointment system.

6 MEMBER DONATELLI: So, it conceivably it might be as many
7 as 20 people simultaneously; however, it would be by
8 appointment.

9 MS. HASSAN: Correct.

10 MEMBER DONATELLI: And at this point, I think, you
11 mentioned that you do not anticipate walk-ins or you do
12 anticipate walk-ins?

13 MS. HASSAN: In the beginning, when they're getting up and
14 running, if a walk-in can be accommodated, they were open to
15 having walk-ins; however, they do want to be appointment driven,
16 so that they know what's coming; how many people to have on
17 staff for that day.

18 CHAIRMAN MAMMINA: I would guess that walk-ins may indeed
19 be just people who are inquiring about what is this, and what do
20 you do. I know this for my own experiences regarding gyms and
21 other special exercise-type facilities.

22 MS. HASSAN: Correct, or they can have a walk-in, learn
23 about it, and then make an appointment for the next week.

24 CHAIRMAN MAMMINA: Sure.

25 MR. MULLER: Just a recent discussion with the applicant
26 that there could be a potential synergy with the new facility.

1 They may not offer certain spa treatments at that facility that
2 may be offered here. So, there may be existing customers that
3 want that service here and be parked once.

4 CHAIRMAN MAMMINA: It's symbiotic.

5 MR. MULLER: It could be a symbiotic relationship between
6 the two. Because, you know, I don't know what they have over
7 there, but there could be a certain symbiotic relationship
8 between the two.

9 MEMBER HERNANDEZ: I'm trying to keep in the same theme of
10 understanding what the business is. It's -- I would say
11 closer -- although there is a doctor present and registered
12 nurse present, the services are more related to a spa type of a
13 service rather than medical service.

14 MS. HASSAN: Correct.

15 MEMBER HERNANDEZ: They're not going to be
16 doing -- treating colds, or they're going to be, you know, doing
17 surgeries. They're going to be doing more of spa at a medical
18 level versus --

19 MS. HASSAN: Right. So, it'll be spa-like treatments and
20 recovery treatments after a workout. That'll -- it's not like a
21 typical cold or flu-type of services. It's mostly beauty,
22 aesthetics.

23 MEMBER HERNANDEZ: It's not an urgent care type of
24 facility. It's obviously very much appointment-driven.

25 MS. HASSAN: Right.

26 MR. MULLER: Specifically, like the hypobaric chamber.

1 It's used by a lot of sports people.

2 CHAIRMAN MAMMINA: Sure.

3 MR. MULLER: To heal quicker and recover quicker. It's
4 also used a lot for burn victims. People with pretty bad
5 wounds.

6 CHAIRMAN MAMMINA: Sure.

7 MR. MULLER: It accelerates the healing.

8 CHAIRMAN MAMMINA: Okay.

9 MS. HASSAN: Thank you.

10 CHAIRMAN MAMMINA: Any other questions?

11 MEMBER GOODSELL: I have no other questions. I mean,
12 there's nothing you can do about parking during the holiday
13 season. Everybody's fun. The only other time that I've been
14 there, the parking lots do offer -- I wouldn't say spillover,
15 but as you indicated, the customers for New Best have been
16 parking in the lot behind this particular building because the
17 spots are available.

18 MR. MULLER: That's correct.

19 MEMBER GOODSELL: I would imagine that if during the course
20 of time, if the customers of this particular business do not use
21 valet parking, they will also find a parking spot. And just
22 from my own experience, I want to park in the lot where I'm
23 going? I don't want to park all the way down to Barnes & Nobles
24 and walk the number of stores to come down to this one.

25 MEMBER HERNANDEZ: And then you'll have the security guards
26 from Barnes & Nobles.

1 MEMBER GOODSSELL: They do.

2 MEMBER HERNANDEZ: This string of buildings and parking
3 lots, they all have the same existing problem. New Best gets a
4 lot of the lane because, obviously, given the nature of their
5 business, they have a lot of constant traffic. So, they're
6 basically, they have accommodated with predominantly doing valet
7 parking, but like you said, because there are vacant spaces
8 right next door, people just find it easier to just jump over
9 there and drop the car and run inside.

10 CHAIRMAN MAMMINA: Sure.

11 MEMBER HERNANDEZ: But it's an ongoing problem in the
12 whole -- all of those buildings, those five or six buildings,
13 and it's not all the way to the -- the funeral home all the way
14 through Barnes & Nobles. There's a wall there, and you can't
15 get past it. But they are -- except for Barnes & Nobles that
16 has a security guard at the end, and they sort of have it
17 blocked off. Everybody else has the same issue that they have
18 to monitor the use, and for the most part, they do accommodate
19 each other as long as it doesn't become a problem for their
20 clients. We have seen times that people have said that building
21 has become a problem because they overspill too much. They have
22 to keep their cars parked there. But it is an ongoing problem.
23 It was built at a time when parking obviously wasn't finished.
24 The code didn't address it, and the owners didn't think it was
25 necessary. No different than Main Streets having no businesses
26 with no parking lot. So, now we got to deal with it.

1 CHAIRMAN MAMMINA: Right. Take it away Mr. Manhasset.

2 MEMBER HERNANDEZ: Unless there are any other questions?

3 MS. HASSAN: If you don't mind, I just want to briefly go
4 through the five factors.

5 MEMBER HERNANDEZ: Sure, do that.

6 CHAIRMAN MAMMINA: Absolutely.

7 MS. HASSAN: So, as we've been discussing here, we've
8 represented that this application does not produce a change in
9 the character of the community and won't represent -- won't
10 produce a detriment in the area.

11 As we've discussed, this premises has been underparked as
12 well as the other buildings in this commercial area of
13 Manhasset.

14 This benefit of moving the Wellness Center in cannot be
15 achieved without obtaining this variance, especially considering
16 that the premises is already parking deficient.

17 We don't feel that this request is substantial given the
18 fact that for the past ten years, this site has been parking
19 deficient up to a point of 70 cars, when French Workshop was
20 proposing moving into the building. Additionally, it is close
21 to the NICE Bus stop, which goes right in front of the building
22 conveniently, as well as the Manhasset train station is walkable
23 distance away reducing the substantiality of the 49-space
24 deficiency, as well as the operation of the business not really
25 being a true medical office building, we feel reduces the
26 substantiality here as well.

1 We submit that the granting of this application will not
2 have any impact on the physical or environmental characteristics
3 of the area. We feel it's in harmony with the businesses that
4 are offered already in the subject building and the surrounding
5 commercial properties, and it will maintain the same commercial
6 nature.

7 And we submit that this hardship is not self-created here.
8 Given that the premises is already parking deficient by 18
9 spaces before the Wellness Center moving in. So, reducing this
10 vacancy is really going to be better for the health, safety, and
11 welfare of the community. So, we request that it is granted.

12 CHAIRMAN MAMMINA: I always like to say, of course, it's
13 self-created because they've opted to take the facility, but
14 your points are very well made. We appreciate that.

15 MS. HASSAN: Thank you.

16 CHAIRMAN MAMMINA: Good job.

17 MS. HASSAN: Thank you.

18 MEMBER HERNANDEZ: If there are no other questions or
19 comments, I move that we grant the application.

20 CHAIRMAN MAMMINA: We have a motion by Member Hernandez.

21 MEMBER DONATELLI: Second.

22 CHAIRMAN MAMMINA: Seconded by Member Donatelli. Please
23 poll the Board.

24 SECRETARY WAGNER: Member Goodsell?

25 MEMBER GOODSSELL: Aye.

26 SECRETARY WAGNER: Member Donatelli?

1 MEMBER DONATELLI: Aye.
2 SECRETARY WAGNER: Member Hernandez?
3 MEMBER HERNANDEZ: Aye.
4 SECRETARY WAGNER: Chairman Mammina?
5 CHAIRMAN MAMMINA: Aye. Application is approved.
6 MS. HASSAN: Thank you very much.
7 CHAIRMAN MAMMINA: We appreciate it. Good presentation.
8 MEMBER DONATELLI: Good luck.

1 SECRETARY WAGNER: Appeal #21757, Elite Portfolio Holding,
2 LLC; 390 Hillside Avenue, New Hyde Park; Section 8, Block 6, Lot
3 6; Zoned: Business A.

4 Conditional Use 70-126(F) to construct interior alterations
5 to an existing commercial space for a new retail food use (a
6 conditional use).

7 CHAIRMAN MAMMINA: You heard Appeal #21757, Elite Portfolio
8 Holding, LLC. Is there anyone in the room who's interested in
9 the application other than the applicant?

10 We have one hand up. You'll have the opportunity --

11 MS. COSCHIGNANO: Those are the clients.

12 UNIDENTIFIED SPEAKER: I'm the owner.

13 CHAIRMAN MAMMINA: I don't you want to speak in opposition
14 to your application, so. We will not strike it from the record,
15 but. And believe me, you're not the first person to do that.
16 That's okay.

17 MS. COSCHIGNANO: Good morning, Chairman Mammina, Members
18 of the Board. Thank you for the opportunity to be here today.
19 Elisabetta T. Coschignano, law firm Sahn Ward Braff Coschignano,
20 333 Earle Ovington Boulevard, Uniondale, New York.

21 Representing the tenant, Lava Café, d/b/a Dot Sugar at 390
22 Hillside Avenue, New Hyde Park. The applicant is in the
23 landlord's name of Elite Portfolio Holdings, LLC. The main
24 principal member of that entity is here on behalf of the
25 landlord. We are also joined by the owner of the hopefully

1 future business of Abdullah Al Ahad, and Michael Briza of Britz
2 Consulting, and Adolfo Sosa of the architect's office.

3 At this time, I'd just like to hand up an exhibit, which is
4 the menu for this potential café. That will be Exhibit 1.

5 MR. TUMMARELLO: Thank you.

6 MS. COSCHIGNANO: The coffee shop is proposed to be located
7 within a portion of the property located at 393-88 Hillside
8 Avenue, New Hyde Park, New York also known as Section 8, Block
9 6, Lot 6 through 10 on the Nassau County Land and Tax Map. The
10 premises are located in the unincorporated area New Hyde Park in
11 the town. Located in the town's Business A Zoning District, and
12 they are improved with a fully developed, unoccupied 9,200-
13 square-foot retail strip center.

14 The applicant proposes to operate the café within 3,357
15 square feet on the ground floor of the premises. The remaining
16 premises will continue to operate as a tile store, which is
17 Hillside Upscale Decor. That particular tile store is an online
18 business, so they don't have customers coming in to pick out
19 tile. It's more of a facility where they keep their tile
20 samples and also storage of tile.

21 There is a medical office now at 388 Hillside Avenue, which
22 will also continue to operate within the 1,560 square feet,
23 which is a physical therapy and family medicine practice by
24 appointment only.

25 The nature of the business is really a coffee shop that
26 will serve various desserts and chocolates. There is no cooking

1 on the premises other than making crapes, and we know those are
2 made right at a counter. The hours of the operation are 8:00
3 A.M. to 10:00 P.M. Monday through Sunday. It will be staffed by
4 four employees with pairs of employees working seven-hour
5 shifts.

6 They do have trash pickup twice a week, but they will have
7 refrigerated trash within the premises, and that, you know,
8 obviously will be picked up just previously to the trash pickup
9 that they currently have. Any deliveries will be by a van, no
10 box trucks or anything like that, and will be during operating
11 hours.

12 At this point I'd like to just -- well, we'll wait on the
13 architect for a minute.

14 According to the county records, the existing retail center
15 was built in 1949. It's bordered by commercial uses to the
16 north, east, and west, and a municipal use to the south.
17 There's a large shopping center; Stop & Shop, Old Navy, Five
18 Below, just across the street, and another retail strip center,
19 and a wine and liquor store, I guess, is the main tenant there
20 located directly east of the premises across North 4th Street.
21 Chase Bank is located to the west, and the Water Authority of
22 Western Nassau County maintains a building directly south of the
23 premises.

24 We did receive -- our firm was hired just last week to
25 present the case. I believe the expeditor has done everything
26 through today including the mailing, and the notice of

1 disapproval indicated a conditional use permit is required to
2 operate the business.

3 At this time, I'd like the architect's office to come in
4 just to explain the details on the plans.

5 CHAIRMAN MAMMINA: Sure.

6 MR. SOSA: Good morning, everyone. My name is Alfonso
7 Sosa. Representing Rike Tech Associate located at 37 Foxcroft,
8 Albertson, New York 11507. We just want to add that we got
9 approved for the Health Department with all the requirements to
10 provide the storage of any waste food, and the place is gonna be
11 occupied by 12 seating. So, that's limiting the numbers of
12 people.

13 MEMBER HERNANDEZ: Before you talk about the actual space.
14 I'm trying to make sure I'm clear. The existing tenant there,
15 the decorating store, paint store, whatever combination it is,
16 they are giving up part of their space. They're going to put up
17 some kind of wall separating the two spaces and create in that
18 business area two separate businesses, correct?

19 MR. SOSA: Yes, it's already subdivided.

20 MEMBER HERNANDEZ: It's already done?

21 MR. SOSA: Yeah.

22 MS. COSCHIGNANO: Can you just explain the nature of that
23 space, and how it's going to be separated from the current
24 space?

25 CHAIRMAN MAMMINA: Are you looking at drawing A100?

26 MR. SOSA: Yes, sir, A100.

1 CHAIRMAN MAMMINA: Thank you. Just want to make sure we're
2 looking at the same.

3 MR. SOSA: Thank you.

4 So, as you can see on the plans, we have existing
5 partitions that are dividing the business from the medical
6 office and for the retail store. We're providing space for
7 storage and lockers for their employees.

8 MEMBER HERNANDEZ: The new space that's being created, is
9 all the clear space that is not attached to the left, or grade
10 to the right?

11 MR. SOSA: In the middle. It's right in the middle.

12 MEMBER HERNANDEZ: But it's in the middle, and it sort of
13 leans to the right, and then it goes back, and it leans to the
14 right again? Am I --

15 CHAIRMAN MAMMINA: No, you're reading the drawing
16 correctly. I do have a couple of questions about that part.

17 MR. SOSA: Yes, in the front part is the main coffee shop,
18 and on the back is more the storage area.

19 MEMBER HERNANDEZ: But that's storage for the coffee shop,
20 or is that storage for the three tenants?

21 MR. SOSA: Yes, for the coffee shop.

22 MEMBER HERNANDEZ: Okay, so then the space for the coffee
23 shop, is the front plus that big rectangle with the little
24 rectangle in the back.

25 MR. SOSA: Yes, sir.

26 MEMBER HERNANDEZ: Okay.

1 CHAIRMAN MAMMINA: I do have a question regarding that.
2 There's a -- it says existing handicapped restroom in the upper
3 left-hand corner, but it opens to the other tenant space. Is
4 there some sort of back and forth on the use of the two spaces?

5 MEMBER HERNANDEZ: No, they have one in the new space.

6 CHAIRMAN MAMMINA: No, no, I know, but I'm just saying it
7 opens to the existing space. I know they have one. I'm not
8 even talking about the handicapped bathrooms; suppose it's not.
9 The point is that it's open to the adjacent tenant.

10 MR. BRIZA: Good afternoon. Michael Briza, from Britz
11 Consulting, 37 Foxcroft Road, Albertson, New York 11507.

12 MEMBER GOODSELL: Mr. Briza, what is your connection with
13 this application?

14 MR. BRIZA: I'm from the architect's office.

15 My understanding was it was always two stores, and just
16 that one store was occupying two stores, so. And that door,
17 yeah, it should be closed that door. That's it. That's the
18 only thing, but there's no going back and forth between them.
19 They have a small seating area in the front and counter space,
20 and most of the store in the back is basically storage area, but
21 that's not being used for tenants.

22 CHAIRMAN MAMMINA: Just a couple of questions.

23 MR. BRIZA: Yes, sir.

24 CHAIRMAN MAMMINA: Because parking is always -- it's always
25 an issue for us.

26 MR. BRIZA: Yes.

1 CHAIRMAN MAMMINA: So, none of these are trick questions.

2 MR. BRIZA: Okay.

3 CHAIRMAN MAMMINA: You're showing two, four, six, 12 --

4 MR. BRIZA: Twelve seats.

5 CHAIRMAN MAMMINA: So that's all you're allowed. There
6 just seems to be a lot of space.

7 MR. BRIZA: They're gonna put fridge against the wall.
8 Probably, you know, pick out drinks and all kinds of stuff.

9 CHAIRMAN MAMMINA: It just looks like there's a lot of
10 empty space in the center. I'm not questioning that. You're
11 basically obligated to create this floor plan.

12 MR. BRIZA: Yes, sir.

13 CHAIRMAN MAMMINA: And to keep it as such. Again, I'm
14 assuming that on the upper right-hand side this is just
15 draftsman gone wild. It says existing cellar floor plan. I'm
16 on sheet A100. Look underneath where it says Rike Tech
17 Associates, Britz, Lava, and then it says --

18 MR. BRIZA: Yeah, that's a mistake.

19 CHAIRMAN MAMMINA: I just like to clarify it, so it doesn't
20 come up. It's for your benefit.

21 MR. BRIZA: And that door should be closed. There it
22 should be no door there between the two.

23 CHAIRMAN MAMMINA: That's fine.

24 MR. BRIZA: It was always the corner and that. They
25 occupied as one, and now that one.

26 CHAIRMAN MAMMINA: Yeah, I would say just as long as you

1 understand because it is a conditional use.

2 MR. BRIZA: We understand.

3 CHAIRMAN MAMMINA: Conditional use means that it's
4 tantamount to a permitted use upon which the town and us can put
5 reasonable conditions. So, we just like to explain that, so
6 that if something came up in the future, and it's being used
7 exactly the way it says.

8 MR. BRIZA: If it's not to, then it's another issue too,
9 yes.

10 CHAIRMAN MAMMINA: Okay.

11 MR. BRIZA: I understand.

12 CHAIRMAN MAMMINA: I don't know. Anything? Ms. New Hyde
13 Park?

14 MEMBER GOODSELL: Ms. New Hyde Park. I don't know where
15 customers here are gonna park. Does this business anticipate --

16 MR. BRIZA: Parking in the front when they pull up, and we
17 have a few parking spots in the back of the building.

18 MEMBER GOODSELL: Well, I've been in New Hyde Park most of
19 my life, and I can tell you quite truthfully, in this area, I
20 have never parked behind the building ever. I've parked in the
21 Chase parking lot, go in Chase. I've parked in Stop & Shop, go
22 to Stop & Shop.

23 This particular business, is this going to be a take-out
24 business?

25 MR. BRIZA: Yes.

26 MEMBER GOODSELL: It's primarily take-out business?

1 MR. BRIZA: Yeah, and if you want to drink your coffee
2 there, you can. For a few people, yes.

3 MEMBER GOODSSELL: Is this also -- and I'll ask Ms.
4 Coschignano. Is this going to be serving alcohol? I see
5 mojitos.

6 MS. COSCHIGNANO: No.

7 MR. BRIZA: No, no alcohol.

8 MEMBER GOODSSELL: I see mojitos are on your menu.

9 MS. COSCHIGNANO: Those are like -- what are they called
10 now?

11 CHAIRMAN MAMMINA: Mock.

12 MS. COSCHIGNANO: Virgin? Mocktails.

13 CHAIRMAN MAMMINA: Mojitos.

14 MS. COSCHIGNANO: Sorry, I'm thinking many years ago.

15 CHAIRMAN MAMMINA: Mocktails.

16 MS. COSCHIGNANO: But they are mocktails.

17 MEMBER GOODSSELL: There is no liquor license going in
18 because --

19 MS. COSCHIGNANO: No alcohol. No liquor license. You can
20 also put that in the record.

21 MEMBER GOODSSELL: Unfortunately, we no longer do take out
22 alcohol as we did during the pandemic.

23 CHAIRMAN MAMMINA: Unless you live in New Orleans, then you
24 get take-out liquor.

25 MS. COSCHIGNANO: So, I did just want to mention something
26 because you mentioned parking. There are, I believe, six

1 regular spots and two handicap in the back of the building, but
2 also, the employees, who will be coming to work there, will not
3 be parking on site. The client has leased a single-family home
4 on North Street for his employees.

5 MEMBER GOODSELL: On North? Which street? North 4th
6 Street?

7 MS. COSCHIGNANO: Yes.

8 MEMBER GOODSELL: North 4th Street?

9 MS. COSCHIGNANO: Yes, North 4th Street, 1057 North 4th
10 Street. So, he will probably-- well, he most definitely will
11 have his employees residing there and parking there. So, there
12 will be no employee parking anywhere so that they can free it up
13 for whatever customers come and go.

14 I have been to the site, obviously, and looked at it, and
15 driven around the area. I feel like it's more of a go, grab a
16 cup of coffee, eat your croissant, and then go. People aren't
17 going to be lingering there like a Starbucks, where some people
18 stay for the whole day. That's not their intention anyway.

19 MEMBER GOODSELL: There are other grab-and-go businesses in
20 that particular area.

21 MS. COSCHIGNANO: Yes.

22 MEMBER GOODSELL: Once it's a grab-and-go business, then
23 the lack of parking -- and you're not denied for lack of
24 parking, but the lack of parking doesn't bother me because it's
25 a pullup, as you say, grab something and then leave.

26 MS. COSCHIGNANO: Yeah.

1 CHAIRMAN MAMMINA: It's use-to-use in terms of the parking.
2 So, it's not denied for that.

3 MEMBER GOODSELL: Right.

4 CHAIRMAN MAMMINA: It has existed as such. As I said, it's
5 permitted use, and as you said, it's not denied for parking.

6 MS. COSCHIGNANO: We do believe that based on a review of
7 the considerations in the Town Code, we believe that this is a
8 very good use for the area. I've been up and down that area,
9 and I know that it's kind of lacking something on that side of
10 the road. So, this would be an improvement. Obviously, any
11 sign application would have to go separately. We don't have
12 that in yet.

13 We do believe it's in a predominantly commercial area.
14 Right along Hillside Avenue surrounded by similar uses. There
15 are sidewalks where, you know, you're not pulling up on a curb
16 where there's no sidewalks, and there is public transit in the
17 area as well.

18 It conforms to the zoning and the neighborhood character.
19 It's consistent in character, size, and design, with neighboring
20 commercial establishments within the Stop & Shop center and
21 other commercial uses along Hillside.

22 We think it's an enhancement of a variety of services by
23 offering this current menu that we're offering without really
24 altering the building. So, there's no additional square footage
25 being added to this building.

26 We don't believe there's gonna be any impact on noise or

1 safety and minimal on traffic, if at all, at this time.

2 Again, that tile store is an online business, so there's
3 nobody going in and out of there. The medical use, yes, there
4 will be people in and out. Again, that's appointment only. It
5 does support the community development in the commercial uses in
6 the area.

7 If the Board has any questions, I'll be glad to answer
8 them.

9 MEMBER HERNANDEZ: You mentioned there will be no cooking
10 on premises, so everything is --

11 MS. COSCHIGNANO: It's pretty much prepared foods that
12 they're going to be getting. The crepes, yes, they'll be made
13 right at the counters, as you've always seen crepes.

14 MEMBER GOODSSELL: Coffee, latte, will be made there.

15 MS. COSCHIGNANO: Yes. But everything else is either
16 refrigerated, again, so people can grab and go or just heat it,
17 I believe, but there's no food prep going -- I mean, there's
18 food prep like, you know, if they're gonna put -- there's no
19 cooking.

20 MEMBER HERNANDEZ: It's assembly of.

21 MS. COSCHIGNANO: Assembly, correct.

22 MEMBER HERNANDEZ: There is a soup kettle as one of the
23 items on your floor plan.

24 MR. BRIZA: Yes.

25 MEMBER HERNANDEZ: Is that like, I guess, soup in the bag
26 that's going to come and get dumped in there.

1 MR. BRIZA: It's an electric soup kettle.

2 MEMBER HERNANDEZ: That'll be soup that would come in a bag
3 and --

4 MR. BRIZA: Bring in and keep it warm, yes.

5 MEMBER DONATELLI: You mentioned that the hours are to
6 10:00 P.M. Did I hear that correctly?

7 MS. COSCHIGNANO: It says 10:00 P.M., yeah. I mean that's
8 what they're suggesting. I don't know how many people are doing
9 that but, you know, that time of night. I would suppose that
10 the majority of the business would be during the daytime.
11 Morning and afternoon.

12 The soup is not on the menu. I don't know if they're still
13 gonna be offering the soup. I would have to consult my client.

14 MEMBER GOODSELL: It's not on the menu.

15 MEMBER HERNANDEZ: I don't see it on the menu, but I saw --

16 MS. COSCHIGNANO: Right. That could be, like, there was an
17 adjustment in what they were doing, so I'm not sure if that's
18 going to be offered.

19 MEMBER GOODSELL: I don't have any problems. It's going to
20 be a self-regulating business. If people can't park, they're
21 going to keep going. And you are correct; there is no real
22 grab-and-go food in that particular stretch of food.

23 MS. COSCHIGNANO: Yeah.

24 MEMBER GOODSELL: Particular stretch of stores. So, I make
25 a motion that we grant the application.

26 MEMBER HERNANDEZ: Just one comment because I don't see the

1 refrigerated garbage in here anywhere.

2 CHAIRMAN MAMMINA: It is.

3 MEMBER HERNANDEZ: Oh, they do?

4 CHAIRMAN MAMMINA: Yes.

5 MEMBER GOODSELL: I was going to say with restaurant
6 conditions, but. Let me look at the floor plan. That's
7 correct.

8 MS. COSCHIGNANO: Yes, it's there. We do intend to have
9 it, yes. Thank you.

10 CHAIRMAN MAMMINA: Yeah, I looked for that.

11 MEMBER HERNANDEZ: Without the soup, you probably are okay
12 because it's really nothing. There's no real food except for
13 like, you know.

14 MS. COSCHIGNANO: We're going to be having it. Yeah,
15 there's food trash, and it should be refrigerated until pick up.

16 CHAIRMAN MAMMINA: Did you want to come up, sir?

17 MR. AHAD: Yes.

18 CHAIRMAN MAMMINA: Just give your name and address.

19 MS. COSCHIGNANO: This is my client.

20 MR. AHAD: Good afternoon, Board. This is Abdullah Al
21 Ahad, 210 Laurel Avenue, Floral Park, New York 11001.

22 So, the question arises about the soup. So, we cut out the
23 soup, so will not be served in the future.

24 MEMBER HERNANDEZ: It will not be?

25 MR. AHAD: No.

26 MEMBER HERNANDEZ: Thank you.

1 MR. BRIZA: We will take it off the plan.

2 MS. COSCHIGNANO: Thank you.

3 CHAIRMAN MAMMINA: Okay.

4 MEMBER GOODSSELL: So, as I said, I don't have a problem
5 with this. I make a motion that we grant the application with
6 restaurant conditions, and if you would like, we will outline
7 them for your client, but I'm sure you'll advise them what the
8 restaurant conditions are.

9 CHAIRMAN MAMMINA: We have a motion by Member Goodsell. Do
10 we have a second?

11 MEMBER HERNANDEZ: Second.

12 MEMBER DONATELLI: Second.

13 CHAIRMAN MAMMINA: We have a tie on the second.

14 MEMBER DONATELLI: Did you?

15 MEMBER HERNANDEZ: I didn't second one today, so I'll
16 second this one.

17 CHAIRMAN MAMMINA: So, it's Jay for the second. Please
18 poll the Board.

19 SECRETARY WAGNER: Member Hernandez?

20 MEMBER HERNANDEZ: Aye.

21 SECRETARY WAGNER: Member Donatelli?

22 MEMBER DONATELLI: Aye.

23 SECRETARY WAGNER: Member Goodsell?

24 MEMBER GOODSSELL: Aye.

1 SECRETARY WAGNER: Chairman Mammina?

2 CHAIRMAN MAMMINA: Aye. Application is granted.

3 Congratulations. Good luck. We hate to see empty storefronts.

4 MS. COSCHIGNANO: Thank you. Have a wonderful day.

5 CHAIRMAN MAMMINA: Thank you. Good to see you.

6

7

8 SECRETARY WAGNER: Do we want to move to adopt SEQRA?

9 CHAIRMAN MAMMINA: Do we have a motion to adopt SEQRA?

10 MEMBER DONATELLI: I will make a motion.

11 MEMBER HERNANDEZ: Second.

12 CHAIRMAN MAMMINA: We have a motion by Member Donatelli and
13 second by Member Hernandez.

14 SECRETARY WAGNER: All in favor?

15 MEMBER GOODSELL: Aye.

16 MEMBER DONATELLI: Aye.

17 MEMBER HERNANDEZ: Aye.

18 CHAIRMAN MAMMINA: Aye.

19 (WHEREUPON, the Proceedings concluded at 12:19 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 or outcome thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of November, 2025.

MARIESEL BERRIOS