

Town of North Hempstead
Board of Zoning Appeal
PUBLIC HEARINGS
Wednesday, June 24, 2026
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 Tumbarello, Planner

1 CHAIRMAN MAMMINA: Good morning, ladies and gentlemen, and
2 please let's rise and join Vice Chairman Francis in the Pledge of
3 Allegiance.

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

5 CHAIRMAN MAMMINA: Good morning. Welcome to the Town of North
6 Hempstead Zoning Board of Appeals. Before we get started, what I'd
7 like to do -- maybe could we just take the one board that's up there
8 down for a second?

9 MS. GONZALEZ: Of course.

10 MEMBER GOODSELL: Thank you.

11 CHAIRMAN MAMMINA: Just so I could see everyone's handsome and
12 lovely faces. Thank you so much. I appreciate the ambition.

13 I'd like to just take a couple of minutes to talk about the way
14 that we conduct business here in case you've never been to a zoning
15 board before, or you may have been to lots of zoning boards, but we
16 may do things a little bit differently here.

17 What we will do is, as our secretary, Ms. Wagner, will call each
18 case, and when she calls that case, we will ask that the applicant
19 come up and approach the microphone. I will then ask if there's
20 anybody else in the room that has interest in the case. That might
21 be, you love it, you hate it, whatever it might be, and the applicant
22 will give name and address, as everybody will as they come up to our
23 stenographer. This is a quasi-judicial proceeding. So, there is
24 a record that is taken.

25 At that point, the podium belongs to the applicant and anyone
26 else that the applicant might have on their team who they may want

1 to speak regarding that. At that point, then the applicant will have
2 a seat. If there was anyone who had wanted to speak, they will then
3 be invited forward, one at a time. If somebody is here as a pair
4 or a couple, that's quite all right. You give your name and address,
5 and that's fine. We just ask that everybody speak one at a time
6 because the stenographer has to take a record, and she's very, very
7 good, but it's tough to write two sentences at once.

8 At that point, we will -- the Board will ask whatever questions
9 it might have of anyone who came up. We will have asked questions
10 of the applicant, and then the applicant and only the applicant -- oh,
11 I'm going to back up one second.

12 In terms of comment regarding an application. We limit that
13 to three minutes, and it's -- I like to say, it's not a hard and fast
14 three minutes. We're not cutting anybody's head off. It's
15 important that everybody get themselves onto the record, and what
16 we try to do is ask people not to repeat one another because if it's
17 on the record more times than not, there's too much bus traffic, okay,
18 it's on the record. There's too much bus traffic. There's too much
19 bus. Doesn't make it any stronger.

20 Everyone tells me that I speak so loud at home; they tell me
21 to hush down, but.

22 At that point, then the applicant, and as I said, only the
23 applicant gets to speak two times because then they get the
24 opportunity for us to ask them questions that may have been raised
25 by a third party who has spoken or for them to address those questions.
26 At that point, the hearing is done, and the Board then will do one

1 of four things. We will either approve the application. We will
2 deny the application. We will continue the application. Continue
3 means that we ask for more information. We might ask for a closing
4 document. We might ask for a survey. We might ask for some
5 additional drawings. We may say to the applicant, hey, you know
6 what, not that, but maybe if you look at making this that or whatever.
7 So, we're then looking for information to come back to the Board.
8 That's why we're continuing it. Then if we reserve that, it means
9 that the Board has all of the information that it needs, and there's
10 no further input required.

11 What I will say is that all deliberation of the Board happens
12 in public. So, there's no behind closed doors. It's not permitted.
13 It's called the sunshine laws. What we say is that once that an
14 application has been completed to the Board, we may not decide it,
15 you know, that day or the next hearing or -- we have 60 days to do
16 that. So, you're invited to come back, and you can sit in the
17 audience. There is no one else speaks but the Board, but you can
18 watch us on Zoom, the same way people are watching us today on Zoom.
19 That's fine, but you do get to hear all deliberations that the
20 Board -- that the Board would make.

21 The other thing that I will say is if we could, as you saw in
22 the beginning, you know, we all rely on our phones and our laptops
23 and whatever other electronics you might have, but all that we ask
24 is that you put them on silent. If you need to make or take a phone
25 call, please feel free to step outside. We're all ladies and
26 gentlemen. That's not a problem. We ask if there's anyone else

1 who's coming, that you also tell them that. Then the other thing
2 is that crosstalk within the audience, please, we have to keep that
3 to zero. It's very, very difficult for the stenographer, but aside
4 from the stenographer, the Board has to be able to hear what everyone
5 is saying, and that can be very, very distracting.

6 So, did I get everything?

7 VICE CHAIRMAN FRANCIS: Yeah.

8 CHAIRMAN MAMMINA: Okay, I think that we are -- that we are good
9 then, and -- yeah, I told them the three minutes and then what?

10 I will turn it over to our secretary, Ms. Wagner.

11 Do we have any modifications to the calendar this morning?

12 SECRETARY WAGNER: No, Chairman, we do not.

13 CHAIRMAN MAMMINA: So, then 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 #21786, Qianyi Liu; 98 Deepdale
17 Drive, Manhasset; Section 3, Block 62, Lot 52; Zoned: Residence A.

18 Variances from 70-30.C, 70-30.B and 70-100.2(C) (5) to construct
19 additions that are too close to the street in the primary and
20 secondary front yards, and to legalize a deck that is too close to
21 the side property line.

22 CHAIRMAN MAMMINA: You've heard Appeal #21786, Qianyi Liu. Is
23 there anyone in the room interested in the application other than
24 the applicant?

25 (No response given.)

26 CHAIRMAN MAMMINA: Seeing no one. Please give your name and

1 address.

2 MS. GONZALEZ: Good morning. Taylor Gonzalez of the law firm
3 Forchelli Deegan Terrana, 333 Earle Ovington Boulevard, Uniondale,
4 New York.

5 CHAIRMAN MAMMINA: Good morning.

6 MS. GONZALEZ: Good morning, everyone. Here with me today is
7 Annie Lo the project architect as well.

8 The application before you today was previously in front of you
9 on March 4, 2026, for a proposed two-story addition on the south side
10 of the home, and to maintain an existing on-grade deck.

11 Following the close of the last hearing, we were asked to review
12 if the setback request could be reduced to keep more in line with
13 the character of the neighborhood. We are here today to present a
14 revised plan with a proposed setback of 35 feet, 2.5 inches from
15 Quaker Ridge Road, where the previously proposed setback was 33.3.
16 The revised plan will not change the setback from Deepdale, which
17 remains proposed at 28.9, nor will it change the setback relief for
18 the pre-existing deck.

19 While the setback required by code is 50 feet, only two of the
20 five homes on the block currently comply with the code. 98 Deepdale
21 previously received approval for an addition with a setback of 38
22 feet, 2.5 inches in 1973. In addition, the home directly to the east
23 at 67 Quaker Ridge Road has a setback of 44.35 feet. Though the home
24 is not a corner lot, it still exceeds the front yard setback by over
25 5 feet. Further, previously, the home on the corner of Quaker Ridge
26 Road and Crown Top Road, which is most similarly situated to the

1 applicant property, was granted relief in 1975 for addition in the
2 front yard. Per the survey received from the town records, the home
3 at 39 Crown Top has a setback of roughly 30.4 feet though it appears
4 this measurement may not have been taken from the closest distance.

5 Like the home at 39 Crown Top Road, the applicant home is also
6 a corner lot with a driveway located on the north side, where there
7 is also a significant slope. This leaves the only practical location
8 for an addition to be located on the south side within the front yard
9 setback for Quaker Ridge Road.

10 The neighbor to the west of 39 Crown Top is one of the two homes
11 on the block that complies with the required setback, unlike the
12 applicant's neighbor.

13 Further, similarly to 39 Crown Top, the Liu's home is screened
14 from view of the neighbors by dense vegetation. As mentioned at the
15 March hearing, we are willing to condition an approval on the
16 maintenance of that vegetative screening.

17 As part of our resubmission, we did analyze a plan which kept
18 the existing previously approved 38-foot-2.5-inch setback. As you
19 may recall, the Lius decided to do a second-story addition to allow
20 them to add a fourth bedroom to the home, create a larger kitchen
21 better situated for entertaining than their current 160-square-foot
22 kitchen, add a full bathroom to the first floor, as well as move the
23 laundry room to the second floor from the basement. The Lius have
24 two children and frequently hosts family from out of the country for
25 extended periods of time, which is what necessitated their need for
26 a fourth bedroom and a larger kitchen.

1 Further, Ms. Liu works from home and the relocation of the
2 kitchen to the south side of the home allowed for an office to be
3 created within the home.

4 At this time, I would like to have the project architect come
5 up and walk you through the two plans we analyzed and explain why
6 maintaining the existing setback, which would result in overall
7 smaller master bedroom and kitchen, would not meet the Lius' desired
8 goals.

9 CHAIRMAN MAMMINA: Well, thank you for asking because I could
10 see such beautiful drawings that are so nicely done, which I always
11 appreciate. Please give your name and address.

12 MS. LO: My name is Annie Lo of Haute Architecture. Address
13 is 134 West 29th Street, New York, New York.

14 CHAIRMAN MAMMINA: Good morning.

15 MS. LO: Good morning. As I mentioned, I'd like to walk you
16 through --

17 CHAIRMAN MAMMINA: If you want to put them up on the easel, you
18 may.

19 MS. LO: If you don't mind, I'll just step forward.

20 CHAIRMAN MAMMINA: Only because with the computer screen there,
21 I can't see.

22 MS. LO: Oh, I see. Gotcha.

23 CHAIRMAN MAMMINA: Replace this, and you could slide the easel
24 over a little bit just because we have with Zoom people have to be
25 able to hear you, that's all. I don't mean to make you nervous, so
26 just relax. It's all okay.

1 There you go. Thank you.

2 MS. LO: Thank you.

3 CHAIRMAN MAMMINA: I've had lots of easel malfunctions over 50
4 years of being on that side of the podium.

5 MEMBER HERNANDEZ: Can speak on the other side.

6 CHAIRMAN MAMMINA: Yeah, on the other side. That'll be
7 perfect. Perfect. Thank you so much.

8 MS. LO: I'd like to walk you through the two options we
9 investigated, and to show you -- to demonstrate really why the 3 feet
10 relief that we're requesting is critical to the function.

11 So, this is the proposed plan where we align with the setback
12 and -- actually, sorry. Let me just -- I wanted to compare with the
13 existing kitchen, and dining space is with what we're proposing.

14 So, the original kitchen was 160 square feet, and if we were
15 to maintain the existing setback, we essentially have to collapse
16 the kitchen and the dining into one informal space. So, that really
17 doesn't achieve her goal of having a larger dining space to entertain
18 for larger family gatherings. So, the total square footage of this
19 proposed addition is 302 square feet. Whereas originally, the
20 existing total was 338.4 square feet. So, you see it's actually
21 smaller, even though she's going to this great expense of extending
22 here.

23 MEMBER HERNANDEZ: Excuse me. But you still have a dining room
24 on the other side of the --

25 MS. LO: It's not -- it's no longer -- it would become a
26 study -- a family room and study.

1 MEMBER HERNANDEZ: So, you're choosing to replace your dining
2 room with a study then.

3 MS. LO: Yes, but the dining room is only 14 feet wide. It's
4 not very -- you can't fit more than eight people in there comfortably.
5 So, if she has a larger family gathering, 12 or more people, this
6 is really a, you know, a required change.

7 MEMBER HERNANDEZ: How wide? I can't see them. I apologize
8 my files are not up to date.

9 MS. LO: Oh, that's okay. Yeah, so this dimension here, just
10 in the shorter dimension is actually 15 feet, but it's actually in
11 reality, it's only 13 feet because of the chimney that extends into
12 the space. So, the actual usable width is only 13 feet, and then
13 in the long dimension, it's a little unfair of a comparison because
14 it's -- it's part of the kitchen.

15 MEMBER HERNANDEZ: It's a combined space.

16 MS. LO: Yeah, it's a combined space. So, it really becomes
17 a very informal room.

18 If I continue into the proposed for the new a 3-foot setback
19 that we're requesting -- sorry, the 3-foot extension. Here, we're
20 able to achieve a kitchen and a dining space. There's still one
21 space, but at least they have a very defined zones, and in that
22 scenario, the usable kitchen from the chimney to the width to the
23 out -- the inside face of the exterior wall is for -- is 16 feet,
24 and that really allows a larger dining room. So, the total area of
25 this addition is 363 square feet, which is really only slightly over
26 the existing total of 338.4 square feet.

1 SECRETARY WAGNER: Can you say what the setbacks are for both
2 of those scenarios?

3 MS. LO: It is 35-foot-two-and-a-half for the extended version,
4 and this is the existing at 38-foot-two-and-a-half, and then
5 likewise, in the primary bedroom, we wanted to show
6 you -- essentially, the existing master bedroom is 235 square feet,
7 whereas if we were to maintain the existing setback, it would only
8 be 219.7 square feet in area.

9 CHAIRMAN MAMMINA: Give us one second to catch up with you.

10 MS. LO: Sure.

11 CHAIRMAN MAMMINA: Thank you. Go.

12 MS. LO: So, in the existing -- so, it's 235 square feet for
13 the bedroom, and then the existing master bath is 52.1 square feet,
14 and the closet is 25 square feet.

15 In the version where we were maintaining the setback, as I
16 mentioned, it's 219.7 square feet for the bedroom itself, and the
17 bathroom is only 40.5 square feet. So, that's considerably smaller
18 than the existing condition, and as you know, this is really just
19 a regular-sized bathroom. It's not any primary -- there's no feeling
20 of it being a primary bathroom.

21 The closet is only 31 square feet, which is only nominally larger
22 than the existing, and it's, you know, really it's quite a tight
23 closet.

24 In the proposed, the extension allows us to have a
25 241.6-square-foot master bedroom, which is then just slightly over
26 the existing size, and then the master bathroom is 61.7. This is

1 really more of a sizable master bathroom, what one would expect for
2 a property like this, and the proposed closet is 48 square feet.
3 So -- and you'll see that because of the extension it allows us to
4 change the orientation of the bed itself. This is really not ideal
5 because you're coming on the bed, which is, you know, not the ideal
6 condition, and here you have a much more formal -- a much more
7 considered plan where you're kind of circulating around the bed, and
8 everything just feels much more appropriate to the scale of the home
9 as well.

10 Do you have any questions?

11 CHAIRMAN MAMMINA: Interesting, when you talk about the master
12 bedroom closets now because some of them that come in now are bigger
13 than what my bedrooms were as my kids were growing up in my house,
14 so.

15 MS. LO: Right, right. And I think what we're proposing is
16 quite modest in comparison to a lot of the larger homes now. It's
17 only 6 foot 4 by 7 foot 7.

18 MEMBER GOODSSELL: So, basically on the proposed second floor,
19 there will be four bedrooms. The master bedroom will have an en suite
20 master bath, and it looks like bedroom number two will have an en
21 suite bath, and bedrooms one and three would share a bath through
22 access in the hallway.

23 MS. LO: Correct.

24 MEMBER GOODSSELL: Is that correct?

25 MS. LO: Yes.

26 MEMBER HERNANDEZ: I appreciate what you're doing of moving the

1 kitchen to the other side and everything else. But you still have,
2 again, in your plans, your existing dining room, which is now becoming
3 either a very large office or a den, and your existing kitchen is
4 now becoming another bedroom.

5 MS. LO: It's an -- sorry.

6 MEMBER HERNANDEZ: Let me just finish the thought.

7 And the reason why your -- if your master bedroom in the existing
8 possible size is smaller than the existing one, right? Your proposed
9 is -- because you are adding a fourth bedroom up on the top where
10 you now have three. So, yes, I -- so, I can understand you, and I'm
11 oversizing your master bedroom, and the 241 is more -- or 235 -- well,
12 241. Excuse me, 241 is not unreasonable. When you're adding a
13 fourth one upstairs, not just three, it's not unreasonable to have
14 235, okay. So, it's -- so, again, you're mixing two different
15 things.

16 You're saying, oh, I'm having a smaller room. Yes, because
17 you're adding an extra one. I'm having a smaller space downstairs.
18 Yes, because you're adding an extra room. So, when you're adding
19 more rooms, okay, it's not fair to compare the existing size of the
20 rooms to the proposed because you're adding bigger rooms than the
21 space that you have. If I'm -- if I can explain myself that way,
22 you know. You're adding more rooms downstairs and more rooms
23 upstairs.

24 MS. LO: May I?

25 MEMBER HERNANDEZ: Of course.

26 MS. LO: I appreciate that. However, I would like to note that

1 we are -- we are considerably underdeveloping this site, and you know,
2 we are allowed to go up to 36 percent FAR, but what we're proposing
3 is only 31 percent FAR. So, we're not -- you know, it's a very modest
4 house to begin with. So, I just wanted to clarify that, you know,
5 this is --

6 MEMBER HERNANDEZ: I live in the same neighborhood. I know
7 exactly where you are, and I know all the houses around you, and my
8 problem with your particular -- not your property, but the house is
9 that because of the way your house is laid out, and you're right,
10 your kitchen makes more sense to be where you're proposing it. That
11 makes more sense because that's what your yard space really is. But
12 every foot that you come out on that side can be seen more coming
13 down Quaker Ridge Road.

14 MS. LO: I would like to note two things. Firstly, we actually
15 did explore extending to the north, but the reason we could not do
16 that was because of the angle of the -- of the --

17 MEMBER HERNANDEZ: Right, it's not practical.

18 MS. LO: It's not practical.

19 MEMBER HERNANDEZ: I agree with you.

20 MS. LO: And then we did investigate actually the existing
21 conditions. Exhibit -- the last exhibit that was issued, it shows
22 photos from the neighborhood, and you can see that not only is it
23 covered by dense vegetation, but if you look, you can barely see the
24 top of the existing bridge, and our proposal, our addition, is --
25 the ridge is 2 feet lower than the existing ridge. So, I believe
26 that it really won't be visible whatsoever from Quaker Ridge.

1 In addition, if you look at the exhibit, you see the relationship
2 of 67 Quaker Ridge compared to 98 Deepdale, and our eave -- our
3 existing eave is lower than the second-floor height of the
4 neighboring of 67.

5 MEMBER HERNANDEZ: It's a dropping street.

6 MS. LO: It's a dropping street. So, really, even though it's
7 a two-story addition, as I mentioned, the ridge is lower than the
8 existing ridge. It will have very little impact to its neighbor,
9 and you will -- you really can't see it. If you look at the -- those
10 images, and as Taylor mentioned, we are willing to make the vegetation
11 conditional as part of the approval.

12 MEMBER HERNANDEZ: I'm very pleased to hear that.
13 Unfortunately, with excavations and everything else, very often
14 vegetation gets damaged.

15 MS. LO: The vegetation is very far from the construction site.

16 MEMBER DONATELLI: So, speaking for myself, and I appreciate
17 the fact that the plans have been -- the proposed plans have been
18 modified, and you're presenting two variations before us.

19 Speaking as one Board Member, it would be helpful for me to
20 identify perhaps Plan A and Plan B, so that we understand we're
21 talking about the same thing.

22 One requires a greater 3-foot setback than the other. So -- and
23 I understand that plan -- the one that requires the greater 3-foot
24 setback is your preferred plan.

25 MS. LO: Correct.

26 MEMBER DONATELLI: Can we agree to refer to that as Plan A for

1 purposes of this hearing. I think that might be helpful.

2 CHAIRMAN MAMMINA: Oh, come on, Dan.

3 (Laughter.)

4 MEMBER DONATELLI: Plan B is your fallback. So, that's good.

5 The other question that I have is I see in the notice of denial,
6 the letter of denial, that there is a deck that is also being
7 maintained. Is that part of your application here today?

8 MS. GONZALEZ: We did talk about that at the previous hearing.
9 We can touch upon that again if you have any questions about it.

10 MEMBER DONATELLI: Okay. I just want to make sure because
11 it's --

12 MS. GONZALEZ: It's changing the relief from our first hearing.
13 That's the same as the deck that's been there since 2012.

14 TOWN ATTORNEY ALGIOS: I'm sorry, Taylor. I just want to make
15 sure. Did you state on the record that you're incorporating the
16 prior record into this?

17 MS. GONZALEZ: Okay, I will.

18 TOWN ATTORNEY ALGIOS: Just to make sure we have that.

19 MEMBER DONATELLI: I was going to say.

20 CHAIRMAN MAMMINA: That was going to be my question also.

21 MS. GONZALEZ: We would like to incorporate that record into
22 today's hearing.

23 CHAIRMAN MAMMINA: Forgiven.

24 (Laughter.)

25 MEMBER DONATELLI: We know -- and again, I'm going to state this
26 as one Board Member. We know that corner properties present unique

1 challenges because of the primary front yard setback and the
2 secondary front yard setback. We are mindful of that, and of course,
3 everything that we do weighs the benefit to the applicant versus the
4 detriment to the community as we define the Five Factors as we look
5 through them.

6 Often, I find that it's helpful to look at this from a street
7 perspective, and whether or not the bulk will present itself to
8 pedestrians or motorists who are driving by.

9 A 3-foot setback, in my mind, an encroachment, a further
10 encroachment of 3 feet setback, in my mind, is considerable. I am,
11 you know, that is -- sometimes, we're presented with six inches or
12 a foot, and you can argue whether or not that's even perceptible from
13 the street. A 3-foot setback on the corner property, in my mind,
14 is. Now, I've listened carefully to your arguments. I don't -- I
15 mean, referring to my Plan B, but what I've referred to as Plan B,
16 I find it much more palatable because it would not increase the
17 encroachment. It would maintain it as is while still achieving what
18 the applicant is seeking to achieve. But I am one Board Member, and
19 I'd like to hear from the other Board Members, and please forgive
20 us because we are having some computer issues.

21 MS. GONZALEZ: That's okay; I do want to point out that the
22 opposite corner. So, if you go four houses down, they do have a
23 30-foot setback. So, while we encroach at 35.5 they encroach 5 feet
24 further. So, there is already that.

25 MEMBER DONATELLI: Right. And one of the things that we look
26 at is whether or not it's in keeping with the neighborhood -- with

1 the character of the neighborhood. On the other hand, we're not free
2 to disregard town code when it comes to these setbacks because, of
3 course, anything that we might do here might be conceived as precedent
4 for other cases. So, we try not to increase non-conformities. But
5 I am one Board Member, and I just wanted to put that on the record.

6 MS. LO: I would like to ask if you've seen the exhibit with
7 the photographs of the site conditions?

8 MEMBER DONATELLI: I have. They're part of the record.

9 CHAIRMAN MAMMINA: They're part of the record.

10 (Whereupon, there was a discussion amongst Board Members.)

11 MEMBER DONATELLI: And the point is that in 1977, the variance
12 was granted for the front yard setback. So, we're now being asked
13 to increase that variance, and again, that just creates some concerns
14 in my mind.

15 MS. GONZALEZ: Of course.

16 CHAIRMAN MAMMINA: Because when we -- when we grant something
17 that is even then of a greater magnitude, and I'm sure your attorney
18 understands completely, you know, now, the kind of -- the bar gets
19 set at a different level for someone else, not saying anything
20 negative about what we're talking about, you know, at this point,
21 but we are giving this a lot of consideration because we all
22 understand, we're all homeowners. It's my usual speech. We all pay
23 lots of taxes, you know, and it's a wonderful place to live, so.

24 MEMBER DONATELLI: And the other thing that I would add is one
25 of the other Five Factors that we're required to consider is whether
26 or not there's a way to achieve what the homeowner is trying to achieve

1 without the need for a large variance. So, there are alternatives
2 as your option B does illustrate. So it's a balancing test that we're
3 required to undergo, and that's where I'm coming down on this.

4 MEMBER HERNANDEZ: I'd like to go back just to the deck, out
5 of curiosity, because there are actually two decks on your property.
6 I want to make sure we understand which deck you want to keep.

7 MS. GONZALEZ: Yes.

8 MEMBER HERNANDEZ: I'm assuming it's the one behind the house.

9 MS. GONZALEZ: Yes, it's the one back here.

10 MEMBER HERNANDEZ: And then the deck that is now where the new
11 kitchen is going to be, you are now proposing to keep that deck further
12 out --

13 MS. GONZALEZ: No.

14 MEMBER HERNANDEZ: -- past the kitchen.

15 MS. LO: The existing deck in the rear is remaining. We have
16 a proposed new deck, but it's -- sorry, new patio, but it's a patio,
17 so therefore --

18 MEMBER HERNANDEZ: Patio. Ground level.

19 MS. LO: Right, ground level.

20 MEMBER HERNANDEZ: Is there anything else?

21 MS. GONZALEZ: I know we received an opposition letter, so I'd
22 just like to address that at this time.

23 CHAIRMAN MAMMINA: Yes, it's important.

24 MS. GONZALEZ: We understand the neighbor has expressed several
25 concerns about overdevelopment of the property, which is not the case
26 here as the applicant is both under lot coverage and gross floor area.

1 In addition, though, the applicant's property is 300 square feet
2 larger in size. The home at 67 Quaker's roughly 500 square feet
3 larger than the applicant's home with the proposed addition, and is
4 over the gross floor area permitted by the code.

5 As previously mentioned, that home also is located within the
6 front yard setback, though it is not a corner lot like we are. We
7 understand concerns regarding privacy, as Annie mentioned, due to
8 the grade change; our peak is actually lower than their second floor.

9 I'd also like to point out, we previously received several
10 letters of support from neighbors, which were submitted during the
11 March 4th hearing.

12 If you have any questions, we're here to answer those.

13 CHAIRMAN MAMMINA: Thank you.

14 MEMBER HERNANDEZ: I have no further questions. In case
15 anybody else does?

16 MEMBER DONATELLI: I have no questions.

17 CHAIRMAN MAMMINA: There was no one that --

18 MEMBER HERNANDEZ: Mr. Chairman, as you know, I am always very
19 concerned when it comes to not just encroachment but encroachment
20 into a corner because of the view coming down the side streets.
21 Although I tend to lean to agree with you -- what you're saying, I
22 would like the opportunity to go back and stand there one more time,
23 and look at it. So, I'd like to go back and look at it again. I
24 propose that we reserve and make a decision by the next.

25 CHAIRMAN MAMMINA: Okay. Thank you. I agree completely with
26 that. I'd like to see it again. So, yes, we'll reserve decision,

1 and then this may or may not get decided at our next hearing.

2 MS. GONZALEZ: Okay.

3 CHAIRMAN MAMMINA: So, thank you. Very good job. Everything
4 is done very well.

5 MS. GONZALEZ: Thank you so much.

6 CHAIRMAN MAMMINA: Very thoughtfully, too.

7 MS. GONZALEZ: Have a great day.

8 CHAIRMAN MAMMINA: Thank you.

9 MS. LO: Thank you.

10 CHAIRMAN MAMMINA: We can call the next case then.

11

12

13 SECRETARY WAGNER: Appeal #21836, Christopher Woolfson; 27
14 Wakefield Avenue, Port Washington; Section 6, Block 65, Lot 19;
15 Zoned: Residence B.

16 Variances from 70-40.A and 70-101.C to construct additions and
17 to legalize additions that are located too close to the street.

18 CHAIRMAN MAMMINA: You've heard Appeal #21836, Christopher
19 Woolfson. Is there anyone in the room interested in the application
20 other than the applicant?

21 (No response given.)

22 CHAIRMAN MAMMINA: Seeing no one, please give your name and
23 address.

24 MR. KOUTSOUMBIS: Good morning. My name is Dean Koutsoumbis.
25 My address is 121 --

26 CHAIRMAN MAMMINA: Pull the microphone up. You're way taller

1 than I am short.

2 MR. KOUTSOUMBIS: I apologize. My address is 121 Newbridge
3 Road, Hicksville, New York 11801.

4 I'm here representing Christopher and Sara Woolfson, the owners
5 of 27 Wakefield Avenue in Port Washington. The Wolfsons purchased
6 the property approximately two years ago in April 2024, and are here
7 requesting variances to update and expand their home to better suit
8 the family's needs.

9 Currently, the property is a cape-style home. It is -- as
10 common with these cape-style homes, the second floor is rather small
11 and has slanted ceilings, which don't give you a lot of space. So,
12 part of this proposal includes building a full second floor, which
13 includes -- also includes a rear addition, a roofed-over patio in
14 the rear, enlarging the kitchen, and on the second floor will have
15 four bedrooms, a den, and a bathroom.

16 The variances we're requesting are all in regard to the front
17 yard -- required -- the required setback of front yard -- I'm sorry.
18 The required setback of 30 feet to the front yard.

19 The proposed second-story addition will have a setback of 25.7
20 feet, where 30 feet is required, and I want to emphasize that this
21 second-story addition will be constructed straight up from the
22 existing footprint of the house. There'll be no further
23 encroachment of the front yard other than what exists today.

24 In addition to this second-story addition, there are two
25 portions of the house, which we're legalizing, which have existed
26 for many years, and also encroach this 30-foot requirement.

1 We're seeking to legalize a breezeway, which connects the garage
2 and the house, and that variance is also for 25.7 feet, where 30 feet
3 is required.

4 Like the proposed second-story, this structure is also flush
5 with the existing house and pushes no further into the front setback.

6 The third piece of the variance that we're asking for is the
7 existing vestibule. We're seeking to legalize a front vestibule,
8 which leaves a setback of 20.8 feet. Now, this may seem substantial,
9 but I would point out that it's a technicality type of variance
10 because under the code, a vestibule measuring 5 by 8 is an allowable
11 encroachment. This vestibule happens to be 5 by 9.2, which is just
12 approximately 14 inches wider than allowable by code, and is no longer
13 an allowable encroachment. So, nonetheless, it is still a
14 vestibule. It's a one-story structure.

15 I do have some photos, which show it from the time that they
16 bought the house, and I do have the tax card, which shows that it
17 was there at least since 1961.

18 But going further, to review the five points of a variance. It
19 would not be practical to construct these additions without going
20 for the need of a variance. Compliance would include demolishing
21 perfectly good portions of the existing first floor or awkwardly
22 stepping back the second floor to comply with the code.

23 It is not a substantial variance that we're asking for. The
24 relief is not substantial because we're simply following established
25 lines of the existing home.

26 Furthermore, this variance will not produce any undesirable

1 change in the neighborhood. There are several homes in the immediate
2 area, which have front yard setbacks, even smaller than what I'm
3 requesting, which I'll gladly submit photos and surveys of other
4 homes, which have similar or even smaller setbacks.

5 Whether or not this is a self-created hardship? This could be
6 viewed as self-created, especially the portions which were built
7 without permits, the existing portions. Now, it's not
8 created -- self-created by my clients now, but it may have been
9 self-created by the prior owner, and I will submit to this Board,
10 the tax card, which shows these two additions existed since -- for
11 over 60 years, since 1961, without any complaint or violation. It
12 is clear that they're not any detriment to the neighboring
13 properties.

14 So, that's my presentation, and I'd like to submit -- I have
15 the tax card, photos of the house when they purchased it.

16 MEMBER GOODSSELL: Mr. Koutsoumbis, when did they purchase?

17 MR. KOUTSOUMBIS: They purchased the house in April 2024.

18 MEMBER GOODSSELL: So, fairly recently.

19 MR. KOUTSOUMBIS: Fairly recently.

20 MEMBER GOODSSELL: But you're correct, I'm looking at the tax
21 card on the computer. The vestibule has been there since at least
22 1961. It shows an addition.

23 MR. KOUTSOUMBIS: Yes. The two additions. If you notice, and
24 I actually highlighted them on my -- that I -- which I'll submit.

25 MEMBER GOODSSELL: Yes, you did.

26 MR. KOUTSOUMBIS: If you look at the photos, I was able to get

1 real estate photos from when they purchased the house. If you look
2 at the siding -- I'll submit this as well. (Handing)

3 MR. TUMBARELLO: Thank you.

4 MR. KOUTSOUMBIS: If you look at the stone veneer siding, it
5 is typical of that time frame. So, it has since been modernized with
6 newer siding, and they did put a gable over this structure, but -- of
7 the vestibule portion anyway, but nonetheless, it clearly was there
8 at the -- for many, many years, and even as part of the new
9 construction, my clients propose that it will still -- that the
10 vestibule portion anyway will be a one-story vestibule with no
11 further encroachments into the front yard.

12 Actually, I do have some more. I have letters signed by several
13 neighbors in support of this application.

14 SECRETARY WAGNER: That was Exhibit 1?

15 MR. TUMBARELLO: Yes, Exhibit 1.

16 SECRETARY WAGNER: This will be Exhibit 2.

17 MR. KOUTSOUMBIS: All right. (Handing)

18 (Whereupon, there was a discussion amongst Board Members.)

19 MEMBER DONATELLI: We're just pointing out, as we review the
20 tax card that has been submitted, and as we review the photographs,
21 there seems to be a discrepancy with the garage being set back, and
22 the tax card showing it being flush with the front of the house.

23 CHAIRMAN MAMMINA: That doesn't hurt you.

24 MEMBER DONATELLI: It doesn't hurt you. It just -- there's a
25 discrepancy there that we're looking at.

26 (Whereupon, there was a discussion amongst Board Members.)

1 MEMBER DONATELLI: And it appears from these photographs that
2 the vestibule -- not the vestibule. The breezeway. The enclosed
3 breezeway.

4 MR. KOUTSOUMBIS: Yes.

5 MEMBER DONATELLI: Has just been incorporated into the front
6 of the house seamlessly.

7 MR. KOUTSOUMBIS: Correct. So, it's flushed with the front of
8 the house, and it just connects the garage. It seems like at one
9 point the garage may have been detached, and then this breezeway
10 addition, which is now part of the house, just connects the two
11 together.

12 Furthermore, pointing out to my understanding, this whole
13 project overall complies with all the other setbacks, the side yards,
14 the rear yard, the FAR, and the only variances we're asking for is
15 in regard to the front yard.

16 I'd also like to submit just one more packet of information is
17 all the photos and surveys of other homes in this immediate area,
18 which have less setbacks than -- you know, similar to what we're
19 asking for or at least less than code.

20 Unfortunately, I was not able to dig up any notices of decisions
21 of these properties, but I do have surveys which show that.
22 (Hanging)

23 MR. TUMBARELLO: Thank you.

24 MR. KOUTSOUMBIS: The houses do exist, which -- with less
25 setbacks in this area, whether they were grandfathered in or you know,
26 most likely the case. Most likely the case since there was no

1 variances granted for them.

2 MEMBER DONATELLI: But we don't know if these are legally
3 encroaching in the setback or not.

4 MR. KOUTSOUMBIS: These are all documents I was able to obtain
5 from the building department, so you know, if there's a certain survey
6 and plans that I was able to get from the building department, there
7 has to be some kind of legality to it.

8 You know, unfortunately, like other cases I've done this before,
9 there was notices of decision which means they went through a
10 variance. I could not find any in these -- in these cases.

11 MEMBER DONATELLI: I am familiar with Wakefield Avenue. I'm
12 the member of the Board from Port Washington and I am familiar with
13 Wakefield. I know that there are a wide variety of front yard
14 setbacks, and some of them do seem to encroach into the Residence
15 B front yard setback as it currently exists.

16 I would like to make some comments on the record.

17 Did we have any members of the public?

18 CHAIRMAN MAMMINA: No.

19 MEMBER DONATELLI: The fact that the vestibule encroaches 5
20 feet, but for the size of the vestibule being one foot larger than
21 what would otherwise be allowed, I find that in this case to be
22 persuasive, and I really don't have an issue with respect to the
23 encroachment of the vestibule.

24 The -- in my mind, when we do have an existing non-conforming
25 residence where the applicant is seeking to merely build up over the
26 existing footprint, we try to make allowances for that because of

1 course the front yard encroachment is what it is, and we're mindful
2 of that.

3 The breezeway attaching the main residence to the garage, of
4 course, was not built lawfully, but it is in line with the front of
5 the house. So, really, for all intents and purposes, I, in my mind,
6 can consider it that way.

7 As I said, when I go through the Five Factors in my head, I see
8 that Wakefield does have some houses that appear to encroach, and
9 in fact, the applicant's photographs do seem to point that out.

10 Do any of the other Board Members have any questions or comments?

11 CHAIRMAN MAMMINA: No.

12 VICE CHAIRMAN FRANCIS: No.

13 MEMBER GOODSSELL: I have no objections to this one.

14 MEMBER DONATELLI: All right, Mr. Chairman, I make a motion that
15 we grant the application.

16 CHAIRMAN MAMMINA: We have a motion. Do we have a second?

17 VICE CHAIRMAN FRANCIS: Second.

18 CHAIRMAN MAMMINA: Seconded by Vice Chairman. Please poll the
19 Board.

20 SECRETARY WAGNER: Member Hernandez?

21 MEMBER HERNANDEZ: Aye.

22 SECRETARY WAGNER: Member Goodsell?

23 MEMBER GOODSSELL: Aye.

24 SECRETARY WAGNER: Member Donatelli?

25 MEMBER DONATELLI: Aye.

26 SECRETARY WAGNER: Vice Chairman Francis?

1 VICE CHAIRMAN FRANCIS: Aye.

2 SECRETARY WAGNER: Chairman Mammina?

3 CHAIRMAN MAMMINA: Aye. I will also say that this application
4 kind of intrigued me in a way because first I said, well, gee, maybe
5 this was actually zoned Residence C at some time based on what so
6 many of the setbacks were, and they looked so much like Levitt houses.
7 The slab on grade, the garage, the space in between people infilled,
8 that little breezeway space, you know, to add it on to their kitchen,
9 and I'm going through exactly what I did to my house. But, yeah.

10 VICE CHAIRMAN FRANCIS: Same thing.

11 CHAIRMAN MAMMINA: It's the same thing. But so it goes -- it's
12 good though. It's great, and your assistant, good thing you brought
13 her along with you today, so she could keep you in line.

14 (Laughter.)

15 CHAIRMAN MAMMINA: Thank you, Dean.

16 MR. KOUTSOUMBIS: Thank you, I appreciate it.

17 VICE CHAIRMAN FRANCIS: Thank you.

18

19

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

21 SECRETARY WAGNER: Next appeal, Appeal #21431.A, Louie's Port
22 Washington (Louie's Real Estate Main Street, LLC); 395
23 Main Street, Port Washington; Section 5, Block C, Lot 2; Zoned:
24 Waterfront Business (B-W).

25 Request for modification of condition of approval on prior
26 parking variance.

1 CHAIRMAN MAMMINA: You've heard Appeal #214131, Louie's Port
2 Washington (Louie's Real Estate Main Street, LLC). Is there anyone
3 in the room interested in the application other than the applicant?

4 (Hands are raised.)

5 CHAIRMAN MAMMINA: Okay, we've seeing a number of hands. So,
6 we'll pass around a pad for everyone to sign in.

7 SECRETARY WAGNER: We did that.

8 CHAIRMAN MAMMINA: Okay, thank you. You're always one step
9 ahead of me.

10 Good morning, please give your name and address.

11 MS. DEEGAN DICKSON: Good morning. My name is Kathleen Deegan
12 Dickson. I'm a partner in the law firm of Forchelli Deegan Terrano,
13 LLP, 333 Earle Ovington Boulevard, Uniondale, New York. Here on
14 behalf of Louie's Real Estate Main Street, LLC.

15 We're here this morning seeking a modification of a condition
16 of the approval on the parking variance that was granted for Louie's
17 Restaurant on October 5, 2023, under Appeal #21431.

18 I want to clarify for the record that we are not seeking any
19 new variances or any modification to the actual variances that were
20 requested. There's no real substantive change to the decision that
21 you made back in October 2023.

22 What we're here to do is to seek permission to change the
23 location of the 15-car offsite overflow parking that was required
24 as a condition of the variance that you granted.

25 In 2023, we were here before you for the renovation to the
26 Louie's restaurant that application was for height and setback

1 variances in addition to a parking variance, not to increase the size
2 of the restaurant, but as a result of the change in the parking code
3 from the last approval in 2005, which permitted 334 seats in the
4 restaurant. We were maintaining those 334 seats, but we were doing
5 a renovation so that required us to comply with the updated code.

6 It triggered a greater parking deficiency, although, the use
7 of the restaurant really wasn't changing. It was really just an
8 aesthetic, and you know, flow of the restaurant change, but the -- so
9 the approval at that time was to confirm the prior variance, the
10 number of seats.

11 Part of our application at that time was to demolish a house
12 that is owned by the same owners on the corner of Prospect Street
13 and Main Street. We were going to demolish that and create somewhere
14 between 13 and 15 new parking spaces in that. That would be an
15 expansion of the existing Louie's parking lot.

16 At the time, it was recognized that there was going to be a
17 renovation going on. That -- when the restaurant was opened, if the
18 parking lot wasn't available at that time, that we would need to
19 provide those spaces offsite. So, that's when the Board conditioned
20 our approval on finding alternate off-street parking.

21 Because we had a relationship, similar ownership, with the
22 owners of La Parma property, at the time, we were able to quickly
23 get a lease for 15 parking spaces there that would be the temporary
24 solution until a more permanent solution was determined for the
25 property. There was no time frame for completion of that, I want
26 to just note that for the record and, as we made the offer to demolish

1 the house shortly after, I believe after the close of the hearing,
2 there was a petition submitted by many of the same people that were
3 saying that we needed additional parking saying but don't take down
4 that house. It's an important buffer between the commercial
5 district on Main Street and our residential community on the upland.
6 We'd much rather keep that house and have the parking provided off
7 site. So, that was a lot of the impetus behind us finding alternative
8 off-site parking.

9 As a result the owners secured a short-term lease with the owners
10 of 415 Main Street. That was for two years with five two-year
11 extension options to include parking for 15 cars. We had a lease.
12 We submitted to the Town Attorney's Office as was required by the
13 decision, it was approved, and life went on. The building was built,
14 the restaurant opened and that's what's been going on.

15 So, now, as everybody knows, there are plans to redevelop the
16 Inspiration Wharf and La Parma properties, which have now been
17 combined. That's scheduled for a site plan hearing before the Town
18 Board for July, on July 14th.

19 The parking lease obviously for these 15 parking spaces can't
20 be renewed with the redevelopment. So, the owners of Louie's have
21 secured an alternate location for the overflow parking. We
22 submitted that lease to the Town Attorney's Office for their review.
23 While we didn't believe that required any further appearance before
24 this Board, it was determined that in the interest of transparency,
25 and in an abundance of compliance with this Board's wishes, that we
26 would come back before the Board and present it to you.

1 The new lease is at 310, 320 Main Street. It's for 15 cars also.
2 It will handle the overflow parking and employee parking. It will
3 replace the parking at the La Parma site. It's also for two years
4 with five two-year options to renew, and we expect that during that
5 time the Wharf project will be completed, and we can determine what
6 will happen with the house on the corner of Prospect and Main.

7 It's always an alternative to demolish that house. We can
8 always do that. It's something that we are willing to do. We don't
9 necessarily want to do. We really did hear the neighborhood loud
10 and clear with the last application that they didn't want it, so
11 that's why we've been trying to find this alternate parking. This
12 alternate location is still walkable to the restaurant.

13 I think, you know, just addressing some of the emails received
14 by members of the community. We received --

15 MEMBER GOODSSELL: Can I ask a question before you do that about
16 the alternate parking site?

17 MS. DEEGAN DICKSON: Yes.

18 MEMBER GOODSSELL: Do the owners anticipate that that alternate
19 parking site will be valet parking, or will that be self-parked, and
20 then walk to the restaurant?

21 MS. DEEGAN DICKSON: So, it would -- we don't have valet parking
22 at the restaurant on a regular basis. Certain times there's parties
23 where there's -- where they do have valet parking, so that would be
24 valet parking for those special occasions.

25 The primary plan is to have all of the employees park there,
26 and then have signage that says, you know, if you have a hard time

1 parking, overflow -- Louie's overflow is at 310 to 320 Main Street.

2 MEMBER GOODSSELL: When does that lease begin?

3 MS. DEEGAN DICKSON: The lease already began. It began June
4 1st. We're still using the La Parma site because it hasn't been
5 developed. It hasn't been approved. So, it's something that we
6 wanted to have in place before we went to the Town Board so that we
7 could give the Town Board some assurance that we weren't going to
8 leave the neighborhood in a lurch. It's something, you know, it's
9 not good for the restaurant, but it's not good for the community,
10 and I think Louie's has really demonstrated their commitment to being
11 good neighbors.

12 It's a popular restaurant, which is a wonderful thing. The town
13 dock is a popular place for people to go and watch the sunset, which
14 is a good thing. It's part of the fabric of the community. We're
15 doing what we can to try to direct people to park appropriately.
16 There's no question that there could be some better enforcement of
17 neighborhood parking and some people blowing the stop signs. If we
18 could control that, we certainly would.

19 Maybe it's something the Town Board can recommend to the Port
20 Washington Police Department to maybe up the patrols in the area,
21 but you know, I do believe that Louie's has tried very hard to be
22 responsive to any comments that they've gotten from neighbors.
23 Anytime they've had complaints about trucks parking on the street
24 or garbage collection, they've fixed it. They've really jumped
25 through hoops to try to be responsive and good neighbors, and we'll
26 continue to do so.

1 MEMBER GOODSSELL: Is there going to be any kind of temporary
2 signage or placard that says additional parking is available at 310
3 Main Street to direct traffic there?

4 MS. DEEGAN DICKSON: We haven't worked out a plan yet, but we
5 will. If that's the condition of the approval, and even if it's not,
6 we'll do that because we do want --

7 MEMBER GOODSSELL: Well, it's just a question. If you have a
8 customer who pulls up to Louie's, as I did the other day, and sees
9 that all of the parking on the street is taken and all of the parking
10 in the lot is taken. I did not see anything that indicated that I
11 could continue to go to Inspiration Wharf or I could turn around and
12 go. I simply know this from my own knowledge sitting on the Board.

13 MS. DEEGAN DICKSON: Right.

14 MEMBER GOODSSELL: But I am simply inquiring whether the owners
15 had in fact, so that -- so as to prevent customers from just going
16 up into the neighborhood and blocking driveways. To direct them to
17 the alternate parking site.

18 MS. DEEGAN DICKSON: Yes, but you know what, we'll certainly
19 do that. We can make sure that there's signage out front that says
20 overflow or additional parking for Luis at and we'll give the address.

21 MEMBER DONATELLI: What is what is currently at 310, 320 Main
22 Street.

23 MS. DEEGAN DICKSON: So, that's Port Tires.

24 MEMBER DONATELLI: Is the tire store?

25 MS. DEEGAN DICKSON: Yes.

26 MEMBER DONATELLI: And they have 15 spots available?

1 MS. DEEGAN DICKSON: Yes, they have, you know, not necessarily
2 while they're open during the day, but on the weekends and in the
3 evenings, they're available for use.

4 MEMBER DONATELLI: Excuse me. I have a question for counsel.
5 Do we have a copy of that lease in our file?

6 TOWN ATTORNEY ALGIOS: Yes, we do.

7 MEMBER DONATELLI: I would like to see a copy of that lease.
8 Just to be clear. Nothing is changing in the operation of
9 Louie's?

10 MS. DEEGAN DICKSON: Correct.

11 MEMBER DONATELLI: In terms of the variances that were granted
12 three years ago?

13 MS. DEEGAN DICKSON: Correct.

14 MEMBER DONATELLI: What is changing, and this is perhaps
15 helpful for all of us. What is changing is that we had as part of
16 a condition of what we did three years ago, we required 15 spots off
17 site, and those were at Inspiration Wharf, and now, the owners of
18 the applicant is asking to move those 15 spots from Inspiration Wharf
19 to Port Tires.

20 MS. DEEGAN DICKSON: Yes, and actually it was the La Parma site.
21 The Inspiration Wharf was in different ownership at the time, but
22 yes, now --

23 MEMBER DONATELLI: La Parma is long gone.

24 MS. DEEGAN DICKSON: Right, yes. But they were different
25 properties. I just wanted to point that -- and La Parma was a little
26 bit farther south than the Inspiration Wharf property.

1 MEMBER DONATELLI: We're not changing the number of seats at
2 Louie's.

3 MS. DEEGAN DICKSON: Correct.

4 MEMBER DONATELLI: We're not changing any of the other terms
5 or conditions.

6 MS. DEEGAN DICKSON: Correct.

7 MEMBER DONATELLI: Of the prior variance that was granted three
8 years ago.

9 MS. DEEGAN DICKSON: That is correct. I do want to note that
10 you're -- in the decision, there was an extensive finding statement
11 that was issued that just discussed 15 spaces off site at an alternate
12 location until the house was demolished and the parking lot was
13 created there.

14 MEMBER DONATELLI: And I appreciate that because I know
15 that -- I have heard from the community that they also did not want
16 that house removed, and again, that's pre-existing non-conforming.
17 It's a very old part of town, but it does provide something of a buffer
18 from the parking lot to the residences behind the parking lot. And
19 yet, we are confronted with, fortunately, a very successful business
20 that anyone who knows Port Washington -- anyone who knows that I'm
21 from Port Washington immediately says, oh, we love Louie's. I mean,
22 it's become an institution, and that's a good thing. We in town want
23 to encourage that.

24 On the other hand, as you know, by law, we're required to weigh
25 all of the various factors that are set forth in the law to figure
26 out whether or not it's a detriment to the surrounding community.

1 That area is what it is. It's a very old area of town, and you know,
2 my concern is that we not exasperate -- exacerbate, sorry.
3 Exacerbate any other problems. That we make it that we don't make
4 it worse, and if we're merely substituting 15 spaces for 15 spaces,
5 I just -- I want that clearly stated on the record.

6 MS. DEEGAN DICKSON: Yes, thank you for -- and I will confirm
7 that and acquiesce in that. With all due respect, the balancing test
8 was done in 2023, when this Board did make a determination that the
9 parking variance was warranted based on all of the Five Factors. I
10 agree we don't want to exacerbate anything or exasperate the
11 neighbors.

12 (Laughter.)

13 MS. DEEGAN DICKSON: Or anybody else for that matter. It is
14 an institution that's been Louie's has been there since I mean
15 originally on the barge in 1905, and then the restaurant has been
16 in its location since 1926. It's been a popular restaurant for
17 literally 100 years, and I think you know, the people who moved into
18 that neighborhood, a lot of them move there because of the life and
19 the activity of that area. While we don't want to make things any
20 worse for them, you know, we certainly, you know, we want -- we want
21 to be good neighbors both ways. That's why we are holding off on
22 demolishing the house. We want to make sure that nobody is unduly
23 impacted by the activities down there.

24 I know you have a crew of people who would like to address you
25 as well. I would just ask for an opportunity to respond to any
26 comments that they --

1 CHAIRMAN MAMMINA: Of course.

2 MS. DEEGAN DICKSON: Thank you.

3 CHAIRMAN MAMMINA: Thank you, Ms. Dickson. Appreciate it.

4 And, I guess what we would ask is we have a sign-in sheet, and
5 if people wish to come up, one at a time, give your name and address,
6 and place upon the record whatever you would like. We do have a
7 three-minute time limitation. I mean, the Board may ask some
8 questions and things as well, and you know, that would not be counted
9 toward the time.

10 MEMBER DONATELLI: Chairman, before we hear from members of the
11 public, if I could just please make a brief announcement.

12 CHAIRMAN MAMMINA: Sure.

13 MEMBER DONATELLI: Sorry, I know that there we've already
14 received some comments from the members of the public regarding the
15 merits of the proposed development at La Parma, Inspiration Wharf.
16 This hearing is not about that.

17 As you just heard, that is coming before the Town Board, and
18 if you want to make your views known with respect to that project,
19 that would be the appropriate place to do it.

20 We're here today really to discuss the swapping of the 15 spots
21 from La Parma, Inspiration Wharf to this other location at 310, 320.
22 So, if we can just hear from the public with those comments in mind
23 that way you make sure to limit your comments to the issue that is
24 before us.

25 CHAIRMAN MAMMINA: Well stated. Thank you. So, again,
26 please.

1 SECRETARY WAGNER: Alice Melzer.

2 MS. MELZER: I'm going to waive. I thought it was a slightly
3 different topic, so I'm going to waive.

4 CHAIRMAN MAMMINA: Okay, thank you. The record will reflect
5 that. Thank you.

6 SECRETARY WAGNER: Richard Valenza or Veltassa?

7 MR. VALENZA: Yes. I have no comments at this time.

8 SECRETARY WAGNER: Sorry, if I mispronounced your name.
9 Shahnaz Autz.

10 MS. AUTZ: Good morning, members of the Board. Thank you for
11 your time. I understand that you'd like us to be focused. It was
12 very hard to be focused because we didn't know what the modification
13 was going to be.

14 VICE CHAIRMAN FRANCIS: I'm going to ask you give your name and
15 address for the record.

16 MS. AUTZ: Oh, I'm sorry. Shahnaz Autz. Mitchell Farms
17 Neighborhood Association, 10 Prospect Avenue, Port Washington.

18 CHAIRMAN MAMMINA: Thank you.

19 MS. AUTZ: Sorry. Just for curiosity. It was very difficult
20 to prepare for this hearing because we didn't -- all due respect,
21 we received the notice very late. We only had seven days, and also,
22 we didn't know what the modification was going to be. It wasn't clear
23 what the request was.

24 So, as I explained to one of the staff people very patiently
25 listened to me was that we could've been for the modification if we
26 had known what was it for. Now, that I hear it, I'm so sorry to say

1 that unfortunately, I'm going to have to ask the Board to deny this
2 request.

3 As you know, I don't have to go through the whole thing about
4 parking and how difficult that intersection specifically is. We're
5 very happy for Louie's that has success, but at the same time, can't
6 we have a long-term solution?

7 So, I'm going to read something that -- that's my three minutes,
8 if you don't mind.

9 Respectfully asking the Board to deny this appeal. When the
10 Board approved this --

11 CHAIRMAN MAMMINA: Can you just slow down because she --

12 MS. AUTZ: I'm sorry. When the Board approved Appeal #21431
13 in 2023, it found that the property had a substantial parking
14 deficiency. I actually think the parking deficiency is way higher,
15 and then it was expected to be at the time when you made your decision.
16 To address that deficiency, the Board imposes specific conditions.
17 The applicant was required to maintain a parking agreement for 15
18 spaces at 415 Main Street, and the applicant was also required to
19 create additional permanent parking at 396 Main Street. We didn't
20 know there was a lease by the way 'cause Louie's --

21 CHAIRMAN MAMMINA: Just nice and slow.

22 MS. AUTZ: I'm sorry. They own that -- they own all those
23 properties. So, we didn't know there was a lease involved.

24 The Board's decision did not suggest these actions. It stated
25 that the applicant shall maintain the parking agreement and shall
26 develop additional parking. Those conditions were imposed because

1 the Board determined they were necessary to mitigate the impacts of
2 the parking deficiency.

3 Nearly three years later, the permanent parking solution has
4 not been completed. The applicant now asks the Board to modify the
5 condition because the parking agreement at 415 Main Street may become
6 unavailable to -- for redevelopment. We understand that
7 circumstance. However, the loss of the 415 Main Street agreement
8 does not eliminate the parking deficiency that led the Board to impose
9 the condition in the first place.

10 My concern is that the applicant has not identified a
11 replacement parking location for a permanent solution, and that
12 parking location that we just found out about, it's really not
13 applicable to all the requirements that is necessary for this
14 traffic, parking issue, and nobody is going to walk from all the way
15 back from the parking -- from the tire place over to the Louie's.
16 So, they'll probably be parking in other places, and you know, that's
17 really not a solution.

18 They do have several properties. I mean, they own La Parma.
19 They own Inspiration Wharf, and I think that La Parma was the overflow
20 solution for -- the temporary solution, but why not use that for a
21 permanent solution?

22 There's a lot of property available, and we could use one of
23 those for the parking. It would be a much better neighborly thing
24 to do to alleviate this problem for a long term and not just a
25 short-term fix.

26 (Three-minute timer rings.)

1 CHAIRMAN MAMMINA: Thank you.

2 MS. AUTZ: Thank you. I have some pictures if you'd like.

3 (Handing.)

4 Because this is like in the afternoon of a Friday and Saturday
5 and Sunday. It's not even an evening, and the answer for having
6 something for the evening is not --

7 TOWN ATTORNEY ALGIOS: Ms. Autz, you have to go back to the mic
8 if you're going to continue speaking.

9 MEMBER DONATELLI: Did you want to submit these as exhibits?

10 MS. AUTZ: Yes, please, and I have sent you some pictures as
11 well.

12 SECRETARY WAGNER: The pictures you sent in an email are
13 different than these pictures?

14 MS. AUTZ: Yes, they are.

15 SECRETARY WAGNER: So, this will be Opposition Exhibit 1.

16 MS. AUTZ: So, the pictures I sent were at 2 P.M. on a Friday.

17 MEMBER DONATELLI: These are photographs of Inspiration Wharf
18 and La Parma?

19 MS. AUTZ: And La Parma, yes. And the -- I have to also bring
20 to your attention that the parking lot that Louie's has right now,
21 their own parking lot, has two spots that are really for the rental
22 people. So, they really have only 46 available parking spots in
23 there -- in that lot.

24 So, mainly, to be honest with you, the Inspiration Wharf is
25 completely full. The La Parma lot is completely full, most of the
26 time, and all the lot -- if you look, the town dock. My pictures

1 show you the town dock is full, and that's only Friday afternoon at
2 2 P.M.

3 Can you imagine if there were events happening?

4

5 CHAIRMAN MAMMINA: I'm going to have to respectfully cut you
6 off.

7 MS. AUTZ: Thank you.

8 MEMBER DONATELLI: Thank you. But you've made your point.

9 CHAIRMAN MAMMINA: Thank you. Absolutely. Thank you, Mr.
10 Donatelli. Yes, you have made your point, and very well.

11 Anyone else wish to speak?

12 SECRETARY WAGNER: Holly Byrne?

13 MS. BYRNE: No.

14 SECRETARY WAGNER: Andy Shaffer?

15 CHAIRMAN MAMMINA: Give your name and address first.

16 MR. SHAFFER: Yes. Andy Shaffer, 1298 Port Washington
17 Boulevard.

18 Two quick things. First thing.

19 MEMBER DONATELLI: Sorry, if you would just pull up the mic.

20 MR. SHAFFER: It's because I'm tall, and you're discriminated
21 against because I'm tall. Okay.

22 And you, Dan, could also speak a little closer to your mic
23 sometimes too.

24 MEMBER DONATELLI: I've heard, and that's why it's right here.

25 MR. SHAFFER: Two things real quick. You guys send out that
26 email on a regular basis, and I love that, and it makes it easier

1 for me to track something I think is very important to the community,
2 these BZA meetings, very important, and I was shocked that you sent
3 out the email, and then two weeks later added this item after the
4 fact, and then it was not then emailed again. And I love the fact
5 that you keep those emails going, and so I request, please, if there's
6 any changes have that re-emailed, if at all possible. Because
7 otherwise, if we really care about this. Now, I'm thinking I got
8 to read that every day, and like oh, my God, has there been a change?
9 So, re-email.

10 MEMBER DONATELLI: I hear your point. And, you know, my
11 understanding is that it was done within the time frame required by
12 law, but things sometimes do come up at the last moment, and I hear
13 your point, and we will address that.

14 MR. SHAFFER: I mean, you talk about transparency. Those
15 emails are great for that. You really feel like -- I've been dealing
16 with other BZAs, and some of them are not transparent at all. I'm
17 not sure what the hell is going on in some of those BZAs. I have
18 great respect for you guys because I think you're doing what you're
19 supposed to be doing, which is protecting us through our zoning. So,
20 those updates are very important.

21 TOWN ATTORNEY ALGIOS: So, just for clarification purposes for
22 the record. So, the item was added; you said 20 days?

23 MR. SHAFFER: I don't -- I know that you guys sent out an email.

24 TOWN ATTORNEY ALGIOS: It was one day. It was added the next
25 day. So, you received the email, and the following day, the agenda,
26 the calendar, was amended and this item was added. So, only one day

1 had elapsed.

2 MR. SHAFFER: I'm in no way saying that you're not obeying the
3 rules of laws. I'm saying that in your efforts to be transparent
4 by having this email, we've become dependent on that, and it's like,
5 wow, there's no surprises. All we have to do is read that email,
6 and we'll have no surprises. Now, we're realizing, oh gosh, we
7 could -- we should read this all the time. The email becomes almost
8 useless because we should go online and look at the PDF every single
9 day if we're really watching out for these things. It would be a
10 great way for somebody to slip something in, and slip it past the
11 neighbors, and so on and so forth, which I know you wouldn't want
12 that. I respect this Board. So, I'm just saying that's the effect
13 of it --

14 TOWN ATTORNEY ALGIOS: So, actually, this brought to light,
15 actually. So, we're going to actually start adding a disclaimer onto
16 the calendar saying that it is subject to change.

17 MR. SHAFFER: Oh, I'm talking to the --

18 TOWN ATTORNEY ALGIOS: So, ten days -- ten days prior to any
19 meeting, you should go online and check.

20 MR. SHAFFER: I realize I'm talking to the deputy town attorney.
21 So, I get that from a legal standpoint. I'm not in any way suggesting
22 you're not obeying the rules, disclaimer, fine, but that makes -- I
23 really don't want to read that every single day of my life, you know,
24 so. If you could, as an accommodation, although you're not legally
25 required to, I'm asking the parties that maintain this, if you can,
26 and there's an update, would it hurt to send it out? I'm just saying.

1 Just suggesting.

2 SECRETARY WAGNER: Mr. Schaeffer, as you mentioned, the emails
3 are a courtesy to the public.

4 MR. SHAFFER: Yes.

5 SECRETARY WAGNER: And not required by law. So, we send
6 that -- so, the fact that the calendar has been updated on the website,
7 as Ms. Algios said, you know, I think we are doing above and beyond
8 to the best of our --

9 MR. SHAFFER: I want to go above and beyond and beyond.

10 (Laughter.)

11 MR. SHAFFER: I want fries with my order. I hear what I'm
12 asking, and I'm just saying that'd be great too if you could do it.

13 MEMBER DONATELLI: We appreciate it. And we've heard it, and
14 you know what the -- sometimes, these things are unavoidable, but
15 we do try to -- as you acknowledge, we try to be as transparent as
16 possible. What we do is difficult, and we -- it's a collaborative
17 effort, and I hear your comments.

18 MR. SHAFFER: It was not an admonition or a criticism.

19 MEMBER GOODSSELL: Mr. Shaffer, did you put your objections to
20 this in letter form because the Board has received a number of
21 letters, and so far, you've addressed procedure, but if you have a
22 letter in the file, we will include that in the record.

23 MR. SHAFFER: I sent you an email.

24 SECRETARY WAGNER: Yes.

25 MR. SHAFFER: And I understand it was passed on to the Louie's
26 folks, too.

1 MEMBER GOODSSELL: And we have it.

2 MR. SHAFFER: Although it really wasn't about that. It was
3 about you guys, but that's all good.

4 You have that? Good.

5 MEMBER GOODSSELL: We have everything.

6 MR. SHAFFER: You're getting into the record that it was
7 sick -- that was the deal.

8 CHAIRMAN MAMMINA: Thank you.

9 MR. SHAFFER: And I posted it, but that's not why I came up here.
10 Just quickly on the Louie's thing, and I would say if I had known
11 they had permanent parking or had a new lease, I might not even have
12 come down today. So, the understanding is that they have 310, 320.
13 My concern was that it might be kicked down the road like, oh, we'll
14 get to it. We're going to find a new lease. So, I love the fact
15 that they've got this particular space. Knowing that, I would be
16 more prepared. I think that signage will be important because people
17 will not know it. They will not park there. I don't think to park
18 there. I know that space. So, signage that it's available very
19 important. It is farther than parking at the town dock. So, if you
20 just kind of loop into the town dock, you can park right next to
21 Louie's. So, there are still people who are going to do that. So,
22 having the employees park there is a smart move if they would really
23 be diligent about that. Take those employees put them over in this
24 lot because what's going to happen is people are not going to park
25 there. That's going to be the parking of last choice. The
26 neighborhood will be slightly more attractive. So -- not a big deal.

1 But I would just pay attention. The devil's in the details, and
2 that's a concern.

3 With this new development coming up this new development is
4 going to have serious parking problems. It is -- if you look at the
5 plans, you'll see it. They've already been dinged from the building
6 department about insufficient space, parking sizes, but they've
7 crammed as many condos as they possibly can into that design.

8 CHAIRMAN MAMMINA: We're not up to that yet.

9 MR. SHAFFER: And I know that.

10 CHAIRMAN MAMMINA: So, please, please, please --

11 MR. SHAFFER: Here's where that can't --

12 CHAIRMAN MAMMINA: I can't --

13 MR. SHAFFER: Here's the reference.

14 CHAIRMAN MAMMINA: I have to cut you off. My apologies.

15 MR. SHAFFER: We -- it's.

16 CHAIRMAN MAMMINA: Please, sir.

17 MR. SHAFFER: I understand. So --

18 CHAIRMAN MAMMINA: Okay, if you understand, then, please.

19 MR. SHAFFER: But I want to tell you it's gonna get worse.

20 CHAIRMAN MAMMINA: You may have a seat again, and you'll be able
21 to turn around twice, and --

22 MR. SHAFFER: I'll see you soon.

23 CHAIRMAN MAMMINA: -- stand back up.

24 (Laughter.)

25 MR. SHAFFER: Thank you.

26 CHAIRMAN MAMMINA: Thank you, I appreciate it.

1 MS. AUTZ: Mr. Chairman, may I just --

2 TOWN ATTORNEY ALGIOS: Wait, wait. Can we -- let's keep going
3 through.

4 CHAIRMAN MAMMINA: Yes, let us --

5 TOWN ATTORNEY ALGIOS: At the very end.

6 SECRETARY WAGNER: Ms. Autz, we have to proceed with the next
7 person.

8 MS. AUTZ: Very quickly.

9 TOWN ATTORNEY ALGIOS: No, no. We're going to go to the next
10 person. At the end.

11 SECRETARY WAGNER: Robin Gitomer?

12 (No response given.)

13 SECRETARY WAGNER: Mr. or Mrs. Koutsoumbis. I think that
14 was -- I think that was the person who brought up the -- yeah, I think
15 she didn't realize she was signing in. Okay. So, that's everybody
16 that I have on the list. Is there anybody else that would like to
17 speak?

18 (Audience member raises hand.)

19 CHAIRMAN MAMMINA: And just for the record, anyone who chose
20 not to speak, you're still on the record that you attended the
21 hearing. I think that's important.

22 SECRETARY WAGNER: Just give your name and address.

23 MS. BELAN: My name is Marie Belan. I live at 433 Main Street
24 in the Knickerbocker, and I can see the two parking lots. Both
25 Inspiration Wharf and La Parma. They fill up during the afternoon,
26 but early -- late -- early evening, they are both packed. That's

1 not 15 spots. That's a lot of spots, and they stay packed
2 until -- especially on Thursday night, Friday night, and Saturday
3 night. They are packed until 10:30, 11:00.

4 So, 15 spots, even if they are at the tire place, which nobody's
5 going to walk if it's bad weather or it's cold. That aside, 15 is
6 not enough. That lot is packed, and I see the workers from Louie's
7 coming and parking there in the afternoon, like noontime, when they
8 have to go to work. There's a couple of them, not many, but the rest
9 of the lot is people coming in to go to the restaurant.

10 CHAIRMAN MAMMINA: Thank you.

11 MEMBER DONATELLI: Thank you. Just as a clarification. The
12 15 spots, that was the decision from 2023. That was three years ago.
13 So, all they're asking to do is to change the location of the 15 spots
14 from La Parma, Inspiration Wharf to the tire store, but that parking
15 variance was already granted three years ago.

16 MS. BELAN: I know, but I am just saying that even if they have
17 15 spots, there are more than 15 spots that are needed, and so, you
18 are going to -- and now, those people are now -- have a place to go.
19 When you take that away, if you count the 15 spots at the tire place,
20 where are the rest going to go? That's my point.

21 MEMBER DONATELLI: Thank you.

22 CHAIRMAN MAMMINA: Thank you very much.

23 (Whereupon, there was a discussion amongst Board Members.)

24 MS. DEEGAN DICKSON: Are we finished with public comment?

25 MEMBER DONATELLI: Yes.

26 MS. DEEGAN DICKSON: I don't want to jump the gun.

1 So, I'm happy to hear that people's concerns have been assuaged
2 to a large degree. I think that it's one of the things that's
3 important. That it is just to swap out from one place to the other.

4 I just want to mention for this board's knowledge that the La
5 Parma property and the Inspiration Wharf property, they're not
6 monitored right now. So, we don't know who's parking there.
7 There's other businesses that operate off of that property now.
8 There's the Tiki Boat, the Fishing Charter, there's the fitness
9 center. We suspect that some of the neighbors may park there. Have
10 used that as guest parking, and some of the other businesses. We
11 feel very confident that the parking for Louie's is adequate, you
12 know, with the provisions that we've made, and we'll continue to work
13 with the town and with the community to make sure that we are as least
14 impactful as possible.

15 Just regarding the term of the lease. As I mentioned, I just
16 want to make sure you understand that it's an initial two-year term,
17 but it's got five two-year extensions, which is for a total of 12
18 years. Chances are it could and would be extended if it needed to
19 be.

20 I know that the town will hold us to making sure that there is
21 always a lease in place for these 15 parking spaces, and I'll give
22 you the commitment from my client that they will always have a lease
23 in place, and if the time comes that we need to swap that out for
24 another location, we will come back, and we'll submit a new lease,
25 and we'll do this again.

26 CHAIRMAN MAMMINA: Thank you very much.

1 MEMBER DONATELLI: Because I am the person from Port
2 Washington, I get the issues with the most emotion.

3 (Laughter.)

4 CHAIRMAN MAMMINA: Seems to always be the case.

5 MEMBER DONATELLI: But it's okay because I can take it. We are
6 being asked to change a modification -- to modify a decision that
7 was made three years ago by merely swapping out one 15-spot permission
8 with another 15-spot location. It should not appreciably change the
9 situation. So, I find myself, after weighing all of the factors and
10 hearing the members of the public on the issue, it shouldn't really
11 change the operation in an appreciable way on Main Street. The
12 situation is what it is there. What I would like to address is
13 because the -- I would like to add two conditions.

14 The first condition being that I think that Louie's should have
15 a sign prominently displaying the location of the additional parking
16 spots, and in my experience, it's not just for people who pass the
17 first time, and then don't find parking, but people who go there
18 routinely, who then will be put on notice that there is a second
19 parking spot, so that maybe they won't even try to park on the street
20 or in the vicinity of Louie's or certainly in front of other
21 residences. They'll just know to go to the tire store directly.

22 The second condition is, I recognize that the tire store, which
23 now you do have a lease with, and now they are legally obligated for
24 the period of time to provide those 15 spaces to you, but there may
25 come a point in the future when you have a different lease at a closer
26 location. So, rather than limit our change of any -- sorry -- rather

1 than limit this to the lease at the tire store, if we impose a
2 condition indicating that your -- that the applicant will provide
3 15 spots in a location off-site, whether it is at the tire store,
4 or whether it is at some other location that might be closer. So,
5 that we don't necessarily describe it as pertaining to this one
6 location.

7 Was that clear?

8 CHAIRMAN MAMMINA: Yes, I think that's excellent.

9 MEMBER HERNANDEZ: As long as it's close.

10 CHAIRMAN MAMMINA: Yes, as long as it's close.

11 MEMBER DONATELLI: Right, as long as it's closer.

12 CHAIRMAN MAMMINA: Similar distance or closer.

13 TOWN ATTORNEY ALGIOS: Do you want to just add walkable?

14 MEMBER DONATELLI: You know, I'm trying to provide -- I'm trying
15 to balance the needs of the community with the needs of the applicant.

16 VICE CHAIRMAN FRANCIS: I don't think walkable.

17 TOWN ATTORNEY ALGIOS: What about within a quarter mile?
18 Something just so you have.

19 VICE CHAIRMAN FRANCIS: Quarter mile, yeah.

20 MEMBER DONATELLI: Is that good?

21 VICE CHAIRMAN FRANCIS: Yeah.

22 SECRETARY WAGNER: Does that make sense, Kathleen?

23 MS. DEEGAN DICKSON: I think so.

24 MEMBER HERNANDEZ: Is the tire store more than a quarter mile?

25 MS. DEEGAN DICKSON: The tire store is less than a quarter mile
26 right now.

1 MEMBER GOODSSELL: Yes, tire store 0.1 miles. So, 0.25 miles
2 would give an even greater. I definitely like the idea of the sign
3 because someone like me would say to my husband, drop me off at the
4 door, and then you go back and park at the remote location, and you
5 walk. But at least I could tell him where it was, instead of driving
6 up Prospect, which I have done in the past, sorry, everybody, and
7 looked for a parking spot.

8 MEMBER DONATELLI: So, you've determined that the tire store
9 is 0.1 miles?

10 MEMBER GOODSSELL: According to Google Maps, it's a five-minute
11 walk, and it's 0.1 miles from --

12 MS. DEEGAN DICKSON: I think -- not to correct you, but I think
13 it's 0.2 miles. The way I measured it.

14 MEMBER DONATELLI: So, let's do 0.25 miles.

15 MS. DEEGAN DICKSON: All right.

16 MEMBER DONATELLI: So, my intention is that it really should
17 not be farther. It should be closer if at all possible. But I'm
18 trying to provide the flexibility. Like I say, at some point in the
19 future there may be another lease that opens up that might be more
20 convenient.

21 MS. DEEGAN DICKSON: Yes, understood. I think that's fine.

22 CHAIRMAN MAMMINA: I'll just add one other thing to that as
23 being the person from Carle Place where I'm in development and retail
24 and all is bizarre. One of the things that I always look at is if
25 people can't park, I know if I can't park somewhere I'm just driving
26 on or I'm saying, you know what? I don't know that I can really

1 frequent that establishment as much as I would like to. I think
2 that's just a reality of being in business, and I think maybe,
3 unfortunately, fortunately, where we live in the world is just this
4 terrific, terrific place, and we all want to keep it you know that
5 way to the best extent we can, but we you know, we have the ability
6 to avail ourselves of, you know, of so many things. Again, I can
7 remember going to Louie's when you could still hear things creak
8 around in it, but it is quite an established place.

9 MEMBER DONATELLI: I would also add from my own experience that
10 not everyone drives to Louie's. Louie's is in a location where there
11 are some pedestrians who live within close distance, and we are
12 fortunate that we have some street parking, some public parking on
13 the town docks. So, I recall three years ago when we first considered
14 this application, that we took a lot of that into account. That has
15 not changed. So, again, for purposes of this application, and for
16 swapping out the 15 spots at one location for 15 spots in any
17 convenient location within a quarter of a mile, I think that's a
18 reasonable compromise.

19 MEMBER GOODSELL: I agree.

20 MEMBER DONATELLI: So, I make that motion, Mr. Chairman.

21 CHAIRMAN MAMMINA: We have a motion. Do we have a second?

22 MS. AUTZ: I wanted to speak one more time.

23 CHAIRMAN MAMMINA: No, ma'am.

24 SECRETARY WAGNER: Deborah?

25 TOWN ATTORNEY ALGIOS: I did say to her. She can come up. I
26 did say it.

1 CHAIRMAN MAMMINA: Oh, then, yes, ma'am.

2 SECRETARY WAGNER: Kathleen, we did --

3 TOWN ATTORNEY ALGIOS: I did say that.

4 MS. AUTZ: Thank you so much.

5 CHAIRMAN MAMMINA: You're welcome.

6 MS. AUTZ: I don't -- I definitely would like to accommodate,
7 of course. I understand your position, but you are making an
8 exception to a place where is not available during the day. It's
9 only available in the evenings, and in the after -- in the evening.
10 We showed you pictures of the 2:00 in the afternoon on a Friday, and
11 what about when events are happening? A bandshell is going on, and
12 the sports are going on, or we have, you know, events happening on
13 Main Street and everywhere else in the area, which is a town event.
14 I'm sorry. But you need to go and visit the site, please. We have
15 asked if you could go and visit the site on a Friday afternoon or
16 a Saturday evening and see for yourself on Saturday afternoon when
17 bandshell is on. It's not a -- I'm sorry, but it's not a reasonable
18 solution. It's a kind of a Band-Aid, and I understand your position
19 that you would like to change one for the other, and that might be
20 easier, but it's not really a reasonable, appropriate solution.

21 TOWN ATTORNEY ALGIOS: Okay, Ms. Autz, thank you.

22 MEMBER HERNANDEZ: Can I just say something a moment before
23 because I haven't spoken. I think everybody should speak at least
24 one minute.

25 (Laughter.)

26 MEMBER HERNANDEZ: You're asking for a permanent solution.

1 They have a permanent solution, but in order to work with the
2 neighbors, they are not taking that permanent solution. They could
3 knock down that house and build a 12, 13, 14 parking spaces.

4 MS. AUTZ: (Standing.)

5 MEMBER HERNANDEZ: But it is my understanding, like Mr.
6 Donatelli said, that many neighbors would like to see that house --

7 TOWN ATTORNEY ALGIOS: Ms. Autz, you have to sit down. I'm
8 sorry. I understand you want to keep coming up.

9 MEMBER HERNANDEZ: This is not a debate.

10 TOWN ATTORNEY ALGIOS: But he's speaking now to everyone now,
11 not just you.

12 MEMBER HERNANDEZ: You made your comment. Now, it's my minute
13 to make my comment.

14 MS. AUTZ: Go ahead.

15 MEMBER HERNANDEZ: So, if you wanted a permanent solution and
16 they wanted to do it, they could knock down that house and build
17 parking there, but then many of the other neighbors perhaps would
18 not be happy about that. So, we're trying to find a compromise.
19 It's the famous balancing act. We are asking them to commit that
20 somewhere within a reasonable walking distance of a quarter of a mile,
21 there will be 15 parking spaces dedicated.

22 MS. AUTZ: What about La Parma parking lot?

23 MEMBER HERNANDEZ: This is not a debate. It's not a debate.

24 TOWN ATTORNEY ALGIOS: You cannot shout from the audience,
25 please, Ms. Autz.

26 MEMBER HERNANDEZ: It's not a debate. We're speaking on the

1 record. So, they have made that commitment, and all we're saying
2 is as long as you make that commitment that you replace those 15 with
3 another 15 within a reasonable -- we don't want it in South Jersey,
4 the other 15 spaces. They got to be in the neighborhood. As long
5 as they're there, then it's okay.

6 VICE CHAIRMAN FRANCIS: Since Mr. Hernandez has now forced me
7 to use my one minute.

8 (Laughter.)

9 VICE CHAIRMAN FRANCIS: I will do so by saying, God isn't
10 creating any more land. If people come to this restaurant and cannot
11 find a parking space, they are not going to just circle the block
12 until they find a parking space. They're going to leave. So, I mean
13 this is this -- I think they're doing the best they can with what
14 the limitations they have. No one ever gets everything that they
15 want, you know, and they're not getting everything they want, and
16 we have to bend a little bit, and quite frankly, I think what the
17 chairman initially said, if you can't -- if I can't find parking,
18 believe me, I'm not -- I'm not walking a quarter of a mile, and I
19 have run a marathon, but I am not walking a quarter mile back to
20 Louie's. So, that's not happening.

21 CHAIRMAN MAMMINA: Okay.

22 MEMBER DONATELLI: So, I thank the Board for all their comments,
23 and I appreciate all the comments, and I appreciate the comments also
24 from the public, but Mr. Chairman, I renew my motion with those two
25 conditions.

26 CHAIRMAN MAMMINA: Okay, so we have the motion. Do we have a

1 second?

2 MEMBER HERNANDEZ: Second.

3 CHAIRMAN MAMMINA: Seconded by Member Hernandez. Please poll
4 the Board.

5 SECRETARY WAGNER: Member Goodell?

6 MEMBER GOODSELL: Aye.

7 SECRETARY WAGNER: Member Donatelli?

8 MEMBER DONATELLI: Aye.

9 SECRETARY WAGNER: Member Hernandez?

10 MEMBER HERNANDEZ: Aye.

11 SECRETARY WAGNER: Vice Chairman Francis?

12 VICE CHAIRMAN FRANCIS: Aye.

13 SECRETARY WAGNER: Chairman Mammina?

14 CHAIRMAN MAMMINA: Aye. So, the application is granted with
15 the conditions as put forward, and we do thank everybody for coming
16 on down because this is a very difficult job, and I'll ask to go off
17 the record.

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

19 SECRETARY WAGNER: We're going to take a five-minute break.

20 (Whereupon, there was a recess taken in the proceeding.)

21

22

23 SECRETARY WAGNER: Appeal #21281.A, 12 Irma Ave Realty, LLC;
24 12 Irma Avenue, Port Washington; Section 5, Block D, Lots 509(I) and
25 510(J); Zoned: Business B.

26 Modification of Conditional Use 70-139.J(1) to relocate one

1 apartment and indoor and outdoor common space.

2 CHAIRMAN MAMMINA: You heard Appeal #21281.A, 12 Irma Ave
3 Realty LLC, Port Washington.

4 MR. HIGGINS: Good morning, Mr. Chairman, Members of the Board.

5 CHAIRMAN MAMMINA: Let me just ask first. Is there anyone in
6 the room interested in the application other than the applicant?

7 (Audience member raises hand.)

8 CHAIRMAN MAMMINA: Seeing one hand. You will have the
9 opportunity to speak after the presentation. Thank you.

10 MR. HIGGINS: Good morning. For the record, Timothy Higgins,
11 76 Hillside Avenue, Manhasset, New York 11030, for the applicant,
12 12 Irma Ave Realty, LLC.

13 This appeal -- I'm sorry. We are simply seeking a modification
14 of the conditional use that was granted by this Board back in April
15 of 2023. At that time.

16 MEMBER DONATELLI: I'm sorry. Can I ask you to speak into the
17 mic.

18 MR. HIGGINS: Oh sure.

19 MEMBER DONATELLI: I'm not entirely sure that the mics are
20 working the way they're supposed to.

21 MR. HIGGINS: No problem. No problem.

22 So, back in April of 2023, we came before this Board. At that
23 time, I was an owner with my two brothers, and we were seeking to
24 make -- to create senior housing. We needed a conditional use. The
25 issues -- we were able to comply with everything except the lot was
26 not 40,000 square feet, and the existing building for front and side

1 setbacks were pre-existing non-conforming.

2 This Board granted that application and permitted us to move
3 forward to construct ten apartments because that's what we -- five
4 on the first floor, five on the second, and then as per your code
5 we were required to create indoor common space; 80 square feet for
6 each unit, and outdoor common space for each unit, 50 square feet
7 outdoor per unit, 80 square feet indoor per unit.

8 Myself and my two brothers had the idea that we should put the
9 common -- interior common, exterior common on the roof, which this
10 Board approved. Thinking that the seniors would want to enjoy the
11 view, if any, created by being three stories up. Seemed like a good
12 idea at the time, and on that basis we realized we were in waters
13 too deep for us to swim in, and we sold the project to Paul Cimino,
14 who is an accomplished builder, and quite frankly more equipped to
15 handle the intricacies of a commercial project of this magnitude.

16 While Paul was building the project, he took a look at the whole
17 thing, value engineered it because he's capable of doing that, and
18 he came to us and said, it makes more sense to put the indoor common
19 space on the first floor, and behind the building will do the outdoor,
20 and maybe we'll put the 10th unit on the roof. So, he was leaning
21 toward doing that, and then in an attempt to value engineer this
22 thing, he said, maybe, I'll just do nine units and leave the 10th
23 unit out, just to -- because quite frankly, this building only ten
24 units, whether it's nine or ten is prohibitively expensive, and Paul
25 bought it with his family in recognition of the fact that this is
26 long term. These are not for resale because, quite frankly, I don't

1 even think he could get the value per unit that he'll be in
2 financially. But he looked at this and said this is for the next
3 generation, and his mom and dad live right in Port as well. So,
4 that's the basis upon which they bought it.

5 While he was working the construction, he had the idea that maybe
6 he could save, he could save money by leaving the common area indoor
7 and outdoor in the first floor and eliminating the third floor
8 entirely. The problem with that is now you're amortizing all these
9 crazy costs with only nine units instead of ten, and he quickly came
10 to the realization that nine units is just not going to be right.
11 Let me do the ten. So, he asked his architect Mr. Butt, who will
12 obviously testify, to file a simple amendment. Ed Butt filed an
13 amendment and the building department looked at it and said no good.
14 You filed and got a permit for nine units, and now you want to build
15 the 10th.

16 Nobody took a look at the original plans that were approved by
17 this BZA. So, I made an appointment, met with Glen Norjen, and Mr.
18 Butt, and I showed Glen. Glen, all we're doing is going back to the
19 approved plans that this Board approved back in April 2024 -- or '23,
20 excuse me. So -- no, May '23 is when you did it. Glen looked at
21 it and said, I'm not comfortable just doing the amendment. I said
22 okay, what have we got to do? He said, I'm going to go to the BZA,
23 and Town Attorney, and we'll be guided by them, so.

24 The answer came back you need to come into the BZA for a
25 modification of the conditional use, which was granted in May 2023
26 to simply flip flop. Take the common area indoor and outdoor off

1 the roof, and put it on the first floor, which quite frankly does
2 make more sense. I think it will get used more, and put the 10th
3 apartment up top. That's all we're doing. That's the whole purpose
4 of being here.

5 The issue that we're hearing, by way of the grapevine, is that
6 already Paul had to build a bulkhead up top because if we're going
7 to have common area or an apartment on top, you have to have a second
8 means of ingress egress. The elevator comes up on the left side and
9 meets what will either be the common area or the 10th apartment, but
10 now the stairway on the north -- east side, I apologize, has to also
11 have access. So, in order to do that, you have to build the bulkhead
12 to include the stairway to the east all the way across and where the
13 elevator comes up.

14 So, that bulkhead, to be quite honest, almost looks like
15 another apartment, and we were looking at the scuttlebutt, or the
16 back and forth, which we understand. The residents are looking at
17 this and saying, what's going on? Are these guys trying to put a
18 10th apartment, and did they do it already.

19 Now, I've been accused at home of begging for forgiveness than
20 asking for permission, but I don't do that professionally, and the
21 residents are looking at that, and saying oh, my God, what are these
22 guys doing? So, the reality is all that's there now is the bulkhead,
23 but Mr. Butt will elaborate on that. And I asked my client,
24 Paul -- number one, I wanted to walk through it yesterday myself,
25 just to make sure that it's all consistent with what we're presenting.
26 I asked Paul to take pictures of the interior of the bulkhead, and

1 I'd like to present that to the Board as Applicant's Exhibit 1, and
2 I believe I have a copy for my interested party. (Hanging)

3 MEMBER DONATELLI: So, Mr. Higgins, I have a bunch of questions
4 about what you just put on the record, but I think I'd like to hear
5 the rest of your presentation first before I start asking questions.

6 MR. HIGGINS: Sure.

7 CHAIRMAN MAMMINA: I agree as well.

8 MR. HIGGINS: So, another issue that Glen raised, when I met
9 with him, and told him, we just want to go back to the plans that
10 were approved by the BZA showing ten units, and whether we flip flop
11 or not, we want ten units -- well, Paul does, and the common area
12 either on the roof or the first floor.

13 Glenn raised the issue of parking. In the parking lot
14 currently, we have 14 spaces. We need, if we have ten units, based
15 upon the formula, we need 15. When this Board approved the
16 application back in 2023, the 15th spot is off Virginia. It's just
17 one parking spot, and I showed this to Glenn. I said, we're going
18 to comply. We don't need any parking variances. On the initial
19 approval we had the right to put the 15th space in, and if we were
20 going down to only nine apartments, then I didn't -- Paul did not
21 need to put the space on Irma -- I'm sorry, off Virginia. So, I showed
22 Glenn that basically that's what we're going to do. So, we're not
23 going to need any relief for that.

24 So, the bottom line here is that we are simply modifying the
25 conditional use only to the extent of flip flopping. We want to -- we
26 think it's smarter to put -- I think it is, to put the 10th apartment

1 on the roof for a couple of reasons. Number one, although, this Board
2 granted our application for the common area of indoor, outdoor on
3 the roof, we did hear what the residents were saying, and the
4 residents on Virginia were suggesting that they didn't want their
5 privacy invaded, which we understand, if our seniors, senior
6 residents, were up in the outdoor or indoor common looking down on
7 their houses. I really don't think seniors were interested in doing
8 that, but we heard the concern, and that was another reason why it
9 made sense to move the indoor space and the outdoor to the first floor.

10 From a practical standpoint, I believe, it'll probably get used
11 more frequently than if these seniors had to go all the way up to
12 the third floor to get to it. I think that's a definite, and the
13 residents will not have to worry about anybody spying on them, which
14 I really don't think was ever going to happen anyway, but -- that's
15 the only switch here.

16 We didn't build an apartment. All that Paul has done so far,
17 and I'll have Mr. Butt testify to this because he's more qualified.
18 He simply built the bulkhead. But when I took a look yesterday
19 because I wanted to look it all over, I could see how the residents
20 would think they already built the apartment. What they're not
21 appreciating is that hallway between the stairway on the east side
22 going toward what will be the -- what is the elevator shaft on the
23 west side is narrow, but from the street, you might think there's
24 an apartment up there, and ultimately, if this Board grants the
25 relief, the apartment will be to the -- as you're looking at the
26 building, facing -- or from the back of Alpers looking north, the

1 apartment or the common area indoor will be to the left of where the
2 bulkhead is now. Either way. But we think it makes more sense to
3 put the apartment up there. I don't think the residents on Virginia
4 were going to be as concerned that people are looking down on them,
5 where if all the seniors got together on the roof, I really don't
6 think they'd be looking down at the residents either, but it's that
7 much less of a concern.

8 From a square-foot standpoint, it's almost identical. The
9 indoor common space has to be a minimum of 800; ten units times 80.
10 The outdoor space has to be a minimum of 500; ten units times 50,
11 for a total of 1,300, and of course, that indoor space can be larger.
12 So, the apartment that will go on that footprint will be very similar
13 to that, space-wise.

14 That's pretty much it.

15 The only argument that we would make is that clearly this
16 modification of the prior conditional use is minor, and other than
17 the proposed flip-flop of the tenth apartment with the indoor-outdoor
18 common space, it's consistent with what this Board approved back in
19 May 10, 2023.

20 When you balance the criteria for any kind of relief like this,
21 the proposed modification is not substantial. Nothing's really
22 changing. The modification, if granted, will not create a change
23 or have any adverse impact on what this Board already approved. The
24 modification sought to permit the proposed flip-flop of the tenth
25 unit with the indoor-outdoor space is consistent with the prior
26 approval of this Board.

1 Finally, it's not a modification of being self-created. We're
2 just looking at it, and we think it makes more sense, and we think
3 it makes more sense for the residents. There's less concern about
4 the seniors getting rowdy and looking down at their homes on Virginia
5 because it'll be -- and I think from a practical standpoint, it'll
6 get used.

7 If it's on the first floor, it's going to be as they come in
8 the main entrance, the indoor space will be to the left, and then
9 they can walk right through, and the outdoor space is beyond that.
10 It just lends itself to use, I believe.

11 At this point, take any questions from the Board.

12 CHAIRMAN MAMMINA: I'd just like to make just a few comments.
13 I guess, I hear your first arguments, you know, and I guess, it's
14 easy for me to say you don't value engineer when you're under
15 construction. You value engineer before you break ground. You
16 don't value engineer again when you're halfway through construction.

17 MR. HIGGINS: Well, I think he did that.

18 CHAIRMAN MAMMINA: Yes, but they did that, and I do believe that
19 it kind of takes those Five Factors, and it has what I think is a
20 very substantial impact on them. The whole comment regarding it's
21 an egress corridor. Well, there was always two stairs coming to the
22 roof.

23 MR. HIGGINS: Right.

24 CHAIRMAN MAMMINA: And they came to the roof exactly where they
25 should've been. Basically, where they're coming up now, but they
26 didn't then turn and go completely across the roof, and then put

1 another whole mass of structure. I know mass of structure, not
2 M-A-S-S-I-V-E, just mass of structure down at that far end of the
3 building. So, I mean it's a dramatic change to the -- to that entire
4 aesthetic of -- not the aesthetic. We'll put aside aesthetics.
5 We're not an aesthetic Board. To the entire massing and what it
6 presents to the street. So, yes, I do think it's a very substantial
7 change that's being put forward.

8 There was this very modest area that was up there before; two
9 bulkheads, nice indoor recreation space, small outdoor recreation
10 space. It was a very zoning smart plan that was, that was put out
11 there, and when I look at the plan now, and when I looked at it when
12 we first got it, I said, boy, oh boy, that's a -- it's an entirely
13 different building than what had come here before, and I think, it's,
14 you know, again, putting aside the aesthetics. But before it was
15 this very nicely balanced elevation and things. Now, it's just okay;
16 this is what we need, so there it is.

17 It's a larger building than what we -- than what we had looked
18 at. I mean, that outdoor space, you know, for where those residents
19 are, you know, is tucked into that tiny little area. It doesn't even
20 connect directly to the indoor space. You have to go out and come
21 around as I read the plan, and I know, I can't point to New York City,
22 but New York City has something called quality housing, where you
23 get lots of bonuses and things, and things like this are very much
24 so prescribed as to how they have to happen, so that they don't become
25 things that are done after the fact, and, you know, I -- I don't know.
26 I don't see how we could look at one building and look at what's before

1 us now and say, yeah, okay, you know, that's basically that's
2 basically the same thing.

3 I also don't think that it's the job of this Board, while we
4 are all business people, to say, you know, oh, my gosh, I'm in economic
5 trouble here, so I better do this or that.

6 I'm not going to scold anybody. Everybody does what they want
7 to do --

8 MR. HIGGINS: If I may qualify.

9 CHAIRMAN MAMMINA: -- for whatever reasons, but to see that this
10 all got built and put on there and --

11 MR. HIGGINS: If I may qualify, the only economic decision that
12 he had to come back to was that it just didn't pay to leave the yield
13 at only nine. He needed the tenth apartment just to have it --

14 CHAIRMAN MAMMINA: But then maybe he shouldn't have bought the
15 deal. I hate to sound harsh.

16 MR. HIGGINS: Well --

17 CHAIRMAN MAMMINA: But then maybe he -- I think that's an
18 irrefutable. Maybe he shouldn't have bought the deal. I'm involved
19 in these kinds of things all the time on your side of the podium.

20 MR. HIGGINS: I understand. I will defer to Ed Butt to respond
21 to your comments, if I may?

22 CHAIRMAN MAMMINA: I don't know if Mr. Donatelli had any
23 questions.

24 MEMBER DONATELLI: I do have some questions.

25 MR. HIGGINS: Okay, I'm sorry, go ahead, Mr. Donatelli.

26 MEMBER DONATELLI: So, the first question is procedurally. We

1 approve the variance that we did in 2023.

2 MR. HIGGINS: Yes.

3 MEMBER DONATELLI: Was there ever a time when the applicant
4 whether that was you, whether that was the other gentleman, went to
5 the building department and sought to modify the plans that we
6 approved at the building department.

7 MR. HIGGINS: I don't think so. But again, I'll defer to Mr.
8 Butt, the architect, because I -- I may be wrong, but I think the
9 plans that were actually filed were a modification because he went
10 from ten to nine, but I don't think there was a formal application
11 to modify the plans that were approved by this Board, but again, let
12 me defer to Mr. Butt.

13 MEMBER DONATELLI: Next question and again, if you want Mr. Butt
14 to try and answer it, I understand, but -- I have been keeping an
15 eye on the building as it's been going up. Is it built in accordance
16 with our plans that were approved three years ago, or in accordance
17 with some other plans?

18 MR. HIGGINS: My understanding and again, I'll defer to the
19 expert, is that it's built in accordance with the plans that were
20 approved by this Board, with the only difference being the
21 structure -- the portion of the structure on the third floor. Okay.
22 Otherwise, the layouts are the same. It's five units on each floor,
23 and all he's really doing is taking the footprint of the first-floor
24 unit on the left as you walk in and simply making that the indoor
25 common space.

26 MEMBER DONATELLI: If you tell me that it was built in

1 accordance with the plans, but for the third floor, then -- I don't
2 mean to be argumentative --

3 MR. HIGGINS: I'm just trying --

4 MEMBER DONATELLI: That means it wasn't built in accordance
5 with the plans that we have.

6 MR. HIGGINS: I'm just trying to answer your question.

7 MEMBER DONATELLI: I understand.

8 MR. HIGGINS: I'm going to defer to Mr. Butt.

9 MEMBER DONATELLI: And I'm not trying to be argumentative.

10 MR. HIGGINS: No, I understand.

11 MEMBER DONATELLI: But this is an odd situation.

12 MR. HIGGINS: Okay.

13 MEMBER DONATELLI: We don't individually go on site to see what
14 is done. Typically, we approve plans. The applicant will build the
15 building in accordance with the plans, then the building department
16 comes and inspects, and ultimately issues a certificate of occupancy
17 if it's in compliance with the plans. We're now halfway through or
18 two-thirds of the way through the build, and we're now being told
19 that it's undergone several modifications and, to my mind, the
20 elevations that we've seen, I agree with the Chairman, make it a lot
21 bulkier. That area is filled with one and two-story houses to the
22 north. It is filled with one and two-story commercial spaces and
23 a parking lot to the south. So, to have bulk on the third floor really
24 makes it stand out in a way that I don't think we intended. So, I'm
25 just trying to figure out how we got from where we were in 2023 to
26 where we are now.

1 MR. HIGGINS: Well --

2 CHAIRMAN MAMMINA: And if I could just add just two sentences
3 onto that, hopefully two. We looked extremely hard at the bulk, and
4 how the bulk presented itself, and that we had this one, I'll call
5 it minimal, I don't know, minimized, because you had to get a certain
6 amount. There's one element in the center, so that when you were
7 on Virginia Avenue, you know, you were seeing this rectangular
8 building form that went up into this other form at the top, and then
9 the rest of it, you know, your eye saw past it. So, it paid respect
10 to those one and two-family buildings and houses that exist on the
11 street.

12 MR. HIGGINS: The only other thing I would say, Mr. Donatelli,
13 is that when we were in the planning stages we examined the code,
14 and we had the right to go up three stories and nothing higher,
15 so -- and we were in communication with the residents, and initially
16 we told them we think we need the third story to get an appropriate
17 yield, but in the final analysis we reduced it just to two stories,
18 and the commons up top, but under the code if we had enough parking,
19 we could've done the third story with additional units, but we
20 would've needed parking relief. Instead, we tried to keep the
21 variances that this Board would have to look at to a bare minimum.

22 Density, we complied with only going with the ten units.
23 Parking, we complied with even 10-by-20 stalls. We tried to keep
24 it as compliant as we could, so the only thing this Board had to rule
25 on was deb -- I'm sorry, was the area. We needed 40,000 square feet,
26 and we only had 14,400, and the pre-existing non-conforming setbacks.

1 That's the relief we got, but had we had more parking, we would've
2 exercised the right in the code to have gone up a whole third story.

3 CHAIRMAN MAMMINA: But that's what zoning does.

4 MR. HIGGINS: Understood.

5 CHAIRMAN MAMMINA: Pieces of property keeps everybody's limit.

6 MR. HIGGINS: Understood.

7 CHAIRMAN MAMMINA: Developer comes with a piece of property.
8 What's the maximum you can get on it?

9 Just one last. As I looked at it and putting an architectural
10 hat on, my immediate reaction was, well, if they had just stayed
11 within the area where the indoor recreation is, and scooted maybe
12 a little bit around in the back of where the bulkhead was, you know,
13 okay. Then, you know, at least it's achieving visually that same
14 thing, and make that your tenth unit. I'm not saying that that's
15 a solution. I'm not saying that anybody else would agree. But now,
16 you've got this wonderful apartment that's up on the top that could
17 even have its own little rooftop area, you know, whatever. But I'm
18 just saying, I said, boy, I just saw that immediately as being
19 something saying, okay, yeah, a zoning board will look at that and
20 say, yeah, okay. And I'm not saying that that's okay.

21 This is just such a departure, and you're right, if you had more
22 parking -- if you had more land, more parking, you had --

23 MR. HIGGINS: We could've gone up.

24 CHAIRMAN MAMMINA: The whole three stories. It would've been
25 a whole different building.

26 MR. HIGGINS: Mr. Chairman, since I'm swimming in waters that

1 perhaps are too deep for me, I'm going to defer to Mr. Butt to answer
2 more specifically those questions.

3 CHAIRMAN MAMMINA: You can have my colleague in this crazy
4 profession, come on up now.

5 MR. BUTT: Good afternoon, Mr. Chairman, Members of the Board.
6 My name is Edward Butt from the firm Edward Paul Butt Architect, with
7 offices at 499 Jericho Turnpike in Mineola. Good afternoon,
8 everyone.

9 CHAIRMAN MAMMINA: Good afternoon. Good to see you.

10 MR. BUTT: So, just to give you a little bit of a history of
11 some of the questions you were asking. We -- the modifications to
12 this application were -- we were going to put five units on the first
13 floor, five units on the second floor, and then a winter garden type
14 piece in between the two staircases, and that was going to have that
15 on in the middle of the building, and then facing the Virginia side
16 was going to be the outdoor space. So, the bulk of it would've been,
17 instead of where you see it now to the right, would've been in the
18 middle of the space.

19 So, what we addressed in the design process after my client came
20 back to me about this alternative was not to do anything on the roof
21 because to build a third story was going to be somewhat expensive.
22 So, that's part of this whole value engineering thing that came up
23 is that this was going to be more economical if we took one of the
24 apartments away and put everything down on the first floor, and
25 therefore, we wouldn't have to build the third story. So, when I
26 went to the building department at the time, they addressed it as

1 if it's less imposing than more imposing.

2 So, the modifications that were made at the time was to decrease
3 the bulk, as you say, to less because of that, and they felt that
4 because of that, it was not a condition that would have to go back
5 to this Board because we were lessening the application.

6 MEMBER DONATELLI: I hate to interrupt you, but that's exactly
7 my question. When you went back to the building department, and you
8 had this discussion with them, were new plans submitted at that point
9 to the building department?

10 MR. BUTT: Yes, they were. Yes, they were. So, those were the
11 plans that were actually permitted.

12 MEMBER DONATELLI: Okay.

13 MR. BUTT: We went through the process correctly. We followed
14 the -- followed the rules. So, that's how -- that's how we wound
15 up with the permit that's on site right now.

16 Once we started to look at the modification, and we thought about
17 adding an apartment, we thought about what was the best location for
18 this apartment from a desirable standpoint, and also from an
19 architectural standpoint, and when you look at where the apartment
20 is, it's the least -- you're looking to the right or to the -- to
21 the north, is a parking lot, and then another parking lot. So, you
22 have two parking lots over there.

23 When we talk about bulk, there's nobody that's losing sight,
24 losing vision, losing anything that could take away from them. If
25 we look at the parking lot side, when we talk about bulk, same thing,
26 we have our lot, we have Alpers lot, and then we have Alpers, which

1 is all commercial, and it's the back of the Alpers. So, it's not
2 imposing any sight line problems from that side. So, the only place
3 that you could actually make that argument, Chairman, is from the
4 Virginia side, and those two buildings, if you stand down there and
5 look up, you won't even see that bulkhead because it's recessed back
6 4 feet.

7 So, as far as where would make the most logical sense and
8 architecturally logical sense, was to put that in that location
9 because it is the least offensive of all the three potential spots
10 where -- or four potential spots that would go. If we put it all
11 the way over to Irma's side, then you'd have all the residents on
12 Irma, you'd have all the residents on Virginia. Right now we're
13 affecting, theoretically affecting, the second story of one house
14 on Virginia that might see the top of this addition.

15 So, when you think about parking lot to parking lot, parking
16 lot to parking lot, we have like 200 feet, 300 feet, 600 feet to the
17 apartments that are on the other side of the Port Washington lot.
18 I don't see how this is an offensive bulk problem, and frankly, when
19 we got approval from this Board, when they granted the approval, 45
20 feet was the maximum required height. We're not even close to that.
21 So, we're not -- we're not trying to press the, quote, unquote, zoning
22 envelope to anything more than what we can to make this thing work.

23 CHAIRMAN MAMMINA: I get what you're saying. I'm not certain
24 I agree with it, but yeah, you're setting back 4 feet on Virginia
25 Avenue. I don't know, that's probably about 4 feet. So, yes, if
26 I'm standing down at the ground, and I look up, you know, I can't

1 see it, but if I'm standing -- I don't know --

2 MR. BUTT: Where else would you stand?

3 CHAIRMAN MAMMINA: -- 20 feet back, across the street from it.

4 MR. BUTT: That's what I'm saying, but I think that's
5 only -- that's only one house we're talking about.

6 CHAIRMAN MAMMINA: No, but I'm just saying for the general
7 perspective of it.

8 MEMBER DONATELLI: Ed, as I look at --

9 CHAIRMAN MAMMINA: It's a big blank wall.

10 MEMBER DONATELLI: As I look at Page 810 of your plans dated
11 February 2, 2026.

12 MR. BUTT: Yes.

13 MEMBER DONATELLI: I'm seeing what appears to be a huge,
14 third-floor bulk. It's the only way that I can describe it. It's
15 not the original plans.

16 MR. BUTT: If you go back to A4, if you can?

17 MEMBER HERNANDEZ: Hold on. It's the new plans?

18 MR. HIGGINS: Of the new plans.

19 MEMBER HERNANDEZ: Okay.

20 MR. BUTT: You'll see that the corridor is back about 20 feet
21 from the edge of the -- for the -- for that corridor space.

22 CHAIRMAN MAMMINA: We're talking about the apartment itself.

23 MR. BUTT: The apartment itself, right.

24 CHAIRMAN MAMMINA: A third.

25 MR. BUTT: But when you look at the elevations, you'll see any --

26 CHAIRMAN MAMMINA: Understood. That's what we're looking at.

1 MR. BUTT: Okay.

2 CHAIRMAN MAMMINA: We're seeing that.

3 MR. BUTT: Okay.

4 CHAIRMAN MAMMINA: But we're saying that's still, you know, I'm
5 guessing, you know, maybe even being generous, that that's a third
6 of the overall length of the building.

7 MR. BUTT: Yes, and by the way, if it was -- if it was going
8 to be outdoor common space?

9 CHAIRMAN MAMMINA: Say that again. I didn't hear you.

10 MR. BUTT: If we were going to make this an outdoor common space,
11 it would be closer to Irma Avenue, and it would take up more space,
12 or as much space, as what this apartment would take up.

13 CHAIRMAN MAMMINA: I'm holding up something that I have here,
14 which is from the original, and I know it's hard to describe
15 something.

16 But I mean, this is all empty roof, you know, on here, then yes,
17 you had this nice little outdoor space, couple of chairs, whatever,
18 that bulk was between the two staircases --

19 MR. BUTT: Right.

20 CHAIRMAN MAMMINA: -- in there, and there was nothing else
21 presented from that -- I don't know how to describe it even, so I'll
22 apologize for the record.

23 MR. BUTT: No, I recall it.

24 CHAIRMAN MAMMINA: Because my point was, you know, and -- I get
25 the scenario. I understand the position that you're in, you know,
26 at this point. But this was a very contextual design that you had

1 here. Very, very nicely done, and quite honestly, when I saw it,
2 I said, Ed is so good at this stuff.

3 MR. BUTT: Thank you.

4 CHAIRMAN MAMMINA: I know it's very easy to be the Monday
5 morning quarterback, but when I saw the second plan -- I'm repeating
6 myself now. I'm saying, but boy, why didn't they just take that and
7 move that back? Put those bedrooms back there, and it would've been
8 a whole different ball game. It's tough.

9 MEMBER DONATELLI: In my opinion, it creates a canyon effect
10 on Virginia Street.

11 CHAIRMAN MAMMINA: Yeah.

12 MEMBER DONATELLI: Virginia Street is a very narrow street, and
13 obviously it doesn't go all the way through, and Irma, of course,
14 is also quite narrow. Even though it does proceed to Main Street,
15 it adds to the canyon effect.

16 While I acknowledge that actually we also have an application
17 pending before us for the Port Washington Federal Credit Union, which
18 we heard two weeks ago. That is a three-story, but that is on Main
19 Street, and this is really in the transition area between the
20 commercial corridor and the residential corridor, and like I said,
21 behind it are only two-story buildings. So, creating a canyon effect
22 on Virginia Avenue -- Virginia Street is not a -- it's -- it's not
23 in keeping with the character of that neighborhood.

24 That's my skepticism as one Board Member.

25 MR. BUTT: Well, again, all I can add to our defense here is
26 that, you know, we're surrounded by a -- if we talk about canyon,

1 there's the Irma -- the Irma side or the parking lot side isn't even
2 next to another building. It's next to another parking lot, and we
3 go to the north, it's -- there's nothing for 500 feet until you get
4 to the apartments.

5 MEMBER DONATELLI: Going to the north is Virginia.

6 MR. BUTT: Then -- I'm sorry. Then not north, to the west.

7 MEMBER DONATELLI: To the west?

8 MR. BUTT: Yes, to the west. This building to the west, there's
9 nothing for, like, I said, 300 feet, 500 feet, and we're as - we're
10 as canyon-less as possible, except for maybe two residents on
11 Virginia on a dead-end street.

12 (Whereupon, there was a discussion amongst Board Members.)

13 CHAIRMAN MAMMINA: I think without cutting the presentation
14 short because we do not want to do that, but I think we would like
15 to do is continue this.

16 VICE CHAIRMAN FRANCIS: Remember you have somebody who wanted
17 to speak.

18 CHAIRMAN MAMMINA: Oh, this young lady wants to speak, and I'm
19 going to --

20 MEMBER HERNANDEZ: Let him finish the presentation.

21 SECRETARY WAGNER: No, but we allow him to finish.

22 CHAIRMAN MAMMINA: Yes. No, you got to finish the
23 presentation. Never mind. I apologize.

24 MR. BUTT: I'm finished. I just wanted to answer any concerns
25 or questions you had regarding, you know, the -- your thoughts about
26 that, so.

1 MEMBER DONATELLI: Why don't we hear from this lady?

2 MR. BUTT: Sure.

3 MEMBER DONATELLI: And then, we can continue our discussion.

4 MR. BUTT: Great.

5 CHAIRMAN MAMMINA: Thank you.

6 MEMBER DONATELLI: My apologies, ma'am.

7 MS. MELZER: That's okay.

8 CHAIRMAN MAMMINA: Please give your name and address.

9 MS. MELZER: My name is Alice Melzer. I'm at 232 Main Street,
10 Port Washington, New York.

11 CHAIRMAN MAMMINA: Good afternoon.

12 MS. MELZER: I really actually don't have an issue with the
13 building of senior housing. We certainly need it. Fifty percent
14 of the population is over 50, and actually more within the town. So,
15 kudos to you to try to do something about it.

16 My concern actually is only Irma Avenue, is a bit of a zoo going
17 down the street. If anybody's ever tried to go down Irma Avenue
18 during business hours, it's a zoo, so. Because it's the only one
19 that you can kind of back way into the shopping center down at the
20 end. You kind of just wiggle around, and that's what a lot of people
21 do.

22 So, my only concern was parking predominantly. With the
23 variance of the third story, depending upon how tall it is and how
24 set back, it does open the door for future buildings that would be
25 built on Main Street to also want to be three, four, five stories
26 tall. We know about that coming up in the future or in the past.

1 That was my only real concern was the parking issue for the situation.
2 That they had enough spaces because everybody was at that age will
3 eventually need an aide, and everybody will have some sort of relative
4 looking for their money when they pass on.

5 (Laughter.)

6 MS. MELZER: That was pretty much my only concerns. Thank you.

7 CHAIRMAN MAMMINA: I laugh because I'm kind of there. Thank
8 you very much.

9 So, I think what I -- what I was saying was that maybe we continue
10 this. Gives us the ability to look at where we were before, where
11 are we now.

12 MR. HIGGINS: That's fine.

13 CHAIRMAN MAMMINA: We have a good understanding of how we got
14 from A to B. I like to say, we're not in the business of saying no.

15 MR. HIGGINS: Understood.

16 CHAIRMAN MAMMINA: You understand we have requirements under
17 the law, and I'd like to believe that we are generally looked at as
18 a fair Board.

19 MR. HIGGINS: We appreciate the Board's consideration. Thank
20 you.

21 CHAIRMAN MAMMINA: Okay.

22 MR. HIGGINS: And let's adjourn it. The only final thing I'm
23 just going to suggest is, looking at that bulkhead from Virginia,
24 that's between 20 and 23 feet in. People on Virginia don't even see
25 it. The only thing they'll -- that will be more obvious, is if we

1 put that apartment to the left, but to Mr. Butt's position, we're
2 facing all these parking lots, it's the least obtrusive place to put
3 the apartment, given everything else, and I would argue that what
4 we are proposing, does not have a negative effect on the neighborhood,
5 specifically, Virginia, according to me. I defer to the Board
6 because you guys are the ultimate decision-maker, and I thank you
7 for your time.

8 CHAIRMAN MAMMINA: Thank you all, and then we will continue the
9 application. Thank you. Thank you, all.

10 MR. HIGGINS: Mr. Chairman, is there a specific date to come
11 back or?

12 SECRETARY WAGNER: No, they wouldn't be coming back. It's just
13 continued to allow the Board to possibly request additional
14 information.

15 CHAIRMAN MAMMINA: Right.

16 MR. HIGGINS: Understood, and again, we appreciate the Board's
17 interest in time. Thank you.

18 MR. BUTT: Thank you.

19 CHAIRMAN MAMMINA: Thanks so much.

20

21

22 SECRETARY WAGNER: Next appeal, Appeal #21837, Bolla EM Realty
23 LLC; 901 Hillside Avenue, New Hyde Park; Section 8,
24 Block B2, Lot 182A; Zoned: Business A.

25 Variances from 70-196.J(1)(a), 70-196.K, 70-196.J(1)(b),
26 70-196.K(4), 70-132.B, 70-134, and 70-203.P(2)(a) to construct too

1 many signs on a wall, signs on a canopy (not permitted), signage that
2 is too tall, ground signage that is too large and too tall, a canopy
3 that is too close to the street, and a convenience store warming
4 and heating food items (not permitted) that is too close to the rear
5 property line with rooftop HVAC units that are too close to the rear
6 property line.

7 CHAIRMAN MAMMINA: You've heard Appeal #21837, Bolla EM Realty
8 LLC; is there anyone in the room interested in the application other
9 than the applicant?

10 (No response given.)

11 CHAIRMAN MAMMINA: Seeing no one. Please give your name and
12 address.

13 MR. ALTMAN: I don't want to be heard either, to be honest.

14 CHAIRMAN MAMMINA: I'm sorry you have to. No one gets out of
15 here.

16 MR. ALTMAN: Good afternoon, everybody. For the applicant,
17 David Altman, chief general counsel, Bolla Oil Corp.

18 A couple of changes since the last time I was over in front of
19 you guys, and I hope you're well. Mr. Chairman, nice to see you.

20 CHAIRMAN MAMMINA: I am. Nice and tanned.

21 MR. ALTMAN: So, what we have in front of us today, and is more
22 fully depicted on the easel to my right, is an existing gasoline
23 service station, which has actually been at this location since
24 roughly circa 1964. As I'll explain in a minute.

25 Property itself is 901 Hillside Avenue, located in New Hyde
26 Park, New York. Also known by Nassau County Tax Map, Section 8, Block

1 B02, Lots 182A and 182B. It is at the northeast corner of Lakeville
2 Road and Hillside Avenue. The property is currently zoned Business
3 A.

4 The site itself is indicative of what I commonly refer to, and
5 as the Board has heard me testify before, as a legacy gas station.
6 Typically, on very busy corners. Built in the '40s, '50s, and 60s,
7 on what today would be considered a relatively small lot. The lot
8 itself is 12,549 square feet or 0.29 acres. It has frontage on
9 Hillside Avenue of 145.07 feet and on Lakeville Road of 90.46 feet.

10 As I mentioned, the existing station was built in circa 1964
11 having received a permit on June 22nd of that year, Number 46075.
12 There are a series of permits in the town's records which follow.
13 The initial issuance of a C of O for a gas station relative to
14 modifying the existing building, which is currently a three-bay
15 repair garage, small office. Canopy was added in the '80s and then
16 taken down and a new canopy put up. That C of O history pertains
17 as to both lots.

18 As such, the character of this property in particular, as a
19 gasoline service station, is established now for the better part of
20 62 years.

21 If you look to the aerial photo again to my right on the easel
22 the area to the north, we are immediately abutted by the North Shore
23 Commons, retail mixed-use service parking -- office facility. In
24 fact, this property is rather unique in that regard in that this North
25 Shore Commons building, actually wraps around to the north and the
26 east, such that if you're motoring in a westbound direction on

1 Hillside, you literally don't know the gas station is here until
2 you're on top of it, and for motorists heading southbound on
3 Lakeville, there may be slightly more visibility, but almost again
4 zero visibility until you're on top of that station. Somewhat
5 unique. So, the separation between the existing con -- the existing
6 repair bay building and the North Shore Commons building,
7 particularly on the north side, about a foot, maybe less. So, that's
8 the existing condition.

9 In that North Shore Commons, we have the Brookhaven Heart
10 Facility, a Prudential Douglas Elliman, Orange Theory gym. Across
11 the street to the northwest is the Omega Diner, and then of course,
12 we have single-family homes further north.

13 To the east, again, we immediately abut the North Shore Common
14 building. There is a Papa John's over on this side, and then moving
15 further east, along Hillside Avenue, we have Hillside Internal
16 Medicine offices, and further east again, east of Hadden, we have
17 single-family homes.

18 To the south, of course, we have Hillside Avenue. There is an
19 Excel Urgent Care, a small strip retail center.

20 Moving in an easterly direction on the south side of Hillside,
21 there is a Sunoco gasoline service station directly across the
22 street, which has two repair bays. There are four MPDs in that
23 gasoline service station, as well as a pump island canopy.

24 I'm going to lift up the aerial for a second. That's the pump
25 island canopy right there. You can see that pump island canopy
26 similar to the canopy that exists on our site today because of the

1 small dimensions are literally on top of the roadway.

2 Just a function of the dimensions of the site in general and
3 the constrictions provided by installing the canopy itself.

4 Then, of course, as we move further south, again, single-family
5 homes.

6 Then, finally to the west, we have the American Community Bank
7 directly across the street on Lakeville, followed by a retail strip
8 center.

9 Moving further east, there was an office building, PC Richards,
10 and then a little bit further east, a Shell gas station, with three
11 MPDs, a convenience store component called Mellow Mart, that was at
12 least a sign that I saw, and three repair bays.

13 The existing gas station that we have, and I'll just run through
14 that real quick, is a little over 1,800 square feet. It's got three
15 repair bays as I mentioned. Over here on the east side of the
16 building, and a small office that's sort of underneath the canopy
17 itself. We have three MPDs. Two under the canopy, and then one
18 parallel to Lakeville Road.

19 There are currently two curb cuts on Hillside. Almost at the
20 intersection, and then on the east side, and then two curb cuts on
21 Lakeville Road, again, almost at the intersection, and then on the
22 north end of the property. There's a small planter at the corner
23 at the moment, and then there are some evergreen plantings, I'll call
24 them gratuitous, that they don't really provide a buffer. They're
25 against the wall along the northwest side of the building.

26 If the Board recalls, probably about a year and a half ago now,

1 my office -- my former office, I should say, was in front of you folks.
2 We presented an application which would have been a modification of
3 the existing property, which would have repurposed the existing
4 building into a convenience store with modification of pumps and
5 reorientation of same, as well as additional space, new curb cuts,
6 and planting on site. The Board's decision -- the Board was not
7 comfortable, given the provisions of the code, to allow a convenience
8 store given the size of the property in the existing building. As
9 such, over the past year and a half, Bolla spent a great deal of time
10 and effort and consideration, literally redeveloping -- putting
11 together a plan to redevelop the site.

12 So, this is going to become a raise and rebuild. What you see
13 today will not be there tomorrow, assuming this Board, in its
14 collective wisdom, grants this application and, of course, the Town
15 Board grants us site plan approval, and the Town Board relief that
16 we subsequently require after we complete our process here.

17 What I have on the easel to my right is, in fact, the site plan,
18 colored site plan rendering, which you folks should have a copy of
19 which depicts the new plan. So, the existing building, which is sort
20 of center -- as depicted on the last plan.

21 (Easel starts to fall.)

22 Give me one second.

23 (At this time, there was a pause in the proceeding.)

24 MR. ALTMAN: As I mentioned, the existing convenience store
25 building, which was sort of on the northeast portion of the site,
26 will be gone. As originally proposed, and I'll be -- I'll be candid,

1 that location really was not the best location for the building. It
2 didn't provide the best site circulation. It essentially shuttled
3 parking onsite over to the west corner, and the convenience store
4 you want parking in front of the convenience store, which is best.

5 So, all things being equal and Mr. Tartaglia, our project
6 engineer can testify in greater detail should the Board have any
7 questions regarding site design, we've taken -- we're reorienting
8 the building. Moving it over to the east corner, which is this
9 gold-shaped square here.

10 The building itself is very modest in size. It's 1,250 square
11 feet, commensurate with this town's code requirements. It is going
12 to be a rather modest convenience store.

13 There is no food offering proposed in terms of food preparation
14 or cooking of any kind. I am not quite sure where the comment came
15 from in the denial about heating or warming of food. There is none.
16 None.

17 MEMBER GOODSSELL: It's in our papers.

18 MR. ALTMAN: Yeah. I don't know why. I don't know where it
19 came from.

20 MEMBER GOODSSELL: There's not going to be a hot dog, a pretzel,
21 a warming oven of some kind that I see in virtually --

22 MR. ALTMAN: No.

23 MEMBER GOODSSELL: There isn't?

24 MR. ALTMAN: There isn't. There isn't. We have no warming
25 oven. We have no proofing oven.

26 CHAIRMAN MAMMINA: When I looked at the plans, I said, well --

1 MR. ALTMAN: I looked at the floor plan, too, and I spoke to
2 Mr. Tartaglia, and he and I had a conversation. I said, Chris, can
3 you show me on the plan?

4 CHAIRMAN MAMMINA: I did not see them on the plan.

5 MR. ALTMAN: Right. So, this will be a Tim Hortons doughnut
6 offering. The doughnuts will be brought to the site each day.
7 That's it. There's no --

8 MEMBER GOODSSELL: The warmest thing on that premises is going
9 to be a cup of coffee?

10 MR. ALTMAN: You got it. Either that or, you know, if I'm
11 walking in on a 95-plus degree day, sweating, I may be the warmest
12 thing there, but no, that's it.

13 (Laughter.)

14 MR. ALTMAN: There is no -- there is no warming or heating of
15 anything, so I'm not sure where that came from. It's not reflected
16 on the site plan.

17 But again, very modest in terms of today's current convenience
18 stores. Bearing in mind, the current model for Bolla is right now
19 around 4,000 to 4,500 square feet. This is small. Again,
20 commensurate with the size of the site.

21 You'll notice one thing here that's not there now, there's green
22 space. A fair amount of it given the size of the site, and as the
23 Board knows and is familiar with the Bolla brand, we do seasonal
24 landscaping, and the seasonal landscaping will be done here too.

25 In terms of the pumps themselves and the pump island canopy,
26 the existing canopy and pumps will be taken down. New pumps, six

1 in total with 12 fueling positions, will be installed towards the
2 western portion of the site that's under sort of this salmon-colored
3 rectangle. There's two rows of three. They are perpendicular to
4 Hillside, and parallel, of course, to -- I'm sorry, perpendicular
5 to Lakeville and parallel to Hillside. The fuel tanks will be
6 relocated between the existing canopy and pumps and the convenience
7 store, and that's under this grayish square on the site plan.

8 MEMBER GOODSSELL: How many fuel tanks are on the property right
9 now?

10 MR. ALTMAN: There's two now. It's the same -- it's going to
11 be the same tank.

12 MEMBER GOODSSELL: It's going to be two?

13 MR. ALTMAN: It's going to be the same tanks. They're just
14 being reoriented given the design. Two.

15 MEMBER GOODSSELL: Just explain to me why. Because the current
16 setup has -- I'll call them three posts with double-sided pumps. So,
17 there's six, essentially --

18 MR. ALTMAN: Six fueling positions, right.

19 MEMBER GOODSSELL: You have 12 of the diagram. Can you explain
20 to me why the difference?

21 MR. ALTMAN: Well, right -- (indicating)

22 MEMBER GOODSSELL: Well, I see where they are. But why six
23 instead of three?

24 MR. ALTMAN: You know what I'm going to ask? I'm going to have
25 Chris answer that question, if you don't mind.

26 MEMBER GOODSSELL: That's fine. You can defer that if you want

1 to finish your presentation. I just looked at these plans.

2 I am old school New Hyde Park. I waited on line in 1973 when
3 we had gas lines to get gas at this station. This was our local
4 station when I was growing up. I'm familiar with this property.

5 MR. ALTMAN: I appreciate that.

6 MEMBER GOODSSELL: So, there are -- there are -- and that'll be
7 one of my questions. The canopy is very large because there's 12
8 places to pump gas.

9 MR. ALTMAN: You just answered your own question, Ms. Goodsell.

10 MEMBER GOODSSELL: I know why the canopy's large, but I'm asking
11 why there's 12.

12 MR. ALTMAN: No, no, you just answered your own question. You
13 waited on line.

14 MEMBER GOODSSELL: Yes.

15 MR. ALTMAN: You have three MPDs with six fueling positions,
16 and as it exists now, the innermost pump, which is almost up against
17 the building, right. If you have a car there, and they have auto
18 repairs there, you're not getting in that pump. What this plan does
19 is provides for a far more efficient, customer-friendly access to
20 the site. You get access to the pump far more quickly. You're not
21 having to queue, waiting for an available pump. You have 12
22 available fueling positions here, and you can get on and off the site
23 far more conveniently. It's better site circulation. It's much
24 safer access than what exists today. Believe -- Chris can explain
25 that in greater detail.

26 MEMBER GOODSSELL: I actually filled up my tank the other day

1 when I visited the site for the millionth time, and I like the flow,
2 but I did not have to wait for a pump.

3 MR. ALTMAN: Okay.

4 MEMBER GOODSSELL: This is not Bucky's, where there are 50 pumps.
5 I went to Bucky's for the first.

6 MR. ALTMAN: Nor is this.

7 MEMBER GOODSSELL: Okay. But there's 12 pumps, where they used
8 to be six, and I'm just wondering the reason for it. Your answer
9 is it's for better flow.

10 MR. ALTMAN: Well, listen, and candidly, right, it's to make
11 money too, right?

12 MEMBER GOODSSELL: Okay.

13 MR. ALTMAN: Three pumps doesn't generate a whole hell of a lot
14 of revenue.

15 MEMBER GOODSSELL: And 12 pumps can pump these two tanks that
16 are going to be in the ground.

17 MR. ALTMAN: Yes, absolutely. Absolutely.

18 And by the way, six pumps on a site is fairly consistent with
19 contemporary gas design standards these days. It's pretty much the
20 minimum that we have at most of our new Bolla sites.

21 So, in addition, the curb cuts, where there's two now on each
22 roadway, and in particular the one on the westernmost on Hillside
23 and the southernmost on Lakeview, are really close to the
24 intersection. Those are all going to be closed. Much safer in and
25 out. So, we're proposing one curb cut on each road frontage. Right
26 in, right out only. Much safer ingress and egress.

1 In terms of on-site parking. There will be six stalls,
2 including a loading stall, which will be located at the northeast
3 corner, as well as the trash enclosure again at the northeast corner.
4 Six stalls in total, where five are required. So, we're parking
5 compliant.

6 In terms of the variance relief. I'll leave the signage
7 variance relief for last, and just talk about the bulk variances
8 first, if that's okay with the Board?

9 So, in terms of setback relief. As I mentioned previously, the
10 existing canopy and canopies on a couple of the other stations in
11 the area are pretty much on top of the road. One of the setback relief
12 required is the setback for the canopy from Hillside, where 10 feet
13 is required, we have 4.8. The existing canopy is actually 2 feet.
14 So, the new canopy will be set back slightly more than the existing
15 canopy itself.

16 Relative to rear yard setback, which is right behind the
17 building, we have -- where 20 feet required, we're proposing zero,
18 but bearing in mind, we have another building directly behind us,
19 which is already pretty much a zero lot line situation to our east
20 and west. So, again, no adverse impact there to our neighbor.

21 There was another variance, which we talked about previously.
22 As to the warming and heating. Again, I don't know where that came
23 from. There is no warming and heating of any kind being done here.

24 Relative to site signage, which are pretty much the, no pun
25 intended, bulk of the variances. Let me see where I have those.
26 Bear with me a second.

1 We have a variance for the number of signs, all signs on the
2 west-facing facade, which is depicted here on the elevation plan on
3 the easel to my right. We have the Bolla Market sign, which is
4 directly above the convenience store. Typical for Bolla markets.
5 Then we have Tim Hortons coffee and bakery sign on the north side
6 of the facade, and then the familiar Bolla lion placard, which is
7 at all the Bolla locations; whereas these two signs, the Bolla Market
8 and Tim Hortons, are illuminated, the placard itself is a
9 non-illuminated sign. It's emblematic.

10 It's part of the company logo and the family crest.

11 That's it in terms of signage. Bearing in mind, of course, that
12 this building is going to be set back -- is west facing towards
13 Lakeville, and will be set back roughly, what? 100 feet or so, Chris?
14 Facing Lakeville?

15 MR. TARTAGLIA: Facing Lakeville, yeah.

16 MR. ALTMAN: About 100 feet, right. Plus, you have the canopy
17 and the pumps in between. You'll also have a Tim Hortons sign, which
18 is going to be on the south side of the building facing towards
19 Hillside Avenue. That's it on the wall signage. Very modest given
20 the size of the building.

21 Looking for the canopy. Then we have variances for canopy
22 signs. We understand canopy signs are not permitted within the town.
23 There are two proposed in total. That's it. One on the south facade
24 of the canopy facing Hillside. One on the west side of the canopy
25 facing Lakeview. Again, very modest, just the two signs. Also
26 consistent with prior variance grants from this Board to Bolla on

1 our site, in particular, the application we did recently at 225 Willis
2 Avenue.

3 The final variance is for signs related to the ground sign
4 itself, which is depicted here on the easel. The ground sign is
5 proposed at roughly 21 feet in height and 72 square feet in area -- 75
6 square feet in area. My apologies. Again, fairly consistent with
7 similar Bolla grants, and again, I'll cite to our recent application
8 and development at 225 Willis Avenue in terms of similarity in terms
9 of signage. The signage itself, as proposed, is consistent with the
10 other signs in the area, including our competitor gasoline stations.

11 I will acknowledge that this sign is probably a little larger
12 than what's across the street from us, but on brand -- on the whole,
13 it's consistent with other Bolla signage. It's consistent with what
14 we've previously had approved, and this Board has granted.

15 MEMBER HERNANDEZ: The location of that sign?

16 MEMBER GOODSSELL: Yeah, where is that?

17 MR. ALTMAN: That is, I believe, at the corner.

18 MEMBER GOODSSELL: Oh, that would be -- there's no sign at the
19 corner right now, so that would be a new sign. That would be a new
20 sign at the lower west-hand -- the lower --

21 MR. ALTMAN: We have it here. At the southeast corner.

22 MEMBER GOODSSELL: That's where I believe there is one right now.

23 MR. ALTMAN: Right. We're going to have it here at the
24 southeast corner.

25 MEMBER HERNANDEZ: That one is being replaced, then?

26 MR. ALTMAN: Yes. Over here at the southeast corner and then

1 at the northwest corner. Not at the triangle.

2 MEMBER GOODSSELL: Okay.

3 MR. ALTMAN: I think on balance the equity weighs in favor of
4 the applicant here. We're not changing the character area. It is
5 well established. It's commercial in nature. There is no adverse
6 environmental impact, and in fact, we're getting rid of the
7 auto -- we're getting rid of the repair use itself. So, there'll
8 be no more auto repairs on the site as well.

9 CHAIRMAN MAMMINA: Mr. Altman, if I could just, I guess, two
10 things, and I'll apologize to Member Goodsell for hopping in.

11 I do think that a couple of things that this location has going
12 for it, which you pointed out very completely, is the fact that it's
13 completely boxed in. So, as you're heading down Hillside Avenue,
14 you're not seeing a whole lot of anything, and even as you're coming
15 up Lakeville, because I look generally at signs and things and you
16 know, the setback of the building in there, the other Tim Hortons
17 sign, you know, doesn't bother me there.

18 I guess my favorite one to look at always is the pylon sign,
19 and I know you're smiling because you know that would be the one that
20 we scrutinize, you know, and -- I don't mean to criticize the Town
21 of Hempstead, but you know, and Town of Hempstead is kind of an almost
22 anything goes. You drive down Old Country Road, when you look to
23 one side, and you say, well, look at that, and then you look on the
24 North Hempstead side, and you say, oh, okay. I mean, this Hempstead
25 side, you're kind of reading -- well, no one remembers what an
26 encyclopedia is, but.

1 I guess, the question, is, on that sign, just as -- all of these
2 things are easy for me to say, but, you know, as someone who, you
3 know, who, you know, has everything from a 1998 car to a very current
4 car, I never looked for full technology synergy. Sounds like
5 a -- sounds like a buzz term, you know, to me. I'm sure that -- well,
6 I don't want to judge people driving. They probably don't know what
7 synergy means, but -- and you know, the days of regular and extra
8 and premium seem to have gone by the wayside as far as I can see,
9 but I don't know what Exxon's handle is on that.

10 I know everybody likes their Tim Hortons sign. They love the
11 Bolla sign because those are branding signs, but -- and I'm only
12 speaking just for me. You're allowed 18 feet. You're at 21.
13 If -- I'd just be curious if those two came out, where are we
14 height-wise, and then Ms. Goodsell, I will turn it over to you for
15 further input.

16 MEMBER GOODSSELL: Further grilling.

17 CHAIRMAN MAMMINA: Further grilling.

18 MR. ALTMAN: There's no grilling on site.

19 (Laughter.)

20 MR. ALTMAN: So, Mr. Chair, as no surprise, we anticipated this
21 discussion, and since Mr. Tartaglia loves to have this discussion,
22 Chris, I'm going to ask you to come up and field the ground sign
23 questions.

24 CHAIRMAN MAMMINA: Okay. Italian to Italian. What do you
25 think?

26 MR. TARTAGLIA: Just for the record. My appearance, Chris

1 Tartaglia from High Point Engineering. Address is 1860 Walt Whitman
2 Road, Melville, New York 11747.

3 Thank you, Mr. Chairman. We've been here before and had very
4 similar conversations, and to say I didn't anticipate this question,
5 I would certainly be not telling the truth.

6 We're not exactly sure what synergy is either. It's just that
7 Mobil and Exxon tell us we've got to put it on their signs or at least
8 we have to fight for it. I'd like to say that we fought for it here
9 and lost, so we can give that up right out of the gate.

10 You mentioned another sign, though. Was there another one on
11 the sign now that you thought might not be necessary?

12 MEMBER DONATELLI: Well, so it just strikes me that it is taller
13 than allowed, and it does contain a lot of information. Is there
14 any way that the Bolla Market and the Tim Hortons sign could be
15 combined into one?

16 MR. TARTAGLIA: I think if I'm hearing correctly, it's probably
17 more of an area and a height issue, right? Than actually the
18 branding.

19 MEMBER GOODSSELL: Correct.

20 CHAIRMAN MAMMINA: Yeah.

21 MR. TARTAGLIA: The Board would like to see two signs in total
22 removed.

23 CHAIRMAN MAMMINA: Right.

24 MR. TARTAGLIA: And the height of the sign brought down to 18,
25 compliant height?

26 CHAIRMAN MAMMINA: 18 is the compliant height.

1 MEMBER DONATELLI: That would be compliant, yes.

2 MEMBER GOODSSELL: If I can ask you? There's a sign there right
3 now on the premises?

4 MR. TARTAGLIA: Yes.

5 MEMBER GOODSSELL: And it seems to be visually level with the
6 top of the building next door. Is that current sign at 18 feet?

7 MR. TARTAGLIA: I'm not certain, but I believe it might be. And
8 I guess the short answer that I have, and hopefully, which answers
9 the question, is that if we remove two panels, which we can, we will
10 bring it down to a compliant height and remove that variance. If
11 that satisfies the Board?

12 MEMBER DONATELLI: That would be wonderful.

13 MEMBER GOODSSELL: That would be wonderful.

14 MR. ALTMAN: It's something we can do.

15 MEMBER HERNANDEZ: Just staying on the signs only for clarity
16 of the record. For clarity of the record. As I read your drawings,
17 the sign is right just off that corner triangle. It's not at the
18 top of Lakeville Road. It's at the bottom. Just for clarity of the
19 record. Can you confirm that?

20 MR. TARTAGLIA: Yes, sir. Just to clarify. So, there are
21 actually two signs proposed.

22 MEMBER HERNANDEZ: Right. We have one here. That one is
23 agreed.

24 MR. TARTAGLIA: Yep. Along Hillside and Lakeville because we
25 have -- we don't have room for the sign at the corner, so what we're
26 doing is we're providing advertisement to our two traffic streams.

1 One along Hillside Avenue and one along Lakeville. Identical signs.

2 MEMBER HERNANDEZ: On your plans, though, on Page SP1, there's
3 a sign shown, right, just in the corner triangle. Just above it.
4 Proprietary freestanding ID price Sign-A.

5 MEMBER DONATELLI: What is that?

6 CHAIRMAN MAMMINA: Oh, yeah.

7 MEMBER HERNANDEZ: What revision number do you have, sir?
8 Right side of the plan. Right here. (Indicating)

9 CHAIRMAN MAMMINA: We have Revision 722.

10 MEMBER HERNANDEZ: I'm not looking at that plan.

11 MR. TARTAGLIA: No, understood. But if you're looking at --

12 CHAIRMAN MAMMINA: 7-22-25.

13 MR. TARTAGLIA: The plan you have -- we're up to Revision-11,
14 dated 6-3-26, and that revision box is here. (Indicating)

15 CHAIRMAN MAMMINA: We have Revision-8.

16 VICE CHAIRMAN FRANCIS: It's a different revision.

17 MEMBER HERNANDEZ: Okay, so, we have different files.

18 MR. TARTAGLIA: Sounds like you have the old plan.

19 MEMBER HERNANDEZ: Okay, so you have removed that -- you have
20 removed that sign?

21 MR. TARTAGLIA: In fact, yes, sir. The prior plan did have the
22 sign at the corner, and we had a landscaped area there. The
23 reconfiguration of the site disallows that we now need that area for
24 circulation. However, we're providing the signs at the corners
25 within landscaped areas.

26 MEMBER HERNANDEZ: Everything else looked the same except for

1 the sign. That's the reason why I pointed it out.

2 MR. ALTMAN: I appreciate that.

3 CHAIRMAN MAMMINA: Good pickup, Jay. I missed that.

4 MEMBER DONATELLI: Getting back to this Exxon sign. Just for
5 clarity. If you -- if your office can bring it down to the 18 feet
6 that's required, and can get rid of two of those panels, and we'll
7 let you decide which of those two panels you -- which two panels you
8 want to remove, you would still need a variance for the square footage
9 of the sign, but I think what I'm hearing on the Board is that we'd
10 be prepared to grant that variance.

11 MR. ALTMAN: I don't see that as being an issue on that.

12 CHAIRMAN MAMMINA: I think also that this site is unique to the
13 extent of the heavily trafficked intersection. But also again, the
14 fact that you've got -- it's boxed in between these other two
15 buildings. Coming from certain directions, it's like, boom, there's
16 the gas station.

17 MR. ALTMAN: And it's interesting you should say that, Mr.
18 Chair. We, Chris and I, have done other Bolla sites, where we've
19 had an obstruction on one side like this, but never two.
20 Particularly on, you know, major streams of traffic.

21 MEMBER GOODSELL: There is no visibility.

22 MR. ALTMAN: It's none.

23 MEMBER GOODSELL: When you are approaching this sign on
24 Hillside Avenue heading west, I think, you almost have to know that
25 it's there, which I do, in order -- or you'll miss it.

26 MR. ALTMAN: Right.

1 MEMBER GOODSSELL: And you'll wind up turning on Lakeville Road
2 and coming back in because hopefully, the access from both Hillside
3 and Lakeville have in and out egresses. Not just a one way in and
4 out.

5 MR. ALTMAN: They do.

6 MEMBER GOODSSELL: Do we have more questions about the signs?

7 CHAIRMAN MAMMINA: No, I just think it also, just for the
8 record, that it gives the Board a way to separate this grant of an
9 application from someone else who might come in with something
10 different.

11 MR. ALTMAN: Certainly unique in that regard.

12 MEMBER HERNANDEZ: Just one question on the signs. Only
13 because you're calling it a Bolla Market, and again, as a consumer,
14 not as a Board Member, this is only going to be a Tim Hortons inside,
15 or is there going to be anything but Tim Hortons in there?

16 MR. TARTAGLIA: Yeah, so the coffee offering is essentially the
17 Tim Hortons. So, if you think of maybe a more familiar brand like
18 a Dunkin Donuts, as an example. So, the Tim Hortons coffee will be
19 the cup you get, and the donut that you get will be a Tim Hortons
20 donut. Within there'll still be the coolers to get the beverages
21 and the other items.

22 MEMBER HERNANDEZ: Bolla Market with a Tim Hortons in there.

23 MR. TARTAGLIA: Yes, sir, and they're all really on one counter.

24 MR. ALTMAN: For those Tim Hortons hockey fans, you know.

25 MEMBER HERNANDEZ: I have a daughter and grandsons in Montreal.

26 MR. TARTAGLIA: There you go.

1 MEMBER HERNANDEZ: I'm very familiar with them.

2 (Laughter.)

3 MEMBER GOODSSELL: So, the current configuration of the gas
4 station when they have a gas delivery from a gas truck during the
5 day, which they do, there is virtually no access in and out. You
6 have to literally crawl around it if you're going to get gas. How
7 is that different with your proposed setup? Where are the trucks
8 coming in? How are they -- how are they depositing the gasoline,
9 and how are they leaving?

10 MR. TARTAGLIA: Again, not being our first rodeo in front of
11 this Board.

12 MEMBER GOODSSELL: Good.

13 MR. TARTAGLIA: We've prepared a plan to address that question.
14 So, as Mr. Altman had mentioned, so we are actually taking the
15 underground storage tanks, which were only installed, I believe,
16 within the last seven or eight years.

17 MEMBER GOODSSELL: They're relatively new. I remember when the
18 station was closed to dig up the old tanks and install the new ones.

19 MR. TARTAGLIA: So, we're going to actually take those out, have
20 them recertified by the tank manufacturer to get another 30-year
21 warranty on them, which is something that we've been able to do
22 because unfortunately lead times on tanks are now over 12 to 14 months
23 to get new tanks, and there's no reason to trash perfectly good,
24 essentially new tanks. So we're going to relocate them in between
25 the canopy and the store, as shown on the plans. And then what we're
26 actually doing is we're creating remote fills.

1 So, right now the tanks are filled directly from the tanker,
2 where the truck has to sit over the top of the tanks. There's a
3 secondary technology which allows us to place those fills in a remote
4 location. So, I'm not sure if the Board can see what I'm showing
5 on the plan, but the tanker will actually be pulling in between these
6 two islands. So, effectively, those four fueling positions will be
7 closed to the public while this delivery is taking place, but still
8 allowing access to the other eight fueling positions on the site.

9 So, that truck sits in here, nice and safe, within his own lane,
10 does the drop, and then will pull back out onto Hillside Avenue and
11 head westbound. So, it's a far better condition than what you're
12 experiencing today.

13 MEMBER DONATELLI: Although I learned the hard way once to never
14 fill up your car when the tanker is filling up the tank.

15 MR. TARTAGLIA: Interesting.

16 MEMBER DONATELLI: I learned it the hard way when I was 18, and
17 I just started driving, and I needed a new fuel filter right away,
18 and it's a lesson that I've never learned. Other lessons in life,
19 sometimes they come, sometimes they go. That one stuck.

20 MR. TARTAGLIA: That's unfortunate because that just means that
21 whoever that operator was not cleaning the water out of his tanks.

22 MEMBER DONATELLI: But it stuck.

23 MR. TARTAGLIA: Hope it wasn't our guy.

24 (Laughter.)

25 MR. ALTMAN: The other thing I'll add, as Chris did attest to,
26 Bolla has its own fleet. So, we can control the delivery times.

1 MEMBER GOODSSELL: Is Bolla a subsidiary or paired to Exxon Mobil
2 or Exxon?

3 MR. ALTMAN: No.

4 MEMBER GOODSSELL: It's just a --

5 MR. ALTMAN: There is no entity affiliation between the two.
6 It's just strictly branding.

7 MEMBER GOODSSELL: It's really just a coincidence that every
8 time I see a Bolla, I usually see an Exxon in this area.

9 MR. ALTMAN: In terms of name brand gas, we do Exxon, Mobil,
10 Sunoco, and Shell.

11 MR. TARTAGLIA: And Bolla has created their own fuel brand.
12 You'll start seeing them.

13 MR. ALTMAN: You're going to see Bolla performance fuels at
14 stations as well. We have, I think, about a dozen in the City, and
15 we have about half a dozen or so in Suffolk. I'm not so sure we have
16 in Nassau. I don't think we have any in Nassau yet.

17 MR. TARTAGLIA: Coming soon.

18 MR. ALTMAN: But if you're heading east on the Long Island
19 Expressway, exit 57, which is 1340 Motor, we just converted that over
20 a week ago, and then we're building a new station at Exit 58 off the
21 LIE on the north side, 3775. That should be open by next weekend,
22 and that's going to be Bolla performance.

23 MEMBER GOODSSELL: So, the signs that you're showing us, which
24 say Exxon, those are proposed only, or have you actually got a
25 commitment from Exxon, too? Because it's not an Exxon station right
26 now.

1 MR. TARTAGLIA: It is an Exxon.

2 MEMBER HERNANDEZ: No, it is an Exxon.

3 MEMBER GOODSELL: No, it's a Shell. All the pictures show
4 Exxon. If you go there, it is a Shell, and it was recent.

5 MR. TARTAGLIA: I hate to disagree with you, but it is
6 absolutely an Exxon.

7 MEMBER GOODSELL: It is absolutely an Exxon?

8 MR. TARTAGLIA: Yes, I'm sorry. It is.

9 MEMBER GOODSELL: When was this picture?

10 SECRETARY WAGNER: Might be a Shell across the street.

11 MEMBER GOODSELL: I know there is. I know there's a Sunoco.

12 CHAIRMAN MAMMINA: The Shell is diagonally across the street.

13 MEMBER GOODSELL: If it's still, then I am in error. Because
14 I looked at the sign and said, oh, that's recently been repainted.

15 MR. TARTAGLIA: No, it's Sunoco across and then Shell two blocks
16 down.

17 MEMBER GOODSELL: So, the sign application that you're
18 presenting today is, in fact, for Exxon, and it's going to be for
19 Exxon?

20 MR. TARTAGLIA: Yes, ma'am, as presented here with the
21 modifications that are discussed.

22 MEMBER GOODSELL: Do we need to discuss the multiple signs on
23 the front of the proposed building? The Bolla symbol, I'll call it.
24 The Bolla Market sign and the Tim Hortons.

25 MEMBER DONATELLI: I'm under the impression that we've approved
26 the exact same.

1 MEMBER GOODSSELL: We have, and I, as one Board member, have no
2 objection to any of them appearing on the facade, although to me the
3 dollar sign is more of an architectural detail. It's not lit.

4 MR. TARTAGLIA: The lion.

5 MR. ALTMAN: The lion.

6 MEMBER GOODSSELL: Yeah, it's not lit. There's no overhead
7 lighting to it. It's sort of just built into the building.

8 MR. TARTAGLIA: It's actually made of precast concrete. It's
9 a precast stone.

10 MEMBER DONATELLI: The teeth on the lion are very impressive.

11 CHAIRMAN MAMMINA: I think also the signs are -- and their size
12 are not, are not overly aggressive. They're architecturally, I
13 think, in scale, you know, with the, you know, with the rest of the
14 building. I know that's not something you can really measure.

15 MR. TARTAGLIA: We appreciate that comment.

16 CHAIRMAN MAMMINA: But they're small -- smaller than what we
17 might normally want to see. It's very nice.

18 MEMBER GOODSSELL: If the Board has no further questions, I agree
19 this is a unique property. I agree that visibility is extremely
20 limited, and I, therefore, propose that we grant the application with
21 the modification that the two pylon signs be brought down to 18 feet
22 with or without their various panels.

23 SECRETARY WAGNER: So, Patricia, we're going to suggest that
24 you withdraw the variance for height instead of having to submit --

25 MR. ALTMAN: That's fine.

26 MR. TARTAGLIA: That's fine.

1 SECRETARY WAGNER: But we do need to get the revised plans
2 showing the location -- of the new location of the ground sign because
3 those plans have to be looked at by the building department and
4 disapproved.

5 MR. TARTAGLIA: We're familiar with the procedure, so we'll --

6 SECRETARY WAGNER: And then you're withdrawing your variance
7 for the height. You said you still need a variance for area.

8 MR. TARTAGLIA: We'll make that application.

9 MEMBER GOODSELL: And we'll make it clear that there is no
10 cooking or whatever; no cooking, no kitchen on the facility.

11 MR. ALTMAN: Can we also get rid of the variance for the heating
12 and warming since we have no idea where that came from?

13 SECRETARY WAGNER: Do they withdraw their request for that?

14 MR. TARTAGLIA: We never made a request.

15 MEMBER GOODSELL: We're not quite sure where it came from.

16 SECRETARY WAGNER: I mean.

17 TOWN ATTORNEY ALGIOS: Well, just put a condition. That's all.

18 MR. TARTAGLIA: Sure.

19 CHAIRMAN MAMMINA: There you go.

20 MEMBER GOODSELL: That would do it.

21 SECRETARY WAGNER: Other than coffee and tea, right?

22 TOWN ATTORNEY ALGIOS: Right.

23 MEMBER GOODSELL: With those conditions in place then, I make
24 the motion that we grant the application.

25 CHAIRMAN MAMMINA: We have a motion. Do we have a second?

26 MEMBER DONATELLI: Second.

1 CHAIRMAN MAMMINA: Seconded by Member Donatelli. Please poll
2 the Board.

3 SECRETARY WAGNER: Member Hernandez?

4 MEMBER HERNANDEZ: Aye.

5 SECRETARY WAGNER: Member Donatelli?

6 MEMBER DONATELLI: Aye.

7 SECRETARY WAGNER: Member Goodsell?

8 MEMBER GOODSSELL: Aye.

9 SECRETARY WAGNER: Vice Chairman Francis?

10 VICE CHAIRMAN FRANCIS: Aye.

11 SECRETARY WAGNER: Chairman Mammina?

12 CHAIRMAN MAMMINA: Aye. The application is granted, and the
13 motion was made by Member Goodsell.

14 MEMBER GOODSSELL: I am going back to look at that property to
15 see if that is Shell.

16 (Laughter.)

17 MEMBER GOODSSELL: Because now I am really flummoxed because it
18 was always an Exxon, and when I was there filling up the other day,
19 I made a note to myself, oh, Exxon is gone, that's interesting.

20 MR. TARTAGLIA: Well, we hope you didn't go to Shell. We want
21 you to come to us.

22 MEMBER GOODSSELL: Exactly.

23 MR. ALTMAN: Thank you, all.

24 MEMBER GOODSSELL: You have a cheaper gas price than anybody
25 else; I'll be coming to you.

1 MR. TARTAGLIA: Thank you, Bolla.

2 MR. ALTMAN: That, I can guarantee, almost guarantee.

3 MR. TARTAGLIA: Thanks, folks. Have a wonderful afternoon.

4 MEMBER HERNANDEZ: You, too.

5 MR. ALTMAN: Good to see everybody.

6

7

8 SECRETARY WAGNER: Appeal #18115, Joseph Schmitt/Tishcon Corp.

9 - Vipin Patel; 41 New York Avenue, Westbury; Section 11, Block 77,
10 Lot 17; Zoned: Industrial B.

11 Modification of condition of approval on prior parking
12 variance.

13 Also, companion case, Appeal #18156, Joseph Schmitt/Tishcon
14 Corp. - Vipin Patel; 30-36 New York Avenue, Westbury; Section 11,
15 Block 78, Lot 78; Zoned: Industrial B.

16 Modification of condition of approval on prior parking
17 variance.

18 CHAIRMAN MAMMINA: You've heard appeals companion cases,
19 18115, Joseph Schmitt/Tishcon Corp. - Vipin Patel, and Appeal #18156,
20 Joseph Schmitt/Tishcon Corp. - Vipin Patel.

21 Is there anyone in the room interested in the application other
22 than the applicant?

23 (Audience member raises hand.)

24 CHAIRMAN MAMMINA: Seeing -- oh, we have one hand up, and you,
25 sir, will have the opportunity to speak after the presentation.

26 MR. LANDRIGAN: Good afternoon. Philip Landrigan of Cohen,

1 LaBarbera and Landrigan, 99 Brookside Avenue, Chester, New York
2 10918.

3 I'm kind of in an odd position. We were the applicant in 2007
4 on a variance because we were doing construction at 41 New York
5 Avenue. We were granted a variance, a parking variance, and the
6 owner of 36 Sylvester, or what's known as 37 New York Avenue, rented
7 a warehouse to us, and the variance was granted provided that my
8 client, Tishcon was -- had exclusive use of the parking at four
9 locations.

10 The warehouse that Tishcon operates was owned by Graham
11 Machinery Exchange. They consented to the conditions that this
12 Board put in place, and since then, the owner sold the property, and
13 the new tenant -- or the new landlord, owner of 36 Sylvester, 37 New
14 York Avenue lent or leased the property to Tishcon, but only 10,000
15 of the 12,000 square feet for a warehouse, and wants to use the other
16 2,000 square feet for an office for the construction company, I think,
17 that the landlord owns as well.

18 Tishcon has -- I was instructed to work with the new landlord.
19 We don't want to start off a relationship with any kind of problem,
20 and we've been going back and forth. I've been, I think, I have a
21 half dozen proposals on how to address this.

22 So, as the applicant, I have no application. I'm willing to,
23 and my client has instructed me to consent to allow the new owner
24 to use parking at his property. Not a terribly complicated issue.

25 So, I suppose what's being asked of the Board is to simply allow
26 the variance to allow the new owner to use parking at the 37 New York

1 Avenue property, as well as Tishcon. The condition of the
2 variance granted in 2007, 19 years ago, in order to permit Tishcon
3 to make alterations to one of the five buildings that it operates
4 on New York Avenue was that Tishcon would be -- or the parking for
5 all of those five locations would be treated as one and exclusively
6 used by Tishcon. Tishcon has no objection, and in fact, consents
7 to the new owner using I -- I would imagine a 10,000 square feet of
8 a 16,000 -- or 12,000 square foot space. They're going to use 2,000.
9 There are six spots, as I understand it, there. I would propose that
10 the new owner could use two of them, and we would use the other four,
11 as we have for the last close to 20 years.

12 The variance really Tishcon's other facilities or rented
13 properties are ones that it owns, provide the extra parking that 57
14 New York Avenue doesn't have. I think the requirement is some -- for
15 the 10,000-square-foot warehouse that we operate there, there's a
16 requirement of close to 20 parking spaces. There are only six on
17 the single property, but when you treat it as one, there was enough
18 parking available at all five of the locations for the operations
19 that were contemplated and have been conducted there for the last
20 19 years.

21 So, I guess, I -- I'm looking at the faces, if you have questions.
22 I didn't ask to be here. Debbie invited me.

23 (Laughter.)

24 TOWN ATTORNEY ALGIOS: I'm just going to put some information
25 on the record because you're correct.

26 So, this is an instance where the Board, on its own motion,

1 reopened these two old appeals back from 2007. The reason the
2 Board did that, and legally they can do that under town law, the reason
3 they did that is it was brought to light by the applicant on our next
4 appeal, by counsel, that a restrictive covenant had been placed on
5 his client's property. The property, 36 Sylvester.

6 Now, there's two things going on here. One is that the prior
7 owner of 36 Sylvester separately agreed to a restrictive covenant
8 that's filed. That's not what this Board is here for today. This
9 Board is here for the fact that in the decision for the two properties
10 that were before it, that your client owns, those were the two
11 properties that the Board had jurisdiction over, but in the decision,
12 it placed this condition that said that all of the properties
13 including 36 Sylvester, the parking for 36 Sylvester, had to be used
14 together, but this Board -- not this Board, but the Board at the time
15 had no jurisdiction over 36 Sylvester. It had no -- 36 Sylvester
16 was not before it. So, it had the ability to require the two
17 properties before it be used together but not 36 Sylvester.

18 So, the purpose of reopening this -- those two appeals is for
19 this Board to correct that.

20 MR. LANDRIGAN: So, this is just not completely accurate
21 because the landlord at the time was the owner, and is a signatory
22 consenting to the condition and the covenant, which is on file with
23 the -- as required by this court.

24 TOWN ATTORNEY ALGIOS: But this Board had no right to require
25 it. That's my point. This Board couldn't require that 36 --

26 CHAIRMAN MAMMINA: The owner clearly did.

1 TOWN ATTORNEY ALGIOS: But then separately, he could've
2 consulted counsel, whatever the case may be. He did agree to file,
3 and so you do have a valid restrictive covenant. This Board is not
4 weighing in on that. This Board is weighing in on the condition that
5 is in the two decisions.

6 MR. LANDRIGAN: And that's fine. The owner at the time
7 consented, it's on file, when the property was purchased. The reason
8 it's on file with the County Clerk is so that you're on notice of
9 the state of the property, the interest in the estate that you're
10 purchasing. So, it's there.

11 There's been some discussion about how this is somehow a Fifth
12 Amendment issue, and it's not. The owner consented to it, and as
13 the current leaseholder, we're perfectly willing to allow the new
14 owner to use the space, and whether you -- I just would have
15 appreciated vetting this out before being called in front of a
16 hearing, and that's all I have to say.

17 I know the applicant for a variance to do some modification to
18 the building at 57 New York Avenue is here, as an interested party,
19 and I'll just reserve whatever comments I have until after he makes
20 his presentation, but. One of the restrictions is that we -- Tishcon
21 uses the parking on that space, and we need to keep that in place
22 in order for an operation, which is tens of millions of dollars,
23 hundreds of people employed, can continue to operate. That
24 variance --

25 TOWN ATTORNEY ALGIOS: I'll just say two things to that.

26 Number one, I understand you have a lease, right? So

1 presumably, the lease would give you the right to park there
2 under the lease.

3 Number two, you do still have a restrictive covenant that's on
4 file.

5 This discussion right now is limited to two BZA decisions and
6 a condition that was in each of those decisions.

7 MR. LANDRIGAN: I don't mean to argue with you.

8 TOWN ATTORNEY ALGIOS: I'm not arguing. I'm just trying to
9 clarify.

10 MR. LANDRIGAN: I'm concerned that you enforce your parking
11 regulations, so I had to run out twice, but maybe find a vendor to
12 get municipal parking. I'd have paid ten bucks rather than going
13 out twice.

14 MR. MIGATZ: Bruce W. Migatz, Albanese & Albanese at 1050
15 Franklin Avenue in Garden City, New York. I am the attorney on the
16 next application, but I am -- my client is an interested party in
17 this application.

18 I have to say, I'm very disappointed with Mr. Landrigan's
19 statement that he wished this could've been vetted beforehand. I
20 have been in contact with him by numerous emails over the past couple
21 of months, laying out for him exactly what has transpired.

22 Initially, when we filed the application, zoning board staff
23 said, if you could get an affidavit from Tishcon that they consent
24 to changing this condition, that would be sufficient. I explained
25 that to Mr. Landrigan, but then, your counsel correctly got a hold
26 of this, and she was very helpful in charting a path to resolve this,

1 and I thank you.

2 Recognize that, well, Tishcon, has to be a party to any
3 application to change this condition, and I explained that to Mr.
4 Landrigan, and I had amended my principal points of the application
5 several times. I've sent that to Mr. Landrigan. I asked him are
6 you coming to the hearing? I got no response. I asked him just
7 yesterday are you coming to the hearing? I got no response.

8 I disagree with Ms. Algios' comment that the restrictive
9 covenant is not before this Board. As she explained, this Board had
10 no jurisdiction over 36 Sylvester Street aka 37 New York Avenue.

11 Robert Ashbacher appeared as a traffic expert. I submitted
12 those exhibits, and he volunteered the fact that, oh, we treat all
13 these properties the same, including 36 Sylvester, when 36 Sylvester
14 was not part of the application. So, that condition that the Board
15 imposed is invalid, and sua sponte this Board really has to change
16 that condition, and I think counsel has said that.

17 The Board's decision said that the condition is that all four
18 properties be treated as one, and we only used -- well, let me, let
19 me read it exactly. It is part of my exhibits.

20 That the three -- it was three Tishcon's properties, and then
21 my client's property.

22 So, the Board's condition is that those four properties, quote,
23 "Shall be used concurrently for the benefit of Tishcon Corp., in its
24 business operations in manufacturing, processing, testing, and
25 distributing pharmaceutical products, and for no other purpose, as
26 if all the buildings comprise a single premise."

1 Well, they don't comprise a single premise, and this Board had no
2 jurisdiction over 36 Sylvester Street, so that condition was invalid.
3 The Board's decision went further and said that a restrictive
4 covenant must be filed setting forth this condition.

5 Now, if the Board recognizes that condition was invalid, the
6 board's direction that a restrictive covenant must be filed setting
7 forth that condition that's also invalid. That direction to file
8 a restrictive covenant was an invalid direction.

9 TOWN ATTORNEY ALGIOS: Yes, but then your client, your client
10 separately went ahead -- he could've researched it. He could've
11 reached out to his attorney. Can I file this? His attorney would've
12 said, what is this? No, this -- you're not signing this. You're
13 not filing this. But he chose to go ahead, and to sign it, and to
14 file it. So, that's separate.

15 MR. MIGATZ: Well, clearly, he did not have counsel or capable
16 counsel, but that's here nor there.

17 TOWN ATTORNEY ALGIOS: That's here nor there.

18 MR. MIGATZ: That's here nor there because the fact is, you
19 can't agree to something that's illegal. You cannot agree to
20 something that is illegal.

21 TOWN ATTORNEY ALGIOS: No, no, no, no.

22 MR. MIGATZ: Yes.

23 TOWN ATTORNEY ALGIOS: He could, on his own, sign a restrictive
24 covenant. On his own. He could say, sure, I'll restrict my property
25 to allow your clients to -- your company's workers to park here.
26 Anybody could give a restrictive covenant.

1 MR. MIGATZ: Of course, but he did it because the Board directed
2 him to do it. He's renting to Tishcon. So, now Tishcon comes along,
3 and says here, the Board says --

4 TOWN ATTORNEY ALGIOS: Mr. Migatz, stop. I mean, if somebody
5 came to me and said you have to file this, I'd go right to my attorney.
6 I wouldn't just file it. He wasn't even -- he hadn't even been here.
7 All of a sudden, they say you have to file a restrictive covenant,
8 and he just goes and files it. That's on him.

9 MR. MIGATZ: Well, it's not. I'm sorry. It's not on him.
10 You know, there's a defense in every criminal case of
11 ineffective counsel that overturns convictions. He had ineffective
12 counsel or no counsel that --

13 TOWN ATTORNEY ALGIOS: This is --

14 MR. MIGATZ: Let me finish.

15 TOWN ATTORNEY ALGIOS: This is not a criminal proceeding.

16 MR. MIGATZ: It doesn't matter. There is a defense of
17 ineffect -- even in civil proceedings, you can argue to overturn a
18 civil judgment because you had ineffective counsel. Every lawyer
19 knows that. That's true. He had ineffective counsel or no counsel
20 that said, well, you have to sign this. You can't bind him because
21 of ineffective counsel.

22 The direction of the Board is void. The direction of the Board
23 that to record this restrictive covenant is void.

24 TOWN ATTORNEY ALGIOS: But then he actually went and did it.

25 MR. MIGATZ: Because he had ineffective counsel.

26 TOWN ATTORNEY ALGIOS: Listen. Listen. In my opinion, it is

1 not before the Board. As I said to you on the phone, the
2 restrictive covenant requires all of the parties to agree to modify
3 it. The town will agree to modify it, and then that is a separate
4 issue that you can take up with Mr. Landrigan.

5 But as far as the conditions in this appeal, which you can use
6 then when you go to try to remove the restrictive covenant because -- I
7 mean, it looks like you're going to probably head to litigation on
8 this, I don't know, but if you do end up in litigation, you can use
9 the fact that it was removed from the decisions. But this Board is
10 only going to go so far as to addressing the condition and how it
11 bound 36 Sylvester. That's it.

12 MR. MIGATZ: Well, are you going to remove from the decision
13 the direction that a restrictive covenant be filed?

14 TOWN ATTORNEY ALGIOS: No, because it's only going to bind the
15 other two properties, not 36 Sylvester anymore.

16 MR. MIGATZ: But the decision contains a directive that a
17 restrictive covenant be filed setting forth the condition. If you
18 are saying the condition is going to be removed, you have to --

19 TOWN ATTORNEY ALGIOS: Just to 36 Sylvester.

20 MR. MIGATZ: You have to remove the direction for 36 Sylvester.

21 TOWN ATTORNEY ALGIOS: Yes.

22 MR. MIGATZ: The 36 --

23 TOWN ATTORNEY ALGIOS: The restrictive covenant is not going
24 to apply anymore. In the decision, it's not going to apply anymore
25 to 36 Sylvester.

26 Let me pull up the exact.

1 MR. MIGATZ: Then we're saying the same thing.

2 MEMBER GOODSSELL: The town is not going to go in and file a new
3 modified restrictive covenant.

4 MR. MIGATZ: Of course not.

5 MEMBER GOODSSELL: Thank you.

6 MR. MIGATZ: Of course not. We're asking that the -- that
7 the --

8 MEMBER GOODSSELL: The decision be modified.

9 MR. MIGATZ: Decision be modified. That only Tishcon
10 properties are treated as one, and the restrictive covenant only
11 applies to those three properties. I'll battle with Mr. Landrigan
12 about getting his client to sign the modification.

13 But the decision must be modified to say that 36 Sylvester is
14 not part.

15 TOWN ATTORNEY ALGIOS: So, the way it will be modified. Right
16 now, it says that blah blah blah, that the off-street parking for
17 the buildings at 30 to 36, 37, and 41 New York Avenue; 41 is going
18 to be taken off.

19 MR. MIGATZ: No, no, no, 41 is part of it.

20 TOWN ATTORNEY ALGIOS: Which one is it?

21 SECRETARY WAGNER: 37.

22 TOWN ATTORNEY ALGIOS: Oh, 37; 37 will be removed, and then but
23 then it's going to continue. Shall be used concurrently for the
24 benefit, blah blah blah, and its business operations.

25 MR. MIGATZ: Those three.

26 TOWN ATTORNEY ALGIOS: Yeah. That's how it's going to be.

1 What's happening now. That's all that's happening. We're just
2 removing number 37 from it.

3 So, "Applicant shall file a declaration of covenants and
4 restrictions in substance that the parking for the benefit of
5 buildings at 30 through 36 and 41 shall be used concurrently."

6 MR. MIGATZ: Right. Taking out 37.

7 TOWN ATTORNEY ALGIOS: Right.

8 MR. MIGATZ: Thank you.

9 TOWN ATTORNEY ALGIOS: That's it.

10 MR. MIGATZ: That's it.

11 TOWN ATTORNEY ALGIOS: That's what I said.

12 MR. MIGATZ: Not exactly.

13 TOWN ATTORNEY ALGIOS: That's what I said.

14 MR. MIGATZ: Read that back.

15 (Laughter.)

16 MEMBER GOODSELL: Let the record reflect that a round of
17 applause was given.

18 CHAIRMAN MAMMINA: There we go.

19 MR. MIGATZ: Say that again.

20 MEMBER GOODSELL: Let the record reflect that a round of
21 applause was given for the agreement.

22 MR. MIGATZ: Oh, okay. In the beginning, I thank Deborah for
23 assistance in this. This was a mess to try to unwind, and I
24 appreciate that.

25 I also want to mention that gas station used to be a Mobil gas
26 station when I was growing up in New Hyde Park. I used to drive my

1 MGA there and get gas for \$0.29 a gallon.

2 CHAIRMAN MAMMINA: I remember. My first car was a '67

3 Volkswagen. I can remember spending like \$0.32 a gallon.

4 (Whereupon, there was a discussion amongst Board Members.)

5 MEMBER GOODSELL: Let's continue.

6 MR. MIGATZ: Thank you.

7 MEMBER DONATELLI: So, it seems to me that we're all saying the
8 same thing.

9 VICE CHAIRMAN FRANCIS: For the last 20 minutes.

10 MEMBER DONATELLI: Yeah.

11 MR. LANDRIGAN: So, I don't have to say anything else. Other
12 than to thank you all for your time, and it's a wonderful town.

13 MEMBER DONATELLI: We have to vote on it.

14 MR. LANDRIGAN: What's that?

15 MEMBER DONATELLI: We have to vote on it.

16 MEMBER GOODSELL: We have to vote on it.

17 MEMBER DONATELLI: Yeah.

18 CHAIRMAN MAMMINA: What are we?

19 MEMBER GOODSELL: Can we make a motion to modify?

20 MEMBER DONATELLI: Make a motion to modify the prior decision
21 as Counsel just read.

22 SECRETARY WAGNER: To eliminate the reference.

23 MEMBER DONATELLI: To eliminate the reference, yeah.

24 MEMBER HERNANDEZ: 37 New York, also known as 36 Sylvester.

25 SECRETARY WAGNER: Also known as 36.

26 MEMBER DONATELLI: We're undoing the ills of the past.

1 VICE CHAIRMAN FRANCIS: Yes.

2 MEMBER DONATELLI: I make a motion that we undo the ills of the
3 past.

4 (Laughter.)

5 CHAIRMAN MAMMINA: We have a motion from Member Donatelli.

6 MEMBER GOODSSELL: You'll second?

7 VICE CHAIRMAN FRANCIS: I'll second it.

8 MEMBER GOODSSELL: Les will second.

9 CHAIRMAN MAMMINA: We'll give it to the Vice Chairman.

10 MEMBER DONATELLI: This is a redemptive motion.

11 VICE CHAIRMAN FRANCIS: Redemptive.

12 SECRETARY WAGNER: Poll the Board?

13 CHAIRMAN MAMMINA: Please poll the Board.

14 SECRETARY WAGNER: Member Hernandez?

15 MEMBER HERNANDEZ: Aye.

16 SECRETARY WAGNER: Member Goodsell?

17 MEMBER GOODSSELL: Aye.

18 SECRETARY WAGNER: Member Donatelli?

19 MEMBER DONATELLI: Aye.

20 SECRETARY WAGNER: Vice Chairman Francis?

21 VICE CHAIRMAN FRANCIS: Aye.

22 SECRETARY WAGNER: Chairman Mammina?

23 CHAIRMAN MAMMINA: Aye. So, the motion is carried.

24 TOWN ATTORNEY ALGIOS: Just make clear that it's for both.

25 SECRETARY WAGNER: Yes. So, that's for Appeal #18115 and
26 #18156.

1 CHAIRMAN MAMMINA: Thank you.

2 SECRETARY WAGNER: Next appeal, Appeal #21838, ZRMI, LLC - PB

3 Contracting Corp.; 36 Sylvester St., New Cassel; Section 11, Block

4 77, Lot 21; Zoned: Industrial B.

5 Variances 70-103(A)(1), 70-103(M), §70-103(O), §70-229(A) to

6 construct interior alterations to enlarge an office area within an

7 existing warehouse not in compliance with prior BZA decisions

8 (Appeals #18115 and #18156), and a modification of a Declaration of

9 Restrictive Covenants, for a property with not enough off-street

10 parking, parking in a required front yard setback, and parking

11 spaces that are too small, and the modification of a condition to

12 variances granted pursuant to Appeals #18115 and #18156.

13 CHAIRMAN MAMMINA: You've heard Appeal #21838, ZRMI, LLC - PB

14 Contracting Corp. Is there anyone in the room interested in the

15 application other than the applicant?

16 (Audience member raises hand.)

17 CHAIRMAN MAMMINA: Seeing one hand. You'll have the

18 opportunity to speak if you choose to after the presentation.

19 MR. MIGATZ: For the applicant, Bruce W, Migatz, Albanese &

20 Albanese, 1050 Franklin Avenue, Garden City, New York. Appearing

21 for ZRMI, LLC - PB Contracting Corp.

22 I apologize that my client, the principal is not here. He

23 wanted to be here. This case has -- this hearing has been delayed

24 for quite some time due to snowfall, where traffic counts could not

25 be taken, and the issues with the prior application, and now, he's

26 on vacation, a planned vacation. Unfortunately, he is not here, but

1 not by design.

2 With me this morning is Kane Cody from R&M Engineering. R&M
3 Engineering prepared the traffic parking analysis, which he will
4 summarize for you briefly, since it's getting late.

5 This is a simple application. Only looking to expand an
6 existing office by 718 square feet. The building presently has a
7 warehouse space of 10,909 square feet and an office of 1,349 square
8 feet. Looking to take 718 square feet away from the warehouse and
9 add that to the office. So, the office will now have 2,067 square
10 feet and the warehouse 10,190 square feet.

11 The building was built in 1954. It's prior non-conforming as
12 to off-street parking. When you do the math of taking away the
13 warehouse space and adding the office space, since office space
14 requires more parking than warehouse, we're increasing the
15 nonconformity by just three spaces.

16 So, although the disapproval notice states a huge parking
17 variance it is prior nonconforming, and the variance sought is really
18 just for three spaces that is needed by the conversion.

19 We also need a variance for one parking space in the front yard
20 setback, and a variance for the size of tandem parking spaces.

21 If I may call Mr. Cody at this time to address those variances?

22 CHAIRMAN MAMMINA: Please.

23 MR. CODY: For the record, Kane Cody with R&M Engineering.
24 Offices at 50 Elm Street in Huntington, New York. Good afternoon,
25 Chairman and Members of the Board.

26 CHAIRMAN MAMMINA: Good afternoon.

1 MR. CODY: We've gone over this already. This project is
2 essentially swapping 700 square feet within this about 12,000 square
3 feet building between warehouse and office, where the office becomes
4 about 2,000 square feet, and the warehouse goes from about 11 to 10.

5 Parking requirement-wise, the warehouse requires 17 spaces, and
6 the office would require six for 23 spaces overall. Six are provided
7 on site. So, it would be a 17-space variance. However, as it's been
8 stated, there's probably non-conforming; we're really only
9 increasing the variance by three spaces for that difference.

10 We did go and perform parking observations after as much of the
11 snow could clear as we could let, and that was on Tuesday, March 10th
12 of this year. We were out there from 7 A.M. to 6 P.M., and within -- we
13 observed a pretty small area around the property about one property
14 to the north and one property to the south, both on Sylvester and
15 New York Avenue, and within that area we found that the peak occurred
16 at 9:45 -- or 9:30, 10:00, and at that time, there were four vacant
17 spaces within that immediate area.

18 I did go back out there two days ago on Monday at 9:45, and I
19 drove around, and I looked just the sort of the length of the two
20 blocks, and I counted about 20 vacant spaces at that point in time.
21 So, both within that small area and then the large area, there should
22 be, you know, anywhere between four and 20 vacant spaces, but based
23 off what we saw.

24 Now, I'm going to treat -- I'm going to leave the specific law
25 stuff to the lawyers, but I'll talk about the building itself. We
26 looked at it from just an objective standpoint of warehouse and office

1 and to do that we used the Institute of Transportation Engineers and
2 the Parking Generation Manual, the 6th Edition, which is the latest
3 edition, and we looked at the Small Office Use Land Use Code and then
4 the Warehousing Land Use Code, and based off those calculations, we
5 found each of those respective uses would generate about four cars
6 each or eight cars total for the whole building. There's six spaces
7 on site, including one ADA space, and then sort of a loading area,
8 which you could theoretically argue may be used as a seventh space
9 for the warehouse portion, but I'll leave that for something else.

10 So, effectively, with six spaces on site and an expected eight
11 space generation for the building, we'd need two spaces off site.
12 As we've stated, within the immediate area we found four and within
13 the greater area 20 during the time I had gone out there, which should
14 more than accommodate the two that we sort of need off site. We're
15 also not really changing too much. A 700-square-foot swing isn't
16 really a big ask.

17 Now, in terms of the parking size there -- we are proposing
18 10-by-20 stalls as opposed to the 10-by-23. These stalls are going
19 to be employee stalls that aren't really going to be used -- there's
20 not -- these aren't really customer-facing businesses. So, these
21 will be really low turnover uses used by people inside the building.

22 Should push come to shove, I'm sure they could finagle their
23 cars around to get everyone in, but I believe, based off the low
24 turnover, and that the spaces aren't vastly undersized at 10-by-20,
25 that should be more than adequate for parking.

26 And then parking in the front yard setback. I'm sure the Board

1 is familiar with this area. This is a very industrial area with a
2 lot of auto body shops, a lot of industrial uses, where parking in
3 the front yard is common. People have zero lot lines, where spaces
4 go straight to a 6-inch curb right into the road.

5 We're only asking for the one in the front yard, and essentially,
6 it's not really any different from what's out there now. I'd like
7 the Board to take that into consideration for these factors, and I'm
8 happy to answer your questions regarding the parking generation or
9 the parking stall size or the front yard setback.

10 VICE CHAIRMAN FRANCIS: This property is not unique in this
11 particular area. Most of the properties in that area have deficiency
12 in parking. Somehow it works.

13 MR. CODY: Yes.

14 VICE CHAIRMAN FRANCIS: It works somehow. I'm not sure how,
15 but it does work for everyone. So, yeah. I don't see anything
16 unusual about this particular property at all.

17 MR. CODY: Yeah, we're familiar with it. We've done a couple
18 other projects, and it's, I think, it has to do with sort of the
19 turnover between some of the auto uses, bringing things in and out
20 of garages.

21 VICE CHAIRMAN FRANCIS: Right.

22 MR. CODY: You know, contractors going out on site in the
23 morning, and not coming back till the evening. So, the office uses
24 get, you know, the parking spaces during the day, and sort of, you
25 know, it just works.

26 VICE CHAIRMAN FRANCIS: And if you can't find parking, you just

1 can't find parking. You come back a different time.

2 MR. CODY: Or you maybe go a block over, and you decide to walk
3 a little bit further.

4 VICE CHAIRMAN FRANCIS: Exactly. Exactly.

5 MEMBER GOODSELL: Tell me why you did this based on at 9:30 in
6 the morning?

7 MR. CODY: Well, when we -- well, the first time we looked at
8 it, it was 7:00 to 6:00. We had seen the peak was at 9:30 and 10:00.
9 So, I had gone back out there when we observed the peak just to get
10 an idea of how many cars, and it sort of makes sense. You get everyone
11 that's, you know, going there, that settles in for their office, and
12 then maybe some late stragglers, which is why that 9:30, 10:00 peak
13 makes sense for this area.

14 MEMBER GOODSELL: Because I went at 1:00 in the afternoon. It
15 was packed. People park in the middle of the roadway. Somebody had
16 to move a truck, so I could get around. It's pretty busy, but I agree
17 with Vice Chairman Francis; somehow it works.

18 MR. CODY: Somehow it does.

19 MEMBER GOODSELL: God forbid I was going to park. I had barely
20 enough room to pull over to make my notes.

21 VICE CHAIRMAN FRANCIS: There are certain times of the day I
22 don't even like driving through there because it's just --

23 MR. CODY: You do get a lot of transit traffic of cars, you know,
24 trucks unloading and people pulling in and out.

25 CHAIRMAN MAMMINA: All of that is supported by your report.

26 MR. CODY: Yeah.

1 CHAIRMAN MAMMINA: Thank you very much.

2 VICE CHAIRMAN FRANCIS: Thank you.

3 MR. MIGATZ: Just to quickly address those Five Factors. I
4 think Mr. Cody's testimony does establish that there will be no
5 undesirable change in the character of the neighborhood or any
6 detriment to nearby properties. The benefits sought by the
7 applicant cannot be achieved by any other method. There's no other
8 available parking in the area. It's not substantial. It's
9 increasing the nonconformity by just three spaces, and looking at
10 the totality of the circumstances, there will be no adverse impact
11 on the community. It is a Type II action under SEQRA. Self-created
12 because the applicant purchased the property subject to the zoning
13 provision from which it seeks relief.

14 Exhibit 7, I did submit is six consent forms from some of the
15 surrounding properties.

16 Board has any questions of me?

17 CHAIRMAN MAMMINA: I have no further questions.

18 MEMBER GOODSELL: Nothing further.

19 CHAIRMAN MAMMINA: Does anyone else wish to speak?

20 (No response given.)

21 VICE CHAIRMAN FRANCIS: Mr. Chairman, I make a motion that we
22 grant the application. I don't think it's necessary for me to speak
23 on the modification of the Declaration of Restrictive Covenant. I
24 think we already dealt with that.

25 CHAIRMAN MAMMINA: It's all on the record.

26 VICE CHAIRMAN FRANCIS: Yeah, that's already on the record.

1 So, that's my motion.

2 CHAIRMAN MAMMINA: Do we have a second?

3 TOWN ATTORNEY ALGIOS: So, you're not -- you have to just say
4 you're not modifying the restrictive covenant.

5 VICE CHAIRMAN FRANCIS: Yes.

6 TOWN ATTORNEY ALGIOS: Just the decision is all you're
7 modifying, not the condition.

8 VICE CHAIRMAN FRANCIS: Yes.

9 SECRETARY WAGNER: So, we're taking this out that they're
10 granting, right?

11 TOWN ATTORNEY ALGIOS: So, you're granting everything, but the
12 modification of declaration --

13 VICE CHAIRMAN FRANCIS: That's correct.

14 TOWN ATTORNEY ALGIOS: -- of covenant. That's already taken
15 with the other two Appeals.

16 VICE CHAIRMAN FRANCIS: That's correct. That's my motion.

17 MEMBER DONATELLI: Second.

18 CHAIRMAN MAMMINA: Motion by Vice Chairman Francis. Seconded
19 by Member Donatelli.

20 Excuse me, one second. Deborah?

21 TOWN ATTORNEY ALGIOS: Yes.

22 (Whereupon, there was a discussion amongst Board Members.)

23 MEMBER DONATELLI: Yes, I second.

24 CHAIRMAN MAMMINA: We have a motion and a second. Please poll
25 the Board.

26 SECRETARY WAGNER: Member Hernandez?

1 MEMBER HERNANDEZ: Aye.

2 SECRETARY WAGNER: Member Goodsell?

3 MEMBER GOODSSELL: Aye.

4 SECRETARY WAGNER: Member Donatelli?

5 MEMBER DONATELLI: Aye.

6 SECRETARY WAGNER: Vice Chairman Francis?

7 VICE CHAIRMAN FRANCIS: Aye.

8 SECRETARY WAGNER: Chairman Mammmina?

9 CHAIRMAN MAMMINA: Aye. So, the application is granted and
10 thank you all.

11 MR. MIGATZ: Thank you.

12

13

14 S E Q R A

15 SECRETARY WAGNER: Motion to adopt SEQRA?

16 MEMBER GOODSSELL: Motion to adopt SEQRA.

17 SECRETARY WAGNER: Motion by Member Goodsell.

18 VICE CHAIRMAN FRANCIS: Second.

19 SECRETARY WAGNER: Seconded by Vice Chairman Francis. All in
20 favor?

21 (Chorus of ayes.)

22 (Whereupon, the Proceedings concluded at 2:02 P.M.)

23

24

25

26

C E R T I F I C A T E

STATE OF NEW YORK)

SS.:

COUNTY OF NASSAU)

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of June, 2026.



MARIESEL BERRIOS