

REGULAR MEETING  
of the  
NASSAU COUNTY PLANNING COMMISSION

Thursday, July 18, 2024  
10:04 a.m. - 11:44 a.m.

LEGISLATIVE CHAMBER  
Theodore Roosevelt Executive & Legislative Bldg.  
1550 Franklin Avenue  
Mineola, New York

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2 A P P E A R A N C E S:

3 JEFFREY H. GREENFIELD, Acting Chair

4 NEAL LEWIS, Third Vice-Chair

5 DANA DURSO,

6 DENISE GOLD,

7 KHANDAN KALATY,

8 REID SAKOWICH,

9 Commissioners

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11 WILLIAM NIMMO, Deputy Commissioner

12 ROBERT O'BRIEN, Esq., Counsel

13 PATRICK GALLAGHER, Esq., Counsel

14

15 Staff:

16 GREGORY HOESL

17 MARTY KATZ

18 JOHN PERRAKIS

19 TIMOTHY WREN

20

21 Also Present:

22 STEPHANIE J. VALDER, Stenographer

23 BARBARA DANIELS, Stenographer

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2 P R O C E E D I N G S :

3 ACTING CHAIR GREENFIELD: All right.

4 Good morning, everybody. I think it's now  
5 post time, if we can ask Commission Members to  
6 come up here and everyone in the audience take  
7 their seats.

8 (Discussion held off the record.)

9 ACTING CHAIR GREENFIELD: Good morning  
10 and welcome everyone to the regular public  
11 meeting of the Nassau County Planning Commission,  
12 July 18th, 2024.

13 I'd like to call upon  
14 Legislator Rose Walker to lead us in the  
15 Pledge of Allegiance. Please rise.

16 (Stepping up.)

17 LEGISLATOR WALKER: Hand over heart and  
18 join me.

19 (Pledge of Allegiance recited in a  
20 body.)

21 LEGISLATOR WALKER: Thank you.

22 ACTING CHAIR GREENFIELD: Thank you --  
23 thank you, Rose.

24 LEGISLATOR WALKER: And God bless our  
25 troops.

1 Proceedings

2 COMMISSIONER KALATY: Yes.

3 ACTING CHAIR GREENFIELD: Amen.

4 Okay. Good morning and welcome,  
5 everyone. We have a full and exciting agenda  
6 here today. And copies of the agenda are  
7 available by our intern -- raise your hand --

8 INTERN: (Gesturing.)

9 ACTING CHAIR GREENFIELD: -- over on  
10 the side, if you haven't picked up an agenda.  
11 There are speaker registration forms.

12 The only "OSPAC" case that won't be  
13 taking public comment on is OSPAC 2 [sic] -- no,  
14 OSPAC, I'm sorry, 3. The public comment period  
15 on OSPAC 2-2024 were closed and there'll be no  
16 public comment.

17 So staff, can you begin?

18 (Stepping up.)

19 MR. HOESL: Yes, thank you. Good  
20 morning, Commissioners.

21 I'll start with the roll call.

22 ACTING CHAIR GREENFIELD: Thank you.

23 MR. HOESL: Commissioner Sakowich?

24 COMMISSIONER SAKOWICH: Here.

25 MR. HOESL: Commissioner Kalaty?

1 Proceedings

2 COMMISSIONER KALATY: Present.

3 MR. HOESL: Commissioner Gold?

4 COMMISSIONER GOLD: Present.

5 MR. HOESL: Commissioner Forman?

6 MR. O'BRIEN: Excused.

7 ACTING CHAIR GREENFIELD: Excused.

8 MR. HOESL: Commissioner Ellerbe?

9 MR. O'BRIEN: Excused.

10 ACTING CHAIR GREENFIELD: Excused.

11 MR. HOESL: Commissioner Durso?

12 COMMISSIONER DURSO: Present.

13 MR. HOESL: Third Vice-Chair Lewis?

14 THIRD VICE-CHAIR LEWIS: Present.

15 MR. HOESL: Vice-Chair Greenfield?

16 ACTING CHAIR GREENFIELD: Present.

17 MR. HOESL: Well, and Chairman Shapiro,

18 absent.

19 ACTING CHAIR GREENFIELD: Excused,

20 absent.

21 MR. HOESL: Thank you.

22 Can I have an acknowledgement of the

23 receipt of transcript from the June 20th

24 NCPC hearing?

25 ACTING CHAIR GREENFIELD: Neal, tell me

1 Proceedings

2 you read it?

3 MR. HOESL: Yeah, okay.

4 THIRD VICE-CHAIR LEWIS: So yes, I'd  
5 like to make a motion that we adopt the  
6 transcript from our last hearing and meeting.

7 COMMISSIONER DURSO: I'll second.

8 ACTING CHAIR GREENFIELD: Motion made  
9 and seconded.

10 All those in favor?

11 (Chorus of "ayes.")

12 ACTING CHAIR GREENFIELD: Any opposed?

13 (No response.)

14 ACTING CHAIR GREENFIELD: So carried.

15 MR. HOESL: Thank you.

16 ACTING CHAIR GREENFIELD: Okay.

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1 NCPC OSPAC File No. 3-2024

2 MR. HOESL: The attorney for OSPAC 3  
3 needs to get to a meeting. Do you mind if we  
4 take that first?

5 ACTING CHAIR GREENFIELD: Sure, by  
6 all --

7 MR. HOESL: Thank you.

8 ACTING CHAIR GREENFIELD: -- means.

9 MR. HOESL: All right. So this is  
10 OSPAC 3-2024. We are opening this up today for a  
11 public hearing.

12 This is an application to grant an  
13 easement to "PSEG" on County-owned property at  
14 100 Gordon Drive, Syosset, New York, in the  
15 Town of Oyster Bay's Light Industrial  
16 Zoning District.

17 THIRD VICE-CHAIR LEWIS: All right.  
18 Mr. Chairman, let me make a motion that we open  
19 the public hearing on OSPAC No. 3-2024.

20 ACTING CHAIR GREENFIELD: All right.  
21 We have a motion.

22 Do we have a second?

23 COMMISSIONER DURSO: Second.

24 ACTING CHAIR GREENFIELD: All in favor?

25 (Chorus of "ayes.")

1 NCPC OSPAC File No. 3-2024

2 ACTING CHAIR GREENFIELD: So carried.

3 MR. HOESL: Thank you.

4 ACTING CHAIR GREENFIELD: Now you may  
5 proceed.

6 MR. HOESL: Thank you.

7 The parcel size is approximately  
8 2 acres and the easement they are requesting is  
9 about 5,000 square feet. It's highlighted in  
10 orange and it's that black line there  
11 (indicating) on the map.

12 So Nassau County is requesting  
13 permission to -- for the granting of an easement  
14 to "PSEG." The proposed easement would be for  
15 the replacement of existing overhead utility  
16 lines above the Long Island Railroad tracks and  
17 the subsequent installation of underground lines  
18 running along that easement there.

19 The dimensions for the requested  
20 easement along the southern border of "Lot 14" is  
21 approximately 10 feet wide, running a width of  
22 500 along the length of the property. As I said,  
23 the requested easement would allow for the  
24 installation of underground electrical wires.

25 Nassau County "DPW" approves of the



1 NCPC OSPAC File No. 3-2024  
2 requests from "PSEG" for the granting of an  
3 easement.

4 Here today we have Ted Hommel from the  
5 County's Attorney's Office and we also have a  
6 representative from "PSEG" to answer any  
7 questions for the Commission.

8 THIRD VICE-CHAIR LEWIS: Can we just  
9 see a hand, who's here from "PSEG?"

10 AUDIENCE MEMBER: (Gesturing.)

11 THIRD VICE-CHAIR LEWIS: Okay, great.  
12 Okay, he's here from real estate first.  
13 (Stepping up.)

14 MR. HOMMEL: Good morning.

15 THIRD VICE-CHAIR LEWIS: Good morning.

16 MR. HOMMEL: Ted Hommel, Assistant  
17 County Attorney appearing -- appearing for Real  
18 Estate Services. We do have representatives here  
19 from "PSEG," who can answer any questions the  
20 Commission may have. Achilles Kotzias?

21 THIRD VICE-CHAIR LEWIS: Yeah, we -- we  
22 do see a number of these easements over -- over  
23 time. So first let me ask you, just make your  
24 appearance. If you can, give your name.

25 (Stepping up.)

1 NCPC OSPAC File No. 3-2024

2 MR. KOTZIAS: Hi. I'm  
3 Achilles Kotzias. I am the project manager  
4 from PSEG Long Island for the project that's  
5 requesting this easement.

6 THIRD VICE-CHAIR LEWIS: And the  
7 address of your office --

8 MR. KOTZIAS: Oh.

9 THIRD VICE-CHAIR LEWIS: -- or whatever  
10 you address you wish to give.

11 (Discussion held among Commissioners  
12 off the record.)

13 (Discussion held off the record.)

14 MR. KOTZIAS: 999 Stewart Avenue,  
15 Suite 202, Bethpage, New York, zip 11714.

16 THIRD VICE-CHAIR LEWIS: Good stuff.  
17 So as I was about to say we do see  
18 easements occasionally for projects like this at  
19 the County level.

20 We often want to get assurances that  
21 efforts are going to be made to restore things,  
22 so that it -- it looks as -- as good as possible  
23 after the work is done, that everything's cleaned  
24 up nicely. And then sometimes there is some  
25 planting's done and things like that.

1 NCPC OSPAC File No. 3-2024

2 So have you looked at the site yet? Do  
3 you think it's going to need any of that kind of  
4 work in order to accommodate the things you got  
5 planned.

6 MR, KOTZIAS: So the existing site is a  
7 sump. I could only see it from outside the  
8 fence. It is just a -- a drainage pit for -- for  
9 the County, and it is currently drastically  
10 overgrown with vegetation or just however --  
11 however that is. So we would go in there with  
12 the constructions. And we would have to clear  
13 vegetation in order to facilitate our  
14 construction and --

15 ACTING CHAIR GREENFIELD: Wait a  
16 minute -- wait a minute.

17 According to that picture there  
18 (indicating), even I could fit through the fence.

19 MR. KOTZIAS: You know, I --

20 ACTING CHAIR GREENFIELD: You might go  
21 to the last picture. Look at that (indicating),  
22 you got an open invitation there.

23 MR. KOTZIAS: I -- I could have. I --  
24 you know, I -- I just wouldn't want to be  
25 trespassing there.

1 NCPC OSPAC File No. 3-2024

2 (Laughter.)

3 THIRD VICE-CHAIR LEWIS: That -- that's  
4 the professional thing to do. You don't  
5 trespass. We -- we -- it's okay that you only  
6 saw it from the outside.

7 I think, and just so you know, if we  
8 close the hearing -- if we close the hearing  
9 today and send this item to "OSPAC," the  
10 "OSPAC Committee" will ask you to get into the  
11 details. So we don't have to go through all of  
12 it now.

13 MR. KOTZIAS: Uh-huh.

14 THIRD VICE-CHAIR GREENFIELD: If you do  
15 have pictures of the site, or overhead drawings  
16 and -- and designs of exactly what you got  
17 planned, "OSPAC," you know, there's a general,  
18 you know, there's a real there's a desire to make  
19 sure we're protecting those basins.

20 So they're going to have a lot of  
21 questions about this. So I don't know that we  
22 need to do much more in today's hearing, other  
23 than those that are here that wanted to comment  
24 on it. But, you know, we do have concerns about  
25 making sure that the basins are maintained for

1 NCPC OSPAC File No. 3-2024

2 their purpose.

3 So as I see what you're seeing doing  
4 here, you're right on the edge. So it wouldn't  
5 be close to the -- yeah, it should not impact the  
6 area.

7 COMMISSIONER SAKOWICH: Well, the  
8 overhead or underground, what are we talking  
9 about?

10 MR. KOTZIAS: We would be -- we would  
11 be underground.

12 COMMISSIONER SAKOWICH: So there's  
13 nothing overhead?

14 MR. KOTZIAS: Correct.

15 COMMISSIONER SAKOWICH: Yeah.

16 ACTING CHAIR GREENFIELD: Bill, can the  
17 County fix that fence please?

18 DEPUTY COMMISSIONER NIMMO: We can fix  
19 the fence and it will be cut open the same day by  
20 residents.

21 (Laughter.)

22 ACTING CHAIR GREENFIELD: Any other  
23 questions?

24 (No response.)

25 COMMISSIONER SAKOWICH: I'll make a

1 NCPC OSPAC File No. 3-2024

2 motion.

3 ACTING CHAIR GREENFIELD: Okay.

4 COMMISSIONER SAKOWICH: No, I'm sorry.

5 ACTING CHAIR GREENFIELD: We -- the  
6 hearing's open, as you heard. We have nobody  
7 signed up for the hearing. If anyone would like  
8 to speak, please raise your hand, come forward  
9 and fill out a speaker registration form.

10 (No response.)

11 ACTING CHAIR GREENFIELD: Not hearing  
12 or seeing anybody, we'll make --

13 COMMISSIONER SAKOWICH: A motion on --

14 ACTING CHAIR GREENFIELD: -- entertain  
15 a motion.

16 COMMISSIONER SAKOWICH: -- on  
17 OSPAC 3-2024 for a --

18 MR. O'BRIEN: Just close the hearing.

19 COMMISSIONER SAKOWICH: Close the  
20 hearing.

21 ACTING CHAIR GREENFIELD: Yeah, that's  
22 all.

23 COMMISSIONER SAKOWICH: And send it  
24 "OSPAC."

25 ACTING CHAIR GREENFIELD: Okay. We

1 NCPC OSPAC File No. 3-2024

2 have a motion to close the hearing, send it to  
3 the "OSPAC."

4 Do we have a second?

5 COMMISSIONER KALATY: I'll second.

6 ACTING CHAIR GREENFIELD: Motion made  
7 and seconded.

8 All those in favor?

9 (Chorus of "ayes.")

10 ACTING CHAIR GREENFIELD: So carried.

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1 NCPC OSPAC File No. 2-2024

2 ACTING CHAIR GREENFIELD: All right,  
3 let's call the main event.

4 (Stepping up.)

5 MR. HOESL: Thank you.

6 Yes, this is OSPAC 2-2024. As you've  
7 mentioned already, the public comment period was  
8 closed on June 28th for this. All of the  
9 Commissioners, you have been provided with:

10 All the public e-mails we've received;

11 You've been provided with the

12 transcripts from the OSPAC meeting as well;

13 You remember the comments from last  
14 time.

15 So this item went back to "OSPAC" on  
16 July 10th, after the public comment period was  
17 closed. And at that OSPAC meeting, "OSPAC" voted  
18 on both of the following motions, 6 to 0, with  
19 1 abstention:

20 One, the proposal has no impact on  
21 County open space, or parks, or any areas of  
22 cultural archeological habitat, or historic, or  
23 otherwise environmentally-sensitive nature;

24 And two, they are recommended that the  
25 Planning Commission recommend approval to the



1 NCPC OSPAC File No. 2-2024

2 Nassau County Legislature.

3 Again, this is just for an operational  
4 lease for Sands to run the Coliseum site.

5 And that being said, I'll have -- do we  
6 have -- I think we have representatives --

7 MR. O'BRIEN: Well --

8 MR. HOESL: -- here to answer any  
9 questions or anything.

10 MR. O'BRIEN: There is no public  
11 comment at --

12 MR. HOESL: Yeah --

13 MR. O'BRIEN: -- this point.

14 MR. HOESL: -- okay. Right.

15 THIRD VICE-CHAIR LEWIS: Right. The  
16 only thing is whether Commissioners had any  
17 questions. And I think we've -- we've -- yeah, I  
18 think we've -- the "OSPAC" -- by the way, the  
19 "OSPAC" transcript was also included in the -- in  
20 the packet.

21 MR. HOESL: Yes.

22 THIRD VICE-CHAIR LEWIS: All of which,  
23 I think I mentioned earlier that I was getting  
24 some of the items off of our website.

25 So all of it's up on the website.

1 NCPC OSPAC File No. 2-2024

2 Thank you to the staff for getting all of that  
3 there. You know, going forward, it's -- it's  
4 great to have all that ahead of time like that,  
5 and particularly, the "OSPAC" transcript, which  
6 shows the Committee's discussion of the -- of the  
7 process and -- and really it was very helpful I  
8 think for where we're at right now.

9 I think we're all agreeing this is an  
10 operations lease, so it's very limited in terms  
11 of what we're really covering from an  
12 environmental perspective and otherwise.

13 On -- on the website, we have a  
14 resolution in the draft form. And again, I'd  
15 like to thank lawyers for helping to prepare all  
16 this and get it on the website. This is a -- a  
17 helpful thing I think for members of the public,  
18 for those that wanted to check it or even check  
19 it right now as you're sitting here.

20 And so the resolution has, you know, a  
21 number of whereases [sic]. And I wanted to point  
22 out one of the points that was always of interest  
23 to me, and that is that the resolution has a  
24 whereas where we refer to the Nassau County  
25 Master Plan, which technically doesn't say the

1                   NCPC OSPAC File No. 2-2024  
2       word "Master" anywhere on it. But it's always  
3       referred to as the "Master Plan." It's  
4       technically the Nassau County Comprehensive Plan.  
5       And this is our overarching document that was  
6       adopted by the Planning Commission. It serves as  
7       our "Master Plan."

8                   And in our resolution, the whereas in  
9       reviewing the proposal, the Commissioners  
10      consider the proposal's adherence to the goals  
11      laid out in the "Master Plan." The "Master Plan"  
12      was circulated with all the Commissioners, so we  
13      could all check on these. And so we have several  
14      references to items that are in the "Master  
15      Plan." An example would be that the County  
16      quotes, "supports enhanced cultural facilities,  
17      services, programs and events at the County that  
18      improve quality of life and encourage tourism --  
19      tourism.

20                  So certainly maintaining this facility,  
21      the operations agreement, and all -- all the  
22      people that work at the facility and -- and  
23      provide, you know, for the services that are very  
24      important to our residents, that is one of our  
25      overarching goals of the "Master Plan." And this

1 NCPC OSPAC File No. 2-2024

2 action that we're considering today is consistent  
3 with that.

4 So I do have a couple of motions ready  
5 to go, if you would like to --

6 ACTING CHAIR GREENFIELD: Mr.  
7 Vice-Chairman, please proceed.

8 THIRD VICE-CHAIR LEWIS: Okay. Thank  
9 you, Mr. Vice-Chair.

10 So I'd like to make a motion that based  
11 on the review of the proposed action and a review  
12 of the "Master Plan," that as just pointed out  
13 was adopted by the Nassau County Planning  
14 Commission, that this action, this proposed  
15 action is in accordance with that "Master Plan."  
16 So that's my motion.

17 ACTING CHAIR GREENFIELD: All right.  
18 We have a motion.

19 COMMISSIONER SAKOWICH: I second it.

20 ACTING CHAIR GREENFIELD: And we have a  
21 second.

22 Any questions on the motion?

23 (No response.)

24 ACTING CHAIR GREENFIELD: All those in  
25 favor of the motion, so signify by saying aye.

1 NCPC OSPAC File No. 2-2024

2 (Chorus of "ayes.")

3 ACTING CHAIR GREENFIELD: Any opposed?

4 (No response.)

5 ACTING CHAIR GREENFIELD: So carried

6 unanimously.

7 Next motion, Mr. Vice-Chair.

8 THIRD VICE-CHAIR LEWIS: Thank you.

9 So, you know, just for a point of  
10 reference, the Nassau -- the Nassau County  
11 "Master Plan" was also the basis that then led to  
12 "OSPAC" getting established several years after  
13 the "Master Plan" was originally adopted. And  
14 the "OSPAC Plan" includes legislation  
15 establishing "OSPAC." So I'd like to make a  
16 motion that based on the review of the proposed  
17 action, the criteria during the review of  
18 "OSPAC," which is set off on -- in Title 47, that  
19 based on that, that the Planning Commission finds  
20 the proposed action is consistent with that  
21 criteria for "OSPAC" review.

22 ACTING CHAIR GREENFIELD: Thank you for  
23 explaining that. But also for those that are in  
24 the audience for the first time, "OSPAC" stands  
25 for Open Space Park Advisory Committee.

1 NCPC OSPAC File No. 2-2024

2 THIRD VICE-CHAIR LEWIS: Thank you.

3 Right.

4 ACTING CHAIR GREENFIELD: And we have a  
5 lot of hearings on "OSPAC" cases from time to  
6 time.

7 COMMISSIONER SAKOWICH: I second it.

8 ACTING CHAIR GREENFIELD: So we have a  
9 motion.

10 Seconded.

11 Any questions on the motion?

12 (No response.)

13 ACTING CHAIR GREENFIELD: Not hearing  
14 or seeing any, all those in favor, so signify by  
15 saying aye.

16 (Chorus of "ayes.")

17 ACTING CHAIR GREENFIELD: Any opposed?

18 (No response.)

19 ACTING CHAIR GREENFIELD: Another  
20 unanimous vote.

21 THIRD VICE-CHAIR LEWIS: Okay. So now  
22 let's get to "SEQRA." I make a motion that based  
23 on the review of the environmental documents,  
24 which includes the environmental assessment form  
25 and other supporting documentation, this

1 NCPC OSPAC File No. 2-2024  
2 Planning Commission recommends that the  
3 Nassau County Legislature, that the Legislature  
4 first classify the action regarding NCPC OSPAC  
5 No. 2-2024:

6 First that we classify this action as  
7 an "unlisted action" under the State  
8 Environmental Quality Review Act or "SEQRA."

9 And that the -- and that includes the  
10 relating implementing regulations of "SEQRA,"  
11 which is "6 NYCRR Part 617."

12 Also, in addition to classifying the  
13 action, we also determine that the proposed  
14 action would not have a significant adverse  
15 impact on the environment.

16 ACTING CHAIR GREENFIELD: We have a  
17 motion.

18 Do we have a second?

19 COMMISSIONER KALATY: Second.

20 ACTING CHAIR GREENFIELD: We have a  
21 second.

22 Any questions on the motion by  
23 members?

24 (No response.)

25 ACTING CHAIR GREENFIELD: If not, would

1 NCPC OSPAC File No. 2-2024

2 you please vote? All those in favor, so signify  
3 by saying aye.

4 (Chorus of "ayes.")

5 ACTING CHAIR GREENFIELD: Any opposed?

6 (No response.)

7 ACTING CHAIR GREENFIELD: So carried.

8 Passed unanimously.

9 THIRD VICE-CHAIR LEWIS: Okay. Now  
10 this will sound similar, but just to be clear,  
11 we're recommending to the Legislature. So I make  
12 a further motion -- motion that the Nassau County  
13 Planning Commission recommend to the  
14 Nassau County Legislature, that the Legislature:

15 Complete the review of the proposed  
16 action under "SEQRA," by classifying the proposed  
17 action as an "unlisted action" under "SEQRA" and  
18 the "SEQRA" implementing regulations;

19 And by issuing a "Negative Declaration"  
20 for the proposed action.

21 So this is where I'm asking the  
22 Legislature -- we're recommending to the  
23 Legislature, action.

24 ACTING CHAIR GREENFIELD: All right.

25 Everyone understand the motion?



1 NCPC OSPAC File No. 2-2024

2 (No response.)

3 ACTING CHAIR GREENFIELD: Do we have a  
4 second?

5 COMMISSIONER DURSO: I'll second.

6 ACTING CHAIR GREENFIELD: We have a  
7 motion made and seconded to recommend to the  
8 Legislature.

9 All those in favor, so signify by  
10 saying aye.

11 (Chorus of "ayes.")

12 ACTING CHAIR GREENFIELD: Any opposed?

13 (No response.)

14 ACTING CHAIR GREENFIELD: So carried  
15 unanimously.

16 THIRD VICE-CHAIR LEWIS: Okay, almost  
17 there.

18 So we have -- I make a further motion  
19 that the Planning Commission recommend to the  
20 Nassau County Legislature that the Legislature  
21 approve the proposed action, without condition.

22 ACTING CHAIR GREENFIELD: Motion made.  
23 Do we have a second?

24 COMMISSIONER SAKOWICH: I second it.

25 ACTING CHAIR GREENFIELD: We have a

1 NCPC OSPAC File No. 2-2024

2 second.

3 Any questions by the members?

4 (No response.)

5 ACTING CHAIR GREENFIELD: Not hearing  
6 any, all those in favor of the motion, so signify  
7 by saying aye.

8 (Chorus of "ayes.")

9 ACTING CHAIR GREENFIELD: Any opposed?

10 (No response.)

11 ACTING CHAIR GREENFIELD: So carried  
12 unanimously.

13 THIRD VICE-CHAIR LEWIS: Now, lastly  
14 coming to the draft resolution which I  
15 mentioned, posted on the Nassau County Planning  
16 Commission website. And so my motion is I make a  
17 motion that the Planning Commission approve the  
18 draft resolution, which has highlighted portions,  
19 and that that resolution be completed so that it  
20 is in accordance with our determinations here  
21 today.

22 ACTING CHAIR GREENFIELD: Okay. We  
23 have another motion.

24 Do we have a second?

25 COMMISSIONER DURSO: Second.

1 NCPC OSPAC File No. 2-2024

2 ACTING CHAIR GREENFIELD: Motion made  
3 and seconded.

4 Any questions by any members on the  
5 motion?

6 (No response.)

7 ACTING CHAIR GREENFIELD: Not hearing  
8 any, all those in favor, so signify by saying  
9 aye.

10 (Chorus of "ayes.")

11 ACTING CHAIR GREENFIELD: Any opposed?

12 (No response.)

13 ACTING CHAIR GREENFIELD: So carried  
14 unanimously.

15 THIRD VICE-CHAIR LEWIS: All right.  
16 I'm done.

17 ACTING CHAIR GREENFIELD: That  
18 concludes OSPAC Case No. 2-2024.

19 I want to thank very much the members  
20 of this Commission, a lot of hours of reading,  
21 discussing, diligent work. I want to thank the  
22 members of the public that sat by patiently here  
23 today. And also the members of the public that  
24 gave us tremendous input at the last meeting.  
25 And all the other people that wrote in, the

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NCPC OSPAC File No. 2-2024

354 e-mails, that we all read and reviewed. And  
the process has spoken and I thank you very much.

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1 Proceedings

2 ACTING CHAIR GREENFIELD: The Chairman  
3 always like a big audience, but I'll understand.  
4 I'll take a five-minute break if you want to  
5 leave the -- leave the Chamber, because we have  
6 other items of business on the agenda for today  
7 that we have to delve into. So we'll -- we'll  
8 take a break so people can leave if they want.

9 (Audience participation.)

10 ACTING CHAIR GREENFIELD: No applause  
11 is necessary. It's not a sporting event.

12 Also, I'd be remiss if I didn't thank  
13 the men of the Nassau County Police Department,  
14 who serve us diligently and protect us throughout  
15 the County and in this Chamber. We've only seen  
16 recently how peril life can be for public  
17 officials. So thank you for being there for us,  
18 Nassau County Police Department.

19 (Audience participation.)

20 ACTING CHAIR GREENFIELD: That, I'll  
21 applaud.

22 (Audience participation.)

23 ACTING CHAIR GREENFIELD: We'll take a  
24 two-minute break.

25 (Whereupon, a recess was taken at

1 Proceedings

2 10:23 a.m. and the meeting continued at  
3 10:31 a.m.)

4 ACTING CHAIR GREENFIELD: Okay.  
5 Everybody, could we ask you to find your seats?  
6 Could we ask you to leave the chambers, if you  
7 want to leave? If you want to stay, it's okay  
8 too. And could we ask all the members to please  
9 come back on -- up on the podium?

10 We got to move the agenda. The Chair  
11 has a lunch date today.

12 ROBERT O'BRIEN: You got a lunch date?

13 (Discussion held among Commissioners  
14 off the record.)

15 (Laughter.)

16 MR. O'BRIEN: Tim, you ready?

17 (Stepping up.)

18 MR. WREN: Good morning, everybody.

19 ACTING CHAIR GREENFIELD: Yes, okay.

20 THIRD VICE-CHAIR LEWIS: Chairman,  
21 my --

22 ACTING CHAIR GREENFIELD: Let the  
23 record -- let the record reflect we go back,  
24 10:32.

25 Okay. Would the staff -- would the

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Proceedings

staff call the next case please?

MR. WREN: Sure.

ACTING CHAIR GREENFIELD: Can we have everyone's attention please? We're on "Page 2" of the agenda, "Item D."

\* \* \*

1 NCPC Minor Sub. File No. 29-2021

2 MR. WREN: Okay. First up for the  
3 minor subdivisions is Case 29-2021. This is a  
4 two-parcel minor subdivision that the Commission  
5 originally saw back in June 24th, 2021. The  
6 resolution elapsed, so we are resubmitting the  
7 application.

8 The 12,000 --

9 ACTING CHAIR GREENFIELD: Wait a  
10 minute. Wait -- wait.

11 DEPUTY CHAIR NIMMO: Hold on.

12 ACTING CHAIR GREENFIELD: Everybody --  
13 everybody in the Chambers having a "coffee klatch  
14 discussion," you can -- coffee's served in the  
15 outer room. There's an outer room. You can take  
16 your conversation outside.

17 Can we have a -- everyone, either take  
18 your seats or leave the Chambers. Those are the  
19 two options. We have a stenographer taking the  
20 official record and can't conduct her business  
21 without this.

22 Thank you again.

23 Okay. Continue. I'm sorry.

24 (Stepping up.)

25 MR. WREN: Okay.



1 NCPC Minor Sub. File No. 29-2021

2 The 12,000 square foot subject property  
3 is situated on the east side of Irving Avenue in  
4 the Incorporated Village of Floral Park. The  
5 application proposes to subdivide the property,  
6 which currently has 130 feet of frontage on  
7 Irving Avenue in two separate parcels.

8 "Proposed Lot A" will have 90 feet of  
9 frontage on Irving Avenue by 80 feet and be a  
10 total of 8,000 square foot.

11 "Proposed Lot B" will have 40 feet of  
12 frontage on Irving by 100 and be a total of  
13 4,000 square feet.

14 The Incorporated Village of Floral Park's  
15 Architectural Review Board has granted approval  
16 for the proposed subdivision.

17 The majority, 26 out of the 36  
18 houses -- homes within 200 feet of the subject  
19 property have frontages of 40 feet or less.

20 That's all I have. And I' would like  
21 to bring up the attorney now.

22 ACTING CHAIR GREENFIELD: Yes.

23 (Stepping up.)

24 MR. MIGATZ: For the applicant,  
25 Bruce W. Migatz, law firm, Albanese and Albanese,

1 NCPC Minor Sub. File No. 29-2021  
2 1050 Franklin Avenue, Garden City,  
3 New York. Good morning, members of the  
4 Commission, counsel, staff.

5 The aerial you'd had up there on the  
6 screen is actually not correct. The -- the  
7 larger 8,000 square foot parcel is the one  
8 closest to the corner and then the 4,000 square  
9 foot parcel is south of that. Go to the bottom  
10 of there.

11 As -- as Tim said, this was approved by  
12 the Commission back in 2021. The -- the  
13 applicant did record -- he sold "Parcel A" within  
14 one year of the Commission's approval and the  
15 County Clerk accepted the deed to "Parcel A," not  
16 realizing that this was a subdivision and a  
17 second deed should have been recorded for  
18 "Parcel B."

19 The applicant began construction of the  
20 house on "Parcel B" and decided to transfer it  
21 from one entity he controlled "MDLM" [sic], to  
22 another entity he controlled for purposes of  
23 building the new house.

24 They went to record that deed and the  
25 County Clerk picked up on the fact, wait a

1 NCPC Minor Sub. File No. 29-2021  
2 minute, this was a subdivision. And that second  
3 deed had to be filed within one year and it was  
4 not.

5 So they reengaged me. I was not  
6 involved in -- in the recording of either of  
7 those two prior deeds.

8 ACTING CHAIR GREENFIELD: I'm glad you  
9 clarified that for the record. We always ask  
10 that, Bruce.

11 MR. MIGATZ: Yeah, I know.

12 ACTING CHAIR GREENFIELD: Thank you.

13 (Laughter.)

14 MR. MIGATZ: I can't divulge with my  
15 conversation with my client, but you know me long  
16 enough that I know what to do.

17 (Laughter.)

18 ACTING CHAIR GREENFIELD: Absolutely.

19 MR. MIGATZ: So we are back here now to  
20 really renew the prior approval. If you compare  
21 the radius map from 2021 to the radius map of  
22 today, you will see there has been no change in  
23 the character of the neighborhood, nothing that  
24 would, in my opinion, result in a different  
25 decision from this Board.

1 NCPC Minor Sub. File No. 29-2021

2 Of the 40 properties within 200 feet of  
3 the subject, there are 32 properties with a  
4 lot area of 4,000 square feet or less. So the  
5 "Parcel B" that we are now trying to transfer  
6 certainly is within the character of the -- of  
7 the neighborhood. And once again, there's been  
8 no change in that character since 2021.

9 COMMISSIONER SAKOWICH: Yeah, I think  
10 we got enough on this. I make a motion for  
11 NCPC File 29-2021 with a "Neg. Dec."

12 ACTING CHAIR GREENFIELD: Yeah, wait.  
13 We have nobody signed up to speak. Did anyone in  
14 the audience look -- wish to speak on this?

15 (No response.)

16 ACTING CHAIR GREENFIELD: Not hearing  
17 or seeing anyone, we'll entertain the motion.

18 THIRD VICE-CHAIR LEWIS: And I'll -- so  
19 I'll second that.

20 COMMISSIONER SAKOWICH: I second that.

21 COMMISSIONER GOLD: I have one further  
22 question.

23 ACTING CHAIR GREENFIELD: Okay, one  
24 further question from the --

25 COMMISSIONER GOLD: So as I'm looking

1 NCPC Minor Sub. File No. 29-2021

2 at the -- the map here, how is the 40 foot lot  
3 going back 100 feet, if the --

4 ACTING CHAIR GREENFIELD: Put your mic.  
5 on. You turned your mic. off.

6 COMMISSIONER SAKOWICH: It's -- it's  
7 marked wrong.

8 COMMISSIONER GOLD: Okay.

9 ACTING CHAIR GREENFIELD: That's why.

10 COMMISSIONER GOLD: So there is going  
11 to be 100 feet -- there's going to be 100 feet of  
12 depth on the 40 -- 40 foot property?

13 MR. MIGATZ: Yes.

14 COMMISSIONER SAKOWICH: Yes.

15 COMMISSIONER GOLD: Okay. All right.  
16 No more -- no other questions.

17 COMMISSIONER SAKOWICH: Yeah, it's --  
18 it's confusing on the map, but it's -- it's  
19 there.

20 THIRD VICE-CHAIR LEWIS: It's there.

21 COMMISSIONER SAKOWICH: Yeah.

22 MR. O'BRIEN: We have a motion then.

23 COMMISSIONER SAKOWICH: We have a  
24 motion.

25 THIRD VICE-CHAIR LEWIS: We have a

1 NCPC Minor Sub. File No. 29-2021

2 motion made and seconded.

3 Call the motion.

4 ACTING CHAIR GREENFIELD: Okay. We

5 have a motion made and seconded.

6 All those in favor?

7 (Chorus of "ayes.")

8 ACTING CHAIR GREENFIELD: Any opposed?

9 (No response.)

10 ACTING CHAIR GREENFIELD: So carried  
11 unanimously.

12 MR. MIGATZ: Thank you.

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1 NCPC Minor Sub. File No. 33-2024

2 ACTING CHAIR GREENFIELD: Next case.

3 (Stepping up.)

4 MR. WREN: Okay. Next up we have  
5 NCPC -- PC File 33-2024. This is a lot line  
6 adjustment.

7 The 12,600 square foot subject property  
8 is situated on the south side of the N Street, in  
9 the Hamlet of West Hempstead, Town of Hempstead  
10 Residential "B" Zoning District. The application  
11 proposes to convey 900 square feet from the  
12 eastern portion of "Parcel B" to the western  
13 portion of "Parcel A" by means of a lot line  
14 adjustment.

15 "Proposed Parcel A" will have a  
16 frontage of 80 feet and be a total of 7,200  
17 square feet after the reappointment [sic].

18 "Proposed Parcel B" will have a  
19 frontage of 60 feet and be a total of 5,400  
20 square feet after the reappointment [sic].

21 Town of Hempstead's Department of  
22 Buildings has issued a letter of  
23 zoning compliance for the opposed lot line  
24 adjustment.

25 I'll ask the attorney to come up.

1 NCPC Minor Sub. File No. 33-2024

2 MR. AVRUTINE: (Handing.)

3 MR. WREN: (Receiving.)

4 Thank you.

5 (Stepping up.)

6 MR. AVRUTINE: Good morning again,  
7 appearing for the applicant, Howard Avrutine,  
8 2116 Merrick Avenue, Merrick.

9 This is an application for a lot line  
10 adjustment for premises located in Elmont. The  
11 property is located on the southerly side of  
12 N Street, 90.36 feet westerly of Porter Street.

13 The property with the street address of  
14 1371 N Street consists of tax lots 50 through 52,  
15 and has dimensions at 60 feet in width by 90 feet  
16 in depth and a total lot area of 5400 square  
17 feet. It is developed with a legally  
18 non-conforming dwelling and detached garage.

19 The property at 1379 N Street which is  
20 adjacent, consists of tax lots 46 through 48, 149  
21 and 249 and has dimensions of 80 feet in width  
22 and 90 feet in depth and a total lot area of  
23 7,200 square feet. That parcel is developed with  
24 a new single-family dwelling that was just  
25 constructed and a certificate of occupancy



1 NCPC Minor Sub. File No. 33-2024

2 issued.

3 When the new dwelling was conveyed  
4 to -- by the builder to the current owner, it was  
5 discovered that one of the tax lots, that's  
6 "Lot 249," which has dimensions of 10 feet in  
7 width by 90 feet in depth was grouped for  
8 property tax purposes with "Tax Lot 149," which  
9 is part of the adjoining property.

10 So the property at 1371 N Street has  
11 been and is paying the tax for a portion of its  
12 neighbor's property. It's "Lot 249." This  
13 occurred apparently because "Lot 249" was  
14 previously in common ownership with "Lot 149."  
15 And there were deeds throughout the chain  
16 involving these lots, which were recorded because  
17 they were existing lots.

18 In attempting to file a  
19 tax apportionment application to address this  
20 issue, we were advised that Commission approval  
21 would be required for the lot line adjustment.

22 As was stated by Mr. Wren, a letter of  
23 zoning compliance is in the file for both parcels  
24 as currently configured. And as matter of fact,  
25 no new deeds even need to be filed, because there

1 NCPC Minor Sub. File No. 33-2024  
2 are deeds reflecting the ownership in the  
3 existing configuration.

4 So really this is necessary primarily  
5 only to allow an application to be processed by  
6 the Office of the Tax Assessor and -- and get --  
7 get it straight, so that the new owner of the new  
8 home will pay for the -- for the parcel that they  
9 actually own.

10 (Laughter.)

11 MR. AVRUTINE: A big mess.

12 ACTING CHAIR GREENFIELD: We're --  
13 we're having a sale on lot line adjustments  
14 today. Well, for the --

15 MR. AVRUTINE: Apparently so.

16 ACTING CHAIR GREENFIELD: -- for --  
17 for -- and cleaning up. And you, of course,  
18 weren't the attorney on the original transaction?

19 MR. AVRUTINE: No -- no -- no.

20 ACTING CHAIR GREENFIELD: Okay. I just  
21 wanted to make sure for the record.

22 MR. AVRUTINE: No. The just -- just --  
23 and if you want any more information that the --  
24 the --

25 ACTING CHAIR GREENFIELD: No, that's

1 NCPC Minor Sub. File No. 33-2024

2 okay.

3 MR. AVRUTINE: Okay.

4 ACTING CHAIR GREENFIELD: The title  
5 insurance company is --

6 MR. AVRUTINE: Yes.

7 THIRD VICE-CHAIR LEWIS: But they --  
8 they built the house on the property and didn't  
9 realize that 10 feet of the edge of that property  
10 was not included in the deed for the property,  
11 that the house was built on?

12 MR. AVRUTINE: Well, actually it was,  
13 but the deed got recorded.

14 THIRD VICE-CHAIR LEWIS: It was -- it  
15 was included in the bounds in the deed, but there  
16 was a separate deed out there claiming that 10 --  
17 10 feet --

18 MR. AVRUTINE: Well -- well, look,  
19 no --

20 MR. O'BRIEN: It really is an  
21 apportionment question and not a --

22 MR. AVRUTINE: Correct. No, there  
23 was a --

24 MR. O'BRIEN: -- a title issue?

25 MR. AVRUTINE: The title is all --

1 NCPC Minor Sub. File No. 33-2024

2 MR. O'BRIEN: Right.

3 MR. AVRUTINE: -- as it should be.

4 It's the fact that there was a lot grouping  
5 between two lots, one of which is owned by one  
6 property owner and the other one by another. And  
7 so one got stuck paying for it, and I can't  
8 un-group it without Planning Commission approval.

9 THIRD VICE-CHAIR LEWIS: Okay. Yup --  
10 yup.

11 MR. O'BRIEN: And -- and -- and if  
12 I understand you right, Mr. Avrutine, in -- in  
13 our -- our standard resolution, there's a  
14 requirement that deeds be filed within the year.  
15 And you're saying that in this particular case,  
16 you just need, in effect, an -- an affirmation  
17 that the deeds have been filed and that no new  
18 deeds be filed to reclaim this?

19 MR. AVRUTINE: That's -- that is  
20 correct --

21 MR. O'BRIEN: Okay --

22 MR. AVRUTINE: -- Mr. O'Brien, because  
23 the deeds have already been --

24 MR. O'BRIEN: -- right.

25 MR. AVRUTINE: -- filed.

1 NCPC Minor Sub. File No. 33-2024

2 MR. O'BRIEN: Okay.

3 ACTING CHAIR GREENFIELD: Okay. We  
4 clarified that. We're ready for a --

5 MR. O'BRIEN: No. Anybody else?

6 ACTING CHAIR GREENFIELD: We have  
7 nobody in the audience signed up for this case.  
8 Anyone wish to speak?

9 (No response.)

10 ACTING CHAIR GREENFIELD: If not, we'll  
11 entertain a motion at this time.

12 COMMISSIONER DURSO: I'll make a  
13 motion to approve NCPC File No. 33-2024 with a  
14 "Negative Declaration."

15 COMMISSIONER GOLD: Second.

16 ACTING CHAIR GREENFIELD: Motion made  
17 and seconded.

18 All those in favor, so signify by  
19 saying aye.

20 (Chorus of "ayes.")

21 ACTING CHAIR GREENFIELD: All those  
22 opposed?

23 (No response.)

24 ACTING CHAIR GREENFIELD: None.  
25 So carries unanimously.

1 NCPC Minor Sub. File No. 33-2024

2 MR. AVRUTINE: Thank you very much.

3 ACTING CHAIR GREENFIELD: Good luck.

4 And I'm glad you're going to make the title  
5 insurance company happy.

6 MR. AVRUTINE: I'll make the client  
7 happy.

8 ACTING CHAIR GREENFIELD: And the  
9 client too.

10 COMMISSIONER SAKOWICH: The title  
11 insurance company is not --

12 MR. AVRUTINE: And the title insurance  
13 company is --

14 ACTING CHAIR GREENFIELD: Okay.

15 MR. AVRUTINE: -- not my concern.

16 MR. O'BRIEN: The title is not the  
17 issue.

18 ACTING CHAIR GREENFIELD: I'm kidding.

19 MR. AVRUTINE: All right.

20 Thank you.

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1 NCPC Minor Sub. File No. 34-2024

2 ACTING CHAIR GREENFIELD: All right,  
3 next case please.

4 (Stepping up.)

5 MR. WREN: Okay. Next up we have  
6 Case 34-2024. This is a two-parcel minor  
7 subdivision.

8 The 12,361.5 square foot subject  
9 property area is situated on the south side of  
10 Marion Street, in the Hamlet of Bellmore,  
11 Town of Hempstead's Residential "B" Zoning  
12 District. The applicant proposes to subdivide  
13 the property, which currently has 150.73 feet of  
14 frontage on Marion Street into two separate  
15 parcels.

16 "Proposed Lot A" will have 80.39 feet  
17 on Marion by 75 and be a total of 6,316.16  
18 square feet.

19 "Proposed Lot B" will have 70.34 feet  
20 of frontage by 89.82 feet and be a total of  
21 6,045.34 square feet.

22 Town of Hempstead Department of  
23 Buildings has issued a letter of zoning  
24 compliance for the proposed subdivision.

25 I have Mike Gregory to speak.

1 NCPC Minor Sub. File No. 34-2024

2 (Stepping up.)

3 MR. GREGORY: Yes, good morning.

4 Michael Gregory of Permits-R-Us LLC,

5 333 Jackson Avenue, Syosset, New York 11791.

6 Good morning, Commissioners.

7 THIRD VICE-CHAIR LEWIS: Good morning.

8 MR. GREGORY: Pleasure to be here this  
9 morning.

10 I'm representing Home Builders of  
11 Long Island, who wishes to propose "as-of-right"  
12 subdivision. They're located at 2770 Marion  
13 Street in Bellmore.

14 As Mr. Wren had stated, a -- a letter  
15 of zoning compliance was obtained by the Town of  
16 Hempstead on June 26th, 2024. And that letter of  
17 zoning compliance was submitted along with the  
18 application.

19 When the property originally went into  
20 contract, they didn't go into contract until this  
21 letter was obtained by the -- excuse me, the Town  
22 of Hempstead Building Department, that it's  
23 zoning compliant.

24 There are currently no "C and Rs"  
25 recorded on the property that would prohibit the



1 NCPC Minor Sub. File No. 34-2024  
2 subdivision of the proposed subdivision. There  
3 was actually one "C and R" that expired in 1952  
4 and was put on I believe in the early 1920s. And  
5 that was prohibit the sale of alcohol on the  
6 property. So but they won't be selling alcohol  
7 out of the proposed -- out of the proposed  
8 residence.

9 (Laughter.)

10 ACTING CHAIR GREENFIELD: I don't know,  
11 I mean --

12 (Laughter.)

13 MR. O'BRIEN: Selling alcohol?

14 ACTING CHAIR GREENFIELD: -- where that  
15 came from. Are they going to give it away now?

16 MR. GREGORY: I don't know.

17 (Laughter.)

18 ACTING CHAIR GREENFIELD: Okay.

19 MR. GREGORY: As Mr. Wren had stated,  
20 these are zoning-compliant lots. The corner  
21 property, "Parcel A" is -- is 6,316.16 square  
22 feet, wherein the Town of Hempstead Zoning is in  
23 a Residence "B" Zone, the zoning allows for 6,000  
24 square feet. Our two are in excess of that. And  
25 "Parcel B" is 6,045.34 square feet, the same,

1 NCPC Minor Sub. File No. 34-2024  
2 Residence "B." It is zoning compliant and it's  
3 above the required.

4 THIRD VICE-CHAIR LEWIS: Yeah, this is  
5 a -- this is kind of an easy one for you. It's  
6 not so much of the small piece of property or  
7 such. It's a corner property --

8 MR. GREGORY: Right.

9 THIRD VICE-CHAIR LEWIS: -- and it's a  
10 little bit bigger. As you're saying, it's fully  
11 zoning compliant then?

12 MR. GREGORY: Correct, yes.

13 The proposed houses will be  
14 single-family homes, 4 bedrooms, 2 1/2 baths,  
15 approximately 2800 square feet. The proposed  
16 houses will each have a one-car attached garage,  
17 with a four-car pad parking driveway to allow  
18 five cars off-street parking from the street to  
19 alleviate any parking flowing on on-street  
20 parking.

21 THIRD VICE-CHAIR LEWIS: Say that  
22 again. How many is on the pad?

23 MR. GREGORY: Four, plus one attached  
24 garage, so five in total that are being proposed  
25 provided for the proposed houses, where only two

1 NCPC Minor Sub. File No. 34-2024

2 is required by the Town of Hempstead.

3 THIRD VICE-CHAIR LEWIS: I think the  
4 world we're in today, that's needed more and  
5 more --

6 MR. GREGORY: Yes.

7 THIRD VICE-CHAIR LEWIS: -- to do that.  
8 Yeah, you need off-street parking.

9 MR. GREGORY: And there are public  
10 utilities available to the site:

11 Sewer;

12 Water;

13 Gas;

14 And electric.

15 And there was one variance granted  
16 across the street on Pine Place, within the  
17 100-foot radius. That was done in 2014. They  
18 were asking a variance for a lot width which was  
19 50 feet at -- which was they had 100 by whatever  
20 the depth was. And they were asking for a 5 foot  
21 variance at the front, where the Town of  
22 Hempstead requires 55 and they were proposing 50.  
23 So that variance was granted and they came in  
24 front of this Board for approval.

25 So as I stated, these are

1 NCPC Minor Sub. File No. 34-2024  
2 zoning compliant lots and not seeking -- no  
3 variance was sought by the Town of Hempstead.  
4 And again, they will be single-family homes and  
5 the builder will be the best to his ability to be  
6 a good neighbor to all surrounding neighbors.

7 ACTING CHAIR GREENFIELD: Okay. Any  
8 other --

9 MR. GREGORY: Oh --

10 ACTING CHAIR GREENFIELD: -- questions?

11 MR. GREGORY: -- in addition, I  
12 apologize Mr. Greenfield.

13 ACTING CHAIR GREENFIELD: Yeah.

14 MR. GREGORY: There are some beautiful  
15 Red Maples that are lining the street.

16 ACTING CHAIR GREENFIELD: Oh, that's  
17 what I'd like to hear. You're saving them?

18 MR. GREGORY: Yes, they will be  
19 preserved and they will not be removed.

20 ACTING CHAIR GREENFIELD: Okay. I'm  
21 glad you got that in the record.

22 THIRD VICE-CHAIR LEWIS: There you go.

23 ACTING CHAIR GREENFIELD: Okay. Any  
24 questions, further questions from Commissioners?

25 (No response.)

1 NCPC Minor Sub. File No. 34-2024

2 ACTING CHAIR GREENFIELD: If not, we'll  
3 entertain a motion at this time.

4 (Stepping up.)

5 MR. WREN: (Gesturing.)

6 I'm sorry. I do have one e-mailed  
7 comment from the public.

8 ACTING CHAIR GREENFIELD: Okay.

9 We have nobody in the public signed up,  
10 Anyone in the public like to speak?

11 (No response.)

12 ACTING CHAIR GREENFIELD: All right.  
13 Let's hear the e-mail.

14 MR. WREN: Okay. This is from  
15 Jacqueline Dzienius, it's 803 Pine Place,  
16 Bellmore.

17 We really don't want two more  
18 monstrosities going up around us. We already  
19 have one next door and two directly across the  
20 street. We're feeling claustrophobic. +there  
21 are definitely more cars on our block now than  
22 before as well. And the streets where the new  
23 house would go up is loaded with cars. Overflow  
24 will definitely roll onto my street.

25 This proposed construction will be

1 NCPC Minor Sub. File No. 34-2024  
2 right on top of us. The small backyard of the  
3 house they want to take down runs along my narrow  
4 driveway. It's very tight, separated only by a  
5 small chain-link fence.

6 We don't oppose one new home replacing  
7 the old one, but squeezing two gigantic houses on  
8 the one lot is going to be too much and will only  
9 add to the vehicle congestion that already  
10 exists.

11 Thank you for reading our e-mail to the  
12 Commission. I Hope this works out for us.

13 (Stepping up.)

14 MR. GREGORY: Thank you, Mr. Wren.

15 I believe the reason for the over  
16 parking along the street is, I visited -- visited  
17 this site multiple times during different times  
18 of the day, early in the morning around 6:30,  
19 then in the afternoon and after 6:00 at night.  
20 At 6:00 at night and early in the morning, it's  
21 congested. And during the day, it's not that  
22 congested.

23 There are very few cars on the street.  
24 There is actually an abandoned car in front of  
25 the subject property that has a flat tire and

1 NCPC Minor Sub. File No. 34-2024  
2 expired. It doesn't have an expired  
3 registration, expired inspection from 2023.

4 But I believe the reason for the  
5 overcrowded parking is because on Bellmore Avenue  
6 just to the east, the immediate homes within that  
7 corner have restricted parking. Restricted  
8 parking is the corner property on the southwest  
9 corner has handicapped parking signs, and also no  
10 stopping from here to corner and no parking.

11 I believe the reason for that is the  
12 proximity to Merrick Road. They don't want  
13 the -- whoever did the plan for the traffic  
14 didn't want the traffic backing up, I guess  
15 coming up to the light onto Merrick Road.

16 COMMISSIONER SAKOWICH: But I believe  
17 you addressed that with the four -- four --

18 ACTING CHAIR GREENFIELD: Yeah.

19 COMMISSIONER SAKOWICH: -- spots?

20 MR. GREGORY: Yes.

21 COMMISSIONER SAKOWICH: So that's --  
22 that's a non issue, because --

23 MR. GREGORY: Yes. I just wanted to  
24 address that.

25 COMMISSIONER SAKOWICH: -- you

1 NCPC Minor Sub. File No. 34-2024

2 addressed that issue of --

3 MR. GREGORY: Right --

4 COMMISSIONER SAKOWICH: -- parking.

5 MR. GREGORY: -- okay.

6 ACTING CHAIR GREENFIELD: Okay.

7 MR. GREGORY: Thank you.

8 ACTING CHAIR GREENFIELD: We're fine

9 with it.

10 COMMISSIONER SAKOWICH: I make a motion

11 on NCPC File 34-2024, a "Neg. Dec."

12 COMMISSIONER DURSO: Second.

13 ACTING CHAIR GREENFIELD: Motion made

14 and seconded.

15 All those in favor?

16 (Chorus of "ayes.")

17 ACTING CHAIR GREENFIELD: Any opposed?

18 (No response.)

19 ACTING CHAIR GREENFIELD: So carried.

20 Would you get back to the person that

21 wrote e-mail and tell him there's four off-street

22 parking?

23 MR. WREN: Absolutely.

24 ACTING CHAIR GREENFIELD: Okay.

25 All right, next case.



1 NCPC Minor Sub. File No. 34-2024

2 MR. GREGORY: Thank you.

3 ACTING CHAIR GREENFIELD: We're moving  
4 along nicely.

5 MR. GREGORY: And I had a doctor's  
6 appointment and I canceled.

7 (Laughter.)

8 ACTING CHAIR GREENFIELD: The doctors  
9 run late.

10 (Laughter.)

11 MR. GREGORY: You know what, you're  
12 right. I couldn't think of that before it  
13 happened.

14 (Laughter.)

15 ACTING CHAIR GREENFIELD: Okay.

16 \* \* \*

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1 NCPC Minor Sub. File No. 35-2024

2 (Stepping up.)

3 MR. WREN: Next up we have  
4 Case 35-2024. This is another two-parcel minor  
5 subdivision.

6 This is a -- the 11,250 square foot  
7 subject property is situated on the east side of  
8 Union Street, the hamlet of Roosevelt, Town of  
9 Hempstead's Residence "B" Zoning District.  
10 Application proposes to subdivide the property  
11 which currently has 90 feet of frontage on  
12 Union Street into two equal parcels.

13 "Proposed Lot A" will have 45 feet of  
14 frontage by 125 feet and be a total of 5,625.

15 "Proposed Lot B" will have the same  
16 dimensions of 45 and 125 and be 5,625.

17 Town of Hempstead's Board of Appeals  
18 has approved the requests for variances.

19 Variances:

20 Subdivision of lot;

21 Lot area;

22 Front width [sic] -- I'm sorry, front  
23 width from and on street line to front line  
24 setback;

25 Construct dwelling with garage.

1 NCPC Minor Sub. File No. 35-2024

2 "Variance B" is variances:

3 Subdivision of lot;

4 Lot area;

5 Front width from and on street line to  
6 front setback line;

7 Maintain dwelling on a lesser lot.

8 The Incorporated Village of Freeport  
9 has issued a letter of non-jurisdiction for the  
10 proposed subdivision.

11 Once again, Mike Gregory.

12 (Stepping up.)

13 MR. GREGORY: Thank you, Mr. Wren.

14 The proposed subdivision at the  
15 10 Union Street?

16 THIRD VICE-CHAIR LEWIS: Right.

17 MR. GREGORY: Mr. Wren had stated we're  
18 proposing two lots, that are a required 5,000 --  
19 excuse me, that are proposing 6 -- 5,625 square  
20 feet, where the Town of Hempstead requires 6,000  
21 in the Residence "B" Zone.

22 There was a variance that the Town of  
23 Hempstead granted. The hearing date was on  
24 June 5th, and on the same day the decision was  
25 rendered.

1 NCPC Minor Sub. File No. 35-2024

2 THIRD VICE-CHAIR LEWIS: Did you have  
3 community members show up for that hearing?

4 MR. GREGORY: Oh. No, there were  
5 nobody at that hearing that came down --

6 ACTING CHAIR GREENFIELD: Well, they're  
7 here today.

8 MR. GREGORY: Okay. Thank you.

9 Once again, these will be single-family  
10 homes, 4 bedrooms, 2 1/2 baths, approximately  
11 2200 square feet. The same as the previous  
12 application, one-car attached garage and four-car  
13 driveway to allow for 5 off-street parking spots,  
14 where only 2 is required.

15 But more important, the covenant and  
16 restrictions that were given by the Town of  
17 Hempstead Zoning Board have been filed with the  
18 Nassau County Clerk's Office. And these are the  
19 standard covenant and restrictions that usually  
20 go on most of these cases. And I know I --

21 THIRD VICE-CHAIR LEWIS: A prohibition  
22 against the basement entrances --

23 MR. GREGORY: Right.

24 THIRD VICE-CHAIR LEWIS: -- and things  
25 like that?

1 NCPC Minor Sub. File No. 35-2024  
2 MR. GREGORY: Houses shall remain  
3 single-family homes, unless they file an  
4 application for a senior residence or a  
5 mother and daughter. There shall only be one  
6 cooking facility. There shall be no exterior  
7 basement or cellar entrances. The basement  
8 cellar shall not be used for any cooking or  
9 sleeping quarters. The attic shall not be  
10 converted to living space. There shall be no  
11 bathrooms on the subject premises, other than  
12 depicted on  
13 "Exhibit 3."

14 "Exhibit 3" was the building plans,  
15 which show two bathrooms on the second floor and  
16 one on the first. So hence, I don't believe they  
17 could have one in the basement based on the  
18 covenant and restrictions.

19 And there shall be:

20 One electric meter;

21 One gas meter;

22 The front lawn shall be sodded or  
23 seeded at all times;

24 And same thing, the applicant shall  
25 install driveways shown on plans. And -- and

1 NCPC Minor Sub. File No. 35-2024

2 that's about it.

3 And just, you know, the proposed houses  
4 were proposed situated centered within the  
5 property. So they didn't favor one side or the  
6 other, because you could have 5 and 10 in the  
7 Town of Hempstead. Actually, the builder  
8 proposed to have 10 and 10 on each side to keep  
9 open space between the existing houses.

10 And I open the Board or to the  
11 community to any public comment.

12 THIRD VICE-CHAIR LEWIS: Yeah, let's  
13 hear what the public comments are and see if we  
14 can answer them.

15 MR. GREGORY: Thank you.

16 ACTING CHAIR GREENFIELD: We have two  
17 people signed up.

18 Okay. First speaker signed up is  
19 Timpella Flagg [phonetic].

20 MS. FLAGG: Yes.

21 ACTING CHAIR GREENFIELD: Please come  
22 down, and give your name and address for the  
23 record. And three minutes or less and don't  
24 repeat what someone else said. Oh, no one else  
25 spoke before you.

1 NCPC Minor Sub. File No. 35-2024

2 MR. O'BRIEN: That's right.

3 ACTING CHAIR GREENFIELD: Do you think  
4 -- you're safe, the next person isn't.

5 (Laughter.)

6 MS. FLAGG: My name is Timpella Flagg.  
7 My address is 9 Union Street in Roosevelt,  
8 New York 11575.

9 ACTING CHAIR GREENFIELD: Okay. Please  
10 state your:

11 Question;

12 Objection;

13 Or why you're opposing the application.

14 MS. FLAGG: Okay. I object. The idea  
15 of having two -- having a new house built on the  
16 property, and the reason being, one, 10 Union  
17 Street as it is now there's -- they're renting.  
18 There's no rental permit. And you have people  
19 living in the basement. There's six cars to one  
20 house.

21 Now, there is no parking on my block.  
22 Everything, all the people that live on Forest,  
23 they're coming to my block now, when there's no  
24 parking.

25 I have to -- I -- I received a

1 NCPC Minor Sub. File No. 35-2024  
2 handicapped sign and that's going to be put in  
3 front of my house. There's no parking.

4 And like I said before, they put a  
5 house up, the greenery, they're going to tear  
6 down the trees and all of that, which is not  
7 good.

8 ACTING CHAIR GREENFIELD: Okay. You  
9 threw a lot of issues at us.

10 The first issue with respect to your  
11 neighbors disrespect for the law with an illegal  
12 basement apartment, that's not under our  
13 jurisdiction. You have to go to the Town of  
14 Hempstead Building Department.

15 MS. FLAGG: I've already been there.

16 ACTING CHAIR GREENFIELD: And when --  
17 did they do anything?

18 MS. FLAGG: They -- the people will not  
19 let them in.

20 ACTING CHAIR GREENFIELD: Okay. Then  
21 you got to contact your Legislator. And I am not  
22 sure who your Legislator is.

23 MR. O'BRIEN: Or the Town Councilman.  
24 Really, it'd be the Town Councilman.

25 ACTING CHAIR GREENFIELD: The



1 NCPC Minor Sub. File No. 35-2024  
2 Town Councilman, right. That's what I meant, not  
3 County Legislator, the Town council person.

4 COMMISSIONER SAKOWICH: But I think in  
5 part of your question was that you were -- that  
6 basement rentals, the whole nine yards, this kind  
7 of building, these two homes kind of takes that  
8 old --

9 ACTING CHAIR GREENFIELD: Yes, thank  
10 you.

11 COMMISSIONER SAKOWICH: -- house out of  
12 the mix. It puts two up. And then the  
13 guidelines of these new homes putting five cars  
14 on the lot -- on -- on each lot will take care of  
15 the parking, as well as the covenants that have  
16 been put in by the Town of Hempstead will -- one  
17 meter.

18 I -- I think that putting -- taking  
19 this eyesore, if you want to call it that in your  
20 opinion, if it's not an eyesore, but taking it  
21 down and then reconstructing new homes will kind  
22 of take all that -- all of your issues out of the  
23 mix. And that's hopefully, I mean we're -- we're  
24 guessing.

25 But, you know, I -- I -- I --

1 NCPC Minor Sub. File No. 35-2024

2 MS. FLAGG: The taxes will go up.

3 COMMISSIONER SAKOWICH: No, your taxes  
4 won't go up. Theirs will go up.

5 MS. FLAGG: Yeah, but it's the block.

6 COMMISSIONER SAKOWICH: No, your --  
7 your --

8 MS. FLAGG: You're going to have --

9 COMMISSIONER SAKOWICH: -- your taxes  
10 aren't going to up based on a new home that's  
11 built there. Your -- there -- there -- that  
12 would have no impact on your home, zero.

13 ACTING CHAIR GREENFIELD: Whoa --  
14 whoa -- whoa. We're not tax certiorari.

15 COMMISSIONER SAKOWICH: But --

16 ACTING CHAIR GREENFIELD: We don't give  
17 opinions.

18 COMMISSIONER SAKOWICH: -- but if --

19 ACTING CHAIR GREENFIELD: Do you have a  
20 tax certiorari attorney on your -- with respect to  
21 your taxes?

22 MS. FLAGG: Yes, I do.

23 ACTING CHAIR GREENFIELD: Okay.

24 COMMISSIONER SAKOWICH: Okay.

25 ACTING CHAIR GREENFIELD: You address

1 NCPC Minor Sub. File No. 35-2024

2 that question to them. We're not in a position  
3 to answer that here.

4 MS. FLAGG: Right.

5 COMMISSIONER SAKOWICH: But building  
6 those homes doesn't impact her taxes.

7 MS. FLAGG: The --

8 ACTING CHAIR GREENFIELD: I'm not  
9 giving that opinion, sir.

10 MR. GREGORY: (Gesturing.)

11 MS. FLAGG: And with the school --

12 MR. GREGORY: I need to -- I need to  
13 interject. I'm sorry.

14 ACTING CHAIR GREENFIELD: Okay.

15 MR. GREGORY: I apologize,  
16 Mr. Sakowich.

17 ACTING CHAIR GREENFIELD: Go back -- go  
18 back to the mic; okay? Sir.

19 MR. GREGORY: Only one home is being  
20 built.

21 ACTING CHAIR GREENFIELD: Would the  
22 speaker yield the mic., so we can -- wait --  
23 wait -- wait.

24 Can you move the mic. over?

25 MR. O'BRIEN: We can't hear you.

1 NCPC Minor Sub. File No. 35-2024

2 ACTING CHAIR GREENFIELD: We -- we got  
3 to hear you and the stenographer has to hear you.

4 MR. GREGORY: The existing home is  
5 going to remain and there will only be one new  
6 house constructed.

7 COMMISSIONER SAKOWICH: Oh.

8 MR. GREGORY: So with that being  
9 said --

10 COMMISSIONER SAKOWICH: Okay.

11 MR. GREGORY: -- I apologize on the  
12 builder's behalf. I will notify the builder. I  
13 think it's my understanding --

14 COMMISSIONER SAKOWICH: Does he own  
15 that house currently?

16 MR. GREGORY: He currently owns it  
17 awaiting the subdivision. I believe it was a  
18 temporary rental until --

19 ACTING CHAIR GREENFIELD: Then it's a  
20 illegal rental, temporary or otherwise.

21 MR. GREGORY: We're going to --

22 ACTING CHAIR GREENFIELD: Move him out  
23 of there tomorrow, before the fire.

24 MR. GREGORY: He -- he shouldn't have  
25 an illegal apartment in anybody's basement. And

1 NCPC Minor Sub. File No. 35-2024

2 I will see to -- see to it that he rectifies  
3 that. And -- and -- and in addition to that, I  
4 believe he --

5 ACTING CHAIR GREENFIELD: Is he here  
6 today?

7 MR. GREGORY: No, he is not.

8 ACTING CHAIR GREENFIELD: No -- no --  
9 no, that's a problem. That's why we like the  
10 person that owns it to be here.

11 I make a motion at this time we adjourn  
12 this case until he can come back and answer for  
13 his bad behavior and answer --

14 MR. GREGORY: Thank you.

15 ACTING CHAIR GREENFIELD: -- to the  
16 neighbors and show respect for the neighbors.

17 MR. GREGORY: Uh-huh.

18 ACTING CHAIR GREENFIELD: You can can't  
19 show -- come to us, and ask us for an exception,  
20 and show total disrespect for the neighbors and  
21 for this Commission by not being here.

22 MR. GREGORY: And I apologize to the  
23 Commission.

24 ACTING CHAIR GREENFIELD: During  
25 "COVID" we-- we allowed that to go on, but

1 NCPC Minor Sub. File No. 35-2024

2 "COVID's" over --

3 MR. GREGORY: And I apologize --

4 ACTING CHAIR GREENFIELD: -- hopefully.

5 MR. GREGORY: -- to this Commission. I  
6 was not aware that there was an illegal apartment  
7 in the basement.

8 COMMISSIONER SAKOWICH: And I -- it  
9 says two new proposed --

10 ACTING CHAIR GREENFIELD: Okay.

11 COMMISSIONER SAKOWICH: -- proposed two  
12 new.

13 ACTING CHAIR GREENFIELD: And I'm not  
14 sure the notice is right.

15 COMMISSIONER SAKOWICH: Yeah.

16 ACTING CHAIR GREENFIELD: Staff, is the  
17 notice correct that it says two new?

18 (No response.)

19 ACTING CHAIR GREENFIELD: Counsel, we  
20 may have to re-notice this.

21 MR. O'BRIEN: If it -- if it -- it  
22 would seem to me that it that -- that it -- that  
23 would be indicating that the existing would be --  
24 would be demolished, so I would think that the --

25 COMMISSIONER SAKOWICH: 100 percent,

1 NCPC Minor Sub. File No. 35-2024

2 that's what I got out of it.

3 MR. O'BRIEN: Yeah, you know?

4 MR. PERRAKIS: But where are you  
5 reading that there's two new homes?

6 COMMISSIONER SAKOWICH: Proposed.

7 MR. O'BRIEN: Well, let's -- let's get  
8 the notice right first, before we go -- one shot.

9 (Laughter.)

10 MR. PERRAKIS: I don't see it. Am I  
11 missing something?

12 COMMISSIONER SAKOWICH: I'm sorry. It  
13 says maintain dwelling on a lesser --

14 ACTING CHAIR GREENFIELD: It says  
15 maintain --

16 COMMISSIONER SAKOWICH: -- a lesser  
17 lot.

18 ACTING CHAIR GREENFIELD: Okay.

19 COMMISSIONER SAKOWICH: I'm sorry. I  
20 didn't see that there.

21 ACTING CHAIR GREENFIELD: But that  
22 isn't the issue.

23 (Discussion held off the record.)

24 ACTING CHAIR GREENFIELD: So Mike,  
25 excuse me. We're on the record now. You can

1 NCPC Minor Sub. File No. 35-2024  
2 have a side bar afterwards when you can go  
3 outside to talk to the neighbors.

4 MR. GREGORY: Oh, yeah. No, I was just  
5 apologizing to her for the mistake.

6 ACTING CHAIR GREENFIELD: Yeah, and --  
7 and I made a motion at this time that we adjourn  
8 the case to the next meeting, so the builder can  
9 come.

10 COMMISSIONER SAKOWICH: I second it.

11 ACTING CHAIR GREENFIELD: Okay.

12 And also understand, they don't have to  
13 send new notice, because we're adjourning it to a  
14 date certain. The date certain being? Someone  
15 help me with the date of the next meeting.

16 MR. O'BRIEN: August --

17 ACTING CHAIR GREENFIELD: The next?

18 MR. O'BRIEN: -- August --

19 ACTING CHAIR GREENFIELD: 15th.

20 MR. O'BRIEN: -- 15th.

21 COMMISSIONER DURSO: 15th, yeah.

22 ACTING CHAIR GREENFIELD: Lenny, if  
23 you're watching, it's your problem.

24 COMMISSIONER SAKOWICH: August 15th.

25 THIRD VICE-CHAIR LEWIS: (Gesturing.)



1 NCPC Minor Sub. File No. 35-2024

2 ACTING CHAIR GREENFIELD: Okay.

3 (Discussion held among Commissioners  
4 off the record.)

5 ACTING CHAIR GREENFIELD: Yes, I'm  
6 going to get to that next.

7 So we have a motion made and seconded.

8 All -- and before we vote, the other  
9 resident that came, are -- are you done? We're  
10 going to wait for your questions to be answered  
11 by the owner. Your -- your three minutes are up,  
12 so --

13 MS. FLAGG: Yeah, that -- that is it.

14 ACTING CHAIR GREENFIELD: Okay. Can  
15 you come back at the next meeting date,  
16 August 15th?

17 MS. FLAGG: Yes.

18 ACTING CHAIR GREENFIELD: Okay.

19 Audrey Thomas, you signed up to speak.  
20 Audrey, are you available to come back the next  
21 date, August 15th?

22 MS. THOMAS: Yes.

23 ACTING CHAIR GREENFIELD: Okay. Then  
24 we'll hold both your further comments, 'til we  
25 have the -- the builder here to represent the

1 NCPC Minor Sub. File No. 35-2024  
2 truth, justice and American way. And -- and in  
3 the interim, tell him it would be a good faith  
4 gesture to throw out the illegal tenant. You  
5 have two volunteer fire people here that don't  
6 want to ever hear about a fire in an illegal  
7 occupancy in a basement.

8 MR. GREGORY: Thank you. Yes.

9 ACTING CHAIR GREENFIELD: Those are  
10 nasty fires and could be deadly.

11 Okay. So we have to vote. We have a  
12 motion made and seconded.

13 All those in favor, so signify by  
14 saying aye.

15 (Chorus of "ayes.")

16 ACTING CHAIR GREENFIELD: Any opposed?

17 (No response.)

18 ACTING CHAIR GREENFIELD: So carried.

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1 NCPC Minor Sub. File No. 36-2024

2 ACTING CHAIR GREENFIELD: Next case.

3 (Stepping up.)

4 MR. WREN: Okay. Next up is NCPC  
5 File 36-2024. This is another two-parcel minor  
6 subdivision.

7 The 19,105 square foot subject property  
8 is situated on the north side of Forest Avenue in  
9 the Incorporated Village of Freeport, in the  
10 Town of Hempstead's Residential "B" Zoning  
11 District. The application proposes to subdivide  
12 the property, which currently has 100 feet of  
13 frontage on Forest Avenue into two separate  
14 parcels.

15 "Proposed Lot A" will have 50 feet of  
16 frontage on Forest by 192 [sic] -- I'm sorry,  
17 193.32 feet and be a total of 9,673.09 square  
18 foot.

19 "Proposed Lot B" will have 50 feet of  
20 frontage by 139.94 and be a total of 9,146.17  
21 square foot.

22 The Incorporated Village of Freeport  
23 Zoning Board of Appeals has issued one variance  
24 for this subdivision. "Lot B," a variance to  
25 allow lot to have a less rear yard than required

1 NCPC Minor Sub. File No. 36-2024

2 by ordinance.

3 Mike Gregory.

4 (Stepping up.)

5 MR. GREGORY: Thank you, Mr. Wren.

6 I apologize. Mr. Wren, this property  
7 is wholly within the Incorporated Village of  
8 Freeport --

9 MR. WREN: Oh, understood.

10 MR. GREGORY: -- Town of Hempstead.

11 Okay, thank you.

12 The property is located in the  
13 Incorporated Village of Freeport. I actually  
14 represented this case at the Village of Freeport.  
15 We were seeking one variance. And the variance  
16 was for, in their zoning code it says you need 50  
17 feet wide, a continuous width from the front  
18 property line all the way continued to the rear  
19 setback line of the house.

20 So we obtained a variance for the lot  
21 width at the rear setback line of the house. I  
22 believe at the time it was like 2.15 feet. That  
23 variance was granted.

24 We're way in over excess of the  
25 required. It's from the Incorporated Village of

1 NCPC Minor Sub. File No. 36-2024  
2 Freeport. They require 50 feet at the street  
3 line. We're proposing 50 feet. They require  
4 5,000 square foot area of building lots. These  
5 lots are in excess of over 9,000 square feet.  
6 We're proposing single-family --

7 THIRD VICE-CHAIR LEWIS: So why would  
8 you need a variance for such oversized --

9 MR. GREGORY: Well --

10 THIRD VICE-CHAIR LEWIS: -- lots?

11 MR. GREGORY: -- well, so the -- the  
12 width of the lot --

13 THIRD VICE-CHAIR LEWIS: Mic.

14 MR. GREGORY: Oh, I'm sorry.

15 The width of the lot has to be  
16 continuously 50 feet.

17 COMMISSIONER SAKOWICH: From front to  
18 back?

19 MR. GREGORY: From the front, not to  
20 the back, to the back setback line of the  
21 house --

22 COMMISSIONER SAKOWICH: The house.

23 MR. GREGORY: -- the proposed house.  
24 So they didn't have 50 feet. There was like  
25 47.8 something feet.

1 NCPC Minor Sub. File No. 36-2024

2 THIRD VICE-CHAIR LEWIS: Oh, okay.

3 MR. GREGORY: So we -- they requested a  
4 variance for that and that variance was granted.

5 And at that time, the person directly  
6 to the west next door came to the hearing. He  
7 actually had some concerns, and those concerns  
8 were alleviated and then he spoke in favor of the  
9 application. And then the Incorporated Village  
10 of --

11 THIRD VICE-CHAIR LEWIS: It's quite --  
12 it's quite a property. I mean it's --

13 MR. GREGORY: It's -- it's relatively  
14 large.

15 THIRD VICE-CHAIR LEWIS: Okay.

16 MR. GREGORY: So as I stated, these  
17 homes will be single-family homes, 4 beds,  
18 2 1/2 baths. And we are more than zoning  
19 compliant and the variance was granted by the  
20 Incorporated Village of Freeport.

21 So I open the Board to any questions  
22 you may have and to the public.

23 COMMISSIONER SAKOWICH: Okay.

24 ACTING CHAIR GREENFIELD: We have  
25 no one from the public signed up. Anyone in the

1 NCPC Minor Sub. File No. 36-2024

2 public that wishes to meet --

3 (No response.)

4 ACTING CHAIR GREENFIELD: -- to speak?

5 (No response.)

6 ACTING CHAIR GREENFIELD: No?

7 (No response.)

8 ACTING CHAIR GREENFIELD: Okay. We'll  
9 entertain a motion at this time.

10 COMMISSIONER GOLD: Motion to approve  
11 NCPC 36-2024 with a "Negative Declaration."

12 COMMISSIONER DURSO: Second.

13 ACTING CHAIR GREENFIELD: Motion made  
14 and seconded.

15 All those in favor, so signify by  
16 saying aye.

17 (Chorus of "ayes.")

18 ACTING CHAIR GREENFIELD: Any opposed?

19 (No response.)

20 ACTING CHAIR GREENFIELD: So carried.

21 \* \* \*

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1 NCPC Minor Sub. File No. 37-2024

2 ACTING CHAIR GREENFIELD: Okay.

3 (Stepping up.)

4 MR. WREN: Okay. Next up is 37-2024.

5 This is another two-parcel minor subdivision.

6 The 10,000 square foot subject  
7 property area is situated on the east side of  
8 Brainbridge Street [sic], in the Hamlet of  
9 Roosevelt, Town of Hempstead's Residential "B"  
10 Zoning District.

11 The application proposes to subdivide  
12 the property, which currently has 100 feet of  
13 frontage on Forest Avenue into two equal parcels.  
14 Proposed Lots "A" and "B" will have a 50 feet of  
15 frontage by 100 feet on Forest Avenue and both be  
16 a total of 5,000 square feet.

17 Town of Hempstead's Board of Appeals  
18 has approved the requests for variances. "Lot A"  
19 variances:

20 Subdivision of lot;

21 Lot area;

22 Front width from and on street line to  
23 front setback line;

24 Construct dwelling with garage.

25 "Lot B" variances:



1 NCPC Minor Sub. File No. 37-2024  
2 Subdivision of lot;  
3 Lot area;  
4 Front width from and on street line to  
5 front setback line;  
6 Construct dwelling with garage;  
7 Demolish existing dwelling.  
8 Last time, Mike Gregory.  
9 (Stepping up.)  
10 MR. GREGORY: Yes, last case of the  
11 day.  
12 ACTING CHAIR GREENFIELD: You're --  
13 you're owning the agenda today, worse than  
14 Al D'Agostino.  
15 MR. GREGORY: I know.  
16 (Laughter.)  
17 MR. GREGORY: The -- my client wanted  
18 everything on in one day.  
19 (Laughter.)  
20 ACTING CHAIR GREENFIELD: Okay.  
21 MR. GREGORY: Thank you.  
22 As Mr. Wren had stated, a variance was  
23 granted by the Town of Hempstead Zoning Board  
24 on June 5th, 2024. The proposed two thousand  
25 five -- excuse me -- proposed two building --

1 NCPC Minor Sub. File No. 37-2024  
2 building plots in area of 5,000 square feet, when  
3 6,000 was required by the Town of Hempstead.

4 At the hearing at the Town of  
5 Hempstead, there were no objectors. It was put  
6 on record at to Town of Hempstead that there's no  
7 other properties within a 200-foot radius that  
8 could be further subdivided into 50 by 100s, that  
9 would promote any windfall of any further  
10 subdivisions.

11 These houses will be:  
12 Single-family homes;  
13 2200 square feet;  
14 4 bedrooms;  
15 2 1/2 baths;  
16 One-car attached garage;  
17 4-pad car parking driveway.

18 The houses were positioned in the  
19 center of the -- the properties, so they didn't  
20 favor one side or the other to create open -- to  
21 leave open space between existing dwellings on  
22 each side.

23 I open the Board to any questions they  
24 may have --

25 THIRD VICE-CHAIR LEWIS: And --

1 NCPC Minor Sub. File No. 37-2024

2 MR. GREGORY: -- and the public.

3 THIRD VICE-CHAIR LEWIS: -- is the  
4 whole lot open now?

5 MR. GREGORY: Correct, the existing  
6 house was demolished.

7 THIRD VICE-CHAIR LEWIS: Okay. And  
8 that house we see to the side there in the photo,  
9 that's not on the property?

10 MR. GREGORY: That's -- that's --  
11 that's the parcel next door.

12 THIRD VICE-CHAIR LEWIS: So that's not  
13 you?

14 MR. GREGORY: No -- no -- no. They've  
15 been working there for a while on --

16 THIRD VICE-CHAIR LEWIS: I was going to  
17 say, 'cause it looks like they were under  
18 construction there.

19 MR. GREGORY: Yeah. No, they actually  
20 did put a second floor on the house.

21 ACTING CHAIR GREENFIELD: Okay.

22 THIRD VICE-CHAIR LEWIS: Two 50 by  
23 100s.

24 ACTING CHAIR GREENFIELD: I think --  
25 no. I have no one signed up from the public.

1 NCPC Minor Sub. File No. 37-2024

2 Anyone?

3 (No response.)

4 ACTING CHAIR GREENFIELD: I see public  
5 still here. Are you -- are you here for -- not  
6 that I dislike an audience.

7 COMMISSIONER SAKOWICH: They like us.

8 (Laughter.)

9 ACTING CHAIR GREENFIELD: You're not  
10 here for this case?

11 (No audible response.)

12 ACTING CHAIR GREENFIELD: Okay. So  
13 let's go ahead and --

14 MR. O'BRIEN: Make a motion.

15 COMMISSIONER KALATY: Motion --

16 ACTING CHAIR GREENFIELD: -- entertain  
17 a motion.

18 COMMISSIONER KALATY: -- motion to  
19 approve NCPC File 37-2024 with a "Negative  
20 Declaration."

21 THIRD VICE-CHAIR LEWIS: I'll second  
22 the motion.

23 ACTING CHAIR GREENFIELD: Motion made  
24 and seconded.

25 All those in favor, so signify by

1 NCPC Minor Sub. File No. 37-2024

2 saying aye.

3 (Chorus of "ayes.")

4 ACTING CHAIR GREENFIELD: Any opposed?

5 (No response.)

6 ACTING CHAIR GREENFIELD: So carried.

7 Thank you for monopolizing the agenda

8 today.

9 MR. GREGORY: Thank you for your time.

10 ACTING CHAIR GREENFIELD: Okay.

11 See you next month.

12 MR. GREGORY: (Handing.)

13 MR. WREN: (Receiving.)

14 Thank you.

15 ACTING CHAIR GREENFIELD: The ball's in

16 your court, Mike.

17 (Discussion held among Commissioners

18 off the record.)

19 (Discussion held off the record.)

20 \* \* \*

21

22

23

24

25

1                   Zoning Referral Review

2                   ACTING CHAIR GREENFIELD: All right,  
3 Mr. Katz.

4                   (Stepping up.)

5                   MR. KATZ: All right. Vice-Chair, how  
6 did you want to handle the Zoning?

7                   ACTING CHAIR GREENFIELD: Let's do --

8                   COMMISSIONER SAKOWICH: Let's do the  
9 "LDs."

10                  ACTING CHAIR GREENFIELD: Let's -- as  
11 we always do, let's get all the "LDs" out of the  
12 way expeditiously and we got to be out of here,  
13 be done by 11:30, so I can make my lunch date.

14                  MR. KATZ: So does the Commission want  
15 to vote on the "LDs" right now?

16                  ACTING CHAIR GREENFIELD: Yes, all the  
17 "LDs."

18                  MR. KATZ: Okay.

19                  ACTING CHAIR GREENFIELD: So you have  
20 the numbers of the "LDs," Marty.

21                  MR. KATZ: I think the "LDs" are --  
22 are:

23                  Case No. 2 --

24                  THIRD VICE-CHAIR LEWIS: 2;

25                  3;

1                   Zoning Referral Review

2                   4.

3                   MR. KATZ: Right.

4                   THIRD VICE-CHAIR LEWIS: Right.

5                   ACTING CHAIR GREENFIELD: 3.

6                   MR. KATZ: 6.

7                   THIRD VICE-CHAIR LEWIS: And then we go  
8 to 6;

9                   7.

10                  MR. KATZ: 7;

11                  And 9.

12                  THIRD VICE-CHAIR LEWIS: Well, 9, we  
13 got a -- a letter --

14                  MR. KATZ: Oh, a letter.

15                  THIRD VICE-CHAIR LEWIS: -- it's very  
16 close to --

17                  MR. KATZ: That's a letter, right.

18                  THIRD VICE-CHAIR LEWIS: -- that's  
19 really a letter.

20                  ACTING CHAIR GREENFIELD: We'll do that  
21 separate. It's "LDL."

22                  MR. KATZ: Okay.

23                  ACTING CHAIR GREENFIELD: So at this  
24 time we'll entertain a motion on Cases:

25                  2;

1                   Zoning Referral Review

2                   3;

3                   4;

4                   6;

5                   And 7.

6                   MR. KATZ: Right.

7                   ACTING CHAIR GREENFIELD: Anyone, make  
8 a motion.

9                   COMMISSIONER SAKOWICH: I make a  
10 motion.

11                  THIRD VICE-CHAIR LEWIS: Yeah, make a  
12 motion, yeah. I second the motion for an "LD" on  
13 Nos.:

14                  2;

15                  3;

16                  4;

17                  6;

18                  7.

19                  ACTING CHAIR GREENFIELD: Okay.

20                  All those in --

21                  COMMISSIONER SAKOWICH: What about 9?

22                  THIRD VICE-CHAIR LEWIS: We'll get back  
23 to that.

24                  COMMISSIONER SAKOWICH: Okay.

25                  ACTING CHAIR GREENFIELD: Okay. All



1                   Zoning Referral Review

2   those in favor of the motion for "LD" on the  
3   aforementioned cases, so signify by saying aye.

4                   (Chorus of "ayes.")

5                   ACTING CHAIR GREENFIELD: Any opposed?

6                   (No response.)

7                   ACTING CHAIR GREENFIELD: So carried.

8                                 \*       \*       \*

9                   ACTING CHAIR GREENFIELD: Okay. Now,  
10   let's do the "LDL." Let's --

11                   MR. KATZ: Okay.

12                   ACTING CHAIR GREENFIELD: -- jump to  
13   that on 9.

14                   MR. KATZ: Okay, the "LDL."

15                   ACTING CHAIR GREENFIELD: Then we'll --  
16   then we'll take on the tougher ones.

17                   MR. KATZ: All right. Hold on one  
18   second here.

19                   All right. "LDL" Case No. 9, this is  
20   NCPC Case No. 79124, Town of Hempstead, Hamlet of  
21   Island Park for site plan review and amendment to  
22   the site plan review.

23                   This is site plan review to construct a  
24   four-story 117-unit multifamily building on a  
25   3.5-acre subject property. The project would be

1                   Zoning Referral Review

2   three floors of units and a courtyard, over --  
3   over enclosed grade level parking.

4                   The case was initially before the  
5   Planning Commission on 5/6/2021 for a change of  
6   zone from Industrial Light Manufacturing to  
7   "CA-S."   The "CA-S" Zone Zoning District in the  
8   Town is the Town's Transit Oriented Zoning  
9   District.   That allows the additional density of  
10   up to 55 units per acre.   However, this project  
11   is 32 units -- 32 units per acre.   The property  
12   is within walking distance to the Island Park  
13   Rail Station.

14                  The Planning Commission issued an "LD  
15   with a Letter," that addressed the inclusion of a  
16   Workforce Housing set aside and pedestrian --  
17   pedestrian safety issues for those residents  
18   utilizing the nearby Island Park Rail Station,  
19   which requires crossing Long Beach Road.

20                  The Town of -- subsequent, the Town  
21   subsequently changed the zoning of the property.

22                  The case was again brought to the  
23   Planning Commission on 1/11/2024 for site plan  
24   review.   The Commission issued a  
25   "Local Determination," again with a letter

1                                   Zoning Referral Review

2       addressing the inclusion of workforce housing set  
3       aside. The Town Board approved this plan.

4                                   The case is now before the  
5       Planning Commission, as the site plan has been  
6       amended. These design changes were initiated by  
7       the applicant. Generally, the configuration of  
8       the proposed building has not changed  
9       drastically. The number of units, 117 remains  
10      the same, as the -- as does the number of parking  
11      spaces, 196, which is compliant by Town  
12      standards. The following changes have been made:

13                                  One, the proposed building has  
14      increased by about 5,000 square foot, but it's  
15      still within the allowable building area;

16                                  Two, some of the parking stalls will  
17      "EV" charging stations for the residents;

18                                  Three, the number of curb cuts serving  
19      the on-grade parking structure has increased to  
20      three;

21                                  Four, the -- four, the lobby has been  
22      shifted from the southeast corner of the building  
23      to the northeast corner with a drop-off lane, and  
24      a flush curb and bollards;

25                                  Five, the main entrance has been

1                   Zoning Referral Review

2   revised to remove the circular -- circle  
3   configuration to a more traditional intersection  
4   for the two entrances to -- to the on-grade  
5   parking with formerly Beach Avenue and  
6   Waterfront Boulevard;

7                   Six, the plan is now proposing a  
8   welcoming entrance to the property with pavers  
9   and concrete ribbon, some of which will fall into  
10  the "right-of-way;"

11                  Seven, the inclusion of outdoor amenity  
12  space for the residents of the development along  
13  the waterfront;

14                  Eight, the inclusion of a 6 foot  
15  decorative aluminum fence along the westerly  
16  property line.

17                  The Landscape Plan and Photometric Plan  
18  are similar to the previously approved plan;

19                  Consideration has also been given to  
20  pedestrian access from the site, to cross  
21  Austin Boulevard when walking to and from the  
22  rail station. This issue has been addressed by  
23  the Austin Boulevard Safety Improvement Project,  
24  which is I guess still currently under way by the  
25  Nassau County Department of Public Works.

1                   Zoning Referral Review

2                   Staff is recommending again

3    "Local Determination with a Letter," that still  
4    addresses, that will continue to address efforts  
5    to a set aside workforce housing. So that's  
6    that.

7                   THIRD VICE-CHAIR LEWIS: So in essence,  
8    this is some much needed multifamily  
9    developments. It happens to be near the water,  
10   so they really put some thought into taking  
11   advantage of the location.

12                  And --

13                  MR. KATZ: Yeah --

14                  THIRD VICE-CHAIR LEWIS: -- it's  
15   basically a positive thing from a planning  
16   perspective. Our only comment you're  
17   recommending is to raise the need for  
18   workforce housing?

19                  MR. KATZ: -- right.

20                  THIRD VICE-CHAIR LEWIS: We have a  
21   letter that we've used for essentially any of  
22   these multifamily developments to make that point  
23   on behalf of the County.

24                  MR. KATZ: And it's substantially less  
25   dense than what it can be under the "CA-S" Zoning

1                   Zoning Referral Review

2   Transit Oriented Development --

3                   THIRD VICE-CHAIR LEWIS: Well, so what  
4   we're seeing here is less than 50 per acre? Is  
5   that what we're seeing?

6                   MR. KATZ: Yeah, this is 32 units per  
7   acre. The "CA-S" District permits up to over  
8   50 units or something like that.

9                   COMMISSIONER SAKOWICH: What's there  
10   now? Is this the "Bridgeview?"

11                  MR. KATZ: Yeah -- yeah.

12                  COMMISSIONER SAKOWICH: Okay. So  
13   that's currently what's there?

14                  MR. KATZ: Right.

15                  COMMISSIONER SAKOWICH: Okay.

16                  MR. KATZ: That's --

17                  COMMISSIONER SAKOWICH: And then the  
18   lot across the street is part of that?

19                  MR. KATZ: Yeah, so --

20                  COMMISSIONER DURSO: I was there.

21                  MR. KATZ: Right. So the -- the  
22   changes aren't drastic. They got a new architect  
23   for the site. So the rendering is a little  
24   different than what it was.

25                  So -- so okay. Does the Commission

1                   Zoning Referral Review

2    want to vote on that one or --

3                   THIRD VICE-CHAIR LEWIS:   Yeah.

4                   COMMISSIONER SAKOWICH:   Yeah.

5                   ACTING CHAIR GREENFIELD:   Okay, then

6    let's -- let's --

7                   COMMISSIONER SAKOWICH:   I make a

8    motion -- I make a motion --

9                   ACTING CHAIR GREENFIELD:   Case number.

10                  COMMISSIONER SAKOWICH:   -- Case No. 9,

11    that it would be a "Local Determination with a

12    letter" of --

13                  MR. O'BRIEN:   Regarding the workforce

14    housing.

15                  COMMISSIONER SAKOWICH:   -- supporting

16    workforce housing.

17                  MR. O'BRIEN:   Right.

18                  ACTING CHAIR GREENFIELD:   Okay.

19                  MR. KATZ:   What next?

20                  COMMISSIONER GOLD:   Second.

21                  ACTING CHAIR GREENFIELD:   We have a

22    motion made and seconded.

23                  All those in favor?

24                  (Chorus of "ayes.")

25                  ACTING CHAIR GREENFIELD:   Any opposed?

1                   Zoning Referral Review

2                   (No response.)

3                   ACTING CHAIR GREENFIELD: So carried.

4                               \*       \*       \*

5                   ACTING CHAIR GREENFIELD: All right

6 that leaves us --

7                   THIRD VICE-CHAIR LEWIS: How about

8 No. 10? Is that a simple one?

9                   MR. KATZ: You want to do 10?

10                  MR. O'BRIEN: Yeah, that's the

11 "Starbucks?"

12                  MR. KATZ: Okay. Zoning Case 10.

13                  ACTING CHAIR GREENFIELD: Is that  
14 simple? I don't know that. I have an issue  
15 there.

16                  THIRD VICE-CHAIR LEWIS: Yeah, but I --

17                  MR. KATZ: Which one now? I'm sorry.

18                  ACTING CHAIR GREENFIELD: Ten.

19                  THIRD VICE-CHAIR LEWIS: "Starbucks."

20                  MR. KATZ: Ten, is that the one we're  
21 doing now?

22                  ACTING CHAIR GREENFIELD: Yes, we're  
23 on --

24                  MR. KATZ: Okay.

25                  ACTING CHAIR GREENFIELD: -- we're



1                   Zoning Referral Review

2    doing 10.

3                   MR. KATZ:   That's NCPC Case -- well,  
4    Case No. 715124, Town of North Hempstead, the  
5    Hamlet of Roslyn Heights.  This is a -- actually  
6    it's for -- it's for a variance regarding the  
7    installation of audio drive-thru equipment and --  
8    and -- and fence.

9                   ACTING CHAIR GREENFIELD:  So -- so in  
10   the pre-meeting --

11                  MR. KATZ:  Can I -- can just summarize  
12   this real fast?

13                  ACTING CHAIR GREENFIELD:  Did I call it  
14   right, the pre-meeting?

15                  MR. O'BRIEN:  No, work session.

16                  THIRD VICE-CHAIR LEWIS:  The  
17   work session.

18                  ACTING CHAIR GREENFIELD:  The  
19   work session.

20                  (Laughter.)

21                  MR. KATZ:  Yeah, let -- let me just --

22                  ACTING CHAIR GREENFIELD:  Okay,  
23   summarize it.

24                  MR. KATZ:  -- fastly [sic] describe --  
25   quickly describe the project.

1                   Zoning Referral Review

2                   It's a proposed "Starbucks" with a  
3 drive-thru on a 16,970 square foot site. This is  
4 a drive-thru only facility. This case was  
5 initially heard by the Planning Commission on  
6 1/11/2024 for several variances. The Commission  
7 issued a "Local Determination." The Town  
8 approved these variances. The project is parking  
9 compliant.

10                  Additional variances were then referred  
11 to the Planning Commission, which is before you  
12 now, concerning:

13                  The installation of drive-thru audio  
14 requirement serving drive-thru -- the drive-thru  
15 that faces residential properties, which is not  
16 permitted;

17                  And the installation of 7-foot fence on  
18 top of existing 5-foot wall that abuts  
19 residential properties.

20                  The Town initially overlooked these  
21 zoning -- these -- these zoning non-conformities,  
22 so it was re-referred to us.

23                  The site is currently occupied by a  
24 vacant one-story commercial building to be  
25 demolished.

1                   Zoning Referral Review

2                   A traffic impact study was prepared for  
3 this project and concluded that it will not have  
4 adverse traffic affects impacts on the study  
5 intersections or roadway network, and no  
6 mitigation -- and proposed no mitigation at that  
7 time.

8                   Staff is recommending that this be  
9 deemed incomplete as additional information is  
10 requested. Specifically, a noise analysis is  
11 requested concerning a potential impact of sound  
12 emitting from the order station on homes located  
13 near the site's northerly property line.

14                  ACTING CHAIR GREENFIELD: Okay, all  
15 right.

16                  MR. KATZ: It is a pretty solid --

17                  ACTING CHAIR GREENFIELD: All right.

18                  THIRD VICE-CHAIR LEWIS: So -- so  
19 Marty?

20                  MR. KATZ: Yeah.

21                  THIRD VICE-CHAIR LEWIS: You know,  
22 we're -- we're --

23                  MR. KATZ: Yeah. What's up?

24                  THIRD VICE-CHAIR LEWIS: We -- we  
25 respect recommendations.

1                   Zoning Referral Review

2                   MR. KATZ:    Okay.

3                   THIRD VICE-CHAIR LEWIS:  There may be  
4 times we -- we differ and there's no -- there's  
5 nothing wrong with that.  That's part of the  
6 process, but we work dynamic within staff.

7                   You know, so just question, I mean it  
8 looks like a pretty big site for a development.  
9 It's right on the --

10                  MR. KATZ:  Big site, but shallow.

11                  THIRD VICE-CHAIR LEWIS:  Okay.  But on  
12 the -- on the Expressway in a way that seems to  
13 suggest that would be the biggest noise.

14                  COMMISSIONER SAKOWICH:  It's 120 feet  
15 from the Long Island Expressway --

16                  ACTING CHAIR GREENFIELD:  And there's  
17 no wall there.

18                  COMMISSIONER SAKOWICH:  -- and there's  
19 no wall there.  So I mean --

20                  ACTING CHAIR GREENFIELD:  It won't get  
21 a good --

22                  COMMISSIONER SAKOWICH:  -- we -- you're  
23 worried about a "Starbucks" noise and you've got  
24 an  
25 "L.I.E.," six lanes going by within 150 feet of

1                   Zoning Referral Review

2    this -- this proposed site.

3                   I mean this --

4    this -- the site itself is a huge eyesore in the

5    community on -- on -- as you pass by. It's on

6    the Service Road of the "L.I.E." I -- I --

7                   MR. KATZ: If -- if you I'm -- I'm -- I

8       -- I respect your -- your comments. But I'm

9    just curious, if -- if you lived on that, along

10   those --

11                  COMMISSIONER SAKOWICH: I -- I would be

12   more concerned --

13                  MR. KATZ: -- would you be --

14                  COMMISSIONER SAKOWICH: -- I would be

15   more concerned about the queuing of cars.

16                  MR. KATZ: They may have a

17   sound wall by the way. I'm not sure if that

18   stretch of Long Island Railroad [sic] has -- or

19   Long Island Expressway has a sound wall. It

20   probably does.

21                  COMMISSIONER SAKOWICH: It does not.

22                  MR. KATZ: It does not --

23                  ACTING CHAIR GREENFIELD: It does not.

24                  MR. KATZ: -- have a sound wall?

25                  COMMISSIONER SAKOWICH: No.

1 Zoning Referral Review

2 ACTING CHAIR GREENFIELD: No.

3 MR. KATZ: Okay.

4 COMMISSIONER SAKOWICH: No.

5 ACTING CHAIR GREENFIELD: No. I

6 unfortunately travel it too much. It's --

7 COMMISSIONER SAKOWICH: I'm -- what I'm

8 saying is, is that --

9 VICE-CHAIR GREENFIELD: -- lonely

10 though.

11 COMMISSIONER SAKOWICH: -- that

12 I -- I'm a -- you know, we had an issue with

13 "Taco Bell." I think the queuing of cars on the

14 North Service Road of the "L.I.E." --

15 DEPUTY COMMISSIONER NIMMO: I'd like to

16 comment on that, if I could.

17 So this says it's 13 cars queuing. We,

18 Nassau County Department of Public Works would

19 need to see this for "239-f." What this plan

20 shows is only 7 cars queuing, 'cause we counted

21 from the menu board, not from where the -- the

22 order location --

23 COMMISSIONER SAKOWICH: So they need to

24 move that board anyway.

25 DEPUTY COMMISSIONER NIMMO: So

1                   Zoning Referral Review

2       7 cars at a "Starbucks" is going to backup onto  
3       Powerhouse Road. "DPW" is going to have a very  
4       difficult time --

5                   MR. KATZ: Yeah, but Bill, I -- I --

6                   DEPUTY COMMISSIONER NIMMO: --

7       approving --

8                   MR. KATZ: -- I think it indicates that  
9       the queuing for 13 -- the plans shows that  
10      queuing for 13 cars is provided prior to the --

11                  ACTING CHAIR GREENFIELD: Marty?

12                  MR. KATZ: -- drive-thru window. Yeah.

13                  DEPUTY COMMISSIONER NIMMO: At the  
14      drive-thru window, correct?

15                  ACTING CHAIR GREENFIELD: We only have  
16      three minutes --

17                  MR. KATZ: Okay.

18                  ACTING CHAIR GREENFIELD: -- it's okay.

19                  DEPUTY COMMISSIONER NIMMO: "DPW"

20      counts the cars from the --

21                  ACTING CHAIR GREENFIELD: Okay.

22                  DEPUTY COMMISSIONER NIMMO: -- from  
23      the ordering location, the menu board, not from  
24      the --

25                  MR. KATZ: Right --

1                   Zoning Referral Review

2                   DEPUTY COMMISSIONER NIMMO:  -- not  
3    where the --

4                   MR. KATZ:  -- which --

5                   DEPUTY COMMISSIONER NIMMO:  -- pick  
6    ups.  The -- the backup happens there.  Seven  
7    cars is not --

8                   ACTING CHAIR GREENFIELD:  Exactly --

9                   DEPUTY COMMISSIONER NIMMO:  -- enough.

10                  ACTING CHAIR GREENFIELD:  -- no --  
11   no -- no, Bill, I agree with you.

12                  COMMISSIONER SAKOWICH:  But which --  
13   which would help.  Moving that menu board around  
14   to get the 13 cars would bring it away from the  
15   residential homes.  So if they abide by your  
16   rules, that's going to move that menu board.

17                  DEPUTY COMMISSIONER NIMMO:  Yeah,  
18   make -- make sure if the --

19                  COMMISSIONER SAKOWICH:  You understand?

20                  DEPUTY COMMISSIONER NIMMO:  -- whatever  
21   you vote on --

22                  COMMISSIONER SAKOWICH:  Bringing that  
23   menu board around, you --

24                  ACTING CHAIR GREENFIELD:  Okay.  So  
25   here's what I'm proposing, then we can make it a



1                   Zoning Referral Review

2    motion, that we:

3                   Do an "LDL" with the recommendation  
4    that they move the menu board to prevent the  
5    backup;

6                   And also mention that it's subject to  
7    final approval by "Nassau County DPW 239-f."

8                   THIRD VICE-CHAIR GREENFIELD: Right.

9                   DEPUTY COMMISSIONER NIMMO: Please.

10                  ACTING CHAIR GREENFIELD: Yes,  
11   absolutely.

12                  At this time I'd like to --

13                  DEPUTY COMMISSIONER NIMMO: Please and  
14   thank you.

15                  (Laughter.)

16                  ACTING CHAIR GREENFIELD: No, this time  
17   I like the "239-f."

18                  MR. KATZ: So -- so Bill, this hasn't  
19   gotten --

20                  DEPUTY COMMISSIONER NIMMO: (No  
21   response.)

22                  MR. KATZ: Bill, this hasn't gotten  
23   "2" -- "239-f" approval yet?

24                  DEPUTY COMMISSIONER NIMMO: I have not  
25   seen it. I don't know if they've submitted it.

1                   Zoning Referral Review

2                   ACTING CHAIR GREENFIELD: No, so that's  
3 why I want to make the decision subject to that.

4                   MR. KATZ: This stretch of Service Road  
5 is a -- is a County.

6                   ACTING CHAIR GREENFIELD: Yes,  
7 absolutely.

8                   MR. KATZ: Okay. I just want to be  
9 sure.

10                  DEPUTY COMMISSIONER NIMMO: Roslyn Road  
11 and --

12                  ACTING CHAIR GREENFIELD: Powerhouse.

13                  DEPUTY COMMISSIONER NIMMO: --  
14 Powerhouse is Nassau County --

15                  MR. KATZ: Okay. So we'll put --

16                  DEPUTY COMMISSIONER NIMMO: --  
17 jurisdictionally.

18                  MR. KATZ: -- that in a letter.

19                  ACTING CHAIR GREENFIELD: Okay, good.

20                  MR. KATZ: Okay.

21                  ACTING CHAIR GREENFIELD: So we have a  
22 motion to -- to that effect?

23                  COMMISSIONER SAKOWICH: I'll make a  
24 motion to --

25                  ACTING CHAIR GREENFIELD: "LDL."

1                   Zoning Referral Review

2                   COMMISSIONER SAKOWICH:  -- "LDL," with  
3                   the letter stating that -- well, we can't "LDL."  
4                   We got to deny it, because we -- it's got to --

5                   ACTING CHAIR GREENFIELD:  No, we're not  
6                   denying it.  We're saying "LDL," subject to.

7                   COMMISSIONER SAKOWICH:  Oh, you're  
8                   reviewing, they will be sending?

9                   ACTING CHAIR GREENFIELD:  Yes.

10                  COMMISSIONER SAKOWICH:  But in -- in  
11                  their review that the --

12                  ACTING CHAIR GREENFIELD:  The  
13                  menu board --

14                  COMMISSIONER SAKOWICH:  -- menu board  
15                  and the speaker system be moved closer to the  
16                  main road --

17                  MR. KATZ:  Okay.

18                  COMMISSIONER SAKOWICH:  -- which would  
19                  allow the queuing of cars and impact the homes  
20                  behind it.

21                  MR. KATZ:  All right, we'll -- we'll  
22                  incorporate that into a letter.

23                  COMMISSIONER SAKOWICH:  Yeah.

24                  MR. KATZ:  Sure.

25                  ACTING CHAIR GREENFIELD:  Okay.

1                   Zoning Referral Review

2                   COMMISSIONER DURSO: And the "239-f."

3                   ACTING CHAIR GREENFIELD: And the

4 "2" -- subject to "239-f."

5                   MR. KATZ: Right.

6                   ACTING CHAIR GREENFIELD: Okay. Motion

7 made.

8                   COMMISSIONER DURSO: I'll second that.

9                   ACTING CHAIR GREENFIELD: We have a

10 second. We're cooking.

11                   All those in favor?

12                   (Chorus of "ayes.")

13                   ACTING CHAIR GREENFIELD: Any opposed?

14                   (No response.)

15                   ACTING CHAIR GREENFIELD: So carried.

16                   \*           \*           \*

17                   ACTING CHAIR GREENFIELD: Okay. I

18 think some people may be waiting here for

19 Case No. 1. I just have a feeling.

20                   (Laughter.)

21                   MR. KATZ: Well, I'm not sure.

22                   ACTING CHAIR GREENFIELD: At least

23 one -- one -- at least one attorney is waiting

24 here for Case No. 1.

25                   MR. KATZ: All right. Then let's do

1                   Zoning Referral Review

2   No. 1 then.

3                   ACTING CHAIR GREENFIELD: Okay.

4                   MR. KATZ: All right. This is  
5   NCPC Case No. 624124. This is for site plan  
6   review.

7                   And this is a proposed two-story house  
8   of worship, a mosque with basement for a gross  
9   floor area of about 16,000 square feet on three  
10   levels, including a basement on a 1.3-acre  
11   property.

12                  This would require the demolition of  
13   two existing one-story structures on the lot  
14   on -- on the two lots. "Lot 7" is occupied by a  
15   one-story mosque now, which is about 2500 square  
16   feet. "Lot 9" is occupied by a one-story former  
17   commercial building, maybe a restaurant, which is  
18   1,992 square feet.

19                  The proposed building will have a  
20   footprint, a building footprint of 5,543 square  
21   feet including canopies. The proposed developed  
22   will merge the two adjoining tax lots.

23                  The -- parking will be provided for  
24   88 vehicles, with 155 parking spaces required,  
25   based on the total assembly occupancy of

1                   Zoning Referral Review

2    464 persons.

3                   The basement will include a  
4   multipurpose room of about 20 [sic] --  
5   2,447 square feet, 113 persons, with a kitchen,  
6   storage and restroom;

7                   The first floor will include a prayer  
8   room, about 2300 square feet, 225 person  
9   occupancy, and a multipurpose room, 707 [sic] --  
10   707 [sic] -- 777 square feet, 38 person  
11   occupancy, with a library and conference room,  
12   office and restrooms;

13                  The second floor will include classroom  
14   areas of about 3,000 square feet, 99 person  
15   occupancy, storage rooms and restrooms, for a  
16   total occupancy of 464 persons.

17                  The case was initially before the  
18   Planning Commission on 1/11/2024 for site plan  
19   review.

20                  The current plan reflects changes to  
21   the site plan regarding access. Both plans show  
22   a curb cut at the westerly property line, right  
23   and left-turns enter, right-turns exit only onto  
24   Central Ave.

25                  The initial plan also included a curb

1                   Zoning Referral Review

2     cut mid-site on Central Avenue, right and  
3     left-turns entering, right-turns exit only. The  
4     revised plan eliminates this curb cut.

5                   Both plans do show a curb cut near the  
6     northerly property line on Stewart Avenue, right  
7     and left-turns enter, right-turn exit only.

8                   The initial plan had a total assembly  
9     occupancy rated for 506 persons requiring 169  
10    spaces. And the revised plan has a total  
11    assembly occupancy rating for 464 persons,  
12    requiring 155 spaces.

13                  The Town prepared a "TEQRA" report  
14    based on -- the traffic part was based on the  
15    consultant's traffic impact analysis that remains  
16    unchanged, dated August 24th, 2023.

17                  The applicant has -- the applicant has  
18    indicated that the purpose of the expanded mosque  
19    is to better accommodate the needs of the  
20    existing congregation and is not intended to  
21    increase the number of people on the site. The  
22    "TEQRA" report -- that's the Town's report that  
23    it -- it prepares analyzing the -- the -- the  
24    consultant's, the -- the applicant's consultant  
25    reports that -- thus -- thus concluding that it

1                   Zoning Referral Review

2   is not expected that the proposed action will  
3   result in a significant increase in the volume of  
4   site-generated traffic.

5                   The traffic analysis, impact analysis  
6   concluded that even with the overflow parking  
7   associated with peak activity on -- at the  
8   subject property under the proposed conditions,  
9   parking will remain available along the adjacent  
10   public streets to accommodate the parking needs  
11   of community during the limited -- the, quote,  
12   unquote, limited time periods of peak activities  
13   of the mosque.

14                  The "T.A.," traffic analysis noted that  
15   the highest levels of parking demand for the  
16   mosque under both existing and proposed  
17   conditions, occurs only during the prayer periods  
18   on early Friday afternoon, typically between  
19   12:30 p.m. and 2:30 p.m., which does not coincide  
20   with the evening and Saturday, Sunday time  
21   periods when area residents are most likely to be  
22   home.

23                  The report states that this expect --  
24   is expected to moderate the impact of any  
25   increased on -- on-street parking demand created



1                   Zoning Referral Review

2    by the proposed facility.

3                   It should be noted that Central Ave. is  
4    five lanes. There's no parking on  
5    Central Avenue and there's no parking along  
6    Stewart Avenue along these stretches of the road.

7                   ACTING CHAIR GREENFIELD: No legal  
8    parking?

9                   MR. KATZ: No -- no legal parking.

10                  ACTING CHAIR GREENFIELD: People park  
11    anyway.

12                  (Discussion held among Board Members  
13    off the record.)

14                  MR. KATZ: Staff -- staff indicates  
15    that -- that the -- the parking analysis might be  
16    enhanced somewhat to give greater consideration  
17    to the -- to the potential parking and traffic  
18    impacts of a house of worship that is undergoing  
19    such a major expansion, more than -- more than  
20    quadrupling the size. An expansion of this  
21    magnitude will most likely result in  
22    significantly more activity than currently  
23    exists on the site, potentially resulting  
24    in more traffic and parking spillover onto  
25    nearby residential streets, such as

1                   Zoning Referral Review

2           South Pershing Avenue and Totten Street.

3                   So that's staff. That's what staff has  
4           to say.

5                   ACTING CHAIR GREENFIELD: Okay. So we  
6           heard at our -- what do you call that meeting we  
7           had?

8                   MR. O'BRIEN: Work session.

9                   ACTING CHAIR GREENFIELD: -- work  
10          session from our Legislator Rose Walker on this  
11          subject, we heard from the attorney for the  
12          applicant. And we had a good discussion based  
13          upon all that information we have, which is the  
14          purpose of the pre-meeting.

15                   Do we have a motion?

16                   COMMISSIONER SAKOWICH: Well, we're  
17          going -- we're going deem it incomplete, I  
18          believe is what we want to do here?

19                   MR. O'BRIEN: It's -- it's --

20                   ACTING CHAIR GREENFIELD: Well --

21                   COMMISSIONER SAKOWICH: Well, here,  
22          you -- you know --

23                   ACTING CHAIR GREENFIELD: -- why not  
24          deny?

25                   COMMISSIONER SAKOWICH: I'll deny it,

1                                   Zoning Referral Review

2    yeah.

3                    ACTING CHAIR GREENFIELD:  Then -- then  
4    denying --

5                    THIRD VICE-CHAIR LEWIS:  Well, denying  
6    it --

7                    ACTING CHAIR GREENFIELD:  -- it goes  
8    back.  You know, then they need an absolute  
9    majority, plus one.

10                   MR. O'BRIEN:  I think the one thing --  
11    I -- I'm going to say, the one thing we've been  
12    told is that basically we have everything that --  
13    that the municipalities has.  So it's --

14                    ACTING CHAIR GREENFIELD:  Right.  It  
15    isn't incomplete according to --

16                    MR. O'BRIEN:  So all they're required  
17    to do is send us what they have.

18                    COMMISSIONER SAKOWICH:  Okay.  So we  
19    have that.

20                    MR. O'BRIEN:  We -- as far as I know  
21    from everything that was said, we have a -- we  
22    have everything that's here, so --

23                    COMMISSIONER SAKOWICH:  Okay.  So then  
24    I make a motion --

25                    MR. KATZ:  But that doesn't -- that

1                   Zoning Referral Review

2       doesn't necessarily mean that the applicant  
3       wouldn't have the --

4                   ACTING CHAIR GREENFIELD:   Marty --

5                   MR. KATZ:    -- consultant doing --

6                   ACTING CHAIR GREENFIELD:   -- the  
7       applicant --

8                   MR. KATZ:    -- an enhanced traffic  
9       study.

10                  COMMISSIONER SAKOWICH:  I think -- I  
11       think --

12                  ACTING CHAIR GREENFIELD:  No -- no --  
13       no.  The applicant's attorney told us --

14                  MR. KATZ:    -- okay.

15                  ACTING CHAIR GREENFIELD:  -- that this  
16       is all that the Town required.

17                  MR. KATZ:    All right, okay.

18                  ACTING CHAIR GREENFIELD:  The Town --

19                  MR. KATZ:    Yeah --

20                  ACTING CHAIR GREENFIELD:  -- sent it  
21       over.  They have a good "TEQRA" process there.

22                  COMMISSIONER SAKOWICH:  All right,  
23       yeah.

24                  ACTING CHAIR GREENFIELD:  So we have a  
25       motion to deny.

1 Zoning Referral Review

2 COMMISSIONER SAKOWICH: Right. But  
3 the --

4 ACTING CHAIR GREENFIELD: I'll second  
5 that motion.

6 Oh, I'm sorry.

7 COMMISSIONER SAKOWICH: No, I just --

8 ACTING CHAIR GREENFIELD: Any -- any  
9 further comment from anybody?

10 (No response.)

11 ACTING CHAIR GREENFIELD: So for the  
12 purpose of voting, we have a motion to deny --

13 COMMISSIONER SAKOWICH: Yeah, I just  
14 think for the record is --

15 ACTING CHAIR GREENFIELD: -- and a  
16 second.

17 COMMISSIONER SAKOWICH: -- with it --  
18 we weren't on the record in the pre-meeting, but  
19 --

20 ACTING CHAIR GREENFIELD: Well now  
21 we're on the record.

22 COMMISSIONER SAKOWICH: We're now on  
23 the record that we --

24 MR. O'BRIEN: In the work session.

25 COMMISSIONER SAKOWICH: -- in the

1                   Zoning Referral Review

2   work session that we --

3                   (Laughter.)

4                   COMMISSIONER SAKOWICH:  -- have come  
5   across this and this is a -- a -- a tremendous  
6   impact to the local residents.  Parking, there's  
7   no additional parking for this.  This is a -- a  
8   huge expansion and their -- their numbers that  
9   they use as far as three or four person -- people  
10  per car is absolutely -- in this situation,  
11  not -- it doesn't work.

12                  It's the -- you know, the cars are  
13  tremendous and it's a tremendous impact on the  
14  local streets.  And I'm going to make a motion  
15  for a denial.

16                  MR. O'BRIEN:  So we have a motion.  We  
17  have a second.

18                  COMMISSIONER DURSO:  I'll second.

19                  ACTING CHAIR GREENFIELD:  I seconded  
20  already.

21                  MR. O'BRIEN:  There was a second.

22                  ACTING CHAIR GREENFIELD:  We have two  
23  seconds.

24                  COMMISSIONER DURSO:  Oh.

25                  ACTING CHAIR GREENFIELD:  You could

1                   Zoning Referral Review

2    have my second.

3                   COMMISSIONER DURSO:   No, you seconded.

4                   ACTING CHAIR GREENFIELD:   I'll yield

5    the second to my --

6                   COMMISSIONER DURSO:   Yeah --

7                   THIRD VICE-CHAIR LEWIS:   So --

8                   ACTING CHAIR GREENFIELD:   -- esteemed

9    colleague.

10                   (Laughter.)

11                   THIRD VICE-CHAIR LEWIS:   -- so I --

12                   ACTING CHAIR GREENFIELD:   On the

13    question?

14                   THIRD VICE-CHAIR LEWIS:   Yeah, I'm not  
15    persuaded to vote for the denial.   You know, I --

16    I --

17                   MR. O'BRIEN:   So we'll do a roll call.

18                   THIRD VICE-CHAIR LEWIS:   Yeah.

19                   All right.   Well --

20                   ACTING CHAIR GREENFIELD:   Let's do a  
21    roll call.

22                   THIRD VICE-CHAIR LEWIS:   Just for the  
23    record, I do know the site very well.   I grew up  
24    in Bethpage.   My mom lived at the senior center  
25    right near there.

1                   Zoning Referral Review

2                   And, you know, I am aware of people  
3 talking about with the, you know, traffic impact  
4 and things like that. But I do also think we  
5 have to consider that the plan that they're  
6 proposing is a much better plan in terms of the  
7 flow of traffic --

8                   COMMISSIONER SAKOWICH: Yes.

9                   THIRD VICE-CHAIR LEWIS: -- through the  
10 site, and utilizing the site more efficiently,  
11 and that that hopefully will have a beneficial  
12 effect.

13                   You know, it is troubling to see that  
14 the plan assumes a significant amount of parking  
15 that's not going to be on site, that's going to  
16 be on the surrounding street.

17                   I have to say though, you know, how  
18 many times sitting with, you know, as a kid, you  
19 know, going to church services and often parking  
20 in properties that was not in the parking lot.

21                   I mean that's -- I mean I just think  
22 that, you know, religious institutions, we kind  
23 of know that there's lots of institutions have  
24 that people coming. But usually it's only, you  
25 know, once or twice, you know, a week that it's



1                   Zoning Referral Review

2    bad.  And it -- it -- as long as it's legal  
3    parking, hopefully it's okay.

4                   ACTING CHAIR GREENFIELD:  In my parish,  
5    it's only three times a year.

6                   (Laughter.)

7                   THIRD VICE-CHAIR LEWIS:  Oh, yeah.

8                   COMMISSIONER SAKOWICH:  Listen, I'm --  
9    I agree with you on -- on the -- the traffic.  
10   You know, their -- their fix of the traffic flow.  
11   I -- they definitely increased it.  But I live  
12   this in New Hyde Park.  And it's just a  
13   horrendous -- it is -- it is totally --

14                  ACTING CHAIR GREENFIELD:  So --

15                  MR. O'BRIEN:  Okay.  So just -- just  
16   for the record, a yes is for a denial and a no is  
17   against the denial.

18                  ACTING CHAIR GREENFIELD:  Right.

19                  MR. O'BRIEN:  Because it can be a  
20   little -- or if you -- yes, so --

21                  COMMISSIONER SAKOWICH:  Yes, is for  
22   denial.  The motion is for a denial.

23                  ACTING CHAIR GREENFIELD:  So --

24                  MR. O'BRIEN:  Right.

25                  ACTING CHAIR GREENFIELD:  -- so --

1                   Zoning Referral Review

2                   MR. O'BRIEN: Now, you need to do a  
3 roll call.

4                   MR. KATZ: Okay.

5                   ACTING CHAIR GREENFIELD: We'll do a  
6 roll call, but I want to make a comment first.

7                   MR. O'BRIEN: Yes. Sorry Chair.

8                   ACTING CHAIR GREENFIELD: I'm  
9 supporting denial, because that puts it in the  
10 ballpark of a local jurisdiction to get an  
11 absolute majority, plus one. I just want the  
12 residents that are to here to understand that it  
13 doesn't end with our vote here today. Our's a  
14 recommendation vote to the legislative body, the  
15 Town of Oyster Bay; right?

16                   MR. O'BRIEN: Correct.

17                   MR. KATZ: Right.

18                   ACTING CHAIR GREENFIELD: And then they  
19 are also are obligated to tell us if they  
20 override our recommendation of a denial, what  
21 factors they took into effect to do their  
22 override.

23                   MR. O'BRIEN: That's correct.

24                   ACTING CHAIR GREENFIELD: But we send a  
25 message to them by, if it passes the motion to

1                   Zoning Referral Review

2   deny, the feelings of the Nassau County

3   Planning Commission.  So --

4                   MR. KATZ:  Okay.  Do a roll call.

5                   ACTING CHAIR GREENFIELD:  Roll call.

6                   Roll it, baby.

7                   MR. KATZ:  All right.

8                   Commissioner Sakowich?

9                   COMMISSIONER SAKOWICH:  Yes.

10                  MR. KATZ:  Commissioner Kalaty?

11                  COMMISSIONER KALATY:  Yes.

12                  MR. KATZ:  Commissioner Gold?

13                  COMMISSIONER GOLD:  Yes.

14                  MR. KATZ:  Is that a yes?  I'm sorry.

15                  COMMISSIONER GOLD:  Yes.

16                  MR. O'BRIEN:  Yes.

17                  MR. KATZ:  Okay.

18                  ACTING CHAIR GREENFIELD:  It was a

19   quiet yes.

20                  MR. KATZ:  Commissioner Durso?

21                  COMMISSIONER DURSO:  Yes for denial.

22                  MR. KATZ:  Third Vice-Chair Lewis?

23                  THIRD VICE-CHAIR LEWIS:  No for the

24   denial.

25                  MR. KATZ:  No, okay.

1 Zoning Referral Review

2 And Vice-Chair -- First Vice-Chair  
3 Greenfield?

4 ACTING CHAIR GREENFIELD: Yes for the  
5 denial.

6 MR. KATZ: Okay, it passes, yeah, five  
7 five yeses and --

8 MR. O'BRIEN: One no.

9 MR. KATZ: -- and one no.

10 ACTING CHAIR GREENFIELD: We just got  
11 the five votes.

12 MR. KATZ: Okay.

13 \* \* \*

14 ACTING CHAIR GREENFIELD: Okay. That  
15 concludes our business here today, folks.

16 THIRD VICE-CHAIR LEWIS: No, we have  
17 two more.

18 COMMISSIONER DURSO: 5 and 8.

19 MR. O'BRIEN: No, don't we have 5  
20 and 8?

21 ACTING CHAIR GREENFIELD: No, we got --  
22 wait.

23 MR. O'BRIEN: 5 and 8?

24 MR. KATZ: I'm sorry?

25 COMMISSIONER DURSO: We have 5 and 8.

1                   Zoning Referral Review

2                   MR. O'BRIEN: Are 5 and 8 taken care  
3 of?

4                   ACTING CHAIR GREENFIELD: 5 and 8? No,  
5 I packed up already.

6                                 \*         \*         \*

7                   ACTING CHAIR GREENFIELD: 5, okay 5. I  
8 forgot about 5.

9                   Okay, go with 5.

10                  THIRD VICE-CHAIR LEWIS: Yeah, this is  
11 the Willow View Estates one.

12                  ACTING CHAIR GREENFIELD: Willow View  
13 Estates.

14                  (Laughter.)

15                  MR. KATZ: Okay.

16                  (Laughter.)

17                  MR. KATZ: Willow View, let me do this  
18 here fast.

19                  This is NCPC Case No. 523224. This is  
20 for a subdivision, as well as area, dimensional  
21 variances.

22                  This is the -- the Woodsburgh portion  
23 of the Willow View Estates subdivision, the  
24 former Woodmere Club. The Woodsburgh portion  
25 proposed subdivision contains 45 single-family

1                                   Zoning Referral Review

2   homes. Several of these proposed lots are  
3   located in the "Open Space District of the  
4   Coastal Conservation District," where residential  
5   lots are not permitted. And some lots also  
6   require area variances within this district.

7                    It should be noted, that the Village of  
8   Lawrence portion of the Willow View Estates was  
9   before the Planning Commission on 9/7/23 for the  
10   creation of 33 single-family lots. Several of  
11   these lots were situate -- situated within the  
12   "Open Space District of this Coastal Conservation  
13   Zoning District," similar to this referral. At  
14   that time, the Commission recommended that the  
15   application be modified to eliminate all lots  
16   within the "Open Space District."

17                   It should also noted that the Town of  
18   Hempstead, Woodmere portion of the Willow View  
19   Estates subdivision was scheduled to going before  
20   the Planning Commission on 5/30/24 for the  
21   creation of 90 single-family lots, many of these  
22   lots also in the "Open Space District." The  
23   Town, at that time, requested that it be pulled  
24   from the Zoning Agenda, which it was. Yeah.

25                   Staff is recommending modification,

1                   Zoning Referral Review

2   elimination of all proposed residential lots  
3   located within the "Open Space District," similar  
4   to what we recommended at the Lawrence.

5                   ACTING CHAIR GREENFIELD:   So what are  
6   we doing?

7                   (Discussion held among Commissioners  
8   off the record.)

9                   MR. O'BRIEN:   And -- and just -- just  
10   so the Commissioners are aware, when -- when  
11   Lawrence came before us that was the same  
12   recommendation.

13                  MR. KATZ:   Yeah.

14                  MR. O'BRIEN:   That was the vote of the  
15   Commission, to modify accordingly.

16                  MR. KATZ:   Yeah.

17                  MR. O'BRIEN:   So you would be  
18   consistent if you --

19                  ACTING CHAIR GREENFIELD:   Okay.

20                  MR. O'BRIEN:   -- if you vote for the  
21   "mod."

22                  ACTING CHAIR GREENFIELD:   Thank you,  
23   counsel.   That's a good point, especially for  
24   those that are new.

25                  Yeah, we had a lot of back and forth on

1                   Zoning Referral Review

2    this over the years to answer your questions, a  
3    lot of litigation. That's why I asked that  
4    question where we stand in litigation.

5                   COMMISSIONER SAKOWICH: They go --

6                   THIRD VICE-CHAIR LEWIS: Yeah, I'd like  
7    to make a motion on NCPC Case No. 523224. Our --  
8    our referral motion is for a modification, so  
9    that we would eliminate all proposed residential  
10   lots located in the "Open Space District." So  
11   our hope is that the plan will be modified to  
12   make that change. That's our position.

13                  ACTING CHAIR GREENFIELD: And I'll  
14   second that.

15                  MR. O'BRIEN: We have a motion made and  
16   seconded.

17                  ACTING CHAIR GREENFIELD: We have a  
18   motion and second.

19                  Do we have a vote? All in favor?

20                  (Chorus of "ayes.")

21                  ACTING CHAIR GREENFIELD: Any opposed?

22                  (No response.)

23                  ACTING CHAIR GREENFIELD: So carried.

24                               \*       \*       \*

25                  ACTING CHAIR GREENFIELD: No. 8.



1                   Zoning Referral Review

2                   MR. KATZ:   Okay.   And that's --

3                   ACTING CHAIR GREENFIELD:   No. 8,  
4   Yogi Berra, "Yo-Yo."

5                   MR. KATZ:   Okay.

6                   This is No. 8.   This is NCPC Case --

7                   ACTING CHAIR GREENFIELD:   It's not over  
8   until it's over, according to Yogi.

9                   (Laughter.)

10                  MR. KATZ:   Right.   And it -- it will be  
11   over after this one.

12                  (Laughter.)

13                  MR. KATZ:   628124, Town of Hempstead,  
14   Hamlet of Levittown.   It's for a parking  
15   variance.

16                  This is a proposed retail building of  
17   4,830 square feet, as part of the Levittown Mews  
18   Shopping Center.

19                  A parking variance is required.   The  
20   Shopping Center has a total of 405 parking  
21   spaces, with a total of 505 parking spaces  
22   required.

23                  The proposed retail building, in and of  
24   itself requires 24 parking spaces.

25                  The proposed building will be situated

1                   Zoning Referral Review  
2     in an open area next to the freestanding  
3     "ULTA Beauty Store" at the easterly end of the  
4     Shopping Center. The Shopping Center has a  
5     total of 13 stores and is anchored by a  
6     freestanding "Walmart" at the westerly end of  
7     the Shopping Center. Several parking spaces  
8     along the easterly property line will be  
9     eliminated to accommodate the building.

10                  The access drive to the Shopping Center  
11     is -- is aligned with a "Home Depot" access drive  
12     on the south side of Hempstead Turnpike,  
13     controlled by a traffic signal.

14                  Field work indicates that there were --  
15     you know, there's about 4 -- 50 to 65 percent  
16     occupied at that time. But the proposed retail  
17     building will certainly exacerbate the parking  
18     shortfall -- shortfall, as per Town parking  
19     standards.

20                  Staff is recommending to deem this  
21     incomplete. Additional information requested.  
22     The proposed retail building will increase the  
23     parking -- Shopping Center's parking deficiency.  
24     As such, a parking analysis is requested.

25                  THIRD VICE-CHAIR LEWIS: So you want

1                   Zoning Referral Review

2   more information, is that what you're telling --

3                   MR. KATZ:   Yeah --

4                   THIRD VICE-CHAIR LEWIS:  -- us?

5                   MR. KATZ:   -- uh-huh.

6                   (Laughter.)

7                   ACTING CHAIR GREENFIELD:  Okay.  So do  
8   we -- do we have a motion.

9                   COMMISSIONER SAKOWICH:  I just, you  
10   know, I think we have to --

11                   ACTING CHAIR GREENFIELD:  Put -- put  
12   your mic. on.  Thanks.

13                   COMMISSIONER SAKOWICH:  -- I just, I --  
14   I believe you said in your report when you guys  
15   were there, 50 to 60 percent car?

16                   MR. KATZ:  Well, at that point, I --  
17   I -- I didn't do a count there.  But, you know,  
18   there were -- it might have been about 65 percent  
19   occupied, 70 percent, you know.

20                   COMMISSIONER SAKOWICH:  And all of  
21   these -- all of these local malls, these smaller  
22   malls, shopping centers are -- are doing this,  
23   because they have to stay afloat with, you -- you  
24   know, adding more renters to these spots.

25                   I mean 455 parking spaces, I believe

1                   Zoning Referral Review

2    you said?

3                   MR. KATZ:   Well, it's got 404 required,  
4    500 -- 400 and 500 are required.  505, they are  
5    about 20 percent short.

6                   COMMISSIONER SAKOWICH:  I am just  
7    saying, like we're going to make them go through  
8    a traffic study.  60 -- by -- even by this aerial  
9    view, I mean you're being nice at  
10   50 percent.  It looks even less than that.

11                  MR. O'BRIEN:  I was going to say, an  
12    "LD" would not be --

13                  DEPUTY COMMISSIONER NIMMO:  There's  
14    parking spots available now.

15                  MR. O'BRIEN:  -- would -- would not  
16    be --

17                  DEPUTY COMMISSIONER NIMMO:  There's  
18    always spots available.

19                  COMMISSIONER SAKOWICH:  Yeah, I -- I  
20    just I -- I just think a --

21                  MR. KATZ:  All right.

22                  COMMISSIONER SAKOWICH:  -- "Local  
23    Determination" --

24                  MR. KATZ:  All right.

25                  MR. O'BRIEN:  And if there was a

1                                   Zoning Referral Review

2    problem, it would come up at -- at -- at the  
3    hearing.

4                    COMMISSIONER SAKOWICH:  Yeah.  I just,  
5    you know, like it's -- it's in black and white  
6    here.

7                    I mean the -- the -- the, you know,  
8    traffic studies are going to -- obviously they're  
9    higher than -- it's going to be what --

10                   MR. KATZ:  I think they have to provide  
11   it at -- at -- at the Town hearing, "BZA"  
12   hearing.  The -- the -- the Town "BZA" will  
13   require --

14                   COMMISSIONER SAKOWICH:  Yeah, I -- I --

15                   MR. KATZ:  -- the traffic analysis  
16   be -- parking analysis be provided.

17                   COMMISSIONER SAKOWICH:  Be part of  
18   that.

19                   MR. KATZ:  We just don't have one now.

20                   COMMISSIONER SAKOWICH:  Right.  I'm --  
21   I'm just saying, but --

22                   MR. KATZ:  Right.

23                   COMMISSIONER SAKOWICH:  -- I mean,  
24   you're showing a picture here and there's, you  
25   know --

1                   Zoning Referral Review

2                   MR. KATZ:   Yeah, I don't know when that  
3   was.   Okay.

4                   COMMISSIONER SAKOWICH:  -- a tremendous  
5   amount of parking.

6                   THIRD VICE-CHAIR LEWIS:  So perhaps if  
7   you still want to say something regarding the  
8   parking issue, but not make it the -- you know,  
9   you can do an "LD" and have --

10                  COMMISSIONER SAKOWICH:  Yeah.

11                  THIRD VICE-CHAIR LEWIS:  -- the letter  
12   says that -- that we would like to see that  
13   analysis.

14                  COMMISSIONER SAKOWICH:  Yeah, or  
15   that -- that -- that the analysis, you know, we  
16   would like that forwarded to the -- to the Town  
17   for their final determination.

18                  MR. KATZ:  All right.  We could do  
19   that.

20                  THIRD VICE-CHAIR LEWIS:  Yeah.

21                  COMMISSIONER SAKOWICH:  Yeah.

22                  ACTING CHAIR GREENFIELD:  Okay.

23                  COMMISSIONER SAKOWICH:  Right.

24                  ACTING CHAIR GREENFIELD:  Then make  
25   that a motion.  It sounds like a good one.

1                   Zoning Referral Review

2                   THIRD VICE-CHAIR LEWIS: You want to do  
3 an "LD" or do you want to do "LD" with a letter  
4 regarding --

5                   COMMISSIONER SAKOWICH: An "LD" with a  
6 letter that a -- a -- a traffic study be -- be  
7 supplied to the Town on their final decision.

8                   MR. O'BRIEN: I think it's a parking  
9 study you want.

10                  COMMISSIONER SAKOWICH: A parking  
11 study, I'm sorry.

12                  A park -- a parking study for their --  
13 you know, which you had already said they're  
14 going to require.

15                  MR. O'BRIEN: We have a motion made.

16                  COMMISSIONER DURSO: I'll second.

17                  ACTING CHAIR GREENFIELD: Motion made  
18 and seconded.

19                  All those in favor for the "LDL," so  
20 signify.

21                  (Chorus of "ayes.")

22                                 \*       \*       \*

23

24

25

1 Proceedings

2 ACTING CHAIR GREENFIELD: Okay, now  
3 it's over, Yogi.

4 THIRD VICE-CHAIR LEWIS: Now it is.

5 ACTING CHAIR GREENFIELD: Thank you,  
6 everyone. Good meeting. See you in August.

7 COMMISSIONER SAKOWICH: Yes.

8 (The meeting was concluded at  
9 11:44 a.m.)

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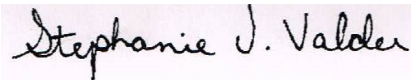


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C E R T I F I C A T I O N

I, STEPHANIE J. VALDER, do  
hereby certify that the within transcript is  
a true, accurate and complete transcript of  
the proceedings which took place in the above  
matter.

Handwritten signature of Stephanie J. Valder in black ink, set against a light pink rectangular background.

---

STEPHANIE J. VALDER,  
Stenographer

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