

PUBLIC WORK SESSION
of the
NASSAU COUNTY PLANNING COMMISSION

Thursday, July 18, 2024

9:04 a.m. - 9:56 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, (9:12 a.m. - 9:56 a.m.)

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 (9:39 a.m. - 9:56 a.m.)

15 Staff:

16 GREGORY HOESL

17 MARTY KATZ

18 JOHN PERRAKIS

19 TIMOTHY WREN

20 Also Present:

21 STEPHANIE J. VALDER, Stenographer

22 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 Staff, good morning.

5 MR. PERRAKIS: Good morning.

6 ACTING CHAIR GREENFIELD: We're going

7 to begin. We have five members here.

8 THIRD VICE-CHAIR LEWIS: The work

9 session, is that --

10 ACTING CHAIR GREENFIELD: The public

11 work session.

12 THIRD VICE-CHAIR LEWIS: Yup.

13 ACTING CHAIR GREENFIELD: And we --

14 THIRD VICE-CHAIR LEWIS: Good morning

15 -- good morning -- good morning.

16 ACTING CHAIR GREENFIELD: -- review the

17 agenda during the public work session.

18 MR. O'BRIEN: We're out here.

19 THIRD VICE-CHAIR LEWIS: Yeah, we just

20 want to see that all the cases are ready. Maybe

21 the staff could run through the agenda and tell

22 us:

23 Are notices in;

24 Are we expecting appearances today;

25 Were, you know, the files complete in

1 Proceedings

2 terms of the letter from the Town for
3 Zoning Compliance;

4 And maybe the last question would be
5 was there any questions or comments;

6 So did anybody e-mail comments on the
7 items. Not getting into what that is until the
8 full meeting starts in terms of what the subject
9 of the comments were, but if you can, maybe just
10 run through where we're at on each case, status.

11 MR. PERRAKIS: You want to start with
12 the "OSPAC" one?

13 MR. HOESL: Sure.

14 MR. O'BRIEN: You want to start with
15 Zoning and work back or do want to do in the --
16 in the order of the calendar?

17 THIRD VICE-CHAIR LEWIS: That's fine.

18 MR. HOESL: Order of the calendar?

19 (No response.)

20 MR. HOESL: All right, yeah. I'll
21 start with first up is --

22 MR. O'BRIEN: Greg, maybe just since
23 there are people that are listening, maybe you
24 want to --

25 MR. HOESL: Okay --

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Proceedings

MR. O'BRIEN: -- go up to the podium.

And just --

MR. HOESL: -- yeah, sure.

MR. O'BRIEN: -- and just I think it
will be a little awkward from up here.

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1 NCPC OSPAC File No. 2-2024

2 (Stepping up.)

3 MR. HOESL: Thanks.

4 First up is OSPAC 2-2024. This is for
5 the operational lease with Las Vegas Sands and
6 Nassau County.

7 So you guys have all been provided with
8 the:

9 I think we got about 300 e-mails for
10 public comments;

11 You also have the transcript from last
12 time with all the public comments.

13 This was brought back to "OSPAC" last
14 Wednesday, July 10th. "OSPAC" was provided with
15 all those comments as well. It then held a vote.
16 And at the July 10th OSPAC meeting, "OSPAC" voted
17 on both the following motions:

18 They voted 6-0 with one --

19 THIRD VICE-CHAIR LEWIS: So --

20 MR. HOESL: -- abstention.

21 THIRD VICE-CHAIR LEWIS: -- so I'm
22 trying to figure out if it's possible to make it
23 so that you don't have to go through the entire
24 presentation that you're going to make in --

25 MR. HOESL: Uh-huh.

1 NCPC OSPAC File No. 2-2024

2 THIRD VICE-CHAIR LEWIS: -- you know,
3 45 minutes. For this case, the item is on for --
4 how about we do this as a quick "Q and A?" Is
5 this case ready to go today, for the agenda?

6 MR. HOESL: Correct, yes.

7 THIRD VICE-CHAIR LEWIS: Okay.

8 MR. HOESL: Yup.

9 THIRD VICE-CHAIR LEWIS: So I know
10 this, because I wanted to find the transcript and
11 I was having problems with e-mails yesterday,
12 probably on my end. I had some problems in my
13 office. But I was able to get the transcript
14 from our last hearing, like 140 something pages.

15 MR. HOESL: Yeah -- yeah.

16 THIRD VICE-CHAIR LEWIS: And that's on
17 the website. So could you just point out that
18 the -- is everything up in terms of all the
19 materials for this item?

20 MR. HOESL: Yeah. So we -- we have
21 that new website we created. Everything has been
22 posted there. The one thing that has not been
23 posted yet is the public comments, because we
24 have to redact personal information and that has
25 taken some time. I don't have the ability to do

1 NCPC OSPAC File No. 2-2024

2 that yet. We're working on that. But everything
3 else:

4 All the transcripts;

5 The "FEAF" for today is posted up
6 there;

7 Meeting minutes;

8 Draft resolutions. You guys -- I sent
9 around the draft resolution for this.

10 THIRD VICE-CHAIR LEWIS: And one more
11 was the "OSPAC." We don't usually have a full
12 transcript of the "OSPAC" hearing, but that's
13 also on the --

14 MR. HOESL: Yeah, but we -- yeah, we do
15 have one from both of the "OSPAC" meetings
16 dealing with this, yup.

17 THIRD VICE-CHAIR LEWIS: Okay. So I
18 think that's enough for now, because otherwise
19 you're just going to be repeating yourself;
20 right? So --

21 MR. HOESL: Yeah. Just -- you just
22 know that "OSPAC" voted 6-0, to recommend that
23 you guys recommend. Yeah.

24 THIRD VICE-CHAIR LEWIS: Again, you're
25 going to have to repeat --

1 NCPC OSPAC File No. 2-2024

2 MR. HOESL: Yeah --

3 THIRD VICE-CHAIR LEWIS: -- that later.

4 I just wanted to know the case is ready.

5 MR. HOESL: (Nodding head yes.)

6 THIRD VICE-CHAIR LEWIS: Okay.

7 MR. HOESL: Correct, yup.

8 THIRD VICE-CHAIR LEWIS: So let's go

9 through the other ones in terms of --

10 MR. HOESL: Sure.

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1 NCPC OSPAC File No. 3-2024

2 MR. HOESL: Next is a new one. This is
3 OSPAC 3-2024.

4 This is just a proposed easement for
5 "PSEG." And the highlighted parcel there is
6 County-owned land. The Long Island Railroad
7 tracks are right behind it. There is overhead
8 wires to the site, so they just want to get an
9 easement to go underground to put the wires.

10 This was introduced to "OSPAC," so the
11 public comment period will be opened up today for
12 any comments. We have Ted Hommel (indicating)
13 from the County Attorney's Office here. And it's
14 ready to go for a public comment today.

15 ACTING CHAIR GREENFIELD: I just heard
16 our friend Kevin went on vacation, left it to
17 Ted.

18 MR. HOESL: Yeah.

19 (Laughter.)

20 THIRD VICE-CHAIR LEWIS: The -- the
21 notices that are required were provided?

22 MR. HOESL: Yup.

23 THIRD VICE-CHAIR LEWIS: The letter
24 from the Town is in the file?

25 MR. HOESL: Well, there wouldn't be a

1 NCPC OSPAC File No. 3-2024

2 letter from the Town on this. But --

3 THIRD VICE-CHAIR LEWIS: This is the --

4 MR. HOESL: -- we have the inner

5 department --

6 THIRD VICE-CHAIR LEWIS: -- this is an

7 easement on this --

8 MR. HOESL: -- memo for --

9 THIRD VICE-CHAIR LEWIS: -- excuse me.

10 Yeah, right.

11 ACTING CHAIR GREENFIELD: Okay.

12 MR. HOESL: Any questions on that?

13 (No response.)

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1 Proceedings

2 (Stepping up.)

3 MR. WREN: Okay. Next up I'll go
4 quickly though the minor subdivisions. The first
5 three cases are all zoning compliant. We've
6 received the letters from those, so those are all
7 good to go.

8 MR. O'BRIEN: And we have all the
9 mailings back?

10 MR. WREN: Yes -- yeah. All, we --

11 MR. O'BRIEN: Good --

12 MR. WREN: -- have mailings back on all
13 of our cases.

14 MR. O'BRIEN: -- good.

15 MR. WREN: The last three were -- we do
16 have the -- were approved with variances from the
17 Town of Hempstead, the Incorporated Village of
18 Freeport, and once again, the Town of Hempstead
19 for the last three cases.

20 THIRD VICE-CHAIR LEWIS: Why is that?

21 (No response.)

22 MR. O'BRIEN: Okay.

23 MR. WREN: But they're all pretty much
24 "as-of-right."

25 MR. O'BRIEN: Good. All right.

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Proceedings

THIRD VICE-CHAIR LEWIS: Is that
affirmative action?

(No response.)

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1 NCPC Minor Sub. File No. 35-2024

2 MR. WREN: Oh, I do have one public
3 comment for Case 35. Would you like me to read
4 that now or?

5 MR. O'BRIEN: At -- in the hearing.

6 MR. WREN: Okay.

7 MR. O'BRIEN: If it's only one, I'd --

8 ACTING CHAIR GREENFIELD: We'll --

9 MR. WREN: Yeah, that was the --

10 ACTING CHAIR GREENFIELD: -- hold it to
11 the hearing.

12 MR. WREN: -- only comment.

13 MR. O'BRIEN: Right.

14 ACTING CHAIR GREENFIELD: No sense
15 doing it twice.

16 MR. O'BRIEN: Yup.

17 MR. WREN: Okay.

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1 Zoning Referral Calendar Public Work Session

2 ACTING CHAIR GREENFIELD: Marty, you're
3 up.

4 MR. KATZ: That's it.

5 Marty, you're going to generate more
6 comment than we had, but don't forget
7 Reader's Digest.

8 MR. O'BRIEN: We have 45 minutes,
9 Chair.

10 (Stepping up.)

11 MR. KATZ: Okay.

12 ACTING CHAIR GREENFIELD: I understand,
13 but --

14 MR. KATZ: Yeah, we're going to have
15 time to kill, so I'll have to --

16 DEPUTY COMMISSIONER NIMMO: You just
17 don't like listening to Marty; huh?

18 MR. KATZ: Yeah.

19 MR. O'BRIEN: You know, he -- he works
20 very hard at this.

21 (Laughter.)

22 MR. KATZ: That's okay.

23 MR. O'BRIEN: I'm defending -- I'm
24 defending --

25 MR. KATZ: You don't have to defend me.

1 Zoning Referral Calendar Public Work Session

2 MR. O'BRIEN: -- I'm the defense
3 attorney.

4 MR. KATZ: The first case, this is
5 Town of Oyster Bay, Bethpage.

6 This is a proposed two-story mosque or
7 house of worship, mosque with a basement, with a
8 gross floor area of over -- a little over
9 16,000 square feet on a 1.3-acre lot and will
10 require the demolition of two existing one-story
11 structures on two lots. "Lot 7" is currently
12 occupied by a one-story mosque, which is about
13 2500 square feet. "Lot 9" is occupied by a
14 one-story former commercial building that is now
15 vacant.

16 Proposed site improvements and
17 infrastructure to support the new building
18 include:

19 New asphalt;

20 Pavement;

21 Curbing;

22 Sidewalks;

23 Exterior lighting;

24 Landscaping;

25 Drainage infrastructure;

1 Zoning Referral Calendar Public Work Session

2 Solid waste enclosure.

3 Yeah, this case was initially before
4 the Planning Commission on 1/11/2024 for
5 site plan review. It's also before us for
6 site plan review.

7 The current, the plan, the current --
8 the current plan now before you reflects some
9 changes to the site plan regarding access,
10 nothing radical or anything like that. The
11 revised site plan eliminates curb -- one
12 curb cut. Both plans show a curb cut near the
13 northerly property line on Stewart Avenue, right
14 left turns entering and -- and a right-turn exit
15 only.

16 The initial plan had a total assembly
17 occupancy rating of 506 persons, requiring
18 169 spaces. The revised plan has a total
19 assembly occupancy rating at 464 persons,
20 requiring 155 spaces.

21 (Commissioner Durso enters the
22 meeting.)

23 MR. KATZ: Yeah. This -- this
24 Commission deemed this incomplete initially,
25 because the -- the applicant indicated that the

1 Zoning Referral Calendar Public Work Session
2 purpose of the proposed project is to better
3 accommodate the needs of the existing
4 congregation. It is not intended to increase the
5 number of people on the site. However, this is
6 an over-quadrupling of the -- of the site with a
7 lot more activities, and a kitchen and a whole --
8 whole lot of things going on, on the proposed
9 house of -- and within the proposed house of
10 worship. And we think that the traffic parking
11 study should go into some more detail, because
12 this is going to have an impact on -- on
13 spillover parking on nearby residential streets.
14 But --

15 ACTING CHAIR GREENFIELD: So Marty?

16 MR. KATZ: Yeah, and we do have
17 Rose Walker here to talk about this.

18 ACTING CHAIR GREENFIELD: Yeah, I know.
19 The Chair --

20 MR. KATZ: But yeah, okay.

21 ACTING CHAIR GREENFIELD: -- the Chair
22 will recognize her in a minute.

23 MR. KATZ: Okay.

24 ACTING CHAIR GREENFIELD: Where do we
25 stand with this parking study?

1 Zoning Referral Calendar Public Work Session

2 MR. KATZ: Well, we -- we don't think
3 that -- I -- I don't feel that the study
4 really --

5 ACTING CHAIR GREENFIELD: Did we get
6 it?

7 MR. KATZ: Well, we -- we got it
8 initially, but it -- it hasn't been changed from
9 what we initially got in January of 2024, when we
10 asked that it address certain issues and more in
11 depth regarding a parking spillover.

12 So the parking analysis and the "TEQRA"
13 report that came to us based on the parking
14 analysis from the Town of Oyster Bay hasn't
15 changed. So we're asking that it, you know --
16 you know, be enhanced to --

17 ACTING CHAIR GREENFIELD: Okay.

18 MR. KATZ: -- address these --

19 ACTING CHAIR GREENFIELD: So --

20 MR. KATZ: -- these issues.

21 ACTING CHAIR GREENFIELD: So before we
22 recognize Legislator Walker, you're telling me
23 that you think it's incomplete 'cause the study?

24 MR. KATZ: I -- I -- yeah.

25 ACTING CHAIR GREENFIELD: And we should

1 Zoning Referral Calendar Public Work Session

2 mark --

3 MR. KATZ: That's how I feel.

4 ACTING CHAIR GREENFIELD: -- and we
5 should mark it incomplete. We're not voting now
6 and deciding that now, but what's the -- the
7 recommendation?

8 MR. KATZ: Yes, that's what staff would
9 recommend.

10 THIRD VICE-CHAIR LEWIS: Well Marty --

11 MR. O'BRIEN: Marty, if I may ask, is
12 there any update? Like did they say it's being
13 worked on or --

14 MR. KATZ: No I, haven't --

15 MR. O'BRIEN: -- or are we being
16 ignored --

17 MR. KATZ: Well, I mean --

18 (Laughter.)

19 MR. O'BRIEN: -- in simple terms?

20 MR. KATZ: -- we got a revised site --
21 we -- we got the re-referral again from the Town
22 of Oyster Bay, because the site plan has been
23 revised somewhat, nothing -- nothing major. But
24 we didn't get any revised parking traffic impact
25 analysis, which was incorporated into the

1 Zoning Referral Calendar Public Work Session
2 Town's "SEQRA" report, which hasn't changed
3 from the one we got in January of 2024. It's the
4 same -- it's the same --

5 MR. O'BRIEN: Do you know where it
6 stands, you know, with -- with the Town, as far
7 as a public hearing, you know, for -- for
8 referral purposes? Because, you know, I know a
9 lot of towns and villages work with us, so to
10 speak, and there are others that just go their
11 own way.

12 MR. KATZ: Yeah, we haven't -- I -- I
13 haven't gotten any follow up from the Town with
14 regard to that. I think the public hearing may
15 be -- may be tonight, because it says July 18th.
16 I'll have to check that.

17 But I haven't been -- there hasn't been
18 any update. There hasn't been any indication --

19 ACTING CHAIR GREENFIELD: Okay.

20 MR. KATZ: -- it has been updated.

21 ACTING CHAIR GREENFIELD: Marty?

22 MR. KATZ: Yeah.

23 ACTING CHAIR GREENFIELD: This is a
24 good segue for Legislator Walker to address us
25 and maybe she has an update on that.

1 Zoning Referral Calendar Public Work Session

2 DEPUTY COMMISSIONER NIMMO: If I could
3 just make a quick comment also, this (indicating)
4 gentleman has come in on several occasions for a
5 "239-f" meeting on this property. He actually
6 lives on Central Boulevard in the Town. He's
7 very cooperative, very agreeable
8 to -- to meet all our demands.

9 ACTING CHAIR GREENFIELD: Is he
10 represented by counsel?

11 DEPUTY COMMISSIONER NIMMO: I have no
12 idea.

13 He was just came in with the -- with
14 engineering group. But also understanding the
15 area very well, it is going to be a very
16 challenging scenario for the people who live on
17 the residential blocks right here.

18 ACTING CHAIR GREENFIELD: Are you --
19 are you the attorney for --

20 (Stepping up.)

21 MR. AVRUTINE: I am and I thought can
22 answer some of the questions that --

23 ACTING CHAIR GREENFIELD: Well, let
24 Legislator Walker first.

25 MR. AVRUTINE: Sure -- sure. I just

1 Zoning Referral Calendar Public Work Session

2 wanted to let you know that I can answer --

3 ACTING CHAIR GREENFIELD: Okay.

4 MR. AVRUTINE: -- the questions that
5 you have.

6 THIRD VICE-CHAIR LEWIS: Right.

7 DEPUTY COMMISSIONER NIMMO: A lot of --
8 a lot of challenges on in that neighborhood for
9 parking.

10 ACTING CHAIR GREENFIELD: I'm sure.

11 MR. KATZ: There isn't any parking on
12 Central or -- or Stewart Avenue. There's no
13 on-street parking.

14 ACTING CHAIR GREENFIELD: Okay.

15 Good morning, Rose.

16 LEGISLATOR WALKER: Good morning.

17 ACTING CHAIR GREENFIELD: Welcome.

18 LEGISLATOR WALKER: And it's good to
19 see you all in person. I've been working on the
20 phone with you or a "Zoom" before that.

21 But this -- this is a major issue
22 especially with the parking. There isn't enough
23 parking there now. It creates a major issue.
24 There's no parking.

25 Like I said, those -- those are pretty

1 Zoning Referral Calendar Public Work Session
2 busy main streets, Central and Stewart. And
3 it -- I feel it very dangerous even for -- for
4 those attending the mosque, because often they
5 just stop in the middle of either one of those
6 roads and just let people out. And, you know,
7 it's -- it's bad. It's a very bad -- very bad
8 situation.

9 They are short the parking spaces now.
10 They're going to be short parking spaces with any
11 type -- type of build. It's a very large build
12 that's going in there.

13 I have to say first of all though,
14 they -- they have been good neighbors. I don't
15 want to say anything about them as -- as
16 neighbors.

17 It's really the parking issue that is a
18 major -- major issue. They park on the
19 residential streets. When they say they have off
20 street, you know, parking on off street or out in
21 the neighborhood, these are residential streets
22 in the neighborhood, many of them with:

23 First Responders on them;

24 You know, local residents who are
25 older;

1 Zoning Referral Calendar Public Work Session

2 Sidewalks have been, you know, cars
3 have been parked on sidewalks;

4 Cars have been parked blocking
5 driveways;

6 Blocking fire hydrants.

7 It's a bad issue already. And it's
8 really -- they really need to find a larger site
9 to do what they want -- a larger site with a lot
10 of parking. That is the biggest issue here and
11 it's a big -- big issue for the residents.

12 And, you know, I represent that
13 district. I don't live right there in Bethpage,
14 although it's kind of my second home. I spend a
15 lot of time there. And, you know, that is the
16 residents' concern. The -- the danger on those
17 two roads with you see what happens now when --
18 whenever they have services, and certainly the
19 parking on the side streets.

20 And you know what, I -- I really never
21 understood why, you know, that's an answer.

22 Well, we can park on the side streets. You're
23 parking on residential streets. And, you know,
24 it does effect the residents there tremendously.

25 ACTING CHAIR GREENFIELD: Thank you.

1 Zoning Referral Calendar Public Work Session

2 LEGISLATOR WALKER: All right.

3 ACTING CHAIR GREENFIELD: Thank you for
4 your comments and input.

5 LEGISLATOR WALKER: All right.

6 ACTING CHAIR GREENFIELD: And now,
7 counselor, just for the record, your -- your name
8 and address.

9 (Stepping up.)

10 MR. AVRUTINE: Of course.

11 Good morning --

12 ACTING CHAIR GREENFIELD: Good morning.

13 MR. AVRUTINE: -- Chairman and
14 Commissioners.

15 Howard Avrutine, 2116 Merrick Avenue in
16 Merrick, representing the applicant, Muslims on
17 Long Island Incorporated.

18 The first -- first in response to
19 Mr. Greenfield's question regarding proceedings
20 at the Town level, the Planning Advisory Board of
21 the Town of Oyster Bay is having a hearing this
22 evening at 7 p.m. regarding site plan approval.

23 And this use is a permitted use. It's
24 in the "General Business Zone" of the Town. The
25 use is authorized. A religious use in the Town

1 Zoning Referral Calendar Public Work Session
2 in the "GB" Zone requires a minimum of 1 acre.
3 This has 1.3 acres, so it is zoning compliant,
4 completely zoning compliant with the exception of
5 the parking requirement.

6 And this facility is something that
7 this congregation has needed for quite some time,
8 the new facility. The existing facility has
9 served its purpose, lived its useful life shall
10 we say.

11 And the -- the congregation, it
12 really, really needs a new facility with suitable
13 classrooms. The classrooms that they currently
14 have on site are insufficient for their use.
15 They need offices. They need assembly areas,
16 et cetera.

17 But the -- the numbers that were used
18 in -- in completing the parking and traffic
19 study that was submitted to the Town, and
20 forwarded to the Commission as -- and -- and also
21 the same study was analyzed by County "DPW" in
22 the "239-f" review. And just for the record, the
23 "DPW" has approved the "239-f," pursuant to the
24 plans that you have before you. And -- and
25 that's specifically important, because both

1 Zoning Referral Calendar Public Work Session
2 Central Avenue and Stewart Avenue, where the
3 property is located at that corner are both
4 Nassau County roads.

5 ACTING CHAIR GREENFIELD: Can you --
6 staff, can you put that up on the screen better?
7 Is there -- do you have a better --

8 MR. PERRAKIS: The area.

9 ACTING CHAIR GREENFIELD: -- so we can
10 see it?

11 THIRD VICE-CHAIR LEWIS: And counsel,
12 every --

13 ACTING CHAIR GREENFIELD: Okay. Thank
14 you.

15 THIRD VICE-CHAIR LEWIS: -- every
16 opportunity to identify other parking has been
17 explored? Like it just -- looking at the
18 property, it just doesn't seem like there's
19 enough parking for --

20 MR. AVRUTINE: Well, the -- the --

21 THIRD VICE-CHAIR LEWIS: -- this
22 scale --

23 MR. AVRUTINE: -- we're --

24 THIRD VICE-CHAIR LEWIS: -- of
25 facility. It just doesn't seem -- I -- I see the

1 Zoning Referral Calendar Public Work Session
2 point that the property just seems this was like
3 a pizzeria. It's like two pizzerias put together
4 is now serving as --

5 MR. AVRUTINE: -- well, we -- the
6 current situation, just again so the Commission
7 is aware, it -- it consists of two separate
8 parcels essentially. You cannot presently --
9 there is no vehicular connection between the
10 piece that's on the corner and the piece to the
11 west.

12 So you gain access to, you know, you
13 have -- you have essentially four driveways. And
14 so those -- those are going to be eliminated.
15 There's going to be one driveway on Stewart, one
16 on Central, right turns in right turns out. So
17 that is going to be of immense assistance over
18 the existing situation.

19 And also, what's quite important is --

20 THIRD VICE-CHAIR LEWIS: So --

21 MR. AVRUTINE: -- in -- in --

22 THIRD VICE-CHAIR LEWIS: -- if I could
23 interrupt, so --

24 MR. AVRUTINE: Sure.

25 THIRD VICE-CHAIR LEWIS: -- you're

1 Zoning Referral Calendar Public Work Session
2 saying it's going to be a better design, because
3 you went to "DPW" with your team and you were
4 able to work out a better design with less
5 egress. And -- and therefore, what people have
6 seen in terms of concerns for traffic, is your
7 point that it'd be -- it'll have a better flow?

8 And if so, what about the drop-off
9 question? You know, we live in a world today
10 where a lot of people, you know, get dropped off,
11 rather than parking all the time. Is there a
12 queuing line for that or is there going to be a
13 backup of people trying to get into the site at
14 the --

15 MR. AVRUTINE: I -- I don't think that
16 that's the case. There's the -- there's
17 new -- the drive aisles can adequately address
18 any question of -- of people getting dropped off.
19 And there is -- let -- if I can go expand a
20 little further on this, the --

21 COMMISSIONER SAKOWICH: This is --

22 MR. AVRUTINE: -- total --

23 COMMISSIONER SAKOWICH: -- this is what
24 we're going to discuss during the meeting. I
25 mean this is the whole meeting. This is --

1 Zoning Referral Calendar Public Work Session
2 wasn't the intent of this. This is a work
3 session.

4 MR. O'BRIEN: No.

5 DEPUTY COMMISSIONER NIMMO: No -- no.

6 We have no public --

7 ACTING CHAIR GREENFIELD: No, but we're
8 him invited to comment --

9 MR. O'BRIEN: There's no public
10 comment. We don't take public comment of the --

11 ACTING CHAIR GREENFIELD: At -- at
12 the --

13 COMMISSIONER SAKOWICH: Okay.

14 ACTING CHAIR GREENFIELD: -- we don't
15 take --

16 COMMISSIONER SAKOWICH: Okay.

17 ACTING CHAIR GREENFIELD: So the public
18 here --

19 COMMISSIONER SAKOWICH: Okay, I'm
20 sorry.

21 I just --

22 ACTING CHAIR GREENFIELD: -- should
23 know that --

24 COMMISSIONER SAKOWICH: -- you're
25 getting deep into this and it's really not --

1 Zoning Referral Calendar Public Work Session

2 ACTING CHAIR GREENFIELD: -- I -- I
3 don't want to take all the time. We got other
4 cases.

5 COMMISSIONER SAKOWICH: Yeah, listen.
6 I -- I just want to say one thing. This -- this
7 parking study here --

8 THIRD VICE-CHAIR LEWIS: Yeah, the
9 study.

10 COMMISSIONER SAKOWICH: -- the -- the
11 study that's done here, I've lived this
12 experience in New Hyde Park. Everybody comes in
13 one car, I could tell you that. There is no
14 drop off. I've seen Hillside Avenue in
15 New Hyde Park shut down on a many, many, many
16 times by people just being late for services and
17 just leaving the cars out on the roads.

18 So I -- I just think this -- this is so
19 short on this parking stuff -- on this parking.
20 I mean this is -- this is --

21 DEPUTY COMMISSIONER NIMMO: Just so
22 everyone's aware, the "239-f" does not address
23 parking. It only addresses safe entrances and
24 thing --

25 ACTING CHAIR GREENFIELD: Curb cuts.

1 Zoning Referral Calendar Public Work Session

2 DEPUTY COMMISSIONER NIMMO: -- curb
3 cuts --

4 COMMISSIONER SAKOWICH: So -- so --

5 DEPUTY COMMISSIONER NIMMO: --
6 drainage.

7 COMMISSIONER SAKOWICH: -- us using
8 what -- that's my thing is --

9 DEPUTY COMMISSIONER NIMMO: So --

10 COMMISSIONER SAKOWICH: -- us
11 using these numbers here, but keep going back to
12 the --

13 DEPUTY COMMISSIONER NIMMO: So what
14 I'm -- I'm saying what Howard is saying as far as
15 safe entrances and exiting, he's absolutely
16 correct.

17 COMMISSIONER SAKOWICH: It's safe to
18 enter and exit.

19 DEPUTY COMMISSIONER NIMMO: But we
20 don't address parking 'cause that --

21 COMMISSIONER SAKOWICH: But how many --
22 how many cars can enter and exit? How -- how
23 many cars can sit on?

24 MR. AVRUTINE: I'd -- I'd have to defer
25 to Mr. Muller, who did -- did the study. But let

1 Zoning Referral Calendar Public Work Session
2 me address the parking directly, if I may,
3 because I think that that's important obviously.

4 Please understand that the occupancy
5 number is what determines the parking requirement
6 in the Town of Oyster Bay.

7 COMMISSIONER SAKOWICH: In every town.

8 MR. AVRUTINE: Some do it by square
9 footage, but sure, why not. It's certainly for
10 purposes of this application, that's the
11 standard.

12 COMMISSIONER SAKOWICH: Right.

13 MR. AVRUTINE: So the prior plans were
14 I think 506. This is now 464 with a requirement
15 of 88. And the important thing to consider, and
16 to understand in analyzing this -- and that's
17 what the Town Department of Environmental Review
18 discussed with us, which was what is the -- the
19 usage maximum at any given time, because you have
20 all these different spaces, and each of those
21 spaces can accommodate a certain number of
22 occupants.

23 But in this type of use, it's
24 non-simultaneous. So even though the building at
25 maximum capacity can accommodate 464 people, they

1 Zoning Referral Calendar Public Work Session
2 never ever see numbers even approaching that.

3 And if you look at the -- the busiest
4 time, both that's identified in the traffic study
5 and in the "DER" report, the -- at the busiest
6 time, which is the Friday the first afternoon
7 service, they have a maximum of approximately 225
8 people, not anywhere near the maximum for the
9 building.

10 So based upon 88 spaces and the parking
11 calculation in the Town of Oyster Bay, the
12 parking formula being 1 parking space required
13 for each 3 authorized occupants, this applicant
14 is willing to agree, and -- and states it both to
15 this Commission and will state it tonight to the
16 Planning Advisory Board, that they will accept a
17 cap on the legal occupancy of the building to
18 264 occupants.

19 ACTING CHAIR GREENFIELD: And who's
20 going to enforce that cap?

21 MR. AVRUTINE: The same -- the same
22 authorities that would enforce a 464 occupancy
23 cap.

24 COMMISSIONER SAKOWICH: The only person
25 that can enforce that is the Building Department

1 Zoning Referral Calendar Public Work Session
2 or the Fire Marshal --

3 ACTING CHAIR GREENFIELD: Or the
4 Fire Marshal --

5 COMMISSIONER SAKOWICH: -- Marshal's
6 Office.

7 MR. AVRUTINE: Well, that -- we know --

8 COMMISSIONER SAKOWICH: But that --
9 that's the only people -- people that enforce
10 that.

11 MR. AVRUTINE: -- we know that every
12 religious use that exists on Long Island has
13 High Holy Days. And -- and on, you know, it's --
14 it's we've -- we've had these discussions many,
15 many times. The -- the mall, does the mall have
16 enough parking on Black --

17 ACTING CHAIR GREENFIELD: No -- no --

18 MR. AVRUTINE: -- Friday?

19 ACTING CHAIR GREENFIELD: -- no.

20 MR. AVRUTINE: No, I'm just --

21 ACTING CHAIR GREENFIELD: Don't get me
22 started on Roosevelt Field, please.

23 MR. AVRUTINE: -- I'm just trying to
24 say --

25 ACTING CHAIR GREENFIELD: Bill Bonesso

1 Zoning Referral Calendar Public Work Session
2 will tell you my feelings on that subject.

3 MR. AVRUTINE: I'm just trying to say
4 that design isn't made for the absolute busiest
5 day of the year. But for this facility, the
6 maximum that they see on a week in, week out
7 basis is approximately 225 to 230 people. And
8 they're agreeing to cap the entire occupancy
9 at --

10 ACTING CHAIR GREENFIELD: Well,
11 that's --

12 MR. AVRUTINE: -- 264.

13 ACTING CHAIR GREENFIELD: -- okay.

14 COMMISSIONER SAKOWICH: But if all 265
15 people came in one car, there's still a problem.

16 MR. AVRUTINE: They have parking for
17 it.

18 ACTING CHAIR GREENFIELD: Okay.

19 MR. AVRUTINE: They have 88 parking
20 spaces.

21 COMMISSIONER SAKOWICH: 88? That's
22 some car.

23 MR. AVRUTINE: Is enough for 264
24 people. That's what the --

25 ACTING CHAIR GREENFIELD: That's --

1 Zoning Referral Calendar Public Work Session

2 MR. AVRUTINE: -- code would require
3 and that's what we --

4 ACTING CHAIR GREENFIELD: Howard --

5 MR. AVRUTINE: -- have.

6 ACTING CHAIR GREENFIELD: -- Howard,
7 that's your argument for tonight.

8 MR. AVRUTINE: Well, I'm -- I'm just
9 presenting the view of --

10 ACTING CHAIR GREENFIELD: Okay. I -- I
11 just --

12 MR. AVRUTINE: -- you as well.

13 ACTING CHAIR GREENFIELD: -- I just
14 want to bring this closure, 'cause we have two
15 other cases to comment on. And I see another
16 attorney anxiously awaiting to address this. Is
17 he anxious? No.

18 Okay. If not, I'm anxious to hear from
19 him, let's put it that way.

20 What --

21 THIRD VICE-CHAIR LEWIS: You know --

22 ACTING CHAIR GREENFIELD: -- Marty's
23 comment with respect to the parking study from --
24 yeah, let's get back to the study.

25 THIRD VICE-CHAIR LEWIS: Get back to

1 Zoning Referral Calendar Public Work Session

2 the -- is this amended, the study --

3 MR. AVRUTINE: Sure.

4 ACTING CHAIR GREENFIELD: 'Cause that's

5 what's --

6 THIRD VICE-CHAIR LEWIS: Can you speak

7 to what Marty says?

8 MR. AVRUTINE: I -- I respectfully

9 respond to that by saying --

10 ACTING CHAIR GREENFIELD: Please.

11 MR. AVRUTINE: -- that the -- the Town

12 accepted the study that was prepared as

13 satisfactory. The --

14 ACTING CHAIR GREENFIELD: Okay.

15 MR. AVRUTINE: -- the -- the planning

16 people did, the environmental people did. I

17 understand the Commission would like --

18 ACTING CHAIR GREENFIELD: So it's

19 not --

20 MR. AVRUTINE: -- to see --

21 ACTING CHAIR GREENFIELD: -- so it's

22 not incomplete. The Town has accepted it and

23 they think --

24 MR. AVRUTINE: That -- that --

25 ACTING CHAIR GREENFIELD: -- "TEQRA?"

1 Zoning Referral Calendar Public Work Session

2 MR. AVRUTINE: -- that is correct. It
3 is not incomplete.

4 ACTING CHAIR GREENFIELD: Okay.
5 Oyster Bay does a good "TEQRA."

6 MR. AVRUTINE: And so I would
7 respectfully submit that declaring this
8 application incomplete, because a study that the
9 Commission requested which is broader in scope
10 than what the agency, the lead agency --

11 ACTING CHAIR GREENFIELD: No, we --
12 we --

13 MR. AVRUTINE: -- you understand?

14 ACTING CHAIR GREENFIELD: -- we --
15 we -- we take what the lead agency. But I didn't
16 know whether there was an update going on.

17 MR. AVRUTINE: There is not.

18 ACTING CHAIR GREENFIELD: That's --
19 that's all.

20 MR. AVRUTINE: Oh.

21 ACTING CHAIR GREENFIELD: That's 10
22 minutes ago, I wanted to get to that --

23 MR. AVRUTINE: Okay --

24 ACTING CHAIR GREENFIELD: -- point.

25 MR. AVRUTINE: -- there's no update.

1 Zoning Referral Calendar Public Work Session

2 ACTING CHAIR GREENFIELD: Okay.

3 You're -- you're -- you were going on like
4 Allen Stein. I thought you were charging by the
5 --

6 MR. AVRUTINE: Oh --

7 ACTING CHAIR GREENFIELD: -- word.

8 (Laughter.)

9 MR. AVRUTINE: -- I didn't come here to
10 be insulted, Mr. Chairman.

11 ACTING CHAIR GREENFIELD: No, he's a
12 good friend of mine. I could say it --

13 MR. AVRUTINE: I'm joking --

14 ACTING CHAIR GREENFIELD: --
15 affectionately.

16 MR. AVRUTINE: -- I'm joking.

17 (Laughter.)

18 ACTING CHAIR GREENFIELD: Okay. So in
19 any event, I won't quote you to Allen when I talk
20 to him.

21 (Laughter.)

22 ACTING CHAIR GREENFIELD: So the study
23 is not being revised?

24 MR. AVRUTINE: That's correct.

25 ACTING CHAIR GREENFIELD: It is what it

1 Zoning Referral Calendar Public Work Session
2 is. We rely upon the Town --

3 THIRD VICE-CHAIR LEWIS: I think our
4 staff may have some questions about the study.

5 Marty, what -- what -- what's your --
6 Marty?

7 (Stepping up.)

8 MR. KATZ: Oh, I'm sorry.

9 MR. AVRUTINE: I'll step aside.

10 THIRD VICE-CHAIR LEWIS: So the study
11 is done, was done some while ago, was adopted by
12 the Town and --

13 MR. KATZ: Right.

14 THIRD VICE-CHAIR LEWIS: -- and doesn't
15 seem to be any effort to change it or do
16 anything. So what is your point regarding the
17 study?

18 MR. KATZ: Well, the point is, I -- I
19 think the study concluded that the -- the
20 overflow parking -- and according to the field
21 work that the traffic parking consultant did, you
22 know, under the current situation, under the
23 current house of worship is that the overflow
24 parking, I guess 55 vehicles would be, you know,
25 on street, you know, and it didn't indicate that

1 Zoning Referral Calendar Public Work Session
2 it wouldn't be.

3 So there's -- there's an impact --
4 my -- my contention is that the -- the -- the
5 size of the proposed house of worship is
6 substantially larger than what currently exists.
7 And I just kind of feel that the -- the -- the
8 analysis kind of washed over the impact of -- the
9 additional impact of that on regarding spillover
10 parking. That's -- that's -- that's my
11 contention.

12 THIRD VICE-CHAIR LEWIS: Okay.

13 ACTING CHAIR GREENFIELD: Okay.

14 MR. KATZ: Yeah.

15 ACTING CHAIR GREENFIELD: Let's --
16 let's -- let's move on; okay?

17 We -- we had -- but you where there was
18 one other question, Howard, is I recognize the
19 traffic engineer in the audience. Is he here for
20 your case or for another case?

21 (Stepping up.)

22 MR. AVRUTINE: No, he's -- he's here if
23 the Board has any -- if the Commission has any
24 questions.

25 THIRD VICE-CHAIR LEWIS: Yeah, well how

1 Zoning Referral Calendar Public Work Session
2 much does this plan rely upon parking that is off
3 site?

4 MR. AVRUTINE: Well, it -- it doesn't
5 rely on it. What I believe -- and Mr. Muller can
6 speak to his report. But I believe the -- the
7 point is that to the extent, and -- and you --
8 you -- as much as the applicant has, can and will
9 continue to implore that people park in the lot,
10 you can't force them. And what some congregants
11 do -- maybe out of habit, because of where
12 they're used to parking when they come -- park in
13 legal parking spaces on residential streets at
14 times, but they're legal parking spaces. They
15 don't --

16 ACTING CHAIR GREENFIELD: Wait, whoa --
17 whoa.

18 MR. AVRUTINE: I'm just saying --

19 ACTING CHAIR GREENFIELD: Many --

20 MR. AVRUTINE: -- they do it.

21 ACTING CHAIR GREENFIELD: -- many
22 disrespect the neighbors -- I've witnessed it --
23 and park in illegal spots. And what gets me
24 infuriated as a first responder, I see them in
25 front of the fire hydrant.

1 Zoning Referral Calendar Public Work Session

2 MR. AVRUTINE: I'm --

3 ACTING CHAIR GREENFIELD: And then they
4 tell them, well, we won't be long.

5 MR. AVRUTINE: -- I'm not saying it
6 doesn't happen.

7 ACTING CHAIR GREENFIELD: Right.

8 MR. AVRUTINE: All I'm saying is
9 that -- is that the applicant --

10 ACTING CHAIR GREENFIELD: When the last
11 one I worked? I've been to a few fires, but I
12 haven't worked one. I'm on medical.

13 MR. AVRUTINE: No, the applicant will
14 do what the applicant can do to eliminate those
15 types of things, but can't control the conduct
16 of -- of everyone.

17 And the point I'm making here, I'm
18 trying to make is that with 88 spaces and a
19 maximum occupancy of 264, we comply. And that's
20 the best we can do is comply with the number of
21 required spaces. If others do things that
22 residents find upsetting, it -- it -- it's --
23 it's a problem, I understand, but it's not
24 something we can control.

25 COMMISSIONER SAKOWICH: Here's my one

1 Zoning Referral Calendar Public Work Session
2 question. Obviously the congregation's been
3 there for how many years about?

4 LEGISLATOR WALKER: About 20 something
5 years.

6 MR. AVRUTINE: I forget. I -- since
7 the 1990s.

8 COMMISSIONER SAKOWICH: Okay, since the
9 1990s.

10 Has there been any trouble with the
11 current facility and the current parking
12 conditions?

13 MR. AVRUTINE: I -- I -- I --

14 COMMISSIONER SAKOWICH: Leading up to
15 this expansion, has there been problems? Have
16 there been anything that was brought to towns,
17 you know?

18 MR. AVRUTINE: I don't know. I suspect
19 Legislator Walker might have heard from
20 constituents on this, but --

21 COMMISSIONER SAKOWICH: I mean I think
22 that's important. You're -- you're expanding,
23 you're -- you're going deeper in. And I think
24 that public comment here could -- could --

25 MR. AVRUTINE: What we're -- what we're

1 Zoning Referral Calendar Public Work Session
2 doing in reality is we're preparing -- we're --
3 we're going with a plan that is much more
4 efficiently designed, better designed than the
5 current configuration.

6 As I indicated before, you can't go
7 from one parking --

8 COMMISSIONER SAKOWICH: Yeah, no, I --

9 MR. AVRUTINE: -- lot to the other.

10 COMMISSIONER SAKOWICH: -- I see
11 that -- I see that -- I see that.

12 MR. AVRUTINE: It's just a much better
13 plan.

14 COMMISSIONER SAKOWICH: I see that.

15 My other question is -- is -- is during
16 the high holy days, does this facility set up
17 outdoor tents, because the one in New Hyde Park
18 takes all their parking facilities and puts tents
19 up to take the overflow. Did the -- have they
20 ever installed tents on these parking lots?

21 MR. AVRUTINE: I -- I can't answer
22 that. I don't know the answer.

23 ACTING CHAIR GREENFIELD: Okay, so
24 let -- thank you -- thank you very much. We --
25 we have to move on. What happened? This is --

1 Zoning Referral Calendar Public Work Session

2 okay, we really --

3 * * *

4 ACTING CHAIR GREENFIELD: So Marty,
5 let's -- let's go to Woodsburgh.

6 (Stepping up.)

7 MR. KATZ: Okay. We have two in
8 Woodsburgh.

9 ACTING CHAIR GREENFIELD: Well, yes,
10 but the same on attorney on both --

11 MR. KATZ: Yeah --

12 ACTING CHAIR GREENFIELD: -- the
13 Woodsburgh.

14 MR. KATZ: -- okay. He's --

15 ACTING CHAIR GREENFIELD: We want to
16 hear from the attorney on this --

17 MR. KATZ: Okay.

18 ACTING CHAIR GREENFIELD: -- 'cause I
19 had some questions.

20 MR. KATZ: Just bear with me one second
21 here.

22 ACTING CHAIR GREENFIELD: Yes, no
23 problem. I --

24 MR. KATZ: Yeah, this is Case No. 6 on
25 the Zoning Agenda, the Village of Woodsburgh.

1 Zoning Referral Calendar Public Work Session

2 MR. O'BRIEN: Five and six?

3 MR. KATZ: Yeah. Item No. 6, this is
4 for a subdivision.

5 The applicant seeks to subdivide the
6 entire 117-acre former Wood -- Woodmere Club into
7 four lots, three of which are entirely within the
8 Village of Woodsburgh and the fourth lot is the
9 portion of property north and west of
10 Keene Lane, which I think is Railroad Avenue, and
11 is located in:

12 Woodsburgh;

13 Lawrence;

14 And the Town of Hempstead Woodmere.

15 The fourth lot is also within 300 feet
16 of the Village of Cedarhurst.

17 So the subdivision would require
18 approval of all -- of all four municipalities.

19 The subdivision includes the easterly
20 side of Woodmere Basin, a lot containing the
21 existing Clubhouse building and surrounding area,
22 including existing parking and other existing
23 improvements. The fourth lot runs along the west
24 side of Woodmere Basin, and part of the northerly
25 end of the basin and shares a boundary with the

1 Zoning Referral Calendar Public Work Session
2 Clubhouse lot.

3 The applicant's stated premise for the
4 application is that, notwithstanding the other
5 pending applications that this Commission has
6 seen and also has another Woodsburgh subdivision
7 on this agenda, this application does not include
8 any proposed development, that the Village has
9 taken no "SEQRA" action on this application yet
10 and is reviewing the stated intention that this
11 application proposes no development in relation
12 to its obligation to undertake "SEQRA" without
13 segmenting review given the known intent to
14 develop within the proposed lot shown in the
15 other two pending applications.

16 We do have Brian Stolar here
17 representing the Village of Woodsburgh to answer
18 any questions that the Commission might have --

19 ACTING CHAIR GREENFIELD: Okay.

20 MR. KATZ: -- on this particular
21 subdivision.

22 ACTING CHAIR GREENFIELD: And we also
23 have Chris Browne --

24 MR. KATZ: And Chris Browne
25 representing the applicant.

1 Zoning Referral Calendar Public Work Session

2 ACTING CHAIR GREENFIELD: --
3 representing the applicant.

4 MR. KATZ: Okay.

5 ACTING CHAIR GREENFIELD: Okay. Brian,
6 in all due respect, can we start with Chris
7 first? I've got three questions for him.

8 MR. STOLAR: By all means.

9 MR. O'BRIEN: Alphabetically.

10 ACTING CHAIR GREENFIELD: It's not
11 Passover, so I don't have four questions, only
12 three questions.

13 Question number one I'd like you to
14 address. Is all the litigation concerning
15 the Nassau County Planning Commission dropped?
16 Where do we stand?

17 (Stepping up.)

18 MR. BROWNE: Well, there's a -- there's
19 a pending case regarding County fees.

20 ACTING CHAIR GREENFIELD: Oh yes, that
21 case.

22 MR. BROWNE: There's no litigation
23 against this Commission related to --

24 ACTING CHAIR GREENFIELD: Right.
25 Well --

1 Zoning Referral Calendar Public Work Session

2 MR. BROWNE: -- land use matters.

3 ACTING CHAIR GREENFIELD: -- okay.

4 So to clarify that for my colleagues
5 that are new to this, we won that case? You
6 brought -- your predecessor attorney brought the
7 case against us. We don't set the fees. The
8 County Legislature sets the fee.

9 MR. BROWNE: Okay. So --

10 ACTING CHAIR GREENFIELD: So
11 that's the issue is still pending against the
12 County Legislature?

13 MR. BROWNE: Correct.

14 ACTING CHAIR GREENFIELD: So we're free
15 and clear? That's what I want to know.

16 MR. BROWNE: There's no -- there's no
17 litigation pending about processing the -- the
18 subdivision application.

19 ACTING CHAIR GREENFIELD: Okay, good.

20 Next question. So here, we have on the
21 agenda Woodsburgh. Where do we -- we stand with
22 respect to Lawrence and where do we stand with
23 respect to the Town of Hempstead, the portion.
24 And maybe you should describe for our esteemed
25 Members --

1 Zoning Referral Calendar Public Work Session

2 MR. BROWNE: So sure. So I understand
3 this is -- it gets it to be a confusing
4 situation.

5 ACTING CHAIR GREENFIELD: We have new
6 people --

7 MR. BROWNE: Yeah.

8 ACTING CHAIR GREENFIELD: -- since it
9 started, I'm not confused.

10 (Laughter.)

11 MR. BROWNE: Well, then you're the
12 only -- you're the only one.

13 (Laughter.)

14 MR. O'BRIEN: You're the only one,
15 yeah.

16 MR. BROWNE: You're the only one that's
17 not.

18 So I guess that there are two
19 applications moving forward right now.

20 (Mr. Gallagher enters the meeting.)

21 MR. BROWNE: This application, as you
22 say, is -- is a -- is a four-lot subdivision.
23 It's -- the goal of this is to simply break out
24 the parcel where the Clubhouse exists today as a
25 separate lot, because under the -- the way that

1 Zoning Referral Calendar Public Work Session

2 the zoning now exists, the municipalities:

3 Hempstead;

4 Lawrence;

5 And Woodsburch jointly zone the

6 property.

7 It's within all three jurisdictions.

8 They -- they all entered into a single zoning

9 ordinance to govern the entirety of the

10 golf course.

11 They broke the golf course down into

12 three distinct subdistricts. One of those

13 subdistricts allows for residential homes, which

14 I believe is -- you can see the areas there

15 (indicating). They're outlined in the dotted,

16 you know --

17 ACTING CHAIR GREENFIELD: Yeah, two

18 different --

19 MR. BROWNE: -- lines in two different

20 portions.

21 ACTING CHAIR GREENFIELD: It's kind

22 of --

23 MR. BROWNE: You're -- you're -- you're

24 allowed to build residential homes on two

25 different sections of the golf course. The rest

1 Zoning Referral Calendar Public Work Session
2 of the golf course is -- is zoned for "open
3 space." They call it the "Open Space
4 Subdistrict."

5 ACTING CHAIR GREENFIELD: The blue?

6 MR. BROWNE: So you're only -- you're
7 not allowed to do anything in the "Open Space
8 Subdistrict."

9 ACTING CHAIR GREENFIELD: Okay.

10 MR. BROWNE: And the final piece
11 which is relevant to this, they call the
12 "Clubhouse Subdistrict" --

13 ACTING CHAIR GREENFIELD: Right.

14 MR. BROWNE: -- which is simply the
15 area where the Clubhouse presently exists. So
16 it's a unique zoning subdistrict, that only
17 allows you to basically have the Clubhouse or
18 the -- or a facsimile of the Clubhouse.

19 ACTING CHAIR GREENFIELD: So that's --
20 that's -- that was my third and final question,
21 and then we'll go to Brian.

22 So the Clubhouse is the -- as I
23 understand it through the Nassau Herald I
24 think --

25 MR. BROWNE: Uh-huh --

1 Zoning Referral Calendar Public Work Session

2 ACTING CHAIR GREENFIELD: -- and a
3 former trustee, is being deeded over to the
4 Village of Woodsburgh?

5 MR. BROWNE: Well -- well, that -- that
6 is a proposal that's on the table, as part of a
7 comprehensive resolution of ongoing issues that
8 don't pertain to the Commission.

9 ACTING CHAIR GREENFIELD: Right.

10 MR. BROWNE: It's been offered to the
11 Village, yes.

12 ACTING CHAIR GREENFIELD: Offered,
13 okay, yeah.

14 MR. BROWNE: Yes.

15 As -- as -- but again, as part of a --
16 a package of other series of agreements that
17 it's -- it's not -- the issue is not Woodsburgh
18 in that regard. But we have other
19 municipalities, including the Town of Hempstead,
20 that would have to participate in a global
21 settlement, you might say.

22 ACTING CHAIR GREENFIELD: Agreed.

23 MR. BROWNE: And as part of that, the
24 idea is that the Clubhouse would be given for
25 free to the Village of Woodsburgh.

1 Zoning Referral Calendar Public Work Session

2 The purpose of this application is
3 simply to separate out the "Clubhouse
4 Subdistrict," that -- that parcel (indicating),
5 so that it could be deeded either now or in the
6 future, you know, without -- easily, legally. So
7 it would have its own tax lot and it could be
8 deeded out. Because it -- it -- the way the
9 zoning exists, that is what -- the only thing
10 that's legal in the "Clubhouse Subdistrict" is
11 the Clubhouse. So my clients would like to have
12 the flexibility, if the time comes, to -- to
13 transfer the Clubhouse out of their ownership.

14 ACTING CHAIR GREENFIELD: Okay.

15 Brian?

16 Thank you.

17 MR. BROWNE: You got it.

18 ACTING CHAIR GREENFIELD: We'll come
19 back to you.

20 Wait -- wait. Before you -- any --
21 anyone else have any question?

22 (No response.)

23 ACTING CHAIR GREENFIELD: Okay.

24 Brian, let's pick up from there. So
25 is -- oh, give your name and address for the

1 Zoning Referral Calendar Public Work Session
2 record, if not the --

3 MR. STOLAR: Sure.

4 Brian Stolar, Harris Beach,
5 Omni Building, Garden City.

6 ACTING CHAIR GREENFIELD: Okay.

7 You're representing the Village of
8 Woodsburgh?

9 MR. STOLAR: Correct.

10 ACTING CHAIR GREENFIELD: Are you
11 accepting the Clubhouse?

12 MR. STOLAR: The Clubhouse is still
13 under -- under discussion. There's -- the
14 current zoning permits that building to be used
15 as:

16 A Clubhouse;

17 As a school;

18 As a place of worship.

19 If the four-lot subdivision is
20 approved, any of those are fair game going
21 forward.

22 What Chris is referring to is if we
23 resolve all of the outstanding litigation issues,
24 there is a possibility that the Clubhouse may be
25 deeded to the Village. There also is a

1 Zoning Referral Calendar Public Work Session
2 possibility that it may be used for one of the
3 other purposes.

4 ACTING CHAIR GREENFIELD: So I
5 understand that's part of the global settlement.
6 I -- I respect that and accept that.

7 But here's the real question that
8 people are asking me that live in the community,
9 is this going to be a Village facility or a house
10 of worship?

11 MR. STOLAR: Yes.

12 ACTING CHAIR GREENFIELD: Yes? What is
13 that?

14 (Laughter.)

15 ACTING CHAIR GREENFIELD: Well, all of
16 the above? Is it all the above, none of the
17 above, or one of the above?

18 (Laughter.)

19 ACTING CHAIR GREENFIELD: I mean "yes"
20 is --

21 MR. STOLAR: It -- it could be any --

22 ACTING CHAIR GREENFIELD: My wife gives
23 me an answer like that "yes."

24 (Laughter.)

25 MR. STOLAR: It -- it -- (laughter) --

1 Zoning Referral Calendar Public Work Session
2 she's had legal training.

3 It could be any of the above. We don't
4 know until everything is resolved. They're
5 all -- they're, at the moment, they are all
6 possibilities.

7 COMMISSIONER SAKOWICH: But they'd have
8 to come back before us.

9 ACTING CHAIR GREENFIELD: I was going
10 to say.

11 COMMISSIONER SAKOWICH: You've got to
12 come back anyway, so that wouldn't impact us.

13 ACTING CHAIR GREENFIELD: Right.

14 COMMISSIONER SAKOWICH: Yeah.

15 ACTING CHAIR GREENFIELD: You
16 understand you have to come back before us,
17 counselor, with -- with more than just a "yes"
18 answer.

19 COMMISSIONER SAKOWICH: Yeah.

20 (Laughter.)

21 MR. STOLAR: If -- if -- well, that
22 that's the question. Right now, this four-lot
23 subdivision is just essentially a two-dimensional
24 piece of the paper, without any of the proposed
25 development shown on it, when we know that there

1 Zoning Referral Calendar Public Work Session
2 is significant development already shown on those
3 lots.

4 So, you know, come back, you know, the
5 hard part is there are -- there are, I know Chris
6 said two. I think you also have the 59-lot
7 subdivision that's "as-of-right," that's
8 currently before you as well. There are three
9 pinballs in the -- in the machine right now.
10 So --

11 ACTING CHAIR GREENFIELD: We only have
12 two on the agenda.

13 MR. STOLAR: Two on the agenda, right.
14 Understood, because those are the two
15 applications that are pending before Woodsburgh.
16 You also have one that's pending before the
17 Planning Commission for a separately, not on
18 tonight [sic].

19 ACTING CHAIR GREENFIELD: Not on
20 tonight [sic].

21 MR. STOLAR: Or today, excuse me.

22 ACTING CHAIR GREENFIELD: Yeah, okay.

23 So what --

24 COMMISSIONER SAKOWICH: But they still
25 have to come back.

1 Zoning Referral Calendar Public Work Session

2 ACTING CHAIR GREENFIELD: Right.

3 So when is your hearing in Woodsburgh?

4 MR. STOLAR: Next week.

5 ACTING CHAIR GREENFIELD: What date?

6 MR. BROWNE: The 24th.

7 MR. STOLAR: Wednesday, the 24th.

8 ACTING CHAIR GREENFIELD: Oh, I was
9 going to visit, but I'm not available. I'm
10 sorry.

11 Okay. Chris?

12 (Stepping up.)

13 MR. BROWNE: I just want to -- again
14 this, the purpose of this is just -- right now
15 this -- this property has dozens and dozens of
16 tax lots all over the place.

17 ACTING CHAIR GREENFIELD: Right.

18 MR. BROWNE: All we're trying to do is
19 clean up that situation. It's nothing to do with
20 the development. This is just separate this
21 parcel out, so that when the time comes, either:

22 With Woodsburgh;

23 Without Woodsburgh;

24 To a synagogue.

25 Or however, that this one parcel can be

1 Zoning Referral Calendar Public Work Session
2 disposed of, which is going to happen regardless.

3 So we're -- we're just trying to -- to
4 this is simply a -- a -- a -- we're trying to put
5 the tax lots in a situation where they can be
6 easily legally deeded out in the future.

7 ACTING CHAIR GREENFIELD: Okay.

8 MR. BROWNE: It has nothing to do with
9 the development whatsoever.

10 COMMISSIONER SAKOWICH: We got it.

11 ACTING CHAIR GREENFIELD: We got it.

12 COMMISSIONER SAKOWICH: We got it.

13 MR. BROWNE: Thank you.

14 ACTING CHAIR GREENFIELD: We answered
15 all the questions.

16 MR. BROWNE: Thank you -- thank you.

17 ACTING CHAIR GREENFIELD: Anyone else?

18 (No response.)

19 ACTING CHAIR GREENFIELD: We -- we got
20 to -- we got to move on to other cases.

21 MR. STOLAR: Thank you.

22 ACTING CHAIR GREENFIELD: Thank you
23 both for coming down. It's nice to see two
24 opposing attorneys getting along, but can you
25 take it out in the hall?

1 Zoning Referral Calendar Public Work Session

2 Okay, next item, Marty -- Marty. And
3 we're almost at the -- for those people
4 that have just joined us, we're doing our
5 Public Work Session out here in the public and
6 make no votes, no conclusions. We just ask
7 questions to get fact finding before, you know,
8 the actual meeting.

9 MR. KATZ: Does the Commission have any
10 questions on those -- those cases that staff
11 recommend a "Local Determination" on? If not,
12 I'll just go to the other -- you know, I don't
13 know, you know, obviously you're pressed for time
14 now, so --

15 ACTING CHAIR GREENFIELD: Yeah --
16 yeah -- yeah, that's a good way of approaching
17 it.

18 I thought there was a question on
19 the -- anyone have a question on Item 10, the
20 drive up with --

21 MR. KATZ: Oh, that one, yeah.
22 That's --

23 ACTING CHAIR GREENFIELD: Yeah, that
24 one, yeah -- yeah -- yeah.

25 MR. KATZ: That one?

1 Zoning Referral Calendar Public Work Session

2 ACTING CHAIR GREENFIELD: Yeah.

3 MR. KATZ: Okay. Let me --

4 ACTING CHAIR GREENFIELD: The drive
5 ups are always challenging. If we could, throw
6 that --

7 MR. KATZ: Yeah, this --

8 ACTING CHAIR GREENFIELD: -- slide up.

9 MR. KATZ: -- is --

10 ACTING CHAIR GREENFIELD: Is it a
11 two -- here's my question. Is it a two-lane
12 drive up, so there's no spill back into the --

13 MR. KATZ: No, the -- the --

14 ACTING CHAIR GREENFIELD: -- adjacent
15 neighborhood?

16 MR. KATZ: It's not so much the queuing
17 which is an issue. It's -- it's the fact that it
18 just came to light that -- okay.

19 This is a proposed Starbucks with a
20 drive-thru on it, almost 17,000 square foot site.
21 It's a drive-thru only. The case was initially
22 heard by the Planning Commission on 1/11/24 for
23 several variances relate -- you know, related to
24 various issues. The Commission, at that point
25 issued "Local Determination," that the Town

1 Zoning Referral Calendar Public Work Session
2 approve these variances. The project is parking
3 compliant.

4 Additional variances were just -- just
5 referred to the Planning Commission, because
6 something slipped through the cracks from the
7 Town of North Hempstead, concerning the
8 installation of the drive-thru audio equipment
9 serving the drive-thru that faces residential
10 properties, 'cause to the north of this is a --
11 is a rear yards of properties. It's a large
12 site, but it's a very -- it's a relatively --

13 COMMISSIONER SAKOWICH: Very narrow.

14 MR. KATZ: -- shallow sight.

15 So the -- the -- the drive-thru window
16 with the -- with the audio equipment is, from --
17 from staff's, perspective, may have an impact
18 on -- on these properties. And it just came to
19 light that this is not compliant from the Town of
20 North Hempstead. And also, it just came to light
21 that the proposed installation of a 7-foot fence
22 in the rear on top of an existing 5 foot wall,
23 which is 12 feet abutting the residential
24 properties to the north.

25 The staff recommends that maybe a

1 Zoning Referral Calendar Public Work Session
2 noise analysis should be prepared concerning the
3 potential impacts of sound emitting from the
4 order station on homes located along the south
5 [sic] -- the site's northerly property line,
6 because this may be an impact to these several
7 residential properties. It's a -- and like he
8 said, it's a fairly shallow sight, so --

9 ACTING CHAIR GREENFIELD: So -- so are
10 you -- you put it on the agenda?

11 MR. KATZ: Yeah.

12 ACTING CHAIR GREENFIELD: But are you
13 recommending incomplete?

14 MR. KATZ: Yes, I -- I -- I, you know,
15 I'd like to see if this is going to actually --
16 you know, we've -- we've, the -- you know,
17 some -- some reports come with noise analyses --

18 ACTING CHAIR GREENFIELD: Well, the --

19 MR. KATZ: -- shadow analysis. This
20 one, it didn't address that, but I think maybe it
21 should.

22 ACTING CHAIR GREENFIELD: Okay. That's
23 why I brought it up, Marty.

24 MR. KATZ: Okay.

25 * * *

1 Zoning Referral Calendar Public Work Session

2 ACTING CHAIR GREENFIELD: Okay. Now,
3 the only other question we had here --

4 MR. KATZ: We had the one in Levittown,
5 which the staff --

6 ACTING CHAIR GREENFIELD: The
7 Levittown, that one --

8 MR. KATZ: Yeah.

9 ACTING CHAIR GREENFIELD: -- yeah, we
10 had a -- maybe you want to introduce that --

11 MR. KATZ: Okay.

12 ACTING CHAIR GREENFIELD: -- and brief
13 that.

14 MR. KATZ: Okay.

15 ACTING CHAIR GREENFIELD: We have --

16 MR. KATZ: It's fairly cut --

17 ACTING CHAIR GREENFIELD: -- five
18 minutes or so.

19 MR. KATZ: -- cut and dry.

20 This is a proposed retail building of
21 about 4800 square feet as part of the
22 Levittown Mews Shopping Center, along the
23 north side of --

24 ACTING CHAIR GREENFIELD: Rose, is this
25 part of your district?

1 Zoning Referral Calendar Public Work Session

2 LEGISLATOR WALKER: No, that's not.

3 ACTING CHAIR GREENFIELD: No, okay.

4 MR. KATZ: A parking variance is
5 required.

6 The Shopping Center has a total of
7 405 parking spaces, with a total of 505 parking
8 spaces required. The proposed retail building in
9 and -- in and of itself requires 24 spaces.

10 The building will be situated in what
11 is now an open area next to the freestanding
12 "ULTA Beauty Store" at the easterly end of the
13 shopping center. This Shopping Center has
14 thirteen stores and is anchored by a freestanding
15 "Walmart" at the westerly end of the
16 Shopping Center.

17 There will be several spaces eliminated
18 along the site's easterly property line to
19 accommodate the -- the building.

20 This is across from the "Home Depot"
21 and it's got a traffic signal that serves
22 "Home Depot" on the south side of Hempstead
23 Turnpike and that serves the "Levittown Mews
24 Shopping Center."

25 Staff recommends that this be deemed

1 Zoning Referral Calendar Public Work Session
2 incomplete. The proposed retail building will
3 increase the Shopping Center's parking
4 deficiency. As such, a parking analysis is
5 requested to see if the existing parking can
6 accommodate the proposed retail building without
7 any issues. I don't think it will, but it --
8 it -- it -- it's possible that it might. We're
9 just being consistent.

10 COMMISSIONER DURSO: No, "ULTA" is
11 there already.

12 THIRD VICE CHAIR LEWIS: Oh, "ULTA's"
13 there?

14 COMMISSIONER DURSO: Yeah, "ULTA's"
15 there. What is -- so they're looking to put --

16 COMMISSIONER SAKOWICH: A free-standing
17 building.

18 MR. KATZ: A free-standing building --

19 COMMISSIONER DURSO: Free-standing
20 building.

21 COMMISSIONER SAKOWICH: No, yeah.

22 MR. KATZ: -- at the easterly end of
23 the -- what is now a -- a -- an -- an open area,
24 an asphalt area.

25 ACTING CHAIR GREENFIELD: Well, so wait

1 Zoning Referral Calendar Public Work Session
2 a minute. How many parking spots are we taking
3 away for this freestanding building?

4 MR. KATZ: About --

5 ACTING CHAIR GREENFIELD: That's my --

6 MR. KATZ: -- along the --

7 ACTING CHAIR GREENFIELD: -- concern.

8 MR. KATZ: -- along the easterly
9 property line, I'd say about 7 or so spaces that
10 are probably not used very much. But they have
11 to be eliminated along the easterly property line
12 to accommodate the -- the building.

13 ACTING CHAIR GREENFIELD: I just wanted
14 to make sure that --

15 COMMISSIONER DURSO: And what are they
16 looking to put in, do we know?

17 MR. KATZ: Just says an unspecified
18 retail store.

19 COMMISSIONER DURSO: Retail?

20 MR. KATZ: Yeah, but who knows? That
21 could be a restaurant.

22 COMMISSIONER DURSO: That's what I --

23 ACTING CHAIR GREENFIELD: Or a
24 Starbucks?

25 MR. KATZ: So --

1 Zoning Referral Calendar Public Work Session

2 (Laughter.)

3 COMMISSIONER DURSO: Yeah, I feel like
4 we need a little bit more.

5 MR. KATZ: So that's that for that one.

6 * * *

7 MR. KATZ: And -- and the other one is
8 in Woodsburgh, that is other than a local -- you
9 know, recommended by staff, other than a
10 "Local Determination."

11 This is the Village of Woodsburgh.

12 This is for:

13 Subdivision;

14 Area;

15 And dimensional variances.

16 This is the Woodsburgh portion of the
17 Willow View Estates subdivision, the former
18 Woodmere Club.

19 The Woodsburgh portion can -- will
20 contain 45 single-family homes. Several --
21 several of these proposed lots, according to the
22 site plan or the apportionment map are located in
23 what is deem -- deemed as the "Open Space
24 District of the Coastal Conservation District,"
25 where residential lots are not -- not permitted.

1 Zoning Referral Calendar Public Work Session
2 Some lots also require area variances within the
3 residential district.

4 It should be noted that the Village of
5 Lawrence portion of the Willow View Estates
6 subdivision was before the Planning Commission on
7 9/7/2023, for the creation of 33 single-family
8 lots. Several of these lots were also situated
9 within the "Open Space District of the
10 Conservation [sic] -- Coastal Conservation
11 District." At that time, the Commission
12 recommended that the application be modified to
13 eliminate all lots within the "Open Space
14 District."

15 It should also be noted that the
16 Town of Hempstead, Woodmere portion of the
17 Willow View Estates was scheduled to go before
18 the Planning Commission on 5/30/24 for the
19 creation of 90 single-family lots, many of these
20 also within the "Open Space District of the
21 Coastal Conservation District." At that time,
22 the Town requested that it be pulled from the
23 zoning agenda, which it was. And we haven't
24 heard back -- I haven't heard back from the Town
25 in that regard.

1 Zoning Referral Calendar Public Work Session

2 Staff is recommending "modification" to
3 eliminate all --

4 ACTING CHAIR GREENFIELD: Not the Town,
5 you mean the Village of Lynbrook [sic] -- Village
6 of Lawrence?

7 MR. KATZ: Well, yeah, no. This one is
8 the --

9 MR. O'BRIEN: The Town.

10 ACTING CHAIR GREENFIELD: The Town of
11 Hempstead.

12 MR. KATZ: -- the Town's portion in
13 Woodmere --

14 ACTING CHAIR GREENFIELD: The Town.

15 MR. KATZ: -- that was referred to us,
16 but what was pulled.

17 ACTING CHAIR GREENFIELD: Okay.

18 MR. KATZ: So it is the --

19 ACTING CHAIR GREENFIELD: Okay.

20 MR. KATZ: -- Village of Lawrence that
21 we heard, the Village of Woodsmere [sic] that
22 we're -- or Woodmere that we're hearing now and
23 the Town of Hempstead.

24 ACTING CHAIR GREENFIELD: Okay. So
25 let's ask Chris --

1 Zoning Referral Calendar Public Work Session

2 MR. KATZ: Yeah.

3 ACTING CHAIR GREENFIELD: -- where --
4 we don't --

5 (Laughter.)

6 ACTING CHAIR GREENFIELD: -- give us an
7 update on where we stand with the hearings in the
8 Town of Hempstead --

9 (Stepping up.)

10 MR. BROWNE: Yeah, so --

11 ACTING CHAIR GREENFIELD: -- and --

12 MR. BROWNE: -- so these --

13 ACTING CHAIR GREENFIELD: -- Lawrence.

14 MR. BROWNE: -- these applications that
15 Marty is referencing, these are requests that we
16 have brought to build homes in the area, where
17 homes are not allowed. And our contention is
18 we're not allowed to do anything with this --
19 that -- this huge swath of 80 acres of property.
20 It's not useable for anything else, so we're
21 asking permission to build residential homes in
22 it.

23 ACTING CHAIR GREENFIELD: We can go
24 back to playing golf there.

25 MR. BROWNE: Well, it would be a

1 Zoning Referral Calendar Public Work Session
2 strange configuration, but perhaps you could
3 figure it out.

4 (Laughter.)

5 ACTING CHAIR GREENFIELD: The trend is
6 a par 3 and -- and 9 holes, you know?

7 MR. BROWNE: And you can carry your own
8 bag; right?

9 (Laughter.)

10 ACTING CHAIR GREENFIELD: No, those
11 days are long gone.

12 (Laughter.)

13 MR. BROWNE: So --

14 ACTING CHAIR GREENFIELD: But they have
15 these automated carts now that follow you.

16 (Laughter.)

17 MR. BROWNE: Really?

18 ACTING CHAIR GREENFIELD: Yeah, that's
19 you know better than my dog.

20 MR. BROWNE: I might get back into
21 golf.

22 Anyway, in Lawrence, we made the same
23 requests to build in the "Open Space Area." The
24 Commission recommended denial. The Zoning Board
25 denied the variances.

1 Zoning Referral Calendar Public Work Session

2 This is the same application in
3 Woodsburgh. Will you let us build in the open
4 space area in Woodsburgh?

5 It's fifteen additional homes over and
6 above what we're allowed. We've made extensive
7 presentations already to the Zoning Board. It
8 hasn't made a final decision. It's pending this
9 Commission's recommendation, so that's all that
10 this is.

11 ACTING CHAIR GREENFIELD: Okay. That
12 and the Town of Hempstead?

13 MR. BROWNE: Oh, the Town of Hempstead,
14 the application, same application to build in the
15 Town of Hempstead Open Space Area was submitted.
16 It went through their review process. They've
17 asked my client to, you know, deposit in escrow,
18 so they can do further studies and we are in the
19 process of dealing with that now.

20 ACTING CHAIR GREENFIELD: Okay.

21 * * *

22

23

24

25

1 Proceedings

2 ACTING CHAIR GREENFIELD: Thank you,
3 everybody. Thank you --

4 MR. BROWNE: You're welcome.

5 ACTING CHAIR GREENFIELD: -- everyone.
6 This concludes the pre-meeting.

7 We'll take a three-minute --

8 MR. O'BRIEN: Work Session.

9 ACTING CHAIR GREENFIELD: --
10 Work Session.

11 (Laughter.)

12 ACTING CHAIR GREENFIELD: Thank you,
13 counselor. We'll take a three-minute necessary
14 break.

15 (The meeting was concluded at
16 9:56 a.m.)

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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.

Stephanie J. Valder

STEPHANIE J. VALDER,
Stenographer

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