

REGULAR MEETING
of the
NASSAU COUNTY PLANNING COMMISSION

Thursday, August 15, 2024
10:05 a.m. - 12:14 p.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

LEONARD H. SHAPIRO, Chair

4

NEAL LEWIS, Third Vice-Chair

5

DANA DURSO,

6

RONALD J. ELLERBE,

7

MURRAY FORMAN,
(10:05 a.m. - 11:50 a.m.)

8

9

DENISE GOLD,

10

KHANDAN KALATY,

11

REID SAKOWICH,

12

Commissioners

13

14

WILLIAM NIMMO, Deputy Commissioner

15

ROBERT O'BRIEN, Esq., Counsel

16

PATRICK GALLAGHER, Esq., Counsel
(10:05 a.m. - 11:14 a.m.)

17

18

Staff:

19

GREGORY HOESL

20

MARTY KATZ

21

JOHN PERRAKIS

22

TIMOTHY WREN

23

Also Present:

24

STEPHANIE J. VALDER, Stenographer

25

1 Proceedings

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

3 CHAIRMAN SHAPIRO: Good morning,
4 everyone. We're dealing with a technical issue.
5 It'll take a few minutes.

6 MR. WREN: Folks, if anybody wants to
7 speak on any of the cases today, we have speaker
8 registration forms over here on the corner and
9 also copies of our agenda.

10 CHAIRMAN SHAPIRO: Good morning
11 everybody, and welcome to -- what's today's
12 date --

13 THIRD VICE-CHAIR LEWIS: Fifteenth.

14 CHAIRMAN SHAPIRO: -- August 15th
15 meeting of the Nassau County Planning Commission.

16 Due to some of the technical
17 difficulties that we're dealing with right now,
18 we're going to start with our zoning.

19 I'd like everybody to rise for the
20 Pledge of -- Pledge of Allegiance and then we'll
21 continue.

22 Hand over your heart.

23 (Pledge of Allegiance recited in a
24 body.)

25 CHAIRMAN SHAPIRO: Thank you.

1 Proceedings

2 Ladies and gentlemen, agendas are over,
3 your right (indicating), my left (indicating) and
4 speaker registrations forms are over there too.
5 Anybody wishing to speak gets three minutes, all
6 applicants get ten. Please abide by the rules.

7 And Marty, you want to do the roll
8 call?

9 (Stepping up.)

10 MR. KATZ: Okay.

11 Commissioner Kalaty?

12 COMMISSIONER KALATY: (No response.)

13 MR. O'BRIEN: Microphone, Marty.

14 MR. KATZ: Commissioner Kalaty?

15 COMMISSIONER KALATY: Here.

16 MR. KATZ: Commissioner Gold?

17 COMMISSIONER GOLD: Present.

18 MR. KATZ: Commissioner Durso?

19 COMMISSIONER DURSO: Present.

20 MR. KATZ: Chairman Shapiro?

21 CHAIRMAN SHAPIRO: Here.

22 MR. KATZ: First [sic] Vice-Chair

23 Lewis?

24 THIRD VICE-CHAIR LEWIS: Here.

25 MR. KATZ: Commissioner Forman?

1 Proceedings

2 COMMISSIONER FORMAN: Present.

3 MR. KATZ: Commissioner Ellerbe?

4 COMMISSIONER ELLERBE: Present.

5 MR. KATZ: Commissioner Sakowich?

6 COMMISSIONER SAKOWICH: Present.

7 MR. KATZ: And First Vice-Chair

8 Greenfield?

9 CHAIRMAN SHAPIRO: Excused.

10 MR. O'BRIEN: Excused.

11 MR. KATZ: Excused.

12 Okay, we have a quorum.

13 CHAIRMAN SHAPIRO: Okay. Marty, let's
14 start with the --

15 MR. KATZ: I think you have to
16 acknowledge receipt of the transcript first.

17 CHAIRMAN SHAPIRO: Okay.

18 May I have a motion for an
19 acknowledgment of the receipt of the -- receipt
20 of the transcript from July 18th?

21 COMMISSIONER FORMAN: So moved.

22 COMMISSIONER DURSO: Second.

23 CHAIRMAN SHAPIRO: All those in favor?

24 (Chorus of "ayes.")

25 CHAIRMAN SHAPIRO: Any opposed?

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Proceedings

(No response.)

CHAIRMAN SHAPIRO: The motion carries.

* * *

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: All right. Let's
3 start with Case No. 1.

4 MR. KATZ: Okay. This is NCPC Case
5 No. 724124, Village of Bayville. It's for a
6 subdivision and area variances.

7 This is a proposed four-lot subdivision
8 on a rectangular shaped 36,600 square foot
9 subject property. Each proposed lot has an area
10 of 7,650 square feet and a frontage of 51 feet.

11 The Residential "E" Zoning District
12 requires a minimum lot size of 20,000 square feet
13 and lot frontage of 100 feet.

14 Library Lane is a residentially
15 developed, actually one lane --
16 one lane not two lane -- one lane private roadway
17 with a paved width of about 10 feet, just enough
18 for one-way traffic, even though it's a two -- a
19 two-way road.

20 Residential properties along Library
21 Lane are varying in sizes and widths. There are
22 some 50s. There are some larger. It's a -- a --
23 it's in a non-sub -- it's an older area for the
24 most part, in a non-subdivision setting.

25 The subject property is primarily

1 Zoning Referral Review

2 vacant, with a dwelling and -- and barn-like
3 accessory structure tucked away in the northeast
4 corner of the property. The subject property
5 abuts a cemetery to the west. And Library Lane
6 is developed with residential properties of
7 varying size, non-subdivision setting. Several
8 of the -- several of the residential properties
9 along Library Lane are non-conforming within the
10 Residential "E" Zoning District.

11 Staff is recommending a modification.
12 The proposed four-lot subdivision with 50 foot
13 lots in a sub -- is a substantial deviation from
14 the standards of the zoning code and is generally
15 out of character with the neighborhood. A
16 reduction in yield from four lots to three lots,
17 each with a frontage of about 68 feet and a lot
18 area of 10,200 square feet would reduce each
19 lot's non-conformity, and would be more in
20 keeping with the neighborhood's diverse nature
21 and result in less of an impact on substandard
22 Library Lane, which is a -- which is a private --
23 a private 10 foot lane -- a 10 foot wide road
24 that could barely fit one lane of traffic. And
25 this would kind of reduce the -- the impact on

1 Zoning Referral Review

2 that and no on-street parking, so --

3 CHAIRMAN SHAPIRO: Commissioners, any
4 questions?

5 (No response.)

6 THIRD VICE-CHAIR LEWIS: I like the
7 recommendation of the staff to go from three
8 lot -- from four lots to three, as a
9 modification.

10 Marty, you're saying you -- you --
11 normally, we would have the image up here on --

12 MR. KATZ: Yeah.

13 THIRD VICE-CHAIR LEWIS: -- the screen.
14 But it -- are there 50 --

15 MR. KATZ: There are -- there are 50
16 foot lots --

17 THIRD VICE-CHAIR LEWIS: -- 50s --

18 MR. KATZ: -- lots along Library, but
19 there are larger lots. And to me, a row of
20 50 foot wide lots, is just somewhat
21 over-intensive -- over-intensive for the
22 property, in addition to be a -- a -- a
23 substantial departure from the standards of the
24 zoning code.

25 Now, the prevailing zoning may not

1 Zoning Referral Review

2 make, as far as --

3 CHAIRMAN SHAPIRO: Do you have a radius
4 map?

5 MR. KATZ: -- what's around it. But I
6 think two -- four 50 lots is a little out of
7 character and a little over-intensive for the --
8 for the property.

9 CHAIRMAN SHAPIRO: Do you have a radius
10 map?

11 MR. KATZ: We don't have -- we -- we
12 do have a radius map. I was given the dimensions
13 of those properties not on the radius map,
14 because the radius map only had the tax lots.
15 But the attorney, Brian Stolar was able to get me
16 the property dimensions for -- for properties
17 within 200 feet of the subject property.

18 And like I said, there are some
19 50 footers. There are some:

20 60;

21 70;

22 100 footers;

23 There are larger non -- there are
24 smaller non-conforming properties;

25 And there those that are less

1 Zoning Referral Review

2 non-conforming;

3 And there are those that are oversized.

4 It's an older area and --

5 COMMISSIONER SAKOWICH: I think the
6 access is more the issue of anything, like you
7 said, Marty, so --

8 MR. KATZ: Yeah, it's -- it's --
9 it's --

10 COMMISSIONER SAKOWICH: -- I think we
11 should go with the recommendation of -- - of
12 staff. I'll make a motion to go to
13 recommendation, Case No. 724124 with a -- it
14 would be a "Neg. Dec." with a modification.

15 CHAIRMAN SHAPIRO: No, it's not a
16 "Neg. Dec." It's just --

17 COMMISSIONER SAKOWICH: It'd just be a
18 modification.

19 CHAIRMAN SHAPIRO: A modification.

20 COMMISSIONER SAKOWICH: Yeah, so we'll
21 just go with the modification, according to
22 staff.

23 MR. KATZ: And this will not come back
24 to you, because it's not within 300 feet of the
25 Village line.

1 Zoning Referral Review

2 COMMISSIONER SAKOWICH: Okay, perfect.

3 CHAIRMAN SHAPIRO: Is there a second?

4 MR. KATZ: But it's within 500 feet of
5 the County --

6 COMMISSIONER KALATY: Second.

7 MR. KATZ: -- road, so that's what
8 would bring it --

9 CHAIRMAN SHAPIRO: Perfect.

10 MR. KATZ: -- for zoning.

11 COMMISSIONER KALATY: Second.

12 CHAIRMAN SHAPIRO: All those in favor?
13 (Chorus of "ayes.")

14 CHAIRMAN SHAPIRO: Any opposed?

15 (No response.)

16 CHAIRMAN SHAPIRO: The motion carries.

17 THIRD VICE-CHAIR LEWIS: And -- and if
18 I could just say for -- for the purposes of the
19 members of the public that are here, so on our
20 Zoning Calendar, if we vote "LD," we send it back
21 to the -- to the village or a town.

22 But in the case of a modification as we
23 just voted, that means that it goes back to the
24 local government, they have a vote to take, they
25 require a supermajority.

1 Zoning Referral Review

2 So if -- if normally four, three wins,
3 they would need five, two. So that's the effect
4 of us adopting a modification in our referrals.
5 I just wanted to put that out there.

6 * * *

7 MR. KATZ: Okay. Case No. 2, Chairman?

8 CHAIRMAN SHAPIRO: Yes.

9 MR. KATZ: This is NCPC Case
10 No. 724224 and this is the Village of Lynbrook.
11 It's for a special use and parking variances.

12 This is convert -- a proposed
13 conversion of a vacant one-story retail storage
14 built -- building, which I think was a former
15 tile store with storage on a -- that's -- that's
16 17 -- 17,319 square feet, to medical offices, on
17 a .4-acre site that also includes a freestanding
18 Starbucks of about 1800 square feet, with a
19 drive-thru and parking, with parking between the
20 two structures.

21 (Chairman Shapiro exits the meeting.)

22 MR. KATZ: The Starbucks requires
23 19 spaces and the proposed medical offices
24 require 63 spaces, for a total of 82 spaces. A
25 total of 71 spaces are provided, including

1 Zoning Referral Review

2 parking to be provided in the -- in -- in the
3 proposed below-grade parking structure below the
4 existing building to be converted to medical
5 offices. That will include 17 spaces. This
6 below-grade -- below-grade structure requires a
7 special use approval from the Village.

8 A field visit indicate -- indicated
9 that the existing parking was actually pretty
10 heavily utilized probably with Starbucks
11 customers, 'cause the -- the building that's
12 going to be converted to medical offices is
13 vacant. The site plan, however, does not
14 distinguish parking for the Starbucks or parking
15 for the proposed medical building.

16 Access to the proposed parking basement
17 garage will be from the existing curb cut on
18 Sunrise Highway, that serves the proposed medical
19 office building and the Starbucks.

20 Staff is recommending "Local
21 Determination with a Letter" indicating that the
22 parking should be -- parking should be reserved
23 for Starbucks patrons and also reserved for those
24 patrons using -- of patients using medical office
25 building, 'cause the site plan makes no -- does

1 Zoning Referral Review

2 not distinguish. And it is a medical office
3 building, and they should be, you know,
4 delineated for -- for those who need medical
5 services.

6 And we don't know what kind of medical
7 office building it is. It's not affiliate -- you
8 know, it's not affiliated with one of the
9 hospitals, as of now. I spoke to the -- the
10 applicant -- the applicant on this one, so --

11 THIRD VICE-CHAIR LEWIS: Well, we -- we
12 know medical buildings do get a lot of, you know,
13 activity, people coming for appointments and
14 such.

15 So you're saying for parking spaces,
16 there's a total of 82 and you're estimating 19 of
17 that is needed for a Starbucks.

18 MR. KATZ: And a Starbucks, as per
19 Village's requirements, requires 19 parking
20 spaces. They're -- they're short, total for --
21 for the two uses, the Starbucks and the proposed
22 medical office building, they're short 11 spaces,
23 which was -- isn't crazy. And they
24 are -- they are adding below-grade spaces under
25 the proposed medical building that would be

1 Zoning Referral Review

2 indicated.

3 THIRD VICE-CHAIR LEWIS: So you -- you
4 don't have a problem so much with the numbers.
5 You were just concerned that it's not designated
6 as --

7 MR. KATZ: Yeah, it's -- it's -- it.

8 COMMISSIONER SAKOWICH: It's clearly --
9 I mean, let's --

10 MR. KATZ: -- would be kind of chaotic
11 to have patrons of Starbucks parking.

12 You know, I -- I think it should be --
13 we can handle that with a letter or we can handle
14 it with via a modification to the site plan. I
15 said via a letter, but you know.

16 COMMISSIONER SAKOWICH: Let's -- let's
17 make -- let's go with what you --

18 MR. KATZ: Okay.

19 COMMISSIONER SAKOWICH: -- your
20 recommendation there, "Local Determination with a
21 Letter" saying that they'd like those spots
22 clearly marked for Starbucks patrons only.

23 THIRD VICE-CHAIR LEWIS: Okay.

24 And do we have a second? By the way,
25 this is NCPC Case 724 --

1 Zoning Referral Review

2 COMMISSIONER FORMAN: I second.

3 THIRD VICE-CHAIR LEWIS: -- 224.

4 And we have a motion.

5 Do we have a second?

6 COMMISSIONER FORMAN: Second.

7 THIRD VICE-CHAIR LEWIS: The motion is
8 seconded. Thank you.

9 All in favor for an "LD with a Letter,"
10 please say aye.

11 (Chorus of "ayes" with Chairman Shapiro
12 recused.)

13 THIRD VICE-CHAIR LEWIS: Any opposed?

14 (No response.)

15 THIRD VICE-CHAIR LEWIS: Not seeing
16 any, the motion carries.

17 * * *

18 THIRD VICE-CHAIR LEWIS: Let's go to
19 the third case.

20 COMMISSIONER SAKOWICH: This one, we
21 already did. We did this last -- last week,
22 didn't we Marty?

23 MR. KATZ: Which -- which one?

24 COMMISSIONER SAKOWICH: The -- the --
25 the Crossways one.

1 Zoning Referral Review

2 MR. KATZ: No -- no -- no, we did not.
3 We might have had a --

4 COMMISSIONER SAKOWICH: Gordon Drive --

5 MR. KATZ: -- another one in that --

6 COMMISSIONER SAKOWICH: -- we did
7 Gordon Drive. It was around the -- around the
8 block.

9 I'm sorry.

10 MR. KATZ: Right -- right. This is a
11 different one.

12 COMMISSIONER SAKOWICH: Right, okay.

13 MR. KATZ: This is NCPC Case No. 725124.
14 This is in the Town of Oyster Bay, Hamlet of
15 Woodbury. And it's for a special use and
16 amendment to the site plan.

17 This is a building that was initially
18 approved as a one-story, 145,200 square foot
19 warehouse on 8.9 acres. The warehouse has been
20 built, but appears to be currently vacant.
21 This is in the "Crossways Industrial Office
22 Industrial Park."

23 Since receiving the "C. Of O." from the
24 Town for the warehouse, the applicant has been
25 trying to lease the building. "Rivian," the

1 Zoning Referral Review

2 electric vehicle manufacturer has agreed to
3 occupy about 40,600 square feet of the building.

4 (Chairman Shapiro enters the meeting.)

5 MR. KATZ: The use will consist of the
6 maintenance and service of electric vehicles with
7 associated indoor space for:

8 Waiting areas;

9 Offices;

10 Parts;

11 Storage;

12 Maintenance;

13 And customer pick up. It will not be a
14 dealership.

15 To the north is a moving and storage
16 facility, "Men on the Move." To the east across
17 Crossways Drive West is a one -- a one-story
18 office building. To the south is a baked --
19 baked goods manufacturer. To the west is the
20 Seaford-Oyster Bay Expressway.

21 In addition to interior alterations,
22 some exterior alterations concerning the
23 installation of charging stations and repaving
24 and re-striping will also occur to accommodate
25 the proposed vehicle service-related use.

1 Zoning Referral Review

2 Under the Town's "Light Industrial
3 Zoning District," a "vehicle service use"
4 requires Town Board Special Use approval. The
5 project also requires some modifications to the
6 approved site plan.

7 Staff -- staff recommends "Local
8 Determination."

9 On Case No. --

10 THIRD VICE-CHAIR LEWIS: So --

11 MR. KATZ: Oh --

12 THIRD VICE-CHAIR LEWIS: -- so --

13 MR. KATZ: -- sorry.

14 THIRD VICE-CHAIR LEWIS: -- the -- so
15 this requires Town Board action. Most of the
16 items that we deal with under zoning, you know,
17 it's -- it's not always the case the Town Board
18 action is required. This one is because it's a
19 special use approval.

20 MR. KATZ: Right.

21 THIRD VICE-CHAIR LEWIS: So although
22 these buildings are already -- this -- this
23 warehouse and the other buildings around it all
24 already exist, they're essentially just changing
25 the use. But that --

1 Zoning Referral Review

2 MR. KATZ: Right.

3 THIRD VICE-CHAIR LEWIS: -- use is for
4 vehicle service and that's -- that's what the
5 Town Board will have to consider, whether or not
6 to --

7 MR. KATZ: Right --

8 THIRD VICE-CHAIR LEWIS: -- approve
9 that.

10 MR. KATZ: -- right. It's not -- yeah,
11 that's not an as of --

12 THIRD VICE-CHAIR LEWIS: It's not an
13 "as-of-right" use.

14 MR. KATZ: -- "as-of-right" under --
15 under permitted uses. But it does require a
16 special -- special use approval.

17 THIRD VICE-CHAIR LEWIS: But there's
18 no -- no significant changes otherwise to --

19 MR. KATZ: No -- no.

20 And right now, it's a unoccupied
21 warehouse actually.

22 Case No. --

23 THIRD VICE-CHAIR LEWIS: If no one
24 else has a question or comment, I'll make a
25 motion for --

1 Zoning Referral Review

2 MR. KATZ: Okay.

3 THIRD VICE-CHAIR LEWIS: -- NCPC
4 Case No. 725124. And my motion for an "LD,"
5 "Local Determination."

6 COMMISSIONER ELLERBE: Second.

7 CHAIRMAN SHAPIRO: All those in favor?
8 (Chorus of "ayes.")

9 CHAIRMAN SHAPIRO: The motion carries.

10 * * *

11 MR. KATZ: All right. Case No. 4 is
12 725124 [sic]. This is the -- within the City of
13 Long Beach. This is a proposed moratorium.

14 This is a proposed six-month moratorium
15 on accepting and, or granting of subdivisions in
16 the City of Long Beach.

17 The City of Long Beach is in the
18 process of creating a Planning Board. One of
19 responsibilities of the Planning Board will be to
20 review all proposed subdivisions within
21 Long Beach.

22 Long Beach is working with
23 Pace University Law School on the creation of a
24 Planning Board and believes it will have the
25 appropriate legislation drafted, and trained --

1 Zoning Referral Review
2 and -- and personnel trained within the next
3 six months. The City feels it would be prudent
4 to place a six-month moratoriums [sic] --
5 moratorium on subdivisions, so that the
6 Planning Board can properly review such
7 applications. There are no provisions for
8 extensions in this local law, that I was able to
9 see.

10 Staff is recommending "Local
11 Determination with a Letter" indicating that
12 limitations should be placed on the duration of a
13 moratorium, and they should not normally exceed
14 one year, which should provide enough time to
15 establish a Planning Board to accomplish its
16 objective [sic] -- objectives regarding the
17 review of subdivisions.

18 THIRD VICE-CHAIR LEWIS: So --

19 MR. KATZ: Yeah.

20 CHAIRMAN SHAPIRO: So Marty?

21 MR. KATZ: Yeah.

22 CHAIRMAN SHAPIRO: You're not shutting
23 down the process in the City of building?

24 MR. KATZ: No.

25 CHAIRMAN SHAPIRO: They're just going

1 Zoning Referral Review

2 to --

3 MR. KATZ: This is sub -- this is a
4 sub -- it would be residential. I would think it
5 would be residential subdivision, because that's
6 what the, you know, the -- the -- really the only
7 subdivision that would -- that would come before
8 the City.

9 CHAIRMAN SHAPIRO: So they're going to
10 shut it down for a year?

11 MR. KATZ: Yeah, until they establish
12 and train the Planning Board to review, yeah --
13 no, actually for six months.

14 THIRD VICE-CHAIR LEWIS: Six months.

15 COMMISSIONER SAKOWICH: Six months.

16 MR. KATZ: Six months.

17 CHAIRMAN SHAPIRO: Okay.

18 MR. KATZ: Six months.

19 CHAIRMAN SHAPIRO: I think we have
20 to -- we have to be very firm on the six
21 months --

22 MR. KATZ: Right.

23 CHAIRMAN SHAPIRO: -- because we don't
24 want, you know, it to seem like there's a taking
25 and nobody can develop on subdivisions.

1 Zoning Referral Review

2 THIRD VICE-CHAIR LEWIS: Mr. Chairman --

3 MR. KATZ: Right.

4 THIRD VICE-CHAIR LEWIS: -- I was going
5 to make the same point. I think a recommendation
6 for a letter by the staff makes sense, an "LD
7 with a Letter." But I wouldn't put in the
8 language about not exceeding one year, I think
9 because that kind of says go ahead take a whole
10 year.

11 MR. KATZ: Okay.

12 THIRD VICE-CHAIR LEWIS: But the
13 Chairman's point is -- is well taken that with
14 these moratoriums, they're supposed to keep it to
15 six months. And this was to do -- go through the
16 process again after six months.

17 But for this moratorium, what we have
18 here is exactly what you want for a moratorium,
19 which is they're attempting to bring in a team to
20 look at all their --

21 MR. KATZ: Right --

22 THIRD VICE-CHAIR LEWIS: -- you know,
23 process and they want to create a new
24 Planning Board. So they're creating a whole --
25 so that's understandable. And that's exactly --

1 Zoning Referral Review

2 you know, it's not a moratorium. And just say,
3 hey, we're going to just stop everything and, you
4 know. It -- but it's fairly clear that this
5 would last until they make a -- take action on
6 these recommendations that they're working on.

7 CHAIRMAN SHAPIRO: And I think that --
8 I think that we should not put in there not to
9 exceed one year.

10 MR. KATZ: Okay. We'll take that out?

11 CHAIRMAN SHAPIRO: Take that out.

12 MR. KATZ: And we -- we should indicate
13 these things, there -- there should be
14 limitations obviously, you know --

15 CHAIRMAN SHAPIRO: Correct.

16 MR. KATZ: -- on -- on it, yeah. And
17 they shouldn't go on indefinitely.

18 CHAIRMAN SHAPIRO: Yup.

19 MR. KATZ: So we'll -- we'll
20 incorporate that one and --

21 CHAIRMAN SHAPIRO: Stick with the
22 six months and be done with it. But, you know,
23 don't give them any more time. And they'll have
24 to come back to us, if they don't have it done in
25 six months.

1 Zoning Referral Review

2 MR. KATZ: Right -- right.

3 CHAIRMAN SHAPIRO: Okay.

4 Do -- Commissioners, any other
5 questions?

6 COMMISSIONER GOLD: No.

7 CHAIRMAN SHAPIRO: Do I have a motion
8 for an "LD with a Letter?"

9 COMMISSIONER SAKOWICH: Motion on
10 Case 725124 [sic], "LD with a Letter."

11 COMMISSIONER DURSO: Second.

12 CHAIRMAN SHAPIRO: All those in favor?
13 (Chorus of "ayes.")

14 CHAIRMAN SHAPIRO: Any opposed?
15 (No response.)

16 COMMISSIONER DURSO: Let me just
17 bring -- bring it back, a letter indicating the
18 six months --

19 CHAIRMAN SHAPIRO: Correct.

20 COMMISSIONER DURSO: -- please.

21 CHAIRMAN SHAPIRO: Okay.

22 * * *

23 MR. KATZ: Okay. Case No. 5 is
24 NCPC Case No. 730124. This is within the
25 Village of Mineola and it's to amend a special

1 Zoning Referral Review

2 use approval.

3 This is a request to amend a -- a
4 project previous -- previously approved by
5 the Village of Mineola Board of Trustees on
6 September 13th, 2023 -- not 2013, that's -- that's
7 incorrect, that's what your staff is summary
8 says -- for a nine-story -- nine-story mixed use
9 building with 119 units south of the Mineola
10 Long Island Railroad Station and adjacent to the
11 "Mineola Intermodal Center" parking garage.

12 This was before the Planning Commission
13 on 6/15/2023 for a nine-story building. And this
14 Planning Commission issued an "LD." The Village
15 subsequently approved an eight-story building.

16 The project is being changed from a
17 rental to condominium. The other proposed
18 changes include:

19 The number of units, approved for
20 119 units, proposed 112 units;

21 Number of stories, approved for
22 8 stories, proposed 9 stories;

23 Height to the top of the roof deck,
24 approved 89 feet, proposed 99 feet;

25 And height to the top of mechanicals on

1 Zoning Referral Review

2 the roof, approved 105, proposed 115;

3 Building width along Station Road,
4 courtyard dimensions approved, initially approved
5 with no courtyard and the applicant is proposing
6 a -- a courtyard;

7 Event space ceiling height, height
8 enlarged;

9 Parking spaces, approved 195 spaces,
10 proposed 160 spaces;

11 Total gross square footage of building,
12 approved 190 -- 197,340 square feet, proposed
13 194,708 [sic] -- -782 square feet;

14 The bedroom mix was also changed to
15 provide fewer one-bedroom units, 84 to 67, and to
16 provide three-bedroom units, no units now to 9
17 units.

18 While the project has been approved
19 for:

20 An eight-story building, the current
21 plan calls for a nine-story building that will be
22 stepped back along the train station frontage;

23 Three levels of below -- below parking
24 are provided, with vehicular access on
25 Third Street;

1 Zoning Referral Review

2 A courtyard will be added to the
3 third floor.

4 According to the applicant, it was a
5 business decision to change to condominiums, as
6 there were -- according to the applicant, there
7 is an extreme shortage of luxury for sale -- for
8 sale condominium product on Long Island.

9 Twelve units of Workforce Housing will
10 be set aside. There'll be -- the units will be
11 located to an off-site location within the
12 Village, but they will all be rental. I know --
13 I think our First Vice-Chair Greenfield had an
14 issue with that.

15 Yeah, in making the determination to go
16 with condominiums, the applicant modified the
17 building envelope, which triggered the need to
18 modify the existing approval from the
19 Board of Trustees.

20 The proposed -- this is important --
21 the proposed property is located within 300 feet
22 of the Garden City Village Line and will require
23 approval from:

24 The Village of Garden City;

25 The Village of Mineola;

1 Zoning Referral Review

2 And from the Nassau -- and from the
3 Nassau County Planning Commission, as it now
4 is -- will be a condominium building.

5 And it should be noted that an
6 "Expanded Environmental Assessment" was
7 prepared for the initial project, including a
8 traffic impact study and nothing substantive has
9 changed with regard to that. And the initial,
10 that study indicated that all study area
11 intersections will operate acceptable levels of
12 service, with no traffic mitigation recommended.

13 Staff recommends "Local Determination."
14 I think the Village, that the Village is on board
15 with this. This is according to the applicant,
16 so --

17 THIRD VICE-CHAIR LEWIS: So this -- so
18 this is a -- a re-jurisdiction application?

19 MR. KATZ: Yeah.

20 THIRD VICE-CHAIR LEWIS: Has it, the --
21 the -- the -- has the other Village, the
22 Village of Garden City --

23 MR. KATZ: Right (nodding head yes).

24 THIRD VICE-CHAIR LEWIS: -- given their
25 referral yet?

1 Zoning Referral Review

2 MR. KATZ: (No audible response.)

3 THIRD VICE-CHAIR LEWIS: You don't know
4 on that?

5 MR. KATZ: I'm sorry. Say it again.

6 THIRD VICE-CHAIR LEWIS: Do you know if
7 the Village of Garden City has voted on -- have
8 they given a referral for an --

9 MR. KATZ: We have --

10 THIRD VICE-CHAIR LEWIS: -- "LD" or --

11 MR. KATZ: -- you know, we're not going
12 to -- we're not going to -- you want "LD" to
13 referred this to the Village of Garden City, to
14 refer --

15 THIRD VICE-CHAIR LEWIS: It's three
16 jurisdictions. I'm asking if the other
17 jurisdictions have acted on this plot.

18 MR. KATZ: Yeah. Well, they're --
19 they're going to -- it -- when it goes before
20 for -- for a subdivision approval, it's going to
21 require a letter from the Village of Garden City,
22 that they don't -- that -- that -- that they
23 don't have any issues with this. It's not going
24 to come to us --

25 THIRD VICE-CHAIR LEWIS: My question is

1 Zoning Referral Review

2 did the --

3 MR. KATZ: Yeah.

4 THIRD VICE-CHAIR LEWIS: -- did the
5 Village of Garden City give that letter? Did
6 they take that action?

7 MR. KATZ: No -- no, at this point they
8 didn't. When it comes -- it's going to be a
9 requirement when it comes before you guys, that
10 that letter is -- it has been provided. But not
11 at this point in time, because right now they're
12 in they're in the process of getting this
13 approval from the -- the Village of Mineola
14 Board of -- Board of Trustees. That's -- that's
15 premature at this point.

16 CHAIRMAN SHAPIRO: Okay.

17 Where -- where are the rentals
18 properties that they --

19 COMMISSIONER SAKOWICH: Yeah, and
20 that -- doesn't that defeat the whole --

21 MR. KATZ: I don't know. I don't know.

22 COMMISSIONER SAKOWICH: -- but doesn't
23 that defeat the whole purpose of -- of these
24 buildings is, you know, build a building and
25 put the rentals, you know, ten blocks away?

1 Zoning Referral Review

2 I -- I --

3 MR. KATZ: I'm -- I'm not sure.

4 Actually, I'm not a hundred percent sure how that
5 operates. I can follow --

6 COMMISSIONER SAKOWICH: I think it
7 opens --

8 MR. KATZ: -- follow up on that --

9 COMMISSIONER SAKOWICH: -- a huge.

10 MR. KATZ: And a --

11 COMMISSIONER SAKOWICH: -- can of
12 worms.

13 MR. KATZ: -- and that's something --

14 COMMISSIONER SAKOWICH: Huge.

15 MR. KATZ: -- that we could -- we
16 could -- we could provide a letter that -- that
17 addresses that issue. I mean it's got to be
18 provided in accordance with the Village reg., you
19 know, regulations for these overlay -- the
20 overlay districts that they created that allows
21 this to occur.

22 COMMISSIONER SAKOWICH: But I can't --

23 MR. KATZ: That --

24 COMMISSIONER SAKOWICH: -- but that's a
25 State -- that would be State mandated. I can't

1 Zoning Referral Review

2 imagine --

3 MR. KATZ: -- the Village has -- I
4 think the Village has it in the zoning code also,
5 a set aside. But there is a Workforce Housing,
6 the New York State Work -- Long Island
7 Workforce --

8 COMMISSIONER SAKOWICH: Right. But
9 what I'm saying is -- is -- is that once we give
10 approval that you can build a 99-story [sic] -- a
11 99 --

12 COMMISSIONER FORMAN: Unit.

13 COMMISSIONER SAKOWICH: -- unit
14 building, but we're going to take the
15 Workforce Housing and put in another --

16 MR. KATZ: I'm --

17 COMMISSIONER SAKOWICH: -- it's -- it
18 isn't designated if it's even going to be in the
19 same town, so --

20 MR. KATZ: It's a little -- well, no.
21 It's got to be within the Village. But it's --
22 it's a little -- it's a little --

23 CHAIRMAN SHAPIRO: I -- I -- I --

24 MR. KATZ: -- ambiguous.

25 CHAIRMAN SHAPIRO: -- I think

1 Zoning Referral Review

2 my -- my recommendation would be that the
3 Workforce Housing be in the building.

4 COMMISSIONER SAKOWICH: It has to be.

5 CHAIRMAN SHAPIRO: Okay. And this way
6 when it comes back to us, then we have a say with
7 the developer, because he's going to need
8 subdivision approval from us.

9 MR. KATZ: Right.

10 CHAIRMAN SHAPIRO: So I would do
11 "LD with a Letter" stating that the Workforce
12 Housing --

13 MR. KATZ: Okay.

14 CHAIRMAN SHAPIRO: -- should be on
15 site.

16 COMMISSIONER SAKOWICH: Absolutely.

17 MR. KATZ: Okay.

18 CHAIRMAN SHAPIRO: So do I have a
19 motion, Commissioners?

20 COMMISSIONER SAKOWICH: Motion on
21 730124 that a letter stating that
22 Workforce Housing be on the premises.

23 COMMISSIONER DURSO: Second.

24 CHAIRMAN SHAPIRO: All those in favor?

25 (Chorus of "ayes.")

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: Any opposed?

3 (No response.)

4 CHAIRMAN SHAPIRO: The motion carries.

5 * * *

6 MR. KATZ: Okay. The sixth zoning case
7 is NCPC Case No. 1027423. This is Town of
8 Hempstead, Hamlet of North Bellmore [sic],
9 this -- or -- or Bellmore. This is for special
10 exception, area, dimensional variances and
11 parking variance.

12 This is a proposed two-story expansion
13 of an existing one-story mosque with cellar,
14 requires special exception. The current mosque
15 is 2,187 square feet. The applicant is proposing
16 6,207 square feet with -- with a second-floor
17 addition. The prayer room will accommodate
18 250 to 300 individuals on a lot that's a little
19 over 25,000 square feet.

20 The project:

21 Exceeds maximum permitted height;

22 Also, insufficient front-yard setback;

23 Also, insufficient parking with

24 227 parking spaces required and 34 spaces

25 provided.

1 Zoning Referral Review

2 Yeah, the 227 parking requirement is
3 based on the following:

4 Four -- four spaces in the cellar for
5 two classrooms;

6 69 spaces for the accessory use area;

7 129 spaces required for the first-floor
8 assembly space;

9 23 spaces for a second-floor library
10 and study area.

11 There are currently a total of
12 62 parking spaces on site. The expansion will
13 result in the elimination of about 30 spaces, for
14 a total of 34 on-site parking spaces being
15 provided.

16 This was previously before the
17 Planning Commission on 11/16/23. At that time,
18 the Commission deemed the application incomplete
19 and requested a parking analysis. Applicant --
20 applicant subsequent -- subsequently submitted a
21 parking analysis and the case was brought back to
22 the Planning Commission on 6/20/24. At that
23 time, the Planning Commission recommended denial
24 for the following reasons:

25 The parking study did not adequately

1 Zoning Referral Review

2 address or quantify the additional parking demand
3 associated with the major expansion;

4 The study did not adequately account
5 for a parking spillover during high demand times,
6 even with the availability of valet parking;

7 The study did not adequately address
8 and quantify available and conveniently-located
9 on-street parking during peak demand periods.

10 According to the parking study, the
11 Town's parking requirements assumes all areas of
12 the building will be occupied simultaneously,
13 which is not consistent with the operations of
14 the mosque. A congregation of 300 people or
15 persons will actually require a total of
16 100 spaces, 1 space per 2 people. 100 spaces is
17 significantly less than 227 required parking
18 spaces.

19 The site will have 34 parking spaces
20 and can -- can accommodate 62 spaces with -- with
21 valet parking on Fridays, which according to the
22 analysis would -- will adequately satisfy the
23 mosque's parking needs. Overflow parking is only
24 required once a week, for no more than two hours.
25 According to the analysis, there is plenty of

1 Zoning Referral Review

2 on -- quote, unquote, plenty of on-street parking
3 spaces available on Bellmore Avenue, Broad Street
4 and Broad Street to accommodate the overflow
5 parking.

6 The parking study was revised to
7 address some of the parking Planning Commission's
8 concerns and resubmitted. The revised study
9 incorporates tables that showed [sic] -- shows
10 existing on-street parking along Bellmore Avenue
11 and Broad Street, demand and availability for the
12 highest demand two-day period, no increase in
13 occupancy intended [sic] -- slash, attendance is
14 anticipated after the expansion. Hence, the
15 existing parking stalls after the expansion --
16 the expansion will provide a sufficient amount of
17 parking -- of parking for the site, even though
18 there is additional on-street parking that would
19 be available to the congregants, if they chose to
20 avail themselves to it.

21 We heard this, the applicant attorney
22 presented this at the working session and
23 indicated that the -- with the valet parking, the
24 existing -- that the -- the proposed facility
25 would be able to accommodate parking demand under

1 Zoning Referral Review

2 the current -- under the proposed reduction in --
3 in parking spaces, so I'm not sure.

4 CHAIRMAN SHAPIRO: Commissioners,
5 truthfully, you know, with having valet parking,
6 that makes it a big difference. I don't know how
7 all you feel. I'd like to hear your opinions.

8 (No response.)

9 CHAIRMAN SHAPIRO: Don't all talk at
10 once.

11 (Laughter.)

12 COMMISSIONER GOLD: The valet
13 parking -- the valet parking that they had was
14 with the additional spots, I mean 'cause then
15 they're going -- they're going to lose half of
16 the spots.

17 THIRD VICE-CHAIR LEWIS: Right.

18 COMMISSIONER GOLD: So will the
19 parking -- will the valet parking still be able
20 to accommodate what it was accommodating, once
21 they lose half of the spots?

22 THIRD VICE-CHAIR LEWIS: Well, I think
23 some of math that we've been presented with here
24 is that the 227 required parking spaces, I think
25 everybody agrees that's kind of extreme.

1 Zoning Referral Review

2 MR. KATZ: Yeah, they -- they --

3 THIRD VICE-CHAIR LEWIS: That would --
4 that would mean everything is being done at the
5 same time.

6 MR. KATZ: Exactly.

7 THIRD VICE-CHAIR LEWIS: Right. So we
8 put that one aside.

9 But then you get to the 129 spaces be
10 required for, you know, large attendance events,
11 something like a Friday prayers and such. So
12 that 129 maybe is only, it's -- maybe if you had
13 100 you would say you're -- you're close. So
14 you're saying, in your analysis, you're saying
15 well, we looked at it from the perspective of
16 needing 100 parking spaces.

17 There is currently 62. They're going
18 to take away half of that, but they say you can
19 get up to 62, if you use of --

20 MR. KATZ: With the valet.

21 THIRD VICE-CHAIR LEWIS: -- the valet,
22 which we're big fans of valet parking. We'd much
23 rather, you know, see an establishment that's
24 going to have this kind of numbers coming to
25 their facilities to put some effort into managing

1 Zoning Referral Review

2 the parking. They should have people out there
3 working, you know, to do that.

4 MR. KATZ: And if there was any
5 spillover, the -- the adjacent street, supposedly
6 there is availability to a certain extent --

7 THIRD VICE-CHAIR LEWIS: I think -- I
8 think that's when I finally get back to the
9 question that was asked, you know. It's you
10 really can't say there's enough parking on site,
11 no matter how you figure it.

12 MR. KATZ: Right.

13 THIRD VICE-CHAIR LEWIS: But they're
14 relying on the on-street parking to make it -- to
15 make it work; right?

16 (Chairman Shapiro exits the meeting.)

17 MR. KATZ: And the -- well, the -- the
18 valet and on-street parking, yeah.

19 COMMISSIONER SAKOWICH: I'm -- I'm
20 going to stick to the way we went last time on
21 this is that this is -- this is an extremely busy
22 area. You're -- you're -- you're coming with
23 these cars.

24 We experience it in the community I
25 live in. Yes, I agree that they would get

1 Zoning Referral Review

2 60 cars in a lot, the first 60 people that show
3 up, but it just -- it just doesn't work that way.

4 And under my experience, they --
5 their -- their mass is -- is an hour long or --
6 or whatever their prayer is, an hour long. But
7 the amount of people that come in that period of
8 time is tremendous.

9 I don't think that -- that we can stand
10 in front of us and say that we're tripling the
11 size of the building or doubling the size of the
12 building and nobody -- nobody knew it was coming.
13 And I -- I just -- I -- I just, you know, that's
14 then don't double the size of the building and
15 leave the 60 spots.

16 You know, the valet works -- the valet
17 works. You know, the first 60 people that are
18 there or whoever, they can pack those cars in.
19 But there's no enforcement of the valet. It's
20 something we can say, but who -- we're not here
21 to enforce it or can it be enforced? So I think
22 it doesn't get to the root of the problem of
23 the -- the people that are showing up just in
24 time to make the prayer service. I think that's
25 the problem.

1 Zoning Referral Review

2 I think that's what the neighbors
3 expressed, when they were here for the public
4 comment. It's not the first 60 cars. It's the
5 additional cars that come that just --

6 MR. KATZ: You said the neighbors. You
7 may be getting this mixed up with the one in
8 Bethpage?

9 COMMISSIONER SAKOWICH: No, I'm not
10 getting it mixed up.

11 MR. KATZ: No -- no, in terms of --
12 well, I don't know if there were neighbors
13 involved in this particular one, but we -- okay.

14 COMMISSIONER SAKOWICH: Oh, there --
15 there was a -- a substantial turnout from it.

16 MR. KATZ: Yeah.

17 COMMISSIONER SAKOWICH: Okay.

18 THIRD VICE-CHAIR LEWIS: Are there
19 comments or questions to figure out what we're
20 going to do on this one?

21 COMMISSIONER KALATY: I agree with
22 Reid.

23 (Laughter.)

24 THIRD VICE-CHAIR LEWIS: So once,
25 again, if we vote to either deny, as the staff

1 Zoning Referral Review

2 has recommended and we did vote once before for a
3 denial, if we do that and it still goes back to
4 the Town -- this one is, yeah, the Town -- and
5 the Town has a final say, but they would be
6 required to get --

7 COMMISSIONER SAKOWICH: Two-thirds.

8 THIRD VICE-CHAIR LEWIS: -- the extra
9 vote.

10 COMMISSIONER SAKOWICH: Yeah.

11 THIRD VICE-CHAIR LEWIS: No comment?

12 COMMISSIONER SAKOWICH: Yeah.

13 THIRD VICE-CHAIR LEWIS: No additional
14 comments?

15 (No response.)

16 THIRD VICE-CHAIR LEWIS: Then do we
17 have a motion?

18 COMMISSIONER SAKOWICH: I make a
19 motion, NCPC Case 1027423, a denial.

20 THIRD VICE-CHAIR LEWIS: Okay.

21 Is there a second to the motion?

22 COMMISSIONER KALATY: Second.

23 THIRD VICE-CHAIR LEWIS: Okay. So the
24 motion is made and seconded.

25 And the motion is for a denial. How do

1 Zoning Referral Review

2 we vote? All in favor, say aye.

3 (Chorus of "ayes" with Chairman Shapiro
4 recused.)

5 THIRD VICE-CHAIR LEWIS: Any opposed,
6 say nay.

7 (No response.)

8 THIRD VICE-CHAIR LEWIS: And the
9 Chairman had to step out for this one, so he --
10 his vote will not be on this one.

11 But we have a vote and it is approved
12 for the denial.

13 * * *

14 MR. KATZ: Okay. We have one more.

15 That's Item No. 7 on the Zoning Agenda.

16 This is NCPC Case No. 86124, Town of
17 North Hempstead. The applicant's the Town
18 Board. And the type of referral is for a
19 moratorium.

20 (Chairman Shapiro enters the meeting.)

21 MR. KATZ: This is a proposed one-year
22 moratorium on all matters concerning
23 "Battery Energy" -- "Battery Energy
24 Storage Systems" "BESS" facilities, which
25 consists of rows of rechargeable batteries housed

1 Zoning Referral Review

2 in self-contained interconnected storage units.

3 During this time period, the Town will evaluate

4 the implication of "BESS," "B-E-S-S" facilities

5 to assess how they may impact:

6 The Town;

7 Its residents;

8 And its fire prevention infrastructure.

9 No issuance of:

10 Building permits;

11 Site plans;

12 A variance;

13 Or special exceptions during this

14 period of moratorium.

15 Staff recommends a "Local Determination

16 with a Letter" indicating, you know, limitations

17 be placed on the duration of moratorium. And

18 they should -- that -- that one-year should be

19 enough time for the Town to study the B" --

20 "Battery Energy Storage System" facilities and

21 implement any changes to zoning code, in its

22 zoning code that adequately address these

23 facilities.

24 And I think the State is working on

25 finalizing regulations concerning this. And they

1 Zoning Referral Review

2 should have that done and completed within the
3 required timeframe of the moratorium.

4 THIRD VICE-CHAIR LEWIS: Yeah, and your
5 last point is well taken. The Governor -- and we
6 discussed this with a different moratorium that
7 was -- I'm forgetting which town came before us
8 earlier. But --

9 MR. KATZ: Well --

10 THIRD VICE-CHAIR LEWIS: -- the
11 Governor does have a working group that's been
12 working on this. And frankly, there's room for
13 some criticism here.

14 I mean the State is encouraging
15 localities to -- to approve projects like this.
16 And yet, the State controls a lot of the rules,
17 and yet, they didn't really update any of their
18 rules, before they told everybody to look at
19 doing this.

20 So it's a -- it's really a "cart before
21 the horse" kind of thing. It's kind of crazy to
22 say, hey, each town in -- in New York State, you
23 sit down and figure out what to do with changing
24 zones to allow for these uses.

25 So there is a working group at the --

1 Zoning Referral Review

2 at the State level. And it makes sense for us to
3 get their recommendations before local actions,
4 so I would support the moratorium.

5 You know, one year, again, is kind of
6 long for what we'd normally do. We do the six
7 months. But on this one, the point is well made
8 that they don't seem to be close in terms of
9 the recommendations from this State group, so
10 maybe -- maybe a year is not that outrageous.

11 DEPUTY COMMISSIONER NIMMO: I'd like to
12 put on the record that there are a bunch of
13 constituents here at today's meeting that would
14 like to speak, but we're -- you know, it's not
15 part of the process. But they are in full
16 support of this moratorium as well.

17 CHAIRMAN SHAPIRO: Thank you.

18 COMMISSIONER SAKOWICH: I'll make
19 a motion on it. The motion, NCPC 86124, that
20 we -- a letter of with -- with --

21 MR. O'BRIEN: No, just an "LD."

22 COMMISSIONER SAKOWICH: -- just an
23 "LD," a "Local Determination" in favor of the
24 moratorium.

25 CHAIRMAN SHAPIRO: Is there a second?

1 Zoning Referral Review

2 MR. KATZ: With -- with --

3 COMMISSIONER KALATY: I'll second.

4 MR. KATZ: -- with the letter?

5 MR. O'BRIEN: It's not in favor. It's
6 just a "Local Determination."

7 COMMISSIONER SAKOWICH: A "Local
8 Determination" that --

9 THIRD VICE-CHAIR LEWIS: Well --

10 MR. KATZ: With the letter; right?

11 THIRD VICE-CHAIR LEWIS: I guess the --
12 well, but the question's what's the letter
13 covering? I -- I think --

14 MR. KATZ: Well, I don't know. It's
15 just a standard letter.

16 MR. O'BRIEN: We do generally have a
17 standard letter with a --

18 CHAIRMAN SHAPIRO: We -- we have a
19 standard letter that says, you know, we approve
20 the moratorium, it should be kept to that one
21 year. If it's not going to, they'd have come
22 back to us.

23 COMMISSIONER SAKOWICH: Right.

24 MR. O'BRIEN: Yeah.

25 COMMISSIONER FORMAN: Okay. But it's

1 Zoning Referral Review

2 still --

3 MR. O'BRIEN: Yeah.

4 COMMISSIONER FORMAN: -- a "Local
5 Determination."

6 THIRD VICE-CHAIR LEWIS: Still a
7 "Local Determination."

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

9 COMMISSIONER SAKOWICH: Yeah, but the
10 motion is correct for a "Local Determination."

11 CHAIRMAN SHAPIRO: Correct.

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

13 COMMISSIONER SAKOWICH: But I think,
14 again, it was spelt out that they're working on
15 it. The State needs to update theirs. So there
16 is -- there are -- there are people on this, so,
17 you know, it's going in the right direction of --

18 COMMISSIONER FORMAN: I'll second that.

19 THIRD VICE-CHAIR LEWIS: Yeah, and I --
20 I would just add that the letter should maybe
21 reiterate that referral or referral process,
22 because this item is in the -- is in the
23 newspapers today, because they already held a
24 vote on the item --

25 COMMISSIONER SAKOWICH: Yeah --

1 Zoning Referral Review

2 THIRD VICE-CHAIR LEWIS: -- which
3 they're supposed to wait for our referral.

4 COMMISSIONER SAKOWICH: -- right.

5 THIRD VICE-CHAIR LEWIS: So I think the
6 letter should also refer to that and point that
7 out.

8 CHAIRMAN SHAPIRO: Which -- which ended
9 up -- which ended up being a no vote --

10 COMMISSIONER SAKOWICH: No vote.

11 CHAIRMAN SHAPIRO: -- so it's going to
12 have to come back to them. So now they're going
13 to have our recommendation --

14 COMMISSIONER SAKOWICH: Right --

15 CHAIRMAN SHAPIRO: -- before they vote.

16 COMMISSIONER SAKOWICH: -- right.

17 THIRD VICE-CHAIR LEWIS: Right, yeah,
18 get that in.

19 CHAIRMAN SHAPIRO: And the no vote was
20 for no moratorium. So now this is going to give
21 our approval for the moratorium and they'll have
22 to follow it by the letter of the law.

23 COMMISSIONER FORMAN: Right.

24 CHAIRMAN SHAPIRO: Okay. So the motion
25 made and second.

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Zoning Referral Review

All those in favor?

(Chorus of "ayes.")

CHAIRMAN SHAPIRO: Any opposed?

(No response.)

CHAIRMAN SHAPIRO: The motion carries.

* * *

1 NCPC File No. 1982-F-3

2 CHAIRMAN SHAPIRO: Okay. Now, let's
3 move onto our next part of the agenda. Just so
4 everybody knows, we have a scratch. We're going
5 to adjourn Case No. NCPC File 1982-F-3.

6 I'll take a motion to adjourn it to
7 September 6th [sic].

8 COMMISSIONER FORMAN: So moved.

9 COMMISSIONER DURSO: Second.

10 CHAIRMAN SHAPIRO: All those in favor?

11 (Chorus of "ayes.")

12 CHAIRMAN SHAPIRO: Any opposed?

13 (No response.)

14 CHAIRMAN SHAPIRO: The motion carries.

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1 Proceedings

2 CHAIRMAN SHAPIRO: Okay. Staff, let's
3 rock and roll.

4 MR. O'BRIEN: "OSPAC" -- "OSPAC."

5 MR. HOESL: "OSPAC."

6 CHAIRMAN SHAPIRO: We're going to do
7 "B" first.

8 (Stepping up.)

9 MR. HOESL: You want to start with
10 "OSPAC;" correct?

11 CHAIRMAN SHAPIRO: Yeah.

12 MR. HOESL: Okay.

13 CHAIRMAN SHAPIRO: Isn't that "B," as
14 in "boy?"

15 MR. HOESL: Ah, yes.

16 CHAIRMAN SHAPIRO: Okay.

17 MR. O'BRIEN: As in "brief."

18 THIRD VICE-CHAIR LEWIS: As in "brief."

19 (Laughter.)

20 CHAIRMAN SHAPIRO: Okay.

21 * * *

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1 NCPC File No. 1982-F-3

2 (Stepping up.)

3 MR. PERRAKIS: I just want to put
4 on the record that it was adjourned to
5 October [sic] -- to September Fifth, not sixth.

6 MR. O'BRIEN: My bad. September Fifth.

7 CHAIRMAN SHAPIRO: Thank you.

8 COMMISSIONER SAKOWICH: I will not be
9 here.

10 (Stepping up.)

11 * * *

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1 NCPC OSPAC File No. 3-2024

2 MR. HOESL: All right. First up we
3 have OSPAC Case 3-2024. This is an application
4 for the granting of an easement.

5 Tim, would you?

6 This is an application for the granting
7 of an easement at -- from the County to "LIPA" at
8 100 Gordon Drive, Hamlet of Syosset, Town of
9 Oyster Bay in their "Light Industrial
10 Zoning District."

11 Nassau County's requesting permission
12 for the granting of this easement. The proposed
13 easement would be for the replacement of existing
14 overhead utility lines above the Long Island
15 Railroad tracks and the subsequent installation
16 of underground lines.

17 The dimensions for the requested
18 easement along the southern border of "Lot 14" is
19 approximately 10 feet wide by 500 feet long,
20 running the length of the property. The
21 requested easement would allow for the
22 installation of underground electrical wires.

23 "NCDPW" approves the request from
24 "LIPA" for the granting of an easement.

25 At the July 18th Nassau County

1 NCPC OSPAC File No. 3-2024
2 Planning Commission hearing, the public comment
3 period was opened and subsequently closed without
4 any comment from the public.

5 At yesterday's "OSPAC" meeting, "OSPAC"
6 voted 5-0 in favor of the granting of the
7 easement, with no condition.

8 We do have -- I believe we -- we have
9 Kevin here, if you have any questions.

10 (Stepping up.)

11 MR. WALSH: Good morning,
12 Commissioners. Kevin Walsh from the Office of
13 Real Estate Services.

14 As Greg mentioned, this is a request
15 from "LIPA," "PSE&G" to move -- to grant an
16 easement to move lines from above grade to below
17 the Long Island Railroad. And the "DPW" did
18 review and approve this.

19 Also, at yesterday at "OSPAC," one of
20 the concerns raised was removing of brush and
21 vegetation. And I was able to confirm this
22 morning with my colleague in the County
23 Attorney's Office that there is provisions in
24 this easement agreement that would actually
25 obligate the -- the entity that's going to be

1 NCPC OSPAC File No. 3-2024

2 doing the work to do that.

3 THIRD VICE-CHAIR LEWIS: Yeah, so we've
4 had utility easements come before us pretty, you
5 know, frequently over the years. And it does
6 seem that they've been good, from what we've
7 heard, in terms of restoring the site after the
8 work. So that's typically like the only main
9 concern is to make sure that if vegetation has to
10 be cleared and such, then it has to -- then it
11 has to be restored back and should actually end
12 up looking even nicer than it started hopefully.

13 But other than that, these utility
14 easements seem pretty straight forward.

15 MR. WALSH: (Nodding head yes.)

16 CHAIRMAN SHAPIRO: Commissioners?

17 (No response.)

18 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
19 I'd like to make a motion on 3-2024 and the
20 motion is to grant the easement --

21 MR. O'BRIEN: Recommend to the --

22 THIRD VICE-CHAIR LEWIS: Recommend it
23 to the Nassau Legislature, right.

24 Thank you.

25 COMMISSIONER KALATY: Second.

1 NCPC OSPAC File No. 3-2024

2 CHAIRMAN SHAPIRO: All those in favor?

3 (Chorus of "ayes.")

4 CHAIRMAN SHAPIRO: Any opposed?

5 (No response.)

6 CHAIRMAN SHAPIRO: The motion carries.

7 MR. WALSH: Thank you.

8 CHAIRMAN SHAPIRO: Next.

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1 NCPC OSPAC File No. 4-2024

2 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
3 I'd like to make a motion on OSPAC 4-2024, that
4 we open the public comment period.

5 CHAIRMAN SHAPIRO: Do we have a second?

6 COMMISSIONER FORMAN: Second.

7 CHAIRMAN SHAPIRO: Public comment
8 period is open.

9 Go ahead.

10 (Stepping up.)

11 MR. HOESL: Thank you.

12 This is OSPAC Case 4-2024. This is
13 an application for Nassau County to convey
14 property to the "Tunnel to Towers Foundation."
15 The subject property is located at
16 3915 Austin Boulevard, hamlet of Island Park
17 in the Town of Hempstead's Business "X"
18 Zoning District.

19 The parcel size is -- I'm sorry.
20 Nassau County is requesting permission to convey
21 the above-referenced property to the "Tunnel to
22 Towers Foundation." The "Tunnel to Towers
23 Foundation" is seeking to build affordable
24 housing at the site for veterans and first
25 responders.

1 NCPC OSPAC File No. 4-2024

2 The site is currently occupied by the
3 former Long Beach Motor Inn, which would be
4 subsequently demolished to make way for the
5 proposed housing.

6 Property's located in the Town of
7 Hempstead's Business "X" Zoning District.

8 This particular property was previously
9 seen as OSPAC 4-2017 when the property was sold
10 at the -- after the County had received the
11 property through condemnation. However,
12 ultimately that deal fell through and this new
13 deal has been presented today.

14 The property runs approximately
15 200 feet by 200 feet, for a total of land area of
16 approximately 40,000 square feet or .92 acres.

17 "DPW" approves very strongly of the
18 requests from the County Attorney's Office for
19 the conveyance of this property to the "Tunnel to
20 Towers Foundation."

21 Here today, I believe we have a
22 representative from the "Tunnels to Towers
23 Foundation" [sic] to give you some more
24 information, as well as Kevin Walsh from the
25 County Attorney's Office.

1 NCPC OSPAC File No. 4-2024

2 (Stepping up.)

3 MR. WALSH: Good morning again,
4 Commissioners. Kevin Walsh from the Office of
5 Real Estate Services.

6 As Greg mentioned, this was a -- a
7 property that the County acquired in condemnation
8 after storm damage in Superstorm Sandy. We
9 acquired it approximately in 2015. We've had a
10 process to -- to -- different procedures to try
11 to sell this property that have not come to
12 fruition. So we're -- we're excited that we will
13 be working with "Tunnels to Towers" to provide a
14 veterans project at this site.

15 I'm going to pass it on to Gavin
16 Naples, who's joining us today to give a
17 presentation. He's the Vice President for the
18 homeless veterans programs for "Tunnels to
19 Towers."

20 CHAIRMAN SHAPIRO: Good morning.
21 Name and address for the record,
22 please.

23 (Stepping up.)

24 MR. NAPLES: Good morning.
25 Gavin Naples, Vice President of the

1 NCPC OSPAC File No. 4-2024

2 Tunnel to Towers Foundation,
3 2361 Hylan Boulevard, Staten Island, New York.

4 Thank you, Commission, very good to be
5 here with you today.

6 As I said, my name is Gavin Naples.
7 I'm the Vice-President of the "Tunnel to Towers
8 Foundation." If we can go to the next slide.

9 So our foundation began in the
10 wake of the 9/11 terrorist attacks on the
11 World Trade Center. Firefighter Stephen Siller,
12 who's a Brooklyn firefighter who was off duty,
13 and on the morning of September 11th, he was
14 going to play golf with his three brothers. He
15 heard that the "South Tower" had been hit by the
16 airplane, so he drove his car around straight to
17 the base of the Brooklyn Battery Tunnel, which
18 was closed to vehicular traffic because of
19 security concerns. So he got out of his car, he
20 put 60 pounds of gear on his back and he ran
21 nearly 4 miles through the underground tunnel
22 into the "South Tower" and he died saving others
23 that day. His body was never recovered.

24 From that sacrifice, his brothers and
25 sisters got around a kitchen table and said we

1 NCPC OSPAC File No. 4-2024

2 need to honor what he did:

3 For America;

4 And for New York City;

5 And for all of our Americans.

6 And so they grew and they started the

7 "Tunnel to Towers Foundation."

8 Over the last 20 years, they've grown

9 it from that kitchen table to nearly a

10 half-a-billion-dollar-a-year organization that

11 gives 95 cents of every single dollar away to our

12 programs. They have one of the highest

13 transparency ratings of any "501(c)(3)" in the

14 Nation. And we've given over 1200 mortgage-free

15 homes to catastrophically injured service

16 members, families of fallen first responders and

17 "Gold Star" families throughout the entire

18 Nation.

19 If you can, go to the next slide.

20 Our newest mission seeks to help the

21 most vulnerable population of our veterans and

22 first responders, those that are struggling to

23 find affordable housing, and struggling and

24 backsliding into homelessness. There's over

25 35,000 veterans that are currently struggling

1 NCPC OSPAC File No. 4-2024
2 with financial issues and homelessness. But just
3 providing housing is not enough to address such a
4 tremendous problem, so the "Tunnel to Towers
5 Foundation" has created a two-prong model to
6 eradicate homelessness amongst veterans,
7 nationwide.

8 The first is our "Veterans Villages."
9 We're growing throughout the Nation to the places
10 where the rates of homelessness are highest, the
11 large metro areas as you'd expect. And we're
12 acquiring hospitality properties, as well as
13 raw land in developing beautiful permanent
14 affordable housing complexes for veterans, with
15 24/7 wrap-around supportive services on site. So
16 we pair our very high-quality housing, with a
17 qualitative service model that addresses root
18 causes of why veterans are struggling, and a
19 platform for rehabilitation and reintegration
20 into the community, which is our ultimate
21 objective here.

22 We have about 12 different projects in
23 various stages of completion, and acquisition and
24 development throughout the nation. Over 1200
25 units are currently under development. And these

1 NCPC OSPAC File No. 4-2024

2 are in these large triage areas.

3 And the next -- next slide.

4 However, outside of these large metro
5 areas, you have 75 percent of America. So the
6 second prong of our program is our National case
7 management network, and that is anywhere in the
8 Nation where a veteran or their family is
9 struggling.

10 We have an internal team in New York
11 that onboard these veterans that call us,
12 hundreds a month. We provide them direct
13 financial assistance to get them housed in their
14 area, and then we work with over a thousand
15 supportive service providers throughout the
16 Nation to provide these veterans with the
17 services they need. So if it's a veteran who is
18 about to be evicted with three children, or
19 sleeping in their van for three weeks, that
20 wouldn't befit under the Federal guise of
21 chronically homelessness, they call the "Tunnel
22 to Towers Foundation." They receive financial
23 assistance and access to a housing accommodation
24 that suits them in:

25 Nevada;

1 NCPC OSPAC File No. 4-2024

2 Or Arkansas;

3 Or Louisiana;

4 Or wherever the litany of places they

5 call us from that day. And then we have:

6 Attorneys;

7 And landlords;

8 And "PTSD" clinics;

9 And mental health clinicians;

10 And employment opportunities in Nevada;

11 And Arkansas;

12 And Louisiana;

13 And throughout the Nation to not

14 just provide housing for where we're doing our

15 veteran -- "Veteran's Villages," but for any

16 veteran that's struggling. Last year we provided

17 housing to over 3,000 veterans and over a

18 thousand children.

19 You can go to the next slide.

20 This year we'll provide housing

21 assistance and access to services to well over

22 5,000 veterans nationwide and over 2,000

23 children. These numbers will grow exponentially,

24 as we strengthen our National case management

25 network, and bring more and more of these

1 NCPC OSPAC File No. 4-2024

2 "Veteran's Villages" online.

3 If you can, go to the next slide.

4 So in Long Island, you know, in
5 Island Park obviously, we have our dilapidated
6 [sic] Long Motor, you know, Motor, you know
7 Motor Inn, which we're going to be demolishing
8 fully and creating a 42-unit permanent housing
9 complex, with, again, our wraparound service
10 model for:

11 Case management;

12 Behavioral health;

13 Entitlements assistance;

14 Employment assistance;

15 Legal advocacy;

16 A litany of services, and I'll get more
17 into that in just a moment.

18 All of our residences are very high
19 quality. Everyone has their own kitchen.

20 Everyone has their own bathroom;

21 There's no communal living. This is
22 not a shelter. This is not a transitional site.
23 This is our veterans permanent home.

24 As I said, our ultimate objective is:

25 Reintegration back into the community;

1 NCPC OSPAC File No. 4-2024

2 Pairing our veterans with
3 entrepreneurial career paths, not just mundane
4 jobs;

5 Reunification with their families to go
6 on to buy larger homes, larger apartments.

7 But if this is a veterans last stop,
8 because they're a little bit, you know, older,
9 think your Vietnam War Veterans that may have a
10 little bit more trouble reintegrating into the
11 community based on their age, and they're looking
12 for a permanent place of safety, and dignity and
13 comfort to live out their golden years, they can
14 do so at their "Veterans Villages."

15 We have a litany of supportive service
16 space on the first floor:

17 Gyms;

18 Multipurpose rooms;

19 Game rooms;

20 Clothing rooms, for veterans to
21 interact with other veterans and also our staff.

22 And these are just some of the
23 supportive services that we provide onsite for
24 our veterans, again, to address root causes of
25 why they're struggling, whether it's:

1 NCPC OSPAC File No. 4-2024

2 Financial;

3 Literacy;

4 Legal advocacy;

5 Family issues;

6 Case management;

7 Be it "PTSD" issues;

8 Mental health issues.

9 And while the "Tunnel to Towers
10 Foundation" provides all the meat and potato
11 functions of the these qualitative supportive
12 services, the villages that we create sort of act
13 as conduits for other organizations in the same
14 space to funnel their services as well, other
15 veterans organizations and other community
16 members to get galvanized and activated and
17 respond to the needs of our veterans. So we have
18 people that:

19 Bake us cookies;

20 And Thanksgiving turkeys;

21 And knit us quilts;

22 And pet therapy;

23 Art therapy;

24 Music therapy;

25 Cooking classes;

1 NCPC OSPAC File No. 4-2024

2 Apprenticeships.

3 So it's really a conduit for the
4 community to get involved. As I said, these
5 are 24/7 supportive services that occur. The
6 site is always manned by the "Tunnel to Towers
7 Foundation."

8 We spend a tremendous of money into the
9 intake, and the screening and safety, to ensure
10 the safety of not only the "Veterans Village,"
11 but obviously the surrounding community. Every
12 single inch of all of our "Veterans Villages" are
13 captured by "CCTV." We have license plate
14 scanners, so we know exactly who's coming in and
15 out, 24/7 staff.

16 And our intake and screening procedures
17 are such that all veterans that come in have been
18 screened out. Any veteran that's been
19 dishonorably discharged, has any record of any
20 sort of sexual-based offense or any major crime
21 is not -- is precluded from our site. To the
22 extent possible, we work with them with through
23 our National case management network to send them
24 to organizations that are better suited to, you
25 know, to help them.

1 NCPC OSPAC File No. 4-2024

2 Just to give you a little bit of a
3 background of our presence in New York, we've
4 provided over 91 veterans and first responders
5 with mortgage-free homes to date, and over
6 41 veterans that are struggling with homelessness
7 last year with housing and access to services.
8 These numbers are going to increase exponentially
9 in this year and the year to come.

10 These are just some of the names that
11 the "Tunnel to Towers Foundation" has assisted in
12 New York. We provided privately-funded daily
13 transportation to and from:

14 The nearest VA hospital;

15 To employment;

16 To grocery stores;

17 Banks;

18 Employment opportunities in a
19 reasonable radius where veterans need to go for
20 our disabled veterans, or older veterans or
21 someone that doesn't have, you know, vehicular
22 transit.

23 But we also work with our veterans.
24 Our financial literacy and employment components
25 is a very important part of our program, to make

1 NCPC OSPAC File No. 4-2024
2 sure that our veterans could repair their credit
3 scores and, you know, obtain cars if they so
4 wish. But if not, you know, the -- the public,
5 the -- the transportation that we provide is
6 private and it's privately funded, you know,
7 every day.

8 We're not asking for a dollar from
9 anyone here. This project is fully funded today,
10 in terms of the demolition of the existing
11 conditions and the build back of a tremendous
12 facility. And because we are not government
13 subsidized -- this is all privately funded --
14 we're able to be very responsive in our needs of
15 the veteran and the surrounding community. We
16 don't fall into some of the pitfalls that other
17 Federal or State subsidized programs do.

18 The maintenance of this is funded in
19 perpetuity. And we obviously have a, you know, a
20 stellar reputation to uphold. So again, the
21 acquisition, renovation and maintenance is funded
22 in perpetuity by the "Tunnel to Towers
23 Foundation."

24 A picture says a thousand words. So
25 this (indicating) is our "Houston Veterans

1 NCPC OSPAC File No. 4-2024

2 Village" completed last year. It houses
3 131 veterans in the Houston area. This was a --
4 a renovation of an existing hotel.

5 This is our "Phase 2," where we develop
6 "comfort homes." We're not proposing this here,
7 on our Island Park location. However, where
8 the space dictates, we modularly manufacture
9 500 square foot "comfort homes," large
10 one-bedrooms for an older class of veteran that,
11 again, may have a little bit more trouble
12 reintegrating into the community.

13 So we're going to be placing
14 14 "comfort homes," starting today actually on
15 our -- our "Houston Veterans Village." They sit
16 on concrete pads. They're hooked up to
17 utilities. And that's the veteran's home, you
18 know, for the rest of their life.

19 I think there are a few more,
20 but this is our site in Riverside, California
21 on "March Airforce Base." It's a 175-unit
22 permanent housing complex, which we've been
23 granted to us for in working with U.S. Vets
24 since 2022.

25 In Atlanta, Georgia, we're actually

1 NCPC OSPAC File No. 4-2024
2 beginning renovation today on a 100-unit -- a
3 100-unit hotel conversion. It will provide
4 90 permanent housing units, once completed at the
5 end of the year.

6 Memphis, Tennessee, we just broke
7 ground on a 121-unit hotel, a former hotel which
8 we're going to be converting into 105-unit
9 permanent housing complex. And again, all of
10 these facilities on the first floor are
11 completely built out for the litany of our
12 supportive services.

13 In Tampa, Florida, we were deeded
14 9 acres by Manatee County on their former
15 utility's district. We're going to be
16 demolishing the existing building in about three
17 weeks, and developing a community of an 84-unit
18 permanent housing complex and 38 of our
19 "comfort homes."

20 In Buffalo, New York, we are just
21 receiving approval next week from Cheektowaga to
22 demolish a former dilapidated nursing home and
23 develop a -- it's a 94-unit permanent housing
24 complex about four minutes away from the Buffalo
25 Veterans Affairs Hospital. This can give you a

1 NCPC OSPAC File No. 4-2024
2 pretty good indication of what you can expect to
3 see on -- on our Island Park location, obviously
4 architectural purposes only, artistic purposes
5 only. But this is what we're proposing in other
6 parts of New York.

7 In Toms River, New Jersey last night at
8 midnight, we just received a town approval to
9 develop 100-unit permanent housing complex in
10 Bayville with 24 "comfort homes."

11 In Las Vegas across the street from the
12 largest VA medical complex in Nevada, we're
13 developing a 100-unit permanent housing complex
14 for veterans.

15 In Harrisburg, Pennsylvania right on
16 the Susquehanna River, which is to the left
17 (indicating) of the picture you see, we're
18 developing on an 8 1/2-acre tract, a 64-unit
19 permanent housing complex and a village of
20 20 "comfort homes."

21 In West Los Angeles, which is the
22 epicenter of veteran homelessness, there's a
23 388-acre track, which Abraham Lincoln deeded to
24 the "VA" back in the 1860s. It's fallen
25 into a state of dilapidation for the last

1 NCPC OSPAC File No. 4-2024
2 100 years. And an organization known as "The
3 Veterans Collective" has put together nearly a
4 billion dollars, to which "Tunnel to Towers" is a
5 substantial contributor to, to renovate this
6 (indicating) entire property and provide
7 permanent housing, transitional housing for
8 over 3,000 veterans once completed by the end
9 of the year.

10 Many other Villages coming soon in
11 large metro areas throughout the Nation.

12 THIRD VICE-CHAIR LEWIS: So is this
13 project the first one in Nassau County that your
14 organization --

15 MR. NAPLES: That's --

16 THIRD VICE-CHAIR LEWIS: -- will be
17 doing?

18 MR. NAPLES: -- that's correct, sir.

19 But just to -- to sum up the
20 presentation, every night we don't act is another
21 night of a veteran doesn't get back. And our
22 mantra is that we would never put a veteran in a
23 place that you and I wouldn't live. And we don't
24 feel that any veteran should ever be left out on
25 the street, the ones that they signed up to

1 NCPC OSPAC File No. 4-2024

2 protect.

3 So we are positioning ourselves as the
4 permanent affordable housing providers for
5 veterans. And we are working with, as I said,
6 over a thousand organizations nationwide to all
7 come together, share best practices, share
8 information, share resources, to march to the
9 same common goal of something that is attainable
10 to eradicate homelessness amongst veterans
11 nationwide.

12 So I thank you very much for your time.
13 And I'd be happy to take any questions you may
14 have.

15 (Audience participation.)

16 COMMISSIONER DURSO: That's exactly
17 what I wanted to do. Thank you, guys, so much
18 for all that you do.

19 This organization is -- we follow it.
20 We -- we had a friend who unfortunately lost his
21 life and you guys helped their family with a
22 property, paid off their mortgage. And it means
23 a lot to us because he had a young child.

24 And I -- I see these homeless, you
25 know, on the other end, the homeless veterans.

1 NCPC OSPAC File No. 4-2024

2 It makes my -- my skin crawl that they have no
3 place to go. And the fact that you guys are
4 doing what you're doing just really, really
5 touches my heart, because, you know, I had
6 grandparents that were -- they're veterans and
7 stuff. They were lucky enough to have support.
8 But there's so many out there that don't. And I
9 support this 100 percent.

10 So I just wanted to personally say
11 thank you.

12 MR. NAPLES: Thank you very much.

13 COMMISSIONER SAKOWICH: I -- I just
14 have one thing and it's -- it's size wise. Why
15 that size, why not bigger on the parcel of land?
16 I think it's 40,000 square feet. It's such a
17 great thing. Have --

18 MR. NAPLES: Yeah.

19 COMMISSIONER SAKOWICH: -- have
20 limitations been put on it by the Town, the
21 County? Is it I mean --

22 MR. NAPLES: (Nodding head yes.)

23 I -- I -- I believe that's the
24 maximum that, you know. I'll let Kevin speak
25 to that.

1 NCPC OSPAC File No. 4-2024

2 COMMISSIONER SAKOWICH: I -- I just, I
3 mean what a great thing that --

4 (Stepping up.)

5 MR. WALSH: Right --

6 COMMISSIONER SAKOWICH: -- that -- you
7 know.

8 MR. WALSH: -- Kevin Walsh, the County
9 Attorney's Office, Office Real Estate Services.

10 It's true. It still will have to go
11 through normal process. This is our process to
12 go through planning, ultimately, the
13 County Legislature. But also there will be a
14 Town process as well, for the actual
15 construction.

16 But I think the Town is, to my
17 knowledge, you know, is very supportive of this
18 project. It's a great public project for the
19 County. And as Gavin (indicating) mentioned, to
20 my knowledge, it's the first 100 percent veterans
21 project, at least in my 20-plus years with the
22 County I've seen.

23 COMMISSIONER SAKOWICH: Yeah, I mean
24 what a -- what a great thing and -- and not to,
25 you know --

1 NCPC OSPAC File No. 4-2024

2 (Stepping up.)

3 MR. NAPLES: Thank you very much.

4 COMMISSIONER SAKOWICH: And the support
5 that you have is just tremendous, I'm sure all
6 over the place. And I think you should double
7 the size.

8 (Laughter.)

9 MR. NAPLES: We'll talk about it.

10 (Laughter.)

11 CHAIRMAN SHAPIRO: Commissioners, any
12 other questions or comments?

13 (No response.)

14 CHAIRMAN SHAPIRO: I'll take a motion
15 to close the public --

16 COMMISSIONER SAKOWICH: Yes.

17 CHAIRMAN SHAPIRO: Oh, wait a minute.
18 Yes.

19 Is there anybody in the public that
20 wishes to be heard?

21 (No response.)

22 CHAIRMAN SHAPIRO: Not seeing any, I
23 will --

24 THIRD VICE-CHAIR LEWIS: So --

25 CHAIRMAN SHAPIRO: -- ask for a

1 NCPC OSPAC File No. 4-2024

2 motion.

3 THIRD VICE-CHAIR LEWIS: -- we'll
4 make a -- I'm going to make a motion for
5 No. 4-2024, and the motion is that we close the
6 public hearing. We will send this item to
7 "OSPAC."

8 And just so you're aware, the "OSPAC"
9 meeting, sometimes the applicants do chose to
10 show up, so that's an option to you. They may
11 ask for that same presentation, because they're
12 not part of this Board. They will then vote, and
13 it would then come back to us, we would vote and
14 send it onto the Legislature, just to be clear
15 about the process.

16 But the motion right now is a motion to
17 close the public hearing and send the item to
18 "OSPAC."

19 CHAIRMAN SHAPIRO: Is there a second?

20 COMMISSIONER SAKOWICH: Second.

21 CHAIRMAN SHAPIRO: All those in favor?

22 (Chorus of "ayes.")

23 CHAIRMAN SHAPIRO: Any opposed?

24 (No response.)

25 CHAIRMAN SHAPIRO: The motion carries.

1 NCPC OSPAC File No. 4-2024

2 MR. NAPLES: Thank you very much,
3 appreciate it.

4 (Audience participation.)

5 CHAIRMAN SHAPIRO: Good luck.

6 (Audience participation.)

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1 NCPC File No. 1987-F-4 & NCPC File No. 1987-F-7

2 (Mr. Gallagher exits the hearing.)

3 (Stepping up.)

4 MR. KATZ: Okay. We're doing a couple
5 of bond releases and escrow.

6 CHAIRMAN SHAPIRO: Marty?

7 MR. KATZ: Yeah.

8 CHAIRMAN SHAPIRO: Marty, we're going
9 to do both of them together.

10 MR. KATZ: Okay.

11 CHAIRMAN SHAPIRO: Okay. So that this
12 way John can give one report.

13 MR. KATZ: Right.

14 The first is an application for a
15 release of a surety bond and cash escrow for
16 NCPC Case File 1987-4-4 [sic], Map of Country
17 Pointe Plainview, Plainview Condo Section
18 "Condo III."

19 And the applicant is requesting the
20 release of the remainder of the surety bond in
21 the amount of \$100-- 868,2 [sic] -- \$868,260.00
22 and cash escrow in the amount of \$48,665.96 for
23 "Condo III" Section of the map of Country Pointe
24 at Plainview subdivision.

25 "Condo III" consists of 135 units in

1 NCPC File No. 1987-F-4 & NCPC File No. 1987-F-7
2 9 buildings, that are part of this development
3 that has a total of 660 units.

4 The Planning Commission granted final
5 subdivision approval for Condo -- "Condo III" on
6 June 28th, 2018.

7 The Planning Commission approved a
8 reduction in bond to the current amount on
9 July 29th, 2021.

10 A final inspection of all bonded
11 improvements in Condo -- in the
12 "Condo III" section was made by the
13 Chief Inspector, "DPW," on July 4th [sic] -- on
14 July 1st, 2024. The inspection concluded that
15 all improvements are complete and deemed to be in
16 compliant with all applicable codes, and
17 standards and recommends a full release of all
18 funds currently held against the surety bond.

19 And this was properly noticed and
20 advertised in -- in Newsday.

21 And the -- the next one is NCPC File,
22 again, NCPC File 1987-F-4, Map of Country Pointe
23 at Plainview. This is for Condo -- Condo -- the
24 "Condo IV" section.

25 And the applicant is requesting a

1 NCPC File No. 1987-F-4 & NCPC File No. 1987-F-7
2 release of the remainder of surety bond in the
3 amount of \$196,005.00 and cash escrow in the
4 amount of \$54,907.58 for the "Condo IV" section
5 of the Map of Country Pointe at Plainview
6 subdivision.

7 "Condo IV" section -- "IV" --
8 "Condominium Section IV" consists of 98 units in
9 22 buildings, that are part of the Country Pointe
10 at Plainview subdivision that has a total of
11 660 units.

12 The Planning Commission granted
13 final subdivision approval for "Condo IV" on
14 June 28th, 2018.

15 The Planning Commission approved a
16 reduction in the bond for "Condo IV," for the
17 current amount on July 29th, 2021.

18 Again, a final inspection of all bonded
19 improvements in "Condo IV Section" was performed
20 by the Chief Subdivision Inspector for "DPW" on
21 July 1st, 2024. The inspection concluded that
22 all such improvements are complete and deemed to
23 be in compliant with all applicable -- applicable
24 codes, and standards and recommends a full
25 release -- for the full release of funds

1 NCPC File No. 1987-F-4 & NCPC File No. 1987-F-7
2 currently held against the surety bond.

3 And again, this was properly noticed
4 and advertised. And I -- and these are for the
5 public improvements that are in the bond
6 obviously. And I was at all of these -- these
7 two condos sites and everything looked good --
8 good to me.

9 We do have Paulina Giampietro,
10 attorney -- applicant -- attorney for the
11 applicant on this to discuss the project and
12 answer any questions.

13 CHAIRMAN SHAPIRO: Good morning. Name
14 and address for the record please.

15 (Stepping up.)

16 MS. GIAMPIETRO: Good morning,
17 Mr. Chairman, members of the Board. My name is
18 Paulina Giampietro with the law offices of
19 Vincent J. Pizzulli, Junior PC, attorney for the
20 applicant, Beechwood Plainview Old Bethpage II LLC.

21 As Mr. Katz said, we have the two
22 applications, so do you want me just -- we're
23 just going to do them together; right?

24 CHAIRMAN SHAPIRO: Correct.

25 MS. GIAMPIETRO: Okay. So for

1 NCPC File No. 1987-F-4 & NCPC File No. 1987-F-7
2 Country Pointe at Plainview "Condominium III,"
3 the applicant is requesting the release of a
4 remainder performance bond and cash escrow.

5 The original bond amount for
6 "Condominium III" was 1,506 -- 600 -- sorry,
7 \$1,506,866.04 and the amount held in escrow was
8 \$48,665.96. And on July 29th, 2021, this
9 Commission granted Beechwood's request to reduce
10 the bond by \$638,606.04, leaving a remainder
11 amount of \$868,260.00.

12 All bonded improvements in this section
13 have now been completed and Beechwood
14 respectfully requests the release of the
15 remaining bond amount and the cash escrow as
16 mentioned previously.

17 The site was inspected by
18 Nassau County "DPW" Chief Inspector
19 Mr. O'Dougherty, who issued a memo on
20 July 1st, 2024 advising that the bonded public
21 improvements are complete and deemed to be
22 compliant with all applicable codes and
23 standards. Mr. O'Dougherty did not find any
24 reason not to release the bond and return the --
25 or return the cash escrow being held in

1 NCPC File No. 1987-F-4 & NCPC File No. 1987-F-7
2 connection with this development.

3 This morning, I have our -- our site
4 manager, our Beechwood's site manager Bill Carman
5 with me, if you have any questions.

6 And I'll just move onto "Condo IV" as
7 well.

8 So again, this is -- the applicant is
9 requesting the release of the remainder
10 performance bond and cash escrow for the
11 Country Pointe at Plainview "Condominium IV."
12 The original bond amount was \$1,708,678.42. And
13 the amount held in escrow was \$54,907.58. And on
14 July 29th, 2021, this Commission granted
15 Beechwood's request for a reduction of this bond
16 by \$1,512,673.42, leaving a remainder amount of
17 \$196,005.00.

18 All the public improvements in this
19 section have now been completed and Beechwood
20 respectfully requests for release of the
21 remaining bond amount of the \$196,005.00 and the
22 return of the cash escrow of the \$54,907.58.

23 This -- this site was also inspected by
24 Nassau County Department of Public Works
25 Chief Inspector Mr. O'Dougherty, whom issued a

1 NCPC File No. 1987-F-4 & NCPC File No. 1987-F-7
2 memo on July 1st of this year, 2024, advising
3 that the bonded public improvements are complete,
4 and deemed to be in compliant with all applicable
5 codes and standards. And he did not find any
6 reason to not release the bond or the -- or
7 return the escrow being held in connection with
8 this development.

9 If you have any questions, Beechwood's
10 site manager and myself, we'll be happy to help
11 you answer them.

12 CHAIRMAN SHAPIRO: Thank you very much.
13 Commissioners, any questions?

14 MR. KATZ: The -- we have John here.

15 CHAIRMAN SHAPIRO: Chief Inspector --
16 Marty, I've been doing this long enough.

17 (Laughter.)

18 CHAIRMAN SHAPIRO: Chief Inspector
19 O'Dougherty, please come up and give us your
20 report.

21 (Stepping up.)

22 MR. O'DOUGHERTY: John O'Dougherty,
23 Chief Inspector, "NCDPW," 1194 Prospect Avenue,
24 Westbury, New York 11580.

25 To confirm the previous statements made

1 NCPC File No. 1987-F-4 & NCPC File No. 1987-F-7
2 by Mr. Katz and counsel, I did in fact perform an
3 inspection of the aforementioned properties, and
4 find all bonded public improvements to be
5 complete and fully compliant.

6 CHAIRMAN SHAPIRO: Thank you.

7 Commissioners, any questions?

8 (No response.)

9 CHAIRMAN SHAPIRO: Not seeing any, I
10 will take a motion for both releases of both
11 bonds.

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

14 CHAIRMAN SHAPIRO: Okay. You're right.

15 Is there anybody in the public that
16 wishes to be heard?

17 (No response.)

18 CHAIRMAN SHAPIRO: Not seeing any, I'll
19 take that motion.

20 Thank you.

21 MS. GIAMPIETRO: I'm not sure if I gave
22 my address for the record, but it's --

23 CHAIRMAN SHAPIRO: Go ahead.

24 MS. GIAMPIETRO: -- 200 Robbins Lane,
25 Suite D1, Jericho, New York 11753.

1 NCPC File No. 1987-F-4 & NCPC File No. 1987-F-7

2 Thank you --

3 CHAIRMAN SHAPIRO: Thank you.

4 MS. GIAMPIETRO: -- very much. I
5 appreciate it.

6 CHAIRMAN SHAPIRO: No problem.

7 COMMISSIONER GOLD: Okay. So I'll make
8 the motion for the -- to recommend approval to
9 the Nassau County Legislature to:

10 Release the bond amount 868,260 and
11 cash escrow 48,665.96 for "Condominium III,"
12 which is the 1987-F-4 of for the Country Pointe
13 at Plainview.

14 As well as for -- the same, as well as
15 1987-F-4 [sic] Map of Country Pointe in
16 Plainview, "Condo No. IV" in the amounts of --
17 the surety bond amount of 196,005 and cash escrow
18 of 54,904.58 [sic].

19 COMMISSIONER KALATY: 907.

20 COMMISSIONER GOLD: 907, thank you.

21 COMMISSIONER DURSO: .58.

22 COMMISSIONER GOLD: .58.

23 CHAIRMAN SHAPIRO: Is there a second?

24 COMMISSIONER DURSO: I'll second.

25 CHAIRMAN SHAPIRO: All those in favor?

1 NCPC File No. 1987-F-4 & NCPC File No. 1987-F-7

2 (Chorus of "ayes.")

3 CHAIRMAN SHAPIRO: Any opposed?

4 (No response.)

5 CHAIRMAN SHAPIRO: The motion carries.

6 MS. GIAMPIETRO: Thank you very much.

7 COMMISSIONER GOLD: Thank you.

8 CHAIRMAN SHAPIRO: You're welcome.

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1 NCPC Minor Sub. File No. 1-2022

2 COMMISSIONER GOLD: Subdivisions.

3 (Stepping up.)

4 MR. WREN: Good morning. Next up we
5 have the minor subdivisions. We're going to
6 start off with NCPC File 1-2022.

7 This case was originally heard back on
8 January 27th, 2022. An error occurred in filing
9 the deed in the case is to be -- we're here to
10 correct the error in the deeds.

11 The 16,455 square foot subject property
12 is situated on the northeast corner of
13 Hamilton Avenue and Oak Place in the Hamlet of
14 Hewlett, Town of Hempstead.

15 The application proposes to convey
16 1,998 square feet from the rear lot of
17 350 Hamilton Avenue to the rear portion of
18 354 Hamilton Avenue by means of a lot line
19 adjustment.

20 "Proposed Lot A" will have 60 feet of
21 frontage on Hamilton Avenue by 144.75 feet and be
22 a total of 8,456 square feet.

23 "Proposed Lot B" will have 60 feet of
24 frontage on Hamilton Avenue by 129.5 and be a
25 total of 7,980 [sic] -- 98 square feet.

1 NCPC Minor Sub. File No. 1-2022
2 Town of Hempstead's Department of
3 Buildings has issued a "letter of zoning
4 compliance" for the proposed subdivision.
5 Application is considered "as-of-right."

6 Can I have the applicant come on down,
7 please?

8 CHAIRMAN SHAPIRO: Good morning. Name
9 and address for the record, please.

10 (Stepping up.)

11 MR. GIORDANO: Good morning.
12 Anthony Giordano, 350 Hamilton Avenue,
13 Hewlett, New York 11557.

14 CHAIRMAN SHAPIRO: Do you have anything
15 else to add?

16 MR. GIORDANO: No. I think it was just
17 an error between the attorneys and the title
18 company.

19 CHAIRMAN SHAPIRO: Okay.

20 Commission [sic] -- is there anybody in
21 public that wishes to be heard?

22 (No response.)

23 CHAIRMAN SHAPIRO: Commissioners, any
24 questions?

25 (No response.)

1 NCPC Minor Sub. File No. 1-2022

2 CHAIRMAN SHAPIRO: I'll take a motion.

3 COMMISSIONER DURSO: I'll make a

4 motion to approve NCPC File No. 1-2022 with a

5 "Negative Dec."

6 CHAIRMAN SHAPIRO: Is there a second?

7 COMMISSIONER KALATY: Second.

8 CHAIRMAN SHAPIRO: All those in favor?

9 (Chorus of "ayes.")

10 CHAIRMAN SHAPIRO: Any opposed?

11 (No response.)

12 CHAIRMAN SHAPIRO: The motion carries.

13 Thank you.

14 MR. GIORDANO: Thank you.

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1 NCPC Minor Sub. File No. 35-2024

2 (Stepping up.)

3 MR. WREN: Okay. Next up we have
4 NCPC File 35-2024. This is a two-parcel minor
5 subdivision.

6 This case was adjourned from our last
7 meeting on July 18th. There were some questions
8 that the Commission had. Let's go through the
9 basics real quick.

10 The 11,250 square foot subject property
11 is situated on the east side of Union Street in
12 the Hamlet of Roosevelt, Town of Hempstead's
13 Residential "B" Zoning District.

14 Application proposes to subdivide the
15 property, which currently has 90 feet of frontage
16 on Marion Street into two equal parcels.

17 "Proposed Lot A" will have 45 feet of
18 frontage on Marion Street by 125 and be 5,625
19 square foot. That's the same for "Lot B."

20 Town of Hempstead's Board of Appeals
21 has approved the requests for variances.

22 "Lot A" variances:

23 Subdivision of lot area;

24 Front width from and on street line to
25 front setback line;

1 NCPC Minor Sub. File No. 35-2024
2 Construct dwelling with garage.
3 "Lot B" variances for:
4 Subdivision of lot;
5 Lot area;
6 Front width from and on street line to
7 front setback line;
8 Maintain dwelling on a lesser lot.

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

12 And now I'll have Mike Gregory come up.

13 CHAIRMAN SHAPIRO: Good morning. Name
14 and address for the record, please.

15 (Stepping up.)

16 MR. GREGORY: Good morning,
17 Commissioners. Michael Gregory, Permits-R-Us LLC,
18 333 Jackson Avenue, Suite 9, Syosset, New York
19 11791.

20 So good morning. This case was heard
21 in front of this Commission on July 18th for the
22 proposed subdivision. As Mr. Wren had stated,
23 this was granted by the Town of Hempstead
24 Zoning Board. At that time on July 18th, we
25 explained what we were proposing to keep the

1 NCPC Minor Sub. File No. 35-2024
2 existing single-family dwelling, constructing a
3 single-family dwelling on the vacant lot.

4 At that time, a neighbor had expressed
5 her concerns about some potential illegal
6 activity on the property. Mr. Marti is here to
7 address those concerns.

8 I believe the applicant and the
9 concerned neighbors had spoken outside.

10 On July 20th, 2023, I actually was at
11 the property, measured the basement and filed
12 the application to the Town of Hempstead
13 Building Department to maintain that finished
14 basement. At that time, the basement only
15 consisted of:

16 One bathroom;

17 And a boiler room;

18 And a storage area. There was no
19 illegal kitchen in the basement. And to the best
20 of my knowledge, there are no complaints against
21 the Town of Hempstead for an illegal kitchen in
22 the basement. I believe the dwelling is a
23 one-family dwelling.

24 Mr. Marti will be selling the
25 property -- excuse me, the existing dwelling.

1 NCPC Minor Sub. File No. 35-2024

2 The tenants are his workers who work for him.
3 They just needed a place to be to, in the interim
4 to watch the house for squatters, so nobody has
5 potential break ins. Mr. Marti has a history of
6 a lot of break ins on a lot of his properties.

7 So Mr. Marti is here to address
8 Mr. Greenfield's concerns.

9 CHAIRMAN SHAPIRO: Were there any
10 "C & Rs" on the property about no multifamily
11 housing?

12 MR. GREGORY: Correct, yes.

13 At that time, when the subdivision was
14 done, the "C & Rs" had been --excuse -- recorded
15 with the Town [sic] -- excuse me, with the County
16 Clerk's Office. And they were:

17 The existing dwelling is with a
18 one-family dwelling;

19 And the proposed dwelling will be a
20 single-family dwelling, with no exterior
21 staircase to the basement;

22 One electric meter;

23 One gas meter;

24 The standard "C & Rs" that are placed
25 on subdivisions at the Town of Hempstead.

1 NCPC Minor Sub. File No. 35-2024

2 CHAIRMAN SHAPIRO: Okay. Thank you.

3 MR. GREGORY: Thank you.

4 CHAIRMAN SHAPIRO: Name and address for
5 the record.

6 (Stepping up.)

7 MR. MARTI: Dennis Marti,
8 1500 Jerusalem Avenue, Merrick, New York 11566.

9 CHAIRMAN SHAPIRO: So you've -- you've
10 heard some of the issues?

11 MR. MARTI: (Nodding head yes.)

12 CHAIRMAN SHAPIRO: We do have a couple
13 of speakers, I think you may want to listen to
14 them and then respond after they're done.

15 MR. MARTI: Okay.

16 CHAIRMAN SHAPIRO: Okay.

17 MR. MARTI: I was able to speak --
18 introduce myself and speak with them out in the
19 hallway.

20 CHAIRMAN SHAPIRO: Okay.

21 Well, let me first bring up
22 Audrey Thomas.

23 Good morning. Name and address for the
24 record, please.

25 MS. THOMAS: Good morning to the

1 NCPC Minor Sub. File No. 35-2024
2 Commission. I'm Audrey Thomas and I'm neighbor
3 to this 10 Union. I live at 211 North Columbus
4 Avenue in Roosevelt.

5 My concern in regards to the
6 single-family home is, from what I can see, is
7 where tremendous amount of garbage put out on
8 garbage day, which is fine. Many people going
9 in. You'll see a car load with children and
10 family going in. And I guess it could be
11 visitors, but this is consistent.

12 I was spoken to this morning with the
13 owner. And he's saying that the people who are
14 staying there are his friends, who is helping him
15 to avoid squatters. However [sic], you know, I
16 pointed out to him squatters with swimming pools
17 and all of this that is existing. He says
18 they're moving or they should be out by
19 September 2nd, as far as that is.

20 It seems to be rather crowded with the
21 parking, which concerns me somewhat. I live in a
22 single-family home myself, but I'm totally by
23 myself and I use my driveway for parking. The --
24 at night parking is -- is just tremendous,
25 including you can hear people talking about whose

1 NCPC Minor Sub. File No. 35-2024
2 spotted it. It's nobody's spot, but that's how
3 congested the night parking is.

4 I think that suggests, you know, as far
5 as it is, the two -- the two now properties are
6 zoned for two two-family house homes, and that,
7 again, concern with the number of people who are
8 going to be there.

9 CHAIRMAN SHAPIRO: Two single --

10 MS. THOMAS: And --

11 CHAIRMAN SHAPIRO: -- two -- just so
12 you know, two single-family homes.

13 MS. THOMAS: -- two is going to be two
14 single and not two, two-families?

15 CHAIRMAN SHAPIRO: Correct.

16 MS. THOMAS: Because behind me is a new
17 two-family house. Not that -- you know, but this
18 area is high rental, as many may know. And the
19 reason for that is that we have a lot of
20 undocumented people who are willing to pay the
21 price.

22 I'd mention that the basement
23 apartment, \$2400. I don't know if that's true,
24 because I asked. Those are the things that I
25 think entice owners to do other things, because

1 NCPC Minor Sub. File No. 35-2024

2 I've been made offers.

3 I thank for hearing me and you probably
4 can make more sense of what I'm saying, because I
5 really don't know how to address what I think may
6 be a problem.

7 Thank you very much for your time.

8 CHAIRMAN SHAPIRO: Thank you.

9 At this point, Timpella Flagg, please
10 come up. Name and address for the record.

11 (Stepping up.)

12 MS. FLAGG: My name is Timpella Flag.
13 My address is 9 Union Street in Roosevelt,
14 New York.

15 Okay. The last time that I spoke, it
16 was in reference to there are people still living
17 in the basement. There is still, you know,
18 everything going on as far as the
19 living quarters, as far as the cars being parked
20 on the grass. I just have major concerns. As
21 far as with the pool, they got cited for that,
22 garbage.

23 And my concern is, you know, you still
24 got people living in the basement from the last
25 time that we had this meeting. And as of today,

1 NCPC Minor Sub. File No. 35-2024

2 I took pictures and they were still there.

3 You know, my concern is the basement
4 apartments, where there's only one way in and one
5 way out. And, you know, I figured they'll take
6 heed to what was said at the last meeting, but
7 they're not taking heed to it.

8 So and also, they don't have no rental
9 permit. And these people been living in this
10 house for almost close to a year. And something
11 really needs to be done. I even called
12 Mr. Bruce Blakeman, to put him on notice as far
13 as what's going on. I put Todd from the
14 Buildings on notice too.

15 And until we can get No. 10 situated,
16 there should not be another house to be built on
17 the premises. You got to take care of one thing
18 at a time. And then maybe we could come back and
19 discuss about the second house being built.

20 I thank you.

21 CHAIRMAN SHAPIRO: Thank you very much.

22 Mr. Gregory, you want to have your
23 client answer these questions?

24 (Stepping up.)

25 MR. MARTI: Okay. So as I spoke to the

1 NCPC Minor Sub. File No. 35-2024
2 neighbors, the tenants for 10 Union are long-time
3 employee of mine and his immediate family. He
4 moved in when I purchased the property, under the
5 agreement that we're going to be going through
6 zoning, this will be a process.

7 But once we're moving on from that,
8 we're going to sell that property once we have
9 the lots legally split and we can build
10 construction. And he was always under the
11 impression that he'd be willing to move out as
12 soon as that happened.

13 So after the last hearing, I discussed
14 with him, okay, well now I need to find you
15 another place. And he's already found a place
16 for September 1st for himself to move into.

17 I've spoken to Todd -- Inspector
18 Todd DeTrano more than once now. And I've agreed
19 to do inspections there. I have filed for the
20 permits for the legalizing of the finished
21 basement, but there is no kitchen down there. It
22 is not an apartment and --

23 THIRD VICE-CHAIR LEWIS: And on that
24 point just to reiterate, you're -- you're clear
25 about the rules; right? You can have people

1 NCPC Minor Sub. File No. 35-2024
2 living in a -- in a house that may be unrelated
3 and such, but they can't live in a -- in a
4 separate apartment. So a kitchen would
5 constitute an apartment. Some kind of, you know,
6 blocked off doors and whatnot would constitute an
7 apartment.

8 MR. MARTI: (Nodding head yes.)

9 THIRD VICE-CHAIR LEWIS: It's supposed
10 to be one living unit, meaning they all share one
11 kitchen, that kind of thing.

12 MR. MARTI: (Nodding head yes.)

13 THIRD VICE-CHAIR LEWIS: So that's --
14 that's the rule that you can't be breaking here.
15 So are you clear about that in terms of the
16 basement? You're saying it does not have a
17 kitchen?

18 MR. MARTI: Yes.

19 THIRD VICE-CHAIR LEWIS: That's not
20 permitted by any means.

21 MR. MARTI: Yes, I am clear about that
22 and agreeing with that.

23 There is no discontinued -- there's no
24 separation within the house. It is -- and it's
25 the family of my long-time employee.

1 NCPC Minor Sub. File No. 35-2024

2 THIRD VICE-CHAIR LEWIS: Okay.

3 CHAIRMAN SHAPIRO: Okay, thank you.

4 Commissioners, any other questions?

5 (No response.)

6 CHAIRMAN SHAPIRO: Is there anybody

7 else in the public that wishes to be heard?

8 (No response.)

9 CHAIRMAN SHAPIRO: Mr. Gregory, would

10 you like to make any comments?

11 (Stepping up.)

12 MR. GREGORY: No.

13 Thank you for everybody's concerns.

14 As stated, it is a single-family
15 dwelling. As part of the application process to
16 the Town of Hempstead, an application was filed
17 to the Town of Hempstead Building Department as a
18 non-conforming residence, which that application
19 was filed. And one of the conditions of that
20 non-conforming permit was to file for a finished
21 basement, which was done.

22 Mr. Marti cannot sell the house until
23 those permits are closed out and until an
24 inspection is done by the Town of Hempstead to
25 verify that it is a one-family dwelling and that

1 NCPC Minor Sub. File No. 35-2024

2 there isn't a second kitchen in the basement.

3 So those permits will be closed out and
4 they will be inspected by the Town of Hempstead.

5 CHAIRMAN SHAPIRO: Can you just tell me
6 how many parking spaces you're going to have for
7 each unit?

8 MR. GREGORY: The proposed dwelling
9 will have a total of 5 parking spaces, one
10 attached garage and 4 off -- off-street spaces.

11 And the existing dwelling has a one-car
12 detached garage, with a four car [sic] -- excuse
13 me, a three-car driveway, so four spots for the
14 existing dwelling.

15 CHAIRMAN SHAPIRO: Thank you.

16 COMMISSIONER SAKOWICH: You know, on
17 this, it sounds like, again, it sounds like a lot
18 of these are Town issues.

19 THIRD VICE-CHAIR LEWIS: Yeah.

20 COMMISSIONER SAKOWICH: You know, the
21 Town Building Department is 99 percent of what
22 their complaints are. You know, it's hard for us
23 to -- you know, we hear their complaints. We
24 empathize for them.

25 (Laughter.)

1 NCPC Minor Sub. File No. 35-2024

2 COMMISSIONER SAKOWICH: But we --

3 CHAIRMAN SHAPIRO: But we're -- we're
4 not an --

5 COMMISSIONER SAKOWICH: -- we're not
6 here to --

7 CHAIRMAN SHAPIRO: -- we're not an
8 enforcement agency.

9 COMMISSIONER SAKOWICH: -- we can't
10 enforce it.

11 And -- and unfortunately, you know,
12 it's -- it's -- it's this is pretty cut and dry
13 on our end. But your -- your real problem is
14 with the Town. Have you notified -- and -- and I
15 know we're not supposed to go back and forth, but
16 I just -- has the Town been notified of anything
17 like this of -- of as far as the residents?

18 MS. FLAGG: Yes, the Town has been --
19 the Town has been notified about that. And Todd
20 had told me that he cannot get in. They won't
21 let him in to check the basement and to check the
22 whole house. And I spoke to Todd yesterday.

23 COMMISSIONER SAKOWICH: Okay.

24 So basically, you're not -- the -- the
25 current owner is not letting them enter the home.

1 NCPC Minor Sub. File No. 35-2024

2 MR. GREGORY: Excuse me, it's not the
3 current owner. It's the employees of Mr. Marti.

4 COMMISSIONER SAKOWICH: No -- no --
5 no -- no, the owner of the current -- owner of
6 the home?

7 MR. GREGORY: Right.

8 Sorry.

9 (Stepping up.)

10 MR. MARTI: I also spoke to, Todd,
11 Inspector DeTrano yesterday and I did agree to --
12 to moving. He asked me to call him on
13 September 1st when my tenants move out. And I --
14 I -- I did --

15 COMMISSIONER SAKOWICH: You know -- you
16 know what, I -- I -- that's -- that's all great.
17 But I -- I, you know, that's -- I can see where
18 they're coming from. By September 1st everything
19 can be removed and the kitchen be gone, and --
20 and if there is one. I'm not saying there is one
21 or whatever it might be, you know --

22 CHAIRMAN SHAPIRO: You want to go in
23 sooner?

24 COMMISSIONER SAKOWICH: Yeah. I -- I
25 -- I think in order for this to move forward that

1 NCPC Minor Sub. File No. 35-2024
2 they need to be an inspection made tomorrow. So
3 if you both have such great contact with the
4 Town Inspector, why -- why wouldn't you let him
5 in tomorrow?

6 MR. O'BRIEN: Generally, if you -- if
7 you, in the Town of Hempstead if you tell them
8 the people are vacating and it's a -- it's a
9 relatively close date, they'll say, okay, let us
10 inspect when they're out, because I -- I -- I --
11 I would -- I would imagine that this way the
12 place is vacant. They're not worrying about
13 anybody preventing them from going in. They're
14 not wasting their time.

15 COMMISSIONER SAKOWICH: Okay.

16 MR. O'BRIEN: I'm -- I'm not saying
17 it's right or wrong. I'm just saying what the
18 practice is over there.

19 COMMISSIONER SAKOWICH: Well, listen,
20 we're 15 days away from September 1st and the
21 inspection, so I think that'll answer their
22 questions by the September 1st date.

23 As -- as far as the other part of it,
24 you know, we have to move forward.

25 (Laughter.)

1 NCPC Minor Sub. File No. 35-2024

2 CHAIRMAN SHAPIRO: Absolutely.

3 Okay.

4 COMMISSIONER SAKOWICH: So --

5 CHAIRMAN SHAPIRO: Thank you, all.

6 THIRD VICE-CHAIR LEWIS: Yeah, we've
7 created -- we've created a record. Everybody's
8 on the record, you know, and we've gotten
9 reassurances.

10 We -- we do know Michael Gregory comes
11 before us frequently. We've -- I think we've --
12 I've always been impressed by his attention to
13 detail and commitment to what he does. So I -- I
14 suspect we can rely on him that this is going to
15 play out the way it's been presented here. That
16 will approve by the beginning of next month.
17 Things will change.

18 And in going forward, we're clear about
19 the rules and that kind of thing. So I think we
20 can kind of come back to the subdivision
21 question.

22 CHAIRMAN SHAPIRO: Therefore, I will
23 take a motion.

24 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
25 I'll make a motion on 35-2024, and the motion is

1 NCPC Minor Sub. File No. 35-2024
2 to approve the two-lot subdivision with a
3 "Negative Declaration."

4 CHAIRMAN SHAPIRO: Is there a second?

5 COMMISSIONER ELLERBE: Second.

6 COMMISSIONER SAKOWICH: Second.

7 CHAIRMAN SHAPIRO: All those in favor?

8 (Chorus of "ayes.")

9 CHAIRMAN SHAPIRO: Any opposed?

10 (No response.)

11 CHAIRMAN SHAPIRO: The motion carries.

12 MR. MARTI: Thank you.

13 MR. GREGORY: Thank you.

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1 NCPC Minor Sub. File No. 38-2024
2 (Stepping up.)

3 MR. WREN: Okay. Next up is
4 NCPC File 38-2024. This is a lot line
5 adjustment.

6 The 16,377.28 square foot subject
7 property is situated on the south side of
8 Wilson Street in the Hamlet of Valley Stream,
9 Town of Hempstead's Residential "B" Zoning
10 District.

11 The application proposes to convey
12 2,090.76 feet [sic] -- square feet from the
13 southern portion of "Parcel A" to the northern
14 portion of "Parcel B" by means of a lot line.

15 "Proposed Lot A" will have a frontage
16 of 125.2 feet and be a total of 10,263.52 feet
17 after reappointment.

18 "Parcel B" will have a frontage of
19 74.80 [sic] -- 98 feet and be a total of
20 6,113.76 square feet after reappointment.

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

24 I ask the applicant to come up now.

25 CHAIRMAN SHAPIRO: Good morning. Name

1 NCPC Minor Sub. File No. 38-2024
2 and address for the record please.

3 (Stepping up.)

4 MR. FLAUM: Good morning. My name is
5 Shmuel Flaum residing at 194 Wanser Avenue,
6 Inwood, New York 11096.

7 We were here a few years ago for the
8 same lot line adjustment. It was approved then.
9 For some strange reason the attorney never
10 followed through with the actual recording of the
11 lot line adjustment, so we are here today seeking
12 the same lot line reapportionment for the same
13 properties.

14 As such, they finished the construction
15 on the main dwelling, as you can see in the
16 updated survey. And they have started
17 construction on the pool in the rear lot, and
18 the -- the other residence has since been
19 demolished as was planned.

20 THIRD VICE-CHAIR LEWIS: Do you have a
21 relatively up-to-date survey of the property?

22 MR. FLAUM: That -- that is the
23 up-to-date survey for the property.

24 THIRD VICE-CHAIR LEWIS: Okay.

25 MR. FLAUM: It's showing the

1 NCPC Minor Sub. File No. 38-2024
2 improvement on 811 Wilson and the improvement on
3 806. The original one had two separate
4 dwellings, but they have since demolished the one
5 on Van Dam.

6 THIRD VICE-CHAIR LEWIS: So assuming if
7 this was approved today, the order that you're
8 going to get from us is going to say that -- that
9 it has to be filed with the Clerk for the deeds
10 within one year?

11 MR. FLAUM: Yes.

12 THIRD VICE-CHAIR LEWIS: So that, when
13 it was previously done it said that too.

14 MR. FLAUM: Yes.

15 THIRD VICE-CHAIR LEWIS: But apparently
16 someone dropped the ball?

17 MR. FLAUM: Correct.

18 (Discussion held among Commissioners
19 off the record.)

20 CHAIRMAN SHAPIRO: Is there any other
21 questions, Commissioners?

22 (No response.)

23 CHAIRMAN SHAPIRO: Is there anybody in
24 the public who wishes to be heard?

25 (No response.)

1 NCPC Minor Sub. File No. 38-2024

2 CHAIRMAN SHAPIRO: Not seeing any, I'll
3 take a motion.

4 COMMISSIONER DURSO: I'll make a
5 motion to approve NCPC File No. 38-2024 with a
6 "Negative Declaration."

7 COMMISSIONER FORMAN: Second.

8 CHAIRMAN SHAPIRO: All those in favor?
9 (Chorus of "ayes.")

10 CHAIRMAN SHAPIRO: Any opposed?
11 (No response.)

12 CHAIRMAN SHAPIRO: The motion carries.

13 MR. FLAUM: Thank you.

14 CHAIRMAN SHAPIRO: You're welcome.

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1 NCPC Minor Sub. File No. 39-2024

2 (Stepping up.)

3 MR. WREN: Okay. Next up we have NCPC
4 File 39-2024. This is a two-parcel minor
5 subdivision.

6 The 10,000 square foot subject property
7 is situated on the north side of Bedford Avenue
8 in the Hamlet of Garden City Park, Town of
9 North Hempstead's Residential "B" Zoning
10 District.

11 Application -- the property currently
12 has 100 feet of frontage on Bedford Avenue. They
13 want to split it into two equal parcels.

14 "Proposed Lot A" will have -- will
15 be -- proposed "Lot A" and "B" will be 50 feet of
16 frontage by 100 feet on Bedford Avenue and both
17 be a total of 5,000 square feet.

18 This case initially went for variances
19 from the Town of North Hempstead's Board,
20 but were denied, but then applied to the
21 US Supreme Court [sic] with an Article 78 Ruling,
22 which was granted.

23 MR. O'BRIEN: New York State --

24 MR. WREN: I'm sorry.

25 MR. O'BRIEN: -- Supreme Court.

1 NCPC Minor Sub. File No. 39-2024

2 (Laughter.)

3 MR. WREN: Thank you.

4 The New York Supreme Court. So the
5 variances were granted and the subdivision can go
6 forward with the following conditions:

7 One, the proposed driveway for the
8 house to be constructed on the newly-created lot
9 on the easterly portion of the premises shall be
10 positioned on the west side of the new lot;

11 The width of the house to be
12 constructed on the new lot shall be no greater
13 than 28 feet;

14 The side-yard setback on the east side
15 of the new lot shall be a minimum of 9.5 feet;

16 And the side-yard setback on the
17 west side of the new lot shall be a minimum of
18 12.5 feet.

19 I'd like to ask the applicant to come
20 up.

21 CHAIRMAN SHAPIRO: Counselor, name and
22 address for the record.

23 (Stepping up.)

24 MR. FARRELL: Sure.

25 For the applicant, John Farrell with

1 NCPC Minor Sub. File No. 39-2024
2 the firm of Sahn Ward Braff Coschignano. Our
3 offices are at 333 Earle Ovington Boulevard,
4 Suite 6 [sic] -- 601, Uniondale, New York.

5 As the -- as Mr. Wren stated, the
6 property is located on Bedford Avenue. It's a
7 100 by 100 lot.

8 We're seeking to subdivide it into two
9 lots, 50 feet in width. The way the existing
10 house sits on the lot, it's -- it's -- it's sited
11 to the west, westerly side of the lot. So it
12 left the other 50 feet open for future
13 development.

14 There are 17 lots on Bedford Avenue.
15 Of those 17 lots, 11 of them have frontage of
16 50 feet or less. So 65 percent of the lots on
17 Bedford are 50 feet or less.

18 Also, if you look at the -- the
19 200-foot radius, there are 28 lots in the
20 200-foot radius. And 21 of those lots are
21 50 feet or less. So that's 75 percent of the
22 lots within the 200-foot radius are 50 feet or
23 less. So we believe that this is in character
24 with the community and it is a minor request.

25 CHAIRMAN SHAPIRO: Thank you.

1 NCPC Minor Sub. File No. 39-2024

2 Commissioners, any questions?

3 (No response.)

4 CHAIRMAN SHAPIRO: Is there anybody in
5 the public that wishes to be heard?

6 (No response.)

7 CHAIRMAN SHAPIRO: Not seeing any, I'll
8 take a motion.

9 COMMISSIONER SAKOWICH: I'll make a
10 motion on NCPC File 39-2024 with a "Neg. Dec." --

11 COMMISSIONER KALATY: Second.

12 COMMISSIONER SAKOWICH: -- and approval
13 -- and approval.

14 COMMISSIONER KALATY: Second.

15 CHAIRMAN SHAPIRO: All those in favor?

16 (Chorus of "ayes.")

17 CHAIRMAN SHAPIRO: Any opposed?

18 (No response.)

19 CHAIRMAN SHAPIRO: The motion carries.

20 MR. FARRELL: Thank you very much.

21 Have a good day.

22 CHAIRMAN SHAPIRO: Thank you. You too.

23 MR. WREN: We'll be in touch.

24 * * *

25

1 NCPC Minor Sub. File No. 40-2024

2 (Stepping up.)

3 MR. WREN: Next up is NCPC File
4 40-2024. This is a two-parcel minor subdivision.

5 MR. O'BRIEN: I'm recused on this case,
6 Chair.

7 CHAIRMAN SHAPIRO: Thank you.

8 (Mr. O'Brien exits the meeting.)

9 MR. WREN: Okay. The 10,900 square
10 foot subject property is situated on the west
11 side of Lewis Avenue in the Incorporated
12 Village -- Village of New Hyde Park's Industrial
13 Zoning District.

14 The application proposes to subdivide
15 the property, which currently has 100 feet of
16 frontage on Lewis Avenue in two equal parcels.

17 Proposed Lot "A" and "B" will have
18 50 feet of frontage by 109 feet on Lewis Avenue
19 and both be a total of 5,450 square feet.

20 The Incorporated Village of
21 New Hyde Park's Planning Board has issued a
22 "letter of zoning compliance" for the proposed
23 subdivision. The Incorporated Village of
24 Floral Park has issued a "letter of
25 non-jurisdiction" for the proposed subdivision.

1 NCPC Minor Sub. File No. 40-2024

2 This is a note is that the houses were
3 currently built, so and pursuant to New York
4 County Charter Section "1610(i)(2),"
5 "Civil Penalties" of an owner or agent of an
6 owner for any real property structure or unit
7 located within the subdivision who commences
8 constructions or any improvements without the
9 approval of the "NCPC" shall be subject to a
10 penalty of not less than \$1,000 and not more than
11 \$10,000 for each and every structure or
12 improvement on the -- improvement proposed in
13 this sub -- in such subdivision.

14 I'd like too ask the applicant to come
15 up.

16 (Commissioner Forman exits the
17 meeting.)

18 MR. WREN: I'd like to ask the
19 applicant to come up.

20 CHAIRMAN SHAPIRO: Name and address for
21 the record please.

22 (Stepping up.)

23 MR. NELSON: Mr. Chairman, members of
24 the Commission, my name is Jed Nelson. I am a
25 New York State general certified real estate

1 NCPC Minor Sub. File No. 40-2024
2 appraiser and a New York State licensed broker,
3 offices at 1380 Bellmore Avenue, Bellmore,
4 New York 11710.

5 Tim, the cards. (Handing.)

6 MR. WREN: (Receiving.) Oh, thank you.

7 MR. NELSON: I've prepared a packet of
8 photographs which were taken by me on
9 August 5th at about 11 a.m. They are of the
10 subject property, the surrounding neighborhood.
11 They accurately depict the community. I'd like
12 to submit those. I believe they are also up
13 there (indicating), but I didn't know if you
14 would want a hard copy.

15 (Handing.)

16 MR. WREN: (Receiving.)

17 Yeah, I got it.

18 MR. NELSON: In addition, I've also
19 prepared a radius map. The radius map is of the
20 subject neighborhood within a 200-foot radius.
21 All of the homes that were notified for this
22 hearing, they are -- this (indicating) radius map
23 also is color coordinated. It shows all of the
24 homes within the 200-foot radius. It bears
25 grids. And I would like to submit this as well,

1 NCPC Minor Sub. File No. 40-2024

2 as I do my oral presentation.

3 (Handing.)

4 MR. PERRAKIS: (Receiving.)

5 MR. NELSON: Thank you.

6 MR. PERRAKIS: Thank you.

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

9 MR. NELSON: The subject property is
10 located on the west side of Lewis Avenue, 40 feet
11 of Charles Street in the Incorporated Village of
12 New Hyde Park. Additionally, the rear property
13 line abuts the Incorporated Village of
14 Floral Park.

15 The subject property is known as
16 section 32, block 82, lots 129 through 133 on the
17 Nassau County Land and Tax Map. It has a
18 physical addresses of 48 and 50 Lewis Avenue,
19 New Hyde Park, New York.

20 Originally the site afforded 100 feet
21 of street frontage along Lewis Avenue with depths
22 of 109 feet, containing a total of 10,900 plus or
23 minus square feet in total lot area, making the
24 site the largest residential parcel situated
25 within this radius map.

1 NCPC Minor Sub. File No. 40-2024

2 Proposed here today is to divide the
3 parcel into two lots, each affording 50 feet of
4 street frontage with depths of 109 feet. Each
5 will contain a total of 5,450 plus or minus
6 square feet in total lot area.

7 Both lots will comply with the
8 zoning requirements for the Incorporated Village
9 of New Hyde Park.

10 Further -- furthermore, the
11 Incorporated Village of New Hyde Park has already
12 approved the subdivision on this property, have
13 issued building permits to construct two new --
14 two new homes.

15 Additionally, the Incorporated Village
16 of Floral Park has provided the builder with a
17 non-jurisdiction letter for this subdivision.
18 Subsequently, the builder has constructed two new
19 homes on this site, pursuant to the permit and
20 approvals by the Incorporated Village of
21 New Hyde Park.

22 We are here today asking for a simple
23 lot line adjustment to be able to create two
24 independent lots and apportion the property for
25 individual real estate tax bills.

1 NCPC Minor Sub. File No. 40-2024

2 The builder then intends to market and
3 sell the homes, as they are not currently listed
4 for sale or have they -- they have not been
5 marketed as of yet. The two new homes that were
6 constructed are two of the finest homes in this
7 immediate area.

8 As proposed, the two lots -- the two
9 new lots will be larger than 93 percent of the
10 lots within this radius map -- the existing lots
11 in the area, thereby, not creating any detriment
12 to:

13 The existing property;
14 Property owners;
15 Or the community.

16 The 50 feet of street frontage as
17 proposed will be greater than 89 percent of the
18 lots within the neighborhood and on this radius
19 map. The homes constructed on these lots will
20 command the higher end of the value range for the
21 community. It will also buffer the existing
22 homes, as I believe "House No. 48," the lower lot
23 abuts an industrial zoning district that is used
24 as a parking lot for the industrial buildings
25 just on the south side of Charles Street.

1 NCPC Minor Sub. File No. 40-2024

2 COMMISSIONER SAKOWICH: Can I -- can I
3 just interfere for one second?

4 COMMISSIONER GOLD: We saw it.

5 COMMISSIONER DURSO: We saw it.

6 COMMISSIONER SAKOWICH: I don't know if
7 this is all necessary, only because of what
8 happened here.

9 Okay. I happen to live in the
10 Village of New Hyde Park.

11 MR. NELSON: Please.

12 COMMISSIONER SAKOWICH: Okay. This was
13 a parcel of land that two houses were built on,
14 that was never subdivided, okay. It could have
15 50 feet, it could have 100 feet, it could have
16 300 feet of frontage. It's -- it's all -- it's
17 all good. It's all good.

18 You forgot one thing, to get permission
19 to subdivide the land.

20 Now, I am a new -- I'm a new person on
21 this Board. But from what I understand, the
22 owner of these property was a member of this
23 Board, so he understands that you have to get
24 permission of subdivision before you build on
25 this piece of property. Am I right or wrong?

1 NCPC Minor Sub. File No. 40-2024

2 MR. NELSON: I am -- no objection.

3 COMMISSIONER SAKOWICH: Okay.

4 So you have -- you -- you have no --
5 you -- you -- you -- that -- that's -- that's --
6 that's the problem in a -- in a nutshell.

7 MR. NELSON: So then my presentation is
8 not necessary. If I understand correctly, the
9 Board will just look to spanks or fine the
10 builder --

11 COMMISSIONER SAKOWICH: So -- so I'm --

12 MR. NELSON: -- and they can move on?

13 COMMISSIONER SAKOWICH: -- going to
14 make a recommendation --

15 MR. NELSON: I -- I don't understand
16 what you're saying.

17 COMMISSIONER SAKOWICH: I'm going to
18 make a recommendation to approve the -- the
19 application.

20 MR. NELSON: Okay.

21 COMMISSIONER SAKOWICH: -- okay, with a
22 "Negative Dec.," with a condition on a payment of
23 \$5,000 of a civil penalty for failing to
24 subdivide the property prior to building these
25 homes.

1 NCPC Minor Sub. File No. 40-2024

2 MR. NELSON: I -- that's why you're on
3 the Board and that's why I'm here making the
4 presentation. I mean I cannot instruct you how
5 your --

6 COMMISSIONER SAKOWICH: I'm -- I'm just
7 saying --

8 MR. NELSON: -- recommendation
9 should --

10 COMMISSIONER SAKOWICH: -- this --

11 MR. NELSON: -- go.

12 COMMISSIONER SAKOWICH: -- this is
13 the --

14 MR. NELSON: I totally --

15 COMMISSIONER SAKOWICH: -- bottom line.

16 MR. NELSON: -- everything you say is
17 correct, so I'm not -- I'm not here --

18 COMMISSIONER SAKOWICH: Yeah, just
19 because it --

20 MR. NELSON: -- to object to --

21 COMMISSIONER SAKOWICH: -- doesn't --

22 MR. NELSON: -- you.

23 COMMISSIONER SAKOWICH: -- it
24 doesn't -- we -- we got the whole picture. We
25 see it. The houses, they're beautiful. It's a

1 NCPC Minor Sub. File No. 40-2024

2 great area, the whole nine yards.

3 The -- the simple fact of -- of it is,
4 is that the first step was forgotten.

5 MR. NELSON: Well, the first step was
6 the Village. And the Village of New --

7 COMMISSIONER SAKOWICH: No, it's --

8 MR. NELSON: -- Hyde Park which issued
9 their permits have also come and given "C of Os."
10 They've been inspected the properties. They've
11 give their "C of Os."

12 COMMISSIONER SAKOWICH: But the
13 property was never subdivided.

14 MR. NELSON: No, I -- I --

15 COMMISSIONER SAKOWICH: So and --

16 MR. NELSON: -- understand.

17 COMMISSIONER SAKOWICH: -- and -- and
18 in reality, it didn't have to be subdivided if
19 the two people living on the property were family
20 members and didn't want to subdivide it. So they
21 didn't have to go for subdivision, okay, if they
22 weren't going to sell the homes.

23 MR. NELSON: Understand.

24 COMMISSIONER SAKOWICH: So nobody's at
25 fault, but the intention of building two homes

1 NCPC Minor Sub. File No. 40-2024

2 with always the intent to sell them, you needed
3 to subdivide first.

4 MR. NELSON: You're not -- you know, I
5 don't have --

6 COMMISSIONER SAKOWICH: You can be --

7 MR. NELSON: -- an argument.

8 COMMISSIONER SAKOWICH: Right. So
9 that's --

10 MR. NELSON: That's my understanding
11 and I'm --

12 COMMISSIONER SAKOWICH: -- that's the
13 bottom line.

14 MR. NELSON: -- I agree with you.

15 COMMISSIONER SAKOWICH: That's the
16 bottom line.

17 MR. NELSON: I agree with you. I have
18 no --

19 COMMISSIONER SAKOWICH: It's -- it's
20 just let's -- let's just move forward. Let's --
21 let's -- let's pass it. Let's get it done.

22 MR. NELSON: Okay. Then -- then I'm
23 done with my presentation.

24 I understand that's your position on
25 this. I do still need to make the record for the

1 NCPC Minor Sub. File No. 40-2024
2 rest of the Commissioners, unless they're all
3 going to tell me the same thing, and I'll stop my
4 presentation and we'll just move forward.

5 THIRD VICE-CHAIR LEWIS: Mr. Nelson,
6 your -- your -- your materials and everything
7 is -- is very thorough. It's very clear that the
8 radius map that you submit, and as you've already
9 stated shows many homes that are 50 or less. And
10 you've sat through our hearing here today. We've
11 approved a few 50s. So I think what -- what my
12 colleague is saying is -- is on -- on the merits,
13 on the facts, it's -- it's a strong case for
14 approving the subdivision.

15 MR. NELSON: Then --

16 THIRD VICE-CHAIR LEWIS: The problem
17 is -- the problem is we see the images of the
18 houses already built. That's --

19 MR. NELSON: Correct --

20 THIRD VICE-CHAIR LEWIS: -- that's the
21 problem.

22 MR. NELSON: -- I understand.

23 So if -- if my job here is done and you
24 want to get your pound of flesh from the builder,
25 I have no problems with that.

1 NCPC Minor Sub. File No. 40-2024

2 COMMISSIONER SAKOWICH: It's from --
3 you know, yeah, that's -- that's the -- we just
4 want to -- we want to -- we want to give you
5 permission, sell the houses, move on and --

6 MR. NELSON: And don't do it again.

7 COMMISSIONER SAKOWICH: -- and don't do
8 it again.

9 MR. NELSON: I absolutely agree with
10 you. I'm -- I'm, you know, I'm not arguing.
11 I -- it is what it is.

12 But we have to deal with what's here
13 before us. And if you intend to fine him, I have
14 no say in the matter.

15 CHAIRMAN SHAPIRO: Thank you.

16 Commissioners, any other questions on
17 this matter?

18 (No response.)

19 CHAIRMAN SHAPIRO: Is there anybody in
20 the public that wishes to be heard?

21 (Stepping up.)

22 MR. BIANCO: Yes.

23 CHAIRMAN SHAPIRO: Go ahead. Name and
24 address for the record.

25 MR. BIANCO: Sure.

1 NCPC Minor Sub. File No. 40-2024

2 Jim Bianco, owner of this property.

3 To Commissioner --

4 CHAIRMAN SHAPIRO: Sakowich.

5 MR. BIANCO: -- Sakowich, I sat on this
6 Commission for several years. And yes, as a
7 former Planning Commission Member, not once did
8 this Commission fine someone for building a
9 house. They did fine them when they put them up
10 for sale. So I disagree by penalizing me for
11 \$5,000, when I sat on this Commission for a few
12 years and not once did they fine any other
13 builder. So I don't want to be here so you can
14 scald me for -- for building these houses. But
15 you didn't -- this Commission didn't fine any
16 other builders for building homes.

17 CHAIRMAN SHAPIRO: Mr. Bianco, let me
18 correct you.

19 MR. BIANCO: Sure.

20 CHAIRMAN SHAPIRO: Because I'm here 25
21 years.

22 MR. BIANCO: Okay.

23 CHAIRMAN SHAPIRO: There were numerous
24 people before you, way before you while I was on
25 this Commission, that we fined for building

1 NCPC Minor Sub. File No. 40-2024
2 homes -- not for putting them on sale, but for
3 building the homes without coming for the
4 subdivision; okay?

5 MR. BIANCO: Not when I --

6 CHAIRMAN SHAPIRO: These people were --

7 MR. BIANCO: -- not when I was -- not
8 when I was on the Commission.

9 CHAIRMAN SHAPIRO: -- not when you were
10 on it --

11 MR. BIANCO: Okay --

12 CHAIRMAN SHAPIRO: -- but way before
13 it.

14 MR. BIANCO: -- right.

15 CHAIRMAN SHAPIRO: And not only that,
16 those people no longer come in front of us.

17 MR. BIANCO: Uh-huh.

18 CHAIRMAN SHAPIRO: Okay.

19 MR. BIANCO: But let -- let me just say
20 this.

21 CHAIRMAN SHAPIRO: And -- and there's
22 no back and forth here. Say what you have to
23 say and let's move on, 'cause we have other
24 items on our agenda and I can't change
25 Commissioners' feelings.

1 NCPC Minor Sub. File No. 40-2024

2 MR. BIANCO: Uh-huh.

3 CHAIRMAN SHAPIRO: Okay. These people
4 have sat here long enough to see you come
5 numerous times in front of us. This is not the
6 first rodeo, okay. So --

7 MR. BIANCO: I -- I think it's
8 extremely unfair to fine me \$5,000. This is a
9 unique situation. The -- we went to the
10 Planning Board. We went to the Floral Park
11 Board. And in fact the -- the Village of
12 New Hyde Park already apportioned and taxed me on
13 these lots.

14 If this property was three blocks away,
15 I wouldn't have to come here today.

16 CHAIRMAN SHAPIRO: But it's --

17 MR. BIANCO: So --

18 CHAIRMAN SHAPIRO: -- not.

19 MR. BIANCO: -- okay.

20 So I mean, you know, if you want -- if
21 you want to fine me, I think \$5,000 is extreme.

22 Thank you.

23 CHAIRMAN SHAPIRO: Thank you very much.
24 Commissioners?

25 (No response.)

1 NCPC Minor Sub. File No. 40-2024

2 CHAIRMAN SHAPIRO: Anybody else in the
3 public wish to be heard?

4 (No response.)

5 COMMISSIONER SAKOWICH: Just go back --

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

8 COMMISSIONER GOLD: Microphone. Put
9 that on the record.

10 COMMISSIONER SAKOWICH: Just there was
11 a statement made. So I -- I apologize if -- if
12 I'm -- I'm wrong. We were to told that there
13 were -- that you were issued a -- a -- a
14 summons --

15 CHAIRMAN SHAPIRO: No, a fine prior --

16 COMMISSIONER SAKOWICH: -- a fine
17 prior --

18 CHAIRMAN SHAPIRO: -- on a different
19 property.

20 COMMISSIONER SAKOWICH: -- on a
21 different piece of property. If -- if -- if
22 that's not true, then I apologize. And I would
23 bring the fine down, if that's not true. But
24 from what we're told by our staff, that you were.

25 (Stepping up.)

1 NCPC Minor Sub. File No. 40-2024

2 MR. BIANCO: I don't want to get into
3 what the prior fine was. That was in the height
4 of "COVID," an extremely difficult situation. I
5 don't even want to get into that.

6 Like I said, if you want to fine me
7 that's okay. But to scald me and -- and -- and
8 fine me \$5,000, when, again, I sat on this
9 Commission for several years. There was never --
10 they gave them a warning, you do it again or
11 whatever.

12 But \$5,000 is an extreme amount of
13 money to be fining someone, when this is such a
14 unique situation.

15 COMMISSIONER SAKOWICH: But you -- you
16 were given a \$2,500 summons.

17 CHAIRMAN SHAPIRO: No, I think a
18 thousand.

19 COMMISSIONER SAKOWICH: A thousand
20 dollars summons. There -- there was a
21 misstatement.

22 MR. HOESL: 25.

23 CHAIRMAN SHAPIRO: 25.

24 COMMISSIONER SAKOWICH: How much?

25 (Stepping up.)

1 NCPC Minor Sub. File No. 40-2024

2 MR. BIANCO: I -- I --

3 COMMISSIONER SAKOWICH: There was one
4 \$2,500 fine summons issued to you. That's what
5 our staff had told us; okay?

6 MR. BIANCO: Uh-huh.

7 COMMISSIONER SAKOWICH: And you got the
8 warning at that point.

9 MR. BIANCO: Uh-huh.

10 COMMISSIONER SAKOWICH: Okay.

11 So what you're stating is -- this isn't
12 a scalding. We're trying to help you get -- sell
13 these homes. I -- I actually think they're
14 beautiful.

15 MR. BIANCO: So -- so by helping me is
16 to fine me?

17 COMMISSIONER SAKOWICH: Well, what
18 they're -- what -- to -- to fine you is the
19 process that you didn't go through. That's the
20 fine.

21 MR. BIANCO: These -- these houses were
22 completed with a C.O., sat there for six months
23 not marketing. I could understand if I put them
24 on the market and tried to, you know, sell these
25 things. No, I didn't do that.

1 NCPC Minor Sub. File No. 40-2024

2 COMMISSIONER SAKOWICH: It's -- it's
3 still doesn't meet --

4 MR. BIANCO: Okay --

5 COMMISSIONER SAKOWICH: -- the first
6 step the --

7 MR. BIANCO: -- but -- but --

8 COMMISSIONER SAKOWICH: -- the
9 subdivision.

10 MR. BIANCO: -- okay. But --

11 COMMISSIONER SAKOWICH: Okay.

12 MR. BIANCO: -- the -- the
13 Commission --

14 COMMISSIONER SAKOWICH: There's no --

15 CHAIRMAN SHAPIRO: Mr. Bianco, enough
16 is enough.

17 MR. BIANCO: Okay.

18 CHAIRMAN SHAPIRO: We're going back and
19 forth. I think we've -- we've beaten this to
20 death. And I think it's time to move forward and
21 get this off, get this moving, so that we can go
22 on with the rest of our work.

23 COMMISSIONER SAKOWICH: Yeah, I'll --
24 I'll rescind my 5,000. Let's go down to 25.

25 CHAIRMAN SHAPIRO: Well, we haven't had

1 NCPC Minor Sub. File No. 40-2024

2 a motion yet.

3 COMMISSIONER SAKOWICH: Okay. I make a
4 motion on it, okay. I make a motion to approve
5 the application with a "Neg. Dec.," under the
6 conditions of a payment of \$2,500 of civil
7 penalty.

8 CHAIRMAN SHAPIRO: Is there a second?

9 COMMISSIONER DURSO: I'll second.

10 CHAIRMAN SHAPIRO: All those in favor?

11 (Chorus of "ayes.")

12 CHAIRMAN SHAPIRO: Any opposed?

13 (No response.)

14 MR. BIANCO: Appreciate it.

15 CHAIRMAN SHAPIRO: The motion carries.

16 MR. NELSON: Thank you.

17 COMMISSIONER SAKOWICH: You're welcome.

18 MR. BIANCO: Thank you.

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1 NCPC Minor Sub. File No. 41-2024

2 (Stepping up.)

3 MR. WREN: Okay. Next up is NCPC File
4 41-2024. This is a two-parcel minor subdivision.

5 The 10,000 square foot subject property
6 is situated on the north side of Broadway in the
7 Hamlet of Westbury, Town of Hempstead [sic] --
8 the Town of North Hempstead's Residential "C"
9 Zoning District.

10 (Discussion held off the record.)

11 COMMISSIONER GOLD: Your thing's --

12 CHAIRMAN SHAPIRO: Reid, your
13 microphone's on.

14 COMMISSIONER SAKOWICH: Thank you.

15 COMMISSIONER GOLD: Sorry.

16 MR. WREN: That's all right.

17 The application proposes to subdivide
18 the property which currently has 100 feet of
19 frontage on Broadway into two equal parcels.

20 (Commissioner Sakowich and Mr. O'Brien
21 exit the meeting.)

22 MR. WREN: Proposed lot "A" and "B"
23 will be 50 feet of frontage by 100 feet on
24 Broadway and both be a total of 5,000 square
25 foot.

1 NCPC Minor Sub. File No. 41-2024

2 (Chairman Shapiro exits the meeting.)

3 MR. WREN: The Town of North
4 Hempstead's Department of Buildings,
5 Safety Inspection and Enforcement has issued a
6 "letter of zoning compliance" for the proposed
7 subdivision.

8 I'd like to ask the applicant to come
9 up now.

10 THIRD VICE-CHAIR LEWIS: Good -- good
11 afternoon.

12 (Stepping up.)

13 MR. NEMIROFF: My name is --

14 THIRD VICE-CHAIR LEWIS: Yes.

15 MR. NEMIROFF: Good afternoon,
16 everybody.

17 (Laughter.)

18 THIRD VICE-CHAIR LEWIS: Your name and
19 address.

20 MR. NEMIROFF: It's pretty tough right
21 now, so I'm going to try to make it easier.

22 My name is Steve Nemiroff, Company is
23 Perri Logan Equity, Inc. My address is
24 77-2 Albertson Avenue, Albertson, New York.

25 This is a -- I'm not going to go

1 NCPC Minor Sub. File No. 41-2024
2 through a whole speech. You have all the
3 information.

4 It's a standard subdivision of
5 two lots, which are equal to each other.
6 Lot lines really don't change, 'cause of the
7 way the lot lines are set up in numbers. There's
8 one centerpiece, that's it. So it's what it is,
9 so --

10 THIRD VICE-CHAIR LEWIS: You're --
11 you're basically requesting to draw a line down
12 the middle of the property and subdivide it into
13 two?

14 MR. NEMIROFF: And it's a line that's
15 already existing.

16 THIRD VICE-CHAIR LEWIS: Okay.

17 MR. NEMIROFF: If you look at it, that
18 lines exists.

19 THIRD VICE-CHAIR LEWIS: Okay.

20 MR. NEMIROFF: So it's really just that
21 middle line and then you separate it that way.

22 THIRD VICE-CHAIR LEWIS: So you have
23 the two units.

24 On the -- on the block that we're
25 talking about, are there other properties that

1 NCPC Minor Sub. File No. 41-2024

2 are 50 by 100?

3 MR. NEMIROFF: Yes. I mean I can go
4 through with you everything.

5 THIRD VICE-CHAIR LEWIS: So that's --
6 so that speaks --

7 MR. NEMIROFF: You have the radius maps
8 and everything else --

9 THIRD VICE-CHAIR LEWIS: Yeah.

10 MR. NEMIROFF: -- that show that, but
11 the answer is yes -- yes.

12 THIRD VICE-CHAIR LEWIS: Okay.

13 And yeah, like I said, it -- we do
14 have the letter from the Town. So they're saying
15 that --

16 MR. NEMIROFF: I gave to the "DPW,"
17 they have a letter from the Town of
18 North Hempstead approving the sub lot --
19 subdivision lot approval, upon Nassau County
20 approving it. Then we have to go back again to
21 Town of North Hempstead for a demolition permit
22 to commence.

23 THIRD VICE-CHAIR LEWIS: You got it.
24 And you heard some of the stuff in today's
25 meetings. It's important that you follow that

1 NCPC Minor Sub. File No. 41-2024

2 process.

3 MR. NEMIROFF: That's exactly what we
4 do.

5 (Laughter.)

6 THIRD VICE-CHAIR LEWIS: Okay.

7 So does anybody have a question or a
8 comment?

9 (No response.)

10 THIRD VICE-CHAIR LEWIS: Not seeing
11 any, do we have a motion?

12 COMMISSIONER DURSO: I'd like to make a
13 motion to approve NCPC File No. 41-2024 with a
14 "Negative Declaration."

15 COMMISSIONER KALATY: Second.

16 THIRD VICE-CHAIR LEWIS: Motion and
17 seconded.

18 All in favor, say aye.

19 (Chorus of "ayes," with Chairman Shapiro
20 and Commissioner Sakowich recused.)

21 THIRD VICE-CHAIR LEWIS: Any opposed?

22 (No response.)

23 THIRD VICE-CHAIR LEWIS: Not seeing
24 any, we do have five votes, so the motion is
25 carried.

1 NCPC Minor Sub. File No. 41-2024

2 Thank you.

3 MR. NEMIROFF: Thank you very much and
4 have a nice day. Thank you.

5 COMMISSIONER DURSO: You too.

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1 NCPC Minor Sub. File No. 42-2024

2 THIRD VICE-CHAIR LEWIS: All right.

3 Let's call the next case, No. 42.

4 (Stepping up.)

5 MR. WREN: And next up is 42-2024.

6 This is a three-parcel minor subdivision.

7 The 25,918.1 square foot subject
8 property is situated on the south side of "The
9 Promenade" in the Hamlet of Glen Head, Town of
10 Oyster Bay's "R1-7" Zoning District.

11 Application proposes to subdivide the
12 property, which currently has 200.8 feet of
13 frontage on "The Promenade" into three separate
14 parcels:

15 "Proposed Lot A" will have 50.04 feet
16 of frontage by 162.63 feet on "The Promenade" and
17 be a total of 7,660.5 square foot.

18 "Proposed Lot B" will have 80.66 feet
19 of frontage by 122.86 feet and be a total of
20 9,731.1 square feet;

21 "Proposed Lot C" will have a frontage
22 of 70.10 feet by 124.56 on "The Promenade" and be
23 a total of 8,526.5 square feet.

24 (Chairman Shapiro enters the meeting.)

25 MR. WREN: The town of Oyster Bay's

1 NCPC Minor Sub. File No. 42-2024
2 Zoning Board of Appeals has approved the requests
3 for variance. There's only one variance on
4 lot -- I'm sorry, there's two variances on "Lot
5 A" and those are the only variances.

6 "Lot A:"

7 A variance to allow existing greenhouse
8 attached to detached garage having less side-yard
9 setback and exceeding maximum building coverage
10 of the principal building than permitted by
11 ordinance --

12 (Commissioner Sakowich and Mr. O'Brien
13 enter the meeting.)

14 MR. WREN: -- also, encroachment of the
15 eaves and gutters;

16 So then and there's also a variance to
17 allow existing dwelling and greenhouse attached
18 to detached garage on subdivided land having less
19 width of lot at street and width of lot from
20 front property line to required rear yard than
21 permitted by ordinance.

22 I have the attorney here for the
23 client.

24 CHAIRMAN SHAPIRO: Good afternoon.

25 Your name and address for the record.

1 NCPC Minor Sub. File No. 42-2024

2 (Stepping up.)

3 MR. SNIPAS: Good afternoon.

4 Erik Snipas with the law firm of
5 Greenberg Traurig, 900 Stewart Avenue,
6 Garden City, New York, here on behalf of
7 the applicant.

8 As Mr. Wren stated, this is a three-lot
9 subdivision. We do have actually just two homes
10 already on the property, two structures, one
11 being a cottage, one being a -- a single-family
12 home.

13 I'm accompanied today by the applicant,
14 Donna Slanina-Ruiz, as well as Andrew Ruiz, who
15 resides at the -- the property, the -- I'm sorry,
16 the house on "Parcel B."

17 What we're doing today is we're seeking
18 subdivision strictly for estate-planning purposes
19 only. There is no construction proposed with
20 this. We're simply asking for an invisible line
21 to separate the three parcels.

22 We did go to the Zoning Board of
23 Appeals. As it was previously noted, they were
24 granted.

25 Before the Zoning Board of Appeals

1 NCPC Minor Sub. File No. 42-2024
2 hearing, we -- the applicant did submit consent
3 letters. If -- if the Commission would like, I
4 can read out, you know, where the consent letters
5 came from.

6 I understand there are some people who
7 did call today. Mr. -- I believe that Mr. Ruiz
8 has spoken to them as they knocked on the door.
9 And he explained that there is going to be no
10 construction with this -- with this subdivision.

11 Unless the Commission has any questions
12 for me, that concludes my presentation.

13 THIRD VICE-CHAIR LEWIS: Thank you.

14 The when -- when you look at it on
15 paper, you see the difference sizes of the
16 property. You kind of wonder well, why it didn't
17 they divide them more evenly like we would see if
18 it was vacant property?

19 MR. SNIPAS: Correct.

20 THIRD VICE-CHAIR LEWIS: But there is a
21 reason. You've given that reason and you even
22 brought your homeowners with you. So we
23 understand that you're trying to --

24 MR. SNIPAS: It's strictly because of
25 the existing structures that -- otherwise it

1 NCPC Minor Sub. File No. 42-2024

2 would have been more even.

3 THIRD VICE-CHAIR LEWIS: Right, and
4 that makes a lot of sense.

5 And plus, the one of the variances has
6 to do with how close the structure is to the
7 side setback, and the gutters and things like
8 that might come close?

9 MR. SNIPAS: Right.

10 And --

11 THIRD VICE-CHAIR LEWIS: So --

12 MR. SNIPAS: -- just for the record,
13 those -- those structures actually were
14 constructed around 1928 and, you know, the -- the
15 cottage and the garage. So they --

16 THIRD VICE-CHAIR LEWIS: But it's a --

17 MR. SNIPAS: -- at this point in
18 time --

19 THIRD VICE-CHAIR LEWIS: -- it's a good
20 thing to get it all cleaned up, and nice and
21 neat. Yeah, I'm assuming we got the -- you got
22 the surveys done also?

23 MR. SNIPAS: Correct.

24 THIRD VICE-CHAIR LEWIS: So and, you
25 know, the deeds will have to be filed after

1 NCPC Minor Sub. File No. 42-2024

2 today?

3 MR. SNIPAS: Yes.

4 THIRD VICE-CHAIR LEWIS: Okay.

5 So --

6 CHAIRMAN SHAPIRO: So Commissioners,

7 anybody in the public wish to be heard?

8 (No response.)

9 CHAIRMAN SHAPIRO: Not seeing any, I'm
10 glad to see that you -- your client is with you,
11 'cause I know Commissioner Greenfield would want
12 that.

13 THIRD VICE-CHAIR LEWIS: Yeah.

14 CHAIRMAN SHAPIRO: So --

15 MR. SNIPAS: I heeded his advice.

16 (Laughter.)

17 CHAIRMAN SHAPIRO: Right.

18 (Laughter.)

19 MR. O'BRIEN: And then he doesn't show.

20 COMMISSIONER DURSO: Right.

21 CHAIRMAN SHAPIRO: He always misses the
22 good ones.

23 Anyhow, let's move forward and I'll
24 take a motion.

25 COMMISSIONER DURSO: I'd like to make a

1 NCPC Minor Sub. File No. 42-2024
2 motion to approve NCPC File No. 42-2024 with a
3 "Negative Declaration."

4 CHAIRMAN SHAPIRO: Is there a --

5 COMMISSIONER GOLD: I second.

6 CHAIRMAN SHAPIRO: All those in favor?

7 (Chorus of "ayes.")

8 CHAIRMAN SHAPIRO: Any opposed?

9 (No response.)

10 CHAIRMAN SHAPIRO: Motion carries.

11 Thank you very much.

12 COMMISSIONER GOLD: Thank you.

13 MR. SNIPAS: Thank you, everyone. Have
14 a great.

15 CHAIRMAN SHAPIRO: Everybody, have a
16 great day.

17 COMMISSIONER DURSO: You too.

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1 Proceedings

2 COMMISSIONER SAKOWICH: Motion to
3 adjourn.

4 CHAIRMAN SHAPIRO: See you guys --
5 Motion to adjourn?

6 COMMISSIONER DURSO: Yes.

7 CHAIRMAN SHAPIRO: See you guys all
8 after Labor Day.

9 (The meeting was concluded at
10 12:14 p.m.)

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1		
2	I N D E X	
3	NCPC NO.	PAGE
4	NCPC Case No. 724124.....	007-013
5	NCPC Case No. 724224.....	013-017
6	NCPC Case No. 725124.....	017-022
7	NCPC Case No. 725224.....	022-027
8	NCPC Case No. 730124.....	027-037
9	NCPC Case No. 1027423.....	037-047
10	NCPC Case No. 86124.....	047-054
11	NCPC OSPAC File No. 3-2024.....	058-061
12	NCPC OSPAC File No. 4-2024.....	062-085
13	NCPC File No. 1982-F-3.....	055,057
14	NCPC File No. 1987-F-7.....	086-095
15	NCPC File No. 1987-F-4.....	086-095
16	NCPC Minor Sub. File No. 1-2022....	096-098
17	NCPC Minor Sub. File No. 35-2024...	099-116
18	NCPC Minor Sub. File No. 38-2024...	117-120
19	NCPC Minor Sub. File No. 39-2024...	1121-124
20	NCPC Minor Sub. File No. 40-2024...	125-145
21	NCPC Minor Sub. File No. 41-2024...	146-151
22	NCPC Minor Sub. File No. 42-2024...	152-158
23		
24		
25		

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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

A	
a.m 1:8 2:7,7,16,16 127:9	advice 157:15
abide 4:6	advising 90:20 92:2
able 10:15 23:8 40:25 41:19 59:21 75:14 103:17 129:23	advocacy 70:15 72:4
above-referenced 62:21	Affairs 77:25
Abraham 78:23	affiliate 15:7
absolutely 36:16 115:2 137:9	affiliated 15:8
abuts 8:5 128:13 130:23	affordable 62:23 66:23 67:14 80:4
acceptable 31:11	afforded 128:20
accepting 22:15	affording 129:3
access 11:6 14:16 29:24 68:23 69:21 74:7	aforementioned 93:3
accessory 8:3 38:6	afternoon 147:11,15 153:24 154:3
accommodate 19:24 37:17 39:20 40:4,25 41:20	age 71:11
accommodating 41:20	agency 112:8
accommodation 68:23	agenda 3:9 47:15 55:3 139:24
accompanied 154:13	agendas 4:2
accomplish 23:15	agent 126:5
account 39:4	ago 118:7
accurate 161:6	agree 43:25 45:21 113:11 135:14 135:17 137:9
accurately 127:11	agreed 19:2 108:18
acknowledge 5:16	agreeing 109:22
acknowledgment 5:19	agreement 59:24 108:5
acquired 64:7,9	agrees 41:25
acquiring 67:12	Ah 56:15
acquisition 67:23 75:21	ahead 25:9 62:9 93:23 137:23
acres 18:19 63:16 77:14	Airforce 76:21
act 72:12 79:20	airplane 65:16
acted 32:17	Albertson 147:24,24
action 20:15,18 26:5 33:6	Allegiance 3:20,23
actions 50:3	allow 49:24 58:21 153:7,17
activated 72:16	allows 34:20
activity 15:13 101:6	alterations 19:21,22
actual 82:14 118:10	ambiguous 35:24
add 52:20 97:15	amend 27:25 28:3
added 30:2	amendment 18:16
adding 15:24	America 66:3 68:5
addition 9:22 19:21 37:17 127:18	Americans 66:5
additional 39:2 40:18 41:14 45:5 46:13	amount 40:16 44:7 86:21,22 87:8 88:3,4,17 90:5,7,11,15 91:12,13 91:16,21 94:10,17 104:7 142:12
Additionally 128:12 129:15	amounts 94:16
address 39:2,7 40:7 48:22 64:21 67:3 71:24 89:14 93:22 97:9 100:14 101:7 102:7 103:4,23 106:5,10,13 118:2 122:22 126:20 137:24 147:19,23 153:25	analysis 38:19,21 39:22,25 42:14
addresses 34:17 67:17 128:18	Andrew 154:14
adequately 38:25 39:4,7,22 48:22	Angeles 78:21
adjacent 28:10 43:5	answer 89:12 92:11 107:23 114:21 149:11
adjourn 55:5,6 159:3,5	Anthony 97:12
adjourned 57:4 99:6	anticipated 40:14
adjustment 96:19 117:5,23 118:8 118:11 129:23	anybody 3:6 4:5 83:19 93:15 97:20 110:6 114:13 119:23 124:4 137:19 141:2 150:7 157:7
adopting 13:4	apartment 105:23 108:22 109:4,5,7
advertised 87:20 89:4	apartments 71:6 107:4
	apologize 141:11,22
	apparently 119:15
	Appeals 99:20 153:2 154:23,25
	appears 18:20
	applicable 87:16 88:23,23 90:22 92:4
	applicant 15:10,10 18:24 29:5 30:4 30:6,16 31:15 37:15 38:19,20 40:21 86:19 87:25 89:10,11,20 90:3 91:8 97:6 101:8 117:24 122:19,25 126:14,19 147:8 154:7 154:13 155:2
	applicant's 47:17
	applicants 4:6 84:9
	application 31:18 38:18 58:3,6 62:13 86:14 96:15 97:5 99:14 101:12 110:15,16,18 117:11 121:11 125:14 132:19 145:5 146:17 152:11
	applications 23:7 89:22
	applied 121:20
	appointments 15:13
	apportion 129:24
	apportioned 140:12
	appraiser 127:2
	appreciate 85:3 94:5 145:14
	Apprenticeships 73:2
	appropriate 22:25
	approval 14:7 20:4,19 21:16 28:2 30:18,23 32:20 33:13 35:10 36:8 53:21 77:21 78:8 87:5 88:13 94:8 124:12,13 126:9 149:19
	approvals 129:20
	approve 21:8 49:15 51:19 59:18 98:4 115:16 116:2 120:5 132:18 145:4 150:13 158:2
	approved 18:18 20:6 28:4,15,19,21 28:24 29:2,4,4,9,12,18 47:11 87:7 88:15 99:21 118:8 119:7 129:12 136:11 153:2
	approves 58:23 63:17
	approving 136:14 149:18,20
	approximately 58:19 63:14,16 64:9
	architectural 78:4
	area 7:6,9,23 8:18 11:4 31:10 37:10 38:6,10 43:22 63:15 68:14 76:3 99:23 100:5 101:18 105:18 128:23 129:6 130:7,11 134:2
	areas 19:8 39:11 67:11 68:2,5 79:11
	arguing 137:10
	argument 135:7
	Arkansas 69:2,11
	Art 72:23
	Article 121:21
	artistic 78:4
	as-of-right 21:13,14 97:5
	aside 30:10 35:5 42:8
	asked 43:9 105:24 113:12
	asking 32:16 75:8 129:22 154:20
	assembly 38:8
	assess 48:5
	Assessment 31:6

assistance 68:13,23 69:21 70:13,14
assisted 74:11
associated 19:7 39:3
assumes 39:11
assuming 119:6 156:21
Atlanta 76:25
attached 111:10 153:8,17
attacks 65:10
attainable 80:9
attempting 25:19
attendance 40:13 42:10
attention 115:12
attorney 10:15 40:21 89:10,10,19
 118:9 153:22
Attorney's 59:23 63:18,25 82:9
attorneys 69:6 97:17
audible 32:2
Audience 80:15 85:4,6
Audrey 103:22 104:2
August 1:7 3:14 127:9
Austin 62:16
avail 40:20
availability 39:6 40:11 43:6
available 39:8 40:3,19
Avenue 1:14 40:3,10 92:23 96:13
 96:17,18,21,24 97:12 100:18
 103:8 104:4 118:5 121:7,12,16
 123:6,14 125:11,16,18 127:3
 128:10,18,21 147:24 154:5
avoid 104:15
aware 84:8
aye 17:10 47:2 150:18
eyes 5:24 12:13 17:11 22:8 27:13
 36:25 47:3 54:3 55:11 61:3 84:22
 95:2 98:9 116:8 120:9 124:16
 145:11 150:19 158:7

B

B 48:19 56:7,13 96:23 99:13,19
 100:3 117:9,14,18 121:9,15
 125:17 146:22 152:18 154:16
B-E-S-S 48:4
back 11:23 12:20,23 26:24 27:17
 29:22 36:6 38:21 43:8 46:3 51:22
 53:12 60:11 65:20 70:25 75:11
 78:24 79:21 84:13 96:7 107:18
 112:15 115:20 139:22 141:5
 144:18 149:20
background 74:3
backsliding 66:24
bad 57:6
Bake 72:19
baked 19:18,19
ball 119:16
Banks 74:17
barely 8:24
barn-like 8:2
base 65:17 76:21

based 38:3 71:11
basement 14:16 101:11,14,14,19
 101:22 102:21 105:22 106:17,24
 107:3 108:21 109:16 110:21
 111:2 112:21
basically 112:24 148:11
basics 99:9
bathroom 70:20 101:16
batteries 47:25
Battery 47:23,23 48:20 65:17
Bay 18:14 19:20 58:9
Bay's 152:10,25
Bayville 7:5 78:10
Beach 22:13,16,17,21,22 63:3
bears 127:24
beaten 144:19
beautiful 67:13 133:25 143:14
Bedford 121:7,12,16 123:6,14,17
bedroom 29:14
Beechwood 89:20 90:13 91:19
Beechwood's 90:9 91:4,15 92:9
befit 68:20
began 65:9
beginning 77:2 115:16
behalf 154:6
Behaviorial 70:12
believe 59:8 63:21 81:23 101:8,22
 123:23 127:12 130:22 155:7
believes 22:24
Bellmore 37:8,9 40:3,10 127:3,3
below-grade 14:3,6,6 15:24
BESS 47:24 48:4
best 80:7 101:19
Bethpage 45:8 89:20
better 73:24
Bianco 137:22,25 138:2,5,17,19,22
 139:5,7,11,14,17,19 140:2,7,17
 140:19 142:2 143:2,6,9,15,21
 144:4,7,10,12,15,17 145:14,18
big 41:6 42:22
bigger 81:15
Bill 91:4
billion 79:4
bills 129:25
bit 71:8,10 74:2 76:11
Blakeman 107:12
Bldg 1:13
block 18:8 128:16 148:24
blocked 109:6
blocks 33:25 140:14
board 20:4,15,17 21:5 22:18,19,24
 23:6,15 24:12 25:24 28:5 30:19
 31:14 33:14,14 47:18 84:12 89:17
 99:20 100:24 121:19 125:21
 131:21,23 132:9 133:3 140:10,11
 153:2 154:22,25
body 3:24 65:23
boiler 101:17

bond 86:5,15,20 87:8,18 88:2,16
 89:2,5 90:4,5,10,15,24 91:10,12
 91:15,21 92:6 94:10,17
bonded 87:10 88:18 90:12,20 92:3
 93:4
bonds 93:11
border 58:18
bottom 133:15 135:13,16
Boulevard 62:16 65:3 123:3
boy 56:14
Braff 123:2
break 102:5,6
breaking 109:14
Brian 10:15
brief 56:17,18
bring 12:8 25:19 27:17,17 69:25
 103:21 141:23
Broad 40:3,4,11
Broadway 146:6,19,24
broke 77:6
broker 127:2
Brooklyn 65:12,17
brothers 65:14,24
brought 38:21 155:22
Bruce 107:12
brush 59:20
Buffalo 77:20,24
buffer 130:21
build 33:24 35:10 62:23 75:11
 108:9 131:24
builder 129:16,18 130:2 132:10
 136:24 138:13
builders 138:16
building 13:14 14:4,11,15,19,25
 15:3,7,22,25 18:17,25 19:3,18
 23:23 28:9,13,15 29:3,11,20,21
 30:17 31:4 33:24 35:14 36:3
 39:12 44:11,12,14 48:10 77:16
 101:13 110:17 111:21 129:13
 132:24 134:25 138:8,14,16,25
 139:3 153:9,10
buildings 15:12 20:22,23 33:24
 87:2 88:9 97:3 107:14 117:22
 130:24 147:4
built 13:14 18:20 77:11 107:16,19
 126:3 131:13 136:18
bunch 50:12
business 30:5 62:17 63:7
busy 43:21
buy 71:6

C

C 2:2 3:2 18:23 102:10,14,24 134:9
 134:11 146:8 152:21 161:2,2
C.O 143:22
Calendar 12:20
California 76:20
call 4:8 68:11,21 69:5 113:12 152:3

<p>155:7 called 107:11 calls 29:21 captured 73:13 car 65:16,19 104:9 111:12 cards 127:5 care 107:17 career 71:3 Carman 91:4 carried 150:25 carries 6:3 12:16 17:16 22:9 37:4 54:6 55:14 61:6 84:25 95:5 98:12 116:11 120:12 124:19 145:15 158:10 cars 43:23 44:2,18 45:4,5 75:3 106:19 cart 49:20 case 7:3,4 11:13 12:22 13:7,9 16:25 17:19 18:13 20:9,17 21:22 22:4 22:11 27:10,23,24 37:6,7 38:21 46:19 47:16 55:5 58:3 62:12 68:6 69:24 70:11 72:6 73:23 86:16 96:7,9 99:6 100:20 121:18 125:5 136:13 152:3 160:4,5,6,7,8,9,10 cases 3:7 cash 86:15,22 88:3 90:4,15,25 91:10,22 94:11,17 catastrophically 66:15 cause 14:11,25 41:14 139:23 148:6 157:11 causes 67:18 71:24 CCTV 73:13 ceiling 29:7 cellar 37:13 38:4 cemetery 8:5 Center 28:11 65:11 centerpiece 148:8 cents 66:11 certain 43:6 certified 126:25 certify 161:5 Chair 2:3 125:6 Chairman 3:3,10,14,25 4:20,21 5:9 5:13,17,23,25 6:3 7:2 9:3 10:3,9 11:15,19 12:3,9,12,14,16 13:7,8 13:21 17:11 19:4 22:7,9 23:20,22 23:25 24:9,17,19,23 25:2 26:7,11 26:15,18,21 27:3,7,12,14,19,21 33:16 35:23,25 36:5,10,14,18,24 37:2,4 41:4,9 43:16 47:3,9,20 50:17,25 51:18 52:11 53:8,11,15 53:19,24 54:4,6 55:2,10,12,14 56:2,6,11,13,16,20 57:7 60:16,18 61:2,4,6,8 62:2,5,7 64:20 83:11 83:14,17,22,25 84:19,21,23,25 85:5 86:6,8,11 89:13,17,24 92:12 92:15,18 93:6,9,14,18,23 94:3,6 94:23,25 95:3,5,8 97:8,14,19,23</p>	<p>98:2,6,8,10,12 100:13 102:9 103:2,4,9,12,16,20 105:9,11,15 106:8 107:21 110:3,6,9 111:5,15 112:3,7 113:22 115:2,5,22,24 116:4,7,9,11 117:25 119:20,23 120:2,8,10,12,14 122:21 123:25 124:4,7,15,17,19,22 125:7 126:20 126:23 137:15,19,23 138:4,17,20 138:23 139:6,9,12,15,18,21 140:3 140:16,18,23 141:2,15,18 142:17 142:23 144:15,18,25 145:8,10,12 145:15 146:12 147:2 150:19 152:24 153:24 157:6,9,14,17,21 158:4,6,8,10,15 159:4,7 Chairman's 25:13 CHAMBER 1:12 change 30:5 115:17 139:24 148:6 changed 28:16 29:14 31:9 changes 21:18 28:18 48:21 changing 20:24 49:23 chaotic 16:10 character 8:15 10:7 123:23 charging 19:23 Charles 128:11 130:25 Charter 126:4 check 112:21,21 Cheektowaga 77:21 Chief 87:13 88:20 90:18 91:25 92:15,18,23 child 80:23 children 68:18 69:18,23 104:9 Chorus 5:24 12:13 17:11 22:8 27:13 36:25 47:3 54:3 55:11 61:3 84:22 95:2 98:9 116:8 120:9 124:16 145:11 150:19 158:7 chose 40:19 84:9 chronically 68:21 cited 106:21 City 22:12,16,17 23:3,23 24:8 30:22,24 31:22 32:7,13,21 33:5 66:4 121:8 154:6 civil 126:5 132:23 145:6 class 76:10 classes 72:25 classrooms 38:5 cleaned 156:20 clear 26:4 84:14 108:24 109:15,21 115:18 136:7 cleared 60:10 clearly 16:8,22 Clerk 119:9 Clerk's 102:16 client 107:23 153:23 157:10 clinicians 69:9 clinics 69:8 close 42:13 50:8 83:15 84:5,17 107:10 114:9 156:6,8 closed 59:3 65:18 110:23 111:3</p>	<p>Clothing 71:20 code 8:14 9:24 35:4 48:21,22 codes 87:16 88:24 90:22 92:5 colleague 59:22 136:12 Collective 79:3 color 127:23 Columbus 104:3 come 11:23 24:7 26:24 32:24 44:7 45:5 51:21 53:12 60:4 64:11 73:17 74:9 80:7 84:13 92:19 97:6 100:12 106:10 107:18 115:20 117:24 122:19 126:14,19 134:9 139:16 140:4,15 147:8 156:8 comes 33:8,9 36:6 115:10 comfort 71:13 76:6,9,14 77:19 78:10,20 coming 15:13 42:24 43:22 44:12 73:14 79:10 113:18 139:3 command 130:20 commence 149:22 commences 126:7 comment 21:24 45:4 46:11 59:2,4 62:4,7 150:8 comments 45:19 46:14 83:12 110:10 Commission 1:4 3:15 28:12,14 31:3 38:17,18,22,23 59:2 65:4 87:4,7 88:12,15 90:9 91:14 97:20 99:8 100:21 104:2 126:24 138:6,7 138:8,11,15,25 139:8 142:9 144:13 155:3,11 Commission's 40:7 Commissioner 2:14 4:11,12,14,15 4:16,17,18,19,25 5:2,3,4,5,6,21 5:22 11:5,10,17,20 12:2,6,11 16:8 16:16,19 17:2,6,20,24 18:4,6,12 22:6 24:15 27:6,9,11,16,20 33:19 33:22 34:6,9,11,14,22,24 35:8,12 35:13,17 36:4,16,20,23 41:12,18 43:19 45:9,14,17,21 46:7,10,12 46:18,22 50:11,18,22 51:3,7,23 51:25 52:4,9,13,18,25 53:4,10,14 53:16,23 55:8,9 57:8 60:25 62:6 80:16 81:13,19 82:2,6,23 83:4,16 84:20 94:7,19,20,21,22,24 95:7 96:2 98:3,7 111:16,20 112:2,5,9 112:23 113:4,15,24 114:15,19 115:4 116:5,6 120:4,7 124:9,11 124:12,14 126:16 131:2,4,5,6,12 132:3,11,13,17,21 133:6,10,12,15 133:18,21,23 134:7,12,15,17,24 135:6,8,12,15,19 137:2,7 138:3 141:5,8,10,16,20 142:15,19,24 143:3,7,10,17 144:2,5,8,11,14,23 145:3,9,17 146:11,14,15,20 150:12,15,20 151:5 153:12 157:11,20,25 158:5,12,17 159:2,6 Commissioners 2:12 9:3 27:4</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>36:19 41:4 59:12 60:16 64:4 83:11 92:13 93:7,12 97:23 100:17 110:4 119:18,21 124:2 128:7 136:2 137:16 140:24 141:6 157:6 Commissioners' 139:25 commitment 115:13 common 80:9 communal 70:21 community 43:24 67:20 70:25 71:11 72:15 73:4,11 75:15 76:12 77:17 123:24 127:11 130:15,21 company 97:18 147:22 complaints 101:20 111:22,23 complete 87:15 88:22 90:21 92:3 93:5 161:6 completed 49:2 76:2 77:4 79:8 90:13 91:19 143:22 completely 77:11 completion 67:23 complex 70:9 76:22 77:9,18,24 78:9,12,13,19 complexes 67:14 compliance 97:4 117:23 125:22 147:6 compliant 87:16 88:23 90:22 92:4 93:5 comply 129:7 components 74:24 concern 60:9 104:5 105:7 106:23 107:3 concerned 16:5 101:9 concerning 19:22 47:22 48:25 concerns 40:8 59:20 65:19 101:5,7 102:8 104:21 106:20 110:13 concluded 87:14 88:21 159:9 concludes 155:12 concrete 76:16 condemnation 63:11 64:7 condition 59:7 132:22 conditions 75:11 110:19 122:6 145:6 Condo 86:17,18,23,25 87:5,5,11,12 87:23,23,24 88:4,7,13,16,19 91:6 94:16 condominium 28:17 30:8 31:4 88:8 90:2,6 91:11 94:11 condominiums 30:5,16 condos 89:7 conduit 73:3 conduits 72:13 confirm 59:21 92:25 congested 105:3 congregants 40:19 congregation 39:14 connection 91:2 92:7 consent 155:2,4 consider 21:5 considered 97:5</p>	<p>consist 19:5 consisted 101:15 consistent 39:13 104:11 consists 47:25 86:25 88:8 constituents 50:13 constitute 109:5,6 construct 100:2 129:13 constructed 122:8,12 129:18 130:6 130:19 156:14 constructing 101:2 construction 82:15 108:10 118:14 118:17 154:19 155:10 constructions 126:8 contact 114:3 contain 129:5 containing 128:22 continue 3:21 contributor 79:5 controls 49:16 conveniently-located 39:8 conversion 13:13 77:3 convert 13:12 converted 14:4,12 converting 77:8 convey 62:13,20 96:15 117:11 conveyance 63:19 cookies 72:19 Cooking 72:25 coordinated 127:23 copies 3:9 copy 127:14 corner 3:8 8:4 96:12 correct 26:15 27:19 52:8,10,11,12 56:10 79:18 89:24 96:10 102:12 105:15 119:17 133:17 136:19 138:18 155:19 156:23 correctly 132:8 Coschignano 123:2 cottage 154:11 156:15 counsel 2:15,16 93:2 Counselor 122:21 Country 86:16,23 87:22 88:5,9 90:2 91:11 94:12,15 County 1:4 3:15 12:5 31:3 58:7,25 59:22 62:13,20 63:10,18,25 64:7 77:14 79:13 81:21 82:8,13,19,22 90:18 91:24 94:9 102:15 126:4 128:17 149:19 County's 58:11 couple 86:4 103:12 Court 121:21,25 122:4 courtyard 29:4,5,6 30:2 coverage 153:9 covering 51:13 COVID 142:4 crawl 81:2 crazy 15:23 49:21 create 25:23 72:12 129:23</p>	<p>created 34:20 67:5 115:7,7 creating 22:18 25:24 70:8 130:11 creation 22:23 credit 75:2 crime 73:20 criticism 49:13 Crossways 17:25 18:21 19:17 crowded 104:20 curb 14:17 current 29:20 37:14 41:2 87:8 88:17 112:25 113:3,5 currently 18:20 38:11 42:17 63:2 66:25 67:25 87:18 89:2 99:15 121:11 125:15 126:3 130:3 146:18 152:12 customer 19:13 customers 14:11 cut 14:17 112:12</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D 3:2 160:2 D1 93:25 daily 74:12 Dam 119:5 damage 64:8 DANA 2:5 date 3:12 74:5 114:9,22 day 65:23 69:5 75:7 104:8 124:21 151:4 158:16 159:8 days 114:20 deal 20:16 63:12,13 137:12 dealership 19:14 dealing 3:4,17 death 144:20 Dec 11:14,16 98:5 124:10 132:22 145:5 decision 30:5 deck 28:23 Declaration 116:3 120:6 150:14 158:3 deed 96:9 deeded 77:13 78:23 deeds 96:10 119:9 156:25 deemed 38:18 87:15 88:22 90:21 92:4 defeat 33:20,23 delineated 15:4 demand 39:2,5,9 40:11,12,25 demolish 77:22 demolished 63:4 118:19 119:4 demolishing 70:7 77:16 demolition 75:10 149:21 denial 38:23 46:3,19,25 47:12 denied 121:20 DENISE 2:9 Dennis 103:7 deny 45:25 Department 91:24 97:2 101:13</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>110:17 111:21 117:21 147:4 departure 9:23 depict 127:11 depths 128:21 129:4 Deputy 2:14 50:11 designated 16:5 35:18 detached 111:12 153:8,18 detail 115:13 determination 14:21 16:20 20:8 22:5 23:11 30:15 31:13 48:15 50:23 51:6,8 52:5,7,10 DeTrano 108:18 113:11 detriment 130:11 develop 24:25 76:5 77:23 78:9 developed 7:15 8:6 developer 36:7 developing 67:13 77:17 78:13,18 development 67:24,25 87:2 91:2 92:8 123:13 deviation 8:13 dictates 76:8 died 65:22 difference 41:6 155:15 different 18:11 49:6 64:10 67:22 141:18,21 difficult 142:4 difficulties 3:17 dignity 71:12 dilapidated 70:5 77:22 dilapidation 78:25 dimensional 37:10 dimensions 10:12,16 29:4 58:17 direct 68:12 direction 52:17 disabled 74:20 disagree 138:10 discharged 73:19 discontinued 109:23 discuss 89:11 107:19 discussed 49:6 108:13 Discussion 93:12 119:18 128:7 141:6 146:10 dishonorably 73:19 distinguish 14:14 15:2 district 7:11 8:10 20:3 58:10 62:18 63:7 77:15 99:13 117:10 121:10 125:13 130:23 146:9 152:10 districts 34:20 diverse 8:20 divide 129:2 155:17 doing 49:19 60:2 69:14 79:17 81:4 81:4 86:4 92:16 154:17 dollar 66:11 75:8 dollars 79:4 142:20 Donna 154:14 door 155:8 doors 109:6 double 44:14 83:6</p>	<p>doubling 44:11 DPW 59:17 63:17 87:13 88:20 90:18 149:16 drafted 22:25 draw 148:11 Drive 18:4,7 19:17 58:8 drive-thru 13:19 driveway 104:23 111:13 122:7 dropped 119:16 drove 65:16 dry 112:12 Due 3:16 duration 23:12 48:17 Durso 2:5 4:18,19 5:22 27:11,16,20 36:23 55:9 80:16 94:21,24 98:3 120:4 131:5 145:9 150:12 151:5 157:20,25 158:17 159:6 duty 65:12 dwelling 8:2 100:2,8 101:2,3,22,23 101:25 102:17,18,19,20 110:15 110:25 111:8,11,14 118:15 153:17 dwellings 119:4</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 2:2,2 3:2,2 7:11 8:10 160:2 161:2 Earle 123:3 earlier 49:8 easement 58:4,7,12,13,18,21,24 59:7,16,24 60:20 easements 60:4,14 easier 147:21 east 19:16 99:11 122:14 easterly 122:9 eaves 153:15 effect 13:3 effort 42:25 eight-story 28:15 29:20 either 45:25 electric 19:2,6 102:22 electrical 58:22 elimination 38:13 Ellerbe 2:6 5:3,4 22:6 116:5 empathize 111:24 employee 108:3 109:25 employees 113:3 employment 69:10 70:14 74:15,18 74:24 encouraging 49:14 encroachment 153:14 ended 53:8,9 Energy 47:23,23 48:20 enforce 44:21 112:10 enforced 44:21 enforcement 44:19 112:8 147:5 enlarged 29:8 ensure 73:9 enter 112:25 153:13</p>	<p>enters 19:4 47:20 152:24 entice 105:25 entire 66:17 79:6 Entitlements 70:13 entity 59:25 entrepreneurial 71:3 envelope 30:17 Environmental 31:6 epicenter 78:22 equal 99:16 121:13 125:16 146:19 148:5 Equity 147:23 eradicate 67:6 80:10 Erik 154:4 error 96:8,10 97:17 escrow 86:5,15,22 88:3 90:4,7,15 90:25 91:10,13,22 92:7 94:11,17 Esq 2:15,16 essentially 20:24 establish 23:15 24:11 establishment 42:23 estate 59:13 64:5 82:9 126:25 129:25 estate-planning 154:18 estimating 15:16 evaluate 48:3 evenly 155:17 Event 29:7 events 42:10 everybody 3:11,19 41:25 49:18 55:4 147:16 158:15 everybody's 110:13 115:7 evicted 68:18 exactly 25:18,25 42:6 73:14 80:16 150:3 exceed 23:13 26:9 exceeding 25:8 153:9 Exceeds 37:21 exception 37:10,14 exceptions 48:13 excited 64:12 excuse 101:25 102:14,15 111:12 113:2 Excused 5:9,10,11 Executive 1:13 exist 20:24 existing 14:4,9,17 30:18 37:13 40:10,15,24 58:13 75:10 76:4 77:16 101:2,25 102:17 104:17 111:11,14 123:9 130:10,13,21 148:15 153:7,17 155:25 exists 148:18 exit 146:21 exits 13:21 43:16 86:2 125:8 126:16 147:2 Expanded 31:6 expansion 37:12 38:12 39:3 40:14 40:15,16</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

expect 67:11 78:2
experience 43:24 44:4
explained 100:25 155:9
exponentially 69:23 74:8
expressed 45:3 101:4
Expressway 19:20
extensions 23:8
extent 43:6 73:22
exterior 19:22 102:20
extra 46:8
extreme 30:7 41:25 140:21 142:12
extremely 43:21 140:8 142:4

F

F 161:2
facilities 42:25 47:24 48:4,20,23 77:10
facility 19:16 40:24 75:12
fact 81:3 93:2 134:3 140:11
facts 136:13
failing 132:23
fairly 26:4
fall 75:16
fallen 66:16 78:24
families 66:16,17 71:5
family 68:8 72:5 80:21 104:10 108:3 109:25 134:19
fans 42:22
far 10:2 104:19 105:4 106:18,19,21 107:12 112:17 114:23
Farrell 122:24,25 124:20
fault 134:25
favor 5:23 12:12 17:9 22:7 27:12 36:24 47:2 50:23 51:5 54:2 55:10 59:6 61:2 84:21 94:25 98:8 116:7 120:8 124:15 145:10 150:18 158:6
Federal 68:20 75:17
feel 41:7 79:24
feelings 139:25
feels 23:3
feet 7:10,10,12,13,17 8:17,18 10:17 11:24 12:4 13:16,18 19:3 28:24 28:24 29:12,13 30:21 37:15,16,19 58:19,19 63:15,15,16 81:16 96:16 96:20,21,22,23,25 99:15,17 117:12,12,16,16,19,20 121:12,15 121:16,17 122:13,15,18 123:9,12 123:16,17,21,22 125:15,18,18,19 128:10,20,22,23 129:3,4,6 130:16 131:15,15,16 146:18,23,23 152:12,15,16,18,19,20,22,23
fell 63:12
fewer 29:15
field 14:8
Fifteenth 3:13
Fifth 57:5,6
figure 43:11 45:19 49:23

figured 107:5
file 55:1,5 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1,1,16 87:1,1,21,22 88:1,1 89:1,1 90:1,1 91:1,1 92:1,1 93:1,1 94:1,1 95:1,1 96:1,6 97:1 98:1,4 99:1,4 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1,20 111:1 112:1 113:1 114:1 115:1 116:1 117:1,4 118:1 119:1 120:1,5 121:1,4 122:1 123:1 124:1,10 125:1,3 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1,3 147:1 148:1 149:1 150:1,13 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1,2 160:11,12,13,14,15 160:16,17,18,19,20,21,22
filed 101:11 108:19 110:16,19 119:9 156:25
filing 96:8
final 46:5 87:4,10 88:13,18
finalizing 48:25
finally 43:8
financial 67:2 68:13,22 72:2 74:24
find 66:23 90:23 92:5 93:4 108:14
fine 104:8 132:9 137:13 138:8,9,12 138:15 140:8,21 141:15,16,23 142:3,6,8 143:4,16,18,20
fined 138:25
finest 130:6
fining 142:13
finished 101:13 108:20 110:20 118:14
fire 48:8
firefighter 65:11,12
firm 24:20 123:2 154:4
first 4:22 5:7,16 30:13 44:2,17 45:4 56:7 58:2 62:24 66:16,22 67:8 71:16 74:4 77:10 79:13 82:20 86:14 103:21 134:4,5 135:3 140:6 144:5
first-floor 38:7
fit 8:24
five 13:3 150:24
Flag 106:12
Flagg 106:9,12 112:18
Flaum 118:4,5,22,25 119:11,14,17 120:13
flesh 136:24
floor 30:3 71:16 77:10
Floral 125:24 128:14 129:16 140:10

Florida 77:13
Folks 3:6
follow 34:5,8 53:22 80:19 149:25
followed 118:10
following 38:3,24 122:6
foot 7:8 8:12,23,23 9:16,20 18:18 76:9 96:11 99:10,19 117:6 121:6 125:10 146:5,25 152:7,17
footage 29:11
footers 10:19,22
forgetting 49:7
forgot 131:18
forgotten 134:4
Forman 2:7 4:25 5:2,21 17:2,6 35:12 51:25 52:4,18 53:23 55:8 62:6 120:7 126:16
former 13:14 63:3 77:7,14,22 138:7
forms 3:8 4:4
forth 112:15 139:22 144:19
forward 60:14 113:25 114:24 115:18 122:6 135:20 136:4 144:20 157:23
found 108:15
foundation 62:14,22,23 63:20,23 65:2,8,9 66:7 67:5 68:22 72:10 73:7 74:11 75:23
four 8:16 9:8 10:6 13:2 38:4,4 77:24 111:12,13
four-lot 7:7 8:12
Franklin 1:14
frankly 49:12
Freeport 100:9
freestanding 13:17
frequently 60:5 115:11
Friday 42:11
Fridays 39:21
friend 80:20
friends 104:14
front 44:10 99:24,25 100:6,7,21 139:16 140:5 153:20
front-yard 37:22
frontage 7:10,13 8:17 29:22 96:21 96:24 99:15,18 117:15,18 121:12 121:16 123:15 125:16,18 128:21 129:4 130:16 131:16 146:19,23 152:13,16,19,21
fruition 64:12
full 50:15 87:17 88:24,25
fully 70:8 75:9 93:5
functions 72:11
funded 75:6,9,13,18,21
funds 87:18 88:25
funnel 72:14
Further 129:10
furthermore 129:10
future 123:12

G		
G 3:2	117:25 118:4 124:21 131:17,17 147:10,10,15 153:24 154:3 156:19 157:22	head 31:23 60:15 81:22 103:11 109:8,12 152:9
Gallagher 2:16 86:2	goods 19:19	health 69:9 70:12 72:8
galvanized 72:16	Gordon 18:4,7 58:8	hear 41:7 104:25 111:23
Game 71:19	gotten 115:8	heard 40:21 60:7 65:15 83:20 93:16 96:7 97:21 100:20 103:10 110:7 119:24 124:5 137:20 141:3 149:24 157:7
garage 14:17 28:11 100:2 111:10 111:12 153:8,18 156:15	government 12:24 75:12	hearing 59:2 84:6,17 86:2 106:3 108:13 127:22 136:10 155:2
garbage 104:7,8 106:22	Governor 49:5,11	heart 3:22 81:5
Garden 30:22,24 31:22 32:7,13,21 33:5 121:8 154:6	grade 59:16	heavily 14:10
gas 102:23	grandparents 81:6	heed 107:6,7
Gavin 64:15,25 65:6 82:19	grant 59:15 60:20	heeded 157:15
gear 65:20	granted 76:23 87:4 88:12 90:9 91:14 100:23 121:22 122:5 154:24	height 28:23,25 29:7,7 37:21 142:3
general 126:25	granting 22:15 58:4,6,12,24 59:6	held 52:23 87:18 89:2 90:7,25 91:13 92:7 93:12 119:18 128:7 141:6 146:10
generally 8:14 51:16 114:6	grass 106:20	help 66:20 73:25 92:10 143:12
gentlemen 4:2	great 81:17 82:3,18,24 113:16 114:3 134:2 158:14,16	helped 80:21
Georgia 76:25	greater 122:12 130:17	helping 104:14 143:15
getting 33:12 45:7,10	Greenberg 154:5	Hempstead 37:8 47:17 96:14 100:23 101:12,21 102:25 110:16 110:17,24 111:4 114:7 146:7 149:18,21
Giampietro 89:9,16,18,25 93:21,24 94:4 95:6	Greenfield 5:8 30:13 157:11	Hempstead's 62:17 63:7 97:2 99:12 99:20 117:9,21 121:9,19 146:8 147:4
Giordano 97:11,12,16 98:14	Greenfield's 102:8	Hewlett 96:14 97:13
give 26:23 33:5 35:9 53:20 63:23 64:16 74:2 77:25 86:12 92:19 134:11 137:4	greenhouse 153:7,17	hey 26:3 49:22
given 10:12 31:24 32:8 66:14 134:9 142:16 155:21	Greg 59:14 64:6	high 39:5 70:18 105:18
gives 66:11	Gregory 2:19 100:12,16,17 102:12 103:3 107:22 110:9,12 111:8 113:2,7 115:10 116:13	high-quality 67:16
glad 157:10	grew 66:6	higher 130:20
Glen 152:9	grids 127:25	highest 40:12 66:12 67:10
go 9:7 11:11,12,21 16:17 17:18 25:9,15 26:17 30:15 62:9 65:8 66:19 69:19 70:3 71:5 74:19 81:3 82:10,12 93:23 99:8 112:15 113:22 122:5 133:11 134:21 137:23 141:5 143:19 144:21,24 147:25 149:3,20 154:22	grocery 74:16	Highway 14:18
goal 80:9	gross 29:11	history 102:5
goes 12:23 32:19 46:3	ground 77:7	hit 65:15
going 3:18 14:12 23:25 24:9 25:4 26:3 32:11,12,19,20,23 33:8 35:14,18 36:7 41:15,15 42:17,24 43:20 45:20 51:21 52:17 53:11,12 53:20 55:4 56:6 59:25 64:15 65:14 70:7 74:8 76:13 77:8,15 84:4 86:8 89:23 96:5 104:8,10 105:8,13 106:18 107:13 108:5,5,8 111:6 114:13 115:14,18 119:8,8 132:13,17 134:22 136:3 144:18 147:21,25 155:9	growing 67:9	HOESL 2:19 56:5,9,12,15 58:2 62:11 142:22
Gold 2:9 4:16,17 27:6 41:12,18 66:17 94:7,20,22 95:7 96:2 131:4 141:8 146:11,15 158:5,12	grown 66:8	home 70:23 76:17 77:22 104:6,22 112:25 113:6 154:12
golden 71:13	guess 51:11 104:10	homeless 64:18 80:24,25
golf 65:14	guise 68:20	homelessness 66:24 67:2,6,10 68:21 74:6 78:22 80:10
good 3:3,10 59:11 60:6 64:3,20,24 65:4 78:2 85:5 89:7,8,13,16 96:4 97:8,11 100:13,16,20 103:23,25	gutters 153:15 156:7	homeowners 155:22
	guys 33:9 80:17,21 81:3 159:4,7	homes 66:15 71:6 74:5 76:6,9,14 77:19 78:10,20 105:6,12 127:21 127:24 129:14,19 130:3,5,6,19,22 132:25 134:22,25 136:9 138:16 139:2,3 143:13 154:9
	Gyms 71:17	honor 66:2
		hooked 76:16
	H	hopefully 60:12
	H 2:3	horse 49:21
	half 41:15,21 42:18	hospital 74:14 77:25
	half-a-billion-dollar-a-year 66:10	hospitality 67:12
	hallway 103:19	hospitals 15:9
	Hamilton 96:13,17,18,21,24 97:12	hotel 76:4 77:3,7,7
	hamlet 18:14 37:8 58:8 62:16 96:13 99:12 117:8 121:8 146:7 152:9	
	Hand 3:22	
	Handing 127:5,15 128:3	
	handle 16:13,13	
	happen 131:9	
	happened 108:12 131:8	
	happy 80:13 92:10	
	hard 111:22 127:14	
	Harrisburg 78:15	

<p>hour 44:5,6 hours 39:24 house 102:4 105:6,17 107:10,16,19 109:2,24 110:22 112:22 122:8,11 123:10 130:22 138:9 154:16 housed 47:25 68:13 houses 76:2 126:2 131:13 133:25 136:18 137:5 138:14 143:21 housing 30:9 35:5,15 36:3,12,22 62:24 63:5 66:23 67:3,14,16 68:23 69:14,17,20 70:8 74:7 76:22 77:4,9,18,23 78:9,13,19 79:7,7 80:4 102:11 Houston 75:25 76:3,15 Howevers 104:15 huge 34:9,14 hundred 34:4 hundreds 68:12 Hyde 125:12,21 128:12,19 129:9 129:11,21 131:10 134:8 140:12 Hylan 65:3</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>II 89:20 III 86:18,23,25 87:5,12 90:2,6 94:11 illegal 101:5,19,21 image 9:11 images 136:17 imagine 35:2 114:11 immediate 108:3 130:7 impact 8:21,25 31:8 48:5 implement 48:21 implication 48:4 important 30:20 74:25 149:25 impressed 115:12 impression 108:11 improvement 119:2,2 126:12,12 improvements 87:11,15 88:19,22 89:5 90:12,21 91:18 92:3 93:4 126:8 inch 73:12 include 14:5 28:18 includes 13:17 including 13:25 31:7 104:25 incomplete 38:18 incorporate 26:20 Incorporated 100:9 125:11,20,23 128:11,13 129:8,11,15,20 incorporates 40:9 incorrect 28:7 increase 40:12 74:8 indefinitely 26:17 independent 129:24 indicate 14:8 26:12 indicated 14:8 16:2 31:10 40:23 indicating 4:3,3 14:21 23:11 27:17 48:16 75:25 78:17 79:6 82:19</p>	<p>127:13,22 indication 78:2 individual 129:25 individuals 37:18 indoor 19:7 industrial 18:21,22 20:2 58:9 125:12 130:23,24 information 63:24 80:8 148:3 infrastructure 48:8 initial 31:7,9 initially 18:17 29:4 121:18 injured 66:15 Inn 63:3 70:7 ins 102:5,6 inspect 114:10 inspected 90:17 91:23 111:4 134:10 inspection 87:10,14 88:18,21 93:3 110:24 114:2,21 147:5 inspections 108:19 Inspector 87:13 88:20 90:18 91:25 92:15,18,23 108:17 113:11 114:4 installation 19:23 58:15,22 instruct 133:4 insufficient 37:22,23 intake 73:9,16 intend 137:13 intended 40:13 intends 130:2 intent 135:2 intention 134:25 interact 71:21 interconnected 48:2 interfere 131:3 interim 102:3 interior 19:21 Intermodal 28:11 internal 68:10 intersections 31:11 introduce 103:18 invisible 154:20 involved 45:13 73:4 Inwood 118:6 Island 28:10 30:8 35:6 58:14 59:17 62:16 65:3 70:4,5 76:7 78:3 issuance 48:9 issue 3:4 11:6 30:14 34:17 issued 28:14 90:19 91:25 97:3 100:10 117:22 125:21,24 129:13 134:8 141:13 143:4 147:5 issues 32:23 67:2 72:5,7,8 103:10 111:18 It'd 11:17 It'll 3:5 item 47:15 52:22,24 84:6,17 items 20:16 139:24 IV 87:24 88:4,7,8,13,16,19 91:6 91:11 94:16</p>	<hr/> <p style="text-align: center;">J</p> <hr/> <p>J 2:6,24 89:19 161:4,13 Jackson 100:18 January 96:8 Jed 126:24 Jericho 93:25 Jersey 78:7 Jerusalem 103:8 Jim 138:2 job 136:23 jobs 71:4 John 2:21 86:12 92:14,22 122:25 joining 64:16 July 5:20 58:25 87:9,13,14 88:17 88:21 90:8,20 91:14 92:2 99:7 100:21,24 101:10 June 87:6 88:14 Junior 89:19 jurisdictions 32:16,17</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kalaty 2:10 4:11,12,14,15 12:6,11 45:21 46:22 51:3 60:25 94:19 98:7 124:11,14 150:15 Katz 2:20 4:10,14,16,18,20,22,25 5:3,5,7,11,15 7:4 9:12,15,18 10:5 10:11 11:8,23 12:4,7,10 13:7,9,22 15:18 16:7,10,18 17:23 18:2,5,10 18:13 19:5 20:11,13,20 21:2,7,10 21:14,19 22:2,11 23:19,21,24 24:3,11,16,18,22 25:3,11,21 26:10,12,16,19 27:2,23 31:19,23 32:2,5,9,11,18 33:3,7,21 34:3,8 34:10,13,15,23 35:3,16,20,24 36:9,13,17 37:6 42:2,6,20 43:4,12 43:17 45:6,11,16 47:14,21 49:9 51:2,4,10,14 86:4,7,10,13 89:21 92:14 93:2 keep 25:14 100:25 keeping 8:20 kept 51:20 Kevin 59:9,12 63:24 64:4 81:24 82:8 KHANDAN 2:10 kind 8:25 15:6 16:10 25:9 41:25 42:24 49:21,21 50:5 109:5,11 115:19,20 155:16 kitchen 65:25 66:9 70:19 101:19,21 108:21 109:4,11,17 111:2 113:19 knew 44:12 knit 72:21 knocked 155:8 know 15:3,6,8,12,12 16:12,15 20:16 24:6,24 25:22 26:2,4,14,22 30:12 32:3,6,11 33:21,21,24,25 34:19 41:5,6 42:10,23 43:3,9 44:13,16,17 45:12 48:16 50:5,14</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

51:14,19 52:17 60:5 70:4,6,6 71:8 73:14,25 74:21 75:3,4,6,19 76:18 80:25 81:5,24 82:7,17,25 104:15 105:4,12,17,18,23 106:5,17,23 107:3,5 109:5 111:16,20,22,23 112:11,15 113:15,16,17,21 114:24 115:8,10 127:13 131:6 135:4 137:3,10 140:20 143:24 155:4 156:14,25 157:11	levels 29:23 31:11 Lewis 2:4 3:13 4:23,24 9:6,13,17 12:17 15:11 16:3,23 17:3,7,13,15 17:18 20:10,12,14,21 21:3,8,12 21:17,23 22:3 23:18 24:14 25:2,4 25:12,22 31:17,20,24 32:3,6,10 32:15,25 33:4 41:17,22 42:3,7,21 43:7,13 45:18,24 46:8,11,13,16 46:20,23 47:5,8 49:4,10 51:9,11 52:6,19 53:2,5,17 56:18 60:3,18 60:22 62:2 79:12,16 83:24 84:3 108:23 109:9,13,19 110:2 111:19 115:6,24 118:20,24 119:6,12,15 125:11,16,18 128:10,18,21 136:5 136:16,20 147:10,14,18 148:10 148:16,19,22 149:5,9,12,23 150:6 150:10,16,21,23 152:2 155:13,20 156:3,11,16,19,24 157:4,13	148:17 155:14 looked 42:15 89:7 looking 60:12 71:11 Los 78:21 lose 41:15,21 lost 80:20 lot 7:9,12,13 8:17 9:8 15:12 37:18 44:2 49:16 58:18 80:23 96:16,18 96:20,23 99:17,19,22,23 100:3,4 100:5,8 101:3 102:6,6 105:19 111:17 117:4,14,15,23 118:8,11 118:12,17 121:14,15 122:8,10,12 122:15,17 123:7,10,11 125:17 128:23 129:6,23 130:22,24 146:22 148:6,7 149:18,19 152:15 152:18,21 153:4,4,6,19,19 156:4 lot's 8:19 lots 8:13,16,16 9:8,16,18,19,20 10:6 10:14 108:9 123:9,14,15,16,19,20 123:22 128:16 129:3,7,24 130:8,9 130:10,10,18,19 140:13 148:5
knowledge 82:17,20 101:20 known 79:2 128:15 knows 55:4	library 7:14,20 8:5,9,22 9:18 38:9 license 73:13 licensed 127:2 life 76:18 80:21 Light 20:2 58:9 limitations 23:12 26:14 48:16 81:20 Lincoln 78:23 line 11:25 30:22 96:18 99:24,25 100:6,7 117:4,14,23 118:8,11,12 128:13 129:23 133:15 135:13,16 148:11,14,21 153:20 154:20 lines 58:14,16 59:16 148:6,7,18 LIPA 58:7,24 59:15 listed 130:3 listen 103:13 114:19 litany 69:4 70:16 71:15 77:11 literacy 72:3 74:24 little 10:6,7 35:20,22,22 37:18 71:8 71:10 74:2 76:11 live 43:25 71:13 79:23 104:3,21 109:3 131:9 living 70:21 106:16,19,24 107:9 109:2,10 134:19 LLC 89:20 100:17 load 104:9 local 12:24 14:20 16:20 20:7 22:5 23:8,10 31:13 48:15 50:3,23 51:6 51:7 52:4,7,10 localities 49:15 located 30:11,21 62:15 63:6 123:6 126:7 128:10 location 30:11 76:7 78:3 Logan 147:23 long 22:13,16,17,21,22 28:10 30:8 35:6 44:5,6 50:6 58:14,19 59:17 63:3 70:4,6 92:16 140:4 long-time 108:2 109:25 longer 139:16 look 25:20 49:18 123:18 132:9	Louisiana 69:3,12 lower 130:22 luck 85:5 lucky 81:7 luxury 30:7 Lynbrook 13:10
<hr/> L <hr/>		<hr/> M <hr/>
Labor 159:8 Ladies 4:2 land 63:15 67:13 81:15 128:17 131:13,19 153:18 landlords 69:7 lane 7:14,15,16,16,16,21 8:5,9,22 8:23,24 93:24 language 25:8 large 42:10 67:11 68:2,4 76:9 79:11 larger 7:22 9:19 10:23 71:6,6 130:9 largest 78:12 128:24 Las 78:11 Laughter 41:11 45:23 56:19 83:8 83:10 92:17 111:25 114:25 122:2 147:17 150:5 157:16,18 law 22:23 23:8 53:22 89:18 154:4 LD 12:20 17:9 22:4 25:6 27:8,10 28:14 32:10,12 36:11 50:21,23 lease 18:25 leave 44:15 leaving 90:10 91:16 left 4:3 78:16 79:24 123:12 Legal 70:15 72:4 legalizing 108:20 legally 108:9 legislation 22:25 Legislative 1:12,13 Legislature 60:23 82:13 84:14 94:9 length 58:20 LEONARD 2:3 lesser 100:8 let's 5:13 7:2 16:9,16,16,17 17:18 55:2 56:2 99:8 135:20,20,20,21 135:21,21 139:23 144:24 152:3 157:23 letter 14:21 16:13,15,21 17:9 23:11 25:6,7 27:8,10,17 32:21 33:5,10 34:16 36:11,21 48:16 50:20 51:4 51:10,12,15,17,19 52:20 53:6,22 97:3 100:10 117:22 125:22,24 129:17 147:6 149:14,17 letters 155:3,4 letting 112:25 level 50:2	main 60:8 118:15 maintain 100:8 101:13 maintenance 19:6,12 75:18,21 major 39:3 73:20 106:20 making 30:15 128:23 133:3 management 68:7 69:24 70:11 72:6 73:23 manager 91:4,4 92:10 managing 42:25 Manatee 77:14 mandated 34:25 manned 73:6 mantra 79:22 manufacture 76:8 manufacturer 19:2,19 map 10:4,10,12,13,14 86:16,23 87:22 88:5 94:15 127:19,19,22 128:17,25 130:10,19 136:8 maps 149:7 march 76:21 80:8 Marion 99:16,18 marked 16:22 market 130:2 143:24 marketed 130:5 marketing 143:23 Marti 101:6,24 102:5,7 103:7,7,11 103:15,17 107:25 109:8,12,18,21 110:22 113:3,10 116:12 Marty 2:20 4:7,13 5:13 9:10 11:7	

17:22 23:20 86:6,8 92:16 mass 44:5 materials 136:6 math 41:23 matter 43:11 137:14,17 161:8 matters 47:22 maximum 37:21 81:24 153:9 mean 16:9 34:17 41:14 42:4 49:14 81:21 82:3,23 133:4 140:20 149:3 meaning 109:10 means 12:23 80:22 96:18 109:20 117:14 measured 101:11 meat 72:10 mechanicals 28:25 medical 13:16,23 14:4,12,15,18,24 15:2,4,6,12,22,25 78:12 meet 144:3 meeting 1:2 3:15 13:21 19:4 43:16 47:20 50:13 59:5 84:9 99:7 106:25 107:6 125:8 126:17 146:21 147:2 152:24 153:13 159:9 meetings 149:25 member 131:22 138:7 members 12:19 66:16 72:16 89:17 126:23 134:20 memo 90:19 92:2 Memphis 77:6 Men 19:16 mental 69:9 72:8 mention 105:22 mentioned 59:14 64:6 82:19 90:16 merits 136:12 Merrick 103:8 meter 102:22,23 metro 67:11 68:4 79:11 Michael 100:17 115:10 Microphone 4:13 141:8 microphone's 146:13 middle 148:12,21 midnight 78:8 Mike 100:12 miles 65:21 mine 108:3 Mineola 1:15 27:25 28:5,9,11 30:25 33:13 minimum 7:12 122:15,17 minor 96:1,5 97:1 98:1 99:1,4 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1,4 122:1 123:1,24 124:1 125:1,4 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1	144:1 145:1 146:1,4 147:1 148:1 149:1 150:1 151:1 152:1,6 153:1 154:1 155:1 156:1 157:1 158:1 160:16,17,18,19,20,21,22 minus 128:23 129:5 minute 83:17 minutes 3:5 4:5 77:24 misses 157:21 mission 66:20 misstatement 142:21 mitigation 31:12 mix 29:14 mixed 28:8 45:7,10 model 67:5,17 70:10 modification 8:11 9:9 11:14,18,19 11:21 12:22 13:4 16:14 modifications 20:5 modified 30:16 modify 30:18 modularly 76:8 moment 70:17 money 73:8 142:13 month 68:12 115:16 months 23:3 24:13,14,15,16,18,21 25:15,16 26:22,25 27:18 50:7 143:22 moratorium 22:13,14 23:5,13 25:17,18 26:2 47:19,22 48:14,17 49:3,6 50:4,16,24 51:20 53:20,21 moratoriums 23:4 25:14 morning 3:3,10 59:11,22 64:3,20 64:24 65:13 89:13,16 91:3 96:4 97:8,11 100:13,16,20 103:23,25 104:12 117:25 118:4 mortgage 80:22 mortgage-free 66:14 74:5 mosque 37:13,14 39:14 mosque's 39:23 motion 5:18 6:3 11:12 12:16 17:4,7 17:16 21:25 22:4,9 27:7,9 36:19 36:20 37:4 46:17,19,21,24,25 50:19,19 52:10 53:24 54:6 55:6 55:14 60:19,20 61:6 62:3 83:14 84:2,4,5,16,16,25 93:10,19 94:8 95:5 98:2,4,12 115:23,25,25 116:11 120:3,5,12 124:8,10,19 145:2,4,4,15 150:11,13,16,24 157:24 158:2,10 159:2,5 Motor 63:3 70:6,6,7 move 19:16 55:3 59:15,16 91:6 108:11,16 113:13,25 114:24 132:12 135:20 136:4 137:5 139:23 144:20 157:23 moved 5:21 55:8 108:4 moving 19:15 104:18 108:7 113:12 144:21 multifamily 102:10 Multipurpose 71:18	mundane 71:3 MURRAY 2:7 Music 72:24 <hr/> N <hr/> N 2:2 3:2 160:2 161:2 name 64:21 65:6 89:13,17 97:8 100:13 103:4,23 106:10,12 117:25 118:4 122:21 126:20,24 137:23 147:13,18,22 153:25 names 74:10 Naples 64:16,24,25 65:6 79:15,18 81:12,18,22 83:3,9 85:2 Nassau 1:4 3:15 31:2,3 58:11,25 60:23 62:13,20 79:13 90:18 91:24 94:9 128:17 149:19 nation 66:14,18 67:9,24 68:8,16 69:13 79:11 National 68:6 69:24 73:23 nationwide 67:7 69:22 80:6,11 nature 8:20 nay 47:6 NCDPW 58:23 92:23 NCPC 7:4 13:9 16:25 18:13 22:3 27:24 37:7 46:19 47:16 50:19 55:1,5 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1,1,16 87:1,1,21,22 88:1,1 89:1,1 90:1,1 91:1,1 92:1,1 93:1,1 94:1,1 95:1,1 96:1,6 97:1 98:1,4 99:1,4 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1,4 118:1 119:1 120:1,5 121:1,3 122:1 123:1 124:1,10 125:1,3 126:1,9 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1,3 147:1 148:1 149:1 150:1,13 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1,2 160:3,4,5,6,7,8,9 160:10,11,12,13,14,15,16,17,18 160:19,20,21,22 NEAL 2:4 nearest 74:14 nearly 65:21 66:9 79:3 neat 156:21 necessary 131:7 132:8 need 13:3 15:4 30:17 36:7 66:2 68:17 74:19 108:14 114:2 135:25 needed 15:17 102:3 135:2 needing 42:16 needs 39:23 52:15 72:17 75:14
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>107:11 Neg 11:14,16 124:10 145:5 Negative 98:5 116:3 120:6 132:22 150:14 158:3 neighbor 101:4 104:2 neighborhood 8:15 127:10,20 130:18 neighborhood's 8:20 neighbors 45:2,6,12 101:9 108:2 Nelson 126:23,24 127:7,18 128:5,9 131:11 132:2,7,12,15,20 133:2,8 133:11,14,16,20,22 134:5,8,14,16 134:23 135:4,7,10,14,17,22 136:5 136:15,19,22 137:6,9 145:16 Nemiroff 147:13,15,20,22 148:14 148:17,20 149:3,7,10,16 150:3 151:3 network 68:7 69:25 73:23 Nevada 68:25 69:10 78:12 never 65:23 79:22 118:9 131:14 134:13 142:9 new 1:15 25:23 35:6 49:22 63:12 65:3 66:4 68:10 74:3,12 77:20 78:6,7 92:24 93:25 97:13 100:18 103:8 105:16 106:14 118:6 121:23 122:4,10,12,15,17 123:4 125:12,21 126:3,25 127:2,4 128:12,19,19 129:9,11,13,14,18 129:21 130:5,9 131:10,20,20 134:6 140:12 147:24 154:6 newest 66:20 newly-created 122:8 Newsday 87:20 newspapers 52:23 nice 151:4 156:20 nicer 60:12 night 78:7 79:20,21 104:24 105:3 NIMMO 2:14 50:11 nine 134:2 nine-story 28:8,8,13 29:21 nobody's 105:2 134:24 nodding 31:23 60:15 81:22 103:11 109:8,12 non 10:23 non-conforming 8:9 10:24 11:2 110:18,20 non-conformity 8:19 non-jurisdiction 100:10 125:25 129:17 non-sub 7:23 non-subdivision 7:24 8:7 normal 82:11 normally 9:11 13:2 23:13 50:6 north 19:15 37:8 47:17 104:3 121:7 121:9,19 146:6,8 147:3 149:18,21 northeast 8:3 96:12 northern 117:13 note 126:2</p>	<p>noted 31:5 154:23 notice 107:12,14 noticed 87:19 89:3 notified 112:14,16,19 127:21 number 28:19,21 105:7 numbers 16:4 42:24 69:23 74:8 148:7 numerous 138:23 140:5 nursing 77:22 nutshell 132:6</p> <hr/> <p style="text-align: center;">O</p> <p>O 3:2 18:23 161:2 O'Brien 2:15 4:13 5:10 50:21 51:5 51:16,24 52:3,8,12 56:4,17 57:6 60:21 114:6,16 121:23,25 125:5,8 146:20 153:12 157:19 O'Dougherty 90:19,23 91:25 92:19 92:22,22 Oak 96:13 object 133:20 objection 132:2 objective 23:16 67:21 70:24 objectives 23:16 obligate 59:25 obtain 75:3 obviously 26:14 70:5 73:11 75:19 78:3 89:6 occupancy 40:13 occupied 39:12 63:2 occupy 19:3 occur 19:24 34:21 73:5 occurred 96:8 October 57:5 off-site 30:11 off-street 111:10 offense 73:20 offers 106:2 office 14:19,24 15:2,7,22 18:21 19:18 59:12,23 63:18,25 64:4 82:9,9 102:16 offices 13:16,23 14:5,12 19:9 89:18 123:3 127:3 Oh 20:11 45:14 83:17 127:6 okay 4:10 5:12,13,17 7:4 12:2 13:7 16:18,23 18:12 22:2 24:17 25:11 26:10 27:3,21,23 33:16 36:5,13 36:17 37:6 45:13,17 46:20,23 47:14 51:25 53:24 55:2 56:2,12 56:16,20 86:4,10,11 89:25 93:14 94:7 97:19 99:3 103:2,15,16,20 106:15 107:25 108:14 110:2,3 112:23 114:9,15 115:3 117:3 118:24 121:3 125:9 131:9,12,14 132:3,20,21 134:21 135:22 138:22 139:4,11,18 140:3,6,19 142:7 143:5,10 144:4,10,11,17 145:3,4 146:3 148:16,19 149:12</p>	<p>150:6 157:4 Old 89:20 older 7:23 11:4 71:8 74:20 76:10 on-site 38:14 on-street 9:2 39:9 40:2,10,18 43:14 43:18 onboard 68:11 once 35:9 39:24 41:10,20 45:24 46:2 77:4 79:8 108:7,8,18 138:7 138:12 one-bedroom 29:15 one-bedrooms 76:10 one-car 111:11 one-family 101:23 102:18 110:25 one-story 13:13 18:18 19:17 37:13 one-way 7:18 one-year 47:21 48:18 ones 79:25 157:22 online 70:2 onsite 71:23 open 62:4,8 123:12 opened 59:3 opens 34:7 operate 31:11 operates 34:5 operations 39:13 opinions 41:19 opportunities 69:10 74:18 opposed 5:25 12:14 17:13 27:14 37:2 47:5 54:4 55:12 61:4 84:23 95:3 98:10 116:9 120:10 124:17 145:12 150:21 158:8 option 84:10 oral 128:2 order 113:25 119:7 ordinance 153:11,21 organization 66:10 79:2,14 80:19 organizations 72:13,15 73:24 80:6 original 90:5 91:12 119:3 originally 96:7 128:20 Os 134:9,11 OSPAC 56:4,4,5,10 58:1,3 59:1,5,5 59:19 60:1 61:1 62:1,3,12 63:1,9 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1,7,8,18 85:1 160:11 160:12 outrageous 50:10 outside 68:4 101:9 over-intensive 9:21,21 10:7 overflow 39:23 40:4 overhead 58:14 overlay 34:19,20 oversized 11:3 Ovington 123:3 owner 104:13 112:25 113:3,5,5 126:5,6 131:22 138:2</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

owners 105:25 130:14	140:3 155:6	play 65:14 115:15
Oyster 18:14 58:9 152:10,25	percent 34:4 68:5 81:9 82:20 111:21 123:16,21 130:9,17	please 4:6 17:10 27:20 64:22 89:14 92:19 97:7,9 100:14 103:24 106:9 118:2 126:21 131:11
P	perfect 12:2,9	Pledge 3:20,20,23
P 2:2,2 3:2	perform 93:2	plenty 39:25 40:2
p.m 1:8 159:10	performance 90:4 91:10	plot 32:17
Pace 22:23	performed 88:19	plus 128:22 129:5 156:5
pack 44:18	period 40:12 44:7 48:3,14 59:3 62:4,8	point 25:5,13 33:7,11,15 49:5 50:7 53:6 106:9 108:24 143:8 156:17
packet 127:7	periods 39:9	Pointe 86:17,23 87:22 88:5,9 90:2 91:11 94:12,15
pads 76:16	permanent 67:13 70:8,23 71:12 76:22 77:4,9,18,23 78:9,13,19 79:7 80:4	pointed 104:16
PAGE 160:3	permission 58:11 62:20 131:18,24 137:5	pool 106:21 118:17
paid 80:22	permit 107:9 110:20 129:19 149:21	pools 104:16
pair 67:16	permits 48:10 108:20 110:23 111:3 129:13 134:9	population 66:21
Pairing 71:2	Permits-R-U s 100:17	portion 96:17 117:13,14 122:9
paper 155:15	permitted 21:15 37:21 109:20 153:10,21	position 135:24
parcel 62:19 81:15 117:13,14,18 128:24 129:3 131:13 154:16	perpetuity 75:19,22	positioned 122:10
parcels 99:16 121:13 125:16 146:19 152:14 154:21	PERRAKIS 2:21 57:3 128:4,6	positioning 80:3
Park 18:22 62:16 70:5 76:7 78:3 121:8 125:24 128:12,14,19 129:9 129:11,16,21 131:10 134:8 140:10,12	Perri 147:23	possible 73:22
Park's 125:12,21	person 131:20	potato 72:10
parked 106:19	personally 81:10	potential 101:5 102:5
parking 9:2 13:11,19,19 14:2,3,9 14:14,14,16,22,22 15:15,19 16:11 28:11 29:9,23 37:11,23,24 38:2 38:12,14,19,21,25 39:2,5,6,9,10 39:11,17,19,21,23,23 40:2,5,6,7 40:10,15,17,17,18,23,25 41:3,5 41:13,13,19,19,24 42:16,22 43:2 43:10,14,18 104:21,23,24 105:3 111:6,9 130:24	personnel 23:2	pound 136:24
part 7:24 50:15 55:3 74:25 84:12 87:2 88:9 110:15 114:23	persons 39:15	pounds 65:20
participation 80:15 85:4,6	perspective 42:15	practice 114:18
particular 45:13 63:8	pet 72:22	practices 80:7
parts 19:10 78:6	Phase 76:5	prayer 37:17 44:6,24
pass 64:15 135:21	photographs 127:8	prayers 42:11
paths 71:3	physical 128:18	precluded 73:21
patients 14:24	pick 19:13	premature 33:15
PATRICK 2:16	picture 75:24 78:17 133:24	premises 36:22 107:17 122:9
patrons 14:23,24 16:11,22	pictures 107:2	prepared 31:7 127:7,19
Paulina 89:9,18	piece 131:25 141:21	presence 74:3
paved 7:17	pitfalls 75:16	Present 2:23 4:17,19 5:2,4,6
pay 105:20	Pizzulli 89:19	presentation 64:17 79:20 84:11 128:2 132:7 133:4 135:23 136:4 155:12
payment 132:22 145:6	place 23:4 71:12 79:23 81:3 83:6 96:13 102:3 108:15,15 114:12 161:7	presented 40:22 41:23 63:13 115:15
PC 89:19	placed 23:12 48:17 102:24	President 64:17,25
peak 39:9	places 67:9 69:4	pretty 14:9 60:4,14 78:2 112:12 147:20
penalizing 138:10	placing 76:13	prevailing 9:25
Penalties 126:5	Plainview 86:17,17,24 87:23 88:5 88:10 89:20 90:2 91:11 94:13,16	preventing 114:13
penalty 126:10 132:23 145:7	plan 14:13,25 16:14 18:16 20:6 29:21	prevention 48:8
Pennsylvania 78:15	planned 118:19	previous 28:4 92:25
people 15:13 39:14,16 43:2 44:2,7 44:17,23 52:16 72:18 104:8,13,25 105:7,20 106:16,24 107:9 108:25 114:8 134:19 138:24 139:6,16	planning 1:4 3:15 22:18,19,24 23:6 23:15 24:12 25:24 28:12,14 31:3 38:17,22,23 40:7 59:2 82:12 87:4 87:7 88:12,15 125:21 138:7 140:10	previously 28:4 38:16 63:8 90:16 119:13 154:23
	plans 48:11	price 105:21
	plate 73:13	primarily 7:25
	platform 67:19	principal 153:10

<p>106:6 112:13 132:6 136:16,17,21 problems 136:25 procedures 64:10 73:16 proceedings 3:1 4:1 5:1 6:1 56:1 159:1 161:7 process 22:18 23:23 25:16,23 33:12 50:15 52:21 64:10 82:11,11,14 84:15 108:6 110:15 143:19 150:2 product 30:8 program 68:6 74:25 programs 64:18 66:12 75:17 project 20:5 28:4,16 29:18 31:7 37:20 64:14 75:9 79:13 82:18,18 82:21 89:11 projects 49:15 67:22 Promenade 152:9,13,16,22 prong 68:6 properly 23:6 87:19 89:3 properties 7:20 8:6,8 10:13,16,24 33:18 67:12 93:3 102:6 105:5 118:13 134:10 148:25 property 7:9,25 8:4,4 9:22 10:8,16 10:17 30:21 58:20 62:14,15,21 63:8,9,11,14,19 64:7,11 79:6 80:22 96:11 99:10,15 101:6,11,25 102:10 108:4,8 117:7 118:21,23 121:6,11 123:6 125:10,15 126:6 127:10 128:9,12,15 129:12,24 130:13,14 131:22,25 132:24 134:13,19 138:2 140:14 141:19 141:21 146:5,18 148:12 152:8,12 153:20 154:10,15 155:16,18 Property's 63:6 proposed 7:7,9 8:12 13:12,23 14:3 14:15,16,18 15:21,25 19:25 22:13 22:14,20 28:17,20,22,24 29:2,10 29:12 30:20,21 37:12 40:24 41:2 47:21 58:12 63:5 96:20,23 97:4 99:17 100:11,22 102:19 111:8 117:15,23 121:14,15 122:7 125:17,22,25 126:12 129:2 130:8 130:17 146:22 147:6 152:15,18 152:21 154:19 proposes 96:15 99:14 117:11 125:14 146:17 152:11 proposing 29:5 37:15 76:6 78:5 100:25 Prospect 92:23 protect 80:2 provide 23:14 29:15,16 34:16 40:16 64:13 68:12,16 69:14,20 71:23 75:5 77:3 79:6 provided 13:25 14:2 29:24 33:10 34:18 37:25 38:15 69:16 74:4,12 129:16 providers 68:15 80:4 provides 72:10 providing 67:3</p>	<p>provisions 23:7 59:23 prudent 23:3 PSE&G 59:15 PTSD 69:8 72:7 public 12:19 45:3 59:2,4 62:4,7 75:4 82:18 83:15,19 84:6,17 89:5 90:20 91:18,24 92:3 93:4,15 97:21 110:7 119:24 124:5 137:20 141:3 157:7 purchased 108:4 purpose 33:23 purposes 12:18 78:4,4 154:18 pursuant 126:3 129:19 put 13:5 25:7 26:8 33:25 35:15 42:8 42:25 50:12 57:3 65:20 79:3,22 81:20 104:7 107:12,13 138:9 141:8 143:23 putting 139:2</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qualitative 67:17 72:11 quality 70:19 quantify 39:2,8 quarters 106:19 question 21:24 32:25 43:9 115:21 150:7 question's 51:12 questions 9:4 27:5 45:19 59:9 80:13 83:12 89:12 91:5 92:9,13 93:7 97:24 99:7 107:23 110:4 114:22 119:21 124:2 137:16 155:11 quick 99:9 quilts 72:21 quorum 5:12 quote 40:2</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 2:2 3:2 161:2 R1-7 152:10 radius 10:3,9,12,13,14 74:19 123:19,20,22 127:19,19,20,22,24 128:25 130:10,18 136:8 149:7 Railroad 28:10 58:15 59:17 raised 59:20 ran 65:20 range 130:20 rates 67:10 ratings 66:13 raw 67:13 re-jurisdiction 31:18 re-striping 19:24 read 155:4 real 59:13 64:5 82:9 99:9 112:13 126:6,25 129:25 reality 134:18 really 24:6 43:10 49:17,20 73:3 81:4,4 106:5 107:11 148:6,20</p>	<p>reappointment 117:17,20 reapportionment 118:12 rear 96:16,17 118:17 128:12 153:20 reason 90:24 92:6 105:19 118:9 155:21,21 reasonable 74:19 reasons 38:24 reassurances 115:9 receipt 5:16,19,19 receive 68:22 received 63:10 78:8 receiving 18:23 77:21 127:6,16 128:4 rechargeable 47:25 recited 3:23 recommend 60:21,22 94:8 recommendation 9:7 11:11,13 16:20 25:5 36:2 53:13 132:14,18 133:8 recommendations 26:6 50:3,9 recommended 31:12 38:23 46:2 recommending 8:11 14:20 23:10 recommends 20:7 31:13 48:15 87:17 88:24 record 50:12 57:4 64:21 73:19 89:14 93:13,22 97:9 100:14 103:5 103:24 106:10 115:7,8 118:2 119:19 122:22 126:21 128:8 135:25 137:24 141:7,9 146:10 153:25 156:12 recorded 102:14 recording 118:10 recovered 65:23 rectangular 7:8 recused 17:12 47:4 125:5 150:20 reduce 8:18,25 90:9 reduction 8:16 41:2 87:8 88:16 91:15 refer 32:14 53:6 reference 106:16 referral 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1,25 32:1,8 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1,18 48:1 49:1 50:1 51:1 52:1,21,21 53:1,3 54:1 referrals 13:4 referred 32:13 reg 34:18 regard 31:9 regarding 23:16 regards 104:5 registration 3:8 registrations 4:4</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>REGULAR 1:2 regulations 34:19 48:25 rehabilitation 67:19 Reid 2:11 45:22 146:12 reintegrating 71:10 76:12 reintegration 67:19 70:25 reiterate 52:21 108:24 relatively 114:9 118:21 release 86:15,20 87:17 88:2,25,25 90:3,14,24 91:9,20 92:6 94:10 releases 86:5 93:10 rely 115:14 relying 43:14 remainder 86:20 88:2 90:4,10 91:9 91:16 remaining 90:15 91:21 removed 113:19 removing 59:20 renovate 79:5 renovation 75:21 76:4 77:2 rental 28:17 30:12 105:18 107:8 rentals 33:17,25 repair 75:2 repaving 19:23 replacement 58:13 report 86:12 92:20 representative 63:22 reputation 75:20 request 28:3 58:23 59:14 90:9 91:15 123:24 requested 38:19 58:17,21 requesting 58:11 62:20 86:19 87:25 90:3 91:9 148:11 requests 63:18 90:14 91:20 99:21 153:2 require 12:25 13:24 21:15 30:22 32:21 39:15 required 20:18 37:24 38:7 39:17,24 41:24 42:10 46:6 49:3 153:20 requirement 33:9 38:2 requirements 15:19 39:11 129:8 requires 7:12 13:22 14:6 15:19 20:4,5,15 37:14 rescind 144:24 reserved 14:22,23 residence 110:18 118:18 residences 70:18 residential 7:11,20 8:6,8,10 24:4,5 99:13 117:9 121:9 128:24 146:8 residentially 7:14 residents 48:7 112:17 resides 154:15 residing 118:5 resources 80:8 respectfully 90:14 91:20 respond 72:17 103:14 responders 62:25 66:16,22 74:4 response 4:12 6:2 9:5 12:15 17:14</p>	<p>27:15 32:2 37:3 41:8 46:15 47:7 54:5 55:13 60:17 61:5 83:13,21 84:24 93:8,17 95:4 97:22,25 98:11 110:5,8 116:10 119:22,25 120:11 124:3,6,18 137:18 140:25 141:4 145:13 150:9,22 157:8 158:9 responsibilities 22:19 responsive 75:14 rest 76:18 136:2 144:22 restored 60:11 restoring 60:7 resubmitted 40:8 result 8:21 38:13 retail 13:13 return 90:24,25 91:22 92:7 Reunification 71:5 review 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1,20 23:1,6,17 24:1,12 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 59:18 revised 40:6,8 right 3:17 4:3 7:2 18:10,10,12 20:20 21:2,7,10,20 22:11 24:22 25:3,21 27:2,2 31:23 33:11 35:8 36:9 41:17 42:7 43:12,15 51:10 51:23 52:17 53:4,14,16,17,23 58:2 60:23 78:15 82:5 84:16 86:13 89:23 93:14 108:25 113:7 114:17 131:25 135:8 139:14 146:16 147:20 152:2 156:3,9 157:17,20 rise 3:19 River 78:7,16 Riverside 76:20 Rivian 18:25 road 7:19 8:23 12:7 29:3 roadway 7:16 Robbins 93:24 ROBERT 2:15 rock 56:3 rodeo 140:6 roll 4:7 56:3 RONALD 2:6 roof 28:23 29:2 room 37:17 49:12 101:17 rooms 71:18,19,20 Roosevelt 1:13 99:12 104:4 106:13 root 44:22 67:17 71:24 row 9:19 rows 47:25 Rs 102:10,14,24 Ruiz 154:14 155:7</p>	<p>rule 109:14 rules 4:6 49:16,18 108:25 115:19 Ruling 121:21 running 58:20 runs 63:14</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 2:2 3:2 sacrifice 65:24 safety 71:12 73:9,10 147:5 Sahn 123:2 Sakowich 2:11 5:5,6 11:5,10,17,20 12:2 16:8,16,19 17:20,24 18:4,6 18:12 24:15 27:9 33:19,22 34:6,9 34:11,14,22,24 35:8,13,17 36:4 36:16,20 43:19 45:9,14,17 46:7 46:10,12,18 50:18,22 51:7,23 52:9,13,25 53:4,10,14,16 57:8 81:13,19 82:2,6,23 83:4,16 84:20 111:16,20 112:2,5,9,23 113:4,15 113:24 114:15,19 115:4 116:6 124:9,12 131:2,6,12 132:3,11,13 132:17,21 133:6,10,12,15,18,21 133:23 134:7,12,15,17,24 135:6,8 135:12,15,19 137:2,7 138:4,5 141:5,10,16,20 142:15,19,24 143:3,7,10,17 144:2,5,8,11,14,23 145:3,17 146:14,20 150:20 153:12 159:2 sale 30:7,8 130:4 138:10 139:2 Sandy 64:8 sat 136:10 138:5,11 140:4 142:8 143:22 satisfy 39:22 saving 65:22 saw 131:4,5 saying 9:10 15:15 16:21 35:9 42:14 42:14 104:13 106:4 109:16 113:20 114:16,17 132:16 133:7 136:12 149:14 says 25:9 28:8 51:19 75:24 104:17 scald 138:14 142:7 scalding 143:12 scanners 73:14 School 22:23 scores 75:3 scratch 55:4 screen 9:13 screened 73:18 screening 73:9,16 Seaford-Oyster 19:20 second 5:22 12:3,6,11 16:24 17:2,5 17:6 22:6 27:11 36:23 46:21,22 50:25 51:3 52:18 53:25 55:9 60:25 62:5,6 68:6 84:19,20 94:23 94:24 98:6,7 107:19 111:2 116:4 116:5,6 120:7 124:11,14 131:3 145:8,9 150:15 158:5</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

second-floor 37:16 38:9
seconded 17:8 46:24 150:17
section 86:17,23 87:12,24 88:4,7,8
 88:19 90:12 91:19 126:4 128:16
security 65:19
see 23:9 42:23 78:3,17 80:24 104:6
 104:9 113:17 118:15 133:25
 136:17 140:4 155:15,17 157:10
 159:4,7
seeing 17:15 83:22 93:9,18 120:2
 124:7 150:10,23 157:9
seeking 62:23 118:11 123:8 154:17
seeks 66:20
seen 63:9 82:22
self-contained 48:2
sell 64:11 108:8 110:22 130:3
 134:22 135:2 137:5 143:12,24
selling 101:24
send 12:20 73:23 84:6,14,17
sense 25:6 50:2 106:4 156:4
separate 109:4 119:3 148:21
 152:13 154:21
separation 109:24
September 28:6 55:7 57:5,6 65:13
 104:19 108:16 113:13,18 114:20
 114:22
serves 14:18
service 19:6 20:3 21:4 31:12 44:24
 66:15 67:17 68:15 70:9 71:15
service-related 19:25
services 15:5 59:13 64:5 67:15
 68:17 69:21 70:16 71:23 72:12,14
 73:5 74:7 77:12 82:9
session 40:22
set 30:10 35:5 148:7
setback 37:22 99:25 100:7 122:14
 122:16 153:9 156:7
setting 7:24 8:7
sexual-based 73:20
shaped 7:8
Shapiro 2:3 3:3,10,14,25 4:20,21
 5:9,13,17,23,25 6:3 7:2 9:3 10:3,9
 11:15,19 12:3,9,12,14,16 13:8,21
 17:11 19:4 22:7,9 23:20,22,25
 24:9,17,19,23 26:7,11,15,18,21
 27:3,7,12,14,19,21 33:16 35:23
 35:25 36:5,10,14,18,24 37:2,4
 41:4,9 43:16 47:3,20 50:17,25
 51:18 52:11 53:8,11,15,19,24
 54:4,6 55:2,10,12,14 56:2,6,11,13
 56:16,20 57:7 60:16 61:2,4,6,8
 62:5,7 64:20 83:11,14,17,22,25
 84:19,21,23,25 85:5 86:6,8,11
 89:13,24 92:12,15,18 93:6,9,14
 93:18,23 94:3,6,23,25 95:3,5,8
 97:8,14,19,23 98:2,6,8,10,12
 100:13 102:9 103:2,4,9,12,16,20
 105:9,11,15 106:8 107:21 110:3,6

110:9 111:5,15 112:3,7 113:22
 115:2,5,22 116:4,7,9,11 117:25
 119:20,23 120:2,8,10,12,14
 122:21 123:25 124:4,7,15,17,19
 124:22 125:7 126:20 137:15,19
 137:23 138:4,17,20,23 139:6,9,12
 139:15,18,21 140:3,16,18,23
 141:2,15,18 142:17,23 144:15,18
 144:25 145:8,10,12,15 146:12
 147:2 150:19 152:24 153:24
 157:6,9,14,17,21 158:4,6,8,10,15
 159:4,7
share 80:7,7,8 109:10
shelter 70:22
Shmuel 118:5
short 15:20,22
shortage 30:7
show 44:2 84:10 149:10 157:19
showed 40:9
showing 44:23 118:25
shows 40:9 127:23 136:9
shut 24:10
shutting 23:22
sic 4:22 22:12 23:4,16 27:10 29:13
 35:10 37:8 40:9,13 55:7 57:5
 63:23 70:6 86:16,21 87:13 94:15
 94:18 96:25 97:20 102:15 104:15
 111:12 117:12,19 121:21 123:4
 146:7
side 99:11 117:7 121:7 122:10,14
 122:17 123:11 125:11 128:10
 130:25 146:6 152:8 156:7
side-yard 122:14,16 153:8
signed 79:25
significant 21:18
significantly 39:17
Siller 65:11
simple 129:22 134:3
simply 154:20
simultaneously 39:12
single 66:11 73:12 105:9,14
single-family 101:2,3 102:20 104:6
 104:22 105:12 110:14 154:11
sir 79:18
sisters 65:25
sit 49:23 76:15
site 13:17 14:13,25 16:14 18:16
 20:6 36:15 38:12 39:19 40:17
 43:10 48:11 60:7 62:24 63:2
 64:14 67:15 70:22 73:6,21 76:20
 90:17 91:3,4,23 92:10 128:20,24
 129:19
sited 123:10
sites 89:7
sits 123:10
situated 96:12 99:11 107:15 117:7
 121:7 125:10 128:24 146:6 152:8
situation 140:9 142:4,14

six 23:3 24:13,14,15,16,18,20 25:15
 25:16 26:22,25 27:18 50:6 143:22
six-month 22:14 23:4
sixth 37:6 57:5
size 7:12 8:7 44:11,11,14 62:19
 81:14,15 83:7
sizes 7:21 155:15
skin 81:2
Slanina-Ruiz 154:14
slash 40:13
sleeping 68:19
slide 65:8 66:19 68:3 69:19 70:3
smaller 10:24
Snipas 154:3,4 155:19,24 156:9,12
 156:17,23 157:3,15 158:13
sold 63:9
somewhat 9:20 104:21
soon 79:10 108:12
sooner 113:23
sorry 18:9 20:13 32:5 62:19 90:6
 113:8 121:24 146:15 153:4
 154:15
sort 72:12 73:20
sounds 111:17,17
south 19:18 28:9 65:15,22 117:7
 130:25 152:8
southern 58:18 117:13
space 19:7 29:7 38:8 39:16 71:16
 72:14 76:8
spaces 13:23,24,24,25 14:5 15:15
 15:20,22,24 29:9,9,10 37:24,24
 38:4,6,7,9,12,13,14 39:16,16,18
 39:19,20 40:3 41:3,24 42:9,16
 111:6,9,10
spans 132:9
speak 3:7 4:5 50:14 81:24 103:17
 103:18
speaker 3:7 4:4
speakers 103:13
speaks 149:6
special 13:11 14:7 18:15 20:4,19
 21:16,16 27:25 37:9,14 48:13
speech 148:2
spelt 52:14
spend 73:8
spillover 39:5 43:5
split 108:9 121:13
spoke 15:9 106:15 107:25 112:22
 113:10
spoken 101:9 104:12 108:17 155:8
spot 105:2
spots 16:21 41:14,16,21 44:15
 111:13
spotted 105:2
square 7:8,10,12 8:18 13:16,18
 18:18 19:3 29:11,12,13 37:15,16
 37:19 63:16 76:9 81:16 96:11,16
 96:22,25 99:10,19 117:6,12,20

121:6,17 125:9,19 128:23 129:6 146:5,24 152:7,17,20,23 squatters 102:4 104:15,16 staff 2:18 8:11 9:7 11:12,22 14:20 20:7,7 23:10 25:6 28:7 31:13 45:25 48:15 56:2 71:21 73:15 141:24 143:5 stages 67:23 staircase 102:21 stalls 40:15 stand 44:9 standard 51:15,17,19 102:24 148:4 standards 8:14 9:23 87:17 88:24 90:23 92:5 Star 66:17 Starbucks 13:18,22 14:10,14,19,23 15:17,18,21 16:11,22 start 3:18 5:14 7:3 56:9 96:6 started 60:12 66:6 118:16 starting 76:14 state 34:25,25 35:6 48:24 49:14,16 49:22 50:2,9 52:15 75:17 78:25 121:23 126:25 127:2 stated 100:22 110:14 123:5 136:9 154:8 statement 141:11 statements 92:25 Staten 65:3 stating 36:11,21 143:11 station 28:10 29:3,22 stations 19:23 staying 104:14 stellar 75:20 Stenographer 2:24 161:13 step 47:9 134:4,5 144:6 STEPHANIE 2:24 161:4,13 Stephen 65:11 stepped 29:22 Stepping 4:9 56:8 57:2,10 59:10 62:10 64:2,23 82:4 83:2 86:3 89:15 92:21 96:3 97:10 99:2 100:15 103:6 106:11 107:24 110:11 113:9 117:2 118:3 121:2 122:23 125:2 126:22 137:21 141:25 142:25 146:2 147:12 152:4 154:2 Steve 147:22 Stewart 154:5 stick 26:21 43:20 Stolar 10:15 stop 26:3 71:7 136:3 storage 13:13,15 19:11,15 47:24 48:2,20 101:18 store 13:15 stores 74:16 stories 28:21,22,22 storm 64:8 straight 60:14 65:16	strange 118:9 Stream 117:8 street 29:25 40:3,4,11 43:5 78:11 79:25 99:11,16,18,24 100:6 106:13 117:8 128:11,21 129:4 130:16,25 153:19 strengthen 69:24 strictly 154:18 155:24 strong 136:13 strongly 63:17 structure 8:3 14:3,6 126:6,11 156:6 structures 13:20 154:10 155:25 156:13 struggling 66:22,23,25 67:18 68:9 69:16 71:25 74:6 study 31:8,10,10 38:10,25 39:4,7 39:10 40:6,8 48:19 stuff 81:7 149:24 sub 8:13 24:3,4 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1,13 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1,18 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1 160:16 160:17,18,19,20,21,22 subdivide 99:14 123:8 125:14 131:19 132:24 134:20 135:3 146:17 148:12 152:11 subdivided 131:14 134:13,18 153:18 subdivision 7:6,7 8:12 24:5,7 32:20 36:8 86:24 87:5 88:6,10,13,20 97:4 99:5,23 100:4,11,22 102:13 115:20 116:2 121:5 122:5 125:4 125:23,25 126:7,13 129:12,17 131:24 134:21 136:14 139:4 144:9 146:4 147:7 148:4 149:19 152:6 154:9,18 155:10 subdivisions 22:15,20 23:5,17 24:25 96:2,5 102:25 subject 7:9,25 8:4 10:17 62:15 96:11 99:10 117:6 121:6 125:10 126:9 127:10,20 128:9,15 146:5 152:7 submit 127:12,25 136:8 155:2 submitted 38:20 subsequent 38:20 58:15 subsequently 28:15 38:20 59:3 63:4 129:18 subsidized 75:13,17 substandard 8:21	substantial 8:13 9:23 45:15 79:5 substantive 31:8 sufficient 40:16 suggests 105:4 Suite 93:25 100:18 123:4 suited 73:24 suits 68:24 sum 79:19 summary 28:7 summons 141:14 142:16,20 143:4 Sunrise 14:18 supermajority 12:25 Superstorm 64:8 support 50:4,16 81:7,9 83:4 supportive 67:15 68:15 71:15,23 72:11 73:5 77:12 82:17 supposed 25:14 53:3 109:9 112:15 supposedly 43:5 Supreme 121:21,25 122:4 sure 34:3,4 41:3 60:9 75:2 83:5 93:21 122:24 137:25 138:19 surety 86:15,20 87:18 88:2 89:2 94:17 surrounding 73:11 75:15 127:10 survey 118:16,21,23 surveys 156:22 suspect 115:14 Susquehanna 78:16 swimming 104:16 Syosset 58:8 100:18 System 48:20 Systems 47:24
T		
T 161:2,2		
table 65:25 66:9		
tables 40:9		
take 3:5 12:24 25:9 26:5,10,11 33:6 35:14 42:18 55:6 80:13 83:14 93:10,19 98:2 107:5,17 115:23 120:3 124:8 157:24		
taken 25:13 49:5 127:8		
talk 41:9 83:9		
talking 104:25 148:25		
Tampa 77:13		
tax 10:14 128:17 129:25		
taxed 140:12		
team 25:19 68:10		
technical 3:4,16		
tell 111:5 114:7 136:3		
ten 4:6 33:25		
tenants 102:2 108:2 113:13		
Tennessee 77:6		
terms 45:11 50:8 60:7 75:10 109:15		
terrorist 65:10		
thank 3:25 17:8 50:17 57:7 60:24 61:7 62:11 65:4 80:12,17 81:11 81:12 83:3 85:2 92:12 93:6,20		

94:2,3,20 95:6,7 98:13,14 103:2,3 106:3,7,8 107:20,21 110:3,13 111:15 115:5 116:12,13 120:13 122:3 123:25 124:20,22 125:7 127:6 128:5,6 137:15 140:22,23 145:16,18 146:14 151:2,3,4 155:13 158:11,12,13 Thanksgiving 72:20 theirs 52:15 Theodore 1:13 therapy 72:22,23,24 they'd 16:21 51:21 thing 49:21 81:14,17 82:3,24 107:17 109:11 115:19 131:18 136:3 156:20 thing's 146:11 things 26:13 105:24,25 115:17 143:25 156:7 think 5:15 10:6 11:5,10 13:14 16:12 24:4,19 25:5,8 26:7,8 30:13 31:14 34:6 35:4,25 41:22,24 43:7 43:8 44:9,21,24 45:2 48:24 51:13 52:13 53:5 71:9 76:19 81:16 82:16 83:6 97:16 103:13 105:4,25 106:5 113:25 114:21 115:11,19 136:11 140:7,21 142:17 143:13 144:19,20 third 2:4 3:13 4:24 9:6,13,17 12:17 15:11 16:3,23 17:3,7,13,15,18,19 20:10,12,14,21 21:3,8,12,17,23 22:3 23:18 24:14 25:2,4,12,22 29:25 30:3 31:17,20,24 32:3,6,10 32:15,25 33:4 41:17,22 42:3,7,21 43:7,13 45:18,24 46:8,11,13,16 46:20,23 47:5,8 49:4,10 51:9,11 52:6,19 53:2,5,17 56:18 60:3,18 60:22 62:2 79:12,16 83:24 84:3 108:23 109:9,13,19 110:2 111:19 115:6,24 118:20,24 119:6,12,15 136:5,16,20 147:10,14,18 148:10 148:16,19,22 149:5,9,12,23 150:6 150:10,16,21,23 152:2 155:13,20 156:3,11,16,19,24 157:4,13 Thomas 103:22,25 104:2 105:10,13 105:16 thorough 136:7 thousand 68:14 69:18 75:24 80:6 142:18,19 three 4:5 8:16 9:7,8 13:2 29:23 32:15 65:14 68:18,19 77:16 140:14 152:13 154:21 three-bedroom 29:16 three-car 111:13 three-lot 154:8 three-parcel 152:6 Thursday 1:7 tile 13:15 Tim 58:5 127:5	time 23:14 26:23 33:11 38:17,23 42:5 43:20 44:8,24 48:3,19 80:12 100:24 101:4,14 102:13 106:7,15 106:25 107:18 114:14 144:20 156:18 timeframe 49:3 times 39:5 140:5 TIMOTHY 2:22 Timpella 106:9,12 title 97:17 today 3:7 52:23 63:13,21 64:16 65:5 75:9 76:14 77:2 106:25 118:11 119:7 129:2,22 136:10 140:15 154:13,17 155:7 157:2 today's 3:11 50:13 149:24 Todd 107:13 108:17,18 112:19,22 113:10 told 49:18 112:20 141:12,24 143:5 tomorrow 114:2,5 Toms 78:7 top 28:23,25 total 13:24,25 15:16,20 29:11 38:11 38:14 39:15 63:15 87:3 88:10 96:22,25 111:9 117:16,19 121:17 125:19 128:22,23 129:5,6 146:24 152:17,19,23 totally 104:22 133:14 touch 124:23 touches 81:5 tough 147:20 Tower 65:15,22 Towers 62:14,22,22 63:20,22 64:13 64:19 65:2,7 66:7 67:4 68:22 72:9 73:6 74:11 75:22 79:4 town 12:21 18:14,24 20:4,15,17 21:5 35:19 37:7 46:4,4,5 47:16,17 48:3,6,19 49:7,22 58:8 62:17 63:6 78:8 81:20 82:14,16 96:14 97:2 99:12,20 100:23 101:12,21 102:15,25 110:16,17,24 111:4,18 111:21 112:14,16,18,19 114:4,7 117:9,21 121:8,19 146:7,8 147:3 149:14,17,21 152:9,25 Town's 20:2 39:11 track 78:23 tracks 58:15 tract 78:18 Trade 65:11 traffic 7:18 8:24 31:8,12 65:18 train 24:12 29:22 trained 22:25 23:2 transcript 5:16,20 161:5,6 transit 74:22 transitional 70:22 79:7 transparency 66:13 transportation 74:13 75:5 Traurig 154:5 tremendous 44:8 67:4 73:8 75:11	83:5 104:7,24 triage 68:2 tried 143:24 triggered 30:17 tripling 44:10 trouble 71:10 76:11 true 82:10 105:23 141:22,23 161:6 Trustees 28:5 30:19 33:14 truthfully 41:5 try 64:10 147:21 trying 18:25 143:12 155:23 tucked 8:3 tunnel 62:14,21,22 63:19 65:2,7,17 65:21 66:7 67:4 68:21 72:9 73:6 74:11 75:22 79:4 Tunnels 63:22 64:13,18 turkeys 72:20 turnout 45:15 Twelve 30:9 two 7:16,18 10:6 13:3,20 15:21 38:5 39:24 89:7,21 99:16 105:5,5 105:6,9,11,12,13,13,14 119:3 121:13 123:8 125:16 129:3,13,14 129:18,23 130:5,6,8,8 131:13 134:19,25 146:19 148:5,13,23 153:4 154:9,10 two-day 40:12 two-families 105:14 two-family 105:6,17 two-lot 116:2 two-parcel 99:4 121:4 125:4 146:4 two-prong 67:5 two-story 37:12 Two-thirds 46:7 two-way 7:19 type 47:18 typically 60:8
U		
U.S 76:23 Uh-huh 139:17 140:2 143:6,9 ultimate 67:20 70:24 ultimately 63:12 82:12 underground 58:16,22 65:21 understand 131:21 132:8,15 134:16,23 135:24 136:22 143:23 155:6,23 understandable 25:25 understanding 135:10 understands 131:23 undocumented 105:20 unfair 140:8 unfortunately 80:20 112:11 Union 99:11 104:3 106:13 108:2 Uniondale 123:4 unique 140:9 142:14 unit 35:12,13 109:10 111:7 126:6 units 28:9,19,20,20 29:15,16,16,17		

30:9,10 48:2 67:25 77:4 86:25 87:3 88:8,11 148:23 University 22:23 unoccupied 21:20 unquote 40:2 unrelated 109:2 up-to-date 118:21,23 update 49:17 52:15 updated 118:16 uphold 75:20 use 13:11 14:7 18:15 19:5,25 20:3,4 20:19,25 21:3,13,16 28:2,8 38:6 42:19 104:23 uses 15:21 21:15 49:24 utilities 76:17 utility 58:14 60:4,13 utility's 77:15 utilized 14:10	32:3,6,10,15,25 33:4 41:17,22 42:3,7,21 43:7,13 45:18,24 46:8 46:11,13,16,20,23 47:5,8 49:4,10 51:9,11 52:6,19 53:2,5,17 56:18 60:3,18,22 62:2 79:12,16 83:24 84:3 108:23 109:9,13,19 110:2 111:19 115:6,24 118:20,24 119:6 119:12,15 136:5,16,20 147:10,14 147:18 148:10,16,19,22 149:5,9 149:12,23 150:6,10,16,21,23 152:2 155:13,20 156:3,11,16,19 156:24 157:4,13 Vice-President 65:7 Vietnam 71:9 village 7:5 11:25 12:21 13:10 14:7 27:25 28:5,14 30:12,22,24,25 31:14,14,21,22 32:7,13,21 33:5 33:13 34:18 35:3,4,21 73:10 76:2 76:15 78:19 100:9 125:12,12,20 125:23 128:11,13 129:8,11,15,20 131:10 134:6,6 140:11 Village's 15:19 villages 67:8 69:15 70:2 71:14 72:12 73:12 79:10 Vincent 89:19 visit 14:8 visitors 104:11 vote 12:20,24 45:25 46:2,9 47:2,10 47:11 52:24 53:9,10,15,19 84:12 84:13 voted 12:23 32:7 59:6 votes 150:24 vulnerable 66:21	we'll 3:20 11:20 26:10,19,19 69:20 83:9 84:3 92:10 124:23 136:4 we're 3:4,17,18 26:3 32:11,12 35:14 42:22 44:10,20 45:19 50:14 55:4 56:6 64:12,12 67:9,11 69:14 70:7 75:8,14 76:6,13,25 77:8,15 78:5,12,17 86:4,8 89:22 96:5,9 108:5,7,8 112:3,3,5,7,15 114:20 115:18 123:8 141:24 143:12 144:18 148:24 154:17,17,20 we've 41:23 60:3,6 64:9 66:14 74:3 76:22 115:6,7,8,11,11 136:10 144:19,19 week 17:21 39:24 77:21 weeks 68:19 77:17 welcome 3:11 95:8 120:14 145:17 went 43:20 121:18 140:9,10 weren't 134:22 west 8:5 19:17,19 78:21 122:10,17 123:11 125:10 128:10 Westbury 92:24 146:7 westerly 123:11 whatnot 109:6 wide 8:23 9:20 58:19 width 7:17 29:3 99:24 100:6 122:11 123:9 153:19,19 widths 7:21 WILLIAM 2:14 willing 105:20 108:11 Wilson 117:8 119:2 wins 13:2 wires 58:22 wise 81:14 wish 75:4 141:3 157:7 wishes 83:20 93:16 97:21 110:7 119:24 124:5 137:20 wishing 4:5 wonder 155:16 Woodbury 18:15 words 75:24 work 35:6 43:15 44:3 60:2,8 68:14 73:22 74:23 102:2 144:22 workers 102:2 Workforce 30:9 35:5,7,15 36:3,11 36:22 working 22:22 26:6 40:22 43:3 48:24 49:11,12,25 52:14 64:13 76:23 80:5 works 44:16,17 91:24 World 65:11 worms 34:12 worrying 114:12 wouldn't 25:7 68:20 79:23 114:4 140:15 wrap-around 67:15 wraparound 70:9 Wren 2:22 3:6 96:4 99:3 100:22 117:3 121:3,24 122:3 123:5
V		
VA 74:14 78:12,24 vacant 8:2 13:13 14:13 18:20 101:3 114:12 155:18 vacating 114:8 VALDER 2:24 161:4,13 valet 39:6,21 40:23 41:5,12,13,19 42:20,21,22 43:18 44:16,16,19 Valley 117:8 value 130:20 van 68:19 119:5 variance 37:11 48:12 153:3,3,7,16 variances 7:6 13:11 37:10 99:21,22 100:3 121:18 122:5 153:4,5 156:5 various 67:23 varying 7:21 8:7 Vegas 78:11 vegetation 59:21 60:9 vehicle 19:2,25 20:3 21:4 vehicles 19:6 vehicular 29:24 65:18 74:21 verify 110:25 veteran 68:8,17 69:15,16 73:18 75:15 76:10 78:22 79:21,22,24 veteran's 69:15 70:2 76:17 veterans 62:24 64:14,18 66:21,25 67:6,8,14,18 68:11,16 69:17,22 70:23 71:2,7,9,14,20,21,24 72:15 72:17 73:10,12,17 74:4,6,19,20 74:20,23 75:2,25 76:3,15 77:25 78:14 79:3,8 80:5,10,25 81:6 82:20 Vets 76:23 Vice 64:17,25 Vice-Chair 2:4 3:13 4:22,24 5:7 9:6,13,17 12:17 15:11 16:3,23 17:3,7,13,15,18 20:10,12,14,21 21:3,8,12,17,23 22:3 23:18 24:14 25:2,4,12,22 30:13 31:17,20,24	wait 53:3 83:17 Waiting 19:8 wake 65:10 Walsh 59:11,12 60:15 61:7 63:24 64:3,4 82:5,8,8 Wanser 118:5 want 4:7 24:24 25:18,23 32:12 56:9 57:3 89:22 103:13 107:22 113:22 121:13 127:14 134:20 136:24 137:4,4,4 138:13 140:20,21 142:2 142:5,6 157:11 wanted 13:5 80:17 81:10 wants 3:6 War 71:9 Ward 123:2 warehouse 18:19,19,24 20:23 21:21 warning 142:10 143:8 wasting 114:14 watch 102:4 way 16:24 36:5 43:20 44:3 63:4 86:12 107:4,5 114:11 115:15 123:9 138:24 139:12 148:7,21	W

124:23 125:3,9 126:18 127:6,16 146:3,16,22 147:3 152:5,25 153:14 154:8 wrong 114:17 131:25 141:12	022-027 160:7 027-037 160:8 037-047 160:9 047-054 160:10 055,057 160:13 058-061 160:11 062-085 160:12 086-095 160:14,15 096-098 160:16 099-116 160:17	12.5 122:18 12:14 1:8 159:10 1200 66:14 67:24 121-unit 77:7 122.86 152:19 124.56 152:22 125 99:18 125-145 160:20 125.2 117:16 129 38:7 42:9,12 128:16 129.5 96:24 131 76:3 133 128:16 135 86:25 1380 127:3 13th 28:6 14 58:18 76:14 144.75 96:21 145,200 18:18 146-151 160:21 15 1:7 114:20 1500 103:8 152-158 160:22 1550 1:14 15th 3:14 16,377.28 117:6 16,455 96:11 160 29:10 1610(i)(2) 126:4 162.63 152:16 17 13:16 14:5 123:14,15 17,319 13:16 175-unit 76:21 1800 13:18 1860s 78:24 18th 5:20 58:25 99:7 100:21,24 19 13:23 15:16,19 190 29:12 1928 156:14 194 118:5 194,708 29:13 195 29:9 196,005 94:17 196,005.00 88:3 91:17,21 197,340 29:12 1982-F-3 55:1,5 57:1 160:13 1987-4-4 86:16 1987-F-4 86:1 87:1,22 88:1 89:1 90:1 91:1 92:1 93:1 94:1,12,15 95:1 160:15 1987-F-7 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 160:14 1st 87:14 88:21 90:20 92:2 108:16 113:13,18 114:20,22
X	1	2
X 62:17 63:7 160:2	1 7:3 39:16 1-2022 96:1,6 97:1 98:1,4 160:16 1,000 126:10 1,506 90:6 1,506,866.04 90:7 1,512,673.42 91:16 1,708,678.42 91:12 1,998 96:16 1/2-acre 78:18 10 7:17 8:23,23 58:19 104:3 107:15 108:2 10,000 121:6 126:11 146:5 10,200 8:18 10,263.52 117:16 10,900 125:9 128:22 10:05 1:8 2:7,16 100 7:13 10:22 39:16,16 42:13,16 58:8 79:2 81:9 82:20 121:12,16 123:7,7 125:15 128:20 131:15 146:18,23 149:2 100-- 86:21 100-unit 77:2,3 78:9,13 1027423 37:7 46:19 160:9 105 29:2 105-unit 77:8 109 125:18 128:22 129:4 11 15:22 123:15 127:9 11,250 99:10 11/16/23 38:17 11:14 2:16 11:50 2:7 11096 118:6 112 28:20 1121-124 160:19 115 29:2 11557 97:13 11566 103:8 11580 92:24 117-120 160:18 11710 127:4 11753 93:25 11791 100:19 119 28:9,20 1194 92:23 11th 65:13 12 67:22	2 13:7 39:16 76:5 2,000 69:22
Y		
yard 153:20 yards 134:2 yeah 9:12 11:8,20 16:7 21:10 23:19 23:21 24:11,12 26:16 30:15 31:19 32:18 33:3,19 38:2 42:2 43:18 45:16 46:4,10,12 49:4 51:24 52:3 52:9,19,25 53:17 56:11 60:3 81:18 82:23 86:7 111:19 113:24 115:6 127:17 133:18 137:3 144:23 149:9,13 156:21 157:13 year 23:14 24:10 25:8,10 26:9 50:5 50:10 51:21 69:16,20 74:7,9,9 76:2 77:5 79:9 92:2 107:10 119:10 years 60:5 66:8 71:13 79:2 82:21 118:7 138:6,12,21 142:9 yesterday 59:19 112:22 113:11 yesterday's 59:5 yield 8:16 York 1:15 35:6 49:22 65:3 66:4 68:10 74:3,12 77:20 78:6 92:24 93:25 97:13 100:18 103:8 106:14 118:6 121:23 122:4 123:4 126:3 126:25 127:2,4 128:19 147:24 154:6 young 80:23 Yup 26:18		
Z		
zoned 105:6 zones 49:24 zoning 3:18 7:1,11 8:1,10,14 9:1,24 9:25 10:1 11:1 12:1,10,20 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1,3,16 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1,4 36:1 37:1,6 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1,15 48:1 48:21,22 49:1 50:1 51:1 52:1 53:1 54:1 58:10 62:18 63:7 97:3 99:13 100:24 108:6 117:9,22 121:9 125:13,22 129:8 130:23 146:9 147:6 152:10 153:2 154:22,25		
0		
007-013 160:4 013-017 160:5 017-022 160:6		

<p> 2,090.76 117:12 2,187 37:15 2,500 142:16 143:4 145:6 20 66:8 78:20 20-plus 82:21 20,000 7:12 200 10:17 63:15,15 93:24 200-foot 123:19,20,22 127:20,24 200.8 152:12 2013 28:6 2015 64:9 2018 87:6 88:14 2021 87:9 88:17 90:8 91:14 2022 76:24 96:8 2023 28:6 101:10 2024 1:7 87:14 88:21 90:20 92:2 20th 101:10 21 123:20 211 104:3 22 88:9 224 17:3 227 37:24 38:2 39:17 41:24 23 38:9 2361 65:3 24 78:10 24/7 67:15 73:5,15 2400 105:23 25 138:20 142:22,23 144:24 25,000 37:19 25,918.1 152:7 250 37:18 27th 96:8 28 122:13 123:19 28th 87:6 88:14 29th 87:9 88:17 90:8 91:14 2nd 104:19 </p> <hr/> <p style="text-align: center;">3</p> <hr/> <p> 3-2024 58:1,3 59:1 60:1,19 61:1 160:11 3,000 69:17 79:8 30 38:13 300 11:24 30:21 37:18 39:14 131:16 32 128:16 333 100:18 123:3 34 37:24 38:14 39:19 35-2024 99:1,4 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1,25 116:1 160:17 35,000 66:25 350 96:17 97:12 354 96:18 36,600 7:8 38 77:18 38-2024 117:1,4 118:1 119:1 120:1 </p>	<p> 120:5 160:18 388-acre 78:23 39-2024 121:1,4 122:1 123:1 124:1 124:10 160:19 3915 62:16 </p> <hr/> <p style="text-align: center;">4</p> <hr/> <p> 4 22:11 65:21 111:10 4-2017 63:9 4-2024 62:1,3,12 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1,5 85:1 160:12 4-acre 13:17 40 128:10 40-2024 125:1,4 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 160:20 40,000 63:16 81:16 40,600 19:3 41 74:6 41-2024 146:1,4 147:1 148:1 149:1 150:1,13 151:1 160:21 42 152:3 42-2024 152:1,5 153:1 154:1 155:1 156:1 157:1 158:1,2 160:22 42-unit 70:8 45 99:17 48 128:18 130:22 48,665.96 86:22 90:8 94:11 4th 87:13 </p> <hr/> <p style="text-align: center;">5</p> <hr/> <p> 5 27:23 111:9 5-0 59:6 5,000 69:22 121:17 132:23 138:11 140:8,21 142:8,12 144:24 146:24 5,450 125:19 129:5 5,625 99:18 50 8:12 9:14,15,20 10:6,19 121:15 123:9,12,16,17,21,22 125:18 128:18 129:3 130:16 131:15 136:9 146:23 149:2 50.04 152:15 500 12:4 58:19 76:9 501(c)(3) 66:13 50s 7:22 9:17 136:11 51 7:10 54,904.58 94:18 54,907.58 88:4 91:13,22 58 94:21,22 5th 127:9 </p> <hr/> <p style="text-align: center;">6</p> <hr/> <p> 6 123:4 </p>	<p> 6,113.76 117:20 6,207 37:16 6/15/2023 28:13 6/20/24 38:22 60 10:20 44:2,2,15,17 45:4 65:20 96:20,23 600 90:6 601 123:4 62 38:12 39:20 42:17,19 63 13:24 638,606.04 90:10 64-unit 78:18 65 123:16 660 87:3 88:11 67 29:15 68 8:17 69 38:6 6th 55:7 </p> <hr/> <p style="text-align: center;">7</p> <hr/> <p> 7 47:15 7,650 7:10 7,660.5 152:17 7,980 96:25 70 10:21 70.10 152:22 71 13:25 724 16:25 724124 7:5 11:13 160:4 724224 13:10 160:5 725124 18:13 22:4,12 27:10 160:6 725224 160:7 730124 27:24 36:21 160:8 74.80 117:19 75 68:5 123:21 77-2 147:24 78 121:21 782 29:13 </p> <hr/> <p style="text-align: center;">8</p> <hr/> <p> 8 28:22 78:18 8,456 96:22 8,526.5 152:23 8.9 18:19 80.66 152:18 806 119:3 811 119:2 82 13:24 15:16 128:16 84 29:15 84-unit 77:17 86124 47:16 50:19 160:10 868,2 86:21 868,260 94:10 868,260.00 86:21 90:11 89 28:24 130:17 </p> <hr/> <p style="text-align: center;">9</p> <hr/> <p> 9 28:22 29:16 77:14 87:2 100:18 </p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

106:13
9,731.1 152:20
9.5 122:15
9/11 65:10
90 77:4 99:15
900 154:5
907 94:19,20
91 74:4
92 63:16
93 130:9
94-unit 77:23
95 66:11
98 88:8 96:25 117:19
99 28:24 35:11 111:21
99-story 35:10