

REGULAR MEETING
of the
NASSAU COUNTY PLANNING COMMISSION

Thursday, March 20, 2025

10:08 a.m. - 10:53 a.m.

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

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

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LEONARD H. SHAPIRO, Chair

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NEAL LEWIS, Third Vice-Chair

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DANA DURSO,

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MURRAY FORMAN,

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DENISE GOLD,

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KHANDAN KALATY,

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Commissioners

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WILLIAM NIMMO, Deputy Commissioner

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ROBERT O'BRIEN, Esq., Counsel

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13 Staff:

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GREGORY J. HOESL

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MARTY KATZ

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TIMOTHY WREN

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Also Present:

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STEPHANIE J. VALDER, Stenographer

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

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CHAIRMAN SHAPIRO: Staff, we ready?

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(No response.)

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CHAIRMAN SHAPIRO: Good morning and

welcome to the March 20th meeting of the

7

Nassau County Planning Commission.

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All rise. And Mr. Walsh, would you

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lead us in the Pledge of Allegiance?

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(Pledge of Allegiance recited in a

11

body.)

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(Stepping up.)

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MR. HOESL: Good morning,

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Commissioners.

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I'll start with a roll call, if you

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don't mind.

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Commissioner Sakowich?

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CHAIRMAN SHAPIRO: Excused.

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MR. HOESL: Commissioner Kalaty?

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COMMISSIONER KALATY: Present.

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MR. HOESL: Commissioner Gold?

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COMMISSIONER GOLD: Present.

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MR. HOESL: Commissioner Forman?

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COMMISSIONER FORMAN: Present.

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MR. HOESL: Commissioner Ellerbe?

1 Proceedings

2 CHAIRMAN SHAPIRO: Excused.

3 MR. HOESL: Commissioner Durso?

4 COMMISSIONER DURSO: Present.

5 MR. HOESL: Third Vice-Chair Lewis?

6 THIRD VICE-CHAIR LEWIS: Present.

7 MR. HOESL: Vice-Chair Greenfield?

8 CHAIRMAN SHAPIRO: Excused.

9 MR. HOESL: And Chairman Shapiro?

10 CHAIRMAN SHAPIRO: Here.

11 MR. HOESL: Thank you.

12 Can I have a motion to acknowledge the
13 receipt of the transcript from the
14 February 27th Planning Commission hearing please?

15 COMMISSIONER FORMAN: So moved.

16 CHAIRMAN SHAPIRO: Is there a second?

17 COMMISSIONER DURSO: I'll second.

18 CHAIRMAN SHAPIRO: All in favor?

19 (Chorus of "ayes.")

20 CHAIRMAN SHAPIRO: Let's just do the
21 scratches first.

22 Just a few housekeeping measures, the
23 agenda and speaker registration forms are over on
24 my left (indicating), your right (indicating).

25 MR. WREN: (Gesturing.)

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Proceedings

CHAIRMAN SHAPIRO: And Tim has them.

Anybody wishing to speak, please fill
out a form. Applicants have 10 minutes, speakers
have a maximum of 3 minutes.

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: Also, we have some
3 scratches this morning. We're going to call
4 Zoning Agenda Items No. 6 and 9, and they will be
5 heard on the April 10th Planning Commission
6 meeting.

7 It's all yours, Greg.

8 MR. HOESL: Thank you.

9 THIRD VICE-CHAIR LEWIS: And
10 Mr. Chairman, on the No. 6 from the agenda that
11 we're going to be postponing, I just want to
12 point out that I appreciate the fact that the
13 Chairman asked the staff to circulate the
14 "New York State Guidebook" that was produced as a
15 product from a working group in Albany that took
16 a look at this issue. And so they provided some
17 really useful information, so I'm glad that the
18 Commission's going to have access to that, to
19 look over these proposed recommendations and then
20 be prepared for this meeting that you're setting
21 up further next time around, where we're going to
22 hear from the Fire Marshal.

23 So thank you for setting that up and we
24 look forward to that -- that issue being
25 discussed at the next meeting.

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NCPC Minor Sub. File No. 32-2023

CHAIRMAN SHAPIRO: You're welcome.

MR. HOESL: Thank you.

* * *

1 NCPC Minor Sub. File No. 32-2023

2 MR. HOESL: I will proceed with Agenda
3 Section "B," which is a "SEQRA" Recommendation
4 for the Acquisition of Real Property. This is
5 property locate at 115 New Hyde Park in the
6 Incorporated Village of New Hyde Park.

7 Nassau County Legislature's requesting
8 a "SEQRA" Determination order -- in order to
9 acquire a roughly 3,000 square foot parcel of
10 land. That parcel is highlighted in green there
11 (indicating). It is the sidewalk adjacent to the
12 parking lot there at the New Hyde Park
13 Train Station.

14 The property in question was previously
15 part of the subdivision back in 2023, where the
16 "MTA" subdivided their municipal parking lot and
17 subsequently deeded one lot to the Incorporated
18 Village of New Hyde Park and the other lot to
19 Nassau County.

20 At the February 27th Planning Commission
21 hearing, representatives from the "MTA" were
22 questioned about ongoing maintenance work in the
23 area. As such, the application was adjourned
24 until today to allow for the "MTA" to coordinate
25 with the Village on outstanding maintenance

1 NCPC Minor Sub. File No. 32-2023
2 issues within the Village, such as curbs that
3 still need to be installed where trenches were
4 dug and roadways that still need to be paved.

5 Planning Division staff -- we -- we
6 will get to the representatives from the "MTA,"
7 but Planning Division staff is recommending that
8 the acquisition of this real property be
9 classified as "Unlisted Action" with a
10 "Negative Declaration," and subsequently
11 forwarded to the Nassau County Legislature for
12 final approval.

13 That being said, I believe we have
14 Mark Hoffer from the "MTA" here to address the
15 concerns from the last time.

16 Thank you.

17 CHAIRMAN SHAPIRO: Good morning. Name
18 and address for the record please.

19 MR. HOFFER: Yes. Good morning,
20 Mr. Chairman and ladies and gentlemen. My name
21 is Mark Hoffer, H-o-f-f-e-r. I work for the
22 "MTA," the Metropolitan Transportation Authority.
23 I'm joined by my colleague Will Hillesheim who is
24 also an "MTA" employee, to speak in favor of the
25 issuance of the "SEQRA" Recommendation that was

1 NCPC Minor Sub. File No. 32-2023

2 just summarized for you.

3 We were here at the last meeting, at
4 which one of the members of the Commission raised
5 concerns about a street surfacing issue in
6 New Hyde Park. We did a number of things in
7 response to that concern. First and foremost, I
8 gave the member my card with my name and number
9 and encouraged him at any time to use me as a
10 contact for any issues regarding the "Third Track
11 Project" of the "MTA." That stands today, I am
12 available to him or to any member of the
13 Commission to address any questions concerning
14 the project.

15 Second, we visited the street in
16 question, which is South 6th Street in
17 New Hyde Park. We took a look at the status of
18 the surface of the roadway. And basically what
19 we determined is there was an excavation done for
20 a utility near one of the curbs, and it appeared
21 to have been backfilled properly and patched with
22 a utility patch.

23 We also noted that the street has had
24 other utility work done on it. There is another
25 patch covering what appears to be a water line

1 NCPC Minor Sub. File No. 32-2023
2 going to a well station snf a water tank at one
3 end of the block. There is another utility patch
4 on a rectangular piece of street surface in the
5 same general area.

6 The street has had utility work done on
7 it in the past. But it appears that everything
8 that was done in connection with the project was
9 done in accordance with generally-accepted
10 practices for utility work in the bed of a
11 street.

12 Third thing we did is we checked our
13 own files to see if we had missed something or
14 dropped the ball. There's no record of any
15 complaint coming into the project for the
16 utility work in this area. Indeed, that work was
17 completed four or five years ago.

18 We also checked with the Village of New
19 Hyde Park, because we felt this was the proper
20 thing to do. They were unaware of any issue
21 concerning South 6th Street. They were
22 surprised, quite frankly. And we have had
23 extended negotiations and reached agreements with
24 the Village on places where a resurfacing needed
25 to be done as a result of the project. And this

1 NCPC Minor Sub. File No. 32-2023

2 was not one of the locations that came up in
3 those discussions.

4 Last, we remain available, as we were
5 previously, to address any questions concerning
6 the project. We are now wrapping the project up.
7 We're proud of what's been accomplished. We got
8 a good record of cooperation with the line side
9 communities and we want that to continue.

10 On the strength of all of the above --
11 and I thank the Commission again for allowing me
12 to speak -- we respectfully urge the Commission
13 to vote in favor of the "SEQRA" Recommendation
14 for this conveyance, namely an "Unlisted Action,"
15 but resulting in a "Negative Declaration,"
16 because there is no significant adverse
17 environmental impact.

18 And I thank you, again, for your time
19 and your patience.

20 CHAIRMAN SHAPIRO: Thank you for your
21 dissertation. We'd appreciate it.

22 MR. HOFFER: And I -- I will complete a
23 form for the record, so that you have my name and
24 all of my contact information.

25 THIRD VICE-CHAIR LEWIS: And

1 NCPC Minor Sub. File No. 32-2023

2 Mr. Chairman, I would -- I would just like
3 to add from my own experience, so I attended the
4 hearings for the project way back when, when we
5 were just -- it was just an idea. I can remember
6 long hearings going into the night. I can
7 remember being in the parking lot, and speaking
8 with village mayors and village officials who had
9 a lot of concerns over the project. I also have
10 participated in events a couple years after that,
11 where those same mayors and village officials
12 were basically very happy with what was finally
13 done, that they raised concerns in the process
14 and changes were made and things were done to
15 accommodate their concerns.

16 I thought this project was really a --
17 set a standard for:

18 State;

19 County;

20 Village;

21 Towns;

22 Everyone working together saying let's
23 get this done quickly.

24 I know you're very proud of the fact
25 that you got it done on time and on -- on budget.

1 NCPC Minor Sub. File No. 32-2023

2 So, you know, I was little surprised to hear that
3 there was concerns in one village, so we held it
4 up for one meeting to -- to double check this.

5 You come back with a really thorough
6 analysis and you're saying that you even spoke to
7 the Village officials and they didn't have any
8 concerns. I just want to stay for the record,
9 that that's very much consistent with what I've
10 heard from all the people that have been familiar
11 with this project. And so, you know, I would --
12 I just wanted to put that on the record, that
13 my -- my experience is very consistent with what
14 you're describing.

15 CHAIRMAN SHAPIRO: Thank you.

16 Any other Commissioners have any
17 comments?

18 (No response.)

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

21 (No response.)

22 CHAIRMAN SHAPIRO: Not seeing any, I
23 will take a motion.

24 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
25 I'd like to make a motion on Item 32-2023. The

1 NCPC Minor Sub. File No. 32-2023

2 motion is to:

3 First classify the action as an
4 "Unlisted Action;"

5 And then that we adopt a "Negative
6 Declaration;"

7 And forward the item to the Legislature
8 with our recommendation for an approval.

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 CHAIRMAN SHAPIRO: The motion carries.

15 THIRD VICE-CHAIR LEWIS: Thank you.

16 MR. HOFFER: Thank you. Have a great
17 day.

18 COMMISSIONER DURSO: You too.

19 CHAIRMAN SHAPIRO: You too.

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1 NCPC OSPAC File No. 1-2025

2 (Stepping up.)

3 MR. HOESL: Next up we have OSPAC Case
4 1-2025 for disposition. This is an application
5 for the County to sell a County-owned property to
6 the Town of Oyster Bay at 1425 Old Country Road
7 in Old Bethpage.

8 Nassau County is requesting permission
9 to sell the above-referenced County-owned subject
10 property to the Town of Oyster Bay. Town of
11 Oyster Bay is looking to provide access to
12 adjacent soccer fields at "Peter C. Collins
13 Soccer Park." Nassau County "DPW" approves
14 the -- the request, without condition.

15 The public comment period was open at
16 the last hearing and there were not any comments
17 from the public.

18 Since then, this item has gone back to
19 "OSPAC." And "OSPAC" had a concern with the
20 initial plan from the Town of Oyster Bay, calling
21 for the construction of new baseball fields and
22 the clear cutting of woodlands where
23 Nassau County owns the property. As such, at
24 the March 11th "OSPAC" meeting, counsel for the
25 Town of Oyster Bay confirmed that the Town will

1 NCPC OSPAC File No. 1-2025

2 replant two trees for every one tree that is
3 removed from the site.

4 Members of "OSPAC" then voted 5-0 to
5 approve the application with -- with that
6 condition, at the March 11th "OSPAC" meeting.

7 Staff would ask that if approved today,
8 that condition also be as a part of the approval.
9 We have Anthony Curcio here from the Town of
10 Oyster Bay, if there's any final questions
11 regarding this and Kevin Walsh as well.

12 CHAIRMAN SHAPIRO: Good morning,
13 gentlemen. Name and address --

14 (Stepping up.)

15 MR. WALSH: Good morning,
16 Commissioners --

17 CHAIRMAN SHAPIRO: -- for the record.

18 MR. WALSH: -- Kevin Walsh from the
19 Office of Real Estate Services.

20 (Stepping up.)

21 MR. CURCIO: Anthony Curcio, Deputy
22 Town Attorney, Town of Oyster Bay.

23 CHAIRMAN SHAPIRO: Thank you.

24 Mr. Curcio, would you please put on the
25 record the agreement to replace two trees for

1 NCPC OSPAC File No. 1-2025

2 every one that is taken down, so the residents
3 will understand that there is a buffer going to
4 be made with this?

5 MR. CURCIO: Say that again. I
6 apologize.

7 CHAIRMAN SHAPIRO: Two trees for every
8 one that you're going to take down?

9 MR. CURCIO: Yes.

10 CHAIRMAN SHAPIRO: Okay. Can you put
11 that on the record?

12 MR. CURCIO: Yes.

13 The Town is going to not knock the
14 trees down, but take them out and replace them,
15 two trees for every one that's removed from the
16 property.

17 CHAIRMAN SHAPIRO: Thank you.

18 THIRD VICE-CHAIR LEWIS: So I -- I just
19 want to put on the record that I think it's --
20 it's great that we have the "OSPAC" system that
21 we set up in Nassau County a number of years
22 back.

23 The Legislature created this committee.
24 And here's a perfect example where they really do
25 a good job, because they're able to take the time

1 NCPC OSPAC File No. 1-2025
2 and have a whole meeting just to focus on
3 something like this that is, you know, the plans
4 changed a little bit over time and, you know, so
5 it's a little tricky to follow all the details
6 and get a picture in your mind of what -- what
7 the plans are.

8 I think -- so I really do think that if
9 "OSPAC" comes back with a 5-0 vote and as long as
10 there's that condition for replacing trees, then
11 that's a strong statement, I think, of -- of our
12 process working. And we appreciate that.

13 And -- and the other point is that one
14 might argue that there should be additional
15 restrictions or greater clarity. Of course, the
16 Legislature gets to decide this item. I would
17 just say I see a difference between an
18 arrangement where a private property owner,
19 business or such is going to own a property.
20 Then you got to look really closely at the
21 details of what the agreement is. Here, it's an
22 agreement between municipalities, between the
23 County and the Town.

24 The Town people are elected, just like
25 the County officials are elected. And so we

1 NCPC OSPAC File No. 1-2025
2 assume the Town is going to work with its
3 residents. There are people that live in the
4 area. There's been a lot of people that use the
5 athletic fields. And we recently are going to be
6 engaged with them, and -- and do something that
7 people really like and -- and that works for the
8 citizens.

9 And, you know, the Town does have a
10 good record, I would say as a Town resident, in
11 how they run their -- their facility, their parks
12 and such. It's something they take very
13 seriously.

14 So I think, you know, this, from my
15 perspective I feel high degree confidence that
16 this transaction will take place and that the
17 Town will do the right thing with the project.
18 And I do really want to commend Ralph Fumante as
19 the Chair and the other members of the "OSPAC"
20 committee, because I think their 5-0 vote really
21 gives us a degree of confidence about all of
22 this.

23 CHAIRMAN SHAPIRO: Thank you.

24 Any other Commissioners have any
25 comments?

1 NCPC OSPAC File No. 1-2025

2 (No response.)

3 CHAIRMAN SHAPIRO: Not seeing any, I
4 will take a motion.

5 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
6 I'd like to make a motion for No. 1-2025. The
7 motion is that we recommend to the Legislature
8 the sale of the property and adopt a:

9 First a "SEQRA" Declaration is that
10 it's an "Unlisted Item" and a "Negative
11 Declaration;"

12 But in addition to that, that we
13 recommend the sale of the property for the
14 Legislature to enact.

15 MR. O'BRIEN: With the condition of
16 the --

17 THIRD VICE-CHAIR LEWIS: Oh, right --

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

19 THIRD VICE-CHAIR LEWIS: -- thank you.

20 With the condition that we discussed
21 about the tree replanting that the Town has
22 agreed to, for two to one for those that are
23 cleared.

24 CHAIRMAN SHAPIRO: Thank you.

25 Is there a second?

1 NCPC OSPAC File No. 1-2025

2 COMMISSIONER DURSO: I'll second.

3 CHAIRMAN SHAPIRO: All those in favor?

4 (Chorus of "ayes.")

5 CHAIRMAN SHAPIRO: Any opposed?

6 (No response.)

7 CHAIRMAN SHAPIRO: Motion carries.

8 MR. CURCIO: Thank you very much.

9 MR. WALSH: Thank you.

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1 NCPC OSPAC File No. 2-2025

2 (Stepping up.)

3 MR. HOESL: Next up we have
4 OSPAC 2-2025. May I have a motion to open the
5 public comment period?

6 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
7 I make a motion of 2-2025 and the motion is to
8 open the public comment period.

9 COMMISSIONER DURSO: Second.

10 CHAIRMAN SHAPIRO: All in favor?

11 (Chorus of "ayes.")

12 CHAIRMAN SHAPIRO: Okay.

13 MR. HOESL: Thank you.

14 This is an application to sell
15 County-owned property to an adjacent property
16 owner. Property in question is located at
17 968 Park Avenue, in the Hamlet of New Cassel in
18 the Town of North Hempstead. It's approximately
19 a 2,500 square foot parcel you can see
20 highlighted in yellow on the map there
21 (indicating). They would be selling it to the
22 property owner directly to the west.

23 Nassau County's requesting permission,
24 as I said, to sell excess County-owned property.
25 "DPW" approves of this sale, without condition.

1 NCPC OSPAC File No. 2-2025

2 If approved, the property in question
3 should be merged with the adjacent homeowner's
4 property.

5 The application was introduced at the
6 March 11th "OSPAC" meeting and was subsequently
7 forwarded to the Nassau County Planning --
8 Planning Commission to open the public comment
9 period today.

10 Here today we have Kathleen Forman from
11 the County Attorney's Office. And we will see if
12 there are anybody wishing to speak on this
13 matter.

14 (Stepping up.)

15 MS. FORMAN: Good morning.

16 CHAIRMAN SHAPIRO: Good morning.

17 MS. FORMAN: Kathleen Forman,
18 Deputy County Attorney.

19 Any questions?

20 THIRD VICE-CHAIR LEWIS: Is there
21 anything currently on the property, any
22 structures or is it a --

23 MS. FORMAN: Not to my knowledge. From
24 the picture, there looked like there could be
25 some kind of shed or a garage.

1 NCPC OSPAC File No. 2-2025

2 THIRD VICE-CHAIR LEWIS: Gotcha.

3 MS. FORMAN: But I think the homeowners
4 are using it as their driveway. When they bought
5 the house, the assumption was they owned the
6 property.

7 THIRD VICE-CHAIR LEWIS: I see.

8 And they would be the only ones you
9 would offer it to? You wouldn't offer it to the
10 other neighbors?

11 MS. FORMAN: No one has expressed any
12 desire to own it.

13 (Laughter.)

14 THIRD VICE-CHAIR LEWIS: No one wants
15 to pay taxes on land that they otherwise don't --

16 MR. O'BRIEN: You can put a toll booth
17 up.

18 (Laughter.)

19 THIRD VICE-CHAIR LEWIS: Okay.

20 CHAIRMAN SHAPIRO: Commissioners, any
21 questions?

22 (No response.)

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

25 (No response.)

1 NCPC OSPAC File No. 2-2025

2 CHAIRMAN SHAPIRO: Not seeing anybody
3 or hearing, I will take a motion.

4 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
5 I'd like to make a motion that we close the
6 public hearing on 2-25 and send it to "OSPAC" for
7 action.

8 COMMISSIONER FORMAN: Second.

9 COMMISSIONER DURSO: Second.

10 CHAIRMAN SHAPIRO: All in favor?

11 (Chorus of "ayes.")

12 CHAIRMAN SHAPIRO: The motion carries.

13 MS. FORMAN: Thank you.

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1 NCPC OSPAC File No. 3-2025

2 (Stepping up.)

3 MR. HOESL: Last up we have
4 OSPAC 3-2025.

5 May I have another motion to open the
6 public comment period?

7 THIRD VICE-CHAIR LEWIS: So moved.

8 (Laughter.)

9 COMMISSIONER DURSO: Second.

10 MR. HOESL: Thank you.

11 CHAIRMAN SHAPIRO: All in favor?

12 (Chorus of "ayes.")

13 MR. HOESL: Okay. So this is
14 an application for a land swap between
15 Nassau County and the "Coral House" located
16 at 70 Milburn Avenue.

17 Nassau County is requesting permission
18 to initiate a land swap with the Coral House. A
19 use and occupancy permit has been in place since
20 1993. According to the "U and O permit," it's
21 understood that certain property of the County is
22 currently occupied by the permittee. Being that
23 the permittee's building encroaches on
24 County-owned land, the total land area of the
25 encroachment will be calculated and the permittee

1 NCPC OSPAC File No. 3-2025
2 will then offer to the County a parcel of land of
3 equal dimensions for a land swap.

4 Nassau County will transfer two small
5 parcels totaling 287 square feet to the
6 "Coral House," while the "Coral House" will
7 transfer one small parcel totaling 287 square
8 feet to satisfy the requirements of the land
9 swap.

10 The parcels in question have been
11 appraised and both have a nominal market value.
12 The process for "Parkland Alienation" from
13 New York State has also already been completed.

14 You can see on the map there the
15 locations of these two -- well, three parcels
16 that are going to be swapped. They're right by
17 the "Coral House" there.

18 "DPW" --

19 THIRD VICE-CHAIR LEWIS: So -- so for
20 the two areas that are going to be swapped, is
21 that where the encroachment exists?

22 MR. HOESL: Yes. I believe the
23 encroachment was mainly up where "Parcel 1" is.

24 THIRD VICE-CHAIR LEWIS: Okay.

25 MR. HOESL: "DPW" approves of this

1 NCPC OSPAC File No. 3-2025

2 land swap agreement, without condition.

3 Application was introduced March 11th
4 "OSPAC" meeting and was subsequently forwarded to
5 the Planning Commission to open the public
6 comment period today.

7 So --

8 THIRD VICE-CHAIR LEWIS: Is -- is --
9 well let's ask.

10 MR. HOESL: Yeah, we have Kevin Walsh
11 here.

12 THIRD VICE-CHAIR LEWIS: Okay.

13 (Stepping up.)

14 MR. WALSH: Thanks, Greg.

15 MR. HOESL: Yup.

16 MR. WALSH: Hi, good morning.

17 Kevin Walsh, the Office of Real Estate Services.

18 As Greg mentioned, this is a land swap
19 of two parcels for one in Baldwin. It was
20 contemplated that this would happen actually many
21 years ago, pursuant to a provision and a permit.
22 And finally, we're -- we're completing this. The
23 property line between the "Milburn Park," which
24 is County Park, and the lakeside into the west,
25 there was a slight building encroachment, I think

1 NCPC OSPAC File No. 3-2025

2 287 square feet.

3 So really we're talking de minimis
4 property. So the land swap will enable obviously
5 the building removed where it is, and the County
6 will acquire a small piece kind of just to the
7 south, which is also parkland, which will
8 actually become parkland. That was -- this, as
9 you know, requires "State Alienation
10 Legislation." And we actually -- a little bit
11 different of a process -- we actually had that
12 legislation approved already.

13 THIRD VICE-CHAIR LEWIS: Yeah, I was
14 kind of surprised that that part has already
15 moved along.

16 MR. WALSH: Right.

17 THIRD VICE-CHAIR LEWIS: But that's
18 good to hear. The work behind the scenes
19 apparently's being done.

20 This is -- we saw this when it was the
21 "use and occupancy permit" being approved I
22 think.

23 MR. WALSH: I don't know, because this
24 permit goes back to the '90s. So this permit --

25 THIRD VICE-CHAIR LEWIS: Okay. Yeah, I

1 NCPC OSPAC File No. 3-2025

2 was trying to --

3 MR. WALSH: Right.

4 THIRD VICE-CHAIR LEWIS: -- I thought
5 we saw "Coral House" once.

6 MR. WALSH: And also just so you know
7 the property, you know, the de minimis we have to
8 appraise, because we're requiring and conveying.
9 And I have it drafted, the appraisal. But as
10 expected, the property values --

11 THIRD VICE-CHAIR LEWIS: Well --
12 well --

13 MR. WALSH: -- are relatively
14 de minimis and he kind -- we are getting property
15 equal in value to what we're conveying.

16 THIRD VICE-CHAIR LEWIS: Understood.
17 Okay.

18 Good stuff.

19 CHAIRMAN SHAPIRO: Thank you.

20 MR. WALSH: Thank you.

21 CHAIRMAN SHAPIRO: Any other questions,
22 Commissioners?

23 (No response.)

24 CHAIRMAN SHAPIRO: Is there anybody in
25 the public that wishes to be heard on this?

1 NCPC OSPAC File No. 3-2025

2 MS. RYAN: (Gesturing.)

3 CHAIRMAN SHAPIRO: Come up. Fill out a
4 speaker registration form after you're done, for
5 the record.

6 And name and address for the record.

7 (Stepping up.)

8 MS. RYAN: My name is Linda Ryan. I
9 live at 160 South Brookside Avenue in Freeport.

10 I originally came today to find out
11 what this meant, because I live directly across
12 the street from it. And I still don't understand
13 it.

14 But -- and I don't know if this is the
15 right forum to bring this up, but right across
16 the street from there there's a -- a Milburn Park
17 where they have benches, and people walk their
18 dogs, and go jogging and running. And I've been
19 at my home for 12 years now and it's been -- been
20 quiet -- quiet area. I'm right there where the
21 park is.

22 Now, last year, they put swings. They
23 made a whole new section there. They put a set
24 of swings and, you know, some small trees and
25 benches. Well, this -- which I have no problem

1 NCPC OSPAC File No. 3-2025

2 with -- but this is like 15 feet maybe away from
3 the back of my yard, my backyard. So, you know,
4 it's -- it's a nice place for the kids. And they
5 make a lot of noise in the spring and the summer
6 where, you know, I don't blame the kids, because
7 they're kids and they should be that way.

8 But I don't understand how they could
9 build something so close to someone's private
10 property. And now in the nice weather, you know,
11 I have to hear all this. I have a nice deck.
12 It's right I'm -- I'm saying feet away from my
13 backyard.

14 And I just wanted to bring up, you
15 know, how that's possible they could build
16 something in a private [sic] -- in a public
17 place, but so close to someone's, you know,
18 property. And now I don't have the quietness
19 that I used to have. Late at night, older kids
20 go there in the summertime. They make noise late
21 at night and I have to deal with all this. And I
22 had no input and no -- no inkling that they were
23 setting something like that so close to my
24 property.

25 So I don't know if this is the right

1 NCPC OSPAC File No. 3-2025

2 place to bring it up. But since I came to find
3 out about this, like I say, I still don't
4 understand it, because I'm right across the
5 street. But I just wanted to mention that.

6 THIRD VICE-CHAIR LEWIS: So the -- I
7 guess the question would be at which -- which
8 park did you say and whom?

9 MS. RYAN: It's right across the
10 street --

11 THIRD VICE-CHAIR LEWIS: Is it Town or
12 County?

13 MS. RYAN: -- from the pond. So it's
14 called "Milburn Park," right across the street.

15 THIRD VICE-CHAIR LEWIS: Do we know if
16 that's a Town or County?

17 MR. HOESL: I believe it's the County.

18 A FEMALE VOICE: The County.

19 CHAIRMAN SHAPIRO: County.

20 THIRD VICE-CHAIR LEWIS: County.

21 AUDIENCE MEMBER: It's on the other
22 sidewalk.

23 (Discussion held among Commissioners
24 off the record.)

25 THIRD VICE-CHAIR LEWIS: Right.

1 NCPC OSPAC File No. 3-2025

2 CHAIRMAN SHAPIRO: It has nothing to do
3 with this land swap.

4 THIRD VICE-CHAIR LEWIS: Yeah -- yeah.

5 CHAIRMAN SHAPIRO: I would talk to the
6 Parks Department.

7 THIRD VICE-CHAIR LEWIS: The Parks
8 Department.

9 MS. RYAN: The Parks Department?

10 THIRD VICE-CHAIR LEWIS: Yeah, the
11 Nassau County Parks Department, yeah.

12 MS. RYAN: Okay.

13 CHAIRMAN SHAPIRO: Okay.

14 MS. RYAN: Okay. I appreciate your
15 time. Thank you.

16 COMMISSIONER GOLD: Thank you.

17 CHAIRMAN SHAPIRO: Have a good day.

18 MR. O'BRIEN: Thank you and good luck.

19 (Laughter.)

20 MS. RYAN: You too.

21 CHAIRMAN SHAPIRO: Is there anybody
22 else in the public that likes to be heard?

23 (No response.)

24 CHAIRMAN SHAPIRO: Not seeing any, I
25 will take a motion.

1 NCPC OSPAC File No. 3-2025

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

4 CHAIRMAN SHAPIRO: Make a motion to
5 close and hold.

6 COMMISSIONER DURSO: I'd like to make a
7 motion to close the public hearing for
8 OSPAC 3-2025, with a "Negative Dec."

9 COMMISSIONER KALATY: Second.

10 CHAIRMAN SHAPIRO: And send it to
11 "OSPAC."

12 COMMISSIONER DURSO: And send it to
13 "OSPAC."

14 CHAIRMAN SHAPIRO: "OSPAC."

15 COMMISSIONER DURSO: "OSPAC."

16 COMMISSIONER KALATY: Second.

17 CHAIRMAN SHAPIRO: All those in favor?
18 (Chorus of "ayes.")

19 CHAIRMAN SHAPIRO: Any opposed?
20 (No response.)

21 CHAIRMAN SHAPIRO: Motion carries.

22 * * *

23

24

25

1 NCPC Minor Sub. File No. 5-2025

2 (Stepping up.)

3 MR. WREN: All right, good morning.

4 Next up we have minor subdivisions. We
5 are going to start with Case 5-2025. This is a
6 lot line adjustment.

7 The 18.183 acre subject property
8 situated -- is situated on the south side of
9 West John Street, in the Hamlet of Hicksville,
10 Town of Oyster Bay's "Light Industrial District."
11 Application proposes to convey 59,451 square feet
12 from the western portion of "Parcel B," to the
13 eastern portion of "Parcel A" by means of a
14 lot line adjustment.

15 "Proposed Parcel A" will have a
16 frontage of 367.43 square feet -- oh, I'm sorry,
17 367.43 feet and be a total of 497,708 square feet
18 after reappointment.

19 "Parcel B" will have a frontage of
20 225 feet and be a total of 294,356 square feet
21 after reappointment.

22 Town of Oyster Bay's Department of
23 Planning and Development has issued a "letter of
24 zoning compliance" for the lot line.

25 I now would like the -- ask the

1 NCPC Minor Sub. File No. 5-2025

2 attorney to come up.

3 CHAIRMAN SHAPIRO: Good morning.

4 Name and address for the record please.

5 (Stepping up.)

6 MR. HELMAN: Yeah, good morning.

7 Eric Helman, Amato Law Group, PLLC,

8 666 Old Country Road, Suite 901, Garden City,

9 New York 11530.

10 THIRD VICE-CHAIR LEWIS: And are you

11 representing the company we see here for the

12 school buses or --

13 MR. HELMAN: I represent the property

14 owner. The -- the -- the school bus company for

15 a student is a tenant on the property.

16 THIRD VICE-CHAIR LEWIS: Okay.

17 CHAIRMAN SHAPIRO: Thank you.

18 Any other comments, besides --

19 MR. HELMAN: Yeah, I have -- I have

20 nothing to -- to add to Mr. Wren's presentation,

21 unless the Board has any questions.

22 THIRD VICE-CHAIR LEWIS: No.

23 Just for record, the -- the -- the idea

24 is the school bus operation is going to get

25 bigger and so they're looking to extend that back

1 NCPC Minor Sub. File No. 5-2025
2 portion of the property from the other property,
3 the -- from the neighbor basically?

4 MR. HELMAN: That -- that is correct.
5 And the extension would go right up against
6 the -- the new lot line that would be created,
7 correct.

8 THIRD VICE-CHAIR LEWIS: Yeah, the
9 drawings we got here are -- are kind of hard to
10 see anything on them that's helpful, but I think
11 we understand it nonetheless.

12 MR. HELMAN: Okay.

13 THIRD VICE-CHAIR LEWIS: Yeah, like
14 this is kind of all washed out. But there's
15 going to be a line pretty much in the middle
16 there?

17 MR. HELMAN: Toward the bottom, yeah,
18 right in the middle.

19 THIRD VICE-CHAIR LEWIS: Okay.

20 MR. HELMAN: And that -- and that's
21 really the extent of it.

22 THIRD VICE-CHAIR LEWIS: Right.

23 CHAIRMAN SHAPIRO: Okay.

24 Thank you.

25 MR. HELMAN: Thank you.

1 NCPC Minor Sub. File No. 5-2025

2 CHAIRMAN SHAPIRO: Commissioners, any
3 other questions?

4 (No response.)

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

7 (No response.)

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

10 COMMISSIONER KALATY: Motion to approve
11 NCPC File 5-2025.

12 CHAIRMAN SHAPIRO: "Type II" Action.
13 It -- it says "Type II."

14 COMMISSIONER KALATY: What?

15 THIRD VICE-CHAIR LEWIS: Yeah.

16 COMMISSIONER KALATY: "Type II?"

17 CHAIRMAN SHAPIRO: Yeah.

18 COMMISSIONER KALATY: With a "Type II"
19 Action.

20 CHAIRMAN SHAPIRO: Okay.

21 COMMISSIONER DURSO: I'll second.

22 CHAIRMAN SHAPIRO: All those in favor?

23 (Chorus of "ayes.")

24 CHAIRMAN SHAPIRO: Any opposed?

25 (No response.)

1 NCPC Minor Sub. File No. 5-2025

2 CHAIRMAN SHAPIRO: The motion carries.

3 MR. HELMAN: Thank you.

4 CHAIRMAN SHAPIRO: You're welcome.

5 * * *

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1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: Okay. Marty, let's
3 do the following, since we went through most of
4 these.

5 I'm going to take a motion on to "LD"

6 NCPC Zoning Items:

7 1;

8 3;

9 5;

10 7;

11 And 8.

12 * * *

13 MR. KATZ: Could I just say one thing?

14 I -- I was asked to provide additional
15 information on Case No. 1. The principal on that
16 one, I think one of the Commissioners, it was --

17 COMMISSIONER DURSO: Yes.

18 MR: KATZ: -- is Shashi Goyal, okay.

19 And also there was one concern. I don't know if
20 that's -- concerning access the -- the -- let's
21 just go to that -- that proposed.

22 Yes, the -- the -- there was a concern
23 by one of the Commissioners about backing up
24 traffic on the easterly, proposed easterly --

25 COMMISSIONER DURSO: Right.

1 Zoning Referral Review

2 MR. KATZ: -- curb cut for this new
3 catering facility.

4 That access is actually going to be
5 only used -- easterly access is going to be
6 closed off to the public and only be used for
7 emergency vehicle, fire vehicle access. So all
8 access will be coming from the westerly curb cut,
9 as you can see with the arrow, so --

10 THIRD VICE CHAIR LEWIS: Okay, that's
11 good.

12 MR. KATZ: -- and generally some --

13 COMMISSIONER DURSO: I have a question
14 for you also on in the and out access of that
15 one -- the entrance in and out.

16 MR. KATZ: Yeah, the east -- the
17 westerly curb cut.

18 COMMISSIONER DURSO: Correct.

19 Now, is there going to be -- so they're
20 going to make lefts or rights out of that?

21 MR. KATZ: According to that site plan,
22 it looks like it would be a full movement
23 curb cut -- curb cut. Yes, I don't think it's
24 restricted to right turns in or right turns out
25 only.

1 Zoning Referral Review

2 COMMISSIONER DURSO: Yeah. No, I just
3 wanted to confirm that we're --

4 MR. KATZ: Yeah.

5 CHAIRMAN SHAPIRO: Yeah, okay.

6 COMMISSIONER DURSO: Thank you.

7 And can you repeat the name of the
8 property owner?

9 MR. KATZ: Well, the principal listed
10 on the application is Shashi Goyal for
11 Escube, LLC.

12 COMMISSIONER DURSO: Shashi Boyle, with
13 a "B?"

14 MR. KATZ: Goyal.

15 COMMISSIONER DURSO: Goyal?

16 MR. KATZ: Goyal, G-o-y-a-l.

17 COMMISSIONER DURSO: Goyal?

18 MR. KATZ: Yeah.

19 CHAIRMAN SHAPIRO: Okay.

20 COMMISSIONER DURSO: Thank you.

21 MR. O'BRIEN: Make them Irish, is a
22 Boyle.

23 COMMISSIONER GOLD: What was the last
24 part of that, Marty? I thin you said it was
25 Shashi Goyal for?

1 Zoning Referral Review

2 MR. KATZ: For -- for principal, for
3 Escube, LLC. E-s-c-u-b-e. It's on your sheet
4 there. That's the applicant.

5 * * *

6 CHAIRMAN SHAPIRO: Okay. So --

7 MR. KATZ: Okay.

8 CHAIRMAN SHAPIRO: -- now getting back
9 to the motion.

10 (Laughter.)

11 CHAIRMAN SHAPIRO: So I need a motion
12 to "LD" Zoning Items:

13 1;

14 3;

15 5;

16 7;

17 And 8."

18 COMMISSIONER FORMAN: So moved.

19 CHAIRMAN SHAPIRO: Is there a second?

20 COMMISSIONER GOLD: Second.

21 * * *

22 CHAIRMAN SHAPIRO: Yeah, go ahead.

23 COMMISSIONER DURSO: It's on -- it's
24 for 8.

25 CHAIRMAN SHAPIRO: Eight, okay.

1 Zoning Referral Review

2 COMMISSIONER DURSO: I just --

3 CHAIRMAN SHAPIRO: Hold on.

4 COMMISSIONER DURSO: -- wanted to ask a
5 question on 8.

6 CHAIRMAN SHAPIRO: Okay, go ahead.

7 COMMISSIONER DURSO: So I just
8 have a question on Case No. 8 for the
9 Carmans Road Plaza.

10 I just wanted to verify, I know we're
11 just doing a special use permit for the -- for
12 the tenant.

13 Is there any other information or will
14 this come back to us as far as:

15 The hours of operation;

16 The in and out of the -- the traffic?

17 MR. KATZ: This is going to -- this was
18 referred to us by the Town of Oyster Bay for a
19 special use permit. The Commission will issue a
20 recommendation back to the -- to the Town. And
21 at that point, the -- the Town Board will --
22 will -- will either approve it or deny it. It
23 won't be coming back to us.

24 COMMISSIONER DURSO: Correct.

25 MR. KATZ: Actually, it's for a

1 Zoning Referral Review

2 special use -- it may actually be coming back to
3 us for a -- a parking variance. Sometimes they
4 do their -- they get their special use, and then
5 it comes back to us if it's parking deficient for
6 a parking variance.

7 COMMISSIONER DURSO: Got it. But it
8 wouldn't be --

9 MR. KATZ: So it -- it may actually
10 come back to us.

11 COMMISSIONER DURSO: But the business
12 itself, like hours and what the actual -- where
13 it's not going to matter to us, we -- we can't
14 make any --

15 MR. KATZ: Right -- right.

16 COMMISSIONER DURSO: -- suggestions
17 or --

18 MR. KATZ: That didn't --

19 COMMISSIONER DURSO: -- recommendations
20 on that.

21 MR. KATZ: -- that wasn't part of the
22 application.

23 COMMISSIONER DURSO: Okay.

24 MR. KATZ: I mean we can find that out.

25 COMMISSIONER DURSO: I was just more

1 Zoning Referral Review

2 curious of the hours --

3 MR. KATZ: Yeah.

4 COMMISSIONER DURSO: -- and -- but I
5 could look it up.

6 MR. KATZ: Okay.

7 COMMISSIONER DURSO: I'll check their
8 other -- they have other locations throughout the
9 State.

10 So thank you. Sorry.

11 MR. KATZ: Okay. That's all right.

12 CHAIRMAN SHAPIRO: All right. Any
13 other questions?

14 (No response.)

15 * * *

16 MR. O'BRIEN: We need a motion.

17 CHAIRMAN SHAPIRO: Now we need a motion
18 on:

19 1;

20 3;

21 5;

22 7;

23 And 8 for "LD."

24 COMMISSIONER FORMAN: So moved.

25 CHAIRMAN SHAPIRO: Is there a second?

1 Zoning Referral Review

2 COMMISSIONER DURSO: Second.

3 CHAIRMAN SHAPIRO: All those in favor?

4 (Chorus of "ayes.")

5 CHAIRMAN SHAPIRO: Any opposed?

6 (No response.)

7 CHAIRMAN SHAPIRO: Motion carries.

8 * * *

9 CHAIRMAN SHAPIRO: Marty, let's do No.
10 4 next.

11 MR. KATZ: Okay. No. 4, NCPC Case No.
12 34125. This is in the Village of Mineola and
13 it's for a special permit.

14 This is a proposed five-story mixed-use
15 building containing ground floor retail of about
16 6,800 square feet, and parking on the -- on the
17 ground floor and 62 apartment units on floors 2
18 through 4 and amenity space on partial sixth
19 floor.

20 The bedroom mix is as follows, 49
21 one-bedroom and 13 two-bedroom. There would also
22 be two levels of below-grade parking.

23 The site is 23,946 square feet, a
24 little over a half an acre. The site has
25 frontage on both Main Street and 2nd Street.

1 Zoning Referral Review

2 Previously, the site was improved with
3 multiple other commercial uses, but due to a
4 fire, all but one building has since been
5 demolished.

6 Access to the parking will be -- be via
7 driveways on Main Street.

8 The -- the project requires several
9 variances under the underlying "B-2" Zoning
10 District. This also falls within the "Historic
11 Overlay District," okay. But within the "B" --
12 the underlying district, it's deficient in terms
13 of:

14 A front-yard setback;

15 In terms of height;

16 In terms of lot coverage;

17 And -- and in terms of the parking.

18 But certain -- because it's in the
19 "Historic Overlay District," the Town -- the
20 Village may relax some of these zoning
21 requirements. Okay.

22 And under "Historic Overlay District,"
23 incentive bonuses allow for adjustments to:

24 Permissible density;

25 Lot coverage;

1 Zoning Referral Review

2 Floor area ratio;

3 Parking requirements;

4 And setbacks.

5 The "BOT" shall determine whether the
6 proposed amenities provide sufficient public
7 benefit to provide the requested incentives. If
8 the "BOT" determines that the suitable community
9 benefit or amenity is not immediately feasible,
10 it may require a payment to the Village of a sum
11 determined by the "BOT."

12 To the north of the subject property
13 abuts a five-story municipal village parking
14 garage. Main Street is characterized by two- and
15 three-story storefronts, slash, taxpayers in a
16 downtown setting and fairly close to the -- but
17 not abutting, but fairly close to the Long Island
18 Railroad Mineola Station. The subject property
19 is diagonally across from the relatively new
20 eight-story "Morgan Park" mixed-use residential
21 building located on -- on 2nd Street.

22 A parking analysis was prepared. From
23 a parking perspective, the site would experience
24 its peak parking demand during the weekday, with
25 81 parked vehicles expected. At-grade parking,

1 Zoning Referral Review

2 proposed project would generate a minimal -- a
3 minimal amount of additional traffic, when
4 compared to how it operated in the past. The
5 studied intersections can be expected to
6 experience imperceptible changes in operation,
7 according to the study.

8 Staff is recommending "Local
9 Determination with a Letter" that addresses
10 Workforce Housing set aside, which we normally
11 accompany with these types of projects where
12 affordable housing is not necessarily part of the
13 application, so --

14 CHAIRMAN SHAPIRO: Thank you.

15 Commissioners, any questions?

16 (No response.)

17 CHAIRMAN SHAPIRO: If not, I'll take a
18 motion for an "LD with a Letter" addressing the
19 Workforce Housing.

20 COMMISSIONER GOLD: I'll make a motion
21 to approve NCPC 34125, with a letter addressing
22 the Workforce Housing Set Aside.

23 CHAIRMAN SHAPIRO: And an "LD."

24 COMMISSIONER KALATY: And
25 "Local Determination."

1 Zoning Referral Review

2 COMMISSIONER DURSO: Second.

3 CHAIRMAN SHAPIRO: All in favor?

4 (Chorus of "ayes.")

5 CHAIRMAN SHAPIRO: Any opposed?

6 (No response.)

7 CHAIRMAN SHAPIRO: Motion carries.

8 * * *

9 MR. KATZ: Okay. Which next one?

10 CHAIRMAN SHAPIRO: The last one is
11 No. 2.

12 MR. KATZ: Okay.

13 No. 2 this is NCPC Case No. 227225.

14 And this is the Village of Russell Garden and
15 it's an amendment to -- an amendment to the
16 zoning code.

17 The proposed law defines "Religious
18 Use" within the zoning code and creates a
19 requirement for a special use for such, for a
20 religious use. The current provisions do not
21 specify additional standards for religious
22 institutions.

23 The proposed "Article XIII" or within
24 the Village Zoning Code will provide more
25 stringent standards for the review and approval

1 Zoning Referral Review

2 of religious uses in the Village.

3 One, religious uses may not be
4 established on a lot having less than 30,000
5 square feet;

6 Two, no religious building shall have a
7 height greater than permitted for any structure
8 within its zoning districts, which are:

9 Resident [sic] -- Residence --
10 Residence "A;"

11 And Residence "AA;"

12 And Residence "B;"

13 And Business;

14 Three, no religious use may impose
15 conditions as to create adverse effects on
16 adjoining properties, the neighborhood or the
17 community;

18 Four, religious uses must accommodate
19 enough off-street parking, on -- on-site parking,
20 slash, on-site parking for 1 space per 2 fixed
21 seats or 1 space per 2 persons, which is --
22 whichever's greater;

23 Five, when considering an application
24 for a special use permit for religious use, the
25 "B.O.T.," Board of Trustees will ensure at a

1 Zoning Referral Review

2 minimum that the proposed use is properly located
3 in relation to:

4 Transportation;

5 Water supply;

6 Waste disposal;

7 Fire protection and other facilities;

8 Will not create undue traffic

9 congestion, hazards conflicts;

10 Will not adversely affect property

11 values, neighborhood character;

12 Will encourage appropriate use of land

13 consistent with the Village needs;

14 And will not impair public health or

15 safety.

16 It should be noted that there are
17 6 parcels within the Village over 30,000 square
18 feet, eligible for religious uses, the majority
19 of which are publicly owned, which probably would
20 then -- then qualify for such a use. However,
21 this does not account for the possibility of
22 assembling multiple adjoining tax parcels to
23 satisfy the 30,000 square foot standard.

24 I think staff recommends denial. I
25 think I would like Mr. O'Brien, the -- our

1 Zoning Referral Review

2 attorney to may be discuss these reasons for
3 denial with respect to "RLUIPA."

4 MR. O'BRIEN: Yeah.

5 I -- I think the Commission has asked
6 that I put something on the record regarding
7 "RLUIPA" and we'll -- we'll take it --

8 CHAIRMAN SHAPIRO: Yes --

9 MR. O'BRIEN: -- from there.

10 CHAIRMAN SHAPIRO: -- please.

11 MR. O'BRIEN: First of all, the
12 acronym, Stephanie, is "R-L-U-I-P-A," which
13 stands for the "Religious Land Use
14 Institutionalized Persons Act."

15 A general overview of -- of "RLUIPA" is
16 just several points:

17 One, it bars land use regulations that
18 substantially burden religious exercise, except
19 where justified by, quote, compelling
20 governmental interests, end quote, that the
21 government pursues in the least restrictive way
22 possibly;

23 It also requires governments to treat
24 houses of worship as favorably as non-religious
25 assemblies;

1 Zoning Referral Review

2 And finally, it bars governments from
3 totally or unreasonably excluding religious
4 assemblies, institutions or structures.

5 In reviewing the Local Law that has
6 been referred to us by the Village, several items
7 appear to stand out. One is in "60-2,"
8 definitions, a -- the owner and operator of a
9 religious use shall be a tax exempt religious
10 organization pursuant to the "Internal Revenue
11 Code," as evidenced by the determination letter
12 or a ruling from the "Internal Revenue Service,"
13 meaning it has to be a "501(c)(3)." And I'm not
14 so -- I'm not convinced that every religious
15 institution that exists is a "501(c)(3)."

16 Number two, under 6 -- "60-70," no
17 religious use shall be:

18 Established;

19 Operated;

20 Or maintained;

21 Or located on a lot having an area less
22 than 30,000 square feet. So the lot for a
23 religious use, it appears to be larger than
24 existing residential properties or -- or
25 non-religious properties in the Village.

1 Zoning Referral Review

2 "60-7.71," no building used for any
3 religious use shall have a height greater than
4 permitted for any other structure in the
5 zoning district in which it is located does not
6 take into account what the heights are of
7 adjoining or in -- in homes within the radius, or
8 properties in -- in the radius.

9 And third under "60-74," "special use
10 permit criteria -- criteria," I -- I point out
11 to:

12 "Number 1;"

13 "Number 3;"

14 And "Number 4."

15 And "Number 1" will be properly located
16 in regard to:

17 Transportation;

18 Water supply;

19 Waste disposal;

20 Fire protection and other facilities.

21 Properly located is very subjective.

22 And it seems to state that it'll be treated
23 differently than other structures, or other
24 properties in the area.

25 Three, will not adversely affect the

1 Zoning Referral Review

2 value of:

3 Property;

4 Character of neighborhood;

5 Or pattern -- or the pattern of

6 development.

7 Again, that seems to be singling out
8 religious institutions, as to other properties.

9 And -- and -- and finally, will
10 encourage an appropriate use of land consistent
11 with the needs of the Village. The needs of the
12 Village should have nothing to do with the
13 exercise of the expression of a religious
14 freedom.

15 So with that in mind, it would be my
16 recommendation to the Commission that they make a
17 recommendation of a "denial" of the law, as -- as
18 -- as drafted.

19 CHAIRMAN SHAPIRO: Thank you for
20 putting that on the record, Mr. O'Brien.

21 Do I have a motion for a "denial?" And
22 in that denial, Marty, I want you to include
23 everything that Mr. O'Brien said.

24 MR. KATZ: Yeah, I'll -- I'll --

25 CHAIRMAN SHAPIRO: You'll draft it?

1 Zoning Referral Review

2 MR. KATZ: Yeah, I'll go over it with
3 Bob.

4 MR. O'BRIEN: Okay.

5 MR. KATZ: Sure.

6 CHAIRMAN SHAPIRO: Okay.

7 Do I have a motion?

8 COMMISSIONER FORMAN: So moved.

9 CHAIRMAN SHAPIRO: Is there a second?

10 (Laughter.)

11 COMMISSIONER DURSO: I'll second.

12 CHAIRMAN SHAPIRO: All those in favor
13 of a denial?

14 (Chorus of "ayes.")

15 CHAIRMAN SHAPIRO: Any opposed?

16 (No response.)

17 CHAIRMAN SHAPIRO: Motion carries.

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1 Proceedings

2 CHAIRMAN SHAPIRO: Any new business?

3 (No response.)

4 CHAIRMAN SHAPIRO: Not seeing any, I
5 will take a motion to adjourn.

6 COMMISSIONER FORMAN: So moved.

7 COMMISSIONER DURSO: Second.

8 THIRD VICE-CHAIR LEWIS: All in favor.

9 (The meeting was concluded at
10 10:53 a.m.)

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

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

Stephanie J. Valder

STEPHANIE J. VALDER,

Stenographer

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