

REGULAR MEETING
of the
NASSAU COUNTY PLANNING COMMISSION

Thursday, January 30, 2025

10:03 a.m. - 11:03 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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JEFFREY H. GREENFIELD, Vice-Chair

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NEAL LEWIS, Third Vice-Chair

6

DANA DURSO,

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MURRAY FORMAN,

8

DENISE GOLD,

9

KHANDAN KALATY,

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Commissioners

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ROBERT O'BRIEN, ESQ., Counsel

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13 Staff:

14

GREGORY J. HOESL

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MARTY KATZ

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JOHN PERRAKIS

17

TIMOTHY WREN

18

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: Good morning and
welcome to the January 30th meeting of the
Nassau County Planning Commission.

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All rise for the Pledge of Allegiance,
and I would like Inspector John O'Dougherty to
please lead us.

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(Pledge of Allegiance recited in a
body.)

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VICE-CHAIR GREENFIELD: Play ball.

CHAIRMAN SHAPIRO: Play ball.

(Laughter.)

(Stepping up.)

MR. KATZ: All right. Let me take
attendance.

Chairman Shapiro?

CHAIRMAN SHAPIRO: Here.

MR. KATZ: First Vice-Chair Greenfield?

VICE-CHAIR GREENFIELD: Present.

MR. KATZ: Third Vice-Chair Lewis?

THIRD VICE-CHAIR LEWIS: Present.

MR. KATZ: Commissioner Durso?

COMMISSIONER DURSO: Present.

MR. KATZ: Commissioner Ellerbe?

1 Proceedings

2 MR. O'BRIEN: Excused.

3 CHAIRMAN SHAPIRO: Excused.

4 MR. KATZ: Commissioner Forman?

5 COMMISSIONER FORMAN: Present.

6 MR. KATZ: Commissioner Gold?

7 COMMISSIONER GOLD: Present.

8 MR. KATZ: Commissioner Kalaty?

9 COMMISSIONER KALATY: Present.

10 MR. KATZ: And Commissioner Sakowich?

11 CHAIRMAN SHAPIRO: Excused.

12 MR. O'BRIEN: Excused.

13 MR. KATZ: We have a quorum.

14 CHAIRMAN SHAPIRO: All right. Let's do
15 a little housekeeping first.

16 All applicants will have 10 minutes to
17 state their case and anybody in the public that
18 wishes to be heard gets 3 minutes. Please stick
19 with your three minutes. Agendas and speaker
20 registration forms are to my left, your right.

21 Go ahead, Marty.

22 MR. KATZ: Just acknowledge receipt of
23 transcripts from January 9th.

24 CHAIRMAN SHAPIRO: Do we have a motion?

25 COMMISSIONER FORMAN: So moved.

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Proceedings

CHAIRMAN SHAPIRO: Is there a second?

COMMISSIONER KALATY: Second.

CHAIRMAN SHAPIRO: Motion carries.

* * *

1 NCPC File No. 1989-F-1

2 MR. KATZ: Okay. The first case on the
3 Agenda is a Release of a Surety Bond and
4 Cash Escrow for NCPC File 1989-F-1, Map of
5 Treasure Island Marina. This is Seaford.

6 The -- the applicant is requesting the
7 release of bond and escrow for the Map of
8 Treasure Island Marina, located in Seaford. The
9 bond amount requested for release is \$206,278.40.
10 The amount of escrow requested to be released is
11 \$8,441.60.

12 The subject property comprises
13 8.95 acres. The subdivision consists of
14 16 lots that includes two -- two -- that
15 includes:

16 15 two-family lots ranging in size
17 from 12,000 square feet to 16,000 square feet;

18 And one marina on a lot consisting of
19 about 200,000 square feet, that are all located
20 within the Hamlet of Seaford.

21 The project received preliminary
22 subdivision approval on June 8th, 2017 and
23 final subdivision approval on March 12th, 2020.

24 Nassau County Subdivision Inspector
25 inspected the site on October 15th, 2024, and

1 NCPC File No. 1989-F-1
2 in an inspector's report dated 10/15/24
3 indicated that all public improvements had
4 been completed in -- in compliance, with the
5 schedule for bond and inspection of the site
6 deemed accept -- acceptable for release of the
7 bond and escrow.

8 Staff recommends -- recommends an
9 approval to the County Legislature to release
10 bond and escrow in the amount as stated above.

11 We do have John O'Dougherty to speak on
12 this and we have the attorney representing this
13 case.

14 CHAIRMAN SHAPIRO: Okay. Why don't we
15 just call Inspector O'Dougherty up first?

16 (Stepping up.)

17 MR. O'DOUGHERTY: John O'Dougherty,
18 1194 Prospect Avenue, Westbury, New York.

19 As previously read into the record,
20 members of my inspection staff conducted multiple
21 infrastructure inspections, as well as a
22 post-construction assessment that found all
23 bonded-related items to be in full compliance.

24 CHAIRMAN SHAPIRO: Thank you.

25 Commissioners, any questions?

1 NCPC File No. 1989-F-1

2 (No response.)

3 CHAIRMAN SHAPIRO: Okay.

4 Can I have the applicant come up and
5 address us please?

6 Mr. D'Agostino, good morning.

7 (Stepping up.)

8 MR. D'AGOSTINO: Good morning,
9 Mr. Chairman, Members of the Commission. My
10 name is Albert D'Agostino of -- of the firm of
11 Minerva and D'Agostino, P.C., 107 South Central
12 Avenue, Valley Stream, New York, representing the
13 applicant.

14 I don't know that I have anything to
15 add to the Inspector's Report and Mr. Katz's
16 report. The improvements that were secured
17 by -- by the surety deposit have been completed
18 and we would respectfully request a release of
19 the -- of that surety.

20 Just for the record, I'd like to let
21 you know that I have the -- the principal of the
22 applicant, Marc Underberg present with me if you
23 do have any questions.

24 (Laughter.)

25 THIRD VICE-CHAIR LEWIS: So I -- I just

1 NCPC File No. 1989-F-1
2 want to ask a question related to one of the
3 comments that came in to the file from one of the
4 neighbors that were asking about the pilings that
5 are in the water there. I don't think that has
6 anything to do with what's before us in terms of
7 this motion to be with the surety bond, the
8 improvements. So it seems unrelated to the
9 improvements.

10 But can I ask you to speak to the
11 question, is there a [sic] ongoing concern or --
12 or is there an understanding as to what's going
13 to happen regarding the point raised by the
14 neighbor.

15 MR. D'AGOSTINO: Well, the -- the --
16 the map, the aerial photo of the map is no longer
17 on the screen. But the -- my understanding --
18 the -- yeah, thank you, for whoever knows how to
19 work that thing.

20 (Laughter.)

21 MR. D'AGOSTINO: The -- you can see
22 that there -- there is a significant amount of
23 underwater land. This, at one time, was a
24 marina. Those are improvements on the underwater
25 land, which -- which are a part of the lots and

1 NCPC File No. 1989-F-1

2 part of the subdivision.

3 There -- the applicant has -- has --
4 has had no further thoughts, at this point, as to
5 whether or not -- and I think one of the
6 questions was, that -- that -- that I had -- had
7 heard was whether or not they were going to be
8 slips put in or not. And -- and there's been no
9 determination on that. And --

10 THIRD VICE-CHAIR LEWIS: So the
11 question -- the question of slips or whether
12 they're going -- whether they're going to build
13 docks onto those piers, that's for future
14 decisions. It's not --

15 MR. D'AGOSTINO: Right, it is. It's a
16 future decision. And we would have to make
17 application to the appropriate authorities,
18 including the "DEC" and --

19 THIRD VICE-CHAIR LEWIS: Right.

20 MR. D'AGOSTINO: -- and possibly the
21 Town Department of Conservation and --
22 and Waterways.

23 CHAIRMAN SHAPIRO: Okay, thank you.

24 VICE-CHAIR GREENFIELD: Can -- can you
25 put the slide back with the build?

1 NCPC File No. 1989-F-1

2 I want to tell the builder, they did a
3 very nice job.

4 (Laughter.)

5 MR. D'AGOSTINO: Thank you.

6 VICE-CHAIR GREENFIELD: I know he knows
7 how to build.

8 (Laughter.)

9 VICE-CHAIR GREENFIELD: But I think
10 this is much better for the neighbors than people
11 partying on their boats in a marina that was very
12 active back in the day. They have much better
13 neighbors, living, breathing, taxpaying
14 neighbors.

15 CHAIRMAN SHAPIRO: Is there anybody in
16 the public who wishes to be heard on this?

17 (No response.)

18 CHAIRMAN SHAPIRO: We have nobody
19 signed up.

20 Not seeing any, I will take a motion
21 for a release of the surety bond.

22 COMMISSIONER GOLD: I'll make a motion
23 to release the bond and escrow, the bond of --
24 the bond in the amount of \$206,278.40 and the
25 escrow amount of \$8,441.60.

1 NCPC File No. 1989-F-1

2 COMMISSIONER KALATY: 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 Thank you.

9 MR. D'AGOSTINO: Thank you very much,
10 Mr. Chairman.

11 AUDIENCE MEMBER: Thank you.

12 COMMISSIONER GOLD: Thank you.

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1 NCPC Minor Sub. File. No. 1-2025

2 (Stepping up.)

3 MR. WREN: Good morning.

4 Next up we have NCPC File 1-2025. This
5 is a minor subdivision.

6 We originally heard this case on
7 January 9th, and it was adjourned to today's date
8 due to some questions about the completeness of
9 the application. Those questions have been
10 answered.

11 The house was torn down. They did have
12 the proper demo permits. So now to get
13 into the -- the 16,800 square foot subject
14 property is situated on the east side of the
15 Biltmore Boulevard, in the Hamlet of Massapequa,
16 Town of Oyster Bay's "R1-7" Zoning District.
17 Application proposes to subdivide the
18 property, which currently has 120 feet on
19 Biltmore Boulevard into two equal parcels.

20 Proposed lot "A" and "B" will both be
21 6 -- will both have 60 feet of frontage by
22 140 feet on Biltmore Boulevard and both be a
23 total of 8,400 square feet.

24 The Town of Oyster Bay's Board of
25 Appeals has approved the requests for variances.

1 NCPC Minor Sub. File. No. 1-2025

2 It's the same variance for both lot "A"
3 and "B" and that variance is:

4 Variance to construct new dwelling on
5 subdivided lot having less width of lot at street
6 and width from property line to required rear
7 yard than permitted by ordinance.

8 I would like the attorney now to please
9 step up.

10 CHAIRMAN SHAPIRO: Good morning. Name
11 and address for the record please.

12 (Stepping up.)

13 MR. BUTLER: Good morning.

14 For the record, Philip Butler with the
15 law firm of Forchelli Deegan Terrana, on behalf
16 of the applicant.

17 I don't have much to add to Mr. Wren's
18 comments. I will say the property is surrounded
19 on all sides by other properties in the "R1-7"
20 Zoning District, all of which are improved with
21 existing single-family homes.

22 My client acquired the property in
23 December of 2023. In 2024, he applied to the
24 Town of Oyster Bay's Zoning Board of Appeals for
25 the variances necessary to subdivide the lot.

1 NCPC Minor Sub. File. No. 1-2025

2 It is relevant to note that in the
3 immediate area, there are 95 existing residences
4 on 60 foot wide lots or smaller. 62 of those
5 homes are on Biltmore Avenue [sic] -- or on
6 Boulevard, excuse me.

7 As part of the application to the
8 Zoning Board, we demonstrated that both lots can
9 be improved with fully zoning-compliant houses,
10 in that they will meet all of the:

11 Old zoning standards;

12 Setbacks;

13 Lot coverage;

14 Et cetera.

15 Additionally, through significant
16 community outreach, my client acquired
17 multiple letters in support from surrounding
18 properties, as well as a letter of support from
19 the Biltmore Shores Civic Association. And I
20 don't want to underscore the effort that went
21 into getting that. My client and I met with that
22 Civic Association on two different meetings
23 last year, and it was attended by roughly
24 eighty individuals from the surrounding
25 community. And we did not get support from

1 NCPC Minor Sub. File. No. 1-2025

2 the Civic Association, until their leadership
3 was convinced that the vast majority of those
4 residents supported this.

5 I also want to say that we've only
6 heard from the community that they wanted the
7 structure gone from the day that my client
8 acquired it. The question that was put before
9 them was whether or not it would be one house or
10 two. It was not a question of whether not they
11 wanted to keep the existing house.

12 On October Third of last year, the
13 Zoning Board adopted the resolution granting the
14 variances. As part of that approval, my client
15 agreed to a set of conditions that were intended
16 to address the specific concerns from the
17 Civic Association, which related primarily to the
18 possibility of the homes ever being converted
19 into two-family homes. We believe the conditions
20 we agreed to through the Zoning Board prevent
21 that, and that satisfied the Board and the
22 Civic Association.

23 CHAIRMAN SHAPIRO: Do you have a list
24 of those conditions?

25 MR. BUTLER: Yes. I can tell you off

1 NCPC Minor Sub. File. No. 1-2025

2 [sic] -- on the record. The -- there will be no
3 separate basement entrance. The ceiling height
4 in the basement cannot exceed 7 feet.

5 VICE-CHAIR GREENFIELD: Good.

6 MR. BUTLER: There was discussion about
7 adequate parking, so the parking onsite has to
8 accommodate at least three vehicles. And the
9 garages onsite are prohibited from being
10 converted to habitable space.

11 CHAIRMAN SHAPIRO: Thank you.

12 VICE-CHAIR GREENFIELD: And -- and
13 Mr. Butler?

14 MR. BUTLER: Yes.

15 VICE-CHAIR GREENFIELD: All those
16 condition -- oh, I hit it -- all those conditions
17 will be memorialized in the -- in the deed in
18 the --

19 MR. O'BRIEN: C & Rs.

20 VICE-CHAIR GREENFIELD: -- recorded in
21 the County Clerk's Office; correct?

22 MR. BUTLER: That's correct. So
23 they -- they were put into the Zoning Board
24 Resolution. And after discussion with --

25 VICE-CHAIR GREENFIELD: No, I

1 NCPC Minor Sub. File. No. 1-2025

2 understand the Zoning Board Resolution.

3 MR. BUTLER: Yeah.

4 VICE-CHAIR GREENFIELD: But I want to
5 make sure it's reflected in the conveyance of the
6 deed, so it's recorded -- for the benefit of the
7 neighbors that might be here, that it's recorded
8 in the County Clerk's Office.

9 MR. BUTLER: Yes, and those C & Rs are
10 drafted and I --

11 VICE-CHAIR GREENFIELD: C & Rs, yes.

12 MR. BUTLER: -- C & Rs, yes. They were
13 drafted and I sent them to Susan Cloninger, the
14 Zoning Board Secretary, I think the -- the last
15 week or the week before.

16 VICE-CHAIR GREENFIELD: Could you just
17 supply our staff with a copy of those also for
18 our file?

19 MR. BUTLER: Absolutely.

20 VICE-CHAIR GREENFIELD: Thank you.

21 MR. BUTLER: So ultimately, I -- I
22 would just want to point out that there's a
23 net increase of one house in this neighborhood,
24 so we're going from one to two. It's a
25 two-family -- it's a one -- one-family property

1 NCPC Minor Sub. File. No. 1-2025

2 to two one-family properties.

3 So, you know, I think the -- the
4 application really speaks for itself. I don't
5 see how there is, you know, any major concern
6 about a negative impact on the community.

7 We did provide, as part of our
8 application to the Zoning Board, both oral
9 testimony and a written report by Michael Lynch,
10 a real estate appraiser, stating that there won't
11 be any negative impact on surrounding property
12 values. If anything, the removal of a blighted
13 property that everybody surrounding it I think
14 acknowledged was a blight is a benefit to
15 property values.

16 So with all that being said, that's --
17 that's what I have for the Commission. If you
18 have any questions, I'm happy to respond to them.

19 CHAIRMAN SHAPIRO: Commissioners,
20 any -- any questions?

21 (No response.)

22 CHAIRMAN SHAPIRO: We do have three
23 speakers.

24 The first one, Patrick Ruhle, please
25 come up to the microphone. Name and address for

1 NCPC Minor Sub. File. No. 1-2025

2 the record.

3 (Stepping up.)

4 MR. RUHLE: Good morning. My name is
5 Patrick Ruhle, like you said. I live at
6 102 Biltmore Boulevard, which is the southern
7 adjacent property to 100 Biltmore Boulevard.

8 And I had a couple notes prepared, but
9 I -- I think I'm just going to kind of, again,
10 caught off something that their attorney just
11 said. I want to start with the extensive
12 community outreach that he mentioned.

13 Okay. So there were two meetings at
14 the Biltmore Civic Association where neighbors
15 showed up. I don't know if it was eighty, or
16 forty or eighty, it doesn't make a difference.

17 But those two meetings were extremely
18 contentious. The majority of the people in those
19 meetings did not want, number one, the -- the
20 house ripped down. It is an historic property.
21 But more importantly -- which was my take -- is
22 that we didn't want that subdivided.

23 They mentioned statistics on how many
24 houses are already on that size lot. Those lots
25 all exists mostly north of Baldwin, which is

1 NCPC Minor Sub. File. No. 1-2025

2 right where the house is, where those are built
3 in the '40s and '50s.

4 There are a -- and then, again, I've
5 spoken with an attorney now. I hope this isn't
6 the case, but essentially he said, hey, we kind
7 of missed our window with filing a "Section 78"
8 with the Town and --

9 VICE-CHAIR GREENFIELD: "Article 87."

10 MR. RUHLE: "Article 87."

11 MR. O'BRIEN: Article --

12 MR. RUHLE: I stand corrected.

13 MR. O'BRIEN: -- wait a minute.

14 Mr. -- "Article 78."

15 MR. RUHLE: Yes, sir. I am not --

16 VICE-CHAIR GREENFIELD: "Article 78."

17 MR. RUHLE: -- I'm not an attorney. I
18 don't play one on TV.

19 (Laughter.)

20 MR. RUHLE: And they were very
21 contentious meetings, comments like where this is
22 the hill we have to die on for the neighborhood.

23 And one of the unique parts of the
24 neighborhood is that all the homes are different,
25 I think is one of the -- the things. And then as

1 NCPC Minor Sub. File. No. 1-2025
2 you get further south where -- where we live,
3 the neighborhood changes and its properties
4 expand. So you have a lot of lots that are
5 120 wide.

6 I had sent a letter unable to
7 attendance the variance board meeting, but the
8 truth is if -- if anyone thought that our
9 association president was going to get up there
10 and say that the Civic Association backed this
11 (indicating), you would have had a massive
12 turnout at this.

13 And let me -- let me just touch on one
14 thing. And this is a letter that was sent from
15 the builder to anyone that kind of just signed
16 in, checked yes or no, that was within the
17 immediate 300 feet. So he laid out three options
18 for us, right. So option -- and I am going to go
19 a little bit out of order here.

20 So -- so "option 1" was demolish the
21 existing property -- I'm going to read right from
22 his existing letter -- the existing dwelling, the
23 in-ground swimming pool, and then proceed to the
24 Zoning Board of Appeals hearing to subdivide the
25 property as 60 by 120. My wife and I planned to

1 NCPC Minor Sub. File. No. 1-2025

2 live in one of the houses. We can then sell the
3 other lot or build another house to sell, but
4 that depends on if we can get financing for the
5 second house. Okay.

6 "Option 2" -- oh, I'm sorry, I'm going
7 to skip to "Option 3." "Option 3" has been
8 eliminated. It's not cost effective, meaning
9 it's not profitable enough. We're going to
10 demolish the house, build one house only, get rid
11 of the pool. And we've eliminated this option --
12 option, because demolition costs are -- are high
13 because of the stucco material. Demo quotes came
14 in at fifty to eighty thousand.

15 I just want to finish with the last
16 option. Renovate the existing dwelling, in
17 parentheses, as little as possible to keep
18 overall costs down and rent the house, possibly
19 rent the other half of the yard to neighbors with
20 boats that need winter storage.

21 This was the letter sent to the
22 surrounding neighbors that said no and that
23 we're going to put a boat storage lot there.

24 So there's your extensive outreach.
25 And if you don't know better that that's not

1 NCPC Minor Sub. File. No. 1-2025
2 commercially zoned to do that, you probably don't
3 care. And you're like, I don't want a boat lot
4 there with some rentals. So --

5 VICE-CHAIR GREENFIELD: Sir?

6 MR. RUHLE: Yeah.

7 VICE-CHAIR GREENFIELD: You're --
8 you're past the three minutes.

9 MR. RUHLE: I am.

10 VICE-CHAIR GREENFIELD: And also not
11 only you're past the time for the "Article 78."

12 Once this is approved by the Town of
13 Hempstead Zoning Board of Appeals, and we were to
14 deny it, the builder could bring an "Article 78"
15 against us.

16 CHAIRMAN SHAPIRO: Uh-huh.

17 VICE-CHAIR GREENFIELD: So the other
18 question that I have -- 'cause I'm sorry I missed
19 the last meeting -- when you say it's a
20 historical building, I know it got torn down.
21 They had a permit. We questioned that. I
22 questioned that even, so I was away.

23 Is it -- was it on the
24 National Historical Register?

25 MR. RUHLE: It was not yet and --

1 NCPC Minor Sub. File. No. 1-2025

2 VICE-CHAIR GREENFIELD: Well, what
3 makes it an historical building, if it's not on
4 the Town --

5 MR. RUHLE: Well --

6 VICE-CHAIR GREENFIELD: -- Historical
7 Register and the County Historical --

8 MR. RUHLE: -- again, I'm not an
9 attorney. I'm not an historical --

10 VICE-CHAIR GREENFIELD: No, it's not
11 and -- you don't have to be an attorney. But why
12 do --

13 MR. RUHLE: What exactly -- what
14 exactly do you mean?

15 VICE-CHAIR GREENFIELD: -- you keep on
16 saying it's historical?

17 MR. RUHLE: Well, I think you'd have to
18 read the Preservation of Long Island comment, as
19 well as the one from the New York State National
20 Parks that had comments also.

21 VICE-CHAIR GREENFIELD: But it wasn't
22 on their lists from the New York State Parks.

23 MR. RUHLE: No, but it was recommended
24 that the Town of Oyster Bay take a pause to see
25 if that should be added to it.

1 NCPC Minor Sub. File. No. 1-2025

2 VICE-CHAIR GREENFIELD: But --

3 MR. RUHLE: And as soon as that letter
4 came out, he already had the permits. He ripped
5 the house down three days later.

6 VICE-CHAIR GREENFIELD: Okay. Thank
7 you.

8 CHAIRMAN SHAPIRO: Okay.

9 MR. RUHLE: Good.

10 CHAIRMAN SHAPIRO: Thank you.

11 MR. RUHLE: Sure.

12 CHAIRMAN SHAPIRO: We have two --
13 pardon me. We have two other speakers.

14 Katherine Ruhle. Name and address for
15 the record. And please don't repeat whatever
16 your husband has stated.

17 (Stepping up.)

18 MS. RUHLE: Hi. I'm Katherine Ruhle.
19 I live at 102 Biltmore Boulevard, which is
20 next door to the property in question.

21 So distinguished members of the
22 Commission, you have the ability to right a great
23 wrong here. Here are the facts. "Preservation
24 Long Island" applied to have the historic home
25 preserved. However, sadly, it was demolished on

1 NCPC Minor Sub. File. No. 1-2025

2 January 13th.

3 Here is how we got here. The owner of
4 the property went door to door asking neighbors
5 how they felt about him subdividing the property.
6 Most, if not all were in opposition.

7 We were then also threatened, as my
8 husband had related in the letter, by the builder
9 to bring the property to code and just rent it
10 out, or and create boat storage with the driveway
11 that was there.

12 The Civic Association did hold the two
13 meetings, so that the owner could pitch us all.
14 Both meetings were contentious, with most people
15 still in opposition.

16 However, our Civic Association
17 President, unbeknownst to all in the community,
18 took it upon himself to represent or misrepresent
19 the whole of the community, and spoke on behalf
20 of us all in favor of lifting a covenant and
21 approving the subdivide.

22 This Zoning Board meeting was held
23 on October Third, on one of the nights of
24 "Rosh Hashanah" and our neighbors were also--
25 had children off of school and they could not

1 NCPC Minor Sub. File. No. 1-2025

2 attend the meeting.

3 Some people did write letters in
4 opposition, but we never knew that we were being
5 represented by the Civic Board, especially
6 considering that no official vote was taken.

7 This is all a fact. If people knew, in
8 our community, that he intended to take a
9 position and speak for us, you would have had a
10 room full of neighbors in opposition of the
11 subdivision.

12 Subdividing this property and allowing
13 two homes will greatly alter the character of the
14 neighborhood. There are many homes on the same
15 size lots, beautiful one-family homes. Others in
16 the neighborhood have tried to split their lots
17 before and the Town said no. Why? Because they
18 were maintaining the appeal of our neighborhood.
19 It is not a place for builders to flip and make a
20 buck.

21 In fact, there are no homes alike in
22 our neighborhood, adding to the character and the
23 charm making Biltmore Shores a very desirable
24 place to live and raise children.

25 (Commissioner Lewis exits the meeting.)

1 NCPC Minor Sub. File. No. 1-2025

2 MS. RUHLE: By allowing two identical
3 homes, you'll be creating a row house feel here.
4 You will be setting a dangerous precedent. There
5 will be no stopping anybody on the same size
6 property from doing the same, changing our
7 neighborhood forever.

8 In addition, this new house will be
9 right on top of my property, a fact that should
10 have been taken into account by a civic board
11 appointed to represent us all, not just his
12 friend, the builder.

13 Furthermore, Biltmore Boulevard is a
14 very busy block. Adding another driveway to an
15 already congested and heavily traveled street
16 where there are bus stops and children on
17 bicycles is dangerous. Why this wasn't
18 considered by the Town is beyond me.

19 But I invite you all to take a trip to
20 see for yourself, before rendering your decision.
21 Travel south of Baldwin down Biltmore Boulevard
22 and look at the sizes of the properties, please.
23 Look at the homes. Watch how heavily traveled
24 our street is, please.

25 Do not make a decision before seeing

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2 for yourself. Considering the misrepresentation,
3 this request to subdivide should be brought back
4 to the drawing table and to be heard by unbiased
5 and fair court, because some decisions are made
6 not based on facts, but who you know, as was done
7 here. And me and my frustrated neighbors are
8 sure of that.

9 Thank you.

10 (Commissioner Lewis enters the
11 meeting.)

12 VICE-CHAIR GREENFIELD: Thank you for
13 your very passionate appeal.

14 You have a lovely neighborhood. I have
15 friends and clients that live in that
16 neighborhood. I'm familiar with it. You're
17 absolutely right.

18 MS. RUHLE: Thank you.

19 VICE-CHAIR GREENFIELD: And I was
20 familiar with this house when I saw the picture.
21 However, we're faced with a situation here where
22 the ship sailed -- no pun intended -- at the
23 Town of Hempstead [sic] as I told you and --

24 MR. O'BRIEN: Town --

25 VICE-CHAIR GREENFIELD: -- at your --

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2 MR. O'BRIEN: -- Town of Oyster Bay.

3 VICE-CHAIR GREENFIELD: -- time out.

4 I'm sorry, the -- the Town hearing and it met the
5 criteria.

6 But there's one important thing that
7 you said that I'd like Mr. Butler to answer, if
8 you will yield the mic. and I'll ask Mr. Butler
9 on behalf of his client to.

10 I -- I feel for the neighbor. What is
11 the side-yard setback that -- to their property
12 and what is the code for the side-yard setback?

13 (Stepping up.)

14 MR. BUTLER: So in this district,
15 they're required to have a minimum of 10 feet and
16 a total of 20. And as I stated before, the house
17 that will be constructed on the lot nearest to
18 hers will be code compliant, which means that the
19 house will be a minimum of 10 feet from the
20 side yard. So the subdivision will not result in
21 a home being any closer to her property, than if
22 the property weren't -- not subdivided --

23 VICE-CHAIR GREENFIELD: So --

24 MR. BUTLER: -- subdivided, excuse me.

25 VICE-CHAIR GREENFIELD: -- so the other

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2 important thing for the neighbor and I'd like to
3 make that part of the decision, 'cause this we
4 can do is landscaping, and sprinkler the
5 landscaping so it lives.

6 MR. BUTLER: (Nodding head yes.)

7 VICE-CHAIR GREENFIELD: And it -- and
8 would your client have a problem with that?

9 MR. BUTLER: None whatsoever.

10 VICE-CHAIR GREENFIELD: Okay.

11 So if you could submit some landscape
12 drawing and landscape it, sprinkler plan or
13 something, staff, if we can condition that on the
14 decision, that would be fine.

15 MR. O'BRIEN: Well, you know, I don't
16 think we could put that in as part --

17 VICE-CHAIR GREENFIELD: We can't?

18 MR. O'BRIEN: -- of our decision,
19 but --

20 MR. BUTLER: We will -- we will
21 certainly agree to put in irrigated landscaping.

22 MR. O'BRIEN: I think you have to,
23 right -- right. I -- I think you have -- you
24 know, it will be noted on the record.

25 VICE-CHAIR GREENFIELD: I have

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2 overstepped our boundaries before in the past --

3 MR. O'BRIEN: Yes.

4 (Laughter.)

5 VICE-CHAIR GREENFIELD: -- but --

6 THIRD VICE-CHAIR LEWIS: It's -- I

7 can't imagine it --

8 MR. O'BRIEN: I mean I -- I understand
9 why. I -- I understand your -- your good
10 intentions.

11 VICE-CHAIR GREENFIELD: Okay.

12 I -- I -- it was very passionate.

13 MR. O'BRIEN: It was.

14 VICE-CHAIR GREENFIELD: And you're
15 absolutely right. And I wish the Town would have
16 heard that from you. And it's unfortunate that
17 you're at this point with us.

18 Mr. Butler, one other quick question
19 one second. With -- with during construction,
20 please tell your client who's here -- and I'm
21 glad he's here -- please be a good neighbor and a
22 respectful neighbor, because I have to go to the
23 neighborhood, and I'll see friends and I think a
24 relative there. And I don't want to hear about
25 this when I'm trying to have a cocktail, okay.

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2 So please do the right thing by the neighbors;
3 okay?

4 MR. BUTLER: Mr. Chairman, I -- I -- I
5 know you have other speakers who -- who want to
6 speak.

7 VICE-CHAIR GREENFIELD: Yes.

8 MR. BUTLER: So I won't monopolize
9 time.

10 But I do want to make clear, my -- my
11 client, regardless of what you may be hearing
12 from a small contingent of neighbors, has been a
13 very responsible builder. I've been with him
14 throughout this process. I know he's gone,
15 as even Ms. Ruhle said, door to door to speak
16 with -- with his neighbors. We went to meetings.
17 And yes, they were contentious.

18 But I think this Commission probably
19 knows that the public tends to be very reactive
20 to things. And at the end of those meetings, I
21 stood for another 45 minutes with at least a
22 dozen or more residents who saw the reality and
23 the writing on the wall, and that this wasn't the
24 evil developer coming in to ruin their
25 neighborhood.

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2 My client has been very receptive to
3 concerns of the neighborhood. And he will
4 continue to do so. And I know he has done that
5 throughout this process. So --

6 VICE-CHAIR GREENFIELD: Thank you.

7 MR. BUTLER: -- I -- I just want to
8 make that clear.

9 VICE-CHAIR GREENFIELD: Thank you.

10 (Stepping up.)

11 MS. RUHLE: I'm sorry. Can I just?

12 With that said, I understand what he's
13 trying to say here, except he's already demoed
14 the property without letting the neighbors know
15 that it was being demoed. The car -- our cars
16 were in the driveway, and the demolition thing
17 came through and just there was no -- no notice,
18 no -- no courtesy knock on the door, hey, this is
19 what's going on. That's one.

20 Two, when they destroyed that property,
21 it has been vacant for five years. Where was the
22 rodent control? Now we have rodents all over the
23 neighborhood, okay. And I -- and I understand he
24 got a piece of paper, but where was all of that?

25 When he went up in front of people, he

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2 cried literal tears, and he pitched this all
3 saying -- and he -- he made all these promises.

4 And I'm sorry, now I don't trust you,
5 okay. I'm sorry. You've made promises and you
6 didn't keep to them. And that's my thoughts.

7 CHAIRMAN SHAPIRO: Thank -- thank you
8 very much. We appreciate your concern.

9 MS. RUHLE: And I appreciate you
10 hearing me out. Thank you so much.

11 CHAIRMAN SHAPIRO: You're welcome.

12 We have one more speaker. Susan [sic]
13 Nolan -- Susanne, pardon me.

14 (Stepping up.)

15 MS. NOLAN: Hello. I don't know which
16 thing actually to address first -- address first.

17 I was probably the only -- well,
18 there was other two people who were at the
19 October Third meeting, which I want you to know I
20 am looking into civil rights, because I know that
21 sounds like very loaded. But I want you to know
22 that I was intimidated, and somewhat threatened
23 during that meeting and it was on video. That
24 video has not come to light. It has obviously --
25 either there's some kind of a thing going on

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2 there.

3 If you're worried about an "Article 78"
4 being brought by these gentlemen over here
5 (indicating), that's like a whole other thing
6 that you should be concerned about. I can tell
7 you will that I'm very angry, because the morning
8 of that demo I was getting phone calls from
9 around the neighborhood that said mask up,
10 there's dust flying. I have dust samples.

11 My brother's an environmental engineer
12 who has worked for the United States of America.
13 He was called when 9/11 was coming down. That
14 family there (indicating), they have young
15 children, okay. And the things that can come out
16 of that construction site could permanently
17 damage them forever, permanently damage them.

18 My mother and my -- and I and my -- my
19 partner, we are about 340 feet. We are just
20 outside of what I call "the hot zone," okay.
21 There was dust all over the car and inside the
22 car.

23 You're going to put that on your
24 conscience? You're worried about an "Article 78?"
25 How about our health? How about our health?

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2 There are --

3 THIRD VICE-CHAIR LEWIS: Ma'am --

4 MS. NOLAN: -- people in that

5 neighborhood --

6 THIRD VICE-CHAIR LEWIS: -- excuse me?

7 Excuse me?

8 You're -- you're referring to us in

9 regards to the demolition. The Town of --

10 MS. NOLAN: I understand that, sir.

11 THIRD VICE-CHAIR LEWIS: -- the Town

12 issues the demolition.

13 When you were unsatisfied with what was

14 going on during the demolition, did you call the

15 Town?

16 MS. NOLAN: Yes, I was on the phone.

17 THIRD VICE-CHAIR LEWIS: Is the Town --

18 right.

19 MS. NOLAN: I was one the phone --

20 THIRD VICE-CHAIR LEWIS: -- so it's a

21 Town --

22 MS. NOLAN: -- for an hour-and-a-half.

23 THIRD VICE-CHAIR LEWIS: It's an issue

24 between you the Town Building Department. That

25 has nothing to do with the question that's

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2 before --

3 MS. NOLAN: Right, but --

4 THIRD VICE-CHAIR LEWIS: -- us. The
5 question before us is whether or not sixty by a
6 hundred --

7 MS. NOLAN: Uh-huh --

8 THIRD VICE-CHAIR LEWIS: -- and forty
9 feet --

10 MS. NOLAN: -- uh-huh.

11 THIRD VICE-CHAIR LEWIS: -- is an
12 appropriate subdivision, 60 by 140 feet.

13 All the neighbors that are speaking
14 here today either live in homes that are -- have
15 60, exactly what is being proposed, that you're
16 opposing --

17 MS. NOLAN: Uh-huh.

18 THIRD VICE-CHAIR LEWIS: -- exactly
19 what you currently live in, or you have 100 feet.

20 And the 100 foot properties, there are
21 several of them. We looked at the -- the map.
22 The concern would be could they be subdivided?

23 Well, to subdivide those, you'd have to
24 cut them into 50s and that's -- that's highly
25 unlikely. That's not compliant with -- with

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2 zoning code.

3 So this property is an outlier in the
4 community. It's the only one that's 120 in this
5 area.

6 MS. NOLAN: That's not true.

7 THIRD VICE-CHAIR LEWIS: And cutting it
8 in half will make it so --

9 MS. NOLAN: That's not true.

10 THIRD VICE-CHAIR LEWIS: The map --

11 MS. NOLAN: That's not true. It's not
12 true.

13 THIRD VICE-CHAIR LEWIS: The -- the --
14 well, you should look at the maps --

15 MS. NOLAN: No, there -- and there
16 are --

17 THIRD VICE-CHAIR LEWIS: -- rather than
18 just --

19 MS. NOLAN: -- people here who are on
20 them. We actually have a woman here who's on
21 120 or 140. She's like right across the street.
22 The one next to it was like 120.

23 And I'm sorry if I'm upset.

24 THIRD VICE-CHAIR LEWIS: You should
25 look at the map --

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2 MS. NOLAN: I'm upset.

3 THIRD VICE-CHAIR LEWIS: -- rather
4 than just --

5 MS. NOLAN: No -- no. It's people
6 who -- who actually live there --

7 THIRD VICE-CHAIR LEWIS: Right.

8 MS. NOLAN: -- who actually live there.

9 THIRD VICE-CHAIR LEWIS: Ma'am, it's
10 not about whether or not they live there. It's
11 the -- it's the way that the properties were
12 subdivided. There's a -- there's a zoning code.

13 MS. NOLAN: Yeah.

14 THIRD VICE-CHAIR LEWIS: The homes are
15 compliant with the zoning code. This proposal is
16 zoning compliant with the zoning code.

17 MS. NOLAN: My understanding, sir,
18 okay, this was my understanding, was that what
19 was being put forth was that it -- it -- if
20 cutting it in half, it wouldn't be up to code,
21 okay, that they need 70 instead of 60.

22 And over the years, probably about I
23 think like 20, people have tried to subdivide
24 this into various things, you know, 60, 60, 50,
25 something, you know, all over the map, okay.

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2 Let me get -- let me get back to
3 something, which is the October Third, which is
4 very important, okay, because people didn't
5 necessarily know what was going on. And the
6 video of that meeting, okay, where I was told I
7 was a liar and all of that. And I know you
8 don't want to hear it, but I think it's a
9 important to --

10 THIRD VICE-CHAIR LEWIS: But it's not
11 really relevant to us.

12 MS. NOLAN: It is relevant, because,
13 sir --

14 THIRD VICE-CHAIR LEWIS: No, it's not.
15 Builders don't have a legal obligation
16 to go door to door and talk to neighbors.

17 MS. NOLAN: No -- no -- no.

18 THIRD VICE-CHAIR LEWIS: They don't
19 have a legal obligation to have a community
20 meeting.

21 MS. NOLAN: Can I --

22 THIRD VICE-CHAIR LEWIS: If a community
23 meeting took place, that's -- that's a good
24 thing. Multiple community meetings took place.
25 That's a good thing.

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2 MS. NOLAN: But --

3 THIRD VICE-CHAIR LEWIS: You're saying
4 not everybody agreed. We get that. That's --
5 that's not persuasive on the question that's
6 before us.

7 MS. NOLAN: But what is persuasive,
8 sir, is that two Zoning Board of Appeals I guess
9 you call them officers said that the fact that
10 the leader for the -- for the President of the
11 Biltmore Civic Association said that he was
12 representing the community, and that there was an
13 overwhelming I guess support for two homes was
14 not -- he misrepresented the truth.

15 He also didn't tell people that he was
16 going to be going forth and -- and doing that.
17 And maybe that's a different legal, but that
18 actually put forth an agreement where the
19 variance were -- the variances were okay. And
20 that was where -- what got us here.

21 And that's not okay in my -- in -- in
22 from what I -- from what I know, limited, you
23 know, limited to what I know. But I don't think
24 it's right that there was misrepresentation which
25 informed the variance, the Zoning Board of

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2 Appeals to say, okay, let's go forward with this.

3 And then now we're -- now we're here at
4 the next -- at the next juncture. And all along
5 the way it's been this crazy -- like nobody wants
6 this to be put into the neighborhood. It's not
7 good for the neighborhood.

8 And another -- just two blocks down,
9 they stopped from putting two homes on
10 two smaller sites. It's 19 Lagoon Boulevard
11 [sic] or Road please.

12 So here -- here's the thing. I can't
13 tell you what the, quote, unquote, right thing
14 is. But I can tell you what the wrong is, based
15 on how this whole process played out. And when
16 you're -- you're saying that, you know, they can
17 subdivide, and the whole Town and all of it, it's
18 like why then -- why put any amount on the books
19 as being 70 wide? Why go through this whole
20 process then? Why even have a meeting? That
21 doesn't make any sense.

22 Everybody here on -- on this
23 (indicating) side, plus the people that I have --
24 I spoke to 10 people this morning. They're like
25 what is going on? They had no idea what was

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2 going on. And they were in the -- in that realm.
3 So yes, you can -- you can approve this
4 and pretend that -- that -- that due diligence
5 was done. And I don't know what to refer to you
6 as.

7 You know, I -- I -- I just --

8 VICE-CHAIR GREENFIELD: I -- but I --

9 MS. NOLAN: Go ahead.

10 VICE-CHAIR GREENFIELD: -- I just want
11 to quickly respond.

12 MS. NOLAN: Okay.

13 VICE-CHAIR GREENFIELD: I'm -- I'm very
14 saddened at the way you were treated, "A," at the
15 Zoning Board in Oyster Bay. But we have no
16 control over that.

17 MS. NOLAN: Yes, I understand.

18 VICE-CHAIR GREENFIELD: I'm saddened
19 that your Civic Association leadership let you
20 down, but we have no control over that. You have
21 to take that up with the leadership, and get your
22 neighbors to vote them out and have a new
23 leadership in the Civic Association to represent
24 you into the future.

25 And -- and lastly is that, you know,

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2 you speak about you talked to 10 people today
3 is -- is a good representation.

4 MS. NOLAN: But well I'm just saying --

5 VICE-CHAIR GREENFIELD: But --

6 MS. NOLAN: -- this morning.

7 VICE-CHAIR GREENFIELD: -- but -- but
8 if you came here with a petition from --

9 MS. NOLAN: I do have one.

10 VICE-CHAIR GREENFIELD: Okay. Then
11 submit it in the record.

12 MS. NOLAN: Yeah.

13 VICE-CHAIR GREENFIELD: Please.

14 And was that submitted in the record at
15 the Town hearing?

16 MS. NOLAN: Yes.

17 VICE-CHAIR GREENFIELD: Okay. And I'm
18 sorry they --

19 MS. NOLAN: We had -- well, excuse me?
20 I had -- I had letters from some of the people
21 who could not make it. So I had letters and then
22 I'm trying to think if we had also a petition. I
23 have to think about that.

24 VICE-CHAIR GREENFIELD: All right.

25 Well, you --

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2 MS. NOLAN: You know --

3 VICE-CHAIR GREENFIELD: -- know --

4 MS. NOLAN: -- I'm not -- I'm not --

5 I -- I -- by memory, I -- I don't want to say
6 that we actually did, because I brought letters.
7 And part of the reason I -- I brought letters was
8 because people couldn't make it. And then there
9 was another woman there as well and her husband.

10 VICE-CHAIR GREENFIELD: So that --
11 that, you know, that would have been the more
12 appropriate venue to present all that. We'll
13 take it as part of our record.

14 MS. NOLAN: Okay.

15 And I also have letters too. So
16 there's a petition with this --

17 VICE-CHAIR GREENFIELD: So we -- we --

18 MS. NOLAN: -- as well.

19 VICE-CHAIR GREENFIELD: -- will include
20 that in our record.

21 MS. NOLAN: Okay. I appreciate that.

22 VICE-CHAIR GREENFIELD: Thank you.

23 Neal, do you want to?

24 THIRD VICE-CHAIR LEWIS: I just wanted
25 to correct one thing. So I said that there's a

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2 number of 60 foot wide properties. First of all:
3 There's one directly across the street
4 from the proposed development;

5 One directly to the left;

6 One directly to the right;

7 There are -- one, two, three, four,
8 five, six, seven -- eight. There's at least
9 eight properties that are the exact same size of
10 what is proposed here that are in, on the block.

11 It is true I said there were none that
12 were larger that could be divided. There are,
13 however, one that's 142. That's across the
14 street on the bend of the property.

15 So I just wanted to correct that that
16 is true, there is that one larger property. But
17 there's -- when you look at the map, I don't see
18 how this is out of sync with what's already here.

19 (Stepping up.)

20 MR. BUTLER: Mr. Chairman, may I
21 respond to some of the comments that were made?
22 I -- I -- I know we're taking up a lot of time
23 today, but --

24 VICE-CHAIR GREENFIELD: Yes.

25 MR. BUTLER: So I actually have a list.

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2 I've prepared a list, based on the tax map of the
3 properties in the immediate neighborhood that are
4 below 70 feet in width. I can submit that to the
5 Commission, if -- if that will be helpful.

6 VICE-CHAIR GREENFIELD: Yes.

7 CHAIRMAN SHAPIRO: Yes.

8 MR. BUTLER: I also have a bunch of
9 photographs that I took on October First of this
10 year, showing the parking conditions on an
11 average Tuesday night -- it wasn't a holiday --
12 showing you that the road is wide open. There is
13 no parking issue in this part of Biltmore Shores.

14 Responding to some of the specific
15 comments that were made, the Ruhles, who live
16 right next door, live on a 60 foot wide lot that
17 was subdivided from this property in 1992, and in
18 fact, has received, since then, a number of
19 variances for improvements on that lot.

20 My client never threatened to turn this
21 into a commercial property. I think the letter
22 speaks for itself.

23 He -- he talked of letting people use
24 the vacant portion of the property to keep their
25 boats on, hardly a boat yard.

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2 "P.L.I." did not apply for anything, as
3 I think the Commission knows. They offered a
4 letter suggesting that the property may be
5 eligible for historic designation. No
6 application was made. And in fact, I was
7 informed today that that designation as being
8 eligible was added two days before this
9 Commission's hearing. It seems like a -- a
10 convenient timing.

11 VICE-CHAIR GREENFIELD: So counselor?

12 MR. BUTLER: Yes.

13 VICE-CHAIR GREENFIELD: I'd like to
14 make a motion that we go into Executive Session
15 for the advice of counsel. Please stand by.

16 We got a zoning calendar and we have
17 "C.E." to take care of. And we just need some
18 quick advice --

19 MR. BUTLER: Sure.

20 VICE-CHAIR GREENFIELD: -- from
21 counsel.

22 MR. BUTLER: May I hand up the
23 materials that could make the decision clear?

24 VICE-CHAIR GREENFIELD: Yeah, hand it
25 to staff while we're doing it. Yes, absolutely.

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2 MR. BUTLER: Great.

3 (Handing.)

4 MR. HOESL: (Receiving.)

5 (Whereupon, an Executive Session was
6 held at 10:41 a.m. and the regular meeting
7 continued at 10:46 a.m.)

8 THIRD VICE-CHAIR LEWIS: Counsel, could
9 you just explain your list, as we come back into
10 this?

11 (Stepping up.)

12 MR. BUTLER: You would like me to --
13 I'm sorry, what?

14 THIRD VICE-CHAIR LEWIS: The -- the --
15 the list that you submitted up that's --
16 that's -- that presents the list of other
17 properties that's --

18 VICE-CHAIR GREENFIELD: Mr. D'Agostino --
19 Mr. D'Agostino -- Mr. D'Agostino?

20 MR. D'AGOSTINO: (No response.)

21 MR. O'BRIEN: Al?

22 MR. D'AGOSTINO: (No response.)

23 VICE-CHAIR GREENFIELD: Al?

24 MR. D'AGOSTINO: (No response.)

25 CHAIRMAN SHAPIRO: Al?

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2 MR. D'AGOSTINO: (No response.)

3 VICE-CHAIR GREENFIELD: We're going
4 back into session here. Thank you.

5 Mr. Butler?

6 MR. BUTLER: Yes.

7 THIRD VICE-CHAIR LEWIS: You numbered
8 it up to 95. What -- what's -- which was --
9 explain the list.

10 MR. BUTLER: So I looked at the tax map
11 for the -- for the surrounding neighborhood and I
12 visually identified every property that I thought
13 looked like it could be either 7 [sic] -- either
14 60 feet or smaller. I then pulled the property
15 cards from Nassau County's website for each of
16 those lots and viewed what the width of those
17 lots were.

18 So every lot listed on that -- that
19 list is under 70 feet. And there are quite a few
20 that are 50 and 40. And those are especially
21 noted as being 50 feet or 40 feet wide.

22 THIRD VICE-CHAIR LEWIS: Okay.

23 MR. BUTLER: I also do want to add --
24 sorry -- I did find other properties, because I
25 anticipated the comment about precedent under

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2 zoning.

3 Obviously every application stands on
4 its own. But I did look to see if there were any
5 other 120 foot wide lots in the area. There are
6 in fact only two. One is 16 Hampton Boulevard,
7 which is improved with a relatively new home, so
8 the likelihood of that being demolished and
9 subdivided any time soon is unlikely.

10 The other one is 91 Franklin Road.
11 However, that property has two frontages. One on
12 Franklin and one on the other side street, which
13 I -- I can't remember the name of. But in order
14 to subdivide that lot, I don't know how you would
15 do that with two front yards on the corner.

16 So the -- the likelihood of having this
17 set off a -- a flurry of two subdivisions in this
18 area is -- is really non-existent.

19 CHAIRMAN SHAPIRO: Thank you.

20 Commissioners, any other questions?

21 (No response.)

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

24 (No response.)

25 CHAIRMAN SHAPIRO: Not seeing anybody,

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2 Commissioners, I will take a motion.

3 MR. O'BRIEN: Mr. --

4 CHAIRMAN SHAPIRO: Oh -- oh, wait.

5 Sorry about that.

6 MR. O'BRIEN: Just for -- for a point
7 of explanation, you know, you -- people took the
8 time to come down here today and have
9 concerns that --

10 VICE-CHAIR GREENFIELD: Wait. The
11 people -- the people that came down here --

12 MR. O'BRIEN: I'm hoping to address
13 you -- to address you, because I -- I, you know,
14 the level of frustration, and the anger and
15 everything, we -- we -- everybody gets it. And
16 this is a very good Commission, as far as being
17 sensitive to people in the neighborhoods.

18 But when -- this Commission is not a
19 zoning board. Okay. There is a Zoning Board
20 in -- in the Town of Oyster Bay and that's where
21 the full fledged hearing takes place.

22 The referral to the Planning Commission
23 was made for the purpose of creating tax lots,
24 because the only entity in the County of Nassau
25 that can create a tax lot is the Planning

1 NCPC Minor Sub. File. No. 1-2025

2 Commission.

3 So the criteria that you see here
4 today, you know, it -- it -- to deny an
5 application, it would have to adversely affect
6 the health, welfare and safety of people of
7 Nassau County as a whole. Okay. I haven't heard
8 anything that -- that reaches that standard.

9 There are no grounds that -- that I've
10 heard for denial. It is zoning compliant, by
11 virtue of the hearings in the Town of Oyster Bay.
12 It very well might have had a right, not --
13 not having read the record and not -- not having
14 been -- for an "Article 78," if the time hadn't
15 passed. But that's -- that's not before this
16 Board. That's -- and that's between the people
17 who -- who were adversely affected by that
18 decision and -- and the Town of Oyster Bay
19 Zoning Board.

20 It's not out of character with the
21 neighborhood from what -- I think Mr.
22 Commissioner Lewis went into great detail as --
23 as to -- as to what the character of the
24 neighborhood is. So a denial would be
25 indefensible in a court of law, by -- by this

1 NCPC Minor Sub. File. No. 1-2025

2 Commission, you know.

3 I'm charged and Mr. Gallagher who's --
4 who's -- who's out today are charged with -- with
5 we would be charged with having to write, you
6 know, a brief or the legal agreements in favor of
7 denial, if -- if the Commission would so inclined
8 to do so.

9 But there are no legal grounds that
10 I've -- I've heard today that -- that -- that
11 could support such a -- an action by this
12 Commission.

13 THIRD VICE-CHAIR LEWIS: Motion?

14 CHAIRMAN SHAPIRO: Thank you,
15 Mr. O'Brien.

16 I will, therefore, take a motion.

17 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
18 I'd like to make a motion on NCPC Minor
19 Subdivision File No. 1-2025. The motion is for a
20 "Negative Declaration" and "approval" of the
21 minor subdivision.

22 CHAIRMAN SHAPIRO: Do I have a second?

23 COMMISSIONER KALATY: Second.

24 CHAIRMAN SHAPIRO: All those in favor?

25 (Chorus of "ayes.")

1 NCPC Minor Sub. File. No. 1-2025
2 CHAIRMAN SHAPIRO: Any opposed?
3 (No response.)
4 CHAIRMAN SHAPIRO: Any abstentions?
5 (No response.)
6 CHAIRMAN SHAPIRO: Motion carries.
7 MR. BUTLER: Thank you very much.
8 * * *
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1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: Mr. Katz, let's --
3 let's proceed with the zoning.

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

6 VICE-CHAIR GREENFIELD: Marty?

7 (Stepping up.)

8 MR. KATZ: Okay.

9 VICE-CHAIR GREENFIELD: We're ready to
10 do the Zoning Calendar.

11 We got to ask the folks there
12 (indicating) -- excuse me, ladies and gentlemen,
13 could you take the conversation in the hallway
14 please? We have to continue on with the agenda,
15 so we're doing our Zoning Calendar now.

16 And you want to go through short form,
17 Marty, 'cause we have "CE" to go to and -- and to
18 have the "LDs" first. You read it inside, but
19 you read want to read it quickly in here?

20 CHAIRMAN SHAPIRO: No -- no. I don't
21 want to do that. I just want to just do a
22 motion.

23 VICE-CHAIR GREENFIELD: Okay.

24 CHAIRMAN SHAPIRO: Let's do a motion on
25 all the "LDs."

1 Zoning Referral Review

2 VICE-CHAIR GREENFIELD: Okay.

3 So I'll make a motion that we grant

4 "Local Determination" to Case No.:

5 4;

6 5;

7 6;

8 7;

9 9;

10 10.

11 COMMISSIONER FORMAN: Second.

12 CHAIRMAN SHAPIRO: All in favor?

13 (Chorus of "ayes.")

14 CHAIRMAN SHAPIRO: Any opposed?

15 (No response.)

16 VICE-CHAIR GREENFIELD: So carried.

17 CHAIRMAN SHAPIRO: Motion carries.

18 * * *

19 CHAIRMAN SHAPIRO: Okay. Now, let's go

20 to No. 1.

21 VICE-CHAIR GREENFIELD: Okay, Case

22 No. 1.

23 MR. KATZ: Okay. Zoning Case 1 is

24 NCPC Case No. 1223124. This is in the Village of

25 Hempstead. It's for a moratorium.

1 Zoning Referral Review

2 This is a proposed six-month moratorium
3 on approving and licensing of convenience stores
4 within the Village, that will provide sufficient
5 time for the Village to study appropriate zoning
6 and other regulations to regulate:

7 Operations;

8 Locations;

9 And hours of -- of operation in a
10 manner that protects the:

11 Health;

12 Safety;

13 And welfare of Village residents.

14 Recently, the Village Board has become
15 aware of the expansion of convenience stores
16 and that some of these places have involved
17 various:

18 Offensive;

19 Distasteful;

20 Repugnant;

21 And in some cases unlawful conduct;

22 And loitering.

23 The Village is reviewing its laws to
24 consider modifying those laws to provide for
25 appropriate regulations that address these

1 Zoning Referral Review

2 concerns.

3 From the effective date of this law,
4 the Village shall not accept any new or
5 previously filed applications for a building
6 permit or approval for a convenience store and,
7 or issue any C of O for a convenience store.

8 The Board of Trustees may extend the
9 moratorium of the -- the duration of the
10 moratorium for not more than two periods of
11 six months each.

12 And in demonstrated financial
13 hardships, an exemption may be granted from the
14 provisions of the law.

15 Staff is am recommending
16 "Local Determination with a Letter" indicating
17 that the Planning Commission normally discourages
18 moratoriums that exceed one year in duration. It
19 should -- that should provide enough time to
20 accomplish what the Village wants. And that all
21 extensions should -- extensions shall should be
22 referred to the Planning Commission.

23 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
24 I'd like to make a motion for NCPC Case 1223124,
25 No. 1 of our Zoning Calendar. And the motion is

1 Zoning Referral Review

2 to issue a "Local Determination," "LD with a
3 Letter." And the letter indicating as was just
4 read, that the Planning Commission has rules
5 about every moratorium. If it's done in
6 six months, you have to come back six months
7 later for a revote. And that it really should
8 not exceed more than a year. And it should be
9 with a purpose, which is to update the code and
10 make other changes. It's not -- can't just be a
11 moratorium for the sake of a moratorium.

12 With all that said, my motion is for an
13 "LD with a letter."

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: Motion carries.

20 VICE-CHAIR GREENFIELD: Thank you.

21 * * *

22 MR. KATZ: Okay. Item No. 2 is
23 NCPC Case No. 1223224. This is, again, within
24 the Village of Hempstead, and again, it's a
25 moratorium.

1 Zoning Referral Review

2 This is a proposed six-month moratorium
3 on the -- for the Village on the processing and
4 approval of any application for a subdivision of
5 property into one or more residential lots within
6 the Village, in order to provide the Village with
7 the time and opportunity to consider potential
8 change to zoning and land use regulations while
9 preserving the status quo. The Village wants to
10 assure that developments resulting from
11 subdivisions are consistent with --

12 (Commissioner Gold exits the meeting.)

13 MR. KATZ: One, the preservation of the
14 unique community character of the Village;

15 Two, the protection of the Village's
16 environmental -- environmental, aesthetic,
17 recreational, cultural and natural resources;

18 Three, proper control of growth so
19 as to limit impact on traffic, utilities,
20 infrastructure, community services and open space
21 preservation.

22 The "B.O.T.," Board of Trustees may
23 extend the duration of the moratorium for not
24 more than two periods of six months each.

25 Nothing in the moratorium shall be

1 Zoning Referral Review
2 interpreted to prohibit the development of a lot
3 that was created pursuant to a previous
4 subdivision approval by the -- by the Village
5 Planning Board. Also, nothing in the moratorium
6 shall be interpreted to prohibit a development
7 within the Downtown Overlay District.

8 In cases where property owner
9 demonstrates to the satisfaction of the "BOT"
10 that a financial hardship would create -- would
11 be created, an exemption may be granted from the
12 provisions of the law.

13 Staff is recommending a "Local
14 Determination with a Letter" indicating that the
15 Planning Commission discourages moratorium that
16 exceed one year and that all extensions should be
17 referred to the Planning Commission. And the
18 results of the study should also come to the
19 Planning Commission, yes.

20 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
21 I'd like to make a motion for NCPC Case No.
22 1223224, which is No. 2 on our Zoning Referral
23 Calendar, excuse me. And the motion is the same
24 as the -- my previous motion, "LD with a Letter."
25 And that the letter should indicate that there

1 Zoning Referral Review

2 has to be a purpose and that it is being served
3 by the moratorium, and six months and one year.
4 All the same language as the previous motion
5 had, for an "LD with a Letter" on No. 2 on the
6 Zoning Calendar.

7 COMMISSIONER DURSO: I'll 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 * * *

14 MR. KATZ: Okay. Zoning Case No. 3 is
15 NCPC Case No. 111125, that's 111125. This is
16 Town of Hempstead, Hamlet of Elmont. And this is
17 for a special exception.

18 This is a proposed car wash with detail
19 center and accessory retail use, a convenience
20 store on an 11,222 square feet lot.

21 THIRD VICE-CHAIR LEWIS: Marty, I'm
22 going to interrupt you on this --

23 MR. KATZ: Yeah --

24 THIRD VICE-CHAIR LEWIS: -- this one.

25 MR. KATZ: -- yeah.

1 Zoning Referral Review

2 THIRD VICE-CHAIR LEWIS: So if we can
3 go to the other image from it, staff, the
4 conclusion that you've reached in your
5 recommendation that really this is an incomplete
6 application, because they haven't probably
7 addressed the ingress and regress from the
8 property.

9 So the motion would be for Case No.
10 111125, No. 3 on the Zoning Calendar, my motion
11 would be that we deem it incomplete and request
12 that they put forth a more complete site plan
13 that shows cars getting in and out safely.

14 CHAIRMAN SHAPIRO: Second?

15 COMMISSIONER FORMAN: Second.

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

18 CHAIRMAN SHAPIRO: Motion made and
19 seconded.

20 (Laughter.)

21 VICE-CHAIR GREENFIELD: Okay. So
22 moved.

23 CHAIRMAN SHAPIRO: All those in favor?

24 (Chorus of "ayes.")

25 (Laughter.)

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: The motion carries.

3 * * *

4 VICE-CHAIR GREENFIELD: That
5 concludes -- Mr. Chairman, I think that concludes
6 our agenda.

7 MR. KATZ: No, we have one more.

8 MR. O'BRIEN: We have one more.

9 VICE-CHAIR GREENFIELD: Oh, we have one
10 more.

11 COMMISSIONER KALATY: Yeah, no.

12 VICE-CHAIR GREENFIELD: Oh.

13 MR. O'BRIEN: No. 8.

14 COMMISSIONER KALATY: We have two more.

15 MR. KATZ: This is Case --

16 VICE-CHAIR GREENFIELD: Oh.

17 MR. KATZ: -- No. 8.

18 VICE-CHAIR GREENFIELD: Oh, No. 8.

19 Okay.

20 MR. KATZ: This is NCPC Case
21 No. 115125. This is Town of Hempstead, Hamlet
22 of Merrick.

23 (Commissioner Gold enters the meeting.)

24 MR. KATZ: This is for site plan
25 review, a site plan review for a proposed

1 Zoning Referral Review

2 cultural center consisting of 18,965 square feet
3 and accessory parking for existing Greek Orthodox
4 Church.

5 The cultural center building would
6 front on Hewlett Avenue and attach to the
7 existing church to the south. The proposed
8 parking lot serving the cultural center will be
9 located to the rear or east of the proposed
10 building and will connect directly to the Church
11 parking lot to -- to the south. The case was
12 before the Planning Commission on prior occasions
13 for:

14 Special exception;

15 Area, slash, dimensional variances;

16 Parking;

17 And fence variances.

18 Neighborhood opposition and Planning
19 Commission concerns has resulted in a scaled down
20 cultural center building, with the height of the
21 building reduced to provide less of a visual
22 impact on the surrounding neighborhood --
23 residential neighborhood. And that would result
24 in the reduction in the size of the building and
25 a reduction in the number of classrooms. Also, a

1 Zoning Referral Review

2 a curb cut on residential Annette Avenue was
3 removed.

4 The subject property is surrounded by
5 homes to the north, east and west. To the south
6 is parking for a shopping center that fronts on
7 Merrick Road.

8 The Town BZA granted approval of
9 variances for the scaled down project with
10 conditions that reduce the impact of the project
11 on the surrounding neighborhood, including:

12 Property maintenance and landscaping;

13 Limit -- limitations on the level of
14 activities on the site;

15 Less intrusive lighting;

16 Et cetera, which I submitted with
17 the -- the conditions was submitted as part of
18 your package.

19 Field observations when I was at the
20 site recently, noted that the cultural center is
21 now under construction, whereas construction
22 should not have commenced until the Town Board --
23 until we weighed in on and the Town Board
24 approved the site plan, which it did not.

25 So and I did speak to a Town

1 Zoning Referral Review

2 representative on this matter and he indicated he
3 would contact the Building Commissioner with
4 respect to this.

5 THIRD VICE-CHAIR LEWIS: Well
6 Mr. Chairman, can I ask that our attorney speak
7 on this point.

8 MR. O'BRIEN: Sure.

9 THIRD VICE-CHAIR LEWIS: Referrals, as
10 I understand it, are supposed to take place
11 before the hearing at the -- at the Town or
12 Village level, so that, you know, our referral
13 can be part of the record when they're holding a
14 hearing and deciding on things. And certainly no
15 construction is supposed to take place.

16 MR. O'BRIEN: Well, as -- as I
17 understand from Mr. Katz -- and you correct me if
18 I'm wrong, Mr. Katz -- that -- that -- that the
19 Town hasn't taken action on this referral yet
20 and --

21 MR. KATZ: The Town Board which reviews
22 "site plan 305" --

23 MR. O'BRIEN: Right --

24 MR. KATZ: -- has not taken action on
25 this.

1 Zoning Referral Review

2 MR. O'BRIEN: -- correct.

3 MR. KATZ: And they usually wait to
4 hear back from us.

5 MR. O'BRIEN: So a building permit
6 should --

7 MR. KATZ: Yeah --

8 MR. O'BRIEN: -- if -- if the
9 Town Board does not approve the site plan, you
10 would think that the building permit has not --

11 MR. KATZ: -- right.

12 MR. O'BRIEN: -- not been issued for
13 it and work is being done in violation of the
14 building permit.

15 So I think Mr. Katz did
16 right by referring it, or speaking with the
17 Town Inspector, or the Town Building Department,
18 but the jurisdiction is there.

19 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
20 I'd like to make a motion for No. 8 on our agenda
21 that we approve an "LD with a letter," and the
22 letter indicating some concern that our attorney
23 should read over before it's sent, about the
24 failure to follow the proper referral process.

25 MR. O'BRIEN: Well, you know, if --

1 Zoning Referral Review

2 if -- if the -- I'm getting the drift that the
3 Town did the right thing. It's possible that
4 they didn't. But -- but the way that Mr. Katz
5 has explained it, but somehow something -- the --
6 the -- the applicant on their own commenced --
7 commenced construction and, or somebody gave a
8 green light from the Building Department that
9 shouldn't have.

10 THIRD VICE-CHAIR LEWIS: So my -- my
11 motion is for the letter and the way he explained
12 it is -- is -- is what I meant to say.

13 (Laughter.)

14 CHAIRMAN SHAPIRO: Is there a second?

15 MR. KATZ: So --

16 CHAIRMAN SHAPIRO: And you -- you know
17 what and -- and one -- let me just say one
18 thing --

19 VICE-CHAIR GREENFIELD: I'll second the
20 second.

21 MR. O'BRIEN: Somebody did something
22 wrong. We just don't know who it is.

23 CHAIRMAN SHAPIRO: Right. And if that
24 was under our watch, we would have fined him --

25 MR. O'BRIEN: Yeah.

1 Zoning Referral Review

2 (Laughter.)

3 VICE-CHAIR GREENFIELD: Yes.

4 CHAIRMAN SHAPIRO: -- or we would have
5 sent it off to the County Attorney's Office for a
6 fine.

7 (Laughter.)

8 MR. KATZ: You want the language
9 concerning --

10 MR. O'BRIEN: And I would warn you
11 against -- of course.

12 MR. KATZ: -- the stop order
13 incorporated into this or --

14 VICE-CHAIR GREENFIELD: Yeah, do that.

15 MR. KATZ: Yeah.

16 VICE-CHAIR GREENFIELD: That would be
17 good.

18 MR. O'BRIEN: Yeah, send it to me and
19 I'll approve --

20 MR. KATZ: All right --

21 MR. O'BRIEN: -- my approval. I'll
22 help you with it, Marty.

23 MR. KATZ: -- okay.

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: Motion carries.

5 VICE-CHAIR GREENFIELD: We weren't at
6 the scene of the crime and we didn't commit the
7 crime.

8 (Laughter.)

9 * * *

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1 Proceedings

2 VICE-CHAIR GREENFIELD: We done?

3 CHAIRMAN SHAPIRO: We're good. We --

4 VICE-CHAIR GREENFIELD: Make a motion
5 to adjourn.

6 Thank you.

7 THIRD VICE-CHAIR LEWIS: Second.

8 VICE-CHAIR GREENFIELD: Adjourn to
9 continuing education.

10 (The meeting was concluded at
11 11:03 a.m.)

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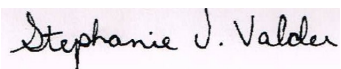
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C E R T I F I C A T I O N

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



STEPHANIE J. VALDER,
Stenographer

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