

REGULAR MEETING  
of the  
NASSAU COUNTY PLANNING COMMISSION

Thursday, May 1, 2025  
10:06 a.m. - 11:51 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

4

JEFFREY H. GREENFIELD, Vice-Chair

5

NEAL LEWIS, Third Vice-Chair

6

DANA DURSO,

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MURRAY FORMAN,

8

DENISE GOLD,

9

KHANDAN KALATY,

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REID SAKOWICH,

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Commissioners

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WILLIAM NIMMO, Deputy Commissioner

13

ROBERT O'BRIEN, Esq., Counsel

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PATRICK GALLAGHER, Esq., Counsel

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Staff:

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GREGORY J. HOESL

18

JOHN PERRAKIS

19

TIMOTHY WREN

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Also Present:

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MICHAEL C. PULITZER, Clerk to the Legislature  
(10:06 a.m. - 11:47 a.m.)

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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: Okay. Good morning  
everyone. Welcome to the May 1st Nassau County  
Planning Commission meeting.

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Mike Pulitzer, Clerk of the Legislature  
will you lead us in the Pledge of Allegiance?

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MR. PULITZER: Thank you. Hand over  
your heart.

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(Pledge of Allegiance recited in a  
body.)

12

VICE-CHAIR GREENFIELD: Play ball.

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CHAIRMAN SHAPIRO: Play ball.

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(Stepping up.)

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MR. HOESL: Good morning Commissioners.

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I'll start with a roll call.

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Commissioner Sakowich?

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COMMISSIONER SAKOWICH: Present.

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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: (No response.)

23

CHAIRMAN SHAPIRO: Present.

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MR. HOESL: Present. Yeah -- yeah.

25

Commissioner Forman?

1 Proceedings

2 COMMISSIONER FORMAN: Present.

3 CHAIRMAN SHAPIRO: Commissioner

4 Ellerbe?

5 CHAIRMAN SHAPIRO: Excused.

6 MR. O'BRIEN: Third Vice-Chair Lewis?

7 THIRD VICE-CHAIR LEWIS: Present.

8 MR. HOESL: Vice-Chair Greenfield?

9 VICE-CHAIR GREENFIELD: Present.

10 MR. HOESL: And Chairman Shapiro?

11 CHAIRMAN SHAPIRO: Present.

12 May I have a motion to acknowledge the

13 receipt of transcript from our April 10th

14 Planning Commission hearing?

15 COMMISSIONER FORMAN: So moved.

16 CHAIRMAN SHAPIRO: Is there a second?

17 VICE-CHAIR GREENFIELD: Second.

18 CHAIRMAN SHAPIRO: All in favor?

19 (Chorus of "ayes.")

20 CHAIRMAN SHAPIRO: All right, before we

21 --

22 MR. HOESL: Thank you.

23 CHAIRMAN SHAPIRO: -- get started, Greg  
24 let me just lay down some housekeeping rules.

25 MR. HOESL: -- (nodding head yes.)

1 Proceedings

2 CHAIRMAN SHAPIRO: Ladies and  
3 gentlemen, each of the applicants will have  
4 10 minutes to plead their case. Any speakers,  
5 the speaker registrations the agendas are over on  
6 my left (indicating) your right (indicating).  
7 Anybody wishing to speak please fill out one of  
8 these forms (indicating). You will be allowed  
9 three minutes and it will be kept to three  
10 minutes, so please adhere to these rules and  
11 regulations here.

12 Thank you.

13 Okay, staff we're ready.

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1 NCPC Minor Sub. File No. 9-2025

2 (Stepping up.)

3 MR. WREN: Ready.

4 Good morning. First case up on the  
5 agenda is 9 -- NCPC File 9-2025. This is a  
6 two-parcel minor subdivision. This case was  
7 adjourned from [sic] -- to May 1st from our  
8 April 10th meeting because the notices didn't go  
9 out, that has been corrected so.

10 The 20,133 square foot subject property  
11 is situated on the south side of the  
12 Grand Central Plaza [sic] -- I'm sorry,  
13 Grand Central Place, in the Hamlet of Inwood,  
14 Town of Hempstead's Residential "B" Zoning  
15 District. Application propose -- proposes to  
16 subdivide the property which had -- which  
17 currently has 165.35 feet of frontage on  
18 Grand Central Place into two separate parcels.

19 "Proposed Lot A" will have 60 feet of  
20 frontage by 165 feet on Grand Central Place and  
21 be a total of 9,900 square feet.

22 "Proposed Lot B" will have 60 feet of  
23 frontage by 121.43 feet on West Street and be a  
24 total of 7,285.8 square foot.

25 The Town of Hempstead's Department of

1 NCPC Minor Sub. File No. 9-2025

2 Buildings has issued a "letter of zoning  
3 compliance" for this subdivision.

4 That I'll ask the representative to  
5 come up.

6 CHAIRMAN SHAPIRO: Good morning. Name  
7 and address for the record please.

8 (Stepping up.)

9 MR. McKENNA: Good morning. My name is  
10 Christopher McKenna with Robertson, Anschutz,  
11 Schneid, Crane and Partners. Address  
12 900 Merchants Concourse, Westbury,  
13 New York 11590.

14 THIRD VICE-CHAIR LEWIS: So we  
15 corrected the problem with service from the  
16 previous meeting; correct?

17 MR. McKENNA: Correct.

18 THIRD VICE-CHAIR LEWIS: Okay. All  
19 good stuff, so.

20 CHAIRMAN SHAPIRO: Commissioners, you  
21 have any questions?

22 (No response.)

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

25 (No response.)

1 NCPC Minor Sub. File No. 9-2025

2 CHAIRMAN SHAPIRO: Not seeing --

3 VICE-CHAIR GREENFIELD: No one signed  
4 up.

5 CHAIRMAN SHAPIRO: Nobody signed up and  
6 nobody raised their hand. So not seeing any,  
7 I'll take a motion.

8 COMMISSIONER DURSO: I'll make a  
9 motion to approve NCPC File No. 9-2025 with a  
10 "Negative Declaration."

11 CHAIRMAN SHAPIRO: Is there a second?

12 COMMISSIONER KALATY: Second.

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

15 CHAIRMAN SHAPIRO: Motion carries.  
16 Thank you.

17 MR. McKENNA: Thank you.

18 MR. O'BRIEN: Thank you.

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1 NCPC Minor Sub. File No. 11-2025

2 (Stepping up.)

3 MR. WREN: Okay. Next up is NCPC File  
4 11-2015. This case was also adjourned from our  
5 April 10th meeting. All questions had been  
6 answered in that time.

7 The 8.05-acre subject property is  
8 situated on the south side of Cedar Swamp Road,  
9 in the Incorporated Village of Brookville's "R-2"  
10 Zoning District. Application proposes is  
11 subdivide the property which has 356.08 feet of  
12 frontage on a Old Cedar Swamp Road into four  
13 separate parcels:

14 "Proposed Lot A" will be 571.97 feet of  
15 frontage by 339.24 feet on a private road and be  
16 a total of 105,709 square feet;

17 "Proposed Lot B" will be 313 feet of  
18 frontage by 313 also on that private road and be  
19 a total of 102,630;

20 "Proposed Lot C" will be 87 feet of  
21 frontage by 227 feet on that same private road  
22 and be a total of 89,519;

23 And finally, "Proposed Lot D" will  
24 have 122 feet of frontage by 285 feet also  
25 on that private road and be a total of

1 NCPC Minor Sub. File No. 11-2025

2 94,373 square foot.

3 The Incorporated Village of Brookville  
4 has granted this subdivision with conditions.

5 I'll just give you a couple of quick  
6 highlights:

7 The -- an "HOA" must be formed;

8 The "HOA" will be responsible for the  
9 maintenance of that private road;

10 There is an east -- also there is an  
11 easement to the abutting property on the west  
12 listed as tax lot 2122 and the "HOA" would also  
13 be responsible for all drainage systems and  
14 facilities.

15 There's a lot more, but we -- we have  
16 that.

17 The Incorporated Village in  
18 Upper Brookville is located within 300 feet of  
19 the subject property. They've also granted  
20 conditions for their sub approval as well.

21 So staff is recommending that we -- we  
22 approve this with the conditions that were placed  
23 on by the towns of Upper Brookville and  
24 Brookville.

25 VICE-CHAIR GREENFIELD: Mr. Chairman?

1 NCPC Minor Sub. File No. 11-2025

2 COMMISSIONER SAKOWICH: We -- we had --  
3 we were addressing that back part, that back  
4 driveway last time. Was that addressed?

5 MR. WREN: Yes.

6 COMMISSIONER SAKOWICH: But go back --

7 VICE-CHAIR GREENFIELD: We're -- can we  
8 have the lawyer?

9 MR. WREN: Sure.

10 I'll ask the attorney to step up.

11 VICE-CHAIR GREENFIELD: I want him to  
12 affirm that on the record.

13 COMMISSIONER SAKOWICH: Yeah.

14 So we have some concern --

15 Okay, I'm sorry. Put your name.

16 (Stepping up.)

17 MR. HOEBICH: Good morning --

18 COMMISSIONER SAKOWICH: I'm sorry.

19 MR. HOEBICH: -- Mr. Chairman and  
20 members of the Board. A pleasure to be here.

21 My name is Patrick Hoebich H-o-e-b as  
22 in boy i-c-h, counsel for the applicant. With an  
23 address at 263 Sea Cliff Avenue in Sea Cliff.

24 Mr. Wren did a very good job of  
25 summarizing this four-lot application. He

1 NCPC Minor Sub. File No. 11-2025

2 indicated the net lot area, the gross lot area  
3 actually is 9.0 acres. The property is located  
4 entirely in the Incorporated Village of  
5 Brookville. These are each a minimum of 2-acre  
6 residential building lots with a private road  
7 accessing all of those four lots.

8 And as far as the Homeowners Association,  
9 I think at the April 10th work session, it was  
10 requested that the applicant make clear that  
11 these four lots would be subject to a Homeowners  
12 Association, that is required in the Village of  
13 Old [sic] -- excuse me, Village of Brookville  
14 resolution. Those four owners would be  
15 responsible for maintaining the private road and  
16 the drainage reserve areas. They'd also be  
17 responsible for maintaining the 15 foot  
18 "right-of-way" to the adjacent "Lot 2122."

19 And as clarified at the April 10th  
20 meeting that owner of "2122" is not again per the  
21 village of Brookville resolution a part of the  
22 Homeowners Association, and would not be  
23 responsible for the maintenance, and expense of  
24 maintaining the private road and the 15 foot  
25 "right-of-way."

1 NCPC Minor Sub. File No. 11-2025

2 I'm joined here today by Mr. Nadem  
3 Farnum (phonetic) who is the President of  
4 Cedar Swamp 1 Inc., the owner of the subject  
5 property. I'm also joined by Doug Castellano of  
6 Northcoast Civil Engineering, these -- those are  
7 the engineers and surveyors of record.

8 And I was going to invite up Doug  
9 (indicating) just for a brief review of a few  
10 brief items concerning the subdivision. Doug?

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

13 (Stepping up.)

14 MR. CASTELLANO: Good morning.  
15 Doug Castellano from Northcoast Civil,  
16 39 West Main Street, Oyster Bay, New York.

17 Just a couple of engineering things I'd  
18 like to put on the record. So the roadway will  
19 be 26 feet wide and have a cul-de-sac of 92 feet  
20 in width, which has a turnaround radius that  
21 meets New York State and County Fire Codes. We  
22 do have approval from Jericho Fire District as  
23 well for the roadway and it's turnaround.

24 VICE-CHAIR GREENFIELD: We have a copy  
25 of that letter --

1 NCPC Minor Sub. File No. 11-2025

2 MR. CASTELLANO: Yes, that was --

3 VICE-CHAIR GREENFIELD: -- for the  
4 record?

5 MR. CASTELLANO: -- that was submitted,  
6 that's correct.

7 VICE-CHAIR GREENFIELD: Okay, thank  
8 you.

9 MR. CASTELLANO: Thank you.

10 CHAIRMAN SHAPIRO: Thank you.

11 MR. CASTELLANO: And then one other  
12 thing is that we -- we designed these drainage  
13 reserve areas, the "DRAs" that are noted on the  
14 plans for a full retention of an 8-inch rainfall  
15 event, that meets both Village and County  
16 requirements for a roadway.

17 And then the last thing I want to  
18 mention is that we do have on-site sanitary  
19 facilities for each of the individuals parcels,  
20 so there won't be any sewers or anything like  
21 that. It's on-site sanitary for each of the new  
22 parcels.

23 COMMISSIONER SAKOWICH: I -- I think  
24 our only concern was looking at this in the past  
25 was the -- the driveway that's leading to an

1 NCPC Minor Sub. File No. 11-2025

2 adjacent piece of property.

3 MR. CASTELLANO: Uh-huh.

4 COMMISSIONER SAKOWICH: What we didn't  
5 want to happen was that these four homeowners  
6 create an association and say you know what, that  
7 person's not going to exit or enter to his  
8 property --

9 MR. CASTELLANO: Right --

10 COMMISSIONER SAKOWICH: -- through our  
11 road. So I think that that was our biggest  
12 concern is -- is that there was an agreement made  
13 in writing that we could enter in to --

14 VICE-CHAIR GREENFIELD: Commissioner,  
15 we discussed that at the work session, that not  
16 only will there be an agreement. And I want the  
17 attorney to go on record stipulating this --

18 COMMISSIONER SAKOWICH: Right.

19 VICE-CHAIR GREENFIELD: -an "HOA" will  
20 be formed and file wit the State of New York  
21 Attorney General; is that correct?

22 (Stepping up.)

23 MR. HOEBICH: Yes Mr. Greenfield, that  
24 is correct.

25 VICE-CHAIR GREENFIELD: Right.

1 NCPC Minor Sub. File No. 11-2025

2 MR. HOEBICH: It will be as required by  
3 the Village and whatever the State filing  
4 requirements are, that -- that is correct.

5 COMMISSIONER SAKOWICH: And you did  
6 mention that -- that -- that owner of that parcel  
7 on the adjacent side with that road would not be  
8 part of the "HOA" and would not be responsible  
9 for any upkeep or repair to the road?

10 MR. HOEBICH: Yes, that is correct.

11 COMMISSIONER SAKOWICH: And that would  
12 be in there?

13 MR. HOEBICH: Yes.

14 And I'd also point out there is an  
15 existing restrictive covenant when this  
16 subdivision was being created, that is already  
17 already recorded in the Nassau County Clerk's  
18 Office against both the subject parcel as well as  
19 "lot 2122," which authorizes the owners of  
20 "lot 2122" to utilize both the --

21 COMMISSIONER SAKOWICH: Perfect.

22 MR. HOEBICH: -- the -- the private  
23 subdivision road and the 15 foot "right-of-way."

24 VICE-CHAIR GREENFIELD: Wait. We like  
25 "C&Rs."

1 NCPC Minor Sub. File No. 11-2025

2 MR. HOEBICH: Yes, with "C&Rs" --

3 Yes, we have been --

4 COMMISSIONER SAKOWICH: Perfect --

5 MR. HOEBICH: -- reported.

6 COMMISSIONER SAKOWICH: -- that's --

7 that's it, yeah.

8 VICE-CHAIR GREENFIELD: Okay.

9 MR. HOEBICH: And --

10 VICE-CHAIR GREENFIELD: And one last  
11 question.

12 MR. HOEBICH: Sure.

13 VICE-CHAIR GREENFIELD: Besides the  
14 "C&R," your client has read and reviewed very  
15 historic document where the two villages that is  
16 historically don't get along now get along and  
17 prepared this document, we're going to by that  
18 when we make our decision.

19 MR. HOEBICH: Okay. Well thank you.  
20 Thank you all.

21 VICE-CHAIR GREENFIELD: Okay.

22 CHAIRMAN SHAPIRO: Commissioners, any  
23 other questions?

24 (No response.)

25 CHAIRMAN SHAPIRO: Is there anybody in

1 NCPC Minor Sub. File No. 11-2025

2 the public that wishes to be heard on this?

3 (No response.)

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

6 COMMISSIONER SAKOWICH: I make a motion  
7 NCPC File No. 11-2025 with a "Neg. Dec."

8 VICE-CHAIR GREENFIELD: Second.

9 MR. O'BRIEN: Can you add --

10 VICE-CHAIR GREENFIELD: Stipulating --

11 COMMISSIONER SAKOWICH: I'm sorry.

12 VICE-CHAIR GREENFIELD: -- stipulating.

13 COMMISSIONER SAKOWICH: Stipulating the  
14 -- the -- the Villages --

15 MR. O'BRIEN: The conditions.

16 COMMISSIONER SAKOWICH: -- as well as  
17 the conditions set by the Commission here with  
18 the application to the -- to the State for all  
19 the proper "HOA."

20 VICE-CHAIR GREENFIELD: "HOA."

21 COMMISSIONER SAKOWICH: "HOA."

22 VICE-CHAIR GREENFIELD: Filing.

23 MR. O'BRIEN: Subject to the  
24 conditions imposed by Brookville and  
25 Upper Brookville.

1 NCPC Minor Sub. File No. 11-2025

2 COMMISSIONER SAKOWICH: Right.

3 CHAIRMAN SHAPIRO: Correct.

4 VICE-CHAIR GREENFIELD: I amend my  
5 second to include that.

6 MR. O'BRIEN: Yes.

7 COMMISSIONER SAKOWICH: Yes.

8 CHAIRMAN SHAPIRO: Okay.

9 All in favor?

10 (Chorus of "ayes.")

11 CHAIRMAN SHAPIRO: Any opposed?

12 (No response.)

13 CHAIRMAN SHAPIRO: Motion carries.

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1 NCPC Minor Sub. File No. 12-2025

2 (Stepping up.)

3 MR. WREN: Okay. Next up we have  
4 NCPC File No. 12-2025. This is a two-parcel  
5 minor subdivision.

6 The 7,995 square foot subject property  
7 is located on the east side of the Cedarhurst  
8 Avenue, in the Hamlet of Point Lookout,  
9 Town of Hempstead's Residential "B" Zoning  
10 District. Application proposes to subdivide the  
11 property which currently has 128.95 feet of  
12 frontage on Cedarhurst Avenue into two separate  
13 parcels.

14 "Proposed Lot A" will have 63.80 feet  
15 of frontage by 60.61 feet on Cedarhurst Avenue  
16 and be a total of 4,088 square feet.

17 "Proposed Lot B" will have 65 feet of  
18 frontage by 60 feet on Cedarhurst and be a total  
19 of 3,000 -- I'm sorry, I said that wrong. To be  
20 a total of 3,906 square feet.

21 Town of Hempstead's Board of Appeals  
22 has approved the requests for variance.

23 There's only one variance on "Lot A,"  
24 because that house on "Lot B" is staying.

25 Variance;

1 NCPC Minor Sub. File No. 12-2025  
2 Subdivision of lot;  
3 Lot area;  
4 Lot area occupied;  
5 Front -- front-yard setback on  
6 Cedarhurst Avenue and Bayside Drive;  
7 Side yard;  
8 Construct dwelling;  
9 And install two AC units attached to  
10 dwelling.  
11 Now, I will say this is 14 of the 36  
12 houses in a 200 foot radius of this property only  
13 have frontages of 35 feet and are only 2100  
14 square feet. So I believe that this subdivision  
15 would be in character of the neighborhood.  
16 I'd like to ask the representative to  
17 come up.  
18 (Stepping up.)  
19 MS. WHELAN: Good morning, Chairman,  
20 members of the Board. My name is Janice Whelan.  
21 My office is at 23 Green Street, Suite 205,  
22 Huntington, New York. I appear for the  
23 applicants, Mr. and Mrs. Berger.  
24 As stated, the Town of Hempstead Board  
25 of Appeals conditionally approved this

1 NCPC Minor Sub. File No. 12-2025  
2 application on February 26th subject to this  
3 Board's approval. We've complied with all the  
4 conditions. We filed a revised plan in  
5 accordance with the Board's requests. And we  
6 respectfully request your approval.

7 CHAIRMAN SHAPIRO: Thank you.

8 MS. WHELAN: Thank you.

9 CHAIRMAN SHAPIRO: Commissioners any  
10 questions?

11 COMMISSIONER DURSO: No.

12 MS. WHELAN: No.

13 CHAIRMAN SHAPIRO: Is there anybody in  
14 the public that wishes to be heard?

15 (No response.)

16 CHAIRMAN SHAPIRO: Not seeing any, I  
17 will take a motion.

18 COMMISSIONER KALATY: Motion to approve  
19 NCPC File 12-2025 with a "Negative Declaration."

20 COMMISSIONER DURSO: Second.

21 CHAIRMAN SHAPIRO: All those in favor?

22 (Chorus of "ayes.")

23 CHAIRMAN SHAPIRO: Any opposed?

24 (No response.)

25 CHAIRMAN SHAPIRO: Motion carries.

1 NCPC Minor Sub. File No. 12-2025

2 Thank you.

3 MS. WHELAN: Thank you.

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1 NCPC Minor Sub. File No. 13-2025

2 (Stepping up.)

3 MR. WREN: Okay. Next up we have  
4 NCPC File 13-2025. This is another two-parcel  
5 minor subdivision.

6 The 24,276 square foot subject property  
7 is situated on the west side of Hempstead Avenue,  
8 in the Hamlet of West Hempstead, in the Town of  
9 Hempstead's Residential "B" Zoning District.  
10 Application proposes to subdivide the property  
11 which currently has 120.65 feet of frontage on  
12 Hempstead Avenue into two separate parcels.

13 "Proposed Lot A" will have 61.67 feet  
14 of frontage by 245.37 feet on Hempstead Avenue  
15 and be a total of 11,637 square feet.

16 "Proposed Lot B" will have 58.98 feet  
17 of frontage by 239.96 feet on Hempstead Avenue  
18 and be a total of 12,639 square feet.

19 Town of Hempstead's Department of  
20 Buildings has issued a "letter of zoning  
21 compliance."

22 I'd ask the attorney to step up.

23 (Stepping up.)

24 MR. D'AGOSTINO: Good morning,  
25 Mr. Chairman, members of the Commission.

1 NCPC Minor Sub. File No. 13-2025

2 My name is Albert D'Agostino. The firm  
3 is Minerva and D'Agostino, P.C., 107 South  
4 Central Avenue, Valley Stream 11580, for the  
5 applicant.

6 I believe that the -- the description  
7 of the parcel which we're seeking to subdivide --  
8 to subdivide has been made by the staff, and the  
9 -- the -- the lots are fully compliant and this  
10 is described property. And if you have any  
11 specific questions I'd be happy to try to answer  
12 them. Absent that, I would rest on the -- on the  
13 presentation made by staff.

14 THIRD VICE-CHAIR LEWIS: I -- I  
15 understand why you didn't say too much. This  
16 seems pretty straight forward. You're fully  
17 compliant. There's no variances.

18 If anything, the properties are a  
19 little big, just sort of probably a historical  
20 accident as to how that came about. But I'm sure  
21 some families still want big backyards, so  
22 hopefully this will work.

23 MR. D'AGOSTINO: In terms of how it  
24 came about, it is what it is.

25 THIRD VICE-CHAIR LEWIS: Right.

1 NCPC Minor Sub. File No. 13-2025

2 MR. D'AGOSTINO: As I said, it's --  
3 it's described property, which means that it's  
4 not on a file map, so --

5 (Laughter.)

6 THIRD VICE-CHAIR LEWIS: Yeah -- yeah.  
7 It's left open.

8 All right.

9 CHAIRMAN SHAPIRO: Commissioners, any  
10 other questions?

11 (No response.)

12 CHAIRMAN SHAPIRO: Is there anybody in  
13 the public that wishes to be heard?

14 (No response.)

15 CHAIRMAN SHAPIRO: Not seeing any, I'll  
16 take a motion.

17 COMMISSIONER GOLD: I make a motion  
18 to -- motion to approve NCPC 13-2025 with a  
19 "Negative Declaration."

20 COMMISSIONER KALATY: Second.

21 CHAIRMAN SHAPIRO: All those in favor?

22 (Chorus of "ayes.")

23 CHAIRMAN SHAPIRO: Any opposed?

24 (No response.)

25 CHAIRMAN SHAPIRO: Motion carried.

1 NCPC Minor Sub. File No. 13-2025  
2 MR. D'AGOSTINO: Thank you.  
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1 NCPC Minor Sub. File No. 14-2025

2 MR. O'BRIEN: Mr. Chair, I'm recused on  
3 the next Case 14 of -- I'm sorry, yeah, 14-2025.

4 CHAIRMAN SHAPIRO: Okay.

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

6 (Stepping up.)

7 MR. WREN: Okay. Next up is NCPA [sic]  
8 -- PC File 14-2025. This is another two-parcel  
9 minor subdivision.

10 The 10,000 square foot subject property  
11 is situated on the west side of Greengrove  
12 Avenue, in the Hamlet of Uniondale, Town of  
13 Hempstead's Residential "B" Zoning District. The  
14 application proposes to subdivide the property,  
15 which is currently has 100 feet of frontage on  
16 Greengrove Avenue into two equal parcels.

17 "Proposed Lot A" will have 45 feet of  
18 frontage by 100 feet on Greengrove Avenue and be  
19 a total of 4,500 square foot.

20 "Proposed Lot B" will have 55 feet of  
21 frontage by 100 feet on Greengrove Avenue a be a  
22 total of 5,500 square foot.

23 Town of Hempstead's Board of Appeals  
24 has approved the requests for variance.

25 Variance;

1 NCPC Minor Sub. File No. 14-2025  
2 Subdivision of lot;  
3 Lot area;  
4 Front width from and on street line to  
5 front setback line;  
6 Construct dwelling with a garage.  
7 And for "Lot B:"  
8 Variance;  
9 Subdivision of lot;  
10 Lot area occupied;  
11 Side yard;  
12 Side yards aggregated;  
13 Maintain dwelling and detached two-car  
14 garage on lessor lot.  
15 I will let the Commission know that  
16 there are 8 of 29 houses in the 300 foot radius  
17 are -- have frontages of 40 feet and are only  
18 4,000 square feet.  
19 Here's the attorney.  
20 CHAIRMAN SHAPIRO: Thank you.  
21 (Stepping up.)  
22 MR. D'AGOSTINO: Thank you.  
23 Again for the applicant, Albert  
24 D'Agostino, Minerva and D'Agostino, P.C.,  
25 107 South Central Avenue, Valley Stream, New York

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2 11580.

3 The and again the -- the description of  
4 the application has been thoroughly been put  
5 before you by staff. I would just mention that  
6 this property does appear on a 1907 map.

7 (Laughter.)

8 MR. D'AGOSTINO: The applicable zoning  
9 is as varied. The requisite variances were  
10 granted by the Board of Appeals of the Town of  
11 Hempstead on December 2nd, 2024. And unless the  
12 Commission has any specific questions with regard  
13 to this application, I would be happy to either  
14 rest at this point or respond to the questions.

15 CHAIRMAN SHAPIRO: Thank you for  
16 letting us know that it's an old filed map.

17 (Laughter.)

18 CHAIRMAN SHAPIRO: It wouldn't be you.

19 (Laughter.)

20 MR. D'AGOSTINO: I said a filed map.

21 CHAIRMAN SHAPIRO: Why did --

22 MR. D'AGOSTINO: 1907 filed map.

23 (Laughter.)

24 COMMISSIONER SAKOWICH: Why the  
25 discrepancy in one being 45 and one being 55? Is

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2 there some -- is there a house not being knocked  
3 down or is there --

4 MR. D'AGOSTINO: That -- that -- that  
5 -- that the house is being maintained.

6 COMMISSIONER SAKOWICH: So the house  
7 that -- the current house, so that they're  
8 leaving it?

9 MR. D'AGOSTINO: Right.

10 COMMISSIONER SAKOWICH: Okay, perfect.

11 THIRD VICE-CHAIR LEWIS: Good reason.

12 CHAIRMAN SHAPIRO: That's why you have  
13 your variances.

14 COMMISSIONER SAKOWICH: Yeah, okay.

15 Okay, thank you.

16 MR. D'AGOSTINO: Thank you.

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

19 (No response.)

20 CHAIRMAN SHAPIRO: Not seeing any, I  
21 will take a motion.

22 COMMISSIONER KALATY: Motion to approve  
23 NCPC File 14-2025 with a "Negative" -- "Negative  
24 Declaration."

25 COMMISSIONER DURSO: Second.

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2 CHAIRMAN SHAPIRO: All those in favor?

3 (Chorus of "ayes.")

4 CHAIRMAN SHAPIRO: Any opposed?

5 (No response.)

6 CHAIRMAN SHAPIRO: Motion carries.

7 MR. D'AGOSTINO: Thank you, Mr. Chairman.

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1 Proceedings

2 CHAIRMAN SHAPIRO: Just a little note  
3 to everybody again, speaker registration forms  
4 are over on my left (indicating) your right  
5 (indicating). I only have -- I have very few  
6 people signed up and I see we have a nice crowd  
7 here today, so if you wish to talk please sign  
8 the speaker registration form and have them,  
9 staff will bring it up to us.

10 \* \* \*

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2 (Stepping up.)

3 MR. WREN: Okay. Next up we have  
4 NCPC File 15-2025. This is a three-parcel minor  
5 subdivision.

6 The 39,265 square foot subject property  
7 is situated on the east side of West Avenue, in  
8 the Hamlet of Hicksville, Town of Oyster Bay's  
9 "R1-7" Zoning District. The application proposes  
10 to subdivide the property, which currently has  
11 172 feet of frontage on West End [sic] --  
12 West Avenue, sorry, into three equal parcels.

13 So proposed lots "A", "B" and "C" will  
14 all have 57.33 feet of frontage by 228.3 feet on  
15 West Avenue and all three parcels will be  
16 13,080 square feet.

17 The Town of Oyster Bay's Board of  
18 Appeals has approved the request for variance.  
19 The variances of the same for all three lots.  
20 I'll read it only once.

21 Variance to construct new dwelling on  
22 subdivided lot having less of width of lot at  
23 front property line;

24 And width of lot from front property  
25 line to required rear yard than permitted by

1 NCPC Minor Sub. File No. 15-2025

2 ordinance.

3 I will say that 14 out of the 32 houses  
4 within -- within the radius of this property have  
5 frontages of 55 feet or less.

6 I would now ask the attorney to step  
7 up.

8 CHAIRMAN SHAPIRO: Thank you.

9 Counselor, name and address for the  
10 record please.

11 (Stepping up.)

12 MR. BUTLER: Good morning  
13 Commissioners. For the record, Philip Butler  
14 with the Law Firm of Forchelli Deegan Terrana,  
15 333 Earle Ovington Boulevard, Uniondale.

16 Mr. Wren's summary is accurate.  
17 However, just to add to it a little bit, there  
18 are 46 homes on this street and of them 39 do not  
19 have 70 feet of lot width. And of those, 30 are  
20 57 feet or less. So the proposed lot are  
21 actually very much in keeping with the character  
22 of this neighborhood.

23 I also did hear earlier that there was  
24 some discussion about alternatives for this site.  
25 This is actually the third iteration of the

1 NCPC Minor Sub. File No. 15-2025  
2 proposed subdivision. We had lengthy discussions  
3 with the Town before we got here about either  
4 doing a four-lot subdivision with a cul-de-sac or  
5 doing flag lots.

6 (Mr. O'Brien enters the meeting.)

7 MR. BUTLER: Flag lots despite the fact  
8 that there are 8 on this street alone are  
9 obviously highly disfavored, so that was a no-go.  
10 What we talked to them about doing a cul-de-sac,  
11 they felt that that was a little bit too much  
12 development. So we settled on the three lots  
13 with the less frontage, but they are still very  
14 deep lots as a result. So we will be potentially  
15 subdividing into three lots, building a  
16 single-family home on each lot and putting a  
17 single detached garage for each.

18 There will also be 100 foot driveway,  
19 which can accommodate four cars if not more. So  
20 we won't be adding any -- any street parking as a  
21 result of the subdivision. So I really don't  
22 have much more to say beyond that, but I'm happy  
23 to respond to any -- any questions.

24 THIRD VICE-CHAIR LEWIS: And when you  
25 referred to the driveway you meant that for all

1 NCPC Minor Sub. File No. 15-2025

2 three, each -- each will have a -- a deep  
3 driveway?

4 MR. BUTLER: That's correct. Every --  
5 every lot will stand on its own, one  
6 single-family dwelling, one -- one driveway, one  
7 detached garage.

8 THIRD VICE-CHAIR LEWIS: It's a -- it's  
9 -- it's a big piece property when you see it on  
10 the map and you see it surrounded, it looks a  
11 little like someone kind of forgot it or didn't  
12 think it through carefully. They kind of -- it's  
13 kind of like being a painting room, you kind of  
14 paint yourself into a corner like they sort of  
15 didn't you know? They left -- left it kind of  
16 landlocked a little bit?

17 MR. BUTLER: Yeah, there -- there's --  
18 there's a single-family home that's been sitting  
19 on it since like time in memoriam and obviously  
20 --

21 THIRD VICE-CHAIR LEWIS: Right --

22 MR. BUTLER: -- that's going to be  
23 knocked down and replaced with a new  
24 single-family home.

25 THIRD VICE-CHAIR LEWIS: -- right.

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2 MR. BUTLER: But yeah, this is -- this  
3 is a considerably large property for the  
4 neighborhood. It's almost an acre and you don't  
5 -- you don't really see that in this  
6 neighborhood.

7 THIRD VICE-CHAIR LEWIS: Right.

8 And the level of what you're asking,  
9 three -- three homes on such a large property is  
10 certainly not a negative impact. You know, it's  
11 a -- it's a moderate impact?

12 MR. BUTLER: Right.

13 I -- I would think the biggest concern  
14 here would be the parking and -- and like I said  
15 we're going to have more than adequate parking  
16 for a single-family home.

17 VICE-CHAIR GREENFIELD: Commissioner,  
18 it's a refreshing change for us to only have  
19 three and not shoehorning four.

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

21 CHAIRMAN SHAPIRO: Correct.

22 MR. BUTLER: Much the disappointment  
23 for our client, but --

24 THIRD VICE-CHAIR LEWIS: Yeah.

25 (Laughter.)

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2 VICE-CHAIR GREENFIELD: We'll take it.

3 MR. BUTLER: Yeah.

4 CHAIRMAN SHAPIRO: Thank you.

5 Commissioners, any other questions?

6 (No response.)

7 CHAIRMAN SHAPIRO: I do have -- not  
8 seeing any, I do have two speakers. Maureen  
9 Sandrea (phonetic).

10 Come on up. Name and address for the  
11 record please.

12 (Stepping up.)

13 MS. SARANDREA: Good morning. I am  
14 representing Utica Avenue, which is perpendicular  
15 to West Avenue where this lot is.

16 Something that was not mentioned is  
17 that this is a one-way street with alternate  
18 side --

19 CHAIRMAN SHAPIRO: Can you --

20 MS. SARANDREA: -- parking.

21 CHAIRMAN SHAPIRO: -- can you give us  
22 your name and address for the record please.

23 MS. SARANDREA: I'm sorry.

24 Maureen Sarandrea, 14 Utica Avenue, Hicksville.

25 CHAIRMAN SHAPIRO: Thank you.

1 NCPC Minor Sub. File No. 15-2025

2 MS. SARANDREA: Something that was not  
3 mentioned, that is a narrow street with alternate  
4 side parking, which already with that being a  
5 vacant lot has cause an overflow of parking onto  
6 Utica Avenue. Utica Avenue is a very narrow  
7 street and it is very difficult to get out of my  
8 driveway as is. Furthermore, when cars are  
9 parked on the street, we sometimes have an  
10 overlap onto our driveway where cars are -- are  
11 partially parked, which makes it very difficult  
12 to get out of the driveway. I back into the  
13 driveway to try and be able to make that turn  
14 (indicating).

15 The other issue that I'm concerned with  
16 is when we have emergency vehicles. We have had  
17 situations where the emergency vehicle cannot  
18 make the turn sufficiently onto our street. My  
19 other issue is when there is a snow emergency.  
20 West Avenue is a snow emergency route. Now,  
21 there's a suggestion that with the long driveway  
22 that all the cars will be parked in their  
23 driveway. However, in my experience in the past  
24 40 years of living here, people do not want to  
25 double up their cars in the driveway, because

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2 they have to move them to get out for work.

3 Thus, the overflow onto Utica Avenue again.

4 My concern is when there is a snow  
5 emergency and we are -- get a phone call from the  
6 Town to have all your cars off the street, that  
7 never happens. My driveway, the front of my  
8 driveway is never clear. There's a narrow strip  
9 down the middle, and we are senior citizens and  
10 find it very difficult to have to go 10 feet out  
11 into the street in order to get our cars out,  
12 because of all the people that are parking on the  
13 street.

14 THIRD VICE-CHAIR LEWIS: Thank you.

15 CHAIRMAN SHAPIRO: Thank you very much.

16 MS. SARANDREA: I would like to just --

17 VICE-CHAIR GREENFIELD: Your -- your  
18 concern --

19 MS. SARANDREA: -- that negative impact  
20 into consideration.

21 Thank you.

22 THIRD VICE-CHAIR LEWIS: Thank you.

23 VICE-CHAIR GREENFIELD: And -- and  
24 a lot of your concerns we understand, but we're  
25 not the agency that will address it. You must

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2 take those to the Town, and your Town Councilman  
3 and -- and the Town Hall. We don't do snow  
4 enforcement or street enforcement.

5 MS. SARANDREA: Okay.

6 I would just like -- oh, okay. Time's  
7 up.

8 VICE-CHAIR GREENFIELD: Thank you.

9 MS. SARANDREA: Thank you.

10 CHAIRMAN SHAPIRO: Thank you.

11 Okay. We have one more speaker and  
12 Vincent Adams.

13 Name and address for the record please.  
14 (Stepping up.)

15 MR. ADAMS: Good morning.

16 CHAIRMAN SHAPIRO: Good morning.

17 MR. ADAMS: My name is Vincent Adams.

18 I reside at 90 West Avenue, Hicksville. I'm  
19 directly across the street from this mess.

20 First I'd like to say, I -- I -- I vote  
21 this variance down. Second of all, the house is  
22 adjacent on north side of this property proposed  
23 dwelling of three houses. There's house behind  
24 houses. They subdivide it on the west side of  
25 West Avenue.

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2 THIRD VICE-CHAIR LEWIS: Referring to  
3 flag lots where the one house is behind the  
4 other?

5 MR. ADAMS: I don't know that --

6 THIRD VICE-CHAIR LEWIS: Yeah, the term  
7 --

8 MR. ADAMS: -- yes.

9 THIRD VICE-CHAIR LEWIS: -- is flag  
10 lot.

11 MR. ADAMS: So there's -- there's two,  
12 two, two and two, used to be four. So now you  
13 have eight houses on the west side, four on the  
14 east side, that's 12 houses in approximately  
15 200 linear feet minus the driveways.

16 Now we move onto the south side,  
17 south side adjacent to this property is  
18 piggybacked again.

19 THIRD VICE-CHAIR LEWIS: So -- so your  
20 -- your point's well taken.

21 The area did allow --

22 MR. ADAMS: Is well --

23 THIRD VICE-CHAIR LEWIS: -- a lot of  
24 what are called flag lots.

25 MR. ADAMS: -- this --

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2 THIRD VICE-CHAIR LEWIS: But in this  
3 proposal they're not seeking to do that. They're  
4 not trying to put three houses behind three  
5 houses or one or two house behind three houses,  
6 they're not putting anything behind the three.

7 CHAIRMAN SHAPIRO: They have 228.

8 THIRD VICE-CHAIR LEWIS: They're just  
9 rounded. It's a very large piece of property to  
10 only get one house --

11 MR. ADAMS: The road --

12 THIRD VICE-CHAIR LEWIS: -- on each.

13 MR. ADAMS: -- the road is only 22 feet  
14 wide, I'm running out of time.

15 THIRD VICE-CHAIR LEWIS: Right.

16 MR. ADAMS: So it's all alternate side  
17 of the street parking like the woman said. I  
18 can't even park in front of my own house. I pay  
19 enough taxes, I can't park in front of my house.  
20 It's ridiculous.

21 So being a narrow street to have them  
22 park cars across from each other, emergency  
23 vehicles can't get through, so they made  
24 alternate side parking. So there's going to be  
25 three more driveways now on top of all of this

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2 congestion. This area is totally congested.

3 We're like sardines. The cars I don't even know  
4 whose cars they are.

5 COMMISSIONER SAKOWICH: Well, that's --  
6 that's the thing. I mean this is a residential  
7 area there is no commercial stores in it.  
8 There's no warehouses there.

9 MR. ADAMS: There's a lot of -- there's  
10 a lot. If you did the calculations of the -- the  
11 square footage of house to square footage of  
12 property would be all overwhelmed.

13 COMMISSIONER SAKOWICH: Well obviously  
14 --

15 MR. ADAMS: We're overwhelmed.

16 COMMISSIONER SAKOWICH: -- obviously.

17 MR. ADAMS: We're overwhelmed.

18 COMMISSIONER SAKOWICH: Obviously the  
19 Town granted permits to --

20 MR. ADAMS: I don't know what Town --

21 COMMISSIONER SAKOWICH: -- at some  
22 point 50, 60, 70 --

23 MR. ADAMS: -- what I --

24 COMMISSIONER SAKOWICH: -- whatever they  
25 did --

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2 MR. ADAMS: -- here today is what I'm  
3 saying if the Town --

4 COMMISSIONER SAKOWICH: -- what I'm  
5 saying to you is if there's any positive it's  
6 228 feet deep. It's -- it's -- it's probably the  
7 --

8 MR. ADAMS: -- it's --

9 COMMISSIONER SAKOWICH: -- best --

10 MR. O'BRIEN: Sir, you -- you asked --

11 COMMISSIONER SAKOWICH: I'm sorry.

12 MR. ADAMS: I'm sorry. I'm supposed to  
13 be talking, because I only have 29 seconds.

14 COMMISSIONER SAKOWICH: Well, we'll  
15 give you a little more for that if you --

16 MR. ADAMS: Well thank you.

17 COMMISSIONER SAKOWICH: -- thank you.

18 MR. ADAMS: All right.

19 VICE-CHAIR GREENFIELD: I'm waiting for  
20 your 29 to be up.

21 (Laughter.)

22 COMMISSIONER SAKOWICH: Yeah.

23 MR. ADAMS: Sorry. I'm just a  
24 little -- my anxiety, I have anxiety issues.

25 So I'm just -- so now the alternate

1 NCPC Minor Sub. File No. 15-2025

2 side parking --

3 COMMISSIONER SAKOWICH: It's --

4 MR. ADAMS: -- I have cars in front of  
5 my house I don't even know where they live.

6 CHAIRMAN SHAPIRO: Did -- did any of  
7 your --

8 MR. ADAMS: Chopped the houses up, two  
9 houses away from me they chopped the houses up.  
10 There's Suburbans, at least six to seven  
11 Suburbans, which are huge vehicles with a skinny  
12 driveway.

13 CHAIRMAN SHAPIRO: All right, thank --  
14 thank --

15 MR. ADAMS: So they're all over the  
16 place.

17 CHAIRMAN SHAPIRO: -- you very much.

18 MR. ADAMS: And they're delivery  
19 drivers, so --

20 MR. O'BRIEN: He wanted more time.

21 CHAIRMAN SHAPIRO: Your time is up.

22 MR. ADAMS: Sorry.

23 CHAIRMAN SHAPIRO: The time is up.

24 Let me just say this to you. Did any  
25 of your neighbors go to the Town when they had a

1 NCPC Minor Sub. File No. 15-2025

2 hearing?

3 MR. ADAMS: I didn't go. I don't know  
4 if my neighbors went. I didn't know until  
5 afterwards it was already done. So that -- that  
6 was an issue there, that's why I didn't show up.  
7 I didn't -- I didn't -- I wasn't notified 'til it  
8 was too late.

9 THIRD VICE-CHAIR LEWIS: Yeah, and --

10 MR. ADAMS: Otherwise I wouldn't be  
11 there just like --

12 THIRD VICE-CHAIR LEWIS: -- yeah, we --

13 MR. ADAMS: -- others here today.

14 THIRD VICE-CHAIR LEWIS: -- we -- we  
15 appreciate you coming here today and these  
16 comments is you understand what, you know,  
17 real estate issues there can be complexities. So  
18 there was already a hearing that allowed the  
19 variance at the Town level?

20 MR. ADAMS: Yes.

21 THIRD VICE-CHAIR LEWIS: And now  
22 they're coming to us for the County to allow the  
23 new lines to be drawn. But this question of --  
24 of variance and whether it was too much or  
25 whether, you know, what the impact would on

1 NCPC Minor Sub. File No. 15-2025  
2 parking, that was, you know, heard at the  
3 Town level. And what they came up with what  
4 we're -- we're being asked to approve is three  
5 houses on a pretty big lot, that could easily  
6 have been tried, an attempt could have been made  
7 to build four, five or six houses. So they're  
8 not doing that. They're only asking for the  
9 three that was approved at that hearing and we're  
10 being asked to sign off on that.

11 So I think your point and the other  
12 member -- neighbor we understand it, the points  
13 that you're making. But I don't think you're  
14 going to see these -- this development  
15 contributing to the problems significantly. We  
16 don't --

17 MR. ADAMS: But there's --

18 THIRD VICE-CHAIR LEWIS: -- think.

19 MR. ADAMS: -- but the problem is  
20 that's these houses could have six to eight cars.

21 VICE-CHAIR GREENFIELD: Okay.

22 MR. ADAMS: Now that somebody just said  
23 that --

24 VICE-CHAIR GREENFIELD: Sir -- sir?

25 MR. ADAMS: -- before you have four

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2 (indicating).

3 VICE-CHAIR GREENFIELD: Sir?

4 MR. ADAMS: Four (indicating).

5 VICE-CHAIR GREENFIELD: Your time is  
6 up.

7 But I want Mr. Butler to come to the  
8 mic. and address that issue for you and for us.

9 Mr. Butler?

10 MR. ADAMS: Can I say one more thing?

11 VICE-CHAIR GREENFIELD: Yes.

12 MR. ADAMS: I just would like -- would  
13 hope the Committee comes up with a fair decision  
14 for our neighbors and neighborhood, because it's  
15 just over, way over. Before you know it, I'm  
16 going to have parking meters in front of my  
17 house. I moved from the Bronx, the Bronx  
18 followed me.

19 Thank you.

20 CHAIRMAN SHAPIRO: Thank you.

21 VICE-CHAIR GREENFIELD: Mr. Butler?

22 CHAIRMAN SHAPIRO: Mr. Butler?

23 VICE-CHAIR GREENFIELD: So the neighbor  
24 has anxiety over parking that preexists your  
25 client moving to the neighborhood, so would you

1 NCPC Minor Sub. File No. 15-2025

2 explain two things for him and the other people  
3 in the audience? Your variance requests and --  
4 and why you're here today.

5 (Stepping up.)

6 MR. BUTLER: (Nodding head yes.)

7 VICE-CHAIR GREENFIELD: And secondly,  
8 how many cars will be I -- I think you said  
9 detached garage is that what you said?

10 MR. BUTLER: Yeah.

11 VICE-CHAIR GREENFIELD: How many cars  
12 will be able to parked in the driveway, because  
13 of the size of the property as opposed to on the  
14 street?

15 MR. BUTLER: I'm no engineer and I  
16 didn't bring our engineer today. But I mean with  
17 100 foot driveway plus a detached garage, I mean  
18 easy math I would assume 4 at least. But to --  
19 to understand that the -- the issue about  
20 doubling up cars, and having to cars pull out to  
21 park and park on the street as an alternative.  
22 These -- these driveways do flair out in the  
23 front, so there is really parking available in  
24 front of the homes.

25 THIRD VICE-CHAIR LEWIS: Yeah, I was

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2 going to raise that point.

3 MR. BUTLER: Right.

4 THIRD VICE-CHAIR LEWIS: One of the --  
5 one of the neighbors made a good point there that  
6 people don't like, you know, if you hear --

7 MR. BUTLER: Right --

8 THIRD VICE-CHAIR LEWIS: -- three cars  
9 and one line.

10 MR. BUTLER: -- (nodding head yes.)

11 THIRD VICE-CHAIR LEWIS: Realistically  
12 it doesn't get used that often and you leave the  
13 car in the street, so --

14 MR. BUTLER: Well, listen I -- I -- I  
15 do the same thing with my house. I park in the  
16 driveway and then we have to pull the other car  
17 out. You know it happens, but we did take the  
18 parking issue into account, because we didn't  
19 want the compliant oh, you're going to have  
20 parking.

21 But first let me, you know, be clear.  
22 We're adding a net -- a net increase of two  
23 single-family homes and we represented on the  
24 record like I'll represent on the record here,  
25 they are single-family homes. We're not making

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2 two-family homes, three-family homes. So this is  
3 a net gain of two residences. Right.

4 And so we have three new driveways,  
5 that each are larger than the existing driveway.  
6 And they will each have space in the front for  
7 parking of two vehicles and then however many  
8 vehicles can queue behind that.

9 I understand the practicality of people  
10 perhaps preferring to park on the street. We did  
11 try to address that in the way that --

12 VICE-CHAIR GREENFIELD: So by virtue of  
13 your curb cuts.

14 MR. BUTLER: Uh-huh.

15 VICE-CHAIR GREENFIELD: There'd be less  
16 parking on the street?

17 THIRD VICE-CHAIR LEWIS: Right.

18 MR. BUTLER: That's the --

19 VICE-CHAIR GREENFIELD: That's a  
20 positive thing.

21 COMMISSIONER SAKOWICH: The driveway in  
22 this property is -- is bigger than any other  
23 parcel of land around it.

24 VICE-CHAIR GREENFIELD: Right.

25 COMMISSIONER SAKOWICH: Why the

1 NCPC Minor Sub. File No. 15-2025

2 driveway itself?

3 VICE-CHAIR GREENFIELD: Right.

4 COMMISSIONER SAKOWICH: The driveway  
5 itself is 128 feet deep long with the -- with the  
6 garage with the flair out. They can put 10 cars  
7 in this driveway easy not -- not for anybody  
8 coming and going.

9 VICE-CHAIR GREENFIELD: That's what I  
10 wanted him to say on the record --

11 MR. BUTLER: Right.

12 VICE-CHAIR GREENFIELD: --  
13 Commissioner.

14 MR. BUTLER: And the Town did implement  
15 the alternated side drive [sic] -- parking,  
16 excuse me, on the street to try to deal with the  
17 issue. And I understand what the neighbors are  
18 saying is that didn't completely address the  
19 issue. But again, we have designed the sites to  
20 the maximum extent that we can without turning --  
21 turning them unnecessarily into more pavement.

22 THIRD VICE-CHAIR LEWIS: Right.

23 MR. BUTLER: Right.

24 THIRD VICE-CHAIR LEWIS: Right.

25 MR. BUTLER: You know, they are very

1 NCPC Minor Sub. File No. 15-2025

2 deep properties. I don't think they want to put  
3 parking courts behind their houses, but you know?

4 (Laughter.)

5 VICE-CHAIR GREENFIELD: And -- and also  
6 I wanted Ex-Chief Sakowich to explain that the  
7 volunteer fire service will get to the scene of  
8 the fire if there's a singleton.

9 COMMISSIONER SAKOWICH: Absolutely.

10 VICE-CHAIR GREENFIELD: Even I've --  
11 I've driven a truck on the lawn, I got yelled at  
12 afterwards because I broke the sprinkler, but I  
13 got it there.

14 MR. BUTLER: Well, I don't think we can  
15 assume that anybody's going to be intentionally  
16 blocking the street. I would think that they're  
17 going to park in accordance with what was said.

18 VICE-CHAIR GREENFIELD: Would -- but  
19 have faith in the volunteer fire service they'll  
20 get there.

21 COMMISSIONER SAKOWICH: I'd -- I'd like  
22 to make a motion to move forward here, because  
23 this is just --

24 MR. O'BRIEN: Well, they said there's  
25 no other speakers.

1 NCPC Minor Sub. File No. 15-2025

2 CHAIRMAN SHAPIRO: Is there anybody --

3 COMMISSIONER SAKOWICH: Is there any  
4 other speakers?

5 CHAIRMAN SHAPIRO: -- else that wishes  
6 to speak on this?

7 MS. ADAMS: I just wanted to say one  
8 thing.

9 CHAIRMAN SHAPIRO: Just come up -- come  
10 up to the mic.

11 (Stepping up.)

12 MS. ADAMS: Thank you.

13 CHAIRMAN SHAPIRO: And name and address  
14 for the record.

15 MS. ADAMS: Rosary Adams. I live at  
16 90 West Avenue, Hicksville.

17 And I just want to tell you that years  
18 ago the fire truck could not get through the  
19 street, because there was not alternate of the  
20 side street parking, which I believe that's the  
21 only street in Hicksville that has it, because a  
22 woman died in a fire up the block on West Avenue.  
23 Okay.

24 So if there's somebody on the street  
25 and there are that park on both sides, because

1 NCPC Minor Sub. File No. 15-2025

2 they're idiots and the fire truck may not be able  
3 to get through. Okay?

4 Amen.

5 CHAIRMAN SHAPIRO: Thank you very much.

6 MS. ADAMS: That's all I have to say.

7 THIRD VICE-CHAIR LEWIS: Mr. Chairman,  
8 I'd like to make a motion --

9 MR. O'BRIEN: No wait. Is there  
10 anybody else?

11 (No response.)

12 CHAIRMAN SHAPIRO: Anybody else wish to  
13 speak?

14 VICE-CHAIR GREENFIELD: Last call.

15 CHAIRMAN SHAPIRO: Not seeing any, I  
16 will take a motion.

17 MR. O'BRIEN: Sorry Neal.

18 CHAIRMAN SHAPIRO: It's okay.

19 THIRD VICE-CHAIR LEWIS: Mr. Chairman,  
20 I'd like to make a motion on 15-2025. The motion  
21 is for a "Negative Declaration" and to approve  
22 the subdivision.

23 COMMISSIONER SAKOWICH: I second it.

24 CHAIRMAN SHAPIRO: All those in favor?

25 (Chorus of "ayes.")

1 NCPC Minor Sub. File No. 15-2025

2 CHAIRMAN SHAPIRO: Any opposed?

3 (No response.)

4 (Stepping up.)

5 MR. BUTLER: Thank you very much.

6 CHAIRMAN SHAPIRO: Motion carries.

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1 NCPC Minor Sub. File No. 16-2025

2 (Stepping up.)

3 MR. WREN: Okay. Next up is NCPC File  
4 16-2025. This is a two-parcel minor subdivision.

5 The 31,724 square foot subject property  
6 is situated on the east side of Plainview Road  
7 [sic], in the Hamlet of Bethpage, in the Town of  
8 Oyster Bay's "R1-10" Zoning District.

9 Application proposes to subdivide the property,  
10 which currently has 141.35 feet of frontage on  
11 Plainview Road into two separate parcels.

12 "Proposed Lot A" will have 70.68 feet  
13 of frontage by 265 feet on West Avenue and be a  
14 total of 16,206 square feet.

15 "Proposed Lot B" will have a frontage  
16 of 70.67 feet of frontage by 244.68 feet of  
17 frontage on Plainview and be a total of 15,518  
18 square feet.

19 The Town of Oyster Bay's Board of  
20 Appeals has approved variances for this request.

21 The variances are the same for lots "A"  
22 and "B," so I will just read one.

23 Variance to construct new dwelling on  
24 subdivided land having less aggregated side yard;

25 Width of lot at street and width of lot

1 NCPC Minor Sub. File No. 16-2025  
2 from property line to width of lot from  
3 front property line to required rear yard than  
4 permitted by ordinance. And that -- that  
5 variance applies to both "A" and "B."

6 I would now ask the -- ask the attorney  
7 to come up.

8 CHAIRMAN SHAPIRO: Good morning. Thank  
9 you.

10 (Stepping up.)

11 MR. ABBATE: Good morning Chair and  
12 Commissioners. For the applicant, Tom Abbate  
13 A-b-b-a-t-e. I'm an attorney with offices at  
14 88 Sunnyside Boulevard in Plainview.

15 I confess that at the conclusion of his  
16 second case, I asked Mr. D'Agostino if he was  
17 feverish, because I've never seen him present one  
18 let alone two cases in such a short period of  
19 time. We affectionately refer to him as a man of  
20 few thousand words, yes.

21 (Laughter.)

22 VICE-CHAIR GREENFIELD: He's not paying  
23 attention though.

24 (Laughter.)

25 MR. ABBATE: This proposed two-lot

1 NCPC Minor Sub. File No. 16-2025  
2 subdivision in Bethpage, Town of Oyster Bay is in  
3 that neighborhood south of Old Country Road,  
4 east of 135, the Seaford-Oyster Bay Expressway  
5 and just north of Bethpage State Park.

6 It has 31,700 square feet which is  
7 wildly oversized for the Town of Oyster Bay's  
8 "R1-10" Zone, which allows single-family  
9 dwellings on not less than 10,000 square feet.  
10 Notably even after subdivision, these two lots  
11 will still be dramatically in excess with  
12 "Parcel A" containing 15,500 and "Parcel B"  
13 16,200 square feet.

14 The variance relief was -- was more  
15 than capably presented to you in the Town of  
16 Oyster Bay, so we didn't have the -- the lot  
17 width on street. We had 70 feet instead of 80.  
18 But in the Town of Oyster Bay we also measure  
19 lot width at the rear-yard setback. So if you  
20 don't have it at the front it's the rear lot  
21 that's going to have it in the rear. So those  
22 are the two variances. We also only need the  
23 side-yard setback relief in terms of the  
24 aggregate. We met the minimum, but we're missing  
25 the aggregate by less than 4 feet on each side.

1 NCPC Minor Sub. File No. 16-2025

2 Should you approve these lot lines,  
3 these two lots will still be far larger than the  
4 three lots abutting it to the north and to the  
5 south were abutted by New York State vacant land  
6 of 5.3 acres.

7 THIRD VICE-CHAIR LEWIS: To the -- to  
8 the south you're -- you're -- you're basically  
9 waterfront property you're on.

10 (Laughter.)

11 MR. ABBATE: That is correct.

12 THIRD VICE-CHAIR LEWIS: Yeah.

13 MR. ABBATE: I -- I like that analogy.

14 THIRD VICE-CHAIR LEWIS: When you look  
15 at the size of the lot it's surprising to see  
16 that there was a need for any variances. But  
17 what you're saying is the Town's requirement was  
18 actually an 80 foot width?

19 MR. ABBATE: 80 feet across.

20 THIRD VICE-CHAIR LEWIS: Okay. That's  
21 correct.

22 MR. ABBATE: And you had 70, so it was  
23 more than ameliorated by our excess lot size. So  
24 that's why we're far larger than the three  
25 abutting us to the north.

1 NCPC Minor Sub. File No. 16-2025

2 In terms of the dwellings, you have the  
3 plans and elevations, two-story single-family  
4 dwellings, five bedrooms, one down, four up. One  
5 of which will be a master or to be politically  
6 correct primary bedroom suite. And they're each  
7 outfitted with attached two-car garages.

8 And that's my case and I think I still  
9 did it in less time than Mr. D'Agostino.

10 DEPUTY COMMISSIONER NIMMO: I'd like to  
11 put on the record real quick. The correction  
12 it's on the west side of Plainview Road not the  
13 east side.

14 MR. ABBATE: Thank you.

15 CHAIRMAN SHAPIRO: Commissioners, any  
16 other questions?

17 (No response.)

18 CHAIRMAN SHAPIRO: I don't have any  
19 speakers signed up.

20 Is there anybody that wishes to speak  
21 on this item?

22 (No response.)

23 CHAIRMAN SHAPIRO: Not seeing any, I'll  
24 take a motion.

25 COMMISSIONER DURSO: I'd like to make a

1 NCPC Minor Sub. File No. 16-2025  
2 motion to approve NCPC File No. 16-2025 with a  
3 "Negative Declaration."

4 COMMISSIONER GOLD: Second.

5 CHAIRMAN SHAPIRO: All those in favor?

6 (Chorus of "ayes.")

7 CHAIRMAN SHAPIRO: Any opposed?

8 (No response.)

9 CHAIRMAN SHAPIRO: Motion carries.

10 MR. ABBATE: Thank you very much.

11 VICE-CHAIR GREENFIELD: Mr. Abbate you  
12 spoke longer than Mr. D'Agostino on the two cases  
13 combined. I'd just like the record to reflect  
14 that.

15 (Laughter.)

16 VICE-CHAIR GREENFIELD: And your client  
17 has beautiful waterfront property.

18 MR. ABBATE: Yes.

19 (Laughter.)

20 (Discussion held off the record.)

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1 NCPC Minor Sub. File No. 17-2025

2 (Stepping up.)

3 MR. WREN: All right.

4 CHAIRMAN SHAPIRO: Tim before we start  
5 let me just mention to everybody that if you do  
6 wish to speak on this case there are speaker  
7 registration forms over on my left (indicating)  
8 your right (indicating) please sign them, so we  
9 know who's wishing to speak.

10 Thank you.

11 MR. WREN: All right.

12 Okay. Next up is NCPC File 17-2025.

13 This a four-parcel minor subdivision.

14 The 67-acre square foot [sic] -- I'm  
15 sorry, the 67-acre subject property is situated  
16 on the north side of Sunrise Highway, in the  
17 Hamlet of Massapequa, Town of Oyster Bay's  
18 Light Industrial Zoning District. The  
19 application proposes to subdivide the property,  
20 which currently has 2,771.9 -- 71.97 feet of  
21 frontage on Sunrise Highway and Carmans Avenue  
22 [sic] or Carmans Road into four separate parcels:  
23 "Proposed Lot A" will have 130.46 feet  
24 of frontage by 1,382 feet on Carmans Road and be  
25 a total of 26.71 acres;

1 NCPC Minor Sub. File No. 17-2025

2 "Proposed Lot B" will have 313 feet of  
3 frontage by 1,382 feet on Sunrise Highway and  
4 be a total of 32.31 acres;

5 "Proposed Lot C" will have 89 feet of  
6 frontage by 1,268 on Carmans and be a total of  
7 5.56 acres;

8 And "Proposed Lot D" will have 130 feet  
9 of frontage by 992 feet on Carmans Road and be a  
10 total of 2.52 acres.

11 The Town of Oyster Bay's Department of  
12 Planning and Development has issued a "letter of  
13 zoning compliance" for this subdivision.

14 Now, I'd like the attorney to come up.  
15 (Stepping up.)

16 MS. SIMONCIC: Good morning --

17 CHAIRMAN SHAPIRO: Good morning.

18 MS. SIMONCIC: -- Mr. Chairman, members  
19 of the Commission.

20 Mr. Greenfield you took my joke before.  
21 I was going to say that Mr. D'Agostino deferred  
22 all of his time to Mr. Abbate it seemed.

23 Anyway, good morning. I'm  
24 Judy Simoncic with the firm of Forchelli Deegan  
25 Terrana, appearing on behalf of the applicant.

1 NCPC Minor Sub. File No. 17-2025

2 With me today is Jeff Mooallem a representative  
3 of the applicant as well.

4 Mr. Wren had accurately described the  
5 proposal. However though, I do believe there is  
6 some confusion regarding exactly the scope of the  
7 application and why it's being made. So I would  
8 like to answer remarks that I think will provide  
9 valuable context and help frame the application  
10 for the Commission and for the members of the  
11 public that are here today.

12 At the outset, I want to be clear that  
13 the application before the Commission today does  
14 not propose any physical changes to the property,  
15 nor does it contemplate changes to the existing  
16 industrial zoning of this property. In fact,  
17 there are no set plans for redevelopment at this  
18 time. Therefore, approval of this application  
19 will not change the property at all.

20 I also want to be clear that contrary  
21 to recent newspaper article, the diminution of  
22 this mall is not currently scheduled and will not  
23 be done for some time. Likely years from now.  
24 The mall structures are noted on the subdivision  
25 map to be demolished in the future. However,

1 NCPC Minor Sub. File No. 17-2025

2 the mall is still occupied by Dick's Sporting  
3 Goods and will not be demolished until there was  
4 a set of plans submitted to the Town of  
5 Oyster Bay and approved for the redevelopment of  
6 this property. Again, future development of this  
7 site is not yet settled and will be handled  
8 through the appropriate zoning applications in  
9 the Town of Oyster Bay.

10 As the Commission is aware, those  
11 applications will be back before this Commission  
12 for review and recommendation at the appropriate  
13 time pursuant to General Municipal Law "239-M,"  
14 because the site is located on Sunrise Highway.

15 So what is today's application? I  
16 think it'll be helpful also for the members of  
17 the public and the Commission to give a little  
18 background on the property. The property  
19 consists of 22 tax lots totaling 67 acres of  
20 land located in the Town of Oyster Bay's  
21 Light Industrial Zoning -- Light Industrial  
22 Zoning District. It's improved with existing  
23 Sunrise Mall that contains 1.2 million square  
24 feet of building area and several outbuildings  
25 including a Chase Bank and a former Sears

1 NCPC Minor Sub. File No. 17-2025

2 Auto Center.

3 The site is further -- further includes  
4 three existing well sites on the perimeter of the  
5 property on the western perimeter, as well as  
6 certain utility easements that include:

7 Communication lines;

8 Electrical lines;

9 Gas lines;

10 Et cetera, what's in that area. The  
11 balance of the site is currently paved parking  
12 areas and internal accessory roads with very  
13 little open space for landscaping.

14 So when Sunrise Mall Holdings acquired  
15 the property in 2020 the mall was 65 percent  
16 occupied. Following acquisition, "COVID"  
17 continued to have its impact on the mall and  
18 other retail centers across Long Island. It  
19 didn't take long to realize that continuing the  
20 indoor mall in its current state and  
21 configuration was not sustainable or economically  
22 viable.

23 Therefore, over the last several years  
24 the applicant has been slowly decommissioning  
25 the mall as tenants have vacated and leases have

1 NCPC Minor Sub. File No. 17-2025

2 expired. And as I indicated, there's only one  
3 remaining tenant that's Dick's Sporting Goods.

4 So with the mall effectively closed,  
5 the applicant is now starting to plan for the  
6 long-term redevelopment of this site, which  
7 brings us to today's present application. So  
8 what is the purpose of this application today?  
9 As indicated and shown on the subdivision map  
10 that's up on the screen we're proposing four  
11 lots. There are two smaller lots on the  
12 perimeter, which are Lots "C" and "D." And then  
13 two larger lots and the center lots "A" and "B."

14 Parcels "C" and "D" are essentially  
15 going to be utility lots. We're creating those  
16 parcels so that the existing well sites that are  
17 owned by "Liberty" and will continue to be owned  
18 and operated by them will be maintained. These  
19 lots are not intended to be part in the future  
20 redevelopment of the mall. The two larger  
21 parcels in the center are Parcels "A" and "B"  
22 will be redeveloped in accordance with the  
23 property's "LI" Zoning Designation at a future  
24 date.

25 Regarding "Parcel A" as disclosed in

1 NCPC Minor Sub. File No. 17-2025  
2 the filing of our application, Sunrise Mall has  
3 currently a contract with Amazon to sell that  
4 property to them. However to be clear, again  
5 there is no proposal before the Commission or the  
6 Town for what Amazon will develop on "Parcel A"  
7 and the proposed subdivision will merely assist  
8 in Amazon's analysis to determine if and how it  
9 can use that site.

10 Regarding the fourth parcel, which is  
11 "Parcel B," that will be retained by Sunrise Mall  
12 Holdings for commercial development. Again,  
13 there are no plans for the redevelopment at this  
14 time. The applicant has continued to assess  
15 potential users and when ready will need to make  
16 appropriate zoning applications to the Town of  
17 Oyster Bay, which we've done at a point in the  
18 future.

19 So essentially, this proposed  
20 subdivision is simply drying lines to create and  
21 clean up the parcels, so that we can plan for the  
22 future development of this property. Again, I  
23 can't emphasize enough there is no construction  
24 proposed. There will be no immediate demolition  
25 of the main mall building. And essentially, this

1 NCPC Minor Sub. File No. 17-2025  
2 is just drying lines to create four proposed lots  
3 which as per the Town of Oyster Bay Zoning  
4 Compliance Letter submitted with this application  
5 fully complies with the Town's Light Industrial  
6 Zoning Designations.

7 I'm happy to answer any questions the  
8 Commission may have.

9 VICE-CHAIR GREENFIELD: First, I -- I  
10 just want you to clarify for the record and for  
11 the public here, when and if any demolition  
12 occurs the agency that gives that permit is the  
13 Town of Oyster Bay?

14 MS. SIMONCIC: That is correct.

15 VICE-CHAIR GREENFIELD: It has nothing  
16 to do with us today here.

17 MS. SIMONCIC: That is the Town of  
18 Oyster Bay --

19 VICE-CHAIR GREENFIELD: Right.

20 MS. SIMONCIC: -- Building Department,  
21 correct.

22 VICE-CHAIR GREENFIELD: When -- when  
23 and if Amazon, or any other perspective tenant or  
24 -- or user comes into play you have a contract  
25 with them, you go first to Oyster Bay and then

1 NCPC Minor Sub. File No. 17-2025

2 it's a referral to us. Please explain that  
3 process, so the public can understand that.

4 MS. SIMONCIC: Sure.

5 So the Planning Commission only has  
6 jurisdiction over subdivision of land. The  
7 Town of Oyster Bay has jurisdiction over all  
8 zoning applications that would need to be filed  
9 to develop this property. So any development  
10 will start with the Town of Oyster Bay whatever  
11 the application would be likely may be a site  
12 plan approval or otherwise. But that would start  
13 with the Town of Oyster Bay pursuant to the  
14 General Municipal Board. This Board has referral  
15 and recommendation authority, so the applications  
16 would be referred to this Commission for review  
17 and recommendation.

18 So at that time when there's actually a  
19 development proposed, the Planning Commission  
20 will review that proposal at that time and see  
21 everything that's been submitted with the Town  
22 together with any:

23 Analysis;

24 Environmental review;

25 Et cetera, that will come back to this

1 NCPC Minor Sub. File No. 17-2025

2 Commission for a recommendation.

3 VICE-CHAIR GREENFIELD: And -- and  
4 under our Zoning Calendar at that time not a full  
5 hearing?

6 MS. SIMONCIC: Correct.

7 VICE-CHAIR GREENFIELD: The full  
8 hearing today is necessitated by the action you  
9 proposed with respect to the changing of the  
10 lots?

11 MS. SIMONCIC: That's correct. It  
12 would be on the Zoning Calendar only.

13 VICE-CHAIR GREENFIELD: Okay.

14 COMMISSIONER SAKOWICH: You -- you  
15 asked -- you -- you mentioned in your statement  
16 that so "Parcel A" was potentially being sold to  
17 Amazon?

18 MS. SIMONCIC: They are in contact to  
19 be sold --

20 COMMISSIONER SAKOWICH: So they are in  
21 contract?

22 MS. SIMONCIC: They are in contract --

23 COMMISSIONER SAKOWICH: Okay.

24 MS. SIMONCIC: -- there is a contract.

25 COMMISSIONER SAKOWICH: But then you

1 NCPC Minor Sub. File No. 17-2025

2 said that "Parcel B" was -- is still zoned  
3 Light Commercial [sic]?

4 CHAIRMAN SHAPIRO: Light Industrial.

5 MS. SIMONCIC: Light Industrial.

6 COMMISSIONER SAKOWICH: Light  
7 Industrial?

8 MS. SIMONCIC: Yes.

9 COMMISSIONER SAKOWICH: So in order to  
10 they're -- they're very specific items that can  
11 be built on Light --

12 MS. SIMONCIC: Uh-huh --

13 COMMISSIONER SAKOWICH: -- Industrial?

14 MS. SIMONCIC: -- properties, correct.

15 COMMISSIONER SAKOWICH: Property?

16 MS. SIMONCIC: Uh-huh.

17 COMMISSIONER SAKOWICH: Not one being  
18 that -- that -- that if you were to -- if this  
19 wanted to become any kind of housing or something  
20 of that nature, which would severely impact  
21 schools and of that you would have to go to the  
22 Town of Oyster Bay to amend their zoning code on  
23 that?

24 MS. SIMONCIC: That's correct.

25 COMMISSIONER SAKOWICH: So you don't --

1 NCPC Minor Sub. File No. 17-2025

2 MS. SIMONCIC: If --

3 COMMISSIONER SAKOWICH: -- right.

4 So -- so we're -- we're not like  
5 putting hard ball -- well -- well, what we read  
6 in the paper and all these different things, that  
7 can't happen?

8 MS. SIMONCIC: That cannot happen  
9 unless a change of zone application was filed  
10 with the Town of Oyster Bay. But I can tell you  
11 on behalf of the applicant, that there is no  
12 intent to make such an application, and it's been  
13 reported and I think accurately that the Town of  
14 Oyster Bay has announced that they have no  
15 interest in approving such a change of zone.

16 COMMISSIONER SAKOWICH: Okay.

17 MS. SIMONCIC: So that is not for  
18 consideration at all --

19 COMMISSIONER SAKOWICH: Right.

20 MS. SIMONCIC: -- by the applicant.

21 CHAIRMAN SHAPIRO: Also -- also, if  
22 there was a change of zone it would come back to  
23 us in a referral.

24 COMMISSIONER SAKOWICH: Yes.

25 CHAIRMAN SHAPIRO: Yes.

1 NCPC Minor Sub. File No. 17-2025

2 COMMISSIONER SAKOWICH: What I'm --  
3 what I'm -- what I'm just saying is she's --

4 CHAIRMAN SHAPIRO: I'm laying it out  
5 for the --

6 COMMISSIONER SAKOWICH: We've heard it  
7 a hundred different things, read them.

8 MS. SIMONCIC: Yeah, there's been a lot  
9 of speculation --

10 COMMISSIONER SAKOWICH: I just want to  
11 be -- you know, I'm sure that the audience here  
12 is to -- to -- to most of their concern is -- is  
13 is that, you know, it's going to become an  
14 apartment development like everything else in the  
15 world has become. But with this the zoning they  
16 have now that cannot happen?

17 MS. SIMONCIC: That is correct.

18 COMMISSIONER SAKOWICH: Okay.

19 MS. SIMONCIC: And we are not talking  
20 to potential users that would be even interested  
21 in residential development of this property.

22 COMMISSIONER SAKOWICH: Okay.

23 And then just -- just explain --  
24 explain it, because I think there was a lot of  
25 mischaracterization of -- of the outdoor, outside

1 NCPC Minor Sub. File No. 17-2025

2 perimeter.

3 MS. SIMONCIC: Uh-huh.

4 COMMISSIONER SAKOWICH: Okay.

5 So on the -- the Parcels "C" and "D"  
6 are about 242,000 square feet and a 109,000  
7 square feet going around, that can never be built  
8 on am I right or wrong?

9 MS. SIMONCIC: No, that -- that is not  
10 correct. Those are buildable lots as per the  
11 zoning compliance letter, but the intent is to  
12 create those parcels and that there would be  
13 utilities located, the ones that are already  
14 there, there are three wells along the perimeter  
15 of the property, they will be maintained in those  
16 areas. There's also other easements for  
17 communication lines, et cetera, gas lines. So  
18 the intent is for them to be -- continue to be  
19 within those parcels.

20 VICE-CHAIR GREENFIELD: So they're not  
21 buildable lots, because the --

22 MS. SIMONCIC: Well --

23 THIRD VICE-CHAIR LEWIS: She's not  
24 necessarily saying that.

25 COMMISSIONER SAKOWICH: No, she's not

1 NCPC Minor Sub. File No. 17-2025

2 saying that.

3 MS. SIMONCIC: I'm not --

4 COMMISSIONER SAKOWICH: She's not

5 saying that.

6 MS. SIMONCIC: -- no, I'm not saying

7 that.

8 Those -- those are buildable lots, but  
9 the -- the applicant's plan is not to redevelop  
10 them in any way.

11 VICE-CHAIR GREENFIELD: But the --

12 MS. SIMONCIC: Which I'll address as --

13 VICE-CHAIR GREENFIELD: -- the owners  
14 of those lots will be "Liberty Water Company?"

15 MS. SIMONCIC: Potentially they may or  
16 not -- may or not be. There -- there's talks now  
17 for a land swap between "Liberty" to acquire the  
18 center portion that -- that dips down in the  
19 middle, that's owned by "Liberty" currently. So  
20 that the plan would be to swap the center portion  
21 and that other small piece, that's also owned by  
22 "Liberty" and acquire, that "Liberty" would  
23 require "C" and "D" and we would acquire title to  
24 the center portion. But those are conversations  
25 that we're having and no deal has been made. And

1 NCPC Minor Sub. File No. 17-2025

2 it could end up where they may be easements,  
3 swaps, we don't know.

4 But in terms of "C" and "D" being  
5 buildable parcels they are legal lots pursuant to  
6 the Town Zoning Compliance Letter. But again,  
7 the applicant plans to retain "Parcel B" and  
8 develop it in some way or another with probably  
9 commercial --

10 COMMISSIONER DURSO: Correct, okay.

11 MS. SIMONCIC: -- uses.

12 COMMISSIONER DURSO: That was -- that  
13 was my next question.

14 So those -- those lots would  
15 specifically have to come before us and they are  
16 considered commercial or are they considered --

17 MS. SIMONCIC: They're zoned Industrial  
18 --

19 COMMISSIONER DURSO: -- Industrial --

20 MS. SIMONCIC: -- buildings.

21 COMMISSIONER DURSO: -- also?

22 MS. SIMONCIC: Everything is zoned  
23 Industrial.

24 COMMISSIONER DURSO: Okay, so that's  
25 what -- that's my concern.

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2 MS. SIMONCIC: Any -- any potential  
3 development of any of the parcels --

4 COMMISSIONER DURSO: Any of it?

5 MS. SIMONCIC: -- has to go to the  
6 Town of Oyster Bay for approvals.

7 COMMISSIONER DURSO: Regardless if --

8 MS. SIMONCIC: And the Commission will  
9 get that on referral as the Vice-Chairman was  
10 indicating.

11 COMMISSIONER DURSO: Right.

12 MS. SIMONCIC: We will see those  
13 applications and all the documentation  
14 submitted --

15 COMMISSIONER DURSO: Right.

16 MS. SIMONCIC: -- when plans are  
17 devised for those developments.

18 COMMISSIONER SAKOWICH: But that --

19 COMMISSIONER DURSO: I just want to  
20 make sure that --

21 COMMISSIONER SAKOWICH: -- that carve  
22 out, that 100 feet is a positive because it  
23 limits what they can do.

24 VICE-CHAIR GREENFIELD: Right.

25 COMMISSIONER SAKOWICH: I mean you're

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2 -- you're talking --

3 THIRD VICE-CHAIR LEWIS: Not really --

4 MR. O'BRIEN: No, it limits "A" and

5 "B."

6 MS. SIMONCIC: Yeah.

7 COMMISSIONER SAKOWICH: It limits "A"

8 and "B."

9 COMMISSIONER DURSO: "A" and "B,"

10 correct.

11 THIRD VICE-CHAIR LEWIS: Right.

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

13 COMMISSIONER SAKOWICH: Right.

14 It -- it should be understood --

15 VICE-CHAIR GREENFIELD: No.

16 MS. SIMONCIC: As a --

17 COMMISSIONER SAKOWICH: As -- as of now

18 --

19 MS. SIMONCIC: But now if it's helpful,

20 currently the mall parking goes right up to the

21 residential property lines that are along the

22 westerly side.

23 COMMISSIONER SAKOWICH: Right.

24 MS. SIMONCIC: We do not intend to

25 change that, and there are obviously "Liberty's"

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2 occupying the wells, they're accessing them.

3 They're likely going to maintain and be in their

4 current configuration of what's there now. But

5 they are technically legal lots as per the

6 Town's Zoning Compliance Letter.

7 COMMISSIONER SAKOWICH: But they're

8 legal lots, you're splitting them now into 4 lots

9 instead of the 26?

10 MS. SIMONCIC: 22.

11 MR. O'BRIEN: 22.

12 COMMISSIONER SAKOWICH: 22?

13 MS. SIMONCIC: Yes.

14 COMMISSIONER SAKOWICH: 22?

15 MS. SIMONCIC: Yes.

16 COMMISSIONER SAKOWICH: So what I'm

17 saying is is that in order to do anything on that

18 we're -- you're going to have to come back here?

19 MS. SIMONCIC: Yes.

20 COMMISSIONER SAKOWICH: And any kind of

21 approval, the Town approval --

22 MS. SIMONCIC: (Nodding head yes.)

23 COMMISSIONER SAKOWICH: -- you're --

24 you're actually making the process a little

25 harder by splitting those pieces off is what I'm

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2 trying to say.

3 COMMISSIONER DURSO: Right.

4 COMMISSIONER SAKOWICH: Four, right.

5 MS. SIMONCIC: Correct.

6 DEPUTY COMMISSIONER NIMMO: I'd just  
7 like to add that if I could, if there's wells and  
8 -- and, you know, utilities owned by others  
9 there's not a good chance that anyone is going to  
10 --

11 COMMISSIONER SAKOWICH: It's going to  
12 be built.

13 DEPUTY COMMISSIONER NIMMO: -- built  
14 over them.

15 COMMISSIONER SAKOWICH: Right.

16 DEPUTY COMMISSIONER NIMMO: They can  
17 put a parking, you're going to have parking over  
18 them. You're not putting a structure over  
19 someone --

20 COMMISSIONER SAKOWICH: Right.

21 DEPUTY COMMISSIONER NIMMO: -- else's  
22 facilities. There's an easement there for a  
23 reason to prevent that.

24 COMMISSIONER SAKOWICH: Exactly.

25 That's -- that's what I'm trying to say

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2 that that's there for a reason and that's --  
3 that's going to probably remain there forever.

4 VICE-CHAIR GREENFIELD: And the -- the  
5 most positive thing, this mall is different than  
6 all other malls in Nassau County.

7 THIRD VICE-CHAIR LEWIS: How is it  
8 different?

9 VICE-CHAIR GREENFIELD: How is it  
10 different? Pass over pass, but I can tell you  
11 why this is different than all others.

12 (Laughter.)

13 VICE-CHAIR GREENFIELD: This mall is  
14 zoned Light Industrial -- Industrial.

15 CHAIRMAN SHAPIRO: Correct.

16 VICE-CHAIR GREENFIELD: Every other  
17 mall is zoned commercial. And we've had plenty  
18 of hearings on the expansion of Roosevelt Field  
19 and Green Acres, because of the commercial it's  
20 easier than the light industrial. So the  
21 neighbors get an added measure of protection with  
22 respect to this and the process.

23 CHAIRMAN SHAPIRO: Okay. I think it's  
24 also important in the "zoning compliance letter"  
25 it states after reviewing the attached

1 NCPC Minor Sub. File No. 17-2025  
2 subdivision map plan last revised January 31st,  
3 2025 prepared by William T. Whimple, Control  
4 Point Associates, Inc. PC. It is confirmed that  
5 all lots are in compliance with the Town of  
6 Oyster Bay zoning codes for the "LI," Light  
7 Industrial Zoning District. Please note no  
8 buildings are being proposed for any parcel at  
9 this time and the Planning Division has only  
10 reviewed the lot itself for compliance.

11 And I think that states everything and  
12 it should solve the issue. This is only a  
13 four-lot subdivision. Nothing else is happening  
14 here today except for that.

15 THIRD VICE-CHAIR LEWIS: Yeah. No, I  
16 think the -- this -- this hearing has already  
17 been very helpful. We're going to hear from the  
18 neighbors in a moment.

19 But if someone lives near the mall and  
20 they're concerned, what I think you've set out is  
21 that first of all, what we understood as the  
22 Town's intentions and such, none of that has  
23 changed. It's essentially where we were a couple  
24 years ago from what we had heard. It's just now  
25 being we're now proceeding along.

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2 (Mr. Pulitzer exits the meeting.)

3 THIRD VICE-CHAIR LEWIS: And you know,  
4 I read in -- in "Facebook" a discussion about  
5 whether it can be senior housing or other types  
6 of housing. You know, a back and forth about all  
7 of that and I think it was the trigger word was  
8 the word "subdivide." So we're subdividing into  
9 four lots here but we're not creating a  
10 subdivision of housing, that's not what's  
11 proposed. So maybe that word was what confused  
12 some folks.

13 But nothing's changed from the Town's  
14 previous announcements that as the Vice-Chairman  
15 pointed out since it's a light industrially zone,  
16 that's the direction they're going. They're not  
17 interested in changing, which would require a  
18 whole act of -- of -- of the Town Board and then  
19 not doing that.

20 (Mr. Pulitzer enters the meeting.)

21 THIRD VICE-CHAIR LEWIS: So -- so it's  
22 sort of like okay, we're back to where we were  
23 previously, you're just proceeding along and then  
24 that's where the explanation of the -- of the  
25 water company having property and some of the

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2 oddities for anybody looking at that image. And  
3 by the way, we do have the paper version of it if  
4 any of the neighbors after the meeting's over  
5 want to see that they can come on up.

6 But it's -- it's just a sort of  
7 historical accident that "Liberty" owns a big  
8 part of the property that cuts through the  
9 property, that's -- that's the mall. So largely  
10 we're kind of cleaning up steps along the way  
11 that would make it so you can negotiate with  
12 "Liberty" and things of that nature. That's sort  
13 of --

14 MS. SIMONCIC: Yes --

15 THIRD VICE-CHAIR LEWIS: -- what --  
16 (Laughter.)

17 MS. SIMONCIC: -- that's correct. You  
18 explained that very well.

19 Thank you.

20 THIRD VICE-CHAIR LEWIS: Okay, all  
21 right.

22 COMMISSIONER DURSO: Just to piggyback  
23 off of what you were saying too.

24 Because I as obviously a resident of  
25 Massapequa full, you know, disclosure. It's a --

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2 it's a concern of, you know, residents too,  
3 people feel that it's kind of they are going to  
4 just -- we're going to subdivide the property,  
5 and then they are just going to come in and just  
6 develop homes or communities where there's just  
7 housing. It can't just happen that way. There's  
8 a whole process.

9 You guys can't just come in and do  
10 that. You have to make -- there's steps to the  
11 next process. So I think that's a big concern  
12 for the residents, that that's not going to be  
13 what this is. You guys are fully disclosing  
14 there's going to be the next step. It has to go  
15 to the Town if you were ever to decide to do that  
16 you would have to file a whole new zoning  
17 application, which will not get approved. It's  
18 just not going to happen.

19 First of all, our community can't  
20 handle any more homes. Our school system cannot  
21 handle it. My kids go to school. Our  
22 high school is never going to handle one more  
23 student, that's number one. So we know that that  
24 is not going to get changed. We're not going --  
25 the Town is not going to allow that. That's

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2 number one.

3 You guys have to go through a whole  
4 process. Some I think to just make everybody  
5 more comfortable, I think this was very  
6 informative even just as myself to know that  
7 there -- there is many steps to this process that  
8 you have to go through and it's going to take a  
9 long time. So I thank you for, you know, giving  
10 us that information and clarifying all that. So  
11 anybody that is uncomfortable or unsure, we have  
12 a lot of steps ahead of this to go through. So  
13 keep --

14 MS. SIMONCIC: Correct --

15 COMMISSIONER DURSO: -- it, you know,  
16 hopefully we'll have some good tenants clean up  
17 the shopping center. As a resident I, you know,  
18 I hope we could get something good in there. So  
19 I just want to thank you for that.

20 MS. SIMONCIC: Thank you.

21 COMMISSIONER DURSO: You're welcome.

22 MS. SIMONCIC: And again, this is --  
23 this is really the -- the first step at the very  
24 beginning of the potential redevelopment of this  
25 property. This, we're going to be at this for

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2 quite some time I am sure and regardless of the  
3 development we have to file with the Town of  
4 Oyster Bay.

5 COMMISSIONER DURSO: Right.

6 MS. SIMONCIC: And there will be  
7 applications when plans are prepared and filed  
8 it's going to be a full process that the  
9 Commission's familiar with and you'll see this  
10 again.

11 CHAIRMAN SHAPIRO: And it will come  
12 back to us under the "239-M."

13 COMMISSIONER DURSO: Right, exactly.

14 CHAIRMAN SHAPIRO: So --

15 VICE-CHAIR GREENFIELD: While -- while  
16 I'm not an immediate resident, as a resident of  
17 Nassau County I want to see a good taxable,  
18 rateable --

19 COMMISSIONER DURSO: That was what I  
20 was about to say.

21 VICE-CHAIR GREENFIELD: -- user to help  
22 your school district.

23 COMMISSIONER DURSO: Yes, thank you.  
24 Yes.

25 VICE-CHAIR GREENFIELD: To pay taxes

1 NCPC Minor Sub. File No. 17-2025

2 not a vacant --

3 MS. SIMONCIC: Thank you --

4 VICE-CHAIR GREENFIELD: -- lot.

5 MS. SIMONCIC: -- lines --

6 VICE-CHAIR GREENFIELD: -- abandoned

7 building.

8 COMMISSIONER DURSO: We definitely need

9 that.

10 CHAIRMAN SHAPIRO: All right

11 Commissioners, is there any other questions?

12 (No response.)

13 CHAIRMAN SHAPIRO: If not, we have a

14 couple of speakers.

15 Please don't kill me if I don't

16 pronounce your name properly. Gary Beige [sic].

17 MR. DIBIASE: Dibiasse possibly.

18 CHAIRMAN SHAPIRO: Sorry.

19 VICE-CHAIR GREENFIELD:

20 CHAIRMAN SHAPIRO: Dibiasse.

21 (Stepping up.)

22 MR. DIBIASE: Hi Commissioners and

23 Chair People.

24 CHAIRMAN SHAPIRO: Name and address for

25 the record please.

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2 MR. DIBIASE: Gary Dibiase,  
3 216 Fillmore Street, Massapequa Park. Thank you  
4 for the opportunity.

5 I don't support the proposal and  
6 specifically because in all the prior  
7 presentations the Board knew exactly what the  
8 rezoning results will be. Here they're asking  
9 for four subdivisions, only one of which they  
10 describe as Amazon. So we're not just giving  
11 approval for one parcel rather than all four  
12 parcels until the residents have a better  
13 understanding of what the other uses will be.

14 I think in addressing Mr. Olson  
15 (phonetic) here (indicating). I think I believe  
16 he's --

17 VICE-CHAIR GREENFIELD: No address us.

18 MR. DIBIASE: I was just -- oh, I'm  
19 sorry.

20 VICE-CHAIR GREENFIELD: They won't  
21 refer it.

22 MR. DIBIASE: All right. Thank you for  
23 the protocol.

24 It would helpful if they were a better  
25 corporate citizen. The information that they

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2 release to the public is almost non-existent.

3 There's no mention of this on their website.

4 There was no mention of it in the Board meeting  
5 the stockholder, the "Q1" meeting that took place  
6 yesterday. A lot of residents are here because  
7 they don't know what's going on.

8 I'm sure when you buy a parcel of land  
9 5 years ago for \$25 million you should have some  
10 scenarios of what those, that parcel will be used  
11 for. As is things changed, let the public know  
12 what the different scenarios are. They haven't  
13 done that. So I would just ask that you consider  
14 the proposal and maybe just approval the parcel  
15 that they described as potentially going to  
16 Amazon.

17 And I would ask that -- that they --  
18 the -- the -- the owner Urban Edge just spend  
19 more publicizing their potential plans. That's  
20 all I have. Thank you.

21 VICE-CHAIR GREENFIELD: Sir you make  
22 some very good points because there's a lot of  
23 misinformation and disinformation on "Facebook."

24 COMMISSIONER DURSO: Yeah.

25 VICE-CHAIR GREENFIELD: And by virtue

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2 of that, I understand the fear of the unknown by  
3 the neighbors. But I'd ask counsel to address or  
4 have the representative come up and address, we  
5 have a representative here because we required  
6 that.

7 MR. O'BRIEN: Okay.

8 Why don't we let everybody speak and  
9 let them --

10 CHAIRMAN SHAPIRO: Yes --

11 MR. O'BRIEN: -- we'll address it?

12 CHAIRMAN SHAPIRO: -- we're going to do  
13 all the speakers and then we will have it  
14 addressed.

15 MR. DIBIASE: Thank you.

16 CHAIRMAN SHAPIRO: Thank you very much.

17 Next we have Joyce Bambino. Please  
18 come up. And state your name and address for the  
19 record.

20 (Stepping up.)

21 MS. BAMBINO: Okay.

22 Joyce Bambino, 1 Cynthia Lane,  
23 Massapequa Park, New York.

24 I heard you mention something about  
25 Amazon coming in. Amazon's 24/7 with trucks, and

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2 delivery and loading. At least with the  
3 Sunrise Mall 10:00 came, lights out, no traffic,  
4 we can all go to sleep and it was quiet. This is  
5 going to be a problem, especially when you have  
6 the property right against the mall.

7 VICE-CHAIR GREENFIELD: You --

8 MS. BAMBINO: And you know what, we  
9 don't get notified enough about what's going  
10 happen to it, when it's going to happen. I want  
11 to know if we're going to get notified if there's  
12 a hearing anything else going forward, because  
13 luckily I got this letter.

14 Now, I got an easement letter a while  
15 ago from "Liberty Water," so they must have known  
16 what was coming and tried to grab more property  
17 from me and I put no on it (indicating). But now  
18 two and two make four, because they want to make  
19 sure they keep their property from whatever gets  
20 developed at the mall.

21 But you know, if you put a hospital in  
22 there, you put Amazon in there it's 24/7 with the  
23 noise, with the -- the deliveries. It's very  
24 noisy. At least with the mall 10:00 came, lights  
25 out, could can all go to sleep no problem.

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2 CHAIRMAN SHAPIRO: Okay.

3 MS. BAMBINO: That's all.

4 CHAIRMAN SHAPIRO: Thank you for your  
5 comments.

6 MS. BAMBINO: Great.

7 CHAIRMAN SHAPIRO: Arthur Schnee.  
8 Name and address for the record please.  
9 (Stepping up.)

10 MR. SCHNEE: Yes. My name's  
11 Arthur Schnee, 167 Biltmore Boulevard,  
12 Massapequa. Thank you for the opportunity to  
13 address you today.

14 I just want to say that I think this  
15 should be studied more, that more time should go  
16 into this notifying the residents of what's  
17 happening. And also, they should have a plan of  
18 what's happening. When we subdivide the property  
19 like that we should know what the total overall  
20 outcome is going to be. So I think it needs more  
21 review. I mean I think they need to address  
22 those issues and find out what they're going to  
23 put there, not just say whoa just it's  
24 undisclosed right now and will allow the Town of  
25 Oyster Bay to decide later on. They show know

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2 now what they want to redevelop it for.

3 Thank you.

4 THIRD VICE-CHAIR LEWIS: Okay.

5 CHAIRMAN SHAPIRO: Thank you.

6 And last we have Michael Miller.

7 Name and address for the record please.

8 (Stepping up.)

9 MR. MILLER: Good morning. Michael  
10 Miller, 2 Cynthia Lane, Massapequa Park.

11 Looking at the map there I see that the  
12 subdivisions that will include my -- my block on  
13 my -- on my current block I have access fire  
14 department to the parking lot in the mall. And  
15 I'm when I see the subdivision there  
16 (indicating), I see that it possibly would be  
17 subdivided in a way that they would have to  
18 access that part of my block. That would  
19 directly impact me, also all my neighbors on  
20 Westgate, Northgate and Eastgate Road. So is  
21 there any in relation to -- is that going to be  
22 accessed opened up for Amazon, or any other  
23 deliveries or anything else on there? Is that  
24 now going to become a public road and directly  
25 affect all of the noise level like my neighbor

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2 across the street explained?

3 THIRD VICE-CHAIR LEWIS: So we'll ask  
4 the attorney to address your point.

5 MR. MILLER: Thank you.

6 CHAIRMAN SHAPIRO: Thank you.

7 Is there anybody else in the public  
8 that wishes to heard?

9 (Stepping up.)

10 MR. WREN: Commissioners, I also do  
11 have one comment that was submitted through mail.

12 CHAIRMAN SHAPIRO: Okay.

13 MR. O'BRIEN: We do have somebody else.

14 VICE-CHAIR GREENFIELD: Read -- read --

15 CHAIRMAN SHAPIRO: There's another --

16 VICE-CHAIR GREENFIELD: -- read the  
17 comment you got before them.

18 MR. WREN: Okay, understood.

19 VICE-CHAIR GREENFIELD: And then  
20 whoever raised their hand fill out a form --

21 MR. WREN: Yeah.

22 VICE-CHAIR GREENFIELD: -- over by  
23 John.

24 MR. PERRAKIS: (Gesturing.)

25 MR. WREN: Okay.

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2 This is from William and Stacey Bach.  
3 They did -- they're on Front Street. They did  
4 not provide me their house number unfortunately.

5 Our concern is that the mall's traffic  
6 access from the west side:

7 Front Street;

8 Cynthia Lane;

9 Northgate Road might be opened. When  
10 the mall was first built in the early 1970s my  
11 in-laws owned this house. And the neighborhood  
12 petitioned to ensure traffic flow would not be  
13 disrupted. Any scenario that would change the  
14 traffic flow would also have a negative impact on  
15 Massapequa. Massapequa traffic and quality of  
16 life we live adjacent -- we who live adjacent  
17 request that the owner's planners on this project  
18 inform all effective of any plans that would  
19 change the current closures.

20 Thank you.

21 CHAIRMAN SHAPIRO: Thank you.

22 We do have an Ed Wrona. Sorry if I  
23 mispronounced your.

24 Name and address for the record.

25 (Stepping up.)

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2 MR. WRONA: That's fine.

3 My name is Ed Wrona, 30 Westwood Road  
4 South, Massapequa Park, New York.

5 I'll be honest I didn't -- I did not  
6 plan to speak today. Some of these folks made  
7 some excellent comments. I did sit here. I've  
8 never -- I have no idea how any of this works.

9 (Laughter.)

10 MR. WRONA: So today's my first time of  
11 anything like this.

12 Just extrapolating from what some of  
13 the other commenters said. I sat through a bunch  
14 of presentations on these residential  
15 subdivisions, and every one of these attorneys  
16 and engineers knew exactly what was going to be  
17 built on every one of those lots that you approve  
18 the subdivision for:

19 To the stories;

20 The primary master bedroom;

21 The driveways;

22 And everything. So I just want to  
23 support the folks that came up here and spoke  
24 before that, you know, may be it's different for  
25 commercial or light industrial and I don't know

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2 that. But with the residential lots seems to be,  
3 you know, every -- every "T" crossed and every  
4 "I" was dotted and -- and this is not. So I do  
5 have an open mind about it frankly. I'm right  
6 behind the mall.

7 The 24 hour thing obviously concerns  
8 me little bit, but that's not really what I'm  
9 here for. I just think, you know, to -- to the  
10 other commenters points we -- we probably should  
11 have a little more information before, you know,  
12 what like we do with the residential lots. But  
13 anyway, that's it. Thank you.

14 CHAIRMAN SHAPIRO: Thank you very much.

15 Ms. Simoncic, you want to come up and  
16 address the --

17 (Stepping up.)

18 MS. SIMONCIC: Sure, yes --

19 CHAIRMAN SHAPIRO: -- questions?

20 MS. SIMONCIC: -- you know, as we've  
21 demonstrated today this is a very unique property  
22 as we stated it you have a mall that's zoned  
23 industrial. You had a mall that was purchased  
24 5 years ago that was 65 percent occupied at the  
25 time it was purchased. This is a process. It's

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2 been 5 years since we purchased the mall and  
3 they're not getting an income from this mall.  
4 And my clients would love nothing more than to be  
5 able to come to the Commission or the Town and  
6 say this is what we're proposing for the property  
7 and let's -- let's do it. But it's a process and  
8 it takes time. And this is one step in the  
9 process. This is the beginning of the process.

10 And again, I would just reiterate that  
11 approving the subdivision doesn't change anything  
12 on the property at this point in time. It  
13 doesn't change access, doesn't change structures,  
14 nothing. And I think it will be irresponsible of  
15 me to start to speculate like we've seen in -- in  
16 the media as to what will come. We truly don't  
17 know.

18 The only thing we know firmly is that  
19 there's a contract to sell one parcel to Amazon.  
20 We don't even know what they're going to be doing  
21 with it. It's up to Amazon to decide.

22 VICE-CHAIR GREENFIELD: Amazon we know  
23 what they do with it, come on.

24 (Laughter.)

25 MS. SIMONCIC: Well, they have

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2 different programs, honestly, you know, that's  
3 for Amazon to determine. But we're seeking a  
4 four-lot subdivision as we've talked about.

5 THIRD VICE-CHAIR LEWIS: So --

6 MS. SIMONCIC: They only comply --

7 THIRD VICE-CHAIR LEWIS: -- so -- so if  
8 I can interrupt with a question.

9 MS. SIMONCIC: Sure.

10 THIRD VICE-CHAIR LEWIS: So I think a  
11 couple of the neighbors raised questions about  
12 how the development in the future may play out.  
13 Questions about like where the entrance for the  
14 trucks if it is truck traffic whether there's  
15 rules about, you know, not being a 24/7 type of  
16 operation one of the neighbors was talking about.

17 So on those questions I suspect what  
18 you're saying is it's just too early in the  
19 process to be able to really say anything?

20 MS. SIMONCIC: Exactly. Because we're  
21 assuming that it's going to be 24 hours. We  
22 don't know what they're proposing, so --

23 THIRD VICE-CHAIR LEWIS: So is --

24 MS. SIMONCIC: -- and that again is in  
25 the jurisdiction of the Town of Oyster Bay

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2 whatever regulations they would --

3 THIRD VICE-CHAIR LEWIS: -- and that  
4 would --

5 MS. SIMONCIC: -- have.

6 THIRD VICE-CHAIR LEWIS: And at the  
7 Town of Oyster Bay level, and as a Town resident  
8 I can tell you that and -- and as someone sits  
9 here at the Planning Commission have seen many  
10 things coming from the Town. They do a good job  
11 when it comes to environmental impact statements.  
12 And I would suspect that you're going to be  
13 required to do a full environmental impact  
14 statement if you're going to move forward with,  
15 you know, the kinds of development that is --  
16 well, pretty much anything that you are going to  
17 do with the property, you're probably going to be  
18 required to do a full impact statement.

19 MS. SIMONCIC: Of course.

20 THIRD VICE-CHAIR LEWIS: Which would  
21 mean the neighbors will have opportunities where  
22 there'd be a series of hearings really or a  
23 series of opportunities to find out what's being  
24 proposed, what the site plan, the movement of --  
25 of trucks and other activities, what rules if any

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2 to limit activities.

3 VICE-CHAIR GREENFIELD: Commissioner  
4 you make a very good point. The Town could  
5 decide to limit the hours of the operation.

6 COMMISSIONER DURSO: Can we deny it?

7 VICE-CHAIR GREENFIELD: Not our  
8 jurisdiction.

9 MS. SIMONCIC: Not your's, yes.

10 VICE-CHAIR GREENFIELD: For us to do  
11 it.

12 COMMISSIONER DURSO: Can we deny --

13 VICE-CHAIR GREENFIELD: And --

14 COMMISSIONER DURSO: -- it?

15 VICE-CHAIR GREENFIELD: -- I'd -- I'd  
16 like the Town to have Amazon stop delivering at  
17 my house at 6 a.m. in the morning. But --

18 MS. SIMONCIC: Again, those are the  
19 details that will eventually come out when there  
20 is a proposal. There is no --

21 THIRD VICE-CHAIR LEWIS: Right, it's  
22 just too early --

23 MS. SIMONCIC: -- proposal and no  
24 plans.

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

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2 VICE-CHAIR GREENFIELD: So -- so --

3 MS. SIMONCIC: Just speculating we can  
4 talk about this, but we're speculating and that's  
5 not what we should be doing.

6 VICE-CHAIR GREENFIELD: Ms. Simoncic,  
7 because there's so much disinformation and  
8 misinformation fueled by "Facebook," I would  
9 encourage you to hold meetings with the neighbors  
10 prior to the -- any and I'd like to hear your  
11 client put that on the record. That goes a long  
12 way in improving the process, so we don't get  
13 beat up here when people come up with the fear of  
14 the unknown.

15 You should have room in the mall to  
16 bring people in and have them hear a presentation  
17 before you even go to Oyster Bay and before you  
18 go to us.

19 COMMISSIONER SAKOWICH: Yeah. I think  
20 Jeff on -- on that point too, somebody made a --  
21 a -- a -- an amount of money that was spent by  
22 this gentleman's (indicating) organization of  
23 \$22 million [sic] for this mall I guess, 25 --  
24 \$25 million actually.

25 CHAIRMAN SHAPIRO: What?

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2 COMMISSIONER SAKOWICH: Yes.

3 I -- I don't -- I don't think that  
4 anybody, and -- and it's very hard for this  
5 audience as well as for me to sit here and say  
6 that you had no plan. You spent \$25 million. I  
7 -- I agree with what, you know:

8 Subdividing this now doesn't do  
9 anything;

10 It doesn't build anything;

11 Doesn't -- doesn't -- doesn't clear the  
12 land;

13 Doesn't open driveways.

14 I -- we fully understand that. But I  
15 think it's very hard for residents of that  
16 community to understand that you spent  
17 \$25 million and you have no idea what you're  
18 doing.

19 CHAIRMAN SHAPIRO: Yeah, but Reid  
20 you're missing something.

21 So let -- so -- so --

22 (Audience participation.)

23 CHAIRMAN SHAPIRO: As -- as a -- as a  
24 -- as a developer, okay, if I spent \$25 million,  
25 I see a place that's 65 percent rented.

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2 COMMISSIONER SAKOWICH: Right.

3 CHAIRMAN SHAPIRO: Okay. This is right  
4 before "COVID." You don't know that everything  
5 is going to shut down and you have a plan to --

6 COMMISSIONER SAKOWICH: So you're --  
7 you're -- you're --

8 CHAIRMAN SHAPIRO: -- bring in other  
9 retailers, but then your retailers are leaving.

10 COMMISSIONER SAKOWICH: -- okay.  
11 So I'm going to ask one question.

12 CHAIRMAN SHAPIRO: You have to --

13 VICE-CHAIR GREENFIELD: The irony of  
14 it.

15 COMMISSIONER SAKOWICH: I am going to  
16 ask one question.

17 VICE-CHAIR GREENFIELD: The irony of  
18 it, the irony of ironies is before you ask that  
19 question. The reason why retailers are leaving  
20 all over because of Amazon. My wife no longer  
21 goes to any malls.

22 COMMISSIONER SAKOWICH: So --

23 VICE-CHAIR GREENFIELD: -- she just  
24 sics deliveries last night at 10:00 it's crazy.

25 COMMISSIONER SAKOWICH: Okay. Well cut

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2 up her credit card and you'll be okay.

3 VICE-CHAIR GREENFIELD: I tried that.

4 (Laughter.)

5 COMMISSIONER SAKOWICH: But what --  
6 what I'm saying is yes, that's -- that is -- that  
7 is true that they possibly bought this -- this  
8 mall for the -- the -- the occupancy that was  
9 there and to fill it. But there's also stories  
10 out there that they bought this mall and most of  
11 the occupants in it were not given renewal on  
12 leases.

13 VICE-CHAIR GREENFIELD: Well, let's  
14 hear from them.

15 COMMISSIONER SAKOWICH: And let's hear  
16 about that, because they wanted them out. So is  
17 there any truth to that, because that's what I  
18 had heard as well?

19 (Stepping up.)

20 MR. MOOALLEM: Good morning everyone.

21 (Laughter.)

22 CHAIRMAN SHAPIRO: Good morning.

23 Name and address for the record please.

24 MR. MOOALLEM: Yeah. Let me introduce  
25 myself. I'm Jeff Mooallem. I'm the

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2 Chief Operating Officer of Urban Edge Properties,  
3 which is one of the partners in Sunrise Mall  
4 Holdings LLC.

5 And I wanted to come up here with --  
6 with Judy our -- our attorney who articulated  
7 everything already, but I wanted to come up here  
8 on behalf of -- of the -- of the applicant on  
9 behalf of the owner to just reiterate a couple of  
10 points that I heard from some of the resident  
11 feedback.

12 I mean first of all, we do fully  
13 understand and appreciate how important this is  
14 in the community. It's a big piece of land.  
15 It's a high profile piece of land. It's going to  
16 be an important redevelopment for not just this  
17 community, but for all of Nassau County. And it  
18 is something we're keenly aware of and keenly  
19 expect to involve the community in.

20 Right now, you all know what we know,  
21 which is that we have a contract to sell a  
22 portion of the property to Amazon. How that will  
23 get used, the hours of operation that Amazon will  
24 use it, exactly what will go in and out of their  
25 buildings we don't know the answer to that. That

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2 all comes in through the Town of Oyster Bay  
3 approval process. This is merely allowing us to  
4 start the clock for a development.

5 I can't tell you today what the uses  
6 will be on "Parcel B" or the other uses. As one  
7 of the gentleman said we had many -- many  
8 scenarios we should be talking about the  
9 scenarios. They are all just scenarios right  
10 now. They are not definitive plans. And if I  
11 showed you every scenario that we've talked about  
12 for this property you wouldn't have time to do  
13 anything else with your day. There's lots of  
14 different things that can happen. And as soon as  
15 we have something more definitive and conclusive  
16 for "Parcel B" or on "Parcel A," our intention  
17 is:

18 To go to the Town of Oyster Bay;  
19 Make our application;  
20 Hold resident meetings;  
21 Hold community hearings;  
22 And be an active member of the -- of  
23 the community in what this is going to be. And  
24 that will involve:  
25 Site plans;

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2 And renderings;

3 And all of that.

4 What I would like to say in response to  
5 the Commissioner Durso's comment and others,  
6 there are no current scenarios that contemplate  
7 residential use and there are no current  
8 scenarios that contemplate changing the access  
9 points especially in the back where the  
10 residential is.

11 So to the extent those are concerns,  
12 I'm here to tell you that we're not looking at  
13 anything that would accomplish either of those  
14 two things. We are trying to figure out what  
15 we're going to do with "Parcel B" for the -- for  
16 -- for light industrial commercial uses. And  
17 we're trying to get the clock started on  
18 potentially a contract with a -- a, you know, a  
19 contract with Amazon that we have signed, but  
20 that has lots of contingencies on "Parcel A."  
21 That's all we're -- we're trying to do right now  
22 today.

23 VICE-CHAIR GREENFIELD: I want to hear  
24 that you're committed to community meetings,  
25 multiple community meetings to articulate when --

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2 when and if anything develops before we all read  
3 about it on "Facebook," or Newsday or News 12.

4 CHAIRMAN SHAPIRO: News 12.

5 MR. MOOALLEM: I -- I can't promise you  
6 you're not going to read about something on  
7 "Facebook" or Newsday --

8 (Laughter.)

9 MR. MOOALLEM: -- because tend to get  
10 out ahead the information a little bit more than  
11 we can. But we are absolutely committed to  
12 holding community meetings and --

13 VICE-CHAIR GREENFIELD: Thank you.

14 MR. MOOALLEM: -- talking to the  
15 residents in the area when it -- when we know  
16 what we're going to be building.

17 VICE-CHAIR GREENFIELD: Thank you.

18 THIRD VICE-CHAIR LEWIS: Thank you.

19 CHAIRMAN SHAPIRO: Thank you.

20 MR. O'BRIEN: If I may -- may Chair?

21 Just -- just be at -- Ms. Simoncic?

22 MS. SIMONCIC: Yes.

23 MR. O'BRIEN: Try -- trying to make  
24 this simple, I'm from Elmont, you've got to dumb  
25 things down for me.

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2 (Laughter.)

3 MR. O'BRIEN: There's 27 tax lots which  
4 says to me there's -- there's 27 tax bills; am I  
5 -- am I correct in that assumption?

6 MS. SIMONCIC: Yeah.

7 MR. O'BRIEN: Okay.

8 So -- so and you're looking to make 4  
9 tax lots out of what was once 27, which is to  
10 simplify. Theoretically right now, the owners of  
11 of -- of those 27 tax lots can sell those, each  
12 of those tax lots off to another entity. And in  
13 the end you can wind up having Amazon, different  
14 lot lines and owning let's say 10 tax lots; is  
15 that -- that hypothetical correct?

16 MS. SIMONCIC: Yes.

17 MR. O'BRIEN: Okay.

18 So the fact that you're doing this  
19 actually brings everything out to the public and  
20 it's -- it's -- it's at least a cleaner and and  
21 -- and more transparent application even though  
22 we don't know the end use yet?

23 MS. SIMONCIC: Correct. And that's --  
24 that's the point.

25 MR. O'BRIEN: Okay.

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2 MS. SIMONCIC: It cleans up the  
3 property, so that we can have a baseline to work  
4 from, so that we can start to plan for it's  
5 redevelopment.

6 VICE-CHAIR GREENFIELD: So Mr. --  
7 Mr. O'Brien I'm from Rockville Centre, but I am  
8 like --

9 MR. O'BRIEN: You guys are smarter.

10 VICE-CHAIR GREENFIELD: -- I -- I like  
11 -- I like you explaining to all of us, that 4 is  
12 much easier for us as a Planning Commission and  
13 the public to deal with rather than 27 different,  
14 that's when zoning was done it was a little --

15 MR. O'BRIEN: Right.

16 VICE-CHAIR GREENFIELD: -- "schlock"  
17 zoning in those days.

18 MR. O'BRIEN: But my point was  
19 theoretically Amazon can buy let's say 10  
20 tax lots, have the same square footage, do it and  
21 we're not even here. We're only here because  
22 they're making, you know, four --

23 VICE-CHAIR GREENFIELD: Four --

24 MR. O'BRIEN: -- four tax lots.

25 VICE-CHAIR GREENFIELD: -- okay.

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2 COMMISSIONER SAKOWICH: They would need  
3 -- they would need no zoning they would need  
4 nothing.

5 VICE-CHAIR GREENFIELD: Exactly.

6 COMMISSIONER SAKOWICH: I want the  
7 public to understand that.

8 MR. O'BRIEN: Because I -- I -- I -- I  
9 see this as a very simple vanilla application for  
10 that -- that reason.

11 COMMISSIONER SAKOWICH: So if Amazon if  
12 -- if they didn't combine this to four lots,  
13 Amazon can come in, and buy 10 lots and build an  
14 Amazon warehouse without any permission fully  
15 under --

16 THIRD VICE-CHAIR LEWIS: Right.  
17 Help --

18 COMMISSIONER SAKOWICH: -- for the --

19 MS. SIMONCIC: No, they -- they would  
20 need --

21 MR. O'BRIEN: No, they would need --

22 MS. SIMONCIC: -- approval from the  
23 Town.

24 MR. O'BRIEN: -- from the Town of  
25 Oyster Bay.

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2 COMMISSIONER SAKOWICH: Yeah, but they  
3 have -- but it would be -- it would be easier.

4 MR. O'BRIEN: No, I -- I think you're  
5 -- you're -- they would have to go to Oyster Bay,  
6 they being the next step of the process.

7 COMMISSIONER SAKOWICH: Exactly it  
8 wouldn't be here.

9 MR. O'BRIEN: Right.

10 VICE-CHAIR GREENFIELD: Let's not get  
11 ahead of ourselves.

12 CHAIRMAN SHAPIRO: Okay. All right.

13 COMMISSIONER GOLD: Okay.

14 CHAIRMAN SHAPIRO: All right -- all  
15 right let's --

16 COMMISSIONER GOLD: Wait. Can I ask  
17 just one question?

18 VICE-CHAIR GREENFIELD: Yes.

19 CHAIRMAN SHAPIRO: Sure.

20 VICE-CHAIR GREENFIELD: Sure.

21 COMMISSIONER GOLD: Okay.

22 So the lot -- the lot that's not going  
23 to Amazon, so that would be "Lot B?"

24 MS. SIMONCIC: Yes.

25 COMMISSIONER GOLD: That -- that was

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2 also consolidated.

3 So are you -- is Urban Edge going to  
4 redevelop it themselves or is there an intent to  
5 sell that as one whole lot?

6 MS. SIMONCIC: At this time the plan is  
7 to retain that parcel and redevelop it.

8 COMMISSIONER GOLD: Okay.

9 COMMISSIONER DURSO: And you don't know  
10 if it's going to be like with one end user or  
11 you're not sure yet?

12 MS. SIMONCIC: We don't know yet.

13 COMMISSIONER GOLD: Yeah. I know  
14 you're saying --

15 MS. SIMONCIC: And again, the  
16 subdivision allows us to create the  
17 configuration, so then we know what we're working  
18 with. And that we can talk to potential users  
19 and see what the development will be.

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

21 MS. SIMONCIC: But that's down the road  
22 --

23 VICE-CHAIR GREENFIELD: So --

24 COMMISSIONER GOLD: Well, I mean --

25 MS. SIMONCIC: -- after the

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2 subdivision.

3 COMMISSIONER GOLD: -- you -- you -- I  
4 know you say that makes it easier. But if you  
5 had separate lots in there, that would have given  
6 you more opportunity to decide what to do with  
7 the land such as, you know, maybe sell to one  
8 store or another store. You say it gives you  
9 better options to have one lot, but I think the  
10 reverse would be true if you have several lots it  
11 will give you more options, but that's just an  
12 observation.

13 VICE-CHAIR GREENFIELD: So we --

14 MS. SIMONCIC: That --

15 VICE-CHAIR GREENFIELD: -- that's true  
16 too, but one other question.

17 Did Dicks Sporting Goods how many years  
18 left on their lease?

19 MS. SIMONCIC: There's --

20 MR. MOOALLEM: There's -- there's --

21 MS. SIMONCIC: -- four years.

22 MR. MOOALLEM: -- still quite a bit of  
23 term on their lease --

24 VICE-CHAIR GREENFIELD: Okay. So  
25 everyone here has to shop at Dick's Sporting

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2 Goods if they want to see it live on and not buy  
3 on Amazon.

4 (Laughter.)

5 MR. MOOALLEM: Well, the more you shop  
6 at Dick's Sporting Goods the harder it will  
7 be for us to negotiate an agreement with  
8 Dick's Sporting Good to -- to potentially --

9 (Laughter.)

10 VICE-CHAIR GREENFIELD: Then file  
11 "Chapter 11."

12 CHAIRMAN SHAPIRO: That's just what --

13 MR. MOOALLEM: But I'm not going to  
14 tell anyone how to shop.

15 VICE-CHAIR GREENFIELD: I do. I lose  
16 that every time I tell my wife how to shop.

17 CHAIRMAN SHAPIRO: Okay. Well, we  
18 don't know need to know that.

19 VICE-CHAIR GREENFIELD: Okay.

20 (Laughter.)

21 CHAIRMAN SHAPIRO: Thank you very much.

22 Any other questions Commissioner?

23 (No response.)

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

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2 hasn't been heard?

3 (Gesturing.)

4 CHAIRMAN SHAPIRO: Not seeing any --

5 VICE-CHAIR GREENFIELD: Wait -- wait --

6 wait.

7 COMMISSIONER GOLD: There's two people.

8 Sorry.

9 VICE-CHAIR GREENFIELD: Three people.

10 CHAIRMAN SHAPIRO: All right, please  
11 you -- you spoke before.

12 (Stepping up.)

13 MR. MILLER: Michael Miller again from  
14 2 Cynthia Lane.

15 Just out of -- just to piggybacking off  
16 one of the other residents said if this property  
17 is already deemed going to Amazon, why not just  
18 approve that parcel of the land, and let them  
19 figure out what they want to do with the rest and  
20 then approve that step by step? Why not go ahead  
21 and just divide it all up ahead of time without  
22 any prior knowledge?

23 DEPUTY COMMISSIONER NIMMO: They have  
24 to make it a parcel first.

25 MR. MILLER: Well, approve one.

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2 DEPUTY COMMISSIONER NIMMO: You  
3 can't -- you can't. You have to divide the  
4 property in such that everything is done at one  
5 time.

6 (Mr. O'Brien enters the meeting.)

7 MR. MILLER: But they don't have any  
8 clue whatsoever what they're going to do with it  
9 as somebody else had already --

10 VICE-CHAIR GREENFIELD: I'd -- I'd like  
11 our -- our --

12 MR. MILLER: -- articulated that the --

13 VICE-CHAIR GREENFIELD: -- attorney.

14 MR. MILLER: -- that all the other  
15 residential properties that we sat through were  
16 everything was fully laid out, everything was  
17 already said what would be -- I mean to the  
18 specs.

19 VICE-CHAIR GREENFIELD: I'd like Bob,  
20 our attorney Bob O'Brien to address that.

21 MR. O'BRIEN: It's very -- very simple.  
22 You happen to come at -- at -- at a -- a -- the  
23 hearing where that was the case with -- with  
24 residential properties.

25 MR. MILLER: Right. So --

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2 MR. O'BRIEN: We've had -- we've had --  
3 we've had past applications very similar to this  
4 with commercial properties and we've actually had  
5 residential properties where people have come in  
6 with permission to create tax lots without a  
7 plan. So what -- what they're asking you for is  
8 not a unique application.

9 MR. MILLER: That's fine, Mr. O'Brien.  
10 But what I'm -- what I'm trying to say is that  
11 like those other lawyers that came up here to  
12 articulate for their properties --

13 MR. O'BRIEN: Yes.

14 MR. MILLER: -- this is their second  
15 time. All right. This is the first time they're  
16 coming up here right now asking for this  
17 parcel --

18 THIRD VICE-CHAIR LEWIS: If -- if I --  
19 I -- if I can interject -- if I interject? So --  
20 so --

21 MR. O'BRIEN: Yeah, I missed something.

22 THIRD VICE-CHAIR LEWIS: You -- if I  
23 can inject, so I think what you're saying is  
24 because you made a point earlier when you were  
25 speaking, that you've sat through the hearings

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2 today and you heard other cases where all the  
3 questions were being answered, every detail was  
4 worked out. But that's because on those items we  
5 were voting for final subdivisions. So they've  
6 basically after we voted those things are done.  
7 That those two properties --

8 MR. MILLER: This is not a final  
9 subdivision --

10 THIRD VICE-CHAIR LEWIS: -- this --  
11 this is more a process where we're at the  
12 beginning of the process, so that's the  
13 distinction.

14 MR. MILLER: -- so you're not going to  
15 --

16 THIRD VICE-CHAIR LEWIS: This --

17 MR. MILLER: -- vote today for this to  
18 be approved right now?

19 THIRD VICE-CHAIR LEWIS: No.

20 MR. O'BRIEN: No.

21 THIRD VICE-CHAIR LEWIS: -- you're --  
22 no, we're voting on subdividing four lots. It's  
23 just a changing of -- of where the lines are  
24 drawn, no change in -- in anything you see  
25 everyday with -- with the property. And the

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2 questions about future development those are all  
3 still a good ways away. So all the concerns that  
4 you raised, I raised to the attorney, it's all on  
5 the record that those issues have to be  
6 addressed. There's going to be an environmental  
7 impact statement most likely. And it's, you  
8 know, you're going to get at several bites at the  
9 apple to address the questions of what's the  
10 proper, you know, operations of the facility in  
11 the -- in the future. Right now, they're being  
12 transparent with their process as much as they  
13 can.

14 They -- they -- they've been asked in  
15 several different ways what are -- what are your  
16 plans?

17 MR. MILLER: Absolutely.

18 THIRD VICE-CHAIR LEWIS: We have a  
19 right to ask the plans -- the -- the question.  
20 But you should understand we don't have a right  
21 to insist upon a final answer. People own  
22 property, they have a right to subdivide the  
23 property, so they can go into the marketplace and  
24 offer a piece of property to -- to other  
25 businesses. So that's all it's really going on.

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2 MR. MILLER: I'm not arguing with that.

3 THIRD VICE-CHAIR LEWIS: It's the early  
4 stage of the process.

5 MR. MILLER: I'm not arguing the fact  
6 of what they could do with the property. I'm  
7 just saying that they already have one right now  
8 where they have plans for. So they're putting it  
9 forward to subdivide four different lots.

10 All right. If they only have one right  
11 now then they only know what they're going to do  
12 with one then I believe that that should be the  
13 one that should be approved or voted on. The  
14 other --

15 THIRD VICE-CHAIR LEWIS: And --

16 MR. MILLER: -- lots that they don't  
17 have any plans for, that there's a section there  
18 (indicating) in the center that would be be  
19 "Liberty" I believe --

20 THIRD VICE-CHAIR LEWIS: -- I --

21 MR. MILLER: -- that may --

22 THIRD VICE-CHAIR LEWIS: -- I just want  
23 to say I understand the point --

24 MR. MILLER: -- that may impact --

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

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2 making.

3 MR. MILLER: -- the process --

4 THIRD VICE-CHAIR LEWIS: I understand  
5 the point you're making.

6 MR. MILLER: Right.

7 THIRD VICE-CHAIR LEWIS: You can't do  
8 it that way. We can't break one lot and not  
9 speak about what that does to the other parts of  
10 the -- of --

11 CHAIRMAN SHAPIRO: Okay.

12 THIRD VICE-CHAIR LEWIS: -- the lot.

13 CHAIRMAN SHAPIRO: Let's -- let's --

14 THIRD VICE-CHAIR LEWIS: So --

15 CHAIRMAN SHAPIRO: -- move on at this  
16 point. We -- we understand what you're saying.

17 MR. MILLER: Okay.

18 CHAIRMAN SHAPIRO: And we thank you.

19 MR. MILLER: Thank you.

20 CHAIRMAN SHAPIRO: Is there anybody  
21 else who wishes to speak?

22 AUDIENCE MEMBER: (Gesturing.)

23 VICE-CHAIR GREENFIELD: First time.

24 CHAIRMAN SHAPIRO: You've got if you're  
25 going to speak again.

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2 VICE-CHAIR GREENFIELD: No, first time.

3 MR. O'BRIEN: No.

4 VICE-CHAIR GREENFIELD: First time.

5 CHAIRMAN SHAPIRO: First time speakers  
6 only at this point.

7 AUDIENCE MEMBER: First time speaking.

8 CHAIRMAN SHAPIRO: Who?

9 VICE-CHAIR GREENFIELD: The gentleman  
10 in back I thought had spoken the first time.

11 CHAIRMAN SHAPIRO: And after you speak,  
12 will you please sign a speaker registration form?

13 (Stepping up.)

14 MS.: Sure.

15 CHAIRMAN SHAPIRO: So that we can have  
16 it for the record?

17 MS. OCONNELL: Absolutely.

18 CHAIRMAN SHAPIRO: Thank you.

19 Your name.

20 MS. OCONNELL: I'm Jamie OConnell,  
21 105 Eastgate Road.

22 It's not a question, it's just a  
23 statement of concern. I know that some of the  
24 residents and my neighbors have expressed, you  
25 know, noise concerns and stuff. But I just

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2 wanted to give everyone a little bit of a  
3 background as far as how it is for a resident.

4 I've been there my whole life, 39  
5 years. And through the years if there is  
6 something going on in the backyard around 11:00  
7 at night or 3 a.m., we'd call the person we were  
8 told to call and then they would not answer or  
9 they'd send us somebody. And it would be like a  
10 two hour ordeal and it was just a nightmare.

11 So what I'm trying to say is that if  
12 you guys subdivide then it's my concern and  
13 probably everybody else's concern is if there is  
14 a noise issue or something, and we're calling who  
15 we were told to call and that (indicating) one  
16 zone what if they don't answer? Or if they say  
17 oh no, that's actually the other line. So that's  
18 just a -- a concern of mine.

19 That's all I have to say.

20 CHAIRMAN SHAPIRO: Remember one thing,  
21 right now they own all four -- they would own all  
22 four lots?

23 MS. OCONNELL: So they're not --

24 CHAIRMAN SHAPIRO: Okay.

25 MS. OCONNELL: -- they wouldn't sell to

1 NCPC Minor Sub. File No. 17-2025

2 Amazon?

3 CHAIRMAN SHAPIRO: Well no. If it's  
4 contingent on different --

5 VICE-CHAIR GREENFIELD: Another  
6 hearing.

7 CHAIRMAN SHAPIRO: -- another --

8 MS. OCONNELL: Right --

9 CHAIRMAN SHAPIRO: -- hearing.

10 MS. OCONNELL: -- right.

11 CHAIRMAN SHAPIRO: And different items  
12 that have to do with the subdivision in order  
13 to move forward. Okay. You still have a 47 year  
14 lease with Dick's, they haven't done anything  
15 with that yet.

16 MS. OCONNELL: Right.

17 CHAIRMAN SHAPIRO: They are  
18 negotiating.

19 So nothing is going to change to the  
20 property at this point.

21 MS. OCONNELL: Okay.

22 CHAIRMAN SHAPIRO: It's just being  
23 subdivided into four lots.

24 (Deputy Commissioner Nimmo exits the  
25 meeting.)

1 NCPC Minor Sub. File No. 17-2025

2 MS. OCONNELL: Okay.

3 Thank you.

4 CHAIRMAN SHAPIRO: You're welcome.

5 VICE-CHAIR GREENFIELD: In the back  
6 come up.

7 CHAIRMAN SHAPIRO: Come up.

8 Good morning. Name and address for the  
9 record please.

10 (Stepping up.)

11 MS. VAINSHTUB: Good morning.

12 Maria Vainshtub, 6 Westwood Road South.

13 My back fence is to the parking lot of  
14 the mall. So when I was looking at this  
15 subdivision it seems like the property lots that  
16 they're going to sell are some what equal in  
17 size, but they're not equal in value and  
18 positioning, because "Lot C" looks like a tube  
19 and a narrow tube. What can be built there? I  
20 honestly don't know. Is it going to be a road  
21 behind my fence?

22 (Deputy Commissioner Nimmo enters the  
23 meeting.)

24 MS. VAINSHTUB: The main question is if  
25 it's not as valuable as "A" and "B" when nothing

1 NCPC Minor Sub. File No. 17-2025

2 can be developed? Who is going to be responsible  
3 for this no mans land? We already have a patch  
4 of no mans land. Belongs to Nassau County.  
5 Well, rats, raccoons lives there. But there are  
6 a lot of trees.

7 Two of those trees fell down on my  
8 property. Damaged two of my sheds. The first  
9 one, couple years later another. Just the trees.  
10 What else would be there if it's that zone?

11 Honestly, it's just hard to understand  
12 the purpose for "Lots C" and "Lot D" like a  
13 buffer. But what can be put in this buffer in  
14 the first place?

15 VICE-CHAIR GREENFIELD: I thought --

16 CHAIRMAN SHAPIRO: "C" and "D" where  
17 "Liberty" is.

18 MS. VAINSHTUB: "C" and "D."

19 CHAIRMAN SHAPIRO: "C" and "D" are  
20 where "Liberty" is; correct?

21 VICE-CHAIR GREENFIELD: "Liberty Water."

22 MS. VAINSHTUB: Just behind our fence.  
23 As again, so my question is okay. My fence falls  
24 down who do I call? Before I knew I had I to  
25 call the mall, because it belonged to them.

1 NCPC Minor Sub. File No. 17-2025

2 Do I call "Liberty" now and say the  
3 fence is down?

4 THIRD VICE-CHAIR LEWIS: Nothing's  
5 changed.

6 MS. VAINSHTUB: Please fix it.

7 CHAIRMAN SHAPIRO: Call the mall unless  
8 you have an easement with them; correct?

9 MS. VAINSHTUB: (Nodding head yes.)

10 CHAIRMAN SHAPIRO: So they have an  
11 easement, so you'd call the mall.

12 MS. VAINSHTUB: Well, they never come  
13 and they never answer too.

14 Other than that, yeah, the --

15 VICE-CHAIR GREENFIELD: I think they're  
16 going to be listening a little better now. And I  
17 want to hear at the next hearing or future  
18 hearings that they're more responsive and  
19 respectful of the neighbors.

20 MS. VAINSHTUB: Let's hope so. But so  
21 far we didn't see much from them.

22 VICE-CHAIR GREENFIELD: Oh.

23 CHAIRMAN SHAPIRO: Thank you very much  
24 for --

25 MS. VAINSHTUB: That's --

1 NCPC Minor Sub. File No. 17-2025

2 CHAIRMAN SHAPIRO: -- your concerns.

3 MS. VAINSHTUB: Oh, one more thing.

4 Talking about possible Amazon property, where is  
5 the infrastructure to support? Again, I  
6 understand they have different purposes, but they  
7 have vehicles, lots of vehicles. And I know that  
8 from personal experience, because my son worked  
9 at the distribution center in Bethpage. Lots of  
10 vents. Where are they going to be on the road  
11 just coming in and going out? Because Carmans  
12 Road cannot accommodate it. So they all flow  
13 into this curve on Sunrise Highway, which is  
14 already packed because the extra traffic lights  
15 were --

16 VICE-CHAIR GREENFIELD: That's --  
17 that's not the subject of today.

18 MS. VAINSHTUB: -- right, I -- I  
19 understand, but --

20 VICE-CHAIR GREENFIELD: But they got to  
21 have --

22 THIRD VICE-CHAIR LEWIS: They're going  
23 to have to ask anyway.

24 VICE-CHAIR GREENFIELD: They're going  
25 to have to present a traffic impact study.

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2 CHAIRMAN SHAPIRO: And they're going to  
3 have to go to the Town of Oyster Bay.

4 VICE-CHAIR GREENFIELD: The Town -- the  
5 Town to their credit their "TEQRA" is very good.  
6 We -- we like when they present us their report.

7 MS. VAINSHTUB: Okay.

8 VICE-CHAIR GREENFIELD: So they'll be  
9 asking those questions.

10 MS. VIANSHUTUB: Thank you.

11 VICE-CHAIR GREENFIELD: Thank you very  
12 much.

13 CHAIRMAN SHAPIRO: Thank you.

14 Is there anybody else that wishes to be  
15 heard?

16 (No response.)

17 VICE-CHAIR GREENFIELD: First time.

18 Mr. Chairman?

19 CHAIRMAN SHAPIRO: Not seeing any, I  
20 will take a motion.

21 THIRD VICE-CHAIR LEWIS: Mr. Chairman,  
22 I'd like to make a motion on 17-2025. My motion  
23 is for a "Negative Declaration" and to approve  
24 the four-lot subdivision.

25 VICE-CHAIR GREENFIELD: I'll second

1 NCPC Minor Sub. File No. 17-2025

2 that.

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 all for coming.

9 VICE-CHAIR GREENFIELD: We learned a  
10 lot here today folks. Thank you very much.

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

13 (Discussion held off the record.)

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1 Proceedings

2 VICE-CHAIR GREENFIELD: While we're  
3 waiting every -- everyone in the room we have a  
4 calendar, if you could quickly move outside. We  
5 want to thank the men of the Nassau County Police  
6 Department here today keeping us safe today and  
7 everyday in Nassau County thank you very much  
8 guys.

9 CHAIRMAN SHAPIRO: Thank you.

10 VICE-CHAIR GREENFIELD: Happy hundredth  
11 anniversary also.

12 AUDIENCE MEMBER: He said there was  
13 paper copies.

14 MR. WREN: Yeah well, I -- I need those  
15 current copies. What you can do is when I get  
16 back to my office today I will e-mail the copy of  
17 what we're looking at.

18 (Discussion held off the record.)

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

21 VICE-CHAIR GREENFIELD: Judy -- Judy --  
22 Judy take it outside in the lobby.

23 MS. SIMONCIC: I'm sorry.

24 AUDIENCE MEMBER: Where -- where do we  
25 get the map of the subdivisions? The map that's

1 Proceedings

2 -- that's suited for this.

3 COMMISSIONER DURSO: You can come up  
4 and look at it.

5 MR. HOESL: You can view it up there.  
6 I don't know if we have anymore copies.

7 VICE-CHAIR GREENFIELD: It's online.

8 CHAIRMAN SHAPIRO: I think we have on  
9 the -- I think we have on the --

10 MR. WREN: My e-mail --

11 CHAIRMAN SHAPIRO: -- on the -- on the  
12 website; right?

13 MR. WREN: It should be an e-mail of  
14 the map.

15 AUDIENCE MEMBER: The survey?

16 MR. WREN: I'll e-mail that to you.

17 AUDIENCE MEMBER: Okay.

18 MR. HOESL: No, Tim would have to  
19 e-mail -- e-mail it to them.

20 MR. WREN: Yeah, that's I'm -- I'm --

21 VICE-CHAIR GREENFIELD: But it's  
22 online.

23 (Discussion held off the record.)

24 MR. WREN: Huh?

25 MR. HOESL: They can do it over there

1 Proceedings

2 also.

3 MR. WREN: Those are our copies though,  
4 so I kind of need those.

5 THIRD VICE-CHAIR LEWIS: We're not  
6 giving them away.

7 MR. WREN: Well, the guy was asking for  
8 one to take home.

9 (Discussion held off the record.)

10 MR. HOESL: It's on the table over  
11 there (indicating).

12 AUDIENCE MEMBER: It's not.

13 AUDIENCE MEMBER: I'm allowed to go  
14 over there?

15 MR. HOESL: Yeah. Yeah -- yeah, you  
16 can go look at it.

17 AUDIENCE MEMBER: Thank you.

18 MR. HOESL: Thank you.

19 (Discussion held off the record.)

20 (Discussion held among Commissioners  
21 off the record.)

22 CHAIRMAN SHAPIRO: Ready go.

23 (Laughter.)

24 (Discussion held off the record.)

25 CHAIRMAN SHAPIRO: Greg let's go.

1 Proceedings

2 MR. HOESL: I guess I cleared the room  
3 out.

4 VICE-CHAIR GREENFIELD: Wait. We also  
5 we -- we -- Mike we want to thank our timekeeper.

6 CHAIRMAN SHAPIRO: Yes.

7 VICE-CHAIR GREENFIELD: Michael?

8 CHAIRMAN SHAPIRO: Thank you Michael  
9 for all your help.

10 VICE-CHAIR GREENFIELD: As our  
11 timekeeper today.

12 (Audience participation.)

13 (Laughter.)

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

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1                   Zoning Referral Review

2                   CHAIRMAN SHAPIRO: Okay. So here's  
3 what we're going to do to make it pretty quick  
4 and easy. We're going to do one vote for all the  
5 "LDs" and those items are agenda items:

6                   One;.

7                   Two;

8                   Three;

9                   Four;

10                  Seven;

11                  Eight;

12                  And nine.

13                  MR. HOESL: Correct.

14                  CHAIRMAN SHAPIRO: Nine separate.

15                  COMMISSIONER GOLD: What were they?

16                  COMMISSIONER DURSO: One;

17                  Two;

18                  Three;

19                  Four;

20                  Seven;

21                  Eight;

22                  And nine.

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

25                  COMMISSIONER GOLD: Five and six are

1                   Zoning Referral Review

2   incomplete.

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

5                   CHAIRMAN SHAPIRO: All right, we'll  
6   take 9 separately.

7                   COMMISSIONER DURSO: Okay, separate is  
8   9. Okay.

9                   CHAIRMAN SHAPIRO: So the -- the motion  
10   is going to be on agenda item:

11                   One;

12                   Two;

13                   Three;

14                   Four;

15                   Seven;

16                   And eight.

17                   Do I have a motion to -- to "LD" those?

18                   COMMISSIONER FORMAN: So moved.

19                   COMMISSIONER DURSO: Second.

20                   CHAIRMAN SHAPIRO: All those in favor?

21                   (Chorus of "ayes.")

22                   CHAIRMAN SHAPIRO: Any opposed?

23                   (No response.)

24                   CHAIRMAN SHAPIRO: The motion carries.

25                                   \*           \*           \*

1                   Zoning Referral Review

2                   CHAIRMAN SHAPIRO: Now, let's take  
3   Item No. 9. This is a --

4                   MR. HOESL: Sure.

5                   CHAIRMAN SHAPIRO: -- moratorium for  
6   the City of Glen Cove to enact a one-year  
7   moratorium on battery storage system within the  
8   City limits.

9                   THIRD VICE-CHAIR LEWIS: So Mr. Chairman,  
10   so we've -- we've -- Greg, I am going to -- do  
11   you want to speak further? Or we -- we I think  
12   from your perspective we know the issue; right?

13                  MR. HOESL: Yeah --

14                  THIRD VICE-CHAIR LEWIS: So I am --

15                  MR. HOESL: -- yeah -- yeah.

16                  THIRD VICE-CHAIR LEWIS: -- so I just  
17   want to explain my vote and I'll -- I'll make a  
18   motion.

19                  So we for about 18 months now we've had  
20   referrals sent to the Nassau County Planning  
21   Commission from our three towns and two cities in  
22   Nassau County. And each of these referrals have  
23   been on this question of battery -- battery  
24   energy -- energy storage systems and the effort  
25   has been to establish a moratorium, which really

1                   Zoning Referral Review

2     as of this item once this one is adopted, all of  
3     Nassau County will have a moratorium on battery  
4     energy storage systems or "BESS," "BESS"  
5     sometimes abbreviated.

6                   From my perspective, I voted against  
7     the referrals for these moratoriums. And at the  
8     most recent meeting after we really kind of  
9     hammered things out with fire marshal input, I  
10    voted for in favor of a six-month moratorium and  
11    the Town of Oyster Bay, but against another one  
12    year moratorium in the City of Long Beach.

13                  (Mr. Pulitzer exits the meeting.)

14                  THIRD VICE-CHAIR LEWIS: Today I just  
15    wanted to explain that I am going to vote  
16    differently than I have for the last 18 months.  
17    I think this is a very important issue. I'm --  
18    I'm very aware of the environmental both benefits  
19    and concerns presented by battery energy storage.  
20    And I think that I've taken it very seriously in  
21    the sense that we do know that while all of  
22    Nassau County now is looking at having a  
23    moratorium in place for the next year or so.

24                  The Towns of Brookhaven and Riverhead  
25    have moved ahead on these systems. And I believe

1                   Zoning Referral Review

2     there is at least one system that's being  
3     constructed in the Town of Hempstead. So there's  
4     clearly, you know, differences of opinion. The  
5     projects are going forward in some towns not too  
6     far from here. And -- and other respects we're  
7     looking to prohibit them for at least another  
8     year.

9                   With all that said, I just wanted to  
10    explain while I think the State has done a lot in  
11    terms of a model law that they recommended, and a  
12    a new permit process and such. The key is they  
13    did not get done the change in the fire code. So  
14    as we sit right here now, we still do not have a  
15    revised fire code to address the concerns raised  
16    by the battery energy storage systems. And with  
17    that, you know, I've spoken to a lot of people  
18    about this. I keep asking everybody I meet on  
19    this subject that has some expertise. And I have  
20    to say I've come around to conclude that maybe my  
21    colleagues are correct in -- in seeing this is  
22    just not ready technology. And that I -- I think  
23    it's frustrating that the ball has been dropped.

24                  But nonetheless as we sit here right  
25    now, I don't think I feel good about continuing

1                   Zoning Referral Review

2     to stand in the way of these efforts. So I'm  
3     going to support the moratorium on the grounds  
4     that another year hopefully would put us in the  
5     ballpark where everybody's done their job and  
6     their due diligence to make sure the fire code  
7     has been updated. That fire officials as was  
8     raised by one of my colleagues, the fire  
9     officials have time to, you know, learn the new  
10    code and -- and the new rules, which, you know,  
11    and what this new technology means. Which, you  
12    know, for the most part it does present a very  
13    real challenge to fire control.

14                I'd like to know also that these things  
15    are built with like a bathtub-type design, so  
16    that there's any kind of chemical release or  
17    such. If there is a fire that -- that all can be  
18    trapped. I can't find any confirmation that  
19    these kinds of concerns have been addressed and  
20    working into the code. And I did a lot of  
21    research on this in the last couple weeks. So  
22    I'm very frustrated, very disappointed. But  
23    nonetheless, I want to say that I'm willing to  
24    make the motion today in favor of the "LD."

25                VICE-CHAIR GREENFIELD: Good, let's go.

1                   Zoning Referral Review

2                   THIRD VICE-CHAIR LEWIS: On the City of  
3 Glen Cove moratorium on battery -- battery energy  
4 storage system.

5                   CHAIRMAN SHAPIRO: Thank you.

6                   Is there a second?

7                   COMMISSIONER FORMAN: Second.

8                   CHAIRMAN SHAPIRO: All those in favor?

9                   (Chorus of "ayes.")

10                  CHAIRMAN SHAPIRO: Any opposed?

11                  (No response.)

12                  CHAIRMAN SHAPIRO: Motion carries.

13                  VICE-CHAIR GREENFIELD: Thank you Neal.

14                  CHAIRMAN SHAPIRO: Thank you very much.

15                               \*       \*       \*

16                  CHAIRMAN SHAPIRO: Next let's go to

17 Item No. 6 and 5. We can actually lump them.

18                  You want to try to lump them together?

19                  MR. O'BRIEN: These go to the denials.

20                  CHAIRMAN SHAPIRO: These are going to  
21 be incompletes, incomplete.

22                  MR. O'BRIEN: Incomplete. Yeah, you  
23 -- you -- you can lump them.

24                  CHAIRMAN SHAPIRO: Okay. So I'd like  
25 to get a motion for NCPC Zoning Agenda Item No.

1                   Zoning Referral Review

2     5 and 6, that we are going to deem these  
3     incomplete and staff will send a letter with what  
4     we're looking for as discussed --

5                   MR. HOESL:   Yeah.

6                   CHAIRMAN SHAPIRO:  -- earlier.

7                   VICE-CHAIR GREENFIELD:  So moved.

8                   COMMISSIONER SAKOWICH:  I make a  
9     motion -- I make a motion.

10                  COMMISSIONER KALATY:  Second.

11                  CHAIRMAN SHAPIRO:  All those in favor?

12                  (Chorus of "ayes.")

13                  CHAIRMAN SHAPIRO:  Any opposed?

14                  (No response.)

15                  CHAIRMAN SHAPIRO:  Motion carries.

16                  (The meeting was concluded at  
17     11:51 a.m.)

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## I N D E X

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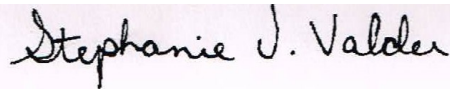
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C E R T I F I C A T I O N

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.

A handwritten signature in black ink, reading "Stephanie J. Valder", is written over a light pink rectangular background.

STEPHANIE J. VALDER,  
Stenographer

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