

REGULAR MEETING
of the
NASSAU COUNTY PLANNING COMMISSION

Thursday, June 26, 2025
10:04 a.m. - 11:53 a.m.

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

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

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LEONARD H. SHAPIRO, Chair
(10:04 a.m. - 11:49 a.m.)

4

JEFFREY H. GREENFIELD, Vice-Chair

5

NEAL LEWIS, Third Vice-Chair

6

DANA DURSO,

7

MURRAY FORMAN,

8

DENISE GOLD,

9

KHANDAN KALATY,

10

REID SAKOWICH,
(10:04 a.m. - 11:49 a.m.)

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Commissioners

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WILLIAM NIMMO, Deputy Commissioner

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ROBERT O'BRIEN, Esq., Counsel
(10:04 a.m. - 11:49 a.m.)

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Staff:

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GREGORY J. HOESL

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MARTIN KATZ

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JOHN PERRAKIS

21

TIMOTHY WREN

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Also Present:

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STEPHANIE J. VALDER, Stenographer

24

25

1 Proceedings

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

3 CHAIRMAN SHAPIRO: Good morning,
4 everybody. If everybody would, please take your
5 seats. We have a long agenda. We'd like to get
6 started. Right.

7 MR. O'BRIEN: Take your seats and then
8 stand up.

9 CHAIRMAN SHAPIRO: Take your seats and
10 stand up.

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

13 CHAIRMAN SHAPIRO: Cameron Sands,
14 would you like to lead us in the Pledge of
15 Allegiance?

16 (Laughter.)

17 (Pledge of Allegiance recited in a
18 body.)

19 VICE-CHAIR GREENFIELD: Play ball.

20 MR. O'BRIEN: We hope. Now, we know
21 what's the "we hope."

22 (Laughter.)

23 MR. O'BRIEN: Right, we hope, justice
24 for all. I said after said "justice for all," I
25 said "we hope." Walter Sterling.

1 Proceedings

2 VICE-CHAIR GREENFIELD: Walter Sterling.

3 I knew that.

4 MR. O'BRIEN: God bless.

5 (Stepping up.)

6 MR. HOESL: Good morning,

7 Commissioners.

8 CHAIRMAN SHAPIRO: Good morning.

9 MR. HOESL: I'll start with a roll
10 call, if you don't mind.

11 VICE-CHAIR GREENFIELD: Sure.

12 CHAIRMAN SHAPIRO: Great idea.

13 MR. HOESL: Commissioner Sakowich?

14 COMMISSIONER SAKOWICH: Here.

15 MR. HOESL: Commissioner Kalaty?

16 COMMISSIONER KALATY: Here.

17 MR. HOESL: Commissioner Gold?

18 COMMISSIONER GOLD: Present.

19 MR. HOESL: Commissioner Forman.

20 COMMISSIONER FORMAN: Present.

21 MR. HOESL: Commissioner Ellerbe?

22 MR. O'BRIEN: Excused.

23 CHAIRMAN SHAPIRO: Excused.

24 MR. HOESL: Commissioner Durso?

25 COMMISSIONER DURSO: Present.

1 Proceedings

2 MR. HOESL: Third Vice-Chair Lewis?

3 THIRD VICE-CHAIR LEWIS: Present.

4 MR. HOESL: Vice-Chair Greenfield?

5 VICE-CHAIR GREENFIELD: Present.

6 MR. HOESL: And Chairman Shapiro?

7 CHAIRMAN SHAPIRO: Present.

8 MR. HOESL: Thank you.

9 Can I have a motion to acknowledge --

10 VICE-CHAIR GREENFIELD: Before --

11 before we start, we need people to sit down. You
12 don't have to be in the cheap seats. You can
13 seat in front here or in the regular seats front
14 here (indicating).

15 CHAIRMAN SHAPIRO: Also, the agendas
16 are over on my left (indicating), your right
17 (indicating). And speaker registration forms are
18 over by the agendas. Anybody wishing to speak,
19 they get three minutes. The attorneys and
20 representatives will get ten minutes to plead
21 their case.

22 And I'll take a motion for the
23 acceptance of the May 29th transcript.

24 COMMISSIONER SAKOWICH: So moved.

25 VICE-CHAIR GREENFIELD: Second.

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Proceedings

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CHAIRMAN SHAPIRO: All in favor?

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(Chorus of "ayes.")

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1 New Business

2 CHAIRMAN SHAPIRO: Okay. We're going
3 to go out of order a little bit. We have a new
4 business item that I'd like to do before we go
5 onto "OSPAC." And at this point, I'm going to
6 turn it over to Commissioner Sakowich.

7 COMMISSIONER SAKOWICH: Thank you,
8 Mr. Chairman.

9 At -- at this time, I'd like to make a
10 motion for the following, affirming:

11 That the Nassau County Planning
12 Commission is the sole final authority over the
13 agendas for its public meetings, that the -- that
14 the Chairman of the Nassau County Planning
15 Commission is authorized to add to or remove from
16 any agenda any matter including, but not limited
17 to major subdivisions, minor subdivisions,
18 "OSPAC" matters, zoning referrals, miscellaneous
19 applications, new business and old business;

20 That the Commission resolve, ratify and
21 re-affirm its position that in major subdivisions
22 matters where final approval have been granted,
23 applicants may file their approved final maps
24 with the Nassau County Clerk's prior to
25 any acceptance by the New York State Department

1 New Business

2 of Law of any related filings provided;

3 That no parcels on the final map are
4 offered for sale to the public prior to said
5 acceptance and, or approval by the New York State
6 Department of Labor [sic] -- or Law, New York
7 State -- I'm sorry, New York State Department of
8 Law.

9 COMMISSIONER FORMAN: I'll second that.

10 CHAIRMAN SHAPIRO: All those in favor?

11 (Chorus of "ayes.")

12 MR. O'BRIEN: Any discussion?

13 COMMISSIONER SAKOWICH: Any discussion?

14 (No response.)

15 CHAIRMAN SHAPIRO: Any discussions?

16 (No response.)

17 MR. O'BRIEN: All right. Now, you can
18 take your vote, guys.

19 CHAIRMAN SHAPIRO: Okay.

20 (Laughter.)

21 CHAIRMAN SHAPIRO: Any opposed?

22 (No response.)

23 CHAIRMAN SHAPIRO: The motion carries.

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1 Proceedings

2 VICE-CHAIR GREENFIELD: Ladies in the
3 corner there, ladies, you have to take a seat.
4 If you want to conversation, there's a room
5 outside. We have a stenographer here and they --
6 we have to people's attention.

7 You're welcome to have a discussion
8 outside in the room.

9 Thank you.

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1 NCPC OSPAC File No. 4-2025

2 CHAIRMAN SHAPIRO: Okay, let's proceed.

3 "OSPAC." You want to start?

4 MR. HOESL: Thank you.

5 First up today we have OSPAC

6 Case 4-2025. This is up for a vote today.

7 This is an application for a use and
8 occupancy permit at Christopher Morley Park,
9 500 Searingtown Road in the Incorporated Village
10 of North Hills.

11 The County is requesting permission to
12 enter into this use and occupancy permit with
13 Paddle Sports Unlimited, LLC, in order to
14 construct a state-of-the-art indoor facility,
15 which will contain 8 full panoramic Padel Courts
16 and four professional Pickleball Courts. The
17 proposed indoor facility will be constructed on a
18 portion of Christopher Morley Park formerly known
19 as the "Boat Basin," which is located just south
20 of the park's ice rink.

21 Nassau County issued an "RFP" on
22 December 10th of 2023 and ultimately selected
23 Padel Sports Unlimited, LLC as the winning
24 proposer, based on the view that they are
25 qualified to:

1 NCPC OSPAC File No. 4-2025

2 Develop;

3 Facilitate;

4 Improve;

5 And enhance the public use and

6 enjoyment of the premises.

7 The County wishes to provide for the

8 long-term operation and maintenance of the

9 premises consistent with recreational purposes.

10 It should be noted that the operator has agreed

11 to use commercially-reasonable efforts to obtain

12 a certified ranking under the "LEED" rating

13 system for design and construction of the

14 facility.

15 "DPW" approves of the use and occupancy

16 permit without condition.

17 The public comment period was opened at

18 the May 29th Planning Commission hearing and

19 subsequently closed without comment from the

20 public.

21 At the June 10th "OSPAC" meeting,

22 "OSPAC" voted "6-0" to approve the application

23 without condition.

24 I believe we have Kevin Walsh here

25 today and representatives from Padel Sports

1 NCPC OSPAC File No. 4-2025

2 Unlimited, if the Commission has any questions
3 left regarding this application.

4 CHAIRMAN SHAPIRO: Anybody have any
5 questions?

6 THIRD VICE-CHAIR LEWIS: Not really. I
7 think we had a -- a pretty good presentation.
8 We've learned what -- I think you have --

9 CHAIRMAN SHAPIRO: Last time.

10 THIRD VICE-CHAIR LEWIS: Yeah.

11 Paddle Ball. We've learned about a new
12 thing.

13 (Laughter.)

14 THIRD VICE-CHAIR LEWIS: At least for
15 me it was new, so it was very interesting.

16 We do know that the County brings forth
17 projects like this every so often, when they're
18 doing their use and occupancy permit. And so
19 far, you know, projects that are, you know,
20 contractors that are working under these permits
21 at our other parks seems to be doing some really
22 good work. So the possibility of -- of this is
23 quite exciting.

24 So yeah, we had -- there weren't any
25 concerns raised by "OSPAC;" right?

1 NCPC OSPAC File No. 4-2025

2 MR. HOESL: No, they weren't --

3 THIRD VICE-CHAIR LEWIS: At the
4 meeting?

5 MR. HOESL: -- no.

6 THIRD VICE-CHAIR LEWIS: Okay.

7 VICE-CHAIR GREENFIELD: I -- I'll
8 second what Neal says, fabulous application,
9 fabulous use of an area where there used to be
10 outdoor ice skating before global warming. And
11 the America's fastest growing sport, the
12 Pickleball -- I prefer pickled herring, but
13 Pickleball's an -- an orthopedic's dream.

14 THIRD VICE-CHAIR LEWIS: It's an
15 orthopedics dream.

16 (Laughter.)

17 CHAIRMAN SHAPIRO: Thank you for those
18 wonderful comments, Commissioner.

19 So do I have a motion and a second?

20 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
21 I'd like to make a motion for OSPAC No. 4-2025 on
22 our agenda today and the OSPAC file. The motion
23 is to recommend to the Nassau County -- recommend
24 to the Nassau County Legislature they approve a
25 use and occupancy permit.

1 NCPC OSPAC File No. 4-2025

2 COMMISSIONER KALATY: Second.

3 CHAIRMAN SHAPIRO: Is there a second?

4 (No response.)

5 CHAIRMAN SHAPIRO: All in favor?

6 (Chorus of "ayes.")

7 CHAIRMAN SHAPIRO: Any opposed?

8 (No response.)

9 CHAIRMAN SHAPIRO: Motion carries.

10 MR. HOESL: And the "SEQRA"
11 recommendation too, Neal?

12 CHAIRMAN SHAPIRO: Yeah.

13 THIRD VICE-CHAIR LEWIS: Yeah,
14 "Neg. Dec." also.

15 MR. HOESL: Thank you.

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1 NCPC OSPAC File No. 5-2025

2 MR. HOESL: All right, moving along.

3 Next up this is the introduction of a new
4 "OSPAC" Case. This is OSPAC 5-2025, an
5 application to sell property.

6 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
7 I'd like to make a motion on OSPAC 5-2025, that
8 we open the public comment period.

9 VICE-CHAIR GREENFIELD: Second.

10 CHAIRMAN SHAPIRO: All those in favor?
11 (Chorus of "ayes.")

12 CHAIRMAN SHAPIRO: Okay.

13 MR. HOESL: Thank you.

14 Sell property just northwest of
15 29 Irving Drive, in the Hamlet of Woodbury from
16 the Town of Oyster Bay's "R1-10" Zoning District.

17 The County's requesting permission to
18 sell this property to an adjacent property owner.
19 The property, as I just stated, is located just
20 northwest of 29 Irving Drive. "DPW" approves of
21 this sale without condition.

22 This application was previously
23 introduced to "OSPAC" as File No. 15-2010, when
24 the County sought to sell the property to
25 adjoining property owner at 31 Irving Drive.

1 NCPC OSPAC File No. 5-2025

2 "OSPAC" and Planning Commission approved of that
3 sale, although the property was never actually
4 sold.

5 Then in 2020 the same property was
6 proposed for transfer to the Nassau County
7 Land Bank for the development of an affordable
8 single-family residence. That proposal was
9 ultimately never completed either, as the
10 property is so heavily sloped that the Nassau
11 County Land Bank decided it would be too
12 challenging to construct a single-family home at
13 this site.

14 As such, the application is back before
15 us today for the sale to the adjoining property
16 owner at 29 Irving Drive, who wishes to purchase
17 the property to prevent a future residence from
18 being built there and in addition to acquiring a
19 natural buffer that will maintain privacy at
20 their home. The ultimate plan is to leave the
21 site vacant.

22 This application was introduced to
23 "OSPAC" at the June 10th "OSPAC" meeting and is
24 subsequently forward to the Planning Commission
25 today for the opening of the public comment

1 NCPC OSPAC File No. 5-2025

2 period.

3 Here today we have Kevin Walsh
4 representing the County, and we'll see if we have
5 any comments.

6 Thank you.

7 (Stepping up.)

8 MR. WALSH: Good morning,
9 Commissioners. Kevin Walsh from the Office of
10 Real Estate Services.

11 Greg did a great job giving you a
12 summary. This is a -- a property, one of those
13 properties we been holding a long time. I've
14 been to the site myself recently several times.

15 And the latest attempt to transfer this
16 was to the Land Bank. And as Greg mentioned,
17 it's a severely sloped property. You walk on
18 this property about 3 feet and it severely slopes
19 down. So not to say it's impossible to -- to
20 build a home. It would be a challenge with the
21 slope. I believe the Oyster Bay, Town of Oyster
22 Bay has a slope ordinance as well.

23 So we offered it to adjoining property
24 owners. We solicited to see if anybody's
25 interested. And fortunately, we have a viable

1 NCPC OSPAC File No. 5-2025

2 offer in the fair market value range, so we're
3 hoping to proceed with the sale and bring this
4 property back on the tax rolls.

5 THIRD VICE-CHAIR LEWIS: Do you want to
6 say which home it is that -- is it the one that
7 it's -- well --

8 MR. WALSH: I think Greg mentioned --

9 THIRD VICE-CHAIR LEWIS: -- almost
10 fully be gone --

11 MR. WALSH: -- I think 27.

12 MR. HOESL: It's 29. It's bottom right
13 corner (indicating). They connect -- it's not
14 the one directly in front of it --

15 THIRD VICE-CHAIR LEWIS: Okay, it's the
16 one with the black outline?

17 MR. WALSH: Correct.

18 (Stepping up.)

19 MR. HOESL: Correct.

20 THIRD VICE-CHAIR LEWIS: Oh.

21 CHAIRMAN SHAPIRO: That was mentioned
22 last time.

23 COMMISSIONER SAKOWICH: But there's
24 a -- there's a gap between. The gap -- what's
25 the gap?

1 NCPC OSPAC File No. 5-2025

2 MR. WALSH: Well, there's a paper
3 street to the south of it.

4 COMMISSIONER SAKOWICH: Yeah, it's a
5 small --

6 MR. WALSH: Yeah -- yeah.

7 COMMISSIONER SAKOWICH: So the
8 property -- the property that's being sold is
9 larger than the property than it currently has?

10 MR. WALSH: I think also this property
11 owner owns the property to the south, with the
12 paper street kind of in between. So he's --
13 he's --

14 VICE-CHAIR GREENFIELD: So he owns both
15 sides of the paper street.

16 THIRD VICE-CHAIR LEWIS: It's all going
17 to get merged.

18 VICE-CHAIR GREENFIELD: It's all going
19 to get merged together.

20 MR. WALSH: Probably.

21 VICE-CHAIR GREENFIELD: And it will be
22 picked up on the tax rolls now, where it isn't
23 currently?

24 COMMISSIONER SAKOWICH: Well, that's
25 what I'm questioning.

1 NCPC OSPAC File No. 5-2025

2 MR. WALSH: Yes.

3 COMMISSIONER SAKOWICH: Why isn't it --
4 why wouldn't we do fair market value on that as
5 well --

6 VICE-CHAIR GREENFIELD: Including the
7 paper street. I agree with you.

8 COMMISSIONER SAKOWICH: -- including --

9 VICE-CHAIR GREENFIELD: Okay. We need
10 more money from them.

11 (Laughter.)

12 MR. O'BRIEN: Mr. Walsh, is -- is -- is
13 a condition that the County sells this property,
14 that this property -- that the person who's
15 buying, no further subdivision of the property?

16 MR. WALSH: We haven't made that
17 condition, but that certainly in the purview of
18 the Planning --

19 VICE-CHAIR GREENFIELD: We like that
20 condition usually --

21 COMMISSIONER SAKOWICH: It has to be.

22 VICE-CHAIR GREENFIELD: -- in our
23 decisions.

24 MR. WALSH: Yes.

25 VICE-CHAIR GREENFIELD: I agree with

1 NCPC OSPAC File No. 5-2025

2 Reid, it has to be.

3 COMMISSIONER SAKOWICH: It has to be
4 there.

5 VICE-CHAIR GREENFIELD: It -- it's good
6 business.

7 MR. O'BRIEN: Well, that would be your
8 recommendation to the Legislature, if you -- if
9 you want to approve it and send it on.

10 CHAIRMAN SHAPIRO: Well, couldn't we
11 recommend that to "OSPAC" also?

12 MR. O'BRIEN: I think the comment --
13 any comments made here --

14 CHAIRMAN SHAPIRO: Yeah.

15 MR. O'BRIEN: -- today are taken back
16 to "OSPAC."

17 MR. WALSH: I'm also joined today, I
18 have the counsel for the prospective purchaser.
19 I don't know if he wants to.

20 (Gesturing.)

21 MR. WALSH: If you would like to ask
22 him.

23 VICE-CHAIR GREENFIELD: Sure -- sure.

24 We like when --

25 (Discussion held among Commissioners

1 NCPC OSPAC File No. 5-2025

2 off the record.)

3 (Discussion held off the record.)

4 MR. BROWN: Good morning. Ryan Brown,
5 from Breslin and Brown PC, 44 Elm Street, Suite
6 500, Huntington, New York 11743, represent the
7 potential purchaser Vincent and Francis
8 Saltarelli, who, as stated earlier, own the
9 property at 29 Irving, which is southeast of this
10 property. It adjoins about a 10 foot portion at
11 the northwest of my client's current property.
12 I'm happy to answer any questions that the --

13 VICE-CHAIR GREENFIELD: You heard my
14 comments, counselor?

15 MR. BROWN: Yes.

16 VICE-CHAIR GREENFIELD: Do you have a
17 problem with that, with respect to the --

18 MR. BROWN: So when you -- when you
19 speak of no --

20 VICE-CHAIR GREENFIELD: -- paper
21 street?

22 MR. BROWN: -- no further subdivision,
23 you speak -- you're not saying that these
24 properties are all going to be merged and it
25 can't be subdivided. What you're saying is this

1 NCPC OSPAC File No. 5-2025

2 lot cannot be subdivided further; correct?

3 VICE-CHAIR GREENFIELD: No.

4 CHAIRMAN SHAPIRO: I'm not so sure.

5 Bob, do they have to -- if they're
6 going to buy this property, does it have to be
7 merged with the other property?

8 MR. O'BRIEN: Well, it -- it -- it
9 is -- it is generally our -- our -- our
10 preference that the properties be merged for tax
11 purposes, because we run into that -- that
12 problem where, if taxes -- if they're separate
13 tax bills and taxes aren't paid on -- on -- on
14 one of them, it winds up reverting to the County
15 or it may revert to the County.

16 So generally -- generally, it --

17 MR. BROWN: In which case --

18 MR. WALSH: It would be a merger --

19 MR. BROWN: -- the County could sell it
20 again.

21 THIRD VICE-CHAIR LEWIS: Yeah.

22 VICE-CHAIR GREENFIELD: You would want
23 that to --

24 MR. O'BRIEN: No.

25 VICE-CHAIR GREENFIELD: -- protect your

1 NCPC OSPAC File No. 5-2025

2 client.

3 MR. O'BRIEN: No. But -- but then
4 during that period of time, it's the County is
5 liable for it and has to maintain it.

6 The idea would be at least that -- that
7 the -- that the portion that is being sold be
8 maintained as vacant land and not be improved
9 upon. That's a similar -- it's a similar thing
10 to no further subdivision.

11 THIRD VICE-CHAIR LEWIS: I -- I had to
12 just --

13 MR. O'BRIEN: I'm sorry.

14 THIRD VICE-CHAIR LEWIS: -- add my --
15 add my own two cents to the discussion. I
16 understand the question from our counsel about
17 preventing future subdivisions. We do ask about
18 that on many applications.

19 I'm not seeing it on this application.
20 It seems to me that this is such a large --

21 COMMISSIONER SAKOWICH: It's such a
22 large parcel of land.

23 THIRD VICE-CHAIR LEWIS: It's such a
24 large parcel of land. It's -- it's -- it's a
25 buildable lot in and of itself. Understanding

1 NCPC OSPAC File No. 5-2025

2 that there's a concern about slopes, that impacts
3 its value as a buildable lot. But I don't see
4 that -- I kind of, I think we're in agreement.
5 Is there -- I don't think the need exists on this
6 one for a --

7 COMMISSIONER SAKOWICH: So he doesn't
8 own --

9 VICE-CHAIR GREENFIELD: So --

10 COMMISSIONER SAKOWICH: -- that --

11 VICE-CHAIR GREENFIELD: -- so to answer
12 these questions, Counselor.

13 What is the intent of your client in
14 acquiring this property?

15 MR. BROWN: The intent of my client
16 right now is to do nothing with the property. He
17 doesn't --

18 VICE-CHAIR GREENFIELD: Okay.

19 MR. BROWN: -- want someone building a
20 house above him looking down on him. But he
21 doesn't want to preclude himself from in the
22 future -- he's 82. He doesn't want his family to
23 be restricted from potentially being able to sell
24 the property in the future.

25 VICE-CHAIR GREENFIELD: So we're

1 NCPC OSPAC File No. 5-2025

2 calling this estate planning?

3 MR. BROWN: Correct.

4 (Laughter.)

5 VICE-CHAIR GREENFIELD: And what about
6 my question with regard to the paper street,
7 which I'd like to return to the tax roll?

8 MR. BROWN: Well, he would be --
9 willing to accept that property, if the -- if the
10 County's to looking to abandon it bond if it's in
11 fact a County Road.

12 VICE-CHAIR GREENFIELD: No, it's a --
13 it's a paper street. It's not a County Road.

14 MR. O'BRIEN: Or if it's a paper
15 street, it would be owned by -- it would be owned
16 by the Town of Oyster Bay?

17 MR. BROWN: Correct.

18 So we would have to seek to abandon it
19 with the Town of Oyster Bay.

20 MR. O'BRIEN: Yeah.

21 VICE-CHAIR GREENFIELD: Right.

22 Well, it should be. If he owns both
23 sides, he should do it now. It would good for
24 his estate to do that.

25 COMMISSIONER SAKOWICH: Well, it is --

1 NCPC OSPAC File No. 5-2025

2 MR. BROWN: That is something that he's
3 considered.

4 COMMISSIONER SAKOWICH: Yeah, I'm sure
5 he's looked into it. It'll come back to you when
6 you --

7 MR. O'BRIEN: You know, it's going to
8 come to you on the recommendation to the
9 Legislature.

10 THIRD VICE-CHAIR LEWIS: Of course
11 understanding this is a public hearing, nothing's
12 being decided today.

13 So these comments are all just putting
14 this on the record. You're going to get an
15 opportunity to have this item addressed at
16 "OSPAC" and then it'll come back to us. So
17 between then, between now and -- and coming back
18 to us, hopefully these questions we're asking you
19 can be resolved.

20 But as I said, I don't see the need for
21 a "no further subdivision" rule, but I think some
22 of my colleagues disagree with me on that. So
23 think about that.

24 They'll -- they'll be -- there will be
25 the meeting with "OSPAC" and then you'll be

1 NCPC OSPAC File No. 5-2025

2 coming back and let's see if we can get that
3 issue resolved. We don't have to resolve it
4 today.

5 MR. BROWN: (Nodding head yes.)

6 MR. O'BRIEN: You know, maybe -- maybe
7 you want to go out and somebody, one or two
8 Commissioners want to go out and take a look at
9 the property between now and the next meeting
10 just more of a flavor, my suggestion.

11 If I was a -- if I was going to be
12 around, I would do it myself and report back.

13 CHAIRMAN SHAPIRO: My office is not far
14 from there.

15 MR. O'BRIEN: Okay.

16 CHAIRMAN SHAPIRO: I can do that.

17 MR. O'BRIEN: Yeah.

18 VICE-CHAIR GREENFIELD: I don't venture
19 to the North Shore that often.

20 CHAIRMAN SHAPIRO: Maybe you have to.

21 (Laughter.)

22 VICE-CHAIR GREENFIELD: I'll go to
23 Louie's then.

24 (Laughter.)

25 CHAIRMAN SHAPIRO: Yeah, we'll give you

1 NCPC OSPAC File No. 5-2025

2 a passport.

3 VICE-CHAIR GREENFIELD: I'll go to
4 Louie's for lunch.

5 (Laughter.)

6 MR. O'BRIEN: Louie's is closed.

7 CHAIRMAN SHAPIRO: But only --

8 VICE-CHAIR GREENFIELD: They reopened.

9 MR. O'BRIEN: Oh, they did.

10 VICE-CHAIR GREENFIELD: Okay.

11 CHAIRMAN SHAPIRO: Oh, but wait a
12 minute. The passport is only --

13 VICE-CHAIR GREENFIELD: I thought they
14 reopened --

15 CHAIRMAN SHAPIRO: -- for -- the
16 passport is only for a certain amount of time.

17 VICE-CHAIR GREENFIELD: Oh, okay.

18 MR. O'BRIEN: It's the body cavity
19 search that's the hard part.

20 (Laughter.)

21 CHAIRMAN SHAPIRO: Does anybody --
22 anybody from the public wish to be heard?

23 (No response.)

24 CHAIRMAN SHAPIRO: No?

25 (No response.)

1 NCPC OSPAC File No. 5-2025

2 CHAIRMAN SHAPIRO: Any other questions,
3 Commissioners?

4 (No response.)

5 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
6 seeing no other questions, I'd like to make a
7 motion for OSPAC No. 5-2025. The motion is to
8 close the public hearing and send the item to
9 "OSPAC."

10 COMMISSIONER FORMAN: Second.

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

13 CHAIRMAN SHAPIRO: The motion --

14 MR. WALSH: Thank you.

15 CHAIRMAN SHAPIRO: -- carries.

16 MR. WALSH: Thank you.

17 CHAIRMAN SHAPIRO: You're welcome.

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1 NCPC File No. 2008-F-1

2 (Stepping up.)

3 MR. PERRAKIS: Moving on to "D,"

4 Major Subdivision Final Map Applications.

5 This is -- and the first file is NCPC
6 File No. 2008-F-1, Map of Final Subdivision Map
7 of 313 McCouns Lane, formerly known as Final
8 Subdivision Map of properties situated in
9 the Incorporated Village of Oyster Bay Cove,
10 property in the Incorporated Village of
11 Oyster Bay Cove, 313 McCouns Lane in Oyster Bay,
12 New York 11771, section 27, block H, lots 309,
13 318 and 322.

14 This application received preliminary
15 subdivision approval on May 26th of '22 and is
16 now requesting final subdivision approval of a
17 43.58-acre parcel into 7 residential lots,
18 ranging in size of 2.6 acres to 14.36 acres.

19 There is currently a home on proposed
20 lots 1 and 2 to remain.

21 The property is located in the
22 Incorporated Village of Oyster Bay Cove, not
23 within 300 feet of another incorporated village
24 or city. The subject property is surrounded by
25 residential units to the north, south, east and

1 NCPC File No. 2008-F-1

2 west. The development is located in:

3 Oyster Bay Water District;

4 Oyster Bay Sewer District;

5 And Oyster Bay-East Norwich No. 6-9

6 School District. The development does not have a
7 close bus route, but is closest to the Oyster Bay
8 Long Island Railroad Station.

9 Both Nassau County Department of Public
10 Works, Nassau County Health Department received
11 [sic] -- I'm sorry, reviewed and approved the
12 final subdivision plans. Nassau County Health
13 Department issued their realty subdivision
14 approval. And the Incorporated Village of
15 Oyster Bay Cove granted their final subdivision
16 approval on November 4th of 2021.

17 Again, this is for seven single-family
18 homes. Vincent Apicella is here to speak on
19 behalf of his client.

20 (Stepping up.)

21 MR. APICELLA: Good morning,
22 Mr. Chairman, members of the Commission. My name
23 is Vincent Apicella, with the law firm of
24 Murphy and Lynch in East Norwich, New York. We
25 represent the applicant, 313 McCouns Holdings, LLC,

1 NCPC File No. 2008-F-1

2 the owner of the subject property on this
3 application for final subdivision approval.

4 With us this morning to address any
5 questions the Commission may have or the public
6 are the following:

7 Oliver Cope, the architect on the
8 project;

9 Douglas Castellano, Northcoast Civil,
10 the engineering and surveying firm;

11 Osman Barrie, traffic engineer for
12 Nelson Pope Voorhis;

13 And also Brant Reiner, a partner with
14 Nelson Pope Voorhis overseeing its regulatory
15 division pertaining to environmental issues.

16 As noted by Mr. Perrakis, the applicant
17 is seeking to subdivide 43.53-acres into 7 lots.
18 The property address is 313 McCouns Lane in the
19 Incorporated Village of Oyster Bay Cove, and
20 appears on the Nassau County Land and Tax Map as
21 section 27, block H, lots 309, 318 and 322. The
22 property is situated between McCouns Lane and
23 Sandy Hill Road, both Village roads and 261 feet
24 south of Agnes Street, which is a Town Road.

25 As the property is in the Village's

1 NCPC File No. 2008-F-1
2 Residence "A-1" Zoning District which allows for
3 single-family dwellings on 2 acre lots, the
4 subdivision application clearly benefits the
5 surrounding community, in that is very low
6 density relative to the potential development
7 yield of the property and reflects a very strong
8 commitment by the owner to land conservation.

9 In addition to meeting the goal of land
10 conservation, the subdivision will also avoid
11 unnecessary land disturbance by eliminating the
12 need for any interior roads. All seven parcels
13 will have access off of McCouns Lane or
14 Sandy Hill Road.

15 At present, the property is improved by
16 two-single family dwellings, each built in the
17 very early 1990s. The larger of the dwellings is
18 located on the "Parcel 1," with the smaller
19 dwelling located on "Parcel 2." Curb cuts and
20 driveways exist along McCouns Lane and Sandy Hill
21 Road to service those two dwellings.

22 The pond on "Parcel 7" is manmade and
23 is therefore not regulated by New York State
24 "DEC." There are no other ponds, or streams or
25 wetlands on the property. And the property is

1 NCPC File No. 2008-F-1

2 not in any environmental district.

3 The proposed seven single-family
4 residence lots range in size from 2.6 to
5 14.3 gross acres and 2.4 to 12.1 net acres, with
6 the average lot size 6.2 gross acres, which is
7 approximately 300 percent larger than what is
8 permitted in that area.

9 Access to "Parcel 1" will be over
10 Sandy Hill Road, with access to Parcel 2 through
11 7 over McCouns Lane. With its very low density
12 of development and environmentally-conscious
13 design, the subdivision will enhance the
14 character of the surrounding neighborhood.

15 Thank you for your time.

16 Are there any questions?

17 CHAIRMAN SHAPIRO: Commissioners, any
18 questions?

19 (No response.)

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

22 (No response.)

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

25 VICE-CHAIR GREENFIELD: Before the

1 NCPC File No. 2008-F-1

2 motion Counsel, you're to be commended for
3 getting those two villages to agree to
4 everything.

5 (Laughter.)

6 MR. APICELLA: Thank you.

7 VICE-CHAIR GREENFIELD: I'll make a
8 motion.

9 Okay, no one else?

10 CHAIRMAN SHAPIRO: No, you can do it.
11 You never make a motion.

12 VICE-CHAIR GREENFIELD: No, I -- I
13 understand, but this is historic.

14 (Laughter.)

15 VICE-CHAIR GREENFIELD: I'll make a
16 motion on NCPC File No. 2008-F-1, Map of the
17 Final Subdivision of 313 McCouns Lane, and it's a
18 "Negative Declaration."

19 COMMISSIONER DURSO: I'll second.

20 CHAIRMAN SHAPIRO: All those in favor?

21 (Chorus of "ayes.")

22 CHAIRMAN SHAPIRO: Any opposed?

23 (No response.)

24 CHAIRMAN SHAPIRO: Motion carries.

25 MR. APICELLA: Thank you again for your

1 NCPC File No. 2008-F-1

2 time.

3 CHAIRMAN SHAPIRO: You're welcome.

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1 NCPC File No. 1897-F-2

2 (Stepping up.)

3 MR. PERRAKIS: No. 2, D2 is NCPC
4 File No. 1897-F-2. This is Map of Woodbury
5 Hills, property at Woodbury, Town of Hempstead,
6 northwest corner of Woodbury Road and
7 Syosset-Woodbury Road, Woodbury, New York 11797,
8 section 14, block E, lot 823.

9 This application received preliminary
10 subdivision approval on June 15th of 2023 and is
11 now seeking final subdivision approval of a
12 5.21-acre parcel into five single-family
13 residential lots, and private roadway to be owned
14 and maintained by the five single-family
15 residential lots through a "Road Owners'
16 Association." Two lots, 4 and 5 will have
17 conservation easements to the rear of the
18 properties.

19 There are currently no structures on
20 the subject property to be demolished, to make
21 way for this development. The property's located
22 in the Hamlet of Woodbury, Town of Oyster Bay and
23 not within 300 feet of Incorporated Village or
24 City.

25 The subject property is surrounded by

1 NCPC File No. 1897-F-2

2 the following uses:

3 To the north is a Long Island Railroad
4 Port Jefferson Branch and Stillwell Park
5 Preserve;

6 To the east are homes;

7 To the south are homes;

8 To the west is Trail View State Park
9 dedicated parkland.

10 The development is located in the
11 Jericho Water District, County of Nassau
12 Sanitary Sewer District, but not in their
13 Sewer Service Area, and in Woodbury Syosset
14 No. 2-13 School District. The development's
15 nearest bus route is the "n79," which runs along
16 Woodbury Road and Jericho Turnpike and is closest
17 to Cold Spring Harbor and Syosset Long Island
18 Railroad Stations. Town of Oyster Bay and
19 Nassau County Department of Public Works approved
20 the final subdivision map and engineering plans.

21 During the review of the project, it
22 was mutually decided to dedicate 1,791
23 square feet of the subject property to the County
24 of Nassau, for the proposed widening of the
25 County of -- right-of-way. Nassau County "DPW"

1 NCPC File No. 1897-F-2

2 approved the map showing property to be dedicated
3 from the owner to the County of Nassau.

4 Nassau County Health Department granted
5 conditioned realty subdivision approval, but
6 because the environmental conditions of the
7 property was not investigated as required due to
8 the dense overgrown trees and brush on the site
9 prior to approval, they incorporated six special
10 conditions, which read:

11 One, open space sample shall be
12 collected and analyzed for metals, pesticides
13 when site development areas are cleared for
14 construction of the new homes. In the event that
15 the open space soil samples are unsatisfactory,
16 the site would have to be remediated as may be,
17 necessary, before the new homes be built;

18 Two, when site development areas are
19 cleared for construction of new homes, a work
20 plan must be submitted to the department for
21 review and approval for collecting open space
22 samples and, or soil remediation, if necessary on
23 the residential lots;

24 Three, the Department shall be
25 notified at least five days in advance of all

1 NCPC File No. 1897-F-2

2 investigations, field work, sampling,
3 remediation, if necessary, and backfilling, so
4 that the Department representative can be present
5 to observe the work;

6 Four, the soil samples results shall
7 be compared to "6NYCRR Part 7" -- excuse me,
8 "Part 375," "Table 357.6.8(b) [sic]," Residential
9 Use. Soil sample -- sample locations exceeding
10 the values of "6NYCRR," "Table Third [sic] --
11 375-6.8(b)" be -- shall be further delineated,
12 sampled and remediated at the direction of the
13 Department, with endpoint samples collected as
14 necessary. After remediation is completed, if
15 necessary, to the Department's satisfaction, all
16 areas shall be backfilled with certified clean
17 fill as needed;

18 A remedial works -- No. 5 is a Remedial
19 Work Plan Investigation Report detailing
20 investigations of all areas concerned with soil
21 samples tabulating compared to "6NYCRR"
22 "Table 375-6.8(b)," Residential Use, remediation
23 actions, if necessary, photographs documents
24 field work, backfilling with certified clean
25 fill, waste manifests, conclusions and

1 NCPC File No. 1897-F-2
2 recommendations shall be submitted to the
3 Department for review and approval, upon
4 completion of all field work and prior to
5 construction activities for the
6 new homes;

7 All -- No. 6 is all conditions of the
8 approval must be satisfied prior to the occupancy
9 of any residential units.

10 The County will require a performance
11 bond to ensure all public improvements of the
12 development are installed correctly. Those
13 amounts are as follows:

14 Inspection fee of \$159,294.17;

15 Cash escrow of \$41,794.21;

16 And bosch [sic] -- and bond or cash in
17 lieu of \$1,284,679.30.

18 This application received a variance
19 from Nassau County Planning Commission Rules and
20 Regulations "Section III.A.6," which reads
21 private streets must be constructed in accordance
22 with the requirements of the municipality in
23 which it is located, including but not limited to
24 all emergency vehicle access requirements. The
25 private roadway will not meet Town of Oyster Bay

1 NCPC File No. 1897-F-2

2 requirements. However, the applicant did submit
3 a letter from the Syosset Fire District stating
4 that they agree with the site plan regarding Fire
5 and "EMS" vehicle access.

6 At the preliminary hearing, the
7 variance was granted by the Commission. There
8 were a few variances that were received back in
9 2020 to make way for this development from the
10 Town of Oyster Bay.

11 And I think that's it, other than to
12 introduce Sam Bifulco to speak on behalf of his
13 client.

14 (Stepping up.)

15 MR. BIFULCO: Good morning,
16 Mr. Chairman and members of the Commission. On
17 behalf of the applicant, Samuel L. Bifulco of
18 Sahn Ward Braff Coschignano PLLC located at
19 333 Earle Ovington Boulevard, Suite 601,
20 Uniondale, New York 11553.

21 Before I begin my formal presentation,
22 I would like thank the Commission for their time
23 and attention to this matter, as well as the
24 various municipal departments and agencies for
25 their assistance throughout.

1 NCPC File No. 1897-F-2

2 Joining me today is Thomas C. Dixon,
3 senior partner of Nelson and Pope Engineering,
4 Architecture and Land Surveying, as well as
5 Mr. Angelo and Silvana Pironi, and Paolo Pironi
6 of Woodbury Hills, Incorporated.

7 The subject premises is a single parcel
8 consisting of approximately 5.1 acres and is
9 currently known on the Nassau County Land and
10 Tax Map as section 14, block E, lot 823.

11 This morning we appear before the
12 Commission seeking final map approval for the
13 proposed five-lot subdivision. The subject
14 property is located in the Town of Oyster Bay's
15 "R1-10" Residential Zoning District and abuts:

16 Woodbury Road to the south;
17 Syosset-Woodbury Road to the southwest;
18 The Long Island Railroad to the north;
19 And residential dwellings to the east
20 and the northeast;

21 The parcel is also adjacent to natural
22 land to the west.

23 As this Commission may know, this
24 project has a long history dating back to the
25 early 2000s when my clients purchased the

1 NCPC File No. 1897-F-2
2 property. Since, my clients have been working
3 diligently to move the application forward up
4 until this point. Based upon many years of
5 hearings, comments and reviews by the various
6 agencies, the project has been carefully crafted
7 as a five-lot subdivision with significantly
8 oversized lots under the local zoning district
9 and consists of a nearly 1-acre conservation
10 easement area to remain undisturbed, as well as
11 substantive proposed buffers of Evergreen trees
12 and shrubs to protect against any adverse visual
13 impacts.

14 The five-lot subdivision consists of
15 the following proposed lot:

16 "Lot 1" consisting of .84 acres or
17 36,000 square feet;

18 "Lot 2" of .37 acres, approximately
19 16,000 square feet:

20 "Lot 3" with .79 acres, approximately
21 34,000 square feet;

22 "Lot 4" with .88 acres, approximately
23 38,000 square feet;

24 And "Lot 5" with 1.75 acres,
25 approximately 76,000 square feet.

1 NCPC File No. 1897-F-2

2 And for some additional context, the
3 local zoning district "R1-10" in the Town of
4 Oyster Bay, the minimum lot area is 10,000 square
5 feet. So as reflected by those numbers, our lots
6 are significantly oversized.

7 Further as previously stated, the
8 proposed subdivision shall leave approximately an
9 acre of land undisturbed to be utilized as a
10 conservation area. The subdivision also has a
11 proposed Roadway Association Lot of .53 acres to
12 allow for ingress and egress of motor vehicles
13 for all five of the lots. The Roadway
14 Association will be owned by the owners of the
15 parcels as to an undivided 1/5th interest, and
16 shall run with each of the parcels. The owners
17 will be responsible for the maintenance of the
18 roadway to be kept in good and safe repair and a
19 maintenance fee shall be paid by the owners of
20 the parcels. And that maintenance shall also
21 include snow removal and they'll be responsible
22 for any taxes levied against the roadway.

23 THIRD VICE-CHAIR LEWIS: Counsel, let
24 me interrupt there, so we don't have to come back
25 to it. But the part the -- the you're going to

1 NCPC File No. 1897-F-2

2 have five different owners, so don't -- would you
3 need a Homeowners Association if you're going
4 to -- you know.

5 MR. BIFULCO: Correct. There will be a
6 Homeowners Association formed for the purposes of
7 maintenance.

8 THIRD VICE-CHAIR LEWIS: Road
9 maintenance?

10 MR. BIFULCO: Correct.

11 Thank you.

12 THIRD VICE-CHAIR LEWIS: That's an
13 agreement that has to be reviewed by our counsel,
14 right.

15 MR. BIFULCO: Correct.

16 VICE-CHAIR GREENFIELD: And if we --
17 counselor, if we made it a condition of our
18 decision, it's not a problem?

19 MR. O'BRIEN: No, the Homeowner is --
20 the Homeowners Association, I don't have to
21 review. That goes up to the Department of Law.
22 It's whom we have a declaration of mutual
23 roadway --

24 CHAIRMAN SHAPIRO: That's right.

25 MR. O'BRIEN: -- or -- or an ease, a

1 NCPC File No. 1897-F-2

2 shared easement for parking that I -- I generally
3 review the paperwork prior.

4 CHAIRMAN SHAPIRO: Once the "HOA" is
5 filed.

6 MR. O'BRIEN: Yeah.

7 VICE-CHAIR GREENFIELD: Yeah.

8 MR. O'BRIEN: Yeah, it's the
9 Department -- Department of Law's jurisdiction,
10 not --

11 VICE-CHAIR GREENFIELD: Right.

12 MR. O'BRIEN: -- ours.

13 COMMISSIONER SAKOWICH: Did we already
14 see -- this -- this was before us already.
15 Wasn't this one with the land -- with the
16 landlocked house that's not including this,
17 but --

18 CHAIRMAN SHAPIRO: No.

19 MR. O'BRIEN: No, that was -- that was
20 a -- that was a --

21 CHAIRMAN SHAPIRO: -- that was the one
22 on --

23 MR. O'BRIEN: -- different. The
24 easiest way, that was east west. This is north
25 south.

1 NCPC File No. 1897-F-2

2 COMMISSIONER SAKOWICH: Okay, sorry.

3 MR. O'BRIEN: That was a different
4 property.

5 VICE-CHAIR GREENFIELD: So counsel,
6 back to my question. Were we to make this a
7 condition of our granting, is that okay?

8 MR. BIFULCO: So just for additional
9 clarification, it is a Road Association just for
10 the purposes of maintenance of this road. But if
11 that were to be a condition of approval, we do
12 not have a problem with that.

13 MR. O'BRIEN: We -- we've just passed a
14 resolution saying that that need not be done. So
15 I would suggest to you that it not be part of our
16 resolution.

17 CHAIRMAN SHAPIRO: Right.

18 VICE-CHAIR GREENFIELD: Okay. Thank
19 you.

20 MR. BIFULCO: Thank you.

21 THIRD VICE-CHAIR LEWIS: Just further
22 interruption, so --

23 MR. BIFULCO: Sure.

24 THIRD VICE-CHAIR LEWIS: -- the image
25 that's in front on the screen for -- for us, I

1 NCPC File No. 1897-F-2

2 mean I really can't see any details on this
3 image.

4 So what we're saying is we have five
5 lots and then the northernmost area is going to
6 be a six lot, that's going to be preserved. Can
7 you just speak to that, since I can't really -- I
8 can't see the roads either? So I know there's a
9 lot of concern about entry and exit.

10 MR. BIFULCO: Sure.

11 THIRD VICE-CHAIR LEWIS: I know a lot
12 of work is put into preparing these kinds of
13 materials for us, but it's unfortunate that it's
14 not uncommon that you really can't see anything
15 on this.

16 MR. BIFULCO: Sure.

17 So for additional clarification, this
18 is a five-lot subdivision with a sixth lot for
19 the roadway of approximately .53 acres. The
20 conservation easement to the north of the
21 development is going to be bifurcated and owned
22 by the two most northern lots.

23 THIRD VICE-CHAIR LEWIS: All right.
24 That actually makes some sense.

25 MR. BIFULCO: Right.

1 NCPC File No. 1897-F-2

2 THIRD VICE-CHAIR LEWIS: Because if you
3 just have it as one lot off by itself, then it's
4 going to be some real questions about how that's
5 maintained.

6 MR. BIFULCO: Exactly. And, you know,
7 that area will be -- remain undisturbed.

8 THIRD VICE-CHAIR LEWIS: So it'll be
9 owned by these individuals, but there will be an
10 understanding that there's an easement over that
11 portion of the land?

12 MR. BIFULCO: Correct. There will be a
13 conservation easement filed in connection with
14 the same.

15 COMMISSIONER SAKOWICH: And there's no
16 current houses there now?

17 MR. BIFULCO: That is correct.

18 COMMISSIONER SAKOWICH: Yeah, it's all
19 vacant land, okay, wooded.

20 MR. BIFULCO: So further, it is
21 important to note the applicant has appeared
22 before the Town of Oyster Bay Zoning Board of
23 Appeals for the proposed five-lot subdivision
24 along with area variances, which has received the
25 local approvals on December 20th, 2020 designated

1 NCPC File No. 1897-F-2

2 as Decision 20-248 through 20-252.

3 The applicant, in accordance with the
4 Town of Oyster Bay procedural requirements, has
5 filed various extension of time requests, to
6 extend their time to obtain building permits
7 until after this matter has concluded with the
8 Commission, of which extensions remain valid to
9 date.

10 Since obtaining preliminary map
11 approval from this Commission on June 15th, 2023,
12 the applicant and its design professionals have
13 coordinated extensively with the Nassau County
14 Department of Public Works and Nassau County
15 Department of Health in connection with the
16 required:

17 Grading;

18 Drainage;

19 Storm water;

20 And sanitary;

21 And sewage needs of the proposed
22 subdivision, to meet all required standards.

23 We've received the approvals and
24 letters of "no further comment" from each of the
25 respective Town of Oyster Bay departments and

1 NCPC File No. 1897-F-2
2 agencies, including a rigorous review from the
3 Department of Environmental Resources at the
4 Town of Oyster Bay, in addition to the various
5 Nassau County departments and agencies, and
6 secured our realty subdivision approval from the
7 Nassau County Department of Health. The
8 applicants further received approval from the
9 Syosset Fire District, as well as Jericho
10 Water District as it relates to:

11 Fire "EMS" access;
12 Fire hydrant location;
13 Water availability;
14 And water main plants.

15 The applicant is aware that a bond's
16 required for this project and consents to same.

17 At this time, I do want to thank the
18 Commission, once again, for their time and
19 attention to this application.

20 I do have Tom Dixon of Nelson and Pope
21 here available for questions. Otherwise, I would
22 respectfully request that this final map approval
23 be rendered, in connection with this application
24 as presented.

25 Thank you.

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2 CHAIRMAN SHAPIRO: Thank you.

3 Commissioners, any questions?

4 THIRD VICE-CHAIR LEWIS: So counsel,
5 did -- did your team have a chance to review the
6 Nassau County Health Department's requirements
7 before today, like this is not sprung on you
8 today; right --

9 MR. BIFULCO: (Nodding head yes.)

10 THIRD VICE-CHAIR LEWIS: -- the six
11 items that are into the motion?

12 MR. BIFULCO: Yes. With respect to
13 testing, once the parcel is -- is cleared in
14 addition to the other stipulations, we have
15 reviewed that and the applicant has no issue with
16 that correspondence.

17 THIRD VICE-CHAIR LEWIS: Do -- do you
18 know just generally whether -- so the idea was
19 because the -- it's so thickly wooded, you
20 weren't able to do some of the sort of "Stage 1
21 Assessment" that would typically be done for a
22 5 -- 5 or 6-acre sites, but there's other ways.
23 You can kind of look at old photos or look at
24 some -- some history of this site.

25 So do you have any knowledge that there

1 NCPC File No. 1897-F-2

2 may be contamination site there?

3 Regardless, you do have to do the
4 testing that the Health Department requires. And
5 you understand that is what you're saying. But
6 do you want to speak whether or not you
7 understand there may be a concern or you think
8 it's more likely that this is largely wooded and
9 hopefully all these concerns with the Health
10 Department will be easily addressed.

11 MR. BIFULCO: We have no knowledge of
12 any contamination or dumping issues at the site.
13 We anticipate no issues. But of course, we'll
14 abide by the stipulation set forth in that
15 Department of Health correspondence.

16 THIRD VICE-CHAIR LEWIS: And basically
17 they're saying you -- you have to do these
18 sampling --

19 MR. BIFULCO: Yes.

20 THIRD VICE-CHAIR LEWIS: -- following
21 their guidelines. And then if you do detect
22 anything over the level, you're going to have to
23 have a remediation plan to remove soil and such.
24 So everything on that point is clear with your
25 team?

1 NCPC File No. 1897-F-2

2 MR. BIFULCO: Yes, sir.

3 CHAIRMAN SHAPIRO: Any other questions?

4 (No response.)

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

7 (No response.)

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

10 COMMISSIONER SAKOWICH: Mr. Chairman, I
11 make a motion on NC File 1897-F-2 with a
12 "Neg. Dec."

13 VICE-CHAIR GREENFIELD: Second.

14 CHAIRMAN SHAPIRO: And an approval.

15 Do you want to read into the record
16 the --

17 COMMISSIONER SAKOWICH: I think they're
18 already on the record.

19 MR. O'BRIEN: Yeah, we should clarify
20 the dollar amounts, the bond amounts.

21 COMMISSIONER SAKOWICH: Okay. They
22 were on the --

23 VICE-CHAIR GREENFIELD: Should that be
24 a separate resolution, the bond?

25 MR. O'BRIEN: No, that's -- that's all

1 NCPC File No. 1897-F-2

2 part of this.

3 VICE-CHAIR GREENFIELD: It's one.

4 COMMISSIONER SAKOWICH: It's all part
5 of this.

6 VICE-CHAIR GREENFIELD: Okay.

7 COMMISSIONER SAKOWICH: So that was on
8 a separate page; right? Yeah.

9 VICE-CHAIR GREENFIELD: That's on
10 "Page 2."

11 CHAIRMAN SHAPIRO: Reid.

12 THIRD VICE-CHAIR LEWIS: It's off the
13 bottom of "Page 2."

14 CHAIRMAN SHAPIRO: Pass that down.

15 (Handing.)

16 COMMISSIONER KALATY: (Receiving.)

17 (Handing.)

18 COMMISSIONER FORMAN: (Receiving.)

19 (Handing.)

20 COMMISSIONER SAKOWICH: (Receiving.)

21 Preliminary staff recommendations, I'll
22 list them all?

23 MR. O'BRIEN: Just the amounts.

24 COMMISSIONER SAKOWICH: Just the
25 amounts.

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2 Okay. Subdivision --

3 VICE-CHAIR GREENFIELD: No, strike the
4 word preliminary. That was what --

5 COMMISSIONER SAKOWICH: No, final --
6 final.

7 CHAIRMAN SHAPIRO: This is final.

8 VICE-CHAIR GREENFIELD: Final.

9 COMMISSIONER SAKOWICH: Final, I'm
10 sorry, final determination by the Board:

11 The subdivision [sic] of inspection fee
12 of \$159,176.82;

13 A subdivision [sic] of cash escrow of
14 \$41,794.21;

15 Subdivision, [sic] a bond or cash in
16 lieu of \$1,284,679.30.

17 Okay, that's it.

18 VICE-CHAIR GREENFIELD: Okay. The
19 second accepts those changes.

20 CHAIRMAN SHAPIRO: All those in favor?

21 (Chorus of "ayes.")

22 CHAIRMAN SHAPIRO: Any opposed?

23 (No response.)

24 CHAIRMAN SHAPIRO: Motion carries.

25 MR. O'BRIEN: And members, just a lot

1 NCPC File No. 1897-F-2

2 of this came in last night and everything had to
3 be amended. And Mr. Perrakis crunched the
4 numbers last night for them, so I just want to
5 let you -- you know, to give some -- a little bit
6 of credit to John for getting this done, so the
7 applicant can move forward today.

8 VICE-CHAIR GREENFIELD: John?

9 COMMISSIONER SAKOWICH: Thank you,
10 John.

11 VICE-CHAIR GREENFIELD: John, thank you
12 for bringing revenue into Nassau County.

13 (Laughter.)

14 COMMISSIONER GOLD: I think we just
15 need to correct the -- the record, as far as
16 Board Member have indicated "subdivision" rather
17 than the word "submission."

18 MR. O'BRIEN: It's -- it's
19 "submission;" right?

20 COMMISSIONER GOLD: Yeah, for both of
21 them also.

22 MR. O'BRIEN: Yeah, we'll correct the
23 resolution according. We have the right to do
24 so.

25 COMMISSIONER GOLD: Okay.

1 NCPC File No. 1897-F-2

2 COMMISSIONER SAKOWICH: I also just
3 have to add one thing just for advice.

4 Dedicate land per Nassau County
5 Department of Public Work approval, dedication
6 map to Nassau County.

7 VICE-CHAIR GREENFIELD: The second
8 accepts that amendment --

9 MR. O'BRIEN: Okay.

10 VICE-CHAIR GREENFIELD: -- also.

11 MR. O'BRIEN: All in favor?

12 CHAIRMAN SHAPIRO: All in favor?

13 (Chorus of "ayes.")

14 CHAIRMAN SHAPIRO: Any opposed?

15 (No response.)

16 CHAIRMAN SHAPIRO: Motion carries.

17 MR. BIFULCO: Terrific. Thank you.

18 VICE-CHAIR GREENFIELD: Thank you,
19 counselor.

20 MR. BIFULCO: Thank you very much --

21 COMMISSIONER GOLD: Thank you.

22 MR. BIFULCO: -- for your attention to
23 this matter.

24 Have a great day.

25 COMMISSIONER GOLD: You too.

1 NCPC File No. 1897-F-2

2 VICE-CHAIR GREENFIELD: And good luck
3 to your clients.

4 MR. BIFULCO: Thank you.

5 AUDIENCE MEMBER: Thank you, sir.

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1 NCPC Minor Sub. File No. 18-2025

2 CHAIRMAN SHAPIRO: Next case.

3 MR. O'BRIEN: Minors.

4 (Stepping up.)

5 MR. WREN: Okay. Next up we have minor
6 subdivisions. We're going to start off with
7 Case 18-2025. This was originally heard on
8 May -- May 29th of 2025, but there was a
9 scheduling conflict so we adjourned it. Now it
10 comes before us as a two-parcel minor
11 subdivision.

12 The 21,694.7 square foot subject
13 property is situated on the north side of
14 West Nicholai Street in the Hamlet of Hicksville,
15 Town of Oyster Bay's "R1-6" Zoning District.
16 Application proposes to subdivide the property,
17 which currently has 121.41 feet of frontage on
18 West Nicholai Avenue [sic] -- West Nicholai
19 Street into two separate parcels. "Proposed
20 Lot A" will have 60.83 feet of frontage by
21 186.38 and be a total of 10,836.8 square feet.
22 "Proposed Lot B" will have 60.58 feet of
23 frontage by 187.52 feet and be a total of
24 10,857.9 square feet.

25 The Town of Oyster Bay's Department of

1 NCPC Minor Sub. File No. 18-2025

2 Planning and Development has issued a letter of
3 zoning of compliance for this proposed
4 subdivision.

5 I'd now ask the attorney to step up.

6 CHAIRMAN SHAPIRO: Good morning,
7 counselor.

8 Name and address for the record please.

9 (Vice-Chair Greenfield exits the
10 meeting.)

11 (Stepping up.)

12 MR. LUCCARELLI: Good morning,
13 everyone. Mark Luccarelli, L-u-c-c-a-r-e-l-l-i,
14 from 1122 Franklin Avenue, Garden City, New York.
15 I'm McLaughlin Stern on behalf of the applicant.

16 I could confirm everything stated for
17 the record by staff. This is a minor subdivision
18 application -- sorry. This is a minor
19 subdivision application. The Town has already
20 approved and -- and confirmed that the
21 subdivision is in accordance with the code.

22 I'll note that the relevant provision
23 in the code is that each lot has to have at least
24 6,000 square feet, along with 60 feet of width.
25 The two lots being proposed today have more than

1 NCPC Minor Sub. File No. 18-2025
2 10,000 square feet each and more than 60 feet of
3 width. I think it's about 60.5 feet of width as
4 to one of the lots and 60.8 feet of width as to
5 the other.

6 As I mentioned, the Town's already
7 approved and confirmed that it's in -- in
8 accordance with the code. Happy to take any
9 questions that you have.

10 CHAIRMAN SHAPIRO: Commissioners, any
11 questions?

12 (No response.)

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

15 (No response.)

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

18 COMMISSIONER DURSO: I'd like to make a
19 motion to approve NCPC File No. 18-2025 with a
20 "Negative Declaration."

21 COMMISSIONER KALATY: Second.

22 CHAIRMAN SHAPIRO: All those in favor?

23 (Chorus of "ayes.")

24 MR. LUCCARELLI: Thank you.

25 (Commissioner Sakowich exits the

1 NCPC Minor Sub. File No. 18-2025

2 meeting.)

3 CHAIRMAN SHAPIRO: Any opposed?

4 (No response.)

5 CHAIRMAN SHAPIRO: The motion carries.

6 MR. LUCCARELLI: Thank you.

7 CHAIRMAN SHAPIRO: You're welcome.

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1 NCPC Minor Sub. File No. 22-2025

2 CHAIRMAN SHAPIRO: Next case.

3 (Stepping up.)

4 MR. WREN: Okay. Next up we have

5 Case 22-2025. This is another two-parcel

6 minor subdivision.

7 The 12,000 foot subject property is
8 situated on the east side of Fountain Street in
9 the Hamlet of Hicksville, Town of Oyster Bay's
10 "R1-6" Zoning District. Application proposes to
11 subdivide the property, which currently has
12 120 feet of frontage into two equal parcels.

13 Proposed Lots "A" and "B" will both
14 60 feet by 100 feet on Fountain Street and both
15 be 6,000 square feet.

16 The Town of Oyster Bay's Department of
17 Planning and Development has issued a letter of
18 zoning compliance for this subdivision.

19 Now, I'd like the -- ask the attorney
20 to please step up.

21 (Commissioner Sakowich enters the
22 meeting.)

23 (Stepping up.)

24 MR. AVRUTINE: (Hanging.)

25 MR. WREN: (Receiving.)

1 NCPC Minor Sub. File No. 22-2025

2 MR. AVRUTINE: Thank you.

3 CHAIRMAN SHAPIRO: Good morning.

4 MR. AVRUTINE: Good morning,

5 Chairman Shapiro, members of the Commission.

6 Appearing for the applicant, Howard Avrutine,

7 66 North Village Avenue, Rockville Centre.

8 This is the application of

9 "Priya 7 Incorporated" to subdivide its property

10 into two lots. Mr. Wren gave us a comprehensive

11 explanation. I won't repeat myself or repeat

12 him. And basically it's a 12,000 square foot

13 parcel, being subdivided into two 60 foot by

14 100 foot parcels fully compliant with the

15 "R1-6" Zoning District requirements of the

16 Town of Oyster Bay.

17 (Vice-Chair Greenfield enters the

18 meeting.)

19 MR. AVRUTINE: The plan is to also,

20 upon approval, to demolish the existing home on

21 the property and to construct two new

22 single-family homes and colonial in style,

23 fully -- also fully zoning compliant and they'll

24 each have detached single-car garages.

25 And that's essentially the proposal and

1 NCPC Minor Sub. File No. 22-2025

2 the application. Of course, I can answer any
3 questions the Commission may have.

4 CHAIRMAN SHAPIRO: Commissioners any
5 questions?

6 (No response.)

7 CHAIRMAN SHAPIRO: Is there anybody in
8 the public that wishes to be heard on this
9 matter?

10 (No response.)

11 CHAIRMAN SHAPIRO: Not seeing any, I'll
12 take a motion.

13 COMMISSIONER KALATY: Motion to approve
14 NCPC File 22-2025 with a "Neg." -- "Negative
15 Declaration."

16 COMMISSIONER GOLD: Second.

17 CHAIRMAN SHAPIRO: All those in favor?

18 (Chorus of "ayes.")

19 CHAIRMAN SHAPIRO: Any opposed?

20 (No response.)

21 CHAIRMAN SHAPIRO: Motion carries.

22 VICE-CHAIR GREENFIELD: Counsel, it's
23 hard to question you. It's not your first rodeo
24 and you always put everything on the record.

25 Thank you.

1 NCPC Minor Sub. File No. 22-2025

2 MR. AVRUTINE: I try to.

3 (Laughter.)

4 VICE-CHAIR GREENFIELD: Thank you.

5 MR. AVRUTINE: Thank you and have a
6 great Fourth of July, everyone.

7 VICE-CHAIR GREENFIELD: You too.

8 CHAIRMAN SHAPIRO: You too.

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1 NCPC Minor Sub. File No. 23-2025

2 MR. O'BRIEN: I'm recused on the next
3 case, Chair.

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

5 (Stepping up.)

6 MR. WREN: Okay. Next up we have
7 Case 23-2025. This is a three-parcel minor
8 subdivision.

9 The 12,500 square foot subject property
10 is situated on the north side of Frederick Avenue
11 in the Hamlet of Roosevelt, Town of Hempstead's
12 Residential "B" Zoning District. Application
13 proposes to subdivide the property, which
14 currently has 125 feet of frontage on
15 Fountain Street into three separate [sic]
16 parcels -- oh, I -- I'm sorry, three equal
17 parcels.

18 Proposed Lots "A," "B" and "C" will all
19 have 41.67 feet of frontage by 100 feet and all
20 be 4,166 square foot.

21 The Town of Hempstead Board of Appeals
22 has approved the requests for variances, the
23 variances for Lot "A," "B" and "C" are all the
24 same. Variances:

25 Subdivision of lot;

1 NCPC Minor Sub. File No. 23-2025

2 Lot area;

3 Lot width from and on street line to
4 front setback line;

5 Lot area occupied;

6 Construct dwelling with a garage.

7 For "Lot A," it says -- stated that the
8 existing dwelling had to be demolished. That's
9 already happened.

10 I would now ask the representative to
11 please come up.

12 (Stepping up.)

13 MR. NELSON: Thank you.

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

16 MR. NELSON: Mr. Chairman, members of
17 the Commission, my name is Jed Nelson, firm is
18 Bert Nelson Associates, Inc., 1380 Bellmore
19 Avenue, Bellmore, New York. I'm here on behalf
20 of the applicant, New York Land Development Corp.

21 I'm sure your Commission is very
22 familiar with the property. I just have a little
23 bit of housekeeping. I've prepared a package of
24 photographs, in case you haven't seen it
25 recently. The pictures bear legends. They were

1 NCPC Minor Sub. File No. 23-2025
2 taken by me personally. I've also prepared a
3 radius map, which bears a legend, and is
4 highlighted and copies of the Town of Hempstead
5 Zoning Department decisions.

6 THIRD VICE-CHAIR LEWIS: Thank you.

7 Our staff can grab that.

8 MR. NELSON: (Handing.)

9 MR. WREN: (Receiving.)

10 THIRD VICE-CHAIR LEWIS: So Mr. Nelson,
11 you're always very knowledgeable about the
12 communities that you are representing and coming
13 in with a project on. So for this one you saw
14 the two projects before this one were the same
15 width.

16 MR. WREN: (Handing.)

17 CHAIRMAN SHAPIRO: (Receiving.)

18 THIRD VICE-CHAIR LEWIS: They were 120
19 and each of those were divided it into 60 by 100.
20 So this one you also have 120 by 100.

21 So can you speak to the reason why it's
22 a proposal for three at 40 rather than two at 60?

23 MR. NELSON: That's a good question,
24 because the surrounding -- and if you look at the
25 radius map, the surrounding properties for the

1 NCPC Minor Sub. File No. 23-2025

2 majority are 50 footers. If we -- if we went for
3 60 footer, it would be largest, some of the
4 largest on the radius map and in the area.

5 Once again, we're complying with all
6 setback requirements. The Town of Hempstead has
7 agreed to it. We had the Civic Association come
8 out in favor of this application.

9 If you're familiar with the property,
10 you've seen what goes on across the street. So
11 the fact that we have anybody that's really
12 interested in coming in and developing this
13 property, I think it's a home run for the
14 community.

15 COMMISSIONER SAKOWICH: What's across
16 the street?

17 MR. NELSON: It is a church in the
18 middle of a residential block. There's -- they
19 use a vacant land to the east of their property
20 and it's -- it becomes a parking lot.

21 COMMISSIONER SAKOWICH: That's fine.
22 Thank you.

23 MR. NELSON: There are pictures in the
24 packet that I submitted.

25 CHAIRMAN SHAPIRO: Mr. Nelson, do you

1 NCPC Minor Sub. File No. 23-2025

2 have a copy of all the conditions?

3 MR. NELSON: I do, yes.

4 CHAIRMAN SHAPIRO: Can you pass them up
5 to us please with the staff?

6 MR. NELSON: (Handing.)

7 MR. WREN: (Receiving.)

8 CHAIRMAN SHAPIRO: Actually Tim you
9 know what, I'll make it easy, so we don't have to
10 pass it to everybody. Would you read the
11 conditions into the record?

12 VICE-CHAIR GREENFIELD: Good idea,
13 Chairman. Good idea.

14 CHAIRMAN SHAPIRO: Thank you,
15 Vice-Chairman.

16 VICE-CHAIR GREENFIELD: That's why you
17 get the big bucks.

18 (Laughter.)

19 (Stepping up.)

20 MR. WREN: Okay, so this is --

21 CHAIRMAN SHAPIRO: Are -- are the same
22 conditions for each?

23 MR. WREN: Let me double check that.

24 (Stepping up.)

25 MR. NELSON: Yes.

1 NCPC Minor Sub. File No. 23-2025

2 CHAIRMAN SHAPIRO: Probably are.

3 MR. WREN: Yeah -- yeah, they appear to
4 be.

5 CHAIRMAN SHAPIRO: Okay. So then just
6 read them into the record.

7 MR. WREN: Okay. The conditions are as
8 following:

9 The No. 1, the dwelling shall be
10 maintained as a one-family dwelling only. This
11 condition shall not be precluded as a senior --
12 precluded a senior residence, a mother/daughter
13 residence, or an immediate-family residence as
14 provided for the Building Zoning Ordinance at the
15 Town of Hempstead that complies with the
16 requirements therein;

17 There shall be no kitchens or cooking
18 facilities on the subject premises, other than
19 the kitchen depicted on the first floor of the
20 dwelling pursuant to the building plans submitted
21 to the Boards of Appeals marked "Exhibit 4;"

22 There shall be no exterior basement,
23 cellar entrance or rear of the dwelling in any
24 other location on the property;

25 The basement cellar shall not be used

1 NCPC Minor Sub. File No. 23-2025

2 for cooking or sleeping;

3 The attic shall not be converted into
4 living space;

5 The garage shall not be converted into
6 living space;

7 There shall be no bathrooms on the
8 subject premises, other than those depicted in
9 "Exhibit 4;"

10 There shall be no bedrooms other --
11 other than -- there shall be no bedrooms on the
12 subject premises other than depicted in
13 "Exhibit 4;"

14 There shall be no more than one
15 electric meter, one gas meter, one water meter on
16 the subject premises;

17 The front yard shall be sodded, to the
18 extent not already maintained, and the grass
19 subsequently well maintained at all times;

20 The dwelling shall remain owner
21 occupied at all times, subsequent to the initial
22 sale or transfer from the applicant;

23 The applicant shall install a driveway
24 shown on the plans to the extent not already
25 maintained, which shall be blacktopped paved or

1 NCPC Minor Sub. File No. 23-2025

2 concrete and the driveway shall be maintained in
3 good condition at all times;

4 The driveway shall be maintained for
5 automobile off-street parking only.

6 The applicant shall obtain all
7 necessary approvals from all local agencies
8 including, but not limited to the Nassau County
9 Planning Commission;

10 The applicant shall be bound by all
11 representations made at the public hearing of
12 this matter;

13 These conditions shall apply to the
14 applicant and any other of his successors;

15 A declaration of restricted covenants
16 embodying these conditions shall be submitted to
17 the Board for recording in the Nassau County
18 Clerk's Office, solely at the applicant's
19 expense;

20 And in the event of any violations of
21 these conditions therein, the Board reserves the
22 right to amend and revoke all grants hereby made.

23 CHAIRMAN SHAPIRO: Thank you.

24 Commissioners, any questions?

25 (No response.)

1 NCPC Minor Sub. File No. 23-2025

2 (Discussion held off the record.)

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

5 (No response.)

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

8 COMMISSIONER GOLD: I'll make a motion
9 to approve NCPC File No. 23-2025 with a
10 "Negative Declaration."

11 COMMISSIONER DURSO: Second.

12 CHAIRMAN SHAPIRO: All those in favor?

13 (Chorus of "ayes.")

14 CHAIRMAN SHAPIRO: Any opposed?

15 (No response.)

16 CHAIRMAN SHAPIRO: Motion carries.

17 Thank you.

18 MR. NELSON: Thank you. Appreciate it
19 gentlemen and ladies.

20 Have a wonderful holiday. Be safe.

21 COMMISSIONER GOLD: Thank you.

22 VICE-CHAIR GREENFIELD: You too.

23 CHAIRMAN SHAPIRO: You too.

24 * * *

25

1 NCPC Minor Sub. File No. 24-2025

2 (Stepping up.)

3 MR. WREN: Okay. Next up we have
4 Case 24-2025. This is a two-parcel minor
5 subdivision.

6 The 43,569 square foot subject property
7 is situated on the north side of Gristmill Lane,
8 in the Incorporated Village of Saddle Rock's
9 Residential Zoning District. The application
10 proposes to subdivide the property, which
11 currently has 279.89 feet of frontage on
12 Frederick Lane into two separate parcels.

13 "Proposed Lot A" will have 114.09 feet
14 of frontage by 133.67 and be a total of 14,811
15 square feet.

16 "Proposed Lot B" will have 165.8 feet
17 of frontage by 203.37 feet and be a total of
18 28,756 square feet.

19 The Incorporated Village of
20 Saddle Rock's Board of Trustees has issued a
21 resolution granting subdivision approval for
22 this project and the Village of Kings Point's
23 Planning Board has issued a waiver of
24 jurisdiction for this subdivision.

25 I'd now like the attorney to please

1 NCPC Minor Sub. File No. 24-2025

2 step up.

3 (Stepping up.)

4 MS. TSOUKALAS CURTO: Thank you.

5 CHAIRMAN SHAPIRO: Good morning.

6 MS. TSOUKALAS CURTO: Good morning
7 again, Chairman Shapiro, members of the
8 Commission. For the record, Andrea Tsoukalas
9 Curto with the firm of Forchelli Deegan Terrana,
10 with offices at 333 Earle Ovington Boulevard,
11 Uniondale, New York, on behalf of the applicants,
12 Yoram and Robin Saidian, S-a-i-d-i-a-n, for
13 property located at 200 Gristmill Lane in
14 Great Neck.

15 Tim did a great job making my
16 presentation.

17 (Laughter.)

18 MS. TSOUKALAS CURTO: Thank you very
19 much, Tim.

20 This is an application for a minor
21 two-lot subdivision. As noted, the two lots
22 fully comply with the Village's zoning
23 regulations. They're actually oversized lots.
24 We did get approval from both the Village and the
25 Village of Kings Point, which is within 300 feet

1 NCPC Minor Sub. File No. 24-2025

2 of the subject premises.

3 That's all I have. If you have any
4 questions?

5 VICE-CHAIR GREENFIELD: Yes.

6 Is your client here today?

7 MS. TSOUKALAS CURTO: He is not.

8 VICE-CHAIR GREENFIELD: We may have a
9 problem. We have a lot of residents that came
10 out on this case.

11 MS. TSOUKALAS CURTO: Okay.

12 VICE-CHAIR GREENFIELD: And if your
13 client's not here to answer questions or to
14 respond to us if we have questions, we like the
15 applicant to be present. We may have to continue
16 the case.

17 MS. TSOUKALAS CURTO: Okay.

18 Why don't I hear what the complaints
19 are and then we can take it from there?

20 VICE-CHAIR GREENFIELD: Okay.

21 MS. TSOUKALAS CURTO: Okay.

22 VICE-CHAIR GREENFIELD: But answer me
23 one other question. What was the name of the
24 legendary Mayor of Saddle Rock? Lenny what was
25 his last name maybe?

1 NCPC Minor Sub. File No. 24-2025

2 AUDIENCE MEMBER: Samansky.

3 VICE-CHAIR GREENFIELD: Samansky.

4 MS. TSOUKALAS CURTO: Samansky.

5 VICE-CHAIR GREENFIELD: Yeah, so that

6 was the last time I visited Saddle Rock.

7 (Laughter.)

8 MS. TSOUKALAS CURTO: Okay.

9 VICE-CHAIR GREENFIELD: How -- 20 years
10 ago.

11 Okay, thank --

12 MS. TSOUKALAS CURTO: You're --

13 VICE-CHAIR GREENFIELD: -- you.

14 MS. TSOUKALAS CURTO: -- welcome.

15 CHAIRMAN SHAPIRO: Commissioners, any
16 questions?

17 (No response.)

18 CHAIRMAN SHAPIRO: I do have a number
19 of people that wish to speak.

20 Tom Furst, Mr. Furst.

21 VICE-CHAIR GREENFIELD: Furst can go
22 first.

23 (Laughter.)

24 CHAIRMAN SHAPIRO: Name and address for
25 the record please.

1 NCPC Minor Sub. File No. 24-2025

2 (Stepping up.)

3 MR. FURST: Yeah.

4 (Discussion held off the record.)

5 MR. FURST: Yeah.

6 (Discussion held off the record.)

7 MR. FURST: (Hanging.)

8 MR. WREN: (Receiving.)

9 MR. FURST: Thank you.

10 Hi, Mr. Chairman and honorary members
11 of the Commission. My name is Thomas Furst,
12 F-u-r-s-t. I'm an attorney representing myself
13 and my wife. We live directly across the street
14 the -- of the proposed subdivision and we're in
15 opposition.

16 We also have a number of people here
17 who are going to support what I'm going to have
18 to say. There are others who are not here. But
19 in order to save the Commission the time of each
20 of these people getting up and saying they
21 support me, I would ask them to just stand and
22 indicate support.

23 AUDIENCE MEMBERS: (Gesturing.)

24 VICE-CHAIR GREENFIELD: Okay fabulous.
25 I like your style. We're running late.

1 NCPC Minor Sub. File No. 24-2025

2 (Laughter.)

3 MR. FURST: Yeah -- yeah, my wife
4 supports me. Then my wife supports me. That's a
5 good thing; right?

6 VICE-CHAIR GREENFIELD: On a sunny day.

7 MR. FURST: All right.

8 My wife and I have prepared
9 affirmations and we have copies for each of you,
10 so a couple of notes on them. One of -- some
11 of you have it in my name, some of you have it
12 in my wife's name. I was not aware there are
13 10 members of the Commission. And I also
14 apologize that two of the copies are not stapled.

15 VICE-CHAIR GREENFIELD: That's okay.

16 MR. FURST: So let me speak --

17 CHAIRMAN SHAPIRO: No problem.

18 MR. FURST: -- very briefly.

19 As I said, my -- my wife and I own
20 205 Gristmill Lane, directly across the street
21 from the proposed subdivision and we strongly
22 oppose it.

23 Oh, I need my glasses. I'm sorry, I
24 apologize. Every once in a while I forget I need
25 my glasses.

1 NCPC Minor Sub. File No. 24-2025

2 (Laughter.)

3 MR. FURST: My wife and I are each --
4 each attorneys and each of us is submitting an
5 affirmation regarding this matter.

6 We oppose the proposed subdivision for
7 a variety of reasons. One, despite the fact that
8 we live within the special zone 200-foot radius
9 of the proposed southbound division -- we are in
10 fact are directly across the street -- we never
11 received notice of an application and therefore
12 did not know of the hearing of the Village of
13 Saddle Rock, which approved the application. And
14 we did not have an opportunity to be heard at
15 such meeting or at any meeting at -- at which the
16 proposed subdivision was discussed. We never
17 given the opportunity to examine any of the
18 critical underlying documents, such as a land
19 survey or plans. We were not aware of today's
20 hearing until we were notified about it by pure
21 chance on June 12th, because of a call from one
22 of the residents.

23 We never received a letter informing
24 us of today's hearing, in violation of the
25 Nassau County Charter, which requires that

1 NCPC Minor Sub. File No. 24-2025
2 a subdivider seeking approval from the
3 Planning Commission must provide to all
4 property owners of record whose property is
5 within 200 feet of the perimeter of the subject
6 property, a notice of the time, date and location
7 of any public hearing. According to the statute,
8 the notice must be provided by certified mail,
9 return receipt requested.

10 And next to the affirmation is a
11 document provided to us with a list of names,
12 including ours, of owners within a 200-foot
13 radius who were allegedly served by a certified
14 mail with a notice of public hearing. We never
15 received any such notice from the applicants.
16 Likewise, we never received any notice from the
17 applicants that they were applying for a variance
18 or a subdivision approval from the Village.

19 The entire process was conducted in the
20 shadows. It is respectfully submitted that by
21 virtue alone of our not receiving advanced notice
22 of relevant documents regarding any hearing, the
23 applicants were trying to sneak their application
24 under the radar.

25 And now this is I -- I grant you an

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2 extreme request, but I would respectfully ask you
3 for that reason alone, the application should be
4 rejected with prejudice. Acting in a -- in a
5 non-straight forward manner should not be
6 rewarded by giving people a second chance.

7 And next also is "Exhibit B" to
8 the affirmation, is a copy of the subject
9 Nassau County application for a minor subdivision
10 as provided to us. So "Question 7" asks some
11 critical -- asked for some critical information.
12 Quote, will -- will the proposed subdivision
13 necessitate any new or modified public
14 improvements?

15 In yet another attempt at deception --
16 apparent attempt at deception, this information
17 was left blank with no answer. So I presume that
18 the application was prepared by a professional
19 and the omission of that, of the answer to that
20 question was not accidental. So I asked, what,
21 if anything, are they trying to hide?

22 The subject property is adjacent to the
23 Landmark Saddle Rock Gristmill and a strip of
24 land both owned by Nassau County. The Gristmill
25 is located on the National Register of Historic

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2 Places. And by the way, the Blakeman and -- and
3 Matthew Phillip have arranged for a \$1.5 million
4 renovation of The Gristmill. And there's no
5 indication that the historic significance of the
6 property was taken into consideration by the
7 Village, such as by complying with "SEQRA."
8 Indeed, because the entire process was -- may I
9 continue for just another 30 seconds?

10 CHAIRMAN SHAPIRO: That's it.

11 John, 30 --

12 MR. FURST: Thank -- thank -- thank --

13 CHAIRMAN SHAPIRO: -- seconds.

14 MR. FURST: -- thank you.

15 Indeed, because the entire process was
16 conducted in secret, Village residents cannot
17 know whether any environmental review or any
18 other necessary review was conducted prior to the
19 Village's approval of the subdivision.

20 It's also submitted that there our
21 other reasons to reject the application, such as
22 the increase in traffic at a heavily traveled
23 blind corner, where there are no sidewalks and no
24 street parking.

25 Thank you to the Chairman and the

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2 Commission for your consideration.

3 THIRD VICE-CHAIR LEWIS: Thank you.

4 CHAIRMAN SHAPIRO: Just an "FYI,"
5 certified mailings were sent out to you. Either
6 you didn't -- you weren't home to accept it or
7 you didn't go to the post office.

8 MR. FURST: Did not receive it.

9 CHAIRMAN SHAPIRO: No.

10 MR. FURST: Never received any
11 notification that we -- we received --

12 VICE-CHAIR GREENFIELD: Our regulations
13 are only that they have to be mailed. And we
14 have proof of mailing and we have proof of the
15 unsigned receipt return.

16 We can't impose people that they
17 must answer and pick up their mail at their
18 post office.

19 CHAIRMAN SHAPIRO: And the bottom line
20 is you're here. So evidently your neighbors --

21 VICE-CHAIR GREENFIELD: Your claim of
22 no notice is negated by the fact that you're
23 here. But nothing to the contrary withstanding,
24 it's not a cause for us to reject it, because the
25 applicant could bring an "Article 78" immediately

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2 against us and get -- get it reinstated.

3 What I would propose, because the
4 applicant isn't here with the attorney and you
5 were all good enough to come out, that we
6 postpone it to our next meeting 30 days from now.
7 We'll give you a date certain, so we don't have
8 to re-notice.

9 And in the interim, I would like the
10 attorney and the applicant to set up a meeting.
11 I know Lenny Samansky showed me The Gristmill. I
12 visited with him when he was president of the
13 "NCVOA." And I -- I -- I know what you're
14 talking about with respect to the stop sign, and
15 everything like -- like --- and the sidewalk
16 situation. I -- I -- I understand the property.

17 MR. FURST: May -- may I also say that
18 with respect to the 30-day postponement, we were
19 never heard at the -- had an opportunity to be
20 heard at the Village meeting either.

21 CHAIRMAN SHAPIRO: That's their
22 problem.

23 VICE-CHAIR GREENFIELD: That's not our
24 issue.

25 COMMISSIONER SAKOWICH: You have to

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2 take that up as a Village resident.

3 MR. FURST: Oh, okay.

4 COMMISSIONER SAKOWICH: You know, we
5 can't do anything about them. Okay.

6 VICE-CHAIR GREENFIELD: You ask the
7 Mayor and the Village about that.

8 CHAIRMAN SHAPIRO: Okay, so --

9 COMMISSIONER SAKOWICH: Yeah.

10 VICE-CHAIR GREENFIELD: We can't
11 account for them.

12 CHAIRMAN SHAPIRO: Let's hear from the
13 attorney. And just so you're aware that our next
14 meeting is July 17th; okay?

15 So let's hear from the attorney and we
16 will come back to it.

17 MR. FURST: Yeah. But by the way, I'm
18 totally mystified how there could be a certified
19 mail receipt when we didn't get anything that --

20 CHAIRMAN SHAPIRO: No, there's was not
21 a receipt. But it was a proof of mailing --

22 MR. FURST: I -- I --

23 CHAIRMAN SHAPIRO: -- and that's all we
24 have to -- that is all in our --

25 MR. FURST: -- that's so weird.

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2 CHAIRMAN SHAPIRO: -- regulations that
3 has to be shown, because quite honestly, she got
4 the address right. All the addresses were
5 correct. We -- we have all the certified
6 mailings that they were mailed out. And if
7 people don't get them, that's not our
8 responsibility.

9 VICE-CHAIR GREENFIELD: Some neighbors
10 signed for them. You did not, because we had the
11 green cards returned.

12 MR. FURST: Yeah, that's why.

13 VICE-CHAIR GREENFIELD: You got to take
14 that up with the post office.

15 (Deputy Commissioner Nimmo exits the
16 meeting.)

17 MR. FURST: No, I -- and by the way,
18 "FYI," I heard there are number of people who
19 claimed they did not receive it. So it's the
20 whole thing's a bit weird.

21 THIRD VICE-CHAIR LEWIS: So when -- so
22 when this hearing is over, perhaps you can take a
23 look at the -- the proof. And if you want to
24 snap a picture of it and --

25 CHAIRMAN SHAPIRO: All, we have --

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2 THIRD VICE-CHAIR LEWIS: -- and show it
3 to the post --

4 CHAIRMAN SHAPIRO: -- to do is show a
5 proof of mailing.

6 THIRD VICE-CHAIR LEWIS: -- post office
7 and all that. But he should be able to see it
8 too though is what I'm saying.

9 VICE-CHAIR GREENFIELD: Yeah -- yeah --
10 yeah.

11 CHAIRMAN SHAPIRO: Yeah.

12 VICE-CHAIR GREENFIELD: No problem.

13 THIRD VICE-CHAIR LEWIS: Yeah, we'll
14 show you the proof that the --

15 MR. FURST: No, I -- I know you have
16 it. It just -- how could several people who
17 claim they never received it -- that's a very
18 strange --

19 COMMISSIONER SAKOWICH: How many signed
20 for it?

21 CHAIRMAN SHAPIRO: Staff, has it. I
22 think there were four.

23 COMMISSIONER SAKOWICH: How many
24 signed?

25 CHAIRMAN SHAPIRO: I think only four.

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2 MR. WREN: Very few.

3 THIRD VICE-CHAIR LEWIS: Very few.

4 COMMISSIONER SAKOWICH: To tie --

5 CHAIRMAN SHAPIRO: Okay. Let's not tie

6 up --

7 MR. O'BRIEN: Just -- just so -- I'm
8 sorry, I'm stepping back in. It's the -- it's
9 the mailing of the notices that is the notice.
10 Not the -- it's not -- not the receipt of the
11 notice.

12 CHAIRMAN SHAPIRO: Exactly.

13 MR. O'BRIEN: Number one.

14 COMMISSIONER SAKOWICH: No, I
15 understand. But five people signed for it.

16 MR. O'BRIEN: And -- and -- and also,
17 the times we live in where -- where many
18 households, both people work and they leave a
19 pink notice, nobody wants to go back to the
20 post office. It doesn't have the time to go to
21 the post office and get their certified mail.

22 COMMISSIONER SAKOWICH: You can't avoid
23 service, or they don't travel -- Bob, if you --

24 THIRD VICE-CHAIR LEWIS: They don't
25 have a lot of time. I mean they only --

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2 COMMISSIONER SAKOWICH: Right.

3 THIRD VICE-CHAIR LEWIS: -- get it
4 relatively --

5 COMMISSIONER SAKOWICH: Right. These,
6 actually these were sent a little early, so --

7 MR. O'BRIEN: And that's set by the
8 Charter.

9 We the -- the --

10 COMMISSIONER SAKOWICH: Right.

11 MR. O'BRIEN: The -- the applicant has
12 no ability.

13 THIRD VICE-CHAIR LEWIS: It's an
14 inherent problem in the nature -- I mean, it's
15 not as if this is the first time we've had
16 someone complain about notice that they probably
17 did receive compliant with the requirements. But
18 still, the members of the public are not thrilled
19 with our noticing --

20 (Deputy Commissioner Nimmo enters the
21 meeting.)

22 VICE-CHAIR GREENFIELD: And -- and --

23 COMMISSIONER SAKOWICH: If I was the
24 post --

25 VICE-CHAIR GREENFIELD: -- and the

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2 post office is only interested --

3 COMMISSIONER SAKOWICH: Okay.

4 VICE-CHAIR GREENFIELD: -- in

5 delivering Amazon packages today.

6 (Laughter.)

7 VICE-CHAIR GREENFIELD: I can tell you

8 that --

9 CHAIRMAN SHAPIRO: Let's move --

10 VICE-CHAIR GREENFIELD: -- from my

11 wife.

12 CHAIRMAN SHAPIRO: -- forward please.

13 MR. O'BRIEN: Okay. I won't give you

14 my general views, Mr. Chair.

15 CHAIRMAN SHAPIRO: All right.

16 MR. FURST: Thank you for the

17 opportunity to be heard.

18 (Laughter.)

19 CHAIRMAN SHAPIRO: You're welcome.

20 COMMISSIONER DURSO: Take care.

21 (Stepping up.)

22 MS. TSOUKALAS CURTO: As you mentioned,

23 my client is not here today. I did want to

24 explain that, you know, the Village should go

25 through "SEQRA" process, adopted a

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2 "Negative Declaration." I believe I provided
3 that as part of our packet.

4 That being said, I understand that you
5 want me to meet with the residents. I will do
6 that.

7 VICE-CHAIR GREENFIELD: With your --

8 MS. TSOUKALAS CURTO: When --

9 VICE-CHAIR GREENFIELD: -- with your
10 client.

11 MS. TSOUKALAS CURTO: With my client.

12 VICE-CHAIR GREENFIELD: Yeah.

13 MS. TSOUKALAS CURTO: When is the next
14 hearing?

15 CHAIRMAN SHAPIRO: June 17th [sic].

16 VICE-CHAIR GREENFIELD: No -- no,
17 July 17th.

18 CHAIRMAN SHAPIRO: I mean July 17th.

19 MS. TSOUKALAS CURTO: July 17th.

20 CHAIRMAN SHAPIRO: Sorry about that.

21 (Laughter.)

22 VICE-CHAIR GREENFIELD: So if we make a
23 motion, Counselor, to a date certain and the
24 neighbors are --

25 MS. TSOUKALAS CURTO: Then we don't

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2 have to re-notice.

3 VICE-CHAIR GREENFIELD: You don't have
4 to re-notice. The people here have to understand
5 there's no further notice. They can come back if
6 they want or if they don't come back, you resolve
7 all the outstanding questions and differences.

8 But one other question. Isn't --
9 wasn't this application "as-of-right?" Did you
10 have a zoning hearing?

11 MS. TSOUKALAS CURTO: There was no
12 zoning hearing, because it fully complies with
13 the -- with the new zoning regulations and
14 they're oversized --

15 VICE-CHAIR GREENFIELD: Right.

16 MS. TSOUKALAS CURTO: -- lots.

17 VICE-CHAIR GREENFIELD: So --

18 COMMISSIONER SAKOWICH: That -- that's
19 why I disagree with it, bringing it back. I mean
20 there's -- there's no zoning, so the -- the local
21 village gave basically their -- their sign off of
22 it.

23 VICE-CHAIR GREENFIELD: Well, the
24 reason why I'm asking that is because I'm upset
25 that the applicant isn't here to face the

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2 neighbors.

3 MS. TSOUKALAS CURTO: Well, I -- I --

4 COMMISSIONER SAKOWICH: Yeah.

5 MS. TSOUKALAS CURTO: -- understand

6 that. But we didn't --

7 VICE-CHAIR GREENFIELD: I think that's

8 our regulation.

9 COMMISSIONER SAKOWICH: But -- but they
10 did everything --

11 MR. O'BRIEN: That's not our
12 regulation. It's --

13 COMMISSIONER SAKOWICH: That's --
14 that's -- but that's -- that's --

15 MR. O'BRIEN: -- it's -- it's a
16 request.

17 VICE-CHAIR GREENFIELD: Well, custom
18 and usage.

19 MS. TSOUKALAS CURTO: We also didn't
20 get notice that there's opposition. I would have
21 brought my client here. It -- it's a typical
22 two-lot division, I really did not expect any
23 opposition --

24 COMMISSIONER SAKOWICH: Yeah, I -- I --

25 MS. TSOUKALAS CURTO: -- on this.

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2 COMMISSIONER SAKOWICH: -- I don't -- I
3 don't see why the -- the -- the --

4 VICE-CHAIR GREENFIELD: Okay.

5 COMMISSIONER GOLD: I -- I agree with
6 Commissioner Sakowich.

7 MS. TSOUKALAS CURTO: It's --

8 VICE-CHAIR GREENFIELD: Well, you could
9 make a motion.

10 COMMISSIONER SAKOWICH: Yeah, I make a
11 motion.

12 VICE-CHAIR GREENFIELD: You could
13 second the motion --

14 COMMISSIONER SAKOWICH: You could take
15 a vote. If we still have the --

16 VICE-CHAIR GREENFIELD: -- and I'll
17 vote against it.

18 MR. O'BRIEN: Well, before we make it,
19 is there anybody else to be heard?

20 (No response.)

21 CHAIRMAN SHAPIRO: I still -- I still
22 have other members that would like to be heard.

23 VICE-CHAIR GREENFIELD: Oh, but I
24 thought Mr. Furst said --

25 COMMISSIONER GOLD: No.

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2 VICE-CHAIR GREENFIELD: -- he's just
3 asking for --

4 CHAIRMAN SHAPIRO: He's speaking for
5 everybody or is there anybody else that still
6 wants to be heard?

7 VICE-CHAIR GREENFIELD: Read the names
8 in the records.

9 CHAIRMAN SHAPIRO: David Navo?
10 Do I have it right?

11 COMMISSIONER DURSO: No, they -- he
12 spoke for everybody.

13 CHAIRMAN SHAPIRO: Okay.

14 And there's no reason for us to have
15 anybody else come up?

16 COMMISSIONER DURSO: Right.

17 CHAIRMAN SHAPIRO: Okay.

18 COMMISSIONER SAKOWICH: Mr. Chairman,
19 I'd like to make a motion -- oh, that --

20 MR. O'BRIEN: We --

21 MS. TSOUKALAS CURTO: We have someone
22 that wants to speak.

23 AUDIENCE MEMBER: Two more people.

24 CHAIRMAN SHAPIRO: Come on up.

25 COMMISSIONER SAKOWICH: I just --

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2 CHAIRMAN SHAPIRO: Good morning. Name
3 and address for the record please.

4 (Stepping up.)

5 MS. KOLLENSCHER: Good morning. My
6 name is Vivian Kollenscher. I reside on
7 Gristmill Lane. I've resided in Saddle Rock for
8 30 years and in Great Neck for 65.

9 We do have zoning and appeals in -- in
10 Saddle Rock. We variance committees. Things are
11 not necessarily done in the channels that are
12 supposed to be done.

13 There was no public notice, no -- no
14 conversation at any public meeting, that a
15 subdivision was being even --

16 MR. O'BRIEN: It's not required, when
17 it's zoning compliant.

18 MS. KOLLENSCHER: It's -- it's not --
19 it's not required, okay.

20 THIRD VICE-CHAIR LEWIS: That's the
21 issue.

22 MS. KOLLENSCHER: There's a lack of
23 transparency in the voting on this. The -- the
24 night that this was voted on, two of the trustees
25 were not even present at the meeting, so we don't

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2 know how the -- that was voted on. You're not
3 allowed to vote remotely. That's a separate
4 factor.

5 VICE-CHAIR GREENFIELD: That -- that's
6 an issue you have to take up with your mayor and
7 your village board.

8 MS. KOLLENSCHER: (Nodding head yes.)

9 VICE-CHAIR GREENFIELD: We can't -- we
10 have no jurisdiction on that issue.

11 MS. KOLLENSCHER: Okay.

12 So we have a lot --

13 VICE-CHAIR GREENFIELD: And if you
14 don't get satisfaction from them, there's the
15 election ballot.

16 (Laughter.)

17 COMMISSIONER SAKOWICH: Yeah, I mean as
18 far as -- as far as the -- the attorney that's
19 here, everything that they did was extremely
20 transparent to this Board. So we're not hiding
21 anything. It was probably noticed.

22 MS. KOLLENSCHER: Okay.

23 COMMISSIONER SAKOWICH: And the -- the
24 -- the zoning of the property didn't need any
25 additional zoning, because it's "as-of-right."

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2 So your -- your whole argument is when it started
3 with the Village, their transparency, their
4 voting that -- you know, there's -- there's
5 members of the Board here sitting here. We're
6 going to be honest with you and tell you --

7 VICE-CHAIR GREENFIELD: I was -- I was
8 a Village Trustee. I don't think we ever voted
9 on anything where it was "as-of-right." So I
10 don't know what --

11 COMMISSIONER SAKOWICH: Yeah, so
12 there's nothing --

13 VICE-CHAIR GREENFIELD: -- she's
14 talking about by --

15 COMMISSIONER SAKOWICH: -- to be
16 voted --

17 MS. KOLLENSCHER: So --

18 COMMISSIONER SAKOWICH: -- on.

19 MS. KOLLENSCHER: -- let me -- let me
20 ask you -- let me ask you this question. For in
21 order to approve, this is a -- this is a
22 historical site. We all know that.

23 COMMISSIONER SAKOWICH: Well, is it --
24 is it listed --

25 VICE-CHAIR GREENFIELD: No.

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2 COMMISSIONER SAKOWICH: -- as --

3 VICE-CHAIR GREENFIELD: The Gristmill
4 is the historic site.

5 THIRD VICE-CHAIR LEWIS: And it's not
6 really been south --

7 MS. KOLLENSCHER: The Gristmill is
8 right next adjacent to this --

9 COMMISSIONER SAKOWICH: It doesn't make
10 a --

11 MS. KOLLENSCHER: -- property.

12 COMMISSIONER SAKOWICH: -- difference.

13 MS. KOLLENSCHER: And the house at
14 200 Gristmill is a historical home.

15 CHAIRMAN SHAPIRO: We don't have any
16 proof of that.

17 THIRD VICE-CHAIR LEWIS: They're
18 demolishing it.

19 MS. KOLLENSCHER: We have proof
20 that's -- it's an historical home.

21 (Stepping up.)

22 MS. TSOUKALAS CURTO: Is it --

23 MS. KOLLENSCHER: This -- this property
24 sits right on the water.

25 COMMISSIONER SAKOWICH: But is that

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2 how -- is that part of this development?

3 AUDIENCE MEMBER: Yes.

4 MS. TSOUKALAS CURTO: So -- so --

5 CHAIRMAN SHAPIRO: Let the -- let the
6 attorney come to the mic. and answer that
7 question.

8 (Stepping up.)

9 MS. TSOUKALAS CURTO: The house that's
10 currently on 200 Gristmill is not an historic
11 home. Right now, we're not proposing to demolish
12 it. We're proposing to maintain it and to
13 construct another additional, one additional
14 home.

15 So again, that's not before this
16 Commission. What's before this Commission is
17 whether or --

18 MR. O'BRIEN: Right --

19 MS. TSOUKALAS CURTO: -- not --

20 MR. O'BRIEN: -- right -- right.

21 That's -- that's -- that's for the municipality.

22 CHAIRMAN SHAPIRO: That's right.

23 MR. O'BRIEN: It has nothing to do with
24 us.

25 COMMISSIONER SAKOWICH: All right,

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2 nothing.

3 CHAIRMAN SHAPIRO: I understand that.

4 It has nothing to do with us.

5 THIRD VICE-CHAIR LEWIS: Well, to be
6 fair, if there was an historic house, that would
7 be a subject of -- of interest; right?

8 (Stepping up.)

9 CHAIRMAN SHAPIRO: Right.

10 THIRD VIC-CHAIR LEWIS: But interest?

11 MS. KOLLENSCHER: Right.

12 VICE-CHAIR GREENFIELD: But --

13 THIRD VICE-CHAIR LEWIS: But -- but
14 the --

15 MS. KOLLENSCHER: But the Historical
16 Society -- it's an historic house.

17 THIRD VICE-CHAIR LEWIS: Okay. But --

18 MS. KOLLENSCHER: This house --

19 THIRD VICE-CHAIR LEWIS: -- the house
20 is not being -- it's not -- if it was a house
21 being torn down that was a historic house, then
22 that would be relevant.

23 MS. KOLLENSCHER: I know.

24 COMMISSIONER SAKOWICH: And it would
25 have nothing to do with us.

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2 MS. KOLLENSCHER: But the property --
3 the property that was deemed as it was owned by a
4 family in the 1700s that -- that had this
5 property and this historic house attached to
6 The Gristmill, this changes the -- the whole --
7 the whole fabric of this historic site.

8 Schools --

9 MR. O'BRIEN: It's private property.

10 MS. KOLLENSCHER: Yes.

11 COMMISSIONER SAKOWICH: This isn't --
12 the house that you're showing up here --

13 MS. KOLLENSCHER: Yeah.

14 COMMISSIONER SAKOWICH: -- this is an
15 historic house? With a swimming pool in the
16 backyard, the three-car garage, that's the
17 historic --

18 MS. KOLLENSCHER: That's --

19 COMMISSIONER SAKOWICH: -- house?

20 MS. KOLLENSCHER: -- that's not the
21 historic house.

22 MR. WREN: That is 200 Gristmill.

23 COMMISSIONER SAKOWICH: Oh, that --
24 that -- well, it's got a built-in swimming pool
25 in the backyard? It's got --

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2 MS. KOLLENSCHER: The swimming pool is
3 on the adjacent lot.

4 MR. O'BRIEN: People swam in the 1700s.

5 COMMISSIONER SAKOWICH: Well, not --
6 not in that pool.

7 (Laughter.)

8 CHAIRMAN SHAPIRO: It doesn't work.

9 COMMISSIONER SAKOWICH: Okay.

10 CHAIRMAN SHAPIRO: I mean they've --
11 they've done work to the house.

12 COMMISSIONER SAKOWICH: Yeah. I
13 mean so if it was historic, I mean it's -- it's
14 got a -- an asphalt roof on it. I mean come on.

15 MS. KOLLENSCHER: That's --

16 VICE-CHAIR GREENFIELD: Yeah.

17 COMMISSIONER SAKOWICH: That's fine.

18 AUDIENCE MEMBER: There was nothing
19 done inside that property that's the historic
20 area that's part of it. So maybe if you want to
21 do something --

22 CHAIRMAN SHAPIRO: We -- we can't hear
23 you. You have to come to the mic., if you'd like
24 to speak.

25 MS. KOLLENSCHER: We -- we also -- we

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2 also, there was this -- this property is right
3 on the water. It's a sloped property right on
4 the -- on the water.

5 There was, to our knowledge, no
6 environmental studies done. In the approval by
7 the Village, it seemed to say that they didn't
8 deem that necessary. When an environmental study
9 on a -- on a -- on an historic property on the
10 water, there are so many -- so many environmental
11 factors that should be --

12 VICE-CHAIR GREENFIELD: In all due
13 respect, all your arguments are with your
14 Village, and they issue the building permits and
15 they control the process. It just comes to us
16 with respect to --

17 CHAIRMAN SHAPIRO: Subdivision.

18 VICE-CHAIR GREENFIELD: -- subdivision
19 and creation of a tax lot. And if it's
20 "as-of-right" and we turn it down, we get sued
21 with an "Article 78."

22 MR. O'BRIEN: And we'd lose.

23 VICE-CHAIR GREENFIELD: And we lose in
24 a New York minute.

25 Your remedy now, if what you're saying

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2 is so, your learned counsel there can bring an
3 "Article 78" against the Village to stop the
4 process. That's your prerogative.

5 MS. KOLLENSCHER: Okay.

6 VICE-CHAIR GREENFIELD: That's my pro
7 bono legal advice.

8 MS. KOLLENSCHER: Yup -- yup, okay.
9 Thank you.

10 CHAIRMAN SHAPIRO: But he's not an
11 attorney, so I'd be careful.

12 THIRD VICE-CHAIR LEWIS: So I --

13 VICE-CHAIR GREENFIELD: Sorry.

14 THIRD VICE-CHAIR LEWIS: -- I have a --

15 VICE-CHAIR GREENFIELD: I have virtue
16 of being an -- a defendant and --

17 CHAIRMAN SHAPIRO: Keep going.

18 VICE-CHAIR GREENFIELD: -- a few times.

19 (Laughter.)

20 THIRD VICE-CHAIR LEWIS: So question
21 for the attorney, if I could ask that she come
22 back up.

23 So it was pointed out by the neighbor
24 that "Question No. 7" was not answered. Could we
25 answer that now? Will the proposed subdivision

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2 necessitate any new modified -- or new or
3 modified public improvements? The answer is no;
4 correct?

5 (Stepping up.)

6 MS. TSOUKALAS CURTO: The answer is no.

7 THIRD VICE-CHAIR LEWIS: Okay.

8 So it was just an oversight that that
9 item wasn't?

10 MS. TSOUKALAS CURTO: Yes, it was.

11 THIRD VICE-CHAIR LEWIS: It was not an
12 intent to --

13 MS. TSOUKALAS CURTO: We -- there's
14 no intent --

15 THIRD VICE-CHAIR LEWIS: -- withhold
16 information --

17 MS. TSOUKALAS CURTO: -- to defraud
18 here.

19 THIRD VICE-CHAIR LEWIS: -- about --

20 MS. TSOUKALAS CURTO: I followed the
21 Village's process. You know, you made a lot of
22 my arguments for me, so I didn't want to repeat
23 everything.

24 But yes, there was nothing done to --
25 to be underhanded or any of these -- you know,

1 NCPC Minor Sub. File No. 24-2025

2 neighbors were given notice. There was a
3 meeting. The Board of Trustees looked at it
4 acting as the Planning Board in the Village.

5 AUDIENCE MEMBER: Well, it has to be
6 noticed.

7 MS. TSOUKALAS CURTO: And then --

8 AUDIENCE MEMBER: I'm sorry.

9 MS. TSOUKALAS CURTO: -- we --

10 (Audience participation.)

11 THIRD VICE-CHAIR LEWIS: So it was one
12 of their regular meetings is what you're saying?
13 It was their regular meeting?

14 MS. TSOUKALAS CURTO: It was their
15 regular meeting -- it was their regular meeting.
16 And we did not go before the Zoning Board,
17 because we did not have to go before the
18 Zoning Board.

19 THIRD VICE-CHAIR LEWIS: So this is
20 a --

21 MS. TSOUKALAS CURTO: This is not --

22 THIRD VICE-CHAIR LEWIS: -- this is a
23 thing that the neighbors are learning maybe in a
24 hard way.

25 But if a proposed development does not

1 NCPC Minor Sub. File No. 24-2025
2 require any variance from the zoning code, if
3 you're simply complying with the code that exists
4 within your Village, then you can seek a
5 subdivision without having to have a whole
6 hearing on it as -- as a -- a zoning issue,
7 'cause there's no requests for variance
8 essentially.

9 MS. TSOUKALAS CURTO: Right.

10 THIRD VICE-CHAIR LEWIS: So I
11 understand though. You live near a property and
12 then you hear one day, oh my gosh, they're going
13 to -- there's going to be development here. It
14 could be quite surprising, you know.

15 MS. TSOUKALAS CURTO: Right.

16 THIRD VICE-CHAIR LEWIS: So I get the
17 reaction from the neighbors. And I --

18 MS. TSOUKALAS CURTO: Right.

19 THIRD VICE-CHAIR LEWIS: -- we're
20 trying to --

21 MS. TSOUKALAS CURTO: Well, to put
22 it -- put it in context though, it's one
23 additional house.

24 THIRD VICE-CHAIR LEWIS: That's the
25 other thing is -- is the concerns that were

1 NCPC Minor Sub. File No. 24-2025
2 raised about the environment and water. And so
3 the -- the bottom line is that we look at
4 subdivisions for residential homes, that if
5 you're complying with the code and you're simply
6 adding a house that is permitted by the code, the
7 code anticipated these issues. We basically said
8 single-family homes in this area will have a
9 minimal environmental impact.

10 So to allow one more that's consistent
11 with the code that was already adopted, really
12 doesn't trigger an environmental impact, unless
13 there was some specific reason here, which we
14 don't see here.

15 CHAIRMAN SHAPIRO: Thank you.

16 Is there anybody else who wishes to be
17 heard, because we'd like to move on this?

18 (No response.)

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

21 COMMISSIONER SAKOWICH: Mr. Chairman,
22 I make a motion -- I make a motion on
23 NCPC File 24-2025 with a "Neg. Dec."

24 COMMISSIONER GOLD: Second.

25 CHAIRMAN SHAPIRO: All those in favor?

1 NCPC Minor Sub. File No. 24-2025

2 (Chorus of "ayes.")

3 CHAIRMAN SHAPIRO: Any opposed?

4 VICE-CHAIR GREENFIELD: I'm going to be
5 opposed, because I'm disappointed that the
6 applicant didn't come to the meeting, regardless
7 of the fact that there was or wasn't advance
8 notice of opposition.

9 And but it still passes at -- at an
10 "as-of-right," but I -- it's disrespectful to the
11 neighbors. Even after the fact, counselor,
12 you've been before us before and your firm has.
13 I would hope you meet with the neighbors and
14 answer some of their questions --

15 MS. TSOUKALAS CURTO: I will.

16 VICE-CHAIR GREENFIELD: -- with respect
17 to what is proposed. It's the right thing to do
18 to be a good neighbor.

19 MS. TSOUKALAS CURTO: I will.

20 VICE-CHAIR GREENFIELD: And I heard the
21 passion in the voice of the attorney appearing on
22 behalf of the group.

23 CHAIRMAN SHAPIRO: And -- and just so
24 you understand, your Village passed this. It's a
25 matter of right. And I think that it's your

1 NCPC Minor Sub. File No. 24-2025
2 responsibility to go back to the Village and have
3 some type of discussions about the issue.

4 I live in the City of Glen Cove. When
5 I see things happening around my neighborhood,
6 believe me, I have no problem going to the
7 Mayor or the Planning Board. So that would be my
8 suggestion to you all.

9 VICE-CHAIR GREENFIELD: I'm citizen
10 taxpayer in two jurisdictions, Lynbrook and
11 Rockville Centre. And I have a shy reserve
12 personality and I do the same.

13 (Laughter.)

14 COMMISSIONER SAKOWICH: Yeah, I heard
15 you at the last two meetings.

16 CHAIRMAN SHAPIRO: Okay.

17 Thank you, counselor.

18 MS. TSOUKALAS CURTO: Thank you very
19 much.

20 CHAIRMAN SHAPIRO: Motion passes.

21 * * *

22

23

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25

1 NCPC File No. 1915-F-5

2 CHAIRMAN SHAPIRO: Let's go to the next
3 one please.

4 We have NCPC File, it's a miscellaneous
5 application.

6 (Stepping up.)

7 MR. PERRAKIS: Yes. "Section F" of the
8 agenda, Miscellaneous Application, Vary
9 Conditions of Final Subdivision Approval
10 and Submit Condition with Covenant for
11 NCPC File No. 1915-F-5, Map of Glen Head Commons,
12 a property at Glen Head, Town of Oyster Bay,
13 1 Robert Lane, Glen Head, New York 11545,
14 section 21, block N-3, lots 21, 599 and 601.

15 This application received preliminary
16 and final subdivision approval on July 23rd, 2029
17 [sic] -- I'm sorry, 2009 and March 21st, '24,
18 respectively, of a 7.75-acre parcel into:

19 15 single-family dwellings, 38
20 townhouse units in 11 buildings;

21 And one common lot to be owned and
22 maintained by a Homeowners Association.

23 The property is located in the Hamlet
24 of Glen Head, Town of Oyster Bay and not within
25 300 feet of Incorporated Village.

1 NCPC File No. 1915-F-5

2 This application on -- on
3 April 10th, 2025, the Planning Commission
4 approved an application, extended time to file
5 the final subdivision approval resolution until
6 September 21st, 2025. At the time, the attorney
7 stated that additional time was needed to post a
8 performance bond, cash escrow and inspection
9 fees to permit the release of the subdivision
10 filing -- map for filing. That was approved.

11 Then we received a miscellaneous
12 application to vary conditions of final
13 subdivision approval and substitute condition
14 with covenant.

15 Al D'Agostino is here to speak on
16 behalf of his client.

17 CHAIRMAN SHAPIRO: Good morning,
18 counselor.

19 (Stepping up.)

20 MR. D'AGOSTINO: Good morning.

21 Thank you, Mr. Perrakis. The
22 procedural description is -- is quite thorough
23 and accurate.

24 My name is Albert A. D'Agostino. I'm a
25 partner with Minerva and D'Agostino, P.C.,

1 NCPC File No. 1915-F-5
2 107 South Central Avenue, Valley Stream,
3 New York.

4 The -- the condition that we're seeking
5 to vary is a condition that the -- requires the
6 acceptance and -- and -- and of -- of filing of
7 the Offering Plan with the New York State
8 Department of Law.

9 I've had a number of conversations
10 with Mr. Perrakis. I attempted speak to -- to
11 Mr. Nimmo, but we never managed to speak directly
12 until this morning. I ended up, for some reason,
13 before the Commissioner of "DPW," but I think all
14 of that I'd just mention for the record.

15 I do have the yellow [sic] -- I'm
16 sorry, the green receipt cards for the mailing,
17 which I would submit as part of the file.

18 (Handing.)

19 MR. PERRAKIS: (Receiving.)

20 MR. D'AGOSTINO: Thank you, John.

21 The -- the -- the -- there is no --
22 no requirement of law that the Department of --
23 of -- of Law of the State of New York accept a --
24 an offering plan for filing for the purpose of --
25 of filing a -- a -- an approved -- otherwise

1 NCPC File No. 1915-F-5

2 approved map with the Nassau County Clerk.

3 As you may have heard me say in the
4 past, Nassau County is the only county in the
5 State of New York that I'm aware of outside of
6 the City of New York, which is unique in and of
7 itself, that it -- it -- it deals with -- with
8 the County's review and -- and -- and approval of
9 subdivision maps in all other jurisdictions.
10 It's done by villages, and towns and not
11 counties. So Nassau County is unique.

12 Somehow, the -- and I'm not going to
13 spend time getting into the somehow, but I -- I
14 do have historical knowledge of the somehow.
15 The -- the condition has been repeated as of rote
16 and -- and -- and through misconception.

17 (Commissioner Sakowich exits the
18 meeting.)

19 MR. D'AGOSTINO: I think there was a --
20 a thought that it was required by -- by law and
21 it is not. The "Section 334-A" and
22 "Section of the Real Property Law" and
23 "Section 1610" of the Nassau County Charter is
24 basically what gives its Commission jurisdiction.
25 And "334-A," which deals only with Nassau County,

1 NCPC File No. 1915-F-5

2 but it's common throughout the State says that
3 you cannot offer a map [sic] -- a -- you can
4 offer a lot or -- or a piece of -- of -- of
5 property with -- without a -- a map having been
6 filed. We have no intention of offering anything
7 for sale, until a map is filed.

8 The -- the caption of the notice of
9 public hearing, which took a little time, several
10 weeks to arrive at, is -- is this -- this
11 application is to vary that one condition and
12 we're offering to substitute a condition, a
13 condition saying that there will be no offering
14 of any:

15 Lot;

16 Plot;

17 Block;

18 Or -- or site -- site on that map until
19 the Department of Law accepts a -- a -- a -- an
20 offering plan for filing.

21 (Commissioner Sakowich enters the
22 meeting.)

23 MR. D'AGOSTINO: And -- and -- and both
24 are in total compliance with the law. I will
25 represent that. I've been practicing in this

1 NCPC File No. 1915-F-5

2 area for 55 years. The -- there is even an
3 exception in "Section 1610," which governs this
4 Commission of the Charter, "Subdivision J," which
5 permits somebody to make a preliminary offering
6 with the permission of the Commission. And the
7 reason for that is because the Department of Law
8 requires a certain number of sales, in order to
9 -- to pre-qualify as far as the condominium, or
10 co-op or whichever is being used.

11 So what I'm -- what I'm proposing is to
12 offer a -- a -- a covenant that we will not offer
13 or attempt to sell any:

14 Lot;

15 Plot;

16 Block;

17 Or site on this map, without the
18 prior permission of this Commission under
19 "334" [sic] -- I'm sorry, under "1610" of the
20 Charter "Subdivision J."

21 It is our intention to file our bonds.
22 And upon the filing of the bonds, then -- then
23 to proceed with the -- the internal quasi
24 public improvements -- they're not public
25 improvements -- subject to the appropriate

1 NCPC File No. 1915-F-5

2 inspections.

3 But we are requesting your permission
4 to delete the condition, which somehow gotten
5 worked into -- into your -- your -- your
6 approvals. And this is a unique situation,
7 because for -- for financing purposes and for the
8 purposes of other entities, which are -- have --
9 have -- have had -- have had interest in -- in
10 acquiring the entire map, they don't understand
11 what the difficulties are in filing a map within
12 the County of Nassau, because it is absolutely
13 unique.

14 And the last thing I'll say is --
15 and -- and this a prime example for anybody who
16 practices in this field -- none of the gears in
17 terms of -- of time periods mesh. You've got to
18 run back and forth. And the analogy I always use
19 is like trying to keep jello stuck to that
20 (indicating) wall, and that (indicating) wall,
21 and just running back and forth. And I -- I -- I
22 don't think that the -- the -- the answer that
23 this is the way it's always done and we really
24 don't want to spend time looking at this is an
25 answer.

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2 And -- and I -- I will say I had great
3 deal of difficulty in getting before you today.
4 And I have my -- my client, who would like to
5 speak too, Frank Lalezarian, to add any comments.

6 But I would respectfully request that
7 this application be granted and whatever form a
8 covenant is required by -- by Commission Staff,
9 we will -- we will provide. And if you have any
10 specific questions --

11 MR. O'BRIEN: Mr. D'Agostino, if I
12 may -- may jump in before any of the other
13 Commissioners, there's, you know, there's
14 concerns, some people in the community. And most
15 of -- I think the most important, there's several
16 people had called. Nothing is changing with the
17 proposed development itself:

18 Not higher density;

19 No more -- no additional buildings;

20 Nothing higher;

21 Wider;

22 Whatever.

23 It is what was approved and nothing
24 more and nothing less. You're just asking for
25 relief from that particular requirement in the

1 NCPC File No. 1915-F-5

2 resolution; correct.

3 MR. D'AGOSTINO: Absolutely, that is
4 correct.

5 MR. O'BRIEN: Okay.

6 MR. D'AGOSTINO: And just so the
7 Commissioners know, there were three phone calls
8 that "DPW" say and the Commissioners asked that I
9 call them back. The first was from a neighbor --
10 I just have first names -- Joanne. And I spoke
11 with Joanne. And Joanne, I explained to her.
12 Joanne said, you know, she lives on the -- I
13 think the main block there, said she was against
14 it. She's still against it. And I explained to
15 her what the application was. She had no comment
16 on that.

17 I also got a -- we also got a call from
18 a fellow by the name of George. George said, he
19 said he was involved with the Civic Association.
20 He -- he may have even been the head of this, so
21 I apologize to him if get it wrong. He said
22 there was an agreement in writing that resolved
23 everything. And he said he was okay with it, as
24 long as the number of units didn't -- didn't
25 change.

1 NCPC File No. 1915-F-5

2 And there was another fellow, I don't
3 know if he happens to be here, a Joe Cedar who
4 called. I -- he and I weren't able to speak. We
5 kept missing each other. But I did leave a
6 message on his voicemail, I -- I think it was
7 yesterday explaining what the application was and
8 inviting to him to -- to call or to attend. And
9 so I haven't spoken with him. But I just wanted
10 to give you the heads up on -- on those three
11 individuals.

12 CHAIRMAN SHAPIRO: Thank you.

13 MR. D'AGOSTINO: And I -- I will
14 re-affirm there is no request or effort to change
15 substantively anything that was approved by this
16 Commission in its resolution, the final approval.

17 The -- the -- we're -- we're looking to
18 vary that one condition and provide additional
19 security to the Commission to ensure that we will
20 not be violating it. We -- we -- we will not.
21 And once -- once that -- that covenant is of
22 record, no title company will insure to -- to
23 permit any type of a -- a conveyance of anything,
24 other than possibly a conveyance of the whole
25 project to another developer who will carry it

1 NCPC File No. 1915-F-5

2 out, must carry out in accordance with the
3 Commission's requirements.

4 CHAIRMAN SHAPIRO: Thank you.

5 MR. D'AGOSTINO: If you have any
6 other questions, I -- I'd be happy to answer
7 them, or --

8 THIRD VICE-CHAIR LEWIS: I would -- I
9 would just say I was -- I was checking through
10 some notes to try and see, you know, what's the
11 real purpose of the rule. So the -- so the
12 premise is that when you have a development like
13 this, it becomes a complicated thing. So the
14 "AG" is going to review all this --

15 MR. D'AGOSTINO: Well --

16 THIRD VICE-CHAIR LEWIS: -- and make
17 sure that, you know, whether it's a condo or a
18 condominium, that everything is sort of in order.

19 MR. D'AGOSTINO: I --

20 THIRD VICE-CHAIR LEWIS: So it's a --
21 it's a protection to the public.

22 MR. D'AGOSTINO: -- I can speak to
23 that.

24 THIRD VICE-CHAIR LEWIS: And I guess my
25 point is what your proposing here would not

1 NCPC File No. 1915-F-5

2 interrupt that, because you're not going to be
3 selling the individual -- you -- you're
4 requesting basically the ability to maybe flip
5 the entire property, but not the subdivided
6 units.

7 MR. D'AGOSTINO: Yes.

8 THIRD VICE-CHAIR LEWIS: So the
9 concerns that the "AG" is supposed to address
10 will still come into play and still be fully --

11 MR. O'BRIEN: Basically, the "AG" gets
12 their say, before any unit is offered to the
13 public.

14 CHAIRMAN SHAPIRO: Right.

15 MR. D'AGOSTINO: Yeah.

16 THIRD VICE-CHAIR LEWIS: It --

17 CHAIRMAN SHAPIRO: That's correct.

18 THIRD VICE-CHAIR LEWIS: -- before any
19 unit is offered to the public. But if the
20 developer wants to sell to another developer,
21 that, we can --

22 MR. O'BRIEN: And they would have to
23 come back before us; is that --

24 MR. D'AGOSTINO: Yes.

25 MR. O'BRIEN: -- correct?

1 NCPC File No. 1915-F-5

2 MR. D'AGOSTINO: But if I can -- if I
3 can address the specific of the question as
4 briefly as I can, in 1966, the County of Nassau
5 became the first county that I'm aware of that
6 defines a subdivision as including condominiums.
7 Suffolk County does not, no other county does,
8 but Nassau does. That morphed into an inclusion
9 of cooperatives, "condops." That was 1966.

10 In 1987, 21 years later, the Department
11 of Law became aware of that. They had no
12 knowledge of it. And the -- the -- the then
13 director of -- of that Bureau in the State
14 Department of Law communicated with then counsel
15 to the Planning Commission, who happened to be
16 me.

17 (Laughter.)

18 MR. D'AGOSTINO: And then as things
19 moved forward, since they became aware of it,
20 there were issues that were created regarding the
21 number of pre-sales that had to be shown to
22 declare a condominium. And that's how
23 "Subdivision J" was created to further protect
24 the -- the -- the Commission.

25 (Commissioner Forman exits the

1 NCPC File No. 1915-F-5

2 meeting.)

3 MR. D'AGOSTINO: Even if there had to
4 be an offering at that point, which could only be
5 done with the permission of the -- of the
6 Commission, that there are certain requirements
7 in there and -- and -- and the Commission could
8 change some things at -- at the end of the
9 project.

10 And it was directed both to -- to
11 the -- the -- the Department of Law and the
12 Department of Assessment, because at that time,
13 the Department of Assessment was creating illegal
14 lots all over the place.

15 CHAIRMAN SHAPIRO: Thank you.

16 Mr. Lalezarian would you like to come
17 to the mic. and speak?

18 Name and address for the record,
19 please.

20 (Stepping up.)

21 MR. LALEZARIAN: Frank Lalezarian,
22 Lalezarian Properties, 1999 Marcus Avenue,
23 Lake Success, New York 11042.

24 Good morning.

25 CHAIRMAN SHAPIRO: Good morning.

1 NCPC File No. 1915-F-5

2 MR. LALEZARIAN: And Mr. Chairman and
3 the Board Members, I want to thank you for
4 listening to what we are asking please. And
5 also, I want to thank many of the Nassau County
6 employees who, through the last so many years,
7 assisted us in getting this project approved.

8 We are almost 20 years on this project.

9 (Laughter.)

10 MR. LALEZARIAN: 20 years. Probably if
11 there were some other developers during the
12 20 years, they will go belly up and they would
13 not continue that.

14 THIRD VICE-CHAIR LEWIS: No.

15 MR. LALEZARIAN: We are doing it. We
16 are continuing it.

17 There's only one thing changed, that
18 20 years ago our business plan was to buy the
19 property, build it and sell it. Now, last
20 20 years, our plan has evolved that we are
21 building the property for rental.

22 (Commissioner Gold exits the meeting.)

23 MR. LALEZARIAN: That is why you might
24 ask how come we are planning to flip this project
25 to another developer, because we are not

1 NCPC File No. 1915-F-5

2 developer for sale anymore? We are developer for
3 rental. And it took 20 years, more or less, to
4 get here. What we're asking you, we need
5 assistance to allow us to record this map.

6 (Commissioner Forman enters the
7 meeting.)

8 MR. LALEZARIAN: And proceed with
9 starting:

10 The infrastructure;

11 The roadway;

12 The sewer line;

13 The sewer pump, which is going to take
14 a lot of time, and to get it started with all of
15 those things, so we don't have to wait another
16 year, or not -- 10 months or a year with "AG"
17 approval.

18 However, we have filed with "AG." We
19 have hired attorney. Certain member alone, they
20 are working on the "AG" submission as we speak.
21 So we are working on that, but we need your
22 assistance to allow us to get started with the
23 infrastructure of this project.

24 Of course, as it was said before, no
25 one is not going to be -- us or the people who

1 NCPC File No. 1915-F-5

2 buy this property from us, they are -- they are
3 not planning to sell the individual parcels to
4 individual people, of course not. And we will be
5 committed to that. And as soon as we get those
6 approvals, we will be submitting it and you will
7 be aware of that.

8 CHAIRMAN SHAPIRO: Thank you very much.
9 I think we get --

10 VICE-CHAIR GREENFIELD: Thank you.

11 CHAIRMAN SHAPIRO: -- it.

12 VICE-CHAIR GREENFIELD: Thank you for
13 putting that explanation on the record, which is
14 why I always like applicants to appear in
15 addition to their attorney.

16 COMMISSIONER SAKOWICH: Sorry.

17 THIRD VICE-CHAIR LEWIS: You're beating
18 that dead horse.

19 MR. LALEZARIAN: Sorry.

20 (Laughter.)

21 MR. LALEZARIAN: Thank you.

22 (Laughter.)

23 MR. LALEZARIAN: Thank you.

24 CHAIRMAN SHAPIRO: He always has to get
25 that in.

1 NCPC File No. 1915-F-5

2 VICE-CHAIR GREENFIELD: Ms. Curto isn't
3 here to hear that though.

4 CHAIRMAN SHAPIRO: That's right.

5 (Stepping up.)

6 MR. D'AGOSTINO: Just for -- for
7 purposes of clarification, there are two things
8 required to start the construction of the
9 infrastructure, one is filing of the map, and the
10 other is submitting the bonds and the financial
11 security to the County. And that will be done
12 in -- in normal, you know, in -- in a normal
13 procedure. We're not asking for any variance
14 from that.

15 CHAIRMAN SHAPIRO: Okay. Thank you.

16 MR. D'AGOSTINO: Okay.

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

19 AUDIENCE MEMBER: No.

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

22 COMMISSIONER SAKOWICH: Mr. Chairman, I
23 make a motion NCPC File No. 1915-F-5, a Map of
24 the Glen Head Commons with a "Neg. Dec."

25 COMMISSIONER KALATY: Second.

1 NCPC File No. 1915-F-5

2 MR. O'BRIEN: For approval of the
3 application?

4 COMMISSIONER SAKOWICH: Approval of the
5 application.

6 I'm sorry.

7 Approval of the application. It's not
8 a "Neg. Dec."

9 (Commissioner Gold enters the meeting.)

10 COMMISSIONER KALATY: Second.

11 CHAIRMAN SHAPIRO: Is there a second?

12 Yes, there is.

13 All in favor?

14 (Chorus of "ayes.")

15 CHAIRMAN SHAPIRO: Any opposed?

16 (No response.)

17 CHAIRMAN SHAPIRO: Motion carries.

18 MR. D'AGOSTINO: Thank you,
19 Mr. Chairman, members of the Commission.

20 CHAIRMAN SHAPIRO: You're welcome.

21 AUDIENCE MEMBER: Thank you.

22 * * *

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1 Proceedings

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

4 CHAIRMAN SHAPIRO: Okay. Yeah, I know
5 I do too.

6 VICE-CHAIR GREENFIELD: We're going to
7 be real quick.

8 COMMISSIONER SAKOWICH: We're going to
9 be five minutes.

10 CHAIRMAN SHAPIRO: Yeah, I'm going to
11 let you guys continue on, because I have -- I
12 have to be somewhere and I have a 3 1/2 hour
13 ride.

14 (Laughter.)

15 COMMISSIONER SAKOWICH: But you, not
16 one of us.

17 VICE-CHAIR GREENFIELD: I have a lunch
18 date.

19 COMMISSIONER DURSO: I have a lunch
20 date too.

21 VICE-CHAIR GREENFIELD: Okay. I want
22 to do it real fast.

23 CHAIRMAN SHAPIRO: Okay, go ahead.

24 VICE-CHAIR GREENFIELD: Marty -- Marty,
25 short form.

1 Proceedings

2 MR. O'BRIEN: Mr. -- Mr. Chairman, can
3 I be excused also or do you need me for the
4 Zoning?

5 (No response.)

6 MR. O'BRIEN: Any reason, I'll stay.

7 VICE-CHAIR GREENFIELD: Is there any?

8 MR. O'BRIEN: I have a 3:30 flight.
9 That's the only reason. If you think there's any
10 reason, I -- it's not a problem.

11 CHAIRMAN SHAPIRO: Jeff, it's up to
12 you.

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

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1 Zoning Referral Review

2 VICE-CHAIR GREENFIELD: Can you guys --
3 Reid -- Reid, just stay. Let's do No. 1 first in
4 Woodmere.

5 MR. O'BRIEN: I'll -- I'll stay for
6 Woodmere.

7 VICE-CHAIR GREENFIELD: Woodmere 'cause
8 just let's do that. And I just want everyone to
9 vote on that, because that's significant.

10 (Stepping up.)

11 MR. KATZ: Right.

12 VICE-CHAIR GREENFIELD: Okay. Marty,
13 quick short form on Woodmere as we discussed?

14 MR. KATZ: Do you want to describe the
15 project? I mean --

16 (Laughter.)

17 MR. KATZ: -- I mean how short do you
18 want it?

19 VICE-CHAIR GREENFIELD: Put on the
20 record the -- the numbers. We're not -- we're
21 not -- but not the last 10 years of the project.

22 MR. KATZ: All right. Case No. 1, Town
23 of Hempstead, Hamlet of Woodmere, this is a
24 change of zone, proposed change of zone for Town
25 of Hempstead portion of the Woodmere Club from

1 Zoning Referral Review

2 Conservation -- Coastal Conservation District to
3 "CA" multifamily.

4 The applicant proposes to construct 160
5 residential condominium comp -- condominium
6 complexes in a two-story [sic] -- in two
7 three-story buildings. This is on the northerly
8 34 acres of the Woodmere Club, which is located
9 Town of Hempstead fronting on Broadway and
10 Meadow Lane. And --

11 CHAIRMAN SHAPIRO: We got it. Okay.

12 VICE-CHAIR GREENFIELD: Okay.

13 MR. KATZ: Well, okay.

14 THIRD VICE-CHAIR LEWIS: So I -- so I
15 think it's what's -- what's powerful about this
16 whole process is that the project has changed
17 dramatically from what was previously proposed.
18 We're now talking 160 units that would be done
19 not as single-family homes, but attached. And
20 it'll be in one part of the development, with the
21 rest of the development, the whole southern
22 portion essentially being left open.

23 So this is, you know, a good
24 development. But the bottom line is, from the
25 Planning Commission's perspective this is only a

1 Zoning Referral Review

2 change of zone today. We will get one more bite
3 at the apple when they come in for the actual
4 site plan.

5 MR. KATZ: Well, probably -- well,
6 they're going to come in -- the Town of
7 Hempstead's going to refer the site plan to us.
8 And if --

9 THIRD VICE-CHAIR LEWIS: And?

10 MR. KATZ: -- that's approved, there's
11 a condominium. I guess it'll go before the
12 Planning Commission.

13 THIRD VICE-CHAIR LEWIS: And then we'll
14 actually get the condominium --

15 VICE-CHAIR GREENFIELD: Thank you.

16 THIRD VICE-CHAIR LEWIS: -- too.

17 VICE-CHAIR GREENFIELD: So -- so the
18 Vice-Chair will put on the record that we're --
19 it's coming back before us again after the Town
20 of Hempstead hearing next week, whenever they
21 file. And at our pre-meeting -- what do we call
22 it these days?

23 THIRD VICE-CHAIR LEWIS: Work session.

24 MR. O'BRIEN: Work session.

25 VICE-CHAIR GREENFIELD: Work session,

1 Zoning Referral Review

2 it was extensively discussed.

3 Do we have a motion?

4 COMMISSIONER FORMAN: So moved. Well,
5 before the one -- one just quick, I have,
6 question.

7 I think that any -- just want to put on
8 the record, that since this is a, supposedly a
9 better less invasive use of the property, that
10 the one that does come back with us, that is --
11 that all -- that all rigor is maintained in terms
12 of providing the maximum environmental compliance
13 and sensitivity to the -- the property that is
14 along the -- the waterfront, primarily the Club,
15 the Clubhouse as this comes back before us.

16 VICE-CHAIR GREENFIELD: Absolutely
17 agree.

18 Okay.

19 COMMISSIONER SAKOWICH: But the "EPA"
20 is going to be all over this.

21 VICE-CHAIR GREENFIELD: Yeah, right.
22 They're already there.

23 All right. Do we have a motion?

24 CHAIRMAN SHAPIRO: So moved.

25 COMMISSIONER SAKOWICH: I'll make a

1 Zoning Referral Review

2 motion.

3 THIRD VICE-CHAIR LEWIS: "LD."

4 VICE-CHAIR GREENFIELD: Motion for "LD"
5 by Neal, Commissioner Lewis.

6 Do we have a second?

7 COMMISSIONER GOLD: Second.

8 VICE-CHAIR GREENFIELD: Second.

9 Motion made and seconded.

10 All those in favor, so signify by
11 saying aye?

12 (Chorus of "ayes.")

13 VICE-CHAIR GREENFIELD: Any opposed?

14 (No response.)

15 VICE-CHAIR GREENFIELD: Next, none.

16 Carried.

17 * * *

18 VICE-CHAIR GREENFIELD: Goodbye,
19 gentlemen.

20 Next, Marty?

21 MR. O'BRIEN: Happy Fourth.

22 VICE-CHAIR GREENFIELD: In bulk. Just
23 read in --

24 MR. O'BRIEN: Happy Fourth of July.
25 God bless America.

1 Zoning Referral Review

2 (Laughter.)

3 VICE-CHAIR GREENFIELD: Yeah, but
4 someone else has to leave, so let's just --

5 MR. KATZ: So who's here right now and
6 who left, so I could um --

7 (Chairman Shapiro exits the meeting.)

8 (Commissioner Sakowich exits the
9 meeting.)

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

11 THIRD VICE-CHAIR LEWIS: We have six
12 present.

13 * * *

14 VICE-CHAIR GREENFIELD: Okay. So you
15 want to do the -- okay, do Case 5. Just read
16 what's in the comment column and the case number
17 in the -- in the change. Don't read the whole
18 thing for Case 5.

19 MR. KATZ: And the --

20 VICE-CHAIR GREENFIELD: And the
21 recommendation.

22 MR. KATZ: Town of Manhasset, Hamlet of
23 Manhasset, use variance, parking variance and
24 queuing variance for interior alterations to an
25 existing Staples building to be converted to

1 Zoning Referral Review

2 child daycare center:

3 "Tenant A," a retail space;

4 "Tenant B," medical office;

5 "Tenant C," the existing bank;

6 "Tenant D" will remain.

7 A parking variance is required. Also,
8 insufficient queuing for the daycare center, with
9 1 queuing space per each 12 patrons required,
10 resulting in 18 queuing spaces required and
11 10 queuing spaces provided.

12 I have a whole thing here.

13 VICE-CHAIR GREENFIELD: No -- no --
14 no -- no.

15 MR. KATZ: Whatever -- whatever the
16 Commission wants.

17 VICE-CHAIR GREENFIELD: I just want the
18 record to reflect just at the work session, it
19 was discussed. The attorney for the applicant
20 appeared and -- and is embracing our "LDL"
21 Recommendation.

22 Do we have a motion?

23 THIRD VICE-CHAIR LEWIS: Do we -- I
24 guess the question is do we still need the letter
25 or do we feel that them preparing the materials

1 Zoning Referral Review

2 they prepared and what they presented as the
3 strategy --

4 MR. KATZ: Good point.

5 THIRD VICE-CHAIR LEWIS: -- to address
6 it, that they've already --

7 MR. KATZ: Yeah, we got that letter in
8 the afternoon from the applicant.

9 THIRD VICE-CHAIR LEWIS: Right.

10 MR. KATZ: So --

11 THIRD VICE-CHAIR LEWIS: It came in
12 after your --

13 VICE-CHAIR GREENFIELD: Do you want to
14 switch it to an "LD?"

15 MR. KATZ: Just an "LD" I guess.

16 VICE-CHAIR GREENFIELD: Okay.

17 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
18 I'd like to make a motion for an "LD," in light
19 of all the information that's been submitted on
20 the -- this plan --

21 VICE-CHAIR GREENFIELD: Is there a
22 second?

23 THIRD VICE-CHAIR LEWIS: -- their plan
24 for making sure the children are safe.

25 (Laughter.)

1 Zoning Referral Review

2 VICE-CHAIR GREENFIELD: Second?

3 COMMISSIONER GOLD: Second.

4 VICE-CHAIR GREENFIELD: Okay. Motion
5 made and seconded.

6 All those in favor?

7 (Chorus of "ayes.")

8 VICE-CHAIR GREENFIELD: Any opposed?

9 (No response.)

10 VICE-CHAIR GREENFIELD: None.

11 * * *

12 MR. KATZ: And we have one more that
13 requires --

14 VICE-CHAIR GREENFIELD: The incomplete?

15 MR. KATZ: Yeah.

16 VICE-CHAIR GREENFIELD: No. 3, put that
17 on the record.

18 MR. KATZ: That, we didn't discuss.

19 VICE-CHAIR GREENFIELD: No, but just
20 put on the record brief and why it's --

21 MR. KATZ: This --

22 VICE-CHAIR GREENFIELD: -- incomplete.

23 MR. KATZ: -- this is brief.

24 The Town of Hempstead, the Hamlet of
25 North Bellmore, change of zone.

1 Zoning Referral Review

2 Proposed change of zone from Res. "B"
3 and Business "X" to "CA" multifamily, in order to
4 construct 19 dwelling units and two 2-1/2 story
5 buildings on a .97-acre property. A total of
6 31 spaces are provided, with 45 parking spaces
7 required. Thus, if the zone change is approved
8 by the Town, a parking variance would be
9 required.

10 Yeah, staff -- it's a -- it's a good
11 plan on a heavily-traveled road and it's, I feel,
12 better than business development along that road.
13 And there's plenty of buffer.

14 However, additional information is
15 requested, given the significant parking
16 shortfall. As per the Town zoning regulations, a
17 parking study is requested. We can do it now or
18 we can do it after the zoning change is
19 effectuated. However, you might just --

20 THIRD VICE-CHAIR LEWIS: Well, normally
21 if you're adopting a new zoning plan for an area,
22 I don't -- can -- can staff adjust this to
23 Bellmore? Do we have the area that's in question
24 here? I don't see the -- what we're talking
25 about on the screen.

1 Zoning Referral Review

2 MR. KATZ: You mean modify the plan?

3 THIRD VICE-CHAIR LEWIS: No, I'm saying
4 if they're doing a -- a zoning, a change of zone.

5 MR. KATZ: Right.

6 THIRD VICE-CHAIR LEWIS: Right?

7 MR. KATZ: Uh-huh.

8 THIRD VICE-CHAIR LEWIS: So -- so if --
9 if there are these, I mean I -- I think it is
10 reasonable to say there should be a parking
11 analysis done --

12 MR. KATZ: Yeah, definitely --

13 THIRD VICE-CHAIR LEWIS: -- before the
14 change of zone is adopted.

15 MR. KATZ: -- okay. Yes --

16 THIRD VICE-CHAIR LEWIS: And that's
17 what you're saying?

18 MR. KATZ: Yeah.

19 THIRD VICE-CHAIR LEWIS: Yeah.

20 MR. KATZ: That's okay.

21 THIRD VICE-CHAIR LEWIS: So I'll make a
22 motion that we treat this as incomplete and
23 request the parking study that the Town [sic] --
24 the staff is suggesting.

25 VICE-CHAIR GREENFIELD: Do we have a

1 Zoning Referral Review

2 second?

3 COMMISSIONER FORMAN: Second.

4 VICE-CHAIR GREENFIELD: Motion made and
5 seconded.

6 All those in favor?

7 (Chorus of "ayes.")

8 * * *

9 VICE-CHAIR GREENFIELD: Okay, next.
10 What are the remaining "LDs?" Let's do those
11 quickly.

12 COMMISSIONER KALATY: 2;

13 4;

14 6;

15 7;

16 8;

17 And 9.

18 VICE-CHAIR GREENFIELD: My watch is
19 telling me to stand and someone has to leave in
20 five minutes or less.

21 Marty, let's do it. Just do it, the --
22 the remaining.

23 COMMISSIONER KALATY: No. -- Nos.:

24 2;

25 4;

1 Zoning Referral Review

2 6;

3 7;

4 8;

5 9.

6 VICE-CHAIR GREENFIELD: Well, normally
7 we just say case.

8 Just make a motion.

9 COMMISSIONER KALATY: Just make a
10 motion.

11 COMMISSIONER GOLD: I'll make a motion
12 to approve Zoning matters:

13 2;

14 4;

15 6;

16 7;

17 9.

18 COMMISSIONER DURSO: 8.

19 VICE-CHAIR GREENFIELD: 8 and 9.

20 COMMISSIONER GOLD: Oh, sorry.

21 VICE-CHAIR GREENFIELD: 8 and 9.

22 COMMISSIONER GOLD: 8 and 9. Okay.

23 COMMISSIONER FORMAN: Second.

24 VICE-CHAIR GREENFIELD: Motion made and
25 seconded.

1 Zoning Referral Review

2 All those in favor?

3 (Chorus of "ayes.")

4 VICE-CHAIR GREENFIELD: Any opposed?

5 (No response.)

6 VICE-CHAIR GREENFIELD: So carried.

7 * * *

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1 Proceedings

2 VICE-CHAIR GREENFIELD: Happy July

3 Fourth to everybody.

4 COMMISSIONER FORMAN: Motion to

5 adjourn.

6 VICE-CHAIR GREENFIELD: Motion to

7 adjourn at 11:53.

8 THIRD VICE-CHAIR LEWIS: Aye.

9 COMMISSIONER GOLD: I'll second that.

10 (TIME NOTED: 11:53 A.M.)

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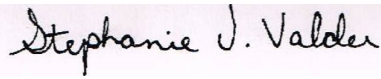
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C E R T I F I C A T I O N

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

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

STEPHANIE J. VALDER,
Stenographer

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