

REGULAR MEETING
of the
NASSAU COUNTY PLANNING COMMISSION

Thursday, July 17, 2025
10:00 a.m. - 10:59 a.m.

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

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

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LEONARD H. SHAPIRO, Chair

4

JEFFREY H. GREENFIELD, Vice-Chair

5

NEAL LEWIS, Third Vice-Chair

6

DANA DURSO,

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MURRAY FORMAN,

8

DENISE GOLD,

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Commissioners

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11 WILLIAM NIMMO, Deputy Commissioner

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13 PATRICK GALLAGHER, Esq., Counsel
(9:58 a.m. - 10:32 a.m.)

14

ROBERT O'BRIEN, Esq., Counsel

15

16 Staff:

17

GREGORY J. HOESL

18

MARTIN KATZ

19

JOHN PERRAKIS

20

CAMERON SANDS

21

TIMOTHY WREN

22

23 Also Present:

24 STEPHANIE J. VALDER, Stenographer

25

1 Proceedings

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

3 CHAIRMAN SHAPIRO: Okay. Everybody,
4 please rise for the Pledge of Allegiance.

5 Hand over your heart.

6 (Pledge of Allegiance recited in a
7 body.)

8 VICE-CHAIR GREENFIELD: Play ball.

9 MR. O'BRIEN: You know where that comes
10 from. You're the one person here who knows that.

11 (Stepping up.)

12 MR. HOESL: All right. Good morning,
13 Commissioners.

14 CHAIRMAN SHAPIRO: Good morning.

15 VICE-CHAIR GREENFIELD: Good morning.

16 MR. HOESL: I'll start with a
17 roll call.

18 Commissioner Sakowich?

19 CHAIRMAN SHAPIRO: Excused.

20 MR. HOESL: Commissioner Kalaty?

21 CHAIRMAN SHAPIRO: Excused.

22 MR. HOESL: Commissioner Gold?

23 COMMISSIONER GOLD: Present.

24 MR. HOESL: Commissioner Forman?

25 COMMISSIONER FORMAN: Present.

1 Proceedings

2 MR. HOESL: Commissioner Ellerbe?

3 CHAIRMAN SHAPIRO: Excused.

4 MR. O'BRIEN: Excused.

5 MR. HOESL: Commissioner Durso?

6 COMMISSIONER DURSO: Present.

7 MR. HOESL: Third Vice-Chair Lewis?

8 THIRD VICE-CHAIR LEWIS: Present.

9 MR. HOESL: Vice-Chair Greenfield?

10 VICE-CHAIR GREENFIELD: Present.

11 MR. HOESL: And Chairman Shapiro?

12 CHAIRMAN SHAPIRO: Present.

13 MR. HOESL: May I have a motion to
14 acknowledge the receipt of transcript from the
15 June 26th Planning Commission hearing?

16 COMMISSIONER FORMAN: So moved.

17 CHAIRMAN SHAPIRO: Is there a second?

18 VICE-CHAIR GREENFIELD: Second.

19 COMMISSIONER DURSO: Second.

20 CHAIRMAN SHAPIRO: All in favor?

21 (Chorus of "ayes.")

22 CHAIRMAN SHAPIRO: Motion carries.

23 Okay.

24 MR. HOESL: Thank you.

25 * * *

1 NCPC OSPAC File No. 5-2025

2 CHAIRMAN SHAPIRO: Start with "OSPAC."

3 MR. HOESL: First up we have OSPAC
4 Case 5-2025. This is an application to sell
5 property to an adjacent property owner.

6 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
7 I'd like to make a motion that we open the public
8 hearing on "OSPAC" No. --

9 CHAIRMAN SHAPIRO: That's the next one.

10 THIRD VICE-CHAIR LEWIS: Oh, I'm sorry.

11 MR. O'BRIEN: Yeah.

12 MR. HOESL: The next one.

13 THIRD VICE-CHAIR LEWIS: The next one.

14 MR. HOESL: Yeah -- yeah -- yeah.

15 THIRD VICE-CHAIR LEWIS: Apologies.

16 CHAIRMAN SHAPIRO: No problem.

17 MR. HOESL: To sell property to an
18 adjacent property owner at 29 Irving Drive, the
19 Hamlet of Woodbury, Town of Oyster Bay in their
20 "R1-10" Zoning District.

21 The property in question highlighted in
22 yellow on the map is approximate -- approximately
23 16,350 square feet. "DPW" approves of this sale,
24 without condition to the property owner.

25 This application was previously

1 NCPC OSPAC File No. 5-2025
2 introduced to "OSPAC" as File No. 15 of 2010,
3 when the County initially sought to sell the
4 property to the property owner at 31 Irving Drive
5 just directly east of the property. "OSPAC" and
6 the Planning Commission approved of that sale,
7 although the property was never actually sold.

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

16 As such, the application is back before
17 us for a sale to the adjoining property owner at
18 29 Irving Drive, who essentially wishes to just
19 purchase this property to prevent a future
20 residence from being built there, in addition to
21 having a natural buffer that will maintain their
22 privacy. Ultimate plan is to leave the site
23 vacant.

24 At the July 8th "OSPAC" meeting, the
25 members of "OSPAC" voted "6-0" to approve the

1 NCPC OSPAC File No. 5-2025

2 application.

3 If you have any additional questions,
4 we have Kevin Walsh here from the
5 County Attorney's Office.

6 (Stepping up.)

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

10 CHAIRMAN SHAPIRO: Good morning.

11 Commissioners, any other questions?

12 VICE-CHAIR GREENFIELD: No.

13 COMMISSIONER DURSO: No.

14 CHAIRMAN SHAPIRO: If not, I'll take a
15 motion.

16 COMMISSIONER GOLD: Motion to approve
17 OSPAC File 5-2025 --

18 THIRD VICE-CHAIR LEWIS: Approve.

19 MR. O'BRIEN: To recommend the sale
20 of --

21 CHAIRMAN SHAPIRO: Pardon?

22 MR. O'BRIEN: Make the motion to
23 recommend it to the County Legislature --

24 CHAIRMAN SHAPIRO: Right --

25 MR. O'BRIEN: -- for the sale to --

1 NCPC OSPAC File No. 5-2025

2 CHAIRMAN SHAPIRO: -- recommending the
3 sale of the property.

4 COMMISSIONER GOLD: Oh, recommending
5 the sale of the property.

6 VICE-CHAIR GREENFIELD: Second.

7 CHAIRMAN SHAPIRO: All in favor?

8 (Chorus of "ayes.")

9 CHAIRMAN SHAPIRO: Any opposed?

10 (No response.)

11 CHAIRMAN SHAPIRO: The motion carries.

12 MR. WALSH: Thank you.

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1 NCPC OSPAC File No. 6-2025

2 THIRD VICE-CHAIR LEWIS: So now jumping
3 back in.

4 Mr. Chairman, I'd like to make a motion
5 on OSPAC No. 5-2025 [sic] and the motion is to
6 open the public hearing period.

7 MR. HOESL: Six.

8 CHAIRMAN SHAPIRO: Six -- six.

9 MR. HOESL: Six.

10 THIRD VICE-CHAIR LEWIS: Oh, I'm sorry,
11 I said 5 twice. Number 6.

12 (Laughter.)

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

15 CHAIRMAN SHAPIRO: Okay.

16 MR. HOESL: Okay. This is OSPAC
17 Case 6-2025.

18 MR. O'BRIEN: I'm recused.

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

20 MR. HOESL: This is another application
21 to sell property to an adjacent property owner.
22 This is located just north of 21 Pennsylvania
23 Avenue in the Incorporated Village of Hempstead,
24 in their Residential "B" Zoning District. The
25 property in question highlighted in yellow is

1 NCPC OSPAC File No. 6-2025
2 2400 square feet, and the property highlighted in
3 green on your map is the property owner who is
4 looking to purchase this parcel. "DPW" approves
5 of this sale, without condition.

6 The Nassau County Division of
7 Real Estate Services was provided with a
8 letter from the property owner directly to
9 the west of the subject property. That
10 property owner currently owns a parcel that
11 fronts on Bennett Avenue.

12 In a letter provided, the property
13 owner requests to purchase this "land-locked"
14 parcel from the County, per the recommendation of
15 the Incorporated Village of Hempstead, who
16 advised that the property owner attempt to
17 reacquire the "land-locked" parcel and make the
18 entire property a legal build site, as they
19 intend to build a single-family residence at the
20 site.

21 At some point, these two properties
22 were under the same ownership. But eventually
23 the property in yellow was vested in title to
24 Nassau County, after failure of payment of taxes.
25 It should be noted that the property owner who

1 NCPC OSPAC File No. 6-2025
2 provided the letter currently has an application
3 for variance relief before the Incorporated
4 Village of Hempstead to develop the land in
5 front.

6 This application was introduced to
7 "OSPAC" at the July 8th meeting and was
8 subsequently forwarded to the Planning Commission
9 for the opening of the public comment period
10 today.

11 We have here, again, Kevin Walsh from
12 the Attorney's Office if you have any questions.

13 THIRD VICE-CHAIR LEWIS: So Kevin, this
14 one involves property that is adjacent to more
15 than one homeowner. So, you know first, it's
16 landlocked, right. And it's --

17 (Stepping up.)

18 MR. WALSH: Correct --

19 THIRD VICE-CHAIR LEWIS: -- and it's
20 land that was originally part of the one
21 property, so it kind of logically, you know -- so
22 we filed that to -- to try and do something with
23 this landlocked property.

24 But I'm just curious for you to put on
25 the record what our process is. I know the

1 NCPC OSPAC File No. 6-2025

2 "Leg." addressed it a number of years ago, where
3 they said, you know, if you're going to sell
4 property that the County owns, and it's more than
5 one neighbor, there's a process that -- that
6 to -- to involve them?

7 MR. WALSH: Correct.

8 So what'll happen is assuming we go
9 through this process with recommendation to
10 proceed, we then reach out to adjoining -- the
11 adjoining property owners who also adjoin this
12 property to see if they have interest in this
13 property. And if there is, we typically will do
14 a sealed bid solicitation.

15 THIRD VICE-CHAIR LEWIS: If they come
16 back that they're not interested, then you just
17 deal with the one property owner who expressed
18 interest?

19 MR. WALSH: Correct.

20 THIRD VICE-CHAIR LEWIS: Correct. And
21 then I assume --

22 MR. WALSH: And then an appraisal was
23 done in the process as well.

24 THIRD VICE-CHAIR LEWIS: So once again
25 there is an appraisal. There's a process to --

1 NCPC OSPAC File No. 6-2025

2 MR. WALSH: Correct.

3 THIRD VICE-CHAIR LEWIS: Yeah.

4 CHAIRMAN SHAPIRO: Okay. Any other
5 questions?

6 (No response.)

7 CHAIRMAN SHAPIRO: Is there anybody in
8 the public that wishes to be heard? I don't have
9 anybody signed up.

10 (No response.)

11 CHAIRMAN SHAPIRO: Make a motion to
12 close the public comment.

13 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
14 motion to close the public comment on
15 OSPAC No. 6-2025.

16 VICE-CHAIR GREENFIELD: Second.

17 CHAIRMAN SHAPIRO: All those in favor?

18 (Chorus of "ayes.")

19 CHAIRMAN SHAPIRO: Any opposed?

20 (No response.)

21 CHAIRMAN SHAPIRO: The motion carries.

22 MR. WALSH: Thank you.

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1 NCPC Minor Sub. File No. 25-2025

2 CHAIRMAN SHAPIRO: Okay, the Minors.

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

4 (Stepping up.)

5 CHAIRMAN SHAPIRO: 25.

6 MR. WREN: Good morning.

7 We're going to start off with

8 Case 25-2025. This is a two-parcel minor

9 subdivision.

10 The 30,847 square foot subject property
11 is located on the east side of Waverly Street in
12 the Hamlet of the Glen Head, Town of Oyster Bay's
13 "R1-7" Zoning District. Property currently has
14 199.97 feet of frontage on Waverly Street and
15 they proposed to subdivide it into two separate
16 parcels.

17 "Proposed Lot A" will have 113.84 feet
18 of frontage by 154.21 feet on Waverly Street and
19 be a total of 17,498 square feet.

20 "Proposed Lot B" will have 86.13 feet
21 of frontage by 158.57 feet on Waverly Street and
22 be a total of 13,358 square feet.

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

25 Variance for "Lot A," variance to

1 NCPC Minor Sub. File No. 25-2025
2 construct new dwelling on subdivided lot
3 exceeding maximum gross floor area than permitted
4 by ordinance.

5 For "Lot B," we have a variance to
6 construct new dwelling on subdivided lot having
7 less width of at street along Edgewood Avenue and
8 exceeding maximum gross floor area than permitted
9 by ordinance.

10 I would now like the attorney to please
11 step up.

12 (Stepping up.)

13 MR. ABBATE: Good morning, Mr. Chairman,
14 Commissioners. For the applicant, Tom Abbate,
15 A-b-b-a-t-e. I'm an attorney with offices at
16 88 Sunnyside Boulevard in Plainview.

17 And this neighborhood in
18 Glenwood Landing is north of Glenwood Road,
19 which is an east, west running roadway, and then
20 west of Glen Cove Avenue, which is north south
21 running roadway.

22 As neighborhoods go, this one's
23 particularly endearing. You've got mixed lot
24 sizes and shapes, varying architectural styles
25 and rolling topography. The subject parcel, as

1 NCPC Minor Sub. File No. 25-2025
2 was mentioned to you in the preliminary
3 statement, has well over 30,000 square feet. So
4 it's wildly oversized for the Town of Oyster
5 Bay's "R1-7" zoning classification, which allows
6 single-family dwellings on not less than 7,000
7 square feet.

8 Despite its oversized nature, my
9 client, Giuseppe Caruso who's here with me this
10 morning is only proposing two dwellings, not
11 three and certainly not four. It's just two
12 and we would accept a condition, a caveat, a
13 covenant that there be no further subdivision
14 of the lot.

15 We needed relief because both houses
16 exceed the gross floor area. However, those
17 houses meet all:

18 Front;
19 Rear;
20 Side-yard aggregate;
21 Side-yards setbacks.

22 We don't exceed lot coverage and we
23 don't exceed height.

24 The only reason we need it is because
25 Oyster Bay enacted, of recent vintage, a statute

1 NCPC Minor Sub. File No. 25-2025
2 that limits basement heights to 6 feet 11. If
3 it's at that number or below, it doesn't count to
4 "G.F.A." if it's above that number, it does.
5 And we're proposing 9 foot basements, hence we
6 exceed the "G.F.A." However, Town of Oyster Bay
7 Zoning Board gave us that relief.

8 The only other relief we needed was
9 because these -- this lot now has triple
10 frontage. And after being divided, each lot will
11 have double roadway frontage. And we've got a
12 curb cut access on Edgewood, which is on the east
13 side as you can see on -- on your screen there
14 (indicating). And that only has 40 feet across,
15 rather than 70 feet across. However, on Waverly
16 where each house will face, that's where the curb
17 cuts are. And we exceed the "R1-7" requirement
18 for roadway frontage.

19 That is the sum and substance of the
20 case.

21 VICE-CHAIR GREENFIELD: Why do -- why,
22 counsel, why do you need a 9 foot basement?

23 (Laughter.)

24 MR. ABBATE: Why not?

25 It -- it's -- it's a -- so the statute,

1 NCPC Minor Sub. File No. 25-2025
2 Commissioner Greenfield, was enacted at the Town
3 of -- in the Town of Oyster Bay's attempt to stem
4 illegal --

5 VICE-CHAIR GREENFIELD: Right,
6 illegal --

7 MR. ABBATE: -- basement apartments.

8 VICE-CHAIR GREENFIELD: -- apartments,
9 right.

10 MR. ABBATE: Yeah.

11 So with a house of this size, with
12 these lot, this is not a neighborhood of illegal
13 rentals and the Town of Oyster Bay enacted that
14 in -- in higher density zoning districts.

15 But you can see here that if we were
16 properly zoned as we're going to subdivide it, we
17 would be exempt from that if we were in -- in --
18 in a lower density zoning category.

19 VICE-CHAIR GREENFIELD: Right.

20 MR. ABBATE: So on -- on a lot of this
21 size, it just doesn't make sense. Moreover,
22 purchasers want all the toys.

23 VICE-CHAIR GREENFIELD: So okay. Did
24 they put in a condition of occupancy with -- the
25 Town of Hempstead puts in conditions on basement

1 NCPC Minor Sub. File No. 25-2025

2 entryway, that there can't be --

3 MR. ABBATE: Yeah --

4 VICE-CHAIR GREENFIELD: -- a separate
5 stair into that 9 foot basement --

6 MR. ABBATE: -- we don't -- we don't --
7 we don't have that here.

8 VICE-CHAIR GREENFIELD: Yeah.

9 MR. ABBATE: And just for your
10 information, the -- the Chairwoman of the
11 Oyster Bay Zoning Board, if you're showing a
12 cellar entrance, her "quid pro quo" is if you're
13 asking for relief, you have to remove the cellar
14 entrance. And -- and we land use practitioners
15 adhere to that.

16 VICE-CHAIR GREENFIELD: Okay. Thank
17 you.

18 MR. ABBATE: Thank you.

19 THIRD VICE-CHAIR LEWIS: Interesting.

20 CHAIRMAN SHAPIRO: Commissioners, any
21 other questions?

22 (No response.)

23 CHAIRMAN SHAPIRO: I don't have anybody
24 signed up.

25 Is there anybody in the public that

1 NCPC Minor Sub. File No. 25-2025

2 wishes to be heard at this time?

3 (No response.)

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

6 COMMISSIONER DURSO: I'd like to make a
7 motion to approve NCPC File No. 25-2025 with a
8 "Negative Declaration?

9 MR. O'BRIEN: And with a condition that
10 there be no further subdivision on the property;
11 is that correct?

12 COMMISSIONER DURSO: Yes.

13 MR. O'BRIEN: Thank you.

14 COMMISSIONER DURSO: Thank you.

15 VICE-CHAIR GREENFIELD: Second.

16 CHAIRMAN SHAPIRO: All those in favor?

17 (Chorus of "ayes.")

18 CHAIRMAN SHAPIRO: Any opposed?

19 (No response.)

20 CHAIRMAN SHAPIRO: The motion carries.

21 VICE-CHAIR GREENFIELD: You're --

22 CHAIRMAN SHAPIRO: Thank you.

23 VICE-CHAIR GREENFIELD: -- you're a
24 good land use practitioner. Have a good rest of
25 the day.

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NCPC Minor Sub. File No. 25-2025
MR. ABBATE: Thank you very much.
COMMISSIONER DURSO: Thank you.

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1 NCPC Minor Sub. File No. 26-2025

2 (Stepping up.)

3 MR. WREN: Okay. Next up we have
4 Case 26-2025. This is another two-parcel
5 minor subdivision.

6 The 3.06-acre subject property is
7 situated on the west side of Parkview Court in
8 the Hamlet of Bethpage, Town of Oyster Bay's
9 "R1-1A" Zoning District. Application proposes to
10 subdivide the property, which currently has
11 193.89 feet of frontage on Plainview Court into
12 two separate parcels.

13 "Proposed Lot A" will have 100 feet of
14 frontage by 399 feet on Parkview Court and be a
15 total of 43,561 square feet.

16 "Proposed Lot B" will have a frontage
17 of 93.98 feet by 413.57 and be a total of
18 8 [sic] -- 89,654 square feet.

19 The Town of Oyster Bay's Department of
20 Planning and Development has issued a "letter of
21 zoning compliance" for this subdivision.

22 Now, I ask the attorney to please step
23 up.

24 (Stepping up.)

25 MR. LUCCARELLI: Good morning to the

1 NCPC Minor Sub. File No. 26-2025

2 Board. Good morning to everyone.

3 I can confirm everything stated on the
4 record by staff. This application is for a --

5 VICE-CHAIR GREENFIELD: First --

6 CHAIRMAN SHAPIRO: Name --

7 VICE-CHAIR GREENFIELD: -- name --

8 CHAIRMAN SHAPIRO: -- and address for
9 the record.

10 MR. LUCCARELLI: Thank you -- thank
11 you.

12 Mark Luccarelli, L-u-c-c-a-r-e-l-l-i,
13 1122 Franklin Avenue, Garden City, New York, on
14 behalf of the applicant, standing in for the
15 attorney of record, Christian Browne,
16 B-r-o-w-n-e.

17 I'll convert every -- confirm
18 everything stated on the record by staff. It's
19 an application for a minor subdivision. Town of
20 Oyster Bay has already confirmed that the
21 subdivision complies with the code.

22 I'll mention just a -- a couple of -- a
23 couple of minor things that might be of note to
24 the Board, number one, being typically speaking
25 within this zoning district, there is a minimum

1 NCPC Minor Sub. File No. 26-2025
2 requirement of 125 feet of width. However,
3 because of this particular piece of property is
4 located on a cul-de-sac, that minimum requirement
5 is reduced by two-thirds or reduced to
6 two-thirds. And as a result, the approximately
7 100 feet of frontage for both parcels is
8 sufficient under the code, as confirmed by the
9 Building Department.

10 Additionally, I'll note that a
11 condition of the approval by the Building
12 Department is that any existing structures and
13 any new structures must obviously comply with the
14 Town Code. The applicant is committed to
15 complying with that restriction.

16 The only other thing I'll mention, the
17 reason that the subdivision creates two parcels
18 that are not equal in size is because of the
19 unique shape of this particular parcel. It
20 exists on a cul-de-sac. There is a semicircular
21 cut out within the land and it -- it exists in
22 sort of a -- a triangular shape. And as a result
23 of that, this particular line for the subdivision
24 made the most sense to -- to the applicant.

25 I'm happy to take any questions.

1 NCPC Minor Sub. File No. 26-2025

2 THIRD VICE-CHAIR LEWIS: Well on that
3 last point, because it is an unusual shape, this
4 is not a requirement of ours, but just a
5 curiosity.

6 MR. LUCCARELLI: Sure.

7 THIRD VICE-CHAIR LEWIS: Is there any
8 kind of markings, or fencing, or posts or stuff
9 like that to try and clarify between the
10 neighbors as to where one begins and the other
11 takes over?

12 MR. LUCCARELLI: So I -- I don't
13 believe there's necessarily any plans at this
14 moment to put those in. However, I do believe
15 that obviously one of these parcels is going to
16 be sold. And in -- in that sale, my
17 understanding from the applicant is that there is
18 going to be some work done. I do think that they
19 will probably have to get a building permit
20 through the Town in order to do that work.

21 But at that, to answer your question, I
22 believe that is the plan.

23 THIRD VICE-CHAIR LEWIS: Right.

24 CHAIRMAN SHAPIRO: Thank you.

25 Commissioners, any other questions?

1 NCPC Minor Sub. File No. 26-2025

2 (No response.)

3 CHAIRMAN SHAPIRO: I don't have anybody
4 signed up.

5 Is there anybody in the public that
6 wishes to be heard on this?

7 (No response.)

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

10 COMMISSIONER DURSO: I'd like to make a
11 motion to approve NCPC File No. 26-2025 with a
12 "Negative Declaration."

13 COMMISSIONER GOLD: Second.

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

16 CHAIRMAN SHAPIRO: Any opposed?
17 (No response.)

18 CHAIRMAN SHAPIRO: The motion carries.

19 MR. LUCCARELLI: Thank you.

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1 NCPC Minor Sub. File No. 27-2025

2 (Stepping up.)

3 MR. WREN: Okay. Next up we have
4 Case 27-2025. This is a four-parcel minor
5 subdivision.

6 The 44,234 square foot subject property
7 is situated on the east side of Hempstead Avenue
8 in the Hamlet -- Hamlet of Malverne, Town of
9 Hempstead's Residential "A" Zoning District.

10 Application proposes to subdivide the
11 property, which has 84.20 feet of frontage on
12 Hempstead Avenue into two four separate parcels.

13 "Proposed Lot A" will have 84.20 feet
14 of frontage by 148.83 feet on Hempstead Avenue
15 and be a total of 11,160 square feet;

16 "Proposed Lot B" will have 124.39 feet
17 of frontage by 88 [sic] -- I'm sorry, 83.31 feet
18 on a private driveway and be a total of 10,291;

19 "Lot C" will have a frontage of
20 131.97 feet by 84.36, also on that private
21 driveway for a total of 9,442 square feet;

22 "Proposed Lot D" will have a frontage
23 of 146.27 feet by 88.32 on that private driveway
24 and be 13,350 square feet.

25 We originally did see this before as a

1 NCPC Minor Sub. File No. 27-2025
2 zoning case back in 2023. At the time, the
3 application was deemed incomplete, due to missing
4 information. We then -- we then again heard this
5 back in February of this year, where a letter was
6 issued for a "Local Determination" with the Town.

7 There were a number of variances issued
8 for this property that also have conditions. So
9 I'll read off those.

10 "Lot A" variance:

11 Subdivision of lot;

12 Lot area;

13 Construct dwelling with garage.

14 For "Lot B" variances:

15 Subdivision of lot;

16 No front width at street;

17 Construct dwelling with garage;

18 Insufficient access, pursuant to

19 Section "280A" of the New York State Town Law.

20 "Lot C" is variances:

21 Subdivision of lot;

22 Side yard;

23 Side-yard aggregate;

24 No front within -- I'm sorry, no front
25 width at street;

1 NCPC Minor Sub. File No. 27-2025

2 Maintain dwelling on lesser lot with
3 insufficient access, pursuant to Section "280A"
4 of the New York State Town Law;

5 Demolish existing garage, breezeways,
6 pavers and steps.

7 And then the variance for "Lot D" is:
8 Subdivision of lot with no front width
9 at street line;

10 Construct dwelling with garage with
11 insufficient accents [sic] -- access pursuant to
12 Section "280A" of the New York State Town Law.

13 Would you like to hear the conditions
14 that the Town issued now or would you like to
15 hear from the attorney first?

16 VICE-CHAIR GREENFIELD: How many
17 conditions are there, Tim?

18 MR. WREN: 21.

19 VICE-CHAIR GREENFIELD: No -- no -- no,
20 we don't need all 21.

21 CHAIRMAN SHAPIRO: You can just pass it
22 up and we'll -- we'll take a look at it.

23 MR. WREN: Very good.

24 CHAIRMAN SHAPIRO: And we can hear from
25 the attorney.

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2 MR. WREN: Right.

3 (Stepping up.)

4 MR. D'AGOSTINO: Good morning,
5 Mr. Chairman, members of the Commission. My
6 name is Albert D'Agostino, the law firm is
7 Minerva and D'Agostino, P.C., 107 South Central
8 Avenue, Valley Stream, New York.

9 Staff representative has fully and
10 completely described the application. I will
11 just mention a couple of items.

12 Obviously, the -- the variances that
13 were granted by the Town of Hempstead under
14 Case No. 1302 of 2025 and 1303 of 2025, together
15 with an inclusive of the conditions that were
16 just referred to have rendered these, under --
17 under the Town Zoning -- Zoning, to be compliant
18 as varied and for the creation of four --
19 four lots.

20 I would note that under the -- the
21 Residence "A" Zoning, we -- we are only, and I
22 say only, we're building three and maintaining
23 one lot. So it's -- it's four lots under the
24 lot area of 44,243 square feet. Area wise, that
25 would support 7 and -- and -- and we're obviously

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2 coming in less than that.

3 I would mention in passing that
4 jurisdictionally the -- this is a dual
5 jurisdiction map between the -- the Commission
6 and the Incorporated Village of Malverne. The
7 Incorporated Village of Malverne, by letter dated
8 July 10, 2025 has waived jurisdiction under their
9 subdivision, the rules, regulations and
10 jurisdiction. And I believe you have a copy of
11 that letter in your file. If you don't, I have
12 one to -- to -- to hand up.

13 The driveway which will service the --
14 this subdivision, not entirely, but together with
15 the -- the frontage that -- that -- that the
16 first lot has and -- and the -- the driveway
17 is -- is to be constructed on an easement on the
18 adjacent parcel. And equally, obviously, that
19 that driveway must be constructed and completed
20 before the Town issues "C.O.s" on the -- the lots
21 that front on that driveway.

22 I do have the principal of the
23 applicant here, if -- if you or -- and -- and
24 obviously I'm ready, willing and able to answer
25 any questions you might have. The principal is

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2 Mr. Leon Sanchez from Malverne Gold LLC. And he
3 is here because I am very cognizant that you
4 want, and I think the regulations require that
5 the applicant be here. So if you have any
6 questions, I will be happy to try to respond.

7 VICE-CHAIR GREENFIELD: Thank you for
8 putting that all on the record and I'd like to
9 ask your client one question if he comes up.

10 MR. D'AGOSTINO: (Nodding head yes.)

11 MR. SANCHEZ: Good morning.
12 Leon Sanchez.

13 VICE-CHAIR GREENFIELD: Okay. When you
14 get to the mic. if you could, give your name and
15 address.

16 (Stepping up.)

17 MR. SANCHEZ: Good morning.
18 Leon Sanchez, 341 Hempstead Avenue, Malverne,
19 New York.

20 VICE-CHAIR GREENFIELD: Okay.

21 You heard your client [sic] -- your
22 attorney give the conditions with -- with respect
23 to the easement on the adjacent adjoining
24 property, which isn't completed yet?

25 MR. SANCHEZ: Right.

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2 VICE-CHAIR GREENFIELD: In order to get
3 your "C of O," you understand that you need to
4 have that neighbor finish their project. Do you
5 have any insight when that will be done?

6 MR. SANCHEZ: We're doing the road, not
7 the project.

8 VICE-CHAIR GREENFIELD: No.

9 So regardless of the status of the
10 project, you're doing the road? That's what I
11 want to clarify on the --

12 MR. SANCHEZ: Yes.

13 VICE-CHAIR GREENFIELD: -- record.

14 MR. SANCHEZ: One way or another, we're
15 going to finish the road.

16 VICE-CHAIR GREENFIELD: Okay, that's
17 what I want to clarify for the record.

18 MR. SANCHEZ: Yes.

19 CHAIRMAN SHAPIRO: That's fine.

20 THIRD VICE-CHAIR LEWIS: That's great.

21 MR. O'BRIEN: That's great.

22 VICE-CHAIR GREENFIELD: You're --
23 you're a great American to finish his road.

24 (Laughter.)

25 CHAIRMAN SHAPIRO: And that road will

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2 serve as that choice.

3 MR. D'AGOSTINO: Mr. Chairman, that's
4 really --

5 THIRD VICE-CHAIR LEWIS: Can you
6 just -- can you just address the question of
7 parking? So parking, can you speak to how many
8 parking spaces will be provided for the home?
9 The four homes that we're talking about.

10 MR. SANCHEZ: There is no parking on
11 the street.

12 (Discussion held off the record.)

13 MR. SANCHEZ: It's a double -- a double
14 driveway and one in the garage.

15 THIRD VICE-CHAIR LEWIS: For each of
16 the property?

17 MR. SANCHEZ: For each property.

18 THIRD VICE-CHAIR LEWIS: Right. Okay,
19 very good.

20 Thank you.

21 CHAIRMAN SHAPIRO: Commissioners, any
22 other questions?

23 COMMISSIONER FORMAN: Will -- will the
24 driveway be wide enough that if, when people park
25 on the driveway, that you can still be able to

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2 have two lanes to get through once -- as -- as
3 envisioned or --

4 MR. SANCHEZ: Sure.

5 They're off the road; right?

6 (Discussion held off the record.)

7 THIRD VICE-CHAIR LEWIS: Yeah, I think.

8 MR. SANCHEZ: No -- no.

9 MR. D'AGOSTINO: The driveway is --
10 is -- is for access. The parking is on each
11 site, on site parking.

12 CHAIRMAN SHAPIRO: Yeah, it's onsite.

13 COMMISSIONER FORMAN: So as a -- as a
14 practical matter when people park in the
15 driveway, it's going to be, you know, when
16 there's more than three cars and when someone has
17 an event, it's going to be very, very difficult
18 to get up and down that road, because it's not --
19 it's not wide -- it's not wide enough.

20 MR. SANCHEZ: There is, you know,
21 there'll be in the back.

22 (Discussion held off the record.)

23 MR. D'AGOSTINO: The common -- common
24 driveway, Commissioner, is -- is solely for
25 access. We're compliant with "280A" of -- of the

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2 Town Law, but there's no parking permitted on the
3 driveway.

4 CHAIRMAN SHAPIRO: On into the driveway
5 or the street?

6 MR. D'AGOSTINO: On the driveway. I'm
7 talking about the common driveway.

8 CHAIRMAN SHAPIRO: Oh, the common
9 driveway. Okay, got it.

10 MR. O'BRIEN: Right. The common, I
11 assume -- I assume the driveway is run
12 perpendicular to the common driveway, so they're
13 set off?

14 MR. D'AGOSTINO: Yeah.

15 MR. O'BRIEN: And you really don't have
16 to worry about the one that's all the way at the
17 end, because they won't be barking. If anybody,
18 it's the other three.

19 MR. D'AGOSTINO: Right.

20 THIRD VICE-CHAIR LEWIS: No -- no
21 criticism of the three of you, but, you know, I
22 do have a criticism of these drawings we often
23 get. It's really hard -- you should be able to
24 answer this question just by looking at the
25 drawing. The -- the -- we should be able to see

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2 both the driveway and where the parking spots
3 are by looking at the drawing. But it's not on
4 your -- it's not -- it's not on that document.

5 MR. SANCHEZ: Okay.

6 THIRD VICE-CHAIR LEWIS: But whatever.

7 COMMISSIONER GOLD: Are we saying -- is
8 there additional space to park on the street that
9 isn't on the driveway?

10 CHAIRMAN SHAPIRO: You can't. No
11 problem.

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

14 MR. O'BRIEN: Commissioners --

15 VICE-CHAIR GREENFIELD: No, he's going
16 to park around the corner on the -- on the -- on
17 the not completed property that he's paving the
18 -- the road for.

19 But seriously, I think it should
20 be marked as a fire lane -- that's my concern
21 there -- with a yellow stripe fire lane. That
22 way it's -- I know some people have no respect
23 for it, but at least it's an attempt to clarify
24 that --

25 THIRD VICE-CHAIR LEWIS: That there's

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2 no parking.

3 VICE-CHAIR GREENFIELD: -- that there's
4 no parking here and you need access for a fire
5 truck, God forbid there's a fire in one of the
6 interior property.

7 CHAIRMAN SHAPIRO: I think that's --

8 VICE-CHAIR GREENFIELD: You need to get
9 water on a fire.

10 CHAIRMAN SHAPIRO: -- I think that's up
11 to "DPW;" is that correct?

12 VICE-CHAIR GREENFIELD: No, it's not.
13 It's not "DPW." It's --

14 THIRD VICE-CHAIR LEWIS: It's on their
15 property.

16 VICE-CHAIR GREENFIELD: -- in -- it's
17 not a public road.

18 Mr. D'Agostino, can we put that as a
19 condition, that it be marked as a fire lane?

20 MR. D'AGOSTINO: Well, if I -- if I
21 could just respond to Commissioner Lewis, I guess
22 Commissioners Forman and Lewis and -- and -- and
23 yourself, Vice-Chairman Greenfield, the -- there
24 is no parking, and you know, pursuant to the --
25 the -- the what's been approved by the Town.

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2 And -- and I believe it's shown on the
3 drawings, the -- the -- or at least on the
4 decisions, that there's -- there -- it will be no
5 parking on the access driveway. There are
6 driveways for each individual lot, which are off
7 of that driveway. And what -- whatever signage
8 or -- or markings that you require in terms of --
9 of -- of fire protection, I don't think we have
10 any problem.

11 MR. MINERVA: No.

12 MR. SANCHEZ: No -- no.

13 MR. D'AGOSTINO: No problem.

14 THIRD VICE-CHAIR LEWIS: I think the
15 way you worded that there was helpful. The --
16 the word driveway can have more than one meaning
17 in this context.

18 So there's an access driveway that
19 bring -- that gives you access to all four of the
20 properties. And then you would turn into each,
21 where there would be a --

22 MR. D'AGOSTINO: Yes --

23 THIRD VICE-CHAIR LEWIS: -- a parking
24 pad as a separate driveway for each property;
25 right?

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2 MR. D'AGOSTINO: -- right.

3 THIRD VICE-CHAIR LEWIS: And the access
4 driveway, we're all agreeing can't be blocked,
5 because otherwise that would be dangerous and
6 so --

7 MR. D'AGOSTINO: And -- and -- and
8 that's there to comply with the requirements of
9 "280A" of the Town Law, which can be complied
10 with by easement. But obviously, it's got to be
11 accessible.

12 THIRD VICE-CHAIR LEWIS: Right.

13 MR. D'AGOSTINO: And -- and -- and that
14 point is well taken.

15 CHAIRMAN SHAPIRO: Thank you.

16 Commissioners, any other questions?

17 (No response.)

18 CHAIRMAN SHAPIRO: We do have one
19 speaker, Mr. Walker Cordero. Please come up, and
20 state your name and address for the record.

21 (Stepping up.)

22 MR. CORDERO: Good afternoon, sir.

23 My name is Walter Cordero and I live in
24 654 Emerson Drive, West Hempstead, New York
25 11552.

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2 CHAIRMAN SHAPIRO: Welcome.

3 MR. CORDERO: West Hempstead.

4 All right. The reason I'm here is I
5 received a letter. It's been a few times
6 already. We already attend a meeting in
7 Hempstead a little while ago. It was the -- the
8 latest, the construction was supposed to be done
9 by now. It was the application he's making right
10 now.

11 They guy, the person who's making the
12 application is the same person who sold the house
13 to me, what I have in there, 654 Emerson Drive.
14 I live in there for about 13 to 14 years and I
15 used to live in Queens. I moved out there,
16 because everything was way -- was way too crowded
17 and it was very bad growing up, my kids, so I
18 moved there.

19 I'm trying to get a space, trying to
20 get a -- to make a better living like everybody
21 else wants to make a better living. And like I
22 said before, they already denied the construction
23 because the cost over there in Hempstead say no.

24 And keep making the application again.
25 What I believe is this property, when you try to

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2 make it one house in there it's not too wide, the
3 property. It's a -- it's in a roadway, but it's
4 not so wide. The problem it is, I have -- I have
5 a little property in the front. It's same as the
6 three house, like the big house next to my house
7 what goes against to the property where he is
8 trying to make the construction.

9 I have tight -- not even 4 or 5 feet,
10 where already facing the backing of the other
11 house where he's going to make the construction
12 right there. So I think that's impossible,
13 because this is not a way to living.

14 I'm not paying taxes for New York City,
15 or whatever I would pay in Queens. I pay taxes
16 for Long Island. And Long Island's taxes are
17 very high, to tell you the truth.

18 I need the space. I'm not a young
19 person. I'm not a 15 or 20 years. I'm 65 years
20 old and I want to live in peace.

21 Just a while ago, he was renting out
22 the house, was so much noise in there. People
23 are doing whatever they want to do in the back.
24 I couldn't sleep. You can hear everything from
25 the back. I know the people move out already. I

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2 don't know he's renting or not again.

3 But and also is so many accidents in
4 the area. If you guys, if you people can check
5 it out, the police department record. You don't
6 have to go a year ago, just in six months ago and
7 check it out how many accidents in this area.
8 There's accidents all the time. Just was an
9 accident just three days ago. And is -- traffic
10 is impossible to move on there.

11 (Mr. Gallagher exits the meeting.)

12 MR. CORDERO: I don't know how come
13 they get a -- they have the permit to build that.
14 Also, are 16 townhouses are not even occupied
15 yet. And it's just sitting in there for nothing.

16 I just think is one day, if one day
17 they're going to finish up the 16 townhouse what
18 they have in there, and they're going to build
19 out this whole house in there, I want it see how
20 things are going to be there. There's going to
21 be awful. It's going to be terrible. I would
22 be -- not like to live like this to make one
23 person happy and you destroying everybody,
24 people's neighbors down there.

25 CHAIRMAN SHAPIRO: Thank you very much.

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2 Mr. D'Agostino?

3 MR. CORDERO: Thank you, sir.

4 CHAIRMAN SHAPIRO: Do you want to
5 address the issue?

6 (Stepping up.)

7 MR. D'AGOSTINO: My -- I -- I -- I
8 personally did not present this at the
9 Zoning Board of Appeals, but my law partner
10 Dominick Minerva, Junior did. We had a
11 traffic expert testify before the Board and that
12 was considered by the Board in arriving at the
13 zoning decision.

14 And Mr. Cordero's property is one
15 of four on a similar property, dimension wise.
16 It's on Emerson, but dimension wise just to the
17 north.

18 The -- the -- the proposed easement
19 and -- and obviously, subject to -- to the -- the
20 determination of the Board, if this is approved,
21 the easement will be -- will -- will be executed
22 and -- and -- and the improvements on the
23 driveway will go forward, because obviously, it
24 makes no sense to improve the driveway that's not
25 on our property which is on the easements, until

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2 we do get the approval.

3 And I would just also note for the
4 record that it has been a -- I guess somewhat
5 recently-established principle of law that, you
6 know, the zoning is in place. And the Commission
7 has taken the position in recent litigation, I
8 think it was involving a couple properties down
9 in -- in Point Lookout, that the Commission has
10 no zoning authority.

11 So the zoning is done. But -- but, you
12 know, we -- we -- we built in every -- every
13 condition that was required by the Zoning Board.
14 And -- and the -- these lots are somewhat similar
15 in -- in -- in dimension to the four lots to
16 the -- to the -- to the north. But obviously,
17 there the -- the -- the -- there -- there is an
18 access issue that had to be addressed. And we --
19 we've addressed it in -- by easement, an
20 improvement of the easement and which is in
21 compliance with -- with -- with "280A" of -- of
22 the Town Law and the -- the Town has also granted
23 the -- the easements for it.

24 So I -- I recognize that the manner in
25 which this area has developed on similar-sized

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2 projects and the proximity to the -- the -- the
3 Parkway does require, I mean this, you know,
4 somewhat unusual approach for which we sought the
5 variances and we were granted. I'm very aware of
6 it, because it's the way I go home every night
7 and to and from my office every day. But that's,
8 you know, that's -- that's the way this area
9 described property has -- has developed. And
10 so -- so --

11 THIRD VICE-CHAIR LEWIS: So if I -- so
12 if I can interrupt with a question, that we're
13 looking at the neighborhood on the screen. And
14 we do see there, you know, there it's pretty
15 tight. And you -- you pointed out that the
16 neighbor who's raised these concerns, nonetheless
17 is on a similar-sized property to what is
18 proposed here. So I -- I get your point that
19 you're establishing sort of a legal fairness
20 issue, which we recognize, you know.

21 The variance hearing was really the key
22 place -- I'm sorry to say this to the neighbor,
23 but that was really the key place for there to be
24 an action that would block this, because once
25 they've given the variance, it does make this is

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2 a lot harder.

3 Counsel would say it pretty much
4 prevents us from voting against it. But I
5 believe we still have some discretion on this,
6 but it is a lot harder. There was a hearing at
7 the Town level. They did give these variances
8 and the properties are pretty similar to the
9 neighbor's property.

10 So I guess one question would be is can
11 we do something to buffer between the two
12 properties? The newly-developed property is the
13 one that's coming into the neighborhood, as he
14 says, you know. So to some extent, the existing
15 neighbors peace and enjoyment of their property
16 should not be overly disrupted by the new
17 development, so some kind of --

18 COMMISSIONER FORMAN: Setback.

19 THIRD VICE-CHAIR LEWIS: I mean he
20 raises the question about setback requirements.
21 And it does raise the question, or -- or option
22 of some kind of natural buffer or -- or plantings
23 or fence and such. So have we considered that by
24 your client or would he be willing to consider
25 that?

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2 MR. D'AGOSTINO: Well, one just -- just
3 for factual correction, Mr. Cordero's property is
4 a little less than 10,000, which is significantly
5 less than any of the -- these four properties.

6 But in terms of buffering --

7 (Discussion held off the record.)

8 MR. D'AGOSTINO: Okay, all right.

9 The -- the one -- one of these lots
10 is -- is improved. I think it's "Lot No. 3" with
11 an existing dwelling.

12 And how old is that dwelling --

13 (Discussion held off the record.)

14 MR. D'AGOSTINO: Okay. And that --
15 that -- that house has been -- has been developed
16 and -- and -- and I presume landscaped, has it
17 been?

18 MR. SANCHEZ: Yeah.

19 MR. D'AGOSTINO: For the last 50 or so
20 years.

21 Is there a buffer back there now, or a
22 long a fence or anything of that nature?

23 MR. SANCHEZ: Oh, between his house and
24 ours, yeah.

25 MR. D'AGOSTINO: Yeah.

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2 MR. CORDERO: There's no space there.

3 MR. O'BRIEN: That's -- that's the --
4 that's the -- the old Rego house; right?

5 Rego are the people who owned the
6 property; right?

7 MR. CORDERO: Yes -- yes, right, it's
8 both houses and the --

9 VICE-CHAIR GREENFIELD: You have go to
10 the mic. for the benefit of the -- we can't have
11 everybody talking at once.

12 MR. O'BRIEN: Right. So that house
13 is -- I'm sorry.

14 That house is there and it's -- and
15 I -- I agree, it's probably been there about 50
16 years. And that house is remaining there.

17 MR. D'AGOSTINO: That's correct.

18 MR. O'BRIEN: So there's no -- there's
19 no change in any effect on -- on any of the
20 neighbors, because --

21 MR. D'AGOSTINO: Right --

22 MR. O'BRIEN: -- it was there before
23 those -- those houses on Emerson were built,
24 what, about 20 years ago?

25 MR. CORDERO: Yes.

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2 MR. O'BRIEN: Ballpark?

3 MR. CORDERO: Yeah, I know the --

4 VICE-CHAIR GREENFIELD: No -- no -- no.

5 CHAIRMAN SHAPIRO: You have to come to

6 the mic. We can't hear you.

7 MR. O'BRIEN: Okay.

8 MR. D'AGOSTINO: Do you want him --

9 VICE-CHAIR GREENFIELD: If he has to
10 answer Mr. O'Brien, he has to talk into the mic.
11 For this --

12 MR. CORDERO: I'm not saying anything
13 about the house was behind, because this is
14 what's there.

15 MR. O'BRIEN: Okay.

16 MR. CORDERO: I have no problem with
17 houses behind my house.

18 It shows us the 3 house, was 4 house,
19 was supposed to come in around the property,
20 because affect to all the neighbors. And the
21 reason why they not here is because they have
22 work and probably they can't be here because of
23 the jobs. It's not because they're not
24 answering. It was sending letters to everybody.
25 Everybody knows everybody, you know, knows what's

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2 going on. And to tell you the truth, not
3 everybody's happy in the area, not everybody's
4 happy.

5 And like I said, just to make one
6 person happy, I don't think it's fair to destroy
7 everybody's lives in there with the people, you
8 know, who -- who are a long time in there.

9 (Discussion held among Commissioners
10 off the record.)

11 VICE-CHAIR GREENFIELD: Al?

12 COMMISSIONER DURSO: I have a question,
13 has anybody in the neighborhood shown up to any
14 of these meetings to show their concerns and --

15 VICE-CHAIR GREENFIELD: The Zoning
16 Board.

17 COMMISSIONER DURSO: -- Zoning
18 hearings, because I'm not showing anybody here
19 today. I'm just trying to see where everybody in
20 the --

21 MR. CORDERO: Yeah.

22 COMMISSIONER DURSO: -- neighborhood
23 has been.

24 MR. CORDERO: Like I said is we have a
25 meeting. We -- we have a meeting, we -- we apply

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2 already for Hempstead. And we have a bunch of
3 people, all the neighbor was almost there, was
4 there.

5 CHAIRMAN SHAPIRO: Okay. So all the
6 neighbors showed up and Mr. D'Agostino --

7 MR. CORDERO: Yeah.

8 CHAIRMAN SHAPIRO: -- all the neighbors
9 showed up?

10 MR. CORDERO: Yeah.

11 MR. D'AGOSTINO: And -- and I think
12 on -- on the decision you'll see who a copy was
13 sent out to --

14 CHAIRMAN SHAPIRO: Yeah, right. And
15 the --

16 MR. CORDERO: It was the last --

17 CHAIRMAN SHAPIRO: -- Zoning Board and
18 the Zoning Board approved it with --

19 MR. CORDERO: Yeah --

20 CHAIRMAN SHAPIRO: -- 21 conditions?

21 MR. CORDERO: -- yeah.

22 And that, I'm sorry, in that meeting
23 was everybody there, because everybody was okay
24 after that, because I guess it was denied already
25 by the Town of Hempstead. So they want to

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2 supposed to keeping going, but he put the
3 application again.

4 CHAIRMAN SHAPIRO: But that's -- that's
5 okay, because they made a decision and their
6 decision came to us.

7 MR. CORDERO: Okay.

8 CHAIRMAN SHAPIRO: So it give us the --
9 we are here for the subdivision. We're not here
10 to do anything else, but subdivide those
11 properties.

12 And they've made certain conditions for
13 those properties. And as long as the applicant
14 follows those conditions, then we really have to
15 move this case forward, so that they can go and
16 build it, and do whatever they have to do in
17 accordance with the plans, and in accordance with
18 the conditions, and the "C & Rs" that are on the
19 deeds.

20 MR. CORDERO: I need to you, sir, the
21 decision, of course you guys have to make the
22 decision. But what I'm saying is I don't think
23 this is fair, because one person makes and
24 destroys everybody's lives in their neighborhood.

25 CHAIRMAN SHAPIRO: Well, you're --

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2 everybody was listened to at the zoning hearing.

3 Thank you.

4 Any other questions?

5 MR. D'AGOSTINO: Mr. Chairman, I'd
6 just point out that there are -- are 11 names on
7 the -- the -- the notice of decision for the
8 Zoning Board of 11 neighbors who -- who were
9 present for the hearing.

10 CHAIRMAN SHAPIRO: Thank you.

11 Commissioners, any other questions?

12 (No response.)

13 MR. D'AGOSTINO: (Handing.)

14 MR. WREN: (Receiving.)

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

17 Go ahead. Make a motion.

18 COMMISSIONER DURSO: I'd like to make a
19 motion to approve NCPC File No. 27-2025 with a
20 "Negative Declaration." I just want to set on
21 the record, with all of the --

22 CHAIRMAN SHAPIRO: Conditions.

23 COMMISSIONER DURSO: -- conditions that
24 were set for the Zoning Hearing I believe through
25 the Town of Hempstead.

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2 CHAIRMAN SHAPIRO: Right.

3 COMMISSIONER DURSO: I don't have
4 the --

5 MR. O'BRIEN: Imposed by the Town of
6 Hempstead BZA.

7 COMMISSIONER DURSO: -- imposed by the
8 Town of Hempstead, on record, that those are all
9 going to be set forth and that the -- the
10 homeowner [sic] is going to --

11 CHAIRMAN SHAPIRO: The applicant.

12 COMMISSIONER DURSO: -- the applicant,
13 I apologize, just be a, you know, neighborly to
14 the neighbors and try to work with the residents
15 the best that they can. Try to just be good to
16 neighbors the best you can.

17 (Laughter.)

18 COMMISSIONER DURSO: You know, we do
19 try to make things work with everybody. So if we
20 can put that on the record, that you're going to
21 do the best you can with making everybody happy,
22 and making sure there's no cars on that road.
23 And any signage that can be made, that would
24 help.

25 VICE-CHAIR GREENFIELD: I'll second

1 NCPC Minor Sub. File No. 27-2025
2 the -- the motion. As well as beyond the motion,
3 is to meet with the good neighbor and try to do
4 something, especially during the course of
5 construction to minimize the situation.

6 CHAIRMAN SHAPIRO: Thank you.

7 THIRD VICE-CHAIR LEWIS: All in favor?

8 CHAIRMAN SHAPIRO: All in favor of the
9 motion?

10 (Chorus of "ayes.")

11 CHAIRMAN SHAPIRO: Any opposed?

12 (No response.)

13 CHAIRMAN SHAPIRO: Motion carries.

14 MR. D'AGOSTINO: Thank you,
15 Mr. Chairman, members of the Commission.

16 THIRD VICE-CHAIR LEWIS: Thank you.

17 * * *

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1 NCPC Minor Sub. File No. 28-2025

2 (Stepping up.)

3 MR. WREN: Okay. Next up we have
4 Case 28-2025. This is a lot line adjustment.

5 The 15,426 square foot subject property
6 is situated on the south side of Kent Drive in
7 the Hamlet of Hewlett, Town of Hempstead's
8 Residential "A" Zoning District. Application
9 proposes to convey 959.5 feet from the western
10 portion of "Parcel A" to the eastern portion of
11 "Parcel B" by the means of a lot line adjustment.

12 "Parcel A" will have a frontage of
13 89.81 feet and be a total of 14,465.5 square feet
14 after reappointment;

15 "Parcel B" will have a frontage of
16 49.33 feet and be a total of 294,356 square feet
17 after reappointment.

18 Town of Hempstead's Department of
19 Buildings has issued a letter of zoning
20 compliance for the proposed lot line adjustment.

21 I'll now ask the attorney to step up.

22 CHAIRMAN SHAPIRO: Good morning. Name
23 and address for the record.

24 (Stepping up.)

25 MR. GRAY: Good morning. Garrett Gray,

1 NCPC Minor Sub. File No. 28-2025
2 Weber Law Group, 290 Broadhollow Road, Melville,
3 New York. I will be very brief.

4 VICE-CHAIR GREENFIELD: Thank you --
5 thank you.

6 (Laughter.)

7 MR. GRAY: I had a 75 page
8 single-spaced outline to follow for this, but I
9 decided to abandon that.

10 VICE-CHAIR GREENFIELD: Yeah, give it
11 to Mr. D'Agostino.

12 (Laughter.)

13 MR. GRAY: I'll hand it up.

14 (Laughter.)

15 CHAIRMAN SHAPIRO: Thank you.

16 MR. GRAY: As -- as was presented, this
17 is a small 959.5 square foot lot line adjustment.
18 One fully -- one -- one -- one neighbor to
19 another, both are fully zoning compliant. We've
20 submitted a zoning compliance letter from the
21 Town of Hempstead.

22 And if the Board has any questions, I'm
23 happy to answer them.

24 CHAIRMAN SHAPIRO: Any questions,
25 Commissioners?

1 NCPC Minor Sub. File No. 28-2025

2 VICE-CHAIR GREENFIELD: Nope.

3 COMMISSIONER DURSO: No.

4 CHAIRMAN SHAPIRO: Anybody in the
5 public wishes to be heard?

6 (No response.)

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

9 COMMISSIONER DURSO: I will make a
10 motion to approve NCPC File No. 28-2025 with a
11 "Negative Declaration."

12 THIRD VICE-CHAIR LEWIS: I'll second
13 the motion.

14 CHAIRMAN SHAPIRO: All in favor?

15 (Chorus of "ayes.")

16 CHAIRMAN SHAPIRO: Any opposed?

17 (No response.)

18 MR. GRAY: Total argument time, eight
19 seconds.

20 (Laughter.)

21 CHAIRMAN SHAPIRO: Thank you.

22 MR. GRAY: Once again, thank you very
23 much.

24 VICE-CHAIR GREENFIELD: Wait a minute.
25 You shouldn't have put that on the record.

1 NCPC Minor Sub. File No. 28-2025

2 You're going to be your billing your clients.

3 MR. GRAY: No.

4 VICE-CHAIR GREENFIELD: What are you
5 doing?

6 (Laughter.)

7 MR. WREN: You just cut your hours.

8 (Laughter.)

9 CHAIRMAN SHAPIRO: You're going to have
10 to have a conversation with Marty.

11 MR. GRAY: Eight hours, a correction to
12 the record.

13 VICE-CHAIR GREENFIELD: Now, you left
14 more time for the next attorney, because I have
15 a question.

16 CHAIRMAN SHAPIRO: With who?

17 VICE-CHAIR GREENFIELD: For the next
18 case.

19 CHAIRMAN SHAPIRO: Oh.

20 VICE-CHAIR GREENFIELD: For
21 Mr. Bonesso.

22 CHAIRMAN SHAPIRO: Let's go quickly
23 please.

24 * * *

25

1 NCPC Minor Sub. File No. 29-2025

2 (Stepping up.)

3 MR. WREN: Okay. Final case is
4 29-2025. This is a three-parcel minor
5 subdivision.

6 The 81.88-acre subject property is
7 situated on the south side of Old Country Road,
8 the Hamlet of Garden City, Town of Hempstead's
9 Industrial Zoning District. Application proposes
10 to subdivide the property, which currently has
11 115.75 feet of frontage on Old Country Road into
12 three separate parcels:

13 "Proposed Lot A" will have 250 feet
14 of frontage by 309 feet on Ring Road and be
15 1.45 acres;

16 "Proposed Parcel B" will have
17 266.42 feet by 311.15 on Ring Road and be a
18 total of 2.18 acres;

19 And "Proposed Lot C" will have
20 115.75 feet of frontage by 2,412.51 feet on
21 Old Country Road being a total of 77.92 acres.

22 Town of Hempstead's Department of
23 Buildings issued a "letter of zoning compliance"
24 for this.

25 Take it away.

1 NCPC Minor Sub. File No. 29-2025

2 CHAIRMAN SHAPIRO: Good morning,
3 Mr. Bonesso. We saved the best for last.

4 (Stepping up.)

5 MR. BONESSO: Good morning,
6 Commissioner --

7 (Laughter.)

8 MR. BONESSO: -- Commissioners and
9 Mr. Chairman. William Bonesso, Forchelli Deegan
10 and Terrana, 333 Earle Ovington Boulevard,
11 Uniondale, New York, here on behalf of the
12 applicant, The Real Property Trust.

13 The Real Property Trust is the owner
14 and operator -- well "Simon Properties" is the
15 operator, but Real Property Trust is the owner of
16 the Roosevelt Field Mall. And this is really
17 more of a housekeeping matter than anything, as
18 the subdivision proposed is not going to make any
19 really physical or operational change to the mall
20 in any way, shape or form.

21 What this is doing is creating two new
22 parcels, saleable and taxol [sic] -- taxable
23 parcels. One will house the hotel that was
24 recently approved. The site plan approval was
25 issued on July 1st by the Town of Hempstead.

1 NCPC Minor Sub. File No. 29-2025

2 This Board issued a "Local Determination" on
3 that matter. That hotel received a variance
4 and special exception relief from the
5 Board of Appeals. That, too, received a
6 "Local Determination" from this Commission.

7 So once that hotel is built, the joint
8 venture between "Simon" and "OTO Development" the
9 company that will build and operate the hotel,
10 they will be able to convey the dirt, if you
11 will, to the new venture, the joint venture that
12 is created to -- to -- to own the hotel. And
13 they will be able to have a specific separate tax
14 bill.

15 There was a time when you could file --
16 and -- and if you look at the -- the lot, you'll
17 see a lot of out parcels that are included in the
18 mall. Back in the day you could file a
19 memorandum of lease or -- with the Assessor's
20 Office and the assessor would create the tax lot
21 for you. About 15 years ago, the assessor said
22 no -- no -- no, no more of that. Every tax lot
23 has to be the subject of a subdivision
24 application and that is why we're here.

25 So they are creating a separate

1 NCPC Minor Sub. File No. 29-2025
2 saleable tax lot for the new hotel that will be
3 constructed. They are also creating one for
4 the existing Nordstroms. And -- and basically it
5 is the footprint of the Nordstroms that is
6 "Parcel B." And that way they will have the
7 ability to get a separate tax bill.

8 And that's not uncommon at the mall.
9 Macy's, the "Tax Lot 31" is the Macy's footprint.
10 "Tax Lot 29" is the Bloomingdale's footprint. So
11 this is just allowing for those -- those anchor
12 department stores and this hotel to have separate
13 lots.

14 CHAIRMAN SHAPIRO: Thank you.

15 Commissioners, any questions? I know
16 you're going to ask one, Mr. Greenfield.

17 VICE-CHAIR GREENFIELD: Yes.

18 Mr. Bonesso, thank you for your
19 thorough presentation. There's one famous
20 question that I have, especially with the
21 construction of the hotel. All the cars are back
22 that you promised me were going to be gone
23 forever.

24 (Laughter.)

25 MR. BONESSO: I -- I -- I didn't

1 NCPC Minor Sub. File No. 29-2025

2 promise.

3 (Laughter.)

4 MR. BONESSO: I -- I believe I
5 indicated I believe they would be gone.

6 But I will tell you that in the
7 southeast corner of the mall, which is the area
8 where there are vehicles stored, that was also
9 the subject of site plan approval on July 1st for
10 a 90,000 square foot three-story medical office
11 building. So that, the permits have not been
12 obtained for that yet. The hotel permits are now
13 being obtained. But they do intend to construct
14 a new three-story, 90,000 square foot office
15 building there, which will, at that point,
16 certainly do away with the ability to store cars
17 there.

18 VICE-CHAIR GREENFIELD: I thought you
19 were going to tell me you're going to have a
20 separate tax lot just for the storage of cars.

21 (Laughter.)

22 MR. BONESSO: Well, they haven't asked
23 me to do that yet.

24 VICE-CHAIR GREENFIELD: As long as I
25 put that on the record.

1 NCPC Minor Sub. File No. 29-2025

2 MR. BONESSO: If they ask me to do
3 that, I will push back.

4 (Laughter.)

5 VICE-CHAIR GREENFIELD: Okay. Well,
6 thank you for answering my question.

7 CHAIRMAN SHAPIRO: Commissioners, any
8 other questions?

9 COMMISSIONER DURSO: No.

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

12 COMMISSIONER GOLD: I'll make a motion
13 to approve NCPC 29-2025 with a "Negative
14 Declaration."

15 COMMISSIONER FORMAN: Second.

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

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

20 CHAIRMAN SHAPIRO: The motion carries.

21 MR. BONESSO: Thank you very much.
22 Have a good day.

23 CHAIRMAN SHAPIRO: Thank you.

24 COMMISSIONER DURSO: You too.

25 * * *

1 Proceedings

2 CHAIRMAN SHAPIRO: Okay, we're going to
3 go out of order a little bit. We're going to do
4 some new business first.

5 This is --

6 VICE-CHAIR GREENFIELD: "G1."

7 CHAIRMAN SHAPIRO: -- No. 1 under new
8 business. We have two items.

9 This is to notify that we will be
10 relocating the August 14th and September 4th
11 Planning Commission meetings to the "Ceremonial
12 Room" upstairs here. So we'll have to, when we
13 send out our notices, they will all -- those two
14 meetings will be in the "Ceremonial Room."

15 MR. O'BRIEN: Are we going to go with
16 Zoning only for the September 4th meeting or --

17 CHAIRMAN SHAPIRO: September 4th --

18 VICE-CHAIR GREENFIELD: Hopefully,
19 unless there's something important.

20 CHAIRMAN SHAPIRO: -- hopefully.
21 Unless there's something that's --

22 VICE-CHAIR GREENFIELD: Urgent.

23 CHAIRMAN SHAPIRO: -- urgent, we will
24 do just the zoning for September 4th and we'll
25 have a regular calendar on the 14th.

1 Proceedings

2 VICE-CHAIR GREENFIELD: We'll have
3 urgent care.

4 CHAIRMAN SHAPIRO: Okay.

5 So do we need a motion for that?

6 MR. O'BRIEN: No, it was just for
7 information only.

8 VICE-CHAIRMAN GREENFIELD: No, it's
9 just a notification.

10 CHAIRMAN SHAPIRO: Okay.

11 * * *

12 CHAIRMAN SHAPIRO: The other item is,
13 is that in accordance with the Charter, the
14 Chairman has the right to sign resolutions,
15 certified resolutions.

16 I'd like to make a motion that the
17 First Vice -- Vice-Chair of the Nassau County
18 Planning Commission be authorized to certify
19 resolutions of the Commission in my absence.

20 COMMISSIONER FORMAN: Second.

21 CHAIRMAN SHAPIRO: All those in favor?

22 (Chorus of "ayes.")

23 CHAIRMAN SHAPIRO: The motion carries.

24 * * *

25

1 Zoning Referral Review

2 (Mr. Katz stepping up.)

3 CHAIRMAN SHAPIRO: Now, we can go to
4 Zoning. We're going to start off with doing a
5 group -- grouping of the "LDs." If there's no
6 other questions, I will take a motion to "LD"
7 Zoning Agenda Items:

8 2;

9 6;

10 And 7.

11 COMMISSIONER FORMAN: So moved.

12 CHAIRMAN SHAPIRO: Is there a second?

13 VICE-CHAIR GREENFIELD: Second.

14 CHAIRMAN SHAPIRO: All those in favor?

15 (Chorus of "ayes.")

16 CHAIRMAN SHAPIRO: The motion carries.

17 * * *

18 CHAIRMAN SHAPIRO: Now Marty, you want
19 to start with No. 3 and --

20 MR. KATZ: Yeah, in addition to the
21 recommend -- staff recommendation, I'm just going
22 to read the proposed action. It's just to give
23 it a little context, but not the whole staff
24 summary. All right.

25 * * *

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: Oh, and also just so
3 that everybody knows, Item No. 1 is off the --
4 the -- the agenda and that will be heard possibly
5 on August 14th.

6 MR. O'BRIEN: Well, we're adjourning to
7 August 14th.

8 CHAIRMAN SHAPIRO: Right, we're going
9 to --

10 VICE-CHAIR GREENFIELD: We're
11 adjourning.

12 CHAIRMAN SHAPIRO: -- adjourn it to
13 August 14th.

14 THIRD VICE-CHAIR LEWIS: Which one is
15 that?

16 CHAIRMAN SHAPIRO: No. 1 is the --

17 VICE-CHAIR GREENFIELD: Popeye's --

18 CHAIRMAN SHAPIRO: -- Popeye's.

19 VICE-CHAIR GREENFIELD: -- in
20 Oceanside.

21 CHAIRMAN SHAPIRO: So I'll take a
22 motion to adjourn that to August 14th.

23 COMMISSIONER FORMAN: So moved.

24 CHAIRMAN SHAPIRO: Is there a second?

25 COMMISSIONER DURSO: I'll second.

1 Zoning Referral Review

2 VICE-CHAIR GREENFIELD: Second.

3 CHAIRMAN SHAPIRO: All those in favor?

4 (Chorus of "ayes.")

5 CHAIRMAN SHAPIRO: The motion carries.

6 * * *

7 MR. KATZ: Okay. Item No. 3 on the
8 Zoning Agenda is NCPC Case No. 77125, Town of
9 Hempstead, Hamlet of West Hempstead. It's for
10 area, dimensional variances, parking variances, a
11 fence variance.

12 Just this shows proposed action. This
13 is a proposed "Chipotle's" Restaurant of almost
14 2,000 square feet, 20 seats that will be attached
15 to an existing commercial building, "T-Mobile"
16 building. And a variance required for:

17 Front-yard setback on Nassau Boulevard;

18 And also off-street parking;

19 And there's also a fence variance along
20 the rear property line that's forward of the
21 building, that -- that create certain sight
22 distance problems;

23 And also --

24 CHAIRMAN SHAPIRO: Thank --

25 MR. KATZ: -- park --

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: -- you, Marty.

3 Can we have the --

4 MR. KATZ: All right, the --

5 CHAIRMAN SHAPIRO: -- staff

6 recommendation?

7 MR. KATZ: -- the staff recommendation
8 is we're requesting additional information. The
9 proposed "Chipotle's" Restaurant may exacerbate
10 traffic conditions at the congested intersection
11 of Hempstead Turnpike and Nassau Boulevard, as
12 well as worsening on-site parking congestion,
13 just -- thus traffic parking analysis is
14 requested. Also line of sight issue -- also line
15 of sight issues should also be -- should be
16 addressed --

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

18 MR. KATZ: -- given that parking is
19 located within the, quote, unquote, clear sight
20 triangle along Hempstead Turnpike, as well as
21 installing an excessively high fence, which is
22 6 feet forward of the building to the east and
23 west property lines. That may obstruct line of
24 sight along Euston Road and Nassau Boulevard.

25

* * *

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: Thank you.

3 The next case is NCPC File Case No.
4 433 and this is a proposed Tony's Taco
5 Restaurant.

6 Would you please go through and read
7 the staff recommendations?

8 MR. KATZ: Staff is recommending
9 additional information, given the significant
10 parking shortfall that currently exists in the
11 shopping center and that will -- in all probably
12 be exacerbated by the proposed restaurant and
13 also the congestion observed at the shopping
14 center's intersection with New York 24. It is
15 across from Home Depot.

16 Staff is recommending that a traffic
17 parking analysis be prepared to address these
18 concerns.

19 CHAIRMAN SHAPIRO: Thank you.

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

21 CHAIRMAN SHAPIRO: And do I -- the next
22 one is?

23 COMMISSIONER DURSO: Which one? This
24 is Tony's?

25 CHAIRMAN SHAPIRO: Yup.

1 Zoning Referral Review

2 COMMISSIONER DURSO: Tony's Tacos?

3 I --

4 CHAIRMAN SHAPIRO: Yeah, we're going to
5 do one motion for all of them. I think it's
6 easier that way.

7 COMMISSIONER DURSO: Are -- are we --

8 VICE-CHAIR GREENFIELD: Are we required
9 to do separate? No?

10 MR. O'BRIEN: No.

11 CHAIRMAN SHAPIRO: We're not required
12 to do separates of where I ask for --

13 COMMISSIONER DURSO: Yes.

14 * * *

15 CHAIRMAN SHAPIRO: Okay. So and the
16 next one is Case No. 427, NCPC File Case No.,
17 Local Case No. 427, Nassau County Planning
18 Commission Case No. 77325. And that is for --
19 what?

20 * * *

21 MR. O'BRIEN: I thought it was 4 [sic].

22 MR. KATZ: It's Case No. 5.

23 CHAIRMAN SHAPIRO: I'm sorry. I
24 grabbed the wrong one.

25 MR. KATZ: Yeah.

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: Pardon me?

3 Case No. 626125 and that is to renovate
4 tenant's space for an adult day care center;
5 correct, Marty?

6 MR. KATZ: Yeah, that's correct.

7 It's --

8 CHAIRMAN SHAPIRO: Okay, and --

9 MR. KATZ: Right.

10 CHAIRMAN SHAPIRO: Staff recommendation
11 is as follows. Go ahead.

12 MR. KATZ: Based on information
13 provided, the proposed operation is somewhat
14 ambiguous in terms of:

15 Services being provided;

16 The number of patrons that can be
17 accommodated within a proposed use;

18 The number of employees;

19 Also transportation to and from the
20 facility. Will they be dropped off? Will it
21 be -- they may be shuttle bus service provided.

22 We're not 100 percent sure that's going to
23 happen;

24 In addition, a 50 percent parking
25 shortfall will result when applying Village

1 Zoning Referral Review

2 standards. As such, a traffic parking analysis
3 is requested.

4 THIRD VICE-CHAIR LEWIS: Okay.

5 CHAIRMAN SHAPIRO: Okay. Thank you.

6 * * *

7 CHAIRMAN SHAPIRO: So I'd like to have
8 a motion for deeming --

9 THIRD VICE-CHAIR LEWIS: Motions.

10 CHAIRMAN SHAPIRO: -- NCPC File:

11 3;

12 4;

13 And 5 as incomplete, adding [sic] --
14 asking for additional information.

15 So do I have a motion?

16 COMMISSIONER FORMAN: Mr. Chairman --

17 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
18 so moved.

19 CHAIRMAN SHAPIRO: And is there a
20 second?

21 COMMISSIONER DURSO: Second.

22 COMMISSIONER FORMAN: Second.

23 CHAIRMAN SHAPIRO: All in favor?

24 (Chorus of "ayes.")

25 CHAIRMAN SHAPIRO: The motion carries.

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Zoning Referral Review

So moved.

* * *

1 Proceedings

2 VICE-CHAIR GREENFIELD: Motion to
3 adjourn.

4 CHAIRMAN SHAPIRO: So moved.

5 VICE-CHAIR GREENFIELD: Motion to
6 adjourn at 10:59.

7 We met our 11:00 deadlines of the
8 Chairman and myself.

9 CHAIRMAN SHAPIRO: Yes.

10 VICE-CHAIR GREENFIELD: Yeah -- yeah --
11 yeah. I went by Verizon time.

12 (Laughter.)

13 (The meeting was concluded at
14 10:59 a.m.)

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

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

Stephanie J. Valder

STEPHANIE J. VALDER,
Stenographer

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