

REGULAR MEETING
of the
NASSAU COUNTY PLANNING COMMISSION

Thursday, August 14, 2025

10:05 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

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JEFFREY H. GREENFIELD, Vice-Chair
(10:05 a.m. - 10:31 a.m.)

5

NEAL LEWIS, Third Vice-Chair

6

DANA DURSO,

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MURRAY FORMAN,

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DENISE GOLD,

9

REID SAKOWICH,

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Commissioners

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WILLIAM NIMMO, Deputy Commissioner

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ROBERT O'BRIEN, Esq., Counsel

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Staff:

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GREGORY J. HOESL

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MARTIN KATZ

16

CAMERON SANDS

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TIMOTHY WREN

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Also Present:

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STEPHANIE J. VALDER, Stenographer

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1 Proceedings

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

3 CHAIRMAN SHAPIRO: All right.

4 Everybody stand for the Pledge of Allegiance.

5 VICE-CHAIR GREENFIELD: We're going
6 live.

7 MR. HOESL: Thank you.

8 CHAIRMAN SHAPIRO: And we're going to
9 ask our chief technology gentleman over in the
10 corner to lead us in the Pledge of Allegiance.

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

13 (Pledge of Allegiance recited in a
14 body.)

15 VICE-CHAIR GREENFIELD: Play ball.

16 CHAIRMAN SHAPIRO: We try.

17 VICE-CHAIR GREENFIELD: Thank you.

18 CHAIRMAN SHAPIRO: We hope.

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

21 (Stepping up.)

22 MR. HOESL: Good morning,
23 Commissioners. I'll start with a roll call.

24 Commissioner Sakowich?

25 COMMISSIONER SAKOWICH: Here.

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Proceedings

MR. HOESL: Commissioner Kalaty?

VICE-CHAIR GREENFIELD: Excused.

CHAIRMAN GREENFIELD: Excused.

MR. HOESL: Commissioner Gold?

COMMISSIONER GOLD: Present.

MR. HOESL: Commissioner Forman?

COMMISSIONER FORMAN: Present.

MR. HOESL: Commissioner Ellerbe?

CHAIRMAN SHAPIRO: Excused.

MR. HOESL: Commissioner Durso?

COMMISSIONER DURSO: Present.

MR. HOESL: Third Vice-Chair Lewis?

THIRD VICE-CHAIR LEWIS: Present.

MR. HOESL: Vice-Chair Greenfield?

VICE-CHAIR GREENFIELD: Present.

MR. HOESL: And Chairman Shapiro?

CHAIRMAN SHAPIRO: Present.

MR. HOESL: May I have a motion

to acknowledge the receipt of transcript

from --

VICE-CHAIR GREENFIELD: So --

MR. HOESL: -- July 17th?

VICE-CHAIR GREENFIELD: -- moved.

COMMISSIONER FORMAN: Second.

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Proceedings

CHAIRMAN SHAPIRO: All in favor?

(Chorus of "ayes.")

MR. HOESL: Thank you.

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1 NCPC OSPAC File No. 6-2025

2 VICE-CHAIR GREENFIELD: Okay, "OSPAC."

3 CHAIRMAN SHAPIRO: "OSPAC."

4 MR. HOESL: We'll start with "OSPAC."

5 This is OSPAC Case 6-2025.

6 This is an application to sell
7 County-owned property to an adjacent property
8 owner, a property located just north of
9 21 Peninsula Avenue in the Incorporated
10 Village of Hempstead in their Residential "B"
11 Zoning District. The property in question is
12 2400 square feet.

13 Nassau County Real Estate Services was
14 provided with a letter from that property owner
15 directly to the west of the subject property.
16 They own the property that fronts on Bennett
17 Avenue. In the letter provided, the property
18 owners's requesting to purchase this "landlocked"
19 parcel from the County, per the recommendation of
20 the Incorporated Village of Hempstead, who
21 advised the property owner to attempt to acquire
22 the "landlocked" parcel and make the entire
23 property a legal building site. At some point,
24 the subject property was grouped together with
25 that parcel that fronts on Bennett Avenue, but

1 NCPC OSPAC File No. 6-2025
2 was eventually vested in title to Nassau County
3 because of a failure to pay taxes.

4 At the August 12th "OSPAC" meeting,
5 "OSPAC" voted "6-0" to approve this application
6 without condition.

7 THIRD VICE-CHAIR LEWIS: This is
8 property here? There's no current structure,
9 because it's not a buildable lot?

10 MR. HOESL: That's correct, yes. As of
11 right now, it's not a buildable lot.

12 CHAIRMAN SHAPIRO: But we also talked
13 about having them merge the lots --

14 MR. HOESL: Okay.

15 CHAIRMAN SHAPIRO: -- and let's see
16 what happens?

17 MR. HOESL: Yes, I think that would be
18 a good idea.

19 CHAIRMAN SHAPIRO: All right. I'll
20 take a motion.

21 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
22 I'd like to make a motion on OSPAC File
23 No. 6-2025. The motion is:

24 That we adopt a "Negative -- Negative
25 Declaration," first of all;

1 NCPC OSPAC File No. 6-2025

2 That we make a recommendation on the
3 sale of this property to the Nassau County
4 Legislature that they approve the sale;

5 And also that we recommend that when
6 it's completed, that the two lots are merged into
7 one going forward.

8 CHAIRMAN SHAPIRO: Is there a second?

9 COMMISSIONER FORMAN: Second.

10 CHAIRMAN SHAPIRO: All in favor?

11 (Chorus of "ayes.")

12 CHAIRMAN SHAPIRO: Any opposed?

13 (No response.)

14 CHAIRMAN SHAPIRO: Motion carries.

15 MR. HOESL: Thank you.

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1 Proceedings

2 (Discussion held off the record.)

3 (Stepping up.)

4 MR. WREN: We have set them up with the
5 agendas by the door.

6 CHAIRMAN SHAPIRO: Okay. The agendas
7 and speaker registration are in the back to my
8 right (indicating), just by the closed door. And
9 if there's anyone wishing to speak, please fill
10 out those and we'll let you speak.

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1 NCPC Minor Sub. File No. 30-2025

2 (Stepping up.)

3 MR. WREN: Good morning.

4 The first up minor subdivision we have
5 Case 30-2025. This is a lot line adjustment.

6 The 60,091 square foot subject property
7 is situated on the east side of Babylon Turnpike
8 in the Hamlet of Roosevelt, the Town of
9 Hempstead's Light Manufacturing Zoning District.
10 Application proposes to convey 9,600 square feet
11 from the northern portion of "Parcel B" to the
12 southern portion of "Parcel A" by means of a lot
13 line adjustment.

14 Proposed "Parcel A" will have a
15 frontage of 444.55 feet [sic] and be a total of
16 43,213 square feet after reappointment.

17 Proposed "Parcel B" will have a
18 frontage of 53.85 feet [sic] and be a total of
19 16,875 square feet after reappointment.

20 The Town of Hempstead's Department of
21 Buildings has issued a "letter of zoning
22 compliance" for the proposed lot line adjustment.

23 I'll now ask the attorney to come up.

24 (Stepping up.)

25 MR. D'AGOSTINO: Good morning,

1 NCPC Minor Sub. File No. 30-2025

2 Mr. Chairman, members of the Commission.

3 CHAIRMAN SHAPIRO: Good morning.

4 MR. D'AGOSTINO: Albert A. D'Agostino,
5 Minerva and D'Agostino, PC, 107 South Central
6 Avenue, Valley Stream, New York 11580,
7 representing the applicant.

8 The short version, as opposed to the
9 long version is --

10 VICE-CHAIR GREENFIELD: Thank you.

11 MR. D'AGOSTINO: -- this -- I'm sorry.

12 VICE-CHAIR GREENFIELD: Thank you.

13 MR. D'AGOSTINO: Is -- is that this is
14 a campus of the Roosevelt Charter Academy, which
15 was established as a charter school back in 2000.
16 And charter schools have been expanding. You've
17 seen them elsewhere in -- in the County and they
18 do a very, very effective job.

19 What's -- what's happening here, and
20 again, the short version is the -- they're going
21 to be reconstituting the -- the grade levels in
22 the different buildings and they're going to be
23 establishing a high school. And this is an
24 overall campus, and the -- the larger lot is
25 going to be a -- a parking area and something to

1 NCPC Minor Sub. File No. 30-2025

2 service that campus. And it's all part of the
3 campus.

4 So if you have any specific question,
5 I'd be happy to try to answer them. And I have
6 the director here as well.

7 VICE-CHAIR GREENFIELD: Was -- it
8 was -- it was the first charter school, if -- if
9 I recall, started by Fran.

10 AUDIENCE MEMBER: Bob Francis.

11 VICE-CHAIR GREENFIELD: Bob Francis,
12 okay.

13 MR. D'AGOSTINO: Bob -- Bob Francis was
14 the --

15 VICE-CHAIR GREENFIELD: Yes --

16 MR. D'AGOSTINO: -- original. He --

17 VICE-CHAIR GREENFIELD: Yeah, I know my
18 history.

19 MR. D'AGOSTINO: Yeah, at one time, he
20 was the Commissioner of Planning Development of
21 the Town of Hempstead. And yeah, the -- the --

22 VICE-CHAIR GREENFIELD: It has served
23 the community well, very well.

24 COMMISSIONER SAKOWICH: Yeah, I -- I
25 pass it all the time. It's so well-maintained.

1 NCPC Minor Sub. File No. 30-2025

2 It's -- it's --

3 MR. D'AGOSTINO: Yeah.

4 COMMISSIONER SAKOWICH: -- it's
5 underestimated --

6 MR. D'AGOSTINO: Well, it -- it serves
7 as a valuable function, not only to the
8 community, but to the children --

9 VICE-CHAIR GREENFIELD: To the good
10 people.

11 MR. D'AGOSTINO: -- so they can apply
12 from -- from other -- other districts.

13 COMMISSIONER SAKOWICH: Yeah.

14 VICE-CHAIR GREENFIELD: All right. So
15 I guess we're waiting for --

16 (Laughter.)

17 CHAIRMAN SHAPIRO: Is there anybody --

18 VICE-CHAIR GREENFIELD: -- a motion.

19 CHAIRMAN SHAPIRO: -- in the public
20 that wishes to be heard?

21 (No response.)

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

24 COMMISSIONER SAKOWICH: I make a motion
25 on NC 30 -- File 30-2025 for a "Neg. Dec."

1 NCPC Minor Sub. File No. 30-2025

2 MR. O'BRIEN: Approval and a "Neg. Dec."

3 COMMISSIONER SAKOWICH: Approval and a
4 "Neg. Dec."

5 CHAIRMAN SHAPIRO: Is there a second?

6 COMMISSIONER DURSO: I'll second.

7 CHAIRMAN SHAPIRO: All in favor?

8 (Chorus of "ayes.")

9 CHAIRMAN SHAPIRO: Any opposed?

10 (No response.)

11 CHAIRMAN SHAPIRO: Motion carries.

12 MR. D'AGOSTINO: Thank you,

13 Mr. Chairman and members of the Commission.

14 CHAIRMAN SHAPIRO: You're welcome.

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1 NCPC Minor Sub. File No. 31-2025

2 (Stepping up.)

3 MR. WREN: Sorry, I have to come up
4 here for like two seconds.

5 MR. D'AGOSTINO: No problem.

6 (Laughter.)

7 CHAIRMAN SHAPIRO: Don't bother sitting
8 down, Al.

9 MR. WREN: Yeah.

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

12 MR. WREN: Next up we have
13 Case 31-2025. This is a two-parcel minor
14 subdivision.

15 The 59,926 square foot subject property
16 is located -- is situated on the east side of
17 Wynsum Avenue in the Hamlet of Merrick, the Town
18 of Hempstead's Residential "B" Zoning District.
19 Application proposes to subdivide the property,
20 which currently has 119.13 feet of frontage on
21 Wynsum Avenue into two separate parcels.

22 "Proposed Lot A" will have 74.89 feet
23 of frontage by 309 feet and be a total of 41,959
24 square feet.

25 "Proposed Lot B" will have 70 feet of

1 NCPC Minor Sub. File No. 31-2025
2 frontage by 322.88 feet and be 17,976 [sic].

3 Town of Hempstead's Department of
4 Building has issued a "letter of zoning
5 compliance" for this one.

6 VICE-CHAIR GREENFIELD: I have to
7 recuse myself on this case and I'll --

8 MR. WREN: You're up.

9 VICE-CHAIR GREENFIELD: -- move slowly
10 out of the room.

11 (Laughter.)

12 VICE-CHAIR GREENFIELD: I saw there's a
13 back door here.

14 (Laughter.)

15 (Vice-Chair Greenfield exits the
16 meeting.)

17 MR. D'AGOSTINO: I'm not going --

18 MR. O'BRIEN: Jeff -- Jeff -- Jeff, why
19 don't you just sit in the front --

20 MR. D'AGOSTINO: -- I'm not going to
21 comment --

22 MR WREN: With the knees and --

23 (Laughter.)

24 MR. O'BRIEN: You're not on the dais.

25 CHAIRMAN SHAPIRO: He'd go golfing --

1 NCPC Minor Sub. File No. 31-2025

2 MR. D'AGOSTINO: I think it must have
3 been some fight.

4 (Laughter.)

5 MR. WREN: I would say it's too bad
6 going looking from the opposite knees, then you
7 ask him to switch.

8 (Laughter.)

9 (Discussion held off the record.)

10 VICE-CHAIR GREENFIELD: We're the
11 walking wounded here today.

12 MR. D'AGOSTINO: Anyways [sic], good
13 afternoon, Mr. Chairman, members of the
14 Commission. Albert A. D'Agostino, firm of
15 Minerva and D'Agostino, PC, 107 South Central
16 Avenue, Valley Stream, New York 11580.

17 And this is an intrafamily transfer, so
18 I -- with the consent of both parties, we're
19 actually representing both sides. And over the
20 years, we have represented a number of the -- the
21 waterfront property owners, which have been
22 before this Commission.

23 The -- the -- the grantee -- well,
24 the grantor on this lot -- lot are the parents.
25 And -- and Ellis Abramson (phonetic) (indicating)

1 NCPC Minor Sub. File No. 31-2025
2 is present sitting in the back, in case there are
3 any specific questions. I just want to let you
4 know he's here.

5 His -- his son, who's the grantee is
6 out of town. But the intention is to split an
7 overall -- the overall lot and provide water
8 frontage to the son's lot. So the -- the --
9 the -- just, you know, looking at the --

10 THIRD VICE-CHAIR LEWIS: It's a little
11 hard to see which swap of the land --

12 MR. D'AGOSTINO: I'm sorry.

13 THIRD VICE-CHAIR LEWIS: It's a little
14 hard to see much of it.

15 (Laughter.)

16 MR. D'AGOSTINO: I -- I know.

17 THIRD VICE-CHAIR LEWIS: But it's --
18 it's a swap of some land from the larger --

19 MR. D'AGOSTINO: Yeah --

20 THIRD VICE-CHAIR LEWIS: -- use along
21 the --

22 MR. D'AGOSTINO: -- that's -- that's
23 basically -- that's basically what it is.

24 CHAIRMAN SHAPIRO: Right.

25 MR. D'AGOSTINO: And it -- it -- it --

1 NCPC Minor Sub. File No. 31-2025
2 I -- I -- I would say that the -- well, in -- in
3 addition, we're -- we're adding the -- the lot
4 that the son is getting to that lot that is
5 merging, so that there's road frontage on
6 Wynsum Avenue. I always get confused between
7 Wynsum Avenue east and west. And that's the --
8 that's the intention.

9 CHAIRMAN SHAPIRO: Okay.

10 Any questions?

11 (No response.)

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

14 (No response.)

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

17 COMMISSIONER GOLD: I make a motion to
18 approve NCPC File No. 31-2025 with a "Negative
19 Declaration."

20 COMMISSIONER DURSO: Second.

21 CHAIRMAN SHAPIRO: All in favor?

22 (Chorus of "ayes" with Vice-Chair
23 Greenfield recused.)

24 CHAIRMAN SHAPIRO: Any opposed?

25 (No response.)

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NCPC Minor Sub. File No. 31-2025

CHAIRMAN SHAPIRO: The motion carries.

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1 NCPC Minor Sub. File No. 32-2025

2 (Vice-Chair Greenfield enters the
3 meeting.)

4 (Stepping up.)

5 MR. WREN: Okay. Next up is
6 Case 32-2025. This is another two-parcel minor
7 subdivision.

8 The 8,000 square foot subject property
9 is situated on the west side of Keller Avenue in
10 the Hamlet of Elmont, the Town of Hempstead's
11 Residential "C" Zoning District. Application
12 proposes to subdivide the property, which
13 currently has 80 feet of frontage on
14 Keller Avenue into two equal parcels.

15 Proposed parcels "A" and "B" will
16 both have 40 feet of frontage by 100 feet on
17 Keller Avenue and both be 4,000 square feet.

18 The Town of Hempstead's Board of
19 Appeals has approved the request for variances.

20 "Lot A" variance:

21 Subdivision of lot;

22 Height;

23 Lot width from and on street to
24 front setback line;

25 Lot area;

1 NCPC Minor Sub. File No. 32-2025
2 Construct dwelling with garage;
3 Demolish existing dwelling and garage.
4 And "Lot B" has the same variance.
5 So once again, Al.

6 (Stepping up.)

7 MR. D'AGOSTINO: Thank you.

8 Again, Mr. Chairman, members of the
9 Commission, my name is Albert A. D'Agostino. The
10 firm is Minerva and D'Agostino, PC, 107 South
11 Central Avenue, Valley Stream, New York 11580,
12 for the -- for the -- for the applicant.

13 Again, staff has given a -- a -- a very
14 accurate and detailed description of the -- of
15 the application. And the only thing that I
16 would mention for the record -- and I know
17 Commissioner Lewis will smile at this one --
18 pursuant to "Section 334-A1(b)," the old filed
19 map exception.

20 (Laughter.)

21 MR. D'AGOSTINO: -- these -- these --
22 these maps would -- this map was filed -- let's
23 see -- the map titled "Map of Vanderveer Villa
24 No. 2" filed in the Office of the Clerk through
25 the County of Nassau on June 21, 1923 as

1 NCPC Minor Sub. File No. 32-2025

2 "Map 526, which clearly predates the January
3 12th, 1945 date in the section which I mentioned.
4 And I did merely mention that for the record.

5 THIRD VICE-CHAIR LEWIS: You're saying
6 there's a 1923 map that shows 40 --

7 MR. D'AGOSTINO: They're 20 wide --

8 THIRD VICE-CHAIR LEWIS: -- 40 wide
9 properties?

10 MR. D'AGOSTINO: No. They're 20 --
11 they're -- they're -- they're 20 by 100 lots.
12 And under -- under that section, the applicant
13 has a right to move lot lines. The way that
14 reads is for total exception and processing,
15 which we're -- we're fine with the application.
16 But it allows the -- the applicant to move the
17 lot lines to conform to the applicable zoning.
18 The applicable zoning is as varied, pursuant to
19 the variances granted by the Town.

20 But I'm not saying anything more other
21 than mentioning it for the record.

22 (Laughter.)

23 THIRD VICE-CHAIR LEWIS: Well, you
24 always say that the applicable zoning is as
25 varied. It's a very --

1 NCPC Minor Sub. File No. 32-2025

2 MR. D'AGOSTINO: I -- I --

3 THIRD VICE-CHAIR LEWIS: -- important
4 word for your argument here.

5 MR. D'AGOSTINO: -- and I can -- I -- I
6 can state that with a great deal of authority,
7 since I was the author of the change in that
8 language in 1990.

9 VICE-CHAIR GREENFIELD: We accept it.

10 (Laughter.)

11 MR. D'AGOSTINO: Yeah, I prepared the
12 language.

13 (Laughter.)

14 (Discussion held off the record.)

15 MR. D'AGOSTINO: It was approved
16 unanimously by the --

17 VICE-CHAIR GREENFIELD: We -- we accept
18 it.

19 MR. D'AGOSTINO: -- Legislature.

20 VICE-CHAIR GREENFIELD: We -- we
21 surrender.

22 (Laughter.)

23 CHAIRMAN SHAPIRO: Is there anybody --
24 Commissioners, any other questions?

25 (No response.)

1 NCPC Minor Sub. File No. 32-2025

2 CHAIRMAN SHAPIRO: Okay.

3 VICE-CHAIR GREENFIELD: Any -- anyone?

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: Make a motion
11 on 32-2025 with a "Neg. Dec."

12 VICE-CHAIR GREENFIELD: Second.

13 CHAIRMAN SHAPIRO: All in favor?

14 (Chorus of "ayes.")

15 CHAIRMAN SHAPIRO: Any opposed?

16 (No response.)

17 CHAIRMAN SHAPIRO: The motion carries.
18 Okay.

19 MR. D'AGOSTINO: Thank you.

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1 NCPC Minor Sub. File No. 39-2023

2 (Stepping up.)

3 MR. WREN: Okay. Next up we have an
4 extension of time. This is going back from
5 Case 39-2023. This was originally a lot line
6 adjustment, which was approved back on
7 September 7th, 2023.

8 Unfortunately, there was some mistake
9 made on the survey map while filings of the clerk
10 which rejected it. They went back to the
11 surveyor. Unfortunately, the surveyor passed
12 away and missed this project, so there was some
13 difficulty in getting it back.

14 They're applying for this extension of
15 deadline, which would make the new filing date
16 October 7th, 2025.

17 Is there any more information that you
18 want to hear on this?

19 VICE-CHAIR GREENFIELD: No.

20 CHAIRMAN SHAPIRO: No, we read it.

21 VICE-CHAIR GREENFIELD: That's it. We
22 read it.

23 MR. O'BRIEN: We're good.

24 VICE-CHAIR GREENFIELD: Counsel, hobble
25 up here.

1 NCPC Minor Sub. File No. 39-2023

2 (Laughter.)

3 CHAIRMAN SHAPIRO: Join the club.

4 VICE-CHAIR GREENFIELD: And thanks for
5 sharing. All friends share.

6 MR. GRAY: It's not a problem.

7 (Laughter.)

8 MR. GRAY: This -- this is one of those
9 stories you can't make up. First after this
10 Board approved the subdivision --

11 VICE-CHAIR GREENFIELD: First, your
12 name and --

13 MR. GRAY: Oh --

14 VICE-CHAIR GREENFIELD: -- for the
15 record.

16 MR. GRAY: -- Garret -- Garret Gray,
17 Weber Law Group --

18 VICE-CHAIR GREENFIELD: I -- I know
19 that, but I want it on the record.

20 MR. GRAY: Sure.

21 290 Broadhollow Road, Melville,
22 New York.

23 First, shortly after this Board granted
24 the subdivision, the owner of the property died.
25 So his son and daughter took the reigns and we

1 NCPC Minor Sub. File No. 39-2023
2 diligently submitted the deeds, and -- and the
3 legal descriptions and the survey to the Nassau
4 County Clerk's Office, where they were summarily
5 rejected, because they said the deeds, the -- the
6 legal descriptions did not match the surveys.
7 There was discrepancies between the surveys and
8 the tax map, et cetera.

9 We gave them back to the surveyor. The
10 whole package with the original deeds, said redo
11 it, swap it out and give it back. He then died.

12 VICE-CHAIR GREENFIELD: The surveyor?

13 MR. GRAY: And -- the surveyor died.

14 VICE-CHAIR GREENFIELD: Oh my God.

15 MR. GRAY: Yeah.

16 CHAIRMAN SHAPIRO: You're batting a
17 thousand.

18 VICE-CHAIR GREENFIELD: This is a --
19 this is a death application --

20 MR. GRAY: Yeah, I know this is -- what
21 we have to do is --

22 (Laughter.)

23 VICE-CHAIR GREENFIELD: Thank God the
24 attorney survived.

25 MR. GRAY: I'm looking into it too --

1 NCPC Minor Sub. File No. 39-2023

2 COMMISSIONER SAKOWICH: I think we
3 should stop this conversation now.

4 (Laughter.)

5 VICE-CHAIR GREENFIELD: Before someone
6 else dies.

7 COMMISSIONER SAKOWICH: Let's --
8 let's --

9 (Laughter.)

10 COMMISSIONER SAKOWICH: -- let's put it
11 to a vote.

12 VICE-CHAIR GREENFIELD: Before someone
13 else dies.

14 MR. GRAY: Yeah.

15 (Laughter.)

16 CHAIRMAN SHAPIRO: Yeah, before anybody
17 else.

18 MR. GRAY: So we finally -- he was
19 a solo, so we had to get it out of his estate.
20 We finally did. We went to "Carman-Dunne." They
21 prepared the proper surveys, the proper legal
22 description and submitted it to Nassau County
23 Clerk's Office.

24 They were reviewed and accepted, thank
25 you. And they said, oh, you got to renew the

1 NCPC Minor Sub. File No. 39-2023
2 Planning Commission approval. And once we do,
3 they'll be recorded and we're done.

4 VICE-CHAIR GREENFIELD: Okay.

5 CHAIRMAN SHAPIRO: Okay.

6 VICE-CHAIR GREENFIELD: That seems
7 simple enough.

8 (Laughter.)

9 CHAIRMAN SHAPIRO: Any questions?

10 (No response.)

11 CHAIRMAN SHAPIRO: Is there anybody
12 else that wishes to be heard?

13 (No response.)

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

16 COMMISSIONER SAKOWICH: 39 -- 39-2023,
17 "Neg. Dec."

18 VICE-CHAIR GREENFIELD: Second.

19 MR. O'BRIEN: You mean for the
20 extension?

21 CHAIRMAN SHAPIRO: For the extension.

22 VICE-CHAIR GREENFIELD: And the
23 extension.

24 CHAIRMAN SHAPIRO: Second?

25 VICE-CHAIR GREENFIELD: Second, I said

1 NCPC Minor Sub. File No. 39-2023

2 it.

3 CHAIRMAN SHAPIRO: All in favor?

4 (Chorus of "ayes.")

5 CHAIRMAN SHAPIRO: Any opposed?

6 (No response.)

7 CHAIRMAN SHAPIRO: The motion carries.

8 VICE-CHAIR GREENFIELD: God bless.

9 (Laughter.)

10 CHAIRMAN SHAPIRO: Good luck and get it
11 done before something else happens.

12 MR. GRAY: Jesus Christ.

13 VICE-CHAIR GREENFIELD: In the file?

14 CHAIRMAN SHAPIRO: Okay.

15 MR. GRAY: All right, thank you.

16 VICE-CHAIR GREENFIELD: Thank you.

17 * * *

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1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: All right, Marty.
3 We're going to do a very quick version today,
4 just so everybody can leave.

5 (Stepping up.)

6 MR. KATZ: I'm not sure where you guys
7 stand on No. 1, so I'm not --

8 CHAIRMAN SHAPIRO: Well no, that's
9 going to -- you're going to actually go through:

10 1;

11 2;

12 11;

13 3;

14 And 11.

15 But I will take a motion if anybody has
16 any -- anybody has any other questions on:

17 4;

18 5;

19 6;

20 7;

21 8;

22 9;

23 10;

24 And 12?

25 * * *

1 Zoning Referral Review

2 COMMISSIONER SAKOWICH: The Chipotle is
3 a freestanding, that that's it, like totally
4 freestanding out in the --

5 VICE-CHAIR GREENFIELD: Yeah.

6 COMMISSIONER SAKOWICH: -- parking lot
7 if I get that? 3.

8 MR. KATZ: On No. 3, that's -- that's
9 no, No. 3 is attached to the -- it's not
10 freestanding. It's attached to the --

11 CHAIRMAN SHAPIRO: It's attached.

12 MR. KATZ: -- it's attached to the
13 existing building.

14 VICE-CHAIR GREENFIELD: It replaces a
15 prior tenant.

16 COMMISSIONER SAKOWICH: So it'll be
17 replacing a prior, okay.

18 * * *

19 CHAIRMAN SHAPIRO: Okay.

20 VICE-CHAIR GREENFIELD: Okay. I make a
21 motion --

22 MR. KATZ: Which are the "LD's" again,
23 I'm sorry?

24 CHAIRMAN SHAPIRO: We're going to make
25 a motion on -- to "LD" --

1 Zoning Referral Review

2 MR. O'BRIEN: -- 4;

3 3 [sic] --

4 CHAIRMAN SHAPIRO: -- Agenda Items:

5 4;

6 5;

7 6;

8 7;

9 8;

10 9;

11 10;

12 And 12.

13 VICE-CHAIR GREENFIELD: So moved. I

14 make the motion for "LD."

15 COMMISSIONER GOLD: Second.

16 COMMISSIONER FORMAN: Second.

17 VICE-CHAIR GREENFIELD: Commissioner

18 Gold, one second.

19 CHAIRMAN SHAPIRO: Is there a second?

20 COMMISSIONER GOLD: Second.

21 COMMISSIONER SAKOWICH: Unless you have

22 other ones that you feel are --

23 MR. KATZ: No -- no -- no.

24 (Discussion held among Commissioners

25 off the record.)

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: Is there a second?

3 COMMISSIONER GOLD: Second.

4 CHAIRMAN SHAPIRO: All in favor?

5 (Chorus of "ayes.")

6 CHAIRMAN SHAPIRO: Any opposed?

7 (No response.)

8 CHAIRMAN SHAPIRO: The motion carries.

9 * * *

10 CHAIRMAN SHAPIRO: Now, let's go to
11 No. 1.

12 VICE-CHAIR GREENFIELD: No. 1.

13 You read it. Don't read it again.

14 MR. KATZ: No, I'm not going to read
15 it. I'll just don't know how the Commission
16 will --

17 VICE-CHAIR GREENFIELD: Well, I -- I
18 agree with your denial. And I have some
19 reservations --

20 MR. KATZ: Do you want the --

21 VICE-CHAIR GREENFIELD: -- and the
22 earlier discussion confirmed the reservations
23 that I have.

24 I make a motion that --

25 THIRD VICE-CHAIR LEWIS: Well, maybe we

1 Zoning Referral Review

2 have a little bit of a discussion.

3 MR. KATZ: Yeah, well --

4 VICE-CHAIR GREENFIELD: Well, I'm

5 sorry.

6 But I thought we had to put a motion

7 in.

8 MR. O'BRIEN: Well, go through your

9 motion and then there'll be a discussion.

10 VICE-CHAIR GREENFIELD: Yeah.

11 THIRD VICE-CHAIR LEWIS: Yeah, go

12 ahead.

13 MR. O'BRIEN: There has to be a motion

14 and second, then discussion.

15 VICE-CHAIR GREENFIELD: I'll make a

16 motion on application NCPC File 529125 for a

17 denial.

18 COMMISSIONER FORMAN: Second.

19 VICE-CHAIR GREENFIELD: And we have a

20 second.

21 CHAIRMAN SHAPIRO: And now we have --

22 VICE-CHAIR GREENFIELD: Now we have --

23 CHAIRMAN SHAPIRO: -- now let's vote

24 and have a discussion.

25 VICE-CHAIR GREENFIELD: Let's have a

1 Zoning Referral Review

2 discussion.

3 MR. O'BRIEN: Also, let -- let the
4 record reflect that during the work session, we
5 had -- the -- the Commissioners heard from the
6 attorney for the applicant and the attorney for
7 the neighbors in opposition to it. So there was
8 consideration being given to that in the vote.

9 THIRD VICE-CHAIR LEWIS: So I -- I
10 think what we have is the -- a site that has been
11 used for years for something that's not
12 un-similar to what the proposed use would be.
13 The big difference is that you would have a
14 drive-thru and that's I think the source of
15 concern.

16 So when you look at what was submitted
17 previously, which we criticized, and we wanted to
18 see a traffic analysis and we pushed back on the
19 previous plan. I'll just read from staff
20 analysis. A revised -- a revised site plan was
21 submitted as described above with:

22 Smaller restaurant;

23 More parking;

24 Greater queuing capacity;

25 And the elimination of the curb cut on

1 Zoning Referral Review

2 Henrietta Avenue with access on Long Beach Avenue
3 right-turn in, right-turn exit only, queuing was
4 increased to 13 vehicles for the order and pick
5 up line.

6 And Marty makes also a distinction that
7 there's only 7 vehicles of queuing for the
8 previewing board. I think the lawyer for the
9 applicant, though, made a pretty good case that
10 the vision they have here is a different way of
11 relying on orders from the app. and people almost
12 exclusively using the facility for -- for picking
13 up things they've already ordered. So it would
14 be a quicker pick up line and 13 vehicles
15 queueing it's a pretty significant number of
16 vehicles to have out there queuing.

17 With all that said, it's also
18 understood that there's a process in
19 Nassau County that everything we're talking about
20 here would be subject to a review. And the
21 Department of Public Works may change this plan
22 substantially.

23 So I think what we have is an applicant
24 who has a business model that's an innovative
25 idea that's really reliant on drive-thru. And a

1 Zoning Referral Review

2 lot of us sitting here maybe not being drive-thru
3 people, we do not use a lot of drive-thru. Maybe
4 some of us do, maybe some of us don't. But I
5 think if you don't, you kind of don't like it.

6 (Laughter.)

7 THIRD VICE-CHAIR LEWIS: But if you do,
8 you kind of see that's the world we're living in
9 now where a lot of people use drive-thrus.

10 So I don't know. I'm kind of feeling
11 like --

12 VICE-CHAIR GREENFIELD: Neal --

13 THIRD VICE-CHAIR LEWIS: -- they made
14 a --

15 VICE-CHAIR GREENFIELD: -- Commissioner
16 Lewis?

17 THIRD VICE-CHAIR LEWIS: -- strong case
18 for --

19 VICE-CHAIR GREENFIELD: My --

20 THIRD VICE-CHAIR LEWIS: -- for the
21 project.

22 VICE-CHAIR GREENFIELD: -- my motion
23 for denial is based upon an over-intensification
24 of use. We gave them a few different options
25 which they didn't embrace. We heard from

1 Zoning Referral Review

2 Mr. Nimmo that Nassau County Traffic may have
3 some problems with the one driveway in and out.
4 We have problems with employees' parking. We --
5 we have no bypass lane. I -- I don't think it's
6 a good application. And -- and so hence, I --

7 THIRD VICE-CHAIR LEWIS: You have --
8 you have good points, but when you mentioned
9 "DPW," I think that's a trend that supports my
10 argument, because the idea is if we approve this,
11 "DPW" is probably going to change all that.

12 VICE-CHAIR GREENFIELD: Well --

13 DEPUTY COMMISSIONER NIMMO: Can I
14 quickly clarify that?

15 We would -- we can't change the set
16 of plans, but we can approve or disapprove what
17 they -- what they say on that.

18 THIRD VICE-CHAIR LEWIS: Okay, thank
19 you for that clarification.

20 DEPUTY COMMISSIONER NIMMO: We -- we
21 can't redesign it for them.

22 THIRD VICE-CHAIR LEWIS: You don't want
23 to redesign it for them, but just --

24 COMMISSIONER SAKOWICH: We also give
25 ideas of how to rectify traffic so --

1 Zoning Referral Review

2 DEPUTY COMMISSIONER NIMMO: We -- we
3 tell them what's acceptable and what's not, then
4 they have to --

5 MR. O'BRIEN: If -- if I may also add,
6 after listening to the -- what's being said in
7 the opposition, I -- as I understood the
8 opposition, they're not opposed to the
9 restaurant, they're opposed to the drive-thru.
10 So you --

11 VICE-CHAIR GREENFIELD: I gave them the
12 option to eliminate the drive thru.

13 MR. O'BRIEN: -- well, this is --

14 COMMISSIONER SAKOWICH: That's --

15 MR. O'BRIEN: -- your recommendation.

16 COMMISSIONER SAKOWICH: -- that's the
17 whole --

18 MR. O'BRIEN: Whether he takes your --
19 you -- you might want to consider a
20 "modification" as opposed to an outright
21 "denial," but that's --

22 VICE-CHAIR GREENFIELD: Let's see how
23 the vote goes.

24 (Laughter.)

25 COMMISSIONER SAKOWICH: It's just based

1 Zoning Referral Review

2 on what Neal just said here, we -- they follow
3 our instructions to the "T." Now, we're going to
4 vote them down. They -- we -- we told them, you
5 know, like -- like --

6 VICE-CHAIR GREENFIELD: I understand
7 what you're saying.

8 COMMISSIONER SAKOWICH: -- like
9 that's -- that's -- that's a -- that's a tough
10 pill to swallow, go do this, this and this. They
11 did it.

12 VICE-CHAIR GREENFIELD: But even if we
13 did a "modification," it's a big change.

14 COMMISSIONER SAKOWICH: Okay.

15 VICE-CHAIR GREENFIELD: So let's see
16 how the vote goes.

17 COMMISSIONER GOLD: But I'd also
18 like to point out, that not only is there no
19 escape lane --

20 COMMISSIONER SAKOWICH: That's what I'm
21 saying.

22 COMMISSIONER GOLD: -- but it's the --
23 the application is flawed and that it's asking us
24 to believe that there's all going to be all these
25 quick pick ups through the apps. Not everybody

1 Zoning Referral Review

2 uses --

3 COMMISSIONER DURSO: Not everyone uses
4 the app.

5 MR. KATZ: Everybody's got --

6 COMMISSIONER GOLD: Not everybody uses
7 the apps.

8 MR. KATZ: -- anyhow and they drive
9 into the facility and try to park and pick
10 up --

11 COMMISSIONER GOLD: Excuse me Marty, I
12 wasn't finishing speaking.

13 MR. KATZ: I'm sorry.

14 (Laughter.)

15 COMMISSIONER GOLD: But it's even if --
16 even if you use the app, there's no way to go to
17 a quicker lane to pick it up. You still have to
18 wait behind people that have to order and wait
19 for their orders. So I -- I think it's totally
20 flawed. And you're talking about Long Beach
21 Road. Long Beach Road cannot have one car out
22 into the lane.

23 VICE-CHAIR GREENFIELD: Right. Good
24 point there.

25 COMMISSIONER GOLD: The -- they're

1 Zoning Referral Review

2 going in and out on Long Beach Road. If one car
3 is out in that, you're going to have rear ending,
4 you're going to have a line backing up. And I --
5 I don't -- I don't see how this could possibly be
6 viable.

7 I now -- now I defer to you for your
8 opinion.

9 COMMISSIONER DURSO: I'd like to say
10 something as well.

11 I -- I don't like how you use the
12 examples. I know Merrick Road, we used several
13 times too, as far as those being utilized,
14 backing up. I know we have like Sunrise Highway,
15 like Starbucks, they back up onto that road. I
16 know the Starbucks in Seaford causes major
17 issues, those cars queuing out onto
18 Sunrise Highway.

19 VICE-CHAIR GREENFIELD: Good point.

20 COMMISSIONER DURSO: Major issues.

21 Just because those were approved and
22 they're there does not mean that it's correct and
23 it's right. We can't keep continuing to approve
24 more and more of those situations.

25 COMMISSIONER SAKOWICH: We stopped the

1 Zoning Referral Review

2 Taco Bell in New Hyde Park for the same thing.

3 THIRD VICE-CHAIR LEWIS: But -- but
4 none of those had 13-car queuing lane. Like an
5 example of what an --

6 COMMISSIONER DURSO: It does matter.

7 MR. KATZ: Thirteen is inaccurate --

8 COMMISSIONER DURSO: More and
9 more --

10 MR. KATZ: -- as to --

11 COMMISSIONER DURSO: -- more and
12 more --

13 MR. KATZ: -- as to the pick up, that's
14 not --

15 COMMISSIONER DURSO: -- more --

16 DEPUTY COMMISSIONER NIMMO: But the
17 queuing --

18 COMMISSIONER DURSO: -- more --

19 DEPUTY COMMISSIONER NIMMO: -- is
20 already before the menu board. So that's where
21 this -- that's where the --

22 COMMISSIONER DURSO: -- and more and
23 more people use drive-thrus than ever before.

24 DEPUTY COMMISSIONER NIMMO: Since
25 "COVID," it's --

1 Zoning Referral Review

2 THIRD VICE-CHAIR LEWIS: So --

3 DEPUTY COMMISSIONER NIMMO: -- twice

4 the --

5 COMMISSIONER DURSO: More and more. I

6 would be the one to say that that's my --

7 THIRD VICE-CHAIR LEWIS: -- when you

8 said --

9 VICE-CHAIR GREENFIELD: I like the

10 double-lane drive-thrus.

11 MR. O'BRIEN: There are --

12 DEPUTY COMMISSIONER NIMMO: I will --

13 MR. O'BRIEN: I will tell out -- out in

14 Nevada, there are now fast foods that just have

15 drive-thrus.

16 CHAIRMAN SHAPIRO: That's a completely

17 different story. It's like --

18 VICE-CHAIR GREENFIELD: That's --

19 that's the -- the whole lane.

20 Do it. Let's call for the vote.

21 COMMISSIONER DURSO: Done.

22 THIRD VICE-CHAIR LEWIS: A vote.

23 CHAIRMAN SHAPIRO: All right.

24 VICE-CHAIR GREENFIELD: We have a

25 motion and second.

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: Motion and second.

3 All in favor of a denial?

4 COMMISSIONER DURSO: Of a denial, aye.

5 VICE-CHAIR GREENFIELD: Aye.

6 COMMISSIONER FORMAN: Aye.

7 VICE-CHAIR GREENFIELD: Aye.

8 COMMISSIONER DURSO: Aye.

9 COMMISSIONER SAKOWICH: Aye.

10 COMMISSIONER GOLD: Aye.

11 (Chorus of "ayes" with Third Vice-Chair
12 Lewis opposed.)

13 CHAIRMAN SHAPIRO: All opposed -- any
14 opposed to a denial?

15 THIRD VICE-CHAIR LEWIS: Aye.

16 MR. O'BRIEN: We have -- we have -- we
17 have one denial from the --

18 CHAIRMAN SHAPIRO: Okay, fine.

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

21 * * *

22

23

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25

1 Proceedings

2 VICE-CHAIR GREENFIELD: Now, the next
3 case.

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

6 VICE-CHAIR GREENFIELD: Have a good
7 day, everybody.

8 CHAIRMAN SHAPIRO: All right.

9 VICE-CHAIR GREENFIELD: I hope I
10 survive. Lenny, I'll talk to you.

11 CHAIRMAN SHAPIRO: Yeah, I'll speak to
12 you.

13 VICE-CHAIR GREENFIELD: Yeah -- yeah.

14 CHAIRMAN SHAPIRO: All right, yes.

15 * * *

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1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: Let's go to No. 2.

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

5 (Vice-Chair Greenfield exits the
6 hearing at 10:31 a.m.)

7 CHAIRMAN SHAPIRO: Marty?

8 MR. KATZ: Yeah. This is Zoning Case,
9 NCPC Case No. 718125, Town of Hempstead, Hamlet
10 of East Meadow. It's for a special exception, a
11 waiver of off-street parking for a proposed
12 two-story synagogue and --

13 CHAIRMAN SHAPIRO: Actually, we went
14 through this --

15 MR. KATZ: Yeah --

16 CHAIRMAN SHAPIRO: -- extensively.

17 MR. KATZ: -- right.

18 CHAIRMAN SHAPIRO: So I'd like you to
19 read your recommendation.

20 MR. KATZ: Yeah.

21 Staff recommends a "Local Determination
22 with a Letter" that addresses the lack of:

23 Landscaping;

24 Buffering -- buffering;

25 And green areas;

1 Zoning Referral Review

2 And a high degree of impermeable
3 surface area from the paving and -- and the
4 building, resulting in a project that's generally
5 out of character with the -- the residential
6 area. And the prospect in this neck of the woods
7 is essentially residential.

8 CHAIRMAN SHAPIRO: Okay, thank you.

9 So Commissioners, do I have a motion on
10 the "LDL with a letter?"

11 COMMISSIONER SAKOWICH: Yeah. I
12 make motion "LD with a letter."

13 CHAIRMAN SHAPIRO: Is there a second?

14 COMMISSIONER DURSO: I'll second.

15 CHAIRMAN SHAPIRO: All in favor?

16 (Chorus of "ayes.")

17 CHAIRMAN SHAPIRO: Any opposed?

18 (No response.)

19 CHAIRMAN SHAPIRO: The motion carries.

20 * * *

21 CHAIRMAN SHAPIRO: Go to No. 3.

22 MR. KATZ: No. 3, yeah, I don't -- I
23 don't think we --

24 CHAIRMAN SHAPIRO: We didn't discuss
25 this case earlier.

1 Zoning Referral Review

2 MR. KATZ: We didn't discuss this. I
3 don't know how you -- how you want to work this.

4 I -- I did speak to Bill on this.

5 COMMISSIONER SAKOWICH: It's an issue.

6 MR. KATZ: And there were some issues
7 that he brought up to me on this that aren't
8 reflected in the site plan.

9 COMMISSIONER SAKOWICH: And --

10 MR. KATZ: Right -- right off the bat,
11 this is Town of Hempstead. This is NCPC Case
12 No. 77125, Town of Hempstead, Hamlet of -- of
13 West Hempstead.

14 It's a proposed Chipotle's restaurant
15 attached to existing T-Mobile building.

16 This was previously -- previously
17 before the Planning Commission 7/17/2025. At
18 that time, the Commission requested a parking
19 analysis. Said analysis was provided.

20 CHAIRMAN SHAPIRO: What was -- so what
21 did the analysis say?

22 MR. KATZ: Yeah, from -- from a parking
23 standpoint, based on the existing and proposed
24 uses applying "ITE" estimate -- estimated parking
25 rates, the Institute of Transportation

1 Zoning Referral Review

2 Engineering, the analysis indicated that:

3 The peak parking demand would not occur
4 simultaneously and would vary depending on the
5 time of day.

6 Weekday peak, which is 12 a.m. and
7 1 p.m., 24 vehicles parked, which is 86 percent
8 occupied, 4 -- 4 vacant spaces;

9 Saturday, which is 6 p.m. -- that's the
10 peak -- 24 vehicles parked, 86 percent occupied,
11 4 vacant. Thus, the report concluded that the
12 proposed parking will be adequate and will
13 accommodate the peak parking demand generated by
14 the project.

15 From a traffic standpoint, applying the
16 "ITE" trip generation rates, the following trip
17 generation -- generation was estimated:

18 Midday peak, 36 trips, 22 entering,
19 4 -- 14 exiting;

20 P.M. commuter peak, 24 trips total,
21 13 entering, 11 exiting;

22 And Saturday midday peak, a total of
23 62 trips, 34 entering and 28 exiting;

24 Saturday p.m. peak, 62 trips, 34
25 entering and 28 exiting.

1 Zoning Referral Review

2 From a traffic standpoint, the report
3 concluded that the project would not create any
4 undue traffic congestion or hazard in the
5 vicinity of the site. However -- however,
6 from -- from my -- my prospective, the report
7 didn't address a sufficient -- sufficiently the
8 gap, but the issue with respect particularly to
9 the southerly curb cut on Nassau Boulevard, which
10 is very close to the signalized intersection,
11 which according to the site plan is a full
12 movement curb cut. However, according to Bill,
13 this will not be a full movement curb cut. It'll
14 be a right-turns in only and right-turns out only
15 at that southerly intersection of Nassau
16 Boulevard. It would be great to see how close it
17 is to the intersection.

18 The site plan does not reflect this,
19 okay. So I -- I suggest that it come back to us
20 with a proper site plan reflecting that.

21 Also he indicated that the curb cut on
22 Euston, which is a residential side street will
23 be closed. The site plan --

24 CHAIRMAN SHAPIRO: So then --

25 MR. KATZ: -- then, we should modify

1 Zoning Referral Review

2 it -- request a modification --

3 CHAIRMAN SHAPIRO: So --

4 MR. KATZ: -- that addresses those
5 issues.

6 CHAIRMAN SHAPIRO: -- put the
7 modification on --

8 MR. KATZ: Okay --

9 CHAIRMAN SHAPIRO: -- the record.

10 MR. KATZ: -- okay. So --

11 CHAIRMAN SHAPIRO: Okay. You want to
12 put it on the record?

13 MR. KATZ: Yeah.

14 A modification is recommend --
15 recommended to:

16 Redesign the southerly -- and have a
17 site plan that shows the redesign of the
18 southerly curb cut on Nassau Boulevard to permit
19 a right turn -- right-turns enter and a
20 right-turns exit only. And also have the
21 site plan -- site plan reflect the closure of the
22 curb cut on Euston, which according to the
23 applicant's attorney, this, negotiations are
24 under way to do that.

25 Also, this is going to undergo and --

1 Zoning Referral Review

2 and the -- the letter -- the modification -- the
3 resolution will also indicate that this will
4 undergo scrutiny by the Nassau County "DPW"
5 Traffic Engineering in accordance with "239-f."

6 CHAIRMAN SHAPIRO: Okay. Do I have a
7 motion for a "modification?"

8 MR. O'BRIEN: As per staff
9 recommendation.

10 CHAIRMAN SHAPIRO: As per staff
11 recommendation.

12 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
13 I'd like to make a motion on -- let's see --
14 NCPC Case 77125. So for this one, the referral
15 is to make a motion for a "modification." And
16 our "modification" would require that the site be
17 redesigned as laid out in the two sentences here
18 from the staff for:

19 The curb cuts, for the right-hand turns
20 only, eliminate left-hand turns;

21 And if -- if this is approved by the
22 Commission, it would require the different way
23 of -- of voting at the local level. If they want
24 to override the modification, they would need a
25 supermajority. So that's my motion.

1 Zoning Referral Review

2 COMMISSIONER SAKOWICH: I second that.

3 CHAIRMAN SHAPIRO: All in favor?

4 (Chorus of "ayes.")

5 CHAIRMAN SHAPIRO: Any opposed?

6 (No response.)

7 CHAIRMAN SHAPIRO: The motion carries.

8 * * *

9 MR. KATZ: I think 11 is the final one.

10 CHAIRMAN SHAPIRO: Eleven is the final
11 one.

12 * * *

13 THIRD VICE-CHAIR LEWIS: And the
14 "modification" will include as -- as Marty said,
15 reference to the fact that there's still --

16 MR. KATZ: Right.

17 THIRD VICE-CHAIR LEWIS: -- a review
18 that must take place.

19 * * *

20 COMMISSIONER SAKOWICH: I -- I want to
21 look at 12 too. I just want to see a picture of
22 12 too.

23 MR. KATZ: Yeah, okay.

24 Okay. What do you want to do, that one
25 first or the next one?

1 Zoning Referral Review

2 COMMISSIONER SAKOWICH: No, I just want
3 to see where -- where -- where --

4 MR. KATZ: Okay.

5 COMMISSIONER SAKOWICH: -- where the --

6 MR. KATZ: Yeah -- yeah. This -- this
7 is, again real quickly, this is the old historic
8 bank site, okay. And they're proposing to do a
9 mixed-use development on this site. And -- and
10 this is going to be within the Village of
11 Mineola's Jericho Turnpike Overlay District,
12 which allows this kind of development.

13 And interestingly enough, they're going
14 to preserve the facade of the historic bank along
15 Mineola Avenue [sic] and -- or Boulevard and --
16 and Hempstead Turnpike.

17 COMMISSIONER SAKOWICH: If we could
18 stop it there --

19 MR. KATZ: Yeah.

20 COMMISSIONER SAKOWICH: -- like when --
21 when is it so old --

22 MR. KATZ: That's a good question.

23 COMMISSIONER SAKOWICH: We -- we --
24 we really have to look at this. I'm -- I'm --
25 that -- I'm not joking here. This -- this is so

1 Zoning Referral Review

2 over --

3 MR. KATZ: You're right, because --

4 COMMISSIONER SAKOWICH: When are we
5 going to stop?

6 MR. KATZ: -- essentially they can --

7 COMMISSIONER SAKOWICH: We're a
8 Planning Commission and we probably approve 6,000
9 apartments in the Village of Mineola. Like
10 over-intensification, this -- this -- this is --
11 this is -- this is insane. And we -- we got to
12 sort of like put our -- put our foots [sic] down
13 here.

14 THIRD VICE-CHAIR LEWIS: Is it really
15 6,000?

16 MR. KATZ: No -- no, it's not 6,000.

17 COMMISSIONER SAKOWICH: I'm just saying
18 it --

19 MR. KATZ: It's a couple of thousand.

20 COMMISSIONER SAKOWICH: -- it's -- it's
21 thousands -- it's thousands.

22 MR. KATZ: Well, the thing is they
23 have three overlay districts and -- and a
24 develop -- a developer who has property with
25 any of these three overlay districts can come in

1 Zoning Referral Review

2 with a -- with a -- with a project of
3 considerable density, because it falls within --
4 if it requires a special use permit. And it's at
5 the discretion of the Board of Trustees to -- to
6 approve these.

7 And this one happens to be the Jericho
8 Turnpike Overlay, which isn't "TOD." And then
9 I -- I understand why they're doing this, but --
10 and they're trying to preserve the --

11 COMMISSIONER SAKOWICH: Listen, I
12 understand why they're doing it.

13 MR. KATZ: Yeah.

14 COMMISSIONER SAKOWICH: But what I'm
15 saying is --

16 MR. KATZ: Yeah.

17 COMMISSIONER SAKOWICH: -- it's
18 over-intensification. I mean this -- this is
19 getting --

20 CHAIRMAN SHAPIRO: Yeah, we've had that
21 conversation.

22 COMMISSIONER SAKOWICH: We've had this
23 conversation.

24 CHAIRMAN SHAPIRO: What's necessary is
25 that we need to set up some type of meeting

1 Zoning Referral Review

2 between the mayor and --

3 MR. KATZ: Yeah -- yeah, maybe we can
4 have the mayor, a representative from the Village
5 come in to one of our working sessions.

6 COMMISSIONER SAKOWICH: I mean it's to
7 Old Country Road now.

8 (Laughter.)

9 THIRD VICE-CHAIR LEWIS: I have -- I
10 have to say four -- four of the facilities on
11 that site doesn't seem like an
12 over-intensification.

13 COMMISSIONER SAKOWICH: No, it's not on
14 that site. But what I'm saying is that's the
15 referral --

16 THIRD VICE-CHAIR LEWIS: That's the
17 only one that's coming before us --

18 COMMISSIONER SAKOWICH: It's just
19 Mineola. And moving forward for the next week,
20 it's going to be 130.

21 MR. KATZ: I think -- I think we've
22 seen two projects within this Jericho Turnpike
23 Over -- Overlay District to this point, this
24 being the second one.

25 COMMISSIONER SAKOWICH: Yeah. The one

1 Zoning Referral Review

2 next to the firehouse is the building that burnt
3 down --

4 MR. KATZ: Right.

5 COMMISSIONER SAKOWICH: -- to the left
6 of the firehouse. This is the right of the
7 firehouse.

8 MR. KATZ: Uh-huh.

9 COMMISSIONER SAKOWICH: You know,
10 listen, I'm not against it. What I'm saying is,
11 is at one --

12 MR. KATZ: Yeah --

13 COMMISSIONER SAKOWICH: -- point,
14 you know, we're a Planning Commission.
15 Over-intensification is --

16 MR. KATZ: -- I think we're going to
17 try to set some -- I -- I'll talk with the
18 attorney for the Village and we'll set something
19 up in the -- in the foreseeable future maybe, if
20 that's --

21 CHAIRMAN SHAPIRO: Yeah, let them come
22 in to one of our work sessions and we'll give
23 them a few minutes -- not next time.

24 MR. KATZ: No -- no, not next time.

25 CHAIRMAN SHAPIRO: No -- no, not on the

1 Zoning Referral Review

2 Fourth.

3 * * *

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

6 MR. KATZ: Well, we have Case No. 11.

7 CHAIRMAN SHAPIRO: Let's go from
8 through it.

9 MR. KATZ: This one, well, this is
10 NCPC Case No. 716125, Town of Oyster Bay, Hamlet
11 of Plainview. This is for site plan review.

12 This is a site plan approval request
13 for a proposed commercial building of almost
14 4,000 square feet on a pad -- pad site within the
15 Woodbury Plaza Shopping Center. Woodbury Plaza
16 consists of 18 tenants, storefronts or spaces
17 including:

18 T.J. Maxx;

19 The GAP;

20 CVS;

21 Men's Warehouse;

22 And Trader Joe's.

23 Woodbury Plaza is located at the
24 southeast corner of South Oyster Bay Road and
25 Woodbury Road. It is across the street from

1 Zoning Referral Review

2 another large shop -- shopping center.

3 The proposed building will contain
4 2 tenant spaces, which according to the
5 application will be 2 restaurants. The pad site
6 and associated parking is proposed for what is
7 now the least parked portion of what is a very
8 heavily-utilized parking lot. A net loss in the
9 number of parking stalls would result from the
10 proposed development.

11 If the - - if the Town approves the
12 site plan, a parking variance will be required.
13 The building with the two proposed tenant units
14 will require 23 parking spaces, as per Town
15 standards. With the project, the shopping center
16 will -- will require a total of 601 spaces as a
17 whole. 400 [sic] -- 546 stalls are provided,
18 resulting in about a little over 9 percent
19 deficit.

20 The weekday I was there, weekday
21 afternoon fieldwork indicated that the shopping
22 center generates significant internal vehicular
23 trip generations and movements, as well as
24 congestion, and conflicting movements from cars
25 coming and going and leaving parking spaces,

1 Zoning Referral Review

2 which leads to potential traffic hazards. Also,
3 much of the shopping center parking lot was
4 occupied, except for this little portion which
5 was I guess is somewhat --

6 THIRD VICE-CHAIR LEWIS: So -- so
7 Marty, it's hard to picture this. We don't have
8 ground level photos of this?

9 MR. KATZ: Yeah, I -- I -- I took them.
10 It's a little -- yeah, this is the
11 part that they're -- that they're proposing to
12 do. As you can see that's -- you know -- you
13 know, those --

14 THIRD VICE-CHAIR LEWIS: Is this the
15 Morton Village Shopping Center?

16 MR. KATZ: You know, no -- no -- no.
17 This is -- this is Woodbury Plaza. This is
18 the corner of -- of Woodbury Road and
19 South Oyster Bay Road.

20 COMMISSIONER SAKOWICH: Over by the
21 golf course?

22 MR. O'BRIEN: No.

23 MR. KATZ: No -- no -- no. There's no
24 gold course around here.

25 MR. O'BRIEN: It's further down, closer

1 Zoning Referral Review

2 to Crest Hollow.

3 MR. KATZ: If you'll show the aerial --

4 THIRD VICE-CHAIR LEWIS: But all this,

5 like they can't -- they can't fit another

6 building in there?

7 MR. KATZ: Well yeah. Well, see the

8 pad site. This -- this is what they're -- what

9 they're proposing to do, right there

10 (indicating).

11 So they're proposing a building that

12 will consist a couple of restaurants. And from

13 my perspective, it's going to create chaos in an

14 already chaotic --

15 THIRD VICE-CHAIR LEWIS: Yeah, it's --

16 MR. KATZ: You know, it's --

17 CHAIRMAN SHAPIRO: A couple of

18 restaurants --

19 COMMISSIONER DURSO: Wait. In the

20 middle of the parking lot?

21 CHAIRMAN SHAPIRO: Yeah.

22 MR. KATZ: Yeah -- yeah, there's

23 parking spaces right now.

24 CHAIRMAN SHAPIRO: This -- this --

25 COMMISSIONER DURSO: I go there all the

1 Zoning Referral Review

2 time.

3 THIRD VICE-CHAIR LEWIS: Yeah.

4 MR. KATZ: It's -- it's very

5 possible --

6 THIRD VICE-CHAIR LEWIS: There's no way

7 you can put a restaurant in the middle of a

8 parking lot.

9 MR. KATZ: Yeah.

10 CHAIRMAN SHAPIRO: How many times to

11 you almost get creamed by a car?

12 COMMISSIONER DURSO: I go there twice a

13 week.

14 MR. KATZ: Yeah, it's very -- very --

15 COMMISSIONER DURSO: It's a nightmare.

16 THIRD VICE-CHAIR LEWIS: It's horrible.

17 COMMISSIONER DURSO: We cannot --

18 THIRD VICE-CHAIR LEWIS: That's why I

19 said, I haven't seen what we're talking about.

20 It's so congested. How can we even add a

21 restaurant in the middle of a parking lot?

22 CHAIRMAN SHAPIRO: It's going to take

23 away parking spaces.

24 MR. KATZ: Yeah -- yeah, I -- I -- I

25 don't -- I don't particularly think it's a good

1 Zoning Referral Review

2 one.

3 CHAIRMAN SHAPIRO: So staff -- staff
4 recommendation is for a denial, because of the
5 over-intensification of development. I mean it's
6 already congested.

7 MR. KATZ: Yeah.

8 CHAIRMAN SHAPIRO: So I would like to
9 take a -- a -- for somebody to make a motion for
10 the denial. Who's going to make the motion?

11 COMMISSIONER SAKOWICH: I make a motion
12 for the denial.

13 CHAIRMAN SHAPIRO: Is there a second?

14 COMMISSIONER DURSO: I'll second.

15 CHAIRMAN SHAPIRO: All in favor?

16 (Chorus of "ayes.")

17 CHAIRMAN SHAPIRO: Any opposed?

18 (No response.)

19 * * *

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1 Proceedings

2 COMMISSIONER FORMAN: Motion to
3 adjourn.

4 CHAIRMAN SHAPIRO: Wait, before we do
5 that, September 4th, we need know who's going to
6 be here and who is not.

7 I am out of the country. Jeff said he
8 will be here, so can everybody please try to make
9 it.

10 We're only going to be doing zoning
11 cases on that day.

12 MR. O'BRIEN: Right.

13 CHAIRMAN SHAPIRO: We're going to try
14 put off anything else.

15 MR. O'BRIEN: So it should be a
16 relatively quick meeting.

17 MR. WREN: Yeah, I've been holding off
18 all minor subdivisions --

19 CHAIRMAN SHAPIRO: Okay, good.

20 MR. WREN: -- 'til the 25th, so --

21 CHAIRMAN SHAPIRO: Yeah.

22 MR. O'BRIEN: As -- as we said -- as --
23 as we said, do you want to make the work session
24 9:15 or 9:30, as opposed to the -- I know we
25 never start at 8:45, but given the fact that

1 Proceedings

2 we're going to have a limited calendar.

3 CHAIRMAN SHAPIRO: Let's do 9:15.

4 MR. O'BRIEN: Yeah, 9:15 work session.

5 10:00, should be done by 10:20.

6 CHAIRMAN SHAPIRO: Okay, it should be.

7 All right, thank you.

8 (Discussion held among Commissioners

9 off the record.)

10 CHAIRMAN SHAPIRO: Motion to adjourn.

11 (The meeting was concluded at

12 10:45 a.m.)

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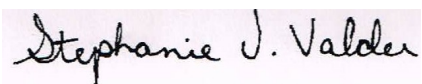
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C E R T I F I C A T I O N

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.

Handwritten signature of Stephanie J. Valder in black ink on a light pink background.

STEPHANIE J. VALDER,
Stenographer

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