

REGULAR MEETING
of the
NASSAU COUNTY PLANNING COMMISSION

Thursday, October 23, 2025

10:04 a.m. - 11:31 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:

3 LEONARD H. SHAPIRO, Chairman

4 JEFFREY H. GREENFIELD, Vice-Chair
(10:04 a.m. - 11:16 a.m.)

5

NEAL LEWIS, Third Vice-Chair

6

MURRAY FORMAN,

7

KHANDAN KHALATY,

8

REID SAKOWICH,

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Commissioners

10 ROBERT O'BRIEN, Esq., Counsel

11 Staff:

12 GREGORY J. HOESL

13 MARTIN KATZ

14 JOHN PERRAKIS

15 CAMERON SANDS

16 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: Good morning and
4 welcome to the -- what day is it?

5 THIRD VICE-CHAIR LEWIS: The 20
6 something.

7 CHAIRMAN SHAPIRO: The 25th [sic] --
8 October 23rd Planning Commission meeting.

9 Please put your hand over your heart.
10 (Pledge of Allegiance recited in a
11 body.)

12 VICE-CHAIR GREENFIELD: Play ball.

13 CHAIRMAN SHAPIRO: Good morning.
14 Before we get started, let me just make a couple
15 of announcements. Speaker registrations and
16 agendas are to my left (indicating), your right
17 (indicating). Anybody wishing to speak gets
18 three minutes. Counsel gets ten minutes.

19 And staff, let's call the roll.

20 (Stepping up.)

21 MR. SANDS: All right.

22 Commissioner Kalaty?

23 COMMISSIONER KALATY: Present.

24 MR. SANDS: Vice-Chair Greenfield?

25 VICE-CHAIR GREENFIELD: Present.

1 Proceedings

2 MR. SANDS: Chair Shapiro?

3 CHAIRMAN SHAPIRO: Present.

4 MR. SANDS: Third Vice-Chair Lewis?

5 THIRD VICE-CHAIR LEWIS: Present.

6 MR. SANDS: Commissioner Forman?

7 COMMISSIONER FORMAN: Present.

8 MR. SANDS: Commissioner Sakowich?

9 COMMISSIONER SAKOWICH: Present.

10 MR. SANDS: And I'd like to
11 acknowledge the receipt of transcript from
12 the September 25th, 2025, Nassau County
13 Planning Commission hearing.

14 VICE-CHAIR GREENFIELD: So moved.

15 COMMISSIONER KALATY: Second.

16 MR. O'BRIEN: And just the -- let the
17 record reflect, we have a quorum.

18 MR. SANDS: We have a quorum today.

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1 NCPC Minor Sub. File No. 40-2025

2 MR. O'BRIEN: Chair, you want to take
3 that minor subdivision case, Number 2?

4 MR. SANDS: Yeah, let's go with that --

5 CHAIRMAN SHAPIRO: Yeah, let's go --
6 let's go with the --

7 MR. SANDS: -- one.

8 CHAIRMAN SHAPIRO: -- the
9 Minor Subdivision Case No. 40 first.

10 MR. SANDS: So this is a two-parcel
11 minor subdivision located on the west side of
12 Buffalo Avenue, in the Hamlet of East Atlantic
13 Beach's Town of Hempstead's Residential "C"
14 Zoning District. The applicant proposes
15 subdividing the property, which has 90 feet of
16 frontage on Buffalo Avenue into two separate
17 parcels. This parcel is located in a "FEMA"
18 flood zone and two-family housing is allowed in
19 this zoning district, as well.

20 "Proposed Lot A" will have a total of
21 2700 square foot parcel, with a depth of
22 approximately 60 feet and 45 foot of frontage.

23 "Proposed Lot B" will be -- have the
24 same amount of frontage, 45 feet and the same
25 depth. These proposed lots are slightly larger

1 NCPC Minor Sub. File No. 40-2025
2 than surrounding lots, which the majority having
3 30 foot of frontage in this area.

4 And this application has come before
5 the NCPC for a zoning referral as a substandard
6 three-lot subdivision. The applicant has since
7 updated their applications and is -- and has now
8 proposed a two-lot subdivision.

9 The Town of Hempstead's Board of
10 Appeals has approved their requests for variances
11 on:

12 Subdivision of lot;
13 Lot area;
14 Front width from and on street line to
15 front setback line;
16 Lot area occupied;
17 Front-yard average setback;
18 Side yards aggregate;
19 And they will be demolishing the
20 existing dwelling.

21 And I'd like call up Monte Leeper for
22 further questions.

23 MR. LANDY: Steve Landy.

24 MR. SANDS: Or Steve Landy.

25 (Stepping up.)

1 NCPC Minor Sub. File No. 40-2025

2 MR. LANDY: Good morning, Chairman and
3 members of the Board. My name is Steven Landy.

4 CHAIRMAN SHAPIRO: Hold on one second.

5 VICE-CHAIR GREENFIELD: Don, employee
6 of the month.

7 DON: I don't need the three minutes
8 for that.

9 (Laughter.)

10 CHAIRMAN SHAPIRO: Thank you.

11 Go ahead, counsel. Sorry about that.

12 MR. LANDY: I'm Steven Landy and I'm
13 the attorney for the applicant, 37 Buffalo Ave.
14 LLC and Kenneth Kruglick. They're the owners
15 of the property, which currently consists of
16 three lots located at 37 Buffalo Ave. in
17 East Atlantic Beach, New York. It's section 58,
18 block 128-1, lots 64, and 65 and 66. Each of the
19 lots is 30 feet wide and 60 feet deep.

20 Seated beside me is Monte Leeper
21 (indicating). He's the architect of Monte Leeper
22 Architects PC, who is on this project.

23 The applicant is seeking approval to
24 subdivide the subject property to create
25 two separate properties with two separate

1 NCPC Minor Sub. File No. 40-2025
2 single-family dwellings, at least one of which is
3 to be owner occupied. The variance request was
4 approved for lot:

5 64;

6 65;

7 And 66, to be hereafter separated upon
8 the review and approval of the Nassau County
9 Planning Commission.

10 The Town of Hempstead Board of Zoning
11 Appeals has already approved our application,
12 subject to the "Declaration of Covenants and
13 Restrictions" to the project. And I have copies
14 of the covenants and restrictions that I can hand
15 up, if you'd like them.

16 VICE-CHAIR GREENFIELD: We always like
17 to see the "C and Rs."

18 MR. LANDY: Okay.

19 MR. O'BRIEN: And it's the -- it's the
20 typical ones that the Town issues for --

21 MR. LANDY: Correct, we --

22 MR. O'BRIEN: -- for subdivision; yeah.

23 MR. LANDY: -- yes. (Handing.)

24 MR. SANDS: (Receiving.)

25 Okay.

1 NCPC Minor Sub. File No. 40-2025

2 VICE-CHAIR GREENFIELD: Are those ours
3 to keep for the file?

4 MR. LANDY: Yes, they are. You can
5 even keep the packaging around it.

6 (Laughter.)

7 MR. LANDY: Thank you.

8 CHAIRMAN SHAPIRO: I'll take one of
9 those.

10 VICE-CHAIR GREENFIELD: Thank you.
11 Give those to the Chairman.

12 CHAIRMAN SHAPIRO: Thank you.

13 VICE-CHAIR GREENFIELD: You packaged it
14 nicely.

15 MR. LANDY: The variance request seeks
16 to create two separate lots of 45 feet wide each,
17 taken from a total current width of 90 feet. The
18 two southern lots currently designated as lots
19 64 and 65 will constitute the southernly [sic]
20 45 foot lot. The northern lot currently
21 designated as lot 66 will constitute the other
22 northern 45 foot lot.

23 The lots received a variance for a
24 lot area occupied. The lots shall each over
25 33.7 percent of the lot area occupied, which is

1 NCPC Minor Sub. File No. 40-2025
2 within the legal maximum of 35 percent. The two
3 lots received a variance that have a width of
4 45 feet each where 50 is required.

5 The proposed front-yard setback of
6 5.4 feet was approved for each of the properties.
7 The average front-yard setback on the west side
8 of Buffalo Avenue is 28 feet. Side-yard setbacks
9 for each of the dwellings was approved to be
10 7.75 feet on the north side of each dwelling and
11 15 feet on the south side of each dwelling, but
12 with a 5 foot setback on the south side of each
13 dwelling to accommodate an open deck. Therefore,
14 the rear yards were each 13.8 feet. The
15 dwellings are each proposed to be 22.2 feet wide
16 and 40.8 feet onto the property.

17 The process of designing and proposing
18 on the dwellings began with reviewing the
19 site size and comparing the site with adjacent
20 homes in the surrounding area which is within the
21 Town of Hempstead, for four blocks to the east,
22 four blocks to the west and one block to the
23 north defined as East Atlantic Beach. The
24 subject property is located on a dead end street,
25 which to the south ends at the beach along the

1 NCPC Minor Sub. File No. 40-2025

2 Atlantic Ocean.

3 The applicant conducted a series of
4 meetings with surrounding neighbors, wherein they
5 were permitted to voice their -- they were
6 permitted to voice their concerns. These
7 meetings occurred prior to the approval of
8 this project by the Town of Hempstead. On
9 October 8th, the neighbors were all notified by
10 certified mail, return receipt requested, of the
11 date and time of this hearing.

12 This neighborhood was established in
13 1922 with a land rush open by Senator William
14 Reynolds. Parcels were divided and sold with a
15 lot width of 30 feet. As the area map shows, the
16 majority of the homes constructed were built on
17 30 foot wide properties or the properties were
18 subsequently subdivided to create 30 foot wide
19 properties.

20 The subject property, like all the
21 properties in this neighborhood has a 60 foot
22 depth. Side yards vary, depending on whether the
23 properties have a double width of 60 feet. The
24 22 properties within a 200-foot radius on the
25 area map that are 30 feet wide properties each

1 NCPC Minor Sub. File No. 40-2025

2 have side yards that vary from 3 1/2 feet to
3 4 feet wide.

4 The proposed dwellings will be a vast
5 improvement to the neighborhood providing
6 off-street parking in the garages within the
7 ground floor, which removes at least six cars
8 from the already narrow and overburdened street.
9 Spacious balconies on the upper level, similar to
10 the homes diagonally across the street and behind
11 the proposed dwellings are also planned.

12 Each home is designed to accommodate a
13 family with:

14 Three bedrooms;

15 And a study that can be used as a great
16 room;

17 3 1/2 bathrooms;

18 An open plan living room;

19 Kitchen and dining area, all compliant
20 with "FEMA," including a bedroom-level laundry
21 room and a living room level utility room, all on
22 the upper floors.

23 The homes will be an asset to the
24 neighborhood. They're designed for hurricane and
25 flood zone, with spacious rooms that are

1 NCPC Minor Sub. File No. 40-2025
2 naturally day lit. After Hurricane Sandy, homes
3 in the entire flood area have been raised at the
4 encouragement of the -- of "FEMA." These homes
5 will comply with the federal requirements and
6 will have interior sprinklers, flame-retardant
7 exterior materials to meet State codes as well.

8 The current home on the property at the
9 north end is in deteriorating condition. The
10 home received a violation back -- back a few
11 years ago, because the original brick facades and
12 balcony brick railings, which were constructed in
13 1928 have begun to separate from the structure.
14 Emergency repairs were made in May of 2023 and
15 the structure's front facade is being held
16 together with metal straps and bolts.

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

18 MR. LANDY: The current home is
19 97 years old and needs to be replaced.

20 CHAIRMAN SHAPIRO: Okay.

21 MR. LANDY: We, the co-owners --

22 CHAIRMAN SHAPIRO: We -- we -- we have
23 the idea already.

24 MR. LANDY: Okay.

25 CHAIRMAN SHAPIRO: Okay.

1 NCPC Minor Sub. File No. 40-2025

2 MR. LANDY: So we -- we ask for your
3 approval.

4 (Laughter.)

5 (Deputy Commissioner Nimmo exits the
6 meeting.)

7 CHAIRMAN SHAPIRO: Thank you.

8 MR. LANDY: Thank you.

9 COMMISSIONER SAKOWICH: You're going to
10 miss your plane.

11 (Laughter.)

12 VICE-CHAIR GREENFIELD: He was trained
13 by Marty Katz.

14 (Laughter.)

15 CHAIRMAN SHAPIRO: Okay.

16 Commissioners, any questions?

17 VICE-CHAIR GREENFIELD: No question,
18 Mr. Chairman.

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

21 (No response.)

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

24 VICE-CHAIR GREENFIELD: I make a motion
25 for approval with a "Negative Dec." for

1 NCPC Minor Sub. File No. 40-2025

2 Case No. 40-2025.

3 CHAIRMAN SHAPIRO: Is there a second?

4 COMMISSIONER SAKOWICH: Second.

5 CHAIRMAN SHAPIRO: All in favor?

6 (Chorus of "ayes.")

7 CHAIRMAN SHAPIRO: Any opposed?

8 (No response.)

9 CHAIRMAN SHAPIRO: The motion carries.

10 MR. LANDY: Thank you.

11 VICE-CHAIR GREENFIELD: Okay.

12 MR. LEEPER: Thank you.

13 MR. LANDY: Thank you.

14 VICE-CHAIR GREENFIELD: Okay. You got

15 it.

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1 NCPC OSPAC Case No. 23-2011

2 (Stepping up.)

3 MR. HOESL: We'll jump back to agenda
4 Section "B." This is an application for a
5 "SEQRA" Determination.

6 The Nassau County Legislature is
7 requesting a "SEQRA" Determination from the
8 Planning Commission regarding the proposed sale
9 of a vacant parcel of approximately 3,000 square
10 feet, located at 18 Bedell Street, Incorporated
11 Village of Freeport's Business "B" Zoning
12 District. The parcel has approximate 55 feet of
13 frontage on Bedell Street, and a depth of
14 approximately 65 feet and is situated in an area
15 that includes commercial uses to the north and
16 primarily single-family residents to the south.
17 Residential development is not currently
18 permitted within the Village's Business "B"
19 Zoning District.

20 This property was previously approved
21 for sale under OSPAC 35-2008 and again under
22 OSPAC 23-2011. The parcel, which is currently
23 vacant and in poor condition due to overgrowth
24 and a lack of maintenance, has been the subject
25 of numerous neighborhood complaints. The

1 NCPC OSPAC Case No. 23-2011
2 County has now received its first fair market
3 value offer of \$75,000 for the property from
4 18 Bedell Street, LLC, which intends to develop
5 the site with an office building. All the
6 required permits and approvals will be subject to
7 review by the Incorporated Village of Freeport.

8 Planning Division staff is recommending
9 classifying the sale of this property as an
10 "Unlisted Action" under "SEQRA," issuing a
11 "Negative Declaration" and forwarding the matter
12 to the Nassau County Legislature for final
13 approval.

14 Here today we have attorney Kevin Walsh
15 from Nassau County, as well as attorney
16 Howard Colton with -- representing the buyer.
17 Right.

18 MR. WALSH: Yeah.

19 MR. HOESL: Thanks.

20 (Stepping up.)

21 MR. WALSH: Good morning,
22 Commissioners. Kevin Walsh from the Office of
23 Real Estate Services.

24 (Deputy Commissioner Nimmo and
25 Mr. O'Brien enter the meeting.)

1 NCPC OSPAC Case No. 23-2011

2 MR. WALSH: Greg gave a good summary of
3 the property.

4 This is a property we've been holding
5 for a lot of years, unsuccessfully been able to
6 convey it through "RFPs" and various other
7 attempts. As he mentioned, this is the first
8 fair market value offer we've had at this
9 property. He's been off the tax rolls probably
10 close to 20 years. So we're happy to see a
11 potential transfer go to this, which will put
12 this property back on the tax rolls. It's an "as
13 is, where is" sale I will add as well.

14 Any questions?

15 CHAIRMAN SHAPIRO: Thank you.

16 Any questions, Commissioners?

17 (No response.)

18 VICE-CHAIR GREENFIELD: No. Just we
19 met in the -- Bob, what do we call it,
20 pre-meeting or --

21 MR. O'BRIEN: No. We would --

22 VICE-CHAIR GREENFIELD: -- work
23 session.

24 MR. O'BRIEN: -- do our work session.

25 VICE-CHAIR GREENFIELD: And Counsel

1 NCPC OSPAC Case No. 23-2011

2 Colton explained it to us. We reviewed it. They
3 replaced this -- a run down site in disrepair,
4 formerly industrial. And the good news, it puts
5 it on the tax rolls for the County, the Village
6 and the school district.

7 MR. O'BRIEN: And -- and also gets the
8 liability of the County off of the property
9 too --

10 VICE-CHAIR GREENFIELD: Oh, yeah, yes.

11 MR. O'BRIEN: -- once the sale takes
12 place.

13 VICE-CHAIR GREENFIELD: That too.

14 MR. O'BRIEN: So we -- all we're being
15 asked for is, is for a "SEQRA" recommendation
16 here. This is not a -- an approval for the --

17 VICE-CHAIR GREENFIELD: Right. We
18 opened the public comment --

19 MR. O'BRIEN: -- record.

20 VICE-CHAIR GREENFIELD: -- right.

21 CHAIRMAN SHAPIRO: It was already
22 closed.

23 VICE-CHAIR GREENFIELD: Oh, it was
24 closed.

25 COMMISSIONER SAKOWICH: It's closed.

1 NCPC OSPAC Case No. 23-2011

2 CHAIRMAN SHAPIRO: Right?

3 VICE-CHAIR GREENFIELD: It's --

4 COMMISSIONER SAKOWICH: Yeah.

5 VICE-CHAIR GREENFIELD: -- closed.

6 COMMISSIONER SAKOWICH: I make a motion

7 on this that we do a classification, un -- I

8 guess "Unlisted" --

9 MR. O'BRIEN: "Neg. Dec." is what
10 you're asking.

11 COMMISSIONER SAKOWICH: -- with a -- a
12 determination of a "Negative" -- "Negative
13 Declaration."

14 VICE-CHAIR GREENFIELD: I'll second
15 that.

16 CHAIRMAN SHAPIRO: All in favor?

17 (Chorus of "ayes.")

18 CHAIRMAN SHAPIRO: Any opposed?

19 (No response.)

20 CHAIRMAN SHAPIRO: The motion carries.

21 MR. WALSH: Thank you.

22 MR. O'BRIEN: Thank you.

23 CHAIRMAN SHAPIRO: You're welcome.

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1 NCPC File No. 2009-P-1

2 (Stepping up.)

3 MR. PERRAKIS: Moving on to Section "C"
4 of the agenda, Major Subdivision Preliminary Map
5 Applications. This is 2009-P-1, Map of
6 The Enclave at West Cherry Street [sic].

7 The application is requesting
8 preliminary subdivision approval of a 32,526.17
9 square foot parcel into ten townhouses in two
10 three-story buildings. There are currently a few
11 small non-habitable structures on the subject
12 property that have to be removed to make way for
13 this development. Property's located in the
14 Hamlet of Hicksville, Town of Oyster Bay and not
15 within 300 feet of an incorporated village or
16 city.

17 The surrounding area of the subject
18 property has mixed uses. To the north is an open
19 field, with a playground and basketball courts
20 for a local religious institute. There's a
21 parking lot to the west for Verizon, residences
22 to the east and a vacant lot across the street,
23 West -- across the street to the south.

24 The development is located in:

25 The Hicksville Water District;

1 NCPC File No. 2009-P-1
2 The Nassau County Sewer District;
3 And the Hicksville No. 17 School
4 District.

5 The "n80" NICE bus route is on the
6 corner of the subject property street, on the
7 corner of Broadway and within a half mile of
8 Hicksville Long Island Railroad Train Station.

9 Nassau County Department of Public
10 Works Traffic Engineering, Civil Site
11 Engineering, Stormwater and Drainage Units and
12 the Town of Oyster Bay all have minor comments
13 that need to be resolved during the final
14 subdivision application. Nassau County Health
15 Department still requires their realty
16 subdivision approval. Nassau County Department
17 of Public Works Water Wastewater Sanitary Sewer
18 Unit approves the preliminary subdivision plans.

19 The County will require a performance
20 bond to ensure all public improvements in the
21 development are installed correctly at the final
22 subdivision approval.

23 This is located at 47 West Cherry
24 Street in Hicksville, section 11, block 297,
25 lot 143. There will be eleven total lots, ten

1 NCPC File No. 2009-P-1
2 townhouses and one common lot to be owned by a
3 condominium homeowners association. It is
4 located in the "HD-II," Hicksville Downtown-II
5 Gateway Transition Subdistrict.

6 And we have here today, the attorney on
7 the case is Anthony Guardino and the engineer on
8 the case, Walter Siebert (phonetic) if -- to
9 present their case.

10 MR. PERRAKIS: Morning.

11 MR. GUARDINO: (Handing.)

12 MR. PERRAKIS: (Receiving.)

13 MR. GUARDINO: Thank you.

14 CHAIRMAN SHAPIRO: Good morning.

15 Name and address for the record please.

16 (Stepping up.)

17 MR. GUARDINO: Good morning,
18 Chairman Shapiro, members of the Commission.
19 Anthony Guardino, law firm of Farrell Fritz,
20 Hauppauge, New York, representing the applicant,
21 Cherry Links.

22 I don't have a -- a lot to add. John
23 did a great job giving a -- an overview of -- of
24 this subdivision application.

25 I just wanted to point out just a

1 NCPC File No. 2009-P-1
2 couple of things that, you know, again this is in
3 that Hicksville Downtown District. It is in the
4 subdistrict which actually encourages
5 multi-family housing. So this is entirely
6 consistent with the Town's new zoning.

7 And also wanted to point out that the
8 plan was designed -- and I think you can see that
9 from the subdivision plan, it was designed to
10 comply in all respects with applicable zoning, so
11 we need no variances at all.

12 We're going to be before the Town
13 Planning Advisory Board for site plan approval
14 shortly. It is -- the application is currently
15 under review by both the Planning Department at
16 the Town and the Department of Environmental
17 Resources. And we're just working our way
18 through comments. We hope to have a hearing
19 shortly at the Town.

20 And then lastly, recently the plan was
21 reviewed by both the fire marshal's office and
22 the local fire department and determined to be
23 compliant with all applicable regulations, as it
24 relates to emergency access.

25 I have nothing further.

1 NCPC File No. 2009-P-1

2 THIRD VICE-CHAIR LEWIS: You know,
3 we -- so from a planning perspective, we
4 encourage communities to engage in proactive
5 planning. And that's what the Town of Oyster Bay
6 and the Hicksville area has done. And then part
7 of the pitch that is made to developers when it
8 comes to that kind of process is to say, but if
9 the community engages in that process, they're
10 going to come up with a plan that you can then
11 follow. And that would make it more clear to you
12 what you -- what your options are, what you can
13 do and you can follow it. You got a game plan.
14 That makes sense.

15 But then what often happens is the
16 developers come in and say, okay, but I want less
17 parking and more units. And it's --

18 MR. GUARDINO: A little more.

19 THIRD VICE-CHAIR LEWIS: -- you know,
20 let me just change it a little bit. And it's
21 like you just went through this whole process.

22 So I just want to say I think it's very
23 good that you're coming in with proposals that
24 are consistent with the plan that they spent all
25 that time working on. So it's -- it's good to

1 NCPC File No. 2009-P-1

2 hear that's going forward and we know there's
3 going to be other projects in Hicksville. So if
4 this is the first step out of the box or one of
5 the first, it's exciting to see.

6 It's -- it's and it also seems pretty
7 reasonable in terms of the numbers. You know,
8 it's not overly dense. It's ten units on that
9 size property. So it seems pretty -- pretty good
10 stuff.

11 MR. GUARDINO: Thank you,
12 Commissioner Lewis. Appreciate the comments.

13 CHAIRMAN SHAPIRO: Any other comments,
14 Commissioners?

15 (No response.)

16 CHAIRMAN SHAPIRO: I don't have anybody
17 signed up to speak.

18 Is there anybody in the public that
19 wishes to be heard?

20 (No response.)

21 CHAIRMAN SHAPIRO: Not seeing any, I
22 will take a motion for a preliminary approval.

23 VICE-CHAIR GREENFIELD: Commissioner
24 Lewis.

25 COMMISSIONER SAKOWICH: I make a motion

1 NCPC File No. 2009-P-1

2 on --

3 VICE-CHAIR GREENFIELD: Put your mic.

4 on.

5 CHAIRMAN SHAPIRO: Mic. -- mic. on.

6 COMMISSIONER SAKOWICH: I make a motion

7 on NCPC File No. 2009-P-1, The Enclave at

8 West Cherry for a, I guess an approval,

9 "Negative Dec."

10 CHAIRMAN SHAPIRO: Preliminary -- and

11 preliminary subdivision approval.

12 COMMISSIONER SAKOWICH: Right.

13 CHAIRMAN SHAPIRO: Okay.

14 COMMISSIONER SAKOWICH: So it's

15 preliminary subdivision --

16 MR. O'BRIEN: Approval.

17 COMMISSIONER SAKOWICH: -- approval and

18 a "Neg. Dec."

19 CHAIRMAN SHAPIRO: Is there a second?

20 VICE-CHAIR GREENFIELD: Second.

21 CHAIRMAN SHAPIRO: All those in favor?

22 (Chorus of "ayes.")

23 CHAIRMAN SHAPIRO: Any opposed?

24 (No response.)

25 CHAIRMAN SHAPIRO: Motion carries.

1 NCPC File No. 2009-P-1

2 MR. GUARDINO: Thank you very much.

3 Nice to see you.

4 CHAIRMAN SHAPIRO: Thank you.

5 VICE-CHAIR GREENFIELD: Thank you,

6 counselor.

7 MR. GUARDINO: Have a good day.

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1 NCPC Minor Sub. File No. 34-2025

2 (Stepping up.)

3 MR. SANDS: All right, back to the
4 minors. This is a two-parcel minor subdivision.

5 The 9.12-acre subject property
6 is situated on the northwest corner of
7 Bayberry Lane and Crestline Place, in the
8 Hamlet of North Wantagh's Town of Hempstead
9 Residential "A" Zoning District. The application
10 proposes subdividing this property, which is 420
11 foot of frontage on Bayberry Lane and 541 feet of
12 frontage on Crestline Place into two separate
13 parcels.

14 "Proposed Lot A," which will just be --
15 could you go to the survey?

16 "Proposed Lot A" will just be the
17 baseball fields taken off. We'll have a total of
18 180,611 square foot area or 4.13 acres.

19 "Proposed Lot B" will be the remainder
20 of the school. We'll have 420 foot of frontage
21 on Bayberry Lane and 541 feet of frontage on
22 Crestline Place. This will be a 4.99-acre
23 parcel.

24 The Town of Hempstead's Department of
25 Buildings has found that this subdivision is in

1 NCPC Minor Sub. File No. 34-2025
2 compliance with the requirements of the
3 Building Zone Ordinance. "BOCES" has also
4 approved this and Levittown School District has
5 also approved this.

6 And I'd like to call up Bob Cohen for
7 further questions on this.

8 CHAIRMAN SHAPIRO: Good morning,
9 counselor.

10 Name and address for the record,
11 please.

12 MR. COHEN: Yes.

13 Robert Cohen with the firm of Bond,
14 Schoeneck and King in Melville, New York. We
15 represent the Levittown School District.

16 We have today, I don't think it'll be
17 necessary, but we do have the assistant
18 superintendent for business of the Levittown
19 Schools (indicating) and the Deputy
20 Superintendent of "BOCES" have come down in
21 support.

22 The guts of this really is that --

23 VICE-CHAIR GREENFIELD: Excuse me?

24 MR. COHEN: Yes.

25 VICE-CHAIR GREENFIELD: I -- I have to

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2 recuse myself on this case.

3 MR. COHEN: Oh, okay.

4 VICE-CHAIR GREENFIELD: I announced it
5 earlier.

6 MR. COHEN: Okay.

7 MR. O'BRIEN: Go ahead. We're good.

8 MR. COHEN: Can I -- okay.

9 MR. O'BRIEN: Keep going.

10 MR. COHEN: All right.

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

12 VICE-CHAIR GREENFIELD: I just want to
13 put that on the record, counselor.

14 MR. COHEN: All right, thank you.

15 The heart of -- of this really is -- is
16 that the purpose of the subdivision is to allow
17 the school district to retain the athletic
18 fields, even after the sale. So they would be
19 able to retain title and use for the -- their
20 students and for the community. And this is the
21 way it is presently being used, under a long-term
22 lease that was entered into between Nassau
23 "BOCES" and the Levittown School District.

24 (Vice-Chair Greenfield exits the
25 meeting.)

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2 MR. COHEN: So really what we're doing,
3 the -- the -- the purpose of this is to continue
4 the use of this property as a school and to
5 continue to allow the Levittown community to
6 enjoy the athletic fields.

7 Other than that, if you have any other
8 questions --

9 THIRD VICE-CHAIR LEWIS: Well -- well,
10 generally speaking, there's no change here. I'm
11 no -- I don't mean generally speaking. There is,
12 in fact, no physical change is what you're
13 proposing. It's just going to change the
14 who's -- who is responsible for which. So the --

15 COMMISSIONER SAKOWICH: Who maintains
16 them, right.

17 THIRD VICE-CHAIR LEWIS: -- who
18 maintains, the -- the fields will be under the
19 jurisdiction of the school district, whereas
20 "BOCES" will maintain the rest of the school. Is
21 that essentially?

22 MR. COHEN: Essentially, yeah. "BOCES"
23 will maintain and own now the school buildings.
24 Levittown will maintain and own the athletic
25 fields. Yes, sir.

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2 COMMISSIONER SAKOWICH: But at one
3 time, this was all Levittown's property. "BOCES
4 came in, took the school part of it --

5 MR. COHEN: And then through a lease,
6 yes.

7 COMMISSIONER SAKOWICH: -- and through
8 a lease, leased back to that?

9 MR. COHEN: Yes.

10 COMMISSIONER SAKOWICH: Lease back.
11 Okay, so it's perfect.

12 MR. COHEN: Yes.

13 COMMISSIONER SAKOWICH: Okay.

14 MR. COHEN: Yeah, it's continuing the
15 lease and now it'll -- it -- it's going to be
16 memorial -- the way I look at memorialized in
17 terms of --

18 COMMISSIONER SAKOWICH: A hundred
19 percent.

20 MR. COHEN: -- the sale.

21 COMMISSIONER SAKOWICH: Great move.

22 MR. COHEN: Yes.

23 THIRD VICE-CHAIR LEWIS: So how about
24 the parking situation? How would that change,
25 if -- if at all?

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2 So people coming to the athletic
3 fields, would they still be using parking that we
4 see on the screen here (indicating) that's part
5 of the school.

6 MR. COHEN: That -- that's my
7 understanding. I don't think the -- I don't
8 think the parking situation would change,
9 certainly not when school is not in session.
10 After school, on the weekends, it would be the
11 same.

12 COMMISSIONER SAKOWICH: So that -- that
13 parking lot is available for the baseball fields.
14 That's part of the -- the -- the -- that lease or
15 that's part of the sale that -- that that will
16 not -- it wouldn't be cut off from --

17 MR. COHEN: It would not be cut off.

18 COMMISSIONER SAKOWICH: Okay. So we --
19 we -- we should make that in our notes; right
20 Lenny?

21 THIRD VICE-CHAIR LEWIS: It's a
22 little -- yeah, it seems like a point of --

23 COMMISSIONER SAKOWICH: It's -- it's I
24 mean if -- if this let's just say 50 car spots
25 there, if those 50 aren't parked on that

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2 property, then they're all over the streets.

3 THIRD VICE-CHAIR LEWIS: I mean if it
4 was two private players, we would want to
5 cross -- normally we'd ask for like a cross
6 access like easements and stuff like that.

7 MR. O'BRIEN: I got to say and if
8 they -- if "BOCES" does sell the building, the --
9 the relationship is going to change. It just
10 what it is. Those are ball fields and they're
11 going to remain as ball fields.

12 COMMISSIONER SAKOWICH: That's not what
13 I'm saying. But they're -- currently access to
14 the parking as long as it is "BOCES" there, can
15 we put in as long as it's remained by "BOCES"
16 there?

17 MR. O'BRIEN: I would -- I would say
18 you could put -- I -- I would suggest you put it
19 in as a recommendation.

20 COMMISSIONER SAKOWICH: A
21 recommendation that --

22 MR. O'BRIEN: As a recommendation, but
23 not as a condition.

24 COMMISSIONER SAKOWICH: (Nodding head
25 yes.)

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2 MR. O'BRIEN: I -- I don't think you
3 can -- you should be restricting at that point.

4 COMMISSIONER SAKOWICH: For what?

5 MR. O'BRIEN: As -- as a for the
6 subdivision, because that --

7 THIRD VICE-CHAIR LEWIS: Well, for the
8 sake of -- of just establishing a record then, is
9 it the understanding of "BOCES" that they're
10 going to allow use of the parking lot for the
11 athletic fields, even though the athletic fields
12 are going to be owned by --

13 COMMISSIONER SAKOWICH: By the school
14 district.

15 AUDIENCE MEMBER: (Nodding head yes.)

16 MR. COHEN: Yeah. I just turned around
17 and I got an emphatic yes.

18 (Laughter.)

19 COMMISSIONER SAKOWICH: Perfect.

20 THIRD VICE-CHAIR LEWIS: So let's
21 put --

22 MR. COHEN: Okay.

23 THIRD VICE-CHAIR LEWIS: -- let's put
24 that in the record. I don't think we need to --

25 MR. COHEN: You can put that in the

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2 record.

3 THIRD VICE-CHAIR LEWIS: -- I don't
4 think we need to make a recommendation.

5 MR. COHEN: Okay.

6 MR. O'BRIEN: You can nod up and
7 down --

8 MR. COHEN: -- that's fine.

9 MR. O'BRIEN: -- which we all know is
10 -- is -- is an affirmative.

11 (Laughter.)

12 MR. COHEN: That's right.

13 CHAIRMAN SHAPIRO: Okay.

14 Any other questions, Commissioners?

15 (No response.)

16 CHAIRMAN SHAPIRO: We do have one
17 speaker, Harry Weed. Did I -- am I correct?
18 It's hard to read your last name.

19 MR. WEED: Correct.

20 CHAIRMAN SHAPIRO: Name and address for
21 the record please.

22 MR. WEED: Harry Weed, 3964 Appletree
23 Lane, Seaford, which is the street right next
24 to -- it abuts Crest -- Crestline Place. Between
25 Nassau "BOCES" and Levittown School District,

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2 they're not good neighbors. Parking is a major
3 problem. I'm still waiting for a call from the
4 department superintendent, from last year when I
5 appeared at the Nassau "BOCES" meeting.

6 Number one, there is not ample parking
7 for Nassau "BOCES" for what they have. We cannot
8 get our streets swept, because between:

9 Bayberry;

10 Crestline;

11 And Appletree Lane, every day there are
12 12 to 15 cars parked on the street.

13 I had surgery a couple of weeks ago.
14 The medical supply company had to come back on a
15 Saturday, because they couldn't get near the
16 front of my house, because of the parking with
17 their teachers.

18 And we are not their ashtray. I'm
19 tired of watching their "BOCES" employees take --
20 get done with their cigarettes and throw them
21 out. We've gotten to the point where we have to
22 sweep this stuff up ourselves as -- as residents.
23 With that, this failure to be able to street --
24 have the streets swept is a direct violation of
25 New York State Stormwater Act. I'm very aware of

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2 it, because I'm a retired superintendent of
3 Public Works.

4 So we have a problem here. During the
5 summer months, listen, I don't mind the -- the --
6 the fact that they, many times will walk over and
7 watch some of the ball games. But what happens
8 is they'll have overflow and the parking is down
9 the street.

10 So we are inconvenienced and what they
11 need to do is make more parking. When I call
12 the -- the superintendent's office, once again,
13 who has never been in there, could never returns
14 calls. I was told they're working on a parking
15 situation. They're going to expand the parking.
16 Well, I'd like to know when and it is a major
17 problem.

18 You know, this is -- I -- I don't have
19 a problem with Levittown Schools keeping the
20 ball fields. That -- that's a great thing for
21 the kids. But let's do something for the
22 neighbors. Let's at least be good neighbors.
23 And -- and right now, I'm putting Nassau
24 County -- and 'cause I imagine this is being,
25 you know, being recorded. Nassau County, Town of

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2 Hempstead, Nassau "BOCES" and Levittown School
3 are all on notice. The fact that you cannot at
4 times get an emergency vehicle down that street.
5 Especially when the buses are there picking up
6 along Crestline, you can't get emergency vehicles
7 down the block.

8 So in the event that you can't get an
9 vehicle down that block -- and I know something
10 about getting emergency vehicles around, because
11 I'm an "EVOC" instructor, as well as a defensive
12 driving instructor and a "TIM" instructor for --
13 'cause I served on a Federal Highway
14 administration as a representative.

15 So we have a problem. The parking
16 needs to be addressed.

17 CHAIRMAN SHAPIRO: Thank you.
18 Counselor, you want to address the
19 issues?

20 MR. COHEN: Well, this is the first
21 I'm hearing of it. I mean the -- it's not -- the
22 subdivision here will not in any way change that.
23 Basically the complaint is that under the current
24 lease and use of the property, we -- all I can
25 say is, you know, Levittown School District is

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2 not aware of it. We don't believe that there is
3 a serious parking issue there.

4 But it's really not directly related to
5 us retaining the athletic fields. What's
6 important --

7 MR. O'BRIEN: It seem -- it seem -- it
8 seems that way, counselor. It seems if -- if --
9 if the -- the -- if the -- the neighbor is
10 correct, that maybe the way to go, and that'd be
11 between, you know, the people in the neighborhood
12 and the Town of Hempstead would be -- would be to
13 have no parking signs along Crestline, which
14 would free thing -- at least -- at least during
15 regular "BOCES" hours, which would free -- free
16 things up in the neighborhood.

17 AUDIENCE MEMBER: Yeah, you know, all
18 you're to do is put them on the rest of the
19 block. Have him do this.

20 MR. COHEN: I would -- I would --

21 MR. O'BRIEN: Sir --

22 MR. COHEN: -- recommend --

23 MR. O'BRIEN: -- sir, one person at a
24 time and he has the floor right now.

25 MR. COHEN: I -- I mean I think --

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2 MR. O'BRIEN: I'm trying to help you.

3 MR. COHEN: -- I -- yeah, no, I think
4 that that is, you know, the way to try address
5 this. I certainly --

6 MR. O'BRIEN: Right.

7 MR. COHEN: -- will speak to my client,
8 Levittown Schools in terms of reaching out --

9 COMMISSIONER SAKOWICH: Okay. But
10 we're not --

11 MR. COHEN: -- to the neighborhood.

12 COMMISSIONER SAKOWICH: -- we're not --
13 we're not here to solve traffic problems.

14 MR. COHEN: Right.

15 MR. O'BRIEN: The ball fields are going
16 to be ball fields, so that's not going to change
17 as --

18 MR. COHEN: Right.

19 MR. O'BRIEN: -- Commissioner Sakowich
20 has indicated.

21 COMMISSIONER SAKOWICH: Only because
22 what -- you know, listen, if they're on --
23 they'll obviously don't have enough parking to
24 run the operation they're running now. So but
25 the cutting of the -- the -- you -- we're not

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2 adding any development. We're not adding any --
3 anything to it.

4 MR. COHEN: Right.

5 COMMISSIONER SAKOWICH: You know, so
6 the -- the -- the problem that they're having
7 is -- is --

8 MR. O'BRIEN: "BOCES."

9 COMMISSIONER SAKOWICH: -- independent.
10 And -- and we understand it's -- it's -- it's --

11 MR. COHEN: It's independent of this --

12 COMMISSIONER SAKOWICH: -- it could be
13 a problem for the neighbors.

14 MR. COHEN: -- okay.

15 COMMISSIONER SAKOWICH: I mean I live
16 next to a school too and at 3:00 you want to
17 shoot yourself.

18 But, you know, the school's been there
19 for a long time. We're not changing any use.
20 We're -- we're just changing ownership, which
21 could be a positive. Possibly the -- the school
22 district might do a better job maintaining the
23 property, I don't know.

24 But they -- they need to address this
25 on a Town level, the parking issues on the Town

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2 level, you know, on a signage level, whatever
3 they want to do. But I don't believe that that
4 has anything to do with what we're doing here.

5 CHAIRMAN SHAPIRO: Correct -- correct.

6 COMMISSIONER SAKOWICH: That's only my
7 opinion, but I -- I --

8 MR. COHEN: No, I -- I -- that's our
9 position. It really has nothing to do with this
10 particular application.

11 COMMISSIONER SAKOWICH: No -- no.

12 MR. COHEN: And look, I'm not
13 unsympathetic. I grew up in Wantagh across the
14 street from the Forest Lake Elementary School, so
15 I -- I'm not unsympathetic to what, you know --

16 COMMISSIONER SAKOWICH: You know, I --
17 I understand the point --

18 MR. COHEN: -- the situation is. The
19 point has nothing to do really with this
20 application.

21 THIRD VICE-CHAIR LEWIS: Well yes, but
22 we -- you are asking us to create a piece of
23 property that'll be owned by the school district,
24 that creates -- generates activity. People come
25 to the events and you don't have any parking for

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2 it.

3 There's no parking plan. It doesn't
4 appear that you did any analysis of parking
5 either, because you didn't even consider the
6 question of whether there should be a agreement
7 between the two parties saying of course, you can
8 continue to use the parking lot that -- that has
9 been used in the past. You haven't even had that
10 in the agreement. So it does suggest you didn't
11 really look at the parking issue too closely.

12 I get it that this is just a legal
13 distinction, but still from our perspective, you
14 know, we don't generally create properties that
15 are kind of locked off by themselves and don't
16 have parking for what it is that they're going to
17 be engaging in. So it's just -- there is an
18 argument that this should have been resolved
19 before it got here.

20 COMMISSIONER SAKOWICH: What's next to
21 that? What, the -- the parcel of land?

22 CHAIRMAN SHAPIRO: Okay. Wait. Hold
23 on.

24 MR. COHEN: We have --

25 CHAIRMAN SHAPIRO: The -- you're the

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2 assistant superintendent?

3 MR. COHEN: He's the superintendent.

4 (Stepping up.)

5 MR. FABIANO: Yeah -- yeah.

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

8 MR. FABIANO: Yeah, sure.

9 My name is Michael Fabiano. I'm the
10 Assistant Superintendent for Business for the
11 Levittown School District.

12 So just to step back for a moment,
13 when "BOCES" and Levittowns first started having
14 conversations about selling them the property
15 that they formally leased from us for the past
16 30 years, there were -- there were certain --
17 there were certain things that we agreed to
18 upfront. Nothing would change in terms of what
19 community had access to before or after the sale.

20 But really the impetus for selling the
21 property to "BOCES" is because "BOCES" is
22 committed to making certain improvements to the
23 building and modifications to the building that
24 better serve the students and the community. And
25 part of that plan is to add additional parking at

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2 what is known as the Seaman Neck School.

3 With us here today is the
4 Deputy Superintendent of Nassau "BOCES." And I'm
5 not familiar with his capital plan, but he has
6 assured me, and is willing to get up here and
7 speak to that. But "BOCES" is going to be making
8 significant investment in:

9 Both the building;

10 And the surrounding areas;

11 Sidewalks;

12 Parking lots;

13 And I -- I understand they're going to
14 be adding additional parking.

15 So the issues that may or may not have
16 existed or had been addressed in the past, the
17 nothing -- nothing will change as far as
18 transferring the property over. As a matter of
19 fact, this -- this transfer, this sale of
20 property will essentially pave the way for
21 additional improvements that Nassau "BOCES" is
22 willing to make, that Levittown would find it
23 difficult under the existing lease, because we
24 just can't cover the additional expenses.

25 So we feel that this -- this transfer

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2 of property, this sale of property, with, you
3 know, nothing changing as far as what community
4 has access to really benefits all.

5 And like I said, Mr. Widmer, the
6 Deputy Superintendent of Nassau "BOCES" can speak
7 further to the types of improvements that they're
8 looking to make.

9 CHAIRMAN SHAPIRO: Thank you.

10 COMMISSIONER FORMAN: Is the --

11 CHAIRMAN SHAPIRO: Let's --

12 COMMISSIONER FORMAN: -- school
13 district retaining a permanent easement to the
14 parking? Is there a legal construct to it?

15 MR. FABIANO: I, the Bob -- Bob Cohen
16 is better with the specifics of the -- of the
17 agreement. But I -- I do know that we, you know,
18 our -- our early discussions that was addressed
19 and, you know, there were certain language that
20 was put in there, but he would know that a little
21 bit better than I.

22 COMMISSIONER SAKOWICH: And can we show
23 the split of the property or is that the white
24 dotted line? What?

25 MR. FABIANO: Yeah.

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2 COMMISSIONER SAKOWICH: Okay.

3 MR. FABIANO: That black line
4 (indicating) --

5 COMMISSIONER SAKOWICH: Perfect. Thank
6 you.

7 MR. FABIANO: -- is an existing fence
8 line.

9 COMMISSIONER SAKOWICH: Thank you --
10 thank you.

11 Okay. So it goes around then. Okay.
12 We -- you couldn't see that on the other one.
13 Okay.

14 THIRD VICE-CHAIR LEWIS: So this is a
15 significant response though. And this -- this
16 speaks to the reason why sometimes it's good to
17 have the principals in the room. Not to diminish
18 the role of the lawyer, but sometimes we need the
19 person that actually can control the
20 decision-making here.

21 So part of was you're telling us is
22 that once "BOCES" has ownership rather than a,
23 you know, a lease, they are looking at upgrades
24 to the property. It seems to me if that is the
25 case, then that speaks to an opportunity for the

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2 neighbors to be heard, so that those upgrades to
3 the property would address the -- the shortfall
4 in parking.

5 And, you know, shortfalls in parking is
6 one of those problems that it is a problem
7 because you're doing well. You got a lot of
8 activity, a lot of things going on. Well, you
9 got to account for the parking.

10 So I just is -- is that in fact what
11 we're understanding it that you're saying, that
12 if -- if this goes through, that "BOCES" will
13 look at the parking issue and perhaps hire a
14 parking analyst to take a look at the situation
15 more thoroughly.

16 MR. WIDMER: Sure.

17 James Widmer, Deputy Superintendent,
18 Nassau "BOCES."

19 As part of the purchase of the
20 building, we have planned renovations to the
21 building, including an upgraded parking area for
22 the -- for the staff, so that they don't have
23 to park on the street. Addressing the needs of
24 the -- of the -- the community will be part of
25 the sale document, the closing document, to allow

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2 for use of the parking during non-school hours
3 for the access to the baseball fields.

4 That's all part of the -- the -- the
5 impetus for us to:

6 Purchase the property;

7 Upgrade the facilities to provide the
8 best opportunities for the students;

9 Improve the parking to alleviate the
10 congestion in the -- in the neighborhood;

11 And to allow continued access for the
12 fields and use of the school, as a school for the
13 students.

14 CHAIRMAN SHAPIRO: Thank you.

15 MR. WIDMER: Thank you.

16 CHAIRMAN SHAPIRO: What -- what are the
17 hours of -- of the operations of Nassau "BOCES?"

18 MR. WIDMER: 8 a.m. to 3 p.m.
19 generally.

20 CHAIRMAN SHAPIRO: Okay. Thank you.

21 MR. WIDMER: And very -- very in --
22 very infrequently on the weekends.

23 THIRD VICE-CHAIR LEWIS: I -- I -- so I
24 think those comments are very helpful. I would
25 hope that, you know, the neighbors will receive

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2 notices and such of the opportunity to engage in
3 that process that you're talking about. So I do
4 think that's helpful that we got that on the
5 record. It may not have resolved the concerns of
6 the neighbors, but at least it gives them a
7 pathway to get those concerns addressed.

8 (Stepping up.)

9 MR. COHEN: Yes, I -- I think so. And
10 again, we -- you know, with these particular
11 public sector clients there, they deal with the
12 public. They're responsive to these issues.

13 THIRD VICE-CHAIR LEWIS: Thank you.

14 MR. COHEN: In fact, the reason for
15 going through this process was to assure the
16 community that they wouldn't be losing --

17 COMMISSIONER FORMAN: Right.

18 MR. COHEN: -- access
19 to --

20 COMMISSIONER FORMAN: Now, will this --
21 this sale have to go up for referendum to the
22 community?

23 MR. COHEN: It's already been passed
24 overwhelmingly by both districts.

25 COMMISSIONER FORMAN: Yeah, okay.

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2 MR. COHEN: I mean I'm talking 1500 to
3 400.

4 CHAIRMAN SHAPIRO: Thank you.

5 We also have another speaker, a
6 Nicole Stoma.

7 Come up to the podium (indicating).
8 Name and address for the record.

9 (Stepping up.)

10 MS. STOMA: Hi. Good morning.

11 Nicole Stoma, 3880 Bayberry Lane, Seaford,
12 New York.

13 I just wanted to back up what my
14 neighbor here has said. Traffic is a big issue
15 in the neighborhood, dangerously so at times down
16 Bayberry Lane where I live. Also, Alken Avenue,
17 the side of the ball field during the weekends
18 cannot even make a turn on -- off Bayberry Lane
19 onto Alken, because you can't see.

20 So a traffic study was never done here
21 for that ball field. It is imperative that it's
22 done at this point, because our neighborhood is
23 many times dangerous to the children with the
24 cars rushing through the neighborhood, no places
25 to park. And if that school is not going to

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2 allow -- if "BOCES" is not going to allow the use
3 of the parking, it'll be much worse. But even at
4 this point now, where they do have use of that
5 parking, we have our neighborhoods congested. We
6 have people speeding through our neighborhoods,
7 ignoring stop signs, almost hitting family
8 members.

9 If you look at the map (indicating)
10 when you come out Bayberry Lane and go to
11 Alken Avenue, if you go to make a left or a
12 right, you cannot see, 'cause there's cars lined
13 up and down Alken Avenue because of the
14 congestion that it can't -- that that parking
15 lots are not enough on the weekends.

16 So it is a -- a dangerous situation.
17 It has always been. And I've come here to just
18 make sure that it was brought forward as we're
19 making these changes, that the neighborhood needs
20 to understand, the parking situation needs to
21 understand -- also, you know, our block was not
22 really meant for the night of traffic that that
23 ball field allows, especially on the weekend.

24 I mean my mother is here (indicating)
25 also. She's 3865 Bayberry Lane. It can take us

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2 10 minutes to cross the street to meet each other
3 at each other's houses. It is -- it is a major
4 concern. For the school itself, that school has
5 always been there. But it does seem there's a
6 lot more activity there.

7 Today when I left my house, there's no
8 parking around my house. Again, I'm across the
9 street from the school. There's overflow from
10 that school right now on the blocks.

11 So I don't want to -- you know, we said
12 that it's not going to be contingent, the sale,
13 this traffic study or this parking issue. I
14 think it does need to be contingent, 'cause it
15 was never addressed appropriately when they
16 allowed this to be a major ball field on the
17 weekend. And perhaps when they transferred to
18 "BOCES," the -- the amount of people that come to
19 the school is different.

20 We have been in this neighborhood from
21 when this neighborhood was first developed. My
22 grandmother was an original owner. The traffic
23 originally with the school is nowhere near what
24 it was years ago. Now, it is much different
25 story.

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2 CHAIRMAN SHAPIRO: Thank you very much.

3 MS. STOMA: So I'm -- I'm just here
4 to -- to make that statement.

5 COMMISSIONER SAKOWICH: What is your
6 address?

7 MS. STOMA: My address is 3880 Bayberry
8 Lane. I'm directly across from the school.

9 COMMISSIONER SAKOWICH: Oh, we see you,
10 yes.

11 MS. STOMA: My mother is here
12 (indicating) too, 3865 Bayberry Lane. She is on
13 the other side right by the school.

14 COMMISSIONER SAKOWICH: We see you.
15 Okay.

16 CHAIRMAN SHAPIRO: Okay. Thank you.

17 MS. STOMA: Thank you.

18 AUDIENCE MEMBER: Can I just add
19 something?

20 MS. STOMA: Yeah. And I mean and
21 another thing is that we would like to understand
22 if there's going to be improvements to that
23 property, we would like to understand where the
24 additional parking lots are going. Is this going
25 to affect, you know, where is this going to

1 NCPC Minor Sub. File No. 34-2025

2 affect?

3 And what also you're not -- what I
4 don't understand, which maybe has been stated
5 other where, "Cuomo Field," that (indicating)
6 back field, well, where is the ownership there?
7 There's also ball fields back there and whose
8 taking responsibility for the back of that
9 property?

10 So these are -- are additional
11 questions that we have that we would want to
12 understand before this goes through.

13 CHAIRMAN SHAPIRO: Thank you.

14 COMMISSIONER SAKOWICH: The -- the only
15 question I have is that this was put to a public
16 vote obviously. And these issues should have
17 been addressed before it was overwhelmingly voted
18 in favor of by the residents of your community.

19 So it, it's very -- you know, we -- we
20 understand parking issues. We understand, you
21 know, the busing. Everybody used to get bused.
22 Now busing is expensive, so now people are
23 driving. We -- we understand all that. But, you
24 know, the -- these -- this is the last step.

25 Like --

1 NCPC Minor Sub. File No. 34-2025

2 MS. STOMA: Well --

3 COMMISSIONER SAKOWICH: -- basically
4 all we're doing is drawing a line. And this --
5 this forum is -- is really, you know, my
6 colleague here (indicating) addressed it and I
7 think you got a nice answer that they're going to
8 make modifications and put parking, more parking
9 in there.

10 But that's not what we're here to do as
11 a Board. We're here to just a put a -- put a
12 line in -- in -- in -- basically in the -- in the
13 sand.

14 (Laughter.)

15 MS. STOMA: No, I think what you're
16 here to do is decide if they're allowed to sublet
17 that property to ball fields.

18 COMMISSIONER SAKOWICH: No, absolutely
19 not.

20 CHAIRMAN SHAPIRO: Absolutely not.

21 COMMISSIONER SAKOWICH: No, we're not.

22 MS. STOMA: Well --

23 COMMISSIONER SAKOWICH: Subdivide.

24 MS. STOMA: -- listen, I --

25 COMMISSIONER SAKOWICH: Not sublet.

1 NCPC Minor Sub. File No. 34-2025

2 MS. STOMA: -- this is -- this is not
3 my expertise.

4 COMMISSIONER SAKOWICH: Okay.

5 MS. STOMA: I don't understand the
6 process particularly. But I was under -- what I
7 did get is a -- a letter. I did not understand
8 that there was a vote before. I did not partake
9 in it. I didn't -- we -- I was not aware of --

10 COMMISSIONER SAKOWICH: You didn't know
11 there was a public vote?

12 MS. STOMA: Did not.

13 But I did receive a letter from a
14 lawyer's office --

15 COMMISSIONER SAKOWICH: It had to be
16 there.

17 MS. STOMA: -- saying that this -- this
18 was in place. And I thought that the -- the
19 neighborhood would be allowed to make comments
20 that would make a difference.

21 So if you're telling me my comments
22 make no difference, that's disappointing.

23 COMMISSIONER SAKOWICH: Well, it -- not
24 that your comments, but it's not something we can
25 fix.

1 NCPC Minor Sub. File No. 34-2025

2 MS. STOMA: Well, it's something that
3 needs to be fixed.

4 COMMISSIONER SAKOWICH: But let me --
5 let me just add --

6 MS. STOMA: Again --

7 COMMISSIONER SAKOWICH: -- but let me
8 address --

9 MS. STOMA: -- myself --

10 COMMISSIONER SAKOWICH: -- the
11 superintendent for one second.

12 MS. STOMA: -- I just I want to make
13 myself clear.

14 CHAIRMAN SHAPIRO: Hold on.

15 MS. STOMA: I am -- we have had that
16 school in our neighborhood for 50 years. Happy
17 to have the school in our neighborhood.

18 There's been a lot of changes when they
19 made this a major ball fields. So there's been
20 changes with the school. There's more traffic.
21 That is a concern. I agree with you
22 (indicating).

23 But the -- there's, what is really
24 different is the ball field and there's never
25 been a traffic study for each. So now, we're

1 NCPC Minor Sub. File No. 34-2025

2 making an additional decision; right, we're --

3 COMMISSIONER SAKOWICH: But we're not
4 changing the size, we're not changing anything.
5 This was built 50, 60 years ago.

6 MS. STOMA: That ball field was not
7 allowed to operate the way it was operating until
8 recently.

9 Come visit us on a Saturday during
10 baseball season and try to cross the street. I
11 thought this was open for comments and that's why
12 I'm --

13 COMMISSIONER SAKOWICH: Yeah, I mean
14 we -- it's --

15 MS. STOMA: -- here today.

16 COMMISSIONER SAKOWICH: -- it's can you
17 just -- can -- can we just -- just, okay. The --
18 the residents we're good with, but back to the
19 superintendent or the -- or the attorney for
20 the -- the --

21 MR. O'BRIEN: Mr. Cohen.

22 COMMISSIONER SAKOWICH: Can you just
23 tell us what the vote was --

24 (Stepping up.)

25 MR. COHEN: Sure --

1 NCPC Minor Sub. File No. 34-2025

2 COMMISSIONER SAKOWICH: -- to approve
3 this?

4 MR. COHEN: -- I'll be glad to.

5 COMMISSIONER SAKOWICH: Because it's
6 funny that the neighbors next to the school
7 don't -- don't know anything about this. But
8 you did say somewheres [sic] in the area of
9 2,000 votes.

10 MR. COHEN: The vote -- the vote was
11 probably noticed pursuant --

12 COMMISSIONER SAKOWICH: Right.

13 MR. COHEN: -- to law.

14 COMMISSIONER SAKOWICH: Okay.

15 MR. COHEN: It was -- the proposition
16 was a part of the same vote that you have the
17 annual budget vote --

18 COMMISSIONER SAKOWICH: Okay --

19 MR. COHEN: -- budget proposition
20 vote --

21 COMMISSIONER SAKOWICH: -- right.

22 MR. COHEN: -- so well known in the
23 district. That was May 20th, 2025. The
24 proposition passed to sell the property, passed
25 1,532 yes to 403 no.

1 NCPC Minor Sub. File No. 34-2025

2 COMMISSIONER SAKOWICH: So that's 2,000
3 people that knew this was happening?

4 MR. COHEN: Yes.

5 COMMISSIONER SAKOWICH: Okay --

6 MR. COHEN: And there was also a
7 vote --

8 COMMISSIONER SAKOWICH: -- yeah.

9 MR. COHEN: -- there was also a "BOCES"
10 vote on October 16th, where it passed 1,566 to
11 254 no.

12 COMMISSIONER SAKOWICH: Okay. Thank
13 you -- thank you.

14 MR. COHEN: All right.

15 So we --

16 THIRD VICE-CHAIR LEWIS: So -- so --

17 MR. COHEN: -- I think --

18 THIRD VICE-CHAIR LEWIS: -- we --

19 MR. COHEN: -- we understand the -- the
20 issues, but it's really not germane to this
21 application and we ask please --

22 THIRD VICE-CHAIR LEWIS: Well, I
23 wouldn't go far as saying it's not germane, but
24 it does -- it doesn't control today parking is an
25 issue in almost every one of our applications.

1 NCPC Minor Sub. File No. 34-2025

2 So I don't think you should be surprised that
3 people are going to ask questions about parking.

4 But I do agree with your general point,
5 that it should not block a decision here today.

6 I will support a motion in favor of the
7 application. And I would put it in the record
8 that we understand from what just transpired in
9 terms of this hearing, that -- that "BOCES,"
10 Nassau "BOCES" plans to take a look at the
11 property. They're going to look at doing
12 renovations on the property and that part of
13 those renovations would be parking improvements.

14 And it wasn't said, but I would
15 encourage this Planning Commission strongly
16 supports parking and, you know, analyses done by
17 professionals. So someone should come in and
18 look at all those buses and cars, and see if they
19 can't find out a better way to improve the
20 situation.

21 So if -- if that's what we got in the
22 record, then I think I'm comfortable with
23 supporting a motion for approving the
24 application.

25 Mr. Chairman?

1 NCPC Minor Sub. File No. 34-2025

2 CHAIRMAN SHAPIRO: Is there anybody
3 else in the public that wishes to be heard --

4 MR. O'BRIEN: Is that with a "Negative
5 Dec.?"

6 CHAIRMAN SHAPIRO: -- that hasn't
7 spoken?

8 MR. O'BRIEN: With a "Negative Dec."

9 CHAIRMAN SHAPIRO: Pardon me?

10 MR. O'BRIEN: Is it a motion with a
11 "Negative Dec.?"

12 COMMISSIONER SAKOWICH: Yeah, he didn't
13 make it.

14 CHAIRMAN SHAPIRO: Yeah, he didn't make
15 it.

16 MR. O'BRIEN: Oh, I -- I -- I
17 apologize. I -- I -- I thought you were making
18 as part of your -- your speech.

19 (Laughter.)

20 MR. O'BRIEN: I apologize.

21 CHAIRMAN SHAPIRO: No, he said he's
22 willing to make a motion --

23 MR. O'BRIEN: I --

24 CHAIRMAN SHAPIRO: -- with the
25 following on --

1 NCPC Minor Sub. File No. 34-2025

2 MR. O'BRIEN: -- I -- I --

3 CHAIRMAN SHAPIRO: -- the record, but
4 he's --

5 MR. O'BRIEN: -- I misunderstood.

6 CHAIRMAN SHAPIRO: So let's move
7 forward and ask if there is anybody else that
8 wishes to be heard --

9 MR. O'BRIEN: Oh.

10 CHAIRMAN SHAPIRO: -- on this
11 application?

12 (No response.)

13 CHAIRMAN SHAPIRO: Okay.

14 MR. O'BRIEN: And -- and the way, just
15 for -- for -- for the record, the Commissioner
16 who has recused himself, reason why he -- he
17 recused is he actually voted. "BOCES" is a
18 countywide thing. And so there was knowledge of
19 it obviously and correct publication.

20 VICE-CHAIR GREENFIELD: There was
21 correct publication.

22 (Laughter.)

23 CHAIRMAN SHAPIRO: Thank you.

24 THIRD VICE-CHAIR LEWIS: Mr. --

25 CHAIRMAN SHAPIRO: Okay.

1 NCPC Minor Sub. File No. 34-2025

2 THIRD VICE-CHAIR LEWIS: -- Mr.
3 Chairman, I'd like to make --

4 MR. O'BRIEN: That's not on the record.

5 THIRD VICE-CHAIR LEWIS: Okay. I'd
6 like to make a motion on NCPC File No. 34-2025.
7 My motion is to classify it as an "Unlisted
8 Action," and include a "Negative Declaration"
9 and a vote for -- the motion is for approval of
10 the -- the application.

11 I understand we can't condition it
12 based on the things we discussed. We can't
13 condition it. But we do -- this is all public
14 record, you, all public entities. We would hope
15 things that -- that will be resolved in the way
16 that was discussed, that you're going to look at
17 this issue when you -- when you do the
18 renovations. So that's my motion in favor of
19 approving the application.

20 COMMISSIONER SAKOWICH: I second it.

21 CHAIRMAN SHAPIRO: All those in favor?

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

24 CHAIRMAN SHAPIRO: Any opposed?

25 (No response.)

1 NCPC Minor Sub. File No. 34-2025

2 CHAIRMAN SHAPIRO: The motion carries.

3 MR. COHEN: Okay. Thank you very much.

4 MR. O'BRIEN: I also suggest that --

5 CHAIRMAN SHAPIRO: I would strongly
6 suggest that you speak with the good neighbors.

7 MR. COHEN: We -- yes.

8 MR. O'BRIEN: I would also suggest,
9 one, that you, you know, communicate with the --
10 with the neighbors. But also, I'd also suggest
11 to the neighborhoods that they go to the Town of
12 Hempstead and see what they can do to restrict
13 parking over there.

14 (Vice-Chair Greenfield enters the
15 meeting.)

16 DEPUTY COMMISSIONER NIMMO: Yeah, but
17 then the neighbors can't park.

18 CHAIRMAN SHAPIRO: Absolutely.

19 MR. O'BRIEN: Well -- well, it's during
20 the hours. Well, you can't have it both ways.
21 If it's a safety concern, the neighbors parking
22 there are just as bad as the teachers parking
23 there.

24 CHAIRMAN SHAPIRO: That's right.

25 MR. COHEN: Well, thank you very much,

1 NCPC Minor Sub. File No. 34-2025

2 Commissioners.

3 CHAIRMAN SHAPIRO: Thank you.

4 MR. COHEN: I -- I -- I have been
5 remiss in that I have not -- I wanted to let you
6 know what terrific public servants you have in
7 the Public Works Department, you know. And --
8 and they -- they really were helpful to me going
9 through this process and I wanted you to know
10 that.

11 THIRD VICE-CHAIR LEWIS: Thank you.

12 CHAIRMAN SHAPIRO: Thank you.

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1 NCPC Minor Sub. File No. 41-2025

2 CHAIRMAN SHAPIRO: Okay staff, let's
3 move on.

4 (Stepping up.)

5 MR. WREN: Okay.

6 Next we have Case 41-2025. It's a
7 two-parcel minor subdivision.

8 The 10,000 square foot subject property
9 is situated on the east side of Cayugo Road [sic]
10 in the Hamlet of West Hempstead, Town of
11 Hempstead's Residential "B" Zoning District.

12 Application proposes to subdivide the property
13 which currently has 100 feet of frontage on
14 Cayugo Road [sic] into two equal parcels.

15 Proposed Lots "A" and "B" will both
16 have 50 feet of frontage by 100 feet and both be
17 a total of 5,000 square foot.

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

20 Variances to:

21 Subdivision of lot;

22 Lot area;

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

25 Maintain dwelling on a lesser lot.

1 NCPC Minor Sub. File No. 41-2025
2 For "Lot B" it's variances:
3 Subdivision of lot;
4 Lot area;
5 Front width from and on street line to
6 front setback line;
7 Side yard;
8 Construct dwelling.

9 Now, I'd like the -- ask the attorney
10 to please step up.

11 (Stepping up.)

12 MR. EDWARDS: Good morning,
13 Mr. Chairman and members of the Board. For the
14 record, my name is Wayne Edwards, Sahn Ward
15 Coschignano, 333 Earle Ovington Boulevard,
16 Uniondale, New York. I'm the attorney for the
17 applicant.

18 We're here before you regarding
19 967 Cayuga Road in Lakeview, Town of Hempstead,
20 known as section 35, block 651, lots 25 and -- on
21 the Land and Tax Map of Nassau County.

22 As indicated, I won't go through the
23 summary. The Board of Zoning Appeals granted the
24 variances for two 50 by 100 lots. Ms. Nellie
25 Backer will reside and maintain the house on one

1 NCPC Minor Sub. File No. 41-2025
2 of the lots. She's been there since 1999, raised
3 her family. She's over 80 years old and expects
4 to be there for another 20 years, because her
5 mother lived to 102 and just recently passed
6 away.

7 So with her pension and social
8 security, her -- this extra income for selling of
9 the lot is the reason why she's doing that. So
10 she's requesting this Commission to grant the
11 subdivision as approved by the Town of Hempstead
12 for the two-lot subdivision and create a
13 buildable lot next door to her lot.

14 The house that will be built will be
15 around -- will have a footprint of a 1371 square
16 feet and will have -- meet all the zoning
17 requirements of the Residence "B" zone in terms
18 of setbacks. And she'll have a new neighbor and
19 hopefully the extra income will help support her
20 in terms of that.

21 If you have any questions, I'd be glad
22 to answer them.

23 CHAIRMAN SHAPIRO: Thank you.

24 Commissioners, any questions?

25 (No response.)

1 NCPC Minor Sub. File No. 41-2025

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

4 (No response.)

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

7 COMMISSIONER SAKOWICH: I make a
8 motion -- motion on 41-2025 of a "Neg.
9 Declaration."

10 MR. O'BRIEN: With approval.

11 COMMISSIONER SAKOWICH: With approval
12 obviously.

13 COMMISSIONER KALATY: Second.

14 COMMISSIONER SAKOWICH: Yes, I'm sorry.

15 VICE-CHAIR GREENFIELD: Second.

16 CHAIRMAN SHAPIRO: All those in favor?

17 (Chorus of "ayes.")

18 MR. EDWARDS: Thank you very much.

19 CHAIRMAN SHAPIRO: Any opposed?

20 (No response.)

21 CHAIRMAN SHAPIRO: Motion carries.

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1 NCPC Minor Sub. File No. 42-2025

2 CHAIRMAN SHAPIRO: 42-2025.

3 MR. WREN: Okay. Next up is
4 Case 42-2025, another two-parcel minor
5 subdivision.

6 The 17,053 square foot subject property
7 is situated on the east side of Spruce Avenue in
8 the Hamlet of Bethpage, Town of Oyster Bay's
9 "R1-7" Zoning District. Application proposes to
10 subdivide the property, which currently has
11 110 feet of frontage on Spruce Avenue into
12 two separate parcels.

13 "Proposed Lot A" will have 55 feet of
14 frontage by 155 feet and be a total of 8,015
15 square feet.

16 "Proposed Lot B" will have a frontage
17 of 55 feet by 173 and be a total of 9,038 square
18 feet.

19 Town of Oyster Bay's Zoning Board of
20 Appeals has approved the requests for variances.

21 They're both the same for lots "A" and
22 "B," so a variance to construct new dwelling on a
23 subdivided lot having less width of lot area at
24 street and width of lot from front property line
25 to require rear yard than permitted by ordinance.

1 NCPC Minor Sub. File No. 42-2025

2 Now, on a side note, as the 13 of the
3 20 homes within a radius of this proposed
4 subdivision have less frontages than the required
5 70 feet for the zoning. And there are actually
6 6 of those 20 homes actually have frontages of 50
7 feet or less, right.

8 Now I'd like to ask the attorney to
9 please step up.

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

12 (Stepping up.)

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

17 And that was one of your best
18 presentations.

19 MR. WREN: (Gesturing.)

20 MR. ABBATE: The only thing I can add
21 to that is but for the lot width, which was the
22 only relief we needed here, these two parcels
23 meet or exceed every other requirement in the
24 Town's "R1-7" Zone.

25 We exceed lot area. You have to hold

1 NCPC Minor Sub. File No. 42-2025
2 7,000 square feet. One will have over 8,000, one
3 will have over 9 -- 9,000.

4 We exceed front-yard setback. You have
5 to hold 25, we're at 31. We substantially exceed
6 rear yard. Again, you have to hold 25, we're
7 over 50 on each. So we don't pierce the height
8 requirement. We don't exceed "GFA." We don't
9 exceed lot coverage.

10 In terms of parking, what we were able
11 to do with the design, each parcel will have a
12 detached garage, "Parcel A," a single-car
13 detached, "Parcel B" a two-car detached. But
14 because they are 150 feet plus deep, we've got
15 these long driveways, so we're able to get more
16 cars off the street.

17 I can't elaborate much more than the
18 presentation. That's it.

19 VICE-CHAIR GREENFIELD: Good addition.

20 CHAIRMAN SHAPIRO: Thank you.

21 MR. ABBATE: Thank you.

22 (Laughter.)

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

25 (No response.)

1 NCPC Minor Sub. File No. 42-2025

2 CHAIRMAN SHAPIRO: Not seeing any, I'll
3 take a motion.

4 COMMISSIONER KALATY: A move to approve
5 NCPC File 42-2025 with a "Negative Declaration."

6 VICE-CHAIR GREENFIELD: Second.

7 CHAIRMAN SHAPIRO: All those in favor?
8 (Chorus of "ayes.")

9 CHAIRMAN SHAPIRO: Any opposed?
10 (No response.)

11 CHAIRMAN SHAPIRO: Motion carries.

12 MR. ABBATE: Thank you very much.

13 CHAIRMAN SHAPIRO: Thank you.

14 VICE-CHAIR GREENFIELD: Thank you, Tom.

15 MR. ABBATE: Talk to you later.

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1 NCPC Minor Sub. File No. 43-2025

2 (Stepping up.)

3 MR. WREN: Okay. Next up we have
4 43-2025. This is another two-parcel minor
5 subdivision.

6 The 14,000 square foot subject property
7 is situated on the north side of Boston Avenue in
8 the Hamlet of Massapequa, Town of Oyster Bay's
9 "R1-7" Zoning District. Application proposes to
10 subdivide the property, which currently has
11 140 feet of frontage on Boston Avenue into two
12 equal parcels.

13 Proposed lots "A" and "B" will both
14 have 70 feet of frontage by 100 feet on
15 Boston Avenue and both be a total of 7,000
16 square feet.

17 The Town of Oyster Bay's Department of
18 Planning and Development has issued a "letter of
19 zoning compliance" for the proposed subdivision.

20 And I'd like the attorney to please
21 step up.

22 (Stepping up.)

23 MR. BUTLER: Thank you. Good morning.

24 Philip Butler with the law firm of
25 Forchelli Deegan Terrana on behalf of the

1 NCPC Minor Sub. File No. 43-2025

2 applicant.

3 With respect for the Commission's time,
4 I don't really have much to add. As was
5 mentioned, this is a zoning compliance
6 subdivision, two lots. Both lots will comply
7 with the required lot area, lot width.

8 The building envelopes will comply with
9 the required setbacks, so we're not seeking any
10 form of relief. We're not going to the
11 Zoning Board.

12 So I really don't have anything to add,
13 unless the Commissions has questions for me.

14 (Laughter.)

15 CHAIRMAN SHAPIRO: Thank you.

16 We do have two speakers.

17 MR. BUTLER: Sure.

18 CHAIRMAN SHAPIRO: Eileen Carney.

19 (Stepping up.)

20 MR. WREN: I also did receive two
21 e-mails, so I'll read those after them.

22 CHAIRMAN SHAPIRO: Okay.

23 And name and address for the record.

24 (Stepping up.)

25 MS. CARNEY: Hi. My name is Eileen

1 NCPC Minor Sub. File No. 43-2025

2 Carney. My address is 207 Massachusetts Avenue.

3 I live right around the block.

4 I moved into that neighborhood about
5 five years ago and it is a very nice,
6 family-friendly neighborhood. The property that
7 they're looking to subdivide, while it is in
8 compliance with the zoning regulations, I live on
9 a 60 by 100 lot. And quite honestly, my side of
10 Massachusetts has a lot of 60 by 100 lots and
11 it's tight. Like you're right on top of your
12 neighbor. It's a very nice spread out area.

13 It is difficult to drive down Boston,
14 due to the parking on that block. If you drive
15 down there at any given time, especially middle
16 of the day, Sunday afternoon, it really doesn't
17 make a difference, there is not one spot to park
18 in. People really do not utilize their garages.
19 They're to going park in the driveway.

20 There's a hydrant in front of that
21 house, which is going to limit parking on that
22 block. It is already difficult and almost
23 dangerous to make a turn, a left off of
24 Boston onto Ocean or off of Ocean onto Boston,
25 because of visibility because of the parking.

1 NCPC Minor Sub. File No. 43-2025

2 I'm really just opposed to this
3 subdivision. It'll put a strain on the school
4 system. There are a lot of young families in
5 that neighborhood. In 10, 15 years, everybody's
6 going to have more cars to park somewhere. They
7 need to put them somewhere.

8 Ocean, it's already utilized by the
9 residents on:

10 Boston;

11 Massachusetts;

12 Rhode Island;

13 And Commonwealth for additional
14 parking.

15 And I really just wholeheartedly think
16 that it would overburden the school district and
17 congest the neighborhood.

18 CHAIRMAN SHAPIRO: Thank you.

19 MS. CARNEY: You're welcome.

20 VICE-CHAIR GREENFIELD: Thank you for
21 your comments of -- the parking issues in the
22 roads are not under jurisdiction.

23 MS. CARNEY: I understand, yes.

24 VICE-CHAIR GREENFIELD: But I -- I
25 encourage you to talk to your Town officials --

1 NCPC Minor Sub. File No. 43-2025

2 MS. CARNEY: Okay.

3 VICE-CHAIR GREENFIELD: -- especially
4 before November Election Day --

5 MS. CARNEY: Yup.

6 VICE-CHAIR GREENFIELD: -- to look into
7 some resolution with respect to it, before this
8 even starts the construction. It sounds like it
9 needs it in the area.

10 MS. CARNEY: Yeah, I -- I mean they
11 would have to put a driveway on Ocean I --
12 realistically.

13 I don't know what the plan is exactly,
14 'cause I have not received a copy of it, nor do I
15 know where to get a copy of it from.

16 VICE-CHAIR GREENFIELD: But that's a
17 legitimate question for counsel to answer.

18 MS. CARNEY: So there would have to be
19 a driveway on Boston and a driveway on Ocean
20 [sic]. And that would be the only home on -- oh,
21 State Street. I'm sorry, not Ocean.

22 VICE-CHAIR GREENFIELD: Not Ocean.

23 MS. CARNEY: State Street.

24 VICE-CHAIR GREENFIELD: Yeah.

25 MS. CARNEY: Yeah.

1 NCPC Minor Sub. File No. 43-2025

2 VICE-CHAIR GREENFIELD: That's a good
3 question.

4 Counselor?

5 COMMISSIONER SAKOWICH: We just brought
6 it up. Look at them -- you can look at the --
7 the TV camera --

8 VICE-CHAIR GREENFIELD: Okay.

9 COMMISSIONER SAKOWICH: -- right there
10 (indicating). It'll show you.

11 CHAIRMAN SHAPIRO: Counselor come up
12 and --

13 VICE-CHAIR GREENFIELD: Confirm that on
14 the record.

15 (Stepping up.)

16 MR. BUTLER: Where the driveways would
17 be?

18 MS. CARNEY: Yes.

19 VICE-CHAIR GREENFIELD: Yes, please.

20 MR. BUTLER: So the driveways would be
21 both on Boston [sic] I believe.

22 MS. CARNEY: How would that be, 'cause
23 there's a fire hydrant on the corner?

24 MR. BUTLER: Oh, not Boston, sorry.

25 What is the other street? State?

1 NCPC Minor Sub. File No. 43-2025

2 MS. CARNEY: State.

3 MR. BUTLER: Yeah, so --

4 MS. CARNEY: I said Ocean and I
5 misspoke.

6 MR. BUTLER: State.

7 MS. CARNEY: 'Cause they are --

8 MR. BUTLER: So --

9 MS. CARNEY: -- it's between Ocean and
10 State.

11 MR. BUTLER: Right. So one home is
12 going to face on State. The other is going to
13 face on Boston. So they'll have --

14 VICE-CHAIR GREENFIELD: So we're going
15 to have one driveway on each street?

16 MR. BUTLER: That's correct.

17 COMMISSIONER SAKOWICH: And that
18 currently now is a two-family home that's there?
19 No --

20 MR. BUTLER: It's a -- it's a
21 single-family home. It's --

22 COMMISSIONER SAKOWICH: Oh, I'm sorry.

23 MR. BUTLER: -- it's --

24 COMMISSIONER SAKOWICH: Okay --

25 MR. BUTLER: -- it's been expanded, but

1 NCPC Minor Sub. File No. 43-2025

2 it's still a single-family --

3 COMMISSIONER SAKOWICH: -- okay --

4 MR. BUTLER: -- home, yeah.

5 COMMISSIONER SAKOWICH: -- right.

6 MS. CARNEY: There -- there are
7 maybe -- there are maybe two -- two two-family
8 homes in that entire neighborhood.

9 CHAIRMAN SHAPIRO: Okay.

10 VICE-CHAIR GREENFIELD: But I -- I
11 think we answered your question. It's good. I
12 like the fact that one driveway's on Boston, one
13 is on State, so there's less congestion.

14 MS. CARNEY: Yes, but I don't like
15 that, because:

16 People are already parking on
17 State from Massachusetts, Boston, Commonwealth
18 and Rhode Island;

19 And there are currently no homes facing
20 State Street at all.

21 COMMISSIONER SAKOWICH: Yeah, but
22 you -- you're going to now have a curb cut,
23 which -- which frees up, which less parking.
24 Now, you have a fire hydrant in front of the
25 first house, which nobody's going to be able to

1 NCPC Minor Sub. File No. 43-2025

2 park in front of and a driveway in front of the
3 second house. You're actually going to alleviate
4 parking on that block.

5 MS. CARNEY: There's already a curb cut
6 there for a double driveway.

7 VICE-CHAIR GREENFIELD: All right.
8 We -- time's up. We're being buzzed.

9 MS. CARNEY: And it does not help.
10 Thank you.

11 CHAIRMAN SHAPIRO: Thank you.

12 MS. CARNEY: Thank you.

13 (Stepping up.)

14 MR. BUTLER: There -- there is a
15 curb cut, but it's -- there's no driveway there.
16 It's just an existing curb cut. So I --

17 MS. CARNEY: No, there's a driveway.
18 There's a two-car --

19 MR. BUTLER: There --

20 MS. CARNEY: -- there's a two-spot
21 driveway over --

22 VICE-CHAIR GREENFIELD: All right, you
23 can't --

24 MR. O'BRIEN: You can't.

25 VICE-CHAIR GREENFIELD: -- you can't --

1 NCPC Minor Sub. File No. 43-2025

2 MR. O'BRIEN: We need one person at a
3 time.

4 VICE-CHAIR GREENFIELD: -- you're not
5 on the record, if you walk away.

6 Next speaker.

7 CHAIRMAN SHAPIRO: Okay. We do have
8 one more speaker, Michael Ciesla.

9 Name and address for the record, when
10 you come up please.

11 (Stepping up.)

12 MR. CIESLA: Hi, good morning.

13 Michael Ciesla, 206 Massachusetts Avenue,
14 Massapequa. Obviously I'm the owner. I reside
15 there with my young family.

16 I'd like to thank the Town of
17 Oyster Bay and Nassau County Planning Commission
18 for giving the neighbors a chance to speak today.
19 This is the first opportunity and first hearing
20 that we -- we've even, you know, heard of what's
21 going to be happening over there. So we are
22 addressing all of our concerns, parking, whatever
23 related. So thank you for hearing us.

24 While I do wish the "LLC" who purchased
25 215 Boston success in their endeavors, I cannot,

1 NCPC Minor Sub. File No. 43-2025
2 in good conscious, give my approval for the
3 subdivision. If this was a renovation or a
4 rebuild on an existing lot, it would be a
5 completely different story.

6 This is a close knit community and
7 neighborhood. And from what I've encountered,
8 speaking to neighbors consisted of a majority of
9 blue collar, hardworking people who have worked
10 tirelessly to build a life here.

11 The properties in our area gives some
12 elbow room, which is the allure of living in this
13 area. It's a driving force why -- for why I
14 bought the property that I did as well. Although
15 Massapequa is a newer community compared to
16 others on Long Island, our area has finally come
17 to the point of being a bit more mature when it
18 comes to the trees and landscape. A project like
19 this will disrupt that feel and cause
20 inconveniences to those surrounded by it.

21 I'm asking for this subdivision, for
22 the sake of the neighbors and the strain on the
23 infrastructure, to not be approved. It will add
24 stress on the neighbors. It will uproot the
25 look, and feel of the area, and make it appear

1 NCPC Minor Sub. File No. 43-2025

2 and feel more congested than it already is in
3 that specific location.

4 It's now going to double the amount of
5 houses on that property. It will add a minimum
6 double the amount of cars on the property when
7 finished. It will at least double the amount of
8 people, adding more stress on the natural gas
9 system, electric and water utilities. It will
10 also potentially add more children to an
11 already-crowded school district.

12 While I love seeing new homeowners
13 purchase properties and move into the
14 neighborhood or an investor coming in to renovate
15 a property on an existing lot, I respectfully
16 cannot and will not approve a company coming in
17 to subdivide a property to congest the area, line
18 their pockets and then leave.

19 Thank you.

20 CHAIRMAN SHAPIRO: Thank you.

21 Just so you understand, this
22 subdivision is a matter of right. It meets all
23 the Town's zoning. So --

24 MR. CIESLA: Okay.

25 CHAIRMAN SHAPIRO: -- you know, I would

1 NCPC Minor Sub. File No. 43-2025
2 suggest that you go to the Town and talk to them
3 about their zoning regulations. Maybe they want
4 to up zone.

5 MR. CIESLA: Okay.

6 CHAIRMAN SHAPIRO: Okay.

7 MR. CIESLA: Do they give notice for
8 anything? Because like I said, this is the first
9 opportunity that we've had.

10 VICE-CHAIR GREENFIELD: It was --

11 THIRD VICE-CHAIR LEWIS: No, your --
12 your point is well taken that there was no local
13 hearing or anything. But the reason for that is
14 because that what the Chairman just said, "as of
15 right." We put that in like quotes --

16 MR. CIESLA: Okay.

17 THIRD VICE-CHAIR LEWIS: -- because
18 that's a very --

19 CHAIRMAN SHAPIRO: It's zoning
20 compliant.

21 THIRD VICE-CHAIR LEWIS: -- it's a very
22 important distinction.

23 CHAIRMAN SHAPIRO: Yeah.

24 THIRD VICE-CHAIR LEWIS: Once something
25 is "as-of-right," they don't have to have a

1 NCPC Minor Sub. File No. 43-2025

2 hearing on it --

3 MR. CIESLA: Okay.

4 THIRD VICE-CHAIR LEWIS: -- because
5 they're -- you know, if it was 60s or 50s, then
6 there would be a hearing on it. So that --

7 MR. CIESLA: Right --

8 THIRD VICE-CHAIR LEWIS: -- so you
9 weren't denied opportunity or anything like that,
10 because no hearing took place. So --

11 MR. CIESLA: Gotcha.

12 THIRD VICE-CHAIR LEWIS: -- this is the
13 only opportunity.

14 CHAIRMAN SHAPIRO: This is the only
15 hearing.

16 THIRD VICE-CHAIR LEWIS: Now, you have
17 to understand that you -- you were here for our
18 meeting. You saw some of the properties are much
19 smaller than 70 feet wide.

20 Massapequa, I lived in Massapequa for
21 many years. Massapequa, you know, does have a
22 zoning code that says 70. And that's like you
23 said, more elbow room. It's -- that's a good
24 thing.

25 So what we're being asked here is

1 NCPC Minor Sub. File No. 43-2025
2 simply something that's in compliance with that.
3 So it would be a tougher call, if it was
4 requiring a variance.

5 Regarding the parking, my last comments
6 will be to the -- to the attorney is simply
7 that -- that to maximize the opportunity for
8 off-street parking, meaning the -- the -- the
9 parking driveway, maybe turn it into a parking
10 pad, so you can get a couple extra cars, that
11 kind of thing.

12 We can encourage them to do those kinds
13 of things, but really if they're complying with
14 the code, we would be, the courts would say it
15 would be unreasonable for us to deny an
16 application like this. And -- and all of our
17 stuff is very much overseen by the courts. So if
18 you deny something, you got to have a reason.

19 And if it complies with the Code,
20 there's really not too much more we could do. We
21 do have the hearing. Maybe something would come
22 out during the hearing and certainly hopefully a
23 dialogue can start, so that you can find out more
24 about what's proposed. And we'll try and make
25 sure you get a commitment from the developer

1 NCPC Minor Sub. File No. 43-2025
2 regarding the driveway. But otherwise, there's
3 not -- there's really not much more we're going
4 to be able to do today.

5 MR. CIESLA: Thank you.

6 CHAIRMAN SHAPIRO: You're welcome.

7 Okay Commissioners, I will take a
8 motion.

9 (Stepping up.)

10 MR. WREN: Commission, I had two public
11 comments. Should I read them on the record?

12 MR. BUTLER: Oh, thank you.

13 CHAIRMAN SHAPIRO: Go ahead.

14 MR. WREN: All right. Very short.

15 This is Margaret and Michael
16 Livingston, 209 Boston Avenue. We - we feel that
17 having two houses face Boston Avenue in that
18 space will be too crowded and unsightly. And
19 with two families living there, parking will be
20 an absolute issue. We have a beautiful block and
21 want it to keep that way. That was the quick
22 one.

23 And now then the next one was from
24 Peggy Corso, 196 Boston Avenue, Massapequa. I am
25 concerned residents living at 196 Boston Avenue,

1 NCPC Minor Sub. File No. 43-2025
2 which is directly across from the proposed
3 215 Boston Avenue subdivision of one parcel into
4 two parcels. After viewing the survey, it shows
5 that one home being a max of 17 -- 1750 square
6 feet and one home being a max of 1279 square
7 feet, is that accurate? There is no style for
8 what these homes will look like. It seems that
9 two homes facing Boston Avenue will be very
10 tight.

11 From what I could see, I did not see
12 any garages on this property or driveway, because
13 parking will be a problem. There's a fire
14 hydrant in front of this house.

15 I moved here because I love the
16 character of the neighborhood and the block I
17 live on. Looking at two homes across the street
18 that are squished together is not something that
19 is appealing to the eyes. It will be an eyesore.

20 I am not supporting the subdivision.

21 THIRD VICE-CHAIR LEWIS: So --

22 CHAIRMAN SHAPIRO: Thank you.

23 THIRD VICE-CHAIR LEWIS: -- could I ask
24 counsel to come up real -- very quickly?

25 (Stepping up.)

1 NCPC Minor Sub. File No. 43-2025

2 MR. BUTLER: Of course.

3 THIRD VICE-CHAIR LEWIS: You can see
4 from the image that's on the screen that there is
5 a two curb cuts currently at the site, one on
6 State Street and one on Boston, something that we
7 talked about earlier.

8 MR. BUTLER: Right.

9 THIRD VICE-CHAIR LEWIS: But you can --
10 you can now see that on that image.

11 MR. BUTLER: Yeah.

12 COMMISSIONER SAKOWICH: They both have
13 cars in their --

14 THIRD VICE-CHAIR LEWIS: Yeah, there's
15 even cars sitting right there now.

16 MR. BUTLER: Right.

17 THIRD VICE-CHAIR LEWIS: So my question
18 to you would be the -- the new development would
19 be the one that's going to face State Street and
20 the curb cut is there. Would be the parking
21 allow for more than one off street, you know, one
22 car being off street meaning in the driveway?

23 It should be more than one, it should
24 be at least two, maybe -- maybe more than that?
25 Can you speak to that.

1 NCPC Minor Sub. File No. 43-2025

2 MR. O'BRIEN: Like a double-wide pad.

3 MR. BUTLER: Of course.

4 So I -- I work with this developer on
5 a -- on a regular basis and he's a very
6 responsible developer. He's done a number of
7 these subdivisions in the Town in Nassau County.

8 VICE-CHAIR GREENFIELD: Where is your
9 developer? I like developers to come here and
10 answer to the neighbors.

11 MR. BUTLER: He -- he ordinarily would,
12 but I mean today he had a conflict. He's been
13 here on other applications.

14 VICE-CHAIR GREENFIELD: Well, then
15 maybe we should postpone for a date when he
16 doesn't have a conflict. He didn't know he had
17 this appointment date?

18 MR. BUTLER: Oh no, of course he did.

19 VICE-CHAIR GREENFIELD: Okay.

20 MR. BUTLER: But he trusts his
21 representatives to come here and represent his
22 interests --

23 VICE-CHAIR GREENFIELD: Okay.

24 MR. BUTLER: -- and speak for him of
25 course.

1 NCPC Minor Sub. File No. 43-2025

2 VICE-CHAIR GREENFIELD: In the future,
3 Mr. Butler, we'd like to see.

4 MR. BUTLER: Absolutely. And -- and as
5 I mentioned --

6 VICE-CHAIR GREENFIELD: And if -- if
7 your client has a conflict, then you should
8 reschedule.

9 MR. BUTLER: I appreciate the comment
10 and I will take that into consideration.

11 VICE-CHAIR GREENFIELD: Who -- who is
12 the developer?

13 MR. BUTLER: Joseph Piegare.

14 VICE-CHAIR GREENFIELD: What?

15 MR. BUTLER: Joseph Piegare, JLP and
16 Associates.

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

19 THIRD VICE-CHAIR LEWIS: So finish the
20 thought you were going to --

21 MR. BUTLER: Of course.

22 VICE-CHAIR GREENFIELD: I'm sorry to
23 interrupt.

24 MR. BUTLER: So yes, double width
25 driveways that accommodate at least two vehicles

1 NCPC Minor Sub. File No. 43-2025
2 is -- is a standard for him. Of course, this is
3 Nassau County, so we do try to strike the balance
4 between creating like the sea of parking in front
5 of a new house --

6 VICE-CHAIR GREENFIELD: Right.

7 MR. BUTLER -- and also providing
8 adequate parking. But adequate parking for at
9 least two plus a garage is typically how he does
10 that.

11 And as I'm sure this Board is aware,
12 Oyster Bay has become very sensitive to the
13 conversion of garages into habitable space and
14 losing that parking. So typically we will avoid
15 scenarios where that is possible. So the garages
16 that he puts into his homes stay garages and then
17 should be used as additional parking, rather than
18 becoming, you know, a den.

19 So yes, parking is certainly something
20 I will take back to him with a very strong
21 recommendation from this Commission.

22 CHAIRMAN SHAPIRO: Thank you.

23 MR. BUTLER: I have no problem with
24 that.

25 CHAIRMAN SHAPIRO: Okay. Is there

1 NCPC Minor Sub. File No. 43-2025
2 anybody else in the public that wishes to be
3 heard?

4 (No response.)

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

7 COMMISSIONER SAKOWICH: I got -- I make
8 a motion on 43-20 -- 43-2025, an approval with a
9 "Neg. Dec."

10 COMMISSIONER KALATY: Second.

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

13 CHAIRMAN SHAPIRO: Any opposed?
14 (No response.)

15 CHAIRMAN SHAPIRO: The motion carries.

16 MR. BUTLER: Thank you very much for
17 your time.

18 * * *

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1 Proceedings

2 VICE-CHAIR GREENFIELD: Members, I -- I
3 have a doctor's appointment.

4 MR. BUTLER: We'll be in touch.

5 MR. WREN: Yup.

6 (Stepping up.)

7 VICE-CHAIR GREENFIELD: They just
8 called. The doctor's ready for me. I'm sorry.

9 * * *

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1 NCPC Minor Sub. File No. 44-2025

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

4 CHAIRMAN SHAPIRO: Okay.

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

6 (Stepping up.)

7 MR. WREN: Okay. Last up for minor
8 subdivisions is Case 44-2025. It's a two-parcel
9 minor subdivision.

10 The 20,000 square foot subject property
11 is situated on the west side of Park Avenue in
12 the Hamlet of Roosevelt, Town of Hempstead's
13 Residential "A" Zoning District.

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

16 MR. WREN: Application proposes to
17 subdivide the property, which has 100 feet of
18 frontage on Park Avenue into two equal parcels.

19 Proposed lots "A" and "B" both have
20 55 feet of frontage by 200 feet on Park Avenue
21 and each lot will be 10,000 square feet.

22 The Town of Hempstead's Board of
23 Appeals has approved the requests for variances.

24 "Lot A variances:

25 Subdivision of lot;

1 NCPC Minor Sub. File No. 44-2025

2 Lot area;

3 Front width from and on street line to

4 front setback line;

5 Side yard;

6 Side-yard aggregated;

7 Maintain dwelling on a lesser lot.

8 For "Lot B" variances:

9 Subdivision of lot;

10 Front width from and on street line to

11 front setback line;

12 Construct dwelling with a garage.

13 Now, out of the 22 homes that are

14 within 200 feet of the -- 200 feet -- or within

15 200 feet of the subject property have frontages

16 of 50 feet or less within the -- so that was 9

17 out of 22. I'm sorry. So this subdivision would

18 be within the character of the neighborhood.

19 I would now like to ask the

20 representative to step up.

21 (Stepping up.)

22 MR. NELSON: Thank you.

23 CHAIRMAN SHAPIRO: Good morning. Name

24 and address for the record.

25 MR. NELSON: Good morning.

1 NCPC Minor Sub. File No. 44-2025

2 CHAIRMAN SHAPIRO: I see you have a
3 very big audience now.

4 MR. NELSON: I -- I know.

5 CHAIRMAN SHAPIRO: You scared them all
6 away.

7 (Laughter.)

8 MR. NELSON: And -- and even
9 Mr. Greenfield, Chairman Greenfield.

10 CHAIRMAN SHAPIRO: That's a positive.

11 COMMISSIONER FORMAN: That's a
12 positive, yeah.

13 (Laughter.)

14 MR. NELSON: My name is Jed Nelson. I
15 am the president of Bert Nelson Associates,
16 2209 Merrick Road, Merrick, New York.

17 First let me say, I apologize for my
18 client not being here. But you guys all know
19 Mr. Jimmy Bianco, if he could he would. He has
20 taken a fall. He had a mishap. He is
21 incapacitated at the moment. Otherwise, I'm sure
22 he would love to be here. And maybe like we said
23 earlier, it's a good thing he's not.

24 (Laughter.)

25 MR. NELSON: Please don't put that on

1 NCPC Minor Sub. File No. 44-2025

2 the record.

3 (Laughter.)

4 THIRD VICE-CHAIR LEWIS: Yeah, too
5 late.

6 CHAIRMAN SHAPIRO: Too late.

7 MR. NELSON: I asked Mr. Abbate who
8 testified earlier if he can stay, because his
9 application is very similar to mine.

10 This is a subdivision that was approved
11 by the Zoning Board of the Town of Hempstead. If
12 you need, I have the decisions. But I believe
13 I've provided them. They should be of record.
14 They were actually granted on July 16th, 2025.

15 This is a very simple case. The two
16 properties will afford 10,000 square feet of
17 total lot area. The only reason we're here is
18 because they're diminished in street frontage of
19 50 feet, where 60 is required.

20 As -- as was -- as it was stated
21 earlier, there are actually 21 parcels within the
22 200 foot radius. 9 of the 21 have less street
23 frontage than what is being proposed by this
24 application. The lots will be bigger than 17 of
25 the 21 within that 200-foot radius.

1 NCPC Minor Sub. File No. 44-2025

2 The maintain will provide adequate
3 parking off street of 3 plus cars. The proposed
4 new construction will have one internal garage
5 and a parking pad for two additional cars, so you
6 will have substantial on-site parking.

7 No -- no variances other than the
8 street frontage were required. They will conform
9 to the setbacks, all the zoning requirements for
10 the Residence "A" District.

11 Simple as I can make it.

12 CHAIRMAN SHAPIRO: Thank you.

13 THIRD VICE-CHAIR LEWIS: And I do think
14 it is a simple one. And you didn't even
15 emphasize the point, but it should also be
16 pointed out that it is a pretty big lot, each of
17 them. 200 feet deep is -- is -- it's a very big
18 lot.

19 So for the fairly minor issue at the --
20 at the -- at the front, at the street level, it's
21 pretty, you know, that's -- to me if this was two
22 50s by 100, I would, that would probably be
23 reasonable for the neighborhood. But they're two
24 50s by 200, so it just makes the case that much
25 stronger it seems to me.

1 NCPC Minor Sub. File No. 44-2025

2 (Laughter.)

3 MR. NELSON: Thank you,
4 Commissioner Lewis.

5 I'll also point out that the property
6 does abut the Southern State Parkway buffer zone,
7 so there are actually no neighbors to the north.

8 THIRD VICE-CHAIR LEWIS: And you did
9 say that the plan is for the parking pads or
10 driveways to allow for at least two cars?

11 MR. NELSON: Yes.

12 CHAIRMAN SHAPIRO: Okay. Thank you.
13 Any other questions?

14 (No response.)

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

17 (No response.)

18 CHAIRMAN SHAPIRO: Not seeing any, I'll
19 take a motion.

20 COMMISSIONER KALATY: Motion to approve
21 NCPC File 44-2025 with a "Negative Declaration."

22 THIRD VICE-CHAIR LEWIS: Second.

23 CHAIRMAN SHAPIRO: All in favor?

24 (Chorus of "ayes.")

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

1 NCPC Minor Sub. File No. 44-2025

2 CHAIRMAN SHAPIRO: Any opposed?

3 MR. NELSON: Thank you, Commissioner.

4 If I don't see you guys again, happy

5 and a healthy.

6 CHAIRMAN SHAPIRO: Same to you.

7 MR. NELSON: Thank you.

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1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: All right. Marty,
3 we're going to be doing this quickly.

4 MR. NELSON: Yeah.

5 (Stepping up.)

6 MR. KATZ: Why.

7 CHAIRMAN SHAPIRO: So --

8 MR. KATZ: Well, Jeff left already.

9 CHAIRMAN SHAPIRO: Huh?

10 MR. KATZ: Jeff left already; huh?

11 (No response.)

12 MR. KATZ: No, I'm just kidding.

13 (Laughter.)

14 CHAIRMAN SHAPIRO: All right.

15 Commissioners, since we did at the Work Session
16 go over a lot of this, I will take a motion for
17 "Local Determination" on NCPC agenda items No.:

18 3;

19 4;

20 5;

21 6;

22 And 8.

23 COMMISSIONER SAKOWICH: So moved.

24 CHAIRMAN SHAPIRO: Is there a second?

25 COMMISSIONER KALATY: Second.

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: All in favor?

3 (Chorus of "ayes.")

4 CHAIRMAN SHAPIRO: Any opposed?

5 (No response.)

6 CHAIRMAN SHAPIRO: The motion carries.

7 * * *

8 CHAIRMAN SHAPIRO: Marty, why don't we
9 do 7 next?

10 MR. KATZ: Seven?

11 CHAIRMAN SHAPIRO: Yup.

12 MR. KATZ: Okay, hold on.

13 CHAIRMAN SHAPIRO: And the --

14 MR. O'BRIEN: Sea Cliff.

15 MR. KATZ: All right. Item No. 7 on
16 the Zoning Agenda is NCPC Case No. 924125. This
17 is in the Village of Sea Cliff and it's for a
18 special permit and parking variance.

19 The applicant is proposing [sic] -- is
20 applying for a special permit to operate a
21 restaurant. In addition to operating as a
22 restaurant, the applicant proposes to use about
23 3700 square feet of outdoor area to the rear of
24 the property to serve food and drink, which will
25 require an additional parking variance from what

1 Zoning Referral Review
2 was already granted. The applicant also proposes
3 also to host food trucks, which is not expressly
4 permitted use in the -- in the Business "B"
5 [sic] -- Business "A" District.

6 The subject property is double frontage
7 on Sea Cliff Avenue and 10th Avenue, a
8 residential street paralleling Sea Cliff,
9 slightly upland from Sea Cliff Avenue.

10 The site is occupied by a building that
11 is currently used as a beer retailer and tasting
12 room in the -- with a small snack area. The
13 parking lot abuts the building to the north with
14 access onto Sea Cliff Avenue. The portion of the
15 site that fronts on 10th Avenue is an open area
16 that is upland from the building and is currently
17 not in use.

18 To the west is a commercial strip on
19 the corner of Sea Cliff Avenue and Roslyn Avenue
20 consisting of a small retailer, a dental office
21 and a restaurant. To the north along 10th Avenue
22 are homes, water district property and a small
23 municipal lot. To the east is the post office.
24 To the south across Sea Cliff Avenue are homes.

25 Sea Cliff Avenue is two lanes with

1 Zoning Referral Review

2 on-street parking.

3 The subject was originally an auto
4 repair shop. It changes its tenancy to a beer
5 retailer with a tasting room. This required a
6 parking variance with 11 spaces required and
7 8 spaces provided. A second parking variance was
8 granted, when it was expanded to include a small
9 cafe with a food prep area and some indoor --
10 indoor dining. That required 18 spaces with
11 8 spaces provided.

12 The applicant proposes to expand indoor
13 seating and provide an outside -- outside dining
14 area fronting on 10th Avenue that would
15 accommodate food trucks. With the proposed
16 expansion of the restaurant for indoor and
17 outside dining and drinking, a total of
18 40 parking spaces are required with 8 on-site
19 spaces provided. According to the Village
20 Building Department, he indicated that it is the
21 intention of the applicant to create a beer
22 garden environment on the subject property.

23 Staff recommends a denial of -- of this
24 as an over intensification of use with potential
25 impacts on an abutting residential neighborhood,

1 Zoning Referral Review

2 given the proposed beer garden type of use.

3 CHAIRMAN SHAPIRO: Commissioners, any
4 questions?

5 (No response.)

6 CHAIRMAN SHAPIRO: I will take a motion
7 for a denial.

8 COMMISSIONER FORMAN: So moved.

9 CHAIRMAN SHAPIRO: Is there a second?

10 COMMISSIONER KALATY: Second.

11 CHAIRMAN SHAPIRO: All in favor?

12 (Chorus of "ayes.")

13 CHAIRMAN SHAPIRO: Any opposed?

14 (No response.)

15 CHAIRMAN SHAPIRO: The motion carries.

16 * * *

17 CHAIRMAN SHAPIRO: Okay, Marty on

18 Items 1 and 2, why don't you just read your

19 summary and --

20 MR. KATZ: Okay --

21 CHAIRMAN SHAPIRO: -- recommendation?

22 MR. KATZ: -- okay.

23 * * *

24 MR. KATZ: Okay, yeah. Item No. 1 is

25 NCPC Case -- Case No. 922125, The Village of

1 Zoning Referral Review

2 Valley Stream. It's for area dimensional
3 variances and parking variances.

4 This is to convert a second-floor space
5 and a two -- an older two-story brick commercial
6 building to 12 residential apartments and
7 maintain the existing ground floor commercial use
8 with several tenants, some appear to be vacant.

9 The following vacant [sic] -- variances are
10 required:

11 Insufficient lot area for multifamily
12 use;

13 Insufficient front-yard setback for
14 multifamily use;

15 Insufficient side-yard setback for
16 multifamily use;

17 And the off-street parking, where
18 minimum 56 off-street parking spaces required,
19 24 provided for the 12 units -- 18 spaces with
20 24 provided for the 12 units and 18 for the
21 retail spaces.

22 The -- the area dimensional zoning
23 non-conformities, as described above are
24 pre-existing non-conformities typical of an older
25 build -- a commercial building retrofitted for

1 Zoning Referral Review

2 residential use. So it's not of no real
3 consequence to this.

4 18 parking spaces are available on
5 onsite. 41 spaces are available within the
6 municipal parking lot, field 10, which is
7 about 990 feet from the spot -- from the site.
8 54 spaces are available within "Municipal Parking
9 Lot 20," which is about 975 feet from this site.
10 Both municipal lots are permit -- resident permit
11 lots that allow overnight parking.

12 To the west of the site is a -- is a --
13 is a community park that does have permit park --
14 a -- a large amount of permit parking, but not --
15 not overnight parking.

16 Residential parking demand was observed
17 for both municipal lots for the weekday morning
18 and -- and Saturday morning peaks. So that was
19 taken -- taken into account.

20 Also, using the projected parking
21 demand from "ITE," which is Institute of Traffic
22 Engineers, parking rates for multifamily
23 residential in conjunction with the observed
24 parking demand for the two municipal parking lots
25 and onsite -- onsite parking lots, the

1 Zoning Referral Review

2 anticipated maximum residential parking demand
3 was calculated for the weekday morning and
4 Saturday morning peak.

5 In summary, the exist -- the report
6 concluded that the existing onsite parking demand
7 designated for the apartments and the two nearby
8 municipal lots is expected to accommodate parking
9 demand projections for the proposed mixed use
10 building, with a reserve supply occupancy of
11 28 percent during the peak residential demand.

12 Staff is recommending -- recommending
13 "Local Determination with a Letter" indicating
14 that the rear parking area requires extensive
15 renovation, in order to accommodate the onsite
16 parking as depicted in the plan. While the site
17 plan shows marked spaces, it's -- the site plan
18 specifically states that no changes are being
19 proposed for the rear parking area. The
20 parking lot needs to be repaved, re-stripe --
21 re-striped with necessary drainage
22 infrastructure -- infrastructure and other
23 improvements implemented.

24 So that's -- or they intended to --
25 whether they intended to do that -- do that or

1 Zoning Referral Review

2 not, I don't know. But the site plan says no
3 changes are proposed, outside of just marking
4 spaces and it's a mess back there.

5 THIRD VICE-CHAIR LEWIS: So what do you
6 recommend in terms of a letter?

7 CHAIRMAN SHAPIRO: He --

8 MR. KATZ: That they that -- that --
9 that it'd be what -- well, what it says,
10 indicating the rear parking area requires
11 extensive renovation to accommodate the parking
12 lot and that they -- it'd be repaved and
13 necessary drainage -- necessary drainage
14 infrastructure and other improvements, like
15 landscaping maybe and be, you know, be installed
16 or something. It's just --

17 CHAIRMAN SHAPIRO: Okay.

18 MR. KATZ: -- not habitable now for
19 any --

20 THIRD VICE-CHAIR LEWIS: So those are
21 reasonable things to include in the letter.

22 MR. KATZ: Right.

23 THIRD VICE-CHAIR LEWIS: We're saying
24 it would be "LD." It's -- it's their decision.
25 We're not opposing the decision.

1 Zoning Referral Review

2 MR. KATZ: Right.

3 THIRD VICE-CHAIR LEWIS: But we are
4 saying, hey, take a look at these items of
5 re-striping the -- the parking and other
6 infrastructure improvements.

7 MR. KATZ: Right.

8 THIRD VICE-CHAIR LEWIS: So I'd like to
9 make a motion for "LD with a letter."

10 CHAIRMAN SHAPIRO: Is there a second?

11 COMMISSIONER KALATY: Second.

12 CHAIRMAN SHAPIRO: All in favor?

13 (Chorus of "ayes.")

14 CHAIRMAN SHAPIRO: Any opposed?

15 (No response.)

16 CHAIRMAN SHAPIRO: The motion carries.

17 * * *

18 MR. KATZ: Okay.

19 CHAIRMAN SHAPIRO: Marty, now --

20 MR. KATZ: Yes --

21 CHAIRMAN SHAPIRO: -- like I said
22 before, I want you to start where it says based
23 on the above data, which you've already gone over
24 with us --

25 MR. KATZ: Right.

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: -- on "Page 2."

3 MR. KATZ: Okay.

4 Item No. 2, NCPC Case No. 923125,
5 Village of Cedarhurst. And this is in the "R-2"
6 Residential zone. Area-dimensional variances
7 required, height variance, parking variance.

8 This is a proposed 2-1/2 story house of
9 worship synagogue.

10 CHAIRMAN SHAPIRO: Marty?

11 MR. KATZ: Yes.

12 CHAIRMAN SHAPIRO: Did you hear what I
13 just said?

14 MR. KATZ: No, I --

15 CHAIRMAN SHAPIRO: You don't have to
16 read the whole thing.

17 MR. KATZ: Well --

18 CHAIRMAN SHAPIRO: We went through this
19 extensively.

20 MR. KATZ: -- well, do you want me to
21 read anything or?

22 CHAIRMAN SHAPIRO: Yes. I want you to
23 read from based on the data, the above data,
24 which you've already gone over with us.

25 MR. KATZ: Oh, that part.

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: Yes, please.

3 MR. KATZ: Based on the above data, it
4 was -- it was determined that the proposed
5 project will not have a significant impact on
6 traffic or parking conditions within the
7 surrounding area. Based on observation, it was
8 determined that adequate parking will exist
9 on-site and within the surrounding area to
10 accommodate the estimated future parking activity
11 to be generated by the project.

12 Okay. Staff is recommending
13 "Local Determination with a Letter" addressing
14 the absence of any landscaping, buffering green
15 spaces along a residential street.

16 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
17 on -- on --

18 CHAIRMAN SHAPIRO: Thank you.

19 THIRD VICE-CHAIR LEWIS: -- on Case
20 No. 2 on our Zoning Agenda, 018 of 2025, the
21 motion is for an "LD" with the letter, the letter
22 addressing the lack of landscaping, buffering and
23 green spaces that are appropriate for residential
24 areas.

25 CHAIRMAN SHAPIRO: Do I have a second?

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Zoning Referral Review

COMMISSIONER KALATY: Second.

CHAIRMAN SHAPIRO: All those in favor?

(Chorus of "ayes.")

CHAIRMAN SHAPIRO: Any opposed?

(No response.)

CHAIRMAN SHAPIRO: Motion carries.

* * *

1 Proceedings

2 THIRD VICE-CHAIR LEWIS: Did we get
3 them all?

4 COMMISSIONER FORMAN: Motion to
5 adjourn.

6 MR. KATZ: Well, I mean the thing is I
7 was like read what the actual project was rather
8 than go right to -- not -- not -- not do the
9 whole summary, but just --

10 CHAIRMAN SHAPIRO: No, but you know
11 what, we --

12 COMMISSIONER FORMAN: Motion to
13 adjourn.

14 CHAIRMAN SHAPIRO: Motion to adjourn?

15 COMMISSIONER KALATY: Second.

16 MR. KATZ: -- but this was for the
17 record.

18 CHAIRMAN SHAPIRO: Okay. All in favor?

19 (Chorus of "ayes.")

20 (The meeting was concluded at
21 11:31 a.m.)

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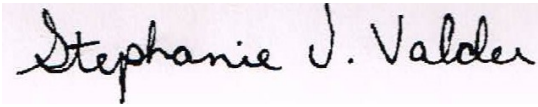
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C E R T I F I C A T I O N

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

A handwritten signature in black ink that reads "Stephanie J. Valder". The signature is written in a cursive style and is positioned above a horizontal line.

STEPHANIE J. VALDER,
Stenographer

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