

REGULAR MEETING  
of the  
NASSAU COUNTY PLANNING COMMISSION

Thursday, November 13, 2025

10:07 a.m. - 11:08 a.m.

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

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

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LEONARD H. SHAPIRO, Chairman

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JEFFREY H. GREENFIELD, Vice-Chair

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NEAL LEWIS, Third Vice-Chair

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DANA DURSO,

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DENISE GOLD,

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KHANDAN KHALATY,

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REID SAKOWICH,

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Commissioners

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ROBERT O'BRIEN, Esq., Counsel

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PATRICK GALLAGHER, Esq., Counsel

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Staff:

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GREGORY J. HOESL

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MARTIN KATZ

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JOHN PERRAKIS

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CAMERON SANDS

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TIMOTHY WREN

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Also Present:

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STEPHANIE J. VALDER, Stenographer

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1 Proceedings

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

4 CHAIRMAN SHAPIRO: Good morning and

5 welcome to November 13th Nassau County

6 Planning Commission meeting.

7 Everybody please rise.

8 Commissioner Durso, would you lead us

9 in the Pledge of Allegiance?

10 COMMISSIONER DURSO: Hand over heart.

11 (Pledge of Allegiance recited in a

12 body.)

13 COMMISSIONER DURSO: Please be seated.

14 CHAIRMAN SHAPIRO: Okay. Just a little

15 bit of information before we get started. The

16 agendas and speaker registration forms are over

17 on my left (indicating), your right (indicating).

18 Anybody wishing to speak, you get three minutes

19 after the applicant has up to 10 minutes to

20 speak.

21 Go ahead, Greg.

22 (Stepping up.)

23 MR. HOESL: Good morning.

24 CHAIRMAN SHAPIRO: Roll call.

25 MR. HOESL: I'll start with the roll

1 Proceedings

2 call.

3 Commissioner Sakowich?

4 COMMISSIONER SAKOWICH: Here.

5 MR. HOESL: Commissioner Kalaty?

6 COMMISSIONER KALATY: Present.

7 MR. HOESL: Commissioner Gold?

8 COMMISSIONER GOLD: Present.

9 MR. HOESL: Commissioner Foreman?

10 CHAIRMAN SHAPIRO: Excused.

11 MR. HOESL: Commissioner Ellerbe?

12 CHAIRMAN SHAPIRO: Excused.

13 MR. HOESL: Commissioner Durso?

14 COMMISSIONER DURSO: Present.

15 MR. HOESL: Third Vice-Chair Lewis?

16 THIRD VICE-CHAIR LEWIS: Present.

17 MR. HOESL: Vice-Chair Greenfield?

18 VICE-CHAIR GREENFIELD: Present.

19 MR. HOESL: And Chairman Shapiro?

20 CHAIRMAN SHAPIRO: Here.

21 MR. HOESL: Thanks.

22 May I have a motion to acknowledge the  
23 receipt of the transcript from the  
24 October 23rd Planning Commission hearing?

25 COMMISSIONER SAKOWICH: Make a motion.

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## Proceedings

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CHAIRMAN SHAPIRO: Is there a second?

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COMMISSIONER KALATY: Second.

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CHAIRMAN SHAPIRO: All in favor?

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(Chorus of "ayes.")

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1 NCPC OSPAC File No. 7-2025

2 CHAIRMAN SHAPIRO: Okay. First case,  
3 "OSPAC."

4 THIRD VICE-CHAIR LEWIS: Mr. Chairman,  
5 I'd like to make a --

6 MR. HOESL: Thank you.

7 THIRD VICE-CHAIR LEWIS: -- motion that  
8 we open the public hearing for OSPAC No. 7-2025.

9 CHAIRMAN SHAPIRO: Is there a second?

10 COMMISSIONER GOLD: Second.

11 MR. HOESL: Thank you.

12 This is OSPAC Case 7-2025, an  
13 application to remove a deed restriction on  
14 property at 248 Main Street in the Incorporated  
15 Village of Hempstead, in their Business "B"  
16 Zoning District and within the Village's Downtown  
17 Overlay "DO-3" mixed residential zone. "DPW"  
18 approves of this request to remove the deed  
19 restriction without condition.

20 This property in question was sold to  
21 Arlington Avenue Realty Group LLC through a  
22 foreclosure auction by the County on  
23 March 17th, 2011. At the time of the sale,  
24 Arlington obtained a title report that did not  
25 disclose any restrictive covenants.

1 NCPC OSPAC File No. 7-2025

2 Following its acquisition of the  
3 property, Arlington commenced the development  
4 process and obtained all necessary building  
5 permits and approvals from the Village of  
6 Hempstead's "BZA" and Planning Board, ultimately  
7 constructing the two-story, two-family dwelling  
8 you see in the photos. A certificate of  
9 occupancy was obtained by Arlington on March 4th  
10 of this year.

11 Arlington then entered into a contract  
12 of sale on March 4th of this year, which is when  
13 the restrictive covenant imposed by the County in  
14 a "quitclaim deed" dated November 21st, 2025 was  
15 first discovered. The restrictive covenant was  
16 imposed when the County conveyed title to the  
17 prior owners.

18 Arlington has since entered into a  
19 contract to sell the property to Mercy Haven  
20 Incorporated, which is an organization that  
21 provides housing for battered women. The title  
22 company chosen by the purchaser has refused to  
23 insure the title until the aforementioned  
24 restrictive covenant is removed. As such,  
25 Arlington is currently stuck with that vacant

1 NCPC OSPAC File No. 7-2025

2 home that's been subject to vandalism and  
3 Mercy Haven has been unable to provide  
4 secure housing to the at-risk women who could  
5 otherwise -- otherwise be living safely in the  
6 home.

7 This application is being introduced at  
8 today's Planning Commission hearing for the  
9 opening of the public comment period and was  
10 previously introduced to "OSPAC" at their  
11 November 5th meeting.

12 Here today we have Laura Schaefer from  
13 the Deputy County Attorney's Office.

14 MR. O'BRIEN: One second.

15 MR. GALLAGHER: Let the record show  
16 that Mr. O'Brien is recused on this.

17 (Discussion held off the record.)

18 (Stepping up.)

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

20 MS. SCHAEFER: Good morning.

21 CHAIRMAN SHAPIRO: Good morning.

22 MS. SCHAEFER: Laura Schaefer.

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

25 MS. SCHAEFER: Yes, I'm sorry.



1 NCPC OSPAC File No. 7-2025

2 Laura Schaefer, County Attorney's  
3 Office, 1 West Street, Mineola, 11 -- New York  
4 11501.

5 So I think Greg did a very good job of  
6 giving you the information on this property. I  
7 wasn't sure if you had any questions.

8 VICE-CHAIR GREENFIELD: John -- John?

9 MS. SCHAEFER: But it is a situation,  
10 it looks like where this was not picked up, the  
11 fact that there were deed restrictions on that  
12 parcel when it was purchased by the current  
13 owner. And they went ahead, and built and then,  
14 you know, it wasn't picked obviously when they  
15 were getting permits, et cetera. So -- so here  
16 we are.

17 THIRD VICE-CHAIR LEWIS: I kind of feel  
18 bad for the people involved, that this wasn't  
19 disclosed on the deed. I mean that's a pretty  
20 big responsibility of the County through our, you  
21 know, our Clerk's Office and whatnot to maintain  
22 deeds up to date.

23 MS. SCHAEFER: Right.

24 THIRD VICE-CHAIR LEWIS: So this is a  
25 little disconcerting and -- and unfair really to

1 NCPC OSPAC File No. 7-2025

2 them that it wasn't properly disclosed.

3 But what is the restriction really?

4 What was the restriction attempting to prevent  
5 happen.

6 MS. SCHAEFER: Well, it was -- I --  
7 I -- I don't, you know, it was to basically to  
8 prevent construction on that parcel, because I  
9 believe the two parcels were owned together  
10 originally, 194 next to it and then this one. So  
11 I think it was just 'cause that was a sort of a,  
12 you know, substandard size and not to do anything  
13 with it. That's the extent of what I've learned  
14 on it.

15 THIRD VICE-CHAIR LEWIS: It does -- I  
16 mean it's a tight spot, no doubt.

17 MS. SCHAEFER: Yes.

18 (Laughter.)

19 MS. SCHAEFER: Yeah, I mean.

20 THIRD VICE-CHAIR LEWIS: But it does  
21 seem like they did a nice job to make it fit  
22 and -- and the homes right next to it are  
23 similar. So --

24 MS. SCHAEFER: Correct.

25 THIRD VICE-CHAIR LEWIS: -- I

1 NCPC OSPAC File No. 7-2025

2 think -- think today we're just doing the  
3 hearing. We're not voting today because of  
4 our --

5 MS. SCHAEFER: Yes --

6 THIRD VICE-CHAIR LEWIS: -- process,  
7 but just to create that record. But I, you know,  
8 don't see any reason why we would not want to  
9 remove that restriction, it seems.

10 MS. SCHAEFER: Okay.

11 CHAIRMAN SHAPIRO: Any other questions,  
12 Commissioners?

13 (No response.)

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

16 (No response.)

17 CHAIRMAN SHAPIRO: I don't have anybody  
18 signed up.

19 Not seeing any, I will ask for a motion  
20 to close the public hearing.

21 THIRD VICE-CHAIR LEWIS: Mr. Chairman,  
22 I'd like to make a motion that we close the  
23 public hearing for OSPAC No. 7-2025 and send the  
24 item to "OSPAC," where it will then come back to  
25 us.

1 NCPC OSPAC File No. 7-2025  
2 COMMISSIONER KALATY: Second.  
3 CHAIRMAN SHAPIRO: All in favor?  
4 (Chorus of "ayes.")  
5 CHAIRMAN SHAPIRO: Any opposed?  
6 (No response.)  
7 CHAIRMAN SHAPIRO: Motion carries.  
8 Thank you very much.  
9 MS. SCHAEFER: Thank you.

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1 NCPC Minor Sub. File No. 45-2025

2 (Mr. O'Brien enters the hearing.)

3 (Stepping up.)

4 MR. WREN: Good morning, Commission.

5 Next up we have NCPC 45-2025. This is  
6 a three-parcel minor subdivision.

7 The 10.12-acre subject property is  
8 situated on the west side of Bryant Avenue in the  
9 Incorporated Village of Roslyn Harbor's  
10 Residential "A" Zoning District. Application  
11 proposes to subdivide the property which  
12 currently has 1050 feet of frontage on  
13 Bryant Avenue into three separate parcels:

14 "Proposed Lot A" will have 150 feet  
15 of frontage by 541.93 feet and be a total of  
16 2.56 acres;

17 "Proposed Lot B" will have 687.46 feet  
18 of frontage by 495.96 feet on Bryant Avenue and  
19 be a total of 5 acres;

20 "Proposed Lot C" will have a frontage  
21 of 213.44 feet by 495.96 feet on Bryant Avenue  
22 and be a total of 2.56 acres.

23 The Incorporated Village of Roslyn  
24 Harbor's Zoning Board of Appeals has approved the  
25 request for variance.

1 NCPC Minor Sub. File No. 45-2025

2 The only variance needed is for

3 "Lot B." There is a current home there. The

4 variance is to maintain existing setback for

5 an existing residence, which setback does

6 not requete [sic] the District required

7 setbacks.

8 The Village of Roslyn -- the Village of

9 Roslyn has issued a "letter of non-jurisdiction"

10 for this one.

11 Now, I'd like the attorney to please

12 step up.

13 CHAIRMAN SHAPIRO: Good morning. Name

14 and address for the record, please.

15 (Stepping up.)

16 MR. BROOKSTEIN: Good morning,

17 Mr. Chairman and members of the Commission.

18 Joshua Brookstein from Sahn Ward Braff

19 Coschignano, 333 Earle Ovington Boulevard,

20 Uniondale, New York.

21 I'm here this morning on behalf of my

22 client, Rosha Partners LLC in connection with an

23 application for a minor subdivision application,

24 specifically, as Mr. Wren described, to subdivide

25 the parcel known as 65 Bryant Avenue, in the

1 NCPC Minor Sub. File No. 45-2025  
2 Village of Roslyn Harbor, section 20, block A,  
3 lot 25 on the Nassau County Land and Tax Map into  
4 three lots.

5 (Mr. Gallagher exits the hearing.)

6 MR. BROOKSTEIN: Currently, there are  
7 two existing homes on the property. As proposed,  
8 the subdivision will place each existing home on  
9 its own individual lot, as well as create one  
10 additional vacant lot. In connection with this  
11 application, my client has received:

12 Subdivision approval from the Village  
13 of Roslyn Harbor's Planning Board;

14 A setback, as Mr. Wren mentioned from  
15 the Zoning Board of Appeals;

16 And a waiver from the Village of  
17 Roslyn.

18 I would like to note, as a condition of  
19 approval, the Planning Board is requiring my  
20 client to file a restrictive covenant stipulating  
21 that the three parcels will not be further  
22 subdivided.

23 So with that, that concludes my  
24 presentation. I'm happy to answer any questions  
25 the Commission may have.

1 NCPC Minor Sub. File No. 45-2025

2 (Mr. Gallagher enters the hearing.)

3 CHAIRMAN SHAPIRO: Thank you.

4 Commissioners, any questions?

5 (Discussion held among Commissioners

6 off the record.)

7 COMMISSIONER SAKOWICH: What?

8 COMMISSIONER DURSO: No.

9 CHAIRMAN SHAPIRO: No.

10 Is there anybody in the public that  
11 wishes to be heard?

12 (No response.)

13 CHAIRMAN SHAPIRO: Not seeing anybody,  
14 I will ask for a motion?

15 COMMISSIONER DURSO: I'd like to make a  
16 motion to approve NCPC File No. 45-2025 with a  
17 "Negative Declaration."

18 CHAIRMAN SHAPIRO: Is there a second?

19 COMMISSIONER SAKOWICH: I second it.

20 CHAIRMAN SHAPIRO: All in favor?

21 (Chorus of "ayes.")

22 CHAIRMAN SHAPIRO: Any opposed?

23 (No response.)

24 CHAIRMAN SHAPIRO: Motion carries.

25 MR. BROOKSTEIN: Thank you very



1 NCPC Minor Sub. File No. 45-2025

2 much.

3 MR. WREN: We'll be in touch.

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1 NCPC Minor Sub. File No. 46-2025

2 (Stepping up.)

3 MR. WREN: Okay. Next up we have is  
4 Case 46-2025. This is a lot line adjustment.

5 The 3.567-acre subject property is  
6 situated on the south side of Cold Spring Road in  
7 the Hamlet of Syosset, Town of Oyster Bay's  
8 General Business Zoning District. The  
9 application proposes to convey 8401 square feet  
10 from the northern portion of "Parcel B" to the  
11 southern portion of "Parcel A," by means of a lot  
12 line adjustment.

13 "Proposed Parcel A" will have a  
14 frontage of 162.39 feet and be a total of  
15 12,564.6 square feet after reappointment [sic].

16 "Parcel B" will be -- will have a  
17 frontage of 51.77 feet and be a total of 6386.6  
18 square feet after reappointment [sic].

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

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

24 CHAIRMAN SHAPIRO: Good morning,  
25 counselor.

1 NCPC Minor Sub. File No. 46-2025

2 Name and address for the record.

3 MS. HASSAN: Good morning.

4 Meaghan Hassan, Sahn Ward Braff Coschignano,

5 333 Earle Ovington Boulevard, Suite 601,

6 Uniondale, New York 11553.

7 Good morning, Mr. Chairman and members  
8 of the Commission, on behalf of the applicant,  
9 Syosset Fire District.

10 With me today are Jack Randazzo,  
11 superintendent of the Syosset Fire District and  
12 Elisabetta Coschignano, member of Sahn Ward Braff  
13 Coschignano.

14 We'd like to thank the Commission and  
15 their staff for their time and attention today to  
16 this application for a lot line adjustment. The  
17 subject property that is being purchased by the  
18 fire district is a small strip of land located at  
19 50 Cold Spring Road, Syosset, New York.  
20 Specifically, the 0.193-acre rectangular-shaped  
21 parcel is located at the southern boundary line  
22 of the Syosset Fire District and is owned by the  
23 Town of Oyster Bay. The land is part of the  
24 parking lot of the Syosset Train Station  
25 property. The land is part of the lot that's

1 NCPC Minor Sub. File No. 46-2025

2 currently identified as section 15, block B,  
3 lot 9 on the Nassau County Land and Tax Map.

4 The land is already being used by the  
5 Syosset Fire District as additional parking for  
6 its firehouse and the district intends to  
7 continue to use the land as parking. The Town of  
8 Oyster Bay Town Board passed resolution No.  
9 639-2024, authorizing the supervisor to execute a  
10 contract of sale for the piece of land on August  
11 13th, 2024, subject to this Commission's approval  
12 of minor subdivision or lot line adjustment to  
13 effectuate the land transfer.

14 As land has already been used by the  
15 fire district for additional parking and will  
16 remain as such, we submit that the lot line  
17 transfer will not have any negative impacts and  
18 will merely allow the contract of sale to be  
19 entered, and tax maps amended to reflect the  
20 actual use and ownership of this portion of land.

21 Thank you for your time. And I'm happy  
22 to answer any questions you might have on this  
23 lot line adjustment.

24 CHAIRMAN SHAPIRO: Any questions?

25 THIRD VICE-CHAIR LEWIS: I -- I think

1 NCPC Minor Sub. File No. 46-2025

2 we've seen this earlier. So it all looks very  
3 straightforward. The --

4 MS. HASSAN: Uh-huh --

5 THIRD VICE-CHAIR LEWIS: -- it looked  
6 like in one of those pictures, that there was  
7 sort of a dividing line --

8 COMMISSIONER SAKOWICH: Yeah.

9 THIRD VICE-CHAIR LEWIS: -- between the  
10 one parking lot and the other. Do you --

11 COMMISSIONER SAKOWICH: That right  
12 there (indicating).

13 MS. HASSAN: Yeah, there's an existing  
14 fence through a portion of that piece of land  
15 that's being sold where the fire district has  
16 already been using half of it for parking, even  
17 though it is owned by the Town. So this is just  
18 cleaning that up and --

19 COMMISSIONER SAKOWICH: That's not the  
20 striped land that that's on right now. That's  
21 not what -- what is -- is in consideration,  
22 it's -- it's on the other side of the fence  
23 already.

24 MS. HASSAN: It's both pieces. So  
25 there's a portion of land on the fire district

1 NCPC Minor Sub. File No. 46-2025

2 side of the fence and on the Town side of the --

3 COMMISSIONER SAKOWICH: The parking

4 lot --

5 MS. HASSAN: -- fence.

6 COMMISSIONER SAKOWICH: -- side of the

7 fence?

8 MS. HASSAN: Right. So the -- the

9 fence kind of goes through the strip of land

10 that's being --

11 COMMISSIONER SAKOWICH: But it's not

12 really not being used at this point anyway?

13 MS. HASSAN: Right.

14 COMMISSIONER SAKOWICH: Okay.

15 CHAIRMAN SHAPIRO: Any other questions?

16 (No response.)

17 CHAIRMAN SHAPIRO: Is there anybody in

18 the public that wishes to be heard?

19 (No response.)

20 CHAIRMAN SHAPIRO: Not seeing any, I

21 will take a motion.

22 COMMISSIONER SAKOWICH: I make a motion

23 on NCPC File No. 46-2025, approval with a

24 "Neg. Dec."

25 THIRD VICE-CHAIR LEWIS: Second.

1 NCPC Minor Sub. File No. 46-2025

2 COMMISSIONER KALATY: Second.

3 CHAIRMAN SHAPIRO: All in favor?

4 (Chorus of "ayes.")

5 CHAIRMAN SHAPIRO: Any opposed?

6 (No response.)

7 CHAIRMAN SHAPIRO: Motion carries.

8 Thank you.

9 MS. HASSAN: Thank you.

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1 NCPC Minor Sub. File No. 47-2025

2 (Stepping up.)

3 MR. SANDS: Case 47-2025, this is a  
4 two-parcel subdivision along with the lot line  
5 adjustment. This site location for this is  
6 2256 Brookside Avenue in the Hamlet of Wantagh,  
7 in the Town of Hempstead.

8 So if you see on the map, "Lot 25" is  
9 the parcel on the right (indicating). This is a  
10 17,315 square foot parcel. It's situated on the  
11 west side of Brookside Avenue in the Hamlet of  
12 Wantagh's Town of Hempstead's Residential "A"  
13 Zoning District.

14 The applicant proposes subdividing this  
15 property, which has 113.91 foot of frontage on  
16 Brookside Avenue into two separate parcels:

17 "Proposed Lot 1" will have a total of a  
18 7118 square foot area parcel or a 0.163 acres,  
19 with 56.95 feet of frontage on Brookside and a  
20 depth of 125 feet;

21 "Proposed Lot 2" will be almost exactly  
22 the same. It will have a total of 7120 square  
23 foot area parcel, with a depth of 125 feet and  
24 56.96 feet of frontage on Brookside.

25 The applicant is also requesting



1 NCPC Minor Sub. File No. 47-2025  
2 permission to reapportion of section of "Lot 25"  
3 to "Lot 7," which is located southwest of  
4 "Lot 25" (indicating). "Lot 7" is a 9926 square  
5 foot area parcel situated on the northeast side  
6 of Arby Court in the Hamlet of Wantagh. The  
7 applicant proposes reapportioning 3706 square  
8 foot from the northwest corner of "Lot 25" to  
9 "Lot 7," making the new reapportioned "Lot 7"  
10 13,002 square foot area.

11 The applicant has come before the  
12 Planning Commission during the September 4th, 2025  
13 meeting as a zoning referral from the Town of  
14 Hempstead for a substandard two-lot subdivision.  
15 The Commission voted "Local Determination" on  
16 this.

17 And Town of Hempstead's Board of  
18 Appeals has approved the request for variance,  
19 "Parcel 1:"

20 Subdivision of lot;

21 Front width from and on street line to  
22 front setback line;

23 Construct a new dwelling with the  
24 garage;

25 And demolish the existing dwelling.

1 NCPC Minor Sub. File No. 47-2025

2 "Parcel 2:"

3 Subdivision of lot;

4 Front width from and on street line to  
5 front setback line;

6 Construct dwelling with garage.

7 And the preliminary staff  
8 recommendation is to approve this.

9 I'd like to call up the attorney for  
10 further questions.

11 CHAIRMAN SHAPIRO: Good morning.

12 (Stepping up.)

13 MR. D'AGOSTINO: Good morning,  
14 Mr. Chairman, members of the Commission. My name  
15 is Albert D'Agostino. I'm a member of the  
16 firm of Minerva and D'Agostino PC, 107 South  
17 Central Avenue, Valley Stream, New York.

18 The staff presentation hasn't really  
19 left me much to say. It is a very thorough  
20 description of the application. I would mention  
21 that the -- what was referred to of the -- of the  
22 lot line adjustment, which is part of the minor  
23 subdivision will be merged with the -- the -- the  
24 main lot, because the creation of that part of  
25 "Lot 25" cannot stand on its own. It's -- it's

1 NCPC Minor Sub. File No. 47-2025  
2 got to be part of a -- a task-compliant lot. So  
3 that will be made -- merged. And I would assume  
4 that one of the conditions that the Commission  
5 will impose is that there be a merger with the --  
6 the adjacent lot.

7 And the only additional item that I  
8 would mention is just historical trivia. I  
9 noticed that that sliver is adjacent to land now  
10 or formerly of New York State, formerly land of  
11 the City of New York. And it -- this -- that  
12 parcel also was formerly land of Jones, as in  
13 Jones Beach.

14 But if there are any questions, I would  
15 be happy to attempt to respond to them. If not,  
16 subject to any comments from the public, which I  
17 would ask an opportunity on respond to if there  
18 are any, I would request a positive action from  
19 the Commission.

20 THIRD VICE-CHAIR LEWIS: Yeah. Yes,  
21 thank you.

22 The -- you mentioned -- so you  
23 mentioned that the -- the goal is to merge  
24 "Lot 7" with "Lot 25." Did your -- did the  
25 applicant consider merging part of "Lot 7"

1 NCPC Minor Sub. File No. 47-2025  
2 with -- I mean "Lot 25" with "No. 6" next door?  
3 It seems like that would've been closer to  
4 straight lines? You know, you would have had  
5 the --

6 MR. D'AGOSTINO: Well, the only -- the  
7 only thing that -- that I can say is that we are  
8 constrained by the -- the -- the variances  
9 granted by the Town of Hempstead, which, as --  
10 as -- as I believe I heard the staff say, there  
11 was a -- a -- an "LD" resolution from the  
12 Commission. And at this late day to attempt to  
13 do that would force it to go back to the drawing  
14 board.

15 THIRD VICE-CHAIR LEWIS: It was just a  
16 curiosity. When I looked at it, it sort of says  
17 to me, that's where it wouldn't went. But it's  
18 your -- it's your choice and maybe the other  
19 homeowner doesn't want it, you know? So  
20 that's -- that's a factor in all that.

21 But -- but otherwise, we'll end up with  
22 three lots, if the merger, as you propose, is  
23 part of this; right.

24 MR. D'AGOSTINO: Right.

25 Well as I said, it's I -- I believe

1 NCPC Minor Sub. File No. 47-2025

2 that that's what the Commission would require,  
3 because you can't create a sliver to stand on its  
4 own without merging it with a zoning compliant  
5 lot.

6 MR. O'BRIEN: Like I can say and -- and  
7 also for tax purposes, you don't want something  
8 like that lost, and then coming off the tax rolls  
9 and being out there.

10 MR. D'AGOSTINO: Yeah.

11 MR. O'BRIEN: Becoming County  
12 responsibility at some time.

13 COMMISSIONER SAKOWICH: But it is --  
14 it's not.

15 MR. O'BRIEN: Well, there's -- what --  
16 what -- the -- the motion would be to approve the  
17 subdivision and the condition of the subdivision  
18 being a merger of with the adjacent lot as  
19 proposed.

20 COMMISSIONER SAKOWICH: Okay. That  
21 takes care of everything.

22 MR. O'BRIEN: That's another way of  
23 putting it.

24 CHAIRMAN SHAPIRO: Any other questions?

25 (No response.)

1 NCPC Minor Sub. File No. 47-2025

2 CHAIRMAN SHAPIRO: Not seeing any, is  
3 there anybody in the public that wishes to be  
4 heard?

5 (No response.)

6 CHAIRMAN SHAPIRO: If not, I'll take a  
7 motion.

8 COMMISSIONER KALATY: Motion to  
9 approve NCPC File 47-2025 with a "Negative  
10 Declaration."

11 MR. O'BRIEN: And that a condition of  
12 it -- of the approval be a merger of the -- of  
13 the one lot with the adjacent lots, the --

14 THIRD VICE-CHAIR LEWIS: Three, Five  
15 and Seven.

16 MR. O'BRIEN: The landlock lot --

17 COMMISSIONER KALATY: Yes.

18 MR. O'BRIEN: -- with the adjacent lot.

19 CHAIRMAN SHAPIRO: Is there a second?

20 COMMISSIONER DURSO: Second.

21 CHAIRMAN SHAPIRO: All in favor?

22 (Chorus of "ayes.")

23 CHAIRMAN SHAPIRO: Any opposed?

24 (No response.)

25 CHAIRMAN SHAPIRO: The motion carries.

1 NCPC Minor Sub. File No. 47-2025

2 MR. D'AGOSTINO: Thank you very much.

3 CHAIRMAN SHAPIRO: You're welcome.

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1 NCPC Minor Sub. File No. 48-2025

2 (Stepping up.)

3 MR. SANDS: Okay. Case 48-2025. This  
4 is a two-parcel minor subdivision in the  
5 Hamlet of Roosevelt. The site location is  
6 300 East Clinton Avenue.

7 The 13,324 square foot subject property  
8 is situated on the south side of East Clinton  
9 Avenue in the Hamlet of Roosevelt, Town of  
10 Hempstead Residential "B" Zoning District.

11 The applicant proposes subdividing the  
12 property, which has 100 feet of frontage on  
13 East Clinton Avenue into two separate parcels:

14 "Proposed Lot A" will have a total of  
15 6,662 square foot area parcel, with a depth of  
16 approximately 133 feet and 50 feet of frontage on  
17 East Clinton;

18 "Proposed Lot B" will have the same  
19 square foot area parcel with a depth, same depths  
20 of 133 feet and 50 feet of frontage on  
21 East Clinton.

22 The Town of Hempstead's Board of  
23 Appeals has approved the requests for variance,  
24 including:

25 Subdivision of lot;



1 NCPC Minor Sub. File No. 48-2025

2 Front width from and on street line to  
3 front setback line;

4 And also construct dwelling with garage  
5 on "Lot B."

6 And I'd like to call up Jeannie Shipman  
7 for any further questions.

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

10 MS. SHIPMAN: Good morning, Mr. Chair,  
11 members of the Commission. My name is  
12 Jeannie Shipman. My address is 1340 Chelsea Road  
13 in Wantagh, 11793.

14 Cameron has just laid this out so  
15 meticulously. Honestly, I really have nothing to  
16 add, other than I'm here to answer any questions  
17 you guys might have.

18 CHAIRMAN SHAPIRO: Commissioners, any  
19 questions?

20 (No response.)

21 CHAIRMAN SHAPIRO: Not seeing any --

22 THIRD VICE-CHAIR LEWIS: No, there's --

23 CHAIRMAN SHAPIRO: -- I'll ask if --

24 THIRD VICE-CHAIR LEWIS: -- there's  
25 lots of 50s in the area, so it's really not a

1 NCPC Minor Sub. File No. 48-2025

2 major concern. Plus it does have extra depth to  
3 help make up for that. And it's consistent with  
4 the area, so it's -- it's a good thing to get --  
5 get this cleaned up.

6 (Laughter.)

7 CHAIRMAN SHAPIRO: Yup.

8 Is there anybody the public that wishes  
9 to be heard?

10 (No response.)

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

13 COMMISSIONER GOLD: I'll make a motion  
14 to approve NCPC 48 --

15 CHAIRMAN SHAPIRO: Speak into the mic.

16 COMMISSIONER GOLD: Sorry.

17 I'll make a motion to approve  
18 NCPC 48-2025 with a "Negative Declaration."

19 COMMISSIONER KALATY: Second.

20 COMMISSIONER SAKOWICH: Second.

21 CHAIRMAN SHAPIRO: All in favor?

22 (Chorus of "ayes.")

23 CHAIRMAN SHAPIRO: Any opposed?

24 (No response.)

25 CHAIRMAN SHAPIRO: Motion carries.

1 NCPC Minor Sub. File No. 48-2025

2 MS. SHIPMAN: Thank you. Have a great  
3 day.

4 COMMISSIONER DURSO: Thank you.

5 MR. SANDS: Good to see you.

6 MS. SHIPMAN: Nice to see you.

7 MR. SANDS: You too.

8 Thank you.

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1                   Zoning Referral Review

2                   CHAIRMAN SHAPIRO: Marty, a couple  
3 things.

4                   Number one, on your staff summary --  
5                   (Stepping up.)

6                   MR. KATZ: Sure.

7                   CHAIRMAN SHAPIRO: -- I would like you  
8 to have a separate line on who the attorney is  
9 and also who the principals. Give a principal of  
10 each of the applicants are.

11                  MR. KATZ: Okay.

12                               \*       \*       \*

13                  CHAIRMAN SHAPIRO: Okay. Number 2,  
14 we have a case in front of us today that we  
15 approved, I think it was 10/2024. It's  
16 Case No. 2.

17                  MR. KATZ: Yes.

18                  CHAIRMAN SHAPIRO: Why is this back in  
19 front of us?

20                  MR. KATZ: That's -- yeah, I wanted to  
21 discuss it at the -- at the pre-meeting, but we  
22 didn't have time.

23                  Yeah, this is a --

24                  VICE-CHAIR GREENFIELD: Speak into the  
25 mic.

1                   Zoning Referral Review

2                   CHAIRMAN SHAPIRO: Speak into the mic.

3                   MR. KATZ: What's that?

4                   Town of Hempstead, West -- Hamlet of  
5 West Hempstead. This is a proposed two-lot  
6 subdivision that is a flag configuration, in  
7 which the existing dwelling will be maintained in  
8 a zoning-compliant lot and --

9                   CHAIRMAN SHAPIRO: Marty?

10                  MR. KATZ: Yeah.

11                  VICE-CHAIR GREENFIELD: Marty?

12                  CHAIRMAN SHAPIRO: Marty, you're not  
13 answering my question.

14                  MR. KATZ: Okay. Because they never  
15 filed for -- they didn't file for -- the  
16 applicant did not file for building permits  
17 within the required four-month period and it  
18 had to come -- be are reapplied back to the  
19 Town of Hempstead.

20                  CHAIRMAN SHAPIRO: Okay. That's the  
21 answer.

22                  MR. KATZ: Okay.

23                  CHAIRMAN SHAPIRO: Thank you.

24                  MR. KATZ: I just wanted to give you  
25 just --

1                   Zoning Referral Review

2                   CHAIRMAN SHAPIRO: No, we all -- we all  
3 saw the -- the write up, but that --

4                   MR. KATZ: Yeah.

5                   CHAIRMAN SHAPIRO: -- you know, that  
6 was the question.

7                   MR. KATZ: And I'm not sure if  
8 they -- if they file -- I'm trying to get a hold  
9 of Christian Browne's office. He's the app --  
10 the attorney for the applicant --

11                  VICE-CHAIR GREENFIELD: Marty?

12                  MR. KATZ: -- see if they filed.

13                  VICE-CHAIR GREENFIELD: Marty, you're  
14 acting like Jeff Greenfield. It was "T.M.I."  
15 You got to answer the --

16                  (Laughter.)

17                  MR. KATZ: We don't know if he filed  
18 with the County Clerk yet with -- for --

19                  CHAIRMAN SHAPIRO: Okay.

20                  MR. KATZ: -- this.

21                  VICE-CHAIR GREENFIELD: I'm getting  
22 some water.

23                               \*       \*       \*

24                  CHAIRMAN SHAPIRO: All right. So  
25 let's -- let's continue.

1                   Zoning Referral Review

2                   And Commissioners, does anybody have  
3   any questions on the "LDs?"

4                   (No response.)

5                               \*       \*       \*

6                   CHAIRMAN SHAPIRO: I am off No. 5. I'm  
7   going to recuse myself.

8                   (Vice-Chair Greenfield exits the  
9   hearing.)

10                  CHAIRMAN SHAPIRO: So we could vote on  
11   that one first.

12                  COMMISSIONER GOLD: Yeah, that one  
13   needs to come back.

14                  CHAIRMAN SHAPIRO: Well, let's talk.  
15   Jeff, come on back.

16                  VICE-CHAIR GREENFIELD: I'll be right  
17   back.

18                  COMMISSIONER GOLD: He went to get  
19   water. There you go.

20                  CHAIRMAN SHAPIRO: Hang on a minute.

21                  COMMISSIONER DURSO: Oh, he went to get  
22   water, yeah.

23                  CHAIRMAN SHAPIRO: Yeah.

24                  COMMISSIONER GOLD: I think that one is  
25   the one we need to discuss; right?

1                   Zoning Referral Review

2                   (No response.)

3                   (Vice-Chair Greenfield enters the  
4   hearing.)

5                   VICE-CHAIR GREENFIELD: Yes, I'm back.

6                   CHAIRMAN SHAPIRO: Okay.

7                   (Laughter.)

8                   MR. O'BRIEN: Doing No. 5, sir.

9                   CHAIRMAN SHAPIRO: You're doing No. 5,  
10   so you take over.

11                  VICE-CHAIR GREENFIELD: Okay.

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

14                  VICE-CHAIR GREENFIELD: Did Marty give  
15   us the Gettysburg address on that?

16                  COMMISSIONER DURSO: No.

17                  MR. KATZ: Well, we discussed it in --  
18   I don't know if you want to just vote on it or do  
19   you want a brief summary?

20                  VICE-CHAIR GREENFIELD: I thought you  
21   want to do 5 separately?

22                  CHAIRMAN SHAPIRO: You want to do 5  
23   separate.

24                  VICE-CHAIR GREENFIELD: And you recused  
25   yourself.



1                   Zoning Referral Review

2                   CHAIRMAN SHAPIRO: Right.

3                   COMMISSIONER LEWIS: Number 5.

4                   CHAIRMAN SHAPIRO: There's a discussion  
5 with the Commissioners. Ask them if they want to  
6 talk about it.

7                   VICE-CHAIR GREENFIELD: Yes, I  
8 understand.

9                   (Chairman Shapiro exits the hearing.)

10                  MR. KATZ: Okay.

11                  VICE-CHAIR GREENFIELD: Introduce it  
12 first and we'll talk about it.

13                  MR. KATZ: Town of Hempstead, East --  
14 the Hamlet of East Garden City or East --  
15 Community of East Garden City. This is for site  
16 plan review.

17                  Site plan approval is required for a  
18 proposed commercial building, 4700 square feet  
19 that would accommodate three tenants, one of  
20 which -- one of which would be a fast food  
21 restaurant with a drive-thru.

22                  This project is located in the  
23 southeast corner of Roosevelt Field Entrance Road  
24 and Ring Road North and falls just outside the  
25 Roosevelt Field Mall property, but rather is part

1                   Zoning Referral Review

2     of 666 Old Country Road that includes that large  
3     nine-story office building.

4                   This was initially before the Planning  
5     Commission on 6/28/2018 for a standalone  
6     restaurant use at the same location. That  
7     required a parking variance and "FAR" variance.  
8     The Town denied the application at that time, at  
9     which time the applicant filed an "Article 78,"  
10    that was upheld by the Court and that allowed the  
11    applicant to proceed with the project. However,  
12    the standalone restaurant plan was scrapped. The  
13    attorney for the applicant stated that the  
14    project is now an "as-of-right" -- "as-of-right,"  
15    because of the Court's ruling in the initial  
16    application and that variances are not required  
17    for the current application.

18                  They would -- to accommodate the  
19    project parking spaces would necessarily be  
20    eliminated. Internal -- internal circulation  
21    would have to be modified. However, no new curb  
22    cuts are -- are being proposed.

23                  The proposed fast food restaurant  
24    that's part of this three -- three-tenant  
25    building is -- would provide adequate queuing for

1                   Zoning Referral Review

2   up to 10 vehicles without any of the queued  
3   vehicles encroaching into the building's parking  
4   lot.

5                   Staff recommends "Local Determination."

6                   VICE-CHAIR GREENFIELD:  Members --  
7   Members?

8                   THIRD VICE-CHAIR LEWIS:  So I -- I  
9   think when you look at the image we see on the  
10  screen, you have the building that's been there  
11  for many years is in the top right-hand corner.  
12  And in the bottom left-hand corner would be where  
13  the proposed site would -- of the new  
14  development.  So it -- it does seem on the face  
15  of it to kind of work with the available space.

16                  I mean that office building is huge.  
17  That's like eight, or nine stories or something  
18  like that.

19                  MR. KATZ:  It's nine stories.  And they  
20  have --

21                  THIRD VICE-CHAIR LEWIS:  Right.

22                  MR. KATZ:  -- they do have underground  
23  parking.

24                  THIRD VICE-CHAIR LEWIS:  Well, I was  
25  going to say, so they -- they have an underground

1                   Zoning Referral Review

2     parking in addition to that.

3                   MR. KATZ:   Right.

4                   THIRD VICE-CHAIR LEWIS:   Because that  
5     doesn't seem like quite enough parking for that  
6     enormous building.   But I guess it is, because a  
7     large portion of the lot is unused.

8                   MR. KATZ:   Right.

9                   THIRD VICE-CHAIR LEWIS:   And Marty, you  
10    went to the site to check that; right?

11                  MR. KATZ:   Yeah -- yeah.   As you can  
12    see by the image (indicating) --

13                  THIRD VICE-CHAIR LEWIS:   It's largely  
14    underutilized.

15                  MR. KATZ:   -- a lot of unused parking  
16    at this point in time.

17                  THIRD VICE-CHAIR LEWIS:   Okay.

18                  COMMISSIONER SAKOWICH:   I mean I think  
19    just the big -- the biggest issue there is I  
20    guess when the mall's crowded, that there's  
21    definitely backup there going down to get onto  
22    Old Country Road with the traffic light there.

23                  So Marty, you took that into  
24    consideration obviously?

25                  VICE-CHAIR GREENFIELD:   So it's not

1                               Zoning Referral Review

2     just when the mall is crowded, it's when people  
3     use the famous shortcut there to get onto the  
4     Parkway. And we're not sure if the -- who owns  
5     that. There's -- we got more questions than we  
6     got answers from the gentleman that did the --

7                       MR. O'BRIEN: It was -- it -- it -- I  
8     was going to say, I think that there are a couple  
9     things here, you know. We're talking about, for  
10    want of a term we'll call it "right-of-way."

11                    I -- I would seem to think a  
12    "right-of-way" leading to a State Parkway, that  
13    the State would have some interest in that, and  
14    that, you know, it shouldn't -- it cannot be cut  
15    off. But to be on the safe side and I -- I think  
16    the Commissioners want that "right-of-way" to  
17    remain there, that you condition, you know, if  
18    you're going to go "LD," "LDL" with a letter  
19    addressing that.

20                    And I think also, you know, as -- as  
21    was presented by counsel during our work session,  
22    were he talked about the change of plans for this  
23    building, which was originally as a -- a sit-down  
24    restaurant. He didn't say it was fast food or  
25    anything other than that.

1                   Zoning Referral Review

2                   Now with retail, and a -- a fast food  
3 restaurant and a drive-thru, that the letter also  
4 address those issues, and that the Board give --  
5 that the Zoning Board give consideration to those  
6 change of uses too, as to how that complies.

7                   COMMISSIONER DURSO: That's exactly --

8                   MR. O'BRIEN: Because the "Article 78,"  
9 if I understand right, was on the restaurant.

10                  COMMISSIONER DURSO: It was a sit-down  
11 restaurant, correct, with no --

12                  VICE-CHAIR GREENFIELD: But we all --

13                  COMMISSIONER DURSO: -- drive-thru.

14                  MR. O'BRIEN: It might have been.

15                  MR. KATZ: The -- the Article --

16                  MR. O'BRIEN: We don't -- we don't  
17 know, it could have been something more general.

18                  MR. KATZ: Yeah, this -- this doesn't  
19 requires variances, just to let you know.

20                  MR. O'BRIEN: I'm sorry. It's what?

21                  MR. KATZ: It doesn't require any  
22 Town -- Town variances.

23                  MR. O'BRIEN: Well, why is it before --

24                  MR. KATZ: It's just for site plan  
25 review.

1                   Zoning Referral Review

2                   MR. O'BRIEN: I -- I -- I'm -- I'm --  
3 I'm lost here then -- then, because it's on our  
4 Zoning Calendar.

5                   MR. KATZ: Yeah, it's for site --

6                   MR. O'BRIEN: And --

7                   MR. KATZ: -- plan review.

8                   MR. O'BRIEN: And it says variance for  
9 parking and excessive "FAR" initially granted.

10                  MR. KATZ: Initially, and then it was a  
11 [sic] "Article 78" was filed, the Court upheld  
12 the --

13                  MR. O'BRIEN: But doesn't it have to go  
14 back to the Zoning --

15                  MR. KATZ: No --

16                  MR. O'BRIEN: -- Board? That's why  
17 it's --

18                  MR. KATZ: -- no --

19                  MR. O'BRIEN: -- here?

20                  MR. KATZ: -- it does not.

21                  COMMISSIONER SAKOWICH: And they  
22 brought it into compliance and they didn't have  
23 to --

24                  MR. KATZ: Yeah.

25                  COMMISSIONER SAKOWICH: -- go back.

1                   Zoning Referral Review

2                   MR. O'BRIEN:   Then why is --

3                   MR. KATZ:    It does not have to come  
4 back.   According to Garret Grey --

5                   MR. O'BRIEN:  -- then why do we have  
6 it?

7                   MR. KATZ:    Because it came to us for  
8 site plan review, 3 -- 305.

9                   VICE-CHAIR GREENFIELD:  So that's why  
10 we want an "LDL."

11                  MR. KATZ:    Okay.

12                  VICE-CHAIR GREENFIELD:  We're not  
13 saying to block it, postpone it --

14                  MR. KATZ:    Yeah, I just --

15                  VICE-CHAIR GREENFIELD:  -- cancel it.  
16 We just want to bring these points up, because  
17 the attorney in the pre-meeting --

18                  MR. O'BRIEN:  Work session.

19                  VICE-CHAIR GREENFIELD:  -- work  
20 sessions --

21                  MR. O'BRIEN:  You don't have  
22 pre-meetings.

23                  VICE-CHAIR GREENFIELD:  -- oh, in the  
24 work session --

25                  (Laughter.)



1                   Zoning Referral Review

2                   VICE-CHAIR GREENFIELD:  -- didn't  
3   answer the question.

4                   MR. KATZ:  Right.  So give me the  
5   points you want -- wanted brought up.

6                   VICE-CHAIR GREENFIELD:  Okay, good.

7                   MR. KATZ:  So I --

8                   MR. O'BRIEN:  It didn't fully --

9                   VICE-CHAIR GREENFIELD:  -- that's --  
10   that's --

11                  MR. O'BRIEN:  -- it didn't fully answer  
12   the question.

13                  COMMISSIONER GOLD:  I -- I also --

14                  VICE-CHAIR GREENFIELD:  It didn't  
15   completely answer.

16                  MR. O'BRIEN:  Thank you.

17                  (Laughter.)

18                  COMMISSIONER GOLD:  -- I think we need  
19   to see what happened in the earlier application  
20   as well, 'cause sometimes when, if we approve  
21   something as a group and it's brought before in  
22   an "Article 78" proceeding and we didn't say  
23   anything specific as to why we were making the  
24   denial, then they could say --

25                  VICE-CHAIR GREENFIELD:  Denise, out --

1                   Zoning Referral Review

2                   COMMISSIONER GOLD:  -- it's our --

3                   VICE-CHAIR GREENFIELD:  -- outstanding  
4 point.

5                   COMMISSIONER GOLD:  -- yeah, so --

6                   MR. O'BRIEN:  I -- I think if you bring  
7 everything down to, you know, the bottom line is  
8 this Commission wants to go on the record and --  
9 and address the issues that -- that I  
10 discussed --

11                  MR. KATZ:  Yeah, but --

12                  VICE-CHAIR GREENFIELD:  I --

13                  MR. O'BRIEN:  -- and that this is --

14                  VICE-CHAIR GREENFIELD:  -- mean just  
15 the problem with the --

16                  MR. O'BRIEN:  -- your last opportunity  
17 to do so.

18                  VICE-CHAIR GREENFIELD:  I know that.

19                  MR. O'BRIEN:  Right -- right.

20                  VICE-CHAIR GREENFIELD:  So based upon  
21 what Denise just said, which was outstanding --

22                  MR. O'BRIEN:  Right.

23                  VICE-CHAIR GREENFIELD:  Can we punt to  
24 the next meeting to see the prior decision?

25                  COMMISSIONER GOLD:  Yeah.  Also, we

1                   Zoning Referral Review

2       don't know what the particular variance, if they  
3       claim that they got a variance through the State,  
4       we don't know what --

5                   MR. O'BRIEN:   The -- the only --

6                   COMMISSIONER GOLD:  -- the particular  
7       variance pertained to --

8                   MR. O'BRIEN:  -- the only is that --

9                   COMMISSIONER GOLD:  -- and is that  
10      variance --

11                  MR. O'BRIEN:  -- the only thing is do  
12      they do a Valley Stream on us?  The Town has  
13      always been very good when we've punted.

14                  VICE-CHAIR GREENFIELD:  I'm not --  
15      I'm --

16                  MR. O'BRIEN:  Hear me out.

17                  VICE-CHAIR GREENFIELD:  -- I'm not  
18      accusing the Town of doing something wrong.

19                  MR. O'BRIEN:  The -- the Town -- the  
20      Town -- the Town is the referring agency.  It is  
21      supposed to send over to -- to the Commission,  
22      everything that they have.  If they have sent  
23      everything that they have, the clock started on  
24      Marty's receipt.  If there was something that was  
25      missing, this is what happened in that

1                   Zoning Referral Review

2     Valley Stream matter where we said -- where the  
3     Commission said they wanted more information.  
4     And they never got back and they let the clock  
5     run out.

6                   So our next meeting is not until  
7     December 11th?

8                   MR. WREN: 13th [sic].

9                   MR. O'BRIEN: 13th [sic].

10                  Thank you.

11                  And so you run the risk of the --  
12     the -- the Town saying, well, they never got back  
13     to us in the 30 days, we can go do whatever we  
14     want. But the --

15                  COMMISSIONER SAKOWICH: I think that  
16     happens as an operation of law, what the --

17                  MR. O'BRIEN: -- but -- but the other  
18     side of the coin is the Town has been very  
19     cooperative with this Commission, in holding  
20     things until this Commission has weighed in. I  
21     can't guarantee they will do it, but the -- the  
22     track record has been -- been -- been on -- spot  
23     on there.

24                  VICE-CHAIR GREENFIELD: Yeah. So  
25     what's your recommendation, Counselor?

1                   Zoning Referral Review

2                   MR. KATZ:   And what does the Commission  
3    want?

4                   (Laughter.)

5                   MR. O'BRIEN:  I don't have a recommend.  
6    I'm telling you the pros and cons, you know.  If  
7    you have to --

8                   COMMISSIONER LEWIS:  It seems to me our  
9    choice is --

10                  MR. O'BRIEN:  -- is I'd put them on the  
11   record and then you're done with it.

12                  MR. GALLAGHER:  I think the statute  
13   says 30 days.

14                  MR. O'BRIEN:  Okay.

15                  MR. GALLAGHER:  And they have to --  
16   the -- well --

17                  THIRD VICE-CHAIR LEWIS:  So it seems to  
18   me we have two choices, you know.  Generally  
19   speaking, we don't delay things that just for the  
20   sake of delaying things, you know.  We -- I mean  
21   we know what the proposal is.

22                  The project, you know, was subject to  
23   litigation and all that.  There's a whole record  
24   here.  A Court said you can't deny a restaurant  
25   in that corner, because based on the record it's

1                   Zoning Referral Review

2     unreasonable. We -- we have to work with that.

3                   So the only question, it seems to me is  
4     the difference between the restaurant and what's  
5     actually proposed that are three smaller  
6     restaurants, for lack of better word, with at  
7     least one that has a drive-thru. So it seems to  
8     me the only question is should they do a new  
9     traffic analysis of the drive-thru?

10                  COMMISSIONER DURSO: That's -- that's  
11     my recommendation.

12                  MR. O'BRIEN: Right.

13                  COMMISSIONER GOLD: But he also  
14     couldn't confirm. He said it was one drive-thru  
15     and other retail stores, but he didn't know  
16     exactly what was being put in there. So --

17                  COMMISSIONER DURSO: I think that's  
18     allowed.

19                  THIRD VICE-CHAIR LEWIS: Yeah, you can  
20     have a category.

21                  COMMISSIONER GOLD: But I'm saying  
22     they're not really telling us. I mean it -- it  
23     does make a difference what they are putting in  
24     there and I don't think they even know what  
25     they're doing.

1                   Zoning Referral Review

2                   THIRD VICE-CHAIR LEWIS: Well, the  
3 difference between the "Starbucks" and "Dunkin'  
4 Donuts?"

5                   COMMISSIONER SAKOWICH: Yeah -- yeah.

6                   COMMISSIONER DURSO: Right, that  
7 doesn't matter, unless it's something --

8                   VICE-CHAIR GREENFIELD: Starbucks is on  
9 strike today. We can't mention that.

10                  COMMISSIONER GOLD: You said there were  
11 three restaurants. It's not going to be three  
12 restaurants.

13                  COMMISSIONER SAKOWICH: It's three --

14                  VICE-CHAIR GREENFIELD: It's three, we  
15 don't know, fast food.

16                  COMMISSIONER GOLD: He did say it's got  
17 two retail.

18                  COMMISSIONER DURSO: Yeah, that's what  
19 he said.

20                  COMMISSIONER KALATY: Two retail on  
21 restaurant.

22                  COMMISSIONER GOLD: But I don't know if  
23 that's --

24                  VICE-CHAIR GREENFIELD: He gave us a  
25 quick answer, both ways.

1                   Zoning Referral Review

2                   COMMISSIONER GOLD: I'm sorry. I don't  
3 know if that's -- what he did emphasize, but he  
4 doesn't have to have a clear plan.

5                   COMMISSIONER SAKOWICH: But I don't  
6 think it -- you know, your building in the stages  
7 you have here, yeah, you -- you don't know what  
8 you're going to do. I mean that's going to  
9 change.

10                  COMMISSIONER DURSO: Right.

11                  VICE-CHAIR GREENFIELD: It's a definite  
12 maybe.

13                  THIRD VICE-CHAIR LEWIS: Yeah.

14                  COMMISSIONER DURSO: Right, yeah.

15                  My only concern is more on the  
16 drive-thru, on the traffic.

17                  COMMISSIONER SAKOWICH: Yeah.

18                  VICE-CHAIR GREENFIELD: Counsel?

19                  MR. O'BRIEN: Yes, sir.

20                  THIRD VICE-CHAIR LEWIS: I mean part of  
21 what Marty is -- Marty, am I putting words in  
22 your mouth that you're saying drive-thrus by the  
23 Town are not -- there's no rules about doing a  
24 drive-thru in any particular way, in the number  
25 of queues or any other issues?



1                   Zoning Referral Review

2                   MR. KATZ: Well, I don't think the Town  
3   has -- has specific requirements with respect to  
4   that, as opposed to some other municipalities.

5                   However, that drive-thru was not  
6   addressed in the, you know, in the initial  
7   traffic study when it was a standalone  
8   restaurant. That drive-thru question wasn't  
9   addressed.

10                  It's probably not unreasonable at this  
11   point in time, even though it's quote, unquote,  
12   "as-of-right," because of the "Article 78," that  
13   the Commission, you know, request an analysis  
14   that, you know, that addresses the impact of a  
15   drive-thru at this location. It's up -- it's up  
16   to the Commission.

17                  VICE-CHAIR GREENFIELD: Make a motion.

18                  THIRD VICE-CHAIR LEWIS: I'd like to  
19   make a motion that we do an "LD" with the letter.

20                  MR. KATZ: Okay.

21                  THIRD VICE-CHAIR LEWIS: And that the  
22   letter recommends to the Town that they take a  
23   closer look at the aspect of a drive-thru as  
24   opposed to a restaurant, perhaps during a traffic  
25   analysis of that.

1                   Zoning Referral Review

2                   MR. KATZ:   Okay.

3                   THIRD VICE-CHAIR LEWIS:   And also that  
4   we address --

5                   VICE-CHAIR GREENFIELD:   Excuse me?

6                   THIRD VICE-CHAIR LEWIS:   -- oh.

7                   VICE-CHAIR GREENFIELD:   Excuse me, I  
8   didn't mean to cut you off, but I'm not --

9                   COMMISSIONER SAKOWICH:   Well, you did.

10                  VICE-CHAIR GREENFIELD:   Then finish  
11   then.   Okay.

12                  THIRD VICE-CHAIR LEWIS:   I was going to  
13   say, so the other part of the letter would also  
14   address the point that the Vice-Chair raised  
15   about access through the property to the State --

16                  COMMISSIONER SAKOWICH:   The "Greenfield  
17   right-of-way."

18                  THIRD VICE-CHAIR LEWIS:   -- the --

19                  MR. O'BRIEN:   The "right-of-way."

20                  THIRD VICE-CHAIR LEWIS:   -- the  
21   "right-of-way" being -- I'm not --

22                  MR. KATZ:   Now -- now -- now where is  
23   this exactly?

24                  THIRD VICE-CHAIR LEWIS:   -- I'm not  
25   exactly clear on that.   So I'm going to defer

1                   Zoning Referral Review

2   to him --

3                   MR. KATZ:   Yeah, I'm a little unsure as  
4   to what --

5                   THIRD VICE-CHAIR LEWIS:  -- and the  
6   attorney.

7                   MR. KATZ:  -- what the --

8                   COMMISSIONER SAKOWICH:  It's beside the  
9   building.  There's always trucks parked there.

10                  VICE-CHAIR GREENFIELD:  Marty --

11                  DEPUTY COMMISSIONER NIMMO:  Those --  
12   those are --

13                  VICE-CHAIR GREENFIELD:  -- go --

14                  DEPUTY COMMISSIONER NIMMO:  -- are  
15   private roads.

16                  VICE-CHAIR GREENFIELD:  -- visit it.

17                  DEPUTY COMMISSIONER NIMMO:  It's all  
18   private roads over there.  So you don't want to  
19   bring in --

20                  MR. O'BRIEN:  Yeah, when you come  
21   along --

22                  DEPUTY COMMISSIONER NIMMO:  -- reaching  
23   a private road to access --

24                  MR. O'BRIEN:  -- you see where it says  
25   State -- now it says --

1                   Zoning Referral Review

2                   DEPUTY COMMISSIONER NIMMO:  -- public  
3   roads.

4                   MR. O'BRIEN:  -- State Parkway ramp,  
5   that --

6                   VICE-CHAIR GREENFIELD:  And the signage  
7   isn't even good.  You have to really know to do  
8   it.

9                   DEPUTY COMMISSIONER NIMMO:  Right, but  
10  that could be considered trespassing.

11                  VICE-CHAIR GREENFIELD:  I didn't hear  
12  you.  Don't put that in the record.  You're not  
13  supposed to say stuff like that on --

14                  DEPUTY COMMISSIONER NIMMO:  Well,  
15  the --

16                  VICE-CHAIR GREENFIELD:  -- the record.

17                  DEPUTY COMMISSIONER NIMMO:  -- you know  
18  what --

19                  MR. O'BRIEN:  But there are signs  
20  there.  There's a -- there's a State Parkway sign  
21  on -- on Ring Road.

22                  DEPUTY COMMISSIONER NIMMO:  Let's stick  
23  to it.

24                  COMMISSIONER SAKOWICH:  Stick to it,  
25  yeah.

1                   Zoning Referral Review

2

3                   VICE-CHAIR GREENFIELD: Stick to it,  
4    yeah.

5                   COMMISSIONER SAKOWICH: Stick to it.

6                   VICE-CHAIR GREENFIELD: But -- but what  
7    I was going to say -- I'm sorry for cutting you  
8    off -- he acknowledged in there that they didn't  
9    get an updated traffic study. So maybe we put in  
10   there a suggestion.

11                  COMMISSIONER SAKOWICH: It's a wide  
12   enough way enough. It's the same square footage,  
13   the same everything.

14                  COMMISSIONER DURSO: So you're  
15   feeling --

16                  MR. O'BRIEN: Yeah, I don't know  
17   parking is needed, traffic is.

18                  COMMISSIONER SAKOWICH: Parking's not  
19   the issue. It's, you know --

20

21                  THIRD VICE-CHAIR LEWIS: That's the  
22   advantage of "LD" with a letter.

23                  COMMISSIONER DURSO: Exactly, right.

24                  THIRD VICE-CHAIR LEWIS: We're not --

25                  COMMISSIONER SAKOWICH: That's correct.

1                   Zoning Referral Review

2                   THIRD VICE-CHAIR LEWIS:  -- we're not  
3   imposing it as -- as a rule that they may see  
4   it -- right.

5                   COMMISSIONER DURSO:  You're suggesting  
6   it.  So you feel comfortable --

7                   COMMISSIONER GOLD:  I think --

8                   COMMISSIONER DURSO:  -- with the -- a  
9   letter of --

10                  THIRD VICE-CHAIR LEWIS:  We're putting  
11   the issue on the table.  Hopefully it would be  
12   read into the record at --

13                  COMMISSIONER SAKOWICH:  Right.

14                  THIRD VICE-CHAIR LEWIS:  -- their next  
15   meeting.

16                  COMMISSIONER DURSO:  Great.

17                  THIRD VICE-CHAIR LEWIS:  And someone  
18   can then say, hey, I agree with that, we should  
19   do a traffic count.

20                  COMMISSIONER SAKOWICH:  Yeah.

21                  THIRD VICE-CHAIR LEWIS:  Someone else  
22   may say it's not necessary for --

23                  COMMISSIONER SAKOWICH:  -- right.

24                  COMMISSIONER DURSO:  Right.

25                  THIRD VICE-CHAIR LEWIS:  -- these

1                   Zoning Referral Review

2   following reasons --

3                   COMMISSIONER DURSO:   Yeah, 'cause I  
4   mean I'm fine with putting something --

5                   THIRD VICE-CHAIR LEWIS:  -- and then  
6   they make the --

7                   COMMISSIONER DURSO:  -- there.

8                   THIRD VICE-CHAIR LEWIS:  -- final  
9   decision.

10                  COMMISSIONER DURSO:  Right.

11                  DEPUTY COMMISSIONER NIMMO:  So let --

12                  THIRD VICE-CHAIR LEWIS:  So I suggest  
13   we put it on the record that we have these --

14                  COMMISSIONER DURSO:  I -- I agree.

15                  THIRD VICE-CHAIR LEWIS:  -- concerns.

16                  DEPUTY COMMISSIONER NIMMO:  So are you  
17   asking for a traffic study, how it affects public  
18   "right-of-way" or the parking lot and the private  
19   property that they own?

20                  COMMISSIONER SAKOWICH:  We're not going  
21   to ask --

22                  COMMISSIONER DURSO:  I think it should  
23   be both --

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

25                  COMMISSIONER DURSO:  -- because --

1                   Zoning Referral Review

2                   DEPUTY COMMISSIONER NIMMO:   So the --  
3   the drive-thru --

4                   VICE-CHAIR GREENFIELD:   The property  
5   you just said --

6                   DEPUTY COMMISSIONER NIMMO:   -- the  
7   drive-thru and it -- its expected running, it  
8   doesn't affect any public roads.

9                   COMMISSIONER SAKOWICH:   Right.

10                  DEPUTY COMMISSIONER NIMMO:   It only  
11   affects their own property, the parking lot.

12                  COMMISSIONER SAKOWICH:   Exactly.

13                  DEPUTY COMMISSIONER NIMMO:   So -- so  
14   the drive -- it's not going to --

15                  VICE-CHAIR GREENFIELD:   See how it  
16   affects the State "right-of-way."

17                  MR. KATZ:   Exactly.

18                  THIRD VICE-CHAIR LEWIS:   Because there  
19   will be a backup of cars.

20                  (Laughter.)

21                  VICE-CHAIR GREENFIELD:   So we don't --

22                  THIRD VICE-CHAIR LEWIS:   That's an even  
23   stronger reason why we couldn't --

24                  VICE-CHAIR GREENFIELD:   No, that  
25   isn't -- that's so --



1                   Zoning Referral Review

2                   THIRD VICE-CHAIR LEWIS:  -- require it  
3   or --

4                   VICE-CHAIR GREENFIELD:  No, not  
5   require.  It's a stronger -- if we had a current  
6   survey, and "C & Rs" and a chain of title, we  
7   would know exactly how that came about.

8                   MR. O'BRIEN:  And what you're really  
9   asking is that -- that the access road to the  
10   State Parkway ramp from Ring Road be left in  
11   place.

12                  MR. KATZ:  There's no indication that  
13   it's not going to be left in place.

14                  VICE-CHAIR GREENFIELD:  It is from  
15   Ring Road.  You want -- you --

16                  COMMISSIONER DURSO:  Right, you --

17                  MR. O'BRIEN:  Yes.

18                  VICE-CHAIR GREENFIELD:  -- you don't  
19   use that shortcut.

20                  COMMISSIONER DURSO:  This is it right  
21   here (indicating), the entranceway?

22                  VICE-CHAIR GREENFIELD:  No.

23                  COMMISSIONER SAKOWICH:  Yeah -- yeah --  
24   yeah.

25                  VICE-CHAIR GREENFIELD:  It's over here

1                   Zoning Referral Review

2   (indicating).

3                   COMMISSIONER DURSO:   So what's --

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

5                   COMMISSIONER DURSO:   Right there

6   (indicating).

7                   THIRD VICE-CHAIR LEWIS:   Let me -- let  
8   me try an amended version of a motion if I could.

9                   (Laughter.)

10                  VICE-CHAIR GREENFIELD:   There's a sign  
11   and you come through right here (indicating)  
12   maybe.   There's something there.   This is a -- I  
13   can't --

14                  COMMISSIONER DURSO:   So there's no  
15   entrance here (indicating)?

16                  THIRD VICE-CHAIR LEWIS:   So -- so I'll  
17   amend my recommendation.

18                  My recommendation is for an "LD" with a  
19   letter, the letter indicating that a new traffic  
20   analysis perhaps should be done, given the fact  
21   that there's now a proposed drive-thru.

22                  MR. KATZ:   Right.

23                  THIRD VICE-CHAIR LEWIS:   And the letter  
24   should also say that care should be taken to  
25   avoid blocking or --

1                   Zoning Referral Review

2                   VICE-CHAIR GREENFIELD: Yeah.

3                   THIRD VICE-CHAIR LEWIS: -- preventing  
4 access to -- to the Parkway. And that's it.  
5 Just raise those two points in our letter and  
6 put -- put --

7                   VICE-CHAIR GREENFIELD: Okay.

8                   THIRD VICE-CHAIR LEWIS: -- put them on  
9 the --

10                  MR. O'BRIEN: That's fine. That's  
11 close enough.

12                  VICE-CHAIR GREENFIELD: Okay.

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

14                  VICE-CHAIR GREENFIELD: Do we have a  
15 second?

16                  MR. KATZ: I'm not sure what that was.

17                  COMMISSIONER DURSO: Right, yes, we're  
18 all good with that?

19                  VICE-CHAIR GREENFIELD: Yeah -- yeah.  
20 Right, everyone's --

21                  MR. O'BRIEN: Yeah.

22                  COMMISSIONER DURSO: Okay.

23                  VICE-CHAIR GREENFIELD: And I just --

24                  MR. O'BRIEN: Do we have a second?

25                  VICE-CHAIR GREENFIELD: Do we have a

1                   Zoning Referral Review

2   second?

3                   COMMISSIONER DURSO:   I'll second that.

4                   MR. O'BRIEN:   Okay.

5                   VICE-CHAIR GREENFIELD:   So on the-- on  
6   the motion?

7                   (Commissioner Sakowich exits the  
8   hearing.)

9                   MR. O'BRIEN:   Right.

10                  VICE-CHAIR GREENFIELD:   Wait.   We  
11   lost him (gesturing).

12                  MR. O'BRIEN:   No, you have five.

13                  VICE-CHAIR GREENFIELD:   Okay.   Reid  
14   just walked out.

15                  MR. O'BRIEN:   You have five -- you have  
16   five.   You're good.

17                  VICE-CHAIR GREENFIELD:   Oh, okay.

18                  All in favor?

19                  (Chorus of "ayes" with Chairman Shapiro  
20   recused.)

21                  VICE-CHAIR GREENFIELD:   Any opposed?

22                  (No response.)

23                  VICE-CHAIR GREENFIELD:   So carried.

24                  THIRD VICE-CHAIR LEWIS:   So for the  
25   record, there were five votes in favor, one is

1                   Zoning Referral Review

2       recused and one stepped out.

3                   (Chairman Shapiro and Commissioner  
4       Sakowich enters the hearing.)

5                   VICE-CHAIR GREENFIELD:   Wait -- wait --  
6       wait -- wait.   Wait, he wants to vote.

7                   COMMISSIONER SAKOWICH:   I'm in favor.

8                   MR. O'BRIEN:   Six.   We have six now.

9                   THIRD VICE-CHAIR LEWIS:   Okay.   We have  
10       six votes now --

11                  COMMISSIONER SAKOWICH:   In favor.

12                  THIRD VICE-CHAIR LEWIS:   Okay.

13                  VICE-CHAIR GREENFIELD:   Okay.   Now,  
14       what I wanted to ask is to make sure that it's --  
15       what -- it was a little confusing, our  
16       discussion.   Marty, before it goes out, I'd just  
17       like Bob to take a look at it please.

18                  MR. KATZ:   Yeah.   With respect to that  
19       State "right-of-way" ramp, that, I -- I'm a  
20       little hazy on that, so --

21                  MR. O'BRIEN:   Yeah, send it to me,  
22       Marty.   We'll do a --

23                  VICE-CHAIR GREENFIELD:   Take a ride  
24       over there.

25                  MR. O'BRIEN:   -- quick --

1                   Zoning Referral Review

2                   VICE-CHAIR GREENFIELD: Yeah.

3                   MR. O'BRIEN: -- turnaround.

4                   VICE-CHAIR GREENFIELD: Well, even  
5 during County time.

6                   MR. KATZ: I'm just not sure how this  
7 project has --

8                   VICE-CHAIR GREENFIELD: You're on  
9 County business.

10                  MR. KATZ: -- would impact on that --

11                  MR. O'BRIEN: Yeah.

12                  MR. KATZ: -- but, you know, okay.  
13 I'll probably do it this weekend.

14                  COMMISSIONER SAKOWICH: It's so far --

15                  VICE-CHAIR GREENFIELD: It -- it -- you  
16 really have to know to do that.

17                  MR. KATZ: Okay.

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

20                  THIRD VICE-CHAIR LEWIS: I -- I do that  
21 as --

22                  VICE-CHAIR GREENFIELD: I -- I've got  
23 to write the book, shortcuts here.

24                  (Laughter.)

25                  MR. O'BRIEN: Saturday -- Saturday and

1                   Zoning Referral Review

2     Sunday, my client --

3                   VICE-CHAIR GREENFIELD: I got to take  
4     this call.

5                   (Vice-Chair Greenfield exits the  
6     hearing.)

7                   MR. KATZ: Okay.

8                   VICE-CHAIR GREENFIELD: I got to go.

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

11                                 \*       \*       \*

12                   MR. KATZ: Okay, Chairman.

13                   COMMISSIONER DURSO: Okay.

14                   CHAIRMAN SHAPIRO: Okay.

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

17                   COMMISSIONER DURSO: Okay. Lenny, what  
18    are we up to now?

19                   CHAIRMAN SHAPIRO: What?

20                   COMMISSIONER DURSO: Oh, no. Marty was  
21    asking what are we up to now?

22                   MR. KATZ: Yeah.

23                   CHAIRMAN SHAPIRO: Okay. Does anybody  
24    have any questions on any of the other "LDs?"

25                   (No response.)

1                   Zoning Referral Review

2                   THIRD VICE-CHAIR LEWIS: No.

3                   MR. O'BRIEN: No. I'm just -- I'm just  
4   letting you know so --

5                   CHAIRMAN SHAPIRO: Any other questions  
6   on the "LDs?"

7                   (No response.)

8                   CHAIRMAN SHAPIRO: We're talking 1, 2,  
9   3, 7 and 9.

10                  (Laughter.)

11                               \*       \*       \*

12                  COMMISSIONER DURSO: Four?

13                  CHAIRMAN SHAPIRO: Six was "LDL."

14                  THIRD VICE-CHAIR LEWIS: "LDL."

15                  CHAIRMAN SHAPIRO: Six. We have 4, 6  
16   and 8 that are "LDLs."

17                  THIRD VICE-CHAIR LEWIS: Right.

18                  COMMISSIONER SAKOWICH: But 6 is what  
19   we're on?

20                  CHAIRMAN SHAPIRO: Yeah.

21                  THIRD VICE-CHAIR LEWIS: That's the  
22   "LDL."

23                               \*       \*       \*

24                  CHAIRMAN SHAPIRO: So do I have a  
25   motion on 1, 2, 3, 7 and 9?



1                   Zoning Referral Review

2                   COMMISSIONER SAKOWICH: I make a  
3 motion.

4                   THIRD VICE-CHAIR LEWIS: Second.

5                   CHAIRMAN SHAPIRO: All in favor?

6                   (Chorus of "ayes.")

7                   CHAIRMAN SHAPIRO: Any opposed?

8                   (No response.)

9                   CHAIRMAN SHAPIRO: Motion carries.

10                               \*       \*       \*

11                   CHAIRMAN SHAPIRO: All right, Marty,  
12 let's go to No. 4.

13                   MR. KATZ: Okay.

14                   NCPC Case No. 1027125. This is the  
15 Village of North Hills and it's for a  
16 subdivision, area, dimensional variances.

17                   This is a proposed three-lot  
18 subdivision, 2-acre parcel. Each lot ranges  
19 from .38 acres to .43 acres, which is zoning  
20 compliant. A long private driveway would  
21 be constructed to serve these properties off  
22 of Old Shelter Rock Road, which parallels  
23 Shelter Rock Road --

24                   MR. O'BRIEN: Where Chase is --

25                   MR. KATZ: -- to the east.

1                   Zoning Referral Review

2                   The applicant is seeking the  
3   following -- following relief from the Village:

4                   One, the width of the proposed  
5   "right-of-way" must be a minimum of 50 feet. The  
6   applicant proposes a width of 40 feet;

7                   Two, the width of -- the width of the  
8   paved roadway must be a minimum of 20 [sic] --  
9   34 feet. The applicant proposes a paved width of  
10   28 feet;

11                  Three, of the length of the proposed  
12   cul-de-sac must be a maximum of 350 feet. The  
13   applicant proposes a roadway length of 540 feet;

14                  And four, the radius of the cul-de-sac  
15   must be a minimum of 54 feet. The applicant  
16   proposes a radius of 51.50 feet.

17                  The project was initially before the  
18   Village of North Hempstead as a four-lot  
19   subdivision, at which time the Planning  
20   Commission issued a "Local Determination." The  
21   Village, at that time, indicated that the  
22   four-lot subdivision was an over-intensive use of  
23   the site and that the applicant failed to  
24   demonstrate that the proposed road is -- is  
25   adequate from an emergency vehicle standpoint.

1                   Zoning Referral Review

2   Access to the firefighting equipment was an issue  
3   and may still be an issue with the Village under  
4   the current plan, which is now a three-lot  
5   subdivision.

6                   If approved by the Village, the -- the  
7   subdivision will require approval by the  
8   Planning Commission as is -- as it is located  
9   within 300 feet of the Village line.

10                  Staff is recommending a "Local  
11   Determination with a Letter" indicating that a  
12   letter from the local fire department will be  
13   required, when this comes back to the  
14   Planning Commission for -- for approval. I  
15   don't know if that's necessary or not.

16                  CHAIRMAN SHAPIRO: Marty, from now on,  
17   it will be a letter from the fire marshal.

18                  MR. O'BRIEN: This is their --

19                  They're the ones who are going to give  
20   the letters now --

21                  MR. KATZ: Fire marshal.

22                  CHAIRMAN SHAPIRO: -- not the fire  
23   department.

24                  MR. KATZ: The County Fire Marshal?

25                  CHAIRMAN SHAPIRO: Yup.

1                   Zoning Referral Review

2                   MR. KATZ:   Okay.

3                   THIRD VICE-CHAIR LEWIS:   So

4   Mr. Chairman, I'd like to make a motion for an  
5   "LD" with the letter on this item.  We previously  
6   gave an "LD" for a four-lot subdivision, so  
7   they've now come back with a three-lot  
8   subdivision.  It would be inconsistent for us to  
9   deny this when we -- when we gave an "LD" on the  
10  previous.  So that's the "LD" part.

11                  In regards to the letter, we want to  
12   make it clear that the applicant, even though  
13   they're inside the Village, they realize they do  
14   have to come to the Planning Commission for this  
15   item.

16                  And at the Planning Commission level,  
17   we're going to, as we pointed out to counsel  
18   during the work session, we will ask him again to  
19   address the issues regarding the width of the --  
20   of the private road and fire access.

21                  (Vice-Chair Greenfield enters the  
22   hearing.)

23                  THIRD VICE-CHAIR LEWIS:  And as the  
24   Chairman just pointed out, we want to make sure  
25   that we're clear in the letter that the approval

1                   Zoning Referral Review

2     from the fire department should come from the  
3     Nassau County Fire Marshal, not from the local  
4     fire departments anymore. So it's "LD" with a  
5     letter.

6                   CHAIRMAN SHAPIRO: Is there a second?

7                   COMMISSIONER KALATY: Second.

8                   CHAIRMAN SHAPIRO: All in favor?

9                   (Chorus of "ayes.")

10                  CHAIRMAN SHAPIRO: Any opposed?

11                  (No response.)

12                  CHAIRMAN SHAPIRO: Motion carries.

13                                 \*       \*       \*

14                  CHAIRMAN SHAPIRO: Okay. Let's go to  
15     6.

16                  MR. KATZ: Okay. Item No. 6, NCPC  
17     Case No. 1031125. This is in the -- within the  
18     Village of Great Neck. And it's for height  
19     variance, not density variance as this indicates,  
20     area dimensional variances.

21                  This is a proposed 43-unit townhouse  
22     condominium development in five three-story  
23     buildings on a 130,258 square foot lot, which is  
24     about 3 acres, that is occupied by primarily  
25     vacant residential properties from vacant land

1                   Zoning Referral Review

2     and an unused Village parking lot that the  
3     Village intends to sell to the applicant for this  
4     project.

5                   A total of 118 spaces is provided,  
6     60 stalls on individual driveways and garages,  
7     and 46 stalls on individual driveways with no  
8     garages and 12 stalls for visitor parking.

9                   Under the -- this is an overlay  
10    district. It's called the Steamboat Road Town --  
11    Town Home Development Incentive Overlay District.  
12    The following variances are required:

13                  Height variance, a small height  
14    variance actually, three stories, 35 feet  
15    proposed, maximum three stories, 30 feet  
16    permitted;

17                  Front yard, 21 feet required, 20 feet  
18    provided;

19                  Side yard, 15 feet required, 12.2 feet  
20    provided;

21                  Rear yard, 20 feet required, 16 feet  
22    proposed;

23                  Building separation, townhouse units  
24    per building, a maximum of 4 units per building  
25    required and the 5 buildings have more than 4

1                   Zoning Referral Review

2   units each;

3                   And length of building, maximum  
4   136 feet per building proposed, buildings have --  
5   most of the buildings have a length that exceed  
6   that.

7                   Under the "SR-TRIO" District, the  
8   Village "BOT" may approve adjustments to any  
9   zoning restrictions set forth in this district,  
10   other than -- other than as to the use of such --  
11   as such modifications determined to be in the  
12   best interest of superior design and found to be  
13   in the best interest of the Village.

14                  The "SR-TRIO" District requires certain  
15   amenities in exchange for:

16                  Development;

17                  Incentive bonuses;

18                  Or payment in lieu of amenities. Such  
19   amenities, have -- I have not been -- have not  
20   been made known to me at this time.

21                  This is a residential, essentially a  
22   residential stretch of Steamboat Road, which is  
23   two lanes with on-street parking in the vicinity.  
24   There are small business -- business nearby along  
25   the road. And directly across from the subject

1                   Zoning Referral Review

2   property is a multifamily residential  
3   development. It's called the Townhouse  
4   "Townhouses of Great Neck," consisting of several  
5   two-story buildings built to the street line.

6                   According to the applicant's attorney  
7   and the Village attorney, the Village would like  
8   to see the -- these marginally-developed  
9   properties redeveloped in accordance with the  
10   overlay district, but not in a manner in which  
11   the property across the street was developed,  
12   which has anyone minimal setbacks and minimal  
13   green space.

14                  Staff is recommend -- recommending  
15   "Local Determination with a Letter" indicating  
16   that a set aside of affordable units should be  
17   considered, particular -- particularly, in light  
18   of the number of variances being sought.

19                  While not a density variance, it's --  
20   the buildings do have more units than are  
21   permitted, even though it falls under the  
22   15 units per acre maximum.

23                  COMMISSIONER SAKOWICH: But you -- just  
24   going back to what I -- I just read.

25                  MR. KATZ: Yeah.



1                   Zoning Referral Review

2                   COMMISSIONER SAKOWICH: Subject prop.,  
3 according, applicant attorney, Village attorney,  
4 all these people, they don't want it to look like  
5 across the street?

6                   MR. KATZ: Yeah, I -- I --

7                   COMMISSIONER SAKOWICH: And then, but  
8 they've over-intensified it.

9                   MR. KATZ: I'm sorry.

10                  COMMISSIONER SAKOWICH: Basically,  
11 you've said they over-intensified the building of  
12 it.

13                  MR. KATZ: Well, across the street,  
14 it -- it's -- it doesn't have -- yeah, they --  
15 they didn't like that design --

16                  COMMISSIONER SAKOWICH: No, what I'm  
17 saying is they --

18                  MR. KATZ: Yeah --

19                  COMMISSIONER SAKOWICH: -- they --  
20 they're saying they're concerned about the  
21 setback across the street?

22                  MR. KATZ: -- yeah.

23                  COMMISSIONER SAKOWICH: But they're --  
24 then they're letting, they're approving an  
25 over-intensification based on the --

1                   Zoning Referral Review

2                   MR. KATZ: Well, I mean they are --  
3 they -- they would be approving certain  
4 variances.

5                   THIRD VICE-CHAIR LEWIS: Yeah, but the  
6 design is like --

7                   CHAIRMAN SHAPIRO: Yeah, the design is  
8 totally different.

9                   COMMISSIONER SAKOWICH: Okay. So that,  
10 I mean they're okay with that.

11                  CHAIRMAN SHAPIRO: That's -- and that's  
12 why they're okay with it. I also don't think, in  
13 looking at this, these are for sale.

14                  COMMISSIONER SAKOWICH: Oh, the condos.

15                  CHAIRMAN SHAPIRO: The condos. I -- I  
16 don't see them having an affordable aspect to it  
17 in the condos.

18                  COMMISSIONER SAKOWICH: No.

19                  VICE-CHAIR GREENFIELD: That's true.

20                  CHAIRMAN SHAPIRO: I could see it in --  
21 in rentals, not in condos.

22                  MR. KATZ: So you would strike this  
23 provision?

24                  (No response.)

25                  CHAIRMAN SHAPIRO: I would "LD" it.

1                   Zoning Referral Review

2                   MR. KATZ:   Strike that letter?

3                   CHAIRMAN SHAPIRO:   Yeah.

4                   COMMISSIONER SAKOWICH:   I don't know.

5                   CHAIRMAN SHAPIRO:   Yeah.

6                   VICE-CHAIR GREENFIELD:   But don't --

7   aren't they required to have a set aside?

8                   THIRD VICE-CHAIR LEWIS:   The

9   workforce --

10                  MR. KATZ:   Actually, they're not

11   because --

12                  CHAIRMAN SHAPIRO:   No.   They're not

13   rentals.

14                  MR. KATZ:   They're not rental and

15   they're -- and they are below the -- the maximum

16   required density --

17                  VICE-CHAIR GREENFIELD:   Okay, gotcha.

18                  CHAIRMAN SHAPIRO:   That's right.

19                  MR. KATZ:   -- which is 15 units.

20   They're a little below that, so --

21                  THIRD VICE-CHAIR LEWIS:   It doesn't

22   trigger it.

23                  CHAIRMAN SHAPIRO:   Yeah, it doesn't

24   trigger it.

25                  THIRD VICE-CHAIR LEWIS:   Yeah.

1                   Zoning Referral Review

2                   MR. KATZ:  It doesn't trigger it,  
3    exactly.

4                   CHAIRMAN SHAPIRO:  I think that, you  
5    know, look --

6                   MR. O'BRIEN:  Then you'd have somebody  
7    buying at a very low price 'cause of the  
8    workforce and selling at a very high price, at a  
9    market price later --

10                  CHAIRMAN SHAPIRO:  Yeah.

11                  MR. O'BRIEN:  -- on.

12                  CHAIRMAN SHAPIRO:  So I think -- I  
13    think that you "LD" it.  I think it's a good --

14                  MR. KATZ:  Okay.

15                  CHAIRMAN SHAPIRO:  -- it's a good  
16    development.  It's needed there.

17                  MR. O'BRIEN:  And they learned from the  
18    mistake across the street from the -- from what  
19    counsel said.

20                  CHAIRMAN SHAPIRO:  Yeah.  And -- and  
21    they're cleaning -- they're cleaning up the mess  
22    that was across the street, so it'll be much  
23    nicer.  And that's going to cost more.

24                  (Laughter.)

25                  CHAIRMAN SHAPIRO:  It's Great Neck.

1                   Zoning Referral Review

2   All right?

3                   MR. KATZ:   Right, okay.

4                   CHAIRMAN SHAPIRO:   So I will take a  
5   motion.

6                   COMMISSIONER SAKOWICH:   Just a -- a  
7   question.

8                   CHAIRMAN SHAPIRO:   Go ahead.

9                   THIRD VICE-CHAIR LEWIS:   Well, you can  
10   put it on the record.   It's all --

11                   COMMISSIONER SAKOWICH:   Okay.

12                   THIRD VICE-CHAIR LEWIS:   -- a valid  
13   question.

14                   COMMISSIONER SAKOWICH:   So -- so my  
15   question is --

16                   VICE-CHAIR GREENFIELD:   Put the mic.  
17   on, if you want it on the record.

18                   COMMISSIONER SAKOWICH:   Okay.

19                   So -- so my question is and just  
20   for -- for knowledge, why isn't this a major  
21   subdivision?   What's the difference between this  
22   and, you know, you -- you -- you're going to  
23   upgrade?

24                   MR. O'BRIEN:   'Cause it's on the  
25   Zoning Board right now.

1                   Zoning Referral Review

2                   DEPUTY COMMISSIONER NIMMO: This is  
3 just at the zoning level, at this point.

4                   MR. O'BRIEN: It's just at the zoning  
5 level.

6                   COMMISSIONER SAKOWICH: So it's coming  
7 back to us for --

8                   MR. KATZ: No, it's -- it's -- it's not  
9 within 500 [sic] feet of the --

10                  MR. O'BRIEN: No.

11                  MR. KATZ: -- 300 feet of the Village  
12 line.

13                  MR. O'BRIEN: That's what --

14                  MR. KATZ: It's within the Village.

15                  MR. O'BRIEN: -- I was going to get  
16 into that, yeah.

17                  It's -- it's -- it's not within 500  
18 [sic] feet of the Village line.

19                  MR. KATZ: 300.

20                  MR. O'BRIEN: So it's -- it's all  
21 contained in the Village, so it doesn't come --

22                  MR. KATZ: Yeah.

23                  MR. O'BRIEN: -- before us.

24                  COMMISSIONER SAKOWICH: So the County  
25 has nothing, but -- but they're using County

1                   Zoning Referral Review

2    services, sewer services, all that stuff?

3                   MR. KATZ:  234 [sic] -- "239-F" would  
4    be required, because people --

5                   DEPUTY COMMISSIONER NIMMO:  The  
6    Planning Commission will not see this, but "DPW"  
7    will see it for the subdivision.

8                   COMMISSIONER SAKOWICH:  And -- and just  
9    for -- would you deem this major or minor?  
10   What -- what -- what would the "DPW" consider  
11   this?

12                  VICE-CHAIR GREENFIELD:  Where's --  
13   where's John, Bob?

14                  MR. O'BRIEN:  If -- if it was -- if it  
15   was acted on --

16                  COMMISSIONER SAKOWICH:  I only ask that  
17   because we argued and inside there about three  
18   simple houses being a minor or a major.  And then  
19   this is basically massive development.

20                  MR. KATZ:  Well, if this was --

21                  MR. O'BRIEN:  If it was -- if we had  
22   jurisdiction, meaning the Commission had  
23   jurisdiction of it, it would be a --

24                  MR. KATZ:  It would be a major.

25                  MR. O'BRIEN:  -- major.

1                   Zoning Referral Review

2                   COMMISSIONER SAKOWICH: That's why I  
3    asked.

4                   MR. O'BRIEN: It's automatic, five or  
5    more.

6                   COMMISSIONER SAKOWICH: Okay. But --

7                   MR. O'BRIEN: There's -- there's no --

8                   COMMISSIONER SAKOWICH: -- but what I'm  
9    saying is because it's in a village --

10                  MR. O'BRIEN: And -- and not within  
11   500 [sic] --

12                  MR. KATZ: 300 feet.

13                  MR. O'BRIEN: -- feet of the village  
14   line.

15                  COMMISSIONER SAKOWICH: 300 feet.

16                  MR. O'BRIEN: 300. I'm sorry, 300 feet  
17   of a Village line.

18                  COMMISSIONER SAKOWICH: Not within 300  
19   feet of a County?

20                  MR. O'BRIEN: No, or a County facility.  
21   That would -- well, no, of the -- the Village  
22   line.

23                  MR. KATZ: The line, the Village --

24                  COMMISSIONER SAKOWICH: Right --

25                  MR. KATZ: -- line.



1                   Zoning Referral Review

2                   COMMISSIONER SAKOWICH:  -- okay, or  
3   "right-of-way" or any type of --

4                   MR. O'BRIEN:  Right.

5                   COMMISSIONER SAKOWICH:  -- a -- being a  
6   similar construction.

7                   THIRD VICE-CHAIR LEWIS:  Yeah, when a  
8   village --

9                   COMMISSIONER SAKOWICH:  Yeah.

10                  (Laughter.)

11                  COMMISSIONER SAKOWICH:  Obviously.

12                  MR. O'BRIEN:  Well -- well, the -- the  
13   Village would be, the in effect for want of a  
14   term, lead agency.  The Village is in charge.  
15   And any bonding or whatever will be through them.

16                  COMMISSIONER SAKOWICH:  Yeah, no, I get  
17   that.  I just -- they're still using the County  
18   services.

19                  MR. O'BRIEN:  Right.

20                  COMMISSIONER SAKOWICH:  They're still  
21   using, you know, public water service.

22                  MR. O'BRIEN:  Yeah.

23                  COMMISSIONER SAKOWICH:  They're use --  
24   like they're using everything --

25                  MR. O'BRIEN:  That's why -- that's why

1                   Zoning Referral Review

2       "DPW" will see it, but not the Commission.

3                   COMMISSIONER SAKOWICH:   Okay.

4                   CHAIRMAN SHAPIRO:   All right.

5       Commissioners, I'll take a motion.

6                   COMMISSIONER SAKOWICH:   I make a

7       motion --

8                   CHAIRMAN SHAPIRO:   Turn your mic. on.

9                   COMMISSIONER SAKOWICH:   I'm sorry.

10                  I make a motion on NCPC 1031125,  
11       approval with a letter [sic], a local -- "LD,"  
12       "Local Determination with a Letter" [sic].

13                  MR. O'BRIEN:   No, I don't think  
14       there's a --

15                  COMMISSIONER SAKOWICH:   No, we're  
16       not -- actually we're not doing that anymore,  
17       because it's a condos.

18                  MR. KATZ:   Right.

19                  COMMISSIONER SAKOWICH:   I'm sorry.   So  
20       just a letter [sic] -- a "Local Determination."

21                  MR. O'BRIEN:   "LD?"

22                  COMMISSIONER SAKOWICH:   Yes.

23                  MR. O'BRIEN:   Just a "Local  
24       Determination."

25                  CHAIRMAN SHAPIRO:   Is there a second?

1                   Zoning Referral Review

2                   COMMISSIONER KALATY:   Second.

3                   CHAIRMAN SHAPIRO:   All in favor?

4                   (Chorus of "ayes.")

5                   CHAIRMAN SHAPIRO:   Any opposed?

6                   (No response.)

7                   CHAIRMAN SHAPIRO:   Motion carries.

8                                 \*         \*         \*

9                   CHAIRMAN SHAPIRO:   Okay.   Let's go to  
10   No. 8, Marty.

11                   MR. KATZ:   Okay.   This is No. 8 on the  
12   Zoning Agenda.   This is NCPC Case No. 115125,  
13   Town of Hempstead, Hamlet of Baldwin.   It's for a  
14   special exception and site -- site plan review.

15                   This is a proposed five-story mixed use  
16   building with:

17                   Retail space on the ground floor;  
18                   58 dwelling units on the upper floors,  
19   49 one-bedroom, nine two-bedroom on a .73-acre  
20   site that is currently developed with several  
21   existing or five existing commercial buildings  
22   and a mixed use building to be demolished.

23                   The project is a "TOD" and is located  
24   within 1/10th of a mile from the Baldwin Railroad  
25   Station.

1                   Zoning Referral Review

2                   The project will be constructed under  
3   the Regulations and Design Guidelines of  
4   "Article 1L22" [sic] of the Town's Zoning Code.  
5   This is the "B-MX," the "Baldwin Mixed Use Zoning  
6   Overlay District.

7                   The project will provide 45 on-site  
8   parking spaces and will require minor -- a minor  
9   parking variance under this overlay district.

10                  This project is located within the  
11   target area of "Nassau County DPW Complete  
12   Streets Project," that seeks to implement  
13   measures to improve the safety and accessibility  
14   for all modes of transportation and public  
15   highways. The goals of the "Complete Streets  
16   Project" are consistent with the goals outlined  
17   in the "B-MX" Zoning Overlay.

18                  Grand Avenue, County Road is three  
19   lanes with on-street parking.

20                  A full environmental assessment form,  
21   "B-MX Zoning Overlay District Consistency  
22   Assessment Report" was prepared that addresses:

23                   Traffic;

24                   Parking;

25                   Water demand;

1                   Zoning Referral Review

2                   Sanitary flow;

3                   Public school;

4                   Historic cultural community impacts;

5                   And compliance with the "B-MX Design

6 Guidelines."

7                   I won't bore you with all of the

8 findings of -- of these issue areas within the --

9 this report. However, the results of the traffic

10 analysis indicate there will be minimum traffic

11 impacts to the surrounding roadway network,

12 during peak hour studied as a result -- result of

13 the proposed project.

14                   The proposed project increases

15 landscaped area for the project site and reduces

16 impervious surface area, which is one of the

17 goals of the "B-MX" District.

18                   It should be noted, that the proposed

19 development within this district must follow the

20 guideline -- the design guidelines that consider:

21                   Architectural -- architectural awnings;

22                   Exterior lighting;

23                   Signage;

24                   Parking;

25                   Streetscaping;

1                   Zoning Referral Review

2                   Landscaping;

3                   Sustainability;

4                   And green building designs, which I  
5 think this -- this does.

6                   And also, a "Phase I" Environmental  
7 Assessment was performed on this site.

8                   Staff is recommend -- recommending a  
9 "Local Determination with a Letter," that  
10 addresses affordable housing provisions that may  
11 be a requirement under the provisions of the  
12 Long Island Work -- Work -- Workforce  
13 Housing Act, which requires that such a set aside  
14 be provided, when a project exceeds maximum  
15 required density, which I think this one does.  
16 And in any case, I think a set aside would be  
17 appropriate. And the Town does not require such  
18 a set aside within this overlay district. It's  
19 not part of their regulations.

20                   COMMISSIONER SAKOWICH: Town of  
21 Hempstead.

22                   MR. KATZ: Town of Hempstead, yeah.

23                   COMMISSIONER SAKOWICH: And they don't  
24 require it?

25                   MR. KATZ: What's that?

1                   Zoning Referral Review

2                   COMMISSIONER SAKOWICH: They don't  
3   require it?

4                   MR. KATZ: No -- no, they don't require  
5   it for some reason. Some -- some municipalities  
6   do as a "give back" for -- for relaxing zoning  
7   code requirements in order to -- to -- to  
8   accomplish these kinds of "TODs," but the Town  
9   of Hempstead does not require that.

10                  COMMISSIONER SAKOWICH: And what about  
11   the Mineola School?

12                  (Laughter.)

13                  MR. KATZ: As you can see, it's less  
14   than a tenth of a mile from a train station.  
15   It's the first project we've seen in this stretch  
16   of Grand Avenue, in this overlay district.

17                  CHAIRMAN SHAPIRO: Okay.

18                  Commissioners?

19                  COMMISSIONER SAKOWICH: I make a  
20   motion -- I make a motion on NCPC Case No.  
21   115125, "LD with a letter" stating what Marty had  
22   said about the Workforce Housing, Long Island  
23   Workforce Housing requirements.

24                  COMMISSIONER KALATY: Second.

25                  CHAIRMAN SHAPIRO: All in favor?

1                   Zoning Referral Review

2                   (Chorus of "ayes.")

3                   CHAIRMAN SHAPIRO: Any opposed?

4                   (No response.)

5                   CHAIRMAN SHAPIRO: Motion carried.

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1 Proceedings

2 CHAIRMAN SHAPIRO: Any new business?

3 (No response.)

4 CHAIRMAN SHAPIRO: Any old business?

5 (No response.)

6 THIRD VICE-CHAIR LEWIS: We voted on

7 the "LDs?"

8 CHAIRMAN SHAPIRO: Yup.

9 COMMISSIONER DURSO: Did we do No. 8?

10 MR. O'BRIEN: We -- we had motion on  
11 all the "LDs" together. You spoke about it, but  
12 did we have a motion?

13 THIRD VICE-CHAIR LEWIS: I'm sure we  
14 did.

15 CHAIRMAN SHAPIRO: I thought we did a  
16 motion on 1, 2, 3, 7 and 9.

17 THIRD VICE-CHAIR LEWIS: We did the  
18 "LDs" first.

19 CHAIRMAN SHAPIRO: We did them first.

20 COMMISSIONER DURSO: Yeah.

21 MR. O'BRIEN: Okay. No, I -- I  
22 remember the discussion.

23 CHAIRMAN SHAPIRO: And we did 5  
24 separately.

25 COMMISSIONER DURSO: Did we do 6?

1 Proceedings

2 Yes, they did.

3 CHAIRMAN SHAPIRO: Yes. Six was an

4 "LDL."

5 COMMISSIONER DURSO: Great, yeah.

6 CHAIRMAN SHAPIRO: Okay.

7 And then motion of the day?

8 THIRD VICE-CHAIR LEWIS: Motion to

9 adjourn.

10 (Laughter.)

11 COMMISSIONER KALATY: Second.

12 MR. O'BRIEN: Happy Thanksgiving.

13 CHAIRMAN SHAPIRO: Happy Thanksgiving,  
14 everybody.

15 (The meeting was concluded at  
16 11:08 a.m.)

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

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

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STEPHANIE J. VALDER,

Stenographer

| A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      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