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REGULAR MEETING
of the
NASSAU COUNTY PLANNING COMMISSION

Thursday, December 11, 2025
10:04 a.m. - 10:32 a.m.

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

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

LEONARD H. SHAPIRO, Chairman

JEFFREY H. GREENFIELD, Vice-Chair

NEAL LEWIS, Third Vice-Chair

DANA DURSO,

MURRAY FORMAN,

KHANDAN KHALATY,

Commissioners

WILLIAM NIMMO, Deputy Commissioner

ROBERT O'BRIEN, Esq., Counsel

Staff:

GREGORY J. HOESL

MARTIN KATZ

JOHN PERRAKIS

CAMERON SANDS

TIMOTHY WREN

Also Present:

STEPHANIE J. VALDER, Stenographer

1 Proceedings

2

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

4 CHAIRMAN SHAPIRO: Good morning and
5 welcome to the December 11th, Nassau County
6 Planning Commission meeting.

7 Please place your hand over your heart
8 for the Pledge of Allegiance.

9 (Pledge of Allegiance recited in a
10 body.)

11 (Stepping up.)

12 MR. HOESL: Good morning,
13 Commissioners.

14 MR. O'BRIEN: Mic., microphone.

15 CHAIRMAN SHAPIRO: Put on the
16 microphone so we can hear you.

17 MR. HOESL: Good morning,
18 Commissioners.

19 CHAIRMAN SHAPIRO: Here we go. Good
20 morning.

21 MR. HOESL: I'll start with the
22 roll call.

23 Commissioner Sakowich?

24 CHAIRMAN SHAPIRO: Excused.

25 MR. HOESL: Commissioner Kalaty?

1 Proceedings

2 COMMISSIONER KALATY: Present.

3 MR. HOESL: Commissioner Gold?

4 CHAIRMAN SHAPIRO: Excused.

5 MR. O'BRIEN: Excused.

6 MR. HOESL: Commissioner Forman?

7 COMMISSIONER FORMAN: Present.

8 MR. HOESL: Commissioner Ellerbe?

9 CHAIRMAN SHAPIRO: Excused.

10 MR. O'BRIEN: Excused.

11 MR. HOESL: Commissioner Durso?

12 COMMISSIONER DURSO: Present.

13 MR. HOESL: Third Vice-Chair Lewis?

14 THIRD VICE-CHAIR LEWIS: Present.

15 MR. HOESL: Vice-Chair Greenfield?

16 VICE-CHAIR GREENFIELD: Present.

17 MR. HOESL: And Chairman Shapiro?

18 CHAIRMAN SHAPIRO: Present.

19 MR. HOESL: Thank you.

20 Can I have a motion to acknowledge

21 the receipt of transcript from the

22 November 13th Planning Commission hearing?

23 COMMISSIONER FORMAN: So moved.

24 COMMISSIONER KALATY: Second.

25 CHAIRMAN SHAPIRO: All in favor?

1 Proceedings

2 (Chorus of "ayes.")

3 CHAIRMAN SHAPIRO: Okay.

4 MR. O'BRIEN: Chair, just for the
5 record, I'm recused on the "OSPAC" and the
6 Minor case. And since Patrick is not here, if
7 the Board has any procedural or general
8 questions, I'll be available in the back to
9 answer as needed.

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

11 CHAIRMAN SHAPIRO: Thank you.

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1 NCPC OSPAC File No. 7-2025

2 CHAIRMAN SHAPIRO: Okay, "OSPAC."

3 MR. HOESL: Thank you.

4 Today we have a vote on "OSPAC" 7-2025.

5 This is an application to remove a deed

6 restriction on property at 248 in the

7 Incorporated Village of Hempstead.

8 The property in question is

9 approximately 3,000 square feet. As you

10 remember from last time, there was a deed

11 restriction placed this property when sold to

12 Arlington Avenue Realty Group. They did not

13 notice any restrictive covenants, but following

14 the acquisition of the property, they commenced

15 the development process. The -- the home

16 (indicating) you see there has been built with

17 all the necessary building permits and they

18 ultimately constructed the two-story, two-family

19 dwelling.

20 A certificate of occupancy was obtained

21 on March 4th of this year. They then -- they

22 then entered into a contract of sale to sell the

23 property, which is when the restrictive covenant

24 imposed by Nassau County in a "quitclaim" deed

25 dated November 21st, 2006 was first discovered.

1 NCPC OSPAC File No. 7-2025

2 That was imposed when the County had sold the
3 property to the prior owners.

4 Arlington Avenue Realty Group has since
5 entered into contract to sell to Mercy Haven Inc.
6 The title company chosen by the purchaser
7 has refused to insure the title until the
8 aforementioned restrictive covenant is removed.
9 As a result, Arlington Avenue Realty Group is
10 left with the vacant home that remains vulnerable
11 to vandalism and Mercy Haven Inc. has been unable
12 to occupy the dwelling.

13 We introduced this application at
14 "OSPAC" at their November 5th meeting. The
15 public comment period was open and closed at the
16 previous Planning Commission hearing on
17 November 13th, without any comment from the
18 public.

19 Two days ago on Tuesday, "OSPAC" voted
20 7-0 to approve this application without
21 condition. And it is here today before you for
22 a final vote.

23 We have Laura Schaefer from the
24 County Attorney's Office to answer any questions,
25 as well as the property owner, Jim Bianco.

1 NCPC OSPAC File No. 7-2025

2 Thank you.

3 CHAIRMAN SHAPIRO: Commissioners, any
4 questions?

5 THIRD VICE-CHAIR LEWIS: You know, we
6 discussed this during the public hearing at the
7 last meeting and I think we kind of exhausted the
8 issues previously. So that's why it might be
9 quiet right now.

10 (Laughter.)

11 CHAIRMAN SHAPIRO: Okay. So then I
12 will take a motion.

13 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
14 I'd like to make a motion on "OSPAC" No. 7-2025.
15 This is for a disposition and the motion is that
16 we recommend disposition to the Nassau County
17 Legislature and a "Neg. Dec." on the action.

18 CHAIRMAN SHAPIRO: Is there a second?

19 COMMISSIONER DURSO: Second.

20 CHAIRMAN SHAPIRO: All in favor?

21 (Chorus of "ayes.")

22 CHAIRMAN SHAPIRO: Any opposed?

23 (No response.)

24 CHAIRMAN SHAPIRO: Motion carries.

25 THIRD VICE-CHAIR LEWIS: And in this

1 NCPD OSPAC File No. 7-2025
2 case, the disposition is the removal of
3 restriction on the deed.

4 CHAIRMAN SHAPIRO: Exactly.
5 (Laughter.)

6 CHAIRMAN SHAPIRO: Thank you.

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1 NCPC Minor Sub. File No. 49-2025

2 CHAIRMAN SHAPIRO: Okay, next.

3 (Stepping up.)

4 MR. WREN: Okay. Good morning.

5 Next up with have Minor Subdivisions.

6 This is NCPC File 49-2025. This is a two-parcel
7 minor subdivision.

8 The 7,308 square foot subject property
9 is situated on the east side of Roquette Avenue
10 in the Hamlet of Elmont, Town of Hempstead's
11 Residential "C" Zoning District. Application
12 proposes to subdivide the property, which has
13 84 feet of frontage into two equal parcels.

14 This case was never brought before the
15 Planning Commission for approval, yet two
16 separate deeds were filed in the County Clerk's
17 Office, but the tax lots were never separated.
18 The homeowner is attempting to set this matter
19 right.

20 "Proposed Lot A" will -- has 42 feet of
21 frontage by 87 feet and is a total of 3,654
22 square feet.

23 "Lot B" is the same at 42 feet of
24 frontage by 87 feet and also 3,654.

25 Of the 40 homes within the 200 feet of

1 NCPC Minor Sub. File No. 49-2025
2 the -- I'm sorry, of the 40 homes within 200 feet
3 of the subject property, 12 have frontages of
4 42 feet, while another 5 homes have frontages of
5 28 feet. So it's in my opinion that this
6 application meets the character of the
7 neighborhood.

8 The Town of Hempstead Board of Appeals
9 had [sic] approved the -- has approved the
10 requests for variances. The variances are the
11 same for Lot "A" and "B," so variances:

12 Front width from and on street line to
13 front setback line;

14 Lot area;

15 Construct dwelling.

16 It's also the same for "Parcel B."

17 I would now like the homeowner to
18 please step up.

19 CHAIRMAN SHAPIRO: Good morning. Name
20 and address for the record, please.

21 (Stepping up.)

22 MR. GAYLE: Winston Gayle, resident of
23 99 Roquette Avenue, Elmont, New York.

24 CHAIRMAN SHAPIRO: Thank you, sir.

25 MR. GAYLE: Mr. Wren has presented my

1 NCPC Minor Sub. File No. 49-2025

2 case. Are there any further questions for me?

3 CHAIRMAN SHAPIRO: Commissioners, any
4 other questions?

5 THIRD VICE-CHAIR LEWIS: So I just
6 don't understand why this didn't come to us when
7 it was supposed to come to us, rather than after
8 the property has been sold and the buildings have
9 been built.

10 Normally, that's not how we do things.
11 We don't build it first and then approve it
12 second. Usually, we approve it first. So I --
13 I just don't understand why this wasn't done
14 properly.

15 MR. GAYLE: It -- it kind of baffles me
16 too. I bought a home and after I bought a home,
17 another home was built next to my home. And I've
18 been stuck with the tax bill for both homes since
19 2020. So my -- my --

20 THIRD VICE-CHAIR LEWIS: So when you
21 bought the home, didn't you have a title search
22 done and didn't they tell you the property you
23 were buying was twice as big as what you thought
24 it was?

25 MR. GAYLE: I had a title search done

1 NCPC Minor Sub. File No. 49-2025
2 and my deed told me what portion I owned. After
3 I moved in, another builder build another home
4 next to my home. We had a variance hearing and I
5 explained to the Commissioner at the time that
6 how you go -- why you building a new home, when
7 I'm paying the taxes for both lots?

8 VICE-CHAIR GREENFIELD: I promised my
9 colleagues I wouldn't talk today, but I feel
10 passionate for you on this subject.

11 (Laughter.)

12 VICE-CHAIR GREENFIELD: You have a
13 case. I'm not an attorney and I've been told I
14 practice law without a license. You should
15 consult an attorney, 'cause it seems to me you
16 have a claim against the title insurance company.
17 And you should have an attorney look into it and
18 you -- 'cause you're a victim.

19 Now, who'd you buy the home from?

20 MR. GAYLE: "MIM Properties."

21 VICE-CHAIR GREENFIELD: Who -- who --
22 who? I'm sorry, you broke up.

23 MR. GAYLE: "MIM Properties."

24 VICE-CHAIR GREENFIELD: What does that
25 stand for? Who are the names?

1 NCPC Minor Sub. File No. 49-2025

2 COMMISSIONER DURSO: "MIM."

3 MR. GAYLE: That's what's on --

4 VICE-CHAIR GREENFIELD: Yeah -- yeah,
5 but who's the principal of "MIM?" You don't
6 know?

7 MR. GAYLE: I don't know.

8 VICE-CHAIR GREENFIELD: Okay. In any
9 event.

10 THIRD VICE-CHAIR LEWIS: Well, can I
11 finish that thought?

12 So when you bought the property, did
13 the -- did the company selling it to you explain
14 what the status was of the -- of the property in
15 terms of the deeds and the two different
16 properties at play? They -- they clearly knew
17 they owned property for two lots.

18 MR. GAYLE: Nobody explained it to me.

19 THIRD VICE-CHAIR LEWIS: So you were
20 under the impression you were buying just the one
21 lot?

22 MR. GAYLE: Yes.

23 VICE-CHAIR GREENFIELD: That's why I
24 told you to consult an attorney.

25 MR. GAYLE: Thank you.

1 NCPC Minor Sub. File No. 49-2025

2 CHAIRMAN SHAPIRO: All right. Any
3 other questions?

4 (No response.)

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

7 (No response.)

8 CHAIRMAN SHAPIRO: If not, I'll take a
9 motion.

10 VICE-CHAIR GREENFIELD: I make a motion
11 on Case No. 49-225 [sic] for approval with a
12 "Neg. Dec."

13 COMMISSIONER FORMAN: Second.

14 CHAIRMAN SHAPIRO: All in favor?

15 (Chorus of "ayes.")

16 CHAIRMAN SHAPIRO: Any opposed?

17 (No response.)

18 CHAIRMAN SHAPIRO: Motion carries.

19 Now hopefully this will resolve your
20 issues.

21 THIRD VICE-CHAIR LEWIS: Good luck.

22 MR. GAYLE: Thank you.

23 CHAIRMAN SHAPIRO: Good luck.

24 VICE-CHAIR GREENFIELD: Happy holidays.

25 CHAIRMAN SHAPIRO: Happy holidays and

1 NCPC Minor Sub. File No. 49-2025

2 consult an attorney.

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

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

6 (Discussion held off the record.)

7 * * *

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1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: Okay. Marty, so
3 let's -- we're going to --

4 THIRD VICE-CHAIR LEWIS: Let's pull out
5 the two moratoriums; right?

6 CHAIRMAN SHAPIRO: Right. The
7 moratoriums are 7 and 9 and we have a denial.

8 * * *

9 CHAIRMAN SHAPIRO: Let first go for --
10 timeout.

11 (Stepping up.)

12 MR. KATZ: Yes.

13 VICE-CHAIR GREENFIELD: Yeah.

14 MR. O'BRIEN: Sorry.

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

17 MR. O'BRIEN: My apologies, Chair.

18 (Laughter.)

19 * * *

20 CHAIRMAN SHAPIRO: All right. Let's go
21 for any questions on the "Local Determination"
22 Items:

23 2;

24 3;

25 4 --

1 Zoning Referral Review

2 VICE-CHAIR GREENFIELD: Mr. Chairman,

3 I --

4 CHAIRMAN SHAPIRO: -- 5;

5 6;

6 7 [sic] -- 5;

7 6;

8 8;

9 And 10.

10 * * *

11 VICE-CHAIR GREENFIELD: I'd like --

12 CHAIRMAN SHAPIRO: You're recused from

13 Rockville Centre.

14 VICE-CHAIR GREENFIELD:

15 Rockville Centre, I'd like to step out and you'll

16 vote on that while I'm gone.

17 CHAIRMAN SHAPIRO: Which one is

18 Rockville Centre?

19 VICE-CHAIR GREENFIELD: What case is

20 Rockville Centre?

21 THIRD VICE-CHAIR LEWIS: No. 9.

22 COMMISSIONER FORMAN: 9.

23 You can stay.

24 CHAIRMAN SHAPIRO: No, you can stay

25 because we're not voting on that one yet.

1 Zoning Referral Review

2 VICE-CHAIR GREENFIELD: Oh, okay.

3 * * *

4 CHAIRMAN SHAPIRO: Okay.

5 So I will take a motion on:

6 2;

7 3;

8 4;

9 5;

10 6;

11 8;

12 And 10.

13 (No response.)

14 CHAIRMAN SHAPIRO: Don't all jump.

15 COMMISSIONER DURSO: Hold on. I'm just
16 looking.

17 VICE-CHAIR GREENFIELD: I promised not
18 to talk and I talk too much. Someone else has to
19 do it.

20 CHAIRMAN SHAPIRO: You can talk -- you
21 can talk on this.

22 VICE-CHAIR GREENFIELD: Someone else
23 has to do it.

24 COMMISSIONER DURSO: I'm just
25 confirming.

1 Zoning Referral Review

2 MR. KATZ: Okay. I'll just read the
3 salient points for Case No. 1, not the whole,
4 obviously not the whole staff summary.

5 This is NCPC Case No. 1110125,
6 Village of Cedarhurst and it's for variances,
7 various variances including use variance.

8 This is the proposed expansion of
9 a -- an existing synagogue currently located in a
10 fairly large residential, two-story residential
11 structure. This will consist of three -- the --
12 the proposed facility will consist of three
13 floors.

14 CHAIRMAN SHAPIRO: Talk into the
15 microphone, Marty?

16 THIRD VICE-CHAIR LEWIS: Pull the mic.

17 MR. KATZ: I'm sorry.

18 Three floors and one level of under --
19 underground parking on a 50,400 square foot site,
20 which has double frontage on both Maple Avenue
21 and local [sic] Locust Avenue, which are two
22 residential side streets between Central Avenue
23 and Broadway.

24 The case was initially before the
25 Planning Commission on 9/26/24, at which time the

1 Zoning Referral Review

2 Commission recommended disapproval as being
3 over-intensive, requiring substantial variances
4 for:

5 Parking;
6 Height;
7 Setbacks;
8 And lot coverage.

9 The plan has since been resubmitted
10 with some changes from the initial plan. The
11 catering hall, which is part of the facility, was
12 originally 10,000 square feet and has since been
13 reduced to a little over 6,000 square feet on the
14 third floor. The applicant simultaneously
15 expanded other adjacent interior space on the
16 third floor by addition of several multi-purpose
17 rooms, resulting in the increased in gross floor
18 area by about 1,800 square feet.

19 The current Shabad [sic] -- "Chabad"
20 comprises one wide two-story frame structure,
21 which is essentially in character with the
22 surrounding neighborhood.

23 A number of variances are required
24 including:

25 Height;

1 Zoning Referral Review

2 And setbacks;

3 And parking;

4 And the side yards;

5 And lot coverage;

6 And all kinds of dimensional setbacks,
7 area dimensional setbacks.

8 And like I said, a catering facility is
9 not permitted use in -- in the Residential "1"
10 Zone and requires a use variance.

11 The staff -- yeah, Planning Commission
12 is recommending denial for this revised plan, as
13 it is an over-intensification of development and
14 encroachment into a residential neighborhood
15 and out of character with the residential
16 neighborhood with -- with potentially significant
17 impacts from the -- from -- from the religious
18 institution, including the on-site catering
19 facility in terms of parking and traffic
20 generation.

21 Also, the parking traffic report did
22 not adequately -- or did not address at all the
23 catering facility and made a -- made a
24 questionable assumption that daytime activity in
25 the site would remain the same as what currently

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: And -- and the memo
3 is -- no, it's --

4 VICE-CHAIR GREENFIELD: It's not
5 signed. It's just --

6 CHAIRMAN SHAPIRO: -- not signed.

7 MR. O'BRIEN: And just for the
8 record --

9 CHAIRMAN SHAPIRO: It's from the
10 Incorporated Village of Cedarhurst.

11 MR. O'BRIEN: And just for the record,
12 the information, there was no recommendation of
13 the village. The -- it was just explaining --

14 CHAIRMAN SHAPIRO: Explaining what
15 they're doing --

16 MR. O'BRIEN: -- the application --

17 VICE-CHAIR GREENFIELD: Right.

18 MR. O'BRIEN: -- how the increase --

19 CHAIRMAN SHAPIRO: -- correct.

20 MR. O'BRIEN: -- in floor space --

21 CHAIRMAN SHAPIRO: This was
22 informational --

23 MR. O'BRIEN: -- was part of the
24 application.

25 CHAIRMAN SHAPIRO: -- only.

1 Zoning Referral Review

2 MR. O'BRIEN: Yes.

3 CHAIRMAN SHAPIRO: So I would take --

4 MR. O'BRIEN: Recommendation for a
5 denial, is that the motion?

6 CHAIRMAN SHAPIRO: Yes.

7 VICE-CHAIR GREENFIELD: I'll second
8 that.

9 CHAIRMAN SHAPIRO: All in favor?

10 (Chorus of "ayes.")

11 CHAIRMAN SHAPIRO: Any opposed?

12 (No response.)

13 CHAIRMAN SHAPIRO: Motion carries.

14 * * *

15 CHAIRMAN SHAPIRO: Okay. Let's do
16 No. 7 please.

17 MR. KATZ: Okay. No. 7 on the Zoning
18 Agenda, NCPC Case No. 1124125. Town of North
19 Hempstead. This is for a -- an extension of a
20 moratorium.

21 This is the enactment of Local Law to
22 extend the initial one-year moratorium for up to
23 two six-month periods on "BESS," battery energy
24 storage system facilities within the Town of
25 North Hempstead. The moratorium was initially

1 Zoning Referral Review

2 passed by the Town December 3rd, 2024.

3 The Chief Deputy Town Attorney
4 indicated that after reviewing the new State
5 regulation that's addressing "BESS" facilities,
6 the Town decided to rely on the assertions of the
7 fire district that they're currently enabled to
8 handle potential fires which may arise from the
9 proposed lithium ion batteries.

10 The Town Board was skeptical as to the
11 State's, quote, unquote, "let it burn" approach,
12 which directs fire districts to drown these fires
13 in water, while they continue to burn on oxygen
14 produced by the lithium battery during the burn.
15 The Town Board was concerned about:

16 Water runoff;
17 The preparedness of the fire districts;
18 And the ability of the fire districts
19 to handle these fires, which can last for days.

20 Accordingly, the Town Board agreed to
21 extend the moratorium for another calendar year,
22 while these concerns are being resolved. That
23 after -- that after reviewing the State
24 regulations regarding "BESS" facilities, the Town
25 relied on the assertion of the fire district.

1 Zoning Referral Review

2 expect to be news.

3 VICE-CHAIR GREENFIELD: And -- and
4 another reason I support this is that in the next
5 three months, we're going to have a "CE Class"
6 for the Planning Commission with the
7 Fire Marshall of Nassau County coming before us
8 to give us the latest information.

9 MR. O'BRIEN: It sounds good.

10 THIRD VICE-CHAIR LEWIS: And I would
11 just say before we vote that we should be clear
12 the Town of Brookhaven has two projects under way
13 for "BESS" systems. Riverhead has a project
14 under way.

15 So I get it, people have concerns. We
16 need to take more time to look at things. I get
17 that. But at the same token, these projects are
18 going forward on Long Island and so I just want
19 to put that on the record.

20 CHAIRMAN SHAPIRO: Okay. So I will
21 take a motion for a modification to one six-month
22 extension.

23 COMMISSIONER KALATY: Second.

24 Did I do that wrong?

25 (Laughter.)

1 Zoning Referral Review

2 COMMISSIONER FORMAN: So moved.

3 CHAIRMAN SHAPIRO: You need do the
4 motion.

5 (Laughter.)

6 VICE-CHAIR GREENFIELD: Make the
7 motion.

8 CHAIRMAN SHAPIRO: Make the motion.
9 (Laughter.)

10 COMMISSIONER KALATY: I make the
11 motion.

12 VICE-CHAIR GREENFIELD: Then I'll
13 second it.

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

16 CHAIRMAN SHAPIRO: Any opposed?

17 THIRD VICE-CHAIR LEWIS: Opposed.

18 CHAIRMAN SHAPIRO: Motion carries.

19 MR. O'BRIEN: Motion carries, 5-1.

20 CHAIRMAN SHAPIRO: 5-1.

21 * * *

22 CHAIRMAN SHAPIRO: Okay. The next is
23 No. 9.

24 MR. KATZ: Okay. Case No. 9 is

25 NCPC Case No. 1124225.

1 Zoning Referral Review

2 Planning Commission issued an "LD,"
3 Local Determination.

4 On 12/2/24, the "B.O.T." adopted a
5 resolution to extend a moratorium for the
6 initial six-month period. On 3/3/25, the
7 "B.O.D." [sic] -- "B.O.T." adopted a resolution
8 further extending the moratorium for an
9 additional six-month period. So that's totaling
10 two years.

11 Both extensions were not sent to the
12 Planning Commission, because according to the
13 Village Attorney, they were not new moratoriums,
14 but rather an exercise of the power already
15 granted by the "Board of Trustees" by the initial
16 "Local Law 2-2023."

17 Since there is no authority in
18 "Local Law 2 -- 2-2023" for any further
19 extensions, the "B.O.T." now proposes the
20 adoption of another bill that is currently before
21 the Commission, which we -- provides for an
22 additional six-month moratorium extension in
23 effect until January [sic] -- June 30th, 2026,
24 with a provision to further extend it for an
25 additional six-month period.

1 Zoning Referral Review

2 If this Local Law six-month extension
3 is granted with an additional six-month extension
4 period beyond that, the total moratorium for
5 these types of businesses would be for three
6 years, which is somewhat excessive in my opinion.

7 And staff is recommending modification
8 that -- for a one year [sic] six-month extension.

9 (Third Vice-Chair Lewis exits the
10 meeting.)

11 CHAIRMAN SHAPIRO: Commissioners, I
12 am --

13 (Third Vice-Chair Lewis and Mr. O'Brien
14 enter the meeting.)

15 CHAIRMAN SHAPIRO: -- my -- my feeling
16 is they've already had two years?

17 MR. KATZ: They've already had two
18 years and they're looking for two -- for an
19 additional six months with a provision for an
20 addition one beyond that. So they've already had
21 two years.

22 CHAIRMAN SHAPIRO: I mean it's -- it's
23 gone on long enough. I think in this case we
24 should deny it. Send a message back to them,
25 they've already had two years. They should have

1 Zoning Referral Review

2 been able to figure this out after two years.

3 THIRD VICE-CHAIR LEWIS: Yeah, counsel,
4 have we had other villages that wanted to limit
5 vape stores and things of that nature and --

6 MR. O'BRIEN: I tend to, I -- I
7 think -- I think the hot button topic were the --
8 when -- when -- when places wanted to open the
9 cannabis stores. We've -- we've seen that.

10 THIRD VICE-CHAIR LEWIS: Yeah, but
11 that's very different. That is a separate law
12 and all that.

13 MR. O'BRIEN: But -- but as far as
14 more, when you tie that in with the moratoriums,
15 again, we -- we talked about it earlier in the
16 work session. Moratoriums are usually for a
17 limited purpose for a relatively short period of
18 time. And I think what the Chair said about
19 two years, they should have figured it out.

20 CHAIRMAN SHAPIRO: Yeah, I mean they're
21 not --

22 MR. O'BRIEN: I don't -- I don't see,
23 you know, I don't see like the change -- there
24 being changes. Like we -- we --

25 CHAIRMAN SHAPIRO: Right.

1 Zoning Referral Review

2 MR. O'BRIEN: -- just spoke about
3 battery storage, and there have been developments
4 and we've heard of stories of Teslas with the
5 problems that -- that --

6 CHAIRMAN SHAPIRO: This is totally
7 different.

8 MR. O'BRIEN: -- fire departments deal
9 with when a -- when -- when a -- a battery, a
10 Tesla goes on fire and all that stuff.

11 CHAIRMAN SHAPIRO: Yeah, like --

12 MR. O'BRIEN: But for the --

13 CHAIRMAN SHAPIRO: -- in this case --
14 in this case --

15 MR. O'BRIEN: -- this is a -- I think
16 this is a totally different animal.

17 CHAIRMAN SHAPIRO: Yeah. And I --

18 THIRD VICE-CHAIR LEWIS: Well, I mean
19 for the record, I can understand a village
20 wanting to limit vape stores. So, you know, they
21 were like over the place. They are --
22 health-wise, they're very bad --

23 CHAIRMAN SHAPIRO: They should -- they
24 should have done it in the last --

25 THIRD VICE-CHAIR LEWIS: -- for people.

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Zoning Referral Review

(No response.)

CHAIRMAN SHAPIRO: Motion carries.

THIRD VICE-CHAIR LEWIS: So that's a
5-0 vote, with one recused.

* * *

1 Proceedings

2 CHAIRMAN SHAPIRO: That concludes
3 our meeting. I'd like to wish everybody a
4 Happy Hanukkah, a Merry Christmas and a happy,
5 healthy New Year. And we'll see you on January?

6 MR. O'BRIEN: Eighth?

7 (Discussion held among Commissioners
8 off the record.)

9 MR. O'BRIEN: Eighth.

10 CHAIRMAN SHAPIRO: Wait a minute.

11 MR. O'BRIEN: 1/8.

12 COMMISSIONER DURSO: Where's my
13 calendar?

14 (Laughter.)

15 CHAIRMAN SHAPIRO: Wait a minute.

16 MR. O'BRIEN: I fly back on the Sixth,
17 which I think is a Tuesday. So I think it's the
18 Eighth.

19 CHAIRMAN SHAPIRO: Yeah, but we -- on
20 the Eighth we have the -- the inauguration.

21 MR. O'BRIEN: Well, the Eighth we have
22 a meeting, 'cause we stay within -- we have to
23 stay -- we have to stray within the 28 days -- or
24 we want to stay within the 28 days.

25 CHAIRMAN SHAPIRO: The 28? Don't we

1 Proceedings

2 have the -- I don't have a calendar.

3 COMMISSIONER DURSO: Me neither. I
4 don't have a calendar.

5 MR. HOESL: Hold on a second.

6 MR. O'BRIEN: It's 'cause the Eighth
7 and -- and the 29th are our January meet --
8 no, I'm sorry. The Eighth and the Fifth,
9 February Fifth are our meetings.

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

12 MR. O'BRIEN: Maybe on a -- a Thursday?

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

15 MR. O'BRIEN: It will be at night,
16 wouldn't it?

17 CHAIRMAN SHAPIRO: No, it's -- it's at
18 11:00.

19 Why don't we -- it's early enough. Why
20 don't we try to move our meeting to later.

21 MR. O'BRIEN: Well, here's the problem.
22 We -- we are -- we are -- we are here and it's
23 the Eleventh. So that gives us 28 days to the --

24 CHAIRMAN SHAPIRO: No, we have the
25 meeting on -- on the Eighth.

1 Proceedings

2 MR. O'BRIEN: Right.

3 CHAIRMAN SHAPIRO: But we just want to
4 change the time.

5 MR. O'BRIEN: That is -- that is the
6 Commission's choice. If -- you need a --

7 CHAIRMAN SHAPIRO: Um.

8 MR. O'BRIEN: -- you're going to need a
9 quorum too.

10 MR. WREN: We would have to send a new
11 notice though; correct?

12 CHAIRMAN SHAPIRO: What?

13 MR. WREN: We would need to send out a
14 new notice?

15 MR. O'BRIEN: Yes.

16 CHAIRMAN SHAPIRO: Yes.

17 MR. WREN: Yes, okay.

18 CHAIRMAN SHAPIRO: So --

19 MR. O'BRIEN: We need -- we'd have to
20 amend the calendar too.

21 CHAIRMAN SHAPIRO: So what I'm saying
22 is --

23 MR. O'BRIEN: We'll make a motion
24 before we leave today.

25 CHAIRMAN SHAPIRO: -- that we amend

1 Proceedings

2 to -- the inauguration is at 11. I would say we
3 move it to --

4 MR. O'BRIEN: 3.

5 CHAIRMAN SHAPIRO: -- 1:00.

6 MR. O'BRIEN: Cleaning up and
7 everything.

8 MR. WREN: The inauguration's in here?

9 CHAIRMAN SHAPIRO: Yeah.

10 MR. WREN: So we can have it someplace
11 else.

12 CHAIRMAN SHAPIRO: No, the -- the
13 meeting, the inauguration is at Cradle of
14 Aviation.

15 MR. O'BRIEN: Oh, okay. If it's not a
16 hearing in the Legislative Chamber here --

17 CHAIRMAN SHAPIRO: It's not here in the
18 Legislative Chambers.

19 THIRD VICE-CHAIR LEWIS: Yeah, they've
20 done it in other places in the past.

21 CHAIRMAN SHAPIRO: Yeah, it's Cradle of
22 Aviation.

23 MR. O'BRIEN: Okay.

24 CHAIRMAN SHAPIRO: So I would change it
25 to --

1 Proceedings

2 VICE-CHAIR GREENFIELD: They changed
3 the -- they changed the date from what was
4 originally the Sixth.

5 CHAIRMAN SHAPIRO: Okay. Well, it's
6 the Eighth.

7 COMMISSIONER FORMAN: It's the Eighth.

8 VICE-CHAIR GREENFIELD: And we have a
9 meeting that day?

10 MR. WREN: Yes.

11 CHAIRMAN SHAPIRO: I know. So we'll
12 change the meeting to 1:00 instead of --

13 THIRD VICE-CHAIR LEWIS: That's the
14 suggestion the --

15 CHAIRMAN SHAPIRO: -- 10:00.

16 THIRD VICE-CHAIR LEWIS: Chairman's
17 making --

18 VICE-CHAIR GREENFIELD: Oh.

19 THIRD VICE-CHAIR LEWIS: -- to move it
20 to 1.

21 CHAIRMAN SHAPIRO: Let's move it to 1.

22 VICE-CHAIR GREENFIELD: What about
23 lunch?

24 MR. O'BRIEN: No.

25 (Laughter.)

1 Proceedings

2 MR. O'BRIEN: That's in February.

3 VICE-CHAIR GREENFIELD: I'll bring --
4 do we have time for lunch in between?

5 MR. WREN: I'll bring you something.

6 CHAIRMAN SHAPIRO: Well, if -- if I
7 mean who -- you think Bruce will talk more than
8 an hour?

9 COMMISSIONER FORMAN: Yes.

10 (Laughter.)

11 VICE-CHAIR GREENFIELD: No.

12 (Laughter.)

13 THIRD VICE-CHAIR LEWIS: The Governor?

14 VICE-CHAIR GREENFIELD: Okay. I --
15 I'm -- I'm on -- I'm on board for 1:00.

16 CHAIRMAN SHAPIRO: 1:00.

17 VICE-CHAIR GREENFIELD: And if
18 anyone --

19 MR. O'BRIEN: Can we -- we will need a
20 motion.

21 THIRD VICE-CHAIR LEWIS: We have one
22 other question about the calendar. I just
23 checked all the dates. December 16th is a
24 Wednesday, rather than a Thursday. Would that --

25 MR. O'BRIEN: I think we changed that,

1 Proceedings

2 because I had made an error originally. And I
3 think we -- did we -- did we not update that
4 to --

5 MR. WREN: I only have the draft copy
6 in front of me. I don't --

7 VICE-CHAIR GREENFIELD: Because I
8 thought --

9 MR. O'BRIEN: Yeah -- yeah, because --
10 because -- because John Perrakis picked that up
11 when I drafted the calendar originally.

12 VICE-CHAIR GREENFIELD: It was a typo.

13 MR. WREN: Right.

14 CHAIRMAN SHAPIRO: It was a typo.

15 MR. O'BRIEN: It was a typo and I think
16 we made the 17th, Neal. I don't have my regular
17 file with me otherwise I'd --

18 COMMISSIONER DURSO: You don't have the
19 calendar?

20 MR. O'BRIEN: Yeah -- yeah.

21 MR. HOESL: It had a typo I remember.

22 CHAIRMAN SHAPIRO: Staff, send him out
23 a new calendar.

24 MR. O'BRIEN: Yeah. But John -- John,
25 I -- I -- I recall picked that up when I --

1 Proceedings

2 CHAIRMAN SHAPIRO: And, you know, we
3 can --

4 MR. O'BRIEN: -- sent it around.

5 VICE-CHAIR GREENFIELD: -- close the
6 meeting --

7 CHAIRMAN SHAPIRO: -- and just --

8 MR. KATZ: The "BESS" --

9 VICE-CHAIR GREENFIELD: Right.

10 MR. KATZ: -- double modification for a
11 six month --

12 VICE-CHAIR GREENFIELD: So moved.

13 THIRD VICE-CHAIR LEWIS: We're --
14 we're -- we're approving the motion to this to
15 end the meeting or?

16 MR. KATZ: Right.

17 CHAIRMAN SHAPIRO: Yeah.

18 VICE-CHAIR GREENFIELD: We have a
19 motion to approve the change of date [sic] --

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

22 VICE-CHAIR GREENFIELD: -- a change of
23 time.

24 COMMISSIONER FORMAN: To what time?

25 MR. O'BRIEN: Just to vote just to --

1 Proceedings

2 VICE-CHAIR GREENFIELD: Staff -- staff,
3 we got it.

4 MR. KATZ: It's a little different
5 than --

6 MR. O'BRIEN: Let's just finish this
7 and I'll get it.

8 CHAIRMAN SHAPIRO: Marty, just hang on.
9 We're going to -- we have a motion to
10 change the time of the meeting to 1:00 here in
11 the chambers.

12 VICE-CHAIR GREENFIELD: No -- no -- no.
13 Is that the pre-meeting, 1:00?

14 CHAIRMAN SHAPIRO: Yeah, the
15 pre-meeting will have to be at 1 and then we'll
16 have --

17 VICE-CHAIR GREENFIELD: At 1.

18 MR. O'BRIEN: Oh, no.

19 The work session will be at 1 and --
20 and -- and then the -- the public meeting will
21 be at 1:30?

22 CHAIRMAN SHAPIRO: Yeah.

23 VICE-CHAIR GREENFIELD: No, wait --
24 wait.

25 Do we know if that's -- do --

1 Proceedings

2 CHAIRMAN SHAPIRO: Do we have an idea
3 of what the calendar is for that date yet?

4 MR. WREN: For?

5 CHAIRMAN SHAPIRO: The Eighth.

6 MR. O'BRIEN: The Eighth.

7 VICE-CHAIR GREENFIELD: Make it 2:00
8 just in case we're late coming over. Make it
9 2:00.

10 MR. O'BRIEN: We'll make the work
11 session 1:15 and the --

12 VICE-CHAIR GREENFIELD: Make it 1.

13 CHAIRMAN SHAPIRO: Make it 1 and the
14 meeting at 2.

15 MR. WREN: Okay.

16 VICE-CHAIR GREENFIELD: It's the same
17 one hour in between that we normally do.

18 CHAIRMAN SHAPIRO: Okay.

19 MR. O'BRIEN: Fine.

20 VICE-CHAIR GREENFIELD: Okay. We have
21 a revised motion.

22 COMMISSIONER DURSO: That's on the
23 Eighth.

24 MR. WREN: That's for January 8th.

25 COMMISSIONER DURSO: All right.

1 Proceedings

2 CHAIRMAN SHAPIRO: Do I have a second
3 to the motion?

4 VICE-CHAIR GREENFIELD: I second.

5 CHAIRMAN SHAPIRO: All in favor?

6 (Chorus of "ayes.")

7 CHAIRMAN SHAPIRO: Any opposed?

8 (No response.)

9 VICE-CHAIR GREENFIELD: So carried.
10 Let's close the meeting.

11 CHAIRMAN SHAPIRO: Hold it. Wait a
12 minute.

13 VICE-CHAIR GREENFIELD: What? What's
14 wrong?

15 CHAIRMAN SHAPIRO: I'm in the wrong
16 year. I'm in 2024.

17 VICE-CHAIR GREENFIELD: Oh, okay.

18 (Laughter.)

19 VICE-CHAIR GREENFIELD: But wait, we
20 don't need a --

21 MR. O'BRIEN: So Marty, we have a
22 modification?

23 MR. KATZ: Yeah.

24 MR. O'BRIEN: I would just use --

25 VICE-CHAIR GREENFIELD: Close the

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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.

signature

STEPHANIE J. VALDER,
Stenographer