

REGULAR MEETING
of the
NASSAU COUNTY PLANNING COMMISSION

Thursday, September 10, 2026

10:04 a.m. - 12:01 p.m.

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

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

3

LEONARD H. SHAPIRO, Chairman

4

JEFFREY H. GREENFIELD, Vice Chair

5

NEAL LEWIS, Third Vice-Chair

6

MURRAY FORMAN,

7

ABRAHAM HAMRA,

8

SAMANTHA E. SETER,

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Commissioners

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11 ROBERT O'BRIEN, Esq., Counsel

12 PATRICK GALLAGHER, Esq., Counsel

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14

Staff:

15

GIANNI ANDRIANO

16

GREGORY J. HOESL

17

JOHN PERRAKIS

18

CAMERON SANDS

19

TIMOTHY WREN

20

21 Also Present:

22 STEPHANIE J. VALDER, Stenographer

23

24

25

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 the September 10th meeting of the
6 Nassau County Planning Commission.

7 Kevin Walsh, would you please lead us
8 in the Pledge -- Pledge of Allegiance?

9 MR. WALSH: Hand over heart.

10 (Pledge of Allegiance was recited in a
11 body.)

12 VICE-CHAIR GREENFIELD: Play ball.

13 (Stepping up.)

14 MR. SANDS: Starting with the roll
15 call:

16 Commissioner Hamra?

17 COMMISSIONER HAMRA: Present.

18 MR. SANDS: Vice-Chair Greenfield?

19 VICE-CHAIR GREENFIELD: Present.

20 MR. SANDS: Chair Shapiro?

21 CHAIRMAN SHAPIRO: Here.

22 MR. SANDS: Vice-Chair Lewis?

23 THIRD VICE-CHAIR LEWIS: Here.

24 MR. SANDS: Commissioner Forman?

25 COMMISSIONER FORMAN: Present.

1 Proceedings

2 MR. SANDS: Commissioner Seter?

3 COMMISSIONER SETER: Present.

4 MR. SANDS: Commissioner Sakowich?

5 CHAIRMAN SHAPIRO: Excused.

6 MR. SANDS: Commissioner Durso?

7 CHAIRMAN SHAPIRO: Excused.

8 MR. SANDS: Commissioner Ellerbe?

9 CHAIRMAN SHAPIRO: Excused.

10 MR. SANDS: And we did not receive the
11 transcript yet from the stenographer, so we're
12 just waiting on that. So we could acknowledge
13 that transcript at the next meeting, if that's
14 okay.

15 CHAIRMAN SHAPIRO: No problem.

16 Also, a couple of things, housekeeping.
17 For anybody who hasn't gotten a copy of the
18 agenda, we have them over on my left
19 (indicating), your right (indicating). Also,
20 speaker registration forms are over there,
21 ten minutes for the applicant and three minutes
22 for any speaker.

23 Proceed. Go ahead, Cameron.

24 MR. SANDS: We would like to also adopt
25 the 2027 NCPC meetings and hearing calendar.

1 Proceedings

2 CHAIRMAN SHAPIRO: Has everybody looked
3 at this and checked over the dates?

4 I know that Chairman [sic] --
5 Vice-Chair Greenfield and myself have gone
6 through it with our -- with our --

7 VICE-CHAIR GREENFIELD: Yeah, we're
8 good.

9 CHAIRMAN SHAPIRO: -- attorney and I
10 think we're good on it.

11 Any other questions?

12 THIRD VICE-CHAIR LEWIS: If I may?

13 CHAIRMAN SHAPIRO: It's pretty good.

14 THIRD VICE-CHAIR LEWIS: It's probably
15 fine.

16 CHAIRMAN SHAPIRO: Yeah, it's fine.

17 All right, so I will take a motion to
18 accept the calendar for 2027.

19 VICE-CHAIR GREENFIELD: So moved.

20 THIRD VICE-CHAIR LEWIS: Second.

21 CHAIRMAN SHAPIRO: All in favor?

22 (Chorus of "ayes.")

23 CHAIRMAN SHAPIRO: The motion carries.

24 Okay.

25 VICE-CHAIR GREENFIELD: And we'll post

1 Proceedings

2 it online for the legal community.

3 CHAIRMAN SHAPIRO: Okay.

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1 NCPC OSPAC File No. 8-2026

2 THIRD VICE-CHAIR LEWIS: So I'll keep
3 us moving as we start our "OSPAC" Calendar. I'm
4 going to make a motion.

5 CHAIRMAN SHAPIRO: Well, the -- the
6 hearing is still open. Okay.

7 VICE-CHAIR GREENFIELD: Do we have to
8 make a motion?

9 CHAIRMAN SHAPIRO: So no, we don't have
10 to make a motion. It's continuance.

11 MR. O'BRIEN: Right, the hearing's
12 called. We ready to close the hearing.

13 CHAIRMAN SHAPIRO: All right. So let's
14 go with OSPAC 8-2026.

15 MR. SANDS: Okay, OSPAC 8-2026. This
16 was adjourned from --

17 MR. GALLAGHER: For the record, show
18 that I am recusing myself from this matter.

19 (Mr. Gallagher exits the meeting.)

20 MR. SANDS: This meeting was adjourned
21 from the August 13th, 2026 "OSPAC" meeting, so
22 this a continuation of the public hearing.

23 This is an application from the
24 United States Department of the Navy, to grant a
25 permanent easement on County storm water basins

1 NCPC OSPAC File No. 8-2026

2 located in the Hamlet of the North Wantagh,
3 Town of Hempstead. The proposed easement would
4 encompass five separate County storm water
5 basins.

6 The County has previously worked with
7 the Navy to obtain a temporary access agreement
8 for use of the above-referenced storm water
9 basins on the image (indicating). The Navy is
10 now seeking to obtain a permanent easement over
11 the five basins on the image, to support and
12 facilitate its ongoing environmental remediation
13 efforts.

14 The Navy is requesting that the
15 storm water basins be included with a
16 single permanent easement, as all five locations
17 will be utilized as part of the same treatment
18 system and will be needed for the duration of the
19 facility's operations.

20 The proposed easement is associated
21 with the Navy's ongoing groundwater remediation
22 program. This next phase is preparing for
23 "Phase III," which includes a new groundwater
24 treatment plant, which is to be located south of
25 the Southern State Parkway. "Phrase III" will

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2 also capture portions of the groundwater plume
3 that extends beyond the reach of the "Phase II"
4 Treatment Plant, allowing contamination to be
5 intercepted as it moves farther south or in the
6 direction of natural groundwater's flow.

7 The "Phase III" system will include
8 new groundwater recovery wells and a treatment
9 plant providing additional protection for the
10 aquifer. The Navy currently anticipates that the
11 "Phase III" Treatment Plant will be operational
12 in 2028. During construction, temporary
13 treatment systems at existing wells will continue
14 operating to maintain control of the plume.

15 The five storm water basins included
16 in the easement will be used solely for the
17 discharge of clean, treated water from the nearby
18 groundwater treatment facility. The basins will
19 therefore serve as discharge locations for
20 treated water generated by the system.

21 The current request follows "Phase II"
22 of the groundwater remediation project, during
23 which the Navy sought perpetual easements over
24 County-owned storm water basins located farther
25 north in Levittown. Those applications were

1 NCPC OSPAC File No. 8-2026
2 reviewed by "OSPAC" under Cases 14, 15 and 16 of
3 2019.

4 Nassau County "DPW" also does approve
5 of the permanent easement request to the Navy.

6 And now I with like to call up
7 Melissa Cushing and David Brayack, from Tetra
8 Tech and the US Navy.

9 CHAIRMAN SHAPIRO: Good morning. Thank
10 you for coming.

11 (Stepping up.)

12 MS. CUSHING: Good morning.

13 CHAIRMAN SHAPIRO: Name and address for
14 the record please, both of you.

15 MS. CUSHING: Melissa Cushing. My work
16 address?

17 VICE-CHAIR GREENFIELD: Yeah, fine.

18 MS. CUSHING: My home address,
19 2457 Hunts Neck Trail, Virginia Beach, Virginia.

20 THIRD VICE-CHAIR LEWIS: Work is fine.

21 (Stepping up.)

22 MR. BRAYACK: Okay. And
23 David Brayack, 328 Norwood Drive, Charleston,
24 West Virginia.

25 CHAIRMAN SHAPIRO: Thank you.

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2 So a little explanation.

3 (Laughter.)

4 MS. CUSHING: Well -- well, you met
5 earlier, but I'm Melissa Cushing with the Navy
6 with the Environmental Restoration Program. We
7 have Dave Brayack with Tetra Tech, our design
8 engineer that's been on the project for about
9 35-plus years. And we're here to explain why we
10 would like to use the recharge basins for -- to
11 clean up the groundwater plume.

12 THIRD VICE-CHAIR LEWIS: Yeah, I
13 think, you know, when -- when we were at the
14 hearing three weeks ago, we understood, and
15 we were explaining and talking with the neighbors
16 about the idea that the primary thrust of what's
17 before us is that water that's been cleaned as
18 part of the reclamation process has to go
19 somewhere. So the logical place is to bring it
20 to catch basins that have existed for a long time
21 or sumps.

22 And so that was the primary thing, but
23 what sort of threw the hearing off was there was
24 already drilling going on, on one site and -- and
25 that was very different than what we were talking

1 NCPC OSPAC File No. 8-2026

2 about with getting water into the sump.

3 So I think that's what created some of
4 the confusion. Hopefully, we could address that
5 question about what was that drilling that
6 already happened. And I know we asked the
7 County. They did -- you were given, you know, a
8 temporary permit to get that done.

9 But I think a lot of the neighbors were
10 more concerned about that in some respect. So if
11 we can maybe explain what the story is on that
12 part of it, we can come back to the bigger
13 picture of what we're really doing here, which is
14 to allow clean water to go into the sumps
15 essentially, you know.

16 MS. CUSHING: (Nodding head yes.)

17 MR. BRAYACK: Yeah, okay. Yeah, the
18 Navy has been drilling a series of groundwater
19 monitoring wells throughout the neighborhood.
20 They currently have well over 200 of these wells.

21 The wells are typically drilled on
22 either Town "right-of-ways." In -- in this case,
23 it was the Town of Hempstead "right-of-way" and
24 it was basically the -- the grass strip between
25 the sidewalk and the -- the pavement.

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2 The Navy also uses a -- a
3 Nassau County basins throughout. Like I said,
4 the Navy's been drilling these wells off property
5 since the mid nineties and we do have well over
6 200 of them at this time.

7 THIRD VICE-CHAIR LEWIS: So is most of
8 the work when you're drilling them, in terms of
9 the disruption to the neighborhoods? Once the
10 well is drilled, what does it look like, and --
11 and does it continue to make noise and present a
12 disruption or is that all behind us once it's
13 done?

14 MR. BRAYACK: Yeah. Once the well's
15 installed, 99 percent of all the -- the issue is
16 gone. The drilling, it does use large drilling
17 rigs. They normally operate Monday through
18 Friday during normal business hours.

19 But once the drilling is done -- and it
20 takes two, three, sometimes four months, we have
21 different -- different locations with different
22 number of wells. But once it's done, we install
23 a -- it's probably a 12-inch cover. It's bolted
24 down. It's a steel cover. It's grouted into the
25 ground and it does sit in that grassy strip.

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2 THIRD VICE-CHAIR LEWIS: So great.

3 That -- that's really helpful.

4 So in the case of the ones that the
5 neighbors were concerned about, is that project
6 done in terms of the drilling and all the noise?

7 MR. BRAYACK: Yes, it is.

8 THIRD VICE-CHAIR LEWIS: Okay.

9 So is there any other similar kind of
10 drilling that's planned for these sites that are
11 up on the screen today?

12 MR. BRAYACK: Not at these locations.
13 But there are another at least a half dozen and
14 probably more wells going in, in the -- the
15 Nassau County area --

16 THIRD VICE-CHAIR LEWIS: Understood.

17 MR. BRAYACK: -- but not --

18 THIRD VICE-CHAIR LEWIS: Okay.

19 MR. BRAYACK: -- not here.

20 THIRD VICE-CHAIR LEWIS: So now we can
21 circle back to what the main project is.

22 CHAIRMAN SHAPIRO: And -- and those
23 other wells are in residential areas; am I
24 correct?

25 MR. BRAYACK: And there -- there are --

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2 yeah, the entire area is residential. So we --
3 we're either on the grass strip between the
4 sidewalk and the road, or like I said, in many
5 cases Nassau County has given us access to their
6 basins for the -- the wells.

7 CHAIRMAN SHAPIRO: And communications
8 with those neighbors will be ahead of time?

9 MR. BRAYACK: Yeah, the -- for the
10 wells, yes. I mean for in both cases, we -- we
11 typically notify ahead of time. Our target is
12 about two weeks.

13 What I did look into, and this is
14 probably part of the issue here is we weren't
15 able to give a full two-weeks notice when we
16 moved into this area. It was closer to about a
17 week. I'm not quite sure.

18 But yeah, no, we have a -- a plan where
19 we hand notices. We hand them out. We have a
20 log showing where we handed out approximately 15,
21 20 notices to the residents in the area, in
22 particular, Ruth Court. These are put on their,
23 you know, put on their door or -- or equivalent.

24 CHAIRMAN SHAPIRO: Thank you.

25 COMMISSIONER HAMRA: I just have a

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2 question.

3 You're asking for a permanent easement
4 and my question is, what measures of
5 accountability would there be to ensure that the
6 work that's being done actually gets completed to
7 the satisfaction of the Town, to the satisfaction
8 of residents? For instance, if you decide to
9 abandon a project and we've granted you a
10 permanent easement, or a project's taking
11 unreasonably long which is extending the
12 disturbance to the neighbors, at what -- is there
13 any catchall or any form of accountability that
14 you built into this system?

15 MR. BRAYACK: I -- I mean we are
16 talking about the United States Government.

17 VICE-CHAIR GREENFIELD: Yeah, that's
18 part of the problem.

19 COMMISSIONER HAMRA: That's why I'm
20 asking.

21 (Laughter.)

22 MR. BRAYACK: Sorry, stepped into that.

23 MR. O'BRIEN: You think?

24 (Laughter.)

25 MR. BRAYACK: Yeah, but no, this is --

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2 it -- it is the United States Government. And I
3 believe the access agreements, I haven't gone
4 through them in detail, but it does talk about
5 the Navy maintaining the basins, and when the
6 Navy's done to pull everything out.

7 These are very long-duration projects.
8 The Navy does have these similar agreements
9 elsewhere in place. Like I said, it's we're done
10 modeling on this. We anticipate to need these
11 basins for at least 50 years and perhaps longer.

12 CHAIRMAN SHAPIRO: If you're talking
13 about 50 years, I think it would be helpful if
14 there was some type of an update, maybe on a
15 five-year basis once all the basins are put in
16 and -- and the work is being continuously done,
17 that we should get updates, at least for the
18 community as well as the County. So maybe we can
19 have something put into those agreements, whether
20 it's:

21 Three years;

22 Five years;

23 Whatever is comfortable, so that we can
24 keep an eye on what's going on with --

25 MR. BRAYACK: Yeah. Right now, we,

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2 'cause we operate several other facilities with
3 basins, County basins. And on a monthly basis,
4 the Navy prepares what's called a "D.M.R.," a
5 "Data Monitoring Report." And those are sent to
6 the State and they review the operations over the
7 past month, you know, how many gallons of water,
8 what the quality of the water is. The water is
9 tested on a regular basis.

10 And I do know that we distribute some
11 of those reports to Nassau County, but I -- I
12 don't -- I -- I believe it's the Nassau County
13 Department of Health that we routinely
14 communicate with.

15 VICE-CHAIR GREENFIELD: They have the
16 jurisdiction.

17 But also, Melissa mentioned earlier
18 about your outreach to the community. Could you
19 tell everyone about that? And I trust that'll
20 continue for 50 years.

21 MS. CUSHING: Yes. Well, we have the
22 restoration advisory boards twice a year and
23 they're at the Bethpage Community Center. The
24 next one is next Wednesday at 6:30 p.m.

25 So the resident letters, you know, we

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2 do the outreach two weeks before construction.

3 And, you know, if people call me or have

4 concerns, you know, I talk with them, and our

5 contractors will go by and talk to them when they

6 hand out the notices.

7 VICE-CHAIR GREENFIELD: All right.

8 Thank you.

9 MS. CUSHING: You're welcome.

10 MR. O'BRIEN: If I may, Chair.

11 First, I want to thank -- thank you for

12 coming today. Because it's a communication

13 thing. I, you know, as -- as counsel to the

14 Board, I'm -- I'm well aware that the Navy could

15 do this work, not even come here, not even send

16 notices to the neighbors and it's -- it's legal.

17 So the fact that you came here, and to answer the

18 question of the Commissioners and I'm certain

19 there are members of the public who have

20 questions or concerns, that's great.

21 But going forward -- and I think -- I

22 think a couple of the Commissioners touched on

23 it -- what -- what I got and I spoke with -- with

24 the residents last time outside after it,

25 communication. They want to know what's going

1 NCPC OSPAC File No. 8-2026

2 on. If they don't know what's going on, they
3 want to be able to contact someone. I don't
4 think they -- they expect a hotline where someone
5 will pick up the phone and tell, oh, yeah, we're
6 doing it today, or doing that today or that's a
7 problem. But just someone that they can or they
8 can reach out to a point person and be told.

9 You know, a lot -- lot of what you're
10 going to do, you're going to do and they have no
11 say in it. We all understand that. But the
12 communication would go a very -- I think would go
13 a very, very long way to avoid problems going
14 forward.

15 MS. CUSHING: And we have contacts on
16 our resident letters. We have our state who
17 we're working with.

18 MR. O'BRIEN: Great.

19 MS. CUSHING: My phone number, the
20 contractor's phone number. But they just, they
21 haven't passed out the resident letters yet for
22 the construction of the easements, because they
23 haven't started yet or they're not about to
24 start. So that's why they haven't been notified
25 yet.

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2 But we're going to be talking about it
3 at the "RAB" next week as well and they can speak
4 with the contractors, if they want more detailed
5 information.

6 CHAIRMAN SHAPIRO: Also, when you send
7 out a those letters, would you send a copy to our
8 staff to put it in the file?

9 MS. CUSHING: Yes, we can do that.

10 CHAIRMAN SHAPIRO: Thank you.

11 MR. O'BRIEN: Okay.

12 VICE-CHAIR GREENFIELD: And likewise,
13 the notices for the meetings, advise staff
14 also --

15 MS. CUSHING: (Nodding head yes.)

16 VICE-CHAIR GREENFIELD: -- 'cause in
17 case they want to attend or if we get inquiries
18 from the neighbors.

19 MS. CUSHING: (Nodding head yes.)

20 VICE-CHAIR GREENFIELD: Thank you.

21 MS. CUSHING: You're welcome.

22 CHAIRMAN SHAPIRO: Any other questions?

23 (No response.)

24 CHAIRMAN SHAPIRO: We do have a number
25 of speakers, so let's proceed with that. And

1 NCPC OSPAC File No. 8-2026

2 then I'm sure you'll want to answer their
3 questions after they're done.

4 MS. CUSHING: (Nodding head yes.)

5 CHAIRMAN SHAPIRO: Lori Kuster.

6 VICE-CHAIR GREENFIELD: Remind them,
7 three minute --

8 CHAIRMAN SHAPIRO: I see a hand in the
9 back.

10 AUDIENCE MEMBER: (Gesturing.)

11 CHAIRMAN SHAPIRO: No?

12 AUDIENCE MEMBER: I'm sorry. We can't
13 really understand your words. Your mics go in
14 and out, so we're not really hearing.

15 VICE-CHAIR GREENFIELD: We're turning
16 up the volume.

17 I don't need a mic. Lori Kuster.

18 (Laughter.)

19 VICE-CHAIR GREENFIELD: You signed up.
20 Come on down, as Bob Barker would say.

21 (Laughter.)

22 CHAIRMAN SHAPIRO: As you can all hear,
23 he is our loud member.

24 (Laughter.)

25 CHAIRMAN SHAPIRO: Good morning. Name

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2 and address for the record please.

3 (Stepping up.)

4 MS. KUSTER: Lori Kuster,
5 306 Twin Lane South, Wantagh, New York.

6 I'm Basin 162, so my questions relate
7 to that one. We have other members who are
8 involved in the other sites here as well.

9 Thank you for coming, because that's
10 what we were complaining about. There was
11 absolutely no communication, except for a letter
12 that said come here for information and there was
13 no information that the County could give us.

14 So I think it's not that we're saying
15 we don't want the work to be done, we just would
16 like to know the scope of it.

17 MS. CUSHING: Right.

18 MS. KUSTER: And what we can expect
19 for:

20 Our children;

21 Our -- our -- our dogs and cats --

22 (Laughter.)

23 MS. KUSTER: -- ourselves?

24 So I have a few questions, which I
25 think will probably come up. I know that you've

1 NCPC OSPAC File No. 8-2026

2 spoken to Mike Bovina [sic] --

3 MS. CUSHING: Yes.

4 MS. KUSTER: -- and given him a lot of
5 information, which we've -- he's distributed and
6 we've read. So we have a much better
7 understanding now than we did last week.

8 But I -- my -- I guess my questions are
9 when will we know for 1 -- "Basin 162," when your
10 work will begin and how long will it last?

11 (No response.)

12 MS. KUSTER: How do we know these
13 things?

14 CHAIRMAN SHAPIRO: You know what, let's
15 collect a few questions --

16 MS. CUSHING: Okay.

17 CHAIRMAN SHAPIRO: -- and then answer
18 them --

19 MS. CUSHING: Okay.

20 CHAIRMAN SHAPIRO: -- as time goes on.

21 MS. CUSHING: Okay.

22 MS. KUSTER: Sure. Okay. So I'll just
23 shout my questions out. Okay.

24 So the start date and the end date
25 for -- for my basin and the length of the time of

1 NCPC OSPAC File No. 8-2026

2 the work.

3 Another --

4 VICE-CHAIR GREENFIELD: Staff, put up

5 the slide with the basin numbers, so we know

6 what -- what our speakers are talking about.

7 Which one are you?

8 MR. O'BRIEN: 162.

9 MS. KUSTER: 162 (indicating). It's
10 the third one down.

11 MR. O'BRIEN: Right in the middle.

12 VICE-CHAIR GREENFIELD: Yeah, I see it.
13 Thank you.

14 MS. KUSTER: Yeah. So now I'm a little
15 confused about when you talk about that you went
16 on the grassy area by Ruth Court, and drilled and
17 created a well. What are you -- aren't you doing
18 that as well with our basins?

19 Aren't you -- what are you -- so that's
20 my question. What is exactly happening in our
21 basins and how is that different from what they
22 experienced?

23 Additionally, the plume, has it reached
24 us or not? Is our water slightly contaminated or
25 not? When you read that material you gave,

1 NCPC OSPAC File No. 8-2026

2 there's some contradictions in there to me.

3 Will we -- will we be informed about
4 our results? Can we be informed about what the
5 well that you just did on Ruth found? Is -- I
6 don't know -- I know they were testing. The
7 gentleman said that to me when I walked by. So
8 what are those test results and will we know what
9 our basin test results are?

10 Is that my time is over?

11 CHAIRMAN SHAPIRO: It's for each
12 speaker --

13 MS. KUSTER: Okay.

14 CHAIRMAN SHAPIRO: -- because we have a
15 lot of --

16 MS. KUSTER: I'm throwing one more
17 question in. It's a very busy road. We have
18 bus stops right there, so you're going to have to
19 communicate with the education departments of
20 wherever you go, because your machinery will be
21 in front of the buses.

22 VICE-CHAIR GREENFIELD: Good point.

23 All right.

24 CHAIRMAN SHAPIRO: Thank you.

25 VICE-CHAIR GREENFIELD: All right. Do

1 NCPC OSPAC File No. 8-2026

2 you want to answer them now?

3 THIRD VICE-CHAIR LEWIS: No -- no.

4 CHAIRMAN SHAPIRO: No, I think after
5 each speaker.

6 VICE-CHAIR GREENFIELD: Oh, we have
7 to --

8 CHAIRMAN SHAPIRO: Let's -- let's do
9 it this way.

10 VICE-CHAIR GREENFIELD: -- after all
11 the speakers. Okay.

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

14 VICE-CHAIR GREENFIELD: Oh, okay.

15 AUDIENCE MEMBER: We would actually
16 prefer you to have the answers, as each person
17 goes --

18 CHAIRMAN SHAPIRO: No -- no -- no. You
19 know what, hold on.

20 MR. O'BRIEN: No, you run the hearing.

21 CHAIRMAN SHAPIRO: Number one, no
22 talking out of turn, please. I'm running this
23 hearing.

24 VICE-CHAIR GREENFIELD: We have a
25 stenographer.

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2 CHAIRMAN SHAPIRO: Okay.

3 And we have a stenographer. She has to
4 listen to all of us.

5 I think what may make it easier is
6 after each speaker is done, that you answer their
7 questions, so that's put to bed. So let's go
8 with those first.

9 (Stepping up.)

10 MR. BRAYACK: Okay. Okay, first, in
11 regard to the schedule, the overall project
12 including the road work will occur over -- over
13 12 months, could go 14 months.

14 We've been working with the contractor.
15 The plan right now is to start the work up at the
16 very northern part, where it says "RW-8" and
17 "treatment plant." And then there will be --
18 we'll be installing two separate pipe lines
19 and that's going to work itself south. It's
20 going to work south. It'll mostly follow
21 Seamans Neck Road as it goes down.

22 Regarding the work in the basins, we --
23 we don't have a definite schedule, but it's at
24 least six months out at this point. The work
25 within the basin will consist -- consist of

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2 initially going in there and clearing the
3 vegetation out of the bottom of the basin.

4 That vegetation will be removed, hauled
5 off, and then we'll come and we'll wind up
6 scraping the basin. We remove about 2 feet
7 of basin material, so that when we're using it,
8 we -- we don't cut into the capacity of the storm
9 water basin itself. Those are typically occurred
10 upfront.

11 The last thing then, we will be
12 installing what we call infrastructure.
13 Infrastructure will be the pipe or the drain that
14 goes into it. There will be a head wall, a
15 concrete wall to anchor it in place. And plus, I
16 will put some stone down for erosion and then we
17 do mount a permanent water level probe in there.
18 It's just a small probe on a like a two-inch
19 pipe. And that way we could monitor the level in
20 the basins and if there's any very heavy storms,
21 it shuts our system down automatically.

22 CHAIRMAN SHAPIRO: Also, there was a
23 question about the plume. Has the plume reached
24 where basin is -- "162" is?

25 MR. BRAYACK: No. Right now we've

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2 been tracking what the Navy calls the Navy
3 Northrop Grumman "OU2" Plume. At this point in
4 time, it remains north of the Southern State
5 Parkway. You could see on the map, the
6 Southern State Parkway is just north of the
7 treatment plant.

8 VICE-CHAIR GREENFIELD: Do you -- you
9 want show that slide? We had a slide earlier
10 that shows -- okay.

11 THIRD VICE-CHAIR LEWIS: So the
12 answer's no, it's not in the community.

13 MR. BRAYACK: No, that -- that's not
14 south of the Southern State yet.

15 But one thing I did want to reiterate
16 with from Melissa said earlier, there is -- the
17 Navy has meetings twice a year. And I'll -- I'll
18 give a two-minute discussion on this, but it's
19 normally a 30 to 40 minute presentation.

20 Next week, we will have, at 6:30 to
21 7:00, we have poster session. The community's
22 welcome. We talk about individual well results
23 as they're available. In particular, homeowners
24 are only interested in the wells in front of
25 their house. As that data becomes available, we

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2 make it public, in particular to the homeowner,
3 if they request.

4 VICE-CHAIR GREENFIELD: On the website,
5 do you post too?

6 MR. BRAYACK: Yes, we do.

7 CHAIRMAN SHAPIRO: And also, I think
8 what -- what would help is that once you get the
9 schedule, if you could send it to our staff and
10 we will post it on our site also. This way
11 there'll be no questions about what's going on,
12 when and where.

13 MR. BRAYACK: Yeah, and the schedule's
14 going to be a flowing work schedule, meaning we
15 can't say exactly what date we're going to be in
16 "Basin 162," because we progress from the north
17 and move to the south. The weather and all other
18 factors come into play.

19 You know, we have a general flow of how
20 the work will be and when -- when that occur.
21 And that we get -- can get to you. The --

22 THIRD VICE-CHAIR LEWIS: I think some
23 of the important points you've made, though, is
24 also that the basins will function better after
25 this work, because you're going to take some of

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2 the silt that kind of slows down the recharging
3 capabilities. You're going to take that sort of
4 top layer off and we'll have a better functioning
5 sumps, which the freshwater coming in is -- is
6 moving, so that's better for issues of mosquitoes
7 and things like that.

8 And so one of the points I think is the
9 neighbors are going to be confronted with some
10 disruption during the working phase, but
11 hopefully when this is all done, it'll all be an
12 improvement.

13 MR. BRAYACK: Yeah, during -- during
14 the construction, there's a clearing and the
15 excavation. That's typically about two to four
16 weeks and that'll be the most disruptive. Then
17 after that, we run the pipes through existing
18 County easements into the basin. That'll be
19 another a couple of weeks to, you know, to
20 install:

21 The head wall;

22 The pipe;

23 The gravel;

24 And the probes.

25 Once all this equipment's in there,

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2 it's not uncommon for our operators to come about
3 once a month, just to take a look to see if
4 everything looks fine.

5 But like I said, once the
6 construction's done, the -- the interference
7 should be pretty minimal. We do maintain the
8 basins. All of the basins the Navy has are on a
9 schedule for scraping or dredging. It's
10 generally about every five to ten years. And
11 that -- that once again will be, you know, some
12 disruption at that time.

13 The Navy does hand out leaflets to all
14 the residents ahead of time. We typically target
15 about two weeks. So as the work progresses from
16 the north to the south, they -- there will be a
17 team, because it's going to occur over 12,
18 14 months. There's going to be a team that will
19 go out and periodically notify the next set of
20 residents to be impacted.

21 THIRD VICE-CHAIR LEWIS: Okay. Thank
22 you.

23 VICE-CHAIR GREENFIELD: Thank you.

24 CHAIRMAN SHAPIRO: Thank you.

25 Okay, our next speaker, I have

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2 John Gillen. Please come up, name and address
3 for the record.

4 (Stepping up.)

5 MR. GILLEN: John Gillen,
6 301 Twin Lane South, Wantagh.

7 And most of my questions have been
8 answered. But mainly the -- the piping that's
9 going into the roadways, is that going to be
10 incorporated with -- with the existing pipes or
11 are you going to be digging up the roadways?

12 MR. BRAYACK: We will be digging up the
13 roadways.

14 VICE-CHAIR GREENFIELD: Come to the
15 mic. guys.

16 MR. GILLEN: Do you want to --

17 MR. BRAYACK: Not at this time.

18 CHAIRMAN SHAPIRO: Do you have any
19 other questions besides that?

20 MR. GILLEN: No. Well -- well, you did
21 bring up one point about the mosquitoes. I'm --
22 I'm just kind -- my house is right next to 162.

23 CHAIRMAN SHAPIRO: Uh-huh.

24 MR. GILLEN: I'm concerned with vermin
25 and -- and animals.

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2 CHAIRMAN SHAPIRO: Okay.

3 MR. GILLEN: So I just wanted to know
4 if there was any way you're going to mitigate
5 that.

6 CHAIRMAN SHAPIRO: Thank you.

7 THIRD VICE-CHAIR LEWIS: Yeah, during
8 some of that construction that's been described,
9 will there be a plan to, you know, capture
10 rodents and such?

11 (Stepping up.)

12 MR. BRAYACK: Yeah. Well, to -- let me
13 start with the road first. Yes, we will be
14 installing a new pipe in the road. It will have
15 manholes periodically, very similar to what you
16 currently see out there.

17 We're using, it's either going to be
18 8 inch or 12 inch high density polyethylene pipe.
19 Like I said, we have manholes mostly, so we can
20 do inspections on it. Very similar to the
21 existing storm drains out there, the pipe will
22 typically be 8, maybe 10 feet deep.

23 Regarding rodents, we do work with the
24 Nassau County Department of Health. They have a
25 rodent program. So before we go into the basins,

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2 we -- we contract with a local company that does
3 the rodent inspections and we get the Nassau
4 County Rodent Permit. But what they do is they
5 go in and they put bait boxes out and then they
6 look for rodent activity.

7 And if to date we've done probably
8 12 of these and we haven't seen anything. But
9 if there's any significant rodent activity,
10 they'll -- I think they'll typically see mice and
11 they don't -- doesn't -- doesn't seem to concern
12 them. But if there's any issue with rats or
13 something, if there's a rat problem, then -- then
14 the Navy would come in and work with the County
15 on eradicating it.

16 MR. GILLEN: Okay. Thank you.

17 CHAIRMAN SHAPIRO: Thank you.

18 VICE-CHAIR GREENFIELD: Thank you.

19 MR. GILLEN: Thank you.

20 CHAIRMAN SHAPIRO: Our next speaker is
21 Joe Errante.

22 Come up. Name and address for the
23 record please.

24 (Stepping up.)

25 MR. ERRANTE: Joseph Errante, 58 Judith

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2 Court, Wantagh.

3 Mosquitoes? What about mosquitoes,
4 'cause now we're going to have water in that.
5 You guys haven't touched on that.

6 And what about the trees all around it?
7 Like when I look in my backyard, I see beautiful
8 trees. Are we going to be taking down all these
9 trees, because the one that you guys have up
10 Seamans Neck Road, you guys have taken down all
11 the trees. You could see everything from the
12 streets.

13 I'm just curious about those things.
14 Everything else has been answered so far.

15 CHAIRMAN SHAPIRO: Thank you.

16 (Stepping up.)

17 MR. BRAYACK: Yeah. Regarding the
18 mosquitoes, the water we put in is fresh and
19 cold. It's cold during the summer. It's 50 to
20 60 degrees year round. We have not seen much of
21 a mosquito issue with that, in any of our basins.

22 Regarding the trees, the -- the basin
23 that you're referencing on Seamans Neck Road, I
24 think is one of the -- is one basin that we did
25 do a lot more work on. It was a very large

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2 basin. But we do need to cut the trees down
3 inside the basin and in particular, the bottom of
4 the basin. And we typically clear the trees up
5 to about 5 feet from the bottom of the basin. We
6 normally don't touch the trees around the top or
7 the upper edges of the basin.

8 VICE-CHAIR GREENFIELD: Are there any
9 plans to plant additional or replacement trees?

10 MR. BRAYACK: Yeah. Right now, as we
11 understand the basins, the top of the basin is --
12 is kind of an access road around it, you know,
13 that the -- the County maintains for the basin's
14 operations. We have -- in particular where we
15 have created more of a public view, we have
16 planted trees in -- in several locations. So
17 that's -- that's more on a case-by-case basis.

18 CHAIRMAN SHAPIRO: A lot of -- a lot of
19 times when and I can tell you this from
20 experience, when we've built homes and we've put
21 catch basins in at the top of them after your
22 roadway on the outside of the fencing, we have
23 planted. So that may help the community, so it
24 camouflages the basin from being an eyesore and
25 also keeps nice fresh trees in.

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2 MR. BRAYACK: Yeah, and -- and --

3 VICE-CHAIR GREENFIELD: May we
4 encourage you to consider that, please?

5 MR. BRAYACK: Yeah. No, in -- in
6 basins where we've had to remove those trees,
7 we've definitely put them back again. I mean we
8 could consider it and look at it on an -- on an
9 individual basis. But, you know, any trees
10 growing in the bottom of the basin, you know,
11 just our normal operation, trees would interfere
12 with that normal operation.

13 And like I said, we do try to keep the
14 trees on the side walls. There -- the one
15 Seamans Neck Road basin, it's a very large and
16 deep basin and there was a lot of work going on
17 there.

18 CHAIRMAN SHAPIRO: Thank you.

19 All right. Our next speaker, we have
20 Michael Bivona.

21 Please come up, name and address for
22 the record, please.

23 (Stepping up.)

24 (Discussion held among Commissioners
25 off the record.)

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2 MR. BIVONA: Hi. Michael Bivona,
3 54 Judith Court, Wantagh.

4 Thank you, Michelle [sic], I'm sorry,
5 Melissa for answering my questions.

6 CHAIRMAN SHAPIRO: Talk into the mic.,
7 so we can hear you.

8 MR. BIVONA: Sorry. I was just
9 thanking Melissa for answering a lot of my
10 questions.

11 So most of my questions have been
12 answered, but what I really want to talk about is
13 really the treatment facility. So we haven't
14 talked about that.

15 Estimates are about 14,000 square foot
16 buildings or plant treatment drums that are being
17 put in. Can we talk about that and what that
18 footprint is?

19 Along with that is that it's being
20 cleaned, the water's being cleaned, but it's also
21 chemicals are cleaning the water. And those
22 chemicals need to be vented into the air. What
23 chemicals are being vented into the air and how
24 are we addressing that?

25 Lastly, the question I have is who's in

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2 charge of these basins now? Who takes care of
3 it? Who cuts the lawn? Who, if there's an issue
4 for the community with -- with a basin, do we go
5 to the Navy? Do we go to Town of Hempstead? Do
6 we go to Nassau County?

7 CHAIRMAN SHAPIRO: Thank you.

8 (Stepping up.)

9 MR. BRAYACK: Yes, let me start off
10 with the treatment plant itself. The building is
11 about 80 by 120 feet. We will have a companion
12 smaller building beside it that will be used as
13 an office. Regarding --

14 MR. BIVONA: Could I just -- one quick
15 follow-up there.

16 MR. BRAYACK: Sure.

17 (Stepping up.)

18 MR. BIVONA: Could you just show us
19 exactly where that -- those buildings are going
20 to be built on the Southern State Parkway,
21 because there's not -- there's not a whole lot of
22 room there.

23 (Stepping up.)

24 MR. BRAYACK: Yeah, you know, we it --
25 it fits, barely.

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2 (Laughter.)

3 MR. BIVONA: It barely fits.

4 MR. BRAYACK: Okay. If you could pull
5 up the one slide, I -- I think the slide, the one
6 that shows the northern. Okay, that -- that's a
7 good slide right there (indicating).

8 So you see where the blue building is
9 and that's Seamans Neck Road coming from the
10 north and it's Southern State Parkway from the
11 south. It's going to get sandwiched right
12 between -- right in that strip there. The
13 building itself will be physically about 50 feet
14 off of Southern State Parkway. And we will have
15 an earthen berm between the Southern State
16 Parkway and our building.

17 MR. BIVONA: How about between the
18 houses there (indicating)?

19 MR. BRAYACK: From the -- the --

20 MR. BIVONA: (Indicating.)

21 MR. BRAYACK: -- there's one house just
22 south of the basin.

23 MR. BIVONA: Right.

24 MR. BRAYACK: So that -- that distance
25 is probably, you know, 150 feet, whatever the

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2 width of that basin is. If you -- you're
3 familiar with the area, you've seen our temporary
4 treatment plant --

5 MR. BIVONA: Yes --

6 MR. BRAYACK: -- there.

7 MR. BIVONA: -- yes.

8 MR. BRAYACK: The building the
9 treatment system will go exactly north of there.
10 We're tucked up onto the basin. We're tucked up
11 on the basin, so that they could build a
12 treatment plant and not move our temporary
13 equipment.

14 MR. BIVONA: Okay. So it's just north
15 of where the existing is now?

16 MR. BRAYACK: Correct.

17 Now, as far as chemicals are concerned,
18 there will be several chemicals coming in.
19 There's a lot of iron in the water. And -- and
20 very similar to the local water treatment plants,
21 we will be bringing in sodium hydroxide and
22 sodium hypochlorite, both liquids, both in
23 secondary containment with alarms and everything
24 else. Those will be added to the water. It's
25 almost identical to what the -- the water

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2 districts do and use. And it will be added to
3 the water in a part per million base, in the part
4 per million. That's mostly so that we can
5 oxidize the iron, to get the iron out of the
6 water.

7 Our treatment chemical itself, our
8 treatment system itself is what's known as an
9 advanced oxidation process unit. And what we do
10 is we combine hydrogen peroxide, very similar to
11 what's in a cabinet, but much stronger, once
12 again, secondary containment. And we combine
13 that with an oxidant. And those two destroy a
14 chemical that's known as "1,4-dioxane." It's a
15 very common commercial product. So that's mostly
16 what we're trying to do here.

17 As I mentioned, the plume is to the
18 north of us and we're not sure when this area's
19 going to get impacted. It could get impacted
20 next year. It could be get impacted 10 years
21 from now. But the Navy's goal was to have this
22 treatment system in place and running, so that
23 when it does get there, we could intercept it so
24 that nothing else has to be done further south.

25 There are some very small air

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2 emissions. And we're very sensitive with the
3 air emissions and we have treatment units on it.
4 We have a granular activated carbon and we also
5 have a catalytic destruction unit, so that all
6 the air, like I said, you're right, there are
7 some air emissions from it. They're small.
8 And -- and we treat them before they're
9 discharged and we monitor that.

10 MR. BIVONA: Can I ask one follow-up to
11 that?

12 CHAIRMAN SHAPIRO: Sure.

13 (Stepping up.)

14 MR. BIVONA: Okay.

15 How do you monitor that? And also, are
16 those results published to the general public, so
17 we can track what's going in the air?

18 (Stepping up.)

19 MR. BRAYACK: The -- the Navy
20 prepares -- I -- I don't have a perfect answer
21 for you on this one. The Navy prepares these --
22 these monthly reports called "D.M.R.s" and that
23 data goes to various parties, New York State DEC,
24 Nassau County Department of Health. Any of the
25 results we get, including the air monitoring go

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2 into those reports.

3 I -- I think we could share that data.

4 We just don't routinely publish it for public.

5 (Stepping up.)

6 MR. BIVONA: If I may? One more thing,

7 sir.

8 (Stepping up.)

9 MR. BIVONA: So --

10 THIRD VICE-CHAIR LEWIS: Then --

11 MR. BIVONA: -- given that answer, I'd

12 ask the Commission, help us and help the

13 community track the air.

14 This is the anniversary of 9/11 that we

15 were told, hey, the air is great Downtown. Go

16 down, you can breathe the air.

17 So again, I would I ask be our advocate

18 and make sure that we know what's happening with

19 the air.

20 Thank you.

21 THIRD VICE-CHAIR LEWIS: Thank you.

22 COMMISSIONER FORMAN: Thank you.

23 VICE-CHAIR GREENFIELD: Thank you.

24 CHAIRMAN SHAPIRO: Thank you.

25 Is there anybody else in the public

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2 that wishes to be heard?

3 (No response.)

4 CHAIRMAN SHAPIRO: Not seeing any, I
5 will take a motion to close the public hearing.

6 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
7 I'd like to make a motion for OSPAC 8-2026. The
8 motion is that we close the public hearing and
9 send the item to "OSPAC," which if they act on
10 it, it'll then come back to us at our next
11 meeting.

12 CHAIRMAN SHAPIRO: Do I have a second?

13 VICE-CHAIR GREENFIELD: 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 MR. O'BRIEN: And just so everybody
20 knows the process, this goes back to "OSPAC," to
21 make a recommendation to the Planning Commission
22 as to how -- what action should be taken. The
23 Planning Commission then will consider that and
24 then make its own recommendation to the
25 County Legislature, which, in the end, is the

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2 final -- makes the final determination of what's
3 going to be done. This -- this is recommendation
4 only from the other two bodies.

5 THIRD VICE-CHAIR LEWIS: Thank you --
6 thank you.

7 CHAIRMAN SHAPIRO: Thank you.

8 I'd like to thank the representatives
9 from the Navy for coming. We appreciate your
10 time and effort. And let's keep the
11 communication lines open, so that we can keep the
12 community aware of everything that's going on.

13 Thank you again.

14 THIRD VICE-CHAIR LEWIS: Thank you.

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2 CHAIRMAN SHAPIRO: Okay. You have one
3 more "OSPAC?"

4 MR. SANDS: Yeah.

5 CHAIRMAN SHAPIRO: Okay.

6 THIRD VICE-CHAIR LEWIS: So I'll --
7 I'll make a motion for OSPAC No. 9-2026 and the
8 motion is to open the public hearing.

9 CHAIRMAN SHAPIRO: Do I have a second?

10 COMMISSIONER HAMRA: Second.

11 CHAIRMAN SHAPIRO: All in favor?

12 (Chorus of "ayes.")

13 (Mr. Gallagher enters the meeting.)

14 CHAIRMAN SHAPIRO: Okay. Motion is --
15 (Stepping up.)

16 MR. SANDS: Okay. Case No. 9, "OSPAC"
17 9-2026. The interested party is the
18 Port Washington Fire Department. They would like
19 to remove a deed restriction that Nassau County
20 placed on land formerly owned by the County.

21 Nassau County previously owned the
22 subject parcel located on the west side of
23 West Shore Road, 70 West Shore Road in the
24 Hamlet of Port Washington, Town of Hempstead.

25 The County deeded this parcel to the

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2 Port Washington Fire Department. Conversely,
3 this deed contains certain restrictions on the
4 use of the premises, including, but not limited
5 to the following. Said premises are to be used
6 solely for the municipal and firematic purposes
7 of the Port Washington Fire Department,
8 otherwise, title shall immediately and
9 automatically revert back to the grantor,
10 County of Nassau.

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

12 MR. SANDS: The deed also is subject to
13 a drainage easement by the County. To facilitate
14 the proposed arrangement, the Port Washington
15 Fire Department is seeking to amend the existing
16 deed restriction, to permit the Fire Department
17 to enter into a 99-year lease with the
18 Port Washington Water District, solely for the
19 purpose of allowing the Water District to:

20 Construct;

21 Operate;

22 Maintain;

23 And utilize a ground-level water --
24 water storage tank on the property.

25 The proposed lease would provide --

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provide the Fire Department with access to certain security and infrastructure resources associated with the Water District's facility, including the potential use of a generator and other shared resources. The consideration for the proposed lease is anticipated to be nominal, in the amount of a dollar.

The requested amendment would modify the existing deed restriction to allow for the proposed long-term lease, while retaining the Fire Department's ownership and use of the property for its purposes. The proposed water storage facility would provide a municipal water infrastructure benefit to surrounding area, while potentially providing additional resources and benefits to the Fire Department's planned facility.

Nassau County "DPW" is in the process of reviewing this proposed permanent easement request. And I'd like to call up the attorney, William DeWitt, for any further questions.

(Stepping up.)

MR. DeWITT: Hi, good morning, Commissioners. My name is William DeWitt from

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2 Bee Ready Law Group, 170 Old Country Road in
3 Mineola. With me today is:

4 My sister (indicating), who just passed
5 the bar exam. We're pretty excited about that.

6 And also Chris Bollerman from the
7 Port Washington Fire Department. He's been a
8 member there for almost as long as I've been
9 alive and he's been one of the driving forces
10 here.

11 You know, we're really excited about
12 this project. I think it's a really great
13 inter-municipal agreement opportunity, a way for
14 both parties to help each other. Happy to answer
15 any questions or if you'd like, Chris is always
16 happy to talk, give you a little history.

17 THIRD VICE-CHAIR LEWIS: Well, I guess
18 the first thing that occurred to me is why can't
19 you do these things and be, you know, under the
20 restrictions that are in the -- the deed? It --
21 it says, you know, solely for municipal and
22 firematic purposes.

23 MR. DeWITT: So Commissioner, we -- we
24 didn't want to run afoul of that, specifically
25 with respect to firematic. Obviously, that's all

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2 things fire department related. And then when
3 we're talking about municipal, it was municipal
4 related to the Fire Department. We did not want
5 to read beyond what a -- a -- a conservative
6 review of the language would -- would reveal.

7 THIRD VICE-CHAIR LEWIS: Okay. I
8 think, you know, some might have said this should
9 be a reasonable thing to do. But let's -- let's
10 jump to it.

11 So what is the plans in terms of
12 working with the Water District?

13 MR. DeWITT: So the Water District
14 approached the Fire Department. The
15 Water District's in need to construct a
16 groundwater storage tank in the area.

17 The
18 Water District has been dealing with difficulties
19 with respect to water pressure in the area when
20 there's an emergency, specifically a
21 fire emergency.

22 In addition, there's also, when there
23 is a heavy use of water in the area, the water
24 becomes rusty to the -- the -- the community in
25 that area. So this groundwater water -- water

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2 storage tank not only alleviates the rusty water
3 issue, but also presents a -- a way to ensure
4 that there is enough what they call "fire flow,"
5 when there is an emergency in the area.

6 And so what would happen is instead of
7 the Water District having to either purchase
8 land -- or actually it would be purchase land,
9 we'll work out a deal where the Water District
10 will come in, they'll install a much better gate
11 to the property. They'll bring in under --
12 underground electric, underground plumbing.
13 They'll also install their generator -- a lot of
14 what Cameron had already discussed -- and allow
15 the Fire Department to have access to that
16 infrastructure, thereby alleviating a lot of the
17 cost the Department would have to incur, if it
18 was going to build a -- its own headquarters
19 training facility without assistance from the
20 Water District.

21 THIRD VICE-CHAIR LEWIS: And how about
22 your diagram you brought over or the --

23 MR. DeWITT: Go ahead, Chris.

24 (Stepping up.)

25 MR. BOLLERMAN: Good morning.

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2 Chris Bollerman, 423 Port Washington Boulevard,
3 Port Washington, New York. I'm the Treasurer of
4 the Board of Directors of the Fire Department,
5 40-plus-year member, and the Chairman of the --
6 of our new building committee.

7 So as counsel has -- has outlined, the
8 Port Washington Fire Department is a
9 not-for-profit corporation, thereby, we contract
10 with seven different municipalities to sell fire
11 protection. Unlike a political subdivision, a
12 fire district, we cannot set tax rates. We have
13 the busiest fire department in Nassau County. We
14 are the third largest area of coverage and we are
15 the 15th budget from the top. So we can't afford
16 to just go out, and do things and set a tax rate
17 at our Board of Directors meetings like a Board
18 of Fire Commissioners can.

19 We were -- we need to be build a new
20 fire headquarters. We need to have a large place
21 to have our app -- our spare apparatus, and such
22 and we need a training center. We -- so we've
23 secured the funding for all of that, but the land
24 that Nassau County gave to us some 35 years ago
25 was an abandoned sandpit. It has very bad, poor

1 NCPC OSPAC File No. 9-2026

2 drainage. The cost of the drainage is so
3 astronomical, the Fire Department couldn't just
4 afford to do that and it made it a non-starter.

5 So when the Water Department approached
6 us and they're willing to invest to take the
7 water from our drainage, their drainage, and
8 their tank and spend a fortune -- I shouldn't
9 say -- spend the appropriate amount of money,
10 instead of buying -- it's still cheaper than
11 buying land for them, where they still would
12 have to do the same work. So the taxpayers of
13 Port Washington are saving a tremendous of money.

14 We plan on building our fire
15 headquarters at a 0 percent tax increase on the
16 Fire Department end, because we've been building
17 up to -- to put down money and then cover a
18 mortgage on it.

19 I do have some artist renditions of the
20 area. This is -- the firehouse is a -- is a
21 prefabricated building (indicating). So it's to
22 cut down on the cost. It is very -- very large,
23 but it's -- it's down. We are -- we're 250 feet
24 below the people above us, because it's an
25 abandoned sandbank. And then there's a berm

1 NCPC OSPAC File No. 9-2026

2 behind the end of our land, so the people that
3 are in the neighborhood behind us can't do
4 that -- can't see it.

5 We've already met with the
6 Town of North Hempstead. We're going to
7 build our facility completely within the
8 residential building code. So we're not going to
9 be higher than 30 feet. We're going to be
10 15 feet to 20 feet off of each property line.
11 And the beauty -- the beauty of the whole thing
12 is, is the savings to the taxpayer with the
13 Water Department.

14 The Water Department has to bring in
15 gas. They have to have a generator. They have
16 to bring in huge amounts of electric and they
17 need this drainage field. So it's -- it's a win
18 for everyone. And unfortunately, we have these
19 deed restrictions that we have to somehow
20 overcome through -- through everyone.

21 (Chairman Shapiro exits the meeting.)

22 THIRD VICE-CHAIR LEWIS: So let me just
23 throw it back to the lawyer.

24 So what -- what are you seeking in
25 terms of the deed restriction, to strike it

1 NCPC OSPAC File No. 9-2026

2 completely, or do you have a modified language
3 or?

4 (Stepping up.)

5 MR. DeWITT: Well, we'd request that it
6 be stuck completely.

7 VICE-CHAIR GREENFIELD: So
8 congratulations. Thank you for service,
9 41 years. I'm 51 years in Rockville Centre
10 Fire Department.

11 MR. BOLLERMAN: (Gesturing.)

12 VICE-CHAIR GREENFIELD: And -- and --
13 and our -- our chief says we're the busiest, so I
14 have to go check numbers. We're the busiest with
15 rescue calls, I think we are, not necessarily
16 with fire calls. Even so, I went to one this
17 morning on the way here.

18 But I -- I understand the needs. And I
19 especially appreciate your respect for the
20 taxpayers in doing a prefab building at no tax
21 increase to -- to them. And I understand you
22 operate different than a -- a fire district,
23 because you sell your services to the
24 incorporated villages surrounding.

25 So how many bays are you putting in

1 NCPC OSPAC File No. 9-2026

2 that garage? That was my question.

3 (Stepping up.)

4 MR. BOLLERMAN: There'll be four bays,
5 70 feet deep, so that it can fit a tractor
6 trailer in case of an emergency. We intend on
7 placing spare apparatus, because we're on
8 peninsula, we have two ladder trucks, we have
9 five pumpers. So one engine will be down there.
10 The spare ladder truck will be down there. We
11 also have our -- our high rescue, high water
12 rescue vehicles and such. They'll all be inside
13 of that building.

14 We do not have a department mechanic.
15 That's all contracted out. This will be storage,
16 clean storage that, when that rainstorm came in
17 September a couple of years ago and it dumped
18 8 inches of water on us, we had to go through the
19 mud in our property to get into our Army truck,
20 to go and save people's lives in Sands Point.
21 Now, it's going to be inside of a firehouse. If
22 a snowstorm comes out of the middle of nowhere or
23 an ice storm comes out of the middle of nowhere,
24 our -- our spare apparatus will be inside of a
25 heated area.

1 NCPC OSPAC File No. 9-2026

2 VICE-CHAIR GREENFIELD: Much better.

3 Okay. That's all the questions I had.

4 And we have no one from the public
5 signed up to speak. At this time, I'm asking
6 anyone that wants to speak from the public to
7 come forward.

8 (No response.)

9 VICE-CHAIR GREENFIELD: Not hearing or
10 seeing anyone, we will, at this time, entertain a
11 motion to close the hearing.

12 THIRD VICE-CHAIR LEWIS: Yes, I make a
13 motion for OSPAC No. 9-2026. Motion is to close
14 the public hearing and send the item to "OSPAC."

15 VICE-CHAIR GREENFIELD: You heard our
16 counsel explain the process, so you understand.
17 It'll come back to us from "OSPAC and
18 then we make our recommendation to the
19 County Legislature.

20 COMMISSIONER FORMAN: Second.

21 VICE-CHAIR GREENFIELD: Motion made and
22 second.

23 All those in favor?

24 (Chorus of "ayes.")

25 VICE-CHAIR GREENFIELD: Any opposed?

1 NCPC OSPAC File No. 9-2026

2 (No response.)

3 VICE-CHAIR GREENFIELD: So carried.

4 THIRD VICE-CHAIR LEWIS: Thank you.

5 VICE-CHAIR GREENFIELD: Thank you.

6 MR. DeWITT: Thank you. Have a nice
7 day.

8 VICE-CHAIR GREENFIELD: Keep up the
9 good work, Treasurer.

10 (Stepping up.)

11 MR. BOLLERMAN: Hopefully -- hopefully,
12 we'll see you on September 20th at the dedication
13 of the 9/11 Memorial.

14 VICE-CHAIR GREENFIELD: We have a
15 member on that statue.

16 MR. BOLLERMAN: John and I are like
17 this (indicating).

18 VICE-CHAIR GREENFIELD: Oh, okay.

19 (Laughter.)

20 * * *

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1 NCPC File No. 1-2006

2 (Stepping up.)

3 MR. SANDS: Okay. The "SEQRA"
4 Determine -- Determination Case. I believe this
5 case is being adjourned 'til next meeting, as the
6 Village of Hempstead isn't present today.

7 We do have Kevin Walsh and
8 Kathleen Forman here if you have any questions
9 about the adjournment, but --

10 MR. O'BRIEN: I think we just
11 adjourn --

12 VICE-CHAIR GREENFIELD: Adjourn.

13 MR. O'BRIEN: -- it as to
14 October First.

15 VICE-CHAIR GREENFIELD: Do we have to
16 make a motion to adjourn?

17 MR. O'BRIEN: Well, motion to adjourn.

18 VICE-CHAIR GREENFIELD: We'll -- we'll
19 entertain a motion to adjourn to a date certain.

20 COMMISSIONER FORMAN: So -- so moved.

21 THIRD VICE-CHAIR LEWIS: And what would
22 be the date?

23 VICE-CHAIR GREENFIELD: The -- the date
24 is October --

25 COMMISSIONER FORMAN: First.

1 NCPC File No. 1-2006

2 MR. O'BRIEN: First.

3 VICE-CHAIR GREENFIELD: -- October First.

4 So we have a motion to adjourn.

5 Do we have a second?

6 COMMISSIONER SETER: Second.

7 COMMISSIONER HAMRA: Second.

8 VICE-CHAIR GREENFIELD: Motion made and
9 seconded.

10 All in favor?

11 (Chorus of "ayes.")

12 VICE-CHAIR GREENFIELD: So carried.

13 MR. WALSH: Thank you.

14 VICE-CHAIR GREENFIELD: Thank you,
15 Kevin. See you next month.

16 MR. WALSH: Thank you.

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1 NCPC File No. 2008-F-1

2 VICE-CHAIR GREENFIELD: Okay. Now,
3 we're up to "D," Extension of Time to File for a
4 Major Subdivision.

5 (Stepping up.)

6 MR. PERRAKIS: Good morning.

7 Next case is Section "D" of the agenda,
8 Extension of Time to File Resolution for
9 a Major Subdivision Application. This is for
10 NCPC File No. 2008-F-1, map of final subdivision
11 map of 313 McCouns Lane. The property's located
12 in the Incorporated Village of Oyster Bay Cove at
13 313 McCouns Lane, section 27, block H, lots:

14 309;

15 318;

16 And 322.

17 This application received preliminary
18 and final subdivision maps approval on
19 May 26th, 2022 and June 26th, 2025 respectively,
20 of a 43.58-acre parcel into 7 residential lots
21 ranging in size from 2.6 acres to 14.36 acres.

22 According to the applicant's attorney,
23 this is a dual jurisdiction map for, i.e., NCPC
24 and Village of Oyster Bay Cove. All County
25 approvals have been obtained as reflected on the

1 NCPC File No. 2008-F-1

2 the signed and dated mylars of the final
3 subdivision map.

4 The Village has requested that
5 miscellaneous matters be completed before this
6 execution of the map, principally -- I might have
7 a typo -- the relocation of an electrical line
8 for one of the seven approved parcels. Request
9 is made for the first six-month extension of
10 time to file, from October 22nd, 2026 to
11 April 22nd, 2027.

12 Here today is Vincent, to speak on
13 behalf of his client.

14 (Stepping up.)

15 MR. APICELLA: Good morning,
16 Mr. Chairman, members of the Board.
17 Vincent Apicella, of Counsel to Murphy and Lynch
18 for the applicant.

19 As noted by Mr. Perrakis, the property
20 is located at 313 McCouns Lane in Oyster Bay
21 Cove.

22 VICE-CHAIR GREENFIELD: And your
23 address, sir?

24 MR. APICELLA: Yes.

25 VICE-CHAIR GREENFIELD: Your address?

1 NCPC File No. 2008-F-1

2 MR. APICELLA: 10 -- 1045 Oyster Bay
3 Road, East Norwich, New York.

4 VICE-CHAIR GREENFIELD: Okay.

5 MR. APICELLA: With me this morning is
6 Peter Talty, the Vice President of the limited
7 liability company.

8 As noted by Mr. Perrakis, final
9 approval was granted by the Nassau County
10 Planning Commission resolution. That date was
11 June 26th, 2025, with the resolution thereafter
12 certified on October 22nd, 2025.

13 The -- the extension application was
14 submitted to Mr. Perrakis on August 27th of this
15 year. The six-month extension, if granted, would
16 extend the filing period to April 22nd, 2027.

17 As also noted by Mr. Perrakis, the
18 property is 43 1/2 acres in the Incorporated
19 Village of Oyster Bay Cove and appears on the
20 Nassau County Land and Tax Map as section 27,
21 block H, lots:

22 309;

23 318;

24 And 322. It is a seven-lot
25 subdivision.

1 NCPC File No. 2008-F-1

2 As may be gleaned from the application,
3 it's a very low-density development, with an
4 environmentally-conscious design devoted to it.
5 As noted, we have some miscellaneous matters now
6 pending before the Village of Oyster Bay Cove,
7 one of which includes the relocation of a utility
8 line, more specifically an electric line from an
9 un -- unimproved parcel to an improved parcel.

10 So hopefully once these miscellaneous
11 are taken care of, we can proceed forth with --
12 with the filing of the mylar, once the Village
13 signs off on the map by the chairman of the
14 planning board and also the village engineer. So
15 for these reasons, we're asking for the six-month
16 extension.

17 VICE-CHAIR GREENFIELD: Any questions
18 from any members with respect to the request for
19 an extension for six months?

20 THIRD VICE-CHAIR LEWIS: We have a date
21 specific on this as to the --

22 MR. APICELLA: Yeah.

23 MR. O'BRIEN: It would be April 22nd on
24 the --

25 VICE-CHAIR GREENFIELD: April 22nd.

1 NCPC File No. 2008-F-1

2 MR. APICELLA: Right.

3 MR. O'BRIEN: I don't know if anybody
4 else is interested, Chair.

5 VICE-CHAIR GREENFIELD: But -- but
6 hope -- I -- I hope you're going to be done
7 sooner.

8 MR. APICELLA: So do I.

9 (Laughter.)

10 VICE-CHAIR GREENFIELD: Okay.

11 MR. APICELLA: So that's
12 April 22nd, 2027.

13 VICE-CHAIR GREENFIELD: '27.

14 MR. O'BRIEN: See if anybody is here.

15 MR. APICELLA: Yeah.

16 VICE-CHAIR GREENFIELD: Yeah, I'm going
17 to ask that next.

18 First, if no members have a question.

19 (No response.)

20 VICE-CHAIR GREENFIELD: Anyone in the
21 public?

22 (No response.)

23 VICE-CHAIR GREENFIELD: We have no one
24 signed up to speak.

25 Anyone in the public desires to be

1 NCPC File No. 2008-F-1

2 heard, please come forward.

3 (No response.)

4 VICE-CHAIR GREENFIELD: Not hearing or
5 seeing anyone, we'll entertain a motion at this
6 time.

7 (No response.)

8 VICE-CHAIR GREENFIELD: Not all at
9 once, please.

10 (Laughter.)

11 MR. O'BRIEN: Would someone like to
12 make a motion to extend the time to file --

13 THIRD VICE-CHAIR LEWIS: Yeah, on --

14 MR. O'BRIEN: -- the resolution for
15 major subdivision 'til April 22nd, 2026 [sic] on
16 Case 2008-F-1.

17 MR. APICELLA: Just for the record,
18 2027.

19 MR. O'BRIEN: 2027, that's absolutely
20 right.

21 Thank you.

22 MR. APICELLA: Okay.

23 THIRD VICE-CHAIR LEWIS: So --

24 MR. O'BRIEN: I don't have a time
25 machine so --

1 NCPC File No. 2008-F-1

2 (Laughter.)

3 THIRD VICE-CHAIR LEWIS: -- so I make a
4 motion to extend the filing for the final
5 subdivision to the date we agreed on.

6 VICE-CHAIR GREENFIELD: Do we have a
7 second?

8 COMMISSIONER SETER: Second.

9 COMMISSIONER HAMRA: Second.

10 VICE-CHAIR GREENFIELD: Okay. We had
11 two seconds.

12 Motion made and seconded.

13 All those in favor?

14 (Chorus of "ayes.")

15 VICE-CHAIR GREENFIELD: Any opposed?

16 (No response.)

17 VICE-CHAIR GREENFIELD: So carried.

18 Good luck.

19 MR. APICELLA: Thank you very much for
20 your time, Mr. Chairman and members of the Board.

21 MR. O'BRIEN: Thank you.

22 MR. APICELLA: Thank you.

23 MR. O'BRIEN: Thank you.

24 MR. APICELLA: Okay.

25 * * *

1 NCPC Minor Sub. File No. 30-2026

2 VICE-CHAIR GREENFIELD: Okay. Next
3 case. Next we're at Section "E."

4 THIRD VICE-CHAIR LEWIS: Now, we're
5 moving.

6 VICE-CHAIR GREENFIELD: But we still
7 have people here. We may be moving.

8 MR. O'BRIEN: We have six cases, Chair,
9 six subdivision cases.

10 VICE-CHAIR GREENFIELD: I -- yeah, I've
11 been -- I've been told it's the Forchelli firm
12 day today here with, I see a number of partners
13 from the Forchelli firm here today.

14 (Stepping up.)

15 MR. WREN: They do have a number of
16 cases today.

17 (Laughter.)

18 MR. O'BRIEN: They have a number of
19 partners also.

20 MR. WREN: That is also true.

21 Okay, starting off and back by
22 popular demand, we have NCPC File 30-2026. This
23 is a two-parcel minor subdivision that was
24 adjourned lastly from the June 25th, 2026
25 meeting. All issues have been resolved, so now I

1 NCPC Minor Sub. File No. 30-2026

2 will go on with the case process.

3 The three-acre subject property is
4 situated on the west side of the Bayview Avenue,
5 in the Hamlet of Great Neck in the Town of -- of
6 North Hempstead's Residential "AA" Zoning
7 District. The application proposes to subdivide
8 the property, which has 422 feet of frontage on
9 Bayview Avenue into two separate parcels. This
10 subdivided [sic] -- this subdivision will need
11 "239-F" Review, due to it being abutting or I'm
12 sorry, on Bayview Avenue which is a County Road.

13 "Proposed Lot A" will have 388 feet of
14 frontage by 325 feet on Bayview Avenue and be a
15 total of 2.46 acres.

16 "Proposed Lot B" will have 44 feet of
17 frontage by 261.7 feet on Bayview Avenue and be a
18 total of 23,042 square feet.

19 The Town of North Hempstead's
20 Department of Buildings, Safety, Inspection and
21 Enforcement has issued a letter of zoning
22 compliance for the proposed subdivisions.

23 The Incorporated Villages of Great Neck
24 and Saddle Rock have both issued waivers for this
25 jurisdiction for the -- waivers of jurisdiction

1 NCPC Minor Sub. File No. 30-2026

2 for this subdivision.

3 I would now like the attorney to please
4 step up.

5 (Stepping up.)

6 MR. AVRUTINE: Good morning, Vice-Chair
7 Greenfield, members of the Commission,
8 appearing for the applicant, Howard Avrutine,
9 66 North Village Avenue, Rockville Centre.

10 The case was very well explained by
11 Mr. Wren. This is property owned by the
12 Great Neck Water Pollution Control District. On
13 the property, if you look at the map on the, I
14 guess that's the southeast side the -- on the
15 right, you have the "Proposed Lot B," which is
16 where the water treatment building is. And
17 that property, assuming one of the lots is sold,
18 which is the purpose of this, the -- the Water
19 Pollution Control District will -- will maintain
20 and -- and retain "Lot A," which is the larger
21 piece, which is undeveloped, would be available
22 for sale.

23 The purpose of this is the "Lot A" is
24 not utilized, certainly -- certainly not utilized
25 to its capacity. And the purpose would be to

1 NCPC Minor Sub. File No. 30-2026
2 sell the property for future development, in
3 order to provide funds for the District and to --
4 in an attempt to keep fees down to the public,
5 since this is really surplus land for them.

6 And essentially that is what we're
7 trying to accomplish here by getting the
8 subdivision, so it would allow for marketing of
9 the parcel for redevelopment.

10 THIRD VICE-CHAIR LEWIS: So if I'm
11 looking at the map here, my right-hand side, are
12 you saying that's where the treatment facility
13 is?

14 MR. AVRUTINE: Yeah, the pumping
15 building, yes.

16 THIRD VICE-CHAIR LEWIS: And the idea
17 is to break that off so it's subdivided, so that
18 the rest of the land, you could look at
19 developing it and so on?

20 MR. AVRUTINE: Correctly. Correct. So
21 it can be sold, it could be marketed for, you
22 know, an undetermined purpose.

23 At this point, it's zoned residential,
24 but this way they will be permitted to sell it,
25 get the funds, keep expenses down for the

1 NCPC Minor Sub. File No. 30-2026

2 taxpayers.

3 THIRD VICE-CHAIR LEWIS: And then
4 the -- the size of the piece of property that
5 they're keeping for that purpose is sufficient
6 for what they need to be able to --

7 MR. AVRUTINE: Yes, it is. It's .2 --
8 .529 acres, just over a half acre, so 23,042
9 square feet.

10 VICE-CHAIR GREENFIELD: So counselor,
11 does the Water District have a perspective buyer
12 for that lot?

13 MR. AVRUTINE: I don't believe they do.
14 Christopher Murphy, the superintendent
15 of the District is here, as well as
16 Gregory Carman, general counsel for the District.

17 VICE-CHAIR GREENFIELD: Maybe we could
18 hear from them.

19 MR. AVRUTINE: I believe the answer is
20 they would --

21 Just give your name and address,
22 please.

23 (Stepping up.)

24 CHRISTOPHER MURPHY: Sure.

25 Good morning. Christopher Murphy,

1 NCPC Minor Sub. File No. 30-2026
2 15 Paddock Street, Holbrook, New York,
3 representing Great Neck Water Pollution
4 Control District. I'm the superintendent.

5 We have a number of parties who have
6 voiced interest, but we do not have any
7 particular party that we're looking to directly
8 sell it to.

9 (Chairman Shapiro enters the meeting.)

10 MR. MURPHY: We have a religious
11 temple. We have a village. There is a library
12 that also has voiced interest, along with some
13 other developers. Land is very, very rare in the
14 Great Neck Peninsula.

15 THIRD VICE-CHAIR LEWIS: Everybody's
16 interested.

17 VICE-CHAIR GREENFIELD: All right.
18 Have a -- have a good bidding war for the benefit
19 of the -- of the ratepayers.

20 (Laughter.)

21 MR. MURPHY: Thank -- thank you. We
22 look forward to it.

23 (Stepping up.)

24 MR. AVRUTINE: I have the cards.

25 VICE-CHAIR GREENFIELD: Any other

1 NCPC Minor Sub. File No. 30-2026

2 questions from the members?

3 (No response.)

4 MR. AVRUTINE: (Hanging.)

5 MR. WREN: (Receiving.)

6 VICE-CHAIR GREENFIELD: We have no one
7 signed up from the public.

8 Is there anyone else from the public
9 would like to speak on this case?

10 (No response.)

11 VICE-CHAIR GREENFIELD: Not seeing
12 hearing or seeing anyone, we'll entertain a
13 motion at this time.

14 CHAIRMAN SHAPIRO: Go ahead.

15 VICE-CHAIR GREENFIELD: You've been big
16 on the motions today.

17 THIRD VICE-CHAIR LEWIS: So motion for
18 minor subdivision File No. 30-2026. The motion
19 is to approve it with a "Negative Declaration."

20 COMMISSIONER FORMAN: 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. 30-2026

2 VICE-CHAIR GREENFIELD: Thank you.

3 MR. AVRUTINE: Thank you very much.

4 CHAIRMAN SHAPIRO: You're welcome.

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1 NCPC Minor Sub. File No. 42-2026

2 CHAIRMAN SHAPIRO: Next.

3 MR. MURPHY: Thank you.

4 (Stepping up.)

5 MR. WREN: Okay. Next up we have
6 NCPC File 42-2026. This is an application for a
7 lot line adjustment.

8 The 17,200 square foot subject property
9 is situated on the east side of Matlock Street
10 and the west side of Nantwick Street in the
11 Hamlet of Lido, Town of Hempstead's Residential
12 "B" Zoning District.

13 (Third Vice-Chair Lewis exits the
14 meeting.)

15 MR. WREN: Application proposes to
16 convey 6,500 square feet from the southern
17 portion of "Parcel A," to the northern portion of
18 "Parcel B" by means of a lot line adjustment.

19 "Proposed Parcel A" will now have a
20 frontage of 60 feet and be 6500 square feet.

21 "Proposed Parcel B" will have a
22 frontage of 80 feet and be a total of 10,700
23 square feet.

24 The Town of Hempstead's Department of
25 Buildings has issued a letter of zoning

1 NCPC Minor Sub. File No. 42-2026

2 compliance for the lot line adjustment.

3 Now, I'd like to ask the attorney to
4 please step up.

5 (Stepping up.)

6 MR. BONESSO: Good morning,
7 Mr. Chairman, members of the Commission.
8 William Bonesso, Forchelli Deegan Terrana,
9 333 Earle Ovington Boulevard, Uniondale,
10 New York, here on behalf of the applicants.

11 As Mr. Wren described, this property
12 situated in -- in Lido Beach is presently
13 comprised of two deeded parcels. And the
14 proposal is to modify the lot line that separates
15 the two parcels, so that each parcel will be
16 fully zoning compliant:

17 For a dwelling to be maintained on the
18 one to the south;

19 And for a new dwelling to be built on
20 the north, on the northerly parcel.

21 VICE-CHAIR GREENFIELD: Do we have a
22 picture of the site?

23 MR. BONESSO: Presently, the -- the --

24 VICE-CHAIR GREENFIELD: Okay.

25 MR. BONESSO: -- dividing line between

1 NCPC Minor Sub. File No. 42-2026
2 the parcels is between Tax Lots 44 and 143. It
3 is proposed to be moved north, adding an
4 additional 20 by 65 foot tax lot to the
5 lower property, and that's because the dwelling
6 on the southerly parcel is of a size that in
7 order to be zoning compliant and meet the --
8 the 27.5 percent building coverage, it needs
9 10,000 -- excuse me 10,700 square feet, as
10 opposed to its present 9,400 square feet.

11 So by doing that, it will make that
12 lot with the house maintained on it
13 zoning compliant.

14 (Third Vice-Chair Lewis enters the
15 meeting.)

16 MR. BONESSO: And the lot to the north,
17 which presently maintains 7800 square feet, it
18 will go down to 6500 square feet, but that is
19 zoning compliant in terms of:

20 The lot area;
21 The lot width;
22 And all other aspects.

23 So that is the application before the
24 Board, simply to modify the lot line. As
25 Mr. Wren noted, there is a zoning compliance

1 NCPC Minor Sub. File No. 42-2026
2 letter issued by the Department of Buildings
3 indicating that each lot will be zoning
4 compliant, based upon the lot line change.

5 CHAIRMAN SHAPIRO: Thank you for that
6 recitation.

7 (Laughter.)

8 VICE-CHAIR GREENFIELD: It seems
9 kind of --

10 THIRD VICE CHAIR LEWIS: It's pretty
11 straight forward.

12 CHAIRMAN SHAPIRO: It's pretty simple.

13 VICE-CHAIR GREENFIELD: -- straight --
14 straight forward, but let's ask if anyone in the
15 public?

16 CHAIRMAN SHAPIRO: Anybody in the
17 public wishes to be heard that hasn't signed up,
18 because we have nobody signed up?

19 (No response.)

20 CHAIRMAN SHAPIRO: Not seeing any, I
21 will take a motion.

22 VICE-CHAIR GREENFIELD: I'll make a
23 motion at this time. NCPC File No. 42-2026 for a
24 lot line adjustment at the property in Lido Beach
25 and a Neg. -- "Neg. Dec."

1 NCPC Minor Sub. File No. 42-2026

2 MR. O'BRIEN: Right.

3 CHAIRMAN SHAPIRO: It's a "Neg. Dec."

4 VICE-CHAIR GREENFIELD: Neg. --

5 "Neg. Dec.," yeah.

6 CHAIRMAN SHAPIRO: Yeah, for some

7 reason --

8 THIRD VICE-CHAIR LEWIS: Someone put --

9 CHAIRMAN SHAPIRO: -- staff, you put

10 "Type II."

11 MR. HOESL: It's a lot line adjustment.

12 MR. BONESSO: It's --

13 CHAIRMAN SHAPIRO: Okay.

14 MR. BONESSO: -- it's "Type II."

15 MR. HOESL: It's a "Type II," yeah --

16 yeah.

17 THIRD VICE-CHAIR LEWIS: Lot line

18 adjustments are listed on the exemption list.

19 CHAIRMAN SHAPIRO: Okay. Very good.

20 Is there a second?

21 COMMISSIONER HAMRA: Second.

22 CHAIRMAN SHAPIRO: All those in favor?

23 (Chorus of "ayes.")

24 CHAIRMAN SHAPIRO: Any opposed?

25 (No response.)

1 NCPC Minor Sub. File No. 42-2026

2 CHAIRMAN SHAPIRO: Motion carries.

3 MR. BONESSO: Thank you.

4 CHAIRMAN SHAPIRO: Have a good one.

5 (Laughter.)

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1 NCPC Minor Sub. File No. 43-2026

2 (Stepping up.)

3 MR. WREN: Okay. Next up we have
4 Case 43-2026. This is a two-parcel minor
5 subdivision.

6 The 10,000 square foot subject property
7 is situated on the west side of Maple Avenue in
8 the Hamlet of Uniondale, Town of Hempstead's
9 Residential "B" Zoning District. Application
10 proposes to subdivide the property, which has
11 100 feet of frontage on Maple Avenue into two
12 equal parcels.

13 Proposed lots "A" and "B" will both
14 have 50 feet of frontage on Maple Avenue by
15 100 feet and both be 5,000 square feet.

16 The Town of Hempstead's Board of
17 Appeals has approved the request for variances.

18 So for "Lot A," variances:

19 Subdivision of lot;

20 Area;

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

23 Side -- side-yard aggregated [sic];

24 Maintain dwelling on a lesser lot;

25 Demolish -- demolish detached garage.

1 NCPC Minor Sub. File No. 43-2026

2 There's a second variance for "Lot A,"
3 variance:

4 Lot area occupied;

5 Side yard;

6 And construct a detached two-car
7 garage.

8 For "Lot B" we also have two variances,
9 variances:

10 Subdivision of lot;

11 Front -- front width from and on street
12 line to the front setback line;

13 And to construct a dwelling.

14 The second variance is variance:

15 Lot occupied;

16 Construct detached garage.

17 We did see this back as a Zoning Case
18 back in November 14th, 2025 for a proposed
19 substandard two-lot subdivision and we issued a
20 letter of local determination.

21 I did receive three e-mails from the
22 public objecting this. Do you want me to bring
23 the attorney up first or read these statements?

24 CHAIRMAN SHAPIRO: You know what, read
25 the objections and then the attorney can --

1 NCPC Minor Sub. File No. 43-2026

2 MR. WREN: Very good.

3 CHAIRMAN SHAPIRO: -- deal with it.

4 MR. WREN: This is from a
5 Michael Medias. It's 241 Greengrove Avenue.

6 Dear Mr. Wren, I'm sending you this
7 mail regarding deep concerns for Case 43-2026.
8 It is a proposed subdivision of land behind my
9 home.

10 I've been a resident of Uniondale since
11 1968 and time's gone by, and I -- I've noticed
12 one-family homes turning into multiple rented
13 [sic] -- multiple rental dwellings. As more
14 people rent and live -- live and rent illegally
15 in a place we call home, the area has gone from a
16 quiet neighborhood to multiple vehicles parking
17 on the street, reminding me of Queens and
18 Brooklyn.

19 Imagine where you live from where you
20 live for a moment. You come home from work and
21 you don't even have enough room to park in front
22 of your own house, let alone get in and out of
23 your driveway safety [sic]. Another valid
24 concern is having someone come over and visit you
25 or even having your boiler serviced and not

1 NCPC Minor Sub. File No. 43-2026

2 having enough room for a technician to park his
3 van in front of your house and has to park blocks
4 down.

5 In addition to that, the area
6 that we live in from California Avenue to
7 Uniondale Avenue, from Front Street up to
8 Hempstead Turnpike has become flooded with people
9 renting their homes, albeit legally and illegally
10 to Hofstra -- to Hofstra students. The students
11 come in and squeeze their cars into every inch of
12 parking spaces, making it quite impossible and
13 unsafe to navigate the normal block.

14 With every inch of the street being
15 used to squeeze multiple cars for parking,
16 driveways are blocked many times, making it
17 difficult for homeowners using driveways to exist
18 and enter their property safety [sic]. Think of
19 that. Just a simple thing as that has become
20 very difficult and shouldn't be a problem at all.

21 The proposed subdivision will put even
22 more parked cars on the streets, more residents
23 and further deteriorate the neighborhood by
24 overcrowding.

25 Our home was built in 1929 as one of

1 NCPC Minor Sub. File No. 43-2026

2 the oldest homes, with -- with others nearby as
3 ours is, and has become too crowded and too
4 overpopulated, unfortunately has lost the charm
5 over time. All we have to do is drive down any
6 one of the blocks at 6 p.m. when everyone is home
7 and see how overcrowded the area is.

8 The plot in question is directly behind
9 us. I am totally against this subdivision of
10 this property, due to the reasons and concerns
11 stated above. As a law-abiding taxpayer, I hope
12 you will give serious thought to keeping the
13 property "as-is" and not allow the property to be
14 subdivided.

15 I hope this proposal does not pass. We
16 want to keep the quality of life in Uniondale as
17 a nice suburb, not seeing it as an overcrowded
18 mess.

19 Okay. The rest of these are much
20 shorter.

21 (Laughter.)

22 MR. WREN: This is from a
23 Theresa Busi, also from 241 Greengrove Avenue. I
24 am writing concerned about regarding dividing the
25 parcel in reference above into two parcels. The

1 NCPC Minor Sub. File No. 43-2026

2 neighborhood has been used as housing for
3 Hofstra University students who have crowded the
4 streets with their cars, often parking them
5 illegally and sometimes on front lawns.

6 CHAIRMAN SHAPIRO: All right. I think
7 we got -- I think we got the gist of all the
8 information.

9 MR. WREN: Right. And --

10 CHAIRMAN SHAPIRO: Do you have a copy
11 of the Town's resolution?

12 MR. WREN: Do I? Yes, I do have a copy
13 of the Town's resolution.

14 CHAIRMAN SHAPIRO: Can you bring up a
15 copy to us?

16 MR. WREN: Sure.

17 CHAIRMAN SHAPIRO: And then you can
18 bring up the attorney -- the attorney.

19 MR. WREN: I'm sorry. I didn't hear
20 that.

21 CHAIRMAN SHAPIRO: I said after you
22 bring that up, we'll have the attorney come up
23 and speak.

24 MR. WREN: Okay.

25 (Handing.)

1 NCPC Minor Sub. File No. 43-2026

2 MR. O'BRIEN: (Receiving.)

3 CHAIRMAN SHAPIRO: Counsel, just give
4 us a moment.

5 MR. BROOKSTEIN: Of course.

6 CHAIRMAN SHAPIRO: Okay.

7 MR. O'BRIEN: I'm good.

8 CHAIRMAN SHAPIRO: Thanks. I wanted to
9 see that, Tim.

10 MR. WREN: Okay.

11 CHAIRMAN SHAPIRO: Just the -- the
12 Town's resolution.

13 MR. O'BRIEN: (Handing.)

14 MR. WREN: (Receiving.)

15 (Handing.)

16 CHAIRMAN SHAPIRO: (Receiving.)

17 MR. WREN: We just have the "BZA."

18 CHAIRMAN SHAPIRO: That's okay. That's
19 what I'm looking for.

20 MR. WREN: Yup.

21 CHAIRMAN SHAPIRO: And I just want to
22 read one thing in the record from the "BZA," that
23 the dwelling shall remain owner occupied at all
24 times, subject to the initial sale and, or
25 transfer from the applicant.

1 NCPC Minor Sub. File No. 43-2026

2 Good morning.

3 (Stepping up.)

4 MR. BROOKSTEIN: Good morning,

5 Mr. Chairman and members of the --

6 CHAIRMAN SHAPIRO: Name and --

7 MR. BROOKSTEIN: -- members of the
8 Commission.

9 CHAIRMAN SHAPIRO: -- name and address
10 for the record.

11 MR. BROOKSTEIN: Yes.

12 CHAIRMAN SHAPIRO: And you can address
13 that.

14 MR. BROOKSTEIN: Yes, Mr. Chairman.

15 CHAIRMAN SHAPIRO: After you're done
16 with your speech.

17 (Laughter.)

18 MR. BROOKSTEIN: Yes, Mr. Chairman.

19 Members of the Commission, good
20 morning. Joshua Brookstein from Sahn Ward Braff
21 Coschignano, 333 Earle Ovington Boulevard,
22 Uniondale, New York. I appear this morning
23 on behalf of Michael Cardinale, in connection
24 with his application for a minor subdivision of
25 the aforementioned property.

1 NCPC Minor Sub. File No. 43-2026

2 The application contemplates
3 maintaining the existing single-family home,
4 while sub -- subdividing and building a new
5 single-family home on the new parcel.

6 The applicant, as Mr. Wren has
7 mentioned, has secured the necessary variances
8 from the Town of Hempstead "BZA." It was a
9 unanimous approval. The applicant intends and
10 will comply with every condition within the "BZA"
11 decision and will file the required restrictive
12 covenants in the Office of the Nassau County
13 Clerk.

14 With that, I'm happy to answer any
15 questions that the Commission may have.

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

17 CHAIRMAN SHAPIRO: So --

18 MR. O'BRIEN: -- go ahead.

19 CHAIRMAN SHAPIRO: Being that it's
20 going to be owner occupied, so there will -- this
21 will not be a rental property?

22 MR. BROOKSTEIN: Mr. Chairman, my
23 understanding is the -- the -- the applicant will
24 comply completely with the terms and conditions
25 of the variance approval and not only in terms of

1 NCPC Minor Sub. File No. 43-2026
2 the -- the ownership entities, but also the
3 restrictions on making sure there are no other
4 living quarters in the basement, any cooking
5 facilities. All that is -- is spelled out
6 respectively in detail in the "BZA" decision,
7 which our -- our client will abide by and file
8 the required covenants.

9 VICE-CHAIR GREENFIELD: Is your client
10 here today to --

11 MR. BROOKSTEIN: He is not.

12 VICE-CHAIR GREENFIELD: We like to have
13 the clients here, so they understand the terms
14 and conditions of what we're granting.

15 MR. O'BRIEN: Well, I -- I will say,
16 First Vice Chair, that, you know, not making
17 excuses, there are covenants and restrictions
18 that are part --

19 VICE-CHAIR GREENFIELD: I was going to
20 get to that next. So there's "C&Rs" are going to
21 be --

22 MR. O'BRIEN: There's "C&Rs" and I
23 just --

24 VICE-CHAIR GREENFIELD: Oh, that's even
25 better.

1 NCPC Minor Sub. File No. 43-2026

2 MR. O'BRIEN: Yeah, I -- I -- I just
3 want to add -- add in, there will be no exterior
4 basement entrance.

5 VICE-CHAIR GREENFIELD: Right.

6 MR. O'BRIEN: Which -- which we know is
7 conducive to people --

8 CHAIRMAN SHAPIRO: Right.

9 MR. O'BRIEN: -- setting up basement
10 apartments.

11 CHAIRMAN SHAPIRO: No sleeping in the
12 basement, no extra kitchen in the basement, all
13 the "C&Rs" that normally come with the "BZA."

14 MR. O'BRIEN: And the other thing I
15 would mention was parking, and there -- and
16 there'll be a two-car detached garage. So --

17 CHAIRMAN SHAPIRO: Right.

18 MR. O'BRIEN: -- two cars on each of
19 the properties, one-family dwellings.

20 You know obviously, if someone wants to
21 break the law, they'll break the law, but there
22 are a lot of things in place to safeguard, to --

23 VICE-CHAIR GREENFIELD: Yeah, but
24 there's recourse I understand. Who -- who is
25 the --

1 NCPC Minor Sub. File No. 43-2026

2 MR. O'BRIEN: -- at least address the
3 objections of -- of the -- the neighbors who
4 e-mailed.

5 VICE-CHAIR GREENFIELD: Who -- who is
6 your client? Who is?

7 MR. BROOKSTEIN: Michael Cardinale.

8 And if I may just add, "Lot A" will
9 have a two-car garage.

10 "Lot B," in accordance with the "BZA"
11 decision will have a -- a one-car garage.

12 MR. O'BRIEN: If there's going to be a
13 one-car garage, you may have to get an amended
14 decision from -- from the Town.

15 CHAIRMAN SHAPIRO: The Town's decision
16 said two-car garages for both?

17 MR. O'BRIEN: The one I -- I read is a
18 two -- two in one. I read the first one.

19 MR. BROOKSTEIN: So --

20 MR. O'BRIEN: You correct me.

21 MR. BROOKSTEIN: -- I believe the
22 decision is a two-car detached for "Lot A," and a
23 one-car for -- for "Lot B."

24 CHAIRMAN SHAPIRO: Okay.

25 MR. O'BRIEN: But there'll be driveway,

1 NCPC Minor Sub. File No. 43-2026

2 which -- which we all know people --

3 CHAIRMAN SHAPIRO: And they have to
4 adhere to all the "C&Rs."

5 MR. O'BRIEN: -- regularly park in as
6 opposed to garages.

7 CHAIRMAN SHAPIRO: Okay.

8 VICE-CHAIR GREENFIELD: I'm satisfied.

9 CHAIRMAN SHAPIRO: All right.

10 Any other questions from the
11 Commissioners?

12 (No response.)

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

15 (No response.)

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

18 (No response.)

19 CHAIRMAN SHAPIRO: Don't all jump.

20 (Laughter.)

21 CHAIRMAN SHAPIRO: Come on, guys.

22 THIRD VICE-CHAIR LEWIS: Which one do
23 we got?

24 CHAIRMAN SHAPIRO: Murray, motion?

25 (Laughter.)

1 NCPC Minor Sub. File No. 43-2026

2 COMMISSIONER FORMAN: A motion to
3 approve NCPC Minor Subdivision File 43-2026 with
4 a "Negative Declaration."

5 THIRD VICE-CHAIR LEWIS: Second.

6 CHAIRMAN SHAPIRO: All those in favor?

7 (Chorus of "ayes.")

8 CHAIRMAN SHAPIRO: Any opposed?

9 (No response.)

10 CHAIRMAN SHAPIRO: Motion carries.

11 MR. BROOKSTEIN: Thank you very much.

12 CHAIRMAN SHAPIRO: You're welcome.

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1 NCPC Minor Sub. File No. 44-2026

2 (Stepping up.)

3 MR. WREN: Okay. Next up we have
4 Case 44-2026. This is a two-parcel minor
5 subdivision.

6 The 10,712 square foot property
7 is situated on the northeast corner of
8 Liberty Avenue and Old Country Road in the Hamlet
9 of Hicksville, Town of Oyster Bay's "R1-7" Zoning
10 District. Application proposes to subdivide the
11 property, which currently has 120 feet of
12 frontage into -- 120 feet of frontage on
13 Liberty Avenue into two separate parcels.

14 "Proposed Lot A" will have 70 feet of
15 frontage on Liberty by 103 and be a total of
16 5,712 square feet.

17 "Proposed Lot B" will have 50 feet of
18 frontage by 100 feet and be a total of
19 5,000 square feet.

20 "Proposed Lot A" will need to be
21 submitted to a "239-F" Review, because the --
22 the property abuts Old Country Road, which is a
23 County Road.

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

1 NCPC Minor Sub. File No. 44-2026

2 For "Lot A," variances to construct a
3 new dwelling on subdivided lot:

4 Having less width of lot from front
5 property line to required rear yard;

6 Lot area;

7 And average side front-yard setback
8 than permitted by ordinance.

9 And for "Lot B," variance to construct
10 a new dwelling on subdivided lot:

11 Having less width from front property
12 line to required rear yard;

13 Width of lot at street;

14 And lot area other than permitted by
15 ordinance.

16 We did see this back as a Zoning Case
17 in April of 2023 of this year and we issued a
18 letter of local determination.

19 I also did receive an e-mail from the
20 residents about this one, so I guess I'll read it
21 right now.

22 This was written by -- there's one
23 letter from multiple residents, so a -- a letter
24 of strong opposition, proposed variance
25 subdivision property located at 2 Liberty Avenue,

1 NCPC Minor Sub. File No. 44-2026

2 Hicksville.

3 We, the undersigned residents of the
4 property -- we, the underlying residents and
5 property owners of Liberty Avenue in Hicksville
6 write to voice our strong unanimous opposition to
7 this application for variances and, or
8 subdivision to construct two oversized
9 multi-bedroom homes on a single lot at the
10 above referenced location. Liberty Avenue is a
11 short, quaint, cohesive residential block,
12 primary [sic] -- preliminarily [sic] composed of
13 well-kept cape and ranch homes.

14 Splitting this lot and constructing
15 two massive homes creates a severe detrimental
16 [sic] -- severe detriment to the community and we
17 respectfully urge the Board deny this application
18 based on New York State's statutory five-factor
19 balancing test.

20 The undesirable change in the
21 neighborhood character. The proposed homes will
22 serve, dwarf the surrounding single homes,
23 including two massive out of scale structures on
24 a -- on downsized lots will permit disruptive
25 aesthetics continuity, and density and historic

1 NCPC Minor Sub. File No. 44-2026

2 character to the block.

3 Achievable by confronting -- by
4 confronting alternatives. The application faces
5 no practical difficulty in utilizing this
6 property. They can easily construct a single,
7 beautiful, fully-conforming home on this lot that
8 aligns with the neighborhood, without requiring a
9 single zoning variances.

10 Variances request is substantial.
11 Subdividing a standard residential lot on an
12 already short, high-density block is an excessive
13 and substantial deviation from the established
14 Town Zoning Code.

15 Adherence [sic] physically and --
16 adverse, I'm sorry, adverse physical and
17 environmental impacts. Extraordinary height and
18 mass of these two homes will entirely block
19 natural sunlight currently enjoyed by the
20 neighbors. Many mature trees are being cut down
21 to accommodate these two properties.

22 Parking and traffic. Liberty Avenue
23 cannot accommodate the additional parking,
24 including multiple new families into a single lot
25 that will create traffic congestion, impact

1 NCPC Minor Sub. File No. 44-2026

2 street parking.

3 Infrastructure strain. Our streets --
4 our street was relatively recently repave
5 [sic] -- repaved. Tearing up the road to patch
6 in double sewer, water and utility lines will
7 severely degrade the public infrastructure.

8 Self-created hardships. The
9 application in this real estate development who
10 knowingly purchased this property with full
11 knowledge of its zoning restrictions, their
12 desire to maximize corporate profits by squeezing
13 two homes into one lot is entirely a
14 self-centered hardship, not a neighborhood
15 necessity.

16 For these reasons, the detriment [sic]
17 of our neighborhood heavily outweigh -- the
18 detriment to our neighborhood heavily outweighs
19 any financial benefit to the developer. We
20 respectfully request the Zoning Board of Appeals
21 protect the residents of Liberty Avenue and deny
22 this application.

23 Thank you for your consideration. And
24 I have about 12 names on this list, if you want
25 me to read them off.

1 NCPC Minor Sub. File No. 44-2026

2 VICE-CHAIR GREENFIELD: So noted.

3 CHAIRMAN SHAPIRO: Thank you.

4 MR. WREN: Thank you.

5 And now I'd like the --

6 THIRD VICE-CHAIR LEWIS: I think --

7 MR. WREN: -- attorney to please step
8 up.

9 THIRD VICE-CHAIR LEWIS: -- I think
10 going forward, we should maybe look at some kind
11 of format for e-mails. Somebody -- I think as a
12 general rule, when someone writes a really long
13 e-mail and they find out there's a word
14 limitation, they may actually make a more
15 compelling case by tightening up what they're
16 saying. These were some really long e-mails
17 you've here read here today.

18 VICE-CHAIR GREENFIELD: I can't put
19 a -- we can't put a three-minute limit on
20 e-mails.

21 THIRD VICE-CHAIR LEWIS: Actually, we
22 could put. We absolutely could.

23 (Laughter.)

24 MR. O'BRIEN: Actually, yeah, you're
25 exactly right.

1 NCPC Minor Sub. File No. 44-2026

2 CHAIRMAN SHAPIRO: The other thing is,
3 is that we should, if we get the e-mails far
4 enough in advance when we're sent the --

5 MR. O'BRIEN: Work session.

6 THIRD VICE-CHAIR LEWIS: It should be
7 sent ahead of time, so we don't have to --

8 CHAIRMAN SHAPIRO: -- when we're sent
9 the agenda.

10 MR. WREN: I -- I -- I would totally
11 agree with that is I did all receive these
12 e-mails after our pre-meeting --

13 CHAIRMAN SHAPIRO: Yeah, but --

14 MR. WREN: -- all within the last day
15 or two.

16 CHAIRMAN SHAPIRO: That's okay.
17 So when you send us our agendas --

18 MR. WREN: Oh, yes, of course.

19 CHAIRMAN SHAPIRO: -- just include
20 them, you know, right after each of the cases.

21 MR. WREN: Absolutely. I didn't even
22 think of that.

23 CHAIRMAN SHAPIRO: This way they take,
24 you know -- and it's, you have it part of the
25 record. You can put it in and we can all read

1 NCPC Minor Sub. File No. 44-2026

2 them.

3 MR. WREN: Oh, yeah. No -- no.

4 Absolutely. I think that's a fantastic idea.

5 MR. O'BRIEN: Because really, you
6 shouldn't get more time by not coming, than you
7 do by coming. You're prejudicing the people who
8 come.

9 (Laughter.)

10 VICE-CHAIR GREENFIELD: Can we ask them
11 a hundred --

12 CHAIRMAN SHAPIRO: I hate to tell
13 you -- I hate to tell you, the two of us do
14 anyhow, so what's the difference?

15 (Laughter.)

16 VICE-CHAIR GREENFIELD: So a hundred --
17 a hundred words or less. Can we tell them that
18 and -- and put on our website?

19 MR. WREN: Yup, absolutely. I will do
20 that in the future.

21 I'd now like the attorney to please
22 step up.

23 CHAIRMAN SHAPIRO: Hopefully, we cut
24 your presentation short.

25 (Stepping up.)

1 NCPC Minor Sub. File No. 44-2026

2 MR. BUTLER: A little.

3 (Laughter.)

4 MR. BUTLER: Good morning,
5 Mr. Chairman, members of the Commission. For the
6 record, Philip Butler, Forchelli Deegan Terrana,
7 333 Earle Ovington Boulevard, on behalf of the
8 applicant.

9 I wish just one of those residents had
10 come out to the Zoning Board hearing, because a
11 lot of what they said, I might have been able to
12 resolve. So yes, we are seeking to split the lot
13 into two -- two properties, but the homes are
14 very much in character with what's around it.

15 So each home will have a footprint that
16 is less than 1,000 square feet with a detached
17 one-car garage. That is very much in keeping
18 with both the scale of the lots we're creating
19 and everything around it.

20 We looked extensively at the
21 surrounding neighborhoods to the east and to the
22 northwest, in addition to Liberty Avenue itself
23 and the adjoining street, Prince Street. There
24 is a tremendous number of lots that are roughly
25 the same size as this one, with homes that are

1 NCPC Minor Sub. File No. 44-2026

2 roughly the same size.

3 So this was designed very much to be in
4 keeping with what's there. This is not going to
5 be an overdevelopment. The height of both of the
6 houses will be under 28 feet, which is the
7 requirement under zoning, so they are also not
8 going to be taller than would be permitted by
9 code.

10 Both homes will be a five-bedroom,
11 3 1/2 bath with an unfinished basement, with
12 ceiling height under 7 feet and no separate
13 outside access. So we're not looking at another,
14 you know, illegal housing situation. Each home
15 will also have a driveway that is roughly 75 feet
16 long, which can easily accommodate at least
17 three cars.

18 So as I said, you know, we are --

19 THIRD VICE-CHAIR LEWIS: On the --

20 MR. BUTLER: -- splitting the lot,
21 but --

22 THIRD VICE-CHAIR LEWIS: -- yeah, no,
23 that's great.

24 MR. BUTLER: Yeah.

25 THIRD VICE-CHAIR LEWIS: On the

1 NCPC Minor Sub. File No. 44-2026
2 driveway point, would both access from Liberty?
3 Is that what we're seeing on the screen?

4 MR. BUTLER: That's correct. Both
5 homes will front on Liberty and both driveways
6 will be on Liberty, no access onto -- onto
7 Old Country Road. But as was mentioned --

8 THIRD VICE-CHAIR LEWIS: So you avoid
9 the issues with Old Country Road? Yeah, that
10 would --

11 MR. BUTLER: Right -- right. We're not
12 going to put a curb cut there, but because one of
13 the lots is adjacent, we will have to do "239-F."

14 CHAIRMAN SHAPIRO: And --

15 THIRD VICE-CHAIR LEWIS: And --

16 CHAIRMAN SHAPIRO: -- all owner
17 occupied?

18 MR. BUTLER: The both lots are going to
19 be for sale, but these are not going to be rental
20 properties --

21 CHAIRMAN SHAPIRO: Okay.

22 MR. BUTLER: -- as far as my client is
23 concerned.

24 Obviously, we have no control what a
25 future owner does, but they're not going to be

1 NCPC Minor Sub. File No. 44-2026

2 renting them. They're going to be for sale.

3 THIRD VICE-CHAIR LEWIS: Staff, if you
4 could just scroll back to the area image that
5 shows the sizes of the neighboring lot.

6 It looks like there are quite a few
7 lots within this area that are consistent with
8 what you're proposing. That's one of the reasons
9 I wanted to --

10 MR. BUTLER: Yeah. So specifically,
11 the five lots directly to the south of this on
12 Liberty are all under the zoning requirement.
13 Specifically, the -- the last four are
14 5,000 square feet each, so that's exactly in
15 keeping with what we're proposing. And then if
16 you go one block over to Prince Street, all but
17 one of those lots is 5,000 to 5200 square feet.
18 So it's all pretty much the same size.

19 And as I mentioned before, we looked
20 even farther abroad from this and the entire
21 area, which is "R1-7" District, still all of
22 these properties are about the same size.

23 THIRD VICE-CHAIR LEWIS: And you also
24 said your builder's not looking to build
25 "McMansions" here, and try and make it enormous

1 NCPC Minor Sub. File No. 44-2026

2 houses?

3 MR. BUTLER: No. As I said, each --
4 each home's going to be under 1,000 square feet,
5 1900 square feet total with the second floor.
6 But both homes will be under the 28 foot maximum,
7 so these are going to be consistent with the size
8 of the lots.

9 CHAIRMAN SHAPIRO: Okay.
10 Commissioners, any questions?

11 (No response.)

12 CHAIRMAN SHAPIRO: Do we have anybody
13 in the public that wishes to be heard?

14 (No response.)

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

17 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
18 on NCPC Minor Subdivision 44-2026, right, 44?

19 CHAIRMAN SHAPIRO: Yup.

20 THIRD VICE-CHAIR LEWIS: My motion is
21 for a "Negative Declaration" and that we approve
22 the subdivision.

23 COMMISSIONER FORMAN: Second.

24 CHAIRMAN SHAPIRO: All in favor?

25 (Chorus of "ayes.")

1 NCPC Minor Sub. File No. 44-2026

2 CHAIRMAN SHAPIRO: Any opposed?

3 (No response.)

4 CHAIRMAN SHAPIRO: Motion carries.

5 Thank you.

6 MR. BUTLER: Thank you very much.

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1 NCPC Minor Sub. File No. 45-2026

2 (Stepping up.)

3 MR. ANDRIANO: Okay. Case 45-2026.

4 The 9,238.41 square feet subject
5 property is situated between the south side of
6 Raymond Place and the north side of Johnson Place
7 in the Hamlet of Hewlett, Town of Hempstead's
8 Residential "B" Zoning District. The application
9 proposes subdividing the property which has
10 43.04 feet of frontage on Raymond Place and
11 51.23 feet of frontage on Johnson Place into two
12 parcels as follows:

13 "Proposed Lot A" will have 51.23 feet
14 of frontage on Johnson and a 4,637.01 square feet
15 area parcel;

16 "Proposed Lot B" will have a 43.04 feet
17 of frontage on Raymond and a 4,601.40 square feet
18 area parcel.

19 The Town of Hempstead Zoning Board of
20 Appeals has issued a letter of zoning compliance
21 for the proposed subdivision, including the
22 approval of the follow [sic] -- following
23 variances:

24 For "Lot A," subdivision of lot, lot
25 area, maintain dwelling on a lesser lot and

1 NCPC Minor Sub. File No. 45-2026

2 demolish existing garage;

3 For "Lot B," subdivision of lot, lot
4 area, front width from and on street line to the
5 front setback line, lot area occupied and
6 construct dwelling with garage.

7 And now if the attorney could step
8 forward please.

9 (Stepping up.)

10 MR. AVRUTINE: Thank you.

11 Good morning again.

12 (Vice-Chair Greenfield exits the
13 meeting.)

14 MR. AVRUTINE: Appearing for the
15 applicant, Howard Avrutine, 66 North Village
16 Avenue, Rockville Centre.

17 In looking at the radius map, the
18 Commission will notice that on the block between
19 Johnson Place on the south and Raymond Place on
20 the north, this currently is the only parcel that
21 goes street to street.

22 THIRD VICE-CHAIR LEWIS: Right.

23 MR. AVRUTINE: The plan here is to
24 maintain the existing home on the southerly side
25 of the property, which fronts on Johnson Place

1 NCPC Minor Sub. File No. 45-2026

2 and to construct a new home on Raymond. And that
3 is fully in conformity with the surrounding area.

4 As was indicated, variances were
5 granted by the Town of Hempstead Board of
6 Appeals. With respect to the existing home,
7 there were variances for, of course, for the
8 subdivision of lot, lot area.

9 And with respect to the -- the
10 new home, the parcel which fronts on the
11 southerly side of Raymond Place, subdivision, lot
12 area, front width, lot area occupied.

13 And the home, the proposed home, again,
14 does fit in with the surrounding area. It's a
15 colonial-style home. Four bedrooms on the second
16 floor and four and-a-half baths.

17 And -- and there -- there will be --
18 there's, in the -- in the variance decision,
19 there were the similar covenants that the --
20 conditions I should say, that are typically
21 issued by the Town of Hempstead Board of Appeals
22 in these types of cases, along with the
23 requirement for a recorded declaration of
24 restrictive covenants reflecting all of these
25 conditions. So all of that is assured and we

1 NCPC Minor Sub. File No. 45-2026
2 would respectfully request that the application
3 be approved as presented.

4 CHAIRMAN SHAPIRO: Thank you.

5 Commissioners, any questions?

6 (No response.)

7 CHAIRMAN SHAPIRO: Is there anybody in
8 the public that wishes to be heard on this
9 matter?

10 (No response.)

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

13 COMMISSIONER FORMAN: Motion to approve
14 NCPC Minor Subdivision File 45-2026 with a
15 "Negative Declaration."

16 CHAIRMAN SHAPIRO: Is there a second?

17 COMMISSIONER SETER: Second.

18 CHAIRMAN SHAPIRO: All in favor?

19 (Chorus of "ayes.")

20 CHAIRMAN SHAPIRO: Any opposed?

21 (No response.)

22 CHAIRMAN SHAPIRO: Motion carries.

23 MR. AVRUTINE: Thank you very much.

24 * * *

25

1 NCPC Minor Sub. File No. 46-2026

2 (Stepping up.)

3 MR. ANDRIANO: Okay. Case 46-2026.

4 The 87,149.6 square feet subject
5 property is situated on the east side of Crossway
6 in the Hamlet of Glen Head, Town of Oyster Bay's
7 Residential "R1-RA" Zoning District. The
8 application proposes subdividing the property,
9 which has 181.23 feet of frontage on Crossway
10 into two parcels as follows:

11 "Proposed Lot 1" will have 125 feet of
12 frontage on Crossway and a total of a 43,585
13 square feet area parcel;

14 "Proposed Lot 2" will have 56.23 feet
15 of frontage on Crossway and a total of a
16 43,564.6 square feet area parcel.

17 The Town of Oyster Bay's Zoning Board
18 of Appeals has issued a letter of zoning
19 compliance for the proposed subdivision,
20 including the approval of the following variance:

21 Variance to construct a new dwelling on
22 a subdivided lot having less width of lot from
23 front property line to required rear yard than
24 permitted by ordinance.

25 And with that, if the attorney could

1 NCPC Minor Sub. File No. 46-2026

2 please step forward.

3 CHAIRMAN SHAPIRO: Do we a view of
4 the surrounding area? Not the variance map, but
5 just -- okay, that's good.

6 (Stepping up.)

7 MS. SIMONCIC: Good morning,
8 Mr. Chairman, members of the Commission.
9 Judy Simoncic with the firm of Forchelli Deegan
10 Terrana, offices at 333 Earle Ovington Boulevard,
11 appearing on behalf of the applicant this
12 morning.

13 We are seeking approval for a minor
14 two-lot subdivision to create two building lots,
15 to allow the construction of one additional home
16 on "Parcel 2." The existing residence on
17 "Parcel 1" will remain.

18 As Cameron [sic] indicated, the Zoning
19 Board of Appeals had granted a variance. Only
20 one variance was necessary for lot width for
21 "Parcel 2," back in June of this year. The
22 property, as he indicated, is zoned "R1-1A,"
23 which is a one-acre zoning district. We're
24 proposing two lots that are one acres each.
25 Again, we only required one lot width variance.

1 NCPC Minor Sub. File No. 46-2026

2 And actually, when the Zoning Board heard the
3 case, the lot width variance you'll note on the
4 plans does not extend for the entire width of the
5 property. We're actually compliant at the street
6 and it does not start to become non-compliant
7 until about 100 foot setback from the street.

8 So visually, there is no impact to any
9 other properties. Certainly people driving by
10 will not even know that the property did not have
11 the sufficient width through the entire lot.

12 CHAIRMAN SHAPIRO: So my -- my --

13 THIRD VICE-CHAIR LEWIS: Even the
14 corner of it, I was -- maybe your same
15 observation is sort of cut in a way that it won't
16 be obvious to people driving up and down the
17 block that --

18 MS. SIMONCIC: That -- that's correct.

19 THIRD VICE-CHAIR LEWIS: -- the
20 property's smaller; right?

21 MS. SIMONCIC: But that is actually
22 part of our street frontage. That is -- that has
23 frontage on the Town Road. So that's why we were
24 able to comply with the frontage at the street.

25 MR. O'BRIEN: From a zoning

1 NCPC Minor Sub. File No. 46-2026

2 standpoint --

3 CHAIRMAN SHAPIRO: So --

4 MR. O'BRIEN: -- it doesn't stand out
5 like a proverbial sore thumb --

6 MS. SIMONCIC: Not at all.

7 MR. O'BRIEN: -- like a 40 by 100 --

8 MS. SIMONCIC: Right.

9 MR. O'BRIEN: -- in an area where
10 everybody is 60 by 100. I know what you mean.

11 MS. SIMONCIC: Absolutely not.

12 And this, again, if you look at the
13 surrounding area, you have two-acre parcels to
14 the north. You have a lot of one-acre parcels to
15 the south and dispersed throughout.

16 And again, we are compliant with the
17 lot area. We meet all of:

18 The setback requirements;

19 Lot coverage;

20 Every other requirement of the Town of
21 Oyster Bay, except for that lot width variance,
22 which was granted unanimously by the
23 Zoning Board, unconditionally from the
24 Zoning Board.

25 I would also just point out too, as you

1 NCPC Minor Sub. File No. 46-2026

2 can see on the partitioning map if you can turn
3 back to it --

4 (Vice-Chair Greenfield enters the
5 meeting.)

6 MS. SIMONCIC: -- the existing house
7 was located on the property, originally by the
8 applicant's father in 1970 on the north side of
9 the property, because it was always the intention
10 to subdivide this property because it had
11 2 acres.

12 So what we're doing is creating two
13 lots, but we are not rendering the existing house
14 non-conforming either. It was intentionally
15 situated in that location, so that there could be
16 a further subdivision down the road.

17 Again, I would say additionally, there
18 are significant mature trees around the perimeter
19 of the property and around the entire property
20 that will buffer us from the adjacent residences.
21 And for these reasons, we are requesting approval
22 from the Planning Commission for a two-lot
23 subdivision.

24 And I'm happy to answer any questions
25 the Commission has.

1 NCPC Minor Sub. File No. 46-2026

2 CHAIRMAN SHAPIRO: Thank you.

3 Any other questions?

4 (No response.)

5 CHAIRMAN SHAPIRO: Any questions?

6 (No response.)

7 CHAIRMAN SHAPIRO: It's pretty straight
8 forward.

9 Is there anyone in the public that
10 wishes to be heard?

11 MR. NADEL: Yes.

12 CHAIRMAN SHAPIRO: Name and address for
13 the record, please.

14 (Stepping up.)

15 MR. NADEL: My name is Lloyd Nadel.
16 I'm an attorney. I'm representing the
17 neighbors to this property. My office address
18 is 170 Old Country Road, Mineola. My home
19 address is 10 Wedgewood Court in Glen Head. I am
20 the property directly south of the subject
21 property.

22 Similar to the application made under
23 44-2026 regarding the Town of Oyster Bay, we
24 would ask your -- you folks to consider the
25 five-factor balancing test. What is the fact of

1 NCPC Minor Sub. File No. 46-2026
2 the matter here -- and I've lived in the
3 neighborhood 30 years. Number one, Crossway has
4 apparently one-acre zoning. But as the -- if you
5 could put the previous map up there
6 (indicating) -- yes -- all those houses on
7 Crossway are on two-acre plots and they're
8 centered. They're all 1970s, early '80s houses.
9 They're about 20 feet high. They're about 3500
10 or 4,000 square feet.

11 Wedgewood is one-acre zoning. It's the
12 entire -- that's part of it, that's adjacent to
13 the property. It's one-acre zoning. All houses
14 are centered. All houses were built, mine in
15 1972 I believe, all in that timeframe and all
16 with -- all with approximately 20 feet in
17 length -- in height.

18 What they're proposing is to subdivide
19 the property. The narrow part is directly behind
20 me. They're proposing a 30-foot high structure
21 that's 6,400 square feet. 6400 square feet is
22 almost double in size of the surrounding
23 neighborhoods. So using the balancing act, it's
24 going to completely be out of place in the
25 surrounding neighborhood.

1 NCPC Minor Sub. File No. 46-2026

2 With regard to the mature plantings,
3 there are no mature plantings that don't drop
4 their leaves that are anywhere near 30 feet high.
5 So literally, this house is going to look
6 directly into my bedroom, 'cause it's so much
7 higher.

8 The -- at the Oyster Bay Commission,
9 myself -- and I'm representing them today --
10 myself, Mr. Bianco, the Biancos, which is the
11 next house over (indicating) and the three houses
12 (indicating) going around on the next one
13 (indicating) going east on Wedgewood Court and
14 the two (indicating) on Beaver Court, all the
15 abutting land -- landowners oppose this. We
16 appeared, most of us at the Board meeting. The
17 Board granted the variance anyway. Obviously,
18 we're looking to have you deny the variance.

19 In the event you do grant it, we're
20 asking --

21 MR. O'BRIEN: Sir -- sir, just so
22 you know, this is not a variance hearing. This
23 is a --

24 MR. NADEL: Right.

25 MR. O'BRIEN: -- Planning Commission.

1 NCPC Minor Sub. File No. 46-2026

2 MR. NADEL: I understand something --

3 CHAIRMAN SHAPIRO: And not only that,
4 we can't deny the variance. It's up to the
5 Town of Oyster Bay to approve or deny it.

6 MR. NADEL: No. I'm sorry.

7 CHAIRMAN SHAPIRO: So that's where you
8 should have started.

9 MR. NADEL: I'm sorry. I misspoke.

10 I'm not asking to deny the variance,
11 deny the subdivision.

12 If you folks do grant the subdivision,
13 I would ask that you require the landowner, the
14 homeowner to put mature plantings 30 feet high on
15 the border between my house (indicating),
16 Bianco's house (indicating) and their house
17 (indicating), and enforce the 30 foot setback
18 that they propose in the plan. So we're asking
19 initially to deny the subdivision, and if it is
20 granted, to enforce those items.

21 Thank you.

22 MR. O'BRIEN: Just -- just so we have
23 it on the record, I -- you -- you noted yourself,
24 Counsel, that you appeared and you objected at
25 the Zoning Board hearing. When the -- when the

1 NCPC Minor Sub. File No. 46-2026

2 decision was rendered, did you or any of the
3 other neighbors take an "Article 78" proceeding?

4 MR. NADEL: No, we did not take an
5 "Article 78."

6 MR. O'BRIEN: Okay. So that's --
7 that's basically the law of the case at this
8 point.

9 Okay. Thank you.

10 MR. NADEL: Uh-huh.

11 VICE-CHAIR GREENFIELD: And I'm
12 concerned that if we were to deny, that we could
13 be brought into an "Article 78" proceeding. So I
14 will now ask you if you would yield the mic. and
15 I'll ask the attorney for the applicant if
16 they're willing to plant these 30-foot trees or
17 somehow take -- is your client here today?

18 MS. SIMONCIC: Yes.

19 VICE-CHAIR GREENFIELD: Okay.

20 MS. SIMONCIC: Yes.

21 First and foremost, the five factor
22 test does not apply before this Commission
23 obviously. Those are the factors that the
24 Zoning Board had to apply when they rendered a
25 decision to unanimously approve this one, very

1 NCPC Minor Sub. File No. 46-2026

2 not substantial variance.

3 Mr. Nadel made all these arguments
4 before the Zoning Board, including requesting
5 mature plantings. There are mature trees around
6 the entire perimeter of the property. There's
7 also a mature line of trees that go between
8 proposed "Parcel 1" and "Parcel 2," that have
9 existed for -- since the applicant's father's
10 developed the property with the first home.

11 The Board did not see fit to require
12 any further plantings, because there is no need
13 for it. There are mature trees around the entire
14 property --

15 VICE-CHAIR GREENFIELD: Now, I see
16 that.

17 MS. SIMONCIC: Do you see that?

18 THIRD VICE-CHAIR LEWIS: As you're
19 speaking, there is an image --

20 MS. SIMONCIC: Yeah, those --

21 THIRD VICE-CHAIR LEWIS: -- on the
22 screen.

23 MS. SIMONCIC: -- that (indicating) is
24 the lot we're looking at. It's fully screened on
25 both sides.

1 NCPC Minor Sub. File No. 46-2026

2 And what I find most curious about
3 Mr. Nadel's arguments about his privacy, at the
4 Zoning Board he argued against the variance and
5 that we should build one fully-compliant house.
6 But he neglects to acknowledge that if we were to
7 do that, the house will be 20 feet from his
8 side yard. It would render it even closer than
9 what we're proposing.

10 So this subdivision will actually have
11 less impact on his views and his privacy, than
12 otherwise if we were to build one compliant
13 house. We are at 31 feet on the side yard that
14 abuts him.

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

16 MS. SIMONCIC: So we're providing a
17 larger setback than he would get if we built a
18 house "as-of-right."

19 Again, in terms of the character, he
20 did mis -- make a misstatement. All of the
21 houses on Crossway are not two acres in size.
22 There are some that are smaller.

23 In fact, as you go further north on
24 Crossways, there's others that are significantly
25 smaller. We had a real estate expert testify,

1 NCPC Minor Sub. File No. 46-2026

2 Mr. Lynch, at the public hearing before the
3 Zoning Board. He talked about character. We
4 talked about the size of the lots. We comply
5 with the one-acre requirement. We are in full
6 character with the other parcels in the area.

7 The reason why the other lots on
8 Crossways have not been subdivided is because of
9 the configurations of those lots. They don't
10 lend themselves to a subdivision as this one
11 does, because we have more frontage than they do.
12 Those lots are much narrower, and longer and
13 deeper, so that creating two lots would be --
14 you'd need a lot more variances to do that.

15 This parcel is special, because we only
16 required one variance to create a subdivision.
17 And again, we submit it's in character with the
18 neighborhood. The Zoning Board heard all that
19 testimony.

20 They approved it unanimously without
21 the requirement for 30-foot mature trees. I've
22 never heard such a request from a neighbor, but
23 there's no need for it at all. It is overkill.
24 There is -- there is significant mature landscape
25 plantings around the entire perimeter of this

1 NCPC Minor Sub. File No. 46-2026

2 property.

3 CHAIRMAN SHAPIRO: Thank you.

4 MS. SIMONCIC: And I'm happy to answer

5 any other questions --

6 VICE-CHAIR GREENFIELD: It's your

7 clients --

8 MS. SIMONCIC: -- the Commission has.

9 VICE-CHAIR GREENFIELD: It's your

10 client's intention to leave all those plantings,

11 not to disturb them?

12 MS. SIMONCIC: That is correct, yes.

13 They want privacy as much as Mr. Nadel and his

14 neighbors would like privacy.

15 VICE-CHAIR GREENFIELD: Okay. I'm glad

16 the pictures were very --

17 MS. SIMONCIC: Worth a thousand words,

18 right?

19 VICE-CHAIR GREENFIELD: Right.

20 Okay.

21 MR. NADEL: May I just have one

22 rebuttal comment?

23 VICE-CHAIR GREENFIELD: Rebuttal?

24 CHAIRMAN SHAPIRO: Commissioners, any

25 other comments?

1 NCPC Minor Sub. File No. 46-2026

2 VICE-CHAIR GREENFIELD: Ask if anyone
3 else in the audience wants to speak.

4 CHAIRMAN SHAPIRO: Is there anybody
5 else in the audience that wishes to speak on this
6 matter?

7 (No response.)

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

10 THIRD VICE-CHAIR LEWIS: Mr. Chairman,
11 for NCPC Minor Subdivision File 46-2026, my
12 motion is to approve the subdivision with a
13 "Negative Declaration."

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

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

17 CHAIRMAN SHAPIRO: All in favor?

18 (Chorus of "ayes.")

19 CHAIRMAN SHAPIRO: Any opposed?

20 (No response.)

21 CHAIRMAN SHAPIRO: The motion carries.
22 Thank you.

23 MS. SIMONCIC: Thank you.

24 * * *

25

1 Zoning Referral Review

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

4 THIRD VICE-CHAIR LEWIS: I'm trying to
5 think what was interesting here. We had a
6 pickleball courts.

7 (Laughter.)

8 THIRD VICE-CHAIR LEWIS: What else?

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

11 CHAIRMAN SHAPIRO: Okay, Greg, Zoning.

12 VICE-CHAIR GREENFIELD: Make it short
13 form.

14 Short form. I think we're going to
15 do --

16 MR. O'BRIEN: The Marty Katz Reader's
17 Digest version.

18 VICE-CHAIR GREENFIELD: Right.

19 CHAIRMAN SHAPIRO: What we're going to
20 do is we're going to take a motion on the
21 Local Determinations:

22 1;

23 2;

24 7;

25 And 8.

1 Zoning Referral Review

2 (Stepping up.)

3 MR. HOESL: Okay.

4 VICE-CHAIR GREENFIELD: So moved.

5 CHAIRMAN SHAPIRO: Is there a second?

6 COMMISSIONER FORMAN: Second.

7 CHAIRMAN SHAPIRO: All in favor?

8 (Chorus of "ayes.")

9 CHAIRMAN SHAPIRO: Any opposed?

10 (No response.)

11 CHAIRMAN SHAPIRO: Motion carries.

12 * * *

13 CHAIRMAN SHAPIRO: Now we'll go to
14 the -- let's do the modification first.

15 MR. HOESL: Okay, great. Thank you.

16 CHAIRMAN SHAPIRO: And do the quick
17 form.

18 MR. HOESL: Yup.

19 This is a proposed local law by the
20 Incorporated Village of Kings Point. They are
21 seeking to regulate pickleball courts and
22 associated pickleball equipment within the
23 Village limits. This would prohibit pickleball
24 courts in front yards and require a 40-yard
25 setback, prohibit illumination of the courts and

1 Zoning Referral Review

2 restrict permitted pickleball equipment to the
3 quiet paddles and balls as nationally recognized
4 for noise reduction, subject to approval by the
5 Village Building Inspector.

6 Subsection "J(3)" of their local law
7 states during the time that pickleball is being
8 played on a property or within 20 minutes
9 thereafter, any owner who maintains a pickleball
10 court is deemed to have authorized a village
11 official to come onto its property, to inspect
12 and determine if a paddle and, or a ball that is
13 not permitted was being used. If during that
14 inspection, a paddle and, or ball that is not
15 permitted is found on the property that is not
16 within the building or a vehicle, there shall be
17 a conclusive presumption that the not permitted
18 paddle and, or ball was being used in violation
19 of this section.

20 I had a problem with this. I believe
21 we should probably inform the Village that they
22 should remove this section of the local law, as
23 it raises unresolved Fourth Amendment and due
24 process concerns.

25 CHAIRMAN SHAPIRO: It's invasion of a

1 Zoning Referral Review

2 homeowner's rights.

3 MR. HOESL: Exactly.

4 CHAIRMAN SHAPIRO: I agree with you
5 a hundred percent.

6 MR. HOESL: Yeah. Thank you.

7 (Laughter.)

8 CHAIRMAN SHAPIRO: Do I have a motion
9 on the modification?

10 COMMISSIONER HAMRA: Sure.

11 Motion to deny Modification 3 [sic]

12 and --

13 CHAIRMAN SHAPIRO: Subsection 3.

14 COMMISSIONER HAMRA: Subsection 3.

15 CHAIRMAN SHAPIRO: Due it to being --

16 THIRD VICE-CHAIR LEWIS: Modification
17 to strike.

18 COMMISSIONER HAMRA: Modification to
19 strike Subsection 3, due to it being -- being
20 excessive violation of privacy and potential
21 issues with the Fourth Amendment and
22 Fifth Amendment.

23 MR. HOESL: Thank you.

24 CHAIRMAN SHAPIRO: Is there a second?

25 VICE-CHAIR GREENFIELD: Second.

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: All in favor?

3 (Chorus of "ayes.")

4 CHAIRMAN SHAPIRO: Any opposed?

5 (No response.)

6 CHAIRMAN SHAPIRO: Motion carries.

7 VICE-CHAIR GREENFIELD: And -- and for
8 the record, I prefer pickled herring over
9 pickleball.

10 MR. HOESL: Yeah -- yeah.

11 (Laughter.)

12 CHAIRMAN SHAPIRO: You can have that
13 this weekend.

14 VICE-CHAIR GREENFIELD: I probably
15 will.

16 (Laughter.)

17 * * *

18 CHAIRMAN SHAPIRO: Okay. Let's do
19 No. 4 next.

20 MR. HOESL: Okay.

21 This is a proposed child daycare
22 center. They require:

23 A conditional use permit for the
24 operation;

25 Also, a parking variance for the number

1 Zoning Referral Review

2 of parking spaces;

3 And a waiver for insufficient drop-off,
4 pick -- pick-up area based on the occupancy
5 numbers.

6 This is in the Hamlet of Roslyn
7 Heights, Town of Hempstead [sic] -- Town of
8 North Hempstead's Business "A" Zoning District.
9 The daycare center will be located on the ground
10 floor of the existing multi-tenant commercial
11 retail building.

12 The second floor of the retail building
13 was previously before the Planning Commission in
14 January of 2023 for a parking variance resulting
15 from the conversion to office use from retail
16 use. Subject property is approximately 9800
17 square feet and the building located on the
18 property is 6,000 square feet.

19 As mentioned, the conditional use
20 permit is required by the Town of North Hempstead
21 Board of Zoning Appeals for the proposed
22 alterations, which will result in the new daycare
23 center. A daycare center is considered a
24 conditional use.

25 A variance for off-street parking is

1 Zoning Referral Review

2 required, when there shall be 1 space per staff
3 member and 1 space for every 15 children the
4 daycare center can accommodate. Parking
5 calculations put that number at 8 parking spaces
6 and then when combined with the second-floor
7 office use, 17 spaces. That's a total of 25
8 spaces required. Only 12 are provided.
9 Therefore, the variance is needed.

10 Also needed is that waiver for the
11 drop-off and pick-up area. I believe if you just
12 bring up the site plan real quick -- thank you --
13 you can see, yup, you could see the three spaces
14 (indicating) that are going to be used for
15 drop-off and pick-up are in the
16 easterly portion of the parking lot there. You
17 also have that playground area (indicating) off
18 to the side, which will be sufficiently protected
19 and fenced in, as per our regulations.

20 VICE-CHAIR GREENFIELD: So the
21 modification is?

22 CHAIRMAN SHAPIRO: Modification is the
23 "239-F."

24 MR. HOESL: No, yeah. This is just
25 a -- a "239-F."

1 Zoning Referral Review

2 VICE-CHAIR GREENFIELD: All right.

3 MR. HOESL: Yeah.

4 CHAIRMAN SHAPIRO: With the
5 municipality.

6 THIRD VICE-CHAIR LEWIS: It's a
7 modification.

8 CHAIRMAN SHAPIRO: It's a letter.

9 MR. HOESL: And as Andrea mentioned to
10 us, it'll be staggered drop off and pick up,
11 so --

12 THIRD VICE-CHAIR LEWIS: They did
13 commit to that when they showed us this; right?

14 CHAIRMAN SHAPIRO: Right.

15 THIRD VICE-CHAIR LEWIS: It shows like
16 some --

17 CHAIRMAN SHAPIRO: Yup.

18 THIRD VICE-CHAIR LEWIS: -- staggering.

19 MR. HOESL: Yup.

20 THIRD VICE-CHAIR LEWIS: Okay, yeah.

21 CHAIRMAN SHAPIRO: So --

22 MR. HOESL: Good with that? Yup.

23 CHAIRMAN SHAPIRO: "LDL" is fine --

24 MR. HOESL: (Nodding head yes.)

25 CHAIRMAN SHAPIRO: -- with the letter.

1 Zoning Referral Review

2 MR. HOESL: Thank you.

3 CHAIRMAN SHAPIRO: Do I have a motion?

4 VICE-CHAIR GREENFIELD: So moved.

5 CHAIRMAN SHAPIRO: Second?

6 COMMISSIONER FORMAN: Second.

7 CHAIRMAN SHAPIRO: All in favor?

8 (Chorus of "ayes.")

9 CHAIRMAN SHAPIRO: Motion carries.

10 * * *

11 VICE-CHAIR GREENFIELD: Five.

12 CHAIRMAN SHAPIRO: Greg, we went
13 through extensively on Case 5 in the pre-meeting,
14 so I think the bottom line is, is that we want to
15 have a letter with this approval and you can
16 state what the letter is.

17 MR. HOESL: A letter reminding the
18 referring municipality that a "239-F" Review will
19 be required as this is a County roadway,
20 South Main Street.

21 VICE-CHAIR GREENFIELD: So that's --

22 CHAIRMAN SHAPIRO: Prior to the
23 issuance of any building permits.

24 MR. HOESL: Exactly.

25 CHAIRMAN SHAPIRO: Okay.

1 Zoning Referral Review

2 MR. HOESL: Thanks.

3 CHAIRMAN SHAPIRO: Do I have a motion?

4 VICE-CHAIR GREENFIELD: So moved.

5 CHAIRMAN SHAPIRO: Second?

6 COMMISSIONER FORMAN: Second.

7 CHAIRMAN SHAPIRO: All in favor?

8 (Chorus of "ayes.")

9 CHAIRMAN SHAPIRO: Any opposed?

10 (No response.)

11 CHAIRMAN SHAPIRO: Motion carries.

12 * * *

13 VICE-CHAIR GREENFIELD: Six.

14 CHAIRMAN SHAPIRO: No. 6, we'll look at
15 it the same way. And we went through this with
16 the Village Attorney.

17 MR. HOESL: Yup.

18 CHAIRMAN SHAPIRO: So we agree with
19 your recommendation of a letter and state what
20 that letter will be.

21 MR. HOESL: Yes. Recommending that we
22 issue a letter to the Incorporated Village of
23 Manorhaven indicating that this should be the
24 Village's final six-month moratorium extension.

25 CHAIRMAN SHAPIRO: Right.

1 Zoning Referral Review

2 And they should actually update us
3 before the six months.

4 MR. HOESL: I -- I -- I was going to
5 say yes, and have them be in contact with us and
6 let us know how it's going.

7 CHAIRMAN SHAPIRO: Right.

8 MR. HOESL: Yup.

9 CHAIRMAN SHAPIRO: Perfect.

10 And --

11 MR. HOESL: Next [sic].

12 CHAIRMAN SHAPIRO: -- last but not
13 least.

14 COMMISSIONER FORMAN: So moved.

15 THIRD VICE-CHAIR LEWIS: Do you have a
16 motion or --

17 CHAIRMAN SHAPIRO: Oh.

18 Do I have a motion?

19 COMMISSIONER FORMAN: So moved.

20 CHAIRMAN SHAPIRO: Is there --

21 THIRD VICE-CHAIR LEWIS: Second --

22 CHAIRMAN SHAPIRO: -- a second?

23 THIRD VICE-CHAIR LEWIS: -- second.

24 CHAIRMAN SHAPIRO: All in favor?

25 (Chorus of "ayes.")

1 Zoning Referral Review

2 CHAIRMAN SHAPIRO: Motion carries.

3 (Laughter.)

4 * * *

5 CHAIRMAN SHAPIRO: Bob, you like this
6 today, huh?

7 MR. O'BRIEN: So noted that -- I'm
8 sorry.

9 VICE-CHAIR GREENFIELD: We're moving
10 along.

11 (Laughter.)

12 CHAIRMAN SHAPIRO: And the -- we're
13 moving along.

14 VICE-CHAIR GREENFIELD: I recuse myself
15 on No. 9, because it's Rockville Centre.

16 CHAIRMAN SHAPIRO: Okay. So --

17 MR. HOESL: Yup.

18 Yeah, I guess real quickly.

19 This is a "Tru by Hilton" Hotel.

20 CHAIRMAN SHAPIRO: Yeah.

21 MR. HOESL: It is located on a
22 County Roadway, so we will remind them they need
23 "239-F" Review. 63 rooms, yup.

24 CHAIRMAN SHAPIRO: Okay. So I will
25 take a motion for a letter.

1 Zoning Referral Review

2 COMMISSIONER FORMAN: Motion for a
3 letter indicating --

4 CHAIRMAN SHAPIRO: "239-F."

5 COMMISSIONER FORMAN: -- "239-F"
6 compliance.

7 THIRD VICE-CHAIR LEWIS: It's
8 required.

9 CHAIRMAN SHAPIRO: Okay.
10 Is there a second?

11 COMMISSIONER HAMRA: Second.

12 CHAIRMAN SHAPIRO: All in favor?
13 (Chorus of "ayes," with Vice-Chair
14 Greenfield recused.)

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

17 CHAIRMAN SHAPIRO: Motion carries.
18 Motion --

19 COMMISSIONER FORMAN: Motion to
20 adjourn.

21 VICE-CHAIR GREENFIELD: So --

22 MR. HOESL: Thank you.

23 VICE-CHAIR GREENFIELD: -- on the last
24 case, can you get the letter out to the Village
25 before their --

1 Zoning Referral Review

2 MR. HOESL: Sure.

3 VICE-CHAIR GREENFIELD: -- Wednesday
4 hearing?

5 MR. HOESL: Oh, yeah. I'll have it
6 tomorrow for them, yup.

7 VICE-CHAIR GREENFIELD: Okay. Very
8 good.

9 * * *

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1 Proceedings

2 COMMISSIONER FORMAN: Motion to
3 adjourn.

4 CHAIRMAN SHAPIRO: Motion to adjourn.

5 MR. O'BRIEN: Amen.

6 CHAIRMAN SHAPIRO: So moved.

7 And wishing everybody a -- oh, sorry, a
8 happy and healthy New Year.

9 (The meeting was concluded at 12:01 p.m.)

10 * * *

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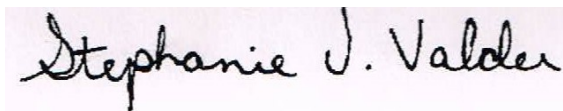
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C E R T I F I C A T I O N

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

A handwritten signature in black ink on a light pink rectangular background. The signature reads "Stephanie J. Valder" in a cursive script.

STEPHANIE J. VALDER,
Stenographer

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