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Town of North Hempstead
Board of Zoning Appeal
PUBLIC HEARINGS

Wednesday, May 22, 2024
10:00 a.m.

BOARD MEMBERS PRESENT:

- David Mammina, Chairman
- Leslie Francis, Vice Chairman
- Patricia A. Goodsell, Member

ALSO PRESENT:

- Deborah Algios, Town Attorney
- Virginia Wagner, Secretary
- Steven Perrotta, Planner
- Mariesel Berrios, Stenographer

1 CHAIRMAN MAMMINA: Good morning, ladies and gentlemen,
2 and welcome to the Town of North Hempstead Board Zoning of Appeals.
3 If everyone would please rise and join Vice Chairman Francis in the
4 pledge.

5 (Whereupon, the Pledge of Allegiance was recited.)

6 CHAIRMAN MAMMINA: Good morning again. Thank you all for
7 being here to have this fun with us today. What I'd like to do is
8 just spend a couple of minutes to go over things. The way that we
9 conduct business here could be different than the way there might
10 be other boards -- excuse me. We like to just go through the
11 procedures and things so everyone understands it if you've never been
12 to a Zoning Board. I'll ask you all just to relax and pretend that
13 you're speaking to us.

14 What will happen is as each case is here, I will call that case.
15 I will then ask if there is anyone in the audience who would like
16 to be heard on that case, except for the applicant. The applicant
17 will come forward, and they will then give their name and address
18 to our stenographer. This is a quasi-judicial hearing, so it
19 is -- this is a record that is kept of it. At that point -- excuse
20 me. If there is anyone who puts a hand up and wishes to speak, they'll
21 wait, and they'll be recognized after the presentation is done by
22 the applicant. Applicant will give their name and address and at
23 that point, the podium belongs to the applicant. They will put the
24 case onto the record. The Board will ask whatever questions that
25 they might have. As we proceed, you'll have an opportunity then to
26 have a back and forth on that. When that is completed, if there is

1 anyone who wishes to speak, at that point, they would come forward,
2 and we'd ask the applicant to take a seat wherever they would like.
3 They get put onto the record, whatever their perspective is on the
4 application. They may say this is the best thing that, you know,
5 that you've ever seen, or they may say, well, this or that, you know,
6 it's -- everything's above board, and it gives everyone a fair chance
7 to be heard. When the applicant is done -- excuse me, when anyone
8 who wishes to speak either in favor or opposition is finished then
9 they'll go back to their seat, and the applicant then will come back
10 up because they then have the ability to either support or refute
11 anything that was said. At that point, the hearing is done.

12 It is extremely rare when we have a second hearing, so if people
13 ask, will I have to come back? The answer is typically no. I know
14 I've been involved in hearings in villages where I've gone back
15 literally ten times only to be denied. So it goes. That's part of
16 the game, especially when you're doing it from the -- we'll call it
17 the professional side.

18 At that point, we'll do one of four things. We'll approve the
19 application, deny the indication, we may reserve the application if
20 we have no further information that we would like from the applicant
21 or their representative, or we may continue the application. To
22 continue the application means that the Board might have something
23 that they asked the applicant to produce. The applicant might say,
24 well, I would like to submit this paper or that paper. We might offer
25 some kind of a compromise, and we need the drawings redone, you know,
26 to show what those changes would be. They would be submitted to our

1 secretary, Ms. Wagner, and then at a further hearing, you know, might
2 be the next hearing, might be two hearings or so, we would then be
3 making a decision on that. We call that our reserve calendar. So
4 with all of that part said --

5 MEMBER GOODSELL: (Inaudible).

6 CHAIRMAN MAMMINA: Oh, yes, I'm coming to that part. We have
7 a three-minute limitation for anyone who wishes to speak other than
8 the applicant. The applicant can also be people who are -- as I'm
9 looking out over the audience, you may be represented, but, you know,
10 you're here as well as the owner of the property or whatever interest
11 you might have, you know, that group gets to talk in that second time,
12 but the limitation to anyone else who's speaking, that is three
13 minutes. Normally or frequently, this room is filled with people,
14 so, you know, we try to keep it to that. As I like to say, we're
15 not going to chop anybody's head off at three minutes. We would ask
16 that people not repeat what other people say. Just, you know, get
17 up; I agree with the previous speaker, you know, regarding the height
18 of the building or whatever it might be.

19 What we also ask is that we all take all of our digital things,
20 you know, this stuff, my cell phone is here somewhere, that we all
21 live by, and just put them on silent. You don't have to turn them
22 off. Put them on silent. If at any time you need to take a call
23 or make a call, that's all okay. You just get up, walk out into the
24 lobby, and that's fine. Nothing wrong with that at all. Stretch
25 your legs or something. And, you know, the -- related to that as
26 well, if anybody else is coming who's not here yet, who's going to

1 meet you with, we just ask that as well. Our stenographer has to
2 take a record. You know, the Board trying to hear what, you know,
3 everybody is saying, and that can be, you know, very disruptive.
4 Sometimes, we, as the Board, even have to stop talking over each
5 other, so I'm sure everyone understands that.

6 With all of that said, Ms. Wagner, do we have any modifications
7 to today's calendar?

8 SECRETARY WAGNER: Chairman, we have an adjournment of Appeal
9 #21552, Edward Perlow; 2 Kent Road, New Hyde Park; Section 8, Block
10 294, Lot 20; Zoned: Residence-B.

11 Variance from 70-231 to legalize a professional office in a
12 cellar (not permitted). That will be adjourning to June 26th.

13 We also have adjournment of Appeal #21554, Mohinder Singh; 2000
14 Hillside Avenue, New Hyde Park; Section 8, Block 211-14, Lot 607;
15 Zoned: Business-B.

16 Variance from 70-50(A) to convert a funeral home to a place of
17 worship that is too close to the street.

18 CHAIRMAN MAMMINA: If anyone is here for either one of those
19 two applications, they will not be heard today, and in case of where
20 we say it's adjourned to 6/26, that's a date certain on that, so you
21 would be re-noticed a letter I guess that is.

22 SECRETARY WAGNER: That one, Appeal #21554, will also be
23 adjourning to June 26th. They will have to re-notify by regular
24 mail.

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1 CHAIRMAN MAMMINA: Yeah, regular mail.

2 SECRETARY WAGNER: Yes.

3 CHAIRMAN MAMMINA: So if you're either of those, those are not
4 going to be heard today. Okay, with that said, please, Ms. Wagner,
5 call the first case.

6 SECRETARY WAGNER: Appeal #21549, John Hanson; 19 Radcliff
7 Avenue, Port Washington; Section 4, Block 11, Lot 64; Zoned:
8 Residence-B.

9 Variances from 70-40.B and 70-101.A to construct additions that
10 are located too close to the street in both the primary and secondary
11 front yards and a chimney/fireplace that is located too close to the
12 side property line.

13 CHAIRMAN MAMMINA: You heard Appeal #21549, John Hanson. Is
14 there anyone in the room who's interested in the application other
15 than the applicant? Seeing no one, please give your name and
16 address.

17 MR. HIGGINS: Timothy P. Higgins; 76 Hillside Avenue. I'm
18 finally remembering my new address; Manhasset, New York 11030; for
19 the applicant.

20 CHAIRMAN MAMMINA: Good morning.

21 MR. HIGGINS: And by the way, I have Mr. and Mrs. Hanson here
22 in supporting backup I may need. As indicated, this is a variance
23 for two different front yard setbacks. With regard to the primary,
24 required under your code is 30 feet. What's proposed 25.4. When
25 you look at the primary front yard, the width of the existing home,
26 which incidentally, the addition is only going above the existing

1 front or the existing structure. Nothing is going any closer to the
2 front, but the width of that house along Radcliff is 45 feet and
3 change. The home sits on an angle on Radcliff, such that
4 approximately 32 feet of the 45, more than complies. It's just the
5 difference of 12 to 13 feet that it becomes less than the 30 feet,
6 but obviously, still, at least the 25.4, which is the closest pin
7 to the street.

8 Accordingly, only 13 feet of that westerly portion of the front
9 of the house is less than 30, angling down from 30 to 25.4. When
10 you look at the site plan, the average primary front yard setback
11 calculation on that site plan of the existing homes within 200 feet
12 on either side of Radcliff is actually 25.50, so even at our closest
13 point, we're inches, meaning the average. The front yard setback
14 32-foot of the width of the existing home, meets or exceeds the
15 30-foot setback. So I would argue that the average primary front
16 setback is really our closest point to the street.

17 The proposed second-floor addition is not further extended to
18 the primary front yard setback. As such, the prime front yard
19 setback for the second-floor addition meets or exceeds the required
20 setback of 30, but all but 13 feet of the width of the front of the
21 house. With respect to that 13 feet of that width, the setback is
22 not less than a 25.5 average, as indicated.

23 With regard to the secondary front yard of 25 feet, the code
24 requires 25 feet on that secondary. We are proposing 19.75, but
25 again, the 19.75 is what is existing on the first floor. Once again,
26 the proposed second-floor addition does not extend further into the

1 pre-existing secondary front yard setback on the first floor. The
2 nonconformity of the secondary front yard setback is the existing
3 structure. Has been in existence since its original construction.
4 The existing secondary front yard setback will not be decreased or
5 lessened by the second-story addition. As such, when added to the
6 existing floor of the secondary front yard addition, will have no
7 negative effect on the neighborhood whatsoever.

8 With regard to the encroachment of the fireplace in the side
9 yard. The east -- I'm sorry, I should mention your code permits an
10 encroachment of 1.8, which I believe is 18 inches, and we are
11 proposing a 4.3 encroachment.

12 VICE CHAIRMAN FRANCIS: There is the chimney.

13 MR. HIGGINS: The chimney. The existing house does not have
14 a fireplace. The homeowner, because they're putting the second
15 floor on, wanted a brick fireplace in the living room, like most
16 houses have, but we are in the unfortunate position that when the
17 house was built, it only has a 4.8 side yard, less than the 7-foot
18 required by your code. We are permitted to go 1.8 or 18 inches.
19 However, the circumstance of needing this variance is really occasion
20 not just because we have less than the 7 'cause we're pre-existing
21 nonconforming on the 4.8, but the chimney itself is going to encroach
22 approximately another 2.8 beyond the permitted encroachment. I
23 guess, the only positive thing I can say about that is that we're
24 still within bounds of the property, and when I read on, these
25 permitted encroachment, that's a big factor.

26 VICE CHAIRMAN FRANCIS: Is there a neighbor to that side?

1 MR. HIGGINS: Yes, there is, and there's no objection, and we
2 served notice.

3 MEMBER GOODSELL: What's the closest structure to that
4 fireplace? Is it a neighbor's garage? I didn't notice that when
5 I drove past. What's the closest structure to the --

6 MS. HANSON: It's not the garage. It's the --

7 CHAIRMAN MAMMINA: Ma'am, you're gonna have to be on the record
8 if you're going to testify. Just name and address, please.

9 MS. HANSON: Catherine Zilca Hanson; 19 Radcliff Avenue. It's
10 not the garage. The garage is on the other side of the house.

11 MEMBER GOODSELL: Not your garage, but if I'm standing in the
12 street and I'm looking at your house and the fireplace -- 'cause I'm
13 looking at a diagram in here.

14 MS. HANSON: Yep.

15 MEMBER GOODSELL: The fireplace is on the left-hand side of the
16 house.

17 MS. HANSON: Correct.

18 MEMBER GOODSELL: The neighbor immediately adjacent to where
19 your chimney/fireplace is gonna go, what's the closest structure on
20 the neighbor's property to that chimney?

21 MS. HANSON: Their house.

22 MEMBER GOODSELL: Their house?

23 MS. HANSON: Yeah.

24 MEMBER GOODSELL: And do you know how far away from the property
25 line their house is located?

26 MS. HANSON: It looks to be about the same as ours. I think

1 the houses look like they were constructed around the same time, so
2 probably, I would say, four to five feet.

3 MEMBER GOODSELL: So it's gonna be very close?

4 MS. HANSON: Yes.

5 MEMBER GOODSELL: Thank you.

6 MS. HANSON: Sure.

7 (WHEREUPON, a discussion was held amongst Board Members.)

8 VICE CHAIRMAN FRANCIS: Mr. Higgins?

9 MR. HIGGINS: Yes.

10 VICE CHAIRMAN FRANCIS: Whenever you're ready to proceed.

11 MR. HIGGINS: Okay. I was looking for -- the surveyor laid out
12 the front yard setbacks.

13 CHAIRMAN MAMMINA: Yeah, I see it.

14 MR. HIGGINS: With the footprint on the structures on his map.
15 I was looking for that. I know it's part of the application. To
16 hopefully clarify, I think that house is further than the 4.8.

17 (WHEREUPON, a discussion was held amongst Board Members.)

18 CHAIRMAN MAMMINA: Mr. Higgins, I just have a couple of
19 questions here. One, if I'm reading the drawings correctly, that
20 is certainly positive as I read the drawings, the second floor in
21 the master bedroom is pulled back from the first floor.

22 MR. HIGGINS: Yes, it is.

23 CHAIRMAN MAMMINA: So it attempts to further get close to the
24 required 7 feet.

25 MR. HIGGINS: Correct.

26 CHAIRMAN MAMMINA: Okay, and I guess that's the other thing that

1 I see there which is -- well, let me come to my other point because
2 then it does become germane. When we get this type of application,
3 you know, regarding -- we're looking at the house straight on and
4 we're looking at the roof form that's there, we look very carefully
5 at what is the configuration of the roof, and how much wall is going
6 to be presented. And if we look at the -- let me see the drawing
7 we're looking at. We're looking at Drawing A2, and when we look at
8 Drawing A2, we're saying, okay, from the street, they're gonna see
9 this very -- everybody in the world is going to see this very tall
10 roof as a gable end, which is what that's called. On a side yard
11 to side yard house, that gable end is very standard, and if we look
12 at the dimensions from the first floor of the house up to the attic
13 floor. So we got to take a little bit of the space, you know, off
14 of that is 18 feet in there. The attic floor to the top of that peak
15 is then another 12 feet, so when we look at it, that piece is almost
16 as tall as the rest of the house, and what we typically ask for because
17 it's not a question of aesthetic, it's a question of bulk and how
18 does it look to the community?

19 MR. HIGGINS: Right.

20 CHAIRMAN MAMMINA: And I know that it changes things within the
21 design to some degree; it does not affect at all the floor plan --

22 MR. HIGGINS: Right.

23 CHAIRMAN MAMMINA: -- in any way, is that we take those two gable
24 ends and we hip them.

25 MR. HIGGINS: We hip them, yep.

26 CHAIRMAN MAMMINA: So that when we hip them, you can still

1 create a very beautiful house. That's very common. It also, for
2 whatever it's worth, will reduce the height of your chimney, but that
3 doesn't matter that much.

4 MR. HIGGINS: Right.

5 CHAIRMAN MAMMINA: That's the only thing, you know, that I see.

6 MEMBER GOODSELL: The proposed addition doesn't violate GFA.

7 CHAIRMAN MAMMINA: No.

8 MEMBER GOODSELL: The proposed addition doesn't -- it's going
9 up over the existing building.

10 MR. HIGGINS: Correct.

11 MEMBER GOODSELL: Which we gave a variance for, and it doesn't
12 violate any kind of sky plane issues.

13 MR. HIGGINS: Right.

14 MEMBER GOODSELL: It's a question of setback; is that correct?

15 MR. HIGGINS: Correct.

16 VICE CHAIRMAN FRANCIS: The only other thing I would add with
17 regard to the chimney is that as a condition if we so move to grant
18 this, I'd like to see some kind of a spark arrestor on the top of
19 that chimney because of the proximity to the next house.

20 MR. HIGGINS: That's fair. We would have no problem with that.

21 CHAIRMAN MAMMINA: And just in terms of making the full record
22 and know that it's -- this is repetitive, but the point that was made
23 by the applicant is that the skew of the property is what creates --

24 MR. HIGGINS: Nonconforming.

25 CHAIRMAN MAMMINA: -- on Radcliff, you know, that nonconformity,
26 you know, on that side in there -- it already does exist. Yes, we're

1 bringing it up the two feet -- excuse me, up to the second floor,
2 but again, I think that the fact that the roof is in line with what
3 I'm talking about with the gable, just the total impact of the -- of
4 the mass of the house gets reduced.

5 MR. HIGGINS: Agreed.

6 CHAIRMAN MAMMINA: So I don't know if anyone --

7 MEMBER GOODSELL: I don't really have -- as one Board Member,
8 I don't really have an objection to this. I give your clients credit.
9 They bought the house, like, in the height of the pandemic.

10 MR. HIGGINS: Yes.

11 MEMBER GOODSELL: The fact you've been able to close. It's
12 only months after the pandemic shut everything down. It's gonna fit
13 the character of neighborhood, and the property, if they have the
14 children in shapes class, it's a true trapezoid or parallelogram or
15 whatever it's called, so.

16 VICE CHAIRMAN FRANCIS: Mr. Higgins, I know you submitted the
17 Five Factors as part of your application.

18 MR. HIGGINS: I did. Do you want --

19 VICE CHAIRMAN FRANCIS: Could you just put those on the record
20 so we have that on the record?

21 MR. HIGGINS: Absolutely. So first, whether the proposed
22 variance will produce an undesirable change to the neighborhood or
23 a detriment to the nearby property? Surrounding homes all have
24 similar setbacks from the property front line, and as such, there
25 is no detriment to the community posed by the variances for
26 insufficient front yard setback of either the primary or the

1 secondary.

2 Second factor is whether the benefit sought by the applicant
3 can be achieved by some other feasible manner? The existing front
4 yard setback is not to be decreased or lessened by the second-story
5 addition and will not extend beyond the current front yard setbacks.
6 As such, the existing dwelling cannot be altered to make it comply
7 with the current code setback as it's pre-existing nonconforming.

8 MEMBER GOODSELL: It would be a very funny-looking house.

9 MR. HIGGINS: Yes, it would be. Quite a cantilever. The third
10 factor is whether it's substantial? I submit that both variances
11 are not substantial. The nonconformity of the front yard setbacks
12 of the existing structure has existed from the time the house was
13 built in the early -- late 70's or early 50's. The encroachment of
14 the proposed chimney beyond the 1.8 or 18 inches is not substantial.
15 Neither of these variances, if granted, will create any environmental
16 issues, and it's not a self-created hardship. We bought subject to
17 the house. In fact, when one looks at the house as it is now versus
18 the way it's going to look, I think it's gonna be quite an improvement
19 to the community.

20 CHAIRMAN MAMMINA: Everybody knows that it's always
21 self-created unless you're American Indian that's subdivided that
22 way, but we certainly, you know, we understand, and it certainly is,
23 I think, within the standards we would look for modification to those
24 setbacks, so I think what the Board would do with this is we will
25 continue it because we have to; just for that revised elevation
26 showing the hipped roof, and I would say then the sooner that can

1 get back to us, we could -- without committing, probably do this at
2 the next hearing.

3 MR. HIGGINS: So we will revise the elevation of the roof to
4 have hips on both sides.

5 CHAIRMAN MAMMINA: To have hips, right.

6 MR. HIGGINS: And to Mr. Francis's point, the --

7 CHAIRMAN MAMMINA: Spark arrestor.

8 MR. HIGGINS: I'm sorry, a spark?

9 VICE CHAIRMAN FRANCIS: Spark arrestor.

10 MR. HIGGINS: At the top of the chimney.

11 VICE CHAIRMAN FRANCIS: I think we're good to go then.

12 MR. HIGGINS: Great. Thank you very much for your time.

13 CHAIRMAN MAMMINA: Great to see a young couple. As someone who
14 came to the Board when he was part of a younger couple, you know,
15 it's just terrific. Nassau County is terrific. Port Washington is
16 terrific. Hopefully, you'll have a lot of years there.

17 MR. HIGGINS: Thank you.

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1 CHAIRMAN MAMMINA: Next case, please. Thank you.

2 SECRETARY WAGNER: Appeal #21551, Erickson Brown; 5 Bank
3 Street, Port Washington; Section 5, Block 51, Lot 57; Zoned:
4 Business-B/Residence-C.

5 Variances from 70-50.C, 70-100.2.A(2) and 70-208.F to legalize
6 additions and alterations to a nonconforming dwelling that are too
7 close to the street, to legalize fencing that is located in a front
8 yard and to legalize fencing that is too high.

9 CHAIRMAN MAMMINA: You've heard Appeal #21551, Erickson Brown.
10 Is there anyone in the room who wishes to speak other than the
11 applicant? Seeing no one, good morning.

12 MR. BUTT: Good morning.

13 CHAIRMAN MAMMINA: How are you?

14 MR. BUTT: Mr. Chairman, Members of the Board. My name is
15 Edward Butt from the firm Edward Paul Butt Architect, located at 499
16 Jericho Turnpike, Mineola. I just want to hand in some information
17 here.

18 MR. PERROTTA: Thank you.

19 MR. BUTT: Which is additional cards and so on.

20 SECRETARY WAGNER: It's the mailing?

21 MR. BUTT: It's just the mailings, right?

22 MR. PERROTTA: Returns are no longer required.

23 MR. BUTT: What's that?

24 MR. PERROTTA: Returns are no longer required.

25 MR. BUTT: Oh, sorry.

26 MR. PERROTTA: No, you're good.

1 MR. BUTT: Also, I would like to just submit a small package
2 that I think it makes it easier to explain the request that we're
3 seeking.

4 SECRETARY WAGNER: This will be Exhibit 1.

5 MR. PERROTTA: Thank you.

6 MR. BUTT: Thank you. So I'm here before this Board this
7 morning because my client had purchased a home over on 5 Banks Street
8 in Port Washington with a house that was nonconforming in a lot of
9 sense of a lot of the things that we noticed on the house, and kind
10 of wanted to walk through it because what happened was we submitted
11 an application to the Building Department showing this house, and
12 on its -- on the basis -- its basis, it's actually a lot of things
13 that are nonconforming, but when we did some research back in 1938,
14 April of 1938, and discovered that this house existed as it is.
15 Actually, to be, and I can walk you through this. It's actually
16 smaller now than it was back in 1938 with less coverage than it was
17 back in 1938.

18 CHAIRMAN MAMMINA: I will say, Mr. Butt, as I was trying to go
19 through these drawings I said, who's on first?

20 MR. BUTT: Yeah, it was very confusing. We spent a lot of time.

21 CHAIRMAN MAMMINA: But I couldn't follow it.

22 MEMBER GOODSELL: I learned so much from sitting on this Board.
23 I have never ever noticed the street, much less the house -- it's
24 like a little enclave, and there should be like a little sign that
25 says you can't turn around here. I know it's a dead end.

26 MR. BUTT: Ironically, by the way, I've done two other projects

1 on this street. I think there's only five houses.

2 MEMBER GOODSSELL: Exactly. Exactly.

3 MR. BUTT: It's very strange.

4 MEMBER GOODSSELL: It's a little hidden gem.

5 MR. BUTT: It really is and because of that, that's why when
6 we decided to go through the records, we discovered quite a bit of
7 information that I wanted to sort of bring to your attention, so it
8 makes this a little more understandable.

9 The package you have before you, you'll see, and we'll address
10 the fence first. I have a series of photographs that you can look
11 at here, which show the first photograph, which is Photograph A; is
12 looking almost from the Main Street up. To the left of this is the
13 Fish Kebob or it's, I guess, the lobster or something that's a
14 restaurant. It's been there forever on Main Street.

15 If you look at Photograph B, it's a little closer. It shows
16 the house in question up on the hill, and there's a sort of a rickety
17 old chain link fence with a 6-foot high -- an existing 6-foot high
18 vinyl fence behind it. You can see that there's a substantial grade
19 change from one side to the other on that. Photograph C also
20 represents that.

21 If you go to Photograph D, you can see the corner of the property
22 in question and the concerns of the drop-off from that other side.
23 And then, lastly, is the photograph numbered Photograph E, which
24 actually shows that there's been some effort here to hide the fence
25 with arborvitae, but certainly not serving as a barrier to the
26 drop-off on the other side. So I think there's been a substantial

1 effort to do that, but I also think that there's a need to have that
2 fence there for safety purposes.

3 And actually, in our package, there's a consent from the
4 adjoining -- a lot of the neighbors actually on 2, 4, 6, 7 Bank Street,
5 and I believe also the restaurant itself have all agreed that this
6 is not a concern of theirs as far as the height and/or its location.
7 More so, it would actually serve as a barrier, even on the block,
8 from seeing the back side of this restaurant. It's not exactly an
9 architectural wonder in any way. You know, I think that sort of is
10 the request that we're seeing for that particular piece.

11 To go onto the second portion, which is the building itself.
12 If you look at the photographs here, the front of this house has always
13 been in this location. If you look at the front facade, there was
14 actually a second floor in the front right side.

15 If you go to your third photograph in that series of photographs,
16 you can see there's actually a residential window up on the second
17 floor. I would think some time in, I guess, in the 80s, someone
18 decided they would rather lose a bedroom and have cathedral ceilings
19 instead, so they remove the floor, I'm guessing, and to give it a
20 two-story high state. Clearly, that doesn't change the floor area
21 calculations because the calculations for a double space is
22 consistent, so we didn't lose any floor area from that technically,
23 but in reality, we did lose a bedroom.

24 CHAIRMAN MAMMINA: Change the character --

25 MR. BUTT: Sure. It changes the character of the house. When
26 you walk in now, it's cathedral ceilings to the right. It looks nice.

1 CHAIRMAN MAMMINA: No, I'm saying from the outside it still --

2 MR. BUTT: Yes, the outside has kind of like a really weird shape
3 to it.

4 CHAIRMAN MAMMINA: Yeah.

5 MR. BUTT: So again, you know, I think that this a -- being on
6 the -- where it is, and obviously clearly in a front yard
7 encroachment, but I think this actually betters the look of the house
8 in the neighborhood and in the environment around it. So, you know,
9 from that perspective, I think this is also a very small request in
10 order to sort of keep the context of the neighborhood, and if I can
11 answer those questions first, or I can address the Five Factors if
12 you'd like?

13 MEMBER GOODSELL: How long has your client owned this house?

14 MR. BUTT: They've owned this house about two years.

15 MEMBER GOODSELL: Okay, so they're recent owners?

16 MR. BUTT: They're very recent owners, yes.

17 MEMBER GOODSELL: Any of the work that you're discussing?

18 MR. BUTT: Nothing.

19 MEMBER GOODSELL: So it's the way they bought it?

20 MR. BUTT: This is the way they bought it.

21 VICE CHAIRMAN FRANCIS: I think the fence on the -- what is that?
22 The right side?

23 MR. BUTT: Yeah, the east side, I guess.

24 VICE CHAIRMAN FRANCIS: Yeah, I think that makes a lot of sense.
25 So I don't have a -- I really don't have a problem with that side
26 of the fence. On the other side, you have a 6-foot fence facing the

1 front, where only four is allowed, and that's a bigger issue.

2 MR. BUTT: Okay, we can certainly address that if that's a
3 concern. I just was -- we are thinking of consistency with the two
4 sides.

5 VICE CHAIRMAN FRANCIS: Yeah, no, I get it, yeah.

6 MR. BUTT: But if that's something the Board is concerned about
7 or wants me to address, we can.

8 VICE CHAIRMAN FRANCIS: Yeah, I mean, the only concern is that,
9 you know, we want to be consistent.

10 MR. BUTT: Understood.

11 VICE CHAIRMAN FRANCIS: So that would have to be cut back to
12 four feet.

13 MR. BUTT: We can do that.

14 CHAIRMAN MAMMINA: And just for the record, 'cause I think
15 certainly, Mr. Butt, as you know, anybody who's trying to create their
16 case for any project, you go through them and look for the ones where
17 something was granted. The protective fences, I mean, we grant that
18 with regularity. A 6-foot facing the street, I don't think that we
19 ever do, so.

20 MR. BUTT: Okay, yes, understood.

21 CHAIRMAN MAMMINA: And we'd appreciate you cutting back.

22 MR. BUTT: That's not a problem.

23 CHAIRMAN MAMMINA: So the Five Factors.

24 MR. BUTT: Yes, so the Five Factors; whether an undesirable
25 change would be produced in the character of the neighborhood to
26 detriment to the nearby properties. Clearly, the adjoining

1 neighbors have no concerns about this. I think this is actually a
2 better look and certainly a safer for any and all considered here
3 within the neighborhood.

4 Whether the benefits sought by the applicant can be achieved
5 by a feasible alternative variance? Really, no, there isn't
6 any -- there isn't really any other choice here. Obviously, the
7 conditions surrounding this property are such that this is the way
8 the building has been for close to 80 years.

9 Whether the variance is substantial? No, I don't believe so
10 in this particular case. It's a small portion of the upper floor
11 that we're really seeking and the other is more of a safety factor
12 than anything else, so I don't believe that's a concern, also.

13 Would the variance have an adverse effect on the neighborhood
14 or the physical environment and conditions? Clearly, no physical
15 environmental issues here whatsoever. Again, creating a safer
16 condition as opposed to a more dangerous is always a better option.

17 And self-created, like, I don't think the Algonquin Indians had
18 this fence up, but, you know, we can certainly understand it goes
19 back at least to '38, so.

20 CHAIRMAN MAMMINA: I do have a question. Is rickety old a term
21 of art?

22 MR. BUTT: Yes.

23 CHAIRMAN MAMMINA: I couldn't help it.

24 MR. BUTT: I couldn't help it either. It's just, you know, when
25 you get my age.

26 CHAIRMAN MAMMINA: I understood rickety old.

1 MR. BUTT: Yes, exactly. I want to thank the Board for
2 considering this application for approval.

3 VICE CHAIRMAN FRANCIS: All right, Mr. Chairman, subject to the
4 issues that we identified with regard to the fence --

5 SECRETARY WAGNER: Deny.

6 ATTORNEY ALGIOS: We would deny the portion --

7 VICE CHAIRMAN FRANCIS: Oh, yeah, so we'll deny --

8 ATTORNEY ALGIOS: On that one side.

9 VICE CHAIRMAN FRANCIS: Yes, okay. That's even better.

10 SECRETARY WAGNER: The one facing the street.

11 VICE CHAIRMAN FRANCIS: The one facing the street. All right,
12 so we are denying with regard to the west side of the house, the 6-foot
13 fence, and we are granted -- or I would move that we grant the rest
14 of the application.

15 MEMBER GOODSELL: And just for clarification, we're not denying
16 the location --

17 MR. BUTT: It's the height.

18 MEMBER GOODSELL: -- of the fence.

19 VICE CHAIRMAN FRANCIS: Right.

20 MEMBER GOODSELL: We're denying the height of the fence.

21 MR. BUTT: To be four feet, yes.

22 SECRETARY WAGNER: I think the one on the left side.

23 (WHEREUPON, a discussion was held amongst Board Members.)

24 MEMBER GOODSELL: It's the northwest gate.

25 MR. BUTT: It's actually the southwest gate, I believe.

26 CHAIRMAN MAMMINA: Southwest.

1 VICE CHAIRMAN FRANCIS: Okay, southwest.

2 (WHEREUPON, a discussion was held amongst Board Members.)

3 MEMBER GOODSSELL: It's the height of the fence on the southwest.

4 MR. BUTT: Right.

5 MEMBER GOODSSELL: And we grant the location and grant the height
6 of the gate on the northwest side of the property.

7 CHAIRMAN MAMMINA: I think the rest of the application is
8 approved. We're just denying that --

9 VICE CHAIRMAN FRANCIS: Yes.

10 CHAIRMAN MAMMINA: That's easier.

11 SECRETARY WAGNER: Vice Chairman made the motion.

12 VICE CHAIRMAN FRANCIS: I made the motion, yes. We just need
13 a second.

14 MEMBER GOODSSELL: And I second.

15 CHAIRMAN MAMMINA: We have a motion and a second. Please poll
16 the board.

17 SECRETARY WAGNER: Vice Chairman Francis?

18 VICE CHAIRMAN FRANCIS: Aye.

19 SECRETARY WAGNER: Member Goodsell?

20 MEMBER GOODSSELL: Aye.

21 SECRETARY WAGNER: Chairman Mammina?

22 CHAIRMAN MAMMINA: Aye. Application is granted.

23 MR. BUTT: Thank you very much.

24 VICE CHAIRMAN FRANCIS: This was very helpful by the way.

25 MR. BUTT: Yeah, you know, it took a while just to get to file
26 it myself.

1 VICE CHAIRMAN FRANCIS: Yeah.

2 MR. BUTT: Just gets to be sometimes when there's so much stuff
3 going on. And even when the Building Department got it -- we got
4 an objection letter of like 25 items because they didn't figure it
5 out either, so. It worked out.

6 VICE CHAIRMAN FRANCIS: It worked out well.

7 MR. BUTT: Yeah, thank you.

8 CHAIRMAN MAMMINA: I love these little parts of town. These
9 old parts of the town.

10 MR. BUTT: It's unbelievable, you know, it really is.

11 MEMBER GOODSELL: I'm never turning down that street again.

12 MR. BUTT: Go up backward. That way, you can get out. Thank
13 you.

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1 SECRETARY WAGNER: Next appeal, Appeal #21553, Auto Expo Ent.
2 Inc. (New York Paradise); 60 Northern Boulevard, Great Neck; Section
3 2, Block 55, Lot 203; Zoned: Business-A. Conditional use 70-126.D
4 to permit the continued use of a commercial building as an automobile
5 showroom (a conditional use).

6 CHAIRMAN MAMMINA: You've heard Appeal #21553, Auto Expo Ent.
7 Inc. (New York Paradise). Is there anyone in the room interested
8 in the application other than the applicant? Seeing some hands, and
9 you'll have an opportunity to speak after the presentation, thank
10 you.

11 SECRETARY WAGNER: Mr. Filipazzi, did you receive the letter
12 from the neighbor?

13 MR. FILIPAZZI: From Mr. Silver? Yes, I will address it in my
14 comments, so thank you for that.

15 SECRETARY WAGNER: You're welcome.

16 MR. FILIPAZZI: Good morning, Chairman, Members of the Board.
17 My name is Andrew Filipazzi. I'm an attorney with the Harras Bloom
18 & Archer, 445 Broadhollow Road, Melville, on behalf of the applicant
19 and owner of this application for conditional use, 60 Northern
20 Boulevard in the Business A Zoning of town. Pursuant to the Notice
21 of Disapproval dated February 21, 2024. The only item that we're
22 requesting from this Board is a renewal of the conditional use permit
23 to operate this property as an automobile showroom.

24 This property has received a number of conditional use permits
25 from this Board over the years. The first approval, Appeal 17903
26 in January of 2006; with renewals again in April 2010,

1 September 2015, and April 2019, and that last renewal approval,
2 there was a condition imposed by this Board that the owner maintain
3 and/or replace the arborvitae plants facing Buttonwood Road as
4 appropriate or as necessary. As part of our application, the
5 applicant and owner is agreeable to continue that condition if this
6 Board deems it so fit.

7 We are seeking a conditional use pursuant to Town Code Section
8 70-225 B. I'll just give a quick summary of the property and kind
9 of hit all of those points, and if the Board has any questions, I'll
10 be more than happy to answer them.

11 The applicant has been in operation at this property since that
12 first approval in 2006. That has been within harmony of the rest
13 of the conditional uses on Northern Boulevard and with the
14 surrounding community. What we're proposing today is no change to
15 the size, design, layout, or use of the property for what has existed
16 for a number of years and has been ongoing.

17 Applicant's success at this location and its desire to continue
18 this operation for years to come is clear evidence that this location
19 is desirable and convenient for consumers within the town.
20 Applicant has done its best to be a good neighbor to the adjacent
21 residents knowing that we are adjacent to some single-family homes
22 to avoid any objectionable condition or activity, and applicant
23 hasn't been made aware of any problems from any of the neighbors since
24 his last appearance before this Board. I will caveat that we did
25 receive a letter from one of the neighbors through the Town Zoning
26 Board office from Mr. Gerald Silver, who resides at 255-17 Pembroke

1 Avenue. Mr. Silver's property is about 200 feet south of our rear
2 property line that's, I believe, the Great Neck Park District, having
3 a property in between our property and his property. To touch on
4 the two points that he raised; with respect to some glare that he's
5 claiming coming from our property into his yard. We do have lids
6 on the outdoor lighting to protect -- prevent glare from going into
7 that property. After receiving this letter, the owner has turned
8 off that light at night until such time that you can get somebody
9 up on a ladder or into a lift to re-adjust that lid to make sure that
10 there is no glare going into Mr. Silver's property since this letter
11 was the first time we were aware of that condition.

12 The other point that Mr. Silver raised was about test driving
13 on Pembroke. As a general practice, the test driving is done on the
14 major thoroughfares; primarily, Northern Boulevard, and the only
15 time that test driving would be going onto the side street is that
16 they need to turn around to get back into the property, but again,
17 the property is primarily accessed from Northern Boulevard, and
18 during those test drives, there is a representative from the owner
19 in the car who does their best to ensure that, you know, the driver
20 obeys all traffic laws, speeding, stopping at stop signs, et cetera.

21 The use here has not had a negative impact on the surrounding
22 properties, their use, their development, their value, as this has
23 been a successful operation going on nearly 20 years, and, you know,
24 there hasn't been any increase in traffic or other hazardous
25 condition to the community, and again, the applicant and owner want
26 to continue their business, be a productive business member of the

1 town, and ask that this Board grant the renewed and continued
2 conditional use as an automobile showroom for this property.

3 CHAIRMAN MAMMINA: A couple of questions. The lighting
4 fixtures, to me, you know, a shield can mean almost anything. If
5 a light is certified as a dark skies light, then that assures there
6 are zero-foot panels that appear on the adjacent -- on any adjacent
7 property. That does not mean that if you're on the second floor of
8 your house or even on the ground floor that you can't see that light.
9 Yeah, you can see that light, but ensures that there's -- that nothing
10 is spilling off the property.

11 MR. FILIPAZZI: Correct.

12 CHAIRMAN MAMMINA: So when the letter says, glare, I'm not quite
13 sure what that means, but I think a way to satisfy that,
14 unequivocally, would be to have those as dark skies. Now, if -- so
15 my feeling is, as one Board Member, you can agree to change out those
16 lights, or you get something from an engineer of some repute saying
17 that those meet the standard of, you know, dark skies, which they
18 may. I never look to see an applicant spend money.

19 MR. FILIPAZZI: Right.

20 CHAIRMAN MAMMINA: But certainly, dark skies is something
21 that's done, you know, automatically, and while I know that this has
22 been here, you know, at least a few times, dark sky lights have --
23 they've existed for at least 25 years, and I think that that is
24 reasonable. Also, there, you know, there have been, we'll call them
25 complaints. I can't verify that per se about parking on the
26 sidewalks that are surrounding the property, and I don't know if you

1 can speak to that. The only thing that I can say is that I'm a big
2 Google Earth person. When I went to Google Earth, you know, I didn't
3 see anything that's there. You can go back in time, but that's one
4 snapshot in time. And, I guess, just my last thing, and I know as
5 a business owner my ability to continue my business was paramount
6 in my mind, so this has been sitting for six years without the renewal
7 of this conditional use is somewhat of a gift, you know, and it is
8 deniable were any of the past variances that you have received those
9 variances. Variances run with the property. The Board can put
10 conditions limiting, you know, how long we think it should be; just
11 to make sure somebody's living up to what they said. I'm just
12 concerned about letting that renewal lapse for as many years as it
13 did.

14 MR. FILIPAZZI: So I will speak to that point. That 2019
15 approval I believe it was a three-year term that expired in September
16 of 2021. We had tried to file an application in, you know, late
17 September of 2021, and when it was submitted to the Zoning Board
18 office, it was -- we were told it's past the time frame, we can't
19 process that. You need to go back to the Building Department and
20 restart, and that's really where the delay was 'cause we had to go
21 back through plan review and, you know, everything that the Building
22 Department entails, and so that was a prolonged process that we had
23 hoped to avoid. You know, we're gonna endeavor to make sure that
24 we don't miss that deadline going forward, so we don't have to go
25 through that again and we can stay on track.

26 CHAIRMAN MAMMINA: I hear you, but three years? I mean that's,

1 you know --

2 MEMBER GOODSSELL: To be fair --

3 CHAIRMAN MAMMINA: I'm saying from that three years.

4 MEMBER GOODSSELL: That's true. To be fair to the applicant,
5 if it expired September of 2021. COVID shut us down somewhere around
6 March of 2020. By September of 2021, even giving them the benefit
7 of all things, the tolling of the statute of limitation, which is
8 about ten months. They should have come before us before now, you
9 know, even giving them the benefit of the doubt on that.

10 CHAIRMAN MAMMINA: I know from my clients that if there's
11 something that have -- that's potentially expiring, and I can't say
12 everybody does that because they come in usually when they're in
13 trouble, you know. There's, you know, there's no reason why if it
14 expires in whichever one, in 2021, that application shouldn't be
15 start in 2020. So I'm just saying that is one of the things that
16 Zoning Board frowns on. We have never, I guess, in 30 odd years that
17 I'm here, revoked a conditional use, but, you know, we do find that
18 putting that on the record now, a good operator is going to do the
19 right thing. I think it reflects poorly on the operator that they
20 basically put their business at stake for that many years.

21 MR. FILIPAZZI: And that's understood --

22 CHAIRMAN MAMMINA: I'm assuming the operator is here, and I'm
23 assuming they're hearing me, so I mean, it's just the right way to
24 do things.

25 MEMBER GOODSSELL: Put it on the calendar.

26 MR. FILIPAZZI: That's heard loud and clear. There was an

1 effort to get this on back in 2021 and, you know, that short delay
2 caused us to restart the process, and there were other delays, you
3 know, involved with that, but understood that, you know, to continue
4 this, you're gonna want us back here, you know, on time, and we'll
5 make sure that a calendar application filed, you know, well in advance
6 and not waiting until the last minute.

7 CHAIRMAN MAMMINA: This is a joke. But I think that the
8 applicant should put together a retainer agreement with you now and
9 give you that retainer that you're gonna pop up at that point and,
10 you know, have that. And that's -- it's a joke 'cause, of course,
11 I'm not going to say they have to use anybody, but we have had
12 instances where, where limitations expire, you know, and there
13 was -- there's a lot of opposition to something, you know, and
14 suddenly we fill the room with 25 people, so we just -- it's really
15 for the benefit of the applicant.

16 MR. FILIPAZZI: Understood.

17 CHAIRMAN MAMMINA: We do have two gentlemen that, you know --

18 MEMBER GOODSELL: Want to speak.

19 CHAIRMAN MAMMINA: -- wish to speak. Thank you.

20 VICE CHAIRMAN FRANCIS: Come right on up and give your name and
21 address.

22 CHAIRMAN MAMMINA: Name and address.

23 MR. CHARLOP: Name and address. Gordon Charlop, 254-43
24 Pembroke Avenue, Great Neck. I'm the Lakeville Civic Association
25 president, and I come down here to discuss this pending variance
26 application.

1 CHAIRMAN MAMMINA: Do you -- just if I may ask? Do you
2 represent the Civic Association?

3 MR. CHARLOP: I'm the president of the civic association.

4 CHAIRMAN MAMMINA: I know you are the president, but what
5 was -- I was the president of my civic association. Again, are you
6 here as a citizen, or are you here --

7 MR. CHARLOP: No, I'm coming here as --

8 CHAIRMAN MAMMINA: -- as a meeting that happened at the civic
9 association. The civic association has said yes, we would like you
10 to come down and speak regarding the application, either in favor
11 or in opposition 'cause those are two very different things.

12 MR. CHARLOP: Right, we had a meeting last night, and I told --

13 CHAIRMAN MAMMINA: Okay.

14 MR. CHARLOP: It was determined that I should come down and
15 discuss this. Regarding Mr. Silver's observations, I can't really
16 speak to the glare, but I can tell you because of the way you can
17 access the property going eastbound, because of the way the meeting
18 is set up, they do have to circle around in front of Jerry's house
19 along Pembroke Avenue, and because they are running a private
20 business, there is a need for expediency, so, you know, the Board
21 should be mindful, and I look forward to working with counsel and
22 make sure that they recognize that there's a park full of children
23 and obeying the speeding and traffic laws is important.

24 Additionally, to your point, sir, the blocking of the sidewalk
25 is also a concern because at that point, Northern Boulevard bellies
26 out into four lanes on one side, so there is no access for, you know,

1 bicycles, for example, so it's tight over there. Blocking the
2 sidewalk, you know, is problematic. I'm not saying that I --

3 MEMBER GOODSSELL: Are those cars blocking the sidewalk because
4 they're parked or is --

5 MR. CHARLOP: I think it's sort of the course, you know, part
6 of a -- the course of doing business. You know, they're pulling the
7 car out. They're getting another one. It's a pretty tight lot.
8 You know, they're good -- by and large, I'm not trying to say they
9 haven't been accommodating his neighbors, but they are trying to run
10 a business, so these are things that are of concern.

11 But the real reason I'm here today, and the thing that I think
12 is the most important, is that the park, which is -- runs adjacent
13 to their property, has a 12-foot fence that was originally designed
14 to have vine coverage to sort of block out Northern Boulevard because
15 of the issues with watering and a tight space like that, the vines
16 never really took, but what did take was excessive trash and debris.
17 Essentially, it's like swallow in there. It's almost like it's got
18 to the spot where it's basically inviting for nesting of insects and
19 rodents, et cetera. And we're talking about right against the
20 children's playground. This is where the kids are, and right there
21 in the fence is -- now the way it's graded the Auto Expo is, I guess,
22 about four feet higher than the park, and it's that area that has
23 filled in with all kinds of debris, including, like I said, Sheetrock
24 and just -- it's just bad.

25 MEMBER GOODSSELL: Do you have any pictures for us?

26 MR. CHARLOP: I actually -- I don't think I do, but we've been --

1 CHAIRMAN MAMMINA: The survey shows that the building itself
2 is directly on the property. When we continue to move then towards
3 the east, then, you know, it sets back where there is an eight-inch
4 retaining wall in there. Is that the area that you're talking about?

5 MR. CHARLOP: Well, essentially, all of it is not particularly
6 well kept.

7 CHAIRMAN MAMMINA: Okay.

8 MR. CHARLOP: But I would say that is the area that is most
9 profound. So you know, I -- as a civic association president, I've
10 been working with the Park District to make sure the park is suitable.
11 In fact, the superintendent's office is represented here by the
12 deputy superintendent.

13 CHAIRMAN MAMMINA: It's a lovely park.

14 MR. CHARLOP: Fabulous. My kids grew up there. The point
15 being is that there's no way really to access it or to believe that
16 the debris came from the park side. It's blowing in from Northern
17 Boulevard, whether it's directly related to them or because Northern
18 Boulevard itself has a tenancy to sort of act as a funnel for trash.
19 It's got to be corrected.

20 Now, the superintendent's office and the manager of the property
21 have been in conversation in this regard, and they have vowed to
22 attack the issue. Yeah, as the civic association president, I
23 figured it was prudent for us to come here to sort of leverage your
24 ability to impact the situation and say, look, you've got to get it
25 done now. This is a children's playground. This is a health
26 condition, and it has to be addressed immediately rather than leaving

1 it to the others and not coming here. I'm bringing it to you folks
2 to allow -- to weigh in on the situation.

3 MEMBER GOODSELL: The fence that you mentioned, the large
4 fence, is that a cyclone fence so that this can be seen, or is that
5 a PVC fence? I don't remember.

6 MR. CHARLOP: No, it's a --

7 MEMBER GOODSELL: A wood fence?

8 AUDIENCE MEMBER: A wooden fence. A wooden fence that comes
9 up on the park district side --

10 CHAIRMAN MAMMINA: Why don't you just come up and put that on
11 the record? It's important.

12 MEMBER GOODSELL: Thank you.

13 MR. DIDOMENICO: Anthony DiDomenico. I'm the deputy
14 superintendent of the Great Neck Park District. Should I give my
15 business address or my home address?

16 CHAIRMAN MAMMINA: Your business address.

17 MR. DIDOMENICO: Okay, 65 Arrandale Avenue, Great Neck, New
18 York 11023.

19 MEMBER GOODSELL: Describe the fence for me, and where the
20 debris is, and how it's so visible?

21 MR. DIDOMENICO: As Dr. Gordon Charlop mentioned that there's
22 a wooden fence on the property of Auto Expo it's fairly high, but
23 again, the retaining wall with our chain link fence that is right
24 up against it. So I assume what's happening is that the garbage is
25 being either blown or getting underneath the wooden fence and then
26 getting caught between the wooden fence and the chain link fence,

1 which is visible for park-goers that attend the park. So there is
2 debris that has built up, and I would like to put this on the record
3 that Superintendent of the Park District, Jason Marra has met with
4 the owner of Auto Expo, and they are graciously willing to remove
5 the fence if need be, remove the debris, and work with us, and we're
6 very happy to report as good neighbors, we want to be good neighbors
7 with them, that they're going to abide by that, and work with us,
8 so I just want to put that on the record.

9 CHAIRMAN MAMMINA: That's terrific testimony, and that's the
10 reason for conditional uses.

11 MR. DIDOMENICO: Yes.

12 CHAIRMAN MAMMINA: You know, it's a use that's essentially an
13 appropriate use but we feel it should have many conditions on it
14 because of where it's located and what zone it's in and that's all
15 terrific when an owner will work together with the community.

16 MR. DIDOMENICO: Thank you.

17 CHAIRMAN MAMMINA: Thank you.

18 (WHEREUPON, a discussion was held amongst Board Members.)

19 CHAIRMAN MAMMINA: Mr. Filipazzi, anything else?

20 MR. FILIPAZZI: I did have a chance to speak with the client.
21 The lights are certified dark sky. I just wanted to answer that
22 question and put it on the record.

23 CHAIRMAN MAMMINA: Excellent.

24 MR. FILIPAZZI: If the Board doesn't have any further questions
25 for me, for the applicant, we request that the Board grant this
26 conditional use.

1 MEMBER GOODSELL: You heard the testimony that was just given.
2 Is your client willing to comply with the removal of the litter and
3 the general upkeep of the property?

4 MR. FILIPAZZI: Yes, based on those conversations with the Park
5 District, again, we understand this is a conditional use permit, and
6 we want to be good neighbors, and we want to be good residents of
7 the town, and, you know, continue to operate for a long time. We
8 want to make sure that everybody in that immediate area, you know,
9 maintains the standard of life that they expect from the Town of North
10 Hempstead, so we're definitely, you know, dedicated to doing that
11 and doing what's needed.

12 MEMBER GOODSELL: Mr. Chairman, if we superpose the condition
13 of the removal of the litter, I would make a motion that we
14 continue -- not continue, that we grant the conditional use for a
15 limited period of time so that again, we can at the expiration at
16 that time see that the business has complied with the condition and
17 the business is ongoing is back in a timely manner, and
18 therefore -- what is it, three years?

19 CHAIRMAN MAMMINA: Three years.

20 MEMBER GOODSELL: I will make a motion that we continue for
21 another three-year period with the understanding that they will come
22 back here in '27. It sounds like a forever, but it's not.

23 (WHEREUPON, a discussion was held amongst Board Members.)

24 SECRETARY WAGNER: Let's put it on the record.

25 VICE CHAIRMAN FRANCIS: Yeah.

26 SECRETARY WAGNER: Those three things.

1 ATTORNEY ALGIOS: Let's make it clear what conditions are based
2 on for the conditional use.

3 VICE CHAIRMAN FRANCIS: Right.

4 MEMBER GOODSELL: I would make a motion that we grant the
5 conditional use for another three-year period provided first, that
6 the applicant maintain the cleanliness and litter removal of the
7 southern end of the property, which faces the Park District, and
8 certain private owners; that they continue the use of shielding to
9 reduce or minimize glare from the lamps on the property.

10 ATTORNEY ALGIOS: So by shielding, do you mean they have to
11 continue the use of the --

12 CHAIRMAN MAMMINA: The dark skies.

13 VICE CHAIRMAN FRANCIS: Dark skies.

14 ATTORNEY ALGIOS: -- the dark skies and keep the light hooded.

15 VICE CHAIRMAN FRANCIS: Hooded.

16 MEMBER GOODSELL: Correct. I'm not familiar with those terms,
17 but let me put that on the record that those two shielding and hooded
18 would be a courtesy to the neighborhood; and the third condition I
19 would request is -- what was the third?

20 VICE CHAIRMAN FRANCIS: Maintaining the arborvitae.

21 SECRETARY WAGNER: Maintaining the condition of the prior
22 variance.

23 MEMBER GOODSELL: Maintain the greenery, the arborvitae, to
24 shield the business from the residential portion since they abut each
25 other on the south side of the property. With those conditions, I
26 make a motion that we grant the application for three-year period.

1 CHAIRMAN MAMMINA: We have a motion then from Member Goodsell.
2 Do we have a second?

3 VICE CHAIRMAN FRANCIS: Second.

4 CHAIRMAN MAMMINA: Seconded from Vice Chairman Francis.
5 Please poll the Board.

6 SECRETARY WAGNER: Member Goodsell?

7 MEMBER GOODSELL: Aye.

8 SECRETARY WAGNER: Vice Chairman Francis?

9 VICE CHAIRMAN FRANCIS: Aye.

10 SECRETARY WAGNER: Chairman Mammina?

11 CHAIRMAN MAMMINA: I just like to add one thing 'cause your
12 client is here, and obviously, the opinion of the neighborhood and
13 I think I have occasion to drive that area frequently, the site is
14 always clean and orderly; and just that get that renewal in a timely
15 fashion, please.

16 MR. FILIPAZZI: Heard loud and clear. We'll be back before you
17 before that expiration.

18 CHAIRMAN MAMMINA: I vote, Aye, also. Thank you. Thank you,
19 gentlemen. That was extremely constructive. I appreciate it.

20 MR. FILIPAZZI: Thank you very much.

21 CHAIRMAN MAMMINA: Thank you.
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1 SECRETARY WAGNER: SEQRA; move to adopt SEQRA?

2 MEMBER GOODSELL: I'll make a motion to adopt SEQRA.

3 VICE CHAIRMAN FRANCIS: I'll second.

4 CHAIRMAN MAMMINA: All in an agreement?

5 BOARD MEMBERS: Aye.

6 (Whereupon, the proceeding concluded at 11:41 A.M.)

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C E R T I F I C A T E

STATE OF NEW YORK)

SS.:

COUNTY OF NASSAU)

I, *Mariesel Berrios*, a Shorthand (Stenotype) Reporter and Notary Public, do hereby certify that the foregoing proceedings, taken at this time and place aforesaid, is a true and correct transcription of my shorthand notes.

I further certify that I am neither counsel for nor related to any party to said action, nor in any wise interested in the result our outcome thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of June, 2024.

Mariesel Berrios

MARIESEL BERRIOS