

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INCORPORATED VILLAGE OF FREEPORT
ZONING BOARD

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

August 18, 2022
6:00 p.m.

M E M B E R S :

- | | |
|-------------------|--------------|
| JENNIFER L. CAREY | DEPUTY CHAIR |
| BEN JACKSON | MEMBER |
| CHARLES HAWKINS | MEMBER |
| DIEGO PINZON | MEMBER |

* * *

- | | |
|----------------|-------------------------|
| ROBIN CANTELLI | SECRETARY |
| JENNIFER UNGAR | DEPUTY VILLAGE ATTORNEY |

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

1	Affidavit of Publication	6
2	Affidavit of Posting	6

APPLICATION 2022-18

BOARD'S FOR I.D. PAGE

1	Affidavit of Mailing	7
---	----------------------	---

APPLICANT'S FOR I.D.

A	Leases	8
B	Decision dated 3/23/07	15
C	Decision dated 1/23/13	15
D	Parking study	15

* * * *

APPLICATION 2022-25

BOARD'S FOR I.D. PAGE

3	Affidavit of Mailing	27
---	----------------------	----

APPLICANT'S FOR I.D.

B	Plans	28
---	-------	----

* * * *

(Continued on following page.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

-----EXHIBITS (Continued)-----

APPLICATION 2022-29

BOARD'S FOR I.D. PAGE

3 Affidavit of Mailing 43

APPLICANT'S FOR I.D.

A Parking study 50

* * * * *

APPLICATION 2022-30

BOARD'S FOR I.D. PAGE

3 Affidavit of Mailing 58

WITNESS'S FOR I.D.

A Photographs 82

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

August 18, 2022

4

-----I N D E X-----

APPLICATION#	ADDRESS	PAGE
2022-18	39-43A Woodcleft Avenue	7 - 26
2022-25	118 Albany Avenue	26 - 43
2022-29	134 South Ocean Avenue	43 - 58
2022-30	179 North Main Street	58 -

1
2 DEPUTY CHAIR CAREY: Good evening.
3 I'd like to welcome everyone to the Zoning
4 Board of Appeals meeting for August 18, 2022.

5 Would everyone please join me for the
6 Pledge of Allegiance, at this time.

7 (WHEREUPON, the Pledge of Allegiance
8 was recited.)

9 DEPUTY CHAIR CAREY: Thank you,
10 everybody. We would like to actually take
11 this time to enter into executive session to
12 consult with counsel. We'll be back shortly.

13 Do we have a motion?

14 MEMBER JACKSON: I move to go into
15 executive session.

16 MEMBER HAWKINS: Second.

17 THE SECRETARY: All in favor.

18 MEMBER PINZON: Aye.

19 MEMBER JACKSON: Aye.

20 MEMBER HAWKINS: Aye.

21 DEPUTY CHAIR CAREY: Aye.

22 We'll be back shortly.

23 (WHEREUPON, the Board entered into
24 executive session from 6:06 p.m. to
25 6:35 p.m., after which the following

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

transpired:)

DEPUTY CHAIR CAREY: Welcome to the Zoning Board of Appeals meeting for August 22, 2022. I ask you to join me once again in the Pledge of Allegiance. Thank you.

(WHEREUPON, the Pledge of Allegiance was recited.)

DEPUTY CHAIR CAREY: Thank you, everyone.

At this time we have a member absent tonight; as such, I designate Diego Pinzon as an alternate member of this Board to substitute in for the absent member.

At this time, I would like to ask that we have approval of the minutes from the July 21, 2022 meeting.

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER PINZON: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(No response was heard.)

DEPUTY CHAIR CAREY: Are there any Affidavits of Publication and Posting to be entered into the record as exhibits?

THE SECRETARY: Yes. I have one Affidavit of Publication and one Affidavit of Posting to be entered into the record as Board's exhibits. These will be Board Exhibits 1 and 2 for this public hearing.

(WHEREUPON, the above-referred to documents were marked as Board's Exhibits 1 & 2, for identification, as of this date.)

DEPUTY CHAIR CAREY: Thank you. Are there any requests for adjournment this evening?

THE SECRETARY: None this evening.

DEPUTY CHAIR CAREY: At this time, if you would like to speak on any of the applications that are before this Board tonight, please find a piece of paper in the back; it's a slip that you need to fill in and give to the clerk, please, and she will call you when your application is called, so that you can do your testimony, if you'd like

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

to speak for or against an application.

At this time, can we please call the first application.

THE SECRETARY: Application 2022-18, 39-43A Woodcleft Avenue. Marine Commerce. Section 62, Block 173, Lot 23. Rudy Liriano. Maintain 1,170 square foot deck. Variances: Village Ordinance 210-6A, 210-172(A)4, Parking required.

I have one Affidavit of Mailing to be entered in the record as a Board Exhibit. This will be Board's Exhibit 1 for this individual public hearing.

(WHEREUPON, the above-referred to document was marked as Board's Exhibit 1, for identification, as of this date.)

MR. FEDIDA: Good evening. Maurice Fedida, of counsel to Michael Solomon, representing Flava Seafood on the Water, Corp. for this appeal of the Zoning Board's recent decision.

I've got some documents here which are basically leases for the adjacent parking lots I'd like to hand up to the Board, if I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

may. I have five copies.

DEPUTY CHAIR CAREY: Please do. You need to enter them as an exhibit.

MS. UNGAR: How many different leases?

MR. FEDIDA: There are two leases. It's one packet with two leases, with a cover letter.

MS. UNGAR: This will be Applicant's Exhibit A.

(WHEREUPON, the above-referred to document was marked as Applicant's Exhibit A, for identification, as of this date.)

DEPUTY CHAIR CAREY: Do you have an 85? You said there's two. There's only 88. Is there an 85 Woodcleft?

MS. UNGAR: First page.

MR. FEDIDA: It's just one page for the lease.

MEMBER HAWKINS: How many spots are located at each location?

MR. FEDIDA: Each one has 18 spots.

MEMBER HAWKINS: Each one has 18?

MR. FEDIDA: Yes.

1
2 MEMBER HAWKINS: Are the customers
3 directed to go there themselves, or do you
4 have valet parking for that?

5 MR. FEDIDA: There is valet parking.
6 I'd like to show the Board where these
7 adjacent lots are located, so that you can
8 get an idea how close they are to the actual
9 location.

10 We have an aerial photograph here
11 that shows the actual premises right here.
12 And just along 100 feet to the south is the
13 first lot. And then from the original
14 location, about 300 feet is the second lot,
15 just right across. So, they are very close
16 in proximity.

17 So, I'd like to start by just very
18 simply stating that this is about basically
19 just -- this came about because my clients
20 found it necessary to have outdoor seating,
21 especially because of the situation with
22 COVID, everyone wanting outdoor seating.
23 That took away 18 spaces from the original
24 parking, and then we substituted with these
25 36 spaces. And now, as a result, there's

1
2 still 12 spaces basically adjacent or part of
3 the property. One of the difficulties is
4 there is no other way to accomplish this
5 because the property itself, two-thirds of
6 it, as you'll see. You may have seen it
7 already in the engineer's report. Two-thirds
8 of the actual property is on the water. So,
9 there's no other way to accomplish this. My
10 client has been diligent in securing these
11 two additional parking locations to
12 accommodate all the patrons.

13 And this came about, this was
14 originally approved in 2013. He was approved
15 also previously in 2007. In 2013, there was
16 a note in the variance that was granted
17 saying that the Board would revisit this
18 after a period of two years. Two years came
19 and went and nothing happened, nothing
20 changed except that COVID came along and made
21 it even more necessary to have the outdoor
22 seating.

23 And with respect to the off-site
24 parking, also I'd like the board to note that
25 compared to a restaurant that might be on

1
2 Merrick Road, somewhere in the middle of
3 Massapequa on Merrick road. In general, when
4 patrons come to the Nautical Mile, they walk
5 around a little bit. So, walking from these
6 two locations to the actual restaurant would
7 not be a big burden. It's something that
8 they wouldn't object to doing.

9 So, we're seeking to have the Board
10 approve this. If we total up the number of
11 spots, we'd like to count the seven boat
12 slips that are out there. The seven boat
13 slips, in addition to the parking spots that
14 are now provided on-site and with the two
15 off-site locations, we're only about six
16 spots short.

17 Looking at the traffic study, which
18 Mr. Mulryan, the traffic engineer will go
19 over, you'll see that the demand is not even
20 close. The worst, the heaviest demand on
21 Friday night and Saturday night, at worst,
22 are half of the actual parking spots
23 provided. So, they'll never provide an
24 overflow. In addition to that, there's a
25 large public parking lot further south on the

1
2 west side, which is generally not that full
3 as opposed to the parking lot that's near EB
4 Elliot's that is generally full.

5 So, we don't think that this would
6 produce a negative affect on the
7 neighborhood. And since they have been
8 operating, they have been operating for a
9 number of years now and business is good. We
10 think that it's also a positive to be able to
11 advertise to the patrons that there is
12 outdoor seating, because many people still to
13 this day, don't want to be locked inside.
14 So, we think it's important to have this
15 outdoor seating for more reasons than just a
16 financial one.

17 So, we'd like to ask the Board to
18 approve the application -- the appeal, and
19 I'd like to have Mr. Mulryan discuss in more
20 detail the actual parking study that he did.

21 MS. UNGAR: Before you do that, can
22 you clarify, please? The denial letter talks
23 about maintaining the outdoor deck. The
24 application and the plans talk about a new
25 proposed deck. Is this already constructed,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

is it not constructed?

MR. FEDIDA: Nothing has changed in the deck, just the seating has been put out. Some additional seating was put outside where there were parking spaces before. Nothing has been changed with the physical structure at all.

MS. UNGAR: Why is it talking about a new proposed deck? Does that mean that it will become a seating area, or was something actually constructed there?

MR. TAVAREZ: No. So, we --

MS. UNGAR: If you're going to speak, you do need to be sworn in.

J A F E T T A V A R E Z,
having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

COURT REPORTER: Please state your name and address for the record.

MR. TAVAREZ: Jafet Tavarez.
J-A-F-E-T T-A-V-A-R-E-Z. 85 South Ketcham Avenue, Amityville, New York 11701.

So, I'm the architect of record who

1 prepared the plans. We called it proposed
2 the new deck because it was the right term
3 for -- that was the term that we discussed
4 with the plan examiner, because the deck was
5 existing. However, since we need a variance
6 approved, we had to call it proposed. It's
7 just a wording, like technicality name for, I
8 guess, existing deck.

9
10 MEMBER JACKSON: It is existing?

11 MR. TAVAREZ: Yes.

12 MEMBER JACKSON: This is something
13 that's already been done and approved?

14 MR. TAVAREZ: Yes.

15 MEMBER JACKSON: Did you apply for a
16 permit?

17 S E A N M U L R Y A N,
18 having been first duly sworn by a Notary
19 Public of the State of New York, was
20 examined and testified as follows:

21 COURT REPORTER: Please state your
22 name and address for the record.

23 MR. MULRYAN: Sean Mulryan. 1225
24 Franklin Avenue, Garden City, New York.

25 I'm going to go over a few things and

1
2 I'm going to hand up into evidence the two
3 prior decisions. The first decision is dated
4 March 23, 2007, and the second decision is
5 dated January 23, 2013.

6 MS. UNGAR: These will be Applicant's
7 Exhibits B and C.

8 MR. MULRYAN: I submitted one copy of
9 each decision and I submitted five copies of
10 the traffic study.

11 (WHEREUPON, the above-referred to
12 documents were marked as Applicant's Exhibits
13 B through D for identification, as of this
14 date.)

15 MEMBER JACKSON: Based on the 2013
16 decision, they were using the parking spaces
17 for seating, whether it's a deck or not.

18 MR. MULRYAN: Correct.

19 MEMBER JACKSON: They are not
20 increasing the outdoor seating; is that
21 correct?

22 MR. MULRYAN: Correct. And in the
23 traffic report, through the miracles of
24 technology, we were able to use Google street
25 view and provide dated photographs of the

1 subject site going back to 2012, which dates
2 back essentially to that second decision.
3 Those photographs show the parking lot and
4 the deck not as it exists today, but the deck
5 at that time. So, there are photographs
6 within the report that are from 2012 in
7 August that show the outdoor seating. There
8 are pictures from 2015 in July which also
9 depict the outdoor seating.
10

11 As some of you may be aware, this has
12 restaurant changed names a few times.
13 However, the front of it looks a little
14 different with different colors, but the
15 outdoor seating has remained constant
16 throughout that time.

17 So, the answer to the question, I
18 guess, the outdoor seating, as we understand
19 was approved via the 2013 decision. The
20 photographs indicate that the seats were
21 installed prior to that. But regardless of
22 that fact, they were legalized via the 2013
23 decision. The restaurant itself was approved
24 in 2007. In both of these decisions, the
25 Board found essentially that the application

1
2 would not produce an undesirable effect in
3 the neighborhood; that it would be
4 aesthetically pleasing and in conformity to
5 surrounding the area; and that it will not
6 cause a detriment to the health or wellbeing
7 of the neighborhood. They also found, on
8 balance, the benefit to the applicant would
9 not outweigh any detriment surrounding the
10 community. We believe, based on our report,
11 that those conditions remain in effect today.

12 Again, this has been in operation for
13 approximately ten years. The site is well
14 kept up. The applicant had gone out and
15 leased or come into agreements with two
16 property owners. One of the things on the
17 subject site is that it's 65 feet in depth or
18 width, depending how you want to look at it.
19 However, only 25 feet of the property is
20 physically on land. So, you have the bulk,
21 if you will, of the property is in the water.
22 We have seven boat slips, but there is not
23 the ability to put physical land parking on
24 that portion of property. This is a similar
25 case for many of the operations, as you go up

1
2 and down the canal. As many of you may know,
3 this canal has been in operation for over 100
4 years, and since its inception has been a
5 port of commercial fishing and seafood
6 restaurants.

7 What we looked at is not only the
8 parking on the subject site, but in
9 particular the parking, municipal parking
10 fields that surround the property. The
11 Nautical Mile has six municipal parking
12 fields; one of them is combined, it's Lot 30
13 and 34. They are next to each other, but it
14 is the larger of the six lots that has 137
15 spaces. That's to the south.

16 The two primary lots that are close
17 to this location are located on Front Street
18 and South Ocean. And then just south of
19 Adams Street, in proximity to where we are
20 leasing off-street parking. We found the
21 parking spaces within those lots provide
22 ample space to accommodate the small
23 shortcoming that comes up from the off-site
24 parking that we do have. Obviously, there's
25 a limitation in the number of places that

1
2 have parking in proximity to the subject site
3 that we can use for off-site parking. Based
4 on the study, there is little to no impact,
5 based on the fact we also have boat slips
6 where people come by boat. We signed two
7 leases to have off-site parking to mitigate
8 the request for the parking variance.

9 This application has been approved by
10 the Board in 2007 as a standalone restaurant
11 and again in 2013 as a restaurant with
12 outdoor seating. We're looking to maintain
13 that. It's been in operation for ten years.

14 If there's any questions from the
15 Board, I'll be happy to try and answer them.

16 MS. UNGAR: Just once more then for
17 my clarification. In 2007 it was approved
18 for the restaurant and the parking across the
19 street was 18 spaces?

20 MR. MULRYAN: 18 spaces. I want to
21 clarify. The 18 parking spaces are located
22 on the subject site. So, this highlighted
23 area, which may be a little hard for you to
24 see from there, actually is the outdoor
25 seating and the remaining parking spaces. In

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

total, on the subject site, there are 18 parking spaces; six of which currently sit under the outdoor seating.

MS. UNGAR: What I was going to say, in 2013 there was a variance to take over six of those spaces to put seating out there.

MR. MULRYAN: Correct.

MS. UNGAR: Now you're back to say let us continue with that. There's still 12 parking spaces available. The six spaces that were approved in 2013 are still the same area of six spaces used today?

MR. MULRYAN: Correct. Once again, through Google street view, we were able to actually show photos of the existence of that deck kind of through that timeline. Obviously, the deck exists today; that's why we're here. And again, we're looking for the Board to reapprove this, if you will. The Board took a stance, at that time. Again, the decision in 2013 followed Super Storm Sandy where these restaurants and many other businesses in the area were adversely impacted by that disaster. We're looking

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

again to maintain what has been in place since that time.

DEPUTY CHAIR CAREY: Mr. Mulryan, did you do the study yourself?

MR. MULRYAN: Yes.

DEPUTY CHAIR CAREY: You picked a Friday, which was good, because that's one of the most busy days on the Mile. I saw you went from 12:00 in the afternoon to almost midnight. My question for you is, because we only got this at 2:30 this afternoon, and we all have jobs, so we try to fit it in. This is helpful.

My question to you is, inside the rest of this, you talking about how much you needed. The last few pages shows how much about. It looks pretty good.

MR. MULRYAN: Correct.

DEPUTY CHAIR CAREY: This was a sunny day? The weather. I didn't see a weather report. Was it a sunny day, not a cloudy, where people would not come out? It was a sunny day with high volume?

MR. MULRYAN: It was actually a very

1
2 nice weekend, very sunny. I will say that
3 the area was very active. So, it was active.
4 It was a Friday and Saturday night. We did
5 go out -- previously, we have done other
6 studies in this area. One of the comments we
7 received last time we were looking at this
8 area is we didn't look late enough. So, what
9 we did this time, we went out and we looked
10 further into the evening up to 11:00, because
11 this is a restaurant area but it's also
12 lively at night. We try to take that into
13 account, going later into the evening to
14 study availability at those times.

15 Again, we found that the parking lot,
16 and particularly for this application, the
17 parking lot in close proximity to this site
18 had availability. There are other parking
19 lots again further to the south and up and
20 down the Nautical Mile located next to it.

21 DEPUTY CHAIR CAREY: I want to make a
22 comment. My name is on a lot of the
23 documents from 2013. I know we did the
24 variances at the time to help businesses
25 recover from Sandy. But I can see that. I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

have no further questions at this time.

Does anyone else have anything they would like to ask?

MEMBER JACKSON: I do. The two lots that are being leased, is this valet, is this people parking there and start walking down, or a combination?

MR. MULRYAN: Valet.

MEMBER JACKSON: It's all valet?

MR. MULRYAN: Yes.

MEMBER JACKSON: I know there is an issue, and I'm sure you thought of this. Could they maybe be directed to go towards those lots? It's not business. There seems to be big part of the problem is backing up in front.

MR. MULRYAN: I mentioned to the owner before the hearing started that I would ask him to come up if there were any operational issues that came up. So, I'll ask him to come up, so you can speak directly to the applicant.

R U D Y L I R I A N O,
having been first duly sworn by a Notary

1
2 Public of the State of New York, was
3 examined and testified as follows:

4 COURT REPORTER: Please state your
5 name and address for the record.

6 MR. LIRIANO: Rudy Liriano. 6473
7 83rd Street, Middle Village, Queens, New York
8 11379.

9 To answer your question, I have the
10 lot where we already have six -- 12 parking
11 spaces. I have one valet guy there. On the
12 new lot, I have another valet guy, and I have
13 another valet guy at the parking lot after
14 Adams. The way we're doing it is we have the
15 guys with walkie-talkies. If a car parks in
16 front of the restaurant, we have a security
17 guard also who is directing traffic. We
18 understand the community and we need to keep
19 that flow going. So, the security guard will
20 tell, this lot is full, go to the next one,
21 which my guy will walkie, "A white Mercedes
22 is coming in. Do you have anything
23 available?" "Yes, pull in here." If not, go
24 to the next lot. That's the way we're doing
25 it. We're doing the valet service ourselves.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

We don't let them park themselves. We found that we can fit more cars, when we park ourselves.

MEMBER HAWKINS: With the two additional lots, I'm assuming there is someone there making sure no one else pulls and parks there?

MR. LIRIANO: Yes.

MEMBER HAWKINS: You are paying for those spots.

MR. LIRIANO: I'm paying an additional three salaries for these guys to be on site and receive those cars when they arrive.

MEMBER JACKSON: They will be doing the parking?

MR. LIRIANO: Yes.

MEMBER JACKSON: It sounds like you have the logistics down. I wish you a ton of success. It's good to see.

MEMBER HAWKINS: Thank you.

DEPUTY CHAIR CAREY: If there is anyone else that would like to speak for or against the application, now would be the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

time. Is there anyone who would has asked to speak for or against?

THE SECRETARY: Not this evening.

DEPUTY CHAIR CAREY: That being said, I'd like to have someone entertain a motion to close the case to further evidence and testimony and reserve decision.

MR. JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER PINZON: Aye.

MEMBER JACKSON: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: Would you please call the next application at this time.

THE SECRETARY: The next application is 2022-25. 118 Albany Avenue. Industrial. Section 62, Block D, Lots 147 to 150. Rachel Lazarus, care of Columbia Equipment. Construct a new elevated four-story 28,032 square foot commercial building. Variances:

1
2 Village Ordinance 210-6A, 210-172(A)9 Parking
3 required, 210-139 Building height.

4 I have one Affidavit of Mailing to be
5 entered in to the record as a Board exhibit.
6 This will be Board Exhibit Number 3 for this
7 individual public hearing.

8 (WHEREUPON, the above-referred to
9 document was marked as Board's Exhibit 3, for
10 identification, as of this date.)

11 DEPUTY CHAIR CAREY: Before we begin
12 any testimony, if I may ask the lawyer. Just
13 as we only received Mr. Mulryan's traffic
14 study at 2:30 this afternoon for the last
15 application, we have never received the new
16 drawings from you at this time. You may want
17 to share that with us, if you have copies.

18 MR. BROWNE: I believe we have extra
19 plans. I did send in a set of plans to the
20 Village this afternoon. I wasn't aware until
21 this afternoon the plans did not come through
22 the Building Department.

23 DEPUTY CHAIR CAREY: The Building
24 Department has to give us some kind of a
25 review before.

1
2 MR. BROWNE: I wasn't aware that the
3 plans hadn't routed through the Building
4 Department. I spoke to Ms. Ungar this
5 afternoon. I Emailed her and Mr. Bennett and
6 followed with a separate Email. I'll be
7 happy to hand in a set now. The changes are
8 not terribly significant.

9 MEMBER JACKSON: Okay.

10 (WHEREUPON, the above-referred to
11 document was marked as Applicant's Exhibit A,
12 for identification, as of this date.)

13 DEPUTY CHAIR CAREY: Counsel, these
14 plans still need to be reviewed by the
15 Building Department.

16 MS. UNGAR: Before any final decision
17 will be rendered, yes, the Building
18 Department will get a chance to review them.

19 MR. BROWNE: We understand that.

20 MS. UNGAR: This will be Applicant's
21 Exhibit B, since it's a continuation.

22 MR. BROWNE: Good evening. Christian
23 Browne, McLaughlin and Stern. 1122 Franklin
24 Avenue, Garden City.

25 We're back here tonight on this

1 continued application. When we were last
2 here, the Board had a few suggestions, along
3 with some questions, about the parking
4 situation. As you may recall, this is the
5 proposed trade school you had previously
6 approved as a three-story structure with
7 parking underneath and two stories of
8 occupancy space. When we were last here, we
9 had come back to ask for an additional story
10 because of the operational needs that we
11 believe the school will have, and that is a
12 result of the applicant going out in the
13 market and being told by organizations like
14 BOCES and trade unions and other groups that
15 will be interested in using the facility that
16 in addition to the sort of open floor plan
17 they would use for demonstration space, they
18 needed some classroom/lecture space as well.
19 That's what prompted us to request the
20 additional story over what you previously
21 approved. Of course that required more
22 parking, and that's what brought us back
23 here. And the Board was, at the last time, I
24 think it's fair to say was a little concerned
25

1
2 about the degree of the parking variance that
3 we were requesting.

4 So, in an effort to try to address
5 that as best we can, given the limits of this
6 lot and the limits of this area along Albany
7 Avenue, and the needs of the school to have a
8 certain amount of square footage to make the
9 plan viable. Balancing all those factors,
10 what we have done is now we have reduced the
11 square footage of the fourth story. So, it's
12 no longer the full length of the building,
13 it's about three quarters of the building.

14 MEMBER JACKSON: 1,800 square feet.

15 MR. BROWNE: Yes. So, we took off
16 1,800 square feet. There is an open roof
17 area. You'll see in the fourth floor plan
18 that was designed there are two classrooms, a
19 lounge area, some storage, restrooms and two
20 offices.

21 So, by eliminating the 1,800 square
22 feet, we brought the parking requirement down
23 five spaces. So, the building will now
24 require 67 spaces. We were able to add one
25 additional space in our parking underneath.

1
2 So we now can provide 15 spaces on site,
3 where 67 is required, and the variance, the
4 goal is now 52, which is down, as I said,
5 five from the last time we were here.

6 Now, it may not sound like a lot, but
7 it's an effort to try to preserve the ability
8 to have this extra space. The whole point of
9 the application is to have classroom and
10 lecture space. But we did take into account
11 as much as we could, the concern about having
12 any kind of extra square footage.

13 In addition to that, along the lines
14 of what we discussed the last time, we would
15 propose and agree to an occupancy limit on
16 the building of no more than 50 persons at
17 any one time. We think that would be
18 unlikely that we would exceed that. At most,
19 if you had two classes going at once, we
20 think that's a realistic number, and we would
21 agree to that as an occupancy limit of 50
22 persons.

23 We did, and I'll allow Mr. Borgen to
24 testify to this, make inquiries of other
25 businesses in the area about the possibility

1
2 of leasing spaces. We spoke to one of the
3 neighboring businesses, the answer was maybe.
4 So, there is a possibility of acquiring some
5 additional parking capacity from other
6 sites -- I'll let him speak to that -- but we
7 have not been able to secure a lease at this
8 time.

9 Finally, in connection with the
10 occupancy limit. I understand the Board's
11 concern about what would happen to this
12 structure in the future, if it weren't a
13 school. And I think that's speculative, but
14 it's a fair question. What we would propose
15 is, in addition to a covenant which we would
16 record against the property of 50 persons,
17 that this grant, in total, be limited to this
18 use only. If the use were to be anything
19 other than the proposed trade school, that
20 the proposed use would have to come back to
21 this Board before they could legally occupy
22 the space.

23 Let me have Mr. Borgen come up. Can
24 you put on the record your efforts to speak
25 to your neighbors about finding additional

1
2 parking and the responses you received.

3 B A R R Y B O R G E N,
4 having been first duly sworn by a Notary
5 Public of the State of New York, was
6 examined and testified as follows:

7 COURT REPORTER: Please state your
8 name and address for the record.

9 MR. BORGEN: Barry Borgen,
10 B-O-R-G-E-N. 281 Rosedale Avenue,
11 Cedarhurst, New York 11517.

12 We went to our neighbor, Interstate
13 Battery. The property is owned by Patty
14 Abramson. I don't know her husband's name,
15 but I spoke to her. I asked her the
16 viability about renting space from them on
17 their property. She said they currently have
18 a three year lease with Interstate and she
19 said it's going to be up in two years. I
20 told her that we'll probably not have the
21 building up for a year and a half. She said
22 they would consider it as well.

23 We asked their building, which is
24 also on Albany, and they said they don't have
25 it there, but Interstate Battery, they might

1
2 have availability. And there were two
3 residential properties, 96 and 94. We had
4 somebody knock on the door directly to see if
5 they would be interested in selling their
6 property or selling the building. We don't
7 have an answer back from them on that. We
8 went out there to try and see what we could
9 do. All we can tell you is that it's
10 questionable and possible. I don't have
11 anything in writing.

12 MEMBER JACKSON: Approximately, do
13 you know how many spaces there are at
14 Interstate?

15 MR. BORGEN: I do not.

16 MEMBER JACKSON: I mean, I know the
17 building and I'm trying to picture it in my
18 head. I don't see that they have that many
19 spaces that they could relieve your
20 deficiency in parking.

21 MR. BORGEN: I don't think it's
22 possible for them to relieve all of the
23 parking deficiencies. We're trying to
24 mitigate as best as we can to give you more
25 parking spaces than we offered you before.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

So, we did two things: We lowered our square footage, and we're looking to see if we can do something with the parking.

MEMBER JACKSON: I have a question also. I may have asked this already at the past hearing.

MR. BORGEN: I wasn't able to testify last time.

MEMBER JACKSON: Okay. Are these schools going to be day, night, do you know?

MR. BORGEN: So, we don't have a contract. We met with BOCES, we met with the elevators union, we met with the glazer's union, and I even met with somebody who is associated with South Nassau Mount Sinai Hospital. So, nobody is going to give us an agreement until I have a piece of paper that says you can move in tomorrow, you can move in a month from now. Right now we're here for an approval. Once I have approval, we can start construction, and at that point we can make a deal. Nobody is going to make a deal with us preliminary on paper.

And the answer to your question is,

1
2 no, I don't have anybody booked right now. I
3 was -- when I started this idea, we had a
4 major problem. We're in the construction
5 business. We have a fabrication facility on
6 Albany Avenue. We fabricate shelters and
7 glass structures for the Long Island Railroad
8 and Metro North, and we also have a paint
9 facility. We cannot get workers.

10 MEMBER JACKSON: I'm aware.

11 MR. BORGEN: It's a major problem
12 impacting our business. It's not only us,
13 because we're out there trying to get
14 business from other people who are in
15 fabrication and installation. Everybody has
16 the same problem. We are hoping that we can
17 take people and move them up to the next
18 level to be able to be a glazer, plumber, and
19 these types of things.

20 The second idea is to do something
21 with home health care, EMT, paramedics, that
22 type of structure. That's what we're trying
23 to do.

24 MR. BROWNE: Mr. Borgen, to answer
25 Mr. Jackson's question --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BORGEN: It's in the evening. Most people have jobs and they are going to be looking to work evenings. Our union workers train, they have a three year training program, and they go -- they usually work from 7:00 to 2:30, then they go to the training facility and take classes from 4:00 to 7:30 three nights a week. That's typical.

MEMBER JACKSON: That's what I asked about.

MR. BORGEN: Sorry. The direct answer is yes.

MEMBER JACKSON: I did a union apprentice. I know it's at nighttime.

MR. BORGEN: It's at nighttime. I've got to tell you, people who we put in the system have been working for us close to 20 years.

MR. BROWNE: It's fair to say, also, the way it will generally operate would be, yes, largely the evenings. Even during the day, these would be classes that would go for two or three hours, and then there would be times when the facility was not in use.

1
2 MR. BORGEN: That's what we
3 anticipate. I don't think it's a college
4 where people are going to be there from 9:00
5 to 5:00. That's not what I see. That's not
6 the people who we're getting.

7 DEPUTY CHAIR CAREY: Are you going to
8 be building it to suit whomever you get to be
9 your tenant, or is it for your own purposes?

10 MR. BORGEN: I don't think we can get
11 a tenant before we build it. We went to
12 BOCES, we went to some of these other places.
13 We're planning on building a big floor. What
14 they'll do is build rooms, electrical rooms,
15 plumbing, what have you.

16 DEPUTY CHAIR CAREY: I understand.

17 MR. BORGEN: It's going to be open
18 space. The first two floors are going to be
19 open space. We thought that would be a good
20 idea.

21 DEPUTY CHAIR CAREY: My question is,
22 you keep -- you kind of went back and forth
23 getting another person, another organization
24 to use your facility that you build for
25 training, or are you using it for your own

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

purposes?

MR. BORGEN: No, I'm not a school. I'm in construction.

MR. BROWNE: Your impetus for this was your sense for a tremendous need for training?

MR. BORGEN: There is a need for it. That's how we came up with the idea. That's where -- just to answer your question. The floors are going to be open floors, and they will be able to put in -- build glass structures in the facility and do what has to be done. We thought that would be fine. When we went to them, they said need classrooms for sitting down learning in classrooms. That's why we came back for the extra need for the floor, which we didn't anticipate the first time.

MR. BROWNE: Again, it would be periodic uses. A lot of it would be in the evening. It would not be a continuous influx of people coming in and out at all hours of the day. In an effort to hopefully mitigate concerns of what would happen if the school

1
2 weren't there and you have the structure, we
3 would agree to the covenants that I
4 mentioned. We'll agree to 50 people, we have
5 our 15 parking spaces, and hopefully -- it's
6 a vacant lot right now, basically. There is
7 truck and trailer storage there. It is an
8 investment in the community. I think it
9 would be a good facility in that area. It is
10 an industrial section. I know it can be busy
11 from time to time. At least you wouldn't be
12 burdening residential streets and so forth
13 with extra traffic.

14 MR. BORGEN: One more, just to answer
15 a question you asked before. This extra
16 floor is not going to add people, it's going
17 to take the people from physically working
18 and putting the same people and moving them
19 up to a classroom.

20 MR. BROWNE: That's our application
21 to be incorporated into the record from the
22 last time. If you have any questions, we'll
23 try to answer them. I know the Building
24 Department has to take a look at the plans.
25 We would rest on our presentation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DEPUTY CHAIR CAREY: Does anyone else have any further questions? Is there anyone who wants to speak for or against the application this evening?

THE SECRETARY: There is no one from the public.

DEPUTY CHAIR CAREY: At this time, because of the fact that we have not had a Building Department review, counsel, do we need to close this?

MS. UNGAR: We would adjourn for further Building review. We'll issue an updated denial letter, an updated count of what's requested in the plan.

MR. BROWNE: If that occurs, the Building Department reviews it, you would then close it. You wouldn't need further testimony from us?

MEMBER JACKSON: Probably not.

MS. UNGAR: If the Board is comfortable that they have heard the information they need, assuming everything that occurred tonight matches with that, if the Board wanted to, they could close it

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

subject to receipt of the updated denial letter from the Building Department.

MR. BROWNE: We have no objection. If you wanted us to come back, let me know and we'll come back.

MS. UNGAR: It's up to the Board.

MEMBER JACKSON: Just a legal question. If we adjourn and leave it open or close it?

MS. UNGAR: If you adjourn it and we republish it, there would be the opportunity for the public to speak. The applicant should plan to be here, if we adjourn. That's really the big question. You wouldn't want some kind of question from the public without the applicant. So, if it's going to be adjourned, then the applicant will come back. If it would be closed subject to the receipt of the updated letter, consistent with what was presented tonight, there wouldn't be the need for the applicant to come back

DEPUTY CHAIR CAREY: I would err on the side of the public being able to speak on

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

it.

At this time, I would ask for someone to make a motion to adjourn this case until we have an update from the Building Department.

ALTERNATE MEMBER PINZON: I move.

MEMBER JACKSON: Second.

THE SECRETARY: All in favor.

MEMBER PINZON: Aye.

MEMBER JACKSON: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

DEPUTY CHAIR CAREY: At this time I'd like to call the next application please.

THE SECRETARY: The next application is 2022-29. 134 South Ocean Avenue, Residence Apartment. Section 62, Block 114, Lot 110. Look North Together, Inc. Construct a new 24 unit, three-story 19,966 square foot multiple dwelling with underground parking and rooftop terrace. Variances: Village Ordinance 210-6A, 210-48, lot area, 210-47A,

1
2 Building height, 210-51A required yards,
3 210-172A(2)(A) parking required, and 210-49C
4 lot coverage, open space.

5 I have one Affidavit of Mailing to be
6 entered into the record as a Board exhibit.
7 This will be Board Exhibit Number 1 for this
8 individual public hearing.

9 (WHEREUPON, the above-referred to
10 document was marked as Board's Exhibit 1, for
11 identification, as of this date.)

12 MR. BROWNE: Good evening. Again,
13 Christian Browne, McLaughlin and Stern, 1122
14 Franklin Avenue for the applicant.

15 This is a project at 134 South Ocean
16 Avenue. I was here before about a year ago.
17 I'm sure you remember it. This is an amended
18 version of what we had proposed previously to
19 construct a multiple dwelling on this site
20 which has been vacant for at least five years
21 now. It was last used as a daycare/nursery
22 school facility, and the use is permitted in
23 the Residence Apartment District.

24 On the prior application we, in
25 summary, proposed 18 units where 17 are

1
2 allowed, and we had 15 parking spaces. So,
3 we were deficient on parking and we didn't
4 have -- we had fewer spaces than units. We
5 also had a mix of units on the prior
6 application that went from studios up to two
7 bedrooms. In fact, there were a fair number
8 of two bedrooms in the prior application.
9 The Board denied that application, but gave
10 us leave to return essentially, I think it's
11 fair to characterize it that the feeling was,
12 "You need to do something a little better on
13 the parking." So, this our attempt to do
14 that.

15 On tonight's application, we
16 redesigned the building. We have made
17 provision to have more parking on site,
18 parking underneath the building, so that we
19 would now have 24 spaces. We're now
20 proposing 24 units. So, before we were
21 proposing 18 units and 15 spaces. We're now
22 proposing 24 units and we have 24 spaces.
23 However, we have eliminated all of the two
24 bedroom units. We now only have studios and
25 one bedrooms. Mr. Cody will speak to

1
2 parking, and our project architect is also
3 here tonight.

4 As you'll here from the traffic
5 report, we believe that this design works
6 from a parking prospective because,
7 obviously, people who live in a studio or one
8 bedroom are highly unlikely to have more than
9 one car. We have one car for each unit, and
10 we would accept the condition, of course,
11 that we include in our lease that each unit
12 is assigned one parking spot, as a way of
13 further discouraging anyone with more than
14 one car from renting a unit here.

15 So, that's the overview of the
16 project. Let me just run through the
17 variances quickly. The first is the lot area
18 variance, which is really a density issue.
19 So, on this lot we're allowed 17 apartments
20 by right, under the Village Code area
21 requirements. As I mentioned, we're
22 proposing 24.

23 Building height we're allowed two and
24 a half stories and 32 feet. The notice says
25 that we're asking for 39 feet, 3 inches.

1
2 However, if you look at the rendering, the
3 building is only 32 feet. What we are
4 proposing is to put on part of the roof to
5 have a pergola structure, because the roof
6 will be open space, green space, recreation
7 space for people to use. We think it's a
8 nice feature. It allows us to have that
9 green roof and recreation area up there.
10 It's not strictly necessary to the building.
11 If the Board found the height to be a
12 problem, we would remove the pergola. If you
13 take that away, the building would be 32
14 feet.

15 It is considered a three-story
16 building or two and a half stories is
17 allowed. So, we still need relief for the
18 extra story, but we will not need relief for
19 the height. Nonetheless, given the Village's
20 requirements on recreation space, which is
21 quite stringent, I should note, we would like
22 to make that space as attractive and usable
23 as possible. So, that's the reason for the
24 height variance request.

25 The yards. We comply with and the

1 yards except the front yard average setback.
2 We're proposing a setback of 25 feet. The
3 average setback on this street is a depth of
4 62 feet. If you recall, we discussed this
5 last time, as you know there are so many
6 office buildings adjacent and set way back
7 and have their parking in the front yard.
8 So, that's what skews the average setback
9 here. So, it's quite unusual. The standard
10 corner lot setback is 25 feet. It's really a
11 very ample setback, nothing unusual. The
12 number here is just a bit of an anomaly
13 because there are those buildings that are
14 set way in the back of those properties and
15 have large parking areas in the front, so the
16 numbers are a little skewed.

17
18 The park variance, as I mentioned,
19 we're proposing 24 spaces. The building
20 requires 32 spaces under the Village Code.
21 By doing the analysis of cars required for
22 studios and one bedrooms, we require and
23 eight space variance.

24 Finally, we have the open space
25 requirement. Using our roof open space, we

1
2 have just over 9,000 square feet of open
3 space. This building, however, under the
4 code, requires just under 10,000 square feet
5 of open space. That's a lot of open space.
6 That's bigger than a typical building lot.
7 So, that is a hard requirement to meet to
8 have 10,000 square feet of open space.

9 Again, the roof makes up the open
10 space here. We almost make it. We're less
11 than 1,000 square feet. It's a substantial
12 area that people would have on the roof for
13 recreation. Again, that's why we're
14 proposing the pergola structure up there to
15 give it some curb appeal and a shady area for
16 people to sit and relax.

17 So, those are the variances that we
18 need. As I mentioned, the use is permitted.
19 The goal here is to do a beautiful project,
20 put the property back to a productive use,
21 get rid of this abandoned eyesore, create
22 more housing and do so in a way that doesn't
23 burden the Village with extra parking. We're
24 really not looking to go outside of the
25 zoning parameters in any dramatic way. As I

1
2 said, the biggest variance, in my opinion, on
3 paper looks like the height variance, but
4 that's a bit of an illusion. We tried to
5 address the parking concerns by changing the
6 unit mix and making the extra investment and
7 having the parking underneath so we can at
8 least have a one-to-one ratio.

9 With that overview, unless you have
10 questions for me, I'll have our traffic
11 engineer come up at this time.

12 MEMBER JACKSON: I'm okay.

13 MR. BROWNE: Thank you.

14 K E E N A N C O D Y,

15 having been first duly sworn by a Notary
16 Public of the State of New York, was
17 examined and testified as follows:

18 COURT REPORTER: State your name and
19 address for the record.

20 MR. CODY: Keenan Cody. Robinson and
21 Muller Engineering. Our office is at 50 Elm
22 Street in Huntington.

23 Before I begin, I'd like to submit an
24 updated parking letter for the record.

25 (WHEREUPON, the above-referred to

1 document was marked as Applicant's Exhibit A,
2 for identification, as of this date.)
3

4 MR. CODY: If it's easier, I do have
5 a brief summary to go through, if you'd like
6 that, instead of looking through everything.

7 As Mr. Browne said, we were before
8 the Board almost about exactly a year ago,
9 August 19th. At that time, we had a 18 unit
10 building with 15 parking spaces. We're now
11 reapplying with a 24 bedroom unit building
12 with a mix of 15 one bedrooms and nine studio
13 apartments. Previously, I believe we had
14 five two bedrooms in exchange. So now we
15 have a one-to-one-to-one ratio of bedrooms
16 and parking to units.

17 Previously we had a more extensive
18 variance by percentage. Now we're down to, I
19 believe, 32 spaces are required, and now
20 we're down to eight spaces, which is a much
21 smaller variance percentage-wise.

22 The site itself, as discussed the
23 last time, is considered TOD, transit
24 oriented development. It's within a half
25 mile of the Freeport Long Island Railroad

1 station. In addition to that, there are five
2 or six different bus routes in the area, and
3 there are a number of bus stops at the Long
4 Island Railroad itself.
5

6 Transit oriented developments are
7 residential projects that are located within
8 public transit hubs. Typically, tenants who
9 value public transit and don't necessarily
10 need a vehicle on a day-to-day life, tend to
11 flock more towards these uses than other
12 apartments that are further out. As a
13 result, we have seen that up to 50 percent
14 reduction in trips in parking generation for
15 those sorts of structures. The industry data
16 is specific to sites that are within half a
17 mile of rail transit.

18 So, in terms of the site, we
19 performed additional observations on a Friday
20 and Saturday. Actually, last weekend, I
21 believe the 12th and 13th. Now, residential
22 developments generate their peak period on
23 the overnight. Residents are home asleep.
24 So, we decided to count a Friday from 6:00 to
25 9:00 in the morning and 4:00 to 6:00 in the

1
2 evening after people are returning from work,
3 and Saturday 6:00 to 9:00 in the morning
4 again.

5 We counted areas on South Ocean
6 Avenue on both sides, we counted small
7 portions of Smith to the south, and in
8 addition across Merrick, behind the library,
9 there is Municipal Lot 16. We observed all
10 of those areas for the duration of
11 observations.

12 What we discovered was the parking on
13 street in the area is defined by parking
14 regulations of no parking on Mondays from
15 8:00 to noon, which doesn't too much impact
16 on the project in terms of on-street parking.
17 By 8:00 a.m., based on data from the
18 Institution of Transportation Engineers, a
19 multifamily mid-rise building would only
20 increased by 60 percent the parking
21 regulation. At that time, the numbers later
22 would be lower by the time that regulation
23 would come into effect. Beyond that, I
24 believe we saw parking was quite full during
25 the morning period, especially 6:00 a.m. on

1
2 the weekday. Within those areas that had
3 that regulation, there was one or two spots
4 and then proceeded to open up more as time
5 went on. On the Saturday, I believe we had
6 five open spots within that area.

7 I'd like to get into the ITE
8 information. That's the estimated demand for
9 the proposed building. We have 24 spaces
10 on-site. The Institute of Transportation
11 Engineers is an organization that performs
12 studies all throughout the county and sort of
13 amasses all the data and creates average
14 rates and things, depending on different land
15 uses applied to. It's a generally accepted
16 standard within this industry. Essentially,
17 we use the code two to one for multifamily
18 mid-rise building. We chose that variable,
19 because that's what the code is based on.
20 So, we wanted to match that.

21 And a weekday demand for a 24 bedroom
22 unit at 0.61 vehicles parked per bedroom
23 result in 15 vehicles on-site. And then on
24 the Saturday for a 24 bedroom at 0.69, which
25 would be 17 vehicles total. So, the 24

1 spaces on-site should easily accommodate the
2 expected demand. The one-to-one ratio is
3 pretty good for this sort of use, especially
4 considering the transit oriented development
5 nature when you may get three or four tenants
6 that don't have cars, and most of the
7 apartment buildings are studios, one bedroom,
8 which is hard pressed to get two vehicles.
9

10 Now, like I said earlier, the
11 on-street parking with the 60 percent at ADM
12 when that regulation comes into effect. 60
13 percent of vehicles of that 15 or 17 would be
14 nine to ten vehicles out there, and that
15 would easily accommodate on-site with 24
16 spaces at that time. So, we believe that
17 on-street and that lot to the north we found
18 the peak period there were ten vacant spaces
19 would be applicable for visitors. For
20 instance, the Lot 16 is a metered parking
21 lot, but after 6:00 p.m. becomes parking.
22 For instance, if you have a dinner party, you
23 could direct your guests to either park on
24 the street if parking is available, or they
25 could go to Lot 16 where they would be free

1
2 to park without having to pay the meter and
3 there would be plenty of space.

4 Beyond that, there's not too much to
5 say. I went over that there are a number of
6 bus routes within the area that further push
7 the point of transit oriented development.
8 Based on all that information, it is our
9 opinion that there is ample parking on-site
10 to accommodate any demand generated by this
11 project. And there is a little bit of
12 on-street and municipal lot parking to
13 accommodate any business. I'm available for
14 are any questions, should you have them.

15 DEPUTY CHAIR CAREY: I don't think we
16 have anymore questions at this time.

17 MS. UNGAR: The only question that I
18 have is regarding the open space. What
19 assurances would the Village have once the
20 building is constructed that proposal of
21 space would remain open for the residents?

22 MR. BROWNE: Again, we can accept as
23 a condition or covenant, however you wish to
24 do it, that the roof space would be designed
25 and built as a green space and remain

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

recreation space for the duration or life of the facility.

MEMBER HAWKINS: I think the need for the pergola is protection from the sun for the residents are up there?

MR. BROWNE: Exactly. It's decorative. It enhances the recreation area. It's a pretty substantial area. It's 9,000 square feet. It's a vacant building lot, basically. So, we hope you look favorably on it. Unless you have any other questions, that's our case.

MEMBER PINZON: Are there estimated times of usage for the open roof area? Are there any restrictions in a sense?

MR. BROWNE: I don't know if that's been considered, but I understand what you mean. You don't want people up there 2:00 in the morning. We would accept any condition that you imposed in that regard that's reasonable, hours restrictions. That's a fair point. We have no objection to a restriction on late night hours.

DEPUTY CHAIR CAREY: No one has

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

anymore questions. At this time, would anyone from the audience who would like to speak for or against this application?

THE SECRETARY: We do not.

DEPUTY CHAIR CAREY: At this time I'd like to entertain a motion to close to further evidence and testimony and reserve decision.

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER PINZON: Aye.

MEMBER JACKSON: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

DEPUTY CHAIR CAREY: At this time, I would like to ask, I think it's our last application, be called at this time please.

THE SECRETARY: Application 2022-30, 179 North Main Street, Service District. Section 55, Block 262, Lot 9. Greenwood and Sons, Inc. Divide structure to create four

1
2 separate stores. Variances: 210-6A,
3 210-172A(12) required parking spaces.

4 I have one Affidavit of Mailing to be
5 entered into the record as a Board exhibit.
6 This will be Board's Exhibit 1 for this
7 individual public hearing.

8 (WHEREUPON, the above-referred to
9 document was marked as Board's Exhibit 1, for
10 identification, as of this date.)

11 H U G H G R E E N W O O D,
12 having been first duly sworn by a Notary
13 Public of the State of New York, was
14 examined and testified as follows:

15 COURT REPORTER: Please state your
16 name and address for the record.

17 Mr. Greenwood: Hugh Greenwood. 179
18 North Main Street, Freeport, New York.

19 So, I'm here on proposed to -- I
20 recently -- I am in the process of purchasing
21 the old Middendorf Storage and Moving
22 facility. The facility was built back in
23 1956 and served as a moving company all the
24 way until maybe about the last 15 or so
25 years. The Middendorf family sold the

1
2 facility and it's been baron since. Since
3 then mI've seen nothing, no progress with it,
4 so I decided to come in and purchase it. I'm
5 in the shipping industry. The industry has
6 died down and moving and storage has moved
7 further out into Suffolk County, it's not
8 really here. It's not feasible and tangible
9 here. So, what I have done is my business is
10 a shipping company. We're a packing and
11 shipping company, we're not a moving and
12 storage type of thing. I decided, if we
13 could divvy up the storefront to bring more
14 businesses, viable businesses to the
15 community. Currently on North Main Street
16 where we're at is a bunch of bodegas, small
17 mom and pop restaurants. That's not the
18 intention of what I plan on doing. More
19 clerical service based business to service
20 the community and things of that nature.

21 I understand that parking is somewhat
22 of a hindrance, but I can only offer what is
23 available to the structure itself. Being
24 that there is -- it is on a commercial strip,
25 my assumption was that the street parking

1
2 would be sufficient for all the different
3 businesses that would come in. It has come
4 to my attention that it's a hindrance to the
5 residential community because of people come
6 in, they park and they come into the stores.

7 I really -- at this point, I know I'm
8 killing myself by saying this, but I really
9 don't have a solution for parking in a
10 commercial area where it's deemed parking on
11 the street. So, my intention is to bring new
12 life to the community. I think that bringing
13 in new stores, bringing in new businesses,
14 bringing new life, bring in more not just
15 businesses, but bring in a better quality of
16 life to the community itself. So, pretty
17 much, that's what I want to do.

18 MEMBER JACKSON: Have you asked
19 around the neighborhood? Is there any
20 parking nearby? I know it's pretty tight up
21 there.

22 MR. GREENWOOD: So parking is -- we
23 have asked. I have looked into parking in
24 several different ways. I looked into the
25 Gala Foods across the street. They are very

1
2 restrictive on their parking. The church. I
3 forgot the name of the church, but it's a
4 church right next to Gala. They are owned by
5 a company based out of Jersey. They don't
6 want anything to do with anyone. They
7 purchased the property, they have it lock,
8 stock and barrel. Their parking is pretty
9 much for parishioners on that one particular
10 day. During the week, they won't allow
11 anything. Trust me, I've already asked. I
12 spoke to -- if I can look. I'm not really
13 good with public speaking. I'm not so sure
14 what the name is. I can look it up now and
15 give you the name, the gentleman across the
16 street who I spoke to, who then directed me
17 to find out that it's a company that is based
18 out of New Jersey. It's a small conglomerate
19 of churches, small storefront churches that
20 get together. There is one big cheese that
21 is based out of Jersey and that's all they
22 do. Across the street is Lenny, the sign
23 guy. His parking is pretty much taken
24 because he leases out those spots to the --
25 what are they called -- the gardeners. So,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that's it.

As far as the parking, what I have come to notice is that -- I'm not sure who put this in, but the street was actually -- parking on the street was less. I didn't understand why anyone would decrease parking on a main strip or a main strip like Main Street where you have all these storefronts.

Middendorf existed for many, many years. It existed and they started to do the storefront thing and sold furniture and people would come up. We do have parking in the back that we use for our trucks, for the shipping company. So that parking, is somewhat tight. I wouldn't say that we can allow that for customers because it's not designed as --

MEMBER JACKSON: It's long and narrow.

MR. GREENWOOD: Right. Guaranteed an accident. So, by putting the parking on West Dean, now I think that causes a problem for the residents more than anything else. Keeping the parking in the front where the

1
2 storefronts are is where the business is so
3 people would do that. My projection is not
4 to bring restaurants, not to bring any type
5 of business that brings food.

6 Since I have been there, this is
7 almost six months, six to eight months now, I
8 have cleaned up what used to be a forest in
9 the back. We had snakes. We found snakes,
10 we found raccoons, we found all kind of
11 varmints running around. We spent a lot of
12 money and a lot of time and effort to clean
13 up that back area to get rid of it. I know
14 the rats are a big issue. Mice and rats are
15 a big issue. That's the reason my proposal
16 is no food. The type of -- so far, I haven't
17 been able to show the location, but I do have
18 prospects of H&R Block or clerical businesses
19 that would be interested in coming in.
20 Retail, as far as I can go, maybe a store
21 that would sell items of some sort, but
22 keeping it to a point that the facade stays
23 uniform, the signage stays uniform,
24 everything gives an appeal that there is a
25 better look for the neighborhood, instead of

1
2 the rundown toss it together type of
3 environment. That's what I'm trying to do.

4 Like I said, as far as the parking
5 situation goes, there's parking across the
6 street. There's always a consistency of
7 parking issues. Putting in meters in that --
8 my suggestion would be putting in meters on
9 Main Street where you have an allotment of
10 time that you park and then you go. That
11 would kind of reduce the amount.

12 There is a resident that is here and
13 voiced his opinion to me. Without question,
14 I believe what he is saying wholeheartedly.
15 I understand coming home and not having
16 parking. So, instituting a parking permit
17 for the residents, like they do in Rockville
18 Centre and things of that nature, might be
19 something that can be implemented.

20 The town cannot stay consistent. I
21 don't want to tell you how to do your
22 business. But for me, as a business owner,
23 the progress goes where Middendorf died.
24 Middendorf is dead. I don't mean that
25 literally, but the business and the business

1
2 model was yesterday. We have to kind of pick
3 it up.

4 I understand across the street on
5 Sunrise, on South Main, there's meters.
6 Introducing meters on North Main for the
7 introduction of business might not be such a
8 bad thing to help the progression of
9 business. There's no more. We're running
10 out of parking spaces and lots to put
11 parking. So, I don't think hindering a
12 business from growing because there's no lot.
13 It's a 15,000 square foot warehouse. There's
14 not much you could really do in today's times
15 with that but subdivide it, in order to keep
16 progress going.

17 DEPUTY CHAIR CAREY: I have a
18 question. I'm looking at the Google Map of
19 your property. You're Peninsula Pack and
20 Ship?

21 MR. GREENWOOD: Peninsula Pack and
22 Ship is a subsidiary. Peninsula Pack and
23 Ship is a FedEx, authorized FedEx company,
24 and we go under the name Peninsula Pack and
25 Ship. The name of our company is Navis Pack

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and ship.

DEPUTY CHAIR CAREY: My question is, next to you to the north is Performance Auto Services the owners to the property adjacent to you, they have that on the West Dean side, that's not parking?

MR. GREENWOOD: West Dean.
Performance Auto.

DEPUTY CHAIR CAREY: Right next to you to the north. Are those your trucks?

MR. GREENWOOD: That's a mechanics. Right on the corner of West Dean and North Main is Frank's Fence. So, it was an auto sales place which no longer is there. Now it's a fence company. His trucks are also being leased over across the street at the sign guy, Lenny's spot. So, he has taken up quite a few parking spots for his trucks for the fencing business. Next to that, when you go into West Dean, is a mechanic shop. That might be what you are looking at.

DEPUTY CHAIR CAREY: What I'm asking you, is there any of that parking for you or that's all theirs?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. GREENWOOD: That's all theirs.

DEPUTY CHAIR CAREY: Not a lot of space. Have you tried to approach any of them?

MR. GREENWOOD: Mechanics are not going to give up parking. Their business is cars that can't move. It is what it is.

DEPUTY CHAIR CAREY: I know it's not really related in some ways to the parking issue. So, in the storefront, are you going to have four different units in front or are you going to spread them out in the back so people have to walk in?

MR. GREENWOOD: No, it's four doors. So, I would be -- it's actually three additional storefronts. I'm subdividing the space. I have one storefront, which is where -- most of my business actually happens in the back. The Peninsula Pack and Ship, authorized FedEx, U.S. Postal, we sell moving and shipping supplies, things of that nature, that's in the front. That will be in the frontage.

DEPUTY CHAIR CAREY: You don't have a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

loading dock facility at all?

MR. GREENWOOD: We do have a loading dock in the back.

DEPUTY CHAIR CAREY: On the Dean side?

MR. GREENWOOD: That's what I said it would be unfair for me to start sending everyone onto Dean because there are residents on Dean. Taking into account my neighbor, it is unfair to start pushing everyone around the corner into the residential zones.

DEPUTY CHAIR CAREY: Where do your shipments come that you get?

MR. GREENWOOD: On West Dean, the only access I have is -- so, the way West Dean -- once you reach the gate of the sign place and the gate of my garage space, that's it. That's where commercial stops.

DEPUTY CHAIR CAREY: Looking at this Google -- I don't know how long ago they took this picture, but there's apparently many off-street parking spots. Not many, but you can see there's not anyone parked in front of

1
2 your building or the building next to you. I
3 mean, have you thought about trying to
4 prepare a parking study to try to show where
5 you could have your people might utilize your
6 store? Having zero parking spaces is very
7 difficult for us to allow anyone. 24 are
8 required? 29 are required and you show zero.
9 So, it might be something that you might want
10 to explore. From what we have seen here
11 before in our experience where someone is
12 trying to change the parameters to show how
13 people would be able to park there and not
14 affect your neighbors. That's what a parking
15 study does. People do their own parking
16 studies. There are many ways to go about it.
17 It might be helpful to you, just to get an
18 idea.

19 MR. GREENWOOD: You're absolutely
20 right. That might be something that I'll
21 have to introduce. That's definitely
22 something I'm going to have to do. But the
23 parking that's available is more or less
24 spoken for. That's why my introduction is
25 maybe we should start implementing the

1
2 parking meters, so that there is parking on
3 the commercial street that is timed and
4 allotted, so there can be a fair share of
5 businesses to kind of keep the circulation
6 going, because Main Street is growing. It's
7 growing every day, and small businesses are
8 trying to thrive on a daily basis. If we are
9 restricting them by saying you don't have a
10 lot so you can't open up. The for sale signs
11 keep going, the for rent signs stay, and
12 businesses don't come in.

13 My prospective and my point of view
14 is from a business prospective. Again,
15 giving respect to the residents of the
16 neighborhood. I understand coming home or
17 just looking for parking, you want to do that
18 here. You're adjacent to a commercialized
19 area, so there has to be somewhat of a
20 balance that says if it's a business pay for
21 parking. Right? If it's a resident, then
22 you don't pay for parking. Residents stay on
23 the residents side and the businesses stay on
24 the business side, which is park in front.

25 MEMBER JACKSON: One of the issues I

1
2 have with that -- I'm not disagreeing with
3 you. I think it is a good idea. It does
4 make sense to have parking meters, but that's
5 not the purview of this Board. It may also
6 pay to approach the Village and get a feel
7 for it. I don't know if it's something
8 they'll say, "Sure, we're going to put them
9 in." My guess is it is something that will
10 take time. But I think between that and the
11 parking study, it may pay to adjourn and come
12 back to the Board and give us a little more
13 information to base this on.

14 I agree with Jen. One big warehouse
15 for storage if you had a little retail is
16 much less of a parking burden than four
17 separate spaces. I like your idea of an
18 office, like an H&R Block, something like
19 that, where it is not real heavily trafficked
20 and you can sell it tomorrow.

21 MR. GREENWOOD: I get it.

22 MEMBER JACKSON: I also like your
23 idea of no food service and no alcohol
24 services, if that's part of it. If that
25 could be, how would you feel about a

1
2 condition on any decision?

3 MR. GREENWOOD: No bars, no alcohol,
4 no food of any sort. I mean, I'm trying to
5 keep it as minimal as possible. If you want
6 to open up a clothing store, I think that
7 wouldn't be problem. If you wanted to open
8 up a bar or sell tobacco, anything of that
9 sort, that's an issue. Tobacco and alcohol
10 is an issue for me to begin with. It's an
11 issue for my own personal reasons, but I
12 wouldn't entertain it. But they also bring
13 in more than what I would. As the owner of
14 the property and leasing the property, that's
15 not something I do. They have a bar across
16 the street, they have five restaurants,
17 takeout restaurants and Bodegas. I come in
18 the morning, sometimes I can't even find
19 parking because it is what it is. I
20 understand the parking situation. Guys are
21 coming in, grabbing a breakfast meal on the
22 road, the bus company down the block. I pull
23 up, there are two buses parked right in front
24 getting breakfast. You know, we understand
25 that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MEMBER HAWKINS: Who owns the alley or a lot just south of your building?

MR. GREENWOOD: So that is the property next door, which it's an odd mix up of people that I can't even figure out because there is a supposed AA place. They're doing AA meetings. I'm not too sure, because I never really noticed. But they also do event spacing. There is a rental up top. So, residential rentals up top. And then there is the beauty salon.

Now, I really see the parking lot being used effectively or efficiently, because the narrowness of the parking spot is that when you park in there, you're stuck in there. So, no one ever really uses the parking spot or the parking lot. You might have one or two cars that go in, but I don't really see how it goes. You can't parallel park. Normally you would assume that cars come in, they drive this way and turn in. That doesn't exist. It's not enough space without damaging.

MEMBER HAWKINS: I don't think the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

spots are lined at all in there.

MR. GREENWOOD: No. It's like a driveway that you drive in. First come, first up. That's it.

DEPUTY CHAIR CAREY: I also see the church across the street with plenty of parking. It's too bad they are not more amenable. Also you have the Gala Food, which you said is no good. The Freeport Housing Authority and then right behind Social Security Administration is municipal parking.

Have you considered doing a parking study, even though it's three blocks away? You might not want to walk three blocks to shop. Perhaps you could show that the employees that work in the shop also need a parking space, besides people that frequent the store. You might want to look at all those things when you do a parking study to help show where you would be impacting the neighbors.

MR. GREENWOOD: Okay.

MEMBER HAWKINS: I see you have a second floor. The second floor is for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

storage?

MR. GREENWOOD: The second floor we haven't decided any concept. Right now we're just storing like dead materials up there right now. The space is huge. There's a basement, there's a second floor, the first floor. So, at this point, we have no idea what to really -- what brought me here or to this building -- I avoided this building for about three years. This building has been on the market for more than three years. I was introduced to it in the last three years, and I avoided it. I avoided it, because of the construct of the building, it's very odd and it's deceiving. When you're outside, you don't realize how massive it is you until go inside. Middendorf used it to store pianos upstairs. That's what they used to hold. They used to hold pianos upstairs.

I was in Hempstead. And the deal that I was brokering for the warehouse in Hempstead completely collapsed. COVID happened and I was bought out, or someone came in. A school came in and bought us out

1
2 right from underneath me. They paid more
3 money. My deal with the previous owner
4 wasn't structured correctly, so I wasn't able
5 to lock it in.

6 This building that I was trying to
7 avoid for three years, I ended up coming back
8 to, because I knew or I foresaw what it was,
9 the structure of it. Just the topography
10 itself does not work well. Like they say,
11 give me lemons, I'll make lemonade. I'm
12 working with it right now.

13 MEMBER HAWKINS: You don't have any
14 intentions of a mixed use with apartments up
15 top where need more parking?

16 MR. GREENWOOD: No, no. What's to
17 come upstairs is yet to be defined. I can't
18 even figure it out. I don't know how and
19 what to do with upstairs just yet. This
20 space is -- I have been proposed of what to
21 do with it. But again, if I can't figure out
22 parking, the proposal dead. The proposal is
23 dead.

24 At this point, the only thing I can
25 see that is feasible is just create

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

storefronts, so that, one, I can pay the mortgage, and, two, I can function as a business person.

MEMBER PINZON: Just to clarify, you would not occupy one of the retail stores?

MR. GREENWOOD: I currently occupy.

MEMBER PINZON: Based on the drawing, there is, like, two garage entrances on, I'm assuming, the north side of the building here. Is that currently there or is that proposed?

MR. GREENWOOD: No, that's the loading dock.

MEMBER PINZON: That's the loading dock.

MR. GREENWOOD: Yeah.

DEPUTY CHAIR CAREY: You need that for your business. You can't give that to any other tenants?

MR. GREENWOOD: No. For parking, we need the loading dock because we have trucks that come in with items that are either leaving or coming in. That's just a main factor for me.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MEMBER JACKSON: Then if you had some sort of retail, where would they do their loading and unloading?

MR. GREENWOOD: They can unload, but we can't allow the parking.

MEMBER JACKSON: They can't park.

MR. GREENWOOD: If you need to unload your items, I'm not going to say no.

MEMBER PINZON: You'll give them access to load and unload?

MR. GREENWOOD: Yeah. Currently, even our Peninsula Pack and Ship operation, the FedEx driver pulls up right in front, UPS driver pulls up right in front, U.S. Postal pulls up right in front. So, yes, it's later on. But I think that the parking evaluation on Main Street really needs to be revisited, because the dynamic of how it's structured now is completely obsolete at best. They reduced parking on my block alone. I think this might have been some safety administration tactic, but it really did a hindrance to businesses because you reduced the parking.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MEMBER HAWKINS: The bump outs?

MR. GREENWOOD: The bump outs. They are doing them now pretty much everywhere. Baldwin is doing them now, which is foolish. Putting them in an environment that is commercialized, it's like what they're doing in Manhattan: Reducing the traffic, putting bike lanes. The congestion is causing parking to get ridiculous. Why are small towns doing that? I guess we're following in the footsteps of Manhattan, following San Francisco. San Francisco makes it up as it goes along, so on and so on, smaller counties come in. That's me and politics. I'm not going to go in there. Forgive me.

Like I said, the bump outs are an issue. My suggestion for parking, I will definitely bring it up, because, obviously, I understand where this is going. I understand what I need to do to kind of revisit this. The most I can say is, that's where it is. The bumps outs need to go, meters need to come in. I will definitely check municipal parking. If it need be said that we would

1
2 mandate anyone that works or rents one of the
3 shops has to park their car in the municipal
4 parking. I can't enforce it, but that would
5 be a mandate, that whoever rents, them and
6 their employees must park, as well as mine,
7 will park in a municipal parking lot three
8 blocks away. When it snows, then what do we
9 do? When it rains, we have to address that.
10 That's what I would say. I will suggest to
11 turn Main Street, North Main into the mirror
12 image of South Main. Put parking meters.

13 MEMBER PINZON: I have one last
14 question. The second floor is all open space
15 inside.

16 MR. GREENWOOD: It is open, open,
17 open. One very large vacuous hole.

18 MEMBER PINZON: Thank you.

19 DEPUTY CHAIR CAREY: If you have
20 nothing to add, I think there are no more
21 questions for this gentleman at this time.
22 There may be people who want to speak for or
23 against.

24 THE SECRETARY: Yes.

25 L A V E L L E H O O K S,

1
2 having been first duly sworn by a Notary
3 Public of the State of New York, was
4 examined and testified as follows:

5 COURT REPORTER: Please state your
6 name and address for the record.

7 MS. HOOKS: Lavelle Hooks. Lena
8 Avenue, Freeport.

9 I want to acknowledge my brother here
10 for brining up the issues, because he
11 addressed a lot of the issues that I'm going
12 to bring up.

13 As a resident of the surrounding
14 area, I'm going to start off by saying that I
15 oppose any parking variances you might try to
16 issue for any businesses in this area. Not
17 just this one, any business.

18 In between Main Street where his
19 business is located is constantly congested
20 and busy. You have the mixed use buildings
21 which has the apartments upstairs. On Main
22 Street, there's no parking from 3:00 a.m. to
23 7:00 a.m.; So, all of that traffic then moves
24 to the side streets. Also, the side streets
25 there's parking on one side of the street.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Not both sides, one.

So now we have residents on both sides of the street, driveways, the little bit of space that's on street, then we have to contend with the apartments upstairs, and the business people where they park their cars, when customers come, where they park their cars. So, we're just inundated with congested parking. I have contended with people blocking my driveway. We have individuals that pull into our driveway that we don't even know, because this is what the parking situation is like. Then add Mondays and Tuesdays when sanitation comes between 8:00 and 12:00, they can't park on certain sides of the street, so then that traffic moves in. So, traffic in this area, parking in this area, is not optimal, and that will be putting an additional burden on the residents in this area. Not just his business, any business in that area. That's what I wanted to say.

Oh, I also printed out a map that I highlighted orange the streets that are one

1
2 side parking. And then I did a Google
3 printout to show you that, in fact, there's
4 only one side parking on those streets. I
5 want to submit that.

6 (WHEREUPON, the above-referred to
7 document was marked as Witness's Exhibit A,
8 for identification, as of this date.)

9 MS. UNGAR: This will be Witness
10 Exhibit A.

11 DEPUTY CHAIR CAREY: Thank you for
12 pointing out that there's only one side of
13 the street parking on those streets.

14 Would anyone else like to speak for
15 or against this application, unless anyone
16 has questions.

17 THE SECRETARY: We do not have
18 anybody else to speak.

19 DEPUTY CHAIR CAREY: At this time,
20 I'd like to entertain a motion to -- I don't
21 know if you want to do a parking study.

22 MS. UNGAR: I guess the first
23 question is, did you have anything you want
24 to say in response to the member of the
25 public who spoke? I think sort of the

1
2 concern is not having any plan for how to
3 accommodate the off-street parking is going
4 to be problematic. So, do you want to
5 adjourn it to take a little more time to
6 figure out what some of the options might be?
7 Maybe look into a traffic engineer to do an
8 analysis of the parking in the area of what
9 might be available?

10 MR. GREENWOOD: Yes, if we could. I
11 want to briefly finish up what I was saying.

12 Yes, I definitely appreciate if I
13 could get an adjournment to do a traffic
14 analysis. And I will definitely make it my
15 purpose to see about finding alternate
16 parking, as well as address the points I
17 suggested or suggested to talk to whoever it
18 is that needs to kind of readjust. The Main
19 Street issue, obviously, is bigger than my
20 issue, clearly, based on what they said that
21 there is a bigger issue going on. The
22 neighborhood is growing.

23 DEPUTY CHAIR CAREY: Please come up,
24 so people can hear you.

25 MR. GREENWOOD: I apologize. Yes, I

1
2 agree. I do agree with Lena and her husband
3 that the neighborhood is growing both
4 residential as well as commercial and it
5 needs to be revisited in a better light. The
6 application of multi units growing or have
7 grown, which has caused businesses to want to
8 come into the community because it means
9 there are more viable consumers. But it also
10 means now the businesses have to also be able
11 to survive and have a place to live and
12 thrive as well. So, if I could get an
13 adjournment. I will revisit the parking
14 situation to ensure that I can find some type
15 of viable solution for this.

16 MS. UNGAR: The Board understands how
17 difficult it is to be on a Main Street that
18 does not have off-street parking of any
19 appreciable kind. But the idea that it has a
20 single store with it sounds like a relatively
21 low intensity you are proposing, trying to
22 keep just by virtue of having four
23 storefronts without any kind of plan or how
24 to accommodate the hopefully low traffic you
25 are planning generally. It would be very,

1
2 very tricky for the Board to even think about
3 approving at the current state.

4 MR. GREENWOOD: In all honesty, it
5 would be a fix for me to say, "Okay, I would
6 do a storefront inside and have one door.

7 MS. UNGAR: It still doesn't change
8 it. For every single business located within
9 a building, there are two spaces needed. If
10 it's one large business, you need two spaces
11 for employees. If it's four spaces, four
12 businesses, you need two times four, eight
13 spaces for employees, plus the parking needed
14 based on the size of the building. The more
15 spaces you carve it up into, the more parking
16 you need in general, just by virtue of the
17 code. Even though you are proposing low
18 intensity businesses, again, four stores will
19 generate more traffic than one, for example.

20 MR. GREENWOOD: I mean, that's
21 honestly fair. I get it. I get it. I'll do
22 the study and hopefully come up with a
23 solution.

24 DEPUTY CHAIR CAREY: As you heard the
25 gentleman earlier, they were able to find

1
2 leasing from nearby properties. I know you
3 said the church doesn't want to have anything
4 to do with talking with anyone. It's a very
5 large property and a lot of parking spaces.
6 You might want to smile and go see them
7 again.

8 MR. GREENWOOD: Believe me, I can
9 give you the name and number of the gentleman
10 that is physically near the pastor, but
11 everything gets passed on to the New Jersey
12 corporate office. And the New Jersey
13 corporate office -- believe me, I thought
14 that was the easiest solution. It was the
15 most obvious solution. The New Jersey
16 office, I reached out and spoke to them, and
17 they basically said, "You know, what, we own
18 it. We're not doing anything. We don't want
19 anything. We don't want any money, we don't
20 want any conversation."

21 DEPUTY CHAIR CAREY: Churches love
22 money. It will help their congregation.

23 MR. GREENWOOD: You said it.

24 DEPUTY CHAIR CAREY: I saw the lease
25 amount that the gentleman before was paying.

1
2 It's a lot of money every month he is paying
3 for those spots. Someone might want to have
4 it to increase their congregation and help.
5 That money is a good idea. That's up to you
6 to find out, sir. Good luck.

7 MR. GREENWOOD: I appreciate it. I
8 offered it. I'll take your word for it and
9 try again.

10 MEMBER HAWKINS: Good luck. We like
11 your vision of what you are looking to do on
12 Main Street. It's part of the revitalization
13 plan for Main Street where the community can
14 walk to, other than just hair salons and
15 such.

16 MR. GREENWOOD: New services that are
17 a necessity for the community is what I'm
18 trying to put in. That's really all it is.
19 I'm not trying to do it with a hindrance to
20 everyone else. I'm just looking for forward
21 progress of what can possibly happen.

22 MS. UNGAR: Do you want the Board to
23 schedule this on next month's meeting, do you
24 want two months? How much --

25 MR. GREENWOOD: Next month's meeting

1
2 is fine. I'm aggressive enough to go out
3 there and follow up with all the necessary
4 steps. I'd like to move forward. If next
5 month comes and I'm not ready or not able, I
6 guess I'll ask for an adjournment. At this
7 point, I think next month should be
8 sufficient.

9 DEPUTY CHAIR CAREY: At this time,
10 I'll entertain a motion to adjourn this
11 application for further evidence to be
12 submitted at a later date.

13 MEMBER HAWKINS: So moved.

14 MEMBER JACKSON: Second.

15 THE SECRETARY: All in favor.

16 MEMBER HAWKINS: Aye.

17 MEMBER PINZON: Aye.

18 MEMBER JACKSON: Aye.

19 DEPUTY CHAIR CAREY: Aye.

20 THE SECRETARY: Any opposed?

21 (No response was heard.)

22 DEPUTY CHAIR CAREY: Now I'd like
23 someone to make a motion to go into executive
24 session.

25 MEMBER JACKSON: So moved.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER PINZON: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed?

(WHEREUPON, the Board entered in to
executive session from 8:22 p.m. to
8:30 p.m., after which the following
transpired:)

(WHEREUPON, the hearing was ended.)

* * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

August 18, 2022

93

C E R T I F I C A T E

I, BETHANNE MENNONNA, a Notary Public within and for the State of New York do hereby certify that the foregoing is a true and accurate transcript of the proceedings, as taken stenographically by myself to the best of my ability, at the time and place aforementioned.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of August, 2022.



BETHANNE MENNONNA