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E X H I B I T S

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BOARD'S FOR I.D.

DOCUMENT

PAGE

4

1

Affidavit of Publication

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Affidavit of Publication

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Affidavit of Posting

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Affidavit of Posting

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Affidavit of Mailing

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Affidavit of Mailing

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Affidavit of Mailing

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Affidavit of Mailing

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12

2

Nassau County Planning
Commission Recommendation

26

13

1

Affidavit of Mailing

38

14

2

Nassau County Planning
Commission Recommendation

38

15

16

1

Affidavit of Mailing

46

17

2

Nassau County Planning
Commission Recommendation

46

18

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19

APPLICANTS' EXHIBITS

20

PAGE

DOCUMENT

APPLICANTS' FOR I.D.

21

11

Photo

Applicants' Exhibit 1

22

49

area map

Applicants' Exhibit 1

23

* * *

24

WITNESS' EXHIBIT

25

PAGE

DOCUMENT

WITNESS' FOR I.D.

62

Letter

Witness Exhibit 1

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

INDEX PAGE-CONTINUED

<u>APPLICATION#</u>	<u>ADDRESS</u>	<u>PAGE</u>
#2022-25	118 Albany Avenue	6
#2022-31	149 Westend Avenue	9
#2022-32	149 North Bayview Avenue	14
#2022-33	131 South Main Street	25
#2022-34	224 Buffalo Avenue	37
#2022-35	170 North Main Street	44

1

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CHAIRPERSON RHODEN: Good

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evening, everyone. I'd like everyone

4

to join us for the Pledge of

5

Allegiance.

6

(Whereupon, the Pledge of

7

Allegiance was said.)

8

CHAIRPERSON RHODEN: Thank you.

9

I'd like to open up the Zoning

10

Board of Appeals Meeting of September

11

22.

12

If I could please have the

13

approval of the minutes for the

14

August 18th Board Meeting.

15

MEMBER JACKSON: So moved.

16

MEMBER MINEO: Second.

17

THE CLERK: All in favor.

18

MEMBER JACKSON: Aye.

19

MEMBER MINEO: Aye.

20

MEMBER HAWKINS: Aye.

21

CHAIRPERSON RHODEN: Aye.

22

THE CLERK: Any appose?

23

(Whereupon there was no verbal

24

response given by Board Members.)

25

CHAIRPERSON RHODEN: Do we any

1

2

Affidavits of Publication and Postings

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that need to be entered into the

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record as exhibits?

5

THE CLERK: Yes, I have two

6

Affidavits of Publication and two

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Affidavits of Posting to be entered

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into the record as board exhibits.

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These will be board exhibits 1 through

10

4.

11

(Whereupon, Board Exhibit 1,

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Affidavit of Publication, was marked

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for identification, as of this date by

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the reporter.)

15

(Whereupon, Board Exhibit 2,

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Affidavit of Publication, was marked

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for identification, as of this date by

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the reporter.)

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(Whereupon, Board Exhibit 3,

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Affidavit of Posting, was marked for

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identification, as of this date by the

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reporter.)

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(Whereupon, Board Exhibit 4,

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Affidavit of Posting, was marked for

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identification, as of this date by the

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reporter.)

CHAIRPERSON RHODEN: Do we have any requests for adjournments this evening?

THE CLERK: There are no requests for adjournments this evening.

CHAIRPERSON RHODEN: Okay. Can we please call the first Application on tonight's calendar?

THE CLERK: Application #2022-25-118 Albany Avenue, Industrial - Section 62, Block D, Lots 147-150 - Rachel Lazarus Care Of Columbia Equipment.

Construct a new elevated 4-story 26,172 square foot commercial building. Variances Village Ordinance 210-6A, 210-172(A)9. Required parking spaces, 219-139 Building height.

I have one Affidavit of Mailing to be entered into the record as a Board Exhibit. This will Board Exhibit Number 4 for this individual Public Hearing.

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(Whereupon, Board Exhibit 1, Affidavit of Mailing, was marked for identification, as of this date by the reporter.)

Good evening, Madam Chair, Members of the Board.

Christian Brown, from McLaughlin & Stern. 1122 Franklin Avenue, Garden City, for the Applicant.

Good evening. We're back here on this case only because at the last Hearing, the official denial notice had not come out, if you recall. So the Board asked us to re-notice it with the revised official denial, which has been done. And Ms. Ungar wanted me to appear just in case any members of the public wanted to be heard after receiving the amended denial notice. But otherwise, you know, our case has been made, we finished, I think we've answered all the questions last time. We weren't planning to make any further record.

1

2

We would just ask you to close the case down, unless there's any further public comment, and move it to the Decision Calendar.

6

MR. JACKSON: Okay.

7

CHAIRPERSON RHODEN: Okay.

8

Do we have anyone who would like to speak for or against this Application this evening?

10

11

(Whereupon, there was no verbal response from audience given.)

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13

THE CLERK: There's no public comment this evening.

14

15

CHAIRPERSON RHODEN: Okay.

16

At this time, can I please have a Motion to close for further evidence and to reserve decision, please?

17

18

19

MEMBER JACKSON: So moved.

20

MEMBER HAWKINS: Second.

21

THE CLERK: All in favor.

22

MEMBER JACKSON: Aye.

23

MEMBER MINEO: Aye.

24

MEMBER HAWKINS: Aye.

25

CHAIRPERSON RHODEN: Aye.

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THE CLERK: Any appose.

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(Whereupon, there was no verbal response given by Board Members.)

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CHAIRPERSON RHODEN: Can we call the next Application on tonight's calendar?

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THE CLERK: The next Application is #2022-31 149 Westend Avenue, Residence A - Section 54/Block 320/Lots 121 - Jason Weber.

Proposed garage conversion to living space. Variances: Village Ordinance 210-6A, 210-172(A)1 required parking spaces.

I have one Affidavit of Mailing to entered into the record as a board exhibit. This will be Board Exhibit Number 1 for this individual Public Hearing.

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(Whereupon, Board Exhibit 1, Affidavit of Mailing, was marked for identification, as of this date by the reporter.)

25

(Whereupon, the Court Reporter

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swore in the Witness.)

3

MR. GRECO: Good evening. My

4

name is Dell Greco, on behalf of Gray

5

Architectural Services, at 2401 Capri

6

Place, North Bellmore.

7

I'm here on behalf of my client,

8

Jason Weber, and his family, to

9

represent his case.

10

My client is here seeking relief

11

for parking requirements, as he is

12

looking to convert his garage to

13

habitual space so he can have another

14

bedroom in his house.

15

With that said, converting his

16

garage does spike the parking

17

requirement, as his driveway is only

18

16.8-feet in length, which is not a --

19

which does not meet your parking space

20

requirements under your ordinance.

21

However, I do have a photo here

22

showing that you are in deed able to

23

park in that driveway without

24

encroaching into the sidewalk.

25

Who should I hand this to?

1

2

THE CLERK: You can take it and

3

we'll just say this is Applicant

4

Exhibit Number 1.

5

You have one?

6

MR. GRECO: Just one (handing).

7

THE CLERK: Yes.

8

Applicant Exhibit Number 1.

9

(Whereupon, Applicant Exhibit 1,

10

photograph, was marked for

11

identification, as of this date by the

12

reporter.)

13

MR. GRECO: Thank you.

14

MEMBER JACKSON: I have kind of a
theoretical question for you.

15

16

MR. GRECO: Yes.

17

MEMBER JACKSON: The existing
garage, could you get a car in there
in the first place prior to any work?

18

19

20

I think you gotta be sworn in if
you're going to speak.

21

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(Whereupon, the Court Reporter
sworn in the Witness.)

23

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MR. WEBER: Jason Weber, 149

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Westend Avenue.

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I'd just like to say, that nothing going forth will change. The garage was used as storage. So we have two cars in the household, me and my wife. One would be in that driveway and the other one was right in front of the house.

We're having a second -- well, we had a second baby two weeks ago and the house was only a 2-1, so we needed to do something. And you guys, as you know, with the cost of money, we could not go up. So this was our only viable option, was to convert the garage into a living space.

MEMBER JACKSON: So you've never used the garage for a car anyway?

MR. WEBER: Never used the car for -- wasn't used for a car at all.

MEMBER JACKSON: Okay.

MR. WEBER: It was just storage and an extra refrigerator that I had lose anyway, so.

CHAIRPERSON RHODEN: And your

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house is, you said two bedroom?

3

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6

MR. WEBER: Right now two
bedroom. It's a finished attic but we
dont utilize that space as living
space --

7

CHAIRPERSON RHODEN: Right.

8

9

10

MR. WEBER: -- just storage right
now. It's not permitable because of
the ceiling height --

11

CHAIRPERSON RHODEN: Okay.

12

13

14

MR. WEBER: -- of the pitched
roof. So it's just two bedrooms, one
bathroom currently.

15

CHAIRPERSON RHODEN: Okay.

16

Thank you very much.

17

MR. WEBER: Thank you.

18

19

20

CHAIRPERSON RHODEN: Do have
anything in addition that you would
like to add to this Application?

21

22

23

MR. GRECO: No, I think we've
covered it all. Thank you very much
for hearing us.

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CHAIRPERSON RHODEN: Do we have
anyone here who would like to speak

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for or against this Application this evening?

(Whereupon, there was no verbal response from audience given.)

THE CLERK: We do not.

CHAIRPERSON RHODEN: Okay.

At this time, can I please have a Motion to close for further evidence and to reserve decision, please?

MEMBER JACKSON: So moved.

MEMBER MINEO: Second.

THE CLERK: All in favor.

MEMBER JACKSON: Aye.

MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

CHAIRPERSON RHODEN: Aye.

THE CLERK: Any appose?

(Whereupon there was no verbal response given by Board Members.)

CHAIRPERSON RHODEN: We'll call the next Application.

THE CLERK: The next Application is #2022-32 149 North Bayview Avenue, Residence AA-Section 54/Block 462/Lots

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32 - Nelson Perez Garabito.

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Construct a new 312 square feet rear addition, a 144 square feet gazebo and maintain a 322.56 square foot shed. Variances: Village Ordinance 210-6A, 210-35A(2) Setbacks required: Rear yard setback, 210-35C(1) Setbacks required: Accessory structures, 210-35C(2) Required yards, accessory structures.

I have one Affidavit of Mailing to entered into the record as a board exhibit. This will be Board Exhibit Number 1 for this individual Public Hearing.

(Whereupon, Board Exhibit 1, Affidavit of Mailing, was marked for identification, as of this date by the reporter.)

(Whereupon, the Court Reporter swore in the Witness.)

MR. BROWN: My name is Selema Brown. I live at 254-10 Francis Lewis Boulevard, Rosedale, New

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York 11422.

Good evening. This Application start with (inaudible) recorder, and we go to a gazebo because it was constructed without permit. And as we speak right now, we demolish, and the owner wanted to relocate -- the new gazebo up-to-code way before.

I can give you the (inaudible).

(Whereupon, the Court Reporter asked for clarification.)

MR. BROWN: You can see on the floor plan that the gazebo will encroach the second floor -- the second front yard. That's where the original gazebo was located.

And also, for the shed, the shed was there since more than four years -- a while ago. The shed was there, located only there, like, four years ago. The shed was there for more than four years ago. And the owner would like to keep in same location. That will be very difficult

1
2 for him to remove the shed, 2.5 feet,
3 I believe, away from the structure
4 side yard and also regardless for that
5 extension, it's only for the living
6 room so the family can enjoy better
7 the house. It's only one level, three
8 bedrooms and one and a half bath. And
9 within that addition that they have
10 right now proposed would be also next
11 to the bathroom also there. So just
12 make the house more bigger, more
13 comfortable because it's only one
14 story house and also the lot is very
15 *entricket design also, corner house,
16 corner lot.

17 Any questions?

18 CHAIRPERSON RHODEN: I'm sorry,
19 so I really couldn't really quite
20 hear -- was clear on what you said.

21 So you said the existing shed was
22 there four years ago?

23 MR. BROWN: More than four years.

24 CHAIRPERSON RHODEN: 24 years?

25 MR. BROWN: No, more than four

1

2

years.

3

CHAIRPERSON RHODEN: More than

4

four years?

5

MR. BROWN: More than four years

6

ago.

7

CHAIRPERSON RHODEN: So was this

8

prior to them purchasing -- procuring

9

the home?

10

MR. BROWN: I don't have that

11

information. I don't have that

12

information of when they bought the

13

house, addition was there. They just

14

hired me to legalize the location of

15

that shed.

16

MEMBER MINEO: The other gazebo,

17

you had stated previously that the

18

gazebo that was there previously

19

moved. So it's no longer there?

20

MR. BROWN: Correct.

21

MEMBER MINEO: And you're trying

22

to legalize what's proposed on the

23

plans?

24

MR. BROWN: Correct.

25

And that's the one that

1

2

encroaches against the side yard.

3

MEMBER HAWKINS: The 300 rear
addition that you're proposing --

5

MR. BROWN: Yes.

6

7

MEMBER HAWKINS: -- is that on
the Lena Avenue side or is that on the
north Bayview side?

8

9

MR. BROWN: I'm sorry, I didn't
hear you, sir.

10

11

MEMBER HAWKINS: The addition
that you're proposing, that's on the
Lena Avenue side or --

12

13

14

MR. BROWN: Let's see. Yes, it's
on the rear yard. Yeah, not --
towards -- no, it's north of Bay
Avenue (sic). The gazebo is towards
Lena Avenue.

15

16

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18

19

MEMBER HAWKINS: So the gazebo is
toward Lena?

20

21

MR. BROWN: Yes, correct.

22

23

And the addition is the rear
yard.

24

25

THE CLERK: Does anyone want to
see larger plans?

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2

MEMBER JACKSON: Yes.

3

THE CLERK: (Handing).

4

CHAIRPERSON RHODEN: So we're

5

doing the addition for specifically --

6

for what? Because the house --

7

MR. BROWN: The living room.

8

CHAIRPERSON RHODEN: The living

9

room?

10

MR. BROWN: Yes.

11

And within that living room, you

12

have a bathroom also there.

13

CHAIRPERSON RHODEN: So the

14

current living room has a bathroom or

15

you're adding a bathroom?

16

MR. BROWN: We adding a bathroom.

17

Now the house has only one and a half

18

bathroom.

19

CHAIRPERSON RHODEN: Okay.

20

MR. BROWN: We're going to have

21

two and a half bedroom.

22

CHAIRPERSON RHODEN: Okay.

23

How many bedrooms is this?

24

MR. BROWN: Three bedrooms. One

25

master and two bedroom.

1

2

CHAIRPERSON RHODEN: Okay. So

3

it's three bedrooms?

4

MR. BROWN: Yes.

5

CHAIRPERSON RHODEN: Okay.

6

MR. BROWN: One floor.

7

MEMBER JACKSON: I'm sorry, you

8

said the shed was existing, correct?

9

MR. BROWN: Correct, yes, it is.

10

MEMBER MINEO: This house is a

11

slab-on-grade?

12

MR. BROWN: No, there's a

13

basement also.

14

MEMBER MINEO: There's a basement

15

as well?

16

MR. BROWN: Yes.

17

Oh, I'm sorry. On slab. On

18

slab, yes. On slab, yes.

19

Addition will also be on slab

20

also to match the existing.

21

MEMBER HAWKINS: So you have a

22

white PCV fence on the north side of

23

the house, right by where the shed is,

24

the shed outside?

25

MR. BROWN: Yes.

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MEMBER HAWKINS: The property that's on the outside of that shed, that's still the owner's property that's there? You have the PCV fence --

MR. BROWN: Correct.

MEMBER HAWKINS: -- and on the outside of that PCV fence, there's a little -- there's some yardage there. That's still the owner's property?

CHAIRPERSON RHODEN: No.

MR. BROWN: Yeah. I don't know. It show the boundary's of the property, it show exactly where the line of the PCV fence is, so the property line shows where the shed is away from the property line and the fence should be the neighbor's fence basically. 2.5 feet.

CHAIRPERSON RHODEN: Okay. So your setback right now would be 17.3. So you're 2.7 feet?

MR. BROWN: Correct.

CHAIRPERSON RHODEN: That's your

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variance -- that he's requesting.

3

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MEMBER HAWKINS: Okay. Just want to be sure on that.

5

6

MR. BROWN: And the shed would be 2.5.

7

CHAIRPERSON RHODEN: Okay.

8

9

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MEMBER HAWKINS: What was the size of the gazebo before it was torn down?

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16

MR. BROWN: My understanding it was too high, it was too large, and I believe the building inspector went there and told them it was not up-to-code and was way too high and they decided to demolish the gazebo.

17

18

MEMBER HAWKINS: And that was four years ago you said?

19

20

21

MR. BROWN: No, that was a while ago, maybe, like -- that was this year. Beginning of the year.

22

MEMBER HAWKINS: Of this year?

23

MR. BROWN: Yeah.

24

(Crosstalk.)

25

MEMBER HAWKINS: So the one

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2

you're proposing, the 144 square

3

feet --

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MR. BROWN: I believe it was

5

gonna be bigger.

6

MEMBER HAWKINS: Okay.

7

MR. BROWN: It was gonna be

8

bigger.

9

CHAIRPERSON RHODEN: Thank you,

10

sir. We don't have any additional

11

questions for you right now.

12

MR. BROWN: Okay.

13

CHAIRPERSON RHODEN: Do we have

14

anyone that would like to speak for or

15

against this Application this evening?

16

(Whereupon, there was no verbal

17

response from audience given.)

18

THE CLERK: We do not.

19

CHAIRPERSON RHODEN: Okay.

20

Can I please have a Motion to

21

close for further evidence and to

22

reserve decision, please?

23

MEMBER JACKSON: So moved.

24

MEMBER MINEO: Second.

25

THE CLERK: All in favor.

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MEMBER JACKSON: Aye.

3

MEMBER MINEO: Aye.

4

MEMBER HAWKINS: Aye.

5

CHAIRPERSON RHODEN: Aye.

6

THE CLERK: Any appose.

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(Whereupon there was no verbal

8

response given by Board Members.)

9

CHAIRPERSON RHODEN: Please call

10

the next Application on the calendar,

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please.

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THE CLERK: The next Application

13

is #2022-33- 131 South Main Street AKA

14

129-133 South Main Street,

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Manufacturing - Section 62/Block

16

198/Lot 318-Rosa Galdamez.

17

Interior alterations for

18

Bar/Restaurant. Variances: Village

19

Ordinance 210-6A, 210-172A(4)-

20

Required Parking Spaces.

21

I have one Affidavit of Mailing

22

and one Nassau County Planning

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Commission Recommendation to be

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entered into the record as board

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exhibits. These will be Board

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Exhibits' 1 and 2 for this individual
Public Hearing.

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(Whereupon, Board Exhibit 1,
Affidavit of Mailing, was marked for
identification, as of this date by the
reporter.)

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(Whereupon, Board Exhibit 2,
Nassau County Planning Commission
Recommendation, was marked for
identification, as of this date by the
reporter.)

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(Whereupon, the Court Reporter
swore in the Witness.)

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MR. ARCE: Anthony Arce. My
address is 447 Jackson Avenue, West
Hempstead, New York 11552.

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Okay. I'm here to represent
Rosa Galdamez. She's the owner of the
restaurant, and she wants to expand
her business to the adjacent space,
which was previously a coffee shop.

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And the restaurant -- the reason
why we're here is because it requires
parking on-site and this building

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doesn't have space for parking at all.

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And this is a Manufacturing District

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and yes, it is a problem throughout

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the whole area. But I'd like to just

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address the issue of this particular

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restaurant and the customers that

8

she's -- will be serving.

9

Most of the cliental, who would

10

be from the neighborhood, which is --

11

they wouldn't be driving to the site

12

and they would not be driving to the

13

site, to the restaurant and --

14

THE CLERK: Excuse me, could you

15

just speak up a little bit?

16

MR. ARCE: Okay.

17

THE CLERK: Thanks.

18

MEMBER JACKSON: Maybe put the

19

microphone closer.

20

MR. ARCE: Okay.

21

So what I'd like to do is -- is

22

that better?

23

MEMBER JACKSON: Yes, sir.

24

MR. ARCE: Okay.

25

Just to give you an idea of where

1

2

the restaurant is, and proximity of

3

the parking in the area, there is

4

on-street parking, metered parking,

5

and also about 200 feet, there is a

6

large parking area that serves about

7

200 cars, which is just across the

8

street.

9

So I wanted to just -- I know

10

that -- it doesn't -- you know, we

11

don't comply with the ordinance, but

12

under these conditions, I think, you

13

know, the Zoning Board can consider

14

this as a special situation and, like,

15

for that to be considered in this

16

case.

17

Any questions?

18

CHAIRPERSON RHODEN: Yes.

19

Have you done a parking study in

20

that area? And what area are you

21

referring to "the parking?" It's a

22

municipal parking lot that you're

23

referring --

24

MR. ARCE: Yes.

25

CHAIRPERSON RHODEN: -- to with

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available parking spaces?

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MR. ARCE: When I submitted my Application, I submitted this, which shows the location of the -- of the restaurant and the parking area and how it's accessed from Main Street (indicating). So it's quite close. And, as I said, mostly families that will be going to the restaurant are from a neighborhood that's about a block away.

MEMBER JACKSON: And I'm sorry, has your client approached anybody to lease parking spaces or ask around the neighborhood?

MR. ARCE: Not that I know of.

MEMBER JACKSON: Not that you know of?

MR. ARCE: No.

MEMBER JACKSON: The one concern I have is that, if we grant the variance, it goes with the restaurant, so if things change and everybody has a car, you're back to a packed street

1

2

and, you know, overcrowding with

3

parking. So that's one concern I

4

have.

5

MR. ARCE: I could understand

6

that.

7

Just for you to know, this

8

deli/restaurant, the original one, has

9

been there for four years doing very,

10

very well. The reason why she wants

11

to expand is to be able to have a

12

larger restaurant, serving more

13

families in the area.

14

So I think it's -- it -- yeah, if

15

you look at it one way, you'll -- if

16

there's a change, which I just don't

17

think is going to happen, so that's --

18

I'm pleading my case here. So -- and

19

that's how I'm here looking at this.

20

The restaurant, it's small. It's

21

less than a 1,000 square feet. And it

22

has two bars, bathrooms, that are ADA

23

compliance that, you know, comply with

24

the code. Seating is about 35, 38

25

people, you know. So it's -- it's

1

2

not, you know, a large person

3

restaurant that, you know, you get

4

that kind of congestion.

5

So I mean, that's all -- you

6

know, that's the reason why I'm here.

7

MEMBER MINEO: So what's proposed

8

here is a full service bar, as well as

9

dining and seating areas throughout

10

the new expand -- proposed expansion?

11

MR. ARCE: Yes.

12

MEMBER MINEO: And with that

13

being said, obviously that changes the

14

occupancy that you guys are currently

15

occupying, is a deli; right?

16

MR. ARCE: Uh-huh.

17

MEMBER MINEO: So what are going

18

to be the new proposed hours of

19

operation with the bar and new

20

restaurant?

21

MR. ARCE: Okay. I'm going to

22

have to refer to my client for that

23

question.

24

Can I ask her to come up? She

25

speaks Spanish. I'll interpret so --

1

2

MR. MCLAUGHLIN: If I may, Madam,
Chair.

3

4

CHAIRPERSON RHODEN: Of course.

5

6

MR. MCLAUGHLIN: I think he can
just ask her the question. I don't
think she can give testimony without
an actual interpreter here.

7

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So if you have a question that
you want to ask her, then you give the
testimony. But we can't have her give
testimony with you as the interpreter.

13

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MR. ARCE: Okay. So the
restaurant -- the new restaurant would
be open from 11:00 a.m. to 11:00 p.m.

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19

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21

Is that the question or was that
about the -- the deli is not opened
all -- well, it would be. So they're
open for breakfast on the deli side
and then lunch and dinner on the other
side, the new part, the new addition.

22

23

24

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MEMBER MINEO: So is it correct
wherein stating that the deli would
close essentially during the lunch and
dinner hours of the restaurant being

1

2

opened?

3

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MR. ARCE: The kitchen of the existing deli would be serving the restaurant, so it would have to be opened to be able to serve the restaurant through a service door.

8

9

10

11

MEMBER HAWKINS: Where do the employees currently park -- park their vehicles? And how many employees does she have?

12

13

14

MR. MCLAUGHLIN: Sir, if I may. Sir, over here. I apologize (indicating).

15

16

Does she want to participate with an interpreter?

17

MR. ARCE: Yes.

18

19

20

21

22

MR. MCLAUGHLIN: Because then we can always adjourn it and have an interpreter ready for her. But I don't want her to be disadvantaged, that she doesn't know what's going on.

23

MR. ARCE: Uh-huh.

24

25

MR. MCLAUGHLIN: Are you an expeditor or --

1

2

MR. ARCE: I'm the architect.

3

4

MR. MCLAUGHLIN: You're the architect.

5

6

7

8

So we can always adjourn it to next month and provide -- and have an interpreter at the next meeting. I just don't want her to miss something.

9

10

11

MR. ARCE: I think -- I think -- I would not like to adjourn because of the urgency of the case. If we can --

12

13

14

15

MR. MCLAUGHLIN: Can you ask her? Because I don't want to end up having her come back saying "I didn't understand what was going on."

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CHAIRPERSON RHODEN: And also, I also think we would -- the Board is asking for you to conduct some type of parking study in the area to tell us exactly where current people are parking. Because you have no parking spaces available, so we need to understand the hours of operation that she's opened, that the restaurant is opened, where they're available

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2

parking spaces.

3

MR. ARCE: Okay.

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CHAIRPERSON RHODEN: Okay? So the study needs to be conducted so that we're able to see on a Saturday this is where, you know, what is available, you know, on a Tuesday, this is, you know, what it looks like from different times of the day, you know, and different days of the week so we're able to see how and possibly we can even approve this, because you have zero parking available.

MR. ARCE: Yes, I understand that.

CHAIRPERSON RHODEN: And you're requesting to expand, so this is a very -- you know, a said concern in the Village for us right now.

MEMBER JACKSON: I would also like to see that there's been some effort made to find parking spaces locally and lease them.

MR. ARCE: And leasing parking

1

2

spaces, a possibility of doing that?

3

MEMBER JACKSON: Yeah.

4

5

MR. ARCE: Okay. Those are two items that we can explore. Okay.

6

7

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9

10

MR. MCLAUGHLIN: Madam Chair, I'll also make sure when we come back we'll have a Spanish interpreter so that the Applicant is aware of what's going on.

11

CHAIRMAN RHODEN: Perfect. Okay.

12

MR. ARCE: Okay. Thank you.

13

CHAIRPERSON RHODEN: Thank you.

14

15

At this time, can I have a Motion to adjourn for further evidence?

16

17

18

19

MR. MCLAUGHLIN: Madam Chair, before we do that, if we can just see if there are any comments from the public.

20

CHAIRMAN RHODEN: Sure.

21

22

23

Do we have anyone who would like to speak for or against this Application this evening?

24

25

(Whereupon, there was no verbal response from audience given.)

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THE CLERK: We do not.

3

CHAIRPERSON RHODEN: All right.

4

Can I please have a Motion to

5

adjourn?

6

MEMBER JACKSON: So moved.

7

MEMBER MINEO: Second.

8

THE CLERK: All in favor.

9

MEMBER JACKSON: Aye.

10

MEMBER MINEO: Aye.

11

MEMBER HAWKINS: Aye.

12

CHAIRPERSON RHODEN: Aye.

13

THE CLERK: Any appose.

14

(Whereupon, there was no verbal

15

response given by Board Members.)

16

CHAIRMAN RHODEN: Can we call the

17

next Application on tonight's

18

calendar, please?

19

THE CLERK: The next Application

20

is #2022-34 224 Buffalo Avenue,

21

Industrial B - Section 62/Block

22

230/Lot 42 - Bruzzone Shipping

23

Industries.

24

Proposed 14,000 square feet

25

second story addition. Variances:

1

2

Village Ordinance 210-6A,

3

210-172(A)10. Required parking

4

spaces.

5

I have one Affidavit of Mailing

6

and one Nassau County Planning

7

Commission Recommendation to be

8

entered into the record as board

9

exhibits. These will be Board

10

Exhibits 1 and 2 for this specific

11

Public Hearing.

12

(Whereupon, Board Exhibit 1,

13

Affidavit of Mailing, was marked for

14

identification, as of this date by the

15

reporter.)

16

(Whereupon, Board Exhibit 2,

17

Nassau County Planning Commission

18

Recommendation, was marked for

19

identification, as of this date by the

20

reporter.)

21

(Whereupon, the Court Reporter

22

swore in the Witness.)

23

MR. BENNETT: Robert Bennett.

24

I'm with Rabco Engineering. 8 West

25

Merrick Road, in Freeport, New York.

1

2

Only about 35 years.

3

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13

This Application is for an existing operation, Bruzzone Shipping. They've been in Freeport for quite some time. And this is expansion there -- fortunately this time they're very busy. This is an expansion of second level addition of about 13,000 square feet, which is a portion of their existing -- it's not the whole building, it's a portion of the rear of the building.

14

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Currently they do shipping and receiving for various entities, including governmental work. And I'll let Mr. Bruzzone elaborate a little bit on that. But they need some more space. Basically they're going to move some of their current secretarial administrative work upstairs. They need a little bit more conference room. It's really -- they're not adding really many more personnel, maybe two, three, four, and it's

1

2

basically utilizing a space, just --
they currently have 20 parking spaces.

4

5

6

7

8

9

According to the calculations for
Industrial B-Zone, it's one parking
space for every 400 square feet. So
they have 20, they need 30. So we're
requesting the Application for ten
parking spaces.

10

11

12

13

14

15

16

All the other conditions, all the
other Zoning issues are compliant,
including setback with the trucking.
He's got a shipping area, 60-foot
back. Setbacks of total *out covers
(inaudible). So all the other issues
are compliant.

17

18

19

And I think Fred might be able to
elaborate -- Mr. Bruzzone, on his
operation.

20

21

(Whereupon, the Court Reporter
swore in the Witness.)

22

23

24

MR. BRUZZONE: Fred Bruzzone-
B-R-U-Z-Z-O-N-E. The office is 224
Buffalo Avenue, Freeport.

25

Okay. So just a little bit of

1
2 history on Bruzzone Shipping. So we
3 are a shipping company. We are
4 primarily arrow space, so we do a
5 tremendous amount, I would say 80
6 percent arrow space, a lot of
7 governmental work, a lot of
8 firefighting work, a lot of *metaback
9 work. We're very specialized in
10 helicopters.

11 So the facility, as of right now,
12 houses about, I'd say, 80 percent
13 arrow space. And we currently handle
14 all of the spare parts for the C-27J
15 program that substitutes the C-130 for
16 the Coast Guard.

17 The reason we are really looking
18 to expand our office, and really it's
19 not an expansion, it's just COVID, our
20 people are tight. Ironically most of
21 our people want to come to work, they
22 don't want to stay at home, and we
23 just want to give them space.

24 We have a lot of conferences. So
25 we have pilots that come in,

1

2

technicians that come in. A lot of training. So we kind of just want to open up our conference rooms and make them a lot larger, more space.

3

4

5

6

7

Will we add people? We may, one or two, but again, it's pretty set what we do. So it's not that we're adding -- and if we were to add, we'd probably buy another building.

8

9

MEMBER JACKSON: How many employees do you have there now?

10

11

MR. BRUZZONE: Probably 40.

12

MEMBER JACKSON: Okay.

13

MEMBER HAWKINS: You said "40?"

14

MR. BRUZZONE: About 40.

15

MEMBER JACKSON: And you don't intend to increase --

16

MR. BRUZZONE: And keep in mind -- keep in mind, many of them are either drivers, so they're not necessarily in the facility.

17

18

19

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CHAIRPERSON RHODEN: So when you do -- currently, do you do any -- you said you want to, you know, provide

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1

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them with more space --

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MR. BRUZZONE: Correct.

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CHAIRPERSON RHODEN: -- and, of course, I understand, but and also you want to host some training. So when that happens, what are you going to be doing to accommodate for the lack of some of --

MR. BRUZZONE: Everyone that comes for training comes through the railroad. They're all Manhattan. They all come from the LIRR. It's a great system.

CHAIRPERSON RHODEN: Okay.

MR. BRUZZONE: And we bus them. We have our company vehicles that pick people up from the train station and bring them to the facility.

CHAIRPERSON RHODEN: Okay. So you do have --

MR. BRUZZONE: Correct.

CHAIRPERSON RHODEN: Okay.

MEMBER JACKSON: I assume you're using some of the space for storage

1

2

also?

3

MR. BRUZZONE: A large portion of
it is warehouse, yes.

5

MEMBER JACKSON: Okay.

6

MEMBER MINEO: So the existing
offices that are on the level where
they are now, are basically
essentially moving upstairs and
just --

10

11

MR. BRUZZONE: Just spreading
people out.

12

13

MEMBER MINEO: Just spreading
people out?

14

15

MR. BRUZZONE: That's all we're
looking to do, is spread people out.

16

17

CHAIRPERSON RHODEN: Thank you so
much.

18

19

MR. BRUZZONE: My pleasure.

20

CHAIRPERSON RHODEN: I don't have
any additional questions from me.

21

22

Can I please have a -- do we have
anyone who would like to speak for or
against this Application this evening?

23

24

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(Whereupon, there was no verbal

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response from audience given.)

THE CLERK: We do not.

CHAIRPERSON RHODEN: Can I please have a Motion to close for further evidence and testimony and reserve decision, please?

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE CLERK: All in favor.

MEMBER JACKSON: Aye.

MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

CHAIRPERSON RHODEN: Aye.

THE CLERK: Any appose.

(Whereupon there was no verbal response given by Board Members.)

CHAIRPERSON RHODEN: Call the next Application on tonight's calendar, please.

THE CLERK: Yes. Next Application is #2022-35-170, North Main Street, Service Business - Section 55/Block 258/Lots 149-150. Luis G. Ramirez.

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Increase internal seating capacity to 16 seats. Variances: Village Ordinance 210-6A to 210-172(A)4 Required parking spaces.

I have one Affidavit of Mailing and one Nassau County Planning Commission Recommendation to be entered into the record as board exhibits.

These will be Board Exhibits' 1 and 2 for this individual Public Hearing.

(Whereupon, Board Exhibit 1, Affidavit of Mailing, was marked for identification, as of this date by the reporter.)

(Whereupon, Board Exhibit 2, Nassau County Planning Commission Recommendation was marked for identification, as of this date by the reporter.)

(Whereupon, the Court Reporter swore in the Witness.)

MS. MIRO: Maria J. Miro, from

1

2

Maria J. Miro Design and Drafting,

3

located at 1002 Merrick Avenue, North

4

Merrick, New York 11566.

5

And I'm here tonight to represent

6

Luis Ramirez. He's the owner of the

7

building. But I have with me today,

8

is Eddie Parelta, who is the owner of

9

North Main Food.

10

Basically Mr. Parelta has been in

11

business with this deli for 13 years

12

and we were approved for 10 seats.

13

We're respectfully requesting the

14

Board to grant us relief and allow us

15

16 seats.

16

Now, there is a parking lot

17

immediately behind the building that

18

the landlord does own. It's not part

19

of the lease, but a lot of the

20

adjacent stores use it as an employee

21

parking. That's lot 153.

22

And then immediately behind the

23

restaurant, I guess, it's a

24

restaurant, on North Main and East

25

Dean Street, that's lot's -- sorry.

1

2

Okay. That's lot's 167 and 168.

3

There's also a small little parking

4

area for their employees.

5

Most of Mr. Parelta's employees

6

do walk. They -- there's four

7

employees per shift, and Mr. Parelta

8

has a car and only one other employee

9

has a car and it's four employees per

10

shift.

11

Basically the 16 seats do not --

12

this -- I guess, it changes the use to

13

a restaurant, but it does not take

14

over the whole deli. The deli is

15

still used for storage. It still has

16

shelves because it is a grocery store

17

where people can come in. Most of his

18

cliental are from the neighborhood,

19

and again, most of them are walking.

20

He does serve the businesses across

21

the street. There's a hair salon,

22

there's Trulia Art Supply down the

23

block and a lot of those people come

24

over to eat.

25

Now, the seats -- the seating are

1
2 seats of four in each booth. So it's
3 four tables total. The ten seats, it
4 kind of makes it uneven because it's
5 very hard to have four seats and then
6 you have a duce. And a lot of people
7 then come in with their coworkers with
8 two people, and plus, since COVID,
9 they're more spread out.

10 I do have with me an area map
11 that shows the parking during the
12 daytime hours. I'm going to submit
13 it, I guess, as an exhibit (handing).

14 THE CLERK: Applicant 1.

15 (Whereupon, Applicant Exhibit 1,
16 Area Map, was marked for
17 identification, as of this date by the
18 reporter.)

19 MS. MIRO: It actually shows the
20 parking on the street. Aside from the
21 parking hydrants right in the front,
22 there are seven legal spots in front
23 of the store and then four spots on
24 East Dean Street and another -- let me
25 see. Another six spots on Washburn,

1

2

which is Lena on the opposite side of
the street. That's on the west side
of the street.

5

6

7

And I don't know if anyone has
any questions, but basically he's
asking for six more seats.

8

9

10

11

12

CHAIRPERSON RHODEN: Why are --
one of the things is, we like to ask
is, because of the parking situation,
what is -- why does he need the new --

13

14

15

16

17

MS. MIRO: Well --

CHAIRPERSON RHODEN: -- seats

available? Is there a justification
of why? You know, is the business not
doing well, they need to increase?
You know, what --

18

19

20

21

22

23

24

25

MS. MIRO: Well, a couple of
reasons, since COVID, the environment
has changed with, people come in, they
want to eat, they want to spread out a
little bit. And if somebody comes in
with one or two coworkers, at least
they can sit down at a table of four.

(Technical interference.)

1

2

MR. MCLAUGHLIN: Ma'am, could you
just step back a little bit.

3

4

MS. MIRO: Sure. It's echoing,
right?

5

6

MR. MCLAUGHLIN: Yes.

7

There you go.

8

MS. MIRO: How's that; better?

9

MR. MCLAUGHLIN: Little better.

10

MS. MIRO: Okay. Sorry about

11

that. I thought my voice was echoing.

12

So basically why is -- the way

13

the booths are set up, they're all
attached and they're tables of four.

14

15

So when people come in, the way the

16

deli is set up, if you look at the

17

plans, you come and you order your

18

food from the hot cases and you sit

19

down. And four seats are better than

20

just duces going across the floor.

21

It's just allows several people to

22

eat. If someone goes in during work,

23

they want to read something, they can

24

spread out. And that was the reason

25

for the extra seating.

1

2

CHAIRPERSON RHODEN: So they
would be getting rid of the shelves
and they would be getting rid of, I
guess, additional --

6

7

MS. MIRO: No, they're not
getting rid of any shelving. The
shelving is there, the extra seats are
actually there as well and they work
very well --

10

11

CHAIRPERSON RHODEN: Okay.

12

13

MS. MIRO: -- with the cliental
that goes in.

14

15

Do you want to add anything,
Eddie?

16

17

(Inaudible response from audience
was given.)

18

19

MEMBER HAWKINS: So you're saying
there's currently room there without
moving any shelves?

20

21

22

MS. MIRO: Yes, I have -- I know
you have it in your packet, but if
you'd like, I have a plan here that is
helpful --

23

24

25

CHAIRPERSON RHODEN: No, we have

1

2

the plans that were submitted with the
Application.

3

4

MS. MIRO: Because there were --

5

there was, at one time, 10 seats

6

there, but those -- when he got the

7

new booths there, they come in booths

8

of four-seaters and they're attached.

9

And if you have a mom that comes in

10

with two children and they have lunch

11

and they go to sit down or after

12

school, they go to sit down, they

13

can't sit with tables of two.

14

MEMBER HAWKINS: So, I'm sorry,

15

where are you proposing that the

16

people that come in and want to sit

17

down, and let's say stay a half an

18

hour, where are you proposing that

19

they park?

20

MS. MIRO: They probably stay

21

about half an hour, if they're going

22

to stay and eat. Otherwise people

23

come and they could order their food

24

and leave as well. So it's a few

25

minutes in whatever time it takes.

1

2

MEMBER HAWKINS: Right. So where are you proposing that they park?

3

4

5

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7

8

MS. MIRO: Well, there is some parking in the front of the store, about seven spots, and then there's four on East Dean Street and there are about six on Washburn Avenue.

9

10

11

MEMBER HAWKINS: Now, you mentioned -- I know you mentioned two lot's, correct?

12

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MS. MIRO: There is a lot immediately -- lot 153. It's immediately behind the stores. The adjacent stores use it for their employee parking. Even though it's not part of Eddie Parelta's lease, it's still, you know, allowed -- alleviates some of the parking for some of the employees.

21

22

23

24

25

Mr. Parelta, most of his employees are walkers, they don't -- or they bus. They don't drive. Just Mr. Parelta has a car and one of his other employees, and they don't work

1

2

at the same time. It's four people

3

per shift. He's open for breakfast

4

lunch and dinner. He's open at 7:00

5

in the morning and he closes at

6

11:00 p.m.

7

MEMBER HAWKINS: Who owns the

8

lot, 153?

9

MS. MIRO: Who owns the lot?

10

Mr. Ramirez does. He owns the

11

building and he owns the lot behind.

12

MEMBER HAWKINS: All right. So

13

just employees are allowed to park

14

there? Can customers --

15

MS. MIRO: I don't think they

16

want to open it to customers because

17

the way the lot is. If -- they don't

18

want anybody loitering over there. So

19

they'd rather open it up just for the

20

people that are part of the businesses

21

behind that building.

22

MEMBER HAWKINS: Thank you.

23

MEMBER JACKSON: Has your client

24

tried to lease any spaces nearby?

25

MS. MIRO: Has he tried to lease

1

2

any spaces, like -- like what?

3

MEMBER JACKSON: I don't know,

4

any lots close nearby that he can

5

lease --

6

MS. MIRO: I -- I -- I actually

7

stayed there and, you know, up and

8

down, drove different hours of the day

9

just to see what the traffic is. It

10

seems like the majority of the

11

occupancy is during the lunchtime, but

12

there is -- there is no -- there is no

13

municipal lots nearby. There was

14

once, I think, the church allowed some

15

parking at one point. But I think

16

there might have been an issue, not

17

with your client, but with somebody

18

else where they left their van

19

overnight and there was a little

20

problem with that. But other than

21

that, like, the minister, I guess, he

22

was -- the pastor, he was allowed that

23

lot to be used sometimes.

24

MEMBER JACKSON: But has he

25

reached out to try and lease some

1

2

parking spaces so he has them

3

dedicated for his --

4

MS. MIRO: I'm not sure.

5

Do we know if he's --

6

(Inaudible response from the
audience was given.)

7

8

(Whereupon, the Court Reporter
swore in the Witness.)

9

10

MR. PARELTA: Hello, everyone.

11

My name is Eddie Parelta and my

12

address is 21 Kingston Street in

13

Elmont, New York.

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And the question was, have I
asked -- I've spoken to Louis and he's
given me the authority -- the
opportunity to park, at least for my
employees to park in the back lot.

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I've been there 13 years and I've
used that lot for my personal parking
space and for my employees parking
space.

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MEMBER JACKSON: Would you be

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able to bring us a letter stating

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that? I mean, it might help your case

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tremendously.

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MR. PARELTA: If that will help
the determination, yes.

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MEMBER JACKSON: Yes.

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MR. PARELTA: I've been there
13 years and the structure of the
building -- or the structure of the
store is not going to change. It is,
I just want to do everything properly.

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The seating, it's been the same
for the most part. I've had the 16
seatings, and I didn't know that it
was illegal to have the space for the
extra. And this is just a procedure
to get everything legalized. I want
to make sure that my ends is covered
and I'm doing everything right. But
the structure and the ambiance and the
parking situation is not going to
change. Because I've been doing it
wrong for so many years and I just
want to do it right.

24

You told me to say the truth, so.

25

I've been doing it wrong for a long

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time and I just want to make it

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properly. I want to have everything

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covered.

5

MEMBER JACKSON: Well, that's why

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I mean -- and I appreciate that, you

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know, that's commendable, but I

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believe if you -- if you can get

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something from him saying we have some

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parking spaces that you're allowed to

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use, three, five, whatever it may be,

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that will help a lot.

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MR. PARELTA: That shouldn't be a

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problem. He's given me verbal

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authorization. But you need it in

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writing?

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MEMBER JACKSON: Yeah, if he can

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put it in writing, that will be great.

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CHAIRPERSON RHODEN: Right. Put

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it in writing.

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MR. PARELTA: All right.

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MEMBER JACKSON: Can I suggest we

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adjourn pending that letter?

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CHAIRPERSON RHODEN: Yeah.

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MEMBER JACKSON: Would you be

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okay with that?

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MR. PARELTA: If that's my -- if that's your determination, that's fine with me. I mean, I'd rather have it all said and done now, but if that's what --

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CHAIRPERSON RHODEN: Well, yeah --

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MEMBER JACKSON: It would make it a lot easier for us to do it. That's all. And --

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MR. MCLAUGHLIN: If we don't have that, it makes it harder for them to address certain issues. So it's probably better for you if they do it that way.

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MR. PARELTA: All right.
MS. MIRO: So my question to the Board is, do I bring the letter to Robin or do I bring it --

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MR. MCLAUGHLIN: You would bring it to Robin.

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MS. MIRO: At the next Hearing?

CHAIRPERSON RHODEN: To Robin and

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then at the next --

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MR. MCLAUGHLIN: And then at the
4 next meeting.

5

CHAIRPERSON RHODEN: At the next
6 meeting.

7

MS. MIRO: Okay.

8

MEMBER JACKSON: You'd have to
9 appear at the next meeting --

10

CHAIRPERSON RHODEN: At the next
11 meeting.

12

MEMBER JACKSON: -- so it goes
13 into evidence and people can comment
14 if they wanted to.

15

CHAIRPERSON RHODEN: Right. And
16 we will have to notify the public
17 that --

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MS. MIRO: Well, we don't appear
19 or are you --

20

CHAIRPERSON RHODEN: You do.

21

MEMBER JACKSON: You do.

22

MS. MIRO: I do, right?

23

MEMBER JACKSON: Briefly.

24

MS. MIRO: Right.

25

CHAIRPERSON RHODEN: Okay?

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MS. MIRO: Thank you very much
for your time.

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MEMBER JACKSON: Thank you.

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CHAIRPERSON RHODEN: Thank you
very much.

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And Madam Chair, while we don't
have any speakers in the room, we did
have someone put comments in writing.

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We just ask that you mark Witness
Exhibit 1.

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CHAIRPERSON RHODEN: Yes, please.

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(Whereupon, Witness Exhibit 1,
comment, was marked for
identification, as of this date by the
reporter.)

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CHAIRMAN RHODEN: Is that
something that's going to be shared
with --

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MR. MCLAUGHLIN: Yes, Robin's
going to send a copy to the Board
Members and we'll also send a copy to
the Applicant.

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CHAIRPERSON RHODEN: To the
Applicant.

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So it will be sent to you

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(indicating).

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MS. MIRO: Thank you very much.

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MEMBER JACKSON: Thank you.

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MS. MIRO: Have a good night.

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CHAIRPERSON RHODEN: Thank you.

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Have a good night.

9

MS. MIRO: Good to see everybody

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in person again.

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MEMBER JACKSON: And good luck

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with your business.

13

MR. PARELTA: Thank you.

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CHAIRPERSON RHODEN: At this

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time, do we have anyone who would like

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to speak for or against this

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Application this evening?

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(Whereupon, there was no verbal

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response from audience given.)

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THE CLERK: We do not.

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CHAIRPERSON RHODEN: Thank you.

22

Can I please have a Motion to

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adjourn?

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MEMBER JACKSON: So moved.

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MEMBER MINEO: Second.

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THE CLERK: All in favor.

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MEMBER JACKSON: Aye.

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MEMBER MINEO: Aye.

5

MEMBER HAWKINS: Aye.

6

CHAIRPERSON RHODEN: Aye.

7

THE CLERK: Any appose.

8

(Whereupon, there was no verbal

9

response given by Board Members.)

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CHAIRPERSON RHODEN: Can I have a

11

Motion to adjourn the meeting, please?

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MEMBER JACKSON: So moved.

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MEMBER MINEO: Second.

14

THE CLERK: All in favor.

15

MEMBER JACKSON: Aye.

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MEMBER MINEO: Aye.

17

MEMBER HAWKINS: Aye.

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CHAIRPERSON RHODEN: Aye.

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THE CLERK: Any appose.

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(Whereupon, there was no verbal

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response given by Board Members.)

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(Time Noted 7:32 p.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, AMANDA MICILLO, a Notary Public within
and for the State of New York, do hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that such an
examination is a true record of the testimony given by
such a witness.

I further certify that I am not related to
any of these parties to this action by blood or marriage,
and that I am not in any way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 22nd day of September, 2022.

Amanda Micillo
signature