

In the Matter Of:

VILLAGE OF FARMIGDALE - ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS

January 14, 2021



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VILLAGE OF FARMINGDALE

4

ZONING BOARD OF APPEALS MEETING

5

6

JANUARY 14, 2021

7

8:00 P.M.

8

VIRTUAL MEETING

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12 Due to the Novel Coronavirus (COVID-19) Pandemic and
13 recent Executive Orders issued by the Governor, the
14 Village of Farmingdale, Zoning Board of Appeals
15 Meeting was held electronically via Zoom Webinar
16 with no in-person attendance.

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

3 DAVID NOSTRAND - Chairman

4 CHRIS MARO - Board Member

5 JAMES PORTER - Board Member

6 MARISA TULLY - Board Member

7 CLAUDIO DeBELLIS, ESQ. - Board Counsel

8 STEVEN FELLMAN - Building Inspector, Incorporated

9 Village of Farmingdale

10 KEVIN WOOD - Zoom Moderator

11 A P P L I C A N T S :

12 KEVIN FABER AND MICHELLE FABER - 34 Sullivan Road

13 TIMOTHY ALDRIDGE - 257 Conklin Street and 265

 Conklin Street

14

 ERIK SNIPAS, BARRY NELSON, CHARLES WEINRAUB, DAVID

15 MAMMINA - 454 and 464 Fulton Street

16

17 JOHN SPELLER - 190 Bethpage Road

18 P U B L I C A T T E N D E E S:

19 CHARLES GOSLINE - 35 Waverly Place

20 MIKE ROWLAND AND JEANNE ROWLAND - One Atlantic

 Avenue, Apartment 15

21

22 JOHN McGRATH - 400 Fulton Street

23 ANNE CRAWFORD - 115 William Street

24 MARIAN FELDHUSEN - 474 Fulton Street, Unit 19

25 JOSEPH STAUDT - 130 Hillside Road

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2 MR. WOOD: Mr. Chairman, we are
3 live on YouTube. You may start your
4 meeting.

5 MR. NOSTRAND: Okay. I'll call to
6 order the first meeting of this month,
7 January 14, 2021. We have five cases
8 tonight.

9 I need a motion to waive reading
10 the
11 minutes from the last meeting.

12 MR. PORTER: I so move.

13 MR. NOSTRAND: All in favor?

14 (WHEREUPON, there was a unanimous,
15 affirmative vote of the board.)

16 MR. NOSTRAND: Motion carried.

17 Case Number 1 is Case 1-1.

18 Kevin Faber for an addition to a
19 detached garage at 34 Sullivan Street,
20 requiring a variance from the Village,
21 Part II, Chapter 600 Zoning, Article VIII,
22 Residential A District.

23 Is Mr. Faber able to come on to
24 represent himself or somebody representing
25 the Faber case?

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2 MR. WOOD: Yes. We have a hand
3 raised. Standby, please.

4 Michelle Faber coming in.

5 MR. NOSTRAND: Mr. and Mrs. Faber?

6 MR. FABER: That's us.

7 MR. NOSTRAND: This is David. I'm
8 the Chairman of the Zoning Board.

9 We have three other members with
10 us; the court stenographer, the Village
11 attorney and Mr. Fellman from the Village
12 of Farmingdale Building Department.

13 We are here to hear your case. So
14 let's hear what you have to say.

15 MR. FABER: We presently have a
16 garage, but it's small. You can barely
17 fit a car in there. We want to extend the
18 garage back so we can actually fit -- in
19 about another two years or so, we're going
20 to be getting a 1948 Plymouth from my
21 uncle. It's a family heirloom. We'd like
22 to garage it. We can't really garage that
23 in the present garage, let alone putting
24 any lawnmowers or anything else in there.
25 It's not really usable for a car. So we

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2 wanted to extend the garage back and
3 actually use it for everything else we
4 need as well.

5 MR. NOSTRAND: So this is a
6 separate building?

7 MR. FABER: Yes. It presently
8 already is a separate building, but we
9 want to extend it back. So we're adding
10 square footage to the back of the garage.

11 MR. NOSTRAND: Is it a two-car
12 garage now?

13 MR. FABER: It's a one-car garage
14 now.

15 MR. NOSTRAND: You want to make it
16 two cars deep?

17 MR. FABER: That's correct.

18 MR. NOSTRAND: Okay. We didn't get
19 all the plans until the e-mail came in
20 today. So we're going to be a little
21 confused.

22 MR. FABER: Okay.

23 MR. NOSTRAND: I apologize for
24 that. There was some concern about the
25 existing house already being oversized.

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2 Mr. Fellman, can you speak on that?

3 MR. FELLMAN: Yes. Again, we have
4 not only lot coverage, but we also have
5 floor area ratio in the Village, which is
6 the sum of the first and second floors,
7 whether it be the house, porches, the
8 garage, et cetera. It's kind of an
9 interesting requirement. A lot of
10 municipalities don't have FAR. We happen
11 to have it.

12 In this case, before they wanted to
13 add the addition, the house and the
14 existing garage were already over the FAR.
15 I think, together, they're, like at 48
16 percent. So they're asking to go from,
17 like, 48 percent to 52 percent with the
18 garage addition.

19 The Fabers were very conscientious.
20 I explained this in the beginning. They
21 originally had a much bigger thing that
22 they wanted to do with the garage. They
23 had a bigger height, they had a second
24 floor, the whole bit. They took it
25 seriously. They came back with revised

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2 plans. They lowered the height so that
3 that did not need a variance. It reduced
4 the amount of FAR. The original FAR they
5 were seeking would have been 61 percent.
6 So they took it seriously. They did
7 everything they could to try to minimize
8 the impact.

9 MR. NOSTRAND: The 52 percent is a
10 big number. The problem with this Board
11 is that, if we start granting 50 and 60
12 percent floor area ratios, then everybody
13 is going to want it. They're going to
14 want to have it when they add to
15 their house and they're going to want it
16 when they add to their garages. So that's
17 why Mr. Fellman had you bring the numbers
18 down as best you could.

19 MR. FABER: I understand.

20 MR. NOSTRAND: If you got it down
21 to somewhere in the 40s --

22 MR. FABER: It's already at, like,
23 48 percent, as he said.

24 MR. NOSTRAND: Yes.

25 MR. FABER: I mean, bringing it up

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2 -- you know, we're only adding the square
3 footage to the back of the garage. It's
4 not astronomical, but if it's -- I mean,
5 to add only one-and-a-half percent to keep
6 it at 49.9 percent, we would only be
7 adding a couple of feet to the back of the
8 garage. It's kinda not worth it to do it
9 at all to add the square footage. I mean,
10 I could tweak it a little bit more to
11 bring the square footage down a little
12 bit, but it's not going to get down into
13 the 40s because we're already at 48
14 percent.

15 MR. FELLMAN: Mr. Chairman, if I
16 may. The FAR counts anything with a roof
17 over it. They do have porches on the
18 house. Like I said, it does include
19 non-habitable areas like the garage. So
20 the board may want to consider that any of
21 the covered porch areas can never be
22 enclosed and the garage space, nothing can
23 ever become inhabitable.

24 MR. NOSTRAND: Are they now?

25 MR. FABER: When we did the

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2 extension 16 years ago and added the porch
3 onto the extension, it was already stated
4 that we could never enclose the porch.
5 We'd never want to anyway, but either
6 which way, it was already stipulated when
7 we did the extension that it could never
8 be enclosed.

9 MR. NOSTRAND: So, Steve, the floor
10 area of the open porch, that's part of the
11 48 percent they have now?

12 MR. FELLMAN: Correct.

13 MR. FABER: That's correct.

14 MR. NOSTRAND: So if we took the
15 floor area and didn't include it in the
16 percentages, what would the numbers come
17 out to be? That would certainly bring
18 your ratio down.

19 How big is the porch? Is it a
20 wraparound?

21 MR. FABER: The porch is the width
22 of the house. It's got to be 35 by 6 and
23 there is a gazebo at the end of it; so
24 adding a little bit more than that. So if
25 you took that square footage off, it's not

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2 really livable. I mean, I know this is
3 bending the rules a little bit, but it's
4 not -- what did you say it was? Six --

5 MR. PORTER: Not habitable space.

6 MR. FELLMAN: Not habitable space,
7 it can't be habitable space, living space.

8 MR. NOSTRAND: That's what I meant.

9 MR. PORTER: Mr. Chairman, may I
10 ask a question, please?

11 MR. NOSTRAND: What was the square
12 footage, Mr. Faber?

13 MR. FABER: Of the porch? You have
14 to give me second and I'll figure that out
15 for you.

16 MR. NOSTRAND: I've got my
17 calculator now. What did you say?

18 MR. FABER: It's roughly 35 feet
19 and it's by six feet; so it's 210. There
20 is a gazebo at the end which adds probably
21 about another, maybe, 10 feet. So it's,
22 like, 220 square feet roughly.

23 MR. NOSTRAND: If you subtract that
24 from the square footage of the house --
25 Steve, you could do this maybe quicker

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2 than the rest of us.

3 MR. FELLMAN: The better way to do
4 it is, how many square feet is the
5 addition on the garage, Mr. Faber?

6 MR. FABER: The addition I want to
7 say is roughly 390 square feet, I think.
8 You'll have to give me a minute to look
9 that up.

10 MR. FELLMAN: Fine. So you'll see
11 it's almost like a wash. The area that
12 he's adding to the garage is about the
13 square footage of the open porch.

14 MR. NOSTRAND: Well, he said it's
15 225 on the porch.

16 MS. TULLY: If the open porch
17 wasn't included in the variance from
18 the --

19 MR. FABER: The porch was included
20 in the variance when we dormered the house
21 16 years ago.

22 MS. TULLY: Yes. But not in the
23 square area. So you were probably already
24 over the 35 at that point, too. You were
25 probably even over 40, right?

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2 MR. FABER: I'm not understanding
3 the question.

4 MR. FELLMAN: The porch would have
5 been included in the FAR?

6 MS. TULLY: Right. It would have
7 been included -- in the FAR?

8 MR. FABER: Yes. In the FAR, yes.

9 MR. FELLMAN: Yes, absolutely,
10 anything with a roof.

11 MR. NOSTRAND: That's why I'm
12 saying if we didn't include it -- I know
13 that we were supposed to -- if we didn't
14 include it, it might make these numbers a
15 little more palatable because it's not
16 livable space, the porch. It's not like
17 they built to the edge of the porch or the
18 house all the way out.

19 MR. FELLMAN: Right. That's why I
20 bring it up. The FAR can be a very
21 misleading number because it's anything
22 with a roof. Literally, if you just had a
23 patio out back with a ten by ten roof, you
24 got hit with a 100 square feet of FAR and
25 it's outside space. It's a strange

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2 number.

3 MR. NOSTRAND: Yes. Mr. Faber,
4 this addition to the garage, is it just
5 making the garage from a box to a longer
6 box?

7 MR. FABER: It's adding 20 feet to
8 behind the garage, and then, the addition,
9 I was going to make five feet wider than
10 the original garage so we had extra space
11 in the back.

12 MR. NOSTRAND: So the existing
13 garage is going to stay in place --

14 MR. FABER: Yes.

15 MR. NOSTRAND: (Continuing) -- and
16 you're going to build behind it and a
17 little wider?

18 MR. FABER: Yes.

19 MR. NOSTRAND: Okay. So it's two
20 different roof lines?

21 MR. FABER: Well, it will be one
22 ridge going all the way back. It will
23 just come out --

24 MR. NOSTRAND: One will have a
25 different angle.

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2 MR. FABER: Right, exactly.

3 MR. NOSTRAND: It will go out over
4 the wider part?

5 MR. FABER: Right, correct.

6 MR. NOSTRAND: So the only thing
7 you'll see from the street would be the
8 wider part which is in the backyard.

9 MR. FABER: You won't even see that
10 from the street because that's behind the
11 house. You'll only see the existing
12 garage that we presently have. It will
13 just be a little bit taller and the same
14 width, but the garage door will be wider.
15 It will be the same garage that you
16 presently see, just a little bit taller
17 and it just goes straight back. You won't
18 be able to see anything from the street.

19 MR. NOSTRAND: How far from the
20 back of the new garage, the proposed
21 garage, will the property line be?

22 MR. FABER: I want to go all the
23 way to the three feet from the property
24 line. We're allowed to go three feet from
25 the fence -- well, from the property line

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2 -- and that's what I was looking to do.

3 MR. NOSTRAND: So the setback is
4 three feet?

5 MR. FABER: Right. Because we
6 don't use the space behind the garage as
7 it is.

8 MR. NOSTRAND: Yes.

9 MR. FABER: It just made sense to
10 extend the garage to actually utilize the
11 space accordingly for what we're hoping to
12 do.

13 The whole reason that sparked this
14 is my uncle is getting old. He has a
15 daughter. He has a 1948 Plymouth that
16 looks like it just came off the belt. He
17 got it in '74. It took him all this time
18 to rebuild it. It looks like it's brand
19 new. His daughter doesn't want it. She
20 doesn't have a car. She doesn't have a
21 garage or a driveway for it. Ultimately,
22 he was, like, "What am I going to do with
23 this thing?" So that's what sparked it.
24 I would like to keep it in the family and
25 keep it as a family heirloom so that his

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2 grandkids, maybe, one day, will be able to
3 keep it or my kids or whatever so that we
4 can keep it in the family because it's
5 been in the family since 1974.

6 Then, my wife is telling me she
7 wants a convertible. So a two-car garage
8 would be nice, hence, having the length
9 and then, also, the width in the back, it
10 allows us to have room for a lawnmower, a
11 snowblower and all the other fun things
12 you would need, a bicycle or whatever, so
13 you have space on the ground level.
14 That's why I wanted it wider in the back.

15 MR. NOSTRAND: Okay. Mr. Fellman,
16 the setback is three feet on that
17 property?

18 MR. FELLMAN: Any detached garage
19 is three feet.

20 MR. NOSTRAND: Yes. And that's
21 code in that spot?

22 MR. FELLMAN: That's code, yes.

23 MR. NOSTRAND: At this time, maybe
24 we should ask anybody in the audience,
25 Kevin? What am I supposed to say?

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2 MR. WOOD: At this point, if you'd
3 like to raise your Zoom hand if you would
4 like to publicly comment on this case.
5 Those of you -- because there are a few
6 people on cell phones and dial phones, you
7 would hit "star, 9" if you want to
8 publicly comment on this case.

9 MR. NOSTRAND: So I'm going to ask
10 if there are any neighbors to the Fabers
11 that are out there in Zoomland that want
12 to raise their Zoom hand.

13 MR. FABER: Just so you're aware, I
14 did speak to each one of the neighbors who
15 were on the radius map before I started
16 all this just to make sure. Everyone was,
17 like, "Yes, that's fine. It brings
18 value." There were no issues with any of
19 the neighbors. They all got the certified
20 letter with the return-receipt and so
21 forth just to make sure that I did
22 everything the right way for that. But
23 everybody was well aware of everything
24 before I even started. I don't know if
25 they're on the video here, but everybody

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2 is well aware of what's going on.

3 MR. NOSTRAND: Let's see if anyone
4 else wants to speak on your behalf, Mr.
5 Faber.

6 MR. FABER: Sure.

7 MR. WOOD: There are no requests.

8 MR. NOSTRAND: No requests, okay.

9 MR. PORTER: Mr. Chairman?

10 MR. NOSTRAND: Yes.

11 MR. PORTER: I did have a question.

12 The previous work, you did extend
13 the house in the past? You put an
14 addition of some kind on?

15 MR. FABER: That's correct, with a
16 variance.

17 MR. PORTER: Did the variance
18 address the floor area ratio being over
19 the limit?

20 MR. FABER: It was 16 years ago. I
21 honestly don't remember if it did or not.
22 I just remember going through the process
23 of everything that they asked for at the
24 time. So I honestly can't recall if it
25 was addressed or not.

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2 MR. PORTER: Okay.

3 MR. FELLMAN: But you do remember
4 that they made a covenant that you can't
5 enclose the porch?

6 MR. FABER: That is correct. I
7 remember specifically at the meeting -- we
8 were physically at the meeting in the
9 Village Hall -- I remember them asking me
10 do I have intentions to enclose it. I
11 said no and they said, "All right. We
12 want to make sure that you can never
13 enclose it. We are going to stipulate in
14 the variance that it never be allowed to
15 be enclosed." Again, I would never want
16 to enclose it, but I get it.

17 MR. FELLMAN: That kinda sounds
18 like that's what they were addressing.

19 MR. FABER: Right.

20 MR. NOSTRAND: Does anybody on the
21 board have any questions or concerns on
22 this?

23 Ms. Tully?

24 MS. TULLY: My concern is that it's
25 way over.

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2 MR. NOSTRAND: Okay. The total
3 length of the garage is -- the two cars
4 are probably what? 16 feet a piece?

5 MR. FABER: I don't know how long
6 the actual cars would be, but the garage
7 would be -- I don't think you would really
8 want to count anything less than 20 feet
9 per car, but I think the total length
10 would be, like, 41 feet, I believe.

11 Honestly, I had a Mercury Sable a
12 couple of years ago. My garage is
13 presently 21 feet, I believe, and I could
14 barely close the garage door with that.
15 So I wouldn't want anything less than 40
16 feet if we're doing a two-car garage.

17 There's going to be no staircase
18 anymore. We took that out. It's not
19 going to need that anymore.

20 MR. NOSTRAND: Because there's no
21 second story?

22 MR. FABER: No. Exactly.

23 MR. FELLMAN: Correct.

24 MR. NOSTRAND: These plans show the
25 second story.

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2 MR. FELLMAN: These are the
3 original plans.

4 MR. FABER: Right. That was the
5 original plan of having a second floor.
6 Yes, there will be a raft with overhead
7 storage for a pull-down staircase, if
8 needed, or maybe I'll just have an opening
9 to put a ladder up to it, but there will
10 be storage upstairs.

11 We do Christmas lights and a
12 holiday light show in front of our house.
13 We've been doing that for the last five
14 years. We do a whole animated show to
15 music and all that stuff.

16 My mother-in-law passed away. So
17 we have family heirlooms. So we do want
18 to have some storage space in the attic of
19 the garage, like, above the cars, but it's
20 not going to be a two-story facility. So
21 a staircase is not going to be needed at
22 all. Initially, that was part of the
23 plan, but then we took that out.

24 MR. NOSTRAND: Correct me if I'm --
25 I forgot the earlier part of this

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2 conversation. The floor area ratio of the
3 two existing structures you have now, what
4 is that number?

5 MR. FABER: Roughly 48 percent, I
6 believe. 48.08.

7 MR. NOSTRAND: So we're going from
8 48 to 52.

9 MR. FABER: That's correct.

10 MR. NOSTRAND: Does anybody else on
11 the board have an objection to this other
12 than Ms. Tully?

13 MR. PORTER: Mr. Chairman, I
14 appreciate what the Fabers are trying to
15 do. I admire their plans. I like the
16 fact that they're cooperating with the
17 Village. My only concern is where it's
18 already a nonconforming condition. Will
19 we be setting a precedent? That's the
20 only concern I would have.

21 MR. NOSTRAND: My opinion -- Mr.
22 Maro? Anything to put in, Chris?

23 MR. MARO: The only thing I would
24 add is, haven't we already set a
25 precedent? We're at 48 percent. That's

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2 my only opinion is we're at 48 percent.

3 What's the ratio that we're supposed to be
4 allotted within?

5 MR. NOSTRAND: 35.

6 MR. MARO: 35?

7 MR. NOSTRAND: Yes.

8 MR. MARO: That's a big swing.

9 MR. NOSTRAND: Yes. I mean, you're
10 going up four percent. It's already over.
11 It's been over for 15 years --

12 MR. MARO: Right.

13 MR. NOSTRAND: (Continuing) -- and
14 we're going up four percent. I think it's
15 okay.

16 MS. TULLY: My point is, where do
17 we cap it? That's what we're talking
18 about here.

19 MR. NOSTRAND: My opinion is that
20 these folks are trying to build more
21 storage. They already keep the house nice
22 and they're redoing the whole garage. I
23 think it's okay.

24 MR. MARO: I just took a quick look
25 at it from Google Earth. Obviously, he's

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2 right. You don't notice any additions
3 that they're doing abiding by Village
4 code. You can't see it from the front of
5 the house. So it's not a hindrance to the
6 visual aspect. I do appreciate that there
7 is no -- we have to appreciate, you know,
8 when do you cap it, but from 35 to 48 is
9 already a significant change. So the four
10 percent, there is a menial change to that
11 at the end of the day.

12 MR. NOSTRAND: It's not living
13 space. It's storage for things that you
14 need in your life like cars and lawnmowers
15 and whatnot. Obviously, it's not a
16 gigantic piece of property. Otherwise,
17 this wouldn't be a problem.

18 MR. FELLMAN: Right.

19 MR. NOSTRAND: We have to do with
20 what space we have here in these tight
21 villages. I think it's okay.

22 Mr. Porter, what do you think?

23 MR. PORTER: I'm just trying to
24 think, Mr. Chairman, how we could restrict
25 this approval so that we don't create a

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2 precedent that other people could, then,
3 take unfair advantage of. Perhaps if we
4 added the restriction to make very clear
5 that this will never be finished or
6 habitable space.

7 MR. DeBELLIS: Mr. Chairman, if I
8 could just interject for a second?

9 I think you need to isolate the
10 reason for the board granting the variance
11 so that when you do get the next request
12 down the road that says "I want to go to
13 48" or "I want to go to 50," you can say
14 this request was different and here's why
15 it's different and we're justified.

16 MR. NOSTRAND: Well, in my mind --

17 MR. DeBELLIS: Because, right now,
18 if you don't isolate that issue, someone
19 can come in and say, "You know what, I
20 want to go to 52 percent and I don't want
21 you to count the covered porches" just
22 like you're doing here. So you just need
23 to be mindful of that.

24 MR. FABER: Well, if you're
25 counting to 52 percent, you are counting

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2 the porch. It's if you're taking out the
3 porch to keep the percentage at 50
4 percent, then you would not be counting
5 the porch to --

6 MR. DeBELLIS: No, no. What I'm
7 saying is the board has the ability to
8 relax the code. All I'm saying is if they
9 relax it here, the reason that they're
10 relaxing it here potentially becomes a
11 reason down the road.

12 MR. FABER: Right, no, I get it.

13 MR. DeBELLIS: If you isolate that
14 reason and make it somewhat different,
15 then they have protection from precedent.

16 MR. FABER: Right.

17 MR. NOSTRAND: I would think the
18 difference here is that it's garage space
19 and not living space for more people to
20 live in a home.

21 MR. FELLMAN: Might I add also, Mr.
22 Chairman, that it's based upon a detached
23 garage because one of the goals of FAR is
24 to limit the bulk of how a building looks
25 and this is not adding bulk to the house.

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2 It's adding bulk to the garage in the back
3 that nobody can see. That's a big
4 difference also.

5 MR. PORTER: True.

6 MR. NOSTRAND: Ms. Tully, where are
7 you on this one?

8 MS. TULLY: I would agree with Mr.
9 DeBellis that we need to call out
10 specifically the reasoning for the severe
11 or gross -- whatever the right word is --
12 increase is. Basically, it's not
13 habitable space, but, it has a roof over
14 it. It's a garage. Maybe it stays -- I
15 don't want to say necessarily unheated
16 because I actually want a heater in my
17 garage and I get that.

18 MR. NOSTRAND: Do you have a permit
19 for that here?

20 MR. FELLMAN: I'll be over
21 tomorrow, Marisa, to inspect it.

22 MS. TULLY: But something that it
23 can't be converted or something like that.

24 MR. FABER: It will never be
25 finished. It will never be heated. That,

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2 I can guarantee you.

3 MR. NOSTRAND: Mr. DeBellis, if we
4 state clearly that this variance was
5 granted because it is solely storage,
6 would that be a big enough
7 differentiation --

8 MR. DeBELLIS: I think now you're
9 limiting the potential future applications
10 that come in to an application that is for
11 storage, et cetera. Yes, I mean, that
12 would be a good way to do it.

13 MS. TULLY: Use that it's detached,
14 maybe.

15 MR. DeBELLIS: The garage is
16 detached or it's attached, Steve?

17 MR. FELLMAN: It's detached.

18 MR. DeBELLIS: Oh, it's detached.

19 MR. FELLMAN: It's detached.

20 That's important.

21 MR. DeBELLIS: A detached garage
22 counts toward FAR?

23 MR. FELLMAN: Yes.

24 MR. NOSTRAND: Yes. That's why
25 we're here.

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2 MS. TULLY: Everything.

3 MR. FELLMAN: That's why I say it's
4 misleading, the FAR. You're not adding to
5 the bulk of the house one inch. It's in
6 the back, a garage -- behind the garage.
7 Nobody can see it. It's a little bit
8 misleading in this particular case.

9 MR. NOSTRAND: I make a motion on
10 this -- ask the board to make a decision
11 on this. I need someone to make a motion.

12 MR. PORTER: Would you like me to
13 give it a try?

14 MR. NOSTRAND: Sure, Jim, go ahead.

15 MR. PORTER: Mr. Chairman,
16 considering the nature of the request,
17 that this is exceeding the floor area
18 ratio for a variance, but it's only for a
19 detached garage, which will only be for
20 the storage of a vehicle and household
21 goods, with the condition that this
22 addition never be finished or used as
23 habitable space and that none of the
24 porches on the property ever be enclosed,
25 I move we approve the application as

1 1-14-21 ZBA

2 submitted.

3 MS. TULLY: I'll second.

4 MR. NOSTRAND: All in favor?

5 (WHEREUPON, there was a unanimous,
6 affirmative vote of the board.)

7 MR. NOSTRAND: Motion carried.

8 MR. FABER: Thank you, everyone. I
9 really appreciate it.

10 MR. NOSTRAND: Good luck with
11 everything.

12 MS. TULLY: Good luck.

13 * * * *

14 MR. NOSTRAND: The next case is
15 1-2, Timothy Aldridge, to maintain an
16 accessory apartment and a garage located
17 at 257 Conklin Street. It's a variance to
18 maintain an existing apartment where
19 two-family and multi-family uses are not
20 permitted.

21 Is there anybody coming for Mr.
22 Aldridge that's coming on board?

23 MR. WOOD: Checking, David.

24 Anybody in for this case, please
25 raise your Zoom hand or hit "star, 9" if

1 1-14-21 ZBA

2 you're in by cell or regular house phone.

3 Tim A. is coming in. We'll get the
4 spelling for you, Audrey.

5

6 Tim A. is coming in. Tim, can you
7 hear me?

8 MR. ALDRIDGE: I can hear you loud
9 and clear.

10 Good evening, everybody.

11 MR. WOOD: Let me ask you, Tim, are
12 you putting on video.

13 MR. ALDRIDGE: I am not.

14 MR. WOOD: Okay. Just spell your
15 entire last name.

16 MR. ALDRIDGE: A-L-D-R-I-D-G-E.

17 MR. WOOD: Thank you. Proceed.

18 MR. NOSTRAND: Mr. Aldridge, I
19 assume you're representing yourself on
20 this case?

21 MR. ALDRIDGE: I am indeed.

22 Good evening, Mr. Chairman.

23 MR. NOSTRAND: What do you propose
24 we do with your variance?

25 MR. ALDRIDGE: I ask that it be

1 1-14-21 ZBA
2 seriously considered for approval. This
3 location is on a main road. This location
4 is on a main road, the main road in
5 Farmingdale, Conklin Street/Hempstead
6 Turnpike. It fits in perfect character
7 with the neighborhood. It's a
8 business/residence zoning. The size of
9 the property is pretty significant. There
10 is plenty of room there. It fulfills for
11 housing -- affordable housing -- which the
12 Village is in short supply of. I don't
13 see any logical reason, most respectfully,
14 why it wouldn't be approved for housing at
15 that location.

16 MR. NOSTRAND: And this is a
17 separate two-car garage on the property?

18 MR. ALDRIDGE: There are two
19 applications pending, Mr. Chairman. Are
20 you talking about 257 and 265? They're
21 both adjacent properties, both similarly
22 situated with respect to my arguments.

23 MR. NOSTRAND: Are these existing
24 -- is this the two-family garage that
25 you've converted into residences?

1 1-14-21 ZBA

2 MR. ALDRIDGE: Once again, Mr.
3 Chairman, are you talking about 257
4 Conklin or 265 Conklin?

5 MR. NOSTRAND: We're not on the 265
6 case yet.

7 MR. ALDRIDGE: Okay. 257, no, it's
8 a house with a garage. It originally was
9 a garage.

10 MR. NOSTRAND: So it's a separate
11 garage behind the main house.

12 MR. ALDRIDGE: Correct.

13 MR. NOSTRAND: So what is it? An
14 old two-car garage?

15 MR. ALDRIDGE: No. It was a
16 one-car garage with a house. It was built
17 -- that's the way I purchased it 20 years
18 ago.

19 MR. NOSTRAND: So this must be a
20 small apartment.

21 MR. ALDRIDGE: It's a separate
22 structure. I'm sorry?

23 MR. NOSTRAND: It must be an awful
24 small apartment.

25 MR. PORTER: Mr. Chairman, may I

1 1-14-21 ZBA

2 speak?

3 MR. NOSTRAND: Yes, Mr. Porter.

4 MR. PORTER: The survey identifies
5 it as a three-car frame garage.

6 MR. ALDRIDGE: That's 265, most
7 respectfully.

8 MR. PORTER: This is in the
9 application packet for 257.

10 MR. NOSTRAND: Yes. I'm looking at
11 it myself. Yes, a three-car garage, it
12 says.

13 MR. ALDRIDGE: That should be at
14 265. My error. That's the next-door
15 property. That's also on the court
16 calendar tonight. It's the next one up.

17 MR. NOSTRAND: It says 257 right on
18 the survey. So it's the correct case.
19 It's shown on the survey as a three-car
20 garage.

21 MR. PORTER: Yes, 257.

22 MR. NOSTRAND: Right to the
23 property line. So how many apartments do
24 you have in there?

25 MR. ALDRIDGE: That house is one

1 1-14-21 ZBA

2 apartment. It's a house with a garage.

3 It's a very small house with a garage.

4 MR. NOSTRAND: You're not answering
5 my question. How many apartments are in
6 the three-car garage?

7 MR. ALDRIDGE: None.

8 MR. NOSTRAND: Then why do you need
9 a variance if it's a three-car garage?

10 MR. ALDRIDGE: That's a mistake in
11 the application, Mr. Chairman. There's an
12 apartment above which is used for storage
13 now. I'd like to use it for residence or
14 business.

15 MR. PORTER: Mr. Chairman?

16 MR. NOSTRAND: Yes.

17 MR. PORTER: The application states
18 that the present use of the structure is a
19 single-family residence.

20 MR. NOSTRAND: Yes. So it sounds
21 to me like it's already been built as an
22 apartment and you're coming to us for a
23 variance for an existing illegal
24 apartment. Is that correct, Mr. Aldridge?

25 MR. ALDRIDGE: That last statement

1 1-14-21 ZBA

2 you made is correct, Judge.

3 MR. NOSTRAND: I'm not a judge, but
4 thank you.

5 MR. ALDRIDGE: Sorry.

6 MR. PORTER: I might point out that
7 the application also states the present
8 use of the main structure is a two-family
9 residence.

10 MR. ALDRIDGE: Correct.

11 MR. PORTER: So there are already
12 three families living at that address.

13 MR. ALDRIDGE: No. The front house
14 is a two-family. It's a legal two-family
15 house. That's not an issue as the subject
16 of this proceeding. The back house has a
17 garage with a house. It's a small house
18 with a garage regardless of what the
19 application said. That's the one for next
20 door. That was a mistake.

21 MR. PORTER: Well, I can only go by
22 the application that we were given.

23 MR. ALDRIDGE: Grab the one out of
24 the packet, if you don't mind, for 265.

25 MR. NOSTRAND: Well, again, in the

1 1-14-21 ZBA

2 packet for 257, in the back of the survey,
3 it shows a three-car garage.

4 MR. ALDRIDGE: Never a three-car
5 garage. That's the one that's next door,
6 like I said.

7 MR. NOSTRAND: Well, like I said
8 three times already, 257 is on the plan.

9 MR. PORTER: The survey recorded it
10 as 257 --

11 MR. NOSTRAND: It's listed with a
12 three-car garage in the back.

13 MR. ALDRIDGE: That's an error.

14 MR. NOSTRAND: Well, you'll have to
15 get Mr. Bauchback (phonetic) on the phone
16 because when they did the survey --

17 MR. PORTER (Continuing) -- in 1972.

18 MR. NOSTRAND: Thank you, Jim. I
19 was looking for that. It was shown as a
20 three-car garage. I somehow doubt it got
21 smaller over the years.

22 MR. ALDRIDGE: Right.

23 MR. NOSTRAND: Anybody on the board
24 -- Ms. Tully?

25 MS. TULLY: Yes. Can I make a

1 1-14-21 ZBA

2 comment that maybe these applications need
3 to be submitted complete and accurately in
4 order for us to make any further movement
5 on these two cases? I'm just suggesting.

6 MR. ALDRIDGE: I'd be happy to do
7 that.

8 MR. NOSTRAND: Regardless of that,
9 it's still illegal.

10 MS. TULLY: I agree.

11 MR. ALDRIDGE: I have varying
12 opinions on that.

13 MR. NOSTRAND: Well, the Village of
14 Farmingdale's opinion is that
15 two-family/multi-family uses are not
16 permitted in that zone.

17 MR. ALDRIDGE: That's why I made
18 the application, Mr. Chairman.

19 MR. NOSTRAND: Okay. We'd be
20 inclined to --

21 MR. DeBELLIS: Mr. Chairman, how is
22 it that the applicant makes his way to
23 ZBA? I mean, is he coming voluntarily?
24 Has he been cited?

25 MR. NOSTRAND: Mr. Fellman?

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2 MR. FELLMAN: He's been cited.
3 He's been directed by the Court. He's in
4 the court system right now with both
5 properties for having built out illegal
6 apartments.

7 MR. DeBELLIS: With respect to this
8 property, Steve, what has he built there?

9 MR. FELLMAN: Again, both
10 properties, he's taken the garages and
11 turned them into apartments.

12 MR. DeBELLIS: Okay.

13 MR. ALDRIDGE: Not true. I
14 purchased the properties the way they
15 exist, essentially, and I'm just trying to
16 figure out why the board would deny the
17 use for that. This is a commercial area,
18 a business area, on a main road. The town
19 has been very receptive to major
20 developers providing apartments. I'm a
21 small mom-and-pop landlord trying to make
22 good use of that property and it doesn't
23 hurt anybody that I'm aware of.

24 MR. NOSTRAND: Does anybody on the
25 board have any other questions?

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2 MR. ALDRIDGE: I think Mr. Fellman
3 has been to the place. He can tell you,
4 Mr. Chairman, exactly what the place is.
5 It's a very small house in the back of a
6 property with one garage. Perfectly fits
7 in the character of the area. There are
8 no other properties that I know of in the
9 area that are like that. It's not going
10 to set any kind of precedent.

11 MR. NOSTRAND: I tend to disagree.

12 MR. ALDRIDGE: Just saying that
13 it's not approved for this area, this
14 zone, I don't understand the rationale or
15 logic behind that. That might be an old
16 school thought because things have changed
17 certainly in the last 30 years. I'm
18 asking for reconsideration.

19 MR. DeBELLIS: That could be a good
20 point, but the point you're raising is
21 more one for the Board of Trustees that
22 would have to change the zone to allow
23 apartments like you're suggesting.

24 MR. ALDRIDGE: Or the ZBA can do it
25 themselves.

1 1-14-21 ZBA

2 MR. DeBELLIS: This board cannot
3 rewrite the code.

4 MR. ALDRIDGE: I'm not asking you
5 to do that. I'm just asking the ZBA for
6 these specific properties.

7 MR. DeBELLIS: Okay. You're not
8 asking to do that, but do you have a C/O
9 to use the property for residential
10 purposes?

11 MR. ALDRIDGE: No. That's why I'm
12 here.

13 MR. DeBELLIS: Okay.

14 MR. NOSTRAND: Well, the Zoning
15 Board only grants relief. We don't change
16 the zoning.

17 MR. ALDRIDGE: I'm not asking for a
18 zoning change. I'm asking for relief.
19 It's a business/residence district, Mr.
20 Chairman.

21 MR. NOSTRAND: Well, it says
22 two-family and multi-family uses are not
23 permitted.

24 MR. ALDRIDGE: Well, no, that's not
25 true, either, because it's a two-family in

1 1-14-21 ZBA

2 the front which is permitted.

3 MR. DeBELLIS: Do you live in one
4 of the units?

5 MR. ALDRIDGE: I do not.

6 MR. DeBELLIS: Okay, well, that's
7 how you can have a residence.

8 MR. NOSTRAND: The second
9 residence.

10 MR. DeBELLIS: Right. He's got to
11 live in one of the units.

12 MR. NOSTRAND: It's owner-occupied.

13 MR. FELLMAN: He's in the
14 office/residence zone, not the business
15 zone.

16 MR. ALDRIDGE: Correct. So it's a
17 two-for residence, you're saying, as long
18 as it's me. What's the difference if I
19 live there or if someone else lives there?

20 MR. DeBELLIS: Well, because the
21 code says so.

22 MR. NOSTRAND: Law, L-A-W.

23 MR. ALDRIDGE: The law is blind
24 because there's no reason why this
25 shouldn't be approved. It's not a zoning

1 1-14-21 ZBA
2 change. It's for this specific property.
3 It's a variance to permit it for
4 residence.

5 MR. NOSTRAND: Well, we're not
6 about to approve this.

7 MR. ALDRIDGE: I don't understand
8 that. You gave these big developer -- you
9 gave the Village away to them. I come up
10 to you and you don't want to hear me.

11 MR. NOSTRAND: We can't change the
12 zoning laws.

13 MR. ALDRIDGE: It doesn't require a
14 zoning change. Just like the previous
15 guy. He doesn't need a zoning change; he
16 needs a variance to permit it.

17 MR. NOSTRAND: Mr. DeBellis, you
18 can respond to that better than I can, I
19 think.

20 MR. DeBELLIS: I think you guys
21 have already addressed the request. I
22 think to Ms. Tully's point, if the
23 application is not sufficient, I mean, I
24 think you should make the changes and
25 bring it back.

1 1-14-21 ZBA

2 MR. NOSTRAND: I think that the
3 answer will be the same 30 days from now.
4 The application I have has the correct
5 address on it and the correct survey from
6 1972. It shows the three-car garage in
7 the back. That's the subject that we're
8 talking about. I don't see why coming
9 back would change anything.

10 MR. DeBELLIS: Okay.

11 MR. ALDRIDGE: Yes, because that's
12 not the property we're talking about. The
13 three-car garage is next door. That was
14 my mistake.

15 MR. NOSTRAND: Again, it says on
16 the survey the property address.

17 MR. ALDRIDGE: I heard that, Mr.
18 Chairman. I heard that. It's a mistake.
19 I'm sorry about that.

20 MR. NOSTRAND: It is not a mistake.
21 It is not a mistake. The address is on
22 the house that you're applying for. It
23 shows the three-car garage in the back
24 which has been turned into an apartment.
25 That's why you're here tonight, to turn

1 1-14-21 ZBA

2 that garage into an apartment, which is
3 now currently being run illegally.

4 MR. ALDRIDGE: It's never had a
5 three-car garage since I've owned it.

6 MR. DeBELLIS: When did you
7 purchase the property?

8 MR. ALDRIDGE: Probably 20 years
9 ago.

10 MR. DeBELLIS: And you've used it
11 to rent for years?

12 MR. ALDRIDGE: No, sir.

13 MR. DeBELLIS: When did you start
14 renting it?

15 MR. ALDRIDGE: I don't know exactly
16 when I started renting it, but when I
17 did --

18 MR. DeBELLIS: Well, did you start
19 renting it within the last six months or
20 more than that?

21 MR. ALDRIDGE: No. When I bought
22 the property, it was rented and I believe
23 one of the tenants was an official of the
24 Village of Farmingdale.

25 MR. DeBELLIS: Okay. Then did you

1 1-14-21 ZBA

2 continue to rent to those people or did
3 you throw them out?

4 MR. ALDRIDGE: No. I was advised
5 that it was lawful to rent.

6 MR. DeBELLIS: So you've been
7 renting it for 20 years?

8 MR. NOSTRAND: Illegally.

9 MR. ALDRIDGE: No, not for 20
10 years. It's been vacant for a long time.
11 It had a flood and the place had to be
12 redone.

13 MR. DeBELLIS: I don't know why --

14 MR. ALDRIDGE: Why would you deny
15 me? Why? I don't understand it.

16 MR. NOSTRAND: It's the law.

17 MR. DeBELLIS: I don't make the
18 decisions, but from your testimony here --

19 MR. ALDRIDGE: Mr. Chairman, that's
20 why we have a variance.

21 MR. DeBELLIS: But you haven't met
22 the standard.

23 MR. ALDRIDGE: All right. Well, I
24 would like to resubmit.

25 MR. NOSTRAND: Yeah and continue to

1 1-14-21 ZBA
2 rent it in the meantime.

3 MS. TULLY: I'd like to double back
4 on what I said before.

5 If your application is not correct,
6 as you stated countless times, which we
7 tend to disagree that it probably is
8 correct, you have the right to resubmit
9 it.

10 More than likely I believe the
11 members on the board -- and if I'm
12 incorrect and I'm speaking out of turn --
13 we probably aren't going to approve it
14 anyway because we're not going to approve
15 outside of the code. It sounds like you
16 need to go to the Board of Trustees.

17 Quite honestly, from what I
18 understand, Mr. Aldridge, you're an
19 attorney. I would think that you know the
20 process better than what you're
21 representing right now.

22 MR. NOSTRAND: We need to make a
23 motion.

24 MR. WOOD: You do have a public
25 comment on this, I believe.

1 1-14-21 ZBA

2 MR. NOSTRAND: Okay.

3 MR. WOOD: Chuck, how are you? Can
4 you hear me?

5 MR. GOSLINE: Chuck Gosline.

6 I'm good. How are you all? Happy
7 new year.

8 MR. WOOD: Happy new year.

9 MR. GOSLINE: I want to state the
10 obvious. 257, which you are trying to
11 talk about right now, is in the
12 single-family home district,
13 office/residence and it's not a
14 multi-family property. So I would support
15 a rejection of this application. I live
16 in the area and I disagree that Conklin
17 Street should be turned into a
18 multi-family residence area.

19 MR. ALDRIDGE: But there's already
20 a legal multi-family residence on there,
21 Mr. Neighbor.

22 MR. GOSLINE: Yes. Key word,
23 legal.

24 MR. ALDRIDGE: Legal, no, sir.
25 There are two structures on that

1 1-14-21 ZBA

2 property --

3 MR. GOSLINE: Excuse me, sir. You
4 were asked, do you live on the property?
5 Do you live on the property?

6 MR. ALDRIDGE: No. I don't live on
7 the property.

8 MR. GOSLINE: You don't live on the
9 property, but you've owned it for 20
10 years. So you've been a bad neighbor for
11 20 years.

12 MR. ALDRIDGE: I disagree with your
13 characterization.

14 MR. GOSLINE: I agree with the
15 Zoning Board that this project has no
16 merit.

17 MR. ALDRIDGE: Who is speaking now,
18 please?

19 MR. GOSLINE: This is Chuck
20 Gosline.

21 MR. ALDRIDGE: I beg to differ.

22 MR. PORTER: I have a question, Mr.
23 Chairman.

24 MR. NOSTRAND: Yes, Mr. Porter.

25 MR. PORTER: The applicant has

1 1-14-21 ZBA

2 stated that this is a legal two-family
3 residence?

4 MR. ALDRIDGE: No. There are two
5 structures on the property.

6 MR. PORTER: Two structures does
7 not make a legal two-family.

8 MR. NOSTRAND: The main house is.

9 MR. ALDRIDGE: That's correct.

10 MR. PORTER: The main house is a
11 legal two-family house?

12 MR. ALDRIDGE: That's correct.

13 MR. GOSLINE: No, it's not.

14 MR. PORTER: How is that in a zone
15 where two-families --

16 MR. ALDRIDGE: That's not the
17 subject. That's not the subject of this
18 hearing.

19 MR. PORTER: Well, the number of
20 the residents on the property is the
21 subject of the hearing.

22 MR. ALDRIDGE: That's legal. We've
23 been around and around on that one. They
24 checked it out, the Village themselves.

25 MR. PORTER: Mr. Fellman, can you

1 1-14-21 ZBA

2 confirm that there is a legal two-family
3 house on that property?

4 MR. FELLMAN: It is a two-family
5 house. What I'm not sure about is whether
6 or not it's supposed to be owner-occupied.
7 I will investigate that tomorrow.

8 MR. PORTER: Okay, thank you.

9 MR. ALDRIDGE: It's not supposed to
10 be. Again, it's not supposed to be.

11 MR. GOSLINE: Excuse me. It's
12 office/residence. Okay? So if he had his
13 law business on one floor and he had a
14 residence on the second floor, that's what
15 this zone is all about. Come on.

16 MR. ALDRIDGE: We don't need to
17 reinvent the wheel here.

18 MR. NOSTRAND: Thank you, Mr.
19 Gosline. We appreciate your input.

20 MR. GOSLINE: Okay, you're welcome.

21 MR. ALDRIDGE: Thank you.

22 MS. TULLY: We need to make a
23 motion of some sort, correct?

24 MR. NOSTRAND: Yes. We need to
25 make a motion --

1 1-14-21 ZBA

2 MR. DeBELLIS: Hold on a second.

3 As far as I know -- the board may
4 know differently -- there are no
5 office/residences in existence at the
6 moment where the owner is not on site. So
7 what he's asking for would be the first of
8 its kind, unless I'm missing something.

9 MR. NOSTRAND: No. I think you're
10 right on target, Mr. DeBellis.

11 MR. DeBELLIS: Okay.

12 MR. ALDRIDGE: Right. But that
13 doesn't make it wrong or improper or --

14 MR. DeBELLIS: The board can have
15 its opinion, but, in my opinion, that
16 would be a dramatic change to the
17 character of that code, the character of
18 that neighborhood. The change would be
19 substantial, but that's up to the board.
20 That's the board's opinion.

21 MR. ALDRIDGE: I appreciate your
22 opinion, but the character of the
23 neighborhood is consistent with this type
24 of use.

25 MR. NOSTRAND: Can we make a motion

1 1-14-21 ZBA

2 on this case?

3 MR. DeBELLIS: I'm sorry, Mr.
4 Chairman. If the correction that needs to
5 be made, so to speak, on his plan is just
6 that the survey potentially is wrong, but
7 the merits of the case are essentially the
8 same --

9 MR. NOSTRAND: I've been looking at
10 the survey. The survey is correct.

11 MR. DeBELLIS: So you should just
12 vote on it tonight.

13 MR. NOSTRAND: Yes. I'm trying to
14 get this through.

15 MR. PORTER: Mr. Chairman, I move
16 that the application for Case 1-2 be
17 denied.

18 MR. NOSTRAND: All in favor?

19 MR. FELLMAN: You need a second,
20 first.

21 MR. NOSTRAND: Second? Mr. Maro?

22 MS. TULLY: Second.

23 MR. NOSTRAND: All in favor?

24 (WHEREUPON, there was a unanimous,
25 affirmative vote of the board.)

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2 MR. NOSTRAND: Motion carried.

3 * * * *

4 MR. NOSTRAND: Case 1-3, Timothy
5 Aldridge, again. 265 Conklin Street.
6 Two-family/multi-family uses are not
7 permitted. So let's take a look at that
8 folder. It says 265 Conklin Street.

9 MR. PORTER: I'm just trying to get
10 to the survey. I don't see a survey in
11 this one.

12 MR. NOSTRAND: Tell us about this
13 one, Mr. Aldridge.

14 MR. ALDRIDGE: It's just the way I
15 purchased it years ago, a three-car
16 garage. When I purchased it, there was a
17 commercial tenant above.

18 MR. NOSTRAND: Okay. And what is
19 there now?

20 MR. ALDRIDGE: Nothing. Just
21 storage. A three-car garage with storage
22 above.

23 MR. NOSTRAND: So what are you
24 trying to do then? Change it over to an
25 apartment?

1 1-14-21 ZBA

2 MR. ALDRIDGE: Yes, apartment,
3 correct, residence.

4 MR. NOSTRAND: Mr. Fellman, is
5 there anything in that space now? Have
6 you been over there?

7 MR. FELLMAN: I have not been over
8 there. Steve Sharkey has been over there.

9 MR. NOSTRAND: Okay. Is it being
10 used as storage or as a residence? Do we
11 know?

12 MR. FELLMAN: Our understanding is
13 that it is already built out as a
14 residence.

15 MR. ALDRIDGE: That wasn't the
16 question.

17 MR. NOSTRAND: I believe, Mr.
18 Aldridge, that it was the question. My
19 question is, how is it being used now?

20 MR. ALDRIDGE: It's vacant. It's
21 being used for storage, I said.

22 MR. DeBELLIS: Steve, has the
23 applicant been cited by any code
24 enforcement officer?

25 MR. FELLMAN: Yes. The applicant

1 1-14-21 ZBA

2 is in Court now answering summonses.

3 That's why he is at this board.

4 MR. DeBELLIS: This is the same
5 type of case. What is he being summoned
6 for?

7 MR. ALDRIDGE: Not being summoned
8 for anything, Counsel. Not being
9 summoned. That place is vacant. They
10 said I wasn't approved in Court --

11 MR. DeBELLIS: Listen, Mr.
12 Aldridge, can you stop interrupting?

13 MR. ALDRIDGE: Go ahead.

14 MR. DeBELLIS: Mr. Fellman, what is
15 he being cited for?

16 MR. FELLMAN: He's being cited for
17 an apartment in a detached garage without
18 approval.

19 MR. DeBELLIS: Okay.

20 MR. ALDRIDGE: If I may speak?

21 I'm not being cited for anything on
22 that property. Zero. There is nobody
23 living there. They said it wasn't
24 appropriate through the court proceeding,
25 which happened, and there is nobody there.

1 1-14-21 ZBA

2 There has been nobody there. I want to do
3 it lawfully and get people back in there.

4 MR. DeBELLIS: Mr. Aldridge, same
5 question, you're not aware of any office
6 residences in that district where the
7 owner is not living in the space?

8 MR. ALDRIDGE: I have no idea. I
9 can't comment on that.

10 MR. DeBELLIS: Okay. Have you
11 considered any alternatives for this
12 property or residential is all you want to
13 do with it?

14 MR. ALDRIDGE: Well, again, I would
15 like to put commercial property in there
16 as well, a commercial tenant.

17 MR. DeBELLIS: No, no. Have you
18 considered any uses that are permitted by
19 the code?

20 MR. ALDRIDGE: Storage is permitted
21 by the code. I want to get one that's --

22 MR. DeBELLIS: Have you considered
23 any other alternatives?

24 MR. ALDRIDGE: Such as what?

25 MR. DeBELLIS: Well, you're the

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2 applicant. Is the answer no?

3 MR. ALDRIDGE: Are you asking me
4 that because you're trying to put me in a
5 tough spot?

6 MR. DeBELLIS: No.

7 MR. ALDRIDGE: Okay.

8 MR. DeBELLIS: Listen, the board
9 here has to make a decision based on a
10 test. That's one of the questions.

11 MR. ALDRIDGE: First of all, there
12 is no current court proceeding for this
13 premises at 265. Zero. It's in total
14 compliance, number one.

15 Number two, it's being used for
16 storage now, that's it, connected with the
17 front tenant, Hardscrabble Realty. That's
18 not a profitable use for me. I'd much
19 rather have a commercial tenant there or a
20 residential tenant. I think you can
21 understand that.

22 MR. DeBELLIS: Yes. But you,
23 yourself, have never resided on that
24 property, correct?

25 MR. ALDRIDGE: Have not.

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2 MR. DeBELLIS: And you've never run
3 your law practice out of that property?

4 MR. ALDRIDGE: I don't know why
5 that would make a difference.

6 MR. DeBELLIS: You've never run
7 your law practice on that property?

8 MR. ALDRIDGE: Never.

9 MR. DeBELLIS: Have you ever tried?
10 Were you ever thinking about doing that?

11 MR. ALDRIDGE: I don't know what
12 relevance that is, Counsel.

13 MR. DeBELLIS: Well, did you ever
14 consider that as an alternative?

15 MR. ALDRIDGE: Not considered. Not
16 up for consideration. Not on the table.

17 MR. NOSTRAND: Well, we're at the
18 same zoning, same thing as the last one.
19 We need to make a motion on this. I call
20 for one of the board members to make a
21 motion on Case 1-3 for Mr. Aldridge.

22 Ms. Tully?

23 MS. TULLY: I make a motion to deny
24 the application as submitted.

25 MR. PORTER: Second.

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2 MR. ALDRIDGE: Can I ask the
3 specific reason?

4 MR. NOSTRAND: Does anyone else
5 second the motion?

6 MR. PORTER: Second.

7 MR. NOSTRAND: Jim does.
8 Mr. Maro?

9 MR. MARO: Unanimous.

10 (WHEREUPON, there was a unanimous,
11 affirmative vote of the board.)

12 MR. NOSTRAND: Okay. Motion
13 carried.

14 Case 1-3 is denied.

15 * * * *

16 MR. NOSTRAND: The next case, 1-4,
17 application is Mandalay Holdings.

18 Has anyone raised their Zoom hand
19 on that one?

20 MR. WOOD: Coming in, Mr. Chairman.
21 We have at least four hands being raised.

22 MR. NOSTRAND: Okay.

23 MR. WOOD: We will identify them as
24 they come in.

25 (WHEREUPON, at this time, Erik

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2 Snipas, Barry Nelson, Charles Weinraub and
3 David Mammina join the meeting.)

4 MR. WOOD: Applicant, is it the
5 four of you? Is that everybody?

6 MR. SNIPAS: Yes.

7 MR. WOOD: Okay. Continue.

8 MR. SNIPAS: Good evening, Mr.
9 Chairman and members of the board.

10 My name is Erik Snipas. I'm an
11 attorney with the law firm of Forchelli,
12 Deegan, Terrana, 333 Earle Ovington
13 Boulevard, Uniondale, New York.

14 I'm here on behalf of Mandalay
15 Holdings LLC, the applicant and contract
16 vendee of the property.

17 First of all, happy new year,
18 everyone.

19 MR. FELLMAN: Happy new year.

20 MR. SNIPAS: I promise I won't be
21 as contentious.

22 MR. FELLMAN: Thank you.

23 MR. SNIPAS: We're here on behalf
24 of 454 and 464 Fulton Street. The
25 property is currently owned by All-Star

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2 Auto Collision, Inc. The previous owner
3 had passed away and his son has inherited
4 the property. The contract is subject to
5 the applicant being permitted to build the
6 assisted living facility that is presented
7 in tonight's application.

8 Present with me tonight, I do have
9 Charles Weinraub, the CEO of Mandalay
10 Holdings LLC, David Mamma from H2M and
11 Barry Nelson from Nelson Realty Group who
12 is the applicant's real estate expert.

13 Before I go into the merits of the
14 application, we were contacted by Frank
15 Longo, L-O-N-G-O, who is a pharmacist and
16 President of Precision LTC Pharmacy on
17 Allen Boulevard, voicing his enthusiasm
18 for the project. Precision LTC has --

19 MR. NOSTRAND: Mr. Snipas, the
20 question for that -- we're a little
21 confused as to why he would send us all a
22 letter. He's not even in the Village of
23 Farmingdale. He's halfway across town.

24 MR. SNIPAS: We're not sure how he
25 became aware of the application. However,

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2 he did express to Mr. Weinraub that, as a
3 pharmacist, he does service various senior
4 living facilities and assisted living
5 facilities.

6 MR. FELLMAN: So it's good
7 business, good business. We were all
8 wondering about that one.

9 MR. NOSTRAND: Okay.

10 MR. SNIPAS: We are here tonight
11 seeking building area and height variances
12 in connection with a proposed assisted
13 living facility that will not only meet a
14 growing demand in the Village and
15 throughout Long Island but will also
16 provide great employment opportunities.

17 As I stated, the premises is 454
18 and 464 Fulton Street. It's designated on
19 the Nassau County Tax Map as Section 48,
20 Block 447, Lots 273 and 283. The premises
21 is located in the Village's Resident BB
22 district and is comprised of 45,591 square
23 feet; so just a little bit over an acre of
24 land. The premises maintains 141.59 feet
25 of frontage on Fulton Street and abuts the

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2 elevated Long Island Railroad line at the
3 rear of the property.

4 There is currently a mix of uses on
5 the premises spread out over four
6 buildings with additional accessory
7 structures. If you start on the eastern
8 side of the property along Fulton Street,
9 there is a two-story brick and stone
10 building that is currently used as a
11 three-family dwelling. Moving to the
12 western portion of the premises, there is
13 a one-story masonry building currently
14 used as an auto body repair shop's main
15 office with the auto body repair shop
16 located in a separate building in the
17 southwest corner of the property. In the
18 southeast corner of the property is a
19 one-story metal building with a metal
20 shed. There is also a greenhouse which is
21 the accessory structure. The remainder of
22 the property is paved and is presently
23 used for the parking of vehicles to be
24 worked on, repaired or salvaged. I did
25 submit an aerial picture of the property.

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2 I'm not sure if that was received.

3 MR. WOOD: It was received. Would
4 you like me to put it up?

5 MR. NOSTRAND: That will be fine.
6 You can put it up quickly so that we can
7 take a look at it.

8 (WHEREUPON, at this time, the
9 requested image was displayed for all
10 attendees.)

11 MR. NOSTRAND: Yes, that's it.

12 MR. SNIPAS: The surrounding area
13 is comprised primarily of multi-family
14 developments. As will be explained
15 further by Barry Nelson when he testifies,
16 the proposed assisted living facility will
17 fit perfectly within the community and
18 will match the character of the community.
19 To the north on the opposite side of
20 Fulton Street are the Woodbridge Senior
21 Apartments providing living spaces for
22 adults 62 and older. To the east are the
23 Sea Gull Garden Apartments. To the west
24 is the Suburbia Apartment Complex.
25 Actually, if you head further west along

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2 Fulton Street, there is the four-story
3 Angle co-op building.

4 Tonight's application will allow
5 those residents in the Woodbridge
6 Apartments and those who are in the area
7 who need additional care beyond just
8 senior living -- but not to the level of
9 nursing homes -- to travel a short
10 distance to enjoy the care of an assisted
11 living facility.

12 The proposed assisted living
13 facility will have a footprint of 17,225
14 square feet which equates to 37.78 percent
15 of the lot area where 35 percent is
16 required.

17 As will be explained by David
18 Mamina in a few short minutes, the
19 industry standard for major operators of
20 assisted living facilities is at least 100
21 beds and 50 parking spaces. In order to
22 accommodate this requirement and to ensure
23 that a major operator will be interested
24 in the building, the applicant is
25 proposing a 138-bed facility made up of

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2 132 smaller studio and one-bedroom units.
3 However, it is anticipated that the major
4 operator who does occupy the space will
5 likely combine some of the smaller units.

6 The proposed building meets the
7 Village's parking requirements and
8 actually provides more parking than is
9 required by the code. Under the Village
10 code, we are required to provide one
11 parking space for every four beds bringing
12 us to a total requirement of 35 parking
13 spaces. However, we are providing 50
14 parking spaces. Based on the need of 50
15 parking spaces and at 100 beds, David
16 Mamina and his staff were able to
17 engineer a four-story building with a
18 height of 40 feet 6 inches.

19 Now, at this point with the board's
20 permission, I am going to ask David
21 Mamina to go over the building's site
22 design and discuss the required bed and
23 parking counts that I previously
24 mentioned.

25 MR. NOSTRAND: I have a question,

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2 counselor.

3 MR. SNIPAS: Sure.

4 MR. NOSTRAND: Is Mr. Mammina going
5 to be the owner of this new facility?

6 MR. SNIPAS: No. He is the
7 architect of record.

8 MR. NOSTRAND: The architect, okay.

9 MR. SNIPAS: Yes.

10 MR. NOSTRAND: Forgive me if I
11 heard it wrong.

12 MR. FELLMAN: Also, Mr. Chairman,
13 we should probably disclose for the record
14 that Mr. Mammina is a member of H2M, an
15 engineering group. H2M is an advisory
16 engineering group to the Village. We use
17 them for a number of different things. I
18 think that should just be disclosed for
19 the record. David Mammina I know for 30
20 years and he is a wonderful person.

21 MR. NOSTRAND: Okay. Is this
22 building being built before an ownership
23 of the building is chosen or are you going
24 to sell it? I'm confused as to -- not
25 confused, but --

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2 MR. SNIPAS: I'll explain a little
3 bit.

4 MR. NOSTRAND: Yes.

5 MR. SNIPAS: Mandalay Holdings is
6 the contract vendee who is anticipated to
7 wind up purchasing the property. They
8 will do the build-out and then have a
9 major operator come in and operate as the
10 assisted living facility.

11 MR. NOSTRAND: So the assisted
12 living company will lease it from Mandalay
13 Holdings?

14 MR. SNIPAS: Correct, yes. I have
15 Charles Weinraub here tonight as well who
16 is the CEO of Mandalay and he is going to
17 explain it a little further. He actually
18 has the PowerPoint presentation as well.

19 MR. NOSTRAND: So you guys want to
20 build it, own it and then lease it out to
21 a care center?

22 MR. SNIPAS: Yes.

23 MS. TULLY: The operations of the
24 facility will be leased out, I guess,
25 right?

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2 MR. SNIPAS: Yes.

3 MR. NOSTRAND: Yes, leasing the
4 entire building. Okay.

5 MR. MAMMINA: Hi. David Mamma,
6 Architect, H2M Architects and Engineers,
7 538 Broad Hollow Road, Melville, New York.

8 Mr. Fellman, I also think you are a
9 wonderful person and a very good architect
10 as well.

11 Good evening, members of the board.

12 As Mr. Snipas had said, I am the
13 architect for this project. In the
14 interest of a very brief background
15 regarding myself, assisted living is an
16 expertise of mine. I have four or five
17 different clients that we do assisted
18 living for, one of those being The Bristol
19 organization. You probably have seen
20 their buildings around. We've done
21 probably 20 to 25 new buildings over the
22 last 15 years for major operators.

23 Just to support a little bit of
24 what Mr. Snipas had said, the sweet spot
25 in terms of beds and finances for

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2 buildings such as this ranges somewhere
3 between 120 and 150 residents in the
4 building which converts to beds, but this
5 physical building has 108 units in it,
6 some of those being one-bedroom units
7 which would be for couples. There are 30
8 of those and then there are 78 studios.
9 So if you take the one-bedroom units and
10 you say, okay, there are two people in
11 each one of those, that's where the 138
12 beds come from.

13 An assisted living building is not
14 a skilled nursing facility. It's not a
15 hospital. It doesn't have ambulances
16 rolling in and out. That's not to say
17 that there is never an ambulance. There's
18 an ambulance at any given time in any
19 residential neighborhood, but it's not
20 that kind of a use. They are a very small
21 burden on the services of a community.
22 There is not a lot of traffic that is
23 generated by these. Essentially, you have
24 three shifts. The largest shift would be
25 your morning shift that comes in at 7

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2 o'clock. They are 7:00 to 3:00. Then you
3 have a 3:00 to 11:00 and then you have the
4 overnight shift. That larger shift is
5 generally about 35 workers that are in
6 there.

7 The 50 parking spaces for this is
8 more than adequate, in my experience, with
9 a facility of this nature. You do get
10 people who are workers who will come by
11 mass transit, basically buses, to this
12 part of the world and/or the railroad,
13 which, as you know, we back up to here.
14 Getting to the specifics of the building
15 -- I'm not sure who is controlling the
16 slides and things -- but we did submit a
17 proposed rendering of the building, site
18 plan and then some floor plans.

19 MR. NOSTRAND: We have a plan that
20 shows the exterior.

21 MR. MAMMINA: Good. If you have it
22 there, I can just talk from that.

23 (WHEREUPON, at this time, a
24 rendering was displayed for all
25 attendees.)

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2 MR. MAMMINA: I'll speak from it
3 based on that drawing.

4 MR. NOSTRAND: There it is. There
5 is the rendering.

6 MR. MAMMINA: If you've got the
7 drawings in front of you, I can speak from
8 that. That's fine.

9 MR. NOSTRAND: Mr. Mammina, the
10 rendering that just came up, that shows a
11 pass underneath the building. So is this
12 actually four stories of living space or
13 three?

14 MR. MAMMINA: Well, the living
15 space itself, which you'll see, where
16 there are resident rooms are the three
17 stories that you see above that
18 drive-under.

19 The first floor of the building
20 provides amenity spaces, you know, a
21 dining room. We have a billiards room.
22 There is a card and game room. There is a
23 reading room. There's a library. There's
24 a parlor. It also has the kitchen on it.
25 It has administration offices, marketing

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2 offices, that sort of thing. So it's a
3 four-story building with the first floor
4 portion containing those other uses.

5 Now, facing the street, we
6 deliberately designed the building the way
7 it is shown so that it presents itself
8 largely as a three-story building to the
9 person driving by it. Also, as you can
10 see a little bit from the rendering -- you
11 would see the actual numbers on your
12 drawings -- but the portion of the
13 building that faces the street is about 85
14 feet wide. Then it steps back from there.
15 We deliberately did a stepping of it as it
16 turned the corner to try to minimize the
17 width of that building and how it would be
18 perceived. There is a one-story
19 porte-cochere or a drive-thru, whatever
20 you want to consider it. We, architects,
21 call it a porte-cochere. It's a sheltered
22 drop-off area into there. We also felt
23 that by bringing that one-story piece out
24 in front, it also helps to mitigate what
25 the height of the building is. I

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2 think, as the board had mentioned in the
3 first application, mitigation is one of
4 the charges that the board has in
5 considering a variance. These are area
6 variances that we are seeking.

7 So if you take a quick look, I'll
8 walk you through the site plan. I don't
9 want to over talk. So if there's anything
10 I'm leaving out that you would like me to
11 answer, I gladly would do that. Otherwise
12 I can generally talk about my work all day
13 long.

14 Essentially, we have the building
15 then sitting on the right-hand side of the
16 site. It's a narrow and longer building
17 so that, again, it's not presenting a lot
18 of mass to the street. Then we have
19 parking coming down along that western
20 side and wrapping around the back of the
21 building. Deliveries would come in from
22 Fulton Street. If you look on the
23 right-hand side of the site plan, in there
24 it says deliveries in there, 12 by 35 foot
25 space. Facilities such as this do not

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2 generally receive tractor-trailer
3 deliveries. There will be
4 tractor-trailers when furniture is dropped
5 off in the beginning, you know, when it is
6 being set up, but your laundry deliveries,
7 your food deliveries are generally box
8 trucks and step vans that do the major
9 work in a facility like this in terms of
10 deliveries. We also have, behind that, a
11 refrigerated refuse container. You know,
12 in there, it's a compactor as well so that
13 odors and things are mitigated by the fact
14 that it is refrigerated. It's set up then
15 in such a way that a sanitation company
16 can back right into there and lift it up.
17 The whole container goes and then another
18 one comes back in to replace it. So you
19 don't have a lot of in and out and back
20 and forth. The deliveries and things can
21 be scheduled to meet the ordinances of the
22 Village. We do have some outdoor space
23 that you'll see. There is a sunken patio
24 area from the lower levels. We also have
25 outside dining and a terrace on grade that

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2 we'll see as we look at the floor plans.
3 Those are illustrated on the site plan as
4 well.

5 Going over what Mr. Snipas had --
6 and apologies for being redundant. The
7 two things that we are seeking here is the
8 percentage of lot coverage or the building
9 area when you would look at this from the
10 sky, you know, looking down. We do exceed
11 that by about 1,200 square feet. The
12 height of the building, 35 feet is
13 permitted. We're at 40 feet 6 inches.
14 Two-and-a-half stories is permitted and we
15 are proposing a four-story building, and,
16 again, trying to make it look as much as
17 we can like a three-story building to
18 blend with some of the taller buildings
19 that are in the area.

20 If you turn your page and go to the
21 floor plans, I'll take a minute and talk
22 through those. I'll give you a second to
23 open that.

24 MR. NOSTRAND: I have a quick
25 question.

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2 MR. MAMMINA: Certainly.

3 MR. NOSTRAND: It's a little
4 different than what you're speaking about,
5 but it's just to educate ourselves and
6 anyone who might be listening. If someone
7 were to build an apartment building on
8 that same site, you would probably have
9 less residences because of the square
10 footage of the apartments. If you had a
11 similar building as apartments, how much
12 or how less traffic would an apartment
13 building create versus an adult facility?

14 MR. MAMMINA: Having done many of
15 these -- and I will not profess myself to
16 be a traffic engineer. Also, in another
17 part of my life, I chair the Zoning Board
18 in the Town of North Hempstead. So I've
19 heard all kinds of applications as I'm
20 sure you have as well, Mr. Chairman and
21 members of the board. The traffic in an
22 assisted living building is significantly
23 less than in an apartment building. You
24 have, as I said, three shift changes. So
25 you get an influx of cars in and out three

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2 times a day. That morning shift, at risk
3 of repeating myself, is typically around
4 35 employees. So you'll have your
5 overnight shift leaving at that point
6 which is generally about 15. Those
7 employees will come on in for the day
8 shift. This is not a hospital. So it's
9 not like "let's go visit Uncle Joe who had
10 a knee surgery" or whatever. There are
11 certainly visitors. It's not a lot.
12 Apartment buildings have traffic and
13 activity in and out throughout the day.
14 They tend to have a lot of traffic in the
15 morning as everybody is leaving to go to
16 work and a lot of traffic in the evening
17 when everybody comes back home from work.
18 Then there is a constant "let's run out to
19 the supermarket," or people going to the
20 movies, that sort of traffic. It's my
21 opinion and it's been my experience that
22 the assisted living buildings do have a
23 lesser traffic impact than an apartment
24 building.

25 MR. NOSTRAND: Would any of the

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2 residents of this building have their own
3 cars?

4 MR. MAMMINA: Again, in my
5 experience -- and my mother-in-law is in
6 one of the facilities that I did now and
7 my mom was in another one that I did. She
8 was there for six years. The residents
9 that drive are typically zero to maybe
10 three or four people.

11 Without taking a lot of the board's
12 time, when my mom was in one of the
13 facilities that I did, there was a
14 gentleman who would go and check his car
15 all the time. What he didn't know,
16 though, was that his children had the
17 battery removed from the car. He just
18 wanted to know that the car was still
19 there. I'm sure we can all understand
20 that. It's our independence.

21 So, really, there is no one that
22 drives. This sort of facility will have a
23 lot of outside activities that it will
24 bring residents to. I mean, COVID is, of
25 course, a different time right now, but

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2 facilities such as this will make trips to
3 bowling alleys, will make trips to
4 supermarkets, will make trips to
5 McDonald's, to Roosevelt Field, you know,
6 that sort of thing.

7 MR. NOSTRAND: Let's hope.

8 MR. MAMMINA: Yes. I agree with
9 that.

10 MR. NOSTRAND: Okay.

11 MR. MAMMINA: If we take a quick
12 look at the first floor plan, which is the
13 plan in the center, you'll see the
14 porte-cochere in the front. That's the
15 sheltered drop-off area.

16 May I also say that these
17 facilities are licensed by the New York
18 State Department of Health. They are
19 very, very carefully watched. There are
20 operators of assisted living facilities
21 who will argue that they are more
22 scrutinized than hospitals are. So these
23 are licensed. They are not staffed full
24 time by doctors because it's not that type
25 of facility. There will certainly be

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2 nursing staff that is there. But if
3 someone's acuity changes to a point where
4 they no longer belong in the assisted
5 living building, the State will then say,
6 "Okay, it's time for that person to move
7 out and be taken to a facility that can
8 handle more correctly their condition."

9 The vestibule in the front is where
10 you would enter. There is a lobby there.
11 There are administrative offices that are
12 shown as you're walking in on the
13 left-hand side. There is a marketing
14 office in there.

15 As you continue down the corridor,
16 you can see there are resident functions
17 in there. There is a billiards room.
18 That's the cards and games room I was
19 talking about. There is a cafe in there.
20 On the opposite side of the corridor is a
21 kitchen and food storage area. Then, as
22 we move further down, we have a dining
23 room in there. There is private dining
24 that is set up so if it's someone's
25 birthday, family could come in and reserve

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2 the private dining room. They can have
3 dinner and birthday cake, that sort of
4 thing, together.

5 Off of the dining area, there is an
6 outdoor terrace and things that we saw on
7 the overall site plan.

8 If we move to the left, which is
9 the lower level basement area. That is
10 below grade. You have utility spaces and
11 things that are closer to Fulton Street.
12 There are resident spaces down there as
13 well where we have a multi-purpose room
14 which is also used for Bingo. There is a
15 fitness area in there. There is arts and
16 crafts. There is a cinema where movies
17 are shown. There is a wellness center
18 there where you'll have a dentist who will
19 come in on a scheduled basis, a
20 podiatrist, that sort of thing, for
21 checking feet and nails and that sort of
22 thing. There is no cardiologist. There
23 is no one who is an M.D. full time on
24 staff.

25 We do have a sunken courtyard out

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2 there which would have landscaped
3 retaining walls. That way, on those lower
4 levels as well, there is some outdoor
5 space there. There is sunshine being
6 brought in to that lower space in there.
7 If we go to the right-hand side -- is
8 there a question, Mr. Chairman?

9 MR. NOSTRAND: Yes. So you're
10 talking about a basement. This is a full
11 basement underneath the first floor?

12 MR. MAMMINA: That's correct.

13 MR. NOSTRAND: We don't have that
14 on the plan, though.

15 MR. MAMMINA: No, I do. That's the
16 left-hand side where it says "basement
17 floor plan."

18 MR. NOSTRAND: All I have is "first
19 floor."

20 MR. MAMMINA: There were other
21 plans that were submitted to the Village.
22 So --

23 MR. NOSTRAND: Maybe I'm holding up
24 the wrong one. Hang on.

25 MR. MAMMINA: Those are smaller

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2 plans and we sent them to the Village
3 yesterday again as well for the
4 presentation.

5 MR. NOSTRAND: Then I didn't get
6 that. I don't have that.

7 MR. MAMMINA: If you bring that up
8 on the screen -- if it can be brought up
9 on the screen by whoever is operating
10 that, you'll see -- there we go.

11 (WHEREUPON, at this time, the
12 requested rendering is displayed for all
13 attendees.)

14 MR. NOSTRAND: That's not the
15 basement.

16 MR. MAMMINA: Go to the next sheet.

17 MR. NOSTRAND: Oh, there we go. I
18 have first floor and I have typical
19 third --

20 MR. MAMMINA: This shows the
21 basement, the first and the typical.

22 MR. NOSTRAND: That's fine.

23 MR. MAMMINA: If we look at what's
24 on the screen or what is on the
25 larger-scale drawing, on the right-hand

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2 side, you'll see the typical floor plan in
3 there which is the second, third and
4 fourth floors. In there, you'll see a mix
5 of one-bedroom units and studios.

6 If we can go to the other slide, on
7 that right-hand side, you'll then see
8 studios and one-bedroom units in there.

9 There are elevators at each end of
10 the building which all come down to the
11 public spaces on the first floor and then
12 down into that basement space as well so
13 the residents can move freely throughout
14 the building. It minimizes the amount of
15 steps that they need to take. I don't
16 mean steps in the way of staircases. I
17 mean how many horizontal steps that they
18 would have to take in order to move
19 through the building. That is typical
20 then on all of the three residential
21 floors together.

22 The exterior of the building would
23 be a mixture of a thin brick finish and
24 plaster limestone type of a finish on the
25 outside going back to the rendering which

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2 was brought up.

3 Thank you to whoever is running the
4 slides. I appreciate it.

5 That, essentially, is the
6 architectural presentation. I would be
7 happy to answer any questions that you
8 might have or any that come up later.

9 MR. NOSTRAND: Do any board members
10 have any questions at this point?

11 MR. PORTER: Yes, Mr. Chairman.

12 MR. NOSTRAND: Mr. Porter?

13 MR. PORTER: Mr. Mammina, would
14 there be any air handlers or HVAC
15 equipment on the roof of the structure?

16 MR. MAMMINA: The answer to that
17 would be yes. There would be condensing
18 units that would be up on the top. There
19 would not be a chiller or any equipment
20 that's going to be 20 feet high. It would
21 be no different than what would be on an
22 office building. But also what we do is
23 we break it down into a lot of zones so
24 that we can get smaller units and have a
25 lot more control over what would be there.

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2 So the only things that would come up
3 above the roof would be stair bulkhead
4 based on the building code. We have to
5 have at least one means of access to the
6 roof for the fire department. The
7 elevators would have what we would call a
8 small override on that. You would not see
9 some tall elevator tower on the top of
10 that. It would probably be about four or
11 five feet above the roof. The exhaust
12 fans for bathrooms and public spaces and
13 things are typically about two feet high.

14 So, yes, the highest thing above
15 the roof would be the single stair
16 bulkhead that would go up to the roof and
17 we could take that from the stair that's
18 at the back of the site, you know, in the
19 area that would be the least visible.

20 MR. PORTER: Okay, thank you.

21 MR. NOSTRAND: How much further
22 above the roof would they stick up?

23 MR. MAMMINA: The HVAC equipment,
24 because they sit on a curb first, they
25 would probably be about five feet high at

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2 their tallest. Generally, they're
3 probably about four feet by four feet,
4 four feet by five feet, you know, in that
5 size as the width and length.

6 MR. NOSTRAND: But you would never
7 see them from the street?

8 MR. MAMMINA: No. You would not
9 see those from the street.

10 MR. FELLMAN: Also, Mr. Chairman,
11 if I may?

12 David, this board, trustees are
13 here to hear about the use and whether or
14 not it's permitted. The final
15 architecture will be a discussion for
16 another day. It's not part of this
17 board's approval.

18 MR. NOSTRAND: Thank you, Mr.
19 Fellman. I should probably ask if there
20 is anyone in the audience -- oh, Ms. Tully
21 has a question?

22 MS. TULLY: I do. I have a few.
23 The elevation at the top of the
24 building -- forget the equipment for now
25 -- how does that compare to the elevation

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2 of the adjacent building, Number 380, I
3 think it is? It's a four-story structure
4 to the west, to the right. How does that
5 compare?

6 MR. MAMMINA: I don't have an exact
7 measurement of that building because we
8 thought about that and I didn't really
9 have any way that I could actually measure
10 it. I would say visually, my opinion is
11 they would read to be very similar to each
12 other. Because even if I was doing that
13 as an office building, your floor-to-floor
14 heights would probably be -- as probably,
15 Mr. Fellman, I think would agree with me
16 -- my floor-to-floor heights in here are a
17 little bit under ten feet each. In an
18 office building, you're not going to have
19 ten feet floor to floor. In there, you're
20 probably going to have something more like
21 11 or 12 feet. So I think that this would
22 be comparable or potentially less.

23 MR. FELLMAN: Yes. I would note
24 for the board the triangle apartment
25 building is a four-story building and it's

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2 in excess of 50 feet in height.

3 MS. TULLY: Yes. I think he told
4 us that earlier today. So that has an
5 excess of 50 and this building is 40?

6 MR. FELLMAN: 46.

7 MS. TULLY: And then five feet for
8 the equipment, right?

9 MR. MAMMINA: Yes.

10 MR. TULLY: So it's going to be
11 close to the same. Is the equipment on
12 the top of the roof going to be somewhat
13 hidden? I know it's going to be set back.

14 MR. MAMMINA: We'll screen it. We
15 would certainly screen it because we opted
16 not to put any kind of a mansard or a
17 parapet. I don't require any of those by
18 code. Again, in an effort to mitigate --
19 you know, still create aesthetically --
20 even though aesthetics is not part of the
21 Zoning Board -- understood -- but, again,
22 to try to mitigate from the street what
23 the building would look like in terms of
24 its height.

25 MR. FELLMAN: Marisa, that's why I

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2 commented earlier that this is not going
3 to be the final approval of the
4 architecture itself. That will get a
5 separate review.

6 MS. TULLY: Gotcha.

7 The other question I had --
8 hopefully it's an easy one. At my regular
9 job, we do a lot of work with semi-senior
10 living. How would you rate the quality of
11 the building, like, the whole thing as a
12 whole, in terms of what it brings to our
13 neighborhood in Farmingdale?

14 MR. MAMMINA: Sure. As I said, my
15 biggest client is Bristal Assisted Living.
16 They are absolutely top shelf. This
17 would be built to the standards of that.

18 Also, at the same time, because I
19 get asked this question many, many times,
20 there is another provider, Amber Court and
21 I would consider them certainly not to be
22 a Bristal, but I would invite the board --
23 it is in Smithtown. We finished up a
24 building for them the summer before last.
25 Take a look at that building as well and

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2 you'll see the aesthetics are the same.
3 The interiors, they're not buying the \$100
4 square yard carpeting that the Bristol
5 might buy. But the fit and finish -- in
6 order to stay competitive in this business
7 in dealing with Sunrise and things, you
8 know that it is a competitive business
9 that's in very high demand. So to put out
10 an inferior quality product, you would be
11 shooting yourself in the foot and no major
12 operator would come in and take a building
13 that's going to be anything less than
14 that. There, we see converted hotels.

15 MS. TULLY: I'm taking that as a
16 rating that's pretty high.

17 MR. MAMMINA: Yes, it would be.

18 MS. TULLY: An asset to the Village
19 of Farmingdale.

20 MR. MAMMINA: I think so.

21 MR. NOSTRAND: Any more questions,
22 Ms. Tully?

23 MS. TULLY: No. Thank you.

24 MR. NOSTRAND: Maybe, at this time,
25 we should ask if there is anyone in the

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2 audience who wants to ask a question.

3 MR. SNIPAS: Mr. Chairman, we do
4 have two other people to speak tonight. I
5 don't know if you want them to present
6 first before you --

7 MR. NOSTRAND: Mr. Nelson and Mr.
8 Weinraub?

9 MR. SNIPAS: Yes.

10 MR. NOSTRAND: That's fine. We can
11 do that next. We have another case after
12 this, too, and it's getting late.

13 MR. WOOD: We have four public
14 commenters waiting on this applicant.

15 MR. NOSTRAND: Okay. Do you think
16 we should let them speak at this point or
17 do you want the other fellas to speak
18 first?

19 MR. SNIPAS: Sure. That's fine,
20 then. That's fine. Just so you're aware,
21 we do have two other people.

22 MR. NOSTRAND: Okay. Let's see if
23 there is anyone in the audience who would
24 like to speak?

25 MR. WOOD: Standby for Jeanne

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2 Rowland, R-O-W-L-A-N-D.

3 Welcome, Jeanne. You should be
4 able to be heard now.

5 MR. ROWLAND: It's Jeanne and Mike.

6 I drove by and actually pulled into
7 the site earlier in the week. I like the
8 drawing. I think it fits in with the
9 space. Not for this meeting, but for all
10 the people who are listening, I think it's
11 egregious that three families live in that
12 home, that existing home, but that's a
13 topic for another day.

14 MR. NOSTRAND: That's noted, Mr.
15 Rowland.

16 MR. ROWLAND: Thank you. I
17 appreciate that.

18 The other thing, I believe -- who
19 is the gentleman who just spoke?

20 MR. NOSTRAND: Mr. Mammia.

21 MR. ROWLAND: I assume that the
22 square footage for all the residents in
23 the building is approved by the State. It
24 seems to me to be, like, sardines with a
25 lot of squeezing in, but if that's the way

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2 it is, that's the way it is. That's more
3 of a question.

4 MR. MAMMINA: Honestly -- because
5 sometimes I even get this from the owner's
6 staff -- you see the drawing as small as
7 it is and everything looks tiny. It's not
8 tiny.

9 MR. ROWLAND: Okay.

10 MR. MAMMINA: Yes -- because you
11 ask an excellent question -- dignity and
12 quality of life, New York State is all
13 about that and the Department of Health.
14 These drawings are very carefully
15 scrutinized by staff in the Department of
16 Health.

17 For whatever it's worth, I sit on a
18 committee that the governor formed to
19 maintain and make sure that standards are
20 constantly be improved and that sort of
21 thing. So quality of life, again, is very
22 important. Actually, the apartments
23 themselves are very nice.

24 MR. NOSTRAND: How many square feet
25 are these studios?

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2 MR. MAMMINA: Generally, the
3 studios are about 350 to 375 square feet.

4 MR. NOSTRAND: What about the
5 one-bedrooms?

6 MR. MAMMINA: The one-bedrooms will
7 run about 500. Remember they're not
8 spending their day in the room. You don't
9 want them in the room. The intention is
10 that they're in the other spaces of the
11 building socializing. Staff will actually
12 try to get people to become interested.
13 They have clubs. Bingo is always the big
14 deal. For the three meals a day, they're
15 down there.

16 MR. ROWLAND: I appreciate that.
17 Thank you.

18 One final question, Mr. Chairman.
19 I also assume that, given the average
20 tenure or the length of stay in the
21 facility is about three years, according
22 to the New York State stuff that I've
23 read, I assume that the residents there
24 will be able to walk and cross the street
25 safely. That would be a concern. The

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2 other places that are there are apartment
3 buildings where people can go -- they can
4 navigate the traffic and navigate the
5 streets. I just wonder if the population
6 that would inhabit that building would be
7 able to do the same, to walk around the
8 area safely.

9 MR. MAMMINA: If I may, Mr.
10 Chairman.

11 Again, it's an excellent question,
12 Mr. Rowland. Very thoughtful and you did
13 your homework because, yes, generally, the
14 stay is about three years or so average.
15 The average age in a building like this is
16 about in the 82 to 85-year-old range. My
17 mother-in-law is in one. She is 92. I
18 don't want to say that she's beating the
19 odds. That sounds callous.

20 As I said earlier, people are free
21 to come and go as they want to in these
22 facilities because it is considered to be
23 -- these are well-seniors. You don't have
24 a big wheelchair population in here. Many
25 people have their walkers, but the

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2 facility itself will organize activities
3 for the seniors to leave the building
4 together in a group. It's social. Again,
5 they may make trips to Broadway shows and
6 that sort of thing.

7 MR. ROWLAND: But residents could
8 go out to McDonald's if they want?

9 MR. MAMMINA: Of course, they
10 could. They may go to any place they
11 want.

12 MR. ROWLAND: So that would be my
13 concern. If they go out to McDonald's and
14 they could get hit by a car or that sort
15 of thing. Everything you said is great.
16 Beautiful. I love the drawing. Love the
17 rendering. It kind of fits in over there.
18 I would just be concerned about that.
19 That's really it. If you guys have done
20 your homework on that, then it's fine with
21 me.

22 MR. NOSTRAND: Audrey, did you get
23 the Rowlands' address?

24 MR. ROWLAND: One Atlantic Avenue,
25 Apartment 15.

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2 MS. ROWLAND: I just have one
3 question.

4 MR. NOSTRAND: Yes, Ms. Rowland.

5 MS. ROWLAND: It was a little bit
6 hard to -- when I looked at the -- I don't
7 know if it's a blueprint or whatever,
8 diagram -- how close is the building to
9 the left of it when you're looking at it?
10 I don't know if it's Suburbia.

11 MR. NOSTRAND: That would be the
12 east side. Well, there are about ten
13 apartment buildings along there. They're
14 all fairly close, the property lines.

15 MS. ROWLAND: Okay.

16 MR. ROWLAND: And that is a bit
17 higher than that structure?

18 MR. NOSTRAND: Yes.

19 MR. ROWLAND: So I would assume you
20 would ask those guys, "Hey, is it okay if
21 we build it this high?" The question, Ms.
22 Tully, on the west side, it totally makes
23 sense because it is about that size, but
24 on the east side, it seems to be a little
25 smaller. But you guys would work that

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2 out. You know, just FYI.

3 MR. NOSTRAND: Thank you. Okay.

4 Does anyone else in Zoomland want
5 to speak on behalf of this or have
6 questions about this project? Thank you,
7 Mr. Rowland.

8 MR. WOOD: Stand by for John
9 McGrath, please.

10 MR. McGRATH: John McGrath, 400
11 Fulton Street, Farmingdale, New York.

12 I am the Treasurer on the Board of
13 Directors at the Suburbia Apartments which
14 is next door to the proposed building
15 site.

16 First off, I want to thank the
17 Village for giving me a copy of the plans
18 yesterday which allowed my board to review
19 them. Today, we had an opportunity for
20 our residents to review them before we
21 spoke.

22 First off, there are two variances
23 being sought, the one with respect to the
24 size of the property, the size of the use
25 of the property, we have no objection to.

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2 With respect to the height of the
3 building, we have a couple of questions.
4 Having done this in Manhattan for years,
5 has a study been done to determine what
6 effect the added height of both the
7 building itself and the equipment on top
8 of the building is going to affect the
9 shade or the sunlight cast onto my
10 property? I don't know if David, the
11 architect, can answer that question.

12 MR. MAMMINA: We did not do a
13 shadow study. I'm very familiar with what
14 you're asking for.

15 MR. McGRATH: Okay. So that would
16 be one question that we would like
17 answered before the board agrees to that
18 variance.

19 With respect to the rest of the
20 presentation and the project that we've
21 been able to review, we have no objection
22 to a variance being given and the project
23 being done as proposed.

24 MR. NOSTRAND: Thank you.

25 Anybody else in Zoomland that wants

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2 to speak?

3 MR. WOOD: Four other hands raised.
4 Standby, please.

5 MR. NOSTRAND: Okay. Thank you,
6 Mr. McGrath.

7 MR. WOOD: Anne Crawford coming in.

8 MS. CRAWFORD: Hello.

9 MR. WOOD: Hi, Anne. We can hear
10 you.

11 MS. CRAWFORD: Okay. The address
12 is 115 William Street.

13 MR. WOOD: Will you be showing
14 video or no?

15 MS. CRAWFORD: No, no.

16 MR. WOOD: Okay.

17 MS. CRAWFORD: With regard to the
18 studio, you said it's 350 to 375 feet?

19 MR. MAMMINA: Yes, ma'am.

20 MS. CRAWFORD: When I think of a
21 studio, I think of a New York City
22 apartment, which means no bed obviously,
23 but, obviously, this has a bed in it. How
24 does that work?

25 MR. MAMMINA: This is like a hotel

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2 room.

3 MS. CRAWFORD: Okay.

4 MR. MAMMINA: That's a much better
5 way to think about it. The difference
6 between this and a hotel room would be
7 that, in addition to -- in the case of
8 these -- because it's not required in a
9 hotel -- but every one of the bathrooms --
10 every room has a three-fixture bathroom
11 that meets the New York State building
12 code in terms of handicapped accessibility
13 requirements. Then there is a closet for
14 clothing and all the proper handicapped
15 clearances. Then there is also a small
16 pantry. I don't want to call it a
17 kitchenette because there's no cooking.
18 Cooking is not permitted by the New York
19 State Department of Health. It would
20 generally be a small sink, a small
21 refrigerator so that there could be a
22 little freezer in there if a resident
23 wants to keep a gallon of ice cream or a
24 Sara Lee cake. There would be a microwave
25 in there as well so that if someone wants

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2 to make a cup of tea, they can boil water.
3 If they want to heat up that Sara Lee
4 cake, they can do that. Other than that,
5 think of a hotel room. That's what this
6 is set up as in the studio.

7 MS. CRAWFORD: Okay. That makes
8 sense.

9 MR. FELLMAN: David, could you
10 recommend a facility if somebody like Anne
11 or somebody else would like to go see one
12 of these in operation? Because I know
13 I've been to them. They're wonderful.
14 They normally like promoting what they're
15 doing. This way people can see one live,
16 so to speak.

17 MR. MAMMINA: I think that's a
18 terrific idea, Steve. I'm sure that I
19 could set that up with one of the
20 operators that we do business with. We'll
21 pass that on to you or to whomever in the
22 Village. Anyone who would like to would
23 certainly be able to take a tour.

24 MR. FELLMAN: Thank you.

25 MS. CRAWFORD: My other question is

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2 in regard to the height. You've already
3 got it at 40 feet 6 inches. Now you're
4 going to add another five feet to it for
5 all the equipment or am I misunderstanding
6 that?

7 MR. MAMMINA: Well, we're not
8 adding five feet to the entire building.
9 I mean, if you think about --

10 MS. CRAWFORD: Well, you've got the
11 air-conditioning units and that kind of
12 stuff that's going to be up there. So
13 that's going to add more height to the
14 building or does this 40 feet include
15 that?

16 MR. MAMMINA: No. It does not
17 include that. You're required, by
18 building code, to have a stair going up to
19 the roof. So there would be a bulkhead --
20 what we call a bulkhead -- going up to the
21 roof.

22 The air-conditioning equipment, if
23 you're looking at a building of this size,
24 in terms of the amount of air-conditioning
25 units that might be on the roof of this

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2 building, there might be 12 of those. You
3 know, that's a guess, an educated guess.
4 If you think about your backyard, your
5 condensing unit that sits in your backyard
6 for your central air-conditioning in your
7 house, if you clustered four of those
8 together, that's a unit. So I'm saying,
9 all right, if you took your condensing
10 unit, it's probably about three feet by
11 three feet. If you put four of them
12 together, it's six feet by six feet. So
13 there might be a dozen of those. You put
14 them in the center of the roof. At that
15 height, you're really not going to see
16 them. You'd have to be a quarter-mile --

17 MS. CRAWFORD: You're not going to
18 see them, but it adds to the height of the
19 building?

20 MR. MAMMINA: Yes, sure. Sure, it
21 does.

22 MS. CRAWFORD: So then, not only
23 are you going over 35 feet, you're also
24 going over the 40 feet that you're asking
25 for?

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2 MR. FELLMAN: The equipment is
3 permitted in code. The building is the
4 building. The masthead of the building,
5 the unit says -- Mr. Mammina pointed out
6 it would be located in the center. That's
7 why I said the architectural design --

8 MS. CRAWFORD: Right, I get that.

9 MR. FELLMAN: We'll make sure
10 there's screening, but the bulk of the
11 building and the height of the building is
12 at the 40 feet.

13 MS. CRAWFORD: Okay.

14 MR. NOSTRAND: And you'd never see
15 the air-conditioning units from the street
16 or even from quite a ways away.

17 MS. CRAWFORD: Okay. But you're
18 going over the height and you're also
19 going over the building area size. I like
20 the building. I think it looks great. I
21 like the idea. I think the Village of
22 Farmingdale needs that. I'm just saying
23 that you're already going over the height
24 and you're already going over the maximum
25 size. Those are just my comments. I

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2 think the structure looks great and I
3 think that the Village does need an
4 assisted living facility. Those are just
5 my comments, just about the height and the
6 maximum, which are the two variances
7 you're going for?

8 MR. NOSTRAND: Correct.

9 MS. CRAWFORD: When you keep doing
10 that, you're setting another precedent for
11 increasing height for other buildings.

12 MR. NOSTRAND: Well, this building
13 is shorter than some of the others on the
14 same block.

15 MS. CRAWFORD: Okay. But you've
16 got a maximum of 35 feet that's required.
17 That's just my comment. I know you're
18 going to approve it, but I'm just saying
19 that down the road you've got a precedent
20 where you're increasing the height.
21 That's all I'm saying.

22 MR. NOSTRAND: Okay.

23 MS. TULLY: I think we need to
24 revisit the height of the building
25 adjacent at 380. That precedent was

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2 already set. If it's already at -- what
3 was the height again, Steve?

4 MR. NOSTRAND: I think it's 50
5 feet.

6 MR. FELLMAN: Over 50. It's close
7 to 54 feet.

8 MS. TULLY: And it's only -- what
9 -- one property length away.

10 MS. CRAWFORD: Okay. Well, I'm
11 just saying you're changing the variance
12 to allow for this. That's all.

13 MR. FELLMAN: If I may, Ms.
14 Crawford, you raise an excellent point.
15 You don't want to set a precedent.

16 One of the things that you have to
17 keep in mind is this is an unusually zoned
18 piece of property. This property zone,
19 Residence BB, which permits this type of
20 use, as you head east, most of that is
21 zoned Business D. There's different
22 zoning as you head east from this
23 property.

24 MS. CRAWFORD: Right, yes.

25 MR. FELLMAN: So you can only set a

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2 precedent of a property where there is
3 similar zoning which there are not very
4 many.

5 MS. CRAWFORD: Okay. Those are
6 just my concerns. That's all.

7 MR. FELLMAN: An excellent point.
8 Thank you.

9 MR. SNIPAS: Mr. Chairman, if I
10 may. Under the code, under Section 600-19
11 of the Village Code, if we were proposing
12 a multi-family apartment or we were
13 seeking in the future to convert this to a
14 multi-family apartment building, we would
15 be permitted to erect a building 40 feet
16 tall with a special use permit from the
17 Board of Trustees.

18 MR. NOSTRAND: Okay, very good.
19 Thank you.

20 Is there anyone else in the
21 audience who wants to speak?

22 MR. WOOD: There is. Standby.

23 MR. NOSTRAND: Okay. Thank you,
24 Kevin.

25 MR. WOOD: You're welcome.

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2 Marian coming in.

3 MS. FELDHUSEN: Hi, everyone.

4 MR. WOOD: Hi, how are you?

5 MR. NOSTRAND: Hi, Marian.

6 MR. WOOD: We can hear you.

7 MS. FELDHUSEN: I don't want to
8 show myself on the recording. It's been a
9 long day. I've been waiting a few hours
10 to speak my piece here.

11 I live at 474 Fulton Street which
12 is the east side of the proposed property.
13 I don't want to start all over again with
14 the height. But if you actually stood
15 here in front of the building, you would
16 see that we are all two-story buildings
17 east of Suburbia. So this is basically an
18 eyesore being built here.

19 But my question is -- I look out
20 onto the property and I enjoy, in the
21 spring and the summer when the trees bloom
22 -- what are the plans to, I guess, remove
23 the existing mature trees and plant new
24 ones? Will a new fence be here? What are
25 the plans basically, I guess, for

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2 landscaping?

3 MR. MAMMINA: What I would say
4 regarding that, is that -- yes, there
5 would be new landscaping put in there.
6 We've left room for landscaped buffers and
7 things. I would also guess that the
8 Architectural Review Board would probably
9 have something to say regarding that, but
10 certainly, you know, if the Zoning Board
11 wants to take charge of that, we would
12 work along with staff in the Village to
13 come up with a landscape plan that would
14 be acceptable.

15 Again, if you look at the assisted
16 living buildings that are being
17 constructed, the thing that I like to say
18 when I'm presenting is they're not buying
19 their shrubbery at Home Depot. They're
20 usually putting in things that are more
21 mature and they want to enhance what that
22 property is going to look like because,
23 again, it's a competitive business.

24 MS. FELDHUSEN: No, I understand
25 that.

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2 MR. NOSTRAND: Landscaping is a
3 requirement of the Building Department.

4 MS. FELDHUSEN: Like the gentleman
5 from Suburbia said, we are losing our nice
6 abundant sunshine here with this building
7 coming. Also, it's been an auto body shop
8 for 60 years. Will there be any kind of
9 soil sampling done and will it be made
10 public?

11 MR. MAMMINA: Well, I don't know if
12 there's going to be a secret process
13 that's -- well, there is a secret process
14 or a determination regarding that, but I
15 don't want to get into that. I'm not a
16 lawyer. So I don't want to start to talk
17 like one. I'm just doing it based on my
18 background. You know what, I really can't
19 answer that because I don't want to step
20 out --

21 MS. FELDHUSEN: It's my line of
22 work. So I'm more involved in the
23 environment part of it, too.

24 MR. MAMMINA: Maybe Mr. Snipas can
25 chime in on that, but banks lending money

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2 are certainly very concerned about things
3 like that.

4 Also, Mr. Weinraub is a very
5 sophisticated developer. He understands
6 what the demands are regarding something
7 like that.

8 MR. FELLMAN: I can assure you that
9 the Village is going to want assurances
10 that that kind of thing has been
11 investigated. I can assure you of that.

12 MS. FELDHUSEN: Yes. I just wanted
13 to really say that we are two-story
14 buildings here and putting in a four-story
15 building is a concern for the residences.
16 That's really all I wanted to say about
17 it. So thank you.

18 MR. NOSTRAND: Thank you, Ms.
19 Feldhusen.

20 Is there anybody else in the
21 audience who wants to speak?

22 MR. WOOD: Three more hands.
23 Standby, please.

24 John McGrath coming in.

25 MR. McGRATH: This is a question

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2 from the four-story building that's The
3 Angle. As far as my residents are
4 concerned, it's the fact that the building
5 would be in a position blocking the sun
6 from us. Where the sun is nine months of
7 the year, it would be on our property. So
8 that's the only thing that I would ask is
9 if there's a shade study done before you
10 guys approve this. We don't object to the
11 size of the building. That's the only
12 issue we have as far as the height.

13 I'm done. Thank you for your time.

14 MR. WOOD: Joseph Staudt coming in
15 next.

16 MR. STAUDT: Hi, guys. Can you
17 hear me?

18 MR. WOOD: Yes.

19 MR. STAUDT: I just wanted to speak
20 out in support of the project. I took a
21 look at it. I think it's a great addition
22 to the Village. I think that that area of
23 109 in particular can take a building of
24 that size. Obviously, we're not always in
25 favor of buildings that large. The

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2 employment that it could add, you know,
3 adding 35 or 40 people in a shift every
4 day, eating lunch on Main Street, ordering
5 out. When you couple that with the
6 residents and everything, I think it's a
7 win-win for the Village with little down
8 side.

9 That was all. Just wanted to add
10 two cents to it.

11 MR. NOSTRAND: Thank you very much.

12 MR. GOSLINE: 33 Waverly Place in
13 Farmingdale.

14 A couple of quick questions. I'm
15 curious. How many projects like this has
16 the developer previously built and
17 transferred for a lease by some other
18 company?

19 MR. MAMMINA: I know that I'm
20 working on another one with him right now.

21 MR. GOSLINE: I'm interested in
22 completed projects. Completed projects?

23 MR. MAMMINA: That, I couldn't --
24 I'm the architect. So --

25 MR. WEINRAUB: I could jump in for

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2 a second, David, if you would like.

3 Charles Weinraub, Mandalay
4 Holdings, 10 Vandewater Street,
5 Farmingdale, New York.

6 I have extensive development
7 experience, sir, in industrial
8 multi-family. I've built over 400 houses
9 in the last five years.

10 Like Mr. Mammina said, we are in
11 the process of building or getting the
12 approvals for a 119-bed assisted living
13 facility in Oceanside currently that we
14 are working on with a national benchmark
15 assisted living. I have not completed one
16 of these types of projects yet.

17 MR. GOSLINE: That was the simple
18 question. Thank you.

19 I'm curious. What is the frontage
20 width of --

21 MR. WEINRAUB: With all due
22 respect, sir, I would like to finish. It
23 will just take another second. I
24 understand that that was your question,
25 but I'd just like to fill in something

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2 that's very important.

3 I, myself, am not perfect and I
4 can't do everything. So what I want to
5 call attention to is that I believe we
6 have a world-class team of professionals
7 here alongside of me. It's not me by
8 myself. It's Mr. Mammina who is
9 essentially the godfather of assisted
10 living. It's the Kulka Group who's been
11 doing construction management in building
12 things like this and larger for over 30
13 years. It's the Forchelli firm. So it's
14 not just me. Anything that I might be
15 lacking in, I have the best people around
16 me to prop me up.

17 MR. GOSLINE: Okay. What was the
18 frontage?

19 I guess, Steve, you have the plans?
20 The frontage of the property, the width?

21 MR. FELLMAN: David, do you have
22 that?

23 MR. MAMMINA: Yes. 141.59 feet.

24 MR. GOSLINE: Okay. That's better
25 than 100. Okay.

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2 I'm a little concerned. I do like
3 the rendering. I compliment the building.
4 Is it a little too high? Yes. That's
5 definitely subjective. The zone
6 definitely does call out for only
7 two-and-a-half stories in that area, but I
8 think I would prefer a project like this
9 over a multi-family situation.

10 I think I heard 50 parking spots
11 and 35 employees. There has got to be a
12 few visitors at some time and the
13 architect said zero cars for the owners,
14 but this is assisted living. I would
15 think some of these people still want some
16 independence. So the number of parking
17 spots just doesn't add up for me.

18 MR. MAMMINA: The parking is
19 compliant based on the ordinance, but
20 let's put that aside. Based on my own
21 experience, for a facility of this size
22 with this amount of beds and units, 50
23 cars works.

24 MR. GOSLINE: But I think the
25 ordinance is one car per four beds, but

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2 that does not take into consideration the
3 people who work there. So that's 35. Now
4 you're down to 15 spots. You get a couple
5 of visitors.

6 MR. MAMMINA: That's not the way
7 zoning --

8 MR. GOSLINE: I understand. I
9 understand, but typically that's what
10 happens with a unit of this capacity. You
11 get visitors, you have employees and we
12 don't count the employees. So I'm just
13 pointing that out.

14 MR. MAMMINA: I'm saying we've got
15 35 employees. Believe me, 82 is young in
16 facilities such as this. These people are
17 not driving.

18 MR. GOSLINE: I'm just saying that
19 I have a concern with the parking.

20 MR. NOSTRAND: The parking meets
21 the code.

22 How many parking spots are there,
23 Mr. Mammina?

24 MR. MAMMINA: 50.

25 MR. NOSTRAND: 50.

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2 MR. MAMMINA: And we require 35.

3 MR. FELLMAN: Again, if I may, I've
4 also dealt quite a bit with these types of
5 facilities to the point where I had
6 actually asked David a couple of times --
7 we both know that they're not going to
8 need that amount of parking -- would they
9 consider land-banking some of the parking
10 to get more greenery? He said, "I
11 understand, but there's a formula." The
12 National Tenants insist upon a certain
13 amount of parking spaces as part of the
14 business plan, which I understand. I'm
15 involved with a lot of these things and
16 parking has never been an issue. It's
17 like one of those self-storage facilities.
18 They all seem like they're abandoned.
19 There are no cars. There is nobody there.
20 It is what it is.

21 MR. GOSLINE: Well, this really
22 doesn't compare to self-storage.

23 MR. FELLMAN: No. But I'm
24 comparing it to other assisted living
25 facilities -- at least a dozen of them --

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2 and the parking is not even close.

3 MR. GOSLINE: All right. I would
4 disagree, but, still --

5 MR. NOSTRAND: Are there any more
6 questions, Mr. Gosline?

7 MR. GOSLINE: Yes, I do.

8 There was a question -- 37 percent
9 does not sound like a big problem to
10 override, but there was a question that
11 the basement -- was the basement
12 considered in that square footage?

13 MR. MAMMINA: Yes.

14 MR. GOSLINE: It is. Okay, fine.
15 I know you haven't totally laid out the
16 building, but you do have a site plan.
17 What is the setback off the frontage?

18 MR. MAMMINA: The frontage setback
19 is 46 feet and six inches.

20 MR. GOSLINE: Okay. That's better
21 than 35. That's okay.

22 MR. MAMMINA: Yes. Twenty-five
23 (25) is required. That's at its smallest
24 point because it tapers.

25 MR. GOSLINE: All right. So like I

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2 said, my only concern was the parking.

3 I do think it is a nice-looking
4 building and I would hope it works out.
5 It's certainly better than a multi-family
6 dwelling.

7 MR. NOSTRAND: I think Ms. Rowland
8 wants to speak again.

9 MR. WOOD: No. That's off the
10 table now.

11 MR. NOSTRAND: Oh, okay. My
12 mistake.

13 Anybody else in the audience?

14 MR. WOOD: No. We're good on that.

15 MR. NOSTRAND: Okay. Mr. Snipas,
16 is there anything else that your group
17 would like to speak to, quickly?

18 MR. SNIPAS: Yes. In the interest
19 of time, I'm going to skip over Mr.
20 Weinraub and I'll just ask Mr. Nelson just
21 to give a brief presentation.

22 MR. NOSTRAND: Okay, Mr. Nelson.

23 MR. SNIPAS: It will be very brief.

24 MR. NOSTRAND: Thank you.

25 MR. WOOD: We need audio on Mr.

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2 Nelson. He is not muted. So it could be
3 in the earplug itself or the headphones.
4 Just check your connection with the
5 headphones to the computer. If that
6 doesn't work, just take the headphones
7 completely out of the computer and you
8 should be fine.

9 MR. NOSTRAND: We have another case
10 after this that we have to get to.

11 MR. NELSON: Can you hear me?

12 MR. WOOD: Yes.

13 MR. NELSON: Okay. I'm sorry.

14 I --

15 MR. NOSTRAND: Oh, now we lost you.

16 MR. WOOD: We lost you again, Mr.
17 Nelson. We need some more volume.

18 I mean, he could call in, but I'll
19 leave that up to you, Mr. Chairman.

20 Mr. Nelson, your volume is down.
21 Just check the line of your headphones and
22 just make sure that the volume control or
23 mute is not depressed. It's usually in
24 the line itself of the headphones.

25 MR. NOSTRAND: Mr. Weinraub, maybe

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2 you can speak for him.

3 MR. WEINRAUB: Can you hear me?

4 MR. WOOD: Yes.

5 MR. WEINRAUB: Mr. Nelson was going
6 to speak to the building and the character
7 of the neighborhood and how it all fits
8 together.

9 I think the team has pretty much
10 covered all the relevant points. I don't
11 want to take any more of the board's time.

12 MR. MAMMINA: Yes. Perhaps he can
13 submit that as a separate report.

14 MR. NOSTRAND: I don't feel a need
15 for that.

16 Does anybody else on the board want
17 a separate report from a real estate
18 expert?

19 (WHEREUPON, no response was heard.)

20 MR. NOSTRAND: That's a unanimous
21 "no."

22 Are there any questions from
23 anybody on the board?

24 MR. PORTER: Mr. Chairman?

25 MR. NOSTRAND: Mr. Porter.

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2 MR. PORTER: I can sympathize with
3 the adjacent neighbors' concerns about the
4 impact on sunlight, et cetera. What would
5 be the implication of conducting a shadow
6 study? Perhaps Mr. Mammina can answer
7 that. Is that extensive? Is it
8 time-consuming? Can that be done?

9 MR. MAMMINA: It takes a chunk of
10 time. I've never done one on Long Island.
11 In the city when you go through a rezoning
12 process, yes, we do them in Manhattan.
13 Essentially, what we do is we take the sun
14 angles in each one of the seasonal
15 changes. We'll take September 21st just
16 because it's my birthday. It's summer
17 ending and fall beginning. What it's
18 going to show is that when you're in the
19 winter months, like now, the shadows get
20 really long really fast. When you're in
21 the summer, the sun is high and comes down
22 with a very, very small shadow. I think
23 if the board feels strongly about it, we
24 can certainly do a shadow study.

25 MR. FELLMAN: David, can I ask you

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2 something? Again, it sounds good. Shadow
3 studies are done with skyscrapers and
4 things like that.

5 MR. MAMMINA: Right.

6 MR. FELLMAN: The shadow study here
7 would be what's the difference between a
8 36 foot as-of-right building and a 40-foot
9 building? The study is going to look at
10 what's the difference of the four feet
11 which is going to be minimal.

12 MR. MAMMINA: You're not even going
13 to perceive it.

14 MR. FELLMAN: No.

15 MR. MAMMINA: In a shadow study.

16 MR. FELLMAN: In a shadow study,
17 exactly.

18 MR. PORTER: So whether or not a
19 variance is granted, it's not going to
20 impact the shadows of any significant
21 amount.

22 MR. MAMMINA: No.

23 MR. FELLMAN: That's my point.

24 MR. NOSTRAND: Mr. Maro, one of our
25 members, has to leave. It's okay with me.

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2 MR. WEINRAUB: Okay. Thank you,
3 Mr. Chairman.

4 MR. NOSTRAND: I don't know how to
5 answer this on the side here. So I'll
6 just say it out loud. Just before you go,
7 Mr. Maro, are you in favor of this project
8 or not?

9 MR. MARO: I'm in favor, subject to
10 the shade study. If we could get that
11 squared away, then I'm in favor of that as
12 well.

13 MR. NOSTRAND: What I was going to
14 suggest is that we pull up that Zoom
15 picture again. Then we can see where the
16 building is going to be. If my memory
17 serves, if there is shadow to the other
18 side, then it would be on a parking lot.

19 MR. WOOD: Let me know if this is
20 the picture you're referring to?

21 MR. NOSTRAND: No.

22 MR. MAMMINA: It's Google Earth.

23 MR. WOOD: The aerial one, in other
24 words?

25 MR. NOSTRAND: Yes, that's it.

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2 MR. WOOD: All right.

3 MR. NOSTRAND: There it is. So the
4 building would be on the east side, is
5 that right, of that parcel?

6 MR. MAMMINA: That's correct.

7 MR. NOSTRAND: All those trees that
8 are there, are they on the next-door
9 neighbor's property?

10 MR. MAMMINA: Yes. We wouldn't be
11 taking anything down on that, but you can
12 see -- I mean, the trees are shadowing
13 the --

14 MR. NOSTRAND: Well, it looks like
15 the trees are over both properties.

16 MR. MAMMINA: Yes.

17 MR. NOSTRAND: Those trees look, to
18 me, that they're in the way of the new
19 building.

20 MR. MAMMINA: They could be. They
21 could be.

22 MR. NOSTRAND: So they're about
23 halfway across the property line or maybe
24 on the property line.

25 MR. MAMMINA: What I think it does

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2 show, though, is that when you look at the
3 shadows of the building around there, they
4 appear to extend out, maybe, five feet or
5 eight feet looking at what we see there if
6 you zoom it up.

7 MR. NOSTRAND: When I'm looking at
8 your plans, the building is set back. How
9 far is it off the side?

10 MR. MAMMINA: At our smallest
11 point, we're at 20 feet. Then, because it
12 does slope slightly in there, we go up to
13 about 28 feet.

14 MR. NOSTRAND: So where the sunken
15 patio is, is what? What did you just say?
16 About 20 feet?

17 MR. MAMMINA: Yes, about 20 feet in
18 there. That's probably about 23 by then.

19 MR. NOSTRAND: So if those trees
20 are on the neighbor's property, they can
21 stay?

22 MR. MAMMINA: Yes.

23 MR. NOSTRAND: If they're on your
24 property, they probably have to go.

25 MR. MAMMINA: Yes, probably. I

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2 would agree with that, sir, yes.

3 MR. FELLMAN: Any idea how tall
4 those trees are?

5 MR. MAMMINA: I would have to
6 guess. Those are mature trees. They're
7 probably in the neighborhood of 40 feet.

8 MR. FELLMAN: That's probably the
9 height of the building.

10 MR. MAMMINA: Yes.

11 MR. FELLMAN: Interesting.

12 MR. NOSTRAND: You're probably
13 going to get more sun with the trees gone.
14 It would be my guess. I don't see the
15 need for a shade study. I'm not in favor
16 of that.

17 MR. PORTER: Especially since we're
18 only talking about the five-and-a-half
19 feet over the limit.

20 MR. NOSTRAND: Plus it's 20 feet
21 from the property line.

22 MR. PORTER: Right.

23 MR. FELLMAN: Right.

24 MR. PORTER: So the Suburbia, the
25 ones to the left as you're looking at it,

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2 they would be losing some morning sun in
3 the parking lot.

4 MR. NOSTRAND: Morning sun, yes,
5 the sun rises --

6 MR. PORTER: Sea Gull Apartments
7 would lose the evening sun on the back of
8 the building assuming those trees are not
9 already passing that kind of a shadow.

10 MR. NOSTRAND: Yes. That would be
11 my guess.

12 Let's move on. So what's next?
13 Who wants to speak next?

14 MR. SNIPAS: At this point, we have
15 no further witnesses. We respectfully ask
16 that the board grant this application.

17 MR. WOOD: Mr. Chairman, I do have
18 to tell you that I have two additional
19 hands, both of which were in before. They
20 are Marian and John McGrath.

21 MR. NOSTRAND: Okay.

22 MR. WOOD: All right. John first.
23 Oh, you know what, ladies first.

24 MS. FELDHUSEN: Hi. Thank you.
25 I'll be quick.

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2 I live in the back of Sea Gull
3 Garden. My balcony is right out here. I
4 enjoy looking at those trees. I know
5 those trees are on the auto body's
6 property. Those trees are definitely not
7 four-stories high. That was my concern
8 before. If you do take them down, will
9 new, mature trees be replanted?

10 MR. FELLMAN: David, do you think
11 those trees could stay?

12 MR. MAMMINA: I was thinking
13 exactly that, Steve. I mean, if those
14 trees can stay, we'll leave them.

15 MS. FELDHUSEN: Come look at it.
16 If you want to take them down and rebuild
17 new ones, but --

18 MR. MAMMINA: Well, we would
19 certainly replace them. That would be
20 done.

21 MS. FELDHUSEN: I just want to say
22 that we're homeowners here. These are
23 co-ops, not rentals. This is our
24 property, just like your home is your
25 property. We're proud of where we live.

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2 So a change is scary, you know.

3 MR. FELLMAN: I hear you. We will
4 investigate if those trees can stay or not
5 and we will be in contact with you before
6 anything happens.

7 MS. FELDHUSEN: I appreciate it.
8 That's all I ask.

9 MR. FELLMAN: I hear you and I see
10 it and we're going to focus on that.

11 MS. FELDHUSEN: Okay, thank you.

12 MR. NOSTRAND: Thank you.

13 Is there anybody else?

14 MR. WOOD: One more.

15 MR. NOSTRAND: One more, okay.

16 MR. WOOD: John McGrath coming in
17 now. I believe it's John.

18 MR. NOSTRAND: Yes, the next-door
19 neighbor.

20 MR. McGRATH: What you guys were
21 just circling was the wrong side of the
22 building as proposed. I mean, I'm looking
23 at the plans right now. There is a
24 16-foot difference between the second,
25 third and fourth stories of the building

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2 and my property line. You guys were
3 circling the wrong spot. Where the
4 building would be there are almost no
5 trees. There's, like, two. I have a
6 two-story building and then I have a
7 swimming pool. That's what my issue is
8 with respect to a shade study.

9 MR. NOSTRAND: The building you are
10 in, John, is to the west of this site?

11 MR. McGRATH: Yes. It would be
12 west, yes.

13 MR. NOSTRAND: Okay. The trees
14 that we were circling were on the east
15 side that are against the other building,
16 not yours.

17 MR. WOOD: Is this correct
18 (indicating)?

19 MR. McGRATH: That is correct.
20 What you see there in kind of a reverse L
21 is a two-story building and then I have a
22 swimming pool. That's what I'm concerned
23 about.

24 MR. NOSTRAND: The swimming pool is
25 not going to be shaded --

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2 MR. McGRATH: In the summer months,
3 the sun is coming from, basically, the top
4 right of this picture. So that's what my
5 concern is about.

6 MR. NOSTRAND: Your building would
7 block the sun for that pool, not the --

8 MR. McGRATH: I don't know. With a
9 four-story building, that's going to be --
10 if I read this correctly, it would be 41
11 feet plus whatever mechanical equipment
12 and other things that are on the roof.
13 That's what I want to know, if it affects
14 us. If it doesn't affect us, I have no
15 objection.

16 MR. NOSTRAND: Maybe at sunrise it
17 might block a little bit, but once it's up
18 past the horizon --

19 MR. McGRATH: And then sunset. I
20 mean, we our pool until 8 o'clock at
21 night. The sun sets at 8 o'clock.

22 MR. NOSTRAND: The sun sets in the
23 west. That building is east of yours.

24 MR. McGRATH: Okay. You understand
25 what my concern is.

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2 MR. NOSTRAND: I do. I don't think
3 a sunset is a concern and a sunrise would
4 be much of a concern being that the
5 projected building is on the opposite side
6 of the property -- on their own property.

7 MR. McGRATH: But outside the
8 variance?

9 MR. NOSTRAND: By five feet which
10 will not change the --

11 MR. McGRATH: Five feet and a
12 story-and-a-half outside the variance.

13 MR. NOSTRAND: It's five feet.

14 MR. McGRATH: And a
15 story-and-a-half.

16 MR. NOSTRAND: It's a
17 story-and-a-half or -- it's 35 feet or
18 two-and-a-half stories, whichever. It
19 could be a five-story building. It still
20 would have to be 35 feet.

21 MR. McGRATH: Right. So this is
22 beyond 35 feet and it's a variance plus
23 the mechanical equipment on the roof.

24 MR. NOSTRAND: Which are very
25 small.

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2 Are there any other questions?

3 MR. McGRATH: No.

4 MR. NOSTRAND: Thank you.

5 Are there any more people in the
6 audience that want to speak to this point?

7 MR. WOOD: There is not.

8 MR. NOSTRAND: How about the board?
9 Are there any more questions from the
10 board?

11 (WHEREUPON, no response was heard.)

12 MR. NOSTRAND: Okay. I need
13 someone to make a motion.

14 MR. PORTER: Mr. Chairman, I would
15 like to speak.

16 I am sympathetic to the neighbors'
17 concerns. I don't want to go right over
18 their objections. Would it be
19 unreasonable to ask for a shadow study and
20 have the applicant show us what it would
21 be so there are no surprises?

22 MR. NOSTRAND: I don't see that
23 that's going to change anything. It's
24 five feet and the only time the sun would
25 cast a long shadow, like I said earlier,

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2 is an sunrise and sunset. A row of
3 buildings that are already two-and-a-half
4 stories are 50 feet high already, a
5 40-foot building is not going to project
6 much of a shadow.

7 MR. PORTER: To Mr. McGrath's
8 concerns, at certain times of the year, a
9 swimming pool might not get the full
10 morning sun that it gets now, but the
11 swimming pool is already shadowed in the
12 morning by the building next to it.

13 MR. NOSTRAND: By its own building.

14 MR. PORTER: And there would be no
15 impact on the evening sun. That's true.

16 MR. NOSTRAND: Yes. Okay. Are we
17 ready to make a motion? It's either you,
18 Marisa, or Jim because Chris had to go.

19 Jim, can you make a motion, please?

20 MR. PORTER: Mr. Chairman, I move
21 that we accept the application as
22 submitted.

23 MR. NOSTRAND: Second it?

24 MS. TULLY: I'll second.

25 MR. NOSTRAND: All those in favor?

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2 (WHEREUPON, there was a unanimous,
3 affirmative vote of the board.)

4 MR. NOSTRAND: Motion carried.
5 Thank you.

6 The member, Mr. Maro, who had to
7 sign off to take care of his family, he
8 was in favor as well.

9 * * * *

10 MR. NOSTRAND: We have one more
11 case, 1-5, Mr. Speller. Is he out there
12 in Zoomland?

13 MR. WOOD: Yes. I see John
14 Speller. Just ask him to raise his hand
15 so I can completely identify -- or I will
16 ask.

17 Mr. Speller, please raise your Zoom
18 hand.

19 Thank you. I see it.

20 There is one person on a cell
21 phone. If you want to be in this
22 application you need to hit "star, 9."

23 I'm bringing in Mr. Speller now.
24 I'm asking him to unmute and asking for
25 his video to start.

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2 Mr. Speller, if you can hear me,
3 it's Kevin. Please unmute. Mr. Speller,
4 can you hear me?

5 MR. SPELLER: I can hear you. Can
6 you hear me?

7 MR. WOOD: Yes. Please identify
8 yourself.

9 MR. SPELLER: This is John Speller,
10 190 Bethpage Road, Farmingdale.

11 MR. NOSTRAND: Hi, Mr. Speller. We
12 have your audio and not your video.

13 MR. SPELLER: Okay. That's all
14 right. We're looking like hell at this
15 time anyway.

16 MR. NOSTRAND: I'm sorry that you
17 had to wait so long. Nobody likes to be
18 last on the list.

19 So tell us about your project, Mr.
20 Speller.

21 MR. SPELLER: Okay. We moved into
22 the neighborhood three years ago from a
23 much larger house. We were always in high
24 ranches where we always had an area before
25 people entered the house. It was little

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2 foyer type of area. We have dogs. By
3 adding a foyer area, we can fence the dogs
4 off when kids are trick-or-treating or
5 when Chinese food is being delivered or
6 whatnot. It's more of a safety area. It
7 gives us a little bit more closet space.
8 We're running it up to the second floor.
9 That enables us to have a decent size
10 closet because the house is a hundred
11 years old and the closets were made for
12 people with only two pairs of pants. So
13 it's affording us an opportunity to have a
14 closet, a foyer area for safety with the
15 dogs. It's roughly 12 feet wide on the
16 front of the house. That's basically it.
17 It's the addition and the steps.

18 I know one of our neighbors down
19 the block just got a similar type of
20 variance except they did it across the
21 entire house. It was back in March when I
22 thought we were going to be in for April,
23 but that obviously didn't happen.

24 That's about it.

25 MR. NOSTRAND: Okay. So the only

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2 addition is your building out the front of
3 the house onto Bethpage Road by the
4 school. It goes up two stories.

5 MR. SPELLER: Correct.

6 MR. FELLMAN: Mr. Chairman, if I
7 may, the front yard variance is basically
8 to the stoop. It's supposed to be 30
9 foot. The setback is 26.5 to the stoop.

10 This is also a housekeeping
11 situation where the existing house should
12 have gotten a variance out to Anita Road.
13 So we're including that to kinda correct a
14 sin from the past. The existing house is
15 at 25.5. It's a corner lot. So you have
16 two front yard. That should have been 30
17 foot also, but he didn't do that. That
18 exists.

19 MR. NOSTRAND: Okay. So do we need
20 a variance for both sides or just for one?

21 MR. FELLMAN: Both.

22 MR. NOSTRAND: Okay. So what's the
23 variance on the side street?

24 MR. FELLMAN: Side street is 25.5
25 instead of 30.

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2 MR. NOSTRAND: And it's 26.5 in the
3 front instead of 30?

4 MR. FELLMAN: Correct.

5 MR. NOSTRAND: Okay. How long has
6 the addition been on the side to Anita?
7 How long has that been there?

8 MR. FELLMAN: I think since before
9 he bought the house.

10 MR. SPELLER: We have only lived
11 there for three years. It did not come up
12 with the title company which I'm a little
13 upset about.

14 MR. NOSTRAND: Well, these things
15 happen. I don't have an issue with any of
16 this. Do any of the board members have an
17 issue?

18 Mr. Porter?

19 Ms. Tully?

20 MR. PORTER: No issue.

21 MR. NOSTRAND: Ms. Tully?

22 MS. TULLY: No.

23 MR. NOSTRAND: No. Okay. I guess
24 we should ask if there is anyone in the
25 neighborhood who would like to speak out

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2 there in Zoomland.

3 MR. WOOD: Please raise your Zoom
4 hand if you would like to comment on this
5 application.

6 Twelve (12) attendees and no
7 one is raising their hand.

8 MR. NOSTRAND: Okay. Did I ask if
9 anyone on the board had questions? I did.
10 Nobody had questions.

11 Can we make a motion?

12 Ms. Tully? The standard
13 non-enclosure part.

14 MS. TULLY: I make a motion to
15 accept the application for 190 Bethpage
16 Road as submitted.

17 MR. PORTER: Mr. Chairman, may I
18 add the provision that the new front stoop
19 never be enclosed?

20 MS. TULLY: Thank you.

21 MR. SPELLER: Absolutely.

22 MR. PORTER: All in favor?

23 (WHEREUPON, there was a unanimous,
24 affirmative vote of the board.)

25 MR. NOSTRAND: Motion carried.

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2 I make a motion that we close the
3 meeting.

4 All in favor?

5 (WHEREUPON, there was a unanimous,
6 affirmative vote of the board.)

7 MR. NOSTRAND: Motion carried.

8 Meeting closed. Thank you.

9 (WHEREUPON, this meeting was
10 adjourned at 10:25 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

S.S.:

COUNTY OF NASSAU)

I, AUDREY A. GLADITSCH, a Notary
Public for and within the State of New York, do
hereby certify:

That the within transcript was
prepared by me and is a true and accurate
record of this hearing to the best of my
ability.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 30th day of January, 2021.

Audrey A. Gladitsch

AUDREY A. GLADITSCH

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