

In the Matter Of:

FARMINGDALE ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS CASES

October 13, 2022



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ZONING BOARD OF APPEALS PUBLIC HEARING
INCORPORATED VILLAGE OF FARMINGDALE
361 MAIN STREET
FARMINGDALE, NEW YORK 11735

October 13, 2022
8:00 p.m.

- Case #4-1 - Mr. and Mrs. Singh at 44 Waverly Place
in Farmingdale
- Case #10-1 - Application of Lawrence O'Brien
- Case #10-2 - Elena Seewagen

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1 10-13-22 - ZBA
2 A P P E A R A N C E S :
3 DAVID NOSTRAND, Chairman
4 MARISA TULLY, Board Member
5 JAMES PORTER, Board Member
6 MARY CARPENTER, Board Member
7 STEVE FELLMAN, Building Inspector
8 CLAUDIO DEBELLIS, Board Counsel
9 ELENA SEEWAGEN, APPLICANT Case #10-2
10 LAURA COLETTI IMPACT ARCHITECTURE Case #4-1
11 HOWARD AVRUTINE, ATTORNEY-AT-LAW
12 LARRY O'BRIEN, PROJECT ENGINEER, HIGH POINT
ENGINEERING
13
14 JOSH HERMAN, TRAFFIC ENGINEER, STONEFIELD
ENGINEERING
15
16 MICHAEL LYNCH REAL ESTATE APPRAISER, Case #10-1
17
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2 CHAIRMAN NOSTRAND: Okay, I call
3 the meeting to order for October 13th,
4 2022.

5 We need a motion to waive reading
6 of the minutes from the last meeting.

7 MS. CARPENTER: I'll make a motion
8 to waive the reading of the minutes from
9 the last meeting.

10 CHAIRMAN NOSTRAND: All in favor?

11 MS. TULLY: I'll second it.

12 CHAIRMAN NOSTRAND: Okay, motion
13 carried.

14 MS. TULLY: All in favor?

15 (WHEREUPON, there was a unanimous,
16 affirmative vote of the Board members
17 present.)

18 CHAIRMAN NOSTRAND: Okay, okay.
19 I'm going a little out of order tonight.
20 We're going to hear case 10-2, should be
21 Elena Seewagen; is that you?

22 Okay, c'mon up. You're putting a
23 fence on the Fulton Street side of your
24 property?

25 MS. SEEWAGEN: Correct.

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2 CHAIRMAN NOSTRAND: Okay.

3 Do you want to tell us what your
4 plans are?

5 MS. SEEWAGEN: I want to put a six
6 foot fence around the side of the house --

7 CHAIRMAN NOSTRAND: Okay.

8 MS. SEEWAGEN: (Continuing) -- for
9 privacy.

10 CHAIRMAN NOSTRAND: Okay. So
11 you're on the end of the street?

12 MS. SEEWAGEN: Yes.

13 CHAIRMAN NOSTRAND: On a busy road.

14 MS. SEEWAGEN: Very.

15 CHAIRMAN NOSTRAND: And you want to
16 enclose your side yard.

17 MS. SEEWAGEN: Yes, I want to make
18 it safer for my grandchildren.

19 CHAIRMAN NOSTRAND: Okay. So you
20 -- the only thing we would ask you to
21 change in your plan --

22 MS. SEEWAGEN: Mm-hmm.

23 CHAIRMAN NOSTRAND: (Continuing) --
24 is to go back a couple of feet from the
25 sidewalk.

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2 MS. SEEWAGEN: Okay.

3 CHAIRMAN NOSTRAND: Put a strip of
4 grass.

5 MS. SEEWAGEN: Okay.

6 CHAIRMAN NOSTRAND: Right to the
7 sidewalk.

8 MS. SEEWAGEN: How much?

9 CHAIRMAN NOSTRAND: Like two feet.

10 MS. SEEWAGEN: Two feet?

11 CHAIRMAN NOSTRAND: Yeah, there's
12 other fences along the same road.

13 MS. SEEWAGEN: Yeah, I notice that
14 they're just like maybe a foot.

15 CHAIRMAN NOSTRAND: Set back just a
16 little bit so that there's a little grass.

17 MS. SEEWAGEN: Yeah.

18 CHAIRMAN NOSTRAND: So that it
19 doesn't cut off.

20 MS. SEEWAGEN: Yeah.

21 CHAIRMAN NOSTRAND: Will that be
22 okay with you?

23 MS. SEEWAGEN: A foot or two?

24 CHAIRMAN NOSTRAND: Two.

25 MS. SEEWAGEN: Two feet.

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2 CHAIRMAN NOSTRAND: Two feet.

3 MS. SEEWAGEN: All right, okay.

4 CHAIRMAN NOSTRAND: Okay, all
5 right.

6 Can someone make a motion?

7 Oh, anybody in the audience have
8 any questions about this case?

9 (WHEREUPON, no response was heard.)

10 CHAIRMAN NOSTRAND: No? Okay,
11 nobody in the audience has a question.

12 Anybody on the Board have any
13 questions?

14 (WHEREUPON, no response was heard.)

15 CHAIRMAN NOSTRAND: Okay, do we
16 want to make a motion to --

17 MR. PORTER: Okay, Mr. Chairman.

18 Considering the fact that one of the front
19 yards of this property abuts on a major
20 highway, I propose we grant the variance
21 as requested with one caveat. That the
22 fence should be set back two feet from the
23 sidewalk along the Fulton Street side.

24 CHAIRMAN NOSTRAND: The rest of the
25 measurements are acceptable?

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2 MR. PORTER: The rest of the
3 measurements are acceptable.

4 CHAIRMAN NOSTRAND: Okay.

5 MS. TULLY: I'll second it.

6 CHAIRMAN NOSTRAND: All in favor?

7 (WHEREUPON, there was a unanimous,
8 affirmative vote of the Board members
9 present.)

10 CHAIRMAN NOSTRAND: Motion carried.

11 COURT REPORTER: May I just get
12 your name and the spelling of it; ma'am?

13 CHAIRMAN NOSTRAND: You have to
14 contact the Building Department.

15 MS. SEEWAGEN: Okay, I have to go
16 in?

17 CHAIRMAN NOSTRAND: Yes, yes, or
18 call them.

19 MS. SEEWAGEN: Call them. Okay,
20 sounds good. All right, thank you, so
21 much.

22 COURT REPORTER: Ma'am, can I just
23 get your name and the spelling of it?

24 MS. SEEWAGEN: Yes.

25 COURT REPORTER: Thank you.

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2 MS. SEEWAGEN: Elena, E-L-E-N-A,
3 Seewagen, S-E-E-W-A-G-E-N.

4 COURT REPORTER: Thank you.

5 MS. SEEWAGEN: You're welcome.

6 (WHEREUPON, this application was
7 concluded.)

8 * * * *

9 CHAIRMAN NOSTRAND: Next case we
10 have is an old one. What's the number on
11 this one; was it four something?

12 MS. TULLY: 8-1?

13 MR. PORTER: It's 4-1.

14 CHAIRMAN NOSTRAND: 4-1, okay, it's
15 4-1.

16 MS. TULLY: It's 4-1; I'm sorry.

17 CHAIRMAN NOSTRAND: Do we have case
18 4-1; Mr. Coletti?

19 MS. COLETTI: Ms. Coletti.

20 CHAIRMAN NOSTRAND: Ms. Coletti,
21 oh, Laura, I'm sorry.

22 MS. COLETTI: That's okay.

23 MR. FELLMAN: Laura.

24 MS. COLETTI: I'm Laura Coletti,
25 Impact Architecture, 399 Conklin Street,

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2 Farmingdale, New York. I'm representing
3 Mr. and Mrs. Singh at 44 Waverly Place in
4 Farmingdale.

5 CHAIRMAN NOSTRAND: Okay.

6 MS. COLETTI: Okay. We've been
7 here twice before trying to get Mr. Singh
8 the home he wants in his legal two-family
9 home.

10 The first time we came asking for a
11 big ask, for about almost 48 percent
12 F.A.R. Based on the new zoning that was
13 passed in 2020, there's a limit of 35
14 percent. At that hearing there was some
15 discussion about what you might accept,
16 and it was discussed that you might accept
17 40 to 42 percent F.A.R., so we came
18 back --

19 CHAIRMAN NOSTRAND: I believe it
20 was 40.

21 MS. COLETTI: We have the meeting
22 minutes that you did say 42.

23 MR. PORTER: We did say 40, we
24 might accept as much as 42.

25 MS. COLETTI: Right. So we did

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2 come back trying to compromise with 44
3 percent but we were rejected, again. So
4 we're back at the hand and we're down to
5 about 40.14 percent.

6 In doing that, Mr. Singh agreed to
7 remove a sunroom they had in the back that
8 they used as a family room, so that's
9 going to be removed.

10 We did reduce the size of the
11 second floor a bit, brought it in. We
12 reduced the size of the front porch, as
13 well. So that gives us the 40.14 percent.

14 Now, the cover sheet that you have,
15 you know, the zoning calculations on that
16 cover sheet were an Excel file, and it
17 kind of reverted back when I printed it,
18 so that is incorrect. Here's the -- I
19 have a copy for everybody for the record,
20 and I can bring one down to the Department
21 tomorrow with the actual numbers on it.
22 That's what happens when you try to use a
23 smart program, and you're not smart enough
24 to use it.

25 MS. CARPENTER: Operator error.

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2 MR. FELLMAN: Another oxymoron,
3 smart program.

4 MS. COLETTI: Yeah, it does that.
5 I don't know what happened, it went back
6 to the seven percent that we had --

7 MR. FELLMAN: It'll do that.

8 MS. COLETTI: Yeah, so as last
9 time, we tried to accommodate. There was
10 some comments from neighbors of his about
11 the parking, so we did show in the site
12 plan, we widened the driveway, and we're
13 able to fit six cars which is required by
14 the zoning for a two-family with the
15 number of bedrooms that they have and
16 bathrooms that they have, so I'm able to
17 accommodate that. And like I said, we
18 removed the sunroom, just, we pushed the
19 second story in a little bit, and in
20 losing the family room in the back, the
21 sunroom, they wish to take half of the
22 garage and make that their summer family
23 room, as well.

24 So it's not increasing the
25 footprint at all, we're just taking a

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2 little bit of existing floor.

3 MS. TULLY: Can I ask, how big is
4 the existing structure; it just needs to
5 be like a number to compare on this? It
6 says this structure is 1,891 but then on
7 this side --

8 MS. COLETTI: Right.

9 MS. TULLY: It says 14 --

10 MS. COLETTI: Right, that was --
11 that's what I said, it's a smart -- so
12 what happened is it re-referenced the old
13 one, so since we're taking the sunroom
14 off, that brings that structure down to
15 the 14, the existing -- the remaining
16 existing structure down to the 1,436.

17 MS. TULLY: So --

18 MS. COLETTI: So the existing --

19 MS. TULLY: So with the sunroom;
20 what is it?

21 MS. COLETTI: It was the original
22 18.

23 MS. TULLY: Eighteen, so it's
24 originally 18, so you're taking the
25 sunroom --

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2 MS. COLETTI: We're taking the
3 sunroom off, right, and that brought it
4 down two.

5 CHAIRMAN NOSTRAND: So the existing
6 building is 1,891 square feet.

7 MS. COLETTI: Mm-hmm.

8 CHAIRMAN NOSTRAND: And it's going
9 up to 3,000?

10 MS. COLETTI: No.

11 CHAIRMAN NOSTRAND: No? Am I
12 reading this wrong?

13 MS. COLETTI: Is that the old one?

14 MR. PORTER: Total area is 3,000
15 square feet.

16 CHAIRMAN NOSTRAND: Proposed
17 alterations and additions -- proposed area
18 is 3,004 feet.

19 MR. PORTER: Which divided into the
20 lot size, Mr. Chairman --

21 MS. COLETTI: Yes.

22 MR. PORTER: (Continuing) -- comes
23 out to the 40 percent.

24 MS. COLETTI: Yeah, 3,000 which
25 comes out to -- the 40 percent; that is

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2 correct.

3 MS. TULLY: The existing structure
4 and the garage. So the existing structure
5 really is, say, a little under 1,900.

6 MS. COLETTI: Right.

7 MS. TULLY: But because you're
8 removing the sunroom --

9 MS. COLETTI: Right.

10 MS. TULLY: (Continuing) -- that's
11 why this is 14 and change, okay.

12 MS. COLETTI: Yes.

13 CHAIRMAN NOSTRAND: So we're going
14 from 1,900 to 3,000.

15 MS. COLETTI: Unfortunately, the
16 way the program worked, I kind of had
17 to --

18 MS. TULLY: Gotcha.

19 MS. COLETTI: (Continuing) -- fudge
20 it to get the numbers to work the right
21 way.

22 MS. TULLY: So technically, this is
23 24 right now taking the sunroom out.

24 CHAIRMAN NOSTRAND: So we're going
25 from 2,400 to 3,000.

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2 MS. TULLY: Is that correct?

3 MS. COLETTI: Yes.

4 CHAIRMAN NOSTRAND: Four thousand
5 square feet?

6 MS. COLETTI: Yes, and then we're
7 going to -- after we take everything off,
8 and then add the new stuff --

9 CHAIRMAN NOSTRAND: So you're
10 really adding 600 square feet.

11 MS. COLETTI: Right, right,
12 basically, yeah, the total we're adding --

13 CHAIRMAN NOSTRAND: Anybody in the
14 audience have questions about this
15 project?

16 (WHEREUPON, no response was
17 heard.)

18 CHAIRMAN NOSTRAND: Comments; no?
19 Okay, okay.

20 MR. PORTER: I have a question, Mr.
21 Chairman.

22 What is the -- with the revision,
23 what is the setback to the front porch
24 now?

25 MS. COLETTI: That still is --

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2 that's still what we're seeking relief for
3 because the front setback is 16.22. Yeah,
4 16.225.

5 Yeah, the last time we removed the
6 rear deck, we brought the second floor in
7 a little bit, we brought the porch in a
8 little bit, but it wasn't enough.

9 CHAIRMAN NOSTRAND: Now you're at
10 16 from before it was 17 and-a-half.

11 MS. COLETTI: Yeah, yeah.

12 CHAIRMAN NOSTRAND: Okay, so this
13 is 16. Well, they cut this back to 16
14 feet instead of 17.5, yeah.

15 (WHEREUPON, there was an
16 off-the-record discussion.)

17 MS. COLETTI: Yeah, the front yard
18 setback, the existing front yard setback
19 is inadequate as it was.

20 CHAIRMAN NOSTRAND: Oh, so you're
21 asking for more relief on the front yard
22 setback.

23 MS. COLETTI: Yeah -- no, the
24 existing, for the existing house. It's
25 dimensionally non-conforming, before we

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2 even add this front porch it was
3 dimensionally non-conforming, and it would
4 have required --

5 MR. PORTER: The original
6 application said the setback to the front
7 porch is 17.5 feet.

8 MS. COLETTI: Yes.

9 MS. TULLY: It requires 25.

10 MR. PORTER: The setback to the
11 front porch is now 16.2 feet.

12 MS. COLETTI: Yeah.

13 MR. PORTER: So the front porch is
14 encroaching a little bit more into the
15 setback.

16 MS. COLETTI: Yes, yeah.

17 MR. PORTER: Okay, we thought you
18 were reducing the porch but you're
19 actually extending the porch.

20 MS. COLETTI: Yeah, I guess, we --
21 yeah, yeah.

22 MS. TULLY: Extended the porch.

23 MR. PORTER: Okay.

24 MS. COLETTI: Yeah, we added --
25 yeah, we added like 70 square feet to the

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2 porch from the original porch.

3 MR. PORTER: This is an open porch;
4 correct?

5 MS. COLETTI: Yeah, it's just an
6 open porch.

7 Yeah, if you want to look at the
8 elevation drawings.

9 CHAIRMAN NOSTRAND: Yeah, that
10 would be helpful.

11 MS. COLETTI: So this is the front
12 elevation (indicating) with a more central
13 entry. If you remember the entry was way
14 on the side and then a porch to connect to
15 the driveway.

16 CHAIRMAN NOSTRAND: So really, the
17 only thing sticking out is the steps.

18 MS. COLETTI: Yes, yes.

19 CHAIRMAN NOSTRAND: Are the steps
20 the non-conforming part or the whole
21 porch?

22 MS. COLETTI: No, I think the whole
23 porch.

24 CHAIRMAN NOSTRAND: But it's open,
25 we like open porches.

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2 Okay.

3 MS. COLETTI: And they're on a
4 dead-end in the --

5 CHAIRMAN NOSTRAND: Any more
6 questions from the members?

7 (WHEREUPON, no response was heard.)

8 CHAIRMAN NOSTRAND: The garage is
9 separate from the house; right?

10 MS. COLETTI: Yes.

11 CHAIRMAN NOSTRAND: Okay.

12 MS. COLETTI: It's, you know, it's
13 attached, but yeah, okay.

14 CHAIRMAN NOSTRAND: Like a
15 breezeway.

16 MS. COLETTI: Yeah.

17 CHAIRMAN NOSTRAND: Well, not a
18 breezeway because it's not attached.

19 MS. CARPENTER: It causes a breeze.

20 MR. FELLMAN: It causes a breeze.

21 MR. PORTER: Can I see the front
22 elevation, again; please?

23 MS. COLETTI: Sure, sure. No, the
24 garage is attached. It exists as
25 attached, it's just --

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2 CHAIRMAN NOSTRAND: It just looks
3 like a walkway between. It's hard to see.

4 MS. COLETTI: Okay. Yeah, that's
5 actually -- this here (indicating),
6 because those are the steps up to -- the
7 apartment is above the garage.

8 MR. PORTER: Oh.

9 MS. COLETTI: The two-family part.
10 So this is the steps (indicating). We're
11 not touching that. We're just finishing
12 this part of the garage.

13 So if you look (indicating) they
14 can go from their dining room into this
15 family room.

16 MR. PORTER: Okay.

17 MS. COLETTI: And this portion is
18 that. That stays.

19 CHAIRMAN NOSTRAND: Oh, it goes up
20 to the second story.

21 MS. COLETTI: Yeah, it goes up to
22 the second story here, and this allows
23 them to go into their basement.

24 CHAIRMAN NOSTRAND: Oh, it's very
25 unclear on these.

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2 MS. CARPENTER: Very unclear.

3 MS. COLETTI: Yeah, well, on the
4 site plan, yeah, if you want to look at --

5 CHAIRMAN NOSTRAND: Okay.

6 MS. COLETTI: And you wanted to see
7 the elevations?

8 MR. PORTER: No, I understand now.

9 MS. COLETTI: You understand now;
10 okay.

11 CHAIRMAN NOSTRAND: Okay. Any more
12 questions from anybody on the Board?

13 (WHEREUPON, no response was heard.)

14 CHAIRMAN NOSTRAND: I did ask the
15 audience, nobody had anything to say.

16 (WHEREUPON, there was an
17 off-the-record discussion.)

18 CHAIRMAN NOSTRAND: Okay. Mr.
19 DeBellis, any questions?

20 MR. DEBELLIS: Nope.

21 CHAIRMAN NOSTRAND: Okay, that's a
22 good thing.

23 MS. COLETTI: Okay.

24 MR. PORTER: Mr. Chairman, I move
25 that we approve the variance for floor

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2 area ratio for this property of 40.14
3 percent, and a setback to the front porch
4 of approximately 16 feet with the
5 provision the porch never be enclosed.

6 CHAIRMAN NOSTRAND: Okay.

7 MS. TULLY: I second it.

8 CHAIRMAN NOSTRAND: All in favor?

9 (WHEREUPON, there was a unanimous,
10 affirmative vote of the Board members
11 present.)

12 CHAIRMAN NOSTRAND: Motion carried.

13 MS. COLETTI: Thank you, very much.

14 CHAIRMAN NOSTRAND: Thank you.

15 (WHEREUPON, this application was
16 concluded.)

17 * * * *

18 CHAIRMAN NOSTRAND: Okay, Fulton
19 Street is next. What is the actual
20 number?

21 MS. CARPENTER: 10-1.

22 CHAIRMAN NOSTRAND: Okay, case
23 number 10-1, Lawrence O'Brien, PE, High
24 Point Engineering. A building permit to
25 construct a 7-Eleven on the corner of 158

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2 (sic) Fulton Street and Merritts Road.

3 MR. AVRUTINE: Good evening. Do
4 you get the cards?

5 CHAIRMAN NOSTRAND: Thank you.

6 MR. AVRUTINE: Thank you.

7 Good evening, Mr. Chairman,
8 members of the Board, appearing for the
9 applicant, Howard Avrutine, 2116 Merrick
10 Avenue, Merrick.

11 This is the application of
12 7-Eleven, Inc., and 153 Fulton Street
13 Properties, LLC, for variances required in
14 order to redevelop the premises under
15 application for the new 7-Eleven store and
16 gasoline station.

17 The premises under application is
18 located at the northeast corner of Fulton
19 Street and Merritts Road. There's a total
20 lot area of 27,348 square feet and is also
21 identified as Section 49, Lot 298, Lots 93
22 and 94 on the Nassau County Land and Tax
23 Map.

24 It's two separate parcels
25 presently. One is identified as 85

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2 Merritts Road, that is the parcel where
3 the existing 7-Eleven is located, and 153
4 Fulton Street is where the existing Sunoco
5 station is located.

6 The concept here is to redevelop
7 the property and merge the two lots. So
8 Tax Lot 93 is the 7-Eleven store, and Tax
9 Lot 94 is the Sunoco gasoline service
10 station with its own convenience store.

11 Lot 93 is owned by 7-Eleven,
12 Incorporated, Lot 94 is owned by 153
13 Fulton Street Properties, LLC.

14 The applicants seek variances which
15 will authorize demolition of the existing
16 7-Eleven building and Sunoco gasoline
17 service station and with convenience store
18 and allow the construction of the new
19 7-Eleven store with a gasoline station on
20 the combined unified parcel of property,
21 and that's all in accordance with the
22 plans which have been filed with the
23 Building Department and which are before
24 the Board this evening.

25 The village Planning Board held a

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2 public hearing in connection with this
3 application on June 28. It made
4 recommendations that the application be
5 approved by the Board of Trustees for the
6 special-use permit that was required, and
7 on July 11, the Board of Trustees granted
8 the special-use permit authorizing the new
9 convenience store and the gasoline station
10 as proposed, as well as the revocation of
11 certain covenants and restrictions that
12 needed to be modified in order to
13 accommodate the location of the new
14 proposed building.

15 Therefore, we are here this evening
16 for variances required as set forth in the
17 denial letter issued by the Building
18 Department and in our application to the
19 Board.

20 At this point, I'd like to
21 introduce project engineer, Larry O'Brien,
22 to walk the Board through the site plan
23 and explain the proposed redevelopment.

24 CHAIRMAN NOSTRAND: Just so that I
25 know that we're on the same, literally,

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2 the same page here. We have the plans
3 dated July 13th, '22 for final revision,
4 most recent revision?

5 MR. O'BRIEN: That is correct.

6 MR. AVRUTINE: Yes, that is
7 correct.

8 MR. O'BRIEN: That's correct.

9 CHAIRMAN NOSTRAND: We didn't get
10 the wrong ones.

11 MR. AVRUTINE: No, we made sure --
12 these are the ones that were approved by
13 the Board of Trustees back on July 11th,
14 and also the ones that the changes were
15 made in accordance with recommendations of
16 the Planning Board regarding aesthetics,
17 signage, colors, et cetera.

18 So all of those recommendations and
19 requests from both the Planning Board and
20 the Board of Trustees which were approved
21 have been incorporated into what's before
22 you this evening currently.

23 Thank you.

24 MR. O'BRIEN: Good evening. Larry
25 O'Brien, High Point Engineering, 1860 Walt

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2 Whitman Road, Melville, New York. We'll
3 walk through the outline of the project.

4 As Mr. Avrutine described it, it's
5 currently two separate lots. The existing
6 7-Eleven is located behind the existing
7 Sunoco, both of which have a building.
8 The 7-Eleven convenience store and the
9 Sunoco convenience store will be combined
10 with the two lots as you have in the seen
11 in the proposed planning.

12 CHAIRMAN NOSTRAND: Mr. O'Brien,
13 I'm sorry to interrupt.

14 Does anyone in the audience want to
15 see this a little bit better because we
16 see it fine from here.

17 (WHEREUPON, no response was heard.)

18 CHAIRMAN NOSTRAND: Okay.

19 MR. O'BRIEN: Good? So with the
20 single lot that we will develop, we'll
21 have a single convenience store to the
22 rear of the property with a trash
23 enclosure to the side of that on the
24 Merritts Road side, and part of the
25 development is the new fueling system; new

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2 canopy; new dispensers; the dispensers
3 will be the same as they are today, four
4 versus four, and the property itself is
5 improved in both the presentation of the
6 store itself, going from two stores down
7 to one, and the driveways have been
8 reduced for traffic purposes, through the
9 New York State DOT for Fulton and through
10 the Nassau County DPW for Merritts.

11 So what you see in the development
12 is with input from both of those agencies
13 for our curb cuts. The driveway on Fulton
14 Street, two-way access here (indicating),
15 and the driveway on Merritts Road with
16 two-way access here (indicating). The
17 trash enclosure and the building are part
18 of the variance requests for the rear yard
19 line, the rear yard setback, and the
20 canopy is part of the front yard setback
21 variance request.

22 We also have a fence along the
23 property bordering the residence here, and
24 we tried to match that as much as we could
25 with their existing fence which is why we

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2 have about 25 to 30 feet of variance
3 request for that six foot high fence,
4 excuse me, and then we also have a
5 monument sign which is similar to the one
6 that's there today, and that'll be located
7 along Fulton Street with the request for
8 the variance for that setback, as well.

9 If you have any questions on the
10 property or --

11 MR. FELLMAN: I'd point out a
12 couple of strange things. I got to talk
13 to Claudio at some point, but there was
14 some technical variances they need
15 regarding the curb cuts. Neither road is
16 a Village road. One's a state road, one's
17 a county road, but our code says your curb
18 cut will be "X" dimension when we have no
19 say over it.

20 So we have to tweak our code to
21 address all the curb cuts to our roads,
22 and you know, because in the state and the
23 county you're going to see how big the
24 curb cuts are going to be.

25 MR. O'BRIEN: Right. Like Mr.

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2 Fellman said, the state is requiring
3 issues on both -- on Fulton Street and the
4 county has got the requirements on
5 Merritts.

6 CHAIRMAN NOSTRAND: Both different.

7 MR. O'BRIEN: Yes.

8 CHAIRMAN NOSTRAND: Of course.

9 MR. AVRUTINE: They are different,
10 and we have applications both into New
11 York State Department of Transportation
12 with respect to Fulton Street, and also
13 we'll be submitting, shortly, hopefully,
14 to Nassau County DPW with respect to
15 Merritts, but all of the driveway's access
16 points, maneuverability issues, all are
17 designed to state and county standards,
18 respectively, so that -- we know that we
19 have to get their approval based upon
20 their requirements.

21 MR. O'BRIEN: If I could just
22 advance that a little bit, and we actually
23 did receive feedback both from the state
24 and from the county and incorporated that
25 into the presented driveway access.

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2 CHAIRMAN NOSTRAND: What is the
3 square footage of the existing 7-Eleven
4 building?

5 MR. O'BRIEN: 2,624 square feet.

6 CHAIRMAN NOSTRAND: And the new
7 one?

8 MR. O'BRIEN: The new store is
9 2,995, and the Sunoco store is 1,247.

10 CHAIRMAN NOSTRAND: Right, yeah.

11 MR. O'BRIEN: Right.

12 CHAIRMAN NOSTRAND: What part of
13 this project -- what part of the existing
14 structure's curbs stays?

15 MR. O'BRIEN: Virtually, nothing.

16 CHAIRMAN NOSTRAND: Yeah.

17 MR. FELLMAN: Yeah.

18 MR. O'BRIEN: Yeah, reducing curb
19 cuts for safety reasons.

20 CHAIRMAN NOSTRAND: Six.

21 MR. AVRUTINE: From six to two.

22 CHAIRMAN NOSTRAND: Six curb cuts?

23 MR. O'BRIEN: That's incorporating
24 including 7-Eleven.

25 MR. FELLMAN: Yeah.

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2 MR. O'BRIEN: Yeah.

3 MS. CARPENTER: Actually, I have a
4 question for Steve.

5 What is the Village curb cut;
6 what's the width for the driveways?

7 MR. FELLMAN: I believe it's like
8 24, 25 feet, something like that. I don't
9 know off the top of --

10 MS. CARPENTER: That's what the
11 village is?

12 MR. FELLMAN: Yeah.

13 MS. CARPENTER: Okay.

14 MS. TULLY: The width is 25; the
15 curb cut is 30 maximum.

16 MR. PORTER: I have a small
17 question.

18 MR. O'BRIEN: Sure.

19 MR. PORTER: On the northwest
20 corner of the property there appears to be
21 two parking spaces, labeled 18 and 19.

22 MR. O'BRIEN: Yes.

23 MR. PORTER: Are those accessible
24 from the main property? It looks like
25 there's no way to get there.

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2 MR. AVRUTINE: They're not. I'll
3 explain that.

4 MR. O'BRIEN: Yeah.

5 MR. AVRUTINE: During the hearing
6 process, Mr. Porter, both before the
7 Planning Board and the Board of Trustees,
8 the property directly to the north where
9 the dry cleaner is and the pizza place
10 were here along with their tenants and
11 were concerned that the proposal would
12 prohibit cross access.

13 Apparently, the -- over time, there
14 has been a situation where folks using the
15 shopping center to the north would cut
16 across this property to get wherever it is
17 they were going, and so there was -- and
18 plus they were saying that their people,
19 their customers, would park maybe on their
20 -- would park on the 7-Eleven property and
21 then walk would back and forth, or
22 whatever they would do --

23 MR. PORTER: Okay.

24 MR. AVRUTINE: (Continuing) -- and
25 so they were concerned about that. So in

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2 modifying the plan, these two spaces that
3 you're referring to were not depicted this
4 way on the original plan. As an
5 accommodation to that owner, we set up two
6 parking spaces that would be for their
7 use, their customers.

8 So there's no access to those
9 spaces from our property, and this way,
10 folks can park there and they'll have a
11 couple of additional spaces, and I think
12 everyone was comfortable with the notion
13 that people going to the center on the
14 north could park there, and if they want
15 to go to the new convenience store,
16 they'll walk, they don't have to drive,
17 it's right there. So they can walk back
18 and forth rather than driving back and
19 forth, creating a safer condition, I
20 think, for everyone.

21 So that was the concept there to be
22 very neighborly and create those spaces.

23 MR. PORTER: Okay. How many
24 parking spaces does the existing 7-Eleven
25 lot have now; do you know?

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2 MR. O'BRIEN: You mean the
3 existing?

4 MR. AVRUTINE: The existing, I'd
5 have to check.

6 MR. PORTER: I mean, my impression
7 is you're increasing the total amount of
8 parking. I don't think there's any of
9 these spaces --

10 MR. AVRUTINE: No, we're -- I
11 believe we are increasing it, and we are
12 certainly fully complying with the parking
13 requirement of the Village. There's no
14 relief being requested for parking.

15 MR. PORTER: Right.

16 MS. TULLY: Those two spots are
17 facing the other way; right?

18 MR. AVRUTINE: No, I think those --
19 that makes it 19. I believe the total --

20 CHAIRMAN NOSTRAND: Yeah, it's 18
21 or 19.

22 MR. AVRUTINE: Right.

23 MS. TULLY: Okay.

24 MR. PORTER: Eleven or 12 spots
25 total in the 7-Eleven lot right now.

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2 CHAIRMAN NOSTRAND: And I assume
3 that all of this is grass landscaping type
4 of -- along the curb?

5 MR. O'BRIEN: That's correct; yes.

6 MR. AVRUTINE: Yes, and that was --
7 the landscaping plan was before the Board
8 of Trustees and the Planning Board, and
9 they were satisfied with the landscaping.

10 Obviously, there's only a limited
11 amount you could really have on a site
12 like this and in this location.

13 Also, the trash enclosure is being
14 relocated from the easterly side of the
15 property adjacent to the -- from where it
16 presently is, adjacent to the residential
17 and further toward Merritts for obvious
18 reasons.

19 CHAIRMAN NOSTRAND: Yes, that was a
20 good accommodation, and the side of the
21 building, the new building, is parallel to
22 the side in front of the existing stores
23 next door?

24 MR. AVRUTINE: That was the goal.
25 The original proposal was a little bit

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closer to Merritts. There was some concern raised, again, by the property owner to the north. So we shifted the building to the east, and basically made it pretty much consistent with the building where the dry cleaner is and the pizza establishment, and also, we made some other accommodations regarding the fencing in between the buildings because that building actually goes right to the property line on the north, so there's no -- there's no setback, whatsoever.

So we wanted to do the best that we could. The concern raised was that maybe there would not be sufficient visibility as you drive north on Merritts, that they would block the view of the their property and their building and hurt their tenant. So we moved everything back, and we tried to open up that corridor so it would be more visible.

CHAIRMAN NOSTRAND: Once again, are there any questions in the audience?

(WHEREUPON, no response was heard.)

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2 MR. AVRUTINE: Okay, the next
3 witness I'd like to call is Josh Herman.
4 He is a traffic engineer, and he'll just
5 submit his traffic report and give the
6 Board a summary of his findings regarding
7 traffic impacts.

8 MR. HERMAN: Good evening, members
9 of the Board.

10 Josh Herman, that's spelled
11 H-E-R-M-A-N, traffic engineer with
12 Stonefield Engineering, located at --

13 COURT REPORTER: What was the name
14 of that?

15 MR. HERMAN: Stonefield
16 Engineering, S-T-O-N-E-F-I-E-L-D.

17 COURT REPORTER: Thank you.

18 MR. HERMAN: Located at 584
19 Broadway, Suite 310, New York, New York
20 10012.

21 COURT REPORTER: Thank you.

22 MR. HERMAN: My company has
23 prepared a traffic report related to this
24 application.

25 We took a look at the trip

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2 generation that's anticipated from the
3 future gas station and 7-Eleven compared
4 to the existing site, and the existing
5 site already has its customer base for the
6 gas station, as well as for the 7-Eleven
7 store.

8 We're not anticipating a growth in
9 traffic from the new site compared to the
10 existing site.

11 In terms of the curb cuts, as Larry
12 mentioned before, there are currently six
13 curb cuts for the two lots, that would be
14 condensed down to two curb cuts, one along
15 Merritts and one along Fulton Street,
16 thereby, creating a safer environment for
17 drivers along by eliminating the conflict
18 points for vehicles.

19 In terms of on-site
20 maneuverability, the site has been
21 efficiently laid out for maneuverability
22 throughout this site.

23 We would meet the parking
24 requirement imposed under the village
25 code, so the site would provide 17 parking

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2 spaces, there are 15 parking spaces
3 required under the code, and I should also
4 note that, you know, that most of us, when
5 we go to convenience stores from a gas
6 station, you know, we'll leave our cars
7 parked at the gas station and then run
8 into the store. So effectively, the site
9 would provide 25 parking spaces for the
10 customers.

11 With that, I'll answer any
12 questions from the Board.

13 CHAIRMAN NOSTRAND: Your numbers
14 here, from the existing, 194 for
15 weekend/evening and then proposed 145.
16 What would make it go down?

17 MR. HERMAN: Well, so these are
18 based on ITE, which is the Institute of
19 Transportation Engineers averages for
20 convenience stores and gas stations.
21 These are, you know, data collected by
22 ITE.

23 So yes, by the code, by the rule
24 book, it would technically, go down.
25 However, like I was mentioning before, the

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2 customer base is already there. There's
3 an existing 7-Eleven, and it's going to be
4 replaced in kind, effectively, at the same
5 size. So the 1,000 square foot reduction,
6 you know, the elimination of the mini-mart
7 would, by code, reduce traffic, but we're
8 expecting traffic to remain approximately
9 the same.

10 CHAIRMAN NOSTRAND: Just generated
11 by --

12 MS. TULLY: Consolidated to --

13 MR. PORTER: The total square
14 footage which is --

15 CHAIRMAN NOSTRAND: Okay, all
16 right, yeah, okay.

17 Any members have any questions
18 about Mr. Stonefield's (sic) calculations?

19 (WHEREUPON, no response was heard.)

20 MR. HERMAN: Thank you.

21 CHAIRMAN NOSTRAND: Thank you.

22 MR. AVRUTINE: Thank you. Also, my
23 last witness, Mr. Michael Lynch, who is a
24 real estate expert, will address the
25 factors under the village law regarding

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2 the area variances that are being sought.

3 MR. LYNCH: Great. I have some --
4 a panel of photographs that were taken.
5 There are a total of 17 photos in all
6 depicting the subject property and the
7 surrounding area.

8 Good evening, my name is Michael
9 Lynch, I'm a state certified real estate
10 appraiser with offices at 15 Dewey Street
11 in Huntington.

12 I was here back in May for the
13 special permit application on this
14 application for the redevelopment of this
15 site. I have appeared before other boards
16 over the years in the Village of
17 Farmingdale.

18 So I was originally out at the site
19 back in May. Again, on the Planning Board
20 application, that's when those photos were
21 actually taken. I revisited the site a
22 couple of weeks ago to see if any
23 conditions have changed in the area.

24 As Mr. O'Brien pointed out, the
25 application is to combine the two parcels

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2 that presently consist of the Sunoco
3 station with a smaller C-store with the
4 existing 7-Eleven store which exists on
5 the northerly parcel.

6 The surrounding uses include, to
7 the east, the Stratford Green
8 condominiums; to the east on Fulton
9 Street, opposite to the south, is another
10 Sunoco station with a car wash and a
11 convenience store; and to the west is a
12 neighborhood shopping center; and to the
13 north is a small two unit strip shopping
14 center as Mr. Avrutine pointed out, and we
15 made some revisions to the site plan to
16 accommodate them, not only in their
17 visibility, but we also are accommodating
18 them with two off-street parking spaces.

19 In this application before the
20 Zoning Board, a good number of the
21 variances are preexisting conditions, some
22 related to the dimensional characteristics
23 of the site, other existing conditions
24 include being within 500 feet of a gas
25 station which is directly to the south,

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2 the other Sunoco station.

3 The fence, as Mr. O'Brien pointed
4 out, we tried to largely replicate what is
5 presently there which is an older stockade
6 fence, so effectively, that's an existing
7 condition.

8 As far as the variances, we need
9 setback variances on the north side for
10 the new C-store building as well as for
11 the trash enclosure, but again, it's not a
12 substantial request because the two unit
13 strip center immediately to the north is
14 essentially built to the line. So these
15 setbacks of, I believe it's 8 point -- six
16 and-a-half feet for the building and 4.9
17 feet, again, will be negligible, again,
18 given their proximity to the C-store, the
19 two unit strip center immediately to the
20 north.

21 We need a variance for setback for
22 the new monument sign, but again, it's
23 marginal, and again, it's a sign that's
24 more aesthetically pleasing than what
25 presently exists, and then we have

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2 variances for the curb cuts and the
3 driveways. Again, we're actually going
4 down by four the number of curb cuts and
5 driveways, so that's certainly a benefit
6 to the overall site and for site
7 circulation, et cetera.

8 So just to point out again, the
9 existing C-store building contains a total
10 area of 1,247 feet. The old 7-Eleven
11 store contained 2,624 square feet. We're
12 combining these all into one now, just
13 under 3,000 square feet.

14 The site landscaping will be
15 greatly improved over what presently
16 exists, and the lighting on the site will
17 also be improved with the latest dark sky
18 compliant lamps, et cetera.

19 So overall, it's a positive for the
20 nearby properties as well as the
21 community, and at this point, I'll go
22 through the village standard for area
23 variances.

24 The first one, the big one, is
25 whether an undesirable change will be

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2 created in the character of the
3 neighborhood or a detriment to nearby
4 properties.

5 Again, we're combining two C-stores
6 into one, and the gas station component
7 itself has existed for many years. So the
8 character of the area certainly is not
9 going to change. If anything, we're
10 improving existing conditions in the area,
11 we're improving landscaping, lighting, et
12 cetera, and we're going down in number of
13 curb cuts for the overall site.

14 Can the benefit sought by the
15 applicant be achieved by some other
16 method? Again, no. This site has been
17 refined and massaged given the concerns
18 with the property owner immediately to the
19 north where they were concerned about
20 their visibility, and again, we're now
21 aligning our building with the small strip
22 store to the north, and we're also
23 providing them with two off-street parking
24 spaces, so that certainly is a benefit.

25 Are the requested variances

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2 substantial?

3 No, again, as as I noted in my
4 earlier testimony.

5 Will there be any impact on the
6 physical environmental conditions in the
7 neighborhood or district?

8 Again, it's always been a gas
9 station going back many years. We're
10 going to have the latest underground
11 storage equipment, et cetera, for the fuel
12 component, and again, we're going down by
13 one the number of store units on the site,
14 so there will be no impact to the
15 environmental conditions or the physical
16 conditions in the neighborhood.

17 And, lastly, whether the alleged
18 difficulty was self-created.

19 Well certainly, the applicant
20 knowingly went in on this knowing that
21 there would be required relief with
22 respect to variances, but overall, again,
23 that shouldn't be a preclusion for
24 approval of the variances. And, again, in
25 the balancing test of the benefit to the

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2 applicant versus the detriment to the
3 overall neighborhood, there is no
4 detriment. Again, we're improving
5 existing conditions, yet it's going to
6 benefit the property owner with the
7 redevelopment of this site.

8 So at this point, I can answer any
9 questions if the Board may have any.

10 MS. TULLY: I have just one simple,
11 dumb one.

12 Out of curiosity, what is the
13 relative location of the sign compared to
14 where it is?

15 MR. LYNCH: Very close to the --

16 MS. TULLY: Very dumb.

17 CHAIRMAN NOSTRAND: No dumb
18 questions.

19 MR. O'BRIEN: The monument sign?

20 MS. TULLY: Yes.

21 MR. O'BRIEN: They are located
22 along Fulton Street.

23 MS. TULLY: So it's in the same
24 place; right?

25 MR. O'BRIEN: It's similar, yes.

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2 MS. TULLY: Yeah, yeah.

3 MR. O'BRIEN: Not exactly, but
4 similar spot. View of the traffic flow,
5 it would be greater there.

6 MS. TULLY: Okay.

7 MR. PORTER: So the existing sign
8 really isn't visible to westbound traffic
9 on Fulton Street.

10 MR. O'BRIEN: Because of the angle?

11 MR. PORTER: Yes. Okay, so it's
12 less visible if you were coming north on
13 Merritts and more visible for people
14 coming west on Fulton.

15 MR. O'BRIEN: That's correct.

16 MR. PORTER: Okay.

17 MR. FELLMAN: Are there any plans
18 to put any ballast out there?

19 I know somebody took that sign out
20 about a year ago.

21 MR. O'BRIEN: The existing sign?

22 MR. FELLMAN: Yeah.

23 MR. O'BRIEN: The new sign will be
24 encompassed in the curb and landscaped
25 area.

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2 MR. PORTER: So you have to go
3 across the grass to get to the sign.

4 MS. TULLY: No protection.

5 MR. O'BRIEN: Yeah, the curb -- the
6 six-inch curb is actually noted as
7 protection, so --

8 MR. FELLMAN: It didn't work on the
9 old sign.

10 MR. DEBELLIS: Didn't work on the
11 old sign.

12 MR. O'BRIEN: You can't get 'em
13 all.

14 CHAIRMAN NOSTRAND: Okay, again,
15 there's no questions from the audience.

16 Mr. Fellman, any more?

17 MR. FELLMAN: No.

18 MR. AVRUTINE: That completes our
19 application, unless there are any further
20 questions.

21 We appreciate your time.

22 CHAIRMAN NOSTRAND: Thank you.

23 MR. PORTER: Mr. Chairman, the
24 initial -- the first on the list, the
25 Section 600-100K, that's actually Board of

1 10-13-22 - ZBA

2 Trustees, that's outside our jurisdiction.

3 Do you want to clarify for the
4 record?

5 MR. AVRUTINE: Yes, just to
6 clarify, again, for the record, that's
7 already been approved on July 11th. We
8 haven't received the written approval yet,
9 but it was approved.

10 MR. PORTER: That leaves ten points
11 for us to consider.

12 Mr. Chairman, I move we approve the
13 remaining variances as requested.

14 CHAIRMAN NOSTRAND: Okay.

15 MS. TULLY: I second it.

16 CHAIRMAN NOSTRAND: All in favor?

17 (WHEREUPON, there was a unanimous,
18 affirmative vote of the Board members
19 present.)

20 CHAIRMAN NOSTRAND: Motion carried.

21 MR. AVRUTINE: Thank you, so much.

22 CHAIRMAN NOSTRAND: Thank you.

23 MS. TULLY: Good luck.

24 CHAIRMAN NOSTRAND: Thanks for
25 accommodating the people next door.

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MR. AVRUTINE: We want to be good neighbors, and they're going to be there for a lot of years.

MR. FELLMAN: You did a great job with that.

MS. TULLY: I make a motion to close the meeting.

CHAIRMAN NOSTRAND: All in favor?
(WHEREUPON, there was a unanimous, affirmative vote of the Board members present.)

CHAIRMAN NOSTRAND: Motion carried.
(WHEREUPON, this application was concluded.)

(WHEREUPON, this meeting was concluded at 8:45 P.M.)

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C E R T I F I C A T E

STATE OF NEW YORK)

SS:

COUNTY OF NASSAU)

I, DEBBIE BABINO, a Shorthand
Reporter in 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 either by blood or marriage, to
any of the parties in this action; and

THAT I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of October,
2022.

Debbie Babino

DEBBIE BABINO
Certified Reporter

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