

In the Matter Of:

VILLAGE OF FARMINGDALE - PLANNING BOARD MEETING

VILLAGE OF FARMINGDALE PLANNING BOARD HEARINGS

September 27, 2022



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INCORPORATED VILLAGE OF FARMINGDALE

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PLANNING BOARD AND ARCHITECTURAL REVIEW BOARD

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7

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361 Main Street

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Farmingdale, New York

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11

September 27, 2022

12

7:00 p.m.

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15 RE: 206 Main Street

16 331 Main Street

17 253 Main Street

18 332 Fulton Street

19 8 Toretta Lane

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ACCURATE COURT REPORTING SERVICE, INC.
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1 9-27-22 PLANNING BOARD

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

4 CRAIG ROSASCO, Chairman

5 JOSEPH STAUDT, Member

6 THOMAS RYAN, Member

7 EVA PEARSON, Member

8 CARMELA SCHOTT, Member

9 STEVE FELLMAN, Superintendent of Buildings

10 A L S O P R E S E N T :

11 JERRY MORELLO, J. Signs, Patchogue, for 206 Main
12 Street

13 MIKE NICHOLSON, Tap Room, for 206 Main Street

14 MARCOS MARMOL, Universal Signs and Service, for 331
15 Main Street

16 CHRISTINA BRAVIN, Marano Expediting, for 331 Main
17 Street

18 BOB METHVEN, Sign Max, for 253 Main Street

19 OLIVER HOLLER, Haunted House Hamburgers, for 332
20 Fulton Street

21 TERRY HOLLER, Haunted House Hamburgers, for 332
22 Fulton Street

JORDAN DESNER, Haunted House Hamburgers, for 332
23 Fulton Street

24 TODD O'CONNELL, TOC Architects, for 8 Toretta Lane

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CHAIRMAN ROSASCO: Good evening,
everybody. Welcome to the Farmingdale
Village Planning Board meeting for
September 27th.

7

If everyone would please rise to do
the Pledge of Allegiance and say a brief
moment of recognition for our first
responders and police and firemen.

10

11

If you all would join me, put your
right hand over your heart.

12

13

(WHEREUPON, the assemblage
recited the Pledge of Allegiance, after
which the following transpired:)

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16

CHAIRMAN ROSASCO: Remain standing
for just one moment as we acknowledge all
our first responders, our policemen, our
firemen, and our military.

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(WHEREUPON, a moment of silence was
observed by the assemblage, after which
the following transpired:)

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CHAIRMAN ROSASCO: Thank you.

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Please be seated.

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We have five items on the agenda

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9-27-22 - PLANNING BOARD
this evening, and we're going to look to
move through the ones that we feel we can
move through expeditiously.

5

So we're going to start with 206
Main Street -- that's the Meetball Place
application.

8

Whoever is presenting on that, just
stand up, come on up front. You're going
to have to give your name and address to
the stenographer, and then just tell us
what it is you're looking to do, and we'll
break it down together.

14

How you guys doing?

15

MR. MORELLO: Hi. Good.

16

MR. NICHOLSON: Good.

17

MR. MORELLO: Jerry Morello, J.

18

Signs, in Patchogue. I'm the sign company
that's manufacturing the signs for the
changeover.

21

MR. NICHOLSON: I'm Mike Nicholson.

22

I'm partners at the Tap Room.

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CHAIRMAN ROSASCO: Welcome, guys.

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MR. NICHOLSON: How you doing?

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CHAIRMAN ROSASCO: Good.

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9-27-22 - PLANNING BOARD

MR. MORELLO: What's going on?

CHAIRMAN ROSASCO: So are you guys
officially in?

MR. NICHOLSON: Yeah, pretty much.
It's all solidified.

CHAIRMAN ROSASCO: Good. Good for
you. Congratulations.

MR. NICHOLSON: Thank you.

CHAIRMAN ROSASCO: Welcome.

MR. NICHOLSON: So we're not
looking to change anything too crazy,
like, nothing at all pretty much.

MR. MORELLO: So on the signage
here, we're, actually, doing the same
exact --

MR. NICHOLSON: Can I give these
out to you guys (indicating)?

CHAIRMAN ROSASCO: Sure.

(WHEREUPON, documentation was
handed to the Planning Board members.)

MR. MORELLO: Do you have these
(indicating)?

CHAIRMAN ROSASCO: We may have
them.

1

9-27-22 - PLANNING BOARD

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MR. MORELLO: Oh, you do.

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CHAIRMAN ROSASCO: We've got them.

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MR. NICHOLSON: That's exactly what

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we're looking at.

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MR. MORELLO: So let's go over the

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middle one. That one there is just a

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removal. Existing is on the left and the

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proposed to the right is identical sign

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size square-footage. It's just their

11

different corporate logo for their

12

branding of their company.

13

CHAIRMAN ROSASCO: Great.

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MR. MORELLO: It's going to be

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raised letters, but it's dimensional also.

16

It's a super high-end look. There's not

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really that much difference there.

18

The top one we're leaving the whole

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structure there, just taking that "M"

20

section, that rounded section, off of

21

there and adding what you see to the right

22

there -- their Tap Room logo -- on both

23

sides.

24

And then, I believe, the bottom one

25

is the rear of the building. We're going

1

9-27-22 - PLANNING BOARD
to remove the Meetball sign and do the Tap
Room signs. It's also a dimensional sign
that will be in the place of the same
exact size square-footage, just a
different branding for the Tap Room.

2

CHAIRMAN ROSASCO: What's the
material on the back board?

3

4

MR. MORELLO: It's an O80 aluminum.
It, actually, has an inch-and-a-half
return to it, and then the letters are CNC
cut letters that will stand off of it
slightly. There's, like, a relief to them
where you have --

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CHAIRMAN ROSASCO: Pin mount?

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MR. MORELLO: Pin mount letters,

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correct. He knows the terminology.

13

CHAIRMAN ROSASCO: So we do have a

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requirement in the Village where somewhere
there's got to be some metallic to this.

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Typically, the way we do this is we
border it out. So if you want to border
that sign and border the circle up top --
I'm not sure what color that is -- the Tap
Room.

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9-27-22 - PLANNING BOARD

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Is that white, is that silver?

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MR. MORELLO: The Tap Room is

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white, and that's their branded colors,

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and that's a gold -- a metallic gold -- so

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that star there is metallic gold.

7

CHAIRMAN ROSASCO: You have options

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as to which way you want to go on it. If

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you want to go a one-inch border around

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the sign, it's the easiest way to

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accommodate it.

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MR. MORELLO: But everything is

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dimensional and it's metallic. The

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materials that we're using are all

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metallic materials. They're all metal.

16

The letters are 3/8 thick aluminum.

17

CHAIRMAN ROSASCO: Are they leafed?

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Because it's almost like a sparkle.

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If you look --

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MR. MORELLO: I mean, if you want

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me -- if these guys are okay with it, I

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could gold leaf that star.

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CHAIRMAN ROSASCO: That's fine.

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MR. NICHOLSON: I think that would

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look amazing.

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9-27-22 - PLANNING BOARD

MR. MORELLO: We could do that.

MR. FELLMAN: That's a good idea.

CHAIRMAN ROSASCO: Done. Done deal. Absolutely. That's fine.

MR. NICHOLSON: That's awesome.

CHAIRMAN ROSASCO: And then you could probably do the same thing up top -- on the sign up top.

MR. NICHOLSON: Yeah.

MR. MORELLO: Yup. And the one on the back. Everything will just -- we'll 23-karat gold leaf that star part of the process.

MR. NICHOLSON: Perfect.

MR. MORELLO: Does that work for you?

MR. NICHOLSON: That works for me, yeah.

MS. PEARSON: Are there any other signs on that building that we want to discuss?

MR. STAUDT: Yeah. There's a -- when passing the building, I noticed there's a banner on the north side --

1

9-27-22 - PLANNING BOARD
facing north -- a large banner. It's lit.
It's, essentially, functioning right now
as a sign for the Meetball Place. I'm
just curious if there is a plan.

2

MR. MORELLO: I don't know anything
about it.

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CHAIRMAN ROSASCO: That wasn't in
the original. I think the Meetball Place,
kind of, got a little aggressive and threw
that up there.

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MR. MORELLO: This is all the
permitted signage here that we knew about.

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MR. NICHOLSON: We'll just remove
that.

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MR. MORELLO: Where is that?

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CHAIRMAN ROSASCO: It's on the
north side. The facade top.

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MS. PEARSON: It's on the side of
the building.

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MR. NICHOLSON: Okay.

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MR. STAUDT: Because you guys are,
like, a story above the building next to
you, so it's, kind of, overlooking the
building.

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9-27-22 - PLANNING BOARD

MR. NICHOLSON: So we can just
remove that.

MR. STAUDT: So if you're coming
south on Main, you can see it.

CHAIRMAN ROSASCO: Want to take a
peek?

MR. NICHOLSON: Yeah.

(WHEREUPON, there was a sidebar
discussion held between Chairman Rosasco
and Mr. Nicholson.)

CHAIRMAN ROSASCO: Other than that,
any other questions on that application,
gang?

MS. PEARSON: No.

MR. STAUDT: No.

CHAIRMAN ROSASCO: Okay, so as
presented, the only thing -- I'm going to
make a motion to approve this application
as presented with the only provision that
the star on both front signs and the rear
sign are going to be that gold leaf.
Other than that, I'm going to ask that it
be approved as presented.

Do I have a second on this motion?

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9-27-22 - PLANNING BOARD

MS. PEARSON: Second.

CHAIRMAN ROSASCO: All in favor?

(WHEREUPON, there was a unanimous, affirmative vote of the Board members present. Motion passed 5-0.)

CHAIRMAN ROSASCO: Good luck, guys.

MR. NICHOLSON: Thank you very much.

* * * *

CHAIRMAN ROSASCO: So now we're going to go to Dalers Pizza.

Anyone here today for Dalers Pizza?

(WHEREUPON, a member of the assemblage raised a hand to be recognized.)

CHAIRMAN ROSASCO: Step on up.

MR. MARMOL: Marco Marmol, Universal Signs and Service.

MS. BRAVIN: Christina Bravin, Marano Expediting, 2938 Hempstead Turnpike, Levittown, New York.

So we're here this evening -- I'm going to represent the portion of the application that pertains to the facade

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9-27-22 - PLANNING BOARD

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upgrade and repair, and Marcos will speak

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to the portion of the signs and the

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awnings.

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CHAIRMAN ROSASCO: Great.

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MS. BRAVIN: Do you have the

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renderings in front of you?

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CHAIRMAN ROSASCO: We do.

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MS. BRAVIN: Okay. So all of the

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existing brick will be maintained and

11

repaired. It will be repainted in the

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exact same color, that's Behr S-H-170.

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It's called "Red Brick." It's a flat,

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exterior paint.

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The stucco, again, will be

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maintained and repaired using the same

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color, Behr MS-84. It's called "French

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Gray." It's also a flat finish.

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There's going to be a 12-inch

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insert border around the north elevation

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and also along the floor, it's about a

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four foot.

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The bottom portion of the north

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elevation along the front will have the

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decorative mosaic tiles, black and white,

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9-27-22 - PLANNING BOARD
as you can see in the rendering.

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There is that 12-inch band up along
the top. That's an insert. It'll be
black painted moulding that borders it as
well as black painted capping. Trim all
along the windows, new door fronts, and a
chair rail, as you can see depicted in the
rendering.

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CHAIRMAN ROSASCO: So that mosaic
runs along the bottom. It borders also,
obviously, a bigger version than the top
band though, correct?

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MS. BRAVIN: Right. About four
feet in height, yes.

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CHAIRMAN ROSASCO: And what's the
border on top of the mosaic?

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MS. BRAVIN: It's, actually, black
moulding. Black painted. Exterior
painted.

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CHAIRMAN ROSASCO: And the
moulding.

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We're talking, like, an AZEK?

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MS. BRAVIN: Yes. Yes. Because
that will prevent any rotting.

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9-27-22 - PLANNING BOARD

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CHAIRMAN ROSASCO: Is the plan to

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do the -- because we've got Color Codes,

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so, like, the burgundy on the Sunbrella.

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There's no problem with that. That's not

6

a problem.

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Is the plan to make the bricks on

8

the sides of the building the same color

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as the awning in front?

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MS. BRAVIN: It's the exact same

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color that's there now, so that's that

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Behr "Red Brick" flat exterior.

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So they'll just be going right over

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that, repairing any repointing that has to

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be done, you know, if there's any weep

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holes, any of that maintenance that has to

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be done from any damage from any existing

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signage or lights that had to be moved,

19

and they'll repaint that in the exact same

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color. I'm sure there's going to be a

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slight hue difference based on wear and

22

tear over the years. The paint fades, but

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that's the color match.

24

CHAIRMAN ROSASCO: Right. Right.

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We don't really have Behr anymore on the

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9-27-22 - PLANNING BOARD
color palette. It's all primarily
Benjamin Moore. The closest thing I could
find was the "Hodley Red," which is a deep
mineral, earthy burgundy. I don't have a
problem with the -- is it going to be "Red
Brick"?

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I mean, is it supposed to match the
awning?

9

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"Red Brick" just doesn't sound to
me like it's burgundy. It sounds more
reddish.

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MS. BRAVIN: It's pretty close to
the Sunbrella.

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CHAIRMAN ROSASCO: Is it?

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MS. BRAVIN: He took a chip, and
that was the closest match.

17

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CHAIRMAN ROSASCO: Is that what it
came back as?

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MS. BRAVIN: Yeah. If you want
them to repaint the entire thing in the
other manufacturer's brand, we can do
that.

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CHAIRMAN ROSASCO: Whatever
Sunbrella -- the burgundy -- if you're

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9-27-22 - PLANNING BOARD
going to get that, match that to that.

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That's what you want to do, right?

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MS. BRAVIN: Yeah.

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CHAIRMAN ROSASCO: Is that what you
guys want to do?

7

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MR. MARMOL: Well, the striped
awning -- the stripes is called "Havelock
Brick," which is this color (indicating).

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CHAIRMAN ROSASCO: I got you.

11

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MR. MARMOL: I mean, that's close
to burgundy, but it's not exactly

13

burgundy.

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MS. PEARSON: Oh, I see. So
that's --

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MR. MARMOL: That's a nice color
combination.

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MS. BRAVIN: It's warm. It's very
warm.

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MR. STAUDT: So the bottom is the
brick and then what you're holding is the
awning?

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MR. MARMOL: Yeah.

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CHAIRMAN ROSASCO: Got it.

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MR. MARMOL: Or we can make the

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9-27-22 - PLANNING BOARD
brick match closer to that fabric.

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MR. RYAN: I think that would flow
better, personally.

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MR. STAUDT: I agree. Especially,
your front awnings are going to match the
brick color, right?

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Is that what you're aiming for
right now?

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MR. MARMOL: Yeah.

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MR. STAUDT: Then it would all flow
together.

12

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MS. BRAVIN: So the solid awnings
are going on the gray stucco, so they're
just going to pop. They're never going to
look identical to the stripe because the
stripe is a little bit more warm. You can
see the difference.

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MR. MARMOL: Yes.

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MS. BRAVIN: So we thought the best
thing would be to go right in the middle
with that "Red Brick" color, which is
already there, but, again, if it pleases
the Board to pick a different shade, then
that's what we'll do.

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9-27-22 - PLANNING BOARD

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CHAIRMAN ROSASCO: As long as you

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match up to what you want to do, I don't

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really have a problem with it. It's an

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improvement over what's already there, so

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I don't really have much in the way of

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preferences.

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Obviously, Sunbrella is going to

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nail you to burgundy, so, that you don't

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really have much of a choice.

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MS. BRAVIN: Right.

12

CHAIRMAN ROSASCO: What you guys do

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with the colors, they're all in that same

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family, and they're very similar. If your

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plan is to -- obviously, the front awnings

16

are going to pop off the gray.

17

Now, did you get the chip and that

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came up with Behr "French Gray" also?

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MS. BRAVIN: "French Gray" was the

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closest color match. I mean, I guess,

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depending on when it was done is what

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determined the brand.

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CHAIRMAN ROSASCO: Okay. I'm just

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trying to get an idea of that depiction of

25

that color gray that's on the wall now

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9-27-22 - PLANNING BOARD
because it looks more of a warm beige in
the depiction anyway, right?

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MR. RYAN: Yeah, in the left-hand
view.

5

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MS. BRAVIN: It's a cool tone.

7

CHAIRMAN ROSASCO: Right.

8

MS. BRAVIN: It's very cool on the
palette, so that will work nice with the
black, but, again, if you want us to
choose something warmer.

9

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MR. RYAN: I think consistency on
the canopy -- on the awnings with the red
or more maroon one behind there works and
flows better in my taste, and that's more
consistent with what you have in the
front, I think.

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Do you feel the same way?

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MS. PEARSON: Could you repeat
that, Tom, please?

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MR. RYAN: What he's got behind
there. That is the one I think goes well
with the beige in the awning, and it, kind
of, coincides with what you have in the
front from the awning standpoint. I think

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9-27-22 - PLANNING BOARD
it flows better.

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MR. BRAVIN: Right. The Sunbrella
fabrics. Those are the two that are
proposed. We were just talking about
different shades in the paint of the
brick.

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MR. RYAN: Right. But I don't
think we've decided on the Sunbrella
fabric for the awning yet have we?

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MS. BRAVIN: There's two sets of
awnings.

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MS. PEARSON: So just to clarify
for my own understanding because there's a
lot of colors going on here, the one
that's striped is what's going to be
proposed for the side; correct?

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MR. MARMOL: For the sides, yes.

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MS. PEARSON: Okay. And the one
that's in front of that is what is being
proposed for the front awning, correct?

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MR. MARMOL: Correct.

23

MS. PEARSON: Okay. So now the
question is, what paint goes well with --

24

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MR. RYAN: Well, I was proposing --

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9-27-22 - PLANNING BOARD
can you do the two tone, the beige with
the same color right there (pointing).

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MR. MARMOL: Like that

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(demonstrating)?

6

MR. RYAN: Can you do that? That,

7

to me, flows much better.

8

MR. MARMOL: Well, those two colors

9

-- see, these are stocked striped fabrics.

10

CHAIRMAN ROSASCO: That's Sunbrella

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stock, right?

12

MR. MARMOL: Yes. We could

13

accomplish doing that, but it would

14

take --

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MR. RYAN: Yeah, special order.

16

MR. MARMOL: (Continuing) --

17

special order. Everything has to be sewn

18

together.

19

MR. RYAN: No, it's not worth it.

20

MR. MARMOL: Yeah.

21

MR. RYAN: My taste is not that

22

important.

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CHAIRMAN ROSASCO: So what I would

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recommend, I'm just looking at facade

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colors for the Village Code. There's six

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9-27-22 - PLANNING BOARD
grays on there. If we could find a gray
that's within the Code, that way there's
consistency, and the next person who comes
before me doesn't say, hey, I want "French
Gray" because it's down the block.

7

And I can get you a copy of this
list of grays, but there are six grays.
There's going to be one in there, I think,
you're going to find.

10

11

MR. MARMOL: Okay.

12

CHAIRMAN ROSASCO: There's only so
many shades of gray that you can do.

13

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And then in regards to the
burgundy, I'll give you some leeway on
that. If you want to match that up to --
whether it's to the striped awning or
whether it's to the solids up front, I
leave that up to you.

19

20

MS. BRAVIN: Okay.

21

CHAIRMAN ROSASCO: The only thing I
see that's remotely close to that color is
HC-65, which is "Hodley Red" on a Benjamin
Moore. Look at that. That is on the
palette. If that doesn't work for you,

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9-27-22 - PLANNING BOARD
we're going to give you some leeway on
that.

MS. BRAVIN: Okay. Thank you.
We'll take that back to Ben and let him
know that this would be the preferable
choice.

CHAIRMAN ROSASCO: Other than that,
I don't have any problems.

Anybody have any problems with the
mosaic tiles?

MS. PEARSON: No.

MR. RYAN: No.

CHAIRMAN ROSASCO: Okay.

MR. STAUDT: I love the Dalers
sign. That's going to really pop.

CHAIRMAN ROSASCO: Don't steal his
thunder.

Anything else, Christine?

MS. BRAVIN: In terms of the
facade, no.

CHAIRMAN ROSASCO: Okay, great. If
you need a copy of that list of the
colors, I can get it to you.

MS. BRAVIN: Okay. Thank you. I

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9-27-22 - PLANNING BOARD
wrote them down, the exact numbers. I
think I'm okay, but I'll reach out if I
need to.

5

CHAIRMAN ROSASCO: Great. Okay.

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The sign?

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MR. MARMOL: So the Dalers sign.

8

We're looking for that retro exposed neon
look.

9

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CHAIRMAN ROSASCO: Mm-hmm.

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MR. MARMOL: It's not going to be

12

made out of neon, it will be faux neon,

13

which is LED, but it will look like a

14

retro sign, and I think it will be a

15

beautiful sign for that corner. So

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everything is going to be low-voltage LED,

17

and I think it will be a very classy look

18

for that corner.

19

CHAIRMAN ROSASCO: So similar to

20

the prior application, we do have that

21

metallic leaf issue that lurks around our

22

Sign Code.

23

Any ideas as to how we can meet

24

that requirement so the next person that

25

comes before me says they don't have

1

9-27-22 - PLANNING BOARD
silver leaf or gold leaf?

2

3

MS. BRAVIN: Probably gold. Only
because the kick plate and the door handle
is, like, a polished brass sort of tone.

4

5

6

MR. MARMOL: Yeah.

7

MS. BRAVIN: So I would think
they'd want to go with that versus a
silver and maybe just wrap that around.

8

9

10

CHAIRMAN ROSASCO: That sign is
trimmed out with what?

11

12

The black trim on the side.

13

MR. MARMOL: The black trim is all
moulding.

14

15

CHAIRMAN ROSASCO: That's just
moulding?

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MR. MARMOL: Yeah.

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CHAIRMAN ROSASCO: Like Kömacel?

19

MR. MARMOL: Yes. A raised
moulding detail, yeah.

20

21

MS. BRAVIN: So maybe we could get
just a small border in there?

22

23

MR. MARMOL: Yeah. I think we can
maybe do the sides -- maybe the sides of
the sign in some type of metallic or maybe

24

25

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9-27-22 - PLANNING BOARD

2

that colored trim that runs all along the

3

side.

4

CHAIRMAN ROSASCO: You could put a

5

one-inch border on the inside of it.

6

That's absolutely no problem.

7

MR. MARMOL: We can make something

8

out of gold.

9

CHAIRMAN ROSASCO: Absolutely. No

10

problem.

11

MS. BRAVIN: 24 karat.

12

CHAIRMAN ROSASCO: 24-karat magic.

13

With regards to lighting. All goosenecks

14

and is that a natural color? Is that a

15

brown?

16

MS. BRAVIN: So the goosenecks are

17

over the awnings, and the Dalers sign is

18

LED interior.

19

MR. MARMOL: Yeah.

20

CHAIRMAN ROSASCO: And the pizza

21

parlor sign down bottom, what is that?

22

MR. MARMOL: That will be a

23

push-through acrylic with side

24

illumination.

25

CHAIRMAN ROSASCO: Okay. That's

1

9-27-22 - PLANNING BOARD

2

okay. The only other thing that I keep

3

seeing is, I thought -- well, I don't know

4

if you know the answer, so, currently,

5

there's window blocks in the windows,

6

correct?

7

Up top. They're, like, two foot by

8

eight foot windows running across there.

9

They've got to take out all those windows

10

and just replace them.

11

Do you know what they're doing

12

construction-wise?

13

MR. MARMOL: Are you talking about

14

here (indicating)?

15

CHAIRMAN ROSASCO: Yes.

16

MS. PEARSON: Yes.

17

MR. MARMOL: I think that's being

18

replaced with new windows.

19

MS. BRAVIN: Yeah, so that's --

20

CHAIRMAN ROSASCO: I see they have

21

the window planters and the shutters, so I

22

figured there's going to be big windows.

23

MR. MARMOL: Yeah, that's being

24

taken out.

25

CHAIRMAN ROSASCO: Technically, not

1

9-27-22 - PLANNING BOARD
part of your application tonight.

2

3

MS. BRAVIN: Right. So they're

4

all --

5

MR. MARMOL: See this here

6

(indicating).

7

MS. BRAVIN: Oh, those blocks.

8

Yes. Yes. Those are all new windows.

9

CHAIRMAN ROSASCO: They're all

10

going to be new?

11

MS. BRAVIN: Yes. Yes. And all

12

the brick will be repaired and then

13

covered by the awnings where those other

14

windows were, so even if there's a little

15

bit of a difference, again, in the brick,

16

you won't see it. It will be covered by

17

the awnings.

18

CHAIRMAN ROSASCO: The windows in

19

the front. Are those the new windows that

20

are in currently?

21

I think they are.

22

MR. MARMOL: Do you see that

23

(indicating)?

24

MS. BRAVIN: So there's one

25

existing, and then there's going to be a

1

9-27-22 - PLANNING BOARD
new one that has the service window in
there.

3

4

CHAIRMAN ROSASCO: I was wondering
if they're still planning on doing a
serving window.

5

6

7

MS. BRAVIN: They're still planning
on that.

8

9

CHAIRMAN ROSASCO: Okay.

10

11

MS. BRAVIN: He's currently in
Italy, he's due back shortly, so I can
reach out and validate that that's still
going to be that way.

12

13

14

CHAIRMAN ROSASCO: Okay. Very
good. Any additional questions, gang?

15

16

MR. STAUDT: Just one quick note.
With the goosenecks, if you could just --
and I'm not sure if it's the two of you or
someone else along the line -- but if we
could just make sure that the lighting in
the goosenecks is soft warm -- 3,000
kelvin to 2,700 kelvin -- just to keep it
a warm look on Main Street.

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MR. MARMOL: Okay.

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CHAIRMAN ROSASCO: And the only

1

9-27-22 - PLANNING BOARD

2

other thing, while we're on the Code, that

3

push-through panel with the pizza parlor

4

down at the bottom. We did also approve

5

the "Heritage Red" Benjamin Moore. I know

6

the color that you guys have on there is a

7

red ORACAL. Is that a Behr color?

8

MR. MARMOL: That's a vinyl color.

9

CHAIRMAN ROSASCO: That's a vinyl

10

color.

11

MR. MARMOL: Yeah.

12

CHAIRMAN ROSASCO: Do you have

13

options in the vinyl colors?

14

MR. MARMOL: Pretty sure we can

15

find something that matches it.

16

CHAIRMAN ROSASCO: So "Heritage

17

Red." The number is HC-181.

18

MR. MARMOL: I'll find whatever

19

matches that.

20

CHAIRMAN ROSASCO: Anyone want to

21

take a stab at putting a motion forward

22

for this new business?

23

MR. STAUDT: It's a pretty big one.

24

CHAIRMAN ROSASCO: All right. I'll

25

do it.

1

9-27-22 - PLANNING BOARD

2

Let me make a motion in regards to

3

the application for 331 Main Street. It

4

is approved as presented with the

5

following provisions:

6

In regards to the coloring on the

7

front facade, we are requesting that the

8

proprietor attempt to use the colors that

9

are indicated in our current color palette

10

for facades, and I would note that there

11

are currently six grays under that color

12

palette.

13

Additionally, on the side walls of

14

the establishment, they should try to use

15

"Hodley Red," which is HC-65.

16

In regards to the pizza parlor

17

sign, that would be "Heritage Red," which

18

goes by number HC-181.

19

Other than that, I do not see any

20

other items that need to be corrected. We

21

are giving them some leeway in regards to

22

that "Hodley Red" if they would like to

23

match that to the awnings, but it,

24

certainly, is our request that they adhere

25

to the Color Code as presented.

1

9-27-22 - PLANNING BOARD

2

MS. PEARSON: The gold in the sign?

3

CHAIRMAN ROSASCO: The gold in the

4

sign. We're going to do a trim around the

5

Dalers sign. It looks as though you're

6

going to put that pizza parlor sign on a

7

black Kömacel, is that what that is?

8

It doesn't look like that's big

9

enough to have any trim, right?

10

MR. MARMOL: You're talking about

11

the bottom part?

12

CHAIRMAN ROSASCO: Yeah. You're

13

going to mount that black pizza parlor

14

sign to the bottom of that? Is it going

15

to be attached to that?

16

MR. MARMOL: This would be probably

17

all one. Yeah, that could be all one

18

piece.

19

CHAIRMAN ROSASCO: All right. So

20

make it all one piece, and you're adhered

21

to the color metallic leaf based upon the

22

top portion. You don't have to do

23

anything around the bottom, okay?

24

MR. MARMOL: Okay.

25

CHAIRMAN ROSASCO: That being said,

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9-27-22 - PLANNING BOARD
do we have a second on the motion
presented?

MR. STAUDT: I'll second that.

CHAIRMAN ROSASCO: All in favor?

(WHEREUPON, there was a unanimous,
affirmative vote of the Board members
present. Motion passed 5-0)

CHAIRMAN ROSASCO: Good luck.

MR. MARMOL: Thank you.

MS. BRAVIN: Thank you very much.

* * * *

CHAIRMAN ROSASCO: All right. The
next one we are going to do is going to be
253 Main Street.

Step on up, state your name for the
record.

MR. METHVEN: Bob Methven,
M-E-T-H-V-E-N.

CHAIRMAN ROSASCO: Hello, Bob. How
are you?

MR. METHVEN: I've got a very
complicated --

CHAIRMAN ROSASCO: You guys open
yet?

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9-27-22 - PLANNING BOARD

MR. METHVEN: Oh, it's not me. I'm
the sign guy. I'm Sign Max.

CHAIRMAN ROSASCO: Oh.

Anybody in there having any cold
ones?

MR. METHVEN: Not yet. I know
there was some kind of delay, but I don't
know what it was.

CHAIRMAN ROSASCO: Okay. So tell
me what we're looking to do here.

MR. METHVEN: This is a very
complicated one. Black and white. White
one-inch Kömacel. We're going to router
out the white letters, put our silver leaf
border around it, and that's, basically,
it.

The goosenecks are up already
and --

CHAIRMAN ROSASCO: All applications
should be so easy, Bob.

Any questions from anybody?

MR. STAUDT: I have one question.

MR. METHVEN: Sure.

MR. STAUDT: I saw the goosenecks

1

9-27-22 - PLANNING BOARD
up today.

2

3

MR. METHVEN: Okay.

4

MR. STAUDT: Is this sign going to
match the size of the banner?

5

6

MR. METHVEN: Yeah, it's going to
be a little shorter.

7

8

MR. STAUDT: Okay. Maybe that will
take -- because I just noticed the
goosenecks are mounted so close and so
low.

9

10

11

12

MR. METHVEN: He, actually, he -- I
don't know, he got an electrician, and he
put them right over the banner, I think,
so --

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14

15

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MR. STAUDT: Yeah. I was a little
concerned that it would block some of the
visibility of the sign itself.

17

18

19

MR. METHVEN: No. I'm going to
make it a little shorter to fit in there.

20

21

MS. PEARSON: Oh, yeah.

22

CHAIRMAN ROSASCO: Yeah, so, the
center gooseneck isn't even over the door.

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I'm assuming you're going to center
the sign to the door, correct?

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9-27-22 - PLANNING BOARD

MR. METHVEN: I'm going to center it on the building. I don't even know how he set up the goosenecks, so --

CHAIRMAN ROSASCO: I can show you. Come here and take a look.

(WHEREUPON, there was a sidebar discussion held between Chairman Rosasco and Mr. Methven.)

CHAIRMAN ROSASCO: So we'll authorize the sign as it is presented at 32 inches by 14 feet. They'll just center it to the door, and then do the goosenecks similarly to that, okay?

MR. METHVEN: Okay. No problem.

CHAIRMAN ROSASCO: That's an easy one. Someone can take a crack on that motion.

MR. STAUDT: I'll take a crack at it.

CHAIRMAN ROSASCO: Go ahead.

MR. STAUDT: So I will make a motion to approve the sign as presented, with the silver leaf border adhering to the color palette of the Village, with the

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9-27-22 - PLANNING BOARD
white lettering and the black sign.

CHAIRMAN ROSASCO: Fantastic. All
in favor?

(WHEREUPON, there was a unanimous,
affirmative vote of the Board members
present. Motion passed 5-0.)

CHAIRMAN ROSASCO: You're good.

MR. METHVEN: Excellent.

CHAIRMAN ROSASCO: Good luck.

MR. METHVEN: Appreciate it.

* * * *

CHAIRMAN ROSASCO: We've left the
more concerning application towards the
end of the evening.

So the next one we're going to go
to -- let me ask everyone, by a raise of
hands, who's here in regards to the
Toretta Lane application.

(WHEREUPON, members of the
assemblage raised their hands to be
recognized.)

CHAIRMAN ROSASCO: And who's here
regarding Haunted House of Hamburgers?

(WHEREUPON, members of the

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9-27-22 - PLANNING BOARD
assemblage raised their hands to be
recognized.)

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CHAIRMAN ROSASCO: All right. So
let's do the Haunted House of Hamburgers.
That is on for a site plan review, and
let's see what you guys have come up with.
How are you?

MR. HOLLER: Good, thanks.

CHAIRMAN ROSASCO: Welcome.

MR. HOLLER: Thank you. Thank you.

Oliver Holler, H-O-L-L-E-R, and Terry
Holler.

(WHEREUPON, documentation was
handed to the Board members.)

CHAIRMAN ROSASCO: Thank you.

MR. HOLLER: The first picture on
the top is just the abandoned property as
it was and as it has been for 10, 15 years
or however long.

The next picture is the proposed
fence. It's about 50 feet across the
front, and it's wood, and it's pressure
treated.

MALE SPEAKER: Here's a piece.

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9-27-22 - PLANNING BOARD
Flip it around.

MS. HOLLER: And here's the color
(indicating).

CHAIRMAN ROSASCO: Is that the
starting color, or is that where we
anticipate it to end up?

MS. HOLLER: That's the aged color.

CHAIRMAN ROSASCO: That's the aged
color.

MS. HOLLER: It's already been aged
and painted.

CHAIRMAN ROSASCO: So we're going
to get this obnoxious, fresh wood look for
a little bit until it ages, right?

MS. HOLLER: Well, no, because it's
already been aged. Our artists have
worked on it.

MR. HOLLER: This is original
(indicating).

CHAIRMAN ROSASCO: That's normal.

MR. HOLLER: And this is aged
(indicating).

MR. STAUDT: Distressed.

MR. HOLLER: It's better than the

1

9-27-22 - PLANNING BOARD
chain-link fence that's been there.

2

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CHAIRMAN ROSASCO: This is true.

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MR. HOLLER: We're ready to answer
all your questions. If we don't have the
answer, we're going to make something up
really good.

5

6

7

8

MS. HOLLER: On the spot.

9

10

CHAIRMAN ROSASCO: All right. So
this is the first depiction that I've seen
of the fencing, so let's talk about the
fencing.

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MR. HOLLER: Sure.

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CHAIRMAN ROSASCO: I don't have a
problem with it.

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Steve, what is the current rule in
regards to setback on a fence to a public
sidewalk?

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MR. FELLMAN: Well, it has to be on
your property line.

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CHAIRMAN ROSASCO: Right.

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MR. FELLMAN: So it can't be in the
right-of-way. Typically, throughout the
Village, it's approximately eight feet
from the curb to the property line. It

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9-27-22 - PLANNING BOARD
can vary, but you've got to have the
surveyor, actually, stake out the property
line to make sure you're not in the
right-of-way.

2

CHAIRMAN ROSASCO: And those flags
of concrete are all four by four flags,
right?

3

4

MR. FELLMAN: Should be.

5

CHAIRMAN ROSASCO: And, typically,
a utility strip is what?

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7

Is it two feet or three feet?

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MR. FELLMAN: Again, if the flag is
four, you've got a six-inch curb, so the
rest is three and a half.

9

10

CHAIRMAN ROSASCO: You think it's
three and a half to the utility strip?

11

12

MR. FELLMAN: Yeah.

13

CHAIRMAN ROSASCO: Okay. All
right. So in regards to the fence, my
suggestion -- and I don't know what my
fellow members feel -- just recess it six
inches off the sidewalk.

14

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MS. HOLLER: Not a problem.

16

MR. HOLLER: Easy.

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9-27-22 - PLANNING BOARD

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CHAIRMAN ROSASCO: The only other

3

concern that I have is that gateway onto

4

State Highway 109. It's just scaring the

5

bejesus out of me.

6

MS. HOLLER: Well, if you --

7

CHAIRMAN ROSASCO: Because everyone

8

should be coming from the parking lot,

9

right?

10

MR. HOLLER: Well, yes and no.

11

MS. HOLLER: We get a lot of foot

12

traffic.

13

MR. HOLLER: A lot of foot traffic.

14

People using the sidewalk. And there is a

15

sidewalk going directly to the front door.

16

CHAIRMAN ROSASCO: Right.

17

MR. HOLLER: So if this is the

18

sidewalk (indicating), there's a paved

19

sidewalk going right to the front door

20

(indicating). The gate we propose can

21

only open inward anyway.

22

CHAIRMAN ROSASCO: Yeah, I saw

23

that.

24

MR. HOLLER: And during business

25

hours, we can just open it, and latch it

1

9-27-22 - PLANNING BOARD
in the open position. It's simply there
to allow easier access to the front door
and to --

5

MS. HOLLER: To utilize the
architecture of the building that exists
because that walkway is there.

8

MR. HOLLER: And then the gate just
simply to deter after hours, you know,
people coming on the property, goofing
around and stuff.

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CHAIRMAN ROSASCO: I get it.

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MR. HOLLER: I do apologize. One
of the illustrations -- the elevation --
is a little bit off scale.

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The average tombstone is around
three feet. The fence is three and a half
feet, so you probably won't see much of
the tombstones rising above the fence.
The occasional cross --

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CHAIRMAN ROSASCO: Right. That
would tend to be a little bit higher. I
saw that. Anybody have any additional
questions in regard to the fencing?

25

(WHEREUPON, no response was heard.)

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9-27-22 - PLANNING BOARD

2

CHAIRMAN ROSASCO: No? All right.

3

Next depiction we go to the actual

4

overhead.

5

How many tombstones are there?

6

MR. HOLLER: There are 10

7

tombstones. Most of them have some clever

8

little sayings, like, "life is uncertain,

9

eat dessert first." It's all very

10

lighthearted, nothing morose.

11

MS. HOLLER: There's a sitting

12

bench.

13

MR. HOLLER: There's a sitting

14

bench for people waiting for their table

15

to be called.

16

CHAIRMAN ROSASCO: Is that where

17

Frankenstein and his bride are currently

18

seated?

19

MS. HOLLER: They're on the benches

20

by the building. So if you're looking at

21

the building, we've got the building

22

window, then that little step down.

23

That's the bench -- two benches with the

24

bride and Frank -- and then a sidewalk and

25

then bushes and then the graveyard. So

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9-27-22 - PLANNING BOARD
within that beginning of the graveyard is
where we're planning on putting the
sitting bench.

5

MR. HOLLER: The two benches over
there are the Friendly's benches that have
been there.

8

CHAIRMAN ROSASCO: Okay. And that
center tree. You mention what type of
tree that was?

10

11

MR. HOLLER: It's indigenous to
South Carolina.

12

13

CHAIRMAN ROSASCO: What climate
zone? Is that tree going to survive
around here?

15

16

MR. HOLLER: It's not invasive. We
created --

17

18

MS. HOLLER: It takes the freeze
really well.

19

20

MR. HOLLER: Yeah, it takes freeze
really well.

21

22

MS. HOLLER: It's a false tree. It
is a wonderfully made false tree.

23

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MR. RYAN: I looked at it and
touched it today.

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9-27-22 - PLANNING BOARD

MR. HOLLER: Thanks for coming by.

CHAIRMAN ROSASCO: Okay. So that will always look perfect.

The fountain is new. Tell us about the fountain.

MR. HOLLER: We, actually, were not able to find a fountain that was suitable, so that area will be just a switchback in the pathway.

CHAIRMAN ROSASCO: Okay.

MR. HOLLER: We estimated, as best we could, the placement and attitude of the tombstones. We want, obviously, the funny sayings to face people as they walk through and meander through the little garden area, so that's my best estimation as to their attitude.

CHAIRMAN ROSASCO: Okay. And that gravel path will be some sort of bluestone pebble or something?

Something gray?

MS. HOLLER: We spoke to Luis --

MR. HOLLER: Luis, our landscaper --

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9-27-22 - PLANNING BOARD

MR. DESNER: It's regular gravel
with some glowing gravel on top of it.

THE COURT REPORTER: I'm sorry. If
you're going to speak, I need your name
for the record.

MR. DESNER: Jordan Desner,
D-E-S-N-E-R.

THE COURT REPORTER: Thank you.

CHAIRMAN ROSASCO: Hi, Jordan. How
are you?

MR. DESNER: Hi, how are you?

CHAIRMAN ROSASCO: Tell us about
this glowing gravel.

MR. DESNER: I should have brought
it.

CHAIRMAN ROSASCO: Is that to light
the path or is that --

MR. DESNER: It just gives a little
glow to the gravel. That's going to be
where the bushes are behind the graveyard
and where the benches are where Frankie
and the bride are.

MS. HOLLER: Atmosphere.

CHAIRMAN ROSASCO: Right.

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9-27-22 - PLANNING BOARD

MS. PEARSON: When you say glowing gravel, do you mean, like, an iridescent type of stone, or is it something, like, that's powered and lit up?

MR. DESNER: Hold on.

MS. PEARSON: Well, does it glow all the time?

MR. HOLLER: I'm imagining that it absorbs the sun's rays, you know, and that energizes the phosphorescent property of it, and then, you know, it only lasts a short while, I guess, into the evening.

MR. STAUDT: But we are lighting the area too, correct?

MR. HOLLER: Yes.

MR. DESNER: May I approach?

CHAIRMAN ROSASCO: Sure.

MR. DESNER: It's something like this (indicating).

CHAIRMAN ROSASCO: Right.

MR. DESNER: It just goes on top of the gravel and gives it an extra glow at night.

CHAIRMAN ROSASCO: So is that going

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9-27-22 - PLANNING BOARD
to be a mix, or is it going to be -- is it
a blend?

Do you have a plan on having a full
covered glowing gravel path?

MR. DESNER: No. It's a blend.
It's a sprinkle on top of it just to give
it a little extra excitement.

CHAIRMAN ROSASCO: Okay. That's
not a problem.

Lighting. What are we doing?

MR. HOLLER: Lighting. We've got
10 architectural lighting units.

MS. HOLLER: I won't shine it on
you, but I'll give you an idea
(demonstrating).

CHAIRMAN ROSASCO: How are you
planning on lighting the building?

Have you gotten to that yet?

MR. HOLLER: Well, this would be
included in that. It's a landscaping
light used for architectural illumination.

CHAIRMAN ROSASCO: Low voltage
also?

MR. HOLLER: It is. It's LED.

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9-27-22 - PLANNING BOARD

CHAIRMAN ROSASCO: Okay.

MR. HOLLER: And that's where the GFIC outlets come into play. But it's a Home Depot product, it's for landscaping and accent lighting around the building.

CHAIRMAN ROSASCO: Do we have an idea as to what -- you said there's 10 of those in total?

MR. HOLLER: Yes.

CHAIRMAN ROSASCO: How many are in the cemetery area, and then -- are you going to wash the walls?

MR. HOLLER: We're just trying to color the building. Basically, paint the building with light as the sun goes down.

MS. HOLLER: I believe three in the front and three on each side. That fourth one comes into play if we need to --

MR. HOLLER: The tenth one.

MS. HOLLER: The tenth one, sorry, the last one, we'll probably --

MR. STAUDT: What color are you washing the building in?

MS. HOLLER: That blue

1

9-27-22 - PLANNING BOARD
(indicating).

2

3

MR. RYAN: So the blue will be on
the black then?

4

5

MS. HOLLER: Yes. So you just get
that eerie glow.

6

7

MR. STAUDT: That will, kind of, go
together with the theme of the walls of
the building.

8

9

10

MR. HOLLER: Exactly.

11

MS. HOLLER: Correct.

12

MR. HOLLER: It's a spooky -- you
know, you put a blue light on anything,
it, kind of, gives a nice spooky look.

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MR. STAUDT: Right. It goes with
the theme.

16

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CHAIRMAN ROSASCO: So 10 of these
(indicating)? So you're saying there will
be three on each side?

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MR. HOLLER: Yes.

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CHAIRMAN ROSASCO: How big is that
building?

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MR. DESNER: Square-foot wise?

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CHAIRMAN ROSASCO: Yeah, the size.

25

MR. DESNER: About 2,500 square

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9-27-22 - PLANNING BOARD
feet, but the lot I'm not sure.

2

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CHAIRMAN ROSASCO: So on the
Heisser Lane side, there's going to be
three of these lights?

4

5

6

I just don't want some big blue
buildings blowing up 109 up there. That's
my concern.

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8

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MR. HOLLER: Right. So the nice
thing about it is we will have sconces on
the building with, kind of, an orange
glow, which is a complementary color to
this (indicating), so it will be a nice
contrast and a complement.

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CHAIRMAN ROSASCO: So you're going
to have orange LED sconces?

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MR. HOLLER: Yes.

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CHAIRMAN ROSASCO: And where are
those because I haven't seen any of those.

20

21

MR. HOLLER: Probably the flicker
flame.

22

23

MS. HOLLER: Do you have the photo
I sent you?

24

25

MS. PEARSON: So the lighting.
Will this be the only lighting or after

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9-27-22 - PLANNING BOARD
hours, when the establishment is closed,
is there other lighting too?

3

4

You know, just for security,
safety, et cetera. I'm just thinking,
like, is this the lighting that stays on
24-hours?

5

6

7

8

The building has closed, is this
the lighting that's on?

9

10

For security reasons I'm thinking.

11

MR. HOLLER: Parking lot lights.

12

There are some really tall existing
parking lot lights.

13

14

MS. PEARSON: Okay.

15

MR. HOLLER: They probably turn off
in the daytime though.

16

17

MS. HOLLER: We did hit a snag with
the original lights that Jordan had chosen
for the outdoor lighting.

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19

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MR. HOLLER: The sconces.

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MS. HOLLER: The sconces were not
an outdoor light, so we're most likely
going to go with, if this is approved, a
straight lantern, and that's what would
have the orange light in it, and that

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23

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9-27-22 - PLANNING BOARD
would give it that eeriness, fun,
playfulness, but still be lit enough that
you can manage the building.

5

MR. STAUDT: One of them are up
already. I think I saw one today.

6

7

MS. HOLLER: We didn't --

8

MR. STAUDT: There's an existing
light pole.

9

10

MR. HOLLER: Oh, oh. He's talking
about the gate.

11

12

MS. HOLLER: Ah. Ah. The gate is
very similar to this. This is a little
more square (indicating). That one is
round.

13

14

15

16

CHAIRMAN ROSASCO: Any idea as to
how -- Jordan, are you planning on running
these lights 24/7 from dusk until dawn?

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18

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MR. DESNER: Which ones? The blue
ones that light the building?

20

21

CHAIRMAN ROSASCO: Yeah.

22

23

MR. DESNER: Yeah, I don't think
so.

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25

MS. HOLLER: Just hours of
operation.

1

9-27-22 - PLANNING BOARD

2

MR. DESNER: I don't think you'd

3

really see the blue too much except for at

4

nighttime.

5

MR. STAUDT: Just from sundown

6

until you close?

7

MR. DESNER: Yeah.

8

MS. HOLLER: So they'll be on a

9

timer.

10

MR. DESNER: It's really for the

11

evening.

12

CHAIRMAN ROSASCO: What are the

13

hours there? You're open until 12; right?

14

MR. DESNER: No. Monday through

15

Thursday is 11:00 to 10:00; Friday is

16

11:00 to 11:00; Saturday is 8:00 to 11:00;

17

and Sunday is 8:00 to 10:00.

18

MR. HOLLER: So depending upon the

19

time of year, it might only be on for a

20

couple of hours.

21

MR. DESNER: Just a few hours.

22

CHAIRMAN ROSASCO: And do you know

23

how many lanterns you were planning to do

24

and the placement on those?

25

MR. DESNER: I believe there's two

1

9-27-22 - PLANNING BOARD

2

in the front, three on the parking lot

3

side, two on the gas station side, and

4

then, I think, possibly, one light you

5

have to have in the back.

6

MS. HOLLER: We're using the

7

existing placement. Those haven't

8

changed.

9

MR. DESNER: Yeah. There were

10

lanterns there before.

11

MR. RYAN: Right.

12

MR. DESNER: We're just going to

13

stick them where they were originally.

14

MS. HOLLER: Yeah. The Friendly's

15

placement. We're just repeating that.

16

MR. DESNER: Same exact thing.

17

MR. STAUDT: The existing ones.

18

CHAIRMAN ROSASCO: Yeah, they did.

19

The gable that's in the front. Are you

20

guys going to paint that? What are you

21

doing with the gutters and the frieze

22

board that's under the gutters? Is that

23

all getting painted out?

24

MR. DESNER: Painted. Yes.

25

Painted. It gets distressed.

1

9-27-22 - PLANNING BOARD

2

CHAIRMAN ROSASCO: Okay. I heard

3

-- did you say they were over there

4

painting the gutters?

5

MR. RYAN: No. I saw that the

6

leaders were there when I was there this

7

afternoon.

8

CHAIRMAN ROSASCO: So, essentially,

9

there will be no beige anymore, right?

10

MR. DESNER: No.

11

MR. RYAN: No. It's going away.

12

CHAIRMAN ROSASCO: Okay.

13

MS. SCHOTT: Just on the lighting,

14

is there any danger of that being a

15

distraction to the drivers?

16

MS. HOLLER: I can't imagine.

17

MR. HOLLER: No. It's all pointing

18

towards that building and very close to

19

the building.

20

MR. DESNER: It's too close to the

21

building.

22

MS. SCHOTT: Okay. Thank you.

23

CHAIRMAN ROSASCO: You're just

24

looking to wash the building?

25

MR. DESNER: Yeah. Wash the

1

9-27-22 - PLANNING BOARD
building. Exactly. We don't want to have
them close to the fence in any way.

4

CHAIRMAN ROSASCO: And what's going
to light the cemetery area?

6

MR. HOLLER: We have some little
solar LED lights. Just little area lights
that, basically, will be mounted to the
tombstone bases.

10

MS. HOLLER: It's just a light
(demonstrating). It's simple and probably
wouldn't blink like that.

13

MR. HOLLER: You can choose the
color.

15

MS. HOLLER: I guess it needed more
sun. It was rather cloudy today.

17

MR. STAUDT: Is that lighting -- is
that uplighting the tombstones, or is that
lighting the path?

20

MR. HOLLER: It will light the
tombstones.

22

MS. HOLLER: This is the general
idea (demonstrating). It's not staying on
for me, I'm sorry.

25

CHAIRMAN ROSASCO: One other

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9-27-22 - PLANNING BOARD
question we had and, Steve, maybe you can
help us.

4

Do they have a Code requirement
because now the windows are boarded up.

6

MR. FELLMAN: The windows are --
they're not egress windows like in a
house.

9

CHAIRMAN ROSASCO: Right. So the
egress is gone.

10

11

MR. FELLMAN: The exits are the
exit doors.

12

13

CHAIRMAN ROSASCO: Right.

14

MR. FELLMAN: There's no mandate
that you have windows. In residential,
you have to have fresh air, light. In
commercial, you can replace that
mechanically.

15

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19

CHAIRMAN ROSASCO: Okay. As long
as they're in Code with the doors and
ingress and egress.

20

21

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MR. FELLMAN: Yeah. If you do that
on a house, I have to stop you. You need
egress from the bedrooms.

23

24

25

MR. HOLLER: Unless it's really

1

9-27-22 - PLANNING BOARD
haunted.

2

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MR. FELLMAN: If the place is
actually haunted, then the ghosts can get
through.

4

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6

MR. DESNER: We, actually, have an
emergency door in the middle of the
restaurant.

7

8

9

MR. HOLLER: Panic bar and all
that.

10

11

CHAIRMAN ROSASCO: I would assume
you have ample lighting in there because
no light is coming in from outside.

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MS. HOLLER: It's looking great.

15

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CHAIRMAN ROSASCO: I have no doubt
it's going to be great.

17

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MR. HOLLER: Lots and lots and lots
of lights.

19

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CHAIRMAN ROSASCO: You're not
getting much in the way of natural light
with the boarded up windows.

21

22

MS. HOLLER: It's well controlled
and well lit.

23

24

CHAIRMAN ROSASCO: Anybody have any
additional questions?

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9-27-22 - PLANNING BOARD

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(WHEREUPON, no response was heard.)

3

MR. STAUDT: I don't think so.

4

CHAIRMAN ROSASCO: No?

5

MR. RYAN: It's going to be an

6

interesting venue.

7

MR. FELLMAN: This will be

8

different.

9

MS. HOLLER: I can't wait to have a

10

hamburger there.

11

CHAIRMAN ROSASCO: Yes, please. In

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regards to 332 Fulton Street, we're going

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to approve the application presented today

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with the addition of the glowing gravel to

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be a mix and a blend and not a full

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continuous item. We don't want the golden

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brick road of the Wizard of Oz on 109.

18

Additionally, there was a

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discussion of lanterns, which I'm assuming

20

are going to be LED sconces. We discussed

21

two in the front, three on the north side

22

-- which is the parking lot side -- two on

23

the south side, and one in the rear where

24

the garbage is.

25

The fountain has been removed from

1

9-27-22 - PLANNING BOARD
the application this evening.

2

3

The lighting. In regards to the
LED wash, we spoke about 10 uplights on
that. We're going to authorize the 10
uplights with the provision that they are
able to run from dusk until midnight --
since 11:00 you shut down and people
wrapping up and getting out of there --
we'll give you until 12:00 on that.

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In addition, we'll authorize the
solar lighting, uplighting, on the
tombstones. We did talk about, I believe,
there are 10 tombstones, and you want one
for each tombstone?

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MR. HOLLER: Correct.

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CHAIRMAN ROSASCO: Okay. Other
than that, the tree looks good, the bushes
look good, and you guys are on your way.

20

Do I get a second on that motion?

21

MR. STAUDT: I'll second that.

22

SUPERVISOR SALADINO: All in favor?

23

(WHEREUPON, there was a unanimous,
affirmative vote of the Board members
present. Motion passed 5-0.)

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9-27-22 - PLANNING BOARD

CHAIRMAN ROSASCO: Good luck.

MR. HOLLER: Thank you so much.

MS. HOLLER: Thank you.

MR. STAUDT: Congrats, guys. I
look forward to stopping in.

CHAIRMAN ROSASCO: Good luck,
Jordan.

MR. DESNER: Thank you so much.
Looking forward to having everyone there.

MR. STAUDT: Are you still on
target?

MR. DESNER: We're pushing as hard
as we can.

MR. STAUDT: Halloween is fast
approaching.

MR. DESNER: We're pushing as fast
as we can. Thanks, guys.

CHAIRMAN ROSASCO: Good luck, guys.
Take care.

* * * *

CHAIRMAN ROSASCO: All right. The
last item on the agenda for the evening is
8 Toretta Lane. That is a public hearing.
I'm going to make a motion to open

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9-27-22 - PLANNING BOARD
the public hearing on 8 Toretta Lane.

Can I get a second?

MS. PEARSON: I'll second.

CHAIRMAN ROSASCO: All in favor?

(WHEREUPON, there was a unanimous,
affirmative vote of the Board members
present. Motion passed 5-0.)

CHAIRMAN ROSASCO: The record is
open in regards to 8 Toretta Lane.

If you could please just state your
name and address for the record.

MR. O'CONNELL: Absolutely. My
name is Todd O'Connell, architect, doing
business at 1200 Veterans Highway,
Hauppauge, New York.

CHAIRMAN ROSASCO: Welcome, Todd.

MR. O'CONNELL: Thank you,
Chairman, and members of the Board.

CHAIRMAN ROSASCO: Tell us what's
going on.

MR. O'CONNELL: Well, obviously,
you're all familiar with this site.
There's multiple homes that have gone up
already, but, now, we're working on the

1

9-27-22 - PLANNING BOARD
other side of the street.

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These homes have to be dramatically different from the other homes because of some restrictions put forth in terms of the height of the home to be measured from the neighbors' property at the rear.

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And because of the slope of this property (indicating), it creates a bit of complexity where the front of the house, in essence, looks like a one-and-a-half-story Cape because that's a very low profile, but, obviously, in the back, because of the drop-off of the grade, it gives you that extra height, but, yet, we're still able to get a two-story home and maintain the square-footage that our clients would like to have. So that's why we were trying to go with the Cape style home.

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It's a very traditional looking house. We took the Cape, we've added some features. We have the doghouse dormers on it (indicating), reverse gable over the garage (indicating), we have a small front

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9-27-22 - PLANNING BOARD
porch on the home itself (indicating), and
we will landscape it a lot.

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Because of the amount of front
yard, we're, actually, doing all sod on
probably three-quarters of the property.
In terms of along the front (indicating),
we're going to sod that part of it. The
only seeded area is in the very back of
the home (indicating), and we're going to
be doing some landscaping around the
house. It's going to consist of some
crepe myrtle, some hydrangeas, and some
Japanese holly.

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MR. STAUDT: Can I stop you for a
second?

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17

MR. O'CONNELL: Absolutely.

18

MR. STAUDT: Can you just pivot to
this side of the table, so the audience
can see where you're pointing to.

19

20

21

MR. O'CONNELL: Sure. Is that
good?

22

23

MR. STAUDT: That way we can see
it, and they can see it, and we're all
talking about the same thing.

24

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9-27-22 - PLANNING BOARD

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MR. O'CONNELL: So this is the

3

front view from the front of the street,

4

which is more of a traditional Cape style

5

home.

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So unlike the houses that are on

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the opposite side, this house is only

8

going to feel like a one-and-a-half-story

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home. But part of the covenants in the

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back is that we're restricted to have a

11

maximum 35-foot height from the back

12

property line (indicating).

13

MR. FELLMAN: The south property

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line.

15

MR. O'CONNELL: The south property

16

line, right, so this house complies with

17

all of those requirements, and, so, in the

18

back, it's nothing more than a dormered

19

Cape Cod home (indicating).

20

The entrance, from the front, we

21

have a slight porch (indicating). Typical

22

setup. You come in, it's a center hall

23

setup where you have your kitchen, family

24

room in the back (indicating), and your

25

living room, dining room in the front

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9-27-22 - PLANNING BOARD

2

(indicating), and there's also a small

3

guest room on the first floor as well

4

(indicating) with a common bathroom

5

(indicating).

6

The second floor is going to

7

consist of four bedrooms. You can see the little

8

dormered area (indicating), so we lose the

9

square-footage on the whole front part of the house.

10

At the back of the house, it's a

11

typical dormered Cape. If you're all

12

familiar with Capes, you know that they,

13

kind of, tilt the roof up to give the

14

space that you would need instead of just

15

having attic space that would be unusable.

16

So the home because it's on this

17

lot over here (indicating), all of this

18

area (indicating) is going to be sod. The

19

only area that we're seeding is in the

20

very, very back part behind the home

21

itself (indicating). Most of the homes on

22

all the other sides, the only requirement

23

of sod was just on the front of it, you

24

know, they weren't as sprawling of a

25

property. So it's going to have a nice

1

9-27-22 - PLANNING BOARD
presence on the property itself.

2

3

Around the perimeter of the home,
we're going to be landscaping around the
perimeter with the crepe myrtles,
hydrangeas, and Japanese maples going
around the home itself.

4

5

6

7

8

This house does have an attached
garage and a driveway outside the garage,
obviously, for an additional vehicle
(indicating). The colors on this house --
all earth tones. The siding is going to
be a Cedar Impressions. The color is
going to be "Savannah Wicker." It's,
actually, a CertainTeed product, so it's a
Perfection Cedar style.

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The roof, which is more of a darker
brown as opposed to a light tan, is going
to be GAF, which is "Barkwood," the color,
which is a dark brown.

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21

And then on the bottom of the
house, going around the border, we have a
darker stone, which is a cultured stone,
and the color of that would be

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23

24

25

"Anchorage." And what's nice about the

1

9-27-22 - PLANNING BOARD

2

"Anchorage" is that it has some of the

3

light beige in it of the siding, and it

4

also has the darker color of the roof

5

itself.

6

The windows and all the trimming on

7

the house is going to be white. The color

8

is, actually, called "Snow," and the

9

windows are Andersen. It's a 400 series

10

window, and all the windows are going to

11

be trimmed out with a restoration millwork

12

vinyl trim, so you get some nice trim.

13

It's not just the edge of a window, you

14

know, we're going to case it nice to give

15

a nice traditional feel to it.

16

We have a very, very small deck on

17

the back (indicating), it's really just to

18

get down to grade, but that deck is going

19

to be done with TimberTech, and the color

20

of the TimberTech is going to be called

21

"Brownstone," which is, actually, a light

22

color that matches the CertainTeed

23

Perfection Cedar on the main part of the

24

home itself.

25

So that's a little about what we're

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9-27-22 - PLANNING BOARD
proposing here, and, I guess, with that
said, I'd love to answer any questions the
audience or the Board would have.

5

CHAIRMAN ROSASCO: We're going to
start with the Board for a little bit, and
then we'll go to the community.

8

MR. O'CONNELL: Absolutely.

9

CHAIRMAN ROSASCO: What is the
height on the rear from the bottom of the
foundation, which, I guess, is that bottom
-- are those French doors at the bottom in
the back?

14

MR. O'CONNELL: Yes.

15

CHAIRMAN ROSASCO: So what is the
height from the bottom?

17

The lowest point in the rear of the
yard to the roof line?

19

MR. O'CONNELL: Absolutely. I can
give you that.

21

CHAIRMAN ROSASCO: I'm sure that's
what the people behind you want.

23

MR. O'CONNELL: Thirty (30) feet,
which is, actually, pretty typical for a
home. In fact, that's even the Code in

25

1

9-27-22 - PLANNING BOARD
most Villages -- 30 feet -- so that's what
it is from the grade at the bottom of the
home.

5

MR. STAUDT: To the roof.

6

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8

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10

MR. O'CONNELL: To the top of the
roof. It's a complex property because of
the height and the restrictions on the
neighbors' hill, so it's, kind of, what
dictated the whole design.

11

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CHAIRMAN ROSASCO: And there's 10
feet -- you have the 10 foot definitely on
the west side, I'm assuming on the east
side there's 10 feet there?

15

16

MR. O'CONNELL: Yes. Absolutely.
It meets all the setbacks.

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CHAIRMAN ROSASCO: The setbacks are
all within Code.

19

MR. O'CONNELL: Correct.

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CHAIRMAN ROSASCO: So I don't see
much in the way of landscaping along the
back property line. I see a five-foot
fence. The Code allows a minimum of six.
I'm sure if there's any neighbors back
there --

1

9-27-22 - PLANNING BOARD

2

MR. O'CONNELL: If they want some

3

landscaping, sure, we can propose some

4

landscaping down there. I know we didn't

5

on any of the other homes on the other

6

side, so, but if that's what the Village

7

wants, that's not an issue.

8

MR. STAUDT: Particularly, since on

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these, unlike the north side, you're not

10

abutting any property.

11

MR. FELLMAN: And also you've got

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the retaining wall.

13

MR. O'CONNELL: Right. Exactly.

14

MR. FELLMAN: Here you're not

15

creating a retaining wall. You've got to

16

create a buffer for the residents.

17

MR. O'CONNELL: If they want a

18

buffer, I don't see that being an issue.

19

We could do a nice arborvitae, you know.

20

Six-foot arborvitae, so we give some nice

21

greenery or some nice blocking to it.

22

That wouldn't be --

23

MR. FELLMAN: How high did you say

24

the fence was?

25

MR. STAUDT: This says five.

1

9-27-22 - PLANNING BOARD

2

MR. O'CONNELL: No. No. We could

3

do arborvitae or something like that.

4

MR. FELLMAN: No. No. But you're

5

going to have a fence all along the south

6

property line.

7

CHAIRMAN ROSASCO: Yeah. They have

8

it marked as five, Steve.

9

MR. FELLMAN: Why wouldn't that be

10

six feet?

11

MR. O'CONNELL: It could. That was

12

what was marked on the approved site plan.

13

If the Board wants six feet, we can do it,

14

but that's what was marked on the approved

15

site plan.

16

MR. FELLMAN: I think the neighbors

17

would want a higher fence. I'll ask the

18

neighbors.

19

(WHEREUPON, there was simultaneous

20

crosstalk among the assemblage.)

21

CHAIRMAN ROSASCO: Hold on. Let us

22

finish our line of questioning, and then

23

we'll bring in the community. I'm sure

24

you have many inquiries. Hopefully, we'll

25

answer some of them for you and then

1

9-27-22 - PLANNING BOARD
whatever we don't hit on, certainly, you
guys can join in. That's no problem.

4

So I wasn't here when they had
spoken about this fencing behind the
property.

7

MR. O'CONNELL: Nor was I.

8

CHAIRMAN ROSASCO: We have minutes
on it somewhere, but I'm assuming it's
going to become an issue. So there's
nothing behind the north side houses
because you have the retaining wall there,
right?

14

MR. FELLMAN: Right.

15

CHAIRMAN ROSASCO: So that's,
essentially, your borderline back there.

17

MR. FELLMAN: That is your fence.

18

CHAIRMAN ROSASCO: Right. That is
your fence.

20

MR. STAUDT: And there's a street
after that before you hit any property,
right?

23

MR. FELLMAN: No. That's a
driveway.

25

MR. SHAH: On the north side,

1

9-27-22 - PLANNING BOARD
that's not, actually, true. I live in one
of the houses on the north side. They
put --

5

THE COURT REPORTER: I'm sorry. I
need to have your name for the record.

7

MR. SHAH: Sunil Shah.

8

THE COURT REPORTER: Thank you.

9

MR. SHAH: So they did put a
retaining wall on the north side. I live
in one of the last ones over there, but
they did not put fences like they were
supposed to, and they did not, actually,
put the fences in the correct spots that
they're supposed to be, so that's not true
at all.

17

18

19

20

21

22

23

24

25

CHAIRMAN ROSASCO: So that's not
part of the application tonight. We're on
8 Toretta Lane tonight. If we want to go
back and enforce what was previously on
prior applications, that's a different
issue, right, because the application
today is for across the street.

So you're behind the houses that
are already built?

1
2
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25

9-27-22 - PLANNING BOARD

MR. SHAH: No. I live at 9

Toretta.

CHAIRMAN ROSASCO: Oh, you live at

9 Toretta?

MR. SHAH: Mm-hmm.

CHAIRMAN ROSASCO: Okay. All

right. Was that agreement with the prior
builder?

MR. SHAH: It was with this

builder.

CHAIRMAN ROSASCO: This builder.

Okay. All right.

MR. SHAH: And he can attest to

that because he lives behind me

(indicating).

MR. LAPIDUS: My name is Alex

Lapidus, 16 Merritts Road, Farmingdale.

Regarding the six-foot or five-foot

retaining privacy fence, it's not there.

It's not there. There is no privacy.

MR. STAUDT: Again, we're focusing

our discussion tonight just on the

property at hand. I know that you're

referring to the north side property.

1

9-27-22 - PLANNING BOARD

2

MR. LAPIDUS: Yeah, to the north

3

side.

4

MR. STAUDT: Right. Right.

5

MR. SHAH: So my concern for the

6

south side on the property at hand is

7

there are a lot of things being cut --

8

corners are being cut on the way that

9

things are being done.

10

Is that going to be the same on the

11

south side?

12

Especially, on the north side where

13

8 is being built, the street light isn't

14

even working. And this house just came up

15

less than a year ago, and we're, kind of,

16

doing the exact same thing on this side.

17

These are our concerns that were brought

18

up to both Oyster Bay and Farmingdale.

19

(WHEREUPON, there was a sidebar

20

discussion held between Chairman Rosasco

21

and Mr. Staudt.)

22

CHAIRMAN ROSASCO: So why don't we

23

officially open up the floor to residents.

24

If you have something you want to say, or

25

if you have a question for the builder, we

1

9-27-22 - PLANNING BOARD
would ask that you just speak loudly and
just state your name and your address for
the record, so we can get a clear
statement of your inquiry for the minutes.

2

MR. O'CONNELL: Chairman, I'm not
the builder. I'm the architect. But I
can, obviously, confer with the builder on
any comments that come up.

3

4

5

6

CHAIRMAN ROSASCO: I got you. I'm
sure we're going to put together some type
of list moving forward.

7

8

9

MR. O'CONNELL: Sure.

10

(WHEREUPON, a member of the
assemblage raised a hand to be
recognized.)

11

12

13

CHAIRMAN ROSASCO: Go ahead. Stand
up, state your name and address for the
record.

14

15

MS. MARZANO-DOTY: Hi. Denise
Marzano-Doty, 15 Hampshire Drive.

16

17

So I'm right behind the property,
and I do have a couple of serious
concerns.

18

19

20

The house is being built how far

1

9-27-22 - PLANNING BOARD
from the road, how far back is it going to
be on the lot?

3

4

There is already a very large
drop-off. Is that being filled-in to
level?

5

6

7

You're building down into that
drop-off, and am I still going to see 30
feet when I look up behind me?

8

9

10

I mean, I have a lot of concerns
about the way that's being constructed.

11

12

MR. O'CONNELL: Well, 30 feet is
what you would see on any home that would
be constructed in terms of the height
because that's the Village Code, but you
have a 30-foot setback in the front as
well as in the back to the back property
line. You have 30 feet, which is all
within the Village Code.

13

14

15

16

17

18

19

20

MS. MARZANO-DOTY: But where is the
property line going?

21

22

Is it from the existing fence,
which is, unfortunately, falling down, or
is it from the retaining wall that's
there?

23

24

25

1

9-27-22 - PLANNING BOARD

2

Where is the property line?

3

That's one thing I'm unclear about.

4

MR. O'CONNELL: Well, that you

5

would have to get staked out by a

6

surveyor. I couldn't tell you exactly

7

where it is because there's no way to

8

reference it on a plan, so you would,

9

actually, have to get a surveyor to,

10

actually, stake where your property line

11

is, which is what gets done when the house

12

is set up. They stake where the house

13

goes, and where the property line is, but

14

I can't sit here and tell you exactly

15

where the line is.

16

MS. MARZANO-DOTY: So you're going

17

to be 30 feet from the property line?

18

MR. O'CONNELL: Correct.

19

MS. MARZANO-DOTY: In the back?

20

MR. O'CONNELL: That's correct.

21

MS. MARZANO-DOTY: Uh-huh.

22

MR. STAUDT: And about that in the

23

front too, right?

24

MR. O'CONNELL: And the same in the

25

front, right.

1

9-27-22 - PLANNING BOARD

2

MS. MARZANO-DOTY: What about the

3

potential for rain water, flooding,

4

runoff, all of the -- I mean, we're way

5

below you, and I have visions of this

6

turning into a nightmare and water

7

flooding down into my yard. And there's a

8

lot of dirt and grass back there and

9

sediment and all sorts of stuff back there

10

that is going to need to be retained.

11

MR. O'CONNELL: Yes.

12

CHAIRMAN ROSASCO: I think there's

13

two catch basins back there. What size

14

rings are those, do you know?

15

MR. O'CONNELL: That was all

16

designed by the civil engineers, but it

17

was all for full drainage for the house,

18

and it also will take care of every bit of

19

the home itself.

20

MR. STAUDT: Are they there now, or

21

does that come with the house?

22

MR. O'CONNELL: No. It comes with

23

the house.

24

MR. STAUDT: Gotcha.

25

MR. O'CONNELL: In fact, in

1

9-27-22 - PLANNING BOARD
reality, the drainage should be better
with the catch basins.

4

CHAIRMAN ROSASCO: Maybe you can
show her the plot plan.

6

MR. O'CONNELL: Yeah.

7

CHAIRMAN ROSASCO: Step up so you
can take a look.

9

MR. O'CONNELL: Here's a dry well
right here (indicating), a catch basin
that comes off the house (indicating), and
another one over here for any runoff
that's coming down (indicating), and that
catches all the runoff not only on the
house but also the property.

10

11

12

13

14

15

16

MS. MARZANO-DOTY: Okay.

17

CHAIRMAN ROSASCO: And, Todd, would
it be correct to say that they're going to
swale the property towards those catch
basins?

18

19

20

21

MR. O'CONNELL: Absolutely. Yeah.
That's the whole purpose.

22

23

CHAIRMAN ROSASCO: So those catch
basins will be the low points in the yard,
and everything will swale towards it, so

24

25

1

9-27-22 - PLANNING BOARD
technically --

2

3

MS. MARZANO-DOTY: Are there other
street lights going in other than what's
there now?

4

5

6

MR. O'CONNELL: No. It's my
understanding that the property itself was
fully developed in terms of sidewalks and
streets and lighting, so there's nothing
additionally proposed.

7

8

9

10

11

MS. MARZANO-DOTY: Okay. Because
the light that's there now shines right
into my bedroom, so that's a little
frustrating, but that's, sort of, an
aside.

12

13

14

15

16

MR. STAUDT: They can put --

17

MR. O'CONNELL: The house might,

18

actually, subside that a little bit,

19

maybe?

20

MS. MARZANO-DOTY: No. The light
is on that side.

21

22

MR. STAUDT: It's similar to the
light outside this window here, but I've
seen in other places within the Village
they can, actually, and, Steve, maybe you

23

24

25

1

9-27-22 - PLANNING BOARD
could --

2

3

MR. FELLMAN: They shield it.

4

MR. STAUDT: Right. They can block
the house facing side of that, which would
probably alleviate that.

5

6

7

MR. FELLMAN: Yeah. Yeah. We can
shield it.

8

9

MS. MARZANO-DOTY: That would be
helpful.

10

11

MR. FELLMAN: That's good. We
wouldn't have known that if she didn't
tell us.

12

13

14

MS. MARZANO-DOTY: I guess those
were my major questions.

15

16

CHAIRMAN ROSASCO: So, Ms. Doty,
your two concerns are both water
remediation -- right -- and looking up at
the big house behind you?

17

18

19

20

MS. MARZANO-DOTY: Correct.

21

CHAIRMAN ROSASCO: Okay. And
cosmetically, did you see the plans about
the house?

22

23

24

It's not the same look as the other
houses that are across the street.

25

1

9-27-22 - PLANNING BOARD

2

MR. STAUDT: It's not as big.

3

MS. MARZANO-DOTY: Mm-hmm.

4

MR. STAUDT: It's not as opposing.

5

MR. MARZANO-DOTY: Right. I've

6

seen nothing other than this plan, so, you

7

know, I'm happy to come down, look at the

8

plans, and review them.

9

CHAIRMAN ROSASCO: Do you have a

10

preference as a property owner on

11

Hampshire as to whether or not it's

12

stockade or PVC fencing?

13

MS. MARZANO-DOTY: PVC is my

14

preference. I don't know about my

15

neighbors. You know, there are people who

16

are going to be even more directly

17

affected than me. My neighbors to the

18

east are going to have it right behind

19

their house. I'm going to be, sort of, on

20

the angle, but --

21

CHAIRMAN ROSASCO: Are you open to

22

a double barrier of a six-foot PVC fence

23

and possibly some Arborvitaes?

24

MS. MARZANO-DOTY: That would be

25

wonderful, I think.

1

9-27-22 - PLANNING BOARD

2

CHAIRMAN ROSASCO: We're here

3

tonight to make recommendations to the

4

Board of Trustees. That's why we're

5

hearing the opinions of the neighborhood,

6

and then we pass them on to the Board of

7

Trustees.

8

(WHEREUPON, a member of the

9

assemblage raised a hand to be

10

recognized.)

11

CHAIRMAN ROSASCO: Go ahead. If

12

you want to speak, stand up, state your

13

name and address for the record.

14

MS. DILLON: Karen Dillon, 7

15

Hampshire Drive, Farmingdale.

16

We're, actually, going to be one of

17

the houses right behind one of these, and

18

my concern is with the basins. I know

19

there's been an issue. We've had flooding

20

issues already because the basins had been

21

overflowing. They weren't working

22

properly, so I don't know what guarantee

23

we have that these basins are going to

24

work and not flood the property again.

25

The other -- I agree with her

1

9-27-22 - PLANNING BOARD
(indicating) on the lighting. We have the
light come right in our kitchen and dining
room. Because of the light, that --

5

CHAIRMAN ROSASCO: I have that, and
I live on Leonard Street, so I don't know
if we can prevent lighting from seeping in
to other houses, but we can, certainly,
try to contain it.

10

MS. DILLON: It's just, like, a
bright light that's just right there.
It's, you know, I mean -- and maybe the
height. And I know you said, you know, 30
feet may not seem like a lot, but when
you're down here, and the house is up here
(demonstrating), it looks like 60 feet, so
that's a concern.

18

And the other issue, when they
first built and they cleared that area,
they were supposed to leave a certain
amount of trees, which they removed. And,
I believe, that part of the issue that
building had stopped originally was they
were supposed to replace some trees,
especially for the Hampshire Drive houses

25

1

9-27-22 - PLANNING BOARD
and the houses being built, which I don't
think they did.

4

So, I mean, definitely putting
Arborvitaes, something as a buffer in
addition to the fence is definitely
needed. And I know the other side -- and
I know you're not discussing that today --
but I know they still have their fair
share of flooding and mudslides and
everything, and I'm just concerned because
we are much lower than the other side is,
and if they can't even get it fixed on
that side, I'm concerned what our yards
are going to look like.

16

CHAIRMAN ROSASCO: Understood. How
are they now?

18

MS. DILLON: The yards?

19

20

CHAIRMAN ROSASCO: How are your
yards now?

21

MS. DILLON: They're fine.

22

CHAIRMAN ROSASCO: Okay.

23

24

MR. SHAH: Can I bring up a little
bit about that?

25

So living at 9 Toretta, I live on

1

9-27-22 - PLANNING BOARD

2

the highest plot on the block, so there's

3

flooding on all my neighbors including on

4

7 Toretta, 11 Toretta, 5 Toretta, 3

5

Toretta and across the street, and on the

6

entire street where we have basins. None

7

of the basins, actually, catch water. And

8

that's being very honest with you about

9

it.

10

Like, across the street, I'm sure

11

these guys on Hampshire are getting tons

12

of flooding because the water just goes

13

this way (demonstrating) from my house all

14

the way down there. All the basins don't

15

work.

16

CHAIRMAN ROSASCO: Well, no. She

17

just said there's no flooding in her yard.

18

Where did you get that from, Mr. Shah?

19

MR. SHAH: I see it from my house,

20

and I see my entire yard flood. Because

21

my yard floods. But it goes to everybody

22

else. It doesn't go to me, like, it's

23

great for me, I'm not going to lie, but it

24

sucks for all of them.

25

CHAIRMAN ROSASCO: When you say it

1

9-27-22 - PLANNING BOARD
goes to everybody else, are you referring
to Hampshire or --

4

MR. SHAH: It goes to Hampshire, it
goes to Toretta, it goes everywhere else.
For me it's great because my house is
protected from flooding, but that's not
fair to any of these people.

9

CHAIRMAN ROSASCO: Understood.

10

(WHEREUPON, a member of the
assemblage raised a hand to be
recognized.)

13

CHAIRMAN ROSASCO: Go ahead.

14

MS. BLASER: Amy Blaser, 3
Hampshire Drive.

16

Can I come up and just point to
something up there?

18

CHAIRMAN ROSASCO: Sure. Sure.

19

MS. BLASER: So I'm the first house
on Hampshire.

21

CHAIRMAN ROSASCO: On the right.

22

MS. BLASER: Right. So that's my
house. I've had to have my backyard -- I
had to waterproof the entire back of my
house because the water was just coming in

25

1

9-27-22 - PLANNING BOARD

2

any time it rained any more than just a

3

little bit. It was coming in my house,

4

and I was -- like, I had two of the guys

5

from the Village. They've come to my

6

house multiple times. They've also had to

7

have my fence fixed in the backyard. It's

8

been ongoing.

9

CHAIRMAN ROSASCO: Are you the

10

house with the bracing on the back fence?

11

MS. BLASER: Yeah, yeah. That's my

12

house, yeah.

13

CHAIRMAN ROSASCO: Okay. I was

14

there today.

15

MS. BLASER: Yup, so, where -- I'm

16

just going to turn it, sorry. So like

17

Karen said, where our houses are, I

18

already have French drains and a four-foot

19

retaining wall in the back because I did

20

have a slope, but when we moved in, we

21

fixed that.

22

So these houses are up so much

23

higher. So if I'm standing in my kitchen,

24

I'm now looking into their basement

25

because it's up so high.

1

9-27-22 - PLANNING BOARD

2

When they originally -- I didn't

3

see these drawings -- when they last came

4

out with the drawings, it was a Ranch with

5

a walk-out basement. Now it's a two-story

6

house with a walk-out basement, so I'm

7

looking into a three-story house in the

8

back, so, like, cool from the front, but

9

from the back, it's still a three-story

10

house anyway. There's still three levels

11

that I'm looking at, but, like, my concern

12

is the water that's going to come in.

13

CHAIRMAN ROSASCO: Well, the good

14

news is, is that the more square-footage

15

you have on roofing, that will be

16

contained water.

17

MS. BLASER: Right. But it slopes.

18

It slopes.

19

CHAIRMAN ROSASCO: Because right

20

now you're getting all the water, right?

21

MS. BLASER: Right into my yard. I

22

walk out, like, when we had that rain the

23

other day, my dog walks outside, and he's,

24

like, squishing through the backyard.

25

Those basins aren't doing anything, and

1

9-27-22 - PLANNING BOARD

2

they've, kind of, proven that to us

3

because when they said, oh, they weren't

4

open, and then they opened them, it didn't

5

do anything.

6

I still had to have -- I had half

7

of my house waterproofed, and that didn't

8

fix the problem, and I ended up having to

9

do the other half. You know, the next

10

step is having to do the sides and then

11

the front of my house because my house is

12

going to float away.

13

CHAIRMAN ROSASCO: I get it.

14

MS. BLASER: So, unfortunately, I

15

mean, he answered a lot of the questions,

16

but, like, the fencing, yeah, we do need

17

like a -- we need some sort of privacy,

18

you know. The PVC will help because

19

that's still going to be on top of where

20

my four-foot retaining wall is, but then

21

we need, you know, something. Something.

22

There's got to be something.

23

MR. SHAH: If you want to do a

24

little project, you can turn the hydrant

25

on and see where the water goes. You can

1

9-27-22 - PLANNING BOARD
see how it goes to all these guys' houses
instead of where it should be going.

3

4

CHAIRMAN ROSASCO: Well, clearly,
the majority of the concern here is water
remediation, correct?

5

6

7

MS. DILLON: That and the privacy.

8

CHAIRMAN ROSASCO: And the privacy.

9

MS. VONTHADER: Where is the water
draining out to?

10

11

MS. PEARSON: Hold on. May I ask a
question? Was there any issue with
flooding prior to this land being cleared
for homes, or was it just the vegetation
that was there that was collecting the
water and not that it was affecting your
homes?

12

13

14

15

16

17

18

MR. LAPIDUS: I've been there for
25 years. There's never been a flood
because it was gradual. So the hill --
the lump you see there is, actually, clay,
which does not absorb water.

19

20

21

22

23

CHAIRMAN ROSASCO: That's a
problem.

24

25

MR. LAPIDUS: It will continue to

1

9-27-22 - PLANNING BOARD
flood. There's no way around it. Without
a physical retaining wall, there's no way
for you to stop it because it's going to
be angled, and the pressure is enormous.

2

I don't know if you realize it, but
that property where the houses are is
about 90 feet above sea level. It gets a
little more wind, it gets a little more
rain because it's that high, and it just
traps it.

3

4

5

6

7

8

9

10

11

12

So that site is very tricky to do,
and it's not like the way it is now with a
hump. It was nice and evenly planed.
They just dug it up, and they just piled
it.

13

14

15

16

17

18

19

20

21

They cut about, I don't know,
30,000 yards. I mean, Steve would know
better. So they, literally, just took the
clay from one side, put it to the other,
and those new homes there are flooded
continuously. Some homes have been
adjusted already to, kind of, try to
prevent it, but that won't stop it because
it's all clay.

1

9-27-22 - PLANNING BOARD

2

And they're trying to squeeze as

3

much as they can into the little property

4

without any regards to the surrounding

5

area. I've been there from day one, and

6

this has been going on forever. Steve

7

could attest to that. Every little corner

8

that can be cut will be cut, and they have

9

done many of them.

10

And these people have a problem.

11

They've been coming here for this for

12

about five years now. The flooding has

13

never been corrected no matter where you

14

go, no matter which house you have. So

15

whatever it is they're going to do now,

16

your neighbors will continue to be flooded

17

because it's not done properly. It's done

18

to the Code with minimum effort, and then

19

the residents are stuck.

20

The people that live on my side,

21

two of them are suing the developer. Not

22

a good thing for new homeowners. So it's

23

really got to be very strict. And,

24

really, pay attention to the flooding

25

because, again, it's clay. It's not going

1

9-27-22 - PLANNING BOARD
anywhere. The water just runs.

2

3

And I still have the same issue
even though I'm on the other side. I
still have a construction fence on my
property, and there are still a lot of
things that haven't been finished, so, you
know -- and to be honest with you, this is
the first time I got a notice about this
meeting about this developer. Usually,
there's a process. You come in, you make
an opinion. It looks like here you're at
the end already.

4

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14

CHAIRMAN ROSASCO: No. We're at
the beginning. It hasn't been to the
Board of Trustees yet.

15

16

17

MR. LAPIDUS: Oh, okay. My biggest
issue is the water.

18

19

CHAIRMAN ROSASCO: That's what I
said five minutes ago. I gotcha. I've
been here. I know what happened on the
north side. There were similar concerns.

20

21

22

23

MR. LAPIDUS: That's me.

24

CHAIRMAN ROSASCO: I get it.

25

MR. SHAH: And on our side, we

1

9-27-22 - PLANNING BOARD
still have a lot of concerns. Me and our
neighbors still have unresolved concerns,
and we come to here and Oyster Bay, and
they're still not fixed.

2

MR. LAPIDUS: To be honest with
you, none of us can do anything about it.

3

4

CHAIRMAN ROSASCO: But your issue
is with the contractor; correct?

5

6

MR. SHAH: Contractor and also with
lights not working on the street, like,
water not being properly drained. That's
not the contractor because everything was
passed through the Village and the Town of
Oyster Bay because all these problems have
COs now. So the builder says, the
properties have COs, go to the Town of
Oyster Bay. Water is collecting on
everybody's property where it's not
draining.

7

8

9

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12

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16

17

Why is that a Town of Oyster Bay
problem, why is that a Village problem
when this is a house that is less than a
year old?

18

19

20

21

That should be a problem for the

1

9-27-22 - PLANNING BOARD

2

builder. The same thing with why are the

3

lights not working -- the street lights?

4

And people are making donuts on the

5

street. People are racing through the

6

streets over there. We called the cops on

7

multiple accounts because of this. We

8

have it on camera too, but we're supposed

9

to call the cops for people every single

10

time and waste actual resources from the

11

public for this?

12

CHAIRMAN ROSASCO: You're referring

13

to racing people?

14

MR. SHAH: Like people are racing

15

on the street --

16

CHAIRMAN ROSASCO: That's outside

17

the relevancy of this conversation though.

18

I'm glad to hear all your gripes regarding

19

the properties, but we're not going to

20

police Merritts Road either.

21

MR. SHAH: But water is, like, a

22

huge issue that should not be even

23

happening.

24

CHAIRMAN ROSASCO: That's a valid

25

issue.

1

9-27-22 - PLANNING BOARD

2

MR. SHAH: What about the lights?

3

CHAIRMAN ROSASCO: That's another

4

valid issue.

5

MR. SHAH: Lorraine's actually the

6

person --

7

CHAIRMAN ROSASCO: I've got people

8

telling me they don't want more lights,

9

you're telling me you want more lights.

10

MR. SHAH: The lights that are not

11

working.

12

CHAIRMAN ROSASCO: Okay. If we get

13

the lights working, you may get more light

14

into your kitchens. I'm trying to do a

15

balancing act here, Mr. Shah.

16

MS. DILLON: Can't you dim them

17

like you put on the businesses, like, they

18

have to be a certain dim light?

19

They're not even that bright on the

20

Southern State.

21

MR. SHAH: They worked on the first

22

half. They're very bright. But on the

23

back half, nothing works.

24

MS. DILLON: I also just wanted to

25

clarify one thing --

1

9-27-22 - PLANNING BOARD

2

CHAIRMAN ROSASCO: Sure.

3

MS. DILLON: (Continuing) --

4

because we do get the water in the yard

5

still, but when you said how's the water

6

now, it's still not bad, like, I'm putting

7

it in relation to what it was. I'm not

8

saying we don't have a water issue still,

9

but we do get it with the rain, the

10

drainage, you know, but we're not getting

11

the mudslides. Not yet.

12

CHAIRMAN ROSASCO: Right. So what

13

I assume and what I'd recommend is -- not

14

for you -- but when we get to the next

15

level of review, is that they're going to

16

swale that property back towards their

17

catch basins. So the high point of that

18

backyard is going to be on that fence

19

line. That's how civil engineers work.

20

MR. STAUDT: Essentially, the yard

21

will be like a bathtub.

22

CHAIRMAN ROSASCO: They're going to

23

bring that water back, and then they're

24

going to try and contain it. Now, whether

25

or not that happens is a different issue,

1

9-27-22 - PLANNING BOARD

2

but that's the plan as to how a C.E. or a

3

P.E. like this gentleman, Todd, is going

4

to map it out.

5

They're going to make elevation

6

heights, and it's going to be the highest

7

-- you can tell me, I'm no P.E. by all

8

means, but isn't that, essentially, water

9

remediation 101?

10

They're going to make the high

11

point the back, and they're going to swale

12

it down into the yard?

13

MR. O'CONNELL: And drain

14

everything through, correct.

15

(WHEREUPON, there was simultaneous

16

crosstalk among the assemblage.)

17

MS. VONTHADEN: There is a spring

18

underneath from the Hubbard Estate.

19

There's a spring because our property

20

always had water all the time on the right

21

side. It got less, but it's always on the

22

right side because we're right next to 8

23

Toretta. Right there. 19 Hampshire

24

Drive, VonThaden. And there is a spring.

25

There were springs on the Hubbard Estate,

1

9-27-22 - PLANNING BOARD
and our property was always -- it was mud
all the time.

3

4

CHAIRMAN ROSASCO: This is before
they started building?

5

6

MS. VONTHADEN: Before.

7

CHAIRMAN ROSASCO: Yeah, I get
conflicting reports because I get one side
of the story where people say, no, it was
fine, and now we've got the spring, the
Hubbard spring, where we've always had
flooding, so that kind of minimizes --

10

11

12

13

MS. DILLON: Well, that is their
house, not our house where it's flowing.

14

15

CHAIRMAN ROSASCO: We're trying to
do the balancing act here where,
obviously, everybody's going to come in
and say, I never had a water problem in my
life. It's been the Sahara Desert out
there.

19

20

21

I live up on Leonard Street. I
have water in my basement every time it
rains. Am I suing the Village? No.
Whoever built my plans 40 years ago did a
terrible job, you know, and our drainage

22

23

24

25

1

9-27-22 - PLANNING BOARD
is terrible down the street. I agree with
you. We have to find a way, find the
happy medium and, I think, obviously, I
think, the earlier attempts to contain
that water from that project failed.

7

We would all agree on that, right?

8

(WHEREUPON, there was an

9

affirmative reaction.)

10

CHAIRMAN ROSASCO: On the south

11

side. That's where you guys are. I think

12

that they're going to have to roll their

13

sleeves up and build up the back sides of

14

your property and make that higher than

15

hide you from them, and they have to make

16

an acceptable water remediation program.

17

I mean, that's what people do for a

18

living, you know.

19

Now, the only other problem you may

20

have is if they do a retaining wall, and I

21

don't know what they did up by you, Mr.

22

Olbeter, but they have to release the

23

water also.

24

When that water comes down the

25

gravel or the back of the wall, it's got

1

9-27-22 - PLANNING BOARD
to release somewhere. So if you put up a
retaining wall, you're going to get a hose
through the back of the retaining wall
that's going to have to release that
water. So I just forewarn you and be
careful about that.

8

MR. SHAH: They don't have to worry
about that because those don't work right
now either.

10

11

CHAIRMAN ROSASCO: I'm sorry?

12

MR. SHAH: Those don't work right
now either, so they won't have to worry
about that. Those hoses, right now, have
cement in them. All of them. So they
don't have to worry about that at all.

16

17

CHAIRMAN ROSASCO: We're here to
correct it, Mr. Positive.

18

19

MR. SHAH: It's, actually, pretty
true.

20

21

CHAIRMAN ROSASCO: That -- then
that's got to get corrected, and that's
what I'm talking about in putting together
a valid water remediation program.

24

25

MR. SHAH: That will work for them,

1

9-27-22 - PLANNING BOARD
honestly, because if you put a retaining
wall with cement on the holes that it
drains, they won't get the water. It will
go somewhere else.

2

CHAIRMAN ROSASCO: Well, you don't
put cement in a retaining wall.

3

MR. SHAH: They did it.

4

CHAIRMAN ROSASCO: You block it.

5

MR. SHAH: They did it.

6

CHAIRMAN ROSASCO: What did they

7

do?

8

MR. SHAH: All the holes that

9

you're saying are in the retaining wall --

10

CHAIRMAN ROSASCO: The weep holes.

11

MR. SHAH: (Continuing) -- the weep

12

holes are all blocked all throughout.

13

CHAIRMAN ROSASCO: What I'm saying

14

is they can't do that on the other side.

15

MR. SHAH: But if they do it, these

16

guys wouldn't have problems. The way that

17

these contractors work, that's what's

18

going to happen.

19

CHAIRMAN ROSASCO: Okay. Thank

20

you.

1

9-27-22 - PLANNING BOARD

2

MS. DILLON: Can I just ask

3

another?

4

CHAIRMAN ROSASCO: Yeah, sure.

5

MS. DILLON: Because I'm not a P.E.

6

And I'm not a landscaper, you're saying

7

with the retaining wall -- I understand

8

they have to put the hole through to let

9

the water go through, so you're basically

10

saying we're going to have no choice but

11

to get flooding because it's going to come

12

right into our yard?

13

CHAIRMAN ROSASCO: If your demand

14

is a retaining wall, that does come part

15

and parcel with a retaining wall. You

16

can't just let water build up on one side

17

of a wall without releasing it.

18

MS. DILLON: Okay. So what's the

19

other option then if we don't go with a

20

retaining wall?

21

CHAIRMAN ROSASCO: Which is what

22

they're recommending, which would be a

23

fence. Build it up and swale the property

24

back towards the houses, and try to

25

contain the water on-site.

1

9-27-22 - PLANNING BOARD

2

MS. DILLON: Can't you do the

3

retaining wall and still swale the

4

property back towards the house?

5

CHAIRMAN ROSASCO: I'm sure that

6

they could. It just comes to a matter of

7

expenses and whether or not a P.E. says

8

that's going to work because, clearly, it

9

didn't work up there, right?

10

MS. DILLON: But is that what they

11

did up there?

12

I thought that isn't what they did.

13

CHAIRMAN ROSASCO: They're in a

14

different situation because they're up at

15

the top of the hill, so they can't swale

16

the water back to the retaining wall

17

because they're on the top of the hill.

18

The way that whole property grades

19

down is probably the problem, and I'm by

20

no means a P.E., but we're going to have

21

to insist on them bringing somebody in

22

that's qualified in water remediation and

23

ask them how to contain it.

24

MS. DILLON: I mean, if it's an

25

expensive cost, that should be what they

1

9-27-22 - PLANNING BOARD

2

have to absorb. It shouldn't be, well,

3

that's tough luck on us. We've been there

4

-- my mom's 65 years, you know, and it's,

5

like, now we're going to build a retaining

6

wall, and now you've got to bear the cost

7

of cleaning out your yard every couple of

8

years or whatever or doing all this extra

9

work to get our yards where it shouldn't

10

be our cost.

11

CHAIRMAN ROSASCO: Well, again, I

12

get it. You never want to be below

13

another piece of property --

14

MS. DILLON: I wasn't when I moved

15

in.

16

CHAIRMAN ROSASCO: (Continuing) --

17

and I think the vegetation and the prior

18

household that was there -- it was not in

19

a good state of affairs there, right?

20

I would assume there was so much

21

vegetation that it just absorbed

22

everything.

23

MS. DILLON: Well, that's it. And

24

they tore it out. I used to play with the

25

kids there. We were up there many times

1

9-27-22 - PLANNING BOARD
as kids playing in the woods.

2

3

CHAIRMAN ROSASCO: I know. So
overall, speaking collectively as a group,
remediation and privacy and lighting. Are
those our one, two, three punches?

4

5

6

7

MS. MARZANO-DOTY: Can I ask a
question?

8

9

CHAIRMAN ROSASCO: Sure.

10

MS. MARZANO-DOTY: Has this plan
already been approved?

11

12

CHAIRMAN ROSASCO: No.

13

MS. MARZANO-DOTY: Is there a
possibility that we could go with a Ranch
style house and not have to have 30 feet
behind me that I have to stare at?

14

15

16

17

Can there be some give on this?

18

CHAIRMAN ROSASCO: They're within
the Code. The problem is they're within
the Code.

19

20

21

MS. MARZANO-DOTY: I understand.

22

CHAIRMAN ROSASCO: When you buy on
the bottom of a hill -- the people behind
me, I'm sure they're probably not happy
that I've got a two-and-a-half-story split

23

24

25

1

9-27-22 - PLANNING BOARD
level above them.

2

3

MR. O'CONNELL: Little history.

4

When we looked at the Village Code way

5

back right when I first started getting

6

involved, it was after the sites were

7

developed. An average two-story home that

8

we would design, like across the street,

9

is 30 feet, and we were proposing similar

10

homes throughout, but what that house

11

would do to your neighbors on Hampshire,

12

it would actually appear to be -- well, it

13

would not appear, but from where your

14

property line is, instead of measuring

15

what we have as 30 feet, it, actually,

16

would have measured about 45 feet in the

17

air.

18

Just for a standard, like, the same

19

house that's across the street. And that

20

was a big concern of the neighbors, so

21

that's where we said, hey, so, even though

22

we're going to design a house to a 30-foot

23

height max from the back property line --

24

not from the grade -- which is what the

25

Village Code actually calls for. It ended

1

9-27-22 - PLANNING BOARD
up being a restriction that would be from
the back property line, which is so much
lower, which dramatically decreases the
height of the house or the architecture of
the home itself from what would be the
norm.

8

MS. MARZANO-DOTY: I'm sorry, are
you saying 30 feet from the lowest part of
the property line?

10

11

MR. O'CONNELL: Mm-hmm. Yeah.

12

MS. MARZANO-DOTY: You're building
30 feet from there?

13

14

MR. O'CONNELL: That's what we have
here. Yup. Yup.

15

16

MS. MARZANO-DOTY: Mm-hmm.

17

MR. O'CONNELL: From the lowest
point at the line of the property, where,
I think, the Village Code is around the
house -- the average grade around the
house, right?

18

19

20

21

22

MR. FELLMAN: Yeah.

23

MR. O'CONNELL: Yeah. So that was
a restriction that was made way back,
which really, kind of, hurt the style

24

25

1

9-27-22 - PLANNING BOARD
house that could even be put on the
property. But, I think, we've tried to
work with the neighbors and create
something that would work instead of
having a 45-foot tall home.

2

MS. DILLON: Well, I think, when
that development was first brought up,
these houses weren't that big. When it
was first -- and I know you're not with
the original contractor because I know
contractors have changed -- that was not
what was approved.

3

4

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19

MR. O'CONNELL: Yeah, I don't know
what was submitted.

MS. DILLON: Not approved, but that
was not what we were told was going up.

MR. O'CONNELL: Gotcha. I just
know about the 30 foot height restriction.

MR. OLBETER: Is there a date on
those drawings?

MR. O'CONNELL: These drawings?

MR. OLBETER: Yeah.

MR. O'CONNELL: Well, I did these
drawings. These are new drawings.

1

9-27-22 - PLANNING BOARD

2

MR. OLBETER: How many years ago?

3

I've seen that before.

4

MR. O'CONNELL: On this plan? This

5

was probably first developed three, four

6

years ago, but they were never developing

7

that property, so that's why it never went

8

to this Board yet because they weren't

9

doing that property at that time.

10

MR. STAUDT: Looks like December of

11

2020.

12

MR. O'CONNELL: Yeah.

13

THE COURT REPORTER: Sir, the

14

gentleman who asked that question, may I

15

please have your name and address for the

16

record?

17

MR. OLBETER: Yeah. John Olbeter,

18

14 Merritts Road.

19

THE COURT REPORTER: Thank you very

20

much.

21

MR. OLBETER: So just to continue,

22

I don't care if they put a McDonald's in

23

that area. I could care less because my

24

problems are done already. We've moved

25

on.

1

9-27-22 - PLANNING BOARD

2

This builder does not follow

3

through on anything he says he's going to

4

do. These people have a situation with

5

the water. What happened was he rerouted

6

the water. He didn't fix the problem.

7

When they moved in -- you've been with

8

this guy for how many years?

9

MR. O'CONNELL: I'm separate from

10

the builder.

11

MR. OLBETER: Okay. They put these

12

basins in at 15 feet when they buried

13

them.

14

Nothing happened because there's

15

clay under there. They came back and had

16

to dig up eight of these basins and put

17

them 34 feet down because the water was

18

just going off the side.

19

We had to deal with the retaining

20

wall. We came to these meetings. He

21

says, don't worry, we're going to do the

22

retaining wall. He says, we decided we're

23

going to use railroad ties. I said, it's

24

34 feet. How are you going to put

25

railroad ties? It's going to be dead.

1

9-27-22 - PLANNING BOARD

2

Whatever's cheaper this guy will do.

3

He's applying for this now. I've

4

seen these plans before. They were

5

knocked down three times already. So

6

there's -- the first house is what, One

7

Toretta?

8

What's the first house on the right

9

there?

10

They told me they couldn't build

11

that house because it's too close to

12

Merritts Road, and he built it anyway.

13

So this builder does whatever he

14

wants -- comes down -- he sends somebody

15

down to beg for forgiveness. They give

16

him a variance, and he does what he wants.

17

I've seen him do it five times. He has

18

five houses there. There's nothing but

19

issues with all the houses. And he does

20

one at a time.

21

CHAIRMAN ROSASCO: That's the ZBA,

22

not us.

23

MR. OLBETER: He does one at a

24

time. He comes down here, he does one at

25

a time. He deals with these people, he

1

9-27-22 - PLANNING BOARD
gets his money, he builds the house. He's
going to be here next year with the same
exact plan, and now they want to build a
house over here, but then you're going to
have the issues again. I'm done with the
guy because it's two years past.

8

MS. OLBETER: We fought him as much
as we could, and we lost.

9

10

MR. OLBETER: We came to all of the
meetings, and he was smarter than us
because he just sent people and got
variances and whatever. He never does
what he's supposed to do.

11

12

13

14

15

That retaining wall by my house was
supposed to be a three-tier retaining
wall. He did one. But it's done now.
What do I do? Like he said (indicating),
the thing is clogged with cement. It's
supposed to be drainage. I don't know
what those people are going to do.

16

17

18

19

20

21

22

I had to take a tree down. When
they landscaped, they dug out all the land
to make room for the backyard. Because it
was a slope, they dug it out. All the

23

24

25

1

9-27-22 - PLANNING BOARD
trees are leaning over because there's no
earth holding up the trees, so I had to
take the trees down because they were
going to fall on these people's houses.

2

But my concern now is that he is
just going to get away with it again. As
a concerned neighbor. That's all I am. I
just wanted to make you aware of that.

3

4

5

6

CHAIRMAN ROSASCO: Thank you. So
having gone through it, if we were to
focus on water remediation, lighting, and
privacy, would those be the three things
that you would, in retrospect, look to --

7

8

9

10

11

12

13

14

15

MR. OLBETER: He's not going to do
it. He's going to sign off on it and do
what he wants anyway. He doesn't follow
through.

16

17

18

19

You're going to build a bathtub in
those backyards, which means there has to
be a basin that goes 34 feet down.

20

There's got to be at least two per
property if there's that much water;
right?

21

22

He doesn't care. I bet you if you

1

9-27-22 - PLANNING BOARD
dug those basins up now, they probably
have concrete covers on them. He doesn't
even open them.

5

(WHEREUPON, there was simultaneous
crosstalk among the assemblage.)

7

CHAIRMAN ROSASCO: Okay. We've
been down there, and, ultimately, what
they need to do is they need to wick down
into the clay -- meaning, build one line
where you can reach sand --

10

11

12

MS. DILLON: They need to be held
accountable. Because I agree with what
this gentleman is saying (pointing) in
that the builder -- I've never seen houses
go up so fast in my life to be honest with
you -- I mean, this guy has built very
quickly, and it's almost, like, I got it
up now -- and the old saying it's better
to ask for forgiveness than approval, and
that seems what he's doing, and it's,
like, you guys are giving it to him.

14

15

16

17

18

19

20

21

22

23

Like, when all the trees came down
and everything stopped, you forced him to
stop at a certain point until he put trees

24

25

1

9-27-22 - PLANNING BOARD

2

back. Nothing ever went back and building

3

started again, and I'm, like, where are

4

the trees they're supposed to put back

5

because he was only supposed to clear a

6

certain amount of land, and he cleared

7

more than what he was approved to clear.

8

CHAIRMAN ROSASCO: Okay, well, it's

9

all clear now. We can only rebuild it

10

now.

11

MS. DILLON: But I'm saying --

12

CHAIRMAN ROSASCO: I understand.

13

MS. DILLON: You should have said

14

you've got to pay the money to put stuff

15

back, you shouldn't have cleared all of

16

that, shame on you. But, instead, you

17

guys said, okay, it's all clear, let's

18

move on to the next phase instead of

19

giving him some kind of punishment. And

20

maybe then --

21

CHAIRMAN ROSASCO: Well, we're the

22

Planning Board, which is before things get

23

done. The Enforcement Board may need to

24

pump up their efforts.

25

MS. DILLON: Exactly.

1

9-27-22 - PLANNING BOARD

2

CHAIRMAN ROSASCO: I agree with

3

you. I hear all your concerns.

4

(WHEREUPON, a member of the

5

assemblage raised a hand to be

6

recognized.)

7

CHAIRMAN ROSASCO: Go ahead.

8

MS. OLBETER: Laura Olbeter, 14

9

Merritts Road.

10

The Enforcement Board kept telling

11

us they wouldn't give them COs until

12

everything was fixed. And they gave the

13

COs.

14

And then we had to go to Nassau

15

County for them to get their bond back.

16

And there was a meeting. We couldn't

17

speak. They could speak, we couldn't

18

speak. And they, basically, just said

19

just give him his money back even though

20

he sent documents (pointing), we sent

21

pictures, we sent all sorts of things.

22

And we were also told by this

23

Board, how much do you really want to

24

fight?

25

Would you rather have an empty lot

1

9-27-22 - PLANNING BOARD
there or homes?

2

3

CHAIRMAN ROSASCO: It wasn't the
Planning Board. It may have been the
Board of Trustees or the Zoning Board of
Appeals -- the ZBA.

4

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7

MS. OLBETER: No. It was the Mayor
and his whole crew.

8

9

CHAIRMAN ROSASCO: I got it.

10

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MS. OLBETER: Time after time after
time. So I'm just -- for these poor
people, three years from now, it's going
to be the same thing. So, you know,
report back to whoever.

15

16

17

CHAIRMAN ROSASCO: That's why I'm
asking you guys that have gone through it
before how you would do it differently.

18

19

MS. OLBETER: But I don't think
it's going to be done differently.

20

21

22

CHAIRMAN ROSASCO: Well, I can't go
into everything assuming it's going to
fail. I'm here to try to correct it.

23

24

MS. OLBETER: He knows (pointing).

25

MR. OLBETER: He's building a new
house at One Toretta is it?

1

9-27-22 - PLANNING BOARD

2

The first house on the right? So

3

when they were building the other houses,

4

the Village Board said, we're not going to

5

let them do any more work until they

6

comply. Then they said, well, they can't

7

get COs unless they comply.

8

So I went over there and made

9

believe I wanted to buy a house, and I

10

said, I want this blue house on the end

11

over here, and the guy goes, buy it. I

12

go, well, you don't have COs. He goes,

13

that's not up to me, I just sell the

14

houses. You've got to worry about that

15

with the Town.

16

So they say he's not going to get

17

the COs. He doesn't need the COs. He

18

does what he wants. So now you're

19

building this other house at One Toretta.

20

Let's see if he knows how to do it

21

correctly before you give him plans to do

22

another. It's the same story.

23

This is his fifth house already,

24

right, and he was told he wasn't allowed

25

to build it because it's too close to

1

9-27-22 - PLANNING BOARD
Merritts Road. There's supposed to be a
sidewalk there, so he built it over there
anyway.

5

CHAIRMAN ROSASCO: So when you say,
let's see how he builds it correctly, are
you having structural issues with your
house or --

9

MR. SHAH: Every other person on
the street except I am. Mine is the only
one on the street that's not because I'm
the tallest on the street. Every other
person is. Including electricity issues
where their power goes out for days at a
time. They're getting flooding issues,
they're getting all sorts of issues, water
issues, everything.

18

19

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25

But the thing is, again, like all
these guys are saying, he asks for
permission after he does it wrong because
he's, actually, on the Five Towns Board of
Bridges, so he has political connections,
which is why he gets a lot of things
passed through. Because this guy is on
the Board of Sanitation for Five Towns,

1

9-27-22 - PLANNING BOARD
this guy is on other boards for Far
Rockaway counties, like, he gets a lot of
political connections that gets a lot of
things through.

2

If no one is, actually, checking on
it, why do something correctly if you can
save money?

3

4

5

Ultimately, it's going to be the
homeowners like me or these guys that are
going to be paying for it. If he doesn't
have to pay for it, what's his problem?

6

7

8

9

As a business person, I'm still
doing business and stuff on the side.
I'm, actually, a doctor by trade and have
an MBA as well, so, like, why pay for
things if you don't have to?

10

11

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You're going to make the money back
from somebody. It's someone else who's
suffering, and he's getting away with it.

15

16

17

CHAIRMAN ROSASCO: So your concern
on the north side of the street is --
obviously, we can't control the electrical
contractor.

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19

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21

MR. SHAH: You can.

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9-27-22 - PLANNING BOARD

CHAIRMAN ROSASCO: I can't. We
can't.

MR. SHAH: These guys --

CHAIRMAN ROSASCO: I understand
that. I understand that. But your only
issue is that your other neighbors to the
east of you have water issues.

MR. SHAH: East and west. Both
sides. But you guys are not dealing with
the mess because that's Oyster Bay.

MR. OLBETER: What number are you?

MR. SHAH: I'm nine.

MR. OLBETER: So you're all the way
in the corner?

MR. SHAH: I'm next to the corner.
I'm on half Farmingdale and half Oyster
Bay. My house is on Oyster Bay, so I have
no problem with any of that stuff. Some
of my property, actually, is with
Farmingdale, like, a little small corner
of it.

CHAIRMAN ROSASCO: Yeah, just that
front corner. Well, thank you for your
input.

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9-27-22 - PLANNING BOARD
Go ahead, Al.

MR. LAPIDUS: I heard you say that the Village has a Code of a 30 foot building height. The buildings we have -- and Steve will correct me -- is 35 feet in height.

CHAIRMAN ROSASCO: I believe the Code is 35 feet.

MR. O'CONNELL: The Village Code.

CHAIRMAN ROSASCO: This is only 30, but the Code allows up to 35 in Residence AA.

MR. LAPIDUS: Okay. I'm just making sure because I heard somebody say the Code is 30.

CHAIRMAN ROSASCO: He's five feet under Code as depicted.

MR. LAPIDUS: Gotcha.

CHAIRMAN ROSASCO: In Residency AA it's 35 feet.

MR. LAPIDUS: Gotcha.

CHAIRMAN ROSASCO: Now, the concern is, though, for these people that are underneath it, 30 feet looks 50 feet, and

1

9-27-22 - PLANNING BOARD

2

I understand. That's why we're going to

3

speak to them about ways to address the

4

privacy issues. The water issue sounds

5

like the biggest issue.

6

MR. STAUDT: I agree.

7

MR. SHAH: Someone needs to make

8

sure that everything is being done

9

correctly the whole time that this

10

building is happening and that nothing

11

does occur, otherwise, these guys are

12

going to have flooding all the time. All

13

my neighbors have it right now.

14

CHAIRMAN ROSASCO: I've heard that.

15

MR. SHAH: Otherwise, they'll have

16

it all winter long if no one is watching

17

because he will close it off. He will

18

close all the basins because that's easier

19

for him not to clean up the basins. It's

20

easier for him to do a lot of other stuff.

21

These guys will have problems all winter

22

long otherwise.

23

CHAIRMAN ROSASCO: Okay.

24

MR. SHAH: Someone has to watch and

25

be accountable. If he's just going to get

1

9-27-22 - PLANNING BOARD
a pass by paying somebody else off after
it's all done and say that I'm sorry, I
won't do that again, no shit you won't do
that again because the house is built.

2

CHAIRMAN ROSASCO: Are you
insinuating that someone here has been
paid off?

3

4

5

MR. SHAH: It could be possible.

6

CHAIRMAN ROSASCO: Okay.

7

(WHEREUPON, a member of the
assemblage raised a hand to be
recognized.)

8

9

CHAIRMAN ROSASCO: Go ahead.

10

MR. LAPIDUS: The reason you see no
plants there is it's all clay.

11

12

CHAIRMAN ROSASCO: No, I know.

13

MR. LAPIDUS: It will never grow.
Nine, eight, five through 10 will never
have any vegetations, period. Unless the
guy removes three, four feet of that clay,
nothing will grow.

14

15

16

17

18

CHAIRMAN ROSASCO: I agree.

19

MR. LAPIDUS: Just to give an idea
of who you're dealing with, okay, and the

20

1

9-27-22 - PLANNING BOARD
funny thing is, this man got an award, I
believe, in 1989 for Best Man of the Year.
The funniest thing I ever read. The
developer. So if this guy knows
everybody, and he does what he wants --

2

CHAIRMAN ROSASCO: Listen, Bill
Cosby is also America's dad.

3

MR. LAPIDUS: Yeah, I know. It's
important that somebody has to be
physically there. Even though before
there was supposed to be an engineer
watching and construction people watching
and a P.E. coming over, none of that --
because to this day, these people are
still trying to collect paperwork for the
things that already occurred.

4

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So I just got here because I got
the notice. I would have been here many
times. Steve saw me, maybe, more than a
hundred times.

20

CHAIRMAN ROSASCO: I've seen you
here. I get it.

21

MR. LAPIDUS: I even went as far as
the legislators.

22

1

9-27-22 - PLANNING BOARD

2

CHAIRMAN ROSASCO: I get it.

3

MR. LAPIDUS: They told me, Alex,

4

you have a great case in case you get

5

sued. Great, does that solve any

6

problems?

7

But they told me don't worry,

8

you're covered, you know, but that's not

9

right. It's a shame. He made a mess.

10

CHAIRMAN ROSASCO: I get it. It's

11

why we're here today. I know what the

12

concerns are.

13

MR. LAPIDUS: Whatever you do, just

14

make sure somebody is watching.

15

CHAIRMAN ROSASCO: We have a duty

16

as a Village. We have a duty to do our

17

best job, okay, and I get the sense that

18

it may not have been our best efforts

19

previously, okay, or the end result was

20

not the result everybody desired, and

21

that's why we have public hearings.

22

MR. LAPIDUS: But there was no

23

reason for that. That's what I wanted to

24

say. Neighbors wanted simple things:

25

Privacy, land stabilization, and water

1

9-27-22 - PLANNING BOARD
runoff. It never changed. Nothing was
done.

3

4

You got six people looking into my
bedroom. I'm on top. No privacy. You
got no vegetation, you got no water, so
every single issue that the people are
here -- they were here three years ago
before this even started, as it started.
They got COs. We were told everything was
going to be fine, they could not do this
without this and this and this. Before
you knew it, it was all done.

5

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CHAIRMAN ROSASCO: Right. Well,
fortunately, you live in the Village.
Outside of the Village, you don't have a
right to privacy.

15

16

17

18

MR. LAPIDUS: I know.

19

20

21

22

23

24

CHAIRMAN ROSASCO: We've given you
a pulpit here to come here and address
your concerns. If it was the Town of
Oyster Bay, you would -- privacy, you
don't get privacy. You don't. You can't
ask for trees from your neighbors.

25

MR. LAPIDUS: No, no, but it was

1

9-27-22 - PLANNING BOARD
there. When it all started, it was
beautiful.

4

CHAIRMAN ROSASCO: I understand.

5

MR. LAPIDUS: By the time it was
done, it was down to the pennies from Home
Depot.

8

CHAIRMAN ROSASCO: It was a mess
beforehand.

10

MR. LAPIDUS: It still is.

11

CHAIRMAN ROSASCO: It may have been
nice and quiet -- one house on six acres,
I get it.

14

MS. DILLON: It was three
structures.

16

MR. LAPIDUS: That cul-de-sac is
very narrow. If you're going to put four
more houses, that means there'll be cars
on both sides of the street and in the
cul-de-sac itself. How is somebody -- God
forbid, if there's an emergency -- to come
around or anything to come around that
circle because at nighttime the cul-se-sac
-- it's almost full already now, and the
driveways between the homes --

25

1

9-27-22 - PLANNING BOARD

2

CHAIRMAN ROSASCO: It's no narrower

3

than Hampshire Drive if you want to take a

4

look at the survey.

5

MR. LAPIDUS: I'm just -- because

6

my driveway is narrow -- and I have a hard

7

time with nobody on the road, but here you

8

have cars on both sides.

9

CHAIRMAN ROSASCO: I mean,

10

technically, what should have happened

11

with all those houses on the north side, I

12

don't know if they are -- you don't have a

13

catch basin in your driveway, right?

14

So they should have a dry well

15

under their driveway with a drain at the

16

end of their driveway to contain all their

17

water that, literally, runs right down the

18

driveway, and then release it to the

19

neighborhood. He may be the prince of the

20

court on top of the hill --

21

MR. LAPIDUS: That was supposed to

22

be there, but it was never done.

23

CHAIRMAN ROSASCO: Well, now, it's

24

part of the Code. We're trying to figure

25

these things out.

1

9-27-22 - PLANNING BOARD

2

MR. LAPIDUS: He was always one

3

step ahead. Always one step. Even though

4

he said yes, yes, yes, it was done, it was

5

done, it was done, COs were issued. I

6

have questions never answered. My

7

neighbors have questions never answered.

8

These people here have questions never

9

answered, so I hope they have faith.

10

CHAIRMAN ROSASCO: You do have the

11

right to bring the guy to court.

12

MR. LAPIDUS: To do what?

13

CHAIRMAN ROSASCO: To sue him.

14

MR. LAPIDUS: To sue him?

15

CHAIRMAN ROSASCO: Sure.

16

MR. LAPIDUS: I don't think I can

17

sue somebody who's got an award, a lot

18

more money than I do. For him \$300,000

19

would be nothing. For me, \$300,000 --

20

CHAIRMAN ROSASCO: How much do you

21

think your damages are?

22

MR. LAPIDUS: My damages?

23

CHAIRMAN ROSASCO: Yeah. Small

24

Claims is \$7,500. You don't need an

25

attorney for that.

1

9-27-22 - PLANNING BOARD

2

MR. LAPIDUS: Say that again.

3

CHAIRMAN ROSASCO: Small Claims is

4

claims up to \$7,500.

5

MR. LAPIDUS: Oh, they raised it.

6

Good.

7

CHAIRMAN ROSASCO: Yeah, that's

8

County. So you don't need an attorney for

9

that though. You go there, and there's

10

mediators and arbitrators to settle these

11

things.

12

MR. LAPIDUS: But small damages

13

won't do it.

14

MR. DILLON: Why should we have to

15

go to court?

16

MR. LAPIDUS: I'm sorry. Small

17

damages will not do it because I'm talking

18

about close to hundreds of thousands to

19

correct what was supposedly regraded

20

properly. What do you mean regrade

21

properly? What do you mean? I'm on the

22

hill. What do you mean you're going to

23

regrade a hill? How do you stop that from

24

continuing regrading?

25

Now, for me to fix that -- I

1

9-27-22 - PLANNING BOARD
haven't touched it. He hasn't touched his
backyard (indicating). I haven't touched
my backyard because as soon as we put a
shovel in there, somebody just bought this
problem. So we're in a limbo.

7

I'm going into a situation with
water runoffs affecting everybody, but,
yet, there's nothing we can do because as
soon as we touch it, we bought this
problem. I have a certificate that says
properly regraded. Okay, but is it
properly? No. So these four houses are
in a worse situation than the other six
because they are, literally, on the
bottom. It doesn't get any lower than
that.

10

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CHAIRMAN ROSASCO: I agree.

19

MR. LAPIDUS: Without a water dam,
without a runway for the water to go and
to seed and to settle because anything
else will not stay. It will be washed
away.

20

21

22

23

24

CHAIRMAN ROSASCO: I understand.

25

MR. LAPIDUS: You're not going to

1

9-27-22 - PLANNING BOARD
be able to do this with dirt. Because
it's been there before, they're going to
have to refill it and refill it and refill
it.

2

This has to be done in concrete.
Solid as a rock. You put a concrete wall,
you put a 6-foot fence on top, so they're
left with 20 feet of property to look at
the other side. But without this concrete
and cement, nothing is going to work there
because it's all clay. It's a matter of
time until it gets washed away, and,
unfortunately, they'll get another eight
homeowners that are not happy.

3

So this whole project made
everybody unhappy. Nobody's happy, which
is strange. You got new homeowners, nice
neighborhood, nice location next to a golf
course, and nobody's happy. The only
person that's happy is the real estate
guy. He's got a waiver here, a waiver
there. It's a shame. Nobody wants
anything. We just want the right for
everybody to be happy.

4

1

9-27-22 - PLANNING BOARD

2

None of these six people have

3

privacy. They'll never have it. Every

4

time I drive up, I see everybody's

5

kitchen, bedroom, showers, and I have no

6

choice because I cannot put anything there

7

because if I put something there, they're

8

going to say, oh, well, you rearranged it,

9

now it's your fault, now you got to put

10

this and this and this in.

11

They're waiting for that, which is

12

not fair because everybody is kind of

13

stuck in a limbo because it's a massive

14

problem, and nobody can go out and just

15

fix it because -- so, you know, I would

16

just appreciate it if you would take care

17

of these poor people. You know, give them

18

something to sleep at night because

19

they're at the bottom of the hill, and

20

that water, actually, goes all around the

21

flood. If you look at the way it's

22

pitched, it comes from the cul-de-sac, it

23

goes down, and it just travels right to

24

the first house. It was designed that

25

way.

1

9-27-22 - PLANNING BOARD

2

MS. BLASER: There's a trench that

3

they built, you know, but it's still going

4

into the ground. It's still coming down

5

anyway.

6

CHAIRMAN ROSASCO: A clay trench

7

doesn't swallow water. It's a moat.

8

MS. BLASER: I had to have the

9

patio redone. Lucille had to have some of

10

hers redone because it was cracking. I

11

had to have -- mine was all uneven and

12

broken, so I had the waterproofing done.

13

I had the new patio done in the back, and

14

there's still some parts that are cracked

15

now because the water is just -- the

16

ground is soaked.

17

So, you know, if I was to say,

18

okay, let's bring them to court, I'd be in

19

for at least \$30,000 for what I did to the

20

back of the house just to have that redone

21

and then my retaining wall, which was

22

after they leveled that land, you know.

23

That was another \$15,000 that we had done

24

to the back of the house, but that was a

25

couple of years ago after it was leveled

1

9-27-22 - PLANNING BOARD
because that was before realizing that's
what the problem was.

3

4

CHAIRMAN ROSASCO: I get it. Just
from my personal experience, I put two dry
wells in my backyard. In my own personal
yard, and I'm .19 of an acre, I have
different ports around my entire yard with
pipes under the ground that drain into
these wells.

5

6

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MS. BLASER: Me, too. I did that.

12

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16

17

CHAIRMAN ROSASCO: I'm in for about
\$60,000. I still have water problems, and
I don't have a contractor building above
me. And I have sand. When I did soil
samples, I have sand. I don't have clay
in my yard.

18

19

20

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23

24

25

It's the aquifers underneath that
aren't helping it. There's only a certain
amount of water that soil or clay can
absorb, so I understand everybody here.
Your complaints are valid. I don't have
the contractor above me. I've got two dry
wells in my yard, and a smaller yard, and
I take water all the time.

1

9-27-22 - PLANNING BOARD

2

MS. DILLON: And I understand that.

3

You have a water issue as well without

4

having someone. Why add -- so because we

5

are okay, let's build, and now we have a

6

water problem too?

7

So we're all fair, we're all equal?

8

That we have a water problem, and you have

9

a water problem? It's just, you know --

10

MS. PEARSON: What I'm hearing is

11

that there is a lack of trust in this

12

builder, which is completely

13

understandable given the stories that you

14

have said because the issues that, you

15

know, Craig had succinctly put were that

16

we have drainage issues to make sure

17

they're attended to, lighting issues, and

18

privacy issues.

19

And those would be issues that we

20

would be trying to address if this builder

21

had not had any problems with the houses

22

on the north side of street. But what I'm

23

hearing is that, yes, we want these issues

24

addressed, but we don't trust that this

25

builder will adequately address them for

1

9-27-22 - PLANNING BOARD
the houses that are going to be built on
the south side of the street.

4

MS. DILLON: Exactly.

5

MS. PEARSON: Is that an accurate
sort of capture of how people are feeling?

7

(WHEREUPON, there was an
affirmative reaction.)

9

MS. PEARSON: So because the
question that's coming to mind is that we
have this home. This gentleman said they
opted to go with a home that wasn't 45
feet with one that is 30 feet, so there's
this perception that they're trying to be
neighborly in these new constructions,
which may have happened regardless, so
would you be happy if they were building
the homes if all these other issues were
resolved?

20

Would that be satisfactory, or is
the issue just that we don't want the
homes built because we don't trust the
builder?

24

MS. DILLON: It's a combination.

25

We don't trust the builder, but, by the

1

9-27-22 - PLANNING BOARD
same token, this is the second builder
coming in as well --

4

(WHEREUPON, there was simultaneous
crosstalk among the assemblage.)

6

MS. DILLON: I don't know how many,
I lost track. I just know I saw two
different names on the sign coming in.

9

MR. LAPIDUS: Same guy. Same
person.

10

11

MR. SHAH: Same guy different
company.

12

13

MR. OLBETER: Can I ask you a
question?

14

15

What happens -- let's say that
everything here gets approved. You guys
approve, he squishes the house down, he
puts in whatever, you approve it. Then it
goes to what? The Village?

18

20

Because that's where I see the
disconnect. This guy got approved for
certain things, and then when we went to
the Village, they were like, well, the
plans changed. Everything was amended
somewhere in between, so even if you do

24

25

1

9-27-22 - PLANNING BOARD
your job, this guy knows how to navigate
the system where when it gets to the
Village, he gets what he wants. That's
what I'm seeing.

2

CHAIRMAN ROSASCO: Or more likely,
we need strict adherence to what was
approved and what was done.

3

4

5

MR. OLBETER: That's what I'm
saying. He always got an amendment or a
variance when we went to the Village.

6

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8

We're, like, this guy told me he
was going to do a three-tier retaining
wall. He did one. So we went, and they
were, like, well, we don't have those
plans. Well, yeah, because it was eight
years ago. The guy revised it and revised
it.

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These plans -- I've seen these
plans three times (pointing). I don't
care if he says 2022, I've seen these
things from 2017. They disappear, they go
in a drawer, the guy goes, okay, let's do
it again, let's see what happens. He
brings out the same plans.

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9-27-22 - PLANNING BOARD

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I've seen this thing. He brings it

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out. He's, like, okay, we're done with

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that. The Planning Board does whatever

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they want to do. They nail the guy to the

6

wall and say, this is what you have to do.

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He goes, yeah, I'm going to do it, and he

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walks around the corner, and he does

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whatever he wants, and then the Village

10

gives him a hard time. He does what he's

11

got to do with the Village -- and how do

12

you build a house on Merritts Road where

13

there's not room for a sidewalk?

14

How did he get that built?

15

CHAIRMAN ROSASCO: I wasn't here

16

for the ZBA portion of that.

17

MR. OLBETER: I know. But I'm just

18

saying does that make any sense?

19

There's supposed to be a sidewalk

20

between Merritts Road and the house. Then

21

there's supposed to be whatever -- 10 feet

22

from there to the house -- this guy builds

23

a house. How does he get away with that?

24

Because he did what he was supposed

25

to do with the Planning Board. Then he

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9-27-22 - PLANNING BOARD
said, whatever, I'll go to the Village and
get a variance, and that's what he just
keeps doing.

5

And, again, I'm done with the guy
because my problems are over. I fought as
much as I could, but I'm just saying. As
a concerned citizen for these people, you
know. I've known these people for years
as well -- and yourself -- but I don't
understand how you can build a whole house
on a variance. What's the Planning Board
for; right?

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CHAIRMAN ROSASCO: Well, the
Planning Board is not the people who are
approving and waiving setback Code.
That's ZBA.

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MR. OLBETER: But somebody stopped
him, right?

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Someone said you're not allowed to
do this. He did it anyway.

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CHAIRMAN ROSASCO: So right now
these plans are within the Code. If you
look at Section 602 --

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MR. OLBETER: No, no --

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9-27-22 - PLANNING BOARD

CHAIRMAN ROSASCO: (Continuing) --

Section 604.2 --

MR. OLBETER: (Continuing) --

you're missing my point. You're missing
my point.

Why are we even here if he did
that?

CHAIRMAN ROSASCO: Because you're
not happy about the prior ways, and it's
our job --

MR. OLBETER: No, he --

CHAIRMAN ROSASCO: (Continuing) --
let me just finish. Now we take your
concerns to the Board of Trustees, and we
say, when this guy comes before us for
final approval at the Board of Trustee
level, these are the concerns. And maybe
we need to enforce him and tell him you're
going to pay for our own P.E. to come in
and monitor what's going on.

MR. OLBETER: But what they're
telling you is it doesn't matter. It's
been five buildings already, right?

He just keeps getting variances, so

1

9-27-22 - PLANNING BOARD
now he's doing it a sixth time. He's got
a building, a house --

2

3

CHAIRMAN ROSASCO: But he doesn't
have any variances right now.

4

5

MR. OLBETER: Well, what about the
house --

6

7

CHAIRMAN ROSASCO: No. Let's stay
on focus here. There's one application
for us tonight -- 8 Toretta. I hear all
your complaints about the north side of
the street. We're here in regards to one
application, taking some comments as to
how we can do it right.

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MS. DILLON: But I think I have to
agree with what Ms. Pearson said. We
don't trust the builder --

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CHAIRMAN ROSASCO: I understand
that.

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MS. DILLON: (Continuing) -- so
what this guy's saying, I remember when
this whole project first started --

21

22

CHAIRMAN ROSASCO: How do we remedy
that?

23

24

MS. DILLON: Well, that's what I'm

1

9-27-22 - PLANNING BOARD
saying, so, we don't know. We're coming
to you, and I know you're only limited on
certain things, but after the Planning
Board, who is, actually, approving what
gets done?

2

Because somewhere along the line
he's getting someone to say, all right,
we're going to let you do that even though
it wasn't approved at this level because
that's what's happened. That's what's
happened with the first five houses that
went up that were not supposed to be that
way.

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CHAIRMAN ROSASCO: Okay.

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MR. LAPIDUS: There were over 20
amendments. None of us knew it. It's not
a public thing they said. By the time we
knew it, it was all done. Over 20
amendments without a public input. The
roof type, the size type, I mean, it's
just absurd.

16

17

So we're here, we want to
participate, that's why we're here.

18

CHAIRMAN ROSASCO: You are.

1

9-27-22 - PLANNING BOARD

2

MR. LAPIDUS: But somewhere along

3

the line we get left out. We don't get a

4

notice to show up, and before we know it,

5

it was done.

6

Amended 20 times without any

7

public. Everything was destroyed. Of

8

course we don't have any trust in the guy.

9

We trusted him. He amended it 20 times.

10

This was approved, this was changed, this

11

is no longer an issue, this was all -- and

12

we were here honestly, willingly.

13

We weren't accusing anybody of

14

anything, but now we have an example of

15

six homes. One house is on the middle of

16

the street, and I don't even know if the

17

new homeowner is going to know his house

18

has a special variance because he's

19

dangerously close to the street. So

20

that's an issue for the new homeowner?

21

He's not even aware of what's going

22

on. He's just going to buy a house, and

23

he knows one thing, that when that snow

24

truck is going to come by, if that's not a

25

retaining wall to protect him, that PVC

1

9-27-22 - PLANNING BOARD

2

fence is gone because it's right on the

3

street.

4

MS. PEARSON: I do wonder --

5

MR. LAPIDUS: We tried, but it all

6

got amended. It all got thrown out, and

7

we all got stuck with what we got.

8

CHAIRMAN ROSASCO: Listen, I

9

learned more tonight, and I know your

10

plight. I've heard it at the Board of

11

Trustee level for five years, but it just

12

reinforces it that something needs to

13

change.

14

MS. DILLON: I, basically, said to

15

my mom coming down here tonight, I'm,

16

like, I feel that it's a waste of time

17

because we can go there and say what's on

18

our minds, he's going to get approved

19

somewhere to do what he wants to do

20

anyway. That's what the issue is.

21

Somewhere along the line, he's

22

getting his way. He's doing whatever and

23

cutting corners. It's obvious. Even the

24

new homeowners aren't happy with the

25

houses because he's cutting corners, but

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9-27-22 - PLANNING BOARD
we still come here because we have to do
our part, so that way when everything is
said and done, we can say at least we
tried.

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MS. PEARSON: Well, what I'm
thinking, and I'm going to defer to Mr.
Rosasco on this, is that because we make
recommendations to the Board of Trustees,
we can say that there have been existing
homeowners who have expressed concerns
about the water and drainage issues and
that we think there could be concerns,
like, in order for us to move forward, the
existing water and drainage issues would
affect this property if it got built and,
subsequently, all of your properties.

So, perhaps, and we will have to
discuss this, one recommendation is that
the builder has to remediate the existing
water and drainage issue so that it
doesn't affect any future properties that
this builder wants to build, which would,
hopefully, then, resolve it for all of you
as well.

1

9-27-22 - PLANNING BOARD

2

MS. DILLON: Yes. And if you

3

really want to push the envelope, he

4

should have to put some money in escrow

5

for any damages that are caused by any

6

flooding should his work not meet the

7

standards. So instead of me having to fix

8

my backyard -- when I work two jobs to

9

afford to live on Long Island -- or my

10

mom, who's on a fixed income, you know,

11

let him bear part of the expense because

12

what does he care?

13

Like, oh, they're going to flood,

14

they'll have to worry about it. He'll

15

take me to court. I don't have time to

16

take him to court.

17

MS. PEARSON: I hear you. We do

18

not have the jurisdiction.

19

MS. DILLON: I know. I know. I'm

20

just saying it's like --

21

MR. SHAH: Can I make a suggestion?

22

MS. PEARSON: Sure.

23

MR. SHAH: I would like to make a

24

suggestion if it's in your guys' purview.

25

I'm guessing most of you guys are

1

9-27-22 - PLANNING BOARD
attorneys as well.

2

3

MR. RYAN: I'm not.

4

MR. SHAH: Oh, you're not. But if
-- independently, would you guys be able
to make sure that everything is being done
correctly?

5

6

7

8

Even if there's somebody that's not
him -- but if you guys could suggest an
independent P.E. or an independent person?

9

10

11

Because let's be very honest, if
more houses come up, then property values
of the area does go up because,
technically speaking, newer properties
bring more value and newer properties, if
they're done correctly, can bring more
property values for everybody.

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So if that's the situation, then if
somebody's just making sure everything is
being done correctly, so it's not
affecting anybody, and that's an
independent person, not the builder
himself, then it can alleviate a lot of
issues.

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MR. RYAN: That's what the Building

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9-27-22 - PLANNING BOARD

2

Inspector is there for. I mean, we can

3

flag the fact that there's a problem with

4

this builder we believe. We've heard from

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people in the community, people who own

6

homes there.

7

I'd go on record that we've got to

8

check out this builder and make sure

9

there's no complaints against him, check

10

with the Better Business Bureau, and make

11

sure we want this guy to build in our

12

Village because it doesn't sound like we

13

do.

14

It might be at Code, but we have a

15

lot of problems and historical perspective

16

on this property and this builder, and we

17

better make sure that gets taken care of

18

first, so it certainly won't be getting my

19

vote to move forward.

20

MS. DILLON: Thank you. I

21

appreciate that.

22

MR. LAPIDUS: What would you

23

suggest we do -- I wrote letters,

24

complaints. What else can I do?

25

I mean, I'd like to get involved, I

1

9-27-22 - PLANNING BOARD
mean, I went as far as I could. What else
can I do because this waiver thing is
non-public disclosure unless you know what
happened. Not after the fact.

2

CHAIRMAN ROSASCO: I don't give
advice as to what your legal remedies are.

3

4

MR. LAPIDUS: No. But I'm just
saying, I try to keep track of it, and
this is the first time I hear, but it
turns out that there were more
conversations about this property and, so,
this person -- the developer -- doesn't
live here.

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He lives in a very nice
neighborhood in Five Towns, and he's got a
three, four-acre home, so he doesn't have
any swalings or dry wells or anything like
that.

16

17

18

19

You know, he don't care. He just
came in, built it, and was gone, and I'm
not going to tell you the way he spoke
with people.

20

21

MS. PEARSON: I just want to point
out that we are your neighbors.

22

1

9-27-22 - PLANNING BOARD

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MR. LAPIDUS: Yeah, yeah, I know.

3

MS. PEARSON: I mean, literally,

4

your neighbors.

5

MR. LAPIDUS: Don't take it

6

personally.

7

MS. PEARSON: I live around the

8

corner, so we do care, and we are

9

listening, and as Mr. Ryan said, I'm very

10

disturbed about everything I've heard this

11

evening, and this is the first

12

conversation that I have ever been privy

13

to about these properties, so I don't have

14

an answer for you about what you can do,

15

but I do appreciate that you came this

16

evening and shared this.

17

MR. LAPIDUS: It's my neighborhood.

18

MS. PEARSON: Mine, too.

19

MR. LAPIDUS: I got 10 homeowners

20

that are not happy, and I don't want it to

21

be a slum, and I got 15 homeowners around

22

it that are not happy, you know.

23

CHAIRMAN ROSASCO: I think I

24

summarized this 40 minutes ago -- water

25

remediation, privacy, lighting. I get it.

1

9-27-22 - PLANNING BOARD

2

MR. LAPIDUS: That was it?

3

CHAIRMAN ROSASCO: The horse is so

4

badly beaten at this point, I'm going to

5

walk it back into the barn and call the

6

ASPCA.

7

I understand. But you've got to

8

see, we're a Planning Board. Take it out

9

when you go to the voting booth. What do

10

you want me to tell you?

11

If you are not happy with the way

12

things turn out, make for change. It's

13

your option. You've got legal remedies,

14

you've got voting rights. It's America.

15

I promise you, in no other

16

jurisdiction or municipality are you

17

getting a pulpit like you get down here.

18

We listen to you guys until I'm blue in

19

the face.

20

MS. DILLON: Well, we appreciate

21

that.

22

CHAIRMAN ROSASCO: This is a

23

volunteer position for all these people up

24

here. We are not on the payroll.

25

MR. LAPIDUS: I do appreciate that.

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9-27-22 - PLANNING BOARD

CHAIRMAN ROSASCO: I understand your gripes and complaints. It's just regurgitating itself. I don't need to hear it any more. I know. I get it. We have to do something different. Across the street is a failure.

MR. LAPIDUS: Yes.

CHAIRMAN ROSASCO: I'm with you.

MR. RYAN: Do you need a motion to close the public hearing?

CHAIRMAN ROSASCO: Does anybody else have anything they'd like to add?

(WHEREUPON, no response was heard.)

MS. PEARSON: Mr. O'Connell, thank you for coming this evening.

MR. O'CONNELL: You're welcome.

CHAIRMAN ROSASCO: If nobody has anything else, I'm going to make a motion to close the public hearing on 9 Toretta.

Can I get a second on that?

MS. PEARSON: I'll second.

CHAIRMAN ROSASCO: All in favor?

(WHEREUPON, there was a unanimous, affirmative vote of the Board members

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9-27-22 - PLANNING BOARD
present. Motion passed 5-0.)

CHAIRMAN ROSASCO: With that being
said, I'm going to make a motion to
adjourn the meeting of September 27th.

Do I have a second on that?

MR. STAUDT: I will second.

CHAIRMAN ROSASCO: All in favor?

(WHEREUPON, there was a unanimous,
affirmative vote of the Board members
present. Motion passed 5-0.)

CHAIRMAN ROSASCO: Have a good
night, everybody.

(WHEREUPON, this meeting was
concluded at 9:04 p.m.)

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9-27-22 - PLANNING BOARD

C E R T I F I C A T E

I, TRACIE A. CINQUEMANI, Court Reporter and Notary Public in and for 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 27th day of September, 2022.

Tracie A. Cinquemani

TRACIE A. CINQUEMANI

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