

BOARD OF TRUSTEES

VILLAGE OF GREAT NECK ESTATES

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In the Matter of the Application

of

200 MNR Sun LLC
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PRESENT: WILLIAM WARNER, MAYOR
JEFF FARKAS, DEPUTY MAYOR
HOWARD HERSHENHORN, TRUSTEE
IRA D. GANZFRIED, TRUSTEE
LILIA SHEMESH, TRUSTEE

KATHLEEN L. SANTELLI, VILLAGE ADMINISTRATOR

DATE: June 10, 2024

TIME: 8:00 p.m.

PLACE: VILLAGE HALL
4 Atwater Plaza
Great Neck, New York 11021

COUNSEL A. THOMAS LEVIN, ESQ.
REPRESENTING 990 Stewart Avenue
VILLAGE OF Garden City, New York 11530
GREAT NECK ESTATES

REPORTED BY: Christa Flash, RPR

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1 MAYOR WARNER: The next public hearing is
2 for Mckinley Rose. Is there anybody here for -- oh,
3 I mean 200 Middle Neck Road. I lost my glasses.

4 MR. BLOOM: I want you to be able to see me.

5 MAYOR WARNER: I don't need to see you. I
6 can hear you. I think that's enough.

7 TRUSTEE GANZFRIED: I hear him at night
8 sometimes.

9 MAYOR WARNER: You've got to call the police
10 for that.

11 MR. BLOOM: You have no idea what kind of
12 ribbing I take from my wife.

13 Paul Bloom, Harras, Bloom & Archer, 445
14 Broad Hollow Road, Melville, New York, appearing on
15 behalf of 200 MNR Sun, LLC. This is not our first
16 occasion for being here. I believe it's number
17 three, maybe even number four, frankly, if we go back
18 in time.

19 DEP. MAYOR FARKAS: It's number three.

20 MR. BLOOM: There was one before.

21 MAYOR WARNER: Right. Number three public
22 hearing but one before.

23 MR. BLOOM: Good evening, Mayor, Members of
24 the Board.

25 Since last hearing we submitted additional

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1 materials for consideration by the Board, and these
2 were, in some cases, modifications that were made and
3 suggestions or comments that came from either the
4 Board members or from the people who are here this
5 evening or were here this evening.

6 These submissions I'm going to break down,
7 and then I'm going to hand it over to Mason Sofia to
8 go through them in greater detail, but it comprised
9 of a number of exhibits, and this would be the
10 document that was attached to a May 28, 2024, letter
11 that enclosed all of those exhibits, and I'm going to
12 just make quick reference to them. I'll let Mason
13 then go through them in detail.

14 I divided them up into categories. Exhibit
15 number 14, for instance, is the exhibit that now
16 clearly shows how the garbage is going to be picked
17 up from the site and also showing the delivery for be
18 it parcel post, U.S. mail, et cetera. That would be
19 exhibit number 14.

20 Then we have some 3D models. That would be
21 Exhibits Number 7 through 10, which are aerial views,
22 and, by the way, the trees that you see there are
23 actual trees coming from aerial photographs. These
24 are not artistic renderings. These are actual trees.

25 Then you have Exhibits 11A and B, which are

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1 models. These are computer generated and they're
2 showing information looking in a northeasterly
3 direction.

4 Exhibit 11C, 12A through C, and 13A and C
5 are sight views, visual views that are created.
6 Again, they're computer generated, but they're all
7 based upon actual measurements and also photographs,
8 be they aerial or otherwise, that are created for the
9 visual impact that is shown by these particular lines
10 of view.

11 Now, what has been changed is that the trees
12 that were the evergreen trees that were proposed
13 originally, which are along our westerly property
14 line, are now shown at 16 going in, at 16 to 18 feet.

15 There is also some renderings that were done
16 which show them at what would be their full growth of
17 tree, which is significantly higher than 18 feet, and
18 I'll get back to that in one moment.

19 what is being proposed in addition, and
20 shown in some of these models, with the permission of
21 the village, which will require an easement or other
22 grant of right, we are proposing to plant that same
23 row, an additional second row of 16 to 18 planted
24 evergreen trees, in the north side into the -- in
25 Clark (sic), the right-of-way. This would not be on

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1 the neighbors' properties. This would be in the
2 roadway. It would be along the north portion of
3 Clark, and that will run the entire distance.

4 MAYOR WARNER: Cook.

5 MR. BLOOM: Cook. Excuse me.

6 In addition, that would be, again, with
7 permission of the village. With permission of the
8 village we would be responsible for maintaining it,
9 for irrigation and replacement of trees.

10 MR. LEVIN: Mr. Bloom, you interrupted my
11 comment to the Mayor. My recollection is Cook Drive
12 is a mapped street but a private road, and it is not
13 owned by the village.

14 MR. BLOOM: Okay. Could you tell us who it
15 is owned by?

16 MR. LEVIN: You'd have to do a title search.

17 MR. BLOOM: We will do a title search. We
18 will seek permission from the owner of that roadway.
19 It appears from the information that we had that, in
20 fact, it is a paper street but it is owned by the
21 village, but if you tell us that it's not, we will --

22 MR. LEVIN: No. I'm saying that's my
23 recollection from years ago. It may well be, if it
24 is a paper street, it is not owned by the village.
25 It may very well be owned to the center of the street

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1 by the adjoining property owners on either side, one
2 of which is you.

3 MR. BLOOM: Well, it's interesting, though,
4 because the easements that are running through that
5 right-of-way have always been directly with the
6 village.

7 TRUSTEE HERSHENHORN: Granted by the
8 village.

9 MR. BLOOM: Granted by the village.

10 And so --

11 MR. LEVIN: A title search may answer that
12 question for you.

13 MR. BLOOM: Okay. So we will look at that,
14 but we will, in fact, propose to put plantings there.
15 This would bring the plantings closer to the
16 properties behind us and at that height would create
17 a greater screening.

18 Now, as I indicated, we're going in --
19 proposing to go in at 16 to 18 feet, but there is
20 existing, right now, trees of the same character and
21 nature which are planted by the owner of 12 Hilltop.
22 They are on that property. In fact, they're in an L
23 shape, and it is that corner of 12 which is the
24 closest corner to our property and our proposed
25 building. Those are at currently 30 foot in height.

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1 So the species that is going to be planted we know
2 can survive, at least within this area,
3 temperature-wise, soil-wise, et cetera, and can, in
4 fact, get to a height of 30 feet. So that is
5 currently existing.

6 So what I'm going to do is please ask Mason
7 if he can go through the various exhibits that I just
8 mentioned and to explain exactly where it's from, how
9 they were produced, and what are the sightlines that
10 are created.

11 I will say to you that based upon the
12 information that I see, and it's for you to make your
13 own determination, that a good portion, certainly the
14 lowest level, which is our basement level, and in
15 some cases even the first floor of habitable space,
16 is actually shielded by the trees, and I thank you,
17 Mr. Hershenhorn.

18 TRUSTEE HERSHENHORN: You're welcome.

19 MAYOR WARNER: Mason is that?

20 MR. BLOOM: Yes.

21 MAYOR WARNER: Mason is going to introduce
22 himself.

23 MR. BLOOM: I certainly hope so.

24 MR. SOFIA: As soon as I finish playing with
25 my toy here.

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1 Mason Sofia, Mojo Stumer Associates, 14
2 Plaza Road, Greenvale, New York 11548.

3 Thank you again, everyone, for giving us an
4 opportunity to present and continue this hearing.

5 MR. BLOOM: Mason, I'm just going to
6 interrupt. You have exhibit numbers in the lower
7 left-hand corner which correspond to the materials
8 that were submitted to the Board.

9 MR. SOFIA: Correct.

10 MR. BLOOM: When you make reference to a
11 particular board, will you please make reference to
12 the exhibit number?

13 MR. SOFIA: Of course.

14 As Paul introduced, we took the time prior
15 to revise and do further due diligence with respect
16 to our proposed project and the neighboring houses
17 along Hilltop Drive.

18 we first revised a familiar sheet, sheet
19 A-001, which is a proposed sight plan. The only
20 update that was there was to update the information
21 that was received at the prior hearing with the
22 survey data that was most recently submitted by
23 Hilltop Drive. That update simply included just
24 plotting the existing line of evergreen trees that
25 are plus or minus 30 feet in height along their

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1 easterly property line.

2 we then took --

3 DEP. MAYOR FARKAS: I'm sorry. Where is the
4 existing 30-foot trees in the back of the parking
5 lot?

6 MR. SOFIA: The existing evergreen trees
7 that are in back of the property for 200 Middle Neck
8 Road?

9 DEP. MAYOR FARKAS: Um-hum.

10 MR. SOFIA: Those will be removed.

11 DEP. MAYOR FARKAS: I know, but where are
12 the existing?

13 MR. SOFIA: The existing ones are in roughly
14 the same area that they are proposed now with the
15 exception of the northwest portion of that which --
16 and the existing ones now come further to the east of
17 our property. It's now proposed to follow more
18 parallel the westerly property line, westerly
19 property line.

20 So we took this survey data. We
21 superimposed -- actually, we didn't superimpose it.
22 As Paul mentioned, we took the data and accurately
23 geolocated 12 Hilltop Drive and 14 Hilltop Drive with
24 the survey data and our existing proposed 3D model of
25 200 Middle Neck Road. So we took the distances that

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1 were measured from the surveys and mapped them in our
2 sight plan and pinpointed them there. We then took
3 the elevation data of the first floor for each house
4 and elevated that above sea level to where they are
5 shown in Exhibit 11C here.

6 The reason we're doing this is we want to
7 just show you that we're not just -- and I'll show
8 you in a few minutes -- we're not just plopping
9 imaginary trees in front of a makeshift building and
10 saying this is your view out the window. So the view
11 that I'll show you in a minute is actually a modeled
12 view that is a very accurate, simulated view out of
13 the window of each of these houses.

14 MR. BLOOM: Mason, with respect to this
15 exhibit, is it showing any of the existing deciduous
16 trees?

17 MR. SOFIA: No. In any of the views that
18 I'm about to show you, we removed all deciduous
19 trees. So in this particular scenario it would be as
20 if we were to clear all of Cook Drive, and in the
21 dead of winter we have no sort of -- no obscured view
22 of any dead branches or leaves or bushes that are
23 there currently.

24 MAYOR WARNER: You're not talking about
25 removing any trees that are on --

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1 MR. BLOOM: No.

2 MAYOR WARNER: -- the homeowners' property.

3 MR. BLOOM: I don't know who owns it now.

4 MAYOR WARNER: No. The homeowners have
5 trees behind that.

6 MR. BLOOM: We're not touching any of the
7 homeowners' trees. We're not touching any of the
8 trees in Cook. We are proposing to put in additional
9 screening on the west side.

10 MAYOR WARNER: Okay.

11 DEP. MAYOR FARKAS: You're not removing any
12 of the trees?

13 MR. BLOOM: None.

14 DEP. MAYOR FARKAS: Not even those 30-foot
15 trees?

16 MR. BLOOM: No. Those 30-foots are on the
17 property of the owner of 12.

18 TRUSTEE SHEMESH: Not the ones that are in
19 the L, the ones that are -- if I'm in the parking lot
20 from Middle Neck, they're right on the property line,
21 right behind the parking spots, the back parking
22 spots. Those -- as I understand from the last
23 hearing, those are going to be removed.

24 MR. BLOOM: Those are going to be removed
25 and replaced now with 16- to 18-foot newly planted

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1 trees.

2 TRUSTEE HERSHENHORN: And you're removing
3 them for access, obviously, or for purposes of
4 construction?

5 MR. BLOOM: There's a number of reasons.
6 First of all, there are gaps in some of the areas.
7 In some of the areas the trees are significantly less
8 than 16 to 18 feet, and also, as was indicated, the
9 trees do not run in a straight line along the rear
10 property line, especially when you get to the north.
11 And so what we're doing is going to remove all those
12 trees and then have a consistent row along the
13 property line going in at 16 to 18 feet.

14 MR. SOFIA: So piggybacking off of that --

15 TRUSTEE HERSHENHORN: Mason, you have to
16 identify these.

17 MR. SOFIA: These are two boards. I'll
18 start with what's labeled Exhibit 13. These are
19 all -- these are Exhibits 13A, 13C and 13D that were
20 submitted with our submission on May 28th. They're
21 just arrayed here top to bottom so you can see our
22 simulated progression of the development of the trees
23 over a period of time.

24 In this view from 14 Hilltop Drive, I'll
25 start with that, we modeled the first-floor area

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1 where you can see a red person that's standing at
2 elevation 101 feet, 106 feet above sea level, that
3 was per the survey data, and we projected them
4 standing looking out a large window at the first
5 floor, from there looking straight at our building.

6 So with no other obstructed view, if you
7 were to clear all vegetation from this house to our
8 building, what you would first see is the proposed
9 trees that we will plant in a straight line, as Paul
10 just described, at 16 to 18 feet. It's screening up
11 to the upper portion of the basement level, which is
12 where our parking level is.

13 From there you can see the upper portion of
14 the basement up to the top of the fifth story towards
15 the left and the top of the fourth story to the
16 right. Over a period of time -- sorry. Before those
17 trees mature, at the same time we're going to
18 simultaneously plant another row of trees, with
19 permission, along the western property line of Cook
20 Drive. What that helps initially isn't much. It
21 will screen up to the top of the basement level. So
22 you will still see, initially, the top of the fifth
23 story to the left to the top of the fourth story of
24 our building to the right.

25 When those trees mature, both those trees

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1 mature, and we can talk about the length of time that
2 will take, at a mature height of 28 feet, which they
3 are currently, it will screen up to the middle of the
4 third story of our proposed building so that you only
5 see from the middle of the third story up to the top
6 of the fourth story to the right and the top of the
7 fifth story to the left.

8 MR. BLOOM: And this does not include any of
9 the deciduous trees.

10 MR. SOFIA: Again, this is the aerial view
11 of the -- sorry. Exhibit 11C is the aerial view of
12 what we're projecting and simulating inside on
13 Exhibit 13. So they're measured trees. It looks
14 like they are individual pictures, but an actual 3D
15 modeling from the lowest point of the tree that you
16 see here to the top of that tree is 28 feet.

17 I'll keep this brief, too, since this is
18 roughly the same. At 12 Hilltop Drive, from this
19 point of view here --

20 TRUSTEE HERSHENHORN: That's Exhibit 12?

21 MR. SOFIA: This is Exhibit 12. Exhibit 12
22 shows, if I'm pointing at Exhibit 11C, an aerial view
23 of the same concept where the person standing at
24 elevation 97.42 feet above sea level, that's where
25 you're standing on the first floor of that house, and

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1 the view of what you're looking at out of that house,
2 again, measured based on the survey data that was
3 just submitted, Exhibit 12A, if you were to remove
4 the existing trees on their property, all the trees
5 through Cook Drive and all of the trees, remaining
6 trees, at 200 Middle Neck Road and toward the BP gas
7 station, when we plant new evergreen trees at 18 feet
8 in height along our property line, you'll see only
9 from the bottom of the first story of our building up
10 to the top of the fourth story, and it's only from
11 this corner of the house that you see the northwest
12 corner of our building.

13 Exhibit 12B shows when those grow to a
14 mature height of 28 feet --

15 DEP. MAYOR FARKAS: Can you show us on the
16 other diagram which part you're referring to?

17 MR. SOFIA: It's the bottom-right corner.
18 So there are two boxes on this.

19 DEP. MAYOR FARKAS: No, of the building.

20 MR. SOFIA: Of the building? We're looking
21 at the northwest corner of the building. We're
22 looking at the second half of that, and what's beyond
23 is the BP gas station.

24 TRUSTEE HERSHENHORN: Mason, using
25 Exhibit 12 and your top frame, can you compare it to

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1 what is viewed currently?

2 MR. SOFIA: What is viewed currently is
3 Exhibit 12C. This is mapped -- I'm actually going to
4 go to our sight plan. This is a depiction of a
5 30-foot evergreen tree row shown by survey data at
6 elevation 81.71 feet, 30 feet in height, just as it's
7 shown on the survey here. Those trees will screen up
8 to the upper portion of the third story so you will
9 only see the top of the fourth story of our proposed
10 building.

11 MR. LEVIN: Did that answer your question?

12 TRUSTEE HERSHENHORN: No. So, currently, if
13 you were to stand there and look out, how would you
14 compare what you see on Exhibit 12, and I'll just use
15 the top frame for reference to start with, how would
16 you compare what is Exhibit 12 with what you see
17 currently?

18 MAYOR WARNER: With all the foliage that's
19 there presently.

20 TRUSTEE SHEMESH: The existing white
21 building.

22 TRUSTEE HERSHENHORN: Exactly.

23 MR. SOFIA: With all the foliage that's
24 there -- and keep in mind even in the dead of winter
25 there's branches, there's trees that will give an

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1 obscured view naturally even without the evergreen
2 trees. It's hard to describe that because the
3 existing building now is further closer to where this
4 little representation of the BP gas station is, we
5 said it's up to the middle of the fourth story of our
6 building -- third story of our building, excuse me.
7 So it's more of an obscured view on this view and
8 it's further back.

9 what you would see in current conditions
10 without our building is just these row of trees and
11 the sky.

12 TRUSTEE HERSHENHORN: Can you do the same
13 thing with Exhibit 13, is it, just comparing that to
14 what you see now?

15 MR. SOFIA: The top of the -- so the current
16 existing building is, and it's actually shown on our
17 sight section -- sorry. Before I do this, I would
18 like to show, actually, that. It more accurately
19 shows it.

20 So the existing height of the building at
21 the high point is --

22 MR. BLOOM: Give us the sheet number on
23 that, please.

24 MR. SOFIA: On sheet A-002, schematic
25 sections one and two, you'll see the dash line of the

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1 approximate line of the building that's there now.
2 It's 41 feet above the parking lot. It's a little
3 bit closer than our building is.

4 So on Exhibit 13A, 41 feet is roughly --
5 15-foot to the first floor, 10.6 and 10.6, that's
6 roughly 22 feet -- it's roughly to the middle of the
7 third story of our building is what you view now.

8 TRUSTEE SHEMESH: Mason, just to refresh my
9 memory, when you say "41 feet," that's the very top
10 projection of the current building in that one middle
11 section.

12 MR. SOFIA: Correct.

13 TRUSTEE SHEMESH: But the majority of the
14 building, can you remind us what that height is?

15 MR. SOFIA: The majority of the building is
16 approximately six feet lower, so 35 feet. I think we
17 have more accurate information than I presented last
18 time with that.

19 TRUSTEE HERSHENHORN: You were going to talk
20 about Exhibit 14.

21 MR. SOFIA: Exhibit 14 is the garbage truck
22 sketch.

23 MR. BLOOM: Can you take that out?

24 MAYOR WARNER: We're all good with this?

25 MR. ROTH: Can I ask a question now or do I

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1 have to wait?

2 MAYOR WARNER: No. He can ask a question,
3 right? Just identify yourself.

4 MR. ROTH: Steven Roth.

5 MAYOR WARNER: No, not yet.

6 MR. ROTH: Not yet. It just would be easier
7 because it's up now and he's talking about my house.

8 MR. SOFIA: I can put it up later.

9 MAYOR WARNER: We'll come back to it.

10 MR. SOFIA: So Exhibit 14, together with
11 VHB, who did the formal truck analysis of a garbage
12 truck that would be able to pull into the site, take
13 refuge, and leave the site, we figured our best path
14 for -- and, again, this is subject to further
15 development and we'll work with carting companies,
16 whether they be public or private and the actual
17 logistics of this but with a refuse room within the
18 underground parking area. Imagine someone that's,
19 either the carting company or somebody that's working
20 for the building, on motorized carts, could take the
21 large containers, they can walk them out of the
22 garage while the garbage truck that pulls in can --
23 again, this is Exhibit 14 -- drive underneath the
24 middle portion of the building, the main entrance to
25 the building, drive around the outer loop of our

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1 parking lot, stop for a brief period of time behind
2 these three parking spaces, it's not blocking any ADA
3 stalls, it's not blocking the main flow of traffic in
4 or out of the main parking garage, people can still
5 move around, someone can then pull out, take the
6 containers, walk them out of the garage, the
7 garbagemen could either take it, load it, however
8 that works, and they can drive away. They can just
9 keep moving forward and turn and move out of the
10 site.

11 MR. BLOOM: When you say "walk them out,"
12 this is by motorized --

13 MR. SOFIA: Motorized cart. So they're
14 really following it is what it is, steering it.

15 DEP. MAYOR FARKAS: You said it's not
16 blocking any stalls?

17 MR. SOFIA: It would temporarily block three
18 stalls from someone that would be pulling out of it.
19 Nothing that would be out of the ordinary of any
20 other site that would temporarily block that. It's
21 not blocking any ADA stalls.

22 Similarly, we figured, again, subject to
23 further development, a good spot for any mail or
24 package delivery, pickup, a mail vehicle can pull in,
25 they can pull in through the main entrance of our

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1 site, drive underneath the building, and they could
2 pull immediately to the left before blocking any
3 parking stalls. There should be enough room and
4 clearance for a car that could maneuver in and out
5 around it. They could park, turn their flashers on.
6 The mail or delivery person can unload from the back,
7 walk along the sidewalk of the building, proceed
8 straight into the mailroom reception area, package
9 room, take whatever they need, walk it back out, and
10 they can pull around in a similar path.

11 MR. BLOOM: This will be a concierge
12 building, and deliveries, be it packages, be it mail,
13 will be to one central location. It's not that they
14 have to go and stand there and put little pigeon
15 holes in each location. The truck will not be there
16 longer than maybe ten minutes.

17 MAYOR WARNER: As much as I'd like to think
18 that they're going to pull into that spot and do what
19 you're saying they're going to do, who is going to
20 make them do that, park there and not pull up in some
21 other spot that's more convenient for them?

22 MR. SOFIA: If it fit in a regular parking
23 spot, if there's guest spots that we can coordinate,
24 then I would say they'd be more than welcome to do
25 that without blocking the flow of traffic, but

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1 subject to further -- we can work with the concierge
2 and make sure that that's followed. That's a
3 logistical thing that we can develop as the building
4 is fully in developmental drawings and whatnot.

5 DEP. MAYOR FARKAS: I just have a question.
6 So do you plan on bringing out the motorized
7 containers with the garbage and putting them out in
8 the parking lot waiting for the truck, or are you
9 going to wait for the truck to get there and then
10 bring out the garbage?

11 MR. SOFIA: Whatever is most efficient for
12 time and whatever the carting company decides.

13 DEP. MAYOR FARKAS: And the carting company,
14 is that the village? Do we provide service to them
15 or is that private?

16 MAYOR WARNER: They pick up from you?

17 TRUSTEE GANZFRIED: They pick up from us,
18 yes.

19 MAYOR WARNER: I would assume it would be
20 Meadow.

21 MR. BLOOM: It would be preferable if we had
22 knowledge of which company is picking up and what
23 their schedule is, that the motorized vehicle, or
24 whatever it is that's going to be walked out, will be
25 done when the truck arrives as opposed to storing it

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1 outside. First of all, there's no place to store it
2 outside, and, therefore, having some sort of schedule
3 worked out with the carter will be what will be
4 necessary to be done.

5 MR. SOFIA: In my opinion, as further
6 development, again, we can further develop this, I
7 would imagine we would wait for the garbage truck to
8 pull in first and then move the garbage containers
9 out. Given the truck-turn radius, I would imagine if
10 someone were, while the truck is waiting for a car to
11 come out, someone backing out, that they could loop
12 back around again.

13 DEP. MAYOR FARKAS: Can a vehicle get around
14 the truck while it's in that spot?

15 MR. SOFIA: Yes, one vehicle can.

16 DEP. MAYOR FARKAS: Are you going to have
17 guest spots by the front door, by the front lobby
18 door, so if the Fed Ex truck wants to pull in there
19 he'll be able to or you haven't really thought about
20 that.

21 MR. SOFIA: I'd imagine we'd have some
22 combination of assigned parking for residents and
23 guest spots, as well.

24 MR. BLOOM: The goal is that, in reality,
25 the interior parking stalls, the interior parking

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1 stalls will be set as designated spots with the
2 exterior ones being on an ad hoc basis.

3 MAYOR WARNER: Anything else from the Board?

4 TRUSTEE HERSHENHORN: Mason, an emergency
5 vehicle like a firetruck?

6 MR. BLOOM: I believe we gave you a plan,
7 but we'll show it to you again.

8 DEP. MAYOR FARKAS: Before you go there, can
9 I just go back to the trees for a second? Did you
10 talk about how these evergreens are going to grow?

11 MR. BLOOM: We have somebody else who has
12 more expertise in that matter.

13 DEP. MAYOR FARKAS: Okay.

14 MAYOR WARNER: You're not going to pull
15 these down. Mr. Roth has some comments and questions
16 for you. Could we let him talk now?

17 MR. LEVIN: If you want anybody to
18 interrupt, yes.

19 MR. ROTH: I can wait.

20 MR. BLOOM: Do you have that fire vehicle
21 access?

22 Identify yourself for the record, please.

23 MR. KELLY: Andrew Kelly, VHB Engineering,
24 100 Motor Parkway, Hauppauge, New York.

25 These were reviewed the first time we met

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1 with the Board, and we formally submitted them this
2 last round. It's Exhibit TR1 and Exhibit TR2, and
3 both show just two versions of the circulation of a
4 fire apparatus through the site.

5 We do show a dual axle aerial device which
6 would be the larger of the devices to come through
7 the back parking lot, but this TR1 does demonstrate
8 that the truck could make its turn into the site, and
9 it can make the first right in through the site
10 heading to the north, turn to the west, and circle
11 back around to make its exit.

12 TR2 is just another version to show that the
13 truck could also come in on Middle Neck Road, make
14 the right into the site, head towards the west, they
15 can even make a right turn if they needed to, they
16 could back up here, similar to a hammerhead
17 situation, and then exit the site back out.

18 MR. BLOOM: We did just recently receive
19 another letter from the vigilant company with respect
20 to the plan. Their comments were not with respect to
21 inability to gain access or have their trucks go
22 through the property, but give us the head points and
23 then we can hand up a copy. We received this, I
24 think, on June 5.

25 MR. KELLY: Yes, correct. So this email

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1 came from June 5. It came from Kenny Yang, who is
2 the first assistant chief of the Great Neck Vigilant
3 Fire Company.

4 Just to go through the three main points,
5 they comment on elevator size to make sure that it
6 could be sized correctly for EMS emergencies, so a
7 stretcher could fit within the elevator; they asked
8 for a KnoxBox so KnoxBox access to the building could
9 be obtained from the fire department; and they also
10 asked for clear signage on top of what is required,
11 building code clear signage, and labeling is
12 essential in saving time and responding to
13 emergencies. So, for example, they're looking for
14 clear leaving on stairwells and things of that nature
15 in terms of where stairwells will be in the building,
16 and, again, that's from Kenny Yang, the first
17 assistant.

18 MAYOR WARNER: Are you aware you've got to
19 apply to the fire marshal?

20 MR. KELLY: That's correct, yes.

21 MR. BLOOM: Without question this requires
22 fire marshal approval, but the local fire department,
23 with respect to ability to fight fire, go in, be able
24 to come out, et cetera, has no comments other than
25 these three, the KnoxBox, the size of the elevator,

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1 and the signage.

2 MAYOR WARNER: We have copies of that?

3 MR. KELLY: I can submit a copy here tonight
4 and we can even send an additional.

5 MR. LEVIN: Submit it and mark it.

6 MAYOR WARNER: Submit it and mark it as
7 Exhibit --

8 MR. LEVIN: -- Applicant's 1 with today's
9 date.

10 (Whereupon, Applicant's Exhibit 1 was marked
11 and received in evidence.)

12 MAYOR WARNER: You can proceed.

13 MR. BLOOM: While you're there, do you want
14 to address Deputy Mayor Farkas' question with respect
15 to the plants?

16 MR. KELLY: Sure. What was that? I'm
17 sorry. Could you just repeat your question?

18 DEP. MAYOR FARKAS: So I was just wondering,
19 planting them at 16 to 18, how much do they grow
20 and --

21 MR. KELLY: So for -- do you just want to
22 put up the one view that shows those three different
23 points?

24 So on Exhibit 13, this middle view, you
25 see -- I apologize -- view D which shows them at

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1 28 feet, that's with an average growth rate of around
2 a foot-and-a-half, that would be about a six-year
3 window, an additional year to hit the 30-foot mark or
4 a year-and-a-half.

5 DEP. MAYOR FARKAS: Are they going to grow
6 that fast with the existing trees covering and
7 blocking the sun?

8 MR. KELLY: So there would be, as we
9 mentioned previously at the last hearing, there would
10 have to be some limbing of some of the existing
11 deciduous material to fit them in there and to open
12 up that habitat for them to fit and to grow in, but
13 that would be something that would be done as part of
14 the proposal.

15 TRUSTEE SHEMESH: Can you repeat that again
16 because we just spoke before and you said you
17 wouldn't touch the trees on Cook Drive or which trees
18 are you --

19 MR. KELLY: We're not removing any, but we
20 would limb anything that's hanging over our property
21 so that we could easily fit in this material to allow
22 it to gain the height. We're not -- we wouldn't take
23 them down, we would just trim anything that's
24 overhanging on the property.

25 TRUSTEE HERSHENHORN: Mason, you were going

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1 to go over Exhibits 7 through 10.

2 MR. SOFIA: Seven through ten, those were
3 submitted prior.

4 TRUSTEE HERSHENHORN: Paul mentioned it in
5 his presentation that you were going to go over
6 those.

7 MR. SOFIA: So I have here, and this was
8 shown at our prior hearing, Exhibit 7. Exhibit 7
9 shows, as Paul described, this is what was a modeled
10 view. This is a geolocated aerial view of actual
11 trees that are here in full growth and bloomed in the
12 middle of summer or a season where they would be in
13 full growth. These are tall trees.

14 The tall trees that are there, which is
15 primarily along Cook Drive, are roughly 80 feet in
16 height. So you can see we have 12, 14 and 20 Hilltop
17 Drive called out with that row of deciduous trees,
18 and behind that is our proposed building, and it's
19 superimposed on top of that building, which you can
20 just barely see there is a white mass between the
21 trees that are here that looks like it's cutting off
22 our proposed building. That is just to roughly show
23 you that the -- I'll call it the east and the south
24 leg of our building is actually within or less than
25 the existing confines of the building that's there

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1 now.

2 MR. BLOOM: It is less deep from Middle Neck
3 Road going in a westerly direction. The existing
4 building is a deeper building than the one that we
5 are proposing with the exception of the L.

6 MR. SOFIA: And Exhibit 9 is the same
7 concept, it's just a rotated view. It is looking
8 from the south towards the north where you can
9 actually see the distance and more clearly the
10 existing building that protrudes out slightly further
11 from our proposed building along Middle Neck Road,
12 and it's the most that the closest properties
13 adjacent to us are, 20, 14 and 12 Hilltop Drive, and
14 with those deciduous trees at full growth, you can
15 clearly see they grow taller than our proposed
16 building and well beyond the existing heights of 12,
17 14 and 20, effectively completely screening our
18 building and will stay at the height of summer.

19 MAYOR WARNER: How about in the height of
20 winter?

21 MR. SOFIA: I'm sorry?

22 MAYOR WARNER: How about in the height of
23 winter?

24 MR. SOFIA: In the height of winter is
25 what's more closely modeled that are in the views

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1 that we propose. Again, but even in this case here,
2 like take Exhibit 13D, six years after the trees
3 along Cook are proposed to fully mature, it's still
4 not a fully complete view of what's there because
5 it's not showing the dead limbs and branches of trees
6 that would create more of an obscure view of our
7 building. It's not a clear shot over these trees as
8 it's shown here.

9 MAYOR WARNER: Anything else?

10 Frank, would you like to add something here,
11 make some comment?

12 MR. FISH: Yeah. I can -- it's Frank Fish
13 with BFJ Planning, planning consultant to the Board.

14 we did a review of these revised drawings
15 that have been submitted.

16 so, very quickly, they have covered,
17 actually, our very first point, the first thing we
18 asked them, and they have done that, and they've
19 submitted it to you, and that is the curb to
20 building, to get a five-foot curb to sidewalk that is
21 street trees, and they have submitted drawings which,
22 perhaps, they can go over in a minute, but we feel
23 that they've been -- they've been receptive and have
24 answered that question.

25 And then the second one they just have gone

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1 over, and I think the drawings they've submitted are
2 clear; that is, they've responded to what your
3 comments were from the last meeting, and they've just
4 gone through those.

5 And then height has already been covered. I
6 think that's the one issue that everyone is in
7 agreement on. The height of the building is 62 feet,
8 basically. The allowed height is 55. I think
9 everyone is in agreement that that is the issue that
10 has to be somehow agreed to or they would not be able
11 to be approved.

12 And then the truck circulation, that's the
13 drawing they just showed, Exhibit 14. That's the
14 drawing we asked for at the last meeting, and they
15 have supplied that drawing.

16 Our only comment is our traffic partner does
17 agree that this -- the truck movements and the
18 firetruck movements, we have our own computer program
19 that goes through that. We agree that these work.
20 They can -- they work functionally; that is, the
21 truck can do that and then firetrucks can come in,
22 UPS or whatever, Amazon, could park here.

23 The only thing I would point out is that
24 this ought to be, and we say this to you all, this
25 ought to be signed so that the chances that someone

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1 might park there are better if they're directed
2 there. In all likelihood, the tendency of the
3 driver, if he knows where the lobby of the building
4 is, the Amazon guy, he'll probably drive right up in
5 front of it, park there, and then go into the lobby,
6 but it would be a short period of time.

7 So we wanted to understand that because --
8 and particularly we wanted to understand how this
9 trash gets out, and they've modified it. We noted
10 it's a minor modification that they made so that the
11 door which was here was here, it's easier to get out
12 and come out to the truck. So I think they've
13 answered -- they've responded to that.

14 So in terms of our questions and concerns,
15 and I think the big one for the neighbors was those
16 trees, we think they've responded with drawings to
17 all of those.

18 MR. BLOOM: If I can add, we have that plan
19 with respect to the new sidewalk plan, just so that
20 we show it again.

21 DEP. MAYOR FARKAS: Before you do, I just
22 want to ask Frank a question. If the UPS truck parks
23 in the front by the lobby, can a vehicle pass? Is
24 the road wide enough?

25 MR. FISH: Well, it would be tight, but you

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1 could do it. However, what's going to happen, and I
2 don't think -- we think they're probably -- I don't
3 know the exact -- it would be a good thing for them
4 to talk to whoever is going to pick up that garbage
5 so that -- you know, usually that truck is there in
6 early morning. I don't want to say that here, but
7 whereas your UPS and Amazon and so on, they come all
8 kinds of times all throughout the day, so they're
9 going to be scattered throughout the day.

10 I'm just saying, yes, this works. If they
11 actually park here, our traffic people say, yes, this
12 works. There's enough room there for a car to get
13 around. If they did come in here --

14 MR. LEVIN: Frank, could you describe
15 possibly what "here" is?

16 MR. FISH: Yes, sorry. If they do come in
17 to the access road, taking -- and, by the way, this
18 is Exhibit 14 -- they come in heading west on the
19 access road and take their first right as the
20 driveway loops around, that might be a tendency of
21 what they would do and end up parking, probably,
22 right in here and --

23 MR. LEVIN: Dan, describe where "here" is.

24 MR. FISH: "Here" is closest to the lobby as
25 they can get to the building. So that would be the

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1 natural tendency of the driver. He's going to try to
2 park close so he doesn't have to get out and walk.
3 You probably have all observed the UPS -- how UPS
4 functions, but better Amazon. They'll park almost
5 anywhere and just get out of the door of the truck
6 closest to where they're going. That's the
7 likelihood.

8 But in answer to your question, there is
9 enough room here for two-way circulation. So if he
10 parks fairly close to the parked cars, there will be
11 room to get by.

12 MAYOR WARNER: I thought it was a good
13 answer.

14 DEP. MAYOR FARKAS: It was.

15 MR. KELLY: So as Mr. Fish mentioned, there
16 were some comments last time. We all met about our
17 proposed streetscape. So I just put up Exhibit
18 SK1.01, which has been revised to address those
19 comments. It was -- the one main overarching comment
20 was the location of where we're proposing street
21 trees along Middle Neck Road. We previously had them
22 a little bit further in from the curb line, and the
23 comment received from the consultant of the village
24 was to move them a little bit closer to the curb
25 line.

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1 So now we show them within that first
2 five feet from the curb line in to the site or in
3 towards the building. We show a row of street trees
4 to fit in with the character of the village, and we
5 also did remove any of the upright trees up against
6 the building just to eliminate that conflict based on
7 the comments received.

8 MAYOR WARNER: Okay. Anything else from the
9 Board?

10 DEP. MAYOR FARKAS: I have a couple of
11 questions. So what's the benefit to the village
12 tax-wise or economically? How does this benefit the
13 village?

14 MR. BLOOM: You come out like bandits. I
15 guess I can say that on the record.

16 These are going to be condominiums. It's
17 not an apartment building. If it were a rental
18 apartment building, another mayor on this peninsula,
19 when speaking to that person about the possibility of
20 a multifamily structure, the first question was
21 rental or condominium? And I said, I believe it's
22 going to be condominium. And they said to me that's
23 great because you have no chance of getting a rental
24 here. And the reason for that is that each one of
25 these 70 units is going to have its own separate tax

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1 lot number, just as a single-family home, and they
2 are going to be taxed as single-family homes as
3 opposed to the taxation associated with an apartment
4 building, and, for that matter, the same thing with
5 respect to a co-op. Co-ops, rental buildings, pay
6 significantly less. When I say "significantly,"
7 we're talking about probably three, four, maybe even
8 five times the tax, and there is no IDA here and
9 there are no abatements.

10 DEP. MAYOR FARKAS: So --

11 TRUSTEE HERSHENHORN: That didn't answer
12 your question.

13 MR. LEVIN: No, it didn't.

14 I assume when you say "there is no IDA
15 here," you're not intending to apply for an IDA?

16 MR. BLOOM: I have no intention of applying
17 for an IDA with respect to this. There are not going
18 to be tax abatements associated with it, and these
19 will be viewed as they are under the law as being
20 individual units.

21 By the way, we are also --

22 MR. LEVIN: That wasn't my point. The point
23 I wanted to get to is notwithstanding -- I accept
24 your representation that your client doesn't intend
25 to apply for an IDA, but, the bottom line, if IDA

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1 financing is available, the village can't stop you
2 from applying for it.

3 MR. BLOOM: The question is if it's
4 available, and these are for-sale units. I have not
5 seen one of these being available for IDA financing.
6 If you've seen it differently, I have not seen it at
7 all. On top of which, this is well under density.
8 The number of units that we are requesting is under
9 density, and so with respect to workforce housing, we
10 are not subject to the Long Island Workforce Housing
11 Act, as well, because we are under density. We're
12 under density on lot coverage. We're under density
13 on number of units.

14 TRUSTEE HERSHENHORN: Do you know by what
15 percentage you're under density on both of those?

16 MR. BLOOM: Do you have those numbers?

17 MR. LEVIN: The density, the authorized
18 number of units is 82 and you have 70.

19 MR. BLOOM: That's correct.

20 TRUSTEE HERSHENHORN: Thank you.

21 MAYOR WARNER: Twelve.

22 TRUSTEE HERSHENHORN: Got it.

23 DEP. MAYOR FARKAS: Paul, have you done an
24 analysis as to what the tax benefit would be to the
25 village?

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1 MR. BLOOM: We can give you one.

2 DEP. MAYOR FARKAS: But you haven't done

3 one.

4 MR. BLOOM: We have not done that, but we
5 can certainly put one together.

6 MAYOR WARNER: That would be helpful.

7 TRUSTEE HERSHENHORN: That would be very
8 helpful.

9 MR. BLOOM: Excellent. We will do that.

10 MR. FISH: Mayor, could I comment just for a
11 moment?

12 MAYOR WARNER: Sure, Frank.

13 MR. FISH: Paul, if they're going to do
14 that, the applicants just agreed to do that, I think
15 what would be good is to also do a benefit analysis
16 in terms of taxes to the school district so that we
17 see it. In other words, that would be -- you already
18 got information from the school district in your
19 VHBEA that they submitted. That has school district
20 children in it.

21 what it doesn't have is the school
22 district's -- I was going to say new study. It's now
23 two years old. So if you can get that, I think it
24 would help you. So you'd show taxes to the village
25 and taxes to the school district and the net -- what

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1 needs to be done, I think, is what are the net costs
2 to the village of this in terms of village costs, and
3 then what are the net costs to educating public
4 school children versus how many there are to this
5 development. I think that would be very helpful.

6 MAYOR WARNER: I'm more interested in net to
7 the village.

8 MR. FISH: Net to the village, yeah.

9 MR. BLOOM: Well, let me then jump to the
10 next portion. If we're finished with this aspect of
11 it, I would like to just jump to the next portion,
12 and that is exactly what Frank is making mention of.
13 We've presented to the Board a very, very detailed
14 study in expanded environmental assessment, which was
15 provided to the village and I'm sure was reviewed by
16 Frank and his organization.

17 we covered, as he said, school children,
18 shadow study, traffic, parking, we've covered all of
19 the elements of the impacts, visual impacts, et
20 cetera, and if you take a look at the table of
21 contents, we've done roadway and intersection
22 conditions, existing operation, future conditions,
23 traffic operations analysis, site parking and
24 circulation, water supply, sewer supply, energy
25 services, and also impact on the school with respect

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1 to the number of children that would be generated,
2 and we use not one but multiple factors of how to
3 calculate the number of students.

4 Now, we have here this evening from VHB
5 Christiana Kastalek, and if you have any questions
6 with respect to any of these issues that we've
7 covered or any questions with respect to that, she's
8 here this evening. She has been here for the past
9 meetings to be able to respond.

10 This has been a very, very thorough, and
11 since we had the benefit of time, detailed study.
12 For instance, with respect to intersections, we
13 covered I believe it's twelve intersections starting
14 at -- I believe it's Old Mill going all the way down
15 to Station Plaza North. Each one of the
16 intersections that were there were counted and timed.

17 The traffic movement has been viewed and
18 laid out in the report in detail, but if you have any
19 questions with respect to any of that, then we do
20 have the person who is responsible for putting
21 together this study. I am sure that Frank has had
22 this discussion with the Board, but it would appear
23 to me, since we're paying a lot of attention on
24 garbage and truck movement, that there isn't too many
25 other concerns with respect to those other items that

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1 we covered in this report.

2 TRUSTEE SHEMESH: You said that --
3 Christiana is your name? The public school student
4 information that's used in that report that was
5 submitted, is that based on the school -- the Great
6 Neck Public School survey that's about two years old
7 now? What were the base of those numbers?

8 MS. KASTALEK: My name is Christiana --

9 MR. BLOOM: Identify yourself, please, for
10 the record.

11 MAYOR WARNER: She was.

12 MS. KASTALEK: I was about to.

13 MR. BLOOM: I've got to micromanage
14 everything. I'm sorry.

15 MAYOR WARNER: I see that.

16 MR. BLOOM: It's just my nature and
17 character.

18 MS. KASTALEK: My name is Christiana
19 Kastalek.

20 And so to answer your question, we actually
21 did reach out to the school district to obtain that
22 report, but we actually haven't heard back. So we
23 don't have that report, but as Paul mentioned,
24 that --

25 TRUSTEE HERSHENHORN: When did you reach out

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1 to them, Christiana?

2 MS. KASTALEK: In the summer of 2023.

3 TRUSTEE HERSHENHORN: And they still
4 haven't --

5 TRUSTEE SHEMESH: So it was a FOIL?

6 MS. KASTALEK: Correct. Yeah, we FOIL'd it
7 and we haven't heard back.

8 MR. LEVIN: Have you followed up on the FOIL
9 since they have an obligation to answer you in a
10 stated amount of time?

11 MS. KASTALEK: We did ask, and I think it's
12 within the 30-day period, and we did not hear back.
13 It was attached -- our corresponding letter was
14 attached to the --

15 MR. LEVIN: Have you followed up on that?

16 MS. KASTALEK: Not since, but we can.

17 MR. LEVIN: You should.

18 MS. KASTALEK: We will.

19 But just to answer your questions in regards
20 to public school-age children, as Paul said, being
21 that we couldn't get our hands on that report, we did
22 rely on two publicly published reports, one being
23 Market Rate Apartment School-Age Children Study
24 prepared by the REI, the Real Estate Institute at
25 Stony Brook, and then the Residential Demographic

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1 Multipliers Estimates of Occupants of New Housing,
2 and that's by Rutgers University, both of which
3 VHB -- and I know other firms on Long Island have
4 been using these studies to document and to estimate
5 public school-age children.

6 And in doing that, the REI report, they had
7 a multiplier of 0.09 school-age children. That's
8 based off of enrollment information from ten school
9 districts on Long Island and 14 multifamily apartment
10 projects, and using that multiplier of 0.09 for the
11 70 units estimated, that resulted in an estimate of
12 seven public school-age children.

13 Then using the Rutger's study, that is now
14 based off of slightly different information. That's
15 based off of housing values as well as the census,
16 and for that you'll take the types of units, you
17 times that by the multipliers that are provided in
18 that study, and that estimated six public school-age
19 children.

20 TRUSTEE HERSHENHORN: That's K through
21 twelve.

22 MS. KASTALEK: Correct.

23 MAYOR WARNER: Per year.

24 MS. KASTALEK: Correct.

25 TRUSTEE HERSHENHORN: No.

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1 MS. KASTALEK: No, just coming out of the
2 project total.

3 MAYOR WARNER: Total K through six.

4 TRUSTEE HERSHENHORN: K through twelve.

5 MS. KASTALEK: K through twelve, yes.

6 TRUSTEE SHEMESH: I mean, I understand that
7 those numbers are based on research studies by both
8 Rutgers and I forgot the other one, Stony Brook, I
9 think you said, but realistically, have you been able
10 to compare the numbers that were estimated for, let's
11 say, The Portico, which is more in line with this
12 type of project, or the Avalon versus the actual
13 number? Do you have any kind of information?

14 MS. KASTALEK: We have looked at that
15 information specifically for those developers. So
16 for the Avalon, I can't divulge that information.
17 However, we did recently just work on a project in
18 the nearby community village of Roslyn in which they
19 also had concerns. I believe it was the school
20 district that had concerns about the data that we
21 were looking at and they actually gave us their own
22 data to use, which basically confirms that the
23 publicly available data was correct in the amount of
24 students that we were estimating.

25 TRUSTEE HERSHENHORN: But, anyway, you'll

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1 get the public school data from our own schools.

2 MS. KASTALEK: We'll reach out again and try
3 to obtain that.

4 DEP. MAYOR FARKAS: Can you find out for us
5 how many children attend the public school system
6 from the Avalon?

7 MS. KASTALEK: Yes. I can try, actually.

8 MR. BLOOM: I will not repeat the exact
9 number, but I had a conversation with somebody who is
10 very familiar with the Avalon.

11 DEP. MAYOR FARKAS: The doorman?

12 MR. BLOOM: No, the mayor of the village,
13 and his comment to me, and, again, I really didn't
14 want to attribute it, was that you wouldn't believe
15 how few children actually go to school from the
16 Avalon.

17 Now, I will also say that there is a
18 differential between the two. Avalon is a rental and
19 this is a condominium.

20 DEP. MAYOR FARKAS: Paul, you're comparing
21 to ten other school districts outside of Great Neck.
22 I think that the Avalon makes a better comparison
23 than -- I don't know what ten school districts you
24 even chose.

25 MR. BLOOM: We can give you those exact

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1 numbers.

2 MAYOR WARNER: My comment would be the
3 Avalon, I don't know what the rent is there, but I'm
4 assuming that the condominiums that are going into
5 this project are going to be a much higher cost to
6 move into than the Avalon.

7 MR. BLOOM: That is a very fair assumption
8 to make.

9 MAYOR WARNER: Right. So my question is
10 even if you have Avalon's numbers or equivalent
11 numbers from projects, if you're talking about rents
12 of \$4,500 a month or an apartment for two-and-a-half
13 million dollars, that's not equivalent to what
14 school-age children are coming out of each place.

15 MR. BLOOM: There's a different demographic.

16 MAYOR WARNER: And is that part of this
17 study?

18 MR. BLOOM: This study is based upon similar
19 type structures, but they're done nationwide.

20 MAYOR WARNER: Right.

21 MR. BLOOM: So you're not necessarily in
22 Omaha, Nebraska. You're not necessarily going to
23 have similar type units that are going to sell, let's
24 say, at your two-and-a-half million dollar number,
25 and so there may be a different demographic there.

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1 In fact, that would be higher and would probably make
2 the numbers associated with this to be very, very
3 conservative.

4 TRUSTEE HERSHENHORN: But in any event,
5 we'll get our data from our own school district.

6 DEP. MAYOR FARKAS: To follow up on Billy, I
7 don't think anybody would buy a two-and-a-half
8 million dollar condo to get their children into
9 school, whereas they may pay \$4,000 a month to get
10 their children into school.

11 MR. BLOOM: Without question. And --

12 MAYOR WARNER: My exact point.

13 MR. BLOOM: There would be people who are
14 coming here for the school, going to stay here for
15 the period of time that their children are in school,
16 and then be someplace else.

17 MAYOR WARNER: Okay.

18 MR. FISH: Mayor, may I just add, I would
19 take what the attorney said, what Tom said, and
20 follow up with the school district. They have
21 studied it. That study does show, I already know,
22 slightly -- you're both sources are good. We use
23 them all the time, Stony Brook and Rutgers. The
24 school district's study is this school district.
25 They're just slightly higher, and I think it would be

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1 safest to make the tax projections on the basis of
2 the actual school district you're in. That's all I
3 would suggest.

4 MR. FISH: By the way, I would defer to Tom,
5 but if you can't get it from the school district, you
6 should be able to get it from the state because the
7 state probably has it.

8 MS. KASTALEK: Okay.

9 MR. FISH: They have an obligation to give
10 it. It's public knowledge. So I would follow up
11 with them. I would FOIL them again.

12 MS. KASTALEK: We'll FOIL them again.

13 MR. BLOOM: What we're talking about is the
14 methodology that is being used by the Great Neck
15 School District, which they've created themselves.
16 So it's proprietary in some respects, which is maybe
17 why they're not that willing to share that
18 information. We can certainly find out how many
19 school children. We got it in the most recent budget
20 vote, so we know how many students. We know what the
21 administration costs were.

22 MR. LEVIN: I would just note if they're not
23 willing to share something under FOIL, they have to
24 tell you why --

25 MR. BLOOM: Is it --

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1 MR. LEVIN: -- if you are to pursue this
2 because there are deadlines in FOIL, and there are
3 penalties for not meeting the deadlines.

4 MR. BLOOM: I'm not sure a propriety piece
5 of data or of process is the subject of a FOIL.

6 MR. LEVIN: I didn't say that. I said if
7 they're declining to give you it, they have to tell
8 you why.

9 MR. BLOOM: Okay.

10 TRUSTEE HERSHENHORN: In any event, we took
11 this issue up when the incentive zoning was first
12 taken up. The school district came and --

13 MAYOR WARNER: Frank.

14 TRUSTEE HERSHENHORN: Frank. Yeah, we've
15 sort of crossed that bridge.

16 MAYOR WARNER: Right.

17 MR. FISH: We have the study. So I just
18 can't transmit it to you because it's for us.

19 MR. BLOOM: Because it's proprietary.

20 MAYOR WARNER: But he's a private company.

21 MR. FISH: We can tell this Board that your
22 information is good in terms of Stony Brook and in
23 terms of -- we don't have any disagreement with it,
24 but it's not -- you know, the Stony Brook data is
25 Long Island, which is good. Rutger's data heavily,

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1 as you probably know, is geared toward New Jersey and
2 its thousands of units, primarily rental, but I think
3 the school district's numbers we already know are a
4 little bit higher.

5 So if you're doing a tax study, it would be
6 good to use them, if you can get them. I'm not
7 suggesting that. And the difference here is not
8 going to be huge. They're going to be a little
9 higher than what's projected. I already know that,
10 but I think you can also get those possibly from the
11 State Education Department.

12 MS. KASTALEK: Okay.

13 MR. FISH: They would be helpful.

14 MR. BLOOM: Okay.

15 MAYOR WARNER: Thank you.

16 MR. BLOOM: Are there any other particulars
17 within the expanded environmental report that you
18 have any questions about? Because where I'm going
19 with this is I would ask at some point relatively
20 soon, maybe after this additional information is
21 provided to you that you've asked for, that there be
22 some declaration or determination with respect to the
23 environmental to be voted by this Board so that we
24 can go on to the next step.

25 MAYOR WARNER: Okay.

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1 MR. BLOOM: I am, at this point,
2 three-quarters or two-thirds a way through of where I
3 want to be. I think if we open it up to the
4 audience, then I can come back with the last portion.

5 MR. LEVIN: Before you do that, I just have
6 one point. At each of the last two hearings I asked
7 you if you would submit to the village one complete
8 list of all of the drawings that are part of your
9 application, and on each occasion you agreed, and
10 then the village -- and then you said instead of that
11 you were going to give us one total submission of all
12 of the plans and documents, and then each time we got
13 submissions in pieces.

14 So I'm going to ask for a third time if you
15 can give us either a complete list of all of the
16 documents that are now part of your application or
17 one full set of all of the documents that apply to
18 your application, not in pieces.

19 MR. BLOOM: Okay. My experts get the
20 message? Okay.

21 MR. LEVIN: Thanks.

22 TRUSTEE HERSHENHORN: It would be great to
23 have it on a Dropbox.

24 MR. BLOOM: Could we have it in a Dropbox?

25 TRUSTEE HERSHENHORN: You want hard copies?

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1 MR. LEVIN: The village should have hard
2 copies, and the village requires hard copies and
3 electronic.

4 TRUSTEE HERSHENHORN: It would be great to
5 have both.

6 MAYOR WARNER: Only two-thirds?

7 MR. BLOOM: The last part is five minutes.

8 MAYOR WARNER: Okay. Then that's
9 nine-tenths.

10 DEP. MAYOR FARKAS: Paul, I just want to
11 ask, you were talking about planting two rows of
12 trees?

13 MR. BLOOM: Yes.

14 DEP. MAYOR FARKAS: But I think there's a
15 gully there. How are you going to deal with that?

16 MR. BLOOM: What we were thinking of doing,
17 what we were proposing is not in the gully. We
18 wanted to go to the --

19 DEP. MAYOR FARKAS: Cook?

20 MR. BLOOM: Cook. In Cook. The westerly
21 property line of that right-of-way, which is not on
22 the neighbors' property but on the other side of the
23 right-of-way.

24 DEP. MAYOR FARKAS: Isn't Cook in the gully?

25 MR. BLOOM: It comes down. It's in the

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1 gully, but it rises up on our side and it rises up on
2 the neighbor's side. So where we would be planting
3 is where it's on the rise in Cook but not on the
4 neighbors' property.

5 DEP. MAYOR FARKAS: So closer to -- on the
6 other side of the gully by the neighbor.

7 MR. BLOOM: That's correct.

8 TRUSTEE SHEMESH: Not the neighbor.

9 MS. DZIORNEY: But it slopes down there,
10 too. I mean, do you have -- the survey doesn't have
11 any grading. It has some spot elevations, and
12 there's no grading beyond the property line at all,
13 but when you go to the site there's a very steep
14 dropoff. So it's hard to envision how you can get
15 two rows of trees in there because it seems that the
16 property line is very close to where the dropoff is,
17 so a grading plan would be helpful in understanding
18 that better.

19 MR. BLOOM: If I'm either not making myself
20 clear, let me. We have a property line, our westerly
21 property line. Within our property line, along that
22 property line, east of our property line is where
23 we're proposing the 16- to 18-foot trees.

24 DEP. MAYOR FARKAS: But that's the lowest
25 point of the property.

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1 MR. BLOOM: Thank you for that. I'll get to
2 that when I get to my last five minutes.

3 DEP. MAYOR FARKAS: Sorry.

4 MR. BLOOM: Yes, but the trees that we're
5 showing at the 16 to 18 are based upon what the
6 elevation is at that location all along that entire
7 westerly property line.

8 what we are suggesting is we will go to the
9 other side, to the westerly side of Cook, but within
10 the parameters of the right-of-way of Cook, not on
11 the neighbors' property, and at that point do the
12 same row of 16 to 18 trees.

13 Now, will the 16- to 18-foot that is located
14 on the westerly side of Cook have a greater positive
15 impact on the neighbors than the 16- to 18-foot on
16 our property line? The answer is yes. One, in most
17 cases it is at a higher elevation than our trees,
18 and, two, it is closer to their property. Anything
19 that comes closer is going to provide greater
20 screening.

21 MS. DZIORNEY: Can you show that on, like,
22 A-001 or on SK -- I think it's probably better to
23 show it there.

24 MR. SOFIA: So on A-001, what Paul is
25 talking about is -- north is oriented towards the

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1 right of this drawing. So when he says the western
2 property line of Cook Drive, he's talking about the
3 property lines that are adjacent to 14 and 12 Hilltop
4 Drive. On the western-most side of that property, we
5 wouldn't go over that property line, but we would
6 build it as close to it as we can as possible.

7 MS. DZIORNEY: But it also slopes steeply at
8 the back of 12 Hilltop.

9 MR. SOFIA: So from 12 Hilltop Drive, which
10 we estimate that -- well, actually it was surveyed
11 that the first floor elevation was 97 feet above sea
12 level. The middle of 12 Hilltop Drive is 85.4, so it
13 starts to drop off. The elevation just on the other
14 side of the evergreen trees that were surveyed, that
15 was per the survey that was provided at the last
16 hearing, is elevation 81.71. So it drops off from
17 there to a low point and comes back up on our
18 property line at approximately 69 feet.

19 DEP. MAYOR FARKAS: What's the low point?

20 MR. SOFIA: The low point -- the lowest
21 point that we have on our property is 68.7.

22 DEP. MAYOR FARKAS: The low point --

23 MR. SOFIA: The low point on Cook Drive?

24 MS. DZIORNEY: What is the low point in the
25 middle of Cook Drive?

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1 DEP. MAYOR FARKAS: The low point from 12
2 until your property.

3 MR. SOFIA: That I would have to check the
4 survey data on.

5 MS. DZIORNEY: I didn't see it on the
6 survey. That was my concern.

7 MR. SOFIA: If it's not provided on the
8 survey, we can certainly --

9 MS. DZIORNEY: I thought it would be helpful
10 to have that shown in that area where you're
11 proposing to put the trees.

12 TRUSTEE HERSHENHORN: Is that the fourth
13 item?

14 MR. BLOOM: No, but it helps. It will sound
15 familiar when you hear it.

16 MAYOR WARNER: Barbara, do you have any
17 comments?

18 MS. DZIORNEY: That was my -- I mean, that
19 was one of my concerns, and I thought that the
20 proposed sketches for the plantings should show
21 proposed grading, as well.

22 MAYOR WARNER: Okay.

23 MS. DZIORNEY: The survey -- the survey
24 should show existing trees so that we know which
25 trees are coming out.

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1 MR. BLOOM: I would say it's a fair
2 assumption that the entire row is coming out, one,
3 because the trees which are existing at the north
4 portion are not along the property line. They are
5 within the property.

6 MS. DZIORNEY: Putting those trees on the
7 survey I think makes it clearer for everybody to
8 understand where the trees are and which trees are
9 coming down. I think it just clarifies everything.

10 MR. SOFIA: The reason why we didn't -- so
11 we show proposed trees along our property line. The
12 reason why we don't show it on Cook Drive is it's
13 not, right now, part of our project. It will be
14 something I would imagine we would pursue in a
15 tangent path.

16 MR. BLOOM: We are proposing it with the
17 assumption that this is a village right-of-way. Then
18 the assumption is we would be able to have an
19 easement or some right from the village that would
20 permit us, not only to plant along that strip, but
21 also to put irrigation and to be able to have access
22 for maintenance and replacement of trees.

23 DEP. MAYOR FARKAS: I think it's a great
24 idea to put the trees on the west side of Cook Drive.
25 I think that helps.

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1 MR. SOFIA: This would be part of our formal
2 submission with respect to landscaping, irrigation
3 and grading.

4 MAYOR WARNER: Mr. Roth?

5 MR. ROTH: Yeah, okay.

6 MAYOR WARNER: Just name and address.

7 MR. ROTH: Steven Roth, 12 Hilltop Drive.

8 MAYOR WARNER: Not that we didn't all know.

9 MR. ROTH: Okay. I get it. For the record.
10 So I do have a few questions and comments
11 about what you're talking about here. I know this
12 area pretty well, but before that I just have some
13 general comments about this project.

14 Firstly, I just direct this to the attorney,
15 Mr. Levin, I researched this question 30 years ago,
16 and my best recollection was that Cook, who owned
17 this whole area, which are the houses and Cook Drive,
18 everything, he owned everything. When he divided it
19 up, he dedicated Cook Drive as a paper street to the
20 village. So it's owned by the village. I researched
21 this from 30 years ago. That's my best recollection.
22 I can probably dig it out again maybe, if it's still
23 in my folder somewhere, but, you know, it could
24 probably be done again.

25 All right. We object to the building going

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1 more than 55 feet. We did hire a consultant, a firm.
2 Do you want -- he provided a recommendation to the
3 maximum height north of Cedar is 55, south of Cedar
4 is 45. He did that presumably to preserve the
5 character of the village, you know, and I assume you
6 still have that goal, to preserve the character of
7 the village. As someone said last week, we don't
8 want to turn our village into Queens.

9 And I get why they want 63 feet, 62.11. I
10 get why they want 63 feet. Another floor means a lot
11 more money. I mean, at \$300 a square foot, I think
12 that's the low end of what construction cost is now,
13 it's going to cost them about \$50 million to build
14 this thing. They will make, at 70 apartments, at
15 \$2 million an apartment, 140. Seventy times two, 140
16 million. Cost them 50 million. That's a pretty nice
17 profit. Who wouldn't want that?

18 You know, we're going to make out like
19 bandits was a great line because it's so true.
20 They're going to make out like bandits. You're going
21 to make out like bandits. We're all going to make
22 out like bandits except for the residents of Hilltop
23 Drive who will see a decrease in their property
24 values if a skyscraper -- well, that's an
25 exaggeration -- if some tall building is behind us.

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1 To put a finer point on this, if money is
2 the key issue, why not give them another story? Let
3 them go to 75 feet, 85 feet. Let's put a ten-story
4 building there. Let them make \$200 million in
5 profits if money is the only issue. Where is the
6 character you hired this consultant for?

7 I think 55 feet is too high, and I don't
8 remember these meetings. I don't even remember being
9 invited. I'm sure I was, but I don't remember it. I
10 would have objected to the 55 feet. It's too high.
11 But it is what it is. Let him stick with it.
12 Fifty-five feet. That's it.

13 Now to the trees and my questions. So
14 looking at -- this is A-001. So my question is
15 behind this part that's going west at the base of the
16 L, behind this part is there one row of trees, two
17 row of trees or no trees? What are they doing?

18 MR. SOFIA: What's being proposed?

19 MR. ROTH: Yeah.

20 MR. SOFIA: What's being proposed is one row
21 of evergreen trees to replace what's there now. The
22 evergreen trees kind of come in closer towards the
23 east. So at the western-most part of the property,
24 they'll screen as much as we can the base of the
25 building providing one row of trees on our property.

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1 The second row of trees will go along Cook Drive.

2 MR. ROTH: Along Cook?

3 MAYOR WARNER: Address everything to the
4 Board.

5 MR. ROTH: Oh, it's not a question. When
6 you say "along Cook Drive," are we talking about on
7 my property? Along Cook Drive behind my property or
8 along Cook Drive behind this L-shaped part of the
9 property? What are we talking about?

10 TRUSTEE HERSHENHORN: Mason?

11 MR. SOFIA: It is behind -- both. We're
12 proposing two rows of trees. One row of trees will
13 be on our property. The second row of trees will be
14 as far to the west as we can go along Cook Drive
15 that's closest to your property. It's presumed that
16 that elevation a little bit higher is closer, so if
17 you were ever in the event to remove your existing
18 line of evergreen trees, there would still be a
19 second row of trees there to help screen the
20 building.

21 MR. ROTH: That's totally unworkable,
22 completely unworkable. I mean, I'm living there for
23 33 years. I mean, it's totally unworkable. I
24 appreciate the two rows. It's very nice.

25 DEP. MAYOR FARKAS: Why is it unworkable?

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1 MR. ROTH: A couple of things. Firstly, we
2 submitted surveys last time. The edge of our
3 property is at elevation about 81 feet. The edge of
4 across the way, the edge of the 200 Middle Neck
5 property is also about 81 feet. So it's about the
6 same. You can see it right on the survey that we
7 provided last time. Here it is again.

8 MR. LEVIN: Mr. Roth, hold on. If you're
9 going to give the Board something, you're going to
10 have to have it marked as an exhibit and leave it.

11 MR. ROTH: I submitted it last time.

12 TRUSTEE HERSHENHORN: We have it already.
13 It's part of the record.

14 MR. LEVIN: It was not marked as an exhibit
15 last time.

16 DEP. MAYOR FARKAS: We'll mark it now.

17 MR. ROTH: Okay. I thought we marked it.

18 DEP. MAYOR FARKAS: So Kathy will mark it.

19 TRUSTEE HERSHENHORN: Roth Exhibit 1.

20 MR. ROTH: Roth Exhibit 1.

21 MR. LEVIN: Let's not talk until she marks
22 it.

23 (Whereupon, Roth Exhibit 1 was marked and
24 received in evidence.)

25 MR. ROTH: So the elevation at the end of --

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1 at the fence, around my property, which is about the
2 farthest you can go before you drop off, drop down,
3 is at about 81 feet, and on their side before the
4 drop-down, on the 200 Middle Neck side, before the
5 drop-down, it's about 81 feet. You can see that in
6 Roth Exhibit 1.

7 So where would the second row go? The
8 drop-down is very steep. Right after -- right behind
9 my trees -- the drop-down is pretty steep right
10 behind the trees in the back of 200 Middle Neck Road.
11 I don't know where they could put trees behind -- a
12 second row behind what they did further west. They
13 might be able to put one further east from the new
14 trees they want to plant, but I think it would be a
15 little tight to put it just west -- just west of
16 where they want to put the new trees.

17 But what I'm hearing now is they actually
18 want to put it down into Cook Drive but all the way
19 up close to 12 Hilltop and 14 Hilltop. Well,
20 that's -- that won't work. Firstly, the dropoff is
21 very steep right behind the trees we have there now.
22 You'd have to build up the property to plant trees
23 there and that's an enormous expense, but, more
24 importantly, we own about 20 feet into the ravine all
25 the way down. It's our property. In other words,

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1 they'd have to get an easement from us to put trees
2 behind our row of trees. Unless they want to go all
3 the way to the bottom of the ravine, which is
4 basically how far our property extends, close to the
5 bottom of that ravine, which is, I don't know,
6 20 feet down at least, which is ridiculous, they're
7 going to go all the way to the bottom and build
8 18-foot trees at the bottom of a 20-foot ravine?

9 I don't get -- the plan doesn't make any
10 sense. There's nowhere they could put these trees
11 except behind the ones they're showing here that they
12 want to plant, and that's fine with me if they can
13 figure out how to do that, but to put it on the other
14 side, on my side, there's no room. Plus it's my
15 property. It's my property extending a good 20 feet
16 behind my trees all the way down to the ravine. They
17 can't plant there.

18 TRUSTEE HERSHENHORN: Before you go on,
19 could we ask Mason to address that?

20 MR. SOFIA: If the data that we've been
21 given, the ravine, with the data that we have on the
22 survey, happens somewhere along -- it happens within
23 Cook Drive. So if what Mr. Roth is describing is
24 part of the high point of the ravine on the other
25 side of Cook Drive occurs more along his property,

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1 then the trees that we would be proposing along Cook
2 Drive would then be lower, at a lower elevation than
3 his existing evergreens are now.

4 DEP. MAYOR FARKAS: How does that help?

5 TRUSTEE HERSHENHORN: It doesn't.

6 MR. SOFIA: It would help in the event that
7 if that Mr. Roth were to ever remove his evergreen
8 trees or if one of his evergreen trees dies, you
9 know, there would still be a level of screening
10 that's there.

11 MR. ROTH: I don't think a lot of thought
12 was put into this plan of two trees. Certainly
13 nobody has actually really studied the contours of
14 the ravine and the possibility of putting a second
15 row or where you would put it. I don't think anybody
16 has actually studied that. From my perspective, it's
17 impossible, and I live there.

18 TRUSTEE HERSHENHORN: But also from your
19 perspective, tell me if I'm right, from what I'm
20 hearing, it's not going to help because they're going
21 to be so much lower.

22 MR. ROTH: Oh, yeah. What would help is if
23 they put a second row behind the first row on their
24 property, on 200 Middle Neck Road. Have two rows on
25 200 Middle Neck Road. You know, that's what

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1 Basser-Kaufman proposed in 1985, two rows on the
2 perimeter of the property, two rows of evergreens
3 just to protect the Hilltop Drive residents. They
4 never actually did it. They only planted one row,
5 but the original plan was for two rows.

6 TRUSTEE HERSHENHORN: What do you think of
7 that, Mason?

8 MR. SOFIA: I would think that if two rows
9 of evergreen trees is better and more beneficial to
10 the neighbors, then they would definitely be okay
11 with proposing two rows of evergreen trees.

12 MR. BLOOM: Well, the answer to that is,
13 one, that second row of trees would have to be on the
14 east side of Cook as opposed to the west side of
15 Cook. I personally, and I have no credentials, as
16 does the speaker, believe that putting a second row
17 of trees on the east side as a double row will not
18 provide any greater benefit, but, frankly, if we're
19 going to put in a second row of trees, I don't care
20 if it's on the east or the west side, as long as we
21 have an easement or a right to be able to plant them,
22 which is not on his property.

23 MR. SOFIA: If I might add, I'll flip back
24 to Exhibit 12, the greatest amount of screening that
25 is provided between 12 Hilltop and our property is

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1 the existing evergreen trees at 12 Hilltop Drive,
2 because they are the closest to the house that offer
3 the greatest screening. It's at the highest
4 elevation. It's at the closest proximity to the
5 house at 12 Hilltop Drive that provides the greatest
6 screening from the building, from the proposed
7 building.

8 DEP. MAYOR FARKAS: How tall are those
9 trees?

10 MR. BLOOM: About 30 feet.

11 MR. SOFIA: About 30 feet.

12 MR. ROTH: The evergreens that we planted 30
13 years ago, which were planted at about 12 feet, 12 to
14 14, are now about 30 feet, but they thin out, you
15 know. As they get taller, evergreens tend to thin
16 out, which is why two rows does offer an advantage,
17 but, yeah.

18 TRUSTEE HERSHENHORN: Mason, have you done
19 anything to study the ravine as the speaker has just
20 alluded to?

21 MR. SOFIA: We've studied it with the survey
22 data we've been provided, and then, actually, we've
23 illustrated it as best we can and estimated it in our
24 site sections.

25 MR. BLOOM: But I will put on the table if,

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1 in fact, this Board and the neighbors would prefer to
2 have a double row of trees on the east side, and the
3 village is prepared to give us an easement or a
4 right, assuming they own the right-of-way, for us to
5 plant that second row on the easterly side of the
6 right-of-way, we'll do that as opposed to the
7 westerly side. We have no preference.

8 MS. DZIORNEY: Can you pull up the site
9 sections so that we see --

10 MR. YACOBELLIS: If I could make one
11 point -- Joe Yacobellis, Mojo Stumer Associates -- I
12 just want to call out on the exhibit that Mason has
13 on the board there, just to help clarify here,
14 Exhibit 12, it's worth noting from this perspective,
15 which, again, was taken from survey data, this is a
16 geolocated 3D model. These are accurate perspectives
17 from standing within the house looking at the
18 proposed building.

19 The point of contention, if you will, why
20 we're here, the additional height above what is as of
21 right, the entirety of that upper floor is not
22 visible from this point within this house. It is
23 obstructed by the main floor here. You can't see the
24 penthouse because it is obstructed by the rest of the
25 building because of the substantial setback we have

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1 at the back wall here.

2 So from this perspective, we can talk all we
3 want about trees and how much they'll grow and when
4 they'll grow, but the thing that we're here trying to
5 obtain, in addition to what's as of right by the
6 book, isn't even perceptible from this perspective.
7 I just want to clarify that point.

8 MR. ROTH: Just one comment on the point he
9 just made, the part that juts out west is -- I
10 understand the top, this proposed penthouse, which is
11 what makes the building higher than 55 feet, is set
12 back in that part -- in that -- you know, from us in
13 that part that juts out going west, but the part
14 alongside Middle Neck Road does not set back. That
15 penthouse is not set back from our point of view.
16 From the back, people who live on Hilltop Drive, the
17 penthouse is not setback. From Middle Neck Road it's
18 set back, I think, but not from Hilltop Drive.
19 That's not --

20 MAYOR WARNER: From Hilltop Drive you can
21 see the penthouse that's closest to Middle Neck Road.

22 MR. ROTH: You would see the penthouse --
23 that's right. You would see the top floor, which
24 they call the penthouse, that would not be set back
25 at all, and the part that's alongside Middle Neck,

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1 the part that juts out west, that is part of the
2 setback.

3 MAYOR WARNER: North.

4 TRUSTEE HERSHENHORN: The only way to set
5 back both would be to eliminate it.

6 AUDIENCE MEMBER: Yeah.

7 AUDIENCE MEMBER: Yeah.

8 MR. ROTH: Well, I just want to respond to
9 that one point, that only part of that building is
10 set back. I have one more question --

11 MR. YACOBELLIS: But also -- I'm sorry.

12 what we're talking about, the part of the
13 building line, and we've discussed this before, the
14 part of the building that runs parallel to Middle
15 Neck Road is approximately 240 feet away from these
16 homes. So there's a substantial separation.

17 what I was referring to is the part of the
18 building that does go east to west in closest
19 proximity to the neighbors. At that point, on the
20 uppermost floor, there's a 34-and-a-half-foot setback
21 of that penthouse, which is why it's not visible from
22 these homes at all.

23 MR. ROTH: So I would ask one more question.
24 This whole row of trees that they're planting, will
25 the whole row be irrigated with a sprinkler system?

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1 MR. BLOOM: Yes.

2 MR. ROTH: Okay.

3 MR. BLOOM: And maintained.

4 MR. ROTH: And maintained. Excellent.

5 So, again, I come back to my main two
6 points. Please limit it to 55 feet. That's what you
7 decided on based on the consultant. That's what the
8 expert recommended to preserve the character of the
9 village. It's not just about money or about making
10 out like a bandit.

11 And, second, I still think that the easiest
12 thing is to keep the trees that we already have
13 there, especially behind 12 Hilltop. They're already
14 at 30 feet. If you want to put a second row behind
15 them or in front of them, great, happy that you'd do
16 that, but, you know, I think it's best to just leave
17 the trees that are already there, particularly along
18 the stretch behind 12 and 14 Hilltop.

19 Thank you.

20 MR. BLOOM: Mason, the exhibit you have with
21 respect to the distance between the houses behind and
22 to the proposed structure?

23 MR. SOFIA: Yes. Actually, before that, I'd
24 also like to add, too, that we didn't purposely
25 orient this window so that you don't see that setback

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1 penthouse. You know, we don't have a full floor plan
2 with window sizes and locations on each of the houses
3 that are there, but we do know with the survey, and
4 we discussed this prior, 12 Hilltop Drive is the
5 house that has the most obscured view of the proposed
6 building. It's oriented away from our proposed
7 building. It's most oriented directly towards what's
8 simulated here, if you cleared everything out, the BP
9 gas station.

10 So this being -- this gray line on
11 Exhibit 12A, and it's on Exhibit A, B and C, is
12 actually showing the corner of the house. It's as
13 far most to the right of the house as you can go on
14 the first floor. Again, so on proposed sight plan
15 A-001, it's standing in the lower-left corner as
16 close as you can to 12 Hilltop Drive.

17 MR. BLOOM: What is the distance of 12 and
18 14 to the structure?

19 MR. SOFIA: The distance --

20 MAYOR WARNER: I think Mrs. Roth wanted to
21 say something.

22 Mrs. Roth, did you want to say something?

23 MS. ROTH: Karen Roth, 12 Hilltop Drive.

24 I just wanted to say that you're asking us
25 to rely on this landscaping plan. We've been trying

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1 to rely on a landscaping plan the entire time that
2 we've lived in this house. You know, just hearing
3 the statements that were made today, there are spaces
4 where there are no trees. Well, there were supposed
5 to be trees for 30 years. We moved in in 1993 and we
6 planted our evergreens and they're 30 feet tall.

7 why is it that this property, the commercial
8 property, 200 Middle Neck Road, has 15-foot
9 evergreens? Their's was supposed to go in years
10 before ours went in. It's very hard to -- once that
11 building is built, it's there. It will be there. We
12 will see every single story of it, but you can't
13 guarantee us those trees. All that we can really
14 rely on is our trees.

15 MAYOR WARNER: Well, there are Certificates
16 of Occupancy that they get if it's finished properly.

17 MS. ROTH: And are we going to be coming
18 back here year after year? Why are there spaces now?
19 They're not in compliance now.

20 MAYOR WARNER: It's the first -- I've been
21 on the Board since 2001, and I was just at the end of
22 Bassar-Kaufman's reign of that building. This is the
23 first time hearing of it. If somehow this Board knew
24 that they were responsible to put up what you're
25 asking for, I'm sure we would have taken action.

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1 MS. ROTH: Maybe it was before your time,
2 but, you know, this is what we're looking towards,
3 coming back here. We're all going to be meeting a
4 lot again, I assume, after this goes up to make sure
5 that those plans, you know, are really fulfilled.

6 TRUSTEE HERSHENHORN: As Billy said -- as
7 the Mayor said, there's certificates of occupancies.
8 You know, there are other things that we can do to
9 make sure that they fully comply, if we get to that
10 point.

11 MS. ROTH: There was one other thing I just
12 wanted to mention about planting evergreens in the
13 ravine there. It's my understanding, from when we
14 planted our own, that they really need full sun, and
15 so to plant them in there, with all of the deciduous
16 trees, I don't really know how they would grow, and I
17 also don't know how you would plant a row of them
18 without cutting down some of those deciduous trees or
19 limbing them so much that there's really not much
20 left to them.

21 MAYOR WARNER: Well, they talked about --
22 the gentleman over there talked about --

23 DEP. MAYOR FARKAS: VHB.

24 MAYOR WARNER: -- talked about limbing the
25 trees to increase the sun exposure to the new trees.

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1 MR. KELLY: That's correct.

2 MAYOR WARNER: Ma'am? Your name and
3 address, please.

4 MS. MERWIN: Alice Merwin, 21 Elm Street.

5 I have a very different perspective because
6 I've been living in Great Neck Estates for 53 years,
7 and I'm not the oldest living person in Great Neck
8 Estates, I have to note that, but --

9 MAYOR WARNER: Duly noted.

10 MS. MERWIN: I was here, obviously, when the
11 building that was so beautiful and special to my
12 family, the building of The Playhouse Theater. I
13 have been here since I went -- we went to doctors'
14 offices in The Rose building.

15 And I guess my point is I do think that the
16 school -- the population of our schools is going to
17 increase. I think also, because we spend so much
18 money on each student, which is very special, that
19 it's going to increase our taxes, as well, our school
20 taxes, as well.

21 I think the traffic congestion on Middle
22 Neck Road is impossible, and I think 70 units will
23 increase it.

24 I also think there are environmental issues
25 that haven't been addressed, and I'm not sure what

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1 they are yet, but there will be pollution from 70
2 units.

3 I guess -- I mean, this is the second
4 passionate speech I've written. The first one was
5 when we closed our gate on Elm Street, and we had a
6 very -- Mayor, I've been through many Boards, and we
7 had a very impassioned Board at that time. And so
8 I'm very grateful to be living here, very grateful to
9 have brought up my family here, but I really am
10 appalled, I guess the best word is, appalled, another
11 word would be shocked, another word would be
12 saddened, that we need another building on Middle
13 Neck Road. I just don't understand it. I just don't
14 want it. I just don't see why we need it, and I
15 guess that's all I have to say.

16 Thank you.

17 MAYOR WARNER: Thank you.

18 TRUSTEE HERSHENHORN: Thank you.

19 MAYOR WARNER: Mr. Roth?

20 MR. ROTH: Yeah. I just want to mark this
21 as Exhibit Roth 2. It's the view from our -- the
22 middle of our house to the building, and it shows
23 that we are not backing on the gas station. You
24 could see --

25 MAYOR WARNER: One second. Let her mark it.

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1 (Whereupon, Roth's Exhibit 2 was marked and
2 received in evidence.)

3 MR. ROTH: So Roth Exhibit 2 shows the view
4 from our second floor, which is actually the floor
5 above our basement. It's actually our first floor in
6 the front of the house, second floor in the back. I
7 took it in 2001 right soon after we planted our
8 evergreens, not too long after, and Basser-Kaufman
9 planted theirs. And you can see what our view was
10 before the evergreens grew. Clearly, we're not in
11 the north corner only seeing the gas station. I
12 mean, that's the center of our house and you can see
13 the building pretty clearly in all its glory. And
14 the building they're proposing is going 20 to 30 feet
15 higher than that, 20 feet at the highest point,
16 30 feet in the rest of it. I'm sorry. Twenty feet
17 at the highest point, 30 feet at the lower side
18 where -- which is on the south side.

19 MAYOR WARNER: Thank you.

20 Anybody else?

21 MR. BLOOM: If I can, Mason, will you please
22 answer my question on the record?

23 MR. LEVIN: We're still on public comment.

24 MAYOR WARNER: Anybody else from the public
25 want to comment?

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1 (No response.)

2 okay.

3 MR. BLOOM: Could you give the distances
4 from 12 and 14?

5 MR. SOFIA: On sheet A-002, which is our
6 sight sections that we looked at quite a bit for the
7 last few hearings, they've adjusted it as we receive
8 more and more data with respect to elevations.
9 Schematic Sight Section 1, SP-101, shows a
10 cross-section through our building along the
11 northerly most part of it.

12 MR. BLOOM: The L portion which is closest
13 to the property line.

14 MR. SOFIA: Cuts down through an
15 approximated ravine, and through 12 Hilltop Drive,
16 given their survey elevation data of their first
17 floor at 97 feet, from there the rear-most part of 12
18 Hilltop Drive, if you're slicing through the middle
19 of it at an angle, is approximately 140 feet to the
20 closest part of our building. Where it sets back at
21 the fourth floor, it is 146 feet, and at the fifth
22 floor it is 182 feet, and those are shown as the
23 dimensions at the bottom part of Schematic Sight
24 Section 1, SP-101.

25 Schematic Sight Section 2 does the same --

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1 has the same concept. It cuts through not the L
2 part, the part of the building that's parallel most
3 to Middle Neck Road across through Cook Drive and
4 through 14 Hilltop Drive. The rear-most part of 14
5 Hilltop Drive to the closest part of our building is
6 241 feet.

7 And Schematic Sight Section 3 is a sight
8 section cut parallel north to south of Middle Neck
9 Road and doesn't depict any neighboring houses.

10 TRUSTEE HERSHENHORN: Mason, have you seen
11 Roth Exhibit 2?

12 MR. SOFIA: Yes. I believe it was submitted
13 with the prior -- prior to our last hearing.

14 TRUSTEE HERSHENHORN: So it looks like, when
15 you look at this photograph and you juxtapose it with
16 your diagram, that what Mr. Roth is saying is more
17 accurate than what you were telling us before in
18 terms of just what you see. Can you just, you know,
19 talk about both and take a look at this photograph
20 again?

21 MR. SOFIA: So my initial --

22 TRUSTEE HERSHENHORN: You maybe just have to
23 reorient us on the board.

24 MR. SOFIA: Well, honestly, it was more so a
25 question of where this photo was taken. When I first

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1 saw this photo in 2001, my first thought was was this
2 taken while the house was under construction or
3 renovation. With the survey from 1998, given the
4 timeline of when construction happens, to get an
5 unobstructed view like this oriented from the house
6 towards Middle Neck Road, it seems to me that there
7 would have to be no walls in front of you looking on
8 the edge of, like, a second floor that was under
9 construction prior to the trees that are planted
10 there fully maturing. So my thought was either this
11 was at the second floor, which is three stories above
12 grade at the backyard, or --

13 TRUSTEE HERSHENHORN: He definitely said it
14 was on the second floor.

15 MR. SOFIA: But I think that was clarified.
16 The second floor means the first floor of the
17 property, which is the main floor, if that's correct.

18 MR. ROTH: First floor of the basement.

19 MAYOR WARNER: In the back.

20 MR. ROTH: In the back.

21 MR. SOFIA: So if these were the evergreens
22 which were growing, if they were planted at 14 feet
23 in 2001 where they are now, towards our exhibit would
24 be substantially higher covering almost up to --
25 almost entirely covering the view of the existing

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1 building of 200 Middle Neck Road.

2 So my long story short is I don't know where
3 in the house this photo was actually taken from in
4 relation to the sight plan. If it was from the
5 center, it would have to be an obscured view where
6 you're standing against the wall looking out at an
7 angle or sideways.

8 MR. BLOOM: The point I think that's being
9 made here is that what you're seeing on that sheet --
10 do you want to give that sheet number again?

11 MR. SOFIA: That's sheet A-001.

12 MR. BLOOM: Those are based upon surveys,
13 actual surveys. And so the skew of that building,
14 that structure, is not being created because we
15 wanted to show it being skewed in another direction.
16 That is from an actual survey. All four of those
17 houses in our proposal are all based upon actual
18 surveys.

19 TRUSTEE HERSHENHORN: That's why when I'm
20 looking at that picture and I'm looking at the survey
21 and I'm looking at Exhibit 12, they don't line up.

22 MR. BLOOM: They don't. So was it taken
23 from inside and standing and looking out the window
24 and not getting the window frame around it? I don't
25 know. I didn't take the picture. I can only say

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1 that that picture is not an accurate depiction of
2 what the reality is with respect to how that building
3 is oriented.

4 DEP. MAYOR FARKAS: Mason, can I see that
5 picture for a minute, please?

6 So this was taken in 2001. These were the
7 trees that were planted. How much taller are these
8 trees now?

9 TRUSTEE HERSHENHORN: A lot.

10 MR. SOFIA: Substantially. If it was
11 2001 --

12 DEP. MAYOR FARKAS: So if they were double
13 the size then he wouldn't be seeing any of the
14 building.

15 MR. SOFIA: Of the existing building?

16 DEP. MAYOR FARKAS: Right.

17 MR. SOFIA: That's my opinion, no, that you
18 would not see it.

19 DEP. MAYOR FARKAS: Okay. So the proposed
20 building, will you see any of the proposed building?

21 MR. SOFIA: Where you would see the proposed
22 building --

23 DEP. MAYOR FARKAS: Will he see more or less
24 of the proposed building than the existing building?

25 MR. SOFIA: If you were to cut out a corner

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1 here and stand at this corner of their house --
2 again, this Exhibit 12 -- sorry, 11C, is a
3 translation of this, which is A-001, our sight plan
4 with all the survey data of the neighboring houses.
5 So it was built to scale. It was projected --

6 DEP. MAYOR FARKAS: Just answer my question.
7 Is he going to see more of the new building or more
8 of the old building?

9 MR. SOFIA: He is going to see more of the
10 new building because --

11 DEP. MAYOR FARKAS: Okay. Good. So how
12 could you mitigate -- is there a way to terrace the
13 side? Is there a way to do something so he sees less
14 of the new building?

15 MR. SOFIA: We've done that.

16 DEP. MAYOR FARKAS: You've terraced it?

17 MR. SOFIA: We've terraced the building back
18 so you're only seeing --

19 DEP. MAYOR FARKAS: If you terrace -- I'm
20 looking at the top, right? If you terrace and you
21 put trees on the building and you terraced it and you
22 had greenery there, then he would see less of the
23 building. Is that feasible?

24 MR. SOFIA: To put physical trees on --

25 MR. BLOOM: As an engineer once said to me,

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1 anything is feasible. It's a question of what it
2 costs to do that.

3 DEP. MAYOR FARKAS: Well, the money that
4 you're --

5 TRUSTEE HERSHENHORN: Jeff, what is your
6 question one more time?

7 DEP. MAYOR FARKAS: My question is can you
8 terrace -- can you build a terrace and plant trees
9 and then build a terrace and plant trees and build a
10 terrace and plant trees so the gentleman who lives at
11 12 is not looking at those windows.

12 MR. BLOOM: It is conceivable. The answer
13 is it's conceivable.

14 DEP. MAYOR FARKAS: Is it financially
15 feasible?

16 MR. BLOOM: I don't know. We haven't looked
17 at it.

18 MR. SOFIA: The substantial structure
19 engineering to building --

20 MS. DZIORNEY: Can you do a green wall?

21 MR. SOFIA: Part of our original design for
22 the building -- I'm actually going to flip to A-200.

23 MR. BLOOM: There is a green wall along the
24 entire basement level.

25 MR. SOFIA: It was actually --

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1 MS. DZIORNEY: I'm talking about above.

2 MR. SOFIA: As part of the architectural
3 design -- hold on. So on sheet A-200, it's hard to
4 see, it's in black and white, but actually in our CAD
5 models, if you look at building elevation two, so it
6 cuts through the L and it's looking right at the
7 tallest portion of the building facing Hilltop Drive.

8 The lower level -- behind this is our
9 parking level. We actually proposed having some sort
10 of mesh screening with greenery, one, to
11 differentiate the architecture from where the
12 residents are living above, make it feel like it is
13 part of a lower level and not part of the full
14 structure, also to give it some greenery, a little
15 bit of vibrancy, a little bit more architectural
16 character.

17 The answer is yes, we did study some
18 greenery, a living wall.

19 MS. DZIORNEY: Can you do that to mitigate
20 the fact that 12 Hilltop is going to be looking at a
21 brick wall?

22 MR. SOFIA: Yes. We could look into that
23 sort of thing. As Mr. Bloom said, in that respect,
24 anything is feasible.

25 DEP. MAYOR FARKAS: I heard you spending --

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1 planting a lot of trees which really don't help the
2 situation on the west side of Cook, on the east side
3 of Cook --

4 TRUSTEE HERSHENHORN: That second row.

5 DEP. MAYOR FARKAS: what?

6 TRUSTEE HERSHENHORN: That second row.

7 DEP. MAYOR FARKAS: The second row, which is
8 going to be -- you want to plant a second row lower
9 than his existing row just to fill in the spaces, but
10 that doesn't really have an effect on the top -- the
11 fifth floor, the fourth floor, the third floor.

12 So I'm just asking you, I'm not saying it's
13 feasible or you could do it, I'm just asking if
14 there's a way to move this forward and get going.

15 MR. BLOOM: We appreciate that comment and
16 we will look into that comment. I would also --

17 TRUSTEE HERSHENHORN: It was a very good
18 comment.

19 MR. BLOOM: -- point you to Exhibit Number
20 5.

21 MAYOR WARNER: We're rating comments now?

22 MR. BLOOM: You have Exhibit Number 5?

23 Exhibit Number 5 I think now indicates that
24 green wall that you were just talking about that
25 we've already incorporated at that lower level, at

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1 the garage level.

2 Can something like that be incorporated or
3 something along the lines of what you're talking
4 about, either a setback with trees or a green wall at
5 that point? Absolutely. It can be done.

6 MR. SOFIA: The last point I'd like to make
7 with respect to Roth Exhibit 2, which is the
8 photograph, like we mentioned here, Exhibit 12C,
9 we're only depicting the evergreen trees right here.
10 There's no deciduous trees. Even in the dead of
11 winter, as you see here, there's still a sense of
12 screening and obscurity.

13 In any case of us providing, like, a green
14 wall, a living wall, it would be similar to what's
15 already there in the dead of winter, from November to
16 April. Beyond that, you're looking at -- there's
17 almost zero visibility that we've depicted on the
18 actual model, the actual aerial views, Exhibit 7 and
19 9.

20 MR. BLOOM: Just in light of what you're
21 saying, the fourth floor at the L does already have a
22 partial setback, and that can be put with trees, but
23 it exists now in this plan.

24 The penthouse floor has a significantly
25 deeper setback. I believe that setback on the fourth

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1 floor is five feet?

2 MR. SOFIA: Six feet.

3 MR. BLOOM: Six feet.

4 MS. DZIORNEY: Can you do the setback on the
5 third floor and then on the fourth floor?

6 MR. BLOOM: We'd have to look at that, yes,
7 we can.

8 MS. DZIORNEY: Because you're not really
9 going to be -- you could just reduce the size of some
10 of the apartments. You don't have to eliminate them.

11 MR. SOFIA: To do it on the third floor
12 would be similar to the concept of the trees at the
13 bottom of the ravine where given the existing
14 evergreen trees that are at 12 Hilltop Drive, even if
15 we were to step back the third floor, you wouldn't
16 see or feel that setback because it's already
17 screened by the existing trees.

18 MR. BLOOM: We can look at it.

19 MS. DZIORNEY: I was at 12 Hilltop, and the
20 trees are quite old now, maybe they're 30 feet high,
21 but there's a lot of bareness in the lower level
22 because they're not green giants, they're cedars. So
23 there's a lot of, I guess, trunk but not so much
24 greenery at the lowest level.

25 MR. SOFIA: That's where the screening that

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1 we proposed along our property would help. without
2 any sort of evergreen screening at 12 Hilltop, your
3 simulated view, again, without any of the big
4 deciduous trees, is best shown by Exhibit 12B when in
5 a couple of years it will be full grown. You would
6 see from the lower portion of the second story up to
7 the top of the fourth story. So that would fill in
8 the bottom part that would be missing at the lower
9 part of Exhibit 12C.

10 DEP. MAYOR FARKAS: Is that more or less
11 what he sees now?

12 MR. SOFIA: Is this more or less what he
13 sees with respect to what?

14 DEP. MAYOR FARKAS: The existing building.

15 MR. SOFIA: The existing building it would
16 be more of what you see now because you see this
17 portion of the top of the fourth story.

18 DEP. MAYOR FARKAS: Okay.

19 MS. MERWIN: Could I just add one thing?

20 MAYOR WARNER: Sure.

21 MS. MERWIN: Ironically, I am really here to
22 urge the Board to halt this completely. I just have
23 to say that. I don't see any point. I have no
24 understanding of how this is going to, as Jeffrey
25 Farkas said, increase anything that makes for a

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1 better, more beautiful community.

2 MAYOR WARNER: I didn't hear him say that.

3 MS. MERWIN: Hmm?

4 MAYOR WARNER: I didn't hear him say that.

5 MS. MERWIN: I'm sorry.

6 MAYOR WARNER: I didn't hear him say that.

7 MS. MERWIN: You didn't hear me say that?

8 MAYOR WARNER: Him.

9 MS. MERWIN: Oh, you didn't hear him say
10 that?

11 MAYOR WARNER: Yes.

12 MS. MERWIN: I did. He said what is the
13 point for our community. Did he say that?

14 DEP. MAYOR FARKAS: I said what is the
15 benefit.

16 MS. MERWIN: Benefit. I don't see any is
17 what I'm saying.

18 TRUSTEE HERSHENHORN: It's all on the
19 record.

20 MAYOR WARNER: Mr. Bloom, you have
21 five percent left.

22 MR. BLOOM: Here's your five percent.

23 (Whereupon, the boards and easels fell.)

24 MR. ROTH: Hopefully, the building will be
25 stronger.

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1 MR. SOFIA: You know what? The Dropbox link
2 and a TV would be helpful.

3 MR. BLOOM: It's a drop board, not a
4 Dropbox.

5 MAYOR WARNER: It's on order.

6 MR. BLOOM: Okay. Here is the last five
7 minutes. Under 230-2, definitions, this is a
8 five-story building.

9 TRUSTEE HERSHENHORN: Barbara, did you hear
10 that?

11 MS. DZIORNEY: No, I'm sorry.

12 TRUSTEE HERSHENHORN: That's okay. I just
13 want you to hear what he said.

14 MR. BLOOM: Under 230-2, definitions, this
15 is a five-story building, no matter how you slice it.
16 There are two methodologies of determining height and
17 whether or not a story is a story, and it's based
18 upon the mean grade.

19 Now, the original plan that we presented,
20 because the definition of your average grade is two
21 different methodologies, you are to use the more
22 stringent of the two. And so if you looked at our
23 original plan and you used the more stringent of the
24 two, our first level parking garage would have fallen
25 under the definition of a story.

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1 There was modifications to the plan and
2 adjustments that were made, and now under either
3 methodology of doing your calculations, our bottom
4 level, our garage level, is not a story to be counted
5 as a story. That's your definition of 230-2 of what
6 a story is and how to determine what a story is. I'd
7 like to have that at least on the record.

8 The second thing I want to point out is
9 230-13.1 and specifically subdivision or subsection
10 6. If you take a look at our plan and the survey,
11 you will see that this property is obviously not
12 flat. If this were a flat portion of land, a flat
13 parcel of land similar to, more or less, what The
14 Rose is, it's, generally speaking, a flat parcel, the
15 gas station next to us is basically a flat parcel, if
16 you look out the window over here, your entire strip,
17 which is in front of the parking lot, that is a flat
18 parcel. If we had a parcel that was relatively flat,
19 we could, based upon the definitions that are in the
20 code, comply with the height.

21 If you take a look, as we've done before,
22 with respect to the elevations at the high point of
23 Middle Neck Road, I believe we're at 48 feet to the
24 top of the fourth floor and 57 feet to the top of the
25 penthouse, which is set back 20-some-odd feet, maybe

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1 even closer to 27 feet, from Middle Neck Road.

2 To say that we are greater, 62 feet, is an
3 accurate statement if, in fact, you apply the strict
4 interpretation of measuring from the more restrictive
5 of the two methodologies of determining where your
6 average grade is located.

7 In this case, with all due respect to the
8 neighbors in the back, there are two, three or four
9 neighbors in the back who are going to have any type
10 of visual impact, which we are trying and attempting
11 to minimize and to create a screen. For the rest of
12 the world, if you look at this building from Middle
13 Neck Road and you look at it at its highest point, we
14 are at the stage of being two feet above the 55.
15 That's reality. And as you go down towards the
16 south, we are well below 55, no matter how you
17 measure it.

18 what makes this property different and
19 why -- and you've given yourself discretion -- I read
20 Section 230-13.16 giving this Board discretion of
21 when there are circumstances of a particular
22 property, the uniqueness of a particular property,
23 this property is unique within your entire overlay
24 business district. There is not another property
25 that has the same topography issues that this

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1 property has.

2 If you take a look at your survey, take a
3 look at your elevations, you will see that from the
4 highest point of this property to the lowest point of
5 the property, there is a 23.3-foot differential. We
6 are so far away from a flat portion, flat property,
7 where we could and would design a building that would
8 comply with the 55 feet.

9 Along the westerly property line there is a,
10 from one north to south, there's a ten-foot-plus
11 differential in elevation. So not only between the
12 highest and lowest point do you have a 23-foot-plus
13 differential, but along one of the property lines you
14 have a ten-foot differential, one end to the other,
15 because the property doesn't just slope back, it
16 slopes to the south and it slopes to the north.
17 Along the westerly property line, ten-foot-plus
18 differential. Along the easterly property line, you
19 have a differential of seven foot. As I said, every
20 single property line has an elevation differential,
21 and if you take a look at the differential along the
22 northerly property line, you've got 22-plus-foot
23 differential from one corner to the other corner.

24 This property is unique, and this property
25 is permitted to have certain discretionary action

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1 taken when you determine that a property is unique.
2 we are asking for very, very few "waivers or
3 additions."

4 One is our side yard on the south side.
5 we've given you a diagram. we've shown you that, in
6 fact, the property line and the side of the building
7 are not parallel with each other.

8 At the point where you go in a westerly
9 direction, we exceed the 15 feet. In fact, we meet
10 or exceed the 15 feet when you're virtually
11 50 percent half of the property going back. There's
12 an additional, as it comes forward, it comes down to
13 approximately ten feet.

14 we don't conform. we could conform. How do
15 we conform? we'd have to put an angle to the edge of
16 that building. Not very practical, and, frankly, you
17 don't gain anything. Because this building has
18 access, fire access, there is no need for there to be
19 a fire access in the north or in the south. You've
20 got 10 feet on one side, and now you've got 10 to
21 15 feet on the other side.

22 Under the code written for business
23 properties, for commercial properties, there is no
24 side yard at all. Here we are providing full fire
25 access to the back and the front of the building, and

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1 so we need relief there.

2 with respect to the height of the building,
3 the height of the building is, again, where we
4 believe there is discretionary power on the part of
5 this Board to take a look at all the circumstances.
6 Look at the circumstances. why is a 57-foot building
7 actually a 62-foot building? How did that happen?
8 It's the same building. where do you see that? Do
9 you see it more than 55 feet? The answer is yeah,
10 you can perceive two foot more on Middle Neck Road.

11 And so with respect to that we would ask
12 that the Board also take into consideration
13 section 6(6) of the code as it relates to taking into
14 consideration the uniqueness of this property.
15 You're not creating a precedent. You would never
16 create a precedent here, but the fact is that there
17 is not another piece of property that is anything
18 like the circumstances that exist on this property
19 within your entire -- I would say both in south and
20 on north in the two different overlay districts, and
21 we will give you the information that you need.

22 MAYOR WARNER: Thank you.

23 Mr. Roth?

24 Hold on one second. Barbara?

25 MS. DZIORNEY: I wanted to make --

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1 MAYOR WARNER: Rebuttal.

2 MS. DZIORNEY: -- two points. One is that I
3 reached out to Paul Hershey, our local representative
4 at the Nassau County Fire Marshal, and he said that
5 there would be a need for the fire -- the chief fire
6 marshal to review the plans for aerial equipment
7 access, that it's not just enough that there's access
8 along Middle Neck Road, that you need to have access
9 to the rear of the building, and they would have to
10 analyze whether that 26-foot-wide passageway is
11 adequate.

12 Secondly, I wanted to take a look at the
13 site sections again.

14 So between the first floor and the second
15 floor and the third floor above the ground level,
16 what is the floor to ceiling height?

17 MR. SOFIA: The floor to ceiling height?

18 MS. DZIORNEY: Above the parking garage,
19 everything above the parking garage.

20 MR. SOFIA: So we have a floor-to-floor
21 height of ten-foot-six.

22 MS. DZIORNEY: And what's the structure
23 between the first floor and the second floor?

24 MR. SOFIA: So we don't know that yet. That
25 would be --

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1 MS. DZIORNEY: Well, you have it on there.

2 MR. SOFIA: For reference here? Roughly
3 about a foot at its narrowest point. There would be
4 drops given for mechanicals and all the coordination
5 we have to do.

6 MS. DZIORNEY: Right. And so what is the
7 distance between the ceiling of the garage and the
8 first floor?

9 MR. SOFIA: Again, so that's subject to
10 further development, engineering. We have our first
11 floor elevation at 95.6. That's 15.6 feet from floor
12 to floor. We estimate, to give enough mechanical
13 run, again, underneath the base of the building where
14 utilities come in, we'd have to run them across. We
15 gave about 30 inches at least to run that. So that's
16 30 inches just in this --

17 MS. DZIORNEY: Thirty inches or is it
18 three-foot-six?

19 MR. SOFIA: Thirty inches, 3-0.

20 MS. DZIORNEY: Okay. So if you just reduce
21 that by an inch, right, then you would have
22 seven feet and you would count it as a story.

23 MR. SOFIA: Correct.

24 MR. BLOOM: But it's not --

25 MR. SOFIA: Sorry. Let me back up. I just

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1 noticed something. The thickness is
2 three-foot-six --

3 MS. DZIORNEY: Right.

4 MR. SOFIA: -- which between structures,
5 structure of ceiling floor, would allow for roughly
6 30 inches of space. The ceiling to floor above is
7 three-foot-six, and we can design the building --
8 this is very schematic. There's no structure.
9 There's no --

10 MS. DZIORNEY: Right. But that number is
11 just a manipulation.

12 MR. LEVIN: Can we let people finish
13 sentences before you interrupt?

14 MS. DZIORNEY: Sorry.

15 MR. SOFIA: Our intent, as Paul said, is to
16 be compliant with this number of stories. When we
17 design and propose and actually submit this for
18 formal construction, it would meet that code
19 requirement which is based on the more restrictive of
20 the mean ground level, whether it be finished or
21 existing to the underside of the ceiling of that
22 story. Whatever that number would be, we would
23 propose that to be compliant at five stories.

24 MR. BLOOM: At less than seven feet.

25 MR. SOFIA: Which is less than seven feet.

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1 MS. DZIORNEY: But, in reality, it is six
2 stories.

3 MAYOR WARNER: Mr. Roth.

4 MR. ROTH: Thank you. I don't have to give
5 my name again.

6 MAYOR WARNER: Or stand up.

7 MR. ROTH: I feel better standing up.

8 MAYOR WARNER: Okay.

9 MR. ROTH: So just a few things. The
10 building, according to the drawings, is a height of
11 62 feet 11 inches from the average grade to the top.
12 That's -- you can read that right off the drawings.

13 The one -- the page you're on, what page is
14 that?

15 MR. SOFIA: Sheet A-002.

16 MR. ROTH: Yeah, you can read it on that
17 page.

18 How many stories is it? I've actually done
19 some research on this because I'm a nerd that way. A
20 story in your code, in our code, is from floor -- the
21 floor to the floor above. If that's more than
22 seven feet you have a story. So the floor to the
23 floor above, not the ceiling of the floor above.

24 MS. DZIORNEY: It's floor to ceiling.

25 MR. ROTH: Except for the first story.

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1 MS. DZIORNEY: Yes, except for the first
2 story.

3 MR. ROTH: Except for the first story. The
4 first story is defined differently. In the first
5 story it's defined as the average grade to the
6 ceiling. So you can see where you can manipulate
7 things quite a bit here. If you want to get under
8 that seven feet for the first story so it's not
9 considered a first story, you somehow get at 6 feet
10 11 inches, and it's a miracle. They did it here.
11 It's absolutely incredible.

12 It's just an incredible coincidence that
13 they got it just an inch below what would be defined
14 as a story. How did they do that? How were they so
15 lucky that they got it just one inch below what would
16 be defined as a story? I would suggest that they did
17 it through a paper drawing. They lowered the ceiling
18 so that the distance is 6 feet 11 inches, just an
19 inch below what would be a story.

20 It's clever. It's a loophole in the code.
21 I mean, look, I've seen loopholes all over the place.
22 It works, I guess. We all take advantage of them. I
23 guess they're entitled to take advantage of it, too.
24 I can't criticize them for taking advantage of it,
25 although I could imagine going out there after this

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1 thing is built and actually measuring it and coming
2 up with seven feet or 72 feet. I mean, who is going
3 to listen to me then?

4 The point is on paper it's not considered --
5 it's under seven feet because they've lowered the
6 ceiling as much as they needed to, which is why you
7 have a three-and-a-half foot distance there between
8 the ceiling of the basement and the floor of the
9 floor above. Three-and-a-half feet there. Because
10 they lowered it to what they needed to to keep that
11 first thing under seven feet, the basement.

12 You know, so, look, I get it. It's math.
13 They complied with the loophole in the code. Fine.
14 But then don't ask for another seven, eight feet in
15 height. You got away with that. You found a
16 loophole. Congratulations. The lawyer did his job.
17 Don't give them an extra seven, eight feet because
18 they say they want it and you have discretion to give
19 it to them. You know, it's not fair. It's not fair
20 to us.

21 And I'll ask one thing: There was a
22 suggestion of, yes, the contours are crazy. It's
23 crazy at my house, too, the property contour, but
24 keep in mind that, yeah, it's probably 55, 57 feet in
25 front height, but in the back, from the ground floor

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1 to the top of the building, it's 68 feet. If you
2 were just looking at the ground floor, those six
3 stories are 68 feet. If you only consider the back
4 of the building, they are 13 feet above code.

5 Thank you.

6 MR. YACOBELLIS: If I could have one
7 clarifying point again? Joe Yacobellis, Mojo Stumer.

8 There are several insinuations that we're
9 playing games here. I do want to reiterate the
10 drawings are schematic, but they're based on decades
11 of experience and knowledge and building buildings
12 like this. what we do at the schematic level is
13 build in the room we think we'll need. we don't know
14 yet what the structural system for this building will
15 be, whether it's a wood frame or concrete or steel,
16 but we build in what we anticipate to need.

17 And just as a point of reference, at The
18 Rose, at the garage level, we have a transfer beam
19 which is, I believe, between 32 and 38 inches deep
20 below, which we have to run sprinkler pipes and
21 ductwork and various elements of conduit. So we
22 didn't just artificially create a 36-foot box to make
23 our garage seem lower.

24 TRUSTEE HERSHENHORN: Thirty-six inches.

25 MR. YACOBELLIS: I'm sorry?

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1 MAYOR WARNER: Three-foot-six.

2 MR. YACOBELLIS: Three-foot-six. We didn't
3 create a large box to make our building seem lower.

4 In all likelihood the structure of this
5 building is going to necessitate some transfer loads.
6 We don't need to get into this, but the structure of
7 the double-loaded residential corridor just in any
8 building doesn't translate directly to the structure
9 of how the parking and drive aisles work. So the
10 columns and the drive aisles are not going to align
11 with the corridor walls which are likely load
12 bearing, so we transfer that load, and it's probably
13 going to be a really deep substantial beam carrying
14 that load.

15 So this is based on expected structure in
16 every way possible.

17 MR. SOFIA: And this code is in place,
18 too -- to my understanding, it doesn't apply to just
19 this business district, the incentive district and
20 our building, it applies to the entire village. It's
21 in -- the definitions of the code applies to the
22 residences along Hilltop Drive, all through Great
23 Neck Estates. It varies per village.

24 with this definition of "story," it's what
25 allows, for example, the houses at 14 and 12 Hilltop

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1 Drive to have a walkout basement, which is a lower
2 level, to still be considered a two-story structure.
3 It's what enables the same 14 Hilltop Drive where the
4 lower level is exposed, it's considered a lower level
5 because if it were not considered a story, it would
6 be considered a three-story building, which would
7 then, in theory, and the building inspector could
8 confirm this, would not be a compliant residential
9 structure.

10 MAYOR WARNER: Mrs. Roth, you had your hand
11 raised, and this is going to be the last word.

12 MS. ROTH: The investor for this property
13 bought a commercial property, and they're allowed a
14 waiver, so to speak, if they're giving a benefit to
15 the community. The Board is not required to grant
16 that to them. They can grant that to them if it's
17 determined that there's enough benefit to the
18 community.

19 I'm a little saddened to hear that money is
20 the only benefit, but I guess that's up to you to
21 decide, but I don't see why they need to get any
22 other special allowance. They're already getting a
23 break by allowing -- by being allowed to use this
24 property for residential development. It's
25 commercial property.

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1 MAYOR WARNER: Thank you.

2 Anything else?

3 (No response.)

4 Okay. So we're going to make a motion to
5 close the public --

6 TRUSTEE HERSHENHORN: No. No. Continue.

7 MAYOR WARNER: So I make a motion to
8 continue the public hearing --

9 TRUSTEE GANZFRIED: I'll make the motion.

10 MAYOR WARNER: -- to July 8th at 8:00 p.m.

11 TRUSTEE HERSHENHORN: I'll second that
12 motion.

13 MAYOR WARNER: Howard seconds.

14 All in favor?

15 (Whereupon, all Board members answered in
16 the affirmative.)

17 Unanimously carries.

18 MR. BLOOM: Thank you.

19

20 * C E R T I F I C A T I O N *

21

22 The foregoing is certified to be a true and
23 accurate transcript of my original stenographic notes for
the above-mentioned proceedings.

24

25



Christa Flash, Official Court Reporter