

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

MUSLIMS ON LONG ISLAND, INC., IMRAN  
MAKDA, and MOEEN QURESHI,

*Plaintiffs,*

*v.*

THE TOWN OF OYSTER BAY, SCOTT BYRNE,  
in his official capacity, JAMES CASTELLANE, in  
his official capacity, CLIFFORD CHABINA, in his  
official capacity, ANTHONY DILEONARDO, in his  
official capacity, ANGELO STANCO, in his official  
capacity, and LOUIS WARNER, in his official  
capacity,

*Defendants.*

**COMPLAINT**

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Plaintiffs Muslims on Long Island, Inc. (“MOLI”), Imran Makda, and Moeen Qureshi, through their attorneys, make the following allegations against Defendants Town of Oyster Bay (the “Town”), Scott Byrne, James Castellane, Clifford Chabina, Anthony DiLeonardo, Angelo Stanco, and Louis Warner (together, the “Individual Defendants,” and collectively with the Town, the “Defendants”):

## **INTRODUCTION**

1. This lawsuit is brought to seek redress for unimaginable bigotry perpetuated against a small Muslim community in the hamlet of Bethpage, located in the heart of Long Island. For over six years, MOLI and the Muslim community of Bethpage have been trying to upgrade their modest mosque into a modern house of worship capable of meeting the spiritual needs of their congregation. The Town had different plans. It first subjected MOLI to an unprecedented level of scrutiny and resistance not faced by other religious and secular organizations, imposing arbitrary and onerous demands that delayed the process by years. The Town even revised its parking ordinance to facially discriminate against houses of worship—and more specifically, MOLI. The bizarre and nightmarishly illogical nature of the process would have made Kafka himself raise an eyebrow. MOLI nonetheless jumped through every one of the Town’s hoops, but, in the end, it didn’t matter. The local community did not want the mosque to be built, so it embarked on a bigoted campaign to pressure local officials and the Town to reject MOLI’s application. The Town readily succumbed. This lawsuit seeks redress for these blatant violations of MOLI’s fundamental rights.

2. MOLI’s ordeal started more than six years ago, in the summer of 2018, when it first submitted a plan to the Town to build a new mosque on its existing property in Bethpage. The property currently comprises two unconnected structures spread across two adjoining parcels of land. The two structures are simply inadequate to meet the needs of MOLI’s

congregation, and an upgrade is direly needed. For example, there is not enough space for the mosque's religious classes—a key component of the mosque's religious activity. Nor is there enough space for the ritual washing required of Muslims before prayer, or for the local Muslim community to gather to break their fast during the Islamic month of Ramadan.

3. Thus, in 2018, MOLI submitted a site plan application to the Town to replace its existing structures with a single new building better designed to meet the religious needs of its congregation. The labyrinthine nature of the local land use process requires applicants to navigate a multi-layer bureaucracy. MOLI's application met resistance at every turn.

4. The first set of roadblocks came from the Town's Department of Environmental Resources ("DER"), which subjected MOLI to a protracted and expensive regulatory review. During that process, DER hired outside consultants and required MOLI to pay their fees, creating a perverse incentive for DER's vendors to drag out the review. With MOLI footing the bill, DER and its consultants applied unusual scrutiny to the application, repeatedly forcing MOLI to re-submit its application to address the most trivial of issues. An example: DER required MOLI to re-submit its application because it had used the wrong acronym for the Town of Oyster Bay—"TUB" instead of "TOB." Another example: DER required a new application because it did not like the particular type of shrubs (creeping juniper) that MOLI intended to plant on its site. The result: years of submissions and re-submissions, costing MOLI significant amounts.

5. But MOLI overcame every roadblock DER erected. Five years after filing its initial application, in August 2023, MOLI finally secured DER's approval. In granting its approval, DER concluded that MOLI's application would have no adverse impact on the environment, traffic and transportation, public health and safety, or even on the neighborhood's aesthetics and community character.

6. In the meantime, while the DER process was ongoing, the Town put up another roadblock—this time focused on parking. At the time MOLI submitted its initial application, the Town’s longstanding ordinance required houses of worship to have at least one parking spot for every three *seats*. But while MOLI’s application was advancing, the Town changed the rules by passing a new parking ordinance, Local Law No. 6, that requires new houses of worship to have one parking spot for every three *occupants*. Under the new ordinance, secular land use applicants—e.g., theaters—receive better treatment than religious land use applicants as they are still only required to have one parking spot for every three seats.

7. The difference between seats and occupants is consequential. A building’s maximum occupancy is generally much greater than its number of seats, so an occupancy-based parking requirement will be more onerous than a requirement that is seat-based. And that was certainly the case for MOLI. Under the original ordinance, MOLI’s proposed mosque needed a minimum of 86 parking spots—a number that MOLI’s proposal satisfied. But under Local Law No. 6, MOLI would need 155 parking spots, far beyond what its property can accommodate.

8. Because of Local Law No. 6, MOLI had no choice but to seek a parking variance from the Town’s Zoning Board of Appeals. But MOLI was not even given a chance to do that. An applicant can only proceed to the Zoning Board of Appeals after receiving site plan approval from the Town’s Planning Advisory Board (“PAB”). Notwithstanding the “Advisory” in its name, approval from PAB is a requirement. And before PAB can consider an application, it must be reviewed by the Nassau County Planning Commission (“NCPC”). NCPC does not have final authority over land use proposals in the Town. That authority rests with PAB. Still, NCPC’s vote on a site application has weight: an application that receives a negative vote from NCPC must receive approval from a supermajority of PAB to proceed.

9. Once local residents got wind of MOLI's plans for a new mosque, they began pressuring local officials at both NCPC and PAB to kill the application. Residents inundated social media and the inboxes of elected officials—particularly Nassau County Legislator Rose Marie Walker—with messages opposing the mosque. One resident wrote: “Does anybody remember that there were two towers in Manhattan or did people forget and now we’re asked to put a place like this in downtown [B]ethpage really?!” Another stated: “[A] Mosque, why? Are we going to give in and give up our neighborhood?” And another wrote: “How many mega mosques do these egomaniacs need?” These are just a few examples.

10. Responsible leadership mandates standing up to bullies and bigotry. Ms. Walker fell short. She urged NCPC to vote against MOLI's application. She even showed up at its meetings to advocate against the mosque—notwithstanding that she is a legislator in a different body and not a member of NCPC.

11. NCPC was more than happy to oblige Ms. Walker's entreaties, voting five-to-one on July 18, 2024 to recommend to PAB that MOLI's application be denied. One of its commissioners, Reid Sakowich, declared that the application must be denied because congregants of another mosque in a different town fifteen miles away allegedly clog up the streets with traffic. It did not matter to NCPC that multiple agencies and experts had studied the potential impact of MOLI's application and concluded that no additional traffic would be generated by the new mosque.

12. A few hours after NCPC's vote, PAB held a public hearing on MOLI's application. While hundreds of community members attended the hearing to advocate *for* the mosque, PAB had ears only for a smaller group, including Ms. Walker, that assembled to oppose it. After hearing the opponents' baseless and bigoted objections, PAB decided to sit on MOLI's

application for an unusual amount of time—four months—without issuing a decision. Justice was delayed. And then it was denied. On November 14, 2024, PAB voted unanimously to deny MOLI’s application—PAB’s *only* denial of a site plan application since 2018. That was followed by a written decision on December 26, 2024.<sup>1</sup> As a result of PAB’s decision, MOLI’s application cannot move forward.

13. Despite spending the weeks between November 14 and December 26 searching for a basis to justify its denial, PAB’s written decision has all the hallmarks of discrimination and arbitrariness.

14. The decision first claims that the application did not provide enough parking. Never mind that the application complied with the parking ordinance that was in place when it was originally filed, and that DER and others had already concluded the application would not create new parking issues. PAB simply ignored the agencies’ studies and conclusions, instead relying on unfounded complaints from objectors. PAB also ignored its longstanding practice of approving applications—conditioned on obtaining any required zoning variances—that comply with its site plan approval requirements. Simply put, Bethpage’s Muslim community was not given the benefits afforded to others.

15. The written decision then claimed that mosque-related traffic was a danger to the community and that a new mosque was somehow inconsistent with the “suburban” community

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<sup>1</sup> As explained further below, PAB’s delay in ruling on MOLI’s application violated New York law in several respects. First, New York law required PAB to render a decision on MOLI’s application within sixty-two days of the July 18, 2024 hearing. *See* N.Y. Town Law § 274-a (8). But PAB did not render its decision for 119 days. Second, New York law required a written decision within five business days of the November 14, 2024 vote. *Id.* But PAB did not issue its written decision until December 26, 2024.

character of Bethpage. But each of these concerns had already been studied and rejected by the Town and Nassau County agencies tasked with evaluating them.

16. Calling PAB's grounds for denial pretextual would be an understatement. Indeed, PAB could barely hide the discriminatory nature of its decision. Its written denial explicitly acknowledged that it had previously permitted "many non-conforming non-residential uses that do impose a negative impact on the surrounding properties that frequently generate complaints from neighbors" but that, "[m]oving forward," *i.e.*, in the case of MOLI, such uses "must be held to a minimum."

17. In the end, the denial of MOLI's application to build a modest house of worship was a win for bigotry. It did not matter how many times MOLI revised its plans to address the Town's baseless concerns. The Town simply could not tolerate the idea of a new mosque.

18. Ironically, MOLI's proposed mosque is just a few miles from Eisenhower Park. Its namesake, President Dwight D. Eisenhower, once told Muslims at another mosque: "I should like to assure you, my Islamic friends, that under the American Constitution, under American tradition, and in American hearts, this Center, this place of worship, is just as welcome as could be a similar edifice of any other religion. Indeed, America would fight with her whole strength for your right to have here your own church and worship according to your own conscience. This concept is indeed a part of America, and without that concept we would be something else than what we are."

19. That is the promise of America and its laws. After six years of failing to convince the Town to honor that promise, Plaintiffs now turn to the Court to enforce it. Religious liberty and equal protection are for everyone—even Muslims.

## **JURISDICTION AND VENUE**

20. Plaintiffs' federal claims arise under 42 U.S.C. § 2000cc and 42 U.S.C. § 1983. This Court therefore has subject matter jurisdiction over those claims action under 28 U.S.C. § 1331. This Court has supplemental jurisdiction over Plaintiffs' state-law claims under 28 U.S.C. § 1367(a) because those claims arise from the same set of facts and circumstances as Plaintiffs' federal claims and are so related to those claims that they form part of the same case or controversy.

21. This Court has personal jurisdiction over Defendants because Defendants are located in in this District and because the acts complained of occurred in this District.

22. Venue properly lies in this District pursuant to 28 U.S.C. § 1391(b)(2) because the events giving rise to this action occurred in the Town of Oyster Bay, which is located within the Eastern District of New York.

## **THE PARTIES**

### **A. Plaintiff Muslims on Long Island, Inc.**

23. Plaintiff MOLI is a not-for-profit religious congregation organized under the laws of New York, with an address of 320 Central Avenue, Bethpage New York, 11714. MOLI's mission is to provide for the spiritual and religious needs of the Muslim community in Bethpage by providing facilities for religious worship and education. MOLI endeavors to also provide for the spiritual and social well-being of the local community through youth activities, family and personal counseling, volunteering for the needy, participating in interfaith dialogues, and other activities, including a regular weekend community breakfast that MOLI hosts for everyone in the community, including non-Muslims.

**B. Plaintiff Imran Makda**

24. Plaintiff Imran Makda is a member of MOLI's Board of Trustees and has been attending the mosque at least weekly since 2001. He is involved in MOLI's operations, including leading its efforts to update its mosque. Mr. Makda has resided in Plainview, New York since 2001 and is a partner at a prominent accounting firm.

**C. Plaintiff Moeen Qureshi**

25. Plaintiff Moeen Qureshi has been attending the mosque regularly since 2015. He serves on MOLI's construction committee and has worked alongside Mr. Makda to obtain approval from the Town to update MOLI's mosque. Mr. Qureshi has resided in Bethpage for nine years and works in the area of compliance at a prominent organization.

**D. Defendant Town of Oyster Bay**

26. Defendant Town of Oyster Bay is a township in Nassau County, New York.

**E. The Individual Defendants**

27. Defendant Angelo Stanco is the chair of PAB.

28. Defendants Scott Byrne, Clifford Chabina, Anthony DiLeonardo, James Castellane, and Louis Warner are members of PAB.

29. Defendants Angelo Stanco, Scott Byrne, James Castellane, Clifford Chabina, Anthony DiLeonardo, and Louis Warner are sued in their official capacities.

**OVERVIEW OF APPLICABLE LAW**

30. Plaintiffs bring this action to enforce their rights under the Religious Land Use and Institutional Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc, the First and Fourteenth Amendments to the U.S. Constitution, the New York State Constitution, and Article 78 of the New York Civil Practice Law and Rules ("CPLR").



### A. The Religious Land Use and Institutionalized Persons Act

31. RLUIPA was unanimously passed by the U.S. Congress and signed into law on September 22, 2000. Congress passed RLUIPA after three years of hearings, which, according to its lead Senate sponsors, Senators Orrin Hatch and Edward Kennedy, revealed “massive evidence” of widespread discrimination against religious persons and organizations by state and local officials in land use decisions.<sup>2</sup> The hearing record indicated frequent discrimination both “on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation.”<sup>3</sup> Discrimination was evident both “against churches as compared to secular places of assembly” and “against small and unfamiliar denominations as compared to larger and more familiar ones.”<sup>4</sup> As the House report found, “[t]he motive is not always easily discernible, but the result is a consistent, widespread pattern of political and governmental resistance to a core feature of religious exercise: the ability to assemble for worship.”<sup>5</sup> Congress found that local zoning ordinances often place the ability of religious groups to assemble for worship “within the complete discretion of land use regulators,” who often have “virtually unlimited discretion in granting or denying permits for land use and in other aspects of implementing zoning laws.”<sup>6</sup> RLUIPA’s Senate sponsors also observed that houses of worship “cannot function without a physical space adequate to their needs and consistent with their theological requirements.”<sup>7</sup>

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<sup>2</sup> See 146 Cong. Rec. 16698 (2000) (Joint Statement of Senators Hatch and Kennedy); *see also* H.R. Rep. No. 106-219, 18-24 (1999).

<sup>3</sup> 146 Cong. Rec. at 16698.

<sup>4</sup> *Id.* at 16699.

<sup>5</sup> H.R. Rep. No. 106-219, at 24; *see also* 146 Cong. Rec. S7774 (daily ed. July 27, 2000).

<sup>6</sup> H.R. Rep. No. 106-219, at 19-20.

<sup>7</sup> 146 Cong. Rec. S7774.

32. RLUIPA complements the protections endowed on religious exercise by the First Amendment by prohibiting, in relevant part, four types of conduct in the imposition and implementation of land use regulations. First, RLUIPA prohibits the implementation of land use regulations in a manner that imposes a substantial burden on the religious exercise of a person or religious institution, in the absence of a compelling state interest achieved by the least restrictive means.<sup>8</sup> Second, RLUIPA prohibits the imposition or implementation of any land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.<sup>9</sup> Third, RLUIPA prohibits discrimination on the basis of religion in the imposition or implementation of any land use regulation.<sup>10</sup> Fourth, RLUIPA prohibits the imposition or implementation of a land use regulation in a manner that totally excludes or unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.<sup>11</sup>

33. RLUIPA provides that it “shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter and the Constitution.”<sup>12</sup> Additionally, pursuant to 42 U.S.C. § 1988(b), prevailing plaintiffs under RLUIPA are eligible for an award of attorneys’ fees.

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<sup>8</sup> 42 U.S.C. § 2000cc(a).

<sup>9</sup> *Id.* at § 2000cc(b)(1).

<sup>10</sup> *Id.* at § 2000cc(b)(2).

<sup>11</sup> *Id.* at § 2000cc(b)(3).

<sup>12</sup> *Id.* at § 2000cc-3(g).

**B. The U.S. Constitution’s First and Fourteenth Amendments and the New York Constitution**

34. The First Amendment to the U.S. Constitution prohibits state and local governments from taking any action that unduly infringes on the free exercise of religion. The Free Exercise Clause of the First Amendment limits enforcement of laws that impose a substantial burden on the exercise of sincerely held religious beliefs. The Supreme Court recently clarified that laws or regulations that “treat *any* comparable secular activity more favorably than religious exercise” are disfavored under the Free Exercise Clause.<sup>13</sup>

35. The Fourteenth Amendment guarantees “the equal protection of the laws” to all individuals. The Equal Protection Clause of the Fourteenth Amendment limits a state or local government’s ability to distinguish individuals or groups on the basis of, among other things, religion.

36. The New York Constitution provides protections that overlap with and complement those guaranteed by the U.S. Constitution. Given New York State’s centuries’ long tradition of celebrating and protecting religious freedom, the Free Exercise Clause of the New York Constitution has been interpreted to be even “‘more protective of religious exercise’ than its federal counterpart.”<sup>14</sup>

**C. Article 78 of the CPLR**

37. Under Article 78 of the CPLR, courts review the decisions of government bodies to ensure their determinations are not “arbitrary and capricious,” an “abuse of discretion,” or

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<sup>13</sup> *Tandon v. Newsom*, 593 U.S. 61, 62 (2021) (per curiam) (emphasis in the original).

<sup>14</sup> *Clark v. City of New York*, 560 F. Supp. 3d 732, 743–44 (S.D.N.Y. 2021) (quoting *Catholic Charities of the Diocese of Albany v. Serio*, 859 N.E.2d 459, 466 (N.Y. 2006)); see also *Smith v. Donahue*, 195 N.Y.S. 715, 718 (3rd Dep’t 1922) (“The State has ever been zealous, since its organization, to protect against appearance of an encroachment upon the right of free worship of God as the conscience of the citizens may choose and direct.”).

“affected by an error of law.”<sup>15</sup> Because government action must have “a rational basis,” a decision is arbitrary—and thus invalid—if it is “without sound basis in reason” or “taken without regard to the facts.”<sup>16</sup> Land-use decisions “based upon generalized community opposition,”<sup>17</sup> or mere “rumor and suspicion,”<sup>18</sup> are therefore unlawful. Article 78 thus requires governmental bodies to act rationally and to ground their decisions in the bedrock of fact, rather than the quicksand of community sentiment.

38. Courts strictly enforce these requirements when land use authorities render decisions regarding houses of worship. When local authorities evaluate religious uses, “every effort to accommodate [religious practice] must be made.”<sup>19</sup> Indeed, the government “is required to suggest measures to accommodate the proposed religious use while mitigating the adverse effects on the surrounding community to the greatest extent possible.”<sup>20</sup> Failure to accommodate a proposed religious use in this manner renders a decision “arbitrary, capricious, and an abuse of discretion” under Article 78.<sup>21</sup>

## THE FACTS

### A. MOLI Provides Important Religious and Community Services

39. MOLI established its mosque on Central Avenue in Bethpage in 1998.

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<sup>15</sup> N.Y. C.P.L.R. § 7803(3).

<sup>16</sup> *Pell v. Bd. of Ed. of Union Free Sch. Dist. No. 1*, 313 N.E.2d 321, 325 (N.Y. 1974).

<sup>17</sup> *Bagga v. Stanco*, 934 N.Y.S.2d 493, 495 (2d Dep’t 2011).

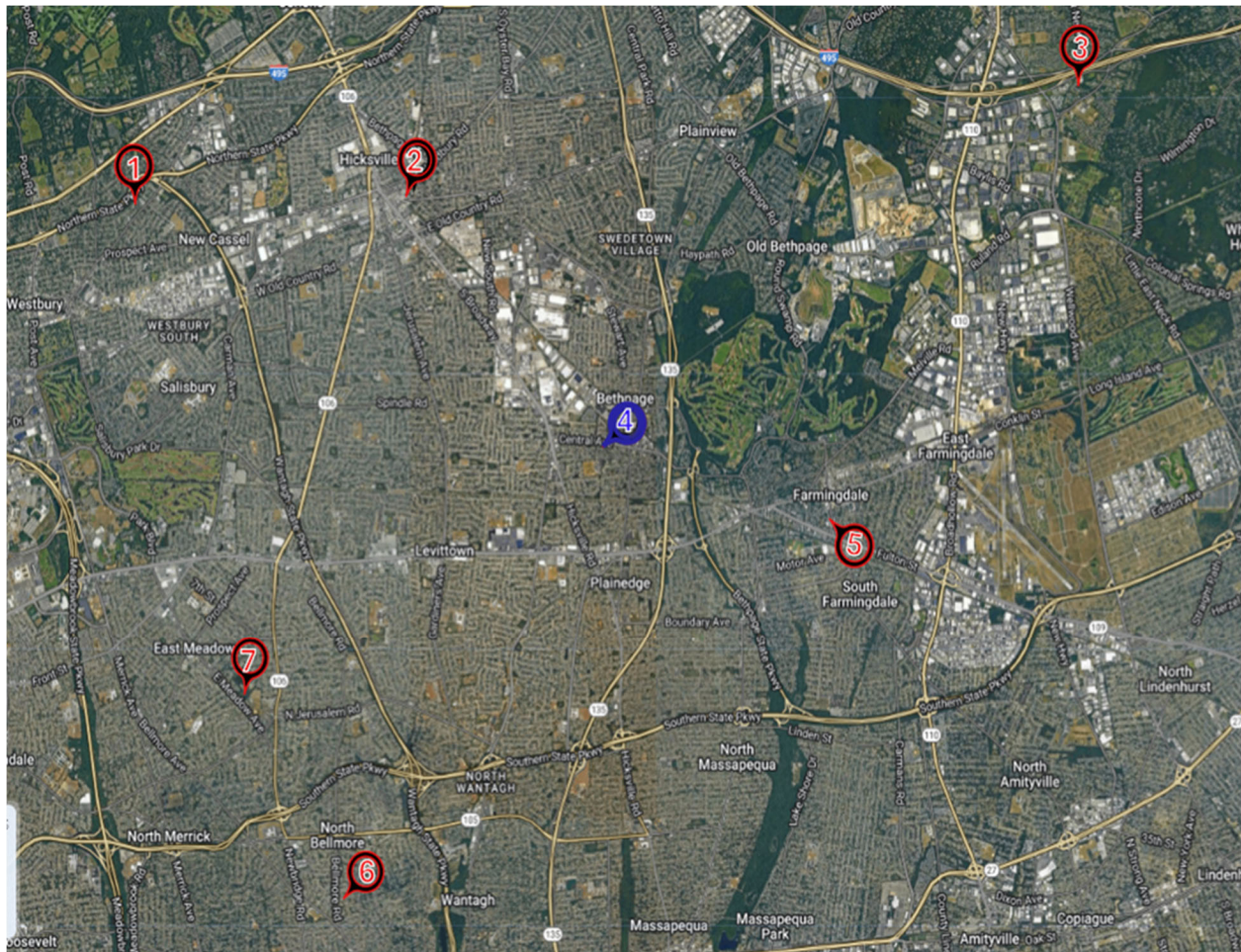
<sup>18</sup> *Green Materials of Westchester v. Town of Cortlandt*, 18 N.Y.S.3d 114, 116 (2d Dep’t 2015).

<sup>19</sup> *Gospel Faith Mission Int’l, Inc. v. Weiss*, 977 N.Y.S.2d 333, 335 (2d Dep’t 2013) (quoting *Genesis Assembly of God v. Davies*, 617 N.Y.S.2d 202, 203 (2d Dep’t 1994)).

<sup>20</sup> *Capriola v. Wright*, 900 N.Y.S.2d 754, 756 (2d Dep’t 2010) (internal quotation marks omitted).

<sup>21</sup> *Genesis Assembly of God*, 617 N.Y.S.2d at 203.

40. As set forth in Figure 1 below, the mosque—also known as Masjid Al-Baqi—is the only mosque in its immediate area. While there are a handful of other mosques in other hamlets in the surrounding vicinity, MOLI primarily serves—and will continue to primarily serve—congregants from Bethpage and its immediate vicinity.



**Figure 1: Location of mosques near Bethpage, NY, with Plaintiffs' mosque (pin number 4) appearing in blue**

41. The mosque is located in a mixed commercial and residential area. It is surrounded by private homes and many local businesses, including a gas station, a smoke shop, a plumber, and a psychic. It is also not the only house of worship in the neighborhood; several churches are located just blocks from MOLI (the closest of which provides no parking).



42. When MOLI purchased its property in the 1990s, it had been vacant for years, owned by an out-of-business restaurant. The site, and particularly its large, derelict parking lot, had become a meeting place for local drug users to gather to consume their wares. The property's most immediate neighbors, eager to see a religious institution replace the local eyesore, welcomed MOLI's arrival.

43. Since then, MOLI has worked to serve its congregants and its neighbors by offering a broad variety of religious and community services.

44. **Worship.** The Islamic faith places substantial value in mosques. Each mosque is considered to be a house of God—a sacred space dedicated to prayer where congregants come together to share their common faith. Muslims are required to pray five times a day, preferably in a mosque, with each prayer lasting five to twenty minutes. The Friday afternoon prayer service, referred to as Jumma, is the most important service of the week. During Jumma, members of the community congregate to listen to a sermon delivered by an imam, the leader of the Muslim congregation, who leads the prayer services and addresses the congregation's spiritual needs. Muslims also come to the mosque for various other special prayer services, such as evening prayers during the Islamic holy month of Ramadan, prayers on Islamic holidays, and funeral prayers.

45. MOLI hosts five daily prayers, most of which are attended by a few dozen parishioners. Friday—Islam's weekly holy day—is MOLI's busiest day of the week. Each Friday, several hundred individuals attend Jumma. To handle the increased attendance on Fridays and to minimize traffic and parking difficulties, MOLI hosts four prayer services each Friday afternoon, spaced out to allow for proper ingress and egress into its parking lots.

46. MOLI's regularly scheduled prayer services expand during Ramadan to include additional services, including a nightly meal to break the daily fast and an evening prayer (known as Taraweih).

47. As a matter of practical and religious necessity, these prayer services require adequate space. During their prayers, worshipers must sit on prayer rugs—themselves a type of seat—and face toward Mecca, Saudi Arabia. They must also be able to see and hear the imam leading the prayers and, prior to praying, must cleanse their faces, arms, and feet in clean water drawn from specially designed wash basins in a ritual called wudu. These religious requirements, combined with the healthy size of MOLI's congregation, means that MOLI requires a meaningful physical space for its members to pray.

48. Moreover, because buildings designed for other uses generally lack the layout and facilities necessary to operate a mosque consistent with Islamic tenets, Muslim congregations searching for dedicated places to pray—like MOLI—cannot easily rent or purchase preexisting buildings originally designed for other uses to operate as mosques.

49. **Education and Pastoral Care.** In addition to offering a sacred, dedicated space to pray, MOLI also provides religious education. Children in the congregation can attend daily after-school programs and Saturday school, during which they learn Arabic and the tenets of the Islamic holy book, the Quran, while also socializing and playing with their friends. Generally, after-school courses draw around 150 students while classes on Saturday draw around 100. Particularly devout or scholarly children can also attend Hifz classes, where they work to memorize the Quran. MOLI's educational opportunities are not limited to children; it provides religious educational programming for adults as well. MOLI also provides an array of pastoral

services to its congregants, including personal and family counseling provided by MOLI's imams.

50. **Community Services.** Islam teaches that the faithful should be good neighbors. MOLI therefore complements its core religious offerings with a commitment to community service. MOLI takes this duty seriously. It hosts frequent community service events, including food drives and regular, free community breakfasts on the weekend that all are welcome to attend, regardless of faith.

51. In accordance with the teachings of Islam, MOLI is particularly focused on caring for the poor and hungry. For example, it has operated a food pantry for the needy of Nassau County and, during the COVID-19 pandemic, it created a free grocery delivery service, delivering food to dozens of Bethpage families regardless of their religion. Parishioners in need of financial assistance can also apply to MOLI for one-time or recurring financial support.

52. MOLI also believes being a good neighbor requires community building. It hosts interfaith events with other houses of worship in the area, encourages its members to volunteer at local charities and to support local businesses, and sponsors communitywide events, including a trip to Adventureland in East Farmingdale (to which all Bethpage community members regardless of faith are invited); a charity fundraiser where children in the congregation under the age of twelve wash cars; nutrition lessons; strength training classes for elderly parishioners; a women's jiu-jitsu class; painting lessons for mothers and daughters; and a ping-pong tournament.

53. In short, in the more than two decades since MOLI founded its mosque on the site of an abandoned, drug infested restaurant, the mosque has blossomed into a dynamic house of worship and an excellent neighbor.



54. Even many of the opponents of MOLI's planned expansion have recognized that MOLI has been an excellent neighbor. For instance, one neighbor, Joseph Driscoll, testified in 2024 that he lived "directly behind the mosque"; had "enjoyed a mutually respectful relationship with [it] for 25 years"; and that the minor inconveniences posed by living next to it were "nothing compared to the issues that [he] faced" with the restaurant the mosque replaced. Despite opposing the mosque's application to expand its facility, he admitted that he was "very happy to be the mosque's neighbor."

**B. MOLI and Other Mosques on Long Island Have Been Targeted for Discriminatory Treatment**

55. Despite its decades-long good standing in the community, MOLI has not been accepted by many residents of Oyster Bay, or even by its government.

56. Like many Muslim communities in the United States, Muslims in Oyster Bay have experienced threats and harassment. Not long after the September 11, 2001 terrorist attacks, a vandal destroyed the mosque's welcome sign. The mosque called the Nassau County Police, who arrived and apprehended the vandal but declined to arrest him.

57. Such incidents have unfortunately persisted. To this day, the mosque's Friday prayer services are regularly interrupted by hecklers yelling slurs like "go home!" or "terrorists!". On one occasion during Ramadan, a motorcyclist arrived in the mosque's parking lot to rev his engine and yell obscenities at terrified congregants who had gathered outside to break their Ramadan fast. After the mosque's private security guards (who the mosque must hire during Ramadan to ensure the safety of congregants) and volunteers physically blocked the man from driving through the parking lot, he fled. Again, MOLI reported the incident to the Nassau County Police. And again, they refused to take any action, including reviewing available footage

from the mosque's security cameras. Instead, they speculated to the congregants that perhaps the man just wanted to show off his motorcycle.

58. The mosque also endured years of regular trespassing from a local landscaping man who would park his truck on Central Avenue—blocking traffic—and then plant small American flags all over the mosque's property while screaming “terrorists!”.

59. These incidents are, if anything, accelerating over time. For instance, in 2024, a worshiper parked his car legally on the street to attend a prayer service and returned to it shortly thereafter to find it vandalized.

60. Beyond turning a blind eye to these hate crimes, the Town also has a history of succumbing to public demands to discriminate against the mosque.

61. On July 28, 2010, a member of the Bethpage community sent a mass email to his fellow residents criticizing a proposal to build another mosque in Bethpage.<sup>22</sup> He urged “the Bethpage community to get together and send a message to our public officials that we do not want this.” He went on: “This is not a Muslim neighborhood; we have no Muslim congregation in Bethpage.” He asserted that “many of these organizations are on the FBI watch lists” and, using all caps and bold, he declared: **“I DO NOT WANT THIS IN MY NEIGHBORHOOD. THEY NEED TO GO ELSE WHERE. THIS IS THE MESSAGE WE NEED TO SEND.”**

62. The email then turned to MOLI, asserting that it had “opened without a word and now there are rumors that they are expanding.” The email “attached an article on how people stopped mosques from going up in a Catholic neighborhood in Staten Island, Brooklyn and the World Trade Center site.” And it encouraged Bethpage residents to complain to Ms. Walker, the

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<sup>22</sup> A copy of this email is attached as Exhibit A to this Complaint.

Town of Oyster Bay's Town Supervisor, and other local politicians about both MOLI and the proposed new mosque, providing a pre-written message that could be copied and pasted.

63. Thereafter, Bethpage residents flooded the Town with messages expressing concerns about the proposed mosque and MOLI's mosque. Several demanded that the Town inspect MOLI. The Town acceded and performed a surprise inspection of the mosque. Pointing pretextually to purported safety issues and problems with MOLI's certificate of occupancy, the Town shut down the mosque on August 10, 2010, the eve of Ramadan. And it did so despite identifying no issues with the facility that posed an imminent danger.

64. At the time, Town officials openly confessed their motivations. Then Town Supervisor John Venditto (later convicted of corruption) acknowledged to *Newsday* "that Oyster Bay's building department sent an inspector to [the mosque] only after more than 100 residents called or e-mailed the town to complain about a proposal for a second mosque in Bethpage."<sup>23</sup> He admitted that the Town was intentionally targeting Muslims for heightened scrutiny, rationalizing "[i]t's fair to say that the proposed mosque brought attention to other mosques in the community[.]"<sup>24</sup> Frederick Ippolito—then Oyster Bay's Commissioner of Planning and Development (later convicted of tax evasion)—was similarly forthcoming. He told *Newsday* that the Town inspected the mosque even though the e-mails the Town received about the mosque "did not cite any evidence of code violations."<sup>25</sup>

65. The Town also cited the mosque for violating an ordinance passed just that year that required houses of worship to have at least one acre of land. The mosque at this time owned

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<sup>23</sup> See Ex. B (Norman Merchant, *Bethpage Mosque Closed After Code Violation Complaints*, *Newsday* Aug. 13, 2010).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

slightly less than an acre. The ordinance applied retroactively—itself highly unusual—but exempted houses of worship that were built more than ten years prior. Owing to demographic changes on Long Island, these grandfathered-in institutions were disproportionately churches. When the mosque sought protection under the grandfathering provision, noting that it had been operating from its current location since the late 1990s, the Town claimed that it had missed the cutoff for grandfathering by six months.

66. To resolve the Town’s concerns, MOLI purchased a second building adjacent to its original parcel. The buildings remain separated and are served by two unconnected parking lots. The original structure currently serves as MOLI’s main building while the second one provides overflow space.

67. The foregoing incidents of discrimination against MOLI played out against a broader backdrop of anti-Muslim hate on Long Island. Much of this hate has been directed specifically toward mosques or Islamic centers. For example, shortly after September 11, 2001, non-Muslim residents of East Meadow, New York—just down the road from Bethpage—organized to oppose a plan to build a new mosque. Many of the opponents made the basis of their opposition quite clear. As the *New York Times* summarized: “they were strongly opposed to the mosque because it’s a mosque.”<sup>26</sup> As one opponent of the East Meadows mosque told the *Times*: “They have a past history of being violent, and they have a current history of being violent too, and of having radical groups[.] I’m sure most of them are peace loving, but I’m thinking in the back of my head, ‘Are they practicing a false religion?’ You just don’t know.”<sup>27</sup>

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<sup>26</sup> See Ex. C (Donna Kutt Nahas, *Is the Issue Parking or Prejudice?*, New York Times, Dec. 15, 2002, at LI 14).

<sup>27</sup> *Id.*

68. And even when mosques and Islamic centers have been built on Long Island, they have been repeatedly vandalized. From 2010 through 2022, mosques were vandalized in Huntington (2010), North New Hyde Park (2017), Brentwood (2021), Hicksville (2021), and Ronkonkoma (2022). In Hicksville, for instance, one of the vandalizers threw garbage and human waste onto the front door of the mosque shortly before its Friday afternoon prayers.

69. Oyster Bay's history of discriminating against MOLI is also sadly consistent with a Town practice of targeting other minority faiths for unequal treatment. In 2016, the Guru Gobind Singh Sikh Center sued Oyster Bay, claiming that the Town used its land use regulations to unfairly target the construction and renovation of a Sikh temple. *See Guru Gobind Singh Sikh Center Inc., v. Town of Oyster Bay*, 2-16-cv-03600 (E.D.N.Y. June 29, 2016). In 2014, the Town had approved construction of a new Sikh temple. But shortly after the old building was demolished and construction began on the new temple, local residents began to voice their opposition to the new temple. In response to this growing opposition, the Town issued a stop work order in July 2015. Only in January 2016, after negotiations between the Town's Commissioner of Planning and Development and representatives of the Temple over parking spaces, was the stop work order lifted. Then, incredibly, less than one month after work restarted, the Town Board took the extraordinary step of adopting a resolution suspending the site plan approval issued to the temple. This action contravened the Town's zoning ordinances and had no reasonable basis. Only after the lawsuit was filed against the Town and various individuals in their official capacities was the matter settled under a Consent Order.

70. Thus, as MOLI's own experience shows, and as the *Guru Gobind* saga further confirms, there is a streak of religious intolerance in Oyster Bay and the surrounding area, and a

track record of elected officials—often pressured by constituents—discriminating against minority religions on the basis of their faith.

**C. MOLI Currently Lacks an Adequate Facility to Meet Its Congregants' Religious Needs**

71. Since 2010, MOLI's facility has comprised two buildings at 300 and 320 Central Avenue. These buildings, however, are currently inadequate to meet the religious needs of the mosque's congregants in several respects.

72. *First*, the current facility does not have enough space for the mosque's evening and Saturday school for children, where they receive Quranic lessons. The buildings do not have classrooms—or any rooms—that can fit sufficient tables and chairs, or indeed space to store so many tables and chairs. The evening school has therefore needed to set up makeshift classrooms in the main prayer area, with children sitting on the floor and curtains substituting for walls. MOLI also needs to maintain a long waitlist as the mosque does not have enough space to educate every young Muslim in the congregation that wishes to learn about their faith.

73. *Second*, the facility does not have enough bathrooms. Currently, the facility has only four bathroom stalls for the two buildings, and these must service around 200 congregants at peak times. Moreover, around 150 children attend MOLI's evening school on a nightly basis, and four toilets is simply not enough to accommodate that many children. Nor are the four bathroom stalls even close to sufficient to accommodate the hundreds of congregants who currently attend the mosque each Friday for Jumma services, and certainly not the many who attend during Ramadan.

74. *Third*, the facility lacks adequate space for congregants to perform wudu. Wudu requires stalls in which congregants can ritually wash their hands, arms, feet, and face, a process that takes about two minutes per person. Currently, the facility does not have enough stalls to

accommodate the hundreds of congregants who visit the mosque each week, causing them to miss or be late for the group prayer led by the imam.

75. *Fourth*, the facility lacks a private location for congregants to talk to the imam. Currently, a congregant who wishes to consult the imam for counseling must do so in a public space, such as the main prayer area or the corner of the parking lot. This is unacceptable for many congregants, who often seek counseling from the imam on private issues.

76. *Fifth*, aside from the main prayer area, the facility does not have a space for hosting religious meals (such as the evening iftar dinner that breaks Muslims' fast during Ramadan), community events, or youth activities. MOLI thus needs to host such events in its main prayer area, even though Islam teaches that prayer areas should be sanctified spaces dedicated to worship. The congregation's children also must play in the parking lot or in the main prayer area as there is nowhere else in the mosque for recreation.

#### **D. MOLI Submits Its Application for an Expanded Facility**

77. To address the above inadequacies and better serve—not expand—its existing congregation, MOLI decided to seek Town approval of a plan that would demolish its two existing one-story buildings to construct a new, modern three-story building in their place. The new building would include a slightly larger prayer room and would add new facilities the mosque currently lacks, including offices, a library, additional bathrooms and wudu stalls, and a basement-level multi-purpose room. MOLI also planned several other site improvements, including new landscaping, asphalt pavement, curbing, sidewalks, exterior lighting, and drainage infrastructure. MOLI's plan would also connect its two separate parking lots, so cars travelling between the two would no longer need to exit onto the public street. Below is a picture of MOLI's current and planned facility:





**Figure 2:**  
MOLI's  
current  
buildings,  
located at the  
corner of  
Stewart &  
Central  
Avenues,  
Bethpage,  
NY



**Figure 3:**  
Rendering  
of MOLI's  
property  
under plans  
rejected by  
the Town

78. In August 2018, MOLI submitted an application to the Town to obtain approval of its site plan.

**E. MOLI Overcomes Years of Costly Agency Review and Receives Several Necessary Approvals**

79. To obtain approval for a land use application like MOLI's, several Town and Nassau County entities generally must sign off on the proposed application. One is the Town's



**Department of Environmental Resources** (abbreviated above as “**DER**”), which evaluates the application’s potential environmental impact. Another is the **Nassau County Department of Public Works** (“**DPW**”), which must approve any construction plan that could impact county roads. Applications are also reviewed by the **Nassau County Planning Commission** (abbreviated above as “**NCPC**”), which is tasked with issuing recommendations regarding site plans to the Town of Oyster Bay’s **Planning Advisory Board** (abbreviated above as “**PAB**”). While NCPC lacks the authority to grant or deny an application, if it recommends that PAB deny a site plan, the plan can only be approved by a super-majority of PAB (which normally requires a simple majority to approve a site plan). In turn, PAB has the power to either approve or deny site plans, or to issue a conditional approval directing the applicant to seek a variance from the Oyster Bay Zoning Board of Appeals, which can issue variances and exemptions from town zoning ordinances.

80. Following the initial submission of its site plan in August 2018, MOLI spent years—and tens of thousands of dollars—going through seemingly endless agency review. Despite burdensome delays and costs, MOLI eventually obtained key approvals for its project from DER, DPW, and several other agencies before running into a brick wall of community opposition and official discrimination.

**i. MOLI Clears DER’s Yearslong Process**

81. From 2018 through 2023, the primary agency reviewing MOLI’s application was DER. On October 17, 2019, DER’s Deputy Commissioner, George Baptista Jr., provided the agency’s first substantive feedback on MOLI’s submission. Baptista instructed that DER “cannot resume [its] requisite review” until MOLI provided a laundry list of requested information, including explanations regarding how “the proposed action is consistent with

community character” and how MOLI would ensure no significant adverse impact on the Town’s “suburban quality of life.”

82. After MOLI updated its submission to DER, a yearslong process of comments and re-submissions ensued, with DER repeatedly identifying picayune issues that it required MOLI to address. In one response letter, for example, DER demanded that MOLI supplement its landscaping plan with additional landscaping for enhanced biodiversity and visual interest. When MOLI complied by agreeing to add a low-maintenance, salt-tolerant, creeping juniper to its site plan, DER responded that creeping juniper was “not a favored species” and demanded a different species of low-maintenance, salt-tolerant shrub, necessitating another revision to MOLI’s application and yet more delay. On another occasion, DER demanded that MOLI submit a new application because MOLI’s application used the acronym “TUB” to refer to the Town of Oyster Bay, rather than DER’s allegedly preferred acronym, “TOB.”

83. DER’s protracted review did not just delay the project; it also imposed a significant financial burden on MOLI. Each new round of comments from DER required MOLI to pay its own architects and consultants to respond to and address each item that DER flagged. Between 2018 and 2024, MOLI’s application-related expenses totaled approximately \$313,329.54.

84. But that was not even the half of it. As soon as DER began reviewing MOLI’s submission, the agency abruptly changed the long-established fee schedule that it charges applicants for review projects. A few weeks after providing his October 2019 feedback to MOLI, Baptista wrote a memo to the Town’s Board asking it to amend Oyster Bay’s fee schedule for DER’s environmental assessment review. Baptista proposed that the Town start charging applicants \$175 per hour for review projects performed by DER staff and for the full

cost of any outside consulting services retained by DER to assist with its review. In December 2019, the Town passed a resolution adopting Baptista's proposal.

85. The curious timing of the Town's policy change indicates that it was intended to impose a burden on MOLI. And as a result of this change in policy, DER required MOLI to establish and repeatedly replenish a \$10,000 trust fund to cover the costs of the agency's review of its application, including the costs of all fees charged by DER's retained consulting firms. In total, DER demanded that MOLI pay \$45,000 simply to have its application reviewed. And that does not include the costs MOLI has incurred to pay its own consultants.

86. DER's policy change, and the resulting costs to MOLI, imposed a significant burden. MOLI is a modest congregation, and many of its congregants are first- or second-generation immigrants working to make new lives in America. What might be pocket change for some has been a meaningful burden for MOLI.

87. Still, despite the long delays and the significant costs, MOLI ultimately addressed every objection DER lodged against its site plan. And on August 25, 2023, DER issued a Town Environmental Quality Review Report concluding that the proposed mosque "will not result in significant adverse environmental impacts."<sup>28</sup> Among other things, DER determined that the proposal would have no significant adverse impacts with respect to "land use and zoning"; "air quality, odors, noise, and lighting"; "public health and safety"; and "aesthetic resources and community character."

88. And as part of its review, DER also concluded that the proposed mosque "would not have a significant adverse impact on the traffic operations of the adjacent roadway network or transportation resources in the Town of Oyster Bay."

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<sup>28</sup> A copy of DER's August 25, 2023 report is attached as Exhibit D to this Complaint.

89. It further concluded that granting MOLI's application would actually "*improve traffic safety* by retaining vehicles on-site for travel between the two parking areas, eliminating one of the four existing driveways, and providing for more controlled access with additional signage (i.e., permitting only right turns for all ingress and egress movements to and from the site)."

90. As DER explained in its August 25 report, "[a] comprehensive analysis was prepared to examine the potential impacts of the proposed action on transportation resources." This included a detailed traffic study and comment letter prepared by MOLI's consultants at R&M Engineering that specifically studied the project's potential impact on nearby streets. R&M concluded that "there is no anticipated increase in traffic or parking conditions associated with the project" and that "[n]o new traffic is anticipated to be generated by the site."

91. As part of its analysis, R&M also obtained and submitted three years' worth of traffic safety data from the New York State Department of Transportation for the intersection where the mosque is located—Central and Stewart Avenues. That data showed that 34,032 vehicles crossed that intersection daily, with approximately 37.27 million vehicles entering the intersection over the course of three years. During that period, there were just 57 accidents at the intersection—primarily rear-ending and overtaking—11 of which resulted in injury and none of which caused a fatality or involved a pedestrian or cyclist. And no evidence has ever been presented suggesting that any of these incidents were caused by someone entering or exiting the mosque. Based on this data, R&M concluded that "there should be no[] issues with pedestrians crossing Central Avenue at Stewart Avenue to access the Mosque."

92. Notwithstanding the conclusive evidence offered by R&M, DER insisted on hiring its own consultants (at MOLI's expense) from the firm L.K. McLean Associates

(“LKMA”) to also study the traffic impact of MOLI’s proposal. Charging MOLI thousands more dollars, LKMA agreed with R&M’s findings—the proposed mosque would not meaningfully increase traffic in the area. In an April 18, 2022 memorandum prepared at the Town’s request, LKMA agreed with R&M that the proposed mosque was unlikely to result in an increase in traffic “since there are four mosques within five miles of the site, and no change to the size of the congregation is anticipated.” LKMA further explained that even if there were a slight increase in traffic volumes, that was “not likely to result in detrimental impact on the adjacent roadways.” LKMA therefore concluded “that no additional traffic w[ould] be generated by the proposed project.”

93. LKMA doubled down on this conclusion in a March 7, 2023 follow-up memorandum that it again prepared at the Town’s request (and for which it also charged MOLI). In that memorandum, LKMA confirmed that “no significant traffic impact will occur due to the proposed redevelopment of the mosque property.”

94. LKMA reiterated that finding in yet another memorandum, dated August 22, 2023 (for which it also charged MOLI): “all transportation related issues have been addressed to the extent possible given the proposed site configuration. The materials submitted to date provided a thorough analysis of transportation resources which encompassed the potential short-term, long-term and cumulative impacts of the proposed action, as well as any potential direct or indirect/secondary impacts. Based on our review of these materials, it is LKMA’s professional opinion that no significant adverse environmental impacts pertaining to transportation resources as a result of the proposed action are likely.”<sup>29</sup>

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<sup>29</sup> A copy of LKMA’s August 22, 2023 memorandum is attached as Exhibit E to this Complaint.

95. In light of the analyses conducted by both its own and MOLI’s consultants—which DER “worked closely on” and “meticulously reviewed,” as DER put it in its August 25, 2023 report—DER had no choice but to conclude that the proposed mosque “will not cause significant adverse environmental impacts as it pertains to transportation resources in the Town of Oyster Bay.” DER also noted that “[t]he highest level of activity” for the mosque—which occurs for two hours a week on Friday afternoons from noon to 2:00pm—did “not coincide with the evening and Saturday/Sunday time periods when area residents are most likely to be home,” and that the proposed action would not result in a significant adverse impact to community character, ecological resources, or community services, such as schools and first responders.

**ii. MOLI Obtains Approval from DPW**

96. DPW likewise identified no traffic-related concerns with MOLI’s application. Because MOLI’s property is located on the corner of two Nassau County roads, Central Avenue and Stewart Avenue, DPW has jurisdiction over traffic-related issues concerning the site plan, such as the ability of motor vehicles to safely enter and exit the property. On September 28, 2022, DPW approved MOLI’s proposed site plan; it then re-approved a slightly modified plan on March 4, 2024, advising MOLI to “submit a copy of the ... approved plan set to the Town of Oyster Bay to secure a building permit.”

**iii. MOLI Clears Other Municipal Processes**

97. In addition to receiving sign-offs from DER and DPW, MOLI has received several other approvals from municipal entities involved with the approval process, including (1) the Town of Oyster Bay Code Enforcement Bureau; (2) the Highway Division of the Town of Oyster Bay Department of Public Works; and (3) the Engineering Division of the Town of Oyster Bay Department of Public Works.

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98. At the conclusion of the yearslong process, MOLI's site plan had been refined to address any plausible, good faith objection to it. In fact, MOLI so thoroughly cleared the hurdles DER and others made it jump over that even many opponents of MOLI's site plan would later agree that the proposed mosque will be a "beautiful" building. MOLI thus entered 2024—the seventh year of its effort to expand its mosque—with all major outstanding issues related to the application resolved, save one: parking.

**F. Defendants Adopt a Discriminatory Parking Ordinance Targeted at MOLI's Application**

99. In mid-2022, as the above agencies reviewed and re-reviewed MOLI's site plan, the Town dramatically revised its parking ordinance to make it impossible for MOLI's proposed project to comply.

**i. The Town Concludes that MOLI Satisfies the Parking Requirement**

100. The Town of Oyster Bay requires all new construction projects to include a certain, minimum number of parking spots, as provided in the town's "Schedule of Off-Street Parking and Loading Requirements." Under the Schedule, the minimum parking requirement for a proposed construction depends on the "principal use" of the structure under construction. From the time MOLI first submitted its proposed plans through mid-2022, the Schedule in effect required that "[p]laces of worship" provide "1 [parking stall] per 3 seats or, if no seats, 1 per 100 sq. ft. of floor space used for public assembly."<sup>30</sup>

101. This ordinance also imposed an analogous "1 [parking stall] per 3 seats" requirement on theaters. Oyster Bay's comparable treatment of theaters and places of worship

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<sup>30</sup> A copy of the Town's former parking schedule is attached as Exhibit F to this Complaint.

for calculating parking minimums made sense—both uses involve groups of people arriving and departing en masse at predetermined intervals throughout the day and week.

102. After MOLI first submitted its proposed plans, the Town’s Department of Planning and Development Commissioner Elizabeth Maccarone wrote to MOLI’s architect on March 20, 2019, to inform him that, under the existing ordinance, MOLI needed to provide 97 parking spaces for its proposed site. Because MOLI’s proposed plan only provided for 88 spaces, MOLI would need to seek a small variance from the Town’s Zoning Board of Appeals (as MOLI’s property cannot accommodate 97 parking spots).

103. Commissioner Maccarone’s calculations, however, were wrong. MOLI, in fact, only needed to provide 86 parking spaces, which MOLI was ready and able to provide. The Town eventually acknowledged this error in June 2021, when Town employee Jeff Vitale informed MOLI that, far from 97 parking spots, “[t]he math for the parking calculations should be 85.78 [parking spots],” and then proposed: “[c]an we just make this easy and state Required 86 and Proposed 86?”

104. The Town’s consultants at LKMA confirmed Vitale’s calculations. In an April 18, 2022 memorandum to the Town, LKMA determined that the “Town of Oyster Bay code requires 86 parking spaces for the proposed [site] and 86 spaces are proposed,” and thus “no parking variance is required.” In other words, under then existing law, MOLI’s application provided enough parking.

**ii. The Town Arbitrarily and Discriminatorily Amends Its Parking Ordinance**

105. After the Town confirmed that MOLI needed to provide only 86 parking spaces, Commissioner Maccarone began lobbying to change the Town’s law to require houses of worship such as MOLI to provide additional parking—parking she and her Department of Planning and Development colleagues knew MOLI did not have room to provide.



106. In approximately April 2022—after the Town had concluded that MOLI had enough parking for its proposed mosque under existing law—the Department of Planning and Development, yet another entity reviewing MOLI’s site plan, asked Town Attorney Thomas Sabellico to draft a new law, Local Law No. 6, that would specifically require more parking for new houses of worship.

107. Specifically, Local Law No. 6 would switch the parking space formula for places of worship from one primarily based on *seats*—where every place of worship needed to provide one parking spot for every three seats—to one based on *occupancy*—where every place of worship needed one parking spot “per 3 persons occupancy.”

108. This was an unusual proposal. A building’s occupancy is generally calculated based on the criteria set forth in the New York State Building Code and relates to the maximum number of people who can physically fit in a building for safety-related purposes. A building’s maximum occupancy is therefore used to calculate the required number of exits, aisles/ways to reach exits, and fire alarms. A building’s maximum occupancy, however, has little to do with parking minimums, which involve a different set of concerns, namely how many vehicles are likely to be at a location at any given time. For that reason, occupancy-based parking standards are exceptional.

109. The Department of Planning and Development’s proposal was also unusual for another reason: nationwide, there is a strong trend toward requiring *less* parking. As the *New York Times* recently reported: “Two billion parking spots dot the country, by some estimates. That’s roughly seven spaces for every car, adding up to an area about the size of West Virginia.

For some people, that’s way too many.”<sup>31</sup> In fact, in the last decade, “[h]undreds of cities and municipalities have rolled back or completely thrown out [parking] requirements.”<sup>32</sup> The Department of Planning and Development was thus bucking the trend when it proposed amending its parking schedule to require even more parking than was already required.

110. Switching from a seat-based to an occupancy-based standard also has significant ramifications for houses of worship in general and MOLI’s proposal in particular. Because the maximum occupancy of a building is virtually always greater than the number of seats it contains, switching “seats” to “occupants” will require more parking spaces. For instance, a church might have a worship space containing pews, walkways between those pews, a main aisle approaching an altar, and the altar itself. In calculating required parking minimums, a seat-based approach includes solely the number of seats provided for attendees while an occupancy-based approach would include the maximum number of authorized occupants for all spaces in the entire building.

111. In addition to imposing more onerous parking requirements on houses of worship, Local Law No. 6 would treat them differently from comparable secular uses. As discussed above, the Town’s old parking ordinance imposed analogous requirements on places of worship and theaters, requiring that both provide at least one parking spot per every three seats. This made sense given their similar patterns of use. Local Law No. 6, however, would treat theaters more favorably than places of worship—the former would still need to provide only one parking spot per three *seats* while the latter must provide one spot per every three *occupants*, a more parking-intensive standard.

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<sup>31</sup> Martha C. White, *What Happens When There Are Fewer Spaces to Park?*, New York Times, Jan. 12, 2025, <https://tinyurl.com/v4jnse7n>.

<sup>32</sup> *Id.*

112. And under Local Law No. 6, the only other use with an analogous, occupancy-based standard is “[b]ars/discotheques/dance hall/night club/cabarets,” which also must provide one parking spot per three persons occupancy. Bars, discotheques, dance halls, night clubs, and cabarets are, to put it mildly, quite different from houses of worship. They are designed to be far more crowded than prayer rooms, and so should require many more parking spaces than places of worship. Yet Local Law No. 6 treats the two consistently.

113. In the end, Local Law No. 6, without any rhyme or reason, required more parking from houses of worship, bucked the general trends of avoiding occupancy-based standards and of lowering or eliminating parking minimums, and required treating places of worship less favorably than comparable secular uses and comparably to dissimilar secular uses.

114. Importantly, the Town provided no legitimate basis for it. When Department of Planning and Development Commissioner Maccarone visited the Town’s Board on May 10, 2022 to lobby for Local Law No. 6’s passage, she explained the amendment as follows:

Places of Worship—again, the Code requires one spot for every three occupants. A lot of times when applications come in, they’re coming in with one per three seats, but seats and occupants are two different things because you have standing areas that people worship when they’re standing as opposed to sitting.<sup>33</sup>

115. This did not make sense for several reasons. Start with Commissioner Maccarone’s statement that “the Code requires one spot for every three occupants.” This was not true. At the time, the Code required one spot for every three seats, not occupants. Her complaint that applicants were “coming in with one [proposed parking spot] per three seats,” consistent with the then-operative ordinance, was therefore odd.

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<sup>33</sup> Excerpts of the May 10, 2022 hearing are attached as Exhibit G to this Complaint.

116. Nor did Commissioner Maccarone identify any purported problem in need of solving. To the extent that Commissioner Maccarone believed that the old ordinance could not be applied to applicants whose houses of worship lack the kind of fixed pew-seating common in churches, the old ordinance already provided that parking could be based on seats *or* “if no seats, 1 [parking spot] per 100 sq. ft. of floor space used for public assembly.”

117. Commissioner Maccarone thus failed to provide any rational basis for her proposed legislative amendment. Indeed, she did not (and could not) point to any evidence even suggesting that there was a need for greater parking at new houses of worship, or that houses of worship in the Town frequently had more attendees than available seats. Local Law No. 6 was, in other words, a solution in search of a problem.

118. To summarize: Based on the suspicious timing of its proposal (while the Department of Planning and Development was reviewing MOLI’s application and after it had concluded MOLI’s application provided enough parking under existing law), the proposal’s unusual nature, its strange results (treating places of worship like bars and discos and unlike theaters), and its seeming lack of any legitimate justification, it is apparent that the Department of Planning and Development’s true motivation for proposing Local Law No. 6 was simply to require more parking from a single applicant: MOLI.

119. While Local Law No. 6 does not have any exemptions on its face, the Town Attorney also testified on May 10, 2022 that he understood that “those buildings that have already been built, or those properties that are already in the process” would be grandfathered in and “not affected by this law.” But that would not apply to MOLI’s proposed place of worship and to other newcomers like it.

120. The strong inference of discrimination arising from these suspicious circumstances was, in fact, voiced at the May 10, 2022 hearing by a developer and vendor in attendance who had decades of experience with the government of Oyster Bay. He questioned the purpose of Local Law No. 6 and suggested it was discriminatory: *“I don’t think the churches are full these days, and we’re having a parking conversation about churches. I don’t believe it’s for the churches that I attend. They seem to be well parked.”* A Town Board member, Louis Imbroto, responded that the purpose of the amendment to the minimum parking requirements for houses of worship was not exclusively parking-related, stating: “Parking is one consideration. It’s one consideration.” The developer responded: *“I’ll speak to the elephant in the room, are we using parking to limit ... certain people’s usage of property? If that’s what we’re doing, call --”*. Mr. Imbroto cut-off the developer, quickly changing the subject. But the developer’s observation remained unrefuted; indeed, no member of the public spoke in favor of Local Law No. 6 or offered any legitimate, non-discriminatory reason for it.

121. On June 14, 2022, the Town Board officially passed Local Law No. 6 of 2022, officially requiring one parking space “per 3 persons occupancy” rather than one parking space “per 3 seats or, if no seats, 1 per 100 sq. ft. of floor space used for public assembly.”<sup>34</sup>

### **iii. The Town Requires MOLI to Provide an Inordinate Number of Parking Spots**

122. Following the adoption of Local Law No. 6, the Town has recalculated the number of parking spots MOLI must provide for its proposed mosque several times. Under all recalculations, MOLI must now provide a number of parking spots that is both impossible to achieve and far greater than the 86 spots required under the prior law.

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<sup>34</sup> A copy of Local Law Number 6 is attached as Exhibit H to this Complaint.

123. On March 7, 2023, the Town’s consultants at LKMA calculated that, under the amended code, MOLI now needed to provide 135 parking spots—a 57% increase directly resulting from the Town’s decision to amend its parking laws to require more parking from places of worship.

124. The Town then recalculated its requirement yet again to demand that MOLI provide it with even more spots. On June 28, 2023, Department of Planning and Development’s Gina LoPresti informed MOLI that the Town’s Public Assembly Inspector, Nick Condoleo, now estimated that the proposed mosque’s maximum occupancy was 506 people, meaning MOLI would need to provide a completely untenable 169 parking spots for its new site.

125. This 506-person occupancy calculation—which was approximately 100 people higher than the Town’s previous maximum occupancy estimate—was based on Inspector Condoleo’s application of a 1-person-per-every-7-square-feet formula to calculate the maximum occupancy of MOLI’s prayer room. This was an arbitrary, irrational, and discriminatory choice as, under Town law, that 1-to-7 formula applies only to calculating the occupancy of *dance floors*—not houses of worship. *See* Town of Oyster Bay Town Code § 183-12(b) (establishing “1 per 7 square feet” as the “number of persons permitted” to occupy “dance floors” in occupancies other than “restaurants, cabarets [and] catering halls”).

126. Inspector Condoleo then reversed course again. On May 29, 2024, LoPresti informed MOLI that Condoleo had recalculated the maximum occupancy of the proposed mosque as 464 rather than 506, which would require approximately 155 parking spaces—a roughly 80% increase from the 86 spots initially required as a result of Local Law No. 6.

127. Thus, in the years after the Town initially concluded that MOLI needed 86 parking spaces, the Town changed its law to require 135, then 169, then 155 parking spaces from

MOLI. But while the numbers see-sawed, one thing remained clear: Oyster Bay's new occupancy-based ordinance requires far more parking of MOLI than the old seat-based ordinance.

**G. An Islamophobic Pressure Campaign Launches to Derail MOLI's Application**

128. As discussed above, by the end of 2023, MOLI had obtained many of the regulatory approvals needed to construct its new building, including required approvals from DER, DPW, and other reviewing agencies. Because of Local Law No. 6, however, the only significant outstanding issue for MOLI's application was parking. And under the new law, MOLI simply did not have enough space to provide the parking required by the Town. To move forward with its application, MOLI therefore needed to obtain conditional approval of its site plan from PAB. MOLI rightfully expected that, because it had complied with all other applicable site plan approval requirements and criteria as set forth in the Town Code, PAB would approve the site plan conditioned upon MOLI obtaining a parking variance from the Town Zoning Board of Appeals, which MOLI would then pursue. Indeed, as DER had confirmed in approving MOLI's submission, such a parking variance was the only variance that MOLI would need to obtain.

129. PAB scheduled a hearing for the evening of January 11, 2024, to determine whether to approve MOLI's site plan. NCPC, which would issue a recommendation to PAB regarding MOLI's application, also planned a meeting for earlier that same day to discuss MOLI's site plan.

130. As the January 11, 2024 hearing date approached, word spread around the Town that PAB was considering whether to approve a renovated mosque. Several community members, motivated by discriminatory animus, embarked on a coordinated campaign to pressure

Town and county officials—including a powerful Nassau County Legislator, Rose Marie Walker—to oppose the mosque.

131. In the days leading up to the hearing, nearby residents inundated Town officials and Ms. Walker with letters and emails urging them to oppose the MOLI site plan, often on expressly anti-Muslim and anti-religious grounds:

- Stefanie Byrne, a Bethpage resident, wrote to Ms. Walker to oppose the mosque, claiming that it would be an “eye sore” that would not contribute to Bethpage’s “appeal and aesthetics.”
- Diane Storey of Bethpage wrote to Ms. Walker: “[A] Mosque, why? Are we going to give in and give up our neighborhood?”
- Another Bethpage resident, Sophia Hapsis, emailed Ms. Walker that she knew she would be branded “bigoted” for opposing “a religious establishment” but that it was the responsibility of her elected officials to “stop the building [of] this massive structure, which in no way fits in with our neighborhood and our suburban way of life.”
- James Giovannello, a Bethpage resident, emailed Town Supervisor Joseph Saladino, Ms. Walker, and other local officials that the new mosque threatened Bethpage. He wrote that the new mosque would bring more traffic to Bethpage because “the Muslim religion requires its followers to pray FIVE TIMES A DAY.” He argued: “Allowing the building of such an enormous house of worship will change the landscape of Bethpage. The changes that this will bring to our community will never go away if the application is approved and we will never be able to reverse course after that.”
- Lena Ritchie, a Bethpage resident, wrote to Ms. Walker that she was “confident” “that many of [MOLI’s] worshippers are not Bethpage or surrounding area residents” and would not “patronize our local businesses” or provide any “value add” to Bethpage. She specifically contrasted this with the congregants of local Christian churches, who she claimed would “get bagels ... after mass.” She claimed that the mosque should be opposed because of the alleged refusal of MOLI’s congregants’ children to assimilate: “their children will likely NOT participate [sic] in our local [Police Athletic League] or [Catholic Youth Organization] teams, our local dance studios or visit our public library, integrating with the Bethpage community.”
- Another Bethpage resident, Michelle Melisi, urged Ms. Walker to “stand with the community that has lived here for many years. These are the individuals that have roots here, that have raised families here, not the newcomers that are looking to change our quality of life to suite [sic] the needs of only a certain

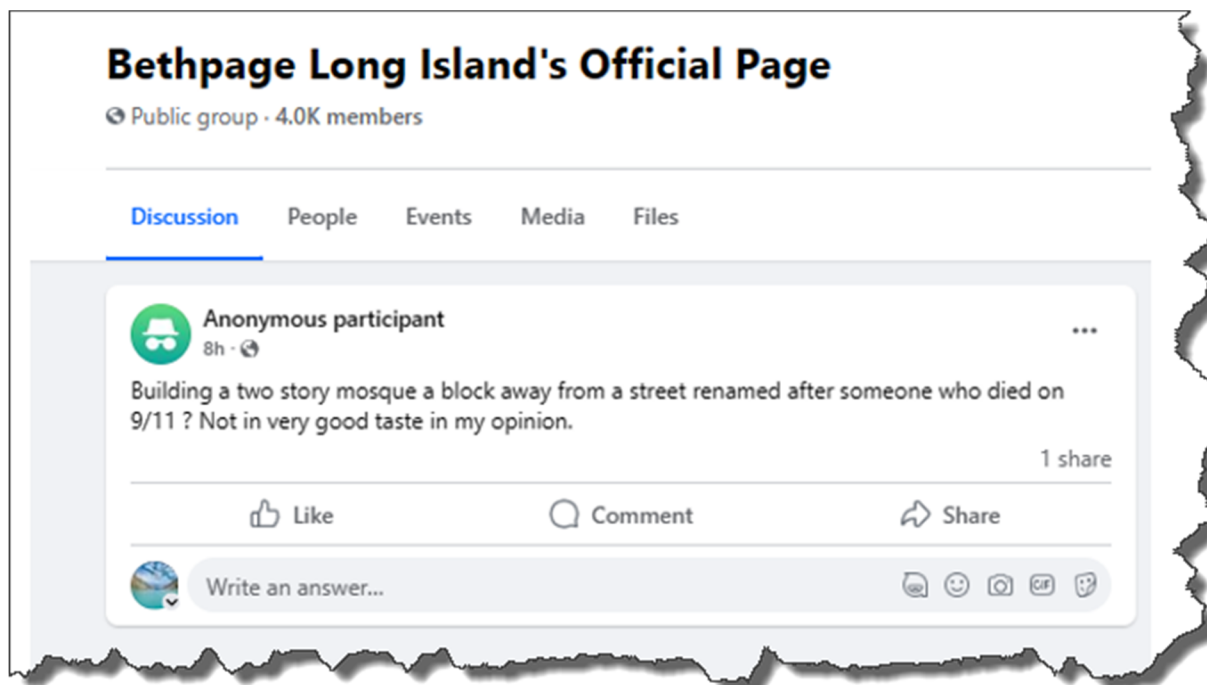


population.” She also expressed anger “that these religious institutions will not be paying taxes” and that “[w]e cannot handle anymore” of “these new buildings [that] are [tax] exempt.”

- Another Bethpage resident, Chris Romano, emailed Ms. Walker to oppose the mosque because Muslims (like many congregations around the world) have designated prayer rooms for men and women, a practice the resident found “totally disturbing.”
- And Peter Micciche—who appears to be the same Bethpage resident who had sent the 2010 email urging residents to complain to officials (including Ms. Walker) about MOLI and resisting the construction of another mosque—wrote to Ms. Walker too, insisting that the Town must “stop the building of this massive structure which in no way fits with our neighborhood and our suburban way of life.”

132. Similar sentiments appeared on social media. For instance:

- Frank DiRico posted on Nextdoor that he opposed the mosque because he felt that religious uses do not “contribute taxes to the area” and so put “the burden on the residents” to pay higher taxes.
- Another poster on Bethpage Long Island’s Official Page on Facebook cut to the chase, posting anonymously:



133. And when Frame Auto Collision, a local business, posted on Facebook that a “Mega Mosque [was] being proposed” that night at PAB’s meeting, commenters heaped on prejudiced objections:

- Mike Donaldson stated that a mosque was a threat to Bethpage’s Jewish community (“we have Jewish people living here it’s not right”).
- Jay Popiel stated that “the takeover has started.”
- Jacqueline Walker Ray commented: “This ‘religion’ has a hoe-down every 3 days it seems.” Referencing a nearby hamlet with a sizable Muslim population, she also commented: “protest protest protest! ... you’ll turn into Hicksville. How many mega mosques do these egomaniacs need?”
- Wayne Rhatigan, seemingly referring to the Muslim call to prayer, commented: “wait till the sound of the wailing horn goes off. And there is nothing you can do about it!!!”
- Mike Spinelli asked: “Does anybody remember that there were two towers in Manhattan or did people forget and now we’re asked to put a place like this in downtown Bethpage really?!”
- Bobby Bergstrom mocked MOLI’s primarily South Asian parishioners: “they’ve turned Hicksville downtown into Calcutta[.] [I]t’s coming down the road towards Bethpage give it 4 years!”

134. Meanwhile, area residents who supported the mosque were clear-eyed about the nature of the opposition MOLI faced. As one supporter commented on Facebook: “if you read between the lines, it’s not about parking or structures.” Another commenter responded: “I absolutely did read between the lines. Very disappointed.”

135. On January 11, 2024, the day of the PAB and NCPC meetings, Ms. Walker sent a letter to NCPC urging it to reject MOLI’s proposed site plan. She claimed that her “office has received many phone calls and emails over the years regarding traffic and parking in the area” around the mosque, and she suggested that expanding the mosque could make that situation worse. Tellingly, Ms. Walker failed to copy MOLI on the letter. And her claims were baseless.

In fact, when MOLI later sent Ms. Walker and the Nassau County Legislature a New York State Freedom of Information law (“FOIL”) request for any evidence of such phone calls and emails “over the years,” they failed to turn over any evidence that predated January 2024.

136. To ensure that MOLI’s proposal would not proceed, Ms. Walker also took the unusual step of attending NCPC’s January 11, 2024 “pre-meeting,” a working session that NCPC holds before its regular meeting. Ms. Walker is not a member of NCPC and does not ordinarily attend its pre-meetings or meetings. Indeed, while NCPC’s working sessions are public, they are rarely attended by anyone other than NCPC’s members themselves and the applicant. NCPC nonetheless permitted Ms. Walker to join the working session by phone—she claimed to be traveling at the time—and she vociferously opposed the construction of the mosque, urging NCPC to reject MOLI’s site plan. NCPC then issued a resolution, NCPC Resolution No. 10557-24, that purported to deem MOLI’s application incomplete. MOLI was not informed of this resolution until five months later on June 11, 2024.

137. In the face of Legislator Walker’s unexpected, stiff resistance, MOLI decided to further delay its plans by canceling its scheduled hearing before PAB, which was set for later that night, in order to consider concessions it could offer to address community objections to its house of worship.

138. Legislator Walker promptly informed her constituents, posting on Facebook that PAB hearing had been “postponed at the request of [MOLI]” and that a “new date w[ould] be advertised once the applicant finalized their resubmission.”

139. Opponents of the mosque then shared this news widely on social media, along with instructions that opponents of the mosque should “[e]mail our planning commission with a cc to Rose Walker with why you oppose [the Application].” The opponents also told objectors

to appear at the PAB meeting. Mirroring the well-worn tactics often deployed to resist the construction of minority houses of worship nationwide, the opponents encouraged objectors to cloak their prejudice in land-use jargon, such as complaints about “clogging roadways” or “crossing mid block.” Sometimes they veered into the outright absurd, asking objectors to raise alarm over “the dangers of people parking on side streets.”

#### **H. The Opposition Causes MOLI to Make Modifications to Its Site Plan**

140. Taking stock of the political reality facing it—in which an influential, highly motivated group of community residents and elected officials was pressuring local officials to oppose a Muslim house of worship in a town with a history of religious discrimination—MOLI went back to the drawing board to consider how it could offer more parking at its new mosque while preserving the space its congregants needed to practice their faith.

141. To this end, in February and March of 2024, MOLI’s architect sent modified site plans to DPW and the Town’s Department of Planning and Development that netted MOLI additional parking stalls above what it had previously been able to provide.

142. DPW approved MOLI’s amended application on March 4, 2024 and the Department of Planning and Development confirmed a few days later that it would try to schedule MOLI for PAB hearing scheduled for May 9, 2024. PAB then dragged its feet, ultimately scheduling the hearing for July 18, 2024.

143. In advance of that hearing, on July 16, 2024, Gina LeBright of the Town’s Planning Division circulated an inter-departmental memo regarding MOLI’s application to Defendant Scott Byrne, Deputy Commissioner of the Town’s Department of Planning & Development and a member of PAB. LeBright wrote that, after reviewing all the documents that MOLI had submitted for review, “it is the determination of this Division that [MOLI] has

*satisfactorily addressed all concerns relative to the Town of Oyster Bay’s Zoning Ordinances,* as they pertained to the site plan alterations proposed in this application.”<sup>35</sup> (Emphasis added.)

144. Meanwhile, MOLI continued its decades-long effort to be a good neighbor by hosting a community townhall at a local library to educate the community on its application. Roughly 100 people attended.

**I. Succumbing to Pressure from Objectors, NCPC Recommends Denying MOLI’s Application to “Send a Message”**

145. On July 18, 2024, approximately six years after it first started seeking approval to expand its mosque, MOLI returned to NCPC to attend its pre-meeting work session before NCPC was finally to issue its recommendation to PAB. But the discussion did not take place in the back conference room where working sessions are normally held. Rather, it took place in NCPC’s larger hearing room where Ms. Walker was given an opportunity to be heard—having clearly been notified in advance that the application would be discussed that morning.

146. Reviewing the changes to the application since January, NCPC acknowledged that revisions had been made to the site plan but deemed them “nothing radical.”

147. NCPC then discussed traffic safety at the mosque, an issue that had already been thoroughly analyzed by the mosque’s traffic consultants at R&M, by the Town’s own consultants at LKMA, and by DER—all of which had concluded that the proposed mosque would not substantially impact traffic in the area. DPW—the entity with jurisdiction over the roads outside the proposed mosque—had also had multiple opportunities to weigh in on traffic-related issues. It, too, had received extensive reports on traffic and safety issues related to the application and had repeatedly approved the application, including, most recently, in March 2024.

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<sup>35</sup> A copy of LeBright’s memo is attached as Exhibit I to this Complaint.

148. NCPC disregarded these facts.

149. Ms. Walker—making yet another appearance, this time in person—opened the meeting with prejudice masquerading as paternalism. While begrudgingly admitting that MOLI’s congregants had “been good neighbors,” she argued against the mosque’s expansion, purportedly for the Muslims’ own well-being. With remarkable seriousness, she claimed that attending the mosque as it currently exists was “very dangerous even [for] those attending the mosque,” because, in her imagination, worshippers apparently “just stop in the middle of either one of [the adjacent] roads and just let people out.”

150. Some of the NCPC commissioners also directly attacked the mosque’s congregants. Acting Chair Jeffrey Greenfield said he was “infuriated” by how “many [congregants] disrespect the neighbors” by allegedly parking in front of fire hydrants. Commissioner Reid Sakowich explained that he, too, opposed MOLI’s application, based on his experiences with an unrelated mosque and unrelated Muslims fifteen miles away in New Hyde Park: “I’ve lived this experience in New Hyde Park.... I’ve seen Hillside Avenue in New Hyde Park shut down on a many, many, many times by people just being late for services and just leaving the cars out on the roads.”

151. In response to this opposition, MOLI offered NCPC an enormous concession: It would voluntarily cap its new mosque’s occupancy at just 264 people—roughly 56% of its actual maximum occupancy—to avoid the supposed “issues” caused by congregants parking (legally) on public streets to attend religious services.<sup>36</sup>

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<sup>36</sup> A 264-person occupancy cap would have also satisfied the strictures of Local Law No. 6 because 264 divided by 3 is 88, which is the number of parking spots contained in MOLI’s application. A transcript of NCPC’s July 18, 2024 work session is attached as Exhibit J to this Complaint.

152. This did not satisfy NCPC. Later that morning, during the NCPC's regular meeting, Acting Chair Greenfield mused "[w]hy not deny," which would require MOLI to secure a supermajority vote from PAB. Commissioner Sakowich agreed, reiterating his previous anti-Muslim sentiments: "I live this in New Hyde Park. And it's just horrendous."

153. One Commissioner, Third Vice-Chair Neal Lewis, dissented. Lewis explained that he grew up in Bethpage and that his mother lived in a senior center near the mosque. He recalled that, when attending church as a child, his family "often park[ed] in properties that [were] not in the parking lot," but observed that "usually it's only ... once or twice, you know, a week.... And ... as long as it's legal parking, hopefully it's okay."

154. Acting Chair Greenfield rejoined: "In my parish, it's only three times a year." Apparently unwilling to make it easier for another faith group to practice its religion, he recommended denying MOLI's application to, in his words, "send a message" to PAB.

155. The commissioners then voted five-to-one to recommend to PAB that the application be denied. This recommendation packed a punch. By law, a negative recommendation by NCPC meant that PAB could only approve MOLI's site plan by a supermajority vote.<sup>37</sup>

#### **J. Objectors Pressure PAB, Causing It to Delay a Vote on the Application**

156. Later that evening, Plaintiffs and several hundred other individuals, mostly MOLI congregants, attended the long-awaited PAB hearing on the application.

157. At the start of the hearing, MOLI's attorney and consultants summarized the years' worth of agency review that resulted in MOLI receiving approvals from DER, DPW, and

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<sup>37</sup> A transcript of NCPC's July 18, 2024 regular meeting is attached as Exhibit K to this Complaint.

other agencies. They also recommitted to the same concession they had offered NCPC that morning: voluntarily capping the mosque's occupancy at 264 people to ensure compliance with Local Law No. 6 without need for a variance.

158. This concession—which would minimize traffic flowing into and out of the mosque—got MOLI no further before PAB than before NCPC. Upon hearing it, Defendant Stanco roared: “[s]o you cut your number down. Why don’t you cut your building down?” The portion of the crowd that opposed the mosque erupted in applause.

159. MOLI’s attorney explained that the entire point of the application was to provide MOLI with desperately needed space for its congregants to practice their faith. Plaintiff Makda testified about the limitations of Plaintiffs’ current facility and how MOLI’s plans would address them. He explained that, while the *occupancy* of the proposed mosque might be 464 people, that calculation included all available space, including “classrooms, the prayer area, the bathrooms, the library the offices, everything,” not all of which would be used simultaneously. He noted that MOLI could not simply “cut [its] building down,” as Defendant Stanco proposed, without losing the very features the expansion was intended to provide, including proper classrooms, a library, and sufficient wudu stalls and bathrooms.

160. MOLI’s traffic consultant, Wayne Muller, P.E. of MOLI’s engineering firm R&M, then testified at length regarding his extensive study of the traffic issues—or lack thereof—posed by the application. Muller reminded PAB that the purpose of the application was to better serve MOLI’s existing congregation, not to expand its membership, that his firm had concluded that the proposed mosque would not result in any significant increase in traffic volume, and that the Town’s own parking consultants at LKMA had concurred in that analysis.



161. Muller further noted that the mosque was located within a few hundred feet of several other churches, one of which provided *no* parking spots and two of which provided less parking (per square foot) than the proposed mosque. Muller made a very basic point regarding these churches: it is normal and legal to utilize lawful public parking spots to attend a house of worship. Thus, the fact that some congregants of MOLI may have to park on the streets around the mosque or in a nearby community parking lot rather than in a mosque-specific lot was no reason to oppose the application.

162. Following these remarks, PAB heard public testimony on the issue.

163. Proponents of the Application spoke about the importance of an expanded mosque, with Plaintiff Qureshi taking the lead in explaining why his congregation wanted to expand from a roughly 5,000 square foot facility to a 16,000 square foot building:

Why are we building this “monstrosity,” that a lot of people are labeling it online, for 16,000 square feet? Small example. We have the evening school from 5:00 to 7:00. Do you know where we teach our kids? We have makeshift classrooms in the assembly area. Our kids, they sit on the floor. They don’t have tables. They don’t have chairs. The walls are curtains so that next class, next to them, if somebody’s screaming, we can’t even teach next door. So, what we are asking, what we’re trying to build here is, hey, give us classrooms for our kids.

[...]

We have three bathrooms in the two buildings right now. Just the evening school, which has over 90 to 100 kids, we’re below – everyone’s almost age 12 and below there. Now imagine for two hours, those kids are there and using only three bathrooms, the type of mess they’re making there. What we’re asking is we want to build some more bathrooms.

[...]

The third thing what folks need to understand is in the Muslim faith, we have to perform a ritual before we pray. We have to do ablution, wash our hands, wash our arms, face, feet. Currently, we

have between the two buildings almost 12 to 14<sup>38</sup> stalls for the number of congregants that we get. What we want to do is have some more stalls for the people.

So we're not asking, hey, you know what, let's have another assembly area. We're asking for classrooms. We're asking for bathrooms. We're asking for these stalls where people can come and then do their ritual. I think what folks need to understand is the 16,000 includes that space.

[...]

Again, the point here that I'm trying to make is we're not increasing our congregants. These spaces, they're going to be used for bathrooms, stairways, stalls, [a library]. We want to have counseling for our congregants. You know where counseling happens now? Either in the assembly area in the corner where everybody is looking at you, hey, what is, you know, Moeen talking to the imam about? Maybe he has a problem at home or maybe he needs some money or something. Or in the corner of the parking lot where everybody was coming out and looking at them.

164. Meanwhile, opponents of the application continued to press baseless attacks against the mosque. These opponents included, once again, Ms. Walker who, after an intimate introduction from Defendant Stanco ("Hiya, Rose"), repeated her NCPC talking point: that, despite multiple consultants and multiple agencies concluding the opposite, the intersection in question was already too crowded with cars for the mosque's congregants to be able to park in a safe manner to attend services.

165. Other opponents called out the congregation simply for being Muslim and South Asian. One opponent testified, "I know your culture, whether it's Indian or Pakistani," and recommended that MOLI simply "look around for bigger buildings and make us all happy." And others continued to engage in rank fear mongering. One opponent expressed concern that young

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<sup>38</sup> The Mosque currently has 10 wudu stalls between its two buildings.

Muslim boys would use the second floor of the mosque to leer down on his teenage daughter and her friends while they swam in his pool.

166. At the conclusion of the public testimony, PAB voted unanimously to hold the public record open for another thirty days for any further written input and to “reconvene on September 12, 2024 to render a decision.”

167. At no point during the hearing or after did PAB suggest measures to accommodate MOLI’s proposed religious use while mitigating any alleged adverse effects to the surrounding community.<sup>39</sup>

#### **K. Under Pressure from Islamophobic Demands, PAB Denies MOLI’s Application**

168. Following the July 18 hearing, PAB received a new wave of anti-Muslim, anti-religious letters urging it to deny MOLI’s Application. For example:

- James Giovanniello wrote to argue that a larger mosque would result in a less “suburban feel and look to Bethpage” and to question how many of the mosque’s congregants “actually live in the hamlet of Bethpage.”
- Peter Micciche—again, the apparent author of the 2010 mass email urging Muslims in Bethpage to “go else where” because Bethpage “is not a Muslim neighborhood”—similarly wrote that expanding the mosque was “not fair to the people who have lived in this town for many years, have paid taxes for many years and who have voted for you in our elections for many years.”<sup>40</sup>

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<sup>39</sup> A transcript of PAB’s July 18, 2024 meeting is attached as Exhibit L to this Complaint.

<sup>40</sup> This email, which is attached as Exhibit M to this Complaint, appears to offer a case study in how Islamophobic sentiment can disguise itself in terms that are not expressly anti-Muslim. Micciche’s September 11, 2024 email to Ms. Walker and others opposing MOLI paints Muslims as newcomers who are not part of the Bethpage body politic—an Islamophobic trope to be sure—but stops short of saying anything expressly anti-Muslim. However, Micciche *also* appears to be the author of the July 28, 2010 email that *also* opposed MOLI and *also* directed this opposition to Ms. Walker. *Compare* Ex. A (July 28, 2010 email from a “Peter” with the email pmicc@optonline.net) *with* Ex. M (September 11, 2024 email from Peter Micciche). Back in 2010, Micciche openly asserted: “[t]his is not a Muslim neighborhood.” *See* Ex. A. His end goal today appears no different—he does not want Muslims in Bethpage—but he appears to have wised up and made his anti-Muslim sentiments less overt. This evolution—or lack thereof—illustrates why facially neutral complaints about issues like “traffic” and “suburban” quality of

- Kristin Waldron wrote that “more people ... attend[ing] the tremendous mosque” would change “the culture of Bethpage ... forever,” as “their values in their religion promote men to be more valued than women and the women are thought of as less then.”
- Craig and Danielle Travers echoed this concern of Bethpage being overrun by Muslims: writing that the “monstrous structure” proposed by MOLI would “change the entire demographic and overall landscape of the community.”
- Lisa Mastandunno wrote that the application should be denied because “[i]t is doubtful that the building would be used by outside groups such as the scouts and other clubs ... due to the constraints of the Muslim faith, i.e. the removal of shoes and the washing of feet.” She further stated that “the main problem” with the mosque is that “[t]hose practicing their Muslim faith at this mosque attend prayer services many times a day in keeping with the requirements of their faith,” which in her view would necessarily lead to people “rushing to get to the mosque at the required prayer times, then hurrying out to get back to their other commitments,” causing a “safety concern.”

169. After receiving these letters, PAB stalled. Though it had voted unanimously in July to issue a decision on September 12, 2024, it waited another two additional months to reconvene, violating New York law that required it to render a decision within sixty-two days of the July 18, 2024 public hearing. *See* N.Y. Town Law § 274-a (8). When it did eventually reconvene, on November 14, 2024, PAB voted unanimously and without discussion to deny the application.<sup>41</sup>

170. On information and belief, this was the first application PAB had denied since at least 2018.

171. Having killed MOLI’s application, PAB then delayed its funeral. PAB waited until December 26, 2024 to issue a written decision, refusing to release it until a “special counsel” and a retired Justice of the Nassau County Supreme Court had reviewed it. PAB’s

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life cannot always be taken at face value when a community mobilizes to oppose construction of a house of worship.

<sup>41</sup> Excerpts of PAB’s November 14, 2024 meeting are attached as Exhibit N to this Complaint.

delay only further prolonged MOLI's yearslong effort to construct its new mosque and again violated New York law, which required issuance of a written decision within five business days of PAB's November 14, 2024 vote. *See* N.Y. Town Law § 274-a (8).

172. In its written decision, PAB asserted that “at the public meetings held on January 11, 2024 and November 14, 2024, the [PAB] duly reviewed all the pertinent and relevant materials, exhibits, submissions and testimony.”<sup>42</sup> This was false. As discussed above, the January 11, 2024 PAB meeting never occurred, and, at the November 14, 2024 meeting, PAB did nothing other than vote unanimously without discussion.

173. In its written decision, PAB then pointed to purported concerns regarding parking, traffic, and community character as bases for denying MOLI's application. But those concerns were just baseless pretexts designed to whitewash the real reason for PAB's denial: anti-Muslim bias.

**i. PAB Cites Debunked Parking and Traffic Concerns**

174. PAB asserted that the mosque does not currently have enough parking spots to accommodate all congregants at all times and that this “current shortage of parking requires worshippers to park on residential streets as well as main roads.” According to PAB, “[m]any residential neighbors testified that cars from the place of worship park haphazardly and block their driveways” and that “[m]any neighbors expressed their concerns regarding increased traffic .... and increased parking on residential streets.” PAB claimed that “[t]his situation imposes a clear threat to the health, safety and welfare of the surrounding neighbors,” citing a resident who “testified that while dropping off her grandchildren at a local daycare in her [SUV] she was

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<sup>42</sup> A copy of PAB's written denial is attached as Exhibit O to this Complaint.

unable to fit down the residential streets with the overflow parking from the place of worship.”<sup>43</sup>

Per PAB, “[t]he resident noted that if her [SUV] couldn’t fit down the street that an ambulance, fire truck or any large emergency vehicle certainly would not fit down the street.” PAB therefore concluded that the mosque—in its current form—threatens the safety of the neighborhood, and the proposed expansion “will only intensify these unsafe conditions.”

175. That conclusion was baseless. For one, it completely ignored MOLİ’s offer to voluntarily cap the occupancy of its new mosque at 264 individuals, roughly 56% of the mosque’s actual maximum occupancy.<sup>44</sup>

176. PAB’s conclusion was also contrary to the findings of multiple consultants, retained by both the Town and MOLİ, who had spent years analyzing the potential traffic and safety impacts of the proposed mosque and had concluded that it posed *no* significant risk in that regard. Those analyses, in particular, revealed that *37.27 million* cars entered the intersection outside the mosque during a three-year period and there were *zero* accidents involving a pedestrian or cyclist and *zero* fatalities. And while 11 cars were involved in an accident causing an injury, no evidence exists suggesting those injuries were serious or linking *any* of those accidents or injuries to MOLİ’s congregants, rather than to the tens of millions of other people who have passed through that intersection in their motor vehicles. In fact, in light of all the evidence available to it, DER found that MOLİ’s proposal would “*improve traffic safety* by retaining vehicles on-site for travel between the two parking areas, eliminating one of the four

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<sup>43</sup> This testimony did not take place on July 18 and is not present in any of the community letters comprising PAB’s public record. PAB therefore appears to have invented it. In any event, even if an elderly neighbor of the mosque did have difficulty navigating her large vehicle, that would hardly be a reason to deny a religious land use application.

<sup>44</sup> To be clear, this concession was offered to PAB in the hope of obtaining site plan approval. MOLİ has a legal right to permit more than 264 individuals into its proposed mosque and reserves that right now that Defendants have denied its application.

existing driveways, and providing for more controlled access with additional signage (i.e., permitting only right turns for all ingress and egress movements to and from the site).”

177. Additionally, multiple agencies, including the Town’s DER and Nassau County’s DPW, had reviewed the consultants’ analyses and likewise concluded that the proposed mosque would not exacerbate parking and traffic issues in the surrounding neighborhood. DER, in fact, found that “even with the overflow parking associated with peak activity at the [mosque] ... parking will remain available along the adjacent public streets to accommodate the parking needs of the community during the limited time periods of peak activities at the mosque.” And DER noted that those peak periods are “only during the prayer periods on early Friday afternoons (typically between 12:30 p.m. and 2:30 p.m.), which does not coincide with the evening and Saturday/Sunday time periods when area residents are most likely to be at home.” DER likewise concluded that the proposed mosque would not adversely impact emergency services, or public health and safety.

178. PAB was well aware of those conclusions; indeed, PAB not only stated in its decision that it had reviewed DER’s August 25, 2023 report but also that it was adopting DER’s conclusions therein. Yet, without any justification, PAB cast aside the well-supported conclusions of DER—as well as those of DPW and multiple experts—in favor of unsupported complaints from members of the public. That is arbitrary and capricious, and indicates that that the true reason behind PAB’s decision to deny MOLI’s application is not parking or traffic but rather outright bigotry or acquiescence to it.

## **ii. PAB Cites the Amorphous Concept of Community Character**

179. In addition to pretextual concerns regarding parking and traffic, PAB also offered a more amorphous justification for its denial: that the expanded mosque would negatively impact the character of the surrounding neighborhood. According to PAB, it had received complaints

from the mosque’s neighbors that the mosque was causing the neighborhood to “resemble[] a borough of New York City and not a suburban town in Nassau County.”<sup>45</sup>

180. As an initial matter, PAB took this quote out of context. PAB appears to be quoting a January 9, 2024 letter to Ms. Walker from Rob Kossman, a resident of Bethpage. Kossman wrote: “Parking – St. Lukes Church/Daycare. My block also sees a lot of activity due the [sic] daycare on the corner of Kearney Ave. Between the children pick ups & drop offs, AA meetings and religious activity, the parking on my street can resemble a borough of NYC, not suburban Nassau County.”

181. As the full context of this quote shows, this resident attributed the purportedly urban feel of his block to its daycare facility, its AA meetings, and to its “religious activity,” by which he appeared to primarily mean the operation of “St. Lukes Church,” a local Christian house of worship. PAB thus excised this resident’s quote from its full context—which blamed a number of specific activities but not the mosque—in order to misquote the resident as blaming the mosque for causing the area to have an urban feel.

182. Regardless, PAB’s assertion that the application was not consistent with the “suburban” look and feel of Bethpage—its purported community character—is unsupported. PAB did not explain why a flourishing house of worship was inconsistent with the “suburban” character of a neighborhood that already contains several houses of worship and many less than

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<sup>45</sup> Surely any resident of Long Island can hear this dog whistle. New York City is famously diverse. Parts of Long Island are famously *resistant* to racial diversity. See, e.g., Ann Choi, et al., *Long Island Divided*, Newsday, Nov. 17, 2019, <https://tinyurl.com/3c72c5uf> (“In one of the most concentrated investigations of discrimination by real estate agents in the half century since enactment of America’s landmark fair housing law, Newsday found evidence of widespread separate and unequal treatment of minority potential homebuyers and minority communities on Long Island.”). Thus, denying a group of Muslims the right to update their mosque to keep a “suburban town in Nassau County” from looking like “a borough of New York City” amounts to little more than denying the application to keep Muslims out.



idyllic businesses, such as a smoke shop, psychic, and gas station. PAB also did not acknowledge or justify departing from DER's conclusion that the application would not negatively impact community character. Nor did PAB acknowledge that the mosque is located within the Town's GB (General Business) zoning district and that places of worship are permitted uses within the GB district, itself constituting a legislative determination by the Town that the mosque is appropriate for its area. Nor did PAB acknowledge—or justify departing from—the conclusion of the Town Planning Division's July 16, 2024 memo: that the mosque “satisfactorily addressed all concerns relative to the Town of Oyster Bay's Zoning Ordinances.”

183. PAB also falsely claimed that “[a]lmost all the testimony received indicates that [the mosque] already poses a negative impact on the surrounding neighbors.”

184. At the July 18, 2024 PAB hearing, several individuals—including Plaintiffs Makada and Qureshi and others not affiliated with the mosque—testified to the positive impacts of the mosque and MOLI's need for a larger facility. Such testimony was cheered on by a crowd of hundreds of supporters who gathered at the hearing to advocate for the application. PAB did not acknowledge—or justify ignoring—this testimony and community support for the application. In fact, as set forth above, even opponents of the mosque, including one of its immediate neighbors and its most prominent critic, Ms. Walker, testified that MOLI had been a good neighbor. PAB did not acknowledge this testimony.

185. Nor did PAB acknowledge the written letters of support it received from non-mosque affiliated community members who supported its application. For example, PAB received—but did not consider—a July 18, 2024 letter from Anne Weeks, who described herself as “a Bethpage resident for over 60 years.” Ms. Weeks wrote: “I want to voice my support for building the mosque on the corner of Stewart and Central Ave.” Ms. Weeks wrote that the area

around the current mosque is “run down” and that “having a Mosque with community services and events with parking is so much better than what is there now.”

186. PAB’s concerns about community character, like its concerns about parking and traffic, were thus simply a pretext. PAB’s denial of MOLI’s application is textbook discrimination, and, in fact, PAB could not help but admit that it was treating the mosque differently. Specifically, PAB acknowledged that “we have many non-conforming non-residential uses that do impose a negative impact on the surrounding properties that frequently generate complaints from neighbors.” PAB, however, did not justify its decision to treat the mosque worse than these “many” other properties—presumably non-mosques—which it evidently tolerates.

187. PAB’s decision to reject the application based on the asserted community character of Bethpage and the allegedly widespread community opposition to the mosque was therefore arbitrary, capricious and otherwise unlawful.

\* \* \*

188. The law does not require the Court to check its common sense at the courthouse door. The unmistakable reality—barely disguised in PAB’s paper-thin written denial—is that PAB caved to an anti-Muslim faction in Oyster Bay by denying a meritorious application for pretextual reasons. The Town simply does not want to see an expanded mosque built in Bethpage.

**L. Defendants and Nassau County Have Stonewalled Plaintiffs’ FOIL Requests and Retaliated Against MOLI For Exercising Its Rights**

189. To better understand the nature of the discrimination it has faced, MOLI has sent multiple requests under FOIL to Defendants, as well as various Nassau County entities and Ms. Walker concerning the application.

190. The recipients of these FOIL requests either ignored them, declined to produce all responsive documents, or in the case of the Town, actively retaliated against MOLI for sending them.

191. For example, on June 20, 2023, MOLI served a FOIL request on the Town seeking documents related to eight topics. The FOIL request was designed to learn more about the Town's internal treatment of the application as, by then, it had become clear that the Town was sandbagging approval of the mosque because it was just that—a mosque.

192. Instead of complying with its legal obligation to respond to these requests, on July 17, 2023, the Town produced just five records, two of which were decades-old and entirely irrelevant to MOLI's FOIL request. Importantly, at the very same minute that James Suozzi, a Town employee, emailed these records to MOLI, Department of Planning and Development Commissioner Harold B. Mayer, Jr. issued a letter to MOLI alleging that MOLI did not have an operative Certificate of Occupancy. That Commissioner Mayer sent his letter the same minute as his colleague's response to MOLI indicates an intent to intimidate MOLI into abandoning its search for information about the Town's handling of its application.

#### **M. Impact on Interstate Commerce**

193. The construction of MOLI's proposed structure will affect interstate commerce, including through payment to those constructing the mosque; purchase of materials necessary to build the mosque; use of interstate highways for the transportation of persons and materials used to construct the mosque; and other activities related to the construction of the mosque. If built, MOLI's mosque will affect interstate commerce by or through, amongst other things, the employment of any part- or full-time employees that will use modes of transportation affecting interstate commerce, and the purchase of goods and services related to the mosque's ongoing operations and maintenance in a manner that will affect interstate commerce.

## **FIRST CAUSE OF ACTION**

### **Violation of the Religious Land Use and Institutionalized Persons Act of 2000 42 U.S.C. § 2000cc(b)(1) – “Equal Terms” – Facial Challenge**

194. Plaintiffs re-allege and incorporate by reference all of the foregoing paragraphs.

195. Section 2(b)(1) of RLUIPA prohibits any government from imposing or implementing land use regulations in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

196. Defendants have violated RLUIPA by imposing land use regulations that facially treat houses of worship on less than equal terms than similarly situated secular organizations. Specifically, the Town imposes a parking minimum on houses of worship that diverges from the minimum for similarly situated secular assemblies like theaters.

197. Plaintiffs have suffered damages as a result of Defendants’ illegal actions.

198. Plaintiffs are entitled to declaratory and injunctive relief.

199. Defendants are liable to Plaintiffs for damages in an amount to be determined at trial.

## **SECOND CAUSE OF ACTION**

### **Violation of the Religious Land Use and Institutionalized Persons Act of 2000 42 U.S.C. § 2000cc(b)(1) – “Equal Terms” – As Applied Challenge**

200. Plaintiffs re-allege and incorporate by reference all of the foregoing paragraphs.

201. Section 2(b)(1) of RLUIPA prohibits any government from imposing or implementing land use regulations in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

202. Defendants have violated RLUIPA by implementing land use regulations in a manner that has treated Plaintiffs on less than equal terms than similarly situated secular

organizations. Among other things, Defendants have applied a higher parking minimum to the Application than to similarly situated secular uses, like theaters.

203. Defendants have also admitted to enforcing their land use regulations against Plaintiffs but not against other non-residential uses that Defendants have deemed “non-conforming” to those regulations.

204. Such unequal treatment of Plaintiffs violates the equal terms provision in Section 2(b)(1) of RLUIPA. 42 U.S.C. § 2000cc(b)(1).

205. Plaintiffs have suffered damages as a result of Defendants’ illegal actions.

206. Plaintiffs are entitled to declaratory and injunctive relief.

207. Defendants are liable to Plaintiffs for damages in an amount to be determined at trial.

### **THIRD CAUSE OF ACTION**

#### **Violation of the Religious Land Use and Institutionalized Persons Act of 2000 42 U.S.C. § 2000cc(b)(2) – “Non-Discrimination” – Facial Challenge**

208. Plaintiffs re-allege and incorporate by reference all of the foregoing paragraphs.

209. Section 2(b)(2) of RLUIPA prohibits municipal governments from imposing or implementing land use regulations in a manner that discriminates against any assembly or institution on the basis of religion or religious denomination.

210. The Town has violated RLUIPA by imposing land use regulations with the intent of discriminating against Plaintiffs on the basis of religion. Among other things, the Town increased the parking requirements for houses of worship with the intent of disadvantaging religious assemblies.

211. Plaintiffs have suffered damages as a result of Defendants’ illegal actions.

212. Plaintiffs are entitled to declaratory and injunctive relief.

213. Defendants are liable to Plaintiffs for damages in an amount to be determined at trial.

#### **FOURTH CAUSE OF ACTION**

##### **Violation of the Religious Land Use and Institutionalized Persons Act of 2000 42 U.S.C. § 2000cc(b)(2) – “Non-Discrimination” – As Applied Challenge**

214. Plaintiffs re-allege and incorporate by reference all of the foregoing paragraphs.

215. Section 2(b)(2) of RLUIPA prohibits municipal governments from imposing or implementing land use regulations in a manner that discriminates against any assembly or institution on the basis of religion or religious denomination.

216. Defendants have violated RLUIPA by implementing land use regulations in a manner that intentionally discriminates against Plaintiffs on the basis of religion. Among other things, Defendants have applied the Town’s minimum parking requirements in an intentionally discriminatory manner.

217. Additionally, the Town’s minimum parking requirements have adversely affected Plaintiffs and were motivated by discriminatory animus towards Plaintiffs’ religion.

218. Defendants also enforced their land use regulations against Plaintiffs in a discriminatory manner. Indeed, Defendants have admitted to enforcing their land use regulations against Plaintiffs but not against other non-residential uses that Defendants have deemed “non-conforming” to those regulations.

219. Plaintiffs have suffered damages as a result of Defendants’ illegal actions.

220. Plaintiffs are entitled to declaratory and injunctive relief.

221. Defendants are liable to Plaintiffs for damages in an amount to be determined at trial.

## **FIFTH CAUSE OF ACTION**

### **Violation of the Religious Land Use and Institutionalized Persons Act of 2000 42 U.S.C. § 2000cc(a) – “Substantial Burden”**

222. Plaintiffs re-allege and incorporate by reference all of the foregoing paragraphs.

223. Section 2(a) of RLUIPA prohibits any government from imposing or implementing land use regulations in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

224. Defendants have imposed and implemented land use regulations that place a substantial burden on Plaintiffs’ religious exercise without a compelling governmental interest and without using the least restrictive means of achieving any interest. Among other things, Defendants have prevented Plaintiffs from having adequate facilities to practice their religious faith by subjecting Plaintiffs’ application to arbitrary, excessive, and discriminatory burdens, and ultimately rejecting it.

225. Defendants’ imposition of the burdens was not in furtherance of a compelling government interest, nor did Defendant use the least restrictive means of furthering their interests.

226. Plaintiffs have suffered damages as a result of Defendants’ illegal actions.

227. Plaintiffs are entitled to declaratory and injunctive relief.

228. Defendants are liable to Plaintiffs for damages in an amount to be determined at trial.

## **SIXTH CAUSE OF ACTION**

### **Violation of the United States Constitution Free Exercise of Religion: First and Fourteenth Amendments 42 U.S.C. § 1983 – Facial Challenge**

229. Plaintiffs re-allege and incorporate by reference all of the foregoing paragraphs.

230. The First Amendment of the United States Constitution, as incorporated through the Fourteenth Amendment, prohibits a state or any political subdivision thereof from prohibiting the free exercise of religion.

231. In committing the acts alleged above, Defendants were acting under color of state law.

232. Defendants have violated and continue to violate Plaintiffs' rights under the Free Exercise Clause by discriminating against Plaintiffs on the basis of religious belief. Among other things, Defendants have burdened Plaintiffs' sincere religious practice by changing the Town's parking requirements to single out houses of worship for especially harsh treatment.

233. Plaintiffs have suffered damages as a result of Defendants' illegal actions.

234. Plaintiffs are entitled to declaratory and injunctive relief.

235. Defendants are liable to Plaintiffs for damages in an amount to be determined at trial.

## **SEVENTH CAUSE OF ACTION**

### **Violation of the United States Constitution Free Exercise of Religion: First and Fourteenth Amendments 42 U.S.C. § 1983 – As-Applied Challenge**

236. Plaintiffs re-allege and incorporate by reference all of the foregoing paragraphs.

237. The Free Exercise Clause prohibits a state or any political subdivision thereof from prohibiting the free exercise of religion.



238. In committing the acts alleged above, Defendants were acting under color of state law.

239. Defendants have violated and continue to violate Plaintiffs' rights under the Free Exercise Clause by discriminating against Plaintiffs on the basis of religious belief. Defendants discriminated against Plaintiffs by amending the Town's minimum parking requirements and denying Plaintiffs' site plan application based on discriminatory animus towards Plaintiffs' religion.

240. Plaintiffs have suffered damages as a result of Defendants' illegal actions.

241. Plaintiffs are entitled to declaratory and injunctive relief.

242. Defendants are liable to Plaintiffs for damages in an amount to be determined at trial.

## **EIGHTH CAUSE OF ACTION**

### **Violation of the United States Constitution Equal Protection: Fourteenth Amendment 42 U.S.C. § 1983 – Facial Challenge**

243. Plaintiffs re-allege and incorporate by reference all of the foregoing paragraphs.

244. The Equal Protection Clause of the Fourteenth Amendment of the United States Constitution prohibits a state or any political subdivision thereof from denying to any person within its jurisdiction the equal protection of the laws.

245. In committing the acts alleged above, Defendants were acting under color of state law.

246. Defendants have violated and continue to violate Plaintiffs' rights under the Equal Protection Clause by intentionally discriminating against Plaintiffs on the basis of religious

belief. Among other things, Defendants changed the Town's minimum parking requirements to expressly classify on the basis of religion.

247. Plaintiffs have suffered damages as a result of Defendants' illegal actions.

248. Plaintiffs are entitled to declaratory and injunctive relief.

249. Defendants are liable to Plaintiffs for damages in an amount to be determined at trial.

## **NINTH CAUSE OF ACTION**

### **Violation of the United States Constitution Equal Protection: Fourteenth Amendment 42 U.S.C. § 1983 – As-Applied Challenge**

250. Plaintiffs re-allege and incorporate by reference all of the foregoing paragraphs.

251. The Equal Protection Clause of the Fourteenth Amendment of the United States Constitution prohibits a state or any political subdivision thereof from denying to any person within its jurisdiction the equal protection of the laws.

252. In committing the acts alleged above, Defendants were acting under color of state law.

253. Defendants have violated and continue to violate Plaintiffs' rights under the Equal Protection Clause by discriminating against Plaintiffs on the basis of Plaintiffs' religion. Among other things, Defendants have applied the Town's minimum parking requirements in an intentionally discriminatory manner. Additionally, the Town's minimum parking requirements have adversely affected Plaintiffs and were motivated by discriminatory animus towards Plaintiffs' religion. Defendants have also treated Plaintiffs differently relative to other communities of faith, on the basis of their religion, and without any compelling government interest or by using narrowly tailored means to accomplish such interest.

254. Defendants have also admitted to enforcing their land use regulations against Plaintiffs but not against other non-residential uses that Defendants have deemed “non-conforming” to those regulations.

255. Plaintiffs have suffered damages as a result of Defendants’ illegal actions.

256. Plaintiffs are entitled to declaratory and injunctive relief.

257. Defendants are liable to Plaintiffs for damages in an amount to be determined at trial.

## **TENTH CAUSE OF ACTION**

### **Violation of the New York Constitution Free Exercise of Religion: Art. 1, § 3 – Facial Challenge**

258. Plaintiffs re-allege and incorporate by reference all of the foregoing paragraphs.

259. Article I, Section 3 of the New York Constitution guarantees the free exercise of religion.

260. Defendants have violated and continue to violate Plaintiffs’ rights under the New York Constitution by interfering with Plaintiffs’ freedom of worship. The Town’s change to its minimum parking requirements has directly impeded Plaintiffs’ sincerely held beliefs by unreasonably burdening houses of worship on the basis of religion, without serving any countervailing social or constitutional interest.

261. Plaintiffs are entitled to declaratory and injunctive relief, as well as civil damages and fines from Defendants.

## **ELEVENTH CAUSE OF ACTION**

### **Violation of the New York Constitution Free Exercise of Religion: Art. 1, § 3 – As-Applied Challenge**

262. Plaintiffs re-allege and incorporate by reference all of the foregoing paragraphs.

263. Article I, Section 3 of the New York Constitution guarantees the free exercise of religion.

264. Defendants have violated and continue to violate Plaintiffs' rights under the New York Constitution by unreasonably interfering with Plaintiffs' freedom of worship. Defendants discriminated against Plaintiffs by amending the Town's minimum parking requirements and denying Plaintiffs' site plan application based on animus towards Plaintiffs' religion.

265. Defendants' discriminatory actions have unreasonably burdened Plaintiffs' sincerely held beliefs, without serving any countervailing social or constitutional interest.

266. Plaintiffs are entitled to declaratory and injunctive relief, as well as civil damages and fines from Defendants.

## **TWELFTH CAUSE OF ACTION**

### **New York Civil Practice Law and Rules Article 78 N.Y. C.P.L.R. § 7803**

267. Plaintiffs re-allege and incorporate by reference all of the foregoing paragraphs.

268. Article 78 of the New York Civil Practice Law and Rules permits plaintiffs to proceed against government bodies and officers to challenge determinations that are arbitrary or capricious, an abuse of discretion, or affected by an error of law.

269. Defendants' denial of Plaintiffs' site plan application was arbitrary and capricious. Moreover, because Defendants misconstrued and misapplied the relevant legal standards, Defendants' determination was an abuse of discretion and affected by an error of law.

270. Plaintiffs have suffered injury as a result of the unlawful actions of Defendants.

271. Plaintiffs are therefore entitled to mandatory and prohibitory relief vacating Defendants' denial of Plaintiffs' site plan application and remanding the matter to Defendants with directions to approve Plaintiffs' application.

### **PRAYER FOR RELIEF**

Plaintiffs pray for judgment in their favor and the following relief:

- a) An Order finding and declaring that PAB's December 26, 2024 denial of MOLI's site plan violates RLUIPA and is, therefore, null and void;
- b) An Order finding and declaring that PAB's December 26, 2024 denial of MOLI's site plan violates the First Amendment and is, therefore, null and void;
- c) An Order finding and declaring that PAB's December 26, 2024 denial of MOLI's site plan violates the Fourteenth Amendment and is, therefore, null and void;
- d) An Order finding and declaring that PAB's December 26, 2024 denial of MOLI's site plan violates the New York Constitution and is, therefore, null and void;
- e) An Order finding and declaring that PAB's December 26, 2024 denial of MOLI's site plan was arbitrary, capricious, unreasonable, an abuse of discretion, and otherwise unlawful under Article 78 and is, therefore, null and void;
- f) An Order finding and declaring that Local Law No. 6 violates RLUIPA and the U.S. and New York Constitutions and is, therefore, null and void;
- g) Preliminary and final injunctions restraining Defendants from impeding Plaintiffs' efforts to develop a mosque at 300 and 320 Central Avenue, Bethpage consistent with submissions made by MOLI to the Town in advance of the July 18, 2024 PAB meeting;
- h) Preliminary and final injunctions ordering Defendants to grant, forthwith and no more than 10 days from the date of the Court's Order, final approval to Plaintiffs' site plan and related submissions made to the Town in advance of the July 18, 2024 PAB meeting;
- i) Appointment of a federal monitor to oversee Defendants' implementation and compliance with this Court's remedial orders, as well as Defendants' continuing compliance with federal law in all decisions of the Town, PAB, Department of Planning and Development, and DER for a period of five years;
- j) An Order mandating training for each and every one of Defendants' officials and agents engaged in the implementation of land use regulations as to the

requirements and obligations imposed on state and municipal actors by RLUIPA, the U.S. Constitution, and the New York Constitution;

- k) Compensatory damages in an amount to be determined at trial;
- l) Punitive damages;
- m) Nominal damages;
- n) Reasonable costs and expenses of this action, including an award of reasonable attorney's fees under 42 U.S.C. §§ 1983 and 1988 in an amount to be determined by the Court;

and other appropriate relief to be determined at trial.

Dated: January 24, 2025

Respectfully submitted,

By: /s/Muhammad U. Faridi

Muhammad U. Faridi

Diana M. Conner

Jacob I. Chefitz

Jonah Wacholder

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Shaun L. Carr

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*Attorneys for Plaintiffs*

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Muslims on Long Island, Inc., Imran Makda, Moeen Oureshi

(b) County of Residence of First Listed Plaintiff Nassau County  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

See Attachment A

## DEFENDANTS

Town of Oyster Bay, et al. (See Attachment A)

County of Residence of First Listed Defendant Nassau County  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Unknown

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Religious Land Use and Institutionalized Persons Act, 42 U.S.C. 2000cc

Brief description of cause:

Religious land use and civil rights action

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

01/24/2025

*Abdullah Faiz*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration ☐

I, Muhammad U. Faridi, counsel for the Plaintiffs, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

☒  
☒  
☐

monetary damages sought are in excess of \$150,000, exclusive of interest and costs,  
the complaint seeks injunctive relief,  
the matter is otherwise ineligible for the following reason

### **DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

Pursuant to Federal Rule of Civil Procedure 7.1, Muslims on Long Island, Inc. makes the following disclosure: Muslims on Long Island, Inc. is a not-for-profit religious congregation under the laws of New York, has no parent corporation, and no publicly held corporation owns 10% or more of its stock.

### **RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 3 in Section VIII on the front of this form. Rule 3(a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 3(a) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case involves identical legal issues, or the same parties." Rule 3 further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (b), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

## **NY-E DIVISION OF BUSINESS RULE 1(d)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? ☐ Yes ☒ No
- 2.) If you answered "no" above:
  - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? ☒ Yes ☐ No
  - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? ☒ Yes ☐ No
  - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received: \_\_\_\_\_

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? ☐ Yes ☐ No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

### **BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☒

Yes

☐

No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

☐

Yes

(If yes, please explain

☒

No

I certify the accuracy of all information provided above.

Signature: Muhammad U. Faridi



**Muslims on Long Island, Inc., et al. v. Town of Oyster Bay, et al.**

**Attachment A**

**Defendants**

Town of Oyster Bay  
Angelo Stanco, Planning Advisory Board Chairman  
Scott Byrne, Planning Advisory Board Member  
Clifford Chabina, Planning Advisory Board Member  
Anthony DiLeonardo, Planning Advisory Board Member  
Louis Warner, Planning Advisory Board Member  
James Castellane, Planning Advisory Board Member

**Attorneys**

Patterson Belknap Webb & Tyler LLP  
1133 Avenue of the Americas  
New York, NY 10036  
Telephone No.: 212-336-2000  
Facsimile No.: (212) 336-2222  
Muhammad U. Faridi (mfaridi@pbwt.com)  
Diana M. Conner (dconner@pbwt.com)  
Jacob I. Chefitz (jchefitz@pbwt.com)  
Jonah Wacholder (jwacholder@pbwt.com)  
Peter Vogel (pvogel@pbwt.com)  
Nadav D. Ben Zur (nbenzur@pbwt.com)  
Shaun L. Carr (scarr@pbwt.com)

*Attorneys for Plaintiffs*

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Muslims on Long Island, Inc., Imran Makda, and  
Moeen Qureshi

Plaintiff(s)

V.

Town of Oyster Bay, Scott Byrne, James Castellane,  
Clifford Chabina, Anthony DiLeonardo, Angelo  
Stanco, and Louis Warner

Defendant(s)

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* (See Attached Rider)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Muhammad U. Faridi (mfaridi@pbwt.com)

Muhammad U. Faridi (mfaridi@pbwt.com)  
Patterson Belknap Webb & Tyler LLP  
1133 Avenue of the Americas  
New York, NY 10036  
Telephone No.: 212-336-2000

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

BRENNA B. MAHONEY  
CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Summons Rider**

1. Town of Oyster Bay – 54 Audrey Avenue, Oyster Bay NY 11771
2. Scott Byrne, Planning Advisory Board Member – 54 Audrey Avenue, Oyster Bay NY 11771
3. James Castellane, Planning Advisory Board Member – 54 Audrey Avenue, Oyster Bay NY 11771
4. Clifford Chabina, Planning Advisory Board Member – 54 Audrey Avenue, Oyster Bay NY 11771
5. Anthony DiLeonardo, Planning Advisory Board Member – 54 Audrey Avenue, Oyster Bay NY 11771
6. Angelo Stanco, Planning Advisory Board Chairman – 54 Audrey Avenue, Oyster Bay NY 11771
7. Louis Warner, Planning Advisory Board Member – 54 Audrey Avenue, Oyster Bay NY 11771

# EXHIBIT A

From: Laura <[byrdlek@optonline.net](mailto:byrdlek@optonline.net)>

To: superwidmomm@aol.com; stella ross <rossbethpage@aol.com>; soxjazz@optonline.net; phyllis Abrams <Rephylit@aol.com>; 'Patty Schmier' <patief21@aol.com>; Nannette Christensen <NCHRISTE@cablevision.com>; Mom2lrmk<aol.com>; mcManus, Ryan/TJ <patydecor@optonline.net>; mbilardi<aol.com>; Mary P <greek2m1@optonline.net>; Josette Skuza <Josette.Skuza@chase.com>; Joan Hourihane <pihour@optonline.net>; Indell79<aol.com>; fidget1015<aol.com>; Felicia <fc102894@aol.com>; Joan Mirman <dm2boys@optonline.net>; Diane Limpert <dlimpert@greenviewproperties.com>; Dave and Nancy <dnbski@optonline.net>; AEAA@aol.com; Claudia Olverd <colverd@gmail.com>; Carol Benanati <cbenanati26@gmail.com>

Subject: Fw: Mosque on 600 Broadway, Bethpage

Date: Fri, 23 Jul 2010 17:20:54 -0400

----- Original Message -----

From: Patty Tierney

To: alice darrow ; angela hanley ; coach dave ; coleen colleluori ; Danny Kerwin ; darlene caferio ; darlene ; deb and chip perry ; denise romanelli ; desiree zizzo ; Diana Colleluori ; diane mirman ; Diane volberg ; Diane Volberg ; geri romano ; gina rufano ; luc disalvo ; karen fraher ; karen widmer ; Kathy chiddo ; KPORTARO ; Laura DiSalvo ; lvag111@aol.com ; marybeth wright ; Mary-Gwen Imbomoni ; mcolleluoridpt ; ned and anne Jensen ; nina bock ; Patieff21 ; patty11714@hotmail.com ; Pete M ; QUALITYTPV volberg ; theresa gervasi ; therese Mikulus ; Tim & Julie Bloom ; tom luzzi ;  
Sent: Thursday, July 29, 2010 1:44 PM  
Subject: FW: [mailto:lvag111@aol.com] - [mailto:lvag111@aol.com]

Sent: Thursday, July 29, 2010 1:44 PM  
Subject: FHM

Subject: FW: Mosque on 600 Broadway, Bethpage

PATTY T.

Date: Wed, 28 Jul 2010 20:54:21 -0400  
From: nml@...

From: [pmicr@optonline.net](mailto:pmicr@optonline.net)

Subject: Mosque on 600 Broadway, Bethpage  
To: irac5144@comcast.net

To: [jroc5144@aol.com](mailto:jroc5144@aol.com); [blinderbunch@aol.com](mailto:blinderbunch@aol.com); [bstuff31@optonline.net](mailto:bstuff31@optonline.net); [pattytmom3@msn.com](mailto:pattytmom3@msn.com);  
[dibovs2@optonline.net](mailto:dibovs2@optonline.net); [jcmv77@aol.com](mailto:jcmv77@aol.com); [csmlileyind@optonline.net](mailto:csmlileyind@optonline.net); [sandjd@optonline.net](mailto:sandjd@optonline.net);  
[kas119@verizon.net](mailto:kas119@verizon.net); [anqqalti@optonline.net](mailto:anqqalti@optonline.net); [ldlomed@yaho.com](mailto:ldlomed@yaho.com); [FORCE51010@aol.com](mailto:FORCE51010@aol.com);  
[gsqrol@optonline.net](mailto:gsqrol@optonline.net); [joegerl@optonline.net](mailto:joegerl@optonline.net); [teefrance@aol.com](mailto:teefrance@aol.com); [tgal178872@aol.com](mailto:tgal178872@aol.com);  
[dar123@optonline.net](mailto:dar123@optonline.net); [timo1964@optonline.net](mailto:timo1964@optonline.net); [tluzzi@verizon.net](mailto:tluzzi@verizon.net); [lqd5@optonline.net](mailto:lqd5@optonline.net);  
[kcar1129@optonline.net](mailto:kcar1129@optonline.net); [lt3im@optonline.net](mailto:lt3im@optonline.net); [ndusold@optonline.net](mailto:ndusold@optonline.net); [telnlar@optonline.net](mailto:telnlar@optonline.net);  
[bugs1758@aol.com](mailto:bugs1758@aol.com); [camblil489@verizon.net](mailto:camblil489@verizon.net)

I recently heard that the Jewish Center on 600 Broadway was bought for \$2,950,000 in March 2010. The new owner is Aujuman E. Badri. His plans are to open a mosque. I would like the Bethpage community to get together and send a message to our public officials that we do not want this. This is not a Muslim neighborhood; we have no Muslim congregation in Bethpage. We do not want people being bused in from other communities. If you read the articles attached, many of these organizations are on the FBI watch lists. **I DO NOT WANT THIS IN MY NEIGHBORHOOD. THEY NEED TO GO ELSE WHERE. THIS IS THE MESSAGE WE NEED TO SEND.**

I have attached a link to 3 of our local politicians with a message that you can copy and paste into the comment area of each site. Better yet, you can write a message in your own words. We deserve answers. The mosque on Central Ave opened without a word and now there are rumors that they are expanding. I also attached an article on how people

stopped mosques from going up in a Catholic neighborhood in Staten Island, Brooklyn and the World Trade Center site.

<http://www.nytimes.com/2010/06/11/nyregion/11mosque.html>  
[http://www.nytimes.com/2010/07/23/nyregion/23mosque.html?  
r=1&ref=muslimamericans](http://www.nytimes.com/2010/07/23/nyregion/23mosque.html?r=1&ref=muslimamericans)

I listed the links to our local politicians below. Just put your name on the site and copy/paste the following or write whatever you want.

***I am hearing that a mosque is opening up on 600 Broadway in Bethpage. How does something like this get passed with no public knowledge, traffic studies or community approval? This is not a Muslim community. There is no Muslim congregation in Bethpage. This is smack in the middle of a residential area. It is directly across the street from our High School. No hearings! No variances! No mailings! Nothing!***

***Did anyone do any research as to what type of organization is being opened up in our neighborhood? Why would somebody from Franklin Square of modest means pay 3 million dollars for a building in Bethpage, a community that has a small population of Muslims. How will people come to the mosque? Will they be bused in? Will traffic increase in our neighborhood? What type of clientele will be attending this organization, which is located directly across from our high school and a block from our middle school? I would love an explanation for this one!***

***As a Bethpage resident I would like to state that I disagree with putting a mosque in our neighborhood, especially since we already have one on the corner of Central and Stewart. This is our neighborhood and we deserve to be heard !***

**Our County legislator:**

**Rose Marie Walker**

<http://www.nassaucountyny.gov/agencies/legis/LD/17/contact.html>

Legislative District 17

(516) 571-6217

**County Executive:**

**Edward Mangano**

<http://www.nassaucountyny.gov/agencies/countvexecutive/email.html>

**TOWN SUPERVISOR**

**JOHN VENDITTO**

[http://www.oysterbaytown.com/index.asp?Type=DYNAFORM&SEC={94478F94-7250-4729-  
BBB3-497561B18454}](http://www.oysterbaytown.com/index.asp?Type=DYNAFORM&SEC={94478F94-7250-4729-BBB3-497561B18454})

Thanks,

Peter

# **EXHIBIT B**



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LONG ISLAND / **NASSAU**

## Bethpage mosque closed after code violation complaints



Masjid Al-Baqi mosque in Bethpage, was closed citing building violations. (Aug. 13, 2010) Credit: Newsday/Alejandra Villa

**By NOMAAN MERCHANT**

[nomaan.merchant@newsday.com](mailto:nomaan.merchant@newsday.com)

August 13, 2010

 [SHARE](#)

The Town of Oyster Bay has closed a Bethpage mosque due to code violations after local residents pressed the town to inspect the property, sending about 200 congregation members elsewhere during the Muslim holy month of [Ramadan](#).

Bethpage mosque closed after code violation complaints, Newsday

An attorney for the mosque said the closure of Masjid al-Baqi, on Central Avenue, came Tuesday, the day before [Ramadan](#) began. But town officials say the building actually was ordered closed on July 29.

Town Supervisor John [Venditto](#) said the mosque did not have a valid certificate of occupancy or permits for already finished work. A town inspector issued a summons July 29.

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Eric Tilton, a [Garden City](#) lawyer for the mosque's leaders, said the town agreed to let the mosque remain open last Friday and Saturday, and officially closed it Tuesday. Town officials said they made no such agreement.

On Wednesday, mosque leaders filed a petition in State Supreme Court in [Mineola](#) for a temporary restraining order to reopen the mosque. They withdrew the motion Thursday to continue negotiating with Oyster Bay, Tilton said.

Friday afternoon, some mosque members still came for Friday prayers, only to see a yellow sign

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on the door with the heading, "Dangerous Building."

Some questioned the town's timing. "I'm shocked to see that it's closed," said one member, [Moin Khan](#), 25, of [Copiague](#). "Especially in Ramadan. . . . When something like this happens, it's tough."

Venditto acknowledged that Oyster Bay's building department sent an inspector to Masjid al-Baqi only after more than 100 residents called or e-mailed the town to complain about a proposal for a second mosque in Bethpage. In March, another group of Muslims had purchased an empty Jewish community center with the intention of converting it.

Some of the residents who complained also wanted the town to check Masjid al-Baqi, which opened about 10 years ago and has been "a very good tenant," Venditto said. The mosque owns the property.

According to Fred Ippolito, the town's planning and development commissioner, the e-mails did not cite any evidence of code violations.

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# EXHIBIT C

NEW YORK

Case 2:25-cv-00428 Document 1-5 Filed 01/24/25 Page 2 of 8 PageID #: 90

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# Is the Issue Parking or Prejudice?

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By Donna Kutt Nahas  
Dec. 15, 2002

See the article in its original context from December 15, 2002, Section LI, Page 14 | [Buy Reprints](#)

VIEW ON TIMESMACHINE

TimesMachine is an exclusive benefit for home delivery and digital subscribers.

A MUSLIM congregation's plan to raze two houses it owns here and build a mosque and a school in their place has drawn protests from some residents who worry about increased traffic. But a whiff of post-Sept. 11 anti-Muslim prejudice clings to the controversy, sharpening the anxiety for those who are concerned that it will broadcast an image of a bigoted East Meadow.

For nearly a decade, the Long Island Muslim Society has been holding meetings for about 150 people at the small Cape Cod-style houses side by side at 469 and 477 East Meadow Avenue, a two-lane road with parking on both sides of the street.


The current proposal for the mosque is a two-story domed building with about 8,400 square feet of floor space to accommodate 300 worshipers. The school, on the second floor, would have religious classes on Fridays and Saturdays for about 60 children. The plan includes 8 parking spaces but is required by the Town of Hempstead building code to have 87.

"We want to keep our heritage alive and pray together in the new mosque in one room," said Mohammed Rafiqur Rahman, an immigrant from Bangladesh and the chairman of the Muslim society's trustees. Members of the group pray at the East Meadow site if they happen to be there at the five daily prayer times, but for formal prayer services they go elsewhere, mainly to the Islamic



immigrant from Bangladesh and the chairman of the Muslim society's trustees. Members of the group pray at the East Meadow site if they happen to be there at the five daily prayer times, but for formal prayer services they go elsewhere, mainly to the Islamic Center of Long Island, a mosque in Westbury.


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At the East Meadow location, most of the activity takes place in the tiny living room and two small bedrooms on the ground floor of each house. Sometimes board meetings are held in the basement.

"Look at this block -- there's one, two, three churches," Mr. Rahman said, pointing out the window of one of the houses. "This is a nice place for us."

But many in the neighborhood don't share Mr. Rahman's opinion, adding East Meadow to a list of Long Island locations where religious freedom has collided with quality-of-life concerns. Houses in the Five Towns and in the Town of Babylon that are being used as synagogues or churches have prompted an outcry from residents who object to traffic and parking problems.

"It will make East Meadow Avenue a mess," said Sherman Beale of East Meadow. "If the mosque attracts a steady flow of large crowds, forget about it. The avenue is already used by people who are on the Southern State and want to get to the Hub without having to take the Meadowbrook Parkway."

John Arigo, owner of a pizzeria and an accounting office across the street from the Muslim society, said emergency vehicles would have a harder time negotiating East Meadow Avenue.

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"It's a two-lane road with three firehouses," Mr. Arigo said. "If you have everyone parked on both sides of the street with the other cars that are there, how do you yield to a fire truck? Or pull over for someone in an ambulance having a heart attack?"

That's why Helen Fowler worries about the proposal. "They block my driveway," said the frail 82-year-old woman who has lived on East Meadow Avenue since 1952, when the area was mostly farms. "God forbid someone has to take me to the hospital."

Mohammed Saleh, the president of the Muslim society, said the new mosque would be used for prayer services five times a day, seven days a week, but stressed that few members attend daily prayers because they are at work. Mr. Saleh said the mosque would draw large groups for events like fund-raising dinners, seminars, funerals and monthly social gatherings.

Hossein Alemzadeh of Design Profiles in Northport, the architect for the Muslim society project, said the East Meadow group had looked into building an underground parking garage but found it too costly. Mr. Alemzadeh said the Muslim society asked a nearby funeral home, which has a small parking lot, and the United Methodist Church of East Meadow, which is across the street, to provide overflow parking as needed periodically for their large gatherings.

Thomas Kearns, the president of Leo F. Kearns funeral homes, said he had asked for more information and had received no response.

"My business is unpredictable, and we never know how much of the facilities we need," Mr. Kearns said. "We could have a small family with a large crowd or a large family with a small crowd and just a few cars in the lot."

Chester Kelsey, the president of the trustees at the Methodist church, declined the request, citing schedule conflicts. "We have many activities in addition to Sunday," he said. "We have choir meetings, A.A. meetings, activities on Friday and Saturday, and we wouldn't have enough space in the parking lot for us and their group."





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The other nearby houses of worship have also stopped short of rallying to the Muslim society's side. Dr. Robert Canter, the pastor of Open Hand of God Church, a nondenominational Christian assembly two doors away, said by e-mail, "If the people of East Meadow do not want the mosque to get a variance, then I feel they shouldn't get it."

The Rev. Wieslaw Pietruszka, the administrator of St. Francis National Roman Catholic Church, did not return phone calls seeking comment.

Though many residents say the new mosque would cause intolerable congestion, no one was complaining about the three nearby churches, which have a combined membership more than double the Muslim society's 150 members.

But traffic is clearly not East Meadow residents' only concern. At least a dozen who asked not to be identified admitted to anti-Muslim feelings and said they were strongly opposed to the mosque because it's a mosque.

"They have a past history of being violent, and they have a current history of being violent, too, and of having radical groups," said Louis Darienzo, a portfolio manager from East Meadow. "I'm sure most of them are peace-loving, but I'm thinking in the back of my head, 'Are they practicing a false religion?' You just don't know."

Judy Fredrickson, who lives around the corner from the proposed mosque, maintained that "freedom of religion is important," but added, "because of 9/11, I hope all they want to do here is worship."

Norma Gonsalves, the Nassau County legislator whose district includes East Meadow, acknowledged that a few angry anti-Muslim comments were shouted when Muslim society officials appeared to defend their proposal at a public meeting on Nov. 26 sponsored by the Council of East Meadow Community Organizations. But Ms. Gonsalves said the jeers were not representative of the community's true sentiments.



appeared to defend their proposal at a public meeting on Nov. 26 sponsored by the Council of East Meadow Community Organizations. But Ms. Gonsalves said the jeers were not representative of the community's true sentiments.

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"This issue is a lack of parking, and neighbors have legitimate concerns," said Ms. Gonsalves, who is a past president of the community group. "One of the women who spoke out against the Muslim group that night was told to leave. She was told that that was not why the community organization was there."

Barbara Bernstein, the executive director of the Nassau chapter of the New York Civil Liberties Union, accused some protesters of ethnic profiling and drew a parallel between the anti-Muslim sentiment and discrimination against African-Americans.

"Everyone from the president on down says, 'Don't condemn all of Islam for the actions of some,' " Ms. Bernstein said. "Islam is essentially a peaceful religion, but it can be hijacked by religious fanatics, as happened on 9/11."

But she also said that freedom-of-religion issues in East Meadow and elsewhere could not "override public policy or law" and that they should not "spill over into the public arena and affect street life," adding that if they do, "neighbors have the right to complain."

Ms. Gonsalves said she was concerned that the anti-Muslim remarks of some residents would "paint East Meadow with a broad stroke" of religious bias and scar the community.

"We are a diverse community," she said. "We are not the white middle-class community we used to be. We have a population of 45,000 people, and we have Asians, African-Americans, people from all walks."

If Ms. Gonsalves was at pains to dispel any notion of bigotry, Muslim society officials were equally intent on portraying their group as peace-loving members of the community.



If Ms. Gonsalves was at pains to dispel any notion of bigotry, Muslim society officials were equally intent on portraying their group as peace-loving members of the community.

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"Many of our members are here a long time," said Mr. Rahman, whose group is largely made up of immigrants from Bangladesh, a place not known as a hotbed of Islamic radicalism.

"We are Americans, and our children are Americans," he said. "And our religion is a good religion like other religions. No religion tells people to do a bad thing."

Mr. Alemzadeh, the architect for the Muslim society, said he was working on an alternate design for the mosque. "The idea is to come up with another plan and to reduce the size of the building to accommodate parking for 120 to 150 people," he said.

The Town of Hempstead Board of Zoning Appeals would have to approve the construction plan if it is to go forward, and the board has scheduled a public hearing on the proposal for Jan. 29. Mr. Saleh said the society's trustees would decide whether to revise its proposal before the January hearing.

A version of this article appears in print on Dec. 15, 2002, Section LI, Page 14 of the National edition with the headline: Is the Issue Parking or Prejudice?. [Order Reprints](#) | [Today's Paper](#) | [Subscribe](#)

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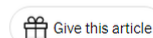
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# EXHIBIT D



**TOWN OF OYSTER BAY  
INTER-DEPARTMENTAL MEMO**

August 25, 2023

**TO:** HAROLD B. MAYER, JR., COMMISSIONER,  
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JULIA K. SCHNEIDER, DIRECTOR OF TEQR,  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

**SUBJECT:** MUSLIMS ON LONG ISLAND – 320 CENTRAL AVE. BETHPAGE;  
TEQR REPORT

**LOCATION:** 320 CENTRAL AVE., BETHPAGE; LAND AND TAX MAP OF NASSAU COUNTY  
SECTION: 46, BLOCK 112, LOT(S) 7 and 9

**SP No.:** SP01-19

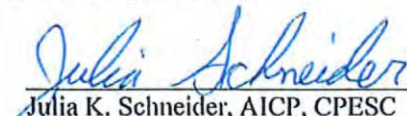
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Attached hereto is the Town Environmental Quality Review (TEQR) Report prepared by the Department of Environmental Resources (DER), TEQR Division for the above-referenced proposed action. The environmental review and subsequent TEQR Report have been prepared pursuant to the provisions of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law (ECL), as promulgated in the regulations contained in 6 NYCRR Part 617, (SEQR)) and the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Code of the Town of Oyster Bay). These documents substantiate the basis for the recommended determination of significance for consideration by the Planning Advisory Board (PAB) of the Town of Oyster Bay as lead agency pursuant to SEQR/TEQR.

**Recommended Determination of Significance:** **NEGATIVE DECLARATION** (indicating that the proposed action will not result in significant adverse environmental impacts). The TEQR Division recommends that the Planning Advisory Board (PAB) accepts the above determination, based on the TEQR Division's review of the requisite environmental parameters, and substantiating documentation summarized in the attached TEQR Report, dated August 24, 2023.

If the PAB, as lead agency, concludes that the foregoing information fully addresses the relevant environmental issues, such that it is determined that the proposed action does not pose the potential for significant adverse environmental impacts, the requirements of SEQR/TEQR can be fulfilled by signing Part 3 of the NYS Short Environmental Assessment Form (SEAF) and returning to this office for filing which will complete the SEQR/TEQR process.

Please contact the Department of Environmental Resources if you have any questions.

  
Julia K. Schneider, AICP, CPESC  
Director of TEQR

cc. Louis G. Savinetti, Commissioner, Department of Environmental Resources  
Colin Bell, Deputy Commissioner, Department of Environmental Resources

**TOWN OF OYSTER BAY  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
TOWN ENVIRONMENTAL QUALITY REVIEW DIVISION**

**REVIEW OF ACTION AND RECOMMENDED DETERMINATION OF SIGNIFICANCE  
TEQR REPORT**

August 24, 2023

The Town of Oyster Bay Department of Environmental Resources (DER), Town Environmental Quality Review (TEQR) Division, has reviewed the subject action described below in accordance with Article 8 of the Environmental Conservation Law (ECL), State Environmental Quality Review (SEQR) Act, and the implementing regulations thereto at 6 NYCRR, Part 617, and the Town of Oyster Bay Environmental Quality Review (TEQR) Law, Chapter 110 of the Code of the Town of Oyster Bay. The following report summarizes DER's findings regarding the proposed action in accordance with relevant laws and industry standard guidance documents.

**Applicant/Sponsor:** Muslims on Long Island, Inc. – d/b/a Masjid-Al Baqi

**Project Contact:** Gino Tedesco, R&M Engineering  
50 Elm Street, Huntington, NY 11743

**Title of Project:** Muslims on Long Island Mosque

**Location of Proposed Action:** 320 Central Avenue, Bethpage, NY 11714 –  
Land and Tax Map of Nassau County Section 46, Block 112,  
Lots 7 and 9

**Description of Proposed Action:** Application to the Planning Advisory Board for Site Plan Approval, to allow the demolition of two existing one-story buildings and construction of one new two-story (with basement) house of worship. The existing buildings have floor areas of 2,521± square feet (SF) and 1,992± SF, for a combined building area of 4,513± SF to be demolished. The proposed building has a gross floor area of 16,003± SF (on three levels, including basement) and a building footprint of 5,543± SF (including canopies). Proposed site improvements and infrastructure to support the new building include new asphalt pavement, curbing, sidewalks, exterior lighting, landscaping, drainage infrastructure, and solid waste enclosure.

As shown in the location map to the right from Part 1 of the Environmental Assessment Form submitted by the Applicant, the subject property comprises 1.30± acres located at the northwest corner of the intersection of Central Avenue (to the south) and Stewart Avenue (to the east).





TEQR REPORT (RECOMMENDED DETERMINATION OF SIGNIFICANCE)  
 320 Central Avenue, Bethpage (Muslims on Long Island)  
 August 24, 2023

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The two existing buildings on subject property are: an active house of worship (a mosque) on the westerly portion of the subject property comprising Lot 7; and a former commercial building, which previously was occupied by a restaurant, on the easterly portion of the site comprising Lot 9. The existing paved parking area on Lot 9 which had served the prior restaurant currently provides off-street parking for the congregation of the mosque; however, there is no internal vehicular cross-connection between the two adjoining tax lots.

The proposed development will merge the two adjoining tax lots comprising the subject property into an integrated site plan for an expanded mosque. The Applicant has indicated that the purpose of the proposed project is to better accommodate the needs of the existing congregation and is not intended to increase the number of people on the site. The Applicant has further stated that the proposed project also does not entail changes to the programs currently offered at the mosque.

The submitted site plan drawings show that the proposed new mosque will be positioned in the west-central portion of the overall site, in the approximate location of the existing mosque on Lot 7. The areas to the west and east of the new mosque will be developed for on-site parking and landscaping. An internal driveway to the north (rear) of the mosque will connect the two on-site parking areas, which will provide enhanced circulation allowing vehicles to travel between the two parking areas without the current need to exit the site onto adjacent public roadways. Parking capacity on the subject property will be decreased by nine spaces under the proposed action, from 93 spaces to 84 spaces, due to the expanded footprint area of the mosque and the establishment of the internal cross-connection between the west and east parking areas.

The proposed development will increase the extent of pavement on the subject property, from 0.93± acre to 1.02± acres, resulting in a commensurate decrease in landscaping, from 0.37± acre to 0.28± acre. The quality of the new landscaping will be improved as compared to existing conditions, including the use of species that are native and/or well adapted to local conditions.

The Applicant estimates that the duration of demolition of existing facilities and construction of the proposed new mosque will occur in a single phase of approximately six months. The congregation utilizing the existing mosque will rent temporary space for their religious services and activities at another location during construction on the subject property.

Domestic water supply for the proposed development will be from Bethpage Water District and sanitary wastewater disposal will be via the Nassau County sewer system. Both of these utilities serve the existing mosque on the subject property.

According to the Applicant's submissions to DER, relief from the parking requirement under the Zoning Code is the only variance required in connection with the proposed action.

<b>Type of Review:</b>	Uncoordinated
<b>Lead Agency:</b>	Planning Advisory Board of the Town of Oyster Bay
<b>SEQR Classification:</b>	Unlisted



TEQR REPORT (RECOMMENDED DETERMINATION OF SIGNIFICANCE)  
320 Central Avenue, Bethpage (Muslims on Long Island)  
August 24, 2023

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**Recommended Determination of Significance:**

**NEGATIVE DECLARATION** (indicating that the proposed action will not result in significant adverse environmental impacts). The TEQR Division recommends that the Planning Advisory Board of the Town of Oyster Bay accept the above determination, based on the TEQR Division's review of the relevant environmental parameters pertaining to the subject application and additional information provided to the satisfaction of DER in arriving at this recommendation.

**Contact Person:**

Town of Oyster Bay Department of Environmental Resources  
29 Spring Street  
Oyster Bay, NY 11771

Julia Schneider, AICP, CPESC, Director of TEQR  
telephone: (516) 677-5748  
email: [jschneider@oysterbay-ny.gov](mailto:jschneider@oysterbay-ny.gov)

**Anticipated Approvals Required:**

- Town of Oyster Bay Planning Advisory Board – Site Plan Approval
- Town of Oyster Bay Zoning Board of Appeals – Parking Variance
- Town of Oyster Bay Department of Planning and Development (P&D) – Demolition and Building Permit(s)
- Town of Oyster Bay Department of Public Works (DPW) – Storm Water Pollution Prevention Plan (SWPPP) Approval
- Nassau County Department of Public Works (NCDPW) – Sanitary Sewer Connection; Roadway Work Permit for both Central Avenue and Stewart Avenue
- Nassau County Department of Health (NCDH) – Sanitary Sewer Connection
- Nassau County Fire Marshal – Site Plan Approval
- Bethpage Water District – Water Service Connection
- LIPA/PSEG Long Island (PSEG LI) – Electrical Service Connection
- New York State Department of Environmental Conservation (NYSDEC) – GP-0-20-001 Stormwater Permit for Construction.

**Documents Reviewed:**

- Site Development Plans, prepared by Brian A. Fisher, Architect, P.C. (Fisher), consisting of 23 sheets, identified as follows:
  - *Title Page* (Sheet T-1.1), signed 9/8/2022
  - *Title Page* (Sheet T-2.1), signed 8/1/2023
  - *Existing Site Plan* (Sheet C-2.1), signed 9/8/2022
  - *Proposed Site Plan* (Sheet C-3.1), signed 9/8/2022

TEQR REPORT (RECOMMENDED DETERMINATION OF SIGNIFICANCE)  
 320 Central Avenue, Bethpage (Muslims on Long Island)  
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- *Proposed Parking Plan* (Sheet C-3.13), signed 8/1/2023
- *Grading and Drainage Plan* (Sheet C-4.1), signed 8/1/2023
- *Rain Harvesting* (Sheet C-4.2), signed 9/8/2022
- *Cut and Fill Calculations* (Sheet C-4.4), signed 9/8/2022
- *Sediment and Erosion Control Plan* (Sheet C-5.1), signed 9/8/2022
- *Sediment and Erosion Control Details* (Sheet C-5.2), signed 9/8/2022
- *Traffic Signal & Pavement Marking Plan* (Sheet C-6.1), signed 9/8/2022
- *Parking / On Site Traffic Plan* (Sheet C-7.1), signed 9/8/2022
- *Utility Plan* (Sheet C-8.1), signed 9/8/2022
- *Landscape Plan, Landscaping Schedule* (Sheet C-9.1.1), signed 8/1/2023
- *Photographs of Plantings / Tree Removal Schedule* (Sheet C-9.2), signed 9/8/2022
- *Rain Garden Detail and Photographs* (Sheet C-9.3), signed 8/1/2023
- *On-Site Details* (Sheet C-10.1), signed 9/8/2022
- *Nassau County DPW Details & Notes* (Sheet C-10.2), signed 9/8/2022
- *Site Lighting Plan & Specs.* (Sheet C-11.1), signed 8/1/2023
- *Site Lighting Details* (Sheet C-11.2), signed 6/23/2022
- *Sanitary Sewer Plan* (Sheet C-12.1), signed 8/1/2023
- *Sanitary Sewer Profile* (Sheet C-12.2), signed 6/23/2023
- *Removals Plan* (Sheet C-13.1), signed 6/23/2023
- **Architectural Plans** (progress set), prepared by Fisher, dated 7/27/2023, consisting of 33 sheets, identified as follows:
  - *Title Page* (Sheet T-001.00)
  - *General Notes* (Sheet G-001.00)
  - *Accessibility Data* (Sheet G-002.00)
  - *Site Plan* (Sheet A-000.00)
  - *NYS Building Code Analysis & Notes* (Sheet A-001.00)
  - *Life Safety Plans* (Sheet A-002.00)
  - *Basement Construction Plan* (Sheet A-100.00)
  - *1<sup>st</sup> Floor Construction Plan* (Sheet A-101.00)
  - *2<sup>nd</sup> Floor Construction Plan* (Sheet A-102.00)
  - *Roof Construction Plan* (Sheet A-103.00)
  - *Basement Reflected Ceiling Plan* (Sheet A-110.00)
  - *1<sup>st</sup> Floor Reflected Ceiling Plan* (Sheet A-111.00)
  - *2<sup>nd</sup> Floor Reflected Ceiling Plan* (Sheet A-112.00)
  - *Basement Finish Plan* (Sheet A-120.00)
  - *1<sup>st</sup> Floor Finish Plan* (Sheet A-121.00)
  - *2<sup>nd</sup> Floor Finish Plan* (Sheet A-122.00)
  - *Building Sections* (Sheet A-200.00)
  - *Building Sections Cont.* (Sheet A-201.00)
  - *Exterior Walls Sections & Details* (Sheet A-210.00)
  - *Exterior Walls Sections & Details Cont.* (Sheet A-211.00)
  - *Exterior Walls Sections & Details Cont.* (Sheet A-212.00)
  - *Entrance Overhang Elevation & Sections* (Sheet A-213.00)
  - *Exterior Elevations* (Sheet A-300.00)
  - *Enlarged Restroom Plans & Details* (Sheet A-410.00)
  - *Restroom Elevations* (Sheet A-411.00)
  - *Enlarged Stair A Section & Floor Plans* (Sheet A-500.00)

TEQR REPORT (RECOMMENDED DETERMINATION OF SIGNIFICANCE)  
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- *Enlarged Stair B Section & Floor Plans* (Sheet A-501.00)
- *Enlarged Multi-Purpose Stairs & Elevator* (Sheet A-502.00)
- *Egress Stair Details* (Sheet A-503.00)
- *Wall & Partition Details* (Sheet A-600.00)
- *Firestopping Details* (Sheet A-601.00)
- *Door Type and Window Schedules* (Sheet A-700.00)
- *Building Envelope Energy Analysis* (Sheet EN-001.00)
- Part 1 of the Short Environmental Assessment Form (EAF-Part 1), prepared by R&M Engineering (R&M), dated 8/2/2023, with the following attachments:
  - Attachment A – Short Environmental Assessment Form Part 1: Detailed Responses, undated
  - Attachment B – Screenshot showing information for the subject property obtained from the Cultural Resources Information System (CRIS) on the New York State Office of Parks, Recreation and Historic Preservation web site, dated 6/14/2022
  - Attachment C – Correspondence from the New York State Office of Parks, Recreation and Historic Preservation, dated 6/30/2022
  - Attachment D – Screenshot showing Environmental Resources Mapper information from the New York State Department of Environmental Conservation (NYSDEC) for the subject property, dated 7/18/2022
  - Attachment E – List of NYSDEC Spill Incidents and Database Search Details, dated 6/15/2023
  - Attachment F – Email from Town of Oyster Bay Department of Planning & Development with information on other proposed development projects in the area of the subject property, dated 5/19/2022
  - Attachment G – Information regarding The Beau Sejour historical site, dated 7/13/2022
- Town of Oyster Bay Short EAF Addendum, prepared by R&M, dated 8/2/2023
- *Traffic Assessment* (TA), prepared by R&M, revised 8/8/2023
- *Stormwater Pollution Prevention Plan* (SWPPP), prepared by Kosuri Engineering & Consulting, P.C., dated 7/27/2023.

The environmental review of this application also included inspection of the subject premises and surrounding area. Additionally, there was a series of comments and responses, telephone conferences, emails and follow-up correspondence whereby the Applicant provided additional information as requested by DER in order to complete the requisite environmental review of the proposed action in conformance with the “hard look” standard under SEQR. The information provided below summarizes the extensive information reviewed by DER to arrive at the Recommended Determination of Significance of a Negative Declaration in accordance with the SEQR/TEQR standards.

TEQR REPORT (RECOMMENDED DETERMINATION OF SIGNIFICANCE)  
 320 Central Avenue, Bethpage (Muslims on Long Island)  
 August 24, 2023

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## **Land Use and Zoning**

### **Land Use**

The subject property comprises an area of 1.30± acres and currently is used as a house of worship operating in the building on the westerly portion of the site (Lot 7). There is a second building on the easterly portion of the subject property (Lot 9), which was previously occupied for commercial purposes, as a restaurant. There is also a small storage shed in the northwest corner of the parking area on Lot 7.

Under the proposed action, the two existing buildings on the subject property would be demolished, along with other improvements (e.g., pavement, curbing, landscaping, etc.). Upon the completion of the demolition phase of the project, the site will be redeveloped with an expanded house of worship, which will continue to serve the congregation currently utilizing the site. Therefore, based on the information provided by the Applicant, although the proposed action will increase the size of the house of worship on the subject property (from 2,521± SF in a single-story building, to 16,003± SF in a building with two stories above-grade and a basement), the intensity of the use on the site is not expected to increase. Furthermore, the second existing building on the site, containing 1,992± SF of floor area in one story, will be demolished under the proposed action, and will not be available for potential occupancy with the previous restaurant or other use.

According to the information provided in the application documentation submitted to DER, the current utilization of the subject property as a house of worship, which will continue under the proposed action, involves limited hours of on-site activities. More specifically, the current/proposed hours of operation for the mosque are every day for 45 minutes each at: 45 minutes before sunrise, 1:15 p.m., 5:30 p.m., sunset, and 9:00 p.m. Additionally, an after-school program operates between 5 p.m. and 7 p.m. on weekdays; and Sunday school occurs between 10 a.m. and 1 p.m. The highest level of activity occurs, and will continue to occur, during prayer periods on Friday afternoons, typically between 12:30 p.m. and 2:30 p.m.; this does not coincide with the evening and Saturday/Sunday time periods when area residents are most likely to be at home.

Land uses within a half-mile radius surrounding the subject property are summarized below:

- North – single-family residences immediately adjoining along Kearney Avenue, with additional single-family uses further to the north
- West – A stormwater recharge basin immediately adjoining, with single-family residences on the north side of Central Avenue further to the west and senior citizen multi-family residences beyond that (at a distance of about 650 feet from the subject property); there also are several small multi-family residences and commercial uses along the south side of Central Avenue to the west-southwest of the subject property, with single-family residences beyond that
- South – Central Avenue, a Nassau County thoroughfare with four travel lanes (and an additional center lane for left turns) adjoining, with single-family residences further to the south on the opposite side of Central Avenue; there also is a commercial use in a converted residential structure across Central Avenue, at the southwest corner of the Stewart Avenue intersection
- East – Stewart Avenue, a Nassau County thoroughfare with four travel lanes (and an additional center lane for left turns) adjoining, with institutional uses (Police Athletic League facility and Nassau County Police Department booth) on the opposite side of Stewart Avenue, and a mix of commercial and residential uses beyond that
- Southeast – There is a gasoline service station diagonally across from the subject property on the opposite side of the Central Avenue-Stewart Avenue intersection, with additional commercial



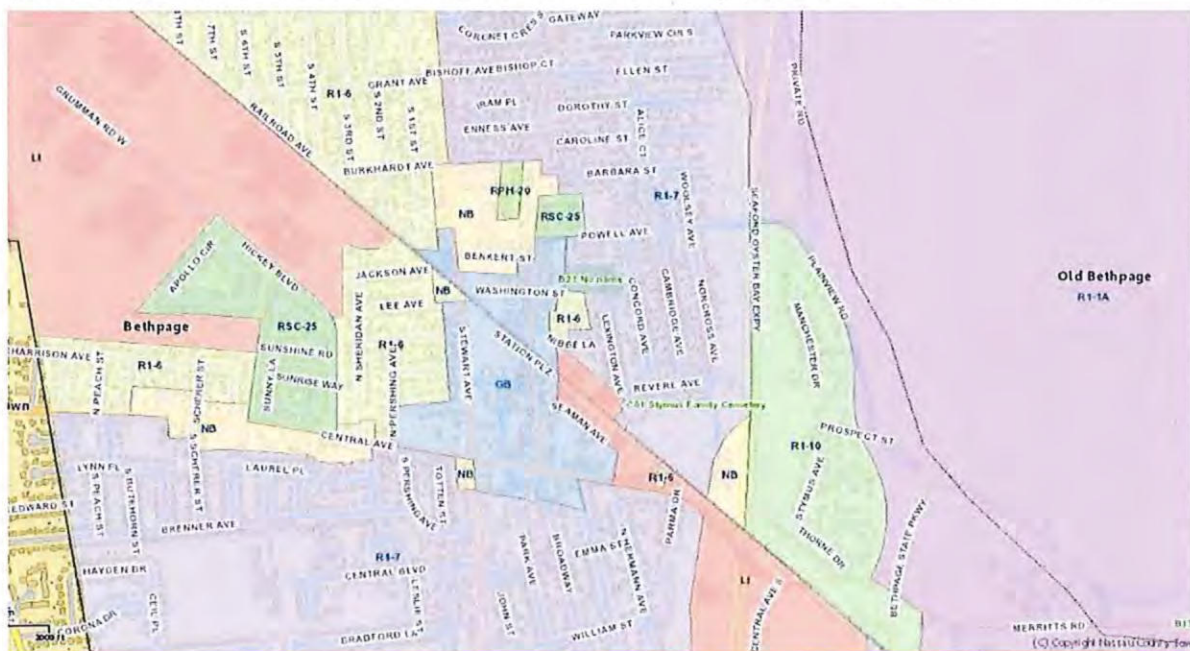
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uses further to the east on the south side of Central Avenue, and single-family residences to the south of the Central Avenue commercial strip.

### Zoning

The subject property is located within the Town's General Business (GB) zoning district. The existing and proposed institutional use (house of worship) is a permitted principal use in the GB zone. The GB District also allows a wide range of commercial facilities as permitted principal uses (e.g., banks, business services, collateral loans brokers, fast-food restaurants, offices, personal services, restaurants, retail stores, undertaking establishments, motor vehicle dealerships, and taxi or limousine services) or by special permit from the Town Board (e.g., rooming or boarding houses, congregate care assisted living facilities, game rooms, active recreation uses, fitness centers over 3,500 SF, private membership clubs, theaters, animal hospitals, bars, catering services, commercial greenhouses, night clubs, drive-through services for fast-food restaurants, fast-food restaurants in stand-alone buildings, lodging places, self-storage facilities, motor vehicle fuel sales, and motor vehicle rental facilities). Many of these uses typically experience higher levels of activity and more prolonged occurrence of peak activities as compared to the existing/proposed religious use.

As shown in the map below, the GB district in which the subject property is located includes the adjoining parcels to the west (recharge basin) and north (residential uses) and extends along both sides of Central Avenue to the east of the Stewart Avenue intersection, and also to the north of the site along both sides of Stewart Avenue. The small cluster of commercial uses to the south of the subject property, at the southwest corner of the Central Avenue-Stewart Avenue intersection, is in a Neighborhood Business (NB) District. The only adjacent area of residential zoning, an R1-7 One-Family Residence District (minimum required lot area of 7,000 SF), lies to the south of the subject property, across Central Avenue, to the west of the small NB District. The senior residence community to the west of the subject property (at a distance of about 650 feet) lies in an RSC-25 Multi-Family Senior Citizen Residence District.



TEQR REPORT (RECOMMENDED DETERMINATION OF SIGNIFICANCE)  
 320 Central Avenue, Bethpage (Muslims on Long Island)  
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### Conclusion

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with respect to land use and zoning.

### Transportation

The current SEQR/TEQR regulations and guidance documents require analysis of potential transportation-related impacts of a proposed action, beyond just traffic and parking. As such, DER requires that applicants prepare a comprehensive Transportation Information Assessment Report, in accordance with industry standards, SEQR standards and TEQR concerns. DER has prepared a Transportation Information Request Addendum (TIRA), which incorporates the most recent SEQR standards (per the SEQR regulations, at 6 NYCRR Part 617, effective January 1, 2019) and concerns often expressed by residents and the lead agency during the application review process and in public hearings. Pursuant to these standards, the Applicant's transportation consultant, R&M, prepared a *Traffic Assessment* (TA, as revised 8/2/2023) which includes a completed TIRA for the proposed action. The information presented below is based on the TA/TIRA, as revised and supplemented based on review and commentary by DER and its transportation consultant L.K. McLean Associates, P.C. (LKMA). LKMA has concurred with the findings and conclusions presented in the TA and has determined that no additional information is necessary for the purposes of the TEQR review of potential transportation impacts.

### Traffic

As discussed previously, the Applicant has indicated that the purpose of the expanded mosque is to better accommodate the needs of the existing congregation and is not intended to increase the number of people on the site. Therefore, it is not expected that the proposed action will result in a significant increase in the volumes of site-generated traffic or related impacts on the surrounding roadway system. However, the proposed redevelopment will modify access to the site and the pattern of internal vehicular circulation. Specifically, the proposed site layout plan will provide a cross-connection between the westerly and easterly parking areas on either side of the new mosque, thereby eliminating the existing condition whereby vehicles traveling between the two areas must exit onto the adjacent public roadways before re-entering the site; and the proposed site redevelopment also will modify the configuration of the site driveways, which will alter the distribution of site-generated trips to and from the surrounding roadways.

The subject property currently is served by four driveways: two driveways on Central Avenue serving the westerly parcel (Lot 7) containing the existing mosque building; and one driveway each on Central Avenue and Stewart Avenue serving the easterly parcel (Lot 9) containing a building that previously had been occupied with a restaurant use, which has an area of asphalt pavement that currently is being used for mosque parking. On Lot 7, the easterly driveway is marked for entering traffic only and the westerly driveway is marked for exiting traffic only; the exit driveway is also posted with a No-Left-Turn sign. No restrictions currently are identified for the two driveways on Lot 9.

Under the proposed site redevelopment plan, the number of driveways on Central Avenue will be reduced from three to two, both of which will accommodate two-way traffic, as will be the case for the third proposed driveway to be retained on Stewart Avenue. All three proposed driveways will be posted with No-Left-Turn signs for entering and exiting traffic (i.e., all incoming and outgoing traffic will be restricted to right turns only). The combined effect of the proposed reconfiguration of the site driveways and internal circulation pattern will be not only to enhance convenience for mosque congregants (particularly with respect to the establishment of an internal cross-connection), but also to improve traffic safety by retaining vehicles on-site for travel between the two parking areas, eliminating one of the four

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existing driveways, and providing for more controlled access with additional signage (i.e., permitting only right turns for all ingress and egress movements to and from the site).

The TA performed a capacity analysis for the signalized intersection of Central Avenue at Stewart Avenue in consideration of the adjusted distribution patterns that will result from the proposed modifications to site access and internal circulation. Capacity analyses were also conducted for the three proposed unsignalized site driveways.

Existing traffic volume data were collected by R&M on Friday, October 22, 2021, and Friday, October 29, 2021, from 12 p.m. to 6 p.m. on each day. As these observations were conducted during the COVID-19 Pandemic, traffic levels observed may not have been representative of typical (pre-Pandemic) traffic conditions. Therefore, in accordance with guidelines issued in an 8/11/2020 Memorandum from the New York State Department of Transportation (NYSDOT), titled "Traffic Data Collection Guidance during COVID-19 Pandemic," the observed data were examined to determine if any adjustments were necessary to account for Pandemic-related traffic volume effects. R&M obtained historical traffic volume data in the form of Annual Average Daily Traffic (AADT) reports from NYSDOT for Stewart Avenue and Central Avenue. The AADT data were adjusted to the year 2021 using an annual 0.7 percent growth factor specific to the southern portion of Town of Oyster Bay obtained from NYSDOT, and the results were compared to the existing traffic volumes observed in the field by R&M, which determined that the two data sets were comparable and that no adjustments to the observed traffic volumes were necessary to account for the effect of the Pandemic.

Existing traffic volumes were further adjusted by 0.7 percent per year to account for future growth in background traffic from 2021 through the projected year of completion of the proposed development in 2024. Additionally, P&D was consulted to identify any other proposed or pending development projects in the vicinity of the subject property that could potentially impact the study intersections. Based on R&M's analysis of the information provided by P&D, it was determined that the traffic generated by two proposed/pending projects should be included in the analysis of the "No Build Condition": a day care use for a church at 192 Broadway, Bethpage; and a self-storage facility at 1000 Hicksville Road, Bethpage.

Intersection capacity analysis was performed for the No Build Condition to model operations at the study intersections in the project build year (2024) using the existing traffic volume data collected in the field, adjusted to account for future growth as described above. This analysis utilized the 6<sup>th</sup> Edition of the Highway Capacity Manual and McTrans Highway Capacity Software (HCS7), which provide the transportation engineering standard methodology for such studies. The results for the No Build analysis served as the basis of comparison for the 2024 "Build Condition" which uses the same methodology to model traffic operations at the study intersections with the additional traffic generated by the proposed development.

As noted previously, the Applicant has indicated that the proposed action is intended to better serve the mosque's existing congregation and is not expected to increase its size. Therefore, the overall trip generation volume for the proposed site redevelopment was assumed to be equivalent to existing conditions as recorded at the four existing site driveways on two Fridays in October 2021, between 12 p.m. and 6 p.m. on each day. During the peak hour of activity at the mosque, between 2:30 p.m. and 3:30 p.m., 233 total trips (110 entering, 123 exiting) were observed. Truck traffic for the existing/proposed mosque is limited to typical delivery vehicles (e.g., FedEx, UPS, U.S. Postal Service, etc.), in addition to solid waste collection trucks.

The trip generation calculated for the proposed facility was distributed to the surrounding roadway system based on the existing traffic flow along the adjacent segments of Central Avenue and Stewart Avenue, accounting for the proposed modifications of permissible traffic movements (i.e., only right turns will be allowed at the three driveways on the redeveloped site). The intersection capacity analyses in the TA



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show that the signalized intersection of Central Avenue at Stewart Avenue will experience negligible changes to delay conditions and no change to Level of Service (LOS)<sup>1</sup> for all movements and for the overall intersection during the peak hour for the proposed facility. All three proposed unsignalized site driveways will experience a peak-hour LOS of B, with minimal average delays of approximately 12 to 13 seconds. The Build Condition at the project driveways generally will be improved from the No Build Condition since the left turns occurring under the No Build Condition (as well as the Existing Condition), which require gaps in the traffic stream on the adjacent roadway in both directions, will be eliminated under the No-Left-Turn restriction as proposed for the redeveloped site.

In order to assess the safety of the surrounding roadway network, the TA included an accident (crash) analysis for the intersection of Central Avenue at Stewart Avenue. Accident data were obtained from NYSDOT for the three years spanning from 1/1/2017 to 12/31/2019. This data period includes accidents that occurred prior to the beginning of the COVID-19 Pandemic in the United States. No fatal accidents were recorded during the study period; and rear-end and overtaking collisions were the most frequent collision types, which is common for a signalized intersection. Additionally, although the accident rate at this location is above the State-wide average, R&M's experience indicates that accident rates on Long Island frequently are higher than the State-wide average. Additionally, no accidents involving pedestrians or bicyclists were recorded at the Central Avenue-Stewart Avenue intersection. Therefore, the TA concludes that there should not be any issues with pedestrians crossing Central Avenue or Stewart Avenue to access the proposed mosque, as is already occurring for the existing mosque.

In connection with traffic safety, the TA also includes an assessment of sight distances at the proposed driveways. This analysis indicates that the available sight distances will exceed the 385-foot standard of the American Association of State Highway and Transportation Officials (AASHTO) for passenger vehicles, given the adjacent roadway configurations and posted speed limits, as well as restrictions that will be imposed limiting all movements at these driveways to right turns-only, as follows:

- West Driveway on Central Avenue – 480± feet, when looking to the east for exiting right turns
- East Driveway on Central Avenue – 820± feet, when looking to the east for exiting right turns
- Driveway on Stewart Avenue – 950± feet when looking to the north for exiting right turns.

Short-term traffic impacts may occur during construction of the proposed facility, which is anticipated to occur over an approximate six-month period. However, large construction vehicles necessary for site development will initially be brought to the subject property and will remain there until the completion of the work. These larger vehicles (e.g., for excavation/grading) will not be traveling back and forth daily, unlike construction worker vehicles (primarily passenger vehicles and pickup trucks) which will be going to and from the site on a daily basis as the work progresses.

Construction activities will be conducted almost entirely on-site. Some relatively short-term work may occur in adjacent public rights-of-way; however, any such work will be undertaken in accordance with the requirements of and in coordination with the responsible roadway agency (i.e., NCDPW) to ensure traffic maintenance during construction and avoid significant impacts to traffic flow. No construction-related traffic impacts are anticipated in local residential neighborhoods, as trucks will travel along the adjoining main roadways (Central Avenue and Stewart Avenue) and will not use residential streets. The TA estimates that approximately 10 to 12 daily truck round-trips will be generated by construction of the proposed facility.

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<sup>1</sup> LOS is based on the average stopped delay for vehicles passing through an intersection, with values ranging from "A" for minimal delays to "F" for significant delays.



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### Potential Cumulative Traffic Impacts

As noted previously, in calculating traffic volumes for the No Build condition, the TA adjusted existing traffic volumes observed in the field to account for the potential cumulative impacts of other pending development projects identified by the Town that potentially could generate significant traffic volumes beyond typical background traffic growth. Specifically, the No-Build scenario at the study intersections analyzed in the TA considered the effect of development applications that were pending at the time of the fall 2021 traffic counts for projects at 192 Broadway (a day care use) and 1000 Hicksville Road (a self-storage facility), both in Bethpage, as well as an additional 0.7 percent annual increase to account for growth in ambient traffic volumes.

### Parking

The existing mosque is served by a total of 93 on-site parking spaces. However, this parking is split into two non-interconnected areas, whereby drivers who enter a full parking area in one portion of the site must exit onto the adjacent roadways to arrive at the other parking area. The proposed site redevelopment includes a cross-connection, providing the benefit of allowing internal vehicular movement between the two parking areas.

To accommodate the internal cross-connection and expanded footprint of the new mosque, the proposed redevelopment plan will reduce on-site capacity by nine spaces, to 84 spaces. The Zoning Code requires that the proposed facility provide 169 on-site parking stalls, based on a standard of one stall per three persons at maximum occupancy, which is calculated at 506 persons. Therefore, a variance will be required from the Zoning Board of Appeals.

The TA includes an analysis of parking demand for the proposed facility based on field observations for the current mosque operation. It was determined that 73 on-street parking spaces are available within the surveyed areas (i.e., 20 spaces on Central Avenue, 30 spaces on Totten Street, and 23 spaces on South Perishing Avenue). Observations conducted by R&M on Friday, October 22, 2021 and Friday, June 16, 2023 determined that the peak parking demand occurred during worship services at 1:30 p.m., with 143 vehicles parked (88 vehicles on-site and 55 vehicles on-street), leaving a minimum of 14 vacant parking spaces within the area. Therefore, even with the overflow parking associated with peak activity at the subject property under proposed conditions, including a nine-space decrease in on-site parking capacity, parking will remain available along the adjacent public streets to accommodate the parking needs of the community during the limited time periods of peak activities at the mosque.

It is important to note that highest levels of parking demand for the mosque, under both existing and proposed conditions, occurs only during the prayer periods on early Friday afternoons (typically between 12:30 p.m. and 2:30 p.m.), which does not coincide with the evening and Saturday/Sunday time periods when area residents are most likely to be at home. This is expected to moderate the impact of any increased on-street parking demand created by the proposed facility.

### Public Transportation, and Pedestrian and Bicycle Accommodations

The TA indicates that the nearest public bus service, a Nassau Inter-County Express (NICE) route, occurs along Hempstead Turnpike, located about 0.9 mile to the south of the subject property, which is not considered convenient for most people. However, Bethpage LIRR Station is only about 0.25 mile from the site, which is within easy walking distance for most people.

An on-site bicycle rack is included in the proposed development plan, which may help to encourage transport via bicycle in lieu of the use of personal vehicles. The adjacent intersection of Central Avenue at Stewart Avenue includes painted crosswalks and pedestrian activation controls and signals, which help to facilitate safe pedestrian movements. The submitted site plan drawings show that new handicapped

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access ramps and sidewalk restoration will occur along the roadway frontages of the subject property under the proposed redevelopment plan.

Input from Transportation Agencies

R&M has consulted with NCDPW regarding the proposed scope of work within the County roadway rights-of-way on Central Avenue and Stewart Avenue, and has provided DER with documentation, in an email dated 9/28/2022 from NCDPW's 239-f Application Administrator, indicating the project has been approved.

Transportation Resources Impact Summary and Conclusions

A comprehensive analysis was prepared to examine the potential impacts of the proposed action on transportation resources, in accordance with SEQR/TEQR requirements and industry standard practices. Based on the information summarized herein, DER concurs with the conclusion of the Applicant's traffic consultant (R&M) and the review of same by DER's traffic consultant (LKMA) that the proposed development would not have a significant adverse impact on the traffic operations of the adjacent roadway network or transportation resources in the Town of Oyster Bay. Specifically, LKMA states in their final review memorandum, dated 8/22/2023, as follows:

*...the Town of Oyster Bay Department of Environmental Resources (DER) utilizes a revised Transportation Information Request Addendum (TIRA) that is intended to supplement the analysis of transportation-related impacts beyond what is typically provided in a typical Traffic Impact Study. Toward this end, a checklist has been developed that itemizes the analyses required by the TIRA and the adequacy of the information provided in addressing each issue. A copy of the revised TIRA checklist is attached providing our comments on this submission with regard to the adequacy of the updated submission in addressing the requirements of the TIRA. As can be seen, all transportation related issues have been addressed to the extent possible given the proposed site configuration. The materials submitted to date provided a thorough analysis of transportation resources which encompassed the potential short-term, long-term and cumulative impacts of the proposed action, as well as any potential direct or indirect/secondary impacts. Based on our review of these materials, it is LKMA's professional opinion that no significant adverse environmental impacts pertaining to transportation resources as a result of the proposed action are likely.*

DER worked closely on the review of the transportation aspects of this proposed action and meticulously reviewed all drafts and correspondence regarding this matter. DER concurs with the analysis prepared by R&M, and the ultimate conclusions by LKMA, that the proposed development will not cause significant adverse environmental impacts as it pertains to transportation resources in the Town of Oyster Bay in accordance with SEQR/TEQR standards.

Use and Conservation of Energy

The subject property is connected to existing utility services, including PSEG LI for electricity. The proposed action is not expected to place a significant burden on this utility, based on its consistent ability to adequately service new development in the area and given that the proposed action involves the replacement of two existing buildings totaling 4,513± SF with a new building of 16,003± SF, and considering that the new building will be required to comply with the current New York State Energy Code. See the section below titled "Climate-Smart Communities Considerations" for discussion of measures that will be included in the proposed project to minimize energy consumption, including the installation of a "cool roof" or similar design, continuous insulation, bicycle racks, Continuous Air

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Barrier, energy-efficient glazing, high-efficiency HVAC systems, LED technology and automated occupancy sensors for lighting.

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with respect to energy use, provided the specified energy conservation measures are implemented.

#### **Climate-Smart Communities Considerations**

The Town of Oyster Bay is a registered Climate Smart Community and is committed to reducing greenhouse gas emissions and adapting to a changing climate. These goals are being advanced through the ten Program components, as follows:

- 1) Build a climate-smart community
- 2) Inventory emissions, set goals, and plan for climate action
- 3) Decrease energy use
- 4) Shift to clean, renewable energy
- 5) Use climate-smart materials management
- 6) Implement climate-smart land use
- 7) Enhance community resilience to climate change
- 8) Support a green innovation economy
- 9) Inform and inspire the public
- 10) Engage in an evolving process of climate action.

In consideration of the Town's Climate-Smart Communities registration, DER has been requesting that applications subject to SEQR/TEQR meaningfully consider incorporating energy demand reduction and environmentally sustainable features into the project design in a manner that advances the Town's Climate Smart Community Program goals. In accordance with this program priority, the Applicant has incorporated the following measures into the proposed action:

- The proposed building will include a "cool roof" or thermo-plastic polyolefin (TPO) membrane to reduce heat island effect
- Continuous insulation will be installed around the building envelope to provide an uninterrupted thermal barrier to eliminate heat loss and increase overall thermal performance
- As rain garden will be installed in the parking lot
- A rainwater harvesting system will be installed, designed with cistern storage for five inches of stormwater runoff from the roof of the proposed building, to supplement the on-site irrigation system
- The proposed landscape plan consists of species that are native and/or well adapted to local conditions, thereby minimizing the need for irrigation
- Bicycle racks will be installed to encourage the use of this non-motorized transportation mode
- A Continuous Air Barrier will be installed around the building perimeter to conserve energy

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- All glazing will be energy-efficient architectural glass to reduce heat absorption
- High-efficiency HVAC systems and LED lighting will be utilized to reduce energy consumption
- Automated occupancy sensors will be installed on all lighting to realize the greatest lighting efficiency.

Based on the foregoing, it is concluded that the proposed action is consistent with the Town's goals and objectives with respect to Climate Smart Communities considerations, provided that the specified measures are implemented.

### **Soils and Topography**

The subject property is fully developed with two buildings and associated pavement and landscaping, is classified in the Nassau County Soil Survey as being covered by Urban Land soil type (which consists of urbanized areas where a high percentage of the land surface is in man-made impervious cover) and has essentially level topography. These conditions do not typically pose significant challenges for further site development. The proposed project will retain the level character of the subject property.

R&M estimates that grading required to construct the new parking lot area will result in 1,598 cubic yards (cy) of net cut. Additional cut material will be generated with excavation for the new drainage infrastructure (1,018 cy) and the basement of the new building (3,219 cy). Overall, there will be a total net export of 5,835 cy, as quantified in the cut and fill calculations in the submitted site plan drawings (Sheet C-4.4). This excess cut material for the proposed site redevelopment will be trucked to a licensed disposal facility using the arterial roadways (Central Avenue and Stewart Avenue) which adjoin the subject property.

Mitigation for potential impacts related to soil erosion and sediment transport during construction of the proposed development will be provided by the proper implementation of a SWPPP, which has been prepared in preliminary form for SEQR/TEQR review by DER and will ultimately require review and approval by the Town DPW prior to the issuance of a building permit. The SWPPP has been based on the Erosion & Sediment Control Plan submitted with the site plan package (Sheets C-5.1 and C-5.2), as discussed further in the section of this report titled "Surface Water Resources." With the establishment of permanent cover (i.e., pavement and landscaping), the subject property is not expected to be susceptible to soil erosion during operation of the completed development.

The documentation submitted to DER for the TEQR/SEQR review of the proposed action includes a NYSDEC database search, which does not indicate that the subject property has been impacted by contamination. The proposed building will be connected to the existing natural gas supply, thereby avoiding on-site storage of petroleum products for heating purposes which poses the potential for environmental impacts if not properly managed.

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with respect to soils and topography, provided that the specified mitigation measures are implemented, as identified in the SWPPP and associated Erosion & Sediment Control Plan.

### **Flora and Fauna**

The subject property is a 1.30±-acre parcel which currently is fully developed with impervious surfaces (buildings and pavement) and landscaping vegetation, and is surrounded by fairly dense suburban development. There is no indication that the site or surrounding area contains or supports any species that

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is endangered or threatened, of special concern, or otherwise important or unusual. Based on these conditions, the subject property does not possess significant ecological value.

The proposed development includes the installation of 0.11± acre of landscaping (not including 0.17± acre of turf) which, as depicted in the submitted Landscape Plan (Sheets C-9.1.1 and C-9.2), will consist of a diverse range of species that are native or well adapted to the area. Thus, although the proposed action will decrease the area of vegetation on the subject property, this will be offset to some degree by replacing the low-quality plantings that currently occupy the site with higher value vegetation.

The proposed development will result in the removal of seven trees on the subject property. However, these trees mostly are small in size; and a total of 21± new trees will be planted on the redeveloped site, which will be focused on varieties that are native or drought-tolerant. One existing on-site tree to be retained under the proposed redevelopment plan will be surrounded by protection fencing to prevent inadvertent disturbance during construction. The proposed Landscape Plan also includes a large number of shrubs and perennials which, along with the new trees, may provide a small amount habitat on the site.

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with respect to ecological resources.

### **Surface Water Resources**

The subject property does not contain and is not proximate to any surface waters or wetlands, nor is it located in the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA). The on-site storage capacity of the existing stormwater infrastructure is not specified in the application submission documents and the degree to which runoff currently discharges off-site to adjacent roadway drainage systems is unknown.

The proposed development includes the installation of a new on-site stormwater drainage system, primarily consisting of catch basins, piping and dry wells (leaching pools). Storage capacity will be provided to accommodate runoff from the eight-inch storm event, in accordance with NCDPW standards, as depicted in the submitted Grading and Drainage Plan (Sheet C-4.13). Specifically, the proposed development will provide 237.0 linear feet of ten-foot diameter leaching pools, which is 1.1 percent greater than the 234.5 linear feet of leaching pools necessary to provide storage capacity for the eight-inch rainfall event.

In addition to on-site stormwater storage capacity to be provided in a network of on-site leaching pools, the proposed redevelopment project includes the construction of a rain garden in the easterly portion of the parking lot, as detailed in the submitted Landscaping Plan (Sheets C-9.1.1 and C-9.3.1). Additionally, the proposed action includes a rainwater harvesting system with cistern storage for runoff from the roof of the proposed building to supplement irrigation water for site landscaping. These features are green infrastructure practices which help to protect and preserve water resources.

Given that land disturbance for the proposed development will encompass the entire 1.30±-acre area of the subject property, which exceeds the one-acre threshold under NYSDEC criteria, the preparation of a SWPPP is required. As discussed previously, a preliminary SWPPP has been prepared and was included in the SEQR/TEQR review conducted by DER. Prior to the issuance of a building permit, the SWPPP will require review and approval by the Town DPW, after which it will be filed with NYSDEC. The preliminary SWPPP provides details of the erosion controls to be employed during construction, as well as the need for a long-term operation and maintenance plan, consistent with the NYS Standards and Specifications for Erosion and Sediment Control. In addition, the proposed development is required to conform to the standards and specifications in the New York State Stormwater Management Design Manual (as required by the Town Code), which provides criteria for minimizing erosion and sediment

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impacts from construction activity involving soil disturbance. Prior to any ground disturbance for the proposed development, erosion and sediment control measures will be installed and maintained throughout the course of construction. As shown in the submitted Erosion & Sediment Control Plan (Sheets C-5.1 and C-5.2), best management practices will be implemented for the duration of construction to minimize potential adverse impacts related to erosion and sediment transport. This includes, but is not limited to, silt fencing, wind screen, stabilized construction entrance and vehicle washdown area, inlet protection, concrete washout area, designated stockpile areas, temporary seeding, and dust control (e.g., water spraying).

It is expected that the stormwater management system for the proposed development will require periodic monitoring and maintenance, including cleaning of debris from the catch basins and drywells and flushing of the drainage piping, as necessary, to ensure efficient and proper functioning over the long-term. These measures, which are identified in the preliminary SWPPP, will be subject to a drainage maintenance agreement executed between the owner and the Town, to be filed with Nassau County Clerk's Office.

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with respect to surface water resources, provided that the specified mitigation measures are implemented in the form of the SWPPP and associated Erosion & Sediment Control Plan, and provided that there is proper long-term maintenance of the permanent stormwater management system in accordance with the terms of the SWPPP.

### **Groundwater**

The subject property is located in the deep recharge area of the Long Island groundwater aquifer system. Sewage generated by the existing mosque on the subject property is discharged to the Nassau County sanitary sewer system connection which serves the site. This wastewater is conveyed for treatment at Nassau County's Cedar Creek sewage treatment plant in Wantagh, with treated effluent discharged to the Atlantic Ocean.

The proposed, expanded mosque will be connected to the municipal sanitary sewer system which currently serves the site, thereby helping to minimize impacts to groundwater beneath the site. No other liquid waste is expected to be generated by this development. Furthermore, the proposed facility will not involve the storage or use of hazardous materials; and the submitted Landscape Plan (Sheets C-9.1.1 and C-9.2) is predominantly comprised of plant species that are native or naturalized, which will help to minimize water usage and the application of landscaping chemicals, thereby also advancing the goal of groundwater protection.

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with respect to groundwater resources.

**Special Groundwater Protection Area (SGPA)/Critical Environmental Area (CEA)** – The subject property is not situated within the SGPA or any other area designated as a CEA.

### **Air Quality, Odors, Noise, and Lighting**

Under existing conditions, the house of worship on the subject property is not a significant source of air emissions, odors, noise or lighting. The proposed development will continue the existing use in an expanded building which, according to the Applicant, is intended to better accommodate the current congregation. Therefore, the level of activity at the site is not anticipated to increase appreciably under



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the proposed action, which will moderate project-related impacts to these environmental parameters, as discussed in more detail below.

#### Air Quality

The existing/proposed use of the subject property, a house of worship, does not involve significant air emissions. As the level of activity at the site is anticipated to remain essentially the same under the proposed action, any small amount of air emissions that are associated with this use (e.g., vehicle exhaust) would not significantly increase.

Any temporary impacts related to airborne dust generated during construction would be addressed by standard mitigation measures, such as soil-wetting and/or temporary stabilization, as required in the SWPPP prepared in draft form for the SEQR/TEQR review process and which will be finalized through the Town DPW during the building permit phase of the proposed development. If nuisance dust emissions are identified during construction, the work would be halted until the source of such emissions is identified and rectified. See the section of this report titled "Solid Waste Generation" for a discussion of the protocols that will be implemented to prevent exposure to airborne asbestos fibers during the building demolition phase of the proposed development.

#### Odors

The existing/proposed use of the subject property, a house of worship, does not involve the generation of significant odors. It is noted that a kitchen will be installed in the basement of the proposed new building. However, the Applicant has indicated that this kitchen will be used to reheat previously prepared foods, and the kitchen exhaust system will be fitted with baffle filters to control the potential release of any food odors to the exterior air.

#### Noise

The existing/proposed use of the subject property, a house of worship, does not involve significant noise generation, particularly given the limited time periods of peak activities associated with this use (during prayer periods on Friday afternoons, typically between 12:30 p.m. and 2:30 p.m.), which does not coincide with time periods when area residents are most likely to be at home (during evenings, and on Saturdays and Sundays). Furthermore, most activities will be inside the building which, with its expanded floor area, will be better able to accommodate the congregation without overflow to the exterior. As the level of activity at the subject property is anticipated to remain essentially the same under the proposed action, any incidental noise that is associated with the continuing religious use of the site would not significantly increase.

Noise levels at the subject property may be elevated during the approximate six-month construction period for the proposed development. However, such impacts would be temporary, and would be minimized by conformance with the requirements of Chapter 156 of the Town Code (Noise) and adherence to best construction management practices.

#### Lighting

Exterior lighting that is installed for the proposed facility will be of shielded design, as depicted in the submitted Site Lighting Plans & Specs. (Sheet C-11.1), which will help to minimize illumination impacts on neighboring properties. The photometric analysis in this drawing shows that there will not be significant encroachment of illumination for the proposed facility across the property line.

The submitted Site Lighting Plans & Specs. (Sheet C-11.1) specifies that exterior lighting shall be extinguished within one hour of the closing of the proposed facility, unless otherwise approved by the Town, which will help to ensure that illumination impacts to the surrounding area are avoided in the sensitive overnight period.

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### Conclusion

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with respect to air quality, odors, noise and lighting.

### Water Usage and Sewage Generation

The existing house of worship on the subject property is served by Bethpage Water District (BWD) for potable water supply and by the NCDPW for sewage collection, treatment and disposal.

The Applicant has indicated that domestic (in-building) water consumption will not increase under the proposed action, as the intent of the expanded building is to better accommodate the existing congregation. This existing/proposed water demand is estimated at 300± gallons/day, based on a NCDH standard for sewage flow of 1.5 gallons per day (gpd) per capita, and a congregation of 300 persons. As domestic water use typically is assumed to be discharged 100 percent as wastewater, the sewage generation for the proposed facility is also estimated at 300± gpd under both existing and proposed conditions.

The proposed development will require water for irrigation, which will be minimized with the use of rainwater harvesting and the installation of a rain garden which will contain plants adapted to non-irrigated conditions. During periods when water is not available from the rainwater harvesting system, it is estimated that 800± gpd irrigation flow will be required from BWD, to provide 3/4 inch of water within the proposed landscaping area over the 18-week irrigation season. Therefore, the total maximum water demand will be 1,100± gpd.

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with respect to water usage and sewage generation.

### Solid Waste Generation

Solid waste is collected from the existing, active house of worship at the subject property by a private carter, as is generally the case for similar uses throughout the Town; this arrangement will continue with the proposed new facility. The Applicant has indicated that solid waste generation will not increase under the proposed action, as the intent of the expanded building is to better accommodate the existing congregation.

Construction of the proposed facility will require a demolition certification from NCDH, which will be provided to the Town in order for a demolition permit to be issued to remove existing structures from the site. Additionally, an inspector licensed with the New York State Department of Labor (NYSDOL) must survey the existing buildings and structures on the site for the presence of asbestos-containing material (ACM) prior to the commencement of demolition; and if any ACM is identified, it must be abated in accordance with NYSDOL and USEPA regulations. The premises also must be inspected by a USEPA-certified lead inspector, with the results of this inspection provided to NCDH prior to demolition. Lead abatement would be required prior to demolition if the inspection results indicate an exceedance of the applicable USEPA standards. Soil testing for lead beneath and in the vicinity of demolished structures may also be required, with remedial action as necessary based on the results of this post-demolition testing.

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with solid waste management, provided that demolition and disposal of the existing buildings follow the requisite protocols with respect to ACM and lead.



TEQR REPORT (RECOMMENDED DETERMINATION OF SIGNIFICANCE)  
320 Central Avenue, Bethpage (Muslims on Long Island)  
August 24, 2023

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### **Other Community Services**

#### **Emergency Services (Police, Fire and Emergency Medical Services)**

The proposed development will continue the existing house of worship use in an expanded building which, according to the Applicant, is intended to better accommodate the current congregation. Therefore, the level of activity at the site is not anticipated to increase appreciably under the proposed action, which will moderate any project-related impacts on emergency service providers.

#### **Schools**

The subject property is located within Bethpage Union Free School District. Under both existing and proposed conditions, the religious use of the subject property does not place a demand on district services and facilities for the education of school-aged children.

#### **Conclusion**

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with respect to other community services.

### **Public Health and Safety**

The existing/proposed use of the subject property as a house of worship does not entail potentially significant impacts on public health and safety. Standard protocols will be implemented to protect public health and safety with respect to ACM and lead that may be encountered during building demolition, as discussed in the section of this report titled "Solid Waste Generation." A rodent-free certification is required from NCDH prior to the start of demolition of existing structures on the subject property.

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with respect to public health and safety, provided that the requisite protocols and mitigation measures are implemented during project demolition and construction.

### **Open Space and Recreation**

The subject property is privately owned land, which does not comprise public recreational or open space, and is not located adjacent to any public open space, parkland or recreational resources.

The existing/proposed use of the subject property for a house of worship will not increase in the demand for or otherwise impact public recreational and open space assets.

### **Aesthetic Resources and Community Character**

Under existing conditions, the aesthetic character of the subject property is primarily defined by the two buildings and areas of asphalt pavement that occupy about 71.5 percent of the site area. The subject property is fairly well maintained, and has some landscaping treatment that provides screening and aesthetic enhancement along its roadway frontages, particularly between Central Avenue and the mosque building on Parcel 7. Opaque vinyl fencing is present along the entire northerly property line, adjoining a row of residences which front on Kearney Avenue.

The proposed action will remove all existing development on the subject property and replace it with a new two-story mosque building located in the west-central portion of the site, new asphalt-paved parking

TEQR REPORT (RECOMMENDED DETERMINATION OF SIGNIFICANCE)  
 320 Central Avenue, Bethpage (Muslims on Long Island)  
 August 24, 2023

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areas to the east and west of the new building, and new landscaping located primarily in a buffer around the site perimeter, around the foundation of the new building, and in a rain garden in the easterly parking area. The architecture of the new building is illustrated in the submitted Exterior Elevation (Sheet A-300.00) and includes brick façades with arches over doors and windows, and small spires at all four corners and at four other locations along the exterior walls.

Landscape coverage for the proposed site redevelopment will comprise 0.28± acre (21.5± percent) of the redeveloped site, which will help to soften the visual effect of the new building and parking areas and enhance the character of the site. As depicted in the submitted Landscape Plan (Sheets C-9.1.1, C-9.2 and C-9.3.1), the proposed site redevelopment will provide a diverse and colorful range of plant species, trees, shrubs, and perennials. A planted buffer, at a minimum width of 5.5 feet, will be provided along the northerly property line, improving upon the existing condition in which pavement extends essentially to the fence line with the adjoining residential parcels. The landscaping along the site's two roadway frontages will be significantly upgraded from the existing condition, with a diverse mix of plant species to replace areas that currently are dominated by turf grass.

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with respect to visual resources and community character.

#### **Historic and Archaeological Resources**

In correspondence dated 6/30/2022, the New York State Department of Parks Recreation and Historic Preservation (OPRHP) indicates "...it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project."

A historical resource sign is present on the Stewart Avenue frontage of the subject property indicating that the site previously was occupied by The Beau Sejour. The Beau was constructed as a residential mansion between 1847 and 1853, and subsequently was converted to a restaurant which operated from 1908 to 1972 and served numerous rich and famous customers. The Applicant has committed to retaining this sign.

Based on the foregoing, it is concluded that the proposed action will not result in significant adverse impacts with respect to historic and archaeological resources, provided that the historical resource sign identifying the site as the former location of The Beau Sejour is retained.

**CONCLUSION AND RECOMMENDATION** – If the Planning Advisory Board of the Town of Oyster Bay concludes that the foregoing information fully addresses the relevant environmental issues, such that it is determined that the proposed action does not pose the potential for significant environmental impacts, the requirements of SEQR/TEQR can be fulfilled by adopting a **Negative Declaration**, either as part of the approval or as a separate document. In either case, the Negative Declaration should cite the present TEQR report as the basis for the SEQR determination. Additional information regarding the environmental review of the subject application may be obtained by contacting the TEQR Division, Department of Environmental Resources. If the lead agency concurs with this recommendation and proceeds with the adoption of a Negative Declaration for this proposed action, Part III of the NYS SEAF should be signed and returned to DER for filing and completion of the SEQR/TEQR process.

## Short Environmental Assessment Form

### Part 1 - Project Information

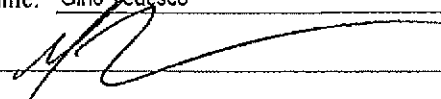
#### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

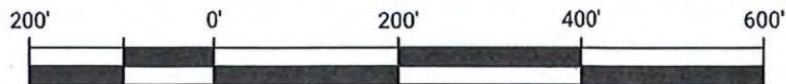
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Muslims on Long Island, Inc. dba Masjid-Al Baqi			
Project Location (describe, and attach a location map): N/W corner of Central Avenue & Stewart Ave, Bethpage, NY OR 320 Central Avenue, Bethpage, NY 11714			
Brief Description of Proposed Action:  Remove two (2) existing one story buildings and construct one new two (2) story place of worship building with a basement. The buildings proposed for demolition have square footages of 2,521.0 SF and 1,992.3 SF totaling 4,513.3 SF of demolished building area. The proposed building has a gross floor area of 16,003.6 SF (5,401.23 SF + 5,301.08 SF + 5,301.08 SF) and a building footprint of 5,543.4 SF including canopies. Improvements include new infrastructure to support the development, new asphalt pavement, curbing, sidewalks, site lighting, and landscaping.			
Name of Applicant or Sponsor:  R&M Engineering, for Muslims of Long Island		Telephone: 631-271-0576 ext. 18  E-Mail: gtedesco@rmengineering.com	
Address:  50 Elm Street			
City/PO: Huntington		State: NY	Zip Code: 11743
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: See Attachment A			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.295 acres	
b. Total acreage to be physically disturbed?		1.295 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.295 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Nassau County, Recharge Basin <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? Refer to attached Traffic Memo	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:  <u>Project will incorporate water saving plumbing fixtures, motion sensor lighting controls and high efficiency HVAC units. A stormwater harvesting system is incorporated into the design to increase water resource sustainability. The building will also incorporate a TPO (Thermo plastic polyolefin) white roof to help in reflecting heat. Refer to Attachment A for a full list of features and technologies.</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
See Attachment A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
See Attachment A			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban   Site is currently developed and used as a religious place of worship.		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? See Attachment A	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan? Site is located in Zone X, minimal flood hazard. Please see the attached FEMA map.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Please see Attachment A for a detailed description of the drainage system.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
NYSDEC remediation database has no record of the subject site or adjoining properties requiring remediation. We have provided spill incident reports for nearby properties. See attachment E.		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Gino Tedesco</u> Date: <u>08/02/2023</u> Signature: <u></u> Title: <u>Associate</u>		





**SITE LOCATION MAP**  
**MUSLIMS OF LONG ISLAND, 320 CENTRAL AVE**  
**BETHPAGE, TOWN OF OYSTER BAY, NASSAU COUNTY NY**



**Robinson & Muller**  
**Engineers, P.C.**  
 50 Elm Street  
 Huntington, NY 11743  
 Office: (631) 271-0576  
 Fax: (631) 271-0592  
[www.rmengineering.com](http://www.rmengineering.com)

DATE:	11/29/2022
SCALE:	1"=200'
JOB No.	2021-182
SHEET:	SM-1





## Town of Oyster Bay Short Environmental Assessment Form ADDENDUM

Town of Oyster Bay Department of Environmental Resources  
29 Spring Street  
Oyster Bay, NY 11771



INSTRUCTIONS: This document is an Addendum to be used for any proposed development project in the Town of Oyster Bay for which the New York State Short Environmental Assessment Form (SEAF) is completed pursuant to the State Environmental Quality Review Act (SEQRA). Please provide any additional information that will be helpful to understanding the proposed action and its potential impacts on the environment as an attachment to this form. Additional information may be requested by DER and may be subject to further verification and public review.

Please enclose a check or money order in the amount of \$300.00 for the review processing fee, made payable to "Supervisor, Town of Oyster Bay", and remit with the completed TOB Addendum, SEAF, and current Site Plan package to the address specified above. DER requires one hard copy and one electronic copy of all submittals/resubmittals transmitted to this office. Depending on the type of project and level of review required, additional fees may apply. If you have any questions, please contact the Department of Environmental Resources at (516) 677-5824.

<b>NAME OF PROPOSED ACTION/PROJECT:</b> Muslims on Long Island, Inc. dba / Masjid Al-Baqi			
<b>LOCATION OF PROPOSED ACTION/PROJECT</b> (Nassau County Tax Map Designation)			
<b>SECTION:</b> 46	<b>BLOCK:</b> 112	<b>LOT(S):</b> 7 & 9	
<b>NAME OF PROPERTY OWNER</b> Muslims on Long Island, Inc.		<b>BUSINESS TELEPHONE</b> (516) 647-2710	
<b>ADDRESS</b> 320 Central Avenue			
<b>CITY/POST OFFICE</b> Bethpage		<b>STATE</b> NY	<b>ZIP CODE</b> 11714
<b>NAME OF CONSULTING FIRM</b> R&M Engineering		<b>NAME OF CONSULTANT CONTACT</b> Gino Tedesco	
<b>ADDRESS</b> 50 Elm Street, Huntington NY 11743		<b>BUSINESS TELEPHONE</b> (631) 271-0576 ext. 18	
<b>CITY/POST OFFICE</b> Huntington		<b>EMAIL ADDRESS</b> GTedesco@RMEngineering.com	
<b>NAME OF LEGAL REPRESENTATIVE</b> Syed Sarfraz Subzwari		<b>BUSINESS TELEPHONE</b> (516) 647-2710	
<b>ADDRESS</b> c/o 320 Central Avenue			
<b>CITY/POST OFFICE</b> Bethpage		<b>STATE</b> NY	<b>ZIP CODE</b> 11714

### A. Site Description

- Previous use(s) of the site of the proposed action:  
300 Central Avenue - Restaurant prior to 1999, Mosque since 1999.  
320 Central Avenue - Restaurant prior to 2011, Mosque since 2011.

NOTE: A Phase I Environmental Site Assessment or equivalent information regarding on-site conditions typically will be requested for any property which currently contains or previously contained a facility or use (e.g., gasoline service station, motor vehicle repair shop, manufacturing plant, etc.) entailing the generation, storage or use of significant quantities of hazardous substances or wastes.

### 2. Approximate Acreages

	Without Proposed Action	After Completion
Forested	N/A acres	N/A acres
Meadow or Brushland	N/A acres	N/A acres
Freshwater Wetland	N/A acres	N/A acres
Tidal Wetland	N/A acres	N/A acres
Unvegetated (rock, earth or fill)	N/A acres	N/A acres
Roads, Buildings and Other Paved Surfaces	0.930 acres	1.01889 acres
Turf Grasses	0.21852 acres	0.16572 acres
Other Landscaping Vegetation	0.14568 acres	0.11048 acres
Other (indicate type)	N/A acres	N/A acres

**B. Description of Proposed Action****1. On-site parking capacity for the overall site (i.e., marked parking stalls):**

<u>46 West, 47 East</u>	# of existing spaces
<u>84</u>	# of proposed spaces (separately indicate # of land-banked spaces, if any)
<u>169</u>	# of spaces required for proposed condition under Town of Oyster Bay Zoning Code

**2. Estimated maximum increase in site-generated traffic (entering + exiting trips combined) during peak one-hour periods under proposed action:**

	Peak-hour two-way traffic volume	Peak-hour period (start time-end time)
Weekday morning	No anticipated increase in site-generated traffic.	No anticipated increase in site-generated traffic.
Weekday afternoon	No anticipated increase in site-generated traffic.	No anticipated increase in site-generated traffic.
Weekend (usually Saturday mid-day)	No anticipated increase in site-generated traffic.	No anticipated increase in site-generated traffic.

Identify source of vehicular trip generation information (e.g., *Trip Generation* manual published by Institute of Transportation Engineers [specify the edition and Land Use Codes employed], actual counts [include date of counts and who conducted them], etc.).

Please refer to Attachment A.

- 3. Total volume of excavation to occur on-site under proposed action:** 5,022 cubic yards  
**Purpose of excavation (e.g., basement, drainage structures, etc.):** Basement, drainage rings, footings  
**Total volume of fill to be imported to site under proposed action:** 785 cubic yards

- 4. Does the site of the proposed action contain slopes with gradient steeper than 25%?** ☐ Yes ☒ No  
**a. If yes, what is the area with slopes greater than 25% that would be disturbed under proposed action?** N/A acres  
**b. If yes, what measures will be implemented to mitigate erosion and sediment transport?**

- 5. Describe any vegetation to be removed under proposed action, particularly any trees with diameter greater than 8 inches (measured 4 feet above grade).**  
Two 10" Bloodgood Maples, two 10" Honey Locusts, one triple trunked Black Cherry (12"/12"/10"), and two Lindens (24"/20").  
 Refer to schedule of removals on Landscape Plan.

- 6. Is the site of the proposed action located in the Special Groundwater Protection Area?** ☐ Yes ☒ No  
 If yes, refer to Section 246-5.4.7 of Oyster Bay Town Code, Aquifer Protection Overlay (APO) District, and provide the following information:
- a. Proposed Disturbance of Natural Vegetation** \_\_\_\_\_ sq. feet **Maximum Permitted Disturbance of Natural Vegetation (§246-5.4.7.3.1)** \_\_\_\_\_ sq. feet  
**b. Proposed Lot Coverage** \_\_\_\_\_ sq. feet **Maximum Permitted Lot Coverage (§246-5.4.7.3.2)** \_\_\_\_\_ sq. feet  
**c. Describe proposed action's consistency with the best management practices and other standards set forth in §246-5.4.7.3.3 through §246-5.4.7.3.6:**

- 7. Does the site of the proposed action contain a local historic resource as designated by the Town of Oyster Bay?** ☒ Yes ☐ No  
**a. If yes, explain/describe:**  
Please see Attachment A for a detailed description.

- 8. Will the proposed action increase average daily water consumption on the subject property (domestic use and irrigation combined)?** ☐ Yes ☒ No  
**a. If yes, what will be the increase in daily average water consumption on the subject property due to the proposed action?** \_\_\_\_\_ gallons/day  
**b. If yes, indicate the source of this information (e.g., actual recorded water use, standard rate [specify reference and unit rate], etc.)**  
Please see Attachment A for a detailed description.



9. Will the proposed action provide increased on-site stormwater storage capacity (e.g., through additional drywells or similar structures) as compared to the existing condition? ☒ Yes ☐ No  
a. What will be the capacity of the on-site drainage system under the proposed action, in terms of the design storm event expressed in inches of rainfall? \_\_\_\_\_ inches
10. Sanitary waste disposal method (e.g., on-site septic system, municipal sewer system, none, etc.):  
Municipal sewer system existing condition  
Municipal sewer system proposed action
11. Will the proposed action increase the rate of solid waste generation on the subject property? ☐ Yes ☒ No\*  
a. If yes, what will be the increase in monthly average solid waste generation? \* \_\_\_\_\_ tons/month  
b. Indicate the source of this information (e.g., existing data [identify specifically, such as applicant's existing facilities], standard rates [with specific reference citation], etc.)  
Please refer to Attachment A for a detailed response.
12. Describe any hazardous or infectious materials or wastes (e.g., petroleum products, chemicals, medical wastes, etc.) that would be generated, used, stored or processed at the site under the proposed action, and measures (e.g., procedures, protocols, equipment, etc.) that will be implemented to protect the environment from spills, leakage and other incidents.  
The proposed house of worship use is not anticipated generate any hazardous wastes. The building will be connected to natural gas and no petroleum products will be stored at this site.
13. If the proposed action involves a non-residential (commercial, industrial, etc.) use, what are the proposed days and hours of operation?  
Please see attachment A or a detailed response.
14. If the proposed action is a non-residential (commercial, industrial, etc.) use on a site which is adjacent to residential uses, describe any measures that will be implemented to minimize potential impacts to the neighboring residences (e.g., screening and buffering, noise-abatement measures, odor-control systems for restaurant kitchen exhaust, litter collection, etc.).  
Please see the Attachment A for a detailed response.
15. Is the proposed action part of a larger development plan or a plan that includes future phases? ☐ Yes ☒ No  
a. If yes, briefly describe the overall plan (e.g., total number of phases, location and size of land parcels involved, planned uses and/or facilities in future phases, schedule for completion, etc.).  
\_\_\_\_\_  
\_\_\_\_\_

### C. Verification

**I certify that the information provided in this TOB Addendum is true and accurate to the best of my knowledge.**

**Gino Tedesco**

```
print name of preparer
```

R&M Engineering

company name, if applicable

Huntington

city/post office

state NY

zip code 11743

631-271-0576 ext. 18

telephone

GTedesco@RMengineering.com

**email address**

PREPARER'S  
SIGNATURE:

Associate

08/02/2023

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**DBH CALCULATIONS**  
**EXISTING TO BE REMOVED**

COMMON NAME	QUA.	CALIPER	TOTAL DBH
BLOODGOOD MAPLE	2	10"	20"
HONEY LOCUST	2	10"	20"
BLACK CHERRY	1 (3X TRUNKS)	12"/12"/10"	34"
LINDEN	2	24"/20"	44"



# Attachments

1. EAF Support Documents
  - A. Environmental Assessment Form(s) Extended Responses
  - B. Cultural Resource Information System Map
  - C. NYS Parks, Recreation & Historical Preservation Letter
  - D. NYS Department of Environmental Conservation Environmental Resource Mapper
  - E. NYS Department of Environmental Conservation Spill Incidents Records
  - F. Town of Oyster Bay Correspondence
  - G. Beau Sejour Historical Information
2. Site Plans by Brian A. Fisher, Architect, P.C.
3. Traffic Assessment and Response to TOBAY DER TIRA – Revised 8/02/2023
4. SWPPP by Kosuri Engineering & Consulting P.C. – Dated 7/27/2023
5. Architectural Plans (Progress Set) by Brian A. Fisher, Architect, P.C.



## Attachment A

### Short Environmental Assessment Form Part 1: Detailed Responses

2. List of Agency names and permits/approvals required:
  - Town of Oyster Bay (TOB) Planning Board – Site Plan Approval is currently under review (submitted 10/17/2018) to the Department of Planning & Development and the Department of Environmental Resources. Upon satisfactory review by both departments, the applications will be sent to and coordinated by the Department of Legislative Affairs/Town Attorney for placement on a Town Board agenda for administrative review and approval.
  - TOB Zoning Board of Appeals – Parking variance will be required for a parking relief as per Town of Oyster Bay Zoning Code §246-8.2.1. Zoning application pending.
  - TOB Building Department – Construction documents are currently being prepared for submission to receive an approved Building Permit pending Planning approval.
  - Nassau County DPW – Approval for 239F has been received from DPW on September 28, 2022 for highway and sewer work, pending payment of review fees and Traffic Impact Fee. See attached email correspondence at the end of this document.
  - Bethpage Water District – We have been informed the MEP for the project has submitted RPZ for approval from Bethpage Water District and approvals are pending.
  - NCDOH – RPZ approval pending. Injection Well inventory form to be submitted upon acceptance by NYS EPA.
  - NYSDEC SPDES (SWPPP) - Notice of Intent was submitted by the SWPPP preparer on 7/27/2023 and is currently pending approval. Notice of Intent submission pending approval of SWPPP by TOB Department of Public Works and issuance of MS-4 form.
  - DPW – The Stormwater Pollution Prevention Plan and Report are currently under review by the Department of Public Works (submitted 7/27/2023). Upon satisfactory review by the department and receiving the signed MS4 agreement we will file with the New York State Department of Environmental Conservation. They will then issue a letter of acknowledgement of notice of intent for coverage under the SPDES General Permit for Storm Water Discharges from Construction Activity
  - EPA – A Form 7520-16 Inventory of Injection Wells will be submitted to the USEPA Region 2 offices to satisfy all registration obligations with respect to the existing drywells. Note: no drywells to be removed.
9. As part of the design of the proposed building structure the architects utilized the following items to incorporate green infrastructure and climate smart community principles into the design:
  - Building utilizes a 'cool roof' or TPO membrane to reduce heat island effect
  - Continuous insulation around the building perimeter provides an uninterrupted thermal barrier that eliminates heat loss and increases the overall thermal performance of the building envelope.





- A Continuous Air Barrier installed on the building perimeter saves energy (impacts HVAC performance) and improves the indoor environment.
  - All glazing will be energy efficient architectural glass to reduce heat absorption
  - High efficiency HVAC systems are utilized to reduce energy consumption
  - LED lighting is utilized to reduce energy consumption
  - Occupancy sensors (automated lighting controls) are installed on all lighting to realize the greatest lighting efficiency from light fixtures
  - All exterior lighting will utilize shielding to prevent light trespass and to avoid excessive sky glow
  - Bike racks will be installed
  - Toilet facilities are minimal (with low-flow water conservation fixtures) reducing impact on the municipal water system.
  - Stormwater harvesting system designed for 5" rainfall to supplement the on-site irrigation system.
  - A raingarden with flood and drought tolerant hardy plant species.
- 12a.b. Please see Attachment B; the Cultural Resource Information System of "CRIS" map attached, and Attachment C: the Letter from NYS OPRHP.
- 13a. Please see Attachment D: a screenshot of the NYSDEC Environmental Resource Mapper. According to the Mapper there are no Wetlands on or adjacent to the site including the adjoining Nassau County Recharge Basin.
15. Please see Attachment D: a screenshot of the NYSDEC Environmental Resource Mapper. According to the Mapper no significant natural communities or rare plants and animals near our site resources will be impacted by this project. The closest proximity to a listed natural community is about 1500 feet Northeast of the subject site.
17. The proposed site grading topography conveys stormwater runoff via sheet flow to onsite inlets/drywells within the paved roads and parking areas. Localized low and high points have been created to aid in the collection of stormwater runoff. The collected stormwater will be conveyed by a closed pipe network to series of interconnected drywells. The stormwater management practices will capture and release stormwater runoff through infiltration into natural underlying sandy soils and ultimately to the underlying groundwater. Conservation includes designing elements of the development in a way that the site design takes advantage of a site's landscaped areas and identifies constraints and opportunities to prevent or reduce negative effects of a development. The site has been designed for 8" rainfall. The on-site green infrastructure includes a stormwater harvesting system designed for 5" rainfall exclusive of the 8" storage requirement, which will collect rainwater from the roof drains and be stored for on-site irrigation. We have included with our resubmission a copy of the SWPPP report prepared by Kosuri Engineering and Consulting, dated 12/07/21.



Town of Oyster Bay – Short Environmental Assessment Form ADDENDUM: Detailed Responses

- B2. Please refer to the attached revised Traffic Assessment prepared by R&M Engineering dated December 7, 2021 last revised August 2, 2023. and corresponding response letter to NCPDW and TOBAY comments. The following reference was used: Institute of Transportation Engineers (ITE) Trip Generation Manual, 11<sup>th</sup> Edition (Sept. 2021).
- B7a. The Central Park Historical Society has a sign on the 300 Central Avenue site recognizing the site as once having "The Beau Sejour Restaurant" erected on its premises. We spoke to Lenard Mulqueen of the Central Park Historical Society, and he confirmed none the of the original restaurant is on site. As a part of this project, the Historical Sign will be left on site. Please see Attachment G for more information.
- B8b. There will be no net change to the water usage on site. According to Nassau County DPW Minimum Sewage Flow Rates, the design flow rate for a place of worship is 1.50 gpd/capita. As the size of the congregation of the Mosque is not changing, the expected water usage will remain the same. The size of the congregation is 200 people, which results in a maximum water usage of 300 gpd. Please note however, that the vacant building to be removed was previously a restaurant, so the permitted water use of the site historically is decreasing with the removal of the restaurant. There will be no increase in irrigation demand due to the proposed rainwater harvesting system which has been designed to satisfy the on-site irrigation requirements. Although we provide an irrigation cistern to collect rainwater to reuse as irrigation, we anticipate 804 gpd for irrigation if the system malfunctions for a period of time. Therefore, we anticipate approximately 1,104 gpd of peak water demand. Please see the proposed water use calculations attached at the end of this attachment.
- B11. The number of members of the Faith is not increasing as a result of this project. There are no expected changes to the existing programs, and thus no increase in solid waste is expected. We estimate the waste generation based on the current operation to be 7.6 tons/month. There will be a short term of waste generated due to construction activity. We estimated approximately 350-400 tons of mixed material to be generated. The materials will be source separated for recycling of metals and concrete to be carted off in separate containers. Refuse will be placed in containers for removal by a licensed contracting company for disposal. Asphalt material will be removed and recycled off-site.
- B13. As indicated on the site plan the hours of operation are as follows: Every day for 45 minutes each at: 45 minutes before sunrise, 1:15PM, 5:30PM, Sunset, and at 9:00PM. Friday Congregation: 12:30PM-2:30PM. After School Program: 5PM-7PM weekdays. Sunday school: 10AM-1PM.  
The hours of operation are within Town of Oyster Bay code restrictions and do not pose and adverse impact to adjoining residences. All activities are held inside the building and will not create any noise levels above or beyond the allowable limits during the operational hours. All site lighting will be turned off within 1 hour after the close of worship hours It shall be noted the





site lighting meets Town Code and are LED with a maximum 400-watt output and will be fitted with house side shields to protect the adjacent residences from possible glare. Please refer to sheet C-11.1 for further information.

- B14. Construction activities may rise above ambient noise levels during hours of operation. Hours will be limited to specified times according to Town of Oyster Bay code SS156-4.7. Upon completion of the project, the site will not generate noise levels or odor. In accordance with Town Code we have provided the required buffers and landscaping with evergreen shrubs and trees along adjacent resident properties, provided Dark Sky compliant and shielded lighting and new fencing to minimize any impact to neighboring properties. The proposed use does not incorporate any kitchen facilities, there will be no on-site cooking that may produce odors. We do not anticipate any odors from the house of worship use. There may be some odors from construction equipment such as diesel exhaust from machinery during working hours.



### **Proposed Water Usage Calculations**

Proposed Mosque on 320 Central Avenue, Bethpage  
*Bethpage Water District*

Place of Worship:      200 persons (max)      @NC Rate of 1.50 gpd/capita      300 gpd

*Anticipated Flow:*      300 gpd

Irrigation Demand: (18 weeks/year @  $\frac{3}{4}$ "/week)

Landscape Area:      12,032.10 SF

Irrigation:      101,256.31 Gallons      over 18 Weeks (126 days)      804 gpd

Assumptions: Irrigation to provide  $\frac{3}{4}$ " per week over 18 weeks (May 15<sup>th</sup> to Sept. 15<sup>th</sup> +/-) over 0.28-acre landscape areas.

Note: There is no proposed vehicle washing onsite.



**Xavier Sardoni**

---

From: Moeen Qureshi <[moeenq1983@gmail.com](mailto:moeenq1983@gmail.com)>  
Sent: Wednesday, September 28, 2022 1:35 PM  
To: Gino Tedesco <[GTedesco@rmengineering.com](mailto:GTedesco@rmengineering.com)>; Jeffrey A. Lazarczyk <[JLazarczyk@rmengineering.com](mailto:JLazarczyk@rmengineering.com)>  
Cc: Imran Bhai Masjid Baqi <[IMakda@yahoo.com](mailto:IMakda@yahoo.com)>  
Subject: Fwd: 9271F-4 Site Plan (Approved as Noted) 32 Central Ave, Bethpage.pdf

FYI - just received the County approval.

Sent from my iPhone

Begin forwarded message:

From: Nassau County 239-F <[239F@nassaucountyny.gov](mailto:239F@nassaucountyny.gov)>  
Date: September 28, 2022 at 12:02:52 PM EDT  
To: [bafra4@aol.com](mailto:bafra4@aol.com)  
Cc: [moeenq1983@gmail.com](mailto:moeenq1983@gmail.com)  
Subject: 9271F-4 Site Plan (Approved as Noted) 32 Central Ave, Bethpage.pdf

Dear Applicant,

Please be informed that the 239F Site Plan has been Approved as Noted by the Department.  
Before we can release the plans we need to receive the related fees.

This is a breakdown of fees:

Initial Fee: \$1500.00 -Please provide image of cancelled check.  
Resubmission Fee: \$740.00 X(3) = \$ 2,220.00  
TIF: \$23,808.00

Sincerely,

Nassau County Department of Public Works  
239F Application Administrator

CONFIDENTIALITY NOTICE: This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the attorney-client or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

6/14/22, 3:00 PM

ATTACHMENT B

Cultural Resource Information System (CRIS)



[HOME](#)

[SUBMIT](#)

[SEARCH](#)

[COMMUNICATE](#)



ATTACHMENT C



**Parks, Recreation,  
and Historic Preservation**

KATHY HOCHUL  
Governor

ERIK KULLESEID  
Commissioner

June 30, 2022

Xavier Sardoni  
Engineer  
R&M Engineering  
50 Elm Street  
Huntington, NY 11743

Re: DEC  
Demolition and New Construction  
Muslims on Long Island Inc dba Masjid Al-Baqi  
320 Central Ave, Bethpage, NY 11714  
22PR04347

Dear Xavier Sardoni:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Daniel Mackay".

R. Daniel Mackay  
Deputy Commissioner for Historic Preservation  
Division for Historic Preservation



7/18/22, 6:04 PM

ATTACHMENT D

Environmental Resource Mapper

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



## Environmental Resource Mapper

Base Map: Topographical [Using this map](#)

Search

Tools

Layers and Legend

☒ State Regulated Freshwater Wetlands  
(Outside of the Adirondack Park)

☐ State Regulated Wetland Checkzone



Attachment E								
	Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address	Approx. Distance to Site	Status
1	8809195	2/27/1989	GENERAL UTILITIES	Nassau	BETHPAGE	BROADWAY N/O CENTRAL AVENUE	750 ft East	Closed
2	9000164	4/5/1990	KANOWSKY RESIDENCE	Nassau	BETHPAGE	556 CENTRAL AVENUE	3,200 ft West	Closed
3	9105773	8/28/1991	GETTY S/S	Nassau	BETHPAGE	295 CENTRAL AVENUE	450 ft Southeast	Closed
4	9107600	10/16/1991	GETTY S/S	Nassau	BETHPAGE	295 CENTRAL AVENUE	450 ft Southeast	Closed
1	9202121	5/20/1992	DILAWARI PASS VEHICLE	Nassau	BETHPAGE	CENTRAL AVENUE		Closed
6	9402977	5/31/1994	JANKOWSKI RESIDENCE	Nassau	BETHPAGE	543 CENTRAL AVENUE	2,800 ft West	Closed
7	9605606	7/31/1996	UNKNOWN	Nassau	BETHPAGE	556 CENTRAL AVENUE	3,200ft West	Closed
8	9608183	10/1/1996	EAGLES NEST	Nassau	BETHPAGE	500 CENTRAL AVENUE	1,900 ft West	Closed
9	9609051	10/21/1996	IFO	Nassau	BETHPAGE	175 CENTRAL AVENUE SOUTH	3,300 ft Southeast	Closed
10	0100522	4/13/2001	UNKNOWN	Nassau	BETHPAGE	CENTRAL AVENUE/RTE 107	3,600 ft West	Closed



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

DEC Region: 1

Spill Number: 8809195

#### Spill Date/Time

Spill Date: 02/27/1989 Spill Time: 07:51:00 AM

Call Received Date: 02/27/1989 Call Received Time: 08:32:00 AM

#### Location

Spill Name: GENERAL UTILITIES

Address: BROADWAY N/O CENTRAL AVENUE

City: BETHPAGE County: Nassau

#### Spill Description

**Material Spilled** **Amount Spilled** **Resource Affected**

#2 fuel oil 60 Gal. Soil

Cause: Equipment Failure

Source: Tank Truck

Waterbody:

#### Record Close

Date Spill Closed: 11/24/1989

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Refine This Search](#)

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6/15/23, 9:37 AM

Spill Incidents Database Search



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

DEC Region: 1

Spill Number: 9000164

#### Spill Date/Time

Spill Date: 04/01/1990 Spill Time: 12:00:00 PM

Call Received Date: 04/05/1990 Call Received Time: 04:40:00 PM

#### Location

Spill Name: KANOWSKY RESIDENCE

Address: 556 CENTRAL AVENUE

City: BETHPAGE County: Nassau

#### Spill Description

**Material Spilled** Amount Spilled Resource Affected

#2 fuel oil UNKNOWN Groundwater

Cause: Other

Source: Private Dwelling

Waterbody:

#### Record Close

Date Spill Closed: 01/28/1992

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

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8/23/22, 4:36 PM

Spill Incidents Database Search



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

DEC Region: 1

Spill Number: 9105773

#### Spill Date/Time

Spill Date: 08/28/1991 Spill Time: 10:00:00 AM

Call Received Date: 08/28/1991 Call Received Time: 10:10:00 AM

#### Location

Spill Name: GETTY S/S

Address: 295 CENTRAL AVENUE

City: BETHPAGE County: Nassau

#### Spill Description

**Material Spilled Amount Spilled Resource Affected**

waste oil/used oil UNKNOWN Groundwater

**Cause:** Other

**Source:** Gasoline Station or other PBS Facility

**Waterbody:**

#### Record Close

**Date Spill Closed:** 09/06/1991

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

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8/23/22, 4:38 PM

Spill Incidents Database Search



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

DEC Region: 1

Spill Number: 9107600

#### Spill Date/Time

Spill Date: 09/27/1991 Spill Time: 12:00:00 PM

Call Received Date: 10/16/1991 Call Received Time: 12:24:00 PM

#### Location

Spill Name: GETTY S/S

Address: 295 CENTRAL AVENUE

City: BETHPAGE County: Nassau

#### Spill Description

##### Material Spilled Amount Spilled Resource Affected

gasoline UNKNOWN Soil

Cause: Other

Source: Gasoline Station or other PBS Facility

Waterbody:

#### Record Close

Date Spill Closed: 10/30/1997

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

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Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

DEC Region: 1

Spill Number: 9202121

#### Spill Date/Time

Spill Date: 05/20/1992 Spill Time: 05:14:00 PM

Call Received Date: 05/20/1992 Call Received Time: 06:19:00 PM

#### Location

Spill Name: DILAWARI PASS VEHICLE

Address: CENTRAL AVENUE

City: BETHPAGE County: Nassau

#### Spill Description

##### Material Spilled Amount Spilled Resource Affected

gasoline 5 Gal. Soil

Cause: Traffic Accident

Source: Passenger Vehicle

Waterbody:

#### Record Close

Date Spill Closed: 05/21/1992

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

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6/15/23, 9:38 AM

Spill Incidents Database Search

**Department of  
Environmental  
Conservation**

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

**DEC Region:** 1**Spill Number:** 9402977

#### Spill Date/Time

**Spill Date:** 05/31/1994 **Spill Time:** 03:50:00 PM**Call Received Date:** 05/31/1994 **Call Received Time:** 04:12:00 PM

#### Location

**Spill Name:** JANKOWSKI RESIDENCE**Address:** 543 CENTRAL AVENUE**City:** BETHPAGE **County:** Nassau

#### Spill Description

**Material Spilled** **Amount Spilled** **Resource Affected**

#2 fuel oil UNKNOWN Soil

**Cause:** Unknown**Source:** Private Dwelling**Waterbody:**

#### Record Close

**Date Spill Closed:** 06/13/1994

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

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6/15/23, 9:39 AM

Spill Incidents Database Search



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

DEC Region: 1

Spill Number: 9605606

#### Spill Date/Time

Spill Date: 07/31/1996 Spill Time: 10:45:00 AM

Call Received Date: 07/31/1996 Call Received Time: 04:30:00 PM

#### Location

Spill Name: UNKNOWN

Address: 556 CENTRAL AVENUE

City: BETHPAGE County: Nassau

#### Spill Description

##### Material Spilled Amount Spilled Resource Affected

waste oil/used oil UNKNOWN Soil

Cause: Abandoned Drums

Source: Unknown

Waterbody:

#### Record Close

Date Spill Closed: 11/03/2004

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

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6/15/23, 9:39 AM

Spill Incidents Database Search



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

DEC Region: 1

Spill Number: 9608183

#### Spill Date/Time

Spill Date: 09/24/1996 Spill Time: 12:00:00 PM

Call Received Date: 10/01/1996 Call Received Time: 10:24:00 AM

#### Location

Spill Name: EAGLES NEST

Address: 500 CENTRAL AVENUE

City: BETHPAGE County: Nassau

#### Spill Description

**Material Spilled** **Amount Spilled** **Resource Affected**

motor oil UNKNOWN Soil

Cause: Unknown

Source: Commercial/Industrial

Waterbody:

#### Record Close

Date Spill Closed: 01/14/1997

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

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6/15/23, 9:41 AM

Spill Incidents Database Search



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

DEC Region: 1

Spill Number: 9609051

#### Spill Date/Time

Spill Date: 10/21/1996 Spill Time: 06:15:00 AM

Call Received Date: 10/21/1996 Call Received Time: 07:56:00 AM

#### Location

Spill Name: IFO

Address: 175 CENTRAL AVENUE SOUTH

City: BETHPAGE County: Nassau

#### Spill Description

**Material Spilled** **Amount Spilled** **Resource Affected**

diesel 150 Gal. Sewer

**Cause:** Equipment Failure

**Source:** Commercial Vehicle

**Waterbody:**

#### Record Close

**Date Spill Closed:** 05/20/1999

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Refine This Search](#)

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Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

DEC Region: 1

Spill Number: 0100522

#### Spill Date/Time

Spill Date: 04/13/2001 Spill Time: 01:30:00 PM

Call Received Date: 04/13/2001 Call Received Time: 03:14:00 PM

#### Location

Spill Name: UNKNOWN

Address: CENTRAL AVENUE/RTE 107

City: BETHPAGE County: Nassau

#### Spill Description

Material Spilled	Amount Spilled	Resource Affected
diesel	2 Gal.	Soil

Cause: Human Error

Source: Tank Truck

Waterbody:

#### Record Close

Date Spill Closed: 04/13/2001

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Refine This Search](#)

6/15/23, 9:45 AM

Spill Incidents Database Search

**Department of  
Environmental  
Conservation**

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

**DEC Region:** 1**Spill Number:** 0125109

#### Spill Date/Time

**Spill Date:** 06/28/2001 **Spill Time:** 12:36:00 PM**Call Received Date:** 06/28/2001 **Call Received Time:** 12:36:00 PM

#### Location

**Spill Name:** Spill Number 0125109**Address:** CENTRAL AVENUE/SCHERER ST**City:** BETHPAGE **County:** Nassau

#### Spill Description

Material Spilled	Amount Spilled	Resource Affected
------------------	----------------	-------------------

diesel	UNKNOWN	Soil
--------	---------	------

hydraulic oil	UNKNOWN	Soil
---------------	---------	------

**Cause:** Traffic Accident**Source:** Commercial Vehicle**Waterbody:**

#### Record Close

**Date Spill Closed:** 11/01/2002

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Refine This Search](#)



6/15/23, 9:46 AM

Spill Incidents Database Search

**Department of  
Environmental  
Conservation**

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

**DEC Region:** 1**Spill Number:** 0225236

#### Spill Date/Time

**Spill Date:** 09/13/2002 **Spill Time:** 01:45:00 PM**Call Received Date:** 09/13/2002 **Call Received Time:** 02:00:00 PM

#### Location

**Spill Name:** PAJB INC (AUTOTECH)**Address:** 400 CENTRAL AVENUE SOUTH**City:** BETHPAGE **County:** Nassau

#### Spill Description

**Material Spilled** Amount Spilled Resource Affected

waste oil/used oil UNKNOWN Soil

**Cause:** Other**Source:** Commercial/Industrial**Waterbody:**

#### Record Close

**Date Spill Closed:** 11/06/2002

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Refine This Search](#)

8/23/22, 4:39 PM

Spill Incidents Database Search



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

DEC Region: 1

Spill Number: 0313708

#### Spill Date/Time

Spill Date: 03/15/2004 Spill Time: 12:15:00 PM

Call Received Date: 03/15/2004 Call Received Time: 12:15:00 PM

#### Location

Spill Name: GETTY # 460

Address: 295 CENTRAL AVENUE

City: BETHPAGE County: Nassau

#### Spill Description

##### Material Spilled Amount Spilled Resource Affected

gasoline UNKNOWN Soil

Cause: Other

Source: Gasoline Station or other PBS Facility

Waterbody:

#### Record Close

Date Spill Closed: 03/22/2004

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

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6/15/23, 9:47 AM

Spill Incidents Database Search



Department of  
Environmental  
Conservation

## Spill Incidents Database Search Details

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### Spill Record

#### Administrative Information

DEC Region: 1

Spill Number: 0425079

#### Spill Date/Time

Spill Date: 05/24/2004 Spill Time: 09:00:00 AM

Call Received Date: 05/24/2004 Call Received Time: 10:07:00 AM

#### Location

Spill Name: UNKNOWN

Address: CENTRAL AVENUE & EMMA

City: BETHPAGE County: Nassau

#### Spill Description

**Material Spilled** **Amount Spilled** **Resource Affected**

gasoline 15 Gal. Soil

Cause: Traffic Accident

Source: Passenger Vehicle

Waterbody:

#### Record Close

Date Spill Closed: 05/24/2004

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

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ATTACHMENT F

Angela Kowalewski

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**From:** Jeff Vitale <JVitale@oysterbay-ny.gov>  
**Sent:** Thursday, May 19, 2022 11:11 AM  
**To:** Angela Kowalewski  
**Cc:** Julia Schneider  
**Subject:** RE: Other Planned Projects - Bethpage

Angela,

Please see my comments in red:

---

**From:** Angela Kowalewski <akowalewski@rmengineering.com>  
**Sent:** Thursday, May 19, 2022 10:44 AM  
**To:** Jeff Vitale <JVitale@oysterbay-ny.gov>  
**Cc:** Julia Schneider <jschneider@oysterbay-ny.gov>  
**Subject:** RE: Other Planned Projects - Bethpage

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Thank you Jeff! A few quick questions:

1. MOD474-20 (1000 Hicksville Road): I just want to make sure I understand this correctly. They are intending on make the entire building self-storage (there will no longer be a "warehouse" use associated with this application) use while also adding a basement to the gfa (also to be used as self storage). **Section 46, Block 629, Lot 63: They proposed plan is to construct a separate 3 story building (4 floors as they will use the basement in more current revisions of the plans to increase the usable square footage to 109,324 square feet overall) on the same lot which will be used solely for self-storage. The existing building (3,124 square feet) will be used as a retail facility for the associated self-storage (leasing, selling packing supplies, etc.).**
2. SUP 476-20 and SUP478-21 (192 Broadway): Both of these applications have the same address. I just want to make sure that this is correct and that both projects are planned on the same location (one is not replacing the other)? **Moving too fast...Please note that SUP 478-21 is located at 1099 Old Country Road, Plainview NY.**

Thanks again!

**Angela Kowalewski**  
**R & M Engineering**

50 Elm Street, Huntington, NY 11743  
Office: (631) 271-0576  
Email: [akowalewski@rmengineering.com](mailto:akowalewski@rmengineering.com)  
Web: [www.rmengineering.com](http://www.rmengineering.com)

---

**From:** Jeff Vitale <JVitale@oysterbay-ny.gov>  
**Sent:** Thursday, May 19, 2022 9:36 AM  
**To:** Angela Kowalewski <[akowalewski@rmengineering.com](mailto:akowalewski@rmengineering.com)>  
**Cc:** Julia Schneider <[jschneider@oysterbay-ny.gov](mailto:jschneider@oysterbay-ny.gov)>  
**Subject:** RE: Other Planned Projects - Bethpage

Good Morning Angela,



Sorry for the long wait! Please see below.

**320 Central Avenue, Bethpage NY**

**SP 06-19**

**Location:** 500 Old Bethpage Road, Plainview NY 11803

**Scope of Work:** This applicant is seeking site plan approval from the Department of Planning and Development for interior alterations to an existing one story bowling alley (appx. 31,370 sq. ft.) to convert to an office building, modifications to the parking area layout and associated site improvements.

**MOD 474-20**

**Location:** 1000 Hicksville Road, Bethpage NY 11714

**Scope of Work:** Through this application, the petitioner is seeking approval from the Town Board to make modifications to the existing Restrictive Covenants associated with the subject premises instituted on May 7, 2019 through Town Board Resolution 307-2019 which permitted the applicant to construct a three story self-storage facility/warehouse facility (70,608 square feet overall) in conjunction with making interior alterations to an existing one-story 3,124 square foot building for retail use. The requested modification would allow the applicant to make alterations to the proposed three-story building so that the basement level will be utilized for the self-storage use while also removing any ancillary "Warehouse" use. The total square footage being utilized in the building would be increasing from 70,608 square feet to 109,324 square feet overall.

**SUP 476-20**

**Location:** 192 Broadway, Bethpage NY 11714

**Scope of Work:** The Applicant is seeking approval from the Town Board for a Special Use Permit for a proposed day care facility proposed within an existing 5,863 square foot one-story building presently being utilized as a Place of Worship. The subject lot is split between the "GB" (General Business) Zoning District where the "Daycare" Use is permitted "as of right" and the "R1-7" (One-Family Residence) Zoning District where it requires Town Board Approval. Preliminary review of the plans shows that there will be minimal structural work performed on the site and existing building.

**SUP 478-21**

**Location:** 192 Broadway, Bethpage NY 11714

**Scope of Work:** The Applicant is seeking approval from the Town Board for a Special Use Permit for a proposed gasoline station with a canopy covering 3 pump islands as well as an ancillary 1,500 square foot (approximately) one-story convenience store.

**SUP 479-21**

**Location:** 499 Old Country Road, Hicksville NY 11801

**Scope of Work:** The Applicant is seeking approval from the Town Board for a Change of Zone from the Neighborhood Business (NB) Zoning District to the General Business (GB) Zoning District as well as a Special Use Permit for a proposed gasoline station with a canopy covering 4 pump islands as well as an ancillary 2,721 square foot (approximately) one-story convenience store; all of which operates 24 hours a day/7 days a week.

**SUP 479-21**

**Location:** 125 New South Road, Hicksville NY 11801

**Scope of Work:** This Applicant is seeking Site Plan approval from the Department of Planning and Development to construct two separate two-story warehouse facilities; Warehouse 1: 204,662 square feet and Warehouse 2: 98,674 square feet. In addition to this, Applicant is also proposing to construct a parking area for these proposed buildings with associated site improvements.

**SP 17-21**

**Location:** 915 S. Oyster Bay Road, Bethpage NY 11714

**Scope of Work:** The Applicant is seeking to modify the existing building in order to accommodate a truck sales/leasing office. This application is currently under review.

**SP 09-22**

**Location:** 755 Oyster Bay Road, Bethpage 11714

**Scope of Work:** Complete the construction of a 2,396 square foot retail store with associated site improvements.

From: Angela Kowalewski <[akowalewski@rmengineering.com](mailto:akowalewski@rmengineering.com)>

Sent: Wednesday, May 4, 2022 11:14 AM

To: Jeff Vitale <[JVitale@oysterbay-ny.gov](mailto:JVitale@oysterbay-ny.gov)>

Cc: Julia Schneider <[jschneider@oysterbay-ny.gov](mailto:jschneider@oysterbay-ny.gov)>

Subject: Other Planned Projects - Bethpage

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Hi Jeff,

I am working on a traffic assessment for a project in Bethpage and I was wondering if there were any other planned projects within the area that would generate a significant amount of vehicle activity that I would need to incorporate into my analysis. Here's a summary of the information:

Project Location: 320 Central Avenue, Bethpage

Mile Radius: 1.0 miles

If there are any planned developments near the project location, I would need to know a location, size, and land use for each project. Please let me know if you have any questions or require any additional information. Feel free to reach me at this email or call the office at 631-271-0576.

Thank you!

**Angela Kowalewski**  
**Engineering Technician**



50 Elm Street, Huntington, NY 11743  
Office: (631) 271-0576  
Email: [akowalewski@rmengineering.com](mailto:akowalewski@rmengineering.com)  
Web: [www.rmengineering.com](http://www.rmengineering.com)

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7/13/22, 10:54 AM

Beau Sejour - 1908 - 1972 - Central Park Historical Society Encyclopedia

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## ATTACHMENT G

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# Beau Sejour - 1908 - 1972

## From Central Park Historical Society Encyclopedia

Built circa 1852 by William C. Hawxhurst of Farmingdale. The Beau served as a mansion estate from 1852 to 1865 for Alexander McConochie and his son-in-law Jeremiah T. Weaver. They were land speculators and developers of what is now Bethpage. It was Mr. Weaver who named the hamlet Central Park. Weaver lived at the mansion while serving as second postmaster for the area.

**Chronological history: (compiled by Jack Gifford from Terry Hunt's****Bethpage: The Years of Development 1840 to 1910)**

1847	Built at northwest corner of the intersection of Central Ave. and Stewart. by William G. Hawxhurst of Farmingdale between 1847 and 1853. At that time the area was known as Jerusalem Station or Central Park.
1853	Hawxhurst sold the mansion, together with 31 acres of land between Central Ave. and the railroad tracks, to John S. Walters.
1856	Walters sold the mansion, along with land on the south side of Central Ave., to Alexander McConochie. (McConochie was Jack Gifford's great-great grandfather.)
1858	McConochie sold the mansion to Mr. Truman Richards.
1859	Jeremiah T. Weaver, Jack Gifford's great-grandfather and Central Park's first Postmaster, was living in the mansion with his wife Adelia, the daughter of Alexander McConochie
1860	Catherine McConochie, Alexander's wife, mother of Adelia and mother-in-law of Jeremiah T. Weaver, repurchased the mansion from Truman Richards as well as another large similar looking house south of Central Ave. and west of Stewart Ave. This second house became known as the Weaver house and later as the Totten House and the Texido House.
1865	Catherine McConochie sold the mansion, shortly after her husband died, to Charles W. Hayes.
1868	Charles W. Hayes sold it to Charles G. Vail.
1870	Charles Vail sold it to Orville and Jane Jones and later that same year Orville and Jane Jones sold it to Euphehia Beeckman.
1871	Euphehia Beeckman sold it to Albert Van Dyck for \$1.00, evidently in exchange for some service or debt. Later that same year Van Dyck sold it to the Powers family and it was owned by various members of the Powers family and operated as a hotel until 1903.
1908	The Powers family sold it to Bernard Pouchon.
1918	Bernard Pouchon sold it to Harry G. Wilson. Three generations of the Wilson family worked in the restaurant. The Beau Sejour hosted the carriage trade which utilized the Vanderbilt Parkway ( The Old Motor parkway.) They entertained the rich and the famous as well as hosting local organizations. The beau had a reputation for very fine dining. They grew and catered to the aircraft industry, especially the Grumman Aircraft Engineering Corporation which held many corporate functions and luncheons at the Beau.
1973	The Beau was sold and demolished.

**Below information from Edith C. Nicholson's remembrances - 5/19/93**

Twice only was I in the Beau Sejour. Once I had lunch there and at another time a drink at the bar. The lunch was very fine, and on the latter occasion the bartender presented my companion and myself with long white cigarette holders with the name of the Beau printed on them in gold letters.

But a more significant memory which stands out in my mind is that of a spring evening in the 1940s. The church choir at St. Paul's was practicing in the old choir loft near the altar (this was before the extension to the church was built). Mrs. Mildred Morselli was at the organ when two heads appeared in the open doorway. She invited the visitors in and asked if they would like to join us.

They explained that they had driven out from New York City and were having dinner at the Beau when they heard the sounds of a country choir drifting across the fields. It turned out they were professionals who had in the past been choir singers. They obliged us with a duet. I can see them now standing in the aisle in front of the alter steps and singing. They did not wish to tell us their names.

Below information from Ed Wilson's Memories

**Scanning the roster of early visitors evokes memories of Long Island Golden Era. Those were the days of goggles and dusters, when many noisy autos raced for the Vanderbilt Cup over the Old Motor Parkway. Then it was off to the Beau Sejour for a victory toast and dinner. We ourselves motored out here in our 1916 Ford to Central Park (later Bethpage).**

When my parents started their stint here at the Beau Sejour, at the close of World War One, they would often proudly present us children to their favorite customers. It did not matter even if we were already in bed. I recall my sister and I standing at the foot of the stairs being instructed and presented to an important New York Banker. He gave us each a quarter.

My parents always aspiring to do their very best would, on special occasions, create an unmistakable highly motivated atmosphere noticeable throughout the establishment. When a very important guest was here you knew it. Especially Enrico Caruso who sang after dinner out on the front lawn.

Famed explorer Roland Amundsen stayed with us for almost a month while preparing for his next trip to the North Pole.

Other famed and notable people who dined at the Beau were:

- Arden, Elizabeth
- Astor, Vincent - multi millionaire
- Beaverbrook, Lord of London
- Bellamy, Ralph - Hollywood
- Bloomingdale, Mrs.
- Burns, George and Gracie Allen
- Byrd, Winefred
- Carpenter, Scott - Astronaut
- Chappelle - Of Central Park, New York City Furriers
- Cluet - Upstate (Rochester) collar manufacturer
- Cohen, Roy - McCarthy hearings attorney
- Copperwaithe - New York City Furniture
- Costello, Frank - 5th amendment fame
- Crews, John - Commissioner , Brooklyn
- Donahue - of Woolworth
- Eisemann, Henry - Insurance 1900's Telephone Hicksville 9
- Erickson - Blatz Beer king
- Faruk I, Prince of Egypt
- Feldmann, George - of Coney Island

- Freidman, Samuel - of Bond Clothes
- Gallon, W. J. - Arrow shirts and textile mills
- Godfrey, Arthur - Radio and TV fame
- Good, John - Inventor of Bendix Drive
- Griffith, D. W. - Early movie pioneer.
- Grumman, Leroy
- Hammacher & Schlemmer - Hardware
- Hardwick, Sir Cedric - New York, Hollywood, London
- Hemple, Frida - Metropolitan Opera
- Hendrickson, Milton
- Henie, Sonja - World Skating Champ
- Hines, Jimmy - Tammany Hall
- Honer - Family harmonicas
- Johnston - Long Island Judge, Hempstead
- Kahn, Roger W., Jr. - Grumman Aerospace Field Service, composer,
- Kass, Peggy - Singer
- Katz, Lawrence - 1918 Metropolitan Opera Bootlegger
- Kennedy - of Center Island, Bayville, L. I.
- Kennedy's - of Cape Cod, Sr. and family
- King, Alan - Long Island Comedian
- Loy, Myrna - "The Good Earth", Hollywood
- Marshall, George, K - General
- Milgram, Jack - New York City
- Mitchell - General 1918-20
- Moses, Robert - N. Y. S. Commissioner
- Nehru, Madame - Son Abdulla
- Newman - New York Button King
- Omally, Walter & Mrs. - Brooklyn Dodgers
- Patterson, Holly - Nassau County leader
- Poter, Cole
- Ranier, Roy - Prince of Monte Carlo, Monaco
- Raynor, Louise - Hollywood
- Segal, Bub - L. I. Speakeasy King
- Shea, Bill - Shea Stadium
- Shildkraut, Sol - Lincoln dealer
- Shubert - New York Theatre fame
- Sidenberg - Schaefer Beer
- Simpson, Wally and Edward Prince of Wales
- Smith, Ben - Wall Street Tycoon & Grumman
- Steinruck, Ken - New York City attorney and entrepreneur
- Sullivan - Long Island Judge
- Swirbul, Leon 'Jake' - Grumman executive
- Tergusen's - Long Island first largest estate

7/13/22, 10:54 AM

Beau Sejour - 1908 - 1972 - Central Park Historical Society Encyclopedia

- Toscanini, Arturo - Director of the Metropolitan Opera
- Traubel, Helen - Metropolitan Opera
- Troy, M. B. - Sands Point (yuppie)
- Truman, Harry - Senator and later president of U. S.
- Tunny, Gene - Boxing Champ
- Umdahl, Capt. - Pilot of Norwegian plane
- Von Braun, Werner
- Von Herter, Clarence - Countess
- Voorhees, Don - New York Telephone Hour Orchestra
- Wagner - Senator of New York City
- Walker, Jimmy - Mayor of New York City
- Walters, Barbara - New York City
- Wanamacher, Rodney - 20's
- Ziegfeld & his follies in his own private luxury coach.

Below is information on the Beau Sejour submitted by Gary Hammond:

It seems that every couple of years the property changed hands until the turn of the 20th century. In 1897 the Beau was purchased by James J. Powers, and run as a hotel by his family. In 1908 Bernard Pouchan purchased the building and opened it as a restaurant. It is assumed that it was at this time that it was named the "Beau Sejour", which means "beautiful stay". Bernard Pouchan was born in France in 1860, having immigrated to the U.S. in 1891. He was described as being 5 1/2 feet tall, with gray eyes and hair and sporting a mustache. The building of the L. I. Motor Parkway, along with the annual Vanderbilt Cup Races, brought business to Central Park, including the Beau Sejour.

On April 11, 1909, THE BROOKLYN DAILY EAGLE was a full page article entitled "A Day With Monsieur Le Cordeon Blue at the Beau Sejour", complete with several pen and ink sketches of Bernard Pouchan in his chef outfit.

One postcard boast "Hotel Beau Sejour, Central Park, L. I., 30 miles from New York City, Humbert, late of Cafe' Martin, Proprietor, Tel. 91 Hicksville - The Leading French Hotel on Long Island", the map on the back of the card shows the L. I. Motor Parkway as the route to take. Humbert Possenti (his real first name was Umberto) was listed in the 1915 N.Y.S. Census as a 37 year old Hotel Keeper, having been born in Italy, and coming to the U.S in 1901. He was living with his French born wife, Isabelle, and his two children. As Pouchan was in Germany in 1914-15, obviously Possenti was running he Beau at this time.

In 1918, Bernard Pouchan sold the Beau Sejour to his sister-in-law and her husband, Elizabeth and Harry Wilson.

Retrieved from "[http://www.bethpagehistory.org/wiki/index.php?title=Beau\\_Sejour\\_-\\_1908\\_-\\_1972&oldid=1243](http://www.bethpagehistory.org/wiki/index.php?title=Beau_Sejour_-_1908_-_1972&oldid=1243)"

- This page was last modified on 19 July 2017, at 02:38.



Agency Use Only [If applicable]

Project: 320 Central Ave., Bethpage

Date: 8/24/23

***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PRINT FORM**

Project: 320 Central Ave.

Date: 8/24/23

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Town of Oyster Bay has reviewed the proposed action and additional substantiating information pertaining to potential adverse environmental impacts pursuant to Article 8 of Environmental Conservation Law, SEQR, and has determined based on the relevant criteria that the proposed action will have no significant adverse impacts on the environment. The attached Town Environmental Quality Review (TEQR) Report from the Town of Oyster Bay Department of Environmental Resources (DER), TEQR Division, was prepared to thoroughly assess each potential impact within the context of setting, probability of occurring, duration, irreversibility, scope and magnitude for consideration by the Lead Agency. Each section of the TEQR Report has been prepared to encompass the potential short-term, long-term and cumulative impacts of the proposed action pursuant to SEQR, which forms the basis and substantiates the recommended determination of significance. Mitigation Measures/design elements that have been incorporated into the proposed project to avoid or reduce potential impacts are also summarized within the attached TEQR Report. Therefore, DER recommends that the Town of Oyster Bay Planning Advisory Board, as lead agency, adopt a negative declaration for the subject action.

See Town of Oyster Bay Town Environmental Quality Review Report- Review of Action and Recommended Determination of Significance ("TEQR Report", dated August 24, 2023).

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Planning Advisory Board

Name of Lead Agency

Angelo Stanco

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Chairman

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

# **EXHIBIT E**



August 22, 2023

**VIA ELECTRONIC MAIL**

Town of Oyster Bay  
Department of Environmental Resources  
29 Spring Street  
Oyster Bay, New York 11771  
Attention: Julia Schneider, AICP, CPESC, Director of TEQR

**Re: Fifth review in accordance with the Town Environmental Quality Review Law (Chapter 110) and State Environmental Quality Review Act (6 NYCRR Part 617)  
Muslims on Long Island, Inc.  
320 Central Avenue  
Bethpage, Town of Oyster Bay**

Ms. Schneider:

This firm's subconsultant, L.K. McLean Associates (LKMA), has reviewed the Comment Response letter from R&M Engineering dated August 2, 2023; the Traffic Assessment and Response prepared by R&M Engineering with latest revision dated August 2, 2023; the Site Plan set for Muslims of Long Island, prepared by Brian A. Fisher, Architect, P.C. with latest revision dated July 31, 2023; the Town of Oyster Bay Short Environmental Assessment Form (EAF) Addendum, prepared by R&M Engineering, dated August 2, 2023; and the Short EAF Additional Information Attachment A, prepared by R&M Engineering, dated August 2, 2023. Attached are both the LKMA comment letter and Town of Oyster Bay Traffic Information Request Addendum (TIRA) Checklist dated August 22, 2023.

Thank you.

Regards,  
**P.W. GROSSER CONSULTING**

A handwritten signature in black ink that reads "Katelyn Kaim". The signature is written in a cursive, flowing style.

Katelyn Kaim, AICP  
Sr. Environmental Planner/Project Manager

Enc.





❖ 437 South Country Road • Brookhaven • New York • 11719  
❖ 25 Newbridge Road • Suite 304 • Hicksville • New York • 11801

*L. K. McLean Associates, P.C.*

(631) 286-8668 • FAX (631) 286-6314  
<https://www.lkma.com>

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STEVEN W. EISENBERG, P.E.  
ANDREW B. SPEISER  
MATTHEW C. JEDLICKA, LEED AP  
KEITH J. MASSERIA, P.E.  
VINCENT A. CORRADO, P.E.  
TAMARA L. STILLMAN, P.L.S.

## MEMORANDUM

TO: Kim Gennaro-Oancea, AICP CEP  
Vice President, PWGC  
630 Johnson Avenue Suite 7  
Bohemia, New York 11716

FROM: Vincent A. Corrado, PE  
Associate, Louis K. McLean Associates, PC

CC: Raymond G. DiBiase, PE, PTOE, PTP

DATE: August 22, 2023

RE: Muslims on Long Island Inc.  
320 Central Avenue  
Bethpage, New York  
LKMA 19164.004

A handwritten signature in black ink, appearing to read 'V. Corrado'.

As requested, we have reviewed the following documentation submitted concerning the above:

1. Comment Response letter from R&M Engineering to Town of Oyster Bay Department of Environmental Resources dated August 2, 2023;
2. Traffic Assessment and Response to TOBAY DER TIRA – 2020 prepared by R&M Engineering, dated December 7, 2021, last revised August 2, 2023;
3. Site Plan set for Muslims of Long Island, prepared by Brian A. Fisher, Architect, P.C., last revision date July 31, 2023;
4. Town of Oyster Bay Short EAF Addendum, prepared by R&M Engineering, dated August 2, 2023;
5. Short EAF Additional Information Attachment A, prepared by R&M Engineering, dated August 2, 2023.

The project envisions demolition of two existing one-story buildings and construction of a 16,003 SF Mosque (including basement) on a 1.3-acre site located on the northwest corner of the Central Avenue/Stewart Avenue intersection. Current Zoning is General Business. Two 2-way access driveways are proposed along Central Avenue, and one 2-way access driveway on Stewart Avenue. Right turns





only into and out of the site are proposed at all three driveways. All parking is proposed on site, in an at grade parking area providing 84 spaces.

Note that LKMA had reviewed prior submissions in connection with this project, and provided our most recent comments in a memorandum dated March 7, 2023. As per our comments in the memorandum, the only remaining transportation related issue requiring additional information was related to the use of on-street parking to accommodate demand during peak worship times at the mosque. The need for using on street parking arises from the fact that the proposed site configuration does not meet the Town code parking requirements. Since no significant changes to any other elements of the proposed development are reflected in the current submission, other than updates for consistency in materials submitted for review, this memorandum provides our review of the submission's adequacy with regard to the parking issue. Information regarding the resolution of prior comments can be found in previous memoranda. The comments in this memo also account for and take into consideration the issues discussed at the project meeting on July 10, 2023.

In addition, the Town of Oyster Bay Department of Environmental Resources (DER) utilizes a revised Transportation Information Request Addendum (TIRA) that is intended to supplement the analysis of transportation-related impacts beyond what is typically provided in a typical Traffic Impact Study. Toward this end, a checklist has been developed that itemizes the analyses required by the TIRA and the adequacy of the information provided in addressing each issue. A copy of the revised TIRA checklist is attached providing our comments on this submission with regard to the adequacy of the updated submission in addressing the requirements of the TIRA. As can be seen, all transportation related issues have been addressed to the extent possible given the proposed site configuration. The materials submitted to date provided a thorough analysis of transportation resources which encompassed the potential short-term, long-term and cumulative impacts of the proposed action, as well as any potential direct or indirect/secondary impacts. Based on our review of these materials, it is LKMA's professional opinion that no significant adverse environmental impacts pertaining to transportation resources as a result of the proposed action are likely

The following sections provide the results of our review of the current submission. For ease of review, the parking comments from our prior memorandum are repeated below, along with the applicant's response.

LKMA March 7, 2023 Comment:

*Revisions to the Town of Oyster Bay code have increased the number of parking spaces required for the proposed use. The Town Code requires 135 parking spaces and 86 parking spaces are proposed. Therefore, a parking variance for 49 spaces is required. Based on the parking analysis submitted by the applicant the peak parking demand occurs during Friday prayer services. During services a parking deficiency exists, wherein attendee parking demand exceeds the available parking supply. According to the current site plan no increase in parking supply is proposed; thus, this parking deficiency will continue to occur during peak attendance. It is noted that currently, excess vehicles park on local streets, which will continue to occur.*

*It is noted that there are inconsistencies in the submission regarding parking as follows:*

- *Sheet C-7.1 in the site plan set still indicates that the code requires 86 spaces. Current code requires 135 spaces, as discussed in numerous other places in the submission.*



- *Item 3 on Page 1 of the Traffic and Parking Assessment indicates that 101 vehicles were parked on street during the parking demand study conducted for the application, while the study results indicate that only 13 vehicles were parked on street.*
- *Page 9 of the Traffic Assessment states “It was determined that the project would provide adequate parking to accommodate the requirements set forth by the Town Code. Since the proposed parking provided is compliant with the Town Code, which should include employee parking demand within the requirement, we believe that employee parking needs are represented in the parking requirement as well as the parking demand observed.”*

*These inconsistencies should be corrected.*

Applicant Response:

In order to assess the level of parking activity generated by the site, parking observations were conducted by this firm on Friday, October 22, 2021 and Friday, October 29, 2021 from 12 PM to 6 PM. The level of parking was noted on-site and on Central Avenue across from the site where parking was permitted. An aerial depicting the surveyed areas is included on Parking Aerial Exhibit (EX-1), attached. Areas A – L on EX-1 were surveyed on these dates. The following is a summary of the peak parking demand observed within the study area:

- On-site at 1:30 PM - 88 vehicles parked
- On-Street (Central Avenue) at 1:30 PM - 13 vehicles parked
- Total (on-site and on-street) at 1:30 PM - 101 vehicles parked

Based on the information above, 88 vehicles were parked on-site and 13 vehicles were parked on- street. Based on the observations, it is likely that the majority of the on-street vehicles were associated with the Mosque. Therefore, overflow parking demand currently exists at the mosque location and is expected to remain upon construction of the proposed project. However, it should be noted that the high levels of parking are only anticipated to occur during the prayer period on Friday afternoons, which would only last approximately 60 – 90 minutes. All other days and time periods will experience lower parking demands that would be contained on-site. The results of the parking observations above are summarized and included in Table 1, attached.

Per comments received from the Town, supplemental parking observations were performed on- street within the vicinity of the Mosque on Friday, June 16, 2023 and on Wednesday, June 21, 2023 from 12 PM – 6 PM. Areas F – H and M – P as depicted on EX-1 were surveyed on these dates, which correspond to Central Avenue, South Perishing Avenue, and Totten Street. These areas were surveyed to determine the level of parking within other on-street areas near the Mosque during both holy (Friday afternoon) and non-holy time periods. The results of these parking observations are included within Tables 2 – 3, attached. A comparison to the peak parking demand observed on Central Avenue in October 2021 is included on Table 4, attached. The peak parking demand experienced during these observations are as follows:

Friday, June 16, 2023

- On-Street (Central Avenue) at 1:30 PM - 13 vehicles parked
- Total On-Street at 1:30 PM - 55 vehicles parked

Wednesday, June 21, 2023

- On-Street (Central Avenue) at 4:30 PM - 3 vehicles parked
- Total On-Street at 3:00 PM - 29 vehicles parked

Based on the information above and the information presented in Tables 1 – 4, both observed Fridays experienced the same peak parking demand at the same time on Central Avenue, which was 13 vehicles at 1:30 PM, which corresponds with the Mosque's worship period. Additionally, the on-street parking trends are similar, with peaks occurring during the worship period and then significantly less vehicles parked during other times of the day. It was observed that on the non- holy day (Wednesday), the peak parking demand on-street was significantly lower than that observed on both Fridays (with the peak parking demand on Central Avenue reaching three vehicles at 4:30 PM), and the parking within all on-street areas observed was similar to the parking demand that occurred outside the worship period on Fridays. Based on all the above observations, it can be assumed that approximately 25 – 30 of the vehicles parked on-street are associated with the Mosque.

Regarding the overflow parking that occurs on-street as a result of the Mosque activity, we would like to note the following:

- The Mosque does not intend on increasing the size of the congregation. The expansion is rather to accommodate the existing congregation. Therefore, the level of parking that currently exists within the area will represent the future parking demand associated with the project and the surrounding area. While the proposed building will have a maximum occupancy of 506 persons, the actual occupancy within the building will likely not reach that level, based on the current size of the congregation.
- It was determined that there are 73 parking spaces available on-street within the surveyed areas (20 spaces on Central Avenue, 30 spaces on Totten Street, and 23 spaces on South Perishing Avenue). The collective observations conducted on both Friday, October 22, 2021 and Friday, June 16, 2023 determined that the peak parking demand both on-street and on-site occurred during Mosque worship services at 1:30 PM with 143 vehicles parked (88 vehicles on-site and 55 vehicles on-street), leaving a minimum of 14 vacant spaces within the area. Even with the overflow parking that results from the Mosque activity, there is ample on-street parking to accommodate the parking needs of the community.
- The Mosque will only experience high levels of parking activity during the prayer periods on Friday Afternoons (typically between 12:30 PM – 2:30 PM). Therefore, any increased parking on-street as a result of the overflow parking will occur when most residents are working and not at home and will only last a couple of hours at most. Therefore, most residents will not immediately feel the impact of the overflow parking.
- Currently, the Mosque utilizes parking within its on-site lot and the lot directly adjacent to the east (Lot 9). These two properties are not connected by a cross access. The loss of provided parking spaces (when compared to what is existing) comes from the need to connect both lots to allow patrons of the Mosque easy access to the property. Allowing for cross access between the properties will help vehicles enter and exit the site more efficiently, which could improve turnover and potentially reduce the peak parking demand.



L. K. McLean Associates, P.C.

- According to posted signage and the Town Code, on Central Avenue, there is a “No Stopping: 7 AM – 8:30 AM & 3 PM – 6 PM Except Saturday, Sunday, and Holidays” regulation from South Pershing Avenue to Totten Street. From Totten Street east a distance of approximately 80 feet, there is a “No Parking: 7 AM – 9 AM Except Saturday, Sunday, and Holidays” regulation, and from this point to Stewart Avenue, stopping is prohibited at all times (it should be noted that the transition between these two regulations is not posted on Central Avenue). The areas that are restricted by time period are regulated outside the peak periods of activity for the Mosque and as such would not impact the activity of the Mosque. There are no regulations on either Totten Street or South Pershing Avenue.
- This project has been reviewed and approved by the NCPDW.

**LKMA Additional Comment:**

***On the basis of the additional information and analysis provided above, parking demand generated by the mosque will continue to result in worshippers utilizing on-street parking during peak times of mosque attendance, which occurs on Fridays in mid-afternoon. However, there appears to be ample on-street parking available to accommodate this demand, which occurs during the work day, when resident parking demand can be expected to be somewhat lower. In addition, the proposed site configuration provides for better on-site traffic flow and improved access to the local roadway network. In our opinion, no additional information is required.***

Thank you for the opportunity to be of service to the people of the Town of Oyster Bay. If you have any questions, I can be reached at (631)286-8668 ext. 272, or by email at [vcorrado@lkma.com](mailto:vcorrado@lkma.com).

Town of Oyster Bay, DER, TIRA Checklist (Internal TEQR Division Verification of Information)				
<p>Note: The Town of Oyster Bay Department of Environmental Resources DER has prepared a Transportation Information Request Addendum (TIRA) that is to be used to supplement the analysis of transportation related impacts above what is typically provided in a Traffic Impact Study. This checklist summarizes the analyses required by the TIRA. Specific information regarding each issue should be provided in the documentation submitted in support of the application, with explanation provided for issues not considered applicable.</p>				
Project Name: Muslims on Long Island, Inc. Description: Construction of a 16,003 SF Mosque including basement Location: 320 Central Avenue, Bethpage Checklist Preparer: Vincent A. Corrado PE LKMA Date: August 22, 2023		Applicant: Muslims on Long Island, Inc.		
Issue	Issue Addressed (Y/N)	Response Adequate (Y/N)	Comments	
<b>I. Traffic Study Submission</b>				
1	Traffic Impact Study prepared and submitted?	Y	Y	Traffic Assessment for Muslim On Long Island, revised August 2, 2023 by R&M Engineering
2	Traffic Impact Study prepared by NYS PE?	Y	Y	R&M is a licensed NYS Engineering firm
<b>II. Traffic Impacts</b>				
1	Will the proposed action result in any change in traffic?	Y	Y	Although no new traffic is expected to be generated, traffic will be redistributed. Adequately discussed in submission.
2	If there will be new traffic added to the area, how much? Is information specifically provided on truck trip traffic?	Y	Y	No new vehicle or truck trips are anticipated.
3	Do the roads have the capacity to hold the expected level of additional traffic?	Y	Y	Submission provides analysis of impact of redistributed traffic. No impact is anticipated.
4	Are there any roadway restrictions that would influence traffic flow patterns?	Y	Y	No restrictions are present.
5	Are the existing and proposed sight distances adequate?	Y	Y	Submission indicates sufficient sight distance is available.
6	Is there adequate emergency vehicle access?	Y	Y	Adequately addressed in submission.
7	Are there any known or anticipated collision problems or safety concerns?	Y	Y	Submission indicates no existing accident trends.
8	Are short-term impacts due to construction activities (including lane closures or restrictions, truck traffic during construction, etc.) anticipated? Is mitigation discussed if warranted?	Y	Y	Construction activity is adequately discussed in submission. Truck removal of building demolition will be required, estimated at 10-12 truckloads per day. Applicant states that the Mosque will not be operating during construction, Friday Prayers and After School activities may continue off-site.
9	Are the project build year and background traffic growth rate discussed?	Y	Y	Adequately addressed in submission. Background growth rate of 0.7% per year used in analysis.
10	Are long-term and cumulative impacts due to full build-out of the project, other planned or proposed developments, and planned or proposed roadway projects analyzed? Is sufficient evaluation and documentation of same provided?	Y	Y	Two projects were noted to be within close proximity to the site and could potentially impact the studied intersections. These projects were included in the revised analysis.
<b>III. Parking</b>				
1	Does the parking provided meet the requirements of the Town Code?	Y	Y	Adequately discussed in report. Submission indicates that Town code requires 135 spaces, and 86 spaces are proposed. A variance is required.
2	If not, does supporting documentation justify request for parking relief?	Y	Y	Documentation is provided that indicates that during peak attendance on Friday afternoons, the parking provided on-site will be inadequate to meet demand, and on-street parking will continue to be utilized by worshipers, as is currently occurring. Estimated duration for this activity is 60 to 90 minutes, ending before the beginning of peak highway demand. On-street parking appears to be adequate to meet demand during peak hours of worship.
3	Is shared parking proposed?	NA	NA	No shared parking is proposed.
4	Does supporting documentation justify shared parking?	NA	NA	No shared parking is proposed.
5	Are short-term impacts due to construction activities including loss of on street parking, etc. anticipated?	Y	Y	Submission indicates that minimal impact during construction will occur. Installation of driveway aprons and pavement markings associated with the access points may result in slight impacts to on street parking, which are considered insignificant.
6	Does the parking analysis consider secondary impacts such as increased on-street parking?	Y	Y	As per the comment response, there will be impacts to on-street parking during peak parking demands during Friday services.



Town of Oyster Bay, DER, TIRA Checklist (Internal TEQR Division Verification of Information)				
<p>Note: The Town of Oyster Bay Department of Environmental Resources DER has prepared a Transportation Information Request Addendum (TIRA) that is to be used to supplement the analysis of transportation related impacts above what is typically provided in a Traffic Impact Study. This checklist summarizes the analyses required by the TIRA. Specific information regarding each issue should be provided in the documentation submitted in support of the application, with explanation provided for issues not considered applicable.</p>				
Project Name: Muslims on Long Island, Inc. Description: Construction of a 16,003 SF Mosque including basement Location: 320 Central Avenue, Bethpage Checklist Preparer: Vincent A. Corrado PE LKMA Date: August 22, 2023		Applicant: Muslims on Long Island, Inc.		
Issue	Issue Addressed (Y/N)	Response Adequate (Y/N)	Comments	
<b>IV. Public Transportation</b>				
1	Is information provided regarding public transportation (mode, location, schedules)	Y	Y	Submission provides adequate description of public transportation in the vicinity of the site.
2	Will the proposed project have impact on public transportation?	Y	Y	Adequately discussed in submission. No impact on public transportation anticipated.
3	Will the proposed action require new public transportation, or expansion of an existing public transportation system?	Y	Y	Adequately discussed in submission, no additional services required.
4	Does the report describe measures to encourage/support use of public transportation?	Y	Y	Adequately discussed in submission.
5	Are park and ride facilities or other infrastructure which will contribute to healthy communities, decreased reliance on automobiles, and reduce greenhouse gases incorporated into the project?	Y	Y	No infrastructure proposed, adequately discussed in submission.
6	Will the proposed action include accommodations for use of hybrid, electric or other alternative fueled vehicles?	Y	Y	Submission states none are proposed. No additional information is required.
7	Will the proposed action result in added demand for bike or pedestrian infrastructure?	Y	Y	Submission indicates that no increased attendance is anticipated.
8	Are short term impacts due to construction activities including sidewalk closures, bus stop relocation, etc. anticipated?	Y	Y	Submission discusses short term impacts, none anticipated.
<b>V. Pedestrians</b>				
1	Does the proposed project include new bicycle or pedestrian infrastructure, or provide for connections to any existing facilities?	Y	Y	Bike racks are provided on the site plan, and new sidewalk will be provided where driveways are shown being closed.
2	Are pedestrian accommodations or bicycle routes (including signed shared roadways) available on or near site of the proposed action described?	Y	Y	Sidewalk exists along both site frontages.
3	Are measures to enhance pedestrian connectivity and utilization of the aforementioned means of transportation incorporated in the project?	Y	Y	Bike racks are provided on the site plan.
4	Is a discussion of the employee parking needs associated with the proposed project provided and incorporated in the analysis?	Y	Y	Employee parking is included in the parking provided.
<b>VI. Regulatory Agency Review</b>				
1	Are regulatory agencies with transportation jurisdiction identified?	Y	Y	NCDPW, Town of Oyster Bay
2	Is information provided regarding the status of regulatory agency review, including proposed mitigation, if any?	Y	Y	NCDPW has approved the site plan and proposed access configuration.
<b>VII. Miscellaneous/Other</b>				
1	Are there any other reasonably foreseeable, potential project-specific impacts related to transportation resources that should be evaluated in the TIR provided?	Y	Y	No other impacts are anticipated.

# **EXHIBIT F**

## ZONING

## 246 Attachment 22

## Town of Oyster Bay

## § 246-8.2.1

## Schedule of Off-Street Parking and Loading Requirements

[Amended 7-22-2003 by L.L. No. 7-2003;

1-20-2004 by L.L. No. 2-2004; 11-9-2004 by L.L. No. 16-2004;

4-25-2006 by L.L. No. 5-2006; 4-8-2008 by L.L. No. 5-2008]

Principal Use	Minimum Number of Parking Spaces Required	Minimum Number of Required Loading Spaces
<b>Residential</b>		
One-family dwellings	2 per dwelling unit	0
Two-family dwellings	2 per dwelling unit	0
Townhouses	2 per dwelling unit	0
Multi-family dwellings	2 per dwelling unit	0
Senior citizen dwellings	1.3 per dwelling unit	0
Rooming or boarding houses	1 per rentable room	0
Congregate care/assisted living facility	0.75 per dwelling unit, plus 1 per employee on maximum shift	Same standard as General Office Use
Parent-child residences	3 per parent-child residence	0
Accessory apartments (R-O District)	1 per apartment	0
Apartments over stores	1 per apartment	0
Domestic employees' on- site residences	1 per residence	0
Home business	As required by § 246- 5.5.14, plus dwelling	0
Home office	As required by § 246- 5.5.14, plus dwelling	0
<b>Recreation</b>		
Bowling alleys	6 per lane	Same standard as General Office Use
Country clubs	Same as private membership club, plus other applicable parking requirements	1
<i>Fitness center</i>	1 per 75 square feet of GFA	0
Golf courses	4 per hole plus 1 per tee on driving range	0
Health club	1 per 50 sq. ft. of GFA	0
Marinas	1.25 per slip	0
Recreation uses not individually listed	1 per 2 users at maximum utilization	0

## OYSTER BAY CODE

**Town of Oyster Bay**  
**§ 246-8.2.1**  
**Schedule of Off-Street Parking and Loading Requirements**

<b>Principal Use</b>	<b>Minimum Number of Parking Spaces Required</b>	<b>Minimum Number of Required Loading Spaces</b>
Private membership clubs	Meeting or banquet rooms: 1 per 100 sq. ft. of GFA Offices: 1 per 300 sq. ft. of GFA Bars: 1 per 100 sq. ft. of GFA	Same standard as General Office Use
Skating rinks	1 per 100 sq. ft. of skating area	Same standard as General Office Use
Tennis courts (excluding accessory use on one lot)	4.5 per court	0
Theaters	1 per 3 seats	0
<b>Public/Semipublic</b>		
Cemeteries	2 per employee + 1 per acre	0
Convalescent or nursing homes	1 per bed	Same standard as General Office Use
Day care facilities and nursery schools	1 per each staff member and 1 per each 12 persons capacity, or portion thereof	0
Hospitals	1 per bed or 1 per 300 sq. ft. of GFA, whichever is greater	Same standard as General Office Use
Libraries	1 per 300 sq. ft. of GFA	1
Marine educational institutions	1 per 200 sq. ft. of GFA and 1 per 50 sq. ft. of GFA of assembly area	0
Museums	1 per 300 sq. ft. of GFA	1
Places of worship	1 per 3 seats or, if no seats, 1 per 100 sq. ft. of floor space used for public assembly	1
Play care facilities	1 per each staff member and 1 per each 3 persons capacity, or portion thereof	0
School (public and private)	1 per 200 sq. ft. of GFA and 1 per 50 sq. ft. of GFA of assembly area	0

## ZONING

**Town of Oyster Bay**  
**§ 246-8.2.1**  
**Schedule of Off-Street Parking and Loading Requirements**

<b>Principal Use</b>	<b>Minimum Number of Parking Spaces Required</b>	<b>Minimum Number Of Required Loading Spaces</b>
<b>Business</b>		
Animal hospitals	1 per 250 sq. ft. of GFA	1
Banks	5 per teller station or 1 per 200 sq. ft. of GFA whichever is greater, plus 5 queuing spaces per drive-through window	0
Bars/discotheques/dance hall/night club/cabarets	1 per 3 occupants or 1 per 75 sq. ft. of GFA whichever is greater	0
Boatyards	1 per boat slip, dock space, and boat storage space, plus 1 per employee, plus 1 per 200 sq. ft. of retail floor space	1
Catering services	1 per 50 sq. ft. of GFA in meeting or banquet rooms	Same standard as Restaurants
Commercial greenhouses	1 per 1,000 sq. ft. of GFA	1
Drive-through services	2 per drive-through window plus 5 queuing spaces per drive-through window	0
Fish markets	1 per 200 sq. ft. of GFA	1
Fishing stations	1 per 200 sq. ft. of retail space, plus 1 per employee, plus 1.5 per rental boat	0
Landscape nursery/garden center	Same standard as Lumber Yard	Same standard as Lumber Yard
Lodging places	1 per guest room, plus 1 per employee, plus additional spaces as required for other uses	1 for the first 100 units or less, plus 1 for each additional 100 units or major portion thereof, plus spaces as required for other uses
Mariculture	1.5 per employee	1
Mariculture research and development facilities	1 per 250 sq. ft. of GFA	Same standard as General Office Use



## OYSTER BAY CODE

**Town of Oyster Bay**  
**§ 246-8.2.1**  
**Schedule of Off-Street Parking and Loading Requirements**

<b>Principal Use</b>	<b>Minimum Number of Parking Spaces Required</b>	<b>Minimum Number Of Required Loading Spaces</b>
Marine-retail business complexes	1 per 200 sq. ft. of GFA	Same standard as retail and personal service establishments
Office/ <i>professional office</i>	1 per 200 sq. ft. of GFA	1 for the first 10,000 sq. ft. of GFA or major portion thereof, plus 1 for each additional 100,000 sq. ft. of GFA or major portion thereof
Other water-dependent uses found to be beneficial and harmonious with the special permit standards of the Waterfront-A District	Established by the approving agency on a case-by-case basis	Established by the approving agency on a case-by-case basis
Restaurants and fast food restaurants	1 per 3 persons occupancy as per Chapter 183 but no less than 1 per 200 sq. ft. GFA	1 for each 10,000 sq. ft. of GFA or major portion thereof
Retail and personal service establishment	1 per 200 sq. ft. of GFA	1 for the first 10,000 sq. ft. of GFA or major portion thereof plus 1 for the next 25,000 sq. ft. of GFA or major portion thereof, plus 1 for each additional 50,000 sq. ft. of GFA
Self-service storage facility	1 per 4,000 sq. ft. of GFA	Established by the approving agency on a case-by-case basis
Undertaking establishments	1 per 50 sq. ft. of GFA, plus 1 per commercial vehicle kept on lot	1
<b>Automotive</b>		
Motor vehicle fuel sales and service	1 per pump island plus 4 per service bay	1
Motor vehicle rental/sales	Sales: 1 per 300 sq. ft. of GFA Service: 4 per service bay	1

## ZONING

**Town of Oyster Bay**  
**§ 246-8.2.1**  
**Schedule of Off-Street Parking and Loading Requirements**  
**(Page 5)**

<b>Principal Use</b>	<b>Minimum Number of Parking Spaces Required</b>	<b>Minimum Number Of Required Loading Spaces</b>
Taxi and limousine service	1 per 200 square feet of GFA plus 1 for each taxi and limousine dispatched from the premises (Note: Parking space dimensions shall be appropriate to the size of each vehicle to be parked on the premises)	0
<b>Industrial</b>		
Light manufacturing	1 per employee, plus 1 per commercial vehicle kept on the lot, but not less than 1 per 500 sq. ft. of GFA	1 for the first 10,000 sq. ft. of GFA, plus 1 for each additional 20,000 sq. ft. GFA or major portion thereof
Lumber yards	1 per 200 sq. ft. of GFA plus 1 per 500 sq. ft. of outdoor sales area plus 1 per 1,000 sq. ft. of storage area	1 for the first 10,000 sq. ft. of GFA, plus 1 for each additional 25,000 sq. ft. of GFA, including outdoor sales area, or major portion thereof
Research and development	1 per 250 sq. ft. of GFA	Same standard as General Office Use
Warehouse, distribution and storage	1 per employee, plus 1 per commercial vehicle kept on the lot, but not less than 1 per 1,000 sq. ft. of GFA	Same standards as Light Manufacturing
<b>Other Uses</b>		
Place of public assembly for 50 or more persons	1 per each 50 sq. ft. of GFA	0
Places of public assembly for fewer than 50 persons	1 per each 100 sq. ft. of GFA	0

NOTE: GFA = Gross Floor Area

# EXHIBIT G

1 of the parking recommendations, a lot of it is,  
2 again, clarifying the language, and how we review  
3 the applications now.

4 Currently, Motor Vehicle Retail Sales,  
5 it talks about one per 300-square-feet of Gross  
6 Floor Area for the showroom; that is staying the  
7 same. Along with the four service bays, that's  
8 staying the same.

9 What we've noticed with car  
10 dealerships, they will come to us with their Site  
11 Plan and show the required parking; however, they  
12 end up putting inventory in those required parking  
13 spaces, and we've had problems with various  
14 locations throughout the Town where -- then the  
15 employees park on the public streets and so forth,  
16 so we're clarifying that language.

17 Again, that's -- they need to be able  
18 to -- those spots have to remain open, and they  
19 have to be provided for.

20 Places of Worship -- again, the Code  
21 requires one spot for every three occupants. A lot  
22 of times when applications come in, they're coming  
23 in with one per three seats, but seats and  
24 occupants are two different things because you have  
25 standing areas that people worship when they're

1 standing as opposed to sitting. They're calculated  
2 differently under the Public Assembly Laws as well  
3 as the New York State Building Code, so we're  
4 clarifying that.

5 The Warehouse and Distribution  
6 Centers -- we're recommending going back to the one  
7 per 500-square-feet.

8 To give you some history, back in the  
9 early to mid-2000s when the Town did a  
10 comprehensive Zoning Code, prior to that, the  
11 zoning regulations for parking for warehouses was  
12 one per 500. It changed in, like I said, in the  
13 2000s. We are requesting to go back to the one per  
14 500.

15 I know there's a few people that are  
16 here tonight to speak on that. They have some  
17 pending applications. I just want everyone to know  
18 that the staff did look at other municipalities  
19 here on Long Island, and just, again, for a point  
20 of reference, what the other municipalities are  
21 doing:

22 Town of Huntington, one per 300;

23 Brookhaven, one per 400;

24 Smithtown, one per 500;

25 Town of Oyster Bay, our recommendation



# EXHIBIT H

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231

## **Local Law Filing**

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**Town of OYSTER BAY**

**Local Law No. 6 of the year 2022**

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK TO COMPREHENSIVELY REVISE CERTAIN DEFINITIONS AND PROVISIONS OF CHAPTER 246, ZONING.

**Be it enacted by the TOWN BOARD of THE TOWN OF OYSTER BAY as follows:**

**Section 1.** Amend Chapter 246-2.4 Definitions as follows:

1. Delete the definition of “BUILDING, ACCESSORY” in its entirety and replace as follows:

BUILDING or STRUCTURE, ACCESSORY – A building or structure subordinate to and separated by a distance of more than three feet from the principal building on a lot and used for purposes customarily incidental to those of the principal building. Where an accessory building or structure is attached to the principal building, such accessory building or structure shall be considered part of the principal building. No accessory building or structure shall exceed 1/3 of the maximum permitted building coverage of the district in which it is located; exceed 40% of the building coverage of the principal building on the lot, contain a cooking, sanitary and/or sleeping facility, or be used as a dwelling; or, be located less than three feet from another building. (See Figure 2-3 at the end of this chapter.)

2. Delete the definition of “CHANGEABLE COPY SIGN” in its entirety and replace as follows:

CHANGEABLE COPY SIGN - A sign or portion thereof with characters, letters or illustrations that can be electronically changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a for purposes of this section. The following are not considered changeable copy signs for the purposes of this section: a sign on which the only copy that changes is an electronic or mechanical indication of time or temperature; non-electronic manually changeable signs; and fast food restaurant menu boards located in drive-thru lanes which shall be considered a freestanding or building sign.

3. Delete the definition of “CONGREGATE-CARE/ASSISTED-LIVING FACILITY” in its entirety and replace with the following separate definitions:

ASSISTED-LIVING FACILITY – A building, portion of a building or group of buildings that provide dwellings in a residential environment where individual cooking facilities are limited to microwave ovens and/or cooktops, with assistance available by way of common meals, housekeeping and personal services. Occupancy is restricted to persons 62 years of age or older or couples, one of whose member is 62 years of age or older who may have difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility.

CONGREGATE-CARE – A building, portion of a building or group of buildings containing three or more dwelling units where individual cooking facilities are limited to microwave ovens and/or cooktops, specially designed for use and occupancy by the elderly, including a common dining facility and other common amenities and whose occupancy is restricted to persons 62 years of age or older or couples, one of whose member is 62 years of age or older.

4. Add the following definition for “PAVED SURFACE”:

PAVED SURFACE - an area laid or covered with material (such as asphalt or concrete) that forms a firm level surface. Gravel and crushed stone are not considered a *paved surface* for purposes of this section unless applied on top of an asphalt or concrete surface.

5. Delete the definition of “SWIMMING POOL” in its entirety and replace as follows:

SWIMMING POOL - Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designated to contain, or is capable of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools; semi-inground pools; indoor pools; hot tubs; spas and wading pools.

**Section 2.** Delete Section 246-4, General Regulations, Subsection 246-4.7.1, Provisions governing fences and walls, in its entirety and replace with the following:

*Fences* and walls. The requirements of this chapter shall not be deemed to prohibit any otherwise lawful *fence* or wall. A *fence* or wall, or any combination thereof, not located within a required yard shall not exceed 10 feet in height. *Fences* and walls, including retaining walls, are permitted within required yards, provided that, except in R1-5A, R1-2A and R1-1A Districts, such *fences* or walls, or combination thereof, do not extend more than four feet above grade in any yard abutting a *street*, and six feet above grade in any other required yard, and further provided that they do not interfere with vehicular access and sight distance. For the purposes of this section, *average setback* shall not apply to *fences* and walls. In the R1-5A, R1-2A and R1-1A Districts and in all nonresidence districts, *fences* or walls, or a combination thereof, up to six feet in height above grade are permitted in any yard. Any *fence* or wall in nonresidence districts over six feet in height

will require approval from the Zoning Board of Appeals, unless a site plan approval is granted from either the Town Board or Planning Advisory Board. In a nonresidence district, where any *fence* or wall located within a required yard has a finished or more attractive side, such side shall face the neighboring property or *street*. Required landscaping in a nonresidence district shall be provided on the side facing into the property, unless the *fence* is along a *street*, so as to allow for the maintenance of the landscaping. The height of a *fence* located along any *street* or *front lot line* shall be measured from the existing elevation of the center line of such *street*. The height requirements noted in this section are subject to the provisions of § 246.4.4.4, Visibility at *street* intersections.

**Section 3.** Amend Section 246-5.2 Schedule of Use Regulations – Nonresidence Districts, by deleting the following:

Nonresidence District Designation										
Uses Uses Only Where Specifically Indicated	REC	RO	OB	NB	CB	GB	WF-A	WF-B	ORD	LI
Existing businesses as of the effective date of Local Law 3-2012	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)

**Section 4.** Amend Section 246-5.2 Schedule of Use Regulations – Nonresidence Districts, to read as follows:

Nonresidence District Designation									
Uses Uses Only Where Specifically Indicated	REC	RO	OB	NB	GB	WF-A	WF-B	ORD	LI
<i>Fitness Centers</i> , 3,500 square feet				SP(TB)	SP(TB)			SP(TB)	SP(TB)
<i>Fitness Centers</i> under 3,500 square feet				PP	PP			PP	PP

**Section 5.** Amend Section 246-5, District Regulations, Subsection 246-5.3, Schedule of Dimensional Regulations, to read as follows:

Principal Buildings	Accessory Buildings or Structures
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**Section 6.** Amend Section 246-5, District Regulations, Subsection 246-5.3, Schedule of Dimensional Regulations, to read as follows:

District Regulations	Accessory Buildings or Structures			
	Minimum Yards (feet)			
	Front	Side	Rear	
NB	10	10	10	

**Section 7.** Amend Section 246-5, District Regulations, Subsection 246-5.3, Schedule of Dimensional Regulations, to read as follows:

**NOTES:**

Maximum permitted building height in the Oyster Bay Hamlet Residence District is 2 stories/28 feet

**Section 8.** Delete Section 246-5, General Regulations, Subsection 246-5.5.33, *Commercially Zoned Property Abutting or Within one-hundred-foot radius of Residential Districts*, in its entirety and replace as follows:

*Commercial Uses Abutting or Within a one-hundred-foot radius of Residential Districts:*

The hours of operation of any establishment located in a nonresidence district which either abuts a residence district or is located within a one-hundred-foot radius of any residence district, excluding places of worship, shall be limited to the hours of 6:00 a.m. to 11:00 p.m., and deliveries to said establishment and operation of property maintenance and any other potential sources of noise disturbance shall also be limited to those hours. Uses that are lawfully existing prior to the effective date of this section shall be allowed to continue to operate between the hours of 11:00 p.m. and 6:00 a.m.

**Section 9.** Delete Section 246-7, Site Design Standards, Subsection 246-7.3, Exterior Lighting, in its entirety and replace as follows:

All exterior lighting accessory to multifamily or nonresidence uses, and all exterior lighting of recreation facilities accessory to a residence use, including pole- and *building*-mounted area lighting and the lighting of *signs*, shall be of such type and location and shall have such shielding as will prevent the source of light from being visible from any adjoining *streets*, public areas and neighboring properties and prevent objectionable glare observable from such *streets* or properties. The height and lighting intensity of exterior lighting fixtures shall be determined on a case-by-case basis by the site plan reviewing authority, which shall consider the size, nature and location of the proposed use, and the site's relationship to neighboring properties and uses. In general, the height and lighting intensity of exterior lighting fixtures shall not exceed 24 feet and/or 400 watts, respectively. The maximum height for freestanding lighting or building mounted lighting on nonresidential properties which abut a residential property shall be fourteen (14) feet. Lighting levels for nonresidential uses shall generally not exceed an average intensity of



three footcandles, nor be an average of less than 0.5 footcandle at pavement level. Exterior lighting shall be extinguished within one hour of the closing of the business or nonresidence use, except for such illumination as may be permitted by the reviewing agency for property protection and security purposes. No neon or other such lighting outlining a *building, structure* or other architectural feature is permitted.

**Section 10.** Amend Section 246-8, Off-Street Parking and Loading, Subsection 246-8.2.1, Spaces Required, to read as follows:

Principal Use	Minimum Number of Parking Spaces Required	Minimum Number of Loading Spaces
<b>Automotive</b>		
Motor Vehicle rental/sales	Sales: 1 per 300 sq. ft. of GFA plus 1 per each vehicle stored on site Service: 4 per service bay	1

Principal Use	Minimum Number of Parking Spaces Required	Minimum Number of Loading Spaces
<b>Public/Semipublic</b>		
Places of Worship and associated assembly areas	1 per 3 persons occupancy	1

Principal Use	Minimum Number of Parking Spaces Required	Minimum Number of Loading Spaces
<b>Industrial</b>		
Warehouse, distribution, and storage	1 per employee, but no less than 1 per 500 sq. ft. of GFA, <u>whichever is greater</u>	Same standards as light manufacturing

**Section 11.** Amend Section 246-8, Off-Street Parking and Loading, Subsection 246-8.2.1, Spaces Required, to add as follows:

Principal Use	Minimum Number of Parking Spaces Required	Minimum Number of Loading Spaces
<b>Industrial</b>		

Accessory storage of vehicles	1 per vehicle plus 1 space per driver of vehicle. The size of spaces provided shall be commensurate with the vehicle being stored and shall not be smaller than 9 ft. x 18 ft.	Same standards as light manufacturing
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**Section 12.** Delete Section 246-8, Off-Street Parking and Loading, Subsection 246-8.2.7, Off-street parking in nonresidence districts, in its entirety and replace as follows:

In all nonresidence districts other than the OB District, required off-street parking spaces may be located in a required *front yard*, but not less than six feet from the *front lot line* nor less than 10 feet from the curb or sidewalk line, whichever requirement is more restrictive. Off-street parking in the OB District is subject to the standards of § 246-5.4.5.2 of this chapter. Required off-street parking spaces may be located in a required *side* or *rear yard*, but not less than six feet from the *side* or *rear lot line*, except where a coordinated parking plan with adjacent nonresidential use is shown on a Town-approved site plan. Below grade parking and on grade parking located directly below a building are not permitted in any nonresidence district unless specifically authorized by another provision in this Code.

**Section 13.** Delete Section 246-9.2, Special Permit Review, Approving Agencies, in its entirety and replace as follows:

**Approving agencies.**

The Town Board shall be the approving agency for all special permit uses, except where the Zoning Board of Appeals is the approving agency as noted in the Schedule of Use Regulations.<sup>III</sup>

**Section 14.** Amend Section 11, Sign Regulations, Schedule of Permitted Sign Types, as follows:

Sign Type	Zoning Districts			
	<u>R1</u>	<u>RMF, RO</u>	<u>OB, NB</u>	<u>CB, GB, ORD, LI</u>
Sign Characteristic (All Sign Types)				
Changeable Copy	NP	NP	NP	NP

**Section 15.** SEQOR Determination. It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, (SEQOR), 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., that the adoption of this local law is a “Type II” Action within the meaning of Section 617.5 (c) (26) of 6 N.Y.C.R.R.,

pertaining to "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and, accordingly, is of a class of actions which does not have a significant effect on the environment and no further review is required.

**Section 16.** Severability. If any section, subdivision or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances.

**Section 17.** Effective Date. This local law shall take effect immediately upon its adoption and filing with the Office of the Secretary of State.

**Certification:**

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2022 of the Town of Oyster Bay was duly passed by the Town Board on June 14 2022, in accordance with the applicable provisions of law.

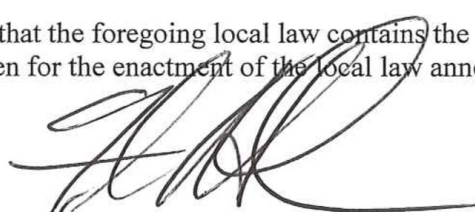
  
\_\_\_\_\_  
Clerk of the Town of Oyster Bay

(Seal)

Date: June 16, 2022

STATE OF NEW YORK  
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature

Town Attorney

Title

Town of Oyster Bay

Date: June 15 2022

# EXHIBIT I

TOWN OF OYSTER BAY  
**Inter-Departmental Memo**  
 July 16, 2024

To : **SCOTT L. BYRNE, DEPUTY COMMISSIONER**  
**DEPARTMENT OF PLANNING & DEVELOPMENT**

From : **GINA LEBRIGHT**  
**PLANNING DIVISION**

Subject **SITE PLAN REVIEW SP 01-19**  
**MUSLIMS ON LONG ISLAND INC.**  
**320 CENTRAL AVE.**  
**BETHPAGE, NY 11714**  
**SEC. 46 BLK. 112 LOT(S) 7 & 9**  
**ZONE: GENERAL BUSINESS (GB)**

The office of Planning and Development has reviewed the following documents, which were received by the Planning Division in regards to the above referenced application:

Twenty-five (25) drawings prepared by Brian Fisher, R.A., Farmingdale, NY, have been submitted for approval. The plans are as follows:

<b>SHEET NO.</b>	<b>TITLE:</b>	<b>PREPARED BY:</b>	<b>LAST REVISED DATE:</b>
T-2.1	Title Page	Brian Fisher, R.A.	09/08/2022
C-2.1	Existing Site Plan	Brian Fisher, R.A.	09/08/2022
C-3.1	Proposed Site Plan	Brian Fisher, R.A.	09/08/2022
C-4.1	Grading & Drainage Plan	Brian Fisher, R.A.	09/08/2022
C-4.2	Rain Harvesting	Brian Fisher, R.A.	09/08/2022
C-4.4	Cut And Fill Calculations	Brian Fisher, R.A.	09/08/2022
C-5.1	Sediment And Erosion Control Plan	Brian Fisher, R.A.	09/08/2022
C-5.2	Sediment And Erosion Control Details	Brian Fisher, R.A.	09/08/2022
C-6.1	Traffic Signal/Pavement Marking Plan	Brian Fisher, R.A.	09/08/2022
C-7.1	Parking/On Site Traffic	Brian Fisher, R.A.	02/15/2024
C-8.1	Utility Plan	Brian Fisher, R.A.	09/08/2022
C-9.1.	TOB Landscaping Plan	Brian Fisher, R.A.	09/09/2022
C-9.2	Photos of Plantings/ Tree Removal Sched.	Brian Fisher, R.A.	09/08/2022
C-9.3.	Rain Garden Details & Photos	Brian Fisher, R.A.	09/08/2022
C-10.1	On-Site Details	Brian Fisher, R.A.	09/08/2022
C-10.2	NCDPW Details & Notes	Brian Fisher, R.A.	09/08/2022
C-11.1	Site Lighting Plan & Specs.	Brian Fisher, R.A.	06/23/2022
C-11.2	Site Lighting Details	Brian Fisher, R.A.	06/23/2022
C-12.1	Sanitary Sewer Plan	Brian Fisher, R.A.	06/23/2022
C-12.2	Sanitary Sewer Profile	Brian Fisher, R.A.	06/23/2022
C-13.1	Removals Plan	Brian Fisher, R.A.	06/23/2022
A-002.00	Life Safety Plans	Brian Fisher, R.A.	06/24/2024
A-100.00	Basement Construction Plan	Brian Fisher, R.A.	06/24/2024
A-101.00	1 <sup>st</sup> Floor Construction Plan	Brian Fisher, R.A.	06/24/2024
A-102.00	2 <sup>nd</sup> Floor Construction Plan	Brian Fisher, R.A.	06/24/2024
A-300.00	Exterior Elevations	Brian Fisher, R.A.	06/24/2024



Based on a review of the aforementioned documents, it is the determination of this Division that the applicant has satisfactorily addressed all concerns relative to the Town of Oyster Bay's Zoning Ordinances, as they pertained to the site plan alterations proposed in this application.



GINA LEBRIGHT  
PLANNING DIVISION

# EXHIBIT J

PUBLIC WORK SESSION  
of the  
NASSAU COUNTY PLANNING COMMISSION

Thursday, July 18, 2024

9:04 a.m. - 9:56 a.m.

LEGISLATIVE CHAMBER  
Theodore Roosevelt Executive & Legislative Bldg.  
1550 Franklin Avenue  
Mineola, New York

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

3 JEFFREY H. GREENFIELD, Acting Chair

4 NEAL LEWIS, Third Vice-Chair

5 DANA DURSO, (9:12 a.m. - 9:56 a.m.)

6 DENISE GOLD,

7 KHANDAN KALATY,

8 REID SAKOWICH,

9 Commissioners

10

11 WILLIAM NIMMO, Deputy Commissioner

12 ROBERT O'BRIEN, Esq., Counsel

13 PATRICK GALLAGHER, Esq., Counsel  
14 (9:39 a.m. - 9:56 a.m.)

15 Staff:

16 GREGORY HOESL

17 MARTY KATZ

18 JOHN PERRAKIS

19 TIMOTHY WREN

20 Also Present:

21 STEPHANIE J. VALDER, Stenographer

22 BARBARA DANIELS, Stenographer

23

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2 P R O C E E D I N G S:

3 ACTING CHAIR GREENFIELD: All right.

4 Staff, good morning.

5 MR. PERRAKIS: Good morning.

6 ACTING CHAIR GREENFIELD: We're going

7 to begin. We have five members here.

8 THIRD VICE-CHAIR LEWIS: The work

9 session, is that --

10 ACTING CHAIR GREENFIELD: The public

11 work session.

12 THIRD VICE-CHAIR LEWIS: Yup.

13 ACTING CHAIR GREENFIELD: And we --

14 THIRD VICE-CHAIR LEWIS: Good morning

15 -- good morning -- good morning.

16 ACTING CHAIR GREENFIELD: -- review the

17 agenda during the public work session.

18 MR. O'BRIEN: We're out here.

19 THIRD VICE-CHAIR LEWIS: Yeah, we just

20 want to see that all the cases are ready. Maybe

21 the staff could run through the agenda and tell

22 us:

23 Are notices in;

24 Are we expecting appearances today;

25 Were, you know, the files complete in



1 Proceedings

2 terms of the letter from the Town for  
3 Zoning Compliance;

4 And maybe the last question would be  
5 was there any questions or comments;

6 So did anybody e-mail comments on the  
7 items. Not getting into what that is until the  
8 full meeting starts in terms of what the subject  
9 of the comments were, but if you can, maybe just  
10 run through where we're at on each case, status.

11 MR. PERRAKIS: You want to start with  
12 the "OSPAC" one?

13 MR. HOESL: Sure.

14 MR. O'BRIEN: You want to start with  
15 Zoning and work back or do want to do in the --  
16 in the order of the calendar?

17 THIRD VICE-CHAIR LEWIS: That's fine.

18 MR. HOESL: Order of the calendar?

19 (No response.)

20 MR. HOESL: All right, yeah. I'll  
21 start with first up is --

22 MR. O'BRIEN: Greg, maybe just since  
23 there are people that are listening, maybe you  
24 want to --

25 MR. HOESL: Okay --

1 Proceedings

2 MR. O'BRIEN: -- go up to the podium.

3 And just --

4 MR. HOESL: -- yeah, sure.

5 MR. O'BRIEN: -- and just I think it  
6 will be a little awkward from up here.

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1 NCPC OSPAC File No. 2-2024

2 (Stepping up.)

3 MR. HOESL: Thanks.

4 First up is OSPAC 2-2024. This is for  
5 the operational lease with Las Vegas Sands and  
6 Nassau County.

7 So you guys have all been provided with  
8 the:

9 I think we got about 300 e-mails for  
10 public comments;

11 You also have the transcript from last  
12 time with all the public comments.

13 This was brought back to "OSPAC" last  
14 Wednesday, July 10th. "OSPAC" was provided with  
15 all those comments as well. It then held a vote.  
16 And at the July 10th OSPAC meeting, "OSPAC" voted  
17 on both the following motions:

18 They voted 6-0 with one --

19 THIRD VICE-CHAIR LEWIS: So --

20 MR. HOESL: -- abstention.

21 THIRD VICE-CHAIR LEWIS: -- so I'm  
22 trying to figure out if it's possible to make it  
23 so that you don't have to go through the entire  
24 presentation that you're going to make in --

25 MR. HOESL: Uh-huh.

1 NCPC OSPAC File No. 2-2024

2 THIRD VICE-CHAIR LEWIS: -- you know,  
3 45 minutes. For this case, the item is on for --  
4 how about we do this as a quick "Q and A?" Is  
5 this case ready to go today, for the agenda?

6 MR. HOESL: Correct, yes.

7 THIRD VICE-CHAIR LEWIS: Okay.

8 MR. HOESL: Yup.

9 THIRD VICE-CHAIR LEWIS: So I know  
10 this, because I wanted to find the transcript and  
11 I was having problems with e-mails yesterday,  
12 probably on my end. I had some problems in my  
13 office. But I was able to get the transcript  
14 from our last hearing, like 140 something pages.

15 MR. HOESL: Yeah -- yeah.

16 THIRD VICE-CHAIR LEWIS: And that's on  
17 the website. So could you just point out that  
18 the -- is everything up in terms of all the  
19 materials for this item?

20 MR. HOESL: Yeah. So we -- we have  
21 that new website we created. Everything has been  
22 posted there. The one thing that has not been  
23 posted yet is the public comments, because we  
24 have to redact personal information and that has  
25 taken some time. I don't have the ability to do

1 NCPC OSPAC File No. 2-2024

2 that yet. We're working on that. But everything  
3 else:

4 All the transcripts;

5 The "FEAF" for today is posted up  
6 there;

7 Meeting minutes;

8 Draft resolutions. You guys -- I sent  
9 around the draft resolution for this.

10 THIRD VICE-CHAIR LEWIS: And one more  
11 was the "OSPAC." We don't usually have a full  
12 transcript of the "OSPAC" hearing, but that's  
13 also on the --

14 MR. HOESL: Yeah, but we -- yeah, we do  
15 have one from both of the "OSPAC" meetings  
16 dealing with this, yup.

17 THIRD VICE-CHAIR LEWIS: Okay. So I  
18 think that's enough for now, because otherwise  
19 you're just going to be repeating yourself;  
20 right? So --

21 MR. HOESL: Yeah. Just -- you just  
22 know that "OSPAC" voted 6-0, to recommend that  
23 you guys recommend. Yeah.

24 THIRD VICE-CHAIR LEWIS: Again, you're  
25 going to have to repeat --



1 NCPC OSPAC File No. 2-2024

2 MR. HOESL: Yeah --

3 THIRD VICE-CHAIR LEWIS: -- that later.

4 I just wanted to know the case is ready.

5 MR. HOESL: (Nodding head yes.)

6 THIRD VICE-CHAIR LEWIS: Okay.

7 MR. HOESL: Correct, yup.

8 THIRD VICE-CHAIR LEWIS: So let's go

9 through the other ones in terms of --

10 MR. HOESL: Sure.

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1 NCPC OSPAC File No. 3-2024

2 MR. HOESL: Next is a new one. This is  
3 OSPAC 3-2024.

4 This is just a proposed easement for  
5 "PSEG." And the highlighted parcel there is  
6 County-owned land. The Long Island Railroad  
7 tracks are right behind it. There is overhead  
8 wires to the site, so they just want to get an  
9 easement to go underground to put the wires.

10 This was introduced to "OSPAC," so the  
11 public comment period will be opened up today for  
12 any comments. We have Ted Hommel (indicating)  
13 from the County Attorney's Office here. And it's  
14 ready to go for a public comment today.

15 ACTING CHAIR GREENFIELD: I just heard  
16 our friend Kevin went on vacation, left it to  
17 Ted.

18 MR. HOESL: Yeah.

19 (Laughter.)

20 THIRD VICE-CHAIR LEWIS: The -- the  
21 notices that are required were provided?

22 MR. HOESL: Yup.

23 THIRD VICE-CHAIR LEWIS: The letter  
24 from the Town is in the file?

25 MR. HOESL: Well, there wouldn't be a

1 NCPC OSPAC File No. 3-2024

2 letter from the Town on this. But --

3 THIRD VICE-CHAIR LEWIS: This is the --

4 MR. HOESL: -- we have the inner

5 department --

6 THIRD VICE-CHAIR LEWIS: -- this is an

7 easement on this --

8 MR. HOESL: -- memo for --

9 THIRD VICE-CHAIR LEWIS: -- excuse me.

10 Yeah, right.

11 ACTING CHAIR GREENFIELD: Okay.

12 MR. HOESL: Any questions on that?

13 (No response.)

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1 Proceedings

2 (Stepping up.)

3 MR. WREN: Okay. Next up I'll go  
4 quickly though the minor subdivisions. The first  
5 three cases are all zoning compliant. We've  
6 received the letters from those, so those are all  
7 good to go.

8 MR. O'BRIEN: And we have all the  
9 mailings back?

10 MR. WREN: Yes -- yeah. All, we --

11 MR. O'BRIEN: Good --

12 MR. WREN: -- have mailings back on all  
13 of our cases.

14 MR. O'BRIEN: -- good.

15 MR. WREN: The last three were -- we do  
16 have the -- were approved with variances from the  
17 Town of Hempstead, the Incorporated Village of  
18 Freeport, and once again, the Town of Hempstead  
19 for the last three cases.

20 THIRD VICE-CHAIR LEWIS: Why is that?

21 (No response.)

22 MR. O'BRIEN: Okay.

23 MR. WREN: But they're all pretty much  
24 "as-of-right."

25 MR. O'BRIEN: Good. All right.

1 Proceedings

2 THIRD VICE-CHAIR LEWIS: Is that  
3 affirmative action?

4 (No response.)

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1 NCPC Minor Sub. File No. 35-2024

2 MR. WREN: Oh, I do have one public  
3 comment for Case 35. Would you like me to read  
4 that now or?

5 MR. O'BRIEN: At -- in the hearing.

6 MR. WREN: Okay.

7 MR. O'BRIEN: If it's only one, I'd --

8 ACTING CHAIR GREENFIELD: We'll --

9 MR. WREN: Yeah, that was the --

10 ACTING CHAIR GREENFIELD: -- hold it to  
11 the hearing.

12 MR. WREN: -- only comment.

13 MR. O'BRIEN: Right.

14 ACTING CHAIR GREENFIELD: No sense  
15 doing it twice.

16 MR. O'BRIEN: Yup.

17 MR. WREN: Okay.

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1 Zoning Referral Calendar Public Work Session

2 ACTING CHAIR GREENFIELD: Marty, you're  
3 up.

4 MR. KATZ: That's it.

5 Marty, you're going to generate more  
6 comment than we had, but don't forget  
7 Reader's Digest.

8 MR. O'BRIEN: We have 45 minutes,  
9 Chair.

10 (Stepping up.)

11 MR. KATZ: Okay.

12 ACTING CHAIR GREENFIELD: I understand,  
13 but --

14 MR. KATZ: Yeah, we're going to have  
15 time to kill, so I'll have to --

16 DEPUTY COMMISSIONER NIMMO: You just  
17 don't like listening to Marty; huh?

18 MR. KATZ: Yeah.

19 MR. O'BRIEN: You know, he -- he works  
20 very hard at this.

21 (Laughter.)

22 MR. KATZ: That's okay.

23 MR. O'BRIEN: I'm defending -- I'm  
24 defending --

25 MR. KATZ: You don't have to defend me.

1           Zoning Referral Calendar Public Work Session

2                   MR. O'BRIEN:  -- I'm the defense  
3 attorney.

4                   MR. KATZ:  The first case, this is  
5 Town of Oyster Bay, Bethpage.

6                   This is a proposed two-story mosque or  
7 house of worship, mosque with a basement, with a  
8 gross floor area of over -- a little over  
9 16,000 square feet on a 1.3-acre lot and will  
10 require the demolition of two existing one-story  
11 structures on two lots.  "Lot 7" is currently  
12 occupied by a one-story mosque, which is about  
13 2500 square feet.  "Lot 9" is occupied by a  
14 one-story former commercial building that is now  
15 vacant.

16                   Proposed site improvements and  
17 infrastructure to support the new building  
18 include:

19                   New asphalt;  
20                   Pavement;  
21                   Curbing;  
22                   Sidewalks;  
23                   Exterior lighting;  
24                   Landscaping;  
25                   Drainage infrastructure;

1           Zoning Referral Calendar Public Work Session

2           Solid waste enclosure.

3           Yeah, this case was initially before  
4 the Planning Commission on 1/11/2024 for  
5 site plan review. It's also before us for  
6 site plan review.

7           The current, the plan, the current --  
8 the current plan now before you reflects some  
9 changes to the site plan regarding access,  
10 nothing radical or anything like that. The  
11 revised site plan eliminates curb -- one  
12 curb cut. Both plans show a curb cut near the  
13 northerly property line on Stewart Avenue, right  
14 left turns entering and -- and a right-turn exit  
15 only.

16           The initial plan had a total assembly  
17 occupancy rating of 506 persons, requiring  
18 169 spaces. The revised plan has a total  
19 assembly occupancy rating at 464 persons,  
20 requiring 155 spaces.

21           (Commissioner Durso enters the  
22 meeting.)

23           MR. KATZ: Yeah. This -- this  
24 Commission deemed this incomplete initially,  
25 because the -- the applicant indicated that the

1           Zoning Referral Calendar Public Work Session  
2   purpose of the proposed project is to better  
3   accommodate the needs of the existing  
4   congregation. It is not intended to increase the  
5   number of people on the site. However, this is  
6   an over-quadrupling of the -- of the site with a  
7   lot more activities, and a kitchen and a whole --  
8   whole lot of things going on, on the proposed  
9   house of -- and within the proposed house of  
10   worship. And we think that the traffic parking  
11   study should go into some more detail, because  
12   this is going to have an impact on -- on  
13   spillover parking on nearby residential streets.  
14   But --

15                   ACTING CHAIR GREENFIELD: So Marty?

16                   MR. KATZ: Yeah, and we do have  
17   Rose Walker here to talk about this.

18                   ACTING CHAIR GREENFIELD: Yeah, I know.  
19   The Chair --

20                   MR. KATZ: But yeah, okay.

21                   ACTING CHAIR GREENFIELD: -- the Chair  
22   will recognize her in a minute.

23                   MR. KATZ: Okay.

24                   ACTING CHAIR GREENFIELD: Where do we  
25   stand with this parking study?

1 Zoning Referral Calendar Public Work Session

2 MR. KATZ: Well, we -- we don't think  
3 that -- I -- I don't feel that the study  
4 really --

5 ACTING CHAIR GREENFIELD: Did we get  
6 it?

7 MR. KATZ: Well, we -- we got it  
8 initially, but it -- it hasn't been changed from  
9 what we initially got in January of 2024, when we  
10 asked that it address certain issues and more in  
11 depth regarding a parking spillover.

12 So the parking analysis and the "TEQRA"  
13 report that came to us based on the parking  
14 analysis from the Town of Oyster Bay hasn't  
15 changed. So we're asking that it, you know --  
16 you know, be enhanced to --

17 ACTING CHAIR GREENFIELD: Okay.

18 MR. KATZ: -- address these --

19 ACTING CHAIR GREENFIELD: So --

20 MR. KATZ: -- these issues.

21 ACTING CHAIR GREENFIELD: So before we  
22 recognize Legislator Walker, you're telling me  
23 that you think it's incomplete 'cause the study?

24 MR. KATZ: I -- I -- yeah.

25 ACTING CHAIR GREENFIELD: And we should

1           Zoning Referral Calendar Public Work Session

2   mark --

3           MR. KATZ:   That's how I feel.

4           ACTING CHAIR GREENFIELD:  -- and we  
5   should mark it incomplete.  We're not voting now  
6   and deciding that now, but what's the -- the  
7   recommendation?

8           MR. KATZ:  Yes, that's what staff would  
9   recommend.

10          THIRD VICE-CHAIR LEWIS:  Well Marty --

11          MR. O'BRIEN:  Marty, if I may ask, is  
12   there any update?  Like did they say it's being  
13   worked on or --

14          MR. KATZ:  No I, haven't --

15          MR. O'BRIEN:  -- or are we being  
16   ignored --

17          MR. KATZ:  Well, I mean --

18          (Laughter.)

19          MR. O'BRIEN:  -- in simple terms?

20          MR. KATZ:  -- we got a revised site --  
21   we -- we got the re-referral again from the Town  
22   of Oyster Bay, because the site plan has been  
23   revised somewhat, nothing -- nothing major.  But  
24   we didn't get any revised parking traffic impact  
25   analysis, which was incorporated into the



1           Zoning Referral Calendar Public Work Session  
2   Town's "SEQRA" report, which hasn't changed  
3   from the one we got in January of 2024. It's the  
4   same -- it's the same --

5           MR. O'BRIEN: Do you know where it  
6   stands, you know, with -- with the Town, as far  
7   as a public hearing, you know, for -- for  
8   referral purposes? Because, you know, I know a  
9   lot of towns and villages work with us, so to  
10   speak, and there are others that just go their  
11   own way.

12           MR. KATZ: Yeah, we haven't -- I -- I  
13   haven't gotten any follow up from the Town with  
14   regard to that. I think the public hearing may  
15   be -- may be tonight, because it says July 18th.  
16   I'll have to check that.

17           But I haven't been -- there hasn't been  
18   any update. There hasn't been any indication --

19           ACTING CHAIR GREENFIELD: Okay.

20           MR. KATZ: -- it has been updated.

21           ACTING CHAIR GREENFIELD: Marty?

22           MR. KATZ: Yeah.

23           ACTING CHAIR GREENFIELD: This is a  
24   good segue for Legislator Walker to address us  
25   and maybe she has an update on that.

1           Zoning Referral Calendar Public Work Session

2                   DEPUTY COMMISSIONER NIMMO: If I could  
3 just make a quick comment also, this (indicating)  
4 gentleman has come in on several occasions for a  
5 "239-f" meeting on this property. He actually  
6 lives on Central Boulevard in the Town. He's  
7 very cooperative, very agreeable  
8 to -- to meet all our demands.

9                   ACTING CHAIR GREENFIELD: Is he  
10 represented by counsel?

11                   DEPUTY COMMISSIONER NIMMO: I have no  
12 idea.

13                   He was just came in with the -- with  
14 engineering group. But also understanding the  
15 area very well, it is going to be a very  
16 challenging scenario for the people who live on  
17 the residential blocks right here.

18                   ACTING CHAIR GREENFIELD: Are you --  
19 are you the attorney for --

20                   (Stepping up.)

21                   MR. AVRUTINE: I am and I thought can  
22 answer some of the questions that --

23                   ACTING CHAIR GREENFIELD: Well, let  
24 Legislator Walker first.

25                   MR. AVRUTINE: Sure -- sure. I just

1           Zoning Referral Calendar Public Work Session

2       wanted to let you know that I can answer --

3           ACTING CHAIR GREENFIELD:   Okay.

4           MR. AVRUTINE:   -- the questions that  
5       you have.

6           THIRD VICE-CHAIR LEWIS:   Right.

7           DEPUTY COMMISSIONER NIMMO:   A lot of --  
8       a lot of challenges on in that neighborhood for  
9       parking.

10          ACTING CHAIR GREENFIELD:   I'm sure.

11          MR. KATZ:   There isn't any parking on  
12       Central or -- or Stewart Avenue.   There's no  
13       on-street parking.

14          ACTING CHAIR GREENFIELD:   Okay.

15          Good morning, Rose.

16          LEGISLATOR WALKER:   Good morning.

17          ACTING CHAIR GREENFIELD:   Welcome.

18          LEGISLATOR WALKER:   And it's good to  
19       see you all in person.   I've been working on the  
20       phone with you or a "Zoom" before that.

21                But this -- this is a major issue  
22       especially with the parking.   There isn't enough  
23       parking there now.   It creates a major issue.  
24       There's no parking.

25                Like I said, those -- those are pretty

1           Zoning Referral Calendar Public Work Session  
2    busy main streets, Central and Stewart. And  
3    it -- I feel it very dangerous even for -- for  
4    those attending the mosque, because often they  
5    just stop in the middle of either one of those  
6    roads and just let people out. And, you know,  
7    it's -- it's bad. It's a very bad -- very bad  
8    situation.

9           They are short the parking spaces now.  
10   They're going to be short parking spaces with any  
11   type -- type of build. It's a very large build  
12   that's going in there.

13           I have to say first of all though,  
14   they -- they have been good neighbors. I don't  
15   want to say anything about them as -- as  
16   neighbors.

17           It's really the parking issue that is a  
18   major -- major issue. They park on the  
19   residential streets. When they say they have off  
20   street, you know, parking on off street or out in  
21   the neighborhood, these are residential streets  
22   in the neighborhood, many of them with:

23           First Responders on them;

24           You know, local residents who are  
25   older;

1           Zoning Referral Calendar Public Work Session

2                   Sidewalks have been, you know, cars  
3   have been parked on sidewalks;

4                   Cars have been parked blocking  
5   driveways;

6                   Blocking fire hydrants.

7                   It's a bad issue already. And it's  
8   really -- they really need to find a larger site  
9   to do what they want -- a larger site with a lot  
10   of parking. That is the biggest issue here and  
11   it's a big -- big issue for the residents.

12                  And, you know, I represent that  
13   district. I don't live right there in Bethpage,  
14   although it's kind of my second home. I spend a  
15   lot of time there. And, you know, that is the  
16   residents' concern. The -- the danger on those  
17   two roads with you see what happens now when --  
18   whenever they have services, and certainly the  
19   parking on the side streets.

20                  And you know what, I -- I really never  
21   understood why, you know, that's an answer.

22   Well, we can park on the side streets. You're  
23   parking on residential streets. And, you know,  
24   it does effect the residents there tremendously.

25                  ACTING CHAIR GREENFIELD: Thank you.

1           Zoning Referral Calendar Public Work Session

2                   LEGISLATOR WALKER: All right.

3                   ACTING CHAIR GREENFIELD: Thank you for  
4 your comments and input.

5                   LEGISLATOR WALKER: All right.

6                   ACTING CHAIR GREENFIELD: And now,  
7 counselor, just for the record, your -- your name  
8 and address.

9                   (Stepping up.)

10                  MR. AVRUTINE: Of course.

11                  Good morning --

12                  ACTING CHAIR GREENFIELD: Good morning.

13                  MR. AVRUTINE: -- Chairman and  
14 Commissioners.

15                  Howard Avrutine, 2116 Merrick Avenue in  
16 Merrick, representing the applicant, Muslims on  
17 Long Island Incorporated.

18                  The first -- first in response to  
19 Mr. Greenfield's question regarding proceedings  
20 at the Town level, the Planning Advisory Board of  
21 the Town of Oyster Bay is having a hearing this  
22 evening at 7 p.m. regarding site plan approval.

23                  And this use is a permitted use. It's  
24 in the "General Business Zone" of the Town. The  
25 use is authorized. A religious use in the Town



1           Zoning Referral Calendar Public Work Session  
2     in the "GB" Zone requires a minimum of 1 acre.  
3     This has 1.3 acres, so it is zoning compliant,  
4     completely zoning compliant with the exception of  
5     the parking requirement.

6           And this facility is something that  
7     this congregation has needed for quite some time,  
8     the new facility. The existing facility has  
9     served its purpose, lived its useful life shall  
10    we say.

11           And the -- the congregation, it  
12    really, really needs a new facility with suitable  
13    classrooms. The classrooms that they currently  
14    have on site are insufficient for their use.  
15    They need offices. They need assembly areas,  
16    et cetera.

17           But the -- the numbers that were used  
18    in -- in completing the parking and traffic  
19    study that was submitted to the Town, and  
20    forwarded to the Commission as -- and -- and also  
21    the same study was analyzed by County "DPW" in  
22    the "239-f" review. And just for the record, the  
23    "DPW" has approved the "239-f," pursuant to the  
24    plans that you have before you. And -- and  
25    that's specifically important, because both

1           Zoning Referral Calendar Public Work Session  
2           Central Avenue and Stewart Avenue, where the  
3           property is located at that corner are both  
4           Nassau County roads.

5                    ACTING CHAIR GREENFIELD: Can you --  
6           staff, can you put that up on the screen better?  
7           Is there -- do you have a better --

8                    MR. PERRAKIS: The area.

9                    ACTING CHAIR GREENFIELD: -- so we can  
10          see it?

11                   THIRD VICE-CHAIR LEWIS: And counsel,  
12          every --

13                   ACTING CHAIR GREENFIELD: Okay. Thank  
14          you.

15                   THIRD VICE-CHAIR LEWIS: -- every  
16          opportunity to identify other parking has been  
17          explored? Like it just -- looking at the  
18          property, it just doesn't seem like there's  
19          enough parking for --

20                   MR. AVRUTINE: Well, the -- the --

21                   THIRD VICE-CHAIR LEWIS: -- this  
22          scale --

23                   MR. AVRUTINE: -- we're --

24                   THIRD VICE-CHAIR LEWIS: -- of  
25          facility. It just doesn't seem -- I -- I see the

1           Zoning Referral Calendar Public Work Session  
2   point that the property just seems this was like  
3   a pizzeria. It's like two pizzerias put together  
4   is now serving as --

5           MR. AVRUTINE: -- well, we -- the  
6   current situation, just again so the Commission  
7   is aware, it -- it consists of two separate  
8   parcels essentially. You cannot presently --  
9   there is no vehicular connection between the  
10   piece that's on the corner and the piece to the  
11   west.

12           So you gain access to, you know, you  
13   have -- you have essentially four driveways. And  
14   so those -- those are going to be eliminated.  
15   There's going to be one driveway on Stewart, one  
16   on Central, right turns in right turns out. So  
17   that is going to be of immense assistance over  
18   the existing situation.

19           And also, what's quite important is --

20           THIRD VICE-CHAIR LEWIS: So --

21           MR. AVRUTINE: -- in -- in --

22           THIRD VICE-CHAIR LEWIS: -- if I could  
23   interrupt, so --

24           MR. AVRUTINE: Sure.

25           THIRD VICE-CHAIR LEWIS: -- you're

1           Zoning Referral Calendar Public Work Session  
2     saying it's going to be a better design, because  
3     you went to "DPW" with your team and you were  
4     able to work out a better design with less  
5     egress. And -- and therefore, what people have  
6     seen in terms of concerns for traffic, is your  
7     point that it'd be -- it'll have a better flow?

8                     And if so, what about the drop-off  
9     question? You know, we live in a world today  
10    where a lot of people, you know, get dropped off,  
11    rather than parking all the time. Is there a  
12    queuing line for that or is there going to be a  
13    backup of people trying to get into the site at  
14    the --

15                    MR. AVRUTINE: I -- I don't think that  
16    that's the case. There's the -- there's  
17    new -- the drive aisles can adequately address  
18    any question of -- of people getting dropped off.  
19    And there is -- let -- if I can go expand a  
20    little further on this, the --

21                    COMMISSIONER SAKOWICH: This is --

22                    MR. AVRUTINE: -- total --

23                    COMMISSIONER SAKOWICH: -- this is what  
24    we're going to discuss during the meeting. I  
25    mean this is the whole meeting. This is --

1           Zoning Referral Calendar Public Work Session  
2    wasn't the intent of this. This is a work  
3    session.

4                   MR. O'BRIEN: No.

5                   DEPUTY COMMISSIONER NIMMO: No -- no.  
6    We have no public --

7                   ACTING CHAIR GREENFIELD: No, but we're  
8    him invited to comment --

9                   MR. O'BRIEN: There's no public  
10   comment. We don't take public comment of the --

11                   ACTING CHAIR GREENFIELD: At -- at  
12   the --

13                   COMMISSIONER SAKOWICH: Okay.

14                   ACTING CHAIR GREENFIELD: -- we don't  
15   take --

16                   COMMISSIONER SAKOWICH: Okay.

17                   ACTING CHAIR GREENFIELD: So the public  
18   here --

19                   COMMISSIONER SAKOWICH: Okay, I'm  
20   sorry.

21                   I just --

22                   ACTING CHAIR GREENFIELD: -- should  
23   know that --

24                   COMMISSIONER SAKOWICH: -- you're  
25   getting deep into this and it's really not --

1 Zoning Referral Calendar Public Work Session

2 ACTING CHAIR GREENFIELD: -- I -- I  
3 don't want to take all the time. We got other  
4 cases.

5 COMMISSIONER SAKOWICH: Yeah, listen.  
6 I -- I just want to say one thing. This -- this  
7 parking study here --

8 THIRD VICE-CHAIR LEWIS: Yeah, the  
9 study.

10 COMMISSIONER SAKOWICH: -- the -- the  
11 study that's done here, I've lived this  
12 experience in New Hyde Park. Everybody comes in  
13 one car, I could tell you that. There is no  
14 drop off. I've seen Hillside Avenue in  
15 New Hyde Park shut down on a many, many, many  
16 times by people just being late for services and  
17 just leaving the cars out on the roads.

18 So I -- I just think this -- this is so  
19 short on this parking stuff -- on this parking.  
20 I mean this is -- this is --

21 DEPUTY COMMISSIONER NIMMO: Just so  
22 everyone's aware, the "239-f" does not address  
23 parking. It only addresses safe entrances and  
24 thing --

25 ACTING CHAIR GREENFIELD: Curb cuts.



1 Zoning Referral Calendar Public Work Session

2 DEPUTY COMMISSIONER NIMMO: -- curb

3 cuts --

4 COMMISSIONER SAKOWICH: So -- so --

5 DEPUTY COMMISSIONER NIMMO: --

6 drainage.

7 COMMISSIONER SAKOWICH: -- us using

8 what -- that's my thing is --

9 DEPUTY COMMISSIONER NIMMO: So --

10 COMMISSIONER SAKOWICH: -- us

11 using these numbers here, but keep going back to

12 the --

13 DEPUTY COMMISSIONER NIMMO: So what

14 I'm -- I'm saying what Howard is saying as far as

15 safe entrances and exiting, he's absolutely

16 correct.

17 COMMISSIONER SAKOWICH: It's safe to

18 enter and exit.

19 DEPUTY COMMISSIONER NIMMO: But we

20 don't address parking 'cause that --

21 COMMISSIONER SAKOWICH: But how many --

22 how many cars can enter and exit? How -- how

23 many cars can sit on?

24 MR. AVRUTINE: I'd -- I'd have to defer

25 to Mr. Muller, who did -- did the study. But let

1           Zoning Referral Calendar Public Work Session  
2       me address the parking directly, if I may,  
3       because I think that that's important obviously.

4           Please understand that the occupancy  
5       number is what determines the parking requirement  
6       in the Town of Oyster Bay.

7           COMMISSIONER SAKOWICH: In every town.

8           MR. AVRUTINE: Some do it by square  
9       footage, but sure, why not. It's certainly for  
10      purposes of this application, that's the  
11      standard.

12          COMMISSIONER SAKOWICH: Right.

13          MR. AVRUTINE: So the prior plans were  
14      I think 506. This is now 464 with a requirement  
15      of 88. And the important thing to consider, and  
16      to understand in analyzing this -- and that's  
17      what the Town Department of Environmental Review  
18      discussed with us, which was what is the -- the  
19      usage maximum at any given time, because you have  
20      all these different spaces, and each of those  
21      spaces can accommodate a certain number of  
22      occupants.

23                But in this type of use, it's  
24      non-simultaneous. So even though the building at  
25      maximum capacity can accommodate 464 people, they

1           Zoning Referral Calendar Public Work Session

2       never ever see numbers even approaching that.

3           And if you look at the -- the busiest  
4       time, both that's identified in the traffic study  
5       and in the "DER" report, the -- at the busiest  
6       time, which is the Friday the first afternoon  
7       service, they have a maximum of approximately 225  
8       people, not anywhere near the maximum for the  
9       building.

10           So based upon 88 spaces and the parking  
11       calculation in the Town of Oyster Bay, the  
12       parking formula being 1 parking space required  
13       for each 3 authorized occupants, this applicant  
14       is willing to agree, and -- and states it both to  
15       this Commission and will state it tonight to the  
16       Planning Advisory Board, that they will accept a  
17       cap on the legal occupancy of the building to  
18       264 occupants.

19           ACTING CHAIR GREENFIELD: And who's  
20       going to enforce that cap?

21           MR. AVRUTINE: The same -- the same  
22       authorities that would enforce a 464 occupancy  
23       cap.

24           COMMISSIONER SAKOWICH: The only person  
25       that can enforce that is the Building Department

1           Zoning Referral Calendar Public Work Session  
2           or the Fire Marshal --

3                   ACTING CHAIR GREENFIELD:   Or the  
4           Fire Marshal --

5                   COMMISSIONER SAKOWICH:   -- Marshal's  
6           Office.

7                   MR. AVRUTINE:   Well, that -- we know --

8                   COMMISSIONER SAKOWICH:   But that --  
9           that's the only people -- people that enforce  
10          that.

11                  MR. AVRUTINE:   -- we know that every  
12          religious use that exists on Long Island has  
13          High Holy Days. And -- and on, you know, it's --  
14          it's we've -- we've had these discussions many,  
15          many times. The -- the mall, does the mall have  
16          enough parking on Black --

17                  ACTING CHAIR GREENFIELD:   No -- no --

18                  MR. AVRUTINE:   -- Friday?

19                  ACTING CHAIR GREENFIELD:   -- no.

20                  MR. AVRUTINE:   No, I'm just --

21                  ACTING CHAIR GREENFIELD:   Don't get me  
22          started on Roosevelt Field, please.

23                  MR. AVRUTINE:   -- I'm just trying to  
24          say --

25                  ACTING CHAIR GREENFIELD:   Bill Bonesso

1           Zoning Referral Calendar Public Work Session  
2   will tell you my feelings on that subject.

3           MR. AVRUTINE: I'm just trying to say  
4   that design isn't made for the absolute busiest  
5   day of the year. But for this facility, the  
6   maximum that they see on a week in, week out  
7   basis is approximately 225 to 230 people. And  
8   they're agreeing to cap the entire occupancy  
9   at --

10           ACTING CHAIR GREENFIELD: Well,  
11   that's --

12           MR. AVRUTINE: -- 264.

13           ACTING CHAIR GREENFIELD: -- okay.

14           COMMISSIONER SAKOWICH: But if all 265  
15   people came in one car, there's still a problem.

16           MR. AVRUTINE: They have parking for  
17   it.

18           ACTING CHAIR GREENFIELD: Okay.

19           MR. AVRUTINE: They have 88 parking  
20   spaces.

21           COMMISSIONER SAKOWICH: 88? That's  
22   some car.

23           MR. AVRUTINE: Is enough for 264  
24   people. That's what the --

25           ACTING CHAIR GREENFIELD: That's --

1           Zoning Referral Calendar Public Work Session

2           MR. AVRUTINE: -- code would require  
3   and that's what we --

4           ACTING CHAIR GREENFIELD: Howard --

5           MR. AVRUTINE: -- have.

6           ACTING CHAIR GREENFIELD: -- Howard,  
7   that's your argument for tonight.

8           MR. AVRUTINE: Well, I'm -- I'm just  
9   presenting the view of --

10          ACTING CHAIR GREENFIELD: Okay. I -- I  
11   just --

12          MR. AVRUTINE: -- you as well.

13          ACTING CHAIR GREENFIELD: -- I just  
14   want to bring this closure, 'cause we have two  
15   other cases to comment on. And I see another  
16   attorney anxiously awaiting to address this. Is  
17   he anxious? No.

18          Okay. If not, I'm anxious to hear from  
19   him, let's put it that way.

20          What --

21          THIRD VICE-CHAIR LEWIS: You know --

22          ACTING CHAIR GREENFIELD: -- Marty's  
23   comment with respect to the parking study from --  
24   yeah, let's get back to the study.

25          THIRD VICE-CHAIR LEWIS: Get back to



1           Zoning Referral Calendar Public Work Session

2       the -- is this amended, the study --

3           MR. AVRUTINE:    Sure.

4           ACTING CHAIR GREENFIELD:   'Cause that's  
5       what's --

6           THIRD VICE-CHAIR LEWIS:   Can you speak  
7       to what Marty says?

8           MR. AVRUTINE:    I -- I respectfully  
9       respond to that by saying --

10          ACTING CHAIR GREENFIELD:   Please.

11          MR. AVRUTINE:    -- that the -- the Town  
12       accepted the study that was prepared as  
13       satisfactory.   The --

14          ACTING CHAIR GREENFIELD:   Okay.

15          MR. AVRUTINE:    -- the -- the planning  
16       people did, the environmental people did.   I  
17       understand the Commission would like --

18          ACTING CHAIR GREENFIELD:   So it's  
19       not --

20          MR. AVRUTINE:    -- to see --

21          ACTING CHAIR GREENFIELD:   -- so it's  
22       not incomplete.   The Town has accepted it and  
23       they think --

24          MR. AVRUTINE:    That -- that --

25          ACTING CHAIR GREENFIELD:   -- "TEQRA?"

1           Zoning Referral Calendar Public Work Session

2           MR. AVRUTINE:  -- that is correct.  It  
3   is not incomplete.

4           ACTING CHAIR GREENFIELD:  Okay.  
5   Oyster Bay does a good "TEQRA."

6           MR. AVRUTINE:  And so I would  
7   respectfully submit that declaring this  
8   application incomplete, because a study that the  
9   Commission requested which is broader in scope  
10  than what the agency, the lead agency --

11          ACTING CHAIR GREENFIELD:  No, we --  
12  we --

13          MR. AVRUTINE:  -- you understand?

14          ACTING CHAIR GREENFIELD:  -- we --  
15  we -- we take what the lead agency.  But I didn't  
16  know whether there was an update going on.

17          MR. AVRUTINE:  There is not.

18          ACTING CHAIR GREENFIELD:  That's --  
19  that's all.

20          MR. AVRUTINE:  Oh.

21          ACTING CHAIR GREENFIELD:  That's 10  
22  minutes ago, I wanted to get to that --

23          MR. AVRUTINE:  Okay --

24          ACTING CHAIR GREENFIELD:  -- point.

25          MR. AVRUTINE:  -- there's no update.

1           Zoning Referral Calendar Public Work Session

2           ACTING CHAIR GREENFIELD:   Okay.

3   You're -- you're -- you were going on like

4   Allen Stein.   I thought you were charging by the

5   --

6           MR. AVRUTINE:   Oh --

7           ACTING CHAIR GREENFIELD:   -- word.

8           (Laughter.)

9           MR. AVRUTINE:   -- I didn't come here to  
10   be insulted, Mr. Chairman.

11           ACTING CHAIR GREENFIELD:   No, he's a  
12   good friend of mine.   I could say it --

13           MR. AVRUTINE:   I'm joking --

14           ACTING CHAIR GREENFIELD:   --  
15   affectionately.

16           MR. AVRUTINE:   -- I'm joking.

17           (Laughter.)

18           ACTING CHAIR GREENFIELD:   Okay.   So in  
19   any event, I won't quote you to Allen when I talk  
20   to him.

21           (Laughter.)

22           ACTING CHAIR GREENFIELD:   So the study  
23   is not being revised?

24           MR. AVRUTINE:   That's correct.

25           ACTING CHAIR GREENFIELD:   It is what it

1           Zoning Referral Calendar Public Work Session  
2    is. We rely upon the Town --

3                   THIRD VICE-CHAIR LEWIS: I think our  
4    staff may have some questions about the study.

5                   Marty, what -- what -- what's your --  
6    Marty?

7                   (Stepping up.)

8                   MR. KATZ: Oh, I'm sorry.

9                   MR. AVRUTINE: I'll step aside.

10                  THIRD VICE-CHAIR LEWIS: So the study  
11    is done, was done some while ago, was adopted by  
12    the Town and --

13                  MR. KATZ: Right.

14                  THIRD VICE-CHAIR LEWIS: -- and doesn't  
15    seem to be any effort to change it or do  
16    anything. So what is your point regarding the  
17    study?

18                  MR. KATZ: Well, the point is, I -- I  
19    think the study concluded that the -- the  
20    overflow parking -- and according to the field  
21    work that the traffic parking consultant did, you  
22    know, under the current situation, under the  
23    current house of worship is that the overflow  
24    parking, I guess 55 vehicles would be, you know,  
25    on street, you know, and it didn't indicate that

1           Zoning Referral Calendar Public Work Session

2    it wouldn't be.

3           So there's -- there's an impact --

4    my -- my contention is that the -- the -- the

5    size of the proposed house of worship is

6    substantially larger than what currently exists.

7    And I just kind of feel that the -- the -- the

8    analysis kind of washed over the impact of -- the

9    additional impact of that on regarding spillover

10   parking. That's -- that's -- that's my

11   contention.

12           THIRD VICE-CHAIR LEWIS: Okay.

13           ACTING CHAIR GREENFIELD: Okay.

14           MR. KATZ: Yeah.

15           ACTING CHAIR GREENFIELD: Let's --

16   let's -- let's move on; okay?

17           We -- we had -- but you where there was

18   one other question, Howard, is I recognize the

19   traffic engineer in the audience. Is he here for

20   your case or for another case?

21           (Stepping up.)

22           MR. AVRUTINE: No, he's -- he's here if

23   the Board has any -- if the Commission has any

24   questions.

25           THIRD VICE-CHAIR LEWIS: Yeah, well how

1           Zoning Referral Calendar Public Work Session  
2   much does this plan rely upon parking that is off  
3   site?

4                   MR. AVRUTINE: Well, it -- it doesn't  
5   rely on it. What I believe -- and Mr. Muller can  
6   speak to his report. But I believe the -- the  
7   point is that to the extent, and -- and you --  
8   you -- as much as the applicant has, can and will  
9   continue to implore that people park in the lot,  
10   you can't force them. And what some congregants  
11   do -- maybe out of habit, because of where  
12   they're used to parking when they come -- park in  
13   legal parking spaces on residential streets at  
14   times, but they're legal parking spaces. They  
15   don't --

16                   ACTING CHAIR GREENFIELD: Wait, whoa --  
17   whoa.

18                   MR. AVRUTINE: I'm just saying --

19                   ACTING CHAIR GREENFIELD: Many --

20                   MR. AVRUTINE: -- they do it.

21                   ACTING CHAIR GREENFIELD: -- many  
22   disrespect the neighbors -- I've witnessed it --  
23   and park in illegal spots. And what gets me  
24   infuriated as a first responder, I see them in  
25   front of the fire hydrant.



1           Zoning Referral Calendar Public Work Session

2                   MR. AVRUTINE: I'm --

3                   ACTING CHAIR GREENFIELD: And then they  
4 tell them, well, we won't be long.

5                   MR. AVRUTINE: -- I'm not saying it  
6 doesn't happen.

7                   ACTING CHAIR GREENFIELD: Right.

8                   MR. AVRUTINE: All I'm saying is  
9 that -- is that the applicant --

10                  ACTING CHAIR GREENFIELD: When the last  
11 one I worked? I've been to a few fires, but I  
12 haven't worked one. I'm on medical.

13                  MR. AVRUTINE: No, the applicant will  
14 do what the applicant can do to eliminate those  
15 types of things, but can't control the conduct  
16 of -- of everyone.

17                  And the point I'm making here, I'm  
18 trying to make is that with 88 spaces and a  
19 maximum occupancy of 264, we comply. And that's  
20 the best we can do is comply with the number of  
21 required spaces. If others do things that  
22 residents find upsetting, it -- it -- it's --  
23 it's a problem, I understand, but it's not  
24 something we can control.

25                  COMMISSIONER SAKOWICH: Here's my one

1           Zoning Referral Calendar Public Work Session  
2   question. Obviously the congregation's been  
3   there for how many years about?

4           LEGISLATOR WALKER: About 20 something  
5   years.

6           MR. AVRUTINE: I forget. I -- since  
7   the 1990s.

8           COMMISSIONER SAKOWICH: Okay, since the  
9   1990s.

10           Has there been any trouble with the  
11   current facility and the current parking  
12   conditions?

13           MR. AVRUTINE: I -- I -- I --

14           COMMISSIONER SAKOWICH: Leading up to  
15   this expansion, has there been problems? Have  
16   there been anything that was brought to towns,  
17   you know?

18           MR. AVRUTINE: I don't know. I suspect  
19   Legislator Walker might have heard from  
20   constituents on this, but --

21           COMMISSIONER SAKOWICH: I mean I think  
22   that's important. You're -- you're expanding,  
23   you're -- you're going deeper in. And I think  
24   that public comment here could -- could --

25           MR. AVRUTINE: What we're -- what we're

1           Zoning Referral Calendar Public Work Session  
2    doing in reality is we're preparing -- we're --  
3    we're going with a plan that is much more  
4    efficiently designed, better designed than the  
5    current configuration.

6           As I indicated before, you can't go  
7    from one parking --

8           COMMISSIONER SAKOWICH: Yeah, no, I --

9           MR. AVRUTINE: -- lot to the other.

10          COMMISSIONER SAKOWICH: -- I see  
11   that -- I see that -- I see that.

12          MR. AVRUTINE: It's just a much better  
13   plan.

14          COMMISSIONER SAKOWICH: I see that.

15          My other question is -- is -- is during  
16   the high holy days, does this facility set up  
17   outdoor tents, because the one in New Hyde Park  
18   takes all their parking facilities and puts tents  
19   up to take the overflow. Did the -- have they  
20   ever installed tents on these parking lots?

21          MR. AVRUTINE: I -- I can't answer  
22   that. I don't know the answer.

23          ACTING CHAIR GREENFIELD: Okay, so  
24   let -- thank you -- thank you very much. We --  
25   we have to move on. What happened? This is --

1           Zoning Referral Calendar Public Work Session

2    okay, we really --

3                               \*           \*           \*

4           ACTING CHAIR GREENFIELD:   So Marty,

5    let's -- let's go to Woodsburgh.

6                       (Stepping up.)

7           MR. KATZ:   Okay.   We have two in

8    Woodsburgh.

9           ACTING CHAIR GREENFIELD:   Well, yes,

10   but the same on attorney on both --

11           MR. KATZ:   Yeah --

12           ACTING CHAIR GREENFIELD:   -- the

13   Woodsburgh.

14           MR. KATZ:   -- okay.   He's --

15           ACTING CHAIR GREENFIELD:   We want to

16   hear from the attorney on this --

17           MR. KATZ:   Okay.

18           ACTING CHAIR GREENFIELD:   -- 'cause I

19   had some questions.

20           MR. KATZ:   Just bear with me one second

21   here.

22           ACTING CHAIR GREENFIELD:   Yes, no

23   problem.   I --

24           MR. KATZ:   Yeah, this is Case No. 6 on

25   the Zoning Agenda, the Village of Woodsburgh.

1           Zoning Referral Calendar Public Work Session

2                   MR. O'BRIEN: Five and six?

3                   MR. KATZ: Yeah. Item No. 6, this is  
4 for a subdivision.

5                   The applicant seeks to subdivide the  
6 entire 117-acre former Wood -- Woodmere Club into  
7 four lots, three of which are entirely within the  
8 Village of Woodsburgh and the fourth lot is the  
9 portion of property north and west of  
10 Keene Lane, which I think is Railroad Avenue, and  
11 is located in:

12                   Woodsburgh;

13                   Lawrence;

14                   And the Town of Hempstead Woodmere.

15                   The fourth lot is also within 300 feet  
16 of the Village of Cedarhurst.

17                   So the subdivision would require  
18 approval of all -- of all four municipalities.

19                   The subdivision includes the easterly  
20 side of Woodmere Basin, a lot containing the  
21 existing Clubhouse building and surrounding area,  
22 including existing parking and other existing  
23 improvements. The fourth lot runs along the west  
24 side of Woodmere Basin, and part of the northerly  
25 end of the basin and shares a boundary with the

1           Zoning Referral Calendar Public Work Session  
2   Clubhouse lot.

3           The applicant's stated premise for the  
4   application is that, notwithstanding the other  
5   pending applications that this Commission has  
6   seen and also has another Woodsburgh subdivision  
7   on this agenda, this application does not include  
8   any proposed development, that the Village has  
9   taken no "SEQRA" action on this application yet  
10   and is reviewing the stated intention that this  
11   application proposes no development in relation  
12   to its obligation to undertake "SEQRA" without  
13   segmenting review given the known intent to  
14   develop within the proposed lot shown in the  
15   other two pending applications.

16           We do have Brian Stolar here  
17   representing the Village of Woodsburgh to answer  
18   any questions that the Commission might have --

19           ACTING CHAIR GREENFIELD:   Okay.

20           MR. KATZ:   -- on this particular  
21   subdivision.

22           ACTING CHAIR GREENFIELD:   And we also  
23   have Chris Browne --

24           MR. KATZ:   And Chris Browne  
25   representing the applicant.



1 Zoning Referral Calendar Public Work Session

2 ACTING CHAIR GREENFIELD: --

3 representing the applicant.

4 MR. KATZ: Okay.

5 ACTING CHAIR GREENFIELD: Okay. Brian,

6 in all due respect, can we start with Chris

7 first? I've got three questions for him.

8 MR. STOLAR: By all means.

9 MR. O'BRIEN: Alphabetically.

10 ACTING CHAIR GREENFIELD: It's not  
11 Passover, so I don't have four questions, only  
12 three questions.

13 Question number one I'd like you to  
14 address. Is all the litigation concerning  
15 the Nassau County Planning Commission dropped?  
16 Where do we stand?

17 (Stepping up.)

18 MR. BROWNE: Well, there's a -- there's  
19 a pending case regarding County fees.

20 ACTING CHAIR GREENFIELD: Oh yes, that  
21 case.

22 MR. BROWNE: There's no litigation  
23 against this Commission related to --

24 ACTING CHAIR GREENFIELD: Right.  
25 Well --

1           Zoning Referral Calendar Public Work Session

2           MR. BROWNE: -- land use matters.

3           ACTING CHAIR GREENFIELD: -- okay.

4           So to clarify that for my colleagues  
5 that are new to this, we won that case? You  
6 brought -- your predecessor attorney brought the  
7 case against us. We don't set the fees. The  
8 County Legislature sets the fee.

9           MR. BROWNE: Okay. So --

10          ACTING CHAIR GREENFIELD: So  
11 that's the issue is still pending against the  
12 County Legislature?

13          MR. BROWNE: Correct.

14          ACTING CHAIR GREENFIELD: So we're free  
15 and clear? That's what I want to know.

16          MR. BROWNE: There's no -- there's no  
17 litigation pending about processing the -- the  
18 subdivision application.

19          ACTING CHAIR GREENFIELD: Okay, good.

20          Next question. So here, we have on the  
21 agenda Woodsburgh. Where do we -- we stand with  
22 respect to Lawrence and where do we stand with  
23 respect to the Town of Hempstead, the portion.  
24 And maybe you should describe for our esteemed  
25 Members --

1           Zoning Referral Calendar Public Work Session

2           MR. BROWNE: So sure. So I understand  
3 this is -- it gets it to be a confusing  
4 situation.

5           ACTING CHAIR GREENFIELD: We have new  
6 people --

7           MR. BROWNE: Yeah.

8           ACTING CHAIR GREENFIELD: -- since it  
9 started, I'm not confused.

10           (Laughter.)

11           MR. BROWNE: Well, then you're the  
12 only -- you're the only one.

13           (Laughter.)

14           MR. O'BRIEN: You're the only one,  
15 yeah.

16           MR. BROWNE: You're the only one that's  
17 not.

18           So I guess that there are two  
19 applications moving forward right now.

20           (Mr. Gallagher enters the meeting.)

21           MR. BROWNE: This application, as you  
22 say, is -- is a -- is a four-lot subdivision.  
23 It's -- the goal of this is to simply break out  
24 the parcel where the Clubhouse exists today as a  
25 separate lot, because under the -- the way that

1           Zoning Referral Calendar Public Work Session

2       the zoning now exists, the municipalities:

3               Hempstead;

4               Lawrence;

5               And Woodsburch jointly zone the

6       property.

7               It's within all three jurisdictions.

8       They -- they all entered into a single zoning

9       ordinance to govern the entirety of the

10      golf course.

11              They broke the golf course down into

12      three distinct subdistricts. One of those

13      subdistricts allows for residential homes, which

14      I believe is -- you can see the areas there

15      (indicating). They're outlined in the dotted,

16      you know --

17              ACTING CHAIR GREENFIELD: Yeah, two

18      different --

19              MR. BROWNE: -- lines in two different

20      portions.

21              ACTING CHAIR GREENFIELD: It's kind

22      of --

23              MR. BROWNE: You're -- you're -- you're

24      allowed to build residential homes on two

25      different sections of the golf course. The rest

1           Zoning Referral Calendar Public Work Session  
2   of the golf course is -- is zoned for "open  
3   space." They call it the "Open Space  
4   Subdistrict."

5           ACTING CHAIR GREENFIELD: The blue?

6           MR. BROWNE: So you're only -- you're  
7   not allowed to do anything in the "Open Space  
8   Subdistrict."

9           ACTING CHAIR GREENFIELD: Okay.

10          MR. BROWNE: And the final piece  
11   which is relevant to this, they call the  
12   "Clubhouse Subdistrict" --

13          ACTING CHAIR GREENFIELD: Right.

14          MR. BROWNE: -- which is simply the  
15   area where the Clubhouse presently exists. So  
16   it's a unique zoning subdistrict, that only  
17   allows you to basically have the Clubhouse or  
18   the -- or a facsimile of the Clubhouse.

19          ACTING CHAIR GREENFIELD: So that's --  
20   that's -- that was my third and final question,  
21   and then we'll go to Brian.

22                 So the Clubhouse is the -- as I  
23   understand it through the Nassau Herald I  
24   think --

25          MR. BROWNE: Uh-huh --

1           Zoning Referral Calendar Public Work Session

2                   ACTING CHAIR GREENFIELD:  -- and a  
3   former trustee, is being deeded over to the  
4   Village of Woodsburgh?

5                   MR. BROWNE:  Well -- well, that -- that  
6   is a proposal that's on the table, as part of a  
7   comprehensive resolution of ongoing issues that  
8   don't pertain to the Commission.

9                   ACTING CHAIR GREENFIELD:  Right.

10                  MR. BROWNE:  It's been offered to the  
11   Village, yes.

12                  ACTING CHAIR GREENFIELD:  Offered,  
13   okay, yeah.

14                  MR. BROWNE:  Yes.

15                  As -- as -- but again, as part of a --  
16   a package of other series of agreements that  
17   it's -- it's not -- the issue is not Woodsburgh  
18   in that regard.  But we have other  
19   municipalities, including the Town of Hempstead,  
20   that would have to participate in a global  
21   settlement, you might say.

22                  ACTING CHAIR GREENFIELD:  Agreed.

23                  MR. BROWNE:  And as part of that, the  
24   idea is that the Clubhouse would be given for  
25   free to the Village of Woodsburgh.



1 Zoning Referral Calendar Public Work Session

2 The purpose of this application is  
3 simply to separate out the "Clubhouse  
4 Subdistrict," that -- that parcel (indicating),  
5 so that it could be deeded either now or in the  
6 future, you know, without -- easily, legally. So  
7 it would have its own tax lot and it could be  
8 deeded out. Because it -- it -- the way the  
9 zoning exists, that is what -- the only thing  
10 that's legal in the "Clubhouse Subdistrict" is  
11 the Clubhouse. So my clients would like to have  
12 the flexibility, if the time comes, to -- to  
13 transfer the Clubhouse out of their ownership.

14 ACTING CHAIR GREENFIELD: Okay.

15 Brian?

16 Thank you.

17 MR. BROWNE: You got it.

18 ACTING CHAIR GREENFIELD: We'll come  
19 back to you.

20 Wait -- wait. Before you -- any --  
21 anyone else have any question?

22 (No response.)

23 ACTING CHAIR GREENFIELD: Okay.

24 Brian, let's pick up from there. So  
25 is -- oh, give your name and address for the

1           Zoning Referral Calendar Public Work Session  
2    record, if not the --

3           MR. STOLAR:    Sure.

4           Brian Stolar, Harris Beach,  
5    Omni Building, Garden City.

6           ACTING CHAIR GREENFIELD:   Okay.

7           You're representing the Village of  
8    Woodsburgh?

9           MR. STOLAR:    Correct.

10          ACTING CHAIR GREENFIELD:   Are you  
11    accepting the Clubhouse?

12          MR. STOLAR:    The Clubhouse is still  
13    under -- under discussion.   There's -- the  
14    current zoning permits that building to be used  
15    as:

16                 A Clubhouse;

17                 As a school;

18                 As a place of worship.

19                 If the four-lot subdivision is  
20    approved, any of those are fair game going  
21    forward.

22                 What Chris is referring to is if we  
23    resolve all of the outstanding litigation issues,  
24    there is a possibility that the Clubhouse may be  
25    deeded to the Village.   There also is a

1           Zoning Referral Calendar Public Work Session  
2   possibility that it may be used for one of the  
3   other purposes.

4           ACTING CHAIR GREENFIELD:   So I  
5   understand that's part of the global settlement.  
6   I -- I respect that and accept that.

7           But here's the real question that  
8   people are asking me that live in the community,  
9   is this going to be a Village facility or a house  
10  of worship?

11          MR. STOLAR:   Yes.

12          ACTING CHAIR GREENFIELD:   Yes?   What is  
13  that?

14          (Laughter.)

15          ACTING CHAIR GREENFIELD:   Well, all of  
16  the above?   Is it all the above, none of the  
17  above, or one of the above?

18          (Laughter.)

19          ACTING CHAIR GREENFIELD:   I mean "yes"  
20  is --

21          MR. STOLAR:   It -- it could be any --

22          ACTING CHAIR GREENFIELD:   My wife gives  
23  me an answer like that "yes."

24          (Laughter.)

25          MR. STOLAR:   It -- it -- (laughter) --

1           Zoning Referral Calendar Public Work Session  
2    she's had legal training.

3                   It could be any of the above. We don't  
4    know until everything is resolved. They're  
5    all -- they're, at the moment, they are all  
6    possibilities.

7                   COMMISSIONER SAKOWICH: But they'd have  
8    to come back before us.

9                   ACTING CHAIR GREENFIELD: I was going  
10   to say.

11                  COMMISSIONER SAKOWICH: You've got to  
12   come back anyway, so that wouldn't impact us.

13                  ACTING CHAIR GREENFIELD: Right.

14                  COMMISSIONER SAKOWICH: Yeah.

15                  ACTING CHAIR GREENFIELD: You  
16   understand you have to come back before us,  
17   counselor, with -- with more than just a "yes"  
18   answer.

19                  COMMISSIONER SAKOWICH: Yeah.

20                         (Laughter.)

21                  MR. STOLAR: If -- if -- well, that  
22   that's the question. Right now, this four-lot  
23   subdivision is just essentially a two-dimensional  
24   piece of the paper, without any of the proposed  
25   development shown on it, when we know that there

1           Zoning Referral Calendar Public Work Session  
2    is significant development already shown on those  
3    lots.

4                   So, you know, come back, you know, the  
5    hard part is there are -- there are, I know Chris  
6    said two. I think you also have the 59-lot  
7    subdivision that's "as-of-right," that's  
8    currently before you as well. There are three  
9    pinballs in the -- in the machine right now.  
10   So --

11                   ACTING CHAIR GREENFIELD: We only have  
12   two on the agenda.

13                   MR. STOLAR: Two on the agenda, right.  
14   Understood, because those are the two  
15   applications that are pending before Woodsburch.  
16   You also have one that's pending before the  
17   Planning Commission for a separately, not on  
18   tonight [sic].

19                   ACTING CHAIR GREENFIELD: Not on  
20   tonight [sic].

21                   MR. STOLAR: Or today, excuse me.

22                   ACTING CHAIR GREENFIELD: Yeah, okay.

23                   So what --

24                   COMMISSIONER SAKOWICH: But they still  
25   have to come back.

1           Zoning Referral Calendar Public Work Session

2           ACTING CHAIR GREENFIELD: Right.

3           So when is your hearing in Woodsburgh?

4           MR. STOLAR: Next week.

5           ACTING CHAIR GREENFIELD: What date?

6           MR. BROWNE: The 24th.

7           MR. STOLAR: Wednesday, the 24th.

8           ACTING CHAIR GREENFIELD: Oh, I was  
9 going to visit, but I'm not available. I'm  
10 sorry.

11           Okay. Chris?

12           (Stepping up.)

13           MR. BROWNE: I just want to -- again  
14 this, the purpose of this is just -- right now  
15 this -- this property has dozens and dozens of  
16 tax lots all over the place.

17           ACTING CHAIR GREENFIELD: Right.

18           MR. BROWNE: All we're trying to do is  
19 clean up that situation. It's nothing to do with  
20 the development. This is just separate this  
21 parcel out, so that when the time comes, either:

22           With Woodsburgh;

23           Without Woodsburgh;

24           To a synagogue.

25           Or however, that this one parcel can be



1           Zoning Referral Calendar Public Work Session  
2       disposed of, which is going to happen regardless.

3           So we're -- we're just trying to -- to  
4       this is simply a -- a -- a -- we're trying to put  
5       the tax lots in a situation where they can be  
6       easily legally deeded out in the future.

7           ACTING CHAIR GREENFIELD: Okay.

8           MR. BROWNE: It has nothing to do with  
9       the development whatsoever.

10          COMMISSIONER SAKOWICH: We got it.

11          ACTING CHAIR GREENFIELD: We got it.

12          COMMISSIONER SAKOWICH: We got it.

13          MR. BROWNE: Thank you.

14          ACTING CHAIR GREENFIELD: We answered  
15       all the questions.

16          MR. BROWNE: Thank you -- thank you.

17          ACTING CHAIR GREENFIELD: Anyone else?

18                (No response.)

19          ACTING CHAIR GREENFIELD: We -- we got  
20       to -- we got to move on to other cases.

21          MR. STOLAR: Thank you.

22          ACTING CHAIR GREENFIELD: Thank you  
23       both for coming down. It's nice to see two  
24       opposing attorneys getting along, but can you  
25       take it out in the hall?

1           Zoning Referral Calendar Public Work Session

2                   Okay, next item, Marty -- Marty. And  
3 we're almost at the -- for those people  
4 that have just joined us, we're doing our  
5 Public Work Session out here in the public and  
6 make no votes, no conclusions. We just ask  
7 questions to get fact finding before, you know,  
8 the actual meeting.

9                   MR. KATZ: Does the Commission have any  
10 questions on those -- those cases that staff  
11 recommend a "Local Determination" on? If not,  
12 I'll just go to the other -- you know, I don't  
13 know, you know, obviously you're pressed for time  
14 now, so --

15                   ACTING CHAIR GREENFIELD: Yeah --  
16 yeah -- yeah, that's a good way of approaching  
17 it.

18                   I thought there was a question on  
19 the -- anyone have a question on Item 10, the  
20 drive up with --

21                   MR. KATZ: Oh, that one, yeah.  
22 That's --

23                   ACTING CHAIR GREENFIELD: Yeah, that  
24 one, yeah -- yeah -- yeah.

25                   MR. KATZ: That one?

1 Zoning Referral Calendar Public Work Session

2 ACTING CHAIR GREENFIELD: Yeah.

3 MR. KATZ: Okay. Let me --

4 ACTING CHAIR GREENFIELD: The drive  
5 ups are always challenging. If we could, throw  
6 that --

7 MR. KATZ: Yeah, this --

8 ACTING CHAIR GREENFIELD: -- slide up.

9 MR. KATZ: -- is --

10 ACTING CHAIR GREENFIELD: Is it a  
11 two -- here's my question. Is it a two-lane  
12 drive up, so there's no spill back into the --

13 MR. KATZ: No, the -- the --

14 ACTING CHAIR GREENFIELD: -- adjacent  
15 neighborhood?

16 MR. KATZ: It's not so much the queuing  
17 which is an issue. It's -- it's the fact that it  
18 just came to light that -- okay.

19 This is a proposed Starbucks with a  
20 drive-thru on it, almost 17,000 square foot site.  
21 It's a drive-thru only. The case was initially  
22 heard by the Planning Commission on 1/11/24 for  
23 several variances relate -- you know, related to  
24 various issues. The Commission, at that point  
25 issued "Local Determination," that the Town

1           Zoning Referral Calendar Public Work Session  
2   approve these variances. The project is parking  
3   compliant.

4           Additional variances were just -- just  
5   referred to the Planning Commission, because  
6   something slipped through the cracks from the  
7   Town of North Hempstead, concerning the  
8   installation of the drive-thru audio equipment  
9   serving the drive-thru that faces residential  
10   properties, 'cause to the north of this is a --  
11   is a rear yards of properties. It's a large  
12   site, but it's a very -- it's a relatively --

13           COMMISSIONER SAKOWICH: Very narrow.

14           MR. KATZ: -- shallow sight.

15           So the -- the -- the drive-thru window  
16   with the -- with the audio equipment is, from --  
17   from staff's, perspective, may have an impact  
18   on -- on these properties. And it just came to  
19   light that this is not compliant from the Town of  
20   North Hempstead. And also, it just came to light  
21   that the proposed installation of a 7-foot fence  
22   in the rear on top of an existing 5 foot wall,  
23   which is 12 feet abutting the residential  
24   properties to the north.

25           The staff recommends that maybe a

1           Zoning Referral Calendar Public Work Session  
2   noise analysis should be prepared concerning the  
3   potential impacts of sound emitting from the  
4   order station on homes located along the south  
5   [sic] -- the site's northerly property line,  
6   because this may be an impact to these several  
7   residential properties. It's a -- and like he  
8   said, it's a fairly shallow sight, so --

9           ACTING CHAIR GREENFIELD: So -- so are  
10   you -- you put it on the agenda?

11           MR. KATZ: Yeah.

12           ACTING CHAIR GREENFIELD: But are you  
13   recommending incomplete?

14           MR. KATZ: Yes, I -- I -- I, you know,  
15   I'd like to see if this is going to actually --  
16   you know, we've -- we've, the -- you know,  
17   some -- some reports come with noise analyses --

18           ACTING CHAIR GREENFIELD: Well, the --

19           MR. KATZ: -- shadow analysis. This  
20   one, it didn't address that, but I think maybe it  
21   should.

22           ACTING CHAIR GREENFIELD: Okay. That's  
23   why I brought it up, Marty.

24           MR. KATZ: Okay.

25                           \*           \*           \*

1           Zoning Referral Calendar Public Work Session

2           ACTING CHAIR GREENFIELD:   Okay.   Now,  
3   the only other question we had here --

4           MR. KATZ:   We had the one in Levittown,  
5   which the staff --

6           ACTING CHAIR GREENFIELD:   The  
7   Levittown, that one --

8           MR. KATZ:   Yeah.

9           ACTING CHAIR GREENFIELD:   -- yeah, we  
10   had a -- maybe you want to introduce that --

11          MR. KATZ:   Okay.

12          ACTING CHAIR GREENFIELD:   -- and brief  
13   that.

14          MR. KATZ:   Okay.

15          ACTING CHAIR GREENFIELD:   We have --

16          MR. KATZ:   It's fairly cut --

17          ACTING CHAIR GREENFIELD:   -- five  
18   minutes or so.

19          MR. KATZ:   -- cut and dry.

20                 This is a proposed retail building of  
21   about 4800 square feet as part of the  
22   Levittown Mews Shopping Center, along the  
23   north side of --

24           ACTING CHAIR GREENFIELD:   Rose, is this  
25   part of your district?



1           Zoning Referral Calendar Public Work Session

2                   LEGISLATOR WALKER: No, that's not.

3                   ACTING CHAIR GREENFIELD: No, okay.

4                   MR. KATZ: A parking variance is  
5 required.

6                   The Shopping Center has a total of  
7 405 parking spaces, with a total of 505 parking  
8 spaces required. The proposed retail building in  
9 and -- in and of itself requires 24 spaces.

10                  The building will be situated in what  
11 is now an open area next to the freestanding  
12 "ULTA Beauty Store" at the easterly end of the  
13 shopping center. This Shopping Center has  
14 thirteen stores and is anchored by a freestanding  
15 "Walmart" at the westerly end of the  
16 Shopping Center.

17                  There will be several spaces eliminated  
18 along the site's easterly property line to  
19 accommodate the -- the building.

20                  This is across from the "Home Depot"  
21 and it's got a traffic signal that serves  
22 "Home Depot" on the south side of Hempstead  
23 Turnpike and that serves the "Levittown Mews  
24 Shopping Center."

25                  Staff recommends that this be deemed

1           Zoning Referral Calendar Public Work Session  
2   incomplete. The proposed retail building will  
3   increase the Shopping Center's parking  
4   deficiency. As such, a parking analysis is  
5   requested to see if the existing parking can  
6   accommodate the proposed retail building without  
7   any issues. I don't think it will, but it --  
8   it -- it -- it's possible that it might. We're  
9   just being consistent.

10           COMMISSIONER DURSO: No, "ULTA" is  
11   there already.

12           THIRD VICE CHAIR LEWIS: Oh, "ULTA's"  
13   there?

14           COMMISSIONER DURSO: Yeah, "ULTA's"  
15   there. What is -- so they're looking to put --

16           COMMISSIONER SAKOWICH: A free-standing  
17   building.

18           MR. KATZ: A free-standing building --

19           COMMISSIONER DURSO: Free-standing  
20   building.

21           COMMISSIONER SAKOWICH: No, yeah.

22           MR. KATZ: -- at the easterly end of  
23   the -- what is now a -- a -- an -- an open area,  
24   an asphalt area.

25           ACTING CHAIR GREENFIELD: Well, so wait

1           Zoning Referral Calendar Public Work Session  
2   a minute. How many parking spots are we taking  
3   away for this freestanding building?

4           MR. KATZ: About --

5           ACTING CHAIR GREENFIELD: That's my --

6           MR. KATZ: -- along the --

7           ACTING CHAIR GREENFIELD: -- concern.

8           MR. KATZ: -- along the easterly  
9   property line, I'd say about 7 or so spaces that  
10   are probably not used very much. But they have  
11   to be eliminated along the easterly property line  
12   to accommodate the -- the building.

13          ACTING CHAIR GREENFIELD: I just wanted  
14   to make sure that --

15          COMMISSIONER DURSO: And what are they  
16   looking to put in, do we know?

17          MR. KATZ: Just says an unspecified  
18   retail store.

19          COMMISSIONER DURSO: Retail?

20          MR. KATZ: Yeah, but who knows? That  
21   could be a restaurant.

22          COMMISSIONER DURSO: That's what I --

23          ACTING CHAIR GREENFIELD: Or a  
24   Starbucks?

25          MR. KATZ: So --

1 Zoning Referral Calendar Public Work Session

2 (Laughter.)

3 COMMISSIONER DURSO: Yeah, I feel like  
4 we need a little bit more.

5 MR. KATZ: So that's that for that one.

6 \* \* \*

7 MR. KATZ: And -- and the other one is  
8 in Woodsburgh, that is other than a local -- you  
9 know, recommended by staff, other than a  
10 "Local Determination."

11 This is the Village of Woodsburgh.

12 This is for:

13 Subdivision;

14 Area;

15 And dimensional variances.

16 This is the Woodsburgh portion of the  
17 Willow View Estates subdivision, the former  
18 Woodmere Club.

19 The Woodsburgh portion can -- will  
20 contain 45 single-family homes. Several --  
21 several of these proposed lots, according to the  
22 site plan or the apportionment map are located in  
23 what is deem -- deemed as the "Open Space  
24 District of the Coastal Conservation District,"  
25 where residential lots are not -- not permitted.

1           Zoning Referral Calendar Public Work Session  
2       Some lots also require area variances within the  
3       residential district.

4                   It should be noted that the Village of  
5       Lawrence portion of the Willow View Estates  
6       subdivision was before the Planning Commission on  
7       9/7/2023, for the creation of 33 single-family  
8       lots. Several of these lots were also situated  
9       within the "Open Space District of the  
10      Conservation [sic] -- Coastal Conservation  
11      District." At that time, the Commission  
12      recommended that the application be modified to  
13      eliminate all lots within the "Open Space  
14      District."

15                   It should also be noted that the  
16      Town of Hempstead, Woodmere portion of the  
17      Willow View Estates was scheduled to go before  
18      the Planning Commission on 5/30/24 for the  
19      creation of 90 single-family lots, many of these  
20      also within the "Open Space District of the  
21      Coastal Conservation District." At that time,  
22      the Town requested that it be pulled from the  
23      zoning agenda, which it was. And we haven't  
24      heard back -- I haven't heard back from the Town  
25      in that regard.

1 Zoning Referral Calendar Public Work Session

2 Staff is recommending "modification" to  
3 eliminate all --

4 ACTING CHAIR GREENFIELD: Not the Town,  
5 you mean the Village of Lynbrook [sic] -- Village  
6 of Lawrence?

7 MR. KATZ: Well, yeah, no. This one is  
8 the --

9 MR. O'BRIEN: The Town.

10 ACTING CHAIR GREENFIELD: The Town of  
11 Hempstead.

12 MR. KATZ: -- the Town's portion in  
13 Woodmere --

14 ACTING CHAIR GREENFIELD: The Town.

15 MR. KATZ: -- that was referred to us,  
16 but what was pulled.

17 ACTING CHAIR GREENFIELD: Okay.

18 MR. KATZ: So it is the --

19 ACTING CHAIR GREENFIELD: Okay.

20 MR. KATZ: -- Village of Lawrence that  
21 we heard, the Village of Woodsmere [sic] that  
22 we're -- or Woodmere that we're hearing now and  
23 the Town of Hempstead.

24 ACTING CHAIR GREENFIELD: Okay. So  
25 let's ask Chris --



1 Zoning Referral Calendar Public Work Session

2 MR. KATZ: Yeah.

3 ACTING CHAIR GREENFIELD: -- where --

4 we don't --

5 (Laughter.)

6 ACTING CHAIR GREENFIELD: -- give us an

7 update on where we stand with the hearings in the

8 Town of Hempstead --

9 (Stepping up.)

10 MR. BROWNE: Yeah, so --

11 ACTING CHAIR GREENFIELD: -- and --

12 MR. BROWNE: -- so these --

13 ACTING CHAIR GREENFIELD: -- Lawrence.

14 MR. BROWNE: -- these applications that

15 Marty is referencing, these are requests that we

16 have brought to build homes in the area, where

17 homes are not allowed. And our contention is

18 we're not allowed to do anything with this --

19 that -- this huge swath of 80 acres of property.

20 It's not useable for anything else, so we're

21 asking permission to build residential homes in

22 it.

23 ACTING CHAIR GREENFIELD: We can go

24 back to playing golf there.

25 MR. BROWNE: Well, it would be a

1           Zoning Referral Calendar Public Work Session  
2       strange configuration, but perhaps you could  
3       figure it out.

4                       (Laughter.)

5           ACTING CHAIR GREENFIELD: The trend is  
6       a par 3 and -- and 9 holes, you know?

7           MR. BROWNE: And you can carry your own  
8       bag; right?

9                       (Laughter.)

10          ACTING CHAIR GREENFIELD: No, those  
11       days are long gone.

12                      (Laughter.)

13          MR. BROWNE: So --

14          ACTING CHAIR GREENFIELD: But they have  
15       these automated carts now that follow you.

16                      (Laughter.)

17          MR. BROWNE: Really?

18          ACTING CHAIR GREENFIELD: Yeah, that's  
19       you know better than my dog.

20          MR. BROWNE: I might get back into  
21       golf.

22                      Anyway, in Lawrence, we made the same  
23       requests to build in the "Open Space Area." The  
24       Commission recommended denial. The Zoning Board  
25       denied the variances.

1           Zoning Referral Calendar Public Work Session

2                   This is the same application in  
3   Woodsburgh. Will you let us build in the open  
4   space area in Woodsburgh?

5                   It's fifteen additional homes over and  
6   above what we're allowed. We've made extensive  
7   presentations already to the Zoning Board. It  
8   hasn't made a final decision. It's pending this  
9   Commission's recommendation, so that's all that  
10   this is.

11                  ACTING CHAIR GREENFIELD: Okay. That  
12   and the Town of Hempstead?

13                  MR. BROWNE: Oh, the Town of Hempstead,  
14   the application, same application to build in the  
15   Town of Hempstead Open Space Area was submitted.  
16   It went through their review process. They've  
17   asked my client to, you know, deposit in escrow,  
18   so they can do further studies and we are in the  
19   process of dealing with that now.

20                  ACTING CHAIR GREENFIELD: Okay.

21                               \*           \*           \*

22

23

24

25

1 Proceedings

2 ACTING CHAIR GREENFIELD: Thank you,  
3 everybody. Thank you --

4 MR. BROWNE: You're welcome.

5 ACTING CHAIR GREENFIELD: -- everyone.  
6 This concludes the pre-meeting.

7 We'll take a three-minute --

8 MR. O'BRIEN: Work Session.

9 ACTING CHAIR GREENFIELD: --  
10 Work Session.

11 (Laughter.)

12 ACTING CHAIR GREENFIELD: Thank you,  
13 counselor. We'll take a three-minute necessary  
14 break.

15 (The meeting was concluded at  
16 9:56 a.m.)

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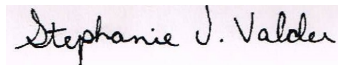
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C E R T I F I C A T I O N

I, STEPHANIE J. VALDER, do  
hereby certify that the within transcript is  
a true, accurate and complete transcript of  
the proceedings which took place in the above  
matter.

A handwritten signature in black ink that reads "Stephanie J. Valder". The signature is written in a cursive style and is positioned above a horizontal line.

STEPHANIE J. VALDER,  
Stenographer

A		
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# EXHIBIT K

REGULAR MEETING  
of the  
NASSAU COUNTY PLANNING COMMISSION

Thursday, July 18, 2024  
10:04 a.m. - 11:44 a.m.

LEGISLATIVE CHAMBER  
Theodore Roosevelt Executive & Legislative Bldg.  
1550 Franklin Avenue  
Mineola, New York

1

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

3 JEFFREY H. GREENFIELD, Acting Chair

4 NEAL LEWIS, Third Vice-Chair

5 DANA DURSO,

6 DENISE GOLD,

7 KHANDAN KALATY,

8 REID SAKOWICH,

9 Commissioners

10

11 WILLIAM NIMMO, Deputy Commissioner

12 ROBERT O'BRIEN, Esq., Counsel

13 PATRICK GALLAGHER, Esq., Counsel

14

15 Staff:

16 GREGORY HOESL

17 MARTY KATZ

18 JOHN PERRAKIS

19 TIMOTHY WREN

20

21 Also Present:

22 STEPHANIE J. VALDER, Stenographer

23 BARBARA DANIELS, Stenographer

24

25

1

2 P R O C E E D I N G S :

3 ACTING CHAIR GREENFIELD: All right.

4 Good morning, everybody. I think it's now  
5 post time, if we can ask Commission Members to  
6 come up here and everyone in the audience take  
7 their seats.

8 (Discussion held off the record.)

9 ACTING CHAIR GREENFIELD: Good morning  
10 and welcome everyone to the regular public  
11 meeting of the Nassau County Planning Commission,  
12 July 18th, 2024.

13 I'd like to call upon  
14 Legislator Rose Walker to lead us in the  
15 Pledge of Allegiance. Please rise.

16 (Stepping up.)

17 LEGISLATOR WALKER: Hand over heart and  
18 join me.

19 (Pledge of Allegiance recited in a  
20 body.)

21 LEGISLATOR WALKER: Thank you.

22 ACTING CHAIR GREENFIELD: Thank you --  
23 thank you, Rose.

24 LEGISLATOR WALKER: And God bless our  
25 troops.

1 Proceedings

2 COMMISSIONER KALATY: Yes.

3 ACTING CHAIR GREENFIELD: Amen.

4 Okay. Good morning and welcome,  
5 everyone. We have a full and exciting agenda  
6 here today. And copies of the agenda are  
7 available by our intern -- raise your hand --

8 INTERN: (Gesturing.)

9 ACTING CHAIR GREENFIELD: -- over on  
10 the side, if you haven't picked up an agenda.  
11 There are speaker registration forms.

12 The only "OSPAC" case that won't be  
13 taking public comment on is OSPAC 2 [sic] -- no,  
14 OSPAC, I'm sorry, 3. The public comment period  
15 on OSPAC 2-2024 were closed and there'll be no  
16 public comment.

17 So staff, can you begin?

18 (Stepping up.)

19 MR. HOESL: Yes, thank you. Good  
20 morning, Commissioners.

21 I'll start with the roll call.

22 ACTING CHAIR GREENFIELD: Thank you.

23 MR. HOESL: Commissioner Sakowich?

24 COMMISSIONER SAKOWICH: Here.

25 MR. HOESL: Commissioner Kalaty?

1 Proceedings

2 COMMISSIONER KALATY: Present.

3 MR. HOESL: Commissioner Gold?

4 COMMISSIONER GOLD: Present.

5 MR. HOESL: Commissioner Forman?

6 MR. O'BRIEN: Excused.

7 ACTING CHAIR GREENFIELD: Excused.

8 MR. HOESL: Commissioner Ellerbe?

9 MR. O'BRIEN: Excused.

10 ACTING CHAIR GREENFIELD: Excused.

11 MR. HOESL: Commissioner Durso?

12 COMMISSIONER DURSO: Present.

13 MR. HOESL: Third Vice-Chair Lewis?

14 THIRD VICE-CHAIR LEWIS: Present.

15 MR. HOESL: Vice-Chair Greenfield?

16 ACTING CHAIR GREENFIELD: Present.

17 MR. HOESL: Well, and Chairman Shapiro,  
18 absent.

19 ACTING CHAIR GREENFIELD: Excused,  
20 absent.

21 MR. HOESL: Thank you.

22 Can I have an acknowledgement of the  
23 receipt of transcript from the June 20th  
24 NCPC hearing?

25 ACTING CHAIR GREENFIELD: Neal, tell me



1 Proceedings

2 you read it?

3 MR. HOESL: Yeah, okay.

4 THIRD VICE-CHAIR LEWIS: So yes, I'd  
5 like to make a motion that we adopt the  
6 transcript from our last hearing and meeting.

7 COMMISSIONER DURSO: I'll second.

8 ACTING CHAIR GREENFIELD: Motion made  
9 and seconded.

10 All those in favor?

11 (Chorus of "ayes.")

12 ACTING CHAIR GREENFIELD: Any opposed?

13 (No response.)

14 ACTING CHAIR GREENFIELD: So carried.

15 MR. HOESL: Thank you.

16 ACTING CHAIR GREENFIELD: Okay.

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1 NCPC OSPAC File No. 3-2024

2 MR. HOESL: The attorney for OSPAC 3  
3 needs to get to a meeting. Do you mind if we  
4 take that first?

5 ACTING CHAIR GREENFIELD: Sure, by  
6 all --

7 MR. HOESL: Thank you.

8 ACTING CHAIR GREENFIELD: -- means.

9 MR. HOESL: All right. So this is  
10 OSPAC 3-2024. We are opening this up today for a  
11 public hearing.

12 This is an application to grant an  
13 easement to "PSEG" on County-owned property at  
14 100 Gordon Drive, Syosset, New York, in the  
15 Town of Oyster Bay's Light Industrial  
16 Zoning District.

17 THIRD VICE-CHAIR LEWIS: All right.  
18 Mr. Chairman, let me make a motion that we open  
19 the public hearing on OSPAC No. 3-2024.

20 ACTING CHAIR GREENFIELD: All right.  
21 We have a motion.

22 Do we have a second?

23 COMMISSIONER DURSO: Second.

24 ACTING CHAIR GREENFIELD: All in favor?

25 (Chorus of "ayes.")

1 NCPC OSPAC File No. 3-2024

2 ACTING CHAIR GREENFIELD: So carried.

3 MR. HOESL: Thank you.

4 ACTING CHAIR GREENFIELD: Now you may  
5 proceed.

6 MR. HOESL: Thank you.

7 The parcel size is approximately  
8 2 acres and the easement they are requesting is  
9 about 5,000 square feet. It's highlighted in  
10 orange and it's that black line there  
11 (indicating) on the map.

12 So Nassau County is requesting  
13 permission to -- for the granting of an easement  
14 to "PSEG." The proposed easement would be for  
15 the replacement of existing overhead utility  
16 lines above the Long Island Railroad tracks and  
17 the subsequent installation of underground lines  
18 running along that easement there.

19 The dimensions for the requested  
20 easement along the southern border of "Lot 14" is  
21 approximately 10 feet wide, running a width of  
22 500 along the length of the property. As I said,  
23 the requested easement would allow for the  
24 installation of underground electrical wires.

25 Nassau County "DPW" approves of the

1 NCPC OSPAC File No. 3-2024

2 requests from "PSEG" for the granting of an  
3 easement.

4 Here today we have Ted Hommel from the  
5 County's Attorney's Office and we also have a  
6 representative from "PSEG" to answer any  
7 questions for the Commission.

8 THIRD VICE-CHAIR LEWIS: Can we just  
9 see a hand, who's here from "PSEG?"

10 AUDIENCE MEMBER: (Gesturing.)

11 THIRD VICE-CHAIR LEWIS: Okay, great.  
12 Okay, he's here from real estate first.  
13 (Stepping up.)

14 MR. HOMMEL: Good morning.

15 THIRD VICE-CHAIR LEWIS: Good morning.

16 MR. HOMMEL: Ted Hommel, Assistant  
17 County Attorney appearing -- appearing for Real  
18 Estate Services. We do have representatives here  
19 from "PSEG," who can answer any questions the  
20 Commission may have. Achilles Kotzias?

21 THIRD VICE-CHAIR LEWIS: Yeah, we -- we  
22 do see a number of these easements over -- over  
23 time. So first let me ask you, just make your  
24 appearance. If you can, give your name.

25 (Stepping up.)

1 NCPC OSPAC File No. 3-2024

2 MR. KOTZIAS: Hi. I'm  
3 Achilles Kotzias. I am the project manager  
4 from PSEG Long Island for the project that's  
5 requesting this easement.

6 THIRD VICE-CHAIR LEWIS: And the  
7 address of your office --

8 MR. KOTZIAS: Oh.

9 THIRD VICE-CHAIR LEWIS: -- or whatever  
10 you address you wish to give.

11 (Discussion held among Commissioners  
12 off the record.)

13 (Discussion held off the record.)

14 MR. KOTZIAS: 999 Stewart Avenue,  
15 Suite 202, Bethpage, New York, zip 11714.

16 THIRD VICE-CHAIR LEWIS: Good stuff.  
17 So as I was about to say we do see  
18 easements occasionally for projects like this at  
19 the County level.

20 We often want to get assurances that  
21 efforts are going to be made to restore things,  
22 so that it -- it looks as -- as good as possible  
23 after the work is done, that everything's cleaned  
24 up nicely. And then sometimes there is some  
25 planting's done and things like that.

1 NCPC OSPAC File No. 3-2024

2 So have you looked at the site yet? Do  
3 you think it's going to need any of that kind of  
4 work in order to accommodate the things you got  
5 planned.

6 MR, KOTZIAS: So the existing site is a  
7 sump. I could only see it from outside the  
8 fence. It is just a -- a drainage pit for -- for  
9 the County, and it is currently drastically  
10 overgrown with vegetation or just however --  
11 however that is. So we would go in there with  
12 the constructions. And we would have to clear  
13 vegetation in order to facilitate our  
14 construction and --

15 ACTING CHAIR GREENFIELD: Wait a  
16 minute -- wait a minute.

17 According to that picture there  
18 (indicating), even I could fit through the fence.

19 MR. KOTZIAS: You know, I --

20 ACTING CHAIR GREENFIELD: You might go  
21 to the last picture. Look at that (indicating),  
22 you got an open invitation there.

23 MR. KOTZIAS: I -- I could have. I --  
24 you know, I -- I just wouldn't want to be  
25 trespassing there.

1 NCPC OSPAC File No. 3-2024

2 (Laughter.)

3 THIRD VICE-CHAIR LEWIS: That -- that's  
4 the professional thing to do. You don't  
5 trespass. We -- we -- it's okay that you only  
6 saw it from the outside.

7 I think, and just so you know, if we  
8 close the hearing -- if we close the hearing  
9 today and send this item to "OSPAC," the  
10 "OSPAC Committee" will ask you to get into the  
11 details. So we don't have to go through all of  
12 it now.

13 MR. KOTZIAS: Uh-huh.

14 THIRD VICE-CHAIR GREENFIELD: If you do  
15 have pictures of the site, or overhead drawings  
16 and -- and designs of exactly what you got  
17 planned, "OSPAC," you know, there's a general,  
18 you know, there's a real there's a desire to make  
19 sure we're protecting those basins.

20 So they're going to have a lot of  
21 questions about this. So I don't know that we  
22 need to do much more in today's hearing, other  
23 than those that are here that wanted to comment  
24 on it. But, you know, we do have concerns about  
25 making sure that the basins are maintained for



1 NCPC OSPAC File No. 3-2024

2 their purpose.

3 So as I see what you're seeing doing  
4 here, you're right on the edge. So it wouldn't  
5 be close to the -- yeah, it should not impact the  
6 area.

7 COMMISSIONER SAKOWICH: Well, the  
8 overhead or underground, what are we talking  
9 about?

10 MR. KOTZIAS: We would be -- we would  
11 be underground.

12 COMMISSIONER SAKOWICH: So there's  
13 nothing overhead?

14 MR. KOTZIAS: Correct.

15 COMMISSIONER SAKOWICH: Yeah.

16 ACTING CHAIR GREENFIELD: Bill, can the  
17 County fix that fence please?

18 DEPUTY COMMISSIONER NIMMO: We can fix  
19 the fence and it will be cut open the same day by  
20 residents.

21 (Laughter.)

22 ACTING CHAIR GREENFIELD: Any other  
23 questions?

24 (No response.)

25 COMMISSIONER SAKOWICH: I'll make a

1 NCPC OSPAC File No. 3-2024

2 motion.

3 ACTING CHAIR GREENFIELD: Okay.

4 COMMISSIONER SAKOWICH: No, I'm sorry.

5 ACTING CHAIR GREENFIELD: We -- the  
6 hearing's open, as you heard. We have nobody  
7 signed up for the hearing. If anyone would like  
8 to speak, please raise your hand, come forward  
9 and fill out a speaker registration form.

10 (No response.)

11 ACTING CHAIR GREENFIELD: Not hearing  
12 or seeing anybody, we'll make --

13 COMMISSIONER SAKOWICH: A motion on --

14 ACTING CHAIR GREENFIELD: -- entertain  
15 a motion.

16 COMMISSIONER SAKOWICH: -- on  
17 OSPAC 3-2024 for a --

18 MR. O'BRIEN: Just close the hearing.

19 COMMISSIONER SAKOWICH: Close the  
20 hearing.

21 ACTING CHAIR GREENFIELD: Yeah, that's  
22 all.

23 COMMISSIONER SAKOWICH: And send it  
24 "OSPAC."

25 ACTING CHAIR GREENFIELD: Okay. We

1 NCPC OSPAC File No. 3-2024

2 have a motion to close the hearing, send it to  
3 the "OSPAC."

4 Do we have a second?

5 COMMISSIONER KALATY: I'll second.

6 ACTING CHAIR GREENFIELD: Motion made  
7 and seconded.

8 All those in favor?

9 (Chorus of "ayes.")

10 ACTING CHAIR GREENFIELD: So carried.

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1 NCPC OSPAC File No. 2-2024

2 ACTING CHAIR GREENFIELD: All right,  
3 let's call the main event.

4 (Stepping up.)

5 MR. HOESL: Thank you.

6 Yes, this is OSPAC 2-2024. As you've  
7 mentioned already, the public comment period was  
8 closed on June 28th for this. All of the  
9 Commissioners, you have been provided with:

10 All the public e-mails we've received;

11 You've been provided with the

12 transcripts from the OSPAC meeting as well;

13 You remember the comments from last  
14 time.

15 So this item went back to "OSPAC" on  
16 July 10th, after the public comment period was  
17 closed. And at that OSPAC meeting, "OSPAC" voted  
18 on both of the following motions, 6 to 0, with  
19 1 abstention:

20 One, the proposal has no impact on  
21 County open space, or parks, or any areas of  
22 cultural archeological habitat, or historic, or  
23 otherwise environmentally-sensitive nature;

24 And two, they are recommended that the  
25 Planning Commission recommend approval to the

1 NCPC OSPAC File No. 2-2024

2 Nassau County Legislature.

3 Again, this is just for an operational  
4 lease for Sands to run the Coliseum site.

5 And that being said, I'll have -- do we  
6 have -- I think we have representatives --

7 MR. O'BRIEN: Well --

8 MR. HOESL: -- here to answer any  
9 questions or anything.

10 MR. O'BRIEN: There is no public  
11 comment at --

12 MR. HOESL: Yeah --

13 MR. O'BRIEN: -- this point.

14 MR. HOESL: -- okay. Right.

15 THIRD VICE-CHAIR LEWIS: Right. The  
16 only thing is whether Commissioners had any  
17 questions. And I think we've -- we've -- yeah, I  
18 think we've -- the "OSPAC" -- by the way, the  
19 "OSPAC" transcript was also included in the -- in  
20 the packet.

21 MR. HOESL: Yes.

22 THIRD VICE-CHAIR LEWIS: All of which,  
23 I think I mentioned earlier that I was getting  
24 some of the items off of our website.

25 So all of it's up on the website.

1 NCPC OSPAC File No. 2-2024

2 Thank you to the staff for getting all of that  
3 there. You know, going forward, it's -- it's  
4 great to have all that ahead of time like that,  
5 and particularly, the "OSPAC" transcript, which  
6 shows the Committee's discussion of the -- of the  
7 process and -- and really it was very helpful I  
8 think for where we're at right now.

9 I think we're all agreeing this is an  
10 operations lease, so it's very limited in terms  
11 of what we're really covering from an  
12 environmental perspective and otherwise.

13 On -- on the website, we have a  
14 resolution in the draft form. And again, I'd  
15 like to thank lawyers for helping to prepare all  
16 this and get it on the website. This is a -- a  
17 helpful thing I think for members of the public,  
18 for those that wanted to check it or even check  
19 it right now as you're sitting here.

20 And so the resolution has, you know, a  
21 number of whereases [sic]. And I wanted to point  
22 out one of the points that was always of interest  
23 to me, and that is that the resolution has a  
24 whereas where we refer to the Nassau County  
25 Master Plan, which technically doesn't say the

1 NCPC OSPAC File No. 2-2024

2 word "Master" anywhere on it. But it's always  
3 referred to as the "Master Plan." It's  
4 technically the Nassau County Comprehensive Plan.  
5 And this is our overarching document that was  
6 adopted by the Planning Commission. It serves as  
7 our "Master Plan."

8 And in our resolution, the whereas in  
9 reviewing the proposal, the Commissioners  
10 consider the proposal's adherence to the goals  
11 laid out in the "Master Plan." The "Master Plan"  
12 was circulated with all the Commissioners, so we  
13 could all check on these. And so we have several  
14 references to items that are in the "Master  
15 Plan." An example would be that the County  
16 quotes, "supports enhanced cultural facilities,  
17 services, programs and events at the County that  
18 improve quality of life and encourage tourism --  
19 tourism.

20 So certainly maintaining this facility,  
21 the operations agreement, and all -- all the  
22 people that work at the facility and -- and  
23 provide, you know, for the services that are very  
24 important to our residents, that is one of our  
25 overarching goals of the "Master Plan." And this



1 NCPC OSPAC File No. 2-2024

2 action that we're considering today is consistent  
3 with that.

4 So I do have a couple of motions ready  
5 to go, if you would like to --

6 ACTING CHAIR GREENFIELD: Mr.  
7 Vice-Chairman, please proceed.

8 THIRD VICE-CHAIR LEWIS: Okay. Thank  
9 you, Mr. Vice-Chair.

10 So I'd like to make a motion that based  
11 on the review of the proposed action and a review  
12 of the "Master Plan," that as just pointed out  
13 was adopted by the Nassau County Planning  
14 Commission, that this action, this proposed  
15 action is in accordance with that "Master Plan."  
16 So that's my motion.

17 ACTING CHAIR GREENFIELD: All right.  
18 We have a motion.

19 COMMISSIONER SAKOWICH: I second it.

20 ACTING CHAIR GREENFIELD: And we have a  
21 second.

22 Any questions on the motion?

23 (No response.)

24 ACTING CHAIR GREENFIELD: All those in  
25 favor of the motion, so signify by saying aye.

1 NCPC OSPAC File No. 2-2024

2 (Chorus of "ayes.")

3 ACTING CHAIR GREENFIELD: Any opposed?

4 (No response.)

5 ACTING CHAIR GREENFIELD: So carried  
6 unanimously.

7 Next motion, Mr. Vice-Chair.

8 THIRD VICE-CHAIR LEWIS: Thank you.

9 So, you know, just for a point of  
10 reference, the Nassau -- the Nassau County  
11 "Master Plan" was also the basis that then led to  
12 "OSPAC" getting established several years after  
13 the "Master Plan" was originally adopted. And  
14 the "OSPAC Plan" includes legislation  
15 establishing "OSPAC." So I'd like to make a  
16 motion that based on the review of the proposed  
17 action, the criteria during the review of  
18 "OSPAC," which is set off on -- in Title 47, that  
19 based on that, that the Planning Commission finds  
20 the proposed action is consistent with that  
21 criteria for "OSPAC" review.

22 ACTING CHAIR GREENFIELD: Thank you for  
23 explaining that. But also for those that are in  
24 the audience for the first time, "OSPAC" stands  
25 for Open Space Park Advisory Committee.

1 NCPC OSPAC File No. 2-2024

2 THIRD VICE-CHAIR LEWIS: Thank you.

3 Right.

4 ACTING CHAIR GREENFIELD: And we have a  
5 lot of hearings on "OSPAC" cases from time to  
6 time.

7 COMMISSIONER SAKOWICH: I second it.

8 ACTING CHAIR GREENFIELD: So we have a  
9 motion.

10 Seconded.

11 Any questions on the motion?

12 (No response.)

13 ACTING CHAIR GREENFIELD: Not hearing  
14 or seeing any, all those in favor, so signify by  
15 saying aye.

16 (Chorus of "ayes.")

17 ACTING CHAIR GREENFIELD: Any opposed?

18 (No response.)

19 ACTING CHAIR GREENFIELD: Another  
20 unanimous vote.

21 THIRD VICE-CHAIR LEWIS: Okay. So now  
22 let's get to "SEQRA." I make a motion that based  
23 on the review of the environmental documents,  
24 which includes the environmental assessment form  
25 and other supporting documentation, this

1 NCPC OSPAC File No. 2-2024

2 Planning Commission recommends that the  
3 Nassau County Legislature, that the Legislature  
4 first classify the action regarding NCPC OSPAC  
5 No. 2-2024:

6 First that we classify this action as  
7 an "unlisted action" under the State  
8 Environmental Quality Review Act or "SEQRA."

9 And that the -- and that includes the  
10 relating implementing regulations of "SEQRA,"  
11 which is "6 NYCRR Part 617."

12 Also, in addition to classifying the  
13 action, we also determine that the proposed  
14 action would not have a significant adverse  
15 impact on the environment.

16 ACTING CHAIR GREENFIELD: We have a  
17 motion.

18 Do we have a second?

19 COMMISSIONER KALATY: Second.

20 ACTING CHAIR GREENFIELD: We have a  
21 second.

22 Any questions on the motion by  
23 members?

24 (No response.)

25 ACTING CHAIR GREENFIELD: If not, would

1 NCPC OSPAC File No. 2-2024

2 you please vote? All those in favor, so signify  
3 by saying aye.

4 (Chorus of "ayes.")

5 ACTING CHAIR GREENFIELD: Any opposed?

6 (No response.)

7 ACTING CHAIR GREENFIELD: So carried.

8 Passed unanimously.

9 THIRD VICE-CHAIR LEWIS: Okay. Now  
10 this will sound similar, but just to be clear,  
11 we're recommending to the Legislature. So I make  
12 a further motion -- motion that the Nassau County  
13 Planning Commission recommend to the  
14 Nassau County Legislature, that the Legislature:

15 Complete the review of the proposed  
16 action under "SEQRA," by classifying the proposed  
17 action as an "unlisted action" under "SEQRA" and  
18 the "SEQRA" implementing regulations;

19 And by issuing a "Negative Declaration"  
20 for the proposed action.

21 So this is where I'm asking the  
22 Legislature -- we're recommending to the  
23 Legislature, action.

24 ACTING CHAIR GREENFIELD: All right.  
25 Everyone understand the motion?

1 NCPC OSPAC File No. 2-2024

2 (No response.)

3 ACTING CHAIR GREENFIELD: Do we have a  
4 second?

5 COMMISSIONER DURSO: I'll second.

6 ACTING CHAIR GREENFIELD: We have a  
7 motion made and seconded to recommend to the  
8 Legislature.

9 All those in favor, so signify by  
10 saying aye.

11 (Chorus of "ayes.")

12 ACTING CHAIR GREENFIELD: Any opposed?

13 (No response.)

14 ACTING CHAIR GREENFIELD: So carried  
15 unanimously.

16 THIRD VICE-CHAIR LEWIS: Okay, almost  
17 there.

18 So we have -- I make a further motion  
19 that the Planning Commission recommend to the  
20 Nassau County Legislature that the Legislature  
21 approve the proposed action, without condition.

22 ACTING CHAIR GREENFIELD: Motion made.  
23 Do we have a second?

24 COMMISSIONER SAKOWICH: I second it.

25 ACTING CHAIR GREENFIELD: We have a

1 NCPC OSPAC File No. 2-2024

2 second.

3 Any questions by the members?

4 (No response.)

5 ACTING CHAIR GREENFIELD: Not hearing  
6 any, all those in favor of the motion, so signify  
7 by saying aye.

8 (Chorus of "ayes.")

9 ACTING CHAIR GREENFIELD: Any opposed?

10 (No response.)

11 ACTING CHAIR GREENFIELD: So carried  
12 unanimously.

13 THIRD VICE-CHAIR LEWIS: Now, lastly  
14 coming to the draft resolution which I  
15 mentioned, posted on the Nassau County Planning  
16 Commission website. And so my motion is I make a  
17 motion that the Planning Commission approve the  
18 draft resolution, which has highlighted portions,  
19 and that that resolution be completed so that it  
20 is in accordance with our determinations here  
21 today.

22 ACTING CHAIR GREENFIELD: Okay. We  
23 have another motion.

24 Do we have a second?

25 COMMISSIONER DURSO: Second.



1 NCPC OSPAC File No. 2-2024

2 ACTING CHAIR GREENFIELD: Motion made  
3 and seconded.

4 Any questions by any members on the  
5 motion?

6 (No response.)

7 ACTING CHAIR GREENFIELD: Not hearing  
8 any, all those in favor, so signify by saying  
9 aye.

10 (Chorus of "ayes.")

11 ACTING CHAIR GREENFIELD: Any opposed?

12 (No response.)

13 ACTING CHAIR GREENFIELD: So carried  
14 unanimously.

15 THIRD VICE-CHAIR LEWIS: All right.  
16 I'm done.

17 ACTING CHAIR GREENFIELD: That  
18 concludes OSPAC Case No. 2-2024.

19 I want to thank very much the members  
20 of this Commission, a lot of hours of reading,  
21 discussing, diligent work. I want to thank the  
22 members of the public that sat by patiently here  
23 today. And also the members of the public that  
24 gave us tremendous input at the last meeting.  
25 And all the other people that wrote in, the

1 NCPC OSPAC File No. 2-2024

2 354 e-mails, that we all read and reviewed. And  
3 the process has spoken and I thank you very much.

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1 Proceedings

2 ACTING CHAIR GREENFIELD: The Chairman  
3 always like a big audience, but I'll understand.  
4 I'll take a five-minute break if you want to  
5 leave the -- leave the Chamber, because we have  
6 other items of business on the agenda for today  
7 that we have to delve into. So we'll -- we'll  
8 take a break so people can leave if they want.

9 (Audience participation.)

10 ACTING CHAIR GREENFIELD: No applause  
11 is necessary. It's not a sporting event.

12 Also, I'd be remiss if I didn't thank  
13 the men of the Nassau County Police Department,  
14 who serve us diligently and protect us throughout  
15 the County and in this Chamber. We've only seen  
16 recently how peril life can be for public  
17 officials. So thank you for being there for us,  
18 Nassau County Police Department.

19 (Audience participation.)

20 ACTING CHAIR GREENFIELD: That, I'll  
21 applaud.

22 (Audience participation.)

23 ACTING CHAIR GREENFIELD: We'll take a  
24 two-minute break.

25 (Whereupon, a recess was taken at

1 Proceedings

2 10:23 a.m. and the meeting continued at

3 10:31 a.m.)

4 ACTING CHAIR GREENFIELD: Okay.

5 Everybody, could we ask you to find your seats?

6 Could we ask you to leave the chambers, if you

7 want to leave? If you want to stay, it's okay

8 too. And could we ask all the members to please

9 come back on -- up on the podium?

10 We got to move the agenda. The Chair  
11 has a lunch date today.

12 ROBERT O'BRIEN: You got a lunch date?

13 (Discussion held among Commissioners  
14 off the record.)

15 (Laughter.)

16 MR. O'BRIEN: Tim, you ready?

17 (Stepping up.)

18 MR. WREN: Good morning, everybody.

19 ACTING CHAIR GREENFIELD: Yes, okay.

20 THIRD VICE-CHAIR LEWIS: Chairman,  
21 my --

22 ACTING CHAIR GREENFIELD: Let the  
23 record -- let the record reflect we go back,  
24 10:32.

25 Okay. Would the staff -- would the

1 Proceedings

2 staff call the next case please?

3 MR. WREN: Sure.

4 ACTING CHAIR GREENFIELD: Can we have  
5 everyone's attention please? We're on "Page 2"  
6 of the agenda, "Item D."

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1 NCPC Minor Sub. File No. 29-2021

2 MR. WREN: Okay. First up for the  
3 minor subdivisions is Case 29-2021. This is a  
4 two-parcel minor subdivision that the Commission  
5 originally saw back in June 24th, 2021. The  
6 resolution elapsed, so we are resubmitting the  
7 application.

8 The 12,000 --

9 ACTING CHAIR GREENFIELD: Wait a  
10 minute. Wait -- wait.

11 DEPUTY CHAIR NIMMO: Hold on.

12 ACTING CHAIR GREENFIELD: Everybody --  
13 everybody in the Chambers having a "coffee klatch  
14 discussion," you can -- coffee's served in the  
15 outer room. There's an outer room. You can take  
16 your conversation outside.

17 Can we have a -- everyone, either take  
18 your seats or leave the Chambers. Those are the  
19 two options. We have a stenographer taking the  
20 official record and can't conduct her business  
21 without this.

22 Thank you again.

23 Okay. Continue. I'm sorry.

24 (Stepping up.)

25 MR. WREN: Okay.

1 NCPC Minor Sub. File No. 29-2021

2 The 12,000 square foot subject property  
3 is situated on the east side of Irving Avenue in  
4 the Incorporated Village of Floral Park. The  
5 application proposes to subdivide the property,  
6 which currently has 130 feet of frontage on  
7 Irving Avenue in two separate parcels.

8 "Proposed Lot A" will have 90 feet of  
9 frontage on Irving Avenue by 80 feet and be a  
10 total of 8,000 square foot.

11 "Proposed Lot B" will have 40 feet of  
12 frontage on Irving by 100 and be a total of  
13 4,000 square feet.

14 The Incorporated Village of Floral Park's  
15 Architectural Review Board has granted approval  
16 for the proposed subdivision.

17 The majority, 26 out of the 36  
18 houses -- homes within 200 feet of the subject  
19 property have frontages of 40 feet or less.

20 That's all I have. And I' would like  
21 to bring up the attorney now.

22 ACTING CHAIR GREENFIELD: Yes.

23 (Stepping up.)

24 MR. MIGATZ: For the applicant,  
25 Bruce W. Migatz, law firm, Albanese and Albanese,



1 NCPC Minor Sub. File No. 29-2021

2 1050 Franklin Avenue, Garden City,  
3 New York. Good morning, members of the  
4 Commission, counsel, staff.

5 The aerial you'd had up there on the  
6 screen is actually not correct. The -- the  
7 larger 8,000 square foot parcel is the one  
8 closest to the corner and then the 4,000 square  
9 foot parcel is south of that. Go to the bottom  
10 of there.

11 As -- as Tim said, this was approved by  
12 the Commission back in 2021. The -- the  
13 applicant did record -- he sold "Parcel A" within  
14 one year of the Commission's approval and the  
15 County Clerk accepted the deed to "Parcel A," not  
16 realizing that this was a subdivision and a  
17 second deed should have been recorded for  
18 "Parcel B."

19 The applicant began construction of the  
20 house on "Parcel B" and decided to transfer it  
21 from one entity he controlled "MDLM" [sic], to  
22 another entity he controlled for purposes of  
23 building the new house.

24 They went to record that deed and the  
25 County Clerk picked up on the fact, wait a

1 NCPC Minor Sub. File No. 29-2021  
2 minute, this was a subdivision. And that second  
3 deed had to be filed within one year and it was  
4 not.

5 So they reengaged me. I was not  
6 involved in -- in the recording of either of  
7 those two prior deeds.

8 ACTING CHAIR GREENFIELD: I'm glad you  
9 clarified that for the record. We always ask  
10 that, Bruce.

11 MR. MIGATZ: Yeah, I know.

12 ACTING CHAIR GREENFIELD: Thank you.

13 (Laughter.)

14 MR. MIGATZ: I can't divulge with my  
15 conversation with my client, but you know me long  
16 enough that I know what to do.

17 (Laughter.)

18 ACTING CHAIR GREENFIELD: Absolutely.

19 MR. MIGATZ: So we are back here now to  
20 really renew the prior approval. If you compare  
21 the radius map from 2021 to the radius map of  
22 today, you will see there has been no change in  
23 the character of the neighborhood, nothing that  
24 would, in my opinion, result in a different  
25 decision from this Board.

1 NCPC Minor Sub. File No. 29-2021

2 Of the 40 properties within 200 feet of  
3 the subject, there are 32 properties with a  
4 lot area of 4,000 square feet or less. So the  
5 "Parcel B" that we are now trying to transfer  
6 certainly is within the character of the -- of  
7 the neighborhood. And once again, there's been  
8 no change in that character since 2021.

9 COMMISSIONER SAKOWICH: Yeah, I think  
10 we got enough on this. I make a motion for  
11 NCPC File 29-2021 with a "Neg. Dec."

12 ACTING CHAIR GREENFIELD: Yeah, wait.  
13 We have nobody signed up to speak. Did anyone in  
14 the audience look -- wish to speak on this?

15 (No response.)

16 ACTING CHAIR GREENFIELD: Not hearing  
17 or seeing anyone, we'll entertain the motion.

18 THIRD VICE-CHAIR LEWIS: And I'll -- so  
19 I'll second that.

20 COMMISSIONER SAKOWICH: I second that.

21 COMMISSIONER GOLD: I have one further  
22 question.

23 ACTING CHAIR GREENFIELD: Okay, one  
24 further question from the --

25 COMMISSIONER GOLD: So as I'm looking

1 NCPC Minor Sub. File No. 29-2021

2 at the -- the map here, how is the 40 foot lot  
3 going back 100 feet, if the --

4 ACTING CHAIR GREENFIELD: Put your mic.  
5 on. You turned your mic. off.

6 COMMISSIONER SAKOWICH: It's -- it's  
7 marked wrong.

8 COMMISSIONER GOLD: Okay.

9 ACTING CHAIR GREENFIELD: That's why.

10 COMMISSIONER GOLD: So there is going  
11 to be 100 feet -- there's going to be 100 feet of  
12 depth on the 40 -- 40 foot property?

13 MR. MIGATZ: Yes.

14 COMMISSIONER SAKOWICH: Yes.

15 COMMISSIONER GOLD: Okay. All right.  
16 No more -- no other questions.

17 COMMISSIONER SAKOWICH: Yeah, it's --  
18 it's confusing on the map, but it's -- it's  
19 there.

20 THIRD VICE-CHAIR LEWIS: It's there.

21 COMMISSIONER SAKOWICH: Yeah.

22 MR. O'BRIEN: We have a motion then.

23 COMMISSIONER SAKOWICH: We have a  
24 motion.

25 THIRD VICE-CHAIR LEWIS: We have a

1 NCPC Minor Sub. File No. 29-2021

2 motion made and seconded.

3 Call the motion.

4 ACTING CHAIR GREENFIELD: Okay. We

5 have a motion made and seconded.

6 All those in favor?

7 (Chorus of "ayes.")

8 ACTING CHAIR GREENFIELD: Any opposed?

9 (No response.)

10 ACTING CHAIR GREENFIELD: So carried  
11 unanimously.

12 MR. MIGATZ: Thank you.

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1 NCPC Minor Sub. File No. 33-2024

2 ACTING CHAIR GREENFIELD: Next case.

3 (Stepping up.)

4 MR. WREN: Okay. Next up we have  
5 NCPC -- PC File 33-2024. This is a lot line  
6 adjustment.

7 The 12,600 square foot subject property  
8 is situated on the south side of the N Street, in  
9 the Hamlet of West Hempstead, Town of Hempstead  
10 Residential "B" Zoning District. The application  
11 proposes to convey 900 square feet from the  
12 eastern portion of "Parcel B" to the western  
13 portion of "Parcel A" by means of a lot line  
14 adjustment.

15 "Proposed Parcel A" will have a  
16 frontage of 80 feet and be a total of 7,200  
17 square feet after the reappointment [sic].

18 "Proposed Parcel B" will have a  
19 frontage of 60 feet and be a total of 5,400  
20 square feet after the reappointment [sic].

21 Town of Hempstead's Department of  
22 Buildings has issued a letter of  
23 zoning compliance for the opposed lot line  
24 adjustment.

25 I'll ask the attorney to come up.

1 NCPC Minor Sub. File No. 33-2024

2 MR. AVRUTINE: (Hanging.)

3 MR. WREN: (Receiving.)

4 Thank you.

5 (Stepping up.)

6 MR. AVRUTINE: Good morning again,  
7 appearing for the applicant, Howard Avrutine,  
8 2116 Merrick Avenue, Merrick.

9 This is an application for a lot line  
10 adjustment for premises located in Elmont. The  
11 property is located on the southerly side of  
12 N Street, 90.36 feet westerly of Porter Street.

13 The property with the street address of  
14 1371 N Street consists of tax lots 50 through 52,  
15 and has dimensions at 60 feet in width by 90 feet  
16 in depth and a total lot area of 5400 square  
17 feet. It is developed with a legally  
18 non-conforming dwelling and detached garage.

19 The property at 1379 N Street which is  
20 adjacent, consists of tax lots 46 through 48, 149  
21 and 249 and has dimensions of 80 feet in width  
22 and 90 feet in depth and a total lot area of  
23 7,200 square feet. That parcel is developed with  
24 a new single-family dwelling that was just  
25 constructed and a certificate of occupancy



1 NCPC Minor Sub. File No. 33-2024

2 issued.

3 When the new dwelling was conveyed  
4 to -- by the builder to the current owner, it was  
5 discovered that one of the tax lots, that's  
6 "Lot 249," which has dimensions of 10 feet in  
7 width by 90 feet in depth was grouped for  
8 property tax purposes with "Tax Lot 149," which  
9 is part of the adjoining property.

10 So the property at 1371 N Street has  
11 been and is paying the tax for a portion of its  
12 neighbor's property. It's "Lot 249." This  
13 occurred apparently because "Lot 249" was  
14 previously in common ownership with "Lot 149."  
15 And there were deeds throughout the chain  
16 involving these lots, which were recorded because  
17 they were existing lots.

18 In attempting to file a  
19 tax apportionment application to address this  
20 issue, we were advised that Commission approval  
21 would be required for the lot line adjustment.

22 As was stated by Mr. Wren, a letter of  
23 zoning compliance is in the file for both parcels  
24 as currently configured. And as matter of fact,  
25 no new deeds even need to be filed, because there

1 NCPC Minor Sub. File No. 33-2024

2 are deeds reflecting the ownership in the  
3 existing configuration.

4 So really this is necessary primarily  
5 only to allow an application to be processed by  
6 the Office of the Tax Assessor and -- and get --  
7 get it straight, so that the new owner of the new  
8 home will pay for the -- for the parcel that they  
9 actually own.

10 (Laughter.)

11 MR. AVRUTINE: A big mess.

12 ACTING CHAIR GREENFIELD: We're --  
13 we're having a sale on lot line adjustments  
14 today. Well, for the --

15 MR. AVRUTINE: Apparently so.

16 ACTING CHAIR GREENFIELD: -- for --  
17 for -- and cleaning up. And you, of course,  
18 weren't the attorney on the original transaction?

19 MR. AVRUTINE: No -- no -- no.

20 ACTING CHAIR GREENFIELD: Okay. I just  
21 wanted to make sure for the record.

22 MR. AVRUTINE: No. The just -- just --  
23 and if you want any more information that the --  
24 the --

25 ACTING CHAIR GREENFIELD: No, that's

1 NCPC Minor Sub. File No. 33-2024

2 okay.

3 MR. AVRUTINE: Okay.

4 ACTING CHAIR GREENFIELD: The title  
5 insurance company is --

6 MR. AVRUTINE: Yes.

7 THIRD VICE-CHAIR LEWIS: But they --  
8 they built the house on the property and didn't  
9 realize that 10 feet of the edge of that property  
10 was not included in the deed for the property,  
11 that the house was built on?

12 MR. AVRUTINE: Well, actually it was,  
13 but the deed got recorded.

14 THIRD VICE-CHAIR LEWIS: It was -- it  
15 was included in the bounds in the deed, but there  
16 was a separate deed out there claiming that 10 --  
17 10 feet --

18 MR. AVRUTINE: Well -- well, look,  
19 no --

20 MR. O'BRIEN: It really is an  
21 apportionment question and not a --

22 MR. AVRUTINE: Correct. No, there  
23 was a --

24 MR. O'BRIEN: -- a title issue?

25 MR. AVRUTINE: The title is all --

1 NCPC Minor Sub. File No. 33-2024

2 MR. O'BRIEN: Right.

3 MR. AVRUTINE: -- as it should be.

4 It's the fact that there was a lot grouping  
5 between two lots, one of which is owned by one  
6 property owner and the other one by another. And  
7 so one got stuck paying for it, and I can't  
8 un-group it without Planning Commission approval.

9 THIRD VICE-CHAIR LEWIS: Okay. Yup --  
10 yup.

11 MR. O'BRIEN: And -- and -- and if  
12 I understand you right, Mr. Avrutine, in -- in  
13 our -- our standard resolution, there's a  
14 requirement that deeds be filed within the year.  
15 And you're saying that in this particular case,  
16 you just need, in effect, an -- an affirmation  
17 that the deeds have been filed and that no new  
18 deeds be filed to reclaim this?

19 MR. AVRUTINE: That's -- that is  
20 correct --

21 MR. O'BRIEN: Okay --

22 MR. AVRUTINE: -- Mr. O'Brien, because  
23 the deeds have already been --

24 MR. O'BRIEN: -- right.

25 MR. AVRUTINE: -- filed.

1 NCPC Minor Sub. File No. 33-2024

2 MR. O'BRIEN: Okay.

3 ACTING CHAIR GREENFIELD: Okay. We  
4 clarified that. We're ready for a --

5 MR. O'BRIEN: No. Anybody else?

6 ACTING CHAIR GREENFIELD: We have  
7 nobody in the audience signed up for this case.  
8 Anyone wish to speak?

9 (No response.)

10 ACTING CHAIR GREENFIELD: If not, we'll  
11 entertain a motion at this time.

12 COMMISSIONER DURSO: I'll make a  
13 motion to approve NCPC File No. 33-2024 with a  
14 "Negative Declaration."

15 COMMISSIONER GOLD: Second.

16 ACTING CHAIR GREENFIELD: Motion made  
17 and seconded.

18 All those in favor, so signify by  
19 saying aye.

20 (Chorus of "ayes.")

21 ACTING CHAIR GREENFIELD: All those  
22 opposed?

23 (No response.)

24 ACTING CHAIR GREENFIELD: None.

25 So carries unanimously.

1 NCPC Minor Sub. File No. 33-2024

2 MR. AVRUTINE: Thank you very much.

3 ACTING CHAIR GREENFIELD: Good luck.

4 And I'm glad you're going to make the title  
5 insurance company happy.

6 MR. AVRUTINE: I'll make the client  
7 happy.

8 ACTING CHAIR GREENFIELD: And the  
9 client too.

10 COMMISSIONER SAKOWICH: The title  
11 insurance company is not --

12 MR. AVRUTINE: And the title insurance  
13 company is --

14 ACTING CHAIR GREENFIELD: Okay.

15 MR. AVRUTINE: -- not my concern.

16 MR. O'BRIEN: The title is not the  
17 issue.

18 ACTING CHAIR GREENFIELD: I'm kidding.

19 MR. AVRUTINE: All right.

20 Thank you.

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1 NCPC Minor Sub. File No. 34-2024

2 ACTING CHAIR GREENFIELD: All right,  
3 next case please.

4 (Stepping up.)

5 MR. WREN: Okay. Next up we have  
6 Case 34-2024. This is a two-parcel minor  
7 subdivision.

8 The 12,361.5 square foot subject  
9 property area is situated on the south side of  
10 Marion Street, in the Hamlet of Bellmore,  
11 Town of Hempstead's Residential "B" Zoning  
12 District. The applicant proposes to subdivide  
13 the property, which currently has 150.73 feet of  
14 frontage on Marion Street into two separate  
15 parcels.

16 "Proposed Lot A" will have 80.39 feet  
17 on Marion by 75 and be a total of 6,316.16  
18 square feet.

19 "Proposed Lot B" will have 70.34 feet  
20 of frontage by 89.82 feet and be a total of  
21 6,045.34 square feet.

22 Town of Hempstead Department of  
23 Buildings has issued a letter of zoning  
24 compliance for the proposed subdivision.

25 I have Mike Gregory to speak.



1 NCPC Minor Sub. File No. 34-2024

2 (Stepping up.)

3 MR. GREGORY: Yes, good morning.

4 Michael Gregory of Permits-R-Us LLC,  
5 333 Jackson Avenue, Syosset, New York 11791.

6 Good morning, Commissioners.

7 THIRD VICE-CHAIR LEWIS: Good morning.

8 MR. GREGORY: Pleasure to be here this  
9 morning.

10 I'm representing Home Builders of  
11 Long Island, who wishes to propose "as-of-right"  
12 subdivision. They're located at 2770 Marion  
13 Street in Bellmore.

14 As Mr. Wren had stated, a -- a letter  
15 of zoning compliance was obtained by the Town of  
16 Hempstead on June 26th, 2024. And that letter of  
17 zoning compliance was submitted along with the  
18 application.

19 When the property originally went into  
20 contract, they didn't go into contract until this  
21 letter was obtained by the -- excuse me, the Town  
22 of Hempstead Building Department, that it's  
23 zoning compliant.

24 There are currently no "C and Rs"  
25 recorded on the property that would prohibit the

1 NCPC Minor Sub. File No. 34-2024  
2 subdivision of the proposed subdivision. There  
3 was actually one "C and R" that expired in 1952  
4 and was put on I believe in the early 1920s. And  
5 that was prohibit the sale of alcohol on the  
6 property. So but they won't be selling alcohol  
7 out of the proposed -- out of the proposed  
8 residence.

9 (Laughter.)

10 ACTING CHAIR GREENFIELD: I don't know,  
11 I mean --

12 (Laughter.)

13 MR. O'BRIEN: Selling alcohol?

14 ACTING CHAIR GREENFIELD: -- where that  
15 came from. Are they going to give it away now?

16 MR. GREGORY: I don't know.

17 (Laughter.)

18 ACTING CHAIR GREENFIELD: Okay.

19 MR. GREGORY: As Mr. Wren had stated,  
20 these are zoning-compliant lots. The corner  
21 property, "Parcel A" is -- is 6,316.16 square  
22 feet, wherein the Town of Hempstead Zoning is in  
23 a Residence "B" Zone, the zoning allows for 6,000  
24 square feet. Our two are in excess of that. And  
25 "Parcel B" is 6,045.34 square feet, the same,

1 NCPC Minor Sub. File No. 34-2024

2 Residence "B." It is zoning compliant and it's  
3 above the required.

4 THIRD VICE-CHAIR LEWIS: Yeah, this is  
5 a -- this is kind of an easy one for you. It's  
6 not so much of the small piece of property or  
7 such. It's a corner property --

8 MR. GREGORY: Right.

9 THIRD VICE-CHAIR LEWIS: -- and it's a  
10 little bit bigger. As you're saying, it's fully  
11 zoning compliant then?

12 MR. GREGORY: Correct, yes.

13 The proposed houses will be  
14 single-family homes, 4 bedrooms, 2 1/2 baths,  
15 approximately 2800 square feet. The proposed  
16 houses will each have a one-car attached garage,  
17 with a four-car pad parking driveway to allow  
18 five cars off-street parking from the street to  
19 alleviate any parking flowing on on-street  
20 parking.

21 THIRD VICE-CHAIR LEWIS: Say that  
22 again. How many is on the pad?

23 MR. GREGORY: Four, plus one attached  
24 garage, so five in total that are being proposed  
25 provided for the proposed houses, where only two

1 NCPC Minor Sub. File No. 34-2024

2 is required by the Town of Hempstead.

3 THIRD VICE-CHAIR LEWIS: I think the  
4 world we're in today, that's needed more and  
5 more --

6 MR. GREGORY: Yes.

7 THIRD VICE-CHAIR LEWIS: -- to do that.  
8 Yeah, you need off-street parking.

9 MR. GREGORY: And there are public  
10 utilities available to the site:

11 Sewer;

12 Water;

13 Gas;

14 And electric.

15 And there was one variance granted  
16 across the street on Pine Place, within the  
17 100-foot radius. That was done in 2014. They  
18 were asking a variance for a lot width which was  
19 50 feet at -- which was they had 100 by whatever  
20 the depth was. And they were asking for a 5 foot  
21 variance at the front, where the Town of  
22 Hempstead requires 55 and they were proposing 50.  
23 So that variance was granted and they came in  
24 front of this Board for approval.

25 So as I stated, these are

1 NCPC Minor Sub. File No. 34-2024

2 zoning compliant lots and not seeking -- no

3 variance was sought by the Town of Hempstead.

4 And again, they will be single-family homes and

5 the builder will be the best to his ability to be

6 a good neighbor to all surrounding neighbors.

7 ACTING CHAIR GREENFIELD: Okay. Any

8 other --

9 MR. GREGORY: Oh --

10 ACTING CHAIR GREENFIELD: -- questions?

11 MR. GREGORY: -- in addition, I

12 apologize Mr. Greenfield.

13 ACTING CHAIR GREENFIELD: Yeah.

14 MR. GREGORY: There are some beautiful

15 Red Maples that are lining the street.

16 ACTING CHAIR GREENFIELD: Oh, that's

17 what I'd like to hear. You're saving them?

18 MR. GREGORY: Yes, they will be

19 preserved and they will not be removed.

20 ACTING CHAIR GREENFIELD: Okay. I'm

21 glad you got that in the record.

22 THIRD VICE-CHAIR LEWIS: There you go.

23 ACTING CHAIR GREENFIELD: Okay. Any

24 questions, further questions from Commissioners?

25 (No response.)

1 NCPC Minor Sub. File No. 34-2024

2 ACTING CHAIR GREENFIELD: If not, we'll  
3 entertain a motion at this time.

4 (Stepping up.)

5 MR. WREN: (Gesturing.)

6 I'm sorry. I do have one e-mailed  
7 comment from the public.

8 ACTING CHAIR GREENFIELD: Okay.

9 We have nobody in the public signed up,  
10 Anyone in the public like to speak?

11 (No response.)

12 ACTING CHAIR GREENFIELD: All right.  
13 Let's hear the e-mail.

14 MR. WREN: Okay. This is from  
15 Jacqueline Dzienius, it's 803 Pine Place,  
16 Bellmore.

17 We really don't want two more  
18 monstrosities going up around us. We already  
19 have one next door and two directly across the  
20 street. We're feeling claustrophobic. +there  
21 are definitely more cars on our block now than  
22 before as well. And the streets where the new  
23 house would go up is loaded with cars. Overflow  
24 will definitely roll onto my street.

25 This proposed construction will be

1 NCPC Minor Sub. File No. 34-2024  
2 right on top of us. The small backyard of the  
3 house they want to take down runs along my narrow  
4 driveway. It's very tight, separated only by a  
5 small chain-link fence.

6 We don't oppose one new home replacing  
7 the old one, but squeezing two gigantic houses on  
8 the one lot is going to be too much and will only  
9 add to the vehicle congestion that already  
10 exists.

11 Thank you for reading our e-mail to the  
12 Commission. I Hope this works out for us.

13 (Stepping up.)

14 MR. GREGORY: Thank you, Mr. Wren.

15 I believe the reason for the over  
16 parking along the street is, I visited -- visited  
17 this site multiple times during different times  
18 of the day, early in the morning around 6:30,  
19 then in the afternoon and after 6:00 at night.  
20 At 6:00 at night and early in the morning, it's  
21 congested. And during the day, it's not that  
22 congested.

23 There are very few cars on the street.  
24 There is actually an abandoned car in front of  
25 the subject property that has a flat tire and



1 NCPC Minor Sub. File No. 34-2024

2 expired. It doesn't have an expired  
3 registration, expired inspection from 2023.

4 But I believe the reason for the  
5 overcrowded parking is because on Bellmore Avenue  
6 just to the east, the immediate homes within that  
7 corner have restricted parking. Restricted  
8 parking is the corner property on the southwest  
9 corner has handicapped parking signs, and also no  
10 stopping from here to corner and no parking.

11 I believe the reason for that is the  
12 proximity to Merrick Road. They don't want  
13 the -- whoever did the plan for the traffic  
14 didn't want the traffic backing up, I guess  
15 coming up to the light onto Merrick Road.

16 COMMISSIONER SAKOWICH: But I believe  
17 you addressed that with the four -- four --

18 ACTING CHAIR GREENFIELD: Yeah.

19 COMMISSIONER SAKOWICH: -- spots?

20 MR. GREGORY: Yes.

21 COMMISSIONER SAKOWICH: So that's --  
22 that's a non issue, because --

23 MR. GREGORY: Yes. I just wanted to  
24 address that.

25 COMMISSIONER SAKOWICH: -- you

1 NCPC Minor Sub. File No. 34-2024

2 addressed that issue of --

3 MR. GREGORY: Right --

4 COMMISSIONER SAKOWICH: -- parking.

5 MR. GREGORY: -- okay.

6 ACTING CHAIR GREENFIELD: Okay.

7 MR. GREGORY: Thank you.

8 ACTING CHAIR GREENFIELD: We're fine  
9 with it.

10 COMMISSIONER SAKOWICH: I make a motion  
11 on NCPC File 34-2024, a "Neg. Dec."

12 COMMISSIONER DURSO: Second.

13 ACTING CHAIR GREENFIELD: Motion made  
14 and seconded.

15 All those in favor?

16 (Chorus of "ayes.")

17 ACTING CHAIR GREENFIELD: Any opposed?

18 (No response.)

19 ACTING CHAIR GREENFIELD: So carried.

20 Would you get back to the person that  
21 wrote e-mail and tell him there's four off-street  
22 parking?

23 MR. WREN: Absolutely.

24 ACTING CHAIR GREENFIELD: Okay.

25 All right, next case.

1 NCPC Minor Sub. File No. 34-2024

2 MR. GREGORY: Thank you.

3 ACTING CHAIR GREENFIELD: We're moving  
4 along nicely.

5 MR. GREGORY: And I had a doctor's  
6 appointment and I canceled.

7 (Laughter.)

8 ACTING CHAIR GREENFIELD: The doctors  
9 run late.

10 (Laughter.)

11 MR. GREGORY: You know what, you're  
12 right. I couldn't think of that before it  
13 happened.

14 (Laughter.)

15 ACTING CHAIR GREENFIELD: Okay.

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1 NCPC Minor Sub. File No. 35-2024

2 (Stepping up.)

3 MR. WREN: Next up we have

4 Case 35-2024. This is another two-parcel minor  
5 subdivision.

6 This is a -- the 11,250 square foot  
7 subject property is situated on the east side of  
8 Union Street, the hamlet of Roosevelt, Town of  
9 Hempstead's Residence "B" Zoning District.  
10 Application proposes to subdivide the property  
11 which currently has 90 feet of frontage on  
12 Union Street into two equal parcels.

13 "Proposed Lot A" will have 45 feet of  
14 frontage by 125 feet and be a total of 5,625.

15 "Proposed Lot B" will have the same  
16 dimensions of 45 and 125 and be 5,625.

17 Town of Hempstead's Board of Appeals  
18 has approved the requests for variances.

19 Variances:

20 Subdivision of lot;

21 Lot area;

22 Front width [sic] -- I'm sorry, front  
23 width from and on street line to front line  
24 setback;

25 Construct dwelling with garage.

1 NCPC Minor Sub. File No. 35-2024

2 "Variance B" is variances:

3 Subdivision of lot;

4 Lot area;

5 Front width from and on street line to  
6 front setback line;

7 Maintain dwelling on a lesser lot.

8 The Incorporated Village of Freeport  
9 has issued a letter of non-jurisdiction for the  
10 proposed subdivision.

11 Once again, Mike Gregory.

12 (Stepping up.)

13 MR. GREGORY: Thank you, Mr. Wren.

14 The proposed subdivision at the  
15 10 Union Street?

16 THIRD VICE-CHAIR LEWIS: Right.

17 MR. GREGORY: Mr. Wren had stated we're  
18 proposing two lots, that are a required 5,000 --  
19 excuse me, that are proposing 6 -- 5,625 square  
20 feet, where the Town of Hempstead requires 6,000  
21 in the Residence "B" Zone.

22 There was a variance that the Town of  
23 Hempstead granted. The hearing date was on  
24 June 5th, and on the same day the decision was  
25 rendered.

1 NCPC Minor Sub. File No. 35-2024

2 THIRD VICE-CHAIR LEWIS: Did you have  
3 community members show up for that hearing?

4 MR. GREGORY: Oh. No, there were  
5 nobody at that hearing that came down --

6 ACTING CHAIR GREENFIELD: Well, they're  
7 here today.

8 MR. GREGORY: Okay. Thank you.

9 Once again, these will be single-family  
10 homes, 4 bedrooms, 2 1/2 baths, approximately  
11 2200 square feet. The same as the previous  
12 application, one-car attached garage and four-car  
13 driveway to allow for 5 off-street parking spots,  
14 where only 2 is required.

15 But more important, the covenant and  
16 restrictions that were given by the Town of  
17 Hempstead Zoning Board have been filed with the  
18 Nassau County Clerk's Office. And these are the  
19 standard covenant and restrictions that usually  
20 go on most of these cases. And I know I --

21 THIRD VICE-CHAIR LEWIS: A prohibition  
22 against the basement entrances --

23 MR. GREGORY: Right.

24 THIRD VICE-CHAIR LEWIS: -- and things  
25 like that?

1 NCPC Minor Sub. File No. 35-2024

2 MR. GREGORY: Houses shall remain  
3 single-family homes, unless they file an  
4 application for a senior residence or a  
5 mother and daughter. There shall only be one  
6 cooking facility. There shall be no exterior  
7 basement or cellar entrances. The basement  
8 cellar shall not be used for any cooking or  
9 sleeping quarters. The attic shall not be  
10 converted to living space. There shall be no  
11 bathrooms on the subject premises, other than  
12 depicted on  
13 "Exhibit 3."

14 "Exhibit 3" was the building plans,  
15 which show two bathrooms on the second floor and  
16 one on the first. So hence, I don't believe they  
17 could have one in the basement based on the  
18 covenant and restrictions.

19 And there shall be:

20 One electric meter;

21 One gas meter;

22 The front lawn shall be sodded or  
23 seeded at all times;

24 And same thing, the applicant shall  
25 install driveways shown on plans. And -- and



1 NCPC Minor Sub. File No. 35-2024

2 that's about it.

3 And just, you know, the proposed houses  
4 were proposed situated centered within the  
5 property. So they didn't favor one side or the  
6 other, because you could have 5 and 10 in the  
7 Town of Hempstead. Actually, the builder  
8 proposed to have 10 and 10 on each side to keep  
9 open space between the existing houses.

10 And I open the Board or to the  
11 community to any public comment.

12 THIRD VICE-CHAIR LEWIS: Yeah, let's  
13 hear what the public comments are and see if we  
14 can answer them.

15 MR. GREGORY: Thank you.

16 ACTING CHAIR GREENFIELD: We have two  
17 people signed up.

18 Okay. First speaker signed up is  
19 Timpella Flagg [phonetic].

20 MS. FLAGG: Yes.

21 ACTING CHAIR GREENFIELD: Please come  
22 down, and give your name and address for the  
23 record. And three minutes or less and don't  
24 repeat what someone else said. Oh, no one else  
25 spoke before you.

1 NCPC Minor Sub. File No. 35-2024

2 MR. O'BRIEN: That's right.

3 ACTING CHAIR GREENFIELD: Do you think

4 -- you're safe, the next person isn't.

5 (Laughter.)

6 MS. FLAGG: My name is Timpella Flagg.

7 My address is 9 Union Street in Roosevelt,

8 New York 11575.

9 ACTING CHAIR GREENFIELD: Okay. Please  
10 state your:

11 Question;

12 Objection;

13 Or why you're opposing the application.

14 MS. FLAGG: Okay. I object. The idea  
15 of having two -- having a new house built on the  
16 property, and the reason being, one, 10 Union  
17 Street as it is now there's -- they're renting.  
18 There's no rental permit. And you have people  
19 living in the basement. There's six cars to one  
20 house.

21 Now, there is no parking on my block.  
22 Everything, all the people that live on Forest,  
23 they're coming to my block now, when there's no  
24 parking.

25 I have to -- I -- I received a

1 NCPC Minor Sub. File No. 35-2024

2 handicapped sign and that's going to be put in  
3 front of my house. There's no parking.

4 And like I said before, they put a  
5 house up, the greenery, they're going to tear  
6 down the trees and all of that, which is not  
7 good.

8 ACTING CHAIR GREENFIELD: Okay. You  
9 threw a lot of issues at us.

10 The first issue with respect to your  
11 neighbors disrespect for the law with an illegal  
12 basement apartment, that's not under our  
13 jurisdiction. You have to go to the Town of  
14 Hempstead Building Department.

15 MS. FLAGG: I've already been there.

16 ACTING CHAIR GREENFIELD: And when --  
17 did they do anything?

18 MS. FLAGG: They -- the people will not  
19 let them in.

20 ACTING CHAIR GREENFIELD: Okay. Then  
21 you got to contact your Legislator. And I am not  
22 sure who your Legislator is.

23 MR. O'BRIEN: Or the Town Councilman.  
24 Really, it'd be the Town Councilman.

25 ACTING CHAIR GREENFIELD: The

1 NCPC Minor Sub. File No. 35-2024

2 Town Councilman, right. That's what I meant, not  
3 County Legislator, the Town council person.

4 COMMISSIONER SAKOWICH: But I think in  
5 part of your question was that you were -- that  
6 basement rentals, the whole nine yards, this kind  
7 of building, these two homes kind of takes that  
8 old --

9 ACTING CHAIR GREENFIELD: Yes, thank  
10 you.

11 COMMISSIONER SAKOWICH: -- house out of  
12 the mix. It puts two up. And then the  
13 guidelines of these new homes putting five cars  
14 on the lot -- on -- on each lot will take care of  
15 the parking, as well as the covenants that have  
16 been put in by the Town of Hempstead will -- one  
17 meter.

18 I -- I think that putting -- taking  
19 this eyesore, if you want to call it that in your  
20 opinion, if it's not an eyesore, but taking it  
21 down and then reconstructing new homes will kind  
22 of take all that -- all of your issues out of the  
23 mix. And that's hopefully, I mean we're -- we're  
24 guessing.

25 But, you know, I -- I -- I --

1 NCPC Minor Sub. File No. 35-2024

2 MS. FLAGG: The taxes will go up.

3 COMMISSIONER SAKOWICH: No, your taxes  
4 won't go up. Theirs will go up.

5 MS. FLAGG: Yeah, but it's the block.

6 COMMISSIONER SAKOWICH: No, your --  
7 your --

8 MS. FLAGG: You're going to have --

9 COMMISSIONER SAKOWICH: -- your taxes  
10 aren't going to up based on a new home that's  
11 built there. Your -- there -- there -- that  
12 would have no impact on your home, zero.

13 ACTING CHAIR GREENFIELD: Whoa --  
14 whoa -- whoa. We're not tax certiorari.

15 COMMISSIONER SAKOWICH: But --

16 ACTING CHAIR GREENFIELD: We don't give  
17 opinions.

18 COMMISSIONER SAKOWICH: -- but if --

19 ACTING CHAIR GREENFIELD: Do you have a  
20 tax certiorari attorney on your -- with respect to  
21 your taxes?

22 MS. FLAGG: Yes, I do.

23 ACTING CHAIR GREENFIELD: Okay.

24 COMMISSIONER SAKOWICH: Okay.

25 ACTING CHAIR GREENFIELD: You address

1 NCPC Minor Sub. File No. 35-2024

2 that question to them. We're not in a position  
3 to answer that here.

4 MS. FLAGG: Right.

5 COMMISSIONER SAKOWICH: But building  
6 those homes doesn't impact her taxes.

7 MS. FLAGG: The --

8 ACTING CHAIR GREENFIELD: I'm not  
9 giving that opinion, sir.

10 MR. GREGORY: (Gesturing.)

11 MS. FLAGG: And with the school --

12 MR. GREGORY: I need to -- I need to  
13 interject. I'm sorry.

14 ACTING CHAIR GREENFIELD: Okay.

15 MR. GREGORY: I apologize,  
16 Mr. Sakowich.

17 ACTING CHAIR GREENFIELD: Go back -- go  
18 back to the mic; okay? Sir.

19 MR. GREGORY: Only one home is being  
20 built.

21 ACTING CHAIR GREENFIELD: Would the  
22 speaker yield the mic., so we can -- wait --  
23 wait -- wait.

24 Can you move the mic. over?

25 MR. O'BRIEN: We can't hear you.

1 NCPC Minor Sub. File No. 35-2024

2 ACTING CHAIR GREENFIELD: We -- we got  
3 to hear you and the stenographer has to hear you.

4 MR. GREGORY: The existing home is  
5 going to remain and there will only be one new  
6 house constructed.

7 COMMISSIONER SAKOWICH: Oh.

8 MR. GREGORY: So with that being  
9 said --

10 COMMISSIONER SAKOWICH: Okay.

11 MR. GREGORY: -- I apologize on the  
12 builder's behalf. I will notify the builder. I  
13 think it's my understanding --

14 COMMISSIONER SAKOWICH: Does he own  
15 that house currently?

16 MR. GREGORY: He currently owns it  
17 awaiting the subdivision. I believe it was a  
18 temporary rental until --

19 ACTING CHAIR GREENFIELD: Then it's a  
20 illegal rental, temporary or otherwise.

21 MR. GREGORY: We're going to --

22 ACTING CHAIR GREENFIELD: Move him out  
23 of there tomorrow, before the fire.

24 MR. GREGORY: He -- he shouldn't have  
25 an illegal apartment in anybody's basement. And



1 NCPC Minor Sub. File No. 35-2024

2 I will see to -- see to it that he rectifies  
3 that. And -- and -- and in addition to that, I  
4 believe he --

5 ACTING CHAIR GREENFIELD: Is he here  
6 today?

7 MR. GREGORY: No, he is not.

8 ACTING CHAIR GREENFIELD: No -- no --  
9 no, that's a problem. That's why we like the  
10 person that owns it to be here.

11 I make a motion at this time we adjourn  
12 this case until he can come back and answer for  
13 his bad behavior and answer --

14 MR. GREGORY: Thank you.

15 ACTING CHAIR GREENFIELD: -- to the  
16 neighbors and show respect for the neighbors.

17 MR. GREGORY: Uh-huh.

18 ACTING CHAIR GREENFIELD: You can can't  
19 show -- come to us, and ask us for an exception,  
20 and show total disrespect for the neighbors and  
21 for this Commission by not being here.

22 MR. GREGORY: And I apologize to the  
23 Commission.

24 ACTING CHAIR GREENFIELD: During  
25 "COVID" we-- we allowed that to go on, but

1 NCPC Minor Sub. File No. 35-2024

2 "COVID's" over --

3 MR. GREGORY: And I apologize --

4 ACTING CHAIR GREENFIELD: -- hopefully.

5 MR. GREGORY: -- to this Commission. I  
6 was not aware that there was an illegal apartment  
7 in the basement.

8 COMMISSIONER SAKOWICH: And I -- it  
9 says two new proposed --

10 ACTING CHAIR GREENFIELD: Okay.

11 COMMISSIONER SAKOWICH: -- proposed two  
12 new.

13 ACTING CHAIR GREENFIELD: And I'm not  
14 sure the notice is right.

15 COMMISSIONER SAKOWICH: Yeah.

16 ACTING CHAIR GREENFIELD: Staff, is the  
17 notice correct that it says two new?

18 (No response.)

19 ACTING CHAIR GREENFIELD: Counsel, we  
20 may have to re-notice this.

21 MR. O'BRIEN: If it -- if it -- it  
22 would seem to me that it that -- that it -- that  
23 would be indicating that the existing would be --  
24 would be demolished, so I would think that the --

25 COMMISSIONER SAKOWICH: 100 percent,

1 NCPC Minor Sub. File No. 35-2024

2 that's what I got out of it.

3 MR. O'BRIEN: Yeah, you know?

4 MR. PERRAKIS: But where are you  
5 reading that there's two new homes?

6 COMMISSIONER SAKOWICH: Proposed.

7 MR. O'BRIEN: Well, let's -- let's get  
8 the notice right first, before we go -- one shot.

9 (Laughter.)

10 MR. PERRAKIS: I don't see it. Am I  
11 missing something?

12 COMMISSIONER SAKOWICH: I'm sorry. It  
13 says maintain dwelling on a lesser --

14 ACTING CHAIR GREENFIELD: It says  
15 maintain --

16 COMMISSIONER SAKOWICH: -- a lesser  
17 lot.

18 ACTING CHAIR GREENFIELD: Okay.

19 COMMISSIONER SAKOWICH: I'm sorry. I  
20 didn't see that there.

21 ACTING CHAIR GREENFIELD: But that  
22 isn't the issue.

23 (Discussion held off the record.)

24 ACTING CHAIR GREENFIELD: So Mike,  
25 excuse me. We're on the record now. You can

1 NCPC Minor Sub. File No. 35-2024

2 have a side bar afterwards when you can go  
3 outside to talk to the neighbors.

4 MR. GREGORY: Oh, yeah. No, I was just  
5 apologizing to her for the mistake.

6 ACTING CHAIR GREENFIELD: Yeah, and --  
7 and I made a motion at this time that we adjourn  
8 the case to the next meeting, so the builder can  
9 come.

10 COMMISSIONER SAKOWICH: I second it.

11 ACTING CHAIR GREENFIELD: Okay.

12 And also understand, they don't have to  
13 send new notice, because we're adjourning it to a  
14 date certain. The date certain being? Someone  
15 help me with the date of the next meeting.

16 MR. O'BRIEN: August --

17 ACTING CHAIR GREENFIELD: The next?

18 MR. O'BRIEN: -- August --

19 ACTING CHAIR GREENFIELD: 15th.

20 MR. O'BRIEN: -- 15th.

21 COMMISSIONER DURSO: 15th, yeah.

22 ACTING CHAIR GREENFIELD: Lenny, if  
23 you're watching, it's your problem.

24 COMMISSIONER SAKOWICH: August 15th.

25 THIRD VICE-CHAIR LEWIS: (Gesturing.)

1 NCPC Minor Sub. File No. 35-2024

2 ACTING CHAIR GREENFIELD: Okay.

3 (Discussion held among Commissioners  
4 off the record.)

5 ACTING CHAIR GREENFIELD: Yes, I'm  
6 going to get to that next.

7 So we have a motion made and seconded.

8 All -- and before we vote, the other  
9 resident that came, are -- are you done? We're  
10 going to wait for your questions to be answered  
11 by the owner. Your -- your three minutes are up,  
12 so --

13 MS. FLAGG: Yeah, that -- that is it.

14 ACTING CHAIR GREENFIELD: Okay. Can  
15 you come back at the next meeting date,  
16 August 15th?

17 MS. FLAGG: Yes.

18 ACTING CHAIR GREENFIELD: Okay.

19 Audrey Thomas, you signed up to speak.  
20 Audrey, are you available to come back the next  
21 date, August 15th?

22 MS. THOMAS: Yes.

23 ACTING CHAIR GREENFIELD: Okay. Then  
24 we'll hold both your further comments, 'til we  
25 have the -- the builder here to represent the

1 NCPC Minor Sub. File No. 35-2024

2 truth, justice and American way. And -- and in  
3 the interim, tell him it would be a good faith  
4 gesture to throw out the illegal tenant. You  
5 have two volunteer fire people here that don't  
6 want to ever hear about a fire in an illegal  
7 occupancy in a basement.

8 MR. GREGORY: Thank you. Yes.

9 ACTING CHAIR GREENFIELD: Those are  
10 nasty fires and could be deadly.

11 Okay. So we have to vote. We have a  
12 motion made and seconded.

13 All those in favor, so signify by  
14 saying aye.

15 (Chorus of "ayes.")

16 ACTING CHAIR GREENFIELD: Any opposed?

17 (No response.)

18 ACTING CHAIR GREENFIELD: So carried.

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1 NCPC Minor Sub. File No. 36-2024

2 ACTING CHAIR GREENFIELD: Next case.

3 (Stepping up.)

4 MR. WREN: Okay. Next up is NCPC  
5 File 36-2024. This is another two-parcel minor  
6 subdivision.

7 The 19,105 square foot subject property  
8 is situated on the north side of Forest Avenue in  
9 the Incorporated Village of Freeport, in the  
10 Town of Hempstead's Residential "B" Zoning  
11 District. The application proposes to subdivide  
12 the property, which currently has 100 feet of  
13 frontage on Forest Avenue into two separate  
14 parcels.

15 "Proposed Lot A" will have 50 feet of  
16 frontage on Forest by 192 [sic] -- I'm sorry,  
17 193.32 feet and be a total of 9,673.09 square  
18 foot.

19 "Proposed Lot B" will have 50 feet of  
20 frontage by 139.94 and be a total of 9,146.17  
21 square foot.

22 The Incorporated Village of Freeport  
23 Zoning Board of Appeals has issued one variance  
24 for this subdivision. "Lot B," a variance to  
25 allow lot to have a less rear yard than required



1 NCPC Minor Sub. File No. 36-2024

2 by ordinance.

3 Mike Gregory.

4 (Stepping up.)

5 MR. GREGORY: Thank you, Mr. Wren.

6 I apologize. Mr. Wren, this property  
7 is wholly within the Incorporated Village of  
8 Freeport --

9 MR. WREN: Oh, understood.

10 MR. GREGORY: -- Town of Hempstead.  
11 Okay, thank you.

12 The property is located in the  
13 Incorporated Village of Freeport. I actually  
14 represented this case at the Village of Freeport.  
15 We were seeking one variance. And the variance  
16 was for, in their zoning code it says you need 50  
17 feet wide, a continuous width from the front  
18 property line all the way continued to the rear  
19 setback line of the house.

20 So we obtained a variance for the lot  
21 width at the rear setback line of the house. I  
22 believe at the time it was like 2.15 feet. That  
23 variance was granted.

24 We're way in over excess of the  
25 required. It's from the Incorporated Village of

1 NCPC Minor Sub. File No. 36-2024

2 Freeport. They require 50 feet at the street  
3 line. We're proposing 50 feet. They require  
4 5,000 square foot area of building lots. These  
5 lots are in excess of over 9,000 square feet.  
6 We're proposing single-family --

7 THIRD VICE-CHAIR LEWIS: So why would  
8 you need a variance for such oversized --

9 MR. GREGORY: Well --

10 THIRD VICE-CHAIR LEWIS: -- lots?

11 MR. GREGORY: -- well, so the -- the  
12 width of the lot --

13 THIRD VICE-CHAIR LEWIS: Mic.

14 MR. GREGORY: Oh, I'm sorry.

15 The width of the lot has to be  
16 continuously 50 feet.

17 COMMISSIONER SAKOWICH: From front to  
18 back?

19 MR. GREGORY: From the front, not to  
20 the back, to the back setback line of the  
21 house --

22 COMMISSIONER SAKOWICH: The house.

23 MR. GREGORY: -- the proposed house.  
24 So they didn't have 50 feet. There was like  
25 47.8 something feet.

1 NCPC Minor Sub. File No. 36-2024

2 THIRD VICE-CHAIR LEWIS: Oh, okay.

3 MR. GREGORY: So we -- they requested a  
4 variance for that and that variance was granted.

5 And at that time, the person directly  
6 to the west next door came to the hearing. He  
7 actually had some concerns, and those concerns  
8 were alleviated and then he spoke in favor of the  
9 application. And then the Incorporated Village  
10 of --

11 THIRD VICE-CHAIR LEWIS: It's quite --  
12 it's quite a property. I mean it's --

13 MR. GREGORY: It's -- it's relatively  
14 large.

15 THIRD VICE-CHAIR LEWIS: Okay.

16 MR. GREGORY: So as I stated, these  
17 homes will be single-family homes, 4 beds,  
18 2 1/2 baths. And we are more than zoning  
19 compliant and the variance was granted by the  
20 Incorporated Village of Freeport.

21 So I open the Board to any questions  
22 you may have and to the public.

23 COMMISSIONER SAKOWICH: Okay.

24 ACTING CHAIR GREENFIELD: We have  
25 no one from the public signed up. Anyone in the

1 NCPC Minor Sub. File No. 36-2024

2 public that wishes to meet --

3 (No response.)

4 ACTING CHAIR GREENFIELD: -- to speak?

5 (No response.)

6 ACTING CHAIR GREENFIELD: No?

7 (No response.)

8 ACTING CHAIR GREENFIELD: Okay. We'll  
9 entertain a motion at this time.

10 COMMISSIONER GOLD: Motion to approve  
11 NCPC 36-2024 with a "Negative Declaration."

12 COMMISSIONER DURSO: Second.

13 ACTING CHAIR GREENFIELD: Motion made  
14 and seconded.

15 All those in favor, so signify by  
16 saying aye.

17 (Chorus of "ayes.")

18 ACTING CHAIR GREENFIELD: Any opposed?

19 (No response.)

20 ACTING CHAIR GREENFIELD: So carried.

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1 NCPC Minor Sub. File No. 37-2024

2 ACTING CHAIR GREENFIELD: Okay.

3 (Stepping up.)

4 MR. WREN: Okay. Next up is 37-2024.

5 This is another two-parcel minor subdivision.

6 The 10,000 square foot subject  
7 property area is situated on the east side of  
8 Brainbridge Street [sic], in the Hamlet of  
9 Roosevelt, Town of Hempstead's Residential "B"  
10 Zoning District.

11 The application proposes to subdivide  
12 the property, which currently has 100 feet of  
13 frontage on Forest Avenue into two equal parcels.  
14 Proposed Lots "A" and "B" will have a 50 feet of  
15 frontage by 100 feet on Forest Avenue and both be  
16 a total of 5,000 square feet.

17 Town of Hempstead's Board of Appeals  
18 has approved the requests for variances. "Lot A"  
19 variances:

20 Subdivision of lot;

21 Lot area;

22 Front width from and on street line to  
23 front setback line;

24 Construct dwelling with garage.

25 "Lot B" variances:

1 NCPC Minor Sub. File No. 37-2024

2 Subdivision of lot;

3 Lot area;

4 Front width from and on street line to  
5 front setback line;

6 Construct dwelling with garage;

7 Demolish existing dwelling.

8 Last time, Mike Gregory.

9 (Stepping up.)

10 MR. GREGORY: Yes, last case of the  
11 day.

12 ACTING CHAIR GREENFIELD: You're --  
13 you're owning the agenda today, worse than  
14 Al D'Agostino.

15 MR. GREGORY: I know.

16 (Laughter.)

17 MR. GREGORY: The -- my client wanted  
18 everything on in one day.

19 (Laughter.)

20 ACTING CHAIR GREENFIELD: Okay.

21 MR. GREGORY: Thank you.

22 As Mr. Wren had stated, a variance was  
23 granted by the Town of Hempstead Zoning Board  
24 on June 5th, 2024. The proposed two thousand  
25 five -- excuse me -- proposed two building --

1 NCPC Minor Sub. File No. 37-2024  
2 building plots in area of 5,000 square feet, when  
3 6,000 was required by the Town of Hempstead.

4 At the hearing at the Town of  
5 Hempstead, there were no objectors. It was put  
6 on record at to Town of Hempstead that there's no  
7 other properties within a 200-foot radius that  
8 could be further subdivided into 50 by 100s, that  
9 would promote any windfall of any further  
10 subdivisions.

11 These houses will be:  
12 Single-family homes;  
13 2200 square feet;  
14 4 bedrooms;  
15 2 1/2 baths;  
16 One-car attached garage;  
17 4-pad car parking driveway.

18 The houses were positioned in the  
19 center of the -- the properties, so they didn't  
20 favor one side or the other to create open -- to  
21 leave open space between existing dwellings on  
22 each side.

23 I open the Board to any questions they  
24 may have --

25 THIRD VICE-CHAIR LEWIS: And --



1 NCPC Minor Sub. File No. 37-2024

2 MR. GREGORY: -- and the public.

3 THIRD VICE-CHAIR LEWIS: -- is the  
4 whole lot open now?

5 MR. GREGORY: Correct, the existing  
6 house was demolished.

7 THIRD VICE-CHAIR LEWIS: Okay. And  
8 that house we see to the side there in the photo,  
9 that's not on the property?

10 MR. GREGORY: That's -- that's --  
11 that's the parcel next door.

12 THIRD VICE-CHAIR LEWIS: So that's not  
13 you?

14 MR. GREGORY: No -- no -- no. They've  
15 been working there for a while on --

16 THIRD VICE-CHAIR LEWIS: I was going to  
17 say, 'cause it looks like they were under  
18 construction there.

19 MR. GREGORY: Yeah. No, they actually  
20 did put a second floor on the house.

21 ACTING CHAIR GREENFIELD: Okay.

22 THIRD VICE-CHAIR LEWIS: Two 50 by  
23 100s.

24 ACTING CHAIR GREENFIELD: I think --  
25 no. I have no one signed up from the public.

1 NCPC Minor Sub. File No. 37-2024

2 Anyone?

3 (No response.)

4 ACTING CHAIR GREENFIELD: I see public  
5 still here. Are you -- are you here for -- not  
6 that I dislike an audience.

7 COMMISSIONER SAKOWICH: They like us.

8 (Laughter.)

9 ACTING CHAIR GREENFIELD: You're not  
10 here for this case?

11 (No audible response.)

12 ACTING CHAIR GREENFIELD: Okay. So  
13 let's go ahead and --

14 MR. O'BRIEN: Make a motion.

15 COMMISSIONER KALATY: Motion --

16 ACTING CHAIR GREENFIELD: -- entertain  
17 a motion.

18 COMMISSIONER KALATY: -- motion to  
19 approve NCPC File 37-2024 with a "Negative  
20 Declaration."

21 THIRD VICE-CHAIR LEWIS: I'll second  
22 the motion.

23 ACTING CHAIR GREENFIELD: Motion made  
24 and seconded.

25 All those in favor, so signify by

1 NCPC Minor Sub. File No. 37-2024

2 saying aye.

3 (Chorus of "ayes.")

4 ACTING CHAIR GREENFIELD: Any opposed?

5 (No response.)

6 ACTING CHAIR GREENFIELD: So carried.

7 Thank you for monopolizing the agenda

8 today.

9 MR. GREGORY: Thank you for your time.

10 ACTING CHAIR GREENFIELD: Okay.

11 See you next month.

12 MR. GREGORY: (Handing.)

13 MR. WREN: (Receiving.)

14 Thank you.

15 ACTING CHAIR GREENFIELD: The ball's in

16 your court, Mike.

17 (Discussion held among Commissioners

18 off the record.)

19 (Discussion held off the record.)

20 \* \* \*

21

22

23

24

25

1                   Zoning Referral Review

2                   ACTING CHAIR GREENFIELD: All right,  
3   Mr. Katz.

4                   (Stepping up.)

5                   MR. KATZ: All right. Vice-Chair, how  
6   did you want to handle the Zoning?

7                   ACTING CHAIR GREENFIELD: Let's do --

8                   COMMISSIONER SAKOWICH: Let's do the  
9   "LDs."

10                  ACTING CHAIR GREENFIELD: Let's -- as  
11   we always do, let's get all the "LDs" out of the  
12   way expeditiously and we got to be out of here,  
13   be done by 11:30, so I can make my lunch date.

14                  MR. KATZ: So does the Commission want  
15   to vote on the "LDs" right now?

16                  ACTING CHAIR GREENFIELD: Yes, all the  
17   "LDs."

18                  MR. KATZ: Okay.

19                  ACTING CHAIR GREENFIELD: So you have  
20   the numbers of the "LDs," Marty.

21                  MR. KATZ: I think the "LDs" are --  
22   are:

23                  Case No. 2 --

24                  THIRD VICE-CHAIR LEWIS: 2;

25                  3;

1                   Zoning Referral Review

2                   4.

3                   MR. KATZ: Right.

4                   THIRD VICE-CHAIR LEWIS: Right.

5                   ACTING CHAIR GREENFIELD: 3.

6                   MR. KATZ: 6.

7                   THIRD VICE-CHAIR LEWIS: And then we go  
8 to 6;

9                   7.

10                  MR. KATZ: 7;

11                  And 9.

12                  THIRD VICE-CHAIR LEWIS: Well, 9, we  
13 got a -- a letter --

14                  MR. KATZ: Oh, a letter.

15                  THIRD VICE-CHAIR LEWIS: -- it's very  
16 close to --

17                  MR. KATZ: That's a letter, right.

18                  THIRD VICE-CHAIR LEWIS: -- that's  
19 really a letter.

20                  ACTING CHAIR GREENFIELD: We'll do that  
21 separate. It's "LDL."

22                  MR. KATZ: Okay.

23                  ACTING CHAIR GREENFIELD: So at this  
24 time we'll entertain a motion on Cases:

25                  2;

1                   Zoning Referral Review

2                   3;

3                   4;

4                   6;

5                   And 7.

6                   MR. KATZ: Right.

7                   ACTING CHAIR GREENFIELD: Anyone, make  
8 a motion.

9                   COMMISSIONER SAKOWICH: I make a  
10 motion.

11                  THIRD VICE-CHAIR LEWIS: Yeah, make a  
12 motion, yeah. I second the motion for an "LD" on  
13 Nos.:

14                  2;

15                  3;

16                  4;

17                  6;

18                  7.

19                  ACTING CHAIR GREENFIELD: Okay.

20                  All those in --

21                  COMMISSIONER SAKOWICH: What about 9?

22                  THIRD VICE-CHAIR LEWIS: We'll get back  
23 to that.

24                  COMMISSIONER SAKOWICH: Okay.

25                  ACTING CHAIR GREENFIELD: Okay. All

1                   Zoning Referral Review

2       those in favor of the motion for "LD" on the  
3       aforementioned cases, so signify by saying aye.

4                   (Chorus of "ayes.")

5                   ACTING CHAIR GREENFIELD: Any opposed?

6                   (No response.)

7                   ACTING CHAIR GREENFIELD: So carried.

8                               \*       \*       \*

9                   ACTING CHAIR GREENFIELD: Okay. Now,  
10       let's do the "LDL." Let's --

11                  MR. KATZ: Okay.

12                  ACTING CHAIR GREENFIELD: -- jump to  
13       that on 9.

14                  MR. KATZ: Okay, the "LDL."

15                  ACTING CHAIR GREENFIELD: Then we'll --  
16       then we'll take on the tougher ones.

17                  MR. KATZ: All right. Hold on one  
18       second here.

19                  All right. "LDL" Case No. 9, this is  
20       NCPC Case No. 79124, Town of Hempstead, Hamlet of  
21       Island Park for site plan review and amendment to  
22       the site plan review.

23                  This is site plan review to construct a  
24       four-story 117-unit multifamily building on a  
25       3.5-acre subject property. The project would be



1                               Zoning Referral Review

2     three floors of units and a courtyard, over --  
3     over enclosed grade level parking.

4                               The case was initially before the  
5     Planning Commission on 5/6/2021 for a change of  
6     zone from Industrial Light Manufacturing to  
7     "CA-S."   The "CA-S" Zone Zoning District in the  
8     Town is the Town's Transit Oriented Zoning  
9     District.   That allows the additional density of  
10    up to 55 units per acre.   However, this project  
11    is 32 units -- 32 units per acre.   The property  
12    is within walking distance to the Island Park  
13    Rail Station.

14                            The Planning Commission issued an "LD  
15    with a Letter," that addressed the inclusion of a  
16    Workforce Housing set aside and pedestrian --  
17    pedestrian safety issues for those residents  
18    utilizing the nearby Island Park Rail Station,  
19    which requires crossing Long Beach Road.

20                            The Town of -- subsequent, the Town  
21    subsequently changed the zoning of the property.

22                            The case was again brought to the  
23    Planning Commission on 1/11/2024 for site plan  
24    review.   The Commission issued a  
25    "Local Determination," again with a letter

1                   Zoning Referral Review

2     addressing the inclusion of workforce housing set  
3     aside. The Town Board approved this plan.

4                   The case is now before the  
5     Planning Commission, as the site plan has been  
6     amended. These design changes were initiated by  
7     the applicant. Generally, the configuration of  
8     the proposed building has not changed  
9     drastically. The number of units, 117 remains  
10    the same, as the -- as does the number of parking  
11    spaces, 196, which is compliant by Town  
12    standards. The following changes have been made:

13                  One, the proposed building has  
14    increased by about 5,000 square foot, but it's  
15    still within the allowable building area;

16                  Two, some of the parking stalls will  
17    "EV" charging stations for the residents;

18                  Three, the number of curb cuts serving  
19    the on-grade parking structure has increased to  
20    three;

21                  Four, the -- four, the lobby has been  
22    shifted from the southeast corner of the building  
23    to the northeast corner with a drop-off lane, and  
24    a flush curb and bollards;

25                  Five, the main entrance has been

1                   Zoning Referral Review

2       revised to remove the circular -- circle  
3       configuration to a more traditional intersection  
4       for the two entrances to -- to the on-grade  
5       parking with formerly Beach Avenue and  
6       Waterfront Boulevard;

7                   Six, the plan is now proposing a  
8       welcoming entrance to the property with pavers  
9       and concrete ribbon, some of which will fall into  
10      the "right-of-way;"

11                  Seven, the inclusion of outdoor amenity  
12      space for the residents of the development along  
13      the waterfront;

14                  Eight, the inclusion of a 6 foot  
15      decorative aluminum fence along the westerly  
16      property line.

17                  The Landscape Plan and Photometric Plan  
18      are similar to the previously approved plan;

19                  Consideration has also been given to  
20      pedestrian access from the site, to cross  
21      Austin Boulevard when walking to and from the  
22      rail station. This issue has been addressed by  
23      the Austin Boulevard Safety Improvement Project,  
24      which is I guess still currently under way by the  
25      Nassau County Department of Public Works.

1                   Zoning Referral Review

2                   Staff is recommending again

3       "Local Determination with a Letter," that still  
4       addresses, that will continue to address efforts  
5       to a set aside workforce housing. So that's  
6       that.

7                   THIRD VICE-CHAIR LEWIS: So in essence,  
8       this is some much needed multifamily  
9       developments. It happens to be near the water,  
10      so they really put some thought into taking  
11      advantage of the location.

12                  And --

13                  MR. KATZ: Yeah --

14                  THIRD VICE-CHAIR LEWIS: -- it's  
15      basically a positive thing from a planning  
16      perspective. Our only comment you're  
17      recommending is to raise the need for  
18      workforce housing?

19                  MR. KATZ: -- right.

20                  THIRD VICE-CHAIR LEWIS: We have a  
21      letter that we've used for essentially any of  
22      these multifamily developments to make that point  
23      on behalf of the County.

24                  MR. KATZ: And it's substantially less  
25      dense than what it can be under the "CA-S" Zoning

1                   Zoning Referral Review

2   Transit Oriented Development --

3                   THIRD VICE-CHAIR LEWIS: Well, so what  
4   we're seeing here is less than 50 per acre? Is  
5   that what we're seeing?

6                   MR. KATZ: Yeah, this is 32 units per  
7   acre. The "CA-S" District permits up to over  
8   50 units or something like that.

9                   COMMISSIONER SAKOWICH: What's there  
10   now? Is this the "Bridgeview?"

11                  MR. KATZ: Yeah -- yeah.

12                  COMMISSIONER SAKOWICH: Okay. So  
13   that's currently what's there?

14                  MR. KATZ: Right.

15                  COMMISSIONER SAKOWICH: Okay.

16                  MR. KATZ: That's --

17                  COMMISSIONER SAKOWICH: And then the  
18   lot across the street is part of that?

19                  MR. KATZ: Yeah, so --

20                  COMMISSIONER DURSO: I was there.

21                  MR. KATZ: Right. So the -- the  
22   changes aren't drastic. They got a new architect  
23   for the site. So the rendering is a little  
24   different than what it was.

25                  So -- so okay. Does the Commission

1                   Zoning Referral Review

2    want to vote on that one or --

3                   THIRD VICE-CHAIR LEWIS:   Yeah.

4                   COMMISSIONER SAKOWICH:   Yeah.

5                   ACTING CHAIR GREENFIELD:   Okay, then

6    let's -- let's --

7                   COMMISSIONER SAKOWICH:   I make a

8    motion -- I make a motion --

9                   ACTING CHAIR GREENFIELD:   Case number.

10                  COMMISSIONER SAKOWICH:   -- Case No. 9,

11    that it would be a "Local Determination with a

12    letter" of --

13                  MR. O'BRIEN:   Regarding the workforce

14    housing.

15                  COMMISSIONER SAKOWICH:   -- supporting

16    workforce housing.

17                  MR. O'BRIEN:   Right.

18                  ACTING CHAIR GREENFIELD:   Okay.

19                  MR. KATZ:   What next?

20                  COMMISSIONER GOLD:   Second.

21                  ACTING CHAIR GREENFIELD:   We have a

22    motion made and seconded.

23                  All those in favor?

24                  (Chorus of "ayes.")

25                  ACTING CHAIR GREENFIELD:   Any opposed?

1                   Zoning Referral Review

2                   (No response.)

3                   ACTING CHAIR GREENFIELD: So carried.

4                               \*           \*           \*

5                   ACTING CHAIR GREENFIELD: All right

6   that leaves us --

7                   THIRD VICE-CHAIR LEWIS: How about

8   No. 10? Is that a simple one?

9                   MR. KATZ: You want to do 10?

10                  MR. O'BRIEN: Yeah, that's the  
11   "Starbucks?"

12                  MR. KATZ: Okay. Zoning Case 10.

13                  ACTING CHAIR GREENFIELD: Is that  
14   simple? I don't know that. I have an issue  
15   there.

16                  THIRD VICE-CHAIR LEWIS: Yeah, but I --

17                  MR. KATZ: Which one now? I'm sorry.

18                  ACTING CHAIR GREENFIELD: Ten.

19                  THIRD VICE-CHAIR LEWIS: "Starbucks."

20                  MR. KATZ: Ten, is that the one we're  
21   doing now?

22                  ACTING CHAIR GREENFIELD: Yes, we're  
23   on --

24                  MR. KATZ: Okay.

25                  ACTING CHAIR GREENFIELD: -- we're

1                   Zoning Referral Review

2     doing 10.

3                   MR. KATZ:   That's NCPC Case -- well,  
4     Case No. 715124, Town of North Hempstead, the  
5     Hamlet of Roslyn Heights. This is a -- actually  
6     it's for -- it's for a variance regarding the  
7     installation of audio drive-thru equipment and --  
8     and -- and fence.

9                   ACTING CHAIR GREENFIELD:   So -- so in  
10    the pre-meeting --

11                  MR. KATZ:   Can I -- can just summarize  
12    this real fast?

13                  ACTING CHAIR GREENFIELD:   Did I call it  
14    right, the pre-meeting?

15                  MR. O'BRIEN:   No, work session.

16                  THIRD VICE-CHAIR LEWIS:   The  
17    work session.

18                  ACTING CHAIR GREENFIELD:   The  
19    work session.

20                  (Laughter.)

21                  MR. KATZ:   Yeah, let -- let me just --

22                  ACTING CHAIR GREENFIELD:   Okay,  
23    summarize it.

24                  MR. KATZ:   -- fastly [sic] describe --  
25    quickly describe the project.



1                   Zoning Referral Review

2                   It's a proposed "Starbucks" with a  
3   drive-thru on a 16,970 square foot site. This is  
4   a drive-thru only facility. This case was  
5   initially heard by the Planning Commission on  
6   1/11/2024 for several variances. The Commission  
7   issued a "Local Determination." The Town  
8   approved these variances. The project is parking  
9   compliant.

10                  Additional variances were then referred  
11   to the Planning Commission, which is before you  
12   now, concerning:

13                  The installation of drive-thru audio  
14   requirement serving drive-thru -- the drive-thru  
15   that faces residential properties, which is not  
16   permitted;

17                  And the installation of 7-foot fence on  
18   top of existing 5-foot wall that abuts  
19   residential properties.

20                  The Town initially overlooked these  
21   zoning -- these -- these zoning non-conformities,  
22   so it was re-referred to us.

23                  The site is currently occupied by a  
24   vacant one-story commercial building to be  
25   demolished.

1                   Zoning Referral Review

2                   A traffic impact study was prepared for  
3   this project and concluded that it will not have  
4   adverse traffic affects impacts on the study  
5   intersections or roadway network, and no  
6   mitigation -- and proposed no mitigation at that  
7   time.

8                   Staff is recommending that this be  
9   deemed incomplete as additional information is  
10   requested. Specifically, a noise analysis is  
11   requested concerning a potential impact of sound  
12   emitting from the order station on homes located  
13   near the site's northerly property line.

14                  ACTING CHAIR GREENFIELD: Okay, all  
15   right.

16                  MR. KATZ: It is a pretty solid --

17                  ACTING CHAIR GREENFIELD: All right.

18                  THIRD VICE-CHAIR LEWIS: So -- so

19   Marty?

20                  MR. KATZ: Yeah.

21                  THIRD VICE-CHAIR LEWIS: You know,

22   we're -- we're --

23                  MR. KATZ: Yeah. What's up?

24                  THIRD VICE-CHAIR LEWIS: We -- we

25   respect recommendations.

1                   Zoning Referral Review

2                   MR. KATZ:   Okay.

3                   THIRD VICE-CHAIR LEWIS:   There may be  
4   times we -- we differ and there's no -- there's  
5   nothing wrong with that.   That's part of the  
6   process, but we work dynamic within staff.

7                   You know, so just question, I mean it  
8   looks like a pretty big site for a development.  
9   It's right on the --

10                  MR. KATZ:   Big site, but shallow.

11                  THIRD VICE-CHAIR LEWIS:   Okay.   But on  
12   the -- on the Expressway in a way that seems to  
13   suggest that would be the biggest noise.

14                  COMMISSIONER SAKOWICH:   It's 120 feet  
15   from the Long Island Expressway --

16                  ACTING CHAIR GREENFIELD:   And there's  
17   no wall there.

18                  COMMISSIONER SAKOWICH:   -- and there's  
19   no wall there.   So I mean --

20                  ACTING CHAIR GREENFIELD:   It won't get  
21   a good --

22                  COMMISSIONER SAKOWICH:   -- we -- you're  
23   worried about a "Starbucks" noise and you've got  
24   an

25   "L.I.E.," six lanes going by within 150 feet of

1                   Zoning Referral Review

2    this -- this proposed site.

3                   I mean this --

4    this -- the site itself is a huge eyesore in the  
5    community on -- on -- as you pass by. It's on  
6    the Service Road of the "L.I.E." I -- I --

7                   MR. KATZ: If -- if you I'm -- I'm -- I  
8    -- I respect your -- your comments. But I'm  
9    just curious, if -- if you lived on that, along  
10   those --

11                  COMMISSIONER SAKOWICH: I -- I would be  
12   more concerned --

13                  MR. KATZ: -- would you be --

14                  COMMISSIONER SAKOWICH: -- I would be  
15   more concerned about the queuing of cars.

16                  MR. KATZ: They may have a  
17   sound wall by the way. I'm not sure if that  
18   stretch of Long Island Railroad [sic] has -- or  
19   Long Island Expressway has a sound wall. It  
20   probably does.

21                  COMMISSIONER SAKOWICH: It does not.

22                  MR. KATZ: It does not --

23                  ACTING CHAIR GREENFIELD: It does not.

24                  MR. KATZ: -- have a sound wall?

25                  COMMISSIONER SAKOWICH: No.

1 Zoning Referral Review

2 ACTING CHAIR GREENFIELD: No.

3 MR. KATZ: Okay.

4 COMMISSIONER SAKOWICH: No.

5 ACTING CHAIR GREENFIELD: No. I

6 unfortunately travel it too much. It's --

7 COMMISSIONER SAKOWICH: I'm -- what I'm  
8 saying is, is that --

9 VICE-CHAIR GREENFIELD: -- lonely  
10 though.

11 COMMISSIONER SAKOWICH: -- that  
12 I -- I'm a -- you know, we had an issue with  
13 "Taco Bell." I think the queuing of cars on the  
14 North Service Road of the "L.I.E." --

15 DEPUTY COMMISSIONER NIMMO: I'd like to  
16 comment on that, if I could.

17 So this says it's 13 cars queuing. We,  
18 Nassau County Department of Public Works would  
19 need to see this for "239-f." What this plan  
20 shows is only 7 cars queuing, 'cause we counted  
21 from the menu board, not from where the -- the  
22 order location --

23 COMMISSIONER SAKOWICH: So they need to  
24 move that board anyway.

25 DEPUTY COMMISSIONER NIMMO: So

1                   Zoning Referral Review

2       7 cars at a "Starbucks" is going to backup onto  
3       Powerhouse Road. "DPW" is going to have a very  
4       difficult time --

5                   MR. KATZ: Yeah, but Bill, I -- I --

6                   DEPUTY COMMISSIONER NIMMO: --

7       approving --

8                   MR. KATZ: -- I think it indicates that  
9       the queuing for 13 -- the plans shows that  
10      queuing for 13 cars is provided prior to the --

11                  ACTING CHAIR GREENFIELD: Marty?

12                  MR. KATZ: -- drive-thru window. Yeah.

13                  DEPUTY COMMISSIONER NIMMO: At the  
14      drive-thru window, correct?

15                  ACTING CHAIR GREENFIELD: We only have  
16      three minutes --

17                  MR. KATZ: Okay.

18                  ACTING CHAIR GREENFIELD: -- it's okay.

19                  DEPUTY COMMISSIONER NIMMO: "DPW"  
20      counts the cars from the --

21                  ACTING CHAIR GREENFIELD: Okay.

22                  DEPUTY COMMISSIONER NIMMO: -- from  
23      the ordering location, the menu board, not from  
24      the --

25                  MR. KATZ: Right --

1                   Zoning Referral Review

2                   DEPUTY COMMISSIONER NIMMO:  -- not

3       where the --

4                   MR. KATZ:  -- which --

5                   DEPUTY COMMISSIONER NIMMO:  -- pick

6       ups.  The -- the backup happens there.  Seven

7       cars is not --

8                   ACTING CHAIR GREENFIELD:  Exactly --

9                   DEPUTY COMMISSIONER NIMMO:  -- enough.

10                  ACTING CHAIR GREENFIELD:  -- no --

11       no -- no, Bill, I agree with you.

12                  COMMISSIONER SAKOWICH:  But which --

13       which would help.  Moving that menu board around

14       to get the 13 cars would bring it away from the

15       residential homes.  So if they abide by your

16       rules, that's going to move that menu board.

17                  DEPUTY COMMISSIONER NIMMO:  Yeah,

18       make -- make sure if the --

19                  COMMISSIONER SAKOWICH:  You understand?

20                  DEPUTY COMMISSIONER NIMMO:  -- whatever

21       you vote on --

22                  COMMISSIONER SAKOWICH:  Bringing that

23       menu board around, you --

24                  ACTING CHAIR GREENFIELD:  Okay.  So

25       here's what I'm proposing, then we can make it a

1                   Zoning Referral Review

2       motion, that we:

3                   Do an "LDL" with the recommendation  
4       that they move the menu board to prevent the  
5       backup;

6                   And also mention that it's subject to  
7       final approval by "Nassau County DPW 239-f."

8                   THIRD VICE-CHAIR GREENFIELD: Right.

9                   DEPUTY COMMISSIONER NIMMO: Please.

10                  ACTING CHAIR GREENFIELD: Yes,  
11       absolutely.

12                  At this time I'd like to --

13                  DEPUTY COMMISSIONER NIMMO: Please and  
14       thank you.

15                  (Laughter.)

16                  ACTING CHAIR GREENFIELD: No, this time  
17       I like the "239-f."

18                  MR. KATZ: So -- so Bill, this hasn't  
19       gotten --

20                  DEPUTY COMMISSIONER NIMMO: (No  
21       response.)

22                  MR. KATZ: Bill, this hasn't gotten  
23       "2" -- "239-f" approval yet?

24                  DEPUTY COMMISSIONER NIMMO: I have not  
25       seen it. I don't know if they've submitted it.



1                   Zoning Referral Review

2                   ACTING CHAIR GREENFIELD: No, so that's  
3    why I want to make the decision subject to that.

4                   MR. KATZ: This stretch of Service Road  
5    is a -- is a County.

6                   ACTING CHAIR GREENFIELD: Yes,  
7    absolutely.

8                   MR. KATZ: Okay. I just want to be  
9    sure.

10                  DEPUTY COMMISSIONER NIMMO: Roslyn Road  
11    and --

12                  ACTING CHAIR GREENFIELD: Powerhouse.

13                  DEPUTY COMMISSIONER NIMMO: --  
14    Powerhouse is Nassau County --

15                  MR. KATZ: Okay. So we'll put --

16                  DEPUTY COMMISSIONER NIMMO: --  
17    jurisdictionally.

18                  MR. KATZ: -- that in a letter.

19                  ACTING CHAIR GREENFIELD: Okay, good.

20                  MR. KATZ: Okay.

21                  ACTING CHAIR GREENFIELD: So we have a  
22    motion to -- to that effect?

23                  COMMISSIONER SAKOWICH: I'll make a  
24    motion to --

25                  ACTING CHAIR GREENFIELD: "LDL."

1                   Zoning Referral Review

2                   COMMISSIONER SAKOWICH:  -- "LDL," with  
3   the letter stating that -- well, we can't "LDL."  
4   We got to deny it, because we -- it's got to --

5                   ACTING CHAIR GREENFIELD:  No, we're not  
6   denying it.  We're saying "LDL," subject to.

7                   COMMISSIONER SAKOWICH:  Oh, you're  
8   reviewing, they will be sending?

9                   ACTING CHAIR GREENFIELD:  Yes.

10                  COMMISSIONER SAKOWICH:  But in -- in  
11   their review that the --

12                  ACTING CHAIR GREENFIELD:  The  
13   menu board --

14                  COMMISSIONER SAKOWICH:  -- menu board  
15   and the speaker system be moved closer to the  
16   main road --

17                  MR. KATZ:  Okay.

18                  COMMISSIONER SAKOWICH:  -- which would  
19   allow the queuing of cars and impact the homes  
20   behind it.

21                  MR. KATZ:  All right, we'll -- we'll  
22   incorporate that into a letter.

23                  COMMISSIONER SAKOWICH:  Yeah.

24                  MR. KATZ:  Sure.

25                  ACTING CHAIR GREENFIELD:  Okay.

1 Zoning Referral Review

2 COMMISSIONER DURSO: And the "239-f."

3 ACTING CHAIR GREENFIELD: And the

4 "2" -- subject to "239-f."

5 MR. KATZ: Right.

6 ACTING CHAIR GREENFIELD: Okay. Motion

7 made.

8 COMMISSIONER DURSO: I'll second that.

9 ACTING CHAIR GREENFIELD: We have a

10 second. We're cooking.

11 All those in favor?

12 (Chorus of "ayes.")

13 ACTING CHAIR GREENFIELD: Any opposed?

14 (No response.)

15 ACTING CHAIR GREENFIELD: So carried.

16 \* \* \*

17 ACTING CHAIR GREENFIELD: Okay. I

18 think some people may be waiting here for

19 Case No. 1. I just have a feeling.

20 (Laughter.)

21 MR. KATZ: Well, I'm not sure.

22 ACTING CHAIR GREENFIELD: At least

23 one -- one -- at least one attorney is waiting

24 here for Case No. 1.

25 MR. KATZ: All right. Then let's do

1                               Zoning Referral Review

2       No. 1 then.

3                               ACTING CHAIR GREENFIELD:   Okay.

4                               MR. KATZ:   All right.   This is  
5       NCPC Case No. 624124.   This is for site plan  
6       review.

7                               And this is a proposed two-story house  
8       of worship, a mosque with basement for a gross  
9       floor area of about 16,000 square feet on three  
10      levels, including a basement on a 1.3-acre  
11      property.

12                              This would require the demolition of  
13      two existing one-story structures on the lot  
14      on -- on the two lots.   "Lot 7" is occupied by a  
15      one-story mosque now, which is about 2500 square  
16      feet.   "Lot 9" is occupied by a one-story former  
17      commercial building, maybe a restaurant, which is  
18      1,992 square feet.

19                              The proposed building will have a  
20      footprint, a building footprint of 5,543 square  
21      feet including canopies.   The proposed developed  
22      will merge the two adjoining tax lots.

23                              The -- parking will be provided for  
24      88 vehicles, with 155 parking spaces required,  
25      based on the total assembly occupancy of

1                   Zoning Referral Review

2     464 persons.

3                   The basement will include a  
4     multipurpose room of about 20 [sic] --  
5     2,447 square feet, 113 persons, with a kitchen,  
6     storage and restroom;

7                   The first floor will include a prayer  
8     room, about 2300 square feet, 225 person  
9     occupancy, and a multipurpose room, 707 [sic] --  
10    707 [sic] -- 777 square feet, 38 person  
11    occupancy, with a library and conference room,  
12    office and restrooms;

13                  The second floor will include classroom  
14    areas of about 3,000 square feet, 99 person  
15    occupancy, storage rooms and restrooms, for a  
16    total occupancy of 464 persons.

17                  The case was initially before the  
18    Planning Commission on 1/11/2024 for site plan  
19    review.

20                  The current plan reflects changes to  
21    the site plan regarding access. Both plans show  
22    a curb cut at the westerly property line, right  
23    and left-turns enter, right-turns exit only onto  
24    Central Ave.

25                  The initial plan also included a curb

1                   Zoning Referral Review

2     cut mid-site on Central Avenue, right and  
3     left-turns entering, right-turns exit only. The  
4     revised plan eliminates this curb cut.

5                 Both plans do show a curb cut near the  
6     northerly property line on Stewart Avenue, right  
7     and left-turns enter, right-turn exit only.

8                 The initial plan had a total assembly  
9     occupancy rated for 506 persons requiring 169  
10    spaces. And the revised plan has a total  
11    assembly occupancy rating for 464 persons,  
12    requiring 155 spaces.

13                The Town prepared a "TEQRA" report  
14    based on -- the traffic part was based on the  
15    consultant's traffic impact analysis that remains  
16    unchanged, dated August 24th, 2023.

17                The applicant has -- the applicant has  
18    indicated that the purpose of the expanded mosque  
19    is to better accommodate the needs of the  
20    existing congregation and is not intended to  
21    increase the number of people on the site. The  
22    "TEQRA" report -- that's the Town's report that  
23    it -- it prepares analyzing the -- the -- the  
24    consultant's, the -- the applicant's consultant  
25    reports that -- thus -- thus concluding that it

1                   Zoning Referral Review

2     is not expected that the proposed action will  
3     result in a significant increase in the volume of  
4     site-generated traffic.

5                   The traffic analysis, impact analysis  
6     concluded that even with the overflow parking  
7     associated with peak activity on -- at the  
8     subject property under the proposed conditions,  
9     parking will remain available along the adjacent  
10    public streets to accommodate the parking needs  
11    of community during the limited -- the, quote,  
12    unquote, limited time periods of peak activities  
13    of the mosque.

14                  The "T.A.," traffic analysis noted that  
15    the highest levels of parking demand for the  
16    mosque under both existing and proposed  
17    conditions, occurs only during the prayer periods  
18    on early Friday afternoon, typically between  
19    12:30 p.m. and 2:30 p.m., which does not coincide  
20    with the evening and Saturday, Sunday time  
21    periods when area residents are most likely to be  
22    home.

23                  The report states that this expect --  
24    is expected to moderate the impact of any  
25    increased on -- on-street parking demand created

1                   Zoning Referral Review

2     by the proposed facility.

3                   It should be noted that Central Ave. is  
4     five lanes. There's no parking on  
5     Central Avenue and there's no parking along  
6     Stewart Avenue along these stretches of the road.

7                   ACTING CHAIR GREENFIELD: No legal  
8     parking?

9                   MR. KATZ: No -- no legal parking.

10                  ACTING CHAIR GREENFIELD: People park  
11     anyway.

12                  (Discussion held among Board Members  
13     off the record.)

14                  MR. KATZ: Staff -- staff indicates  
15     that -- that the -- the parking analysis might be  
16     enhanced somewhat to give greater consideration  
17     to the -- to the potential parking and traffic  
18     impacts of a house of worship that is undergoing  
19     such a major expansion, more than -- more than  
20     quadrupling the size. An expansion of this  
21     magnitude will most likely result in  
22     significantly more activity than currently  
23     exists on the site, potentially resulting  
24     in more traffic and parking spillover onto  
25     nearby residential streets, such as



1                   Zoning Referral Review

2       South Pershing Avenue and Totten Street.

3                   So that's staff. That's what staff has  
4       to say.

5                   ACTING CHAIR GREENFIELD: Okay. So we  
6       heard at our -- what do you call that meeting we  
7       had?

8                   MR. O'BRIEN: Work session.

9                   ACTING CHAIR GREENFIELD: -- work  
10      session from our Legislator Rose Walker on this  
11      subject, we heard from the attorney for the  
12      applicant. And we had a good discussion based  
13      upon all that information we have, which is the  
14      purpose of the pre-meeting.

15                  Do we have a motion?

16                  COMMISSIONER SAKOWICH: Well, we're  
17      going -- we're going deem it incomplete, I  
18      believe is what we want to do here?

19                  MR. O'BRIEN: It's -- it's --

20                  ACTING CHAIR GREENFIELD: Well --

21                  COMMISSIONER SAKOWICH: Well, here,  
22      you -- you know --

23                  ACTING CHAIR GREENFIELD: -- why not  
24      deny?

25                  COMMISSIONER SAKOWICH: I'll deny it,

1                   Zoning Referral Review

2    yeah.

3                   ACTING CHAIR GREENFIELD:   Then -- then  
4    denying --

5                   THIRD VICE-CHAIR LEWIS:   Well, denying  
6    it --

7                   ACTING CHAIR GREENFIELD:   -- it goes  
8    back.  You know, then they need an absolute  
9    majority, plus one.

10                  MR. O'BRIEN:  I think the one thing --  
11    I -- I'm going to say, the one thing we've been  
12    told is that basically we have everything that --  
13    that the municipalities has.  So it's --

14                  ACTING CHAIR GREENFIELD:  Right.  It  
15    isn't incomplete according to --

16                  MR. O'BRIEN:  So all they're required  
17    to do is send us what they have.

18                  COMMISSIONER SAKOWICH:  Okay.  So we  
19    have that.

20                  MR. O'BRIEN:  We -- as far as I know  
21    from everything that was said, we have a -- we  
22    have everything that's here, so --

23                  COMMISSIONER SAKOWICH:  Okay.  So then  
24    I make a motion --

25                  MR. KATZ:  But that doesn't -- that

1                   Zoning Referral Review

2       doesn't necessarily mean that the applicant  
3       wouldn't have the --

4                   ACTING CHAIR GREENFIELD:   Marty --

5                   MR. KATZ:   -- consultant doing --

6                   ACTING CHAIR GREENFIELD:   -- the  
7       applicant --

8                   MR. KATZ:   -- an enhanced traffic  
9       study.

10                  COMMISSIONER SAKOWICH:   I think -- I  
11       think --

12                  ACTING CHAIR GREENFIELD:   No -- no --  
13       no.   The applicant's attorney told us --

14                  MR. KATZ:   -- okay.

15                  ACTING CHAIR GREENFIELD:   -- that this  
16       is all that the Town required.

17                  MR. KATZ:   All right, okay.

18                  ACTING CHAIR GREENFIELD:   The Town --

19                  MR. KATZ:   Yeah --

20                  ACTING CHAIR GREENFIELD:   -- sent it  
21       over.   They have a good "TEQRA" process there.

22                  COMMISSIONER SAKOWICH:   All right,  
23       yeah.

24                  ACTING CHAIR GREENFIELD:   So we have a  
25       motion to deny.

1 Zoning Referral Review

2 COMMISSIONER SAKOWICH: Right. But  
3 the --

4 ACTING CHAIR GREENFIELD: I'll second  
5 that motion.

6 Oh, I'm sorry.

7 COMMISSIONER SAKOWICH: No, I just --

8 ACTING CHAIR GREENFIELD: Any -- any  
9 further comment from anybody?

10 (No response.)

11 ACTING CHAIR GREENFIELD: So for the  
12 purpose of voting, we have a motion to deny --

13 COMMISSIONER SAKOWICH: Yeah, I just  
14 think for the record is --

15 ACTING CHAIR GREENFIELD: -- and a  
16 second.

17 COMMISSIONER SAKOWICH: -- with it --  
18 we weren't on the record in the pre-meeting, but  
19 --

20 ACTING CHAIR GREENFIELD: Well now  
21 we're on the record.

22 COMMISSIONER SAKOWICH: We're now on  
23 the record that we --

24 MR. O'BRIEN: In the work session.

25 COMMISSIONER SAKOWICH: -- in the

1                   Zoning Referral Review

2       work session that we --

3                   (Laughter.)

4                   COMMISSIONER SAKOWICH: -- have come  
5       across this and this is a -- a -- a tremendous  
6       impact to the local residents. Parking, there's  
7       no additional parking for this. This is a -- a  
8       huge expansion and their -- their numbers that  
9       they use as far as three or four person -- people  
10      per car is absolutely -- in this situation,  
11      not -- it doesn't work.

12                  It's the -- you know, the cars are  
13      tremendous and it's a tremendous impact on the  
14      local streets. And I'm going to make a motion  
15      for a denial.

16                  MR. O'BRIEN: So we have a motion. We  
17      have a second.

18                  COMMISSIONER DURSO: I'll second.

19                  ACTING CHAIR GREENFIELD: I seconded  
20      already.

21                  MR. O'BRIEN: There was a second.

22                  ACTING CHAIR GREENFIELD: We have two  
23      seconds.

24                  COMMISSIONER DURSO: Oh.

25                  ACTING CHAIR GREENFIELD: You could

1                   Zoning Referral Review

2    have my second.

3                   COMMISSIONER DURSO:   No, you seconded.

4                   ACTING CHAIR GREENFIELD:   I'll yield

5    the second to my --

6                   COMMISSIONER DURSO:   Yeah --

7                   THIRD VICE-CHAIR LEWIS:   So --

8                   ACTING CHAIR GREENFIELD:   -- esteemed

9    colleague.

10                  (Laughter.)

11                  THIRD VICE-CHAIR LEWIS:   -- so I --

12                  ACTING CHAIR GREENFIELD:   On the

13   question?

14                  THIRD VICE-CHAIR LEWIS:   Yeah, I'm not

15   persuaded to vote for the denial.   You know, I --

16   I --

17                  MR. O'BRIEN:   So we'll do a roll call.

18                  THIRD VICE-CHAIR LEWIS:   Yeah.

19                  All right.   Well --

20                  ACTING CHAIR GREENFIELD:   Let's do a

21   roll call.

22                  THIRD VICE-CHAIR LEWIS:   Just for the

23   record, I do know the site very well.   I grew up

24   in Bethpage.   My mom lived at the senior center

25   right near there.

1                   Zoning Referral Review

2                   And, you know, I am aware of people  
3    talking about with the, you know, traffic impact  
4    and things like that. But I do also think we  
5    have to consider that the plan that they're  
6    proposing is a much better plan in terms of the  
7    flow of traffic --

8                   COMMISSIONER SAKOWICH: Yes.

9                   THIRD VICE-CHAIR LEWIS: -- through the  
10   site, and utilizing the site more efficiently,  
11   and that that hopefully will have a beneficial  
12   effect.

13                  You know, it is troubling to see that  
14   the plan assumes a significant amount of parking  
15   that's not going to be on site, that's going to  
16   be on the surrounding street.

17                  I have to say though, you know, how  
18   many times sitting with, you know, as a kid, you  
19   know, going to church services and often parking  
20   in properties that was not in the parking lot.

21                  I mean that's -- I mean I just think  
22   that, you know, religious institutions, we kind  
23   of know that there's lots of institutions have  
24   that people coming. But usually it's only, you  
25   know, once or twice, you know, a week that it's

1                   Zoning Referral Review

2     bad. And it -- it -- as long as it's legal  
3     parking, hopefully it's okay.

4                   ACTING CHAIR GREENFIELD: In my parish,  
5     it's only three times a year.

6                   (Laughter.)

7                   THIRD VICE-CHAIR LEWIS: Oh, yeah.

8                   COMMISSIONER SAKOWICH: Listen, I'm --  
9     I agree with you on -- on the -- the traffic.  
10    You know, their -- their fix of the traffic flow.  
11    I -- they definitely increased it. But I live  
12    this in New Hyde Park. And it's just a  
13    horrendous -- it is -- it is totally --

14                  ACTING CHAIR GREENFIELD: So --

15                  MR. O'BRIEN: Okay. So just -- just  
16    for the record, a yes is for a denial and a no is  
17    against the denial.

18                  ACTING CHAIR GREENFIELD: Right.

19                  MR. O'BRIEN: Because it can be a  
20    little -- or if you -- yes, so --

21                  COMMISSIONER SAKOWICH: Yes, is for  
22    denial. The motion is for a denial.

23                  ACTING CHAIR GREENFIELD: So --

24                  MR. O'BRIEN: Right.

25                  ACTING CHAIR GREENFIELD: -- so --



1 Zoning Referral Review

2 MR. O'BRIEN: Now, you need to do a  
3 roll call.

4 MR. KATZ: Okay.

5 ACTING CHAIR GREENFIELD: We'll do a  
6 roll call, but I want to make a comment first.

7 MR. O'BRIEN: Yes. Sorry Chair.

8 ACTING CHAIR GREENFIELD: I'm  
9 supporting denial, because that puts it in the  
10 ballpark of a local jurisdiction to get an  
11 absolute majority, plus one. I just want the  
12 residents that are to here to understand that it  
13 doesn't end with our vote here today. Our's a  
14 recommendation vote to the legislative body, the  
15 Town of Oyster Bay; right?

16 MR. O'BRIEN: Correct.

17 MR. KATZ: Right.

18 ACTING CHAIR GREENFIELD: And then they  
19 are also are obligated to tell us if they  
20 override our recommendation of a denial, what  
21 factors they took into effect to do their  
22 override.

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

24 ACTING CHAIR GREENFIELD: But we send a  
25 message to them by, if it passes the motion to

1                   Zoning Referral Review

2       deny, the feelings of the Nassau County

3       Planning Commission.   So --

4                   MR. KATZ:   Okay.   Do a roll call.

5                   ACTING CHAIR GREENFIELD:   Roll call.

6                   Roll it, baby.

7                   MR. KATZ:   All right.

8                   Commissioner Sakowich?

9                   COMMISSIONER SAKOWICH:   Yes.

10                  MR. KATZ:   Commissioner Kalaty?

11                  COMMISSIONER KALATY:   Yes.

12                  MR. KATZ:   Commissioner Gold?

13                  COMMISSIONER GOLD:   Yes.

14                  MR. KATZ:   Is that a yes?   I'm sorry.

15                  COMMISSIONER GOLD:   Yes.

16                  MR. O'BRIEN:   Yes.

17                  MR. KATZ:   Okay.

18                  ACTING CHAIR GREENFIELD:   It was a

19       quiet yes.

20                  MR. KATZ:   Commissioner Durso?

21                  COMMISSIONER DURSO:   Yes for denial.

22                  MR. KATZ:   Third Vice-Chair Lewis?

23                  THIRD VICE-CHAIR LEWIS:   No for the

24       denial.

25                  MR. KATZ:   No, okay.

1                   Zoning Referral Review

2                   And Vice-Chair -- First Vice-Chair  
3   Greenfield?

4                   ACTING CHAIR GREENFIELD: Yes for the  
5   denial.

6                   MR. KATZ: Okay, it passes, yeah, five  
7   five yeses and --

8                   MR. O'BRIEN: One no.

9                   MR. KATZ: -- and one no.

10                  ACTING CHAIR GREENFIELD: We just got  
11   the five votes.

12                  MR. KATZ: Okay.

13                               \*       \*       \*

14                  ACTING CHAIR GREENFIELD: Okay. That  
15   concludes our business here today, folks.

16                  THIRD VICE-CHAIR LEWIS: No, we have  
17   two more.

18                  COMMISSIONER DURSO: 5 and 8.

19                  MR. O'BRIEN: No, don't we have 5  
20   and 8?

21                  ACTING CHAIR GREENFIELD: No, we got --  
22   wait.

23                  MR. O'BRIEN: 5 and 8?

24                  MR. KATZ: I'm sorry?

25                  COMMISSIONER DURSO: We have 5 and 8.

1                   Zoning Referral Review

2                   MR. O'BRIEN: Are 5 and 8 taken care  
3 of?

4                   ACTING CHAIR GREENFIELD: 5 and 8? No,  
5 I packed up already.

6                               \*       \*       \*

7                   ACTING CHAIR GREENFIELD: 5, okay 5. I  
8 forgot about 5.

9                   Okay, go with 5.

10                  THIRD VICE-CHAIR LEWIS: Yeah, this is  
11 the Willow View Estates one.

12                  ACTING CHAIR GREENFIELD: Willow View  
13 Estates.

14                  (Laughter.)

15                  MR. KATZ: Okay.

16                  (Laughter.)

17                  MR. KATZ: Willow View, let me do this  
18 here fast.

19                  This is NCPC Case No. 523224. This is  
20 for a subdivision, as well as area, dimensional  
21 variances.

22                  This is the -- the Woodsburgh portion  
23 of the Willow View Estates subdivision, the  
24 former Woodmere Club. The Woodsburgh portion  
25 proposed subdivision contains 45 single-family

1                   Zoning Referral Review

2   homes. Several of these proposed lots are  
3   located in the "Open Space District of the  
4   Coastal Conservation District," where residential  
5   lots are not permitted. And some lots also  
6   require area variances within this district.

7                   It should be noted, that the Village of  
8   Lawrence portion of the Willow View Estates was  
9   before the Planning Commission on 9/7/23 for the  
10   creation of 33 single-family lots. Several of  
11   these lots were situate -- situated within the  
12   "Open Space District of this Coastal Conservation  
13   Zoning District," similar to this referral. At  
14   that time, the Commission recommended that the  
15   application be modified to eliminate all lots  
16   within the "Open Space District."

17                  It should also noted that the Town of  
18   Hempstead, Woodmere portion of the Willow View  
19   Estates subdivision was scheduled to going before  
20   the Planning Commission on 5/30/24 for the  
21   creation of 90 single-family lots, many of these  
22   lots also in the "Open Space District." The  
23   Town, at that time, requested that it be pulled  
24   from the Zoning Agenda, which it was. Yeah.

25                  Staff is recommending modification,

1                   Zoning Referral Review

2   elimination of all proposed residential lots  
3   located within the "Open Space District," similar  
4   to what we recommended at the Lawrence.

5                   ACTING CHAIR GREENFIELD:   So what are  
6   we doing?

7                   (Discussion held among Commissioners  
8   off the record.)

9                   MR. O'BRIEN:   And -- and just -- just  
10   so the Commissioners are aware, when -- when  
11   Lawrence came before us that was the same  
12   recommendation.

13                  MR. KATZ:   Yeah.

14                  MR. O'BRIEN:   That was the vote of the  
15   Commission, to modify accordingly.

16                  MR. KATZ:   Yeah.

17                  MR. O'BRIEN:   So you would be  
18   consistent if you --

19                  ACTING CHAIR GREENFIELD:   Okay.

20                  MR. O'BRIEN:   -- if you vote for the  
21   "mod."

22                  ACTING CHAIR GREENFIELD:   Thank you,  
23   counsel.   That's a good point, especially for  
24   those that are new.

25                  Yeah, we had a lot of back and forth on

1                   Zoning Referral Review

2     this over the years to answer your questions, a  
3     lot of litigation. That's why I asked that  
4     question where we stand in litigation.

5                   COMMISSIONER SAKOWICH: They go --

6                   THIRD VICE-CHAIR LEWIS: Yeah, I'd like  
7     to make a motion on NCPC Case No. 523224. Our --  
8     our referral motion is for a modification, so  
9     that we would eliminate all proposed residential  
10    lots located in the "Open Space District." So  
11    our hope is that the plan will be modified to  
12    make that change. That's our position.

13                  ACTING CHAIR GREENFIELD: And I'll  
14    second that.

15                  MR. O'BRIEN: We have a motion made and  
16    seconded.

17                  ACTING CHAIR GREENFIELD: We have a  
18    motion and second.

19                  Do we have a vote? All in favor?

20                  (Chorus of "ayes.")

21                  ACTING CHAIR GREENFIELD: Any opposed?

22                  (No response.)

23                  ACTING CHAIR GREENFIELD: So carried.

24                               \*       \*       \*

25                  ACTING CHAIR GREENFIELD: No. 8.

1                   Zoning Referral Review

2                   MR. KATZ:   Okay.   And that's --

3                   ACTING CHAIR GREENFIELD:   No. 8,

4   Yogi Berra, "Yo-Yo."

5                   MR. KATZ:   Okay.

6                   This is No. 8.   This is NCPC Case --

7                   ACTING CHAIR GREENFIELD:   It's not over  
8   until it's over, according to Yogi.

9                   (Laughter.)

10                  MR. KATZ:   Right.   And it -- it will be  
11   over after this one.

12                  (Laughter.)

13                  MR. KATZ:   628124, Town of Hempstead,  
14   Hamlet of Levittown.   It's for a parking  
15   variance.

16                  This is a proposed retail building of  
17   4,830 square feet, as part of the Levittown Mews  
18   Shopping Center.

19                  A parking variance is required.   The  
20   Shopping Center has a total of 405 parking  
21   spaces, with a total of 505 parking spaces  
22   required.

23                  The proposed retail building, in and of  
24   itself requires 24 parking spaces.

25                  The proposed building will be situated



1                   Zoning Referral Review  
2     in an open area next to the freestanding  
3     "ULTA Beauty Store" at the easterly end of the  
4     Shopping Center. The Shopping Center has a  
5     total of 13 stores and is anchored by a  
6     freestanding "Walmart" at the westerly end of  
7     the Shopping Center. Several parking spaces  
8     along the easterly property line will be  
9     eliminated to accommodate the building.

10                  The access drive to the Shopping Center  
11     is -- is aligned with a "Home Depot" access drive  
12     on the south side of Hempstead Turnpike,  
13     controlled by a traffic signal.

14                  Field work indicates that there were --  
15     you know, there's about 4 -- 50 to 65 percent  
16     occupied at that time. But the proposed retail  
17     building will certainly exacerbate the parking  
18     shortfall -- shortfall, as per Town parking  
19     standards.

20                  Staff is recommending to deem this  
21     incomplete. Additional information requested.  
22     The proposed retail building will increase the  
23     parking -- Shopping Center's parking deficiency.  
24     As such, a parking analysis is requested.

25                  THIRD VICE-CHAIR LEWIS: So you want

1                   Zoning Referral Review

2       more information, is that what you're telling --

3               MR. KATZ:   Yeah --

4               THIRD VICE-CHAIR LEWIS:   -- us?

5               MR. KATZ:   -- uh-huh.

6               (Laughter.)

7               ACTING CHAIR GREENFIELD:   Okay.   So do  
8       we -- do we have a motion.

9               COMMISSIONER SAKOWICH:   I just, you  
10       know, I think we have to --

11              ACTING CHAIR GREENFIELD:   Put -- put  
12       your mic. on.   Thanks.

13              COMMISSIONER SAKOWICH:   -- I just, I --  
14       I believe you said in your report when you guys  
15       were there, 50 to 60 percent car?

16              MR. KATZ:   Well, at that point, I --  
17       I -- I didn't do a count there.   But, you know,  
18       there were -- it might have been about 65 percent  
19       occupied, 70 percent, you know.

20              COMMISSIONER SAKOWICH:   And all of  
21       these -- all of these local malls, these smaller  
22       malls, shopping centers are -- are doing this,  
23       because they have to stay afloat with, you -- you  
24       know, adding more renters to these spots.

25              I mean 455 parking spaces, I believe

1                   Zoning Referral Review

2    you said?

3                   MR. KATZ: Well, it's got 404 required,  
4    500 -- 400 and 500 are required. 505, they are  
5    about 20 percent short.

6                   COMMISSIONER SAKOWICH: I am just  
7    saying, like we're going to make them go through  
8    a traffic study. 60 -- by -- even by this aerial  
9    view, I mean you're being nice at  
10   50 percent. It looks even less than that.

11                  MR. O'BRIEN: I was going to say, an  
12   "LD" would not be --

13                  DEPUTY COMMISSIONER NIMMO: There's  
14   parking spots available now.

15                  MR. O'BRIEN: -- would -- would not  
16   be --

17                  DEPUTY COMMISSIONER NIMMO: There's  
18   always spots available.

19                  COMMISSIONER SAKOWICH: Yeah, I -- I  
20   just I -- I just think a --

21                  MR. KATZ: All right.

22                  COMMISSIONER SAKOWICH: -- "Local  
23   Determination" --

24                  MR. KATZ: All right.

25                  MR. O'BRIEN: And if there was a

1                   Zoning Referral Review

2    problem, it would come up at -- at -- at the  
3    hearing.

4                   COMMISSIONER SAKOWICH: Yeah. I just,  
5    you know, like it's -- it's in black and white  
6    here.

7                   I mean the -- the -- the, you know,  
8    traffic studies are going to -- obviously they're  
9    higher than -- it's going to be what --

10                  MR. KATZ: I think they have to provide  
11    it at -- at -- at the Town hearing, "BZA"  
12    hearing. The -- the -- the Town "BZA" will  
13    require --

14                  COMMISSIONER SAKOWICH: Yeah, I -- I --

15                  MR. KATZ: -- the traffic analysis  
16    be -- parking analysis be provided.

17                  COMMISSIONER SAKOWICH: Be part of  
18    that.

19                  MR. KATZ: We just don't have one now.

20                  COMMISSIONER SAKOWICH: Right. I'm --  
21    I'm just saying, but --

22                  MR. KATZ: Right.

23                  COMMISSIONER SAKOWICH: -- I mean,  
24    you're showing a picture here and there's, you  
25    know --

1                   Zoning Referral Review

2                   MR. KATZ: Yeah, I don't know when that  
3 was. Okay.

4                   COMMISSIONER SAKOWICH: -- a tremendous  
5 amount of parking.

6                   THIRD VICE-CHAIR LEWIS: So perhaps if  
7 you still want to say something regarding the  
8 parking issue, but not make it the -- you know,  
9 you can do an "LD" and have --

10                  COMMISSIONER SAKOWICH: Yeah.

11                  THIRD VICE-CHAIR LEWIS: -- the letter  
12 says that -- that we would like to see that  
13 analysis.

14                  COMMISSIONER SAKOWICH: Yeah, or  
15 that -- that -- that the analysis, you know, we  
16 would like that forwarded to the -- to the Town  
17 for their final determination.

18                  MR. KATZ: All right. We could do  
19 that.

20                  THIRD VICE-CHAIR LEWIS: Yeah.

21                  COMMISSIONER SAKOWICH: Yeah.

22                  ACTING CHAIR GREENFIELD: Okay.

23                  COMMISSIONER SAKOWICH: Right.

24                  ACTING CHAIR GREENFIELD: Then make  
25 that a motion. It sounds like a good one.

1                   Zoning Referral Review

2                   THIRD VICE-CHAIR LEWIS: You want to do  
3 an "LD" or do you want to do "LD" with a letter  
4 regarding --

5                   COMMISSIONER SAKOWICH: An "LD" with a  
6 letter that a -- a -- a traffic study be -- be  
7 supplied to the Town on their final decision.

8                   MR. O'BRIEN: I think it's a parking  
9 study you want.

10                  COMMISSIONER SAKOWICH: A parking  
11 study, I'm sorry.

12                  A park -- a parking study for their --  
13 you know, which you had already said they're  
14 going to require.

15                  MR. O'BRIEN: We have a motion made.

16                  COMMISSIONER DURSO: I'll second.

17                  ACTING CHAIR GREENFIELD: Motion made  
18 and seconded.

19                  All those in favor for the "LDL," so  
20 signify.

21                  (Chorus of "ayes.")

22                               \*       \*       \*

23

24

25

1 Proceedings

2 ACTING CHAIR GREENFIELD: Okay, now  
3 it's over, Yogi.

4 THIRD VICE-CHAIR LEWIS: Now it is.

5 ACTING CHAIR GREENFIELD: Thank you,  
6 everyone. Good meeting. See you in August.

7 COMMISSIONER SAKOWICH: Yes.

8 (The meeting was concluded at  
9 11:44 a.m.)

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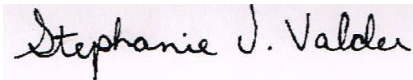
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C E R T I F I C A T I O N

I, STEPHANIE J. VALDER, do  
hereby certify that the within transcript is  
a true, accurate and complete transcript of  
the proceedings which took place in the above  
matter.

A handwritten signature in black ink, reading "Stephanie J. Valder", is centered on the page. The signature is written in a cursive style and is set against a light pink rectangular background.

---

STEPHANIE J. VALDER,  
Stenographer

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# EXHIBIT L

**Transcription – July 18, 2024 Town of Oyster Bay Planning Advisory Board Meeting**

**Start: 00:02:16 – BOARD**

STANCO: OK, good evening. Welcome to the Planning Advisory Board meeting of July 18th, 2024. Please stand for the Pledge of Allegiance led by Member Chabina.

CHABINA: All rise. I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

STANCO: OK, thank you Secretary Byrne, please, please call the roll.

BYRNE: Certainly. Chairman Stanco.

STANCO: Here.

BYRNE: Member DiLeonardo.

DiLEONARDO: Yeah.

BYRNE: Member Chabina.

CHABINA: Here.

BYRNE: Member Warner.

WARNER: Here.

BYRNE: Member Castellane.

CASTELLANE: Here.

BYRNE: Member Byrne is present. Chairman you have a quorum.

STANCO: OK. Thank you. The format for the meeting this evening includes a presentation from the applicant, and then any questions or comments from the Board that they may have. And then any interested parties may speak and address the board regarding the application. In the interest of time, I would ask that try not to be repetitive so we can get and be brief so we can get through as many comments as possible tonight. And anyone who wishes to speak, we ask you to come to the podium and state your name and address for the record. We have one item this evening on the agenda, 320 Central Avenue, Bethpage, New York 11714. The applicant is seeking a site plan approval from the Planning Advisory Board in accordance with the town site design standards. This site plan involves the demolition of two commercial buildings, 300 Central Avenue and 320 Central Avenue, and the construction of a two-story, 16,003 square foot place of worship with associated site improvements. The proposed use for the subject property is permitted use pursuant to Chapter 246, Table 5.2 of the code of the Town of Oyster Bay. Secretary Byrne, do we have any correspondence on this application?

**Start: 00:04:27 – BYRNE**

BYRNE: We do, Chairman. We have a memo from the Zoning Division dated December 12, 2023 stating that the subject property located at 320 Central Avenue, Bethpage, New York 11714, has a Nassau County land and tax map designation of section 46 block 112 lots 7 & 9 and is located within the GB General zoning district in the town of Oyster Bay. We have a memo from the Department of Environmental Resources dated August 25, 2023, recommending the adoption of a negative declaration for purposes of seeker. We have a memo from the Code Enforcement Bureau dated March 22, 2019, stating there is an open code case for parking conditions, litter, and debris. Chairman, since this memo is old, the Planning Division contacted Code Enforcement Bureau this week and there are currently no open code violations. We have memos from the Town's Department of Public Works Highway Division dated May 21, 2019, and Engineering Division dated May 1, 2019, stating they have reviewed the site plans and have no objections. We have a memo from the Nassau County Department of Public Works dated February 28, 2024, stating that pursuant to general municipal law 239F they have approved the drawings as noted. We have a memo from the Planning Division dated July 16, 2024, stating the required parking for the subject property is 155 parking spaces and 88 have been provided. We have a memo from the Planning Division dated July 16, 2024, stating the division has conducted a review in accordance with chapter 246 section 6 site plan review of the code of the town of Oyster Bay and is referring the site plan to the Planning Advisory Board for appropriate action. We have multiple pieces of resident correspondence including a petition signed by 120 members of the Apollo senior community in opposition to the project. Chairman, the Board and the applicant have received copies of these correspondence from the public prior to tonight's meeting and they all have been made part of the permanent record and we have the affidavit of signposting and the affidavit of mailing from the applicant.

**Start: 00:06:21 - AVRUTINE**

STANCO: OK? With that we'll entertain the applicant.

AVRUTINE: Good evening chairman Stanco, members of the Board, appearing for the applicant Howard Avrutine, 2116 Merrick Avenue in Merrick. This is the application of Muslims on Long Island Incorporated for site plan approval in connection with construction of a new mosque at 320 Central Avenue in Bethpage. The property is 1.3 acres in size and is located at the northwest corner of Central Avenue and Stewart Avenue. I'm looking for the IT gentleman maybe he can put up a draw on the monitor. Oh, I can control it, I didn't know that. Thank you. OK the, the site plan drawing C-7.1 this is the, the latest iteration and depicts the site plan that we're seeking to have approved this evening. The plan is to demolish two existing one-story buildings on the property and to construct the new 16,003 square foot floor area building with three levels. It also has a basement. The footprint of the building will be 5, 543 square feet. Site improvements will include new asphalt pavement, curbing, sidewalks, exterior lighting, landscaping, drainage infrastructure, and a solid waste enclosure. The existing buildings on the westerly side, the existing building excuse me, on the westerly side of the property is utilized as the mosque building. The other building is utilized for classrooms. It was formerly a restaurant. The purpose for the new building is to accommodate the existing congregation, and the applicant has stated this throughout the process. It is not to increase the number of people coming to the site. The programs at the mosque will not be expanded. It is essentially, it has become very, very inconvenient and cumbersome to utilize the existing buildings in a way that is proper for the congregation. And so, they are looking to construct a modern facility, fully code compliant, both with respect to local codes in the town of Oyster Bay, as well as the state

building and construction code. And so, this will be a facility that will be something that the community can be proud of and certainly that the congregants have been waiting for, for quite some time. And so, also I'd like to note that, and we'll get to this, I'll have the project architect come up in a moment and just take you through the site plan. But currently the two buildings, there's parking related to each building, but the two parcels that comprise the property don't have vehicular access to each other. So, this will, and it will be much more, much better organized and the site plan will function in a much better fashion than it does presently. These plans have been extensively vetted by the Town of Oyster Bay Department of Planning and Development and the Department of Environmental Resources. All comments have been addressed by, all comments raised by town departments have been addressed fully. The Department of Environmental Resources did quite an extensive analysis and wrote an extensive report dealing with all of the potential environmental impacts identified under New York State's Environmental Quality Review Act, and did quite a thorough review based upon submissions made by the applicant, including an extensive traffic and parking study. The town retained its own parking consultant to analyze and report back regarding the sufficiency of the study that was proffered by the applicant and concluded that it was quite sufficient. And as a result of that, the town's Department of Environmental Resources, in its memorandum to the Planning Advisory Board, has recommended that the Planning Advisory Board as lead agency under SEQR, that it adopted a negative declaration, which means that it's a conclusion that the proposal before the board will not result in adverse environmental consequences. It has also been reviewed, and this is quite important as well, it has also been extensively reviewed by the Nassau County Department of Public Works, which has jurisdiction over both Central Avenue and Stewart Avenue. And of course, this board is very familiar with the process under 239F of the general municipal law, whereby applications which involve impacts to county roads are reviewed and must be approved by the Nassau County Department of Public Works before they can proceed. The Nassau County Department of Public Works has approved the plans that were before you. They had comments that were all addressed and as a result, that is also, those approvals have also been obtained. The other issue, I think one of the primary issues that folks are concerned about and maybe that this Board is concerned about is the need for a parking variance and based upon the maximum authorized occupancy of 464 in the building and that covers all the spaces and that's under the assumption that those spaces are all being occupied to the maximum extent possible. 88 spaces are required based upon a parking formula of one space required per 3 authorized occupants.

**Start: 00:14:15 – AVRUTINE**

AVRUTINE: So my math skills are weak, but I did manage to figure out that if you divide 464 by 3, you come up with 155. So that's how it was calculated what that the parking requirement is 155, 88 spaces are provided on site. But the traffic and parking study that was submitted and reviewed by DER as well as by Nassau County was deemed sufficient. That study concludes that the parking variance, granting of that parking variance would be appropriate under the circumstances. Now for those present here tonight who may not know the procedures at the town, this Board does not consider the parking variance issue. If indeed this board approved site plan, the site plan before you then the next step is going to be an application to the zoning board for a parking variance. So, what we're here for tonight is the site plan. And does the site plan comply with the site plan regulations? And does it comply with the town code? We've already heard from Member Byrne that the property is located in the general business zone. This use, a religious use, is permitted use in the general business zone. So there's no issue as to the use being permitted. And as far as the design of the site,

which is really the major issue before the Board this evening, all of the town's site plan requirements have been satisfied. We've met them all. The issue then, the only area where there is not compliance, is the parking regulation, and that's for a different board. So, but I would like to state in regard to that because as I said before, we've said all along that the goal here is not to build a facility in anticipation of huge growth that's going to invite an occupancy of 464 people, notwithstanding the fact that this building can hold that many. And to buttress that point, the applicant is offering up tonight, and it will also offer this up at the zoning board hearing when that occurs, that a voluntary cap of the occupancy to 264 people. That is considerably less than what the building can accommodate but the, the Applicant does not feel that there's going to be a need to exceed that number. And the reason I selected that number or we selected that number is because with an occupancy of 264, the number of required parking spaces would be 88, the number that we're providing on site. So we will, we openly consent to it, we agree to it, and we would expect that if this Board approves a site plan, that that condition be attached to any approval this Board issues, and it would also be attached to any variance that the zoning Board issues. So, I think that that's an important issue that I wanted to bring up right at this point so that we would have that dealt with at the top. So at this time what I'd like to do, unless the Board has questions for me, I'd like to introduce the project architect, Brian Fisher, who prepared the site plan that you see on the screen and just sort of take the Board and those who are here through the site plan, the points of ingress and egress, the driveways, the internal flows and similar items. I presume no questions then at this point?

WARNER: I just have a question. You say that they're willing to limit the occupancy to 264?

AVRUTINE: That is correct.

WARNER: That's for any service or any event that they have or anything like that.

AVRUTINE: Yes

WARNER: And how are they going to enforce that?

AVRUTINE: Well

WARNER: Are they gonna have somebody at the door with a clicker?

AVRUTINE: No, no member Warner. What it would be no different than the manner in which the occupancy authorized under the Building Code of 464 would be enforced. These are, we know what our experience is. Typically speaking, we have, if I could just pull up the number here, just give me a second. .... So, on Fridays are the busiest prayer days. And on a typical Friday, I'm not speaking about high holy days or during the month of Ramadan, but the 1pm service that they hold on Fridays will generally have 200 to 225 attendees. And so that's clearly below the limit. And the important thing to note about this building, the way it's designed and intended to be utilized is there are several different spaces, but they don't all get utilized at the same time. And you have the group of people that are there. And so, they'll be in the main prayer room for the services, but then they'll go into a different section of the building for a different activity. So, it's not as if all kinds of different activities are going on within the building at one time. So, the point being, we are very, very comfortable that we would never exceed that number. And we all know about occupancy limitations. This room has an occupancy limitation. No one is here to count the people to enforce it



right now. And so you have that, but the point is, there can be enforcement. The Nassau County Fire Marshal typically enforces occupancy violations to the extent they exist. I've seen it in nightclubs and similar type situations. But it is a self-policing type of thing. And again, the post, we would consent that not only is it in the decision and in any records at the town dealing with this approval, but the occupancy signed postings will reflect that number rather than the state code number. And we agree to that as well. So I think the applicant is basically trying to say to the Board that we're going to do everything we can to make both the Board, the town, and the community comfortable with what we're trying to accomplish here and be the type of community member that we have been since 1998.

WARNER: The only thing that I have, I don't want to say a problem but we do have public assembly section of the building department.

AVRUTINE: Can't hear?

STANCO: Can't hear you. Just move a little closer.

WARNER: And they affix a number. Now they affix a number to the entire building.

AVRUTINE: Yes.

WARNER: And it's not a number that is picked out of the air. They have a formula.

AVRUTINE: I'm aware.

WARNER: And from what I'm hearing, or what I've read, and what I've looked at, the number is 400 and something.

AVRUTINE: Yes.

WARNER: So, they would post a sign that says 480.

AVRUTINE: It's here, in this case it's 464. I understand what you're saying Mr. Warner. What I would say is, though, we would agree to have the sign state 264 based upon the representations that we're making. We want the building to have these different spaces to accommodate our people. The manner in which the zoning code and the public assembly code is set up in the town is they don't take into consideration that the spaces will not be used simultaneously. So what happens is they review all the spaces and they do a mathematical computation. They say, based upon the size of the room, it can accommodate if you have seats, if you have standing areas, whatever it is. There's a formula based on per square footage amounts, how many occupants can be in that space. And so, and they add them all up and that's how they reach the total occupancy. But what we're saying is we'll agree to have that be lessened because we know we don't need it on a day-to-day basis and we're not going to exceed it. Similarly, many many time when after an occupancy limit is determined by the public assembly division of the town and even, even forget about take the voluntary cap out of the equation for the moment, applicants will then go to the zoning board of appeals and say, I should get a variance because under no circumstances am I ever going to have that many people along the lines that I'm saying tonight. And they'll say instead we have this or we have that and, therefore, we should get a variance because the parking that we do provide will be sufficient



and that's essential what we're saying here. We, as the applicant, are affirmatively offering that as a condition for the purpose of assuaging these concerns.

DiLEONARDO: What's your hours of operation?

**Start: 00:25:14 – AVRUTINE**

AVRUTINE: I'll take you through that. There are daily prayers. There's early morning, which generally is, I think, I believe, in the 7 o'clock range. Then there's midday. And then there's afternoon, except for Fridays. And then there's sunset. And then there's night. So you have generally 5 separate prayer sessions. Other than Friday, typical attendance at any of these prayer sessions is in either 30 to 40 people maximum would attend.

CROWD: [Chattering]

STANCO: Umm (due to crowd chatter). Thank you.

AVRUTINE: On Fridays, which is the main day of the week for prayers. The first service is at 1p.m. That's the one I indicated would have approximately 225 people at its busiest. The second service is at 1:30pm, having approximately 125. The third service is at 2pm, having a maximum number of approximately 100. And then there's a fourth service on Fridays for students, which has approximately 50 attendees. And then there's additional programs. There's a daily after school program, which is Monday through Friday from 5 p.m. to 7 p.m. That has about 100 students, and Saturday school from 10 a.m. to 1 p.m. and about 85 students. So the on a week-in week-out basis the busy day is Friday, and that's the day where we have the most activity, but they've set it up in a way that they try to minimize the number of attendees coming at once. That's why they have it set up for three separate PM services, one from 1pm to 1:30pm, one from 1:30pm to 2pm, and one from two to 2:30pm, where they break up the numbers coming to the site so that it doesn't cause congestion. And that's the reason they do that.

STANCO: Mr. AVRUTINE, so you cut your number down. Why don't you cut your building down?

[CROWD APPLAUSE]

STANCO: You cut the number down yourself to 200. 30 people, whatever it is. Why don't you cut the building down and get more parking?

AVRUTINE: The applicant has the need for the various rooms that they're proposing and with all due respect.

STANCO: You said you know your group. You know your group. We're willing to go 200, 225.

AVRUTINE: No, 264 was the number I .....

STANCO: Then you said ...

AVRUTINE: but, I'm talking about, this is the experience.

STANCO: You said, we're willing to cut down to am I right? 200, 220, 200 to 225.

AVRUTINE: No 264.

STANCO: From what?

AVRUTINE: Yes, oh attendees typical attend.

STANCO: So, what's the 264?

AVRUTINE: That's the number that we're willing to agree that the maximum occupancy ...

STANCO: From what number? 460.

AVRUTINE: 464.

STANCO: OK. My numbers are off, but my idea is the same Why don't you cut your building down? Cut it down to 264.

AVRUTINE: Because the building that is propo, the building that is proposed complies with every aspect of the site plan requirements.

STANCO: Well, you'd get yourself more parking. Now you're saying 264. I'm sorry, I know you got more to talk about since you opened it up. 264 for the building, correct?

AVRUTINE: You're correct.

STANCO: So, with that, are you going to add a tent? 264 inside, 85 outside.

AVRUTINE: No.

STANCO: You plan for that?

AVRUTINE: Because the building will accommodate all activities inside. There will be no need for tents.

STANCO: No additional tent outside, tables and chairs outside?

AVRUTINE: Correct.

STANCO: It will be all inside.

AVRUTINE: Correct.

STANCO: Do you ever do outdoor tents?

AVRUTINE: There have been in the past. Yes, because the existing facilities don't, can't accommodate what, what they need but this will that's why it's designed.

STANCO: So, with this you eliminate the outdoor tents.

AVRUTINE: Yes

STANCO: OK. All right.

**Start: 00:29:47 – CASTELLANE/AVRUTINE**

CASTELLANE: So at 1 p.m. on Friday, you have a max of 200 people you said.

AVRUTINE: 200 to 225 is typical.

CASTELLANE: At 1:30p you have 150.

AVRUTINE: 100 to 125

CASTELLANE: And at 01:00 at 02:00 you have 100.

AVRUTINE: 75 to 100 yes.

CASTELLANE: So you have roughly 450 people within an hour and a half.

AVRUTINE: At different services, yes.

CASTELLANE: And where are they going to park if it's a half hour in between each one?

AVRUTINE: Well, people leave and other people come. That's how it's been set up.

CASTELLANE: Within an hour and a half, 450 people.

AVRUTINE: Well, they don't, the prayer services are relatively short. It may not be.

CASTELLANE: It just seems like a lot of cars for an hour and a half.

STANCO: So don't you have, don't you have overlap on people?

AVRUTINE: I can, I can have my client explain that? Do you want to address that question?

CASTELLANE: Please, thank you.

MAKDA: My name is Imran Makda. I'm part of the Board of Trustees of Muslims on Long Island. I have been a resident of Plainview for over 20 years. To address the issue that Howard is talking about and the question that you have raised. Each service on the Friday, we have 4 services actually, not 3 services. The first one starts at 1, the second one starts closely around two o'clock and then 3 o'clock and perhaps 3:30p. Each service is about 30 minutes long. So there is some overlap of individuals coming in and out of the parking. But you know because of the difference between the two services, which is 15 to 20 minutes, people are able to exit the property and then the next batch of individuals come. But as Howard mentioned, the real issue with respect to the parking overflow typically occurs during the first service in our estimation and we have, you know, individuals that typically work the parking lot to make sure that individuals are not parking on the street or across or in front of in front of neighbors' driveways and whatnot, right? Typically during the first service the overflow is between I would say between 10 to 20 cars at times. The second service and the

third service and the fourth service typically don't have the parking overflow problem where individuals are parking outside on the street. So hopefully that answers the question.

STANCO: OK.

CHABINA: Just two questions on that. Currently, how many parking spots do you have now?

MAKDA: Currently, we have 88 parking spots.

CHABINA: You have the 88?

MAKDA: No, it's either 88 or 89, if my numbers are correct.

CHABINA: And your attendance, the attendance for services or roughly how many?

MAKDA: So, each like on if you're talking about Friday, each service is different. The first service is the busiest. We typically have between 200 to 225 people. That number drops for the second and the third service. I do have the numbers in front of me. So, the second service typically accommodates between 100 to 125 people. The third service is even lesser which is between 75 to 100 individuals and then the fourth service is usually just for the students which we typically have about 50 students.

CHABINA: So we're looking about the same parking for the current facility as we would for the for the new one.

MAKDA: That is correct.

CHABINA: Do you ever have a problem with overflow of parking now?

MAKDA: During the first service, yes we do.

CHABINA: So where do those people go then?

MAKDA: They typically park on the streets. It's about 15 to 20 cars that usually park on the streets.

STANCO: OK. I don't want to get too much into parking. I'm just trying to get a feel because you're...

MAKDA: Yes.

CHABINA: It's over. Certainly is.

STANCO: Did you hear me in the beginning? I'm only kidding. OK. Alright.

CHABINA: I just want to finish. I'm looking at a building that it's a beautiful building that's designed and to be used. But it's hard for me to think that you're going to design it for 464 people to use it and cut it down to 225. I mean, it just doesn't make any sense. It just doesn't fit the grid here. I mean, you've got floors for multipurpose room up to 113 people. You've got a prayer room, 225. Classroom area, 60. And it goes on and on and on. And it's wonderful you have that many

people. I think it's a wonderful thing, but it doesn't seem to work with this spot.

MAKDA: Yeah, I mean, again, what we're trying to convey to the board is our existing congregation at our peak times are usually around 250 individuals. Right? Of course, the total occupancy is 464, but that assumes that we are, you know, using all these spaces within the building, whether it's the classrooms, the prayer area, the bathrooms, the library, the offices, everything simultaneously. You know, that is not how our facilities are being used currently, and we don't expect that to change in the future as well. What we are asking the board to approve is a more functional space for our congregants where we have proper classrooms you know for our congregants for our class you know for our kids. Where we have a library which we currently don't have, we have proper washroom and bathroom facilities that we currently don't have. You know, that is the reason for the increased space that we're requesting the board to approve.

WARNER: You brought up the classrooms.

MAKDA: Correct.

WARNER: Do you, are they in conjunction with your prayer services and everything like that? Or will it be a daycare center or a daycare or an elementary school or whatever? What are the classrooms going to be used for?

MAKDA: Yeah, so the prayer services do not, typically do not overlap with our classrooms, right? The way we will be planning to use the classrooms or the way we currently do it with unlimited space that we have, we typically have an after-school program that runs from 5p to 7p where we have close to 100 kids that come and attend those classes and we typically sometimes we have one prayer service that occurs that time but during that prayer service we typically have maybe 30 to 40 individuals that come and pray. So during those times when the classes are ongoing, whether it's 5 to 7 after school program or the Saturday school program, we typically do not have a traffic or parking overflow issue. These programs are not being run simultaneously. These services are offered at different times.

STANCO: OK, what. You want to continue?

AVRUTINE: Yes.

STANCO: OK.

AVRUTINE: I'd like to just, I'm hearing here that main issue you folks have is the parking concern. And with all due respect, I would respectfully state that this Board does not have authority to grant or deny any need for a parking variance that we have. So really, parking should be sort of cut off of this discussion because from the site plan perspective, we meet all of the requirements. To the extent that parking is an issue, that is going to be dealt with at a hearing before the Zoning Board of Appeals, in this room in the coming months, and all the issue regarding whether we provide enough parking and whether our proposal and our evidence justifies, whether it be based upon the cap to the occupancy or other considerations, whether the variance should be granted. But the fact that we need a variance, and irrespective of the severity of the variance that we need I would submit is not an appropriate consideration for this board in its deliberations.

STANCO: Thank you for that. You want to go on?

**Start: 00:38:40 – FISHER**

AVRUTINE: Yes, sir. OK. I'd like to have Mr. Fisher explain the site plan and sort of walk the board through it if we could.

FISHER: Thank You Howard Good evening, Mr. Chairman members of the Board. My name is Brian Fisher. I'm the architect for the applicant. My office is at 80 Sherwood Avenue, Farmingdale, New York. The main, like was said, with the technical part of the site plan, we all know it's at the northwest corner of Stewart Avenue and Central Avenue. There are 4 curb cuts altogether. There's 3 on Central and there's one on Stewart. We're closing up two of the 4. So there's only one on Stewart Avenue, a right in and then when you leave a right turn out. No left turns and when you come into the Eastern curb cut which is on Central, you would make a right in and then a right turn out. So we, Howard mentioned with removing the two buildings. We'd like to we're proposing this two-story building with a cellar. When we when we designed the building with the owners, this was the footprint of what we had. And when we took that footprint and we placed it on the property, it would be nice to just tuck it in a corner and and sort of build the parking around that but it didn't work out that nicely. So we had to take this building and it had to be ... there's a portion in the prayer area that has to be facing east and that's the mirab. And we had to have that certain degrees from north, so that's how we kind of put this building there. So when you worked up the parking, it's sort of not the best way. It's not like a, you know, a 20,000 square foot warehouse where you just go parking and parking. So that's how that came out and the areas that we have, these were the areas that that we needed to provide for. So, we we knew we had a lot of building, but this is what they needed to do. You know, it's the building is going to be state-of-the-art, you know, the construction is non-combustible. Is a Foundation, you know, there's a full basement and then the two stories, the building complies with all the zoning. It doesn't encroach on any of the side yards, lot area and all that.

DiLEONARDO: What are they going to put in the basement?

STANCO: Thank you.

CHABINA: Is this building going to be sprinkler?

FISHER: Yes.

DiLEONARDO: What are you putting in the basement?

FISHER: There's a small kitchen and a multi-purpose room and there's...

DiLEONARDO: What's the multi-purpose room for?

FISHER: It would be for the activities of the of the mosque. Like maybe a celebration or something like that.

DiLEONARDO: So there's more people.

FISHER: Would be the same people. Wouldn't be a cater. It wouldn't be catered to anybody. It's

within the members of the mosque.

BYRNE: So parties, weddings, things like that?

STANCO: Somebody want to answer? No. No weddings? No parties? No weddings, no parties?

CASTELLANE: They just said birthday parties and weddings.

**Start: 00:42:30 – QURESHI**

QURESHI: Good evening everyone. Bismillah [\_\_\_\_\_]. My name is Moeen Qureshi residing at 48 Central Boulevard, Bethpage. Regarding the basement, it is a recreational area that we want to have for our kids. Right now our kids – the youth plays in the parking lot with throwing basketballs and other things in our neighbors' properties. It's not safe because again, it's in the parking lot. Our members are coming in and out. So what we wanted to do was we wanted to have some area where we can have our kids go and play. So either play basketball, football. Again, this is a two – and I don't have the exact square footage, but it's like around 2000-some square feet – where they can have these activities, put a ping-pong table, any type of activities that we want our youth to do where it's not safe for them to be outside, we want to have those activities there. Again, these are the same kids that are going from the 5:00 to 7:00 evening program or the Saturday school. It's gonna be the same kids coming downstairs. Right now we have one swing set with two swings on it and one slide and 70, 80 kids that are playing on it. So again, what we're trying to do is give them a little bit more safe space where they can go and play and you know.

[applause]

STANCO: So, it's not a place for a party.

QURESHI: We don't currently – the mosque does not support – the mosque does not have any parties, any weddings or anything and that would be the goal, that we do not do that. Right now the community, our youth, requires a place where they can feel safe and play. And we don't have that. Right now we have our ping pong table folded in the assembly area so that when we do find time, we can open it up and have the kids play. So these are the places that they're gonna be able to play.

STANCO: So, do you also have staff that come and work with the kids, or who handles the kids?

QURESHI: The kids, we're all volunteers. We have dedicated volunteers that have their responsibilities when we're having Saturday school, when we have evening schools. These are the people that are going to be going down with them and making sure the kids are being chaperoned. Nobody just gets left open.

STANCO: No, I –

QURESHI: But again, if you leave 70 kids open in a parking lot, I'm sure you guys have kids, grandkids, you know the chaos they're going to create.

STANCO: I didn't mean that. But – so you don't have any, to use another word, staff? It's all volunteer within –

QURESHI: We have dedicated staff in the mosque, for the mosque. And dedicated volunteers. And a combination of volunteers and our staff manage all the facilities that we –

STANCO: So how many staff do you have?

QURESHI: Altogether we have I believe – we have almost 10 – a number of 10 individuals but that includes our priest, our [*muezzin?*], our –

STANCO: I'm not even counting them as staff.

QURESHI: But they help out. Again, the whole point is this is a community center where even our priest, even our property manager, everybody helps out in all these things.

STANCO: So they come in cars. So then now you're taking up 10 spots.

QURESHI: They come in cars or they walk. A lot of the members, including myself and a lot of folks sitting here, we live within the five-minute walking distance. So either I'm walking or if I'm feeling really lazy, I'll drive in. So a lot of these individuals, they either walk or they'll bring the cars.

STANCO: OK. All right. Thank you.

[*applause*]

QURESHI: Any other questions?

STANCO: No. You got one? Go ahead.

CHABINA: – the plans on here. I was just – are we going over the – ?

STANCO: No, go ahead, ask him.

**Start: 00:46:09 – CHABINA/FISHER**

CHABINA: I was concerned with loading. What is that on the – the one that backs up to the residential properties?

FISHER: As far as a loading zone, that's a requirement in the zoning ordinance because it was – the particular zoning of it requires a loading zone for commercial use, but we did that to not have to need a variance for it and we had some space for it so we put a loading zone on there.

CHABINA: All right. What about any dumpsters? Where are you going to be placing those for the facility?

FISHER: The dumpster is located in front on the west side of the loading zone. If you could see the loading zone, you can just look to the left and that's where it is.

CHABINA: Can it be moved elsewhere? I mean is –

FISHER: We had it all over the place –



CHABINA: Now – but I just –

STANCO: He's asking you, can it be moved elsewhere?

FISHER: It could be moved but we – that was the final place that we thought worked the best. We're open to suggestions.

CHABINA: I thought it was a thing where it was backing up to the sump area over there. So it's not–

FISHER: Well we had it there, but we – I'm sorry.

CHABINA: So it wasn't backing any residential areas, don't – you know.

FISHER: That was our first intention and parking stalls were so precious So we moved it out and we put it where the loading zone was, where a truck would potentially be parking, which really there's no truck going to be there. So the trash enclosure, it's it's 7 feet away from a landscape buffer. There's a solid fence across it. It's not noisy. The arborvitae is a 5 foot [ ] high, 3 foot on center.

CHABINA: We're here. There's one element that we usually find that the construction, they try to accommodate and be a good neighbor to move the dumpsters away from residential homes.

AVRUTINE: We can move it. Unfortunately, it is likely to result in the loss of at least one or two spaces, I would think. That's the only issue.

FISHER: Also, it's dry use. It's a mosque. It's not a catering hall. It's not food. There's really – as of now the garbage is being picked up with like, curbside, like a residential use so we could technically go back to that, have just garbage pails out in the street and you put them out in on your day.

CHABINA: I wasn't too concerned of what's being taken away. It's the noise of taking it away.

FISHER: I understand.

STANCO: And the placement.

**Start: 00:48:47 – WARNER**

WARNER: I would prefer that you move the dumpster location because I mean it's in the – right next to the residential component of this plan. Whereas if it were on the west side, it wouldn't be bothering anybody, any of the animals in the sun. And also, as far as hours of pickup, we've had cases before us where people have complained that the trucks come at 6:00 in the morning and I'm sure this is gonna be a front loader so you know, I mean, I think even if – I mean if you're going through the zoning board of appeals – If you're going for eighty – whatever you're going for –

FISHER: We can go for one less stall.

WARNER: If you lose two spaces – you might even be able to gain a space in there, a parallel

space where, in front of the loading zone. I mean, to give some comfort to the residents, I mean, as far as the dumpster.

AVRUTINE: Sure. I can address that. If the, as Mr. Fisher indicated, the reason we're depicting the trash enclosure is because the code requires it. They currently function, and they've functioned the entire time that they've been there since 1998 by keeping their refuse inside and then putting it out for municipal pickup on the appropriate day. They can stipulate that they'll continue to do that and not have private corridor and not have the trash enclosure at all because the preference is to not eliminate any parking spaces and they can keep the refuse, because most of it is dry goods indoors and bring it to the street when it's the day to pick up.

WARNER: I think then you'd have to address that with the Zoning Board of Appeals because it's a requirement of the ordinance.

AVRUTINE: I understand Mr. Warner that that's why it's on the drawing. We can also move it and lose spaces or go for a variance from that requirement. We're showing it because of the reasons we set forth.

WARNER: I realize that.

AVRUTINE: If it's this board's preference that we eliminate the enclosure then we can do that and apply for the variance.

WARNER: I'm not saying eliminate it I'm saying it might be better off or better places to put it. You know.

AVRUTINE: No, I understand your point.

WARNER: Yeah.

AVRUTINE: I'm not disputing that it would be preferable to have it in a different location. Of course, it's a tradeoff with the parking and we can do that if that's something that this board wants to see.

WARNER: I mean I, I myself are in favor of moving that dumpster and I'm sure the other Board members are feeling the same way.

CHABINA: Excuse me, I think if you look at your plan C3-1, it's already there. And it backs up to the sum.

STANCO: Right.

CHABINA: That's what we have.

AVRUTINE: I think that was a prior. That was the prior plan.

STANCO: That's the one we have.

AVRUTINE: I think you also have this one, certainly.

CHABINA: Yeah, we have that one.

FISHER: The latest change is on the C7.1. When the plans were approved by the county, we went to them and asked them, do we have to go through this entire review process? They said, no. Just send us the two things that you wanted to do and we did that and they approved that full set as noted so the clouded area really just shows where the, the curb cut was closed and the dumpster is actually not clouded but the sheets other than 7.1 a little on they're not current. But that's the only thing that's different about those is the trash location.

STANCO: Yeah.

AVRUTINE: So I consulted with the applicant, the applicant's representatives. We have no problem moving it to the prior area. We recognize that there's going to be potentially a loss of a couple of spaces, but we'll deal with that.

FISHER: One spot. One spot. I believe one.

AVRUTINE: Mr. Fisher is saying one space.

FISHER: One spot.

DiLEONARDO: I think you better stop.

STANCO: Anything else? Do you have anything else to add? Anything else to come up?

AVRUTINE: I have my traffic and parking. I don't have to bring them up unless you have questions of him.

STANCO: No bring him up. We'd like to hear him.

WARNER: I just have two more things. You did the site plan also Mr. Fisher?

FISHER: Yes.

WARNER: Yeah. In reviewing it I noticed that you do not have a detail of the parking spaces. The town requires, I call it California. It's the double line striping for the parking spaces. You do have a detail for the handicap.

FISHER: Yes.

WARNER: But you don't have that detail. I would like you to add that.

FISHER: Not a problem. We'll put that on the plans. Not a problem.

WARNER: And you know you have some spaces shown on the site for purpose of heavy snowstorms, snow storage areas.

FISHER: Yes.

WARNER: I didn't see but I could have missed it that do you have something on the your plan that

says in the event of a heavy snowstorm, you would make arrangements to truck the or remove the snow from the site.

FISHER: Yes, we can do that. The areas that are depicted as snow storage areas, they're dead spaces anyway. You can't get a car in there and it would be just a place to put the snow when there's nowhere else to put it.

WARNER: But I mean, you know, you have on the parking in the east lot, you have a little landscape area in there. And as I looked at it, you just have really shrubs. You don't have any trees or anything like that. I mean, that could be a snow storage area too. You know, you know, you can pick up a few more areas in there. But again, it's almost a requirement on this Board. We always want a statement on the plans that in the event of a heavy snowfall, the applicant would remove.

AVRUTINE: We'll add that to the plans. It's not a problem, Mr. Warner

WARNER: OK.

STANCO: I think the note is off the note should be on.

**Start: 00:56:14 – MULLER**

MULLER: Good evening. For the record, my name is Wayne Muller, a partner in the firm of R&M Engineering. Our offices are at 50 Elm Street, Huntington, New York And we prepared the traffic analysis and parking study that was prepared in accordance with the Town of Worcester Bay requirements. A real summary of our information is contained in the August 24, 2023 TICR report, which recommended determination of significance for the proposed project. And just to briefly summarize, as indicated by the previous speakers, the purpose of the expanded mosque is to better accommodate the needs of the existing congregation is not intended to increase the number of people on the site therefore. Therefore, it is our opinion and that of the TICR Commission that it is not expected that the proposed action will result in any significant increase in traffic volumes or related impacts on the surrounding roadway network. The one thing that is a significant change as far as the way that the mosque will function, as indicated by the architect and Mr. Avrutine, is that the site is currently bifurcated. There are two separate parking areas which are not accessible by one another except by traveling out on the, on both county roads, either Stewart Avenue or Central. As indicated on the plans, currently 4 curb cuts exist for the combined properties that will be reduced to 2, thereby eliminating any potential conflict points for traffic accidents. We performed an analysis that was submitted both to the town and the county, showing the before and after conditions upon the redistribution of the site traffic to the roadway network within the vicinity of property and what we found was that there would be no significant impact upon the reconfiguration of the property to allow for smooth access through the property from Stewart Avenue to Central Avenue and the combining of the property into one mosque. As indicated in the documents that the town departments have prepared, our studies were reviewed by the town's transportation consultant LK McLean Associates, commonly known as LKMA, and they have concurred with the findings and conclusions presented in the analyses that we performed and profound that no additional information is necessary for the purposes of the TICR review and the potential traffic impacts. As indicated by the architect and Mr. Avrutine, the county has reviewed and approved the access to the two plans that are shown on the drawing. I can't see that far, but it's C-7.1, which is the current plan, which is before the Board, with a single driveway on Stewart Avenue that accommodates

right turns in and right turns out, and a single driveway on Central Avenue that will be configured for right turns entering and right turns exiting. As also part of our analysis we did prepare a parking analysis in accordance with the town requirements. As part of their requirements, we observed the quantity of parked vehicles that were on the site on Central Avenue, on South Pershing Avenue, and Totten Street, within a few hundred feet. And what we found was that the, as indicated in our studies, that the maximum parking did occur during the afternoon, I believe it was around 1.30p, at which point there were vehicles parked on the site and the site was pretty much at full capacity. I believe there were a few empty spots and people parked during the neighborhood. That condition will not change as a result of the approval or disapproval of this project. That's the way that the mosque currently functions, and it will continue to function that way in the future. As indicated in the report is that the highest levels of parking demand for the mosque under both the existing and the proposed conditions occur only during the prayer periods on early Friday afternoons typically between 12:30 and 2:30 which does not coincide with the evening and Saturday or Sunday time periods when residents are most likely to be home. Essentially on Friday afternoon, the level of activity in the surrounding area is relatively low as it presents to the residential streets in which permitted parking is available. And essentially that condition is expected to moderate the impact of any increased traffic on the street created by the existing and the proposed facility. As was indicated before we did consult the county. The plans were reviewed and approved by the county. And that, I'd like to just quote from the DER report, and that would be page 12 of page 20. The DER worked closely on the review of the transportation aspects, excuse me, aspects of this proposed action and meticulously review all drafts and correspondence regarding this matter. DER concurs with the analysis prepared by R&M and the ultimate conclusions by the town's own consultant LKMA that the proposed development would not cause significant adverse and viral environmental impacts as it pertains to transportation resources in the town of Oyster Bay in accordance with the Seeker and Teeker standards. So as indicated by the applicant, Mr. Avrutine, and based on the analysis that we performed, we don't anticipate any significant changes in the level of activity as a result of the approval of this project. It is mainly to provide areas in which the parishioners to the mosque can safely and efficiently pray during the various different time periods. And as indicated by Mr. Avrutine and the applicant, the various different areas within the building are not used simultaneously and that's why there will be no significant changes in the level of activity. Thank you.

CASTELLANE: So between 2:15 and 2:30 on Friday, how busy is it?

MULLER: I'd have to pull out that.

DiLEONARDO: What day did you do your study?

MULLER: Fridays.

DiLEONARDO: On Friday?

MULLER: Yeah, that's the peak time.

STANCO: Um, but. Thank you.

MULLER: So between 2:30.

CASTELLANE: 2:15, 2:30.

MULLER: 2:15, 2:30, there's about 62 vehicles parked on the property. The peak occurred at 1:30. So the level of activity starts to drop as you go later in the day.

CASTELLANE: So at 1:30, between 1:30 and 1:45, the buses are trying to get to Bethpage High School, right?

MULLER: Sure.

CASTELLANE: And they have dismissal at 2.15.

[CROWD]: Yeah. Mm-hhm.

CASTELLANE: OK. Thank you.

STANCO: Anything else?

CASTELLANE: Are there cars double parked on Fridays?

MULLER: Excuse me?

CASTELLANE: Are there cars double parked on Fridays?

MULLER: Not that I am aware of. We did not observe that.

CASTELLANE: OK.

BYRNE: Mr. Muller, what caught my attention in the report was that on the Friday, you guys have noted that 55 cars had parked up and down the streets on Friday afternoon. And I can't get past the fact that this existing building is 1/3 the size of the new building with the same amount of parking spaces, if not one less now, if we move the dumpster as the original building. So, I'm not understanding how more than 55 cars wouldn't now be parked up and down the streets.

MULLER: It would be the same amount of cars, essentially. Because when we did our studies, what we found was that the onsite parking wasn't necessarily full and the vehicles parked within the streets. So, it's going to essentially even itself out. And I believe that what we had indicated in our reports was that, based on the observations of the areas that we looked at on street, about 25 and 30 vehicles were parked associated with the mosque, before and after, maximum. And that condition will not change.

BYRNE: OK, well

MULLER: If this project were not approved, conditions would remain the way that they are today, and the cars will still be on the street in the proposed condition. Again, the applicant has made representation that they are not proposing this facility to increase membership but to accommodate the existing membership.

BYRNE: Yeah, we understand that.

CHABINA: That's another concern and you get back to the issue. I get concerned when I go there to inspect and that it's needed to have a special sign that "lot is full." It must be that it does fill up on occasion.

**Start: 01:06:30 – MULLER**

MULLER: Well, I think part of the reason for that, as I indicated earlier in my testimony as shown on the plan, is that currently now the mosque is on the westerly parcel and there is no way to travel from the east to the west. So, for instance, if someone was to come to the easterly property to park and the lot was full, they'd have to travel on the roads to get back to the other one. That's the reason why they do that in certain instances. But yeah, the lot is going to be full. In both the existing condition and the proposed. There'll be no change. On Friday during that peak time.

CHABINA: So you would see traffic. The parking would be unable to handle the traffic.

MULLER: Not that it doesn't, that it's unable to handle it. It does accommodate it. On site and within the surrounding street network in the legal parking spaces. And I would like to point out that we did a little research on other religious institutions that are currently within, I'd say, a thousand feet of the proposed project. So the first one that we looked at was St. Martin of Tours, which is located about 1,000 feet to the east of the property. That has a building footprint of 24,400 square feet that we've measured from Google Earth. But there are two or 3 story components in there, so the actual square footage is probably tremendously larger. They have 88 spaces on site. That's it. St. Paul's Lutheran, located about 300 plus or plus or minus feet to the north of this site. Zero parking spaces on site.

*[applause]*

MULLER: And there's the Bethpage Community Church and School, which is located about 1,000 feet from the site. They have 31 spots. And then there's the Experience Church at BAG, which is located 900 feet from the site. They have 56 spots.

*[applause]*

CHABINA: I understand what you're saying. And if you're using it as a comparison we really can't absorb that ...

MULLER: Well, what I'm saying. I understand.

CHABINA: Let me finish. What I'm saying is that I don't know how long those churches have been there. I don't know how they're growing.

MULLER: I don't think it matters.

CHABINA: It doesn't. It just doesn't matter. The fact is whether or not they have a problem with parking or not, I'm not aware of it. Not to fear for the size of their congregation.

MULLER: Well, I think my point is ..

STANCO: Let him. Can he finish, please?



CHABINA: That we're only looking at what we have now. And that's all I'm going to go by.

MULLER: But I think the thing is, specifically in the case of St. Paul's Lutheran which has 0 on-site spots.

CHABINA: Why?

MULLER: I don't know.

CHABINA: I don't either.

MULLER: No, but I think the thing is, is that but, if they use municipal

STANCO: Quiet, please.

MULLER: They use municipal parking to satisfy that requirement, whether it be in a municipal parking lot or within the municipal right of ways on the residential streets. That's all owned by the town of Oyster Bay. So, the point being is that it's not uncommon in this area to have religious institutions that rely on some form of municipal parking to satisfy their demand.

CHABINA: The point is we're trying not to make the mistakes perhaps they did with parking. Now's the time to look at what you're doing here and correct this. It works properly. So it's not looked at.

MULLER: But I think the thing is that [*applause*] if this project isn't approved, the situation will exist. So the one thing that you are solving by approving the site plan that's before the board today is the improvement in the circulation around the site and the ability to cars to come in off of Central, go through and exit out on Stewart or vice versa. So without having to the bifurcation of the two sites. That was my point, is it – There is a betterment in the site circulation. The parking conditions are what we observed, as in our reports. And we're not here to say that the vehicles don't park on the street. They do, and they will continue to do that during those peak times on Friday.

BYRNE: Did you observe any on-street parking and drop-off? A lot of the correspondence that we received, some of the residents noticed people stopping on Central, running across, creating dangerous situations.

MULLER: We did observe people from the facility parking on the south side of Central and crossing just in the middle of the street. I don't believe that's a wise choice. As you can see from the drawing to my right, the board's left, there is a fully signalized intersection of Central Avenue and Stewart Avenue. At that intersection you can see from the drawing Mr. Fisher prepared, there are crosswalks, pedestrian push buttons, "don't walk" and "walks," you know, pedestrian indications. If it was me, I would use that.

STANCO: In these traffic studies, do they come up with any traffic accidents? What do you have?

MULLER: Bear with me a moment. I'll dig the info out.

STANCO: Take your time.



MULLER: Again, the study that we prepared is fully in accordance with the requirements of the Town of Oyster Bay and also the county and the town has a pretty voluminous list of information that they would like prepared and we complied with all those requirements. Otherwise, we wouldn't be here tonight. So, yeah, we looked at primarily accident data from the New York State DOT from 1-1-2017 to 12-31-2019. The reason why we selected that – those timeframes, was because the study was prepared – We didn't want to include the pandemic data because their level of activity and driving for a long period of time was low and therefore the level of traffic accidents would be low.

STANCO: What were your dates again? One –

MULLER: 1-1-2017 to 12-31-2019.

STANCO: OK. So '17 to '19 approximately.

MULLER: Correct. Yeah we didn't include anything because things got a little funky there. I think we can all agree to that. So, what we found was that there were no fatal accidents recorded at that intersection and that essentially rear-end and overtaking accidents were the most frequent collision types, which is common at signalized intersections. The accident rate is above the statewide average that we computed and that's in the report. And there were no accidents involving pedestrians or bicycles that were included in the data range that we obtained.

STANCO: And how many? Do you have a number?

MULLER: I do have that in my report. Bear with me for one moment.

STANCO: I'm actually surprised you have it.

MULLER: I think I have it.

STANCO: All right.

MULLER: I'm trying here. I'm trying. We usually have it..... In that three year span a total of 57 accidents.

STANCO: So, 57 within –

MULLER: Three years

STANCO: 57 right at that intersection.

MULLER: Yeah.

STANCO: Is that rear-ending or any other combination?

MULLER: Twenty – Most frequent were rear-end collisions of which there were 20, so that's roughly 35%. And overtaking, I mean somebody trying to go around somebody when you're driving, that was approximately 19%. Eleven resulted in injury and there were no fatalities. [applause] Which is good.

STANCO: Are they applauding for 11 injuries?

MULLER: I don't know.

STANCO: I mean, OK. That's –

MULLER: And again, as indicated in the report –

STANCO: Just for a minute. I'm glad you have it.

MULLER: Yeah, I mean, OK, what we did then was we computed an accident –

STANCO: Did you have any bicycle accidents in there? There's no pedestrian?

MULLER: No pedestrian or bicycle accidents.

STANCO: Do you have anything else on your agenda or anybody else so we get to everybody else.

AVRUTINE: Of course. No, no, that completes our application.

STANCO: You good? You want to do lighting? You want to ask him? OK. Want to just talk about the lighting, because that may affect the neighbors behind.

AVRUTINE: Well, the, you know –

STANCO: That would be him, right?

MULLER: I can sit down.

STANCO: Yeah, you can sit down.

AVRUTINE: There's a – as part of the site plan review process, a photometric plan which depicts all the lumens produced by site lighting. It has to be zero at the property line. We comply with that otherwise as Mr. Muller alluded we wouldn't be here because we comply. If you want to hear specifics about where the fixtures are located and the type of fixtures I would defer to Mr. Fisher for that because it's beyond my pay grade.

STANCO: Just a brief down lighting, whatever you have, just so everybody hears.

**Start: 01:17:12 – FISHER**

FISHER: Yes, Mr. Chairman, the lighting is on sheet 11.1. So that's the lighting plan. So the dark rectangles are lights on poles on the perimeter. And they're all facing in and they've been designed to have zero foot candles past the property line. They comply with the height – maximum height is 14 feet and they're 14 feet. So the higher you can go the less you need but we made it that height so you need a few on the – around the perimeter. They comply with all the lighting standards for the town.

STANCO: Are they on a timer? Or –

FISHER: They'll be on a timer. And there are several around the building that shine down for security. So there are really no dark spots or low lighting levels at night. So when people are leaving at night, they'll have the proper lighting.

WARNER: Was any thought ever given to a generator?

FISHER: Yes, but we have –

WARNER: Emergency generator?

FISHER: We do not have that on the plans.

WARNER: Yeah, I know. That's why I'm asking. Was there any thought given to it, or any discussion about a generator?

FISHER: No we have not.

WARNER: OK.

FISHER: But we're open to that.

WARNER: Sorry?

FISHER: We're open to discussing that.

WARNER: No, I mean, I was just wondering, you know, with the location, because, you know, these generators are –

STANCO: Big.

WARNER: – sometimes a nuisance because, you know, they have to cycle every day or every week or whatever it is and you know, we just – we as a board, do not like to have them in the vicinity of residences. That's the only reason I asked the question.

FISHER: We have no plans on it – on a generator.

STANCO: Anybody else? No, OK. Thank you. Thank you.

AVRUTINE: Unless the Board have further questions, that completes our main presentation. I would appreciate the opportunity at the conclusion to address comments and to make a summary statement.

STANCO: You'll have time for that.

AVRUTINE: Thank you.

STANCO: What was I going to ask you? It'll come to me. All right. If you'd like to speak, We'll get you one at a time. We have the documentation, concerns. If you'd like to speak on behalf of or not on behalf of. And let's try to be brief so we can get through as many people as we can. Just state your name and address and come and speak from the podium. Why don't you come up?

You've been doing all the talking all the whole meeting.

**Start: 01:20:31 – POPPE**

STANCO: OK. Good evening.

POPPE: My name is John Poppe and I live in Bethpage and I'm within the 300 feet of the mosque. I just wanted to make, you know –

STANCO: I know what I wanted to ask. Can you hold on one minute?

POPPE: Yes sir. I can answer it.

STANCO: No, no. Well, you could answer it.

POPPE: Because I did look at all the plans and everything.

STANCO: You could answer it. Did he have a meeting with you and the community? Did you meet with the community at all?

POPPE: I guess they did for the last one, but this meeting got canceled.

STANCO: Well, not this meeting, that meeting got canceled.

POPPE: No, this one.

STANCO: Oh, oh, that got canceled.

POPPE: It was on a Saturday. I wasn't available.

STANCO: So you were gonna meet with the community.

POPPE: I don't know, did you meet with the community?

AVRUTINE: No, there was a prior attorney on the matter before me who did meet with the community.

STANCO: They did meet with the, he did.

AVRUTINE: I believe, yes.

STANCO: Oh, there was.

AVRUTINE: Yes.

STANCO: OK, OK, go ahead.

POPPE: There was a small meeting at the library within a two-day notice for a Saturday. And unfortunately, at that time, even myself, I'm at a wrestling match for, you know, 15 hours, as well as my wife, and a lot of the community could not make it. Those who made it, I believe, one or two

people who made it.

STANCO: I just want to get an idea. But go ahead.

POPPE: So 25 years, we've been neighbors. My parents would be proud right now they lived there back in you know for 55 years They did not have an opportunity to speak to anybody when issues arose. Parking, of course when we all discussed that but blocking of driveways, pulling out of out of the blocks, pulling into the blocks is a major, major concern. OK, for myself. Now I do have some questions if I can, somebody can answer some of the stuff that I wrote down. I'm looking, when was the traffic report done? What month was that done?

STANCO: OK.

UNKNOWN: Do we know that?

STANCO: Where's your traffic guy? Oh, come on, you're not leaving. Alright.

POPPE: Hi. So the data is...

MULLER: I just need to...

POPPE: OK.

MULLER: We collected the data Friday, October 22, 2021 and Friday, October 29, 2021 from 12p to 6p and then we went back based on the town comments and, I believe, Friday June 16, 2023. So October and June. This project's been around for a while.

STANCO: OK. Yup.

MULLER: Good?

POPPE: I appreciate that. Thank you.

MULLER: OK. I just have to go to the restroom.

STANCO: Oh, and you didn't have to. You should have just gone.

POPPE: So, again I apologize. I'm a little nervous here. I just want to make sure my point gets across. So, when these surveys are being done, especially in October, right, students and our children are in school, right? So that does lead up some parking. But I'm going to tell you, as a local resident, on February 9, we drove up and down the neighborhood. We have photos of cars blocking our driveways. As Mr. Byrnes mentioned before, there are many, many of the worshippers crossing the street. They are trying to pull into the lot where residents are trying to turn into the block. The entrance on the last photo shows a entrance where we are trying to turn into our blocks. I noticed on the form too, the arm circle of where they're closing, there's no indication of the other, closing of the other entrance, which is to the left of that and I'm not sure why that's not indicated for the Board to review. It's not on there. There's actually two entrances to one of the buildings and it's not noted. It does say closed curb, but I think that everybody should understand that, you know, is a big picture of what's taking place now, is that there are multiple, multiple.

STANCO: That's OK.

UNKNOWN: Yeah, sure.

AVRUTINE: There's going to be one entrance and exit. You can see it on the westerly side of the property on Central and then the second one on the northerly side of the property on Stewart and those are the sole points of entry and exit. Just those two on the proposed plan.

POPPE: I understand that but on the proposed plan you should, it should also indicate that there's a third one that you're closing up. So everybody gets a big picture of what is being ... No, it doesn't. There's another parking on the to the left of that if you go to. I lived there for 25 years. There's another entrance there that's not indicated there. That's all. That's all.

MULLER: The original submission showed one, that entrance originally was closed. The day one when we prepared the plans, we took that one out. So, when that went to the county to look at it, it was already done. So, after they approved the plans, we decided, hey, we need to close up another one. So, that's why that happens. So, it's kind of it's there if you, it's hard to see from you know 20 feet away. So, if you look close it says "remove curb cut." So, the two there are being closed if we're keeping the one and we still have the one on Stewart.

POPPE: OK. So, OK great. I will confer with the traffic report. I actually, as many of our members drive around on a Friday or so forth, there are 50 to 60 cars on our blocks. Now, one of the things that I just want to say for the five-year report or the three-year report from 12-17 to 12-19, there's no consideration after COVID. I'm one of those individuals who work from home. So now my area, myself, as well as all other individuals who live within our area, work from home multiple days. So, that report from that long ago does not really dictate what's happening now in the community with folks working from home. And I think that's a number that's large, as well as, you know, just to point out, the photos that we have taken, February 9 was our day because we were preparing for this meeting that was going to take place. There was a car accident and we have photos right there on the corner during the break of the two sessions. To answer, and I do apologize, Mr. Chabin, is it?

CHABINA: Chabina.

POPPE: Chabina. So, you did ask about the signage, right? Being totally, you know, full, lot full. There are signs. There are signs. There are also vehicles that are parked, blocking, to give, I guess, you know, to also let folks know that it is not available. Mr. Byrnes, you did have a question and I'll come back to that. So I do see on the plans we talk about parking and everything else. The rain garden. What is the rain garden in the middle of the ... so original plans and I know things have changed, that was a picnic area with, I believe, it had an area for sun blockage, but I'm not sure about what the garden is. Is it just gonna be flowers? Are you gonna have benches? You're gonna have people being able to sit there? Anything of that nature because that would keep individuals there. Mr. Warner, you are, oh no, I'm sorry. It wasn't Mr. Warner, sorry. You are 100% on your figures. If you figure it out, and I'm going by what I was sent, right, and shared with us. At 1:30, you will have 350 potential people in that neighborhood. Now, let's be perfectly clear, and I hear the church being brought up and everything else being brought up. In the documentations now, this is nothing I made up. They are trying to tell those who are coming to take the train, walk, carpool. I will tell you the days that we did research almost everybody was in a single car. So there's not, again, we're going to that even if you drop the number you're still going to have a very large

population showing up in single cars during that time. OK. So again. So right now I'm just going to give you an example. Tomorrow morning, and pretty much the rest of the day, I live on South Pershing. We are now averaging, because 4 years ago, my children were not driving. My neighbor's children were not driving. We literally averaged 2 to 3 cars in front of all our houses. Those are our children, my car, my wife's car. We're doing our best to accommodate our driveways, right? So I don't know where these extra cars are going to end up going. Right? So my concern, again, is I have young children who are starting to drive. Pulling into our block is extremely dangerous with everybody walking. I have more than enough people that killed my computer that took videos of cars starting on the right, scrolling to the left. The problem with pulling out now, is when folks pull up, they pull out, they're following the sign which is inside. However, get a few feet up, u-turns are taking place. We have been told by legal that, you know, the police department, there's nothing they can do. And that's pretty, that's very dangerous when you're trying to pull out. I will tell you something that happened back, I believe it was, you would probably have a better number. I think it was 2014, maybe. 2014, we were inundated for, not a holiday, holiday as far as I'm concerned is off the table, as far as parking. The members, somebody on there knew what happened within our neighborhood for almost two weeks. They actually came around with apology letters. With, with candy. So, they do recognize what burden, as I'm there, is placed on me, which I don't think I should be burdened and responsible for parking for everybody. It's not, again, you know, somebody brought up the church. Well, does anybody know here that the church, the signs across right now, somebody changed them and nobody would tell me. The signs on Central Avenue state "no parking from 7 to 8.30," but from 8:30 to 3 o'clock you can park on Central Avenue. That's the only location right there where we're pulling out and in at a time. Go down to the church, the church signs have not been changed. You are not permitted. So everything is not the same. So, I just want to make that known. So, I mean basically that's, I wanted to give you a clear picture. A clear picture. It's 25 years. This is my first time being able to address it. The old school, my parents would pick up the phone and call, right? I think that's, you know, right now with social media and just being able to download, new information, you know, and basically look at everything. I do have one final question I have to ask you. I am new and actually I spoke to Mr. Byrnes. My understanding is that maybe Mr. Byrnes' department, other departments have been meeting for a number of years about this project Is that true or false?

BYRNE: So, an application is submitted and we go through the review process.

POPPE: So, how long did you go through the review process since this was given in 2018 is what I saw.

BYRNE: Well, since 2000 it was submitted in 2018 that means we've been going back and forth since 2018.

POPPE: OK. So back to your comment. I think personally it would have been good to involve the local community since 2018, rather than us all sitting here today giving our opinions and, and what is taking place and I understand maybe it's not something that normally gets done. But, I would have been more than happy to come down and hear, and give my input of what was taking place.

STANCO: There wasn't. We didn't have a meeting.

POPPE: No, no, no. I'm not saying you. I'm saying.



STANCO: That was internal. Yeah

BYRNE: It's not, it's not a public meeting. When someone submits an application you go through the environmental process, the planning process. And one of the things we always recommend any time there's a public hearing is several months before you get your public hearing date, meet with the public.

POPPE: OK. So my final point.

BYRNE: And tell everyone to do that.

POPPE: OK, I appreciate that. Again.

BYRNE: And then usually if that meeting may or may not go well, they may say let's push the meeting back so we can all get on the same page. So.

POPPE: OK. I appreciate that. Listen, I Google, I'm trying to Google. I'm trying to learn the process. It's not an easy process. And I'm just trying to be respectful for what is being asked, but also to hear my voice. So, after today's decision of the county declining, what, what is the process? I mean, I am, again, I'm very confused on the process if the county had voted this down. We're here today to hear everybody's sides. But I'm gonna ask the word because everybody's asking me, why? Why are we here at the county? Even though they approved and signed off on some things, that Board is saying you know what here are the main issues that should be addressed before we move forward.

BYRNE: Certainly, so I'll answer that. So, that's a very good question. Ultimately, the applicant has the right to put forth an application. So, they were denied by Nassau County Planning Commission this morning. They could still gain approval by both the Planning Advisory Board and the zoning board with a super majority, which would be 5 of 7 members. If they are denied by either board, they would have the opportunity to bring an Article 78 where a judge would decide their fate. So the process doesn't end with the municipality. OK, so they have the right to keep moving forward. They could have said today, you know what we're gonna go back to the drawing board. We, we heard some things. Maybe we're gonna critique. Obviously they didn't do that. They're here this evening and they have the right to do that.

POPPE: OK. It's good knowledge. It's good knowledge that we all understand the process, because there's, again, social media is not everybody's friend, and everybody, you know, things don't get posted, and it's just very important. If anybody's looking for any of the photos that we have, we'll be more than happy to send you.

BYRNE: Yes, please, we'll take those.

POPPE: Send everything that we have.

STANCO: Scott, you want to get them?

BYRNE: Yeah. If you have them now, or you can get them to me later?

POPPE: I actually was given your business card and I will email them to your business cards.



BYRNE: We'll get them to all the Board members.

STANCO: Thank you for your time, thank you.

**Start: 01:37:54 – MCGOVERN**

MCGOVERN: I'm shorter. Good evening. My name is Regina McGovern. I live at 213 North 5th Street in Bethpage. I do not live adjacent to this site. Most of the people you can tell, by reading the room, how people in this room are feeling about this project. The idea that if we build this project it'll look exactly the same in the parking and the safety issues or whether or not we build this, or if we don't build this project, it will look the same. The idea is, apparently the neighborhood and the safety of this community is damned if we do and damned if we don't. Because it's not working now and apparently there's going to be no change even with this building that's going to be 4 times the size that does not attract more people. So, it's all going to be the same, but it's still not good. The, your traffic expert themselves said we are above average at that intersection. It's a major intersection through Bethpage. It is 4 lanes north and south, 4 lanes east and west with a turning lane at that intersection at each point. Heading east, heading west, heading north, heading south. I appreciate the fact that they are trying to control the traffic by having one right turn come in heading south toward, from Stewart Avenue to go into this lot and one right turn coming out of this lot going on to Central Avenue. However, if you're going east or you're going north, where are you supposed to go? The only thing they can do are U-turns on a 4 lane road that is extraordinarily busy. It's literally the crossroads of Bethpage. 57 accidents that they measured what, 7, 8 years ago? 3 years. It hasn't gotten better. Anyone who's driven on Long Island, as a matter of fact, the New York State Transportation Safety Board, I'm pretty sure it was, just put out saying that Long Island has the deadliest roads in the state. Why? Because we all drive. Just quickly to the point of the other houses of worship, they were built in 1924. Now I can assure you I wasn't around in 1924, but my father was. He was born in 1915. And I have vivid memories of him explaining to me that nobody had cars. Everybody walked everywhere. We all have 3, 4, 5 cars parked in every front of almost every house in Bethpage. The idea that there are less, that when this, those houses of worship were built, that there were not enough parking spots, then of course there weren't. There weren't enough people driving. We're talking about the standards of 2024, not the building standards of 1924, and I think that's important to be aware of. Nobody wants anyone's children playing in parking lots. And I say that as somebody who attended Catholic school for 7 years and played in a parking lot with 2, 3 hundred other children at a time. So, I can understand their concern. However, the idea that a building that is 4 times the size of their current building is going to have the same number of people. They will not attract anyone new to this big, gorgeous building. It's a little surprising to any of us who are looking at it. And the idea that they are going to reduce the number of people who will come in from 464 to a magic number of 264 that works with the number of parking spaces they would need. I realize it's not in your purview to speak about parking. However, it is in your purview to look at a site plan and say, is this safe for the community? It's not safe now. It's not going to be safe when they build it. It's not safe. There needs to be something better done. Anyone who has anything to do with emergency services, and I'm proudly married to a member of the fire department, volunteer. I have a scanner I can in every room of my house. If I had a dollar for every time I head, "MVA, corner of Stewart and Central," I'd be rich. That is a dangerous, dangerous intersection and as it stands now, we are all playing try not to hit the people got to the mosque. And I feel terrible because nobody wants to hit someone going to worship. It's a beautiful thing. But they're darting across traffic, they're darting through intersections, they're not going to the

crosswalk. And we're all trying not to kill anyone. So, these are the things that concern the residents of this community. We're not They've been good neighbors. We're happy they're there. Good luck. God bless pray. I'm all for praying. However, let's do it safely and you're not doing it safely now. The idea that a building 4 times the size is going to be more safe somehow is ludicrous, frankly. And yes, there is a "lot full" sign that's used constantly at that area, constantly. And what happens is the lot's full, they pull up on Central, they drop people off, and they dart out. Crossroads of our community, it's not safe now, it's not going to be safe with a building that's 4 times the size. Thank you very much for your time.

**Start: 01:44:04 – WALKER**

STANCO: Oh. State your name, please. Hiya Rose.

WALKER: Should I use an alias tonight? It's Rose Walker, I am a Nassau County legislator, and I do, and I do represent the area where the mosque is located and where these residents call their home. As has been said by so many people, the biggest issue here is the parking issue. And I could also add to that the danger of even many people being let off in the middle of Stewart or in the middle of Central, not next to the curb, they stop the car, the door is open, people get out, other people are trying to stop, make sure no one gets hurt. It is truly a safety issue there with the traffic and with those coming to the mosque. They have been wonderful neighbors. I could say they've been wonderful neighbors for years. And I too want a safe place for their children. Very big part of my life has been working with young, young people from years ago. Involved with CYO and PAL and all those facilities that we use for our children and staying on top of that today. My background is actually education, early childhood education. So, children, young families, that's very, very important to me. But this issue with the parking and the traffic in that area and the accidents in that area. The safety part for the residents and for the members of the mosque is very much an issue to me. I do, like I said, I want a safe place for the children to play. It sounds like the mosque is going to be beautiful, but I can tell you, on those side streets, people park all over. And it's wonderful that members of the mosque try to make sure what people are doing so on and so forth, but driveways are blocked, cars sometimes on sidewalks, cars sometimes on people's lawns. You know, there's limited space and I know nobody can help what other people do. Anywhere, OK? And it happens not just with our mosques, it happens all over. But it's a tremendous issue in the Bethpage community because they do park on the side streets. And I could tell you too, when there's multiple cars sometimes basically back-to-back on those side streets, God forbid an emergency vehicle has to get down that street, they cannot. They cannot get down those roads. Which is, is very, you know, not Central, not Stewart.

STANCO: OK, no, not you. Thank you.

WALKER: They cannot, if cars are on both sides of those streets.

STANCO: Just a minute, Rose, because we want to hear what you have to say, and I know everybody does. Go ahead.

WALKER: But if cars are on both sides of the street, parked on those side streets, an emergency vehicle often cannot get down those streets, especially if it's on a bend or so on and so forth. So, that is my biggest concern and that is really the concern of the residents. It's really, I would love for them to be able to find a huge, big site that had plenty of parking and utilize it and stay in the

community. No one wants to lose wonderful people who have been a part of the community for a very long time. And they do do wonderful things. They serve breakfast. They do, you know, to, and not just to their congregation, all are welcome, the signs will say that. All are welcome. They have been wonderful neighbors. So this isn't against the mosque or against them being in the community. It's just making sure that there's something there that's the right size to fit that plot and the right amount of parking so that everyone has a place to park and safely, everybody can be in there safely, come in, drop people off, park their cars, do whatever, but in a safe environment. And that's really what I have to say. So, thank you so much.

STANCO: Thank you, Rose. Oh, you, you're. Wait a minute, wait. You're next.

UNKNOWN: No, you're not next, you're not. The guy in a blue shirt.

**Start: 01:48:28 – PAUL**

PAUL: I'm going to be two seconds.

STANCO: OK.

PAUL: How you guys doing? My name's Paul [surname incoherent]. I live in Bethpage. I just want to touch on something real quick. There's only 100 intersections in Nassau County that Nassau County deemed dangerous enough or congested enough to put red light cameras. This is one of them. So this is, I just want to take that into consideration as far as like, I live right there in that vicinity. I'm like two blocks away. We're hearing comments about kids and safety and stuff like that and there's not a person anywhere that's ever going to argue against giving kids opportunity to be safe and play and so forth and so on. But it seems like the concessions that are being made are being made on everyone else's part. Not just theirs, you know saying the building is the building and the dumpsters, dumpster. The lights are lights and you know and all these and the only one who's being asked to make concessions is us. We have to deal with traffic. We have to deal with the dangerous intersection. We have to deal with the, the possibility that there's gonna be more parishioners there with the hopes and possibilities that there won't be, you know, the promises made by the architect and the the guy who does a study on, I mean it just seems that like nobody has a crystal ball. Nobody knows the future holds, but the way it is right now is, is not safe. It's congested and like wait, if you leave the way it is right now. Here is the, the current map of the surrounding area. It's two-hour parking, four-hour parking, and the green, the yellow green is no parking. So like, what's gonna be the next step? Are we gonna go at odds with our neighbors? My neighbors here, he's 2, 4 rows behind me, he lives two houses away from me. What are we going to do? We're going to start calling the cops on our neighbors because they're parking in front of our house when there's no parking signs? My kids can't park there. I can't park there. I utilize my driveway. Is that how, like, this is not, in my mind, I don't want to go down that route. I don't think we should go down that route as a community. There has to be some sort of compromise to be made. I don't know what it is. I'm not in real estate. I don't have any of the insight to find a facility that's more com, you know, would accommodate them better. I hope you guys can. I hope they can. I hope we can come to some sort of resolution where...but In my opinion, that spot is just not a good spot to have a facility that size. And so. My kids aren't even allowed to utilize that crosswalk to go on the other side of Central. And they're older. They're 14 and 16. And I have a younger one also. And my friend's son was hit on a bike like 3 months ago. So listen, I'm not going to, you know, what it could have should have, doom and gloom, possibilities. We're not going to whiff stuff to

death. But just if you guys ever get a chance, you should come down and just take a peek and come down there at 3 o'clock. And it's not only the building itself, it's that intersection. It's, It is the church over there. They hold AA meetings. There's the parking disaster. There's the smoke shop. There's the buses come. The train gets backed up. The train, that thing goes down all the time the train traffic is backed up sometimes past Central, okay.. It's, now you're coming in and out of that place you have one to two points egress or enter. They're gonna be. There right now, there's people crossing over two lanes, crossing double yellows, going it's again, it's not like, it is somewhat a problem, so as long as you guys to take into consideration, alright. Sorry, I'm nervous too.

**Start: 01:52:00 – DRISCOLL**

STANCO: Good evening.

DRISCOLL: My name is Joseph Driscoll. I live at 11 Carney Avenue. I am directly behind the mosque. I've enjoyed a mutually respectful relationship with the mosque for 25 years. I've been in this home since 1977. The first issue I have is the orientation of the building on the plot. It's a two-story building facing directly towards my backyard. So, to the point that was made about the children playing, we always find basketballs, soccer balls, whatever in our backyard. We're always happy to toss them back over the fence, allow the children to come back and find them. Kids are kids. We very frequently have kids looking over the fence, peering into our yard to see what's going on. It's easy enough to stop that when they're standing by the fence. Hey, what are you doing? And they duck down. I have my wife, I have a teenage daughter. Teenage daughter's friends swimming in the pool.

STANCO: How high is that fence? Is that a 6 foot?

DRISCOLL: It's either 6 foot or 8 foot. It's whatever code is.

STANCO: They peer over that fence?

DRISCOLL: Yeah, they stand on something.

STANCO: Oh.

DRISCOLL: They used to climb a tree, but the tree was cut down.

STANCO: OK.

DRISCOLL: So now they stand on something.

STANCO: That's what OK.

DRISCOLL: So, but kids are kids. It's easy enough for me to address that when I can see them, but if they're upstairs in the classroom staring out windows it's a concern. The other concern is the effect that it's going to have on my property value. These homes along that side of Kearney Avenue are all, with the exception of the corner home, all legal two-family homes. So we have two-story homes, now there's a two-story building, and it's what I feel to be an invasion of privacy. If they were to move the building to the west side of the lot, keeping it oriented the way it needs to be for their faith, they will then be staring at a municipal or facing a municipal parking lot instead of the

back of people's homes. And I feel that, that would be a much more respectful solution for the neighbors. The other issue I'd like to address is parking. I know everyone's beat this to death, but I did not hear the gentleman who spoke about the parking study and the traffic study mention North Persian, Kearney, Stubin, any of those blocks. He mentioned the blocks on the other side of Central Avenue. Come Friday it's bedlam. Not only do we have the congregants, the overflow from the mosque, but we also have the parents picking up from the Lutheran church, the preschool, little gospelites. I can't tell you how many times I've called Nassau County PD, how many times I've called the town. Deaf ears. I get, well, there's nothing we can do because they don't have parking and the parents park all over the place. They park in people's driveways to pick up their kids. But now, especially on Fridays, We have perfect storm of the congregants overflow, the parents doing pick up, and then we also have all the people who use our block as a cut through to beat the red light. And they will race down the block doing 60 miles an hour. You can hear them, it sounds like you're at a drag strip. We've brought that concern before the Board several years ago, asking to implement speed humps or something to that effect. We were told that that would make it more dangerous and they put up some kids at play signs. So that was a little disheartening. We've witnessed more potential accidents, more near misses, which aren't included in the studies. We've had more people encroach on our driveway. We've had it almost impossible for us to get in and out of our driveway because of how tight the parking is on the street. I'm very happy to be the mosque's neighbor. I've been there since those two buildings started out as a Pizza Hut and a Long John Silver's, alright. I've dealt with Hoshi Sushi dumping buckets of raw fish and chicken in their dumpster, which was right behind my backyard, and the rats from the sump dragging the refuse into my yard. I've dealt with all of that. Comparatively speaking, the few little nuisances, the few milk containers over the yard, the stuff shoved under my fence, it's nothing compared to the issues that we faced with the other establishments. And I'm very happy to the community with, share the neighborhood with the Muslim community. And the Muslim community on Long Island has been growing by leaps and bounds over the past 25 years since the mosque bought the property. And I can only expect it to continue to grow. I see the, the faces and the dynamic of my neighborhood changing on an almost daily basis. And I welcome that change. But, I do think that this plan would be a detriment to the neighborhood. It would reduce my sense of privacy, my sense of security, having it facing my house. It would make, it would not alleviate any of the current parking issues. They discussed capping the occupancy, voluntarily capping the occupancy of the building. Whether or not they would be able to adjust that upward based on the County or state number in the future, as their needs grow. I don't know. That's not my purview. However, what I do know is the building is one occupancy. But then historically every year for their holidays, for Ramadan, they put up big tents in their parking lot which then closes off the parking lot to traffic, closes off the parking lot to parking, their attendance is much higher during the holidays than it is I think during regular. And I can't speak to that as, as you know accurately as they may be able to. It's a little price to pay, you know to love your neighbor and to deal with that for you know a week or two or whatever. But looking forward when they build this much larger building, I think it's like 3, between 3 4 times the square foot. Having such a much larger space, saying to myself, are they still gonna put up the tents during these holidays? Are they still gonna close off portions of their parking lot? Are they still going to be encroaching into our neighborhoods parking on the streets. They have to park somewhere, and I don't want them getting hit by cars crossing Central Avenue. However, it is a burden on the neighborhood. I think they could figure out a better solution for their design.

**Start: 01:58:48 – STANCO/AVURTINE**

STANCO: You're gonna put up tents?

AVRUTINE: No, I said that before, no tents.

STANCO: No more tents.

AVRUTINE: Not in the facility, but sometimes they come up during Ramadan.

UNKNOWN: Right.

UNKNOWN: We can't hear you.

STANCO: Oh, all right, come up and sit. So, you want to know about tents.

AVRUTINE: Right, no, I understand. Tents have been used over the years, and they get used primarily during Ramadan. But if, when the new facility is constructed, there will not be tents, and that we would accept that as a condition to an approval, that there be no tents on the premises.

**Start: 02:00:26 – QURESHI**

QURESHI: Just for clarification, the tents are usually there. The month of Ramadan, we like to open our fast together. So the mosque gets food outside for the people, the congregants that are coming in. So, if and when this new facility is constructed, the basement, that's where we're going to be serving that food so that there is nobody outside blocking any driveways or us blocking any parking spots or having tents that may bother our neighbors. All of that is going to be moved downstairs so that we can actually eat in a proper place.

STANCO: OK. So, the tents are not a, they're not a religious or you know, just for convenience.

QURESHI: Not at all. They're more for accommodation because right now there are two assembly areas and it's very tough for us to serve food when our community is and we put tarps on the floor. The same place where we are praying barefoot, so tarps are there, people eat, we pick up the tarps, we clean our carpets again before we can start praying. So, the tents are there to more accommodate the communities that at least it's a convenient place for people to eat and we don't have to clean up as much. But again, once the new facility hopefully is there, all of that is going to be moved down in the basement.

STANCO: OK.

**Start: 02:01:48 – DRISCOLL**

DRISCOLL: Kind of brings me to a little bit of another point discussing the dumpster. They were talking about it being-

STANCO: Now, where's, where's, is your house right behind that loading? Is that you?

DRISCOLL: Yeah. If you look, I'm not directly behind the dumpster. I'm just the plot to the right of it. It has some sort of writing up above. So I'm right behind the loading area.



STANCO: Oh OK, behind the loading.

DRISCOLL: Yes, so if you look you see to the right you see the house and the big plot. I'm the next plot right adjacent to that.

STANCO: OK.

DRISCOLL: So,

CHABINA: Wasn't number 11.

STANCO: What you'd you say, number 11

DRISCOLL: Yeah, number 11.

CHABINA: That's it. That's this writing.

STANCO: OK. Oh, that's the writing up there. OK.

DRISCOLL: So, you know, the, and I, I'll agree, 99% of their waste is dry waste however a lot of times very often, especially with the kids they throw their garbage, which is usually milk containers, snack containers, so it's not all dry non-food waste. And during Ramadan they do barbecue, they do cook. Other times of the year they do barbecue, they do cook, and that waste currently under their current system finds its way into my yard. And as I said, every time I've had something that I've brought up to the Board of the mosque, they've addressed it immediately, they've remedied it immediately. They've been very respectful, wonderful neighbors. And I'm happy to have them back there. I just think that this site plan would be, would not be beneficial to the community, would not be resolving any of the current issues with the parking and would then further encroach on my and my neighbors' privacy. Thank you.

STANCO: OK, thank you.

*[applause]*

**Start: 02:04:03 – ALI**

STANCO: Nobody wants to speak. You want to talk? Done.

ALI: How are you doing? So my name is Tarek Ali. I'm been in the community for – I live in 91 South Harmon. It's a block away from the mosque. I've been in the community 27 years ago. Me and my wife, we had our shower for our wedding in the restaurant, an Italian restaurant. That's where we used to go for dinner, for outside when we need to celebrate. Now, luckily, the community came up with the mosque. That was a great idea for me because my wife is Italian, Catholic, and I'm a Muslim.

STANCO: You married a nice person.

*[audience laughter]*

ALI: It's perfect. Perfect mix. Perfect mix.

STANCO: You can't get better.

ALI: And I was so happy to be – finally find a mosque that we can pray and we live in a community that has Catholic, Muslim, Jewish, and we all live together happily. So that was great. I agreed to find the mosque in the neighborhood. Now, we grow in the neighborhood, and the mosque closed because we didn't do all the mosque by coding. And God is good. We found another synagogue that closing. And we bought the synagogue and become Masjid Bilal. And the community is not because of the mosque is big, community comes in. No, it's the reverse. Every small community want a small mosque right next to their house. So it's not you build it and they gonna come. No, it's the reverse. We don't want it big. We want it small. So when we go pray, we don't want the mosque to be so crowded. It's not fun. It's not. You're not going to be able to pray and focus when it's too many crowded people. So we don't want the crowd. We want to reduce the number. The problem with what we have now – I'm retired as assistant principal of health education in New York. So now I'm volunteering every Friday to control the crowd for the parking, every Friday. *[applause]* That's my job, volunteer to control. We have the community who lives here much bigger than other community. And we want to stay on the small mosque. We don't wanna get bigger. Now in the mosque, we want a good facility, we want a good parking, and everybody who lives in the community, they are so careful about our neighbor. Every pray, every pray, we have the Imam here, please do not park in front of our neighbor. Please do not cross the street. Please do not. I stay every Friday, volunteer to tell the people, please go to the sidewalk. There is people comes in that they live that they work in the neighborhood, they don't live here. We can't control that and they don't listen. We try our best. Please do not park in the front of the neighbor. I don't want anybody to park in front of my door in my house. And same here. So please do not. Watch – This neighbor is our neighbor. In Islam, the first thing you have to take care of is your neighbor. So there is no Muslim here who will be Muslim if they didn't take care of the neighbor. But what about for the people who comes in from work, they have to leave work, they have about one hour, they have to rush, come and pray and leave. They are the one who creating the problem for us who lives here. And this one, as much as we can, we try to do our best to explain to them, please do not park in front of any –

STANCO: So they're not part of your group. They're coming in and using your mosque to do their prayers.

ALI: Correct.

STANCO: And then going with it –

ALI: To their work.

STANCO: In other words, they're using your prayer time –

ALI: Correct.

STANCO: – at your mosque.

ALI: Correct.



STANCO: But they're not your members.

ALI: No. We do not have membership. There is no member. In the Muslim –

STANCO: You know what I mean. They're not part of your group.

ALI: No, they're not. However, we cannot close the door. Anybody want to pray, you're welcome.

STANCO: Right.

ALI: Please follow the rules. Some do, and some, they don't. And they create the problem for us, which is in any community, it's understandable that not everybody listens. And that's why we trying to – The two buildings, they don't look good. We want to take care of our neighbor. We want to re-take the two buildings, same facility, same thing, put them on top of each other and go down. They're not going to be huge. It's the same amount of space. They go on top of each other, going down. We don't have enough number of parking, but it's going to be the same thing. What's going to get out of it is the beauty of the new building and hopefully better control of the traffic. And that's what we're trying to hope to get. And that's in just plain points. Any other questions?

STANCO: I'm glad I called you. STANCO: You're an important person over there with the parking and the directing of the cars. Because that's always, no matter what you have, getting people in and out safely is paramount. I don't care what it is.

ALI: That's my volunteer work every Friday.

STANCO: Well, you're worth every dollar they're paying you.

*[laughter/applause]*

ALI: God is good. Thank you.

**Start: 02:10:03 – RAZZANO**

RAZZANO: I'm Patricia Razzano. I've been living in Bethpage. I emigrated to this country from Italy. So – And I've been in this country since 1974. In Bethpage.

STANCO: You got dual citizenship?

RAZZANO: I am.

STANCO: Good for you.

RAZZANO: I am and I'm actually going to Italy with an Italian passport this summer. But I guess – Has any studies been done where – I know that there's a lot of these congregations that are being developed throughout Long Island. Has any studies been done with this – a similar structure? So let's say –

STANCO: You can talk to us.

RAZZANO: Yeah, yeah. The structure currently is, let's say, 1800 square feet. They want to increase it to whatever, 6,000 square feet. Has there been any study – 16,000, I'm just using hypothetical numbers. Have there been any studies where the other congregations that are the same size, how many people those congregations attract? Because as he mentioned, people come from outside. It's not just – He just admitted, correct? That people come from outside, not just their own congregation. So has anybody done any type of research to identify a similar structure in a very similar town, whether it be Nassau or Suffolk, how many people are attracted in those facilities? Does anybody have those studies? Can anybody come up with those numbers?

STANCO: Can anybody answer that question? Or is there a –

AVRUTINE: We don't have any data on that, no. I think that the general point is, as was stated, that anyone who wishes to come is welcome. So, the gentleman stated that some folks who work nearby tend to come.

STANCO: So, each mosque is individual, basically.

AVRUTINE: But anybody can go to any mosque.

STANCO: Yeah.

AVRUTINE: And they're welcome there, is the point.

STANCO: But you don't have any size and shape, configuration.

AVRUTINE: You mean in terms of the building?

STANCO: The building. Each one is different.

AVRUTINE: Each one is designed pursuant to the desires of –

STANCO: To the area. Yeah.

AVRUTINE: Right.

STANCO: OK.

RAZZANO: Right, so I mean, it just doesn't sound realistic that you're going from a structure that is now, again, hypotheticals out there, a thousand, to increasing it four times the size. And you turn nobody away, that no, you're not going to attract additional parishioners to come to that facility. I mean, we already have a parking issue. I've been here since 1974. Okay. My kids grew up in this district. My whole family's been in this district. I've seen the traffic and, you know, the traffic studies that were done, if I'm not mistaken, were not recent traffic studies. And as John mentioned earlier, since COVID, most people are working a hybrid schedule, myself included. Most people are home. So why are they not submitting reports regarding current statuses of what's going on versus from 2017 or '19 or 2020? I mean, as – since COVID, clearly there's more people working hybrid and working from home. So those studies, in my opinion, shouldn't even be considered. It should be a more updated study.

[*applause*]

STANCO: Good point.

RAZZANO: That's all I have.

STANCO: Thank you.

RAZZANO: Thank you.

**Start: 02:13:32 – GRECO**

GRECO: Hi.

STANCO: Never mind "hi." What's your name?

GRECO: My name is Callie Greco. I've lived in Bethpage –

STANCO: What do you have? You bring all Italians?

GRECO: No, no. I'm Greek.

STANCO: Oh.

GRECO: But I married an Italian.

STANCO: Oh, OK.

GRECO: I love Bethpage. I love everybody. I've been in Bethpage 34 years. I've been a registered nurse 36 years. I'm extremely culturally diverse. I love everybody. I love everybody. Every culture, every religion, I love everybody. [*applause*] I do know that we want them to be happy and we want to be happy and I believe that this would be a beautiful place for them to worship, but I also believe that if they found a bigger spot, like by Grumman, there's I think a Chinese worshipper –

AUDIENCE MEMBERS: Korean.

GRECO: Right Korean. It's wonderful. Their traffic is isolated. It's not a road that's heavily trafficked. And we're fine with them. We want them to have this big – They could build 20,000 square feet, but that is a very small corner. And that is our main intersection in Bethpage. A lot goes on there. So I just think if they could find a better spot, or you know the expression, if you build it, they will come. If they build this beautiful thing, 16,000 square feet, more people are going to come. It's going to be beautiful. They're going to want to come. So if there's problems now, what's going to happen when they build it? There's going to be even more problems, more accidents, more traffic, more unhappy people in that surrounding area. So wouldn't they – Why try to make trouble if it's a possibility? Why not find a bigger space and make a big, beautiful place of worship? And it would make everybody happy. I know they want their kids to play, but my kids, I have four kids. They want to play too, and what happens if they're riding their bike on the intersection and they get into trouble, they get hit. So we all want our kids to play and be happy.

STANCO: Right.

**Start: 02:15:45 – QURESHI**

QURESHI: [*Arabic?*] Again, my name is Moeen Qureshi, resident of 48 Central Boulevard, Bethpage, New York. I guess – I think a lot of people have a lot of misconceptions here, and I think the board probably needs to be a little bit more educated on how we operate [*clamor*] If you can let me finish. No, if you can let me finish. Just let me say the structure currently is two buildings. You've heard that multiple times. We're trying to combine these two buildings into one. And why we want to do it, I think that's the question you all need to ask us. That – Why are we building – What, we have almost 5,000 square feet right now? Why are we building this monstrosity that a lot of people are labeling it online for 16,000 square feet? Small example. We have the evening school from 5:00 to 7:00. Do you know where we teach our kids? We have makeshift classrooms in the assembly area. Our kids, they sit on the floor. They don't have tables. They don't have chairs. The walls are curtains so that next class, next to them, if somebody's screaming, we can't even teach next door. So, what we are asking, what we're trying to build here is, hey, give us classrooms for our kids. I mean, you all have kids, you all have grandchildren, all the people that are here. Do you want to teach your kids on the floor? On the carpet without any chairs and tables?

STANCO: No, you could just address us. We got it.

QURESHI: We have three bathrooms in the two buildings right now. Just the evening school, which has over 90 to 100 kids, we're below – everyone's almost age 12 and below there. Now imagine for two hours, those kids are there and using only three bathrooms, the type of mess they're making there. What we're asking is we want to build some more bathrooms. Let us – give us facilities to these kids. Can you imagine the amount of stuff we have to clean up after every day, after the school session? The third thing what folks need to understand is in the Muslim faith, we have to perform a ritual before we pray. We have to do ablution, wash our hands, wash our arms, face, feet. Currently, we have between the two buildings almost 12 to 14 stalls for the number of congregants that we get. What we want to do is have some more stalls for the people. So we're not asking, hey, you know what, let's have another assembly area. We're asking for classrooms. We're asking for bathrooms. We're asking for these stalls where people can come and then do their ritual. I think what folks need to understand is the 16,000 includes that space. We are counting the space in the bathrooms to pray. I mean that's what's happening here, right? The 16,000 square feet includes the bathrooms and I think everyone's expecting that whole 16,000 is going to get filled up with congregants. I don't think any religion allows or anybody allows to go and pray in the bathroom. At least not in my knowledge, not the Muslim faith, not the Catholic faith, not the Christian faith, not the Jewish faith.

STANCO: Right.

QURESHI: We talked about the play area earlier. We want to have a space for that. We want to have a space for our kids. And at the end of the day, you know, it is not a pretty looking building. We want to beautify it. You know, during COVID, I had most of the volunteers sitting here. We were one of the central facilities that was providing free grocery to all the locals within Nassau County. We did over 150 meals. And do you know where we kept the meals? In the assembly areas. So we want to do all these things. We're not saying – again, the point here that I'm trying to make is we're not increasing our congregants. These spaces, they're going to be used for bathrooms,

stairways, stalls. Currently, we – Libraries. I mean, there are things that are not going to accommodate people that are going to be coming and praying. We want to have counseling for our congregants. You know where counseling happens now? Either in the assembly area in the corner where everybody is looking at you, hey, what is, you know, Moeen talking to the Imam about? Maybe he has a problem at home or maybe he needs some money or something. Or in the corner of the parking lot where everybody was coming out and looking at them. We want to have a place for that. So, for us to get penalized on the 16,000 number that everyone's talking about, I think we need to go back and just understand. And that's where I came up with that I want to make sure that you guys understand how we pray, how we operate. And again, the point was just for you guys to understand so that you can take that into account when you make your decision. And for our neighbors as well, so that you guys can understand that we are not coming here and building this monstrosity for any reason. We just want to make sure that we have the right services and facilities for our current people. So, you tell us. You know, my first question again, do you want your kids to study on the floor? Do you want your kids to be on the carpet with their books in their hands, no tables or chairs, makeshift classrooms with curtain walls? Thank you.

**Start: 02:21:35 – POPPE**

STANCO: Thank you.

*[applause]*

POPPE: I just have a quick question. Nobody wants kids to be on the floor, okay? But you've been there for 25 years. How come that – just coming up now that you don't have enough space or correct location to teach the kids? This has been there for 25 years, so now what happened to year 2, year 3, year 4?

STANCO: Coming to a close, I think. But go ahead.

POPPE: So that's my question. Why – So for 25 years, nobody has said, hey, this is not good for our children. It's 25 years ago this should have been addressed, not 25 years later, right?

STANCO: Like anything, time – They've been working on this. They have been working on it for years to get to this point.

POPPE: Right. okay, I was just more curious that all of a sudden we have been teaching all these years and that's –

STANCO: That's up to the – that's up to them.

POPPE: OK. I appreciate that. Thank you.

STANCO: To tell you the truth.

**Start: 02:22:46 – MAKDA**

MAKDA: Just to answer your question, the gentleman's question, we initially started in 2018 as Howard mentioned. We started with one facility. The property next door, 300 Central Avenue, came up for sale. We purchased that property because of the expanding needs of the community

about 12 years ago or so. Over the last couple of months, we actually purchased another property in the vicinity because of the expansion of programs. So we have been expanding. The construction plans have been with the town since 2018. We have been going back and forth to address the concerns that the town has raised. So, you know, we are working. It's not a new thing. It has been in place for a number of years now.

STANCO: OK, thank you. *[applause]* Thank you. If there's no other comments, I know that the evening – you want to speak? All right. The guy in the green shirt.

**Start: 02:23:47 – SHIEKH**

SHEIKH: Good evening.

STANCO: Good evening.

SHEIKH: And thank you for your patience and your sense of humor as well.

STANCO: Oh. You know –

SHEIKH: It's appreciated. The lady that went before that spoke about –

DILEONARDO: Say your name, sir.

SHEIKH: Oh, sorry. My name is Hasan Sheikh. I live in Syosset. I used to live in Bethpage before, and I used to go to this mosque, and I don't go there anymore. And the lady who had said that if you build it, they will come, I just want to address that. I basically live 10 minutes away from Masjid al-Baqi, Muslim South Long Island. I live 10 minutes away from there, but now in Hicksville there's a mosque which is 5 minutes away from me. I can go to Westbury and ICLI which is also a 10-minute drive. So the thing is at the end of the day people don't pick a mosque. They pick convenience. For me –

*[audience member]*: But if it's appealing they'll *[INAUDIBLE]*

SHEIKH: For me, it's convenient to go elsewhere. I am friends with everyone at this mosque. We meet elsewhere, but I don't go there for prayer service. During Ramadan, which is a busy month, again, for the prayer service at night, I go to a mosque in Dix Hills just because the prayer service there is the fastest. So at the end of the day, everyone is looking for convenience. So the thought that if they build a bigger center, more people are going to come is not true. I just wanted to address that. The second thing is a lot of people have addressed traffic and all these issues. I can tell you that these guys are like the – You know the soup guy from *Seinfeld*? That's exactly what they're like. They shame people. They're tough. And they, at the end of the day, they want to be good neighbors which is why they held a big town hall at the library. The room was full. I don't know what the capacity is there, but there were over 100 people there.

STANCO: So what was that? That was that pre-meeting?

SHEIKH: Yes.

STANCO: Going back to January?

SHEIKH: Yes, where they invited everyone from the neighborhood to address any questions. People came and spoke. Everyone had a chance to come and speak.

STANCO: So, you had a good attendance from the residents in the area?

SHEIKH: Thank you. Over 200 people. The room was full. *[applause?]* And if you want, I'm sure they have the footage which they can share. There were people standing in that room.

STANCO: OK.

SHEIKH: So, I can assure you that the leadership at this mosque will go above and beyond to make sure that the neighbors are happy. And we've heard one thing over and over again, that they are great neighbors. So, look, the parking issue *[applause]* whether you allow them to build it or not the parking issue remains. You're gonna have it now or you're gonna have it then. But you'll have a beautiful building. You'll have manicured, you know, gardens. They're going to take care of it. It will bring up the real estate value, if anything, in the neighborhood because you'll have a beautiful building. So, I think you guys need to roll the dice, you know, give them the blessing and, you know, hopefully we can put this chapter behind us. *[applause]* Thank you.

**Start: 02:27:28 – MCGOVERN**

MCGOVERN: First of all, to address the elephant in the room, I'm not Italian. Second of all, I appreciate the impassioned plea regarding the children and wanting them to have a safe place to work and to learn and to study. That's a beautiful thing, a place for them to go to the bathroom. I have three kids, I relate. However, it doesn't change the issue we have with safety. It has not changed that. It's not good now. It's not going to be good if you build something. Address the safety issue. And I appreciate the fact that you're trying. I see them out there trying to direct traffic. And the gentleman who volunteers, you need an awful lot more help because it's not working at all. Honestly, it's not. It's not a safe place and I realize they can't control everyone. However, but right now it's not safe. It's not going to be any safer if you build this. Address the bigger issue of safety. Let's talk about that. Because at the end of the day, there have been near fatal accidents, there have been fatal accidents. People hit by cars, people hit on bicycles. Like I said, it happens all the time. And if we don't address that issue, which is one of the core issue, because if you come out and make a right onto Central, as they're going to have people going west. In order for them to go east, north, or south, they're going to pull a U-turn somewhere on Central Avenue. If anyone thinks that's a good idea, I've got a bridge for you in Brooklyn. It's just not going to work, honestly. I appreciate your time. I appreciate your patience. Thank you.

STANCO: Thank you. OK.

**Start: 02:29:17 – DAVID**

DAVID: How you doing? My name is David. I'm from Zoranne in Farmingdale, so I'm a few blocks, a little bit away. I go by that area. My in-laws are nearby and everything, so I know it pretty well. A lot of the concerns seem to be traffic related, as we heard. Realistically, Central Avenue and Stewart is just a terrible intersection as we've heard. For those statistics, I don't think there was any breakdown of what day of the week because we're hearing Friday is the busy day at the mosque. What day of the week are these 57 accidents that occurred over three years? And how many can we



attribute to actually the mosque versus people driving recklessly? There's no number. We're just now currently attributing to the mosque for no reason. As one of the members said, Lutheran lets out their kids at the same time as the mosque. So, there's headaches with traffic all around, people parking in on the side streets [INAUDIBLE] I grew up next to three car dealerships. I didn't know what it was like to park in front of my house for like eight years. So, I understand the inconvenience, the annoyance, but the idea that, you know, it was brought up, this is going to bring more people to the mosque. If you look at – I was at the library meeting as well – if you look at the breakdown, as I said more bathrooms, a basement area that for – instead of tents outside which took up parking spots now it could be moved inside to the basement. So, we're keeping the part – they're keeping the parking open to allow the people to come in and go. Getting rid of those two curb cuts, if anyone knows, making that right turn and people are trying to get in and out or they're trying to get in just to see a sign that says parking is full. Now they're stopping before they go again. Getting rid of those two curb cuts and letting people have to go further down into the street before they could, you know, come out. It's just like, help alleviate some of that little stress and tension over there. I'm not saying that parking is going to be a perfect situation afterwards. They're even admitting that parking is going to still be a problem, but we aren't – they're not looking to increase turnout by having classrooms, offices, bathrooms, places to wash your hands and feet. That seems to be the request and to try and make it – the idea that's going to increase to 400 people when that's not even the case now, it just seems a little bit of a stretch. And I just wanted to say that.

STANCO: Thank you.

[*applause*]

**Start: 02:31:52 – KLIMOWICH**

KLIMOWICH: Evening everyone. My name is Alexander Klimowich. I live at the corner of North Pershing Avenue and Kearney, so I'm adjacent to the building. I've listened to everyone tonight. I'm going to withhold my comments on parking for the more appropriate venue, but I would just want to, I think, ask the million-dollar question, maybe propose something that works for everyone here. We're all good neighbors. Here's what we're doing. So why not readjust the plans? Reduce the capacity to the 256, keeping the parking lot at 88, that way we don't have to work on an ethereal number of trying to keep people in and out as possible. And then it's status quo. We've got the parking. It is what it is. We're not doing that. And then that way, there is no opportunity for the growth that seems to be a concern, more parking to be a concern like that. That's the million-dollar question for me. I have come before this board, the zoning board, and lost twice, okay. I've had to amend plans and come back. It happens. That's living in the Town of Oyster Bay. So, thank you.

STANCO: But it's a good place. Thank you. Thank you.

[*applause*]

**Start: 02:32:59 – CATHERINE**

STANCO: Scott, I don't see any hands. You want to make a – You're going to come up?

CATHERINE: Yes, I want to.



BYRNE: Howard wants to come up.

STANCO: Oh, and Howard, yeah.

CATHERINE: My name's Catherine [F \_\_\_\_\_] and I live in Sunny Lane. What I want to address is I worked for a Pakistani doctor for over 25 years. So, I know your culture, whether it's Indian or Pakistanian. I've been invited to all the weddings, the funerals. I've been very involved with the community and the people. We all love you. I don't want you to think that we don't want you here. It's just the question they want to find a bigger place for you so you could be comfortable. We're worried about your children as well as our children. So, I think that the builders and everybody should look around for bigger buildings and make us all happy. Thank you.

[applause]

STANCO: Thank you. OK. Let's go, Howard.

**Start: 02:34:08 – AVRUTINE**

AVRUTINE: I'll keep it short.

STANCO: We've got kids in here. They have to go to – You've got school tomorrow?

BYRNE: It's summertime there.

AVRUTINE: I just want to clarify for the record a couple of the points that were made about the traffic study. The only –

STANCO: All right, let's listen. Go ahead.

AVRUTINE: The only data that was from 2017 to 2019 was the accident data. And Mr. Muller explained that that was done that way because they didn't want to take accident data during the COVID period. The actual counts regarding the experience and the availability of parking on street, et cetera, that was all done in 2023. So that's current data. So, I just want to make sure that that was crystal clear to everyone. As far as, and again, I just want to stress this. There's been a lot of discussion about the intersection, that it's a challenging intersection. We must not forget that it's under the jurisdiction of Nassau County and that this plan has been approved by Nassau County Department of Public Works. And in doing that analysis, they concluded that it's a much safer scenario to only have the two access driveways, the one on Central and the one on Stewart, rather than the existing four. So that's an improvement right away in terms of safety. Now we don't exacerbate the level of traffic that that intersection sees. The report shows that. The level of service, which is a term of art in the traffic analysis world, doesn't change at all from what it currently is, based – and as impacted by this proposal. No impact on it whatsoever. So, yes, it's a busy intersection, you have the train there and you have all of these things. But that is not something that is attributable at all to what we're trying to do. This property is zoned for this purpose and it's permitted and the – like I said before, it complies with every aspect of the town code except for the parking and I'm not going to repeat all of that. But I do also want to point out, take a few seconds and talk about the legal standard. I don't want to make all kinds of legal arguments, but it's important not only for the board, and I'm sure the board is aware, but for the folks who are here.

And the law regarding religious uses in New York State requires the municipality to accommodate the applicant in religious use cases. And so that's something that is very, very important. This is not a commercial use and coming in seeking relaxations or variances from municipal code. This is a religious use, coming in saying, we comply with your statutes. And, as I said before, that the issue of the parking, if this board approves the site plan, goes to the zoning board. And that's when the community will have a second opportunity to address the question of the parking and the issue of whether our proposed occupancy cap will satisfy the zoning board. So, these are very, very important things to consider. And again, as was brought up, the issue of, well, a larger mosque will attract more people. I think what has happened with the influx, and my client has explained this to me, as the influx of people of the Muslim faith coming into Nassau County, what that's done is increase the number of available mosques from two to six. So, the more people that come, there are more mosques in different areas, not larger mosques centralized. So that's an important thing, too. And so also the gentleman was concerned, who lives right behind, about windows. I don't believe that there are any windows directly facing his property, but if there are, we will agree to glaze them so that no one can see and look down from any existing windows that would pose a problem. Again, they do want to be good neighbors, and things like that, they will be happy to accommodate any concerns. So, in final summation, this is a permitted use, this is a site plan that meets every requirement that has been studied extensively over a long, long period of time. And we respectfully request that this board approve the site plan, because that's all it's being asked to approve. It's not being asked to approve anything having to do with the deficiency in parking. And there's no evidence of any adverse impacts that this facility would cause. All of the issues that you've heard tonight are existing conditions, whether it be conditions that were discussed regarding a particular time when school is out and the church's school for kids is out. That's – we don't cause that. We're part of the fabric. And yes, there are some issues, but this application is not going to make anything any worse, and I would submit it's going to make things better because of the flow on the site and the availability of all of the parking on the site to everyone who comes to the site as opposed to the current situation where it depends upon which driveway you pull into as to whether you're going to use the parking in there. And I appreciate this board's attention and consideration and we respectfully request that the application be approved.

STANCO: Thank you.

[*applause*]

STANCO: OK, Mr. Byrne, make a motion.

**Start: 02:40:40 – BYRNE/BOARD**

BYRNE: Chairman, based in light of the Nassau County Planning Commission denying the application this morning, we haven't received that resolution and reason for denial. Also, there was a lot of testimony this evening. I think we should all digest it. So, I'd like to make a motion to close the public portion of the meeting, to leave the record open for 30 days, and have this board reconvene on September 12, 2024 to render a decision.

STANCO: Okay, is there a second on that motion?

WARNER: Seconded.

DILEONARDO: I'll second it.

BYRNE: Who seconded?

STANCO: Warner. OK, call the roll.

BYRNE: Voting on the motion by Member Byrne, seconded by Member Warner. Chairman Stanco?

STANCO: Aye.

BYRNE: Member DiLeonardo?

DILEONARDO: Aye.

BYRNE: Member Chabina?

CHABINA: Aye.

BYRNE: Member Warner?

WARNER: Aye.

BYRNE: Member Castellane?

CASTELLANE: Aye.

BYRNE: Member Byrne is aye. Chairman, the motion carries.

STANCO: And I want to thank all of you for your patience. I know the hour is late. And safe travel home.

BYRNE: Before everyone leaves, I just want to add that anyone that wishes to watch this meeting starting tomorrow, you can do so on the town website at [oysterbaytown.com](http://oysterbaytown.com). Also, if you want to send in any correspondence, the record will be open for 30 days. You can send that to my email. It's [sbyrne@oysterbay-ny.gov](mailto:sbyrne@oysterbay-ny.gov). Again that's [sbyrne@oysterbay-ny.gov](mailto:sbyrne@oysterbay-ny.gov).

STANCO: Thank you.

BYRNE: And Howard, we will – you will have an opportunity several weeks past the 30 days to respond to this Board after all the correspondence come in. You'll get copies.

STANCO: Motion to adjourn.

BYRNE: Motion adjourned

STANCO: So ruled.

You know, remember that time we had the Locust Valley Boys Club?

[Start: 2:38:45] – following is post-meeting dialogue

I'm going to get the other thing.

Start: 00:158:49 End: 03:158:56

You know what the guy is? I don't know. He was tall. Huge. Remember when we moved the building?

Start: 00:158:59 End: 03:160:05

Forward. Forward. Remember that? Right I'm going to say a couple of things. I'm going to say a couple of things.

Start: 00:160:05 End: 03:160:16

I'm going to say a couple of things. You know, we've got to make a promise. We've got to make a promise. You know, we've got to make a promise. I said Dr.

Start: 00:160:16 End: 03:160:31

Chardy, you know I was going to be talking about your heart. So anyway, Dr. Chardy is going to look at you and he goes, what does that look like to you? I said, it really looks like a bunch of horses running around in the sun. Right?

Start: 00:160:32 End: 03:160:32

Yeah. No. It was never. Oh, no. Yeah.

Start: 00:160:32 End: 03:160:35

I like it. I like it. I like it to be able to change my life. Yeah, no. It was never so.

Start: 00:160:35 End: 03:160:46

Start: 00:160:46 End: 03:160:57

I just want to know. Well, you know what? I got so close to what I wanted to do. I had to go this way. Because I was going to say that, you know, without a beautiful smile, it's not a good idea.

Start: 00:160:57 End: 03:160:57

I'm going to say that you've been out of beautiful sparkles. Breakfast. Yes. You know what I'm saying? I don't know what I'm saying.

Start: 00:160:57 End: 03:161:10

I'm still starving. I'm going to need to get started. But I'm still going. I got this. I got this.

Start: 00:161:11 End: 03:161:56

You got this. Thank you, sir. If it's possible, there should be a performance. We can get ourselves back to here. Maybe it's hard to hold a slide that's way too high.

Start: 00:161:58 End: 03:162:10

Exactly, so other people can. You guys want? Yeah. Yeah. It's really, really great.

Start: 00:162:15 End: 03:162:56

Thank you very much. I'm going to show you this 1. Also, I'm going to show you this 1. People won't be able to see it. They're going to be able to see it.

Start: 00:162:56 End: 03:163:02

That's the job. When you reach the bottom, it's going to go like this. I'm sorry. I'm sorry. I'm sorry.

# EXHIBIT M

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**From:** Peter Micciche[pmicc01@gmail.com]  
**Sent:** Wed 9/11/2024 11:17:15 PM (UTC)  
**To:** tzike@oysterbay-ny.gov[tzike@oysterbay-ny.gov];  
rosewalker@nassaucountyny.gov[rosewalker@nassaucountyny.gov];  
josephsaladino@oysterbay-ny.gov[josephsaladino@oysterbay-ny.gov];  
limbroto@oysterbay-ny.go[limbroto@oysterbay-ny.go]  
**Subject:** 320 Central Ave Mosque

**CAUTION:** This email originated from outside of our organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

To My Elected Officials,

Please note that the building proposed for 320 Central Ave is way too big for our town and especially too big for that area. As it is today, there is chaos in that area during prayer times. The traffic & the lack of parking is not fair to the people who have lived in this town for many years, have paid taxes for many years and who have voted for you in our elections for many years.

The current Mosque is not being maintained to the standards of the rest of the religious institutions in the area & I can't see how that will change with a new structure that will accept hundreds of more people from all over Long Island & Queens.

I can say that for myself I avoid that area during prayer times to avoid traffic and a potential accident. You hear that, I avoid an area in my town. I'm a taxpayer avoiding an area in my neighborhood because it is chaotic. How would anyone think it would get better with a much larger structure and with more people coming from all over.

Please consider blocking this new structure that is not fit for our town. Also, please ensure that the current structures are up to code and that the current owners are keeping the property maintained in the same fashion as all other religious institutions in our town - neat & tidy!

Thanks for your attention on this matter,

Peter Micciche

This message (including any attachments) may contain confidential information and is intended

only for the individual or individuals named. If you are not the intended recipient, you should delete this message immediately. If you received this message in error, please notify the sender immediately.



# EXHIBIT N

**Transcription – November 14, 2024 Town of Oyster Bay Planning Advisory Board Meeting**

**Start: 00:00:18**

DILEONARDO: New chairs, huh?

STANCO: Yeah.

DILEONARDO: [INAUDIBLE]

CHABINA: Put my coat on.

BYRNE: Goodness. Chair's lower than I thought it was.

CHABINA: Can you raise it?

BYRNE: Yeah that's good. You gotta stand up. It will go automatically.

STANCO: You're ready, right?

BYRNE: Yeah.

**Start: 00:01:32**

STANCO: OK. Good evening and welcome to the Planning Advisory Board meeting of November 14th, 2024. Please stand for the Pledge of Allegiance led by Board Member Warner.

ALL: I pledge allegiance to the flag of the United States of America and to the republic for the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

STANCO: OK. Good evening. And secretary Byrne, please call the roll.

BYRNE: Chairman Stanco?

STANCO: Here.

BYRNE: Member DiLeonardo?

DILEONARDO: Here.

BYRNE: Member Chabina?

CHABINA: Here.

BYRNE: Member Warner.

WARNER: Here.

BYRNE: Member Castellane?

CASTELLANE: Here.

BYRNE: Member Byrne is present. Chairman, you have a quorum.

**Start: 00:02:14**

STANCO: OK. Format for the meeting includes a presentation from the applicant or applicants, questions and comments that the board members may have, and then any interested parties may speak on the application. And we ask that anyone who addresses the board to come forward and speak from the podium. And please state your name and address for the record. We have two items this evening. One item, 80 Jericho Turnpike, Jericho, New York asked for an extension. The applicant is seeking a site plan approval from the Planning Advisory Board in accordance with the town's site design standards. This site plan application involves proposed seasonal and year-round outdoor staging, storage and vehicle rentals for an existing retail business with associated site improvements and they will be ready, we think, by the December meeting, correct?

BYRNE: Correct.

STANCO: OK. Second item is 320 Central Avenue in Bethpage, New York 11714. Originally advertised as the applicant is seeking a site plan approval from the Planning Advisory Board in accordance with the town's site design standards. This site application plan involves the demolition of two commercial buildings. 300 Central Avenue, 1,992.3 square feet, and 320 Central Avenue, 2,251 square feet, and the construction of a two-story, 16,003 square foot place of worship with associated site improvements and the proposed use for the subject property is a permitted use according to Chapter 246, Table 5.2, of the code of the Town of Oyster Bay. The board will render a decision on the above application. Please note, the public is welcome to attend this meeting, however, there will be no testimony taken by the board. At the July 18, 2024 Planning Advisory Board meeting, the board adopted a motion to close the public portion of the meeting and leave the record open for 30 days for the public to comment. All of the testimony given during the aforementioned meeting as well as the correspondence received will be considered by the board prior to rendering their decision. And did we receive any correspondence?

BYRNE: We did chairman, and all the board members received all of the correspondence as well as the applicant.

STANCO: OK. So with that I will entertain a motion on this application.

**Start: 00:04:43**

CASTELLANE: I make a motion to deny.

STANCO: Motion is made to deny. Secretary Byrne? Is there a second?

WARNER: I'll second it.

STANCO: Second.

BYRNE: Castellane.

STANCO: Board Member Warner.

BYRNE: OK. On the motion to deny by Member Castellane, seconded by Member Warner, Chairman Stanco?

STANCO: Aye.

BYRNE: Member DiLeonardo?

**Start: 00:05:06**

DILEONARDO: Aye.

BYRNE: Member Chabina?

CHABINA: Aye.

BYRNE: Member Warner?

WARNER: Aye.

**Start: 00:05:11**

BYRNE: Member Castellane?

CASTELLANE: Aye.

BYRNE: Member Byrne is aye. Chairman, the motion passes.

**Start: 00:05:16**

STANCO: OK.

BYRNE: To deny the application.

# EXHIBIT O



**Town of Oyster Bay**  
**Department of Planning and Development**  
Town Hall – 74 Audrey Avenue  
Oyster Bay, New York 11771  
(516) 624-6200  
FAX (516) 624-6240  
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ANGELO A. DELLIGATTI  
COMMISSIONER

ANTHONY J. LAMARCA  
SPECIAL COUNSEL

TIMOTHY R. ZIKE  
DEPUTY COMMISSIONER

SCOTT L. BYRNE  
DEPUTY COMMISSIONER

December 26, 2024

Howard D. Avrutine  
Avrutine & Associates PLLC  
2116 Merrick Avenue Suite 2004  
Merrick, NY 11566

**RE: SITE PLAN APPLICATION NUMBER SP01-19**  
**MUSLIMS ON LONG ISLAND d/b/a MASJID AL BAQI**  
**320 CENTRAL AVENUE BETHPAGE, NY 11714**  
**SECTION: 46 BLOCK: 112 LOT: 7 & 9**

Dear Mr. Avrutine:

This Office has completed a review of the above mentioned site plan application. Attached hereto, please find a copy of Planning Advisory Board Resolution Number 8-2024 pertaining to the subject property.

Should you have any questions, please do not hesitate to contact the undersigned at 516-624-6249.

Very truly yours,

ANGELO A. DELLIGATTI  
COMMISSIONER

SCOTT L. BYRNE  
DEPUTY COMMISSIONER

AAD/SLB/cm

Resolution Number 8-2024

Town of Oyster Bay  
 Planning Advisory Board  
 Meeting of November 14, 2024

APPROVED AS TO FORM  
 D.C.

WHEREAS, an application and proposed plans have been submitted to the Town of Oyster Bay Planning Advisory Board by Muslims on Long Island, d/b/a Masjid Al Baqi, (hereinafter referred to as "Applicant") 320 Central Ave., Bethpage, New York 11714, for the demolition of two commercial buildings (300 Central Ave. [1,992.3 square foot] and 320 Central Ave. [2,521 square foot]) and the construction of a two-story with basement 16,003 square foot Place of Worship with associated site improvements at 320 Central Ave., Bethpage, New York 11714 (a/k/a Section 46, Block 112, Lot(s) 7 & 9 on the Nassau County Land and Tax Maps) located in the "GB" (General Business) Zoning District of the Town of Oyster Bay; and

WHEREAS, the submitted site plans have been reviewed by the Department of Planning and Development in accordance with the requirements of Chapter 246 (Zoning), Section 6 (Site Plan Review) of the Code of the Town of Oyster Bay and have been reviewed by other various interested departments and governmental agencies; and

WHEREAS, the Town of Oyster Bay Department of Environmental Resources forwarded a memorandum dated August 25, 2023, to the Planning Advisory Board; and

WHEREAS, the Planning Advisory Board has reviewed said memorandum, and finds that the proposed action does not pose the potential for significant environmental impacts, and therefore, adopts a NEGATIVE DECLARATION for the purposes of SEQR; and

WHEREAS, the Nassau County Planning Commission, by Resolution Number 10583-24, adopted on July 18, 2024, recommended disapproval for the project (attached hereto as Exhibit A); and


WHEREAS, at the public meetings held on January 11, 2024, and November 14, 2024, the Planning Advisory Board duly reviewed all the pertinent and relevant materials, exhibits, submissions and testimony; and

WHEREAS, the Planning Advisory Board, based upon the relevant facts and circumstances presented at the public meetings, and based upon the facts and information within the personal knowledge of the members of the Planning Advisory Board, finds the following:

1. The proposed place of worship building represents a significant expansion in overall building square footage when compared to the two existing buildings currently being utilized. The

existing conditions at the site already present issues with insufficient parking and unsafe pedestrian circulation. The current shortage of parking requires worshippers to park on residential streets as well as main roads. According to testimony, in some cases, cars stop in the middle of the roads dropping off worshippers creating a dangerous situation. The Traffic Assessment Report submitted by the applicant indicated that as the site currently exists the parking lot is completely full and on certain days and has as many as 55 overflow cars parked on the street which includes residential neighborhoods. Many residential neighbors testified that cars from the place of worship park haphazardly and block their driveways. The applicant has not addressed the parking shortage as part of their proposed application and the proposed building, significantly larger in size, will only intensify these unsafe conditions and negative impacts on the surrounding neighbors.

2. At the meeting and according to written correspondence submitted during the public comment timeframe, there was testimony from neighbors concerning the detrimental effects that the redevelopment of the site for a larger place of worship will have upon the neighborhood. Testimony was received stating that the place of worship at its current size was impeding upon the residential street and parking in front of driveways so much so that the neighborhood resembled a borough of New York City and not a suburban town in Nassau County. Another resident testified that while dropping off her grandchildren at a local daycare in her sports utility vehicle she was unable to fit down the residential streets with the overflow parking from the place of worship. The resident noted that if her sports utility vehicle couldn't fit down the street that an ambulance, fire truck or any large emergency vehicle certainly would not fit down the street. This situation imposes a clear threat to the health, safety and welfare of the surrounding neighbors. Many neighbors expressed their concerns regarding increased traffic, unsafe conditions and increased parking on residential streets.
3. The Planning Advisory Board reached the conclusion that this place of worship has outgrown the site at that their current location and the proposed expansion would constitute and over intensification of the land. Local Zoning Ordinances exist to ensure that non-residential uses do not impose a negative impact on the surrounding properties especially when the neighboring properties are residential. Almost all the testimony received indicates that the existing place of worship already poses a negative impact on the surrounding neighbors. Unfortunately, these Zoning Ordinances didn't exist years ago, and we have many non-conforming non-residential uses that do impose a negative impact on the surrounding

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properties that frequently generate complaints from neighbors. Moving forward, with proposed construction these negative impacts must be held to a minimum, especially since the building is proposed and the applicant can design the site appropriately to mitigate these potential issues.

4. This denial in no way precludes the reasonable use of the subject premises with regard to the zoning district in which it is located.

WHEREAS, the Planning Advisory Board, after due deliberation, finds that the request for the demolition of two commercial buildings (300 Central Ave. [1,992.3 square foot] and 320 Central Ave. [2,521 square foot]) and the construction of a two-story with basement 16,003 square foot Place of Worship with associated site improvements will constitute an over intensification of land use and will not be compatible with the surrounding area and community at large; and

NOW, THEREFORE BE IT RESOLVED that the applicant's site plan for the demolition of two commercial buildings (300 Central Ave. [1,992.3 square foot] and 320 Central Ave. [2,521 square foot]) and the construction of a two-story 16,003 square foot Place of Worship with associated site improvements is hereby **DENIED** by the Town of Oyster Bay Planning Advisory Board.

A motion for adoption was made by  
Member Warner and seconded by  
Member DiLeonardo.

The foregoing resolution was  
declared adopted after a poll of  
the members of the Board, the  
vote being recorded as follows:

Chairman Stanco	Aye
Member DiLeonardo	Aye
Member Chabina	Aye
Member Warner	Aye
Member Castellane	Aye
Member Byrne	Aye

DATE FILED WITH OFFICE OF THE TOWN CLERK:

RECEIVED  
TOWN CLERK  
TOWN OF OYSTER BAY  
26 DEC 2024

APPROVED AS TO FORM

## RESOLUTION NO. 10583-24

WHEREAS, the Town of Oyster Bay, Planning Advisory Board, has presented to the NASSAU COUNTY PLANNING COMMISSION for its review, pursuant to General Municipal Law, an application by **Muslims on Long Island, Inc.** for **Site Plan Review** to expand an existing house of worship (mosque) for property located in **Bethpage** and described as **Section 46; Block 112; Lot(s) 7, 9;** and

WHEREAS, the staff of the NASSAU COUNTY PLANNING COMMISSION has inspected the subject property in the field, has reviewed the request of the applicant and considered existing ordinances and zoning regulations; and

WHEREAS, the subject parcel is located within 500 feet of **Central Ave.**, a **County** road; and

WHEREAS, information regarding the subject application was received on **6/24/24**; and

WHEREAS, environmental documentation and/or the classification of action and/or initial determination of environmental significance in accordance with SEQRA was received on **6/24/23**; and

WHEREAS, Site Plan Approval is required to construct a two-story mosque, plus a basement, that requires demolishing the existing one-story mosque on Lot 7 as well as a vacant commercial structure (former restaurant) on an adjacent lot 9. If the site plan is approved, a parking variance will be required with 88 spaces proposed and 155 spaces required. The subject property is located within the Town's GB (General Business) zoning district; and

WHEREAS, the generally rectangle-shaped 1.3-acre subject property is located on the northwest corner of Stewart Ave. and Central Ave. The subject property is occupied by a one-story mosque consisting of 2,521 square feet (Lot 7) and a vacant restaurant building consisting of 1,992 square feet (Lot 9). The two lots are not connected. Both buildings will be demolished to accommodate the larger mosque that will consist of 16,003 square feet (including the basement) and Lots 7 and 9 will be merged. A parking lot comprising 88 spaces will surround the proposed mosque. The basement will include a multi-purpose room, kitchen, storage areas, restroom, vestibules and utility room; the first floor will include a prayer room, multi-purpose room, library/conference room, office space, restrooms, vestibules and lobby; the second floor will include a classroom, storage room, restrooms, lobby and vestibule. Proposed vehicular access will be provided via a curb-cut located at the westerly end of the site on Central Ave. (right and left-turns entering/right-turns exit-only) and a curb-cut located at the northerly end of the site on Stewart Ave. (right and left-turns entering/right-turns exit-only). The subject property is surrounded by the following uses: To the west are a recharge basin and homes; to the north are homes; to the east, across Stewart Ave., is property occupied by two Police Activity League buildings; to the south, across Central Ave., are homes. Stewart Ave. consists of five lanes along the site's frontage, including three southbound approach lanes that includes an exclusive southbound left-turn lane onto Central Ave. Central Ave. consists of five lanes along the site's frontage, including three eastbound approach lanes that includes an exclusive eastbound left-turn lane onto Stewart Ave. The intersection of Central Ave. and Stewart Ave. is controlled by a multi-

phased traffic signal. Parking is prohibited along Central Ave. and Stewart Ave. in the vicinity of the site.

**WHEREAS**, the current site plan represents an amended site plan that was initially before the Nassau County Planning Commission on January 11, 2024 for Site Plan Review. At that time, the Planning Commission requested that the Parking/Traffic Analysis be revised to better reflect the potential impacts of a significantly larger religious institution than what currently exists. A revised Analysis was never submitted. The current plan is different than the initial plan as it modifies vehicular access to the site and reduces the occupancy rating of the facility from 506 persons to 464 persons, thus reducing the required parking from 169 spaces to 155 spaces; and

**NOW THEREFORE BE IT RESOLVED**, that after due deliberation and consideration, the NASSAU COUNTY PLANNING COMMISSION finds:

- The project represents a considerable expansion of the current facility (existing mosque – 2,521 sf/proposed mosque – 16,003 sf).
- While the stated intention of the project is to better accommodate the needs of the existing congregation and is not intended to increase the number of people at the site, an expansion of this magnitude could conceivably result in significantly more activity at the mosque than what currently exists that could potentially increase site generated traffic as well as result in additional parking demand beyond what the Traffic/Parking Analysis projects.
- By applying Town parking standards, the project will result in 43 percent parking deficiency (88 parking spaces provided/155 spaces required).
- The Traffic/Parking Analysis acknowledges that the project will result in overflow parking that can be accommodated on nearby public streets. Parking is prohibited on both Central Ave. and Stewart Ave. in the vicinity of the mosque. Thus, overflow parking would necessarily spillover onto adjacent and nearby residential streets creating undo hardships on these residents during certain high demand times.
- The Traffic/Parking Analysis does not give due consideration to the additional traffic and parking impacts that may result from an expansion of this magnitude and the potential impacts on nearby residential streets.
- At its January 11, 2024 meeting, the Planning Commission requested that the Traffic/Parking Analysis be revised to better address the potential impacts of the expansion and deemed the application incomplete from its perspective. A revised Analysis was never submitted.

**AND BE IT FURTHER RESOLVED**, that the NASSAU COUNTY PLANNING COMMISSION hereby recommends **DISAPPROVAL** of the aforementioned as provided by law.

Pursuant to Section 239-m of the General Municipal Law, the referring municipality shall file a report indicating its decision with the NASSAU COUNTY PLANNING COMMISSION within thirty (30) days of final action.

The resolution herein was, in accordance with all applicable laws, duly considered moved and adopted by the following vote:

Leonard Shapiro, Chair	Excused
Jeffrey Greenfield, 1 <sup>st</sup> Vice Chair	Aye
Neal Lewis, 3 <sup>rd</sup> Vice Chair	Nay
Ronald Ellerbe -	Excused
Dana Durso-	Aye
Murray Forman -	Excused
Denise Gold -	Aye
Khandan Kalaty -	Aye
Reid Sakowich -	Aye

The Chair declared the resolution duly adopted.

Resolution of the NASSAU COUNTY PLANNING COMMISSION adopted: 7/18/24

STATE OF NEW YORK     )  
                                      ) SS:  
COUNTY OF NASSAU     )

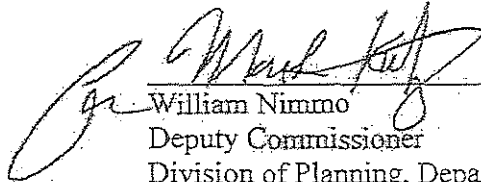
I, William Nimmo, Deputy Commissioner of the NASSAU COUNTY  
DEPARTMENT OF PUBLIC WORKS, Division of Planning, do hereby certify that I  
have compared the proceeding with the original resolution passed by the PLANNING  
COMMISSION of Nassau County, New York on 7/18/24

on file in my office and recorded in the record of proceeding of the PLANNING  
COMMISSION of the County of Nassau and do certify the same to be a correct transcript  
therefrom and the whole said original.

I further certify that the Resolution herein above-mentioned was passed by the  
concurring affirmative vote of the PLANNING COMMISSION of the County of Nassau.

IN WITNESS WHEREOF, I have hereunto set my hand,

This 18 day of July  
In the year two thousand and twenty-four

  
\_\_\_\_\_  
William Nimmo  
Deputy Commissioner  
Division of Planning, Department of Public Works