

1 M I N U T E S
2 OF THE MEETING
3 OF THE
4 PUBLIC HEARING
5 INCORPORATED VILLAGE OF MALVERNE

6 June 18, 2025

7 7:15 p.m.

8

9 PRESENT:

10	TIMOTHY H. SULLIVAN,	MAYOR
11	SCOTT EDWARDS,	DEPUTY MAYOR
12	LORI A. LANG,	TRUSTEE
13	CARL J. PRIZZI,	TRUSTEE
14	MEGAN O'ROURKE-SCHUTTA,	TRUSTEE

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16

17 Also Present:

18 Peter Trentacoste - Village Attorney

19 Jill Valli - Village Clerk

20 Louis Santora - Building Superintendant

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1 MAYOR SULLIVAN: Good evening,
2 everyone. And welcome to the June 18, 2025
3 Special Use Public Hearing of the Incorporated
4 Village of Malverne.

5 If you could please stand for the
6 Pledge of Allegiance.

7 (Whereupon, the Pledge of Allegiance
8 was recited.)

9 MAYOR SULLIVAN: Thank you.

10 Madam Clerk, if you could read the
11 legal notice please.

12 MS. VALLI: Notice is hereby given that
13 the Board of Trustees of the Incorporated
14 Village of Malverne will hold a Public Hearing
15 at Malverne Village Hall, 99 Church Street,
16 Malverne, New York 11565 on Wednesday, June 18,
17 2025 at 7:15 p.m. to hear the following cases,
18 Malverne Properties LLC, 61 Church Street,
19 Business District, Building Permit Application
20 2024-0115, proposes to demolish existing
21 one-story structure and construct 11,118 total
22 square foot three-story, 12 unit multi-family
23 dwelling over basement. Kevin Gaffney, 44
24 Nassau Boulevard, Residential B District,
25 Building Permit Application Number 2025-0223,

1 proposes to construct a second kitchen in new
2 second-floor addition within existing
3 single-family dwelling.

4 All interested parties should appear at
5 the above time and place.

6 By order of the Malverne Board of
7 Trustees, Incorporated Village of Malverne,
8 Jill Valli, Village Clerk, dated May 22, 2025.

9 MAYOR SULLIVAN: Thank you.

10 I want to call the first case, if we
11 could hear from the applicant for 61 Church
12 Street please.

13 MR. TRENTACOSTE: Mayor, just before we
14 start, some housekeeping for the Board and for
15 the Public.

16 MAYOR SULLIVAN: Village Attorney,
17 thank you.

18 MR. TRENTACOSTE: There is a sign-in
19 sheet, if anyone intends to speak tonight we
20 ask that you just sign in. Everyone here will
21 be afforded the opportunity to be heard on both
22 applications. If you could sign in we will
23 limit the first round of comments to
24 three minutes, we will time it and give you a
25 one-minute warning to let you know there is

1 one minute remaining. After we exhaust the
2 room, if anyone feels the need that they have
3 to come back up to ask another or reiterate a
4 point we will then recirculate and go back to
5 the first person who spoke.

6 We have a court reporter here tonight,
7 and we have the best court reporter here in all
8 of New York State. In order for her to do her
9 job as well as she does, she needs everyone to
10 come to the podium, state their name, their
11 address, speak slowly, speak clearly, and most
12 importantly, one at a time. That way we would
13 have a clear record for tonight's proceeding.

14 One final point, the application point
15 we've broken down to basically three sections,
16 the first you will hear from the applicant, the
17 Board will then ask questions of the applicant,
18 after the Board is done asking questions the
19 public will be invited, if they have questions
20 or comments, that will be their opportunity to
21 come up and speak.

22 We ask that all of those questions or
23 comments be directed towards the Board. We
24 will ask the applicant and his representatives
25 to sit, take notes, and at the end of all the

1 questions have them come back up and answer
2 each one individually.

3 With that, Mayor, that's all the
4 housekeeping matters.

5 I would just ask, for a matter of the
6 record, we are going to incorporate into this
7 proceeding the Zoning Board application that
8 was heard before the Zoning Board for 61
9 Church, as well as the complete Building
10 Department file for this application.

11 MAYOR SULLIVAN: Great. Thanks very
12 much.

13 MR. TRENTACOSTE: Thank you.

14 MR. WAGNER: Good evening, Mr. Mayor.

15 MAYOR SULLIVAN: Good evening.

16 MR. WAGNER: Fellow Trustees, Members
17 of the Board of Trustees, my name is Chris
18 Wagner, I am an attorney with Humes & Wagner,
19 147 Forest Avenue, Locust Valley, New York.

20 I am here tonight representing Malverne
21 Properties and the managing member Mr. Peter
22 Rossi, who is the owner of 61 Church Street.

23 As the public notice has articulated,
24 we are here tonight seeking as part of the
25 various aspects of approval required from the

1 Village to demolish the old dilapidated
2 building, which you see on the left of my
3 poster board, and a construction of a beautiful
4 new three-story, multi-family dwelling, 12 unit
5 multi-family dwelling.

6 As the Village Attorney previously
7 mentioned, we appeared before the Village
8 Zoning Board of Appeals on two separate
9 occasions, and we were fortunate enough to
10 obtain approval for six of the seven variances.
11 Our variance for maximum height was denied, we
12 were seeking a height of 36 and a quarter feet
13 when only 35 feet is required, that was denied,
14 but otherwise our variances were granted, which
15 included a parking variance, but that's the
16 Zoning Board.

17 So why are we here tonight? We are
18 here tonight pursuant to two sections of the
19 Village's Code, Section 600-2.6 and 600-4.3.
20 We are seeking a special use approval as well
21 as a waiver of parking requirements.

22 And before I get into the specifics of
23 that, I would just like to tell you a little
24 about my client's proposed project, which we
25 view as a significant improvement to Church

1 Street, to the Business District and to the
2 Village as a whole.

3 The subject building shown there on the
4 left was built 70 years ago, 1954, my client
5 purchased the property in 2022. Upon
6 information, it was originally used for a
7 variety of commercial purposes. At the time
8 that my client purchased it it was being used
9 as some type of passive storage facility which
10 added no real value to the Village. It has
11 essentially sat vacant and abandoned for
12 several years.

13 As you can see in the pictures it is in
14 poor condition and has certainly reached the
15 end of its functional life. I don't think that
16 anyone could object that this building is
17 somewhat of an eyesore and the Village would
18 benefit from an upgrade.

19 Particularly where this building sits,
20 it sits in a prominent location within the
21 Village, one could argue the heart of the
22 Village.

23 This building never really had much of
24 an identity, functional identity or aesthetic
25 identity. That's where my client comes in, he

1 wants to give this property an identity, to
2 give it both function and aesthetic value.

3 MAYOR SULLIVAN: Mr. Wagner, we have
4 all these pictures in front of us. It might be
5 helpful if the general public gets to see it.

6 Lou, would you mind turning it around?

7 MR. SANTORA: Sure.

8 MAYOR SULLIVAN: I'm sure people are
9 curious to see what the applicant is referring
10 to, if they didn't know already, that might be
11 more helpful to the public.

12 MR. WAGNER: Absolutely.

13 Who is my client? My client,
14 Mr. Rossi, is a 30-year resident of the
15 Village, he is a current resident of the
16 Village, he has strong ties to the Village, he
17 lives here, he isn't going anywhere. This
18 isn't something that's being done on spec, this
19 isn't a developer from New York City, not that
20 there is anything wrong with that, but this is
21 a resident of the Village who is committed to
22 the Village who is enhancing the quality of
23 life within the Village.

24 So at this time I would like to touch
25 upon the two requested aspects of relief we are

1 seeking. Again, the special use approval for
2 the construction and use of a multi-family
3 dwelling in the Business District, and
4 secondarily, a waiver of the parking
5 requirements because we don't have any
6 off-street parking on-site, and we are within a
7 municipal lot, within 300 feet of the municipal
8 lot.

9 With your permission I would like to
10 address the request for the special use
11 approval first.

12 MAYOR SULLIVAN: Please do so.

13 MR. WAGNER: Thank you, Mr. Mayor.

14 Section 600-2.6 of your Code lists
15 various permitted uses within the Business
16 District. My client's property is located
17 within the Business District, and I think
18 that's important to recognize. We are not
19 proposing this multi-family dwelling in the
20 Residential District or in the middle of a
21 residential area surrounded by single-family
22 homes. We are in the Business District which
23 is a mixed-use district. And as your Code
24 says, this is a permitted use within the
25 Business District subject to obtaining approval

1 from your Board.

2 So it's interesting, some of the other
3 uses permitted pursuant to a special use permit
4 within the Village, multi-family dwelling, gas
5 filling station or public garage, undertaking
6 or embalming, dry cleaning, public parking
7 space, trailer camps, stores or shops for the
8 sale of food or drink, used car lots, theater,
9 department stores, supermarkets, just to name a
10 few.

11 So I would argue we are a far less
12 intense use within your Business District, and
13 far less impact on the surrounding community as
14 a low impact multi-family dwelling, we are a
15 residence, and we are similar to some of our
16 direct neighbors.

17 There are standards within your Code,
18 and I would like to briefly touch upon them if
19 that's okay. 600-5.2 lays out the standards
20 for your review and consideration when
21 considering an application such as ours.

22 The first standard, there are nine,
23 I'll try and be quick. The purposes of zoning
24 set forth in the New York State Village Law.

25 As mentioned earlier, and I will

1 discuss in greater detail, we were fortunate
2 enough to attain the necessary Zoning
3 variances, six of the seven from the Zoning
4 Board, and my client is going to redesign the
5 height so the building will comply with the
6 height with the 35 foot mark.

7 Number two, that the proposed use is of
8 such character, size, location, design and site
9 layout so as to be appropriate to and in
10 harmony with the surrounding properties, the
11 neighborhood and the Village.

12 Given our location on Church Street, we
13 submit that we are entirely in harmony with our
14 surrounding neighborhood. There are various
15 businesses up and down the street, and more
16 relevant, there are various multi-family
17 dwellings in our immediate vicinity, including
18 a nearly identical comparable 12 unit
19 multi-family dwelling at 47 Church Street, just
20 a few doors down from us, so there is precedent
21 in this area.

22 Number three, that the proposed use or
23 will be -- excuse me. That the proposed use is
24 or will be necessary or desirable to the
25 neighborhood or the Village in that it will

1 provide a service, facility or convenience or
2 otherwise contribute to the proper growth and
3 development of the community and to its general
4 welfare.

5 That kind of dovetails into our target
6 demographic. My client's target demographic is
7 kind of two numbers of folks, empty nesters,
8 people who have lived in Malverne for a long
9 period of time and are no longer interested in
10 the upkeep of a home, looking to downsize, and
11 the goal here is to provide them with a safe
12 and comfortable place to live within the
13 Village so that they can stay close to their
14 friends and family. Also we are looking to
15 attract young professionals who haven't yet
16 saved enough money to buy a house on Long
17 Island, no secret it can be expensive, so they
18 might be working and commuting into the City,
19 saving their money, in the hopes of maybe
20 buying a house in Malverne or in the vicinity,
21 this is their starting point. So we believe
22 that this provides a very useful purpose and
23 will be well received.

24 We also feel that it's superior to any
25 as-of-right alternative within the Business

1 District, which could result in the building
2 staying as-is, renting out to a contractor or
3 plumber, vans, trucks coming in and out from
4 the site throughout the day.

5 Number four, that the proposed use
6 shall not be hazardous, inconvenient,
7 conflicting or incongruous to the surroundings,
8 neighborhood or Village by reason of excessive
9 traffic, assembly of persons or vehicles,
10 proximity to normal travel routes or
11 congregation of children or pedestrians.

12 Again, I would submit that given our
13 location on Church Street, we are in harmony
14 with our surroundings, this isn't Wright or
15 Johnson Avenue.

16 I give credit to the Zoning Code, and
17 it's smart zoning, this is a Business District,
18 it contemplates many various and mixed uses, we
19 will be in addition to that.

20 Similar to other buildings in our
21 immediate vicinity, we will be a low density
22 multi-family dwelling.

23 Number five, that the location and size
24 of the use, the nature and intensity of the
25 operations involved or conducted in connection

1 with it, its site layout and its relation to
2 streets giving access to it will not be
3 hazardous or inconvenient to the residential
4 character of the neighborhood or conflict with
5 the normal traffic on the residential streets.

6 We are a residential use, we are not a
7 business use, we are in line with our
8 surrounding neighbors. We don't have any
9 operations per se, Code talks about operations
10 and it might contemplate other types of uses.
11 But what's our operation? Our operation is
12 people coming and going from their homes on a
13 daily basis. So we submit that we are in
14 harmony with some of our immediate neighbors
15 and with the neighborhood as a whole.

16 Number six, that the proposed use, the
17 site layout, location, heights, signs, walls,
18 fences and landscaping will not hinder or
19 discourage the appropriate use and development
20 of adjacent uses or impair the value thereof.

21 Regarding value, we would argue that
22 given the current state of the property, our
23 proposed use will be a great improvement to the
24 area and the surrounding values. I think most
25 of the other aspects of this condition are

1 largely applicable to our multi-family dwelling
2 as there are no signs or walls or fences to
3 speak of. And, if we are fortunate enough to
4 secure approval from your Board, we will be
5 back at some point for strictly architectural
6 review, so we'll get into more of the
7 aesthetics as well, I have to think of the
8 design of the building.

9 Number seven, that the proposed use,
10 site layout, location, size or operation will
11 not be objectionable to nearby dwellings by
12 reason of noise, lights or impacts.

13 Again, what are we proposing? We are
14 proposing a residence. Big fan of bars and
15 restaurants and pizza places myself, take the
16 kids to the ice cream shop, but we are not any
17 of those things that would generate people
18 coming and going at different points of the
19 day, congregation of people. Our target
20 demographic of empty nesters and young
21 professionals coming and going to work and
22 retirees looking for peace and quiet in their
23 new homes.

24 Number eight, that the proposed use,
25 location, size, site layout and nature of use

1 will be a harmonious part of the district in
2 which it is to be situated.

3 Again, we are seeking approval for a
4 modest, low impact multi-family dwelling. And
5 I point to 47 Church Street as proof that we
6 fit, that this type of use fits in this
7 location, that it works in the neighborhood and
8 there is a need for it.

9 Finally, number nine, that the
10 location -- it's a long one, forgive me. That
11 the location and size of the use, the nature
12 and intensity of the operations in or conducted
13 in connection with its site layout and its
14 relation to streets giving access to it will be
15 such that vehicular traffic will not be more
16 hazardous than the normal traffic of the
17 district, taking into account such factors as
18 street intersections, traffic flow, sight
19 distances and pedestrian traffic.

20 Again, there is that word operations,
21 we don't have any operations to speak of, there
22 is no intensity of any operations. We are a
23 residence and we are a low impact residence.
24 We are not the Avalon, we are not the Feather
25 Factory by the Lynbrook train station, we are a

1 low density, 12 units, nine one-bedroom, one
2 studio, and two bedrooms.

3 And furthermore, regarding congestion,
4 one of our weaknesses of our application is
5 that we don't provide any on-site parking, but
6 I could argue that that is somewhat of an asset
7 when considering this one particular factor.
8 The residents of our multi-family dwelling will
9 be parking their cars at various locations,
10 will be spread out, I will get into that in a
11 moment. But, you know, it's not the Pilates
12 studio or other places where cars are coming
13 and going and idling and waiting to pick people
14 up, it's residents parking their cars, walking
15 to their homes and settling, whatever they do,
16 going about their daily lives in their own
17 home.

18 So regarding parking, I think that kind
19 of dovetails into the second aspect of our
20 requested relief, so I would like to speak to
21 that as well.

22 Section 600-4.3 of your Code states
23 that, municipal parking within 300 feet of the
24 building may be used to satisfy all or part of
25 the parking requirements, subject to the

1 approval of the Board of Trustees. Before
2 approving any waiver of parking requirements,
3 your Board shall find that such waiver will not
4 cause undue congestion on adjoining streets,
5 will not limit the accessibility of the
6 property for fire and police protection, and
7 will not be detrimental to the neighborhood.

8 One of the variances that I mentioned
9 that we previously obtained from the Zoning
10 Board was the parking variance. Your Code
11 says -- has a formula, and for the number of
12 units that we are proposing that we have that
13 it's incumbent upon us to provide 19 parking
14 spaces.

15 We actually think given our target
16 demographic of young professionals, our
17 multi-family dwelling will generate maybe
18 closer to 12 cars. Guess what your Code says?
19 19. So we have to comply with that. And our
20 multi-family dwelling does not provide any
21 on-site parking.

22 We were fortunate enough to obtain a
23 favorable decision and a variance from the
24 Zoning Board on this issue.

25 So now we are here before your Board

1 and somewhat overlapping or concurrent
2 jurisdiction as some of the parking that we
3 offer or propose to offer for our residents to
4 park are indeed municipal lots located within
5 300 feet of our building.

6 As was part of the record in the Zoning
7 Board hearing, my client does have a written
8 agreement with Mr. Jerry Tarpinian, an owner of
9 Towne Service Station. And with this agreement
10 we have a commitment from him to rent nine
11 parking spaces which will be reserved for
12 residents within our building, so that's nine
13 of our deficient 19, so that leaves us with a
14 deficiency of ten.

15 So to that end, when we first appeared
16 before the Zoning Board back in August of last
17 year, '24, my client had performed a parking
18 survey over a period of 45 days. And what that
19 data bared out was that in the Village owned
20 lots that permit overnight parking with a pass
21 and that are in proximity to our property,
22 there is essentially an average of
23 approximately 29 available spots overnight
24 parking on a nightly basis. Specifically
25 Parking Field 5, which is approximately 100

1 yards away there was an average of 18 available
2 spaces per night. So with the agreement from
3 Towne Service Station for nine and the 18 in
4 Parking Field 5, you know, that got us right up
5 to 27.

6 In addition to that initial parking
7 survey, which covered 45 days, and at the
8 behest of Zoning Board when we last appeared,
9 my client performed an additional survey,
10 parking survey, over a period of six months. I
11 think the thinking was and good thought to have
12 a greater sample size, to have it be outside of
13 the summer, the back to school hours and to
14 also evaluate daytime parking.

15 So I have the results of that survey,
16 copies I know was part of the Zoning Board
17 record, but I am happy to furnish it to the
18 Board tonight as well.

19 So daytime parking survey, conducted
20 from August through February 25th, end of
21 February, Field 1 during the day an average of
22 six spaces available, Field 2 an average of
23 eight spaces available, Field 3 an average of
24 76 spaces available, Field 5 an average of 23
25 spaces available, and Field 6 an average of 28

1 spaces available. Again, that was all
2 submitted in the Zoning Board record with
3 photos time stamped. So in total an average of
4 141 available parking spaces during the day.

5 We also conducted an overnight parking
6 survey which was conducted from August to
7 March 2nd. In Field 1 there was an average of
8 ten spaces available, and in Field 5 there was
9 an average of 17 spaces available, so in total
10 an average of 27 available parking spaces
11 overnight. We are 19 deficient, we have an
12 agreement with Towne Service Station for nine,
13 so we are working with that ten deficiency.

14 And, finally, apparently the Board had
15 adopted or made their new public lot directly
16 across the street at the old police department
17 building, which we believe will have, I think,
18 somewhere between 15 and 18 spaces available
19 for daytime and overnight parking.

20 So all in our data shows that there is
21 an abundance -- and I am spending time with
22 this to get back to the points in your Code.
23 Our data shows there is an abundance of Village
24 parking to compensate for our 19-spot
25 deficiency.

1 We respectfully submit that the future
2 residents of our potential multi-family
3 dwelling will have more than enough parking
4 spaces to utilize, thus we don't think that
5 will cause any undue congestion on any
6 adjoining streets.

7 Furthermore, as previously mentioned,
8 we are not retail, we are not providing service
9 of any kind, we are just residents with
10 12 units, with parking kind of spread out in
11 various locations. Any increase in the number
12 of cars along Church Street would not be
13 impactful in any way or noticeable in our
14 opinion.

15 We submit that there will not be any
16 limitation of the property for police or fire
17 protection, I argue with today's building codes
18 that we will be safer.

19 Finally, we don't see any detriment to
20 the neighborhood given the abundance of local
21 parking and our agreement with the Towne
22 Service Station. Whether this multi family
23 yields 12 or 19 cars, the impact to the
24 neighborhood will be indiscernible.

25 And, again, we would submit that we are

1 a far superior use than some of the other uses
2 permitted in the Business District. And by
3 providing this service to the Village and
4 filling a need for housing, empty nesters and
5 young folks just getting started.

6 So we submit we are currently an
7 improvement to the site, currently an
8 improvement to Church Street, to the Business
9 District, and to the Village as a whole.

10 So for all those reasons we would ask
11 that your Board look favorably on our
12 application.

13 I would be happy to answer any
14 questions that you might have.

15 MAYOR SULLIVAN: Thank you very much.
16 Appreciate it.

17 I'll ask the Board if they have any
18 questions of the applicant?

19 TRUSTEE LANG: No.

20 MAYOR SULLIVAN: No questions
21 whatsoever.

22 Village Attorney?

23 MR. TRENTACOSTE: Do you mind if I
24 could just ask, the agreement for the nine
25 spaces, how long is the term of that agreement?

1 MR. ROSSI: One year with a renewal.

2 MR. WAGNER: One year with a renewal.

3 MR. TRENTACOSTE: And if this Board was
4 inclined to vote in favor of the application,
5 would your client be willing, as a condition of
6 approval, to accept that he would be required
7 to purchase 19 of the overnight parking
8 permits?

9 MR. WAGNER: Absolutely.

10 MR. TRENTACOSTE: That would be a
11 reoccurring annual --

12 MR. WAGNER: Obligation.

13 MR. TRENTACOSTE: -- obligation?

14 MR. WAGNER: Absolutely.

15 MR. TRENTACOSTE: And that would be on
16 the owner of the property rather than the
17 individual tenants?

18 MR. WAGNER: Absolutely.

19 MAYOR SULLIVAN: My only trepidation
20 about the Towne Service Center property is,
21 number one, it already looks over parked to me;
22 number two, what happens if the property is
23 sold? So we really have to plan for longer
24 term here.

25 We did recently adopt a resolution to

1 construct or allow for public parking at 1
2 Britton Circle, which would certainly help
3 alleviate some parking concerns.

4 I myself have talked to a number of the
5 neighbors and, number one, parking was the
6 overriding biggest issue here. And I think
7 that by offering overnight parking to the
8 residents in the area, you know, not mutually
9 exclusive to your applicant's premises, but
10 also to other multi-family occupants in the
11 area, that it would help alleviate some of the
12 parking concerns in the area.

13 Number two is traffic. If you live in
14 the area, or if you work in the area, as we all
15 do here on this Board, there is a bit of a
16 pinch point between the property located at 47
17 Church and Village Hall. The street's a lot
18 wider from 47 Church in which we commonly from
19 Malverne call it Brown Derby apartments, the
20 street's much wider between there and Hempstead
21 Avenue, and it provides easier passage on that
22 section of Church.

23 We have been discussing as a Board, at
24 the request of residents in the area and
25 business owners, to help or figure out a way to

1 alleviate traffic concerns on Church,
2 specifically by widening that section of Church
3 Street, that would be between 47 Church,
4 otherwise known as Brown Derby apartments, and
5 Village Hall. We have a proposal from the
6 Village's engineer to put together design
7 services, and we have estimated costs of
8 construction for that.

9 I note that part of the Code here and
10 part of what we are being asked to do is
11 provide an acceptance of your application to
12 alleviate parking requirements. I would like
13 to ask that, as a condition, if this Board were
14 to approve the application, that the applicant
15 is or would be willing to contribute a pro rata
16 share of the street widening costs for the
17 section of roadway that I just described.

18 MR. WAGNER: Could I just chat with my
19 client for one moment?

20 MAYOR SULLIVAN: Sure.

21 Village Attorney, is that accurate?

22 MR. TRENTACOSTE: Yes, Mayor. Thank
23 you.

24 (Whereupon, there was a pause in the
25 proceedings.)

1 MR. WAGNER: Again, as a resident of
2 the Village, Mr. Rossi is happy to do his fair
3 share and contribute, I guess, pro rata,
4 meaning everybody would share in that
5 obligation along the street, those properties
6 that fall within that kind of zone that you
7 mentioned.

8 MAYOR SULLIVAN: Yeah, I mean we
9 haven't gotten that far yet, it's hard to get
10 some properties that are already developed to
11 share in that cost because they've already been
12 approved. They may say that's an unfair
13 condition that is being asked of the current
14 applicant but we are looking at current
15 conditions that are there now.

16 MR. WAGNER: Sure.

17 MAYOR SULLIVAN: Any future applicants
18 that want to modify their property will be
19 asked to contribute the same share. And I
20 hypothetically, or rather more calculated-wise,
21 I have looked at it on a linear feet
22 perspective from every property owner on that
23 section of roadway. So if anyone would come
24 before us to modify their property in such a
25 way they would be asked to contribute for the

1 road widening project with that same pro rata
2 share of expense.

3 MR. WAGNER: Sure.

4 Mr. Mayor, I think the answer is yes.
5 I guess it would just be something that
6 obviously margins could be thin with
7 construction, and there be some type of cap.

8 You seem to be articulating quite well
9 that there would be a formula based on linear
10 feet and pro rata share so it seems as if that
11 would be something, you know, in perpetuity.

12 MAYOR SULLIVAN: Yeah, I would also add
13 that we've been pretty efficient as a Village
14 government in seeking outside grant money and
15 subsidies from other entities to help defray
16 costs, so they are certainly not set in stone,
17 but that would be a fluid conversation we would
18 have with the applicant and any other
19 subsequent applications.

20 MR. ROSSI: Can I ask a question?

21 MAYOR SULLIVAN: Yes, of course.

22 Please just identify yourself for the
23 record.

24 MR. ROSSI: I am Peter Rossi, I am the
25 applicant, 109 Church Street -- 109 Webster

1 Street, Malverne.

2 MAYOR SULLIVAN: Welcome, Mr. Rossi.

3 MR. ROSSI: Thank you.

4 Is the proposed widening to take place
5 on both sides of the street?

6 MAYOR SULLIVAN: It would not. It
7 would be on, let's call it, your side.

8 If you lived in Malverne a long time
9 you would know that the side of the street
10 where your proposed building, the lot that you
11 own, was primarily a commercial use, a
12 restaurant, I think a convenience store at one
13 point, a VFW, all uses that I remember.

14 I am speculating that the sidewalks
15 were constructed rather wide there, as they are
16 further down, as your attorney noted in front
17 of the ice cream shop and a couple of other
18 businesses to allow for more pedestrian
19 traffic.

20 When we were considering some of the
21 concerns of the neighbors, we took a look at
22 that one section of the street in particular,
23 and noticed that certainly there has been a
24 change of use in what commercial uses have
25 taken place in that area, certainly since I've

1 been born, and we may not need, you know, such
2 widths of sidewalks in that area any longer,
3 and it would serve the public better if we were
4 to widen the street a little bit further,
5 consistent with where the street is already
6 from 47 Church all the way down to the
7 intersection of Utterby and Hempstead.

8 We believe it's probably, and I know
9 that, you know, this is a legal hearing, and I
10 am being quoted and everything is being written
11 down by the reporter, but we believe it to be
12 anywhere between 4 and 6 feet, but we will have
13 proper survey work conducted to determine what
14 is the Village's -- certainly the Village's
15 right-of-way versus what the individual
16 property owners own.

17 We don't imagine or anticipate any
18 encroachment on private property on that
19 street.

20 MR. ROSSI: Yeah, I measured today the
21 sidewalk in front of our building and in front
22 of the adjacent buildings is 10 feet wide, so
23 our property line starts 10 feet from the curb
24 but, you know, if you were to go 10 feet --

25 MAYOR SULLIVAN: That's not what we are

1 anticipating.

2 MR. ROSSI: The property would be right
3 on the street.

4 MAYOR SULLIVAN: We don't anticipate
5 any type of eminent domain, nor a negotiation
6 or taking of private property to do this.

7 We are just imagining widening it to be
8 consistent with the rest of the street, as I
9 described.

10 If you could think about it, it's
11 probably the width of a car.

12 MR. ROSSI: If you take 10 feet there
13 is no sidewalk.

14 MAYOR SULLIVAN: That's not what I am
15 saying.

16 MR. TRENTACOSTE: The intent is to
17 widen the street but still remain consistent
18 with having an accessible sidewalk.

19 MAYOR SULLIVAN: Yeah, 4 feet,
20 something like that.

21 MR. ROSSI: Okay, 4 feet maybe.

22 MAYOR SULLIVAN: Correct. We are not
23 there yet, but we are anticipating embarking on
24 this project due to the concerns raised by the
25 residents in the area. And, frankly, by

1 ourselves, we work here, sometimes it's -- it
2 causes traffic exiting the Village Hall parking
3 lot here, and also potentially safety concerns.

4 MR. ROSSI: Okay.

5 MR. WAGNER: Thank you.

6 Just questions for us to help us
7 understand. Yes, I think he answered that
8 question.

9 Also if we were so fortunate, we'd be
10 more than happy to sign off on any conditions.

11 MAYOR SULLIVAN: The flip side of it is
12 under the Code we could impose that you pay for
13 parking somewhere and we construct parking. I
14 think that I've highlighted that we've made
15 some recent decisions to increase public
16 parking in the area and that our second concern
17 raised by the community, which we are trying to
18 address is, is traffic on the street generally,
19 we think that will help alleviate that.

20 MR. WAGNER: Very good.

21 MAYOR SULLIVAN: And then I know that
22 there is members of the community here, people
23 have signed in to speak.

24 The third part of what we've heard as a
25 Board is not only traffic and safety concerns,

1 but a lack of enforcement in Church Street,
2 particularly in front of the commercial
3 properties.

4 Deputy Mayor Scott Edwards is the
5 police commissioner, and we've been engaged
6 with the police department to make sure that
7 they are actively enforcing the traffic and
8 parking code and rules on that section of
9 street and anywhere in the Village. And if
10 that's not being upheld to the standard that
11 you expect, we would encourage you to make it
12 known to Village Hall and/or us personally.

13 Any other members of the Board care to
14 comment on the application?

15 TRUSTEE LANG: No.

16 MR. WAGNER: Thank you for your time.

17 MAYOR SULLIVAN: Thank you, Mr. Wagner.

18 MR. WAGNER: I would just like to say
19 if possible, reserve the right to rebut
20 anything, or answer any questions that the
21 Board might have.

22 MAYOR SULLIVAN: Absolutely. We ask
23 you to sit and take detailed notes and if you
24 can answer any questions.

25 MR. WAGNER: Sure.

1 MAYOR SULLIVAN: Village Attorney, you
2 want to just repeat the forum?

3 We are going to open this up to public
4 questions.

5 MR. TRENTACOSTE: If you've signed in
6 to speak we ask you to come to the podium, give
7 your name and address, you will have
8 three minutes to share your comments or
9 questions, we ask everything be directed to the
10 Board, they will then inquire answers from the
11 applicant who will then come up and answer once
12 everyone has had an opportunity to speak.

13 MAYOR SULLIVAN: And also to add,
14 similar to our Village Board meetings, if you
15 didn't have the opportunity to sign in and
16 would like to speak, I will certainly open that
17 up to you, so long as you come forth and give
18 your name and address.

19 The first speaker Mr. Gaffney, Kevin
20 Gaffney, who is also an applicant for
21 Architectural Review Board.

22 Did you mean to speak at this hearing?

23 MR. GAFFNEY: Not for these fellows,
24 no. For myself.

25 MAYOR SULLIVAN: Alright, Kevin Brady,

1 61 Church Street.

2 MR. BRADY: Kevin Brady, 90 Church
3 Street, Malverne, New York.

4 Good evening, Mayor and members of the
5 Board. I am a resident of 90 Church Street.

6 And, no, I am not within 250 feet of
7 the radius of this application for the 12 unit
8 apartment building within 61 Church Street, I
9 feel a tremendous impact on this and all the
10 residents in this area. I strongly believe I
11 should have been notified and I wasn't.

12 I personally don't feel the need for
13 this apartment building in Malverne, especially
14 when just south of us, Lynbrook, they are
15 building 200 apartments; in West Hempstead,
16 just north of us is building an apartment
17 building with 420 apartments, both are less
18 than one mile from Malverne.

19 I have attended two Zoning Board
20 meetings regarding this application. The
21 second meeting we were told we only had a three
22 minute time limit, kind of odd I would say.

23 One of the Board members Jack Tulley
24 prior to hearing all the residents' concerns
25 came out and said that he was in favor of this

1 apartment building, not only for himself but
2 his daughter. No one ever mentioned the price
3 of the apartments, what they are going to be.
4 And he basically approved this application out
5 in public. This in my opinion was totally
6 unprofessional and he should have been removed
7 from the Board and voting on this application.

8 I ask all of you before you vote to go
9 back and read the minutes from the Zoning Board
10 meeting regarding this application. An
11 attorney for Philips International, one of the
12 two apartment buildings on Church Street, spoke
13 at the second meeting about the application's
14 requirements and the items the building did not
15 conform to the Building Code. The height of
16 the building was higher than was allowed. I am
17 informed now that the applicant is reducing the
18 decorative facade on the top of the building to
19 conform to the Code.

20 As per Code, a 12 unit building
21 requires 18 and a half spots for the tenants.
22 The applicant has no on-site parking and only
23 nine spaces he'll be rendering from Towne
24 Service Station for one year. The Zoning Board
25 has requested a two-year agreement and asked

1 that the parking lot be repaved. Has a
2 two-year agreement been provided by Jerry?

3 Just on the side of 47 Church Street
4 when they came here for the application, they
5 also said that they had ten parking spots, we
6 all know where their cars are. No professional
7 traffic study was done. I ask you when you
8 leave here tonight to look at Village Hall lot,
9 Towne Service Station lot, see if you can find
10 nine empty spots that could possibly be rented
11 out.

12 Philips International also had a real
13 estate expert speak and the mention of the
14 apartment building on how Church Street would
15 be. Besides congestion it would create, he
16 mentioned property value in the area would go
17 down on our homes due to the building size and
18 the lot usage that is proposed.

19 A question came up on how it'd impact
20 the fire department access around the building,
21 God forbid a fire would occur, sewer water
22 impact was also mentioned, just to name a few
23 impacts the building would have on our Village.
24 These and just a few questions that were never
25 answered to us.

1 Also they voted three to two to approve
2 this building.

3 Before you here tonight is a
4 proposal -- before you tonight is a proposal
5 for a three-story, 12 unit apartment building,
6 talk about selling and moving Carbone Park and
7 where the old police department was, applying
8 for grants for this new park, widening Church
9 Street and the use of the old police department
10 to add additional parking is all just talk and
11 to push this application to be approved.

12 What is going to happen if the Village
13 doesn't get the grant that they applied for --

14 MAYOR SULLIVAN: Kevin, it's time.
15 It's three minutes. You can come back. Thank
16 you.

17 And I read your 61 Church, that was the
18 topic, thanks for the clarification.

19 There is no one else that's signed in.
20 Would anyone else from the general public care
21 to speak about this application, 61 Church?

22 (Whereupon, there was no response.)

23 MAYOR SULLIVAN: Nobody.

24 Kevin, would you like to reapproach?

25 MR. BRADY: Sure. I'm almost done.

1 MAYOR SULLIVAN: We are going to give
2 the applicant a time to respond.

3 MR. BRADY: Okay.

4 MAYOR SULLIVAN: You are going into
5 other subjects that I am happy to talk about in
6 public, you know that I am. Would you like the
7 applicant to respond to the concerns that you
8 just raised first?

9 MR. BRADY: One or two more concerns
10 and then he can respond.

11 Is that fine?

12 MR. WAGNER: Sure.

13 MAYOR SULLIVAN: Does that work for
14 everyone?

15 MR. WAGNER: Of course.

16 MR. BRADY: What is going to happen if
17 the Village doesn't get the grant that they
18 applied for? Can the Village afford these
19 projects without a tax increase?

20 Let's just focus on the application
21 that is before you tonight. We all know that
22 the dance studio building was sold and the
23 current new owner is waiting in the wings to
24 see if the Village is going to approve this
25 application. Will he be next to submit the

1 application to put an apartment building on his
2 lot?

3 There's also a vacant lot next to the
4 Learning Circle, is the applicant going to
5 submit a building permit to put an apartment on
6 his lot? Where is it going to end?

7 Approximately three or four years ago
8 the owners of 34-40 Church Street wanted to
9 change the first floor stores to apartments,
10 and the Mayor and the Board at the time denied
11 it and said that they would take away from the
12 feeling and charm of Malverne.

13 I ask each and every one of you to
14 think about the application before you vote.
15 Do your own research and impact it is going to
16 have on this Village, but the few homes that it
17 will affect, we are a small group of residents
18 that this building will have a huge impact on
19 us, our homes and our families.

20 Thank you, and good night.

21 MAYOR SULLIVAN: Thank you.

22 MR. TRENTACOSTE: Mayor, if I could,
23 just before Mr. Wagner speaks.

24 Obviously the Zoning Board decision and
25 all those proceedings are left at the Zoning

1 Board and have no bearing on what this Board is
2 considering tonight in terms of any hearing or
3 recusal, that was addressed at the Zoning
4 Board.

5 MR. WAGNER: I can eliminate that point
6 with my counter.

7 Thank you, Mr. Trentacoste.

8 With respect to public notice, we
9 complied with the notices as prescribed under
10 your Code, all mailings were done, affidavits
11 and publication were provided to the clerk.

12 With respect to the Zoning Board
13 matters, that was decided by the Zoning Board
14 after two hearings, lasted several hours, and
15 Board members agreed to vote, I'd agree to
16 disagree, there was an approval.

17 I know 47 Church Street has no on-site
18 parking. You know, imitation is the highest
19 form of flattery, it's an attractive
20 three-story -- or is it a two-story?

21 MR. ROSSI: Two-story.

22 MR. WAGNER: Two, 12-unit multi-family
23 dwelling, and that's what we are proposing, a
24 12 multi-family dwelling that's going to comply
25 with the Village's height requirements. Like

1 them we don't have on-site parking, like them
2 our tenants will utilize, if we are fortunate
3 enough to get approval, municipal lots. And I
4 think unlike them, my client is going to pay
5 for those 19 passes annually, so there's safety
6 there even though, you know, whatever might
7 happen with the lot Service Station, my client
8 is going to pay for those 19 spaces annually.
9 I don't know if 47 church has that obligation,
10 and probably wasn't thought of back then.

11 I can't speak to grants and other
12 projects that this Board is working on. I
13 submit the Village is in very capable hands
14 with this Board.

15 And we provided -- we didn't have a
16 traffic expert, but we had hard data that was
17 submitted that showed dates, times and photos
18 to accompany that, that were time stamped. I
19 don't know if you need initials after your name
20 to go around from lot to lot to show pictures
21 that there are availability, that the Village's
22 parking supply outweighs the Village's parking
23 demand.

24 And, finally, I would just remind the
25 Board, that something I started upfront with,

1 that this is the Business District, this is not
2 a residential district, this is a Business
3 District and we are a permitted use as a
4 multi-family dwelling within the Business
5 District subject to special approval from your
6 Board.

7 And I would argue that building in that
8 location is far more attractive than its
9 current condition, and provides a service to
10 the Village and is a great benefit -- would be
11 a great benefit to the District, to Church
12 Street and to the Village as a whole.

13 So I thank you for your time.

14 MAYOR SULLIVAN: Thank you.

15 I do want to comment. I did read the
16 Zoning case after it was determined, and I do
17 believe it's disingenuous of Philips
18 International to come forth and oppose this
19 application on the same variances that they
20 were granted, but that's my own personal
21 opinion.

22 I do want to reiterate that this is a
23 hearing on 61 Church, but with all due respect,
24 Mr. Brady, you know I never have a problem
25 talking about concerns when I feel they are

1 appropriate.

2 Your question about retaining Britton
3 Circle and moving the park across the street,
4 we feel that an increase in green space with
5 the development of that area would help
6 counterbalance some of the new development in
7 the area. We've had in our capital plan
8 \$100,000 to upgrade Carbone Park over the last
9 couple of years, and we originally had a grant
10 for that, we had a committee grant for that
11 that went away and we started putting it in our
12 capital plan.

13 We held off on committing to any
14 improvements there, and we were getting
15 suggestions from other people in the community
16 that we might want to retain a little bit more
17 real estate than we were willing to sell.

18 The original plan to offset costs
19 related to the new police department was to
20 sell 1 Britton Circle, we put the property out
21 in a public request for proposals, we only
22 received two proposals, both were for
23 multi-family development that, I believe, were
24 15 units or more.

25 We decided that after speaking with

1 members of the community that they didn't want
2 a multi-family building directly adjacent to or
3 in an area that wasn't commercially zoned, and
4 we as a Board agreed with that, and we decided
5 to retain the 1 Britton Circle property for,
6 one, it already has existing parking, parking
7 was a concern in the area which provide
8 additional spaces; two, by putting a new park
9 there, we'll increase the green space pretty
10 significantly from what we have now to offset
11 some new development in the area.

12 Your question about what happens if we
13 don't get a grant? I think the public should
14 know that when I was running for Mayor, I
15 pitched my credentials, one, I am a developer,
16 I would like to disclose that, but, two,
17 through my years of being a Trustee I've
18 learned a lot about municipal finance, and I
19 think we as a Board have been very efficient in
20 getting outside funding sources to help us out
21 with different projects that we feel add to the
22 attractiveness of the community.

23 So in the case, you are correct, we do
24 have a grant application out there to help fund
25 a new park at 1 Britton Circle. What happens

1 if we don't get that grant? There is many
2 different grant programs out there that could
3 help us fund a new park there.

4 We also envisioned a private fund
5 raising campaign as well, potentially with The
6 Mothers of Malverne, which is how Carbone Park
7 was originally financed after the Carbone
8 family donated the parcel to the Village. My
9 mother was part of that fund raising campaign
10 with Trustee Hunt's and Trustee Lang's mother,
11 the former Mayor of Malverne. So there are
12 many ways to get things done that we feel will
13 enhance the community.

14 Separately speaking, if this
15 application were to be approved, we took, you
16 know, some of the thoughts of the Board are
17 when we bought and purchased 1 Arlington for
18 our new police building, we took a pretty
19 significant tax generator off line that is no
20 longer there. By selling an asset, by this
21 applicant developing, we'll have higher
22 rateables for the Village. If there is no
23 grant whatsoever, by having higher rateables,
24 properties that are generating tax revenue for
25 the Village, we will have the ability to

1 potentially borrow. And this isn't on the
2 table right now, I just am trying to answer
3 your question. Potential to borrow money where
4 the increase in tax revenue will offset any
5 debt service and wouldn't necessarily have to
6 lead to any tax increases to fund the park.

7 There's many different ways to look at
8 it, and I just wanted to make sure I was
9 answering your question appropriately.

10 Anyone else from the Board?

11 TRUSTEE SCHUTTA: No.

12 MR. TRENTACOSTE: Mr. Wagner, anything
13 else?

14 MR. WAGNER: No.

15 Thank you for your time. And, again,
16 we would ask that this Board look favorably on
17 our application and any questions I'm happy to
18 answer. If not, thank you for your time.

19 MAYOR SULLIVAN: I believe at this time
20 we are prepared to vote on the applicant.

21 Can I have a motion one way or the
22 other?

23 DEPUTY MAYOR EDWARDS: I make a motion
24 to approve the application change in use.

25 MAYOR SULLIVAN: And I would add to it

1 subject to the --

2 MR. TRENTACOSTE: Identify the two
3 conditions would be that the annual 19 parking
4 passes for overnight parking be included as a
5 condition of approval, as well as the pro rata
6 share of linear feet which is the street
7 project.

8 MAYOR SULLIVAN: Parking may be
9 renewable annually at whatever set cost it is
10 by the Village Clerk.

11 Can I have a second to approve with
12 those conditions?

13 TRUSTEE PRIZZI: Second.

14 MAYOR SULLIVAN: We will take a vote.
15 Trustee Lang?

16 TRUSTEE LANG: Yes.

17 MAYOR SULLIVAN: Deputy Mayor?

18 DEPUTY MAYOR EDWARDS: Yes.

19 MAYOR SULLIVAN: I vote yes.

20 Trustee Prizzi?

21 TRUSTEE PRIZZI: Yes.

22 MAYOR SULLIVAN: Trustee Schutta?

23 TRUSTEE SCHUTTA: Yes.

24 MAYOR SULLIVAN: Passed.

25 Congratulations! It passes.

1 MR. WAGNER: Thank you.

2 MAYOR SULLIVAN: All the best. We'll
3 see you at the Architectural Review Board.

4 MR. WAGNER: Thank you for your time.

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1 MAYOR SULLIVAN: We only have one other
2 application for this hearing. The next
3 application is 44 Nassau Boulevard.

4 If you want to give them some time to
5 exit, I'll leave it up to you.

6 MR. GAFFNEY: Good evening, everybody.

7 MAYOR SULLIVAN: How are you?

8 MR. GAFFNEY: Good, good.

9 My name is Kevin Gaffney, 44 Nassau
10 Boulevard.

11 Mr. Mayor, Trustees, hi.

12 The application for the second floor
13 kitchen is for my wife's aunt. We are going to
14 be taking her in from Rockville Centre, her
15 sister had passed just about a year ago and she
16 was the bread winner in the house, so we are
17 going to take her in because she can't afford
18 to live on her own, so we need a full kitchen
19 upstairs is the reason for the application for
20 a kitchen on the second floor.

21 So that's basically it.

22 MAYOR SULLIVAN: Well, sorry about the
23 family's loss.

24 MR. GAFFNEY: Thank you.

25 MAYOR SULLIVAN: That's unfortunate to

1 hear.

2 MR. GAFFNEY: Yeah.

3 MAYOR SULLIVAN: And we obviously have
4 these exceptions for when they occur.

5 I know you are coming back for
6 Architectural Review Board which will
7 immediately follow this.

8 MR. GAFFNEY: Yeah.

9 MAYOR SULLIVAN: There are a number of
10 conditions that we impose for the legalization,
11 which I hope you've been made aware of. If not
12 we could go over them now.

13 MR. GAFFNEY: Sure.

14 MR. TRENTACOSTE: So these would be the
15 conditions for approval that if it's granted,
16 the floor plan would be submitted to the
17 Building Department along with building,
18 plumbing, electrical permit applications, any
19 associated fees, that there be a proper
20 inspection of the building for plumbing and
21 electric as well for the additional kitchen,
22 which must be done prior to the Building
23 Department issuing a certificate of completion.

24 This mother/daughter status will end
25 with the change in any occupancy or transfer of

1 ownership, whichever occurs first. That you
2 would consent to yearly inspections of the
3 premises after completing your annual renewal
4 application, and the payment of the annual
5 renewal fee.

6 And then finally that a declaration of
7 restrictive covenant in the proper form be
8 recorded at the Office of the County Clerk for
9 Nassau County, subject to the approval of
10 Village Attorney, which would be submitted
11 within 30 days of the approval by the Board of
12 Trustees. And then any appropriate fees for
13 the recording would be borne by you as the
14 applicant.

15 MR. GAFFNEY: Okay.

16 MAYOR SULLIVAN: Are those terms
17 acceptable to you?

18 MR. GAFFNEY: Yes, those are fine.

19 MAYOR SULLIVAN: Any questions from the
20 Board about the application for 44 Nassau
21 Boulevard?

22 DEPUTY MAYOR EDWARDS: Just a question
23 for me. The access to the second floor will be
24 through the front door?

25 MR. GAFFNEY: Correct.

1 MAYOR SULLIVAN: You can ask that
2 during ARB too.

3 Anyone from the public?

4 TRUSTEE PRIZZI: I just have a
5 question. So there is an elevator to be
6 installed?

7 MR. GAFFNEY: Yes.

8 TRUSTEE PRIZZI: Is it going to block
9 the window view?

10 MR. GAFFNEY: No, actually it's between
11 the front door and the window, that if you
12 can see -- are you looking at the house?

13 TRUSTEE PRIZZI: On the second floor?

14 MR. GAFFNEY: Going to be coming up
15 into the living room on the second floor.

16 MAYOR SULLIVAN: If you wouldn't mind,
17 can we reserve that for the Architectural
18 Review Board? Just because the reporter is
19 writing down every word we say. Is that okay?

20 TRUSTEE PRIZZI: Yes.

21 MAYOR SULLIVAN: My apologies.

22 Anyone else from the Board?

23 (Whereupon, there was no response.)

24 MAYOR SULLIVAN: Anyone from the
25 general public care to address the current

1 application for Special Use at 44 Nassau
2 Boulevard?

3 Yes, sir.

4 Kevin, sorry, we have someone from the
5 public.

6 Please state your name and address
7 please.

8 MR. SNYDER: Good evening, everyone,
9 Mr. Mayor, Board.

10 MAYOR SULLIVAN: Good evening.

11 MR. SNYDER: My name is Rich Snyder,
12 I'm a resident of Lynbrook, not Malverne.

13 I am over, what was described last
14 week, over the side of the border wall. We
15 have an issue with Mr. Gaffney on our side of
16 the wall, on our side of the property. Not so
17 much for his use of what he is looking to do,
18 but as he is using the property presently.

19 He constantly has excessive noise from
20 a band that we kind of can't -- we can't prove
21 anything, but we believe he has a band that
22 maybe he hires out and he's maybe using the
23 property as a business for practice.

24 The volume at which he plays his music
25 is ridiculous that I could not have a

1 conversation with you in my backyard 100 feet
2 away.

3 Probably in the wrong place to be
4 discussing this right now, but I have called
5 the cops, I have spoken with Mr. Gaffney --

6 MAYOR SULLIVAN: I was going to bring
7 it up, but I like being respectful to anyone
8 who enters our Village and wants to participate
9 in the democratic process.

10 MR. SNYDER: I did speak with
11 Mr. Gaffney directly about two years ago to
12 absolutely no avail. I called the police
13 department in Lynbrook, they wouldn't respond
14 because he is in Malverne, when I called your
15 police department they wouldn't take a
16 complaint from me because I am in Lynbrook.

17 So when you speak about liberty and
18 justice for all, where is ours on the other
19 side of the property line is my question.

20 MAYOR SULLIVAN: Your answer is this
21 Board adopted a pretty specific and
22 comprehensive noise ordinance over this past
23 year. The police department has been equipped
24 with equipment, no pun intended, that makes
25 sure that if noise complaints are made known to

1 them that they can enforce the law as
2 prescribed by the Board.

3 I don't want to comment on who should
4 be responding, but we will make sure that it's
5 addressed on our end.

6 MR. SNYDER: With regards to the
7 equipment, the decibel meters and the sort?

8 MAYOR SULLIVAN: Correct.

9 MR. SNYDER: I made five or six
10 attempts to contact Mr. Gaffney before I was
11 able to catch him the first time.

12 And I was granted a courtesy, if you
13 will, by Lynbrook, that the first time that I
14 called they sent three squad cars, I guess it
15 was a slow day in Lynbrook, it was very quiet
16 that day, but they said they would go and talk
17 to him. By the time they got there the music
18 had stopped already.

19 And the times that I have gone around
20 to go around the corner because I have to go
21 out from Heart Street out to Lakeview to
22 Rolling to Nassau, it's probably better than a
23 quarter of a mile walk to go around, that would
24 be from here --

25 MAYOR SULLIVAN: Yeah, I am familiar

1 with where you live.

2 I believe we have a good working
3 relationship, the Village police department
4 with the Incorporated Village of Lynbrook's
5 police department.

6 I just want to reiterate again, we have
7 a noise code, and if the applicant is found to
8 be in violation of that Code, whatever the
9 penalties that are prescribed will be enforced.

10 MR. SNYDER: Would you by any chance
11 know what the decibel level is?

12 MAYOR SULLIVAN: I do not.

13 MR. SNYDER: Would it be in your --

14 MAYOR SULLIVAN: We could talk about it
15 off line. I just want to keep this as specific
16 to the hearing as possible.

17 MR. GAFFNEY: It's in the by-laws.

18 MR. SNYDER: I appreciate your time.

19 MAYOR SULLIVAN: A member of the
20 general public just said something. If you do,
21 let's say, Google it, and I am not trying to
22 promote one search engine over another, for the
23 record, but you should be able to find it
24 pretty quickly.

25 The Village subscribes to a system

1 called e-Code, which many municipalities do, and
2 you will find the exact language within, you
3 know, that system that will give you the
4 decibel levels and the times of days and
5 different days, et cetera, et cetera.

6 MR. SNYDER: I will do my research.

7 MAYOR SULLIVAN: I promise to you it
8 was the intent of this Board to put that Code
9 into law to better regulate complaints that
10 we've heard from our own residents.

11 MR. SNYDER: I thank you for your time.
12 I hope we can all have a peaceful summer.

13 Thank you.

14 MAYOR SULLIVAN: Thank you.

15 Yes, sir.

16 MR. MATTSON: My name is Arthur
17 Mattson, I live at 28 Heart Street in Lynbrook.
18 I live at a further distance than the previous
19 resident.

20 So the sound to me, as you would
21 imagine, would be a lot less, I must be at the
22 very edge of the 250 feet or whatever.

23 I'm pleased to hear the fact that the
24 applicant is doing this for his parents or his
25 mother, whatever, his parent, and has an

1 elevator inside, so it's probably not a
2 conversion to a two family which is great, it
3 will be a two story.

4 And I am wondering where you measure
5 your decibels from?

6 MAYOR SULLIVAN: From --

7 MR. MATTSON: From the street?

8 MAYOR SULLIVAN: It's from the property
9 line.

10 MR. TRENTACOSTE: Mayor, if I could?
11 Only because this is a hearing dealing with
12 special use, it's a mother/daughter. If you
13 have any comments with respect to that
14 application?

15 MR. MATTSON: I do.

16 MR. TRENTACOSTE: Not with decibels.

17 MR. MATTSON: I do. Give me a chance.

18 We will have a second story now, which
19 will create a very nice sounding board, because
20 it's a garage band, it's not coming from his
21 house, it's coming from his garage, it's in the
22 very back of his property because the garage is
23 at the extreme back of the property. And so
24 that's why the neighbors who are even a full --
25 I am on the opposite side of the street and a

1 few houses away, and yet the noise bothers me
2 at my house with a second story sounding board,
3 now it becomes all the worse.

4 Can you measure -- if I were to ask the
5 Lynbrook people, police department to do
6 decibels, they have no jurisdiction in
7 Malverne, and yet the sound they will hear is
8 much greater.

9 MR. TRENTACOSTE: Just as the Mayor
10 indicated, the Village has a sound code, and if
11 anyone is in violation of the sound code it
12 will be in force within the Village.

13 MR. MATTSON: Where will it be measured
14 from?

15 MAYOR SULLIVAN: I believe it's from
16 the property line.

17 MR. MATTSON: Which means the street.

18 MAYOR SULLIVAN: It's in the Code.

19 MR. MATTSON: In Malverne.

20 MAYOR SULLIVAN: Not necessarily the
21 street. There is differences.

22 MR. MATTSON: So they can measure in
23 Lynbrook?

24 MR. TRENTACOSTE: We can't speak to
25 where it's going to happen. I can tell you if

1 there is anyone in violation of the sound
2 ordinance, it is enforced within the Village of
3 Malverne, absolutely.

4 Thank you.

5 MR. MATTSON: I am not sure it helps
6 me, but, yeah.

7 MAYOR SULLIVAN: We do appreciate you
8 bringing up your concern.

9 Anyone else from the general public to
10 address the 44 Nassau Boulevard application?

11 (Whereupon, there was no response.)

12 MAYOR SULLIVAN: Anyone else from the
13 Board?

14 TRUSTEE SCHUTTA: No.

15 MAYOR SULLIVAN: Can I have a motion to
16 approve or deny the current application?

17 TRUSTEE PRIZZI: Mayor, I make a motion
18 to approve.

19 MAYOR SULLIVAN: Can I have a second?

20 DEPUTY MAYOR EDWARDS: Second.

21 MAYOR SULLIVAN: Trustee Lang?

22 TRUSTEE LANG: Yes.

23 MAYOR SULLIVAN: Deputy Mayor Edwards?

24 DEPUTY MAYOR EDWARDS: Yes.

25 MAYOR SULLIVAN: I vote yes.

1 Trustee Prizzi?

2 TRUSTEE PRIZZI: Yes.

3 MAYOR SULLIVAN: Trustee Schutta?

4 TRUSTEE SCHUTTA: Yes.

5 MAYOR SULLIVAN: Okay, thank you.

6 If there is no further business before
7 the Board, can I have a motion to conclude this
8 special exemption hearing?

9 DEPUTY MAYOR EDWARDS: Motion to close.

10 MAYOR SULLIVAN: Can I have a second?

11 TRUSTEE LANG: Second.

12 MAYOR SULLIVAN: All in favor?

13 (Chorus of ayes.)

14 MAYOR SULLIVAN: Thank you very much.

15 (Whereupon, the Public Hearing was
16 concluded and stood adjourned.)

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1 C E R T I F I C A T I O N

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3 I, Mary Kate Waldron, Court Reporter, within
4 and for the State of New York, do hereby certify that I
5 have reported the proceedings, that it is a true and
6 accurate transcription of my stenographic notes.

7 I further certify that I am not related to
8 any of the parties to this action by blood or marriage,
9 and that I am in no way interested in the outcome of
10 this matter.

11 IN WITNESS WHEREOF, I have hereunto set my
12 hand this 30th day of June, 2025.

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MARY KATE WALDRON

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