

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

INCORPORATED VILLAGE OF THOMASTON  
ZONING BOARD OF APPEALS - VIA ZOOM VIDEOCONFERENCE  
JANUARY 7, 2021  
6:00 P.M.

APPLICATION OF 805 NORTHERN BOULEVARD LLC

P R E S E N T:

- NICK TOUMBEEKIS, CHAIRMAN
- MICHAEL NIKROOZ, DEPUTY CHAIRMAN
- LARRY GREENGRASS, BOARD MEMBER
- LAWRENCE LEVY, BOARD MEMBER
- JOHN PSCHENICA, BOARD MEMBER
- COUNSEL FOR ZBA, BRIAN STOLAR, ESQ.
- DENISE KNOWLAND, VILLAGE ADMINISTRATOR
- LINDA EARLEY, DEPUTY VILLAGE CLERK

ALSO PRESENT:

- JOSEPH YACOBELLIS, FOR THE APPLICANT
- SASSA CHELI-HALL, FOR THE APPLICANT
- DANIEL WINKELMAN, FOR THE APPLICANT
- EDNA GUILOR, FOR THE APPLICANT
- ROBERT SADIAN, OWNER-APPLICANT

JENNIFER DEVLIN  
COURT REPORTER

1 CHAIRMAN TOUMBEEKIS: Good evening,  
2 everyone. It's 6:01 Thursday, January 7,  
3 2021. Happy New Year to everybody. We're  
4 going to do this opening statement and then  
5 we'll begin. Opening statement to be read on  
6 the record.

7 Due to public health and safety concerns  
8 related to COVID 19, and pursuant to  
9 Governor's Executive Orders including without  
10 limitation orders 202.1, 220.10 and 202.15,  
11 this meeting of the Village of Thomaston  
12 Board of Appeals is not being held in person.  
13 The Board is meeting by videoconference. The  
14 meeting will be recorded, and a transcription  
15 will be provided at a later date.

16 The public has the opportunity to observe  
17 the meeting live online and to submit  
18 comments pursuant to instructions given on  
19 the Village website and in the meeting  
20 notice. Interested members of the public who  
21 would like to provide comments on an agenda  
22 item or public hearing can do so by calling  
23 (646) 558-8656 or Meeting ID: 895 2146 6652  
24 with a password of 972796, or through the

1 written chat section of Zoom meeting.

2 Comments may also be provided via email  
3 before and during the meeting to  
4 deputyclerk@villageofthomaston.org. Please  
5 check the meeting agenda posted on the  
6 village website at  
7 [www.villageofthomaston.org/public\\_notice.html](http://www.villageofthomaston.org/public_notice.html)  
8 for further instructions to access the  
9 virtual meeting and for updated information.

10 At this time I am going to ask the Deputy  
11 Village Clerk to call the roll for attendance  
12 at this meeting by members of the Board and  
13 relevant Village staff.

14 DEPUTY CLERK EARLEY: Nicholas Toumbekis  
15 Chairperson; Mike Nikrooz, Deputy Chair;  
16 Larry Greengrass, John Pschenica; Larry Levy;  
17 Denise Knowland, Village Clerk; Linda Earley,  
18 Deputy Village Clerk.

19 CHAIRMAN TOUMBEEKIS: At this point we  
20 have a quorum of the Board in attendance.  
21 And we can begin the business of this  
22 meeting.

23 Good evening everyone again. My name is  
24 Nick Toumbekis. And the first thing we'll do

1 here this evening is address an item, Old  
2 Business, regarding a resolution related to  
3 607 Northern Boulevard.

4 DEPUTY CLERK EARLEY: 805 Northern  
5 Boulevard.

6 CHAIRMAN TOUMBEEKIS: 805.

7 VILLAGE ADMINISTRATOR KNOWLAND: No. No.  
8 607.

9 DEPUTY CLERK EARLEY: I'm sorry. I  
10 apologize.

11 CHAIRMAN TOUMBEEKIS: 607 Northern  
12 Boulevard. For me -- let me start again.

13 We're going to be addressing an old item  
14 to make a correction for -- as it relates to  
15 the hearing, an application of GPK Restaurant  
16 Enterprises Corp. 607 Northern Boulevard,  
17 Thomaston, New York.

18 Brian, do we need to recite the entire --

19 MR. STOLAR: No. No. Just the one thing  
20 that you're changing and the date of the  
21 minutes that you're proposing to change.

22 CHAIRMAN TOUMBEEKIS: Good. So this would  
23 be the minutes of May 7, 2020. And  
24 specifically we go to page 2, bottom of page

1 2 iv where it states, a ground sign (sign  
2 No. 4) set back 10 inches. The change to be  
3 made there is to change "4" to a "5" and  
4 replace it.

5 And so at this time I'm going to -- by  
6 motion -- make a motion that we correct the  
7 minutes from "4" to "5" as to where the  
8 location of the sign number is.

9 I don't know that we need any discussion.  
10 So in that regard I'm going to ask all the  
11 board members in favor of making that change.

12 MR. STOLAR: We need a second first.

13 CHAIRMAN TOUMBEEKIS: Sorry. Make a  
14 second.

15 MS. PSCHENICA: Second.

16 MR. STOLAR: John seconded.

17 CHAIRMAN TOUMBEEKIS: And now that we've  
18 had it seconded, to go ahead and vote on  
19 making that change.

20 Everybody in favor?

21 MR. GREENGRASS: Aye.

22 MR. PSCHENICA: Aye.

23 MR. LEVY: Aye.

24 CHAIRMAN TOUMBEEKIS: Aye.

1 DEPUTY CHAIRMAN NIKROOZ: Aye

2 CHAIRMAN TOUMBEEKIS: Anybody opposed?

3 (No one.)

4 MR. STOLAR: Five-zero.

5 CHAIRMAN TOUMBEEKIS: So that passes and  
6 the correction will be made. Five-zero.

7 \* \* \* \* \*

8 CHAIRMAN TOUMBEEKIS: Now onto -- I don't  
9 know if it's New Business or continued  
10 business -- the application by 805 Northern  
11 Boulevard.

12 And in that regard I'm going to ask  
13 whoever is here on behalf of 805 Northern  
14 Boulevard to please identify yourselves each  
15 time you speak, as the transcript -- the  
16 reporter will be making the transcription  
17 after the conclusion of this meeting. And  
18 it's not clear that she will or he will be  
19 able to identify who's speaking unless we do  
20 so each and every time.

21 So having said that, who is here on  
22 behalf of 805 Northern Boulevard, LLC to  
23 present on this application?

24 MR. YACOBELLIS: Good evening. This is

1 Joe Yacobellis and Sassa Cheli-Hall from Mojo  
2 Stumer Associates. Good evening

3 MR. STOLAR: We don't have a stenographer  
4 here. Can you just spell your names for us  
5 please, please.

6 MR. YACOBELLIS: Sure thing. It's Joe  
7 Yacobellis, Y-A-C-O-B-E-L-L-I-S.

8 MS. CHELI-HALL: Sassa Cheli Hall,  
9 S-A-S-S-A, C-H-E-L-I, H-A-L-L.

10 Thank you.

11 MR. YACOBELLIS: We also have Dan  
12 Winkelman is with us as well. He can  
13 introduce himself.

14 MR. WINKELMAN: Daniel Winkelman,  
15 W-I-N-K-E-L-M-A-N, from VHB Engineering. 100  
16 Motor Parkway, Hauppauge, New York. I'm a  
17 traffic engineer.

18 MR. STOLAR: Okay.

19 CHAIRMAN TOUMBEEKIS: In this regard who  
20 would like to start first here?

21 MR. YACOBELLIS: I'm happy to get  
22 started.

23 What I wanted to do is just walk  
24 everybody through where we are today with

1 this project. I know this has been before  
2 the Board once before. I think there was a  
3 request for some more information at the  
4 time. So all of the sets have been submitted  
5 for this presentation here. We think that  
6 hopefully satisfies all of those needs.  
7 There is a good amount of new information  
8 that's been added that hopefully will clarify  
9 all of the questions. And then I will pass  
10 it off to Dan. And he can explain his  
11 assessment as traffic engineer on any impacts  
12 this has on traffic.

13 So as you probably know from the previous  
14 presentation, the intention here was really  
15 to take the sign which is currently very  
16 difficult to read and difficult to see from  
17 the road because of its height and raise it  
18 up with this additional secondary element on  
19 top of it. So that would be the need for the  
20 variances for height there.

21 There's really two concerns with the  
22 existing condition. One is that the limited  
23 height obviously just makes it difficult for  
24 cars to see passing by. And the other is

1 that because of the size of the sign there's  
2 not really adequate room for the tenant  
3 names, which means they're rather small. And  
4 another concern is that cars end up having to  
5 slow down as they approach the signs to be  
6 able to see it when they get closer rather  
7 than seeing it from a safer distance.

8 If I'm able to share my screen -- it  
9 looks like. I can. If you can all just tell  
10 me once you're able to see my screen and I  
11 will continue.

12 UNIDENTIFIED SPEAKER: We can see it.

13 MR. YACOBELLIS: What you received in the  
14 updated set of drawings now is we have a full  
15 architectural set that actually details the  
16 signs. We have structural information  
17 indicating all of the connections and  
18 structural elements that this will be built  
19 on. There is electrical information  
20 indicating the wattage and the expected  
21 illumination of the sign. And obviously as  
22 you can see in these elevations, there is  
23 clearly dimension areas of each signage, the  
24 heights from the ground and some sections for

1 each portion of this that help to identify  
2 the sign.

3 On the second page of what you received  
4 is the site assessment that we put together  
5 which shows the viewpoint of what the sign  
6 would be able to look like from various  
7 points approaching the project from either  
8 side of the road. I think probably most  
9 noticeable is this first few here.

10 So if you look at the right side of this  
11 image -- bear with me. I will zoom in. So  
12 this elevation marker No. 7 right here  
13 indicates what the view is from this point.  
14 This is obviously a point where you're pretty  
15 close to the building. You're basically  
16 about ready to make the right turn into the  
17 property. And you can see you're just now  
18 able to start to visualize the sign because  
19 of the size and scale of it. And you can see  
20 indicated by the red box here where we're  
21 proposing for that added height.

22 And you can see in some of these other  
23 images -- I will jump to image No. 5 and  
24 image No. 1 and 2 down here. From a distance

1 there's really little visibility to see the  
2 sign from any kind of a distance, especially  
3 when there are cars on the side of the  
4 street. As you can see in these pictures,  
5 they block almost entirely.

6 You know, so the intention here is just  
7 to raise this thing up. Get it somewhere  
8 that it can be easily seen from cars  
9 approaching so they don't have to slow down  
10 at the last moment when they turn in to  
11 identify the building.

12 We feel the drawings we submitted should  
13 hopefully adequately address all of your  
14 questions and concerns. I'm happy to answer  
15 any more questions on the aesthetics of the  
16 signs. But otherwise I would pass it off to  
17 Dan Winkelman. And he can fill you in on his  
18 assessment of the traffic conditions.

19 MR. STOLAR: I have a couple of  
20 questions. Can I ask?

21 MR. YACOBELLIS: Sure.

22 MR. STOLAR: All right.

23 The plan that's on file with the Village  
24 and that we have on our system I think -- and

1 if you turn at the first -- if you go to  
2 using your screen, go back to the -- back to  
3 the page before.

4 The plan that we have looks to be  
5 different. The sign that we have seems to  
6 cross over the property line onto Northern --  
7 onto the Northern Boulevard side of the  
8 property. What is -- I don't see on your  
9 plan, but I'm not sure we have -- do we have  
10 this? Linda, do you know if this is a new  
11 one?

12 DEPUTY CLERK EARLEY: Yes. They did  
13 resubmit after Mike reviewed it.

14 MR. STOLAR: Okay. So what's the date of  
15 this plan?

16 DEPUTY CLERK EARLEY: November 21st.

17 MR. STOLAR: And is there a revision  
18 date?

19 MS. CHELI-HALL: It was the following  
20 date of the original submission.

21 MR. STOLAR: Okay. So the next question  
22 that I have is that the street view shows the  
23 sign. Does that show it in the location that  
24 is also reflected on your site plan now, the

1 new site plan, or is that shown in the  
2 location shown on the old site plan?

3 MS. CHELI-HALL: I think it's the same  
4 site plan. The site plan hasn't changed. We  
5 submitted the revised site plan with the sign  
6 in its location, as you saw in the pictures  
7 below.

8 MR. YACOBELLIS: So everything that's  
9 shown in these photographs is consistent with  
10 the location as shown in the site plan, which  
11 is that of the existing sign as it is today.

12 MR. STOLAR: Okay. Let me just get to  
13 the plan. The one that I'm looking at  
14 appears to be -- it's hard to see. It  
15 appears to be dated 11-13-2020.

16 MS. CHELI-HALL: We resubmitted on  
17 November 23, 2020.

18 MR. YACOBELLIS: This set of plans, it  
19 was issued as a clean set rather than  
20 revised. This is 11-23 we're looking at  
21 here.

22 MR. STOLAR: Okay. Fair enough.

23 And I don't see on that plan the setback  
24 of the sign from the property line. Do you

1 know what that footage may be?

2 MS. CHELI-HALL: It was taken, I think,  
3 by the former survey which existed also on  
4 file. So whatever was set on that survey for  
5 that is what the sign for the existing is.  
6 (Inaudible.)

7 MR. STOLAR: All right. So the survey --  
8 let's see. The survey doesn't show. It  
9 doesn't provide for a setback for that sign.  
10 And I ask because the man -- the required  
11 setback is 3 feet. So I don't know if you're  
12 able to tell if it's scaled what that setback  
13 is.

14 MS. GUILOR: I have the survey. And I  
15 can tell you. I don't know if I can  
16 introduce myself.

17 CHAIRMAN TOUMBEEKIS: Sure. You can.

18 MS. GUILOR: Okay. Edna Guilor,  
19 architect. I am the original designer of  
20 this sign.

21 The original sign on which they are  
22 adding now, their sign, was 3 feet from the  
23 property line. And I am looking at the  
24 drawings that was submitted. And it's scaled

1 3 feet.

2 MR. STOLAR: Okay. Thank you.

3 CHAIRMAN TOUMBEEKIS: In that regard, Mr.  
4 Stolar, it looks like the two objections here  
5 relate not to the setbacks, but to the area  
6 allowed.

7 MR. STOLAR: Right. And I just wanted to  
8 make sure that a third variance wasn't  
9 necessarily required or, you know -- I don't  
10 want to have to go through the process again.

11 CHAIRMAN TOUMBEEKIS: Sure.

12 MR. STOLAR: Exactly.

13 DEPUTY CHAIRMAN NIKROOZ: So as it  
14 resolved the 3 feet setback should be  
15 reflected on the site plan and also on the  
16 final survey that has been submitted. Am I  
17 correct?

18 MR. STOLAR: Yeah. That will be part of  
19 the Building Department process. And you can  
20 include it as a condition to provide for that  
21 being delineated on the plan.

22 CHAIRMAN TOUMBEEKIS: So I don't know if  
23 anybody on behalf the applicant is able to  
24 pick up on a couple of the items that I had

1 asked about last time. Specifically are  
2 there any tenants committed to this building?  
3 And have they made any specific requests as  
4 to the signage for this location?

5 MR. YACOBELLIS: Robert, you're muted.  
6 Unmute.

7 MR. SADIAN: Hello. Can you hear me?

8 CHAIRMAN TOUMBEEKIS: Yes.

9 MR. SADIAN: Robert Sadian, the owner of  
10 the building.

11 CHAIRMAN TOUMBEEKIS: Yes, sir.

12 MR. SADIAN: Hi.

13 CHAIRMAN TOUMBEEKIS: Good evening.

14 MR. SADIAN: Happy New Year.

15 CHAIRMAN TOUMBEEKIS: Happy New Year.

16 MR. SADIAN: So we have a standard Bank  
17 of America Merrill Lynch. And we share part  
18 of my negotiation. I promised them very  
19 prominent signage in the front. And we have  
20 Northwell Healthcare for almost a full floor.  
21 And I am in negotiation with some of the  
22 other tenants. I'm almost at 80 percent full  
23 right now.

24 CHAIRMAN TOUMBEEKIS: So Bank of America,

1 how much space are they looking to take?

2 MR. SADIAN: In excess of 30,000 square  
3 feet.

4 CHAIRMAN TOUMBEKIS: And Merrill Lynch?

5 MR. SADIAN: Merrill Lynch is Bank of  
6 America. Yeah.

7 CHAIRMAN TOUMBEKIS: Okay. And  
8 Northwell?

9 MR. SADIAN: Northwell, it will be  
10 somewhere around 18,000. Seventeen-, 18,000.

11 CHAIRMAN TOUMBEKIS: And based on that  
12 what -- how much space is left and what are  
13 the -- how many other tenants are  
14 anticipated?

15 MR. SADIAN: Other tenants, they will be  
16 -- somewhere minimum of two and I believe  
17 maximum will be four.

18 CHAIRMAN TOUMBEKIS: Has Bank of America  
19 Merrill Lynch signed a lease?

20 MR. SADIAN: Bank of America, they signed  
21 in March of 2020.

22 CHAIRMAN TOUMBEKIS: And when is their  
23 anticipated tenancy to start?

24 MR. SADIAN: I think they will move in --

1 they waiting for the permit to start the  
2 work. I think they want to move in in the  
3 summer of 2021.

4 CHAIRMAN TOUMBEEKIS: And the lease is  
5 signed?

6 MR. SADIAN: All leases that I mentioned,  
7 they are all signed.

8 CHAIRMAN TOUMBEEKIS: Okay. As well as  
9 for Northwell?

10 MR. SADIAN: Yes.

11 CHAIRMAN TOUMBEEKIS: And any agreements  
12 that you've made with respect to signage, is  
13 it contained in those leases?

14 MR. SADIAN: Yes, sir.

15 CHAIRMAN TOUMBEEKIS: And have those been  
16 provided to us?

17 MR. SADIAN: No. I did not.

18 CHAIRMAN TOUMBEEKIS: Has Northwell  
19 indicated that -- have you shown them this  
20 design, the new proposed design?

21 MR. SADIAN: I did share with both  
22 tenants just the idea. But I explained them  
23 that it's not 100 percent, but I'm trying  
24 now.

1           CHAIRMAN TOUMBEEKIS: Sure. And did they  
2 understand that this is something that you're  
3 proposing? Were they in agreement that if  
4 this were to be -- this met with their  
5 approval if this were to be added?

6           MR. SADIAN: With Northwell I have a  
7 situation that they are prepared to take more  
8 space. But it -- one of the subjects is a  
9 correct -- a proper signage in the front of  
10 the building. It's one of the conditions.

11          CHAIRMAN TOUMBEEKIS: Have they identified  
12 to you the sign that they're -- their sign  
13 requirements?

14          MR. SADIAN: They -- if this stays the  
15 way I have it now I would ask half of -- half  
16 of the existing one, which means that I have  
17 to give the other half to Bank of America.  
18 And my lease in Bank of America, the lease  
19 that I have, it provides to them that no  
20 other tenant will have a bigger signage than  
21 what they have, which puts me in a difficult  
22 position because they will be the same size.  
23 And I will have no signage for other two or  
24 four tenants that they will come.

1 CHAIRMAN TOUMBEEKIS: And have they  
2 indicated that if they cannot get the signage  
3 according to their requirements or desires  
4 that they will not proceed with the leases?

5 MR. SADIAN: No. It's what -- one lease  
6 is already done. It's signed. The other one  
7 is -- it's an additional space. But to try  
8 to make this deal happen, one of the  
9 conditions is to make them happy. This -- a  
10 better signage in the front. I did not  
11 promise. I promised that I try.

12 CHAIRMAN TOUMBEEKIS: But -- what is your  
13 understanding if -- if we were not to approve  
14 this are they going to take the space?

15 MR. SADIAN: One, they -- one, it's a  
16 done deal. The second one probably I am in  
17 danger of not getting it done.

18 CHAIRMAN TOUMBEEKIS: All right.

19 MR. SADIAN: And in addition to that I  
20 have no other -- if I get two or four, two to  
21 four other tenants, I have nothing left to  
22 offer to those.

23 CHAIRMAN TOUMBEEKIS: Sure. Okay. Based  
24 on that does anybody else on the Board have

1 any questions?

2 DEPUTY CHAIRMAN NIKROOZ: I have a  
3 question to ask to begin with.

4 The space or the sign that you proposing  
5 in order to six different area as it resolved  
6 possibility of six tenants, the first  
7 question I have is in here front and back of  
8 the sign reads the same thing? The same  
9 thing? It is one face will be the same  
10 tenancy on the other side?

11 MR. SADIAN: I think it's much better to  
12 have the same thing in the front and the  
13 back. Yes.

14 DEPUTY CHAIRMAN NIKROOZ: Okay. Second  
15 issue. In any way a condition are you going  
16 to use this sign as an advertisement for  
17 rental or occupancy available or X, Y, Z? Do  
18 you -- are you going to use those for such  
19 advertisement at all?

20 MR. SADIAN: I hope that -- I hope not.  
21 I hope not. If you have anything against it,  
22 no. Then I don't.

23 DEPUTY CHAIRMAN NIKROOZ: Should we put a  
24 condition that this sign or signage could not

1 be used as an advertisement area for a rental  
2 or any other purpose besides identifying your  
3 tenant?

4 CHAIRMAN TOUMBEEKIS: You know, I think we  
5 would have to talk to Brian about this. But  
6 I believe that there's something already in  
7 the code about no "for sale" signs or similar  
8 signs, isn't there?

9 MR. STOLAR: Good question. I don't know  
10 what the -- I would have to look up the code  
11 provisions on this.

12 MR. SADIAN: I will respect whatever is  
13 -- whatever the code is of course.

14 DEPUTY CHAIRMAN NIKROOZ: If the landlord  
15 or -- is agreeing with it, is not going to  
16 use it as an advertisement area. So we  
17 should add it as part of the condition.

18 MR. SADIAN: I have no problem with that.

19 MR. PSCHENICA: I had a question, Mr.  
20 Sadian.

21 You had mentioned that -- I think you  
22 were saying Northwell was going to take half  
23 of the existing sign. Is that -- I just want  
24 to make a point of clarification. Are you

1 saying that they were promised the entire  
2 bottom portion or half of the bottom portion?

3 MR. SADIAN: The entire bottom portion.

4 CHAIRMAN TOUMBEEKIS: Okay. All right.

5 Any other questions?

6 DEPUTY CHAIRMAN NIKROOZ: The coloring  
7 and the color combination, it -- just as a  
8 question. It is subject of the Architectural  
9 Review Board or no? It's already been  
10 reviewed and approved by the Architectural  
11 Review Board?

12 MR. SADIAN: You're asking me?

13 DEPUTY CHAIRMAN NIKROOZ: Yes.

14 MR. SADIAN: It will be the same colors.  
15 And material will be the same as I have right  
16 now. The one was already approved. I'm not  
17 changing anything different.

18 DEPUTY CHAIRMAN NIKROOZ: Okay.

19 CHAIRMAN TOUMBEEKIS: Anything else?

20 Having said that, if there's nothing else  
21 in terms of in support of the application,  
22 I'm going to ask anybody who is opposed to  
23 the application presented, let us know that  
24 you would like to speak.

1 DEPUTY CHAIRMAN NIKROOZ: What about the  
2 gentleman supposed to clarify the traffic and  
3 the (Inaudible)?

4 MR. LEVY: Brian, we haven't heard from  
5 him.

6 MR. WINKELMAN: I can speak to that.

7 Daniel Winkelman of VHB Engineering. I'm  
8 a licensed professional engineer in the State  
9 of New York. I specialize in traffic  
10 engineering. As part of my work I went to  
11 the site and (audio distortion). I reviewed  
12 the plans and other associated documents as  
13 well.

14 Based upon my site visit I noticed that  
15 there is some severe topography in the area.  
16 There's quite a bit of traffic, parking  
17 congestion and oversized vehicles along the  
18 roadway. In my opinion the existing site and  
19 sign would be well served by increasing the  
20 height of it. It would certainly increase  
21 visibility and increase the amount of  
22 awareness to motorists, giving them the  
23 opportunity to adequately slow down and then  
24 make their maneuver into the site.

1           In terms of the size of the sign and the,  
2           you know, the size of the letters that's on  
3           the sign before you, they would be an  
4           appropriate height for a motorist to give  
5           them adequate time to slow down when they are  
6           viewing the sign in both directions along  
7           Northern Boulevard. And then they can easily  
8           make their maneuver into the site. And the  
9           illumination of the sign also helps at night  
10          so that it's clear, you know, at night or,  
11          you know, at dusk periods so that a motorist  
12          can easily identify the site and make their  
13          maneuver into it.

14          Another benefit of having a well placed  
15          sign that's of adequate size, especially in  
16          this area, is that it limits the amount of  
17          U-turns, you know, people passing the site  
18          and then having to turn around. This section  
19          of Northern Boulevard I'm sure you're aware  
20          is very congested and not very, you know,  
21          conducive to U-turns.

22          So in my opinion a size of -- a sign of  
23          this magnitude is appropriate for this site,  
24          especially given the type of use that's also

1 going into it. A medical office use like  
2 we're talking about, it's not just the  
3 employees going there, but there's also many  
4 visitors going there. The visitors aren't  
5 all familiar with where the site is. They're  
6 looking around.

7 This is a very busy area. There's a lot  
8 of curb cuts. There's a lot of parking.  
9 There's a lot of traffic. The site signage  
10 will help a motorist identify that, find  
11 their location and more safely enter the  
12 site.

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

15 MR. PSCHENICA: Yeah. Mr. Winkelman,  
16 couple of questions.

17 I think the last time we were reviewing  
18 this there were two items that we wanted to  
19 clarify with respect to the signage. And  
20 those were -- from what I recall, one being  
21 the size of the sign, if there's any sort of  
22 detriment to visibility, you know, coming in  
23 or out of the site where it might block  
24 visibility to traffic.

1           And the second was around the  
2           illumination, whether or not that might be a  
3           distraction, you know, since we're basically  
4           doubling the size of the sign. In essence we  
5           may be doubling the intensity of the  
6           illumination, you know, distracting drivers  
7           or something like that. Were either of those  
8           part of your study?

9           MR. WINKELMAN: I did -- during my site  
10          visit I did go in and out of the site and  
11          made sure that the signage does not conflict  
12          with any of the sight triangles. And the  
13          sight triangles are up and down in either  
14          direction on Northern Boulevard. So I was  
15          able to adequately see traffic coming. And  
16          the sign did not obstruct my view in any way.

17          It also meets the criteria for setback.  
18          You have a parking lane there. You have  
19          sidewalk. You have a property line. And  
20          then the sign is 3 feet off of the property  
21          line. Generally speaking the -- off of the  
22          -- the distance back from the parking  
23          lane/line should be about 14 feet to make  
24          sure that we have that adequately.

1           So the parking lane is about 8 to 9 feet  
2           wide. And then you have sidewalk that's 5  
3           feet. And then you have another 3 feet. And  
4           the sign is also raised, so it's above the  
5           driver's eye. So you meet all of the  
6           criteria to make sure the sight triangles are  
7           not obstructed.

8           In terms of the illumination of the sign,  
9           I don't feel that a sign with this type of  
10          illumination is going to distract a motorist.  
11          If it was an LED sign blinking or extremely  
12          bright, then I could certainly see that being  
13          an issue. But I believe -- and the architect  
14          can correct me if I'm wrong -- the same  
15          illumination would be appropriate as what's  
16          generally there already.

17          MR. YACOBELLIS: Yeah. We can certainly  
18          confirm that the wattage and the illumination  
19          of the new sign portion will match that of  
20          the existing.

21          CHAIRMAN TOUMBEEKIS: Any other questions?

22          (None.)

23          CHAIRMAN TOUMBEEKIS: Okay. With that  
24          then I don't know that I have any other

1 questions.

2 What we can do is --

3 DEPUTY CHAIRMAN NIKROOZ: Nick --

4 CHAIRMAN TOUMBEEKIS: Yes.

5 DEPUTY CHAIRMAN NIKROOZ: -- do you mind

6 if I ask a technical question from the

7 architect of the record?

8 CHAIRMAN TOUMBEEKIS: Sure.

9 DEPUTY CHAIRMAN NIKROOZ: The question

10 comes up that when they put this existing

11 sign, the foundation of footing was designed

12 for approximately 9 feet high sign.

13 CHAIRMAN TOUMBEEKIS: Um-hum.

14 DEPUTY CHAIRMAN NIKROOZ: Since it's

15 increased number to 15 feet -- 15 feet 3,

16 almost 13 feet 8, is it -- does it going to

17 affect -- does it need to be any kind of

18 adjustment or alteration to the foundation of

19 this sign or not?

20 CHAIRMAN TOUMBEEKIS: I guess the question

21 you're asking is based on the additional

22 weight --

23 DEPUTY CHAIRMAN NIKROOZ: Yes, and

24 height.

1 CHAIRMAN TOUMBEEKIS: -- and the  
2 additional height --

3 DEPUTY CHAIRMAN NIKROOZ: Right.

4 CHAIRMAN TOUMBEEKIS: -- has any  
5 consideration been given to wind load --

6 DEPUTY CHAIRMAN NIKROOZ: Right.

7 CHAIRMAN TOUMBEEKIS: -- and other load  
8 factors?

9 DEPUTY CHAIRMAN NIKROOZ: Yes.

10 CHAIRMAN TOUMBEEKIS: I don't know. The  
11 folks from Mojo Stumer, Mr. Winkelman, I  
12 don't know who is in the best position to  
13 answer that.

14 MR. YACOBELLIS: We'll see to it. When  
15 we look at this from a structural standpoint,  
16 obviously we want to do everything we can to  
17 make sure that this is adequately braced and  
18 protected against wind loads and snow loads  
19 and obviously gravitational loads.

20 The -- if further verification is needed  
21 by the Board -- I mean, there are certainly  
22 additional steps that can be taken. But  
23 generally speaking and from our experience  
24 from similar work the simple -- the size of

1 the footings that would be required for a  
2 sign like this to support its weight but also  
3 to meet standards of depth for frost level  
4 and things of that nature would generally  
5 provide more than enough resistance from any  
6 movement of the winds, forces in any  
7 direction. That would be adequate resistance  
8 to that kind of leverage based on the depth  
9 of footings and getting across the frost  
10 lines.

11 So we would not anticipate any issues  
12 resulting with wind load, not to mention by  
13 nature of the sign and the separation that it  
14 has in between that one portion if it helps  
15 the diminish a little bit of the wind load  
16 from building up and acting as a single  
17 element versus these two smaller elements.

18 MR. SADIAN: I can add to that that I was  
19 present at the time of the installation and  
20 accept the structure which is on metal. The  
21 signage itself is very, very light material.  
22 Everything -- it's no weight -- anything  
23 weight here.

24 And the wind factor, I think the gap

1           between the two signage will resolve the  
2           problem of the wind.  It's not one piece.  
3           It's two pieces.  And I didn't see one  
4           singular movement in the signage.  It's very,  
5           very strong.

6           CHAIRMAN TOUMBEEKIS:  Okay.  Anybody else?

7           (No one.)

8           CHAIRMAN TOUMBEEKIS:  Okay.  With that I  
9           don't know that there's any other questions.  
10          We can move this to discussion.  And do I  
11          need to make a motion to do that, Brian,  
12          again?

13          MR. STOLAR:  No.  The Board can close the  
14          hearing.

15          CHAIRMAN TOUMBEEKIS:  We'll close the  
16          hearing at this time.

17          MR. STOLAR:  Yes.

18          CHAIRMAN TOUMBEEKIS:  And we'll open it up  
19          for discussion.  Do I have everybody?

20          MR. LEVY:  Yup.

21          CHAIRMAN TOUMBEEKIS:  All right.  Why  
22          don't we just start with a quick go around  
23          and get everybody's thoughts here.

24          Larry, you want to start?

1 MR. GREENGRASS: Yeah. I think the  
2 traffic study looks to me like it was done  
3 the right way. So I think I'm comfortable  
4 with the proposal based on what I've heard so  
5 far.

6 CHAIRMAN TOUMBEEKIS: I'm in -- well, go  
7 ahead.

8 Mr. Levy.

9 MR. LEVY: Same here. I mean, I'm  
10 holding the September 28th decision, I  
11 guess.

12 CHAIRMAN TOUMBEEKIS: Yup.

13 MR. LEVY: And looking at that, it seems  
14 that they've done everything that was asked  
15 of them.

16 CHAIRMAN TOUMBEEKIS: Mr. Pschenica.

17 MR. PSCHENICA: I'm satisfied with what  
18 I've seen and what I've heard today.

19 CHAIRMAN TOUMBEEKIS: Mr. Nikrooz.

20 DEPUTY CHAIRMAN NIKROOZ: On the  
21 condition that the slope on the sides and  
22 also the slope on the street, I think it is  
23 required to have a taller sign to be able to  
24 visualize what is going in there. Even

1           though (audio distortion) of the building by  
2           itself the attraction and attention of the  
3           driver.  But it is -- such a building needs  
4           such a sign.  And I'm totally for it.

5           CHAIRMAN TOUMBEEKIS:  Great.  So look, I  
6           think that between the Mojo Stumer drawing  
7           and the VHB Engineering drawing, that both  
8           have come back and on paper have addressed  
9           the issues from the last hearing.  And  
10          specifically as to the specific design and  
11          layout of the sign, it's there.

12          I think that all the details that we were  
13          looking for in terms of the layout of the  
14          sign, how it's going to -- how the names are  
15          going to be shown and depicted on the sign  
16          and all of the detail in terms of the -- you  
17          know, the supporting structure, the materials  
18          to be used, all of that -- all of those items  
19          are there.

20          I think the VHB Engineering drawing lays  
21          out the concern that we had about what, you  
22          know -- had anybody really looked at or  
23          analyzed whether or not the sign can be  
24          properly seen or not.  And I think that

1 between the various photographs and the  
2 depictions shown here, you know, it  
3 demonstrates what we were looking for.

4 In this regard the only outstanding  
5 remaining item for me was -- from the last  
6 time is because Northwell has asked us in the  
7 past for signage that goes up on the building  
8 itself and not necessarily on a sign, you  
9 know, shown here as the one that's proposed,  
10 are we sure that we're not going to have a  
11 further application here from Northwell when  
12 the time comes for them to sign the lease?  
13 And so --

14 MR. SADIAN: I am sure that Northwell,  
15 they are satisfied.

16 CHAIRMAN TOUMBEEKIS: Because my concern  
17 is that we agree to do this, we agree to  
18 increase the height, and then we have  
19 Northwell coming in with a separate  
20 application for a different sign.

21 MR. SADIAN: I don't think I am going to  
22 entertain Northwell for -- you mean on the  
23 building itself?

24 CHAIRMAN TOUMBEEKIS: Yeah. Look, we're

1 not supposed to be doing discussion now, but  
2 I will entertain this a little bit in that if  
3 you go up the block a little bit further, the  
4 other Northwell building where we approved  
5 the sign right next to Seven Seas Diner, that  
6 sign is actually on the building itself.

7 MR. SADIAN: I can -- I'm a little  
8 familiar with the situation. I can assure  
9 you that Northwell will not make an  
10 application for signage on it.

11 CHAIRMAN TOUMBEEKIS: So what I'm thinking  
12 about here is that if we were to agree to  
13 approve this, that in as much as the sign  
14 demonstrates that it is capable of clearly  
15 legibly addressing what appears to be six  
16 tenants for the building, that that will be  
17 the maximum -- that any other request that  
18 would go beyond the sign I probably would be  
19 inclined not to agree or approve.

20 MR. STOLAR: So the condition is that  
21 there be no wall signs?

22 CHAIRMAN TOUMBEEKIS: No wall signs, or  
23 the sign's got to come down.

24 MR. SADIAN: No wall signs, you mean, on

1 the building itself?

2 CHAIRMAN TOUMBEEKIS: Similar to the one  
3 that Northwell has done on the building next  
4 door to Seven Seas Diner.

5 MR. SADIAN: I know that Bank of America,  
6 they are planning to apply for signage on the  
7 building on top portion, all the way on the  
8 top floor.

9 CHAIRMAN TOUMBEEKIS: And that's -- that's  
10 specifically my concern at this point is that  
11 we have all -- we increase the height of this  
12 sign and then we're being asked for  
13 additional signage. And to me that would not  
14 be acceptable.

15 MR. GREENGRASS: Can I just -- this is  
16 Larry.

17 Can I just ask Brian? Is it actually  
18 within our authority to set a condition which  
19 would be binding on a tenant in the building?  
20 In other words, basically set as a condition  
21 right now that we would not agree or accept  
22 an application from a tenant to put a sign on  
23 the building? I just want to know if that --

24 MR. STOLAR: You are looking at this from

1 the perspective of benefit to the applicant  
2 versus detriment to the neighborhood. And as  
3 expressed by the Chair, it's potentially  
4 detrimental if, in fact, there is going to be  
5 additional signage in addition to the  
6 doubling of the size of the permitted sign  
7 here, and that the permitted sign here  
8 accomplishes what they're requesting.

9 So that in accordance with as presented,  
10 the visibility of that sign is going to be  
11 present, that there is no need; therefore,  
12 any condition that would directly address  
13 those issues, which could include a condition  
14 that there be no wall signs, I would suggest  
15 that that would be an acceptable condition  
16 and appropriate under the Village Law.

17 MR. GREENGRASS: Okay. I just want to  
18 clarify.

19 I mean obviously if somebody else comes  
20 to make an application, we can deny that  
21 application at that point in time. I'm just  
22 asking whether we can properly set as a  
23 condition for this applicant basically a  
24 ruling that will bind a future tenant.

1 MR. STOLAR: The applicant is the owner.

2 MR. SADIAN: Can I -- something here. I  
3 know for a fact that Northwell, they did not  
4 apply for anything else. They will be  
5 satisfied. Also I know from fact that Bank  
6 of America, they need apply for signage on  
7 the building, but it will be all the way  
8 towards the roof. There's 70 feet difference  
9 between that signage and the one that I'm  
10 applying now. I don't see these two getting  
11 -- interfere together.

12 MR. GREENGRASS: Yeah. No, I understand.  
13 This is Larry again.

14 I'm sort of asking for a legal  
15 conclusion, which is -- so for a hypothetical  
16 can we make as a condition of granting this  
17 application for Mr. Sadian that Bank of  
18 America cannot, you know, file for the right  
19 or to ask us to have a sign on the building?

20 MR. STOLAR: We're not precluding them  
21 from asking. We're only including it as a  
22 condition that it's not permitted. So  
23 somebody can come later and make an  
24 application to amend the condition for this

1 approval. We're not precluding anybody from  
2 making that application.

3 MR. GREENGRASS: There you go.

4 CHAIRMAN TOUMBEEKIS: And in that regard,  
5 Larry, the benefit verses the detriment in my  
6 view is we address it here so that the  
7 applicant has the ability to understand that  
8 we view that the benefit -- you're entitled  
9 to -- we understand the benefit of adding the  
10 additional sign. But at a certain point it  
11 becomes a detriment because of the amount of  
12 light, the amount of distraction all of these  
13 signs would cause.

14 What I don't want to do to the applicant  
15 is put the applicant in a position where we  
16 approve something today, then he comes back  
17 and says, well, we need the wall sign really.  
18 And then I think the applicant would be  
19 within his right to say, well, that's a  
20 separate matter and we already have approved  
21 the taller sign.

22 And me saying to him, well, I'm telling  
23 you now -- and I might as well say it at this  
24 point. I would not agree to approve the

1 additional height on this sign plus another  
2 sign on the wall. And so basically saying if  
3 we're going to pick one, it's going to be one  
4 or the other, but not both.

5 And so it gives him the opportunity to  
6 think about it now versus being disappointed  
7 later on when a wall sign is denied because  
8 of the increased height here.

9 MR. GREENGRASS: Yes. Understood. As I  
10 said, mine was really more of a legal  
11 question whether we can set as a condition of  
12 granting this application a condition that  
13 basically binds somebody else who's not, you  
14 know, not really before us. Clearly we can  
15 deny a future application. I would just ask  
16 the question whether we could set that as a  
17 condition to this application.

18 So -- but I understand your point. I --  
19 I mean, I'm okay with it as long as it's, you  
20 know -- as long as Brian says it's  
21 appropriate, then I'm okay with it.

22 MR. SADIAN: Can I show what they  
23 thinking here about the signage here? Do you  
24 see my arrow here? Can you see?

1           CHAIRMAN TOUMBEEKIS: Look, I'm going to  
2 interrupt you at this moment. So this -- I  
3 think -- I'm going to just sort of make my  
4 comments on this, and then we'll make a  
5 motion and decide this.

6           I am satisfied if between VHB Engineering  
7 and Mojo Stumer that sufficient information  
8 has been developed talking about --  
9 demonstrating, you know, visibility, proper  
10 visibility, how the sign is going to look and  
11 how it's going to work. We'll address the  
12 wind load issue. And we'll talk about that,  
13 assuming this is going to move forward.

14          But I did specifically ask whether or not  
15 there are agreements with Northwell,  
16 agreements with Bank of America regarding  
17 signage, what they want. They asked it last  
18 time as well, whether or not there were any  
19 requirements.

20          Because I -- this is exactly what I  
21 wanted to avoid. I wanted to avoid a  
22 situation where we're agreeing to one thing  
23 and the tenant wants something else. And  
24 then we're basically having to then decide do

1 we give one, both or none.

2 And so my -- this is really what I had  
3 hoped from last time we were going to get,  
4 information from the proposed tenants, what  
5 they were seeking so that it's consistent  
6 with what you're asking for. And it does not  
7 appear to be the case.

8 It appears that you want one thing, which  
9 is an increased sign. And the tenants may  
10 want something in addition to that. And I  
11 can tell you right now my vote is no if we're  
12 going to increase the height of this sign  
13 plus ask for wall signs. It's just not --  
14 especially if they're lit.

15 MR. SADIAN: The wall signs that Merrill  
16 Lynch, they will ask there -- no lights.  
17 There are no lights. And they are very, very  
18 narrow. And they are all the way towards the  
19 third floor -- top of the third floor, which  
20 is the roof. I don't see -- no electricity.  
21 I didn't see -- they didn't talk about it.

22 CHAIRMAN TOUMBKIS: Thank you. So in  
23 that regard does anybody have anything else  
24 they want to add?

1 (No one.)

2 CHAIRMAN TOUMBEEKIS: So what I think I  
3 would like to do at this point is make a  
4 motion to approve the sign as proposed with  
5 the following conditions. One, that it is --  
6 this -- the increase or the sign being  
7 proposed contemplates that there will be no  
8 additional wall signs on the outside of the  
9 building lit or unlit.

10 MR. SADIAN: Then if that's the case, you  
11 know, the entire thing is, you know, I -- I  
12 am the landlord. But I have no, you know --  
13 I'm dealing with Bank of America. They have  
14 their own designs and things and desires.  
15 And if I am, you know -- then the entire size  
16 means nothing for me right now. If you're  
17 saying they can't include on top of the  
18 building something narrow, not illuminated,  
19 if they planning to do this then, you know --  
20 I'm shooting in my leg right now.

21 CHAIRMAN TOUMBEEKIS: I'm going to make  
22 the motion. Everybody will vote whether they  
23 want to approve the motion the way I'm making  
24 it, and we'll go from there, with the

1 condition that no additional wall signs be  
2 permitted for this building, and the  
3 additional condition that the Building  
4 Department verify that the sign is designed  
5 -- meets the appropriate wind load  
6 requirements of New York State and any other  
7 applicable building code.

8 Do I have a second?

9 MR. SADIAN: Can I ask you a question?

10 CHAIRMAN TOUMBEEKIS: No. Hold on a  
11 second. Hold on a second.

12 DEPUTY CHAIRMAN NIKROOZ: I second it.

13 CHAIRMAN TOUMBEEKIS: Okay.

14 MR. STOLAR: If I may.

15 I know Mr. Sadian wants to ask a  
16 question. The choice of his now would be if  
17 he's interested in -- based on what I'm  
18 hearing, he might want to consider  
19 withdrawing the application. If not then you  
20 can move forward with your vote.

21 MR. SADIAN: Can I come back with the  
22 proper -- what the Bank of America -- what  
23 they want to do and look at the entire  
24 package together?

1           CHAIRMAN TOUMBEEKIS: I can withdraw the  
2 motion at this time, continue the meeting.  
3 And yes. I would be happy to look at what  
4 they're considering.

5           MR. SADIAN: Okay. Then -- because --  
6 yes. I think that's wise. I can come back  
7 to you with the entire -- and show the entire  
8 package. But we will do it in such a way  
9 that I don't have to go through that entire  
10 exercise one more run? Can we do it?

11          CHAIRMAN TOUMBEEKIS: Look.

12          MR. STOLAR: Here is the issue. All  
13 right. No. 1, we've closed the hearing. So  
14 if we are to continue the hearing and take on  
15 any more evidence for this particular  
16 application, we would have to reopen the  
17 hearing and hold the hearing on another date  
18 pursuant to proper notice.

19          No. 2. Depending on the wall sign, that  
20 wall sign may not be subject to Zoning Board  
21 approval, but rather might just go to the  
22 Board of Trustees. So you might be going to  
23 two different boards. But I understand  
24 you're saying if it does go to the Board of

1 Trustees for that particular sign you would  
2 be able to as part of this pending  
3 application present to this board what that  
4 sign will look like so this board can have a  
5 sense as to whether that sign, as existing,  
6 whether it's approvable by this board or some  
7 other board or by right will be acceptable as  
8 part of what you're proposing here, which is,  
9 you know -- which now had a motion that the  
10 Chair is proposing to withdraw. And that is  
11 with regard to approving it subject to no  
12 wall sign.

13 I -- your -- your request is tough  
14 because you're asking to show us what we as a  
15 board now have a motion and a second already  
16 on saying no to, but --

17 CHAIRMAN TOUMBEEKIS: Brian, I hate to  
18 interrupt you. I apologize for interrupting  
19 you.

20 MR. STOLAR: Not at all.

21 CHAIRMAN TOUMBEEKIS: I believe there is  
22 in the Village Code a provision as to the  
23 maximum height of signage in the Village.  
24 And I believe that the elevation that's being

1 proposed on the third floor, that that  
2 exceeds and would require a variance.

3 DEPUTY CHAIRMAN NIKROOZ: That's correct.

4 MR. STOLAR: Yeah. Eighteen feet I think  
5 is the maximum height.

6 CHAIRMAN TOUMBEEKIS: Yes. And so you  
7 might be -- you may very well be correct. It  
8 may need an Architectural Review Board review  
9 as well. But it may also -- it probably  
10 needs a variance to -- because it exceeds the  
11 18 feet.

12 MR. STOLAR: So it may make more sense,  
13 based on Mr. Sadian's request then, to see  
14 what his -- what the ultimate plan may be.  
15 And it may all come to us. But if it -- if  
16 when it's submitted to the Building  
17 Department for review the Building Department  
18 determines that a variance is required, the  
19 only way that you can consider it is as part  
20 of an application. And right now there's no  
21 hearing. The hearing was closed.

22 MR. SADIAN: So if that's the case -- so  
23 maybe I better take your approval tonight if  
24 anyway they need a variance for the signage

1 on top of the building because of the height  
2 restriction and let them deal with that. And  
3 if -- I can get the permit and hold the --  
4 not do the job. I think the situation can be  
5 resolved.

6 MR. YACOBELLIS: Can I just suggest one  
7 thing? And it might be semantics. If Mr.  
8 Sadian agrees -- if his concern is having to  
9 go through the process again, perhaps if it's  
10 not fully needed and there is perhaps the  
11 secondary element that might be reviewed in  
12 the future, rather than the approval being  
13 voted on with the condition of no future wall  
14 signs, can it be phrased that this sign is  
15 approved with the condition of any future  
16 additional wall signs to be reviewed by the  
17 BZA to advance through the approval process?

18 MR. SADIAN: That would be lovely.

19 MR. YACOBELLIS: Only because it seems to  
20 get us some closure on tonight and not  
21 reiterate all of this again. And then it  
22 would still leave at least the opportunity  
23 for discussion in the future.

24 MR. SADIAN: And assuming that you'll

1 approve this sign tonight, I'm not rushing to  
2 do this until the entire situation as what  
3 they want to do clears up.

4 CHAIRMAN TOUMBEEKIS: What I don't want to  
5 do at this point is leave anybody with the  
6 impression that we approved this and then  
7 later on we're going to go ahead and just  
8 approve a wall sign. And that is why the  
9 motion is proposed exactly as it is.

10 What I'm willing to do in this regard is  
11 I believe Northwell already has sketches and  
12 drawings that they prepare for situations  
13 like this. I would imagine that Bank of  
14 America has something similar.

15 MR. SADIAN: Right. They gave it to me.  
16 I didn't know that I would need it. I didn't  
17 understand that the wall sign has to do  
18 with --

19 CHAIRMAN TOUMBEEKIS: And I think --

20 MR. SADIAN: I misunderstood.

21 CHAIRMAN TOUMBEEKIS: And the last hearing  
22 we talked about this. And so what I would be  
23 willing to do so that we don't have to sort  
24 of start from scratch, what I would do is

1 reopen the hearing with -- withdraw the  
2 motion, continue -- reopen the hearing. And  
3 if there's additional items you want to  
4 submit or propose or revise your application,  
5 that I leave up to you.

6 So let -- basically I'm saying let's get  
7 this -- if we're going to submit this, submit  
8 it once and done so we know what we're  
9 looking at rather than doing it piecemeal.

10 MR. SADIAN: What about --

11 MR. STOLAR: If you're reopening it, it  
12 has to be done by motion, and it has to be  
13 unanimous.

14 MR. YACOBELLIS: You're talking about  
15 coming back at a future meeting which would  
16 require another round of notices and  
17 (Inaudible)?

18 CHAIRMAN TOUMBEEKIS: That's correct.

19 MR. YACOBELLIS: Just so Mr. Sadian  
20 understands what that process would be.

21 MR. STOLAR: That's correct.

22 MR. SADIAN: I just want to ask you a  
23 question.

24 If I -- if you approve this signage

1                   tonight, you telling me the one on the top of  
2                   the building anyway needs a variance?

3                   CHAIRMAN TOUMBEEKIS: Correct.

4                   MR. SADIAN: It's not something that they  
5                   can do automatically?

6                   CHAIRMAN TOUMBEEKIS: Correct.

7                   MR. SADIAN: So if I get this approved  
8                   tonight and they come with -- to you with the  
9                   variance, at that point if the sign -- if the  
10                  signage is something that not bothers you  
11                  would you be willing to approve that?

12                  CHAIRMAN TOUMBEEKIS: That's something  
13                  that we would have to look at when it's put  
14                  in front of us. I think that the concern I  
15                  have is -- and, you know, what I want you to  
16                  think about is that I am not satisfied that I  
17                  would agree to having the increase in height  
18                  and the wall sign.

19                  And so I think I would have to see all of  
20                  it -- we would have to see all of this in  
21                  front of us in order to make a decision. And  
22                  what I don't want to do is put you as the  
23                  applicant in a position where you have spent  
24                  money increasing the height of the sign and

1           incurring all of those costs and then coming  
2           back, and because you have a tenant that has  
3           different requirements from what your desires  
4           are that they're -- that we end up having to  
5           make determinations that cost you money and  
6           ultimately does not give you the result that  
7           everybody wants here, including the tenant.

8           MR. SADIAN: Understand. I guess I come  
9           back. I have no choice.

10          MR. YACOBELLIS: Again if I can just -- I  
11          don't mean to go over this again and again.  
12          For -- to Mr. Sadian. If -- I'm only  
13          wondering. If there were to be an approval  
14          tonight, just in terms of closure and being  
15          able to at least move forward with something,  
16          are you saying that -- I mean, the Board  
17          would be willing, I guess, to still -- if the  
18          Board prefers not, I understand here not  
19          another application in the future. Our only  
20          approach of this is in trying to get this  
21          somewhere where we can hopefully make some  
22          progress and move forward at least part of  
23          this.

24          My own understanding not knowing what's

1 going to be going on in 3 months, 6 months, 9  
2 months from now with not knowing the state of  
3 business occupancy and knowing the number of  
4 big banks and big tenants that are leaving  
5 and not opening again and just the kind of  
6 ever changing business environment that we're  
7 in with landlords and tenancies at the time.

8 I'm just wondering if it would be a  
9 little more consideration for the Board to  
10 leave this discussion open for a few months  
11 after this sign does go up. Who knows what  
12 we'll be facing at the time? And it might be  
13 that Bank of America, you know, doesn't have  
14 office space anymore at that time. We might  
15 be looking at a completely different office  
16 building environment at the time.

17 And I'm just wondering given those  
18 unforeseen circumstances, it might be a  
19 little more understandable to let this be  
20 approved so at least something can be done  
21 and just leave the conversation open so that  
22 in a year from now who knows what kind of  
23 world we're looking at, but at least leave  
24 the discussion to be had about maybe a sign.

1           We're seeing vacancies like crazy. My  
2 wife works at a big bank on Long Island. And  
3 they're remote and not even talking about  
4 going back. So in this kind of environment  
5 with so many things changing, who knows what  
6 we'll be facing in 6 months. And more reason  
7 to keep the conversation open.

8           MR. SADIAN: I was trying to explain  
9 this. But for me it's a little more  
10 difficult. You know, to get a tenant now you  
11 have to promise the moon to get a tenant  
12 here. It's not -- sometimes we have no  
13 showing for space for 3, 4 months in a row.

14           CHAIRMAN TOUMBEEKIS: I respect everything  
15 that's been said. And so in this regard I  
16 think we've given two viable choices, which  
17 is to proceed with the motion giving approval  
18 for the increased height in the sign as  
19 proposed, subject to the condition of no  
20 additional wall signs or -- and that would  
21 address an immediacy issue for you from a  
22 business standpoint.

23           Or two, if there are going to be tenant  
24 demands that are going to be made and those

1           tenant demands appear imminent, then the idea  
2           would be withdraw this motion, put the --  
3           adjourn the meeting -- reopen and adjourn  
4           this to a later date to add those parties who  
5           are going to be interested in including those  
6           signs -- sign or signs.

7                     And so I think that those are two  
8           reasonable options under the circumstances.  
9           And I'm good to go either way on this.

10                    MR. YACOBELLIS:  If I can ask one more  
11           thing?  Again I appreciate everyone's time  
12           and I don't want to drag this out any longer  
13           than it has to be.

14                    If Mr. Sadian were to choose to have this  
15           voted on now and hopefully approved, but then  
16           in 4 weeks time decides not to build it  
17           because he's had further conversations with  
18           one of the tenants, would -- by not  
19           constructing the addition to the sign would  
20           that somehow allow him to abandon the  
21           decision here tonight and move forward in a  
22           different direction?

23                    MR. STOLAR:  You would have to abandon it  
24           formally in writing.

1 MR. YACOBELLIS: Robert, that might give  
2 you some more flexibility if we allow this  
3 vote to be had hopefully in a positive way.  
4 And if you have further conversations with  
5 Bank of America you might, you know, past  
6 tonight's meeting have a better understanding  
7 of which the priority -- which direction you  
8 want to take. And if it's one that really  
9 relies heavily on a wall sign we can maybe  
10 move away from this, but at least have that  
11 in your back pocket.

12 MR. SADIAN: But I'm getting something,  
13 and it's subject to something else. And you  
14 -- when I come back here and they going to  
15 tell you, but we told you that we are not  
16 going to get wall signage, I don't think -- I  
17 think I rather to come back with the package  
18 and present everything together.

19 CHAIRMAN TOUMBEEKIS: That's fair.

20 Then based on that, Mr. Sadian, what I'm  
21 going to do is I'm going to withdraw my  
22 motion. I'm going to make a new motion to  
23 instead reopen the hearing and continue it.

24 Do I have a second?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

MR. GREENGRASS: Second.

CHAIRMAN TOUMBEEKIS: All in favor.

MR. GREENGRASS: Aye.

MR. PSCHENICA: Aye.

MR. LEVY: Aye.

CHAIRMAN TOUMBEEKIS: Aye.

DEPUTY CHAIRMAN NIKROOZ: Aye

CHAIRMAN TOUMBEEKIS: Anybody against?

(No one.)

CHAIRMAN TOUMBEEKIS: Thank you.

Okay. So with that we'll have the applicant come back with the -- what I anticipate is going to be the tenant requirements. And we'll go from there.

MR. SADIAN: Okay. Thank you.

CHAIRMAN TOUMBEEKIS: Thank you.

(Time noted: 7:10 p.m.)