

MEETING
OF
THE BOARD OF TRUSTEES
VILLAGE OF HEAD OF THE HARBOR

May 17, 2023

7:07 p.m.

P R E S E N T:

MAYOR DOUGLAS A. DAHLGARD

DEPUTY MAYOR DANIEL W. WHITE

JEFFREY D. FISCHER

JUDITH C. OGDEN

L. GORDON VAN VECHTEN

PHILIP BUTLER, VILLAGE ATTORNEY

ANTHONY GUARDINO, VILLAGE ATTORNEY

MARGARET O'KEEFE, VILLAGE CLERK

SPECIAL USE PERMIT APPLICATION BY THE
MONASTERY OF THE GLORIOUS ASCENSION INC.

DEBORAH KNIESSER, STENOGRAPHER

1 MONASTERY OF THE GLORIOUS ASCENSION, INC.

2 MAYOR DAHLGARD: Good evening,
3 again. Welcome to the Board of
4 Trustees meeting of May 17, 2023.

5 Please rise and join me in the
6 pledge of allegiance.

7 (Pledge of allegiance.)

8 MAYOR DAHLGARD: Thank you.

9 I will now opening a public
10 meeting in response to a Special Use
11 Permit application to build a House of
12 Worship by the Monastery of the
13 Glorious Ascension Inc., a religious
14 order.

15 But first, Deputy Mayor Daniel
16 White has a statement to read.

17 DEPUTY MAYOR WHITE: Good evening,
18 folks, and welcome. I'm Daniel White.

19 There's been some suggestion that
20 I recuse myself from participating in
21 this application due to a familial
22 relation between me and a member of the
23 Monastery community. My grandfather --

24 AUDIENCE MEMBER: Could you use
25 the mic, please?

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2 THE CLERK: We're recording. And
3 for the statement of Deputy Mayor
4 White, we'd like to open the public
5 hearing.

6 ATTORNEY BUTLER: You can open the
7 public hearing by motion and Mr. White
8 can read his statement.

9 MAYOR DAHLGARD: Yes, I said I'll
10 now open the public hearing.

11 ATTORNEY BUTLER: You should have
12 a motion.

13 MS. OGDEN: I'll make it.

14 MR. FISHER: I'll second.

15 MAYOR DAHLGARD: All in favor?

16 (Unanimous vote by all Board
17 members.)

18 MAYOR DAHLGARD: All right.

19 Deputy Mayor?

20 DEPUTY MAYOR WHITE: Thank you,
21 Mr. Mayor.

22 There's been some suggestion that
23 I recuse myself from participating in
24 this application due to a familial
25 relation between me and a member of the

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2 Monastery community. A grandchild of
3 one of my aunts is affiliated with the
4 Monastery. While I know this
5 individual, I know who he is, I've not
6 had any significant conversation or
7 other dealings with him in the last 20
8 years.

9 I am not required to recuse myself
10 here as a matter of law. I believe I
11 can be fair and impartial in the
12 assessment and determination of this
13 application. Accordingly, I am not
14 going to recuse myself.

15 Thank you. Mr. Mayor.

16 MAYOR DAHLGARD: Thank you.

17 Now, this is a very small village
18 and most people know one another. So
19 you'd have to recuse everybody in the
20 Village if you really wanted to go
21 looking around finding people. We
22 can't do that. Anyway, let me
23 continue.

24 The Clergy of the Monastery has
25 been living at 481 North Country Road

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2 for the past five years. 481 North
3 Country Road is a four-plus acre parcel
4 that is improved by a historic house
5 known as Timothy House.

6 The corridor along North Country
7 Road in St. James is known for historic
8 homes and churches. It has been
9 designated the St. James Historic
10 District. Timothy House is one of the
11 primary historic resources within that
12 St. James Historic district.

13 The documents and letters
14 received -- I just received another
15 one -- pertaining to this application
16 are part of the record and have and
17 will continue to be available on the
18 Village website.

19 So I'll talk a little bit about
20 the Village Code.

21 A Special Use Permit to build a
22 House of Worship is provided in Chapter
23 165-23(B) (1) of the Village Code.
24 Requirements for the Special Use Permit
25 are found in Chapter 165-35 and 165-36

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2 of the Village Code.

3 Chapter 165-35 requires a referral
4 of the permit application to the
5 Village Planning Board and a report be
6 sent to the Trustees. Planning Board's
7 review was performed in 2021 and a
8 recommendation of denial was sent to
9 the Trustees.

10 In May of 2022, the Village
11 received an amended site plan from the
12 applicant. Subsequently, in November
13 2022, the site plan was amended again
14 and delivered to the Village along with
15 an amended comment letter from the New
16 York State Office of Parks, Recreation
17 and Historic Preservation.

18 The Monastery is represented this
19 evening by their counsel, Mr. Joseph
20 Buzzell, and we will proceed as
21 follows:

22 Mr. Buzzell will describe the
23 application to the Trustees. The
24 Trustees may ask questions, and Mr.
25 Buzzell may respond. Once the Trustees

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2 have finished asking questions, we will
3 open the meeting for public comments.

4 Those wishing to be heard having
5 filled out the form provided will be
6 called up to speak. Each member of the
7 public will have three minutes to
8 speak. The time limit will be
9 monitored by our Village Clerk. If you
10 need another minute to finish, please
11 just wait for the Village Clerk and you
12 can continue on.

13 Speakers will get one chance this
14 evening to address the Trustees. We
15 ask all of you to keep an open mind and
16 to show respect for all opinions. This
17 is an important application, and the
18 decision weighs heavily on each
19 Trustee.

20 We do not plan on closing the
21 hearing this evening but will hold it
22 over to at least the June 21st. That's
23 the Trustees' next meeting. The record
24 will be open for the next 30 days for
25 anyone to submit written comments to

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2 the Village Clerk. At the June 21st
3 meeting, those wishing to speak,
4 including persons who speak this
5 evening, will be given an opportunity
6 to address the Board.

7 We ask that you be concise and
8 address your comments to the Trustees.
9 There will be no discussions or debates
10 at this meeting. We ask that you
11 remain openminded and respectful of all
12 the speakers.

13 As comments will be recorded for
14 the record by the stenographer, the
15 audience should remain attentive when
16 someone else is talking. Speakers may
17 also submit written comments to the
18 Village Clerk. Speakers, before you
19 start, please state your name and
20 address for the record.

21 So after persons have had their
22 opportunity to speak, Mr. Buzzell will
23 respond and may address your questions.
24 After Mr. Buzzell responds, we will
25 move to keep this meeting open until

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2 the next Trustee meeting on June 21st,
3 7 p.m.

4 Now, no discussions -- no
5 decisions will be made tonight.

6 Subsequent to this meeting, the
7 Trustees will review the application,
8 the law, the opinions of consultants,
9 and all of the oral and written
10 comments provided by the public.

11 I'll now turn it over to
12 Mr. Buzzell.

13 MR. BUZZELL: Thank you, Mr. Mayor
14 and Members of the Board.

15 I'm for the applicant, Joseph F.
16 Buzzell. The firm is Buzzell, Blanda
17 and Visconti. We are at 535
18 Broadhollow Road, Suite B-4, in
19 Melville. And I'm here for the
20 applicant, the Monastery of the
21 Glorious Ascension.

22 With me is our architect, Mr. Mark
23 Wittenberg, our traffic consultant,
24 Ethan Schukoske from Atlantic Traffic,
25 and several members of the Monestary

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2 including Father Vasileios Willard.

3 The project concerns the
4 construction of a small church on
5 property presently supporting the
6 Monastery. We were here on the 3rd of
7 November 2021. Since then, we went
8 through the SHPO process, which is the
9 State Office of Historic Preservation.
10 That took some time. There were
11 modifications to address SHPO comments.
12 But ultimately, SHPO issued a letter
13 which indicated they found no adverse
14 impact on the Timothy Smith House and
15 no adverse impact on the St. James
16 Historical District.

17 For a little clarity on the
18 Monastery, the Monastery of the
19 Glorious Ascension also known as the
20 Monastery of the Glorious Ascension,
21 St. Dionysios the Areopagite, is a
22 Russian Orthodox Byzantine church in
23 the Eastern Orthodox tradition.
24 There -- I have seen and/or heard some
25 allegations about the Monastery's

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2 connection to Russia, the Putin
3 government, or the patriarch of the
4 Russian -- of the Russian church in
5 Moscow. None of that is accurate.

6 The Monastery is affiliated with
7 the Russian Orthodox church outside
8 Russia which is based in New York City
9 and has been in business since 1920.
10 The Monastery does not report and is
11 not accountable to the Patriarch of
12 Moscow. Unlike the Catholic Pope, the
13 Patriarch of Moscow does not oversee
14 all Russian Orthodox churches. There
15 are self-autonomous, self-governing
16 parts of the Russian Orthodox church.

17 The Monastery has no connection or
18 relationship to the Russian government
19 or Vladimir Putin. And it has come out
20 against the war in the Ukraine since
21 the war began. In fact, we sent a
22 letter to the Village on the 12th of
23 April of 2022 stating just that and
24 that they are horrified by the actions
25 taken by Russia in the Ukraine which

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2 the church is -- which the Monastery is
3 vehemently opposed to.

4 Turning to the property, the
5 property is located on the westerly
6 side of North Country Road which runs
7 north/south in this area. It is
8 726 feet north of Timothy Woods Road
9 and consists of two tax lots, 29.1 and
10 37.

11 29.1 is a larger lot. It's
12 irregularly shaped. It's 4.2 acres.
13 There's over 316 feet of frontage on
14 North Country Road and a depth of about
15 560 feet. This is the lot that
16 supports the Timothy Smith House.

17 The Monastery also owns the lot
18 adjacent to that tax lot, 37, which is
19 a narrower lot, 51-feet wide and
20 400-feet deep, about .4 of an acre.
21 And it supports a shared driveway which
22 serves the subject property and an
23 adjacent home to the northeast. Other
24 than the driveway, that lot is largely
25 wooded.

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2 Tax Lot 29.1 contains the
3 Monastery, a delapidated garage, a
4 tree-lined driveway leading from North
5 Country Road to the Timothy Smith
6 House, and a strong buffer of woods and
7 hedge and natural vegetation along 25A
8 and at other points of the lot. In
9 fact, if you're driving on North
10 Country Road, aside from the driveway,
11 woods screen the entire property. And
12 unless you look to your right or left
13 as you pass in front of the driveway,
14 you cannot see the Timothy Smith House
15 or the rest of the property pretty much
16 at all, maybe for a half a second at
17 the speed limit if you look down the
18 driveway. And even then, the house is
19 410 feet back.

20 The Monastery purchased the
21 property in 2018 from Gillian Stewart
22 who held it since at least 2012. The
23 present use is a small monastery or
24 religious use. The Monks live at the
25 site. They have done so since the

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2 Monastery purchased the property.

3 The Monastery building is the
4 Timothy Smith House. It's fully
5 recognized. It's an historic building.
6 The Monastery has, does, and will fully
7 maintain the Timothy Smith House. And
8 after trying to read some of the
9 comments, one of the things that I
10 suppose has perplexed me most is the
11 amount of time devoted to the Timothy
12 Smith House. The Monastery is not
13 touching it. They are not doing
14 anything to it. It is staying exactly
15 as it is in its exact location.

16 This is not an insensitive builder
17 demolishing an historic structure.
18 Part of the Monastery's proposal from
19 the very beginning is to preserve and
20 maintain the Timothy Smith House. It's
21 done it in the past. It's does so now.
22 It will continue to do so.

23 Since acquiring the property, it
24 has put over \$340,000 into the
25 maintenance of the property, including

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2 structural repairs to the basement,
3 structural repairs to the east wing,
4 emergency repairs to beams in the front
5 stoop, repairs to the roof, repairs to
6 plumbing and sanitary systems,
7 electrical repairs, repairs to leaks in
8 the basement, and roof and mold
9 remediation, among others. There are
10 no proposed changes to the Timothy
11 Smith House. And I'll say it again, no
12 proposed changes.

13 It's not being demolished. It's
14 not being modified. There is no
15 addition. There is no changes to the
16 facade. They're not proposing to
17 relocate it. They're not proposing to
18 attach anything to it. Timothy Smith
19 House stays as it is, where it was.
20 The Monastery will continue to fully
21 maintain and preserve that house.
22 While not required to allow visitors,
23 the Monastery does. And people do make
24 appointments and see the house, and the
25 Monastery provides access to the

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2 historic building. And people do come
3 to see it.

4 The house, as I said, is 410 feet
5 back from 25A. That's not its original
6 location. It was originally built
7 close to 25A and moved in the early
8 1900s. The property including the
9 house is screened from 25A, as I said,
10 by an existing hedge, mature trees, and
11 foliage.

12 And I have some photos that I will
13 turn in. The first is of the driveway,
14 the rest are of 25A, which is another
15 point that I think has puzzled me.
16 It's -- the site is really not visible
17 so the effect on 25A is pretty much
18 nil. The existing conditions stay.
19 That buffer of vegetation on 25A stays
20 where it is. We're not proposing to
21 touch it at all.

22 Also as a couple of matters of
23 clarity, we are not proposing to widen
24 the driveway. Though that was
25 previously issued, that has been

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2 dropped and SHPO is aware of that. We
3 are not proposing any new lighting.
4 While that was at one time part of the
5 proposal, we are not proposing any new
6 lighting at all. So the driveway stays
7 as it is. The trees lining the
8 driveway stay where they are. The
9 foliage along 25A stays where it is.

10 A big issue with preserving
11 historic structures is always securing
12 maintenance. And many structures in
13 the public domain suffer because
14 there's just not enough funding to
15 properly maintain them. Here we have
16 that. The Monastery is maintaining the
17 house and will continue to do so. The
18 goal of preserving the Timothy Smith
19 House for the longterm is achieved by
20 the Monastery owning this property.

21 And the construction of the church
22 ties the Monastery to the property.
23 They would not sell it back into the
24 private sector and seek to build a
25 church and a new monastery on another

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2 piece of property somewhere else. It
3 ties them to the church functionally --
4 to the property functionally. It ties
5 them to the property financially, all
6 of which serves to preserve the Timothy
7 Smith House.

8 Across North Country Road is the
9 St. James Episcopal Church. Just down
10 North Country Road we have the St.
11 Philip and St. James Roman Catholic
12 Church. While there are homes along
13 25A, there are also restaurants,
14 commercial strip centers to the south.
15 There's a nursery and another property
16 formally used as a nursery which is
17 kind of sitting there.

18 The project is to construct a
19 small church. No school will be built
20 on this property. None is proposed.
21 The St. Basil the Great School will be
22 built on another property not yet
23 acquired. And the church agrees to a
24 condition of not to build a school on
25 this property.

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2 The most recent site plan puts the
3 church 271-and-a-half feet back from
4 25A. The access with a tree-lined
5 driveway will remain. It will remain
6 graveled. It will not be widened. No
7 new lighting. No changes along North
8 Country Road. No changes to the land
9 south of the driveway. All the mature
10 tress that are over there now will all
11 remain. None will be touched. Parking
12 for the church can be used by visitors
13 to the Timothy Smith House which do not
14 have the best accommodations to park.
15 There is also no handicap parking
16 presently, and that would be included
17 as part of the church's proposal.

18 Now, as I said, we made a
19 submission to SHPO, the New York State
20 Department of Parks and Recreation and
21 Historic Preservation. SHPO process
22 took some time as is often the case.
23 During a review, comments were received
24 and the plan was revised. SHPO looked
25 at that plan and wanted more revisions,

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2 in this case, particularly moving the
3 church back and reconfiguring the
4 parking. The Monastery did that.

5 SHPO took an in-depth and
6 considered examination. In addition to
7 reviewing the site plans, the building
8 plans, and the floor plans, they
9 reviewed SHPO records, aerial
10 photographs, photographs, and gathered
11 information. The site plan was
12 modified to address all SHPO concerns,
13 and they eventually produced a
14 determination. No adverse impact on
15 the Timothy Smith House, no adverse
16 impact on the St. James Historical
17 District.

18 So SHPO, an agency that has no
19 concerns other than historic
20 preservation, has made the conclusion
21 that there would be no adverse impact
22 on the house or the property by the
23 church proposed on the site plan
24 presently before the Board. SHPO even
25 says the front lawn of the property is

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2 a character-defining feature. We
3 appreciate the work you did to preserve
4 the future of the historic building.

5 The church is now 279 feet --
6 and-a-half feet from 25A. Let's put
7 that in perspective. When we were
8 originally here, it was 147.9. So we
9 increased setback 123.6 or
10 83-and-a-half percent to push it back
11 as far as possible. There is now
12 271-and-a-half feet of grass and
13 existing vegetation between the church
14 and 25A.

15 The church was also shifted a
16 little to the north to increase the
17 landscape area between the church and
18 the central driveway -- also SHPO's
19 recommendation -- which also preserves
20 more lawn area. There is now 77 feet
21 between the church and the gravel
22 driveway, an increase from the original
23 plan.

24 There is 209.7 feet of setback to
25 the southern property line. Other than

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2 the gravel driveway, that's 209.7 feet
3 of grass and landscaping, none of which
4 will be touched.

5 All parking is behind the church.
6 The location and configuration of the
7 parking area was designed to record to
8 SHPO comments and concerns. 36 parking
9 spaces are provided. We can land back
10 additional spaces if need be. But SHPO
11 was only concerned as Historic
12 Preservation reviewed the submission,
13 made modifications, and determined
14 there would be no impact.

15 So let's look a little bit at
16 zoning compliance. Lot area, two
17 acres. We have 4.6 plus. Frontage,
18 200 feet. We have 366 feet plus.
19 Front yard, 100. We have 271.5. We
20 added 250 foot which has been mentioned
21 at previous appearances.

22 The rear yard is 74 feet. We have
23 about 240. Side yard is 67. On the
24 south, we have 209.7. To the north, we
25 have 70 except one small triangular

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2 corner which is a product of an
3 irregular lot line between Tax Lot 37
4 and the property next to us. There's a
5 triangle that juts in. And in the
6 center of the building, it's a straight
7 line. We have 70 feet.

8 If you go to the westerly corner,
9 we have a little over 21 feet. Then
10 there's 15 feet that's across a
11 neighbor's lot. Then you come back to
12 our lot and you go the rest of the
13 distance to hit 70 feet. So it's in a
14 straight line. It's 70 feet, but of
15 that 15 is out of concession.

16 We spoke to SHPO about moving the
17 church so that it met the setback at
18 that point. SHPO said to the church
19 back that they didn't see this was
20 really an issue given the odd shape of
21 that little corner on the property, so
22 we did. Total side yard required, 110.
23 We have 234.8 to 279.

24 So let's turn to parking. The
25 Village does not have a parking code.

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2 However, towns and many villages do.
3 Smithtown which is right across 25A has
4 one space for every four permanent
5 seats or the equivalent floor area in
6 the area where services are performed.
7 Such as how parking is generally
8 calculated for a place of worship, if
9 you hop around town to the villages
10 that have parking codes, that's pretty
11 standard. Building occupancy is
12 determined for fire egress purposes,
13 and it's not designed for parking
14 calculations.

15 So let's look at the building.
16 Services are not performed in the
17 entire building. Utility rooms,
18 bathrooms, staircases, elevators,
19 hallways, and storage areas do not
20 generate the need for parking.
21 Religious services are held in the
22 worship area and sometimes the worship
23 area in the narthex. The worship area
24 is only 821-square feet. The narthex
25 is only 400-square feet. That's a

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2 total of 1,221-square feet which is a
3 very small church. And not even all of
4 that is open to the congregation. In
5 the Russian Orthodox tradition, the
6 alter platforms are limited to the
7 priests so you will not have
8 congregants up there.

9 There are other churches that do
10 the same thing. Sometimes the alter
11 area is small. Sometimes it's large.
12 But it's not for the congregation.
13 It's for those officiating at the
14 religious service.

15 The central -- also there's a
16 fixed baptismal font, so that area
17 cannot support the congregation. The
18 central portion of the worship area is
19 not open in the Russian Orthodox faith
20 during that part of the service. The
21 priests process down the central aisle
22 and circle back up into the alter. And
23 all churches have a central aisle that
24 is kept open to allow people to come
25 and go.

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2 In the Russian Orthodox tradition,
3 there is a screen across the front
4 vestry so that people in the audience
5 cannot see that part of the alter. So
6 during services, people don't sit where
7 they would be screened by the vestry.
8 So it's a small net area used by the
9 congregants for services.

10 We had an architect prepare a plan
11 that can hold 97 seats, and that
12 includes the worship area and the
13 narthex, not just the one but both
14 which would not be used together all
15 the time but we did it. Divide 97 by
16 4, it generates 24.25 parking spaces.
17 We round that up to 25 parking spaces
18 which should be the calculation for
19 this application. That there are no
20 fixed pews is not the issue. It's the
21 amount of people that the church can
22 actually serve divided by standard
23 numbers used in Long Island and
24 elsewhere.

25 Not a rock concert or nightclub.

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2 People are not standing together. They
3 need space to worship. They need space
4 to kneel. And, again, religious
5 services are not performed in the
6 entire building. Atlantic Traffic will
7 speak about that in a little more
8 detail shortly.

9 Just to say we looked at
10 everything, there is a meeting room in
11 the basement. That is not for
12 religious services. When services are
13 held, they're held in the church. The
14 priest cannot process downstairs and
15 into the basement.

16 The congregation is small. The
17 church is designed to handle a small
18 congregation. The meeting room is
19 designed to handle meetings. Meetings
20 will be held when the church is not
21 operating. When the church is
22 operating, that is a use of the
23 building. And if the Board wanted a
24 covenant that they're not being used
25 simultaneously, we have no objection to

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2 that.

3 The Monastery provides classes
4 typically up to 10 participants twice a
5 week, and they are held in the meeting
6 room. If you fill the meeting room
7 with seats, it could hold 80. Divided
8 by four, that's 20 spaces. So if the
9 church is in occupancy, it would
10 require -- is performing services, 25.
11 If it's not, the most 20. Site plan
12 provides 36 which is more than ample
13 for a religious service in a religious
14 facility of this size.

15 Now, at this point, I would call
16 our traffic engineer, Ethan Schukoske.
17 Ethan has a report. I will turn in
18 copies of his report.

19 MR. SCHUKOSKE: Ethan Schukoske.
20 I'm with Atlantic Traffic and Design
21 Engineering. I -- we're located at 275
22 Broadhollow Road in Melville, New York.
23 I'm a professional engineer in the
24 State of New York, also a professional
25 traffic operations engineer with a

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2 national certification with the
3 Institute of Transportation Engineers.

4 As Joe mentioned, we've prepared a
5 traffic report for the proposed
6 religious facility. It was last
7 revised January 12th of this year. We
8 took -- we evaluated the daily trip
9 generation and parking supply for the
10 proposed monastery and also prepared
11 a -- or evaluated a future proposal of
12 sizeable expanses.

13 So I'll try not to hit too many of
14 these points because I think they've
15 already been hit by Joe. But the
16 existing site consists of a
17 3,200-square-foot residential building,
18 Timothy House, that's currently used
19 for worship services. The site, it
20 hosts a larger morning service on
21 Sundays for approximately 35 to 40
22 members. And that's really that peak
23 time period that we really focused on
24 for our report, that Sunday, obviously
25 the church.

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2 There's two curbs cuts located on
3 westbound North Country Road, primary
4 access being the gravel driveway to the
5 west. And there's a secondary
6 access -- there's a secondary access on
7 the eastern side. Under the
8 development proposal, they will be
9 moving the religious services to a new,
10 approximately 3,300-square-foot worship
11 building constructed on a vacant
12 portion of the property.

13 So the way we evaluated the
14 projected traffic and parking, we
15 really looked at two different angles.
16 One was how the existing monastery
17 operates, right, because they're really
18 going to be relocating their services
19 from one building to another. With
20 that, they don't expect a large
21 increase of members to their
22 congregation. Obviously, they want to
23 have some space -- you know, some type
24 of minimal growth. But, you know, it's
25 really a relocation of one service --

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2 of the services in the Timothy House to
3 their facility on site.

4 So with that in mind, we examined
5 the site-specific trip generation at
6 the -- at their site on a typical
7 Sunday. We evaluated it during their
8 peak period from 8 p.m. to 2 p.m. We
9 found that had a peak-hour traffic
10 generation of at the most 40 cars
11 entering the site during the peak hour,
12 which is generally consistent with this
13 size church.

14 The other way we evaluated the
15 site was taking aside with the proposed
16 monastery and what their operations are
17 and just looking at this as a church as
18 just -- you're building a
19 3,300-square-foot church regardless of
20 the specific operations of the
21 monastery which is maybe more or maybe
22 less than a typical church of this
23 size, as Joe mentioned -- and I
24 agree -- a moderately-sized church,
25 3,300-square feet.

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2 What we do when we evaluate trip
3 generation and parking generation, we
4 use Institute of Transportation
5 Engineers. It's data with a national
6 organization that publishes trip and
7 parking data. That's our industry
8 standard for projecting traffic or
9 parking you might see at a site. They
10 have a variety of uses, not just
11 religious but retail, residential, that
12 we might do separately.

13 So looking at it not as the
14 monastery building but as just a
15 3,300-square-foot church and assuming
16 you may have a different tenant in the
17 future, that increase in traffic is at
18 most 17 additional cars, which on 25A
19 on a Sunday afternoon we don't project
20 to have an impact to the surrounding
21 traffic network.

22 We also took a look at the parking
23 as was mentioned. The proposed parking
24 for this site is consistent with the
25 municipal codes of the area. I think

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2 Joe covered that pretty well. The
3 Village doesn't have a parking code.
4 But for the Town of Smithtown, based on
5 our review of the parking, we find
6 there to be sufficient parking.

7 We also evaluated parking on site
8 during a typical Sunday service. We
9 found a maximum of 21 parked cars on
10 site, which we had the proposed parking
11 supply would be about 58 percent of the
12 lot. So given a minimal increase in
13 the congregation, there's more than
14 sufficient parking.

15 We also, again, used Institute of
16 Transportation Engineers published data
17 to evaluate, you know, just a typical
18 church of this size in capacity. That
19 data found there would be a maximum of
20 31 stalls, so about 86 percent
21 occupied. So still, more than
22 sufficient parking on site.

23 So with that, that sort of
24 summarizes my results. I mean, maybe
25 with an increase in two to three trips

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2 during critical peak hours based on
3 conversations with the Monastery, we
4 don't believe that the proposed
5 application will have a significant
6 impact on traffic on 25A. And we
7 believe the parking is more than
8 sufficient for this use.

9 I'm happy to answer any other
10 questions.

11 MR. BUZZELL: So as you can tell,
12 Mr. Schukoske did a very conservative
13 evaluation. When he compared to the
14 International Traffic Engineers manual,
15 he used a 3,300-square-foot area, much
16 larger than the area for services in
17 this particular church. But we wanted
18 to be conservative and then some.

19 Now, proceeding onto the easement.
20 In 1997, an easement was placed on the
21 property. It -- however, it expressly
22 provides the Village is under no
23 obligation to enforce it. Section 6
24 states it is understood by the parties
25 hereto that this easement deed is not

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2 intended to nor shall be interpreted to
3 impose upon the Village, its
4 Architectural Review Board, or other
5 agencies of the Village a legal
6 obligation to enforce the provisions of
7 this easement against present or future
8 owners of the property, their
9 successors, and/or assignors. Further,
10 the document provides no rights to the
11 general public.

12 So enforcement is absolutely
13 discretionary with the Village and the
14 Village is under no obligation. And
15 when there is discretion in municipal
16 decision making on entitlement to land
17 use permits involving religious uses,
18 New York State law kicks in.

19 The principal focus is on an
20 easement which is on the Timothy Smith
21 House, and that's stated that's not
22 going to be touched. The house will be
23 fully and completely preserved and not
24 be changed or altered in any way. SHPO
25 looked at that and approved them and

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2 approved the location and the design of
3 the proposed church subject to making
4 adjustments to the location of the
5 church and the parking configuration as
6 indicated. And, again, the driveway
7 will not be widened. The trees along
8 the driveway will remain. There will
9 be no new lighting put on this site.

10 New York law has long provided
11 that religious uses are entitled to
12 special treatment on the land use law.
13 In general, as a special permit, the
14 church is deemed in character with the
15 surrounding community and not
16 detrimental. In New York, religious
17 cases carry -- religious uses carry a
18 presumption that they serve the public
19 welfare and they are entitled to
20 special treatment in regards to land
21 use law.

22 There are many cases on the issue.
23 I'm happy to brief if so desired. It
24 is well settled while religious
25 institutions are not exempt from land

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2 use regulations, greater flexibility is
3 required when evaluating an application
4 for a religious use than an application
5 for another use and every effort to
6 accommodate the religious use must be
7 made.

8 It is incumbent on local boards to
9 suggest measures to accommodate
10 proposed religious use while mitigating
11 any clearly demonstrated negatives
12 effects. And religious uses enjoy a
13 constitutionally protected status which
14 severely curtails a permissible extent
15 of government regulation.

16 Moreover, where unreconcilable
17 conflict exists between the right to
18 erect a religious structure and the
19 potential hazards of traffic or
20 diminution in property values, the
21 latter must yield to the former. The
22 municipality must make a diligent
23 effort to accommodate a religious use.
24 All this comes from New York State land
25 use law and not from (inaudible) which

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2 also supports the application that I
3 don't believe we need to get into. The
4 State law is very, very clear.

5 So let's recap a little bit. The
6 Monestary has, does, and will fully
7 maintain the Timothy Smith House. They
8 have preserved it to date putting in
9 over \$300,000 to maintain that house,
10 including numerous repairs. It does so
11 now and it will continue to do so.

12 There's not a single proposed
13 change to the house. It's not being
14 demolished. It's not being modified.
15 There's no addition. There's no
16 changes to the facade. That's the
17 house with the additions it presently
18 has and the porch. The porch is
19 presently -- nothing. It's not being
20 touched at all.

21 SHPO has determined that the
22 present church -- that the proposal to
23 develop this church on this property in
24 accordance with the site plan will have
25 no adverse effect on the Timothy Smith

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2 House and no adverse impact on the
3 St. James historical site. The church
4 is now 271-and-a-half feet from 25A.
5 So that's 271-and-a-half feet of open
6 lawn and existing vegetation between
7 the church and 25A. And the church
8 ties the Monastery to the property for
9 the longterm which ensures the
10 preservation of the Timothy Smith House
11 for the longterm.

12 While not required to allow
13 visitors to the house, the Monastery of
14 does. People do make appointments to
15 come and see the house. The driveway
16 is not being widened. There is no new
17 lighting. Existing vegetation along
18 25A on Tax Lot 37 which supports the
19 driveway on the southerly portion of
20 the property on the tree-lined driveway
21 and elsewhere is all being preserved.

22 This is a positive development of
23 this property for a religious use.
24 That concludes the presentation.

25 I did receive correspondence

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2 yesterday and today. I think it's most
3 prudent, given the fact that the Board
4 is holding the record open anyway, that
5 to the extent I have not responded
6 already that we will send in a
7 submission to the Board following the
8 hearing.

9 MAYOR DAHLGARD: Okay, Mr.
10 Buzzell. Thank you.

11 I have a few questions to start
12 off the questioning by the Trustees.

13 MR. BUZZELL: Sure.

14 MAYOR DAHLGARD: I happen to have
15 four but I took one away because you
16 said you wouldn't widen the driveway.

17 MR. BUZZELL: Yes. That came up
18 late in the SHPO process, but we have
19 indicated that and SHPO knows about it.
20 And the driveway will not be widened.

21 MAYOR DAHLGARD: Okay.

22 We also note to the Village in
23 one of your letters -- I'm talking
24 about the 21st -- that you agree to
25 document the site in accordance with

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2 SHPO's requirements.

3 What does that mean, document the
4 site?

5 MR. BUZZELL: SHPO will require us
6 to take photographs of the house as it
7 exists at this time and the property as
8 it exists prior to the construction of
9 the church. We will do that.

10 MAYOR DAHLGARD: And you'll mail
11 them to SHPO?

12 MR. BUZZELL: We send -- we submit
13 them to SHPO over the internet
14 actually.

15 MAYOR DAHLGARD: Okay.

16 MR. BUZZELL: So if the Village
17 wants copies, we'll sent the Village
18 copies.

19 MAYOR DAHLGARD: All right.

20 On another point, when Timothy
21 House and four-plus acres was sold in
22 2018 to the Monastery, that was a
23 private sale. The Village had
24 absolutely no say in that transaction.
25 But I believe by memory that it was

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2 difficult to find a buyer and that it
3 was fortunate that the old house has 10
4 bedrooms which was needed by the
5 Monastery with ten monks.

6 So you stated in your recent
7 letter -- and others have also told
8 me -- that the Monks have been good
9 stewards of the old house during their
10 five years of ownership. My wife and I
11 have two older houses in the Village,
12 and we know all too well the cost and
13 the effort that goes into maintaining
14 these houses, including the money.

15 So what I'm going to ask you is
16 that you allow our building inspector
17 to go and take a look at Timothy House
18 so that he can submit a report to the
19 Board about his findings.

20 THE CLERK: That's fine. The
21 building inspector can make an
22 appointment with our clients and come
23 and, you know, inspect the house and
24 prepare a report or take photos.
25 Whatever he wants to do.

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2 MAYOR DAHLGARD: Right.

3 My last point relates to the cost
4 of building a new 3,200-square-foot
5 church. At today's prices, the way
6 things are, you're talking somewhere
7 close to a million dollars.

8 MR. BUZZELL: I'm just doing the
9 zoning on this thing, not the finance.
10 I could get you that answer but not
11 from this podium tonight.

12 MAYOR DAHLGARD: So anyway, if it
13 is close to a million dollars and the
14 applicant is also facing the annual
15 cost of operating the church -- which
16 on Long Island is significant -- will
17 the applicant provide the Village with
18 assurances that it has the ability to
19 fund and finance the church's
20 construction and the operations of it?

21 MR. BUZZELL: I'm sure we can work
22 that out. You know, I'd have to get
23 some more information. I'm not
24 involved in that area of the project,
25 but I'm sure we can work that out.

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2 If they didn't feel that they
3 could actually build and run that
4 church, I would not be standing at this
5 podium tonight.

6 MAYOR DAHLGARD: Okay. So we'll
7 do that.

8 MR. BUZZELL: Yeah, that's fine.
9 The Village attorney can communicate
10 with me and I'll communicate with my
11 client and whoever is handling that
12 aspect of it.

13 MAYOR DAHLGARD: Thank you.

14 I'll turn it over to the other
15 Trustees for questions.

16 MR. VAN VECHTEN: You said you're
17 putting 36 spaces -- parking spaces and
18 you have some land bank --

19 MR. BUZZELL: We can add land
20 bank.

21 MR. VAN VECHTEN: How many land
22 bank spaces are you allowed to add?

23 MR. BUZZELL: Are we allowed to
24 add? That's a question of, you know,
25 what -- we took a look at that and we

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2 can add 10 land bank spaces.

3 Basically, if you look at the area
4 where the church is, just to the west
5 of that which is above it on the site
6 plan, there are four parking spaces
7 there. We can add some more parking
8 spaces in that run. And we can add
9 some more parking spaces across from
10 the northerly portion of that run so we
11 can add 10.

12 And that would be within the
13 context of the plan as we're looking at
14 it today. Obviously, you could add
15 more but that would be disruptive of
16 what we're talking about.

17 MAYOR DAHLGARD: Any other
18 questions?

19 MR. FISHER: I have a question
20 regarding the traffic study.

21 So when was the traffic study
22 performed?

23 MR. BUZZELL: Let me call Mr.
24 Schukoske back up for that.

25 MR. SCHUKOSKE: So we -- well,

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2 we've been working on the project for a
3 couple of years now. But we actually
4 collected data at the site which is
5 what I think you're asking.

6 MR. FISHER: Correct.

7 MR. SCHUKOSKE: November of 2021.

8 MR. FISHER: Okay.

9 So -- so you do realize that in
10 November of 2021 we were still in the
11 throes of COVID and there were a lot
12 less cars on the road than there are
13 today. We're -- we're almost two years
14 beyond that time, and traffic has --
15 has at least quadrupled, if not
16 increased tenfold, now from what it was
17 in November 2021. So --

18 MR. SCHUKOSKE: So I don't know if
19 I can -- on that roadway. That's not
20 data I have.

21 Still, when we look at the traffic
22 generation of this particular use, it's
23 well under a hundred added trips to the
24 roadway, which New York State DOT and
25 ITE will consider it an increase within

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2 the network. When you look at 25A just
3 historically, you look at about 20,000
4 vehicles per day. So when you have
5 less than a hundred vehicles during a
6 peak hour, it doesn't have a
7 significant impact on the roadway.

8 So even -- even if we did a
9 traffic count today, you know, the
10 amount of traffic is -- is
11 insignificant for that proposed use.

12 MR. FISHER: Okay. Thank you.

13 MR. SCHUKOSKE: Does that make
14 sense?

15 MR. VAN VECHTEN: I understand
16 that you -- that you figure that four
17 people per car. That -- I don't know
18 how many parishioners would come four
19 in a car. But if you -- if the
20 capacity of a worship area is just
21 under a hundred people, hard for me to
22 imagine that you would get a hundred
23 people in the -- in the --

24 MR. SCHUKOSKE: Well, per car is
25 the standard, which I believe he

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2 referenced the the Town of Smithtown
3 Code for parking at a religious
4 service.

5 So when you have religious
6 services with large families, we look
7 at average, you know, occupancy. And
8 when you have something like a church
9 where you have large families and
10 large vans, that's an average across
11 many. You know, you may have two to a
12 car or one to a car. But, you know,
13 averaged over all the cars, you might
14 have another van that has eight to a
15 car, you know. That's really an
16 average for the whole congregation,
17 and, in this case, about four on
18 average.

19 MR. VAN VECHTEN: When I go to
20 church I bring my wife and kids.

21 MR. SCHUKOSKE: Right. If you
22 have two kids --

23 MR. VAN VECHTEN: My cousin goes
24 to church, he brings his wife and five
25 kids.

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2 How many services are being
3 proposed to being conducted on a given
4 Sunday on the site?

5 MR. SCHUKOSKE: One.

6 MR. VAN VECHTEN: One service.

7 MR. SCHUKOSKE: They arrive --
8 they don't all arrive at one time
9 period. With this particular use,
10 they're spread out throughout the
11 morning than a more traditional church
12 use, which would all arrive at the same
13 period with specified services. It's
14 going to trickle in. I don't know the
15 specifics of it, but --

16 FATHER WILLARD: Sunday morning
17 service begins -- we wouldn't change
18 the time -- it begins at 9. But when
19 it begins, there's usually one or two
20 people there. They trickle in
21 throughout what's called the Matins.

22 And so by the time we get to 10
23 a.m., 10:15, the congregation has
24 largely arrived. Service ends around
25 11:30. We hold coffee until around 2

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2 p.m. Very few people stay until 2 p.m.
3 So people that are trickling out from
4 about 11:30 through to 2 p.m. as people
5 leave, we pretty much close the
6 building at 2 and go home.

7 ATTORNEY BUTLER: Can you just
8 state your name for the record?

9 FATHER WILLARD: I am Father
10 Vasileios Willard. I'm the Deputy
11 Abbot at the Monastery of Saint
12 Dionysios the Areopagite.

13 DEPUTY MAYOR WHITE: Question for
14 Mr. Schukoske.

15 You explained to us that while
16 post-COVID traffic levels may have gone
17 up, you're confident that your
18 hundred-car estimate would remain the
19 same.

20 What is the basis -- if I'm
21 misstating that, please correct me, but
22 what is the basis of that comment?

23 MR. SCHUKOSKE: First of all, if
24 we project well under a hundred trips
25 in a peak hour for the particular use,

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2 a hundred is usually what triggers a
3 more thorough traffic analysis. It's
4 the threshold in a national standard,
5 particularly for the State of New York.

6 But our traffic projections -- and
7 this is just for a typical church, you
8 know, about this size from the
9 Institute of Transportation Engineers.
10 So this is a study they've done in the
11 area and across the country. And they
12 take data in the aggregate that they
13 determine for any particular use, how
14 many trips we expect in a peak hour.

15 For this particular use, we expect
16 a maximum of -- I think it's 16 trips
17 entering the site for a standard church
18 of this size over a peak hour which is
19 well below a hundred. So that --
20 that's just our projection of added
21 traffic regardless of COVID and with
22 data that was collected before and
23 after COVID.

24 DEPUTY MAYOR WHITE: So you're
25 confident that COVID or no COVID, your

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2 17-car-per-hour number is still good

3 and does not need a new examination?

4 MR. SCHUKOSKE: That's correct.

5 DEPUTY MAYOR WHITE: Thank you.

6 MAYOR DAHLGARD: Okay.

7 MR. VAN VECHTEN: In connection
8 that you're not going to widen the
9 driveway, is the driveway now wide
10 enough to have two cars pass each
11 other?

12 MR. SCHUKOSKE: For the speed in
13 which people are entering, you may need
14 to pull off to the side a little bit to
15 the gravel driveway. But you can
16 confidently, you know, have two cars go
17 up and down the driveway.

18 MR. VAN VECHTEN: I'm not real
19 familiar with the driveway.

20 So there's no -- there's no
21 Belgian block curbing on the driveway?

22 MR. SCHUKOSKE: No.

23 MR. VAN VECHTEN: There's no
24 curbing?

25 MR. SCHUKOSKE: No curbing. It's

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2 a gravel driveway.

3 MR. VAN VECHTEN: Okay.

4 DEPUTY MAYOR WHITE: And cars do
5 that now.

6 MR. SCHUKOSKE: It's 18-foot wide
7 so figure nine-foot lanes.

8 DEPUTY MAYOR WHITE: Parking
9 stall's nine feet?

10 MR. SCHUKOSKE: Yeah, parking
11 stall's nine-foot wide. So if you look
12 at the driveway out here, you know, not
13 much larger than that.

14 MAYOR DAHLGARD: Okay.

15 Anybody have questions?

16 ATTORNEY BUTLER: I have.

17 MAYOR DAHLGARD: Go ahead.

18 ATTORNEY BUTLER: One of the
19 concerns that they've raised in
20 correspondence to the Village has been
21 about preservation of the trees.

22 So in perspective here with
23 construction access, is there a way to
24 get onto the property without damaging
25 those trees? Have you consulted with

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2 an arborist or somebody if there's a
3 way to prevent that?

4 MR. BUZZELL: They can get on --
5 we have been told that they can handle
6 that. They will have to make
7 adjustments in terms of deliveries and
8 the other aspects of what they do, but
9 that they can get that.

10 It opens up when you get up near
11 the house so you don't have to go the
12 entire, like, L-shaped route to get to
13 that area but that they will be able to
14 get the materials and equipment
15 delivered without having to harm any
16 trees in the driveway. You know,
17 that's -- it's additional -- it's an
18 additional effort to -- it's not a very
19 big building, you know.

20 Rather than bring the dump truck
21 they pour out of the skid, they will
22 have to mix next to the church. So
23 they'll mix in a barrel which will be
24 wheeled and then they'll pour from
25 that. It's more work, but it can be

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2 done.

3 ATTORNEY BUTLER: The other
4 question, what is the plan for the --
5 what I'll call the second driveway
6 that's on the slender parcel?

7 MR. BUZZELL: We'll leave it
8 exactly as it is unless the Village
9 want us to do something with it.

10 ATTORNEY BUTLER: Is it going to
11 be used as a separate, second use?

12 MR. BUZZELL: It's a second means
13 of access to the site now. Most
14 traffic comes and goes by the main
15 driveway, but you can use it as a
16 second means of access. I have, you
17 know. There was one time I was there
18 and there was -- there was a van and I
19 used that rather than try to get around
20 and out the way I came in.

21 ATTORNEY BUTLER: The property
22 next to it, what's the width of that
23 driveway?

24 MR. BUZZELL: It think it's 15
25 feet.

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2 ATTORNEY BUTLER: About 15 feet.

3 No curb on that?

4 MR. BUZZELL: Yeah.

5 ATTORNEY BUTLER: A residential
6 driveway.

7 MR. VAN VECHTEN: Is there a plan
8 to use that driveway during
9 construction, or is it anticipated that
10 during construction --

11 MR. BUZZELL: During construction,
12 we'll bring in from the main driveway.

13 And remember, when they have
14 repairs to the house, you have to get
15 some kind of vehicles in. And you
16 don't need a crane to build this
17 church. So they can bring in smaller
18 construction vehicles and supplies and
19 take them over to where the church will
20 be built.

21 You know, if you have roof
22 repairs, you know, other things,
23 they're not going to come in a, you
24 know, sedan, you know. They're
25 bringing small trucks, and they haven't

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2 damaged any of the trees to date.

3 I don't -- the preference is not
4 to use that other driveway. That will
5 be more complicated not to damage
6 foliage because it's overhung or -- you
7 know. But it's there. It serves the
8 Monastery now. They're not proposing
9 to build it. It's -- it's there as
10 overflow basically.

11 MR. VAN VECHTEN: All right.

12 Thank you.

13 MAYOR DAHLGARD: Okay.

14 Counsel, did you want to make a
15 statement?

16 ATTORNEY GUARDINO: No.

17 MAYOR DAHLGARD: Okay. So I'll
18 turn it over to the Village Clerk to
19 call the speakers up one at a time.

20 THE CLERK: Mr. Hartman.

21 AUDIENCE MEMBER: My name is
22 Robert Hartman. I live at 50 Harbor
23 Hill Road, and I have lived in Head of
24 the Harbor for 36 years.

25 I have a degree in historic

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2 preservation and history. When I saw
3 the Timothy House and property for the
4 first time, I remember thinking how
5 beautiful it was and how perfectly it
6 sat on the landscape and how it tied
7 together the other big houses along
8 25A, Deepwells and Mills Pond House and
9 beyond that, how it connected to the
10 important residences in Head of the
11 Harbor, Sharewad [phonetic], Box Hill,
12 and the Wetherill House. All of these
13 large properties are key anchors for
14 our village.

15 I am opposed to this project. I
16 believe that the construction of a
17 large building with its parking and
18 lighting in the field next to the house
19 will result in the loss of a tangible
20 asset. I am not opposed to the site
21 being used as a residence. I'm
22 grateful the Monastery is here for the
23 diversity they bring and the
24 contributions they make to Head of the
25 Harbor.

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2 Here are my reasons for opposing.

3 Number one, the site has great
4 historic and architectural importance.
5 Notice I'm saying the site, not the
6 house. There are three important basis
7 in the history of the site. The
8 construction of the house around 1800,
9 the transformation of the house around
10 1900 when it was moved back from the
11 street, and the allée of trees were
12 planted in 1943 when its most important
13 architect -- occupant, Barbara Van
14 Liew, moved in.

15 As a preservation -- as a
16 preservationist and historian, few
17 people did more to survey, document,
18 and preserve historic buildings and
19 sites throughout the state than Mrs.
20 Van Liew. Among her many
21 contributions, it was she who
22 engineered the purchase of Deepwells
23 for the county. And it was she who's
24 responsible for securing this building
25 for our own Village Hall.

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2 Number two, the site has every
3 preservation protection possible.
4 Barbara Van Liew did everything she
5 could to protect the site. It is part
6 of the Historic Corridor, part of the
7 St. James Historic District, and it is
8 an individual landmark on the National
9 Register of Historic Places.

10 She also put covenants and
11 restrictions on the deeds -- first in
12 1973 and then in 1997 -- that protect
13 the site from any development that
14 would destroy or impair the historic
15 open space. I believe the 1973
16 document does not contain language that
17 exempts the Village from enforcing it
18 and that the 1997 document does not
19 state that it replaces the 1973
20 document. That's -- I'm not -- that's
21 my understanding.

22 Number three, the new building
23 will have a negative impact on the
24 site. The adjustments were made -- the
25 adjustments that were made to satisfy

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2 Historic Corridor requirements would
3 compromise the house and the
4 neighboring properties. The new
5 building is now too close to the main
6 house, the dependencies, and the
7 neighbors.

8 When I look at this property, I
9 see a place that is perfectly balanced
10 with the allée, the house, the
11 dependencies, and the field. I see a
12 landscape that has existed -- I only
13 have a little bit more -- that has
14 existed for more than 120 years, and I
15 see something that allows us to touch
16 the history of this place.

17 I'm lucky to live in Head of the
18 Harbor, to be surround by such a
19 collection of vital historic buildings
20 of different sizes and styles. I
21 welcome the Monastery and value them as
22 my good neighbors. And I would like to
23 ask everyone here to work together to
24 find a solution that allows them to
25 live and worship in this village and at

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2 the same time keep in tact the place
3 that Barbara Van Liew has worked so
4 hard to preserve.

5 Thank you.

6 THE CLERK: Erica Rinear.

7 AUDIENCE MEMBER: Hi. I'm Erica
8 Rinear. I live at 477 North Country
9 Road. And if you are looking at the
10 Monestary, I live perfectly next door
11 to them.

12 It brings me great joy to see
13 everyone here. And I want to thank you
14 all up there for doing this on your own
15 time and dodging the slings and arrows
16 where the people aren't happy.

17 We all watch out for each other in
18 this town of Head of the Harbor. I
19 grew up in Nissequogue and we did there
20 as well. I have lived in my home for
21 40 years. And I have to lived next a
22 wonderful, kind human being, Ted
23 Mahler, and we have watched each
24 other's backs over the course of
25 watching our kids grow up. And he was

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2 the one who alerted me to the garage
3 and the hall that is now directly
4 behind my home. Thank you.

5 I will state to you that when the
6 Monastery moved in, I went next door
7 and I brought them a cake and I
8 (inaudible). But I wanted to welcome
9 them into our neighborhood. They have
10 been nothing but the most wonderful
11 human beings. And let me tell you,
12 they know how to drink beer too.

13 We have been at their house, my
14 husband and I. They invited us to come
15 to their home. Their Grand Poobah
16 person -- who I can't remember his
17 name -- but he was coming that day and
18 they wanted to share their experience
19 with us, and I was grateful that they
20 did.

21 This is the first time I'm
22 actually publicly saying, but my
23 husband and I spoke in great deal about
24 this church that they wanted to build.
25 We call our little section of 25A the

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2 Highway to Heaven. It has nothing to
3 do with the song from the '70s when I
4 grew up, and it has everything to do
5 with the fact that it's one church
6 after another. And it is the Catholic
7 church. It is this Episcopal Church
8 which added on to the side, and it
9 doesn't even look like a church. It
10 looks like a '60s rebuild. And around
11 the corner, there's the Methodist
12 church.

13 And I for one see the traffic that
14 comes down our -- the driveway. And I
15 have pictures that I can give you to
16 show you the number of cars that park
17 there. And the kids come out of the
18 cars and they're laughing and they're
19 giggling in the summertime and they're
20 playing. And the congregation is a
21 bunch of wonderfully kind human beings,
22 the kind people that we are in Head of
23 the Harbor. And I am here as their
24 most direct neighbor to say I welcome
25 another church next to me.

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2 My husband just died February 5th
3 of this year, and I'd like to think
4 that this church will help me get to
5 him directly instead of going to the
6 other place because I wasn't such a
7 very nice teenager. So they have my
8 total support and I do appreciate those
9 of you who are concerned about the
10 history.

11 My home is the gatekeeper's house
12 to the Timothy House, and I spent a lot
13 of time with Mrs. Van Liew. My
14 children were the only children who
15 ever Trick or Treated there. And when
16 they were 14 and 15 years old, she
17 called up and said aren't the girls
18 coming to Trick or Treat this year?
19 And I made them get something on and go
20 over because she was a pip of a woman.
21 And I think honestly she would have
22 said okay to a church.

23 Thank you for very much for your
24 time.

25 THE CLERK: Leighton Coleman.

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2 AUDIENCE MEMBER: Hello. I'm
3 Leighton Coleman. I live at 43 Harbor
4 Road. I've been a resident since -- of
5 Head of the Harbor since 1964. And
6 it's really (inaudible) a 243-year-old
7 historic property that once was 140
8 acres that's now just four.

9 Here's a condensed version of my
10 full statement of the (inaudible)
11 amazing preservation career of the
12 previous owner, the noted historian,
13 Barbara Van Liew, as well as Timothy
14 House (inaudible) as well as the
15 Village's (inaudible) historic
16 corridor, the full statement as it will
17 be submitted to the record.

18 As an appointed historian, I've
19 (inaudible) the extensive, complex
20 history of the 18th Century Timothy
21 House in August of 2021. And since the
22 submission of my August 31st letter --
23 2021 -- on the history of the house,
24 I've not been contacted by the Village.
25 The affirmation letter has once

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2 again has been resubmitted.

3 At this year's February meeting,
4 the Mayor refers the letter penned by
5 New York State Parks, Recreation and
6 Historic Preservation stating that they
7 have no interest in the proposed
8 plan -- no issues with the proposed
9 plan, thus, the matter appears to be
10 settled.

11 In my capacity as an appointed
12 historian, I spoke to the letter's
13 author, Sloane Bullough, on
14 February 28, 2023 regarding the
15 proposed construction project -- which
16 I give the number in the letter --
17 which is an enormous accessory
18 building. It looks bigger than the
19 house. And in particular, we discussed
20 the letter of September 29, 2022 that
21 seemingly gives tacit approval for this
22 project by merely having the owner
23 agreeing to a 250-foot setback or
24 271-foot setback from 25A.

25 When I told Sloane that our mayor

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2 was using the letter as

3 (inaudible), she said that, quote, my
4 letter does not trump your local laws
5 nor your local board. Everyone knows
6 that.

7 I asked if she made a site visit.
8 She said no. Sloane has never made a
9 site visit to Timothy House. Not one.

10 Did Sloane tour the house? No.
11 Did she walk down the allée of sugar
12 maple trees viewing the historic meadow
13 from different angles? No. Meeting
14 the neighbors to see how they will be
15 adversely impacted? No, she did not.
16 Did she get a legal opinion on the
17 1973 -- sorry, 1973, 1997 covenants
18 that are seemingly entailed with the
19 property? Who knows. How can one make
20 an assessment without seeing the site?

21 Sloane appears completely unaware
22 of road congestions and parking issues
23 and the concerns of the neighbors,
24 fearful of having a large, unsecured
25 parking lot lit up at night 15 feet

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2 from the property line. One neighbor
3 has a horse farm and the proposed
4 enormous 16.8-foot-tall streetlights
5 for the parking is 15 feet away from
6 her horse fence. If that light pole
7 gets knocked over, it may take out the
8 fence endangering her livelihood and
9 expensive animals.

10 Let's not forget about the traffic
11 on 25A. There was an accident at the
12 location yesterday -- is that the
13 timer?

14 Those are my comments. I guess
15 I'm finished.

16 THE CLERK: You've got a minute.

17 AUDIENCE MEMBER: Okay.

18 Sloane was sympathetic to my
19 frustration, but she said her job was
20 to work with the applicant as best as
21 she can to make concessions. And she
22 told me we're not here to stop
23 projects. We manage but do not stop
24 them. I don't want to -- they've made
25 the changes presumably reserving the

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2 accessory building away from the
3 buffer. That's all they did.

4 We talked about the parking
5 required for the 282-person accessory
6 building that houses a four-acre site
7 lot of approximately 75 cars, buses.
8 The proposal seems to accommodate 35 or
9 57 cars.

10 Where will the overflow park? On
11 25a with selective of the scenic field,
12 the one the easement to protect the
13 bobwhite quail? Does Sloane think
14 she's rescued them?

15 Head of the Harbor has a Dark
16 Skies Initiative. And these enormous
17 16.8-foot streetlights, is it
18 compliant? It looks like the historic
19 allée of trees would be in danger from
20 the light from 18 feet to 24 feet. How
21 would the historic allée of trees
22 survive all of this?

23 Sloane says this is where your
24 local government, your local law step
25 in. So the author of the much heralded

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2 shout out letter said in her letter it
3 does not supplant our Village laws.

4 Good to know.

5 Thank you.

6 THE CLERK: Michael Utevsky.

7 AUDIENCE MEMBER: My name is
8 Michael Utevsky. I reside at 54 Harbor
9 Hill Road in Head of the Harbor.

10 I'd like to address the parking
11 and traffic situation. The Village
12 Code regarding Special Use Permits is
13 very specific about parking needed for
14 a special permit for religious use.
15 Section 165-23 requires that places of
16 religious worship have, quote, adequate
17 provision for parking at times of
18 maximum attendance and use of the
19 premises.

20 The plain meaning of the words
21 maximum attendance and use is obvious.
22 It's the maximum occupancy allowed by
23 law. It's not the seating that's
24 currently drawn or anticipated in the
25 architectural rendering. The

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2 applicant's architect has calculated a
3 maximum legal occupancy of 282 persons.
4 It's on his drawing. That seems like a
5 reasonable calculation for a
6 3,300-square-foot church with a lower
7 level for classrooms and meetings and a
8 982-square-foot wraparound porch.

9 At four persons per car, that
10 should require 71 spaces. If only 36
11 spaces are built, the maximum occupancy
12 will result in cars being parked all
13 over the property and the neighboring
14 properties and along the shoulder of
15 Route 25A. There's no way this
16 property can accommodate so much
17 parking. And clearly, the proposed 36
18 space don't comply with Section 165-23
19 of our Village Code.

20 Moreover, Section 165-5 of the
21 Village Code defines a parking space as
22 being 10-feet wide. The applicant's
23 architect has designed non-conforming
24 spaces that are only nine-feet wide.
25 In order to comply with the Village

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2 Code, the proposed 36 spaces should be
3 reduced to 32 spaces.

4 On a recent Sunday, the neighbor
5 counted more than 35 cars on the
6 property. It would be unreasonable to
7 suggest that the church will spend
8 almost a million dollars on a bigger
9 building and not expect an increase in
10 attendance.

11 The applicant's traffic study is
12 also flawed, I believe. Now, I
13 reviewed the 2021 study. I did not
14 find the updated study in the file I
15 got -- that was handed up to date. But
16 the study projects that at peak
17 hours -- I believe both studies
18 projected the peak hours the new church
19 will generate an increase of only two
20 to three cars, the maximum of maybe 40
21 car trips, no more than 17 cars per
22 hour entering or leaving. I think
23 that's hard to believe. I trust -- I
24 believe -- I recommend that the
25 Trustees hire their own traffic

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2 consultant at the applicant's expense
3 to examine these calculations before
4 the Board completes its secret review.

5 We already have a huge amount of
6 congestion on that corridor of Route
7 25A. We have cars lining up on the
8 right lane to enter Starbucks. Another
9 3,300-square-foot building that will
10 hold 282 people will make traffic so
11 much worse. Our Village has a
12 compelling interest in preventing
13 further congestion on its roadways from
14 increased traffic and from inadequate
15 parking.

16 I'm not proposing that there
17 should be 71 asphalt parking spaces on
18 this site. I believe that this
19 historic site should not have any
20 significant development. It's
21 beautiful as to the landscaping.
22 Timothy House is one of the most
23 important properties of our Village.
24 Its structure and its landscape are
25 mentioned in every survey including the

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2 AIA.

3 Thank you.

4 THE CLERK: Natasha Acker.

5 AUDIENCE MEMBER: Good evening,
6 everybody. I've never done this
7 before. My name is Natasha Acker, and
8 I reside at 483 North Country Road --

9 (Simultaneous speakers.)

10 AUDIENCE MEMBER: Natasha Acker,
11 483 North Country Road. I am neighbors
12 with the Monastery.

13 I'd like to address a lot about
14 the parking. A couple of weeks ago, I
15 had to run to work and we have a
16 right-of-way on each other's driveway.
17 And zoom, zoom, zoom, all the sudden
18 there were three cars in front of me to
19 get out of my own driveway. That's
20 unacceptable.

21 You're talking about construction
22 vehicles going up and down a gravel
23 driveway. As you know, if anybody has
24 a gravel driveway, it's next to
25 impossible to get the potholes out of.

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2 Construction going up and down a
3 driveway and the trees will be
4 destroyed.

5 Okay. So I have hundreds of
6 concerns and questions regarding this
7 application for a Special Use Permit.
8 I'm only going to address two of my
9 concerns tonight. Otherwise, I'll be
10 here forever; okay?

11 First and foremost, our
12 community's financial future. I
13 contacted a local real estate agent to
14 inquire about the value and effects
15 this development would have on our
16 local housing market; okay? Alexia
17 Poulos, she's a top producing agent
18 with Douglas Elliman Real Estate
19 Company.

20 She shared with me, and I quote,
21 this proposed development creates an
22 incurable, physical obsolescence to all
23 of the surrounding properties; okay?
24 This kind of impact is substantial.
25 You are talking an average standard

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2 reduction of 15 to 20 percent; okay?

3 It will, in fact, depreciate all the

4 adjacent properties as well as those

5 within sightline of the proposed

6 construction.

7 On average, the surrounding homes

8 are worth, give or take, about a

9 million dollars. With a standard

10 deduction of 20 percent from the

11 adjacent properties, that's \$200,000

12 off asking price. The six adjacent

13 properties, that's a loss of

14 \$1.2 million; okay? That does not

15 include the half a dozen or so homes

16 within the sightline of the proposed

17 construction site; okay? So in total,

18 that's \$2.4 million dollars of lost

19 income, okay, because of this proposal.

20 Okay. If this application is

21 approved, it will cause irreparable

22 depreciation and destabilization with

23 the financial security surrounding

24 homeowners. As Head of the Harbor

25 homeowners, we have chose to pay taxes

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2 on the premise of protection from
3 overdevelopment; okay? This is not
4 what I envisioned when I purchased my
5 home 22 years ago.

6 My second biggest concern is our
7 safety and security; okay? How will I
8 be able to stop 282 people from not
9 walking up to my house? I have a
10 beautiful homestead. I have horses. I
11 have dogs. I have blueberry bushes. I
12 have quail that I have raised. I have
13 chickens. It's beautiful; okay?

14 Parishioners have always walked up
15 to my fence line. If I knew that, you
16 know, this was going to be a difficult
17 thing for the two of us, I would have
18 charged you for all the rails that your
19 parishioners have broken by standing on
20 the rails and breaking my fence; okay?
21 That's -- that's just unacceptable;
22 okay? I don't trespass on your
23 property; okay?

24 As far as the parking goes,
25 they're proposing to put a parking

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2 lot -- I believe it's 15 feet from my
3 property line. That's just
4 unacceptable; okay? That is why I
5 cannot stop people from walking into my
6 house; okay?

7 So it's just best to deny this
8 application so we can all feel safe,
9 especially me and my home, and secure
10 in our financial future; okay? Also,
11 it becomes very difficult when you live
12 around a construction site to sell your
13 home. None of us are first-time
14 homeowners. We're all getting older.

15 And so for most of us, you know,
16 this will be our retirement and
17 security. It's our home; okay? Say
18 somebody here wants to retire tomorrow,
19 there may be years of construction
20 before they're able to sell their home
21 because nobody wants to buy a house,
22 especially, you know, a nice million
23 dollar historic home next to a big
24 construction site and parking lots with
25 lights. It will be quite a drag on our

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2 community.

3 Thank you.

4 THE CLERK: Glen Gruder.

5 AUDIENCE MEMBER: Good evening,
6 Members of the Board of Trustees in the
7 Village of Head of the Harbor. My name
8 is Glen Gruder. I'm an attorney with
9 the law firm of Certilman and Balin at
10 100 Motor Parkway in Hauppauge. I
11 represent Natasha Acker who just spoke.

12 I'm going to address two legal
13 issues, but I'd just like to clarify
14 one thing for the record. When Mr.
15 Buzzell spoke, he mentioned the site
16 plan. He made a lot of references to
17 site-plan dimensions. Pursuant to the
18 notice that I received from the
19 website, the hearing tonight is solely
20 on a Special Use Permit.

21 Can Village Counsel confirm that?

22 ATTORNEY BUTLER: That's what the
23 notice says, Glen.

24 AUDIENCE MEMBER: Thank you very
25 much.

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2 Number two, I've heard a lot
3 tonight very briefly about the
4 covenants from Mr. Buzzell, covenants
5 from some of the other neighbors in
6 opposition to the site plan. But what
7 I haven't heard once by any speaker,
8 including Members of the Board, is the
9 report recommendation of the Planning
10 Board which by a vote of four to zero
11 voted to deny the application based
12 upon numerous factors, historical
13 corridors, the covenants. This board
14 cannot operate in a vacuum and ignore
15 that.

16 In addition, your own code says,
17 165-40, no permit shall be issued for a
18 special use for a property when there
19 is an existing violation of this part.
20 By Mr. Buzzell's own admission -- and I
21 don't think there's any dispute -- the
22 Monastery has been operating a church
23 since 2018. It's does not have a
24 special permit. It does not have the
25 site plan. It is in violation of your

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2 own code. I would respectfully suggest
3 that this board doesn't even have
4 jurisdiction to entertain this
5 application while that violation is
6 continued.

7 It want to talk about the
8 covenants which Mr. Buzzell referred to
9 as an easement. They are covenants.
10 It's ironic that the applicant here is
11 proposing a church and we're talking
12 about covenants. In land use law --
13 and I've been doing this for over 35
14 years -- there is nothing as important
15 as a covenant.

16 When Mrs. Van Liew drafted these
17 covenants, the '73 covenants and the
18 1997 covenants, she expressed her will.
19 She said, I love the Timothy House.
20 I'm not going to own it forever. I'm
21 not going to live forever. But I want
22 to maintain the Timothy House forever.
23 I want to maintain the open space in
24 front of the Timothy House forever.
25 And she granted not only to the Village

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2 the benefit of those covenants and
3 restrictions, but she also gave it to
4 the surrounding property owners and her
5 neighbors. It's right there in the
6 covenant.

7 The fact that Timothy House won't
8 be altered is great. But to put a new
9 building right in the open space which
10 is called out in the covenants
11 basically tells Mrs. Van Liew we don't
12 care what you want. It's tells
13 everybody else in this Village of Head
14 of the Harbor who wants to donate
15 property to the Village or impose
16 covenants for the benefit of the
17 Village you know what, we're the
18 Village Board of Trustees. We're not
19 even -- we're going to ignore you.

20 Just because the covenants say you
21 don't have an obligation to enforce
22 them doesn't mean you don't have an
23 obligation to respect them. It only
24 means -- it only means you have no
25 burden to go to the Supreme Court and

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2 say, Judge, tell this person who's
3 violating the covenants to stop.
4 That's a legal obligation that costs
5 money. That is entirely different from
6 respecting the covenants and addressing
7 them as part of a land use application,
8 completely different.

9 And your counsel -- and I am so
10 confident in this, your counsel can
11 advise you of that and make an
12 assessment. There is a huge difference
13 between considering a covenant and
14 enforcing a covenant. You don't have
15 an obligation to enforce it. You may.
16 But just because you don't have an
17 obligation to enforce it doesn't mean
18 you don't have an obligation to
19 knowledge it.

20 Thank you very much.

21 THE CLERK: Alexandra Leighton.

22 AUDIENCE MEMBER: I'm Alexandra
23 Leighton. I've lived in our village
24 for 50 years in an historic home. I'm
25 trained in horticulture, landscape

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2 design, and restoration of historic
3 properties.

4 Cultural landscapes are landscapes
5 that have been affected, influenced, or
6 shaped by human involvement. Quite
7 often, they're closely aligned with the
8 historic structure and cultural
9 pursuit. They might simply contain an
10 unbroken continuity between a family
11 home and surrounding settlement
12 community.

13 Timothy House is such a place.
14 It's a significant element within
15 Smithtown and our villages developing.
16 All St. James maps show few homesteads
17 along 25A because homes were set within
18 many acres of farm fields. Timothy
19 House has lost most of its original
20 acreage. But Mrs. Van Liew understood
21 that the small remaining field adjacent
22 to her home was key for preserving the
23 spirit of the place.

24 Mrs. Van Liew detailed her
25 intentions and set restrictions upon

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2 the house and the land it sits upon.
3 She entrusted our Village and Board of
4 Trustees to understand and honor that
5 dedication.

6 As we have many homes here, the
7 first mention is -- is its land
8 recorded in surveys dating to 1732.
9 Many generations of Smiths passed
10 ownerships beginning with Pat Batie
11 [phonetic]. References to the land
12 continue.

13 Albert Newtown worked the fields
14 as an 8-year-old boy with his uncle, at
15 19, went to sea as a whaler, returned a
16 wealthy man. In 1887, Captain Newton
17 bought Timothy House. Working in those
18 fields, no doubt, fixed upon him a
19 sense of place as something of value
20 and worth. The symbiosis of the
21 farmhouse to the land which was once
22 farmed is precious.

23 120 years ago, Timothy House was
24 moved and the allée planted along the
25 drive. There are sweet descriptions of

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2 that allée, of the Village ancestors
3 who passed through it. The modesty of
4 the house, even the colonial and vital
5 improvements remain a prime example as
6 to the life in our town.

7 This special permit would create a
8 depreciation of the Timothy House
9 setting. While it's appropriate to the
10 contemplative order to add their
11 spiritual ties here, the proposed
12 church would not be a subtle mark.
13 Just as Mill Pond House was purchased
14 and preserved with the entire drive,
15 additional acreage, and pond, Deepwells
16 preserved the ample yards, gardens, and
17 a field across the lane. Timothy House
18 needs its fields outbuildings to settle
19 it proportionately and texturally.
20 These sites are portals to the past.

21 Our Village Codes were written
22 to -- to create agreeable setbacks with
23 harmony amongst structured place and
24 neighbors. The new proposed building
25 would -- would add asphalt parking,

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2 structure, and hardscape in excess of
3 15,000-square feet. The extent of land
4 disturbance will be colossal. Will
5 neighbors be forced to share a
6 construction road, or will one be
7 plowed through the front setback? The
8 historic allée of trees will not
9 sustain either broadening or
10 compaction. And, in fact, cars being
11 parked between sugar maples is a bad
12 idea. It -- it's compressing the roots
13 of the trees.

14 I've read several Smithtown
15 Planning surveys. They conclude that
16 people prefer living in a small village
17 or town to urban, suburban, or a rural
18 situation. This is because connections
19 are made over time with respect for who
20 came before as well as the
21 understanding what might be.

22 I would like to suggest that we
23 take time as a community to meet in a
24 more congenial, less harried forum to
25 discuss how we can accommodate the

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2 desires of our brothers, to expand
3 their footprint. Speaking and
4 listening to each other without a
5 three-minute stopwatch -- but thank you
6 for the extra time -- would seem more
7 civil and productive. I propose the
8 public hearing is kept open while we
9 hear each other.

10 Thank you.

11 THE CLERK: David Kassay.

12 AUDIENCE MEMBER: I'm not going to
13 take your time. All the issues I had
14 in opposition to this have already been
15 discussed. I don't want to be
16 repetitive, but thank you.

17 THE CLERK: Laura Lessard.

18 AUDIENCE MEMBER: I am Laura
19 Lessard. I live at 5 Artesian Way.
20 I -- I'm Father Vasileios Willard's
21 mother.

22 And my family has lived in
23 St. James for generations, we're
24 descendants of the Smiths of Smithtown.
25 I'm very aware of the need to protect

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2 the beauty and the history of this
3 area. And I have served on the Joint
4 Coastal Commission for many years in
5 the Villages of Nissequogue and Head of
6 the Harbor. My great-grandmother was
7 instrumental -- Bessie Smith. My
8 great-grandmother, Bessie Smith, was
9 instrumental in building the Episcopal
10 church on 25A directly opposite the
11 Monastery of Saint Dionysius. That
12 church has certainly has been a
13 precious addition to our community for
14 generations.

15 Now we're considering the
16 application to build another church,
17 which I am confident will be equally
18 beneficial to us and for generations to
19 come. There's no question about
20 whether or not Timothy House is a local
21 treasure to be maintained well and
22 appreciated. Everyone agrees with
23 this. And the Monastery has already
24 proven to us that this is their
25 intentions by the extensive repairs and

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2 money they have put into that house.

3 If the Monastery is permitted to
4 build a church, Timothy House will be
5 left in tact and will continue to be
6 well maintained. The public will have
7 the ability to enjoy and use this local
8 treasure and our community will be
9 enriched by another spiritual center.
10 Everyone will benefit from this
11 project, and for that reason, I support
12 the application unequivocally.

13 Thank you.

14 THE CLERK: Harris Becker.

15 AUDIENCE MEMBER: Hello. My name
16 is Harris Becker. I live at 5 Artesian
17 Way, St. James. I've been a residence
18 of this area for 13 years.

19 And I first will say that I am in
20 full support of the church and the
21 building that will -- that will be on
22 the property. From what I see in terms
23 of history, preservation, legacy,
24 they've already been doing that for the
25 last five years. And the contribution

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2 they give to the community in terms of
3 their services and community
4 interaction and all their services and
5 commitment to the people has been
6 greatly witnessed by many -- many of
7 you here.

8 And the thing that's a bit
9 shocking to me is that over the last
10 weeks some of the disinformation that's
11 gone around and derogatory articles
12 that have been written, I think in
13 terms of history, preservation, and
14 these things, one needs to be careful
15 in terms of how these things and how
16 they're directed at people.

17 And, again, I give my full support
18 to the church.

19 THE CLERK: Olivia Fischer.

20 AUDIENCE MEMBER: I am going to
21 speak at the next public hearing, not
22 tonight.

23 But thanks.

24 ATTORNEY BUTLER: Georgakopoulos.

25 AUDIENCE MEMBER: Hello. Thank

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2 you, Board of Trustees and Mr. Mayor,
3 for holding the meeting tonight. It is
4 a pleasure in coming. My name is
5 Evangelos Georgakopoulos. I live on 5
6 Swan Place, and I've lived here my --
7 20 of my 22 years of life.

8 I love this community. I have a
9 degree in history, so my passion for
10 history is very strong. And actually,
11 I am a parishioner of the Monastery and
12 I'd like to give full support of the
13 them being able to build a church.

14 Most of what we discussed together
15 is history. We're all lovers of local
16 culture and local art. And I know that
17 the Father would be more -- like, would
18 go above and beyond in preserving the
19 local heritage of the building. So I
20 just want to briefly say that even
21 architecturally speaking, rather than
22 holding to a more traditional Byzantine
23 model that most orthodox churches
24 would, this church is being designed to
25 be conducive to local architecture. So

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2 the Timothy House and -- won't, you
3 know, esthetically break with it. And
4 it will complement each other and make
5 for a beautiful environment.

6 I'd also like to say that the
7 parishioners, you know, in response
8 have contributed so much to our lives.
9 And this -- the church being located
10 where it is has been so beneficial in
11 the lives of me and so many other
12 people. And, you know, just having
13 access to them and to the services and
14 to their spiritual counsel has been,
15 you know, a great impact in my life and
16 the lives of many people I know.

17 So, in addition, I'd like to say
18 that the New York court precedent is
19 very strongly in favor of religious
20 institutions as previously stated
21 because of the importance of the First
22 Amendment. Like, we have the right to
23 worship and we have the right to
24 congregate. And depriving us of this
25 fundamental right that our country's

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2 founded upon I think will be a grave
3 mistake. So I'd like to urge the
4 counsel, again, to support the building
5 of this church.

6 Thank you very much.

7 THE CLERK: Suzannah Lessard.

8 AUDIENCE MEMBER: Hi. I'm
9 Suzannah Lessard. I -- actually my
10 sister Laura spoke. And I'm Vasileios'
11 aunt. I grew up here and I live here
12 now.

13 But I want to speak as a writer
14 today. I wrote for the New Yorker for
15 20 years. I've published a book. I'm
16 working on another, and consistently
17 and much of all that writing is
18 architectural and landscape legacy.
19 And in the course of all that work
20 which has included the emotional
21 meaning and more deeply the historical
22 meaning and the conflict between that
23 and change here in America, (inaudible)
24 I also learned a lot about
25 preservation.

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2 And one of the constant, dissolent
3 things that comes up in preservation is
4 that in -- in order for it to be
5 successful, usually there are two
6 things. And the first is there has to
7 be some kind of conversion to a
8 contemporary use. It can't be what it
9 was often. And that often is a
10 compromise. And it hurts people and it
11 takes meaning away in some ways. But
12 it often is the essential component.
13 The second component is -- actually
14 essential is finding a good steward
15 with the means to maintain and continue
16 taking care of whatever it is, what is
17 being preserved.

18 Now, in this case, the conversion
19 of the -- the improvisation that needs
20 to be made for a new use is the church.
21 And yes, there is a loss with that. I
22 think it would be foolish to say that
23 there isn't. But it has -- the Monks
24 have taken great care with the design
25 of the church. They have moved its

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2 location and have done everything they
3 can to make it has compatible as
4 possible.

5 And secondly, as has been
6 mentioned right from the beginning,
7 they are terrific stewards. And they
8 have the means to do it. In my
9 business, I could go out of business.
10 They're Monks. They're religious
11 people. They're outward facing as has
12 been mentioned. They welcome people
13 into Timothy House. That's a new thing
14 and a good thing for the Village.

15 So when you follow these things,
16 one finds often that the people who
17 feel they're for preservation are
18 actually in some ways making it more
19 difficult. And the people who seem to
20 be against it because they're
21 supporting change are actually for
22 preservation.

23 So I am saying to the Trustees and
24 all of us that yes, there -- there is
25 change here. And there is loss here.

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2 But a vote for this is a vote for
3 preservation. There is actually no
4 alternative that is viable for the
5 Timothy House today.

6 THE CLERK: Yvonne Johnson.

7 AUDIENCE MEMBER: Hi. My name is
8 Yvonne Johnson. I live a 465 North
9 Country Road a few houses down.

10 I have -- my main concern is about
11 traffic. And I -- with all due
12 respect, I know you feel confident
13 about your traffic study but I don't
14 think I feel confident about your
15 traffic study. I think if you were to
16 do it again or if it were done now, you
17 would get a very different result. And
18 I would recommend that that's what you
19 do at your expense or whatever because
20 traffic is a real problem. Trying to
21 get out of my driveway at certain times
22 is really, really difficult.

23 Sorry, I'm a little bit nervous.

24 The other thing is there's a
25 couple of things I haven't heard being

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2 addressed. And, you know, like, yes,
3 there's going to be loss. There's
4 going to be gain. I don't think
5 anybody, from what I can tell being a
6 part of this community for 12 years, is
7 against the church or trying to take
8 away, to the young man's comment, your
9 First Amendment Rights. It's more
10 about where and how you're going to do
11 that.

12 You know, like, I think a lot of
13 people love this town. From what I can
14 hear, they love the history of the
15 town. They have a lot of respect for
16 Ms. Van Liew and what she had
17 contributed to this community and want
18 to keep that. I don't hear people
19 being against your religion, being
20 against you being here. In fact, in my
21 experience, people have been supportive
22 of you. You know, being a neighbor, I
23 haven't met you. But I've had no
24 problems with you living there. But I
25 do have concerns because of the

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2 congestion and the change that it's
3 going to make to the character of our
4 town. And it's also going to effect
5 people, the neighbors around.

6 Like, for example, you know, like,
7 I haven't heard any real discussion
8 about how this is, you know, like, from
9 the center of the church to this
10 property, is what, 71 feet? But from
11 the edge of the church to there is only
12 15 feet. That's -- that needs to be
13 addressed. Like, that feels unfair to
14 the people that own this house, you
15 know.

16 Like, so I think that there are
17 some things that someone had mentioned
18 to have a discussion with the
19 community. I think that needs to be
20 had in a respectful and meaningful way
21 and, like, put away -- let's talk about
22 First Amendment Rights. And, you know,
23 like, I haven't heard anybody, you
24 know, make derogatory comments. And I
25 don't deny that ignorance is out there,

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2 but I don't see it in this room. I
3 don't feel it in this room. I feel
4 generally concerned for what it's
5 doing, to the changes that it's going
6 to make in our community.

7 So I just wanted to say my piece.
8 Thank you.

9 THE CLERK: Ted Mahler.

10 Ted Mahler?

11 Okay. Joseph Bollhofer.

12 AUDIENCE MEMBER: Good evening.

13 Joseph Bollhofer, 3 Fox Meadow Lane.

14 The applicant seeks to build an
15 accessory structure defined in the code
16 as a subordinate structure. In this
17 case, however, the accessory structure
18 would actually have a footprint that is
19 almost 1,000-feet larger than the
20 footprint of the existing dwelling.
21 Clearly that turns the definition as an
22 accessory structure on its head. It
23 makes no sense under the code.

24 Additionally, the proposal calls
25 for 36 parking spaces to accommodate an

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2 accessory structure that, according to
3 the application, will hold up to 282
4 people. That will be almost eight
5 people per car. Another aspect that
6 makes no sense.

7 I've been an attorney for 38
8 years. All during that time, a
9 substantial part of my practice has
10 involved real estate law including the
11 land use law. I've also been a
12 licensed title insurance agent for 26
13 years. And I'm often asked to review
14 and interrupt the status of titles and
15 the meanings of covenants and
16 restrictions.

17 Now, regarding the significance of
18 the Federal Religious Land Use Law as
19 addressing these covenants and
20 restrictions. And make no -- make no
21 mistake, they are covenants and
22 restrictions. I think this is the crux
23 of this issue or is going to be the
24 crux of this issue. It's called an
25 open space easement in the document,

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2 but it is a covenant and restriction
3 that has been placed on it.

4 When I bought my property in 1998
5 or before I bought it, I learned that
6 approximately one-and-a-half acres of
7 that property was burdened by what is
8 known as a conservation easement. It
9 only gave me the right to look at the
10 property and to pay taxes on it. It is
11 just a preservation issue, and I think
12 the word easement really is misplaced.

13 In any case, counsel for the
14 applicant has not addressed the 1973
15 easement. It's the first gentleman who
16 spoke said the 1997 easement or
17 covenant restriction does not replace
18 prior. It would have to say so if it
19 did. And it's identical in many
20 respects, certainly with regard to the
21 language about preservation of open
22 space except it doesn't give the
23 Village the option to decide whether to
24 enforce it or not, unlike the latter
25 one.

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2 For our purposes, the open space
3 character of the property is the
4 important part, and I expect that most
5 of you have read the language of that
6 document. I'm not going to repeat it
7 here. If a structure such as what is
8 proposed were to be built, frankly, I
9 cannot see how anyone can claim that
10 these CNRs would not be violated.

11 The existence of the CNRs is the
12 material difference between this matter
13 and all other cases that I have read
14 interpreting the religious land use
15 law, most of which were federal court
16 repeal cases. US DOJ explains in its
17 2016 letter to municipal officials that
18 the law does not provide blanket
19 exemption from zoning laws. The law
20 protects a religious organization when
21 it has a reasonable expectation that it
22 could develop this property. That's
23 not what we have in the Monastery's
24 application.

25 The CNR placed on the property

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2 will run with the land and binding
3 (inaudible). But when the Monastery
4 officials bought the property, they're
5 deemed to have known about them and
6 they're bound by them just like every
7 other property owner.

8 The Court of Appeals cases state
9 that the issue of substantial burden is
10 never even reached when the hardship
11 alleged by the religious organization
12 is self-imposed. If it is
13 self-imposed, the courts have stated
14 that the organization never had a
15 reasonable expectation that the
16 property could be used for religious
17 purposes and it assumed the risk of an
18 unfavorable decision.

19 The Emmon [phonetic] case that I
20 provided to you and discussed in my
21 email contains a constructive review of
22 other cases distinguishing each on on
23 its facts and an explanation of the
24 reasoning behind the law. In that
25 case, a church entered into a lease of

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2 property contingent on municipal
3 approval of relief of a setback
4 requirement. After that request was
5 denied and the applicant sued, District
6 Court dismissed the case. The Court of
7 Appeals agreed stating that the
8 substantial burdens alleged by the
9 church were self-imposed hardships,
10 that it never had a reasonable
11 expectation that the property could be
12 used as a church, and that the church
13 assumed the risk of an unfavorable
14 decision.

15 Importantly, under these
16 circumstances, the court held that the
17 applicant had not satisfied the
18 substantial burden requirement.
19 Therefore, it may (inaudible) to the
20 issue of whether the municipality had a
21 compelling interest.

22 That Emmon case is not an outlier.
23 There are other Court of Appeals cases,
24 some cite at the end of them that
25 concur with its reasoning that we must

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2 look to whether the applicant had a
3 reasonable expectation if the property
4 could be used as a church. If not, the
5 hardship is self-imposed. The facts
6 all are important. And in this case,
7 the CNRs cannot be ignored. The
8 Monastery bought subject to them. And
9 I can't see under these circumstances
10 how this application can succeed.

11 Thank you.

12 THE CLERK: James Scully.

13 AUDIENCE MEMBER: Good evening,
14 everybody. Good evening, Mayor
15 Dahlgard, the Board. Thank you for
16 giving me just a few minutes to speak
17 tonight.

18 And before I make my point, I just
19 want to express how honored I am to be
20 part of a village community that cares
21 enough -- regardless of what side of
22 this issue you're on, that cares enough
23 to come out and spend your time. It's
24 just -- it's an honor.

25 But over -- over the last couple

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2 of years, I've been -- become a student
3 of the Village Code. And it's always
4 go back to the Village Code. It's our
5 guiding principle. It's how we -- it's
6 how we protect our village and, again,
7 our guiding principles.

8 As a reminder, this is an
9 application for a Special Use Permit.
10 And according to the Village Code,
11 Chapter 165-36, the zoning code states
12 that the Board can only approve a
13 special permit if a proposal meets five
14 specific conditions. I see three that
15 this can't meet. So I just really want
16 to state them here.

17 The first is the nature and
18 intensity of the use or such that will
19 be in harmony with the area in which
20 its located. Clearly, to me, it does
21 not meet that criteria.

22 The second is the location,
23 nature, and height of the buildings are
24 such that the use will not hinder or
25 discourage use of surrounding homes and

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2 residential properties. Clearly, it
3 does not meet that criteria.

4 And the last, the third, is the
5 proposed use will not be more
6 objectionable than the residential use
7 of the property, which is the only
8 as-of-use right allowed under the
9 zoning code.

10 So I don't see how this
11 application could possibly be approved
12 by the Board. And I would -- I would
13 ask the Board to please go back to the
14 Village Code. It is our guiding
15 principle.

16 So, again, thank you for you time
17 and thank you everybody.

18 THE CLERK: Kimberly Nurge.

19 AUDIENCE MEMBER: I'm Kim Nurge,
20 493 Route 25A. So my property is
21 just -- I have a separate lot that's in
22 between. You have the vacant lot, so
23 I'm directly next to the Monastery.

24 I have something I want to read,
25 but I just want to address some of the

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2 issues that I've already heard that
3 concern me. It seems that there is an
4 implication that this property was
5 rundown when the Monks had purchased
6 it. And from the original property
7 listing that was in 2017, this property
8 was not rundown. It was hardly
9 rundown. I have photographs of the
10 original listing. And in that listing,
11 it also ends up stating that it was
12 lovingly renovated.

13 In addition to that, it says it
14 was stunning in detail. So this
15 property was not run down. It was
16 beautiful. So I can't fathom how it
17 was over \$340,000 invested into this
18 property to bring it back up to snuff.
19 It doesn't make sense to me. Again, I
20 have the photos. You're welcome to
21 look at them.

22 So going back to my original
23 concerns. So I had purchased my home
24 in 2008, and I knew exactly what I
25 bought. It was a single-family

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2 residence in the Nationally Registered
3 Historic District of Route 25A. If you
4 had told me that the Board of Trustees
5 would actually entertain a new
6 commercial building on the open field
7 of Timothy House, my reply would be
8 never going to happen.

9 In the National Historic Registry
10 application, there is a statement made
11 by Mrs. Van Liew. Continued vigilance
12 will be necessary to shield this area
13 in the future from the sprawl of urban
14 commercial development which is
15 spreading over so much of the island.

16 On October 12, 2021, Head of the
17 Harbor Planning Board unanimously
18 denied the Special Use Permit. Why
19 would Head of the Harbor Board of
20 Trustees not trust their Planning Board
21 members to make a sound decision and
22 instead choose to override them,
23 especially when it was unanimously
24 denied? Notre Dame lawyer regarding
25 environmental control of historic

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2 sites, it reads nothing can detract
3 from a purposeful restoration more
4 drastically than hideous surroundings.
5 Everything about this proposed church
6 build screams commercial and utter
7 destruction of the Timothy House site,
8 and yet it seems to be looked at as if
9 it were just an insignificant accessory
10 structure that is residential in
11 nature. It is not.

12 According to International
13 Building Code, churches are deemed
14 commercial because churches pose a
15 greater risk to public safety due to
16 their assembly-type occupancy. They
17 are held to a higher design in
18 construction standard and therefore,
19 commercial. When calculating the
20 square footage of a commercial
21 building, every square foot must be
22 calculated.

23 That means stairwells, closets,
24 mechanical room, everything, even
25 unfinished spaces like that enormous

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2 second story on the building plan.

3 This structure is approximately
4 10,000-square feet, not 4,323-square
5 feet that is being represented as an
6 accessory structure to our residential
7 building.

8 Head of the Harbor Code 165-5,
9 accessory structure definition, a
10 subordinate structure or building, the
11 use of which is incidental to that of
12 this main structure and which is
13 located on the same building lot or
14 parcel of real property.

15 Head of the Harbor Code 165-23,
16 permitted accessory uses. Private
17 garden house, toolhouse, playhouse,
18 greenhouse, bathhouse, boathouse, and
19 studio of an artist organization not
20 used for commercial or public purposes.

21 Nowhere in the codes does it
22 define a church as a permitted
23 accessory use. A subordinate structure
24 which according to Head of the Harbor
25 Code 165-25 allows for a maximum

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2 allowance of 3,000-square feet on the
3 Timothy House property, how can this
4 enormous building measure 90-feet long
5 by 49.6-feet wide by 47.5-feet tall and
6 approximately 10,000-square feet be
7 considered subordinate inside the
8 Timothy House?

9 Furthermore, according to the site
10 plan, this new build does not fit
11 within proper rear and side setback
12 guidelines according to Head of the
13 Harbor Code 165-25, dimension. The
14 parking lot is considered a structure
15 based on Head of the Harbor Code 165-5,
16 structure is something having location
17 on the ground.

18 The applicant's knew their goal
19 was to build a church way before they
20 found Timothy House. The covenants and
21 restrictions were completely disclosed
22 on the title report prior to purchasing
23 that property. They chose to go ahead
24 with the transaction anyway with
25 complete disregard. Being a religious

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2 organization does not exempt them from
3 the deed restrictions or Village Codes.

4 I'm sorry, I'm almost done.

5 The applicants created their own
6 hardship and the tax-paying residents
7 should not have to bear the burden.
8 And approval of a Special Use Permit is
9 gross negligence on the part of Board
10 of Trustees, especially since your
11 Planning Board unanimously denied it.
12 If the Board of Trustees fails to
13 uphold their own past historian's
14 wishes and ignore their own building
15 codes, then why do we even have an
16 incorporated village?

17 Your words, Mr. Mayor, from a
18 letter you sent to residents in March.
19 Being a mayor and trustee means being a
20 fiduciary and a protector of our
21 beautiful village. Either you can
22 honor Mrs. Van Liew's legacy or you can
23 forever tarnish your own. I urge you
24 to do the right thing and reject the
25 Special Use Permit request.

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2 THE CLERK: Stacey Kostis.

3 AUDIENCE MEMBER: I will pass
4 because everything I want to say has
5 been covered.

6 Thank you.

7 THE CLERK: Louis Antoniou.

8 AUDIENCE MEMBER: I will do the
9 same.

10 THE CLERK: And Robert.

11 AUDIENCE MEMBER: Hello. My name
12 is Robert Antoniou. I live at 2 Bluff
13 Road.

14 Just to reiterate to the
15 parishioners in the room how much the
16 Monks have given back to the community
17 and back to me personally. I'm a
18 recent family of four. With the new
19 plans that were changed -- and I do
20 support the building and this
21 application because I hope for years to
22 come my children have a place of
23 worship here in St. James.

24 Thank you.

25 AUDIENCE MEMBER: I am Louis

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2 Antoniou. I live at 3 Pond Path in
3 Smithtown.

4 I happen to be -- my family has
5 been around in this area for over 40
6 years. We're embedded here. Our
7 family and our children as well as
8 their families are embedded in the
9 area. And Saint Dionysios has been a
10 tremendous (inaudible) for us as
11 parishioners. And unfortunately, we
12 cannot pray or attend services in
13 someone's home.

14 Timothy Home -- the Timothy House
15 happens to be the residence of the
16 Brotherhood of Priests, the Monks. And
17 they're accommodating and they're
18 trying to help and receive us as
19 guests. And it will be very, very
20 helpful to see the church.

21 I'm not sure why the square
22 footage is close to 10,000-square feet,
23 but it's not. It's a very small
24 structure actually. And at the same
25 time, it will really help the whole

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2 property to be much more, I should say,
3 esthetically be gorgeous. It will be
4 an extremely private setting which is
5 in any arguments or privacy or borders,
6 it can addressed as long as there's
7 cooperation and some good faith on both
8 sides.

9 And we hope that the residents can
10 really make their demands and make
11 their suggestions of what will give
12 them comfort. And I'm sure the
13 Brotherhood is more than happy to
14 receive suggestions so compromises can
15 be made on our side. And hopefully we
16 can meet in a way, in a civilized way,
17 so we can actually eliminate all the
18 negativity that might be for some but
19 also the positive part for others.

20 I don't want to tell you further.
21 All our kids live within five miles of
22 this area. I'm a family of eight and a
23 grandfather of 12. So that doesn't
24 mean that the community is going to be
25 that big. Believe me, this community

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2 is quite small.

3 Thank you.

4 THE CLERK: Nancy Fetherston.

5 AUDIENCE MEMBER: I'm Nancy
6 Fetherston. I live on Beach Plum Lane,
7 Nissequogue. But I'm here to represent
8 and read the opinion of Lisa Blake
9 Davidson who is out of town. She asked
10 me to read this, and it's almost wholly
11 the letter that was submitted to the
12 clerk prior.

13 She wrote, when I was out knocking
14 on doors campaigning for trustee, I
15 happened upon the home of the White
16 family matriarch. She was very kind
17 and supportive. But what she really
18 wanted to talk about was Timothy House.
19 She did not hide the relationship to
20 Father Willard. She detailed the
21 family tree, nor was there any
22 disguising her position on the proposed
23 development. Father Willard, she said,
24 is a good person, adding that it would
25 be so nice for him to have his church

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2 right here.

3 I remember being thunderstruck
4 because it was understandably clear
5 what mattered to her was not the best
6 interest of the Village or the historic
7 Timothy House but what would best serve
8 her family, the Whites.

9 It is well known that Box Hill is
10 the family compound home to many Whites
11 and their relations. They're blessed
12 to be a large, close-knit family,
13 admirable unless there is a vote that
14 impacts this entire Village hanging in
15 the balance.

16 There is what's legal and there is
17 what's right. I understand that on a
18 technicality Trustee Dan White might
19 be, quote, legally allowed to vote on
20 his second nephew's variance, but that
21 does not make it right. The White
22 family's historic ties to this small
23 community do not allow for any
24 possibility of an objective, unbiased
25 vote from Trustee White.

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2 Trustee White must, therefore,
3 recuse himself from voting on this
4 matter. For him to vote on this
5 delicate issue, an exemption to the
6 current residential zoning that will
7 forever change the face of our historic
8 corridor by placing a 4,323-square-foot
9 commercial structure on a piece of land
10 laden with covenants and restrictions,
11 the spirit of which are intended to
12 preserve its open spaces, strongly
13 suggests impropriety.

14 I implore the Trustees to deny
15 this application for an accessory
16 structure because it is not for an
17 accessory -- accessory structure. It
18 is for a new commercial building that
19 will immediately eclipse Timothy House
20 which is what this variance is really
21 for. It is really for a large church
22 that will dominate the entire property.
23 Let's not kid ourselves about this
24 being accessory anything.

25 In closing, I'd like to add that

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2 this commercial structure is not
3 compliant with the LWRP Codes 23 and
4 25, the two codes dealing with historic
5 homes in the Historic Corridor and
6 landscaping.

7 Lisa Davidson asked that you
8 recuse yourself from the vote. And as
9 a separate person, she lives at 3
10 Harbor Way -- Harbor Road.

11 I am not allowed to take another
12 three minutes. What I only need is one
13 sentence. I have a degree in art --
14 this is from Nancy Fetherston.
15 Esthetically and in common perception,
16 the resident -- a resident adjacent to
17 a church is perceived as an accessory
18 to the church, not the reverse in
19 general understanding.

20 Thank you.

21 THE CLERK: Meg Shutka.

22 AUDIENCE MEMBER: Good evening,
23 Trustees and Mayor Dahlgard. Meg
24 Shutka, Hitherbrook Road, Head of the
25 Harbor. I've lived here since, I

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2 think, 1962. Something like that. I
3 took a break of being married and not
4 being able to afford it here for 10
5 years and then came back.

6 Anyway, I also was on the
7 Environmental Conservation Board of the
8 Village, I was on the Planning Board of
9 the Village, and I was a Trustee of the
10 Village serving many years in those
11 different capacities because I love the
12 Village. And I would encourage
13 everyone to get involved. Help -- help
14 us. Help the Village.

15 Anyway, I also was a planner in
16 the Town of Brookhaven. And one of my
17 functions was covenant and restriction
18 review. Of course, the covenants and
19 restrictions that were placed that I
20 reviewed or amended were placed by the
21 Planning Board. So the applicant had
22 to go before the Planning Board, state
23 their case of why they needed relief
24 from that covenant, and the public came
25 out in support or not support, and the

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2 Planning Board made that decision. It
3 just wasn't whitewashed or overlooked
4 or anything like that.

5 I know these are different --
6 different covenants and restrictions.
7 It's actually an open space called an
8 historic place and open space easement
9 deed that was put on by Barbara Van
10 Liew who loved this Village. She did
11 this because she loved the Village and
12 loved the character and respected the
13 character of the house that she lived
14 in and the land that she lived on.

15 I just want to read just a
16 brief -- one of the brief portions of
17 one of the covenants. The open space
18 and natural character of the property
19 not just the house, shall be maintained
20 as a landscaped environment so as to
21 enhance the setting of the house as a
22 historic landmark. And that's what we
23 talked about, parking being able to be
24 allowed on the property.

25 The third covenant was no activity

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2 shall be carried on on the property
3 which would destroy or impair the
4 historical open space value of the
5 property. Again, it's not just the
6 Timothy House. It was the land that
7 she wanted to protect and maintain in a
8 certain way.

9 That's not to say that the
10 Monastery or the Timothy House or the
11 people that are on that land now are
12 not respecting that land. I believe
13 they are. I believe they are very good
14 stewards of that land. But there
15 should be some compromise that
16 alleviates the concerns of the -- the
17 neighbors adjoining that property and
18 the people in the Village that have the
19 concerns that they have spoken about.

20 I don't live adjacent to the
21 property, but I do know people that do.
22 I'm friends with Erica Rinear who spoke
23 so nicely about the Monastery and the
24 people next door. And believe me, she
25 was a good teenager. I grew up with

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2 her. She wasn't a bad teenager.

3 But anyway, the other concern I
4 have was the sanitary issue, the
5 sanitary system issue. Apparently in
6 the EAF, it was recorded 750 gallons a
7 day would be, I guess, produced on the
8 site. But the application that was
9 sent -- that was submitted to the
10 Health Department said a thousand
11 gallons per day. So there's a
12 discrepancy there. And also, where --
13 I mean, I haven't looked at the plan,
14 but where would the new sanitary system
15 be placed and what impact would that
16 have on the property?

17 Thank you.

18 THE CLERK: Adeline Raveica.

19 AUDIENCE MEMBER: Hi. My name is
20 Adeline Raveica. I'm a member of the
21 parish. Sorry, thank you for having me
22 tonight.

23 And I want to thank those who have
24 spoken so nicely about the Monks and
25 the members. And we are not here to

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2 impede on anyone's livelihood in their
3 home. That's the last thing we want.

4 I want many of you to understand
5 that five years ago this parish was
6 kind of booted out of an original
7 church that I grew up in and I had
8 plans and dreams of my children growing
9 up in. But other plans -- the plans
10 went the other way, and these Monks had
11 to search for property. And as you
12 know, they bought this property.

13 And attending service every
14 Sunday -- I'm a new mother and I,
15 again, am one of six. And we all hope
16 to raise our children in the church.
17 And with the space that we are
18 currently worshiping in -- if any of
19 you attend church or a service on
20 Sundays -- Saturday is the Sabbath -- I
21 can promise you it's a lot more
22 comfortable and probably safe.

23 And it's -- it's distracting. It
24 can be -- and it's not fair to the
25 children. They should feel an

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2 environment that all of us worshipers,
3 those who do, felt our whole life
4 growing up. And I know us members, the
5 Monks, are more than happy to
6 communicate with the neighbors. Again,
7 the last thing is to upset the
8 neighbors. And we will work with you.

9 And to hear about your fence,
10 that's -- that's heartbreaking. And
11 I -- I don't know who did that, but
12 I'll talk to them, you know.

13 Like, we will all collaborate.
14 We'll make sure there's rules set.
15 It's a couple of hours, a few hours on
16 Sunday where there might be a few cars.
17 It's pretty empty throughout the week.

18 And, again, it's a place for our
19 children to find community, grow up
20 with like-minded people, and grow up
21 with a foundation. And a little
22 section of a beautiful, old home,
23 it's -- there's something beautiful
24 about it because it's intimate, but
25 it's short-lived because the kids

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2 get -- you can only hold them for a
3 little bit rather than being in a pew
4 and, you know, explaining what's going
5 on and what the priest is doing.

6 So as a member, I am obviously
7 very in favor of this church. Again,
8 we are all willing to work with the
9 community. From the road, those bushes
10 that block 25A are very thick. The
11 trees won't be touched. Not
12 one streetlight is being put up by
13 those trees. It's not going to look
14 commercial by any means. The Timothy
15 House is staying intact.

16 Thank you.

17 THE CLERK: Troy Rosasco.

18 AUDIENCE MEMBER: Thank you,
19 Members of the Board of Trustees, the
20 Mayor, and members of the whole
21 Village. It's great to see everybody
22 at a meeting like this tonight. And
23 it's been so nice to see everybody
24 being so courteous even though we might
25 disagree on this very important issue.

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2 My wife and I live in an historic
3 AD Carlisle summer home on Highland
4 Avenue. It was built circa 1893, and
5 we bought it about 20 years ago and we
6 have renovated it. We cherish it just
7 like so many other people cherish
8 Timothy House and some of the other
9 historic buildings here in Head of the
10 Harbor.

11 Some of you may know that I have
12 worked tirelessly, as has my wife, to
13 preserve the Historic Corridor of 25A.
14 I've worked tirelessly with my wife and
15 other members of the community to
16 protect the historic firehouse here to
17 make sure that it was maintained in its
18 condition as a historic firehouse and
19 not closed as we proposed. And now
20 it's open and not only that, the
21 Trustees have appropriately voted to
22 join the fire district. And the fire
23 district now is buying new firetrucks
24 that are small enough to get down the
25 small roads of our Village to

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2 adequately protect all the homes in the
3 Village. And that would include
4 Timothy House also going down that
5 small gravel highway -- driveway.

6 So, in any case, we're very close
7 to Timothy House on Highland Avenue.
8 If the crow flies, I am 200-yards away
9 from Timothy House. My wife and I,
10 despite that proximity, support the
11 building of the church.

12 Both my wife and I are great
13 respecters in the freedom of religion
14 that is guaranteed to us by the U.S.
15 Constitution. Not only do we have
16 freedom of religion, but we have
17 protection that governed, meaning our
18 Village Boards of Trustees, and any
19 other government cannot abridge our
20 right to worship our particular
21 religion. That means in many ways
22 there are special rules that government
23 has to do and deal with when dealing
24 with applications from religious
25 institutions. And that's something I

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2 don't think people talked enough about
3 tonight. Certainly the attorneys at
4 some juncture will certainly.

5 But everybody -- and I'm an
6 attorney for 33 years. I'm not a land
7 use attorney, but I do know that there
8 are lots of special rules. Let me just
9 state some of the special rules in New
10 York State. I'll say it in practical
11 words, not in the Village Codes and
12 stuff like that.

13 Religious institutions
14 substantially promote the health,
15 safety, morales, or general welfare of
16 a community. That's New York's top
17 court saying that. Where the benefits
18 of public worship conflict with
19 preventing detrimental impacts on the
20 surround neighborhood -- okay,
21 neighbors in the proximity -- the
22 interest of the neighborhood must yield
23 to the interests of public worship.

24 Why? Because we have the First
25 Amendment to the Constitution. And we

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2 say don't tread on me, Government. We
3 have the right to practice and not have
4 our religion stepped on. And I'm not
5 saying the Trustees would do ever do
6 that. That's the First Amendment
7 Right. And I respect our Constitution
8 and I expect -- I respect any one
9 religion, Christian, Jewish, Muslim.
10 Whatever you are, I respect it. And we
11 have to respect the fact that it's our
12 country -- and I'll be right done.

13 It is possible under the law for a
14 religious institution to have accessory
15 buildings. Look at St. James Episcopal
16 Church. They've got a recreational
17 building over there. Look at other
18 churches. They've got food pantries;
19 okay? So you can have an accessory
20 building and be a religious
21 institution.

22 Last point from a practical
23 matter, I think if this ever goes to
24 court by whoever might bring it to
25 court, I think religious order wins. I

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2 think they've been good stewards. I
3 think they've been good neighbors. And
4 my wife I, we support building the
5 church.

6 Thank you very much.

7 MAYOR DAHLGARD: Mr. Buzzell?

8 MR. BUZZELL: Mr. Mayor and
9 Members of the Board, I will be very
10 brief because most of my comments are
11 reserved for resubmission.

12 But there are a couple of quick
13 things that I think are important. The
14 one thing that unites everybody in this
15 room is the desire to preserve the
16 Timothy Smith House. And I think I've
17 heard that clearly from most of us. As
18 one of the speakers said, that
19 preserving historical structures is a
20 challenge finding the right steward who
21 has the desire, the method, and the
22 means of doing so is one of the biggest
23 challenges as faced today. And finding
24 a way to get a use that is usable by a
25 contemporary society, by an owner who

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2 is willing to put the time, effort, and
3 money into preserving it, is sometimes
4 the most important thing.

5 I may not have been a Village
6 historian. I am kind of a history nut.
7 I do see emails requesting funds.
8 Being in the Southern American
9 Revolution, the Mayflower Society, and
10 the Sons of Union Vets of the Civil
11 War, I get fliers asking to support
12 things. And many of these buildings
13 are in government ownership, but they
14 can't get the funds and the buildings
15 are literally rotting on the property
16 where they are. And sometimes it's
17 finding the way to adapt to preserve.

18 And I think this case really
19 underlies that because we -- we are --
20 I was going to use the word blessed. I
21 don't know if that's particularly
22 appropriate here. But, you know, we
23 are fortunate enough to have a steward
24 arrive for the Timothy Smith House.
25 And the Monastery will preserve the

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2 Timothy Smith House and it has. It's
3 demonstrated that. So to preserve the
4 house -- this is the best way to do
5 it -- the Monastery has made all sorts
6 of changes since -- since I've become
7 involved in this, both initially before
8 SHPO and then during SHPO.

9 And I said we are happy to discuss
10 more, including land-bank parking and
11 restricted covenants. So we -- we look
12 forward to finishing out the
13 application process. We will make
14 written submissions that will detail
15 more points.

16 And I thank you for having us.

17 MAYOR DAHLGARD: Thank you for
18 coming.

19 Trustees, anyone want to offer a
20 motion? I'm going to move to carry
21 over this hearing to the June 21
22 Trustees meeting to keep the record
23 open for the next 30 days.

24 MR. FISHER: Motion.

25 MS. OGDEN: I'll second.

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2 MAYOR DAHLGARD: All in favor?

3 (Unanimous vote by all Board
4 members.)

5 MAYOR DAHLGARD: Thank you.

6 We're going to take 10 minutes and
7 get back to normal business.

8 Thank you so much for coming. We
9 appreciate it.

10 (Whereupon, at 9:35 P.M., this
11 hearing was adjourned.)

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DEBORAH KNIESSER, STENOGRAPHER

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C E R T I F I C A T E

STATE OF NEW YORK)
: SS.:
COUNTY OF SUFFOLK)

I, DEBORAH C. KNIESSER, Court Reporter
and Notary Public for and within the State
of New York, do hereby certify:

That the within transcript was prepared
by me and is a true and accurate record of
this hearing to the best of my ability.

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 17th day of May, 2023.

Debra Knieser

DEBORAH C. KNIESSER

DEBORAH KNIESSER, STENOGRAPHER