

INCORPORATED VILLAGE OF EAST HILLS

209 Harbor Hill Road
East Hills, NY 11576
(516) 621-5600

January 12, 2011

VIA FACSIMILE (516-869-7812)

Hon. David Mammina, Chairman
and Honorable Members of the Board of Zoning Appeals
of the Town of North Hempstead
Town of North Hempstead
210 Plandome Road
Manhasset, NY 11030

Re: APPEAL # 19014 – Crumbs Cupcake Shop/Town Path Corner, L.L.C.

Hon. David Mammina, Chairman and Hon. Members of the Board of Zoning Appeals of the Town of North Hempstead:

This correspondence is made in reference to the proposed installation of Crumbs Bake Shop on Glen Cove Road at the Greenvale Shopping Center (hereinafter the “Shopping Center”), which is located in the Town of North Hempstead, which is adjacent to the Incorporated Village of East Hills (hereinafter the “Village”). Briefly, Crumbs Bake Shop is a popular national chain of retail stores, which are purveyors of gourmet cupcakes, cakes and various other baked goods.

Specifically, the Village seeks to apprise the Board of Zoning Appeals (hereinafter the “Board” or “BZA”) of the impact that this well-known business may have on the community, including without limitation, the safety of its residents and school children, traffic, congestion and parking concerns.

As you may know, the Shopping Center is located directly across from the Harbor Hill Elementary School (hereafter the “School”), which matriculates first through fifth graders. A significant concern of the Village is the safety of these school children, who might be enticed to patronize the bake shop either before, during or after school hours. The plans show that there will be a double door entrance to the bake shop on the exterior facing Glen Cove Road. This will inevitably lead to potential customers, including school children, entering from Glen Cove Road after they have crossed from the School or the stores near the School. In this regard, we seek the Town’s assistance to ensure that all proper safety procedures and protocol are followed, including without limitation, the full-time placement of a school crossing guard (during school hours), to secure the safety of any child walking across the street from the School to the Shopping Center.

Another issue of concern for the Village is the lack of parking at the Shopping Center. As it stands, the current parking at the Shopping Center is wholly inadequate. In fact, the landlord who owns the parking lot adjacent to the Shopping Center, in which the Equinox Gym is located, has

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sought, in recent months, to tow any vehicle, which is unaffiliated to the gym. Left with no other alternative(s), shoppers often park at their own risk. Moreover, we believe that the landlord of the adjacent lot continues to maintain tow signs, which, in our opinion, serve no other purpose, but to deter Greenvale Shoppers from parking in those spots adjacent to the Shopping Center.

Recently, the Shopping Center's counsel has represented to the Village that the tow signs are no longer in force and effect; *albeit* subject to an "agreement" between the respective landlords of the Shopping Center and the adjacent lot. However, the Village proposes that such signage be removed in order to minimize any further confusion regarding the intended use of such parking spaces.

In addition, the Village wants to be sure that there are no gates or openings on Town Path Road, which is located in the Village, in order to avoid heavy pedestrian traffic in the residential community. To this end, the Village hereby requests that the Shopping Center be physically separated from the adjoining Village property on Town Path Road, and all fences maintained in proper working condition.

Moreover, the Village is also concerned about the refuse from the food products at the bake shop, which could unduly affect the health of the residents in the Village. The Village requests that the Board require that the applicant maintain refrigerated garbage facilities inside the store to prevent the infestation of rodents or insects.

Lastly, the Village asks that the Board consider the congestion, noise, ingress and egress and traffic on Glen Cove Road and in the shopping center; and the safety of our residents, particularly during rush hour in the morning and evening commute(s).

Should the Board require any additional information or documentation, please do not hesitate to contact me or the Village Attorney, William C. Burton, Esq. at (516) 621-5600.

The Village appreciates the Board's time and consideration of this matter.

Very truly yours,

A handwritten signature in black ink that reads "Michael R. Koblenz (pd)". The signature is written in a cursive style with a large, looped "M" and "K".

Michael R. Koblenz
Mayor

AHK:pd

cc: Kathleen Deegan Dickson, Esq. (via Fax)

Planning Board of the Town of North Hempstead (via Fax)

Michael H. Sahn, Esq.