

TOWN OF NORTH HEMPSTEAD

BOARD OF ZONING APPEALS

PUBLIC HEARINGS

200 Plandome Road
Manhasset, New York

Wednesday, October 20, 2021
10:10 a.m.

BOARD MEMBERS PRESENT:

DAVID L. MAMMINA, A.I.A., Chairman

LESLIE FRANCIS, ESQ., Vice Chairman

DANIEL DONATELLI, ESQ., Member

JAY HERNANDEZ, Member

PATRICIA A. GOODSSELL, ESQ., Member

ALSO PRESENT:

DEBORAH ALGIOS, ESQ., Deputy Town
Attorney

VIRGINIA WAGNER, Secretary

NICOLE WEXLER, Reporter

CHAIRMAN MAMMINA: Good morning, everyone. Welcome to the Town of North Hempstead Zone of appeals and our October 20th calendar.

So if we could, Mr. Francis, would you please lead us in the Pledge of Allegiance.

VICE CHAIRMAN FRANCIS: Certainly.

(Whereupon, the Pledge of Allegiance was recited in a body.)

CHAIRMAN MAMMINA: Thank you all.

Good morning again. What I would like to do is just take a couple of minutes to talk about the way we conduct business in the Town of North Hempstead, in case you've never been to a Zoning Board hearing before, or maybe you've been to a Zoning Board hearing but never been before the Town of North Hempstead. And we may do things a little bit differently here. So what we will do is Virginia will call each case and I will then recall that case, and when we do that, the applicant and only the applicant at that point -- well, they're not going to stand up because we're virtual. The applicant will be on the screen. And I will ask if there's anyone who has interest in the case, which is either in support or in opposition, you know, of that case, and everyone who wishes to speak will have an opportunity to speak. Just because you're here doesn't mean you must speak. You can just identify, if you'd like, for the record, that you were there. It's -- sometimes people come just for information, they want to hear exactly, you know, what is actually going on. So the applicant will then give their name and address to the stenographer, okay, who has been verified that the stenographer is on the -- is on the Zoom meeting, because this is a quasi-judicial hearing so a record, you know, is -- is taken of -- you know, of this. And at that point, the applicant will then have the podium, or the virtual podium. They will give their name and address, and they will then put onto the record anything that they wish to regarding their application, their -- their drawings and things, you know. We have those in our own calendar. Typically, Virginia will help out so that those can be seen. And the Board will ask whatever

questions it feels necessary of the applicant, and then at that point, the applicant would have a virtual seat, so to speak, and the -- anyone who wishes to speak in opposition or in support of the application will be identified one at a time.

And we do that in the chat, Virginia, if someone is registered to speak? I know we have someone in already.

SECRETARY WAGNER: They -- they can virtually raise their hand.

So, Deborah, I think they just would put their mouse over their name and then there's -- if they go to the right, there's like a little -- there's an option to raise your hand. I think that's the way it's done, right?

ATTORNEY ALGIOS: Yes. I think if they -- they put the icon over their name, it's -- a little thing will pop up and then that will give them the option to raise their hand.

SECRETARY WAGNER: There's a little hand.

ATTORNEY ALGIOS: Yeah.

CHAIRMAN MAMMINA: We've never really had any issue with that, so please don't get nervous.

ATTORNEY ALGIOS: But if somebody has trouble with that, certainly, they can put in the chat that they would like to speak.

SECRETARY WAGNER: Right. So, actually, there is somebody Mr. Severino that has his or -- Ms. -- has their hand raised. So if you have a question about something, you can type it into the chat right now, because we haven't read in the appeals yet. Usually, we wait until the appeal is read and then you can raise your hand and let us know after the appeal is read that you have a question. But since you're raising your hand now, if you have a question, you can type it into the chat.

CHAIRMAN MAMMINA: Okay. So then what will happen is that after the applicant has spoken,

if there is anyone that has identified that they wish to speak, they will -- they will be promoted -- that's what we call it, "promoted" -- to the -- to the screen and they can put onto the record whatever they would like to put onto the record. And the Board will ask whatever questions, you know, it wishes, and if there are multiple people, they'll then speak one at a time. As I said, every person will give their name and address as they -- as they come up. And when that is done, assuming there is some support or opposition, the applicant and typically only the applicant gets to speak two times, because the applicant, then, can either support or refute what was said.

The Board can ask questions, and many times we end up with a lot of questions after we hear testimony, you know, from neighbors or whomever. And at that point, the hearing then -- is then done. And the Board will then do one of, I guess, four things. I always used to say "three" but I learned it's four. It only took thirty years to learn that. We will either approve the application; we'll deny the application; we may continue the application. If we continue the application, that would mean that we have asked the applicant maybe for another document, it could be a closing paper, it could be an approved drawing that they have. Or we might offer some sort of a compromise, you know, on the proposed work, and the Board would want to see what that is before we were to take action, you know, on it so it would not be decided today. Or we would continue the application, which just means that the Board has all the information that it needs but, you know, as part of our deliberations, you know, we are not prepared at that point to -- to render -- render a decision.

Did I copy that proper -- did I put that out that properly, Deborah? Because sometimes I get a little thrown by the Zoom.

ATTORNEY ALGIOS: That was good.

CHAIRMAN MAMMINA: Okay. So to the public at large, if you get a little thrown by Zoom, all of us have been doing this and I get a little thrown by the Zoom.

So that, then, will end the hearing. You don't -- you don't need to come back, no one

needs to come back, and you would then reach out for the Zoning Board where you might get Virginia, you know, who is our secretary, or you may get one of the other people that work along with Virginia. And I guess what -- what I will still ask that -- that people do, because even though we're on the mike one at a time, you know, could everybody kind of just take your cell phones, just make sure that they're on silent so that it -- it doesn't interrupt you, it doesn't interpret the Board, and that way the -- the hearing can run smoothly.

So with all of that said, Virginia, do we have any modifications to the calendar this morning?

SECRETARY WAGNER: Yes, Chairman. We have several adjournments. We have an adjournment of Appeal No. 20080, Sheikh Zarar, 357 Powerhouse Road, Roslyn Heights, Block E, Lot 897, in the Residence-B Zoning District. That is adjourned until November 17th.

Deborah, do you want me to read that first appeal and just note that this is being --

ATTORNEY ALGIOS: Well, why don't you go through all the adjournments first?

SECRETARY WAGNER: You know, I think I saw Mr. Brown on the attendees, so he might be ready.

ATTORNEY ALGIOS: Oh, he may be ready.

SECRETARY WAGNER: The next adjournment is Appeal No. 21087, Jonathan Owhe, 360 Grand Street in Westbury, Section 11, Block 1, Lot 33 in the Residence-C and New Cassel Urban Renewal Overlay District. That is adjourned until November 3rd.

Appeal No. 21130, Glen Harbor Holdings, LLC, 10 Shore Road in Glenwood Landing, Section 20, Block Q, and Lot 48 in the Multiple Residence Zoning District. That is adjourned until November 17th.

And Appeal No. 20843, David Latham, 255 Park Avenue, Garden City Park, Section 33, Block 174, Lots 14 and 15 in the Residence-C Zoning District. That is adjourned until November 17th.

CHAIRMAN MAMMINA: So if anyone is on the Zoom meeting to hear any of those cases, those will not be heard today and will be adjourned to the date that Virginia just put out there. So you, of course, are welcome to stay and, you know, hear one or two cases just so you get the hang of what we're -- the way we do this here, you know. Or you can stay for the whole thing, if you wish. And I guess the one thing that I didn't say is that for people who have never been before the Zoning Board, especially our residents who, you know, are generally not represented by -- by legal counsel, and there's absolutely no mandatory -- or anything that you need to be represented by an attorney. But you'll see some people -- you know, some people will. Just relax, you know, and you're talking with us, and I would say, you know, that the Board will do our best to try to kind of help you along a little bit. Just relax you and, you know, that's an important thing because, you know, I probably would get -- if I had never done this before as well. So we understand that and don't worry about that.

So with that said, Virginia, would you please call the first case?

* * *

SECRETARY WAGNER: Appeal No. 21123, Jonathan Danoff of 9 Orchard Road in Great Neck, Section 2, Block 354, Lot 12 in the Residence-A Zoning District. Variances from 70-29(B) and 70-30(C), to legalize an addition that is too large and too close to the street.

CHAIRMAN MAMMINA: Okay. You have heard Appeal No. 21123, Jonathan Danoff. If there is anyone who is on the Zoom who wishes to be heard, we will ask that you identify yourself by putting your hand up.

And otherwise, Deborah, can we please promote the applicant?

ATTORNEY ALGIOS: Chris Brown has been promoted.

CHAIRMAN MAMMINA: All right. Thank you.

MR. BROWN: Chris Brown, good morning. McLaughlin & Stern, 1122 Franklin Avenue, Garden City for the applicant.

Good morning, again. This is an application to maintain a front vestibule. If you look at your plot plan, you'll see it's shaded in. That is too close to the street and that slat goes over the -- the gross floor area by a couple of percentages. So the existing and proposed -- well, the -- the proposed with this maintain of the addition is 39.3 percent and it also -- that's the lot gross floor area. And the front yard to the vestibule is 39.8 where the average is 44.8. So it's just a bit -- a bit off with those two requirements.

Now, as noted, this is a maintain application that concerns just that front vestibule. I went back and looked at the history of this property. This is an old -- relatively old house, I guess. It was built around 1938. And the original plans, which I can -- I actually thought this was an in-person meeting, and I saw Ms. Algios this morning who sent me back to my office. So I can submit these. The original plans on file from the Building Department for this house from 1938 do not show this front entrance vestibule. However, by 1991, when some work was done on the house with permits, the

plans do show the front entranceway, and they are again shown on a survey dated August 9th, 1999 when some other work was done -- additional work was done on this house again with permits. There are certificates of completion for the work that was done in the '90s on file with the Building Department under Certificate of Completion No. 9900594. That was issued August 24th, 1999 and another one that is marked 91-422, another Certificate of Completion that was issued -- actually, it was to -- it was issued in connection with an application to maintain an existing addition. And that was issued back in 1991, May 15th. Although there is a typo on that certificate that says it was issued in 1919, I think it means 1991.

So work has been done over the years here, and, apparently, this vestibule's addition was never picked up. At some point between 1938 and 1991, the vestibule was added. It's not clear whether it was added completely without a permit or -- or there was -- it was supposed to be picked up by a permit application or it wasn't. I don't know. There aren't any records that show exactly when it appeared. But projects were done on the house, as I mentioned, that received sign-offs in the '90s without this vestibule, you know, ever triggering an issue.

When the present owners were also doing some work -- and the applicant who owns the house now, they've owned it for the past three -- approximately three years. They were doing some interior alteration work on the second floor and a few issues were picked up at that time related to air conditioners and other permits that had to be closed out, and this issue was also flagged. This is the only issue that requires relief from the Board. When, I guess, the Building Department took a hard look at the file, they -- they noticed -- somebody noticed that this vestibule was not original to the house. It seems to have been added, again sometime over that fifty-year period and there is no permit record for it. So it may have actually been legal when it was added but it was not added legally, or at least there's no record of it being added legally.

And so that's how we find ourselves in this position today, seeking to legalize this entryway. I would also point out that the -- the

plot plan calls out an existing open porch in front of it. If you've seen the photos, that's not an open porch. It's a patio. It's a very nicely-landscaped front entrance vestibule, and then the rest of the house is basically as it's as been since 1938.

So the present homeowner is looking to clean up all of these open issues that -- that Dr. Danoff and his wife inherited. This is the last one that needs to be cleaned up. I would submit these are minor, insubstantial variances. It doesn't in any way alter or negatively alter or affect the character of the neighborhood. This has been in -- this has been part of the character of the neighborhood for many, many years, going back at least thirty years. There's no objections from any neighbor. It's a very attractive looking house, and it would be a tremendous hardship, obviously, to have to cut off this front entrance vestibule simply to meet the present zoning requirements. So we're asking the Board's permission to maintain it, and as noted, I can submit to the Board -- have these scanned and sent to the office, the prior plans, surveys, and Certificates of Completion that were issued over the years.

CHAIRMAN MAMMINA: Well, what I -- what I think here, as I see this, Mr. Brown, is that I think as you know, and for anyone else that's on the meeting, floor area is something that the Board looks at extremely carefully. The Town Board feels very strongly about that, and for people who are on the hearing, you know, who are -- who don't come to Zoning hearings, which is, again, absolutely fine, the Zoning Board doesn't make the rules and regulations. Those are made by the Town Board through the Planning Department. So the decisions that we make are based on points of law that are in effect throughout the -- throughout the State of New York. So when I'm looking at this, apparently, the house was over the permitted gross square footage from when it was built, you know, not by a whole lot, whatever "a whole lot" means in this case. You know, my perception is that it's not a whole lot. But the -- the vestibule in the front adds about 60 square feet to the -- to the house, which, also, one of the -- the key points to gross floor area is what

does it do to the mass of the house. Does it make the house look so large?

In the case of -- in the case of this vestibule, you know, it's something that you wouldn't even notice from the -- you know, from the street. When you look at the floor plans, there's barely enough room to swing the door in. So it's not like it was made any -- you know, it was made to the minimum size that it would have to be in order to add a -- a front -- front closets, you know, into -- in the house. Again, based on the floor plan, there were no closets as you came into the house, and in the late '30s, that was not something that was atypical. It's a different time, you know, in history.

You know, in terms of any -- any setback or anything, you know, in here, the -- the -- while there's no hard dimension on how close the projecting part of the -- of the house, which is the garage that is on the left-hand side of the house which is the north side of the house, that projects out 4 feet from the flat plane of the front of the house. The porch -- excuse me, not the porch, because it is a porch. It's an open porch. The vestibule projects out 5.1 feet, so, essentially, it's a little bit over a foot.

Now, many times the Board will look at porches, per se, as -- you know, as coverings that are presented in that way. Are they open on the sides? You know, and then beyond that, they have an open porch -- excuse me, they have a closed porch.

MR. BROWN: Right.

CHAIRMAN MAMMINA: So in this case, everything is enclosed because somebody picked up, you know, a closet that inside the house is maybe 4 feet deep -- 4 feet wide, excuse me. So I don't know. I see this as -- you know, as something that -- that kind of would fit the criteria of what we might look for. But, you know, I'm only one Board member, you know, of the five of us. So, you know, if -- I welcome any other -- any other comments, please, from any of the Board members.

MEMBER DONATELLI: Mr. Chairman, I would just chime in. I would indicate, and I think you

started making this point, which is that that house, even if we were to deny this application, it is only approximately 60 square feet. This vestibule is approximately 60 square feet, so that would still not make the house compliant in terms of current zoning gross floor area. So that is something that, certainly, I would consider in making my decision.

It is unfortunate because we -- we all have said time and time again that -- that encroachment into the front yard setback is much more palatable if it is open. And -- and they are entitled to a 5-foot setback, a 5-foot encroachment into the setback if they do have no portico, but this is not that. The other thing that I would mention is, of course, that this is the average front yard setback for the area, which while it is something that we do try to adhere to because we try to respect the area, the way it presents itself in terms of other houses in the area, it is only the average. It is not the -- the actual requirement or the actual footage requirement of the code.

So I think for those reasons, I would -- also, as one board member, I would be inclined to view this application favorably.

CHAIRMAN MAMMINA: Any other comments?

VICE CHAIRMAN FRANCIS: When looking at the house, all of us went to this property to look at it, it does -- it does not look abnormally large in comparison to the other houses on the street. I would also note that there's no opposition to this application. So, obviously, the neighbors are -- are not upset in any way by this house at all. I agree with what the Chairman said and what Mr. Donatelli said. I would be inclined to grant this application as well.

It's -- I think it's -- I think it fits within the neighborhood. I think it's not abnormally large. You know, we usually make the comparison of the Queen Mary coming down the street. This is certainly not the Queen Mary.

MEMBER HERNANDEZ: Following that theme, when you look at the -- at the street itself, this house, this enclosed entranceway does not stand out as being unique or being far forward from all of the

others. It matches, looks more or less like the rest of the houses. It is also thirty years old at least. Now someone's proposing to do something now. They're proposed to do something that was a foot and a half, 2-foot into the front yard. I may be one to say, "No. Don't build that one-and-a-half-foot forward. Build it to code." But this has been there thirty years and it has not impacted negatively, obviously, the neighborhood. So for that reason, I would also be inclined to say "yes" to something like this.

CHAIRMAN MAMMINA: Ms. Goodsell, any different opinion?

MEMBER GOODSSELL: No different opinion. When I looked at this, it's because there are no sidewalks in this area and the streets are relatively narrow. Jay's right -- or Les is right. This doesn't look like the Queen Mary. It's unobtrusive, so I have no objection. I think it's a valid point that even if we ask this to be removed, it does not bring this house into compliance. I just did a little math. It's 354 square feet over. Subtracting 60, it's still over.

CHAIRMAN MAMMINA: Right. Would you like to make a motion, then, ma'am?

MEMBER GOODSSELL: I move that we grant the variance as applied and allow the vestibule to stay.

CHAIRMAN MAMMINA: Okay. Do we have a second?

MEMBER DONATELLI: Second.

CHAIRMAN MAMMINA: Seconded by Mr. Hernandez.
Please pole the board.

SECRETARY WAGNER: Member Hernandez.

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Goodsell.

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Donatelli.

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Vice Chairman
Francis.

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina.

CHAIRMAN MAMMINA: Aye.
So the application is granted for the
reasons that have been stated by the Board.

MR. BROWN: Thank you very much. I
appreciate it. Have a good day.

CHAIRMAN MAMMINA: Thank you.

SECRETARY WAGNER: Have a good day.

MR. BROWN: Bye-bye.

MEMBER DONATELLI: By the way, the
Queens Mary is very small compared to today's cruise
ships.

MEMBER GOODSSELL: We're going to have to
say --

VICE CHAIRMAN FRANCIS: We have to
revise our comparison.

MEMBER GOODSSELL: -- the latest Disney
ship, maybe.

MEMBER HERNANDEZ: Looks like a personal
yacht these days, right?

CHAIRMAN MAMMINA: I got that on my
bucket list for the next ten years, to cross the
Atlantic on the Queen Mary. So I'll see if I get
there.

* * *

CHAIRMAN MAMMINA: So please call the next case.

SECRETARY WAGNER: The next appeal is Appeal No. 21124, Caryn Siegel, 92 Bayview Avenue in Port Washington, Section 5, Block 54, Lot 121 in the Residence-C Zoning District. Variances from 70-51(A) and 70-208.F, to enclose an existing non-conforming porch that is too close to the side property line and construct a new open porch that is too close to the side property line.

CHAIRMAN MAMMINA: You've heard Appeal No. 21124, Caryn Siegel. Is there anyone on the Zoom who is either in support or -- or who wishes -- has a position, you know, either, you know, in support or opposition.

Seeing no one, I assume.

SECRETARY WAGNER: No, I don't see anybody.

CHAIRMAN MAMMINA: Okay.

ATTORNEY ALGIOS: No, there are no hands raised.

CHAIRMAN MAMMINA: All righty. Thank you both. So if the applicant can be promoted.

ATTORNEY ALGIOS: The applicant has been promoted.

CHAIRMAN MAMMINA: Okay. So please give your name and address.

MR. KAPLAN: Hello. Good morning, everybody. Andrew Kaplan, architect, Oyster Bay Drafting located at 68 West Main Street, Oyster Bay 11771.

CHAIRMAN MAMMINA: Mr. Kaplan, are you an architect --

MR. KAPLAN: Yes.

CHAIRMAN MAMMINA: -- or do you work for
--

MR. KAPLAN: I'm a licensed architect.

CHAIRMAN MAMMINA: Okay. It doesn't --
it doesn't matter. We just like to know what the
relationship is.

MR. KAPLAN: No problem.

So over at this proper at 92 Bayview
Avenue, we have a proposed side yard addition which
actually converts the roof-over stoop into habitable
space for the property as well as a side yard deck,
also, acting as a new stoop to access the backyard
from this new addition. The relief we are looking
for is to keep the existing 3.23 side yard setback,
which is currently existing on the property, and
continue that same setback to expand the kitchen
space so we have better flow, more functional space
for the family and also modernize the kitchen, which
is extremely out of date, to say the least.

The current kitchen in its size wouldn't
really be modifiable in any progressive way to, you
know, give a larger family the space they need to
create a functional and warm inviting space. As
well, this addition does not affect the zoning in
such a way that creates a condition that we would
need a variance for either lot coverage or floor
area. This addition only adds 90 -- sorry, 49
additional square feet for the habitable space as
well as 70 square feet in the lot coverage, both,
again, conforming.

This addition cannot be seen from the
street. It doesn't create an eyesore to the
property. It doesn't affect the community in any
sort of way, as well as I have submitted by e-mail
yesterday, if you have received it, two letters of
consent including the property owner adjacent to the
encroaching side yard.

SECRETARY WAGNER: Mr. Kaplan, who did
you submit those consent letters to?

MR. KAPLAN: I believe I submitted them
to Steven Perrotta.

SECRETARY WAGNER: Okay. I don't know if they -- could you forward them to me so that I can share them with the Board?

MR. KAPLAN: Yeah, I will, absolutely.

SECRETARY WAGNER: So that would be WagnerV@NorthHempsteadNY.gov.

MR. KAPLAN: All right. No problem. Should I sent send it now or do you want to wait until afterwards?

SECRETARY WAGNER: You can submit them now.

MEMBER DONATELLI: I do have some questions. But why don't you submit them now, if you don't mind.

MR. KAPLAN: Sure. As we're continuing, I guess I can answer some questions.

MEMBER DONATELLI: All right.

CHAIRMAN MAMMINA: Why don't you go first, Mr. Donatelli?

MEMBER DONATELLI: All right. Thank you.

You -- you mentioned the fact that the kitchen is old and really not functional. Can you expand on that a little bit?

MR. KAPLAN: Yes.

MEMBER DONATELLI: Tell us about the current conditions of the kitchen and what will be addressed by the expansion.

MR. KAPLAN: If we look at the floor plan, which we can scroll down to over there, the layout currently is a very simple L-shaped kitchen. It has old cabinets. It's tiled countertop. It's very dated. And by expanding the small space, we have an ability for an eat-in kitchen, ability for an

island in the kitchen, additional storage space, and just make it more functional for a family of five.

MEMBER DONATELLI: All right. I'm -- I'm looking at the floor plan. Are you controlling the screen or Virginia or --

MR. KAPLAN: I believe Virginia is.

SECRETARY WAGNER: Yeah. I'm trying to get back. Unfortunately, my -- my hearing controls are not cooperating.

MEMBER DONATELLI: I have it on the computer screen.

MR. KAPLAN: I can share my screen, if necessary.

SECRETARY WAGNER: Let me just try to get back.

CHAIRMAN MAMMINA: It's sheet 2, so it's the one after that.

SECRETARY WAGNER: Yeah. I'm having the same -- I'm having the same issue that Patricia had earlier where, all of a sudden, my screen is smaller and I can't make it larger.

MEMBER GOODSELL: The moon must be in the wrong position or whatever.

CHAIRMAN MAMMINA: Actually, it's a full hunter's moon.

MEMBER GOODSELL: I saw that last night. That's pretty interesting.
While we're looking, Mr. Kaplan --

MR. KAPLAN: Yes.

MEMBER GOODSELL: -- if I can ask, the vestibule and roof-over, were those original to the house or were those also added on at some point.

MR. KAPLAN: I have a feeling that sometime between the original construction and now, that might have been added on. But based on the overall appearance to the home, that addition had to be at least thirty to fifty years old currently.

MEMBER GOODSSELL: It looks like a very narrow setback on that side as well, although with the aggregate side yard setbacks, they look okay. And it seems as if for 29 square feet is a very slight --

CHAIRMAN MAMMINA: You're buffering, Pat.

MEMBER GOODSSELL: -- enclosure and that --

SECRETARY WAGNER: Mr. Kaplan, you can try and share your screen now because I stopped the screen share.

MR. KAPLAN: Absolutely.

SECRETARY WAGNER: Maybe it will work now.

MR. KAPLAN: Can everyone see my screen?

CHAIRMAN MAMMINA: Yes.

MR. KAPLAN: Here's the kitchen in discussion here (indicating). So we would -- so currently, the kitchen area is this rectangular area here. This is the existing story. This is the addition. That's the deck, then we have location of the sink being relocated from here to here.

CHAIRMAN MAMMINA: I don't think you need to do -- well, I don't think you need to necessarily go through the exacts layout of the kitchen, per se. Again, if that's helpful for you --

MEMBER DONATELLI: No, I --

MEMBER HERNANDEZ: It was me that asked for it, David.

Virginia, can you mute yourself, please? Because we're speaking over each other. Thank you.

I'm a little confused because I see an island with what appears to be four stools.

MR. KAPLAN: Yes.

MEMBER HERNANDEZ: Is that what those are?

MR. KAPLAN: Yes.

MEMBER HERNANDEZ: Yet, to the right of that, I see a kitchen eating area which has a U-shaped banquette with a cathedral ceiling in what used to be the old space. So we have two sitting areas next to each other. Is that what we're doing?

MR. KAPLAN: Yeah. The area we're talking about that has the stool seats, they're only like 1-foot depth areas as far as the cabinets would be going. So let's say you're not eating at the table, you can just hang out maybe, then, over at the island and just hang out. But it wouldn't be like an eating area, the island itself. So technically speaking, the island is maybe more prep work than functional seating, but you can still squeeze a couple of stools underneath, if you wanted to.

MEMBER DONATELLI: Sorry. Getting back to that area with the cathedral ceiling, that is existing?

MR. KAPLAN: Yes.

MEMBER DONATELLI: Is that -- that's actually a seating area right now?

MR. KAPLAN: Yeah. It -- it has like a spot right now with a small 3-foot round table with three, four chairs around. It's a -- and being it is the smaller U-shaped space, it's an extremely tight, cramped little space.

MEMBER DONATELLI: Well --

MEMBER HERNANDEZ: You're removing a wall between that area and the kitchen?

MR. KAPLAN: Right. The roofed -- the roofed-over side porch, which is where the new construction's happening here (indicating), this wall and this wall, which are existing walls, are going to be removed so this whole space is now all open to the kitchen.

MEMBER HERNANDEZ: Correct. But the area with the banquette --

MR. KAPLAN: Yes.

MEMBER HERNANDEZ: -- is that -- is that now incorporated into the kitchen --

MR. KAPLAN: Yes.

MEMBER HERNANDEZ: -- or is that --

MR. KAPLAN: It's all one space.

MEMBER HERNANDEZ: It's all one space. Okay. Thank you.

CHAIRMAN MAMMINA: I would say for me, when I first looked at this, I said, "No way. You're in a Residence-C. You know, you're really close to the side property line." I mean, Residence-C is already a very small setback that's required and here, you're -- you're only -- you're only 3 feet, you know, or 3.2 feet away. I mean, a desktop is 30 inches, you know, so it's basically 6 more inches. Picture a yardstick. If you dropped it over, you know, you got somebody pretty big, they may not -- they'd be able to just kind of walk through there. The only -- the only "but" that I see here is that the projection already exists facing the street.

MR. KAPLAN: Correct.

CHAIRMAN MAMMINA: If this was not facing the street and this was flipped around the other way, I would have to say "I don't know". But in this case, it's in the back of the -- it's in the

back of something existing, you know, opening to the -- you know, to the backyard of the house so that from the street, it would be impossible, you know, to -- you know, to see this. So yeah, it's a continuation, you know, of -- of something that's not complying. But the only affected neighbor, you know, in here would be that neighbor to the south, I think.

MEMBER DONATELLI: To the west, I believe.

MEMBER GOODSELL: Yeah. It would be to the west.

MEMBER DONATELLI: Yeah. So I -- I actually pass by this property --

CHAIRMAN MAMMINA: North up or down, that's a -- really strange. I've never seen one like that. It doesn't matter a whole lot. But I'm saying, typically, the point is north. You know, the point's not south.

MR. KAPLAN: I think in this case, I disoriented the plans.

CHAIRMAN MAMMINA: You're a young man. Never -- I'm doing this forty-five years as an architect. Never flip the plan to the -- to the survey, you know, or have your own -- your own plot plan drawn to match that adjacent. I mean, I understand why you did it the way why you drew it. This has nothing to do with your application. You put the front of the house toward the bottom. You know, that makes sense. But normally, a surveyor has north going up.

MR. KAPLAN: Okay.

MEMBER GOODSELL: I just want to make -- I just want to make one other comment, if you guys can hear me. Am I coming in correct now?

MEMBER HERNANDEZ: Yes.

MEMBER GOODSELL: Okay. I pulled up the Nassau County tax card, and it looks like this house

has been like this since at least 1972, because the tax card which was entered into the data in 2005 shows the very, very old data on it and I can see, at least in '72, this particular bump-out as a -- as a porch and as a roof-over seems to be on the tax card. It just doesn't the -- house itself predates 1938. It is an old house, no question about it. So I know this bump-out has been there for a very long time.

MEMBER DONATELLI: Yeah. So I was about to add, I actually reviewed -- passed by this property just yesterday in preparation for today's hearing and I came up with some observations. I -- I do not think the 49 square feet is a huge request. I think it does actually make the kitchen more functional because this is a very old house, and it's actually situated in an old part of town. It is not visible from the street because it is in keeping directly with the existing bump-out and behind the existing bump-out. So because of the foliage -- well, first of all, the house is situated up on a hill and it's really well-hidden from street view, the proposed addition as well hidden. It is in line with the existing bump-out. It does not -- it does, in a sense, increase in nonconformity because, of course, it violates the side yard setback. But because it is shielded by foliage, I, as one board member, would be inclined to be in favor of granting this application.

CHAIRMAN MAMMINA: Is that a motion?

MEMBER DONATELLI: It is a motion.

CHAIRMAN MAMMINA: Okay. Do we have a second?

MEMBER GOODSSELL: I'll second.

CHAIRMAN MAMMINA: Okay. So motion by Mr. Donatelli and a second by Ms. Goodsell. Do we have anybody to poll the Board?

SECRETARY WAGNER: Yes, I'm here.

CHAIRMAN MAMMINA: Okay. There she is.

Goodsell. SECRETARY WAGNER: Member -- Member

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Hernandez.

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Donatelli.

MEMBER DONATELLI: Aye.

Francis. SECRETARY WAGNER: Vice Chairman

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina.

CHAIRMAN MAMMINA: Aye.
The application is granted.

MR. KAPLAN: Thank you very much, guys.
Have a great day.

SECRETARY WAGNER: Can you stop your
screen sharing, please, Mr. Kaplan?

MR. KAPLAN: Absolutely. Have a good
day.

SECRETARY WAGNER: You too.
* * *

SECRETARY WAGNER: Okay. The next appeal is Appeal No. 21125 Suellen Agulnik, 231 Hillturn Lane, Roslyn Heights, Section 7, Block M08, Lot 83 in the Residence-C Zoning District. Variances from 70-40.A and 70-41.A, to legalize two walkout bay windows which are located too close to the street and to legalize two rear decks which are located too close to the side property line and with total side yards less than required.

CHAIRMAN MAMMINA: You heard Appeal No. 21125, Suellen Agulnik. Is there anyone who is in -- has interest in the application? I believe we received a couple of things on this.

ATTORNEY ALGIOS: There are no hands.

CHAIRMAN MAMMINA: Okay. That's fine. So if we can promote the applicant, that would be great.

SECRETARY WAGNER: Mr. Alberto's been promoted.

CHAIRMAN MAMMINA: Okay. Please give your name and address, sir.

MEMBER HERNANDEZ: You're muted, sir. Sir, you're muted, if you can unclick your microphone.

MR. ALBERTO: How's that? Can you hear me?

MEMBER HERNANDEZ: Perfect.

SECRETARY WAGNER: Yes.

MR. ALBERTO: Don Alberto, architect, 68 Highland Avenue, Port Washington, assisting the owners of 231 Hillturn Lane, Roslyn Heights with this application. The owner is Suellen Agulnik and her husband, Barry, who also lives there. Should be a participant. I think he's active.

ATTORNEY ALGIOS: Would you like to have them promoted?

MR. ALBERTO: He may or may not speak, so I don't know if you have enough screen space now. We can call him in if he wants to speak, perhaps.

ATTORNEY ALGIOS: So why don't we do this: If either Mr. or Mrs. Agulnik would like to speak, if they raise their hand, I'll promote them to panelist.

MR. ALBERTO: Okay. Thank you.

I'm here for two variances today, difference types of variances. In front of the two walkout bays, they look like bay windows but they go down to the floor so they're considered walkout bays and they both encroach into the front yard. In a Residence-B District, a 30-foot front yard is required, and two walkout bays are 24.8 and 29.15.

The other issues are two rear decks that one is too close to the side yard where 7 feet is required and 3 feet is provided, and the two decks, when added up, encroach into the aggregate. The aggregate would be required to be 19.5, and they add up to 12.5.

Now, Virginia, can you bring up Exhibit A1 that I sent in? Is that available?

SECRETARY WAGNER: Yes.

MR. ALBERTO: I have a few exhibits, and I think they'll help tell the story. But this is a nonconforming house, meaning there are several variances over the years that were issued.

SECRETARY WAGNER: Is that the correct one (indicating)?

MR. ALBERTO: Yes.

So this is a 1967 variance that was given for a front yard and side yard encroachment. If you can scroll down to A2, that's the next one, there's the original site plan for this variance, and it will show the side yard and front. The reason these are important is one of the bay -- walkout bays is in this.

Oh, that's B2. I'm looking for A2. I'm sorry.

SECRETARY WAGNER: Okay. Let me -- the other one is the one with the -- was that included with the first scan, the one that I --

MR. ALBERTO: Yes.

SECRETARY WAGNER: Okay.

MR. ALBERTO: There's 1 and A2. I apologize for them being sideways. There it is. This is the 6-feet-7 variance. You could see there was a 2.6 side yard and a 26.9 front yard. One of the base is in that front yard, so I wanted to make note of that.

So that's one variance. If you can continue now to B1, and then I'll show B2. So this the '87, and the next, B2, is the site plan, the '87 variance should be with that.

SECRETARY WAGNER: Okay. Let me see if it's -- is that it (indicating)?

MR. ALBERTO: There it is. So, again, that's on the opposite. Adequate but the aggregate of the two is insufficient.

So I'd like to start by going to Exhibit C, the front of the house, and talk about the bays, the walkout bays. As you know, there's a 30-foot front yard or the average within 200 feet. For a front yard setback, the average happens to be 28.81 feet. This is the front of the house, and you can see the two walkout bays. They're somewhat obscured by landscaping. On the right, which is the left side, you can see glass. Looks like a bay window but it goes down to the floor. And on the other side behind that tall bush next to the garage doors is the other bay walkout.

So the average is 28.81. There are actually two houses within the 200-foot area that are closer to the house than these two bays. Lot 86 in that stretch is 23.1 feet front yard, and Lot 87 is 24.6.

So I'm still on the bays, Virginia.

SECRETARY WAGNER: Oh, sorry.

MR. ALBERTO: I'm going to point out a few things. So there are two houses closer to the street than these two bays are. And as you know, the 30-foot's the minimum when the average is less. So, I mean, these both fit in nicely with the house. They're covered by a roof. They're one story. They don't jump out at you. They're hidden by landscaping and architecturally, they fit in. So we believe there's very little impact on the visual in the neighborhood in terms of a negative affect.

CHAIRMAN MAMMINA: May I ask you a question?

MR. ALBERTO: Yeah.

CHAIRMAN MAMMINA: You know, without going to the Zoning code, just reaching back into my brain, it's going to be a dangerous thing at times, but I believe that a regular bay window, which is not a walk-in bay, is considered a permitted obstruction. Is that correct? Now, I realize you need a variance there.

MR. ALBERTO: Yeah. You are correct, but there are some conditions. The code requires -- allows a bay no more than 7-foot wide by 2-foot deep.

CHAIRMAN MAMMINA: Right.

MR. ALBERTO: I'm pretty sure into a front yard setback. Unfortunately, these are 9-foot wide and 2-foot deep.

CHAIRMAN MAMMINA: Right.

MR. ALBERTO: Had they been bayed, they still would probably be cited --

CHAIRMAN MAMMINA: Yes.

MR. ALBERTO: -- because of the width. But you're right. If these were 7-foot bays, that would probably be okay, except the one on the right or the west side.

CHAIRMAN MAMMINA: Yes.

MR. ALBERTO: It's still too close.

CHAIRMAN MAMMINA: Right.

MR. ALBERTO: Those are the bay windows. The next photo, Exhibit D, is the deck on the east side. Now, that deck has a 9.5-foot setback, so it's okay in terms of setback. But the aggregate, it throws off the aggregate, so that's where we're deficient. So it's a one-story, low to the ground -- I'm sorry, one step low to the ground, and it lines up to the house. The house already has a variance. So we feel since it lines up with the house and it has adequate setbacks, there shouldn't be issue with this deck. But it was cited because it did trigger the aggregate problem.

The next Exhibit E, which is the last photograph, shows the deck on the other side of the house. And if you can scroll down a little, you'll see -- now, this is 3 feet from the property line where 7 is required. It's two steps up. Still somewhat low. It lines up with the house, and, again, the house has a side yard variance.

Now, there is some very good screening. There's a green wall that hides most of the activity. There's some dense landscaping. You can see the start of it. And in addition, the neighbor on that side has a 6-foot solid fence because they have a pool. It's part of a pool enclosure. So we feel both decks have very minimal intrusion, and the decks and bays are both -- they're not substantial in terms of their encroachment and there's no environmental issues with these items and we believe there's no negative impact on the neighborhood or the neighbors. So we're -- we think it's a good application. That's my presentation.

MEMBER DONATELLI: Mr. Alberto, referring to that photograph that's on the screen right now, is that -- it looks like a fence that we're looking at on the left-hand portion. Is that the neighbor's pool fence that you just referred to?

MR. ALBERTO: No. No, Mr. Donatelli. That's a wall, we call it a "wing wall", as a screen. That's on the edge of the deck and then there's 3 feet and then a neighbor's fence.

CHAIRMAN MAMMINA: I have the same feeling as you, Dan. I'm surprised that the Building Department didn't cite that as a fence, but I guess I could also see it as a -- you know, as a wing wall.

MEMBER DONATELLI: Yeah. Well, it certainly looks and acts like a fence. But --

CHAIRMAN MAMMINA: There's another fence on the other side of it that belongs to the neighbor, if I'm understanding Mr. Alberto correctly.

MR. ALBERTO: Yes.

MEMBER DONATELLI: But what it does -- what it does do is it creates kind of a hallway for that portion where the wing wall is. I mean, it's the hallway effect.

CHAIRMAN MAMMINA: I was going to say "no man's land".

SECRETARY WAGNER: I'm bringing up the survey to see whether it's on there.

CHAIRMAN MAMMINA: You know what's interesting, Mr. Donatelli, I have exactly -- or I had exactly the same house but in Carle Place. And there was a time in history where the Zoning Board was granting as small as 2-foot wide variances. I mean, I knew of three of them in one block of my -- of my house, you know. So I -- I -- I think it's horrible. It's not something that we would grant today. But, you know, the way I look at is the damage is done, you know. You certainly are not getting a lawnmower down 30 inches, the space. The wing wall is actually set back more than the fence, and you see the fence of the -- of the swimming pool, you know, to the -- you know, to the left of the property line.

MEMBER DONATELLI: And sorry, Mr. Alberto, when were these decks installed?

MR. ALBERTO: I believe I remember discussions with the owner, maybe twenty years ago or something along those lines.

MEMBER DONATELLI: Do we have any consents from the neighbors?

MR. ALBERTO: We actually didn't go door to door, so I do not have any.

MEMBER DONATELLI: You mentioned some mitigation of that fence, the wing wall. And do we have any photos indicating that?

MR. ALBERTO: I'm going to look through my file. I do have one that shows a little more, if I could hold it up to the -- can you see that (indicating)?

MEMBER GOODSSELL: Yes, we can see that.

MEMBER DONATELLI: Yeah.

MR. ALBERTO: So there's the full run of that foliage.

MEMBER DONATELLI: It looks like it stops at the tree. Is that fair to say?

MR. ALBERTO: Yes.

MEMBER DONATELLI: And the foliage stops pretty much at the tree?

MR. ALBERTO: Right, correct.

MEMBER GOODSSELL: Can the Board hear me?

CHAIRMAN MAMMINA: Yes.

MEMBER HERNANDEZ: The picture on the left side of the deck, you can see the foliage behind the wing wall.

CHAIRMAN MAMMINA: I don't know. I don't want to necessarily set the mood, so to speak. But I think if this is something that came in today, you know, and, Mr. Alberto, please take my vocabulary here as I mean it, and I'm sure you would understand, I would say, "Oh, my gosh. This is an atrocity. How dare you even ask?" But the damage is done. No one

is affected by this. No one is affected by this. It's already there. You know, it's -- look at it from the street, you know it's there. If you look at it from the side yard, I'm saying the neighbor is looking at a -- at a house that if the fence for his pool wasn't there, he'd be able to touch the house, and I'm -- I'm a short guy. I probably have a 30-inch reach there or close.

MEMBER GOODSSELL: Can the Board hear me?

CHAIRMAN MAMMINA: Yes, we can.

MEMBER GOODSSELL: Very good. I just want to point out to the Board that, again, looking at the tax card, because I like looking at the history of the house, it's 1947 construction. It looks like the house was constructed with these setbacks, which, again, don't meet today's standards. So the -- the decks in the back don't protrude any closer than the house itself. But I agree with David, if we approved this today, but it looks like it's been there for a very, very long time, the house itself, with the minimum setback on one side and the minimum setback on the other side.

MEMBER HERNANDEZ: Less than the minimum.

MEMBER GOODSSELL: And the other thing I want to point out to the Board is there is a photograph from the house from 1991 on the Nassau County website which shows both bay windows in the front. So the bay windows in the front have been there, or the bay step-outs have been there, for a very long time as well.

MEMBER DONATELLI: Yeah. As to the bay windows, while I understand that an encroachment is an encroachment, a bay window, I believe, is less intrusive visually than it would be had it been solid construction, a solid wall that protruded, because windows tend to be less obvious to the naked eye as you pass by.

CHAIRMAN MAMMINA: Also, displaying of them as well, their size, and there's also windows in play as well.

MEMBER HERNANDEZ: The visual impact is reduced.

MEMBER DONATELLI: And the fact that there is foliage in front of both of them.

VICE CHAIRMAN FRANCIS: Right. I was going to say that.

CHAIRMAN MAMMINA: I'll just add one other thing, just because there's -- it is the truth: If not for the fact that -- you know, that I've been on this Zoning Board for almost thirty years, I would have never noticed it in my neighborhood, you know, where they were. It was only when I became attuned to it, you know, and I saw these things so close to each other, I said, "How -- how did that get there," you know. And at the time, I was planning additions on my own house so, you know, I looked at that. And in the Zoning -- in the Zoning Board files or the Building Department files, you know, and it got there by variance. But, again, it was something that the -- that the Board was granting, you know, at the -- you know, at that time.

MEMBER DONATELLI: Let me just -- I mean, I think the applicant -- I think Mr. Alberto is hearing where we're going with this. But I do want to say one thing that is a little contrary: I am troubled by this wing wall. I'm troubled by this -- this little door effect that has been created between the rear yard -- between the -- the neighbor that is directly abutting this property and their 6-foot fence and this wing wall of which we've been talking. I -- I'm troubled by that. But I understand that that is not really before us because that is not been decided by the Building Department. The wood deck itself on either side, I think, is not very intrusive, because in one case, it is just barely off the ground. In another case, I believe it's one or two steps off the ground. It's not very high. What is intrusive in the rear yard is that wing wall, and I'm troubled by that.

CHAIRMAN MAMMINA: Honestly, that was the only thing that I was troubled by as well, you know, Mr. Donatelli, you know, is that it takes that setback, you know, and that height and exacerbates it. And then at the same time, I'm saying, "Okay," as you said, "the Building Department didn't point to it, and if my neighbor had a pool, I wouldn't want to be looking over even at their 6-foot fence at their pool, personally." So I could be prone to putting something, you know, there to block out that view. But I agree with you on the -- you know, on the one hand, the balance here is difficult.

MR. ALBERTO: Well, if it was considered a fence, it would be permitted to have a 4-foot fence.

MEMBER HERNANDEZ: That's an -- it's a 4-foot fence on top of two steps if it was a 4-foot fence.

MR. ALBERTO: Right. This appears to be about 6 feet.

MEMBER HERNANDEZ: Yeah.

CHAIRMAN MAMMINA: We could actually have 5 feet as of right. That's the side yard.

MR. ALBERTO: Five. So it might be 1 foot over if it was a fence.

CHAIRMAN MAMMINA: Right.

MEMBER DONATELLI: It's not being categorized by the Building Department as a fence.

CHAIRMAN MAMMINA: No, no. They're considering it -- they're considering it a wall. It's not a side.

MEMBER DONATELLI: Right. Well, having said that, unless someone else has some additional comments to make, I -- as I go through the five factors as one board member -- excuse me, as one board member, I think I would be inclined to grant the application. I've expressed my reservations.

But, again, in going through the five factors, I come down on the side of the applicant. These are not very large decks. The bay windows are certainly not very intrusive. So unless someone else has some other comments, I make a motion that we grant the application.

CHAIRMAN MAMMINA: We have a motion by Mr. Donatelli. Do we have a second?

VICE CHAIRMAN FRANCIS: Second.

CHAIRMAN MAMMINA: Seconded by Mr. Francis.
Please poll the Board.

SECRETARY WAGNER: Member Hernandez.

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Goodsell.

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Donatelli.

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Vice Chairman Francis.

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina.

CHAIRMAN MAMMINA: Aye, for the reasons stated. In order to separate this and the oddity of the fact that this side yard is so greatly diminished by the Zoning Board, you know, several decades ago. So, yes, I vote aye.

SECRETARY WAGNER: And, Deborah, we didn't have anybody interested in this, correct?

ATTORNEY ALGIOS: No, no. I had seen a hand up by the homeowner at one point but they took

their hand down, and I'm assuming at this point, they have nothing to add.

SECRETARY WAGNER: Okay.

MR. ALBERTO: Very good. Thank you.
Have a good day.

CHAIRMAN MAMMINA: Thank you.

SECRETARY WAGNER: Thank you very much.

MEMBER DONATELLI: And you're right, we would have never approved something like that.

CHAIRMAN MAMMINA: Not even close.

MEMBER GOODSELL: No. But that is when you look at the tax card, it appears that there's like a 28-foot corridor anyway when this house was built. I like looking at the history to see how long something's been there and whether it was constructed that was.

CHAIRMAN MAMMINA: I agree completely with you. And we don't do a lot of cross-talking, you know, between cases. But a neighbor of mine just a few houses down, and this was before I was on the Board and I don't know what I would have decided then, he wanted a -- a walkout bay into that -- into his 7-foot side yard which was required -- this is a B, right?

MR. ALBERTO: B.

CHAIRMAN MAMMINA: B. And the Zoning Board at the time turned him down. Said "no", you know. "You can't. It's a 7-foot side yard," and no, that's it. It's a 7-foot side yard. So go figure. It's one board to another board and whatever, but that's not where we are on this. So the application is granted. Thank you. And we will move on.

MR. ALBERTO: Thanks again.

* * *

SECRETARY WAGNER: Okay. The next appeal is Appeal No. 20765.A, Narinder Kaur, 925 North 7th Street in New Hyde Park, Section 8, Block 18, Lot 36 in the Residence-A Zoning District. Variances from 70-49.A and 70-52.3, to legalize a dwelling that does not comply with the sky exposure plane requirement and is too close to the street.

CHAIRMAN MAMMINA: You've heard Appeal No. 20765.A, Narinder Kaur. Is there anyone who is on the chat who has any interest in the application?

ATTORNEY ALGIOS: We do have one person registered to speak on this one, right, Ginny?

SECRETARY WAGNER: Yes, we did.

CHAIRMAN MAMMINA: That was on the list.

ATTORNEY ALGIOS: I don't see that individual on the attendee list.

SECRETARY WAGNER: Let me check the name.

ATTORNEY ALGIOS: There is one phone call listener.

SECRETARY WAGNER: And what was the method of indicating he wanted to speak if you're on the phone, do you remember?

ATTORNEY ALGIOS: Star 9, I believe.

SECRETARY WAGNER: So The person's name was Diane Seleca or Selica. You don't see anybody with the --

ATTORNEY ALGIOS: I don't see anyone with that name. But, Diane, if you are participating or the phone call-in listener, you can press "star 9". And if you're identified on here -- there's somebody identified by "visitor". If that's you, please raise your hand using the icon to the right when the applicant has completed their presentation.

CHAIRMAN MAMMINA: Excellent. Thank you, Deborah.

ATTORNEY ALGIOS: You're welcome.

CHAIRMAN MAMMINA: This is Appeal No. 20765.A, Narinder Kaur. We've established that there's no one else interested in the application. So if Mr. Kaur or his representative is promoted, then let them please give their name and address to the reporter.

MR. O'CONNELL: Thank you, Chairman, members of the Board. My name is Todd O'Connell. I'm the architect for the Kaur's which will be presenting this case. Thank you.

CHAIRMAN MAMMINA: Okay. And the stage is yours.

MR. O'CONNELL: All right. This application was actually before you back in 2019 for a second-floor addition on an existing residence. And the reason why we're before you is that the home -- the existing home, as it was, was too close to the street. We got approved for a second-floor addition on this existing home, and during the course of construction, the client decided to raise their ceilings from 8-foot to 9-foot. Upon revised plans to the Building Department, the Building Department then deemed this as a new residence as opposed to an addition. Even though they still left most of the first floor, they left the foundation, it was deemed a new residence.

With that said, different zoning codes come into play where we have to pay attention to the sky exposure, and the property is skewed a little bit. Ninety-five percent of the house actually meets the sky exposure. It's the rear property line, the very, very corner for about 6 inches of roof that encroaches. And if you -- I'll put it up on my screen. But I can see here, I've actually marked in red, a tiny little red area, that's the part that encroaches. And it only encroaches on the back corner of the house as towards the front we have a larger property line than we do towards the back of

the residence. The property line skews in. So it's de minimis relief for that sky exposure.

In addition, now that it was considered a new residence, the existing first floor is now before you. We have not changed it. We have not -- but now it's considered a new house. So where we went for second-floor relief originally in 2019, now we're going for the first-floor relief because it's deemed a new residence. We're not changing, you know, anything that was originally approved. It's strictly -- what brought this into play was, you know, the -- the making it a 9-foot ceiling and then having this deemed a new residence because of that, which is what brought us back together.

My client has spoke to the Building Department after this was brought to their attention. He had meetings with the commissioner. They told him to continue on, you know, with the construction and -- which he has been doing so. And -- but, unfortunately, we did have to come back to you and present this to the Board and hopefully get your approval. Thank you.

CHAIRMAN MAMMINA: Yes. Just a few questions: I mean, at what point did they take it upon themselves to decide that there should be a 9-foot ceiling? I mean, did they stop construction at that point and go into the Building Department?

MR. O'CONNELL: No. What happened was at some point during the course of construction, they asked me to go, you know, to the job site to take a look at what was going on. At the time I was there, it was already 9-foot ceilings and, you know, I told them that they have an issue here that we have to work with and we're going to have to submit plans. That's when we first learned about it. When I learned about it at that point, I didn't even know it would require a variance because I had to do all the calculations. But as soon as we submitted the amended plans to the Building Department, the variance, obviously, was brought to our attention.

CHAIRMAN MAMMINA: I mean, we -- we don't look at the application any differently --

MR. O'CONNELL: Understood.

CHAIRMAN MAMMINA: -- if it was done without permits or with permits. I try to let it not color me, you know, in any way. I -- I am curious, though, you know, and I don't think it means a whole lot to what's going on that the Building Department would tell them, "Well, just go ahead and continue construction." How can that be, especially with this Building Department? I mean, they are extremely cautious.

MR. O'CONNELL: I agree. I definitely agree.

MEMBER GOODSSELL: So if I could clarify Mr. O'Connell, had the homeowners built the second floor the way it was approved, you wouldn't be in front of us today.

MR. O'CONNELL: That's correct. If they didn't extend the --

MEMBER GOODSSELL: That's correct?

MR. O'CONNELL: -- to get 9-foot ceilings on the first floor, we would not be before you.

MEMBER GOODSSELL: Okay.

SECRETARY WAGNER: Mr. O'Connell, I just want to clarify something because it was understood when the application was brought -- brought to the Board that the -- the fact that a certain percentage of the house was removed in order to construct it made -- it was then classified as a new home. And that is what --

MR. O'CONNELL: That's correct.

SECRETARY WAGNER: Is --

MR. O'CONNELL: It's all because they went to a 9-foot ceiling that they had to go with higher studs in the house and demolished more of a first floor than they had to, you know, to get that 9-foot ceiling and the Building Department then deemed it a new residence.

SECRETARY WAGNER: So it wasn't -- it's not the same plans that were approved under the appeal that they came to the Board, 20765.

MR. O'CONNELL: It's the same plan with the exception of the ceiling height being 9 feet.

CHAIRMAN MAMMINA: They would have had to take the house down in order to do that.

MEMBER HERNANDEZ: From the foundation.

SECRETARY WAGNER: Which I believe that's what triggered its being considered a new home, meaning that the sky exposure plane requirements were then taken.

CHAIRMAN MAMMINA: They were starting from scratch.

MEMBER HERNANDEZ: I --

CHAIRMAN MAMMINA: It's not a little knee wall on top, a structural wall, at least you shouldn't, you know.

MR. O'CONNELL: Usually, I do canes next to the existing studs if I'm going to do anything like that. But just to show you, again, this picture in the floor, this area highlighted in red --

CHAIRMAN MAMMINA: Which sheet do you have there?

MR. O'CONNELL: There is A3, but you don't have it highlighted on yours. But that corner highlighted in red, which is the only area on the second floor that encroaches. It's literally the thickness of a wall.

CHAIRMAN MAMMINA: Right now we're not seeing the red. I don't see it on your --

MR. O'CONNELL: It's not red on yours.

CHAIRMAN MAMMINA: I don't see it on your sky plan. I don't see it on your diagram. In

other words, when I look at your sky plane diagram, I don't see it.

MR. O'CONNELL: (Indicating.)

SECRETARY WAGNER: I'm going to bring up the plans on the screen.

MEMBER HERNANDEZ: Mr. O'Connell, I -- I've had a few houses built in my life.

MR. O'CONNELL: Yes.

MEMBER HERNANDEZ: And I don't know a single construction guy that will add an extra inch of lumbar, never mind an extra foot of lumbar, onto a house without getting paid for it and someone making the commitment to pay for it.

Here's what bothers me: As you pointed out, the encroachment itself is de minimis. It is a very small encroachment. It appears almost that someone made a conscious decision, at least one person, to me, that if I go in with the original 8-foot ceilings, it's not a new construction, I don't have to worry about the setbacks or anything else. But I really want 9-foot ceilings and if I do it after the fact, then I can say, "We just made a minor change without realizing it was going to cause all these problems. I was going to have to move the house back. I was going to have to move the house to the side, perhaps make it smaller." And that troubles me. It appears to be almost very calculated.

This is an area where the properties are very small. People are tending to want to build many McMansions in these properties, and we have been working very, very hard to tell them, "If you want to build one of those big McMansions, build it someplace else but not in a little, small property." We don't want that big, massive house. The encroachment is maybe minimal but a 1-foot increase in the lower floor implies another-foot increase on the upper floor, potentially, so the whole house goes up, the bulk of the whole house goes up. That's what bothers me.

MR. O'CONNELL: Understood.

VICE CHAIRMAN FRANCIS: I agree with Mr. Hernandez. I tend to look at this as something that was done --

MEMBER GOODSELL: I --

VICE CHAIRMAN FRANCIS: -- and, you know, I think the feeling was, "Oh, they're not going to make us take down the roof. They're going to give us a variance for -- for this sky plane exposure," and that really, really, really bothers me.

MR. O'CONNELL: Mr. Francis, as -- I honestly don't think my client would have known that it would have caused a variance. Unfortunately, they did it without consulting me beforehand, but they wouldn't have known that it would have needed a variance. And if they did in advance --

VICE CHAIRMAN FRANCIS: That's very reckless on their part.

MR. O'CONNELL: Understood.

MEMBER HERNANDEZ: The fact they didn't know they needed a variance and didn't think they would makes it even more suspicious to me that they planned the whole thing out to get a bigger house than they applied for.

MR. O'CONNELL: Well, it's more --

MEMBER GOODSELL: Builder --

MEMBER HERNANDEZ: A 9-foot ceiling versus an 8-foot ceiling changes the bulk of the house from the inside and the outside.

MR. O'CONNELL: Definitely from the outside.

MEMBER HERNANDEZ: I can touch an 8-foot ceiling with my bare hands without standing on anything. I can't touch a 9-foot ceiling.

CHAIRMAN MAMMINA: Everybody wants the 9-foot ceiling and, you know, I --

MEMBER HERNANDEZ: Which is fine, which is fine.

CHAIRMAN MAMMINA: No, and I'm agreeing with you, Mr. Hernandez. That -- that does indeed change the bulk and the mass of the house, you know, which is part of the reasons for these ordinances. That's how these came about. It was to protect the height and the impact of the height, you know, to neighborhoods with smaller zoning. I know exactly which case this was. I needn't bother state it. But, you know, it was somebody who basically said, you know, "Better that I ask forgiveness than I ask permission." And in this case, it does have an impact.

MEMBER DONATELLI: What's troubling here is this incrementalism. And, in fact, we've seen this in the past and I think there are some other cases that we may have on the calendar later on which is that they come before us for one variance and then something else happens and then they request a second variance that may not have been granted had it been before us the first time around, and that troubles me.

Let me just address another issue that I think we touched upon: Mr. O'Connell, the front yard side backs, have those changed at all since our grant of 2019?

MR. O'CONNELL: No, they have not. They have not changed, and if you look at the front elevation at the front of the house, we're in full compliance with the sky exposure. So the street appeal is in full compliance. Again, it's at the very, very back of the house, you know, where the property line skews in a little bit that causes that -- you know, the issue with the sky exposure. So the -- you know, the visual effect from the street is really in full compliance, and you can see that if you go to page A6, you can see I'm showing full compliance on the front elevation.

ATTORNEY ALGIOS: Mr. O'Connell, I just -- I just wanted to note, perhaps based on the comments that the Board members have been making, you

may want to go through the five factors here to address the variances.

MR. O'CONNELL: Absolutely.

MEMBER HERNANDEZ: Before you begin -- before you begin, I would like to point out that because of that foot added to the first and second floor, the eave is now almost 2 feet taller than permitted.

MR. O'CONNELL: 2 feet?

MEMBER HERNANDEZ: It's 21.96 versus 21.4, almost 2 feet taller, at least that's what we have from the Building Department.

MR. O'CONNELL: Oh, okay. I see what you're saying, yeah.

MEMBER HERNANDEZ: If they had not added that extra foot, it wouldn't have that problem.

MR. O'CONNELL: Right.

MEMBER HERNANDEZ: So there is a significant bulk to the house, a further significant bulk. The house was big enough as it was and that's why I said I worried that someone could have calculated that, "Okay. It's going to be as big as I can get them to approve it, and then afterwards, I'll come back and say, 'Oh, it's only a 4-inch encroachment on the side yard setback on the -- for the corner so, therefore, they'll approve that.'" It's de minimis I don't disagree with that. It's how we got here that worries me.

VICE CHAIRMAN FRANCIS: Mr. O'Connell, what's the lot size of this property?

MR. O'CONNELL: Well, it's -- it's a pie-shaped lot very slightly, so we have 60 --

MEMBER HERNANDEZ: 5,481, the lot area.

MR. O'CONNELL: Yeah, the 5,481 square foot in a Residence-C Zone.

MEMBER HERNANDEZ: It's barely enough.

VICE CHAIRMAN FRANCIS: Yeah. It's a big house.

MEMBER GOODSSELL: It's a very big house. And, again, if I can comment on the Board, I'm sure that the homeowner said to the builder, "I think I want to add another foot here." He paid a substantial amount of money in addition. And didn't the builder say to him, "Guy, that's not the way you submitted the plans. We got to change the plans." I mean, I have to agree with what the Board is saying. It's one thing when you get permission to build something and it's impressive and big and whatever and you decide you want to change it on your own, that's very troubling to me.

MEMBER HERNANDEZ: And Pat, as I've said, I've built a few houses in my life. This decision was not made three quarters of the way through. "Oh, I think it was okay if we remove this wall." This was a decision that was made almost at the inset.

VICE CHAIRMAN FRANCIS: It had to be. I agree.

MEMBER HERNANDEZ: At the out set.

VICE CHAIRMAN FRANCIS: Absolutely, I agree.

MEMBER HERNANDEZ: I'm sorry, Todd, if you can go ahead and go through the five items.

MEMBER GOODSSELL: Yes, please do.

MR. O'CONNELL: Sure. The first is, you know, in terms of the owner, if he had another decision. Obviously, if I was consulted ahead of time, I would have tried to give him the different, you know, options that there were. But, unfortunately, it was already done, and we, you know, did what we had to do to try to, you know, keep it as de minimis as possible.

We feel that, you know, environmentally, there's no negative environmental impact. As far as the -- you know, the character of the neighborhood, I understand and hear everything the Board is saying. When I look at the first set of drawings and I put it side by side to the second set of drawings, of course there's more bulk. I don't see much of a difference, and I don't feel it has a negative impact to the -- to the neighborhood because, you know, again, the sky exposure does comply, you know, on -- at the front. You know, it's where there's a larger side yard. So, unfortunately, this variance was self-created, so it's why we're before you today. And I believe -- I believe I've answered all the five points there.

VICE CHAIRMAN FRANCIS: And you've identified three strikes out of five.

CHAIRMAN MAMMINA: Also, the neighbors don't agree with your take on it.

MEMBER GOODSELL: There is an objection.

MR. O'CONNELL: Yes. I read -- I read the comments.

MEMBER GOODSELL: Mr. O'Connell, we're not approving your house. I realize you were not involved when the decision was made, but you're standing in the shoes of your client.

CHAIRMAN MAMMINA: Sometimes those shoes are uncomfortable.

MEMBER GOODSELL: In this case, I would think they are. This is not an appealing variance to me.

ATTORNEY ALGIOS: Mr. O'Connell, I don't think you addressed whether or not the requested variance is substantial and whether the benefit sought by the applicant could be achieved by some other feasible method.

MR. O'CONNELL: Yeah. Now, in my opinion, is the variance request substantial? No, I don't feel it is. It's such a small relief. Now, is

there another way to -- to address it? Yeah. I mean, without even lowering the house, I could, you know, design a -- I hate to say it, an "ugly roof line" that would then conform to that back corner for that last, you know, 8-foot run of the house, which would then, you know, be compliant. But it would look God awful. I think that would be worse, you know, to the --

MEMBER GOODSSELL: Nobody would see it because it's on the back of the house.

VICE CHAIRMAN FRANCIS: Exactly, exactly.

MR. O'CONNELL: Agreed. But, again, as architect, we like a house to, you know, look nice all around and be architecturally correct all around.

CHAIRMAN MAMMINA: I'm sure if you said to the client, "Look, this is what I need to do to the roof so that you're not in any jeopardy of having a variance denied that -- that -- that, you know, otherwise that will -- that will have really no effect on the house. It's going to change the roof line in the back corner of the house. I don't know. I can't say that I know that for sure. But for myself if I -- if I were just a neophyte, you know, I would say, "Go ahead, change the roof. I don't want to go the Zoning Board for that."

MR. O'CONNELL: Right, right. And the other part, though, is the existing first floor, which, again, it's the existing foundation. You know, that, there's really no way to fix that. It's there. They would have had to rip out the whole foundation, you know. To try to fix that wouldn't make sense.

CHAIRMAN MAMMINA: Well, the test is --

MEMBER GOODSSELL: I --

CHAIRMAN MAMMINA: -- is there a viable
--

MR. O'CONNELL: That's not viable, right.

MEMBER GOODSELL: It seems to be the average setback on the block. I don't think you're going to hear objections to the Board. Even though it did trigger a variance on the first floor, I don't think any of us are really objecting because the house -- at least the first story of the house has been there forever and it looks like it matches, or at one point match, the rest of the house. It's the second story that has created the problem.

MEMBER HERNANDEZ: Over the existing first floor. That in and of itself was not the issue. The issue was created by the extension vertically by the first and the second floor.

MR. O'CONNELL: Right.

MEMBER HERNANDEZ: Okay. Now, another solution would be to lower the roof. And I don't mean the top of the roof. Make the second floor 8 feet. This house is still -- is still unfinished. Lower the roof so the second floor is 8 feet versus 9 and you would also meet the sky plane.

MR. O'CONNELL: This house is actually very close to finished.

MEMBER HERNANDEZ: Not finished.

ATTORNEY ALGIOS: Mr. O'Connell, do you want to address the cost, the estimated cost to redo the roof line to come into compliance?

MR. O'CONNELL: The section that's out of compliance would cost, in my professional opinion, approximately 20,000.

MEMBER HERNANDEZ: How much did it cost to build the house?

MR. O'CONNELL: I don't know what he personally paid, you know --

MEMBER HERNANDEZ: The construction aspect of it.

MR. O'CONNELL: My opinion is this is a 5 to \$6,000 renovation, but I couldn't say what he paid.

MEMBER HERNANDEZ: I just wanted to put into context what the cost to remediate is in relation to what they could have spent on the house.

MR. O'CONNELL: Right. You know, to lower the whole house, again, that wouldn't -- there would be no need to because the house is -- the rest of it is all in compliance except the back, you know, 6 feet -- 6 inches of the setback. That's the only --

MEMBER HERNANDEZ: I disagree with you, Mr. O'Connell, because you say the whole house is in compliance and, technically, you're correct. But had you come to build this house with 9-foot ceilings and lower and upper floors and asked for our permission to do it, I, for one, would not have voted "yes" on this one. Okay. So I see this as a very sneaky way for a homeowner to get 9-foot ceilings on both floors. I mean not even just the lower floor, which is the way a lot of houses are built: 9-foot at the bottom, 8-foot on top, okay, because your bedrooms, you don't need to have the high ceilings in the bedrooms. And that's what I -- I say if this had come to us like this, asking for a small encroachment on the corner, I, for one, would not have voted for it. I would have said "lower the house". Lower the house and you don't need us to approve anything.

VICE CHAIRMAN FRANCIS: Agreed.

CHAIRMAN MAMMINA: All right.

MEMBER DONATELLI: Do we have anyone else from the public who wants to comment on this?

SECRETARY WAGNER: I just want to say, for the record, that there were letters sent in by neighbors, and those --

Mr. O'Connell, you received all of those, correct?

MR. O'CONNELL: Yes, I did.

SECRETARY WAGNER: It was three letters.

MR. O'CONNELL: Yes, I received three letters.

SECRETARY WAGNER: They were sent to the Board. I mean, there was one person who said that if the letter -- they wanted their letter to be submitted to the record and if not, they wanted to come to the hearing. I don't see them on here, but I just want to make it clear that those letters are part of the written record and everybody has been made aware of that.

MEMBER DONATELLI: So those were shared with us. My question was whether or not anyone raised their hands for the Zoom meeting.

ATTORNEY ALGIOS: No, I don't see -- I don't see any hands raised at this time. But it does seem like there was a lot discussed here on this application and I -- I don't know if the Board would like to reserve decision here to think about everything that was discussed. I'll leave that to the Board.

VICE CHAIRMAN FRANCIS: Mr. O'Connell, do you want to address the letters in opposition in any way?

MR. O'CONNELL: Well, as far as the comments and the letter, I'm not sure, you know, that they understood the whole extent of what we were asking for. You know, that it -- it's only a -- you know, the back corner of the home and it's a de minimis amount of the roof. Obviously, the notice makes it seem much worse than it is. But, you know, that's -- I can't put words in their mouth or how much they researched in terms of how much was out of compliance. But that was my feeling from reading that letter, that they felt that the encroachment as a whole was, you know, a tremendous amount, you know,

where -- where that small area in the back was, you know, creating a home that was not, you know, within the standards of their community. I can't say if that's the case but, again, their letters made it sound like we were asking for a much larger variance than I feel we're really before you for.

MEMBER HERNANDEZ: As the people that wrote those letters are not here to comment, I would like to say that I think what they have expressed in the letters is the same thing that at least I have said is that had the original request come before us to build this house, I, for one, would not have approved the size of this house. The fact of what caused you to come back a second time is de minimis because it's a small amount. Okay. It's sis an accident, all right, because had this thing been built just 8 feet at the bottom -- on the top instead of 9, you're right, we would not be here. But I think they're expressing the same thing that I am, at least that this house is oversized. And I do want to see other people using the same tactic of asking for "A" and then doing -- building "A prime" and then saying, "Oh, it's only a slight little thing." No, it's significant.

MEMBER DONATELLI: I think, as a Board, I would be in favor of reserving decision on this.

CHAIRMAN MAMMINA: That's a proper decision.

ATTORNEY ALGIOS: Excuse me. It looks like one hand did go up in the attendee list.

CHAIRMAN MAMMINA: Fine. Let's promote that person and hear them out as well.

SECRETARY WAGNER: Hi, Ms. Christy. Just give your name and address for the record, please.

MS. KLIMAS: Lorraine Christy Klimas, 909 North 6th Street, New Hyde Park, New York.

Thank you for allowing me to speak, whatever briefly I can. I just didn't want to sit here in silence as you conducted your meeting and not

let you know -- which I know you got three letters of the neighbors around this proposed building on displeasure with the size of it. And I know you'll take whatever legal action you need to take and you'll get the architectural drawings versus what's allowed in the neighborhood. But I'm sure you must be aware how unhappy a lot of people in the neighborhood are for the size of the buildings that are being approved to go up on such small lots within the neighborhood.

Thank you for letting me speak. I just didn't want to be a silent neighbor.

VICE CHAIRMAN FRANCIS: Thank you.

CHAIRMAN MAMMINA: Thank you. We always appreciate neighbor's perspectives.

Okay. So I think with that --

ATTORNEY ALGIOS: Thank you,
Ms. Christy.

CHAIRMAN MAMMINA: With that said, we will reserve decision on this, which, for Ms. Christy's benefit, at least, and whoever else might be still listening in on this, reserving decision just means that the Board is not prepared, you know, today to make a decision. We may --

MEMBER GOODSSELL: Can I clarify one point before we close this case? Ms. Christy is on North 6th Street, is that correct, and this application is for a house on North 7th Street?

MS. KLIMAS: Correct.

MEMBER GOODSSELL: Okay. So you're one block over?

MS. CHRISTY: Yes.

MEMBER GOODSSELL: The house to the rear of the property. How close to this house are you?

MS. CHRISTY: I am on the west side of North 6th Street, and that house is on the west side of North 7th Street. So I see the back of the house,

I'm going to say, from my side of the street. But, of course, I walk in the neighborhood all the time and I have watched the construction of the house and as a layperson, it certainly seems to me it is way too close to the property lines, both front and side. But I'm sure you know legally what it's supposed to be.

MEMBER GOODSSELL: Thank you.

MS. CHRISTY: It doesn't look pleasant to the eye.

MEMBER GOODSSELL: I wanted to clarify that. I wanted to make sure that we had the right addresses. Thank you.

CHAIRMAN MAMMINA: Okay. So then we'll reserve decision on the application so that we can take another look, you know, at the house and the drawings. And we do a balancing test, so it's time for our balancing test. So thank you all.

MR. O'CONNELL: Thank you very much. Have a great day.

CHAIRMAN MAMMINA: Thanks, Mr. O'Connell.

VICE CHAIRMAN FRANCIS: Thank you, Mr. O'Connell.

ATTORNEY ALGIOS: Thank you.

SECRETARY WAGNER: Okay. So this is reserved, correct?

CHAIRMAN MAMMINA: This is reserved. And call the next case, then.

SECRETARY WAGNER: Do you want to take a five-minute break for the stenographer? Nicole, if you want to just let me know if you are good to proceed or if you need us to take a break, if you want to put it in a chat.

MEMBER HERNANDEZ: It's been two hours.

MR. DONATELLI: Yeah, I could take a break.

SECRETARY WAGNER: We'll take a break, for anyone who's listening. We'll resume in five minutes.

(Whereupon, a brief recess was taken.)

* * *

SECRETARY WAGNER: Next appeal is Appeal No. 21126, Olga Aylarov, 42 Elm Drive, New Hyde Park, Section 8, Block 211-09, Lot 107 in the Residence-C Zoning District. Variances to construct an addition that is too big.

CHAIRMAN MAMMINA: You've heard Appeal No. 21126, Olga Aylarov. Is there anyone who wishes to speak other than the applicant? If you're not -- if you're having any kind of a problem or whatever getting into that, you can always leave a message on the chat, you know. We want to make sure that we've got everybody covered.

MR. SANTANA: Good morning, everybody.

CHAIRMAN MAMMINA: Good morning.

VICE CHAIRMAN FRANCIS: Good morning.

MR. SANTANA: My name is Randolph Santana. I'm the architect representing Ms. Aylarov, and the address is 331 Willis Avenue, Mineola, New York. The address in question is 42 Elm.

We had tried to build a new house. We have an existing house right now we're going to extend in the back and we're going to put in the full second floor. And we're seeking a variance for the gross floor area. We are in the Zone C, which we're allowed to have 2,000 square footage and we're asking for a permit for building 3,200 square foot. The reason of that is if you look in the floor plan, we just extend that 8-foot on the back and we just only squared the house. If you look at the house carefully, we're going to continue with the existing garage attached to the house and we just only want to have a little more room on the second floor. That's why when you make the calculations, you exceed to the 3,200 square footing. In the side yards, we are complying. And then if you look over that, really in the zoning, we are a more bigger lot, which is 62-something. That's what we have right now. That's when we have to go back to the 2,800 square footage and then -- as I requirement. And then we look into something to get a little bit more of a square foot on the house. That's what we're looking for right now.

CHAIRMAN MAMMINA: I'm looking at your zoning sheet, and I'm not quite understanding the Residence-C, the maximum gross permitted floor area at 3,215. Not correct because you're capped.

MR. SANTANA: No. The thing is this is -- this is the latest one. That was the first one that was submitted. We received a rejection from the Building Department and we updated and put in a new one, because maximum permit floor area is 6,000 square footing allowed.

CHAIRMAN MAMMINA: Well, then just doing -- doing the math quickly, I mean, you're over by 400 and something --

MR. SANTANA: 412, yeah.

CHAIRMAN MAMMINA: That's a lot.

SECRETARY WAGNER: So, Mr. Santana, that was the zoning analysis sheet you submitted with your application. Can you please provide us with a corrected one, if that's not correct?

MR. SANTANA: Yes, I can provide to you.

SECRETARY WAGNER: Thank you.

CHAIRMAN MAMMINA: Mr. Santana.

MR. SANTANA: Yes.

CHAIRMAN MAMMINA: You're an architect?

MR. SANTANA: Yes.

CHAIRMAN MAMMINA: Licensed?

MR. SANTANA: No.

CHAIRMAN MAMMINA: Then you're not an architect. You can't call yourself an architect. That's against the law.

MR. SANTANA: I'm a designer.

CHAIRMAN MAMMINA: Just be careful, that's all.

MR. SANTANA: Right.

CHAIRMAN MAMMINA: I'm looking at your e-mail address, you know, that uses "ARCH" in it.

MR. SANTANA: The thing is I have a license in another state, so we're working also in another state. That's why I have my -- my business.

CHAIRMAN MAMMINA: All right. Again, just be careful.

MR. SANTANA: Yeah.

CHAIRMAN MAMMINA: Well, that's a lot, and this board looks very, very carefully at floor area.

MR. SANTANA: Yeah.

CHAIRMAN MAMMINA: And the fact that you're 125 feet deep on one side and 135 feet on the other side, it's still -- feet wide at the front. And that's the reason for the cap that was put on by the Town Board, because the -- the bulk is, you know, at -- the bulk is the bulk of the whole. You're still a 55-foot wide lot. So that becomes -- that becomes a house based on 2,800 square feet. You're almost 20 percent bigger than -- than you're allowed to -- than you're allowed to build. This board looks very, very carefully at floor area. And I'll -- I'll give my normal -- my normal speech is that floor area was -- was brought into the Zoning by the Town Board approximately in 1998 because they saw very big houses being built and the reaction from the neighborhoods and the Town Boards because it's their -- it's their decision.

As I had said in the beginning, we don't make the laws of the Zoning. We're only here to do balancing tests of whether variances are justified and whether they're not, and they then made it harder. They made it more restrictive about four years after that. So the message to -- to the Zoning Board and the message to the Town is that the Town

Board is not looking to see, you know, very large houses in certain areas. They put a limitation on it. They're saying, "Okay. In a Residence-C, 2,800 square feet, that's good," you know. And as one of our board members, you know, who is just recently off the board because he was made a judge, you know, one of his things that he would say all the time is, "Sometimes it's time to move to a different neighborhood where you can build that larger house."

So it's not that we're trying to deny, you know, the -- the owners the right to a larger house. That's -- you know, if anything, we tried very hard to help everyone, you know. It's -- we're not here to say "no", you know. I say that, you know, in every hearing at least one time, whether you're a builder or you're a homeowner, you know, our job in the balancing test is to be fair. But if we -- if we give a 412 square foot increase in floor area, you know, to this site based on a lot that's 50 feet wide, how do we tell the next person, you know, who's next door that they can't, you know, have a -- a 412 square -- 12 square foot variance, you know, on -- on their lot.

MR. SANTANA: Yeah. Also around the neighborhood, they have place like that that they didn't see the 28th. They are quite bigger than are supposed to.

CHAIRMAN MAMMINA: But they probably have to be wider. I don't even know if you get a bump up.

MR. SANTANA: We don't have a --

CHAIRMAN MAMMINA: I don't think even thing think they offer it in Residence-C. Now, also, some houses are older and they were built before the zoning.

MR. SANTANA: Okay.

CHAIRMAN MAMMINA: And they may be part of the reason why the zoning is changed.

MR. SANTANA: Okay.

CHAIRMAN MAMMINA: You know, so it's -- it's frequently difficult to make an owner understand why they can't have that bigger house. It's also hard to make the owner understand what it is the Zoning Board does. But that is our job, is to -- is to create, you know, a character of a neighborhood.

You know, on the previous case, if you were listening, I mean, that was -- that was what we went through to a very large extent with that -- with that architect is, you know, "what's the character of the neighborhood".

MR. SANTANA: Yeah.

ATTORNEY ALGIOS: Chairman, if I could just interrupt you. Just following along with what you've just said, perhaps Mr. Santana wants to address the five factors of 267-b as it relates to this variance for floor area.

CHAIRMAN MAMMINA: Thank you, Deborah. Yes, that would be a good idea. So there are five factors.

ATTORNEY ALGIOS: Are you familiar with that, Mr. Santana?

MR. SANTANA: Yes, I was. Okay. So the thing is the homeowner is in the line right now, and we tried to achieve this one. If you look at this one and see that we have -- we have to go to try to comply the Zoning B, because the thing is we exceed the 6,000-square-foot in lot and then we don't want to change in the zone. We want to keep it as it is exactly what, you know, just only to comply with the regulation that you have.

CHAIRMAN MAMMINA: But you won't change the zoning. The Town Board has to change the zoning.

MR. SANTANA: No. I don't want my intention to go to change the zoning, because I think if you listen carefully, they say when you have the Zoning C that you have a -- that you see the 6,000-square-foot in land, you have to go to comply with the zoning RP, which is a little bit more restriction because if you look at the Zoning C

itself, you comply with the gross floor area. The only thing, we have to go back to Residential-B if I want to do that right now, but I want to go to the R-B to Zoning C. I want to keep this one and try to get the more than the 2,800.

CHAIRMAN MAMMINA: Yeah, because it's going to limit you --

MR. SANTANA: Yeah.

CHAIRMAN MAMMINA: -- more, this Residence-B. But I don't know. I think you -- look, I'm the only one that has spoken, you know. I'm not going to say, "Well, I think that the rest of the Board agrees with me," and, you know, they'll have the -- they certainly can say that. But, you know, again, as I said, we're -- we're not here to -- to deny your -- your client but we are here to be consistent with the zoning, you know. And I don't see how, just as one board member -- I'm just one, you know. I don't see how I could support this application because I can't differentiate this from -- you know, from anybody else who comes in. You know, again, as one board member, I give you the opportunity to go back to the drawing board and say, "Okay. What can I create on this property that's going to comply with the zoning," you know, and weigh your options under Residence-B and under Residence-C and come out with what's going to be best for your client. But we don't -- we don't grant a lot of -- a lot of variances in Residence-C and, you know, when we do, you know, they're typically tiny and they're on sites that are much larger than -- you know, than this site. So, again, I don't know. I don't know. To my fellow Board members, if you --

MEMBER HERNANDEZ: Mr. Santana, I'd just like confirm one thing: This is a renovation, correct, not a new build?

MR. SANTANA: It's a renovation.

MEMBER HERNANDEZ: I just want to point out, looking at your plans, you were showing on the ground floor 9-foot high ceilings. Now, you were on the call a little while ago on the previous case.

You must have heard that because they went to 9-foot high ceilings on the ground floor, the Building Department subsequently redefined this renovation to be new construction and it created other issues for that person. So I would suggest that you make sure that you can do 9-foot ceilings here without having additional complications, and that's just an aside.

I would like to echo what the Chairman said. I think this house is way overbuilt for the size of the lot. Your lot is little bit larger than the 5,000 square foot minimum requirement, but it's all basically in the depth of the house, the backyard. It does not change the width of the lot, and it does not change the way the house will face the street. This house, when I look at the elevations, will look impressive, to say the least, because of the -- the way it's laid out. It will -- it will be very, very close to the street and substantial. This is -- this is certainly not what that area was supposed to have. And, yes, people are building larger houses, they are adding second floors. But it's our job to ensure that they do it within what is permitted. And if there is any need for a variation or a variance that what we grant is the minimal amount that needs to be granted. This will require a lot more than the minimal amount. You're asking for a lot, lot more the minimal amount. Again, as one board member.

MEMBER GOODSSELL: Mr. Santana, if I can make a comment. Nobody -- I've looked at this house. Okay. It was built in the 1940s. I get it. It's dated. Absolutely, renovation -- if I were buying this house, I would renovate it. What I think we're trying to say and what we want to convey to your client is "isn't there a way to do this that fits the building code"? We don't go by how beautiful a house is. We go by whether it fits the code and it fits the property site. Because if we went by beauty, we would pass just about everything. We don't do that.

MR. SANTANA: Understood.

VICE CHAIRMAN FRANCIS: And, you know, let me just add to what Patricia said: It is a beautiful house. It's just in the wrong neighborhood. So I think you're -- I think you're

hearing from the Board what our position is with regards to this application. I think the suggestion that the -- that the Chairman made, that you go back to the drawing board and see if you can make a -- a building or a house compliant with the code and compliant with what fits in this particular neighborhood.

MR. SANTANA: Yes.

CHAIRMAN MAMMINA: Mr. Randolph, what I always hate to say -- and this is not a criticism so don't take the word "hate" that I'm going to say something bad. I'm going to say something good. As the architect on the Board, you know, I always hate to see when someone does a nice set of drawings and it's all done and it's ready to build and whatever and -- you know, and then it's -- it's not going through Zoning. I mean, I try to tell that to clients all the time, you know, just do a simple set of drawings, see if you get your variance first.

So, yes, you have beautiful set of drawings here. If you do choose to go back to the drawing board -- and this is your choice to say "yes" or "no" now. I mean, that's up to you, you know, but then just do something simple. I mean, that's all: Simple floor plans, simple elevations. You know, the beauty doesn't count as -- as Ms. Goodsell said. That's not what we're looking at. We're looking at only the bulk and the limits and what does the law say. So you needn't do this degree of work.

MR. SANTANA: Well, let me ask you something, Mr. Chairman: In concern about the elevation purpose, do we have to change some of the elevation? Because if you see, we just want to keep the print of the and we put in the second floor and the top and we extend in the back. So if we go back to the 2,800 or what is the minimum that I can go far of the square footing allow me to -- to do that, can I go to 3,000 at least? The thing is --

CHAIRMAN MAMMINA: We can't -- we can't do that. Again, if you -- if you were an applicant here regularly -- and not that you have to be an applicant and, again, it's not a criticism -- you would see that there are very few variances that we

grant. And to say, "Well, we'll give you 200-square-foot more, it doesn't -- it doesn't work." You would have to -- you would have to show why this can't be done with -- without that -- without that variance of, let's say, 200 square feet. You know, in our in-person hearings, you know, and not to be a wise guy, I would always say, "Okay. I've got my red pen here. I'll show you how to make it comply without giving up anything for your client." Okay. And -- because it can always comply with the zoning.

MR. SANTANA: Yeah, I know. That's what I understood. Yeah.

CHAIRMAN MAMMINA: Now, we -- just as an example, and then we can wrap this up, I mean, we had a -- we had a doctor, you know, who had to make his garage -- his garage was only -- was only 8 feet wide -- 9 feet wide on the inside. And because, you know, he goes out in snow and whatever because he did maternity work, he asked if his garage could be 1 foot wider, okay, and that made his zoning go over. And we let him go over 1 foot. So we gave him a 20 square foot variance, but we had a good reason why, you know. And if the next doctor came in who does obstetrics and needs to be able to get out in a storm, therefore, they have a bigger vehicle, we give it to them as well. But there's got to be a reason.

MR. SANTANA: Got it. Understood.

CHAIRMAN MAMMINA: Okay. All right. So then the question is, and this is up to you, would you like to continue this or just leave it be and the Board will vote?

ATTORNEY ALGIOS: Chairman, excuse me. The homeowners have just raised their hand.

CHAIRMAN MAMMINA: Oh, okay. That's fine, please.

MS. AYLAROV: Good afternoon. My name is Olga, and this is my husband Yuri Aylarov. We are the owners of 42 Elm Drive.

MEMBER HERNANDEZ: Good afternoon.

CHAIRMAN MAMMINA: Good afternoon.

MS. AYLAROV: Thank you for giving us the opportunity to speak.

CHAIRMAN MAMMINA: That's what we're here for.

MS. AYLAROV: Thank you.

I just wanted to mention a few things. I know you're asking for a specific -- you know, a good reason for why we want to do this. Just a little background: I'm -- I'm a registered nurse and my husband is self-employed. We work full-time. We just had our second child. We have two kids under the age of two, and we also have -- we require or we need to have our mother living with us for personal reasons. She's elderly. And we also have a live-in nanny to assist us with our two kids. In addition to that, we would love to expand our family.

New Hyde Park is home to many of friends and some family members. It was referred to us by our family members as to having a great school system, great community, it's beautiful. We really like it there. We have yet to live there, however, because it's taking such a long time for our permits to be approved and a variance and because of that, we need to pay for our mortgage as well as the rental that we're currently living in. And we did notice there are two houses in the area. One of them is 18 Pinewood -- Pinewood -- is it lane? That's at 2,917 square feet. And 59 Maple Drive, which I believe is directly behind our house, 3,439 square feet. I'm not sure what their reason is, but my ultimate reason is I want to stay in this neighborhood many, many, many years to come. We don't want to move again. We want to settle down and have our growing family in this neighborhood and in this community, therefore, we do need the extra space.

CHAIRMAN MAMMINA: Unfortunately, that's not a reason.

MS. AYLAROV: I'm sorry to interrupt.

CHAIRMAN MAMMINA: I said, "Unfortunately, that's not a reason." I raised three

kids and I had my mother-in-law and my mother, you know, living with me. You know, those are -- those are things that come and go. They have to be physical -- there are five tests of law, okay, and you can read the five tests of law and I would encourage you to reserve this. I can guarantee you that if you reserve it and you create a different plan, it's not going to take you a long time to get onto the calendar for the Zoning Board. It just -- comparatively speaking, you know, you're in the Town of Hempstead, and I'm not knocking the Town of Hempstead, but it could be nine months to a year before you get heard again. That's not the case here. You know, ours takes a couple, a few months and you're back on, and that's only because there are legal requirements for advertising, et cetera, et cetera. But it's got to be something that fit within those five -- you know, within those five standards. It's something you can look up on the Internet, you know. It's very, very easy, you know, to do that.

We want to see you stay in New Hyde Park or wherever. We're -- we're all working people, you know, who pay lots of taxes and it's -- it's -- we're all from unincorporated parts of the town, which I credit the Town Board for doing their appointments that way because, you know, we get it. I came here through the Civic Association. That was a long time ago. But that was how I ended up being asked to be on the Zoning Board. So we're all just regular people. And, you know, we would love to be able to tell you, "Sure. Great."

I mean, it's a beautiful house. It's going to be beautiful, there's no doubt about it. It's just too big on the basis of the standards of, you know, the Town and I can't -- I have to be able to separate through the physical means how I can make this different than somebody else's.

MS. AYLAROV: Right.

CHAIRMAN MAMMINA: You know, how somebody has 3,400 square feet, I don't know. You can -- you can look at their cases. I mean, lots of people do that and they'll go back and look at it. This zoning, you know, they may have preceded the zoning. As I said, the zoning was 1998. They may

have been -- they may have been before that. I don't know.

MS. AYLAROV: Yeah. I believe one of them was built in 2011, if I'm not mistaken.

Just wanted to mention one more thing: Just -- we did speak to our neighbors on either side of our house and they did send in letters, I'm not sure if you received them or not, that they had no opposition at all and they thought that it would be a great, you know, asset to the community.

CHAIRMAN MAMMINA: Unfortunately, those are not our -- those are not our standards. If you read the five standards, you know, that's -- that could maybe be "does it speak to the character of the neighborhood". I don't know. You know, I don't -- I don't think it does as -- as -- personally, as I go through New Hyde Park, you know. This is a much larger -- a much larger house. And, again, the Town Board sets the zoning. We don't set the zoning. We just -- we just do the -- the task, and it's a hard task. It's a very hard task. Do I want to tell you "no"? Absolutely not. I probably -- probably one of my daughters is the same age as you, and, you know, I get it. I do understand, you now. It's not -- its not easy. But I think that's -- unless any of the other board members have a different feeling, and I think thus far, that's not the case, you know, we certainly don't want to deny the application. We'd rather give you the opportunity to go back and take a look at it, you know, and see what can -- what can you do here to stay on this lot, you know, in this neighborhood and make it -- make it work for you.

I know that's frustrating. Believe me, I know, and I know these are very emotional things. But I think that's the best that -- you know, the best that we can -- that we can do. I would hate to see it denied, you know, because then it's harder to come back, you know, after it's denied.

MR. SANTANA: Understood. Thank you. We can go back to the consideration and go through the five standards.

CHAIRMAN MAMMINA: Yes.

SECRETARY WAGNER: Well, did you address the five standards during this hearing, Mr. Santana?

MR. SANTANA: We tried to address it, but I guess it's to go back to the Board.

SECRETARY WAGNER: Well, Deborah --

ATTORNEY ALGIOS: So I don't believe, Mr. Santana, that you did address them.

MR. SANTANA: Oh.

ATTORNEY ALGIOS: Sounds as though we're going to be continuing this. So what I would suggest, and, actually, either the BZA office or myself can e-mail you a copy of the relevant statute on this, which is Town Board 265-b, and what that does is set forth the guidelines that the Board must follow deciding whether or not to grant a variance. So that's the five factors, and what those five factors do is it basically says to the Board, you have to look at the -- you have to weigh the benefit to the applicant if the variance is granted against the detriment to the community. And then it sets forth five factors that address that so the Board does that balancing test for what comes to the Board.

So normally, you know, when an applicant presents its case -- their case, they will go through those five factors and make their argument to the Board why the variance should be granted and they go through each factor. So since you -- since your appeal will still be open, you would have the opportunity to -- to do that. I mean, it's up to the Board. We could have the applicant come back. If you'd like to hear from the applicant again, we could do that. We could just adjourn to a date certain and have the applicant come back, continue this to another date that is open and have them come back, or we could just allow the applicant to put that in writing and submit revised drawings.

CHAIRMAN MAMMINA: That would be your decision.

But go ahead, Dan.

MEMBER DONATELLI: I was -- well, I was about to say that the applicant heard a healthy bit of skepticism from the members on the Board. I think it's now incumbent on the applicant to figure out what he wants to do, whether he wants to revise his plans or whether or not he wants to proceed with the application as submitted. So perhaps we can hear from the applicant and the applicant's architect as to whether or not they want the opportunity to amend their plans.

MR. SANTANA: I think we try -- we want to go back to try to comply with the five factors, so we want to go back to the Board and have to make some little bit change in order to more -- try to comply with the zoning. But definitely, we want to go back.

ATTORNEY ALGIOS: Now, if you -- if you revised your plans and you come into compliance with the gross floor area, you may not even need to come back to this board.

MR. SANTANA: That's what I said, because I don't believe that we're gonna -- the homeowner need the space, you know what I mean? The homeowner need to space that might have to try to trick in a little bit. But no matter, we will still need a variance for the space. That's why I don't want to ask the Chairman and they deny the application now. I want to leave it open and work the five factors in order to come up with the other, if it's possible.

VICE CHAIRMAN FRANCIS: I think that's a good decision.

SECRETARY WAGNER: So, Deborah, they say they want to come before the Board or they're going to submit the application?

ATTORNEY ALGIOS: I'm not sure. I'm not sure.

MR. SANTANA: I want --

SECRETARY WAGNER: Mr. Santana, are you saying that you would like to come back before the

Board for another presentation on revised plans and addressing the five factors, or do you want to submit that information to the Board to consider without another appearance at a hearing?

MR. SANTANA: I would like to go back to the Board.

SECRETARY WAGNER: At a hearing?

MR. SANTANA: Yes.

SECRETARY WAGNER: Okay. Deborah, I think the only -- we could adjourn them until the 15th of December is probably the earliest we can get them on.

ATTORNEY ALGIOS: I thought I had seen that somewhere. So we can then adjourn this or continue this, actually, to December 15th. Is that okay with you?

MR. SANTANA: I wish to have it earlier than that, but it's fine.

SECRETARY WAGNER: I mean, I guess since -- since this doesn't -- well, you'll have to --

ATTORNEY ALGIOS: You'll also have to send out notices first. You don't have to do certified mail this time.

CHAIRMAN MAMMINA: Also, Mr. Randolph, the sooner you get the drawings back to us, the more time that we have to look at them.

MR. SANTANA: Okay. I will do that.

CHAIRMAN MAMMINA: To me, that's just about six -- it's about six weeks away. I mean, it sounds like it's a long way away but we're almost in November.

MR. SANTANA: Yeah.

CHAIRMAN MAMMINA: And it's gonna take you a little bit of time to, you know, come up with a design for your client. And, again, keep the drawings simple. We don't care if they're beautiful. That doesn't matter to us.

MR. SANTANA: Okay.

CHAIRMAN MAMMINA: Let's get the zoning down.

MR. SANTANA: Okay. Perfect.

MEMBER HERNANDEZ: Mr. Santana, I said it earlier, I noticed your 9-foot high ceilings on the ground floor. Just make sure the Building Department still considers this to be a remodel.

MR. SANTANA: Understood. I will take that into consideration.

MEMBER HERNANDEZ: We don't want any surprises at the end.

MR. SANTANA: Thank you so much for your consideration. I will do.

CHAIRMAN MAMMINA: Thank you.

MEMBER GOODSSELL: Very good.

MS. AYLAROV: Thank you.

CHAIRMAN MAMMINA: We will continue this application, then.

SECRETARY WAGNER: The next a -- before we close, up, Deborah, you said to make sure there was nobody --

ATTORNEY ALGIOS: No, there were no speakers left.

* * *

SECRETARY WAGNER: Okay. Appeal No. 21127, Sylvia Metzelaar, 15 Pubins Lane in New Hyde Park, Section 9, Block 550, Lot 48 in the Residence-C Zoning District. Variance from 70-100.2.A(4) and 70.100.2.A(2), to legalize fencing that is too tall and within the front yard.

CHAIRMAN MAMMINA: You've heard Appeal No. 21127, Sylvia Metzelaar. Is there anyone who is in the chat who is interested in the application?

ATTORNEY ALGIOS: I do not see anybody.

CHAIRMAN MAMMINA: Okay. Then please give your name and address.

SECRETARY WAGNER: Before he speaks I just want to let the Board know that it appear on the plan that was submitted that the location of the vents may not be where it actually is, you know, if you went out to the site and visited.

CHAIRMAN MAMMINA: Gotcha.

SECRETARY WAGNER: Because it looks like it's -- where it's shown on the plan, it looks like it's further back than where it may actually be located, because it looks like it's right next to the sidewalk. All right.

CHAIRMAN MAMMINA: All right. I see what you're saying from the drawing. Yeah.

MS. METZELAAR: Hello.

CHAIRMAN MAMMINA: I don't know if they have a survey.

SECRETARY WAGNER: Because it's an older survey that they drew it on.

CHAIRMAN MAMMINA: Oh, I gotcha.

ATTORNEY ALGIOS: Ms. Metzelaar, we can hear you now. Would you like to put on your video? It's up to you. You don't have to.

MS. METZELAAR: Where would I find that?

ATTORNEY ALGIOS: So if you go on the bottom -- oh, there you go. And you can just start by giving your name and address, and then you can go into your presentation.

MS. METZELAAR: My name is Sylvia Metzelaar, 15 Pubins Lane, Garden City Park.

CHAIRMAN MAMMINA: Good afternoon.

MS. METZELAAR: Good afternoon. Okay. We're looking at all my stuff here?

CHAIRMAN MAMMINA: Yes.

MS. METZELAAR: Okay. Basically, there was once a fence erected on there. It was a wire fence. It was probably over fifty years old. And there were hemlock trees in front of me. The hemlock trees have since gotten a disease and died. We took down the trees. But in reality, it's almost like because it's along the court side of the house, it's almost like living in a fishbowl. Every house -- all eight houses in the area are looking into the backyard. You can see some pictures I have.

I know on your thing, it says that it's a front yard. It happens to be a corner house but I didn't go along the whole property line. All I did was go in the back portion of the property. It's very small, the backyard. It's not like I've made a giant fortress here. Look at the survey. I just did the back portion of the property. The whole side of the property and the front have no fencing at all.

I'm kind of looking for a little privacy and, you know, safety-wise in terms of -- there is a wall along their curved section along Atlas Court. Safety-wise I'm looking for that. I don't remember what else you need.

CHAIRMAN MAMMINA: It appears that --

MS. METZELAAR: It's not encroaching on the people's visibility if they're turning from Atlas Court onto Pubins Lane.

CHAIRMAN MAMMINA: The issue is we -- we get a lot of fences that come before us. People like fences, and that's okay. The Town Board, you know, has -- has decided when we look at, like, your -- your photo that says "view of the fence from Atlas Court", we see a car right there. Now, when we look at the houses that are next to you, they don't have a fence out at that front property line. So --

MS. METZELAAR: Their backyard is enclosed.

CHAIRMAN MAMMINA: They have a different piece of property. And it is problematic, you know. Corner lots or quasi-corner lots, you know, are -- you know, are much more difficult, you know, for that reason. They don't end up with a whole lot of rear yard. That --

MS. METZELAAR: That's replacing a fence that was once there.

CHAIRMAN MAMMINA: Well, if you could document -- if you could document that the fence was there and the -- well, even that becomes hard because you've changed the fence.

VICE CHAIRMAN FRANCIS: Changed the fence, right.

CHAIRMAN MAMMINA: You know, if the -- you know, to me, if you could document that they -- well, you want the fence for privacy. Not that it matters, you know, to you or what the object here is, but in my -- in my own house, you know, I -- I planted an arborvitae down the two sides of my house and that's how I got the privacy.

MS. METZELAAR: That's what the hemlock served as purpose at that time.

CHAIRMAN MAMMINA: Unfortunately, the hemlocks were not -- were not disease resistant, and that was a property with hemlock. They all died.

MS. METZELAAR: The other problem being is that my neighbor to the back has a problem with --

he stands on my property line, staring at my daughter and her friends when they're sunbathing. There's times when my daughter is studying for exams and things and he's bothering them. He's constantly looking over the fence. I mean, it's entertainment, I think. That's the house to the right of the car that you see. He stands at the property line when you're even barbecuing. He wants to know what you're cooking. There is no privacy. It's living in a fishbowl. And paying the taxes that I'm paying, I'm not asking for a lot. I'm asking for a small piece of property.

CHAIRMAN MAMMINA: Okay. But the --

MEMBER GOODSSELL: If I can, Ms. Metzelaar.

MS. METZELAAR: Yes.

MEMBER GOODSSELL: This house was built in the 1960s, and your family has owned it for a long time, haven't they?

MS. METZELAAR: Yeah, since it was built.

MEMBER GOODSSELL: Okay. When it was built -- is this the house you grew up in?

MS. METZELAAR: Yes, it is.

MEMBER GOODSSELL: All right. You remember when the original fence was put up? You mentioned there was the wire chain-link fence there.

MS. METZELAAR: Yeah. It was built --

MEMBER GOODSSELL: So --

MS. METZELAAR: It was put up maybe 1963.

MEMBER GOODSSELL: Okay. In those days we probably didn't require permits and we may or may not have had fence rules back then. But if you look at your pictures now, your fence does give a great

deal of privacy, but it's also sitting on top of a retaining wall so it is a very tall fence from the street. And I think you can hear the hesitation in the Board that that's something that we have to take into consideration. Your property's a little bit higher. It may replace a fence that was there, but we don't know how high that fence was, and it's not shown on your old survey.

So do you understand that I'm -- I'm asking, and the Board has asked, do you have anything that indicates what type of fence and how long it was there?

MS. METZELAAR: I have only by going -- Googling the property. It's very difficult to see.

VICE CHAIRMAN FRANCIS: Well, we know for sure in 1963, the fence that was there was not a vinyl fence.

MS. METZELAAR: I understand that.

VICE CHAIRMAN FRANCIS: She would have to have replaced it with a chain-link fence, which was very common in the '60s for chain-link fences to be -- to be used, but that's not the case.

MS. METZELAAR: I know. But the chain-link doesn't afford any privacy either.

VICE CHAIRMAN FRANCIS: No, it doesn't.

MEMBER DONATELLI: Ms. Metzelaar, you -- you indicated that the behavior of your neighbor is troubling you. Have there been any incidents where the police were called?

MS. METZELAAR: No. I don't want to get to that. I don't want to get into a pissing match with the people next door. I'm trying to keep it as comfortable as possible.

He's been throwing garbage over the fence. I just don't want to be that kind of a neighbor. I just want to keep the piece. I'll put up with his garbage that he throws over. I just want to have a little -- a little chance to breathe a little bit.

MEMBER DONATELLI: May I ask another question? Does he do this to other neighbors.

MS. METZELAAR: Excuse me?

MEMBER DONATELLI: Does he do this to other neighbors?

MS. METZELAAR: Yes, he does. He does it to the Tang family next door. He's been throwing garbage over there as well. I don't want to get into a fighting thing where -- I mean, good fences blow good neighbors over, you can say.

MEMBER GOODSSELL: Robert Frost certainly said that, and he may have a point there. But are you also aware that although this board limits the height of a fence, we do not limit the height of a hedge?

MS. METZELAAR: I understand.

MEMBER GOODSSELL: You don't need our permission to do that.

MS. METZELAAR: I understand that. He was complaining to my daughter while she was studying for her exams that the fence was bothering his hand. It's not giving me enough time for a hedge to grow. I would be more than happy to put that in, but he'd wind up saying, "You have a -- I touched the fence. I cut my hand." I couldn't put a fence up -- I mean, I couldn't put a hedge up fast enough. I just wanted to -- he was complaining to her, I wanted him to leave her alone, so I decided I'll just put a fence up and he'd be happy because it looks better than it was before and that would be the end of it.

CHAIRMAN MAMMINA: Ms. Metzelaar.

MS. METZELAAR: I've not only sent notices to everybody, I also went around. People have spoken to me saying they love the fence. I even have a sheet of paper where I went around asking if the fence was bothering them, and all of them said it was no problem and they liked the fence.

MEMBER HERNANDEZ: Ms. Metzelaar, perhaps we should address the fence in different stages, because I don't think the whole fence is a problem. Parts of the the fence is a problem.

CHAIRMAN MAMMINA: Correct.

MEMBER HERNANDEZ: If you look at your house, your house is on Pubins Lane, and that's considered the front of your house.

MS. METZELAAR: Correct.

MEMBER HERNANDEZ: The space directly behind your house up against your neighbor, okay, all the way in the back, that thinner -- that smaller section, that is technically your back fence.

MS. METZELAAR: Correct.

MEMBER HERNANDEZ: That can be 6 feet tall right up against your neighbor. The problem is that rectangular section sticking out into Atlas Court, that cannot be there. That line needs to go following the line of the house straight back to your neighbor's property, straight back, and that can only be 5 feet. It cannot be 6 feet. The line directly opposite that line also needs to be 5 feet. So if you're back fence is 6 and the two parallels are 5, they're legal.

MS. METZELAAR: So that little --

MEMBER HERNANDEZ: Do you need to follow that? I know it's difficult to follow it exactly. See the green line? That's 5 feet tall, and the one directly opposite it is 5 feet tall. Your fence becomes legal.

CHAIRMAN MAMMINA: I think -- Jay, I think that would be a secondary front yard.

MEMBER HERNANDEZ: That would be a tertiary front yard, then.

CHAIRMAN MAMMINA: I think it's got to be 4.

VICE CHAIRMAN FRANCIS: It's got to be 4, yeah.

MEMBER HERNANDEZ: Oh, right, because you're on the secondary.

CHAIRMAN MAMMINA: The other one across from it can be 5 and the one on the left can be 6 or the bottom can be 6.

MEMBER HERNANDEZ: Now, in front of that green line, between the green line and Atlas, if you plant, like the Chairman said, a plant like an arborvitae, which is 5, 6 feet tall to plant to begin with within two years it will be 8 feet tall. If you plant along the back 6-foot fence the same type of plantings in two years, they'll be 8 feet tall. I'm assuming you don't have a problem with the side, therefore, you don't have to put any plantings there.

And, actually, I wouldn't even put them at an angle like you just drew them, Ginny. I would put them directly in front of the fence. I think they will look aesthetically more pleasing. But that's your choice, how you do it.

CHAIRMAN MAMMINA: Also, if we -- if that was 4 feet and you planted in front of it or even just 4 feet, if he's coming up to that fence, he's on your property, then you can call the police.

MEMBER HERNANDEZ: That's right.

CHAIRMAN MAMMINA: And I know you're trying to keep it friendly. I'm all about keeping it friendly. But some neighbors, they're -- they're never going to be satisfied.

MS. METZELAAR: No, I understand that. And this particular person seems to have a problem with everybody in the neighborhood as well. So basically, you're talking about this little triangular piece that we're --

MEMBER HERNANDEZ: That's the one that creates the problem, correct.

CHAIRMAN MAMMINA: That's right. 4 feet lines up with your house.

MEMBER GOODSELL: From the retaining wall.

MS. METZELAAR: Yeah, from the retaining wall to this little section.

MEMBER HERNANDEZ: We don't know if the retaining wall's back there. I'm assuming the retaining wall is only in the front, so that would be your ground.

MS. METZELAAR: The retaining wall is just holding back the dirt that was coming because it was slanted.

MEMBER HERNANDEZ: Exactly, yes. You can put 4 feet there. You can put some plantings in front of it. It will give you the privacy. It will keep people away from your fence, even if there was a common to your property. But because your plantings are there, people can't get close to your fence.

MS. METZELAAR: All right. Are you --

MEMBER HERNANDEZ: You still have a 25-foot wide backyard, which is the width of your house. And I would imagine the depth appears to be at least another 25 feet.

MS. METZELAAR: Where do you think there's another 25 feet?

MEMBER HERNANDEZ: Well, between your house and your back fence, right?

CHAIRMAN MAMMINA: That side property line.

MEMBER HERNANDEZ: Your square footage's got to be at least 100 square feet.

MS. METZELAAR: It's smaller. It's much smaller than that. If you look at some of the pictures...

CHAIRMAN MAMMINA: Then the survey's wrong.

MEMBER HERNANDEZ: Exactly.

MS. METZELAAR: I have to go straight back. You know, there's two chairs there in the back. There's not a tremendous amount of space. I'm just...

MEMBER HERNANDEZ: We realize that we all have limited yard space. The point is where the fence is located now up against the sidewalk or the street, it's not permitted by law. Okay. What we try to do is find a way to accommodate your need. Either you have a fence up -- because a big fence coming out to the street, if your neighbor across the street were to do the same thing, the one on the other side, all of a sudden, you have an enclosure around that cul-de-sac. And that's what the Town was trying to avoid, people having fences along the sidewalks or along the streets creating enclosures.

MS. METZELAAR: But all those houses that you see in the upper left, the picture that you have on the screen, their front door is about 6 feet off the ground at least, minimum. So even if there's a foyer, you're looking right into it. All your windows are looking right into the backyard.

MEMBER HERNANDEZ: That has been the case -- that has always been case since the moment they built those houses. It's nothing new.

CHAIRMAN MAMMINA: The hedge is the only way you're going to get rid of that.

MS. METZELAAR: But I just...

MEMBER HERNANDEZ: It's not going to prevent somebody on a second floor to look down into your house.

MS. METZELAAR: But it's like everybody's looking. It's just the general --

MEMBER HERNANDEZ: The six-foot fence --

MS. METZELAAR: -- stands there and watches into the backyard anyway.

CHAIRMAN MAMMINA: The fence there, if I'm understanding the photos correctly, the fence that's parallel with that house is permitted to be 6 feet. It just has to move back to the line of the front of your house, which is your front yard. The same way that it's your neighbors all around that cul-de-sac, the same way it's your front yard, it's also their front yard.

MS. METZELAAR: If you look at the houses -- okay. Where it says "Atlas Court" and the picture on the right, you see that yellow line? Why do all those houses have 6-foot fences on the side? I consider it the side of the house. You might consider it frontage.

CHAIRMAN MAMMINA: Because they probably put them out -- up without permits. Now, I don't know what brings you today. I don't know if somebody turned your fence in.

MEMBER GOODSELL: Yeah, the neighbor that can't see in the backyard anymore.

CHAIRMAN MAMMINA: May very well be.

MS. METZELAAR: Basically can't see into my yard as easily, is, like, annoyed and he tends to do this to everybody in the neighborhood.

MEMBER DONATELLI: We are trying to help you. I do think shrubbery is the answer you're looking for. That would give you the privacy, plus I think you've heard the Board that you can still have a fence that needs to be in line with your house. But you can still have the fence, but the shrubbery will give you your privacy that you're looking for.

MS. METZELAAR: I understand, but the fence is up already at this point.

CHAIRMAN MAMMINA: Who put the fence up for you? Was it a fence company?

MS. METZELAAR: Yes, it was and --

CHAIRMAN MAMMINA: They should know better. They should be licensed in the Town of North Hempstead.

MS. METZELAAR: They are.

CHAIRMAN MAMMINA: And if they're licensed in the Town of North Hempstead, they should know the laws in the Town. I'm not telling you to do this. I'm not the attorney on the board. But I do believe you have a right to a legal action against this person, you know, because they put up a fence that was contrary to the zoning.

MS. DIGREGORIO: I don't believe they thought it was a side yard. They looked at it more as a backyard.

CHAIRMAN MAMMINA: Well, they looked at it wrong, though.

MEMBER HERNANDEZ: Well, there is a backyard there, but they put the fence in the front yard as well. So they enclosed the front yard and part of the front yard. Not all of it, you're right. They didn't go all the way to the corner, but they did go -- they encroached onto your backyard by about 20 feet with a rectangle. So that section should not have been encroached.

MS. METZELAAR: Also, there's -- I've never considered that as a front yard. That's the side of the property.

CHAIRMAN MAMMINA: By law, that's the front yard.

SECRETARY WAGNER: But if they submitted a permit for the fence, it would have been discovered at that point.

CHAIRMAN MAMMINA: Right.

MEMBER HERNANDEZ: That would not have been permitted like that.

CHAIRMAN MAMMINA: That's the other thing: They put up a fence for you without a permit. They should know better than that. They can't put up a fence without a permit. That's so basic. I mean, I can't even think of an analogy of how basic that is. They're the ones who broke the law, and, unfortunately, it's falling to you because you have a neighbor, you know, who creates a problem.

MS. DiGREGORIO: So we take the panels down there that and replace them with 4 feet panels?

ATTORNEY ALGIOS: I'm sorry. Who is speaking, because I hear somebody speaking that's not the applicant.

MS. METZELAAR: Oh, it's a friend of mine.

ATTORNEY ALGIOS: Okay. If she's going to speak, she just has to put her name and address on the record.

MS. DiGREGORIO: Francis DiGregorio, 154 Bregman Avenue, New Hyde Park, New York.

ATTORNEY ALGIOS: All right. Thank you.

CHAIRMAN MAMMINA: So it would have to be moved back to the line of the house to the front -- the front or the side. Whatever that -- that continuation of the house is, it has to be set back to the house and it has to be 4 feet.

MS. METZELAAR: Right.

MEMBER HERNANDEZ: They can reuse they need to remove them and cut them down in size.

VICE CHAIRMAN FRANCIS: I'm confused.

MEMBER HERNANDEZ: If the line goes straight down along the property line, what you're losing as a backyard is the small triangle space that sticks out into Atlas Court. The rest of your backyard is still there.

MS. METZELAAR: That little triangle space can't be fenced in at all?

MEMBER HERNANDEZ: Cannot be fenced in at all. That is part of your front yard, legally speaking. That's what brought you here especially.

MS. METZELAAR: (Inaudible.)

MEMBER HERNANDEZ: I'm sorry?

MS. METZELAAR: Not even a 4-foot fence can go there?

MEMBER HERNANDEZ: A 4-foot fence can go but it has to be parallel to what you would consider the side of your house. That side -- that long wall of your house, it has to continue going back.

CHAIRMAN MAMMINA: So the answer is "no", you couldn't have a fence there. Again, looking at your picture that says "right" with a colon, then it says "view of the fence from Atlas Court".

MS. METZELAAR: Right.

CHAIRMAN MAMMINA: Each one of your neighbors cannot have a fence along there. They're not permitted. If you look at the third -- the second house down from yours has a fence that's set back at what appears to be the front line on the house. Yes -- wait. Is that the picture? Yes, that's the picture, but you got to zoom it down a little bit. There you go. See the fence that's on the right-hand side? That fence appears to be okay. So the point being, as Mr. Hernandez, I think -- whoever -- one of the board members said before, if you were to take your fence and continue that across all of the fronts of the houses, it would be like a fort, you know, going -- going all along the outside edge of the street.

MS. METZELAAR: I understand that. That's why I didn't go along opposite the front -- side of my house. I only put the back end where it

was less obnoxious to -- I wasn't going to build a fortress.

CHAIRMAN MAMMINA: You're missing my point, but that's okay.

MEMBER DONATELLI: The house is on the corner, and that's the issue.

MEMBER HERNANDEZ: The thing is if you go to the -- the architectural -- the engineer's drawing where she has it highlighted where the fence is and redraw your green line again so it's clear as to where the fence can be, the only place the fence can be. And you can throw out one of your lines there. You can fill that triangle with greenery, if you wanted to, or just put a line of greenery along the fence to give you privacy.

SECRETARY WAGNER: So, basically, you're recommending that she come into compliance with the code and so --

CHAIRMAN MAMMINA: Yes.

SECRETARY WAGNER: -- with regard to the variance that was requested, did you want to make a decision on that?

CHAIRMAN MAMMINA: I don't think we have any option.

MEMBER HERNANDEZ: If she complies with that and the -- the only other variance that could be requested is the side foot -- the 6-foot side -- 6-foot fence on the side with the neighbor that she has no problem with. So there really is no reason for a variance there.

CHAIRMAN MAMMINA: Otherwise, it's 4/5/6, which was the -- the regulation as we used to call it before it was official 4/5/6.

SECRETARY WAGNER: Right.

MS. METZELAAR: So I -- the building inspector, Thomas Proshall, he was saying the fence is no problem.

MEMBER GOODSELL: He's not the Board of Zoning Appeals. There's been a disallowance by the Building Department.

MS. METZELAAR: He was a building inspector. He said it's fine, it's no big deal.

CHAIRMAN MAMMINA: He's incorrect. Again, you filed this with the Building Department, they denied it. That shows there's an issue with it.

MEMBER DONATELLI: In fact --

CHAIRMAN MAMMINA: The Deputy Commissioner disapproved it.
I'm sorry, Dan. I spoke over you.

MEMBER DONATELLI: That's what I was going to say: There is a big red stamp on that survey.

MS. METZELAAR: I understand. It's just -- it's kind of frustrating and I don't see where I'm hurting anybody by doing that basically.

CHAIRMAN MAMMINA: Well, look, this is a very bad example: But I can go down Jericho Turnpike at eighty miles an hour and say, "Gee, it's 2:00 in the morning. Who am I hurting?" The law says you can't do it. I can go down at fifty miles an hour. The law says you can't do it.

I understand your perspective. Believe me, I understand your perspective. But our job, again, is how do we tell the next person that they can't have that fence in that location that we gave it to you. What makes yours different than theirs?

MS. METZELAAR: What makes --

ATTORNEY ALGIOS: Ms. Metzelaar, I just want to say one thing: So, basically, the Board looks to see if the benefit that you're trying to achieve by seeking this variance could be achieved in

some other manner that would not require a variance. And I think you're hearing from them that they feel that the benefit that you're looking to achieve can be achieved by some other method other than the variance.

MS. METZELAAR: In two years' time, and also whatever cost I have to pay now to have it cut down.

CHAIRMAN MAMMINA: Your fence company should be doing that for you for free. Okay. Or you can -- you can report them to the Town of North Hempstead. They will -- if there are -- my understanding is if there are actions against a fence company, they will -- they will suspend their license. We had that happen one time in the past where the same fence company came in over and over again -- well, the people came in. And that's why I asked you who installed the fence, because they're the ones who did wrong by you.

MS. METZELAAR: I guess so.

MEMBER GOODSELL: Ms. Metzelaar, if you're hearing what the Board says, on your total application we are giving you -- we are approving because you don't need our approval for the stretch of fence that's marked 1.2 because that's 6-foot. That's your rear. We will grant you 5 feet on the green line and the parallel yellow line.

MEMBER HERNANDEZ: The green has to be 4, Pat.

MEMBER GOODSELL: The green has been 4. Okay. But we're not allowing a fence in the triangle area.

SECRETARY WAGNER: Patricia, I think the result of the -- what she's requesting is that the Board is essentially denying. I don't think the Board is granting anything, if I understand.

MEMBER DONATELLI: But if we can -- if we can give a copy -- and I don't know through what magic you can do this. If you can get a copy of that

survey with the green line to the applicant, that would be helpful.

SECRETARY WAGNER: Dan, I would prefer she would speak to the Building Department about what actually would be compliant.

MEMBER DONATELLI: Okay.

SECRETARY WAGNER: I want to make sure I'm not advising her incorrectly, because that's what I think would be a permitted fence in that position. But --

MEMBER DONATELLI: Understood.

SECRETARY WAGNER: -- they might have -- because I'm not exactly sure. I think this part here would be considered the rear property line, so she probably could have 6. But then this part over here would be the side yard, which would only be 5. I'm not exactly sure.

MS. METZELAAR: The people to the right of the line that you're talking about love the fence. I've had signed statements saying they like it. I have people across the way say they're okay with it.

CHAIRMAN MAMMINA: Unfortunately, that's not how it works.

MS. METZELAAR: Okay. If -- if we had made the police reports, would this have been a different outcome?

VICE CHAIRMAN FRANCIS: No, I don't believe it would.

CHAIRMAN MAMMINA: Our power is very limited. It's limited only to the components of zoning.

MS. METZELAAR: So if we had police reports that this twenty-five-year-old woman in her yard -- that would make no difference?

MEMBER DONATELLI: Let me just address that.

VICE CHAIRMAN FRANCIS: For zoning, it wouldn't.

MEMBER DONATELLI: Yeah. I'm the one who raised the question. I was trying to figure out how serious a situation it is. But in terms of zoning, it really does not have any bearing on it. We've had situations, unfortunately. I recall one a few years ago where there were actual physical altercations between the parties, and I'm glad to see that -- that at least it hasn't come to that in this situation. But I'm not minimizing any difference you may have with this neighbor. What I am suggesting, as you heard from Ms. Algios and also others on the Board, that there are ways of achieving the privacy, which is your goal. There are ways of achieving that that do not require variance, and that's one of the things that we're required by law to consider.

MS. METZELAAR: Okay. All right.

CHAIRMAN MAMMINA: Okay. Do we have a motion on the application?

MEMBER GOODSSELL: I will move, then, that the application as submitted be denied.

CHAIRMAN MAMMINA: We have a motion from Ms. Goodsell. Do we have a second?

VICE CHAIRMAN FRANCIS: Second.

CHAIRMAN MAMMINA: Seconded by Mr. Francis.
Please poll the board.

SECRETARY WAGNER: Member Goodsell.

MEMBER GOODSSELL: However we say denied, aye, nay.

MEMBER HERNANDEZ: "Aye".

SECRETARY WAGNER: Member Donatelli.

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Member Hernandez.

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Vice Chairman
Francis.

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina.

CHAIRMAN MAMMINA: With great regret for
Ms. Metzelaar, because it's a difficult concept for
her comprehend, but I vote aye.

So the application is denied.

MS. METZELAAR: It's not -- it's that I
don't understand the concept. I just don't --

VICE CHAIRMAN FRANCIS: Agree with it.

MS. METZELAAR: I don't agree with it.
If it was your daughter that was being stared at and
bothered, maybe you would change your mind a little
bit.

ATTORNEY ALGIOS: Ms. Metzelaar, maybe
part of it is just understanding the way the Board
works and the way zoning works. Zoning goes to the
land. It doesn't go to the person. So the
circumstances really -- this board doesn't really
take circumstances into account because the Board is
really tasked with keeping the zoning for an entire
area, basically in uniformity. So they can't start
making -- carving out exceptions here and there.
They look at the property, they look at the zoning,
and they look at the five factors that Town Law
requires them to look at, which is the affect on the
community, whether the variance requested is
substantial, and whether it can -- an alternate means
is available to achieve the same benefit to the
applicant that does not require a variance. So -- so
it's -- while it's unfortunate, what you're going
through, and that's why, you know, it's been
suggested to you that if there is a real issue, you

should contact the police department. It has nothing to do with zoning.

MS. METZELAAR: I understand. But even the house on the opposite side of the street on Atlas Court and Pubins Lane, he has 12 feet of -- of bushes that are, like, so tall that are more of an eyesore. And, also, if you tried to make a left out of Atlas Court onto Pubins Lane, you can't see around the corner, but that's okay, too, because it's a tree.

SECRETARY WAGNER: It's actually not okay. You're not allowed to block sight distances with bushes.

MS. METZELAAR: Well, I went out of the way to keep my fence back so I'm not bothering anybody's sight vision, I'm not -- I'm not blocking anything that's hurting anyone, and then I'm -- you know, I'm being, you know, not allowed to do what I'm doing but others can do it. The people two houses across the street, which I sent my registered letter to, they both have 6-foot fences on the side of the house, which you consider the frontage. You know, it's just like -- it doesn't make any sense.

ATTORNEY ALGIOS: Some people may also do things for --

MS. METZELAAR: It's just --

ATTORNEY ALGIOS: -- the variance. So citing examples like you're doing, we really don't know if those fences are up legally.

MS. METZELAAR: I understand. But the argument you give me is that, you know, we can't let you have this because other people are gonna want it. Well, other people have it and now I want it and I can't get it.

VICE CHAIRMAN FRANCIS: Other people have it illegally.

CHAIRMAN MAMMINA: Right. The Town Board doesn't -- has said that that's not what the Town should look like. And while I'm not suggesting

that you do this, the Town Board makes those rules and regulations, you know, regarding that, you know, and we do that balancing test that -- that Deborah spoke about.

MS. METZELAAR: Whatever. I just don't -- I don't get it.

ATTORNEY ALGIOS: Okay. I -- I think the Board's voted here, so I'm going to call this appeal now in conclusion. Thank you very much, Ms. Metzelaar, for coming and appearing today.

MS. METZELAAR: Yeah. Okay. Thank you.
* * *

SECRETARY WAGNER: Should I call the next appeal?

CHAIRMAN MAMMINA: Please.

SECRETARY WAGNER: Appeal No. 21129, Mike Breen, 32 Peachtree Lane in Carle Place, Section 10, Block 280, Lot 7 in the Residence-B Zoning District.

MEMBER HERNANDEZ: Did we skip Hilldale?

SECRETARY WAGNER: Oh, I'm sorry. Thank you, Jay. I'm look at some other writing on the side.

Appeal No. 21128, Daniel McGonigle, 101 Hillside -- Hilldale Road in Albertson, Section 9, Block 119, Lot 7 in Residence-B Zoning District. Variances from 70-40.B, to construct additions that are too close to the street.

CHAIRMAN MAMMINA: You've heard Appeal No. 21129 -- I'm doing the same thing. You've heard Appeal 21128, Daniel McGonigle. Is there anyone who is on the hearing who is interested in the application?

MR. COHEN: William J. Cohen. I'm the architect for the applicant.

CHAIRMAN MAMMINA: Hang on one second. Is there anyone who's interested? No?

ATTORNEY ALGIOS: I don't see any hands raised.

Mr. Cohen, if you could also just include your address, please, for the record.

MR. COHEN: Sure. It's 5512 Merrick Road, Massapequa.

CHAIRMAN MAMMINA: Any relationship to the infamous Bill Cohen?

MR. COHEN: I thought I was the infamous Will Cohen, or famous, I should say. It's a popular name.

CHAIRMAN MAMMINA: No relation. He was known as Mr. Hempstead. So if you have an application in the Town of Hempstead, he was the man.

MR. COHEN: No. Okay. Sorry.

CHAIRMAN MAMMINA: We won't hold it against you, though.

MR. COHEN: Okay. Very good.

CHAIRMAN MAMMINA: So please go ahead.

MR. COHEN: Terrific. Thank you very much for the opportunity to present. Do I have the floor? I'm sorry.

CHAIRMAN MAMMINA: Yes.

MR. COHEN: I represent Mr. and Mrs. Daniel McGonigle at 101 Hilldale Road in Albertson. Mr. and Mrs. McGonigle are a young family from the city. They have a young family. As a matter of fact, Mrs. McGonigle is due to give birth any day now for their second child. They're looking for a nice existence on Long Island, as many of us have already. They purchased the existing home which is actually a corner property, as you'll see on the screen. It's a two-story home with a partial basement. It faces onto Hilldale. It also has a side yard, or side elevation, I should say.

When we had our initial review, actually, we had a half a dozen comments. What we're looking to do to the front portion of the house is a small two-story residence. It has an existing rear addition that projects south along Croyden. They are looking to do a full second-floor addition on that existing rear addition in order to square off the house to make room for their growing family.

All that being said, on our initial submission, there are about half a dozen comments that were made in regards to the submission. I believe three of them had to do with wanting to relocate. There is a -- on the Croyden elevation -- on the rear of the Croyden elevation, there's an existing two-car driveway. We were looking to eliminate that, revert it or convert it back to a

grassy area and then move that to the front elevation of the house on Hilldale. Like I said, three out of the six comments reflected that we're applying for a variance that we have since removed in order to limit the amount of issues. We're trying to expedite, trying to get Mr. and Mrs. McGonigle safely to their new home. So we did delete that from the submission. So half of the issues have already been eliminated.

In addition, we are also proposing doing over the existing front stoop, let's call it a front porch, we were --

CHAIRMAN MAMMINA: Mr. Cohen, can I ask you to hold on a second so I can go back to the disapproval to see which ones disappeared?

MR. COHEN: Sure. Absolutely. Take your time. I believe it's the last three items.

CHAIRMAN MAMMINA: The disapproval that I have, unless there are two of them, only has one item on it.

MR. COHEN: Yeah. I'm just giving a quick history, if I may.

CHAIRMAN MAMMINA: Well, if we could focus on the -- you know, on what the subject of the variance --

MR. COHEN: Sure. No problem.

CHAIRMAN MAMMINA: -- is, that would be helpful.

MR. COHEN: No problem. I'll jump right to it.

CHAIRMAN MAMMINA: And you did what's correct. You tried to --

MR. COHEN: We did what's correct.

CHAIRMAN MAMMINA: -- mitigate, and that's a wonderful thing when people mitigate.

MR. COHEN: Just to give a brief history, moving forward, the only issue that we have is in retrospect is -- is minor in terms of relief that we are seeking. As mentioned, we're looking to put a second-floor rear addition on the back of the house to create a full second story for this growing family. Because we're on a corner lot, the side elevation along Croyden, there is a minimum of a 25-foot setback.

The house right now is existing nonconforming as we are at 20.3 feet on the front corner where Hilldale and Croyden come together, that front corner of the house. I guess that would be the northwest corner. The Croyden is not parallel to the side elevation of the house. It actually flares outward as you progress toward the rear portion of the house. So it's just that front tip of the property. If you look at the site plan, it's 20.3 feet existing nonconforming based upon 25 feet. When trying to add this second-floor addition onto the home, we were just trying to get some little bit of dimensionality to the house, otherwise it's pretty banal in design.

We feel that little or no detrimental value to anybody -- the Croyden elevation does not face the front view of another home. It's actually the side view of the house across the street on Hilldale. We have two little projections. If you look at the side elevation of the house, if you can scroll down to about three or four pages down, if I can trouble. Probably the next page. There you go. Scroll down to the right. There you go.

You'll see on the side elevation, which is understandably a street elevation on Croyden, we have two 2-foot projections that we built onto the house. I believe the one on the left is a portion of the laundry room and the part on the right is the master suite. We were simply just trying to get a little bit of dimensionality to the house to give it some visual interest. As it stands right now, the existing condition is, like I said, very banal, very boring, and dull. Right now, what we're asking for in terms of further encroachment is from 20.3 feet to 19.4 feet, which would only occur in that front left corner of the doghouse little dormer that we built, which amounts to about 10 and a half inches. And

that projection only occurs on the second floor. It does not occur on street level.

We feel that the fact that we resolved the five of the other six requirements or requests in order to be in full conformance, you know, we agreed 100 percent and -- and complied with whatever requirements of North Hempstead. But in this instance, once again, to have a little 2-foot projection on the second floor just to give a little bit of architectural flare so it doesn't look like a shoe box, that's what we were going for.

CHAIRMAN MAMMINA: Mr. Cohen, I'm looking at your zoning sheet and I'm not seeing that on here.

MR. COHEN: Okay.

CHAIRMAN MAMMINA: It says front yard required 30 feet, and you're saying proposed is 34.1?

MR. COHEN: Right.

CHAIRMAN MAMMINA: And front yard required corner lot, 30 feet, and 34.1.

MR. COHEN: That's the front. Yeah. That sheet was done prior to the first request. I think that might have been a clarification or an update. As far as the review letter I received, we were told, and correct me if I'm wrong, on that Croyden elevation we'll require 25-foot clear. So I apologize if our zoning sheet doesn't match.

CHAIRMAN MAMMINA: Okay. Because, yeah, that's your -- that's your secondary front yard.

MR. COHEN: Right, secondary front yard, since it's quite a lot. So as mentioned, as long as it's 25-foot, we are existing nonconforming from the initial construction of the house. I don't know if the zoning had changed over the years. I'm assuming it has. But in our opinion --

CHAIRMAN MAMMINA: Do you know what the dimension is down at the south end of the house? It's not -- it's not on the survey.

MR. COHEN: It's definitely more than 25 feet.

CHAIRMAN MAMMINA: Because usually, we'll see somebody draws a little triangle, you know, showing how much of an intrusion where your 20-- 20.1.

MR. COHEN: I apologize. I don't have that as part of that submission. I know by the time you get to the back of the house, it's well over 20 feet. You could see on the site plan how the -- how the street and the house are not parallel.

CHAIRMAN MAMMINA: No, I see that. Sure. I see that.

MR. COHEN: Once again, we respectfully request. We feel that the request -- the relief we're seeking is minor in nature. If anything, it will enhance the street, it will give the neighborhood a little bit more character, and we feel that it's negligible, if any, detriment to anybody. If anything, they'll appreciate the enhancement the McGonigles are looking to do.

CHAIRMAN MAMMINA: So --

MEMBER GOODSSELL: So, Mr. Cohen, if I'm reading your plans correctly, those two little -- I'll call them "bump-outs" on the second floor, one would part of a laundry closet and one would be part of a sitting area?

MR. COHEN: That's correct.

MEMBER GOODSSELL: And in all other respects, the second-story addition is flush with the first floor -- the first floor of the house. There's no --

MR. COHEN: That's correct.

MEMBER GOODSSELL: Okay. All right.

CHAIRMAN MAMMINA: I'm just trying to see where the two bump-outs are.

MR. COHEN: On the second floor.

CHAIRMAN MAMMINA: The front?

MEMBER HERNANDEZ: Two front bump-outs.

CHAIRMAN MAMMINA: The front is just a portico.

MR. COHEN: Right. The front portico is originally a two-story, and the original review letter, the two-story portico wasn't allowed --

CHAIRMAN MAMMINA: You're not allowed to -- okay. So that --

MR. COHEN: We complied.

CHAIRMAN MAMMINA: That's shown there but that's -- that's open on three sides, correct?

MR. COHEN: That is correct. That is correct. It's an open roof.

CHAIRMAN MAMMINA: And that's shown in the side elevation.

MEMBER HERNANDEZ: It's also 30 feet. It's also 30 feet from the front yard.

CHAIRMAN MAMMINA: No, it's 24-something from the front yard, I think.

MEMBER HERNANDEZ: No.

MEMBER GOODSELL: No. It's 34. It looks 34. It's very hard to read.

CHAIRMAN MAMMINA: Isn't 34 the house itself?

MEMBER HERNANDEZ: 34 is the house. They got a 5-foot, so 29.

CHAIRMAN MAMMINA: Right. So it's 29.

MEMBER HERNANDEZ: It was done by the Building Department, so I'm assuming that it conforms.

MR. COHEN: There's actually a blowup of the site plan that we created.

CHAIRMAN MAMMINA: I'm just trying to see the numbers. I couldn't read them.

MR. COHEN: Let's go to the next page after that. The third page, should be. Keep scrolling. There.

CHAIRMAN MAMMINA: The arrow goes through the dimension there, I see.

MEMBER HERNANDEZ: The house --

CHAIRMAN MAMMINA: I see the 29.6 there. But you're allowed to have an open --

MR. COHEN: Correct.

CHAIRMAN MAMMINA: -- portico for 5 feet.

MR. COHEN: Which we complied.

CHAIRMAN MAMMINA: Depends on what your average front yard setback is.

MR. COHEN: Right. In front of the house is the 34.6.

CHAIRMAN MAMMINA: What's the average front yard setback?

MR. COHEN: It's on our seat back.

MEMBER GOODSELL: It's almost right above that.

CHAIRMAN MAMMINA: I'm just saying if that sheet is incorrect -- you had said before that it needed to be updated.

MR. COHEN: No, no. The -- the setbacks for the street, they're all correct.

CHAIRMAN MAMMINA: When you say "average front yard" and you say "not applicable."

MR. COHEN: There's actually a section --

CHAIRMAN MAMMINA: Average front yard, corner lot, 30.3. So I'm -- I guess I like to look at the zoning sheet because, to me, that kind of --

MR. COHEN: Right. We actually -- if you go back to the drawing that we were looking at previously, we have on there the actual average setbacks on the drawings. So we have those right from -- the drawings, not our application. Sorry.

MEMBER GOODSELL: There they are, right above the word "Hilldale".

MR. COHEN: Okay.

SECRETARY WAGNER: Calculations are on the side (indicating). Looks like a 30.3, is that correct, average front yard setback?

CHAIRMAN MAMMINA: Yeah, there it is.

MR. COHEN: 30.3.

MEMBER DONATELLI: It's boxed in.

CHAIRMAN MAMMINA: Yeah, there it is. All right. Does anyone have any issue with this? Whose neighborhood is this in? No one's. Okay.

MEMBER GOODSELL: Well, in that case, it's kind of in everyone's neighborhood.

CHAIRMAN MAMMINA: It's in everyone's neighborhood.

MEMBER GOODSELL: I think the applicant has done as much as they can to comply, and I don't -- I don't have a problem with the application.

I think that it's -- looking at the picture and looking at the actual house itself, it's a box and I can see why they would want to make it more visually interesting. I think they've done a rather nice addition. It really seems to require a minimum variance here.

MEMBER HERNANDEZ: Pat, I just want to ask one question because I'm not clear but I want to understand it.

I don't see in your drawings a driveway or a garage anywhere. Did you do away with the garage and incorporate it into the house?

MR. COHEN: There was no garage.

MEMBER HERNANDEZ: Okay. There was no garage.

MR. COHEN: The two-car driveway, the Croyden elevation, at one point we were looking to move it and relocate it. But we since removed that because it wasn't worth going through the approvals.

MEMBER HERNANDEZ: So there is a two-car driveway there?

MR. COHEN: That is correct.

MEMBER HERNANDEZ: Just making sure you have parking, that's all.

MR. COHEN: Absolutely. We comply.

MEMBER HERNANDEZ: Thank you.
Go ahead, Pat. I'm sorry.

CHAIRMAN MAMMINA: So we have a motion from Ms. Goodsell. Do we have a second?

MEMBER HERNANDEZ: Second.

CHAIRMAN MAMMINA: Seconded from Mr. Hernandez.
Please poll the board.

SECRETARY WAGNER: Member Hernandez.

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Goodsell.

MEMBER GOODSELL: Aye.

SECRETARY WAGNER: Member Donatelli.

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Vice Chairman
Francis.

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: And Chairman Mammina.

CHAIRMAN MAMMINA: Aye.

So the application is granted. And,
Mr. Cohen, I guess I'll apologize in that I thought
you were an attorney from what you said in the
beginning. You're an architect?

MR. COHEN: Yes.

CHAIRMAN MAMMINA: The Bill Cohen that
I'm talking about is an attorney.

MR. COHEN: Okay. No problem.

MEMBER GOODSELL: I will just express my
sympathy, because I lived for forty years without a
garage and I know it could be done but it's a very
nice thing to have.

MR. COHEN: Thank you very much.

CHAIRMAN MAMMINA: Okay.

MR. COHEN: I appreciate it. Thank you.

* * *

SECRETARY WAGNER: Next appeal is Appeal No. 21129, Mike Breen, 32 Peachtree Lane in Carle Place, Section 10, Block 280, Lot 7 in the Residence-B Zoning District. Variances from 70-41(A) and 70-41(A)(1)(e), to construct a second-story addition that is too close to a side property line and with total side yards less than required.

CHAIRMAN MAMMINA: You're heard Appeal No. 21129, Mike Breen. Is there anyone interested in the application other than the applicant that we see now?

ATTORNEY ALGIOS: No, there are no hands raised.

CHAIRMAN MAMMINA: Okay. Whoever is making a presentation for the applicant, the podium belongs to you.

MR. PYZYNSKI: Whoever? What do you mean "whoever"? Good afternoon.

CHAIRMAN MAMMINA: Oh, wait, Leo, do you have a tie on?

MR. PYZYNSKI: No, but I tell that story about Gene giving me his all the time.

CHAIRMAN MAMMINA: Come on, look, I still wear a tie.

MR. PYZYNSKI: I saw, and I saw Don Alberto was all dressed nice. And I said, "No, it's eighty degrees."

CHAIRMAN MAMMINA: I was on a Zoom hearing last week -- not a Zoom hearing, a Zoom meeting, and it was a Friday and I was not in the office and so I had on a t-shirt and people were aghast that they saw Dave Mammina without a tie on.

MR. PYZYNSKI: I would also. I would also.

All right. So I'll try to be brief. Mr. Breen would like to add a second-story addition over his existing garage.

ATTORNEY ALGIOS: I'm sorry to interrupt you. Can you just put your name and address on the record?

MR. PYZYNSKI: Oh, I'm sorry.

ATTORNEY ALGIOS: That's okay.

MR. PYZYNSKI: Leo Pyzynski, 100 Clinton Avenue, Mineola, New York 11501.

ATTORNEY ALGIOS: Thank you.

MR. PYZYNSKI: Okay. What Mr. Breen would like to do is add a second story over his existing one-story garage to have an added -- bedroom added, rather. We do not have the existing side yard or side yard aggregate. The Board did approve the addition to the second floor that you see back to 2011. Got a certificate of completion in 2013. So what we did is go straight up from the front of the garage and the side, cantilevering in the back to pick up an added foot in the room. Because even as it is now, it's under 10 feet wide and if we had to comply, it would be under 8 feet wide if we had to comply with the zoning.

We went with a hip roof, as the Board had requested on previous applications when they approximated the side yard setback. We have zero windows on that north side to provide privacy for everyone. And that's pretty much the gist of it, just to add the one bedroom and we're short by a couple of feet on the side yard and side yard aggregate.

CHAIRMAN MAMMINA: So what are the numbers on the side yard and side yard aggregate?

MR. PYZYNSKI: The existing side yard on the zoning sheet and on the survey, the house is racked a little bit with the property line. The rear of the garage is 5.27 feet. The front of the garage is 5.51 and on the other side, it goes 7.65 feet and 7.87 feet.

CHAIRMAN MAMMINA: And we need what, 7 and --

MR. PYZYNSKI: 7 and 15 -- 7 and 8.

CHAIRMAN MAMMINA: 7 and 8 for 15. So give me that one more time.

MR. PYZYNSKI: Sure. We have 5.27 where 7 is required, and we have 7.65 where 8 is require.

CHAIRMAN MAMMINA: Okay.

MR. PYZYNSKI: And we need 15 but we only have 12.92.

CHAIRMAN MAMMINA: And that's a straight yard vertical -- excuse me, straight line vertical extension of the existing setback from the garage?

MR. PYZYNSKI: Right, going straight up on that side.

CHAIRMAN MAMMINA: All right. And I guess just for the record as well, even though that -- although the aggregate side yard is -- is diminished some, the garage is pulled back from the front of the house about 5 feet. So, you know, depending on which direction you're approaching the house, that still looks okay. And, again, as was already established, this is just a vertical straight line addition of -- you know, of what's already there. And the roofs are -- are hipped in so that they match the existing house and they also minimize the amount of elevation that's seen by the -- by the neighbor next door. So I don't know if anyone else has any other questions for Mr. Pyzynski.

MEMBER DONATELLI: I have no other questions. I will say that aggregate side yards are particularly important to me, but I think that the applicant has done with the hipped roof and just building vertically up, I think the applicant has done as best as could be done under the circumstances.

CHAIRMAN MAMMINA: So is that a motion, Mr. Donatelli?

MEMBER DONATELLI: Yeah, I make a motion -- sorry. I make a motion. Unless someone else has something else to add, I make a motion that we grant the application.

CHAIRMAN MAMMINA: Okay. Thank you.
We have a motion by Mr. Donatelli. Do we have a second?

VICE CHAIRMAN FRANCIS: Second.

MEMBER GOODSSELL: I'll second.

CHAIRMAN MAMMINA: Seconded by
Ms. Goodsell.
Please poll the board.

SECRETARY WAGNER: I think the Vice
Chairman seconded first.

VICE CHAIRMAN FRANCIS: Oh, it doesn't
matter.

CHAIRMAN MAMMINA: He's going to yield
to the lady.

MEMBER GOODSSELL: Oh, how nice.

SECRETARY WAGNER: Member Hernandez.

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Goodsell.

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Donatelli.

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Vice Chairman
Francis.

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina.

CHAIRMAN MAMMINA: Aye.
The application is granted.

MR. PYZYNSKI: Thank you all very much.

CHAIRMAN MAMMINA: Thank you.

MR. PYZYNSKI: Enjoy the day, as always.
Have a good day.

CHAIRMAN MAMMINA: Yes. Good to see
you, Leo.

MR. PYZYNSKI: Likewise.

SECRETARY WAGNER: Thank you.
* * *

SECRETARY WAGNER: The next appeal is Appeal No. 21131, Peter Blidy, 87 Dennis Street, Section 33, Block 123, Lot 34 in the Residence-C Zoning District. Variance from 70-50(C), to legalize a portico located too close to the street.

CHAIRMAN MAMMINA: You've heard Appeal No. 21131, Peter Blidy. Is there anyone on the Zoom who is interested in the application?

ATTORNEY ALGIOS: I see -- let's see, we have --

SECRETARY WAGNER: There was somebody before that was interested.

CHAIRMAN MAMMINA: Well, if they pop back up, they'll have --

SECRETARY WAGNER: Julio De Los Santos.

CHAIRMAN MAMMINA: Okay. Do we have the applicant there?

SECRETARY WAGNER: They raised their hand now, Deborah. He's supposed to be representing.

ATTORNEY ALGIOS: I just don't see the applicant.

CHAIRMAN MAMMINA: It says Peter is the owner.

ATTORNEY ALGIOS: And he's pro se.

SECRETARY WAGNER: Maybe the phone number. Maybe we can promote the person that's on the phone. Maybe that's them.

ATTORNEY ALGIOS: I can allow them to talk and we can just ask them.

So I just unmuted the person on the phone. Are you the applicant?

SECRETARY WAGNER: They're muted, so how would they unmute? Can you unmute them?

ATTORNEY ALGIOS: I can only ask them to unmute, which I've done.

SECRETARY WAGNER: How do they do that when they're on the phone?

ATTORNEY ALGIOS: Actually, I'm not sure.

CHAIRMAN MAMMINA: I think it's like you press star or something like that.

SECRETARY WAGNER: Star 9. Or I don't know, I thought star 9 was to raise your hand.

CHAIRMAN MAMMINA: That could be, too.

ATTORNEY ALGIOS: Do you think the person who had their hand up, is it possible they're speaking for the applicant?

CHAIRMAN MAMMINA: Why don't --

SECRETARY WAGNER: They said this is related to the case of Peter Blidy but they didn't say why they were there.

ATTORNEY ALGIOS: Let's just ask them. I can allow that person to talk.

MR. DE LOS SANTOS: Can you see us now? Can you listen to us?

ATTORNEY ALGIOS: Mr. De Los Santos, are you the applicant? Are you speaking for the applicant?

MR. DE LOS SANTOS: Oh, no. Peter is next to me. I'm friend of Peter's. He has some -- Introduce yourself.

MR. BLIDY: Hi, I'm Peter Blidy. I'm the owner of the house.

ATTORNEY ALGIOS: Okay.

MR. BLIDY: This is my friend over here, Mr. De Los Santos.

CHAIRMAN MAMMINA: If you're going to both speak, just introduce yourselves and put your address onto the record.

MR. DE LOS SANTOS: My name is Julio De Los Santos, and I'm here with Peter, owner of 87 Dennis Street, Garden City, New York 1104-- Section 33, Block 123, Lot 34. It's a Residence-C.

CHAIRMAN MAMMINA: Okay.

ATTORNEY ALGIOS: So I'm sorry to interrupt, but I can promote you to panelist. I had just -- I turned on your speaker, but I'll promote you to panelist for the presentation.

MR. DE LOS SANTOS: I don't know -- I want to go -- okay. Join as panelist. Okay. Let me go to open the video.

MEMBER GOODSSELL: There you go. We can see you.

MR. DE LOS SANTOS: They can see you.

MR. BLIDY: All right.

CHAIRMAN MAMMINA: Name and address, please.

MR. BLIDY: Sorry. My name is Peter and the last name is Blidy, B-L-I-D-Y.

CHAIRMAN MAMMINA: Okay.

MR. BLIDY: My address is 87 Dennis Street, Garden City Park, New York 11040.

CHAIRMAN MAMMINA: Okay. And Mr. De Los Santos.

MR. DE LOS SANTOS: Julio De Los Santos. I'm his friend. I'm just trying to help him because he had some issues.

MR. BLIDY: I have macular degeneration so I have him stepping in because I would never be able to do this on my own.

CHAIRMAN MAMMINA: That makes him a good neighbor and a good friend. Mr. De Los Santos, just put your address onto the record, also.

MR. DE LOS SANTOS: Yes. My address is 34-18 Northern Boulevard, Long Island City, New York 11101.

CHAIRMAN MAMMINA: Thank you. So you may certainly both speak, but we just ask one at a time because there is, you know, a -- a reporter taking a record.

MR. DE LOS SANTOS: Okay.

CHAIRMAN MAMMINA: So the podium belongs to you. Go ahead.

MR. DE LOS SANTOS: Yes. We have a -- an application to legalize a front portico that is close to the street. And the aggregate -- aggregated, like, setback goes to 16 and something, and we have 13. So we are short like 2 feet and a half to comply with the setback. So we are requesting Your Grace to approve this and legalize this front portico.

CHAIRMAN MAMMINA: Okay.

MEMBER DONATELLI: So, Mr. De Los Santos, when you say "a portico", it is open on all sides; is that correct?

MR. DE LOS SANTOS: Yes, it's open. It's completely open. It's only covered with a little roof.

MR. BLIDY: Right, just so I don't get wet underneath.

MEMBER DONATELLI: Okay. And it has no sides; is that correct?

MR. DE LOS SANTOS: That is correct, no sides.

MEMBER DONATELLI: And how long has that been like this?

MR. DE LOS SANTOS: It's been 2018.

MR. BLIDY: Yes, yes, pretty much 2018. Exactly.

MEMBER HERNANDEZ: Did you build it or buy the house this way.

MR. BLIDY: Well, I -- I have another person that was recommended to me through my landscaper, and he did it. And I was under the impression that he was going to have it all legalized and done with the proper permits. But, you know, I guess he took advantage of my disability that even if he showed me, I would have a problem. So I guess he took advantage of me.

MEMBER HERNANDEZ: The house appears to be, from the survey, 19 feet, 9 inches back, the house proper, and it looks like the open porch with the roof-over portico, the roof-over, is 6 feet deep. Am I reading that correctly?

MR. DE LOS SANTOS: Right. To the first page, I think --

MEMBER HERNANDEZ: 13-9, 13-9 when it's technically supposed to be -- it should be 15, right, David?

VICE CHAIRMAN FRANCIS: 15.

MEMBER HERNANDEZ: So it's really a foot -- slightly over a foot.

MEMBER DONATELLI: Yes.

CHAIRMAN MAMMINA: If we look at the average front yard diagram that's on sheet A3, I mean, we can see that the -- first, he's on a corner and the house next door to him is set back slightly

more than him. But then the house next door to that is significantly closer to the street, you know, than -- than he is. So there's no real regularity, you know, to the front yards. And, you know, I'm familiar with Garden City Park, having grown up in Mineola, and it's over by where the high school is. And, you know, some of the houses are new, some of the houses are a little bit older, so there's really no real context, you know, of the -- you know, of the neighborhood there.

MR. DE LOS SANTOS: No.

MEMBER DONATELLI: I would also add, I drove by this property again yesterday, or the day before, I do not recall exactly. And it seemed to me that this portico was not out of character with many other porticos in the neighborhood, and specifically one across the street.

VICE CHAIRMAN FRANCIS: Right, right.

CHAIRMAN MAMMINA: Yeah. So I don't know if anybody has anything else to add or has any -- any feelings negatively toward it.

VICE CHAIRMAN FRANCIS: Nope.

CHAIRMAN MAMMINA: If not, we have a -- then we have a motion.

MEMBER DONATELLI: Yeah. Mr. Chairman, I'll make a motion that we grant the application.

CHAIRMAN MAMMINA: We are have a motion by Mr. Donatelli. Do we have a second?

MEMBER HERNANDEZ: Second.

CHAIRMAN MAMMINA: Seconded by Mr. Hernandez.
Please poll the board.

SECRETARY WAGNER: I'm sorry. I just had to answer a phone call.

CHAIRMAN MAMMINA: That's quite all right.

SECRETARY WAGNER: So it was a motion by Member Donatelli and seconded by Mr. Hernandez, correct?

CHAIRMAN MAMMINA: Correct.

SECRETARY WAGNER: Member Hernandez.

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Goodsell.

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Member Donatelli.

MEMBER DONATELLI: Aye.

SECRETARY WAGNER: Vice Chairman Francis.

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina.

CHAIRMAN MAMMINA: Aye.
So the application is granted. Thank you very much.

MR. DE LOS SANTOS: Thank you.

MR. BLIDY: Thank you so, so much.

CHAIRMAN MAMMINA: And you're a good friend, Mr. De Los Santos.

MR. DE LOS SANTOS: Thank you so much.

MR. BLIDY: Thank you.

SECRETARY WAGNER: Next appeal -- so, Deborah, did we want to take a break or what are we doing?

ATTORNEY ALGIOS: Do we want to take a brief break before the commercial calendar, just a bathroom break, food break?

MEMBER GOODSELL: Certainly. That would be fine.

MEMBER DONATELLI: Sure.

SECRETARY WAGNER: Maybe like fifteen minutes?

ATTORNEY ALGIOS: Yeah. Why don't we come back on at 2:15.

SECRETARY WAGNER: Anybody who's listening and the applicants, we're going to take a fifteen-minute break and then we will resume.

(Whereupon, a brief recess was taken.)

* * *

SECRETARY WAGNER: Appeal No. 20694.A, Geismar, LLC, 7 Harbor Park Drive in Port Washington, Section 6, Block 86, Lots 2a, 2b, and 3 in the Planned Industrial Park District. Variances from 70-103(A), 70-159, 70-160.A, and 70-160.C, to construct additions to a building too close to a rear property line and front property line, with not enough parking, covering too much of the lot and with parking spaces located within the front yard.

CHAIRMAN MAMMINA: You've heard Appeal No. 20694.A, Geismar, LLC. Is there anyone in the room interested in the application?

ATTORNEY ALGIOS: There are no hands up.

CHAIRMAN MAMMINA: Okay. So then just the applicant, Mr. Dan Baker.

MR. BAKER: Yes. Hello, everyone. Can you hear me?

CHAIRMAN MAMMINA: Yes, I can. How are you, sir?

MR. BAKER: I'm well. Good to see you. I see my camera is a little off, but since I haven't been watching, I didn't really know that. So I'll try to stay up straight.

My name is Daniel Baker from the firm Certilman Balin Adler & Hyman, 90 Merrick Avenue, East Meadow 11554.

Again, good afternoon, and good to see everybody. I'm here on behalf of the applicant, Geismar, LLC, which is the owner of the premises at 7 Harbor Park Drive in Port Washington in the industrial/office/whatever part we're calling it now.

We appeared before the Board on this in March of 2019, and in essence, our application today is an amendment to that approval from March of 2019 because the subject matter of that application in 2019 has not yet been built. I would point out, also, that after receiving approval in 2019 from this board, we did also receive site plan approval from the Town Board in November -- sorry, in January of 2020. Of course, that was right before the world

went upside down with COVID, and COVID, in fact, had an impact on the construction and the project.

Before going any further, there are other members of our team that are joining me. My intention is really to give you, you know, the details of everything here, and if you have questions from them, you can certainly ask them. I don't know if we wanted to try to elevate them now or do it as necessary. I'll leave that up to you.

ATTORNEY ALGIOS: Well, if you let me know who they are, I can elevate them now and they can --

MR. BAKER: Sure. There should be representative from the applicant, Mo Baadarani, representative there for the architect, David Bilow, and a representative from our traffic engineers, Robinson & Muller. That would be Keyan Cody with a "K", K-E-Y-A-N.

ATTORNEY ALGIOS: Got them.

MR. BAKER: So I'll continue. The original application that the Board approved was to add 22,333 square feet to an existing 76,890 square foot warehouse distribution and little bit of office facility for a company called PACOA. Same principals as the applicant, Geismar LLC. PACOA is a family-owned company that's been around for more than fifty years. I gave the Board a good history on that. And, basically, what they do is they distribute all types of paint, hardware, and construction materials. And while COVID put a hold on the project and slowed their business down initially, ultimately, the affects were like gangbusters and the business, thankfully, has been very, very good.

So in the timing that has passed since the approvals we received, the applicants were able to really hone in more as they started looking at what they needed and determining what would suit them. And in essence, it led to an increase in the square footage of the proposed addition of 2,167 square feet. By doing this, it makes the total now for the proposed addition 24,500 square feet, approximately. What that has done has also led to

increases in the variances that we had originally sought by a little bit for each one, and I'll run through them.

So the first variance has to do with the front yard, which is on the plan that you're looking at towards the bottom. As you can see, the -- the roadway curves around Harbor Park Drive. In essence, there are two front yards. The front yard requirement is 75 feet. The original approval in 2019 was for 41.3 feet, and now we are seeking 40.3 feet, so a 1-foot difference.

I would point out that currently, as the build sits and was approved by the Town Board with the original plans for construction of the original building, the current front yard setback is 50.4 feet, so already encroaching into the 75, you know, in a fairly considerable way.

The next variance is for the rear yard. On your plan that you're looking at, that would be to the west or to the left side of the property. And, again, there's a 75-foot setback requirement. The approval in 2019 was for 40 feet. We are now seeking a setback of 31 feet. So a 9-foot differential, and that is due to the extension of the building and the additional square footage.

The next variance is for lot coverage. The allowable limit under the code is 35 percent. The original approval in 2019 allowed for 37.9 percent, and we're now seeking 38.7 percent. So a slight increase, not much above what was already approved.

The next variance is for parking in the front yard setback. On the plan this is to the right side of and a little up from what you can see right now. There is a proposed parking area on the -- on the east side of Harbor Park Drive there that originally allowed for 6 parking spaces and is now contemplating 13. This is to make up for spaces that were given up on the west side property line near the proposed extension.

Finally, the last part variance that we're discussing is for the parking requirements. In the 2019 approval, the Board allowed for a 38 space deficiency. As a result of what we're proposing now, it is bumped up three spaces to 41. I would point out, as I did at the hearing in 2019, that currently, there are 81 striped parking spaces. And this is due

to storage containers that are being utilized to, you know, house quite a bit of the materials that the company has there and is taking up spaces and has for years. As a result of this proposed addition and being able to relocate everything inside the building, there are going to be additional spaces created that don't exist now, bringing the total to 131 total spaces.

So, in essence, there are going to be considerable number of spaces existing after this would be built as opposed to what is there now. And based on the traffic analysis that our engineers had done back in 2019 and updated now and we submitted that they found that there is absolutely enough parking to satisfy the use and the proposed extension.

So with that, I think I'll turn it back to Board, if there are any questions. I would just sum it up with there has not been that much considerable change to the variances, but the utilization of the extra square footage is -- is imperative to the company being able to maintain this facility at this location, which is one of the driving forces to do this instead of having to look elsewhere, whether it be in Nassau County or out of the state, which is where their grown business is sort of heading. But, again, the family business wants to stay here. As a result of what they're seeking to do here, not only do they stay but they create more jobs and keep the jobs that are here, if I remember correctly are over 130. It keeps all these jobs in this town and this county.

CHAIRMAN MAMMINA: The only question that I have, Mr. Baker, will this go back to the Town Board again?

MR. BAKER: It will. We'll have to get an amended site plan as well.

MEMBER DONATELLI: So --

CHAIRMAN MAMMINA: I have a question, but I'll hold it.

MEMBER HERNANDEZ: I have one question: The proposed encroachment -- increased encroachment

on the side yard, what I understand is on the other side of that, it's basically another warehouse type of a facility; is that correct?

MR. BAKER: That is correct.

MEMBER HERNANDEZ: Okay. Thank you.

MEMBER DONATELLI: I have a question, and if you can answer with a bit more specificity than you just addressed the issue, I'd like to know why we're looking for an extra 2,000 square feet over plans that were just approved just two years ago. What has changed in the last two years? I know you said that there's an increase in business, but can you be a little more specific why you need this extra space?

MR. BAKER: Yeah. So in addition to the increased need, which is really what's driving this, there has also been a change to the interior of the plan that doesn't necessarily impact the zoning but came about after the approvals. It was determined that -- and my understanding is this has to do with the fire code requirements. And if we need David Bilow to jump in a little bit, I'll ask him to. But I think I can probably get this point across.

As a result of areas of the fire code that were discovered after these approvals, it was determined that the building, which was originally proposed to just be a three-wall addition, meaning it would just make the existing facility, the warehouse, much bigger, had to actually be done as an additional almost four-walled unit attached to the existing. This is creating a firewall. As a result, it's changing the dynamic of how they can stack and put their racks and everything in place. As a result, some additional square footage helps to accommodate that and not lose any stackable space.

MEMBER DONATELLI: And -- okay. And the other question that I have is, and I'm having a little bit of difficulty discerning this from the plans that were filed, one of the things that I would like to see, and I don't know if you've been able to prepare this or if you are able to prepare this, I would like to see some sort of an overlay that might

be in three different colors or three different designs: One showing the existing building as currently manufactured. The second showing the prior grant. And the third color or the third overlay would be the proposed building under this new application.

Do you know of any other buildings that are approximately under 1,000 square feet in this -- in the industrial area?

MR. BAKER: That are under 1,000 square feet?

MEMBER DONATELLI: That are over 100,000 square feet.

MR. BAKER: Oh, over 100,000 square feet.

MEMBER DONATELLI: This size, the size that's being proposed.

MR. BAKER: Offhand, I'm not. I don't know if Mr. Bilow is aware, and if he is, he can certainly chime in.

MR. BILOW: Yeah. Again, we did six buildings in the park, and across the street was -- or next door directly adjoining this is -- adjoining this is a global industrial. I don't remember the size of that. I'd have to check them all. But they're all pretty close to the size that this building is.

ATTORNEY ALGIOS: Mr. Bilow, I'm so sorry to interrupt. You can just provide your name and address, please.

MR. BILOW: Oh, I'm sorry. My name is David Bilow, B-I-L-O-W. I'm a registered architect in New York State for fifty years, and I did about six buildings in this park over a period of the last thirty years.

I did not do this originally, but I did, you know, work on it for a -- when PACOA moved in fifteen years ago, we renovated it for them. Again, this is now expanding it so that they can basically

use it for all of the storage that they now have. But I have to check. Again, we did an addition across the street for the record company, I forgot their name, and we did Seneca Delco down the street and we did Recognition Systems, and they're all pretty much in similar sizes, you know, to this building.

MEMBER DONATELLI: Yeah. I'm -- I'm actually asking for a bit more detail, though. I'm trying to figure out if any of them approach 100,000 square feet. That is a massive building.

MR. BILOW: Yeah, it is. But I can let -- I can get back to you. I don't have the information right now. But I -- I can get back to you in a day or two and give it to you or to the Board.

MEMBER DONATELLI: Okay. All right. So please continue with your presentation, then.

MR. BAKER: Unless there's more to answer there, I think we're fielding questions.

MEMBER GOODSSELL: If I can ask, I see there's a number of spaces. You said there's 81 spaces now. It might go up to 131 spaces. Can you tell me the number of employees there? Are there any empty spaces? Is there spillover parking in other areas, or is that going to be addressed by the traffic and parking person?

MR. BAKER: No, they accommodate what they have there now. It's -- it probably can be tight when there are visitors coming, but they do accommodate everybody that they need. The increase in spaces will certainly help out, because the reality is for practical purposes, there will be a substantial number of new spaces available, not only to employees but to visitors. And that can accommodate the increased expectation of new employees that, you know, will be somewhere in the six to ten range. Could be more if everything goes well. But, you know, they -- they anticipate having some new employees as well, so increased spaces help

all that, but certainly enough, as our traffic and parking expert as indicated.

CHAIRMAN MAMMINA: Mr. Baker, again, I can hold this for your traffic person. Is someone going to speak regarding traffic?

MR. BAKER: We have somebody here, if you need.

CHAIRMAN MAMMINA: Okay. I just -- the question that I have, because I've been here for a while on the Board and heard lots of applications up in there, that there's no parking on the street. Is that still the case up in there or am I mistaken or, you know, that -- when this was first done by the Town Board back when, you know, that they -- as an industrial park, you know, supposed to have no parking in the street and green lawns, you know, in the front. I mean, that was the vision. I mean, the question of how successful that was has nothing really to do with the Zoning Board. But --

MR. BAKER: Yeah. I mean, I can help you maybe a little bit with this. You might recall we discussed it at the last hearing. There are actually a good number of land bank spots here that were approved by the Town Board in the initial approval. There's not been a need to tap those, but they do exist. And -- and the idea, to your point, was to keep more green lawn in that front area on Harbor Park.

SECRETARY WAGNER: Mr. Baker, I hate to interrupt you, but it's my understanding that the land bank spots are no longer proposed.

MR. BAKER: We're not showing them, but they were in the original approval, meaning from the Town Board back in whenever.

SECRETARY WAGNER: Right. But I -- as my understanding was clarified that those are no longer part of the application, I can try to confirm that, but I know that was something that was being looked into as part of this application.

MR. BAKER: And that's -- that's fine. We don't need them. So if that's what the Board is looking to do, we don't have to have them. Again, we have enough to accommodate our use, and the traffic report has -- has shown that as well.

CHAIRMAN MAMMINA: Well, then, I'll still go back to my question. If -- if we're wrong -- let's say we approved this and we're wrong and the parking on site becomes inadequate, you're not permitted to park on the street. That's the question I'm asking, so that we wouldn't have a spillover of cars on the street.

MR. BAKER: I'm not sure of the answer to that. Mo might be able to answer it.

MR. BAADARANI: Hi, can you hear me?

CHAIRMAN MAMMINA: Yes.

MR. BAADARANI: Mo Baadarani. I'm the director of finance, 303 Prospect Avenue, Sea Cliff, New York 11579.

First of all, to answer Mr. Mammina's question, parking is allowed on the street. That's been going on now for years. Second of all, even though we have 120 employees currently, we don't have more than 60 employees in the building at any time because there's a night shift that has a substantial amount of employees. They come in at six at night and they leave whenever they're done. And we have a sales force of approximately 18 to 20 employees that are never in the building. They're on the road. So I don't know if I answered that questions as far as parking.

CHAIRMAN MAMMINA: Well, I was just under the impression that there was no parking permitted on the streets, that that was part of the --

MR. BAADARANI: No, no, there is. There's parking on permitted on the street. It's been permitted for a few years now.

CHAIRMAN MAMMINA: Okay. Maybe that's something that they changed.

MEMBER DONATELLI: Well, actually, as I look at Google Earth, and to my knowledge, there is no parking on the street. I'm looking at a street sign that says "no parking". So unless something changed recently, that was my understanding as well.

CHAIRMAN MAMMINA: That's what I was going to do. I was going to look on Google Earth because I was virtually positive that there was no parking on the streets, not permitted.

MR. BAADARANI: I'll take pictures. I'll send them to you.

MEMBER HERNANDEZ: There may be parking there. Doesn't mean it's permitted.

MR. BAKER: I would just point out that, again, based on what Mr. Baadarani has just stated about the shifts with the employees and the increase in spaces that will come from the proposed plan, the -- the open spaces that will be there later should well contain any increased need based on new employees or visitors or anybody else, certainly better than what's there now.

MEMBER DONATELLI: My understanding is that you're increasing the parking deficiency on the new plan to 105 spaces from 102 that had been granted previously; is that correct?

MR. BAKER: I believe there's going to be 131 spaces.

MEMBER DONATELLI: Right, but a deficiency now under this new plan of 105.

MR. BAKER: Yes. But, again, and as we had stated in the original application and I did earlier, the current striping of spaces that is permitted is at 80 -- 81. By moving ahead with this project, they will be able to remove containers that are currently there, and as far as I know, are okay to be there. And they will be able to stripe out

more spaces that will increase the 81 to 131, more than accommodating what we're asking for and allowing for -- for more than that. So it's just a better situation.

MEMBER DONATELLI: And I'm sorry. What kind of sales are handled here? What is this applicant, what is their line of business?

MR. BAKER: I'll let Mr. Baadarani tell you everything. But in essence, it's paint, paint applicators, hardware.

MR. BAADARANI: We are distributor of paint sundries and hardware. Basically, our customers are paint stores, hardware stores, and lumbar yards. We buy the product. We -- warehouses, they call us by five p.m. today and you'll get your order tomorrow. It will get delivered to you tomorrow.

CHAIRMAN MAMMINA: Mr. Baker, can we go back to land bank parking? Why take that out?

MR. BAKER: We were asked to.

CHAIRMAN MAMMINA: The Town Board asked you to?

MR. BAKER: I think this board asked us to.

CHAIRMAN MAMMINA: Okay. Because I don't see what harm there is to that and --

SECRETARY WAGNER: Well, I believe there were some discussions regarding the -- you know, maybe the status of the land bank parking. If it wasn't -- I don't -- I would have to get in a little bit more detail because I know that Steve was speaking with the Planning Department about, you know, the site plan approval and whether that was going to include the land bank parking. And I believe that they determined that it was not, and that -- and that may be what Mr. Baker is referring to. As a result of those discussions, it was -- they were maybe directed not to show that on the plan.

CHAIRMAN MAMMINA: Okay. And that -- that could be -- you know, again, I've seen a lot of applications, you know, in -- you know, in the -- I guess Planned Industrial Park, as it's called, you know. And parking in those front yards has always been, you know, a big question mark, and we have given, you know, some, you know, in a few of the applications. So if you told me it was the Zoning Board, I take your word for it. I don't remember with specificity.

But, again, the parking on the street, I mean, I was fairly certain that there was no parking permitted, you know. And that when the police department comes through, it becomes a bit of a field day, you know, for issuing parking tickets, you know. That's the -- that's truly the only thing, you know, that I'm concerned, you know, is from a perspective of parking, you know. And that became a big question as people were converting these buildings to office buildings, you know, which was probably in a pre-COVID world, what people were looking for, you know. Nobody's going to come here and, you know -- you know, and produce whatever product. I think that dry mart was probably one of the last ones in there. So I don't know, but I'm going on about something that's got nothing to do with anything. I'm done.

MEMBER DONATELLI: I would like to hear from the traffic expert, if you have one who's available to testify.

MR. CODY: Yes, I'm available to testify. Keyan Cody representing the firm Robinson & Muller Engineering, 50 Elm Street in Huntington.

In terms of what you guys were discussing about on-street parking, I can speak to as far as 2019. I was out there and I saw -- the only signage that I saw along the frontage of the property was signage indicating no parking during the, you know, typical business hours. If I can pull up the photo, I can give you the specific hours.

CHAIRMAN MAMMINA: I would agree with that. There's no parking during business hours.

MR. CODY: Midnight to six p.m., so that is what I saw. But that's only along the curbing

along the southern side of the street. There's actually vehicles parked throughout the entire length of it, and I don't believe there's any signage prohibiting that. So it may be no parking on one side of the street.

CHAIRMAN MAMMINA: It could be.

MR. CODY: And in terms of parking on site, it was already stated that about 60 employees would be on site. We actually did observations at the existing facility back in 2018 in June from seven a.m. to six p.m. At that time we found 100 vehicles parked on site. This includes anything in loading bays. Based on the current plans, they're providing 131.

We generated -- we created a rate based off the 100 vehicles based on the old square footage and came up with 1.11 vehicles parked per 1,000 square feet, which if take into account the 24,500 square foot addition, it would mean an extra 28 vehicles. So if we combined those two numbers, we get 128 parked vehicles, but that doesn't include the new loading spaces which brings the total to about 150. So based on that, they probably have about 30 spaces free on site if, you know, old observations are anything to go off of.

CHAIRMAN MAMMINA: When you say the "loading spaces" --

MR. CODY: Vehicle.

CHAIRMAN MAMMINA: -- how do you mean that?

MR. CODY: Vehicles like trailers and things like that were included when we performed the original observations.

CHAIRMAN MAMMINA: What happens if we grant this and we're wrong?

MR. CODY: In terms of parking?

CHAIRMAN MAMMINA: Yeah.

MR. CODY: Well, like I -- like we discussed earlier, there is -- there seems to be parking on street on the south side of the property. But as the applicant indicated, there would only be 60 employees on site. And in comparison to the previous approval, the 2,000-square-foot increase is pretty negligible in terms of the amount of traffic and parking that that 2,000 square foot would generate.

We're not really looking at the situation where I believe the parking would be, you know, spilling over into the street at all. Especially since the new addition, they were discussing they could bring a lot of what was outside inside and on site. I believe it would probably improve the parking situation on site rather than detract from it.

MEMBER DONATELLI: So can I ask a question? The study that you conducted was done in 2018. Was there -- did anything change? I mean, obviously, the application was granted. The prior application was granted in 2019. But the change in circumstances, have there been any changes in circumstances in the last two years, and how would that impact any new conclusions of yours?

MR. CODY: It would be difficult for us to have collected data in the past year and a half because of COVID. You know, if there's any offices or anything in the surrounding area, it would be difficult to get accurate parking data, especially on the south side of the street. I personally don't think much would change. They haven't constructed anything yet. The parking we did was on a typical weekday, typical workday, and went throughout back in 2018. I mean, I can't speak in terms of the operation of the applicant and how the building is operated over the course of those two years. But from what I know when those were -- you know, during -- done during a reasonable workday.

MR. BAKER: I'm sorry. I'll just add to that. But I think Mr. Baadarani, if what I say is anything different than what he would say, the answer is no, there haven't been any significant changes to the operation that would change the results from 2018

to 2019. The -- you know, again, the practical impact of doing this would be to free up more spaces that would easily accommodate the six employees that are projected to increase as a result of this. The project is not creating another thirty jobs or twenty jobs. Only six they are projected. So this should easily accommodate what they plan and will not have any major change compared to two or three years ago.

MR. BAADARANI: I agree with that.

MEMBER HERNANDEZ: I've heard a couple of times now the trailers that have been used for storage outside, that is going to come inside to the new proposed space. Let me say that in a different way: That's what I heard. What's happening now, a container -- a tractor-trailer is coming in and then the truck itself is dropping off the container and leaving it and leaving it loaded? And in the future, it won't be left behind, it will be off loaded onto the storage and the container is of leave? Is that the distinction as to why you're not going to have those containers out there?

MR. BAKER: Mo, do you want to take this one?

MR. BAADARANI: Sure, sure.

We have a few trailers on the yard that we rent on a monthly basis that we put in at this additional product that we cannot put in the building. And those trailers will not be needed any longer once we move the protect from the trailer into the new addition to the building. We also rent spaces in auxiliary warehouses all over Nassau County and partially New Jersey to accommodate this space for the product that we need.

All of this is going to be basically under one roof, which is a much more efficient operation. Every time you need something, you have to figure out the usage, you have to get a driver and a truck to go make a transfer, bring it from all over the place back and back. And if you miscalculate and you don't bring it back, you're going to lose orders for that day. Like I said, we deliver next day, so it's a lot of pieces that are all over the place right now that could be consolidated, basically under

one roof. Those are those trailers that are sitting on the yard.

Right now, we're not using the parking -- the parking capacity at all. We have extra capacity, and that's where those trailers are sitting.

MEMBER HERNANDEZ: So the trailers are being used in lieu of not having the building?

MR. BAKER: Yes, sir, correct.

MEMBER DONATELLI: Here's my question, following up on that: These trailers will presumably no longer be used if the request is granted. However, is that true of the prior grant, the 2019 grant, or will that only be true if this subsequent application is granted?

MR. BAADARANI: No, it's true of both cases. We're exactly where we were last time when we got the approval. We had those trailers on the yard.

MEMBER DONATELLI: But, in other words, this additional 2,000 square feet that are being requested, that's not what's going to make the difference on the trailers.

MR. BAADARANI: It's going to make a big difference in the stacking capacity, as Mr. Baker had mentioned earlier.

MEMBER DONATELLI: So it will make a difference on the trailers?

MR. BAADARANI: Yes.

SECRETARY WAGNER: Mr. Baadarani, you had the trailers shown on the site plan that was previously approved by the Board of Zoning Appeals and by the Building Department?

MR. BAADARANI: I don't know. I'll let Dan answer that.

MR. BAKER: Yeah, I don't have the plan in front of me so I can't say.

SECRETARY WAGNER: I have to be honest, that's not typically something that was --

MEMBER HERNANDEZ: I would imagine -- approving it is not to have those trailers.

MR. BAKER: That is correct. And I can tell you the very, very practical reality of not being able to move forward with this project. They moved to a different state. I have to be blunt because that's a discussion that we've had all along and presented to the Board the last time around, and it's a discussion I've had with the applicant quite a bit. So because of their growing presence outside of Long Island, the five boroughs, and even the greater metropolitan area, it would be less expensive elsewhere. Might be a little more practical, but the fact of the matter is they want to stay here.

Their employees live here. They -- all the -- all the managers live here and they want to stay. But they can only stay if they can accommodate their business and having a, you know, hodgepodge of those trailers and little satellite warehouses off site is just not working.

SECRETARY WAGNER: I just think we want to be clear about what is permitted and what is not permitted. Because to say that something is there legally and is now being relocated to another spot is different than -- than something being there when it's not supposed to be and being relocated to another spot.

MR. BAKER: I can only tell you the practical realities of what happens if it stays like this. And if they don't have -- if they don't have the trailers or containers now, then they're going to have extreme difficulty, meaning if they don't have the additional proposed space.

MEMBER HERNANDEZ: Okay. I'm trying to figure out from your drawings, and I am looking at -- let's see what drawing is this. I'm looking at SB100, and it's showing proposed additional 24,500 or 580 maybe. And I'm assuming that was what was previously approved, correct?

MR. BAKER: No. That's what we're proposing now. What you see is what we're proposing now.

MEMBER HERNANDEZ: Okay. You're proposing that whole back section of the building?

MR. BAKER: Correct.

MEMBER HERNANDEZ: So it's not 2,000. It's 24,000. My apologies.

MEMBER DONATELLI: The prior --

MR. BAKER: The original approval was for 22,333. The addition is basically the portion running along the west side of the proposed addition, 9 feet all the way --

MEMBER HERNANDEZ: Okay. All right. So the 24-5 is the combination of the previous plus the new proposal?

MR. BAKER: Correct. That is correct.

MEMBER HERNANDEZ: Okay. Got it. And it's the last 9 feet. So before there was some space left, some grass, presumably, between the building and that roadway in the back.

MR. BAKER: Not really. It was the roadway, and maybe David will correct me if I'm wrong -- it was the roadway. There were parking spaces --

MR. BILOW: Yes.

MR. BAKER: -- located along the property line.

MR. BILOW: Yeah, there was parking there. There was a row of parking there.

MEMBER HERNANDEZ: You're removing the parking. Okay.

MR. BAKER: Correct.

CHAIRMAN MAMMINA: Anything else from anyone?

MEMBER DONATELLI: Mr. Chairman, I don't know if the other board members have anything else. I would -- I would like to continue this. I would propose that we continue this. I would like to see some sort of -- as I indicated before, if the applicant can give us some sort of an overlay of the footprint of the existing building overlaid by the prior grant, overlaid by this particular proposal. I would like to see the footprint and how that would compare in all three instances. I would also like to see if the applicant can -- can do a little bit of research and find if, in fact, we have any other buildings within the industrial park that are approximate 100,000 square feet. And for myself, I would also like to once again go over the prior grant and just to make sure that I understand the interplay of this application with the prior grant. So I would propose that we just continue for -- for those three items.

CHAIRMAN MAMMINA: I -- I agree. I think that makes good sense so that we can see the various stages that are -- that are in here from previous applications to now. Sure.

MEMBER DONATELLI: We had discussed in the context of an earlier application how we -- we -- we -- how it's not very conducive to be able to pass on an application and then to have the applicant come back and request changes to the existing application. It's better to do everything wholistically, and I just want to make sure we are able to look at this in a wholistic fashion.

CHAIRMAN MAMMINA: I agree with that. I don't think there's --

MR. BAKER: I appreciate Mr. Donatelli's requests and the last comment. I would just, again, as I think I started everything off with, and not that we're just trying to use COVID as any excuse, but things have changed in the way the business operates a little bit and their view of how this building will best serve them if they were to stay

here. And it is important to them, and I would -- I would really like to stress, again, I think it's two things: One, that the additional request is really not that significant in terms of square footage and the different setbacks but more importantly, any impact that that increased square footage would have on the surrounding properties or anything in general. And I would also point out, you know, to me and I think to the applicant, too, because we've had this discussion quite a bit, how important it is for them to remain here as a generational family business that have grown through hard work and their efforts and they want to see their employees remain, and this will help to do it.

CHAIRMAN MAMMINA: We --

MEMBER DONATELLI: Sorry. Mr. Baker, for my part, I just want to say that I'm pleased that their business is going well. We always want to encourage our businesses to do well. That's a good thing. But we need to make people come to the industrial park because they like the look, they like the feel, they like the functionality of it. And God forbid that we should turn this into something resembling Long Island City, and please, no angry letters from Long Island City. But God forbid something like that, then we would lose the special magic that makes this such a successful place.

CHAIRMAN MAMMINA: Okay. I think we all understand each other.

MR. BAKER: Yes. If I might make one request, as it seems to me, clearly, this will continue, if we could only continue to the next meeting of the Board, we can get you the materials you requested right away. But we are under a little bit of a time constraint in terms of obtaining available financing and getting the project going and we want to try to keep what is existing in terms of financing on the table, and that will only happen if we're able to get through this board and then the Town Board for an amended site plan as soon as possible.

CHAIRMAN MAMMINA: I think we all understand that.

MR. BAKER: Thank you.

CHAIRMAN MAMMINA: We're with you.

ATTORNEY ALGIOS: Mr. Baker, just to clarify, so assuming you get everything promptly to the Board, the Board will certainly make every effort to make a decision at the next meeting. That said, there's no guarantee with that, so just so you're aware of that. I think the Board understands the fact that you're, you know, somewhat under the gun, and they will make whatever effort they have to.

MR. BAKER: Right. So are we continuing, or are we closing and leaving it open to submit what you're looking for?

ATTORNEY ALGIOS: We're going to continue it, that way you can submit the additional information.

MR. BAKER: Perfect.

CHAIRMAN MAMMINA: Okay. All right. Thank you for your presentation.

MR. BAKER: Thank you all very much.

ATTORNEY ALGIOS: Thank you.

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SECRETARY WAGNER: The next appeal is Appeal No. 21104, Nelson Castro, 642 Union Avenue in Westbury, Section 11, Block 97, Lot 61 in the Business-A Zoning District. Conditional use from 70-126(F) and variances from 70-103(A)(1) and 70-103(B), to construct interior alterations to convert a retail store into a deli, a conditional use, with not enough parking and parking spaces that are too small.

CHAIRMAN MAMMINA: You've heard Appeal No. 21104, Nelson Castro. Is there anyone on the Zoom who would like the opportunity to speak? Or we'll promote the applicant.

ATTORNEY ALGIOS: The applicant has been promoted, and I do not see any other hands raised.

CHAIRMAN MAMMINA: Okay. Thank you so much, Deborah.

ATTORNEY ALGIOS: You're welcome.

CHAIRMAN MAMMINA: So please give your name and address.

MR. CONNELLY: Terence Connelly, Permit Man, Inc., P.O. Box 153, Center Moriches, New York 11934.

CHAIRMAN MAMMINA: Okay. The virtual podium is yours.

MR. CONNELLY: Why thank you. And I would like to say good afternoon, Your Eminences, and so --

(Laughter.)

MR. CONNELLY: I would like to add, Mr. Donatelli, you were not doing -- were not given justice until you put that phone son and we could see how handsome you truly are.

MEMBER DONATELLI: Oh, my. The application's granted.

(Laughter.)

MR. COHEN: Have a good night, guys.

CHAIRMAN MAMMINA: Mrs. Goodsell also ordered a new computer that would make her beautiful, too.

MEMBER GOODSELL: Seriously.

MR. CONNELLY: I don't think that Patricia needs anything else to make her beautiful.

MEMBER GOODSELL: She needs a deli sandwich. Tell me about this deli.

MR. COHEN: Very simply, we're here on behalf of Mr. Castro for conditional use and variances from Article 70-103(A) (1) and 70-103(B), to construct interior alterations to convert a retail store into a deli, a conditional use, with not enough parking and parking spaces that are too small.

So we're looking for relief from the Board, if we're lucky enough to receive so, is the required parking as per the plans submitted is your 2,691.40 size of the building minus the 1,000, 1,694.4 with 300 -- over 300, which gives us 5.6 for the spaces so 6 parking spaces are required. We're proposing 4.

Not much of an impact on the neighborhood, especially being that this has always been a grocery store beforehand. And then we are also looking for relief from the proposed parking spaces where 10 by 20 is required for a parking space and the parking space is 9-foot by 18, which is, again, causing us to ask for relief from the Board.

I'd just like to add a couple things: Number one, I know that we've run down through the checklist, the different boards from the island, and I have not had the esteemed pleasure to be before this board before. Though I filed probably 4, 500 different permits in the Town of North Hempstead, I was able to evade being in front of the Zoning Board. Sorry about that.

So, quickly, I'd like to say, obviously, we don't impact the character of the neighborhood negativity. This has been a grocery store for many

years. The gentleman that has taken over the store has submitted plans to fix the fire damage that was done to it. He just thought that he was reopening a very similar business that was there. So though it might be arguable, he doesn't feel that it was self-created. When he entered into this business venture, he was under the impression that he was not going to have any kind of zoning or trouble with the Town opening up a business that's been there for many years. It was a grocery store, from what the neighbors tell me, for the last twenty, thirty years that they can remember.

As far as whether or not there's another relief that can be achieved or another method, we don't see how that would be possible other than to gain relief from the parking spaces. And then whether or not it's substantial, as far as the impact -- I mean, as far as the benefit to the client as opposed to the health and safety of the neighborhood, certainly, we don't feel that we're imposing any kind of negative impact as far as health or safety or the character of the neighborhood. And I hope with that very scrambled explanation that the Board might see fit to grant the relief to this applicant.

CHAIRMAN MAMMINA: Mr. Connelly, the denial says to convert a retail store into a deli.

MR. COHEN: Yeah.

CHAIRMAN MAMMINA: So are you saying that this was not a deli before?

MR. COHEN: No. So what happened was is that this was a grocery store for many years. I actually have pictures from 2014, 2019, where this was a grocery store.

CHAIRMAN MAMMINA: Did they have a deli counter?

MR. COHEN: So I don't know that, and I would be less than honest telling you so. I didn't ask that question, if they had a deli counter. What I was told was that it must have fell to the wayside, that it wasn't properly permitted many years ago,

which we all know that until something like this happens, a fire or there's a permit needed, that we realize that something was not permitted and acting as the way it was supposed to inside the town and we're forced to kind of come back and fix it. But it was indeed a grocery store, and what that entails, you know, I don't know whether or not they had a deli counter.

CHAIRMAN MAMMINA: Okay. I haven't been to too many stores that are of this size that are strictly grocery stores.

MEMBER HERNANDEZ: I agree.

CHAIRMAN MAMMINA: It's a delicatessen, and it might be a small butcher shop even. But be that as it may, it's okay.

VICE CHAIRMAN FRANCIS: Mr. Connelly, this property shares a parking lot with the adjacent building, does it not?

MR. CONNELLY: Yes, it does.

VICE CHAIRMAN FRANCIS: Is there an agreement to parking, or is it common ownership?

MR. CONNELLY: As I do with all variances, I try to -- especially in the commercial application, I kind of walk down the street on both sides and especially the neighbors that are close by. And I asked them, "Hey, listen, we're going to be submitting for relief," and kind of explain to them to see if anybody's going to come and have any complaints, that way I can deal with it beforehand or be prepared for it, which I had spoken to the people inside that building and they were not in any way, shape, or form upset over anybody parking there in the parking lot. They weren't upset in any way, shape, or form about the application and, actually, everybody was looking forward to this opening up again so that way they had the use of the store. Everybody was in great anticipation of this reopening.

VICE CHAIRMAN FRANCIS: As someone who does not live far from this particular store, I know for a fact that this store was -- had some issues with regard to people just loitering in the -- in the parking area.

MR. CONNELLY: Not from the building. From the adjacent --

VICE CHAIRMAN FRANCIS: I don't know where they were in terms of what building they were associated with.

MR. COHEN: Right.

VICE CHAIRMAN FRANCIS: But I know that was a problem with this property.

MR. CONNELLY: Yeah. And I had spoken to certain people on the block, and you're correct that that was brought up. It had nothing to do with the -- this store. But for the adjacent property, I do know that the new owner of the store plans on having a security guard to make sure that there is no loitering in this store because he's investing substantial money into the store and is not going to stand for anything like that. He was also made aware of that before entering into an agreement to take over the store.

VICE CHAIRMAN FRANCIS: He entered into an agreement with the security guard?

MR. CONNELLY: With the landlord.

VICE CHAIRMAN FRANCIS: Can we see a copy of that?

MR. COHEN: I don't have that as far as a deed -- I mean a lease with them. Not an agreement meaning he was hiring a security guard. Meaning he was made well aware of that original issue of loitering over there before he entering into an agreement with the landlord. I don't know if I misspoke. What I can say to you, Mr. Francis, is that my client is putting substantial money into the -- the remedy of the building and to conduct the

business inside there. He is not looking to invest into a store or property that he's going to have an issue like that we just spoke of. And I know this from just having a conversation and also going there myself and witnessing that, and it was a conversation that I had with him as well as to how he was going to address any such issue.

VICE CHAIRMAN FRANCIS: I don't believe this parking lot -- either the parking lot that's between the two commercial buildings or the area behind the store, I don't believe there's any lighting; is that true?

MR. CONNELLY: Is there any lighting?

VICE CHAIRMAN FRANCIS: Yes.

MR. CONNELLY: I'm unaware, but I would certainly -- we would certainly not take any -- any problem with saying that there was conditions added to this that we would put proper lighting up that would satisfy this board, and I'm sure my client would be fine with that.

VICE CHAIRMAN FRANCIS: That would definitely be a condition I'd be looking for.

MR. COHEN: A hundred percent, and I find that to be reasonable, especially in what we're discussing absolutely.

VICE CHAIRMAN FRANCIS: Okay. And since you brought up the security guard, I would want to see that as a condition as well.

MR. COHEN: Okay. Yeah. You know, I certainly don't have an issue with that. I don't believe my client will either.

VICE CHAIRMAN FRANCIS: Okay. And what are the hours of operation of the -- of the proposed deli?

MR. COHEN: That, I don't have that information in front of me, but I would be happy to find that out for you.

VICE CHAIRMAN FRANCIS: All right. If you can do that, that would be great.

MR. COHEN: Absolutely, Mr. Francis.

VICE CHAIRMAN FRANCIS: I'm going to -- excuse me, Patricia, you wanted to say something.

MEMBER GOODSELL: Yeah, I did. I'm a big fan of delis. I love delis. They're a grab and go. I look for them. I have to say, this is on a fairly main road. After I blew past it because I didn't recognize the address, turned around, and came back, I practically took the corner on two wheels because it's a really tight turn into that parking space -- into that parking lot. And then when I left, I had to back up out.

God bless your client if he can make it a go with minimal parking and with no place to stop on the street, and the closest cross street is, you know, a bit of a hike away. You got to really want a deli sandwich to do that. For him, I'm impressed he's really going to make this a go. I am -- to me, a deli needs more parking, a deli needs more space to stop. But he's basically making food and making stuff that's going to be picked up, paid for, and your customer's going to leave. So with that comment, I like the idea of a deli but I got to tell you, he's going to have issues. If he becomes really popular, he's going to have issues with people being able to stop there.

MR. COHEN: That's a fair point. I'm sure -- and I'm sure being a businessman, I would hope he took that into consideration. Being 285 pounds, I could tell you I would travel many a miles to get some good food. So I didn't get this big not finding the good spaces off the beaten path. But I certainly hope he would be successful, and I would hope we could make this application work for everybody.

VICE CHAIRMAN FRANCIS: Well, if no one else has anything, I certainly am not ready to move on this application today. I definitely want to see the hours of operation. I also would like to see a

lighting diagram. It doesn't have to be fancy, but I want to see what lighting you're talking about.

MR. CONNELLY: Well, we weren't talking about any -- any lighting until you had raised the issue, not that I don't know that there's lighting there now. So if there's something that you would prefer to be submitted, I know that you know -- I don't think that that would be an issue. I rather find out what would make you -- make the Board happy and -- and have to only submit it one time and not have to come back to the Board with revisions and whatnot. He needs to move forward, if he can, to get open. And in a time where the brick and mortar businesses have been hit so hard, I would hope that it would be the -- you know, the mission of the Board to help these small businesses get back up and running.

VICE CHAIRMAN FRANCIS: Absolutely.

MR. CONNELLY: And I definitely understand the points that you made. I did witness certain things myself and had a conversation, and I know my client is well aware of it. And I think you're going to be very pleased when the store opens up and the way that he conducts and runs that business.

VICE CHAIRMAN FRANCIS: I, as one board member, I certainly hope so. The quicker you get that to us, the quicker we can make the decision.

MR. CONNELLY: Okay. So something -- so my biggest -- my first question that would be that it's new and I haven't really done it in the past to really think about it. Is there a lighting that we proposed that now intrudes on the adjacent property, is that something that we need to take into consideration?

VICE CHAIRMAN FRANCIS: Yeah, absolutely.

MR. CONNELLY: Okay.

CHAIRMAN MAMMINA: You need to look at it, and either you or whatever consultant has to put professional judgment forward to what's going to properly light this -- this building, this business, you know, considering they -- what the hours, which are normal. But starting to reach this time of year, it's starting to get dark earlier and earlier and, you know, you put your best foot forward on what you think that it is.

MR. CONNELLY: Yeah, and that's perfectly -- perfectly reasonable. And then my next question to you is in regard to the security for that to keep the loitering away from the building as far as his business, which I actually believe there's one there already now that I'm remembering something anyway, but what is it that you would require? Would you require a statement from the owner. I mean, I don't believe that there would be a -- you know, a contract between him and somebody he hires in that regard. I don't believe a deli, especially a startup business like that, would be employing or contracting with a security company. I'm sure that it would be more so that he hires an individual for security purposes. So would it be a statement from him, maybe a notarized statement, that you would require, Mr. Francis, or something further.

VICE CHAIRMAN FRANCIS: Yeah, I hear your point, and your point is well taken. I would accept a statement by your client.

MR. CONNELLY: Okay. Is there some type of wording that you would prefer to see? Because I know, you know, with the conversations that I had with him, he is not somebody that is -- he's looking to -- to move on and I know he would do anything to satisfy this board.

VICE CHAIRMAN FRANCIS: Well, whatever the hours of operation are going to be --

MR. CONNELLY: Okay.

VICE CHAIRMAN FRANCIS: -- you'll let us know. I want to see there's going to be security guard posted during the hours of operation.

MR. CONNELLY: Now, would the hours of operation for the security guard, the loitering, would it be after dark or are we looking for somebody to be there the entire day?

VICE CHAIRMAN FRANCIS: You know, my experience with this particular property is that the -- the loitering happens whether the sun is up or the sun is down.

MR. CONNELLY: Okay. Okay. So I will go back to my client and I will get a lighting diagram that we can propose to you as well as a statement from him as well as the hours.

VICE CHAIRMAN FRANCIS: Fantastic.

MR. CONNELLY: I appreciate your time. Thank you very much. Is there anything else?

VICE CHAIRMAN FRANCIS: Not from me.

MEMBER GOODSSELL: Not from me.

CHAIRMAN MAMMINA: So we'll continue the application. And please get that in as quickly as you can, then, Mr. Connelly, and then we can act on it.

MR. CONNELLY: I really appreciate it, everyone. Thank you so much for your time.

VICE CHAIRMAN FRANCIS: Thank you very much for your presentation.

SECRETARY WAGNER: Thank you.

MR. COHEN: Thank you very much.

CHAIRMAN MAMMINA: Okay. That does it.

MEMBER GOODSSELL: 357 Powerhouse Road, I couldn't find it. Did anybody besides me try to drive past it? Number 20080, the third one on today's calendar adjourned to 11/17. I must have circled Powerhouse Road three times. It runs both north and this is on the south side and this is near

Hillturn Lane. Because I was up on Hillturn Lane and it looks like the Powerhouse Road address, it must be up at the top of a hill because I couldn't find this. All right. So if you guys haven't looked at it, I'll go back and look at it again. I just want to point out it's -- if you can't find it -- I wonder --

SECRETARY WAGNER: I'm looking it up, the street view.

MEMBER HERNANDEZ: That is a very strange area with -- I think it --

MEMBER GOODSSELL: Exactly. It's right out there. It's on the south side of the LIE. The north side, we have heard a few cases. This is the south side of Powerhouse Road. I know it's very near Hillturn Lane, basically winds around. And the next thing, you know, there's an entrance of the Long Island Expressway and there's no houses there. So I will go looking again.

SECRETARY WAGNER: Well, it's -- Patricia, it's actual looks -- it's odd because it's showing like -- it's showing it off of Parkside Drive almost, which comes off of Powerhouse.

CHAIRMAN MAMMINA: Then there's something, here Roslyn Road.

MEMBER GOODSSELL: Yep. I think I took Hillturn Lane. I had trouble finding this one. So if we're going to hear this on the 17th and I am back on the 17th, I'm just going to miss the one --

Virginia, we do have a quorum, don't we, if I miss the November 3rd meeting?

SECRETARY WAGNER: As long as Dan and the Chairman and Vice Chairman show up, we do.

CHAIRMAN MAMMINA: I'll be here.

SECRETARY WAGNER: It's strange because Google is showing it right behind, like in the woods.

MEMBER GOODSSELL: Right, right, in the woods. It must be relatively new.

SECRETARY WAGNER: Let me see the plans for it.

MEMBER HERNANDEZ: There's one in North Hills and one in Roslyn Heights. Which one are we talking about?

MEMBER GOODSSELL: This address is Roslyn Heights.

MEMBER HERNANDEZ: So in between the two expressways.

MEMBER GOODSSELL: Between the two, okay.

MEMBER HERNANDEZ: He's south of the LIE and north of the Northern State, so by Parkside.

MEMBER GOODSSELL: That's what it's showing. Let's see if anybody besides -- I'm going to go back and find it.

SECRETARY WAGNER: It's showing the nearest intersection on the survey. It shows the nearest intersection is Oakdale Road.

MEMBER HERNANDEZ: Oakdale.

SECRETARY WAGNER: Well, it's showing that but like in the back of the property.

MEMBER HERNANDEZ: Back of the property is Circle Drive. The south is Hilltop Lane.

SECRETARY WAGNER: Then it says "Old Powerhouse".

MEMBER GOODSSELL: Old Powerhouse.

SECRETARY WAGNER: Back of the property. That's the back of it.

MEMBER GOODSSELL: I had trouble finding it and I didn't find it.

VICE CHAIRMAN FRANCIS: I tried looking it up on the Nassau County website and it's not coming up.

MEMBER GOODSELL: It must be so new, that's the only thing I can think of. It's brand new. It hasn't hit the tax rolls yet, and they're looking to either legalize or -- or gain -- legalize a shed that it's just not showing up. My navigation is accurate to within the last two years. I haven't updated it in two years. I figured Google would have it. I tried following MapQuest and Google had it. MapQuest did not so it. Okay. With these intersections, Virginia, I'm going to see if I can find it.

SECRETARY WAGNER: It actually looks like it may be off of Parkside, but it has an address of 357 Powerhouse.

MEMBER HERNANDEZ: Pat, the recent -- when it's something like a shed in the back, the odds are we're not going to be able to see it.

MEMBER GOODSELL: True, true.

MEMBER HERNANDEZ: Which is the reason I didn't go looking for it because it makes no sense.

MEMBER GOODSELL: That's true. We couldn't see the decks on one of the properties.

MEMBER HERNANDEZ: The best you can do is look around from behind and see. But, again, a shed or a deck, you're not going to be able to see anything.

SECRETARY WAGNER: But it's not just the shed, though. It's the house, too, because you got to legalize the --

CHAIRMAN MAMMINA: Zillow says it's for sale.

SECRETARY WAGNER: Smaller than required.

VICE CHAIRMAN FRANCIS: That's why we need a BZA drone.

MEMBER GOODSSELL: We do.

SECRETARY WAGNER: Before we let the stenographer go, we need to adopt SEQRA.

MEMBER HERNANDEZ: I move to adopt SEQRA.

SECRETARY WAGNER: Jay moves. Does somebody want to second?

VICE CHAIRMAN FRANCIS: Second.

SECRETARY WAGNER: And, Chairman, would you like me to poll the board?

CHAIRMAN MAMMINA: Please poll the board.

SECRETARY WAGNER: Member Hernandez.

MEMBER HERNANDEZ: Aye.

SECRETARY WAGNER: Member Goodsell.

MEMBER GOODSSELL: Aye.

SECRETARY WAGNER: Vice Chairman Francis.

VICE CHAIRMAN FRANCIS: Aye.

SECRETARY WAGNER: Chairman Mammina.

CHAIRMAN MAMMINA: Aye.

(Time noted: 3:37 p.m.)

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

I, NICOLE WEXLER, do hereby
certify that the within transcript is
a true, accurate and complete transcript
of the proceedings which took place in
the above Matter.

signature
NICOLE WEXLER