

1 TOWN OF NORTH HEMPSTEAD
2 BOARD OF ZONING APPEALS
3 PUBLIC HEARING

4 Town Hall

5
6 November 30, 2022

7 10:20 a.m.

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12 BOARD MEMBERS PRESENT:

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

14 LESLIE FRANCIS, ESQ. - Vice Chairman

15 PATRICIA A. GOODSELL, ESQ. - Member

16 DANIEL DONATELLI, ESQ. - Member

17 JAY HERNANDEZ - Member

18

19 ALSO PRESENT:

20 VIRGINIA WAGNER - Secretary

21 DEBORAH ALGIOS, ESQ. - Deputy Attorney

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1 11-30-22 Zoning Board

2 CHAIR MAMMINA: If you'd all please rise and
3 join Vice Chair Francis in the Pledge of Allegiance.

4 (Pledge of Allegiance was recited.)

5 CHAIR MAMMINA: Okay. Thanks everybody for
6 being here today with us and what I'd like to do before
7 we get started is just take a couple minutes to go
8 through the way we do things in the town in case you
9 have never been before a zoning board before, which if
10 that's the case we'll ask you to be nice and relaxed
11 when you come up, or if you have been but maybe we do
12 things differently here than at another village or
13 town.

14 What we'll do is as each case is called by
15 Secretary Wagner we'll ask for people to -- we'll ask
16 for the applicant to come forward to the podium and
17 then I'll ask for a show of hands if there's anyone who
18 wishes to speak regarding the application. So that
19 could be objecting to it; that could be in favor of it,
20 whatever. And then therefore you'd have the
21 opportunity to speak after the applicant's
22 presentation.

23 So the applicant will then give their name and
24 address to our court reporter here, and as everyone
25 will when you come up, and at that point the podium

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belongs to the applicant. They will put their case on to the record, the Board will ask whatever questions it may have. And at that point after that is done, we'll ask the applicant to have a seat and we will then invite up anyone else who wishes to be heard regarding the application.

When that part is done, assuming that there is someone who would like to speak regarding the application, the applicant, and typically only the applicant, gets the opportunity to speak two times because they have the right to support or refute what someone might say and get that on to the record so that our record is complete and fair then, to everyone of course. If we were to have the opposition or support come up a second time we could be going back and forth all day long. So that is the way that would work.

When that is done, the hearing is finished. We almost never have a second hearing regarding any application, so therefore nobody has to come back after that.

But the Board will then do one of four things. So we will either approve the application, we will deny the application, we may reserve the application. If we reserve the application, that would mean that there's

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2 still some other information that the Board would want
3 and that could be -- oh, that's continue. I'm the
4 architect on the Board, they are the attorneys so --
5 thank you, though.

6 So if we continue the application, which makes
7 more sense, that would mean that there is other
8 information that the Board is looking for. We may
9 offer some compromise to the applicant in terms of what
10 they are proposing; the Board may want to go and see
11 the property again; we may need something from the
12 building department; it could be a number of reasons.

13 If we reserve the application, basically what
14 that means is that there is no further information that
15 the Board is looking for but we would like to
16 deliberate regarding that application. That is done in
17 public, you can come on back if you want to hear a
18 deliberation. We are live, so you can hear all of that
19 deliberation if you choose to.

20 So a question that many people ask is: Well
21 when will I know? So we always say you can call the
22 Zoning Board and Ms. Wagner will let you know if the
23 Board has made a decision or not or you can watch it
24 live on our TV channel.

25 So with all of that said, we will ask just

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that everybody take our phones and our iPads and all of the things that we rely on so strongly and just put them on silent. And we will ask if you have somebody else who's coming to let them know the same thing. And if you need to take a phone call or make a phone call, it's absolutely fine, just stand up, head across and you can do that outside; no problem with that at all.

So -- and yes, what we also do is that anyone who wishes to speak in opposition or in support of the application, there's a three-minute time limit on that, so we'll ask people to kind of get to the point of that. We'll ask people try to not repeat yourself, that's difficult sometimes. And if you are in agreement with what somebody else said, please you can come up, you'll be on the record and you can just say "I agree with the previous applicant" or "I agree with the previous applicant but I'd also like to add." So that's the way that we conduct business.

So with all of that said, Secretary Wagner, do we have any modifications to the calendar today?

SECRETARY WAGNER: We do, Chairman.

I just wanted to add one more note about the appeals. When they are continued and the record is left open, if any members of the public would like to

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contact the BZA department to find out if there's been any additional information submitted, they are welcome to do so. We do not reach out to people to let them know the status of the application, you need to contact us and we'll let you know if anything has changed, if new plans have been submitted or if there's any additional information. So if you're interested in an appeal that's been -- where the record has been left open, you can contact the Board of Zoning Appeals department and we would provide you with that information.

We have an adjournment of Appeal No. 21260: Anastasios Chrisoforidis; 76 Avenue C, Port Washington; Section 4, Block 25, Lot 28 in the Residence B Zoning District: Variance from 70.100.1.A to legalize a gazebo located within a side yard which is not permitted. That's adjourned without a date and will be readvertised and renoticed once it comes back before the Board.

We also have an adjournment of Appeal No. 21306: Angelo Bovis; 5 Derby Road, Port Washington; Section 5, Block J03, Lot 123 in the Residence B Zoning District: Variance from 70-100.2(A)(2) to install fencing in a front yard.

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2 That is adjourned tentatively to January 11th and that
3 will need to be renoticed as well.

4 CHAIR MAMMINA: So if anyone is here for
5 either of those applications, those will not be heard
6 today. And both of those are adjourned -- well the
7 first one is adjourned without date, meaning that at
8 this point there is no fixed date for it. And then
9 Appeal No. 21306 is adjourned to January 11th hearing.
10 And of course if you are here and you wish to stay to
11 hear how we do things, that's also fine.

12 So I guess with all of that said, can you call
13 the first case, please.

1 Appeal No. 21305

2 SECRETARY WAGNER: Appeal No. 21305: Janet
3 Makhani; 2 Parkwood Drive, Great Neck; Section 2,
4 Block 365, Lot 6 in the Residence A Zoning District:
5 Variances from 70-30.C and 70-30.B to construct
6 additions and a covered terrace that are too close to
7 the street.

8 CHAIR MAMMINA: You've heard Appeal No. 21305:
9 Janet Makhani.

10 Is there anyone in the room who wishes to
11 speak regarding the application other than the
12 applicant?

13 (No response.)

14 CHAIR MAMMINA: Seeing no one, please give
15 your name and address.

16 MR. NATURHEIM: Yusef Naturheim (phonetic) 28
17 Shore Park Road, Great Neck, New York 11023. I'm the
18 engineer in charge of this project.

19 CHAIR MAMMINA: Okay.

20 MR. NATURHEIM: The reason that we are here
21 before you is in March of this year, we've been granted
22 -- the Board granted us a variance, this is an existing
23 corner lot house and we receive approval for the front
24 yard in March of this year.

25 During -- when we started preparing the

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2 construction document, this house being a split-level,
3 we had couple of steps on the first floor that the
4 applicant, the homeowner, asked us because of the
5 children they wanted to level the first floor so it
6 will be safer for the children.

7 As a result, the height became a little
8 higher, still within the requirement of the law, but
9 the plan examiner concern is that this plan that you
10 submitted is not the same plan that you submitted to
11 the Board, to the BZA board. And basically we are here
12 again just for the correction of the documents.

13 Those variances stay the same, nothing has
14 changed, we're not changing anything on the requirement
15 of the distance from the lot line, it's just correction
16 of the document that this new plans is what we need to
17 file with the building department.

18 CHAIR MAMMINA: Okay. So maybe you want to go
19 through the things that are pointed out because if they
20 are pointed out it means that something has changed.
21 If it were identical, you wouldn't be back here.

22 MR. NATURHEIM: Yes, well the first floor is
23 leveled now, doesn't have the steps and as a result of
24 that the height became a little taller.

25 CHAIR MAMMINA: Why don't we do this. If you

1 Appeal No. 21305

2 want, you can grab an easel to put your board up and
3 then if you could take us one at a time through the
4 disapproval. If the height is still compliant and
5 that's not in the disapproval, there's no reason for
6 you to speak to that.

7 MR. NATURHEIM: Yes.

8 CHAIR MAMMINA: So essentially you will be
9 addressing the two things for which you are
10 disapproved, which is your front yard setback and
11 secondary front yard setback.

12 MR. NATURHEIM: Right. Basically we are here
13 for the correction of the plans that because we changed
14 -- we eliminated the steps inside, so the plans changed
15 a little and the plan examiner says this plan is not
16 the same plan that you filed originally in March with
17 the Board so we just want to basically correct the
18 paperwork with the Board. Otherwise the distances,
19 front yard setbacks are the same thing that we have
20 obtained -- that you granted us the variance in March.

21 CHAIR MAMMINA: Okay. But also understand
22 that when you knock something down, the nonconformity
23 is gone, okay, so you're not knocking down part of it
24 and you're putting it back. So the argument that --
25 and I don't like to tell an applicant what to do, but

1 Appeal No. 21305

2 the argument is: What's the difference in the massing
3 of that? And you'll talk about that as it relates to
4 what was there before.

5 MR. NATURHEIM: Right. Well the bulk of the
6 house has not changed, it's the same thing.

7 MEMBER GOODSSELL: We got that. Now show us
8 what is changed 'cause I'm looking at a screen, I can't
9 quite read what's there. Walk us there what is
10 changed.

11 MR. NATURHEIM: Okay. The first floor is a
12 little --

13 MEMBER HERNANDEZ: We have that in our
14 computer, you can walk us through and we can see it in
15 the computer. Just point to what you want us to look
16 at.

17 CHAIR MAMMINA: Take your time, that's okay.

18 MR. NATURHEIM: This shaded area is change.
19 It's about 300-square-foot is added. We maximize the
20 floor plan still within the requirement of the law.
21 We're not violating anything or we not asking for any
22 variances.

23 CHAIR MAMMINA: But does it contribute to
24 being closer to the street in the front yard setback?

25 MR. NATURHEIM: No. Nothing changes, it still

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2 is within.

3 CHAIR MAMMINA: I don't see how that could be
4 as I look at your drawing, though, 'cause you're adding
5 on that four-foot-by-twelve-and-a-half-foot piece in
6 there which would have to make that part closer to the
7 street in that area.

8 MR. NATURHEIM: Right. But the frontage
9 requires 30 feet, we have 33.63 and a half so it's
10 fine. Over here we have the frontage is 49, required
11 30; we are fine here. This over the garage, which is
12 18.9, this is what we obtain the variance in March,
13 this is not change either. The other side of the
14 street, the frontage being 29.9, this is what we obtain
15 the approval from the Board in March meeting. So this
16 is not going to change either.

17 CHAIR MAMMINA: And for the record, that's no
18 higher than it was before?

19 MR. NATURHEIM: No. The height of the --

20 CHAIR MAMMINA: And it aligns with the
21 existing back wall of the house?

22 MR. NATURHEIM: Yes, and that's it. The first
23 floor, we are eliminating the steps here and there, so
24 we leveling out the first floor. The steps here are
25 being removed from the original filing that we had with

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2 the BZA board in March. So this is the change that we
3 have done to the plan.

4 And basically that's it. The concept of the
5 variance, the original variance, is not changed.

6 MEMBER GOODSSELL: But the stairs have changed.
7 Where are the stairs going to?

8 MR. NATURHEIM: These stairs, we're removing
9 them. We're leveling that floor.

10 MEMBER GOODSSELL: How are you going to get to
11 the second floor then? Where are the stairs going to?

12 MR. NATURHEIM: To the second floor? That
13 doesn't change, this is the level on the first floor
14 that had a couple of steps. We're leveling that. As a
15 result, the height goes up a little which still is
16 within the limitation of the law.

17 MEMBER GOODSSELL: So the stairs you're
18 eliminating are not the stairs to the second floor,
19 they are stairs between the level of the first floor?

20 MR. NATURHEIM: Yes.

21 MEMBER GOODSSELL: How many stairs are there?
22 Two? Three?

23 MR. NATURHEIM: I think it's two and the other
24 one is three.

25 CHAIR MAMMINA: Those are all internal?

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2 MR. NATURHEIM: Yes.

3 CHAIR MAMMINA: Now what about over the
4 existing one-story piece where it says "proposed
5 second-story covered terrace"? I'm looking at the
6 drawing that has a roof and things on that.

7 MR. NATURHEIM: Yes. This is a garage that
8 they are putting a cover over the garage.

9 CHAIR MAMMINA: If you're going to talk, you
10 can consult or call him up.

11 MR. NATURHEIM: I made a mistake. It's not
12 the garage, we putting just -- this is not change, by
13 the way, from the original submission.

14 CHAIR MAMMINA: You're adding the roof and
15 things over that?

16 MR. NATURHEIM: I'm sorry.

17 CHAIR MAMMINA: You're adding the roof that's
18 over that?

19 MR. NATURHEIM: Yes.

20 CHAIR MAMMINA: So that changes it.

21 MR. NATURHEIM: This is part of the original
22 in March.

23 CHAIR MAMMINA: The roof was part of the
24 original?

25 MR. NATURHEIM: Yes.

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2 CHAIR MAMMINA: I'm not understanding the
3 denial.

4 MR. NATURHEIM: That is not changing from
5 March ruling.

6 CHAIR MAMMINA: Okay, 'cause it says
7 18-foot-nine to the setback of the proposed
8 second-story covered terrace.

9 MR. NATURHEIM: Right, because we put
10 originally in March because we put the covering over
11 this, then required to have the setback by the law
12 which we didn't have. And we came here in March and we
13 got the approval for that 19.9 distance.

14 CHAIR MAMMINA: 18.9.

15 So your contention is that what was proposed
16 there and approved by the Board was not changed in any
17 way at all?

18 MR. NATURHEIM: Nothing.

19 CHAIR MAMMINA: Okay.

20 MR. NATURHEIM: It's just the plans that we
21 filed with the building department they say this is a
22 little different -- internally a little different than
23 what the Board approved so we have to come back again.

24 CHAIR MAMMINA: Is it a little different or
25 it's not a little different? You're saying it's

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2 exactly the same.

3 MR. NATURHEIM: The living area is.

4 CHAIR MAMMINA: Forget the living area, I'm
5 talking about --

6 MR. NATURHEIM: No, it's not changed.

7 CHAIR MAMMINA: This says that in "Appeal
8 21190, 3/23/2022: Granted the original variance
9 appeal. Design changes have increased the bulk of the
10 exposure to the setback requiring further BZA
11 approval."

12 So what are they talking about in the
13 disapproval?

14 MR. NATURHEIM: They are talking about the
15 first floor. We maximized it out, we expanded the
16 first floor. But it's not to the outside, it's inside.

17 CHAIR MAMMINA: He's talking about that
18 specific portion of the building at 18.9 feet. What
19 you change on the inside of the building has nothing at
20 all to do with what we do.

21 MR. NATURHEIM: Here on that shaded --

22 CHAIR MAMMINA: Forget that area, it's the
23 front area.

24 MR. NATURHEIM: It's not changed.

25 CHAIR MAMMINA: Please put the drawing up

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2 again. Understand I'm just trying to make the record
3 clear and make sure that the Board is understanding it.

4 So go down to the area where it says "existing
5 one-story proposed second-story covered terrace."

6 You're saying that's identical to what was in
7 the original approval?

8 MR. NATURHEIM: Yes.

9 CHAIR MAMMINA: So then did you speak to the
10 plan examiner about what he means in that disapproval?
11 I mean basically you're contending that that's exactly
12 the way it was before and you haven't changed that.

13 MR. NATURHEIM: Yes, but because the plans --
14 this plan is not what he had -- what we came in before
15 the Board in March. So it says this is not what --
16 this is not the plan that the Board had so go again and
17 through the process and do the same thing.

18 CHAIR MAMMINA: I don't want to keep going
19 back and forth, but that's not what the denial says so
20 we'll consult with the building department and that
21 covers you as well and your client.

22 I mean those are the two variances.

23 A question just that I had as an architect is
24 that spiral staircase going up to the roof and then
25 having that whole roof as a terrace and the zoning

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2 doesn't say anything regarding that. But I would just
3 point out to them that essentially you have a third
4 level on this house and the only means of egress off of
5 there is a spiral staircase, okay, which generally is
6 not a permitted means of egress.

7 And I'm sure, as you know, if you have a
8 bedroom on a second floor, you have to have the door
9 going outside, you have to have an egress window as
10 well so there's two means of egress. I mean, in my
11 opinion, it's not a zoning issue, though, there's zero
12 means of egress up there in the event of a fire because
13 a spiral staircase it's not demonstrated that it meets
14 the requirement as an egress.

15 And I'm saying if there were a fire, where the
16 access to the stair is, how do people get off the roof?
17 But that's not for here, that's for you to discuss with
18 the building department and if they disagree with me,
19 they have jurisdiction over what I might think
20 regarding a building code issue but I'm just raising
21 that.

22 MR. NATURHEIM: They have no problem with
23 that.

24 CHAIR MAMMINA: Okay.

25 MR. NATURHEIM: The plan examiner had no

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2 problem with that.

3 CHAIR MAMMINA: That's all that needs to be
4 said.

5 MEMBER DONATELLI: If I may jump in.

6 The plans that we approved in March show a
7 very different roof line. Can you tell us the changes
8 that you have -- that you're showing in your new
9 application and how the roof line relates to the prior
10 approval.

11 MR. NATURHEIM: The roof line is taller than
12 prior submission in March but still is within the
13 limitation of the law, it's not outside of that.

14 MEMBER DONATELLI: And you're not showing any
15 gables in the new plans; is that correct?

16 MR. NATURHEIM: Yes. Well we no showing any
17 gables, no, it's a flat roof.

18 MEMBER DONATELLI: As I'm sure you're aware,
19 one of the things that we're required to consider when
20 we look at the five factors is whether or not this
21 house is in keeping with the character of the
22 neighborhood of other houses in the area.

23 Are there any other flat roofs that are in the
24 area?

25 MR. NATURHEIM: Yes, there are. Actually they

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2 just built a new house in the area as a modern house as
3 a flat roof.

4 MEMBER DONATELLI: As I went through the area
5 in preparation for today's hearing, I didn't notice
6 any. Do you have any addresses of any?

7 MEMBER GOODSSELL: I didn't notice any either.
8 I was looking for something to compare it to, and you
9 don't have to have details, but if you have the
10 addresses, I, for one, am going to go back and look
11 because as attractive as this house may be with a
12 rooftop deck, I want to see if anybody else in the area
13 has a rooftop deck 'cause the roof line is very
14 different.

15 MR. NATURHEIM: The question was whether
16 there's any house that has a flat roof and the answer
17 is yes, there was a house that caught fire and they
18 rebuild the house and it's a modern house has a flat
19 roof.

20 MEMBER HERNANDEZ: It's not just the flat roof
21 though, it's a roof deck which creates -- I know that
22 the ocean is on -- the Sound is close by and I'm
23 assuming what they want to do is be able to see the
24 Sound from up there but we need to look at the overall
25 comparison of the neighborhood.

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2 MR. NATURHEIM: But again, I don't want to
3 repeat myself, this concept is not changed from March
4 that we have.

5 MEMBER HERNANDEZ: I don't remember the March
6 decision so I have to go back and look at the March
7 decision and compare it.

8 VICE CHAIR FRANCIS: The rooftop deck was part
9 of the March decision?

10 MR. NATURHEIM: Being a flat roof.

11 VICE CHAIR FRANCIS: No, was the rooftop deck
12 part of the March decision? Not a flat roof, a deck.

13 MR. NATURHEIM: No, it was not.

14 MEMBER HERNANDEZ: So the bulk of the house
15 changes.

16 CHAIR MAMMINA: Any other questions?

17 (No response.)

18 CHAIR MAMMINA: Okay, we'll continue this
19 application so that we can take a look at it again and
20 see what we think.

21 So this may be decided at our next meeting or
22 may not. And again, you can call the zoning board
23 office and they will let you know. You'll receive a
24 notice in the mail as well but you probably don't want
25 to wait for a notice in the mail.

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2 So if you have that ability and, again, if
3 you'd like to hear when we deliberate about this, that
4 might be at our next meeting after the meeting or we
5 may not be ready to deliberate at that time.

6 MR. NATURHEIM: Could I ask the Board, my
7 project manager in charge of this project.

8 MR. REI: Isaac Rei, 18 (indecipherable) Great
9 Neck, New York 11021.

10 The only changes in the front, we move a
11 little piece --

12 CHAIR MAMMINA: We have the drawing in front
13 of us so you can point.

14 MR. REI: 18.9, if you go up you see the dash
15 line removing one piece in the front. Because of the
16 floor area, we want to take this piece out and add
17 another piece somewhere else that may be the problem of
18 the building inspector -- the plan examiner.

19 CHAIR MAMMINA: Then I'll ask the same
20 question that I had asked: The roof of that area is
21 exactly the same as what it was?

22 MR. REI: The roof one-story extension is
23 exactly the same, the cover.

24 CHAIR MAMMINA: I'm not talking about the
25 extension, I'm talking about the open terrace.

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2 MR. REI: Yes, it's exactly the same.

3 CHAIR MAMMINA: Without prolonging this, I
4 would have asked the plan examiner what do you mean by
5 that second objection? Nothing changed. He
6 specifically says, "design changes has increased the
7 bulk of the exposure to setback requiring further BZA
8 approval." And he's talking about -- specifically
9 about 18.9 setback to the proposed second-story covered
10 terrace. So that didn't raise any kind of issue in
11 your head?

12 MR. REI: I understand that the second floor
13 roof --

14 CHAIR MAMMINA: Not the roof, the roof over
15 the terrace. That's the objection.

16 MR. REI: It's exactly the same roof.

17 CHAIR MAMMINA: So it's not taller, no
18 different form -- we'll clarify, it's okay.

19 All right. So as I said, we'll continue the
20 application, and you don't need to be here in person to
21 hear it. You don't need to come back, but of course
22 you're welcome to do that if you'd like.

23 Thank you.

24

25

1 Appeal No. 21307

2 SECRETARY WAGNER: Next appeal, Appeal

3 No. 21307: Madison Park Owners Corporation; 99 Madison
4 Street, Port Washington; Section 5, Block 133, Lots 402
5 and 409 in the Residence C Zoning District: Variances
6 from 70-50.A, 70-52.5, 70-103.B and 70-208.G to
7 construct a parking lot expansion in a Residence C
8 district with parking spaces located within a required
9 front yard setback, too much front yard paving, parking
10 spaces that are too small and expansion of the
11 nonconforming use of the property.

12 CHAIR MAMMINA: You've heard Appeal No. 21307:

13 Madison Park Owners Corp.

14 Is there anyone in the room interested in the
15 application other than the applicant?

16 (No response.)

17 CHAIR MAMMINA: Seeing no one, please give

18 your name and address.

19 MS. TSOUKALAS CURTO: My name is Andrea

20 Tsoukalas Curto, Forchelli Deegan Terrana, with offices
21 at 333 Earle Ovington Boulevard, Uniondale, New York.

22 So I'm here on behalf of the applicant,
23 Madison Park Owners Corp. with me today is Georgia Lee
24 Andrew, she's the property manager for the property.

25 As mentioned, this is an application for area

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2 variances to expand the existing parking lot at the
3 premises. Before I begin my presentation, I would like
4 to submit the applicant's hearing packet and mark this
5 as Applicant's Exhibit A.

6 I also wanted to mention that we did do some
7 community outreach. I sent a letter to all of the
8 neighbors on September 26th of this year advising them
9 of this application and also providing a copy of the
10 site plan. I'm going to submit as Applicant's
11 Exhibit B a copy of that letter to the property owners.

12 VICE CHAIR FRANCIS: Your letter must have had
13 a desired effect since nobody is here in opposition.

14 MS. TSOUKALAS CURTO: We did have one person
15 who reached out yesterday to Ms. Wagner, they did have
16 some asks that we're going to speak about later.

17 I do have a letter from Mike Rant addressing
18 some of those comments that I'll submit now and go over
19 in my presentation. I think I actually e-mailed them
20 to the Board as well and they uploaded, so I'll go over
21 that as well. That was the owner of Lot 7, the
22 adjacent property owner, last names are Fishers.

23 VICE CHAIR FRANCIS: I don't think it made its
24 way into our file, I don't see it.

25 MS. TSOUKALAS CURTO: Primarily the concern

1 Appeal No. 21307

2 was regarding drainage and screening so I'll go over
3 that.

4 So the premises is located on the south side
5 of Madison Street, 100 feet west of Webster Avenue.
6 It's situated at Town's Residence C Zoning District and
7 has a lot area of 3.5 acres. It is improved with the
8 apartment complex having a total of 77 apartments.

9 There are a total of 57 on-grade outdoor
10 parking stalls at the premises, most of which are on a
11 first-come, first-served basis. Residents who do not
12 find parking on-site park their vehicles on neighboring
13 streets to include Madison Street, Monroe Street, Van
14 Buren Street and Webster Avenue. The applicant
15 proposes to create additional parking at the northeast
16 corner of the premises to address the overflow parking
17 issue.

18 Specifically the applicant seeks variances to
19 provide additional parking within a required front
20 yard, a 25-foot setback is required. That said, the
21 area where the parking is proposed does not function as
22 a front yard, it functions more as a side yard or a
23 rear yard as it is behind and adjacent to the main
24 buildings and does not front on a street.

25 Furthermore, the existing parking on the site

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2 is at the same setback within the front yard with no
3 screening. If you look at your exhibit packet, you'll
4 see I have several photographs of the existing parking
5 lot and you can see that the cars are right up against
6 the setback with a chain-link fence.

7 I also wanted to mention that Madison Street
8 is a dead-end street and ends at this premises.
9 Exhibit 1, we have an aerial which shows that, so the
10 frontage is just at that small corner over there.

11 The applicant also requires a variance to
12 increase the paving in the front yard. The permitted
13 coverage is 55 percent and we are proposing 87 percent.
14 This will increase the nonconformity of parking within
15 the Residence C district also.

16 The existing paving in the front yard is at
17 81 percent so the proposed improvement will increase
18 the nonconformity by only six percent.

19 The proposed parking lot area is 1,397 square
20 feet and the existing parking lot area is 17,403 square
21 feet. So it's not a big parking area, we're just
22 trying to do what we can to alleviate some of the
23 parking on-site that's needed.

24 The proposed parking stalls also do not meet
25 the minimum dimensions required of ten by 20 feet the

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2 applicant proposes to construct eight nine by twenty
3 stalls and two eight by twenty handicap stalls in this
4 parking area.

5 Currently there are no handicap stalls for
6 residents so this is a much needed improvement. Also,
7 although the proposed stalls are slightly narrower in
8 width, they are a sufficient size for standard
9 vehicles.

10 The applicant will need to demolish the
11 existing retaining wall and regrade the property to
12 create this additional parking. You see -- in the
13 photographs you'll see that the preexisting one that's
14 there, the property slopes up so they'll have to tape
15 all that down and regrade. The regrading and
16 restriping will result in a loss of four parking stalls
17 which will be replaced with the two handicap stalls.

18 So as I mentioned, the additional stalls will
19 take vehicles off local streets and will alleviate some
20 of the spillover parking that currently exists.

21 If you look at the photographs, again, the
22 area just east of the proposed parking lot is developed
23 with mature trees. The applicant is also proposing to
24 install a new five-foot retaining wall around the
25 perimeter of the parking area. The property also

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2 slopes up in the rear so the lot is not visible to
3 residents on the easterly border.

4 As I mentioned, the owners who bought seven
5 did submit opposition to this application, they
6 requested that we install additional drywalls and
7 fencing. There are two residents that will be able to
8 see this area, Lot 6 and 7, they abut the northerly
9 border of the parking lot.

10 So we wanted to just explain to the Board that
11 the parking area is going to be excavated lower than
12 the grade of the adjacent properties.

13 We're also proposing an Evergreen hedge along
14 the boundary behind the retaining wall to further
15 screen the neighbors from the parking lots and cars in
16 the parked area.

17 We also can install privacy slots in the
18 existing chain-link fence. Again, that is also
19 pictured in the photograph in the rear you can see that
20 there's existing fencing that does have the privacy so
21 we can do the same thing in that location.

22 Regarding any water runoff, the drainage from
23 the parking lot will be directed away from the property
24 and towards a new drywell. Any other runoff from the
25 existing parking lot slopes away from their property

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2 and is captured by existing drywells.

3 Mr. Rant from North Coast Civil is the
4 engineer on this project, he did address these concerns
5 as well and drafted a letter to the Board explaining.
6 I can read it into the record or I can just submit it,
7 it's up to you.

8 CHAIR MAMMINA: You can submit it. If you
9 want to hit highlights, you can.

10 MS. TSOUKALAS CURTO: I already hit the
11 highlights. So I'll submit this as Applicant's
12 Exhibit C.

13 And just to go over the landscape. We
14 submitted, I think you should all have a copy of it,
15 you can see all the different plantings that are
16 proposed and the hedge that's proposed is going to be
17 an Evergreen buffer that's about four feet high.

18 We also submitted an affidavit from the
19 co-op's president Angela Carol Hardy, she's also a
20 resident at the site so she's fully familiar with the
21 needs of the co-op building.

22 And then if the Board doesn't have any
23 questions, can I go through some of the areas?

24 CHAIR MAMMINA: Please.

25 MS. TSOUKALAS CURTO: In conclusion, the

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2 proposed expansion of the parking lot will not have a
3 negative impact on the character of the neighborhood.
4 The lot isn't visible from the public street as it is
5 an interior improvement. The applicant cannot provide
6 additional parking for the apartment complex without
7 the requested variances and there's no other suitable
8 location to place the parking on the site.

9 The requested variances are not substantial
10 and if granted will not in any way negatively impact
11 surrounding property owners. In fact, the proposed
12 parking will only improve conditions for property
13 owners who live in the area because there will be less
14 cars on the street.

15 Based on the foregoing, the applicant requests
16 the variances needed to construct a new parking lot be
17 approved.

18 CHAIR MAMMINA: The only question I have is
19 there's new planting that's going to be done or is it
20 basically what exists now?

21 MS. TSOUKALAS CURTO: There's going to be new
22 planting and we submitted a landscape plan.

23 CHAIR MAMMINA: Okay.

24 MEMBER DONATELLI: Will the planting be
25 between -- will any of the planting be in the buffer

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2 between Tax Lot 7 and the proposed parking lot
3 expansion?

4 MS. TSOUKALAS CURTO: Yes, that Evergreen
5 hedge that I mentioned, it's a four-foot hedge that's
6 right in between.

7 MEMBER DONATELLI: Specifically behind Lot 7?

8 MS. TSOUKALAS CURTO: Yes.

9 MEMBER DONATELLI: And I think you touched on
10 this. The existing retaining wall is five feet and the
11 proposed retaining wall will be three feet?

12 MS. TSOUKALAS CURTO: Five feet.

13 MEMBER DONATELLI: Will it also be timber or
14 will it be of some other material?

15 MS. TSOUKALAS CURTO: I'm not sure.

16 It's going to be a stone retaining wall.

17 MEMBER DONATELLI: Do any other board members
18 have questions?

19 MEMBER HERNANDEZ: Just for clarification.
20 Effectively the expansion of the lot is by carving into
21 the hillside that is now a wooded hillside?

22 MS. TSOUKALAS CURTO: Right now it's not
23 wooded. It's -- if you look at -- here, I'll show you.

24 Not touching the trees in the back, those are
25 going to remain. So if you see what's identified in 3

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2 as area of proposed parking lot expansion, these
3 photographs, it's paved but it's all broken up.

4 MEMBER HERNANDEZ: That's the only area you're
5 going to be able -- that's the only area that's being
6 added?

7 MS. TSOUKALAS CURTO: Yes, what's
8 photographed, yes, in these pictures.

9 MEMBER HERNANDEZ: Then I'm trying to find the
10 five-foot retaining wall.

11 MS. TSOUKALAS CURTO: The five-foot retaining
12 wall is on the plan. I'll show you what the existing
13 -- this is what the existing --

14 MEMBER HERNANDEZ: And this is part of it?

15 MS. TSOUKALAS CURTO: Yes, let me show you.
16 Here. If you look at this photograph, so this wall
17 would come down and then they are going to flatten the
18 area. So it's an extension of the existing parking
19 lot.

20 MEMBER HERNANDEZ: So it's going to go closer
21 to the trees than the new parking lot?

22 MS. TSOUKALAS CURTO: It will, yeah.

23 MEMBER HERNANDEZ: And neighbor No. 7, is he
24 at the same height elevation or is he higher?

25 MS. TSOUKALAS CURTO: Is -- the way this is

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2 going to be paved, will be lower than their property.

3 MEMBER HERNANDEZ: 'Cause part of the
4 retaining wall would be behind his property, he
5 wouldn't see it because it's facing the other way.

6 MS. TSOUKALAS CURTO: Right. What he will see
7 is the Evergreen buffer, the hedge, then a retaining
8 wall and a fence on top of that.

9 MEMBER HERNANDEZ: How would he see the
10 retaining wall? Isn't the retaining wall visible from
11 the parking lot?

12 MS. TSOUKALAS CURTO: If you look at the plan,
13 I mean, it's going to be a foot taller, the retaining
14 wall, than the hedge.

15 MEMBER HERNANDEZ: I'm sorry, so what is the
16 retaining wall for?

17 MS. TSOUKALAS CURTO: The retaining wall is
18 there because the sloped property needs a retaining
19 wall to keep the land in place.

20 MEMBER HERNANDEZ: Which way is the sloping?
21 Is it sloping towards your parking lot or away from the
22 parking lot?

23 I believe the way these pictures are showing,
24 it slopes toward your parking lot so if you have --

25 MS. TSOUKALAS CURTO: But we're regrading that

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2 portion of the property.

3 MEMBER HERNANDEZ: So you're raising the
4 ground?

5 MS. TSOUKALAS CURTO: No, we're going to make
6 it flatter so it's going to be lower and that's why you
7 need the wall.

8 MEMBER HERNANDEZ: But the wall is to prevent
9 his backyard from collapsing on to your parking lot, so
10 he should never see that wall because that wall is
11 behind his house lower than him.

12 MS. TSOUKALAS CURTO: So that's his backyard.
13 So right now he can see through -- you can actually see
14 the chain-link fence and you can see through, so what
15 he will have a direct --

16 MEMBER HERNANDEZ: I'm trying to find the
17 photograph.

18 MS. TSOUKALAS CURTO: I'll show it to you.

19 MEMBER HERNANDEZ: Because he shouldn't be
20 able to see the retaining wall.

21 MS. TSOUKALAS CURTO: I think you're right, he
22 wouldn't see it 'cause we'll be lower.

23 CHAIR MAMMINA: It'll be lower and it'll
24 improve the condition.

25 MS. TSOUKALAS CURTO: It's going to improve

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2 the drainage and it's going to improve what it looks
3 like there 'cause now it's going to have the Evergreen
4 hedge.

5 MEMBER HERNANDEZ: He should see the hedge
6 over the wall, but he shouldn't see the wall.

7 MS. TSOUKALAS CURTO: You're right.

8 MEMBER HERNANDEZ: I want to make sure I
9 understand where the parking lot is going to go, that's
10 all.

11 MS. TSOUKALAS CURTO: So this picture shows
12 their house.

13 MEMBER DONATELLI: Do you know where you're
14 planning to install the proposed parking lot? What is
15 that area being used for now?

16 MS. TSOUKALAS CURTO: Not really using it.

17 MEMBER DONATELLI: So it's just broken up
18 asphalt that's not really being in use?

19 CHAIR MAMMINA: That's what the survey shows.
20 It calls it broken asphalt for something.

21 MS. TSOUKALAS CURTO: At one time people would
22 hang clothes there, there's clotheslines but they
23 haven't been doing that.

24 VICE CHAIR FRANCIS: I was wondering what that
25 was.

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2 MEMBER DONATELLI: What's old is new again.

3 I would say I'm very familiar with the area
4 and I know that there are some real parking pressures
5 in that area and that any overflow from that park does
6 extend on to the low streets.

7 So I applaud your client for trying to deal
8 with the parking shortage by adding additional parking
9 and I also understand why the building department is
10 referring to this area as a front yard definitionally.
11 I think it is, however, in practical use, it's very
12 distinguishable from what you typically would refer to
13 as a front yard because the entrance being on Madison
14 it presents itself as you drive in and then you have to
15 make a left and go all the way down. And so while
16 that's still definitionally a front yard, in all
17 practical purposes it's really more of a side yard.

18 So I really do think this is distinguished
19 from many other cases that might come before us.

20 So having said all that -- and there is a need
21 because there is quite a bit of parking pressure there.
22 Any overflow parking would really go to exacerbate the
23 shortage of parking on Madison and surrounding streets,
24 perhaps even up to Webster. So that this might
25 actually eliminate the situations for houses in that

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2 area.

3 I also want to point out the fact that it will
4 be well screened, certainly the planting diagram that's
5 submitted with the application will go towards
6 screening it. I think the proposed retaining wall and
7 stone will be certainly much more functional and much
8 better than the existing temporary retaining wall that
9 is there. Aesthetically pleasing and certainly not
10 visible to Lot No. 7, as Mr. Hernandez pointed out.

11 So having said that, I make a motion we grant
12 the application.

13 CHAIR MAMMINA: We have a motion by Member
14 Donatelli.

15 Do we have a second?

16 MEMBER HERNANDEZ: Second.

17 CHAIR MAMMINA: Second by Member Hernandez.

18 Please poll the Board.

19 SECRETARY WAGNER: Member good.

20 MEMBER GOODSSELL: Aye.

21 SECRETARY WAGNER: Member Hernandez.

22 MEMBER HERNANDEZ: Aye.

23 SECRETARY WAGNER: Member Donatelli.

24 MEMBER DONATELLI: Aye.

25 SECRETARY WAGNER: Vice Chair Francis.

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2 VICE CHAIR FRANCIS: Aye.

3 SECRETARY WAGNER: Chair Mammina.

4 CHAIR MAMMINA: Aye.

5 The application is granted.

6 MS. TSOUKALAS CURTO: Thank you very much.

7 MEMBER DONATELLI: Just to be clear, as part
8 of the application is the planting plan. And so that
9 the approval is subject to that planting plan.

10 MS. TSOUKALAS CURTO: Yes, thank you so much.

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1 Appeal No. 21308

2 SECRETARY WAGNER: Appeal No. 21308: Stephen
3 Edelson; 36 Plymouth Road, Port Washington; Section 6,
4 Block 46, Lot 31 in Residence B Zoning District:
5 Appeal for determination, or in the alternative,
6 variances from 70-39.B, 70-41.A, and 70-103.A to
7 construct a replacement addition to a dwelling that is
8 too big, does not have enough parking on-site and with
9 smaller than required aggregate side yards.

10 CHAIR MAMMINA: You've heard Appeal No. 21308:
11 Stephen Edelson.

12 Is there anybody in the room interested in the
13 application other than the applicant?

14 (No response.)

15 CHAIR MAMMINA: Seeing no one, please give
16 your name and address.

17 MR. MIGATZ: Bruce W. Migatz, Albanese &
18 Albanese, offices located at 1050 Franklin Avenue in
19 Garden City.

20 Good afternoon. The clock says 12:15, still
21 haven't put it back.

22 At the outset, I have premarked Exhibits 1
23 through 9. I have them bound, I'll hand them up one
24 for the record and one for each board member.

25 With me this morning are the owners Sarah and

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2 Steve Edelson and also the project architect Lou Gilano
3 (phonetic).

4 The subject property 36 Plymouth Road, Port
5 Washington; Section 6, Block 46, Lot 31 in the
6 Residence B district.

7 Exhibit 1 is a photograph of the existing
8 house. It's on a 6,000-square-foot lot, 60-by-100.

9 Exhibit 2 is the C of O for the original
10 construction in 1950.

11 Exhibit 3 is the C of C issued in 1967 for a
12 one-story addition.

13 Exhibit 4 is the C of C issued in 1992 for a
14 front addition.

15 The property was purchased by the Edelsons in
16 2008. The applicant proposes to replace the existing
17 one-story extension that was built in 1967 that does
18 not have a cellar with a one-story extension on the
19 exact same footprint but with a cellar.

20 So if you look at Exhibit 1, which is a
21 picture of the existing house. That is also a picture
22 of the new house if you approve this application
23 because there's no change to the square footage or the
24 size of the house.

25 The applicant is doing two things. They are

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2 rearranging -- redesigning that floor space, that
3 one-story addition, which does not require any
4 variances and they are adding a cellar.

5 I'm told that it was possible to underpin the
6 existing one-story portion of the house and excavate a
7 cellar which would not require any application to this
8 board, but that is a very expensive proposition. It's
9 possible, but it's not really a feasible way to
10 approach this.

11 So what is being proposed is to remove the
12 existing one-story portion of the building, put in a
13 new foundation for the cellar and build back the same
14 size one-story extension. That is why the hearing
15 notice says to replace the extension, not to enlarge
16 it, but to replace it.

17 So the relief sought before this board is
18 three determinations, and in the alternative, three
19 variances.

20 The first determination is that there is no
21 need for an aggregate side yard setback variance
22 because the existing side yard setbacks are not being
23 changed.

24 Second, there is no need for a parking
25 variance because the building is prior nonconforming as

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2 to parking for residents.

3 And number three, there is no variance needed
4 for gross floor area because the house is prior
5 nonconforming as to gross floor area and gross floor
6 area is not being increased.

7 Turning to the first determination. When this
8 house was built and when the extension was built, the
9 code required 25 percent of the lot width aggregate
10 side yard setback.

11 Exhibit 5 is a 1966 code and 1987 code which
12 shows that through '87, at least in the Residence B
13 district, only 25 percent of the width of a lot was
14 required for aggregate side yard setback. The house
15 was built with a 15.7-foot aggregate side yard setback
16 and only 15 feet was required.

17 The one-story portion of this building is
18 being replaced on the same footprint. The aggregate
19 side yard setback, which is prior nonconforming, is not
20 being increased. Section 70-208.F --

21 (Pause in the proceedings.)

22 MR. MIGATZ: Should I continue or...

23 CHAIR MAMMINA: Yes.

24 MR. MIGATZ: 70-208.F of the code says a
25 nonconforming building shall be extended, altered,

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2 enlarged, replaced or removed only if such extension,
3 alteration, enlargement, replacement removed would not
4 increase the existing nonconformity. We're not
5 increasing existing nonconformity, we're replacing that
6 portion of the building on the exact same footprint.

7 The second determination. The building
8 official said that two parking spaces are required and
9 only one is provided. There is a garage but that
10 garage is not 10-by-20 so apparently that's why the
11 planning examiner said the garage doesn't count as a
12 parking space even though that's how it was built
13 originally and that today's code requires two parking
14 spaces.

15 But the building is nonconforming. If you
16 look at Exhibit 7, through at least 1973 the code did
17 not require any parking spaces for a single-family
18 dwelling. It was sometime in the 80's, I'm not sure
19 exactly when, when the code was changed to require
20 parking spaces for single-family dwellings.

21 So in this structure when this house was
22 built, no parking was required and we're not changing
23 what is there, the garage. And there's a parking space
24 and the driveway so we're not increasing that
25 nonconformity.

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2 The third determination has to do with gross
3 floor area. Gross floor area did not come into the
4 code until 1991, and that's Exhibit 8, and it had a
5 different formula then. But prior to 1991, my research
6 shows that there was no gross floor area requirement
7 for single-family dwelling.

8 The existing dwelling is 2,743 square feet,
9 that was conforming when the house was built and when
10 the addition was built. Under today's standards, you
11 can only have 2,700 square feet, so it's 43 square feet
12 over, so slightly larger than a 4-by-8 piece of
13 sheetrock.

14 But in any event, it's prior nonconforming and
15 it's not being increased, the gross floor area is going
16 to remain at 2,743. There's no increase in the prior
17 nonconformity so I submit to you that is not a required
18 variance as well.

19 CHAIR MAMMINA: Is there any modification to
20 that attic space?

21 MR. MIGATZ: No. No modifications.

22 Now assuming the Board feels that the building
23 official is correct, we have applied for variances of
24 these three sections.

25 Weighing the benefit to the applicant against

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2 detriment to the community, benefit of the applicant is
3 to renovate the house and to provide a full cellar for
4 more recreational space.

5 Will undesirable change be produced in the
6 character of the neighborhood or detriment to nearby
7 properties? The house will look identical, it's not
8 being changed. To be a hundred percent technical, the
9 pitch of the roof of the new extension is slightly
10 different but that's not discernable to the naked eye.
11 To the naked eye, you're going to see the exact same
12 thing you see there now.

13 The parking situation doesn't change either,
14 nor does the gross floor area. So there's no detriment
15 to the community, nobody would even know that this
16 house was altered.

17 Is the variance substantial? The aggregate
18 side yard is 2.3 feet short, both side yards comply
19 with the minimum seven feet but under today's code the
20 aggregate is 2.3 feet short. Not substantial, not
21 discernable to the naked eye and no change to what is
22 presently there.

23 The gross floor area is 43 square feet over
24 what the code allows but that's what's there now and
25 very minimal. As I said, the chairman many times says

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2 a piece of sheetrock is 32 square feet, this is
3 43 square feet. 10-by-20 parking space is 200 square
4 feet, this is one-fifth of a parking space that we all
5 say is way too small for our cars so certainly not a
6 substantial variance.

7 Can the benefits be sought without a variance?

8 Yes. Is it feasible? No. It's possible to underpin
9 that existing one-story portion of the building and
10 excavate for the cellar and not require any variances.
11 Possible but not really feasible or practical.

12 It's a Type II Action, has no adverse impact
13 on the environment.

14 As a matter of law, difficulty is self-created
15 if you purchased the house subject to the code that you
16 seek relief from, but this was existing when -- as a
17 practical matter, existing when the applicant purchased
18 the house in 2008 and there's going to be no change to
19 what is there other than a slight change in the pitch
20 of the roof.

21 We do have one consent form from one of the
22 houses across the street on 22 Andover. I offer that
23 as Exhibit 10.

24 So in conclusion, I don't think any variances
25 are required but if the Board believes that they are

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2 necessary, I think that the benefit to the applicant
3 far outweighs any detriment to the community.

4 Going back to gross floor area, I skipped over
5 one of the exhibits.

6 There was a very similar case before this
7 board, and I have that Exhibit 9, this was 144 Luquer
8 Road in Port Washington where a similar fact pattern
9 existing that there were interior alterations to the
10 house that increased the gross floor area. That's not
11 the case here. But in that case there were interior
12 alterations that did increase the gross floor area but
13 the Board determined that since they are not
14 discernable from the street since they are internal and
15 the bulk size of the building did not increase, it
16 justified a gross floor area variance.

17 Here we're not even increasing the floor area,
18 it's going to be the same as it always has been. The
19 similarity is, it's not discernable from the street as
20 this board found in the 144 Luquer Road application.
21 That's Appeal No. 21228, Exhibit 9.

22 So in conclusion, weighing the benefit of the
23 applicant against the detriment to the community, I
24 submit that there is no detriment to the community and
25 the applicant should be granted.

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2 I'm happy to answer any questions.

3 MEMBER GOODSSELL: Mr. Migatz, the Certificate
4 of Completion that was issued in 1968 says "existing to
5 existing dwelling." You're representing to the Board
6 that that includes the one-story addition that's being
7 replaced now?

8 MR. MIGATZ: That was for that one-story
9 addition.

10 MEMBER GOODSSELL: It says "additions," plural.
11 I'm not sure if anything else was done, I don't have
12 the file in front of me.

13 In 1968 when that one-story addition was
14 added, was a cellar on the plans? A basement? A
15 cellar, or just one-story addition was on the plan?

16 MR. MIGATZ: No, there was no cellar for that.

17 MEMBER GOODSSELL: Okay. But on today's plans
18 there will be a basement?

19 MR. MIGATZ: That's what's proposed, correct.

20 MEMBER GOODSSELL: Okay. Just so I understand.

21 VICE CHAIR FRANCIS: If they were to proceed
22 with the alternative, that being the underpinning, in
23 terms of cost, if we were comparing the cost of that to
24 the cost of what's proposed, what would that be?

25 MR. MIGATZ: I don't know. I can ask the

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2 architect if he has an idea.

3 CHAIR MAMMINA: Put yourself on the record.

4 MR. GILANO: Lou Gilano, architect, 485
5 Underhill Boulevard, Suite 304, Syosset, New York.

6 It would be substantial. I would say probably
7 close to equal if not more than the cost of tearing
8 this down and building it new simply because the way to
9 -- as the Chairman would know -- the way to underpin a
10 structure, you have to do it in sections at a time;
11 four-foot section, skip 12 feet, do another four-foot
12 section, let that cure, come back and move forward.
13 And then you have to excavate everything behind it and
14 then have to do the work to remove the wall of the
15 existing basement wall in order to access that new
16 area. It would be substantial.

17 VICE CHAIR FRANCIS: So just financially
18 speaking, it wouldn't be feasible?

19 MR. GILANO: Like I said, I believe it would
20 be equal to if not a little more, but the product would
21 definitely be better if we were to tear it down and
22 build it new.

23 CHAIR MAMMINA: Doing underpinning, I'm not
24 answering the question, per se, but as feasible? Yes,
25 of course it is. I mean, anything can be done for

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2 money but typically you don't underpin houses.

3 MR. GILANO: It would be difficult.

4 CHAIR MAMMINA: Commercial buildings, all the
5 time.

6 VICE CHAIR FRANCIS: Thank you.

7 MR. MIGATZ: I think there's a difference
8 between feasible and possible.

9 It's possible to do anything, it's possible to
10 underpin this building. But in the realm of achieving
11 what the end product is, I would submit to you it's not
12 feasible to go through all that underpinning, that
13 extra work, that extra cost. Possible, of course.
14 That's not the test. The test is, is it feasible? And
15 I don't think it's feasible.

16 MEMBER DONATELLI: I would think that it would
17 probably also be much more disruptive to the neighbors
18 to engage in the kind of underpinning process that the
19 gentleman just addressed because if you have to dig out
20 a portion and then wait and then pour concrete and then
21 have it cure and then add another portion, that's
22 probably much more intrusive than it might be if you
23 just do what is being proposed here.

24 CHAIR MAMMINA: I think we'd like to hear from
25 Mr. Norjen and see what opinions he might have.

1 Appeal No. 21308

2 MR. NORJEN: Glenn Norjen, Department
3 Commissioner, Building Department.

4 There's three different variances that were
5 listed on the Notice of Disapproval so I'm going
6 address them all in -- each one separately.

7 The gross floor area. You're not increasing
8 the gross floor area from what was there before so I'm
9 going to agree that that word should not have been on
10 the Notice of Disapproval. As long as they are
11 replacing it exactly the same or actually it looks like
12 they might have been reducing it a foot, the depth of
13 it, compared to the survey dimension. So they are
14 actually making it a foot -- I think it was 14 -- 15
15 and now it's 14. So I'm going to agree with the appeal
16 for determination for gross floor area.

17 For parking. They are also maintaining a
18 bathroom that was built into the garage. If that was
19 done before the requirement for parking in a
20 single-family dwelling, then that would predate the
21 code and the parking requirement wouldn't be an issue.
22 If that bathroom was built after the requirement for
23 parking with the dimensions and everything, then if it
24 made that garage less than ten feet wide then it would
25 need a variance for parking. So that all depends on

1 Appeal No. 21308

2 when that bathroom was built.

3 The side yard aggregate. This one definitely,
4 in my opinion, would require a variance because they
5 are not replacing that addition exactly as it is. It
6 was just said, and it's shown on the plans, that they
7 are increasing the slope of the ridge which is
8 increasing the bulk of the dwelling which is impacting
9 the aggregate side yard. If they replaced it exactly
10 as it is with the same exact slope to the roof, it
11 wouldn't require a variance but since they are
12 increasing the slope of the roof and increasing the
13 bulk of what is being seen by that neighbors or from
14 the street, it would need a variance because it's no
15 longer preexisting nonconforming and you're not
16 replacing exactly as it was.

17 So any questions?

18 CHAIR MAMMINA: Understood. And I think you
19 would probably agree as someone who does building and
20 construction, it appears that they are increasing it to
21 a four and twelve. So I mean a four and twelve is
22 pretty much the minimum that you can get and still have
23 an asphalt shingled --

24 MR. NORJEN: What is there is granted should
25 be up to the Board, but I'm saying that they are not --

1 Appeal No. 21308

2 we have had cases before where the garage had a flat
3 roof and now they want to do a gable and they violate
4 aggregate.

5 CHAIR MAMMINA: You gave a better example than
6 mine.

7 Thank you, Mr. Norjen.

8 MR. MIGATZ: The existing garage has a width
9 of nine feet, eight inches when it was built so when it
10 was built it was prior nonconforming. There was a
11 bathroom added that bumped out slightly so that where
12 that bathroom is, the width is nine feet four-one-half
13 inches. So it bumped out three-and-one-half inches but
14 that's irrelevant because the main portion of the
15 garage is still or was nine feet, eight inches. So it
16 was prior nonconforming, it would not count as a
17 parking space with or without that
18 three-and-a-half-inch bump out.

19 So it doesn't matter when that bathroom was
20 built, the garage space was still a prior
21 nonconforming.

22 MEMBER HERNANDEZ: How deep is the garage?

23 MR. MIGATZ: We can verify that for you in a
24 moment.

25 With respect to increasing nonconformity.

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2 There was a time when this town took a position that if
3 you built straight up, you're not increasing
4 nonconformity. That interpretation changed in this
5 town, not in all towns, and I'm not going to litigate
6 that on this case. But I would welcome the chance to
7 litigate that because if you go straight up I don't
8 think that's increasing nonconformity and this town at
9 one time agreed with that. They changed their
10 interpretation.

11 But in any event, by changing the pitch of the
12 roof that is not any substantial increase in the
13 appearance of that building, so I would stand by my
14 position that 208.F that would not require a variance
15 but in any event, it's such a minimal increase in the
16 bulk of that addition that would justify the variance.

17 18 feet, five-and-one-half inches deep so it
18 doesn't comply with parking space prior nonconforming.

19 MEMBER HERNANDEZ: You're not going to put a
20 Suburban in there but can you put a smaller car.

21 MR. MIGATZ: We can fit our Corvettes in
22 there.

23 MEMBER GOODSSELL: I don't know how a garage
24 would have been so small in 1950 when this was finished
25 because the cars were substantially bigger.

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2 A SMART Car would fit.

3 MEMBER DONATELLI: Or a Fiat.

4 CHAIR MAMMINA: Any other questions?

5 MEMBER DONATELLI: I would -- as one board
6 member, I would agree with the applicant and also
7 Mr. Norjen, that since we are not changing the gross
8 floor area and the gross floor area is remaining
9 exactly the same, that it might be appropriate to grant
10 a determination as to the floor area.

11 I would disagree with the applicant as to the
12 aggregate side yard for the parking because those are
13 changes, but they are changes that I would be inclined
14 to grant because they are minimal. As the applicant
15 has indicated, the change of the pitch of roof would
16 not be visible to the naked eye.

17 And with respect to the size of the garage, it
18 was nonconforming in the beginning and it is slightly
19 even more nonconforming, however it was, it's
20 nonconforming and to the extent that it's used by the
21 applicant, I mean, sometimes that exists.

22 So having said that, unless there are any
23 other questions, I make a motion that we grant the
24 determination as to the first issue and grant the
25 variances as issues number two and three.

1 Appeal No. 21308

2 CHAIR MAMMINA: We have a motion by Member
3 Donatelli.

4 Do we have a second?

5 VICE CHAIR FRANCIS: Second.

6 CHAIR MAMMINA: Second by Vice Chair Francis
7 please.

8 Poll the Board.

9 SECRETARY WAGNER: Member Goodsell.

10 MEMBER GOODSSELL: Aye.

11 SECRETARY WAGNER: Member Hernandez.

12 MEMBER HERNANDEZ: Aye.

13 SECRETARY WAGNER: Member Donatelli.

14 MEMBER DONATELLI: Aye.

15 SECRETARY WAGNER: Vice Chair Francis.

16 VICE CHAIR FRANCIS: Aye.

17 SECRETARY WAGNER: Chair Mammina.

18 CHAIR MAMMINA: Aye.

19 Application is granted.

20 MR. MIGATZ: Thank you.

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1 Appeal No. 21309

2 SECRETARY WAGNER: Appeal No. 21309: Tasadaq
3 Khakwani; 240 Aster Drive, New Hyde Park; Section 8,
4 Bock 302, Lot 32 in the Residence B Zoning District:
5 Variance from 70-40.A to construct an addition that is
6 too close to the street and to construct a portico that
7 also would be too close to the street.

8 CHAIR MAMMINA: You've heard Appeal No. 21309:
9 Tasadaq Khakwani.

10 Is there anyone in the room interested in the
11 application other than the application?

12 (No response.)

13 CHAIR MAMMINA: Seeing no one, please give
14 your name and address.

15 MR. BARLOS: Good morning, I am architect from
16 Northern Boulevard. I am for the applicant -- on
17 behalf of the applicant.

18 I have two issues with the house --

19 SECRETARY WAGNER: I'm sorry, what's your
20 name?

21 MR. BARLOS: My name is Joseph Barlos.

22 SECRETARY WAGNER: Are you an architect?

23 MR. BARLOS: I'm on behalf of the applicant.

24 SECRETARY WAGNER: So you're not the
25 architect?

1 Appeal No. 21309

2 MR. BARLOS: I did the plans of the house.

3 CHAIR MAMMINA: Also can you give your
4 address, I don't think that you did.

5 MR. BARLOS: The office is 194-02 Northern
6 Boulevard, Flushing.

7 CHAIR MAMMINA: So you work with the
8 architect?

9 SECRETARY WAGNER: Are you submitting this as
10 an exhibit? Exhibit 1.

11 MR. BARLOS: I have two issues with the house.
12 One is the portico and the new second floor the
13 setback.

14 That picture is the neighbor's house and the
15 setback for the second floor require 30 feet. The
16 existing house, the first floor is going to remain.
17 They adding a second floor -- new second floor and a
18 portico in the front and also they have a new addition
19 in the back of the house.

20 So the two issues are the setback for the
21 second floor and the setback for the portico.

22 MEMBER GOODSSELL: The setback for the second
23 floor, is that going to come out closer to the street
24 or is it going to be level with the first floor?

25 MR. BARLOS: Level -- the second floor comes

1 Appeal No. 21309

2 out 12 inches from the first floor to gain room for the
3 bedroom because the stairs is in a bad position so I
4 can't put the house back at the way, the bedroom,
5 because the stairs is going in this direction not in
6 this direction.

7 So if I push the house back, it's going to be
8 a problem for the two bedrooms in the front. So that's
9 the main issue for the owner of the house.

10 CHAIR MAMMINA: Is the portico opened on all
11 of its sides?

12 MR. BARLOS: Yes, it's open with two columns
13 in the front. It's for the rain.

14 CHAIR MAMMINA: And I think, while it's not
15 conclusive in any way, this part of New Hyde Park was
16 rezoned from Residence C to Residence B and that made
17 many existing conditions that were now nonconforming
18 now comply, whatever you want to call it.

19 And while that doesn't guarantee any kind of
20 variance of things, we have looked at these in the past
21 and taken that into consideration as one of the reasons
22 that we might be prone to grant a variance on something
23 like this in order for you to add a portico. No matter
24 what you do, it's going to be nonconforming.

25 MEMBER GOODSSELL: I actually was a little

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2 surprised there weren't more porticos in this area
3 because if you go to the surrounding blocks, there's a
4 lot of them; everybody seems to have put a portico on.
5 This seems to be some of the older homes in the area.

6 MR. BARLOS: It's just to enhance the house a
7 little bit, to make a nicer.

8 MEMBER DONATELLI: I would also, building on
9 the Chairman's comment, I would also note that with the
10 average front yard setback is 26.35 within the radius
11 of this house and that what is being proposed is
12 slightly less, 25.3, so it's -- even though the current
13 zoning is 30 feet, apparently that is ignored by many
14 of the houses in the area.

15 MEMBER GOODSSELL: And no part of this addition
16 violates --

17 MR. BARLOS: Only the second floor setback and
18 the portico, that's it.

19 MEMBER HERNANDEZ: The second floor meets the
20 setback, one foot less.

21 MR. BARLOS: As I say before, the bedroom is a
22 big problem because it's going to lose those two
23 bedrooms in the front if I setback 30 feet so he's
24 going to have only two bedrooms legally.

25 MEMBER GOODSSELL: Have you received any

1 Appeal No. 21309

2 objection from the neighbors?

3 MR. BARLOS: No. Even the neighbor -- one of
4 the neighbor house is there, the first picture, similar
5 house.

6 MEMBER GOODSSELL: Correct.

7 MR. BARLOS: He's friends with all the
8 neighbors.

9 MEMBER GOODSSELL: If we consider the five
10 factors that we always do when we grant these, can you
11 go through them? Do you remember what the five factors
12 are? Can you go through them on the record for us?

13 MR. BARLOS: Factors?

14 MEMBER GOODSSELL: The five factors when we
15 grant a variance.

16 For example, will this change the character of
17 the neighborhood?

18 MR. BARLOS: No, it will enhance it; make it
19 nicer.

20 MEMBER GOODSSELL: Will this create some kind
21 of detriment to the neighborhood?

22 MR. BARLOS: No.

23 MEMBER GOODSSELL: Is this self-created? The
24 requirement for a variance, is this self-created?

25 MR. BARLOS: I would say self-created.

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2 MEMBER GOODSSELL: That's not a determining
3 factor. I mean, there's no legal requirement that you
4 have a portico and a second addition so in a sense this
5 is self-created because the applicant would like to add
6 this; however, this is a property which by it's very
7 construction already is nonconforming, the zoning
8 changed.

9 MR. BARLOS: Yeah.

10 MEMBER GOODSSELL: Is this variance that you're
11 asking us for substantial?

12 MR. BARLOS: I would say yes.

13 MEMBER GOODSSELL: Could you expand on that
14 just a little bit.

15 MR. BARLOS: Well if the house is not setback
16 it means that it's not in accordance with the code so
17 but right now it's almost aligning with the second
18 addition all the way up.

19 MEMBER GOODSSELL: As the Chairman pointed out,
20 when the property was originally built it was built to
21 code and then the code changed.

22 MR. BARLOS: Yeah.

23 MEMBER DONATELLI: I would argue that it's
24 really not substantial because as I said before most of
25 the houses really -- because of the upzoning, most of

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2 the houses already violate the front yard setback in
3 this area and so you're more or less in keeping with
4 most of the other houses, so I would argue that that
5 would really make it not substantial.

6 MEMBER GOODSSELL: Would it also be your
7 contention that there's no other way to add to this
8 house without asking for a variance? Would that be
9 correct, a second story?

10 MR. BARLOS: Yes.

11 MEMBER GOODSSELL: And there's no way to add a
12 portico without a variance; is that correct?

13 MR. BARLOS: Yes.

14 MEMBER GOODSSELL: Mr. Chairman, I have no
15 objection to any part of the plans or any part of the
16 application and therefore I make a motion that we grant
17 the application as presented.

18 CHAIR MAMMINA: We have a motion by Member
19 Goodsell.

20 Do we have a second?

21 MEMBER DONATELLI: Second.

22 CHAIR MAMMINA: Second by Member Donatelli.
23 Please poll the Board.

24 SECRETARY WAGNER: Member Goodsell.

25 MEMBER GOODSSELL: Aye.

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1 Appeal No. 21309

2 SECRETARY WAGNER: Member Hernandez.

3 MEMBER HERNANDEZ: Aye.

4 SECRETARY WAGNER: Member Donatelli.

5 MEMBER DONATELLI: Aye.

6 SECRETARY WAGNER: Vice Chair Francis.

7 VICE CHAIR FRANCIS: Aye.

8 SECRETARY WAGNER: Chair Mammina.

9 CHAIR MAMMINA: Aye.

10 Application is granted.

11 MR. BARLOS: Thank you, have a nice day.

12 CHAIR MAMMINA: We're going to take five
13 minutes.

14 (Pause in the proceedings.)

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1 Appeal No. 21310

2 SECRETARY WAGNER: Appeal No. 21310: Jennifer
3 Nobrega; 15 Garson Road, Carle Place; Section 9,
4 Block 596, Lot 9 in the Residence B Zoning District:
5 Variance from 70-40.C to construct a front portico that
6 is too close to the street.

7 CHAIR MAMMINA: You've heard Appeal No. 21310:
8 Jennifer Nobrega.

9 Is there anyone in the room interested in the
10 application other than the applicant?

11 (No response.)

12 CHAIR MAMMINA: Seeing no one, please give
13 your name and address.

14 MR. O'CONNELL: Thank you, Chairman, members
15 of the Board. My name is Todd O'Connell, doing
16 business at 1200 Veterans Highway, Hauppauge, New York.

17 And with me here today is the owner Jennifer
18 Nobrega and her dad.

19 So just to talk a little bit about this
20 application. This exact porch that we're asking for
21 today was before this board back in 1962 and approved.
22 We are actually using the same foundation.

23 The only difference from what was approved in
24 1962 is because I'm putting a peak over it and instead
25 of the stairs facing the side of the porch, I'm

1 Appeal No. 21310

2 projecting them out towards the front. So we're trying
3 to make it a little more aesthetic.

4 But the building department said as I'm
5 changing the bulk of what was originally before the
6 Board in '62, he asked me to come back to the Board for
7 the approval. And I assume it's really just the peak
8 over the front door. The porch itself is still there
9 and is going to remain.

10 The -- we feel that this is obviously not a
11 substantial request because I'm not changing it, it's
12 what was approved before is the same approval that's
13 before you today.

14 It's not going to have any negative impact on
15 the environment nor the character of the neighborhood;
16 in fact, I feel that we're going to enhance the
17 character of the neighborhood and be more in keeping
18 with other homes and the surrounding area.

19 Self-created, I guess. I didn't realize it
20 was self-created 'cause I didn't realize it would have
21 to go before the Board, but that's why the building
22 department seems to differ on that so we're here to ask
23 for permission.

24 And there really is no other way to accomplish
25 our goal except to do nothing.

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2 So we're really just trying to enhance the
3 structure and feel that it's a really extremely de
4 minimus request before the Board and feel that the
5 benefit achieved by Jennifer far outweighs any
6 detriment to the surrounding area. Thank you.

7 CHAIR MAMMINA: Okay.

8 MEMBER DONATELLI: Perhaps I can just ask a
9 few questions.

10 Just to be clear, the portico as proposed will
11 not be coming out any further than the existing roof
12 line; is that correct?

13 MR. O'CONNELL: That is correct.

14 MEMBER DONATELLI: And that the existing roof
15 line as it currently exists extends all the way to the
16 garage, which is the side of the building?

17 MR. O'CONNELL: Correct.

18 MEMBER DONATELLI: And that as proposed, the
19 new portico will not extend that far?

20 MR. O'CONNELL: That's correct. Even
21 lessening it.

22 MEMBER DONATELLI: It will decrease the
23 conformity because it will end just before where the
24 garage begins?

25 MR. O'CONNELL: That is correct.

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2 MEMBER DONATELLI: Will the portico be open?

3 MR. O'CONNELL: Yes, it will remain open.

4 CHAIR MAMMINA: I would say, as the Carle
5 Place person for 43 years, I think that this -- and
6 31 years here -- I think this is only the second
7 application that we've ever got in that kind of
8 tucked-back part of Carle Place that I think most Carle
9 Place people don't even know that it's there.

10 MR. O'CONNELL: Back in 1962 it was before the
11 Board.

12 CHAIR MAMMINA: It's lovely. And I love my
13 house in Carle Place, it's a great neighborhood, great
14 place to raise kids.

15 So I can't make a motion but I think it is
16 something that contemporizes the look of the house, at
17 the same time it will make a significant positive
18 change to the neighborhood and it certainly is smaller
19 than it is now. But the building department is
20 correct, you add the little gable on the top and it's
21 got a different impact theoretically.

22 VICE CHAIR FRANCIS: I live in the neighboring
23 town, Westbury, and I can make a motion.

24 MEMBER HERNANDEZ: Before you do, I want to
25 put one thing on the record.

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2 Although you do have those steps coming
3 forward encroaching a little bit more, they are almost
4 at ground level, it's not going to add to the bulk of
5 the house. So we recognize that you're moving it from
6 the side bringing it to the front encroaching a little
7 more, but I think that is part of the charge of the
8 house. I don't think that really is anything negative.

9 VICE CHAIR FRANCIS: I would agree.

10 And with that said, I move that we grant the
11 application.

12 CHAIR MAMMINA: We have a motion by Vice Chair
13 Francis.

14 Do we have a second?

15 MEMBER HERNANDEZ: Second.

16 CHAIR MAMMINA: Second by Member Hernandez.
17 Please poll the Board.

18 SECRETARY WAGNER: Member Hernandez.

19 MEMBER HERNANDEZ: Aye.

20 SECRETARY WAGNER: Member Goodsell.

21 MEMBER GOODSSELL: Aye.

22 SECRETARY WAGNER: Member Donatelli.

23 MEMBER DONATELLI: Aye.

24 SECRETARY WAGNER: Vice Chair Francis.

25 VICE CHAIR FRANCIS: Aye.

1 Appeal No. 21310

2 SECRETARY WAGNER: Chair Mammina.

3 CHAIR MAMMINA: Aye.

4 Application is granted.

5 MR. O'CONNELL: Thank you, have a great
6 afternoon.

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1 Appeal No. 21311

2 SECRETARY WAGNER: Appeal No. 21311: Shachar
3 Malka; 333 Great Neck Road in Great Neck; Section 2,
4 Block 42, Lot 9 in the Business A Zoning District:
5 Variance from 70-103.A(1) to construct an addition to a
6 veterinary clinic with not enough parking on-site.

7 CHAIR MAMMINA: You've heard Appeal No. 21311:
8 Shachar Malka.

9 Is there anyone in the room interested in the
10 application other than the applicant?

11 (No response.)

12 CHAIR MAMMINA: Seeing no one, please give
13 your name and address.

14 MR. FILIPAZZI: Andrew Filipazzi of Harras
15 Bloom & Archer, 445 Broad Hollow Road, Melville, New
16 York, on behalf of the applicant.

17 Today with me I have Steven Schneider, traffic
18 engineer, Schneider Engineering. And I also have the
19 applicant in attendance.

20 I'll just pass up the green cards for your
21 file. The affidavits have been sent in ahead of time
22 to the Board.

23 Property is located at 333 Great Neck Road in
24 Great Neck; Section 2, Block 42, Lot 9 located in the
25 Business A Zoning District.

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2 We are here today for a variance of Section
3 70-103.A(1) of the Town Code for insufficient on-site
4 parking. This variance is in connection with a
5 proposed rear addition to the existing building.

6 Now this is the only variance that we're
7 seeking that is required in connection with this
8 addition. We meet all other dimensional requirements
9 other than the on-site parking.

10 The proposed on-site parking will provide four
11 spaces, including the handicap accessible space, which
12 is an increase over the existing condition where there
13 are only two spaces including the handicap accessible
14 space. Pursuant to the Town Code, 12 spaces are
15 required and thus a variance from this board is needed.

16 To just give a little background on the
17 current use of the property. The current operator is
18 Long Island Bird and Exotic Veterinary Clinic. They
19 are a speciality animal hospital caring for reptiles,
20 amphibians, parrots, other birds. They're a specialty
21 clinic and that's very important; they don't see dogs,
22 they don't see cats, they don't see common house pets.
23 So it's a limited clientele that they do see.

24 I believe you all have the plan in front of
25 you on your computers. The addition in the rear is

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2 being used for storage of the equipment used by the
3 operator and to provide additional services to the
4 existing clientele such as in-house lab work and
5 in-house radiology. The intention of the addition is
6 not to expand the client list or expand the staff, but
7 to be really an all-in-one, all services under one
8 roof, kind of specialty hospital.

9 So the existing staff is going to remain, the
10 existing clientele, patients that are going to be
11 coming in will be primarily the same. And because of
12 this, there's not going to be an increase in the
13 parking demand or intensity.

14 Patients are seen by appointment only,
15 typically one to two per hour, this allows the
16 applicant operator to control the amount of parking
17 that's coming in at any one time to let them control so
18 that you're not having a ton of people parking, a ton
19 of people waiting, anything like that.

20 Also it must be stated, the staff that are
21 employed here are primarily local so that they are
22 either walking or taking a bike to work or they take
23 public transportation as they are a short walk from the
24 Great Neck train station.

25 Also this property has been used as a

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2 veterinary clinic for over 20 years. Prior to the
3 current operator, prior to this operator, it was a
4 traditional pet hospital so they saw dogs, they saw
5 cats, they had a lot larger clientele, much more
6 intense use. So we are at a lesser use currently. And
7 we are in current operation.

8 The parking requirement for this use is
9 classified as a medical use requiring one space per
10 150 square feet of floor area after the first thousand.
11 But that medical use is wide range in that covers your
12 general practitioner doctors, your City MD, on a very
13 intense use. Where we are on the other end of that
14 spectrum, where we have limited staff, one to two
15 patients per hour during business operations. And so
16 while we're all grouped together, the reality of the
17 parking and traffic intensity is not really equivalent
18 of what the Town Code requires.

19 And we have retained, as I mentioned earlier,
20 the services of a traffic engineer to prepare a parking
21 study that's been submitted with that application, and
22 I think we've all had an opportunity to review it.
23 That was prepared by Steven Schneider who is going to
24 come up in just a moment to give some further detail on
25 that.

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2 But to briefly summarize the findings of the
3 report, the proposed on-site parking taken together
4 with the available on-street parking is more than
5 sufficient to meet the demand generated here.

6 So I'll turn this over to Steven to give some
7 additional details and I'll come back to conclude and
8 answer any questions.

9 MR. SCHNEIDER: Good afternoon. Steven
10 Schneider, 43 Sea Cliff Avenue in Miller Place, New
11 York 11764. I'm the principal and I've been doing this
12 for over 50 years and I've been here many, many times.
13 I guess more than 31 of yours, but whatever.

14 I'm just going to summarize it very quickly.
15 There's nothing fancy or frilly here, it's very simple.
16 They are having the same staff they have now. The peak
17 hours for this site is during the week between 1:00 and
18 4:00 p.m., and as was mentioned a few minutes ago,
19 there's only maybe two clients per hour because for the
20 type of use. I personally also own a parrot, which is
21 a quote/unquote exotic bird, and besides being messy
22 you've got to every so often take it to the doctor to
23 check everything out.

24 Interestingly, I found out that 90 percent of
25 the people who go there now are from the five boroughs,

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2 not necessarily local people because if you had dogs
3 and cats, more local traffic would be there, okay. So
4 that makes some sense.

5 I did count on-street parking. There was 55
6 spaces on-street. And I call it -- I looked at where
7 it would be from the north to the south. I started, I
8 guess, from what was it Watermill Lane down to what I
9 call the anchor glass store on the right on the south
10 side because that seems like there's a break there in
11 the road, so that was the walking distance that I
12 considered.

13 And during the counts, we came up with
14 somewhere between 14 and 24 vacant parking spaces
15 on-street. Now realize that the building, fortunately
16 for me, is completely operational so that even though
17 they do have five to seven or so staff members, it's
18 currently operating with additional parking even
19 available, double the amount that the town actually
20 requires; the town requires twelve spaces. So that
21 there is absolutely no issue with the parking at all.

22 That's pretty much about it. The dogs and
23 cats, if there was before, they would generate more
24 cars but there still are 14 to 24 spaces available
25 during that peak hours that we took count.

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2 If there's any questions, I would be happy to
3 answer.

4 CHAIR MAMMINA: Question. And I don't know
5 who laid this out, but the handicap parking space at
6 eight and nine, that's only required to be eight and
7 eight. So that picks you up a foot there.

8 Also you're not hugging that planter, which is
9 to the south with the parking space.

10 Could you not slide -- take the foot off
11 there, slide everything down, and then where parking
12 space three is put two more parking spaces tandem, that
13 would be employee parking, into that area? Because I'm
14 sure, as you know, our job is to try to mitigate,
15 reduce the variance as much as is feasible.

16 So I don't know, that doesn't look like a lift
17 to me, but I'd be interested for your response.

18 MR. SCHNEIDER: I didn't do the design.

19 MR. FILIPAZZI: And I'm also not an architect.
20 The architect, I don't believe, is here to give a
21 specific reason on that. But I believe if that were to
22 be proposed now, that would require a new set of plans
23 to go back to the building department and start the
24 whole process over, so -- and given the current
25 operation and the fact that we are adding two

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2 additional parking spaces in this plan compared to
3 what's existing, I don't believe that it was considered
4 by the applicant or the architect to be necessary to
5 add those additional tandem parking stalls along the
6 side.

7 MEMBER DONATELLI: Is there any other proposed
8 use for what is on your plans right now marked as
9 "asphalt parking lot"? Is the applicant proposing any
10 other use for that space?

11 MR. FILIPAZZI: In the front yard?

12 MEMBER DONATELLI: On the side yard.

13 MR. FILIPAZZI: No.

14 MEMBER DONATELLI: Behind what's currently
15 listed as "proposed parking space two and proposed
16 parking space three."

17 CHAIR MAMMINA: I don't see any issue with
18 that at all. Flip your striping of the handicap space
19 over to the other side and push it down toward the
20 planter and you've picked up additional parking spaces.

21 MEMBER HERNANDEZ: It would need our approval.

22 CHAIR MAMMINA: It still needs our approval,
23 the tandem needs our approval.

24 DR. MALKA: Dr. Shachar Malka. My personal
25 address or the business address? 53 Great Neck Road,

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2 Great Neck 11021.

3 MEMBER DONATELLI: So as the Chairman
4 indicated, one of the things that we're required to do
5 is to see if there's some way that we can minimize the
6 variance request. And if there's some way that we can
7 rework this plan to provide a little more parking,
8 whether it's for customers or employees, we would like
9 to explore that.

10 MEMBER GOODSSELL: So the question was: What
11 is the asphalt parking lot being used for now?

12 DR. MALKA: So it's not used. So the reason
13 the architect did not put that as a legal parking --
14 and I don't know if it's more for Great Neck or...

15 CHAIR MAMMINA: It's not legal parking. We
16 would have to grant the variance for you to do that.

17 DR. MALKA: I mean, yes, people can park there
18 but I guess he didn't put it as parking because there
19 was an issue. I don't know the rules, but -- so that's
20 why it's not stating that it can be used for parking.

21 MEMBER GOODSSELL: There's no access to it if
22 there's people in the four parking spaces in the front.
23 But let's face it, we make our employees park wherever
24 they can so that they can get to work on time.

25 DR. MALKA: So you're asking are people

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2 parking there now? Sometimes, yeah.

3 CHAIR MAMMINA: Let us grant you a -- consider
4 granting you a variance for the tandem parking. And I
5 guess as a dog lover, while it's not hard evidence, I
6 mean, I will agree that bringing your dog to the vet,
7 there's lots of people go to vets for dogs and cats. I
8 don't know the exotic bird business 'cause I don't have
9 one, but I would imagine that it's a lesser demand on
10 parking. And then you've reduced your variance by two
11 cars, which as a percentage is a significant number in
12 there.

13 I think it helps your business. Your traffic
14 engineer's testimony that there's 14 spaces available
15 on the street, well, from your 12 then now it's only
16 ten so it's leaving that many more street parking
17 spaces.

18 MEMBER GOODSSELL: I am impressed that the
19 clinic has been there for 20 years, God bless them,
20 because it is a very busy street. And I went at 4:00
21 in the afternoon and it's crazy on that street,
22 everybody is coming in and out. So they have been
23 there for 20 years, if there's been a veterinary
24 clinic, I think, for 20 years obviously something is
25 working, we recognize that.

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2 And it's just our suggestions are merely
3 suggestions, you can do your presentation and you can
4 keep your application the way it is, but it would
5 lessen the impact; more spaces that you can fit on your
6 own property, it lessens the impact to the
7 neighborhood.

8 MR. FILIPAZZI: Of course. So I'm not sure if
9 the Chairman's proposal is to remove that third space
10 and add the two tandem or essentially be three stacked?

11 CHAIR MAMMINA: They would be three stacked.
12 And as you choose to use it, just slide everything over
13 so that you can get through there.

14 MR. FILIPAZZI: Now I don't think I have or
15 the applicant has any major objection to that other
16 than that the notice has been sent out, we're here
17 today and I think I deferred to the Board's counsel of
18 whether this would require a new notice because the
19 tandem parking is a different variance.

20 MS. ALGIOS: Yes.

21 MR. FILIPAZZI: And that's what I thought
22 because this kind of came up late in the process after
23 we had gone to the building department and gotten the
24 denial and came to the Board to submit our application
25 to the Board, that by doing this tandem parking at this

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2 stage would require us to start essentially all over
3 which is something that I think we'd like to try to
4 avoid notwithstanding the Board's suggestion.

5 (Off-the-record discussion.)

6 MR. FILIPAZZI: So I'm not sure what you call
7 conferenced about, but speaking with the applicant, if
8 it was possible to, as part of your resolution, include
9 the tandem parking and approve it as part of this
10 application without us having to go back and start all
11 over, we would -- we can accept that. But if we have
12 to go back and start all over with the new plan and new
13 denial and new application, that's not something that
14 the applicant is prepared to accept.

15 VICE CHAIR FRANCIS: That's actually what we
16 were discussing and I think the consensus is we're
17 going to take the application as is and not try to --

18 MR. FILIPAZZI: Thank you very much.

19 CHAIR MAMMINA: It's extremely unfortunate
20 though. I mean, 12 cars required to 14 on the street,
21 in my opinion, is not enough plus especially on Great
22 Neck Road, I mean, where it's so heavily trafficked and
23 unfortunately we're missing an opportunity to create
24 additional parking. But I'm only one board member,
25 everyone doesn't have to vote for it.

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2 MR. FILIPAZZI: The 12 to 14 spaces that
3 Mr. Schneider referenced, that is under the current
4 operation and while the business is operating.

5 So that under the current code, I believe six
6 spaces are required where only two including the
7 accessible space is. While we're expanding the
8 footprint and the parking demand under the code goes
9 up, the parking that's actually going to be used as
10 part of this operation is not intended to increase.

11 So that after this is approved or if this is
12 approved and the addition is built, there should still
13 remain the 12 to 14 on-street parking spaces.

14 CHAIR MAMMINA: So your testimony is that by
15 adding this on there's going to be no increase of
16 activity in this building? Can you document that?

17 MR. FILIPAZZI: So again --

18 CHAIR MAMMINA: Other than an opinion.

19 MR. FILIPAZZI: I'll refer back to the plan of
20 what that space is being specified as it's use.

21 CHAIR MAMMINA: You may, but we certainly
22 heard you clearly. If you want to do it again, you
23 may.

24 MR. FILIPAZZI: Just to sum up that that space
25 is being used for additional services to be provided to

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2 the existing clientele and for storage of equipment and
3 such. So -- and as with that, there's not to be
4 additional staff hired.

5 CHAIR MAMMINA: But you got a treatment room
6 back there now, that's what, 27-by-19. You've got a
7 radiology room that's being put in, that's another --
8 you've got a new bird ward, you've got a new reptile
9 ward. People are going to be coming in with their pets
10 for that, you have a new lab. That means employees. I
11 don't know, it's just the way I see the application.
12 If the other board members don't see it that way.

13 DR. MALKA: I'm more than happy to answer
14 that.

15 Dr. Shachar Malka.

16 We're very clear that we're not intending to
17 increase the human traffic. Right now, we are very
18 crammed. Our business, thank God, is successful with
19 the birds and all those unique species that require
20 veterinary care. So right now what you see lab right
21 now, we're crammed like in the hallway and so we just
22 want to have a nicer clinic.

23 And where it says radiology, we are a
24 state-of-the-art kind of practice, we have a CAT scan
25 right now, we're looking to get an MRI. There are

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2 units that are small, maybe three times the size of
3 this stand, we just need place to put that and offer
4 that kind of service. We are not looking to increase.

5 The ward for reptiles, those are species that
6 require unique conditions; thermal regulation, oxygen
7 supply. Right now we're compromised a little bit so
8 we're looking to upscale the facility to be the best
9 state-of-the-art exotic hospital that we can have in
10 New York.

11 We're there, we want to be better. It's
12 really not to increase any staff or clientele, we
13 cannot. So just FYI if that helps.

14 MEMBER GOODSSELL: Thank you.

15 MR. FILIPAZZI: If the Board doesn't have any
16 other questions, I'll conclude my remarks going over
17 the five factors of 267.B.

18 There will be no undesirable change or
19 detriment to the surrounding neighborhood by granting
20 this variance.

21 The benefits sought cannot be achieved by any
22 other means or method.

23 The requested variance is not substantial.

24 There will be no adverse environmental impact
25 on the community.

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2 And the alleged difficulty, I would, based on
3 everything that was discussed, due to the configuration
4 of the property and the existing building that there's
5 no feasible manner.

6 I'll leave it at that and thank the Board for
7 its time.

8 CHAIR MAMMINA: Thank you.

9 I can counter every one of your five, but I
10 don't feel I have any need to, I'm only one board
11 member.

12 MEMBER GOODSSELL: Mr. Chairman, I don't have a
13 problem with the application as it has been presented
14 and I believe I did hear one of the Board members say
15 unofficially, they're kind of using the space that they
16 have already.

17 I do agree that it is very crowded on Great
18 Neck Road, but it seems that their proposed extension
19 is not going to create additional required parking for
20 employees, they are not changing the staff.

21 I would make a motion that we grant the
22 application as presented.

23 CHAIR MAMMINA: We have a motion by Member
24 Goodsell.

25 Do we have a second?

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2 VICE CHAIR FRANCIS: I'll second the motion.

3 And I'll just add to what Ms. Goodsell said.

4 With regard to the parking as it exists now, there is
5 evidence that those spaces that we were proposing are
6 being used as parking spaces, which is what we are
7 trying to do from our end with regard to this
8 application. However, I think the end result is still
9 the same, we were trying to do it legally to give him
10 the two parking spaces. But he has two parking spaces
11 that are going to be used, he'd be foolish not to use
12 that as parking spaces.

13 So in effect I guess by virtue of the use, he
14 is reducing the impact on parking with regard to the
15 street.

16 So with that said, I second the motion.

17 CHAIR MAMMINA: Okay. We have a motion, we
18 have a second by Vice Chair Francis.

19 Please poll the Board.

20 SECRETARY WAGNER: Member Goodsell.

21 MEMBER GOODSSELL: Aye.

22 SECRETARY WAGNER: Member Hernandez.

23 MEMBER HERNANDEZ: Aye.

24 SECRETARY WAGNER: Member Donatelli.

25 MEMBER DONATELLI: Aye.

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2 SECRETARY WAGNER: Vice Chair Francis.

3 VICE CHAIR FRANCIS: Aye.

4 SECRETARY WAGNER: Chair Mammina.

5 CHAIR MAMMINA: Nay.

6 I stand on your side of the podium for my
7 entire career and I know how things happen and I know
8 how things are used. I have my opinions regarding
9 that. I don't have confidence in 14 spaces on the
10 street, on Great Neck Road specifically, being able to
11 handle any overflow from that.

12 I realize this is not a dog and cat clinic,
13 but I do know that my own veterinarian, as I was with
14 my dog this past weekend who we were boarding, and they
15 have got a much smaller facility than this and they
16 have 17 employees, but it's a different kind of thing.

17 And I think it's really a shame for us to miss
18 an opportunity to create two more parking spaces at an
19 applicant's convenience, they still have to build this
20 entire building.

21 So that's just my feeling.

22 So I vote Nay.

23 MR. FILIPAZZI: I understand your opinion.

24 CHAIR MAMMINA: The application is approved.

25 MR. FILIPAZZI: Thank you very much,

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2 Mr. Chairman.

3 I understand your opinion and all your
4 comments and I thank the Board for its time today.

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1 Appeal No. 21312

2 SECRETARY WAGNER: Appeal No. 21312: Zegna;
3 2024 Northern Boulevard, Manhasset; Section 3,
4 Block 183, Lot 12 in the Business A Parking District:
5 Variances from 70-196.J(1) and 70-196.J(1)(a) to
6 construct canopy signs that do not face a street or
7 parking area and a second canopy sign, more than one
8 sign, facing the street.

9 CHAIR MAMMINA: You've heard Appeal No. 21312:
10 Zegna.

11 Is there anyone in the room interested in the
12 application other than the applicant?

13 (No response.)

14 CHAIR MAMMINA: Seeing no one, please give
15 your name and address.

16 MR. CALVO: My name is Matthew Calvo,
17 C-A-L-V-O, from Building Brothers. Our office is at
18 43-07 48th Avenue in Woodside, New York, and I'm here
19 on behalf of Triangle Sign Services, they are a
20 national sign fabricator and installer.

21 We recently, in August, pulled a permit to
22 legally swap out the sign, the primary sign, at this
23 location which read Ermenegildo Zegna. The company
24 decided to just reduce it to a sign saying ZEGNA.

25 The current signs on the existing canopy say

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2 ZEGNA on each side and on the front facing canopy
3 facing the parking lot on Northern Boulevard it says
4 Ermenegildo Zegna, which they're proposing to replace
5 with just the name ZEGNA, all capitals.

6 The signs are roughly the same size, if
7 anything smaller on the front face, and we keep in
8 theme with the existing signs that are there as well as
9 the other tenants at this mall, Americana Mall.

10 MEMBER DONATELLI: Is this part of a corporate
11 rebranding?

12 MR. CALVO: Yes, it is.

13 CHAIR MAMMINA: So essentially -- it's a
14 technicality of the zoning building department is
15 correct, but essentially it's the same as what's there
16 and it just becomes zoning's in terms of the way that
17 it's written. I'm repeating myself, so I apologize,
18 but it's a technicality.

19 MR. CALVO: Understood. I'm happy to be here
20 and I'm happy for your guys' time.

21 MEMBER HERNANDEZ: Just a question.

22 So the sign facing east and west will be on
23 the canopy?

24 MR. CALVO: Correct.

25 MEMBER HERNANDEZ: Is there also another sign,

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2 one facing north? So you have east, west and north on
3 the canopy; is there also a sign up on the wall of the
4 building?

5 MR. CALVO: There is. That's the sign that
6 previously said Ermenegildo Zegna. We filed in August
7 of this year to reface that sign, so right now it just
8 says ZEGNA in capital letters. Again, a reduction in
9 the original.

10 MEMBER HERNANDEZ: Yep.

11 MEMBER GOODSSELL: As I recall looking at this,
12 the access to ZEGNA is only from one side of the
13 building, there's no access to this store from the
14 rear; is that correct?

15 MR. CALVO: I'm not a hundred percent sure of
16 that, but I know the proposal --

17 MEMBER GOODSSELL: I didn't notice a sign at
18 all on the back of the building. So if you're looking
19 for this particular store and you come into the front
20 parking lot, if the only sign faces Northern Boulevard,
21 it's a little unclear.

22 So is your position that by putting signs on
23 either side of the canopy, you can see from turning
24 into the parking area that you can see where ZEGNA is?

25 MR. CALVO: Yes, I think that is a very valid

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2 point. I think in this case it's a replacement of
3 what's there, that's the primary goal, but certainly
4 not having a presence in the rear of the building
5 having that sign facing --

6 MEMBER GOODSSELL: You have to hunt for it.
7 Everybody knows where Hermes and Tiffany is. I don't
8 know, this to me is a relatively new store. I don't
9 know if everybody knows where ZEGNA is.

10 MEMBER HERNANDEZ: It's been there forever,
11 it's hard to pronounce the first name which is the
12 reason he's rebranding.

13 MEMBER GOODSSELL: Exactly. And I don't think
14 it's for women because I saw all mens things in the
15 window.

16 MEMBER HERNANDEZ: Any other questions?

17 The sign -- just one more question. On the
18 sign itself, it would be the same type of sign that
19 exists there now with illumination and everything else?

20 MR. CALVO: Correct. It's a routed
21 illuminated, it's not something super bright and shiny.

22 MEMBER HERNANDEZ: And it goes up when the
23 store goes off.

24 Mr. Chairman, I know the shopping center much
25 too well and what they are proposing is very consistent

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2 with exactly what's there now except that it's a
3 variation of the name. And it's consistent with many
4 of the other stores in this shopping center.

5 They do have the one sign high up above so we
6 can see as we drive on Northern Boulevard and we have
7 the small signs over the door or on the door over the
8 canopy to identify the door in which you enter the
9 store. So it's totally consistent with the shopping
10 center.

11 CHAIR MAMMINA: We have a motion by Member
12 Hernandez.

13 Do we have a second?

14 MEMBER DONATELLI: I would like to second.

15 CHAIR MAMMINA: Second by Member Donatelli.
16 Please poll the Board.

17 SECRETARY WAGNER: Member Goodsell.

18 MEMBER GOODSSELL: Aye.

19 SECRETARY WAGNER: Member Hernandez.

20 MEMBER HERNANDEZ: Aye.

21 SECRETARY WAGNER: Member Donatelli.

22 MEMBER DONATELLI: Aye.

23 SECRETARY WAGNER: Vice Chair Francis.

24 VICE CHAIR FRANCIS: Aye.

25 SECRETARY WAGNER: Chair Mammina.

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2 CHAIR MAMMINA: Aye.

3 Application is granted.

4 And I would just like to add that Americana
5 Shopping Center, I think, differentiates itself from
6 many other shopping centers. This is not, and I'm not
7 knocking ShopRite, this is not a ShopRite supermarket
8 where you have a sea of asphalt in front of a
9 supermarket. This is one where there's lots of
10 landscaping that from the road creates a whole
11 different look, creates almost a visual barrier to
12 those lower signs. And the ability to see in front of
13 signs and as you're driving by, there are many, many
14 stores in that shopping center.

15 So I vote aye.

16 Application is granted, thank you.

17 MR. CALVO: Thank you so much for your time.

18 Have a great day.

1 Appeal No. 21301

2 SECRETARY WAGNER: Appeal No. 21301: Floral
3 Park Centre Fire Company No. 1; 94 McKee Street, Floral
4 Park; Section 8, Block 78, Lot 13 in the Residence C
5 Zoning District: Variances from 70-48, 70-49.B,
6 70-50(A) and 70-51(C) to construct an addition to an
7 existing firehouse that would cover too much of the
8 lot, would be too big, would be too close to the street
9 and too close to the side property lines.

10 CHAIR MAMMINA: You've heard Appeal No. 21301:
11 Floral Park Centre Fire Company 1.

12 Is there anyone in the room interested in the
13 application other than the applicant?

14 (Indication from audience.)

15 CHAIR MAMMINA: Seeing a couple hands, you'll
16 have an opportunity to speak if you'd like after the
17 presentation.

18 Sir, please give your name and address.

19 MR. TOLAN: My name's Martin Tolan, Chief of
20 Department Floral Park Fire Company, 94 McKee Street.

21 CHAIR MAMMINA: You want to tell us about the
22 application and what we're looking at today.

23 MR. TOLAN: Little bit of history. Actually,
24 I'd like to introduce Joe Gabrielli, he's the principal
25 architect and Leah Prayno (phonetic), she's the

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2 president of the civic association. I don't know if
3 she's here for good or bad intention I'm hoping it's
4 good.

5 CHAIR MAMMINA: If they come up they'll put
6 their name.

7 MR. TOLAN: So the firehouse was built in the
8 1920s, it was actually built as a community center.
9 Due to a number of fires in the initial years of the
10 community center, they changed it to a firehouse and
11 the fire department organized in 1924. We're a small
12 hamlet in between Floral Park, New Hyde Park and Floral
13 Park, Queens.

14 The reason for the extension is the new engine
15 is replacing a 35-year-old engine that pretty much
16 didn't meet the NFPA standards. With the new standards
17 the engines are getting bigger, it increased the size
18 substantially and that's the reason we're looking to
19 extend it.

20 The firehouse is on a 40-by-100 lot and I
21 think it was in 1939 -- unfortunately they didn't go
22 ahead with it -- but in 1939 they had proposed to the
23 town to extend it and I think it was going to be
24 ten-foot setback at the time. I know that was 1939 and
25 unfortunately they didn't go ahead with that at the

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2 time.

3 So I suppose we're looking to extend the
4 firehouse approximately 15 feet. It won't -- it's not
5 going to -- the plain will not be passing the neighbors
6 houses on either side. I have haven't heard any
7 complaints from any of the residents. I actually know
8 the neighbor on the north side, her father was a
9 previous chief of the department.

10 And to be honest with you, the firehouse has
11 been in disrepair probably since I've been there. We
12 always realized we were going to have to do something
13 with it. And we were putting off getting a new engine
14 because it's so difficult with the NFPA standards to
15 get an engine that actually meets the requirements.

16 In the city -- it has been brought to my
17 attention that in the city the fire engines are a
18 little smaller than on Long Island, which is very true,
19 they don't have to meet the same requirements that we
20 have to meet in Long Island.

21 So our second new engine that we have at the
22 moment is 28 years old and at this time it's becoming,
23 as was with the previous engine, it's becoming a burden
24 to get parts being that it's 28 years old. At the
25 moment it's getting an alternator fixed and the

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2 mechanics are scouring the country to get the
3 alternator.

4 MEMBER GOODSSELL: Amazon doesn't have it? I'm
5 shocked.

6 MR. TOLAN: Well unfortunately I'm not a big
7 Amazon fan. If we purchase everything on Amazon there
8 won't be any place to go at the last minute to get a
9 shirt or tie at the last minute. So -- I apologize, I
10 had these notes all prepared last month.

11 MEMBER GOODSSELL: You can just answer our
12 questions, which is fine.

13 I just want you to back up a little. As a
14 member of the general public who knows very little
15 about fire engines, you don't just go to the fire
16 engine store and pick out a new fire engine, you have
17 these standards that you have to meet?

18 MR. TOLAN: To be honest with you, in Europe
19 -- as you can tell I'm not from America originally,
20 I've been here 28 years.

21 VICE CHAIR FRANCIS: You had me fooled.

22 MR. TOLAN: In Europe, you would go and buy a
23 Mercedes, and you put -- on that chassis, you put the
24 body of your engine or your truck on that.

25 In America, at some point the NFPA decided, in

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2 their infinite wisdom, that we have to get custom built
3 engines. I was actually very involved in the process
4 and you really want to be an engineer to do it and it's
5 not the way it's done. The engine that we went with
6 actually has quite a lot of engineering 'cause it's a
7 European company, Rosenbauer, and that helped us a lot.
8 But you literally have to pick how many batteries, what
9 size the batteries are, what size the alternator is,
10 what size the wiring is going to be. Every single
11 light that's on the engine, you have to pick out. It's
12 a tedious process.

13 But it's one of the main reasons why the
14 engines are getting bigger is now you have to have an
15 enclosed cab. The engine that this replaced was a
16 two-man cab and it was back in the 80s to go and use
17 the back step. You no longer do that anymore with the
18 firefighters.

19 Also another NFPA standard is the weight. So
20 because the weight of the cab at the front to balance
21 the weight out, the engines are getting bigger in the
22 back to help balance them out.

23 MEMBER GOODSSELL: I have absolutely no idea
24 how you get the engine that you have even parked in the
25 driveway. I mean, I passed parallel parking just fine

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2 when I took my driver's license. And I looked at this
3 first of all, I had no idea until I actually looked at
4 the property that there was even a firehouse on this
5 block. It is obviously a very old preexisting
6 firehouse.

7 MR. TOLAN: Yes, correct.

8 MEMBER GOODSSELL: You can really get this
9 particular engine into the driveway even though people
10 park on the street?

11 MR. TOLAN: Yeah. It's actually the steering
12 ratings on it is very good. The existing engine, the
13 132, it has a very good rating on it too. There's
14 actually being New Hyde Park truck has been parked on
15 that ramp which you have to be quite skilled to do
16 that.

17 VICE CHAIR FRANCIS: As firehouses go, this
18 has got to be one of the smallest firehouses I've ever
19 seen.

20 MR. TOLAN: I'm not sure if, I think Atlantic
21 might have one that's smaller than it, but it's
22 definitely one of the smallest ones on Long Island.
23 It's like, you know, I'm a member for approximately
24 23 years and the guys have always been talking about
25 the property and building a firehouse. There is two

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2 locations but when we do the estimates for it, in
3 today's day and age to build a firehouse you're looking
4 at \$8 million and that's a massive burden to weigh. We
5 literally are a small hamlet so that's a massive tax
6 burden on the residents.

7 We don't run a massive amount of calls like
8 Manhasset, Lakeville, they run 1200 to 1500 calls a
9 year; New Hyde Park runs about 450 calls a year, fire
10 calls. We run anywhere between 50 and a 120 fire calls
11 a year.

12 MEMBER GOODSSELL: What's the area that you
13 service? How big a block area is it?

14 MR. TOLAN: It's eight, nine, nine to
15 ten blocks. So it's Cherry Lane, McKee Street, Willis
16 Avenue, Briarwood Street, and 85th and Ervin, so it
17 kind of wraps up around towards Queens, it comes along
18 Hillside Avenue and to Jericho Turnpike.

19 MEMBER DONATELLI: I'm going to apologize in
20 advance for this question, 'cause I'm asking the
21 obvious.

22 But obviously this new fire truck will not fit
23 in the existing building; is that correct?

24 MR. TOLAN: That is correct.

25 MEMBER DONATELLI: And being left outside to

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2 the elements, it will deteriorate more rapidly than it
3 might otherwise?

4 MR. TOLAN: Yes. To be honest with you, we
5 kind of put the cart before the horse. We didn't
6 understand that -- this project started six years ago,
7 it just -- the process, thank God we got Joe, because
8 one point I actually submit a set of drawings myself
9 and then we got our hands on Joe, the engine
10 specifications and stuff was in the process. We didn't
11 realize, to be honest, that it was going to take quite
12 this long. The intention was not to have a fire engine
13 sitting on parking lot.

14 And yes, in the cold weather it's not good for
15 the engine. Now at this point in time, to be honest
16 with you, it's getting into the winter so we're going
17 to put it into the storage with the winter and we're
18 going to rely on 132 to provide service to the
19 community. But like I said, it is a 28-year-old
20 engine.

21 So all we're trying to do is provide EMS and
22 fire service to the community. We don't have a truck,
23 we rely on New Hyde Park in the event of a fire, New
24 Hyde Park comes in. To be honest with you, in the 1st
25 Battalion and this area in general, a fire in today's

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2 day and age you're looking at ten departments showing
3 up. So we do work well together, we all train together
4 in today's day and age, you get an NFPA and safety.

5 MEMBER DONATELLI: So Mr. Chairman, if I can
6 put certain things on the record?

7 MEMBER HERNANDEZ: Before you do that, can I
8 ask a couple questions.

9 You're going through the formalities?

10 MEMBER DONATELLI: I was just going to put
11 some things on the record, just that this is in a
12 Residence C area so it is preexisting nonconforming.

13 I would say that as I drove through the area,
14 the setbacks of many of the homes on this street --
15 actually the homes present much closer to the street
16 than the existing fire building does.

17 And that I think even though it is preexisting
18 nonconforming, by bringing this closer to the street it
19 will be more in conformity with the existing
20 surrounding houses.

21 MEMBER HERNANDEZ: My question had to do
22 exactly with that last statement that he made.

23 As I read your plans, and obviously since the
24 truck doesn't fit through the door that you have now,
25 I'm assuming the plan is to remove that facade, the

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2 front of the building?

3 MR. TOLAN: Yes.

4 MEMBER HERNANDEZ: Bump it out so the new
5 truck fits inside the hole and make the doorway bigger
6 to allow it to go in?

7 MR. TOLAN: Yes.

8 MEMBER HERNANDEZ: You answered part of my
9 question, but I want to ask it again so it's clear.

10 You said the amount that's being added to the
11 front of the house will bring it approximately at the
12 same distance from the street as the neighboring
13 houses?

14 MR. TOLAN: Correct. I think it will be
15 actually slightly recessed.

16 MEMBER HERNANDEZ: So it's not going to be ten
17 feet in front of it?

18 MR. TOLAN: No.

19 And to be honest, that was one of the concerns
20 that the residents did have, that the locals, I suppose
21 the initial neighbors. They did ask that, Martin, is
22 this going to extend all the way out to the street?
23 And I said no, it's not going to pass your front door.
24 When you come out of your front door and look to the
25 north or south, you're not going to see the firehouse.

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2 CHAIR MAMMINA: I think one last point that
3 separates this from other applications is that it's in
4 residential zone, it has to be in a residential zone.
5 Almost everywhere -- I live in Carle Place and it's a
6 much bigger firehouse than this, but Carle Place is one
7 square mile, but it's held to the same standards as if
8 it were a house but it has a commercial connotation to
9 it.

10 MR. TOLAN: Yes.

11 CHAIR MAMMINA: There's something that serves
12 the community and not-for-profit thing and is a
13 necessary service and you have to keep up with the
14 times. I know that fire marshals require certain
15 things and you have to keep up with those standards.

16 So we have two young ladies in the back, let's
17 see if they have something they want to say either in
18 support or in opposition.

19 You don't have to, you can just say, I like it
20 or a hate it.

21 MR. TOLAN: Sophia is one of our juniors so
22 hopefully she says the right thing.

23 CHAIR MAMMINA: If she ever wants to get back
24 into the firehouse.

25 MS. PRAYNO: Sophia Prayno, 94 McKee Street,

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2 Floral Park Centre.

3 I'm a member of Floral Park Centre Juniors.

4 Along with being a junior for over a year now, I'm
5 president of our board, Sergeant of Arms for our junior
6 board, and I'm running for Sergeant of Arms for the
7 Nassau County Board of Juniors.

8 Our company is really small, we only cover
9 about 300 homes but our firehouse is way too small for
10 our needs. We have two engines, 132 and 131, but only
11 132 fits in the truck park and for the past five years
12 131 has been outside.

13 131 is a beautiful truck, and in my eye's it
14 should be considered an art, but it's not; it's an
15 emergency response vehicle. Keeping 131 outside not
16 only exposes it to the elements all year but it also
17 slows us down on calls as ever single door and
18 compartment has to stay locked due to it being outside.

19 Our compartments hold fire, tools and
20 equipment and everything along with first aid packs and
21 bags and stuff, visibility jackets, which as a junior I
22 have to be wearing on a call. But if we're -- if it
23 has to stay locked, it takes a little time to get to.

24 Each door needs to be individually unlocked as
25 needed on calls, which only takes a minute but each

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2 second is priceless. A fire doubles in 30 seconds and
3 a two-story home can be consumed in flames in seven
4 seconds. This expansion will allow us to keep 131
5 inside and also provide firefighters and juniors with
6 more space to store our gear in case of an emergency.

7 On behalf of the juniors, we have about nine
8 juniors who have gear but in our existing firehouse we
9 only have space for about four sets of gear, which is
10 definitely a problem because we have five juniors who
11 just keep their gear in piles on the floor.

12 And one came to a call, it was a while ago,
13 but it took them a substantial amount of time to get
14 their gear on because it was in a pile instead of on
15 the rack. The expansion of our firehouse will get the
16 company to our community and our neighbors faster.

17 Floral Park Centre Fire Company needs this
18 expansion just as much as our community needs us to
19 move quickly in an emergency situation. Thank you.

20 CHAIR MAMMINA: Thank you so much. Well said.

21 MEMBER DONATELLI: So let me just add one
22 other thing, that both of my sons were in the fire
23 department in Port Washington and I know that a lot of
24 juniors in Port Washington were required to wash the
25 trucks and I imagine there's a lot more washing going

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2 on if the truck is outdoors rather than indoors.

3 MEMBER GOODSSELL: So in addition to being able
4 to park the engine 131 and 132, you're proposing that
5 there's going to be additional storage for equipment?

6 MR. TOLAN: Yes. Basically the meeting room
7 is going to become smaller, which is going -- we will
8 be able to create a room for some storage.

9 Also when we extend out, that will extend --
10 now we can extend the gear racks another 15 feet. As
11 Sophia mentioned, it is a small firehouse and in
12 today's day and age there is so much equipment, so much
13 equipment and so expensive. It's like -- it's
14 literally -- how the system stays volunteer in today's
15 day and age, is very tough between the taxes you have
16 to pay, people working one, two, three jobs, it's
17 literally getting very hard to recruit members to fight
18 the fires. There's not much --

19 My wife sent me around to join in. After 9/11
20 there was a parade, Memorial Day Parade or something,
21 she came to me and said, they are looking for guys to
22 join. I said, fireman, how the hell am I going to be a
23 fireman?

24 So the next parade, again, she said, they are
25 looking for you to join. I said, okay, I'll go around.

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2 And when I first came to America I got my CDL so I can
3 see some of the country. I didn't realize I was going
4 to see a lot of concrete, but I didn't see much of the
5 country.

6 So I went around and, yeah, okay you're
7 looking for members, I got a CDL I can drive the
8 equipment to and from fires. They said, no, it doesn't
9 work like that, you have to go through the process.

10 So we went through, I think I joined in 2003.
11 At that time there was probably about 40 members, it's
12 the same, not just on Long Island but throughout the
13 whole country, like at the moment now our membership is
14 in recent years maybe 38 members, now we're down to 26.

15 And it's just between jobs, work, stresses in
16 life, it's just so hard to get recruits. And also the
17 expense of the equipment, and I know NFPA has great
18 intentions, but they just -- on a volunteer system for
19 us to have to meet the same standard as New York City,
20 every ten years we have to put in new gear. So a set
21 of gear in today's day and age is four and a half
22 thousand dollars.

23 Now if you're in the city you're in Manhattan,
24 the Bronx, Brooklyn, you're fighting a lot of fires.
25 In today's day and age, most of our calls are medical

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2 and medical alarms. But the fire calls have gone down,
3 it doesn't mean that we can't train for them, we have
4 to train for them because now we don't get them as
5 frequent. But it's just they have great intentions,
6 but the burden that is put on the volunteers there, to
7 the residents, taxpayers.

8 Like I said, a set of gear today is four and a
9 half thousand dollars; the pack for air is anywhere
10 from \$8,000 to \$14,000; the engines, I worked very well
11 with Rosenbauer when we bought this engine and we got
12 it for, we paid \$450,000. If we were to buy that
13 engine today, you're looking at 850,000.

14 MEMBER GOODSSELL: It's the cost of buying a
15 house.

16 MR. TOLAN: Yes. And it's like I said, they
17 have great intentions and they are trying to do the
18 right thing, but we're not wearing our gear every
19 single day, we're not going into fires every single
20 day. Yes, in the city they need to replace their gear.
21 We have gear that's honestly, it would be good for 20,
22 25 years.

23 But it's the same thing with the truck, it's
24 with the new standards that come in. Like I said, it
25 became longer, it's all for safety, don't get me wrong.

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2 The cab instead of a two-man cab it's a six-man cab so
3 everybody has a seat and seat belt on, but because of
4 the weight that increases the length of the back as
5 well. So not only do we have the cab which would
6 increase the length of the back too. And trust me, I
7 looked for years to get the smallest rig I could get.
8 There actually is one that I could purchase, but it
9 doesn't meet the NFPA standard. So if I was in New
10 York City, I could have purchased that engine but not
11 on Long Island.

12 MEMBER DONATELLI: As one board member, let me
13 just put on the record that I am in awe of all of the
14 volunteers in our area and certainly of your fire
15 department.

16 I understand what it means to be a volunteer
17 and to put yourself at risk. I also have great
18 admiration of the new generation that's coming up and
19 your comments were very well spoken and very apropos.

20 So I'm in awe of that.

21 If I may, Mr. Chairman, just go through the
22 five factors very briefly because I think that it's
23 probably good that we put that on the record.

24 There are five factors that we as a board are
25 required to consider in connection with the application

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2 such as this.

3 So the first factor is whether an undesirable
4 change or reduction in the character of the
5 neighborhood if we were to grant that application.

6 Do you believe that there would be no
7 undesirable change?

8 MR. TOLAN: No. No undesirable change. In
9 essence, we're providing the service to the community.
10 Also it will update the facade, you can see it's in
11 disrepair. It will, to me, it's going to increase -- I
12 actually live around the corner -- for me, it's going
13 to increase the property value to the area.

14 MEMBER DONATELLI: Second factor is whether
15 the benefit sought by you could be achieved through
16 some other method that would not require a variance?

17 MR. TOLAN: No. There is an option to
18 purchase a piece of property and build a new firehouse.
19 Again, it would -- that would be detrimental to the
20 massive tax burden on the -- we have 350 houses that we
21 service. So to me, no, again the size of the engine is
22 as small as I could get and it's because of the NFPA
23 standard that we are looking to increase the side.

24 MEMBER DONATELLI: Good answer.

25 Third is whether the requested area variance

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2 is substantial? That's really a question that we
3 determine in the context of the broader application.

4 If you want to address that as to the
5 substantiality of the variance.

6 MR. TOLAN: As we have said, it's a small
7 firehouse. To me, it's not going to extend past the
8 plains of the neighboring houses so I don't see it as
9 substantial.

10 MEMBER DONATELLI: And the fourth factor is
11 whether the proposed variance will have an adverse
12 effect on the physical or environmental conditions of
13 the neighborhood?

14 MR. TOLAN: Again, like I said, it's not going
15 to pass the plains of the houses on the north and
16 south. To me, it's going to align and -- sorry, could
17 you repeat that again.

18 MEMBER DONATELLI: Whether the variance would
19 have an adverse effect on the physical or environmental
20 characteristics of the neighborhood.

21 MR. TOLAN: There's an existing firehouse
22 there at the moment. It will extend out 15 feet, it's
23 not going to extend past the plains of houses on either
24 side. To me, no, it's not a major.

25 MEMBER DONATELLI: And the fifth factor is

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2 whether it was self-created? And typically almost
3 everything that we do in this room is self-created
4 unless it was created in the time of the big bang, but
5 that is not necessarily determinative of what we're --

6 MR. TOLAN: Again, I would -- to meet the NFPA
7 standards, the size of the engine did increase and --
8 which basically is the requirement to our building, the
9 extension.

10 MEMBER DONATELLI: Thank you for addressing
11 those five factors.

12 Mr. Chairman, I make a motion that we grant
13 the application.

14 CHAIR MAMMINA: We have a motion from Member
15 Donatelli.

16 Do we have a second?

17 MEMBER GOODSSELL: Second.

18 CHAIR MAMMINA: Second Member Goodsell.

19 Please poll the Board.

20 SECRETARY WAGNER: Member Hernandez.

21 MEMBER HERNANDEZ: Aye.

22 SECRETARY WAGNER: Member Goodsell.

23 MEMBER GOODSSELL: Aye.

24 SECRETARY WAGNER: Member Donatelli.

25 MEMBER DONATELLI: Aye.

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2 SECRETARY WAGNER: Vice Chair Francis.
3 VICE CHAIR FRANCIS: Aye.
4 SECRETARY WAGNER: Chairman Mammina.
5 CHAIR MAMMINA: Aye.
6 The application is granted.
7 MR. TOLAN: Thank you, appreciate it.
8 (Off-the-record discussion.)

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1 11-30-22 Zoning Board

2 SECRETARY WAGNER: We have an extension of
3 time request for 2033 Jericho Turnpike. They claim
4 that the pandemic has made it difficult to find a
5 tenant and they want additional time to get their
6 permits.

7 MEMBER HERNANDEZ: What's the address?

8 SECRETARY WAGNER: 2033 Jericho Turnpike.

9 I think it was the last --

10 MEMBER GOODSSELL: I'm 068 and the numbers get
11 smaller as they go to Queens, it must be the other end
12 of New Hyde Park.

13 SECRETARY WAGNER: It was the last hearing we
14 had in 2020, 'cause it was February.

15 MEMBER HERNANDEZ: You said 2033?

16 VICE CHAIR FRANCIS: Yeah.

17 MEMBER HERNANDEZ: It's a strip mall next to
18 McDonald's.

19 (Off-the-record discussion.)

20 SECRETARY WAGNER: So it was legalized
21 construction inside a building to make medical offices
22 and dance studio and to build a new meeting space in
23 the basement with less parking spaces and spaces that
24 are smaller.

25 That was before the pandemic. So dance studio

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2 might have gone out of there.

3 CHAIR MAMMINA: Anybody have an issue?

4 MEMBER GOODSSELL: I'll make a motion that we
5 grant the extension of time.

6 Is it an indefinite extension of time?

7 SECRETARY WAGNER: They get a year at a time.

8 CHAIR MAMMINA: Then they have to come back
9 and ask again.

10 SECRETARY WAGNER: They request three
11 extensions and they have to come back.

12 MEMBER GOODSSELL: I make a motion we grant the
13 extension.

14 MEMBER DONATELLI: I'll second.

15 SECRETARY WAGNER: All in favor?

16 (Chorus of ayes.)

17 SECRETARY WAGNER: Now SEQRA, somebody want to
18 motion that?

19 MEMBER HERNANDEZ: I'll move that we grant
20 SEQRA.

21 MEMBER DONATELLI: I'll second.

22 SECRETARY WAGNER: All in favor?

23 (Chorus of ayes.)

24 SECRETARY WAGNER: SEQRA is approved.

25 (Time noted: 1:25 p.m.)

MGR Reporting, Inc.
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1 11-30-22 Zoning Board

2 C E R T I F I C A T E

3
4 STATE OF NEW YORK)
5 COUNTY OF QUEENS) : ss.:
6

7 I, NICOLE MANN, a Notary Public for and
8 within the State of New York, do hereby certify:

9 I reported the proceedings in the
10 within-entitled matter, and that the within
11 transcript is a true record of such proceedings.

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

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand this 9th day of December 2022.
18
19
20
21

22 _____
23 NICOLE MANN
24
25

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